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HOUSE OF REPRESENTATIVES—*Wednesday, February 17, 1971*

The House met at 12 o'clock noon.

Rev. Milton B. Faust, national chaplain of the American Legion, offered the following prayer:

What does the Lord require of thee, but to do justly, love mercy and walk humbly with thy God?

Master, Lord, you know the world in which we live. You are sufficient for every need. We bow our hearts for courage to perform tasks which await us. May we see beyond present conflicts and be messengers of peace.

Gathering here after a recess, representing all States, bless each one. Keep sacred the heritage of our fathers. Bless those representing us in the Armed Forces, the POW's, the veterans in hospitals, as well as those who keep the home fires burning.

In Thee, God, we put our trust, desiring clean minds, moral courage, and spiritual guidance to serve God and country. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 531. An act to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport.

The message also announced that the Vice President, pursuant to Public Law 79–304, appointed Mr. PEARSON as a member of the Joint Economic Committee vice Mr. JORDAN of Idaho, resigned.

And that the Vice President, pursuant to Public Law 77–250, appointed Mr. MCCLELLAN as a member of the Joint Committee on Reduction of Nonessential Federal Expenditures vice Mr. Holland, retired.

And that the Vice President, pursuant to title 42, United States Code, section 2251, appointed Mr. DOMINICK and Mr. BAKER as members of the Joint Committee on Atomic Energy vice Mr. CURTIS and Mr. COTTON, resigned.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 11, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: On this date, I have received a letter from the Trial Counsel, dated February 9, 1971, in the case of *United States v. 1Lt. William L. Calley, Jr.*, containing an attested copy of Court Order 19 issued by the Military Judge that requested production of certain evidence. Also enclosed was a subpoena addressed to the Clerk of the House for the production of certain witnesses' statements at 0900 A.M. on February 17, 1971, at Fort Benning, Georgia. Both the evidence and statements are matters under the control of the House of Representatives.

Since the House stands adjourned until 1200 o'clock meridian, February 17, 1971, under H. Con. Res. 135 of February 8, 1971, and since H. Res. 9 of January 21, 1971, specifically precludes the Clerk from releasing such matter, I have this date so advised the Trial Counsel. The Trial Counsel's letter of February 9, 1971, and its enclosures are herewith attached for such action as the House in its wisdom may see fit to take.

Sincerely yours,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

APPOINTMENT AS MEMBER OF NATIONAL HISTORICAL PUBLICATIONS COMMISSION

The SPEAKER. Pursuant to the provisions of 44 U.S.C. 2501, the Chair appoints as a member of the National Historical Publications Commission the gentleman from Indiana (Mr. BRADEMAS).

FORMER CONGRESSMAN TOM YON, PASSES

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, it is my sad duty to inform the Congress of the passing of a distinguished former Member of the U.S. House of Representatives.

Thomas Alva Yon passed away in Tallahassee, Fla., Tuesday morning with funeral services to be held Thursday afternoon, February 18.

Tom Yon was my friend and I took great pride in the fact that a man of such stature supported me in my initial campaign for the Congress. He was a good and affable friend and I have always felt that he made a great contribution to our State and Nation when he served in the 70th, 71st, and 72d Congresses, May 4, 1927, to March 3, 1933.

In its history, Florida has sent only 56 men to serve in the House of Representatives.

Mr. Yon was a native of my home county, Calhoun County, having been born near Blountstown on March 14, 1882. He moved with his parents to a farm in Jackson County at the age of 5 and attended rural schools there.

He was graduated from Lanier Southern Business College, Macon, Ga., in 1903 and returned to Blountstown that same year to engage in mercantile pursuits until 1906. From 1906 to 1927, he engaged as a traveling salesman from Tallahassee and was a delegate to the Democratic National Convention at San Francisco in 1920.

He served as special and commercial agent in the Bureau of Foreign and Domestic Commerce, Washington, D.C., from 1933 to 1940 and assistant investigator, Division of Investigation, General Accounting Office, from 1941 until his retirement in January 1946.

He then engaged in the development and sale of his Florida real estate holdings and had resided in Tallahassee.

He leaves at his passing a daughter, Mrs. W. P. Still, of Tallahassee. His nephew, Peyton Yon, is a very close friend and serves as the postmaster of that city.

I know that I speak for all of the Members of the Congress in expressing our deepest sympathy.

Congressman Yon lived a rich and full life. We are indebted for his public service and all of us who knew him will miss him.

Mr. SIKES. Mr. Speaker, I share in the regret expressed by my distinguished colleague from Florida (Mr. FUQUA) about the death of a longtime friend who served with distinction in Congress. Tom Yon was a predecessor of both Mr. FUQUA and myself. He represented the old Third Congressional District which comprised the 16 western counties of Florida. This was also my district during the first 22 years of my service. Consequently, I know of the high esteem with which Mr. Yon was held and the friendships which he enjoyed throughout his lifetime. He was dedicated to the interest of his district and those in the State of Florida. His interest and efforts for those around him did not end with the service in Congress, but continued throughout his lifetime. I was proud to have enjoyed his friendship and his counsel and I want to express my deep and earnest sympathy to the surviving members of his family in their bereavement.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the passing of former Congressman Tom Yon.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

FLORIDA LEADS THE NATION IN UPPER LEVEL DEGREE-GRANTING INSTITUTIONS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, in Florida we take pride in the fact that our State now leads the Nation with four upper level degree-granting State-supported institutions. For the enlightenment of my colleagues, I want to comment on this exciting new development in higher education. It has been my privilege to observe the development of one such institution—the University of West Florida at Pensacola—and to have a small part in its progress. It is a joy to see the success that these dedicated people are having as they move forward quietly and efficiently with the realization of goals and objectives established just a few short years ago. The President of the University, Dr. Harold Crosby, is one of Florida's most dedicated and respected educators.

The upper level degree-granting institutions have come about primarily to meet the educational need of a new group comprising literally hundreds of thousands of students. They have completed the college parallel offerings in junior and community colleges. They have demonstrated their ability and wish to continue their education but for various reasons are not able to reach their highest potential. The problems may be job requirements, shortage of funds, lack of housing, or even the trauma of entering a 4-year program halfway through the cycle. The University of West Florida meets these needs, receives juniors transferring from 4-year colleges and like many other upper level institutions also offers master's degree programs across a broad range of disciplines so that these students and others may continue beyond the baccalaureate. Now in its fourth year of operation it has an enrollment of 3,500 including 469 graduate students in almost a dozen master's degree programs. In this amazingly short period of time it has already graduated some 2,500 alumni including 79 with masters' degrees. My colleagues will be interested to learn that Florida is the third ranking State in the Nation in community college enrollment. The State's fall enrollment of 147,709 in 27 colleges represents a 13-percent increase over last year. It is a source of great pride to me that four of these colleges are also in my district. These four fine junior, or community colleges, working so closely with the excellent faculty at the upper level University of West Florida have opened up a bright new future for all the people of West Florida. This new pattern of higher education at two separate levels, each autonomous but interdependent, is receiving critical acclaim from across the Nation.

A very respected academician, Dr. J. Broward Culpepper, was chancellor of the State university system of Florida at the time the decision was made to expand the State university system by addition of four new upper-level institutions. Dr. Culpepper, while addressing the International Conference on the Upper Level University—Junior College Partnership at the University of West Florida, last year stated:

> Normally, the decision to develop a new upper-level undergraduate institution is based upon certain assumptions, including:
>
> 1. The junior colleges and other existing higher educational institutions in the area and in the state are caring adequately for the first two years of undergraduate work. The upper-level institution is therefore designed to meet greatest pressures of need in the junior and senior classes and to avoid unnecessary duplications.
>
> 2. The junior colleges are carrying a comprehensive program which involves college-parallel work; technical, semiprofessional, and terminal programs; and continuing education offerings. Having such assigned roles, they are not to be permitted to change their objectives so as to put aside a part of their functions and to emerge as baccalaureate institutions.
>
> 3. The new upper-level degree-granting institutions will be located only in heavily populated areas of the state where there is a clear need and justification for additional upper-level educational offerings.
>
> 4. The upper-level institution is not designed to provide all university services for all people but rather to provide offerings in those disciplines and programs with heaviest enrollment where there is greatest demand. Programs having heaviest enrollment such as business administration, teacher education, and arts and sciences (those are the pre-professional and liberal arts programs) should be points of beginning. Other offerings such as technology, engineering science, and the master's degree in areas of need may be authorized when there is justification.
>
> 5. There will be continuing close planning relationships and cooperation between the upper-level institution and the junior colleges of the area in order that students making the transition from junior college to the upper-level institution may do so smoothly and without loss of academic momentum.
>
> 6. The location of the site and the construction of buildings and facilities will take into account that a large percentage of the students will commute, though it is recognized that the service area of the new institution will be sufficiently broad to warrant some housing for students.
>
> 7. The administration and the faculty clearly understand and subscribe to the purposes and the goals of the new institution. This thus eliminates the possibility of the university moving out on tangents beyond its role and scope to attempt such activities as massive research projects, specialized professional offerings, extended graduate work, and other costly services found in a large multi-purpose university.
>
> 8. Upper-level universities, like the junior colleges, tend to attract a larger percentage of students from lower socio-economic backgrounds. These students, therefore, have greater interests in immediate occupational goals and this should be remembered in course and program planning.
>
> 9. Upper-level instruction is generally more costly than instruction in the first two years of college. This should be considered in funding an upper-level institution so that essential resources will be available to enable the institution to meet its stated purposes appropriately.

Dr. Culpepper adds:

> It seems to me that there is a good deal of assurance that the students who come to the upper-level institutions are more mature. They have a greater seriousness of purpose, and this implies, or suggests, that there can be a great deal of judicious experimentation in improving programs of instruction in these upper-level institutions.
>
> Whenever an upper-level institution is contemplated one must be careful to be sure that population surveys show that there will be an adequate number of students coming to the institutions.
>
> Student life on campus is different in these institutions and needs to be planned in that relationship as contrasted with student life in a university having four years for the undergraduate degree. Their kinds of interests vary and these ought to be planned differently.

Not less than 46 States now have some pattern of statewide coordination of higher education. It seems to me that consideration should now be given to the need for and justification of additional upper level degree-granting institutions, especially in view of the fact that there are currently in excess of 2 million students enrolled in community and junior colleges. Also that Congress and the Office of Education are making valiant attempts to meet the need for even more junior and community colleges. Obviously, not all of the junior and community college students are, will be, or indeed should be, in college parallel programs. But even supposing one in every four is and wants to continue his education—where are they going to be able to do it? I am inclined to think that the upper level university and college concept provides a most efficient and economical answer.

IN DEFENSE OF J. EDGAR HOOVER

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, FBI Director J. Edgar Hoover has been called a "liability to law enforcement" and such statements get bigger headlines than any comments which might be made on the long, able, and effective service Mr. Hoover has rendered. We are accustomed to this treatment of the news. It is unfortunate that detractors of great Americans and important American institutions, as well as the more liberal elements of the press, generally look the other way when there is an opportunity for helpful or constructive criticism. Credit for good work in American government just is not their cup of tea.

J. Edgar Hoover has fought against crime and criminals throughout his lifetime. His work is heralded throughout the Nation. He has long been eligible for retirement, but because of the caliber of his contributions, one President after another has asked him to remain at his post of duty. The plaudits he has received from the American public and from officialdom alike attest to the fact that here is a great American whose monumental works make the efforts of his detractors appear puny in comparison.

BLACK LUNG PROVISION OF THE COAL MINE HEALTH AND SAFETY ACT

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, it is just over a year ago that the Congress enacted the Coal Mine Health and Safety Act. That act had as its principal purpose a reduction of the death, the pain, and the suffering that have been inflicted on our coal miners as the price of earning their daily bread. No longer, we in the Congress said, shall you have to work under conditions in which disaster is a daily likelihood or in an atmosphere in which your lungs are destined for destruction. The recent disaster of Hyden shows how far we still are from implementing that promise.

But we did not just legislate for the future; we also expressed in concrete terms the Nation's debt to those miners who have supplied our vital coal at a cost that no man should have to bear by himself. The Congress recognized that miners had contracted pneumoconiosis in the service of the Nation—and that the Nation should compensate them for it. That is why we passed a special program of Federal benefits for victims of black lung. We expected the program to be administered in the spirit in which it was passed—but it has not been so administered. Instead of compassion for the suffering, a Scroogelike disregard of the plight of the disabled has marked the administration of the program—an attitude entirely inconsistent with the congressional purpose in enacting the program.

Congress entrusted the administration of the black lung benefit program to the Department of Health, Education, and Welfare—the Department that was established to serve as the focal point for the Nation's concern for alleviating the distress of the afflicted. But the Department's administration of this program has emphasized saving the dollar, rather than the human being. I have introduced amendments to the black lung program to insure that the Department of Health, Education, and Welfare administers it in the way that it was intended—so as to provide benefits for disabled miners not cost savings for the administration.

Let me be specific. The Department is setting off black lung benefits against social security disability payments. What does this mean? Let me give an actual example of a constituent of mine. He was drawing $257 a month in social security disability payments before he was found entitled to black lung disability payments of $98.30. HEW deducted his black lung benefits from his disability entitlement and he actually wound up with 50 cents a month less than he had before he got black lung benefits. Is it any wonder that he thinks something must be wrong?

By setting off black lung against disability payments, the Department of Health, Education, and Welfare is taking away with the left hand what Congress granted with the right.

Is this what Congress had in mind? Surely, no such absurd result should be reached unless compelled by some express provision of law. Is it conceivable that Congress would grant disability benefits for black lung just in order to reduce disability payments under social security?

Of course we in the Congress did not intend that—and there is no justification for HEW's actions. The Social Security Act provides for a reduction in disability payments when a worker receives workmen's compensation payments—but black lung benefits are not workmen's compensation. Workmen's compensation is an insurance program in which the employer pays premiums and the worker draws benefits based on his prior earnings. Nobody pays insurance premiums for black lung—in fact we wrote the law just because workmen's compensation did not cover thousands of miners who had contracted it through their working life. If the matter were not clear enough on its face, let me just quote from the committee report on the black lung program. The report says:

> This program of payments . . . is not a workmen's compensation plan. It is not intended to be so and it contains none of the characteristic features which mark any workmen's compensation plan.

This point was also constantly repeated by Members of both parties during the debate in the House of Representatives. I held the conference report up for several weeks in order to agree on language to make sure of this point.

The law is plain; the legislative history is plain; yet the Department of Health, Education, and Welfare continues to treat black lung benefits as though they were workmen's compensation and, therefore, deducts them from disability payments. The Department is frustrating the will of Congress—it is saving dollars instead of looking after human needs. The amendments that I have introduced will make clear that the Department can no longer continue this inequitable and illegal practice.

Offsetting black lung benefits against disability payments is the most egregious—but, unfortunately, not the only—way in which the Department of Health, Education, and Welfare is undermining the black lung program. Benefits are payable under the law to any miner who is totally disabled due to pneumoconiosis, and the law authorizes the Department to prescribe standards for determining total disability. These standards are to be no more restrictive than those under the general disability program. Again the congressional intent was clear—we expected the Department to use the general standards initially and then to revise them to make them more responsive to the situation faced by disabled coal miners.

It is over a year since the law was enacted. HEW is still applying the harshest standards for determining total disability, and miners who are disabled by any realistic standard are denied benefits because there is some theoretical work that they could perform in some other part of the country.

The disability standards applied by HEW make no sense when applied to coal miners disabled by black lung. Under the general disability criteria which HEW continues to use, one must not only be unable to engage in one's previous occupation but also unable to engage in any work which exists in the national economy. To use an old example, if a disabled eastern Kentucky coal miner is fit enough to lie on his back and solicit telephone orders for dance studios in Los Angeles or Boston, he is not totally disabled—even though he has no more prospect of getting such a job than he has of qualifying on the Olympic team as a long-distance runner. If he is disabled and cannot get work because of that disability, he should get benefits—he should not be denied the benefits that Congress intended him to get because of theoretical considerations that make sense to bureaucrats in Washington but have no meaning in actual life.

I have introduced amendments that will require the Department of Health, Education, and Welfare to adopt more realistic criteria for determining when a miner is disabled and thus eligible for benefits.

This Nation owes a debt to its coal miners; and particularly to those who have sacrificed their health so that this Nation could have the energy resources without which it could not survive. Congress promised a payment on that debt when it enacted the Coal Mine Health and Safety Act. That promise must be kept and the amendments that I have introduced I hope will insure that disabled miners get the benefits they deserve—and that Congress intended them to have. Assuming, of course, that the administration will interpret the act as Congress intended. On January 22, I introduced several pieces of legislation to improve the administration of the program that should be enacted at the earliest possible date.

NATIONAL HEALTH CARE ACT OF 1971

(Mr. BURLESON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, I am introducing the National Health Care Act of 1971, a legislative proposal similar to the one I first introduced last December. Joining in this effort as cosponsors are my colleagues Ray Roberts, of Texas; Shirley Chisholm, of New York; Edward A. Garmatz, of Maryland; Don Fuqua, of Florida; Alton Lennon, of North Carolina; Cornelius Gallagher, of New Jersey; Gus Yatron, of Pennsylvania; Watt Abbitt, of Virginia; Robert L. F. Sikes, of Florida; Tim Lee

Carter, of Kentucky; James Byrne of Pennsylvania; and Bob Casey of Texas.

This bill is designed to help solve the critical health problems that face our Nation today by strengthening the organization and delivery of health care throughout the country and making comprehensive health-care insurance available to all Americans.

The bill's specific objectives are to: increase the supply of health manpower, promote ambulatory health care and benefits for preventive treatment, strengthen health planning on the State and local level, improve controls over the cost and quality of health care, develop national health-care objectives, and make comprehensive health insurance available to all.

There have been many plans and proposals brought before the Congress in the last several months aimed at improving the country's health delivery system. Some of those plans did not seem to go far enough, while others threatened to go too far and thereby wreck the parts of our system that have proved sound and workable.

This national health-care program that we advocate is a middle-of-the-road approach and strikes a balance which, I believe, will assure that every American can obtain necessary care at a total cost the Nation can afford. This is made possible through a program which combines the flexibility, innovativeness, efficiency, and managerial skills of private enterprise, the scientific and technical competence of the medical and allied health professions, financial and legislative capacities of government, and the talents and energies of the consumer at the community level.

Mr. Speaker, I invite all Members of this body to consider this bill in detail, and would urge my colleagues who see the importance and values of this measure in solving our hearth-care problems. A section-by-section analysis is submitted for the Record:

National Healthcare Act, Section-by-Section Analysis

TITLE I—FINDS AND DECLARATION OF PURPOSE

Section 101: This section states that: (a) America confronts a critical testing of its capacity to meet for all of its citizens one of the most basic of human needs, that of protecting and maintaining personal health; (b) every citizen of the United States of America should have access to quality health care, but too many Americans find it difficult to secure quality health care when they need it, where they need it, at prices they can afford; (c) the nation needs systems of health care organization, delivery, and financing which combine the high scientific and technical competence of the medical and allied health professions; the flexibility, innovativeness, efficiency, and managerial skills of private enterprise; the legislative and fiscal capacities of government at all levels; and the potentialities of consumer and community participation in developing and maintaining such systems of health care.

Section 102: This section declares the purpose of the Act to be to improve the organization, delivery, and financing of health care for all Americans by increasing health personnel, promoting ambulatory care, strengthening health planning, establishing national standards of health care benefits, encouraging provision of such benefits through comprehensive health care insurance, and by assisting persons of low income or in poor health to secure that insurance.

TITLE II—PROVISIONS TO INCREASE THE SUPPLY AND IMPROVE THE DISTRIBUTION OF HEALTH CARE PERSONNEL

Student loans for training in the health professions and nursing

Section 201: The medical student loan provisions of the Public Health Service Act are amended to allow a medical student to borrow the full cost of tuition, fees, and reasonable amounts for room, board, books, supplies, and other related costs. The loan will be forgiven at the rate of 20 percent a year in return for practice in an area found by the Secretary of HEW and the appropriate State comprehensive planning agency to be in need of physicians, optometrists, or dentists.

The bill authorizes $50 million for FY 1971, $70 million for FY 1972, and $100 million a year for FY 1973, 1974, and 1975 for this purpose.

Loan provisions for student nurses are amended to allow loans covering the full cost of tuition, fees, and reasonable amounts for room, board, books, supplies and other related costs. Up to half of the loan may be forgiven at the rate of 20 percent a year for service in a public or nonprofit private institution or agency. Up to 100 percent of the loan may be forgiven at the rate 33⅓ percent a year for appropriate service in an area designated as having a substantial shortage of nurses.

The bill authorizes $25 million for FY 1971, $50 million for FY 1972, $75 million a year for FY 1973, 1974, and 1975 for this purpose.

Scholarship grants and student loans for training in the allied health professions

Section 202: Scholarship grants may, in accordance with regulations of the Secretary of HEW, be awarded according to the needs of the individual, up to the full cost of his tuition, fees, books, equipment and living expenses.

The bill authorizes for this purpose $10 million for FY 1971, $30 million for FY 1972, and $50 million a year for FY 1973, 1974, and 1975.

Loan provisions for students in the allied health professions are amended to allow loans covering the full cost of tuition, fees, and reasonable amounts for room, board, books, supplies, and other related costs. Up to half of the loan may be forgiven at the rate of 20 percent a year for service in a public or nonprofit private institution or agency. Up to 100 percent of the loan may be forgiven at the rate of 33⅓ percent a year for appropriate service in an area designs having a substantial shortage of allied health professionals.

The bill authorizes $7.5 million for FY 1971, $15 million for FY 1972, $40 million for FY 1973, $60 million for FY 1974, and $75 million for FY 1975 for this purpose.

Training for personnel needed in comprehensive ambulatory health care centers

Section 203: For purposes of training grants under the Public Health Service Act, this section amends the term "training center for allied health professions" to include junior colleges, colleges and universities which offer training in health care center administration or curriculums providing the allied health-professionals needed to operate comprehensive ambulatory health care centers.

It also establishes a new program of special project grants to help education institutions meet the cost of developing curriculums and training programs to develop the skills needed to administer and staff comprehensive ambulatory health care centers.

The bill authorizes $10 million for FY 1971, $25 million for FY 1972, $40 million for FY 1973, and $50 million a year for FY 1974 and 1975 for this purpose.

Grants to personnel in the health professions, allied health professions, and nursing for service in areas of critical need

Section 204: This section establishes a program of Federal grants to medical personnel in return for service in urban and rural areas of critical need to alleviate the maldistribution of health care personnel.

The Secretary of HEW is authorized to contract with individual health professionals, nurses, or allied health professionals who agree to provide health care services for a period of at least two years in an area designated by the Secretary, upon recommendation of the appropriate State comprehensive health planning agency, as having a critical need for those services.

The purpose of the grant is (1) to compensate the individual for providing health care services in an area where his normal compensation for services is less than equivalent health personnel receive elsewhere, and (2) to compensate the individual for his loss of time in getting established in a more lucrative area.

The amount of the grant, therefore, is that amount which, when added to the recipient's income from providing health care services for each contract year, provides a total income equal to 110 percent of the national annual median income for persons of comparable education and training, or 110 percent of his earnings from providing health care services in the previous year, whichever is greater.

In determining the precise amount of the grant, the Secretary may consider such factors as he deems relevant. He must consider, however:

(1) the national median annual income for the applicant's profession;

(2) the cost of living in the area of need;

(3) the background, training, and education of the applicant;

(4) the amount of income the applicant can reasonably expect to receive from service in the area;

(5) the number of persons of the applicant's profession needed in the area; and

(6) where appropriate, cost of equipment, supplies, and facilities.

The bill authorizes $10 million for FY 1971 and $50 million a year thereafter until June 30, 1975, for this purpose.

Effective date

Section 205: Title II becomes effective upon enactment.

TITLE III—COMPREHENSIVE AMBULATORY HEALTH CARE CENTERS

The purpose of this Title is to provide for grants to comprehensive ambulatory health care centers (as defined in amendments made by Section 309). The Public Health Service Act currently provides for grants for the construction or modernization of "out-patient facilities," but no funds are earmarked specifically for such facilities, nor are the facilities required to provide comprehensive ambulatory health care services. This Title would set up a special category of grants to comprehensive ambulatory health care centers which offer a greater range of medical services than current law now specifies for "out-patient facilities" grants.

Amendment of purpose

Section 301: This section amends the declaration of purpose of Title VI of the Public Health Service Act to recognize specifically the concept of a comprehensive ambulatory health care center.

Authorization of appropriations for construction and modernization grants

Section 302: For fiscal years commencing after June 30, 1971, an additional $200 million is provided hereunder in grant authority to be used for the construction of comprehensive ambulatory health care facilities, or the modernization of such existing facilities. This sum is provided through a new allotment category which is separate from existing allotment categories for construction and modernization of hospitals and other medical facilities. It is contemplated that a portion of the funds available for grants hereunder will be used to assist nearly-constructed facilities to pay initial start-up and operation expenses during the first three years of operation of such centers.

State allotments

Section 303: Funds available for the construction and modernization of comprehensive ambulatory health care centers will be allotted to the several states on the same basis as allotments are now made for construction of hospitals and other medical facilities. Transfers from allotments for the construction and modernization of comprehensive ambulatory health care facilities to allotments for the construction of other types of facilities are not authorized. Existing law permitting carryovers of unused allotments from one fiscal year to the other is unchanged.

Priority of projects

Section 304: Priorities for awarding grants to comprehensive ambulatory health care centers would be given to proposed facilities in densely populated areas now lacking such facilities. This is to relieve pressures on general hospitals in such areas, to bring preventive and treatment facilities to populous areas not now receiving coordinated health care, and to create lower-cost facilities in lieu of expanding high-cost in-patient facilities.

State plans

Section 305: In its evaluation of the health needs of its citizens, the State health planning agency would be required to determine as part of its planning process the number of comprehensive ambulatory health care centers needed in the state and a plan for distribution of such centers. It would also have to adopt a program providing for construction of those comprehensive ambulatory health care centers identified as needed in its State plan, or for modernizing such existing facilities.

Recovery of funds

Section 306: This section would add comprehensive ambulatory health care centers to the list of types of health facilities from which recovery of federal funds may be made by the federal government from facilities which no longer qualify.

Loan guarantees and loans for modernization and construction of comprehensive ambulatory health centers

Section 307: The Public Health Service Act provides for loans, guarantees and interest subsidies for qualified agencies wishing to construct or modernize health facilities. This section adds comprehensive ambulatory health care centers to the list of types of facilities which qualify for such loans, guarantees and interest subsidies.

Definition of comprehensive ambulatory health care center

Section 308: Comprehensive ambulatory health care centers are specifically defined so as to encompass only facilities which provide a wide range of preventive, diagnostic and treatment services for ambulatory patients and thus relieve overutilization of general hospitals and make health care more accessible.

TITLE IV—PROVISIONS TO STRENGTHEN HEALTH CARE PLANNING

Subtitle A—Health Report of the President; Council of Health Policy Advisers Health Report of the President

Section 401: Beginning in 1972, the President shall make a health report to the Congress no later than July 1 of each year on the status of the nation's health needs and health care system with a program for meeting those needs.

Council of health policy advisers

Section 402: This section creates a three-man Council of Health Policy Advisers in the Executive Office of the President, its members appointed by the President with the advice and consent of the Senate.

Employment of officers, employees, experts and consultants

Section 403: The Council is authorized to hire officers, employees and such experts and consultants as may be needed.

Responsibilities of council

Section 404: This section outlines the responsibilities of the Council in assisting the President in the preparation of his Health Report and the setting and coordination of overall health policy.

The Council is required to make an annual health report to the President not later than April 1 of each year, starting in 1972. This report shall be transmitted to the Congress as a supplement to the next Health Report of the President to the Congress. In its first report to the President the Council shall specifically review and advise the President on health programs. The Council shall develop and recommend goals for a national health policy to promote efficiency, eliminate waste and duplication in the utilization of health facilities and resources, and shall recommend specific programs to streamline and consolidate health manpower programs.

Consultation with other advisory bodies and representative groups—cooperative utilization of services, facilities and information

Section 405: The Council shall consult with the National Advisory Health Council, other advisory councils or committees as well as such representatives of the private sector as it deems advisable and shall utilize the services, facilities and information of other public and private organizations to the fullest extent to avoid unnecessary overlapping or duplication of effort.

Compensation of members

Section 406: The Chairman shall be compensated at the rate of Level II and the other members at the rate of Level IV of the Executive Schedule Pay Rates.

Authorization of appropriations

Section 407: Authorizes such sums as are needed to enable the Council to function, not to exceed $1 million in any fiscal year.

Subtitle B—Departmental Recommendations and Reports

Statements regarding effect of departmental proposal on Nation's health care

Section 411: Every agency of the Federal Government is required to include, to the fullest extent possible, in each report on proposals for legislation or other major Federal action significantly affecting health or the health care system, the impact of the proposal on the nation's health care system, adverse effects, alternatives, the relative priority established by the Council of Health Policy Advisers, and any irreversible or irretrievable commitments of resources involved. Prior to making this report the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise relative to the health impact of the proposal. These comments, with comments of appropriate Federal, State and local agencies shall be made available to the President, the Council, and the public, and shall accompany the proposal through the existing agency review process.

Agency obligations under other Federal statutes

Section 412: The preceding section (sec. 411) shall not affect the obligations imposed on Federal agencies by other Federal statutes.

Subtitle C—Comprehensive Health Planning Amendments

Part A—Definition of "appropriate comprehensive health planning agency"

Section 431: Adopts for purposes of the entire Public Health Service Act the definition of "appropriate comprehensive health planning agency" provided in section 444 of this bill.

Part B—State and areawide comprehensive health planning agencies

State agency review and certification

Section 441: In order to qualify for the comprehensive health planning grants currently provided by section 314 of the Public Health Service Act, a State plan for comprehensive State health planning must, in addition to existing requirements, provide for the project certification procedures established by this Part B.

Areawide comprehensive health planning agencies

Section 442: This section increases the funds authorized for project grants for areawide health planning to $25 million for FY 1971, $40 million for FY 1972 and $60 million for FY 1973.

To be eligible for the grants the agency must be prepared to function as the "appropriate comprehensive health planning agency" for the area or region. The agency must be prepared to play a strengthened role in coordinating areawide health affairs, including the determination of health needs, capital expenditure programs, cooperative use of facilities, optimum use of available manpower, and improved management techniques. The agency must provide for consultation with the areawide health planning council and other groups, for the representation of health care facilities and physicians, for enlisting public support, and for educating the public concerning the proper use of facilities and services available.

Comprehensive procedure for review and certification

Section 443: In the case of applications for Federal grants, loans, or other financial aid involving more than $100,000 which require certification by the appropriate comprehensive health planning agency, the application may be approved by the Secretary only after he is satisfied that the review provisions of this section have been met. The section, strengthening the role of the agency, requires that it have reasonable opportunity to review and comment on the application, and has certified to its essential need and high priority. If the "appropriate comprehensive health planning agency" is a metropolitan or other local planning agency, that agency, after reviewing the application, must have communicated its comments to both the applicant and the State agency. The State planning agency must make its own determination that the application fits in with the State's overall needs and priorities as expressed in the State plan. If two or more States are involved, each State agency must make a separate certification as to the need and priority of the project in its State.

Definitions

Section 444: In the case of a project affecting an entire State, the appropriate comprehensive health planning agency is the agency designated in the State plan. In the case of a project affecting a region, metropolitan area, or other local area, the appropriate comprehensive health planning agency is the agency or organization designated under section 442 of this bill or such other public or nonprofit private agency determined in accordance with regulations to be performing the required health planning functions.

TITLE V—PROVISIONS TO MAKE COMPREHENSIVE HEALTH CARE INSURANCE AVAILABLE TO ALL

Title V of the bill contains provisions designed to accomplish three major objectives:

(1) To estabilsh minimum nationwide standards for individual health care benefits;

(2) To establish a system of nationwide health care insurance, utilizing both privately and publicly financed plans, which will assure that every individual requiring medical care will have the funds required to pay the cost of the care when his need for it arises, irrespective of his economic status; and

(3) To control the cost and quality of medical care to the consumer by strengthening controls over the prices charged by institutional and individual providers of medical care that may be exercised by the public and private insurers who pay the providers' charges. Provisions to achieve the first of these objectives appear in Subtitle A, which establishes the Minimum Standard Healthcare Benefits, as well as in provisions of the remaining subtitles which implement these minimum standards by requiring that they be met as a condition to eligibility for the tax and other public financial incentives provided under those other subtitles. Provisions to serve the second of these major objectives appear in Subtitles B and C, which provide federal tax incentives for the establishment of private health insurance plans by employers and individuals, and in Subtitle D, which supplies public financial assistance, to be shared by federal and state governments, for state health care insurance plans designed to meet the needs of needy and uninsurable individuals. Provisions to accomplish strengthening controls over the cost and quality of medical care to the consumer, although woven into the fabric of all the provisions of Title V, appear mainly in the institutional rate reimbursement provisions of Subtitle D, in those provisions of Subtitle A which permit private insurers to impose limits on the charges for which providers of medical care may be reimbursed, as well as in those provisions of Subtitle A which, through the definition of minimum standard health care benefits, shift emphasis from high-cost in-patient hospital care to lower-cost types of ambulatory and preventive care.

SUBTITLE A

Minimum nationwide standard health care benefits established

Section 501: Minimum national standards for the health care of all individuals are prescribed by section 501 of the bill. The terms of the bill by which these standards are to be put into effect will make them nationwide in their application; will guarantee that the minimum standards of health care required will be at least as high or higher for needy and uninsurable individuals as for others; will assure that the standards prescribed will operate to set a minimum rather than a maximum for health care actually obtainable by an individual; will shift emphasis from the present day concentration on high-cost institutional and specialized health care to lower-cost ambulatory and preventive care which serves the comprehensive health care needs of an individual; and will permit the minimum standards to be phased in over a period of time in accordance with a schedule of priorities that will not give rise to unrealistic expectations for medical care beyond the level of medical facilities and professional talent the Nation is capable of delivering.

Nationwide application of minimum health care standards laid down by section 501 is effected by insertion in federal law, namely the Internal Revenue Code and the Social Security Act, or requirements that benefits paying for not less than the health care required under the minimum standards must be included in private or state established health care plans as a condition of eligibility for the federal tax or other public financial assistance accorded under the bill (see I.R.C. §§ 280 and 213, added by the bill).

To assure that the health care standards prescribed under section 501 will operate only as a minimum and will not discourage an individual's initiatives to secure even higher standards of health care for which he is willing to pay, the bill contains several provisions making it clear that the standards named are only minimums and that provision of benefits for high levels of medical care will not prevent a health care benefit plan from qualifying for advantages accorded under the new law. Such provisions include the one making it clear the standards established are only minimums (I.R.S. § 213 (h)); the ones specifically permitting additional benefits (I.R.C. §§ 280(c)(9)(C) and 213(g)(3)(D)); the ones permitting a qualified private health care plan to provide for a covered individual's payment of medical expenses exceeding established "deductible" and "co-payment" standards (I.R.C. §§ 280 (c)(9) and 213(g)(3)); and the ones permitting qualifying health care plans to include various other "optional" provisions (I.R.C. §§ 280(c) and 213(g)(3)).

Provisions in the bill to assure that the minimum standards of health care required to be provided needy and uninsurable individuals will be no less than those required for the more fortunately situated appear in the sections that apply the definition of minimum standard health care benefits to private and publicly assisted plans alike (Social Security Act § 2002(a); I.R.C. §§ 280(c)(4) and 213(g)(1)), as well as in the benefit phase-in schedules requiring the timing of benefit implementation to be faster under publicly assisted plans for needy and uninsurable individuals (Social Security Act § 2002(a)) than under private qualified plans (I.R.C. §§ 280(c)(4) and 213(g)(1)).

Provisions in the bill to stimulate a shift in emphasis to the provision of comprehensive health care on an ambulatory and preventive care basis, and away from reliance on higher-cost in-patient institutional care appear throughout the definition of the Minimum Standard Healthcare Benefits generally (see I.R.C. § 213(h)) and particularly in provisions which bar higher co-payments for ambulatory-treatment of a given condition than for institutional treatment of the same condition.

The bill contains provisions to meet the problem of preventing the required minimum standard of health care benefits from outstripping the Nation's health care delivery capabilities. This is accomplished by provisions in the bill which assign one of three "priority designations" to each of the benefits in the Table of Minimum Standard Healthcare Benefits (I.R.C. § 213(h)(1)(A)) and by related provisions which require benefits in the several priority categories to be phased-in in accordance with a schedule prescribed in the law (I.R.C. §§ 280(c)(4)(A) and 213(g)(1)(A)). To permit the flexibility required to deal with unexpected shortfalls in development of the health care facilities and services needed to deliver the care covered by a particular benefit, the President is empowered, under restricted conditions stated in the law, to defer the scheduled time for phase-in of benefits that have not become legislatory at the time he acts.

The initial Minimum Standard Healthcare Benefits for individuals covered under qualified private plans and those for individuals covered under qualified public plans include the following:

(A) For non-occupational accidents and illnesses other than pregnancy:

(1) Diagnosis and non-surgical treatment by a physician in his office or at a hospital on a non-in-patient basis—three visits per year for individuals covered under private plans and six visits per year for individuals covered under public plans. Patient pays $2.00 per visit.

(2) Treatment by surgery or radiation therapy by a physician in his office or at a hospital on a non-in-patient basis—unlimited visits under both private and public plans. Patient pays $2.00 per visit.

(3) X-rays, laboratory tests, electrocardiograms, and other diagnostic tests performed in connection with care provided in (1) or (2) above—unlimited coverage under both private and public plans. No co-payment required.

(4) Birth control counseling by a physician in his office—covered only under public plans. No co-payment required.

(5) Well-baby care during first six months—six examinations covered under both private and public plans. No co-payment required.

(6) Well-baby care during next 18 months—six examinations covered only under public plans. No co-payment required.

(7) Physical therapy rendered or prescribed by a physician—covered only under public plans. Patient pays 20%.

(8) Diagnosis and treatment of any condition by a physician in a hospital or extended care facility—unlimited subject to co-payment of $3.00 per day during the first 30 days of confinement and $5.00 per day thereafter for individuals covered under private plans, and $2.00 per day for the first 120 days of confinement and $5.00 per day thereafter for individuals covered under public plans.

(9) Annual oral examination by a dentist (including prophylaxis)—applicable only to children under age 19 covered under public plans. No co-payment required.

(10) Amalgam fillings, extractions, and dentures—applicable only to children under age 19 covered under public plans. Patient pays 20%.

(11) Drugs requiring a prescription and certain life-preserving non-legend drugs prescribed by a physician—covered only under public plans. Patient pays $1.00 per prescription.

(12) Prosthetic appliances—covered only under public plans. Patient pays 20%.

(13) Hospital services (semi-private accommodations and ancillary services while confined as an in-patient)—the first 30 days of confinement for individuals covered under private plans and the first 120 days of confinement for individuals covered under public plans. Patient pays $10.00 the first day and $5.00 for each additional day of covered confinement.

(14) Extended care facility services (semi-private accommodations and ancillary services while confined as an in-patient)—the first 60 days of confinement for individuals covered under private plans and the first 120 days of confinement for individuals covered under public plans. Patient pays $2.50 per day of covered confinement.

(15) Home health agency services under a prescribed plan—those rendered during the first 90 days of the plan for individuals covered under private plans and during the first 180 days of the plan for individuals covered under public plans. The patient pays $2.50 per day of services rendered.

(B) For pregnancies: Diagnosis, treatment, and institutional confinement for pregnancy and any complications thereof from date of conception until the ninetieth day following termination of the pregnancy—covered only under public plans. Patient pays 20%.

Co-payments by patients have been used as a deterrent to excessive utilization of certain services. However, families have been protected against having these co-payments be a serious financial burden by means of a limit on the total amount of co-payments that may be required in any one year.

In the absence of a Presidential deferral, those Minimum Standard Healthcare Benefits that are initially provided individuals covered under qualified public plans but not private plans will become available to individuals covered under qualified private plans on January 1, 1976. Similarly the proposed 1976 improvements in the Minimum Standard Healthcare Benefits for qualified public plans will become effective for qualified private plans in 1979.

SUBTITLE B AND C

Qualified employee and individual health-care plans

Subtitles B and C of the bill provide significant federal income tax incentives to stimulate the extension of comprehensive health care insurance under qualifying privately financed plans maintained by employers for employees, or by individuals for themselves and their dependents.

Qualified employee healthcare plans

Section 511: The bill amends the Internal Revenue Code to restrict the federal income tax deduction otherwise allowable to an employer for any amount paid or incurred by the employer for medical care of any employee or his dependents. This deduction is restricted to 50 percent of the described expense for medical care of the employee. If the employer establishes and maintains a Qualified Employee Healthcare Plan, the restriction will not apply, and 100 percent of the described expense is deductible. This section is applicable to taxable years commencing after December 31, 1972, except that, in the case of any employer plan providing medical care for employees which was established pursuant to a collectively-bargained agreement, the restrictions on the deduction will not apply until the expiration of the agreement, or December 31, 1975, whichever occurs first.

Each Qualified Employee Healthcare Plan must provide at least the Minimum Standard Healthcare Benefits described in Subtitle A. A qualified plan must be in writing, adopted by the employer, and communicated to his employees. Substantially all active full-time employees must be eligible to be covered, and the coverage must continue upon certain terminations of employment or certain temporary absences of the employee. A coordination of benefits provision must be included in a qualified plan to avoid costly duplication of coverage. The plan also must permit eligible employees to seek coverage instead from any approved health maintenance organization in cases which specified conditions are satisfied.

Qualified individual health-care plans

Section 521: The Internal Revenue Code presently restricts an individual's deduction for his expenses paid for insurance which constitutes medical care to an amount (not in excess of $150) equal to 50 percent of the amount actually paid. The portion of the expense not so deductible may be deducted only to the extent that it exceeds 3 percent of adjusted gross income. The bill amends the Internal Revenue Code, for taxable years commencing after December 31, 1972, to remove these restrictions and to allow 100 percent of medical care insurance premiums as a deduction, if such expenses are paid by an individual who is covered by a Qualified Individual Healthcare Plan, a Qualified Employee Healthcare Plan, or a Qualified State Healthcare Plan.

Each Qualified Individual Healthcare Plan must provide at least the Minimum Standard Healthcare Benefits described in Subtitle A. A qualified individual insurance contract must contain provisions which obligate the insurer to renew the policy, and allow covered dependents to continue their coverage under the policy after the death of the insured as if he were still alive.

SUBTITLE D

Grants to States for qualified State health-care plans for the needy and uninsurable

Section 531: The bill adds a new Title XX to the Social Security Act to provide for the establishment of publicly subsidized health care insurance plans on a state by state basis. Each state will have a health insurance pool, which all private entities in that state (both profit and non-profit) which currently indemnify the cost of health care would be required to underwrite. One or more private insurance carriers will be designated by the state to administer the state plan on a retention accounting basis. These state plans will guarantee that Minimum Standard Healthcare Benefits are made available to individuals and families who previously were unable to purchase health care insurance, either because of their low income or their extremely poor health. (secs. 2001; 2002(a); 2002(d); 2003(a); 2003(b); 2010; 2015(d) of Title XX).

In order to encourage a state to establish a plan, federal appropriations otherwise payable to the state pursuant to Titles V and XIX of the Social Security Act are conditioned on the state's having in operation a Qualified State Healthcare Plan. The benefits required to be provided by a state plan are designed to stimulate the nationwide development of improved methods for organizing and delivering health care services. (secs. 2002(a) and 2012(d) of Title XX).

Individuals or families who are eligible to receive public cash assistance under a program financed in whole or in part by federal funds will be enrolled in the state plan automatically, and without cost. Those individuals who are financially capable of procuring health insurance, but who are uninsurable because of poor health, may enroll in the state plan at their own expense; however, these individuals may not be charged more than the established rate for other individuals enrolled in that state plan. Enrollment of other individuals and families who had low incomes the previous year (less than $3,000 for single individuals, less than $4,500 for a family of two, and less than $6,000 for a family of three or more) is voluntary. Such individuals and families would elect to be enrolled once each year and would be required to make modest contributions toward the cost of insuring their own health care, depending on the size of their family and the amount of their income. No assets or other means tests are required. (secs. 2003(a); 2003(b); 2005(a); 2005(c); 2006(a); 2006(b) of Title XX).

The premiums to be charged for each policy year under a state plan will be actuarially determined in each state, and for each family size risk category. The established premiums are subject to annual review by designated federal and state agencies, and if the premiums are found to be unjustifiably high within a particular state, the Secretary of Health, Education, and Welfare may direct a reduction in the federal appropriation for that state's premium cost. Each state has the primary obligation to provide the uncontributed premium cost for its plan; but if the state implements and utilizies controls which are designed to promote the delivery of lower-cost higher-quality institutional health care services, if it exempts Qualified State Healthcare Plan transactions from state taxation, and if it eliminates discriminatory state tax treatment of health care insurers, then the state will receive federal appropriations reimbursing it for a percentage of its total uncontributed premium cost. This federal percentage reimbursement is greater in poor states than in richer states. The base figure may be between 70 and 90 percent, depending on the state's per capita income, but further adjustments to this percentage may be made if institutional rates charged in any particular state for health care services are unjustifiably high in comparison with other states. States are given the authority to review in advance the rates to be charged by health care institutions for their services, and to refuse to approve these rates for payment under the state plan. The cost and quality of health care services provided by physicians and other medical practitioners will be controlled in each state.

A professional service, otherwise covered by these state plans, shall be reimbursed only if it falls within professionally established utilization guidelines or is found to be necessary health care by a qualified peer review committee. Furthermore, no charge for a necessary service shall be reimbursed to the extent that it exceeds the prevailing charge in a locality for similar services (secs. 2002(e)(2); 2004; 2006(e); 2008, 2009: 2010(c)(3); 2012(a); 2012(e) 2014 of Title XX).

If the premiums collected and other monies received under the state plan are not sufficient to pay the claims incurred and the other costs of operating; the state plan, the private underwriters of the plan shall bear the losses to the extent of 3 percent of the premiums collected for that year. The state will bear the excess losses and will receive a federal appropriation reimbursing it for that portion of the excess losses equal to the base federal percentage for that state's premium costs (secs. 2010 and 2012(b) of Title XX).

To avoid costly duplication of coverage, enrollment is not available to those individuals or families covered under a Qualified Employee Healthcare Plan; enrollment is not generally available to classes of individuals or families who will receive substantially all of their medical care under a non-Social Security federal or state program; all eligible state plan enrollees must have Medicare Part B supplementary medical insurance coverage, the material cost of which would be borne by the state and the benefits of which would be coordinated wtih state plan benefits (secs. 2002(e)(3); 2003(a)(3); 2003(a)(4); 2013 of Title XX).

Specific provision is made in the bill (sec. 2012 of Title XX) to protect the federal government against having to bear such part of the cost of a Qualified State Healthcare Plan as may be attributable to a state's decision to have the plan provide greater benefits than the minimum required for qualification under Title XX.

Applicants for enrollment in the state plan must provide and certify all information required to make an eligibility determination. Any federal or state agency may be required to furnish information deemed by the administering carrier to be necessary to verify eligibility (secs. 2005 and 2011 of Title XX).

Conforming amendments to title V of the Social Security Act

Section 532: The bill amends Title V of the Social Security Act (Maternal and Child Health and Crippled Children's Services) to avoid unnecessary and costly duplication of federally subsidized health care programs. Title V presently pays for the cost of various medical items and services which will be required to be provided under Qualified State Healthcare Plans. On July 1, 1973, or upon a state's establishment of a Qualified State Healthcare Plan, whichever occurs first, payment for items and services now covered under Title V would be excluded, if they also would be covered under a Qualified State Healthcare Plan. Title V will continue to pay for items and services which are not covered by Qualified State Healthcare Plans.

Conforming amendments to title XVIII of the Social Security Act

Section 533: Individuals and families eligible for enrollment in the Medicare Part B supplementary medical insurance program are required to be enrolled in said program as a condition for enrollment in a Qualified State Healthcare Plan. Section 1837 of Title XVIII of the Social Security Act is amended by the bill to remove existing limitations on Medicare Part B enrollment which might prevent otherwise eligible state plan enrollees from qualifying for Qualified State Healthcare Plan coverage. Each state which has a Qualified State Healthcare Plan is required to pay the premium for supplementary medical insurance benefits under Part B of Title XVIII of the Social Security Act for individuals and families who are eligible to enroll in the Part B program and who are also eligible to receive public cash assistance under a federally financed program. Section 1843 of Title XVIII is amended by the bill to allow a state to enter into an agreement with the Secretary of Health, Education, and Welfare pursuant to which all of these indigent state plan enrollees will be enrolled under the program established by Part B of Title XVIII.

Conforming amendments to title XIX of the Social Security Act

Section 534: The bill amends Title XIX of the Social Security Act (Grants to States for Medical Assistance Programs) to avoid unnecessary and costly duplication of federally subsidized health care programs. Title XIX presently pays for the cost of various medical items and services which will be required to be provided under Qualified States Healthcare Plans. On July 1, 1973, or upon a state's establishment of a Qualified State Healthcare Plan, whichever occurs first, payment for items and services now covered under Title XIX would be excluded if they also would be covered under a Qualified State Healthcare Plan. Title XIX will continue to pay for items and services which are not covered by Qualified State Healthcare Plans.

Conforming amendments regarding "reasonable cost"

Section 535: The bill (sec. 531 of the bill and secs. 2002(e)(2); 2008; and 2009 of the new Title XX it adds) establishes standards for strengthening controls over the quality and cost to enrollees for health care services provided by physicians or other medical practitioners and for health care services rendered to state plan enrollees in health care institutions. The bill provides that these standards shall apply to determine "reasonable cost" under the existing federally subsidized health care programs established by Titles V, XVIII, and XIX of the Social Security Act.

Conforming amendments to the Internal Revenue Code

Section 536: The premiums and other monies received pursuant to the operation of a Qualified State Healthcare Plan will, to the extent feasible, be invested by the administering carrier in interest-bearing obligations and other income-yielding securities. The bill amends Section 115 of the Internal Revenue Code to exempt this interest or other income from federal income taxation.

Carrier compliance

Section 537: The bill requires insurance carriers to pool their efforts and resources to insure that all individuals and families will receive higher-quality, lower-cost health care benefits. This section provides that these carriers will not be subject to federal or state antitrust legislation solely as a result of their efforts to comply with the provisions of Title V of the bill.

Effective date

Section 538: Sections 531, 532, 533, 534, 535, 536, and 537 of the bill are to become effective upon enactment, except that Qualified State Healthcare Plans will not provide benefits before July 1, 1972, and the federal tax exemption for investment income derived pursuant to Qualified State Healthcare Plan investments will apply only to taxable years ending after June 30, 1972.

GATEWAY NATIONAL PARK

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, the environmental crisis requires much more than our recognition and concern. It requires our prompt and determined actions to save what we still can for future generations to enjoy.

The proposed Gateway National Park is an opportunity to take an action to preserve a unique recreational area and show our determination to combat further destruction of our valuable resources.

A recent editorial about this subject warrants the attention of my colleagues in the House and I ask permission to insert the text of the editorial entitled "Gateway Park Must Be Saved" which appeared in the February 10, 1971, edition of the Long Island Press:

GATEWAY PARK MUST BE SAVED

The report of the death of the Gateway National Park appears to have been an exaggeration—we hope.

The report was based on the assumption that President Nixon's environmental message, delivered to Congress Monday, doomed the plan to combine Jamaica Bay, Breezy Point, Great Kills, Hoffman-Swinburne Islands and Sandy Hook into a huge, federally protected recreational area, to dispose of 1,033 acres of Fort Hancock on Sandy Hook by turning it over to New Jersey.

Considering the sorry financial state of New Jersey, this means the largest portion of the projected Gateway development could not be developed within the foreseeable future.

The hope that all is not lost, however, emerged yesterday when Russell Train, chairman of the President's Council on Environmental Quality, and the new Interior secretary, Rogers Morton said the plan is being carefully restudied.

"The project is big and exciting," Mr. Morton assured Mayor Lindsay. "I'm very enthusiastic about Gateway, but realistic. We have to make sure it will fly."

A gloomy portent of Gateway's ability to fly, despite Mr. Train's and Mr. Morton's enthusiasm is the potential impact on the park's development of Mr. Nixon's new land use policy. Although he spoke glowingly in his State of the Union message about bringing "parks to the people where the people are," his Monday message indicated he would do this by turning over to the states more land and authority to use it.

This sounds fine, but in practice it would mean fewer parks because the states, are ill-equipped to do justice to a development such as Gateway. It is one thing to turn over to Nassau County the 161 acres at the former Naval Training Devices Center in Port Washington for park purposes. It is quite another to hand Jersey 1,033 acres of Sandy Hook that Jersey cannot possibly develop on its own.

As Rep. Joseph Addabbo, the Ozone Democrat who was one of the earliest proponents of Gateway, pointed out, a federal presence is vital in dealing with the enormous problems associated with developing our coastline, particularly where two or more states are involved.

To back that up, Rep. Addabbo yesterday reintroduced his bill to establish the Gateway park. It is up to the New York and New Jersey Congressional delegations to unite behind this measure and see that Washington provides the fuel and machinery to make it "fly."

And "fly" it must, because this plan represents a crucial means of restoring the pleasure and graciousness disappearing from urban life. As John P. Keith, president of the Regional Plan Association, put it:

"Fifteen million people live within a two-hour drive of the park, 7 per cent of the whole nation. Upward of a half-million people a day would be able to use the Gateway's swimming, fishing, boating, recreational and cultural facilities at the completion of the 10-year development program proposed by the Interior Department in 1968. Fifty million people a year would avail themselves of the facilities." The cost would be $20 million a year—40 cents per user—over 10 years, when development would be completed. Never has the federal government been able to serve so many people with recreational facilities of high quality for so little money."

WYOMING RAIL PASSENGER SERVICE

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, the State of Wyoming was harmed by the final report on the basic national rail passenger system submitted by the Secretary for Transportation, Mr. John A. Volpe, on January 28.

Despite the fact that Wyoming offers some of the best trackage in the United States, some of the finest passenger equipment, and the most direct route to the coast, it has been relegated to secondary consideration, as an option on the designated routes from Chicago to San Francisco and Los Angeles.

With all four connecting lines from the east coming directly to Denver, and with the designated route favoring the Denver-Grand Junction-Salt Lake City route, the obvious benefits of utilizing the Omaha-Cheyenne-Ogden trackage have been ignored.

I submit for the consideration of my colleagues, and for the special attention of the Transportation Department and the Railroad Passenger Service Corporation, the following editorial from the February 2 issue of the Riverton, Wyo., Ranger:

EDITORIALLY SPEAKING BAD RAILPAX CHOICE

The proposed routes for Railpax, the new inter-railroad passenger corporation, could by-pass Wyoming, eliminating all passenger trains from the state. The potential development indicates another side of the prospect of a rural state which has no metropolitan centers.

Railpax is designed to link cities. The Railpax routes proposed all link Chicago-Denver. Wyoming is on a possible option route from Denver to Cheyenne to Ogden, but the first designated route for Railpax is Denver to Grand Junction, Colo., to Salt Lake City.

A group of our people keeps saying, "Let's leave Wyoming just like it is." They would give Wyoming's water to Arizona, export our young people to Denver or another city to seek work. They would stop cutting timber from the national forests, which will eventually close the local sawmill and planing mill, and that will be the end of rail freight service to Fremont County.

The recent financial statements of Frontier

Airlines separate the operating costs and operating incomes of prop-jet planes which serve the smaller towns and cities, and the jets, which serve the big cities. A case may be built in the future for further trimming of local air service.

The whole picture which can be drawn from a movement to serve only the cities, with passenger trains, planes, water, and the rest has some frightening connotations for Wyoming. The interstate highway system with its by-passes of all the Wyoming towns and cities gives further impetus to the impression that Wyoming is a place to pass through, perhaps visit, but get out of as soon as possible.

Some people, whose business it is, would like to see Wyoming in an even more primitive, natural state where a few people can come to play and whose water rights will be bought up eventually by others for their private vacation preserves.

That's not the picture which appeals to the majority of Wyomingites. They should be speaking out to keep our passenger trains, our railroads, our airlines, our Wyoming water, so that the chance remains open for more of those people who love Wyoming to have a chance to make a living here and enjoy the blessings of this wonderful state.

We don't like the Railpax designation which leaves Wyoming off the passenger system. The designation drives another nail in the Wyoming coffin in which may eventually be buried the chance for diversified development rather than the limited mineral-vacation prospects on which our lives now mainly rest.

NINETY PERCENT FEDERAL FUNDS FOR WATER POLLUTION CLEANUP

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, I am introducing in the House of Representatives today a comprehensive water pollution abatement measure which would bring to 90 percent the Federal financing available for water pollution abatement projects.

Under this bill, 90 percent Federal funds would be provided for projects included in a river basin plan and in States which have enforceable water quality standards and an adequate matching grant program.

Other proposals in this legislation include:

First, $4 billion per year would be allocated for 5 years for grants to States and localities for the construction of waste treatment facilities. The measure would generate a total of $22 billion for waste treatment facilities over the next 5 years;

Second, to be eligible for a Federal grant, a treatment plant would be required to be part of a river basin program;

Third, funds appropriated by Congress under the grant program could be reallocated at the end of the fiscal year from States unable to use the funds to those which can;

Fourth, $40 million of the $4 billion allocated annually would be available for reimbursement to States which prefunded the Federal share of treatment projects or for localities which have severe local pollution needs;

Fifth, Federal grants would be prohibited for waste treatment projects designed solely to treat industrial wastes;

Sixth, where some industrial wastes are to be treated in a community project, industry would be required to share in the cost of the project;

Seventh, the Administrator of the Environmental Protection Agency is required to develop, in cooperation with the States, an inventory of industrial and municipal pollution sources;

Eighth, the States would be required to keep data with respect to trends in water quality and on the progress being made in the construction of adequate pollution abatement facilities;

Ninth, the discharge of hazardous substances into our waterways is prohibited;

Tenth, ocean dumping is prohibited without a permit. No permit can be issued unless there is assurance the discharge would not cause or contribute to a violation of water quality standards;

Eleventh, the degradation of present water quality is prohibited. Water quality standards are extended to all navigable waters and tributaries;

Twelfth, the first $100 million appropriated for pollution abatement each year must be given to help our rural areas, as is required under present law;

Thirteenth, any new building which must comply with water quality standards is required to use the latest pollution control techniques available. Closed-cycle systems would be required as they become available; and

Fourteenth, the authorization for grants to State and interstate water pollution control agencies is doubled, from $10 to $20 million per year, and this money must supplement not supplant State pollution funds.

Mr. Speaker, as we all know, in the 1950's President Eisenhower and the Congress financed the construction of a massive interstate highway system with a 90-percent Federal funds formula. Certainly clean water is as important to the Nation as good highways. I think the measure I am introducing today reflects that.

This legislation also reflects, I believe, much information we have learned about pollution and pollution grants to States and localities over the past few years.

We have learned, for example, that pollution control along an entire river basin is the most efficient and economical way to clean up our waters. Basinwide control could avoid haphazard systems of pollution cleanup and give us the maximum results from the completion of sewage treatment plants which we do construct.

Therefore, under this proposal all treatment plants which henceforth receive Federal grants will be required to be part of a river basin program.

We know under our present formula for the allocation of Federal funds for pollution abatement facilities that money often goes to States which do not need or cannot use it, and must stay allocated to those States for 18 months after the end of the fiscal year, even though other States are overwhelmed with additional needs and crying for additional funds.

In an effort to deal with these problems I have proposed changes in the formula so that it takes into account population, need, and efforts by the States, either through matching grants or prefunding of the Federal share of treatment projects.

With regard to industrial pollution, Mr. Speaker, we know that a large amount of Federal grant funds awarded to municipalities in the past was for the construction of facilities to treat significant quantities of industrial wastes. In some cases, treatment plants treated only such wastes. We have learned also that when industries do not pay the full costs of treating their wastes when using these federally funded waste treatment plants, they have little incentive to decrease the amount of pollutants which they send to community treatment plants.

Therefore, under this legislation joint municipal-industrial plants could be constructed, but when some industrial wastes are to be treated in a municipal plant, industry would be required to share in the cost of the project.

Under that system, user charges, connection fees or other such techniques would be used to assess an industry a share of the operating costs, and costs of amortizing the debt, in proportion to their contributions to the total cost of waste treatment.

Such an arrangement takes into consideration both fiscal equity and the fact that joint municipal-industrial plants are often beneficial. One plant may cost less than two separately constructed plants. Nutrients needed in the treatment process which are absent in industrial waste can be provided by the municipal sewage. And, most important, such a cost-recovery system will provide industry with the incentive needed to decrease the tons and tons of pollution which they dump into our waterways each year. Only by decreasing the volume or strength of wastes which must be processed can we cut down on pollution and on the cost of treatment projects.

Mr. Speaker, the funding for the program, $22 billion over the next 5 years, may seem large, but even this amount is somewhat dwarfed by the estimate of needs.

We have fallen behind in payments to States which have already supported pollution abatement programs as evidenced by the fact that reimbursables due all the States have jumped from $894 million in June 1970, to $1.5 billion by the end of that year. This included reimbursables owed to Wisconsin of $64 million in December, up from $30 million in September.

The National League of Cities estimates that local needs for water pollution control facilities from 1971–76 will total $33 to $37 billion. This includes primary, secondary, and tertiary treatment facilities and interceptor and storm sewers. The Wisconsin League of Municipalities has estimated the total needs for my own State during the next 5 years at $816.5 million. Even now, there are 384 applications pending for municipal waste treatment facilities in Wisconsin for which the total estimated cost is $206 million.

Thus, while $1 billion or even $2

billion for water pollution facilities may sound like a large sum, we should not and cannot talk about the size of our antipollution efforts without speaking also about the size of our pollution problems. And when we do this, it is obvious that we must make in the future a far larger commitment in terms of dollars than we have made in the past.

Mr. Speaker, as we all know, authorization for water pollution grants under the Clean Water Restoration Act ends in June of this year. We have an obligation to extend that legislation and to use the knowledge we have gained about pollution grants and pollution control over the past 5 years to make the new legislation better than its predecessor. The measure I am introducing today is being introduced in that spirit.

It retains those parts of the act which are effective and adds new sections which will, I believe, make the law more effective and further our efforts in halting the degradation of our waterways. I am hopeful that hearings on this and other similar legislation will be held soon so that strong water pollution control legislation will pass this Congress this year.

INTRODUCTION OF A BILL TO REGULATE PRESIDENTIAL ADVISORY COMMITTEES

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in the spring of 1970, the Special Studies Subcommittee of which I am chairman, held hearings to investigate the role and effectiveness of committees formed to serve and advise the President. In this complex and confusing world of advisory bodies, no one knows how many committees actually exist or who is on some of them. Some committees have names, but no members; some have not met in several years; some have difficulties with funding or with getting their reports published; and some have no provision for termination. A number of the committees investigated were dissatisfied with the reception of their reports by the President and some were concerned at the absence of action on their recommendations.

Our subcommittee was unable to determine the exact number of advisory committees within the Federal Government. Although 1,519 answered our questionnaire, we estimate that about 3,000 actually exist. Of these, approximately 198 are Presidential advisory committees which cost the Federal Government close to $50,000,000 a year. The cost is high, but the problems on which the subcommittee concentrated were the lack of organization within this fifth branch of Government and the paucity of the results arising from committee recommendations. We were aware of an overwhelming need for restructuring the Federal committee system.

Today, I am introducing legislation designed to review the advisory bodies of the Federal Government, to abolish those no longer needed, and to revise the functions of those found inefficient.

My bill particularly defines the roles of the Congress, the Director of the Office of Management and Budget and of the Domestic Council, in administrating advisory committees.

According to my bill, each standing committee of the Senate and the House of Representatives will oversee the activities of each advisory committee under its legislative jurisdiction. In its supervisory capacity, the standing committees will see that there is no duplication among committees, that the mission of each committee is clearly defined and that funds adequate for operation is appropriated. They will also be sure that adequate staff and quarters have been assigned, as well as a date established for termination and for submission of the committee report.

Presidential advisory committees, which probably suffer from more disorder than their congressional counterparts, need a "mastermind" to coordinate their appointments and activities. According to my proposal, the Director of the Office of Management and Budget will appoint a Committee Management Secretariat as the administering agent. The Secretariat will review the activities and responsibilities of each executive advisory committee to determine whether it performs a useful function, whether it should be merged with another committee, or whether it should be dissolved. This review will occur annually, and the Director will make any recommendations directly to the President. In addition, the Director will determine the rate of pay for committee members, and provide advice, assistance, guidance, and leadership to advisory committees. Each committee will be required to meet at least twice a year and, unless otherwise notified, will terminate 2 years after its inception.

One of the shortcomings of the present system is that there is no guarantee of a response by a President to committee reports. According to my legislation, however, the Domestic Council will be responsible for evaluating and taking action on all recommendations made to the Presidential advisory committees. Within 1 year after the committee submits its report, the President will express to the Congress his views on the report and his proposals for action or his reason for inaction. Annually, the President will report to Congress on any changes in the composition of advisory committees.

Until now, there has been no procedure for handling committee reports after they have been submitted. They frequently disappear and are forgotten, particularly if they do not receive Presidential approval. Under my proposal, all reports—except those involving national security—will be placed on file in the Library of Congress, where they will be available to interested persons.

In order to make the committee system a more efficient and valuable element of the Government, I believe that legislation regulating the appointment, organization and activities of Presidential and congressional advisory committees is necessary. The legislation I am introducing today will bring order and logic to the confusing world of advisory committees. I invite other Members to join me in this effort.

ELECTRIC POWER WILL PLAY INCREASING ROLE IN PROVIDING SOLUTIONS TO MANY POLLUTION PROBLEMS—HON. CHET HOLIFIELD, OF CALIFORNIA

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. PRICE of Illinois. Mr. Speaker, in recent years many of my colleagues in the House have been paying increasing attention to this country's need for electrical power as well as to the ever-increasing problems of pollution of our environment. There have been many statements, speeches, and reports prepared by Members of Congress and by congressional committees. Few of us have given as much time to these concomitant problems as has my esteemed colleague, Congressman CHET HOLIFIELD, of California.

He has studied these problems assiduously in connection with his responsibilities as chairman of the Joint Committee on Atomic Energy during the recently completed 91st Congress. He represents an area where the need for electrical power is doubling every 7 to 8 years. The problems of air pollution, including the special problems of the Los Angeles Basin, are well known to him.

I would like to insert into the RECORD for the benefit of the Members of the House and those who may read the RECORD excerpts from an address delivered by Congressman HOLIFIELD before the Toledo, Ohio, area Chamber of Commerce on January 25, 1971. He has done more than simply recount the problems—he has put forth some cogent thoughts toward their solution:

THE POWER STRUCTURE

(Excerpts from remarks by Congressman CHET HOLIFIELD)

ELECTRIC POWER

I don't think I need belabor the crisis that exists in this country today in providing adequate electric power to meet the needs of the public. The most vivid demonstration of its critical role in the modern society was the great northeast blackout of 1965. Electric power is not, as some would have you believe, the luxury of the affluent. It is today an absolute necessity of our urbanized society. Loss of electric power directly and imminently threatens loss of human life. The loin cloth and sandal crowd would have you believe that electric power was created by a kind of devil worshipper who delights in despoiling the 17th Century pristine environment. Nothing could be further from the truth. It grew out of man's continuing efforts towards self-improvement and today is our cleanest and most versatile form of energy.

From your special perspective, electric power plays a fundamental role in the assurance of commercial and industrial health, both as to present operations and to future growth. I submit that it also will play an increasing role in providing solutions to many of our current pollution problems, such as the reduction of air pollution, the treatment of sewage, and the disposal of trash and garbage.

Over the past three decades electric power loads in this country have grown at an average rate of around 70% annually. This has meant the doubling of electric power generating capacity every 7 to 10 years, depending upon particular area needs. Projections of the future requirements reflect a continuation of this growth trend which means doubling our existing capacity by 1980 and building nearly 4 times present capacity by 1990.

Such statistics have been used to scare the public. Arguments are made that continuous growth of electric power at such a doubling rate is absurd and that our problem can be solved by cutting out wasteful uses of energy. It is also argued that it is just physically impossible to meet such demands for additional capacity.

What about these arguments? It should be made clear that, particularly through the planning period of this specific estimate—1990—the load requirements are for the most part already built in. Most of the people who will require this power are already here or well on the way and the factories and services they will need are already built or planned. As to the elimination of wasteful uses of electricity this, of course, should always be sought. But when one faces the fact that two-thirds of our electric power is used in industrial and commercial activities involving the basic necessities of our society, there just isn't much margin to play with.

The argument that it is physically impossible to provide the added capacity reflects awareness of only the technology of the past. But we shall be employing advanced and developing technology. The estimated one million megawatts of installed capacity projected for 1990 will be provided by an estimated 492 plant sites. This is to be compared to the 3,000 separate plants we have now for only about one-third as much power. In other words, technological advances will enable us to generate 3 times the power from one-sixth the number of plant sites. Moreover, a nuclear plant requires only about one-quarter the land area of a coal fired plant. Of course this isn't the complete story, but I don't have time to discuss all of the factors this evening. The main point is that we can solve all of these problems and, using our best technology, improve our environment at the same time.

Unfortunately, despite clear indications for at least the last half decade that this Nation would be facing serious power shortages if reasonable provisions were not made for our foreseeable needs, this country is now confronted with an energy crisis of serious proportions. Just look at what has occurred in the last two years with regard to availability of fossile fuels. The costs of coal have more than doubled in some areas of the country, natural gas supplies have been deficient, and both cost increases and supply deficiencies have taken place in residual oil. Here in the midwest, the availability of residual oil is dependent upon allowable quotas. These facts should make abundantly clear the sensitivity of the fuel supply, and thus electric power supply, to fluctuations and exercises of political and economic power.

Clearly, we must make provisions to assure availability of all energy sources. Natural gas and oil deep in the ground, trapped in impermeable rock formations, does us no good. Coal with a sulfur content which cannot meet environmental standards does us little good unless we can find a good way to trap the pollutants. Untimely delays in constructing power generation facilities and bringing them into service certainly do us no good.

We may, sooner than we think, find ourselves in an almost untenable position in this country. We must know what our energy requirements are and prepare a national energy policy to assure that those requirements are met. This is imperative!

I recall a statement made by Dr. Lee DuBridge, former Science Adviser to the President, during the Joint Committee on Atomic Energy hearings on the environmental effects of producing electric power. Dr. DuBridge commented on one way that the United States could regain absolutely pure air and water. And I quote:

"Sometimes it is said it is perfectly possible to have completely pure air and completely pure water at an infinite cost. If we prohibit the driving of automobiles, if we prohibit the operation of power and industrial plants, if we prohibit all the things that cause environmental degradation, we would have pure air and water. The cost would be that everybody would in effect be dead."

I for one am not yet willing to pay such a price. Frankly, I am not yet ready to lie down and die.

WHENCE THIS ENERGY?

What can we expect the future electrical energy generation systems to be? Let us go down the line from the least practical, smallest output, systems to what should be the major systems of the future.

A solar system would not prove practical even in a desert region, notwithstanding the fervent hopes of those from the deep north. Geothermal sources—hot springs from the depths of the earth—can successfully produce electricity, but only on a very minor scale. New hydroelectric sources—clean, pure, and beautiful—are limited and can be obtained in this country only by flooding additional valleys. This causes certain types of people in the United States to become paranoically violent. Fossil fuels—where oh where can that low-sulfur stuff be? And so on and so on, with the public becoming more and more confused by having all of these matters mixed up.

The long range energy source picture has been studied competently and in depth. The first, most comprehensive study, entitled "Civilian Nuclear Power—A Report to the President," was prepared by various agencies of the Government and was submitted to the President on November 20, 1962. It has since been updated, but the fundamental finding still stands: After looking at all practical energy sources, there is no alternative to nuclear energy to meet our long range needs. By nuclear energy we mean fission or fusion. Facing the facts of energy life, since we are a long way from demonstrating the basic feasibility of the fusion reaction, we must concentrate on the fission reactors which we have already started to build. And we must go one step further and develop the breeder—a fission reactor—to give us a virtually limitless supply of energy. This type of reactor in effect makes more nuclear fuel than it consumes by converting non-fissionable atoms into fissionable atoms.

I must express some dissatisfaction with the rate of development of the breeders. I have mentioned this several times in other public statements and steps have been taken to improve the performance record. But we are faced with the stark fact that the Administration has refused to adequately fund the research and development effort on the breeder reactor.

THE PEOPLE WANT TO KNOW

I have been associated with the atomic energy program in this country since its inception—a quarter of a century. I have participated in all the critical decisions concerning the use of atomic energy in this country, many of which were made in a crisis atmosphere. To name a few—thermonuclear weapons, naval nuclear propulsion, MIRV, ABM, and most important for our future needs, nuclear electric power. I know that the performance record of nuclear electric generating systems will eventually dispel all the doubts held by the honestly concerned people. But these are the people who must be made aware of what is involved between having sufficient energy or insufficient energy, of the characteristics and true environmental impact of fossil fuel plants and nuclear plants, and of the true costs which will be incurred from their choices. And this can be accomplished very effectively judging from the success of the educational workshops conducted by Oak Ridge Associated Universities in Midland, Michigan, relative to the dual purpose nuclear plant to be built there.

This is a time for action, not merely by radical groups opposed to everything that is being done, but by conscientious, informed citizens. They can offer constructive advice based on practical experience and pragmatic consideration of the issues, the alternative solutions, and perhaps most important, the side effects of each alternative.

Organizations such as the Chamber of Commerce have a responsibility to the public as well as to their membership to assure the decision-making process is not distorted by a reaction to disproportionate emphasis of one side of an issue—either side. Your first responsibility is education. You must educate yourselves and help to educate the public and public officials on the various issues confronting us all. Your organization is to be congratulated for your efforts in this regard. Keep up the good work. It is only in this way can we hope to achieve an understanding of the relative priorities of the solutions of these issues.

Traditional self-interest, which has always been recognized as legitimate in the political and economc power structures, will remain valid only so long as all of the various interests are adequately represented. You should bear firmly in mind that a solution which in the short term may solve the particular problems of commercial enterprises with which you are most concerned may in the long run cost not only the health but the very existence of the same commercial enterprises.

Let me give you just one broad example. After Sputnik was launched in 1957 this country embarked on a paranoic self-examination of its scientific accomplishments and determined that we were falling behind. A determined effort was then made to reverse that situation and great quantities of our various resources were employed to develop our scientific knowledge and manpower. That effort was successfully culminated with the stepping on the moon by Neil Armstrong in 1969. Since that time, and perhaps somewhat before, the trend was reversed. Science has become the brunt of doubt, discredit and debasement. Technology is a dirty word. And the clamor which arose primarily over the pollution of our environment had an immediate impact on the political and subsequently the economic power sectors. The portion of our financial resources dedicated to scientific research, development and engineering has been drastically eroded. The fallout has been significant in the loss of jobs, the reduction in basic research activities and, perhaps most importantly, the disillusionment of an entire generation of young scientists. In 15 or 20 years we shall reap the harvest of what we sow now and I fear that our harvest will be thorns when we go looking for the scientists and engineers that we shall most certainly need. And the most amazing thing about this entire situation is that the solution to the problems which science and technology is accused of having created will depend almost completely on further advances in the same scientific and technological fields. If there is a lesson to be learned from all of this, it is that a reflex action to secure short term solutions to particular problems may well result in long term disaster. I hope that you will keep that concept clearly in mind as you wrestle with the awesome challenges of the 70's.

But wrestle you must. Gird yourselves for the struggle. My best wishes are with you.

LITHUANIANS OBSERVE TWO ANNIVERSARIES

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. PRICE of Illinois. Mr. Speaker, in conjunction with the February 16 commemoration of the 53d Lithuanian Independence Day, I would like to include in the CONGRESSIONAL RECORD a letter and resolution that I have just received from the Reverend John Gasiunas, chairman of the East St. Louis, Ill., Chapter of the Lithuanian American Community of the USA, Inc. I commend the East St. Louis chapter for taking such an active role in the observance of this important date in the history of man's quest for freedom.

The material follows:

LITHUANIAN AMERICAN COMMUNITY OF THE USA, INC.,
East St. Louis, Ill., February 14, 1971.

Hon. MELVIN PRICE,
House of Representatives,
New House Office Building,
Washington, D.C.

DEAR MR. PRICE: As you know, in February of each year Americans of Lithuanian origin or descent and their friends throughout the nation commemorate two anniversaries. Locally on this date we are marking:

The 720th anniversary of the formation of the Lithuanian state when all Lithuanian principalities were unified into one kingdom in 1251; and

The 53rd anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

We should like to extend to you our appreciation for the interest you have shown in our cause in the past and request your continued support.

Enclosed is a copy of the Resolution adopted today by United States citizens of Lithuanian origin or descent residing in our community.

Sincerely,
REV. JOHN GASIUNAS.

RESOLUTION

Adopted at a meeting of Americans of Lithuanian origin or descent and their friends residing in the city of East St. Louis, Illinois, and its vicinity, sponsored by the Lithuanian-American Community of the U.S.A., Inc., East St. Louis, Illinois, Chapter, held on Sunday, February 14, 1971, in commemorating the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 53rd anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

Whereas the Communist regime did not come to power in Lithuania by legal or democratic process; and

Whereas by force of arms the Soviet Union took over Lithuania in June of 1940; and

Whereas the Lithuanian people, opposed to foreign domination, are determined to work toward restoring the freedom and sovereignty which they rightly and deservedly enjoyed for more than seven centuries; and

Whereas the Soviets have deported or killed over twenty-five per cent of the Lithuanian population since June 15, 1940; and

Whereas the Government of the United States has refused to recognize the seizure of Lithuania and incorporation of this freedom-loving country into the Soviet Union and has maintained diplomatic relations with the government of the free Republic; and

Whereas the Committee of the House of Representatives, created by H. Res. 346 of the Eighty-third Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia, and Estonia was contrary to established principles of international law; and

Whereas the House of Representatives and the United States Senate (of the Eighty-ninth Congress) unanimously passed House Concurrent Resolution 416 urging the President of the United States to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Lithuania, Latvia, and Estonia, and to the restoration of these rights to the Baltic peoples; now, therefore, be it

Resolved, That we Americans of Lithuanian origin or descent pledge our support to our President and our Congress to achieve peace, freedom, and justice in the world and reaffirm our belief in the American principles of government; and be it further

Resolved, That the President of the United States carry out the expression of the United States Congress contained in H. Con. Res. 416 by bringing to the United Nations the Baltic States question and demanding the Soviet withdrawal from Lithuania, Latvia, and Estonia; and be it finally

Resolved, That copies of this resolution be forwarded this day to Richard M. Nixon, President of the United States; William P. Rogers, Secretary of State; Charles H. Percy and Adlai E. Stevenson III, Senators from Illinois; Melvin Price, Member of Congress; and George Bush, United States Ambassador to the United Nations.

LITHUANIAN-AMERICAN COMMUNITY OF THE U.S.A., INC., EAST ST. LOUIS, ILL., CHAPTER,
REV. JOHN GASIUNAS, *Chairman.*

NO MAN CAN BE A COMPETENT LEGISLATOR

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANNA. Mr. Speaker, in his eloquent defense of the then new Constitution, James Madison offered to present-day proponents of the 4-year House term a compelling and relevant argument.

With great wisdom, Madison constructed a formula whose application is as timely to today's debate on the length of the term served by a Member of the House as it was during his day.

He first points out that, while the length of the term "does not appear to be susceptible of any precise calculation" it must have some relation to the "variety of circumstances with which it may be connected."

This great man then tells us that—

> The period of service ought, therefore, in all cases to bear some proportion to the extent of practical knowledge requisite to the due performance of the service.

Without sufficient time—time in proportion to the job needing to be done—Madison argues that "no man can be a competent legislator."

Of course, Madison's argument was made against the proponents of an annual term. His defense was in support of a 2-year term. But his message to our time is clear—consider the circumstances and requirements "requisite for performance." "Performance" is his standard, and length of service should and must be based upon that standard.

The 2-year term, timely and relevant in an America of the late 18th century, today is a serious obstacle to the legislator sincerely attempting to fulfill all his responsibilities. The term needs to be lengthened to 4 years if the House of Representatives is to become a 20th-century institution capable of fulfilling Madison's maxim of "performance."

I sincerely believe that the House is not performing as it should, because of, among other reasons, the antiquated and disabling 2-year term of its membership. To remedy this, I am introducing today a constitutional amendment which will lengthen to 4 years the term a Member serves.

My amendment will, if enacted, have one-half of the House elected every 2 years.

In separate legislation, I am proposing that Congress create a commission to examine and recommend methods for equitably reapportioning congressional districts after the 4-year term is instituted.

I am also proposing measures which would:

First. Set the age of 70 as the mandatory retirement age.

Second. Permit retired colleagues to serve the House as senior consultants.

Third. Authorize $3,500,000 to enable each Member to both inform and learn from his constituency by mailing quarterly newsletters and questionnaires.

The nonconstitutional reforms I am introducing today are designed to enhance the 4-year term proposal. Taken together, they offer a substantial package of reforms aimed at streamlining the operations of the House, as well as enabling the individual Member to fulfill his responsibilities.

We should remember that the idea of institutionalizing a legislator's frequent return to his constituency originated during a time when his physical ability to do so was inconvenient and expensive. Without frequent elections it was not inconceivable for a legislator to rarely, if ever, visit his district during a session.

Fortunately, most participants at the Constitutional Convention yielded, after much acrimony, to the arguments of Madison and Hamilton. They correctly pointed out that the nature, scope, and complexity of Federal legislation would require sufficient time in order to be completely dealt with. But the physical and political realities of the times were compelling and, as a compromise between these arguments, the 2-year term was agreed upon.

Today, institutionalizing, for physical reasons, the frequent return of legislators to their districts is no longer relevant. Therefore, those who still defend the two year term argue that frequent elections keep the House "close to the people" and sensitive to their constituents' opinions.

Ironically, on the national level, the 2-year term mitigates against a Member's being sensitive. As a matter of fact, the pressure of the responsibilities of the office and the urgency of politically surviving makes a Member anything but sensitive. Frequent campaigns have become less an opportunity for dialog between Members and constituents and more an expensive exercise in packaging attractive commodities. Compressing the increasingly complicated responsibilities of the office with, in a marginal district, the expensive and demanding requirements for election into the space of 2 years, leaves little if any time for a Member to engage in honest, considered, and meaningful dialog with his constituency.

To a large extent, modern campaigning and the demands of holding office today have changed the relationship between the voter and those who represent him. The personal style, necessary even up to a few decades ago, has largely been replaced by campaigns tailored to fit the electronic media and computer technology. Although personally demanding upon the candidate, these new techniques have effectively created real barriers between the voter and the campaigner. Unfortunately these techniques reflect the times and must be used if a candidate is to gain the attention of the voters.

The point, of course, is that modern campaigns are less than adequate mechanisms for meaningful constituent contact. They are, however, just as personally demanding and infinitely more expensive for the candidate. The legislator today is not only increasingly dependent on the new techniques upon which he has to rely for reelection, but he is increasingly dependent upon those capable of paying the extravagant costs of these new techniques. For these reasons, the legislator who has to run for office frequently finds himself less capable of being responsive to the people he represents, because he has to be more responsive to those paying the bills.

This, I believe, is a reasonable answer to those who maintain frequent elections are necessary if a Member is to remain "close to the people." But what about the argument that 2-year elections raise issues and require Members to answer for their activities.

The availability of the media and its impact upon public life have had a profound effect in reshaping political institutions. While the media has played the most important role in depersonalizing campaigns, it has had the salutory effect of keeping the electorate informed. Daily information on the activities of Congress is available in almost every living room in America. A vigilant and independent press with immediate access to the electronic media can in 1 day report on issues and summon mass public concern requiring almost instantaneous accountability, if not action, from the Congress.

An informed electorate, better able and more interested in gaining information from the media rather than from a partisan, highly structured, and often deliberately simplistic political campaign, is honestly not served by the 2-year term. The public gains only marginal advantage, if there is any at all, from having its representative continually campaign and it loses significantly in the quality of attention and concern paid to public business.

In his article in the Federalist Papers, Madison maintains that Federal business is twice as complex and voluminous in nature and scope when compared to the business of the individual States. During his time, the lower houses of most State legislatures were elected annually. Reasoning from this, Madison suggested 2 years for the House of Representatives.

Today, the sheer volume and complexity of Federal business is such that to compare it with Madison's times would be an absurd hoax. It would be comparing a rural society to an urban one, an agricultural economy to an industrial economy. There is no basis for comparing the America of 1789 to the America of 1971. They are two different Americas. Yet, the length of service in the House is still based upon maxims two centuries old. If we are to perform well, and if we are to honestly and competently exercise our responsibilities, we must muster the courage to tell the Nation we need more time.

I believe if we do this we will create an honest base upon which to judge the performance of the House and each of its Members. I honestly believe that each Member would then be able to devote the quality of attention and energy necessary to understand and deal with the issues of the 1970's.

I also believe we will be a more honestly responsive institution, for we will have the time to listen and consider rather than just react or ignore. We will be a more independent institution—more independent of special interests now necessary to finance increasingly costly campaigns.

With the burden of incessant campaigning lifted, many capable men who presently have excluded themselves from public office may be attracted, comfortable in the knowledge they will have sufficient time to competently deal with the problems they will face. Equally important, good men will be willing to stay. The House has lost the services of excellent Members who could not afford either the time or money to wage incessant campaigns.

Let me now answer some of the other arguments used against the 4-year term. Since my proposal recommends staggered terms, the suggestion that it would work a hardship on the minority party is not at issue. Although there is merit in the argument that a President should have a Congress whose term runs concurrently with his, experience has taught us that a midterm test of national public interest is valuable. Not only does it allow the party out of power to recoup losses, but it serves as a limited referendum on the direction of public policy. The staggered term would preserve these features, while insuring a carryover of experienced Members.

The staggered term does raise the question of when does a Congress end. I can understand a minimum of concern over this matter, but those opposing the 4-year staggered term have emphasized this issue far beyond its importance. Senators are elected for 6-year staggered terms and seem to have little difficulty adapting to a 2-year Congresss. I suggest a 4-year term for a Member would do little to impair his performance or the performance of the House during the present length of a Congress. However, the 4-year term may serve as a catalyst for a thorough examination into the relevancy of maintaining a 2-year life for a Congress. There are persuasive arguments for a new general session annually or an authorization session followed by an appropriations session. There are a number of alternatives to the present system and perhaps we will find it useful to consider them. If the 4-year term becomes a reality, I suggest the present 2-year life of the Congress can conveniently be continued without undue hardship. This is particularly true if, as I propose, the 4-year term is staggered.

One argument that has persuaded many people a 4-year staggered term is unworkable asks what happens to the 4-year seat during a reapportionment. It is conceivable that a Representative elected to a 4-year term at the beginning of a decade may find, after reapportionment, that his seat has been substantially changed or no longer exists. Over the years, various suggestions have been proposed to deal with this complex question. None, however, has offered an acceptable solution. As a result, opponents of the 4-year term have summarily dismissed it as unworkable.

While I do not pretend to be an authority on this particular aspect of the issue, I can suggest an approach which may open the door to resolving the problem. Since the Supreme Court decision requiring State legislatures to reapportion on the basis of the one-man, one-vote doctrine, the various States have had to deal with the 4-year term and reapportionment. No one has suggested to the States that the 4-year term is irreconcilable with a constitutional reapportionment. Rather, the States seem to be adequately dealing with the circumstances.

In California, the State senate, whose members are elected to 4-year terms, and half of whose membership was elected in 1970, will be reapportioned this year. Many districts will undergo substantial change. A district or two in the northern part of the State may in fact cease to exist. Yet, the California Legislature feels it is perfectly competent to reconcile the 4-year terms of senators to the new districts it will draw.

The point I am making is that the Congress is about to find itself the beneficiary of a great deal of experience in resolving the dilemma of the 4-year term and decennial reapportionment. For this reason, one of the measures I am introducing today would create a commission to survey the reapportionment experience of the States and recommend to the Congress the most appropriate way to reconcile the problem.

Included among the proposed reforms I am introducing is a measure which would require a Member's retirement upon reaching the age of 70. The Member's retirement would become effective upon the adjournment of the Congress.

Of course, this measure is in no way intended to effect those currently holding office and who have reached the age of 70. Rather it is based upon the undeniable fact that without some mandatory retirement provision, opportunities for younger men are diminished, thereby discouraging them from seeking office. There is also great merit in the argument that the voters, as well as the House and its committees, benefit from fresh ideas and fresh leadership. We must also be aware that virtually every institution, whether it be business, the Catholic church, the executive branch, and others, have already moved in this direction, creating in the public an expectation that Congress will conform to the accepted pattern. Not to meaningfully respond to that expectation would further consolidate the public's cynicism toward the Congress.

In order that the valuable experience of our senior colleagues is not lost to the House, I propose that we allow each standing committee and the leadership to retain former colleagues in the capacity as senior consultants. This would allow the House to have access to the great knowledge accumulated by the Members during their service, as well as offer an important and continuing role to those who have dedicated their lives to public service.

My final suggestion is presented with the intention of encouraging Members to stay in closer touch with their constituencies. There is a real need for each Member to periodically inform his district of his individual activities and views. There is also a need for each Member to offer his constituency a periodic opportunity to express its opinions to him. In order to fulfill these needs today, a Member must personally finance the printing of each mailing. It is rather expensive and, as a result, there is no uniform method employed, nor is there any consistency. The various districts throughout the Nation are treated to a variety of different programs, some extensive, others minimal, depending upon the financial resources of the individual Member.

In order to promote a meaningful and continuing exchange between a Member and his district, I am introducing legislation which will encourage each Representative to mail a quarterly newsletter and questionnaire to each resident in his district. The bill authorizes the House to spend up to $3.5 million for this purpose. The authorization is arrived at by allowing each Member an additional $8,000 to be used for the printing of four newsletters and four questionnaires during each session of Congress.

There is precedent for such a recommendation. The California legislature currently pays both postage and printing for quarterly newsletters from its Members to their districts. The program has been quite successful. I frankly believe that a relatively small expenditure that encourages meaningful contact between a Congressman and his district would be an important reform.

I invite my colleagues to provide me with the benefit of their views on each of the reforms I have introduced today. It is my hope that the reform measures I have introduced will initiate a considerable dialog, eventually resulting in passage of each of these long overdue recommendations.

WASHINGTON—THE LIGHTED CITY

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I am happy to see that Washington is being turned into a city of light. Federal structures are being floodlighted at night under a new program designed to brighten the shadowed buildings and dark corners in the Nation's Capital, and the streets are having their nighttime faces lifted through the miracle of electricity. This is a cheery development. As I have said on several occasions our Capital City above all cities belongs to the people and they should be encouraged to make use of it.

If the people pour into the streets at night, no longer fearful of threats that might lurk in the darkness, our city will be revitalized and will become a happier place for all the citizens. On April 11, 1968, in my newsletter for the folks at home I stated:

> As I was driving through this city the other night on my way home from visiting a friend, I was struck by the fact that, except for scattered motor vehicles, the streets were empty and deserted. It was not late, the weather was balmy, and you would have thought this fine spring night would bring people out of their houses and apartments. But this had not happened. The inhabitants of the Nation's Capital were huddled inside—many of them no doubt reading news stories and magazine articles about crime in the city streets.
>
> Crime in the streets is in fact a pressing problem, but I don't think it follows that the best way to meet the problem is for honest, law-abiding citizens to stay off the streets. Just the reverse may be true. The streets belong to the people, and if people in large numbers poured out to walk and enjoy themselves on a spring night then criminals and potential criminals would have no choice but to slink back into the shadows. If families and even entire neighborhoods set out to walk around a few blocks, visiting among themselves, the criminal element would be far outnumbered. After all, there are more of us than there are of them. I'm not talking about "marches" for a cause. A march is about the most fatiguing form of walking. But pleasant, neighborly strolls not only can confound criminals but at the same time can put all the walkers in better physical shape.
>
> The de la Garza Master Plan for combatting crime in the streets is freely offered for use by all. Let's reclaim our streets.

Those responsible for making Washington a city of light deserve to be commended. I hope the example that is being set here in this respect will be followed by other cities throughout the Nation. We can and should become a nation of light in everyway possible.

THE BRISTOL AFFAIR

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GROSS. Mr. Speaker, I wish to call the attention of Members of the House to a report made to me by the Comptroller General of the United States concerning the highly unusual and highly questionable contracts the Army entered into with an electronics firm in New Bedford, Mass.

These contracts with Bristol Electronics, Inc., have been almost total foulups from the beginning.

In defense of the Army, it should be pointed out that it did not want to do business with Bristol in the first place because the firm was obviously incapable of delivering the goods. The Army was forced to do so, however, by the Small Business Administration which, by some sort of magic, determined on the basis of the same corporate information studied by the Army, that Bristol was capable of performing the contract.

Bristol failed to perform in a rather spectacular—and costly—manner.

For instance, the contract, which was awarded in August 1965, required Bristol to deliver 8,554 radio sets by September 15, 1967. On September 30, 1967, Bristol had delivered only 92 of them. Two years later it was still behind schedule.

In light of this failure to deliver the radio sets it had contracted to produce, the Army—incredibly—handed Bristol a second contract, a fact that still has investigators at the General Accounting Office shaking their heads.

Another facet to this case that demands attention is the blatant refusal of the Small Business Administration to open its files on the Bristol matter to the GAO.

It has been found in case after case that when a Government agency has something to hide, it slams shut the file cabinets.

In this instance, the hiding of the files by the SBA may be for the purpose of keeping hidden any evidence of political pressure. Such pressure, it is known, was applied in behalf of Bristol.

Still another intriguing aspect of this story is the existence of a mystery man—a phantom—who had the power to suddenly cancel a meeting between the Army's contracting officer and the Small Business Administration, a meeting that might have saved the taxpayers a great deal of money.

The GAO reports that no one in the Pentagon can remember canceling this meeting, and that nothing in the files sheds any light on why it was canceled.

I find it disturbing and unacceptable that high Army officials possessed such bad memories, intentionally or otherwise, and that phantoms can cancel meetings between agencies. If this happened in the Bristol case, how many other times has it happened elsewhere?

I have asked Secretary of Defense Laird to advise me what can be done to prevent such situations from developing in the future, and I have asked SBA Administrator Thomas Kleppe to reassess the policy of that agency to insure that the public is allowed to know what is being done with its money in the future.

DISGRACEFUL REPORTING

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. GROSS. Mr. Speaker, there is an excellent article by Edward Jay Epstein in the February 13, 1971, issue of the New Yorker magazine that exposes, in detail, the incredibly miserable performance of two of the Nation's so-called leading newspapers, a number of magazines and the two national wire services in connection with an alleged police conspiracy to exterminate the Black Panther Party.

This article describes how the New York Times, the Washington Post, Time and Newsweek magazines, the Associated

Press and United Press International—among others—either deliberately deceived their readers or, more likely, were almost unbelievably naive and unprofessional in the manner in which they reported the totally unsubstantiated mouthings of a spokesman of the Black Panthers.

I do not think you will find, anywhere on this earth, a pair of more pious defenders of "the press" than the New York Times and the Washington Post. Nor do either exhibit any noticeable modesty in telling one and all how many prize winners they have on their staffs.

Yet these two publications took the lead in spreading, if not fostering, the claim that there was a national police conspiracy to rid the earth of the Black Panthers.

In the New Yorker article is the interesting explanation of how the New York Times quietly turned a mere claim into an established fact—a trick that any number of journalists are aware of, but not always discovered by many of the reading public.

The two wire services—AP and UPI—do not lag far behind in culpability. The two so-called news magazines can virtually be eliminated in this instance because no one, except possibly their editors, claims for them any serious attempt at objectivity.

This entire episode leads one to wonder what has happened to the basic rule of journalism—to have reasonable proof of a claim before it is printed. This rule apparently has been supplanted, in some editorial rooms, by one which says "ask questions only when it suits your purpose."

At any rate, the New Yorker article points up vividly the depths to which some journals and some journalists have sunk. They are a blot on the banner of the free press.

If Vice President Spiro T. Agnew needed a case to prove his point of too much shoddy journalism in this country he could well refer to certain publications and their efforts to degrade the police by labeling them as "exterminators" of the Black Panthers.

Mr. Speaker, I include the article for insertion in the Record at this point:

The Panthers and the Police: A Pattern of Genocide?

Between 4:40 and 4:52 a.m. on December 4, 1969, plainclothes police in Chicago, while executing a search warrant for illegal weapons, shot to death Fred Hampton, the twenty-one-year-old chairman of the Black Panther Party of Illinois, and Mark Clark, a member of the Party, in Hampton's apartment. Four days later, at about the same hour of the morning, the Los Angeles Special Weapons Tactics Team, dressed in black jumpsuits and black hats, moved on the Black Panther Party headquarters in that city with another search warrant for illegal weapons and, in a heated gun battle, shot and seriously wounded three more Panthers. Commenting of these events, in San Francisco, Charles R. Garry, chief counsel and spokesman for the Black Panther Party, whose membership at the time was estimated at between eight hundred and twelve hundred, declared to the press that Hampton and Clark were "in fact the twenty-seventh and twenty-eighth Panthers murdered by the police," and that the deaths and the raids were all "part and package of a national scheme by various agencies of the government to destroy and commit genocide upon members of the Black Panther Party."

Garry's assertion that twenty-eight members of the controversial black-militant group had been killed by the police was widely reported. On December 7 and December 9, 1969, the New York *Times* reported as an established fact, without giving any source for the figure or qualifying it in any way, that twenty-eight Panthers had been killed by police since January, 1968. (These stories were disseminated throughout the country to over three hundred newspapers and news agencies that subscribe to the *Times* wire service.) On December 9, 1969, the Washington *Post* stated flatly, "A total of 28 Panthers have died in clashes with police since January 1, 1968." In a later article, the *Post* declared, "Between a dozen and 30 Panthers have been killed in these confrontations." (About two hundred newspapers subscribe to the *Post's* wire service.)

On the basis of what had been reported about the police killings and predawn raids, civil-rights leaders expressed an understandable concern. Roy Innis, director of the Congress for Racial Equality, called for an immediate investigation of "the death of 28 Black Panther members killed in clashes with the police since January 1968." Ralph Abernathy, who succeeded Martin Luther King, Jr., as chairman of the Southern Christian Leadership Conference, attributed the death of Panther leaders to "a calculated design of genocide in this country." Julian Bond, a member of the Georgia state legislature, said, "The Black Panthers are being decimated by political assassination arranged by the federal police apparatus." And Whitney Young, executive director of the National Urban League, urgently requested the Attorney General to convene federal grand juries in those "jurisdictions where nearly 30 Panthers have been murdered by law-enforcement officials."

Garry's theory about "a national scheme . . . to destroy" the Black Panthers was also taken up by the press. Pointing to a "growing feeling (particularly in the black community)" that the "Federal Administration has had a hand in the recent wave of raids, arrests and shoot-outs," an article in the *Times* by John Kifner concluded that statements made by officials of the Nixon Administration "appear to have at least contributed to a climate of opinion among local police . . . that a virtual open season has been declared on the Panthers." *Time* reported, on December 12, 1969, that "a series of gun battles between Panthers and police throughout the nation" amounted to a "lethal undeclared war," and concluded, "Whether or not there is a concerted police campaign, the ranks of Panther leadership have been decimated in the past two years." In the very next issue, *Time,* repeating Garry's claim that "28 Panthers have died in police gunfire," asked, "Specifically, are the raids against Panther offices part of a national design to destroy the Panther leadership?" The answer was more or less left open. That same week, *Newsweek* began a news report entitled "Too Late for the Panthers?" with the same question: "Is there some sort of government conspiracy afoot to exterminate the Black Panthers?" The article then proceeded to portray a "guerrilla war between the gun-toting Panthers and the police," in which the Panther "hierarchy around the country has been all but decimated over the past year," and concluded that "there is no doubt that the police around the nation have made the Panthers a prime target in the past two years . . ." A few weeks later, *Newsweek* reported that "the cop on the beat has been joined by Attorney General John Mitchell's Justice Department, which believe the Panthers to be a menace to national security and has accordingly escalated the drive against them"—a drive that "has taken a fearful toll of the Panthers."

The Washington *Post,* noting in an editorial that the "carnage has been terrible" in the "urban guerrilla warfare" between Panthers and police, concluded that "recent events" had given "added currency" to the Panther charge that "there is a national campaign under way to eradicate them by any means, legal or extra-legal." Picking up the theme in his syndicated column, Carl T. Rowan observed, "We have seen this nationally orchestrated police campaign to turn the guns on the Panthers and wipe them out," and referred to an "obvious conspiracy of police actions across the country that has produced the alleged killings of 28 Black Panthers." The *Nation,* in an editorial titled "Marked for Extinction," asserted, "It is becoming increasingly apparent that a campaign of repression and assassination is being carried out against the Black Panthers." Even a paper as cautious as the *Christian Science Monitor,* after a telephone interview with Garry, cited the Panther charge of "police murder" and "genocide" and expressed "a growing suspicion that something more than isolated local police action was involved."

Confusion about the alleged murders began to set in early, and on December 21, 1969, the *Times* reported that Garry had put the number of Panthers killed by the police at twelve, although it later returned to the figure of twenty-eight. While an Associated Press dispatch in the San Francisco *Examiner* on December 9th reported that twenty-seven Panthers had been killed by police in "Chicago, Denver, San Francisco, Detroit, and Indianapolis," the United Press International wire service, on December 12th, sent out to its clients a list, provided by the Black Panther Party, of twenty Panthers killed in "cold blood" by police in Los Angeles, Oakland, Seattle, San Diego, New Haven, and Chicago. (In the list itself, however, only sixteen deaths could actually be attributed to the police.) *Life,* in a single issue—that of February 6, 1970—presented three figures: Eldridge Cleaver, the minister of information of the Black Panther Party, was quoted as saying that police "ambush" had led to "28 murders" of Panthers, but at another point the magazine declared, "So far, in the running guerrilla war of rooftop sniping, midnight ambush and mass shootouts that the Panthers and police have been waging in a number of cities . . . at least 19 Panthers are dead," adding, in parentheses, that "it is uncertain that more than a dozen have died of police bullets." While articles in the *New Republic, Ramparts,* and the *New Statesman* have, at various times, put the figure at twenty, an article in *Newsday* by Patrick Owens, who made a conscientious effort to check out Garry's claims, asserted that no more than ten Panthers had been killed by police.

The executive director of the American Civil Liberties Union in Illinois declared, according to the Washington *Post,* that twenty-eight Panthers had died in clashes with police since January 1, 1968, while the Los Angeles branch of the same organization said that it was possible to document twelve cases in which Panthers had been killed in such encounters. In a column in the *Post* a few days earlier, Nicholas von Hoffman had written, "The Panthers alone claim that 28 of their top people have been murdered in the last couple of years, and there is no strong prima-facie reason to disbelieve them."

Even one victim of deliberate police murder would be too many, but if twenty-eight Panthers had been murdered by the police in two years, as Garry claimed and many publications reported, it might indeed represent a pattern of systematic destruction. The implications would be so dreadful that one would expect the figures to be checked out with the utmost scruple. Since the number of Panthers killed would seem to be an ascertainable fact, how can such widely differing figures be accounted for?

When A. M. Rosenthal, the managing editor of the *Times,* was asked about the discrepancies in his paper, he explained that the December 7th report, which stated, "Twenty-eight Black Panthers have been killed in run-ins with the police since January 1, 1968," was taken from a December 5th story by the same reporter, which said, "According to Charles Garry . . . [Hampton and Clark] were the 27th and 28th Black Panthers killed in clashes with the police since January of 1968," and which was itself based on a telephone conversation with Garry. In the December 7th story, the qualifying phrase "according to Charles Garry" had been deleted, Rosenthal said, because "the reporter probably felt the source was unimportant in the second story"—although Rosenthal, in discussing the matter, said that he personally felt that the reporter should not have turned an assertion by an interested party into a fact. The figure of twenty-eight had subsequently been reported as fact because the reporter "inadvertently referred to the first figure," and *this* had happened because "no flag was placed on the error." (Whitney Young's assertion that "nearly thirty Panthers have been murdered by law-enforcement officials" was based on the *Times,* according to his research assistant, and the *Times* was then able to report in a Sunday summary that the charge of a "national conspiracy" against the Panthers "has been echoed by more moderate civil-rights leaders.")

Ben Bagdikian, the national editor of the Washington *Post,* also named Garry as the source for his newspaper's assertion that twenty-eight Panthers had been killed by police—though the only "specific documentation" on the subject was the U.P.I. bulletin of December 12th. The U.P.I. bulletin, which went out to more than four thousand subscribing domestic newspapers and broadcasting stations, came from the news agency's San Francisco bureau, which, according to its manager, H. Jefferson Grigsby, obtained the list of "victims of cold-blooded murder by the police" from Panther sources. "There was no further dispatch modifying the December 12th story," Grigsby has noted. Garry's list apparently provided publications such as the *New Republic, Ramparts,* and the *New Statesman* with the "fact" that twenty Panthers had been killed by police (the figure was published without attribution), and *Ramparts,* in turn, furnished an organization called the Committee to Defend the Panthers—whose letterhead included the names of Norman Mailer, I. F. Stone, Ralph Abernathy, Pete Seeger, Ossie Davis, and Gloria Steinem—with what the committee called the "grim statistic" of twenty Panthers dead. Members of another committee concerned with the treatment that Black Panthers were receiving at the hands of the police—this one set up by former Supreme Court Justice Arthur Goldberg and Roy Wilkins, of the N.A.A.C.P.—were widely quoted as saying that "twenty-eight" and "nearly thirty" Panthers had been "murdered" by police, although Norman C. Amaker, the staff director of the committee, conceded that the list on which these statements were based "was compiled at the behest of their national attorney, Charles Garry."

And so it went. Although Garry was certainly an interested party in the controversy over what came to be called the war between the Panthers and the police, it is clear that his assertions were widely accepted at their face value, so even when modifications were made in the lists of casualties it was Garry's story that was being modified, and practically no independent checking was done. How, then, did Garry arrive at his figures? In September, 1970, Garry explained to me that he chose the number twenty-eight when newsmen called him for a statement after the shooting of Hampton and Clark because that "seemed to be a safe number;" he added that he believed "the actual number of Panthers murdered by the police is many times that figure." When pressed for the names, however, Garry found he could "document" only "twenty police murders" of Panthers. The list of "twenty murders," which was sent to me from Garry's office, along with a warning that "the facts are not necessarily empirical," actually comprises only nineteen Panther deaths, and one of the nineteen deaths—that of Sidney Miller, in Seattle—is attributed by Garry not to police but to "a merchant who claimed he thought Miller was going to rob the store." In the coroner's records, the statement of the Seattle police is that "the deceased and an unknown person were robbing the Seven-Eleven store at 8856 35th Ave. S.W., and in the progress of the robbery the deceased was shot with a .38-calibre snub-nosed Smith & Wesson by the store owner, Donald F. Lannoye." Lannoye does not dispute the statement that he fired the fatal shot.

That leaves eighteen "documented" cases involving Black Panthers who Garry claims were murdered by police in pursuance of a conspiracy to "commit genocide upon" the Black Panthers. The way black people in general are treated by the police in our society has become a subject of increasing concern to many citizens, black and white, and, for a number of reasons—including the deaths of Hampton and Clark in Chicago—the idea of a deliberate police campaign against the Panthers may not seem far-fetched. But if there is to be an abatement of the fear and near-hysteria that seem to have developed around the question of the Panthers and the police, surely we must begin by getting the facts straight. For this reason, Garry's list of eighteen Panthers allegedly murdered by the police may be worth examining in some detail.

THE CASE OF ALEX RACKLEY

On May 21, 1969, John Mroczka, a twenty-three-year-old factory worker, stopped his motorcycle near a bridge on Route 147 outside of Middlefield, Connecticut, and while walking along the edge of a stream looking for trout saw a "set of legs" and "body" partly submerged. State police were called to the scene by Mroczka, and they recovered from the stream the body of a Negro male whose wrists were tied with gauze and whose neck was encircled by a noose fashioned from a wire coat hanger. An autopsy, conducted immediately afterward, indicated that the man had been severely burned on wide areas of the chest, arms, wrists, buttocks, thighs, and right shoulder and had also been beaten around the face, the groin, and the lumbar region with a hard object before he was shot in the head and chest. The victim, who was subsequently identified by his fingerprints as Alex Rackley, had died, a pathologist concluded, within the preceding twelve to twenty-four hours.

Just after midnight on May 22nd, New Haven police acted on a tip supplied by an informant who identified a Polaroid photograph of the corpse as a man who had been tortured with scalding water in an apartment that served as Panther headquarters in New Haven. Around 12:30 a.m., they raided the apartment and arrested Warren Kimbro, thirty-five, one of the leaders of the New Haven chapter of the Black Panther Party, and five women members. Eventually, eight other Black Panthers, including Bobby Seale, the national chairman of the Party, were arrested, and all of those arrested, except two who were remanded to a juvenile court, were charged with complicity, in varying degrees, in the kidnapping or torture or murder of Alex Rackley, a twenty-four-year-old member of the New York chapter of the Black Panther Party.

Charles Garry immediately charged that "Rackley was killed by the police or by agents of some armed agency of the government." Holding that the murder victim was in "good standing" in the Party, he further declared, as quoted in *Newsweek,* "We have every reason to believe, and we intend to prove, when the time comes, that Rackley was murdered by police agents."

Even without proof, Garry's version of the events gained wide currency. The U.P.I.'s listing of Panthers alleged by a Party spokesman to have been killed by the police cites "Alex Rackley" simply as " 'tortured and killed' by the police in New Haven, Conn., in May, 1969." At Yale, where a national May Day rally was held in the spring of 1970 to support the Panthers charged in the case, William Sloane Coffin, the Yale chaplain, described the trial of the accused Panthers as "Panther repression," and said, "All of us conspired to bring on this tragedy—law-enforcement agencies by their illegal acts against the Panthers, and the rest of us by our immoral silence in front of these acts." At the same time, the president of Yale, Kingman Brewster, Jr., told striking students—who were demanding, among other things, the release of the Black Panthers awaiting trial for Rackley's murder—that he was "skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States," adding, "In large measure, the atmosphere has been created by police actions and prosecutions against the Panthers in many parts of the country."

At this point, the three Black Panther officers who were specifically accused of taking Rackley to the stream near Middlefield, Connecticut, where his body was found had long since admitted their participation in the killing. George Sams, Jr., a twenty-three-year-old Panther who had once held the rank of field marshal in the national Black Panther Party, pleaded guilty to second-degree murder, which in Connecticut carries with it a mandatory sentence of life imprisonment, and testified that in the early morning of May 21, 1969, he and Warren Kimbro and Lonnie McLucas, using a car that McLucas had borrowed, took Rackley, bound and gagged, from Black Panther headquarters in New Haven to a deserted spot off Route 147; there Kimbro, under Sams' direction, shot Rackley in the head with a .45-calibre pistol, and a few minutes later McLucas fired another shot into the body. Sams testified that he was acting under orders from the "national" Party personally given to him by Bobby Seale. Kimbro pleaded guilty to second-degree murder in January, 1970, and testified in open court that he fired the first shot into the back of Rackley's head after Sams said, "Now." Kimbro, however, refused to implicate Seale in the crime, testifying that he himself was asleep at the time Seale was said by Sams to have visited the headquarters. McLucas, twenty-three, a captain in the Black Panther Party and a founder of the Bridgeport chapter, gave the same general account of the killing to New Haven police detectives and F.B.I. agents two days after he was captured in Salt Lake City in June, 1969. During his own trial, at which he pleaded not guilty to the charge of conspiracy, McLucas testified that he drove Rackley, bound and gagged, along with Sams and Kimbro, from New Haven to Middlefield; after Kimbro had shot Rackley, McLucas said, Sams ordered him, McLucas, "to make sure he was dead." McLucas said he then fired a second bullet into Rackley. McLucas, like Kimbro, has not implicated Seale, although he acknowledged under cross-examination that at the time of the killing he believed he was acting under orders from "national headquarters." (McLucas was found guilty of conspiracy to commit murder and sentenced to twelve to fifteen years in prison.)

The testimony of Sams, Kimbro, and McLucas was consistent with physical evidence that has not been contested in various legal proceedings having to do with the case—a .45-calibre pistol that the police found in Panther headquarters on the night of the raid ballistically matched the bullet and the bullet casing found at the scene of the murder, and fingerprints found on the car that McLucas borrowed that night matched those of Sams and Rackley—and also with the statements of other Panthers who were present in the apartment on the night of the killing. For example, Loretta Luckes, who had stood guard over Rackley while he was tied to a bed in the Panther headquarters for two days, described, in testimony during bail hearings, having helped to dress Rackley on the night of the murder while Sams and Kimbro stood over him with a pistol and rifle (because, one Panther said, "he might go crazy"); then, she said, "Lonnie [McLucas], Warren Kimbro, and George Sams" went "out the door" with Rackley.

It may be that McLucas, Kimbro, and Sams were acting under orders from Seale or the national Black Panther Party, or it may be, as much of the testimony in the legal proceedings to date indicates, that some wildly irrational suspicions about Rackley turned an interrogation session into torture and murder. But the fact remains that Rackley was shot not by the police but by two officers of the Black Panther Party, and since both have refused to implicate Seale, the suggestion that they might be "police agents" seems shaky at best. Perhaps Seale's trial for conspiracy now going on in New Haven will shed further light on the motive for the killing, but even at this stage of the legal proceedings it is difficult to take seriously Garry's inclusion of Rackley in his list of Panthers killed by the police.

THE CASE OF NATHANIEL CLARK

Nathaniel Clark, Jr., a nineteen-year-old Black Panther, is listed by Garry as having been "killed by a police agent" and by the U.P.I., quoting the Black Panther Party, as having been "killed by the police in Los Angeles." He was killed by his wife, who told investigating officers that she had shot her husband in self-defense with his revolver after he had, in her words, "shot up with heroin and beat me up." Because of her age, seventeen at the time, the case was remanded to a juvenile court, which adjudged the death to have resulted from involuntary manslaughter.

THE CASE OF ARTHUR MORRIS

On March 13, 1968, while out on bail on a charge of conspiracy to commit murder, Arthur Glenn Morris (also known as Arthur Coltrale) was killed by a blast from a 12-gauge shotgun in a friend's back yard. According to the friend's wife, Mrs. Henry Daily, Morris and a companion, Donald Campbell, were in the back yard talking with her her husband, who had taken his 12-gauge shotgun out there with him. She heard the men arguing, then heard a volley of shots. Rushing out, she found all three men fatally shot. Apparently, there had been a shootout, in which either Morris or Campbell had shot Daily with a 32-calibre automatic (the gun found at the scene) and he had shot both men with his shotgun. None survived to tell their stories.

THE CASES OF JOHN HUGGINS, ALPRENTICE CARTER, SYLVESTER BELL, AND JOHN SAVAGE

Of the fifteen remaining "homicides" on Garry's list, four Panthers—John Jerome Huggins, Jr., Alprentice (Bunchy) Carter, Sylvester Bell, and John Savage—were actually shot to death, according to both the Black Panther Party and California authorities, by members of US, a rival black militant organization, headed by Ron Karenga, with which the Panthers had once temporarily allied themselves in a lawsuit against the Los Angeles Police Department.

The dispute began at the University of California at Los Angeles in the fall of 1968, when Ron Karenga attempted to select the director of the Black Studies Program through the Community Advisory Board, of which he was a director. A number of Black Panthers, including Huggins and Carter, who were at that time enrolled in the black section of the "high-potential" program, vigorously opposed Karenga's attempt, despite the warning of a Karenga spokesman, who said, "This is not a decision that anybody is going to take out of our hands. . . . Anybody that is involved in this is going to have to come back to the community after dark." Leaders of US said that students who accepted Karenga's hand-picked director would be given "protection" against Panther reprisals. On January 17, 1969, some hundred and fifty members of the U.C.L.A. Black Students Union met in Campbell Hall on the U.C.L.A. campus to resolve the dispute over the directorship. Five member of the élite guard of US—known as Simbas, after the word for "lion" in Swahili—were present. Shortly after noon, in the student cafeteria, Huggins and Carter cornered a young Simba named Harold Jones, who had been accused of manhandling a female Panther earlier in the day, and began pummelling him. Suddenly another Simba, dressed in a dashiki, stepped up behind Huggins and fatally shot him in the back. A gun battle ensued, in which Carter was also shot to death before the Simbas fled.

Black Panthers who had been present at the meeting were reluctant to supply information at first, but they cooperated fully with the police and the prosecutor in identifying the assailants and finding witnesses after the prosecutor spoke to Garry, who, the prosecutor later reported, "instructed the local Panthers to help us in our investigation." Two of the Simbas, George Phillip Stiner and Larry Joseph Stiner, were brought to trial on charges of conspiracy to commit murder, were convicted, largely on the basis of the testimony of five Black Panther witnesses, and sentenced to life imprisonment. A third Simba, Donald Hawkins, was also convicted of conspiracy to commit murder, and was sentenced to an indefinite term in the detention program of the California Youth Authority. Two other Simbas indicted in connection with the same killings—Harold Jones and Claude Hubert, who are alleged to have done the actual shooting—are still fugitives. (Karenga, who was on a speaking tour of Eastern cities at the time of these shootings, was subsequently arrested and indicted in Los Angeles on torture charges in another case.)

In the aftermath of the gun battle in Campbell Hall, two more Black Panthers were killed by members of the US organization, according to both the Black Panther Party and the police. "At about 3:30 p.m. on May 23rd in San Diego, California, Lt. John Savage, Black Panther Party, was murdered by a whitewashed Karangatang, a member of the US organization led by Ron (Everett) Karenga," the Black Panther newspaper reported, and it went on, "Mr. Karenga, better known as pork chop, is leading his culturized pork chops in a futile attempt to destroy the Black Panther Party." The US member who shot Savage was eventually arraigned and pleaded guilty to a charge of manslaughter. A few weeks after Savage's death, another Panther, Sylvester Bell, who was selling the Black Panther newspaper in Otto Square in San Diego, was approached by three members of US, who, according to the Black Panther account of the incident, asked him, "Are you talking about us this week?" A fight broke out, during which Bell was joined by two fellow-Panthers, and one of the three members of US drew a gun and fatally shot Bell. The San Diego police arrested three members of US and indicted them for murder. One was convicted of murder, and two others were convicted as accessories. Since Garry himself and the Panthers assisted the authorities in the identification and prosecution of some of those involved in the killings, his subsequent inclusion of these four names in his list of Panthers murdered by the police appears to be disingenuous.

THE CASE OF FRANKO DIGGS

Franko Diggs, forty, who was a captain in the Black Panther Party, was found fatally shot in the Watts section of Los Angeles on December 19, 1968. No witnesses to the shooting could be found, but the police identified the murder weapon from the bullets as a foreign-made 9-mm. automatic pistol. Almost a year later, when the Los Angeles police crime laboratory was doing routine ballistics tests on eighteen weapons seized in a raid on Black Panther headquarters early in 1969, it was found that one of the confiscated Panther automatics ballistically matched the bullet that had killed Diggs. The chain of ownership could not be established, however, so the owner at the time Diggs was shot could not be identified. According to the police, the crime remains unsolved, but Garry, almost a year after Diggs' death, added his name to the list of Black Panthers killed by police. A doubtful matter at best.

The ten remaining Black Panthers on Garry's list were in fact killed by the police—five in 1968 and five in 1969. Whether these deaths were deliberate murders carried out as part of what Garry called a "national scheme" to wipe out the Panthers depends, of course, on the circumstances under which each of the deaths occurred.

THE CASE OF LARRY ROBERSON

In summarizing the deaths of various Black Panthers, the *Times* quoted "sources in Chicago" as saying that Larry Roberson "died in jail after being wounded in [a] shoot-out during [a] police raid"—a statement suggesting that he was shot during a planned police action against a Panther office.

The picture of what happened that can be pieced together from police records, independent witnesses, and even the Black Panther newspaper is very different. At 2:01 A.M. on July 16, 1969, the Chicago police received a "citizen's complaint" that a fruit stand had been burglarized at 610 California Street, in the West Side ghetto. A radio dispatcher routinely recorded this information on a computer card used for statistical analysis of complaints and crime patterns, and dispatched the patrol car that his electronic map indicated was nearest to the scene—Car No. 1124, manned by Officer Kenneth Gorles and Daniel Sampila. According to Sampila's subsequent report, the officers arrived at the fruit stand at about 2:05 A.M. and were met by Mr. and Mrs. Burman Jenkins, friends of its owner, who pointed out a hole in the door of the stand. The two policemen, led by Mr. and Mrs. Jenkins, then followed a trail of apples and oranges to a passageway, where they found two empty fruit baskets. While the police were flashing a searchlight around, the group encountered Larry Roberson, twenty-one, and Grady Moore, twenty-eight, who identified themselves as "community leaders," and were told by Sampila to "mind their own business." The group, followed by Roberson and Moore, then returned to the fruit stand, where they were met by the Reverend Edmond Jones, who owned the fruit stand, and another of his friends, the Reverend Clarence Edward Stowers, who was the pastor at the nearby Mars Hill Missionary Baptist Church. A few minutes later, the two policemen and Jenkins were shot. In a statement Stowers made later, he described what happened this way:

"Reverend Jones, Mr. Jenkins, myself, and the two officers were standing there talking about boarding up the door. Two men walked up and started looking in the hole in the door and asking what had happened. The officers told them that everything was taken care of and they should leave. One of the men had his hand in his pocket, and the officer shined his light on the man. The man asked him why was he shining the light on him and don't be doing that. Then the shooting started. The officers had their guns in their holsters so it must have been the men that were shooting. One of the officers fell down and the other one got hit in the shoulder. I remember it was only one of the two men that was shooting. He turned and ran up the alley. I don't know where the other one went to. Well, anyway the policeman that had fallen to the ground started chasing the man up the alley and lots of shots were fired."

Jones gave a similar account of the incident:

"The policeman and Mr. Jenkins told Reverend Stowers and me that they hadn't found anything and that I could nail a board or something across the door. While we were talking two guys came across the playlot from Flournoy Street and started asking a lot of questions. The tall guy [Moore] went and looked in the door and the policeman told them that they had everything under control and for them to go about their business. The tall guy started mouthing at the policeman and then the other guy [Roberson] came up and hollered, "What's happening?" And he started shooting. One of the policeman [Sampila] fell to the ground right at my feet and the two guys started running. The policeman that had fallen by me got up and started chasing the man that was shooting at us. They ran down the alley and I heard shots."

Mr. and Mrs. Jenkins agreed with this account, Mr. Jenkins adding:

"One man shouted something and started shooting . . . after the first shot one officer fell to his knees, the second shot hit officer Gorles, and the third shot hit me."

Roberson, pursued through the alley, was shot in the ankle, in the thigh, and in the abdomen by Sampila before he surrendered. According to the Chicago crime laboratory, the bullets that struck Gorles (in the left shoulder and collarbone), Sampila (in the head), and Jenkins (in the right side) all came from a .38-calibre snub-nosed Smith & Wesson taken from Roberson. This turned out to be a stolen weapon. Roberson was arrested on charges of attempted murder and was admitted to the Cermak Memorial Hospital, where he underwent surgery. Seven weeks later, he contracted jaundice and died in the Cook County Hospital.

A somewhat different version of the incident was provided by the Black Panther newspaper, which reported, in August:

"On July 17, 1969, two brothers in the Illinois chapter of the Black Panther Party were returning to their community after finishing a day of revolutionary work for the people's Party. On this particular night they noticed the pigs had nine brothers on the wall next to a storefront, harassing them. Five of the brothers were in ages ranging from 50–62 years old. The pigs claimed they were answering a burglary in process call. Can you imagine men 50–62 years old burglarizing a store in their own community? Well, after investigating the matter and coming to the conclusion that this was just another racist act of harassment committed by the pigs on the people, Larry Roberson and Grady Moore walked over to the scene where the majority of the people had gone and asked an officer what was going on. The pig then demagogically replied 'This is none of your damn business.' Br. Larry then stated 'I am a member of this community and even by your laws I have the right to know what's going on.' The crazy pig then said 'Smart bastard, you're under arrest for disorderly conduct.' The people of the community immediately got between Larry and the pigs, and the pig drew his gun and ordered them aside while his pig partner radioed for help. Larry then (with the instructions from the people) was told to go home because the people hadn't seen him do anything, so he and Grady started away and the pig deliberately shot Larry in the leg. Grady grabbed Larry to help him to try to escape with his life. This whole area was sealed off with crazy, drunk, inhuman pigs. Larry was then cornered in an alley, unarmed and wounded. As the pig approached him, he oinked 'I'll teach you and your partner how to interfere with pig matters.' He then aimed at Larry's head. It was true that Larry was unarmed, but being a Panther and a stone revolutionary, he had educated the true power—the people. As the pig was ready to squeeze the trigger, the power of the people was demonstrated. A voice quoted Huey: 'You racist pigs must withdraw immediately from the black community and cease this wanton murder and brutality of black people or face the wrath of the armed people.' Then, the shots from the people rang out from everywhere for about 30 seconds; then it ceased. One pig shot in the head and one pig shot in the shoulder. Larry and Grady then started to make it when more pigs arrived. Larry and Grady turned and raised their hands. The pig that was shot in the shoulder raised his gun and shot Brother Larry in the stomach, thigh and leg trying to kill him. Grady evidently escaped death when the people in the community came out to witness the action. . . . Larry Roberson is proven to be a true revolutionary not by words but by deeds. He has shown his love for the people. He put his life on the line and in return the people released some revolutionary power."

The statements that Roberson was unarmed and that the "people" did the shooting were contradicted by a subsequent report in the Black Panther newspaper, which said that "determined to defend himself even after being shot, Larry managed to get his gun out and wound two of the attacking maniacs." But the Panther version and the police version actually agree in a number of significant respects: the encounter was accidental; the Panthers approached the police rather than the other way around; and two police officers were shot *before* Roberson was seriously wounded in the abdomen.

THE CASE OF BOBBY HUTTON

According to *Life*, Bobby Hutton, the seventeen-year-old minister of finance of the Black Panther Party, was killed and Eldridge Cleaver was wounded in an "Oakland police ambush" in 1968. The *Times* quoted Garry as attributing Hutton's death to a "police ambush."

Shortly after 9 a.m. on April 6, 1968, Officers Nolan R. Darnell and Richard R. Jensen, while on routine patrol in the area of Oakland, California, that is predominantly inhabited by blacks, stopped their patrol car on Union Street next to a parked 1954 Ford when they caught a glimpse of a man crouching at the curb side of the car. In their report, they said they suspected he might be trying to steal it. Moments later, while investigating the situation, both officers were hit by bullets fired from behind them. Afterward, forty-nine bullet holes were found in the police car, the rear window had "two large areas shot inward," and the side windows and the open door, next to which Darnell was standing at the time, had also been hit numerous times. According to medical reports prepared by Dr. William Mills, Jr., of Samuel Merritt Hospital, Darnell was wounded in the "upper right back." Jensen, apparently hit by a blast from a 12-gauge shotgun, suffered multiple wounds in the "lower right back," in the "right arm," and in the "right ankle and foot." According to Darnell, a number of men armed with shotguns and rifles ran from cars parked behind and ahead of the 1954 Ford, some of them through an alley into the block across the street, while Darnell urgently called for help on the police radio.

An account of the incident in the Black Panther newspaper said, "Several Panthers in cars in West Oakland on Saturday night, April 6th, were approached by two pigs and menaced with guns. When the Panthers tried to defend themselves, shooting began, and the Panthers ran into a nearby house. . . . Two pigs were wounded slightly." Four Black Panthers gave statements to the police in which they said that they had been patrolling the neighborhood with guns, in three cars, "to protect Negroes against police brutality," and had just parked their cars on Union Street in order to stow their weapons in a nearby house when the patrol car pulled up, but the four disclaimed any knowledge of how the shooting began. Cleaver later said in an interview that was published in the San Francisco *Chronicle*, "I don't know how those cops got shot. There were so many bullets whizzing around maybe they shot themselves."

In any event, after the two policemen were shot, police from other parts of West Oakland and even from nearby Emeryville, responding to the radio alarm, surrounded a building on Twenty-eighth Street that the Panthers had entered, and there ensued a ninety-minute gun battle, in which a third policeman was wounded. Finally, after an exploding tear-gas canister had set fire to the building, two Panthers emerged: Cleaver, naked, and wounded by a tear-gas shell, and Hutton, fully clothed. According to police witnesses, Hutton suddenly bolted down Twenty-eighth Street, whereupon at least half a dozen policemen opened fire, fatally wounding him. Cleaver, in the *Chronicle* interview, gave a different version of the shooting of Hutton. He admitted that Hutton had fired some shots at the police, but said that he himself "took Bobby's gun and threw it out"—out the window, that is—and that they both came out unarmed. "The cops told us to get up and start running for the squad car," Cleaver continued. "Bobby started running—he ran about ten yards—and they started shooting him." The grand jury, after hearing thirty-five witnesses, concluded that the police had "acted lawfully," shooting Hutton in the belief he was trying to escape.

Eight other Panthers, including Cleaver, who were allegedly involved in the shooting of the policemen were arrested that night and ten were released on bail. Two of the eight were subsequently convicted of assault with deadly weapons; one was released to a juvenile court; one was tried and convicted for an unrelated armed robbery and sent to state prison; one, Cleaver, jumped bail and fled the country; two others, with the juvenile, are now on trial in Oakland; and other cases are still pending.

THE CASES OF STEVEN BARTHOLOMEW, ROBERT LAWRENCE, AND THOMAS LEWIS

At about 4:45 p.m. on August 5, 1968, in a predominantly Negro section of Los Angeles, three Black Panthers were fatally shot and two policemen were wounded, one critically, in a shootout at Ham's Mobil Service Station.

Fifteen minutes earlier, Police Officers Rudy Limas and Norman J. Roberge were on a routine patrol when, according to their reports, they saw a black 1955 Ford with four men in it start up a private driveway, stop suddenly, then back down the driveway. Finding the movements suspicious, the policemen began following the Ford, whose occupants, Limas noted, kept "looking back." Limas then called the police communications center on the patrol car's radio and gave the Ford's license number, to ascertain whether it had been reported stolen. Before a reply could be received, the Ford pulled into Ham's service station and stopped by a gas pump. The police car stopped a few feet behind it, and Roberge, according to his statement, asked the driver of the Ford for his license. The driver, Roberge reported, "replied that he didn't have any driver's license," whereupon Roberge "instructed the driver to go back to the police car and place his hands on top of the police car." Roberge then ordered the three other suspects out of the Ford and over to the police car. "At this time," Roberge stated, "the suspects were standing in a row facing the police vehicle"—between the two police officers.

Limas gave the following description of what happened next: "Suddenly the guy in front of me, who I think was wearing a yellow shirt and dark pants, spun around and pointed a gun at me, and the others moved at the same time. The guy in the yellow shirt said 'O.K., m——— f———' and then he shot me." According to medical reports and testimony, Limas was shot in the abdomen and the thigh, with a bullet lodging in the hip. Roberge stated, "As I walked toward the police vehicle, I saw my partner, Officer Limas, standing to the left rear of the police vehicle on the other side of the group, facing me. Suddenly I heard some shots and I was knocked to the ground." According to the medical evidence, Roberge was shot in both legs. In the gun battle that followed, Limas fatally shot "the guy in the yellow shirt" and a second suspect, who was "trying to load a 9–mm. pistol," and Roberge "emptied" his gun at a third suspect. The fourth man who had been in the car fled on foot.

There were two independent witnesses to the shooting—the service-station attendants, Shoji Katayama and Eugene Oba. Katayama, who explained that he was "standing by the pumps . . . a few feet east of the Ford," also stated in a deposition:

"A black (4-door) Ford pulled into the station, pursued by a police car. . . . There were 4 Negroes in the Ford. The driver and front passenger both got out and opened the hood of the car. The two officers immediately got out and ordered all four to the police car with their hands leaning on it. The driver of the Ford looked like to me he hesitated a while and was smoking a cigarette. As the driver with the cigarette came to the car, the Mexican officer [Limas] ordered him not to put out the cigarette [near the pumps], and at that point [I] heard a couple of shots and I looked up and saw the Mexican officer on the ground and the male Negro with the khaki shirt (Army type) with the gun in his hand. . . ."

The other attendant, Oba, had been returning to the office when the shooting began. He gave a similar account of the incident, adding only that after the first round of shots he "saw the Caucasian officer [Roberge] shooting at the Negro men."

When the shooting stopped, a few minutes later, three men were dead or dying—Thomas Melvin Lewis, eighteen, "the guy in the yellow shirt;" Robert A. Lawrence, twenty-two; and Steven Kenneth Bartholomew, twenty-one. The Black Panther Party stated that they were all Black Panthers. The fourth suspect, who was subsequently identified by his palm prints on the police car as Anthony Reno Bartholomew, the nineteen-year-old brother of Steven, later surrendered voluntarily to a judge, and was arraigned on two counts of assault with intent to commit murder. Anthony Bartholomew's lawyer, Gary Bellow, a well-known civil-rights attorney who has handled a number of Black Panther cases in Los Angeles, noted in a memorandum filed with the court, "There is no dispute that the police officers, Norman Roberge and Rudy Limas, were criminally assaulted on August 5, 1968," but went on to argue that his client had not in fact taken part in the gun battle. Anthony Bartholomew was found not guilty.

THE CASE OF WALTER POPE

Walter Touré Pope, whom Garry listed simply as "killed by Metro Squad," was shot to death by Officer Alvin D. Moen in a vacant lot across from the Jack-in-the-Box drive-in restaurant in Los Angeles on October 18, 1969.

On that night, Officer Moen and his partner, Officer Don Mandella, were assigned to a robbery stakeout of the Jack-in-the-Box, which had been robbed fourteen times in the previous seven months. Sitting in an unmarked car, which they had parked in a lot across the street from the restaurant, the officers began their watch shortly after dark. At about 10:45 p.m., Moen later testified, he heard a noise behind him and "turned around and saw a man standing with what appeared to be a burp gun . . . pointed in my direction." Shouting, "Look out!" to Mandella, Moen, who was sitting behind the wheel, drew his service revolver. Then, according to his testimony, the man fired a shot, and Moen returned the fire. Suddenly, from the other side of the car, there came what Moen called "another loud explosion," which he identified as a shotgun blast. According to medical reports, Moen was hit in the back of the right shoulder and the back of the left hand by shotgun pellets. Although he was badly wounded, he managed to get out of the car, empty his revolver at the man with the burp gun, and then run to the restaurant for help. Mandella gave a similar account, testifying that after his partner shouted, "Look out!" two shotgun blasts were fired into the car from the passenger side as the man with the burp gun approached from the opposite side. Mandella then turned and fired three shots at the assailant with the shotgun, who fled. Picking up the microphone, he urgently requested assistance, saying that he and Moen had been "ambushed." When other policemen arrived, they found Walter Touré Pope, twenty, who was subsequently identified by the Black Panthers as their "distribution manager" for Los Angeles, shot to death beside the police car. He had a two-inch revolver tucked in his belt, and there was a .30-calibre carbine, or "burp gun," lying under his left arm. A sawed-off shotgun, both barrels of which had been fired, was found a few feet behind the police car. (Another Black Panther, Bruce Darryl Richards, eighteen, was arrested later that night at the U.C.L.A. Medical Center, where he was being treated for bullet wounds, and was charged with taking part in the assault. He pleaded not guilty but was subsequently convicted on two counts of assault with intent to commit murder.)

The only witnesses to the shooting were those who took part in it, and thus the question of who shot first may be open to doubt—although the medical evidence that Moen was hit by a shotgun blast in the back would seem to suggest that the police were approached from behind.

THE CASE OF WELTON ARMSTEAD

In Seattle, at about 4:10 p.m. on October 5, 1968, Welton Armstead, seventeen, was shot to death by a police officer in front of a house at 1706 Melrose Avenue. A few minutes earlier, Officers Erling Buttendahl and Charles Marshall, on a routine patrol, had received a radio message directing them to help Car No. 128 in a stolen-auto case at 1700 Melrose Avenue. When they arrived on the scene, they helped the policemen in Car No. 128 apprehend two of three suspects they had been pursuing. According to Buttendahl, while he was searching for the third suspect he came around the side of a house and was confronted by a man, later identified as Armstead, a Black Panther, standing next to the garage, "holding a rifle with both hands and pointing it" at him. According to the coroner's report, the armed man was asked four times to "drop the rifle" but refused to do so; instead, with one hand he grabbed the barrel of Buttendahl's revolver, raising his rifle with the other, whereupon, Buttendahl says, he himself fired, hitting Armstead in the midsection. An inquest jury, after hearing fourteen witnesses and considering the medical evidence, ruled the shooting "justifiable homicide." Garry does not dispute the fact that Armstead faced Buttendahl with a rifle.

THE CASE OF SPURGEON WINTERS

On November 13, 1969, Spurgeon (Jake) Winters was shot to death by police on Martin Luther King Drive on Chicago's South Side. Earlier that evening, James Caldwell, a black prison guard at the Cook County Jail, had told his wife, Ruby, that he needed some money to rent a room for the night, because "some guys are looking for me and they want to kill me." The night before, he had been in a brawl outside the Rumpus Room tavern with Lawrence (Lance) Bell, a Black Panther, and had taken Bell's gun from him, and he feared a reprisal from Bell and his friends. A few hours after Caldwell parted from his wife, someone entered the building where they lived and began pounding on apartment doors and calling Caldwell's name. Looking out a front window after the pounding had stopped, Mrs. Caldwell saw what she subsequently described as "four or five men leaving my building . . . one of them . . . carrying a long gun." She then went across a connecting porch to her sister-in-law's apartment in an adjacent building, where she asked a friend, Lee Wesley, for advice. Wesley said, she later told police investigators, that she "didn't have any choice but to call the police," because "if James came back they would kill him." Wesley himself then called the police.

At 2:49 a.m., a police dispatcher received a report that there were "men on the street with shotguns," and at 2:53 p.m., according to the police computer cards and radio tapes, the dispatcher ordered the nearest patrol car, No. 226, manned by Officers John Gilhooly and Michael Brady, to 324 East Fifty-eighth Street, the sister-in-law's apartment. Three other policemen joined them at the sister-in-law's apartment, which was at the rear of the building, and all five were then taken, across the connecting porch, to Mrs. Caldwell's apartment, where, from the front window, Mrs. Caldwell and Wesley pointed out to them three men lurking in an abandoned building across the street. Leaving by the front door, the policemen crossed over to the vacant building, and Gilhooly started to go in through a gangway. Mrs. Caldwell stated, "We could hear the policeman by the gangway shouting 'Halt!' about three times. Then we heard a loud shot, and it sounded louder than a pistol shot. Then we heard some more shots . . . Then we saw the policeman come out of the gangway. He was saying 'Oh! Oh!' and he was holding his face." Gilhooly was fatally wounded, a shotgun blast having severed his carotid artery and his juglar vein; Brady had suffered minor lacerations of the forehead from the ricochet of a shotgun blast.

Mrs. Caldwell called the police to report that a policeman had been shot. At 3:04 a.m., the dispatcher put out an emergency call: "Police officer needs help." Twenty-one patrol cars in the area immediately responded.

Another policeman was wounded almost immediately by shotgun blasts, according to police reports, and one police car was "demolished" by carbine fire. One of the gunmen, who was allegedly carrying a carbine, and who was later identified as Bell, was shot in cross fire, and was captured. Meanwhile, three policemen had chased another man, carrying a shotgun, down an alleyway paralleling Martin Luther King Drive. He wounded all three and, taking refuge under the porch of a house on the Drive, shot another policeman, Frank Rappaport, in the chest and head, killing him, and wounded another. Two policemen, including the one who had just been wounded, emptied their revolvers at him, fatally wounding him. The dead gunman was later identified as Spurgeon (Jake) Winters. In all, two policemen were killed and seven wounded or hurt. Bell was indicted by a grand jury for murder. The case is pending.

The Black Panther version of the incident was similar to the police version in a number of respects. A "special news bulletin" put out by the Illinois chapter stated:

"On November 13, 1969, Jake Winters stood face to face and toe to toe, his shotgun in his hand, with Pig Daley's murderous task force. He defied political power by blowing away racist pig Frank Rappaport and racist pig John Gilhooly and retired 8 other reactionary racist pigs before he was shot down."

The Black Panther newspaper reported the shootings this way:

"Spurgeon (Jake) Winters, 19, member of the Illinois chapter of the Black Panther party, paid the most that one can pay towards the liberation of oppressed people—his life. At 3:30 a.m., November 13, Jake was murdered in a shoot-out in Chicago where three pigs were killed and seven were wounded. The shoot-out was precipitated by an ambush made by the Standing Army of Chicago (Chicago Police Department) on an abandoned building at 5801 S. Calumet. Arriving on the scene with the armaments and men (more than 1,000 policemen equipped with a .12-gauge shotguns, M-1 carbines, .357 magnums, billy clubs, mace, tear gas, paddy wagons, helicopters, and canine units) for domestic warfare against the people in the Black colony, these fanatical pigs started their attack by opening fire on the brother in the building. Party comrade, Lance Bell, 20, was wounded by the pigs as they shot wildly in that area. . . . Jake defended himself as any person should do. In essence, he had no choice; it was kill or be killed."

There may be some room for doubt whether the police were in fact mounting an "ambush," as the Panthers claim, or were simply responding to a call originally issued in the belief that James Caldwell's life was in danger, but the Panthers and the police agree that after the police arrived at least eight policemen were shot before Winters was shot.

THE CASE OF FRED HAMPTON AND MARK CLARK

The final case on Garry's list is certainly the most important one, since it is the one that prompted Garry to speak of a pattern of "genocide." It involves the fatal shooting of Fred Hampton and Mark Clark by policemen attached to the State's Attorney's office in Chicago on December 4, 1969. While there may be varying degrees of uncertainty about some of the other deaths on Garry's list, these two unquestionably resulted from a deliberately planned raid on a Black Panther headquarters.

On December 3rd, Sergeant Daniel Groth, a twelve-year veteran of the Chicago Police Department who had been assigned to the State's Attorney's Special Prosecutions Unit, told Assistant State's Attorney Richard S. Jalovec, who was in charge of the unit, that he had received information from a "confidential informer" that a cache of illegal weapons, including sawed-off shotguns, and also riot guns stolen from the Chicago police, was stored in a Black Panther apartment at 2337 West Monroe Street. Having received information from the Federal Bureau of Investigation just the day before that the Panthers had recently moved weapons to that address, Jayovec immediately ordered Groth to plan a raid on the Panther apartment, and Jalovec prepared a search-warrant complaint. Circuit Judge Robert Collins signed a warrant later that afternoon.

Groth and thirteen other policemen assigned to the Special Prosecutions Unit assembled at the State's Attorney's office at four the next morning. They were heavily armed: five had shotguns, one had a Thompson submachine gun, and one—James Davis, one of five black members of the raiding party—carried with him a .30-calibre carbine of his own. The raid was planned for dawn, to achieve the maximum surprise and minimum potential for neighborhood interference, according to Groth's later testimony.

The raiding party arrived at the West Monroe Street apartment in three cars and an unmarked panel truck, and Groth, Davis, and three of the other members proceeded to the front door of the apartment, which was on the first floor; six members went around to the back door; and the three remaining members were stationed at the front of the building. At approximately 4:40 a.m., Groth pounded on the apartment door with his revolver butt. There are markedly different versions of what happened next.

In the police version, which was published in the Chicago *Tribune*, Groth shouted, "This is the police! I have a warrant to search the premises!" and then, after a delay, had Davis kick the door open. The two men entered a small hallway, where they were faced with another closed door. Suddenly, the police said, a shotgun blast from inside was fired through this door and "narrowly missed the two policemen." Davis then plunged through the inner door into a darkened living room, with Groth behind him, as a "second round went right past" him. Groth fired two shots at a woman who, he said, had fired the second shotgun blast, while Davis, after also firing at the woman and wounding her, turned and shot to death a man sitting behind him with a shotgun, who was later identified as Mark Clark. Moments later, three of the members of the raiding party who had gone around to the back broke in through the kitchen door of the apartment. Despite a number of calls for a cease-fire from Groth, the Panthers kept firing shotgun blasts, according to the police version of the events, and a "fierce fire fight" ensued, in which Hampton was killed and four other Panthers and one policeman were wounded.

In the Panther version, as it was reported in the Washington *Post*, the police burst into the apartment almost simultaneously through the front and rear entrances, without first identifying themselves, and although no Panther fired any shots whatever, the police opened fire, also without warning. A Black Panther spokesman was reported in the *Post* to have said that Mark Clark was fatally wounded as he attempted to dodge police submachinegun fire, and others were wounded. Meanwhile, according to the spokesman, the police entering from the rear went immediately to Hampton's bedroom and fired into it, and Davis then went into the bedroom and fired more shots at Hampton. In *Chicago Today*, the Black Panther spokesman added that "Hampton was murdered in bed while he slept" by a policeman who "must have come in the back door and murdered him with a silencer." A few days later, a private autopsy, performed at the request of Hampton's family, concluded that hours before Hampton was shot to death he had been heavily drugged with Seconal, a barbiturate, which the spokesman deduced had been administered by a "pig agent" before the raid. The independent autopsy also concluded that the bullet that killed Hampton was missing, for the Panthers' pathologist found an entrance wound in the head but no exit wound and no bullet in the head. Lawyers for Panthers intimated that the missing bullet had been secretly extracted and disposed of by the police, because it constituted evidence of murder.

A third version was rendered by a federal grand jury that had been specially empanelled to investigate the December 4th shootings. After having all the physical evidence recovered by both the police and the Panthers analyzed by the F.B.I. Laboratory in Washington and evaluating additional ballistic evidence uncovered by the F.B.I., and after hearing all the witnesses willing to testify, the grand jury concluded, among other things, that the Chicago police investigation of the raid was "so seriously deficient that it suggests purposeful malfeasance."

When Groth and Davis forced their way in through the inner door, according to the grand jury's assessment of the events, a 12-gauge slug was fired from inside the apartment and passed through that door as it swung open to a forty-five-degree angle. There were indications that the shotgun was no more than fifteen inches from the opening door. A 12-gauge slug found at the scene proved consistent with a shotgun that was next to Mark Clark's body and was stained with blood of Clark's type; the slug was also found to match the hole in the door. Moreover, an empty shell found nearby was "positively identified" as having come from the shotgun. Piecing together the physical evidence, the jury posited that Mark Clark, sitting behind the door, fired a shotgun blast through the door just as the police burst in. This, however, was the only shot that could be definitely traced to a Panther weapon.

The grand jury concluded that Groth and Davis apparently came in shooting, for one pistol shot had been fired through the door. Davis shot Clark, who was sitting behind the door holding a shotgun, and a woman then in the room, Brenda Harris, who was holding another shotgun. Minutes later, after the officers claimed they heard a shotgun blast from a bedroom adjacent to the living room, the wall between the living room and the bedroom was "stitched" with forty-two shots from a carbine and a submachine gun. One of these bullets passed through the first bedroom into a second bedroom, where it fatally wounded Fred Hampton in the right forehead. Another bullet, apparently from the same volley, since it was travelling at the same angle, struck Hampton in the right cheek, and another struck him in the left shoulder. This last, the only bullet recovered from his body, proved to be a .30-calibre bullet from Davis's carbine. Aside from Hampton and Clark, four of the seven other Panthers in the apartment, as well as one police officer, were wounded by police gunfire in less than twelve minutes after the raid began. Eighty-three empty shells and fifty-six bullets were recovered from the apartment by the police, the Panthers, and the F.B.I., of which all but one shotgun slug and one shell had been fired from police weapons. Although the police steadfastly maintained that at least ten or fifteen shots were fired at them by Panthers, a painstaking reconstruction by the grand jury suggests that, following the first shot by Clark, police entering from the back of the apartment mistook Davis's and Groth's shots in the front of the apartment for Panther gunfire, and the police in the front of the apartment similarly mistook the "return" fire from the rear of the apartment for continuing resistance. According to the grand jury's version, the officers very probably fired through the living-room wall under the erroneous impression that they were in a gun battle with Panthers.

The grand jury also attempted to resolve conflicts between the findings of the Panthers' private autopsy and those of the police autopsy by ordering Hampton's body exhumed and yet a third autopsy performed, by an out-of-state medical examiner in the presence of both a Chicago pathologist from the coroner's office and a pathologist retained by the Hampton family. Two points were clarified by the third autopsy. First, despite the statement of the Panthers' pathologist that there was no exit wound for the fatal bullet that entered Hampton's forehead, this autopsy plainly showed an exit hole in front of the left ear when the sideburns were shaved. Second, the Panthers' claim that Hampton was heavily drugged with Seconal before the shooting was not supported either by this autopsy, which showed "no trace of drugs in the body," or by the report of the F.B.I. Laboratory in Washington, which had also tested the sample used in the Panthers' private autopsy. The toxicologist who performed the analysis for the Panthers told the grand jury that he had not performed the most specific test for Seconal, the gas-chromatography test, but had relied instead on a less sophisticated test, which required some "subjective evaluation." In performing the gas-chromatography test on the same sample that the Panthers' toxicologist had used, the F.B.I. found no Seconal or other drugs in the sample but did find deterioration in the blood that could have been partially responsible for a mistaken analysis.

On the basis of the grand jury's meticulous investigation of the killings, it seems reasonable to conclude that Hampton was fatally shot not while he was "drugged" or by a policeman standing over him with a silencer, as the Panthers have claimed, but by a bullet fired by a police officer in the living room which had passed through two intervening walls at a time when no Panthers were firing at police.

Are these ten cases of Black Panthers killed by police part of a nationally coordinated pattern? Although Hampton and Clark were the only Panthers killed as a direct result of a planned police raid, or even in a situation in which the police could reasonably be supposed to have had advance knowledge that they would confront Black Panthers, it still might be maintained that the police involved had instructions of some sort to kill Black Panthers whenever the opportunity presented itself. The theory broached by John Kifner in the *Times* that the Nixon Administration had, through the statements of public officials, "at least contributed to a climate of opinions among local police . . . that a virtual open season has been declared on the Panthers" seems historically inaccurate, since five of the ten Panther deaths that can be directly attributed to police action occurred before the Nixon Administration took office. And, as far as I have been able to determine, no Black Panthers have been killed by the police in the period of more than a year that has elapsed since the Hampton-Clark incident.

In all of the ten cases to which Garry's list has been reduced, at least some of the Panthers involved were armed and presented a threat to the police. Six of the ten Panthers were killed by seriously wounded policemen who clearly had reason to believe that their own lives were in jeopardy. In none of these cases, moreover, is there any positive evidence to support a belief that the wounded policemen knew they had been shot by Black Panthers. According to the evidence that *is* available, Bartholomew, Lawrence, and Lewis were stopped as burglary suspects; Pope approached a robbery stakeout at night; Winters opened fire when two policemen entered an abandoned building to investigate a citizen's complaint; and although it is agreed that Roberson took it upon himself to challenge the behavior of the police investigating the burglary of a fruit stand, it is not reported that he identified himself as a Black Panther.

In the four remaining cases, the fatal shots were fired by policemen who had not themselves been wounded. A further distinction might be made to take account of the fact that in two of these deaths—those of Armstead and Clark—the police state that in each instance they were confronted by an adversary with a lethal weapon and had reason to presume that their own lives were endangered. Armstead pointed a rifle at a policeman and refused to disarm himself; Clark confronted a policeman with a shotgun, which, in fact, he had previously fired. In any event, there are two cases in which Black Panthers were killed by policemen whose lives were not being directly threatened by those men. These are the cases of Hutton, who was shot while allegedly running from the scene of a ninety-minute gun battle in which three policemen had been wounded, and Hampton, who was apparently hit by stray bullets in a reckless and uncontrolled fusillade.

Four deaths, two deaths, even a single death must be the subject of the most serious concern. But the basic issues of public policy presented by the militancy of groups like the Panthers and by the sometimes brutal police treatment of angry and defiant black people in general can be neither understood nor resolved in an atmosphere of exaggerated charges—whether of "genocide" against the Panthers or of "guerrilla warfare" against the police—that are repeated, unverified, in the press and in consequence widely believed by the public. The idea that the police have declared a sort of open season on the Black Panthers is based principally, as far as I can determine, on the assumption that all the Panther deaths cited by Charles Garry—twenty-eight or twenty or ten—occurred under circumstances that were similar to the Hampton-Clark raid. This is an assumption that proves, on examination, to be false.

THE QUEST OF LAWRENCE F. O'BRIEN, CHAIRMAN, DEMOCRATIC NATIONAL COMMITTEE

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. GROSS. Mr. Speaker, I am in receipt of a letter addressed to "Representative GROSS, 2368 Rayburn Building." It reads as follows:

DEMOCRATIC NATIONAL COMMITTEE,
Washington, D.C.

DEAR FRIEND: If ever there was a time to help the Democratic Party, it is now.

I could give you many reasons why you should, but they all narrow down to two:

One is President Nixon

The other is Vice President Agnew.

Whichever reason you choose, please send us your membership contribution today and help make Democrats strong enough to go on and win the White House in 1972.

The future of Richard Nixon depends on it!

Sincerely,

LAWRENCE F. O'BRIEN,
Chairman.

Mr. Speaker, it may well be that Mr. Lawrence F. O'Brien will get his answer a couple of years from now in the same fashion that he did when he fought, bled, and died politically for HUBERT HUMPHREY.

A REPLY TO LIFE'S EDITORIAL ON NIXON

(Mr. LATTA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. LATTA. Mr. Speaker, I was pleased to read George Romney's reply to Life magazine's editorial on President Nixon. I think that those of you who missed it might be interested in Mr. Romney's reply:

A REPLY TO LIFE'S EDITORIAL ON NIXON

(NOTE: George Romney, former governor of Michigan, is Secretary of Housing and Urban Development.)

President Lincoln once said he could not answer all the attacks against him, as it would involve him in a "perpetual flea hunt."

Two weeks ago, Life meticulously published so many "flease" about Mr. Nixon and his Presidency—I asked this opportunity to bag the legal limit.

FOREIGN POLICY

Though conceding him high marks in foreign policy Life skates over—in two sentences—the President's historic arms control proposals, Soviet policy, the new footing toward Communist China, the peace initiatives in the Middle East. Instead Life zeroed in on Cambodia.

Nowhere was credit conceded for the accomplishments of Cambodia: the new American troop withdrawals; the greatly improved chance freedom in South Vietnam will survive; the dramatic decline in American war dead.

Who would have predicted 24 months ago that by the spring of 1971 almost half of America's troops would be either home or on the way?

Had this President been of a different political philosophy, those dismissing his achievements with faint praise might well be alto sopranos in the Nixon choir.

ECONOMIC POLICY

Ernest Hemingway wrote that two evils inevitably brought nations "temporary prosperity . . . permanent ruin." They are inflation and war; Mr. Nixon inherited them both.

It required both political courage and statesmanship to move away from war and inflation, up onto the high road to peacetime prosperity. Almost two million defense-related jobs had to be eliminated in the transition.

But Life's gloomy assessment notwithstanding, unemployment for 1970 was lower than any peacetime year in the '60s. Last year's downturn was the mildest in 25 years. Interest rates have declined. Price rises have dropped 25% in six months. Housing starts are moving up. Food prices have stabilized. The stock market has rocketed 200 points in eight months. Public confidence is everywhere on the upswing. A business recovery is at hand.

SOCIAL POLICY

Doing its bit to "bring us together," Life notifies 22 million black Americans that, under President Nixon, you must "be content with the ongoing progress . . . under laws on the books."

Yet, largely through this President's initiatives, millions of poor, many of them black, are exempted from income taxes; the number of Americans getting food stamps has tripled to 10 million; the number getting food assistance nearly doubled to 12 million; "black capitalism" loans to minority business have shot up to $135,000,000. These tremendous gains are not even hinted at in the Life editorial.

"Nixon has fought only for welfare reform . . ." claims Life. Only for welfare reform!

Where have Life's editors misplaced the clippings on the 37-point environmental program; the revenue-sharing bill; postal reform; the all-volunteer Army proposal; extension of unemployment insurance to five million Americans; the D.C. crime law and the billion dollars to combat crime; the proposals to stop the flow of smut to children; the higher education bill; the mass transit bill; Social Security reforms; coal mine safety; consumer proposals; the occupational health and safety law; veterans' programs; manpower training and a dozen others?

THE NIXON STYLE

Clearly, from Life's inventory, the Nixon "style" is being weighed in the balance with the style of the retinue that arrived in Washington in 1961. But let us broaden the judgment beyond comparative style to comparative accomplishments. In my book, substance counts more than style.

The men of style who departed government in 1969 left behind a bitter legacy—a division in the country, disruption on the campuses, inflation in the economy, cost overruns in a bloated defense budget, crime in our cities, powderkegs in the ghettos, backlash in the suburbs—and two hundred coffins being ferried home each week from Southeast Asia.

What a price America paid for the overblown rhetoric of the sixties! And what did it all accomplish?

The day the men of style departed Washington—15 years after Brown *vs.* Board of Education—one in 16 Negro children in the South attended school in legally desegregated districts.

It was not they, but Richard Nixon, who presided quietly over the dismantling of the dual school system. He placed his faith, not in pompous rhetoric or federal power, but in the basic goodwill and dedication to law of the people of the South.

The President did not barnstorm the country promising an "end to poverty in 1976." But calmly, articulately, forcefully he proposed to the nation the most far-reaching program in 35 years to eliminate poverty from American life. He has gone to the people: to rally them at the time of the massive street demonstrations—to argue the case for a missile defense—to justify his decision to a nation alarmed over Cambodia—to explain the economic necessity for his veto of a popular health and education bill.

But, if the President truly seemed, in these appearances, a "calculating lawyer"—why, then, almost without exception have they enhanced the President's standing and rallied support for his causes?

If his appearances disappoint, why do networks and Democrats anguish aloud that the President's televised addresses give him too great a power over national opinion? Hopefully, in 1971 the American people are more interested in performance than theatrics.

Were the President genuinely "isolated," how could an informed critic like Eric Sevareid walk away from an hour's live television interview praising the President's mastery of the matters of government?

From my experience, Richard Nixon's severest critics are the pundits who know him least; his staunchest advocates those who know him best.

When the elite of the intellectual community, the media and the capital deserted President Johnson, his Presidency did not survive. But President Nixon can survive and endure their opposition—for never in his career has he had their support.

If the editorialist cannot fathom the nature and depth of Mr. Nixon's support, perhaps it is because he does not understand the American people.

On Jan. 20, 1969, America was most deeply concerned with a tragic war in Asia, campus crises, mob violence in her cities, crime on her streets. If the day Mr. Nixon departs the Presidency, America's concerns have turned to saving the environment, making government more responsive, maintaining peaceful prosperity—then history will not dwell long on comparative styles. History, rather, will write that Richard Nixon guided America through a dark night of the American spirit into the bright calm of a new day, and was, therefore, a great President.

LEGISLATION TO CELEBRATE WASHINGTON'S BIRTHDAY ON FOURTH MONDAY IN FEBRUARY

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUTCHINSON. Mr. Speaker, I am introducing legislation today to move the Washington's Birthday holiday to the fourth Monday in February.

We made a mistake, in my judgment, in setting the holiday on the third Monday. The 22d of February will never fall on the third Monday. The third Monday will never be later in the month than the 21st. Nor will it ever be earlier than the 15th.

If the fourth Monday were observed as the holiday it would coincide with Washington's Birthday once in 6 years, then in 5, and in 6, and then 11, and so on in the calendar's regular cycle.

If we are to observe a Monday holiday and call it Washington's Birthday, we should have it fall in that week when the birthday actually occurs. That week is the fourth week of February, not the third.

We should not be diverted by the argument that on the day Washington was born the calendar read February 11. In every country of the Christian world, except the United Kingdom and her colonies, the calendar that day read February 22. When the calendar in Virginia that day read February 11, that calendar was wrong.

LEGISLATION TO REGULATE DUMPING OF WASTE MATERIALS IN COASTAL WATERS, OCEANS AND GREAT LAKES AND ESTABLISH MARINE SANCTUARIES

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, today I am reintroducing a bill with 52 cosponsors from both sides of the aisle to regulate the dumping of waste materials of all kinds into our coastal waters, the oceans and the Great Lakes; and to authorize the establishment of a system of marine sanctuaries where dumping and all other intrusions by man will be prohibited.

Ocean-dumped wastes are heavily concentrated and contain materials that have serious adverse ecological effects. Many are toxic to human and marine life, deplete oxygen necessary to maintain the marine ecosystem, reduce population of fish and other economic resources, and damage esthetic values.

According to the Council on Environmental Quality, 48 million tons of wastes were dumped at sea in 1968. These wastes included dredge spoils, industrial wastes, sewage sludge, construction and demolition debris, solid waste, explosives, chemical munitions, radioactive wastes, and miscellaneous materials.

There are at least 250 known official and unofficial disposal sites off U.S. coasts. Half of the ocean dumping grounds are located off the Atlantic coast while the other half is divided evenly between the gulf and Pacific coasts.

Recent dumpings off the coast of Florida have had serious ecological effects. On November 30, 1970, the U.S. Navy dumped 500,000 gallons of waste oil into the Atlantic Ocean approximately 30 to 50 miles due east of Jacksonville, Fla. And on August 23, 1970, 25,000 gallons of sulphuric acid and caustic soda were dumped into the St. Johns River at Mayport Naval Base by the Koniner Construction Co.

Decisions made by municipalities and industries in the next few years could lead to dramatic increases in the level of dumping. Because the capacity of land-based disposal sites is rapidly being exhausted in some coastal cities, communities are looking to the ocean as a dumping ground for their wastes. Faced with higher water quality standards, industries may also look to the ocean for disposal. The result could be a massive increase in the already growing level of ocean dumping.

The bill which we introduce today is the result of 3 months of extensive hearings held in the second session of the 91st Congress by the Committee on Merchant Marine and Fisheries, dealing with various aspects of ocean dumping and the protection of the marine environment.

In my opinion, this bill offers several important and desirable features which are lacking in the bill proposed by the administration. In addition, my bill, unlike that of the administration, conforms closely to the recommendations of the Council on Environmental Quality as to what provisions ocean dumping legislation should contain.

It is important that we in the Congress decide the kinds and places of dumping that should be proscribed and not leave it simply to the discretion of the Administrator of the Environmental Protection Agency. Furthermore, this is an area of such importance that strong legislation is required. Delegating full authority to the Administrator of EPA will result in a so-called balancing of interests that will perhaps lead to less stringent enforcement.

The legislation I have introduced has a threefold approach. First, instead of designating areas where dumping may be conducted safely, my bill concentrates on determining which areas of our marine environment are most valuable and setting them aside as sanctuaries. Second, similar to the administration's proposal, my bill also prohibits the dumping of waste material into the oceans, coastal waters, and estuarine areas, except under a permit signed by the Administrator of the Environmental Protection Agency. Third, the bill proscribes absolutely the dumping of toxic, radioactive, and chemical biological warfare material.

I have chosen as a vehicle for this legislation the act of August 3, 1968, which declared as a national policy the concept that the estuarine areas of the United States are of great value to America and must be protected and conserved for the future of this Nation. This act was chosen, Mr. Speaker, because of the need to relate the problem of ocean dumping to the broader problem of preserving certain ecosystems within the coastal zone areas. This need exists because the dumping of dredge spoil constitutes the largest single element in the growing volume of refuse being dumped into the ocean. And most dredge spoil is dumped relatively inshore, where it may contaminate the valuable shellfish and fish species generally.

The report of the Council on Environmental Quality recommended:

> High priority be given to protecting those portions of the marine environment which are biologically most active, namely the estuaries and the shallow, nearshore areas in which many marine organisms breed or spawn. These biologically critical areas should be delineated and protected.

Both the act of August 3, 1968, and the report of the Council would seem to mandate that my ocean-dumping legislation would have to include a provision for setting aside as sanctuaries those areas of our marine environment which are determined most valuable.

Section 3 of the bill we introduce today authorizes the Secretary of Commerce acting through the newly established National Oceanic and Atmospheric Administration, in conjunction with the Secretary of the Interior, the Administrator of the Environmental Protection Agency and the Council on Environmental Quality, to designate as marine sanctuaries those areas which the Secretary determines should be preserved or restored for their recreation, conservation, ecological or esthetic value. This section directs the Secretary to make an initial designation of marine sanctuaries within 2 years following the date of enactment of the legislation, and require him to submit an annual report to the President and Congress reviewing the activities under this act. Adequate funds are authorized for the conduct of studies leading to the designation of marine sanctuaries. The Secretary of Interior may not renew any license or permit for marine mining activity within an area under study for designation as a marine sanctuary, nor may the Administrator of EPA issue or renew any permit for dumping in any areas under study.

Section 2 of the bill amends section 6 of the 1968 act to prohibit disposal of waste materials without a permit issued by the Administrator of EPA, under such terms and conditions as he determines necessary to insure that the dumping or disposal will not damage the ecology of the marine environment.

The minimum guidelines which this bill sets forth for the issuance of permits corresponds with those suggested by the Council on Environmental Quality and differs markedly from those contained in the Administration's proposed bill.

"Waste material" is defined so as to include all solid and liquid industrial byproducts, chemicals, sewage, sludge, dredging spoils, and debris. "Disposal" is defined as the placing, releasing or discharging by any means whatsoever.

The administration's proposal, on the other hand, specifically excludes municipal sewage outfalls or industrial waste outfalls from the definition of dumping.

Following the recommendations of the Council on Environmental Quality, my bill proposes a phasing out of the dumping or disposal of municipal sewage or industrial waste. After January 1, 1972, no disposal could take place unless such sewage or industrial waste has received primary treatment in accordance with standards established by the Administrator. After January 1, 1974, no permit may be issued unless such sewage or industrial waste has received primary and secondary treatment; and after January 1, 1976, no permit can be issued unless primary, secondary, and tertiary treatment has been received.

This gradual strengthening of standards will allow the companies and municipalities involved leadtime to develop new processes for treatment and also eradicate a major source of ocean pollution.

The dumping of radioactive wastes, toxic industrial wastes, and chemical and biological warfare material are completely prohibited. The serious adverse effects which the dumping of these materials could and do have, coupled with interim and long-term alternatives to their dumping in the oceans leads me to believe that no rational "balancing of interests" requires the use of our oceans and coastal waters for their dumping.

In this regard, the Council on Environmental Quality concluded that "no ocean dumping of chemical warfare materials should be permitted," and "ocean dumping of industrial wastes should be stopped as soon as possible." They also called for more stringent standards regulating the dumping of radioactive materials.

Finally, the bill we introduce today recognizes the fact that stringent enforcement of these regulations is required if the purpose and spirit of the act is to be accomplished. Fines for unauthorized dumping range from a minimum of $2,000 up to $10,000 for the first offense, and from $10,000 to $25,000 for each succeeding offense. It further provides that any vessel or barge engaged in dumping in violation of the act shall be forfeited. The Administrator of EPA, the Coast Guard, and the Corps of Engineers, acting jointly, shall enforce the act. This legislation also empowers the Coast Guard to stop and search vessels in our territorial waters and in the contiguous zone to determine whether they are engaged in unauthorized dumping activities or related transportation activities.

FOREIGN ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

Since my March 1970 Report on Foreign Assistance, I have proposed to the Congress a major transformation in the policy directions and organizational structure of this important program.

The proposals are made necessary by the dramatic changes which have taken place over recent years in the conditions that surround and influence development assistance:

—The lower income countries themselves have made impressive progress and gained experience which makes it possible for them to stand at the center of the development process;

—The other industrialized nations can now afford to provide major assistance to the poorer nations, and most of them now have substantial and expanding programs in this field;

—A number of international development institutions now possess a capability to help match the efforts of the recipient countries themselves with the most effective possible blend of assistance from donor nations;

—The private sector has become increasingly active and effective in channeling investments in a fashion to stimulate growth in the lower income countries.

The Annual Report on the Foreign Assistance Program for Fiscal Year 1970, which I transmit herewith, covers a period in which we undertook to formulate and present to Congress a more effective foreign assistance program tailored to the needs of the 70's. But it was also a period in which our present foreign assistance program helped lower income nations to achieve a number of gratifying successes:

—India harvested the largest food grain crop in its history and was able to reduce food grain imports 50 percent below the previous year's level;

—Thailand approved voluntary family planning as a national policy, and Ghana adopted a major population program;

—West Pakistan produced enough wheat not only to meet its own needs but to allow shipments of wheat to East Pakistan;

—Domestic savings in Turkey, encouraged by an effective fiscal policy, rose to 18 percent of that country's gross national product and financed 91 percent of its fixed investment;

—Ten million school-age children in Brazil each day received nutritious lunches which included U.S. foodstuffs.

In the important field of technical assistance, the Agency for International Development focused its efforts increasingly on a limited number of key problems. Among these were the "second-generation" problems resulting from the "Green Revolution." Dramatically increased agricultural yields and new technology have in some instances contributed to shortages of facilities for storage, shipment and marketing and to rural unemployment. AID sought to assist in solving these problems in order to insure the ongoing success of this significant "Revolution." It also sponsored new research in important areas such as food production and family planning. A total of $75 million was provided for the conduct of population programs, a rise of 64 percent over the previous year.

I am proud that our present foreign assistance program has achieved important successes in a field in which quick and dramatic successes are few. Development assistance, however slow it results, is an important means of cooperating with the lower income nations to help them solve their most critical problems—those of improving the quality of life of their citizens. By creating a community of nations working together to solve the problems of humanity rather than adding to them, through war and civil strife, it clearly serves a major national interest. Our new program will be designed to meet the new needs of a new decade and thereby permit us to pursue that interest more effectively, in a way which insures our being increasingly responsive to the needs of the peoples of the developing world. It will, I believe, be recognized by our people as a proud American investment in the future of all mankind, and therefore in a better world for future generations of Americans.

RICHARD NIXON.

THE WHITE HOUSE, *February 17, 1971.*

REVENUE SHARING

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHWENGEL. Mr. Speaker, as one who supports a revenue sharing plan with local and State governments, it is disturbing to note some of the false arguments and faulty reasoning that is now being used in opposition to proposed legislation to make possible some tax relief for State and local governments.

Most perplexing of all is the canard, which is now being resurrected, that State and city governments are more corrupt and less efficient than Federal Government. Ironically, this misconception is the hardest to refute because it is based on emotion and self-interest rather than fact.

The idea that the cream has risen to the top is prevalent among bureaucrats and politicians at the national level. Unfortunately, as one who has had the opportunity to observe Federal Government in action, I must confess that I have not ever found that big government is necessarily synonymous with good government.

There are thousands upon thousands of government officials serving the States, counties, and cities, who could be brought to Washington to administer Government programs, and they would do as good a job, if not better, than their Federal counterparts. I do not suggest that we should attempt such a transposition; but, rather, as the President has asked, that we give these State and locality managers a chance to make their own decisions. That we use the tax machinery of the Federal Government to raise funds but then return them to those who are closest, and therefore most responsive to the people. I believe the result will be better government and more efficient government for America at all levels. President Nixon's proposal for revenue sharing is constructive. I am proud to be a cosponsor. It should come to the floor of the House.

PROGRESS IN CORRECTING RAIL PASSENGER PROBLEMS IN NEW ENGLAND AREA

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this opportunity to call to your attention and the attention of the honorable Members of the House the solid progress which is being made in straightening out the rail passenger problems in the New England area. I think it is safe to say that passenger fortunes vis-a-vis railway service had reached a point below which they could not drop without witnessing the complete abolition of rail service altogether. Thus, any attempt at salvaging something out of the present situation becomes a ray of hope for the future—something to be seized upon as a sign of better days to come. In this respect, the recent announcement by the Secretary of Transportation that his Department has extended its lease of Turbo-train equipment for 2 more years between Boston and New York City is welcome news indeed and the Secretary is to be commended by us all for taking this step. It removes some uncertainty at least for the next 2 years.

I am particularly happy about the Boston-New York Turbos now going into the Penn Central Station instead of Grand Central Station in New York, providing a direct physical linkup for the first time at one Manhattan terminal. Displaying unusual foresight for a bureaucracy, it is welcome news indeed to note that the Secretary has assured us that travelers between Boston and Washington now will be able to make convenient connections since the necessary schedule and platform adustments will be made.

From now on it will be possible to leave Boston each day at 7:25 a.m. and arrive in Washington by 2:29 p.m. with but a short 17 minute holdover in New York City. The reverse trip leaves Washington at 1 p.m. and arrives at Boston at 8:04 p.m. with but a short 16 minute holdover in New York City.

There is still, of course, considerable room for improvement. The traveling time between Boston and New York is still grossly uncompetitive with air transportation. Hopefully, the Secretary will do all in his power to improve on this. The fare differential, however, is somewhat more competitive with a one-way coach fare between Washington and Boston costing $31.75 and parlor car fare, $38.15—with comparable airline fares costing $39 and $40, respectively.

As I say, the Secretary is to be commended. However, I would also like to record some disappointment that he was unable to provide in the national route system approved for his new Railpax Corp. a northern route running through New England to a major Canadian city, such as Montreal. It seems difficult to accept that the Secretary has determined that there is no need for passenger rail service between important cities such as Washington, Boston, Philadelphia, New York and Montreal via New England. Hopefully, this oversight can be remedied at some point in the future. At present, there is a complete absence of intercity rail passenger service north and east of Boston ignoring a substantial growth, industrial, and residential, in the Boston, Manchester-Concord, Portland-Bangor extensions of the Washington-Boston Megalopolis Corridor. Highest priority should be given to a feasibility and cost-benefit study of establishing rail passenger service to meet the needs of these important areas of New England and to provide additional traffic for the main-line Boston-New York-Washington basic system route.

If the Secretary displays the same kind of imagination and concern for rail passengers in the future that he has just demonstrated in recent days, then I am sure we from New England will all feel much more confident of our region's future. To date, Secretary Volpe deserves the support and appreciation of the New England delegation.

STEIGER, MATSUNAGA JOINED BY 80 OTHERS IN SPONSORING VOLUNTEER MILITARY BILL

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 1 hour.

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, last year, the President's Commission on an All-Volunteer Force—the Gates Commission—reported that a voluntary military was not only feasible, but also desirable for the Nation. The report of the Commission has received broad bipartisan support, as evidenced by the diverse ideological concerns and geographical areas represented by the 82 cosponsors of the legislation we are introducing today to implement the Commission's recommendation.

Virtually all Americans—young men, their employers, and their friends and parents—have been deeply affected by the uncertainties, disruptions, and intense personal suffering caused by the draft. But the cruelest impact of conscription has been on the minority who are actually called to service. The ability to compel young men to enter the military has led to a shameful neglect of the lower enlisted grades. For example, pay for career personnel was increased by 111 percent between 1948 and 1969, but by only 60 percent for first-termers during that period.

The result has been to impoverish many of our men in uniform: Nearly 50,000 servicemen now qualify for welfare; food stamp usage is increasing in military PX's; and, in Europe, where welfare is not available, we have learned that GI's are living in unheated homes with open sewage running in their yards. We should not tolerate a system that compels our young men to leave civilian life, and then forces them to choose between poverty and welfare. Regardless of other action on the draft, the pay recommendations of our legislation must be enacted so that military service no longer imposes a financial penalty on our men in uniform.

Currently, the average recruit earns only $2,750 a year, while the annual wage of a Job Corps graduate is $3,900 and the beginning pay for most unskilled blue collar work is $6,000. The difference between military entry pay and civilian wages represents a tax-in-kind of nearly $2 billion on those who are compelled to join the Armed Forces. Thus, the unlucky few who are drafted, or are draft-motivated volunteers, must bear a grossly disproportionate share of the national defense burden. In a democratic society, particularly in an affluent democratic society, it is intolerable that we use compulsory military service to reduce the cost of defense to the general public.

In moving toward an all-volunteer force, we are not only providing for the freedom and dignity of the individual, we are also developing a system that will enhance our defense capability. Competence, not compulsion, is the key to national security. No system can operate efficiently with a reenlistment rate of only 7 percent—the figure for today's draftees. By paying a fair wage, we will be able to attract and retain men who will remain in service long enough to become proficient at the technical machinery of modern warfare.

Our legislation insures an adequate defense capability for any contingency, by providing for a strengthened reserve and continued registration for a standby draft system. In keeping with the constitutional prerogative of the Congress to raise and support armies, our bill states that the draft may be reinstated only with the joint approval of the Senate and House. This provision will give the representatives of the people the ability to vote on the wisdom of any venture requiring large increases in military manpower.

In his message on the draft last month, President Nixon stated:

> With an end to the draft we will demonstrate to the world the responsiveness of our system of government—and we will also demonstrate our continuing commitment to the principle of ensuring for the individual the greatest possible measure of freedom.

This coming Saturday will mark the passage of exactly 1 year since the Gates Commission reported to the President that action on their recommendations could establish an all-volunteer force within the span of 1 fiscal year. We owe it to our Nation, particularly to the young men in service and those vulnerable to the draft, to implement immediately the measures needed to end compulsory military service.

Mr. Speaker, I should now like to describe our proposal in somewhat greater detail. As I noted before, the pay raises we have called for should be enacted simply to eliminate poverty in the Armed Forces. Our pay proposals are also needed to develop an equitable pay structure. Air Force Times Editor Bob Schweitz recently illustrated the manner in which the draft has permitted the development of a highly unfair pay structure:

> From 1952 to 1965 there were no pay raises for enlisted men with fewer than two years of service. The raises for all other grades since 1952 have more than doubled those for the "under two's".
>
> Overall, the military force has received a cumulative basic pay hike of 154.3 percent since 1952, while the junior enlisted men have received only 86 percent, including the raise effective January 1, 1971 . . .
>
> The problem is more than one of percentages. It is also one of cold cash differences spelled out by the percentages.
>
> For example, the January 1 raise was 7.9 percent across the board in basic pay. At the E–1 recruit level it meant a $9.90 monthly increase. For an O–6 with 26 years, the same 7.9 percent meant a $132 raise. Thus the raise of the O–6 alone totaled almost as much as an E–1's present basic monthly basic pay of $134.40.

Mr. Schweitz, an acknowledged expert in military personnel matters, went on to note that there was little justification for this discriminatory practice:

> The "spread" in monthly basic pay between the recruit's mere $134.40, the supergrader's roughly $750–975, the colonel's $1800, and the four star general's nearly $3000 appears entirely out of line and totally unrealistic. Yet officialdom in recent years has allowed it to take place with apparently little concern or protest.

Our legislation is designed to establish a more reasonable pay structure for the first-termer, while also providing the appropriate increases for the career force to maintain a proper incentive system.

Most importantly, our pay structure will end the need for military conscription. In testimony before the Draft Subcommittee of the House Armed Services Committee, Defense officials noted that:

> Entry pay has been so low relative to civilian pay that it has no pull as a voluntary enlistment incentive.

According to the projections of the Gates Commission, the pay recommendations in our legislation will be sufficient to attract an all-volunteer force for fiscal year 1972 force levels—a drawdown from 2.7 million men to an end strength of 2.5 million. It should be remembered that in all of its deliberations, the Commission chose the most conservative estimates of enlistment and retention potential, so as to not compromise our national security requirements. This caution was only to be expected of a Commission whose members included a former Secretary of Defense, Mr. Thomas S. Gates, and two past NATO commanders, Generals Lauris Norstad and Alfred Gruenther.

Analysis of the recruiting figures during the first year of the lottery's operation have confirmed the Commission's estimates for the supply of military manpower. A large number of men with so-called safe lottery numbers, chose to enter service anyway, even at today's low rates of entry pay. The Defense Department has estimated that fully half of today's volunteers are not draft motivated. As military pay is raised to a reasonable level, we should easily be able to meet our military manpower requirements.

Aside from increases in basic pay, our legislation contains a number of other recommendations to help attract and retain the quantity and quality of personnel needed to staff an all-volunteer force. First, we have provided for a flexible ROTC scholarship program that will approximately double the number of college students receiving scholarships during the next fiscal year. Given the soaring costs of higher education, there is no doubt that this will prove to be an extremely popular program and will attract a high-caliber group to our officer corps. Second, we insure that professional services will be maintained by increasing the special pay of uniformed physicians, dentists, and veterinarians. We have also provided for a more equitable form of combat pay: The old $65/month category is retained for those currently covered, but a new $200/month category has been created for those men actually subject to hostile fire on a regular basis.

While we believe that our pay recommendations will be sufficient to attract an all-volunteer force, we recognize that pay alone cannot establish an efficient military personnel management program. Accordingly, there are a number of areas in which we have directed the Secretary of Defense to report to the Congress on the ways to enhance the attractiveness of a military career and improve manpower utilization.

CIVILIAN SUBSTITUTIONS

The basic guideline on civilianization was expressed in a 1954 directive from the Secretary of Defense:

> Civilian personnel will be used in positions which do not require military incumbents for reasons of law, training, secrecy, rotation or combat readiness . . .

The Defense Department carried on a large civilianization program in the mid-1960's for about 100,000 positions. It has been estimated that four civilians can fill in for every five military men replaced, thus creating the potential for substantial savings. The Gates Commission suggested that 115,000 positions are currently available for civilian substitution.

Aside from the savings that might be attained, civilian substitution can be used to enhance the attractiveness of service life. As one enlisted man wrote the Army Times:

> Besides our regular military police work, we rake and mow lawns, scrub, wax and buff floors, wash windows, wash and wax Army vehicles, clean offices and latrines we don't even use, prepare our rooms for daily inspections . . .

Secretary of the Navy John Chafee has given the best description of the source of the problem:

> We get the civilians, but then we do not get the money to pay them overtime . . . Say something like garbage collection. We do not get the overtime to pay the civilians on the schedule that has to be met. Therefore, the civilians do it during the working hours, but then the military have to take it over during the unattractive hours.

Admiral Zumwalt and his fellow chiefs have taken important steps to eliminate the Mickey Mouse and make-work, but it is essential that military personnel be freed from all activities which are not related to the performance of their military specialty. In calling for a billet-by-billet analysis by the Defense Department, our legislation will provide the means for determining the proper mix of civilian and military personnel in the Defense Establishment.

SPECIALIST EDUCATION

Given the high cost of medical education, it is likely that manning requirements in this area can be filled by a program in which physicians and dentists receive educational expenses in return for a period of obligated service. The Defense proposal for 2,000 medical scholarships is an important step in the right direction.

OFFICER TRAINING PROGRAMS

Aside from increasing ROTC scholarships, it is important that we develop ways to attract students at schools which do not have ROTC units. Possible models could be found in the Marine's platoon leader program, which focusses on summer training, or in metropolitan area centers. Also, maximum use should be made of the opportunities for enlisted personnel to advance to the officer corps.

RECRUITING

In the past, recruiting has been regarded as a low priority program. Little money was spent on advertising, and in spite of vast increases in manpower requirements, recruitor strengths were not raised from 1965–7. Recruitors were also discriminated against in that they were not made eligible for proficiency pay. Assistant Secretary of Defense Kelley has given a graphic illustration of the problem:

> As long as you have something like the draft that you can always use, it is easy to go to the well and make up for your deficiencies . . . we have not demanded enough of our enlistment program.
>
> If the services can establish their own comfortable month-to-month quota or goal, they would tend to establish that which is reasonably attainable, and therefore you don't make the extra 10 percent of effort to go out and do a superior job. We have to demand more of the enlistment program of the services. We have to make the services reach out for enlistment goals that are hard to attain, that will challenge the management fiber of the organization, that will make them put very, very good people in the recruiting business, so that the front window of the Army, Navy, the Marine Corps, and the Air Force to the public who is considering military service is the best possible profile that you can show. And I am not sure that we are doing this good a job, frankly.

Defense has begun to improve the situation as part of its project volunteer program, Recruitor strengths are being increased, prime time advertising has been purchased, and recruitors have been provided with a form of proficiency pay. In calling for a thorough report to Congress, our legislation insures that we will be able to determine whether the Defense Department has made a proper analysis of the relationship between enlistments and the recruiting effort, and whether the Department is allocating sufficient resources to the recruiting program.

EDUCATIONAL PROGRAMS

Improvements in the associate degree program will not only provide an incentive to enlistment, but will also allow for the development of a meaningful interaction between the military and the academic community.

HOUSING OPPORTUNITIES

Many military personnel now live in substandard housing. The pay increases we have recommended will solve some, but not all of these problems. It is not clear at this point whether the proper solution to the military housing crisis involves a vast increase in military construction for on-base housing, or a "variable housing allowance," which will allow more military people to live comfortably in the civilian community. By calling for a report to Congress, we will encourage the Secretary of Defense to develop a program that will outline the proper mix of military construction and housing allowances, while allowing our servicemen the maximum of freedom in choosing living arrangements.

FAMILY SEPARATION

DOD studies have shown a major cause of low-career retention rates to be long periods of family separation; part of the problem can be dealt with by providing all men, regardless of rank or length of service, with Government moving allowances. Admiral Zumwalt's order that ships can return to port at top speed, rather than at a limited speed, is the type of action which can be taken at little expense to increase the amount of time a serviceman may spend with his family.

USE OF CIVILIAN MEDICAL FACILITIES

More than one-quarter of a uniformed doctor's time is spent with dependents and retired personnel. Of course, it is imperative that we retain these services, but where they can be provided just as effectively, and with less expense by using civilian doctors, there is no need to tie military personnel to these duties.

At this point, Mr. Speaker, I want to include a summary of the bill, the bill, and a comparison of this legislation with that proposed by the administration:

Summary of the Voluntary Military Manpower Procurement Act of 1971

Assistant Secretary of Defense Roger Kelley: "Total (military compensation of a recruit) comes to $2,750. Now use any comparison you wish—the $1.60 an hour federal minimum wage which annualizes at $3,300, the annual pay of a Job Corps graduate of $3,900, or the common beginners' pay for unskilled blue collar work of $6,000. Measured by any standard military entry pay is much too low—so low, in fact, that present day pay levels keep people who would otherwise volunteer from enlisting in the Armed Forces."

1. The proposed legislation attempts to correct this situation by providing a pay increase of about 50% for first term enlisted men, and approximately 28% for junior officers.

2. The legislation incorporates the personnel management reforms recommended by the Gates Commission by directing the Secretary of Defense to:

Expand utilization of civilian personnel.

Improve and expand specialist education programs.

Improve and expand officer training programs.

Improve and expand recruiting programs.

Improve and expand educational opportunities, including associate degree programs and off duty courses.

Improve and expand housing opportunities.

Alleviate the problem of family separation for married members of the military services.

Formulate a plan for maximum use of civilian medical facilities, including a medical insurance program.

Formulate a new pay structure providing:

(1) Salary schedules, combining basic pay and quarters and subsistence allowances; and

(2) Cash contributions to a retirement system similar to that for Federal Civilian employees.

3. The legislation insures an adequate flow of officer candidates by providing for an increase in the number of reserve officer training corps scholarships, and an increase in the subsistence allowance for this group.

4. Increases hostile fire pay from $65 to $200.

5. Increases special pay for physicians, dentists, and veterinarians.

6. Insures national security in time of emergency by providing for continuation of registration, even if induction authority expires. The draft could be reinstituted, at the request of the President, by a joint resolution of the Senate and the House.

COMPARISON OF STEIGER-MATSUNAGA BILL WITH OTHER PROPOSALS—FIRST-TERM PAY—SELECTED GRADES[1]

Grade	Present	Administration proposal	Our proposal
E–1, recruit (under 4 months)	$134.40	$201.90	$301.50
E–1, private	143.70	201.90	310.80
E–2, private	149.10	222.90	320.70
E–3, private 1st class	180.90	244.20	336.90
E–4, corporal	249.90	305.10	352.80

[1] Appropriate increases are provided throughout the pay table to prevent compression of the incentive structure.

OFFICIAL DOD COST ESTIMATES FOR FISCAL YEAR 1972 FORCE LEVELS[1]

	Administration proposal	Our proposal
Compensation (includes Reserve and Guard pay)	$1,027.0	$2,714.2
Recruiting, ROTC, proficiency pay, Medical Corps, etc	493.1	410.0
Total	1,520.1	3,124.2

[1] In millions.

H.R. 4450

A bill to provide for the procurement of voluntary military manpower

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

Section 1. The Congress hereby finds that—

(1) the Armed Forces of the United States can be materially improved and strengthened by increasing and improving the economic and educational benefits of the members thereof, by elevating the status of military personnel generally, and by developing and maintaining a system of military manpower procurement based on the free choice of the individual;

(2) involuntary service in the Armed Forces is a discriminatory tax-in-kind upon those persons required to serve because it falls upon a relatively small number of the total population;

(3) the military manpower requirements of the Nation can be adequately met through

the effective administration of a voluntary system;

(4) a voluntary system should be instituted and given a fair test as soon as practicable while providing necessary safeguards in the event that unforeseen circumstances create a need for additional military manpower;

(5) the President, the Secretary of Defense, and the Secretaries of the military departments should exercise all authority available to them to promote the success of a voluntary system of meeting the military manpower needs of the Nation; and

(6) the Reserve forces should be maintained at adequate strength levels and should be better trained and equipped to meet emergency combat assignments.

CONTINUED REGISTRATION

SEC. 2. Notwithstanding the delimiting date specified in section 17(c) of the Military Selective Service Act of 1967, the President shall provide for the continued registration under such Act of all male persons in the United States between the ages of eighteen and twenty-six years in order that the involuntary induction of persons under such Act may be reinstituted without serious delay in the event the President determines pursuant to section 4 of this Act that such action is necessary and legislation authorizing conscription is enacted pursuant to such determination.

ACTION FOR REINSTITUTING CONSCRIPTION

SEC. 3. If at any time after the termination of induction of persons into the Armed Forces under the Military Selective Service Act of 1967 the President determines that the military manpower needs of the Nation are not being adequately met through a voluntary system and that conscription is necessary for the national security, he shall promptly notify the Congress of such determination, and of the facts upon which such determination is based, and submit to the Congress such recommendations for legislation as he deems necessary and desirable to provide for the involuntary induction of persons into the Armed Forces.

CONGRESSIONAL DIRECTIVES RELATING TO THE IMPROVEMENT OF THE ARMED FORCES

SEC. 4. (a) The President, the Secretary of Defense and the Secretaries of the military departments shall exercise the authority vested in them by law to provide for the military manpower needs of the Nation through a voluntary program of enlistments.

In the exercise of such authority, the Secretaries of the military departments shall, not later than three months after the date of enactment of this Act, under the direction and supervision of the Secretary of Defense, specifically provide for—

(1) the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers:

(2) the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant service;

(3) the improvement and expansion of programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance;

(4) the improvement and expansion of officer training programs, particularly programs to facilitate the qualifying and training of enlisted members who wish to become officers;

(5) the improvement and expansion of military recruiting programs;

(6) a more effective incentive program for recruiting personnel under which (A) successful recruiting personnel would be afforded the opportunity to earn extra pay or bonuses as well as accelerated promotions, and (B) quota systems would no longer be in effect;

(7) the improvement and expansion of educational opportunities, including associate degree programs and off-duty courses;

(8) ways to alleviate or prevent the problem of family separation for married members of the military services;

(9) the improvement and expansion of housing opportunities; and

(10) the institution of any other appropriate actions designed to upgrade the conditions of military service and the status of military personnel generally.

(b) In implementing subsection (a)(2) of this section, relating to increased utilization of civilian personnel, the Secretary of Defense shall, as soon as practicable, (1) conduct a position-by-position analysis of all military jobs within the Department of Defense with a view to determining which jobs should be performed by military personnel and which should be performed by civilian personnel, and (2) develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel. The position-by-position analysis and the development of data required under this subsection shall be completed not later than three months after the date of enactment of this Act.

(c) Not later than eighteen months after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of the voluntary system of meeting the military manpower needs of the Nation and for the improvement of the Armed Forces, and shall include in such report such recommendations for legislation to improve such system as he deems appropriate.

INCREASE IN PAY RATES FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. 6. The Secretary of Defense shall formulate not later than the first day of the first calendar month after which this Act is enacted a revised basic pay schedule for members of the uniformed services incorporating the increases in the basic pay of enlisted personnel and officers listed in the table below and such adjustments in the basic pay of other personnel as the Secretary deems necessary and appropriate to insure equitable pay differences between grades. The revised basic pay schedule formulated by the Secretary pursuant to this section shall become effective on the first day of the first calendar month after which this Act is enacted.

	YEARS OF SERVICE												
Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
Commissioned officers:														
O-10	2,111.40	2,185.80	2,185.80	2,185.80	2,185.80	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40	2,793.30	2,793.30	2,967.60
O-9	1,871.40	1,920.80	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30
O-5	941.40	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20
O-4	844.20	886.80	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,232.30	1,230.30	1,230.30	1,230.30
O-3	758.10	791.70	809.10	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2	693.30	726.00	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1	612.30	648.90	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60
Commissioned officers with over 4 years active service as an enlisted member:														
O-3	0	0	0	864.90	906.00	938.70	989.10	1,038.30	1,080.30	1,080.30	1,082.30	1,080.30	1,080.30	1,080.30
O-2	0	0	0	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40
O-1	0	0	0	672.60	698.40	722.10	743.70	766.50	790.50	790.50	790.50	790.50	790.50	790.50
Warrant officers:														
W-4	666.30	714.60	714.60	731.10	764.40	798.00	831.00	889.80	930.60	963.90	989.10	1,022.10	1,056.00	1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W-2	544.20	576.60	576.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80
W-1	484.80	517.20	517.20	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20
Enlisted members:														
E-9	0	0	0	0	0	0	756.90	774.30	792.00	809.70	827.70	843.90	888.60	975.00
E-8	0	0	0	0	0	635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	445.80	478.50	496.20	513.60	531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E-6	411.30	431.70	448.80	463.20	480.30	497.40	514.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	378.90	397.80	413.10	429.00	446.10	462.90	479.70	496.80	505.50	505.50	505.50	505.50	505.50	505.50
E-4	352.80	370.50	387.90	405.30	421.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20
E-3	336.90	353.40	367.80	384.00	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40
E-2	320.70	336.60	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70
E-1	310.80	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40
E-1	301.50	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: E-1 under 4 months $301.50; O-10C/S $3,000; E-9M/S $1,185.

SPECIAL PAY FOR PHYSICIANS, DENTISTS, AND VETERINARIANS MADE PERMANENT; INCREASE IN SPECIAL PAY FOR PHYSICIANS AND DENTISTS

SEC. 6. (a) Sections 302 and 302 of title 32, United States Code, are amended by striking out "and before July 1, 1971." each time it appears in such sections.

(b) Section 302(1) of such title is amended by deleting the comma after "1947" the second time such date appears therein.

(c) Section 302(b) of such title is amended to read as follows:

"(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"(1) $150 a month for each month of active duty if he has not completed two years of active duty in a category named in that subsection;

"(2) $200 a month for each month of active duty if he has completed two years of active duty in a category named in that subsection;

"(3) $450 a month for each month of active duty if he has completed three years of active duty in a category named in that subsection;

"(4) $600 a month for each month of active duty if he has completed four years of active duty in a category named in that subsection;

"(5) $750 a month for each month of active duty if he has completed five years of active duty in a category named in that subsection;

"(6) $900 a month for each month of active duty if he has completed six years of active duty in a category named in that subsection; or

"(7) $1,050 a month for each month of active duty if he has completed seven years of active duty in a category named in that subsection."

MORE EFFECTIVE USE OF PROFICIENCY PAY FOR ENLISTED MEMBERS

Sec. 7. (a) The Secretary of Defense shall, at the earliest practicable date, promulgate regulations under which the Armed Forces will increase the utilization of proficiency pay authorized by section 307 of title 37, United States Code, for the purpose of attracting and retaining enlisted members who are specially proficient in military skills.

(b) Section 307 of title 37, United States Code, is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) a new subsection (d) as follows:

"(d) Proficiency pay under subsection (a) (1) or (a)(2) of this section shall be made available to enlisted members with critical skills after such members have satisfactorily completed their training in such skill. Proficiency pay under this section shall be paid to enlisted members who qualify therefor without regard to whether they are career members or not."

HOSTILE FIRE PAY INCREASE

Sec. 8. Section 310(a) of title 37, United States Code, is amended by striking out "$65" and inserting in lieu thereof "$200."

COMBAT ZONE PAY

Sec. 9. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 310 a new section as follows:

"§ 310a. Special pay: duty in a combat zone

"(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of the uniformed services may be paid at the rate of $65 a month for any month in which he was entitled to basic pay and was serving in a combat zone.

"(b) A member may not be paid special pay under this section for any month for which he receives special pay under section 310 of this title, but may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

"(c) The provisions of section 310(c) of this title relating to determination of fact under that section shall apply in the case of the determination of fact under this section.

"(d) The Secretary of Defense shall report to the Congress by March 1 of each year on the administration of this section during the preceding calendar year.

"(e) As used in this section, the term 'combat zone' means any area which the President by Executive order designates as an area in which Armed Forces of the United States are engaged in combat."

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting immediately below

"310. Special pay: duty subject to hostile fire."

the following:

"310a. Special pay: duty in a combat zone.".

EXTENSION OF TIME WITHIN WHICH REENLISTMENT BONUSES MAY BE PAID

Sec. 10. Section 308(a) of title 37, United States Code, is amended by striking out "within three months" and inserting in lieu thereof "within six months".

TRAVEL AND TRANSPORTATION ALLOWANCES AND DISLOCATION ALLOWANCES FOR ENLISTED MEMBERS IN LOWER GRADES

Sec. 11. (a) Section 406(a) of title 37, United States Code, is amended by inserting ", including a member in pay grade E–4 (four years or less service), E–3, E–2, or E–1," immediately after "A member of a uniformed service".

(b) Section 407(a) of such title is amended by striking out "uniformed service—" and inserting in lieu thereof "uniformed service, including a member in pay grade E–4 (four years or less service), E–3, E–2, or E–1—".

ENLISTMENTS AND DISCHARGES

Sec. 12. (a) Section 505(c) of title 10, United States Code, is amended to read as follows:

"(c) The Secretary concerned may accept original enlistments in the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, (1) of male persons for the duration of their minority or for a period of two years, and (2) of female persons for a period of two years. The Secretary concerned may accept an original enlistment in the case of any person for a specified period longer than two years, but not more than four years, where the cost of special education or training to be afforded such person would make a shorter enlistment period impracticable."

(b) Section 505(e) of such title is amended to read as follows:

"(e) The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for unspecified periods and for periods commensurate with the cost of any special education or training to be received by any member, as may be prescribed in regulations of the Secretary concerned. In no case shall the Secretary concerned specify a period of more than four years of obligated service because of special education or training to be received by any member."

(c) Section 509(a) of such title is amended by striking out "Under" and inserting in lieu thereof "Subject to the provisions of section 505(e) and".

(d) The Secretary of Defense shall promptly conduct a comprehensive study to determine the term of service which should be required of enlisted members who receive various types of special education or training programs. The Secretary concerned shall, on the basis of the conclusions reached in such study, prescribe by regulation the term of service required to be performed by enlisted members who receive special education or training.

(e) Section 1169 of such title is amended to read as follows:

"§1169. Regular enlisted members: limitations on discharged

"Any enlisted member who has completed his original period of enlistment and who has been reenlisted for an unspecified period shall be discharged upon written request, except that—

"(1) the Secretary concerned may refuse to grant a discharge during any period of war or national emergency;

"(2) a member shall be required to fulfill a term of service commensurate with the cost of any special education or training received by him, as prescribed in regulations of the Secretary concerned;

"(3) the Secretary concerned may refuse to grant a discharge to any enlisted member who has been assigned to sea duty or duty outside the United States; or

"(4) as otherwise provided by law."

RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAM INCREASE

Sec. 13. (a) That section 2107 of title 10, United States Code, is amended as follows:

"(h) The total number of cadets or midshipmen receiving financial assistance at any one time under subsection (a) in the current fiscal year may not be more than 10 percent of the authorized strength of that military department in commissioned officers on active duty as prescribed by the Secretary of Defense for the fourth fiscal year after the current fiscal year."

GREATER UTILIZATION OF CIVILIAN MEDICAL FACILITIES AND PERSONNEL

Sec. 14. (a) The Secretary of Defense shall, as soon as practicable after the date of enactment of this Act, formulate plans for utilization, to the maximum extent practicable, of civilian medical facilities and personnel to serve the medical needs of military personnel and their dependents. In formulating such plans the Secretary shall give consideration to more extensive use of a medical insurance program for retired personnel and their dependents and for the dependents of active duty personnel.

(b) The Secretary of Defense shall submit to the Congress the plans formulated pursuant to this section not more than nine months after the date of enactment of this Act, together with such recommendations for legislation as may be necessary to effectuate such plans.

FORMULATION OF NEW SALARY STRUCTURE FOR THE UNIFORMED SERVICES

Sec. 15. (a) The Secretary of Defense shall formulate as soon as practicable after the date of enactment of this Act a new pay structure for the uniformed services. Such pay structure shall—

(1) provide salary schedules of pay which combine basic pay rates and present allowances for quarters and subsistence;

(2) provide for cash contributions to a retirement system similar to the civil service retirement system provided for Federal civilian employees; and

(3) take into account the amount lost as the result of the termination of separate allowances for quarters and subsistence and the amount which will be contributed to a retirement system, including the loss of any tax advantage realized under current law.

The Secretary is authorized to include such other features in any new pay structure as he determines necessary or appropriate to make such pay structure fair and equitable and to attract qualified personnel to the uniformed services.

(b) The Secretary of Defense shall submit to the Congress the new pay structure formulated by him pursuant to this section not later than three months after the date of enactment of this Act.

SHORT TITLE

Sec. 16. This Act may be cited as the "Voluntary Military Manpower Procurement Act of 1970".

EFFECTIVE DATE

Sec. 17. This Act shall become effective upon the date of enactment, except that sections 5, 6, 7, 8, 9, 10 and 11 shall become effective on the first day of the first calendar month in which this Act is enacted.

Mr. STAFFORD. Mr. Speaker, I am pleased to join with my distinguished colleagues, Hon. WILLIAM STEIGER and Hon. SPARK MATSUNAGA, and 75 other

Members of the House, in filing the Voluntary Military Manpower Procurement Act of 1971. Since early 1967, several Members of Congress have promoted a program for a volunteer armed force. As one among them, I recommended a 31-point program to reduce draft calls to zero within 2 to 5 years. With the President's initiative, several steps have been taken within the Department of Defense to pursue this goal.

Now Congress must do its share.

To all those who have studied this issue conscientiously, it has become clear that a volunteer armed force promotes the best interests of our citizens, the military, and the Nation as a whole. By eliminating the need for the draft, we are returning to the central principle of maximizing individual freedom for which America has always stood. In addition to removing the awesome burden of attempting to select under compulsion only a few from all the able-bodied men, the volunteer army will increase the efficiency and effectiveness of our armed services.

It is essential that we raise the pay of our first-termers in order to remove the current inequity of having to serve 2 years at wages considerably below those that could be earned at home. This reform is necessary regardless of how one feels about a volunteer military. While such a program requires an initial budgetary increase, much evidence has shown that the Nation will actually save money in economic terms because the costs of manpower are currently hidden with the in-kind nature of the payment made by first-termers.

I believe the bill which we are filing today goes a long way toward insuring a volunteer force. Closely reflecting the recommendations of the Gates Commission, the bill includes a pay increase of about 50 percent for first-term enlisted men and about 28 percent for junior officers; increases in scholarships and allowances for Reserve officer training programs; increases in special pays, such as hostile fire pay; and direction to the Secretary of Defense to undertake several additional manpower reforms.

I urge my colleagues to give this issue their closest attention.

Mr. SEBELIUS. Mr. Speaker, I am very happy to join in the remarks of my colleagues in regard to the Voluntary Military Manpower Procurement Act of 1971.

I have the pleasure of being one of the cosponsors of this bill, and I believe it is a most important piece of legislation, not so much because I am committed to seeing all of the recommendations of the Gates Commission's report implemented by this year, but because I believe we must study and improve our national defense posture and increase the wages of enlisted personnel.

I must admit to reservations concerning the feasibility and desirability of immediate implementation of the proposed volunteer army. I have reservations regarding the capability of an all-volunteer army from the standpoint of our national defense and about the advisability of creating a highly professional force separate and perhaps segregated from our civilian population. I do not believe that the program can be successfully implemented as long as we are in Southeast Asia in a combat role, but I also think our combat role in Southeast Asia will end in the near future. Therefore, this legislation is most timely and appropriate.

Despite these reservations, I firmly believe that it is time we took a good hard look at the military in our country and stopped penalizing military personnel by denying them the opportunity to earn a livable income. President Nixon has already asked for an increase in the pay of military recruits. One of the main objectives of this bill is to establish a decent level of wages for men and women when they first enter the military by providing a pay increase of approximately 50 percent for enlisted personnel and 28 percent for junior officers.

Members of the military deserve to be paid an income that will enable them to live on an equal basis with the civilian population. As the system now stands, the average recruit earns only $2,750 a year, while the beginning pay for most unskilled blue collar work is $6,000.

Despite my reservations regarding this legislation, it is obvious that we must reform and improve our military system. After all, we ask the military man and woman to be first in their Nation's defense and first in accepting these responsibilities. I think it is high time we make it economically possible for them to be first-class citizens as well.

Mr. CLEVELAND. Mr. Speaker, it is a pleasure to participate briefly in this special order on behalf of legislation designed to bring about an all-volunteer army. In the 91st Congress I was a cosponsor of similar legislation, and I am a cosponsor again this session. While it may not be possible to attain such an objective during a period of war, this bill commits the United States to trying to achieve it as the present war winds down. Then, as the war ends, the goal of an all-volunteer army may at last be met.

One important result of this legislation is that it encourages public discussion and debate on the need and cost of an all-volunteer army, as opposed to the present system which relies on draftees. From this constructive debate a new national policy may emerge.

Historically our Nation has had to resort to conscription only three times—during the Civil War, for a short period during World War I, and in the 30 years since the beginning of World War II. Now, as the Vietnam war is coming to an end, it is an excellent time to return to the American tradition of a volunteer army. This goal of an all-volunteer army should be placed high on our list of national priorities, so that we can end the present system, which has in many instances proven to be unfair and inequitable.

Mr. BADILLO. Mr. Speaker, I am pleased to join with a number of my colleagues today in sponsoring legislation aimed at ending the draft and establishing a volunteer military service.

The draft—more than most other issues with which we are confronted—has become the symbol of the gap between the generations and is a major source of friction in our society. Inherently inequitable, the draft imposes an undue burden of service on some whereas others are left totally free of any obligation. All too often, minority groups and the economically disadvantaged have borne the major burden of this inequitable system. Unfortunately, the Congress has failed to meet its obligation of reforming this archaic and unfair system. As a consequence, injustices have been compounded, the uniform application of national standards has not been effective and young men are still faced with an underlying uncertainty. Piecemeal administrative, legislative and judicial changes simply will not do and the draft system is quickly becoming unworkable.

We are at the point where our national priorities and military manpower requirements should be subject to close scrutiny and careful reexamination. A basic institution which must be given the closest study is the manner in which we raise and maintain our military forces. I believe the outstanding work of the Gates Commission has clearly demonstrated the efficacy of a volunteer military service. This outstanding group originally recommended that such a volunteer force be established by the middle of this year but—as so frequently happens with presidential commissions or similar bodies—its suggestions were generally ignored, even though the President has publicly expressed his desire to move toward an all-volunteer armed force.

The time for additional discussion must end and prompt and positive action must now be taken. Involuntary conscription is basically foreign to our country as military service has been voluntary for most of our history except for the 20th century. We must move away from the increasing dependence on conscription. While there may be times when conscription is the only alternative to destruction, it should be implemented only as a last resort and routine military needs can and should be met by volunteers.

Establishing a volunteer army becomes increasingly feasible. Looking at just raw figures it soon becomes apparent that the volume of potential volunteers is steadily increasing. In the early 1950's, for example, there were some 1,100,000 men of draft age and this figure will almost double by 1975.

A volunteer armed force will have a higher quality than our present force composed of so many draftees. The present draft system is designed only to provide large numbers of men whereas a volunteer system would provide an efficient military force, emphasizing quality rather than quantity. The increasing sophistication of modern military technology has restructured the nature of manpower needs and a large percentage of inductees—most of whom never become highly trained or highly skilled technicians—are not able to fully meet the armed services' requirements, even though today's educational level in the military is substantially higher than what it was 10 or 15 years ago. The military has frequently demonstrated its ability to train personnel in various fields of advanced technology. Although it will have to cope with private industry competition, I believe the military services should be able to recruit educated men needed to handle current advanced military hardware.

Mr. Speaker, one of the basic tenets of the report issued by the Gates Commission and the legislation we are introducing today is that a decent wage level should be established for the men and women serving in the Armed Forces. The volunteer military service is viable and can be sustained if our military men and women are given an increased and living wage, plus increased educational opportunities, better housing and other benefits not now available to them. If a man is being asked to risk his life he should at least be paid the minimum wage. Today an entering Army private makes just slightly more than a Rumanian peasant on a collective farm. The current military pay structure simply is not acceptable.

One of the major objections raised to a volunteer army is the budgetary increase caused by the rise in costs of the pay and benefits needed to attract volunteers. However, this increase should be offset by the decreased need and costs of training facilities and the elimination of the huge costs and inefficiencies of higher turnover offered by career service. The Army, for example, presently has an annual turnover rate of approximately 17 percent. The men who are leaving must be replaced with others whose training for the various positions they must fill often lasts beyond one year. I believe that by using men who enjoy their work and are suited to their jobs, the efficiency of the Armed Forces will be greatly increased and the number of men needed for each job will be significantly reduced.

There are other pertinent issues, Mr. Speaker, which I will not take time to discuss at this point but will raise at such time as hearings are held on this legislation. But there is one important point to which I want to address myself before concluding.

Some express the fear that a volunteer army would predominantly become composed of minority groups. This, in my opinion, is spurious. Numerous minority group and economically disadvantaged people presently find very rewarding and satisfying careers in the military. However, as a member of and spokesman for a minority group, I can assure skeptics that blacks and Puerto Ricans want to enlist in a voluntary army no more than they want to be induced and serve involuntarily and I foresee no significant change in the present rate of enlistment. My sentiments are amply supported by the Presidential Commission on an All-Volunteer Armed Force which said the evidence indicates that an all-volunteer force will not differ significantly in composition from the present mixed force of volunteers and conscripts. Poor, uneducated blacks and Puerto Ricans are outnumbered by poor, uneducated whites by more than two to one. If increases in pay and benefits are going to attract primarily the poor and uneducated in the first place—as some contend—both white and non-white should be fairly equally drawn to a military career. It must also be remembered that the percentage of nonwhites in the entire country is little more than 10 percent. Finally, powerful factors would work in a volunteer army toward keeping the present proportion where it is in the draft army and pay raises will attract whites as much as nonwhites, just as both are drawn into police forces for similar compensation. Other attractive forces for both groups will be better conditions and educational opportunities.

Mr. Speaker, the current draft law expires in less than 5 months. The Congress must take some meaningful action on this issue. I urge that this legislation be given prompt and careful consideration and that hearings be scheduled at the earliest possible date.

Mr. HORTON. Mr. Speaker, in November 1967, I published, with Congressman Robert T. Stafford, Charles W. Whalen, Jr., Garner E. Shriver, and Senator Richard Schweiker, the book "How To End the Draft: The Case for an All-Volunteer Army." Since then, there has been a growing awareness of and acceptance of this concept across our Nation.

Last year, the President's Commission on an All-Volunteer Force—the Gates Commission—completed its study and reported that a volunteer armed force was not only feasible—it was highly desirable.

It has been apparent for some time, Mr. Speaker, that our Nation has the wherewithal to accomplish this change, thereby creating more efficient, better motivated, more economical Armed Forces.

Our military would be more efficient in dramatic ways. In a conversation last week, Mr. Roger T. Kelley, Assistant Secretary of Defense for Manpower and Reserve Affairs, informed me that the British Army derives as much service from two enlistees as it formerly did from three conscripts. A 33 percent saving in manpower is no small accomplishment, Mr. Speaker. And a 33 percent waste of manpower is no small problem. I have every reason to believe we can expect comparable manpower "savings" from the Volunteer Military Manpower Act of 1971.

We are all familiar with stories of drafted lawyers becoming cooks, electricians trained to be mechanics, plumbers trained to be electricians. The legislation introduced today should go a long way in changing this situation.

The Volunteer Military Manpower Act of 1971 will also create a better motivated Armed Force. For years, our young men, their loved ones, and their employers have suffered the disruption and the uncertainty of the draft. Those who are called up must experience significant disruption by their careers, their education, and their families, accompanied by significant financial hardship.

Assistant Secretary of Defense Kelley indicated a genius for understatement when he said:

> . . . Total (military compensation for a recruit) comes to $2,750. Now use any comparison you wish—the $1.60 an hour federal minimum wage which annualizes at $3,300, the annual pay of a Job Corps graduate of $3,900, or the common beginners' pay for unskilled blue collar work of $6,000. *Measured by any standard military entry pay is much too low—so low, in fact, that present day pay levels keep people who would otherwise volunteer from enlisting in the Armed Forces.*

It has recently been disclosed that nearly 50,000 servicemen qualify for public welfare; food stamps are a common sight at military PX's; families of some GI's are living in substandard, appalling poverty.

I should think, Mr. Speaker, that the pay increases proposed in today's legislation would help ameliorate the despair, cynicism, and poor motivation that many of our young servicemen must certainly feel.

The Volunteer Military Manpower Act of 1971 would also make our military more economical, Mr. Speaker. It takes thousands of dollars to train a man to be a reliable infantryman; it takes much more to train him in radar or to be a helicopter pilot. And all this training is lost after 2 or 3 short years, with no transfer of experience or training to the new recruit. One reason for opposition to this legislation, Mr. Speaker, is the expense incurred in a transfer to an all-volunteer army. While the initial "transfer cost" is more than that of continuing things the way they are, the eventual effect would be more economical.

The legislation introduced today provides for pay increases, improved use of facilities, allowances, and career development, improved training programs, and improved utilization of manpower. The option of resuming the draft in a national emergency is, however, reserved.

Mr. Speaker, opponents of this legislation have raised the question of our defense, and claimed that this change would imperil our military strength. This is erroneous, to say the least. I think it is important to note that the military has joined the list of supporters of the Gates Commission report. This legislation provides for a highly motivated citizen-army of volunteers, in contrast to a poorly motivated citizen-army of conscripts. It encourages efficient Armed Forces at a lesser cost to our Nation. If anything, Mr. Speaker, this bill represents a serious effort toward strengthening our Nation's defense and morale.

I am proud to add my signature and active support to the Volunteer Military Manpower Act of 1971.

GENERAL LEAVE

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks and to include extraneous matter on the subject of my special order of today.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

A BILL TO REQUIRE ADVANCE PUBLIC NOTICE BEFORE HUD CONSIDERS ANY APPLICATION FOR SUBSIDIZED HOUSING LOANS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. FISHER) is recognized for 15 minutes.

Mr. FISHER. Mr. Speaker, I have taken this time today in order to call attention to a bill I have introduced, to amend the 1968 Housing Act by requiring that before subsidized loans under sections 235 and 236 are considered by the housing authority, a notice of such pending application shall be publicized. That would enable all interested citizens to express their views.

My bill also requires that before any subsidized housing loan is granted it must be determined that local schools would not thereby be unduly burdened; that the location of the structure would not adversely affect local property values; that there would be no substantial disruption of a developed neighborhood; and that the local governing body must first approve such a project.

It seems to me that local citizens and taxpayers are entitled to be heard under these circumstances. After all, in case of subsidized loans every taxpayer must chip in to help pay the bill. That alone gives them a vested interest in the project, its location, and any undue burdens the project could be expected to have on the local community.

I do hope the Committee on Banking and Currency, which has jurisdiction over housing laws, will carefully consider this problem and the urgent need for remedial legislation.

ACT OF 1968 INVITES TROUBLE

Mr. Speaker, it will be recalled that the 1968 Housing Act was a lengthy, omnibus measure, loosely drawn, and hurriedly considered by the Congress. Some of the highly subsidized features were added by Senate amendments.

Only recently a House committee, based upon a brief study of subsidized loans granted in a number of cities, found evidence of improprieties and fraudulent practices. And this was the result of a very limited study of loans under section 235. Because of lack of guidelines, controls, and necessary preliminary studies as applied to the entire act, it must be assumed other subsidized loan programs are equally as vulnerable.

In the city of San Antonio, a recent loan for the construction of what is known as Nimitz Apartments, was granted without any advance notice, and without any regard for the impact upon schools, utilities, and property values, by bringing into a developed community hundreds of new families as tenants.

In fact, when this loan was first revealed, I lodged a protest with HUD and insisted upon a public hearing. But I was told the loan, without any notice, had been finalized several months earlier and that $180,000 of the loan money had already been advanced.

In the neighborhood where the Nimitz Apartments project is to be constructed, local schools are already overcrowded, and some utilities which serve the community are reported to be already overburdened. It stands to reason that all of these facts should be taken into account before such loans are approved.

Mr. Speaker, I was one of those who voted against the enactment of the Housing Act of 1968 when that measure was approved in the House on July 10, 1968, recorded in the CONGRESSIONAL RECORD, volume 114, part 16, pages 20561–20562. I felt then, and I feel now, that the law contains far too many loopholes, and not enough guidelines and controls to protect the legitimate rights and interests of taxpayers. Experience has shown that concern to have been well founded.

It will be recalled that the 1968 act was referred to at the time as a revolutionary measure and was described even by the ultra-liberal Washington Post as a "housing bonanza."

But it is now the law of the land, and it behooves the Congress to carefully examine loans under Turnkey III, sections 235 and 236, and a score of others, and enact the necessary amendments which would carry out the objectives and at the same time prevent abuses and protect those who may be adversely affected. In doing this, it should be kept in mind that the location of a project should be of a major consideration. There is plenty of room for such projects, but there are desirable locations and undesirable locations. In other words, the entire picture should be explored before any such subsidized loans are granted, and none should be granted where the project could be expected to impose an improper impact upon local citizens.

We all sympathize with the needy, but in the name of charity when has it become necessary for Uncle Sam to subsidize and underwrite a house for low-income purchasers or tenants, of the $24,000 class? It does not make sense to use a 2-ton truck to do the work of an ordinary pickup vehicle. Many Americans work and save for years in order to afford to live in a $20,000 home, and many of them are happy to settle for a house of less value than that.

LETTER TO PRESIDENT NIXON

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 30 minutes.

Mr. SMITH of Iowa. Mr. Speaker, today I have written a letter to President Nixon as follows:

FEBRUARY 17, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As a member of the House Appropriations Subcommittee which recommends appropriations for the Department of Health, Education and Welfare, I have for several years had the opportunity to question and to hear the greatest medical experts available and it has become abundantly clear to many of us on the Committee that the health care problems in this country are not only getting worse but also that they will not be overcome in the foreseeable future unless there is substantial change in the method of delivering health services in this country. It has become obvious that under the state laws that now exist and the medical practice acts, as well as the various kinds of limitations on training physicians, there is no possibility that everyone who needs medical services in this country can be provided those services by a specialist physician and that a Family Nurse Practitioner or others must render preventive health services if they are to be available for most people.

For several years we have financed demonstration programs which have shown that far better medical care can be made available through greater use of allied professional and medical personnel and that as a result, not only the quantity of care but also the quality of care can increase by proper use of such personnel.

As you know, the problems of licensure and certification involve the laws and medical practice regulations of all of the 50 states. In almost every case these state laws and regulations permit educational obsolescence, provide barriers to change educational requirements as needed, restrict the delegation by a physician of tasks that others could perform, restrict the use of new equipment, prevent some qualified physician from delivering a lot more in the way of health services and make it almost impossible to have a national program for educating allied, professional and paramedical health personnel so that the supply of such personnel can be shifted to where the demand occurs. However, a national system of licensure and certification must be developed with the cooperation and support of the various groups involved in the delivery of health care and be acceptable to the consuming public. I also believe the attitudes of most members of the medical professions have now changed greatly and they would welcome some national leadership in this area.

The need for doing something concerning our national health problem has become so great that various groups are now proposing many programs, most of which would not solve the basic problem cited above. The people of this country are so eager for a solution that they are willing to try almost any kind of a program and I fear that unless the central problem is solved, some expensive nonsolution will be adopted and the American people 10 years from now will find that they are no better off than they were in 1971.

It is for all the above reasons that I strongly urge you to immediately call a national emergency meeting on health care composed of representatives from various health occupations, professions, organizations, health care institutions such as hospitals, and adequate representation by the public and the government and that this commission be directed to recommend definite courses of action to overcome these problems.

I believe the group among other things should report on the following:

(1) recommend whether, and if so, how model projects should be established demonstrating how more high quality medical care can be made available by reorganizing the methods of delivering health services, the use of nurse practitioners, health technicians and other allied health personnel;

(2) identify and define the specialties which could extend the ability to deliver medical services;

(3) define the responsibilities of personnel in each of the specialties;

(4) determine the courses needed or the method of providing uniform minimum requirements for the courses needed for each of the specialties and to recommend the titles of degrees to be granted for the various specialties;

(5) establish education equivalency measures and job performance tests;

(6) develop ways of assuring that health personnel may continue their education with the educational program so organized that credit would be given for courses taken and work accomplished toward advanced degrees;

(7) determine the most desirable method licensing individuals and institutions for the delivery of medical care;

(8) determine how state licensing procedures can best be coordinated with a national testing examination for allied health personnel;

(9) determine the feasibility and the enactment of national standards for licensing personnel; and

(10) determine whether greater public representation on an existing state license board is desirable and, if so, how this can best be obtained.

Since inadequate health care results in suffering and inability to fully enjoy life, any delay which can be avoided is intolerable. I believe it has now become abundantly clear that the only way that this national problem can be dealt with is at the Presidential level, and that the stakes involved are so great that an emergency continuous meeting under the highest national leadership is needed at this time. You could press for a solution and agreed course of action in much the same way your mediators press for solutions to a nationwide labor dispute or other matters of great importance. I respectively and sincerely urge you to take this course of action.

Sincerely,

NEAL SMITH,
Member of Congress.

As a member of the Appropriations Subcommittee which handles health appropriations, I have for several years advocated as strongly as I could the need for greater use of allied professional and paramedical personnel and reforming our system of delivering health services.

SHORTAGE OF PHYSICIANS

Everyone agrees that we have a great shortage of physicians and manpower available to deliver adequate health care. It should be obvious that under the State laws which now exist and the medical practice acts, as well as the limitations on training physicians, there is no possibility of everyone who needs medical services securing the services of a physician to provide not only remedial health services but also preventive health care. In the United States we only have 151 physicians for each 10,000 of the population and they are distributed in such a way so that many millions of people are for all practical purposes without adequate preventive health care. One hundred and nine whole counties in the United States have no physician whatever and 153 only have one.

Rural areas and low-income areas are suffering from medical care deprivation but also middle-income people who do not object to paying the cost of a call at the doctor's office must take at least one-half day off from work to do so and after considering this inconvenience and loss of income from such loss of time, they, as a practical matter, do not secure preventive medical care.

Thus, the limited time of the specialists is tied up even more because they must give highest priority to time-consuming remedial care. It is clear by now that there is no possibility within the foreseeable future of educating enough physician specialists to fill the demand for all kinds of professional health services. Therefore, we must turn to the use of allied professional personnel and paramedical personnel so that the physician's time can be utilized more efficiently and his ability to deliver preventive care extended very considerably.

SERVICES NURSE PRACTITIONERS COULD RENDER

For several years Government-financed demonstration programs our committee has supported have shown that clinics, even in rural areas several miles from a doctor's principal office or in a ghetto area, can be manned by an assistant to the physician who has been taught to discern the abnormal and treat it with or without telephone consultation with the physician's main office, to handle routine examinations and treatments, and to screen the patients who should come back on a particular day when an M.D. will be present, or to send the patient immediately with a priority where warranted to the physician's main office.

These clinics under a family nurse practitioner with the telephone consultation of a physician available can provide well child and well baby care including making observations and checking for abnormalities. They can note growth and development of the child and routine evaluation of adults and other children, all of which can be studied in the office of the physician, where he can detect anything indicating a need for personal observation. Such nurse practitioners can provide immunizations and counseling concerning the feeding of children and methods of maintaining regular health.

They can screen patients and initiate therapy in some instances. They can cooperate with the public health agencies where an epidemic is underway or a mass immunization program needed. They can track down those who react positively to tuberculosis tests and even provide house calls for the invalid and chronically ill patients who could be treated either by the nurse practitioners on the spot or with the help of a telephone call to and instructions from the physician when necessary. They would be capable of making observations relating to pregnancy, diabetes, congestive problems, and make interim reports on the condition of patients who are under continuing and direct care of physicians. They could call on these patients more often than the physician would have time to; and, therefore, when a patient needed immediate hospitalization or care of a physician they could determine this and provide that care on a priority basis.

In the local clinic, the family nurse practitioner could culture organisms from a sore throat, conduct prenatal examinations, examine, clean and disinfect punctures, give first aid and they could through a special telephone hookup, initiate an electrocardiograph examination for the physician's office or health care institution which may be many miles away and otherwise unavailable to the patient. Through this modified delivery system, the overworked physician could tremendously expand his availability to deliver health care to the family and go a long way toward remedying the serious present imbalance between supply and demand which simply cannot be remedied by just any amount of money alone.

INCREASE OF QUALITY OF CARE

With this substantial change in our method of delivering health services in this country, the same number of doctors could deliver far more medical care and have their time used more effectively so that those who need them the most can receive better quality medical care.

STATE LICENSES

Currently each State licenses the health professions within that State and in almost every case they permit educational obsolescence and provide barriers to changing the educational requirements as needed as well as permitting the delegation by the physician of a task that someone else could perform. Traditionally licensing of physicians, nurses and health personnel has been the function of each of the 50 States and these laws or medical practice regulations have, in most cases resulted in a rigid definition of the scope of practice and prevented health functions from being assumed by personnel below the level of a physician which, with new equipment and the availability of new types of personnel, could have been performed by someone other than a physician. While it is imperative that physicians in all States be permitted to delegate more tasks to allied health personnel, it is also necessary to have both public and professional acceptance of the use of such personnel and that there be some kind of uniformity of the standards for each of the health occupations so that quality of health services can be preserved or enhanced while increasing the quantity available. While preventing some qualified physicians from delivering a lot more in the way of health services, they also do not adequately solve the problem of the unethical or incompetent practitioner.

BOARD REPORT

I believe the group, among other things, should report on the following:

First. Recommend whether, and if so, how model projects should be established demonstrating how more high quality medical care can be made available by reorganizing the methods of delivering health services, the use of nurse practitioners, health technicians, and other allied health personnel;

Second. Identify and define the specialties which could extend the ability to deliver medical services;

Third. Define the responsibilities of personnel in each of the specialities;

Fourth. Determine the courses needed or the method of providing uniform minimum requirements for the courses needed for each of the specialties and to recommend the titles of degrees to be granted for the various specialties;

Fifth. Establish educational equivalency measures and job performance tests;

Sixth. Develop ways of assuring that health personnel may continue their education with the educational program so organized that credit would be given for courses taken and work accomplished toward advanced degrees;

Seventh. Determine the most desirable method of licensing individuals and institutions for the delivery of medical care;

Eighth. Determine how State licensing procedures can best be coordinated with a national testing examination for allied health personnel;

Ninth. Determine the feasibility and the enactment of national standards for licensing personnel; and

Tenth. Determine whether greater public representation on an existing State license board is desirable and, if so, how this can best be obtained.

OTHER PROPOSALS

I have noticed many people groping for and proposing various courses of action in the hope of relieving this critical situation. However, none of them seem to go right to the heart of the problem. Too many would try to solve this merely with money—when money alone simply cannot solve the problem. Paying each of the limited number of physicians now in the health profession twice as much money will not increase the quantity of services, but rather, there must be a change in the methods of delivering services.

For several years and especially the past several months, I have looked everywhere for a program that will offer some hope of overcoming the principal problems connected with changing State medical practice acts, developing educational programs for allied health personnel, and providing a method whereby the licensing problems can be overcome in the least possible time. I have finally decided that the only way this can be done is by the President calling an emergency meeting and pressing continuous negotiations for a solution in much the same way that our mediators press for solutions to a labor dispute or other matters of great national importance. Unless this is done, various groups will continue to propose nonsolutions or wait for someone else to do something. The President has ample authority to call such a meeting and I strongly urge that he do so.

ATLANTIC UNION RESOLUTION

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Findley) is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, 5 years ago the statesman who is now President of the United States "strongly urged" the Congress to adopt the Atlantic Union resolution. Today virtually the same resolution is being reintroduced in the House by a bipartisan group of 71 Members from 25 States, and every region of our own Federal Union.

In it we propose that, with no further delay, we try this—to quote Mr. Nixon's 1966 endorsement—this:

> Resourceful tool for coping with the problems of * * * incredible change * * * going on in the world around us.

Five identical concurrent resolutions are being introduced. The chief sponsors are Donald M. Fraser, Democrat of Minnesota, Morris K. Udall, Democrat of Arizona, Jim Wright, Democrat of Texas, F. Bradford Morse, Republican of Massachusetts, and myself.

All except Mr. Udall are here today to take part in this discussion.

The text of the Atlantic Union resolution follows:

Whereas, the interdependence of the nations of the Atlantic Community has steadily grown with the increased mobility of capital and goods, while the revolutionizing speed of scientific, technological advance has outstripped the North Atlantic Treaty and made it necessary to forge new bonds to maintain the unity of these nations, so essential to international prosperity, peace and freedom;

Whereas, the defense of the nations of the Atlantic Community against not only war but monetary crash and depression continues to be a mutual concern;

Whereas, the citizens of these free nations are already united also by a common devotion to democratic traditions and the rule of law;

Whereas, this common heritage enables and requires them, when facing such challenges as those now confronting them, to meet and explore together how best to enlarge and extend the rule of law to provide for effective democratic government and regulation of their common concerns;

Whereas, our Original States, when beset by divisive dangers under their Articles of Confederation, sent delegates to the 1787 Convention, who traced the trouble to the confederal structure and to replace it invented the federal system, which has effectively safeguarded member States from domination by one another, equitably apportioned among their sovereign citizens voting power on common concerns, assured each State of independent government of State affairs, met other challenges like those now facing the Atlantic allies and not merely worked but proved that free people can thus work marvels;

Whereas, a joining together for such purposes of the democratic nations of the Atlantic Community to create an Atlantic Union within the framework of the United Nations would reduce the cost of the common defense, provide a stable currency for world trade, facilitate commerce of all kinds, enhance the welfare of the people of the member nations, and increase their capacity to aid the people of developing nations: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) The Congress hereby creates an Atlantic Union delegation, composed of eighteen eminent citizens, and authorized to organize and participate in a convention made up of similar delegations from such North Atlantic Treaty allies as desire to join in this enterprise, to explore the possibility of agreement on:

(a) A declaration that the goal of their peoples is to transform their present alliance into a federal union;

(b) A timetable for the transition to this goal; and

(c) Democratic institutions to expedite the necessary stages and achieve the objective in time to save their citizens from another war or depression, and let them enjoy, as soon as possible, the greater freedom and higher moral and material blessings which federation has brought free people in the past;

(2) The convention's recommendations shall be submitted to the Congress for action by constitutional procedure;

(3) Not more than half of the delegation's members shall be from one political party, and all shall be citizens of high stature and wide influence, representing together a broad range of experience in the various major challenges facing this undertaking, and so conscious of its importance and urgency as to be willing to give it personally the necessary priority and time;

(4) (a) Six of the delegates shall be appointed by the Speaker of the House of Representatives, after consultation with the House Committee on Foreign Affairs, six by the President of the Senate, after consultation with the Senate Committee on Foreign Relations, and six by the President of the United States.

(b) Vacancies shall not affect its powers and shall be filled in the same manner as the original selection.

(c) The Delegation shall elect a chairman and vice-chairman from among its members.

(d) All members of the Delegation, like the drafters of the United States Constitution, shall be free from official instructions, and free to speak and vote individually in the Convention.

(5) The Delegation shall cease to exist at the expiration of the three-year period beginning on the date of the approval of this Resolution.

List of Cosponsors

Joseph P. Addabbo (D-NY)
Glenn M. Anderson (D-Calif)
Thomas L. Ashley (D-Ohio)
Herman Badillo (D-NY)
Nick Begich (D-Alaska)
Mario Biaggi (D-NY)
Edward P. Boland (D-Mass)
Richard Bolling (D-Mo)
Garry Brown (R-Mich)
Silvio O. Conte (R-Mass)
James C. Corman (D-Calif)
Charles C. Diggs, Jr. (D-Mich)
John D. Dingell (D-Mich)
Harold D. Donohue (D-Mass)
Florence P. Dwyer (R-NJ)
Don Edwards (D-Calif)
Joshua Eilberg (D-Pa)
Marvin L. Esch (R-Mich)
Frank E. Evans (D-Colo)
*Paul Findley (R-Ill)
Edwin B. Forsythe (R-NJ)
*Donald M. Fraser (D-Minn)
Bill Frenzel (R-Minn)
Richard H. Fulton (D-Tenn)
Sam Gibbons (D-Fla)
Gilbert Gude (R-Md)
Edith Green (D-Ore)
Seymour Halpern (R-NY)
Julia Butler Hansen (D-Wash)
Michael Harrington (D-Mass)
James F. Hastings (R-NY)
William D. Hathaway (D-Maine)
Augustus F. Hawkins (D-Calif)
Ken Hechler (D-WVa)
Henry Helstoski (D-NJ)
Frank Horton (R-NY)
James J. Howard (D-NJ)
Joseph E. Karth (D-Minn)
Hastings Keith (R-Mass)
Edward I. Koch (D-NY)
Peter N. Kyros (D-Maine)
Robert L. Leggett (D-Calif)
Paul N. McCloskey, Jr. (R-Calif)
Joseph M. McDade (R-Pa)
Abner J. Mikva (D-Ill)
William S. Moorhead (D-Pa)
*F. Bradford Morse (R-Mass)
Charles A. Mosher (R-Ohio)
John E. Moss (D-Calif)
James G. O'Hara (D-Mich)
Bertram L. Podell (D-NY)
Melvin Price (D-Ill)
Graham Purcell (D-Tex)
Albert H. Quie (R-Minn)
Tom Railsback (R-Ill)
Thomas M. Rees (D-Calif)
Donald W. Riegle, Jr. (R-Mich)
Howard W. Robison (R-NY)
Peter W. Rodino, Jr. (D-NJ)
Edward R. Roybal (D-Calif)
Fernand J. St Germain (D-RI)
James H. Scheuer (D-NY)
Herman T. Schneebeli (R-Pa)
Fred Schwengel (R-Iowa)
Robert T. Stafford (R-Vt)
William A. Steiger (R-Wis)
Charles M. Teague (R-Calif)
Robert O. Tiernan (D-RI)
*Morris K. Udall (D-Ariz)
Jerome R. Waldie (D-Calif)
*Jim Wright (D-Tex)

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* Principal cosponsors.

HISTORIC EXPEDITION

This resolution calls for an exploratory expedition. Many of us believe it will open an even greater future for mankind than has our awe-inspiring and already-productive exploration of the moon.

Certainly it will cost only an infinitesimal fraction of the amount already invested in the space expeditions.

It would explore the possibility of uniting the nations of the Atlantic Community permanently into a Federal structure similar to our own Federal Union. In reality, it seeks to bring our political institutions out of the age of the sailing ship and into the rocket age.

Twelve days ago, we witnessed the safe landing of our astronauts on the moon. So incredibly precise and reliable our technology has become that we accepted the third pinpoint landing on the moon almost as a commonplace event. Although it was truly awe-inspiring, the success was nonetheless expected. Once mankind took the first step on the moon, the second and third could not be far off.

"In the age of the rocket, dreams become reality with a speed which is difficult to imagine." Those were also the words of Mr. Nixon written in 1966. They might have been uttered today in recognition of the great scientific accomplishments of our astronauts. Surely they sum up the lightning progress of our scientific endeavors.

In fact, these words by Private Citizen Nixon referred to the powerful idealism of a new political order among the countries of the Atlantic community, and the practicality of a change in international institutions as revolutionary as the technology that made possible the moon walks.

In his statement, made to the House Committee on Foreign Affairs, Mr. Nixon drew the line sharply between the great progress in the fields of science and technology, and the lack of progress in our political and social institutions which guide and shape that technology.

The nations of the world have developed the capability to destroy one another completely, but we have yet to build a political system which can prevent a world holocaust. We have the ability to walk among the stars, but not the social institutions which can make it safe to walk the streets and roads of this planet.

Conceivably, the convention would explore the possibility of applying the genius of our own U.S. Federal system to the broader Atlantic community. A federation of these major nations of western civilization would be formidable indeed. It would result in a political institution large enough to deal successfully with the supranational problems that now confound us.

Testifying before the House Foreign Affairs Committee in 1966, Mr. Nixon succinctly stated the case for the resolution. He said:

> The Atlantic Union Resolution is a forward-looking proposal which acknowledges the depth and breadth of incredible change which is going on in the world around us. I urge its adoption.

Is the United States ready for such a venture? That same question was asked by George Washington back in 1787 as the Constitutional Convention began its meetings in Philadelphia. Brushing it aside, General Washington pressed on, exhorting the Convention to "raise a standard to which the wise and the honest can repair."

So, we too must press forward.

Scientific development and technology rush head-on quite irrespective of national boundaries. So does world economic development. The multinational corporation is commonplace. Social phenomena, such as the youth culture, are no respectors of the Nation-State. Poverty and disease have never known the confines of nationality. In recent years the environmental problems of air and water pollution have plagued the west.

THE CHOICE BEFORE NATO

The choice before the NATO countries as we face each of these social, political and economic situations is whether each country will deal individually with every problem in a piecemeal fashion strictly limited by the requirements of the Nation-State, or whether a common approach can be taken. If we choose the former method, we simply put off the day of national reckoning, for without government on a scale to match multinational, intercontinental problems, societies simply cannot continue to function smoothly, and perhaps may cease to function at all. The problems are already supranational. It is up to us to develop the supranational institutions to deal adequately with them.

The time for this initiative is now. Former President Eisenhower, who was a supporter of Atlantic Union, once told me at Gettysburg, "We deal with the urgent questions, and leave the important ones for tomorrow."

Today we deal with the urgent questions, such as the Middle East, Vietnam, Cambodia, and Laos. Will we be bold enough to deal with Atlantic Union—now, in good time—or will we put it off until tomorrow—the tomorrow that must wait until mankind suffers some new worldwide agony?

I am convinced the exploration of a supranational political system capable of uniting the free people of the North Atlantic Community effectively will return far more real dividends than we can gain from exploring space. In stating this, I do not minimize the value of space exploration. It is worthwhile, and in my view has already yielded great dividends.

Similarly, I view the potential dividends from this resolution far greater than we can expect from the billions invested in the proposition that the best way to strengthen freedom against dictatorship is to go to war to save South Vietnam from communism.

Indeed the exploratory expedition this resolution contemplates would not risk the life of one single person on earth, American or otherwise.

Promising and time-tested though it is, the Federal answer to our supranational problems to this date has not been explored at all with any other nation.

How strange that we should not yet have done so, when we know from our own history the basic weakness of the alliance system—note our dismal experience with an alliance, the Articles of Confederation—and the great strength of our own federal system, which has yielded new rewards in liberty and equality to each succeeding generation.

ADOPTION COMMITS NO ONE

Let me stress, first of all, the exploratory character of the proposed Atlantic Convention. This resolution does not commit anyone to forming or entering an Atlantic Union or federation or any type of organization or agreement. It commits us and the other participating nations only to exploring—and of course, reporting back its agreed findings for action by each nation in the Convention—and it limits the exploring to only three areas.

The first and crucial one is to explore whether the participating allies wish to agree to declare that the goal of their peoples is to transform their present military alliance into a federal union. There are various kinds of federal unions—ours, Canada's, Switzerland's, to mention three varieties. But they all have in common these three essentials:

First, the powers of government are divided between those which all agree are purely national or state affairs and those which are common affairs of them all.

Second, the contracting parties or sovereigns are, in the last analysis, the individual citizens of each nation in the Union, rather than their national or even Federal Government. It is the citizens who elect the legislature and executive of their Federal Government and continue to elect those of their Nation. The laws made by the Federal Government operate, like those of the national government, upon the citizens. The purpose of the Federal Government is, again, the same as that of any democratic national government—to guarantee the citizens more power over, or more independence and freedom from, any government, rather than to give any government more power over the citizens, or become more independent of or free from their control.

Third, since the nations or states in any federation vary considerably in population, the federal system always includes safeguards. For example, the U.S. Legislature consists of a differently structured House and Senate, and the balance of power between them together with the requirement that both must agree before a bill becomes law serves not only to preserve the independence of each State from all others, as regards its purely state or national affairs, but also to prevent any large State, or group of smaller ones, from dominating others. These safeguards have proved capable of assuring a viable, workable system far more effective than any alternative system.

There are, of course, other characteristics that all Federal unions share, but those three may suffice at this time to indicate what is meant by the number one aim of the Convention—to explore the possibility of agreement to set as a goal the transformation of the present alliance into a Federal union. This is crucial, for obviously if no such agreement can be reached by this Convention, then it cannot explore the other two fields. Assuming, as I and many others would, that it can reach this agreement, it then may explore the remaining areas.

The second area is to explore the possibility of agreement on a timetable for the transition stages to this eventual goal. Clearly, such transformation from alliance to federation cannot be wrought at one stroke with regard to any of the common affairs which the Convention agrees to recommend the people should transfer to the Federal Government. The powers it recommends for federation are bound to be few; the classic ones would include common defense, common foreign policy, common currency, a common market, common postal and other communication systems, and a common citizenship—in addition to the national citizenship the people of each nation retain. To federate these few is obviously a big order; no one can foresee how many of them the Convention might be able to agree upon. One can see, however, that some of these powers could be transferred with less transition time than others. For example, a common foreign policy should not take so long as creating a common market; control of atomic and rocket weapons—once there was agreement to federalize them—would not encounter such inherent time-consuming transitional difficulties as would transforming national infantry divisions into a federal army. If the Convention cannot agree on a tentative timetable for each of these powers, it could surely agree to a timetable for setting up some democratic institutions and dump into their lap the problem of working out deadlines—or rather, lifelines of timing—for the transition in each field recommended for the Federal Government.

This brings us to the third area of exploration—that of working out these institutions for expediting the transitional stages and saving us all from the wars, depressions, and other calamities that we are exposed to by the tendency of democracies to do too little too late.

Such are the three areas to which the Convention's exploration is limited. Where it does agree, all it can do, I repeat, is to recommend, that is, report its findings back to the governments and peoples of the participating nations, for them to approve or reject.

SUBJECT TO NATIONAL APPROVAL

Not only does the resolution limit this Convention to exploring, and recommending, but it includes strong safeguards to assure that none of the delegates to it from the United States—or from any other nation that wishes to follow its example in this respect—can commit their government. It provides that they speak and vote in the Convention as individual citizens, not as a unit, not as delegates acting under the instructions of their government. This should not only reassure those who might fear that the delegates might "sell us all down the river," it should also reassure those who are weary of the exercises in futility and timewasting that many diplomatic conferences come to be. This resolution, by freeing the delegates from having to act within the rigid confines of official instruction, while requiring them to be "citizens of high stature and wide influence, representing together a broad range of experience in the various major challenges facing this undertaking," gives the best possible guaranty that the exploration will be bold yet prudent, comprehensive yet deep, and their common findings will result from a careful sifting.

This approach to an admittedly tough but vital problem is not new. Although it has not yet been used in the political field of inter-democracy organization in our century of world wars and world depressions, we have resorted to it when war faced us with the dire prospect that the Nazis would win by devising the first atomic bomb. Our Government did not try to meet this challenge by repeated exhortations to our scientists. No, its one instruction to them was to get that bomb, and get it first—find the best and fastest way.

The triumph of that commonsense approach unhappily has not yet moved us to a similar approach to the challenge of uniting the free Atlantic community.

And yet this approach—which our resolution would have us try now—is not new in this very field. We who sponsor this resolution did not invent this approach, or get it from the atomic scientists; we got it from the Philadelphia Convention in 1787. For that convention was composed of delegates who spoke and voted as eminent individuals, free from instructions from their State governments. Had it been organized like the Continental Congress, where each delegation was under instructions—a Congress that John Adams correctly defined as a "diplomatic assembly"—had the 1787 Convention followed that model it is all too certain that it would never have produced what so many have called a "miracle"—our Federal Constitution.

What this resolution would do, Mr. Speaker, is nothing more—and nothing less than this: It would have us explore—after all the disastrous failures of our century—the Federal answer to the challenges which face us, and explore it by the Federal Convention approach that first found this "Mother Lode" for freedom and peace. It would explore the vast, time-tested possibilities offered by the type of interstate, or internation or interdemocracy organization that for generations has worked the best for the freedom and peace and prosperity of the people it has united. It would have us look for solution into the system of Federal union which our Founding Fathers invented. That system has proved as effective in the heart of Europe, in Switzerland, where it has united in enduring peace, the Germans, French, and Italian peoples who, outside its frontiers, have fought tragic wars against one another.

In our country it has united on a vast scale a citizenry composed of many nationalities, races, and religions, and it has grown from 13 impoverished, squabbling States to 50, stretching from here far beyond our continent, across the ocean to Hawaii.

THREEFOLD CHALLENGE

The challenge we face in uniting the Atlantic community, Mr. Speaker, is threefold: It is to unite proud, ancient nations freely, unite them effectively on a huge scale, and unite them on an open-end dynamic basis where, by the admission to it of other nations, who desire this and are willing and able to meet its standards, this Union of the free can grow greater, and give increasing moral and material strength to wider, deeper, fuller freedom. I submit, Mr. Speaker, that the Federal Union system has already proved that it meets all three of these challenges far better than any of the alternatives which have monopolized our attention for the 71 years of this century—only to leave us more endangered than we were before.

This federal system deserves not only to be explored now, but to be explored by the kind of capsule that first reached this fantastically fertile and productive "moon"—the Federal Convention approach.

Is it not strange, Mr. Speaker, that our own Federal way to peace and freedom, and our own Federal Convention approach to it—both of them as American as George Washington and Benjamin Franklin—are both our most neglected benefactors?

Surely it is high time to turn to them, as the Atlantic Union resolution would have us do.

Some will object, no doubt, that before we authorize this exploratory expedition, which will cost maybe all of $100,000 or $200,000, we must be sure it will bring back concrete advantages—the kind of solid rocks that are deemed most valuable at present. Well, let us look at the proposition from that angle.

Take the problem of inflation.

UNION TO FIGHT INFLATION

Inflation is the scourge of the wage-earner and housewife not only throughout our country but throughout the Atlantic community. I need not dilate on either the dangers in it, or the citizens' desire that it be curbed, or the fact that nowhere in the free community are official remedies for it proving effective, despite all the repeated hopes expressed for them. We all know that inflation is not just a recent thing; the older we are the more acutely we remember how long the purchasing power of the dollar has been shrinking.

How would Atlantic Union help check this?

Let us face the fact that in all democratic countries, their free systems do lead to the formation of powerful pressure groups whose concern is to advance the interests of their members. Much of this is laudable and a necessary part of democracy. But it can get out of hand and become dangerous to all concerned—as in what is called the wage-price spiral.

Nearly all these pressure groups—whether business, labor, farmers, doctors, or veterans—to mention only a few—seek to get more real income for themselves. There are several ways of doing that—one is by increasing the prices of what they sell, or their wages or salaries or fees for their work. Another is by reducing their costs, their expenditures.

Most of them rely on the former method; few on the latter. And so we have demands for trade quotas to keep out competition, featherbedding by labor, all sorts of things that add to everyone's cost of producing and living—rather than demands or proposals for getting more by cutting costs—the method which benefits everyone.

In our time the main cost-cutting factors which help to keep the wage-price spiral and inflation in check are such inventions as modern machinery, mass production, standardization and mass distribution methods that give more value for less per unit cost. Most of our modern political inventions—such as quotas and exchange controls work the other way; they add artificially to cost, and to inflation.

But time was when political inventions were a powerful factor in cutting everyone's costs, putting the economy on a sound basis. A prime example of this is the invention of the Federal Union system. We forget that the necessity that mothered this great political institution was war and inflation. When the Thirteen States were organized as the alliance of the Articles of Confederation—each with its own armed force, its own currency, its own trade barriers against the others—what was the situation after the victory at Yorktown? The States were afflicted with depression, many with galloping inflation. To quote John Fiske's "Critical Period of American History";

> By 1786, under the universal depression and want of confidence, all trade had well-nigh stopped, and political quackery, with its cheap and dirty remedies, had full control of the field.

Trade disputes threatened war among New York, Connecticut, New Jersey. There were 11 territorial disputes among the 13 States; several led to bloodshed and threatened war. The currency issued by various States became worthless, misery was widespread, armed mobs broke up courts. The peak came in Shay's Rebellion in Massachusetts in the winter of 1786–87. All this spread fear among patriots that they would lose the liberty they had won during the Revolution. Shay's Rebellion triggered this into the decision taken by the Continental Congress in this very month of February in 1787, on February 21, to be exact—to call the long proposed Federal Convention to meet during the month of May to explore how best to change the structure of the Confederation so as to produce an "adequate" Government, capable of handling the challenges of the time. The decision, incidentally, was not easy. On the first test, the proposal was defeated by a tie vote of 3 to 3, with two other States evenly divided and two more lacking proper representation. The Massachusetts—impelled by the rebellion it had just suffered—reposed the motion in slightly different form, and won.

As we all know, the resulting Philadelphia Convention suffered crisis after crisis, and the Federal Constitution it recommended to the States after a hundred days of debate was bitterly opposed by many, and was ratified by very narrow majorities in Massachusetts, New York, and Virginia. This great political invention replaced those 13 armies, 13 currencies, and 13 sets of trade barriers with a Federal defense force, a Federal dollar, and common market; and it replaced the alliance with an effective democratic Federal Government.

What was the immediate result, once this first Federal Union went into effect on March 4, 1789? Within a couple of years the new dollar was so solid that the same States and people who under the Confederacy could no long borrow anything either at home or abroad were able under the new Federal Government to borrow in the money markets of Europe at the lowest rate of interest any country got. Within the first 10 years of the new Union the foreign trade of the 13 States quadrupled. The Union inherited from the Confederation a debt of about $75,000,000. Then it paid $15,000,000 for the Louisiana Purchase in 1803, and $5,000,000 for Florida, and borrowed $98,000,000 during the War of 1812. Even so, thanks to Federal Union, the American people were able to reduce the Federal debt so rapidly that by 1835 there was no debt left, and the Union was distributing a surplus of $28,000,000.

How to account for this astounding change? The Confederation had the very same people, the same leaders, the same human nature, the same natural resources, as the new Federal Union. Yet under the old alliance system there was galloping inflation, depression, misery, armed rebellion. How can you account for the astounding change from failure to success except by crediting it to the only basic change that had occurred—the shift from the alliance to the Federal system? The change from the old political structure that maximized costs and minimized confidence, to the new political invention which minimized costs and maximized faith and confidence?

Nor was this success a fleeting phenomenon—as have been so many of the inventions of diplomacy, the nonfederal international machinery in which such great hopes are often placed.

This bold American experiment in establishing a free movement of men, goods and money between sovereign States, plus the stability and other advantages of a common currency and a common Government for common affairs, and the economies of a common defense force—this political invention resulted in increasingly incalculable cost-cutting as our Federal Union united more and more people—partly by free immigration—and more and more territory from which new States were admitted to it.

Our expansion of the area profiting so much from this Federal free movement of men, money and goods came to a halt in our century. Virtually no more territory has been added since 1900 to our Union. We rightly do not seek more territory for ourselves—but surely it is time to seek the great territory for this cost-cutting system that we and our NATO allies may gain by federating the Atlantic community as our Founding Fathers federated the 13 States along our shore of the Atlantic.

They began their audacious experiment when the Industrial Revolution was just beginning with its cost-cutting spinning jennies, steam engines and other machines—opening the century of steam and electricity. Where the Founding Fathers at the 1787 Convention paused in their labors to go down to the Delaware River and see John Fitch's early attempt to make a steamboat, we see and hear in our living rooms by TV, Americans picking up rocks on the moon. We stand at the opening of the computer-rocket-atomic era, facing vaster opportunity, and vaster dangers, than did our far-sighted forebears. What shall our answer to the challenge be?

True, Mr. Speaker, we are still far from the galloping inflation and economic depression experienced by the 13 States in the Winter of 1786–87. True, the State Department on March 10, last year again, as usual recommended that "no further action be taken on" the Atlantic Union resolution, declaring—as it has done ever since the original Kefauver Atlantic Union resolution which Senator Nixon cosponsored in 1951—that "we believe it would be premature for the United States to initiate the measures contemplated" in the current resolution. But dare we follow its advice even a year longer?

OMINOUS OMENS

There are continuing ominous omens. After that advice from the State Department, we saw our greatest railway—the Penn Central—go bankrupt. Now we see the same thing happen in England to Rolls-Royce. Last summer and fall three of the bigger brokerage houses on Wall Street—the largest bearing the name of Dupont—faced failure and were saved only by drastic measures, at the last hour—one, in the last 5 minutes. Why such drastic measures? On January 24 the New York Times Sunday financial section front-paged an interview with Felix Rohatyn, chairman of the "Crisis Committee" the Stock Exchange setup, which it describes as the:

> "Pivotal . . . central figure" in the struggle to "keep Wall Street afloat," and the "man who carried the ball." It quotes Mr. Rohatyn as saying about his committee: "Everybody seemed to come to a decision that we just couldn't let a major (brokerage) firm go bankrupt. We just had to make the decision that if we did let one go under there would be a panic. * * * If there was a panic, we just couldn't put it back together. I must say that this left me with a sinking feeling in the pit of my stomach.

That is how thin-ice near we came to potentially another 1929 Wall Street crash only a few months after the complacent advice from the State Department to our Foreign Affairs Committee, in the view of the man who grappled with this peril day and night for weeks, even months.

Is it any wonder, Mr. Speaker, that Mr. Rohatyn is a strong supporter of the Atlantic Union resolution?

True again, thanks to these drastic measures to shore up those three brokerage firms because of their hundreds of thousands of clients across the country who would have been hard hit by the bankruptcy of even one of them, that crisis passed. True, the market is now again going up and up. But can we be sure that this flush on the Wall Street cheek is the flush of health—not the flush of fever? Can we be sure that it does not reflect fear of greater inflation? Let us hope so—but let us not put all our most precious eggs in that basket.

I spoke a moment ago of how near we came only a few months ago about what might have become another 1929 Wall Street crash. But I am not alone in fearing that a Wall Street panic now would have far worse repercussions than the one of 1929.

Consider the riots which the racial problem has already produced in our major cities from coast to coast. Consider the turmoil we have had on our campuses, and the student turmoil in Paris and elsewhere in European Atlantica. How much more explosive all this might well become if we and the Atlantic community should suffer another depression which would inevitably spread like wildfire through the free world. Which do you think would profit from such a depression—free government or dictatorship, free enterprise or communism?

Shall we risk waiting for a national catastrophy to lead us to explore the Atlantic Federal answer? We can be sure that if it comes, it will be nothing so small as Shay's rebellion that spurred our Federal Founding Fathers to action in a slower moving time.

We face other dangers. There is Vietnam. There remains the threat of nuclear confrontation in the Mideast. I have talked before of the Atlantic Union answer to the war dangers; I will not go into that now again.

There are still other challenges we face together with our allies—exploding population amid dwindling resources and rising pollution, for example. My colleagues will deal with this and other aspects of this issue. I have wanted to center my time on the inflationary and economic problems that we face and the hope that Atlantic Union brings. Before I leave this subject, let me add one more point.

We face many urgent domestic needs that require vast sums of money. So do our Atlantic allies. Atlantic Union offers a much safer way of providing the necessary funds than running huge budget deficits, and risking bigger ones. In the October–November 1969 Freedom & Union magazine, its editor, Clarence Streit, revealed an off-the-record interview he had with General Eisenhower, then Commander in Chief at SHAPE, in Paris on April 26, 1951. He quotes the general as saying:

> I don't see how anyone can get away from it—in union there is strength. It seems as simple as that to me. I believe that if we got effective political union in the Atlantic we could cut our defense costs by half.

General Eisenhower was, of course, giving a rough but intelligent guess—clearly he meant that we could save enormously on defense by Atlantic Union. Clearly we could save by his estimate more than $30 billion annually on defense, while strengthening defense by the priceless, costless strength that, as he said, lies in union. Think of how such a saving would lessen the inflationary pressure—and provide the means for badly needed work in other areas.

OBJECTIONS TO UNION UNSUBSTANTIAL

What are the objections? The main ones are the chronic ones of the State Department. My colleague from Minnesota (Mr. FRASER) will deal with them. Here I would add only this: One of those objections is that the Europeans are not interested in even exploring federation with us. Recent personal experience casts all doubts aside. At the North Atlantic Assembly of NATO Parliamentarians last November, I submitted to the Political Committee a resolution on this subject, after making it very clear that what I had in mind was a convention to explore Atlantic federation. After 2 days discussion by this Committee, the members voted 18 to 5 in favor of my proposal. Significantly, two of the three French members voted for the proposal, the other abstained. The strongest support came from Germans of both political parties, and from British Labor members. Only a parliamentary technicality kept the resolution from being adopted on the floor of the Assembly. Had a vote been taken, I am confident it would have passed by a substantial margin.

That letter last March from the State Department also says:

> Experience shows, and it is our view, that such progress—that is, to closer unification across the Atlantic—is best achieved through a series of small, pragmatic steps.

Mr. Speaker, I have dwelt at some length today on how our Founding Fathers changed from alliance to federation. Certainly, it was not by small steps, but by the exploratory Federal convention move which our resolution would have us try now. The 1787 Convention followed a number of proposals for union, starting 33 years before with Benjamin Franklin's Albany plan in 1754, and after a number of steps, most of which were—like the Declaration of Independence and the creation of the Continental Congress—not small and pragmatic but quite revolutionary.

I find no hint of the need to wait for more small, pragmatic steps in the statement President Nixon made 5 years ago urging Congress to approve this resolution in 1966. He said:

> It is fitting that the United States, the world's first truly federal government should be a main force behind the effort to find a basis for a broad federation of free Atlantic nations.
>
> Although the accomplishment of the ultimate goal of the Resolution may well be impossible to attain for many years, recent events of history and numerous scientific and technological advances of the past 20 years point the way in this direction. It would be foolish for us to ignore the fact that science and history are even now fatefully combining to accomplish the same goal. Perhaps, by anticipating the further shrinking of the world, the dialogue which this Resolution contemplates will provide a resourceful tool for coping with the problems of a world which in 20 years will have undergone even more drastic changes than have occurred since World War II.
>
> I have been deeply disturbed of late by the trend of events in Europe. The renewed nationalism of France has for the moment halted the pace at which the nations of Western Europe were moving toward becoming a unified and federated community. By adopting a measure such as the Atlantic Union Resolution we could give new impetus to the spirit of federalism in Western Europe.
>
> To be sure the concept of an "Atlantica" is at present only a dream, but in the age of the rocket, dreams become reality with a speed which is difficult to imagine. The Atlantic Union Resolution is a forward-looking proposal which acknowledges the depth and breadth of incredible change which is going on in the world around us. I urge its adoption.

Who will venture to answer that statement? Is it not even more unanswerable now than it was 5 years ago? And it starts by stressing, not endless small, pragmatic steps in a time of "incredible change" but the leadership which "it is fitting that the United States, the world's first truly Federal Government," should give to "the effort to find a basis for a broad federation of free Atlantic nations." It starts with the emphasis on our own Federal history—an example I have sought to follow today.

Some may say that the Atlantic Convention approach will take too long to help with the urgent problems I have dealt with. Let me reply by citing our own history again. Shay's Rebellion triggered the decision on February 21, 1787, to call the Federal Convention to meet in the month of May of that year.

It took almost 2 years before the Federal Constitution it drafted was put into effect. Let, despite the delay, and the acrimonious debates that filled those 2 years, there was no more armed rebellion. Instead, the economic, financial, and general domestic situation began slowly to improve immediately after the crucial decision to call the Convention was taken. Such is the favorable psychological power of the hope that a great constructive move gives people.

We can surely trust that the hope and faith which the decision of the Congress to call the Convention to explore Atlantic Union will inspire, will begin as instantaneously to improve our present situation—military, political, and, especially, economic and financial. If this decision cannot have that immediate powerful effect, surely nothing less can—least of all another small, pragmatic step.

Mr. Speaker, I now yield to my distinguished colleague from Texas, JIM WRIGHT, who has long favored the Atlantic Union approach to our national problems and who is a chief sponsor of the Atlantic Union resolution.

Mr. WRIGHT. Mr. Speaker, today along with a number of our colleagues I have introduced a resolution calling for a convention of the North Atlantic democracies to explore ways of achieving a closer working union among us.

Surely the time has come for those of us who live in the mature and developed democracies surrounding the North Atlantic to begin exploring ways in which we may jointly tackle the burgeoning problems which are rapidly becoming too great for any one of us or any one group of us to cope with alone. Much has been and will be said about the regional problems of defense and economics which face us now and seem sure to become more perplexing unless new and better political institutions are developed. These are problems which simply will not yield to a unilateral approach.

But today I would like to draw the attention of my colleagues to another of these problems which in these times no single country, no matter how great, can hope to solve alone. It has to do with the ever-increasing numbers of people in the world, the ever-increasing depletion of the world's resources, and the accelerating degradation of our common environment. No one country is solely responsible for the increase in world population or for the increase in the pollution of land, water, and air. Obviously, therefore, no one country, no matter what it does, can make even a major contribution to the solution of this international dilemma.

The industrial democracies around the North Atlantic are responsible for the consumption of 80 percent of the world's annual production and cause about 80 percent of the world's pollution. If we can find an effective way to attack these problems together, there is much that we can do for the future of the human race; but it cannot be done through any existing institution.

Obviously, we are interdependent. The great preponderance of all of our international trade is with each other. If any one of the Atlantic countries were to decide to take all of the costly measures which would be required to clean up its own water and air, and its neighbors did not choose to do likewise, the virtuous country would immediately find itself not only struggling in futility but operating at a great competitive disadvantage compared to its neighbors. If the industries in one country are required to assume many additional costs to abate pollution, it might well be that their products could not compete with those of another country which still permitted unlimited pollution. If one country is to undertake the expense of ending pollution, its trading partners must be required to do likewise; and it is impossible to do this under any international arrangements or institutions now existing.

The convention called for in this resolution seems, to me, to be the best search party that we could assemble. Certainly, all of us around the North Atlantic can together do many things far better than we can do them separately. We can also do them far cheaper. These economies and this increased efficiency are not available to us now because we do not have the joint political and economic institutions that will make them possible. Probably we do not even know just what these institutions ought to be. We do know, however, the direction in which we should move. The convention provided for in this resolution should be able to throw a great deal of light where we need it most.

It is only a first step, but if mankind is to survive in any kind of comfort and dignity, such a first step must be taken. And, if we cannot start in our own Atlantic community, which shares so much in common purpose and common tradition, then surely there is no other place available to us.

Mr. FINDLEY. Mr. Speaker, the gentleman from Minnesota (Mr. FRASER) has long been a leader in the cause of Atlantic Union. As in the past, he is a principal sponsor, and he has labored long in the effort to build support for Federal Union.

Mr. FRASER. Mr. Speaker, I am pleased to join again the gentleman from Illinois (Mr. FINDLEY) and a large bipartisan group of Members in introducing the Atlantic Union resolution.

Two years ago, in June 1969, when the resolution was introduced in the 91st Congress, I noted that I had supported the concept of Atlantic Union for over 20 years. It is my hope that, through the efforts of this Congress, we will move beyond the concept of Atlantic Union and take additional steps toward making political union a reality.

Mr. Speaker, a major reason that additional steps have not been taken is that the executive branch has been reluctant to speak out on this subject or has opposed the idea.

During the 1950's the State Department's opposition to various Atlantic Union resolutions was due primarily to bureaucratic caution at the working level. John Foster Dulles cosponsored one resolution as a Senator, initially opposed it as Secretary of State and, then, after it was changed to provide that the U.S. delegation be named by the Vice President and the Speaker rather than by the President, gave it his support.

In 1960, Secretary of State Christian Herter advised Chairman MORGAN of State's approval of the pending resolution. Congress adopted Senate Joint Resolution 170 on September 7. It became Public Law 86-719 of the 86th Congress. In conformity with that act the Atlantic Convention of NATO Nations was held in Paris, January 8 through 20, 1962.

The bipartisan U.S. delegation was jointly chaired by former Secretary Herter and former Under Secretary William Clayton. Its report to the Congress is contained in House Document 433 of the 87th Congress, second session, June 18, 1962. It says:

> One of the principal recommendations adopted by the Convention calls upon the governments of the NATO countries to draw up plans within 2 years for the creation of an Atlantic Community suitably organized to meet the political, military, and economic challenges of this era. To this end they should, within the earliest practicable period, appoint members to a Special Governmental Commission on Atlantic Unity. The Commission should study the organization of the Atlantic Community, particularly in the light of the recommendations of this Convention, and it should be instructed to propose such reforms and simplifications of existing institutions, and such new institutions as may be required.

From then until their deaths, Mr. Herter and Mr. Clayton repeatedly urged the State Department to implement that recommendation by appointing the Special Governmental Commission.

In 1962 John Kennedy was President and George Ball his Under Secretary of State. Secretary of State Rusk left supervision over European and Atlantic affairs to Mr. Ball. The letter, who had been Jean Monnet's lawyer in the United States before coming into the Government, believed passionately in complete federal unity of the Common Market countries as a prerequisite to further progress toward Atlantic unity.

While Mr. Ball was Under Secretary he personally, and other officials of the State Department under his direction, expressed opposition to various Atlantic Union resolutions on the grounds that adoption might dilute and lessen pressure for full European unity.

The goal of Mr. Ball's policy was the establishment of an "equal pillar" of united Europe, an "equal partner" with the United States, capable of speaking with us with an "equal voice."

Mr. Herter, Mr. Clayton, and others countered that it was unrealistic to expect in the foreseeable future the formation of any "United States of Europe" comparable in unity to the United States of America, that such a "U.S.E." could not be assumed to be in the U.S. interest regardless of how much of Europe it included, who controlled it, or what its orientation might be, and that in any event U.S. interests required immediate development of closer United States-European relations without waiting for the fulfillment of problematical European unity.

Another reason for State Department opposition in the 1960's was an unwillingness to explore greater unity with Europe without knowing the end result. This was countered, unsuccessfully, by the contention that the end result of any exploration cannot be known. There would be no final commitment by this or any other government until the results were known and approved by constitutional processes.

A third argument was that "the time is not auspicious." This was agreed, but a counterargument was made that in the absence of U.S. leadership and initiative the time would become progressively less auspicious. The passage of time has confirmed this.

General De Gaulle did great damage to the course of both European and Atlantic unity, but in the process he performed one service. He made many Americans think harder about whether European unity, regardless of its form, membership, orientation, or leadership, would necessarily be in the U.S. interest.

There were also signs that the Common Market was tending toward economic autarchy, particularly in agriculture, rather than becoming the outward-looking, expanding unit contemplated by the Treaty of Rome. It may still get back on the rails but in the meantime it has given Americans considerable cause for thought.

Since George Ball's departure from the State Department in 1966, State has continued to oppose the various resolutions, but with less fervor.

On March 10, 1970, H. G. Torbert, Jr., Acting Assistant Secretary for Congressional Relations, replied to Chairman MORGAN's request of June 16, 1969, for the Department's views on House Concurrent Resolutions 283, 284, 285, and 286:

> We favor closer relations among Atlantic nations by improving relationships with existing institutions, notably NATO and the OECD. We consider the efforts being made

> on both sides of the Atlantic toward their development to be pragmatic steps toward the achievement of the ideas that motivated House Concurrent Resolutions 283, 284, 285 and 286.
>
> European sentiment in favor of cooperation with the U.S. in virtually all fields is stronger than ever as witnessed by their receptivity to the President's initiatives in NATO. At the same time, the Europeans are focusing their attention on the strengthening and enlargement of European institutions, a process which is a necessary step toward strengthening our partnership with Europe. Though there has been considerable progress toward tightening the bonds that both unite Western Europe and increase cooperation across the Atlantic, experience shows, and it is our view, that such progress is best achieved through a series of small, pragmatic steps.
>
> This Administration has made clear, however, that it will not lay down any blueprints for the Europeans to follow. This position stems from an appreciation of the nature of our current relations with Europe.
>
> For these reasons, we believe it would be premature for the U.S. to initiate the measures contemplated in the forward-looking Atlantic Union resolutions. The Department recommends, therefore, that no further action be taken on the resolutions at this time.

The restrained objections expressed in this letter are three: First, that "strengthening and enlargement of European institutions is a necessary step toward strengthening our partnership with Europe"; second, that progress can best be achieved through "small, pragmatic steps"; and third, that passage of such a resolution would be "premature."

With respect to the first point, the nature and extent of future European unity is not clear. Today, opinion is focused on the United Kingdom-European Economic Community negotiations. Whether these negotiations succeed or fail, the United States will face a new situation in Western Europe. We should be currently considering our course of action in either eventuality. It is hard to see why further developments in European unity should be a "necessary step" toward strengthening our own relations with Europe.

Concerning the second point, "small, pragmatic steps" are essential. Such steps, however, are much easier to achieve if they are on a path toward a specific goal. No government is now prepared to enter into a new federal union, but there is increasing realization on both sides of the Atlantic that no nation is "sovereign" in today's world. Some joint exercise of sovereignty is essential to enable any government to carry out its responsibilities to its people. There is increasing recognition that federal principles have proved both their worth and their adaptability to changing circumstances.

Progress toward unity in Europe has been and is being achieved through small, pragmatic steps, each of them difficult and controversial. It is doubtful whether these steps would have been taken had not European unity been established as a goal, first by the Hague Conference in 1948 and later by the Treaty of Rome in 1957.

Whether or not passage of the present resolution is "premature" is a matter of judgment. There can be no doubt that United States-European relations today are far less close than they were in the 1950's. They deteriorated seriously during the 1960's. The tide may be reversed in the 1970's, especially when the Southeast-Asian-war-caused drain of our human and material resources is ended.

U.S. leadership and initiative is essential. No one else can supply it. If unity is as good for the Europeans as we have been telling them it is for the last 25 years, it would be well for the United States to explore whether a certain amount of unity of Europe with us might not be more in our interest than a great deal of European unity without us. Congressional initiative in voting for such exploration would be a dramatic stimulus to improved United States-European relations. The time to take action is now.

Mr. FINDLEY. The gentleman's comments are both perceptive and appreciated. They are an extremely valuable contribution.

Mr. Speaker, my colleague from Massachusetts on the House Foreign Affairs Committee, Congressman F. BRADFORD MORSE, has also been a longtime supporter of Atlantic Union.

Mr. MORSE. Mr. Speaker, I am pleased to join with so many of my colleagues in support of the Atlantic Union Resolution—a resolution proposing the exploration of federation as a means of advancing the mutual interests of the Atlantic democracies and of solving our common problems, military, monetary, economic, environmental, and technological.

The legislative history of this concept dates back over 20 years. Since 1949, resolutions proposing a convention of NATO nations to explore the federal answer to the problems facing them all have been sponsored by many Members of the Congress and have been endorsed by many of our own leaders and prominent citizens, including President Richard Nixon, and as well, officials of many other of our free-world Atlantic allies. In 1962, in fact, after the Congress approved a greatly modified version of the resolution, such a convention met in Paris and adopted a declaration expressing the conviction that—

> Our survival as free men, and the possibility of progress for all men, demand the creation of a true Atlantic Community within the next decade,

The passage of time has not vitiated the potential of a broad federation of free Atlantic states. On the contrary, the last decade, with its technological and scientific progress and the concommitant developments with regard to the arms race and nuclear proliferation problems, has made it an even more persistent and urgent mission to explore new channels of cooperation that will help the Atlantic nations work together effectively in the solution of the needs of today's world. As President Nixon said in his address to the North Atlantic Council in 1969:

> We must build an alliance strong enough to deter those who might threaten war; close enough to provide for continuous and far-reaching consultation; trusting enough to accept a diversity of views; realistic enough to deal with the world as it is; flexible enough to explore new channels of constructive cooperation.

The United States is clearly in a position to initiate such an effort, and I am delighted by the broad and bipartisan support the resolution has received in the House.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1954, after many years of research throughout the country, Dr. Jonas Salk of the University of Pittsburgh perfected a vaccine for paralytic polio and soon at health clinics and schools across the Nation thousands of children were inoculated against this dreaded crippler. Then in 1962 Dr. Albert Sabin of the University of Cincinnati developed an oral vaccine. Widespread use of these vaccines has reduced the number of polio cases in the country from 14,000 in 1955 to 34 in 1967.

LITHUANIA CRIES OUT FOR SELF-DETERMINATION

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, February 16 marked the anniversary of the Declaration of Independence of Lithuania, the 53d since the restoration of Lithuania as a sovereign and self-governing state. Next week Americans of Lithuanian origin or descent and their friends in all parts of our great Nation will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

It is right and proper that the American people express our admiration and praise for the invincible spirit of the Lithuanians manifested in their past valiant deeds in defense of their freedom and for their perseverance and unwavering struggle to regain their liberty again as a free nation.

We must not allow the truth concerning the enslavement of Lithuania and the other captive nations to be forgotten. The facts must be retold frequently in the press and by teachers of history in the classrooms. The truth will motivate the free people of this still great nation and of the world to take positive action to bring about the restoration of a new day of independence for the people of Lithuania.

The history of the Lithuanian people is one of long oppression and domination. From 1795 to 1915, Lithuania was occupied by the Russians until overrun by German armies in World War I. The defeat of Germany, coupled with the Bolshevik Revolution in Russia, brought about favorable conditions for Lithuanian independence. By 1917, Lithuanian public opinion pressured the German Government to authorize the gathering of a congress of delegates which proposed an independent Lithuania.

On February 16, 1918, Lithuania was proclaimed an independent state, based on democratic principles.

When German troops evacuated in 1919, the Red army again occupied Lithuania.

In 1920, the Soviets signed a peace treaty with Lithuania, recognizing it as an independent nation and pledging renunciation forever of all rights of sovereignty.

The expansion of powerful countries leading to World War II soon found Lithuania occupied once again. In 1939, the Germans were yielded the city of Klaipeda—Memel—and the same year a mutual assistance treaty was forced upon the little nation by Russia. Lithuania was coerced to grant air bases and to admit Soviet military garrisons despite a treaty of nonaggression signed in 1926. In 1940, a rigged election produced a puppet congress which requested the incorporation of Lithuania into the Soviet Union. That same year Russia declared Lithuania to be a republic of the U.S.S.R.

From that day to present Lithuania suffers as an oppressed land. Her people have been uprooted and hauled off by the tens of thousands to Siberian slave-labor camps—the language, customs, religion, and culture suppressed and destroyed.

In Lithuania, as in other countries taken over by the Communists, those most likely to oppose the tyranny of a Communist state—landowners, lawyers, salesmen, clergy, and so forth—were quickly liquidated. Torturous methods were used in order to intimidate into submission others whom the Russians planned to utilize as slave laborers. A bit, more painful than those used on horses, was put in the mouths of the persecuted so they could not scream in their agonies. Scalding water was poured over their faces while they were still alive. Persons, some not yet in their teens, were abused sexually. Many committed suicide rather than submit to the atrocities. Anyone whose loyalty to the Soviets was suspect, even those who had helped the Communists gain power, were slaughtered since the Soviets wanted no troublemakers around. Thousands were arrested during the early hours of the morning in their homes. Wives and husbands were separated never to see each other again. All these atrocities and many yet more horrible are attested to—with photographic evidence—in the congressional hearings to investigate the incorporation of the Baltic States into the U.S.S.R.—November and December 1953—A. Vytenis' "The Red Star;" Petruitis' "Lithuania Under the Sickle and Hammer;" E. J. Harrison's "Lithuania's Fight for Freedom;" and many other works.

Lithuania today haunts civilization as a classic example of the results of Communist inhumanity. A genocide criminally inflicted by Bolshevik Russia—a signator to the Genocide Convention—against a small nation which has been totally devoured and exploited by the Soviets.

The United States has never recognized the Soviet incorporation of either Lithuania or of the other two Baltic States: Estonia or Latvia. Lithuania continues to maintain an Embassy in Washington, D.C.

The position of our Government in refusing to recognize the illegal occupation of Lithuania, Estonia, and Latvia and in displaying with words a desire for their right to self-determination is right and just. It is well to recall a resolution adopted by the second session of the 89th Congress calling for the restoration of freedom to the Baltic States. I insert House Concurrent Resolution 416 at this point:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

As a great Nation which believes in freedom and justice and which supports the aspirations of peoples for the right to self-determination, it would seem fitting that the United States should adopt a positive program to restore freedom to the Baltic States.

In order to implement House Concurrent Resolution 416, I introduced last year a resolution with the purpose of having the question of human rights violations in Soviet-occupied Lithuania placed on the agenda of the United Nations Organization. This purpose was not realized.

The enslaved people cry out for help and seek the principles of freedom and independence. The Soviets are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights as demonstrated by the recent hijacking of the Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, by the unsuccessful but heroic attempt of defection to the U.S. Coast Guard cutter *Vigilant* by Simas Kudirka, and by the announcement of the Soviets on January 14, 1971, that Vytautas Simokaitis received the death penalty for an attempt to flee to Sweden with his pregnant wife by commandeering a Soviet aircraft in Lithuania.

It is ironical that the United Nations Organization, as well as the United States, have imposed an economic boycott of the free country of Rhodesia because it does not abide by the so-called one-man, one-vote theory of democracy, yet will not place the matter of the human rights violations, including genocide in Lithuania, on the agenda of the United Nations for discussion. Nor will either call for economic sanctions against Russia as was done to Rhodesia.

Mr. Speaker, in observance of the Lithuanian day of independence, I have reintroduced a resolution with the hope that other freedom-loving Members will join in cosponsoring. I urge the adoption of this resolution and that the Congress demand the Soviets withdraw from Lithuania, Latvia, and Estonia. The text of the resolution follows as well as the text of an essay entitled "Lithuania's Fight for Freedom—Thirty Years of Soviet Oppression" by Mr. V. P. Volertas, president of the national executive committee of the Lithuanian American Community of the USA, Inc.:

House Concurrent Resolution 61

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations, including genocide, in the Soviet-occupied Lithuania on the agenda of the United Nations Organization.

Lithuania's Fight for Freedom

THIRTY YEARS OF SOVIET OPPRESSION

For too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.* Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was reestablished. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 aolne, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka—Coast Guard tragedy, the Hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

DEBATE OVER THIS NATION'S PRIORITIES AND THE ORDER IN WHICH THEY SHOULD BE LISTED

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. ROGERS) is recognized for 5 minutes.

Mr. ROGERS of Florida. Mr. Speaker, there is much debate over this Nation's priorities and the order in which they should be listed. In the field of health, however, I think that the overwhelming number of Americans will rank cancer as the object of highest national concern.

For that reason, many of us in the Congress have long supported a national goal of conquering this killer.

That goal, I feel, will be at least partially realized this year due in part to the administration's willingness to propose adequate funding. The President, in his message on the state of the Union, said that he proposed to ask for an additional $100 million for cancer research and this will be added to the $232 million which we appropriated last year.

By setting forth this financial help, the President has set the fight against cancer as a national priority. I feel that my colleagues will quickly pass the appropriation to make this a reality.

I am, however, concerned with the manner in which this fight against cancer will be conducted. There has been much discussion about the wisdom of creating a separate Cancer Authority to direct our efforts. This super agency would, by definition, be established outside the existing Cancer Institute which is now under the umbrella of the National Institutes of Health.

I feel that many of those who have proposed such a super agency fail to realize the work which has been conducted and which is right now being conducted by the National Cancer Institute.

I fear that many who have joined in backing this proposal for a super agency have not realized that in creating such an authority, we would indeed be setting cancer research back and would also be creating a bureaucracy which is totally unnecessary and undesirable.

We are now doing research in cancer. What is needed is more funds to do more work and to enable our researchers to do it faster than would otherwise be possible.

But to create a new agency and take the National Cancer Institute out of NIH would be disruptive, costly, and in the end, I feel, might delay research on a cancer cure many months. Indeed, the slippage might end up costing us as much as a year.

To create a separate agency would, I have been told, create the need for 450 additional personnel. Second, the cost of this would run about $13 million. That $13 million, I feel, would be better spent on research.

The added $100 million which we are proposing for cancer research has given us a priority, or a visibility, as some would say. To create a new agency just for the sake of visibility would be a cosmetic gesture, one unworthy of our effort to cure cancer.

We have the priority, and this will give us the visibility. What we need now are results, not a cosmetic touch to detract from the purpose of curing cancer.

I would also add that I feel that by taking the National Cancer Institute from out of the NIH, we would be placing the entire National Institutes of Health in jeopardy. The NCI is the largest of all Institutes.

When we talk of establishing a separate agency, we also must realize that in doing so we would be cuting off the existing and very important intradisciplinary aid that now contributes to the fight against cancer.

Every Institute within NIH which conducts biological investigations contribute to the fight against cancer. A new agency would not be able to readily cross the lines within NIH.

I hope that the fight against cancer which we are now joining in will not be diminished by an unknowing effort to create an image of action.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Gallagher (at the request of Mr. Addabbo) for the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Findley, for 30 minutes today, and to revise and extend his remarks and include extraneous matter.

Mr. Fisher (at the request of Mr. Burleson of Texas) for 15 minutes today and to revise and extend his remarks and include extraneous matter.

Mr. Smith of Iowa, for 30 minutes today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Baker) and to revise and extend their remarks and include extraneous matter:)

Mr. Price of Texas, for 15 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. McCloskey, for 60 minutes, on February 18.

(The following Members (at the request of Mrs. Grasso) and to revise and extend their remarks and include extraneous matter:)

Mr. Rarick, for 10 minutes, today.

Mr. Rogers of Florida, for 5 minutes, today.

Mr. Roncalio, for 60 minutes, on February 18.

Mr. Hanna, February 18, for 30 minutes, to revise and extend his remarks, and to include extraneous material.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes in five instances.

Mr. Monagan.

Mr. Madden, and to include extraneous material.

Mr. Bevill, and to include extraneous material.

All Members and to revise and extend their remarks on the subject of Mr. Findley's special order.

(The following Members (at the request of Mr. Baker) and to include extraneous matter:)

Mr. Forsythe in four instances.

Mr. Shoup.

Mr. Steele in 10 instances.

Mr. Wyman in two instances.

Mr. Morse in three instances.

Mr. Broomfield.

Mr. Schmitz in two instances.

Mr. Buchanan.

Mr. Robinson of Virginia.

Mr. Hogan in five instances.

Mr. Scherle in five instances.

Mr. Minshall in four instances.

Mr. Quillen in four instances.

Mr. Fulton of Pennsylvania in five instances.

Mr. Don H. Clausen in two instances.

Mr. Findley.

Mr. Gude.

Mr. Pelly.

Mr. Zwach.

Mr. Derwinski in three instances.

Mr. Wyatt in two instances.

Mr. Gerald R. Ford.

Mr. Price of Texas in two instances.

Mr. Vander Jagt.

Mr. Sebelius.

(The following Members (at the request of Mrs. Grasso) and to include extraneous matter:)

Mr. Minish.

Mr. Eilberg.

Mr. William D. Ford.

Mr. Hamilton.

Mr. Long of Maryland in two instances.

Mr. Waldie in five instances.

Mr. Teague of Texas in six instances.

Mr. Badillo in two instances.

Mr. Carney in two instances.

Mrs. Hansen of Washington in two instances.

Mrs. Mink in six instances.

Mr. Sikes in 10 instances.

Mr. Abourezk in three instances.

Mrs. Chisholm.

Mr. Podell in three instances.

Mr. Rooney of New York.

Mr. Rodino.

Mr. Rees in three instances.

Mr. Roe.

Mr. Fountain in two instances.

Mr. Kluczynski in two instances.

Mr. Rostenkowski in two instances.

Mr. Rarick in four instances.

Mr. Anderson of California in four instances.

Mr. Nix in two instances.

Mr. Rangel.

Mr. Bingham in two instances.

Mr. Koch in three instances.

Mr. Fraser in two instances.

Mr. Anderson of Tennessee in two instances.

Mr. Bennett in two instances.

Mr. O'Hara in two instances.

Mr. Fulton of Tennessee in four instances.

Mr. Hawkins in two instances.

Mr. Wolff.

Mr. Charles H. Wilson.

Mr. Miller of California in five instances.

Mr. Aspin in 10 instances.

Mr. Zablocki in two instances.

Mr. Natcher.

Mr. Patten.

Mr. Yatron.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 531. An act to authorize the United States Postal Service to receive the fee of $2 for execution of an application for a passport; to the Committee on Foreign Affairs.

ADJOURNMENT

Mrs. GRASSO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, February 18, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

254. A communication from the President of the United States, transmitting his report to Congress on progress in negotiations in the railway labor dispute and recommendations for resolution of the dispute, pursuant to Public Law 91-541 (H. Doc. No. 92-48); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

255. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes; to the Committee on Agriculture.

256. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force; to the Committee on Armed Services.

257. A letter from the Acting Secretary of the Navy, transmitting a report on the Naval Reserve Officers' Training Corps flight instruction program for fiscal year 1970, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

258. A letter from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to amend title 10, United States Code, to provide scholarships to selected persons for education in medicine, dentistry and other health professions; to the Committee on Armed Services.

259. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting reports of (1) military construction projects placed under contract in fiscal year 1970 in which the current working estimate exceeded the amount authorized by Congress by more than 25 percent; and (2) individual projects in which the project scope was reduced in order to permit contract award within the available authorization, pursuant to section 703(d) of Public Law 91-142; to the Committee on Armed Services.

260. A letter from the Deputy Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July-November 1970, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

261. A letter from the Secretary, Export-Import Bank of the United States, transmitting reports on the administration of the export expansion facility program for the quarters ended September 30 and December 31, 1970, pursuant to Public Law 90-390; to the Committee on Banking and Currency.

262. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers; to the Committee on Foreign Affairs.

263. A letter from the Acting Administrator of General Services, transmitting a draft of proposed legislation to facilitate the preservation of historic monuments, and for other purposes; to the Committee on Government Operations.

264. A letter from the Acting Administrator of General Services, transmitting a draft of proposed legislation to amend section 204(b) of the Federal Property and Administrative Services Act of 1949, as

amended; to the Committee on Government Operations.

265. A letter from the Acting Administrator of General Services, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, to authorize the Administrator of General Services to dispose of property owned by the United States, for use in lease construction agreements, and for other purposes; to the Committee on Government Operations.

266. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report on the scope of the specialized or technical services provided to State or local governments by the National Aeronautics and Space Administration during calendar year 1970, pursuant to title III of Public Law 90-577; to the Committee on Government Operations.

267. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a national land use policy; to authorize the Secretary of the Interior to make grants and encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance, and for other purposes; to the Committee on Interior and Insular Affairs.

268. A letter from the Secretary of the Interior, transmitting the annual report of the Office of Coal Research for 1971, pursuant to Public Law 86-599; to the Committee on Interior and Insular Affairs.

269. A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting a report on negotiated sales contracts for the disposal of materials during the period July 1 through December 31, 1970, pursuant to 76 Stat. 587; to the Committee on Interior and Insular Affairs.

270. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the first section of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

271. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

272. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Natural Gas Pipeline Safety Act of 1968; to the Committee on Interstate and Foreign Commerce.

273. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to control the generation and transmission of noise detrimental to the human environment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

274. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Hazardous Substances Act, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

275. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation to amend subsection (d) of section 2 of the War Claims Act of 1948, as amended, relating to the terms of office of the members of the Foreign Claims Settlement Commission of the United States; to the Committee on Interstate and Foreign Commerce.

276. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 6 of title 35, United States Code, "Patents", to authorize domestic and international studies and programs relating to patents and trademarks; to the Committee on the Judiciary.

277. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967; to the Committee on the Judiciary.

278. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 35 of the Bankruptcy Act (11 U.S.C. 63) and sections 631 and 634 of title 28, United States Code, to permit full-time referees in bankruptcy to perform the duties of a U.S. magistrate; to the Committee on the Judiciary.

279. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Bankruptcy Act to abolish the referees' salary and expense fund, to provide that fees and charges collected by the clerk of a court of bankruptcy in bankruptcy proceedings be paid into the general fund of the Treasury of the United States, to provide salaries and expenses of referees be paid from the general fund of the Treasury, and to eliminate the statutory criteria presently required to be considered by the Judicial Conference in fixing salaries of full-time referees; to the Committee on the Judiciary.

280. A letter from the national corporation agent, Legion of Valor of the U.S.A., Inc., transmitting the financial statement of the legion for the period August 1, 1969, through July 31, 1970, pursuant to Public Law 224, 84th Congress; to the Committee on the Judiciary.

281. A letter from the president and chairman, Little League Baseball, transmitting the annual report and certified audit of the organization for fiscal year 1970, pursuant to section 14(b) of Public Law 88-378; to the Committee on the Judiciary.

282. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

283. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Public Law 89-701, as amended, to extend until June 30, 1973, the expiration date of the act and the authorization of appropriations therefor, and for other purposes; to the Committee on Merchant Marine and Fisheries.

284. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

285. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates; to the Committee on Post Office and Civil Service.

286. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

287. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

288. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

289. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

290. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information; to the Committee on Veterans' Affairs.

291. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to provide an extension of the interest equalization tax; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

292. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improving training results and efficiency at the East Bay Skills Center, Oakland, Calif., under the Manpower Development and Training Act, Department of Labor, Department of Health, Education, and Welfare; to the Committee on Government Operations.

293. A letter from the Comptroller General of the United States, transmitting a report the balance-of-payments benefits achieved by the Department of Agriculture through an increased agricultural barter program; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 4328. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. ANDERSON of California:

H.R. 4329. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

H.R. 4330. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 4331. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. ASPINALL (by request):

H.R. 4332. A bill to establish a national land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BARING:

H.R. 4333. A bill to amend the Indian Long-Term Lease Act; to the committee on Interior and Insular Affairs.

H.R. 4334. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4335. A bill to provide for a Veterans' Administration general medical and surgical hospital of 400 beds at Clark County, Nev.; to the Committee on Veterans' Affairs.

H.R. 4336. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the occupational tax on coin-operated gaming devices for similar new taxes imposed by a State where the operation of such devices is legal; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 4337. A bill to establish a national land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4338. A bill to require local consultation in Federal construction projects; to the Committee on Public Works.

By Mr. BLATNIK:

H.R. 4339. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 4340. A bill to revise the Federal Corrupt Practices Act, 1925, and for other purposes; to the Committee on House Administration.

H.R. 4341. A bill relating to the transportation and gas distribution facilities operated by New Orleans Public Service, Inc., a corporation organized under the laws of the State of Louisiana and operating in the city of New Orleans, La., and all the shares of whose common stock are owned by Middle South Utilities, Inc.; to the Committee on Interstate and Foreign Commerce.

H.R. 4342. A bill to provide for the control of mosquitoes and mosquito vectors of human disease through technical assistance and grants-in-aid for control projects; to the Committee on Interstate and Foreign Commerce.

H.R. 4343. A bill to create a marine resources conservation and development fund; to provide for the distribution of revenues from Outer Continental Shelf lands, and for other purposes; to the Committee on the Judiciary.

H.R. 4344. A bill to provide increases in annuities granted under the Panama Canal Construction Service Annuity Act of May 29, 1944, and thereafter to provide cost-of-living increases in such annuities; to the Committee on Merchant Marine and Fisheries.

H.R. 4345. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for expenditures for reconversion of structures in a slum clearance program or rehabilitation project; to the Committee on Ways and Means.

H.R. 4346. A bill to grant an additional income tax exemption to a taxpayer supporting a dependent who is blind or otherwise permanently and totally disabled; to the Committee on Ways and Means.

H.R. 4347. A bill relating to the Federal income tax treatment of losses sustained as the result of Hurricane Camille; to the Committee on Ways and Means.

H.R. 4348. A bill to amend the Internal Revenue Code of 1954 to provide for certain costs of construction; to the Committee on Ways and Means.

By Mr. BURLESON of Texas (for himself, Mr. Roberts, Mrs. Chisholm, Mr. Garmatz, Mr. Fuqua, Mr. Lennon, Mr. Gallagher, Mr. Yatron, Mr. Abbitt, Mr. Sikes, Mr. Carter, Mr. Byrne of Pennsylvania, and Mr. Casey of Texas):

H.R. 4349. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 4350. A bill to establish the Juan Manuel de Ayala National Recreation Area at the Golden Gate headlands in California; to the Committee on Interior and Insular Affairs.

By Mr. BYRNE of Pennsylvania:

H.R. 4351. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Commmittee on Armed Services.

H.R. 4352. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CAMP (for himself, Mr. Belcher, Mr. Edmondson, Mr. Jarman, and Mr. Steed):

H.R. 4353. A bill to provide for the disposition of funds appropriated to pay certain judgments in favor of the Iowa Tribes of Oklahoma and of Kansas and Nebraska; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

H.R. 4354. A bill to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System, in order to increase such limitations for motorbuses; to the Committee on Public Works.

By Mr. FISHER:

H.R. 4355. A bill to amend the Housing and Urban Development Act of 1968 to require a public notice and public hearing concerning any application, with certain findings, involving interest-reduction payments (or mortgage insurance) with respect to such project, as applied to sections 235 and 236; and for other purposes; to the Committee on Banking and Currency.

By Mr. GERALD R. FORD:

H.R. 4356. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

By Mr. GERALD R. FORD (for himself and Mr. Vander Jagt):

H.R. 4357. A bill to amend the Community Mental Health Centers Act to permit staffing grants to be made to certain mental health centers; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE:

H.R. 4358. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. FREY (for himself, Mr. Begich, Mr. Lent, Mr. Wyatt, Mr. Griffin, Mr. Steele, Mr. Roybal, Mr. Waldie, Mr. Hosmer, Mr. Gubser, Mr. Donohue, Mr. Morse, Mr. Fish, Mr. Hastings, Mr. Flowers, Mr. Halpern, Mr. Lennon, Mr. Harrington, Mr. Biester, Mr. Schwengel, Mr. Quie, Mr. Don H. Clausen, Mr. Forsythe, Mr. Wolff, and Mr. Anderson of Illinois):

H.R. 4359. A bill to amend the act of August 3, 1968 (82 Stat. 625), to protect the ecology of estuarine areas by regulating dumping of waste materials, to authorize the establishment of a system of marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FREY (for himself, Mr. Rees, Mr. Hansen of Idaho, Mr. Cleveland, Mr. Buchanan, Mr. Camp, Mr. Minshall, Mr. Fulton of Pennsylvania, Mr. Burke of Massachusetts, Mr. Young of Florida, Mr. Corbett, Mr. Esch, Mr. Frenzel, Mr. Whitehurst, Mr. Shoup, Mr. Thomson of Wisconsin, Mr. Frelinghuysen, Mr. Railsback, Mr. McCloskey, Mr. Brasco, Mr. Flood, Mr. Vigorito, Mr. Hathaway, Mr. Anderson of California, and Mr. Collins of Illinois):

H.R. 4360. A bill to amend the act of August 3, 1968 (82 Stat. 625), to protect the ecology of estuarine areas by regulating dumping of waste materials, to authorize the establishment of a system of marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FREY (for himself, Mr. Mann, Mr. Dulski, Mr. Keith, and Mr. Grover):

H.R. 4361. A bill to amend the act of August 3, 1968 (82 Stat. 625), to protect the ecology of estuarine areas by regulating dumping of waste materials, to authorize the establishment of a system of marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Pennsylvania:

H.R. 4362. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. GRASSO:

H.R. 4363. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

By Mr. HANNA:

H.R. 4364. A bill to provide a maximum age for persons to be seated as a Member of the House of Representatives; to the Committee on House Administration.

By Mr. HARSHA:

H.R. 4365. A bill to clarify the liability of national banks for certain taxes with respect to personal property; to the Committee on Banking and Currency.

H.R. 4366. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 4367. A bill to provide for special programs for children with specific learning disabilities; to the Committee on Education and Labor.

H.R. 4368. A bill to provide for educational assistance for gifted and talented children; to the Committee on Education and Labor.

H.R. 4369. A bill to provide for child-care programs and services including developmental preschool programs to families with children who may need such services; to the Committee on Education and Labor.

H.R. 4370. A bill to amend the Fur Seal Act of 1966 by prohibiting the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals on the Pribilof Islands or on any other land and water under the jurisdiction of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 4371. A bill to amend the Internal Revenue Code of 1954 to increase the present dollar limits on the amount allowable as a child-care deduction, to eliminate all income limits on eligibility for such deductions, and to increase the maximum age of a dependent child with respect to whom such deduction may be allowed; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 4372. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HUTCHINSON:

H.R. 4373. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Pennsylvania:

H.R. 4374. A bill to amend the Tariff Schedules of the United States with respect to the duties on stainless steel sheets and on articles made from such sheets; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Dorn, Mr. Gonzalez, and Mr. McCormack):

H.R. 4375. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KOCH (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bell, Mr. Brasco, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Donohue, Mr. Drinan, Mr. Edwards of California, Mr. Esch, Mr. Fraser, Mr. Gallagher, Mrs. Grasso, and Mr. Halpern):

H.R. 4376. A bill to amend the Internal Revenue Code of 1954 in relation to expenses for care of certain dependents; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Harrington, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Lujan, Mr. McKinney, Mr. Mikva, Mr. Mitchell, Mr. Morse, Mr. Moss, Mr. Rangel, Mr. Reid of New York, Mr. Rosenthal, Mr. Ryan, Mr. St Germain, Mr. Tiernan, and Mr. Wolff):

H.R. 4377. A bill to amend the Internal Revenue Code of 1954 in relation to expenses for care of certain dependents; to the Committee on Ways and Means.

By Mr. MADDEN:

H.R. 4378. A bill to amend the Clean Air Act and the Federal Water Pollution Control Act to provide for standards for the manufacture of certain products to protect the quality of the Nation's air and navigable waters; to the Committee on Interstate and Foreign Commerce.

By Mr. MAYNE:

H.R. 4379. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 4380. A bill to authorize a program for the development of a tuna fishery in the central and western Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mrs. MINK (for herself, Mr. Burton, and Mr. Thompson of New Jersey):

H.R. 4381. A bill to amend Public Law 874 of the 81st Congress to create within the Department of Health, Education, and Welfare a National Overseas Education Board having responsibility for the elementary and secondary education of certain overseas dependents; to the Committee on Education and Labor.

By Mr. MONAGAN (for himself and Mr. Sisk):

H.R. 4382. A bill to establish a temporary Emergency Guidance Board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto; to the Committee on Banking and Currency.

By Mr. MONAGAN (for himself, Mr. Gallagher, Mr. Myers, Mr. Moorhead, Mr. Rosenthal, and Mr. Mann):

H.R. 4383. A bill to authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government which are created to advise officers and agencies of the Federal Government; to the Committee on Government Operations.

By Mr. NIX:

H.R. 4384. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4385. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

H.R. 4386. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OBEY:

H.R. 4387. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. PERKINS:

H.R. 4388. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 4389. A bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended-care services follow hospitalization in order to qualify for payment thereunder; to the Committee on Ways and Means.

H.R. 4390. A bill to amend title XVIII of the Social Security Act to include drugs requiring a doctor's prescription among the medical expenses with respect to which payment may be made under the voluntary program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 4391. A bill to amend title II of the Social Security Act to provide that the special monthly benefits which are payable thereunder to uninsured individuals at age 72 shall be payable without regard to the time at which such age is attained; to the Committee on Ways and Means.

H.R. 4392. A bill to amend title II of the Social Security Act to reduce from 60 to 50 the age at which a woman otherwise qualified may become entitled to widow's insurance benefits; to the Committee on Ways and Means.

H.R. 4393. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

H.R. 4394. A bill to provide that individuals entitled to disability insurance benefits (or child's benefits based on disability) under title II of the Social Security Act, and individuals entitled to permanent disability annuities (or child's annuities based on disability) under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act; to the Committee on Ways and Means.

By Mr. PERKINS (by request):

H.R. 4395. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered to be income for the purpose of determining eligibility for a pension under that title; to the Committee on Veterans' Affairs.

By Mr. PODELL:

H.R. 4396. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. PODELL (for himself and Mr. Rooney of Pennsylvania):

H.R. 4397. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. PRICE of Texas:

H.R. 4398. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

H.R. 4399. A bill to amend the Internal Revenue Code of 1954 to provide that the valuation of a decedent's interest in a ranch, farm, or closely held business may at the election of the executor be determined, for estate tax purposes, solely by reference to its value for such use; to the Committee on Ways and Means.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Boggs, Mr. O'Neill, Mr. Patman, Mr. Staggers, Mr. Perkins, Mr. Johnson of California, Mr. Don H. Clausen, Mr. Garmatz, Mr. Adams, Mr. Pelly, Mr. Dulski, Mr. Miller of California, Mr. Kluczynski, Mr. Gray, Mr. Clark, Mr. Kee, Mr. Anderson of California, Mr. Duncan, Mr. Miller of Ohio, Mr. Hammerschmidt, Mr. Price of Illinois, and Mr. Leggett):

H.R. 4400. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Boland, Mr. Sikes, Mr. Flood, Mr. Slack, Mrs. Hansen of Washington, Mr. Hull, Mr. Pryor of Arkansas, Mr. Conte, Mr. Shriver, Mr. Talcott, Mr. Wyatt, Mr. Madden, Mr. Sisk, Mr. Pepper, Mr. Matsunaga, Mr. Roybal, Mr. Ullman, Mr. Burke of Massachusetts, Mr. Fulton of Tennessee, and Mr. Corman):

H.R. 4401. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mrs. Mink, Mr. Mollohan, Mr. Morse, Mr. O'Konski, Mr. Pirnie, Mr. Rarick, Mr. Rodino, Mr. St Germain, Mr. Stokes, Mr. Stubblefield, and Mrs. Sullivan):

H.R. 4402. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Thomson of Wisconsin, Mr. Tiernan, Mr. Udall, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Waldie, and Mr. Moss):

H.R. 4403. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Diggs, Mr. Hicks of Washington, Mr. Hosmer, Mr. Keith, Mr. King, Mr. Lujan, Mr. McKay, Mr. Meeds, and Mr. Mikva):

H.R. 4404. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Alexander, Mr. Annunzio, Mr. Brademas, Mr. Burton, Mr. Daniels of New Jersey, Mr. Dellenback, Mr. Dent, Mr. Dingell, Mr. Edwards of California, and Mr. Foley):

H.R. 4405. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra-high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. William D. Ford, Mr. Fulton of Pennsylvania, Mr. Fuqua, Mrs. Grasso, Mr. Gonzalez, Mr. Gubser, Mr. Harvey, Mr. Hathaway, Mr. Hawkins, and Mr. Hechler of West Virginia):

H.R. 4406. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra-high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Rees, Mr. Carter, Mr. Andrews of North Dakota, Mr. Thompson of New Jersey, Mr. Vanik, Mr. Pucinski, Mr. Fraser, and Mr. Bergland):

H.R. 4407. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Danielson, Mr. Whitehurst, and Mr. Minish):

H.R. 4408. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. RARICK:

H.R. 4409. A bill to provide a moratorium in which the payment of interest on U.S. obligations will be suspended, to provide that for this period interest-bearing obligations will be refunded with 20-year, non-interest-bearing obligations, and to provide that the savings to the United States will be used to reduce the public debt; to the Committee on Ways and Means.

H.R. 4410. A bill to amend the Internal Revenue Code of 1954, as amended, to help small businesses by providing a corporate tax exemption on the first $100,000 of taxable income; to the Committee on Ways and Means.

By Mr. RHODES (for himself and Mr. Steiger of Arizona):

H.R. 4411. A bill for the relief of the Arizona Power Authority, an instrumentality of the State of Arizona; to the Committee on the Judiciary.

By Mr. RODINO (for himself, Mr. Anderson of California, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Barrett, Mr. Baring, Mr. Bevill, Mr. Biaggi, Mr. Brasco, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Byrne of Pennsylvania, Mr. Carney, Mr. Cederberg, Mr. Celler, Mrs. Chisholm, Mr. Clark, Mr. Córdova, Mr. Corman, Mr. Coughlin, Mr. Crane, Mr. Danielson, Mr. Davis of Georgia, Mr. Dent, and Mr. Derwinski):

H.R. 4412. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself, Mr. Dickinson, Mr. Diggs, Mr. Dingell, Mr. Donohue, Mr. Dorn, Mr. Dulski, Mrs. Dwyer, Mr. Edmondson, Mr. Eilberg, Mr. Edwards of California, Mr. Fish, Mr. Flood, Mr. Forsythe, Mr. Frenzel, Mr. Fuqua, Mr. Garmatz, Mr. Goldwater, Mrs. Grasso, Mr. Green of Pennsylvania, Mrs. Green of Oregon, Mr. Griffin, Mr. Halpern, Mrs. Hansen of Washington, and Mr. Hastings):

H.R. 4413. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself, Mr. Helstoski, Mr. Hicks of Washington, Mr. Holifield, Mr. Horton, Mr. Howard, Mr. Hunt, Mr. Ichord, Mr. Jacobs, Mr. Johnson of Pennsylvania, Mr. King, Mr. Koch, Mr. Leggett, Mr. Lennon, Mr. Lujan, Mr. Madden, Mr. Matsunaga, Mr. Mazzoli, Mr. McClory, Mr. McClure, Mr. McDonald of Michigan, Mr. Melcher, Mr. Mikva, Mr. Miller of California, and Mr. Minish):

H.R. 4414. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself, Mrs. Mink, Mr. Moorhead, Mr. Moss, Mr. Nix, Mr. O'Hara, Mr. Pelly, Mr. Pirnie, Mr. Podell, Mr. Price of Illinois, Mr. Pucinski, Mr. Railsback, Mr. Rarick, Mr. Reuss, Mr. Rhodes, Mr. Riegle, Mr. Roberts, Mr. Roe, Mr. Roncalio, Mr. Rooney of Pennsylvania, Mr. Roush, Mr. Sandman, Mr. Saylor, Mr. Schneebeli, and Mr. Seiberling):

H.R. 4415. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself, Mr. Shriver, Mrs. Sullivan, Mr. Symington, Mr. Teague of California, Mr. Thompson of Georgia, Mr. Vigorito, Mr. Vanik, Mr. Waggonner, Mr. Widnall, Mr. Charles H. Wilson, Mr. Wyman, Mr. Yatron, Mr. Young of Florida, Mr. Henderson, and Mr. Murphy of Illinois):

H.R. 4416. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Barrett, Mr. Bevill, Mr. Burke of Massachusetts, Mr. Byrne of Pennsylvania, Mr. Cederberg, Mr. Clark, Mr. Córdova, Mr. Coughlin, Mr. Danielson, Mr. Dent, Mr. Diggs, Mr. Dingell, Mr. Donohue, Mr. Dulski, Mr. Eilberg, Mr. Edwards of California, Mr. Flood, Mr. Forsythe, Mr. Fuqua, Mr. Garmatz, Mr. Griffin, and Mr. Halpern):

H.R. 4417. A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO (for himself, Mrs. Hansen of Washington, Mr. Hastings, Mr. Henderson, Mr. Hicks of Washington, Mr. Ichord, Mr. Johnson of Pennsylvania, Mr. Leggett, Mr. Madden, Mr. McClory, Mr. Mikva, Mr. Miller of California, Mrs. Mink, Mr. Moorhead, Mr. Pelly, Mr. Price of Illinois, Mr. Pucinski, Mr. Railsback, Mr. Rarick, Mr. Rhodes, Mr. Roe, Mr. Roncalio, Mr. Rooney of Pennsylvania, Mr. Schneebeli, and Mr. Thompson of Georgia):

H.R. 4418. A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controling narcotic addicts, and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO (for himself, Mr. Vigorito, Mr. Widnall, Mr. Charles H. Wilson, Mr. Yatron, and Mr. Murphy of Illinois):

H.R. 4419. A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 4420. A bill to designate the Gros Ventre Wilderness, Teton National Forest, in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. ROSENTHAL:

H.R. 4421. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

H.R. 4422. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 4423. A bill to make prohibitions against the advertising of prescription drug prices an unfair act or practice in commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 4424. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4425. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4426. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 4427. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4428. A bill to require that certain short-shelf-life durable products be prominently labeled as to the date beyond which performance life becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Annunzio, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Barrett, Mr. Begich, Mr. Bergland, Mr. Biaggi, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Brooks, Mr. Burke of Massachusetts, Mr. Burton, Mr. Carey of New York, and Mr. Carney):

H.R. 4429. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Ccmmittee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Celler, Mrs. Chisholm, Mr. Clark, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Corman, Mr. Cotter, Mr. Culver, Mr. Daniels of New Jersey, Mr. Danielson, Mr. Denholm, Mr. Dellums, Mr. Dent, Mr. Diggs, Mr. Dingell, Mr. Donohue, Mr. Dow, Mr. Drinan, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, and Mr. Fascell):

H.R. 4430. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Flood, Mr. William D. Ford, Mr. Fraser, Mr. Fulton of Tennessee, Mr. Gallagher, Mr. Garmatz, Mr. Gaydos, Mr. Gibbons, Mr. Gonzalez, Mrs. Grasso, Mr. Gray, Mr. Green of Pennsylvania, Mr. Hanley, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Holifield, Mr. Howard, Mr. Jacobs, and Mr. Johnson of California):

H.R. 4431. A bill to establish an Office of Consumer Affairs, in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Karth, Mr. Kastenmeier, Mr. Kluczynski, Mr. Koch, Mr. Leggett, Mr. Link, Mr. Long of Maryland, Mr. Macdonald of Massachusetts, Mr. Madden, Mr. Matsunaga, Mr. Mazzoli, Mr. McFall, Mr. McCormack, Mr. Meeds, Mr. Mikva, Mr. Minish, Mrs. Mink, Mr. Mitchell, Mr. Moorhead, Mr. Morgan, Mr. Moss, Mr. Murphy of New York, Mr. Murphy of Illinois, and Mr. Nedzi):

H.R. 4432. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Nix, Mr. O'Neill, Mr. Patten, Mr. Pepper, Mr. Perkins, Mr. Pike, Mr. Podell, Mr. Price of Illinois, Mr. Pucinski, Mr. Rangel, Mr. Rees, Mr. Reuss, Mr. Rodino, Mr. Roe, Mr. Roncalio, Mr. Rooney of Pennsylvania, Mr. Rostenkowski, Mr. Roybal, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, Mr. Seiberling, Mr. Smith of Iowa, and Mr. James V. Stanton):

H.R. 4433. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Stokes, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, Mr. Van Deerlin, Mr. Vanik, Mr. Waldie, Mr. Charles H. Wilson, Mr. Wolff, Mr. Yates, Mr. Yatron, and Mr. Zablocki):

H.R. 4434. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROSTENKOWSKI (for himself, Mr. Annunzio, Mr. Collins of Illinois, Mr. Kluczynski, Mr. Metcalfe, Mr. Mikva, Mr. Murphy of Illinois, and Mr. Pucinski):

H.R. 4435. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. ROYBAL:

H.R. 4436. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RYAN:

H.R. 4437. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

H.R. 4438. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

By Mr. SCHWENGEL:

H.R. 4439. A bill to provide increases in certain annuities payable under Chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4440. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

H.R. 4441. A bill to amend the Civil Service Retirement Act, as amended, to provide minimum annuities for employee annuitants and spouse survivor annuitants; to the Committee on Post Office and Civil Service.

H.R. 4442. A bill to modify the decrease in Federal group life insurance at age 65 or after retirement; to the Committee on Post Office and Civil Service.

H.R. 4443. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, (and for other purposes); to the Committee on Post Office and Civil Service.

H.R. 4444. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 4445. A bill to amend part B of title XVIII of the Social Security Act to include prescribed drugs among the items and services covered under the supplementary medical insurance program for the aged; to the Committee on Ways and Means.

H.R. 4446. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 4447. A bill to extend the Consolidated Farmers Home Administration Act of 1961 to Guam; to the Committee on Agriculture.

H.R. 4448. A bill to amend the Uniformed Services Pay Act of 1963 to revise the rule for recomputation of retired or retainer pay to reflect later active duty; to the Committee on Armed Services.

By Mr. STAGGERS:

H.R. 4449. A bill to limit membership on national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin (for himself, Mr. Matsunaga, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Andrews of North Dakota, Mr. Archer, Mr. Badillo, Mr. Bennett, Mr. Biester, Mr. Boland, Mr. Broomfield, Mr. Brown of Michigan, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Carter, Mr. Cederberg, Mrs. Chisholm, Mr. Don H. Clausen, Mr. Clay, Mr. Cleveland, Mr. Conte, Mr. Conyers, Mr. Crane, Mr. Dent, and Mr. Donohue):

H.R. 4450. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. Steiger of Wisconsin, Mr. Dow, Mr. Duncan, Mr. Edwards of California, Mr. Findley, Mr. Fish, Mr. Fulton of Pennsylvania, Mr. Gold-

WATER, Mrs. GREEN of Oregon, Mr. GUBSER, Mr. GUDE, Mr. HALPERN, Mr. HAMILTON, Mr. HARRINGTON, Mr. HASTINGS, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. HORTON, Mr. JOHNSON of California, Mr. KOCH, Mr. LEGGETT, Mr. McCLORY, Mr. MAILLIARD, and Mr. MAZZOLI):

H.R. 4451. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. STEIGER of Wisconsin, Mrs. MINK, Mr. MITCHELL, Mr. MORSE, Mr. MOSHER, Mr. MURPHY of Illinois, Mr. O'HARA, Mr. O'KONSKI, Mr. PETTIS, Mr. POWELL, Mr. QUIE, Mr. RAILSBACK, Mr. REID of New York, Mr. RIEGLE, Mr. ROBISON of New York, Mr. ROE, Mr. ROSENTHAL, Mr. ROUSSELOT, Mr. RYAN, Mr. ST GERMAIN, Mr. SANDMAN, Mr. SARBANES, Mr. SCHWENGEL, and Mr. SEBELIUS):

H.R. 4452. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mr. STEIGER of Wisconsin (for himself, Mr. MATSUNAGA, Mr. SHRIVER, Mr. SMITH of New York, Mr. SNYDER, Mr. STAFFORD, Mr. J. WILLIAM STANTON, Mr. STOKES, Mr. THOMSON of Wisconsin, Mr. UDALL, Mr. VANDER JAGT, Mr. WIDNALL, Mr. VANIK, and Mr. YATRON):

H.R. 4453. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mrs. SULLIVAN:

H.R. 4454. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. SYMINGTON:

H.R. 4455. A bill to amend the bankruptcy laws to increase the maximum compensation allowable to receivers and trustees; to the Committee on the Judiciary.

By Mr. SYMINGTON (for himself, Mr. BURTON and Mr. EILBERG):

H.R. 4456. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

By Mr. TAYLOR:

H.R. 4457. A bill to make it a crime to move or travel in interstate or foreign commerce to avoid compliance with certain support orders, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia (for himself, Mr. ADDABBO, Mr. BARING, Mr. BEVILL, Mr. CÓRDOVA, Mr. DENT, Mr. FLOWERS, Mr. HANNA, Mrs. HANSEN of Washington, Mr. HASTINGS, Mr. HAYS, Mr. HALPERN, Mr. HULL, Mr. MIKVA, Mr. McEWEN, Mr. MOSS, Mr. PEPPER, Mr. PODELL, Mr. RIEGLE, Mr. ROSENTHAL, Mr. SANDMAN, Mr. SEBELIUS, Mr. SISK, Mr. STAFFORD, and Mr. STUCKEY):

H.R. 4458. A bill to amend the Communications Act of 1934 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone number 911 available throughout the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of Georgia (for himself, Mr. WATTS, Mr. WHITEHURST, Mr. WILLIAMS, Mr. WRIGHT, and Mr. YATRON):

H.R. 4459. A bill to amend the Communications Act of 1934 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone number 911 available throughout the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK (for himself, Mrs. ABZUG, Mr. HAYS, Mr. MADDEN, Mr. REES, Mr. ROSENTHAL, Mr. SISK, Mr. WOLFF, and Mr. YATRON):

H.R. 4460. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $100, and to increase to $2,400 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. VEYSEY:

H.R. 4461. A bill to amend the Clean Air Act to allow certain States to adopt aircraft emission standards; to the Committee on Interstate and Foreign Commerce.

By Mr. WATTS:

H.R. 4462. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Commmittee on Agriculture.

By Mr. YOUNG of Florida:

H.R. 4463. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 4464. A bill to aid in the control of drug abuse by establishing a code for the identification of prescription drugs, to be printed on individual tablets or capsules; to the Committee on Interstate and Foreign Commerce.

H.R. 4465. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorous; to the Committee on Public Works.

By Mr. BADILLO:

H.J. Res. 334. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BOGGS:

H.J. Res. 335. Joint resolution providing for a study of the possibility and desirability of establishing a University of the Americas; to the Committee on Foreign Affairs.

H.J. Res. 336. Joint resolution establishing the Commission on Art and Antiquities of the Capitol, and for other purposes; to the Committee on House Administration.

H.J. Res. 337. Joint resolution authorizing the President to proclaim the second week of March 1971 as Volunteers of America Week; to the Committee on the Judiciary.

By Mr. HANNA:

H.J. Res. 338. Joint resolution proposing an amendment to the Constitution of the United States providing for 4-year terms for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H.J. Res. 339. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

H.J. Res. 340. Joint resolution to amend title 5 of the United States Code to provide for the designation of the fourth Monday in February of each year as Washington's Birthday; to the Committee on the Judiciary.

By Mrs. MINK:

H.J. Res. 341. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of Members of the U.S. House of Representatives shall be 4 years; to the Committee on the Judiciary.

By Mr. NIX:

H.J. Res. 342. Joint resolution concerning the war powers of the Congress and the President; to the Committee on Foreign Affairs.

By Mr. RYAN:

H.J. Res. 343. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.J. Res. 344. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H. Con. Res. 159. Concurrent resolution relating to the status of the bill S. 3418 of the 91st Congress; to the Committee on the Judiciary.

By Mr. NIX:

H. Con. Res. 160. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Con. Res. 161. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations of the Jewish minority in the Soviet Union on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H. Con. Res. 162. Concurrent resolution to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse"; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ASHLEY, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BOLAND, Mr. BOLLING, Mr. BROWN of Michigan, Mr. CONTE, Mr. CORMAN, Mr. DIGGS, Mr. DINGELL, and Mr. DONOHUE):

H. Con. Res. 163. Atlantic Union resolution; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mrs. DWYER, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESCH, Mr. EVANS of Colorado, Mr. FORSYTHE, Mr. FRENZEL, Mr. FULTON of Tennessee, Mr. GIBBONS, Mr. GUDE, Mrs. GREEN of Oregon, Mr. HALPERN, and Mrs. HANSEN of Washington):

H. Con. Res. 164. Atlantic Union resolution; to the Committee on Foreign Affairs.

By Mr. MORSE (for himself, Mr. HARRINGTON, Mr. HASTINGS, Mr. HATHAWAY, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HORTON, Mr. HOWARD, Mr. KARTH, Mr. KEITH, Mr. KOCH, Mr. KYROS, and Mr. LEGGETT):

H. Con. Res. 165. Atlantic Union resolution; to the Committee on Foreign Affairs.

By Mr. UDALL (for himself, Mr. McCLOSKEY, Mr. McDADE, Mr. MIKVA, Mr. MOORHEAD, Mr. MOSHER, Mr.

Moss, Mr. O'Hara, Mr. Podell, Mr. Price of Illinois, Mr. Purcell, Mr. Quie, Mr. Railsback, Mr. Rees, and Mr. Riegle):

H. Con. Res. 166. Atlantic Union resolution; to the Committee on Foreign Affairs.

By Mr. WRIGHT (for himself, Mr. Robison of New York, Mr. Rodino, Mr. Roybal, Mr. St Germain, Mr. Scheuer, Mr. Schneebeli, Mr. Schwengel, Mr. Stafford, Mr. Steiger of Wisconsin, Mr. Teague of California, Mr. Tiernan, and Mr. Waldie):

H. Con. Res. 167. Atlantic Union resolution; to the Committee on Foreign Affairs.

By Mr. HANNA:

H. Res. 228. Resolution to provide for quarterly printing allowances to Members; to the Committee on House Administration.

H. Res. 229. Resolution to provide for the appointment of a senior consultant by the majority leader and the minority leader; to the Committee on House Administration.

H. Res. 230. Resolution to provide for the appointment of a senior consultant by the chairman of each standing committee; to the Committee on Rules.

By Mr. METCALFE:

H. Res. 231. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. NIX:

H. Res. 232. Resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. RYAN:

H. Res. 233. Resolution creating a select committee on urban affairs; to the Committee on Rules.

By Mrs. SULLIVAN:

H. Res. 234. Resolution relating to the Panama Canal and Canal Zone jurisdiction; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 4466. A bill for the relief of Rosa White Eyes Garreau; to the Committee on the Judiciary.

H.R. 4467. A bill for the relief of the estate of Vesta A. Habicht; to the Committee on the Judiciary.

By Mrs. ABZUG:

H.R. 4468. A bill for the relief of Calogero DiMaggio; to the Committee on the Judiciary.

H.R. 4469. A bill for the relief of Carmine Mileo; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 4470. A bill for the relief of Francesco Romanotto; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 4471. A bill for the relief of Fu Sheng Cheng (also known as Fred Cheng); to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 4472. A bill for the relief of Mr. and Mrs. Alexis Joseph Cole; to the Committee on the Judiciary.

H.R. 4473. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 4474. A bill for the relief of Enrique Hernando Smith; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 4475. A bill for the relief of Juana Anguluan Ngo; to the Committee on the Judiciary.

By Mr. FLOWERS:

H.R. 4476. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land located in the State of Alabama to the record owner of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. GUDE:

H.R. 4477. A bill for the relief of Sara Lucia Miranda Vda. de Barrios; to the Committee on the Judiciary.

H.R. 4478. A bill for the relief of Julia Angela Carraza; to the Committee on the Judiciary.

H.R. 4479. A bill for the relief of Julia D. C. Montiel-Largaespada; to the Committee on the Judiciary.

H.R. 4480. A bill for the relief of Giacomo and Anna Moscatelli; to the Committee on the Judiciary.

H.R. 4481. A bill for the relief of Maria Adelide Vilos; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 4482. A bill for the relief of Charles A. Pfleiderer; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 4483. A bill for the relief of Eusebio Briones; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 4484. A bill for the relief of Renato Casaclang; to the Committee on the Judiciary.

H.R. 4485. A bill for the relief of Estelle M. Fass; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 4486. A bill for the relief of Gabriele Coccia and his wife, Guiseppina Coccia; to the Committee on the Judiciary.

H.R. 4487. A bill for the relief of Raquel Fainsztein; to the Committee on the Judiciary.

H.R. 4488. A bill for the relief of Artin Kasarian (Keoseyan); to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 4489. A bill for the relief of Ernesto A. de Leon; to the Committee on the Judiciary.

H.R. 4490. A bill for the relief of Jaime Pico de Vera; to the Committee on the Judiciary.

H.R. 4491. A bill for the relief of Mrs. Enid R. Pope; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 4492. A bill for the relief of Estrella B. Viray; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 4493. A bill to provide private relief for certain members of the U.S. Navy recalled to active duty from the Fleet Reserve after September 27, 1965; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 4494. A bill for the relief of Mrs. Latife Hassan Mahmoud; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.R. 4495. A bill for the relief of Leonard Ronald Currie; to the Committee on the Judiciary.

H.R. 4496. A bill for the relief of Lockport Canning Co.; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.R. 4497. A bill for the relief of Lloyd B. Earle; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 4498. A bill for the relief of Menita Remoran Agriam; to the Committee on the Judiciary.

H.R. 4499. A bill for the relief of Tao Shel Mah; to the Committee on the Judiciary.

H.R. 4500. A bill for the relief of Ephy Grace Peshek; to the Committee on the Judiciary.

H.R. 4501. A bill for the relief of Antonio Pesic Villero; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 4502. A bill for the relief of Robbie D. Larson; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

16. By the SPEAKER: A memorial of the Legislature of the State of Wisconsin, relative to the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

17. Also, a memorial of the Legislature of the territory of Guam, relative to compensation to former owners of Federal property on Guam; to the Committee on Interior and Insular Affairs.

18. Also, a memorial of the Legislature of the State of Florida, relative to calling a convention to propose a constitutional amendment providing for sharing by State and local governments of Federal income tax revenues; to the Committee on the Judiciary.

19. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

20. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to unemployment benefits; to the Committee on Ways and Means.

21. Also, a memorial of the Legislature of the State of Montana, relative to the tax-exempt status of State and local bonds; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

28. By the SPEAKER: Petition of Robert E. Kesel, Rochester, N.Y., relative to certain judicial proceedings; to the Committee on the Judiciary.

29. Also, petition of Henry Stoner, York, Pa., relative to certain judicial proceedings; to the Committee on the Judiciary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

> (b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the Congressional Record.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the third calendar quarter 1970:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees*. An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report. ◄

AFFIDAVIT

[Omitted in printing]

PAGE 1 ◄

A. Academic & Professional Alliance for a Responsible Congress, 11 West 42d Street, New York, N.Y.

A. Paul W. Airey, Consultant on Military and Legislative Affairs, 4517 Sunset Drive, Panama City, Fla.
B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue, SE., Washington, D.C.

A. James Anderson, 112 5th Street NE., Washington, D.C.
B. The Academic & Professional Alliance for a Responsible Congress, 11 West 42d Street, New York, N.Y.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Bohemian National Cemetery Association, 5255 N. Pulaski Road, Chicago, Ill.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. District of Columbia Psychological Association, 1200 17th Street NW., Washington, D.C.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Insurance & Securities Inc., 1229 19th Street NW., Washington, D.C.

A. Association of American Publishers, Inc., 1826 Jefferson Place NW., Washington, D.C.

A. William S. Aud, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C.

A. Anne Bailey, 4607 Asbury Place, Washington, D.C.
B. The Academic & Professional Alliance for a Responsible Congress, 11 West 42d Street, New York, N.Y.

A. Weldon V. Barton, Post Office Box 2251, Denver, Colo.
B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

A. A. D. Baumhart, Post Office Box 553, Lorain, Ohio.
B. Green Olive Trade Association, 80 Wall Street, New York, N.Y.

A. Winston Everett Bell, 1431 E. Charleston Boulevard No. 5, Las Vegas, Nev.

A. Freddie J. Berg, 6105 Eastcliff Drive, Baltimore, Md.
B. Continuing Presence in Washington, Inc.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.
B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y.

A. Gary Brown, Box 588, Lexington, N.C.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. Richard L. Bullock, 1701 18th Street NW., Washington, D.C.
B. National Association of Building Manufacturers, 1701 18th Street NW., Washington, D.C.

A. The Candlelighters, 9210 Fernwood Road, Bethesda, Md.

A. Chapman, DiSalle, & Friedman, 932 Pennsylvania Building, Washington, D.C.
B. Libby, McNeill, & Libby, 200 South Michigan Avenue, Chicago, Ill.

A. Cleary, Gottlieb, Steen, & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Aceitunas de Mesa, S.A., Rosario, 10, Seville, Spain.

A. William T. Cleary, 1126 16th Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.

A. Clifford, Warnicke, Glass, McIlwain, & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. CNA Insurance, 310 South Michigan Avenue, Chicago, Ill.

A. Howard Samuel Clinkenbeard, 801 North Pitt Street, Alexandria, Va.

A. Stephen Colangelo, 643 East Capitol Street SE., Washington, D.C.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. William J. Colihan, Jr., 1735 K Street NW., Washington, D.C.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 Eye Street NW., Washington, D.C.

A. Congress of Young Professionals for Political Action, 733 15th Street NW., Washington, D.C.

A. Counihan, Casey, & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Optical Manufacturers Association, 30 East 42d Street, New York, N.Y.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Institute of Makers of Explosives, 420 Lexington Avenue, New York, N.Y.

A. Cox, Langford, & Brown, 1521 New Hampshire Avenue, NW., Washington, D.C.
B. Glaverbel (U.S.A.) Inc., 75 Plandome Road, Manhasset, N.Y.

A. Crown Consultants, Post Office Box 30373, Dallas, Tex.

A. Louise G. Cushman, 1523 P Street, Washington, D.C.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. William Kay Daines, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.

A. Charles W. Davis, One First National Plaza, Chicago, Ill.
B. The Myron Stratton Home, Post Office Box 1178, Colorado Springs, Colo.

A. Jim L. Davis, 917 15th NW., Washington, D.C.
B. Rational Approach to Population, 917 15th NW., Washington, D.C.

A. D.C. Lawyers Against the War, 1025 Connecticut Avenue, Washington, D.C.

A. Claude J. Desautels & Associates, 1725 I Street NW., Washington, D.C.
B. American Soybean Association, Hudson, Iowa.

A. Joseph DiStefano, 4880 MacArthur Boulevard NW., Washington, D.C.
B. International Union of District 50, Allied & Technical Workers, United States and Canada, 4880 MacArthur Boulevard NW., Washington, D.C.

A. George V. Egge, Jr., 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Environmental Action, 2000 P Street NW., Washington, D.C.

A. Alfred S. Ercolano, 1775 K Street NW., Washington, D.C.
B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.

A. David G. Erskine, 1629 K Street NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.

A. Ellen C. Ficklen, 3513 34th Street NW., Washington, D.C.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. Thomas F. Field, 2369 North Taylor Street, Arlington, Va.
B. Taxation With Representation, 2369 North Taylor Street, Arlington, Va.

A. Mr. John S. Forsythe, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York.

A. Robert W. Frase, 1826 Jefferson Place NW., Washington, D.C.
B. Association of American Publishers, Inc., 1826 Jefferson Place NW., Washington, D.C.

A. Joseph L. Gibson, 440 National Press Building, Washington, D.C.
B. The National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill.

A. Vance M. Gilmer, Shell Oil Co., 1700 K Street NW., Washington, D.C.
B. Shell Oil Co., 50 West 50th Street, New York, N.Y.

A. Susan F. Grober, 1110 Ridge Avenue, Evanston, Ill.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. Grootemaat, Cook & Franke, 660 East Mason Street, Milwaukee, Wis.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.

A. Martin Ryan Haley, 136 East 55th Street, New York, N.Y.
B. The Association of Traditional One-Bank Holding Cos., 425 13th Street NW., Washington, D.C.

A. G. Keith Haller, 2130 North Pierce Street, Arlington, Va.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. John H. Harper, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C.

A. A. J. Harris II, 425 13th Street NW., Washington, D.C.
B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.

A. Walter G. Held, 1025 Connecticut Avenue NW., Washington, D.C.
B. Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N.Y.

A. Kathleen Q. Hourigan, 1720 Wyoming Avenue, Forty Fort, Pa.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. Clarence T. Hoversten, 209 53d Street, Western Springs, Ill.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park (Argo Post Office), Ill.

A. Howrey, Simon, Baker & Murchison, 1707 H Street NW., Washington, D.C.
B. Power Tool Institute, Inc., 604 Davis Street, Evanston, Ill.

A. Peter W. Hughes, 1225 Connecticut Avenue NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

A. Richard M. Hunt, 1660 L Street NW., Washington, D.C.
B. National Lead Co., 111 Broadway, New York, N.Y.

A. International Union of District 50, Allied and Technical Workers of United States and Canada, 4880 MacArthur Boulevard NW., Washington, D.C.

A. Chas. E. Jackson, 1200 18th Street NW., Washington, D.C.

A. Ronald J. James, 2100 M Street NW., Washington, D.C.
B. The Urban Coalition Action Council, 2100 M Street NW., Washington, D.C.

A. Martin Kamarck, 126 3d Street SE., Washington, D.C.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. George Kelm, One First National Plaza, Chicago, Ill.
B. The Myron Stratton Home, Post Office Box 1178, Colorado Springs, Colo.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck, & Co., 925 South Homan Avenue, Chicago, Ill.

A. Basil Kontoyianes, 66 Prospect Street, Marlboro, Mass.
B. Eastern Tape Corp., 2732 Rozzells Ferry Road, Post Office Box 1574, Charlotte, N.C.

A. Leonard Lee Lane, 2401 H Street NW., Washington, D.C.
B. Zero Population Growth, 330 Second Street, Los Altos, Calif.

A. Kate E. Lanxner, 3100 Hawthorne Street NW., Washington, D.C.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. John Lindow, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.

A. William J. Malatesta, 1629 K Street, NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street, NW., Washington, D.C.

A. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.

A. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.

A. Catherine Martinez, 643 East Capitol Street SE., Washington, D.C.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. Mr. Guy B. Maseritz, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

A. Martha McCahill, 245 2d Street NE., Washington, D.C.
B. The National Citizens Committee for the Amendment To End the War, 245 2d Street NE., Washington, D.C.

A. Edward A. McDermott, 815 Connecticut Avenue NW., Washington, D.C.
B. The Society of Independent Gasoline Marketers of America, 230 South Bemiston Avenue, St. Louis, Mo.

A. J. Patrick McElroy, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.

A. Graham N. McKelvey, 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.

A. Edward L. Merrigan, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Seatrain Lines, Inc., 1 Chase Manhattan Plaza, New York, N.Y.

A. Migdal, Low, Tenney, & Glass, 598 Madison Avenue, New York, N.Y.
B. Tie Fabrics Importers Association, c/o Migdal, Low, Tenney & Glass, Esqs., 598 Madison Avenue, New York, N.Y.

A. Miller & Chaveller, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Forest Lawn Memorial Park Association, Glendale, Calif.

A. Ann C. Minnerly, 2136 Wisconsin Avenue, Washington, D.C.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Suite 505, Washington, D.C.

A. John G. Mohay, The National Independent Meat Packers Association, 1820 Massachusetts Avenue NW., Washington, D.C.
B. The National Independent Meat Packers Association, 1820 Massachusetts Avenue NW., Washington, D.C.

A. G. Merrill Moody, Association of American Railroads, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington. D.C.

A. Patricia Lee Moore, 103D Victory Village, Henderson, Nev.
B. Self-employed.

A. John Morgan, Communications Workers of America, 1925 K Street NW., Washington, D.C.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C.

A. Jack Moskowitz, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.

A. William G. Mullen, 491 National Press Building, Washington, D.C.
B. National Newspaper Association, 491 National Press Building, Washington, D.C.

A. National Air Carrier Association, 1730 M Street NW., Washington, D.C.
B. None.

A. The National Citizens Committee for the Amendment to End the War, 245 Second Street, NE., Washington, D.C.

A. National Lead Co., 111 Broadway, New York, N.Y.

A. National Rural Housing Coalition, Room 1024, Dupont Circle Building, 1346 Connecticut Avenue, NW., Washington, D.C.

A. National Small Business Association, 1225 19th Street, NW., Suite No. 307, Washington, D.C.

A. Jonathan Newkirk, 245 Second Street, NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE, Washington, D.C.

A. John Z. Noyes, 4811 Montgomery Lane, Bethesda, Md.

A. Daniel J. O'Callaghan, 1820 Massachusetts Avenue, NW., Washington, D.C.
B. The National Independent Meat Packers Association, 1820 Massachusetts Avenue, NW., Washington, D.C.

A. Jane O'Grady, AFL–CIO, 815 136th Street NW., Washington, D.C.
B. Amalgamated Clothing Workers of America, AFL–CIO, 815 16th Street NW., Washington, D.C.

A. Robert Oliver, 400 First Street, NW., Washington, D.C.
B. L. T. Barringer and Co., 161 South Front Street, Memphis, Tenn.

A. Peabody, Rivlin, Kelly, Cladouhos, Lambert & Brashares, 1730 M Street, NW., Washington, D.C.
B. Volkswagen Dealers of America, c/o Gezon Motors, Inc., 3985 Plainfield Street, NE., Grand Rapids, Mich.

A. Phillips, Nizer, Benjamin, Krim & Ballon, 477 Madison Avenue, New York, N.Y.
B. Copyright Owners Negotiating Committee, 477 Madison Avenue, New York, N.Y.

A. Power Tool Institute, Inc., 604 Davis Street, Evanston, Ill.

A. Jane Powers, 116 Wayne Street, Springfield, Mass.
B. Continuing Presence in Washington, Inc., 815 17th Street NW. Suite 505, Washington, D.C.

A. H. P. Pressler, 1122 Southwest Tower, Houston, Tex.
B. Gas Supply Committee, 1725 DeSales Street, NW., Washington, D.C.

A. Harold Pruner, 1 Greenwich Plaza, Greenwich, Conn.
B. Oil Investment Institute, 1 Greenwich Plaza, Greenwich, Conn.

A. Rational Approach to Population, 917 15th Street NW., Washington, D.C.

A. David J. Reedy, 1517 Virginia Street, Downers Grove, Ill.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill.

A. Barbara Reid, Environmental Action, Room 200, 2000 P Street NW., Washington, D.C.
B. Environmental Action, 2000 P Street NW., Washington, D.C.

A. Earl F. Rieger, 1629 K Street NW., Washington, D.C.

B. National Association of Uniform Manufacturers, 112 East 19th Street, New York, N.Y.

A. John S. Rippey, 1725 K Street NW., Washington, D.C.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C.

A. Miss Rebekah Rivers, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Royall, Koegel & Wells, 1730 K Street NW., Washington, D.C.
B. The Deltona Corp., 3250 SW. Third Avenue, Miami, Fla.

A. Sachs, Greenebaum, Frohlich & Taylor, 839 17th Street NW., Washington, D.C.
B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.

A. Sachs, Greenebaum, Frohlich & Tayler, 839 17th Street NW, Washington, D.C.
B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.

A. Richard M. Schmidt, Jr., Attorney, 1920 L Street NW., Washington, D.C.
B. Association of American Publishers, Inc. 1826 Jefferson Place NW., Washington, D.C.

A. Smathers, Merrigan & O'Keefe, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.

A. Amanda Smith, 3124 38th Street NW., Washington, D.C.
B. The Academic and Professional Alliance for a Responsible Congress, 11 West 42d Street, New York, N.Y.

A. John D. Smyers, One Rockefeller Plaza, New York, N.Y.
B. United Nations Development Corp., 322 East 44th Street, New York, N.Y.

A. Arthur V. Smyth, 1625 I Street NW., Washington, D.C.
B. Weyerhaeuser Co., Tacoma, Wash.

A. J. Gilbert Stallings, 1776 K Street NW., Washington, D.C.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Dr. Ronald F. Stinnett, 1101 17th Street NW., Washington, D.C.

A. Surrey, Karasik, Greene & Hill, 1156 15th Street NW., Washington, D.C.
B. Dallas Airmotive, Inc., 6114 Forest Park Road, Dallas, Tex.

A. Paula A. Sweeney, 104 River Avenue, Norwich, Conn.
B. Continuing Presence in Washington, Inc., 815 17th Street NW., Washington, D.C.

A. Ivan Swift, 1925 K Street NW., Washington, D.C.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C.

A. Robert F. Sykes, American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

A. H. William Tanaka, 1819 H Street NW., Washington, D.C.
B. Ajinomoto Co. of New York, Inc., Squibb Building, 745 Fifth Avenue, New York, N.Y.

A. H. William Tanaka, 1819 H Street NW., Washington, D.C.
B. Nosawa, New York, Inc., 180 Madison Avenue, New York, N.Y.

A. H. William Tanaka, 1819 H Street NW., Washington, D.C.
B. Electronic Industries Association of Japan, 2-2, Marunouchi, 3-chome, Chiyoda-Ku, Tokyo, Japan.

A. Taxation with Representation, 2369 North Taylor Street, Arlington, Va.

A. W. M. Trevarrow, 1056 National Press Building, Washington, D.C.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C.

A. Donn L. Waage, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.

A. Washington Research Project Action Council, 1823 Jefferson Place NW., Washington, D.C.

A. Fred Wegner, 1225 Connecticut Avenue NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

A. Robert L. White, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.,
B. Jonathan Development Corp., Post Office Box 68, Chaska, Minn.

A. Wilmer, Cutler, & Pickering, 900 17th Street NW., Washington, D.C.
B. Oil Investment Institute, 1 Greenwich Plaza, Greenwich, Conn.

A. Wilmer, Cutler, & Pickering, 900 17th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1970:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19------- <

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report. <

AFFIDAVIT

[Omitted in printing]

PAGE 1 <

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $________Dues and assessments
2. $________Gifts of money or anything of value
3. $________Printed or duplicated matter received as a gift
4. $________Receipts from sale of printed or duplicated matter
5. $________Received for services (e.g., salary, fee, etc.)

6. $________TOTAL for this Quarter (Add items "1" through "5")
7. $________Received during previous Quarters of calendar year

8. $________TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $________TOTAL now owed to others on account of loans
10. $________Borrowed from others during this Quarter
11. $________Repaid to others during this Quarter

12. $________"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": ________

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ________________, 19____)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $________Public relations and advertising services
2. $________Wages, salaries, fees, commissions (other than item "1")
3. $________Gifts or contributions made during Quarter
4. $________Printed or duplicated matter, including distribution cost
5. $________Office overhead (rent, supplies, utilities, etc.)
6. $________Telephone and telegraph
7. $________Travel, food, lodging, and entertainment
8. $________All other expenditures

9. $________TOTAL for this Quarter (Add "1" through "8")
10. $________Expended during previous Quarters of calendar year

11. $________TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $________TOTAL now owed to person filing
13. $________Lent to others during this Quarter
14. $________Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*Name and Address of Recipient—Purpose*
$1,750.00	7-11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL	

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A. Sothoron Kirby Able, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $135.

A. John J. Adams, 1819 H Street NW., Washington, D.C.

B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

D. (6) $1,700.

A. Clarence G. Adamy, National Association of Food Chains, 1725 I Street NW., Washington, D.C.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.

D. (6) $500.

A. S. Allan Adelman, American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.

B. American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.

D. (6) $1,125. E. (9) $75.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.

D. (6) $6,800.79. E. (9) $6,800.79.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $8,066.66. E. (9) $6,050.87.

A. Aircraft Owners & Pilots Association, Post Office Box 5800, Washington, D.C.

B. Aircraft Owners & Pilots Association, Post Office Box 5800, Washington, D.C.

A. Air Traffic Control Association, Inc., ARBA Building, 525 School Street SW., Washington, D.C.

A. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.

B. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $4,308.80. E. (9) $4,308.80.

A. Frederick K. Alderson, 40 Fort Williams Parkway, Alexandria, Va.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.

D. (6) $1,800. E. (9) $22.

A. George Alderson, 917 15th Street NW., Washington, D.C.

B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

D. (6) $300.

A. John R. Ale, American Life Convention, 1701 K Street NW., Washington, D.C.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $300. E. (9) $21.60.

A. Willis W. Alexander, 815 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

D. (6) $1,500. E. (9) $5,266.93.

A. Mrs. Donna Allen, 3306 Ross Place NW., Washington, D.C.

B. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif.

D. (6) $1,040. E. (9) $1,489.29.

A. Kenneth D. Allen, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

A. Nicholas E. Allen and Merrill Armour, 444 Shoreham Building, Washington, D.C.

B. Music Operators of America, Inc., 228 North LaSalle Street, Chicago, Ill.

D. (6) $1,687.50. E. (9) $52.77.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C.

A. American Automobile Association, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. American Cancer Society, 219 East 42d Street, New York, N.Y.

E. (9) $8,535.04.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.

E. (9) $807.00.

A. American Education Lobby, Inc., 20 E Street NW., Washington, D.C.

D. (6) $437.30. E. (9) $471.75.

A. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill.

D. (6) $38,725. E. (9) $38,725.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

E. (9) $53,175.07.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.

D. (6) $80,619.27. E. (9) $1,781.02.

A. American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.

D. (6) $1,550. E. (9) $185.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.

D. (6) $254,500.48. E. (9) $2,386.61.

A. American Humane Association, 5351 Roslyn Street, Englewood, Colo.

E. (9) $1,500.

A. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.

D. (6) $2,150. E. (9) $2,150.

A. American Insurance Association, 85 John Street, New York, N.Y.

B. Admiral Insurance Co. of Hartford, Conn., et al.

D. (6) $13,191.38. E. (9) $13,191.38.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.

D. (6) $1,445.67. E. (9) $1,605.75.

A. American Justice Association, Inc., Defense Highway, Gambrills, Md.

D. (6) $2. E. (9) $2.

A. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $1,973.50. E. (9) $98.13.

A. American Lobby, Inc., 20 E Street NW., Washington, D.C.

D. (6) $98.50. E. (9) $131.90.

A. American Maritime Association, 17 Battery Place, New York, N.Y.

E. (9) $181.01.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

E. (9) $23,768.75.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $2,100.

A. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo.

E. (9) $1,392.53.

A. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, 117 West Third Street, Winona, Minn.

D. (6) $3,104.40. E. (9) $3,104.40.

A. American Paper Institute, Inc., 250 Madison Avenue, New York, N.Y.

A. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.

D. (6) $7,556. E. (9) $10,836.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

E. (9) $3,181.96.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y.

A. The American Short Line RR. Association, 2000 Massachusetts Avenue NW., Washington, D.C.

B. The American Short Line RR. Association, 2000 Massachusetts Avenue NW., Washington, D.C.

D. (6) $1,194.57. E. (9) $1,194.57.

A. American Surveys, 2000 P Street NW., Washington, D.C.

B. National Customs Brokers & Forwarders Association of America, Inc., 80 Wall Street, New York City, N.Y.

D. (6) $712.50. E. (9) $56.15.

A. American Taxpayers Association, 326 Pennsylvania Building, Washington, D.C.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.

D. (6) $17,739.21. E. (9) $17,739.21.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $10,290.06. E. (9) $18,313.21.

A. American Veterinary Medical Association, 1522 K Street NW., Washington, D.C.

B. American Veterinary Medical Association, 1522 K Street NW., Washington, D.C.

E. (9) $160.

A. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Washington, D.C.

D. (6) $4,097.89. E. (9) $4,097.89.

A. Edward T. Anderson, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,408.

A. Walter M. Anderson, Jr., secretary-treasurer, Alabama Railroad Association, Montgomery, Ala.

B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.

E. (9) $164.10.

A. William C. Anderson, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $2,438. E. (9) $48.10.

A. George W. Apperson, Amalgamated Transit Union Local Division 689, 100 Indiana Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C.
B. Phoebe Waterman Foundation, Inc., 330 Boulevard Building, 1819 John F. Kennedy Boulevard, Philadelphia, Pa.
D. (6) $2,600. E. (9) $42.98.

A. Carl F. Arnold, 1101 17th Street NW., Washington, D.C.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $3,937.50. E. (9) $2,606.84.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Bohemian National Cemetery Association, 5255 North Pulaski Road, Chicago, Ill.
D. (6) $500. E. (9) $221.91.

A. Arnold & Porter, 1220 19th Street NW., Washington, D.C.
B. Fairchild Camera & Instrument Corp., 464 Ellis Street, Mountain View, Calif.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Floor Covering Committee Affiliated with the National Council of American Importers, 295 Fifth Avenue, New York.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Insurance & Securities Inc., Institutional Fund A, 100 California Street, San Francisco, Calif.
E. (9) $10.60.

A. Associated Credit Bureaus Inc., 676 Southwest Freeway, Houston, Tex.
B. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.
E. (9) $1,342.

A. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.
E. (9) $815.

A. Associated Third Class Mail Users, 1725 K Street, NW., Washington, D.C.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C.
D. (6) $300. E. (9) $300.

A. Association for Broadcast-Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Washington, D.C.
B. Akron, Canton and Youngstown R.R., Akron, Ohio, et al.
D. (6) $5,690.19. E. (9) $5,690.19.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
E. (9) $1,000.

A. Atlanta Committee for Democratic Republican Independent Voter Education, 2540 Lakewood Avenue SW., Atlanta, Ga.
D. (6) $3,425. E. (9) $1,104.95.

A. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
E. (9) $300.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $275. E. (9) $74.35.

A. Richard W. Averill, American Optometric Association, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, 117 West Third Street, Winona, Minn.
D. (6) $800. E. (9) $301.

A. Gary D. Avery, 900 17th Street NW., Washington, D.C.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y.
D. (6) $116.25. E. (9) $26.

A. Michael H. Bader, 1730 M Street NW., Washington, D.C.
B. Association for Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. John C. Bagwell, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C.
B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. Ernest L. Barcella, General Motors Corp., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Thomas H. Barksdale, Jr., 1435 Waggaman Circle, McLean, Va.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $1,500. E. (9) $300.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Clearly, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Arthur R. Barnett, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $150.

A. Irvin L. Barney, 400 First Street NW., Washington, D.C.
B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo.,
D. (6) $3,600.

A. David S. Barrows, 214 Century Building, Portland, Oreg.
B. Association of Oregon and California Land Grant Counties, Douglas County Courthouse, Roseburg, Oreg.
D. (6) $1,000. E. (9) $254.62.

A. Ross Bass Associates, 4000 Massachusetts Avenue NW., Washington, D.C.
B. Record Industry Association of America, 1 East 57th Street, New York, N.Y.
D. (6) $6,250.

A. A. David Baumhart, Post Office Box 553, Lorain, Ohio.
B. Green Olive Trade Association, 80 Wall Street, New York, N.Y.

A. Mrs. Dita Davis Beard, Public Relations ITT Building, 1707 L Street NW., Washington, D.C.
B. International Telephone & Telegraph Corp., ITT Building, 1707 L Street NW., Washington, D.C.
D. (6) $3,675. E. (9) $4,565.

A. Donald S. Beattie, 400 First Street NW., Washington, D.C.
B. Congress of Railways Unions, 400 First Street, NW., Washington, D.C.
D. (6) $1,200.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $1,548.75. E. (9) $383.

A. John H. Beidler, Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
B. Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
D. (6) $583.34. E. (9) $262.36.

A. James F. Bell, 1100 Connecticut Avenue NW., Washington, D.C.
B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.
D. (6) $1,187.50. E. (9) $298.62.

A. Reed A. Benson, John Birch Society, 1028 Connecticut Avenue NW., Washington, D.C.
B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass.

A. Robert L. Bevan, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $300. E. (9) $10.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, Federation of Trades and Labor Unions, 815 16th Street NW., Washington, D.C.
D. (6) $7,490. E. (9) $157.30.

A. Walter J. Bierwagon, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amlagamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. S. G. Bishop, 1850 Columbia Pike, Arlington, Va.
B. Transportation-Communication Division, Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill.

A. John L. Blake, 260 Madison Avenue, New York, N.Y.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y.

A. William Rhea Blake, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
E. (9) $395.24.

A. William Blum, Jr., 704 Federal Bar Building, 1815 H Street NW., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $883.34. E. (9) $306.42.

A. Blumberg, Singer, Ross, Gottesman & Gordon, 245 Park Avenue, New York, N.Y.

B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.

D. (6) $6,875. E. (9) $220.50.

A. Eugene F. Bogan, Bogan & Freeland, 1000 16th Street NW., Washington, D.C.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C.

A. G. Stewart Boswell, American Textile Manufacturers Institute, Inc., 1120 Connecticut Avenue NW., Washington, D.C.

B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.

D. (6) $2,375. E. (9) $316.78.

A. J. Wiley Bowers, Pioneer Building, Chattanooga, Tenn.

B. Tennessee Valley Public Power Association, Pioneer Building, Chattanooga, Tenn.

A. Melvin J. Boyle, International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C.

B. International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C.

D. (6) $5,000.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

D. (6) $2,062.50. E. (9) $307.10.

A. Charles N. Brady, Highway Department, American Automobile Association, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Joseph E. Brady, Sheraton Gibson Hotel, Cincinnati, Ohio.

B. National Coordinating Committee of the Beverage Industry.

A. Cyril F. Brickfield, American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

E. (9) $135.50.

A. Thomas C. Brickle, 1835 K Street NW., Suite 300, Washington, D.C.

B. American Institute of Laundering, Joliet, Ill.

D. (6) $1,500.

A. Parke C. Brinkley, the Madison Building, 1155 15th Street NW., Washington, D.C.

B. National Agricultural Chemicals Association.

A. Wally Briscoe.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $135. E. (9) $16.50.

A. Florence I. Broadwell, 1737 H Street NW., Washington, D.C.

B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.

D. (6) $5,008.

A. David A. Brody, Washington Office, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C.

B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.

D. (6) $350.

A. W. S. Bromley, 605 Third Avenue, New York, N.Y.

B. American Pulpwood Association, 605 Third Avenue, New York, N.Y.

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $14,973.50. E. (9) $14,973.50.

A. E. Fontaine Broun, Man-Made Fiber Producers Association, Inc., 1000 Connecticut Avenue, Washington, D.C.

B. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

E. (9) $75.

A. Joe B. Browder, 917 15th Street NW., Washington, D.C.

B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

D. (6) $300.

A. C. Willman Brown, National Association of Marine Services, Inc., 11501 Georgia Avenue, Silver Spring, Md.

D. (6) $1,000. E. (9) $3,275.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $500.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.

B. Ebasco Industries, 345 Park Avenue, New York, N.Y.

D. (6) $937.50.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.

B. Cominco American Inc., West 818 Riverside, Spokane, Wash.

E. (9) $2.46.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.

B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg.

E. (9) $2.68.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.

B. General Public Utilities Corp., 80 Pine Street, New York, N.Y.

D. (6) $100.

A. Brownstein, Zeidman, Drew & Schomer, 1025 Connecticut Avenue NW., Washington, D.C.

B. International Franchise Association, 1025 Connecticut Avenue NW., Washington, D.C.

A. Brownstein, Zeidman, Drew & Schomer, 1025 Connecticut Avenue NW., Washington, D.C.

B. Council of Housing Producers, an association of housing producers, 1901 Avenue of the Stars, Los Angeles, Calif.

A. Lyman L. Bryan, 2000 K Street NW., Washington, D.C.

B. American Institute of CPA's, 666 Fifth Avenue, New York, N.Y.

A. George S. Buck, Jr., Post Office Box 12285, 1918 North Parkway, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

A. W. Warren Buck, Jr., 1835 K Street NW., Washington, D.C.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. Bulgarian Claims Committee, Dreyfus & Co., 2 Broadway, New York, N.Y.

E. (9) $100.76.

A. George J. Burger, 250 West 57th Street, New York, N.Y.

B. Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y.

A. George J. Burger, National Federation of Independent Business, 921 Washington Building, 15th & New York Avenue, NW., Washington, D.C.

B. National Federation of Independent Business, 921 Washington Building, 15th & New York Avenue NW., Washington, D.C.

D. (6) $4,250. (9) $2,000.76.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont.

B. The Montana Power Co., Butte, Mont.

E. (9) $134.54.

A. Burley & Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky.

D. (6) $5,620.80. E. (9) $487.50.

A. George B. Burnham, 120 C Street NE., Washington, D.C.

B. Numerous Stockholders of the Burnham Chemical Co., 120 C Street NE., Washington, D.C.

D. (6) $135. E. (9) $135.

A. George Burnham, IV, United States Steel Corp., 1625 K Street NW., Washington, D.C.

B. United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa.

D. (6) $300. E. (9) $127.

A. Charles S. Burns, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $825.

A. David Burpee, Fordhook Farms, Doylestown, Pa.

B. W. Atlee Burpee Co., 18th and Hunting Park Ave., Philadelphia, Pa.

A. George Bursach, National Press Building, Washington, D.C.

B. American Society of Bank Directors, National Press Building, Wasnington, D.C.

A. Herbert H. Butler, 438 Pennsylvania Building, Washington, D.C.

B. United States Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C.

D. (6) $225. E. (9) $310.

A. Monroe Butler, 1801 Avenue of the Stars, Los Angeles, Calif.

B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.

A. John H. Callahan, 1126 16th Street NW., Washington, D.C.

B. International Union of Electrical, Radio, and Machine Workers, 1126 16th Street NW., Washington, D.C.

D. (6) $875. E. (9) $240.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C.

B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.

D. (6) $2,000. E. (9) $832.30.

A. Donald L. Calvin, 11 Wall Street, New York, N.Y.

B. New York Stock Exchange, 11 Wall Street, New York, N.Y.

A. Carl C. Campbell, Ring Building, 1200 18th Street NW., Washington, D.C.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $136.36.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C.

B. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C.

E. (9) $122.50.

A. Marvin Caplan, Industrial Union Department, AFL–CIO. 815 16th Street NW., Washington, D.C.
D. (6) $2,463.50. E. (9) $111.10.

Michael H. Cardozo, 1 Dupont Circle NW., Washington, D.C.
B. Association of American Law Schools, 1 Dupont Circle NW., Washington, D.C.

A. Norval E. Carey, 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $375.

A. Philip Carlip, 650 4th Avenue, Brooklyn, N.Y.
B. District 2, National Marine Engineers Beneficial Association, 650 4th Avenue, Brooklyn, N.Y.
D. (6) $1,000.

A. Philip Carlip, 675 4th Avenue, Brooklyn, N.Y.
B. Seafarers International Union, 675 4th Avenue, Brooklyn, N.Y.
D. (6) $2,500. E. (9) $1,348.62.

A. Carolinas Association of Mutual Insurance Agents, 501 Raleigh Building, Raleigh, N.C.
E.(9) $375.

A. Braxton B. Carr, 1250 Connecticut Avenue, Washington, D.C.
B. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Washington, D.C.
D. (6) $3,333.32. E. (9) $293.43.

A. Albert A. Carretta, 1815 H Street NW., Washington, D.C.
B. Work Glove Manufacturers Association, 1604 Chicago Avenue, Evanston, Ill.
D. (6) $300.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) $1,875.

A. Blue Allan Carstenson.
B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $112.50. E. (9) $3.60.

A. Eugene C. Carusi, 1629 K Street NW., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $100.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y.
B. South African Sugar Association, Post Office Box 507, Durban, South Africa.
D. (6) $20,227.33. E. (9) $3,359.61.

A. E. Michael Cassady, 1130 17th Street NW., Washington, D.C.
B. Water Resources Associated, 1130 17th Street NW., Washington, D.C.

A. Frank R. Cawley, 2425 Wilson Boulevard, Arlington, Va.
B. Agriculture Publishers Association, Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va.

A. Frank R. Cawley, Harcourt Brace Jovanovich, Inc., 1625 "I" Street, NW., Washington, D.C.
B. Harcourt Brace Jovanovich, Inc., 1625 I Street, NW., Washington, D.C.
D. (6) $88. E. (9) $88.59.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street, NW., Washington, D.C.
B. The Cordage Institute, 370 Lexington Avenue, New York, N.Y.
D. (6) $468. E. (9) $170.

A. Donald E. Channell, 1705 DeSales Street, NW., Washington, D.C.
B. American Bar Association, 1705 DeSales Street, NW., Washington, D.C.
D. (6) $1,000. E. (9) $37.50.

A. Chapman, Duff, & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. International Association of Game, Fish and Conservation Commissioners, Secretary's Office, 5727 Blake Road, Minneapolis, Minn.

A. Chapman, Duff, & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. Libby, McNeill & Libby, 200 South Michigan Avenue, Chicago, Ill.
E. (9) $42.94.

A. Chapman, Duff, & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. The National Committee for the Recording Arts, 1012 South Robertson Boulevard, Los Angeles, Calif.
D. (6) $20,000. E. (9) $537.52.

A. James W. Chapman, 1625 I Street NW., Washington, D.C.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $2,083.33.

A. William C. Chapman, 1660 L. Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $1,726.96.

A. Leslie Cheek III, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $ 1,500. E. (9) $250.

A. Mr. A. H. Chesser, 400 First Street NW., Washington, D.C.
B. United Transportation Union, 400 First Street NW., Washington, D.C.
E. (9) $450.

A. Edwin Christianson, Post Office Box 2251, Denver, Colo.
B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

A. Lowell T. Christison, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, 1026 17th Street N.W., Washington, D.C.
D. (6) $96.90. E. (9) $57.75.

A. Albert T. Church, Jr., 1120 Connecticut Avenue N.W., Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue N.W., Washington, D.C.
D. (6) $47.50. E. (9) $3.43.

A. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $38,977.06. E. (9) $1,880.56.

A. Citizens Committee for Postal Reform, Inc., 206 Premier Building, 1725 I Street N.W., Washington, D.C.
D. (6) $21,025.00. E. (9) $35,832.00.

A. Allen C. K. Clark, Shipbuilders Council of America, 1730 K Street, NW., Washington, D.C.
B. Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.

A. Earl W. Clark, 100 Indiana Avenue NW., Washington, D.C.
B. Labor Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $154.06.

A. Mr. Robert M. Clark, The Atchison, Topeka and Santa Fe Railway Co., 1100 Connecticut Avenue, NW., Washington, D.C.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill.

A. Clay Pipe Industry Depletion Committee, Post Office Box 13125 Kansas City, Mo.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Ave., NW., Washington, D.C.
B. Aceitunas de Mesa, S.A. Rosario, 10 Seville, Spain.
E. (9) $12.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cabot Corp., 125 High Street, Boston, Mass., et al.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Interbank Card Association, 110 East 59th Street—Suite 3600, New York, N.Y.
D. (6) $4,300. E. (9) $58.11.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.
D. (6) $1,600. E. (9) $262.87.

A. Walter S. Clement, 915 L'Enfant Plaza SW., Washington, D.C.
B. Norfolk and Western Railway Co., 8 North Jefferson Street, Roanoke, Va.
D. (6) $625. E. (9) $152.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y.
E. (9) $65.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Brown & Williamson Tobacco Corp., Louisville, Ky.
E. (9) $65.

A. Earle C. Clements, 1776 K. Street NW., Washington, D.C.
B. Liggett & Myers Inc., 630 Fifth Avenue, New York, N.Y.
E. (9) $65.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Philip Morris Inc., 100 Park Avenue, New York, N.Y.
E. (9) $65.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. R. J. Reynolds Industries, Winston-Salem, N.C.
E. (9) $65.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Clifford, Warnke, Glass, McIlwain, & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Avco Corp., 750 Third Avenue, New York, N.Y.
D. (6) $450. E. (9) $99.75.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. General American Transportation Corp., 120 South Riverside Plaza, Chicago, Ill.

A. Clifford, Warnke, Glass, McIlwain, & Finney, 815 Connecticut Avenue NW., Washington, D.C.

B. Owens-Illinois, Inc., Madison Avenue and St. Clair Street, Box 1035, Toledo, Ohio.
D. (6) $10,000. E. (9) $2,000.

A. Clifford, Warnke, Glass, McIlwain, & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Realty Committee on Taxation, 299 Madison Avenue, New York, N.Y.

A. William J. Clinton, 328 Pennsylvania Avenue SE., Washington, D.C.
B. Project Pursestrings, 328 Pennsylvania Avenue SE., Washington, D.C.
D. (6) $435. E. (9) $65.

A. David Cohen, 1000 Wisconsin Avenue NW., Washington, D.C.
B. Committee for Community Affairs, 1000 Wisconsin Avenue N.W., Washington, D.C.
D. (6) $411.21.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C.
B. Committee of American Tanker Owners, Inc., One Chase Manhattan Plaza, New York, N.Y.

A. William J. Colley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,062.50. E. (9) $697.63.

A. Collier, Shannon, Rill, & Edwards, 1625 I Street NW., Washington, D.C.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $500. E. (9) $475.

A. Collier, Shannon, Rill, & Edwards, 1625 I Street NW., Washington, D.C.
B. The Boston Herald Traveler Corp., 300 Harrison Avenue, Boston, Mass.
D. (6) $1,000. E. (9) $400.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
E. (9) $300.

A. Collier, Shannon, Rill, & Edwards, 1625 I Street NW., Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. Tool and Stainless Steel Industry Committee, Carpenter Technology Corp., Reading, Pa.
D. (6) $1,250. E. (9) $525.

A. James F. Collins, 1000 16th Street NW., Washington, D.C.
B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $125.

A. Paul G. Collins, The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I.
B. The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I.
D. (6) $68.75.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.

A. Harrison Combs, Jr., 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $3799.25.

A. The Committee for Broadening Commercial Bank Participation in Public Financing, 50 South La Salle Street, Chicago, Ill.
D. (6) $1,000.

A. Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
D. (6) $2,022.54. E. (9) $1,550.04.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,095. E. (9) $458.95.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $3,535. E. (9) $5,483.83.

A. Committee of Foreign-Owned Banks, 52 Wall Street, New York, N.Y.
D. (6) $2,700. E. (9) $1,014.17.

A. Committee to Except Assembled U.S. Textile Articles from Quotas, 608 South Hill Street, Los Angeles, Calif.
D. (6) $4,000. E. (9) $4,000.

A. Congress of Young Professionals for Political Action, 733 15th Street, NW., Washington, D.C.
D. (6) $1,695. E. (9) $2,506.82.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco Inc., 135 East 42d Street, New York, N.Y.
D. (6) $240. E. (9) $233.61.

A. Howard M. Conner, 1725 K Street, NW., Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $960. E. (9) $499.24.

A. James T. Conner, The Madison Building, 1155 15th Street, NW., Washington, D.C.
B. National Agricultural Chemicals Association.
D. (6) $733. E. (9) $81.75.

A. John A. Conner, 2139 Wisconsin Avenue, NW., Washington, D.C.
B. National Machine Tool Builders Association, 2139 Wisconsin Avenue, NW., Washington, D.C.

A. Harry N. Cook, Suite 200, 1130 17th Street, NW., Washington, D.C.
B. The National Waterways Conference.

A. Howard Lee Cook, Jr., 1776 K Street, NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,062.50. E. (9) $822.24.

A. (Miss) Eileen D. Cooke, 200 C Street, SE, Washington, D.C.
B. American Library Association, 50 East Huron Street, Chicago, Ill.
D. (6) $83.36.

A. Edward Cooper.
B. Motion Picture Association of America, Inc. 1600 I Street NW., Washington, D.C.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H.
D. (6) $3750. E. (9) $1159.19.

A. Mitchell J. Cooper, 1001 Connecticut Ave., Washington, D.C.
B. Council of Forest Industries, 1055 W. Hastings St., Vancouver 1, Canada.
D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Ave., Washington, D.C.
B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y.
D. (6) $6,000. (9) $64.85.

A. Darrell Coover, 1625 I Street NW., Rm. 812, Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $593.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street, NW., Washington, D.C.
B. The Committee for Broadening Commercial Bank Participation in Public Financing, 50 S. LaSalle St., Chicago, Ill.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.
B. Lilly Endowment, Inc., 914 Merchants Bank Bldg., Indianapolis, Ind.

A. Allan D. Cors, 1629 Street NW., Washington, D.C.
B. Corning Glass Works, Corning, N.Y.
D. (6) $175. E. (9) $76.42.

A. Robert M. Coultas, Suite 508, 1612 K Street NW., Washington, D.C.
B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.
D. (6) $250.

A. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C.
D. (6) $726.67. E. (9) $726.67.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Adhesive & Sealant Council, 1410 Higgens Road, Park Ridge, Ill.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Classroom Periodical Publishers Association, 38 West Fifth Street, Dayton, Ohio.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Industrial Diamond Association of America, Inc., 2017 Walnut Street, Philadelphia, Pa.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Jewelers Vigilance Committe, Inc., 156 East 52d Street, New York, N.Y.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Kohler Co., Kohler, Wis.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Association of Casualty & Surety Agents, 83 Maiden Lane, New York, N.Y.

A. Raymond L. Courage, 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
D. (6) $300.

A. Paul L. Courtney, 1725 K Street NW., Washington, D.C.
D. (6) $300.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.

B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.

B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.

B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.

B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.

B. Glaverbel (U.S.A.), Inc., 75 Plandome Road, Manhasset, N.Y.

E. (9) $2,046.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.

B. The National Collegiate Athletic Association, Midland Building, Kansas City, Mo.

A. Jay Creswell, Sr., Trustee the Universal Exchange, Post Office Box 8701, Orlando, Fla.

E. (9) $324.60.

A. Francis D. Cronin, 100 Ring Building, Washington, D.C.

B. American Mining Congress, 100 Ring Building, Washington, D.C.

D. (6) $475.

A. Mr. H. C. Crotty, Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.

A. J. A. Crowder, 1015 18th Street NW., Washington, D.C.

B. National Association of Wool Manufacturers, 1015 18th Street NW., Washington, D.C.

D. (6) $1,500.

A. F. Bosley Crowther 3d, 1515 Wilson Boulevard, Arlington, Va.

B. American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.

A. John T. Curran, 905 16th Street NW., Washington, D.C.

B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.

D. (6) $6,999.99. E. (9) $2,392.73.

A. John R. Dalton, 420 Merchants Bank Building, Indianapolis, Ind.

B. Associated Railways of Indiana, 420 Merchants Bank Building, Indianapolis, Ind.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $969. E. (9) $24.53.

A. Philip J. Daugherty, Industrial Union Department, AFL–CIO.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $2,206.75 E. (9) $104.25.

A. John Davenport, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $67.50.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill.

B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill.

D. (6) $1,000. E. (9) $288.89.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.

B. Corporate Fiduciaries Association of Chicago.

E. (9) $1,013.60.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.

B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.

B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

D. (6) $34,577.62. E. (9) $781.14.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill.

B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill.

E. (9) $107.44.

A. Fred E. Davis, 1133 15th Street NW., Washington, D.C.

B. National Association of Manufacturers, 277 Park Avenue, New York.

D. (6) $400. E. (9) $125.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C.

B. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C.

D. (6) $59.50. E. (9) $12.

A. Davis, Wright, Todd, Riese & Jones, 4200 Seattle-First National Bank Building, Seattle, Wash.

B. Arctic Slope Native Association, Post Office Box 486, Barrow, Alaska.

E. (9) $4,915.69.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.

B. D.C. Transit System, Inc., Washington, D.C.

A. Donald S. Dawson, Attorney, 723 Washington Building, Washington, D.C.

B. Guild of Prescription Opticians, 1250 Connecticut Avenue, NW., Washington, D.C.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.

B. Air Transport Association, 1000 Connecticut Avenue, NW., Washington, D.C.

D. (6) $750.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.

B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.

B. Indian Sugar Mills Association, Export Agency Division, New Delhi, India.

A. Charles W. Day, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $128. E. (9) $246.

A. D.C. Lawyers Against the War, 1812 N Street NW., Washington, D.C.

D. (6) $204.45. E. (9) $3,475.51.

A. Tony T. Dechant, Post Office Box 2251, Denver, Colo.

B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

D. (6) $2,500. E. (9) $131.21.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Ray Denison, Legislative Representative, AFL–CIO, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,635. E. (9) $463.60.

A. Max A. Denny, 1629 K Street NW., Washington, D.C.

B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.

D. (6) $900.

A. Leslie E. Dennis, Brotherhood of Railway, Airline & Steamship Clerks, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $618.36. E. (9) $147.18.

A. Claude J. Desautels Associates, 206 Premier Building, 1725 I Street NW., Washington, D.C.

B. American Society of Composers, Authors & Publishers, 575 Madison Avenue, New York, N.Y.

D. (6) $6,000.

A. Claude J. Desautels Associates, 206 Premier Building, 1725 Eye Street NW., Washington,, D.C.

B. American Soybean Association, Hudson, Iowa.

D. (6) $4,500.

A. Claude J. Desautels, Citizens Committee for Postal Reform, Inc., 1725 Eye Street NW., Washington, D.C.

B. Citizens Committee for Postal Reform, Inc., 1725 Eye Street NW., Washington, D.C.

D.(6) $6,730.78.

A. C. H. DeVaney, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $1,934. E. (9) $32.85.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C.

B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.

D. (6) $197. E. (9) $197.

A. Edison W. Dick, 618 Southern Building, Washington, D.C.

D. (6) $1,275.

A. George S. Dietrich, Association for Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

B. Association for Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.

B. Department of Water Resources, State of California, P. O. Box 388, Sacramento, Calif.

D. (6) $2,389.79. E. (9) $229.79.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.

B. Sacramento Municipal Utility District, P. O. Box 15830, Sacramento, Calif.

D. (6) $1,600.76. E. (9) $50.76.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.

B. Yuba County Water Agency, Marysville, Calif.

D. (6) $1,243.50. E. (9) $43.50.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.

D. (6) $31,559.94. E. (9) $31,559.94.

A. Disabled Officers Association, 1612 K Street NW., Washington, D.C.

E. (9) $3,000.

A. William H. Dodds, UAW, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson, Detroit, Mich.

D. (6) $1,237. E. (9) $248.

A. C. L. Dorson, 501 13th Street NW., Washington, D.C.

B. Retirement Federation of Civil Service Employees of the U.S. Government, 501 13th Street NW., Washington, D.C.

D. (6) $3,018.98. E. (9) $260.

A. Dow, Lohnes and Albertson, Suite 500, 1225 Connecticut Avenue NW., Washington, D.C.

B. Newspaper Committee for Cablevision, David R. Bradley, Agent, News Press & Gazette Co., 9th and Edmond Streets, St. Joseph, Mo.

A. Thomas J. Downey, 701 Central Trust Bldg., Jefferson City, Mo.

B. Missouri Railroad Committee.

A. F. Raymond Downs, 1730 K Street NW., Washington, D.C.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio.

A. Robert H. Doyle, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

D. (6) $3,281.

A. Franklin B. Dryden.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

D. (6) $100. E. (9) $75.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $60.

A. J. D. Durand, Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.

B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.

E. (9) $265.

A. Henry I. Dorshak, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, Ring Building, Washington, D.C.

D. (6) $975.

A. Roy W. Easley, 1735 De Sales Street NW., Washington, D.C.

B. Association of Maximum Service Telecasters, Inc., 1735 De Sales Street NW., Washington, D.C.

A. Eastern Meat Packers Association, 734 15th Street NW., Washington, D.C.

D. (6) $39.23. E. (9) $46.55.

A. Hallett D. Edson, 956 N. Monroe Street, Arlington, Va.

B. National Association for Uniformed Services, 956 N. Monroe Street, Arlington, Va.

D. (6) $1,200. E. (9) $10.20.

A. Macon T. Edwards, 1918 N. Parkway, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $405. E. (9) $84.46.

A. George V. Egge, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. J. C. B. Ehringhaus, Jr., American Railroads Building, Washington, D.C

B. Association of American Railroads, American Railroads Building, Washington, D.C.

D. (6) $327.78. E. (9) $175.51.

A. Harmon L. Elder, 1900 L Street NW., Washington, D.C.

B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C.

D. (6) $250. E. (9) $76.91.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md.

D. (6) $3,030.97. E. (9) $2,884.77.

A. John M. Elliott, 5025 Wisconsin Avenue, NW., Washington, D.C.

B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW., Washington, D.C.

A. D. A. Ellsworth, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline and Steamship Clerks, 400 First Street NW., Washington, D.C.

D. (6) $4,219.74. E. (9) $647.53.

A. Joseph T. Elvoue, Post Office Box 339, Savannah, Ga.

B. Savannah Foods & Industries, Inc., Savannah Sugar Refining Corp., a Subsidiary, Post Office Box 339, Savannah, Ga.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue, NW., Washington, D.C.

D. (6) $2,100.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.

B. Coachella Valley County Water District, Coachella, Calif.

D. (6) $1,200.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.

B. Department of Water and Power of the City of Los Angeles, Calif., 111 North Hope Street, Los Angeles, Calif.

D. (6) $1,600.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.

B. East Bay Municipal Utility District, 2130 Adeline Street, Oakland, Calif.

D. (6) $1,200.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.

B. Imperial Irrigation District, El Centro, Calif.

D. (6) $2,100.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.

B. Six Agency Committee, 302 State Building, 217 West First Street, Los Angeles, Calif.

D. (6) $3,000.

A. Richard W. Emory, 1400 Mercantile Trust Building, Baltimore, Md.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fairgrounds, Timonium, Md.

E. (9) $440.42.

A. Grover W. Ensley, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.

D. (6) $210.40. E. (9) $86.80.

A. Alfred S. Ercolano, 1775 K Street NW., Washington, D.C.

B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.

D. (6) $1,781. E. (9) $425.

A. David G. Erskine, 1629 K Street NW., Washington, D.C.

B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.

D. (6) $500.

A. John D. Fagan, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C.

B. Veterans of Foreign Wars of the United States.

D. (6) $2,575. E. (9) $32.50.

A. Clinton M. Fair, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,635.

A. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

D. (6) $63,478.15. E. (9) $16,046.61.

A. Thomas F. Field, 2369 North Taylor Street, Arlington, Va.

B. Taxation With Representation, 2369 North Taylor Street, Arlington, Va.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.

B. Council of Forest Industries of British Columbia, 1500 Guinness Tower, 1055 West Hastings Street, Vancouver 1, B.C., Canada.

D. (6) $7,749.99. E. (9) $144.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.

B. Joint Committee of Printing and Publishing Industries of Canada, Fourth Floor, 117 Eglinton Avenue East, Toronto 12, Canada.

D. (6) $999.99. E. (9) $28.

A. Francis S. Filbey, United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.

B. United Federation of Postal Clerks, AFL-CIO, 817 14th Street NW., Washington, D.C.

D. (6) $3,739.77.

A. Thomas W. Fink, Ring Building, 1200 18th Street NW., Washington, D.C.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $396. E. (9) $18.69.

A. Mello G. Fish, 100 Indiana Avenue NW., Washington, D.C.

B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $775.85. E. (9) $151.17.

A. William J. Flaherty, Disabled American Veterans, 1221 Massachusetts Avenue NW., Washington, D.C.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $5,625.

A. Roger Fleming, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $1,675. E. (9) $53.02.

A. Frank U. Fletcher, Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.

B. National Association of FM Broadcasters, 420 Madison Avenue, New York N.Y.

A. Law Firm of Fletcher, Heald, Rowell & Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.

B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Gene N. Fondren, Post Office Box 192, Taylor, Tex.

B. Texas Railroads, as previously reported.

D. (6) $3,085. E. (9) $780.38.

A. Forest Farmers Association Cooperative, 1375 Peachtree Street, NE., Atlanta, Ga.

A. James W. Foristel, 1776 K Street NW., Washington, D.C.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

D. (6) $1,950. E. (9) $257.30.

A. John G. Fox, 2000 L Street NW., Washington, D.C.

B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.

D. (6) $67.

A. Morley E. Fox, 300 New Jersey Avenue SE., Washington, D.C.

B. Central Arizona Project Association, 1124 Arizona Title Building, Phoenix, Ariz.

D. (6) $50.20. E. (9) $22.10.

A. Walter L. Frankland, Jr., 1625 I Street NW., Washington, D.C.

B. Silver Users Association, 1625 I Street NW., Washington, D.C.

D. (6) $624.90. E. (9) $309.47.

A. R. Frank Frazier, National Broiler Council, 1155 15th Street NW., Washington, D.C.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C.

D. (6) $500.

A. Robert M. Frederick, 1616 H Street NW., Washington, D.C.

B. The National Grange, 1616 H Street NW., Washington, D.C.

D. (6) $4,125.

A. James O. Freeman, 812 Pennsylvania Building, Washington, D.C.

B. U.S. Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $1,875. E. (9) $81.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

D. (6) $25.

A. Friends Committee on National Legislation, 245 Second Street, NE., Washington, D.C.

D. (6) $44,405. E. (9) $14,298.

A. Friends of the Earth, 30 East 42d Street, New York, N.Y.

D. (6) $700. E. (9) $700.

A. Owen V. Frisby, 900 17th Street, NW., Washington, D.C.

B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y.

D. (6) $500. E. (9) $1,148.70.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $275.

A. Paula Frohman, 2301 41st Street NW., Washington, D.C.

B. Zero Population Growth, Inc., 330 Second Street, Los Altos, Calif.

D. (6) $540. E. (9) $67.

A. Bernard Fuchs, 545 Fifth Avenue, New York 17, N.Y.

B. National Association of Residents & Interns, Inc., 292 Madison Avenue, New York, N.Y.

D. (6) $607.50.

A. David C. Fullarton, 1000 Connecticut Avenue NW., Washington, D.C.

B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $428.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Anchor Corp., 40 Parker Road, Elizabeth, N.J., et al.

D. (6) $1,500.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Royal Crown Cola Co., Columbus, Ga.

A. James E. Gaffigan, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.

D. (6) $125.

A. Henry E. Gardiner, the Anaconda Co., 1511 K Street NW., Washington, D.C.

B. The Anaconda Co., 25 Broadway, New York, N.Y.

D. (6) $500. E. (9) $25.95.

A. William B. Gardiner, Disabled American Veterans, 1221 Massachusetts Avenue NW., Washington, D.C.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.

D. (6) $4,875. D. (9) $152.12.

A. Marion R. Garstang, 30 F Street NW., Washington, D.C.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.

D. (6) $200.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va.

B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va.

A. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.

A. Jose A. Gemeil, 1250 Connecticut Avenue, NW., Washington, D.C.

B. S. E. Stavisky & Associates, Inc., 1250 Connecticut Avenue, NW., Washington, D.C.

D. (6) $200. E. (9) $200.

A. General Public Utilities Corp., 80 Pine Street, New York, N.Y.

E. (9) $200.

A. William T. Gibb, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

D. (6) $108.06 E. (9) $1.91.

A. Ernest Giddings, American Association of Retired Persons National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,211. E. (9) $23.74.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio.

B. International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio.

B. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.

D. (6) $3,025. E. (9) $93.43.

A. Neal P. Gillen, 1707 L Street, NW., Washington, D.C.

B. American Cotton Shippers Association, 1707 L Street, NW., Washington, D.C.

A. Howard F. Gillette, Jr., 3011 Ordway Street NW., Washington, D.C.

B. Project Pursestrings, 3011 Ordway Street NW., Washington, D.C.

D. (6) $620.

A. Dave Givens, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn.

B. Class I Railroads in Tennessee.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street, NW., Washington, D.C.

B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C.

D. (6) $5. E. (9) $1.66.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.

B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.

D. (6) $225. E. (9) $7.50.

A. James M. Goldberg, American Retail Federation, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

E. (9) $1250.

A. Don A. Goodall, 416 Washington Building, Washington, D.C.

B. American Cyanamid Co., Wayne, N.J.

D. (6) $382.80. E. (9) $90.10.

A. W. S. Gookin, 403 North Brown Avenue, Scottsdale, Ariz.

A. Frederick D. Goss, 1000 Connecticut Avenue NW., Washington, D.C.

B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $218.

A. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y.

B. Florists' Transworld Delivery Association, 900 West Lafayette Boulevard, Detroit, Mich.

A. Government Employees Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $11,559.48. E. (9) $5,899.86.

A. Donald E. Graham, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,437.76. E. (9) $44.88.

A. George Grant, 1619 Massachusetts Avenue NW., Washington, D.C.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

D. (6) $1,100.

A. Cornelius R. Gray, American Automobile Association, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. James A. Gray, 2139 Wisconsin Avenue NW., Washington, D.C.
B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Robert Keith Gray, Hill and Knowlton, Inc., 1735 K Street NW., Washington, D.C.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $2,300. E. (9) $185.

A. Mrs. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C.
D. (6) $200. E. (9) $114.55.

A. Samuel A. Grayson, Union Pacific Railroad, 611 Idaho Building, Boise, Idaho.
B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr.

A. Dale Greenwood, Washington Railroad Association, 302 Hoge Building, Seattle, Wash.
B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash.

A. William G. Greif, 1155 15th Street NW., Washington, D.C.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y.
D. (6) $500.

A. Fred J. Greiner, Evaporated Milk Association, 910 17th Street NW., Washington, D.C.
B. Evaporated Milk Association, 910 17th Street NW., Washington, D.C.

A. John F. Griner, American Federation of Government Employees, 400 First Street NW., Washington, D.C.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $9,479.40. E. (9) $2,850.37.

A. Grootemaat, Cook & Franke, 660 East Mason Street, Milwaukee, Wis.
B.Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.
D. (6) $600. E. (9) $185.45.

A. James J. Gudinas, Highway Department, American Automobile Association, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Dr. Harry P. Guenther, National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.
B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.
D. (6) $950. E. (9) $17.73.

A. Jerome R. Gulan, National Federation of Independent Business.
B. National Federation of Independent Business, 921 Washington Building, 15th Street & New York Avenue NW., Washington, D.C.
D. (6) $3,000. E. (9) $300.

A. Robert J. Habenicht, 1400 South Joyce Street, Arlington, Va.
B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va.
D. (6) $300. E. (9) $250.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C.
B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
E. (9) $32.22.

A. Hoyt S. Haddock.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $53.85.

A. Matthew Hale, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C., and 90 Park Avenue, New York, N.Y.

A. J. G. Hall, Industry-Government Relations, General Motors Corp., Detroit, Mich.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
E. (9) $2,099.03.

A. John F. Hall, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
E. (9) $1,157.56.

A. Keith Halliday, 1725 K Street NW., Washington, D.C.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C.
D. (6) $300.

A. Norman S. Halliday, Magazine Publishers Association, Inc., 1629 K Street NW., Washington, D.C.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y.
D. (6) $2,500. E. (9) $495.71.

A. Thomas A. Halsted, 201 Massachusetts Avenue NE., Washington, D.C.
B. Council for a Livable World, 201 Massachusetts Avenue NE., Washington, D.C.
D. (6) $5,749.98.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. Ida Cason Callaway Foundation, Pine Mountain, Ga.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. Labor Law Study Committee, 888 17th Street NW., Washington, D.C.
D. (6) $350.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. National School Supply & Equipment Association, 79 West Monroe Street, Chicago, Ill.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y.

A. Robert N. Hampton, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,463.74. E. (9) $125.38.

A. Edward F. Harding, 140 New Montgomery Street, San Francisco, Calif.
B. The Pacific Telephone & Telegraph Co., 140 New Montgomery Street, San Francisco, Calif.
D. (6) $68. E. (9) $140.71.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, Pasadena, Calif.
B. California Savings & Loan League, 1444 Wentworth Avenue, Pasadena, Calif.
D. (6) $1,800.

A. Eugene J. Hardy, 1133 15th Street NW., Washington, D.C.
B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y.
D. (6) $2,500. E. (9) $219.88.

A. Andrew E. Hare, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $14.25.

A. Mrs. Mildred B. Harman, National WCTU, suite 640 Warner Building, 13th and E Streets NW., Washington, D.C.
B. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill.
D. (6) $825. E. (9) $370.70.

A. William B. Harman, Jr., American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $420. E. (9) $31.78.

A. L. James Harmanson, Jr., National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,812. E. (9) $58.33.

A. John H. Harper, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $33.50. E. (9) $142.33.

A. Dennis E. Hart, Standard Oil Co. (Indiana), 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $996. E. (9) $18.95.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Lewis B. Hastings, Automobile Manufacturers' Association, Inc., 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers' Association, Inc., 320 North Center Building, Detroit, Mich.
D. (6) $500.

A. Walter A. Hasty, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $962.30.

A. Michael D. Hathaway, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $182.88. E. (9) $14.50.

A. Kit H. Haynes, American Farm Bureau Federation 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,875. E. (9) $64.60.

A. Lyn Hayes, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

A. Hayes and Hayes, Warner Building, Washington, D.C.
B. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.

A. Health Insurance Association of America, 1701 K Street NW., Washintgon, D.C.
D. (6) $538.32. E. (9) $538.32.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $300.

A. Robert B. Heiney, National Canners Association, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $875. E. (9) $1,596.80.

A. Kenneth G. Heisler, National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $1,700.

A. Walter G. Held, 1025 Connecticut Avenue NW., No. 1014, Washington, D.C.
B. Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N.Y.

A. Ross E. Heller, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $579.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C.
B. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
D. (6) $150. E. (9) $150.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1,125. E. (9) $471.78.

A. Richard I. Hersh, Box 1333, Syracuse, N.Y.
B. Agway, Inc., Box 1333, Syracuse, N.Y.
D. (6) $450. E. (9) $238.70.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. Savage Arms, et. al., Westfield, Mass.
D. (6) $11,416.50. E. (9) $49.45.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. National Football League, 410 Park Avenue, New York, N.Y.

A. Law Offices Hester & Stone, 432 Shoreham Building, Washington, D.C.
B. United States Brewers Association, 1750 K Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $137.10.

A. Andrew I. Hickey, Jr., Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C.
D. (6) $5,990.63. E. (9) $616.44.

A. M. F. Hicklin, Iowa Railway Association, 720 Bankers Trust Building, Des Moines, Iowa.
B. Iowa Railway Association, 720 Bankers Trust Building, Des Moines, Iowa.

A. John W. Hight, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $100.

A. Teresa B. Hightower, 1625 I Street NW., Washington, D.C.
B. American Osteopathic Association, 212 East Ohio Street, Chicago, Ill.
D. (6) $900. E. (9) $120.

A. J. Eldred Hill, Jr., Unemployment Benefit Advisors, Inc., 720 Hotel Washington, Washington, D.C.
B. Unemployment Benefit Advisors, Inc.
D. (6) $2,000. E. (9) $2,000.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. E. Joseph Hillings, 1025 Connecticut Avenue NW., Washington, D.C.
B. National Airlines, Inc., Post Office Box 2055 AMF, Miami, Fla.
D. (6) $109.97. E. (9) $109.97.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,100. E. (9) $798.15.

A. Mrs. Mae Hipsley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $787.50 E. (9) $86.41.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $500.

A. Claude E. Hobbs, 1000 Connecticut Avenue NW., Washington, D.C.
B. Westinghouse Electric Corp., Westinghouse Building, Pittsburgh, Pa.
D. (6) $900. E. (9) $195.

A. Mr. Lee B. Holmes, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $750. E. (9) $5,014.

A. John W. Holton, American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,750. E. (9) $3,668.50.

A. Edwin M. Hood, president, Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.
B. Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.

A. Thomas B. House.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.
B. Allstate Insurance Companies, Allstate Plaza, Northbrook, Ill.

A. Charles L. Huber, Disabled American Veterans, 1221 Massachusetts Avenue NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $7,500. E. (9) $2,454.17.

A. Peter W. Hughes, American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $279.47.

A. David J. Humphreys, 1140 Connecticut Avenue NW., Washington, D.C.
B. Manufactured Housing Association of America, Inc., 39 S. LaSalle Street, Chicago, Ill.
D. (6) $1,500. E. (9) $1,000.

A. David J. Humphreys, 1140 Connecticut Avenue NW., Washington, D.C.
B. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.
D. (6) $7,500. E. (9) $1,441.93.

A. Robert R. Humphreys, Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $320. E. (9) $115.30.

A. Richard M. Hunt, 1660 L Street NW., Washington, D.C.
B. National Lead Co., 111 Broadway, New York, N.Y.
D. (6) $675. E. (9) $140.

A. James L. Huntley, Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.
D. (6) $5,361.49. E. (9) $947.69.

A. Philip A. Hutchinson, Jr., The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.
D. (6) $1,000. E. (9) $4,536.01.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.
B. Norman E. Watkins, Washington, D.C.
E. (9) $226.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.
B. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.
D. (6) $5.

A. Hydeman & Mason, 1001 Connecticut Avenue NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $447.50. E. (9) $107.40.

A. Frank N. Ikard, 1271 Avenue of the Americas, New York, N.Y.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.

A. Illinois Railroad Association, room 808, 135 East 11th Place, Chicago, Ill.
B. Illinois Railroad Association, room 808, 135 East 11th Place, Chicago, Ill.
D. (6) $3,185.50. E. (9) $2,221.31.

A. Bernard J. Imming, United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa.
E. (9) $300.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. 6. $5,947.99. E. (9) $5,947.99.

A. Harry A. Inman, 1200 17th Street NW., Washington, D.C.
B. The New York Botanical Garden, Bronx Park, New York, N.Y.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.
B. Bi-State Transit System, 6839 Park Avenue, St. Louis, Mo., et al.
D. (6) $100,125. E. (9) $2,033.60.

A. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
E. (9) $8,087.68.

A. International Brotherhood of Painters & Allied Trades, 217 North Sixth Street, Lafayette, Ind.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
E. (9) $14,808.10.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C.
E. (9) $2,637.60.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, St. Paul, Minn.
D. (6) $11,243.63. E.(9) $8,615.40.

A. William E. Isaeff, American Automobile Association, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $100.

A. Robert C. Jackson, American Textile Manufacturers Institute, Inc., 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $2,750. E. (9) $150.34.

A. Raymond M. Jacobson, 1819 H Street NW., Washington, D.C.
B. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.
D. (6) $2,250.

A. Walter K. Jaenicke, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $700. E. (9) $200.

A. Robert L. James, 730 15th Street NW., Washington, D.C.
B. Bank of America N.T. & S.A., Bank of America Center, San Francisco, Calif.
D. (6) $60. E. (9) $50.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
E. (9) $200.

A. Daniel Jaspan, National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $8,240.24. E. (9) $221.59.

A. H. Bradley Johnson, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $725.

A. Hugo E. Johnson, 600 Bulkley Building, Cleveland, Ohio.
B. American Iron Ore Association, 600 Bulkley Building, Cleveland, Ohio.

A. Reuben L. Johnson.
B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $3,913.73. E. (9) $181.74.

A. Spencer A. Johnson, National Home Furnishings Association, 1025 Vermont Avenue NW., Washington, D.C.
B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.
D. (6) $300.

A. Ned Johnston, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Herbert Jolovitz.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $130. E. (9) $16.

A. Charlie W. Jones, The Signal Cos. at Washington, D.C., 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Cos., Inc., 1010 Wilshire Boulevard, Los Angeles, Calif.

A. George Bliss Jones, Alabama Railroad Association, Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.

A. L. Dan Jones, 1110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $20.75.

A. Dr. Oliver H. Jones, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $650. E. (9) $7,403.

A. Phillip E. Jones, 1156 15th Street NW., Washington, D.C.
B. United States Beet Sugar Association, 1156 15th Street NW., Washington, D.C.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C.
B. Dresser Industries, Inc., 1100 Connecticut Avenue, Washington, D.C
E. (9) $350.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.
E. (9) $8.25.

A. Frank M. Karsten, 810 18th Street NW., Washington, D.C.
B. Affiliated Government Organizations, Brooklyn 1, N.Y.
D. (6) $600. E. (9) $7.55.

A. Gerald M. Katz, 1400 Mercantile Trust Building, Baltimore, Md.
B. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
E. (9) $440.42.

A. Carleton R. Kear, Jr., 1625 I Street NW., Washington, D.C.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C.

A. Capt. William J. Keating, 500 Folger Building, 725 15th Street NW., Washington, D.C.
B. National Grain & Feed Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.
D. (6) $75.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Los Angeles, Calif.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.
E. (9) $275.

A. Charles C. Keeble, Post Office Box 2180, Houston, Tex.
B. Humble Oil & Refining Co. (a Delaware corporation), Post Office Box 2180, Houston, Tex.
E. (9) $16.20.

A. Eugene A. Keeney, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. James C. Kelley, 1500 Massachusetts Avenue NW., Washington, D.C.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. Harold V. Kelly, Unemployment Benefit Advisors, Inc., 720 Hotel Washington, Washington, D.C.
B. Unemployment Benefit Advisors, Inc., 720 Hotel Washington, Washington, D.C.
D. (6) $1,000. E. (9) $1,000.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. Edward F. Kenehan, Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $192.31.

A. Harold L. Kennedy, Marathon Oil Co., 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $112.95.

A. James J. Kennedy, Jr., Brotherhood of Railway, Airline & Steamship Clerks, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $4,119.98. E. (9) $1,146.45.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $750. E. (9) $150.

A. J. Don Kerlin, 1108 Stuart Road, Herndon, Va.
B. Time, Inc., Rockefeller Center, New York, N.Y.
D. (6) $250. E. (9) $275.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $2,400. E. (9) $66.22.

A. Charles L. King, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $60. E. (9) $12.

A. Joseph T. King, 3600 M Street NW., Washington, D.C.
B. General Counsel for Associated Equipment Distributors.
E. (9) $924.05.

A. Mr. William S. Kingman, Sheraton-Park Hotel, Washington, D.C.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $653.24.

A. Kirkland, Ellis, Hodson, Chaffetz, Masters & Rowe, 1776 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1133 Avenue of the Americas, New York, N.Y.

A. Herbert C. Kirstein, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $3,560. E. (9) $132.95.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa.
B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa.
D. (6) $226.19. (9) $662.36.

A. James D. Kittelton, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $575.

A. Ralph W. Kittle.
B. International Paper Co., 220 East 42d Street, New York, N.Y.

A. Robert E. Kline, Jr., 409 LaSalle Building, 1028 Connecticut Avenue NW., Washington, D.C.
B. Bowling Proprietors Association of America, Inc., West Higgins Road, Hoffman Estates, Ill.
D. (6) $1,250. E. (9) $91.70.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $6,066.84.

A. Keith R. Knoblock, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $475.

A. Mr. Robert M. Koch, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $51.

A. Wm. L. Kohler, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $152.20.

A. Horace R. Kornegay, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $175.

A. Kenneth S. Kovack, United Steelworkers of America, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $3,877.50. E. (9) $1,604.34.

A. Howard R. Koven and Abe Fortas, 208 South LaSalle Street, Chicago, Ill., and Canal Square, 1054 31st Street NW., Washington, D.C.
B. Loeb, Rhoades & Co., 42 Wall Street, New York, N.Y.
D. (6) $1,250.00. E. (9) $250.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $165.

A. Miss Germaine Krettek, 200 C Street SE., Washington, D.C.
B. American Library Association, 50 East Huron Street, Chicago, Ill.
D. (6) $663.30.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 DeSales Street NW., Washington, D.C.
B. Aerospace Industries Association of America, Inc., 1725 DeSales Street, NW., Washington, D.C.
D. (6) $5,784. E. (9) $841.85.

A. Labor Bureau of Middle West, 1155 15th Street NW., Washington, D.C.

A. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C.
E. (9) $11,267.72.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $11,419.85. E. (9) $9,039.80.

A. A. M. Lampley, 400 First Street NW., Washington, D.C.
B. United Transportation Union, 400 First Street NW., Washington, D.C.
E. (9) $250.

A. Ronald A. Lang, 330 Madison Avenue, New York, N.Y.
B. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.

A. Albert Lannon, 1341 G Street NW., Washington, D.C.
B. International Longshoremen's & Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.
D. (6) $3610.68. E. (9) $396.55.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.
E. (9) $364.32.

A. Dillard B. Lasseter, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200.00. E. (9) $525.00.

A. Donald F. Lavanty, American Optometric Association, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, Box 605, 117 W. 3d Street, Winona, Minn.
D. (6) $398. E. (9) $413.

A. George H. Lawrence, American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.
B. American Gas Association, Inc., 1515 Wilson Boulevard, Arlington, Va.
D. (6) $425. E. (9) $110.

A. William Lazarus, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. Robert F. Lederer, 835 Southern Building, Washington, D.C.
B. American Association of Nurserymen, Inc., 835 Southern Building, Washington, D.C.
D. (6) $20. E. (9) $267.84.

A. Robert J. Leigh, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

A. Nils A. Lennartson, Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.
B. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $10,999.98.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Waterways Operators, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $4,086.25. E. (9) $91.00.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, Washington, D.C.
B. Committee of Producers of Ferroalloys and Related Products, 815 Connecticut Avenue, Washington, D.C.
D. (6) $2,300. E. (9) $320.

A. Morris J. Levin, 839 17th Street NW., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $1,250.

A. J. Stanly Lewis, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $3,103.50.

A. Herbert Liebenson, National Small Business Association, 1225 19th Street NW., Washington, D.C.
B. National Small Business Association, 1225 19th Street NW., Washington, D.C.
D. (6) $4,500. E. (9) $1,200.

A. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $10,262.68. E. (9) $10,262.68.

A. John Lindow, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. Lester W. Lindow, Association of Maximum Service Telecasters, Inc., 1735 De Sales Street NW., Washington, D.C.
B. Association of Maximum Service Telecasters, Inc., 1735 De Sales Street NW., Washington, D.C.
D. (6) $10.40. E. (9) $4.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Ninth floor, Loyalty Building, Portland, Oreg.

B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Ninth Floor, Loyalty Building, Portland, Oreg.

B. National Maritime Compensation Committee, Ninth Floor, Loyalty Building, Portland, Oreg.

A. Charles B. Lipsen, Active Ballot Club Department, Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.

D. (6) $5,500. E. (9) $918.91.

A. Robert G. Litschert, 1140 Connecticut Avenue NW., Washington, D.C.

B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $446.25. E. (9) $259.91.

A. Livestock Producers Committee, 2000 NBC Building, San Antonio, Tex.

B. Livestock Producers Committee, 2000 NBC Building, San Antonio, Tex.

E. (9) $689.50.

A. Robert R. Lovelace, 1250 Connecticut Avenue NW., Washington, D.C.

B. Paperboard Packaging Council, 1250 Connecticut, Avenue NW., Washington, D.C.

D. (6) $450. E. (9) $75.

A. James F. Lovett, 1000 Connecticut Avenue NW., Washington, D.C.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa.

D. (6) $700. E. (9) $200.

A. Harold O. Lovre, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $2,400. E. (9) $251.50.

A. Otto Lowe, Cape Charles, Va.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $750.

A. Otto Lowe, Cape Charles, Va.

B. Norfolk and Western Railway Co., Roanoke, Va.

D. (6) $350.

A. Wilbur C. Lowrey, 1700 K Street NW., Washington, D.C.

B. Shell Oil Co., 1700 K Street NW., Washington, D.C.

D. (6) $500.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

D. (6) $1,000.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C.

B. Menswear Retailers of America, R–390 National Press Building, Washington, D.C.

D. (6) $1,200.

A. James H. Lynch, 400 First Street NW., Washington, D.C.

B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.

D. (6) $3,868.20. E. (9) $234.42.

A. Shane MacCarthy, 1730 North Lynn Street, Arlington, Va.

B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va.

D. (6) $850. E. (9) $1,350.

A. John R. MacKenzie, Automobile Manufacturer's Association, Inc., 1619 Massachusetts Avenue NW., Washington, D.C.

B. Automobile Manufacturer's Association, Inc., 320 North Center Building, Detroit, Mich.

D. (6) $1,000.

A. H. E. Mahlman, American Optometric Association, 1026 17th Street NW., Washington, D.C.

B. American Optometric Association, Box 605, 117 West Third Street Winona, Minn.

D. (6) $700. E. (9) $20.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C.

B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.

A. Andre Maisonpierre, 666 11th Street NW., Washington, D.C.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill

E. (9) $1070.

A. William J. Malatesta, 1629 K Street NW., Washington, D.C.

B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.

D. (6) $750.

A. Ben J. Man, 100 Indiana Avenue NW., Washington, D.C.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $1,384.62. E. (9) $625.94.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va.

B. National Coal Association, Coal Building, 1130 17th Street NW., Washington, D.C.

D. (6) $6,625. E. (9) $122.30.

A. Mike Manatos, 1730 K Street NW., Washington, D.C.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio.

D. (6) $82.68. E. (9) $82.68.

A. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

E. (9) $875.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.

D. (6) $5,000. E. (9) $3,000.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C.

B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C.

E. (9) $5,000.

A. Olya Margolin (Mrs.), 1346 Connecticut Avenue NW., Washington, D.C.

B. National Council of Jewish Women, One West 47th Street, New York, N.Y.

D. (6) $3,438. E. (9) $187.79.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $5,000. E. (9) $574.50.

A. Ralph J. Marlatt, 640 Investment Building, Washington, D.C.

B. National Association of Mutual Insurance Agents, 640 Investment Building, Washington, D.C.

E. (9) $7,052.90.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

A. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.

E. (9) $2,297.80.

A. J. Paull Marshall, Association of American Railroads, 300 New Jersey Avenue SE., Washington, D.C.

B. Association of American Railroads, American Railroads Building, Washington, D.C.

D. (6) $143.08. E. (9) $122.30.

A. Thomas A. Martin, 1625 K Street NW., Washington, D.C.

B. Mid-Continent Oil & Gas Association, 300 Tulsa Building, Tulsa, Okla.

D. (6) $500. E. (9) $120.

A. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.

E. (9) $440.42.

A. Mike M. Masaoka, Association on Japanese Textile Imports, Inc., 2021 L Street NW., Washington, D.C.

B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.

D. (6) $1,000.

A. Mike M. Masaoka, Japanese American Citizens League, 2021 L Street NW., Washington, D.C.

B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.

D. (6) $200.

A. Mike M. Masaoka, Masaoka-Ishikawa and Associates, Inc., 2021 L Street NW., Washington, D.C.

B. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.

D. (6) $500.

A. Paul J. Mason, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

D. (6) $1,300. E. (9) $116.03.

A. Walter J. Mason, 815 16th Street NW., Washington, D.C.

B. Building and Construction Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $6,769.12. E. (9) $1,599.08.

A. Mr. P. H. Mathews, Association of American Railroads, 300 New Jersey Avenue SE, Washington, D.C.

B. Association of American Railroads, American Railroads Building, Washington, D.C.

D. (6) $1,196.35. E. (9) $672.44.

A. Charles D. Matthews, 1140 Connecticut Avenue NW., Washington, D.C.

B. National Association of Elec. Cos., 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $530. E. (9) $435.93.

A. Charles E. Mattingly, National Legislative Commission, The American Legion, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $3,612. E. (9) $203.01.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C.

B. Georgia Power Company, 270 Peachtree Street, Atlanta, Ga.

A. Arnold Mayer, 100 Indiana Avenue NW., Washington, D.C.

B. Amalgamated Meat Cutters & Butcher Workmen of North America, AFL–CIO, 2800 N. Sheridan Road, Chicago, Ill.

D. (6) $5,420. E. (9) $950.

A. Breck P. McAllister, 25 Broadway, Room 1012, New York, N.Y.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.

A. Martha McCahill, 245 Second Street NE., Washington, D.C.

B. The National Citizens' Committee for the Amendment to End the War, 245 Second Street NE., Washington, D.C.

D. (6) $150. E. (9) $20.

A. Martha McCahill, 328 Pennsylvania Avenue SE., Washington, D.C.

B. Project Pursestrings, 328 Pennsylvania Avenue SE, Washington, D.C.

D. (6) $830.

A. William C. McCamant, 1725 K Street NW., Washington, D.C.

D. (6) $300.00 or less.

A. John A. McCart, Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.

B. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $2,820.58.

A. Jack F. McCarthy, 1700 K Street NW., Washington, D.C.

B. United Utilities, Inc., 2330 Johnson Drive, Shawnee Mission, Kans.

E. (9) $124.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.

B. Gulf-Western Industries, Inc., One Gulf-Western Plaza, New York, N.Y.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.

B. Mobil Oil Corp., 150 East 52d Street, New York, N.Y.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 400 First Street NW., Washington, D.C.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio.

D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.

D. (6) $200.

A. Joseph J. McDonald, United Steelworkers of America, 1001 Connecticut Avenue NW., Washington, D.C.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.

D. (6) $3,877.50. E. (9) $958.69.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont.

B. The Montana Power Co., Butte, Mont.

E. (9) $122.63.

A. William G. McFadzean, Apostle Islands Residents Committee, 505 Foshay Tower, Minneapolis, Minn.

D. (6) $5,820.58. E. (9) $5,056.68.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C.

B. Brotherhood Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich.

D. (6) $6,000.

A. Marshall C. McGrath.

B. International Paper Co., 220 East 42d Street, New York, N.Y.

D. (6) $560. E. (9) $220.53.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,635. E. (9) $347.55.

A. Peter E. McGuire, Brotherhood of Railway, Airline & Steamship Clerks, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $2,492.34. E. (9) $1,237.11.

A. Clifford G. McIntire, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $1,250.

A. Clarence M. McIntosh, Jr., Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

D. (6) $1,749.99.

A. Graham N. McKelvey, 1437 K Street NW., Washington, D.C.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.

D. (6) $1,500. E. (9) $300.

A. William F. McKenna, National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.

B. National League of Insured Savings Association, 1200 17th Street NW., Washington, D.C.

D. (6) $117.50.

A. Marvin L. McLain, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $2,875. E. (9) $38.55.

A. Mrs. Teresa D. McLaughlin, Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

D. (6) $300. E. (9) $1,753.

A. John S. McLees, 1615 H Street NW., Washington, D.C.

B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.

D. (6) $178.

A. William F. McManus, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

D. (6) $950. E. (9) $475.

A. Clarence M. McMillan, National Candy Wholesalers Association, Inc., 1430 K Street NW., Washington, D.C.

B. National Candy Wholesalers Association, Inc., 1430 K Street NW., Washington, D.C.

E. (9) $10.

A. C. W. McMillan, National Press Building, 14th & F Streets, Washington, D.C.

B. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo.

D. (6) $1,200.

A. Ralph J. McNair, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

D. (6) $513.01. E. (9) $30.86.

A. Charles R. McNeill, 815 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

D. (6) $2,000. E. (9) $332.49.

A. McNutt, Dudley, & Easterwood, 910 17th Street NW., Washington, D.C.

B. American Dredging Co., et al., 12 South 12th Street, Philadelphia, Pa., et al.

D. (6) $5,150. E. (9) $134.49.

A. George G. Mead, 128 C Street NE., Washington, D.C.

B. The American Society of Radiologic Technoloigsts, 645 North Michigan Aveune, Chicago, Ill.

D. (6) $3,000. E. (9) $675.

A. George G. Mead, 128 C Street NE., Washington, D.C.

B. The National Association of Theatre Owners, Inc., 1501 Broadway, New York, N.Y.

D. (6) $3,000. E. (9) $1174.89.

A. Medical Surgical Manufacturing Association, 342 Madison Avenue, New York, N.Y.

B. Medical Surgical Manufacturing Association, 342 Madison Avenue, New York, N.Y.

D. (6) $112.50. E. (9) $1446.24.

A. Mr. Carl J. Megel, 1012 14th Street NW., Washington, D.C.

B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C.

E. (9) $12,100.

A. Mr. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,635. E. (9) $362.11.

A. R. Otto Meletzke, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

(6) $201.85.

A. Mr. Ellis E. Meredith, 2000 K Street NW., Washington, D.C.

B. American Apparel Manufacturers Association, Inc., 2000 K Street NW., Washington, D.C.

E. (9) $2,902.76.

A. Lawrence C. Merthan, Hill & Knowlton, Inc., 1735 K Street NW., Washington, D.C.

B. Hill & Knowlton, Inc., 150 East 42nd Street, New York, N.Y.

D. (6) $2,500. E. (9) $305.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.

B. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.

A. Meyer, George F., Jr., 1625 I Street NW., Washington, D.C.

B. Retired Officers Association, 1625 I Street NW., Washington, D.C.

D. (6) $854.17.

A. Larry L. Meyer, 1616 H Street NW., Washington, D.C.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

E. (9) $1,250.

A. James G. Michaux, 777 14th Street NW., Washington, D.C.

B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio.

D. (6) $500.

A. Midland Cooperative Dairy Association, Box 128, Cazenovia, N.Y.

A. Capt. A. Stanley Miller, 1629 K Street NW., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $100.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Dallas, Tex., Chamber of Commerce.
D. (6) $1,950.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Gulf Intracoastal Canal Association, Houston, Tex.
D. (6) $2,625.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Texas Gulf Sulphur Co., Newgulf, Tex., and New York, N.Y.
D. (6) $2,250.

A. Edwin Reid Miller, 1815 Capitol Avenue, Omaha, Nebr.
B. Nebraska Railroads Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr.
D. (6) $4,999.98. E. (9) $988.15.

A. Hermon I. Miller, National Turkey Federation, 5116 Moorland Lane, Bethesda, Md.
B. National Turkey Federation, Mount Morris, Ill.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $875.

A. Joseph L. Miller, Consultant, 1612 K Street NW., Washington, D.C.
B. Northern Textile Association, et al.
D. (6) $4,800. E. $1,000.

A. Luman G. Miller, 912 Failing Building, Portland, Oreg.
B. Oregon Railroad Association, 912 Failing Building, Portland.
E. (9) $320.88.

A. Robert H. Miller, Tenneco Inc., 402 Solar Building, 1000 16th Street NW., Washington, D.C.
B. Tenneco Inc., Post Office Box 2511, Houston, Tex.
E. (9) $72.28.

A. Jack Mills, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc.
D. (6) $1,000. E. (9) $250.

A. Daniel Minchew, 1000 Connecticut Avenue NW., Washington, D.C.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,000.

A. Minnesota Mining & Manufacturing Co., 3–M Center, Saint Paul, Minn.
B. Minnesota Mining & Manufacturing Co., 3–M Center, Saint Paul, Minn.

A. John G. Mohay, 734 15th Street NW., Washington, D.C.
B. Eastern Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $15.

A. John G. Moray, 734 15th Street NW., Washington, D.C.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $250.

A. Joseph E. Moody, 918 16th Street NW., Washington, D.C.
B. Bituminous Coal Operators Association, 918 16th Street NW., Washington, D.C.
D. (6) $500.

A. O. William Moody, Jr., 815 16th Street NW., room 501, Washington, D.C.
B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., room 501, Washington, D.C.
D. (6) $2,500. E. (9) $1,112.86.

A. Carlos Moore, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $6,249.

A. Patricia Lee Moore, 2208 Sunrise Avenue No. 5, Las Vegas, Nev.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C.
B. The American Humane Association, Post Office Box 1266, Denver, Colo.
D. (6) $1,500.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.
D. (6) $9,693.75. E. (9) $72.65.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y.
D. (6) $431.25. E. (9) $5.35.

A. James M. Morris, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
E. (9) $542.17.

A. James G. Morton, 1825 Connecticut Avenue NW., Washington, D.C.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,500. E. (9) $50.

A. Lynn E. Mote, Northern Natural Gas Co., 1730 Rhode Island Avenue NW., Washington, D.C.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr.
D. (6) $2,000.

A. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
E. (9) $75.

A. William G. Mullen, National Newspaper Association, 491 National Press Building, Washington, D.C.
B. National Newspaper Association, 491 National Press Building, Washington, D.C.
E. (9) $177.05.

A. John J. Murphy, 517 Shoreham Building, 806 15th Street NW., Washington, D.C.
B. National Customs Service Association, 517 Shoreham Building, 806 15th Street NW., Washington, D.C.

A. D. Michael Murray, 915 L'Enfant Plaza SW., Washington, D.C.
B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va.
D. (6) $250. E. (9) $80.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. J. Walter Myers, Jr., 1375 Peachtree Street NE., Atlanta, Ga.
B. Forest Farmers Association, 1375 Peachtree Street NE., Atlanta, Ga.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C.
D. (6) $3,062.51. E. (9) $182.46.

A. John J. Nangle, 1625 Eye Street NW., Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $586.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.

A. Augustus Nasmith.
B. Associated Railroads of New Jersey, Pennsylvania Station, Newark, N.J.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.
D. (6) $814.75. E. (9) $814.75.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.
D. (6) $23,406. E. (9) $5,259.12.

A. National Association of Credit Management, 475 Park Avenue South, New York, N.Y.
A. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,583.08. E. (9) $7,222.48.

A. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
D. (6) $1,100. E. (9) $1,100.

A. National Association of Insurance Agents, Inc., 96 Fulton Street, New York, N.Y.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
E. (9) $12,450.14.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $765,316.73. E. (9) $60,993.34.

A. National Association of Mutual Insurance Companies, 2511 East 46th Street, Indianapolis, Ind.
B. National Association of Mutual Insurance Companies, 2511 East 46th Street, Indianapolis, Ind.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $325.51. E. (9) $325.51.

A. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $35,000. E. (9) $25,008.47.

A. National Association of Single Taxpayers, 1010 Vermont Avenue NW., Washington, D.C.
D. (6) $540. E. (9) $322.44.

A. National Association of Social Workers, Inc., 2 Park Avenue, New York, N.Y.
D. (6) $1,500.00. E. (9) $1,500.00.

A. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $2,102.08. E. (9) $2,102.08.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500.00. E. (9) $500.00.

A. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $591,701.65. E. (9) $5,424.56.

A. The National Citizens' Committee for The Amendment to End the War, 245 Second Street NE., Washington, D.C.

D. (6) $15,250.00. E. (9) $15,250.00.

A. National Coal Association, Coal Building, Washington, D.C.

D. (6) $407,749.84. E. (9) $12,893.74.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif.

D. (6) $1,489.29. E. (9) $1,489.29.

A. National Committee for the Recording Arts, 10,000 Santa Monica Boulevard, Los Angeles, Calif.

E. (9) $37,589.71.

A. National Committee for Research in Neurological Disorders, c/o Dr. Paul Bucy, 251 East Chicago Avenue, Chicago, Ill.

A. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $36,697.90. E. (9) $36,697.90.

A. National Council of Farmer Cooperatives, 1129 Twentieth Street NW., Washington, D.C.

D. (6) $23,944.81. E. (9) $22,039.91.

A. National Council, Junior Order United American Mechanics, Frank C. Workman, Nat. Sec. 3027 N. Broad Street, Philadelphia, Pa.

A. National Council of Naval Air Stations Employee Organizations, 239 Beach Road, Alameda, Calif.

D. (6) $600. E. (9) $530.42.

A. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.

B. National Council of Technical Service Industries (NCTSI), 888 17th Street, NW., Washington, D.C.

D. (6) $643.75. E. (9) $654.84.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.

B. Cenco Instruments Corp., 2600 S. Kostner Avenue, Chicago, Ill.

D. (6) $375. E. (9) $59.74.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.

B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.

D. (6) $833.33. E. (9) $261.61.

A. National Cystic Fibrosis Research Foundation, 202 East 44th Street, New York City.

E. (9) $1,500.

A. National Electrical Contractors Association, Inc., 1730 Rhode Island Avenue NW., Washington, D.C.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.

D. (6) $268,452.93. E. (9) $17,500.15.

A. National Federation of Independent Business, Inc., 920–922 Washington Building, Washington, D.C.

D. $21,667.40. E. (9) $21,667.40.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

D. (6) $2,146.05. E. (9) $2,693.57.

A. National Grain and Feed Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.

B. National Grain and Feed Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.

E. (9) $60.

A. The National Grange, 1616 H Street NW., Washington, D.C.

D. (6) $112,109.80. D. (9) $10,375.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.

E. (9) $502.60.

A. National Independent Dairies Association, 1735 K Street NW., Washington, D.C.

E. (9) $137.68.

A. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.

D. (6) $1,798.99. E. (9) $1,968.51.

A. National Lead Co., 111 Broadway, New York, N.Y.

E. (9) $815.

A. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.

D. (6) $11,938.82. E. (9) $1,863.50.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.

D. (6) $2,885. E. (9) $2,885.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr.

D. (6) $3,780.62. E. (9) $3,780.62.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C.

D. (6) $7,234.05. E. (9) $7,234,05.

A. National Multiple Sclerosis Society, 257 Park Avenue, New York, N.Y.

E. (9) $717.34.

A. National Rehabilitation Associaiton, 1522 K Street NW., Washington, D.C.

D. (6) $1,451.41. E. (9) $1,290.02.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

E. (9) $2,204.42.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C.

D. (6) $5,000. E. (9) $2,562.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

D. (6) $12,500. E. (9) $11,540.

A. National Taxpayers Union, 415 Second Street NE., Washington, D.C.

D. (6) $666.25. E. (9) $948.66.

A. National Telephone Cooperative, Association, 1000 Connecticut Avenue NW., Washington, D.C.

E. (9) $1,132.

A. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

D. (6) $878.09.

A. National Turkey Federation, Mount Morris, Ill.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Washington, D.C.

D. (6) $13,525. E. (9) $10,066.99.

A. Alexander W. Neale, Jr., 1101 17th Street NW., Washington, D.C.

B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.

D. (6) $1,900. E. (9) $18.70.

A. Alan M. Nedry, 888 17th Street NW., Washington, D.C.

B. Southern California Edison Co., Post Office Box 351, Los Angeles, Calif.

D. (6) $2,000. E. (9) $195.68.

A. Allen Neece, Jr., 537 Washington Building, Washington, D.C.

B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.

D. (6) $300.

A. Mr. Samuel E. Neel, 1707 H Street NW., Mortgage Bankers Association of America, Washington, D.C.

B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,626.

A. George R. Nelson, 1300 Connecticut Avenue NW., Washington, D.C.

B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,500. E. (9) $203.32.

A. Robert B. Neville, 1155 15th Street NW., Washington, D.C.

B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.

D. (6) $2,687.50. E. (9) $100.

A. Louis H. Nevins, Realtors Washington Committee of the National Association of Real Estate Boards, 1300 Connecticut Avenue NW., Washington, D.C.

B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.

D. (6) $2,833. E. (9) $119.70.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C.

B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill.

D. (6) $150. E. (9) $16.35.

A. Sarah H. Newman, 1029 Vermont Avenue NW., Washington, D.C.

B. National Consumers League, 1029 Vermont Avenue NW., Washington, D.C.

D. (6) $1,650.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa.

B. Northern Helex Co., 2223 Dodge Street, Omaha Nebr.

D. (6) $2,125. E. (9) $709.75.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C.

B. United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.

D. (6) $6,712.30. E. (9) $1,015.24.

A. James W. Nisbet, 280 Union Station Building, Chicago, Ill.

B. Western Railroad Association, 280 Union Station Building, Chicago, Ill.

A. Stanley D. Noble, 20 North Wacker Drive, Chicago, Ill.
B. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW. Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.
D. (6) $100.

A. Charles M. Noone, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.
D. (6) $1,500. E. (9) $319.82.

A. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va.
E. (9) $1,107.

A. North Dakota Railway Lines, 418 East Rosser Avenue, Box 938, Bismarck, N. Dak.
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn., and other.
E. (9) $12.90.

A. Robert H. North, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manfacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C.
E. (9) $733.69.

A. Ira H. Nunn, 1155 15th Street, NW., Washington, D.C.
B. National Restaurant Association, 1155 15th Street, NW., Washington, D.C.
D. (6) $3,375. E. (9) $250.

A. Seward P. Nyman, D.P.M., 20 Chevy Chase Circle, Washington, D.C.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) 650.

A. Daniel J. O'Callaghan, The National Independent Meat Packers Association, 734 15th Street, NW., Washington, D.C.
B. The National Independent Meat Packers Association, 734 15th Street, NW., Washington, D.C.
D. (6) $218.75.

A. Richard T. O'Connell, National Council of Farmer Cooperatives, 1129 20th Street, NW., Washington, D.C.
B. National Council of Farmer Cooperative, 1129 20th Street, NW., Washington, D.C.
D. (6) $1,463.74. E. (9) $24.84.

A. O'Connor, Green, Thomas, Walters and Kelly, 1750 Pennsylvania Avenue, NW., Washington, D.C.
B. American Transit Association, 815 Connecticut Avenue, NW., Washington, D.C.
D. (6) $750. E. (9) $208.

A. O'Connor, Green, Thomas, Walters and Kelly, 1750 Pennsylvania Avenue, NW., Washington, D.C.
B. Baldwin Piano Co., 1801 Gilbert Avenue, Cincinnati, Ohio.
D. (6) $425. E. (9) $155.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue, NW., Washington, D.C.
B. Investors Diversified Services, Inc., Investors Building, Minneapolis, Minn.
D. (6) $1,500. E. (9) $105.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue, NW., Washington, D.C.
B. Upper Mississippi Towing Corp., 7703 Normandale Road, Minneapolis, Minn.
D. (6) $5,000. E. (9) $192.

A. John B. O'Day, 11 East Adams Street, Chicago, Ill.
B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill.
D. (6) $12,406.73.

A. John A. O'Donnell, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200.

A. John A. O'Donnell, attorney-at-law, 1001 Connecticut Avenue NW., Washington, D.C.
B. Philippine Sugar Institute, Post Office Box 978, Manila, Philippines.
D. (6) $500. E. (9) $250.

A. Jane O'Grady, Amalgamated Clothing Workers of America, AFL–CIO, 815 16th Street NW., Washington, D.C.
B. Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, N.Y.
D. (6) $2,596.14. E. (9) $761.44.

A. Jane O'Grady, Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
B. Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
D. (6) $74.46. E. (9) $99.22.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.
E. (9) $3,837.97.

A. Alvin E. Oliver, 500 Folger Building, 725 15th Street NW., Washington, D.C.
B. National Grain and Feed Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.

A. Edward W. Oliver, an individual, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Robert Oliver, 400 First Street NW., Washington, D.C.
B. L. T. Barringer & Co., 161 South Front Street, Memphis, Tenn.
D. (6) $2,500.

A. Robert Oliver, 400 First Street NW., Washington, D.C.
B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y.

A. Roy W. Olson, Organization of Professional Employees of U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C.
B. Organization of Professional Employees of U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C.
D. (6) $493.75. E. (9) $25.

A. Samuel Omasta, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $26.75.

A. Jerry H. Opack, 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C.
D. (6) $2,329.46. E. (9) $1,221.45.

A. Kermek Overley, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. J. Allen Overton, Jr., American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $1,200.

A. Walter Page, Box 128, Cazenovia, N.Y.

A. Norman Paige, 1132 Pennsylvania Building, Washington, D.C.
B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C.

A. Paperboard Packaging Council, 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $968.79. E. (9) $968.79.

A. Lew M. Paramore, Water Resources Associated, Post Office Box 1310, Town House, Kansas City, Kans.
B. Water Resources Associated, 1130 17th Street NW., Washington, D.C.

A. J. Don Parel, Association of American Railroads, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $37.54. E. (9) $3.

A. Judith E. Park, National Association of Retired Civil Employees, 1909 Q Street NW., Washington, D.C.
B. National Association of Retired Civil Employees, 1909 Q Street NW., Washington, D.C.
D. (6) $2,307.60 E. (9) $121.25.

A. Geo. F. Parrish, West Virginia Railroad Association, Post Office Box 7, Charleston, W. Va.
B. West Virginia Railroad Association, Post Office Box 7, Charleston, W. Va.
D. (6) $6,000.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $108.42.

A. Perry S. Patterson, 1776 K Street NW., Washington, D.C.
B. Automatic Phonograph Manufacturers, 1776 K Street NW., Washington, D.C.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Boating Industry Association, 333 North Michigan Avenue, Chicago, Ill.
D. (6) $2,000. E. (9) $90.63.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y.
D. (6) $2,600. E. (9) $17.75.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. New Process Co., Warren, Pa.
D. (6) $1,000.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. The Reader's Digest Association, Inc., Pleasantville, N.Y.
D. (6) $1,000.

A. Paul, Weiss, Goldberg, Rifkind, Wharton, & Garrison, 1775 K Street NW., Washington, D.C.
B. The Denver Post, Inc., 650 15th Street, Denver, Colo.
E. (9) $5.

A. Lynn C. Paulson, National Independent Dairies Association, 1735 K Street NW., Washington, D.C.
B. National Independent Dairies Association, 1735 K Street, NW., Washington, D.C.
E. (9) $74.65.

A. Elver T. Pearson, American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,000. E. (9) $350.

A. John J. Pecoraro, Director of Legislation, 1925 K Street NW., Washington, D.C.
B. International Brotherhood of Painters and Allied Trades, 217–19 North Sixth Street, Lafayette, Ind.
D. (6) $1,825.

A. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
E. (9) $3,076.86.

A. Mr. D. V. Pensabene, 1700 K Street NW., Washington, D.C.
B. Standard Oil Co. of California, 1700 K Street NW., Washington, D.C.
D. (6) $50. E. (9) $25.

A. Pepper, Hamilton & Scheetz, 1629 K Street NW., Washington, D.C.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa.
D. (6) $150. E. (9) $150.

A. J. Carter Perkins, Shell Oil Co., 1700 K Street NW., Washington, D.C.
B. Shell Oil Co., 50 West 50th Street, New York, N.Y.
D. (6) $1,000.
A. A. J. Pessel, 1001 Connecticut Avenue NW., Washington, D.C.
D. (6) $750. E. (9) $245.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn.
D. (6) $2,500. E. (9) $ 1,401.92.

A. Michael Petresky, 400 First Street NW., Washington, D.C.
B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich.
D. (6) $2,550.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.
D. (6) $450. E. (9) $375.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. John P. Philbin, 1100 Connecticut Avenue, Washington, D.C.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1,125. E. (9) $35.23.

A. Bruce E. Phillips, American Retail Federation, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H. Street NW., Washington, D.C.
E. (9) $1,250.

A. John K. Pickens, 201 North Washington Street, Alexandria, Va.
B. American Nursing Home Association, 1025 Connecticut Avenue NW., Washington, D.C.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C.
B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $1,750. E. (9) $109.02.

A. James F. Pinkney, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $170.34.

A. James H. Pipkin, Texaco Inc., 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco Inc., 135 East 42d Street, New York, N.Y.
D. (6) $700. E. (9) $1,497.44.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex.
D. (6) $8,459.02. E. (9) $1350.

A. Frederick T. Poole, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $419. E. (9) $42.58.

A. Carl Pope, 1340 Vermont Avenue NW., Washington, D.C.
B. Zero Population Growth, 330 2d Street, Los Altos, Calif.
D. (6) $540. E. (9) $40.

A. George G. Potts, 640 Investment Building, NW., Washington, D.C.
B. National Association of Mutual Insurance Agents, 640 Investment Building, NW., Washington, D.C.
E. (9) $4,824.42.

A. Ramsay D. Potts, 910 17th Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $2,250. E. (9) $38.25.

A. William J. Potts, Jr., 1730 M Street NW., Washington, D.C.
B. Association for Broadcast Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Richard M. Powell, National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C.
B. National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C.

A. William I. Powell, 1110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $11.40.

A. Carlton H. Power, 1918 North Parkway, Post Office Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $540.

A. William H. Press, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.
D. (6) $9,500.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank, Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $250.

A. Mrs. Pearl B. Price, 406 Mayrant Drive, Dallas, Tex.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Project Pursestrings, Inc., 3011 Ordway Street NW., Washington, D.C.
D. (6) $6,810.64. E. (9) $10,333.45.

A. Harold Pruner, Oil Investment Institute, One Greenwich Plaza, Greenwich, Conn.
B. Oil Investment Institute, 1 Greenwich Plaza, Greenwich, Conn.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C.
B. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $1,250.

A. William A. Quinlan, Route 1, Box 199, Annapolis, Md.
B. Associated Retail Bakers of America, 735 West Sheridan Rd., Chicago, Ill.
D. (6) $416.51. E. (9) $146.60.

A. Arthur Lee Quinn, 723 Washington Building, Washington, D.C.
B. Hambro American Bank & Trust Co., 25 Broad Street, New York, N.Y.

A. Luke C. Quinn, Jr., 1001 Connecticut Avenue, Washington, D.C.
B. American Cancer Society, et al. New York, N.Y.
D. (6) $8,066.65. E. (9) $15,563.42.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C.
D. (6) $1,391.12 E. (9) $224.45.

A. James H. Rademacher, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $3,725.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $286.08.

A. Edward F. Ragland, 6917 Marbury Road, Bethesda, Md.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $10,752. E. (9) $10,752.

A. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.

A. Alan T. Rains, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.
E. (9) $220.79.

A. Carl R. Ramsey, 239 Beach Road, Alameda, Calif.
B. National Council of Naval Air Stations Employee Organizations, 239 Beach Road, Alameda, Calif.

A. G. J. Rauschenbach, Communications Satellite Corp.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C.
D. (6) $875.

A. David J. Reedy, 1517 Virginia Street, Downers Grove, Ill.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill.

A. John A. Reilly, Kenyon & Kenyon, Reilly, Carr & Chaplin, 59 Maiden Lane, New York, N.Y.
B. Bert N. Adams, 1461 West 16th Place, Yama, Ariz., et al.
E. (9) $25.

A. Ronald E. Resh, 1300 Wyatt Building, Washington, D.C.
B. Wyatt and Saltzstein, 1300 Wyatt Building, Washington, D.C.
D. (6) $1,250.

A. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $3,700.

A. Retirement Federation of Civil Service Employees of the U.S. Government, Warner Building, 13th and E Streets NW., Washington, D.C.
D. (6) $1,791.05. E. (9) $7,942.58.

A. William L. Reynolds, National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $46. E. (9) $29.

A. James W. Richards, Standard Oil Co. (Indiana), 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,379.84. E. (9) $15.36.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La.
B. Louisiana Railroads, 335 Austin Street, Bogalusa, La.
D. (6) $40.67. E. (9) $83.45.

A. Mark Richardson, 342 Madison Avenue, New York, N.Y.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $270. E. (9) $250.

A. James W. Riddell, 723 Washington Building, Washington, D.C.
B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C.
B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.

A. Mr. Richard N. Rigby, Jr., 1900 L Street NW., Washington, D.C.
B. National Oceanography Association, 1900 L Street NW., Washington, D.C.
D. (6) $400. E. (9) $44.60.

A. John S. Rippey, 1725 K Street NW., Washington, D.C.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C.

A. Miss Rebekah Rivers, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $38.50.

A. William Neale Roach, 1616 P Street NW., Washington, D.C.
B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $1,000.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $75.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. James A. Rock, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $178. E. (9) $2.33.

A. Mr. C. Richard Rogers, 1600 Rhode Island Avenue NW., Washington, D.C.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $656.25.

A. Frank W. Rogers, 1700 K Street NW., Washington, D.C.
B. Western Oil and Gas Association, 910 National Oil Building, Sixth and Grand, Los Angeles, Calif.
D. (6) $750.

A. Walter E. Rogers, 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
D. (6) $1,000.

A. Michael J. Romig, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $250.

A. Michael P. Roudnev, 1825 K Street NW., Washington, D.C.
B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif.
D. (6) $500. E. (9) $50.

A. Robert J. Routier, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $205. E. (9) $27.50.

A. John Forney Rudy, 902 Ring Building, Washington, D.C.
B. The Goodyear Tire & Rubber Co., Akron, Ohio.

A. Albert R. Russell, Post Office Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $5,909. E. (9) $711.87.
A. J. T. Rutherford, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $924.52.

A. J. T. Rutherford & Associates, Inc., 1555 Connecticut Avenue NW., Washington, D.C.
B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.
D. (6) $1,500. E. (9) $1,058.82.

A. Stanley H. Ruttenberg, 1211 Connecticut Avenue NW., Washington, D.C.
B. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
D. (6) $900. E. (9) $25.

A. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
B. Amalgamated Clothing Workers of America, 15 Union Square, New York, N.Y.
D. (6) $900. E. (9) $1,000.

A. Mrs. Edward F. Ryan, 110 Bridge Street, Manchester, Mass.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.
E. (9) $377.30.

A. William H. Ryan, Machinists Building, Washington, D.C.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,137.50. E. (9) $480.

A. Francis J. Ryley, 519 Title & Trust Building, Phoenix, Ariz.
B. Standard Oil Company of California, San Francisco, et al.
D. (6) $1,000.

A. Sachs, Greenebaum, Frohlich & Tayler, 839 17th Street NW., Washington, D.C.
B. Ontario Corporation, 1200 West Jackson Street, Muncie, Ind.
D. (6) $150. E. (9) $9.47.

A. Carl K. Sadler, American Federation of Government Employees, 400 First Street NW., Washington, D.C.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $4,683. E. (9) $7,908.28.

A. Robert A. Saltzstein, 1300 Wyatt Building, Washington, D.C.
B. American Business Press, Inc., 205 E. 42d Street, New York, N.Y.
D. (6) $6,562.50. E. (9) $1,875.

A. Miss Patricia A. Samuel, 120 Maryland Avenue NE., Washington, D.C.
B. Women's International League for Peace and Freedom, 120 Maryland Avenue NE., Washington, D.C.
D. (6) $18,463.59. E. (9) $7,226.75.

A. Jacques T. Schlenger, 1400 Mercantile Trust Building, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
E. (9) $440.42.

A. Edwin R. Schneider, Jr., 1129 20th Street NW., Washington, D.C.
B. Mail Advertisers Education Committee of the Major Mailers and Producers of the Mail Advertising Service Association International, Inc.; 425 13th Street, NW., Washington, D.C.

A. C. Herschel Schooley, Washington Office, Independent Bankers Association of America, 815 15th Street NW., Washington, D.C.
B. Independent Bankers Association of America, Sauk Centre, Minn.
D. (6) $4,250. E. (9) $3,379.46.

A. Hilliard Schulberg, 1900 L Street NW., Washington, D.C.

B. Washington, D.C. Retail Liquor Dealers Association, Inc., 1900 L Street NW., Washington, D.C.

D. (6) $555. E. (9) $143.70.

A. John W. Scott, 1616 H Street NW., Washington, D.C.

B. The National Grange, 1616 H Street NW., Washington, D.C.

D. (6) $5,000.

A. Scribner, Hall, Casey, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C.

B. Jefferson Pilot Corp., Post Office Box 21008, Greensboro, N.C.

E. (9) $6.

A. Durward Seals, 777 14th Street, Washington, D.C.

B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich.

B. Estate of Bert N. Adams, 1461 West 15th Place, Yuma, Ariz. et al.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., Washington, D.C.

B. Sears, Roebuck & Co., 915 South Homan Avenue, Chicago, Ill.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C.

B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.

A. Theodore A. Serrill, National Newspaper Association, 491 National Press Building, Washington, D.C.

B. National Newspaper Association, 491 National Press Building, Washington, D.C.

E. (9) $140.51.

A. Leo Seybold, 1000 Connecticut Avenue NW., Washington, D.C.

B. Air Transport Association of America, 1000 Connecticut Avenue, NW., Washington, D.C.

D. (6) $1,125. E. (9) $397.10.

A. Robert L. Shafer, 1700 Pennsylvania Avenue, NW., Washington, D.C.

B. Pfizer Inc., 235 East 42d Street, New York, N.Y.

D. (6) $850. E. (9) $350.

A. Joseph H. Sharlitt, 1129 20th Street, NW., Washington, D.C.

B. Mail Advertisers Educational Committee of the Major Mailers and Producers of the Mail Advertising Service Association International, Inc.; 425 13th Street NW., Washington, D.C.

D. (6) $2,000. E. (9) $274.19.

A. Sharon, Pierson & Semmes, 1054 31st Street, NW., Washington, D.C.

B. Anchor Corp., 40 Parker Rd., Elizabeth, N.J., et al.

D. (6) $1,500.

A. Sharon, Pierson & Semmes, 1054 31st Street, NW., Washington, D.C.

B. Milton Hershey School Trust, Hershey, Pa.

D. (6) $10,270. E. (9) $91.85.

A. Sharon, Pierson & Semmes, 1054 31st Street, NW., Washington, D.C.

B. Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y.

D. (6) $9,438.

A. James R. Sharp, 1108 16th Street, NW., Washington, D.C.

B. American Fur Merchants' Association, 224 West 30th Street, New York, N.Y.

D. (6) $3,000. E. (9) 91.59.

A. Arnold F. Shaw, 503 D Street, NW., Washington, D.C.

B. The National Committee for the Recording Arts, 9300 Wilshire Boulevard, Beverly Hills, Calif.

D. (6) $2,500.

A. Kenneth D. Shaw, Brotherhood of Railway, Airlines & Steamship Clerks, 400 First Street, NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

A. Shaw, Pittman, Potts, Trowbridge, & Madden, 910 17th Street NW., Washington, D.C.

B. The Chartered Bank, 76 Willian Street, New York, N.Y., et al.

D. (6) $1,000. E. (9) $14.17.

A. Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, Washington, D.C.

B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y.

A. John J. Sheehan, United Steelworkers of America, 1001 Connecticut Avenue NW., Washington, D.C.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.

D. (6) $5,212.50. E. (9) $2,904.15.

A. Laurence P. Sherfy, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $1,075.

A. Dale Sherwin, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $1,750. E. (9) $23.20.

A. Robert H. Shields, 1156 15th Street NW., Washington, D.C.

B. United States Beet Sugar Association, 1156 15th Street NW., Washington, D.C.

A. Max Shine, 1126 16th Street NW., Washington, D.C.

B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.

D. (6) $992. E. (9) $20.

A. Robert L. Shortle, Water Resources Associated, 1147 International Trade Mart Tower, New Orleans, La.

B. Water Resources Associated, 1130 17th Street NW., Washington, D.C.

A. S. Richard Shostak, 608 South Hill Street, Los Angeles, Calif.

B. Committee to Except Assembled U.S. Textile Articles from Quotas, 608 South Hill Street, Los Angeles, Calif.

D. (6) $779.50. E. (9) $3,220.50.

A. Charles B. Shuman, Merchandise Mart Plaza, Chicago, Ill.

B. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill.

D. (6) $1,000.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C.

B. American Insurance Association, 85 John Street, New York, N.Y.

D. (6) $200.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C.

B. Associated Third-Class Mail Users, 1725 K Street NW., Washington, D.C.

D. (6) $200.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C.

B. Electronic Industries, Consumer Electronics Group, 2001 Eye Street NW., Washington, D.C.

D. (6) $200.

A. Silver Users Association, 1625 I Street NW., Washington, D.C.

E. (9) $2,019.57.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Six Agency Committee, 217 West First Street, Los Angeles, Calif.

D. (6) $4,560.00. E. (9) $3,000.00.

A. Carstens Slack, Phillips Petroleum Co., 1625 Eye Street NW., Washington, D.C.

B. Phillips Petroleum Co., Bartlesville, Okla.

A. William L. Slayton, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C.

D. (6) $1,500.00.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C.

B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $3,750. E. (9) $11.70.

A. David Silver, 1775 K Street NW., Washington, D.C.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C.

A. Smathers & Merrigan, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. American Horse Council, 1776 K Street NW., Washington, D.C.

D. (6) $6,250. E. (9) $46.47.

A. Smathers & Merrigan, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C.

A. Donald E. Smiley, 1025 Connecticut Avenue NW., Washington, D.C.

B. Humble Oil & Refining Co. (A Delaware Corporation) Post Office Box 2180, Houston, Tex.

E. (9) $454.07.

A. T. W. Smiley, 135 East 11th Place, Chicago, Ill.

B. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.

D. (6) $3,185.50. E. (9) $2,221.31.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C.

B. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y.

E. (9) $88.80.

A. Robert William Smith, Washington Staff, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.

B. Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.

D. (6) $420. E. (9) $353.

A. Wayne H. Smithy, 815 Connecticut Avenue NW., Washington, D.C.

B. Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,870.25. E. (9) $1,289.75.

A. Lyle O. Snader, Association of American Railroads, Suite 212, 300 New Jersey Avenue SE., Washington, D.C.

B. Association of American Railroads, American Railroads Building, Washington, D.C.

D. (6) $312.62. E. (9) $195.

A. Frank B. Snodgrass, 1100 17th Street NW., Washington, D.C.

B. Burley and Dark Leaf Tobacco Export Association, Inc., Post Office Box 860, Lexington, Ky.

D. (6) $487.50.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,936.

A. Society for Animal Protective Legislation, Post Office Box 3719, Georgetown Station, Washington, D.C.

D. (6) $1,784.50. E. (9) $4,285.07.

A. Carl A. Soderblom, 1 East First Street, Reno, Nev.

B. Nevada Railroad Association, 1 East First Street, Reno, Nev.

A. J. Taylor Soop, 400 First Street NW., Washington, D.C.

B. International Brotherhood Electrical Workers, 330 South Wells Street, Chicago, Ill.

D. (6) $1,999.80.

A. Gary A. Soucie, 30 East 42d Street, New York, N.Y.

B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

D. (6) $100.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.

D. (6) $397. E. (9) $397.

A. William W. Spear, 1000 16th Street NW., Washington, D.C.

B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.

D. (6) $1,245.69. E. (9) $3.87.

A. Frank J. Specht, Schenley Industries, Inc., 1725 DeSales Street NW., Washington, D.C.

B. Schenley Industries, Inc., 1290 Avenue of the Americas, New York, N.Y.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Mr. Nicholas J. Spiezio, Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

D. (6) $750. E. (9) $4,232.

A. Joseph L. Spilman, Jr., 1625 K Street NW., Washington, D.C.

B. Mid-Continent Oil & Gas Association, 300 Tulsa Building, Tulsa, Okla.

D. (6) $500. E. (9) $100.

A. Louis P. Spitz, American Association of Motor Vehicle Administrators, 1828 L Street NW., Washington, D.C.

B. American Association of Motor Vehicle Administrators, 1828 L Street NW., Washington, D.C.

D. (6) $1,000.

A. Lynn Stalbaum, Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.

B. Associated Dairymen, Inc., Room 713, 1026 17th Street NW., Washington, D.C.

D. (6) $675.

A. J. Gilbert Stallings, 1776 K Street NW., Washington, D.C.

B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Melvin L. Stark, American Insurance Association, 1025 Connecticut Avenue NW., Blake Building, Washington, D.C.

B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.

D. (6) $3,000. E. (9) $350.

A. Samuel E. Stavisky, 1250 Connecticut Avenue NW., Washington, D.C.

B. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

D. (6) $700. E. (9) $700.

A. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

B. Samuel E. Stravisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

D. (6) $900. E. (9) $1,050.

A. Steinhart, Goldberg, Feigenbaum & Ladar, Crocker Plaza, 3400, Montgomery at Post, San Francisco, Calif.

B. Valley Center Municipal Water District, Valley Center, Calif.

D. (6) $2,350. E. (9) $276.43.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. Green Olive Trade Association, Inc., 82 Beaver Street, New York, N.Y.

D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. Mallinckrodt Chemical Works, Post Office Box 5439, St. Louis, Mo., et. al.

D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y.

D. (6) $60. E. (9) $2.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. Teachers Insurance & Annuity Association of America, 730 Third Avenue, New York, N.Y.

E. (9) $322.82.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.

B. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

D. (6) $750. E. (9) $50.

A. Travis B. Stewart, 340 Kingsland Street, Nutley, N.J.

B. Hoffman-La Roche Inc., 340 Kingsland Street, Nutley, N.J.

D. (6) $850. E. (9) $500.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.

B. Imported Footwear Group, American Importers Association, New York, N.Y., et al.

D. (6) $1,000. E. (9) $200.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.

B. Japan Iron & Steel Exporters' Association, Tokyo, Japan.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $50.

A. Sterling F. Stoudenmire, Jr., 61 Saint Joseph Street, Mobile, Ala.

B. Waterman Steamship Corp., 61 Saint Joseph Street, Mobile, Ala.

A. Francis W. Stover, 200 Maryland Avenue NE., Washington, D.C.

B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C.

D. (6) $5,350. E. (9) $521.02.

A. William M. Stover, 1825 Connecticut Avenue NW., Washington, D.C.

B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.

D. (6) $925. E. (9) Under $100.

A. Herald E. Stringer, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $5,304. E. (9) $555.08.

A. John D. Stringer, 666 11th Street NW., Washington, D.C.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1030.

A. Norma Strunk, 111 East Wacker Drive, Chicago, Ill.

B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,250.

A. Don Sullivan, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $475.

A. James F. Sullivan, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

D. (6) $300.

A. Walter B. Stults, 537 Washington Building, Washington, D.C.

B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.

D. (6) $600.

A. Frank L. Sundstrom, 1776 K Street NW., Washington, D.C.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

D. (6) $2,225. E. (9) $650.

A. C. Austin Sutherland, 1616 P Street NW., Washington, D.C.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Sutton Shull & O'Rourke, 1108 16th Street NW., Washington, D.C.

B. Beet Sugar Industry of Eastern Part of U.S., 1108 16th Street NW., Washington, D.C.

D. (6) $2,011.74. E. (9) $701.52.

A. Irving W. Swanson, 1155 15th Street NW., Washington, D.C.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. John R. Sweeney, Solar Building, 1000 16th Street, NW., Washington, D.C.

B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem, Pa.

D. (6) $450. E. (9) $189.

A. Russell A. Swindell, Post Office Box 2635, Raleigh, N.C.

D. (6) $41.84.

A. Robert F. Sykes, American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue, NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,200. E. (9) $59.85.

A. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.
E. (9) $482.86.

A. Charles P. Taft, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $100.

A. Russell D. Tall, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Rev. Charles C. Talley, 100 Angus Court, Charlottesville, Va.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Taxation With Representation, 2369 North Taylor Street, Arlington, Va.
D. (6) $100. E. (9) $692.78.

A. Roy W. Terwilliger, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.
E. (9) $397.91.

A. L. D. Tharp, Jr., 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.

A. Clark W. Thompson, Tenneco, Inc., 1000 16th Street NW., Washington, D.C.
B. Tenneco, Inc., Post Office Box 2511, Houston, Tex.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C.
E. (9) $1,452.

A. Maurice B. Tobin, Suite 809, 1140 Connecticut Avenue NW., Washington, D.C.

A. H. Willis Tobler, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $2,800. E. (9) $241.10.

A. David R. Toll, 1140 Connecticut Avenue, Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue, Washington, D.C.
D. (6) $536. E. (9) $551.32.

A. F. Gerald Toye, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $1,100. E. (9) $40.01.

A. Transportation Association of America, 1101 17th Street NW., Washington, D.C.
E. (9) $4.50.

A. Richard S. Tribbe, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.
E. (9) $159.39.

A. Matt Triggs, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $2,312. E. (9) $73.24.

A. Bernard H. Trimble, 1730 Rhode Island Avenue NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $5,000. E. (9) $51.25.

A. Joel B. True, 1133 15th Street NW., Washington, D.C.
B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y.
D. (6) $625. E. (9) $250.

A. Galen Douglas Trussell, 1133 15th Street NW., Washington, D.C.
B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y.
D. (6) $792. E. (9) $125.80.

A. Dick Tullis, 607 Maple Terrace, Dallas, Tex.
B. Superior Oil Co., Houston, Tex., and Los Angeles, Calif.
D. (6) $250. E. (9) $250.

A. Richard F. Turney, 835 Southern Building, Washington, D.C.
B. American Association of Nurserymen, 835 Southern Building, Washington, D.C.
D. (6) $20. E. (9) $237.84.

A. John D. Tyson, 220 East 42d Street, New York, N.Y.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $456. E. (9) $76.76.

A. United Cerebral Palsy Associations, Inc., 66 East 34th Street, New York City, N.Y.
E. (9) $2,717.36.

A. United Federation of Postal Clerks AFL–CIO, 817 14th Street NW., Washington, D.C.
D. (6) $197,592.06. E. (9) $71,770.07.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
E. (9) $20,770.76.

A. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C.
E. (9) $249.12.

A. United States–Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,041.22. E. (9) $1,548.45.

A. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
E. (9) $37,369.59.

A. John A. Vance, 1725 K Street NW., Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $3,035. E. (9) $2,086.44.

A. Theodore A. Vanderzyde, Machinists Building, Washington, D.C.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,137.50. E. (9) $480.

A. Venable, Baetjer & Howard, 1400 Mercantile Trust Building, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
E. (9) $440.42.

A. Richard E. Vernor, American Life Convention, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $988.50. E. (9) $5.25.

A. L. T. Vice, 1700 K Street NW., Washington, D.C.
B. Standard Oil Company of California, Suite 1204, 1700 K Street NW., Washington, D.C.
E. (9) $75.00.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.
E. (9) $11.22.

A. Donn L. Waage, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $93.75. E. (9) $12.75.

A. E. R. Wagner, 888 17th Street NW., Washington, D.C.
B. National Council of Technical Service Industries (NCTSI), 888 17th Street NW., Washington, D.C.
D. (6) $184.61. E. (9) $17.68.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $742.50. E. (9) $204.21.

A. Wald, Harkrader, Nicholson & Ross, 1320 19th Street NW., Washington, D.C.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Jack A. Waller, 905 16th Street NW., Washington, D.C.
B. International Association of Fire Fighters, 905 16th Street NW., Washington, D.C.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $4,493.44. E. (9) $1,505.89.

A. Thomas G. Walters, 1909 Que Street NW., Washington, D.C.
B. National Association of Retired Civil Employees, 1909 Que Street NW., Washington, D.C.
D. (6) $2,884.80. E. (9) $4,417.30.

A. William A. Walton, 800 Merchants National Bank Building, 8th and Jackson Streets, Topeka, Kans.
B. Kansas Railroad Committee, 800 Merchants National Bank Building, 8th and Jackson Streets, Topeka, Kans.
D. (6) $1,050.

A. Richard D. Warden, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,635. E. (9) $282.

A. Alan M. Warren, Suite 1008, 1025 Connecticut Avenue NW., Washington, D.C.
B. Humble Oil & Refining Co. (a Delaware corporation), Post Office Box 2180, Houston, Texas.
E. (9) $105.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. American Occupational Therapy Association, 251 Park Avenue South, New York, N.Y.
D. (6) $350. E. (9) $285.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. Rehabilitation Institute of Chicago, 401 East Ohio Street, Chicago, Ill.
D. (6) $900. E. (9) $800.

A. Washington Research Project Action Council, 1823 Jefferson Place NW., Washington, D.C.
E. (9) $14.05.

A. E. Jerome Webster, Jr., 919 18th Street NW., Washington, D.C.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Fred Wegner, 1225 Connecticut Avenue NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,000. E. (9) $8.75.

A. Clarence M. Weiner, 350 Fifth Avenue, New York, N.Y.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $9,125. E. (9) $31.87.

A. Dr. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Joseph E. Welch, 1630 Locust Street, Philadelphia, Pa.
B. Wellington Management Co., 1630 Locust Street, Philadelphia, Pa.

A. Terrell M. Wertz, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,210.

A. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
B. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
E. (9) $500.

A. Clyde A. Wheeler, Jr., Federal Bar Building, 1819 H Street NW., Washington, D.C.
B. Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa.
E. (9) $1,575.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C.

A. John L. Wheeler, 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wisc.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wisc.
D. (6) $1,240. E. (9) $272.35.

A. Donald F. White, 1618 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $1,250.

A. John C. White, 1317 F Street NW., Washington, D.C.
B. Private Truck Council of America, Inc., 1317 F Street NW., Washington, D.C.

A. John S. White, Marathon Oil Co., 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $186.17.

A. Robert L. White, 1730 Rhode Island Avenue NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Douglas Whitlock II, 910 Washington Building, Washington, D.C.
B. Montgomery Ward & Co., Inc., 910 Washington Building, Washington, D.C.
D. (6) $500. E. (9) $150.

A. Claude C. Wild, Jr., 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $250.

A. Francis G. Williams, 919 18th Street NW., Washington, D.C.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Harry D. Williams, 1660 L Street NW., Washington, D.C.
B. Ashland Oil Inc., 1409 Winchester Avenue, Ashland, Ky.
D. (6) $250.

A. John C. Williamson, 1300 Connecticut Avenue NW., Washington, D.C.
B. Realtors' Washington Committee of the National Association of Real Estate Boards, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $5,000. E. (9) $261.49.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. American Express Co., 65 Broadway, New York, N.Y.
E. (9) $10.50.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Chronicle Publishing Co., Fifth and Mission Streets, San Francisco, Calif.
D. (6) $492. E. (9) $1.50.

A. Wilmer, Cutler, & Pickering, 900 17th Street NW., Washington, D.C.
B. J. P. Morgan & Co. Inc., 23 Wall Street, New York, N.Y.

A. Wilmer, Cutler, & Pickering, 900 17th Street NW., Washington, D.C.
B. Jonathan Development Corp., Post Office Box 68, Chaska, Minn.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries Corp., 300 Lakeside Drive, Oakland, Calif.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. National Corporation for Housing Partnerships, 1133 15th Street NW., Washington, D.C.
D. (6) $590. E. (9) $7.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Oil Investment Institute, One Greenwich Plaza, Greenwich, Conn.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
E. (9) $213.

A. E. Raymond Wilson, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $402.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
D. (6) $1,200. E. (9) $471.43.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
D. (6) $900. E. (9) $505.43.

A. Richard F. Witherall, Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.

A. Peter L. Wolff, 1 Dupont Circle NW., Washington, D.C.
B. Association of American Law Schools, 1 Dupont Circle NW., Washington, D.C.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $6,863.20. E. (9) $929.63.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Flying Tiger Line, Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Co., Inc., 1010 Wilshire Boulevard, Los Angeles, Calif.

A. Perry W. Woofter, 1101 17th Street NW., Washington, D.C.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $1,812.50. E. (9) $776.35.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Association Nacional De Cultivadores De Cana De Azucar, Post Office Box 4448, Cali, Colombia.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Association of Motion Picture & Television Producers, 8480 Beverly Boulevard, Los Angeles, Calif.
D. (6) $50. E. (9) $4.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. City of Palm Springs, Municipal Building, Palm Springs, Calif.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Copyright Owners Negotiating Committee, Phillips, Nizer, Benjamin, Krim, & Ballon, 477 Madison Avenue, New York, N.Y.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
E. (9) $9.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Unionamerica, Inc., 435 South Figueroa Street, Los Angeles, Calif.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.
B. Association of Corporate Owners of One Bank, 905 16th Street NW., Washington, D.C.
D. (6) $500. E. (9) $86.43.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.
B. First National City Bank, 399 Park Ave., New York, N.Y.
D. (6) $100. E. (9) $86.79.

A. Kenneth Young, 815th 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,635. E. (9) $328.77.

A. J. Banks Young, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $1,575.

A. Zero Population Growth, 3320 Second Street, Los Altos, Calif.
D. (6) $60,000. E. (9) $1,369.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Albert H. Zinkand, 1701 Pennsylvania Avenue, Washington, D.C.
B. Getty Oil Co., 1701 Pennsylvania Avenue, Washington, D.C.

A. John L. Zorack, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $900. E. (9) $401.40.

A. Charles O. Zuver, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,000. E. (9) $190.35.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1970 were received too late to be included in the published reports for that quarter:

A. Frederick K. Alderson, 40 Fort Williams Parkway, Alexandria, Va.
B. National Association for Uniformed Services, 956 N. Monroe St., Arlington, Va.
D. (6) $1,800.

A. George Alderson, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.
D. (6) $300.

A. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y.
D. (6) $5,915.73. E. (9) $5,915.73.

A. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
E. (9) $2,586.16.

A. American Insurance Association, 85 John Street, New York, N.Y.
B. Admiral Insurance Co. et al., Hartford, Conn.
D. (6) $13,191.38. E. (9) $13,191.38.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $1,339.74. E. (9) $1,433.14.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y.
E. (9) $40.

A. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $7,901. E. (9) $10,044.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $19,396.40. E. (9) $19,396.40.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $10,290.06. E. (9) $18,869.41.

A. American Unsubsidized Lines, 1054 31st Street NW., Washington, D.C.
D. (6) $1,364.40. E. (9) $1,364.40.

A. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Washington, D.C.
D. (6) $4,035.86. E. (9) $4,035.86.

A. Robert E. Anshelas, 1028 Connecticut Avenue NW., Washington, D.C.
B. CITC Industries, Inc., 180 Madison Avenue, New York, N.Y.
D. (6) $925. E. (9) $111.50.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Commissioner of Baseball, 680 Fifth Avenue, New York, N.Y.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.
D. (6) $25,000.02. E. (9) $850.87.

A. Association for Broadcast-Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. A. V. Atkinson, Communications Workers of America, 1925 K Street NW., Washington, D.C.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C.
E. (9) $5,365.36.

A. Atlanta Committee for Democratic Republican Independent Voter Education, 2540 Lakewood Avenue SW., Atlanta, Ga.
D. (6) $1,390. E. (9) $1,930.80.

A. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
E. (9) $300.

A. Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.
D. (6) $6,000. E. (9) $6,000.

A. Charles W. Bailey, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $58.50. E. (9) $83.60.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

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A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Irvin L. Barney, 400 First Street NW., Washington, D.C.
B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo.
D. (6) $3,600.

A. Mrs. Dita Davis Beard, ITT Building, 1707 L Street NW., Washington, D.C.
B. International Telephone & Telegraph Corp., ITT Building, 1707 L Street NW., Washington, D.C.
D. (6) $1340. E. (9) $2285.

A. Donald S. Beattie, 400 First Street NW., Washington, D.C.
B. Congress of Railway Unions, 400 First Street NW., Washington, D.C.
D. (6) $1,200.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $7,636. E. (9) $302.15.

A. John L. Blake, 260 Madison Avenue, New York, N.Y.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y.
E. (9) $40.

A. C. B. Blankenship, Communications Workers of America, 1925 K Street NW., Washington, D.C.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C.
E. (9) $5,313.18.

A. William Blum, Jr., 704 Federal Bar Building, 1815 H Street NW., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, William A. Geoghagan, Esq., 1000 Ring Building, Washington, D.C.
D. (6) $1,726. E. (9) $344.24.

A. Wayne A. Bonney, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $1,128. E. (9) $1,183.70.

A. Cyril F. Brickfield, American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue, NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue, NW., Washington, D.C.
E. (9) $50.55.

A. W. S. Bromley, 605 Third Avenue, New York, N.Y.
B. American Pulpwood Association, 605 Third Avenue, New York, N.Y.

A. Joe B. Browder, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.
D. (6) $300.

A. Charles H. Brown, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.

A. W. Warren Buck, Jr., 1835 K Street NW., Washington, D.C.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont.
B. The Montana Power Co., Butte, Mont.
E. (9) $69.17.

A. S. D. Cadwallader, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $1950. E. (9) $2395.57.

A. Canal Zone Central Labor Union-Metal Trades Council, AFL-CIO, Post Office Box 471, Balboa Heights, Canal Zone.
D. (6) $1423.73. E. (9) $836.58.

A. Marvin Caplan, 815 16th Street NW., Washington, D.C.
B. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,696. E. (9) $128.53.

A. Braxton B. Carr, Suite 502, 1250 Connecticut Avenue, Washington, D.C.
B. The American Waterways Operators, Inc., Suite 502, 1250 Connecticut Avenue, Washington, D.C.
D. (6) $3,333.32. E. (9) $231.40.

A. Richard M. Carrigan, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $2220.50. E. (9) $88.70.

A. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.
D. (6) $2,338.75. E. (9) $2,338.75.

A. Donald E. Channell, 1705 De Sales Street NW., Washington, D.C.
B. American Bar Association, 1705 De Sales Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $25.

A. Hal M. Christensen, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. American Dental Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $2,250.

A. Albert T. Church, Jr., 1120 Connecticut Avenue NW., Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $47.50. E. (9) $3.18.

A. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $40,291.71. E. (9) $718.86.

A. William F. Claire, 2029 K Street NW., Washington, D.C.
B. World Federalists, USA, Inc., 2029 K Street NW., Washington, D.C.
D. (6) $6,250.02. E. (9) $719.96.

A. Joseph S. Clark, 2029 K Street NW., Washington, D.C.
B. World Federalists, USA, Inc., 2029 K Street NW., Washington, D.C.
E. (9) $1,597.58.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Aceitunas de Mesa, S.A., Rosario, 10, Seville, Spain.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cabot Corp., etc.
E. (9) $15.20.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Interbank Card Association, 110 East 59th Street New York, N.Y.
D. (6) $1,600. E. (9) $41.09.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Washington International School, 2735 Olive Street NW., Washington, D.C.
D. (6) $250.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.
D. (6) $2,200. E. (9) $781.58.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $4,968.75. E. (9) $165.70.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C.
B. Committee of American Tanker Owners, Inc., 1 Chase Manhattan Plaza, New York, N.Y.

A. Comac Co., 1025 Connecticut Avenue NW., Washington, D.C.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $8,000. E. (9) $9,532.34.

A. Committee of Foreign-Owned Banks, 52 Wall Street, New York, N.Y.
D. (6) $3,750. E. (9) $4,075.25.

A. Congress of Young Professionals for Political Action, 733 15th Street NW., Washington, D.C.
D. (6) $1,865. E. (9) $1,926.84.

A. Paul R. Conrad, 491 National Press Building, Washington, D.C.
B. National Newspaper Association, 491 National Press Building, Washington, D.C.
E. (9) $149.33.

A. William Kay Daines, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $800. E. (9) $392.70.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co, Inc.. 1301 Avenue of the Americas, New York, N.Y.
D. (6) $1,650. E. (9) $661.21.

A. Philip J. Daugherty, 815 16th Street NW., Washington, D.C.
B. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,410.25. E. (9) $105.50.

A. Dawson, Nagel, Sherman & Howard, 1900 First National Bank Building, Denver, Colo.
B. Boettcher & Co., 828 17th Street, Denver, Colo.
D. (6) $3,983.85. E. (9) $483.85.

A. Ray Denison, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,720.50. E. (9) $417.88.

A. Horace J. DePodwin Associates, Inc., 82d Floor Empire State Building, 350 Fifth Avenue, New York, N.Y.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.
D. (6) $500. E. (9) $565.

A. Claude J. Desautels Associates, 206 Premier Building, 1725 I Street NW., Washington, D.C.
B. American Society of Composers, Authors, and Publishers, 575 Madison Avenue, New York, N.Y.
D. (6) $6,000.

A. Claude J. Desautels, 1725 Eye Street NW., Washington, D.C.
B. Citizens Committee for Postal Reform, Inc., 1725 I Street NW., Washington, D.C.
D. (6) $5769.24.

A. Disabled Officers Association, 1612 K Street NW., Wahington, D.C.
E. (9) $3,000.

A. Thomas J. Downey, 701 Central Trust Building, Jefferson City, Mo.
B. Missouri Railroad Committee.
D. (6) $225. E. (9) $477.12.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.
B. Textile Workers Union of America, 99 University Place, New York, N.Y.
D. (6) $1,037.61. E. (9) $100.

A. Eastern Meat Packers Association, 734 15th Street NW., Wahington, D.C.
D. (6) $39.23. E. (9) $46.55.

A. Hallett D. Edson, 956 N. Monroe Street, Arlington, Va.
B. National Association for Uniformed Services, 956 N. Monroe Street, Arlington, Va.
D. (6) $1,200. E. (9) $15.50.

A. George V. Egge, Jr., 1250 Connecticut Avenue, NW., Washington, D.C.
B. Cleary, Gottlieb, Steen, & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Harmon Elder, 1900 L Street NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $825. E. (9) $825.

A. Joseph T. Elvove, Sea Pines Plantation, Hilton Head Island, S.C.
B. Savannah Sugar Refining Corp., Post Office Box 339, Savannah, Ga.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $2,100.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. Coachella Valley County Water District, Coachella, Calif.
D. (6) $1,200.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. East Bay Municipal Utility District, 2130 Adeline Street, Oakland, Calif.
D. (6) $1,200.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. Department of Water and Power of the City of Los Angeles, Calif., 111 North Hope Street, Los Angeles, Calif.
D. (6) $3,200.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. Imperial Irrigation District, El Centro, Calif.
D. (6) $2,100.

A. Ely & Duncan, 1200 Tower Building, Washington, D.C.
B. Six Agency Committee, 909 South Broadway, Los Angeles, Calif.
D. (6) $3,000.

A. Grover W. Ensley, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $315.60. E. (9) $23.

A. Alfred S. Ercolano, 1775 K Street NW., Washington, D.C.
B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.
D. (6) $1,167. E. (9) $125.

A. David H. Foerster, National Education Association, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $2,011.25. E. (9) $74.04.

A. Forest Farmers Association Cooperative, 1375 Peachtree Street NE., Atlanta, Ga.
D. (6) $270.42. E. (9) $270.42.

A. Morley E. Fox, 300 New Jersey Avenue SE., Washington, D.C.
B. Central Arizona Project Association, 1124 Arizona Title Building, Phoenix, Ariz.
D. (6) $77.12. E. (9) $36.

A. R. Frank Frazier, National Broiler Council, 1155 15th Street NW., Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500.

A. Friends of the Earth, 30 East 42d Street, New York N.Y.
D. (6) $700. E. (9) $700.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y.
D. (6) $500. E. (9) $1,527.60.

A. Mary Condon Gereau, National Education Association, Legislation and Federal Relations, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street, NW., Washington, D.C.
D. (6) $2,871. E. (9) $88.41.

A. William T. Gibb, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $514.31. E. (9) $94.90.

A. Ernest Giddings, 1225 Connecticut Avenue NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,211.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.
B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C.
D. (6) $5. E. (9) $3.99.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $225. E. (9) $2.13.

A. W. Lee Gosnell, 1900 L Street NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $1,537. E. (9) $2,292.84.

A. Edward Gottlieb & Associates, Ltd., 485 Madison Avenue, New York, N.Y.
B. Florists' Transworld Delivery Association, 900 W. Lafayette Boulevard, Detroit, Mich.

A. Dale Greenwood, Washington Railroad Association, 302 Hoge Building, Seattle, Wash.
B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash.
E. (9) $1,251.07.

A. Matthew Hale, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 815 Connecticut Avenue NW., and 90 Park Avenue, New York, N.Y.
D. (6) $500. E. (9) $75.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. Ida Cason Callaway Foundation, Pine Mountain, Ga.

A. Herbert E. Harris II, Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.
B. Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.
D. (6) $1,250.

A. Walter A. Hasty, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $545.45.

A. Lyn Hayes, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

A. Robert B. Heiney, National Canners Association, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $875. E. (9) $1,262.45.

A. Frederic W. Hickman, 1 First National Plaza, Chicago, Ill.
B. Corporate Fiduciaries Association of Chicago.

A. Frederic W. Hickman, 1 First National Plaza, Chicago, Ill.
B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill.

A. Frederic W. Hickman, 1 First National Plaza, Chicago, Ill.
B. Trans Union Corporation, 111 West Jackson Boulevard, Chicago, Ill.
E. (9) $48.05.

A. Teresa B. Hightower, 1625 I Street NW., Washington, D.C.
B. American Osteopathic Association, 212 East Ohio Street, Chicago, Ill.
D. (6) $900. E. (9) $120.

A. J. Eldred Hill, Jr., Unemployment Benefit Advisors, Inc., 720 Hotel Washington, Washington, D.C.
B. Unemployment Benefit Advisors, Inc.
D. (6) $2,000.

A. Howrey, Simon, Baker & Murchison, 1707 H Street NW., Washington, D.C.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, New York
D. (6) $1,598.75. E. (9) $1,773.75.

A. Peter W. Hughes, American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $220.60.

A. William J. Hull, 1660 L Street NW., Washington, D.C.
B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.

A. William J. Hull, 1660 L Street NW., Washington, D.C.
B. Ohio Valley Improvement Association, Inc.

A. David J. Humphreys, 1100 Connecticut Avenue NW., Washington, D.C.
B. Recreational Vehicle Institute, 2720 Des Plaines Avenue, Des Plaines, Ill.
D. (6) $7,500. E. (9) $1,118.34.

A. Hydeman & Mason, 1001 Connecticut Avenue, Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $2,343.75. E. (9) $530.72.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa.
E. (9) $300.

A. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
E. (9) $8,087.18.

A. Ronald A. Jacks, President, Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $100.

A. Elmer A. Jones, Consultant, 1145 19th Street NW., Washington, D.C.
B. Consultant to the Lead-Zinc Producers Committee.
D. (6) $750. E. (9) $354.10.

A. Capt. William J. Keating, 500 Folger Building, 725 15th Street NW., Washington, D.C.
B. National Grain & Feed Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.
D. (6) $75.

A. Harold V. Kelly, Unemployment Benefit Advisors, Inc., 720 Hotel Washington, D.C.
B. Unemployment Benefit Advisors, Inc., 720 Hotel, Washington, D.C.
D. (6) $1,000.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $192.31.

A. Kenenth L. Kimble, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $2,000.40. E. (9) $163.88.

A. Mr. & Mrs. Harry L. Kingman, 535 San Luis Road, Berkeley, Calif.
D. (6) $560. E. (9) $560.

A. John M. Kinnaird, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc.. 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $792.48.

A. George J. Knaly, International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, AFL-CIO and CLC, 1200 15th Street NW., Washington, D.C.
D. (6) $4,999.98.

A. Wm. L. Kohler, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $1,074.78.

A. Howard R. Koven and Abe Fortas, 1054 31st Street NW., Washington, D.C.
B. Loeb, Rhoades, & Co., 42 Wall Street, New York, N.Y.
D. (6) $1,000. E. (9) $225.

A. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C.
E. (9) $12,166.20.

A. Walter Lang, 1900 L Street NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $1,537. E. (9) $1,676.90.

A. Reed E. Larson, 1900 L Street NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $536. E. (9) $583.95.

A. Dillard B. Lasseter, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $801.10.

A. Legislation for Animal Welfare, Inc., 3045 P Street NW., Washington, D.C.
E. (9) $2.98.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Washington, D.C.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Washington, D.C.
B. Shell Chemical Co., 2401 Crow-Canyon Road, San Ramon, Calif.

A. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $11,125.11. E. (9) $11,125.11.

A. Robert R. Lovelace, 1250 Connecticut Avenue NW., Washington, D.C.
B. Paperboard Packaging Council, 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $450.00. E. (9) $75.00.

A. Harold O. Lovre, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $2,400. E. (9) $351.64.

A. Otto Lowe, Cape Charles, Va.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $1,000.

A. Otto Lowe, Cape Charles, Va.
B. Norfolk & Western Railway Co., Roanoke, Va.
D. (6) $1,050.

A. John M. Lumley, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $4,797. E. (9) $325.50.

A. James H. Lynch, 400 East First Street, NW., Washington, D.C.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $4,731.30. E. (9) $193.01.

A. LeRoy E. Lyon, Jr., Eleventh and L Building, Sacramento, Calif.
B. California Railroad Association, Eleventh and L Building, Sacramento, Calif.

A. John V. Maraney, 324 E. Capitol Street, Washington, D.C.
B. National Star Route Mail Carrier's Association, 324 E. Capitol Street, Washington, D.C.
E. (9) $1,580.

A. Ralph J. Marlatt, 520 Investment Building NW., Washington, D.C.
B. National Association of Mutual Insurance Agents, 520 Investment Building, Washington, D.C.
E. (9) $6, 173.22.

A. James J. Marshall, Suite 206, 1725 I Street NW., Washington, D.C.
B. Citizens Committee for Postal Reform, Inc., Suite 206, 1725 I Street NW., Washington, D.C.
D. (6) $4,614.38.

A. Paul J. Mason, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $1,354.44. E. (9) $356.32.

A. Albert E. May, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $330. E. (9) $25.48.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C.
B. Oil, Chemical & Atomic Workers International Union, 1840 California Street, Denver, Colo.
D. (6) $1,875. E. (9) $227.50.

A. Breck P. McAllister, 25 Broadway, New York, N.Y.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.

A. John L. McConnell, New York Stock Exchange, 1660 L Street NW., Washington, D.C.
B. New York Stock Exchange, 11 Wall Street, New York, N.Y.
D. (6) $1,200. E. (9) $200.

A. Stanley J. McFarland, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $3,108. E. (9) $281.34.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,720.50.

A. William H. McLin, NEA, New England Office, 20 Ashburton Place, Boston, Mass.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $2,871. E. (9) $258.41.

A. Ralph J. McNair, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $449.49. E. (9) $38.21.

A. Mr. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,720.50. E. (9) $512.69.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $875.

A. Mobile Housing Association of America, 39 S. LaSalle Street, Chicago, Ill.
E. (9) $3,365.24.

A. John G. Mohay, 734 15th Street NW., Washington, D.C.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $250.

A. A. J. Walter Myers, Jr., 1375 Peachtree Street NE., Atlanta, Ga.
B. Forest Farmers Association, 1375 Peachtree Street NE., Atlanta, Ga.
D. (6) $110. E. (9) $160.42.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.
D. (6) $20,267. E. (9) $5,408.27.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $34,607.02. E. (9) $41,064.85.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.

D. (6) $4,008.23. E. (9) $4,008.23.

A. National Association of Single Taxpayers, 1010 Vermont Avenue NW., Washington, D.C.

D. (6) $675. E. (9) $545.70.

A. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $580,914.71. E. (9) $8,146.04.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $25,892.51. E. (9) $21,325.94.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.

B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.

D. (6) $1,833.33. E. (9) $97.36.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.

B. Cenco Instruments Corp., 2600 South Kostner Avenue, Chicago, Ill.

D. (6) $1,125. E. (9) $176.79.

A. National Education Association, 1201 16th Street NW., Washington, D.C.

B. National Education Association, 1201 16th Street NW., Washington, D.C.

E. (9) $28,102.11.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y.

A. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.

D. (6) $1,798.99. E. (9) $1,968.51.

A. National Right To Work Committee, 1900 L Street NW., Washington, D.C.

D. (6) $12,074.06. E. (9) $12,074.06.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

E. (9) $2,311.51.

A. National Rural Housing Coalition, Dupont Circle Building, 1346 Connecticut Avenue NW., Washington, D.C.

D. (6) $7,049. E. (9) $1,303.73.

A. National Sharecroppers Fund, Inc., 112 East 19th Street, New York, N.Y.

D. (6) $19,957.70. E. (9) $5,082.18.

A. National Taxpayers Union, 415 Second Street NE., Washington, D.C.

D. (6) $1,105. E. (9) $976.75.

A. National Water Resources Association, 897 National Press Building, Washington, D.C.

D. (6) $4,015.35. E. (9) $4,961.69.

A. George R. Nelson, 1300 Connecticut Avenue NW., Washington, D.C.

B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,500. E. (9) $352.68.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

D. (6) $100.

A. Robert D. Nordstrom, 1133 20th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $400. E. (9) $100.

A. Leo W. O'Brien, 160 South Manning Boulevard, Albany, N.Y.

B. Home Rule Committee, Virgin Islands Legislature, St. Thomas, Virgin Islands.

D. (6) $1,875. E. (9) $437.

A. Daniel J. O'Callaghan, 734 15th Street NW., Washington, DC.

B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.

D. (6) $218.75.

A. John A. O'Donnell, 1616 P Street NW., Washington, D.C

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,200.

A. Mr. Alvin E. Oliver, 725 15th Street NW., Washington, D.C.

B. National Grain & Feed Association, 725 15th Street NW., Washington, D.C.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Roy W. Olson, 1341 G Street NW., Washington, D.C.

B. Organization of Professional Employees of USDA, 1341 G Street NW., Washington D.C.

D. (6) $493.75. E. (9) $25.

A. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C.

D. (6) $819.74. E. (9) $3,048.55.

A. Paperboard Packaging Council, 1250 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,185.73. E. (9) $1,185.73.

A. Judith E. Park, 1909 Q Street NW., Washington, D.C.

B. National Association of Retired Civil Employees, 1909 Q Street NW., Washington, D.C.

D. (6) $2,865.75. E. (9) $261.41.

A. Parsons, Tennent, Hammond, Hardig, & Ziegelman, 600 Ford Building, Detroit, Mich.

B. Comac Co., 1500 North Woodward Avenue, Birmingham, Mich.

D. (6) $871.75.

A. Mr. Lynn C. Paulson, 1735 K Street NW., Washington, D.C.

B. National Independent Dairies Association, 1735 K Street NW., Washington, D.C.

E. (9) $758.30.

A. Pepper, Hamilton, & Scheetz, 1629 K Street NW., Washington, D.C.

B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

D. (6) $150. E. (9) $150.

A. Esther Peterson, 815 16th Street NW., Washington, D.C.

B. Amalgamated Clothing Workers of America, 15 Union Square, New York, N.Y.

D. (6) $3,499.99. E. (9) $115.92.

A. James F. Pinkney, 1616 P Street NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,000. E. (9) $139.37.

A. James H. Rademacher, 100 Indiana Avenue NW., Washington, D.C.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C

D. (6) $3,725.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.

B. Atkins, Kroll & Co., Ltd., 417 Montgomery Street, San Francisco, Calif.

D. (6) $3,000. E. (9) $4.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.

B. Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.

D. (6) $900.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.

B. South Atlantic & Caribbean Line, Inc., 250 Park Avenue, New York, N.Y.

D. (6) $200.

A. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,025. E. (9) $2,025.

A. William A. Raleigh, Jr., 1000 16th Street NW., Washington, D.C.

B. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.

D. (6) $498.80.

A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.

E. (9) $8,618.34.

A. John A. Reilly, 59 Maiden Lane, New York, N.Y.

B. Estate of Bert N. Adams et al.

E. (9) $25.

A. Darrell G. Renstrom, NEA–Mountain States Office, 5200 South Quebec Street, Englewood, Colo.

B. National Education Association, 1201 16th Street NW., Washington, D.C.

D. (6) $2,867.40 E. (9) $75.

A. Retirement Federation of Civil Service Employees of the U.S. Government, Warner Building, 13th & E Streets NW, Washington, D.C.

D. (6) $8,588.05. E. (9) $9,740.91.

A. James J. Reynolds, 1120 Connecticut Avenue NW., Washington, D.C.

B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,875. E. (9) $305.

A. William L. Reynolds, 1200 17th Street NW., Washington, D.C.

B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.

D. (6) $31. E. (9) $29.

A. James W. Richards, 1000 16th Street NW., Washington, D.C.

B. Standard Oil Co. (Indiana), 1000 16th Street NW., Washington, D.C.

D. (6) $1,379.84. E. (9) $18.16.

A. Mark Richardson, 342 Madison Avenue, New York, N.Y.

B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.

D. (6) $270. E. (9) $1,250.

A. William Neale Roach, 1616 P Street NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,200.

A. James P. Roche, 150 E 42d Street, New York, N.Y.

B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.

D. (6) $500. E. (9) $210.

A. Frank W. Rogers, Suite 605, 1700 K Street NW., Washington, D.C.

B. Western Oil and Gas Association, 910 National Oil Building, Sixth & Grand, Los Angeles, Calif.

D. (6) $750.

A. J. T. Rutherford, 1616 P Street NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,200. E. (9) $757.54.

A. Mrs. Edward F. Ryan, 110 Bridge Street, Manchester, Mass.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

E. (9) $171.71.

A. Francis J. Ryley, 519 Title and Trust Building, Phoenix, Ariz.

B. Standard Oil Co. of California, San Francisco et al.

A. Richard M. Schmidt, Jr., 1920 L Street NW., Washington, D.C.

B. Association of American Publishers, Inc., 1826 Jefferson Place NW., Washington, D.C.

D. (6) $800. E. (9) $18.

A. Richard M. Schmidt, Jr., 1920 L Street NW., Washington, D.C.

B. Joint Washington Office, American Book Publishers Council and American Educational Publishers Institute, 1826 Jefferson Place NW., Washington, D.C.

D. (6) $200. E. (9) $6.

A. C. Herschel Schooley, Washington Office, Independent Bankers Association of America, 815 15th Street NW., Washington, D.C.

B. Independent Bankers Association of America, Sauk Center, Minn.

D. (6) $4,250. E. (9) $3,640.28.

A. John W. Scott, 1616 H Street NW., Washington, D.C.

B. The National Grange, 1616 H Street NW., Washington, D.C.

D. (6) $5,000.

A. Clayton A. Seeber, 1201 16th Street NW., Washington, D.C.

B. National Education Association, 1201 16th Street NW., Washington, D.C.

D (6) $2871. E. (9) $64.24.

A. Theodore A. Serrill, National Press Building, Washington, D.C.

B. National Newspaper Association, National Press Building, Washington, D.C.

E. (9) $407.15.

A. Robert R. Shaefer, d.b.a. Leisure Time Specialists, 1400 South Joyce Street, Arlington, Va.

A. Sharon, Pierson, and Semmes, 1054 31st Street NW., Washington, D.C.

B. Anchor Corp., 1054 31st Street NW., Washington, D.C.

D. (6) $1,500.

A. Sharon, Pierson, and Semmes, 1054 31st Street NW., Washington, D.C.

B. Milton Hershey School Trust, Hershey, Pa.

E. (9) $91.85.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C.

B. American Insurance Association, 85 John Street, New York, N.Y.

D. (6) $200.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C.

B. Associated Third-Class Mail Users, 1725 K Street NW., Washington, D.C.

D. (6) $200.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C.

B. Electronic Industries Association, Consumer Products Division, 2001 I Street NW., Washington, D.C.

D. (6) $200.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen, & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen, & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Jonathan W. Sloat, 1425 K Street NW., Washington, D.C.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.

D. (6) $36.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C.

B. Edward Gottlieb & Associates, Ltd., 495 Madison Avenue, New York, N.Y.

E. (9) $164.88.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C.

B. National Association of Mutual Insurance Cos., 2611 East 46th Street, Indianapolis, Ind.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y.

D. (6) $50. E. (9) $2.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y.

D. (6) $400. E. (9) $10.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. Rule of Law Committee, 1250 Connecticut Avenue NW., Washington, D.C.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.

B. Japan Iron and Steel Exporters' Association, Tokyo, Japan.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $50.

A. James F. Sullivan, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

D. (6) $300.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.

B. Retail Credit Co., Post Office Box 4081, Atlanta, Ga.

D. (6) $5,000. E. (9) $151.05.

A. Monroe Sweetland, NEA, West Coast Office, 1705 Murchison Drive, Burlingame, Calif.

B. National Education Association, 1201 16th Street NW., Washington, D.C.

D. (6) $335. E. (9) $50.

A. Robert F. Sykes, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,200. E. (9) $116.10.

A. Charles P. Taft, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.

B. Legislative Committee, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.

A. Henry B. Taliaferro, Jr., 1614 20th Street NW., Washington, D.C.

B. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C.

A. H. William Tanaka, 1819 H Street NW., Washington, D.C.

B. Nosawa New York, Inc., 180 Madison Avenue, New York, N.Y.

D. (6) $750. E. (9) $82.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif.

D. (6) $100. E. (9) $257.79.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C.

E. (9) $23,108.92.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,139.27. E. (9) $706.14.

A. John M. Vansant, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Wald, Harkrader, Nicholson & Ross, 1320 19th Street NW., Washington, D.C.

B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Thomas G. Walters, 1909 Q Street NW., Washington, D.C.

B. National Association of Retired Civil Employees, 1909 Q Street NW., Washington, D.C.

D. (6) $3,365.60. E. (9) $3,323.67.

A. Richard D. Warden, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,720.50. E. (9) $380.

A. Leonard Warner, 1030 15th Street NW., Washington, D.C.

B. Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.

D. (6) $1,250.

A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md.

B. REA Express, Inc., 219 East 42d Street, New York, N.Y.

D. (6) $450. E. (9) $750.

A. Washington Research Project Action Council, 1823 Jefferson Place NW., Washington, D.C.

E. (9) $1,241.76.

A. Vaughn Waters, 1900 L Street NW., Washington, D.C.

B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.

D. (6) $740. E. (9) $782.50.

A. Clarence M. Weiner, 350 Fifth Avenue, New York, N.Y.

B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.

D. (6) $9,125. E. (9) $160.35.

A. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C.
B. Central Council of the Tlingit and Haida Indians of Alaska, Box 529, Juneau, Alaska.
E. (9) $434.85.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C.
E. (9) 315.90.

A. Leonard M. Wickliffe, 11th and L Building, Sacramento, Calif.
B. California Railroad Association, 11th and L Building, Sacramento, Calif.
D. (6) $2,499.99. E.(9) $4,351.43.

A. Harry D. Williams, 1660 L Street NW., Washington, D.C.
B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.
D. (6) $250.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. American Express Co., 65 Broadway, New York, N.Y.
E. (9) $19.35.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. J. P. Morgan & Co. Inc., 23 Wall Street, New York, N.Y.

A. Milburn E. Wilson, Route 1, Fremont, Mich.
B. Gerber Products Co., 445 State Street, Fremont, Mich.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $4,218.75. E. (9) $378.71.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. Kenneth Young, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,720.50. E. (9) $330.20.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

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B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

SENATE—*Wednesday, February 17, 1971*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art from everlasting to everlasting, the Ancient of Days, yet ever new, before whom earth's kingdoms rise and fall, once again we commit our Nation to Thee, beseeching Thee to make and keep us a righteous people. Make us to do justly, to love mercy and to walk humbly with our God.

To Thy servants in this Chamber grant a vivid sense of Thy presence, not only in the hushed moment of prayer but in the long hours of daily work. Through honest but differing judgments and out of diverse prescriptions for the Nation's future, bring that final and highest wisdom that charts the Nation's course in these perilous days. So gird the lives of Thy servants here in the ministry of public affairs that what they say and what they do may be for the healing of men's deepest needs.

We pray in the Master's name. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON FOREIGN ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Since my March 1970 Report on Foreign Assistance, I have proposed to the Congress a major transformation in the policy directions and organizational structure of this important program.

The proposals are made necessary by the dramatic changes which have taken place over recent years in the conditions that surround and influence development assistance:

—The lower income countries themselves have made impressive progress and gained experience which makes it possible for them to stand at the center of the development process;

—The other industrialized nations can now afford to provide major assistance to the poorer nations, and most of them now have substantial and expanding programs in this field;

—A number of international development institutions now possess a capability to help match the efforts of the recipient countries themselves with the most effective possible blend of assistance from donor nations;

—The private sector has become increasingly active and effective in channeling investments in a fashion to stimulate growth in the lower income countries.

The Annual Report on the Foreign Assistance Program for Fiscal Year 1970, which I transmit herewith, covers a period in which we undertook to formulate and present to Congress a more effective foreign assistance program tailored to the needs of the 70's. But it was also a period in which our present foreign assistance program helped lower income nations to achieve a number of gratifying successes:

—India harvested the largest food grain crop in its history and was able to reduce food grain imports 50 percent below the previous year's level;

—Thailand approved voluntary family planning as a national policy, and Ghana adopted a major population program;

—West Pakistan produced enough wheat not only to meet its own needs but to allow shipments of wheat to East Pakistan;

—Domestic savings in Turkey, encouraged by an effective fiscal policy, rose to 18 percent of that country's gross national product and financed 91 percent of its fixed investment;

—Ten million school-age children in Brazil each day received nutritious lunches which included U.S. foodstuffs.

In the important field of technical assistance, the Agency for International Development focused its efforts increasingly on a limited number of key problems. Among these were the "second-generation" problems resulting from the "Green Revolution." Dramatically increased agricultural yields and new technology have in some instances contributed to shortages of facilities for storage, shipment and marketing and to rural unemployment. AID sought to assist in solving these problems in order to insure the ongoing success of this significant "Revolution." It also sponsored new research in important areas such as food production and family planning. A total of $75 million was provided for the conduct of population programs, a rise of 64 percent over the previous year.

I am proud that our present foreign assistance program has achieved important successes in a field in which quick and dramatic successes are few. Development assistance, however slow its results, is an important means of cooperating with the lower income nations to help them solve their most critical problems—those of improving the quality of life of their citizens. By creating a community of nations working together to solve the problems of humanity rather than adding to them, through war and civil strife, it clearly serves a major national interest. Our new program will be designed to meet the new needs of a new decade and thereby permit us to pursue that interest more effectively, in a way which insures our being increasingly responsive to the needs of the peoples of the developing world. It will, I believe, be recognized by our people as a proud American investment in the future of all mankind, and therefore in a better world for future generations of Americans.

RICHARD NIXON.

THE WHITE HOUSE, *February 17, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 11, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my allotted time.

STATEMENT OF COMMERCE SECRETARY MAURICE STANS ON CONFLICT OF INTEREST

Mr. COTTON. Mr. President, in reply to items carried recently in the press, implying a conflict of interest on the part of Secretary of Commerce Maurice H. Stans, Mr. Stans has today released a statement.

For the information of the Senate, I ask unanimous consent that Secretary Stans' statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SECRETARY OF COMMERCE MAURICE H. STANS

A question has been raised as to whether I was less than candid with the Senate Commerce Committee in testimony prior to my confirmation.

This is not true. I did not withhold information from the Committee. Any implication to the contrary is false.

Here are the facts:

My partnership interest in Glore Forgan Staats and Company was explicitly made known to the committee, both in my letter to Chairman Magnuson on January 13, 1969, and in my personal testimony before the committee on January 15, 1969. In both cases I stated clearly that the partnership held certain investments of unknown value. These in no way were personal investments held by or available to me individually.

In my letter to the Chairman I stated:

"I am a partner in two partnerships, Staats and Company and Glore Forgan Staats and Company. My partnership interests, which involve undivided interests in certain investments of indeterminable value, will be assigned to the United States Trust Company of New York as trustee and will be part of the trust. . . ."

These partnership interests were, as stated, both "undivided" and of a value that could not then be determined. The partnership, of which I owned about 7 percent, then held among other things an option on shares in Macco Development Corporation, a corporation controlled by Penn Central.

The partnership, at the time of my confirmation hearings, did not own any shares outright or in options in Great Southwest Corporation, contrary to recent allegations.

About two months later, on March 21, 1969, without my knowledge or involvement, the option held by the partnership was exchanged in a merger for stock in Great Southwest Corporation. This stock interest remained "undivided"—that is, no partner received his share of the stock or, because of certain pending claims, could even then know exactly what his share was.

On July 7, 1969, six months after my confirmation, all the partners were informed by letter that certificates had been issued on June 11, in the names of the individual partners for their respective shares.

As provided in my "blind" trust Agreement, which I provided the Committee at the time of my confirmation, this additional property was delivered several months later directly by the partnership to the trustee. This is what I said would be done in my letter to the Committee of January 13, 1969.

The key fact is this: *I did not own any stock in any corporation affiliated with Penn Central at the time of my confirmation,* nor did I know when and how the Macco option would be exercised. What I did know was what I told the Committee—that in the partnership there were investments of indeterminable value which would be passed to the trust.

Thus I did not withhold any information on these matters from the Committee at the hearings on my nomination. I could not have, because the information that developed afterward, and that now occasions interest, did not then exist.

A related question arises: how "blind" is a blind trust? Of course a person who puts his property into a blind trust knows what goes in. The purpose of the blinding is to deprive him of knowledge of subsequent transactions and what the trust holds thereafter.

My own trust is totally "blind." I do know, of course, what property originally went into the trust and what property I added to it after it was formed. I do not know what the trust now holds.

Has my blind trust agreement been violated in any way?

It has not. As noted, the transfer of Great Southwest stock from Glore Forgan Staats and Company to the blind trust came to my attention through the receipt of a notification identical to that which went to some 65 participating partners.

That is why I was aware that 37,955 shares of Great Southwest stock were assigned to the blind trust on my behalf after being distributed by Glore Forgan Staats and Company after June 11, 1969. But I do not know whether all or any of that stock is still there.

My contacts with the administrators of the trust, the United States Trust Company of New York, were limited from its beginning to those contacts which were necessary for me to transmit information to them received from companies concerning investments which I had put in the trust.

I have been especially alert to avoid even an inadvertent conflict of interest.

Prior to the bankruptcy proceedings of Penn Central, I did not participate in any meetings or have any talks with the principals of the company at any time.

At a meeting at the White House on June 3, 1970, I informed the other participants—including the Secretary of the Treasury, the Attorney General, the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers and the Chairman of the Federal Reserve Board—that I would not participate in any decisions involving the government with Penn Central, in view of the possibility that my trust still held securities of a subsidiary of Penn Central.

At a meeting held the next day by the Secretary of the Treasury, the full extent of the Penn Central's financial plight became apparent, raising the possibility of the Government becoming involved. Immediately thereafter, I disqualified myself from participation. Neither then or on any subsequent occasion did I participate in any negotiations with Penn Central or attempt in any way to influence the Government's decision.

I was requested by the White House to make available the services of Mr. James Lynn, General Counsel of the Department of Commerce, to work with Under Secretary of the Treasury Paul Volcker in determining the full scope of the Penn Central problem, and for possible help in reviewing and preparing the legal documents relating to an agreement, if one were to be entered.

I made certain Mr. Lynn would report to the White House through the Secretary of the Treasury and not to me on this activity. This arrangement was strictly observed.

To summarize:

1. I fully disclosed the full extent of my personal investments and all other holdings at the time of my confirmation.
2. I have no knowledge of the transactions of the trustee with respect to those holdings, since they went into the trust.
3. I do not now know whether any shares of the Great Southwest Corporation or any other stock committed to the trust are still held by the trust or have been disposed of in whole or in part.
4. At the outset, and before any possible government involvement in the affairs of the Penn Central took place, I disqualified myself.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY THIS AFTERNOON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that this afternoon, immediately following the announcement of the second rollcall vote on the treaties and the return to the consideration of legislative business, the able senior Senator from Massachusetts

(Mr. KENNEDY) be recognized for not to exceed 30 minutes, provided that the Pastore rule on germaneness will have run its course by that time.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT TO CONGRESS ON PROGRESS IN NEGOTIATIONS IN THE RAILWAY LABOR DISPUTE AND RECOMMENDATIONS FOR RESOLUTION OF THE DISPUTE

A communication from the President of the United States, transmitting, pursuant to law, a report concerning the progress and present status of negotiations between most of the Nation's railroads and four unions representing their employees, with the recommendations for the solution of presently outstanding disputes, together with proposed legislation to provide alternate procedures to facilitate the settlement of the labor dispute between certain carriers by railroads and certain of their employees (with an accompanying report and paper); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION TO PROVIDE FOR A REVISION IN THE COTTON GINNING REPORT DATES

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED LEGISLATION TO PROVIDE ADDITIONAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS FOR THE ARMY, NAVY, AND AIR FORCE

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force (with an accompanying paper); to the Committee on Armed Services.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report of the Department's procurement from small and other business firms for the period July–November 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the Secretary, Export-Import Bank of the United States, transmitting, pursuant to law, a report of the actions taken by the Bank under the export expansion facilities program during the quarters ended September 30, 1970 and December 31, 1970 (with an acompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION BY THE SECRETARY OF COMMERCE

Two letters from the Secretary of Commerce, transmitting proposed legislation (with accompanying papers) which were referred to the Committee on Commerce, as follows:

A bill to authorize appropriations for certain maritime programs of the Department of Commerce; and

A bill to amend Public Law 89-701, as amended, to extend until June 30, 1973 the expiration date of the act and the authorization of appropriations therefor, and for other purposes.

PROPOSED LEGISLATION TO AMEND THE FIRST SECTION OF THE FEDERAL POWER ACT

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the first section of the Federal Power Act to clarify the language so as to remove any possible doubt that the Chairman of the Federal Power Commission serves at the pleasure of the President in his capacity as Chairman (with accompanying papers); to the Committee on Commerce.

PROPOSED LEGISLATION BY THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to extend the act of September 30, 1965, as amended by the acts of July 24, 1968 and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION BY THE PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

A letter from the Chairman, Public Service Commission of the District of Columbia, transmitting proposed legislation to amend section 8 of the act approved March 4, 1913, (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest (with an accompanying paper); to the Committee on the District of Columbia.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the balance-of-payments benefits achieved by the Department of Agriculture through an increased agricultural barter program, dated February 12, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT OF OFFICE OF COAL RESEARCH

A letter from the Secretary of the Interior, transmitting, pursuant to law, the 1971 annual report of the Office of Coal Research (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF NEGOTIATED SALES OF THE BUREAU OF LAND MANAGEMENT

A letter from the Director, Bureau of Land Management, transmitting, pursuant to law, the report of negotiated sales contracts for disposal of materials during the period July 1 through December 31, 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION BY THE SECRETARY OF COMMERCE

Two letters from the Secretary of Commerce, transmitting drafts of proposed legislation (with accompanying papers), which were referred to the Committee on the Judiciary, as follows:

A bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks; and

A bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967.

REPORT OF LEGION OF VALOR OF THE UNITED STATES OF AMERICA, INC.

A letter from the National Corporation Agent, Legion of Valor the United States of America, Inc., transmitting, pursuant to law, the financial report of the Legion of Valor for the period August 1, 1969 through July 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide scholarships to selected persons for education in medicine, dentistry, and other health professions (with an accompanying paper; to the Committee on Labor and Public Welfare.

PROPOSED APPROPRIATIONS FOR ACTIVITIES OF THE NATIONAL SCIENCE FOUNDATION

A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for activities of the National Science Foundation, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION BY THE GENERAL SERVICES ADMINISTRATION

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, to authorize the Administrator of General Services to dispose of property owned by the United States, for use in lease construction agreements, and for other purposes (with an accompanying paper); to the Committee on Public Works.

REPORT AND PROPOSED LEGISLATION BY THE VETERANS' ADMINISTRATION

A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting, pursuant to law, a report on the exchange of medical information, together with a draft of proposed legislation to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information (with accompanying papers); to the Committee on Veterans Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS SUPPORTING THE ENACTMENT BY CONGRESS OF A REVENUE SHARING PROGRAM DURING THE CURRENT SESSION

"*Whereas,* The impending fiscal disability of the cities and states threatens the concept of an ordered and effective Federalism; and

"*Whereas,* The financial resources of the cities and states are increasingly inadequate to meet the expanding need for basic public and social services; and

"*Whereas,* This House will be unable to render effective service to the citizens of the

Commonwealth unless additional financial aid is forthcoming; therefore be it

"*Resolved*, That the Massachusetts House of Representatives hereby declares its support for enactment of a revenue sharing program by the Congress during the current session; and be it further

"*Resolved*, That the House inform each member of the Massachusetts Congressional Delegation of its support thereof and respectfully request that the members of said delegation advise this House of their opinions regarding the revenue sharing proposals currently before the Congress; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTIONS URGING THE CONGRESS OF THE UNITED STATES TO EXTEND THE PERIOD DURING WHICH UNEMPLOYMENT BENEFITS SHALL BE PAID

"*Whereas*, Unemployment in the Commonwealth of Massachusetts is in excess of the national average of six per cent plus and in some areas is close to twelve per cent; and

"*Whereas*, In areas such as the cities of New Bedford, Haverhill and Brockton it is due to factors more permanent than the Administration's 'War on Inflation'; and

"*Whereas*, In the aforementioned instances, unemployment is caused by permanent shutdowns in the shoe and textile industries, the result of uncontrolled foreign competition, thus throwing out of work people who have spent all their productive years in these industries and have little likelihood of finding similar employment and have reached ages when retraining is almost moot; and

"*Whereas*, There is approximately one hundred and seventy-five thousand people drawing benefits with a constantly increasing number exhausting their benefits who now face the alternative of applying for welfare assistance; and

"*Whereas*, This will result in the worsening of a situation that has already reached crisis proportions; therefore be it

"*Resolved*, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to extend the period during which unemployment benefits shall be paid to fifty-two weeks; and be it further

"*Resolved*, That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth."

A joint resolution of the Legislature of the State of Montana; to the Committee on Finance:

"H.J. RES. 4

"A joint resolution of the Senate and House of Representatives of the State of Montana to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana, the Honorable Richard Shoup and the Honorable John Melcher, Representatives from the State of Montana, and to the Congress of the United States asking that the present tax-exempt status of bonds issued by the State of Montana or any political subdivision thereof be maintained

"Whereas, the present tax-exempt status on income from bonds issued by the state of Montana and the political subdivisions thereof is necessary to make them attractive to investors, and

"Whereas, if any limitations or restrictions on the tax-exempt status on income from such bonds are enacted by the Congress of the United States, the marketability of such bonds will be greatly jeopardized if not totally destroyed.

"Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana: That the Congress of the United States maintain the present tax-exempt status on income from state and municipal bonds, and

"Be it further resolved, that copies of this resolution be sent by the Secretary of State of Montana to The Honorable Mike Mansfield and The Honorable Lee Metcalf, Senators from the state of Montana, The Honorable Richard Shoup and The Honorable John Melcher, Representatives from the state of Montana, and to the presiding officers of the Senate and the House of Representatives of the United States."

A resolution adopted by the Klamath County Republican Women, Klamath Falls, Oreg., praying for the enactment of legislation to provide for a more equitable disbursement of tax moneys between the Federal and State governments; to the Committee on Finance.

The petition of Ralph Boryszewski, and Robert E. Kesel, of Rochester, N.Y., praying for a redress of grievances; to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BEALL (for himself, Mr. DOMINICK, and Mr. JAVITS):

S. 790. A bill to amend title VII of the Public Health Service Act by providing for the establishment of a family physician scholarship and fellowship program; to the Committee on Labor and Public Welfare.

(The remarks of Mr. BEALL when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of Virginia:

S. 791. A bill for the relief of Fernando Gabriel Damiani; to the Committee on the Judiciary.

By Mr. PASTORE (by request):

S. 792. A bill to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems; to the Committee on Commerce.

(The remarks of Mr. PASTORE when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 793. A bill to amend title II of the Social Security Act to provide a more equitable standard in determining disability in the case of certain individuals who have attained age 55, and to reduce certain time requirements which are applicable in determining whether an individual qualifies for benefits based on disability or for the disability freeze; to the Committee on Finance.

By Mr. STEVENS:

S. 794. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

(The remarks of Mr. STEVENS when he introduced the bill appear below under the appropriate heading.)

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 795. A bill to authorize the Secretary of Agriculture to establish corn feed grain bases; to the Committee on Agriculture and Forestry.

By Mr. PEARSON:

S. 796. A bill to amend Federal Aviation Act of 1958, as amended, to authorize the establishment of a class of limited air carriers, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. PEARSON when he introduced the bill appear below under the appropriate heading.)

By Mr. SCHWEIKER:

S. 797. A bill for the relief of Alice Boulus Wasif;

S. 798. A bill for the relief of Safa Boulus Wasif; and

S. 799. A bill for the relief of Victoria Ishag Mashragi; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 800. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Finance.

S. 801. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 802. A bill for the relief of Mr. Deonarine Bhagroo;

S. 803. A bill for the relief of Luis Arturo Espana; and

S. 804. A bill for the relief of Elisabeth Mueller; to the Committee on the Judiciary.

By Mr. DOLE:

S. 805. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Kansas and Nebraska and of Oklahoma in Indian Claims Commission docket numbers 79–A, 153, 158, 209, and 231, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. DOLE when he introduced the bill appear below under the appropriate heading.)

By Mr. JACKSON:

S. 806. A bill to amend titles 10 and 32, United States Code, to authorize additional medical and dental care and other related benefits for reservists and members of the National Guard, under certain conditions, and for other purposes; to the Committee on Armed Services.

By Mr. NELSON:

S. 807. A bill to encourage and promote the establishment and development of National Environmental Study Areas; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. NELSON when he introduced the bill appear below under the appropriate heading.)

By Mr. HART:

S. 808. A bill to amend the Federal Hazardous Substances Act to provide for more effective protection against the hazards caused by economic poisons; to the Committee on Commerce.

(The remarks of Mr. HART when he introduced the bill appear below under the appropriate heading.)

By Mr. JAVITS:

S. 809. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Finance.

(The remarks of Mr. JAVITS when he introduced the bill appear below under the appropriate heading.)

By Mr. McGOVERN:

S. 810. A bill to amend the District of Columbia Election Act, and for other purposes; to the Committee on the District of Columbia.

(The remarks of Mr. McGOVERN when he introduced the bill appear below under the appropriate heading.)

By Mr. HARRIS:

S. 811. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROOKE:

S. 812. A bill for the relief of Santa Bonanno Merlino;

S. 813. A bill for the relief of Manuel Soares De Medeiros; and

S. 814. A bill for the relief of Maria Guerra; to the Committee on the Judiciary.

By Mr. HART:

S. 815. A bill for the relief of Constantin Adamidis;

S. 816. A bill for the relief of Peter Joseph Curtis;

S. 817. A bill for the relief of Dalpat Kasan Daya;

S. 818. A bill for the relief of Kantilal Kasan Daya;

S. 819. A bill for the relief of Juliana M. Geronimo;

S. 820. A bill for the relief of Dau-lin Hsu, his wife, Nancy M. Y. Hsu, and their two children, Alex Hsu and Barbara Hsu;

S. 821. A bill for the relief of Soledad B. Isturis;

S. 822. A bill for the relief of Irena Jardzioch;

S. 823. A bill for the relief of Tomas Espinoza Luz;

S. 824. A bill for the relief of Saada Aybout (Sandra Oade);

S. 825. A bill for the relief of Telesfora deLeon Parras;

S. 826. A bill for the relief of Lun-Han Tang and his wife, Yi Hsien Tang;

S. 827. A bill for the relief of Tran Thi Huong;

S. 828. A bill for the relief of Noreen Wong;

S. 829. A bill for the relief of Helen Chien Wu; and

S. 830. A bill for the relief of Erlinda Zaragosa; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. INOUYE, Mr. WILLIAMS, and Mr. JAVITS):

S. 831. 9 bill to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly misuse firearms by restricting the availability of such firearms for law enforcement; military purposes and for certain approved purposes including sporting and recreational uses; to the Committee on the Judiciary by unanimous consent.

(The remarks of Mr. KENNEDY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. WILLIAMS (for himself and Mr. KENNEDY):

S. 832. A bill to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. WILLIAMS when he introduced the bill appear below under the appropriate heading.)

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 833. A bill to declare the South Prong of the Wicomico River, Md., nonnavigable; to the Committee on Public Works.

By Mr. HARRIS (for himself, Mr. JAVITS, Mr. MONDALE, Mr. CRANSTON, Mr. HART, Mr. HUGHES, Mr. MCGOVERN, Mr. PERCY, and Mr. STEVENSON):

S. 834. A bill to accelerate the expansion of trade among the countries of the world on a fair and legitimate basis and thereby to promote the general welfare of the United States, and for other purposes; to the Committee on Finance.

(The remarks of Mr. HARRIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HARRIS (for himself, Mr. KENNEDY, Mr. GRAVEL, Mr. STEVENS, Mr. HART, Mr. MCGOVERN, Mr. CRANSTON, Mr. TUNNEY, Mr. MONDALE, and Mr. HUGHES):

S. 835. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. HARRIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BYRD of West Virginia:

S.J. Res. 40. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

S. 790—INTRODUCTION OF THE FAMILY PHYSICIANS SCHOLARSHIP AND FELLOWSHIP PROGRAM ACT

Mr. BEALL. Mr. President, I introduce today the Family Physicians Scholarship and Fellowship Program Act. Cosponsoring this legislation with me, I am proud to say, are Senator DOMINICK, the ranking minority member of the Senate Labor and Public Welfare Subcommittee on Health, and Senator JAVITS, the ranking member of the full committee.

It is generally agreed that today there is a need for an additional 50,000 physicians in the country. A 1970 AMA study of the distribution of physicians indicated that there were 134 counties in this country lacking physicians. This is an increase by 36 of the number of counties without physicians since 1963. I am pleased that Maryland's counties are not among the list, but indications are that Maryland counties will be added if steps are not taken to correct the situation.

There are many more communities in the country without a single physician or without an adequate number of doctors. Little research is actually available on the number of physicians in communities, but a 1960 survey of over 1,600 towns and cities in Minnesota, North Dakota, South Dakota, and Montana conveys the seriousness of the problem. This study identified 1,000 towns of the over 1,600 examined, as not having a single physician and 224 towns with only one physician.

We know that many of these one physician towns in the surveyed areas, as well as in many other communities are in danger of becoming no physician towns because the age of physicians in these rural communities tends to be higher. For example, in rural Appalachia 65 percent of the physicians are over 50 years of age. In West Virginia over the last 10 years approximately 60 communities of populations of less than 10,000 have been left without a doctor as rural practitioners retired and younger doctors were not found to replace them. Thus, there is a need for providing incentives for young physicians to move into these communities.

I am aware that there are many communities in my own State which are in dire need of physicians service. A 1970 article in the Public Health reports focuses on the situation in Metropolitan Baltimore. This article identifies 16 census tracks in the inner city, as well as some outlying areas, which were totally lacking in primary care physicians. These census areas, where many economically disadvantaged citizens reside, contained a population of approximately 174,000.

If I might further illustrate this point by a personal reference to the town of Frostburg where I live. This town has a population of about 7,500 and serves an area of around 15,000. I can recall when there were nine doctors in Frostburg. Today, however, there are only two and one is approaching the age of retirement. Despite a concerted effort, the community has not been successful in attracting much needed additional physicians.

The bill I introduced today is designed to deal with the physician-shortage problems, to encourage more doctors to enter general practice, to respond to the maldistribution of physicians, and to increase the number of lower income and minority young people entering our medical schools.

This bill would make available family physician scholarships and fellowships to young men and women. In return for the scholarships, which could not exceed $5,000 annually, the students would be required to serve in physician-shortage areas. One year of service would be required for each year a scholarship was received. These areas may be a poverty area of a large city like Baltimore, a rural area, perhaps Appalachia, an Indian reservation, or among the Nation's migratory farmworkers.

For the initial year, the bill authorizes 500 family physician scholarships and 200 fellowships. The number of scholarships and fellowships would gradually increase until by the fourth year, 1,000 scholarships and 500 fellowships would be authorized. Under the bill, both intern and residency fellowships are also authorized. However, no additional commitment is required for the fellowship programs, because persuading medical school graduates to complete their internship and residency in physician-shortage areas is deemed a desirable goal in itself. For these medical school graduates during this period are also serving while they are learning. As an incentive for those who participate in the scholarship program to also participate in the fellowship program, 1 year of the service commitment required under the scholarship programs would be satisfied. The fellowship program then should not only help to provide much needed medical assistance to physician-shortage areas, but also produce more permanent doctors for such areas for 10 percent of the physicians indicate they select their practice location in relation to their intern and residency programs.

Another interesting and important feature of this bill is the priorities it establishes for selecting students for the scholarship and fellowship programs.

The first priority is granted to individuals from lower income families who live in a physician-shortage area and who agree to return and practice in such area.

The second priority goes to individuals who reside in a physician-shortage area who agrees to return and practice in such area.

The third priority is allocated to individuals from lower income families who, although residing in a area where there is not a physician shortage, agree to practice in any physician-shortage area.

The final priority would go to individuals, not lower income, who do not come from an area of physician shortages, but who agree to practice in any physician-shortage area.

Mr. President, there are two primary purposes for the system of priorities for selecting eligible students for scholarships and fellowships under the bill. First, the evidence supports, what commonsense tells us, the hypothesis that persons from physician-shortage areas are more likely to return to and remain in such areas and practice medicine.

The results of an American Medical Association's survey, published in 1970, questioning physicians on the factors that influence their decision to practice in a certain area gives support to the bill's priorities. This survey found that over 45 percent of the physicians indicated that they were practicing in or around the town in which they were raised. The survey also revealed that 49 percent of the physicians raised in small towns were practicing in communities of 2,500 or less. An equal percentage of doctors raised in nonmetropolitan communities of 25,000 or more were practicing in cities of that size. This AMA survey confirmed previous studies which had indicated that "physicians who practice in small towns are more likely to have a rural than urban background".

The AMA study concluded that—

> Physician recruitment for rural areas would be enhanced if more young men with rural backgrounds were encouraged to enter the medical profession.

Continuing, the report had this to say about the influence of a doctor's origins on his place of practice:

> Physicians who practice in small towns are more likely to have rural rather than urban backgrounds . . . rural physicians have predominantly rural backgrounds and metropolitan physicians generally had urban locations during their youth.

If we can persuade young men and women to practice in physician-shortage areas, the evidence indicates that most are likely to remain. The AMA study on this point states that—

> Once a physician establishes a practice he is not likely to move.

Their survey found:

> At least 63 percent of the physicians had not moved from their original practice location. This percentage was consistent regardless of the community size. A more detailed breakdown of the area showed that about one-fourth of the physicians in non-metropolitan areas had practiced twenty years or more in the same place.

This measure is then drafted to give priorities to lower income and other individuals from physician-shortage areas because it is felt that these individuals are more likely to return and remain in the areas in which they were reared.

The second advantage of the priorities established by the bill would be that it would have the effect of attracting and making it possible for more minority and lower-income individuals to go to medical school. Across the country there has been a concern over the poor representation of the minority groups in our medical schools. Only recently the University of Maryland took steps to enlarge their minority representation among its medical students.

Another important feature of the legislation is that it would encourage students to enter family medicine. In 1931, three out of four of the Nation's doctors were engaged in family practice. In 1967, only one out of five doctors were in general practice. In Baltimore City, only 9 percent of the practicing physicians are in family practice. Indications are that this trend toward specialization and away from general practice is continuing. The Millis report found only 15 percent of the medical student graduates planning to enter general practice.

Steps taken in recent years show some promise of reversing this trend away from general practice. For example, the American Board of Family Practice has been created. In addition, there has been considerable congressional interest in the practice of family medicine. I believe that this measure will be a further incentive for medical students to specialize in the practice of family medicine and should encourage medical schools to focus anew on the family physician.

Mr. President, in recent years there has been an enormous increase in the demand for health-care services. It is expected that the health area will be the subject of considerable attention by the Congress this year. The administration is expected to unveil its health-care system, which is already straining, will be asked to carry an additional load. This is particularly true of the manpower situation which is already serious and which will probably reach the crisis stage. Unless we expand our medical manpower and convince more doctors to locate in physician-shortage areas, the goal of providing quality care to all Americans will likely elude us. Dr. Egberg drove home this point when he stated:

> I don't care what Congress does with medical care, Medicaid, and all the other programs, nothing is going to improve the country's medical system until we get more doctors.

Mr. President, I believe this proposal will significantly respond to some of our medical manpower problems. It will help to encourage family practice. It responds to the maldistribution problem. It will make it possible for more lower-income minority individuals to enter our medical schools.

Finally, Mr. President, among today's college students there appears to be a great desire and interest to serve mankind. This measure would capitalize on this idealism, and encourage young men and women to enter medical school. They in return for this expensive education, would serve in physician-shortage areas, often among their friends and neighbors, in helping to make quality medical care available to all of our citizens.

Mr. President, I send the bill to the desk and ask that it be appropriately referred; and I ask unanimous consent that it be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 790) to amend title VII of the Public Health Service Act by providing for the establishment of a family physician scholarship and fellowship program, introduced by Mr. BEALL (for himself, Mr. DOMINICK, and Mr. JAVITS), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Family Physician Scholarship and Fellowship Program Act".

SEC. 2. Title VII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART II—FAMILY PHYSICIAN SCHOLARSHIP AND FELLOWSHIP PROGRAM

"SCHOLARSHIP AND FELLOWSHIP GRANTS

"SEC. 799a. (a) In order to promote the more adequate provision of medical care for persons who—

"(A) reside in a physician shortage area (as determined pursuant to section 799c(b));

"(B) are migratory agricultural workers or members of the families of such workers;

the Secretary is authorized, in accordance with the provisions of this part—

"(C) to make scholarship grants to individuals who are medical students and who agree, after completion of their professional training, to engage in the practice of family medicine (i) in a physician shortage area, or (ii) at such place or places, such facility or facilities, and in such manner, as may be necessary to assure that, of the patients receiving medical care in such practice, a substantial portion will consist of persons referred to in clause (B); and

"(D) to make fellowship grants to individuals who (while undergoing training, or receiving professional experience, designed to prepare them to engage in the practice of family medicine) are serving as interns or residents in public or nonprofit private hospitals which (i) are located in a physician shortage area, or (ii) a substantial portion of the patients of which consists of persons referred to in clause (B).

For purposes of subparagraph (D) of the preceding sentence, training or experience in obstetrics, pediatrics, or internal medicine shall be considered to be training or experience preparing an individual to engage in the practice of family medicine.

"(b) (1) Scholarship grants under this part shall be made with respect to academic years, and fellowship grants under this part shall be made with respect to twelve-month periods.

"(2) The amount of any medical student scholarship grant under this part to any individual for any full academic year shall not exceed $5,000; the amount of any intern fellowship grant under this part to any individual for any twelve-month period shall not exceed $9,000; and the amount of any resident fellowship grant under this part to any individual for any twelve-month period shall not exceed $10,000 (in the case of an individual who, for a preceding twelve-month period, has not received a resident fellowship grant under this part), or $12,000 (in any other case).

"(3) The Secretary shall, in awarding medical student scholarship grants under this part, accord priority to applicants as follows—

"(A) first, to any applicant who (i) is from a low-income family, (ii) resides in a physician shortage area, and (iii) agrees that, upon completion of his professional training, he will return to such area and will engage in such area in the practice of family medicine;

"(B) second, to any applicant who meet all the criteria set forth in subparagraph (A) except that prescribed in clause (i);

"(C) third, to any applicant who meets the criterion set forth in clause (i); and

"(D) fourth, to any other applicant.

"(c) (1) Any medical student scholarship grant awarded to any individual under this part shall be awarded upon the condition that such individual will, upon completion of his professional training, engage in the practice of family medicine—

"(A) in the case of any individual who, in applying for a medical student scholarship grant under this part, met the criteria set forth in subparagraph (A) or (B) of subsection (b) (3), in the physician shortage area in which he agreed (pursuant to such subparagraph) to engage in such practice; and

"(B) in the case of any individual who did not agree (pursuant to such subparagraph (A) or (B)) to engage in such practice in any particular physician shortage area or has been waived (pursuant to paragraph (4)) to engage in such practice in any particular physician shortage area—

"(i) in any physician shortage area, or

"(ii) at such place or places, in such facility or facilities, and in such manner, as may be necessary to assure that, of the patients receiving medical care provided by such individual, a substantial portion will consist of persons who are migratory agricultural workers or are members of the families of such workers;

for a twelve-month period for each full academic year with respect to which he receives such a scholarship grant. For purposes of the preceding sentence, any individual, who has received a medical student scholarship grant under this part for four full academic years and who has received fellowship grants under this part for three full twelve-month periods, shall be deemed to have received a medical student scholarship grant under this part for only three full academic years.

"(2) The condition imposed by paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's professional training, as the Secretary shall by regulations prescribe.

"(3) If any individual to whom the condition referred to in paragraph (1) is applicable fails, within the period prescribed by paragraph (2), to comply with such condition for the full number of months with respect to which such condition is applicable, the United States shall be entitled to recover from such individual—

"(A) an amount which bears the same ratio to the aggregate of (i) the amounts of the medical student scholarship grant or grants (as the case may be) made to such individual under this part plus (ii) the amount of interest which would be payable on such amounts if such amounts had been loans bearing an interest rate of 7 per centum per annum and the interest thereon had been payable annually, as

"(B) (i) the number obtained by subtracting from the number of months to which such condition is applicable a number equal to one-half of the number of months with respect to which compliance by such individual with such condition was made, bears to (ii) the number of months with respect to which such condition is applicable.

"(4) (A) Any obligation of any individual to comply with the condition applicable to him under the preceding provisions of this subsection shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulations provide for the waiver of suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(d) In awarding intern and resident fellowship grants under this part, priority shall be given to interns and residents in hospitals a substantial portion of the patients of which are economically disadvantaged persons.

"ADMINISTRATION; CONTRACTURAL ARRANGEMENTS

"SEC. 799b. The Secretary may, in the administration of this part, enter into agreements with schools of medicine, hospitals, or other appropriate public or nonprofit private agencies under which such schools, hospitals, or other agencies will, as agents of the Secretary, perform such administrative functions as the Secretary may specify. Any such agreement with any school, hospital, or other agency may provide for payment by the Secretary of amounts equal to the expenses actually and necessarily incurred by such school, hospital, or other agency in carrying out such agreement.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 799c. (a) For the purpose of making medical student scholarship grants under this part, there is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, $4,000,000 for the fiscal year ending June 30, 1974, $5,000,000 for the fiscal year ending June 30, 1975, and for each succeeding fiscal year, such sums as may be necessary to continue to make such grants to students who (prior to July 1, 1975) have received such a grant and who are eligible for such a grant under this part during such succeeding fiscal year.

"(b) For the purpose of making intern and resident fellowship grants under this part, there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, $4,000,000 for the fiscal year ending June 30, 1974, $5,000,000 for the fiscal year ending June 30, 1975, and for each succeeding fiscal year, such sums as may be necessary to continue to make such grants to interns and residents who (prior to July 1, 1974) have received such a grant or a medical student scholarship grant under this part, and who are eligible for such a grant under this part during such succeeding fiscal year.

"DEFINITIONS

"SEC. 799d. (a) For purposes of this part—

"(1) the term 'nonprofit', as applied to any hospital, means a hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefits of any private shareholder or individual; and

"(2) the term 'practice of family medicine' means the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance.

"(b) (1) The term 'physician shortage area', when used in this part, refers to an area within a State which is determined, in accordance with this subsection—

"(A) to have an insufficient number of physicians practicing their profession therein so as adequately to meet the need for medical care of the population of such area; and

"(B) in which the ratio of physicians to population is lower than in other areas of the State.

"(2) The Secretary shall, in making determinations under this subsection, accept (in the case of any State) the determination, as to the number and location of physician shortage areas in such State, recommended to him by—

"(A) the State planning agency for such State (as designated pursuant to section 314(a) (2) (A)), or

"(B) if in such State there is no such agency, or if such agency fails or refuses to make a recommended determination to the Secretary within such reasonable time as he shall prescribe, by such other agency of such State as the Secretary finds to be qualified to make such a recommended determination and as the Governor of such State shall have designated to make such a recommended determination;

but only if—

"(C) such agency, in making such recommended determination, has sought and obtained the advice and assistance of the State medical society for such State;

"(D) such agency, in making such recommended determination, classifies each area which it determines to be a physician shortage area as to the degree of the physician shortage therein as compared with other areas which such agency determines to be physician shortage areas; and

"(E) the Secretary is satisfied with the adequacy of the criteria employed by such agency as the basis upon which such recommended determination was made.

"(3) If, in the case of any State, the Secretary does not receive (within such reasonable time as he shall prescribe) a recommended determination with respect to such State which meets the requirements of paragraph (2), he shall (after seeking the advice and assistance of the State medical society for such State) determine the number and location of the physician shortage areas (if any) of such State on the basis of the most current and appropriate data available to him".

S. 792—INTRODUCTION OF A BILL TO PROVIDE FOR THE REGULATION OF COMMUNITY ANTENNA TELEVISION SYSTEMS

Mr. PASTORE. Mr. President, I am introducing today, by request of the Federal Communications Commission, a bill which would amend the Communications Act of 1934 to provide for the regulation of community antenna television systems.

The complex subject of CATV and its relationship to free broadcasting has been of great concern to the Subcommittee on Communications for many years.

On December 19, 1969, Senator McCLELLAN forwarded to this committee a letter indicating that the Subcommittee on Patents, Trademarks, and Copyrights reported to the full committee on the Judiciary S. 543, a bill generally revising the copyright law. Section 111 of S. 543 was concerned with secondary transmissions by cable systems.

Senator McCLELLAN indicated that section 111 would have an impact on the FCC's statutory responsibility to regulate communications by wire and radio, and that the Senate Commerce Committee would, therefore, have an interest. As a consequence, the Senate Commerce Committee requested the Federal Communications Commission to review this matter to determine what impact the bill would have on its broadcast cable television regulatory policies.

On March 11, 1970, and March 24, 1970, the Chairman of the Federal Communications Commission replied to the request of the Commerce Committee, and indicated that the Commission believed clarifying legislation in the form of general guidelines should be adopted. These letters have been made available to Senator McClellan, and I ask that they be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Federal Communications Commission,
Washington, D.C., March 11, 1971.

Hon. John O. Pastore,
Chairman, Subcommittee on Communications, Senate Commerce Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: You have requested the Commission's views on those portions of S. 543 which deal with CATV. The Commission appreciates the opportunity since S. 543 would have such substantial impact on our broadcast-cable television regulatory policies.

The Commission has long favored Congressional guidance in this important field, including the enactment of a bill which would be a meld of copyright and communications law. See letter of Chairman Hyde to Chairman McClellan, dated February 17, 1969. But the approach of S. 543 to the CATV field raises substantial questions.

We do not refer merely to the need for clarifying the language of the bill, nor even to the more significant questions raised by its treatment of several important communications policy questions. Rather, we wish to raise the fundamental question whether it is a sound legislative approach to attempt to deal in such detail with a dynamic, changing field such as is here involved.

For example, the concept of "adequate television service" in S. 543, defined as precisely as it is, or the use of fixed mileage concepts like the 35-mile zone for program exclusivity, or the inflexible FCC non-duplication requirement specified, may not be legislatively sound, even recognizing that in some respects there is some authority given the agency to make future revisions. The approach which has been taken in the Communications Act seems preferable to us—namely, the Congressional determination of general guidelines, with the Commission left to develop and, most important, revise detailed policies to implement those guidelines in the light of rapidly changing communications technologies, and with Congress overseeing such Commission activities, particularly through the legislative hearing process.

We wish to point out that the Commission has made several false starts in the CATV field (e.g., compare Report on CATV and TV Repeater Services, 26 FCC 403 (1959), with First Report and Order in Docket 14895, 38 FCC 683 (1965)), and has often had to revise its policies in light of the changing nature of the field. We do not cite this flexibility as a weakness, but rather as a strength of the administrative process. See *National Broadcasting Co.* v. *U.S.,* 319 U.S. 190, 219 (1943), where the Court stated:

"While Congress did not give the Commission unfettered discretion to regulate all phases of the radio industry, it did not frustrate the purposes for which the Communications Act of 1934 was brought into being by attempting an itemized catalogue of the specific manifestations of the general problems for the solution of which it was establishing a regulatory agency. That would have stereotyped the powers of the Commission to specific details in regulating a field of enterprise the dominant characteristic of which was the rapid pace of its unfolding. And so Congress did what experience had taught it in similar attempts at regulation, even in fields where the subject-matter of regulation was far less fluid and dynamic than radio. The essence of that experience was to define broad areas for regulation and to establish standards for judgment adequately related in their application to the problems to be solved."

We therefore believe that clarifying legislation in this field should set forth general guidelines and eschew detail. This approach, we believe, may also be employed as to any copyright legislation dealing with CATV. Such legislation can be broadly framed—for example, the Congress could adopt a provision that a CATV system shall have a compulsory license for such signals as the Commission, by rule or order, may authorize the system to carry. The copyright law could then specify the appropriate amount to be paid, or method of determining the amount, a method for distributing the funds thus paid in (e.g., a so-called "ASCAP-BMI" method), a provision for periodic adjustments in the amounts to be paid, and any exemption for existing small systems deemed desirable.

This would leave the remaining communications policy matters for resolution by the Commission in appropriate rule making and other proceedings, or by the Congress through general CATV legislation and subsequent agency regulation. As stated, we would welcome such Congressional guidance in this important field. Thus, Congress could set forth general guidelines aimed at the orderly accommodation of both cable and broadcasting in order to secure maximum diversity of programming, through the maintenance and expansion of free broadcasting and the provision via cable of multiple reception, origination and related services. The guidelines could also include such matters as fair competition for programming sources, minimum disruption of existing cable systems, and appropriate application to cable systems of Public Law 87–331, dealing with the telecasting of professional football, baseball, basketball or hockey contests. In short, the clear advantage of proceeding in this fashion (i.e., agency action under present or revised Congressional guidelines, with appropriate Congressional oversight of specific Commission actions) would be the retention of flexibility to adjust policies to changing circumstances.

The Commission hopes that the foregoing is helpful to you in your consideration of this most important matter. The Commission would, of course, be glad to cooperate with your Committee and its staff in any way which you might find useful.

This letter was adopted by the Commission at its meeting of March 11, 1970. (Commissioner Bartley believes there is more merit to S. 543, with the flexibility afforded the Commission in regard to CATV than what he believes to be the likelihood of failure of adoption of copyright revision legislation at an early date.)

Federal Communications Commission,
Washington, D.C., March 24, 1970.

Hon. John O. Pastore,
Chairman, Subcommittee on Communications, Senate Commerce Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: In line with your request, the Commission is submitting a draft of suggested legislative amendments to the Communications Act, which are of a clarifying nature and give general guidance to the Commission in the CATV field.

The attached draft reflects the general guidelines set out at pp. 2–3 of my letter of March 11, 1970. Under these guidelines Congress would be directing the Commission to effect the orderly accommodation of both cable and broadcasting in order to secure maximum diversity of programming through the maintenance and expansion of free broadcasting and the provision via cable of multiple reception, origination and related services.

We recognize that there would be great interest in the Commission's possible actions to implement the above guidelines, and would, of course, be prepared to give some indication of those actions. You will appreciate, however, that the Commission is still in the process of analyzing the voluminous material received in its pending rule making proceedings in this complex area.

Finally, as stated, it is our hope that enactment of legislative guidelines in the Communications Act, along the above lines, would also facilitate legislative resolution of the difficult question of copyright. Specifically, we raise the possibility that a provision might then be inserted into S. 543 which simply bestowed upon CATV systems a compulsory license for such signals as the Commission, by rule or order, might authorize the system to carry. Other specifications of such a provision would, of course, go to such matters as the appropriate amounts to be paid and the mechanism of compulsory license (and any exemption for existing small systems).

The Commission hopes that the foregoing is helpful to you, and again stresses its desire to cooperate fully with your Committee in its consideration of this most important matter.

By direction of the Commission:

Dean Burch,
Chairman.

Suggested General Legislative Amendments to Communications Act

Section 3(gg) "Community antenna system" means any facility in whole or in part, receives directly or indirectly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more broadcast stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service.

Section 331(a) The Commission shall, as the public interest, convenience, or necessity requires, have authority—

(1) To issue authorizations and orders, make rules and regulations, and prescribe such conditions or restrictions with respect to the construction, technical characteristics, and operation of community antenna systems, to the extent necessary or appropriate to carry out the purposes of this Act, with due regard to the orderly accommodation of both the community antenna and broadcasting industries, in order to secure maximum diversity of programming through the maintenance and expansion of broadcasting and the provision via community antenna systems of multiple reception, origination and related services; and

(2) to make general rules exempting from regulation, in whole or in part, certain community antenna systems where it is determined that such regulation is unnecessary because of the size or nature of the systems so exempted.

The Commission shall, in determining the application of any rule or regulation concerning the carriage of broadcast stations by community antenna systems, give due regard to the avoidance of substantial disruption of the services to subscribers of community antenna system which were validly in operation on April 1, 1970.

(b) The Commission shall prescribe such rules and regulations and issue such orders as may be necessary to require the deletion by community antenna systems of signals carrying any professional football, baseball, basketball, or hockey contest if, after application by the appropriate league, the Commission finds that the failure to delete such signals would be contrary to the purposes for which the antitrust laws are made inapplicable to certain agreements under Public Law 87–331.

Mr. PASTORE. Mr. President, I note that on February 8 of this year Senator McClellan introduced S. 644 which, except for technical changes, is identical to S. 543. Before this, however, on February 4 the FCC announced it had scheduled oral argument and panel discussions by experts on proposed cable television rules for March 11 through 26, in an attempt to resolve many of the issues involved. Among the matters under consideration at that time is the question of the appropriate form of copyright settlement where the importation of distant signals are involved.

The Chairman of the FCC has been contacted, and he has indicated that if hearings were held on a proposal similar to the one outlined in his letter to the committee last March, the Commission would hopefully be in a position to explain how it would implement the general guidelines contained therein. With this in mind and at the request of the FCC, I have introduced the instant legislation.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 792) to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems, introduced by Mr. PASTORE, by request, was received, read twice by its title, and referred to the Committee on Commerce.

S. 794—INTRODUCTION OF A BILL TO STRENGTHEN THE PENALTY PROVISIONS OF THE GUN CONTROL ACT OF 1968

Mr. STEVENS. Mr. President, today I am introducing legislation which presents a viable alternative to the onerous provisions of the Gun Control Act of 1968.

My bill would punish those who misuse firearms while preserving the constitutional right of law-abiding citizens to purchase and own guns and ammunition. Specifically, this measure would impose mandatory penalties on those who use a firearm in the commission of a Federal felony or unlawfully carry a firearm during the commission of such a felony. The penalty assessed under this legislation would be in addition to the punishment provided for committing the felony itself. Under my bill, first offenders would be subject to a prison sentence of not less than 1 year nor more than 3 years. If a person is convicted of a second or subsequent offense, he would be subject to a sentence of not less than 5 nor more than 10 years. Notwithstanding any other provision of law, the trial court would be prohibited from suspending the sentence for a first or subsequent conviction. Similarly, the court would not be permitted to impose a probationary or concurrent sentence.

The bill which I have just outlined preserves the right of law-abiding citizens to purchase and own guns and ammunition. Moreover, it takes cognizance of the fact that regulatory legislation, such as the Gun Control Act of 1968, has failed to accomplish any useful purpose. Law-abiding citizens have been unduly burdened and harrassed; yet, criminals have been able with great ease to acquire unregistered firearms. Thus, in the period since the enactment of the Gun Control Act, the incidence of crimes involving the use of firearms has significantly increased.

Some people have used these statistics to argue that more stringent regulatory controls should be enacted. I oppose this well meaning but misguided philosophy. More restrictive legislation would do nothing more than create a more lucrative black market in the sale of guns and ammunition. The end result would be to enlarge the already swollen coffers of organized criminal syndicates. Furthermore the enactment of more stringent legislation would leave peaceful citizens at the mercy of gun brandishing hoodlums.

If restrictions on the purchase of guns and ammunition are ever necessary, such controls should emanate from State and local governments, which are uniquely capable of responding to local needs and problems. The gun control problems in my State of Alaska, where many people rely on firearms for their subsistence, are different in nature and scope from those of a State like New York. Hence, a uniform Federal law is not capable of meeting the problems which do exist and necessarily results in the imposition of an extremely onerous burden on many citizens. The most graphic example of the latter observation is in rural Alaska, where the provisions of the Gun Control Act have resulted in great hardship for many citizens living in areas which are not easily accessible to sellers of firearms and ammunition.

For these reasons, I have strongly opposed the onerous provisions of the 1968 act. During the last Congress, we were successful in enacting legislation to exempt rifle and shotgun ammunition sales from the recordkeeping requirements of the Gun Control Act. I am hopeful that this will be but the first step in a total reevaluation of the policy and language of the act. The next logical step would be to eliminate the recordkeeping requirement for .22-caliber rim fire ammunition, since this ammunition is used almost exclusively for sporting purposes. We should also reexamine the advisability of using the interstate commerce clause of the U.S. Constitution to regulate the sale of firearms, a subject which traditionally has been under the exclusive jurisdiction of State and local governments. I am confident that such a reexamination would reveal the dangerous precedent inherent in using the interstate commerce clause to regulate activities of this kind.

Mr. President, for the reasons outlined above, I am hopeful that we will soon adopt the alternative approach which is exemplified by legislation which would impose mandatory penalties on those who abuse their constitutional right to keep and bear firearms.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 794) to strengthen the penalty provisions of the Gun Control Act of 1968, introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 796—INTRODUCTION OF THE LIMITED AIR CARRIER ACT OF 1971

Mr. PEARSON. Mr. President, small communities across this Nation are vitally dependent upon adequate transportation. Just as our cities are faced with critical problems of congestion, pollution, and other dilemmas related to transportation, so are small- and medium-size towns affected by the lack of fast and efficient surface and air transportation. It is my conviction that the future of the United States depends on how well we accomplish the redistribution of our population away from our major hub cities. And as I have stated here many times before, the key to this dream of rural development is transportation.

Unfortunately, the present transportation picture in Small Town, U.S.A., is not particularly attractive, as many of us know. In Kansas and in other parts of the country rail transportation is deteriorating and disappearing. Bus transportation remains inadequate. Increasingly, air transportation is vital to the growth of our small- and medium-sized communities.

However, our Aviation Subcommittee of the Senate has been alarmed to note that instead of increasing the number of flights, many regional carriers are suspending or abandoning service to many towns on their systems. Last August our subcommittee held hearings in my State in an effort to determine the magnitude of this problem at representative communities across the Nation. The record developed at those hearings prompted me to introduce this legislation in the last Congress and to reintroduce it now in an effort to insure that small- and medium-sized communities will be afforded reliable air service for the future.

The special and urgent need for this legislation is demonstrated by our experience with regional air carriers—originally known as "feeder airlines." These carriers originally flew aircraft of small capacity, such as air taxi operators and commuter air carriers now operate. However, as pressure from Congress urged reduction in subsidy payments, these carriers began using larger aircraft in an effort to operate more profitably. And as larger aircraft were utilized, regional carriers gradually "outgrew" many of the small towns on their systems. The result of this cycle of decreased subsidy and increased costs was a substantial cutback in service to those communities which the regional carriers had originally served. We are now faced, Mr. President, with an extremely large gap in our air transportation system, a gap that can only be filled through the use of smaller capacity aircraft providing frequent, reliable service.

Recently the Civil Aeronautics Board and the Congress increased the level of subsidy to local air carriers. For the fiscal year ending June 30, 1971, $55.7 million has been earmarked to these carriers in the hopes that air service to small- and medium-sized communities will not be decreased even more. But the "subsidy pendulum," let us remember, has swung to the other extreme. And given the changing priorities of this Congress and this Nation, I think we owe it to the smaller communities of our States to take the longer view. They deserve some assurance, in my judgment, that they will continue to have air service despite unpredictable budgetary pressures or bureaucratic insensitivity. Commuter air carriers, properly certificated pursuant to this legislation, could provide this necessary function—and, most importantly, at costs substantially below present Federal subsidy levels.

Accordingly, the legislation I am introducing today is intended to achieve the following objectives:

Create and maintain a class of air carriers that can serve that portion of the public that has not been and cannot be served by present classes of certificated air carriers by granting the Civil Aeronautics Board the authority to establish a limited air carrier certificate;

Provide the opportunity for the development of new routes and service for the many communities that have suffered from inadequate service;

Provide the stability necessary for a class of air carriers that has been suffering financial losses and failures;

Establish on a solid, legal basis an important segment of our airline industry that is now operating on a temporary basis of questionable validity;

Provide a means by which subsidy to the airline industry may be reduced while service to the public may be increased and improved; and

Provide increased safety and reliability for the industry by encouraging the design of an aircraft to serve a predictable market.

Mr. President, I ask unanimous consent that this bill be printed in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 796) to amend Federal Aviation Act of 1958, as amended, to authorize the establishment of a class of limited air carriers, and for other purposes, introduced by Mr. Pearson, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Limited Air Carrier Act of 1971".

Sec. 2. The Federal Aviation Act of 1958 as amended, is further amended as follows:

(a) Section 101 (49 U.S.C. 1301) is amended by redesignating paragraphs (34) and (35) as (36) and (37) and by inserting the following new paragraphs:

"(34) 'Limited air carrier' means an air carrier holding a certificate authorizing it to engage in limited air transportation.

"(35) 'Limited air transportation' means air transportation by aircraft rendered pursuant to a certificate of authority issued pursuant to section 401(d)(4) of this Act to provide scheduled service with aircraft of limited capacity."

(b) Section 401 (49 U.S.C. 1371) is amended by adding the following new paragraph to subsection (d) thereof:

"(4) In the case of an application for a certificate to engage in limited air carrier transportation the Board may issue a certificate to any applicant not holding a certificate under paragraph (1), (2) or (3) of this subsection, authorizing the whole or any part thereof, and for such periods as may be required in the public interest, if it finds that the applicant is fit, willing and able properly to perform the transportation covered by the application and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder.

"In the event (i) an applicant is conducting operations as a limited air carrier on the effective date of the Limited Air Carrier Act of 1971 and (ii) such application has been filed with the Board within 30 days after such effective date, then such applicant may conduct such limited air carrier operations until such time as the Board shall have ruled upon the application.

"The Board shall not be required to find that public convenience and necessity require the issuance of a limited air carrier certificate, but shall adopt such rules and regulations and requirements as it may deem in the public interest to implement and enforce the policies set forth in section 102 of this Act.

"Any certificate issued pursuant to this paragraph shall contain such limitations as the Board shall find necessary to assure that the service rendered pursuant thereto will be in accordance with the purpose of limited air transportation."

(c) Section 401 (49 U.S.C. 1371) is amended by adding before the period at the end of paragraph (4) of subsection (e) the following: ", or in a certificate for limited air transportation, when required by subsection (d)(4) of this section, the Board shall limit the capacity of the aircraft to be used."

(d) Section 401 (49 U.S.C. 1371) is amended by adding the following new subsection:

"(o)(1) No certificate to engage in limited air transportation shall be issued or remain in effect unless the applicant for such certificate or the limited air carrier, as the case may be, complies with regulations or orders issued by the Board governing the filing and approval of policies of insurance in the amount of such insurance, amounts for which such applicant or such limited air carrier may become liable for bodily injuries to or the death of any person, or for loss or damage to property of others, resulting from the negligent operation or maintenance of aircraft under such certificate.

"(2) If any service authorized by a certificate to engage in limited air transportation is not performed to the minimum extent prescribed by the Board, it may by order, entered after notice and hearing direct that such certificate shall thereupon cease to be effective to the extent of such service.

"(3) The requirement that each applicant for a certificate to engage in limited air transportation must be found to be fit, willing and able properly to conform to the provisions of this Act and the rules, regulations and requirements of the Board under this Act, shall be a continuing requirement applicable to each limited air carrier with respect to the transportation authorized by, and currently furnished or proposed to be furnished under, such carrier's certificate. The Board shall by order, enter after notice and hearing, modify, suspend, or revoke such certificate, in whole or in part, for failure or such carrier (A) to comply with the continuing requirement that such carrier be so fit, willing and able, or (B) to file such reports as the Board may deem necessary to determine whether such carrier is so fit, willing and able.

"(4) The Board shall prescribe such regulations and issue such orders as may be necessary to carry out the provision of this subsection."

(e) Section 403 (49 U.S.C. 1373) is amended by inserting in the first sentence of subsection (a) after the words "Every air carrier," the following: ", except a limited air carrier"; and, by inserting in the second sentence after the word "prescribe" the following: ", except that a limited air carrier need not file, post, or publish tariffs unless directed by the Board to do so.".

Sec. 3. This Act shall become effective ninety days after date of enactment.

S. 805—INTRODUCTION OF A BILL FOR DISPOSITION OF FUNDS FOR CLAIMS AWARDED TO THE IOWA TRIBE OF KANSAS AND NEBRASKA AND THE IOWA TRIBE OF OKLAHOMA

Mr. DOLE. Mr. President, today I am introducing a bill to provide for the disposition of funds to pay for three judgment awards by the Indian Claims Commission to the Indians of the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska and of the Iowa Tribe of the Iowa Reservation in Oklahoma.

These awards total $5,956,413.67 and represent funds for lands excluded from the Iowa Reservation in southeastern Nebraska by the treaty of September 17, 1836; for additional payment of land sold in northeastern Kansas under the treaty of May 17, 1854; for additional payment to the Iowa Nation for its undivided one-half interest in land in northeastern Iowa ceded under the treaty of October 19, 1838; and for land in southwestern Iowa ceded under the same treaty.

Funds to pay these awards were appropriated by the Congress in acts on December 26, 1969, and of July 6, 1970.

Both the Iowa Tribe of Kansas and Nebraska and the Iowa Tribe of Oklahoma are organized. The Iowas of Kansas and Nebraska under the Indian Reorganization Act of June 18, 1934, and the Iowas of Oklahoma under the Oklahoma Indian Welfare Act of June 26, 1936. Both have approved constitutions and bylaws, and councils composed of all enrolled members who are 21 years of age or older. And each tribe has a committee of officers of the tribe that has the authority to transact business and otherwise speak and act on behalf of the tribe.

Mr. President, both of the tribal governments have passed resolutions requesting the funding of these awards. And both have passed resolutions regarding the distribution of the judgment funds. The Iowa Tribe of Oklahoma plans to reserve $25,000 of its share for the administrative expenses of the tribal governing body and for programing, with the remainder being distributed per capita to the tribal members. The Iowa Tribe of Kansas and Nebraska plans to distribute all of its share of the judgment funds per capita to tribal members.

This bill specifies that 61.29 percent of the judgment shall go to the Tribe of Kansas and Nebraska and 38.71 percent to the Tribe of Oklahoma. This division is based upon the relative numbers of persons in each group as shown by rolls prepared in 1889 and 1891, plus 28 Indians of Kansas and Nebraska who were entitled to an allotment of land but who did not receive such allotment.

As of December 14, 1967, there were 1,437 enrolled members of the Tribe of Kansas and Nebraska, with 48 living on and 217 adjacent to the reservation. Of the 259 enrolled members of the Iowa Tribe of Oklahoma, 58 were living within the area of the former reservation, and many others were settled within Oklahoma.

Mr. President, there is no controversy surrounding these awards: the Claims Commission has adjudged it; the Iowa Tribal Governments have agreed on the distribution scheme; and Congress has appropriated the funds to pay it. It is a particularly black mark in our Nation's otherwise sorry treatment of our Indian people that we should be waiting six score and more years to consider funding these just and reasonable claims.

And it would be a further blemish on that record were Congress not to authorize the payment of these claims with all possible speed.

I ask unanimous consent that the text of this bill be printed in the Record at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 805) to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Kansas and Nebraska and of Oklahoma in Indian Claims Commission docket Nos. 79-A, 153, 158, 209, and 231, and for other purposes, introduced by Mr. Dole, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the United States Treasury to the credit of the Iowa Tribes of Kansas and Nebraska and of Oklahoma that were appropriated by the Act of December 26, 1969 (83 Stat. 447), to pay a judgment by the Indian Claims Commission in docket numbered 79-A, and funds appropriated by the Act of July 6, 1970 (84 Stat. 376), to pay judgments in Indian Claims Commission docket numbers 153, 158, 209, and 231, and the interest thereon, after payment of attorney fees and other litigation expenses, shall be divided on the basis of 61.29 per centum to the Iowas of Kansas and Nebraska and 38.71 per centum to the Iowas of Oklahoma, and the funds so divided, including interest accruing thereon, may be invested or expended for any purpose that is authorized by the respective tribal governing bodies and approved by the Secretary of the Interior. Any per capita distribution of any part of the funds placed to the credit of the Iowa Tribes of Kansas and Nebraska and of Oklahoma shall be payable only to those persons who meet the membership requirements specified in the respective tribal constitutions, and such per capita payments shall not be subject to Federal or State income tax.

S. 807—INTRODUCTION OF THE NATIONAL ENVIRONMENTAL STUDY AREAS ACT

Mr. NELSON. Mr. President, the most predominant theme of the past year has been the intensifying concern about the deteriorating quality of our environment. This interest has been generated by the obvious degradation of our surroundings—polluted air, water contaminated with noxious and harmful chemicals, the death of our lakes and rivers, and soon, possibly, the oceans along with the life they support, and the ominous spector of urban sprawl, blight and decay affecting the natural environment at an alarming rate.

More and more people are becoming aware of the fact that if pollution continues at the present accelerating rate, man may be added to the endangered species list.

Earth Day, last April 22, was a national educational effort which represented and stimulated this increased awareness. Millions of people, from grade school students to elderly citizens participated in the recognition of our environmental problems and the urgency for restoring and saving the quality of the environment. Now, recognition of our environmental problems must become a part of our daily attitudes.

The Environmental Education Act of 1970, which I introduced in the Senate, was another answer in mounting the necessary educational effort nationwide to inform all Americans of the need for actions to protect the environment.

But the scope and magnitude of the task is so great that other agencies must also expand their activities and make better use of their resources. To readily grasp the interdependence of all living things, there has to be some recognition and knowledge of the complexity of their relationships. The best way to achieve this understanding is through the education of our citizens, especially the young people who unfortunately have to cope with the many acute problems of environmental quality during their lifetime.

One of the best places where this learning process can occur is on the more than 700 million acres of public lands which this Nation has permanently set aside for the conservation of natural resources and the enjoyment of all people. These are now managed by the Department of the Interior. These lands offer a great variety of opportunities for continuing and strengthening the national environmental education effort.

Of this acreage the National Park Service has 259 historical and recreational areas comprising 28 million acres; the Bureau of Sport Fisheries and Wildlife has 325 refuges, 100 hatcheries and 29 million acres; the Bureau of Indian Affairs has 243 schools and 50 million acres; the Bureau of Reclamation has 5.5 million acres of land and water areas, 293 multipurpose dams and reservoirs and 60,000 miles of canals, laterals and drains; and the Bureau of Land Management has 450 million acres under its control. These lands are excellent sites to create areas for organized learning about ecological balance.

The National Environmental Study Areas Act which I am introducing today would create an Office of National Environmental Study Areas within the Department of the Interior. The Department, which is responsible for managing 70 percent of our Federal lands, is a logical place for a coordinated effort in developing areas that can be used by students, teachers, and other citizens to become familiar with the complexities and intricacies of ecosystems.

The proposed office would administer a small amount of funds through the various bureaus to support environmental study areas of highest community impact. Also the office under the supervision of the Secretary, would coordinate work being done by the bureaus in the field of environmental study areas.

While many of the bureaus in the Department have begun such programs, the proposed measure would give a higher priority and provide more visibility to this effort by virtue of a legislative mandate. This mandate would clearly give the Department the authority to substantially increase the number of National Environmental Study Areas—NESA.

The National Park Service developed the concept of NESA. At the present time, there are 81 study areas, and last year the areas were used by almost 60,000 teachers and students. In addition, the Park Service has organized over 170 workshops for teachers to help them become more familiar with the study area and to assist them in adapting the materials prepared by the Park Service to their own curriculums. Work is continuing on this program and at least 25 study areas are in the planning stages.

The Bureau of Sport Fisheries and Wildlife, using its refuges and hatcheries, has held teacher training workshops and has been involved in programs with over 400 public school districts involving approximately 30,000 students. The refuges and hatcheries provide an ideal setting to teach the interdependency of life through the medium of living things. The reaction from local schools has been favorable and the demand to use the refuges and hatcheries as educational tools is increasing.

The Bureau of Land Management has developed pilot environmental study areas near Salem and Prineville in Oregon, and they are planning to expand their efforts into other Western States this summer.

The Bureau of Outdoor Recreation has the authority to assist in creating environmental study areas at the State and local levels. While other Interior agencies have the means of stimulating environmental education directly through interpretive activities in national parks and refuges, this bureau's major opportunities arise through functions concerned with State planning and technical assistance. Nevertheless little has been done to encourage local environmental study area development.

While these four bureaus have all begun programs to encourage the use of Federal land by teachers and students as national environmental study areas, there are other bureaus that have been encouraged to develop the NESA concept—Office of the Territories, Bureau of Indian Affairs, Interior Job Corps program, and Bureau of Reclamation.

The keen interest throughout the Department is not matched by a commensurate amount of effort. This can be attributed to insufficient funds, indicating a low priority for establishing NESA's, and to the stiff competition for funds to construct visitor facilities.

However, the widespread interest of eight separate bureaus of the Department suggests a crucial need for departmental coordination in developing national environmental study areas in order to make the most efficient use of the resources available to the Department.

Since a key means for success of environmental study areas is accessibility to students and teachers, these centers should, as much as is practical, be located near heavily populated sections of the country. Attention must be paid to selecting sites that represent dramatic and diverse examples of ecological balance. Areas which especially offer such variety are lands along the shores of our rivers, lakes, and oceans, where air, water, and land interrelate and interact.

While planning and coordination are greatly needed, the expense of these projects is minimal. Guide books for the use of an environmental study area can be provided for as little as $1 and actual construction of improvements on the sites can be restricted to the provision of water, picnic, and toilet facilities. There is no need for elaborate visitor centers because the purpose is for people to learn from the natural surroundings and not from stuffed exhibits in glass cases. Because great expense is not involved, this bill authorizes only $2 million for fiscal year 1972, $4 million for fiscal year 1973, and $8 million for fiscal year 1974.

This measure will give the Department of the Interior a clear mandate for the use of public lands as an educational resource. It will allow for the organized development of national environmental study areas, teacher training workshops, inservice training for department officials to provide them with the requisite skills in working with teachers and other community leaders, and assist State and local governments to develop environmental study areas on their own lands. In addition the Secretary is authorized to provide technical assistance to State and local governments and other Federal agencies, such as the Office of Education and the Forest Service, in the selection and development of NESA's.

The need for these educational areas is great. Our young people must learn of the difficulty in maintaining our fragile ecological balance, and they must learn that while man can control some aspects of his environment, he cannot make environmental decisions without altering the balance of nature. We see all around us examples of how man has misused his environment, which is evidence of the little understanding of how nature functions. Unless this understanding is achieved, it will be impossible to deal with the complex environmental problems facing this Nation today and in the future.

I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 807) to encourage and promote the establishment and development of national environmental study areas, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act may be cited as the "National Environmental Study Areas Act".

SEC. 2. (a) The Congress of the United States finds that the deterioration of environmental quality and the increasing threat to ecological balance is in part caused by a lack of understanding of ecological principles and related concepts; that the Nation's public lands present a wealth and diversity of ecological systems; that these public lands can be used as educational study centers to a much greater degree, giving the public a keener awareness of the delicacy and complexity of ecological balance; and that a concerted national effort to utilize public lands as educational centers for the people is therefore necessary.

(b) It is the purpose of this Act to encourage and support efforts to utilize the Nation's public lands to the fullest as a teaching resource to enhance environmental quality and maintain ecological balance; to initiate educational programs for all citizens, especially elementary and secondary students and teachers, on public lands; and thereby to enhance the use of these public lands as educational centers by the Nation's communities.

ENVIRONMENTAL STUDY AREAS

SEC. 3. (a) There is established within the Department of the Interior, an Office of National Environmental Study Areas (referred to in this section as the "Office") which, under the supervision of and through regulations promulgated by the Secretary, shall be responsible for (A) the administration of the program authorized in this Act and (B) the coordination of activities of the Department of the Interior which are related to environmental study areas. The Office shall be headed by a Special Advisor who shall be compensated at a rate not to exceed that of level 5 of the Executive Salary Schedule in title 5, United States Code.

(b) From the sums appropriated, the Office shall develop national environmental study areas on public lands by—

(1) providing the site to be used;

(2) developing teaching materials for teachers and other community leaders using the sites as study areas;

(3) providing minimal physical improvements such as water, picnic and toilet facilities, to facilitate the use of each site;

(4) initiating, organizing and conducting elementary and secondary teacher training workshops to enhance the use of the natural environment as a teaching resource;

(5) providing inservice training of Department of the Interior personnel in establishing and understanding teacher workshops and in the techniques of encouraging greater community involvement at the site; and

(6) providing federal assistance to the States in the development of environmental study areas on State and local lands.

POLICY GUIDELINES

SEC. 4. Criteria for the location of environmental study areas shall be—

(a) availability to population centers and readily accessable to elementary and secondary school systems;

(b) development of sites along shorelines of lakes, rivers and oceans, where air, water and land interact;

(c) selection of areas that offer the widest possible variety of environmental experiences to the persons using the sites; and

(d) such other matters as the Secretary of the Interior deems appropriate.

TECHNICAL ASSISTANCE

SEC. 5. The Secretary of the Interior shall render technical assistance to State and local government agencies and with Federal departments and agencies with relevant expertise and land resources to participate in environmental study area site selection and development.

AUTHORIZATION

SEC. 6. There is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972, $4,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for the fiscal year ending June 30, 1974, for carrying out the purposes of this Act.

S. 808—INTRODUCTION OF A BILL TO AMEND THE FEDERAL HAZARDOUS SUBSTANCES ACT

Mr. HART. Mr. President, the battle to regulate pesticides properly is one of the most important in man's efforts to maintain a decent and habitable place in which to live. The authority to permit the use of a pesticide is an awesome power indeed. The tremendous impact that an individual pesticide may have upon the environment dictates that the utmost care be taken in deciding which pesticides will or will not be approved for use.

Yet events over the past years have shown the regulation of pesticides in this country to be decidedly inadequate. Contamination of food with pesticide residues has become so prevalent that today it is nearly impossible to eat any food without ingesting some quantity of DDT. Hearings of the Subcommittee on the Environment of the Senate Commerce Committee last year revealed that 2,4,5-T, a compound in the use for over two decades, causes birth defects in test animals. Subcommittee hearings have also established that mercury fungicides for years have released significant amounts of toxic contaminants into the environment. The list goes on, demonstrating again and again that enough attention has not been paid to the environmental damage certain pesticides may cause.

In the last session of Congress, I introduced S. 3866 to strengthen Federal pesticide controls. That legislation, as originally drafted, would have conferred on the Secretary of Health, Education, and Welfare authority to ban dangerous pesticides. The theory behind that provision was that the protection of public health and safety must be a primary objective of any pesticide regulatory scheme and that health spokesmen must have an adequate voice in the process to keep that objective paramount.

Shortly after S. 3866 was introduced, however, the administration announced plans to create the Environmental Protection Agency. As now constituted, the EPA contains those elements of HEW which were concerned primarily with the public health aspects of pesticide registrations. I am confident that these voices will be heard and that appropriate consideration will be given by EPA to the public health and environmental effects of pesticides use. The additional authority originally proposed for HEW thus now appears to be unneeded.

In addition to that authority, S. 3866 provided for several other safeguards from the hazards of pesticides. These safeguards form the basis for the bill I introduce today. They include:

First. Provisions setting down criteria for the banning of dangerous pesticides;

Second. A prohibition of the misuse of pesticides; and

Third. A prohibition of the sale of a banned pesticide.

In addition, the bill provides for citizen action to enforce the prohibitions against pesticide misuse and the sale of banned pesticides. This provision, it is hoped, will both enhance enforcement and impose a cost to the violator that will in some way compensate for future as yet unmeasured damage.

I introduce the bill for appropriate reference, and ask unanimous consent that it be printed in full in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 808) to amend the Federal Hazardous Substances Act to provide for more effective protection against the hazards caused by economic poisons; introduced by Mr. Hart, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(f)(2) of the Federal Hazardous Substances Act is amended by striking out the word "The" and inserting in lieu thereof "Except as otherwise provided in this Act, the".

(b) Section 2(q)(1) of such Act is amended by striking out "or (B)" and inserting in lieu thereof the following: "(B) any economic poison which the Administrator by regulation classifies as a 'banned hazardous substance', and the Administrator shall so classify an economic poison (i) whenever there is a reasonable doubt as to the safety of the economic poison for humans or the environment and there are less serious doubts as to the safety of any reasonable alternative to such poison or (ii) whenever the protection of humans or the environment otherwise requires; or (C)".

(c) Section 2(q)(2) of such Act is amended by inserting "or clause (C)" immediately after the words "clause (B)", and by inserting after the words "*Provided,* That" the following: "(A) if the Administrator finds that the use of any economic system presents an imminent hazard to the public health, he may by order published in the Federal Register give notice of such finding and thereupon such poison shall be deemed to be a 'banned hazardous substance' pending the completion of proceedings relating to the issuance of such regulation, and (B)".

(d) Section 2 of such Act is further amended by inserting at the end thereof the following:

"(r) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(s) The term 'economic poison' means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Administrator shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

"(t) The term 'imminent hazard' means any hazard or potential hazard referred to in paragraph (q) of this section which, if it damages human beings or the environment, is likely to do so prior to the time normally required to carry out the procedures under subparagraph (2) of that paragraph."

Sec. 2. Section 4 of the Federal Hazardous Substances Act is amended by adding at the end thereof the following new subsections:

"(i) The use by any person of an economic poison in a manner that is prohibited by the express terms on the label of such poison.

"(j) The sale or offer for sale of any economic poison which has been designated a 'banned hazardous substance' and which has moved in interstate commerce."

Sec. 3. (a) Subsection 5(a) of the Federal Hazardous Substances Act is amended by inserting the words ", except subsections (i) and (j)" immediately after the words "section 4".

(b) Section 5 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any person who violates the provisions of subsection (i) or (j) of section 4 of this Act shall be subject to a penalty not exceeding $2500 nor less than $100 or to imprisonment for not less than ten days nor more than six months, or both, in the discretion of the court. For purposes of the preceeding sentence, each day of any continuous prohibited activity shall be considered a separate violation. One half of said penalty shall be paid to the person or persons giving information leading to the imposition of said penalty. Any such person may sue any person subject to said penalty for recovery of that portion of the penalty to which he is entitled. Court costs and legal fees may be apportioned to the parties if the interests of justice require such apportionment."

Sec. 4. Section 17(a) of the Hazardous Substances Act is amended to read as follows:

"Sec. 17(a) Nothing in this Act shall be construed to modify or affect the provisions of the Flammable Fabrics Act, as amended (15 U.S.C. 1191–1200), or any regulations promulgated thereunder; or of chapter 39, title 18, United States Code, as amended (18 U.S.C. 831 et seq.), or any regulations promulgated thereunder or under sections 204(a)(2) and 204(a)(3) of the Interstate Commerce Act, as amended (relating to the transportation of dangerous substances and explosives by surface carriers); or of section 1716, title 18, United States Code, or any regulations promulgated thereunder (relating to mailing of dangerous substances); or of section 902 or regulations promulgated under section 601 of the Federal Aviation Act of 1958 (relating to transportation of dangerous substances and explosives in aircraft); or of the Federal Food, Drug, and Cosmetic Act; or of the Public Health Service Act; or of the Dangerous Drug Act for the District of Columbia (70 Stat. 612), or the Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906 (34 Stat. 175), as amended; or of any other Act of Congres, except as specified in section 18."

Sec. 5. This Act may be cited as the "Federal Hazardous Substances Amendment of 1971".

S. 809—INTRODUCTION OF A BILL RELATING TO TAX DEDUCTION FOR THE HANDICAPPED

Mr. JAVITS. Mr. President, I introduce a bill to provide the disabled for the current year an income tax deduction of up to $650 to cover transportation to and from work and to allow them the same additional $650 income tax deduction as is now given the blind. This amount would increase as the personal deduction sum increases, as provided in the Tax Reform Act of 1970.

This measure is a companion bill to H.R. 424 introduced on January 22 by the distinguished chairman of the Ways and Means Committee of the House of Representatives, Hon. Wilbur Mills, and is a successor of the legislation I first introduced in February 1950 in the 81st Congress, as a Member then of the House.

This bill is, in part, similar to the amendment to the Tax Reform Act of 1969 which was sponsored by the distinguished Senator from Arizona (Mr. Fannin) of which I was a cosponsor. That amendment, which was approved by the Senate on December 4, 1969, provided for a tax deduction of up to $600 to the handicapped for transportation. Unfortunately, the provision was lost in conference.

Our handicapped citizens are capable of being productive workers, contributing to the Nation's economy instead of being dependent upon it. But their disabilities impose upon them additional expenses in pursuit of their livelihoods which are not fully deductible, such as special orthopedic devices, extra travel costs because they are unable to utilize routine methods of transportation, expensive additions to shop or home to facilitate their movements, special prosthetic devices, higher insurance costs, and the costs of hiring help to perform the simple tasks which the nonhandicapped perform for themselves. In addition, rising costs are particularly burdensome.

What we will be doing through this legislation is helping these people to help themselves and aiding them to achieve some personal independence from institutions, from overburdened families, and from local and State governments.

Hundreds of thousands of Americans have endeavored valiantly to transform their physical handicaps from stumbling blocks to building blocks. They wish to use their crutches to move on, not to lean on. This legislation will help them to do just that. It is as practical in economic terms as it is humanitarian. It is, in effect, a practical bill to benefit those who have no alternative than to be practical.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 809) to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled, introduced by Mr. Javits, was received, read twice by its title, and referred to the Committee on Finance.

S. 810—INTRODUCTION OF A BILL RELATING TO DISTRICT OF COLUMBIA ELECTION LAW REFORM

Mr. McGOVERN. Mr. President, I introduce, for appropriate reference, a bill to amend the election laws of the District of Columbia. Representative DON FRASER, of Minnesota is sponsoring a similar proposal in the House.

The bill would adopt the results of a careful study of the District election laws by the Democratic Central Committee. It encompasses a broad range of reforms designed to open the processes of government to every voter.

I ask unanimous consent that the text of the bill, along with a brief summary of its provisions, be included at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the RECORD.

The bill (S. 810) to amend the District of Columbia Election Act, and for other purposes, introduced by Mr. McGOVERN, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

S. 810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended (A) by inserting "(a)" immediately after "That", (B) by striking out in clause (3) thereof the words "at large", (C) by striking out in clause (2) thereof the final "and", (D) by redesignating clause (3) as clause (4), (E) by adding a new clause (3) as follows:

"(3) Alternates to the officials referred to in clauses (1) and (2) above, where permitted by political party rules; and".

and, (F) by adding at the end thereof the following new subsection:

"(b) Candidates for office participating in an election of the officials referred to in clauses (2) and (3), or designated pursuant to clause (4), of subsection (a) of this section may be elected or designated, as the case may be, at large or by precinct or ward."

(2) Paragraph (2) of section 2 of such Act is amended to read as follows:

"(2) The term 'qualified elector' means a citizen of the United States (A) who does not claim voting residence or right to vote in any State or territory; and who, for the purpose of voting in an election under this Act, has resided or has been domiciled in the District continuously since the beginning of the thirty-day period ending on the day of such election; (B) who is, or will be on the day of the next election, eighteen years old; (C) who has never been convicted of a felony in the United States, or if he has been so convicted, has been pardoned or is no longer subject to the jurisdiction of any court with respect thereo; and (D) who is not mentally incompetent as adjudged by a court of competent jurisdiction."

(3) Section 5(a)(2) of such Act is amended by inserting immediately before the semicolon a comma and the following: "including referendums and advisory elections, approved by majority vote of the City Council, as part of any regular election".

(4) Section 5 of such Act is amended (1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and (2) by adding after subsection (a) the following:

"(b)(1) The Board shall, on the first Tuesday in May of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President.

"(2) No person shall participate as a candidate in such primary unless there shall have been filed with the Board a petition on behalf of his candidacy signed by at least one thousand citizens of the District of Columbia who are registered under section 7 of this Act, and of the same political party as the nominee.

"(3) Whenever the Board shall receive a petition which appears to qualify the name of a candidate for President, it shall forthwith in writing notify the prospective candidate of such petition and shall advise him that, unless, within ten days after receipt of such notice, he requests the Board to withdraw his name from the ballot, his name shall appear on the ballot of his party in such presidential preference primary.

"(4) No voter in any such primary election may cast a ballot for more than one candidate for nomination for President.

"(5) The Board shall ascertain and announce the number of votes cast in such primary elections within the District of Columbia for each candidate for each political party for nomination for President.

"(6) The delegates and alternate delegates, of each political party within the District of Columbia to the national convention of that party convened for the nomination of the candidate of that political party for President, elected in accordance with this Act, shall, on the first and second ballot cast at that convention for nominees for President, be obligated to vote for the candidate for nomination who received at least a plurality of the votes cast in such presidential preference primary for all such candidates of that party for President, but on subsequent ballots so cast each such delegate shall be free to cast his ballots in his discretion without restriction.

"(7) The Board shall by regulation specify the time within which the petitions referred to in clause (2) of this subsection shall be filed, and such other details necessary and proper to educate the purposes and provisions of this subsection."

(5) Subsection (d) of section 7 of such Act is amended by adding after clause (2) the following:

"(3) The Board shall employ at least one citizen as registrar in each precinct who shall be paid a reasonable amount, established by the Board, per voter registered.

"(4) Registration shall be permitted in every police and fire station within the District of Columbia."

(6) Subsection (a) of section 8 of such Act is amended (A) by striking out "and (2)," and inserting in lieu thereof ", (2), and (3)", and (B) by striking clause (4) and inserting in lieu thereof "clause (3)".

(7) Subsection (b) of section 8 of such Act is amended by striking out "three-year" and inserting in lieu thereof "ninety-day".

(8) Subsection (c) of section 8 is amended by (A) amending clause (1) to read:

"(1) to vote, in any election of officials referred to in clauses (1), (2), and (3) of the first section of this Act and of officials designated pursuant to clause (4) of such section, separately or by slates, for the candidates duly qualified and nominated under subsections (a) and (b) of this section, for election to each such office, group of offices, or all offices by such party".

(B) by redesignating clause (2) as clause (3); and (C) by adding after clause (1) the following:

"(2) to be informed by appropriate designation on the ballot which candidates are running together and which candidate, if any, in the presidential preference primary election they support; and".

(9) Subsection (i) of section 8 of such Act is amended to read as follows:

"(o) Each candidate in a general election for members of the Board of Educaion shall be nominated for such office by a petition (A) filed with the Board not later than forty-five days before the date of such general election; and (B) signed by at least two hundred and fifty persons who are duly registered under section 7 of this Act in the ward from which the candidate seeks election, or in the case of a candidate running at large, signed by at least fifty persons in each ward of the District who are duly registered in such ward, and such additional number of persons duly registered under section 7 of this Act, without regard to ward, as may be necesary for such petition to contain not less than one thousand persons. A nominating petition for a candidate in a general election for members of the Board of Education may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. In a general election for members of the Board of Education, the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to such office from such ward, and to vote for as many candidates duly nominated for election at large to such office as there are Board of Education members to be elected at large in such election."

(10) Section 9(c) is amended to read as follows:

"Any candidate or group of candidates may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places and at the place where the vote is counted for the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and if necessary to prevent the conduct of such election from being unreasonably obstructed, to limit the number of watchers. Such rules and regulations should provide fair opportunity for watchers for all candidates or groups of candidates to challenge prospective voters whom the watchers believe to be unqualified to vote, to challenge mistakes in the vote count, and otherwise to observe the conduct of the election at the polling places and the counting of votes.

(11) Section 10(a)(1) of this Act is amended to read as follows:

"(a)(1) The elections of the officials referred to in clauses (1), (2), and (3) of the first section and of officials designated pursuant to clause (4) of such section and the primary under section 5(b) of this Act shall be held on the first Tuesday in May of each presidential election year."

(12) Section 10(a)(7)(A) of such Act is amended by deleting "a majority" and inserting in lieu thereof "at least 40 per centum".

(13) Section 11(a) of such Act is amended by inserting immediately before the last sentence thereof, the following new sentence: "In no case, however, shall the petitioner be required to pay the cost of any recount in any such election if the difference in the number of votes received by the petitioner in connection with any office and the number of votes received by the person certified as having been elected to that office is either less than 2 per centum, or one hundred votes."

(14) Section 13(b) is amended by striking "or" immediately before "delegate" and inserting "or alternate," immediately after "delegate."

(15) Section 13(d) is amended by striking "or" immediately before "delegate" and inserting ", or alternate" immediately after "delegate".

(16) Subsection (e) of section 13 of such Act is amended to read as follows:

"(e) (1) In any election held in the District of Columbia with respect to any office referred to in the first section of this Act or with respect to a primary under section 5(b) of this Act, each candidate for election, and the treasurer of each independent or party committee, shall file with the Board of Elections, not less than three nor more than five days before, and also within thirty days after, the date on which such primary or general election is to be held, an itemized statement, complete as of the day next preceding the date of filing, setting forth—

"(A) a correct and itemized account of each contribution received by such candidate or committee, or by any person for such candidate or committee with his or its knowledge or consent, from any source, for use in connection with such election, together with the name of the actual contributor;

"(B) a correct and itemized account of each expenditure made by such candidate or committee or by any person for such candidate or committee, with his or its knowledge or consent, in connection with such election, together with the name and address of the person to whom such expenditure was made, the date of such expenditure, and the purpose for which it was made; and

"(C) a correct and itemized account of any unpaid debts and obligations incurred by such candidate or committee with respect to such election, and the balance, if any, of such contributions remaining in the candidate or committee's hands.

"(2) A statement required by this subsection to be filed by a candidate or the treasurer of an independent or party committee shall be signed by the candidate or the treasurer of such committee, as the case may be, and shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths. Such statement shall be deemed properly filed when deposited at the Board of Elections within the prescribed time. Such statement shall be preserved by the Board of Elections for a period of two years from the date of filing, shall constitute a part of the public records of such Board, and shall be open to public inspection.

"(3) In any case in which a candidate willfully fails to timely file a statement required under this section to be filed prior to such election, the Board of Elections shall immediately disqualify such candidate from participating therein as a candidate and his nomination shall be deemed withdrawn. No candidate for election to any such office or participation in such primary shall be certified as having been elected to that office, or as a winner of any primary held pursuant to section 5(b) until all statements required to be filed by such candidate pursuant to this section have been filed. Any candidate or other person who willfully violates this section shall be subject to imprisonment for thirty days or a fine of $5,000, or both."

SEC. 2. Title VI of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1567—47-1657e) is amended by adding at the end thereof the following new section:

"SEC. 7. (a) CREDIT FOR CAMPAIGN CONTRIBUTIONS.—For the purpose of encouraging residents of the District to participate in the election process in the District, there shall be allowed to an individual a credit against the tax (if any) imposed by this article in an amount equal to 50 per centum of any campaign contributions made to any candidate for election to any office referred to in the first section of the District of Columbia Election Act, but in no event shall such credit exceed the amount of twenty dollars.

"(b) If the amount of credit allowed an individual by subsection (a) for a taxable year exceeds the amount of tax (computed without regard to such subsection but after allowance of any other credit allowable under this article) imposed under this article on such individual for such taxable year, a refund shall be allowed such individual to the extent that such credit exceeds the amount of such tax.

"(c) (1) A husband and wife filing separate returns for a taxable year for which a joint return could have been made by them may claim between them only the total credit (or refund) to which they would have been entitled under this section had a joint return been filed.

"(2) No individual for whom a personal exemption was allowed on another individual's return shall be entitled to a credit (or refund) under this section.".

(b) The table of contents of such article is amended by adding at the end of the part of such table relating to title VI the following:

"SEC. 7. Credit for campaign contributions.".

SEC. 3. Paragraphs (1), (2), and (3) of subsection (c) of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31-101(c)), are amended to read as follows:

"(1) Each member of the Board of Education elected from a ward shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the school election ward from which he seeks election, (B) have, for the ninety-day period immediately preceding his nomination, resided in the school election ward from which he is nominated, and (C) have, during the ninety-day period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(2) Each member of the Board of Education elected at large shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the District of Columbia, and (B) have, during the ninety-day period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(3) No individual may hold the office of member of the Board of Education and (A) hold another elective office other than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or (B) also be an officer or employee of the District of Columbia government or of the Board of Education. A member will forfeit his office upon failure to maintain the qualifications required by this paragraph.".

SEC. 4. (a) Section 10(a) (3) of the District of Columbia Election Act is amended by deleting "odd-numbered" and inserting in lieu thereof "even-numbered".

(b) Notwithstanding the provisions of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31-101), the term of office of each member of the District of Columbia Board of Education holding such office on the date of the enactment of this Act is hereby extended by one year.

SEC. 5. The provisions of this Act and the amendments made thereby shall take effect as of January 1, 1972.

The summary, presented by Mr. McGOVERN, is as follows:

SUMMARY OF PROVISIONS: AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION LAWS SPONSORED BY SENATOR GEORGE MCGOVERN AND CONGRESSMAN DON FRASER

I. ELIGIBILITY TO VOTE AND HOLD OFFICE, REGISTRATION

Voting age would be reduced to 18. This provision would automatically lower to 18 the minimum age requirement for holding political party or school board offices.

The residency requirement to vote would be reduced to 30 days. Residency for membership on the School Board would be 90 days.

While members of the Board of Education would not be allowed to hold other elective or appointive D.C. office, candidates for the Board could hold such other office and would not be required to resign until elected.

Convicted felons who have either been pardoned or paid the full penalty for their crime would be eligible to vote.

The Board of Elections would be required to employ at least one registrar in each precinct, and to permit voter registration at all police and fire stations in the District throughout the year.

II. NOMINATIONS

Filing fees for candidates for office in the District of Columbia would be abolished.

Nominating petitions for Board of Education candidates running at large in the District would be required to include a minimum of 50 signatures per ward (instead of the present 125) among the 1,000 signature total.

III. PARTY PRIMARIES

The Board of Elections would conduct a presidential preference primary on the first Tuesday of May of each presidential election year. Nominating petitions would be required to include at least 1,000 signatures of electors of the same political party as the nominee, who would then be listed on the ballot unless he withdrew within ten days after being notified that petitions had been filed.

Election of party officers would take place on the same day. Parties would be allowed to elect delegates, alternate delegates, central committee members and other party officials from precincts or wards instead of at large.

Delegates and alternate delegates to national nominating conventions would be elected in the same fashion. The ballot would include specification of the presidential candidate they support, if any, and would list delegates and alternates by slates.

Delegates and alternates would be bound for at least two convention ballots, or until released, to support the candidate who received at least a plurality of the vote in the primary.

IV. CAMPAIGN FINANCING

The District of Columbia tax laws would be amended to provide a 50 percent tax credit of up to $20 for contributions to candidates for office in the District.

Candidates for office in the District would be required to file with the Board of Elections, both between three and five days before and within thirty days after the election, a list of all financial contributions received by them or by committees on their behalf, all campaign-related expenditures and their purpose, all unpaid debts and obligations, and the amount of contributed funds remaining unexpended. Failure to file prior to the election would automatically disqualify the candidate, and no winning candidate could be certified until all statements were filed. Willful violation would subject the offender to imprisonment for up to thirty days and/or a fine of up to five thousand dollars.

V. VOTE COUNT

In elections for the Board of Education, runoffs would be held only if no candidate received at least 40 percent of the total vote.

Candidates would be entitled to a recount wthout charge to them if the margin were less than 2 percent of the total vote or less than 100 votes.

Candidates or groups of candidates would be allowed to obtain authorized credentials to witness the voting and vote count, with full opportunity to challenge potential fraud and mistakes.

VI. REFERENDA AND ADVISORY ELECTIONS

The Board of Elections would be specifically authorized to hold referenda and advisory elections as part of any regular election.

VII. DATES OF ELECTIONS

School Board elections would be held in even numbered years as part of presidential and delegate elections. Terms of present Board members would, accordingly, be extended one year.

S. 832—INTRODUCTION OF A BILL RELATING TO EMERGENCY LABOR DISPUTES

Mr. WILLIAMS. Mr. President, I introduce for appropriate reference a bill to provide more effective means for protecting the public interest in those labor disputes which are subject to the Railway Labor Act. This bill will provide the Congress with an additional approach to consider with respect to the problem of emergency labor disputes, along with those alternative approaches which have recently been offered by Senator GRIFFIN on behalf of the administration and by Senator JAVITS.

The bill I introduce today is intended in particular to restore to the railroad industry a measure of free collective bargaining and to provide a means whereby labor-management confrontations in this industry may be reduced to less drastic dimensions.

As we have seen all too often in recent years there has been an unfortunate tendency for labor disputes in the railroad industry to become nationwide confrontations, threatening a shutdown of the entire rail network at one time. In the ensuing crises Congress has all too often been called upon to devise some means for prohibiting a strike, a result that I believe all of my colleagues will agree is most unsatisfactory.

A basic element in this situation has been a series of court decisions which have ruled that once bargaining for new contracts has been commenced on a nationwide basis it thereafter constitutes a violation of the Railway Labor Act for a union to strike against individual railroads, even though the union's contracts are with the individual railroads. Injunctions issued by the courts on the basis of such rulings have forced the railroad unions to choose between striking all railroads or not striking at all. And since as a final recourse Congress has regularly intervened to prohibit nationwide strikes, the practical fact is that railroad workers unlike all other workers in private employment are essentially deprived of any real right to strike.

The bill I now introduce is intended to meet this problem by amending the Railway Labor Act to make clear that a union may strike less than all of the railroads so long as it does not strike more than three carriers in any one of the eastern, western, or southeastern regions, with certain additional restrictions on the amount of service that may be struck in any one such region. With nonstruck carriers being precluded from initiating a lockout, any strike in the railroad industry could be kept limited in scope and not inevitably expanded to nationwide proportions. Thus some degree of the free collective bargaining pressure normally found in other industries would be restored in this industry.

Even on those carriers that are struck the bill provides for safeguarding the public interest by giving authority to the Secretary of Transportation, after consulting with the Secretary of Defense and the Secretary of Labor, to direct any such carrier and striking unions to provide services which are essential to the national health or safety. Such services could include, but are not limited to, transportation of defense materials, coal for generation of electricity, and the continued operation of passenger trains including commuter service.

I believe that this bill which has the backing of the AFL–CIO and its member unions, including the railroad unions, could provide a reasonable basis for reducing the crisis proportions of many of the labor-management impasses we have seen in the railroad industry. It represents an approach which I believe is well worth considering along with other approaches which have so far been offered. I also wish to invite other Senators to submit any such proposals that they may have and, as chairman of the Committee on Labor and Public Welfare and of the Labor Subcommittee, announce that I expect to begin hearings sometime in March to consider in depth all such proposals.

The suggestion has been made in some quarters that permanent legislation to deal with emergency disputes should be acted on quickly so that it will be available in the event there is a strike on March 1 in the current rail dispute.

However, as the Secretary of Labor has recently pointed out, this cannot possibly be done. It is wholly unrealistic to expect that we can permanently resolve in such a short time a problem which for so many years has defied all attempts to find a solution that would be supported by a reasonable consensus of informed opinion.

I am pleased to note that the carriers have now arrived at tentative settlements with three of the unions in the present dispute and I am most hopeful that voluntary settlement with the fourth union will be reached as well. The prospects of congressional willingness to intervene, or the results to be anticipated if it does intervene, are so uncertain that no party to the current dispute should assume that it can afford not to seek out every possible basis for voluntary settlement.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 832) to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes and for other purposes introduced by Mr. WILLIAMS (for himself and Mr. KENNEDY), was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF BILLS

S. 509

At the request of the Senator from Minnesota (Mr. MONDALE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 509, the International Opium Control Act.

S. 576

At the request of the Senator from Texas (Mr. TOWER), the Senator from Alaska (Mr. STEVENS), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. INOUYE), the Senator from Illinois (Mr. PERCY), the Senator from Kansas (Mr. DOLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from New Hampshire (Mr. COTTON), the Senator from North Dakota (Mr. YOUNG), the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Carolina (Mr. THURMOND), the Senator from Vermont (Mr. PROUTY), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 576, to provide tax incentives to encourage physicians to practice medicine in physician shortage areas.

S. 637

At the request of the Senator from Texas (Mr. TOWER), the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. DOLE), the Senator from Mississippi (Mr. EASTLAND), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 637, to de-regulate the price of natural gas.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 5

At the request of the Senator from Massachusetts (Mr. BROOKE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Wyoming (Mr. HANSEN), and the Senator from Iowa (Mr. MILLER) were added as cosponsors of Senate Joint Resolution 5, designating January 15 of each year as "Martin Luther King Day."

SENATE JOINT RESOLUTION 32

At the request of the Senator from Tennessee (Mr. BAKER), the Senator from Alabama (Mr. ALLEN), the Senator from Virginia (Mr. BYRD), the Senator from Oklahoma (Mr. BELLMON), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. DOLE), the Senator from Montana (Mr. MANSFIELD) and the Senator from Mississippi (Mr. STENNIS) were added as cosponsors of Senate Joint Resolution 32, proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 45

At the request of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from North Dakota (Mr. BURDICK), the Senator from New Jersey (Mr. CASE), the Senator from New Hampshire (Mr. COTTON), the Senator from California (Mr. CRANSTON), the Senator from Kansas (Mr. DOLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. FANNIN), the Senator from Idaho (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Alaska (Mr. STEVENS), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Resolution 45, to authorize the Committee on Interior and Insular Affairs to make a study of national fuels and energy policy.

NOTICE OF CANCELLATION OF HEARINGS ON FARM HOUSING PROGRAMS

Mr. SPARKMAN. Mr. President, on February 10 I announced that the Subcommittee on Housing and Urban Affairs, of which I am chairman, would hold a 1-day hearing on March 2, 1971, on the farm housing programs. The main purpose of the hearing was to receive testimony on the proposed cutback by the administration of the $1.5 billion budgeted for farm housing programs during fiscal year 1971.

I should like to announce that the subcommittee has canceled this hearing set for March 2 as a result of the administration's announcement on February 11 that the one-half billion dollars in badly needed funds is being restored. I am pleased that the President has responded promptly to the committee's announced intention of showing clearly the great need for full funding of this outstanding program and immediately restored the funds. Restoration of the 1971 funding could mean almost 50,000 more houses for farm and rural families in the United States this year. I hope in light of the great need to increase housing and bolster employment in our rural areas, that the administration will follow through on its budget pledge to increase rural housing programs by an additional $600 million next year.

FEBRUARY 17 HEARING CANCELED; NEW HEARING SCHEDULED FOR FEBRUARY 18, 1971, ON ALASKA NATIVE LAND CLAIMS SETTLEMENT LEGISLATION

Mr. JACKSON. Mr. President, a scheduling problem has necessitated a change in the hearings previously scheduled for February 17, 1971, before the Senate Interior and Insular Affairs Committee on legislation relating to the settlement of the Alaska native land claims. The hearings have been rescheduled for February 18 and will begin at 10 a.m. in room 3110 of the New Senate Office Building.

Witnesses testifying before the committee will include Gov. William Egan of Alaska, Secretary of the Interior Rogers C. B. Morton, and representatives of the Alaska Federation of Natives. The committee will receive and print as a part of the hearing record statements which other persons or organizations may care to make.

NOTICE OF FIELD HEARINGS OF THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE. Mr. President, in accordance with the requirements of section 111(a) of the Legislative Reorganization Act of 1970, I announce that the Select Committee on Equal Educational Opportunity will hold field hearings during the first week in March as follows: Tuesday, March 2, and Wednesday, March 3, Portland, Oreg.; Thursday, March 4, Berkeley, Calif.; Friday, March 5, San Francisco, Calif.

These hearings will examine the efforts of school districts in California and Oregon to eliminate racial isolation and provide equal educational opportunity and related problems.

NOTICE OF HEARINGS ON EXPORT-IMPORT BANK ACT

Mr. SPARKMAN. Mr. President, on February 9, 1971, I announced that hearings would be held on March 22 and 23 before the Banking, Housing and Urban Affairs Committee in order to receive testimony on S. 19 and S. 581, bills to amend the Export-Import Bank Act of 1945.

Mr. President, I would now like to announce a change in that schedule. Hearings will be held by the International Finance Subcommittee of the Banking, Housing and Urban Affairs Committee to receive testimony on S. 19 and S. 581 on March 8, 9, and 11. All persons interested in testifying on these bills should contact Mr. Dudley L. O'Neal, Jr., staff director and general counsel, or Mr. Hugh Smith, Jr., assistant counsel, Senate Committee on Banking, Housing and Urban Affairs, 5300 Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

ADDITIONAL STATEMENTS

REVENUE SHARING—SPEECHES BY SENATOR COOK

Mr. BAKER. Mr. President, on February 9 I had the privilege of introducing on behalf of myself and 37 other Senators S. 680, embodying the general purpose revenue sharing proposal of the Nixon administration. I am delighted that the distinguished junior Senator from Kentucky (Mr. COOK) is among the cosponsors of the measure.

Senator COOK has recently made two characteristically fine speeches in his home State, each of which deals in whole or in part with the subject of revenue sharing. It is clear from these speeches that Senator COOK will be among the most articulate and persuasive of the proponents of revenue sharing. Because I know that Senators will be interested in these two speeches, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR COOK, PADUCAH, KY., FEBRUARY 10, 1971

Woodrow Wilson once said:

"We stand in the presence of a revolution—not a bloody revolution: America is not given to the spilling of blood—but a silent revolution, whereby America will insist upon recovering in practice those ideals which she has always professed . . ."

These words are perhaps more significant today than they were to America in 1912.

President Nixon recognized this situation, and outlined in his State of the Union Message, a dramatic proposal to reverse the trend toward centralized government. This proposal is a plan for sharing federal tax revenues with state and local governments.

The President referred to the need for such a program in a recent message to the Congress of the United States. He said that state and local officials, possessing the talent and ambition to help in solving the problems of their people, have been frustrated by lack of resources, and have been forced to rely on the Federal Bureaucracy for grants which are not always available.

A few statistics will dramatically illustrate the crisis in our State and local governments.

A financial squeeze has developed in State and local governments, as demands for more and better services have outpaced the resources needed to supply them. From 1948 to 1969, total expenditures by State and local governments have increased from $21 billion to $119 billion while total revenues rose from $20 billion to only $98 billion.

Faced by mounting deficits, the States and localities have been forced to incur a burdensome debt which has increased over 600% in the last twenty years from $20 billion to over $140 billion.

The President has referred to this critical situation as a "fiscal mismatch," in which needs grow fastest at the State and local level, while revenues grow fastest at the Federal level.

Further complicating the problem has been and "efficiency mismatch," in which revenues are most efficiently collected at the federal level, but more efficiently employed at the State and local levels.

The President's revenue sharing proposal is a momentous attempt to even the sides in the fiscal struggle. It attempts to make available to the State and local governments the financial resources they require to meet the growing needs of their citizens. At the same time this program would allow the Federal Government to maintain its more efficient tax collection system.

As a growing community, Paducah faces this same financial squeeze. I am sure that your local officials and the McCracken County officials have felt this fiscal pinch, while trying to provide the best government services to their people.

Today, therefore, I would like to explain to you the concept of revenue sharing and what consequences this program would have for your community and thousands of other communities throughout the Nation.

Revenue sharing, simply stated, is a program under which the Federal Government would distribute a portion of its tax revenues to State and local governments. This distribution would be on a "no-strings" basis. In other words, the Federal Government would not specify a particular use of the funds.

Under the President's plan, $5 billion dollars would be distributed during the 1st year of the program through the general revenue sharing section. These funds could be employed at the discretion of the State and local officials subject only to certain accounting requirements. These funds would be shared almost equally between the State and local governments. The funds may be shared according to the formula prescribed in the program, or by any acceptable formula which the various States, in conjunction with their local governments, may propose as an alternative. One stipulation of the program gives the States an incentive to develop alternative plans, by increasing the funds available to those States adopting an alternative method.

In addition to those funds, the proposal would make available $11 billion under its special revenue sharing section. These funds could be used only within a number of general categories. These are: law enforcement, transportation, urban community development, rural community development, elementary and secondary education, and manpower training. Within these general categories, however, State and local officials would retain considerable flexibility as to the specific uses of the funds.

This program would have a greater impact on the operations of State and local governments than any government program in moderate history. Actually, however, to refer to revenue sharing as a Federal program is a misnomer. Revenue sharing would be a cooperative program bringing all the resources of Federal, State, county and local governments together in a momentous effort to improve the quality of life for every American. Such a program would reverse the trend of American history by returning power and dollars to the States and localities. And bringing us nearer to the original concept of federalism.

Many desirable improvements would be achieved through a revenue sharing program.

First, State and local governments would finally have resources sufficient to meet many of the needs of their citizens. This would allow State and local officials to fulfill the responsibilities that accompany their offices. Many officials have been unable to achieve noticeable progress in their communities. This has not been the result of inability or desire, but rather it has been the consequence of insufficient resources.

With the knowledge that adequate funds are available, these officials would be able to establish a sound set of priorities, and to implement systematic programs to deal with those priorities. One of the major obstacles facing State and local officials has too often been the uncertainty of available funds. Forced to rely on fluctuating revenues and the Federal grant programs, they have been unable to proceed into major programs, with the confidence that funds could be obtained to see the programs through to completion. This major obstacle would be hurdled by a revenue sharing program.

More efficient use of tax dollars would certainly be a result of such a program. It is totally illogical to contend that Washington bureaucrats are more capable of dealing with local problems than those officials who must deal with them on a day-to-day basis. The revenue sharing program, by giving State and local officials increased financial aid and discretion as to the use of that aid, would return the capacity to solve the problems of the people, to those officials closest to the problems.

Revenue sharing should also improve the quality of State and local government. Officials would be forced to account to their citizens without being able to pass-the-buck to Washington. This increased accountability would result because constituents could more reasonably demand better and expanded Government services.

Finally revenue sharing could help to restore public confidence in a Federal Government which many feel has forgotten how to govern. Such a program would indicate that the Federal Government is more concerned with improving the lives of all Americans than with centralizing all power and resources under its domain.

I do not mean to infer that the President's revenue sharing plan would be a cure-all, but it is a major step in the right direction.

The inevitable question which arises is: where is the money coming from? President Nixon has explicitly stated that no raise in federal income tax will be necessitated by the revenue sharing program. The budget for fiscal year 1972 states: "the resources for the new revenue sharing plan would come from revenues generated from the federal personal income tax base and from the conversion of a set of narrower categorical grants into the new program."

The general revenue sharing funds would be distributed on the basis of a formula which relates the population of a state and the willingness of that state to tax itself. This willingness to tax—which the proposal refers to as a state's "tax effort"—is determined by the taxes collected in relation to per capita income.

Thus there is no validity to the criticism that states would become lax about their own tax collections if the revenue sharing program were implemented. Actually the program may have an opposite effect. States may be encouraged to lower sales and property taxes, but raise income taxes, thereby increasing their portion of the revenue sharing dollars without burdening their citizens with additional costs in total tax dollars. This would be an example of the local initiative which the president's proposal is intended to promote.

I have consistently supported the concept of revenue sharing, and co-sponsored the General Reserve Sharing Act of 1971, introduced in the Senate yesterday by Senator Howard Baker of Tennessee. I believe that such a proposal would be the most efficient and economically sound program to begin to solve the myriad problems facing our State and local governments. I fear that this issue will unfortunately become a partisan one, and I would consider it a disaster if party politics becomes an obstacle to intelligent discussion and debate of this vital question.

I believe it has been clearly shown that the massive Federal bureaucracy can no longer effectively deal with State and local problems. This task must be accomplished by those most familiar with the problem. The Federal Government has for too long tried to usurp the responsibilities for local government from those whom the people directly charged with the fulfillment of those responsibilities.

Joseph Priestly once said: "If the power of government be very extensive, and the subjects of it have, consequently, little power over their own actions, that government is tyrannical and oppressive." Indeed many Americans hold this opinion. The revenue sharing proposal is a timely and vital program which could reshape our Government, resolve the fiscal crisis now facing our States and localities, and improve the quality of life for every American in every area of our Nation.

REMARKS BY SENATOR COOK, PIKEVILLE, KY., FEBRUARY 15, 1971

Joseph Priestley once wrote:

"If the power of government be very extensive, and the subjects of it have, consequently, little power over their own actions, that government is tyrannical, and oppressive . . ."

Indeed the American public has begun to feel that the Federal Government has become an oppressive institution. After decades of frustration in dealing with the massive Federal bureaucracy, State and local officials, as well as the citizens, have begun questioning whether the federal system is still capable of governing efficiently.

President Nixon recognized this mood, and described the problem in a recent message to Congress:

"Part of the genius of our American system is that we have not just one unit of government but many, not just one Chief Executive and Congress in Washington, but many chief executives and legislators in statehouses and courthouses and city halls across our land. I know these men and women well. I know that they enter office with high hopes and with sweeping aspirations. I know they have the potential to be full and effective partners in our quest for public progress.

"But once they have taken office, our leaders at the State and local level often encounter bitter disappointment. For then they discover that while the need for leadership is pressing, and their potential for leadership is great, the power to provide effective leadership is often inadequate to their responsibilities. Their dollars are not sufficient to fulfill either their dreams or their most immediate and pressing needs.

"And the situation is getting worse."

Thus the President outlined his reasons for his revolutionary revenue sharing proposal.

The revenue sharing program would have a greater direct impact on the operations of State and local governments than any Federal program in modern history.

Time magazine, on February 1, called it "a truly radical plan to reverse the history of decades by reversing some of the flow of governmental money and power—by turning it back from Washington toward the States."

The President's proposal is a momentous attempt to improve this critical situation. Through the revenue sharing system the Federal Government would make available to State and local officials resources sufficient to allow them to put their talents to work for the benefit of their citizens. The President's proposal is a major step toward achieving that goal.

Revenue sharing, simply stated, is a system under which the Federal Government would distribute a portion of its tax revenues to States and localities without specifying a particular use of the funds.

Under the President's revenue sharing proposal there would be two types of shared funds. General revenue sharing would make available to the States and localities $5 billion on a "no strings" basis. These funds, to be shared almost equally between the State and local governments, could be employed at the discretion of the State and local officials, subject only to certain accounting requirements.

The proposal also calls for $11 billion under the "special revenue sharing" section. These funds must be used for specified purposes; for example, law enforcement, education or rural development programs. Within these broad categories, however, the State and local officials have considerable flexibility as to the specific use of the funds.

From a strictly financial standpoint, revenue sharing is a dire necessity. State and local governments, faced by demands for increased services have been forced to increase local sales and property taxes to supplement regular revenues. This has not been sufficient, however, as the rise in State and local expenditures has outpaced the rise in revenues. From 1948 to 1969 total State and local expenditures rose from $21 billion to $119 billion while revenues rose from $20 billion to $98 billion. Thus most States have been forced to incur mountainous debts in order to meet their obligations. From 1948 to 1969, total State and local indebtedness has increased over 600%, from $19 billion to $135 billion.

President Nixon stated that the fiscal crisis in State and local governments has resulted in a "fiscal mismatch," in which needs grow fastest at the State and local level, while revenues grow fastest at the Federal level.

Aggravating the problem, he asserts, has been an "efficiency mismatch", whereby revenues are most effectively collected by the Federal Government, but most effectively employed by the State and local governments.

Revenue sharing would accomplish several crucial changes. First the Federal Government would return to State and local officials the power to fulfill the responsibilities that accompany their offices. With the knowledge that funds would be available, officials would be able to set some priorities for the use of the funds, rather than having to take what money would be available under the Federal Government grant programs currently existing.

Second, with increased financial resources at their disposal, the State and local governments could more ably deal with those problems that they are most familiar with. It is totally illogical to assume that Federal administrators can more effectively solve problems which they cursorily view from Washington, while local and State officials must deal with the problems on a daily basis.

Revenue sharing should also bring improved performance by State and local officials, by making them more accountable for the actions of their administrations. I am in no way inferring that increased financial aid would be a panacea. However, constituents could more logically demand better and expanded Government services from their elected officials, with the increase in State and local revenues.

Finally, a revenue sharing system would restore confidence in the Federal Government by showing the people that the Government is vitally concerned with the quality of life of every individual, and of every geographic area of America.

One major attraction of the President's proposal is that it calls for no additional Federal taxes. As I previously mentioned, it is a plan to distribute a portion of existing Federal revenues. The shares to be distributed to the States and localities would grow with the nation's income. Thus States and localities could more effectively budget their activities, knowing that a definite amount of funds would be available.

Also, under the revenue sharing formula, the proportion of funds to be distributed among the States and localities depends on their population and willingness to tax themselves. This would be determined by the taxes collected in relation to per capita income. Thus the criticism is unfounded that states would be lax about tax collections under revenue sharing.

Another major question which has arisen from the President's proposal concerns the fate of existing grant programs—programs subsidized by the Federal Government where local or State funds are matched by Federal funds.

This question is of vital concern to the citizens of Pikeville and to the entire Appalachian area. The budget for 1972, in its explanation of the revenue sharing proposal, states that the only grant programs to be maintained are those for which there is ". . . a clear, continuing national requirement."

The Appalachian Regional Commission falls into the category of some 750 Federal grant programs which must be re-assessed under the revenue sharing proposal. I, for one, believe that no Federal program has yielded greater benefits for the people within its sphere of influence, and for the Nation, than the ARC program. Since 1965, when the Congress passed the Appalachian Regional Development Act, which authorized and funded the development program, many material improvements have been achieved: Over 850 miles of Appalachian development highways have been completed or are under construction. This highway program is vital to the economic growth of the region.

Over 300 vocational and technical training centers have been funded, providing needed educational facilities for 210,000 Appalachian students.

Fifty-one new health services were inaugurated in 1970 alone, providing health service networks for thousands of Appalachian residents in need of medical care.

The Appalachian housing fund has helped to initiate the construction of over 7,000 units of low and moderate income housing.

Twenty-eight mine reclamation projects have been completed. This program constitutes the beginning of the solution of a problem peculiar to the Appalachian region.

Finally, numerous public facilities have been improved and expanded, including libraries, schools, water pollution control facilities, and airports.

The value of the Appalachian regional commission extends past the people of Appalachia. It also serves as a model for the nation, for it indicates what progress can be made through the cooperation of areas facing common problems and common needs.

During its existence, the ARC has been wholeheartedly supported by the thirty-four different Governors who have served the states involved in the Commission. Men of various political persuasions and of both parties have considered this program vital for the citizens and areas of their states which have been served by the ARC.

I have always recognized the great value of this program, and recently co-sponsored the Cooper-Randolph bill, which would extend the authorization of the ARC for another four years.

At this juncture, the status of the ARC under the President's revenue sharing proposal is uncertain. The administration has recommended an extension of the program for one year, and plans to re-assess it at that point.

To me it would be sheer folly to see this program deemphasized, when it has just begun to revitalize an area that has been too long neglected.

John B. Waters, Jr., Federal Co-chairman of the Appalachian Regional Commission, said during recent testimony before the Senate Public Works Committee:

"I can both see and feel what this program means to the people of the Appalachian region."

Certainly it must be possible to include the Appalachian Regional Commission in a revenue sharing system. The two are not incompatible. Actually the ARC is a prime example of revenue sharing. Thirteen States have shared common funds and have used them for the true betterment of all the people of Appalachia. Senator Howard Baker of Tennessee, sponsor of the revenue sharing bill in the Senate, has also expressed the opinion that the Appalachian Regional Commission could comfortably exist within the framework of a revenue sharing system.

I hope that a majority of my colleagues in the Congress will recognize the benefits of the Appalachian development program and will preserve this organization so that it may complete the miraculous work it has done.

Further, it is my hope and firm belief, that a revenue sharing system would allow all States, counties and municipalities to provide for their citizens progress similar to that accomplished by the Appalachian Commission. Indeed, this should be the major objective of any government: To provide the best possible quality of life for its citizens, for only in this manner can a government truly justify its existence.

OUR FLAG

Mr. MATHIAS. Mr. President, I have recently been contacted by two young men from Pocomoke City, Md., who inform me of a matter which I am sure will be of interest to the entire Senate.

Wayne Powell and James Layton are the operators of a teenage dance center called Transmedia. And, in an era when the patriotism of some of our youth has been questioned, these men are proudly flying the American flag over a facility which is patronized by scores of young people from the Pocomoke City area.

In their letter—with which they enclosed a snapshot of the flag flying proudly over their center—Mr. Powell and Mr. Layton were careful to explain the feelings which inspired them to fly the flag.

They wrote:

> We feel that displaying the Flag does not mean that we give blanket support to every action by our government, but it does represent a sincere respect for and dedication to the system for which it stands. I am pleased to report to you that from the comments we have received since the Flag was put up, most young people in our area feel that way, too.

Let me say that I feel that the attitude of these young men and the youth of the Pocomoke City area is deserving of our highest praise. It embodies not only the commitment to unity of purpose within our troubled country but also the spirit of responsible dissent, which is always the genesis of the creativity and progress of a free and noble nation.

PROBLEMS CONFRONTING OLDER AMERICANS

Mr. HARRIS. Mr. President, on January 13, 1971, I held an important public hearing in Ada, Okla., on the subject of the various problems confronting our older Americans. The testimony I received at that time was thoughtful and worthwhile, and I believe that Senators and relevant committees can benefit from considering it. Accordingly, I ask unanimous consent that the second portion of that testimony, which deals primarily with some of the positive programs devised for employment and creative concern for our elderly, be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

OLDER AMERICANS—II

Senator HARRIS. Next, I want to call on Mr. Dale Kirk who is Director of the Sequoyah Foster Grandparent Project. Dale, thank you for coming. We'll be glad to hear from you.

STATEMENT OF MR. DALE KIRK, DIRECTOR, SEQUOYAH FOSTER GRANDPARENT PROJECT, SALLISAW, OKLA.

Thank you, Senator Harris. It is a sincere pleasure for me to participate in these proceedings today. It is good to have the opportunity to discuss the Foster Grandparent program in a forum such as this with those people who are concerned about the needs and problems of older Americans.

I firmly believe the Foster Grandparent Program is a prime example of what local, state, and federal agencies can do to meet more of those needs.

Classes are over at Seneca Indian School and Susie Sixkiller rushes to her dormitory. Her brown eyes sparkle with happy anticipation.

As she hurries along, she notices several of her friends are scurrying after her. Her eagerness grows as she reaches the campus and as she bursts into the dormitory living room, her voice sings, "Hi, Grandma!"

The Indian child and Foster Grandmother clasp the other with outstretched arms, each giving of her love and receiving as much in return.

One Grandmother has caught the essence of this personal relationship in these simple, yet eloquent words. She writes, "Being a Foster Grandparent gives me the satisfied feeling that I am giving love and understanding where it is most needed! If, in my efforts, I can some way reach out to them and make them understand that they are important, that they are loved and wanted and have a place in this world, then I will feel my efforts have not been in vain, and I will be happy and filled with gratitude in being a Foster Grandparent . . . For it is in giving love that we receive love, and in helping others, we help ourselves."

Another Grandparent has written, "At first I thought I would just be helping the children, now I know I am helping myself, too. When those smiling eyes look at me and say, 'Love me, please!' that is just more than I can express!"

Here, in one concept was discovered a program that would benefit children in Indian schools and state homes where the staff load was such that individual attention could not possibly be provided each child, and

Secondly, here was a program that would fulfill profound social, psychological, and economic needs of older persons.

And so the concept becomes a two-way exchange, with the one complementing the other. This interaction between the old and the young, we find, is a natural phenomena.

Psychologists and sociologists have long recognized that one of the primary needs of the disadvantaged child is the need to feel loved, to feel that someone really cares about him.

Educators dealing with these special children have voiced the need for a close, personal relationship that provides the child individual attention and affection from a "giving" adult.

Now, consider the situation that older persons face at retirement age. They live in a society that emphasizes youth, and at the same time implies that aging is sad and painful, that older people, simply because they reach a certain chronological age, become useless and burdensome.

Having reared their own families and sent them out into the world, they suddenly feel alone and unwanted. Their purpose in living suddenly becomes less clear. It would be a natural expectation for health problems to increase directly as a result of these psychological conflicts in aging. So one can readily see that in this age group there is also a great need to be loved, to become involved, and to be of service to mankind.

Since our society places so much value on young people, it is evident that these needs of older persons can be fulfilled to the maximum by performing a special service to youth.

Susie Sixkiller's Foster Grandmother will be with Susie for some time this evening to give her love, affection, and personal attention because Grandmother will come to the school campus to be with her and another "granddaughter" for four hours each day, five days a week, including at some units, those wonderful week-ends.

Susie's Grandma is only one of 150 regular and alternate Foster Grandparents who provides this some individual attention to two assigned children each in four Indian boarding schools, two state homes under the Department of Public Welfare, and other special education, Head Start, and Day Care Centers in eastern Oklahoma.

The four Indian schools are Sequoyah High School (Park Hill), Eufaula Dormitory, Jones Indian Academy (Hartshorne), and Seneca Indian School (Wyandotte).

Foster Grandparent units on state campuses include Whitaker State Home for Children, Pryor, and Oklahoma Children's Center, Taft.

Work settings are also located in Delaware County Head Start Centers, Adair County Special Education Classes, and Day Care Centers at Park Hill.

Much variation is provided in this multitude of work settings. Foster Grandparents in Oklahoma have worked with boys and girls from pre-school to high school ages, Indian, black and white, the neglected and dependent, delinquents in correctional institutions, those who suffer from social, economic, and cultural deprivation, physical handicaps, and mental retardation.

Their ability to work effectively in each of these widely different areas is truly astounding, but the one singular trait that each possesses is LOVE—the heart of the FGP concept. In this modern, calculating era, LOVE is still the thread that sews the pieces together.

Foster Grandparents read to the children, walk and talk with the children, listen to their imaginative stories, their problems, learn of family ties, go fishing together after school or on Saturdays, bake cookies, work together in a garden patch, learn table manners at supper, enjoy special treats, tell stories of the past concerning Indian history, play competitive games, sing Negro spirituals in song fests, observe Indian pow-wows, watch Indian ballgames, participate in school programs depicting Indian heritage or black culture, and do homework together as long as it doesn't include modern math.

For the child, later in the evening it means help with those "necessary" baths, getting clothes ready for school tomorrow, and being tucked into bed by a loving adult who has had the time to spend at least two hours with her alone or just about however she wanted.

For this service role, Foster Grandparents receive the federal minimum wage and a transportation allowance. They must be 60 years of age or older—that is, when they begin, because as they serve as Foster Grandparents, they seem to grow younger! They must be within certain income limitations, and must enjoy working with children.

When they begin work, they have received two weeks of related training and orientation to their particular situation. Oklahoma Foster Grandparents attended a five-day training session on the campus of Northeastern State College, conducted by members of the Division of Education and Psychology.

In-Service Training is conducted regularly at the individual Foster Grandparent units and three times a year all Foster Grandparents attend a Saturday workshop (called a Refresher Course), on the Northeastern campus.

Since September, 1969, the Foster Grandparent Program has been funded and administered by the Administration on Aging, Department of Health, Education, and Welfare. In Oklahoma, the program is sponsored by the Cookson Hills Community Action Foundation, Inc.

This project presents a prime example of the cooperation possible among a rather large group of federal, state, and local organizations.

These agency/organizations include nine (9) institutional settings, five (5) consolidated community action agencies, varied special education, Head Start, and Day Care Centers in Adair, Cherokee, Delaware, and Sequoyah counties, Bureau of Indian Affairs, State Social and Rehabilitation Service, State Department of Health, and Northeastern State College, State Economic Opportunity Office, the Oklahoma Special Unit on Aging, and the Administration on Aging, Department of Health, Education, and Welfare, at both the regionally and national levels.

As the project has grown in service and stature, Foster Grandparents and their supervisors, though technically guests on campus, have been assimilated into activities, functions, and events of the local school campuses.

Many related advantages have occurred from this new partnership. One superintendent has commented that the Foster Grandparents have been one of the strongest public relations forces to come on school campuses. Because Foster Grandparents represent various communities all over eastern Oklahoma, people learn of the "lovely children," "busy activities," and "real sincerity" of the staff and administration of the respective home or school.

With their special talents, Foster Grandparents have enriched the lives of their children in unusual ways—a Foster Grandmother who is blind encourages an Indian girl to be an accomplished singer and win honors in competition; a Foster Grandfather who is a full-blood Choctaw inspires his Indian boys to sing songs in the Choctaw language; a former professional musician turned Foster Grandparent instills the love of music in the hearts of Negro boys; a Foster Grandmother who is an expert craftsman in needlework passes on to her Grandchildren sewing techniques taught her by an Indian mother; and other Foster Grandparents with special hobbies and special interests motivate and inspire their Grandchildren to pursue wide avenues of interest.

Comments made by the Foster Grandparents themselves in progress and evaluation reports provide meaningful insight and understanding about the program. Let me share with you a few of those comments:

(1) "My prayers have always been to help me that I might help others; now I feel my prayers have been answered."

(2) "I get a thrill every time a Foster Grandchild calls me 'Grandmother' and I try to live up to his expectations."

(3) "They are getting more loveable. They hug and kiss each Grandparent every evening. One little boy asked if we were coming back Saturday. We told him we would be back Monday. He said, 'I wish every day was Monday.'"

(4) "Everybody needs somebody. This Foster Grandparent Program is the most wonderful thing that has happened to us and to the children."

(5) "Being an actual Grandparent must be a very lovely and exciting experience and since I, myself, cannot hope to attain to this state in this life, I think the next best thing is to be a Foster Grandparent."

(6) "The fellowship of the Grandparents is great. We look forward to each day of getting together."

(7) "Of course the finances I have received have been most helpful, but money could not buy the satisfaction I have had in working with the children."

(8) "The children's table manners have improved. They sometimes teach us now. It is a pleasure to work with them and catch their enthusiasm."

(9) "When I awaken in the morning, I realize I have something to look forward to for that day. Not just existence, but challenge."

(10) "Children who were shy with me to begin with now bring their problems to me—just as my own children once did."

(11) "Each day I'm grateful that I'm an American and live in a wonderful country where an older person can find such a satisfying job."

(12) And this last comment that simply states, "I thank God for this job!"

Dr. Major McClure, chairman of the five-member team from Northeastern that evaluated the Foster Grandparent Project, wrote in his Supplementary Comments to the overall project evaluation, and I quote, "The sociological implications for this program on the northeastern region of Oklahoma are quite exciting. First of all, two groups—the *elderly* and the *children* in institutions and from underprivileged homes who have to this time been of concern to society as a whole—are implementing each other."

Dr. McClure stated that the far-reaching effects of this program can only be surmised, "but there is every reason to believe that the social structure of northeastern Oklahoma will be significantly improved in years to come as a result of bringing these two groups together. Disadvantaged children will grow up with a better chance of becoming mature citizens. Older persons will acquire a new purpose in life."

"The greatest benefit, however," he concluded, "is one which can never be accurately measured, and that is in terms of the alleviation of human suffering and unhappiness."

Truly, the Sequoyah Foster Grandparent Program has provided outstanding benefits for both the old and the young, but it has only scratched the surface. It has accomplished so much, yet has so much to accomplish. We must be able to do more.

In eastern Oklahoma, over 42,400 persons over 60 years of age reside in the eleven-county area encompassed by the Sequoyah Foster Grandparent Program. Of this number, over 60% fall with appropriate poverty guidelines. This means that more than 25,000 older persons in this geographic area are potentially eligible to become Foster Grandparents. Within those institutions that are currently operating with the program, over 1,200 disadvantaged children qualify for the personal care of a Foster Grandparent. At the present ratio of two (2) children per Grandparent, 600 FGP's are direly needed.

Susie Sixkiller and her "Grandma" stroll along the wooded campus at Seneca Indian School. Together, they experience the wonders of nature as they chase a butterfly, or gaze at a magnificent bird soaring in graceful flight.

They love, trust, and confide in each other—both giving of themselves and receiving as much in return.

"For it is in giving love that we receive love, and in helping others, we help ourselves!"

Supplementary Comments, First Annual Evaluation of the Sequoyah Foster Grandparent Program in Oklahoma

(By Dr. Major L. McClure)

FOREWORD

Dr. Major L. McClure, chairman of the Division of Education and Psychology, Northeastern State College, Tahlequah, Oklahoma, served as team leader of the group that conducted the first overall evaluation in April, 1968 of the Foster Grandparent Program in Oklahoma.

Other members of the evaluating team were Dr. Howard Thompson, Dr. Ross Underwood, Dr. Lloyd Slagle, and Mr. Lee K. Quiett.

For further information relating to the evaluation, contact Mr. Dale Kirk, Director, Sequoyah Foster Grandparent Program, 121½ South Oak Street, Sallisaw, Oklahoma 74955.

SUPPLEMENTARY COMMENTS ON THE FOSTER GRANDPARENTS EVALUATION OF APRIL 1968

The Foster Grandparent Program, as designed for the northeast Oklahoma area, is of interest to the staff members from Northeastern State College, Tahlequah, Oklahoma, involved in the project. Of particular interest is "How effective is the program in meeting the basic needs of the participating grandparents and the children involved"

A team of staff members from the college did obtain in April, 1968, subjective information concerning the implementation and functioning of the program. The information was obtained from the following sources:

1. Foster Grandparents.
2. Institutional Administrators and/or Teachers.
3. Director of Community Action Agency.
4. Children (Young People)
5. Parents and/or Guardians.

The information from the above sources was evaluated by members of the team. Each source of information must be evaluated in terms of our particular social structure, and in view of the values, both social and personal, advocated by individuals, in our society without regard to whether or not those values are realistic. The evaluation will be considered from the following points of view: (1) the psychological implications for the grandparent group as a whole, (2) the psychological implication for each individual grandparent, (3) the psychological implication for those children who are affected by the program, (4) the sociological implications of the entire program as it operates in northeastern Oklahoma.

(*1*) *The psychological implications for the grandparent group as a whole*

The growing maturity of our living that terminates in the phrase we term "old age" is a constant process that begins at inception and ceases only at death. A consequence of this fact is the necessity to realize that old age does not begin at any stated chronological period of life. Old age begins at birth, if not even at the moment the genes unite.

The maturing process is a continuing one throughout our entire life span, and it is a process of constant change. In man's quest to categorize, he has artificially broken the life span down into periods which he calls infancy, childhood, youth, adulthood, later maturity, and old age, purely for his own convenience. It is noteworthy, however, that these categories of convenience have no reality in human behavior. They are merely products of the human mind, and reflect its liking for pigeon holes.

Yet, if we look at the life attitudes and the behavior of our aged people in general, we discover how tragically true is the statement "What people believe to be true, is true for them." Our old people, cast in the role of dotard by a society steeped in traditional myth, accept their parts and wait in resigned apathy for the final curtain. In a very real sense, we are destroying our own society through our insistence that basic superstition be fundamental fact. We rapidly are becoming a progressively older people, and we have no choice but to make places for our oldsters if we want life, as we know it in the United States, to maintain itself.

Through our human tendency to push things to extremes, we have come to believe that as we age we become increasingly ineffective. Within our cultural myth lies the conviction that the older we get, the dumber we get. Actually, what happens to innate ability as we age is unimportant. What is important, is what we do with the innate ability that we may have. Exhaustive studies relating to the elderly in our society point dramatically to the fact that those who are engaged in doing something live longer, happier lives than those who resign themselves to the role which our culture seems to have defined for them. It, therefore, becomes imperative that our society find a way to keep our increasing number of elderly active and a part of our social structure.

Upon close investigation, it becomes apparent that our elderly do have much to offer society. If experience is the great enlarger of life, then certainly the elderly in our society have much to offer those who follow. Potentially, they are one of our greatest reservoirs, and interestingly enough, these elderly people will give happily of their time and effort on any worthwhile endeavor. This does not mean that they are unique or that they possess characteristics not found in many of the rest of us, but rather it means simply that they need to feel that they are an important contributing part of society.

The Foster Grandparent Program, as it is structured, is particularly well suited to meet this, as well as other needs, in our elderly. The benefits derived from this program go far beyond the amount of money earned. Old people need desperately to feel that they are contributing to society and that they belong to a group, a group with which they can identify. If that group to which they identify has a purpose, a goal, then belonging becomes even more important. The Foster Grandparent Program has met these needs. The training program was designed to emphasize what they had to contribute to society, to emphasize that they were a group, and to emphasize the need for their particular service.

(2) *The psychological implication for each participating grandparent*

Among our elderly there is a great need to feel loved or needed by someone. Having reared their families and sent them out into the world, they suddenly feel quite alone and useless. Their purpose in living seems suddenly to have ended. They see around them a society which emphasizes youth, a society which looks upon youth as its most prized possession, the hope of the future, and which implies at the same time that aging is sad and painful, that old people are useless and burdensome. Since the relationship between psychological and physiological health is so close, it would be a natural expectation that health problems would increase as a result of the psychological conflicts of aging.

The most common form of these health problems relates to intense preoccupation with bodily functions. Lack of motivation and decreased energy often combine to produce periods of chronic fatigue usually accompanied by irritability. Fatality may express itself in neurotic depression characterized by self-centeredness, and self-disparagement.

The increased social isolation and uncertainty that mark the lives of many elderly lead to emotional instability and anxiety. When despair and depression become too great, neurotic behavior patterns develop.

To offset these problems, the elderly need to become involved. They need personal contacts and a feeling that they have a service to offer to both particular individuals and to the society. Since our society places so much value on youth, these needs can be met to a high degree by a *service to youth.*

(3) *The psychological implication for those children who are affected by the program*

Let us now compare the needs of the economically and culturally deprived (and displaced) children found in institutions and homes throughout this area with those noted in the Foster Grandparents. Psychologists and sociologists have long recognized that one of the primary needs of the child in the institution and from culturally and economically deprived backgrounds is the need to feel loved, to feel that someone cares about him. Most institutions are inadequately staffed to give the individual attention which is so desperately needed by these children. Teachers of the very young and teachers of special education classes have voiced the need for a one-to-one relationship in at least part of these education programs.

One significant factor lacking in the environment of this type of youngster is lack of a sense of identity. Many of these children do not know their birth dates, and most have never had a birthday party. There is perhaps no single act which symbolizes identity of the child more clearly than the celebration of his birthday. This is a formal recognition of his acceptance as an individual.

Other problems arise out of the inability of many of these youngsters to communicate effectively with middle-class teachers and institutional workers. Reared in environments where cursing and open hostility are common, they feel thwarted in their attempts to express their true feelings, whether they be of love, hate, or insecurity, simply because the middle class does not understand or accept their language of communication.

Directly related to culture and institutional environment is the development of ego strength and impulse control. Children from this environment are more likely to have a poorly internalized super-ego. This will reflect in behavior which the middle class will often classify as anti-social. Stealing, lying, and giving in to sex impulses are more common with this type of individual as a direct result of the lack of super-ego development.

Many of the grandparents are also from the same or similar kinds of backgrounds as the children whom they serve. The grandparents, drawing from their backgrounds and experiences, have a great deal of insight into the problems of the children, and are able to effectively aid the children in their adjustments to society.

Those grandparents who serve specific groups of children, or who have been permanently assigned to one or two children, add to the identity adjustment and to the feeling of belongingness of the children. This, of course, aids in the child's development of a positive self-concept.

Here again, the influence of the elderly is of real value, because as they are able to meet some of the more direct needs of youngsters, they also alter the patterns of behavior and values of the youth whom they serve. As these children see certain behavior patterns are not as acceptable to the Foster Grandparent, they tend to modify their behavior, and eventually their values, primarily through fear of losing the love, attention, etc., which they so desperately need.

(4) *The sociological implications of the entire program as it operates in northeast Oklahoma*

It thus becomes apparent that the Foster Grandparents are ideally suited to meet the needs of the children described, and that in turn, these children meet basic needs in the Foster Grandparents. It was with interest that the evaluating team noted that these needs are so strong that problems relating to the "generation gap" which often makes communication with the different age groups difficult, fade to insignificance in this program. Each of the groups has shown change in general behavior as a result of the effect the other group has had upon it. Administrators note that children have fewer emotional outbursts, run away less often, cry and fuss a great deal less, are less often discipline problems, and are generally happier. On the other hand, the Foster Grandparents show a new interest in life. They eat better, dress more presentably, and show more self-assurance. They have a pride in the work they are doing and take every opportunity to talk about the children they are working with. It is also noteworthy that they have fewer personal health problems.

The sociological implications for this program on the northeastern region of Oklahoma are quite exciting. First of all, two groups—the elderly and the children in institutions and from underprivileged homes who have to this time been of concern to society as a whole—are implementing each other. The far-reaching effects of this program can only be surmised, but there is every reason to believe that the social structure of northeastern Oklahoma will be significantly improved in years to come as a result of bringing these two groups together. Deprived children will grow up with a better chance of becoming mature citizens. The elderly, because they are engaged in meaningful work, will in the long run be less of a burden to society as a whole. The greatest benefit, however, is one which can never be accurately measured, and that is in terms of the alleviation of human suffering and unhappiness.

As the number of displaced children increases in relation to the rates of divorce and broken marriages, and as the number of elderly in our society increases, the implication of the future of the program becomes critical.

No single federal program instigated in the past 50 years has so much potential for alleviating the social problems of so many individuals at so little cost to society.

TESTIMONY RESUMED

Mr. Kirk. Senator Harris, we have taken the liberty of bringing four of our Foster Grandparents with us and we would like to have them say something.

Senator Harris. I'd like to hear from them. I think the Foster Grandparent program is a wonderful program. The only thing wrong with it is that there just is not more of it. I want to work to expand it everywhere I can.

Mr. Kirk. The lovely lady here in the front row is Mrs. Lillie Springs who is the senior member in age but one of the youngest in spirit. She's 87 from Muskogee. Mr. Hollaway from Adair County, over in Stilwell. Mildred Franklin and Nancy McIntosh from Eufaula down in McIntosh country.

Mrs. Springs. Mr. Harris and friends. We like this Foster Grandparent Project and it has meant so much to us as a livelihood. I've heard each speaker get up and say that we don't have enough money. I was in the same shape as others. I didn't have enough money to put a fence around my yard. But when I was lucky enough to come in on the ground floor of this organization, it wasn't long until I could put that fence around. People laugh because I call it my granny fence, because I couldn't have gotten it if it hadn't been for foster grandparents. It has helped in so many ways, as Mr. Kirk has told you what it means. We are all proud of our children. You can't dislike a child when he comes in his humble way and says, "Will you give me a piece of candy?" It's just such a little thing that they're asking us to do, but it means so much to them and of all of the monies that I have received, I value most my experience with the children. I have two children at the ages of seven and eight. For three years they have never given me a sassy word because we work together, and I love children.

Senator Harris. Thank you very much, Mrs. Springs.

Mr. Hollaway. Senator Harris, I am glad to be here to meet you folks and to say that I enjoy and recommend the Foster Grandparent program. This program has been a great help to me. I have learned more through this program than I ever knew before about the welfare of the underpriviledged and handicapped children. I couldn't even begin to tell you all the things that have happened and how much improvement there's been because time won't permit.

I do have a boy in mind and it's going to be easy for you to see how this program can benefit children. We had a boy that was the oldest boy of the family and they tested him and pronounced him unlearnable. His folks sent him to the school. The teacher gave him to me. He was so mean to the other children that I had to have a special room to take Roy and to take care of him. If he started to be unruly I'd just talk to him and explain to him what he was going to do when he got big. I'd get him reconciled and start to teach him. Now Roy is eighteen and he is a neighbor of mine and he is driving his own pickup and he's now tried for his license. He comes to my house to visit me. He has never forgotten me. Every Saturday Roy comes to my house to talk with me and he is a normal boy. He behaves himself and he is interesting to talk to. He's not a rowdy. He comes to me for me to tell him the things he asks me. I try to answer his questions. You know it is remarkable to see the results this quick—this is going on the fourth year now that I have worked in this program. Another boy I want to recommend is a full-blooded Cherokee boy. His grandmother takes care of him. We had him in the special class last year and this year he is able to go on with his classes. When I go to work he meets me at the gate and he likes for me to talk to him as we go up to the building. This is a sad thing to think about in one way. In another way when you see the results it is joyful, Senator, to understand how some children can be helped so easily. He comes to my room where I'm working now and he visits with me and when he's ready to go he always says he'll see me tomorrow.

Another thing that I want to say is that this program has been a big help to me and my own affairs. I draw social security, but I didn't have enough to support myself. I happen not to be a rich man, but I try to be a good citizen. I cut and haul wood and draw social security. One of my neighbors came to my house and said he had a job for me. He said, "I want you to be a Foster Grandparent." I said, "What is that?" He explained it to me and really I don't think he could see then like we can see now what the program would mean. The next morning I went up and they hired me and I went to work. Before I went to work, though, they sent me down to Northeastern and we took a psychology course down there that sure gave me a good start. When I started to work people didn't know much about it. I'd tell them how good it was, but they didn't believe it. Now it's quite different over in my community. We have a lot of people who see the results of these children who couldn't help themselves. Take myself, if I hadn't gotten this job I would have had to apply for old age assistance. I like to work. Every day I go to work it seems like something comes in, and we have a different thought of how we can help another child. That means something to me just to realize there is some way to help these children, children who don't have a home. I find it a great privilege to be here today to tell you what I think is good in the Foster Grandparent program. Another thing I would like to do is thank you for that money we got this year. I am so glad I can thank you face to face for what you did. We want to do more than we've ever done before.

Senator Harris. Thank you.

Mrs. McIntosh. I am an American Indian and I work as a foster grandmother at the Eufaula Boarding School for Indian girls. I am enjoying my work very much. It is unbelievable what love can do for a child who feels he isn't loved. We are real happy working with these children and it is surprising the changes that take place within a few weeks in children that felt unloved, were rowdy, didn't care about their school work. After we were with them as foster grandmothers they changed completely. They're active, in fact they just seem to be more beautiful to us. Each day as I get up I have something to look forward to—to go to this school and work with these foster grandchildren.

Senator Harris. Thank you, Mrs. McIntosh.

Mrs. Franklin. I would like to add that I am ¾ Creek Indian and my words are few. I want to be so thankful and I want to thank you, Senator Harris, for refunding our program. It's so rewarding to see these children enjoy us and it is something for us to look forward to each day. I'm 72 years old and it's just something that keeps you active. You give them your time and your love and mostly patience. Thank you very much.

Senator Harris. Thank you.

I want to ask Lonnie Abbott if he has any remarks before lunch. Representative Lonnie Abbott.

STATEMENT OF THE HONORABLE LONNIE ABBOTT, STATE REPRESENTATIVE, ADA, OKLA.

Senator, we just want to welcome you to Pontotoc County. I do hope that, Senator, you can cut some of the red tape that deals with human services in the federal government so that we won't have to spend all of our time dealing with bureaucrats to get these services to the people. I hope that the trend in the federal government will be for more services for people because truly these people have been the pioneers of this land of ours and have given to us the life that we have. I'd like to say that if we can be of any assistance at the state level, please call on us.

Senator HARRIS. Thank you very much, Lonnie.

THE WEALTH OF ALASKA

Mr. STEVENS. Mr. President, Stanton H. Patty is an able and incisive reporter from Alaska's neighbor State of Washington. He recently wrote an article for the Seattle Times of January 31, 1971. It helps put in better perspective the problems and prospects of my State.

Many Americans are laboring under the mistaken impression that Alaska is now a land of unlimited wealth with enough funds to meet its pressing social and economic needs. I ask unanimous consent that Mr. Patty's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALASKA

(By Stanton H. Patty)

Alaska's pot of gold is losing some of its glitter—and its gold.

A year ago at this time euphoric politicians were debating about how much of the state's new oil "nest-egg" should be socked away in a permanent, untouchable savings fund. None, at least at this time, they decided.

Now the problem is to make the money last.

State funds could dwindle to the danger point within a few years, unless the proposed North Slope oil pipeline is on stream.

While waiting for the pipeline, the growing state is going to have to bite deeply into the remaining oil money. And each time it does that reduces the principal on which Alaska can earn welcome interest.

The specter of diminishing returns already is a certainty.

To back up a bit . . .

Most everyone remembers that dramatic day in September, 1969, when the oil companies paid the state more than $900 million in bonus bids for the right to lease petroleum lands on the North Slope.

Suddenly, pauper-poor Alaska was a billionaire. Overnight, there was enough money to finance what then was the state's entire budget for something like 4½ years.

The money was in the bank the next day, fattening with interest.

That was fine—until the spell was broken.

Everything was predicted on swift construction of the 781-mile oil pipeline from Prudhoe Bay to Valdez. As soon as the pipeline was operating, the state could begin collecting new millions in royalties and severance taxes from production of the Arctic oil. Not until then.

There was talk once of having the pipeline flowing by 1972 or '73. Now, because of opposition from conservation groups, technical questions, the unsettled Alaska native land claims, and other factors, nobody knows when there will be a pipeline.

Alyeska Pipeline Service Co. has said it will take three years to build the pipeline when the go-ahead is given by the Interior Department.

That means if the permits are granted in the spring of 1971, the first oil may be moving through the line by late 1974 at the earliest. And most observers see little chance of the permits being issued that soon.

These thoughts were on the mind of Gov. William A. Egan recently when he delivered his budget message to the Legislature. It was a sobering presentation.

At the end of the next fiscal year, Egan said, the state will have a general-fund balance of $712 million. The budget will increase by about 15 per cent a year—so by June 30, 1976, the balance would fall to $84.5 million.

At best, these figures are based on North Slope oil production reaching partial capacity in 1974. That is a big "if" at the moment.

In other words, the time is near when the state is going to have difficulty funding its budgets without new oil revenue.

There will be a bright upswing of course, when the pipeline is pumping at its full capacity of 2 million barrels a day. Then the state can count on $300 million or so a year from North Slope production. Today, however, that still is a distant dream.

"The nestegg concept has become a myth," the Alaska Legislative Digest said of Egan's facts-on-the-line budget report.

There almost was relief in the words. At least now the rest of the United States will not view Alaska as an oil-booming state with no financial worries and no urgency for the pipeline.

The period ahead calls for cautious planning and thrift by state officials.

There already are public urgings to the governor and the Legislature to hold down spending. Egan's proposed general-fund budget for next year is $318 million, a request 1.2 percent above last year's appropriation.

But the hard fact is that Alaska is a state with so many needs—especially in the rural areas—and is starting from a position so far behind its sister states that spending now on "people programs" is mandatory.

"Many pictured our wealth a windfall beyond our present needs," Egan said. "Now, a year later, a more realistic picture has fallen into place. There are substantial needs to be met, and the cost of meeting them far exceeds the interest from the (oil) bonus monies.

What happened with those bonus monies?

Proceeds from the 1969 oil-lease sale originally totaled $900,486,718. Most of the money was invested immediately through the Bank of America. The market value today for the remaining portfolio is about $920 million.

Some $85.6 million later was transferred to Alaska banks for state operations. These drawdowns are certain to increase. Another $100 million was placed in Alaska banks last year to help stimulate such things as home mortgages. Some $6.3 million was invested in Anchorage Borough bonds. Almost $7 million is in out-of-state banks in certificates of deposit.

Investments earned about $179,645 a day for the state last year, when most of the fund still was intact.

THE YIELD from outside investments has been averaging about 7.3 percent, but now is declining as the national money market begins to ease. Many of Alaska's investments in government securities are maturing. They were bought when interest rates were at a peak, but soon will have to be reinvested at lower rates. Next, the investment fund itself will shrink as the state dips into the money to meet its annual operating costs until there is a pipeline.

Little wonder that the champagne atmosphere of last year's legislative session has evaporated . . .

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. PASTORE. Mr. President, in the calendar of American patriotism, February can well be called "Freedom Month." We commemorate Washington whose valor gained the beginnings of our independence. We venerate Lincoln who gave "freedom" its meaning to all people.

And in this Congress—within the octave of February 16—we have established a tradition of a tribute to free Lithuania—a Lithuania that is no longer free.

The observance of the anniversary of Lithuanian independence—February 16, 1918—serves several purposes.

It reminds us that this America of ours is the product of many peoples who have contributed their courage and their culture to the creation and preservation of the American dream—the American destiny.

Thus it gives opportunity to show our appreciation of our fellow Americans of Lithuanian ancestry for the strength of citizenship they give to our particular communities—to be grateful for their character as home-loving people and shares of the stanch friendships we enjoy.

The tragedy of Lithuania—the sorrow that it is no longer free—should be a constant reminder to us of the precious liberties we are inclined to take for granted.

We have recently had a dramatic lesson in this.

It seems to be the role of Lithuania—as a people and as a person—as a nation and as an individual—to shock us into a realization of how precious personal freedom can be—and shock us into an awareness that there are governments and political ideologies to which tyranny and terror and torture are everyday facts of life.

I have in mind the day we turned our backs on a lone Lithuanian seaman who begged us for political asylum as he gained the deck of an American ship.

We saw him dragged back—brutally dragged back—Soviet style.

Freedom was in his grasp—and America denied it—America that is the product of the brave who fled the persecutions of their native lands.

So this Lithuanian anniversary appeals most forcibly to our hearts and to our consciences.

Lithuanians everywhere in the world—except in Lithuania—will celebrate this anniversary. They will recall the two decades of independence in which they proved their capability of decent and dignified democratic government.

It was a brief respite of freedom between the serfdom of the czars and the Siberia of the Soviets. It was a period in which Lithuania relived its culture with a recorded history of more than a thousand years.

It was a period of promise—born of one world war—and perishing in another.

But Lithuania never abandons hope. In its heart—Lithuania never accepts the Soviet stamp—and never will.

If America forgets the lesson of Lithuania;

If America turns its back on its millions of people determined to be free;

If America ever again turns its back on one lone Lithuanian—or any brave soul seeking sanctuary in this land that has been the sanctuary of freedom seekers these 200 years—then there will be mockery in this observance of February 16—and there will be mockery as we come to celebrate America's bicentennial on the morrow.

Let there be no mockery.

Let there be a reevaluation of the freedoms we are inclined to abuse today.

Let us remember the alternative to liberty under the law and order of democracy.

It has the chilling accent of Siberia.

Let us have none of that.

Let us have the spirit of Washington, and Lincoln, and Lithuania.

CHIEF E. GWYNN BOWEN, JR.

Mr. MATHIAS. Mr. President, all too often we take for granted the thousands of individuals engaged in public safety occupations to whom we are indebted. Our firemen, for example, repeatedly risk their own lives to save the lives and property of others. This is seen, and appreciated by the public, albeit the appreciation often fades far too soon.

But equally important is the fire prevention effort carried on by our municipal fire departments. A man who devoted much of his career to this fire prevention effort, E. Gwynn Bowen, Jr., retired recently from the post of assistant chief of the Annapolis Fire Department. Chief Bowen had been an active fireman since 1937 and had been in charge of the Annapolis Fire Prevention Bureau since 1952.

Mr. President, I ask unanimous consent that the summation of Chief Bowen's career, which was published in the Baltimore Sun on the occasion of his retirement, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Jan. 18, 1971]

ANNAPOLIS FIRE DEPARTMENT'S ASSISTANT CHIEF IS RETIRING

(By C. Mason White)

ANNAPOLIS, January 17.—The assistant chief of the Annapolis Fire Department has retired, ending a career that spanned 33 years.

Although Chief E. Gwynn Bowen, Jr., helped battle hundreds of fires, his most rewarding memories—and probably the least remembered by the public he served—are the fires he helped prevent.

Since 1952, Chief Bowen has commanded the department's fire prevention bureau and, to a large measure, his efforts have made it one of the best in the state.

BEGAN IN 1937

The chief's career began in 1937 when he joined the Eastport Volunteer Fire Company, which was then part of the Anne Arundel County Fire Department.

He became a paid firefighter in 1940 and continued to work at the Eastport station until 1952, a year after the section was annexed by the city and the station became a part of the Annapolis department.

Chief Bowen was transferred to the Fire Prevention Bureau in 1952. He was promoted to lieutenant in 1959, and to captain in 1966. He received a promotion to assistant chief in late 1969.

In that year, the National Fire Protection Association rated the bureau second best in Maryland for the year. Baltimore city received the top award.

Among his memories, the chief said, are a fire that destroyed the Middletown Tavern last May which rekindled when the firefighters were "beginning to mop up," and a 1937 blaze that destroyed the fifth floor of the old Carvel Hall Hotel.

The fire, which was possibly caused by a careless smoker, resulted in injuries for several persons.

HURT ONLY ONCE

Chief Bowen was hurt only once during his long career as a fireman. He received a broken foot on Labor Day, 1964, when he was hit by water from a fire hose and was knocked from a loading dock onto a pile of scrap pipe.

A lifelong resident of the Eastport section, Chief Bowen is married to the former Marion Fowler. They have a daughter and a grandchild.

And after a life of fighting and preventing fires, Chief Bowen said he looks forward to working in his garden and doing some fishing.

OCEAN DUMPING OFF DELAWARE

Mr. BOGGS. Mr. President, the people of Delaware are greatly concerned over the use of our oceans as a dumping ground for wastes. Tons of sewage sludge are dumped each month into the Atlantic Ocean, within a few miles of Rehoboth Beach, Del., one of the Nation's most attractive and heavily used beaches.

This dumping has resulted in the closing of shellfish beds in the area, and, if unchecked, could eventually pose a pollution danger to swimmers.

The county council of Sussex County, Del., which includes all the State's Atlantic beach area, adopted a resolution on ocean dumping. The resolution suggests a prohibition on dumping within 100 miles of the coast. As this is an important proposal, particularly in view of the various ocean dumping bills to be considered this year by the Congress, I ask unanimous consent that the text of the Sussex County resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION BY SUSSEX COUNTY COUNCIL

Be it resolved, That the County Council of Sussex County does approve and support the position of State Representative, The Honorable Harry Derrickson, in his position and work which would propose a limitation on the dumping of garbage and refuse by any governmental agency or subdivision thereof, which would include the geographical areas of Pennsylvania, New Jersey, Delaware and Maryland, within 100 miles of the Sussex County Shoreline. The County Council of Sussex County does hereby recognize and support the contention of Representative Derrickson that the Coastal area is the most valuable asset of Sussex County.

This motion was seconded by Mr. John L. Briggs and unanimously adopted in regular session of the County Council of Sussex County on February 2, 1971.

REVENUE SHARING—A CRITICISM

Mr. HARTKE. Mr. President, basic to the administration's revenue sharing plan is the presumption that the States and localities are already doing everything within their power to meet the ever-mounting demands on their resources. The accepted wisdom in this regard is that the governments "closest to the people" stand ready and eager to solve their momentous problems but are no longer able to generate additional revenue without chancing a taxpayers' revolt. What is needed, contend the plan's supporters, is a massive influx of Federal funds to supplement the gallant, albeit faltering, State, and local effort.

While it is undoubtedly true that many State and city governments are at present doing everything within their fiscal ability to help themselves, it is also the case that many jurisdictions have not even begun to utilize the revenue-producing devices available to them. In an article published in the New Republic of February 13, 1971, Prof. Melville Ulmer incisively challenges the view that the States and localities can do little by themselves to remedy their money problems. He points out that—

> Thirteen States have no personal income taxes at all, while in the majority of others the effective rates are almost negligibly small.

As well, approximately the same number of States levy no corporate income tax, and six do not even have a sales tax. In view of these facts, one can reasonably ask whether the States have really done everything within their power to help themselves. Professor Ulmer concludes that they have not and suggests that a far more reasonable way to share revenues would be through a system of tax credits which would encourage the States to strengthen their own tax structures before asking the National Government for direct assistance.

Mr. President, I ask unanimous consent that Professor Ulmer's intelligent analysis of this aspect of the revenue-sharing problem be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ARGUMENT FOR TAX CREDITS: BETTER THAN REVENUE SHARING

(By Melville J. Ulmer)

Revenue sharing is the cornerstone of President Nixon's "new federalism," which in turn provides one of the six pillars of his "new American revolution." It is a disarmingly simple scheme by which a portion of federal income tax receipts are to be distributed to the states, free of restrictions, mainly in accord with their populations.

Conservative proponents perceive in revenue sharing a grand opportunity for revivifying the languishing cause of states' rights. Liberals are spurred by the promise of more money for urban renewal, education, and welfare. Centrists are concerned especially with relieving the financial pinch of looming deficits in state and local governments. The governments. The President has emphasized "getting government back to the people." Nearly to a man, the nation's governors are inspired by the irresistible lure of getting more money without having to raise taxes. Though he is seldom given whatever credit may be due, the father of revenue sharing is Secretary of Defense Melvin R. Laird, who as a congressman from Wisconsin introduced the first bill of this kind in 1958, which he labeled the "Great Republican Alternative to the Great Planned Society."

The least controversial thing that can be said about revenue sharing (also called tax sharing, unconditional grants, and general assistance grants) is that it is addressed to a real and present problem. Many more children in school, many more cars on the road, and a vast increase in the number of people on welfare in the central cities have boosted combined annual state and local expenditures from $50 billion to $130 billion in the last ten years. Raising the taxes to meet these obligations has become increasingly difficult, and promises to be more trying as these and other obligations (for mass transportation, police protection, pollution-free sewage disposal, recreational areas) continue to mount. The point is that at present tax rates a gap of some magnitude (estimates of its size differ widely) appears imminent between the revenue that state and local governments are likely to realize and the expenditures they will be obligated to make. To close the gap, there are three possible measures:

The federal government may turn over part of its own funds to the states and cities with no strings attached. This is revenue sharing.

The federal government may increase its grants-in-aid—that is, money distributed to the states or cities, with matching requirements, on condition that it be expended in specific ways for particular purposes such as education, welfare, and environmental control.

The state and local governments may increase their own tax rates. An interesting way in which federal government may help them to do this will be mentioned later.

The momentum behind revenue sharing stems partly from its simplicity and partly from the brilliant dialectics of some of its proponents. Perhaps first in line is the liberal economist Walter W. Heller, who in 1964 developed a plan, not unlike President Nixon's. Heller's main point, which he drives home with evangelical vigor, is the need for "revitalizing the states"—a phrase that was re-used in behalf of revenue sharing with such effectiveness by Vice President Agnew at Atlanta recently that the audience response was: "Tell us what to do—wer'e ready to go to war!" Such enthusiasm, and the eloquence that inspires it, contrarily lends force, at least in some quarters, to the formidable but workaway arguments advanced against the free and easy distribution of funds to state and local authorities.

One of these arguments relates to the basic facts of the case. Are the states really at wit's end, as claimed, unable to raise additional revenue of their own because the federal government has already preempted that most efficient money raiser of them all, the personal income tax? A mere glance at the fiscal record of the states is sufficient to demonstrate that the alleged "preemption" is exaggerated. Effective use of the personal income tax is currently made in Wisconsin, Minnesota, Hawaii, New York, and Delaware with marginal rates on family incomes of $15,000 or more ranging up to 10 or 11 percent. Yet thirteen states have no personal income taxes at all, while in the majority of others the effective rates are almost negligibly small. About the same number of states have no corporation income tax, and six do not even levy a sales tax. It would seem quite clear that very few of the states have done all that might reasonably be expected to help themselves. If all 50 states had levied income taxes as high as those of the five named above, their total revenue would be raised by 7 or 8 billion dollars, considerably more than the $6 billion of new money promised in President Nixon's revenue sharing plan. Even larger amounts, were they actually needed, perhaps another $15 or $20 billion, could be added to their revenues if all the states were to duplicate the sales and property taxes that prevail in the five states in which such levies are now the highest.

Such considerations, of course, raise a question whether the states and cities really do need more financial aid from the federal government than they are now getting, a matter to which we shall return later. They raise another question, more fundamental to revenue sharing: Can state governments that lack the social motivation and political integrity to employ the fiscal powers at their command be entrusted to use responsibly a bonzana provided without conditions by the federal government? House Ways and Means Committee chairman Wilbur Mills, among many others, is skeptical, though obviously it is the attitude of Mr. Mills and not "the others" that has Mr. Nixon's revenue sharing promoters worried. Mills thinks that it is a basic principle of good government that those who spend public funds also share the responsibility of raising them. Nor is the record of honesty, virtue, and efficiency so overwhelming and universal in our state, city, and county governments that one can brush such concerns lightly aside.

Since no restrictions are applied, states may use their federal money for meeting ordinary expenses of government, for road building, monuments, elevating the living standards of deserving politicians, or even for reducing their own taxes. It is true that a frivolous use of the funds is unlikely in the more progressive states, but not necessarily in the others. A case in point arose some time ago in Virginia. A special state sales tax was imposed to raise money for aiding the counties in improving education. Perversely, some of the southern counties of the state, where educational standards as well as local taxes were lowest, used the money for reducing county taxes. In the more progressive counties of the north, the funds were applied to the further improvement of schools that had already won a good-to-excellent national rating.

One feature of the Nixon plan that has won the commendation of some liberals—especially Congressman Henry S. Reuss (D, Wis.), and economists Heller and Joseph Pechman—is the formula by which rebate funds are shared among the 50 states. The distribution is made primarily on the basis of population, with a modest weight for what is called "tax effort." Another possibility, of course, would be to return to each state the same fixed proportion of the amount it had contributed, via income taxes, to the federal revenue. The Nixon approach has the apparent advantage, from an equity standpoint, of giving much more, relative to their contributions, to the poorer states. The actual results of the formula, however, may look less attractive when examined more closely, for its main effect is to redistribute money away from the highly urbanized and "wealthy" states, where problems of poverty and crowded ghettos are most pressing, and the more rural states where needs may be less.

Thus, for every dollar that New York contributes (through the income taxes of its citizens) to the revenue sharing kitty, it would receive back from the federal government only 87 cents in the Nixon plan. In contrast, Mississippi would receive $2.50 for every dollar paid out. Similarly, Pennsylvania would receive 79 cents and Illinois 60 cents for every dollar contributed, but Alabama would get $1.56. Other prominent losers in the plan are Connecticut, Delaware, the District of Columbia, New Jersey, Ohio, Missouri, New Hampshire, Massachusetts, Rhode Island, Maryland, Indiana, and Michigan—in other words, the states that have been most urgently calling for assistance. (They are also the areas in which middle-income groups are now pressed mostly severely by relatively high state and local taxes.) The largest gainers, aside from Mississippi and Alabama, are North Dakota, New Mexico, Louisiana, South Dakota, Arkansas, Idaho, Arizona, South Carolina, Wyoming, Kentucky, Utah, Hawaii and Alaska. As Congressman Mills declared, "It seems to me that this [revenue sharing plan] actually is the reverse of facing up to the urban problem that we have been hearing about."

Mills' observation gathers greater force when one speculates on the chance that the funds going to Mississippi, Alabama, and similar states will actually filter down in significant volume to the poor people. It is true that the average monthly welfare payments to families in Mississippi is about $35 against $250 in New York, but it is much less than certain that this frightful disparity would be narrowed by revenue sharing. A more reliable approach is to nationalize welfare, or at least set federal standards for its dispensation. The best way to help the poor, in other words, may be to help poor people rather than states. Nationalizing welfare, incidentally, would itself provide as much fiscal relief as the Administration's revenue sharing plan, since the annual bill for welfare at the state and local level is $6 billion and is rising.

Earlier reference was made to the possibility that most states may be capable of helping themselves, despite all the lachrymose visits of governors to Washington. Fortunately, there is a simple method available by which all states can be both enabled and induced to help themselves—a practice that could do more for their "revitalization" than the most generous handouts from the federal treasury. The method involves permitting taxpayers to charge some substantial part of their state and local income-tax payments against their federal income-tax liability. As a sample of what could be done, and what it would accomplish, consider the following proposal:

Present regulations allow the citizen to deduct from his own income all the state and local taxes he paid before computing the income tax he owes the federal government. For a taxpayer in the 20 or 25 percent tax rate bracket, this "itemized deduction" permits a saving of 20 or 25 cents for every dollar paid to the states, cities, or counties. Now suppose an additional credit is allowed amounting to 50 percent of the state and/or local income tax, and permit this credit to be charged directly against his federal tax liability after all itemized deductions had been figured. A citizen who paid $200 to his state in income tax could reduce his net federal liability by $100. The saving to the average taxpayer derived from the state or local income tax, taking account of the itemized deduction and the special credit, would be about 70 cents on the dollar.

Just one limitation to this allowance would be necessary so that the central government could maintain a reasonable control over the size of its own revenue. The credit allowed would have to be limited to some proportion of the federal income tax owed, perhaps 10 percent. Then, if the citizen paid $200 in state income tax, and owed $1200 to the federal government, he could deduct a full 50 percent or $100 from his federal liability. But if his state income tax were raised to $300, while his federal liability remained the same, he could deduct just $120 rather than $150 because of the 10 percent limitation.

The result of prime interest for state and local governments is that the proposed credit, on top of the itemized deduction already allowed, would enable them to raise an additional dollar of income tax receipts at a net cost to the average taxpayer of less than 30 cents. If they made full use of their opportunities (up to the maximum credit allowed against the federal income tax), as I think they would, state and local revenue could be increased by about $12 billion annually in the year or two ahead. If the federal government assumed full financial responsibility for welfare, as proposed above, an additional

$7 billion of uncommitted revenue would be made available for state and local governments. This grand total of nearly $20 billion of additional revenue is more than three times the amount of new funds provided in the President's revenue sharing plan and about twice the amount the governors have publicly dreamed about in their most immodest entreaties to Washington.

The tax credit has some additional advantages over the revenue sharing plan. It would not divorce the taxing responsibility from the spending responsibility in the states, cities, and counties. It would not discriminate against the more urbanized states in favor of the others. It would not preserve the tremendous disparity in taxes which now exists for citizens in the same income bracket in different parts of the country, as revenue sharing does. Instead, the tax credit motivates reform. It encourages authorities that now make little or no use of the income tax to exploit this measure in preference to their other, more regressive levies. (Note that the special credit is allowed only for state and local income taxes.) It stimulates lagging states to raise the additional revenue required for neglected public services. At the same time, the tax credit plan preserves a desirable degree of fiscal flexibility for state and local authorities. Instead of receiving some lump sum from the federal government, always in some degree unpredictable, as in revenue sharing, they would remain in full command of their own budgets. By the same token, taxpayers would retain a greater interest in, and control over, what was done with their money.

If the tax credit can do all that, one may wonder why someone didn't think of it before. The answer is that many did. Tax credits have been used in Europe and proposals for their introduction in the United States have been advanced by the Advisory Commission on Intergovernmental Relations (a government agency) and the Committee for Economic Development (an association of liberal businessmen). Walter Heller wrote his doctoral dissertation on the subject, though his youthful enthusiasm has dimmed. The fact that friendliness to the idea has been expressed by Congressman Mills, a number of other legislators plus the AFL–CIO speaks for its political feasibility.

Nothing in the revenue sharing plan or in the tax credit proposal bears directly on the 500 or so different grants-in-aid that the federal government now dispatches to the states and cities at an annual cost of $27 billion. The complaint from some is that these federal gifts are so bound up in reports in triplicate that only a desperately courageous local official will touch them—though as it turns out, all local officials seem to be desperate and courageous. In any event, no one rejects the grants, though practically everyone agrees that some consolidation and simplification is in order. A responsible study may well disclose that some of these federal programs ought to be turned over to the states and cities, administratively and perhaps financially too. It would be a foolhardy reversal of the wheels of history, however, to go too far in that direction. From the Civil War itself to the national law of 1938 protecting women and children in industry, experience reminds us that at least on some key issues the states not only have been led, but apparently must be led, by the federal government.

MILLS ALTERNATIVE TO REVENUE SHARING

Mr. BAKER. Mr. President, on Sunday, February 14, the New York Times published a column by Tom Wicker on the subject of revenue sharing.

The column is a thoughtful and perceptive piece which not only reviews the effect and importance of the measure itself, but also senses the attitudes and alinements which are resulting.

I ask unanimous consent that the column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

An Idea With Yeast in It

(By Tom Wicker)

Washington.—It already seems likely that President Nixon's revenue-sharing proposal will stir the most searching domestic debate in many years in this usually hidebound city. That is not just because of the idea's virtues, which are numerous, but because it raises in the most specific way the question of how to spend the nation's money, and on what.

Alert Democrats already sense that Mr. Nixon, with his revenue-sharing speech, has regained much of the political initiative that he seemed to have lost after the 1970 elections. Again, that is probably not so much because the plan itself is overwhelmingly popular with the public as because it is an obvious effort to move in a new direction on matters that have not yielded much to older programs.

In responding to the revenue-sharing initiative, whether with opposition or with an effort to provide equally attractive and more effective alternatives, the Democrats are being forced to re-examine the legislative assumptions and Federal approaches that have become standard since the New Deal—Federal matching grants, nationally administered programs, standards of performance set by Washington, and the like.

The most discussed possibility for a "Democratic alternative" appears to be taking shape in the House Ways and Means Committee, whose chairman, Wilbur D. Mills of Arkansas, has expressed strong resistance to turning over $5 billion in Federal revenues, no strings attached, to the states—an important part of Mr. Nixon's plan.

Mr. Mills is said to be developing the idea of a Federal takeover of the state and local shares of the costly welfare program; this would satisfy his desire to retain Federal responsibility for Federal revenues and at the same time Mr. Nixon's demand for financial relief for the hard-pressed states and municipalities.

Thus, Mr. Nixon's landmark proposal, whatever its specific fate, already seems likely to produce useful results; Mr. Mills has not in previous years expressed much interest in a Federal welfare takover, and the President's initiative obviously was what stirred him to action.

Moreover, some reports suggest that Mr. Mills's alternative might even improve upon Mr. Nixon's long-standing proposals for reforming the welfare system. Under the President's Family Assistance Plan, an inadequate income floor of $1,600 for a family of four would be established. The Mills alternative might be able to raise that figure to a more nearly adequate level—$2,500 or $3,000—by taking over for welfare purposes the $5 billion Mr. Nixon has proposed for no-strings revenue sharing.

Even so, the Mills alternative is not necessarily to be preferred to the Nixon revenue-sharing program. For one thing, the state and local financial crisis is rather general, and stems more nearly from strained tax bases than from rising expenditures. While states and cities have many governmental sins to answer for, refusal to spend the money they have is not usually one of them; in most cases, taxes have been raised to the breaking point to pay for the rising costs of local government.

Therefore, while a Federal takeover would lift a major obligation off the hands of some state and local governments, it would not attack the root of the general problem. On the other hand, revenue sharing—under which each year a sum equal to 1.3 per cent of taxable personal income would be returned to the states—would provide a fund that would directly tap the growth of national wealth; presumably, in time, it would rise far above the $5 billion to be set aside the first year.

Moreover, as Representative John Anderson of Illinois pointed out in the House last week, the Mills alternative would not be as big a lift for most states and cities as it might seem, and would deliver its benefits in highly selective fashion.

Mr. Anderson calculated that California, New York and Massachusetts would collect 51 per cent of the benefits of a Federal welfare takeover because of their huge welfare loads and higher payments; but that under the Nixon revenue-sharing plan, those three states would get only 24.6 per cent of the benefits. Mr. Anderson said 37 states would get less from a welfare takeover than they would from revenue sharing.

Besides, the whole matter is viewed too narrowly if it is taken to be solely a dollars-and-cents question. One of the main purposes of Mr. Nixon's plan is to improve the initiative, responsibility and performance of state and local governments.

In no small part, the well-known inadequacies of these governments result from their financial dependence on a narrow tax base dominated by powerful parochial interests and over-burdened property owners. It is a stand-pat and fruitless attitude for liberal critics to complain that local government is no good, so giving it money is wrong; in fact, revenue sharing, properly conceived and administered, can be a remedy for what's wrong, not a reward to the culprit.

ELLICOTT CITY, MD.

Mr. MATHIAS. Mr. President, one of Maryland's many historic communities is Ellicott City, the seat of Howard County. Ellicott City was founded 200 years ago and has passed through good times and bad. It has been a small industrial community and a summer resort, and, most notably, it was the first terminus of the first railroad line in America.

The Baltimore & Ohio station, built in 1831, was at the end of the run when that first line was built from Baltimore to Ellicott City. It was on that line that the Tom Thumb, first steam locomotive, raced a horse-drawn wagon—and lost. The station is now a national historic landmark.

The charm of the community has been captured in prose by Judy Wiebe in an article published in the Sunday Star magazine of Washington of February 7. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Out of Town

(By Judy Wiebe)

It took only one visit to turn me into an unofficial Ellicott City booster, and I have never been able to understand why everyone does not share my enthusiasm for the town's diverse charms. It has character and individuality. It has interesting hilly terrain; narrow, winding European-village-style streets: craft and antique shops; and a railroad station down by the Patapsco River which is the oldest train terminal in America. Then there are the clinchers. In what other town is the most Prominent Landmark the decaying remains of antebellum-styled building that had been a finishing school for young ladies during the Civil War? Where else can one find a town whose main street food market is fronted by cages containing noisy live chickens and rabbits? Or a town having a Greek restaurant of dubious ambience that serves what I consider to be the world's best cole slaw?

Historic Ellicott City is the county seat of Howard County and is located just 10 miles west of Baltimore. It was founded in the early 1770s by three Pennsylvania Quakers, John, Joseph and Andrew Ellicott, who chose land along the Patapsco River rapids as a location for their gristmill. According to an article written by Star historian John Claggett Proctor in 1939, the Ellicotts found the entire valley to be a wilderness covered with great trees, the growth of centuries, including oaks of different sorts, hickory, maple, gum, ash, chestnut, and all other varieties of trees common to that section of the country.

The location selected by the Ellicotts, at first a settlement called Ellicott Mills, soon became a bustling town with ironworks, a furnace and rolling mills, schools, with stores and houses built of granite from nearby quarries. In 1868, much of the town close to the river was wiped out by a flood, and rising waters also have created destruction in more recent years.

Many inventions, including a type of wagon brake, have been attributed to the enterprising Ellicott family. One of the more unusual inventions was a musical clock with four faces made by Joseph Ellicott. The clock played such tunes of the day as "The Hounds Are All Out," "Willingham Frolic," and "The Lass With a Delicate Air."

Someone, possibly an early chamber of commerce type, once referred to Ellicott City as the "Switzerland of America"—clearly a blatant bit of hyperbole. The person who dreamed up the label had the correct instincts, however. The town is built around, beside and even into steep granite hills. At some points along the several blocks of Main Street, huge boulders extend nearly to the edge of the sidewalk. Homes built more than 150 years ago from locally quarried stone appear to perch precariously on cliff edges and hug roads that curl up and down the rocky hills. Ellicott City conveys an impression of utilitarian oldness, and because of the solidity of its buildings, street width and terrain alone, seems vaguely foreign.

If Ellicott City is only somewhat alien, it has a definitely fusty flavor about it. In 1957, movie-makers searching for a locale to film scenes set in the 1930s for Paddy Chayefsky's screenplay, "The Goddess," chose the town as an ideal site. Changes have come more rapidly in recent years, but the aura of nostalgia remains.

To get a maximum benefit from an Ellicott City excursion, it helps to be at home with the friendly ghosts of the past. This is particularly true when contemplating the life and hard times of the Patapsco Female Institute, situated on one of the town's highest hills. It once was a magnificent white-pillared mansion with a commanding view of the entire town, but now it is a crumbling shell surrounded by long-untended flower beds, bushes and trees. When I first visited the institute, it was possible to walk around the buildings and grounds. Then, even amid the beer-can residue of teen-age trysts and the splattered signs telling that the "Class of 62" had been there, it was not difficult to imagine horse-drawn carriages rattling along the magnolia-lined curving drive and discharging dashing swains at the columned entrance as crinolined proper ladies peeked out from behind damask draperies. What fascinating stories of young joys and heartbreaks, one speculates, lie buried forever in the ruins?

The building has filled diverse roles over the years. As a finishing school, its famous alumnae included Jefferson Davis' daughter, Winnie, and Alice Montague, the mother of Wallis Simpson, who became the Duchess of Windsor. It was a hospital-school for returning veterans during World War I and, in the 1930s, was a professional summer stock theater. Plans have long been in the works to restore the mansion to its former elegance, but raising money has been a problem.

More recently, the property was fenced off, but visitors still can see the mansion's facade from the county courthouse parking lot, located below the remains, or view the rear of the building and grounds from Church Road, which curves past the site.

Recently, having neglected Ellicott City for a longer than usual period of time, I drove there with a friend to see what changes had been made. The most direct way to go is on U.S. 29, but the new road construction near the city of Columbia makes the drive a bit difficult. If you're not in a hurry, there are more scenic ways to get there.

The most attractive approach to the town is Columbia Road off Route 29, and we took this way. The road is level for a while, then winds down into the heart of Ellicott City and past the Quaker cemetery, where Andrew and John Ellicott are buried. Occasionally, a twist in the road provided a momentary glimpse of the courthouse on a hill or the old First Presbyterian Church, now the headquarters of the Howard County Historical Society.

Our first stop was Tongue Row, a series of stone houses clinging to the edge of a steep ravine that runs along Columbia Road. Built by a Mr. Tongue in the early 1800s as homes for millhands, the houses now are the site of the town's most interesting craft, fabric and antique shops.

The number and variety of stores on both Tongue Row and Main Street are sufficient to keep any antique hound happy. Fortunately for my pocketbook, it was a weekday, and many of the places were closed. (All of them are open on Saturdays and Sundays, but during the week the visitor must take pot luck, since many of the owners are not full-time dealers.)

Most of the stores specialize in smaller items—glassware, china, silver, lamps, some quilts and linens, etc.—rather than in large, expensive pieces of furniture. Prices are quite often below big-city antique shop prices, so the casual shopper can have fun browsing and then take something home without feeling as though his budget has been ruined forever.

At Mitzi's, a tiny Tongue Row shop where jewelry is the specialty, I learned of a woman on Social Security who recently shopped for more than three hours to find presents for all her grandchildren, and left satisfied after having spent a grand total of $5. On the other hand, Mitzi also sells some quite valuable jewelry, including lockets from ancient Greece in which warriors kept bits of garlic for luck. While I was there, I fell in love with a Victorian chatelaine, from which dangled a silver perfume bottle, rouge compact, mirror and pencil—all that a young lady needed to carry with her to a dance! And my friend saw a fur muff which she couldn't wait to get home to tell her husband about. As it was, our purchases amounted to one tin breadbox, which cost all of $1.

Nearly every store in Ellicott City is housed in a building of historic interest. The Iron Rail, where we looked at beautifully tinted old engravings, is in the Howard House, once an elite hotel well-known for its exceptional food back in the 1850s, when Ellicott City was a summer resort. Because the Howard House is built on the hillside and its fourth-floor front is about level with the ground-floor rear, people going to the courthouse used to enter the hotel from Main Street, climb three flights of stairs and walk out the back to get on the street level of the courthouse. The hotel's owner didn't mind, since many people would smell the food cooking in the restaurant they had to pass and would stay for dinner.

The Ellicott Country Store, smelling of spices, candles and herb-scented soaps, was originally the Walker-Chandler House, built in the 1790s as a private home but often used to house travelers when the inn was full. (There is a mystery about the house, because Mr. Walker fell to an untimely death from the second-floor porch which runs across the front of the building.)

Across the street is the shop run by Edgar E. Shaffer Sr., a derrick driver who retired in 1966 and has made a new career out of his hobby of repairing antique clocks. It would be easy to spend hours browsing in Mr. Shaffer's store, where all is quiet except for the soft clucking and click-tick-whirr of beautiful and unusual clocks.

Not all of the interesting shops in Ellicott City offer antiques. The Artists Son on Tongue Row sells leather goods, pottery and other items made by contemporary craftsmen. There are two well-stocked fabric stores, a small one on Tongue Row (with the most gorgeous array of trims and ribbons I've ever seen) and a large one on Main Street in what was once Disney's Tavern. Opened in 1840, the tavern was Ellicott City's social center and a stopping place for citizens called to town for jury duty.

In refreshing contrast to the musty reminders of the past is a new store which had opened only a few days before our visit—Appalachian Outfitters, featuring such fresh-air items as hiking shoes, lightweight packets of reconstituted trail foods, backpacks in all sizes and colors, climbing gear, foldout maps of the Appalachian Trail and books on camping and nature. Even here, though, history intrudes, for this new shop is located in one of the oldest buildings in town, the Old Emporium. The only building along the banks of the river to survive the flood of 1868, Radcliffe's Emporium was stocked with calicos and coal, lime for the fields and household staples. Where families once stopped to pick up town gossip along with needed supplies, the adventurous now can be outfitted for a kayak trip.

As a railroad buff, I made a point of strolling over to the old Baltimore & Ohio station, built in 1831 as the terminus of the first railroad in the United States. The line went from Baltimore to Ellicott City, and it was along there that the Tom Thumb, the first steam locomotive, raced a horse-drawn wagon—and lost. The station, now a National Historic Landmark, was used until 1949, when passenger service was discontinued.

Not far from the train station is Valmas' Restaurant, where we stopped for a late lunch before heading back to Washington.

Valmas', a curious combination of family restaurant, package store, bar, neighborhood coffee house and soda fountain, is operated by brothers John and Paul Valmas, who are of Greek parentage and have been in the business of feeding the town's citizens since the 1920s.

How to explain the Valmas' Restaurant? High-backed dark wood booths, which would offer diners some privacy, were it not for the penchant of the jovial brothers to tease their regular customers and to make strangers feel at home by striking up a conversation. Simple, inexpensive fare served in an atmosphere of friendly warmth. Endless talk of politics and the daily doings in town. In Valmas' Restaurant, Washington seems farther than a one-hour drive away, and events in the Nation's Capital are allotted less discussion time than are the glories and agonies of Greece, which the brothers visit periodically.

If the menu of this restaurant-tavern-soda fountain is starkly basic (on a given day, the "special" might be meat loaf, potatoes and vegetables), it should be noted that some items are homemade and very good indeed. On this particular day, I had a tasty hot sausage sandwich while my companion happily munched on a thick hot pork sandwich. And both of us enjoyed excellent homemade soup and the homemade cole slaw, which I think is superb. The restaurant is open weekdays and Saturdays, and closed Sunday.

During the latter part of the 19th century, Ellicott City was a popular summer retreat for Baltimoreans, who traveled to it by train, and it remained a main stop on the expanding B&O line for many years. A streetcar line carried passengers to and from Baltimore County. And heavily traveled roads from Washington and Frederick passed through Ellicott City.

Beginning in the late 1930s, however, the town fell into an out-of-the-way obscurity marked by a severe economic decline. The automobile was the main culprit. Ellicott City eventually was bypassed by U.S. Route 40 and Route 29, and the town's role as a leading shopping area for Howard County diminished.

Now Ellicott City stands to benefit from the Howard County development boom sparked by construction of Columbia, and the area is becoming more popular yearly both as a place to live and to visit. Some of the town's oldtimers, among them the Valmas brothers, view the crowds of out-of-towners who tour the shops on weekends with mixed emotions. There is the threat that the place will become too popular and thus, to some people's way of thinking, spoiled. The town's streets one day may resemble those of Harpers Ferry on the Memorial Day weekend. But it hasn't come to this yet.

CREATION OF NEW SUBCOMMITTEE ON RURAL DEVELOPMENT

Mr. TALMADGE. Mr. President, I am very proud of my new assignment as chairman of the Committee on Agriculture and Forestry. I am conscious of my added responsibilities and the increased opportunities for service that have been afforded me, and I will endeavor to discharge my duties to the very best of my ability.

In organizing the committee, we created a new Subcommittee on Rural Development. I hope to make revitalization of the Nation's countryside and small towns a major thrust of the committee, in an earnest effort to achieve more of a balance between rural and urban America.

The distinguished Senator from Minnesota (Mr. HUMPHREY) will be the chairman of the subcommittee, and I know that he is also very much concerned with the rural-urban problem.

I am very much encouraged by the fact that there is also increasing interest in Congress and the Nation's news media. The Atlanta Journal-Atlanta Constitution of Sunday, February 14, 1971, contains a very fine editorial column on the need for rural development, written by Jack Spalding, editor of the Journal.

I bring this to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RUSH TO THE CITY: CAN IT BE SLOWED?

(By Jack Spalding)

For better or worse we are an urban country and we grow more urban. The 1970 census shows 73.5 per cent of us live in urban areas compared with the approximately 70 per cent of 10 years ago.

If you're a sentimental Southerner or an agrarian you will be appalled to learn that the South is going urban rapidly. The percentage now is 64.4 per cent, up from 58.5 per cent the previous census.

This isn't particularly good news if you believe in balance and that a strong countryside helps make for strong cities. Nor is it cheering if you subscribe to the theory that city life is enervating, even for the well to do. Nor will it make you happier if you belong to the group which believes that crowding is a chief cause of the modern madness which may be described as man's hostility to his fellow.

Still, we remain an urban country and the trend is going to accelerate as there's not much left to keep a man on the farm. Bad as city life is, at least it can be said that social services can be found within the worst of our cities, whereas all too few of our rural areas can pretend to offer the sort of medical educational and legal aid the hard up require. So until the balance is redressed there's no reason to expect a reversal of this migration.

What holds true for the country and the South holds true for Georgia, and the scales have been tipped toward urbanity (in a manner of speaking) for a number of years. There seems no end to the future of the state's urban areas whereas the future of a number of rural counties with declining population and economic resources is a matter of worry.

Along with this urbanization comes a change in the racial balance. Many of the migrants to the cities are blacks who formerly drew their living from a system of agriculture which no longer needs them. Their hope is in the cities, wishful though this often is. Atlanta, however, offers a good example of blacks who have adapted to urban life and are prosperous, not to say rich. Atlanta also can offer more examples than it cares to of both whites and blacks who have moved to town to find even more misery and poverty.

The census also showed that Atlanta's black population now is 51.3 per cent as opposed to 38.3 per cent 10 years ago, a sharp indication of this immigration, considering that the city registered a small net gain in population during the period.

Urban societies, due to concentrations of poverty in isolated and overcrowded neighborhoods present a volatile political and social situation. As the nation grows more and more urban there's little hope that this is a problem which will take care of itself.

Acting on the assumption that we'd like to continue living in an orderly, peaceful society, reasonably voluntary in its adherence to law and order, our movers and doers have to find a way to redistribute the urban surplus (voluntarily) or find a way to merge its members into the productive end of urban life.

We've spent billions on the latter. We need a prophet with fresh inspiration.

Concerning redistribution, the idea is to make the country more attractive than the city and there are state and national beginnings on this one at this moment. Considering the money we've spent on the former method and the relatively negligible results, let's gamble something on an experiment in richer rural living.

A REPORT ON VIETNAM AND SELECTED SOUTHEAST ASIAN COUNTRIES

Mr. GURNEY. Mr. President, in November 1970, at the request of the distinguished senior Senator from Arkansas (Mr. MCCLELLAN), chairman of the Senate Government Operations Committee and the Permanent Subcommittee on Investigations, I visited Japan, Korea, Vietnam, Thailand, Kuala Lumpur, Singapore, and the Philippines. I was accompanied by my administrative assistant, Mr. Charles L. Mangers and three members of the subcommittee staff, Mr. Phillip W. Morgan, Mr. Carmine Bellino, and Mr. LaVern J. Duffy. The subcommittee's chief counsel, Mr. Jerome S. Adlerman, was unable to accompany us because of illness.

Our inquiry had four general aims:

First, to look into allegations of corruption in the operations of post exchanges, military service clubs, and black marketeering;

Second, to look into allegations of continued illicit currency manipulations in Vietnam;

Third, to observe firsthand the operations of the Agency for International Development programs in Vietnam; and

Fourth, to make a preliminary inquiry into the question of worldwide unrest and student disorders.

I have completed my report to the chairman on that trip and have formally delivered it to our distinguished chairman. I now ask unanimous consent to have several portions of my report reprinted into today's RECORD.

On this occasion, I again wish to express my gratitude to members of our subcommittee staff Messrs. Duffy, Morgan, and Bellino who gave me such great assistance on this assignment and to my own assistant, Mr. Charles L. Mangers, who made such a great contribution. I would also like to publicly express my gratitude to our diplomatic representatives in Asia who treated our party so courteously and with so much hospitality.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE REPORT TO SENATOR JOHN L. MCCLELLAN, CHAIRMAN, SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, REGARDING MATTERS IN VIETNAM AND SELECTED SOUTHEAST ASIAN COUNTRIES BY SENATOR EDWARD J. GURNEY (REPUBLICAN, FLORIDA), A SUBCOMMITTEE MEMBER

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A. Vietnam

An appropriate beginning to this report, I believe, is to quote a portion of USAID Director Donald G. MacDonald's report to our Ambassador, dated January 1, 1970. In the introduction, Mr. MacDonald says:

"* * * The United States Agency for International Development—USAID—has the mission of implementing the United States Economic Assistance Program in Vietnam. In so doing USAID has been providing economic aid and advice to the republic over a period of 18 years, and by the end of 1969 had spent or committed something less than $4 billion dollars. U.S. economic aid to Vietnam, including Food for Peace (PL 480), reached a high of $646 million in FY 1967. It dropped to $548 million in FY 1968 and to $408 million in FY 1969. Although small compared to U.S. military expenditures, American economic aid has changed and is changing for the better the everyday living of the people of Vietnam."

Because appropriated funds cannot always be expended during the time frame for which they are obligated, the actual figures for Fiscal Years 1966–1969 and their category breakdowns as presented to us were as follows:

[In millions of dollars]

General category	Fiscal year 1966	1967	1968	1969
Food for Peace (Public Law 480)	111.4	170.8	162.6	96.7
Commercial import program	397.0	202.1	160.1	130.0
Project program	176.5	273.4	220.6	158.6
Total	684.9	646.3	543.3	385.3

The amount for fiscal year 1970 and that planned for fiscal year 1971 were as follows:

[In millions of dollars]

	Fiscal year 1970	1971
Food for Peace (Public Law 480)	106.0	[1]100
Commercial Import Program	240.0	[1]300
Project Program	168.2	[1]100
Total	514.2	500

[1] Estimated.

AID and State Department Officials stressed the need for a continuing amount of piaster generation through the Commercial Import Program in order to strengthen and maintain a viable economy for the Republic of Vietnam during the period of our troop withdrawals and to give them adequate foreign reserves at the same time. I shall discuss that subject at greater length in this report.

1. The U.S. Mission's Role in Vietnam

There are four main groups, or components, in the United States effort in Vietnam. They are the U.S. Embassy, which theoretically "runs" the whole mission, headed by Ambassador Ellsworth Bunker, who is assisted by Deputy Ambassador Samuel Berger; Civil Operations and Revolutionary Development Support (CORDS), headed by Deputy Ambassador William Colby; the Agency for International Development (AID), headed by Director John R. Mossler; and the Military Assistance Command (MACV), commanded by General Creighton Abrams.

As a member of the Senate Permanent Subcommittee on Investigations, I was principally concerned with examining allegations of waste and efficiency in management and operation of the military clubs and post exchanges which will be further referred to in a separate section of this report. In this section, I will consider the operations of the Civil Operations and Revolutionary Development Support and the Agency for International Development.

2. Civil Operations and Revolutionary Development Support (CORDS)

The report of the U.S. AID Mission to Vietnam to Ambassador Bunker, dated January 1, 1970, describes the work of CORDS:

"CORDS-pacification support

"The provision of adequate security remains the principal objective of the Government of Vietnam with the assistance of the United States and other Free World nations. Following security, and in many cases being an integral part thereof, is pacification. Under the United States Military Assistance Command (MACV), a combined military-civilian advisory group assists the GVN in the process of pacification. Known as Civil Operations and Revolutionary Development Support (CORDS) this group, staffed by U.S. Military and USAID civilians, carries out its activities in Saigon and in each of Vietnam's 44 provinces."

The Volunteers for Vietnam, a small, private organization that is headed by Congressman Fred Schwengel (R., Ia.), and which traveled to Vietnam in 1967 and in 1970 at the suggestion of Presidents Lyndon B. Johnson and Richard M. Nixon, have their own definition of "pacification".

It is:

"So far we have discussed different aspects of economic and social development. When put together along with political and security developments, you have what is termed pacification * * * Pacification is said to be built on a base of political support and combined with security and development." (Report of the Volunteers for Vietnam, dated August 12, 1970, page 5).

Pacification work has been going forward in the rural areas of Vietnam under the auspices of CORDS for about 2½ years, although earlier the development effort was completely under civilian control. While we were not provided with a budgetary figure, we found it important to note that, as of June 30, 1970, the AID mission employed some 1,800 direct-hire Americans in Vietnam. However, some 950 of these individuals were working for CORDS. These 950 civilians were complemented if not overwhelmed, by U.S. military personnel; that is, for every U.S. civilian working on pacification there were six U.S. military personnel doing the same thing.

The manner in which the combined personnel are distributed is also of interest. Organizationally, CORDS is a part of MACV. Administered from Ton San Nhut Air Force Base near Saigon, CORDS provides advisors for the Government of Vietnam (GVN) at practically all levels of the Vietnamese Governmental structure.

In each of the four major Corps areas of South Vietnam, a civilian is in charge of the CORDS operation. At the district level, practically all of the senior advisors are U.S. military officers, usually with the rank of Colonel, and at least one-half of the province senior advisors are also U.S. military officers.

It is important to note the distinction between district and province levels in the Vietnamese Governmental structure. The 44 provinces and the 6 major cities in South Vietnam within these provinces, have provisions under the 1967 Constitution for the election of province and city councils. The first elections under the Constitution were to have been conducted in 1968 but were not held because of the Tet offensive. Elections for these positions subsequently were held on June 28, 1970.

The provisions for province chiefs are different. At the present time, all 44 province chiefs are appointed and all are GVN military officers. This may be remedied fairly soon, as the Constitution of the Republic of Vietnam states that the President may appoint province chiefs during his first term of office, implying that they are to be elected at or after the President's election in 1971.

The same is true for district chiefs. We were advised that the district level of government has no standing as far as the Vietnamese Constitution is concerned. It supposedly is an administrative unit and the district chief is always a GVN military officer, appointed to the post. He theoretically is responsible to the province chief but, like the province chief, he has both civil and military responsibilities.

This type of an arrangement, without adequate safeguards, lends itself to a great deal of temptation. Commodities and funds made available by either the GVN or the United States Mission for military support or development purposes are dispersed by province chiefs. All commodities for villages within provinces must pass through district headquarters, on their way to the province chiefs. In effect, both categories serve two masters. Not only do they fall in the military line of command under the GVN military Corps Commanders, but they are also responsible for the civilian operations in their province and, to some extent, they serve the various civilian ministries as well. While it could be argued that this might result in a series of checks and balances, it seems to me that the system in operation tends to institutionalize inefficiency and permit, if not encourage corruption.

In addition, there was no evidence of an effective surveillance, audit, and inspection system to prevent corruption and misuse of such resources. In fact, we were told that there is disagreement among American officials concerning the responsibility for accounting for AID resources placed at the disposal of CORDS.

Corruption at the village and hamlet level is relatively minor, partially because the receipts and expenditures of those governmental entities are posted regularly for everyone to see. Another factor, I think, is that the villages and hamlets have been holding free elections to choose their leaders since the new Constitution was officially announced on April 1, 1967. We were advised that since May of 1970, 2,000 of a total of 2,552 villages, and 9,800 of a total of 10,552 hamlets are functioning under elected governments.

I would certainly encourage the elimination of the GVN province chiefs and district chiefs from their presently appointed roles. Once elected, these officials should serve in civilian capacities so as to be truly responsive to the wishes of their constituencies. It is entirely possible that once the security situation is stabilized, the position of district chief will disappear.

If the true elements of a successful pacification effort include economic, social, and political development, along with a secure environment in which these seeds can take root, then, it is important for the United States military role in the CORDS operation to begin to phase out as soon as possible.

The goals of CORDS, as we understand them, are admirable. They center on education, agriculture, and public health. The program stresses elementary education, and it is claimed that 83% of the eligible children are now in elementary school. The emphasis is on teacher training and quality education. Agriculture stresses the production of rice, poultry and pork. In public health, a great deal of the emphasis is on preventive medicine. A very significant part of this effort is directed towards training and teaching the Vietnamese to take over the various programs. We seek to have the Vietnamese capable of caring for themselves productively after we leave the country.

The goal of the pacification effort is indisputably good. But, the way it is operated seems questionable to me. CORDS personnel work closely with their GVN counterpart, the Ministry of Rural Development, which has the GVN responsibility for carrying out the pacification program. There also is an inter-Ministerial group involving all GVN Ministers in pacification work called the Central Pacification and Development Council (CPDC). CORDS provides advisory assistance to this Council as well.

These GVN Ministries are civilian-oriented and thus it seems sensible for the United States advisory and support effort in this regard to be civilian-oriented as well. In time, CORDS should be under civilian control, with MACV furnishing only such support as CORDS cannot otherwise provide.

Additionally, while the need for security in some areas of South Vietnam is paramount and undoubtedly is furnished to a considerable degree by the American military presence, especially in the smaller villages and hamlets, nevertheless it is also logical that the U.S. civilians working in the CORDS effort would be more skilled in Province Senior Advisor work than their military counterparts. Certainly, this would normally be true in educational and agricultural work. In public health, there might be corresponding degrees of expertise available from either source.

Finally, the role of U.S. civilians will be increasingly important as our military forces decline in strength through the troop withdrawal program.

The Director to the USAID Mission to Vietnam did not necessarily agree with my recommendations in this regard. He felt that security now is basic to everything we are doing and, therefore, CORDS should remain under military control. No one can quarrel with his concern for security. But, many other individuals with whom we talked felt that the time had come for our civilians to be dealing with GVN civilians, and that a change in the CORDS structure was imperative to accomplish this transition.

The Hamlet Evaluation System has been the subject of considerable controversy in the past, and there may be some question about the accuracy of its reports, which stated that at the end of 1968, some 92.7 percent of the population of South Vietnam was in reasonable secure areas. This is a marked increase since December of 1967 when CORDS reported to Senator Ribicoff that 67 percent of the Vietnamese population was under the control of the GVN. If these figures are reasonably reliable, security may not be the burning issue that it was previously. I believe, also, that the development challenge—economically, politically, and socially—becomes correspondingly greater as security increases.

In summary, relating to Vietnamization of the American effort in CORDS, I submit:

First, there are certainly some CORDS projects which can already be performed by Vietnamese rather than Americans. There should be a searching reevaluation of the necessity for all CORDS activities, and of the feasibility of accelerating the transfer of the essential undertakings to the Vietnamese.

Second, the Vietnamization of CORDS projects by Vietnamese civilians would be more readily assured if CORDS were a civilian-oriented United States organization. It seems to me that the demilitarization of CORDS is vital to the Vietnamization of rural development.

3. Agency for International Development (AID)

Donald G. MacDonald, former director in Vietnam of the Agency for International Development, in his report to Ambassador Ellsworth Bunker of January 1, 1970, described AID's role in Vietnam:

"* * * As the Government of Vietnam and USAID look toward the future there remains much to be done and much will be done. Improvements in public health services, education, agricultural production and public administration continue to be primary goals—'To Build a Nation' * * *"

The present AID Director, John R. Mossler, made the following points about the AID program to Vietnam in his discussion with us:

First, the Vietnam program is much bigger than any other AID program anywhere in the world.

Second, it is directed much more to short range results, in comparison with AID programs elsewhere.

Third, it is never easy to carry out an AID program to an underdeveloped country. An additional problem in Vietnam is that the AID program has been administered in a war-torn environment.

When Senator Ribicoff visited Vietnam in December of 1967, the main purposes of the AID program at that time were explained to him:

(1) Long-term development.—This includes the installation of an additional port facility in Saigon, known as Newport, which is supposedly a permanent structure to serve the Vietnamese when the emergency is over and when the existing port facilities become antiquated.

(2) War relief and support.—We were advised that AID's support to the total war effort amounts to about 60 million annually, principally through local currency (piasters) generated by AID's commodity import program and the AID-administered Public Law 480 (agricultural) program.

(3) Revolutionary development.—This is an overall program to secure the hamlets and to root out the Vietcong infrastructure. This program uses 59-man cadre teams of both United States and Vietnamese personnel. (Local criticism is that these civilian cadre teams offer an alternative to military service for sons of influential Vietnamese.) The purpose is to "restore the line" between the farms, villages, and province towns and the national ministries.

(4) Commodity import program.—The commercial import program (CIP) functions basically as a supplement to the foreign exchange resources of the GVN in financing imports for the private sector of the economy. As such, it contributes to the stability of prices, since commercial imports absorb piasters, that is, they satisfy inflationary demand. The program pays the foreign exchange cost of the commodities which it finances. The goods are paid for by the importer in piasters and these piasters, known as counterpart, are used for support of the GVN budget in projects and programs approved by the United States.

Of course, the Port of Saigon has been completed and revolutionary development has been taken over by CORDS. The three main categories of AID operations in Vietnam right now are:

Food For Peace (Public Law 480) Program.
Commercial Import Program.
Project Program.

Below is a chart from Mr. MacDonald's report of January 1, 1970, to which I will refer in discussing Food for Peace, the Commodity Import Program, Commodity financing under the GVN's own import program, and other AID matters.

IMPORT LICENSING BY SOURCE OF FINANCING

[Dollar amounts in millions]

	Fiscal year					
	1967		1968		1969	
	Dollars	Percent	Dollars	Percent	Dollars	Percent
CIP	155	26	89	18	209	28
FFP (Title I)[1]	131	22	146	30	73	10
Total United States	286	48	235	48	282	38
GVN	306	52	248	52	463	62
Grand total	592	100	483	100	745	100

[1] Formerly Food for Freedom.

(a) Food for Peace (Public Law 480) program

This program has been in effect in Vietnam for some 12 years. Enacted by the 83rd Congress, Public Law 480, as amended, authorized the disposition of agricultural commodities in selected countries to offset reduced local production caused by war or other adverse conditions, and simultaneously to attempt price stabilization for such commodities in those countries.

This is accomplished through Title I of the Act. For Vietnam, Title I places certain commodities in the commercial markets for purchase with piasters. These commodities are intended to be used for personal consumption or manufacturing processes. The commodities include rice, wheat, flour, corn, tobacco, raw cotton and milk products. Title II of Public Law 480 provides for eight types of foods to be donated to refugees and other needy persons, and one commodity—corn—to be donated for use in livestock production.

These are purchase agreements for Title I commodities, although, as we shall see, the monetary benefits to the United States may be small. Commodities under Title II, however, are outright donations. A rough estimate for Vietnam indicates that U.S. dollars have been involved in Title I and Title II transactions in a ratio of 5-to-1 for the past several years. That is, for every $5.00 spent on purchase arrangements, $1.00 in commodities was donated.

The United States has had an agreement for some time with the Republic of Vietnam providing that 80 percent of the dollars involved under Title I are "plain counterpart" funds. That is, 80 percent of the piasters generated from the sales of Title I commodities are, by agreement, turned over to the GVN for budgetary support. Most, if not all, of these funds help defray the costs of the GVN military budget. The remaining 20 percent is reserved for unilateral U.S. uses, such as to cover administrative costs of the Embassy establishment. There are no counterpart funds involved in Title II transactions. Former AID Director MacDonald reported that about 50 percent of the edible commodities under Title II have been distributed through the GVN's own pacification program, with the remaining 50 percent passing through several social and religious agencies such as UNICEF, Catholic Relief Services, and the Vietnam Christian Service. A condition of delivery was that the commodities were to be used strictly for human consumption.

The eight commodities for human use that have been imported into Vietnam under Title II of the Public Law 480 program are bulgar wheat, rolled oats, rolled wheat, cornmeal, wheat flour, vegetable oil, nonfat dry milk, and a high protein combination called "CSM", which consists primarily of corn, soya, and milk. However, rolled wheat has not been imported into Vietnam under Title II for over a year.

When we met with AID Director Mossler, we were told of the benefits of the Public Law 480 program as a whole, and the need for piasters that it generates to help stabilize the Vietnamese economy. Specifically, we were informed that the Vietnamese are using Title I raw cotton in their rapid development of a promising textile industry, and that by next year they will be turning out some 70 million yards of finished cloth. Also, imported tobacco will provide the raw material for their own cigarette industry which, in turn, will increase the GVN's tax base. Most cigarettes are now imported.

We also were told that there has been enthusiastic response to the human use of wheat flour which has resulted in the completion and operation of two flour mills in less than two years. Finally, we were told of efforts in the agricultural field to develop livestock feed programs, under Title II, in order to give priority to the development of badly needed industries in poultry and pork.

We were led to believe by our AID officials that the Title II program was a resounding success. In December of 1970, however, representatives of the Inspector General's Office of the Department of State uncovered widespread abuses in the Title II program. Among these abuses was the distribution of food to war victims who, in turn, took the items to trucks to be carried away and sold. Some commodities were used for pig feed instead of human consumption. *It is possible that*

AID officials we talked to did not know of these matters, but they should have known. In fact, I have since learned that very late in 1970 AID's Area Auditor General conducted an audit of the Title II program in Vietnam which confirmed the State of Department Inspector General's finding that the program was riddled with widespread abuses.

As a result of the Inspector General's findings, the United States Mission has cancelled imports of bulgar wheat, corn meal, and rolled oats—three of the seven commodities heretofore imported in Vietnam under the Title II program. The shipments of *all* seven commodities under the Title II program have been curtailed for the autonomous city of Cam Ranh, as well as nine provinces: Dar Lac, Khanh Hoa, Tay Ninh, Binh Tuy, Chuong Thien, Vinh Lonf, An Kuyen, Vinh Binh and Chau Doc.

Ralph Blumenthal wrote about this incident in the New York Times and Washington Evening Star of Friday, January 8, 1971. I have had the facts in the story verified by the State Department Inspector General's Office, and I have inserted it in the Appendix to this report as Exhibit No. 1.

Mr. Blumenthal reports that these suspensions will remove an estimated $5 million from the $19.5 million for Fiscal Year 1970 for Title II of the Public Law 480 program.

(b) Commercial import program

The Subcommittee went into great detail concerning the operations of the Commercial Import Program in the public hearings in 1967. Suffice it to say that the program in Vietnam was initiated in 1955 following the signing of the Geneva Accords.

The program was designed to counter inflation by: (1) Helping to satisfy commercial demand for imports (with U.S. dollars in the presumed absence of adequate GVN foreign exchange reserves); and (2) Alleviating GVN budgetary deficits (by applying the piasters surrendered by importers of CIP goods to help underwrite the GVN military establishment and other priority budgetary requirements). The program is known, interchangeably, as the Commercial Import Program or the Commodity Import Program.

As can be seen, underlying all discussion of the Commercial Import Program is the proposition that the program is designed to counter inflation. It also should be pointed out that 100 percent of the CIP money goes into counterpart funds to assist the GVN, although the United States reserves the right to agree on the use of the funds. *This means, in effect, that our country is underwriting the whole program.*

The information that AID has given to the Subcommittee in the past, as well as to us recently in Vietnam shows the amount of money we have put into the Commercial Import Program since Fiscal Year 1962.

[In millions of dollars]

Time period	Commercial import program represented to subcommittee in 1967	Represented to subcommittee in 1970
Fiscal year:		
1962	97.8	
1963	95.0	91.0
1964	113.9	111.6
1965	152.8	149.3
1966	398.1	397.0
1967	160.0	202.1
1968		160.1
1969		130.0
1970		240.0
1971		[1] 300.0

[1] Proposed figure, used for planning purposes.

If we accept as reasonably accurate the figures in the columns where we have no corresponding figures, we can see the magnitude of the Commercial Import Program from Fiscal Year 1962 to date:

COMMERCIAL IMPORT PROGRAM

[In millions of dollars]

Time period	Represented to subcommittee in 1967	Represented to subcommittee in 1970
Fiscal year:		
1962	97.8	(97.8)
1963	95.0	91.0
1964	113.9	111.6
1965	152.8	149.3
1966	398.1	397.0
1967	160.0	202.1
1968	(160.1)	160.1
1969	(130.0)	130.0
1970	(240.0)	240.0
1971 [1]	(300.0)	[1] 300.0
Total	1,847.7	1,878.9

[1] Proposed figure, used for planning purposes. Included in total.

The main commodities that we are financing, generally considered essential to a stabilized Vietnamese economy, are:

[In millions of dollars]

Commodity	Fiscal year 1970	1971 estimated
Chemical and plastics	36.0	43.0
Fertilizer	47.8	27.0
Yarns and fibers	22.4	30.0
Rubber	2.7	3.0
Iron and steel	39.3	45.0
Miscellaneous machinery	28.3	58.0
Electrical machinery	12.1	12.0
Transport equipment	4.3	9.0
Pesticides		3.0
Gypsum and asbestos		2.0
POL nonfuels		6.0
Pulp		6.0
Seeds and resins		5.0
Live animals and yeast		2.0
IDS		8.0
Animal feed supplement		12.0
Others	2.2	
Total	195.1	271.0

(1) CIP licensing procedures

The provisions of the Commercial Import Program require that import licenses, which are issued by the GVN's Ministry of Economy, be approved by AID commodity analysts in Saigon before they are issued to Vietnamese importers.

The Subcommittee was critical of lax licensing procedures during the 1967 hearings. In addition to showing many examples of kickbacks as well as excessive and ineligible commissions on AID-financed transactions, the Subcommittee found that there was no indication on the face of the license that it had either been approved or disapproved, nor was the license examiner identified in any way. AID officials originally claimed that as a matter of policy there was an attempt made to review CIP transactions prior to disbursement. Later they indicated that they simply did not have the personnel to handle the volume of licensing in 1966 and 1967, but that all CIP license applications thereafter would be individually reviewed and approvals or disapprovals so indicated by the analyst.

As a result of our hearings, AID initiated prior review of licenses, the CIP staff was markedly increased, and commodity analysts were added to the CIP section.

We were told that commodity analysts were added to insure minimum waste of the sudden large input of CIP resources, and to protect AID's traditional posture of non-interference in commerical business channels. The commodity analyst's function is to analyze both historical and current commodity procurement and inventory levels and to advise local importers on the soundness of proposed transactions, thereby attempting to forestall excessive purchasing.

The analyst, we were told, is expected to familiarize himself with developments in the local economy by maintaining contacts with importers and end-users, by reading local newspapers, GVN publications and trade papers.

The commodity analyst also reviews and keeps records on all Office of Small Business notices. The curtailment of licenses under $5,000.00 in value and the requirement that such offers to purchase be advertised in the Small Business Circular both resulted from the Subcommittee's hearings. The analyst checks the notices for accuracy of specifications and commodity eligibility; he keeps all license applications and amendments to determine eligibility of commodity, importer, supplier, and for price reasonableness and general conformity to AID regulations; he prepares requests and justifications for CIP obligations, and he reviews all requests for extensions in delivery dates for the commodity or commodities under his jurisdiction.

On November 13, 1970, I ask AID Director John Mossler whether checking of import licenses was done by Vietnamese nationals. Mr. Mossler replied, "They are checking, too—we are the guests of their country." When I said I realized that, Mr. Mossler continued, "on the final review, we have our commodity analysts putting their initials on every license." There apparently had been some 2,000 licenses utilized in 1970 up to the time of our visit.

I also asked whether the licensing procedures, as I have explained them here, are satisfactory. Mr. Mossler replied, "We did have problems because we just didn't have the staff. Now we are able to check before and after the fact. I feel very confident at this stage of the game that we have this part of the program well under control."

Mr. Mossler did not tell us, but we learned independently, that shortly before our visit three Vietnamese employees of the Commercial Import Program in the licensing section in Saigon were discovered running a racket by favoring certain importers in granting and expediting CIP licenses. These same employees published a monthly periodical pertaining to commodities, number of licenses granted, commodity prices and other information. They sold the publication to importers. Obviously, their information came from their employment. They received a percentage of the license fees when they favored particular importers. The three men have resigned but they probably are running their operation, through close contacts, almost as well on the "outside" as they were while working for AID in the Community Import Program.

In spite of protestations to the contrary, we saw no evidence of any measures having been taken to tighten up procedures which permitted the manipulation of import licensing approvals by the local employees. For example, supervision of local employees in the CIP office by Americans does not appear adequate to eliminate continued or recurring instances of this nature.

There have been certain improvements in the management of the Commercial Import Program. A 10-digit code now provides simple, but specific, commodity identification numbers. It is composed of the original AID 7-digit code (for general classification) and a 3-digit suffix (for specific commodities) and it is a handy device for most importers. Another program control innovation is the use of a positive list of commodities eligible for AID financing; any commodity not listed thereon is excluded. There also are improved suspension and debarment procedures. A new central importer file has been established which contains a wide range of information on importers, including the volume of their CIP business in prior years. World Trade

Directory background reports, information on suspensions, relevant AID audit or customs reports, and regular reports by commodity analysts. These innovations have all been accomplished in varying degrees, within the past two or three years.

In 1967, Senator Ribicoff and Subcommittee staff members were told in optimistic terms about a sophisticated Automatic Data Processing system to be placed in use at AID in Vietnam, particularly for the Commercial Import Program. AID at that time reported:

"In February of this year (1967), USAID placed into use the first pieces of what will soon be a sophisticated ADP center. Using punch card data obtained from the National Bank of Vietnam, the AID/W monthly disbursements report, as well as punched customs and arrival data, the ADP center began producing the initial series of data runs on the CIP. These reports cover licenses, letters, of credit, commodities in transit, commodities in customs, commodities released from customs, and a variety of miscellaneous reports (including a numeric and alphabetic listing of registered importers.)"

"On November 27, 1967, USAID received an IBM 360–30 computer. The program for the computer's applications is incomplete and debugging will no doubt take several months. *Nevertheless, USAID is confident of its successful application to CIP processes.* Some of the expected uses included annual commodity projections, detailed control and analysis of the CIP pipeline from initial obligation through customs clearance of the commodities, automatic verification of commodity, supplier, and importer eligibility. Another application we are working on is expected to provide automatic identification of, alterations, if any, to approved licenses." (Emphasis supplied.)

Former AID director MacDonald referred to this data processing in his report to Ambassador Bunker, dated January 1, 1970, in glowing phrases:

"Administration of the CIP has grown more complex as more Vietnamese importers and foreign suppliers participate in the program. To meet the challenge of planning and administering such a large program, USAID relies more and more on Automatic Data Processing. *It is now possible to have complete 'pipeline' data and to follow every individual import transaction from the license application stage through the opening of the letter of credit to the final commodity arrival and receipt stage.* At the same time, the data accumulated in the ADP system provide a more reliable base from which to evaluate past performance and project future requirements." (Report to the ambassador, Page 9.) (Emphasis supplied.)

Shortly before we left Washington, I was given a copy of a rather brief report from the General Accounting Office, dated October 22, 1970, summarizing the GAO's review of this automated arrival accounting system for AID's CIP program in Vietnam.

I am including this GAO report in the Appendix to this report (Exhibit 2), but wish to mention certain portions of it here.

In a section called the Background of the Report, the GAO says: *"In general, we found that USAID/VN has been virtually uninformed, on a consistent overall basis, about commodity import program (CIP) commodities in-transit, arrivals, releases and distressed cargo.* USAID/VN has maintained no formal overall manual system in this area since mid-1966. From inception of the automated system introduced in 1966 until June 1968 there were only unreliable reports available. Even now the reports must be used with some caution in order to minimize errors. *Since, during this period from 1966 to 1970, over $1 billion in CIP commodities were programmed through the system, the inaccuracies in accounting controls becomes particularly significant."* (Emphasis supplied.)

The GAO report indicated that the original automated system for arrival accounting was completed in the early part of 1967. However, the GAO found no evidence of a feasibility study or cost-benefit evaluation either prior to or during the installation of the automated system. Thereafter, in June 1968, USAID/VNAM suspended the use of the system because it was recognized that several features, including accuracy of input data and effectiveness of controls, were grossly deficient.

The AID mission to Vietnam then began work on a revised automated system for arrival accounting. A manually maintained ledger, as required by regulations, had been suspended from mid-1966 until April of 1970. AID told GAO it did not have the manpower to both reconstruct the general ledger manually and to collect input data for a revised system. Therefore, AID/VNAM chose the latter course. Work on the revised system dragged through 1969. In early 1970, the report indicates that AID/WASHINGTON thought the system was operational. However, when Washington requested some arrival accounting reports, AID/VNAM said the system was again under revision. In April of 1970, AID/WASHINGTON sent a computer expert to Vietnam to help out. The contractor who installed the system began to phase out, and the in-house talent that has been revising and updating data in the licensing area of the system was expected to complete this segment by mid-September of 1970.

However, in the conclusion to its report, GAO cautioned AID in these words:

"In our opinion, although much progress has been made toward developing an acceptable and accurate automated arrival accounting system, *USAID/VN thus far, has not achieved complete success nor can any dependable estimate be made of the date on which success may be achieved.* The existing system is not now operational nor has it been since inception." (Emphasis supplied.)

When confronted by this report, AID Director John Mossler told us that the study behind the report was completed some time ago, AID/VNAM has made improvements and they are now "in pretty good shape". Also, "With any computer you are going to have some bugs. We think we have the bugs out."

Apparently, this over-optimistic approach has prevailed in the AID/VNAM offices for sometime. For example, we learned that when staff members of the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations were in Vietnam in October of 1969 they asked if the automatic data processing system was operational, and when it had become operational. H. E. Kosters, of the Financial Management section of the AID mission, said that it was, and that it became fully operational sometime in July of 1967.

There was a great deal of optimism about the system expressed at AID/VNAM even before that. When Messrs. Morgan and Adlerman first went to Vietnam in October of 1966, they were told by Harry Ulinski, then the AID Commodity Import Division Director, that the computer would be arriving and many of the previously mentioned management techniques would be put into effect "in two weeks".

And yet, I have learned independently of the GAO that, as of late 1970, the AID mission's automated system of arrival accounting could not be said to provide any assurances concerning the arrival of AID-financed commodities. At best, it might give a reasonable account of licensing of imports and disbursements of AID monies for commodities. This casual approach might be acceptable if we were dealing in petty sums. But, when we consider that amounts involved here are enormous, I find this "catch-as-catch-can" approach entirely intolerable.

(c) Comparative GVN-AID/CIP commodity financing

The information provided us in Saigon gives us a comparison between the amount of commodity financing undertaken through AID's Commercial Import Program as compared with the Government of Vietnam's own commodity program, for Fiscal Years 1969 and 1970, with an estimate for Fiscal Year 1971. All of these are in terms of millions of U.S. dollars.

The information is as follows:

[In millions of dollars]

	Fiscal year		
	1969	1970	1971 estimate
A. Aid CIP:			
Carrying	109.8	28.3	74.0
Funding	130.0	238.5	254.0
Total availabilities	239.8	266.8	319.0
Licensing	205.9	190.4	293.0
Deobligations (excluding prior year reclosings)	5.6	2.4	2.5
B. Government of Vietnam: Gross licensing	463.0	377.8	335.0

I have previously mentioned the types of commodities that are being brought into Vietnam under the caption, "Commercial Import Program". Now I will mention those that are coming in under the GVN's own import program. These will be for fiscal year 1970, and the estimates for fiscal year 1971. They are, in millions of U.S. dollars:

[In millions of dollars]

	Fiscal year	
	1970	1971
Commodity official rate:		
Sugar	41.3	35.0
Petroleum fuels	50.0	50.0
Cement	12.8	12.0
Pharmaceuticals (including Chinese medicine)	25.8	27.0
Chemicals	6.2	5.0
Machinery and parts	40.5	10.0
Yarns	8.1	5.0
Agricultural equipment	8.4	15.0
Seeds, day-old chicks	2.5	2.0
Book and periodicals	1.1	2.0
Medical and dental equipment	1.9	1.0
Tobacco	1.2	1.0
Beverage materials	4.1	5.0
Milk solids	8.9	2.0
Newsprint	3.4	3.0
ARVN commissary items	13.1	20.0
Total, official rate	229.3	195.0
Commodity parallel rate:		
Food products	12.0	15.0
Radio TV, phonographs, and movie equipment	10.3	20.0
Electrical goods, air conditioners	6.7	12.0
Finished textiles	8.0	16.0
Vehicles:		
Passenger cars	3.0	5.0
Motorbikes	10.5	15.0
Pickups, lambrettas		6.0
Engines	1.6	3.0
Parts and tires	2.4	20.0
Buses and taxis		1.0
Paper products	3.9	5.0
Pulp	6.2	3.0
Bazaar, cosmetics, sports	6.1	6.0
Glassware, ceramics	3.6	4.0
Nonferrous metals	6.0	7.0
Miscellaneous metal manufacturers	3.5	2.0
Others	64.7	
Total, parallel rate	148.3	140.0
Total, official rate	229.3	195.0
Total, parallel rate	148.3	140.0
Grand total, GVN	377.6	335.

What these charts tend to show is that there was a considerably larger amount of commodity importation under the GVN's own program in Fiscal Years 1969 and 1970 than under AID's Commercial Import Program. What the charts *do not* show is that, as we learned in 1967, a considerable amount of the GVN's own financing is not done in or from the United States.

Senator Ribicoff pointed out that only $17 million of a total of $306 million was purchased in the United States during Fiscal Year 1967 through the GVN's own import system. Although things have improved somewhat, the GVN is still not buying anything like 50 percent through its import program from the United States. Charles Cooper, Economic Attaché at our Embassy in Saigon, indicated to us that the GVN is willing enough to purchase more from us but that we are, in effect, fighting an economic problem at the same time. That is, United States goods are not always competitive with those of foreign countries. He gave as an example a comparison of U.S.-manufactured tractors versus those made in Japan. He said the customs tax on the Japanese tractors is about 100 percent as compared with 20 percent on the U.S. machines.

However, the Japanese tractors are smaller and more adaptable to practical use in Vietnam. Therefore, the importers pay the higher perequation tax because the Japanese tractors are more in demand. Cooper felt that each purchase had to be treated in a case-by-case basis.

I agree with Senator Ribicoff that when we consider our tremendous commitment to the Republic of South Vietnam over the past several years, and the fact that U.S. AID is the principal source of the GVN foreign exchange, the South Vietnamese Government could, and should, direct a larger share of its commercial procurement to the United States.

AID Director John R. Mossler did admit to some duplication in the purchase of commodities. He said that this is because certain brand-named items are preferred. However, he pointed out that, as the GVN foreign exchange earnings go down, USAID is trying to put much of the commodity listing on the AID side if the prices are anywhere comparable.

The most obvious duplications of commodities were in three categories, namely:

[In millions of dollars]

Fiscal year 1970	AID/CIP	GVN
Chemicals and plastics	36.0	6.2
Yarns	22.4	8.1
Machinery	40.4	40.5

There is a distinction in the importation rate for these two programs. The AID Commercial Import Program items, under a recent monetary reform which I will subsequently describe, will still be imported at the old rate of 118 piasters to the U.S. dollar, but they will be assessed for import tariff purposes at the pre-June 1966 rate of 80 piasters to the dollar.

The GVN-financed imports, on the other hand, will be imported into Vietnam either at 118 piasters=$1 U.S. or at 275 piasters=$1 U.S., with the higher or "parallel" rate to pertain to those items which are certified as luxury imports. Approximately $150 million was spent for such luxury items in Fiscal Year 1970, and an estimated $140 million will be spent in Fiscal Year 1971. In theory at least, it will cost a lot more piasters—and thus an absorption of same—to import these non-essential items.

Concerning the overall import program, there is another factor to consider when the two programs are added together.

[In millions of dollars]

	Fiscal year—		
	1968	1970	1971 estimate
AID's commercial impact program	205.9	190.4	293
GVN's own import program		377.8	335
Total, both programs	(1)	568.2	628

[1] Figures are incomplete.

This seems to be a tremendous amount of money to be putting into a commodity import program for a small nation of 17+ million. Additionally, the proposed $293 to $300 million for the AID/CIP alone for fiscal year 1971 seems to be an extremely large amount. It may be that this is needed to offset the loss resulting from withdrawal of our troops, as we were advised. It is also possible, however, that distressed cargo might pile up at the Saigon port and at the customs warehouses due to oversupply, or that the inventories in bank warehouses may continue to rise—as they did in the summer of 1970—unless the Commercial Import Program is watched very carefully.

Mr. Mossler did indicate that, as the GVN foreign exchange earnings go down, USAID is trying to put much of the commodity listing on the AID side if the prices are anywhere comparable. But, in practice, since the monetary reform went into effect in October of 1970, it is my understanding that the rate of CIP license applications is well below the projected AID level. This may be coincidental, but it also may be because AID/CIP financing has stricter controls attached to it than does the GVN program. Merchants interested in illicit gains could be expected to prefer using GVN funds which are subject to little or no controls.

In addition, I have learned that AID has offered to renew the financing of cement through the Commercial Import Program. At approximately the same time, the GVN issued a tender, or offer, to purchase some 300,000 metric tons of cement through their own import program. I understand that there really is little need for this large amount of cement at this time. Also, the Vietnamese Trade Community has reliably reported that a kickback of $2.00 per ton is involved in this contemplated purchase. If so, that is $600,000 to line the pockets of some greedy officials.

The real problem, then, is the integrity and honesty (or lack thereof) of the importers involved. As it now stands, they have the opportunity to transfer from one program to the other of their own unjust enrichment. And, it seems to me that there is some question whether we should allow commodity transfers between programs at all, as we shall see in our discussion regarding the GVN's foreign reserves.

(d) GVN foreign exchange reserves

The topic of great concern to the planners, the programmers, and the economists with whom we talked in the AID mission was the adequacy of foreign reserves for the Government of Vietnam, particularly now that we are engaged in a phased troop withdrawal. The contention is that the large buildup of 1965 created new demands on the local economy, represented by the U.S. Department of Defense's spending of piasters which were purchased with DOD dollars, many of which went into the GVN foreign exchange fund.

The AID mission now claims that the Vietnamization program will compel an increase in AID funds for the Commercial Import Program. The reasoning goes that the withdrawal of our troops will reduce the GVN dollar earnings which are associated with the U.S. military presence and purchase of piasters—with Department of Defense dollars—for local costs. They say that the expected drop in GVN foreign exchange reserves will reduce the Government of Vietnam's ability to finance imports essential to combat inflation. Thus the United States will have to "take up the slack" with increased AID funds.

It is not always easy to understand the reasoning of the economists. In 1966, both AID and U.S. military officials in Vietnam told Subcommittee staff members that, while individual troop spending had theretofore been relatively high, American military personnel in Vietnam were encouraged to participate in a special 10 percent interest savings plan. On subsequent visits, representatives of our Subcommittee were informed that large numbers of our servicemen were taking advantage of the plan.

In 1967, Senator Ribicoff and staff members were told that the average serviceman spent less than $15.00 per month of his own money for purchases "on the economy". In May of 1968, Senator Ribicoff in his report estimated that to be less than $100 million annually.

We also were told that in the early days of the large troop buildup in Vietnam in 1965, the U.S. military had lived off the local economy to a great extent until their own logistical supplies caught up with them. Price increases averaged about 125 percent between May of 1965 and July of 1966. On our recent trip, we were advised by Economic Attache Charles Cooper that inflation through the Republic of Vietnam has averaged 30 to 35 percent in the last five years.

I have taken statistics released by the Department of Defense about the numbers of our military personnel in Vietnam at different times, and I have averaged the annual increase in prices at 32.5 percent. I find an interesting set of figures:

Troop strength	Date	Vietnam inflation [1]	Amount of GI spending per year
485,600	Dec. 31, 1967	[2] $15.00	$87,408,000
536,100	Dec. 31, 1968	[2] 19.88	128,732,000
475,200	Dec. 31, 1969	[2] 26.34	150,301,000
332,500	Dec. 31, 1970	[2] 34.90	139,376,640

[1] 32.5 percent per year.

[2] Per man per month.

The foregoing figures do not include any determination of the amount of troop support that might be involved either individually by the G.I., or by the military collectively. However, it is clear that while the foregoing troop spending figures are significant, they do not seem to be the one critical item upon which the GVN foreign reserve balance is predicted.

Nor am I persuaded that any great increase in CIP funds is absolutely necessary. For one thing, the withdrawal of our troops should also signify a reduction in monetary demand represented by the purchases made by the Department of Defense for facilities and by the servicemen themselves for Vietnamese goods and services. Furthermore, the recent monetary reforms, if enforced, should exercise a dampening effect on imports and import demand because they certainly increase the piaster costs of imports and make the licensing process much more difficult, economically speaking.

I believe that AID officials properly represented to us that U.S. funds through the Commercial Import Program should be used only *if* GVN dollars to finance imports are not available. But it is my understanding that GVN foreign exchange reserves are still substantially in excess of the level considered necessary for the security of the Vietnamese economy.

As a matter of fact, I understand that in fiscal year 1967, the GVN foreign exchange reserves were climbing so high that they became an embarrassment in some quarters. In attaining this high point, AID had shifted so much of its CIP financing over to the GVN that the AID CIP licensing in FY 1968 actually fell to about $90 million.

Then, in fiscal year 1968 the Government of Vietnam drew down on its reserves in the following manner:

(1) By financing goods such as POL (petroleum, oil, and lubricants), sugar, cement, and pharmaceuticals, etc., all of which had formerly been financed under CIP.

(2) By financing some rice imports.

(3) By financing imports, in questionable amounts, such as pharmaceuticals, a field in which previous experience has shown that kickbacks abound.

In fact, the GVN's foreign reserves were drawn down rapidly during this period, from an approximate high of $375 million to something over $200 million. Concerned by this, some economists recommended a return to AID's Commercial Import Program and "all out" spending through the CIP in Fiscal Year 1970. Now these same people are embarrassed again because CIP licensing has been running at a lower rate than expected while the GVN foreign reserves have stabilized and, in fact, have increased somewhat since the recent reforms.

I think the time has come whereby we should make every effort to assure a sensible GVN import program, too, since both programs have been so interwoven in the past. The manner in which the GVN uses its foreign exchange has a bearing on its own reserve position. Is it too much to ask the GVN to apply some austerity to their expenditures, and to watch for waste in their program at the same time? Let me give an example of what I mean.

In 1967, our Subcommittee hearings brought about the withdrawal of AID from the financing of pharmaceuticals to Vietnam under the Commercial Import Program because we showed that the prices of drugs and the amounts ordered were questionable and far beyond the demand for the occupants of that country. However, I have since learned, not from AID but from other sources, that the GVN has, in fact, claimed to have imported more than $40 million worth of pharmaceuticals in the past year. Our hearings showed that the $16 million spent by CIP for pharmaceuticals in one year was excessive. This represents both an example of waste and of a built-in atmosphere for collusive kickbacks, in my opinion, along with a lack of responsibility on the part of those persons in charge of GVN's import program coupled by poor advice, or none at all, from our AID officials.

Some of the burden of financing Vietnam's future should be shifted from AID's Commercial Import Program to the Government of Vietnam. The conventional weapons of fiscal policy can properly be used now to curtail excessive demand. If the security has risen to the point where the Viet Cong are no longer a threat in most of the country, the Government of Vietnam should begin collecting taxes where once the VC were the main collectors of such internal revenue.

I believe that we should seek answers to such questions before automatically agreeing to increased Commercial Import Program appropriations.

(E) Inflation

After the House Foreign Operations and Government Information Subcommittee and staff members went to Vietnam, their basic report of October 12, 1966 recommended that a series of controls be initiated to attempt to deter inflation and to put Vietnam on a typical wartime austere economy. Without debating the merits of such a proposal, it is safe to say that it was rejected completely by the position to administer the U.S. involvement into the Vietnamese economy at that time.

Instead, Leroy Wehrle, the young economist advising the U.S. Mission, recommended the use of the Commercial Import Program, primarily, to combat inflation by providing funds to meet the market demand at whatever level for commodities approved for financing by AID. Thus, the underlying philosophy was to flood the Vietnamese markets with a super abundance of AID commodities to match the demand, which was in turn inflated by that portion of the demand represented by over-pricing, worthless goods, and other irregularities. This was supposed to contribute to the stability of prices in Vietnam as well.

In 1967 we were told that the Commercial Import Program was established to counter inflation from deficit spending in support of a large military establishment. Then AID Director MacDonald reported to Ambassador Bunker on January 1, 1970, that:

"The Commercial Import Program (CIP) continued in 1969 as a major weapon in the Government of Vietnam-USAID battle against the wartime inflation facing the Vietnamese economy. Assuring that adequate supplies of basic commodities are maintained in the market continues as the CIP's primary objective." (Report to the Ambassador, p. 7)

There have been two major changes in the monetary exchange rate in the GVN's fight against inflation. The first, in June of 1966, changed the accommodation rate from 80 piasters=$1U.S. to 118 piasters=$1U.S. The second exchange rate revision changed the accommodation rate from 118 piasters=$1 U.S. to 275 piasters=$1U.S. These have both been tools to fight inflation. However, in spite of this, I repeat that Charles Cooper told us inflation in Vietnam has averaged 30 to 35 percent a year for the past five years.

It may be late in the game, but it seems to me that we should reexamine our economic policies in Vietnam, particularly those relating to the Commercial Import Program. Certainly, the economists were incorrect in their approach to the problems in 1966 and 1967.

Perhaps it is more technically correct to say that their theory to combat inflation, as above described, was correct but their theory was based on at least two false assumptions:

(1) They assumed a perfect market in spite of the unrealistic piaster-dollar rate. They did not take into account that dishonest merchants and the Viet Cong were not readily identifiable from the anti-Communist South Vietnamese and that under such conditions corrupt merchants and the VC could easily divert funds and commodities, many of which went right to and from the open market.

(2) They assumed that the mere threat that more CIP dollars would be poured into the market would be enough of a deterrent to prevent speculative hoarding or the withholding of goods from the market. Such was not the case. In fact, powerful merchants did withhold goods, force up prices, and expect AID to counter by increasing CIP allocations to combat inflation.

All of this prompts me to repeat what Senator Karl E. Mundt, Ranking Minority Member of the Subcommittee, said when the Subcommittee concluded its hearing concerning AID Commodity Import Program to Vietnam. I repeat these words, because I believe them to be as pertinent now as when they were spoken:

"In closing, I want to say that I realize the administration of AID in a war-torn country such as Vietnam, is not an easy task. However, because it is not, even greater diligence than usual must be shown. We must not forget that the commodity import program portion of AID alone on June 30, 1967, cumulatively climbed over the $1 billion mark for the past 6 years to Vietnam. When we consider the possibility of increased taxation (in this country), particularly to finance the Vietnamese conflict, *we must remember that we don't want to be put in a position of increasing taxation in this country in order to keep inflation down over there.*" (Emphasis supplied.)

(e) Project program and personnel

(1) Project program

This is the third main category of the AID program to Vietnam.

The dollar involvement in the project program over the past several years, has been:

[In millions of dollars]

Fiscal year:	*Amount*
1963	32.9
1964	48.9
1965	68.3
1966	176.5
1967	273.4
1968	220.6
1969	158.6
1970	168.2
1971	105.3
1972 (projected)	106.0
10 year total	1,358.7

Both AID Director John R. Mossler and Economic Attaché Charles Cooper said that, in effect, the project program became extremely ambitious in Fiscal Year 1967. Mosler said about the project program then, "It went off in a wide variety of activities." Cooper, putting it another way said: "I think we were trying to do too much in the earlier years. In 1966 or so, we were involved in programs pertaining to health care, education, social security, well-digging, etc. Thereafter AID apparently tried to cut back on the programs but there were many pressures on AID to continue them, many of the pressures being political." This, coincidentally, was at the time that Cooper's predecessor, Wehrle, was expounding the theory that we should freely spend AID dollars—through the Commercial Import Program and otherwise—to avoid inflation in Vietnam.

Mr. Mossler did feel, however, that there had been a decline in this program over the years and that there would have been a steady decline through FY 1970 except that $15 million was put into a land reform program. He explained the decline by saying that in the early days there were all kinds of things that had to be done. AID was obligating funds for such programs as a water project for Saigon, a power project, and a badly needed port project. In other words, the basic infrastructure had to be settled first and these funds were used to do it. The whole program really was one of Vietnamization—that is, in bringing our people in to train the Vietnamese, who were then sent to take over in their particular geographic areas with the skills that we taught them. A considerable number of Americans were needed during those days. Now, however, the emphasis is increasingly on Vietnamese takeover in every category. The Americans are reduced in force and have been assuming an advisory role. While Mr. Mossler referred primarily to AID's role, I assume his statement could be equally applicable to the overall American presence in Vietnam.

Mossler again explained the decline in dollar expenditures but said that part of it is because we finished our job in those certain areas—construction and training—and, also, as we gained in stabilization, AID looked harder at the projects, particularly as to Vietnamese cooperation and support, before venturing into them.

When Senator Ribicoff was at AID headquarters in Saigon, three years ago, he asked then-Director Donald MacDonald how many projects they had in operation at the time. Mr. Morgan was present as was R. L. Culbertson, then-AID Associate Director for Land Development. Culbertson answered, "From a dozen on up to eighty-five depending upon classification." Culbertson indicated the absolute maximum, including "activities," as "around 200." When Senator Ribicoff asked, "How many can be eliminated?", his question was met with complete surprise, if not actual shock. Director MacDonald answered, "Not many." Mr. MacDonald said that he had cut the staff of the Land Reform Section from 26 to 2. Senator Ribicoff advocated a "Close down Czar" for AID projects, and said, "This is a step in the right direction." Of course, land reform is once again in the AID budget, which calls for funds in this category in the following amounts for the particular years:

Land reform

Fiscal year:	
1970	$274,000
1971 (planned)	16,561,000
1972 (estimated)	16,398,000

The AID officials otherwise must have heard Senator Ribicoff's recommendations. When I asked for a project list, they certainly had the "package" much more organized. Mr. Mossler presented me with a document which listed 16 types or categories of projects, and within them, a total of approximately some 44 to 56 project titles. The listings varied somewhat depending upon the particular fiscal year. I offer a summary of these projects and the amounts of money involved:

[Dollar amounts in thousands]

Project type	Number of projects and year					
	Fiscal year 1970		Fiscal year 1971		Fiscal year 1972 (projected)	
	Number	Amount	Number	Amount	Number	Amount
1. Agriculture	5	$5,425	5	$21,324	5	$20,481
2. Education	9	6,160	5	4,526	5	3,738
3. Engineering	7	10,233	9	8,819	8	10,550
4. Industry	1	406	1	838	1	612
5. Joint U.S. Public Affairs Office	1	538	1	1,312	1	1,048
6. Labor	2	843	2	858	2	642
7. Logistics	5	10,947	4	6,830	4	5,633
8. Public Administration	6	3,302	6	2,285	6	3,073
9. Public Health	10	19,506	8	17,605	8	15,460
10. International Voluntary Services	1	384	0		0	
11. Technical support AID	1	16,728	1	14,377	1	13,295
12. Community Development	2	7,234	2	2,181	2	1,487
13. Public Safety	3	11,455	3	11,502	3	11,628
14. Saigon Civil Assistance Group	1	563	1	2,046	1	91
15. War victims	1	3,482	1	6,287	1	4,582
16. Technical support, CORDS	1	13,941	1	14,447	1	13,073
Total	56	111,147	50	115,237	44	105,031

Mr. Mossler explained a few of the items. For the "Agriculture" category he mentioned the Agricultural Extension and Information Service, the Agricultural Credit and Agricultural Organizations, Crop Production, and Animal Production.

Director Mossler also discussed Education. He said the concentration has been on elementary education and on better training for the teachers. He indicated 83 percent of the elementary-eligible school children actually are in school. The Vietnamese are aided in both education and pacification as the program reaches the populace of the country.

I was disturbed when Mr. Mossler told us about the training of Vietnamese medical doctors. They receive essentially the same amount of training over the same period of time as doctors here in the United States. Actually, while the Vietnamese doctor requires only 1 year of undergraduate college training, he needs 6 years of specialized medical training, including a year of internship.

It is a noble-objective to train professional persons to the hilt. But, a look at the short supply of doctors in Vietnam, and the small number who graduate each year, makes it worthwhile to consider the possibility of shortening the training time period in the national emergency.

The House Foreign Operations and Government Information Subcommittee spent some time on this overall problem and their report, dated October 8, 1970, gave the following pertinent conclusion:

"Although an increased number of medical teams have been providing direct medical care and health services because of the shortage of Vietnamese medical personnel, the role of U.S. personnel has been generally restricted to assisting, advising, and supporting GVN provincial health chiefs. U.S. medical personnel have been given no direct responsibility for medical programs; and, consequently, they have little or no authority to direct that actions be taken by the Ministry of Health to correct known deficiencies." (Report, P. 18)

The House Subcommittee also said:

"In developing countries, AID has traditionally assumed the role of an advisor and has worked to strengthen and build governmental and private institutions. In Vietnam, because of the size of the various programs, AID has been requested to go beyond its traditional role and become more involved in the operational and management aspects of its programs. Because of the importance placed on the medical program and the deficiencies (including inadequate personnel, facilities, and supplies) found during its investigation, the subcommittee recommended that the United States play a more active role in all aspects of the civilian medical program."

The House Subcommittee's attention was focused on the subordinate role U.S. medical personnel play in Vietnam and the fact that AID in Vietnam should do more and should become involved in the operational and management aspects of the medical program because of the inadequacies of the program and the lack of trained Vietnamese personnel. AID-financed Public Health programs are funded at $19.5 million for Fiscal Year 1970, $17.6 million for Fiscal Year 1971, and a proposed $15.5 million for Fiscal Year 1972.

The House Subcommittee also found that AID had entered into a contract with the American Medical Association whereby educators from the United States were brought into Vietnam to assist and advise Vietnamese in training new doctors and upgrading the medical schools. Essentially the same is true of dentistry, although here there has been some participant training in the United States for dental instructors. From the fall of 1966 to July 1969, 59 medical educators spent an average of 9 months in Vietnam under the contract, and since July of 1967, 15 dental educators have come to Vietnam, under the AID contract with the American Dental Association, for periods also averaging 9 months.

AID Director John Mossler told us there are only about 1,200 medical doctors in all of Vietnam, and that about 60 percent of those are either in the military or are associated with the military. The House Subcommittee said there were about 1,000 doctors in 1966 and that there could well be as many as 1,400 doctors by 1970 in Vietnam. Of the 1,000 in 1966, the Subcommittee found that approximately 700 were in military service. Of the remaining 300 doctors, about 100 were in private practice treating pay patients only; about 100 were either retired or employed in fields other than patient care, and *only 100 doctors remained to work with an indigent population of 10 million* (based upon a 1966 population estimate of 15 million then.) It is clear then a crash program to provide more physicians is needed.

Further, both Mr. Mossler and the House Subcommittee reported that some 200 medical doctors are graduated each year from the two medical facilities in Vietnam: the Faculty of Medicine at the University of Saigon and the Hue Medical School. But almost all of them go immediately into the military. In 1967, AID set a ratio of 1 doctor per 4,000 persons and 1 dentist per 40,000 persons as the minimal needs of the Vietnamese population. The House Subcommittee, with GAO assistance, found that if, in fact, *the number of doctors increased at a rate of 10 percent a year, and the annual population growth rate remained at a level of 2.6 percent a year (House Subcommittee estimate), it would conceivably take Vietnam over 18 years to achieve a ratio of 1 doctor for each 4,000 persons, the AID objective.*

The same is true for dentistry. AID's 1967 objective was to have one dentist for every 40,000 persons. On the basis of an estimated 16.9 million people in mid-1969, this would mean a need exists for approximately 448 dentists. However, indications in July of 1969 were that there were only about 150 dentists in Vietnam. On the basis of the current capacity of the dental school, *it will take over 10 years to attain the established AID objective.*

The need for a condensed medical training program in Vietnam is readily apparent, as far as I can see. As a matter of fact, several doctors who are respected members of the American Medical Association have told me privately that the training period for medical doctors in this country is too long. Why should we not then work with the GVN's Ministry of Health and its Ministry of Education to attempt to expedite this training for the overall good of the country, both in wartime and in future peacetime? The American Bar Association, working with State Bar Associations and the American Association of University Law Schools helped to speed up the law schools both in World War II and the Korean emergency. Law schools were operated on a year-round basis, and a student in his senior year frequently had final exams waived. More often than not, the student was not required to take the state bar examination of his resident state.

Vietnam is a war-torn country unable to give enough medical attention to its civilian population. Its people have a very low life expectancy rate under the most favorable conditions. The House Subcommittee found that Vietnam in the fall of 1970 was still ranked among the lowest of developing countries in the number of trained medical personnel relative to total population. I must stress my feeling that the Vietnamese Government should concentrate on a crash program to teach its medical students the basic medical needs in a much shorter time on a year-round basis until this critical need for local medical doctors has been met. I also suggest that the American Medical Association urge strenuously that the Vietnamese Ministries of Health and Education adopt this policy.

In Vietnam I asked AID Director Mossler to talk with our medical people about the matter and to write me thereafter. I include a copy of his letter dated December 8, 1970, as Exhibit 3 on the Appendix of this report.

His reply was not satisfying to me. He emphasizes the fact that many nurses have been trained and that paramedical personnel are being trained, along with midwives. He also refers to public health paramedical training for district health workers and the establishment of laboratory assistant schools.

The House Subcommittee indicated that the training of nurses has been satisfactory, and that is reassuring. I also commend Mr. Mossler for the efforts being made in these areas. However, I think the approach is incorrect because *I believe there is no substitute for a crash program starting at the top, to teach medical doctors and dentists their basic needs in a concentrated period of time.* I have summarized my reasons for this belief in Exhibit 4 of the Appendix to this report.

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(g) General comments on aid to Vietnam

(1) Economic stabilization, including currency devaluation

AID Director John R. Mossler told us that 54 percent of the total AID effort is directed toward stabilization, and relates to troop withdrawals and the resultant loss in GVN foreign exchange. Mossler said that the GVN is exporting only about $20 million of commodities per year while they are now earning about $350 million of foreign exchange per year. However, a good 60 percent of their budget is directed toward security activities. We have been working with the GVN to increase tax collections, to increase customs collections, and other income sources, but, as Mr. Mossler says, the GVN still does not generate enough revenue to go forward on its own, and, in his opinion, need supplements for the local currency through Public Law 480 or the Commercial Import Program. In the CIP, the Vietnamese importer puts down piasters to buy the additional foreign exchange that we make available. In many instances, he also pays import taxes on the commodities.

We were advised by economist Charles Cooper that in late October 1970, the U.S. Mission had worked out another agreement with the GVN to combat inflation. It is called a "new multiple exchange rate" and is part of the new stabilization package. It took time to work out because the executive branch of the Vietnamese Government had no clear authority to carry this out. Therefore, the plan had been tied up in the Vietnamese Assembly for some time.

Basically, there have been four major changes. They are:

(1) Change in the interest rates. The previous legal maximum in Vietnam was 13.8 percent. The new rate structure will put most interest on loans for commercial activities at 24 percent. At the same time, rates of time deposits have been increased, from 4 percent to a scale ranging from 10 percent to 20 percent, depending upon the length of the deposit. Cooper said there has been an increase in the money supply in Vietnam and that commercial banks have money available now. He thought the new rate was fair for depositors and that the 24 percent interest rate for borrowers would tend to cut inventory speculation by importers as well as the hoarding of goods. He credited the present Minister of the Economy with the innovation.

(2) Change in import licensing procedures. We were told that, in the past, Vietnamese importers were required to make few if any deposits on imports at the time of licensing. The new schedule under the stabilization package, pertaining to *both* the Commercial Import Program and the GVN's import program, will require deposits ranging from 100 percent of the foreign exchange involved to as high as 400 percent, particularly on speculative goods, depending upon the level of perequation taxes and customs duties. The deposits will be held for at least three months. A few items, considered essential, will be exempted from advance deposits. Periodic reviews will be made to measure the effects of both the advice deposit rates and the upward adjustments in interest rates. It is anticipated that the advance deposits device will have a deflationary effect because of the absorption of the money supply required for deposits. It is also hoped that the combined measures will make speculation and hoarding of imported goods less attractive.

(3) Change in the exchange rates for importers.

(4) Devaluation of the piaster, as of October 4, 1970.

Combining my comments on these two changes, we find that the GVN has established a "parallel exchange market" with the rate set initially at 275 piasters=$1 U.S. This will be used for the conversion of dollars to piasters for individuals, called the personal accommodation rate, and also for exports except for exchange conversions to send Vietnamese students abroad and for official Government transfers. They will include about 20 percent of the financing of GVN imports, generally in the luxury item classification.

The GVN will make selective adjustments in the "perequation taxes," which are similar to customs duties, on some of the imports which are retained at the 118 piaster rate. The weakest portion of the package, it seems to me, is the part that states U.S. Government official purchases of piasters will be continued at the 118 piasters=$1 U.S. rate. This is because the 118 piasters our government will be using to pay for rents and services, a portion of the salaries of Vietnamese employees working for the U.S. Mission, administrative costs, etc., will be competing against the 275 piasters that private individuals will be receiving as their accommodation rates for the exchange of a U.S. dollar.

It is thought that these devices will dampen inflation by absorbing more piasters through the import process. It is hoped that a more open licensing system will evolve which will in turn reduce mark-ups importers are able to charge. Prices should go down. Thirdly, it is hoped that the increase in the accommodation rate—which will narrow the difference between it and the black market rate of approximately 440 piasters = $1 U.S.—will lessen the incentive to use illegal money markets for personal conversions of dollars to piasters.

What effect will this have on those commodities that were ordered, or ordered and are in-transit before this stabilization package was announced? There is some confusion in this regard, but apparently all licenses requiring advance deposits were cancelled and had to be resubmitted. This, of course, would be another reason for a slowdown in CIP financing.

What will be the overall effect of this stabilization package? Mr. Cooper hopes it will be effective but said they really would not know for at least three months. He candidly stated that the new rate was great in theory, but that it has not been in effect long enough to determine whether it will work.

I feel that these reforms should be watched carefully for activities such as those of the three fired Vietnamese who had been giving preferential treatment to certain importers while working for the commodity analysis. Privileged importers using GVN foreign exchange could conduct their business by falsifying commercial documents and then drawing down dollars in exchange for relatively worthless piasters, through fraudulent commercial transactions. This has happened in the past. The managers of AID's Commercial Import Program and their Vietnamese counterparts who are in charge of the GVN's import program must make absolutely certain that GVN foreign reserves are not fraudulently drawn down by collusion. If this happens, I feel that the reforms will have little or no value.

(2) Resources, possible future exports and need for foreign investments

There are many different answers to questions about the future, although everyone agrees that Vietnamese resources have to be developed so that exports ultimately can help the country gain its economic independence. Foreign investments from the free world nations can materially assist the GVN in accomplishing this goal. I previously stated that Vietnam is importing about $800 million a year and exporting only about $20 million. This is a tremendous imbalance.

A few years ago, Vietnam was a rice-exporting nation. There was optimism two or three years ago that it would be again. Rice has now been produced in such abundance that it is likely Vietnam will be able to sustain itself on domestic production in 1971. Unfortunately, rice is being grown at the same increased pace everywhere in the Far East so that there is little likelihood of any foreign demand if Vietnam once again becomes a rice surplus nation. For instance, Japan has a surplus of 800 million metric tons of rice.

Therefore the GVN will have to turn to other exports. Agriculture is one of the basic strengths of Vietnam. My briefers agreed with me on that. I noted that the Volunteers for Vietnam have found that although about 40 percent of the population of Vietnam was in the cities, nevertheless, at least 70 percent of the population depends upon agriculture to make a living. However, officials felt that agricultural research was very limited and they recommended that a new agricultural university and research center be included in the long range planning for Vietnam. However, AID has contracted with agricultural exports from the University of Florida to attempt to broaden this field and it is hoped that some commodities for future export trade will be emphasized.

Resource development in Vietnam has been fashioned on a basis of priorities. That is, the rice deficit had the first priority. Thereafter, the increase in poultry and hog production was the second priority. Progress is being made, although there are still considerable imports of feed for livestock. Domestic grain production eventually will replace the imports.

Mr. Mossler thinks there is a good possibility of growing bananas in quantity for export. Japan imports millions of dollars worth of bananas from Taiwan and from South America each year. Therefore a ready-made market for the fruit seems assured as soon as security conditions allow more concentrated production.

Mr. Mossler hopes for the development of enough fertilizer plants in Vietnam to provide the 400,000 metric tons that are required for the production of IR-8 "Miracle Rice." Such a project is going forward rapidly in Indonesia, and he and his associates feel it is not a complicated manufacturing process.

There seem to be other potentials for agricultural commodities. Production of coconuts, sugar and sorghum also offer possibilities of commodities for export. Mr. Mossler feels that fishing and shrimping offer good potentials for economic development. There appears to be a tremendous supply of timber available once the security conditions improve. Related industries such as pulp and paper mills could follow. The development of textile plants and sugar refineries progresses. Mr. Mossler includes the need for industrialization in the long-term needs for Vietnam. He said that the Vietnamese textile factories, using Public Law 480 cotton, will turn out 70 million yards of high quality cloth next year. The export of rubber in the future also seems likely. Many of the rubber plantations are in contested areas. There is an obvious manpower shortage, and many of the plantations are French owned. They currently offer small benefits to the Vietnamese. It takes 7 years for a rubber tree to mature, but Mr. Mossler says trees have been obtained from Malaysia and Indonesia and the Vietnamese are starting afresh.

The overall potential is there, certainly much more than ever was indicated in Korea, which is a hard-working, self sufficient nation—prospering through perseverance and against great odds. To develop the Vietnamese potential. there is great need for putting together an inventory of natural resources. The proper utilization of these resources, consistent with the war effort, is a "must," in my opinion.

A small industrial complex has been started at Bien Hoa about half an hour northeast of Saigon. About 20 plants are in operation there. This is an excellent beginning. Much more may come of this as Vietnam turns more toward a postwar course.

Closely related to all of this, of course, is the strong need for foreign investments in Vietnam from the Free World. The Australians have just stepped up their program of Vietnamese assistance, and New Zealand is doing the best it can within its own capabilities, although our advisors were rather vague as to the amounts involved. The World Bank, too, has expressed an interest in assisting in the Mekong Delta area now that it has become relatively secure.

Japan is the real key to foreign assistance to Vietnam, in my opinion. The Japanese have been assisting some, primarily in support of hospitals, preventive medicine and by participating in World Health programs, in the approximate annual amount of $10 million. However, I think we should encourage the Japanese Government to do much more.

Japan has profited, economically, from the Vietnamese conflict as the bulk of the GVN purchases through its import program has been from Japan, ostensibly because Japan is closer and their commodities are cheaper. Japan has also supplied many goods, materials and supplies under our AID program when exceptions to the "Buy American" policy were made because of a specific requirement that certain badly needed items be expedited to Vietnam.

Japan is to be commended for having put some $125 million in investments into Indochina per year for several years now. As the present economic leader of the Free World nations in the Orient, I would hope that the Japanese would express a similar interest insofar as investment into Vietnam are concerned. I would also hope that their assistance would either be in the form of a direct grant, as so much of ours has been, or at least that any loan or loans they might make would be for a long period of time and on very favorable terms.

There are some indications that Japan is moving forward in this direction. We were told that our Mission has been very active in getting the Vietnamese to encourage the Japanese to come in and that the Japanese Government in October of 1970 sent a team, representing all of their leading Ministries to Vietnam to study the prospects.

Such a proposed participation by the Japanese Government is all to the good. It will be of considerable assistance to the Vietnamese, it will lessen the load of this country in Vietnam, and it will inure to the benefit of Japan itself in terms of prestige and in future foreign trade. I expressed an interest in this regard when I first came to the Senate. I sincerely hope that it will be accomplished very soon.

Forty percent of the Vietnamese population live in the cities of Saigon, DaNang, Nha Trang, Delat, Hue and Can Tho. Most of these cities are terribly crowded. Shacks and makeshift homes are common in Saigon and new home building is pitifully slow. AID has done an excellent job in developing water mains, sewer systems, and street lighting—things we take for granted. Yet public utilities remain basic problems in DaNang and the other cites. The people who move to the cities do not receive any special benefits as refugees and there is no form of training program.

Some type of urban advisory program would help. So would a program of advising rural persons that, security permitting, they are much better off in the countryside.

(3) Rice and land reforms

Charles Cooper and AID Director Robert Mossler indicated to us that ravaging floods and increasing military activity in 1965 and 1966 caused a considerable decline in rice production in Vietnam, to the extent that some 800,000 metric tons had to be imported in 1967. Most of this came from the United States under Title I of the Public Law 480 program.

The U.S. Department of Agriculture's Experimental Station as Los Banós in the Philippines developed some years ago high-yielding rice varieties known as IR–8 and IR–5 "miracle rice." These were introduced to some 35,000 Vietnamese farmers during the growing season of 1968–69 and the immediate goal to plant 44,000 hectares (one hectare equals approximately 2.5 acres of land) was attained.

We were advised that the average yield per hectar was more than 5 metric tons compared to the national average yield of 2 metric tons for local varieties theretofore. The net production increase for the year was 132,000 metric tons of unmilled (paddy) rice.

The 1969–70 planting goal is 200,000 hectares, which will result in a net production increase of some 600,000 metric tons next year. The next goal is 500,000 hectares for crop year 1970–71. Cooper estimates the yield will be 4 million metric tons of unmilled (paddy) rice. Mossler felt that fertilizers and pesticides were of great assistance in bringing these results. Both officials felt that Vietnam would be self sufficient and thus there will be no need to import any rice by the end of this year. It should be remembered that some 400,000 metric tons of fertilizer are still being imported to make this possible. Pesticides, too, are imported into Vietnam for this program.

Consistent with my understanding that the farmer in many instances is better off than the city dweller is the fact that he is now getting a good price for his rice. There was great concern in 1966 and 1967 when indications were that the farmer was receiving only 7 piasters per kilo. Subcommittee representatives then wondered whether the farmer should be subsidized to encourage him to continue working. This was not done, but by 1967 the farmer's price had grown to some 12 to 13 piasters per kilo for high grade paddy rice.

Because of the shortage of domestic rice and the consequent need for imported rice, we learned that the large amounts that were being shipped in late December of 1967 cost $175.00 per metric ton for medium-grain rice and $195 per metric ton for long-grain rice. Practically all the rice came from the United States. Both types carried $30 per metric ton freight cost. Obviously, some of this cost had to be offset by subsidies.

Mr. Cooper said the rice farmer now receives about three times as much as he did five years ago, between 21 piasters and 36 piasters per kilo for Number One 25 percent broken milled rice. The price to the consumer throughout Vietnam is approximately 50 piasters per kilo. Mossler's goal is to eliminate the declining subsidy altogether.

If the program continues to succeed, it is incumbent for the Vietnamese to provide for their own rice needs now, to relieve AID of expenditures of about $100 million annually. Rice exports, perhaps impracticable because of rice surplus in many Asian countries, would help to build up foreign exchange and to finance import needs if they could be attained.

The objective of land reform is to relieve the farmer of rent requirements. Under the Land-to-Tiller law, proposed in 1969 and passed by the GVN National Assembly in 1970, there are provisions to transfer all privately-owned land from the landlord to the actual cultivator, at government expense.

AID has agreed to provide the GVN with $10 million of imports against the initial piaster payments the government would make to the landlords, ostensibly to offset the inflationary aspects of the law. AID has asked for an additional $30 million in import support for fiscal year 1970, to be used when justified by the amount of piaster payments made to landlords under the law, for the same purpose.

Additionally, under the decree announced in June of 1970, which serves to implement the law, farmers no longer need pay rent on the land they are occupying until such time as the rather chaotic land titles in Vietnam affecting the farmers are cleared up. The result should be the generation of revenue for the governmental unit in which the farmers operate because the farmers should be in a position to tax themselves for schools and other local improvements.

Under the land reform law, a landlord may retain 15 hectares of land, provided he cultivates it himself. The government purchases his other land, with payment to be made over a stated period of time.

Within three years, about 900,000 of a possible 1.3 million hectares should be distributed through the land reform program.

Land reform is now an integral part of the GVN's pacification effort. This should counter the VC propaganda that the GVN is dominanted by absentee landlords. The hope is that successful implementation of the land reform program will turn the desire for land ownership into broad-based rural support for the Government of Vietnam.

4. Overall U.S. Mission Activities

(a) Interministerial GVN committee

We met in Saigon with Deputy Ambassador Samuel Berger in the absence of Ambassador Ellsworth Bunker. Ambassador Berger appeared to be a "no-nonsense" type of individual and I was impressed by his candor as we discussed various topics concerning our efforts in Vietnam.

Ambassador Berger told us that our mission has been influential in formulating a GVN Inter-Ministerial Committee—with our Embassy representatives serving as advisors—to attempt to deal with the very urgent problems of smuggling, corruption, black market activities, illegal trafficking in currency, and tax evasion.

The Committee emanated from the Prime Minister's office and is comprised of the Ministers, or their alternates, from the Ministries of Economy, Finance, plus Customs Service, Immigration Service, and the National Police. The main thrust of several meetings held thus far has been to impress GVN officials with the importance of taking much more vigorous action in the problem areas, not only to remedy them but to also gain some badly needed revenues for the Government of Vietnam. This is tied in closely with the foreign exchange reserves that I have discussed.

(1) Tax controls

The GVN Inter-Ministerial Committee, with U.S. Embassy assistance, worked on a series of practical controls. In one instance, the U.S. Mission honored a GVN request for a list of all landlords with whom the

U.S. Government had military and civilian leases and the amounts of rent we have been paying. Another list included contractors with whom the U.S. Mission has been doing business. The purpose is to help the GVN to collect from these landlords both income and "super rent" taxes and appropriate taxes from the contractors.

Our Mission representatives told the Ministry of Finance that its tax collection machinery was inadequately manned. In a joint effort of the Ministry of Finance and the Ministry of Defense, some 150 experienced tax collectors, who had been called into the military as a part of the general mobilization draft of 1968, were returned to their civilian pursuits. Additionally, the Finance Ministry is training more tax collectors.

Our advisors have been working with the GVN Director General of Taxation and we have 5 tax experts, plus 1 British tax expert provided by the United Nations, to help improve tax collection procedures, train a staff, and work on a general recodification of tax laws.

The GVN's new tax collection technique includes a campaign to collect taxes due from medical doctors, lawyers, importers and other persons who have access to considerable sums of money per annum.

Economic Attache Charles Cooper had previously told us that the GVN tax revenues came from three sources:

(1) Import taxes.
(2) Domestic sales taxes.
(3) Income taxes.

Cooper said that the import taxes are not domestic revenue taxes, and noted that the POL (petroleum, oil and lubricants) tax was shifted recently, from the import tax category to the domestic tax category.

Ambassador Berger told me that the GVN collected about 27 billion piasters in taxes last year, and that they hope to collect about 37 billion piasters this year. They have a goal of some 50 billion piasters for next year. Cooper indicated that some 10 billion of this year's amount will be in income taxes, but that the new tax collection system may triple the amount in the income tax category. Cooper said that there is a real property tax, but it is very poorly administered, and effects mostly urban areas. He felt much improvement could be made.

I am pleased with the new approach of the Government of Vietnam regarding taxes, although I feel that such positive steps should have been taken long ago. I do recognize that a complete taxation system is new to the citizens of Vietnam and recognize the adversities under which the Minister of Finance has operated in a wartime environment. But an adequate and fair tax system is basic to a better democracy.

Mr. Cooper informed us that a new tax package will be presented to the GVN Assembly this year. It primarily pertains to income taxes and includes a revised system for dunning people, apparently on the basis that everyone should pay some taxes and the wealthy should proportionately pay more than the others. Cooper said that both the GVN and our advisors felt that the old tax rates were too high.

If everyone paid his fair share in Vietnam, inflation could be countered, the GVN's foreign reserves could be increased, and the need for an AID program might be eliminated. I commend the GVN Minister of Finance and his associates for their efforts, and I emphasize my hope that they will continue to make strenuous efforts to collect the taxes to which the Government of Vietnam is rightfully entitled.

(2) Smuggling

Ambassador indicated that within a few days after the establishment of the Inter-Ministerial Committee, instructions were issued for immediate tightening up of arrival and departure procedures at Ton San Nhut Air Force base near Saigon. Previously black marketeers went to Bangkok, Singapore or Hong Kong for two or three days and brought back suitcases full of goods purchased on the trip. They were given only cursory examination by GVN Customs, paying nominal charges along the way.

However, after the instructions were issued and with cooperation and advice from the U.S. Customs officials, including those working with the GVN Fraud Repression Section, several seizures were made. One big ring engaged in transporting U.S. dollars was uncovered. A Vietnamese Army Major was apprehended and was charged with the serious GVN crime of participating in economic activity damaging to and against the best interest of the Government of Vietnam.

As search procedures were tightened and travel to and from Vietnam was restricted—and unofficial travel to and from Bangkok and Hong Kong was practically eliminated—more customs violations were detected. A Deputy of the Lower House of the Assembly was apprehended taking out a few thousand dollars while going on a trip abroad. A raid on the Saigon main post office occurred. Another currency ring involving postal employees, among others, was uncovered. Ambassador Berger told us that several companies had been found engaging in currency and customs violations. Their books were being examined when we were there.

Ambassador Berger stated that strict anti-smuggling enforcement has been going on in Vietnam since March of 1970. The Vietnamese are trying but the job is difficult. For one thing, there are many small ports on the coast of Vietnam and GVN Customs patrols cannot cover every area.

Thomas Naughton, Assistant to AID Director Mossler and an active member on the U.S. Mission's Irregular Practices Committee, stated that one of the big problems in the smuggling field is the amount of under-invoicing. Naughton said this cannot continue if the person who is checking the commodities against the invoice is honest. The practice is well known. Mr. Naughton agreed with me that the addition of several trained personnel paid reasonable salaries might be the solution to this problem.

(3) Black marketing and currency manipulations

My discussion of this subject centers on both the black marketing of commodities and the black marketing, or illicit manipulations, of currency.

Our Subcommittee held public hearings on this subject in November of 1969. We found that the illicit trading of currency and other commodities in the black market in Vietnam was an extreme problem. While it was very difficult to estimate the actual amount, testimony suggested it was at least $150 million annually. This money is drained from legitimate pursuits and is irretrievably lost from any possible increased GVN foreign reserve balance.

Ambassador Berger obviously was well aware of the black market's existence and was most concerned about doing something about it.

There is little question about the black market's existence. Messrs. Adlerman and Morgan told me that they were approached by Vietnamese money changers in the main section of Saigon in 1966. Charles Mangers, my Administrative Assistant, and I were similarly accosted in November of 1970. The offer was something in the neighborhood of $500 U.S. for the piaster equivalent of $1,250 U.S. The transfer of currency was not to take place on the street but, instead, at a business address in downtown Saigon. We passed the building which appeared to be a legitimate place of business. We had not been downtown more than 20 minutes when the offer was made.

Ambassador Berger said U.S. officials have been working closely with the Vietnamese in this field. Heretofore, we have tried to control the amount of money available for use in the post exchanges, in the purchase of postal money orders, and in the disallowance of the purchase of travelers checks But we were told that the real problem arises from the discrepancy between the pre-October 20, 1970, exchange rate of 118 piasters equal $1 U.S. and the black market rate, which has been as high as 440 piasters equal $1 U.S. One of the essential reforms was to raise the accommodation rate, which was done in October 1970, bringing it to 275 piasters equal $1 U.S. Mr. Cooper indicated that this had the immediate effect of equalizing the military payment certificate (MPC) rate, because of the troop withdrawal, to a similar 275 rate, so that there now is no percentage of gain for the traffickers to engage in this particular type of exchange. Military payment certificates are scrip issued by the U.S Department of Defense in the same denominations as a U.S. dollar, up to a $20 bill. Military personnel and authorized civilians use MPC's in post exchange, commissaries, clubs and messes as another device to attempt to combat inflation. The scrip is called in at irregular intervals and new scrip issued, again to discourage illicit currency trading. Mr. Cooper also said he thinks that although the "piaster-to-green" black market rate was as high as 440-to-1 in July of 1970, he felt that it had fluctuated from a low of 390 ps equal $1 U.S. to a high of 420 equal $1 U.S. in December of 1970. This still provides a good margin for the fraudulent manipulator.

When I asked if officials were able to identify operators in the illicit money market, Ambassador Berger said the GVN authorities know who many of them are. They have gone after some of them but they are not doing enough in this regard. Their emphasis is more on fining a culprit, once apprehended, and then releasing him back into their society. Mr. Berger feels there should be more emphasis on the part of the GVN in getting non-Vietnamese citizens involved in currency manipulations out of the country.

I asked if the GVN Assembly had passed a law against black marketing in Vietnam, with particular reference to street stalls that openly sell at black market prices GI clothing, cigarettes, liquor, post exchange items and almost any small item made in the United States. No one was certain of this, except to say that the Vietnamese police frequently "sweep the streets" to confiscate these goods and materials.

Ambassador Berger feels that the Vietnamese, particularly since the spring of 1970, have the will to control black marketing and that they have made some progress in this regard. More must be made. As he said to us, "It is an absolute requirement, on their side and in our own interest. These dollars are going out the back door and they can't expect us to replace these dollars, and the message has got through to them." Coupled with this is the increasing crescendo of criticism of the government—both by Members of the Assembly and members of the press. A great deal of this is manifested in demands for correction of existing conditions, and demands for investigations in such areas as black marketing.

I understand that the GVN Minister of the Economy and the Minister of Finance—the two officials who are the most responsibly concerned—are well aware of this problem, and that they have a sincere desire to remedy it. That is good, because I don't believe it can be impressed upon the Government of Vietnam enough that it is incumbent upon them to put a stop to these illicit currency manipulations and to curtail smuggling as well. This is so because the mood of our

Congress for the past several years has been to spend less and less on AID, particularly when we know that it is simply plugging a gap in a country's domestic program that has been caused by the siphoning of some of its needed currency through a black market operation. It is important for the GVN to know that AID does not receive its appropriation money from an everflowing horn of plenty. It also is obviously to the Government of Vietnam's benefit to straighten out these nefarious practices once and for all.

(b) Irregular practices committee

Robert R. Parker, an attache of our Embassy and assistant to AID Director Donald G. MacDonald from September 1967 until October 1969, was also Chairman of the Irregular Practices Committee of the American Embassy in Saigon. This was a committee established by Ambassador Ellsworth Bunker on August 30, 1967 with the purpose of dealing with a number of problem areas, not the least of which were black marketing and currency manipulations. Although the enabling memorandum indicated GVN concern over the same subjects, the Committee's charter called for the development of ways and means to prevent the involvement of U.S. personnel in any activity contrary to United States or GVN laws or regulations.

Interestingly enough, Ambassador Bunker's comments in his document setting up the group still are of concern to us today. He said:

"I have become increasingly concerned by reports of irregular practices involving illegal currency dealing, contracts calling for payment in U.S. dollars although piaster payment would be less expensive, *diversion of Post Exchange into the private sector of the Vietnamese economy and illegal activities of PX concessionaires.*" (Emphasis supplied).

Mr. Parker testified that the committee did not handle individual cases, nor did it promulgate regulations. Instead, it considered ways to identify problems and to take action to correct them. That is, the committee suggested policy and actions but looked to the individual agencies to implement same in accordance with their own procedures. The committee has considered many actions to carry out its assignment, from initiating changes to tighten currency controls, to working out arrangements for the suspension and debarment of contractor personnel engaged in black market or other illicit activities. More stringent post exchange service and commissary regulations have been included in their activities.

Mr. Parker indicated that an intensive enforcement effort against the black market was undertaken in the summer of 1968 and was still very much in force when he departed in the fall of 1969. This included close liaison between the GVN customs and their American Customs advisors, the miltiary investigative services, the security section at our Embassy, and AID.

Thomas Naughton told us, that although the original committee had military representation, this has been increased to include representatives from MACV J-1, MACV Protocol, the Adjutant General, Provost Marshal, and the Head of Procurement for MACV, the latter because of the number of Defense-financed contracts in Vietnam. It includes those who would be directly responsible for diversions from the post exchanges. Ambassador Berger felt that this committee was of particular importance so that someone from the Embassy should chair it and he has been chosen to do so.

The Consul General, the Chief of the U.S. Customs team, the Chief of the Internal Revenue Service, and similar persons of equal importance are either members or alternate members to the Committee.

It appears to me that this Committee serves an important interdepartmental function, with particular emphasis on coordination among the various departments and agencies involved. It should be remembered, of course, that its jurisdiction is really limited to American involvement in Vietnam but it hopes to utilize its expertise for effective work with the broader jurisdictioned GVN Inter-Ministerial Committee.

Several of these problems—smuggling, black marketing, debarment of U.S. civilians engaged in such practices, the need for more effective GVN tax collections—came up in our hearings on November 18, 1969. Immediately thereafter, by letter dated November 19, 1969, I wrote to the Secretary of the Treasury and the Secretary of State about these matters. I received replies from both Departments by letters dated December 10, 1969. I am inserting those letters into this record, in the Appendix as Exhibit Number 5.

In the intervening year, the GVN Inter-Governmental Committee and the U.S. Mission's Irregular Practices Committee have been putting forth what they consider to be strenuous efforts to correct the conditions. However, the problems seemed to have been as prevalent and pernicious when I was in Saigon in November of 1970 as they had been the year before when I wrote to the Secretaries about them, and they have not been corrected today.

(c) Need for coordinated American effort

The Volunteers for Vietnam discussed a subject in their report which bears repeating.

Initially, AID was active in Vietnam and then, in 1967, CORDS was created. Today, AID is busy coping with the problem of stabilization and reform in the GVN. As such, it carries the major responsibility of advising to the GVN Ministries in Saigon. It does not work to the extent that it should in pushing GVN Ministries to pursue development programs in the countryside, or even in the cities for that matter.

CORDS, on the other hand, provides advisory staffs for the GVN in the field—at the Corps, Province and District levels. Although CORDS headquarters is near Saigon, CORDS does little GVN Ministerial advising. As such, CORDS has little appreciation of the problems encountered at the Ministerial level.

I recommend a single agency, or at least a new position with rank of Deputy Ambassador who is capable of running both agencies, both away from the control of MACV, except for support assistance. This approach would obviously be much better for the purposes of long-range, development planning, if both agencies were centered under one head. It is apparent that there is much to be done in regards to overall planning for the future of Vietnam—including the establishment of priorities of programs and localities. The common sense approach would be to shore up the agencies into a strongly led organizational structure under the direction of one person.

(d) Post exchanges

On Thursday, September 27, 1966, Mr. Frank A. Bartimo, then the Assistant General Counsel for Manpower and Reserve Affairs, Department of Defense, briefed Messrs. Adlerman and Morgan just prior to the first Subcommittee trip to Vietnam.

At that time Mr. Bartimo explained there were only 28,000 Military Assistance Group (MAG) personnel in Vietnam in early 1965. And there was only about $1 million of post exchange business transacted yearly then. Also, the post exchanges were operated by the U.S. Navy.

However, when the buildup began in late 1965, General Westmoreland decided that the post exchange situation was beyond the Navy's normal capability, so an orderly transition to joint Army-Air Force control commenced and by December of 1965 the latter joint force was completely in charge.

Mr. Bartimo advised that, at the time of the meeting, the volume of post exchange business in Vietnam had grown to about $11 million per month for some 300,000 U.S. troops, 30,000 Free Force personnel, and 1,800 eligible U.S. civilians in June of 1966, and that they anticipated this volume to climb to some $17 million monthly within a month or so.

Mr. Bartimo stressed the amount of harbor congestion, particularly at the Saigon port, at that time, unguarded warehouses due to the congestion, with pilferage resulting. He then stressed the attempts to prevent pilferage by instituting Military Police and dog patrols, joint surveillance patrols with Vietnamese security police, and guards placed on truck convoys from the ships to the post exchange warehouses. Mr. Bartimo felt that increased surveillance and closer accounting and auditing procedures would keep the loss in what had been a rather confused situation theretofore down to the 4% that the Army-Air Force normally provided for through their reserve fund.

Mr. Bartimo placed a considerable amount of emphasis on the controls that had recently been introduced into the PX system in Vietnam to make sure that only those who were properly eligible would be purchasing commodities from the post exchanges and then only for their own use. This was important to keep such items from showing up in the street stalls on the streets of Saigon where they would then easily enter the blackmarket. As such Bartimo mentioned punch out PX cards which would control the number of special items sold to eligibles, such as liquor, cigarettes, and camera film. Secondly, the use of watermarked PX identification cards which would be very difficult to duplicate, to fall into unauthorized hands. Thirdly, the use of sales slips for purchases over $10.00, which identified the buyer, and which were compiled so that it could be readily determined if there was any particular pattern of purchasing by one person or a group acting in combine.

Thus, Mr. Bartimo was satisfied the sales-to-customers aspect of the post exchange business in Vietnam was in good hands.

The one area that was not covered, by Mr. Bartimo, was the manner and method of procuring these post exchange items. That is to say, the way in which the vendors, suppliers and their agents and the items they were carrying, were presented to and selected by the officials of the post exchange system. And if this had been done, I believe the responsible individuals would have uncovered "a sleeping giant" in a situation that I will describe in more detail in the next major section of my report.

B. Korea

Unfortunately, our party's stay in Korea was extremely brief. But in the short time that was available to us, we were able to meet with Ambassador William Porter, AID Director Howard E. Houston, and several members of the U.S. Mission including representatives from the 8th U.S. Army stationed in the capital city of Seoul.

We found Ambassador Porter to be a candid and obviously capable career diplomat, very much on top of his difficult assignment. He was personally conversant with both the broad sweep and the technical details of the American establishment in Korea, including the military situation (which is sort of an omnipresent concern for South Korea officials), our foreign aid program and the economic situation in the private sector. It was apparent to us that Ambassador Porter admires and appreciates the strength and aggressiveness of the Korean people, and their ability to work extremely hard on all levels to overcome what many people only a few years ago thought were insurmountable obstacles.

Korea, which in English means "The Land of the Morning Calm," is a mountainous peninsula in northeast Asia separating the

Yellow Sea from the Sea of Japan. The Republic of Korea is located south of the 38th Parallel. It was established in 1945 when the first free elections sponsored by the United Nations were held. Thereafter, Dr. Syngman Rhee was chosen President on July 20, 1948, and the republic was formally proclaimed on August 15, 1948. South Korea is about the size of the State of Indiana.

1. History

The history of Korea spans some 4,300 years. It began with the legendary Tangoon, who unified a number of primitive tribes into a single kingdom in 2333 B.C. Many kingdoms rose and disappeared in the ensuing years. In 668 A.D. the Silla Kingdom (founded in 57 B.C.) united the entire country for the first time. This kingdom remained until replaced by the Koryo Dynasty in 918 A.D. The Koryo Dynasty instituted a system of civil service examinations, laws were codified, and in 1234 A.D. movable metal type began to be used for printing.

When the Koryo Dynasty was replaced by the Yi Dynasty in 1392, Hangul—the Korean alphabet—was invented, accurate rain gauges were used to furnish crop estimates, and literature and the arts flourished. In the same Dynasty, in 1952, Admiral Yi Sunshin defeated an invading Japanese fleet by using ironclad warships for the first time in the history of the world. In 1628 a shipwrecked Dutchman became the first Occidental to enter Korea, and after spending several years he returned to Holland to write the first book on Korea to be published in the Western World.

As time passed, Korea, composed of a homogeneous society dominated by Chinese and Confusian heritage, came under the domination of the Japanese. The Portsmouth Treaty, which concluded the Russo-Japanese War of 1904–1905 and which was mediated by President Theodore Roosevelt, recognized Korea's complete independence. Korean historians, however, feel that this treaty gave Japan a free hand in Korea, to the point that through a series of usurpations, Japan annexed Korea in 1910. Although the Koreans stubbornly resisted this oppressive rule, Japan continued to dominate them until Japan itself was defeated in World War II by the Allied nations.

At the Cairo Conference in November of 1943, it was agreed that all of Korea should be "free and independent." However, at the Potsdam Conference in July of 1945, the 38th Parallel was designated as the line dividing the Russian and United States occupation of Korea. The occupation was ostensibly to facilitate the surrender of the defeated Japanese army. United States troops entered Korea on September 8, 1945, and by June 29, 1949, our troops had been withdrawn. Russian troops entered Korea on August 10, 1945. They then proceeded to organize the Socialists and Communists and blocked efforts to let the Koreans unite their own country. United Nations representatives who were to supervise a free election in 1948 were denied entrance to North Korea. Instead, a puppet Communist government was set up.

Finally, on June 25, 1950, the North Koreans—instigated, armed and urged on by the Russians—invaded South Korea. Thereafter the United States and fifteen other United Nations members, responded in varying degrees to the call of the UN General Assembly and Security Council, and sent all types of military aid to the beleagured nation, until the war was ended and an armistice signed at Panmunjom three years later.

The war left the southern portion of the peninsula in shambles. Beginning with the armistice, the Koreans have accomplished a truly remarkable recovery, with our help. In late 1953, many economists thought of Korea as a permanent "economic basket case" which the United States would have to "carry" indefinitely. This, fortunately for all concerned, has not been so. While the United States has put a great deal of money into Korea—some $5 billion in military assistance and some $4 billion in economic aid—it is apparent that we have jointly succeeded in rebuilding a nation of the free world.

A great deal of credit for this success story must be given to the Korean people. They accepted the challenge and, through their initiative and perseverance, they have successfully rebuilt their country and have moved forward into a competitive trading position with many other countries of the free world. From its postwar ruins, the country has progressed exceptionally well and in such a relatively short period of time. This recovery occurred in a country almost devoid of natural resources. The poor soil requires a great deal of limestone to reduce the acid content; the coal is of poor quality, and there are practically no iron deposits. A modern Korea, however, has emerged from this unlikely setting.

2. Agency for International Development

Our AID program to Korea has been a remarkable success. In fact, it has moved along so well that it is now in the phasing out process. In 1964, for instance, there were more than 600 full-time Americans in Korea working for AID. At the beginning of fiscal year 1971, however, there were 92 Americans in the Korean AID program and by next July the number will be down to 70 persons, with the expectation that it will be down to 35 people in 1972. Perhaps AID Director Howard E. Houston is the man who could be the "Closedown Czar" that Senator Ribicoff was speaking about.

Mr. Houston informed us that our AID mission last summer signed the last "supporting assistance" agreement with Korea, in the amount of $10 million. This is an outright grant agreement which has been used extensively, to help that country in the past. Additionally, we still have a technical assistance program running at the rate of about $3.4 million annually. This is used primarily for industrial productivity to send medium-level industrialists to the United States to learn quality control, manufacturing "knowhow," and to assist Korean industry in moving from its present, small scale, non-precision base to heavy industry geared to the assembly line concept and requiring high levels of engineering output. This is believed necessary for Korea to realize its full economic potential. Some $25 million in development and program loans also was requested for the current budget, to be used in the agricultural area. It is to be paid back in dollars but the Koreans believe they need it for agricultural equipment, to purchase farms, to direct future programming toward improved research techniques and to formulate long range agricultural policy. Fiscal year 1970 showed some $76 million in Public Law 480 commodities, including some $40 million in dollar credit sales. This is because Korea still imports a considerable amount of foodstuffs, including about 10 percent of its annual rice need, as only about 26 percent of the land is arable. Even so, they hope to become self-sufficient in rice production in 3 or 4 years. Finally, some $800,000 annually is used for family planning. The average population increase has been about 2.1 percent heretofore but the family planning program apparently has served to decrease the population growth rate to 1.9 percent. The Government's goal is to decrease the annual growth rate to 1.5 percent at the end of its third five-year plan which would be in 1977.

3. The Economy, Including Exports and Imports

Our Embassy works very closely with the Economic Planning Board of Korea, and the relationship has been a very close and productive one. Korea has embarked on its second five-year economic development plan, which commenced in 1967. Indications are that it has achieved most of its goals some two years ahead of the target date.

Once chiefly an agricultural country, Korea has made a rapid transition to a society based on industry organized around the free enterprise principle. Approximately half of the population is now engaged in other than agricultural endeavors. A large portion of the industrial base is concerned with the import of resources and the subsequent export of the resources in the form of finished products. In this manner, textiles, plywood from logs imported from the Sumatra and the Philippines, and wigs are the principal exports competing successfully in the international market. Electrical machinery, yarns and fabrics also are exported but to a lesser degree. Because of all this, industrial growth was at an all-time high in 1969–70.

Prior to that time, Mr. Houston said, the Korean Government really "got down to brass tacks" in 1964 and 1965 when they instituted a lot of major reforms. They devalued the Won, the local currency, which was very helpful. They also changed their tax system and they instituted a rigorous tax collection system, which increased their tax revenues by almost 40 percent per year for the last five years, and they also have been concentrating on their export program.

By 1969, the per capita GNP was $228.00, or something over $7 billion in U.S. dollars for the entire country. This represented an increase of 13.4 percent over the previous year and the Korean Government estimates the GNP growth to be at 9.7 percent for 1970, making the necessary downward adjustment for inflation, which is a problem there as well as here at home. In fact, the wholesale price index went up 9.1 percent in 1970 with Seoul being hit even harder, with a 12.7 percent increase. As part of the industrial increase, it should be noted that in the manufacturing industries, there was a 17.6 percent increase for 1970. This is a very impressive figure. *Additionally, the 9.7 percent increase* in the GNP growth rate for 1970 is the first time since 1966 that the rate *of growth has slipped below 10 percent*. And all of this has been going on with a budget that has been kept in balance since 1964.

In 1969, Korea's exports totaled $623 million, representing an increase of 37 percent over the previous year. Of this amount, $312 million of exports went to the United States, an increase of 33 percent over the previous year. Korea had to import some $1.8 billion of commodities, however. Of this amount, some $530 million in goods came from the United States. This represented an increase of 18 percent over the 1968 level. Principal imports were wheat, which is used principally for bread and noodles, non-electrical machinery, cotton, and iron and steel scrap.

Unfortunately, because of Korea's urgent need to develop an even greater industrial base and also because of its lack of self-sufficiency in food production, the country experienced a trade gap in 1969 of about $1 billion, as imports exceeded exports by some $1.2 billion. Korea, at the end of 1969, had a foreign exchange reserve of about $549 million, although part of this represented extensive use of credits. As the level of exports increases and the rate of imports decreases, merchandise imports and exports are projected to balance out by 1976. The deficit on goods and services and on current account are projected to be reduced to reasonable amounts of $349 million and $551 million, respectively, at the same time. The economy of Korea appears to be in good shape.

4. Education

Educationally, enormous strides have been made. Out of a total population of 31 million, there are 6½ million youngsters enrolled in more than 8,400 primary and secondary schools. There are also 500 persons per 100,000 enrolled in the nation's 171 universities and colleges, including 103 junior colleges. About 3.5 percent of the total GNP is spent on education.

The City of Seoul in many ways epitomizes the Korean postwar experience. The Korean Government has deliberately set out to make it the showcase city of the Orient. It was, of course, almost totally flattened during the war. It is now a stunning metropolis of high rise buildings, with elevated roads and neat and attractive suburbs. It has been beautifully planned. In spite of the modern skyscrapers, it has retained many of the charming older buildings: gates, temples, and at least three palaces of the former kings. The population of Seoul has quadrupled in the two decades since the war. It now has 5½ million inhabitants. City planners in the District of Columbia and its environs would find it interesting to know that Seoul will commence work on a subway in 1971.

5. The future of the country

Insofar as the future of the country is concerned, the Koreans have a great deal of faith in themselves. They have changed their theme from "Korea in the Far East" to "Korea in the world" for the late 1970's. Their economic planners believe the Korean economy will indeed be listed in the upper group of the advancing nations by that time, and they anticipate the economy to far exceed $500 annually per capita income. The nation's exports are also expected to increase to more than $5 billion annually by then. From my brief but pleasant exposure to this country, this would not surprise me in the least.

As a visiting American, I could not help but be impressed by the warmth and genuine esteem with which Koreans regard Americans. We spilled our blood and our treasure in Korea and the Korean citizenry have not forgotten. We sought nothing in that war but to help a friendly nation, under the guns of its aggression-minded neighbors, Russian-dominated North Korea and Red China. I think the Koreans appreciate that fact and their obvious affection for America is very heartening to me.

C. The Philippine Islands

Our party arrived in the Philippines on November 16, 1970. For my Administrative Assistant, Mr. Mangers, it was a familiar scene because he had served in the Navy during the Philippines Campaign in 1944 and 1945. When he was last in Manila in 1945, he saw the city in rubble. It has been happily restored to its original beauty and twenty-five years intervening saw expansion and modernization that is truly amazing.

The Republic of the Philippines occupies an archipelago in the western Pacific, some 500 miles from the southeast coast of Asia and some 7,000 miles from San Francisco, California. It is composed of 7,100 small islands with eleven major islands comprising the bulk of the country. The nation is about the size of the State of Arizona.

1. HISTORY

Manila Bay is one of the finest harbors in the Far East. Quezon City is now the official capital of the Philippines but, pending its completion many of the government offices remain in Manila. Historically, the archipelago was visited by Magellan in 1521 and seized by the Spanish in 1571 as a part of their overseas empire. The islands, named after King Philip II of Spain, were ceded to the United States by the Treaty of Paris on December 10, 1898, following the Spanish-American War. The United States paid Spain $20 million for the territory at that time. By Act of Congress in 1934, the Philippines were to gain their independence in 1946.

The Japanese attacked the Philippines at the same time that they attacked Pearl Harbor in December of 1941. General Douglas MacArthur and a force of 15,000 Americans and 140,000 Filipino regulars and reserves gallantly defended the area, hopelessly outmanned, until Bataan and Corregidor fell in May of 1942. Independence was proclaimed for the Philippines according to schedule on July 4, 1946.

2. Resources

The Philippines Island resources include agriculture, manufacturing, mining, lumbering and fishing. Some 42 percent of the land area is covered by forests. The islands are also rich in mineral resources such as gold, silver, lead, zinc, nickel, copper, iron, coal, chromite, asbestos and manganese. The chief agricultural products are manila hemp from abaca, copra, sugar, corn, tobacco, and, of course, rice. The latter has been tremendously successful by virtue of the "Miracle rice" high yield strains that have been developed and that I will discuss more thoroughly at this point.

3. International Rice Research Institute and "Miracle Rice"

During our stay in Manila, we met with Mr. Thomas C. Niblock, Director of the AID Mission for the Philippines. He is an Asian specialist having served with AID in South Korea, Afghanistan, and for 5 years as a Special Assistant to the President of the United States on Economic Development in Southeast Asia.

Mr. Niblock explained that the International Rice Research Institute was established at Los Baños, a short distance from Manila, by the Ford and Rockefeller Foundations in the early 1960's. The Center has been funded jointly by the two foundations to the extent of some $23 million, $8 to 10 million of this having been put into plant facilities and the remainder into annual operations. Only recently AID has been asked, and has agreed, to share in the annual budget, on a one-third basis with the Foundations beginning in the past year. The total budget is $2.2 million annually.

The Institute, as we learned in Vietnam, has accomplished a great deal in its short existence. Scientists working out of the Institute developed several strains of hybrid rice, IR-8 "miracle rice" being one of the first and better known, which promises to take the "Green Revolution" very much out of the talking stage and into the real world.

Headed by Dr. Robert Chandler, formerly the President of the University of New Hampshire, the Institute has an international staff of agronomists, biologists and agricultural specialists, approximately 70 percent of whom are Asians.

The "new rice" the institute helped to develop not only has a higher per-acre yield but it also can yield three crops per year instead of two where local growing conditions permit. There is a continuing process involved in improving the rice varieties and in gradually moving into other things on a minor basis, as well. For instance, as the rice supply becomes sufficient in country after country, the need to continue to increase the rice yield will decline. At that point, the Institute's emphasis will be on multiple croppings and other agricultural improvements. The Institute has done a useful job in developing small farm tools for seeding and planting, threshing and drying, and harvesting purposes. AID has assisted this program to the extent of some $2 million in the past four to six years.

We were advised that we really don't know at this stage what the implications of the Institute's work are. Certainly, if the "new rice" can be cultivated throughout Asia it could well be the solution to the constant shortage of rice and the resultant hunger that haunts the Asian world. But, its development has cultural and political implications as well which are presently difficult to assess, taking into consideration the geographical and population magnitude of Communist domination in Asia.

I cannot help but marvel and rejoice at the Institute's accomplishments to date. Armed with a sum of money which compared to our military expenditures is an insignificant amount, these scientists have, in only a few years, developed something which has the potential of being at least a partial cure for the chronic hunger which has plagued Asia for centuries.

Traveling to Asia fresh from our Subcommittee's second series of public hearings into the TFX airplane contract award, I could not help but wonder what enormously good things we could have accomplished had we been able to channel even a portion of the funds which we frittered away on that ill-conceived aircraft into projects like those conducted by the IRRI. By way of comparison, I note, for instance, that our Subcommittee witnesses estimated the United States Government spent some $375 million on the F-111B contract, which was the Navy version of the TFX, before the Congress ordered it scrapped as unsatisfactory for carrier use. *That represents* more than *15 times the amount of money spent by the International Rice Research Institute in more than 8 years of work.*

The investment in the F-111B had a return of near zero (except for some research and development technology that could be passed on to later types of aircraft); we cannot yet calculate the benefit to Asia and indeed to mankind that will flow from the $23 million wisely invested by the Rockefeller and Ford foundations and our Government in the work of the IRRI over the last decade. But we can safely say that it is truly an impressive piece of work and one of which we, as a nation, can be justifiably proud.

4. Agency for International Development

Mr. Niblock told us that AID to the Philippines was first established in the early 1950's. Although not going into detail, he said the program then was considerably larger than it is today.

At present, we have a fairly small AID program and one which, in Niblock's judgment, is extremely effective. We have a total staff of about 80 Americans, 8 of whom work perhaps 200 Filipino employees.

Total annual expenditures are now at the $10 million level, about double the size they were 5 years ago, with about $5 million of this going to Family Planning programs, and the remainder committed to an increasingly concentrated technical assistance program in agriculture and provincial development, with continuing activities in public safety and health, especially malaria gradication.

The Family Planning Program in the Philippines is the second largest that AID is supporting. It is a relatively new phenomenon in that country, having been in existence for perhaps two and one-half years. However, it was brought to the Philippines at the request of that government and the Government is fully behind it, recognizing it as both a social and an economic problem, notwithstanding the Catholic traditions of the country. Mr. Niblock indicated that the newspapers, too, have given particularly strong support to the program with some aspect of it being discussed almost daily.

The program is based heavily on the private sector, with AID supplying most of the funds. There are some 25 separate groups that are actively engaged in some type of family planning in the Philippines. These include the Family Planning Organization of the Philippines, the national affiliate of the International Planned Parenthood Association with some 50 clinics in country plus training programs, and the Institute of Maternal and Child Health Care, an existing organization headed by a Filipino woman and a past President of the Medical Association of the Philippines. This is a clinic that was in existence before family planning started, but it now supports some 150 clinics in the family planning program. AID has several project agreements with these groups, all of which are approved by the Philippine Government. All in all, there are some 400 clinics in existence throughout the Philippines, with some 200,000 acceptors of some form of birth control reporting to these clinics. Where there were few such persons a few years ago, it is now anticipated that there will be some 500,000 acceptors utilizing the services of some 800 clinics by July of 1971.

While the Republic of the Philippines has little Government money to place in the program, it has some official participation through services in kind. In addition, President Ferdinand E. Marcos, who established a Population Commission about a year ago, has made several strong public statements in support of the program. Mrs. Marcos, too, has stated that she wants to give special emphasis and sponsorship to the program. She would like to see the development of a Population Center to bring the several organizations under one roof and to create some degree of coordination among them while leaving the main leadership of the program in the private sector.

Two bills were introduced into the Philippine Congress last year calling for formal status for the Population Commission as a Legislative-approved body, and also to provide the Commission with some operating funds. While the proposals were not approved, Mr. Niblock indicated the Chairman of the Population Commission—who is also the National Secretary of Education—the Secretary of Social Welfare, and the Executive Director of the Population Commission have been working on the draft of new legislation in this regard, and that they have been discussing it with key Congressional leaders in the hopes that the Commission will be formalized in 1971.

Mr. Niblock also said that a great deal of research is being conducted in the program as well. AID has backed a contract between the University of Chicago and the University of the Philippines wherein Chicago University evaluates the monthly reports from the clinics. This rather sophisticated reporting system is maintained at the Department of National Defense Center at Camp Aguinaldo on the outskirts of Manila. The clinics presently interview the acceptors but it is hoped that an independent, social worker type of interview will be forthcoming soon to help in this evaluation procedure. Niblock felt that in a few years, they would have enough data to determine the effectiveness of the present course, or any possible redirection thereof.

Closely related to the reporting procedures are the accounting system that AID has put into the program. AID has also contracted with a well known Filipino management consultant firm to develop a reporting manual for all of the participating organizations, to conduct a training program for the managers of the clinics and the auditors who check them out, and to work in conjunction with members of the Population Commission staff to do end-use reporting, observing and spot-checking. The AID mission also has its own audit program in addition to frequent visits by the Area Auditors.

All of this is concentrating on a reduced growth rate for the Philippines. At present the growth in population is between 3.2 percent and 3.5 percent, which Niblock describes as "still one of the highest growth rates in the world". The present goal is to reduce this to 2.5 percent.

Mr. Niblock then said that the AID mission in the past few years has cut out a great many activities that it had been supporting in the past. For example, we are not in the educational advisory field directly at all although some teachers are provided in the rural areas through our Peace Corps.

Conversely, by concentrating our efforts in just a few fields, he thinks that we are able to collaborate effectively with the "new look" that is talked about for AID. Thus, instead of attempting to do everything, the number of bi-lateral programs in the Philippines has expanded and the role of the international agencies, such as the World Bank—for public projects—and the Asian Development Bank has increased. I want to study the "new look" approach in greater detail but certainly, on the surface, Mr. Niblock is to be commended for speaking in this way.

In closing our interview, we asked how Niblock would compare the people of the Philippines in their attempts to try to help themselves, with those of the other areas we had been in. His response was a very optimistic one. He is enthused about the potential for development in the Philippines in the decade ahead. Recalling his service with AID in Korea, he said that 15 years ago few economists could forecast a viable economic future for Korea. However, as we have found, the Koreans defied those pessimistic forecasts and accomplished their own national recovery.

5. The Future of the Country

Mr. Niblock said the process of modernization of technicians has proceeded rather uniformly in many of the free nations of Asia, so that many of them have a large body of well trained technicians to start a young developing nation on the right track and to make that government work. The Philippines are equally as fortunate and in recent years President Marcos has turned over many of the economic portfolios and important affairs of the government to these people with fine educations, ten years or more of experience, and with youth on their side. Also, the Philippines are more fortunate than most developing countries in regard to the high level of literacy and the growth strength of the private sector. Mr. Niblock sees a concerted effort on the part of the Filipinos to do as the Koreans did but with more "plusses" to commence with. We join him in that hope.

D. Conclusions—Part I

What is the future of Vietnam? The Volunteers for Vietnam, speaking of the excessive bureaucracy, the sustained levels of terrorism on the part of the Communists, the inflation and other economic problems, and the moral decay which stems from every war, are guardedly optimistic at best. AID officials, on the other hand, are quite optimistic about the pacification and stabilization efforts and turning over existing facilities and projected potentials to the Republic of Vietnam, once the emphasis on a strong military force has diminished. However, AID is concerned with an economic base sufficient to pay the country's way both domestically and in the international market.

I think personally that it all boils down to the will and determination of the Vietnamese people. The United States has gone into Vietnam upon the invitation of that country's government, and with our blood and our dollars, we have enabled the Vietnamese to stand upon their own feet. Whether they now proceed to walk forward into the community of free nations depends upon their own desire and resolve individually, as free citizens, and collectively, as citizens of the Republic of Vietnam. It is up to them. All of us hope they will succeed.

Insofar as our own great country is concerned, we have proven once again the lengths we as the most powerful country in the world are prepared to go to further the cause of human dignity and international justice. But at what price? This tragic war has been the most divisive of any in our history, save the Civil War. It also has been the longest, certainly one of the costliest in terms of effort expended. It is rapidly closing in on World War II—a global conflict—in terms of actual costs.

We should take a long hard look, it seems to me, before we pursue any such undertaking again. I say this with particular reference to our country's involvement in the unique experience of "tearing down" a country, militarily, while seeking to destroy the enemy, and "building it up," economically, politically and socially at the same time. This has been a tremendously costly undertaking in money but more importantly in American lives, and I do not think that we can afford ever again to get involved in such a concomitant exercise of extremes.

I recognize that it is difficult to put a time-table on the phase-out of technical assistance. There also is the desire on the part of the AID officials to keep the Commercial Import Program, or something similar that would generate piasters, at the $300 to $400 million level annually so long as the Government of Vietnam needs to finance its military at the present high level, particularly because of the anticipated drop in foreign exchange earnings when our troops withdraw.

We have learned that we should have particular concern for fiscal year 1972. I have discussed that point extensively in my earlier comments under the heading "GVN Foreign Reserves," beginning on page 19 of this report. I believe that although some AID money will undoubtedly be needed for the gradual transition from a peacetime to a wartime economy, we should proceed very cautiously in this regard, and we should watch carefully our annual expenditures as we go along.

We found that AID officials in Vietnam were somewhat defensive in their presentation to us. They did not at any time volunteer information about any of the faults of the program which I have pointed out in this report. They spoke in glowing terms, but at the same time, they seemed to be somewhat apologetic as they discussed the dollars that they need to continue the program. One gains the impression that a lot of their efforts have been conducted on a "trial and error" basis. *I think they would get along better with the public and the Congress if they would recognize their mistakes, point them up, take criticism in the constructive manner in which it is usually offered, and then set out to correct the errors.*

I have spoken of our AID program to Korea as being the shining example of how an AID program in the Far East, coupled with national determination, brought a country back from the depths. I am sure that mistakes were made in that AID program, but it certainly stands as an example of the way our foreign aid programs should work and I commend those that were directly responsible for its success.

I am particularly interested in AID's enthusiasm in assisting the Philippines Government to make itself eligible for some financing through the World Bank, the Asian Development Bank, and perhaps other international monetary institutions. This, as I understand it, will be part of the "new look for AID" package which the Administration will soon present to the Congress. It will include, among other things, economic development through multi-lateral agencies and technical assistance to underdeveloped countries through AID on a bilateral basis. This proposed legislation is expected to reach the Congress in the next few months.

We did not stop at Cambodia on our trip because I felt that the Cambodians, and our own people in nearby countries supporting Cambodia's efforts, had enough to do to contend with the series of unprovoked attacks that have been waged by the North Vietnamese and the Viet Cong against that country. However, since my return it has been announced that some $70 million in AID has been promised to that war-torn country. While it appears that there is a definite need for a determined, anti-Communist Cambodian Government to obtain guns and ammunition to defend themselves against their aggressors, I am primarily concerned with the manner in which our AID program is administered there. I understand that the first $10 million at least is to be handled on a cash grant basis, and that the money for the purchase of goods, materials and supplies will be paid out as soon as the documentation recording the purchase is presented. *There will be no particular determination about the loyalty of the supplier in the area and there will be no surveillance of the purchase and use of the items.* Those close to the scene tell me importers in Cambodia are dealing with the same suppliers—many of whom are considered to be Communist-oriented—with whom they did business before the program came into effect.

Suggestions to administer the program from Saigon, Vietnam, where experienced AID personnel are located, thus far have fallen on deaf ears. This is particularly ludicrous when one sees the magnitude of the AID presence in Vietnam, coupled with the clear understanding that many of the goods needed in Cambodia will be shipped via the Mekong River from Vietnam. I also have been advised that the gentleman who made such a mess of our AID program to Vietnam in its early stages is now managing the AID program to Cambodia from a neighboring country. *Haven't we learned anything from our experiences in Vietnam?*

I hope that the Inspector General, Department of State, and his staff will continue to keep a close look at our AID programs in Southeast Asia—and world-wide, for that matter. They have done a good job in the past, but if they are unable to bring about changes when they find the need for them, I hope they will report such irregularities to the appropriate committees of Congress.

Finally, I recommend that our Subcommittee renew its inquiry into the AID program wherever it operates abroad. Not only do I anticipate that great savings and many recoveries could result, but, in light of the anticipated proposal on the part of the Administration to revamp AID's structure, I think we have the duty to study AID as it now operates in order to make an enlightened comparison with what is proposed. I think we would render an invaluable service to the Congress by carrying out that duty.

III. IRREGULARITIES IN POST EXCHANGE PROCUREMENT AND CONTINUING INTEREST IN FRAUD AND CORRUPTION IN MANAGEMENT OF MILITARY CLUB SYSTEMS

A. General comments

At our first stop in Honolulu, Hawaii, we were given a briefing by Brigadier General James A. Bailey, USAF, Commander, Pacific Exchange System, and members of his staff on the morning of November 5, 1970.

The headquarters for the Army-Air Force Exchange Service (AAFES), operating throughout the world wherever our Armed Forces are located, is at Dallas, Texas. The Pacific Exchange System (PACEX), has been delegated the responsibility and authority for procurement from sources located in the Pacific area by the Dallas headquarters. This procurement authority given to PACEX has been further redelegated to the Director of Procurement who operates nine purchasing offices, one in each of the areas where PACEX regions are located, plus Hong Kong. The 8 regional areas are as follows:

1. Hawaii.
2. Guam.
3. Japan.
4. Korea.
5. Okinawa.
6. Thailand.
7. Philippines.
8. Vietnam.

These offices are staffed with procurement specialists. The Chiefs of the offices and a limited number of contracting specialists have been appointed contracting officers. Additionally, the Office Chiefs are all members of the PACEX staff, and report directly to the Director of Procurement at PACEX even though physically located elsewhere.

The post exchange operation is certainly no small business undertaking: the dollar volume in direct sales for the last fiscal year (which ended on January 31, 1971) for Vietnam alone was $764 million. In 1969 and 1970, the totals came to about $550 million and $675 million.

We can expect for the present year, ending in January of 1972, a drop of about 25 percent in Vietnam as our troops withdraw. Vietnam almost equals the total amount of dollar sales in all of the other areas in which the Army-Air Force Exchange System does business in the Pacific. It should be remembered, however, that the Navy does a large and separate business in many of these areas. The Marines, too, have their own Post Exchange system.

General Bailey informed us that there are about 27,000 people in the system, 900 of whom are career exchange employees. There are some 750 military personnel presently in the system, some 675 of whom are in Vietnam. PACEX employs about 400 persons, with only 10 actual military personnel. General Bailey said that most of his people in Vietnam rotate after one year there, although PACEX does offer them a maximum extension of one more year. At other posts, however, some people do stay as long as three years. Of course, some people are considered "immobile" in that they are usually low level, local employees performing routine tasks.

General Bailey carefully distinguished procurement operations in Vietnam from the other regions. For example, because of the many problems they have had in Vietnam in the earlier days in particular, they have a separate inventory management system altogether. There also is a procedural difference in the way in which post exchange items from the United States are ordered. In the other seven PX regions, the purchase orders go directly to the Army-Air Force Exchange System headquarters in Dallas, Texas, where the items are then purchased by and through the Dallas office. However, from Vietnam the purchase orders are channeled through PACEX for review, and are then forwarded to the Dallas office where they are again reviewed, after which the purchases are made.

Auditing of the exchanges is done, by region, out of the national office in Dallas, Texas. Until just a few months before our meeting, General Bailey had 28 auditors assigned to him. Twelve of these had been assigned to Vietnam on a permanent basis. There also is an annual audit throughout PACEX headquarters and the respective regions by a certified public accounting firm located in Honolulu. Financial statements are prepared monthly by each region which compare the actual results to the proposed programs, as well as the monthly results with those of the year before.

When the PACEX Procurement Office was opened in Vietnam in June of 1967, we were advised that about 97 contracts—many of them being carry-over contractors from the days when the Navy operated the exchanges—were transferred to the new office. By then the accelerated troop build-up had placed a heavy demand upon concessionaire-type services such as laundry and dry cleaning, tailoring and alterations, barbershops, photo processing, packing and wrapping services, etc.

But supply sources to meet these new demands in wartorn Vietnam were practically nonexistent. As a result, the military units—particularly in the fields—made their own, sketchy, "arrangements." This made the use of normal procurement procedures inapplicable. Top officials of the Post Exchange therefore decided to "capture" the so-called "contractors" employed by the troops at all levels, and to convert those informal agreements into formal contracts as a starting point in order to attain some semblance of control. This, in turn, enabled the Exchange to standardize the quality of the service rendered and the prices for them, as well as to establish some accountability to the transactions. This was accomplished, in spite of limited personnel and serious communications problems.

We were also advised that by June of 1969, conditions had stabilized sufficiently in Vietnam so that the "capture" program was replaced with the normal, competitive bid type of negotiation for such contracts. The few exceptions were "sole source procurements" wherein the particular contractor was the only source capable of producing the requirement. This would include such things as a potable ice contract, where military sanitary requirements are strict, and a bakery where tools, equipment and skilled labor would be scarce. The number of units in the exchange system in Vietnam has grown to 180 retail outlets, about 50 food outlets, and some 1,500 service outlets, more often known as concessions, in 1970.

While the procurement officials in the Vietnam Regional Exchange (VNRE) undoubtedly did a good job in regulating the myriad of concessions that had sprung up with our increased troop presence in Vietnam, it is difficult for me to understand why it took the Army so long to do this. Post exchanges have been an integral part of the services rendered our military forces both at home and abroad, certainly since World War II. The post exchange system also had the experience of the Korean War. It would seem, then, that they should have been right on top of the problem when the troop build-up occurred in Vietnam.

We were shown a USARV directive, dated 10 September 1969, which, in turn, referred to USARV Regulation 60–5, dated 29 September 1968. I am inserting the memorandum into the Appendix of this report. (See Appendix, Exhibit No. 7.) The memorandum indicates that all unauthorized revenue producing merchandise and services activities are prohibited except when authorized by the Vietnam Regional Exchange.

We saw from our hearings in 1968 that the concessions operated outside the Post Exchange system, such as the various clubs and messes, were in great abundance in Vietnam. They made a natural setting for chicanery of all sorts between the concessionaire, the military custodian, and the U.S. civilians backing the operation. If the Vietnam Regional Exchange had been "on the ball" at the very outset, this unfortunate state of affairs would not have arisen.

B. Beer and class VI alcoholic beverages

We learned of some other differences in the handling of beer and other alcoholic beverages as between Vietnam and the rest of the regions under the Pacific Exchange System.

1. Beer

Beer is sold by the post exchange in all regions, including Vietnam. However, the criterion regarding brand selection differs between the two. In all PACEX regions *except Vietnam*, monthly beer requirements are calculated in PACEX and are *based on sales performance*, which means, based on *demand*. These requirements are then submitted to the Army-Air Force Exchange Service headquartered in Dallas, Texas, for stateside procurement. Although procured through the regional Post Exchange Procurement Offices, the beer is used for resale in Exchange beverage outlets for consumption in clubs and messes and in cafeterias and snack bars.

In Vietnam, however, PACEX calculates the total beer requirement each month and forwards it to Dallas. In Dallas, AAFES uses a formula *based upon sales performance of national brand beers in the U.S. as published by the Marketing and Communications magazine.* Only national brands are procured. This is quite different from purchasing on the basis of local demand in Vietnam. The distinction is of considerable interest to us. In the first instance, where local demand is the criterion, it is possible for a sharp operator to develop an artificial set of "demand figures." The second criterion seems to be the more realistic one. But while the Pacific Exchange System seems to point with pride to this formula "to avoid any criticism that the Exchange is favoring any particular brand," as the briefing materials state, PACEX did not tell us how long this formula had been in effect or whether there had been any unsatisfactory experiences with the "demand" formula before the "sales performance of national brands" criterion replaced it. I think this is something that we will be able to discuss in greater detail within the next few weeks when we go into public hearings on the matter. Beer procurement, at retail prices, amounted to $5 million monthly in 1969 (11 January 1969–10 January 1970) and totalled some $3.6 million for the first six months of 1970.

2. Class VI Alcoholic Beverages

"Class VI" is the designation for alcoholic beverages other than beer. According to Army regulations, the Exchange Service normally does not engage in the sale of Class VI items. Instead, this is frequently handled by what appear to be quasi-governmental entities known as "Locker Funds." The Army operates locker funds in Japan and Korea, the Air Force in Thailand, and there is a joint Army-Air Force operation in the Philippines. The funds handle alcoholic beverages exclusively, including the purchasing and warehousing for all eligible units in their region. They operate on a relatively small profit but, even so, they have built up relatively large assets over the years.

In Vietnam, again we have an exception. Class VI items had been sold by the Navy System before the Army-Air Force Exchange System transition. In order to avoid two separate logistics channels and to save on space resources and personnel, the Board of Directors, Army-Air Force Exchange in Vietnam, acting at the request of the Military Assistance Command Vietnam (MACV), approved the operation of Class VI stores by the Vietnam Regional Exchange (VNRE) in October of 1965. The Exchange in Vietnam operates resale package stores and also supplies Class VI items to clubs and messes. In fact, the Exchange has been the sole supplier since about the time we commenced our investigation in the late spring of 1968.

We were told that Class VI stock assortment of alcoholic beverages in Vietnam is based upon "popular sales preference of alcoholic beverages as reported by Marketing and Communications Magazine." This really becomes a mixture between national ratings and local demand. But I think we shall see here as well some concerted efforts to artificially establish some local demand statistics in order to influence the procurement. Again, we are not talking in small amounts because PACEX advised that in 1969 Class VI procurement averaged $2.1 million per month, with about $750,000 of this to be sold to clubs and messes. And from February through July of 1970, the amount has averaged almost $2 million monthly with almost $700,000 of this having been sold to clubs and messes. All calculations are at the selling price.

C. Star Distributing Co.

At the time of the Subcommittee hearings from November 18–21, 1969, we learned that the Star Distributing Company had a monopoly on news distribution of all magazines and periodicals to our Armed Forces in Vietnam, including the *Stars and Stripes* and *Overseas Weekly* newspapers. We also learned that the Star Distributing Company, operating in Okinawa as well, had run some $58,000.00 through a large currency manipulation account several months earlier. The account, functioning in Saigon and in New York, amongst other places, was known as *Prysumeen.*

When Mr. John Serviatis, President of the Star Distributing Company, was interviewed by a Subcommittee staff member in Okinawa in July of 1969, he admitted the unlawful currency transaction but, he refused to assist the Subcommittee further by identifying his contact with the Indian money-changer operating the account in Saigon. We also learned that no action had been taken by the military on this contract in spite of the derogatory information that our hearings had uncovered.

Therefore, I wrote a letter to Melvin R. Laird, Secretary of Defense on November 20, 1969, pointing up that our GI's who are found engaged in illegal currency transactions are subject to courts martial and that American civilians and firms found to be likewise so engaged are routinely denied PX privileges *plus the right to do business in American establishments.* Because of this, I asked Secretary Laird what he was going to do about the Star Distributing Company contract.

After a brief acknowledgement to my letter, dated December 5, 1969, on the 19th of December, 1969 I received a written reply from a Brigadier General Leo E. Benade, USA, Deputy Assistant Secretary of Defense. General Benade's letter enclosed an informational letter from Brigadier General George E. McCord, USAF, the then-Chief of the Army-Air Force Exchange Service in Dallas, Texas. In effect, General McCord's letter minimized the black market activities of Star Distributing Company, indicating "its alleged involvement in illegal currency transactions in Vietnam is its only known contract violation," and emphasized the contractual relationship between Star and the two Exchange Systems, the difficulty of terminating same, and the excellent service that Star had performed under the contract. Both General McCord and General Benade also concluded that the Dallas office does not exercise command control over PACEX, but, instead, this would be exercised by the Commander-in-Chief, Pacific.

While at PACEX headquarters, Brigadier General James A. Bailey, USAF, informed us that when I first inquired into this matter on November 20, 1969, he asked Colonel Ebner A. Thomas, Jr., USA, head of the Vietnam Regional Exchange, to conduct an investigation into Star Distributing Company and the members involved. I was informed, again by General Benade, by letter dated May 7, 1970, that an Army CID investigation as to some of Star's officers was opened on October 30, 1969, and was still continuing. At about the same time, the Office of the Inspector General, U.S. Military Assistance Command, Vietnam (MACV) conducted a separate inquiry into Star's activities. This inquiry did not find any conclusive indications of criminality but "there were divulged sufficient contract irregularities to justify not renewing the contract with the company, which expired on 31 March 1970."

I really don't know what further "contract irregularities" the Army needed as a basis of action. I subsequently learned that when the contract expired, except for an agreed to 90-day extension to give the Exchange System time to "tool up" to take over the operation, the Star contract in Vietnam was not renewed. The same was true of Okinawa when that contract expired in July of 1970. Notification to that effect was given Star Distributing there in May, 1970. The Exchange System has taken over the operation of the business in both places.

I am going to enclose the series of letters to which I have referred in the Appendix of the report for your information. (See Appendix, Exhibit 6.)

The Internal Revenue Service, fortunately, did not reflect the same indecision that we found in the Army. I have been advised that on November 19, 1970, immediately after I questioned the practices of the Star Distributing Company, the Internal Revenue Service looked into the tax status of that company. Finding the company to be substantially in arrears in the payment of its income taxes, the Internal Revenue Service then filed a jeopardy assessment in excess of $2 million against the Star Distributing Company, and, at the same time, entered into an escrow agreement with the Pacific Exchange System whereby any money due and owing Star by PACEX would be put into the escrow account, pending the determination of the tax liability.

D. Vietnam travel restrictions

I think another interesting adjunct to the work of the Internal Revenue Service in its Office of International Operations is that their agents, by virtue of a State Department Order dated July 22, 1966, were prohibited to travel into Vietnam except when permission to do so was obtained by an Under Secretary of the Department of the Treasury. There are only two such Under Secretaries.

This senseless ban was not lifted until October 8, 1969. The IRS now has 3 agents in Vietnam on a permanent basis, along with some others who are there on temporary duty assignments. I understand that they had several hundred cases under investigation in Vietnam at the time of our visit.

The fallacy in this arrangement is that an unscrupulous vendor, or vendor's agent, could be in Vietnam supplying our military forces through the clubs and post exchanges engaging in kickbacks, bribes, payoffs, and other forms of tax evasion, while the honest IRS agent was, for all practical purposes, denied the opportunity to go into the same country and attempt to make the tax collection. We have seen several examples of this type of vendor in our 1969 hearings and I suspect that we will see several more in the next phase of our hearings.

E. Pending public hearings

It would not be proper to discuss in detail the specifics of our findings because the public hearings are imminent. It is not my purpose to divulge the details of the case in advance of its presentation. But, we can in general terms, state what we hope to accomplish in these upcoming hearings.

In the new hearings, the Subcommittee will continue to document certain glaring failures in the operations of our government overseas.

The 1969 and 1970 hearings showed widespread corruption in open mess systems on U.S. military reservations. Also exposed was the size and impact of the black market in dollars that flourishes in Vietnam, which robs that ravaged nation of precious financial resources and wastes valuable American aid.

When the hearings resume this month, more corrupt and questionable activities will be shown to exist under the umbrella of nonappropriated funds. But the emphasis will be on the operations of U.S. military post exchanges.

In addition, the Subcommittee will trace the operations of certain well known American vendors and sales representatives who have lived, worked and prospered in Asia since the end of World War II by selling their wares to U.S. clubs, messes and exchanges.

Always insisting on their rights as full fledged American citizens, these brokers have corrupted U.S. officials, military and civilian, broken or sidestepped laws whenever it pleased them and, in short, created and promoted a climate of compromise and conspiracy within which criminality thrived.

These brokers and sales agents were well known. All the military services investigated them many times. The IRS and other U.S. agencies were aware of them. Their "MOs" were predictable. Yet they continued to prosper and profit—like predators of the animal world they prospered most in times of adversity: their "best" years were the war years 1965–1969, during the massive buildup of U.S. troop strength in Vietnam.

The war is winding down now. But their profits have been made at the expense of the GI whose hard earned money was spent in clubs and messes. It is unfortunate that the Executive Branch of our government has not been capable of controlling these brokers who found the tragic Vietnam war—and the nonappropriated funds it generated—so much to their liking.

I am confident that the work the Subcommittee is doing will lead to meaningful reform in the ability of our government to control American citizens who violate American laws in foreign countries.

Our earlier hearings demonstrated time after time that this nation has no system for bringing to justice its own citizens who are living abroad. Before this is finished, I hope our Subcommittee will find some legislative solutions for these problems.

Our hearings have also shown, and will continue to show, that much of the corruption existing in nonappropriated fund activities was related to slot machines.

From Augsburg, Germany, in the early 1960's to Vietnam in the early 1970's the presence of "one armed bandits" has been an important contributing factor in the corruption that we found.

Why, therefore, will not the Department of Defense simply prohibit the sale and use of slot machines on military reservations everywhere?

Slot machines are banned in this country everywhere but Nevada. They should be forbidden abroad on U.S. installations as well.

It is not the better paid officer cadre which makes slot machines profitable. It is, instead, the enlisted men who play them—and the American GI, most of us will agree, is the most underpaid employee there is.

What is the hold that slot machines have on the overseas Army? What is so essential—so sacrosanct—about them? Clubs and messes operate adequately well in the U.S. without profits from slots. I don't offer this suggestion in any pious fashion, nor do I think that gambling is evil *per se*. I am rather approaching this from a practical angle: the revenues which clubs and messes and other military installations abroad earn from slots is more than offset by the corruption, actual and potential, necessarily surrounding their presence. All too frequently, the firms and individuals who install, service and profit from these machines are not of the sort with which the U.S. Government should deal.

Clubs overseas can operate adequately well without slots. Furthermore, by eliminating slots, we will be ending the temptation to steal that these machines pose.

I have written to Secretary Laird on this subject, urging him to consider prohibiting the sale and use of slot machines on all U.S. military reservations throughout the world. My letter will be found in the Appendix as Exhibit No. 8.

I have also advised the Chairman of the Subcommittee, Senator McClellan, and the Acting Chairman for this inquiry, Senator Ribicoff, of my action on this matter.

F. Conclusions—Part III

In this report, I have been critical of many aspects of the military's operation in Vietnam, and I hope this criterion is received in the fashion in which I offered it—constructively. I have no intention of being either accusatory or petty. I feel it is the responsibility of our Subcommittee to point up shortcomings when they come to our attention.

I regret to say that the cooperation we received from the military was something less than wholehearted. Frequently, I had the feeling that "adversary" would be a more descriptive adjective than "cooperative." It was apparent to me and to the staff members who accompanied me that too often questions were avoided or evaded rather than being answered. Our Subcommittee's hearings last year should have alerted the military to the abuses in the PX and club system and should have led to immediate reform. When we consider the enormous amounts of money and material involved in the PX's club messes and locker funds, prudence would demand a more orderly system and more built-in protective devices. There certainly have been reforms, but too often they have been superficial and jury-rigged reforms. This became apparent when we probed anywhere beneath the surface. The potential for abuse in these systems is still present. The brokers and the sharpers who bilked the GI's and the military in the past are a sophisticated and resourceful crew. What they lack in scruples, they make up for in sheer nerve, guile and boldness. They can find angles and ruses and deceptions that honest men can't even imagine. These individuals working through a multitude of paper corporations, phoney names and maildrops have embarrassed the military and our Government no end. In my judgment, the military has been too slow to react and not diligent enough in protecting its own interests. For that reason, as I say, the potential for abuse remains and the military, as a class, is reluctant to talk about these problems candidly. In the end, this turning inward, this overly protective attitude, can only hurt the military. I had hoped that in cooperation with our Subcommittee, the military could have moved to weed out the bad apples and bring about certain obvious reforms. That needed cooperation has been slow in coming.

FIFTY-THIRD ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. HARTKE. Mr. President, for centuries, men have fought and died for the right of self-determination and have resisted all encroachments on that right. In the United States, this victory was won almost 200 years ago and the basic freedom is now taken for granted; the right to choose is simply a matter of course. In the last 10 years, we have witnessed the assertion of independence by many of the African colonies, now nations. However, there are still those people in this world who do not have that prerogative; we are only too aware of those in Southeast Asia. But, we tend to forget about the quietly lost countries; quiet because all evidence of existing injustice is suppressed.

Today we direct our attention particularly to the Baltic countries of Lithuania, Latvia, and Estonia. We are celebrating the 53d anniversary of the independence of Lithuania, a victory after centuries of conflict and of alien domination. Russian involvement in Lithuania goes back nearly 300 years with several attempts to completely annihilate her language and culture and replace it with the Russian. Strong resistance from the Lithuanians forced the abandonment of this policy in 1905. Finally, in the aftermath of World War I, Lithuania saw the chance to assert her independence and seized it. What a day of rejoicing that must have been and, yet, how tragically short-lived.

In 1939, after only 22 years of self-rule, the long arm of Hitler swept across and encompassed the Baltic States, despite their attempts to remain neutral. At the same time, the Russians forced a mutual assistance treaty on Lithuania permitting the establishment of Soviet bases and the admission of Soviet forces within the Lithuanian territory. At the end of the war, the Germans were expelled but the Soviets remained. In 1940, Lithuania was publicly declared a part of the USSR, destroying all hope of independence.

However, while her physical freedom was lost, the Communists have been unable to quell the spirit of Lithuania. Despite an attempt to disperse the people throughout the Soviet empire, they have persisted in the belief that freedom and self-determination is the only acceptable course and that the struggle will not cease until that goal is realized.

The United States has never recognized the forced incorporation of Lithuania by the Soviet Union. Consistent with that concept of freedom upon which our country is founded, despising all forms of tyranny, our Government has maintained diplomatic relations with the former free government of Lithuania. Therefore, it is appropriate on the occasion of the 53d anniversary of Lithuania's independence, that we express the insistence of all Americans that the imperialist Soviet oppression of the Baltic States must cease—and that these brave people be granted the independence and freedom for which they have long and courageously struggled.

DESPICABLE DEMANDS UPON CZECH AND SLOVAK REFUGEES

Mr. HRUSKA. Mr. President, on two occasions in recent weeks I have called to this body's attention the despicable practice by Czechoslovakian Communists of demanding money from Czech and Slovak refugees in this and other free world countries.

You may recall that some of the blackmail letters were submitted for the RECORD. The letters notify the refugees they are being tried in absentia for the crime of leaving the state. The refugees are further notified that their sentences may be minimized by retaining legal counsel and sending fees—in hard cash—in advance.

Needless to say, the bombardment of these blackmail letters on thousands of refugees, already sick at heart over the fate of their native land and the welfare of friends and relatives, has created a cry of outrage throughout the free world.

One of the principal spokesmen in bringing this matter to the public's attention has been the Czechoslovak National Council of America. The American Bar Association has instigated a study of the situation. Governments, including our own, have taken action to stop the distribution of the letters. They have filed formal complaints with the Czech Government.

In the meantime, the Czech Communists apparently considered they had a lucrative scheme for extracting free world dollars from their expatriates. Letters came to light demanding child support payments. Now I am in receipt of another letter by Mrs. Anna Faltus, secretary of the Czechoslovak National Council, which cites a new blackmail scheme.

In the latest effort, the government-operated travel agency is seeking travel advances from exiles in the United States and Canada for the purpose of bringing their relatives out of the puppet country.

These letters, being sent to Czech nationals who have relatives in this country, promise that if passports cannot be arranged for them to leave the country, the money will be converted to food and goods certificates in government-operated stores. Under such circumstances, of course, the travel agency would first deduct appropriate fees.

Need I suggest that in all likelihood there will be no passports issued. But if Czech and Slovak exiles succumb to the temptation of bringing their loved ones out of the country, they will lose more hard earned free world dollars to the Iron Curtain.

There is fortunately, a bright side to this sordid picture. I am pleased to report that this morning's New York Times carries a Reuters story in which the Czech Communist Party Leader, Gustav Husak, says he has ordered lawyers to stop trying to raise so-called defense costs in free-world countries.

His comment that he was unaware of the activity may be taken with a grain of salt. Nevertheless, he does acknowledge that the furor raised in this country and others by the despicable practice had brought things—in his words—to a "boil."

That was certainly our intention, Mr. President, and I congratulate all who participated in creating the "boil" which apparently has been successful. It is my earnest hope that having discovered the error of their ways, the Czech Communists will now cease and desist with other similar clumsy blackmail attempts.

Mr. Husak's concession on this matter is highly encouraging to me, Mr. President. It not only demonstrates that united action prompted by the leaders among some 70,000 Czech and Slovak exiles in the free world was responsible for stopping a very serious infringement upon their rights as free men; it demonstrates, perhaps more importantly, that the Communists are still subject to the pressure of world opinion, as they proved to be in the Czech uprising of 1968.

Perhaps this reaffirmation that even the hardened Communists are subject to outside pressure will encourage a redoubling of our efforts to secure fair treatment and ultimate release of our prisoners of war.

I ask unanimous consent to have printed in the RECORD the story from today's New York Times announcing Czech Communist plans to end the harassment of Czech and Slovak exiles, and a news release reporting the actions of The International Council of Voluntary Agencies in the matter.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HUSAK INSTRUCTS CZECH LAWYERS TO HALT DUNNING OF 1968 EXILES

PRAGUE, February 16.—The Czechoslovak Communist party leader, Gustav Husak, said today that lawyers had been ordered to stop sending refugees in the West demands for money to pay the defense costs at their trials in absentia.

Mr. Husak said in a speech at Pardubice that the dunning letters were unreasonable and that neither he nor Premier Lubomir Strougal had known they were being sent out.

The letters prompted an official complaint from Australia and charges in the United States and Canada that Czechoslovakia was trying to blackmail the 70,000 Czechoslovaks who fled to the West after the Soviet-led invasion in August, 1968.

In at least some cases, the lawyers said they would seek the $70 to $100 in legal fees from relatives in Czechoslovakia if the emigrés did not pay.

"I did not know anything about it and Comrade Strougal did not know anything about it, so I asked what's going on that has brought about nearly all of Western Europe to a boil," Mr. Husak told a gathering of party members.

"Well, whoever flees abroad without permission commits a felony, and they give everybody a lawyer, and the lawyers in their offices said to each other 'let's let the defendants know and make them pay for it.'

"In my opinion, it was not very reasonable because if somebody runs to the West, one would not think he would pay for legal representation.

"But the lawyers did not ask anybody. And now there is a big campaign and some governments even took action so that these letters would not be delivered and so on. So we put our heads together and told the lawyers: 'Comrades, don't do it, there's no sense in it anyway. Now, because of your foolish action, they are slandering the whole regime.'"

Mr. Husak, who devoted part of his hour-long speech to Western propaganda attacks against Czechoslovakia, denied that there were any splits in the party leadership and reiterated that political trials would not be held.

NEWS RELEASE OF INTERNATIONAL COUNCIL OF VOLUNTARY AGENCIES

According to a news report received from Geneva (Switzerland) The International Council of Voluntary Agencies condemned Czechoslovakia for intimidating and blackmailing refugees.

Thousands of Czechoslovak Refugees in North America and Western Europe have received letters from lawyers—acting on instructions of the Prague Government—saying that court proceedings have been brought against them for illegally staying abroad. The letters warn that their relatives in Czechoslovakia will be held responsible for legal fees unless the refugees send the money; they further inform the refugees that they are liable to punishment ranging from six months to five years imprisonment or confiscation of property. They request payment within fifteen days of a deposit toward costs of trial. The deposit generally amounts to $140.00 to be transmitted by the refugee in the currency of the country of residence to a designated bank in Czechoslovakia.

In a statement issued in Geneva on February 1, 1971, the International Council of Voluntary Agencies, which included all major voluntary bodies working on behalf of refugees, called the letters "illegal" and "intimidating". The Council's Commission on refugees and migration said the action "is a threat to the status of persons as refugees and a form of blackmail directed against the individual refugee in his country of asylum."

In calling the letters illegal, the Voluntary Agencies said that threatening the refugee with action against his relatives appears to be without basis under internal Czechoslovak law. They add that contrary to universally accepted standards of conduct between nations, the Czech authorities chose not to go through official channels in the countries of asylum, deliberately contacting refugees directly.

The refugee agencies point out that the sending of the letters violates the jurisdiction of the countries of asylum since they infringe on their rights to grant full protection to refugees fleeing from political persecution.

Accordingly, The International Council of Voluntary Agencies is asking all governments to see what steps might be taken to stop the sending of intimidating letters through the mails and to protest to Czechoslovak Authorities against their violations of the rights of refugees.

REPRESSIVE GREEK GOVERNMENT

Mr. McGOVERN. Mr. President, when the administration decided to resume arms shipments to the Greek junta, it justified its decision with the statement that a "trend toward constitutional government" had appeared. For an administration which has repeatedly displayed its talent for finding benign phrases to describe bad results of misbegotten policies, this has to rank as a stellar performance. While reports from Greece have indicated a continuing and intensifying policy of arrests, torture, and intimidation, the administration talks of a trend toward constitutional government. Regrettably, here is one more instance of a failure to be honest with the American people on critical matters of foreign policy. As in the case of the continuing Asian adventure, the administration fails to recognize that the first obligation of representative government is to be honest with its own people.

I have received from Andreas G. Papandreou, a leader of the Panhellenic Liberation Movement—PAK—a copy of a letter smuggled out of prison by Panagoulis, the young man charged with attempted assassination of Premier Papadopoulos. It tells a chilling story of torture that shows a complete absence of due process of law in the State Department's reported "trend toward constitutional government." It makes clear that the only trend within the present Greek regime is the further desecration of the glorious tradition of liberty which is Greece.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

I am writing with the hope that my letter will reach every human being who feels his duty to be indignant about crime and to fight for its abolition. With the hope that the support of the world public opinion for the struggle for freedom, democracy, justice and progress will become more substantial. I am writing with the confidence that the progressive powers of all the world will help the many prisoners of the junta and with their assistance prevent our physical destruction. I am writing lastly so that from the isolation of a prison of the junta the anathema of someone who suffers reaches all the world and hits all those who help the completion of the crime that is perpetrated against our people. At the same time I want our gratitude to reach all those who stand by us at this terrible moment.

For two years now I am in absolute isolation. I have been subjected to terrible tortures. In summary I report:

Whipping with wire and wire rope all over my body. Beating with clubs on the soles of my feet with the result that my right heel was fractured. Beating with iron bars on my chest and on the ribs with the result that two or three ribs were broken. Burns with cigarettes on my hand and genitals. They put a long metal needle (wire) inside my urethra and heated the extended part of the needle or wire with a cigarette lighter. With their hands they closed my mouth and nostrils (ways of breathing) almost until the point of asphyxiation. Kickings. Punching with the fist. Pulling the hair. Beating of my head against the wall and floor. Preventing me to sleep. (The protagonists: Major Theofyloyannakos, Police Officer Mallios and Babalis). Brutal and torturing ways to force feed me by Dr. Panagopoulos. I was permanently handcuffed. I was refused every possibility of defending myself by their refusal to allow me to see the brief of the prosecution prior to my trial and their refusal to allow me to see my lawyer except once on the eve of the trial and this in the presence of officers of the junta. Threats and pressure by Theofyloyannakos during the trial. Withholding the charges I made and submitted to the Military Tribunal against Major Theofyloyannakos and Hadzisis for forging (which is proved) my supposed defense plea produced in the brief of the prosecution. Document which is not valid and has not got my signature. These all before the trial.

After the "trial" transfer from KESA (Centre of Training of the Military Police) in gangsteristic way 20th of November 1968 to the arsenal (NAFSTATHMOS) and from there in a naval boat under the signal R.25 (P.25) to a cell at the back of the prisons of Aegina (Island of Aegina). They notified me that I would be executed the next morning and asked me if I wanted to ask for pardon. I refused. At dawn a detachment came outside my cell and I could hear orders being given—after a while the detachment left. I was notified that they would execute me the following day because "Today is the Annunciation of the Virgin Mary and executions cannot take place." I refused again their suggestions that I should make confessions and ask for pardon. In the morning of the 22nd of November I was told again that the execution would take place on the morning of the 23rd. In the afternoon I was transferred to NAFSTATHMOS with the naval boat P–21 and from there to the special questioning department of ESA. A Sergeant (surely under orders) told me that the newspapers had announced that I had been executed adding that now "they are going to question you as they like." At dawn on Nov. 23rd they put men in a car telling me "Now all this gimmickery is over and we are definitely going for the execution." And we went to the prisons of Boyati. They threw me in a cell without a bed. The walls were damp and green with mold. Still permanently handcuffed. I started a hunger-strike, or rather I continued it because from the day after the trial I was not taking any food. The hunger-strike lasted until the 21st of Dec. when they allowed my mother to visit me and promised amelioration of the conditions of my imprisonment. However, I remained handcuffed and on the floor until the end of March. My wrists had ulcerated and pus was running from them. My cell smelled so badly that the guards couldn't stand outside the door. Inside the cell there was a hole which I had to use for all bodily functions. From the 20th of March it was impossible for me to bear the handcuffs (because of the wounds) but all they did was to remove them for 2–3 hours in the morning daily. From the 8th of May after I had been on a hunger-strike since Easter, they put a bed in my cell and a table. And they accompanied me for 15–20 minutes in the prison yard when they had closed the other prisoners into their cells. On June 15th I escaped. I was betrayed by Patitsas and Perdikaris and I was arrested on the 9th of June. I stayed handcuffed in a cell in the Security of Neo Ioania. I refused to make any testimony. I went on hunger strike. I was transferred to KESA (Centre of Training of the Military Police) on the 13th of June, they removed the handcuffs. They locked me in a cell. On the 20th of July I went again on a hunger strike. On the 24th of July I was transferred to Boyati in strict isolation. I continued the hunger strike until the 5th of September (47 days). Then they promised that they would allow me to get out in the yard when I could walk and that I would get food from home and newspapers. I started taking food. On the 10th of September I started again a hunger strike because except for the newspapers, there was no amelioration. On the 24th of September they gave me food that my mother had sent and I started eating again. On the 18th of October I was arrested while trying to escape. Handcuffs, chains at my feet, removal of the bed, no newspapers, no cigarettes, no food from home—I started a hunger strike. I was absolutely exhausted; from the 13th of November they started subjecting me to different tortures, psychological pressures, etc. The sort of the tortures I reported to the Representatives of the International Red Cross who visited me on January 16th. I have no room and I need to write many things to give you a clear picture. My hunger-strike ended on December 21st (44 days) when in a coma they put me on a bed they brought into the cell. And they removed the handcuffs, and they gave me newspapers. It took many days for me to recover. On the 16th of January the International Red Cross visited me. On the 19th of January, transfer to KESA, strict isolation and tortures!! 9th of February transfer again to Boyati to a special cage-cell of cement 3 metres by 1½ in dimension, other conditions known to the International Red Cross. They went on tormenting me. I am writing in summary so it is difficult to give a full picture of the conditions I face. Now I am coming to the most tragic, for me, and more telling event for the criminal mentality of the junta!

9th of April—attempt to murder me. After the failure the junta tried to present it as an attempted suicide. I told, in as clear a way as I could, all that had to do with the attempted murder to the Representatives of the International Red Cross on the 1st of June. I asked to see the Public Prosecutor at the hospital where I was transferred, still ill. This was refused. They also refused to allow me to get in touch with my lawyer.

To protect myself from similar acts of the fascistic junta who have not for a moment left their murdering intent, I make this accusation publicly. With the hope that this letter of mine will be a testimony with the power and the ability to protect also the life of other prisoners who are in strict isolation. I certify on my word of honor and on oath the truth of my denunciation. I would not have done this publicly if I didn't know that, as perfectly as the junta had prepared my murder, they did make one mistake. When there will be justice in our country again I will bring all the evidence and testimonies which prove this criminal act. From the personnel of the prisons only one or two people are involved in this. From the 22nd of April until the 21st of May (30 days) I did not take food. They brought in the Military Doctor Panagoloulos who repeated his tortures on the 20th of May. On the 21st I was told they would allow me to see my mother and I accepted food.

Let the world's morals and sense of justice protect us.

Signed,

A. PANAGOULIS.

THE DEFINITION OF GENOCIDE

Mr. PROXMIRE. Mr. President, since former President Truman sent the Genocide Convention to the Senate of the United States for its favorable action on June 16, 1949, opponents of this convention have argued that "genocide" is poorly defined.

What specific acts are comprised in the definition of genocide? Article II of the Genocide Pact states:

> In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part a national, ethnical, racial or religious group as such:
>
> a. killing members of the group;
>
> b. causing serious bodily or mental harm to members of this group;
>
> c. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> d. imposing measures intended to prevent births within the group;
>
> e. forcibly transferring children of the group to another group.

Some opponents of the convention have asked for a concise definition of the meaning of "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

Certainly this would include the concentration camps of the Nazis, and those of Siberia, slave labor camps, the deliberate starvation of people, the death marches of military or other prisoners such as on Bataan. We can help prevent such destruction by ratifying the Genocide Convention.

Ratification by the United States will encourage other nations to adhere to the convention and implement its provisions. This is especially true of newly independent countries which take U.N. conventions as a model. Without the support of the United States, these agreements may appear insignificant to many other countries. If we do not consider it important here in this body to act favorably on this convention, why should other nations think so? Why should they implement the convention?

Ratification will put the United States in a better legal and moral position to protect infringement of these rights in countries that have ratified the convention but have failed to implement it in practice. As Roy Wilkins said almost 3 years ago, if these provisions have any meaning, they must carry their thrust across national boundaries.

Ratification will increase U.S. influence in the continuing U.N. process of drafting legal norms in the field of human rights. Ratification will dissipate the embarrassing contradiction between our failure to ratify this convention and our traditional support of the basic human rights.

The United Nations was begun with the aspiration that it would bring us to respect and comply with world law through understanding, not through the exercise of police power. We must make human rights real in the communities here and overseas.

We can continue our effort by ratifying the Genocide Convention. I ask that the Senate give its overwhelming consent to ratification.

GEORGE H. B. BUSH

Mr. DOLE. Mr. President, I wish to express my commendation of the Senate's confirmation of the nomination of the Honorable George H. B. Bush as U.S. Ambassador to the United Nations.

President Nixon has made an exceptionally wise choice for this position. A young man with a positive, progressive record in business, public service, and community affairs, George Bush came to the House of Representatives in 1966, and in recognition of his past achievements and glowing potential, his colleagues assigned him to the important and prestigious Ways and Means Committee. He served with great distinction in the House and was returned to his seat without opposition in 1968. George and I were colleagues during his first term, and I can attest to the respect he earned from his fellow Members in that brief time. That respect was founded on recognition of his intelligence, diligence, and on his understanding of the crucial importance which human factors and concerns must have in the conduct of governments.

The United Nations is an institution representing the hopes of the civilized world for survival and betterment of mankind. Since it was founded a quarter century ago, it has often been a point of frustration, frequently a subject of concern, but always it has been a source of hope that our world will not again be plunged into war. The importance of the United Nations to this country and to the community of nations demands the very highest intelligence, capability, and understanding of those who represent the United States in its councils. Our country has been fortunate, indeed, to have had so many able members in our delegations as well as to have been served by a succession of extremely able Ambassadors, most recently Charles Yost.

I am sure that George Bush will quickly establish himself as one of the most valuable and influential representatives of the United States. He has the confidence of President Nixon and Secretary Rogers, he has proven abilities, and he is a man of great vision who is firmly dedicated to the principles upon which the United Nations was founded. More than being a representative for this country, our Ambassador to the U.N. is a messenger to the peoples represented by the member nations. In this respect, George Bush is supremely suited as our ambassador. He is articulate, forceful, and experienced as a spokesman for the values and ideals of America, and he will bring his impressive reserves of energy and enthusiasm to bear on the responsibilities which come from this office.

Mr. President, George Bush will serve with honor and distinction as Ambassador to the United Nations. I congratulate him on his confirmation and wish him well in the mission he is undertaking in behalf of his country and the hope of peace throughout the world.

MICHIGAN'S CONCERN FOR PRISONERS OF WAR

Mr. HART. Mr. President, today, in a joint session of its legislature, the State of Michigan will observe a Day of Concern and Tribute to Our Men Held as POW's in Southeast Asia.

Because of a conflict in dates, I was unable to attend that session.

However, my able colleague from Michigan (Mr. GRIFFIN) kindly agreed to read a message from me at the session.

Mr. President, for emphasis I would like to make the same statement on the floor of the Senate.

If it were not for a Senate hearing which will determine the scope of the activities of the Antitrust and Monopoly Subcommittee for the next 2 years, I would be in Lansing today.

No one should interpret my absence as an indication that our Nation is divided in its concern for the health and safety of our men held prisoners of war.

As many of us in Congress have in the past—through speeches and letters to officials of the Hanoi government—we must continue to try to make clear just how deeply this Nation feels about the treatment of our men, treatment which runs counter to the basic human considerations set forth in the Geneva Convention.

While there may be sharp disagreements over the conduct of the war in Southeast Asia, our country is, for all intents and purposes, united in its belief that regardless of the policy, top priority must be given to the safe return of those men.

We must continue to hope that events such as this will transmit that message to Hanoi, and that Hanoi will respond not only with improved treatment of our men, but by permitting their safe return.

JUDGE D. K. McLAUGHLIN

Mr. MATHIAS. Mr. President, the State of Maryland has lost an outstanding jurist with the recent retirement of Judge D. K. McLaughlin after 16 years on the bench of the Washington County Circuit Court. Judge McLaughlin recounted his colorful career in public service as a lawyer, legislator, and judge in a recent interview with the Baltimore Sun. A former school dropout who was noted for his self-deprecating and sharp-tongued manner. Judge McLaughlin summed up his tenure on the bench in a phrase which might well describe the proper goal of any judge. He put it in these words:

> I never did anything worthwhile on the bench except sit up there and beat my brains out trying cases.

Jurists such as this man who, as he put it, "beat their brains out trying cases," are the basis of the American judicial system.

In tribute to this man, and the thousands like him who make our system of criminal justice work, I ask unanimous consent to have printed in the RECORD the interview published by the Sun.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VETERAN HAGERSTOWN JURIST CALLS IT QUITS; JUDGE D. O. McLAUGHLIN REFLECTS ON LIFE, 16 YEARS ON COURT

(By Michael J. Clark)

HAGERSTOWN, January 21.—Judge D. K. McLaughlin, an outspoken jurist with craggy features and wavy silver hair, has quietly left active service as chief judge of the Washington County Circuit Court.

The judge, 66, has spent 16 years as a circuit judge and has stepped down for reasons of health, awaiting only the appointment of his successor by Governor Mandel before retiring officially.

COMMUTED FROM FLORIDA

For several months, he has commuted from his "retirement" home in Fort Lauderdale, Fla. to Hagerstown, the county seat of Washington county; to hear cases.

Looking back during an interview recently, he clearly was not awed by his experience as a judge.

"I made quick decisions based on native intelligence and common sense rather than what is in the law books," he said.

Occasionally propping his feet on his desk and twiddling his black-rimmed eyeglasses, the judge evaluated his career in his typical self-deprecating, sharp-tongued manner.

"I never did anything worthwhile on the bench except sit up there and beat my brains out trying cases," he said off-handedly.

"COLORFUL" CAREER

He noted without boasting that his career as a judge, was none the less "colorful. I usually speak my mind," he said.

The judge recalled that he nearly missed out on the law altogether. He dropped out of school at 15 "to help my family by getting a job and because I wasn't imbued with school."

Three years later, he went back for more schooling, getting a football scholarship at the old Gettysburg (Pa.) Academy. After that, he graduated from the Dickinson School of Law in Carlisle, Pa., "I always wanted to be a lawyer," he said without giving a reason why.

His first job as a lawyer was with a Baltimore bonding firm, which he quit after a year. "They gave a raise to another lawyer in the same office, but wouldn't give me one to match it. So, I borrowed $5 from a fellow and took a bus back to Hagerstown," the judge said.

"IT WAS DAMN ROUGH"

He opened a law office here in 1929. "It was damn rough. So rough, I made $300 the first year. My practice was making collections and handling police court cases," he said.

In the early 1930's, his practice picked up after "winning a bootleg case in Federal Court. I got a lot of prohibition cases," he said.

He also became active in the Republican party, stumping Washington county. "That was how a trial lawyer learned," Judge McLaughlin said.

In the early 1930's, he ran for state's attorney but lost in his party's primary. He kept at local politicking though, he said, and he became chairman of the Washington County Republican State Central Committee.

After a tour as a Navy aviator during World War II, returned to Hagerstown and was elected to the State Senate serving two terms.

He was elected to a third term in 1954, but a vacancy occurred in the judgeship in the county Circuit Court. He was appointed to the post by Governor McKeldin in January, 1955.

His last courtroom case January 15 involved the sentencing of a long-haired youth, an epileptic, who was charged with possession of marijuana.

BRIEF LECTURE

Judge McLaughlin noted in a brief lecture that he recently had given other "users" of marijuana a sentence of probation without verdict. But he had said publicly at that time that the next time such cases came before him he would mete out jail sentences.

The defendant's lawyer said the youth was married and was the father of a 4-month-old child. He was attending college part-time.

Before passing sentence, Judge McLaughlin said: "Sometimes judges suffer more than the defendants when they have to hand down a jail sentence."

He then told the youth that he must serve four months in county jail "starting at night only when school is over."

FINANCIAL STATEMENT OF SENATOR WALTER F. MONDALE

Mr. MONDALE. Mr. President, I ask unanimous consent that a statement of my estimated net worth as of December 31, 1970, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FINANCIAL STATEMENT OF SENATOR WALTER F. MONDALE, DECEMBER 31, 1970

ASSETS

Residence in Washington	$63,000
Automobiles:	
Chevrolet	2,750
Oldsmobile	3,270
Subtotal	6,020
Household and personal goods	5,000
Cash value of life insurance	2,456
Personal contributions to Federal employees retirement system	15,427
Total assets	93,396

LIABILITIES

Mortgage on residence in Washington	38,981
Personal loan (C. A. Nickloff Agency, Hibbing, Minn.)	3,866
Miscellaneous personal bills	800
Total liabilities	43,647
Estimated net worth	49,749

DR. MILTON S. EISENHOWER DISCUSSES PROBLEMS OF VIOLENT CRIME

Mr. MATHIAS. Mr. President, an outstanding American, whom I am proud to claim as a Marylander, is Dr. Milton S. Eisenhower of Baltimore. Dr. Eisenhower is a former president of the Johns Hopkins University and served as Chairman of the National Commission on the Causes and Prevention of Violence.

Last fall, the undergraduates at Johns Hopkins organized a Milton S. Eisenhower symposium in Dr. Eisenhower's honor, and invited him to give the opening address. In that speech, Dr. Eisenhower, from his perspective as Chairman of the Commission on Violence, gave a broad overview of the severe problem of violent crime in America and the multifaceted dilemma we face in trying to reduce it.

I would like to call Dr. Eisenhower's remarks to the attention of the Senate and ask unanimous consent that they be included in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

VIOLENT CRIME: AN OVERFLOW

(By Dr. Milton S. Eisenhower)

We live in an urban society. We live in an affluent society. And we live in a society that is violent.

In the convergence of those three characteristics lies a central problem for America in the 1970's.

In the metropolitan areas, where two-thirds of the American people live, violent crime is rising, and fear is rising in its wake. Fear is manifested in the locked doors, the empty streets, the growing number of guns bought for self-protection, the signs on public buses that say: "Driver does not carry cash." It is the neglected conditions in American cities that help to account for the rise in violent crime, but violent crime is the cancer that may kill the cities and paralyze the suburbs as well.

The potential products of American affluence—flights to other planets, supersonic transports, rebuilt cities, effective systems of mass transit, clean air and water—all these will be hollow achievements if, at the same time, we ignore the despair and alienation of a large portion of our citizens who do not share adequately in America's affluence. The price of ignoring their situation will be ever-mounting rates of violent crime—and ever-spreading fear, with its paralyzing results.

Dr. Norval Morris, Professor of Law and Criminology, University of Chicago, said to the Commission on Violence: "Crime for the first time is a threat to the quality of life in this country," and Dr. Price M. Cobbs, the distinguished black psychiatrist, said, "If violence continues at its present pace, we may well witness the end of the grand experiment of democracy."

And the Commission on the Causes and Prevention of Violence, after obtaining the unprecedented help of two hundred of the nation's leading scholars in history, law, sociology, criminology, psychiatry, and other fields—after obtaining public evidence from some 150 individuals, ranging from student radicals to police chiefs, from scholars to the head of the Federal Bureau of Investigation—and, after considering this complex problem among ourselves for a year and a half, said to the President of the United States: "We solemnly declare our conviction that this nation is entering a period in which our people need to be as concerned by the internal dangers to our free society as by any possible combination of external threats."

II

The best estimate of the number of serious crimes committed in the United States each year is ten million, of which more than 1,200,000 are violent crimes: homicides, aggravated assaults, forcible rapes, and robberies. According to another estimate, more than 1 out of 100 Americans commit a major violent crime in any one year. Many more, of course, commit a serious crime some time in their lives.

This violence in our midst earns us the distinction of being the clear leader in violent crime among the modern, stable nations of the world. Thus, the United States, with 200 million people, averages fifty times as many gun murders a year as do England, Germany, and Japan combined with their total population of 214 million.

This appalling statistic calls to mind other salient features of our culture. The more than 90 million firearms privately owned by Americans give us the distinction of having the highest—far highest—gun-to-population ratio of any nation on earth. About half of all American homes have a firearm, and many have more than one. About 25 million of those weapons are *concealable handguns*, and these are the firearms used in virtually all aggravated assaults and robberies involving firearms and in three-fourths of all gun murders.

Parenthetically, let me add that I continue to be perplexed by the blind, emotional resistance that greets any proposal to bring this senseless excess under control. We lag behind every other civilized nation in the world in failing to have a comprehensive, effective national policy of firearms control. Yet when the Commission on Violence, after careful weighing of all the relevant facts and arguments, recommended a policy of restrictive licensing of handguns and a simple identification system for long guns, vitriolic mail began to pour into my office in Evergreen House. I was labeled with every epithet I'd ever heard—and some I'd never heard before—from "you shame the Eisenhower name" to "fascist" and even to "Communist" (these last two covering quite a spectrum). Vociferous opposition of this sort has kept this nation from instituting a sane, effective policy of firearms control. In the meantime, the senseless tragedies repeat themselves: the domestic quarrel or argument between friends turns into a homicide because a gun is available for acting on the rage. Guns are handy to support the yearnings of the sex maniac. Guns are available to those who hold up banks, filling stations, savings and loan associations—and too often the guns are used as more than a threat. So merchants are leaving the city in fear of their lives. Residents are fleeing to the suburbs and there installing every known type of protective device. And in the meantime, police in most parts of the country are without an effective legal maneuver against the criminal who possesses a pistol, unless they catch him in the actual act of using it in a crime.

If, on the other hand, we had restrictive licensing of handguns, similar to the Sullivan law of New York State, police could, with the use of modern electronic equipment, spot a metallic object on a suspect and, even under recent Supreme Court rulings, frisk a suspect. If the suspect is found with a gun and lacks a license, he can be convicted and sentenced on that evidence alone. There can be no doubt that in a few years the right law would have a profound effect in reducing the crimes of armed robbery, aggravated assault, and homicide.

Guns *alone* do not give us the distinction of being the most violent of the advanced societies of the world. Controlling firearms would greatly reduce fatalities and discourage many criminal careers, but international comparisons show that our capacity for acts of rage and rapacity is impressive, whether or not firearms are involved. Thus, aggravated assault—which often is just a murder which didn't work out—occurs in the United States at a rate twice that of England and Wales, eighteen times that of Canada. Rape occurs at a rate three times that of Canada, twelve times that of England and Wales. Our robbery rate is double that of Canada, nine times that of England and Wales.

To complete the picture of America the Violent we would have to sketch in the riots that have erupted in American cities in recent years, the firebombings of campus and public buildings by a lunatic radical minority, the attacks by mobs on peaceful demonstrators, and the outrageous killings of students by law enforcement personnel.

By cold statistics, group violence has not been a major problem compared to individual acts of violent crime. A Commission on Violence study looked back over five years and counted 190 deaths and 9,100 injuries from group violence, mostly ghetto riots; in that same five-year period, 53,000 Americans were victims of reported murders; more than a million were injured in aggravated assaults. And if it is fair to extrapolate from a Harris Poll conducted for the Commission, then 62 million Americans have been punched or beaten at some point in their lives, and 24 million have been threatened with a gun or actually shot at.

While group violence is the secondary problem, its prevalence and high visibility in contemporary America does help to shape attitudes which encourage violent crime—a matter I will return to momentarily.

III

We will have to look at the picture of violence in America more closely—to see where violent crime is concentrated—if we are to begin to understand its causes and know where to invest our social resources to reduce its incidence. The National Commission on Violence found:

First, that violent crime is heavily concentrated in the larger cities. There the rate of crime per unit of population is eight times the rural rate, six times the smaller town rate. The 26 cities with more than half a million residents each account for only one-sixth of our nation's population, but almost one-half of our total reported violent crimes. If you live in a metropolitan area today your mathematical chances of becoming a victim of a homicide, a rape, an assault, or a robbery are one in 125 *each year*. If you live in the city of Baltimore, your mathematical chance of becoming a victim of one of these four violent crimes is one in 49 each year. So, during his lifetime, the odds are *in favor* of a Baltimore resident's becoming a victim of a violent crime.

Second, violent crime in cities is overwhelmingly committed by males.

Third, violent crime in cities is concentrated among youthful offenders. By far the highest urban arrest rate for homicide occurs in the 18 to 24 age group. For rape, robbery and aggravated assault, arrests in the 15 to 24 age group far outstrip those of any other group—indeed they are three times as high as for any other age group.

There have been disturbing increases in arrest rates among youngsters 10 to 14—a 300 percent increase in assault between 1958 and 1967, and 200 percent in robbery in the same period.

Fourth, violent crime in the cities is committed primarily by individuals at the lower end of the socio-economic scale.

Fifth, violent crime in the cities stems disproportionately from the ghetto slums where most Negroes live. Where discrimination is added to low socio-economic status, in other words, violent crime rates are especially high. To describe violent crime as primarily a ghetto phenomenon is to make a statement about social and cultural conditions, not about racial characteristics. I emphasize that all evidence indicates that one race is no more criminogenic than another. Professor Marvin Wolfgang, the eminent sociologist and criminologist who served as co-director of research for the Commission on Violence, recently published a book on this subject. Solid research conducted over a long period of years shows no correlation between race and crime. The correlation is between the total environmental and human conditions in which some people live and crime.

Sixth, the *victims* of violent crimes in the cities generally have the same characteristics as the offenders—that is, they tend to be males, youths, poor persons, and blacks. Against the dangerous myth that violent crime is a kind of interracial warfare, I cite the fact that nine out of ten urban homicides, aggravated assaults, and rapes involve victims and offenders of the same race. An exception is robbery. Our studies showed that 45 percent of urban robberies involve Negroes robbing whites—very often young black males robbing somewhat older white males.

Seventh, with the exception of robbery, violent crimes tend to be acts of passion among intimates and acquaintances. This is true in almost half the cases of rape, and the great majority of cases of assault and homicide. Robbery, on the other hand, is committed by a stranger eight out of ten times.

Finally, the greatest proportion—by far—of all serious violence is committed by repeaters. In a study of 10,000 boys in Philadelphia, 627 boys—*only 6 percent of those studied*—accounted for 53 percent of the homicides, rapes, and assaults known to the police and *71 percent* of the robberies.

In sum, violent crime in the cities is committed primarily by males rather than females, youths rather than older people, by the poor and unskilled rather than the more successful, by ghetto blacks rather than residents of more affluent sections of the city. The highest rates of violent crime occur in the population where these characteristics all intersect: the young, poor, Negro male.

I add the caveat that violent crime is not exclusively a province of ghetto youth. Alcoholics and drug addicts who are a danger to their fellow citizens come from all strata of society. The thin shell of civility that houses our aggressive impulses has been known to crack open and splay violence in some of the so-called "finest families" in America. On the other hand, the social pathology that exists in the ghetto does not turn every poor, young Negro male into a criminal, nor even a majority of them.

We need to focus our attention on the inner-city ghetto because that is where the major problem of violent crime exists. That is where the socially destructive forces are at work breeding violent crime, which hastens the decay of our cities, which in turn breeds more crime.

There are certain dispositions in American thinking that tend to block our understanding of ghetto problems. We are a hardworking people. We believe hard work is important because we believe success—however we choose to define success—is the inevitable reward for hard work. We tend to regard as morally inferior those who are failures. We tend to say: They have only themselves to blame.

We tend also to forget how, for hundreds of years, the realities of American life have made a cruel mockery of the work-for-your-reward ethic for the black segment of our population. We boast of what our immigrant ancestors were able to accomplish while ignoring the fact that their assimilation came easier because they were the "right" color. We forget that they came from Europe with some skills, and at a time when industry thrived on labor, not science and technology, and welcomed all the white workers it could get. We forget that the white immigrant ghettos had their high rates of crime until they were assimilated into the larger society, a process that often required several generations. Indeed, the success of white immigrants still isn't all we boast it to be; there are still twice as many whites living below the poverty line as non-whites.

Many who acknowledge that blacks have been pounded to despair by discrimination—and many who don't—assume that Negro parents do not bother to discipline their children and take no interest in their moral development. Yet, as Robert Coles, the well-known Harvard psychiatrist, has pointed out, "Negro children probably receive more punitively enforced reminders of what is right and wrong than any other segment of our population."

But consider how hollow the maternal admonitions begin to sound once the realities of the ghetto start to impinge on a black youngster's awareness. Like every American mother, she says: "Work hard in school; it is the only way to get ahead." What measure of reality does that have for the ghetto youth? There are no examples of educated, successful men in his immediate experience. His father—if he has one—and the men up and down the block sweat at menial and intermittent jobs. The one across the street with the fancy convertible isn't working for the sanitation department; he's pushing drugs or robbing corner grocery stores.

In the crowded apartment there are no quiet places for study, no books or serious magazines, no conversations to stimulate the intellect. On the other hand, there is the constant lure of the television set. The average young ghetto resident, by the time he is 18, will have spent more time watching television than he spent in school. There is also the lure of the street where the other children are running and playing, often deep into the night, and where a youngster may have to engage in crime or the use of dope to be accepted by his peers. Here is what Professor Wolfgang calls the sub-culture of violence.

The neighborhood school, dilapidated and poorly equipped, has accommodated itself to defeat. It asks only for a modicum of discipline, ignores the strivings of eager students and the indifference of rebellious students, and automatically promotes to the next higher grade every student just so it can have room for the next crop of undereducated and unmotivated children.

If the ghetto youth has the determination to swim against the tides all the way to a high school diploma—and, of course, many do not—he may find job or further educational opportunities waiting for him. In the past few years, barriers to advancement for high-school educated blacks have been falling. If he drops out, as so many do, he may find the doors to meaningful job opportunities closed to him. In the American value system he is now a full-fledged failure, and he is quite aware of it. All those material comforts displayed and advertised on the television screen are not to be his—at least not by legitimate means.

And why not use violence to get what he needs to be somebody? He has little to gain by playing according to society's rules and little to lose by not. He is familiar with violence. In the disintegrated community of the ghetto, violent quarrels, brawls, and careers in crime are commonplace. Violence is also a way of proving manliness, especially in the street gangs of the inner city. The larger society apparently does not find violence abhorrent; violence is a constant theme in television dramas, and violence is touted in American folklore. Americans love their guns: they have, as I've said, the highest gun-to-population ratio of any nation in the world.

Considering the pressures, frustrations, and temptations at work on the youth in our ghettos, the wonder is that violent crime rates in the cities are not higher than they are.

And yet, conditions in the ghettos have been improving. During this past decade incomes of Negroes in cities increased, the percentage of blacks completing high school rose, as did the percentage entering universities, and unemployment rates dropped significantly. We are faced with an apparent paradox: While conditions have been improving for inner-city blacks, rates of violent crime among them have been soaring. As closely as the Commission on Violence could determine, the combined rate of violent crimes—per unit of population—has increased 100 percent during the last ten years.

A partial answer to this paradox is that real gains for blacks have still left significant gaps between their conditions and those of whites. Thus, for example, the Negro unemployment rate continues to be about twice that for whites. And unemployment among black teenagers in cities has actually been increasing. Last year it stood at 25 percent, which was two-and-a-half times the unemployment rate for white teenagers.

But secondly, demographic changes in this country would lead one to expect an increase in violent crime. The age group most involved in violent crime, 16 to 24, has soared both in number and proportion of the total population—from 20 million ten years ago to 29 million today, and from 11 percent of the population to almost 15 percent. The increasing urbanization of our society also helps to account for the rise in violent crime. Actually, in the past ten years, the spectacular growth has taken place in the suburbs. Middle-class, mostly affluent whites, have been moving out of the cities, leaving them increasingly to the poor, black population, which suffers inadequate services financed by a declining tax base. Another demographic trend of some bearing is the increasing instability of American families. Divorces and separations are on the rise in every segment of the population, but nowhere as spectacularly as among poor blacks in our cities. At present, only 22 percent of the poor black children in the central cities live with both parents. Ten years ago, half of the children in that category lived with both—a sad circumstance that should have been improved, not permitted to grow worse. This is probably a major consequence of our anachronistic welfare system.

A third factor has been a vast increase in the number of firearms in private hands. Sales of long guns, the Commission on Violence found, doubled from 1962 to 1968. In that same period, sales of handguns quadrupled.

Fourthly, we are living in a time of profound changes—technological, occupational, social and cultural. Times of great change alter how we work, think and live. They set us adrift from our moorings and create tensions and uncertainties. If American parents seem unduly permissive, if they appear to be unsure about the values to encourage in their children and the standards to impose, perhaps it is because American society has already changed greatly since their own childhood and is destined to change even more in the future. In the absence of clear-cut expectations and standards, the traditional social controls have lost their grip, and violence is one result of the breakdown. This may explain why violence is rising among youth in affluent, middle-class homes, as well as in the ghettos.

A fifth and related change: Events in the 1960's have served to diminish the respect accorded the institutions of government. The spectacle of governors defying federal court orders, of policemen beating demonstrators, of mobs looting stores with impunity, of some college students destroying property and then demanding amnesty, of elected officials exposed in corruption—all these, and more, have served to encourage a cynical disrespect for law and law-making institutions.

Besides encouraging the attitude that lawful behavior is "just for suckers," such events tend to give direct legitimacy to violence. The deep divisions within our country set off tensions and anger, but the readiness with which some groups give violent expression to their anger and impatience creates an appealing, contagious, but very dangerous object lesson. Urban riots had a powerful lesson for ghetto youth: that it is perfectly all right to vent one's dissatisfactions in acts of violence. More recently, violence—as distinguished, of course, from peaceful protest or demonstration—on the nation's campuses has probably had an effect even more powerful. If the most privileged young people can have their violent donnybrooks, a ghetto youth is entitled to ask, "Why shouldn't I?"

Of course the frustrations of ghetto life are very real. The frustrations in recent years have been especially deep because of the so-called revolution of rising expectations. Life for Americans generally has grown more comfortable and rewarding, there have been noticeable improvements for the poor, but delivery of improvements in the ghetto has not kept pace with the political promises or with what the poor and disadvantaged have come to expect. It is hardly surprising that the resulting frustrations give rise to violent crime.

There remains one very obvious reason for mounting crime in our society: the increasing failure of law enforcement agencies to cope with it. Consider the grim statistics. Probably ten million serious crimes were committed in the United States last year. About half of these crimes were never reported to the Federal Bureau of Investigation. Only 12 percent of those ten million crimes resulted in the arrest of anyone. Only 6 percent resulted in the conviction of anyone, and this 6 percent included many pleas to lesser offenses. Only 1½ percent resulted in the incarceration of anyone. And of those who were incarcerated, most will return to prison another time for additional offenses.

As Lloyd Cutler, eminent lawyer and Executive Director of the Violence Commission, remarked of these statistics: "It would be hard to argue that crime does not pay. The sad fact is that our criminal justice system, as presently operated, does not deter, does not detect, does not convict, and does not correct."

As crimes go unpunished, and as criminals go through the corrections system changed for the worse instead of better, it is no wonder crime is on the increase.

IV

Police departments in American cities are understaffed and underequipped. Police are undereducated and undertrained. Juvenile courts have failed to live up to their humane ideal. The lower courts in which most adults are tried too often have crowded dockets, inadequate procedures for investigating the defendant and circumstances, and necessarily shoddy ways of dispensing justice. The jails in which indigent defendants sit awaiting trial have been aptly described as "rabbit warrens." Prisons have earned the label "schools for criminals." Inside prison walls are terrorist societies ruled more by prisoners themselves than by guards. Lacking equipment and sufficient professional staff, prison training programs are outmoded and rehabilitation services are wholly inadequate. At the end of their terms, most prisoners are thrust out on the street without meaningful help in readjustment.

The Crime Commission studied the deplorable conditions of our criminal justice system and, in its 1967 Report, made dozens of thoughtful recommendations for improving all its aspects—police, courts, corrections. The National Commission on Violence added a few recommendations of its own, mostly having to do with improving coordination among the various agencies of the system. We recommended that urban governments form Offices of Criminal Justice to improve coordination at the local level. We urged citizens to form advisory groups in local areas to help with that effort. We suggested that leading citizens be invited to form a privately financed National Citizens Justice Center to encourage improvements in the criminal justice system at all levels, through private citizens' groups as well as government agencies.

This is not the occasion for detailing the recommendations of either of the two commissions. But I do want to call your attention to one additional recommendation of the Violence Commission—namely, that we as a nation "give concrete expression of our concern about crime by a solemn national commitment to double our investment in the administration of justice as rapidly as such an investment can be wisely planned and utilized."

At present, our entire criminal justice system in this country—federal, state, and local—receives less than 2 percent of all government revenues and less than three-quarters of one percent of our national income. We spend less on this pitifully inadequate system than we do on federal agriculture programs and little more than we do on the space program.

Responsibility for police, courts, and corrections has resided mostly with state and local governments. That is as it should be. But these governments do not have the financial resources to deepen their investment in improving the criminal justice system. The financial commitment must be a federal one. The federal government, after all, takes the lion's share of tax revenues; it ought to take the major financial responsibility for deterring crime, administering justice fairly, and bringing wrongdoers back into a productive role in society.

The Council of Economic Advisers estimates that 19 billion dollars annually will be freed for domestic programs once our military engagement ends in Southeast Asia. A host of long-neglected needs at home will be competing for these dollars. The criminal justice system is only one of them. We ought to proceed now to plan the use of those future dollars wisely. A firm commitment now, in the form of the organic legislation, to increase greatly our expenditures on the criminal justice system would permit planners within the system to make effective reforms once the money becomes available.

V

I do not mean to suggest that the criminal justice system should be given priority over all the other competing needs of our society. Quite the contrary. In our report to the President, the National Commission on Violence spoke of the twin objectives of making violence "both unnecessary and unrewarding." Neither corrective approach will succeed without the other. Making violence unrewarding is a job for law enforcement agencies. Making violence unnecessary is nothing less than the task of giving all Americans a satisfactory stake in the life of the community.

We must seek to eradicate poverty where it persists, improve education where it is deficient, and provide health care in areas of the community where it is inadequate and beyond the financial reach of citizens. Efforts to remake our cities must include steps to eliminate the ghettos, to provide decent housing for everyone, to build effective mass transits (especially for those who cannot afford automobiles), and to assure adequate measures for the upkeep of every neighborhood. Our national goal should be the dignity of work for every citizen capable of work. Our overriding goal, in all such programs, should be to provide every citizen a stake in the community. The citizen who has much to gain by living by the rules and in concert with his fellow citizens has much to lose by defying the rules and rebuking the community.

I add the caution that we ought not to pursue these social measures merely in the name of crime eradication. The high correlation of the outward symbols of deprivation—bad housing, low educational achievement, high unemployment—with violent crime does not mean that improvements in the former will lead inexorably to complete elimination of the latter. Physical conditions can be changed by concerted effort, but attitudes and habits will change only through inner enlightenment. The human animal is complex, and there is more to violent crime than a simple reaction to alienating circumstances.

We ought to undertake these social reform measures, rather, because they are the proper, humane things to do. Reordering our national priorities to give new emphasis to the quality of life for every citizen is a realistic goal for this affluent society. It is a worthy new phase for a nation that has subdued a continent physically and accomplished so much technologically.

These are matters not to be left to government alone. It is the job of all of us, as private citizens, to seek deep understanding of the problem of violence in our society, to voice concern over the deficiencies in our society that give rise to violence, and to help remedy these deficiencies in our private capacities. It is the job of local schools, churches, and citizen-groups to emphasize and transmit, more effectively than they have in the past, the values that will make our society more humane and less violent. It is also their job to lend encouragement to youth to participate creatively in the society. It is the job of our nation's scholars to seek a better understanding of the roots of violence, and to design and evaluate more effective measures for discouraging violence. And it is the job of all of us—but especially of those privileged by education—to repudiate violence and live by the precepts of tolerance, reasonableness, and civility, so that others may see that violence is unnecessary and—measured by the highest standard—truly unrewarding.

I conclude this overview of a troublesome national problem with two quotations from the report of the Violence Commission to the President: We said:

"Order is indispensable to society, law is indispensable to order, and enforcement is indispensable to law."

And then, to make the thought complete, and legitimate, we added:

"The justice and the decency of the law and its enforcement are not simply embellishments, but rather the indispensable condition of respect for law and civil peace in a free society."

THE DUMP-THE-DRAFT TALK IS DOUBLETALK

Mr. McGOVERN. Mr. President, the proposal for a volunteer military to replace our current draft is accepted by just about every Government and military leader as a preferable course. It has been studied and restudied by Presidential commissions, by Pentagon officials, by private organizations, ad infinitum. We have reached the saturation point on this issue. It is time to act—not 1 year from now, not 2 years from now, not in the next fiscal year or the fiscal year after that—but now.

One of the best expositions of the concerns expressed on both sides of the issue is contained in an article written by J. Robert Moskin, foreign editor of Look magazine, and published in Look for February 23, 1971. Both for its depth and its clarity, the article deserves careful attention in our consideration of the military service issue. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE DUMP-THE-DRAFT TALK IS DOUBLE-TALK—UNCLE SAM STILL WANTS YOU, KID

(By J. Robert Moskin)

Don't count on the end of the draft when the Selective Service law expires this June. The Pentagon brass and their political allies are ganging up to keep their good old red-white-and-blue draft alive. After 22 years, they are not about to let go. They say they need more draftees for mudslogging combat jobs. Uncle Sam still wants you, kid.

It's not fair, I suppose, to remember a presidential candidate's promise more than two years after he is elected, but Richard Nixon has not forgotten that on October 17, 1968, he told the nation he would end conscription. He may someday; but now, his National Security Council, Joint Chiefs of Staff, Office of Management and Budget, etc., are all busy figuring how to extend the draft again this spring.

Although Mr. Nixon, as President, has repeated his promise, he has always whiffled on timing. He has pulled 206,000 men out of Vietnam, but he still insists the draft must be renewed. He agrees—in principle—that we can manage with an all-volunteer armed force, but, in fact, he gives the nod to the generals.

Left to themselves, the generals would never dump the draft, and pressure from those who oppose it cannot match the big guns of the Pentagon-political alliance. Sen. John Stennis of Mississippi, the chairman of the crucial Senate Armed Services Committee, believes "the finest thing that can happen to these young men" is to force them to learn close-order drill, KP and rifle firing. And Rep. F. Edward Hébert of Louisiana, chairman of the powerful House Armed Services Committee, says, "I don't think you'll ever have an all-volunteer army. . . . History shows you can't have one . . . a volunteer army is a dream."

The draft's opponents range, surprisingly, from conservative Sen. Barry Goldwater to liberal Sen. Mark Hatfield, and from the right-handed youth group, to the left-handed National Council to Repeal the Draft. The White House Conference on Youth is against it. But some kind of miracle would be needed for the opposition to win the coming congressional battle. The Administration and the draft lovers hold the high ground.

Everyone realizes the draft is dangerous for young people and other living things. It has distorted the lives of millions of young men. Since 1965, more than 1.5 million young Americans have been inducted for 24 months' service, and countless more have enlisted under the draft's threat. At least 30,000 have gone into exile, hundreds into jail. In Vietnam, an Army draftee's chance of being killed or seriously wounded has been almost twice as high as that of an enlistee. Well over half the Army's enlisted dead have been draftees.

When the Johnson Administration used the Gulf of Tonkin incident to justify its massive 1965 buildup in Vietnam, it made a horrendous mistake—a mistake Nixon has never corrected. It rejected using the nation's military reserves because, being older and being voters, they had too much political clout. Instead, it used the draft law already on the books, increased draft calls and ordered reluctant young men to fight and die.

The decision seemed smart. The youngsters threatened with conscription were unorganized. Who would make a fuss? But this decision tore the nation apart. It was one reason for the violent and impassioned opposition to this war. It helped popularize the peace movement, disrupt the nation's colleges, destroy Lyndon Johnson and put the Republican party in the White House.

Promising to end the draft as soon as the Vietnam involvement allowed it, Candidate Nixon said in 1968, "Today all across our country we face a crisis of confidence. Nowhere is it more acute than among our young people. They recognize the draft as an infringement on their liberty, which it is. To them, it represents a government insensitive to their rights, a government callous to their status as free men. They ask for justice, and they deserve it." Nixon won the election by just over 500,000 votes out of 73 million; his anti-draft pitch helped.

Hatred of conscription is as old as the nation; uncounted Americans came here to escape European conscription. Only in our own time, the era of the cold "war," the Korean "war" and the Vietnam "war," has the United States accepted a draft without a major, declared war. For most of our history, we have had freedom from conscription. We've lost it.

White House adviser Dr. Martin Anderson, the 34-year-old Dartmouth ROTC graduate who first interested Richard Nixon in the draft problem, says, "The draft is the last vestige of involuntary servitude we have left in the country." He adds, "We don't draft policemen. Why draft people into the armed forces?"

Two months after his inauguration, President Nixon created a special Commission on an All-Volunteer Armed Force to tell him how to end the draft and set up a volunteer armed service. He chose a distinguished group headed by Thomas S. Gates, chairman of the executive committee of the Morgan Guaranty Trust Co. and former Secretary of Defense. It included two former Supreme Allied Commanders in Europe, Gen. Lauris Norstad and Gen. Alfred Gruenther.

The Commission reported to the President last February. Its recommendation was unanimous and crystal-clear: End the draft by July 1, 1971. And create an all-volunteer military force and reserves, primarily by raising the pay of enlisted first-termers and by using manpower efficiently.

The Commission concluded straightaway: "We unanimously believe that the nation's interests will be better served by an all-volunteer force, supported by an effective stand-by draft, than by a mixed force of volunteers and conscripts. . . . We have satisfied ourselves that a volunteer force will not jeopardize national security, and we believe it will have a beneficial effect on the military as well as the rest of our society."

Again, President Nixon whiffled. He agreed with his Commission—in principle—but rejected the July 1, 1971, date to end the draft. He has been commanding an armed force of nearly three million and fighting a war for which, he fears, not enough Americans would show up. He said, "No one can predict with precision whether or not, or precisely when, we can end conscription."

Last April, President Nixon promised to recommend to Congress $2 billion for additional military pay and benefits, especially for those serving their first two years. But this pay raise would not begin until fiscal 1972, *after* the present draft law expires.

In the civilian bureaucracy of the Pentagon, the Nixon Administration started Project Volunteer, to find out how future pay increases should be applied and how to make military life more attractive. Project Volunteer studied 500 ideas and decided better pay, better housing, better educational opportunities, better use of men are among the most serious needs.

Despite the shuddering doubts of many senior uniformed officers, a variety of "radical" experiments are now being tried, and annoying "Mickey Mouse" rules scrapped. Reveille and bed checks are out; beer is permitted in barracks; hair may be worn longer. Belatedly, the Army is trying to clean up its barnyard. For the present generation, it may already be too late. Says Selective Service Director Dr. Curtis W. Tarr, "You could break your back appealing to people who are now 19."

Of course, it is easier to raise an armed force with a draft than to have to make a military career appealing. But we could demand that the generals get off their duffs and do their job without resorting to the threat of prison for 19-year-olds.

The top Pentagon chiefs have publicly sworn their loyalty to the new ideas, pressed on them by Assistant Secretary for Manpower and Reserve Affairs Roger T. Kelley. "I believe deeply in the all-volunteer concept now. I didn't earlier. A conscripted army has an almost unlimited tolerance for wasting people," Kelley told me. "If you can go to the well as often as you wish, it makes it easy to misuse human resources." He adds, "An all-volunteer organization should be a better-managed organization, a smaller organization and a higher-paid organization than what we have now." But then Kelley does the Pentagon flip-flop and supports the push to renew the draft: "Certainly nothing less than a two-year extension makes sense. From a national-security viewpoint, I'd like to see a longer extension."

The Army, which has the greatest recruiting problem, has appointed Lt. Gen. G. I. Forsythe, a veteran Vietnam commander and University of Montana ROTC graduate, as Special Assistant to the Chief of Staff for the Modern Volunteer Army. Says General Forsythe, "I don't want to get rid of the draft. Neither does General Westmoreland. The draft has to be extended this year. It is inherent in our national value system to have a [draft] law on the books." Others in the Pentagon told me candidly that the military must demonstrate some movement toward an all-volunteer force not so much to end the draft as to make its renewal easier politically.

If one looks at the figures coldly, the draft's value may seem highly exaggerated. The great majority of men on active duty in our armed forces today volunteered. Of the total active-duty force of 2.9 million, only 368,000 are actual draftees. All 900,000 men with more than four years' service are professionals, and so are at least a third of those with fewer than four years. The rest are draftees and draft-induced volunteers.

"True volunteers" (not draft inspired) now total 250,000 a year. To man an all-volunteer force of 2.5 million, only 75,000 more men must volunteer from the qualified 1.5 million who turn 19 each year. And the Administration hopes to be slightly below the 2.5 million force level by mid-'72.

Those who love the draft push more emotional arguments: "I did my time; why shouldn't they?" "It's their duty to their country." "Let's put some of those hippies in uniform." "We can't have our armed forces dependent on blacks and poor." But as Martin Anderson says, when he talks of officers who voice pride in their uniform, "One could ask them: 'Sir, do you think your profession is so bad you have to force people to join it?' "

Those who want to end the draft fought their first pitched battle in Washington's sticky heat last August. Senators Hatfield and Goldwater combined their disparate forces to try to put the Gates Commission pay recommendations into effect immediately, so that the draft would become unnecessary by June. Senator Stennis, a staunch friend of the military (but then so is ex-Major General Goldwater), manned the ramparts, labeled the proposal "half-baked" and "a picked chicken in a hailstorm" and asserted, "I do not buy all of this volunteer-army concept, by any means." The White House and the Pentagon massed behind Chairman Stennis and won the day. The result wasn't close, but 35 senators did vote for the Gates Commission recommendations. Clearly, the fight isn't over yet.

In all the double-talk, there are two phrases to watch carefully. One is "the end of the draft," and the other is "zero draft call." President Nixon uses them interchangeably, but there is a vital difference.

To end the draft means to take away the right of the executive branch to order young men into uniform. This can be done in two ways. One is to repeal the 1948 Selective Service Act, which set up the draft machinery. The Selective Service System, 4,102 local draft boards, the lottery, etc., would all be abolished. Nothing would remain. Senator Hatfield favors this tactic. The other way is for the Congress to refuse to renew the Military Selective Service Act of 1967, which gives the President the power to induct draftees. The Selective Service System would remain, but no one could be drafted after June 30.

Zero draft call is quite another matter. It means that the Selective Service System stays intact, and the President keeps the power to induct young men at will, but he chooses not to draft anyone for a particular month or longer period. (The last time this happened was back in 1961.) If the President decides that draftees are needed, for whatever reason, he has the power to call them up instantly without Congress's approval. For every young man, the threat remains.

Obviously, the zero-draft-call approach would suit the military best. They are candid about that. Secretary of Defense Melvin Laird has said U.S. troops will not be in ground combat after this summer, but he still sees July 1, 1973—nearly two and a half years from now—as the "goal" for getting draft calls down to zero. That is far enough into the future to be pie in the sky—and on the safe side of the next presidential election.

The congressional battle this spring will be fought furiously on three fronts: 1) draft reform, 2) renewal of the President's power to induct draftees and 3) a money package for an all-volunteer force.

DRAFT REFORM

President Nixon has already tried to make the draft fairer. He set up the lottery and stopped deferments for reasons of occupation, fatherhood and most graduate study. New he wants Congress to wipe out deferments for future undergraduate students.

If undergraduate deferments are eliminated, a college student with a low lottery number would be called up in his sophomore or junior year. There is no plan to hold the lottery so that a young man gets a number when he is 16 or 17 and, if he draws a low one, can do his military service before starting college. Selective Service Director Tarr, himself a former college president, says, "I don't think it hurts to interrupt a college education."

A Pentagon official told me, "You have a lot of people in universities who want to avoid the draft. A lot of trouble on campuses comes from these people." Tarr, who favors ending the undergraduate deferment, says, "I think we're going to get it."

But draft reform won't solve the basic problem because the military can take a scant fraction of the young men available. Only 163,500 were inducted last year, and even fewer are supposed to be drafted in 1971.

Those who want to avoid the draft have grown sophisticated. They now find escape hatches in the regulations for physical standards for induction. They avoid the draft with such relatively minor defects as braces on their teeth, asthma, acne, high blood pressure or a nervous stomach. One draft official admitted, "If a guy wants to strongly enough and has time and money, he can get around the draft." As Candidate Nixon said two years ago, "In the long run, the only way to stop the inequities is to stop using the system. It does not work fairly, and given the facts of American life, it just can't."

THE PRESIDENT'S INDUCTION POWER

That this battle comes in an odd-numbered year is no accident. No President or congressman wants to renew the draft in an election year.

Earnest draft lovers prefer to extend the induction authority for four more years. They will probably have to settle for two years—or for one, if we will really get out of ground combat in Vietnam this summer.

The alternative to renewing the President's induction authority is, by definition, an all-volunteer military. All the arguments against a voluntary force will be dragged out again now. "It exposes the brave, the foolhardy, the patriotic, the poor/black. It favors the non-venturesome, the ungrateful and the well-to-do," Gen. Maxwell Taylor, former chairman of the Joint Chiefs of Staff, told me.

It is charged that an all-volunteer force will attract too many blacks and poor. The Gates Commission studied this accusation and decided it was not true. The military seem to agree, because, they say, many poorly educated blacks cannot meet the military's mental standards.

Some fear a volunteer force will create a military class. But most enlisted men today, plus the vast majority of officers, are "true volunteers" already. Drafting reluctant privates will not prevent the rise of a military elite. That has to be done by civilian control at the top.

The Army's toughest job is to find 5,000 enlisted men a month for combat jobs; only 800 now volunteer. As a result, 88 percent of the infantry riflemen in Vietnam for the last couple of years have been draftees. The Army would like to give fat bonuses to men who volunteer for combat specialties, but it has run into heavy resistance from the Air Force and Navy, who must compete for such men.

The entire draft issue separates those who prize duty to the state above all and those who must give priority to individual freedom, the freedom to organize your life as you see fit. Some certified liberals, rather surprisingly, oppose the all-volunteer idea. Sen. Edward Kennedy, for one, believes every young man should be liable to be drafted to fight for the nation.

The trickiest ground is in the middle, where President Nixon stands, supporting the all-volunteer idea in principle but repeatedly stalling on putting it into action. Randal Teague, the 26-year-old executive director of the conservative Young Americans for Freedom, says, "A lot of our people are very disenchanted. Nixon made this a major campaign promise to get the youth vote. In all honesty, I wonder if President Nixon really wants a volunteer military."

The reasons for Nixon's distress are easy to spot. Politically, the draft and the war it supports are vastly unpopular. And now with 18-to-20-year-olds able to vote in national elections, opponents of the draft will be reinforced. Nixon also inherited worldwide military commitments; 300,000 uniformed men still in Europe as part of an obsolete NATO commitment; 53,000 men in Korea nearly 18 years after that armistice; the prospect of keeping at least some forces in Vietnam indefinitely, and a military establishment grown accustomed to $75 billion budgets.

There is a theory that if a nation has a large standing army, it is tempted to use it. The Vietnam war suggests this is true. Two years from now, as draft calls decrease with our piecemeal withdrawal from Indochina, the odds are that effective opposition will be defused and the conscription law will stay on the books, ready for some future President to use again. And one lesson from Vietnam will have been lost.

THE PAY PACKAGE

The double-talk over the cost of the draft versus an all-volunteer force is shrill. End-the-draft advocates argue that an all-volunteer force will actually save the country money. Pro-draft partisans shoot out figures as high as $17 billion for the cost of a volunteer force over a mixed force that includes draftees. The Gates Commission figured that an all-volunteer force of 2.5 million would cost about $3 billion extra initially. Pentagon insiders say privately that the Gates estimate is very close to accurate.

The pay debate centers about a simple idea. Draftees and new enlistees are paid very little, and as long as draftees are available by just whistling, there is no need to pay them more. This keeps the budget down, but it means that enlisted men must pay for part of our standing army out of their own hides. Within the past year, 50,000 married young men in uniform were, shockingly, on relief.

The Gates Commission argued that a recruit should be paid something closer to what he would earn in civilian life (and extra if he is assigned to risk his life against an enemy). This sounds reasonable and fair. The additional cost would have to be carried by the taxpayers, but the slower turnover of volunteers, compared to draftees, would mean lower recruiting and training costs and a more skilled and efficient armed force.

In his new book, *The Military Establishment*, former Special Assistant Secretary of Defense Adam Yarmolinsky says: "No other institution, private or public, is now authorized to use compulsory processes to make up its manpower deficit. . . . The United States has experienced and is experiencing critical shortages of health services personnel, teachers and teachers' aides, and police officers. . . . But the nation has never assumed a responsibility for ensuring that these shortages are met."

In the end, the two strongest arguments for the draft don't hold up. First, the military claim they cannot attract enough volunteers. One thing is certain: They never will as long as the draft is around. You can bet on that. And second, an all-volunteer force will cost the taxpayer more. If the nation needs these young men—and is not fighting for its own survival—the nation should pay them a decent wage for the job they do.

Money will be loudly debated in the coming battle over the draft, but it is not the heart of the problem. If we are going to let our military establishment spend $60 to $75 billion a year, we can find the five or six percent of that sum needed to pay our youngest volunteers properly—if we want to.

The real heart of the problem is whether we now truly want a conscripted standing military force or whether the draft is demanding a human price of compulsion and disruption that we do not want to keep on paying. Today, we neither need—nor can afford—conscription if this nation is to be both secure and free.

ADDRESS BY SENATOR CASE BEFORE NEW JERSEY CHAMBER OF COMMERCE

Mr. MATHIAS. Mr. President, on February 4, the senior Senator from New Jersey (Mr. CASE) spoke out on the importance of public understanding and support of major policy decisions, particularly in the foreign affairs field.

In his address to the annual congressional dinner of the New Jersey State Chamber of Commerce, Senator CASE also underscored the important role that Congress plays in the development of public consensus.

I commend Senator CASE's words to the attention of the Senate and ask unanimous consent that the text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR CLIFFORD P. CASE

I listened to the President's recent State of the Union message with even more attention than usual. For the President's theme, "Power to the People," was the one I had been planning for my brief remarks tonight.

It seemed an interesting coincidence, though the focus of the President's address was domestic problems whereas I planned to discuss, in the main, foreign policy. But the underlying thought is the same in both cases, namely, that the best answers we can get to the great questions facing us will be those that reflect the broadest general consensus of the American people.

This is true for two reasons. First, such answers, ninety-nine times in a hundred, will be intrinsically the soundest. Second, such answers will be assured of public support in their implementation. Without such support it is generally immaterial whether a proposed policy is wise or not; it simply won't be carried out.

The latter point needs no elaboration. Public policy without public support is no policy at all. The people, in a democracy at least, really do make policy.

The point I want to emphasize is that they *should* make policy. For the people, collectively, if they are informed, have better judgment than any single man or group of men, however humane, intelligent, expert and well-intentioned he or they may be.

I have the greatest respect for the intellectual and the expert. I have found them of invaluable help in analyzing problems and in presenting the pros and cons of possible solutions. But we cannot expect the experts to run the show for us. Indeed, I venture to suggest that when it comes to the determination of concrete courses of action, there are no experts. For example: A recent critique of the Nixon doctrine, when it gets down to the nitty-gritty, comes up with the somewhat less than helpful suggestion that United States policy should be to encourage each Asian country to seek its own accommodation with Peking.

Another learned discussion of the same general subject suggests that if we really want peace in Asia all we have to do is stop resisting the aspirations of Communist China and, (1) grant her diplomatic recognition and unqualified admission to the UN *and* a permanent Security Council seat, (2) affirm a one-China policy even allowing the eventual accession of Taiwan to the mainland, (3) remove all United States military presence from Asia without substituting a naval cordon, a ring of nearby island bases, a host of Asian mercenary armies, or a nuclear-trip wire. Perhaps this barbarian will be permitted to doubt whether such total acceptance of the modern version of the Middle Kingdom's conception of itself is necessary or even conducive to a more peaceful Asia.

Nor do I find helpful guidance in another earnest suggestion that the President do "what no President has had the courage to do so far, namely, face and tell the American people: that Vietnam was lost to Vietnamese national Communism many years ago and that nothing short of perpetual war might retrieve that loss, that the loss doesn't matter anyway and never has in terms of American security interests."

On the other side, the unacceptable solutions are perhaps even more numerous, ranging from proposals for a preemptive nuclear strike and bombing the enemy back into the stone age to suggestions for the use of tactical nuclear weapons in limited war and a variety of plans for total victory produced in think-tanks over the years, including such ideas as subversion and terror campaigns against the Soviet Union. Particularly gruesome is a suggestion made several years ago that all-out thermonuclear war would not lead to world annihilation, irrespective of the military course of events, and that a reasonable semblance of pre-nuclear war conditions could be restored quite rapidly, in from one to ten years.

No, we cannot avoid the burden of hard decisions by transferring it to the pundits. Nor can we in Congress or in the country at large avoid our responsibilities by blind reliance upon the Executive branch of our government.

There is great knowledge and expertise within our military establishment and within the Department of State and the other branches of our government dealing with questions of foreign policy, defense and national security. And our Presidents, every one of them, have been, at least in my time, able, dedicated men.

But I don't know anyone who believes it would be even thinkable to turn over policy-making to our great bureaucracies. And the increasing burdens and responsibilities of the Presidency more and more isolate the occupant of that office. In the nature of things, the counsel available to any President comes almost wholly from a handful of advisors who can scarcely forget the limited tolerance which exists for the expression of adverse judgments in the rarified atmosphere in which they must operate.

What I say is not critical in any personal way. The inability of the Executive branch, even of the President, to provide infallible guidance upon the questions of national security, even of survival in the modern world, is due to no failure of good intentions, no weakness of character and no lack of intellectual capacity. It is structural, as the saying goes. It is inherent in the nature of our institutions and the problems which we face.

As a brief aside, I cannot refrain from noting the fascinating turn recently taken in the attitude of political scientists toward the American Presidency.

For a very long time the main thrust of political thinking in the United States was to build up the President and to downgrade the authority and prestige of Congress. The "strong President" was much admired.

This had a good deal to recommend it, especially in domestic matters on which a national point of view is often superior to the least common denominator of sectional or parochial views. But a by-product was to blind the nation to the potential danger of the power center it was creating in the White House.

More recently, aroused by the Vietnam War, there has been a spreading awareness of this danger. Many people who used to poke fun at President Eisenhower as the good-natured fumbler who reigned but did not rule, have since discovered a good deal to admire in his "intuitive" sense of restraint.

And it was none other than Richard Neustadt, author of *Presidential Power*, who confessed last year that, "This is a hard turn to come to—to be here urging Congressional intervention which two or three weeks ago we would have regarded as unacceptable."

Be that as it may, if we expect the people to provide the answers which we cannot look for from the experts or the pundits, or from the Executive branch of our government, or even from the President, we have got to be sure that the people understand what the problems are and are given all possible information relevant to their solution. And I have come to believe that of all the duties resting upon us as members of Congress none is more important than that of seeing that this information is made available to the general public to the fullest degree.

Congress has attempted to meet this responsibility in various ways. Hundreds of laws require periodic reports by the Executive on specific matters. A landmark bit of legislation was the Freedom of Information Act of 1967, which I had long co-sponsored.

The press, of course, performs an invaluable function in digging out and highlighting vital information which would otherwise be buried in the mounting stacks of public reports.

In recent years Congressional Committee hearings have come to be an increasingly used, and I believe useful, means of public education as to problems of foreign policy and, of course, other national problems as well. I am thoroughly aware that the Committee hearing can be abused and that it sometimes is abused, that pettiness, petulance, grandstanding and other manifestations of human frailty on the part of Committee members have taken place. But the public are quick to spot such shortcomings and thus they provide their own best corrective. On balance, Congressional hearings, in my view, have contributed enormously to the enlightenment of the general public on the great questions of our time.

The so-called "Commitments Resolution," adopted by an overwhelming vote in 1969 expressing the sense of the Senate in regard to the manner in which our government's commitments might arise, is, of course, intended to give the Congress and, through it, the public, a greater share in this vital area of foreign relations. The abortive Cooper-Church amendment in regard to aid to Cambodia and the legislative restrictions actually adopted as a result of that effort reflect direct concern for a broadening of public participation in decisions as to United States involvement in Southeast Asia.

My own recent proposal to require that the President give 30 days advance notice to Congress of increases in aid programs to Cambodia is directly intended to permit public scrutiny of such action in advance. Last week I introduced legislation to require that any government funding of Radio Free Europe and Radio Liberty would have to be done in the ordinary way of open appropriation rather than covertly as has been the case in the past.

For most of our history foreign policy was a relatively unimportant matter. Until World War I, the United States cut a very small figure on the world stage, but since that time things are completely changed. Now, and from now on, what we do or don't do as a nation will affect not only our own security but the wellbeing of the whole wide world. In a very real sense, the great questions of American foreign policy and our involvement in the vast external realm beyond our borders bear increasingly on the survival of mankind.

The responsibility is an awful one, in the literal sense of the word. I am confident that the American people will meet it if they are given the chance to do so. It is up to us in the Congress and, if I may be so presumptuous, up to all concerned citizens like yourselves, to see they are given that chance.

TRADE UNION VIEW OF INFLATION

Mr. PROXMIRE. Mr. President, one of the ablest economists in the country is Mr. Nat Goldfinger who is the director of the AFL–CIO Department of Research. His insights into economic events and activities, and his judgment as to the causes of the severe unemployment and inflationary problems, are both timely and farsighted.

May I also say that, over the years, he has supported issues and ideas in the economic arena and in the public interest which go far beyond any narrow or parochial view of the AFL–CIO's interests.

In the January 1971 issue of the Federationist, Mr. Goldfinger has published an article entitled "A Trade Union View of Inflation." What he points out most clearly is that the working men and women of this country, and those who represent them, were prepared at an early date to accept curbs and limitations on the increases in their wages provided only that such burdens and sacrifices were distributed fairly and evenly to all groups in the society.

I think this history of the present inflation and a trade union view of it is a very important part of the record.

I ask unanimous consent that the article be printed in the RECORD. I hope that it will be read by all groups—employers, industrialists, consumers, government officials, and economists, as well as working men and women.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TRADE UNION VIEW OF INFLATION

(By Nat Goldfinger)

In February 1966, as military expenditures were accelerating, the AFL–CIO Executive Council declared that if the President determined the effort to control inflation needed an overall stabilization effort, he would have the support of the AFL–CIO—if the stabilization controls were even-handed on all costs, prices, profits, rents and executive compensation, as well as the wages and salaries of employees. This viewpoint has been repeated by AFL–CIO convention resolutions and Executive Council statements on numerous occasions since then.

The same policy declaration of February 1966 rejected "the government's wage guideline policy as unfair and unworkable." It concluded: "We are prepared to sacrifice—as much as anyone else, for as long as anyone else—so long as there is equality of sacrifice."

The reasons for these views are to be found in the AFL–CIO's analysis of the inflation of the 1960s in the United States, as well as its conviction that the decentralized employer and employee institutions in America's heterogeneous society and continental economy preclude the effective operation of a "voluntary guideline" approach.

The inflation problem that has plagued the country in the past few years had its origins in the early 1960s—in an unsustainable capital goods boom, based in part on a sharply rising flow of after-tax cash to corporations, government encouragement and government subsidies. In 1962, for example, the 7 percent tax credit for business investment in equipment was instituted and the depreciation of plant and equipment was accelerated. These two actions resulted in the annual addition of several billion dollars to the after-tax cash-flow to corporations, which fueled the fires of an inflationary and unsustainable rise of business investment in plant and equipment during most of the period between 1963 and 1969.

The theory of the New Economics group, which pushed this program, was that such regressive fiscal measures were required to spur economic growth and increased employment after the near-stagnation of most of the 1950s. By 1965—after adoption of the additional and major stimulus of a large, general tax cut to boost demand—economic growth had stepped up and unemployment had declined, but the national economy was unbalanced by a one-sector capital-goods boom. In the mid-1960s, this one-sector boom was beginning to create localized and sectoral price pressures in the economy.

Simultaneously, in the early 1960s, the government promulgated a so-called wage-price guidepost policy. Average increases in wages and fringe benefits were supposed to be limited, voluntarily, to the trend-figure of rising private output per manhour in the previous five years—a percentage that was soon nailed down to 3.2 percent and, with the passage of time, developed into a rigid 3.2 percent fixation.

On the other hand, the "voluntary guidepost" for prices was a vague theoretical truism, devoid of policy implications. The price level would remain stable if prices of rapidly-rising productivity industries would decline, while prices of other industries would remain stable or increase, depending on their productivity increase in relation to the national average.

So the "voluntary guidepost" policy contained a precise percentage guideline for increases in workers' wages and fringe benefits. But there was no effective guideline for prices. And there was no guideline at all for profits, dividends, executive compensation and other forms of income.

For a time, the wage guideline appeared to hold down wage increases—the public pressure of the guideline was reinforced by continuing high levels of unemployment and the high priority of the trade union membership on job security. In the absence of anything like an effective guideline for prices, the Administration engaged in occasional, ad hoc actions to prevent or curtail some specific price increases. But there was no effective policy—and no ad hoc actions—to reduce prices of industries whose productivity was rising very rapidly. Price cuts did not offset price increases and the price level moved up slowly.

As a result of these inherent difficulties, the "voluntary guidepost" policy did not work from its very inception—in terms of a stable price level. It did work, however, to reinforce the regressive fiscal measures in shifting the shares of an expanding Gross National Product to private savings and investment.

Wages and fringe benefits increased only modestly in this period. After adjustment for rises in living costs, the increases of real employe compensation were less than the 3.2 percent guideline.

Unit employment costs in manufacturing declined slightly in the first half of the 1960s, while the wholesale price level of manufactured goods moved up slowly—widening profit margins. In the total private economy, there was a similar trend—slight increases in unit employment costs while the Consumer Price Index rose slowly, but more than twice as fast as unit employment costs. With other unit costs relatively stable or declining, profit margins widened and with the rise of production and sales, total profits shot up—reinforcing the fiscal measures to accelerate the rise of the corporate cash-flow and the business investment boom.

From 1960 to 1965, the rise of real employe compensation per manhour lagged considerably behind the increase of productivity. While total private output per manhour increased at an average yearly rate of about 3.6 percent, the buying power of employe compensation per hour, in the private economy, increased only about 2.9 percent per year. The lag for non-supervisory workers was even greater.

When the textbook theory of a "voluntary guidepost" policy was translated into action in the real world, it was hardly more than a sophisticated, largely one-sided pressure to hold down wage increases. But the difficulties with the textbook theory—which can be stated so elegantly on a blackboard—were not only inequitable results. The theory also attempted to ignore wages as workers' incomes, the size and diversity of the American economy and the nature of American institutions.

Wages and salaries are not merely a cost to employers and a factor in the price of goods and services. They are also income to workers and the major source of consumer buying power.

Emphasis on the cost side of this issue, to the exclusion of the income side, represents a lack of objectivity, as well as social and political insensitivity. Any objective view must include consideration of both sides of this issue—wages are both income to workers and a cost to employers.

Moreover, the wages and salaries of employes are not the only costs to business. There are many other costs—such as the salaries, bonuses, expense accounts and stock options of executives; the costs of raw material; depreciation write-offs; interest payments on loans and many other costs, as well as taxes. In addition, there are profits and dividends to stockholders. But the "voluntary guideline" ignored these other costs and incomes.

Also, the setting of wages has built-in restraints that are not present in other economic factors.

In companies whose employes are not represented by trade unions, wages and salaries are set unilaterally by the employer. Where employes are represented by unions, wages and salaries are determined through the process of collective bargaining with the employer—and with the effective restraint of employer resistance, except in localized instances of very tight labor markets for specific skills.

In addition, millions of employes are covered by long-term agreements that require extensive periods of time before they are subject to renegotiation. Even short-term collective bargaining contracts "lock in" the agreement's provisions for a year.

What's more, the reopening of renegotiation of contracts usually requires advance notice to the employer 60 to 90 days before the expiration date of the contract or its reopening. Frequently the union states its demands before the negotiations begin. As a result, the union provides advance notice—available to the public and the government, as well as the employer—of its desire to change the terms of a contract.

Where prices are concerned, however, equal restraints do not exist. In several key industries, prices are set by the top executives of the dominant corporations—to provide high profit-returns on investment. The other companies in such industries usually follow along rather rapidly on the change in price.

In many other industries, prices respond quickly to immediate market opportunities—to what the traffic will bear.

Wage determination, then, is subject to employer resistance and to the time-lags and advance notice that are part of the collective bargaining process, as well as to the influence of economic conditions. Price-setting, on the other hand, has no such built-in restraints, except for the influence of changes in economic conditions. And in several key industries, the major corporations so dominate their industries that they set prices with little if any, effective price competition.

Moreover, the United States is a huge country of continental size, with tens of thousands of different markets, industries and occupations. Each of them has a large number of specific and different conditions, a multitude of tangible factors and real problems that have to be met.

For example, a number of industries have wage inequities and some industries or companies have substandard wages. In many industries, technological changes are displacing jobs, changing job content and skill requirements and shifting job classifications, wage rates and lines of promotion or downgrading; and the cost of living is rising, eating into workers' buying power. These issues are real and tangible to both workers and employers and they require workable solutions.

For these reasons, no one single "magic number" can be imposed as the precise limit for all increases in hourly compensation of all employes throughout the varying and different markets, industries and occupations. Moreover, an attempt to base such a single "magic number" on one economic factor alone—such as productivity—makes the idea even more unworkable. The professors who promulgated the "voluntary guideline" approach know this full well for their own interests—witness their advice to workers while they are actively supporting or accepting silently the successful efforts of the American Association of University Professors to obtain increases more than double the wage guideline.

Productivity figures are not precise; at the best they are estimates. In addition, they are subject to frequent revision. No such single figure can be appropriately applied to the wages and salaries of millions of workers who are confronted by varying conditions in their different places of work.

The structure of the American economy also makes such a "magic number" guideline unworkable. Actual decisions affecting wages and salaries are made either unilaterally by tens of thousands of different employers or through collective bargaining between a multitude of national and local unions on one side and tens of thousands of employers and employer associations on the other side.

No single national employers' association can set prices or wages for all employers or even for the vast majority of employers. Neither are there even a half-dozen centralized employers' associations than can determine the wages and prices for most companies.

On the employe side, only a minority of wage and salary earners are represented by trade unions. And this organized group of employes has no single, national collective bargaining representative. The AFL–CIO is a federation of over 100 autonomous national and international trade unions; it has no authority to bargain with employers on behalf of the members of its affiliated unions.

As a result of the pluralistic and decentralized nature of American society, wage determination is also decentralized. About 150,000 different collective bargaining agreements cover tens of thousands of employers and over 100 national unions and their 70,000 locals. Moreover, even where master agreements cover the employes of multi-plant corporations, there are usually supplemental plant agreements affecting wages, salaries, fringe benefits, seniority and other issues.

Therefore, the AFL–CIO determined that the so-called wage and price guidepost policy—with its precise "magic number" for wages—was unworkable as well as largely one-sided and inequitable. And the AFL–CIO has maintained this view to the present time.

Toward the end of 1965, the acceleration of Viet Nam expenditures was super-imposed on a government-encouraged, one-sector capital goods boom, with its localized price pressures building up. And in the offing was the impact on the federal budget of the delayed-fuse operations of the vast social and economic reform programs enacted in 1964 and 1965. What was needed were pinpointed policies and measures to reduce specific pressures. What was needed was not simply a tax increase in itself—but a fair and equitable tax increase, an increase aimed at curbing the soaring rise of after-tax profits, to remove the 7 percent tax credit subsidy for investment in equipment, to curtail the sharp increases of dividends and capital gains. The primary objectives should have been to redress the regressive shift of income distribution and to curb the one-sector capital goods boom, which was the only sector of the private economy in an inflationary rise.

In this setting, as military spending was beginning to accelerate, the AFL–CIO Executive Council also stated that if the President determined the necessity of an overall stabilization effort, the AFL–CIO would cooperate—if the controls were even-handed on all costs, prices, rents and incomes.

But the Administration made no major effort for a tax increase until 1967 and there were no moves at all for an overall and equitable stabilization program.

The federal budget deficit soared, in a period of increasing economic activity, increasing employment and declining unemployment. At the same time, the government-encouraged capital goods boom continued. And the Federal Reserve applied a temporary dose of very tight money and high interest rates in 1966—resulting in a temporary money crunch, a temporary slowing of the economy and a temporary slowdown of the capital goods boom. But the deficit continued up—applying pressures in the money markets as a great volume of federal securities was floated, while business loans to finance the capital goods boom and business mergers also shot up.

One should recall here that the latter 1960s saw the biggest wave of business mergers in American history—increasing the concentration of economic power and increasing the price-raising ability of the dominant corporations in key industries.

So interest rates moved up in the latter 1960s, the price level rose, the cash-flow to corporations continued up. Workers, whose buying power was being eroded by the accelerating rise of consumer prices, sought larger wage increases to try to gain some improvements in living standards. And unit labor costs rose, after their relative stability in 1960–1965. But prices moved up at an accelerated pace—and in the entire period between 1960 and 1969, real employe compensation lagged considerably behind productivity. with an even greater lag in the real compensation of non-supervisory workers in the private economy.

The tax increase, belatedly adopted in mid-1968, was hardly progressive and it was not directed at the economy's pressure spots. The 10 percent surtax was applied to all corporations and all individuals alike, except the poor. And the tax increase was combined with a hold-down on federal expenditures, which Congress coupled with the tax increase.

An economic squeeze began in December 1968, when the Federal Reserve tightened its monetary policy, and in January 1969, when the Nixon Administration took office and reinforced the squeeze. By May and June of 1969, the government's squeeze on the economy tightened. The nation's money supply hardly increased at all between June 1969 and February 1970; interest rates skyrocketed to the highest peaks since the Civil War; federal construction projects were cut.

Skyrocketing interest rates raised costs and prices all along the line, from the farmer and manufacturer to the wholesaler, retailer and consumer. Soaring interest rates were also increasing the costs of federal, state and local governments. Moreover, these peak interest rates built in high costs and prices for years to come—on long-term residential mortgages, for example. The economic slowdown suppressed the rise of productivity, adding pressures on unit labor costs. The rise of the price level accelerated.

Although this economic squeeze was supposed to be socially neutral, the record clearly shows it was not. Commercial bank lending was not effectively curbed. The large commercial banks evaded the tight-money policy—through the use of Euro-dollars, for example, and commercial paper loans of their holding companies. While available funds dried up in 1969 and early 1970 for residential construction, state and local governments and smaller businesses, increased bank loans were extended to the big corporations and wealthy families—for plant and equipment investment, business mergers and conglomerate takeovers and investments in foreign subsidiaries. And the squeeze on the economy produced a recession, with rising unemployment.

The AFL–CIO repeatedly urged the government to adopt selective, pinpointed measures to curb the specific causes of inflation, without creating a recession and rising unemployment.

The AFL–CIO urged adoption of selective credit controls and the allocation of available credit to curb the causes of price pressures and to expand housing and other social priorities. It also repeatedly urged the government to plan for a swift and socially useful conversion from military production. If the government had followed such policies, it would have curbed the amount of credit going to the blue-chip corporations for mergers, conglomerate takeovers, gambling casinos and investments in foreign subsidiaries. It would have provided the means for the needed flow of money into housing. It would have provided offsets to declining defense production and there would have been no severe tight-money, high-interest-rate squeeze on the entire economy. But the Administration chose to choke off economic expansion.

In 1970, the AFL–CIO has stated on a number of occasions: If the President determines that the situation requires overall stabilization measures—after the establishment of selective credit controls—the AFL–CIO will cooperate. But such mandatory controls must be equitably placed on all costs and incomes, including all prices, profits, dividends, rents and executive compensation as well as employes' wages and salaries.

These views do not stem from a predilection for mandatory controls—they derive from the AFL–CIO view of the economic issues, problems and institutions.

Wage increases have not been a major problem in the recent inflation in the United States, as the record of events clearly indicates. They were no problem at all in the first half of the decade; they were a secondary problem in the second half. Attempts to draw analogies with other countries are hardly convincing. The continental and diverse American economy, with its decentralized institutions, is neither Sweden nor Holland. Moreover, variations of a "voluntary guideline" approach have failed even in small countries, with higher degrees of institutional centralization.

It was hardly rational to expect workers and unions to accept a largely one-sided attack on them. And it was hardly any more rational to expect decentralized employer and worker institutions to voluntarily agree to police self-inhibiting measures on their independent and autonomous constituents.

But, to the extent that wage increases were a part of the inflationary problem, then, an overall and equitable mandatory stabilization program probably could have helped—if it were accompanied by selective measures to get at specific price pressures, including those that emanated from the supply side, as in the soaring costs of medical care. For at least a temporary period, government stabilization regulations could have accomplished what decentralized private institutions should not be expected to do. This is what the AFL–CIO suggested as early as February 1966 and has repeated on numerous occasions since then.

Policy choices are rarely easy these days. But textbook responses that attempt to ignore institutions, income distribution and changes in economic sectors and structures are not even in the ball park of serious choices.

BASKETBALL AT MARYLAND

Mr. MATHIAS. Mr. President, at times, one wishes that it were possible to reproduce photographs in the Record. As I am sure many Senators from other States in the Middle and South Atlantic region know, the University of Maryland is building a powerhouse basketball team, and that team has become a major focus of attention of the people of the State.

The Terrapins' basketball team is playing to capacity crowds at Cole Field House in College Park. The Terrapin freshmen were featured on the CBS Evening News last Saturday with a special report by Heywood Hale Broun. And what it called "The Madness at Maryland," was the subject of a photographic essay in the Sunday Star magazine, "Washington," on February 7.

The photographs by Ken Heinen illustrate dramatically the tension and the triumph of Maryland's recent 31 to 30 overtime victory over the team then ranked No. 2 in the Nation, South Carolina. Mr. Heinen has captured with his lens the emotions etched on the faces of the fans, the leaping action of the players, the style of Coach Lefty Driesell.

Although photographs cannot be reproduced in the Record, I commend the essay to the attention of the Senate and ask unanimous consent that the article written by Woody West be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE MADNESS AT MARYLAND

(By Woody West)

Dismal and lugubrious—thus is defined the recent history of major sports at the University of Maryland. But on Saturday, Jan. 9, in a yet unsullied new year, the Terps gave 14,312 fans in Cole Field House a moment of frenzied joy as they dropped South Carolina's No. 2 ranked basketballers 31 to 30 in overtime.

Hold it—31 to 30, and 4 (four) to 3 (three) at the half. Basketball? Ol' Lefty (Coach Driesell, if you please) sent his half-clad legion against the Gamecocks with a numbing but effective stall. For the balance of the evening, the fans were treated to a seemingly endless exhibition of dribbling by Howard White. But it worked. Quarrel with that, baby.

The overtime had elements of the classic. The hustling Terps, down by 5 points with 15 seconds to go, indulged in two larcenies that would have drawn the admiration of Willie Sutton. Stealing two Carolina inbound passes, the Maryland lads converted both, the last a superb nine-foot jump shot by Jim O'Brien with two seconds on the clock.

That was a shot. The 6'7" sophomore from Falls Church arched into his leap as the crowd howled and, in that fraction of a second before he released the ball, O'Brien achieved a moment of perfect stasis—every muscle, every reflex poised in tense immobility between contending forces of energy. It was glorious. It was what athletics, finally, is all about.

THE HIGH RATE OF UNEMPLOYMENT

Mr. RIBICOFF. Mr. President, despite recent affirmations of faith in the economy, there is little evidence to support the hopes and claims of the administration. Just last week the Labor Department announced that 5.4 million men were out of work—the highest number in 10 years.

In my State of Connecticut, the situation is grave. Since November, the unemployment rate has climbed from a seasonally adjusted rate of 7 to 7.9 percent in mid-January. Both figures are far above the national average. Last year at this time the rate was 4.1 percent. A doubling in the rate of unemployment in 12 months is hardly proof of a healing economy.

In many sections of Connecticut, unemployment has reached epidemic proportions. In Bristol, for example, the figure has risen to 19.8 percent by mid-January. That means that almost 1 out of every 5 employable workers is idle. In the period of 1 month—December to January—22,700 Connecticut workers have lost their jobs. The total has now reached 116,700—the largest number since the post-World War II recession.

Connecticut is not an isolated case. Across the Nation there are similar pockets of misery where the unemployment rate has climbed past 10 percent. These areas have to be helped and helped soon. As their numbers increase, the local economy worsens and the municipal and State governments are hard pressed to continue to provide many essential services.

The distinguished chairman of the Senate Committee on Public Works (Mr. Randolph) has introduced a measure, which I have cosponsored, that can provide much needed relief for localities where the unemployment rate has risen to 150 percent of the national average. By updating the Accelerated Public Works Act, which proved successful in responding to a similar employment crisis in the early 1960's, this bill will channel immediate relief into these needy localities.

No one conceives this as a permanent solution to unemployment. Rather, it is an effort to "prime the pump" by helping towns and cities build much needed public facilities or improve older ones. Such action will put men to work, stimulate local industrial development and make the area a better place to live and work.

Simply stated, the bill provides 80 percent grants-in-aid for communities which have a firm plan for badly needed permanent public facilities, are able to finance the local share of construction, and can guarantee that a high percentage of the construction cost will be labor.

I hope that the Senate will quickly approve Senator Randolph's proposal. It can mean that thousands of men who are ready and eager for work can once again lead productive lives. Not only will the bill provide help for the workers, but through their efforts their communities will share the benefits.

Mr. President, in order to demonstrate the intensity of the present recession and need for relief, I ask that an article by Joseph B. Treaster, published in the January 14, 1971, New York Times, and Haynes Johnson's article on February 12, 1971, published in the Washington Post, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 14, 1971]

CONNECTICUT SEEKS A WAY OUT OF MIRE OF UNEMPLOYMENT

(By Joseph B. Treaster)

Hartford, January 13.—Five hundred persons laid off at the Olin Corporation in New Haven, three hundred at the Anaconda American Brass Company in Ansonia, 200 more at Sikorsky division of the United Aircraft Corporation in Stratford.

Nearly every week another company in Connecticut announces a cutback in personnel, and unemployment continues to climb steadily in the state as the United States role in the Vietnam war diminishes and the national economy worsens.

Countless companies have been "furloughing" workers for a week or so each month and the average number of hours worked a week has declined over the last year.

100,000 ON JOBLESS PAY

With the start of the new year, the Connecticut Department of Labor reported that more than 100,000 workers were collecting unemployment insurance, the highest number in the state's history.

Renato E. Ricciuti, the State Commissioner of Labor, says he is hopeful that total unemployment will level off by the end of the month at about 115,000. But former State Senator William B. Stanley, who is co-chairman of the Connecticut General Assembly's Peacetime Economy Commission, speculates that as many as 140,000 may find themselves jobless this spring.

In eight Connecticut cities the unemployment rate exceeds 8 per cent and in Bristol, which has a population of about 50,000, the rate is 17.5 per cent—nearly three times the national figure.

"I don't think it can get much worse," said Mrs. Winifred Coker, the manager of the state unemployment office in Bristol. "There's a limit even to unemployment."

Because Connecticut is one of the most heavily industrialized states in the country and has been a leader in military production, it is particularly vulnerable to slumps in the national economy and reductions in Pentagon spending.

"When the national economy prospers we go way up—we're super prosperous," Mr. Ricciuti said. "But when the national economy goes down we go down below bottom. We really hit with a thud."

UNITED TRIMS FORCE

Over the last year, the state's largest manufacturer, United Aircraft, which supplies helicopters, planes and components for the airlines of the world as well as the armed forces, trimmed its labor force by about 5,500. At the turn of the year, United employed 60,000 in Connecticut.

Gov. Thomas J. Meskill addressed himself to the unemployment problem in his inaugural address and offered some suggestions to the General Assembly. But so far no concrete solutions have emerged.

Mr. Ricciuti said that he and other state officials had been trying to improve the employment situation. "But," he added, "there's not a great deal an individual state can do. A great deal depends on the national picture."

Mr. Stanley, who believes that Connecticut should move away from its dependence on industry and expand in the service field by creating giant airports and harbors for regional use, is convinced that, whatever the answer, it must be dramatic.

"Whatever we do," he said, "must be big and bold, I don't mean reckless. But we're not going to cure cancer with aspirins. We've got a real problem and it's not just going to go away. We've got to do something about it."

Among the recommendations that Mr. Stanley said his commission might make to the General Assembly next month was the creation of public works projects similar to those undertaken by the Works Progress Administration during the Depression.

Somewhat surprisingly, economists across the state report that while the sale of homes and automobiles has fallen off, business in general in Connecticut has dropped only slightly. Savings, as in much of the rest of the nation, also remain relatively high.

Some economists believe the impact of the present unemployment in the state may be less dramatic than, say, the recession of the late nineteen-fifties because the size of the labor force has grown. They point out that in 1958 the unemployment rate of 10 per cent was based on a labor force of 900,000, compared with the present rate of about 8 per cent with a force of 1.4-million.

In Bristol, the hardest hit city in the state, Gordon Kilduff, the manager of the State Employment Service office there, said he found few signs of "the hard times."

"You don't see any guys hanging around street corners, you don't see anybody selling apples," he said. "But if a guy's out of work, for him it's a depression."

The number of jobs he has to offer has dropped sharply over the last year and many of them on his books are for clerical and service specialties, which do not match the skills of the laid off factory workers.

Across the open bay in the State office building, Mr. Kilduff's counterpart in unemployment, Mrs. Cocker, works past quitting time these days, surrounded by stacks of pink, blue, salmon and yellow compensation claim forms. She said she has added four girls to keep up.

"THERE'S NO WORK"

Her ledger shows the Bristol office paid out more than $5-million in compensation in 1970, compared with a little less than $1.4-million for the previous years.

Outside the office, a truck driver, shivering in a padded hunter's vest and sweater torn at the elbow turned away angrily from the conversation with two newsmen.

"I've got enough trouble," he barked, jamming his hands into his pants pockets. "I don't need my name in the newspapers. I'm not here 'cause I like it. I've been looking, but there are no jobs. There's no work."

After two and a half months of collecting unemployment, Al Canu, a metal press operator, said he was being taken back on by New Departure-Hyatt Bearings, a division of General Motors that manufactures ball bearings and is the largest employer in Bristol, but he ran through a list of a dozen friends who were still "hanging around."

"Every place you go there's people laid off," Mr. Canu said.

Across Main Street from Bristol's second largest industry, the Associated Spring Corporation, business has picked up a little at Leone's bar and restaurant.

Nathan J. Mafale, the stocky owner of Leone's, folded his arms on the edge of the bar and leaned closer to an inquisitive drinker.

"Where's a guy gonna go when he's out of work?" Mr. Mafale asked. "Is he gonna go to church? When he can't go to work, the bar's the logical place."

TOOLMAKER DESPERATE

Halfway across the dimly lit room, a bit apart from the other customers, John Putnam Jr., a toolmaker, sipped a beer. During the six months he has been out of work, Mr. Putnam said, other jobs have come along, but he has let them go.

"They offered me a dollar, a dollar and a half less than I was making before," he said. "They want me for nothing. They figure everybody's unemployed they can give you what they want. I'm gonna have to take one pretty soon, though, or sign up for welfare. I've got two kids."

In Bridgeport, 15,200 people are out of work, just 2,200 fewer than in Hartford, the capital and largest city in the state. The unemployment office at 67 Washington Avenue is overflowing with jobless.

For Al Santi, a sheetmetal worker, waiting in line and at least an hour and a half away from the pay counter, the situation looks hopeless. He was laid off by an aircraft company 11 months ago.

"It's very bad, very bad," he said. He has tried unsuccessfully for several jobs. "You just fill out an application and that's as far as you get," he said.

Not far away, stood a portly chef whose dream of having his own restaurant had dissolved 11 months ago and a car salesman who could personally testify to a slump in his field.

Bad business caused Mrs. Rose Orio of West Haven to lose her job in a pet shop, just as it had caused the Saxony Coat Company in Hamden to shut its doors leaving Louis Forte, the 62-year-old manager, with nothing to do.

Although the unemployment rate in New Haven is only 5.5 per cent, the total number out of work is more than 10,000.

Nate McClam, a machine operator, was laid off by the Olin Corporation last November. Later, when the Pentagon announced that it would not renew its contract with the New Haven firm to produce ammunition for the M–16 rifle, hundreds followed Mr. McClam into the street as the plant closed permanently.

Mr. McClam had found a part-time job driving a truck, he said, but the money was not enough to support his wife and two children.

"We've cut down on everything," he said, "but we've just had to let the bills go."

[From the Washington Post, Feb. 12, 1971]

A Factory Town Founders

(By Haynes Johnson)

Bristol, Conn.—Smoke curls from the factories, the streets are lined with shoppers, there are no long lines of men vainly searching for work. And it's all deceptive. You can't go into the public library, on Main and High streets, without being reminded of the true situation. Next to the check-out counter they've placed a new sign across the top of the bulletin board. "Looking for Work" it reads. The list of odd-jobs available is neither long nor impressive.

Hard times are here, all right, and like the country at large it's everything all at once—the layoffs, the cutbacks, the rising prices, the lengthening rolls of the unemployed.

Above everything else, it is the uncertainty.

Standing in front of the unemployment office, check in hand, Ray Konopaske tried to put into words a feeling that other Americans have been experiencing. He was confused. Too many things have been happening too fast to take in; it makes you wonder where we're going.

"I sat down with my wife, not to reiterate a lot of things," Konopaske said, "but I mean, well, look, I'm 30 years old and look what I've already seen in my 30 years. Like a blackout on the Eastern coast, assassination of a president, unemployment and an almost lackadaisical inflationary period.

"It's unbelievable. I mean, I'm only 30. And these people older than I am! I say they're walking death. They're retiring them, you know, one right after the other to make room for the younger people. Well, it's really bad. Really bad. It really is. I don't know what more I can say.

"And I don't actually say it's the Nixon's administration or the war in Vietnam that's to blame. It's just everything."

Konopaske seems typical of the workers here in the heart of industrial Connecticut where nearly 20 per cent are unemployed. Like him, they don't seem angry or resentful. They are more bewildered than bitter.

What's happened in Bristol is not only a reflection of the economic distress throughout New England today, where mills are closing and unemployment is rising. Bristol's problems are a microcosm of the country. They are an example of communities that came to rely so heavily on government spending during the boom days of the '60s.

It raises anew the old question: Can we Afford Peace?

Here, it wasn't government spending for some single glamorous new industry, like the aero space business that soared and fell, leaving devastated areas on the West Coast.

In Bristol, they make ball bearings, roller bearings, precision springs, clocks, screw machine products, brass and aluminum forgings, brass sheets and other machine tools. As defense spending spiraled upward throughout most of the '60s, everything was booming here: Employment and incomes were up. Workers were drawn from other areas. Bristol, like other Connecticut factory towns, prospered.

It was typical in another important respect. Most of its workers were engaged in manufacturing. In a state where 26 per-cent of the manufacturing was tied to Pentagon contracts, a substantial portion of Bristol's prosperity hinged on war spending.

Defense cutbacks dealt a crippling blow here and across the state. Just a year ago, less than 4 per-cent of Connecticut's work force was idle. Now the figure has doubled, giving Connecticut the third highest unemployment rate in the country.

Bristol was especially hard hit. At the end of May, as the economic situation worsened, 1,784 persons were filing unemployment claims here each week. Today that total has risen to 5,225.

What keeps the present crisis from being a catastrophe are the state's unemployment benefits. In Connecticut, it's possible to draw benefits for as long as a year. After that—it's anyone's guess.

That sense of doubt colors every conversation. The businessmen will tell you that it's all temporary. Everything's going to get better. When? Soon. Why, a man in the Chamber of Commerce office said, he noticed lots of people getting their cars washed at the most expensive place in town. Things couldn't be that bad; it was a good sign. A chicken in every pot and a car in every garage.

The workers themselves try to put on a brave front. But the uncertainty comes through clearly.

"When I come here three, four years ago, it was a good place to come," said James Cookson, 27, from Portland, Maine. "But now—well, it's nothing. All the shops are laying off. In Maine I used to haul wood and then goof around in the winter, but in Connecticut I don't think they even know what trees are.

"You put money in the bank in the summer, and it's all gone by now."

Today, he makes the rounds of possible jobs; then he returns home. He sits, drinks coffee and voices a common complaint: "I'll tell you, you just go crazy sitting at home."

Many say they are thinking of leaving, but few know where it might be better. Even fewer want to uproot their families from schools and homes and risk moving into an area they know little about.

Like it or not, they have no choice but to wait it out. They are hoping for good times again.

As an unemployed iron worker named Paul Holmes put it: "We ain't going nowhere."

He was speaking only of a geographical move. At 25 years old, Holmes still believes he has a long way to go yet in Bristol.

SENATOR PERCY HONORED AS MAN OF THE YEAR

Mr. JAVITS. Mr. President, the distinguished senior Senator from Illinois (Mr. PERCY) was honored as "Man of the Year" at the Israel bonds annual dinner in Chicago on December 9, 1970. On that occasion, he delivered a speech calling for Soviet withdrawal from Egypt and expressing his continued support for the longstanding policy of the United States for the freedom and inviolability of Israel.

It was a privilege for me to join in the tribute to Senator PERCY at that occasion.

Mr. President, I commend the Senator's address to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR CHARLES H. PERCY

I accept this honor, realizing that the honor should really go to the American Jewish community which contributes immensely to this country, but also recognizes and accepts its responsibility to its beleaguered co-religionists in Israel. Those of you here tonight have shown by your purchase of Israeli bonds that you are prepared to make sacrifices so that Israel may live.

I am particularly honored and pleased by the presence of Ambassador Rabin whom I met in Israel after the Six-Day War when he was Army Chief of Staff. Since he has been in Washington, we have become firm friends and have worked together on many occasions to assist Israel in its task of survival and development.

One must say "survival and development" in that order because survival must come first for a nation with enemies on every border. And it is Israel's survival which requires our daily attention. As a United States Senator, my first duty is to the security and well-being of America and Americans, and I do my best to do what is right for this country. However, I recognize that this great land of ours is not an island, that its fortunes depend not only on itself and its resources, but on the state of the world and the welfare of other responsible nations. There is an interdependence of the free which requires our concern for other free men and nations.

Therefore, it is in our own national interest to assist free men when they are threatened by external forces. The emphasis of the so-called Nixon Doctrine is on such assistance. And that assistance is best when it is given in time to forestall aggression against a free nation. That is why President Nixon has requested massive additional assistance for Israel now: to keep Israel so strong that her enemies will be deterred from attacking her.

I encourage and I support the half-billion-dollar assistance program for Israel. To plan for early passage of this measure, I have met personally with the President and with top Defense and State Department officials. And I predict that the Congress, both Senate and House, will approve it.

For a decade I have defied and fought the Arab boycott of American companies doing business with Israel. I have sought to explain to non-Jews the importance of Israel as an idea and as a reality. I have pressed Soviet and East European officials to allow emigration of Jews to Israel. I have worked to obtain a more liberal Export-Import Bank policy on credits for Israel, and we have been successful. I have counseled steady, consistent and unswerving support for Israel at the highest level of our government.

But, in all candor, I have not been supportive of Israel only because it is in our own national interest to do so, or because Israel is a democracy, or because Israel is a Western outpost in a hostile region, or even because Israel blocks Soviet dominance in the Middle East. All of those things are true, but for me they are not the most compelling reasons.

In the great heritage of the Judaic tradition there emerged a code of what is right and what is wrong. With very minor modification that code has been passed down the line of history for thousands of years into the Christian Era. And every child in every religious school and Sunday school is exposed to it. There *is* right and wrong; sometimes they are obvious, sometimes they are veiled.

In today's Middle East, right and wrong are highly obvious, remarkably apparent, absolutely clear. There can be no question of who is right and who is wrong when military dictators and feudal despots determine to drive a free people into the sea. Simple morality requires us to be supportive of Israel, a free people. I do what I can to preserve the free people of Israel, not for political or geopolitical reasons, but because it is the right thing to do.

So let it be said loud and clear: *this* is a moral issue!

Fortunately, Israel is *not* in a helpless situation. If Israel's position were helpless, the final onslaught against her would have been completed by now. On the contrary, Israel is strong.

The strength of Israel is in her leadership—Golda Meir, Yigal Allon, Moshe Dayan, Abba Eban, Yitzhak Rabin. Leaders of vision and courage!

The strength of Israel is in her incomparably effective armed forces which have amazed the world.

The strength of Israel is in the friendship and the material assistance of the United States Government which has made the decision that Israel will *not* be abandoned, but will be sustained.

The strength of Israel is in the commitment of the American Jewish community to sacrifice so that Israel may live. For generations Americans have contributed heavily for the well being of the people in the "old country", whether the old country was Italy or Ireland or Greece. But never has an American ethnic community responded to need as has the American Jewish community in the past 25 years. Your own presence here tonight symbolizes the dedication of American Jews to the survival of Israel.

The strength of Israel is in the determination of her people to live. As the Lord said, "I have set before you life and death, blessing and cursing: Therefore choose life, that both thou and thy seed may live." Israel chooses life, and Israel will live.

In 1966 my brother-in-law and I were driving from Tel Aviv to Jerusalem and we gave a ride to a young girl in military uniform serving at that time under General Rabin. I asked her how she liked being in the Army at such a young age. I shall never forget her reply: "For two reasons I like it. First, the Army discipline is less strict than that of my Orthodox parents. Second and most important, I *want* to serve. You know, there are 60,000,000 of them and only 2,500,000 of us and we all must be prepared to defend our country." I am pleased to have her tonight as my special guest, and am proud to present to you now and to General Rabin for the first time, Susan Karni. Would that all soldiers were so pretty!

The late Senator Robert Taft said in 1953 that the State of Israel had put into practice its faith in liberty. Taft said that Israel had given clear evidence of its determination to resist regimentation from within and to resist physical aggression from outside. He added, and I quote, "There is little wonder today that aggressive Communism bestows upon Israel the honor of its hatred."

Senator Taft's words are even more compelling today, 17 years later, when the Soviet Union has 10,000 military men in Egypt, when it emplaces missiles targeted at Israel, when it flies cover over the Egyptian desert.

The direct intervention of the Soviet Union in the Middle East in recent years has escalated the Arab threat to Israel and has endangered the balance of power in the region. It has heightened tensions and has threatened a big-power confrontation in the area. It is extremely dangerous, not only to Israel and to peace, but also to the Soviet Union itself which has squandered billions of dollars in war materiel and brings Soviet forces to the brink of battle.

A more prudent course for the Soviet Union now that the missiles are emplaced and the Egyptian pilots trained, would be to start the withdrawal of her forces from the area, and I call on her to do so now in the interest of world peace. The Soviets have failed in their objectives of influencing Mideast oil policies, of opening the Suez Canal, and of gaining supremacy in the area. Most Arab nations are still independent of Soviet manipulation and are determined to remain so.

In consideration of Israel's will to defend herself and America's goal of peace and security for all nations in the area, it would be wise for the Soviet Union to deescalate her military role in Egypt. Surely a nation that has lost 25 million people in warfare in this century should know better than any of us the futility of war and the dangers of confrontation.

If the Soviet Union wants to help the Arabs, she should help them to develop their economies and to improve their living standards. It is no help to the Arabs to encourage their preoccupation with war when the real need of their people is for a decent life in peace.

No longer are Soviet technicians required to install and man Egypt's antiaircraft missile bases and radar. Egyptians are trained to the task. A sort of "Vietnamization" or, shall we call it "Arabization", has taken place, and now initial Soviet withdrawals would be in order.

I suggest Soviet withdrawals from Egypt without any conviction that they are imminent or even likely for some time. But I do believe that discussion of the advantages of Soviet withdrawals, in the interest of peace and indeed in the interest of the Soviet Union itself, could increase the likelihood of such withdrawals.

The benefits of Soviet withdrawals from Egypt would help reverse the new hardening of East-West relations and would cause a reduction in tension which would increase the chances for meaningful East-West cooperation at the SALT talks, in Berlin, and elsewhere. It would help avoid a head-on collision of the super powers and the possibility that a conflict would be brought on by a third party acting in an irrational manner.

As we note the Soviet presence in the Middle East and the intransigence of the Arabs, particularly the fedayeen, a great yearning for peace wells up within us, just as it does in the hearts of the people of Israel. It brings to mind the Talmudic prayer, based on the priestly benediction and older than the Christian Era, which says for Americans and Israelis alike:

"Grant us peace, Thy most precious gift, O Thou eternal source of peace, and enable Israel to be its messenger unto the people of the earth. Bless our country that it may ever be a stronghold of peace, and its advocate in the council of nations. May contentment reign within its borders, health and happiness within its homes. Strengthen the bonds of friendship and fellowship among the inhabitants of all lands. Plant virtue in every soul, and may the love of Thy name hallow every home and every heart. Praised be Thou, O Lord, Giver of Peace."

This beautiful prayer sums up our hopes for America, for Israel and for the world. It should stand as our ideal. It should inspire our efforts. It should be the goal of life.

Shalom!

ROSE HILL AND RICHFIELDS

Mr. MATHIAS. Mr. President, the State of Maryland, settled in the 17th century, abounds with fine examples of more than 300 years of American architecture. Two such examples in Frederick County, only about 50 miles north of here, were featured in the Washington Post column entitled "An Architectural Approach," published on Sunday, February 14.

I invite the attention of Senators to the article about Richfields and Rose Hill, which the author James C. Wilfong, Jr., describes as superb examples of early Maryland building, and invite them to visit this unusual house, just an hour from the Capitol.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Architectural Approach: History Abounds At This Rose Hill

(By James C. Wilfong, Jr.)

The oldest Maryland architecture lies well to the south of Washington and understandably so. On the other hand, Frederick County has notable houses dating back to the nation's early greats.

Architectural historians and sightseers would be hard put to separate physical interest from the historical. Two of these houses are structurally dissimilar but historically inter-related.

North of Frederick, Market Street becomes Route 15 and extends toward Thurmont, Emmitsburg and Gettysburg through fertile farmland with a mountain backdrop. From this distinctly inland setting one of the Navy's Admirals left a pleasant rural countryside to achieve fame at sea—Winfield Scott Schley. His home was at Richfields, a few miles north of Frederick on the east side of Route 15.

Born there in 1839, he became known as the hero of Santiago, where he bottled up and destroyed Cervera's fleet in the War with Spain in 1898.

Present day owners of Richfields have thoughtfully placed a sign at their entrance gate, describing their home as Admiral Schley's birthplace and listing the date of his birth and death.

An older historical marker nearby tells of some earlier history associated with the same property. This was also the home of Thomas Johnson, who loomed large in early Maryland.

The destruction of the earlier house—presumably by fire—occurred too long ago for a likeness to exist today. It is known that in 1794 Mr. Johnson moved to the beautiful Rose Hill, a few miles south, where his daughter Anne was living. This date is probably significant as the year that tragedy obliterated Richfields, Mr. Johnson continued to live at Rose Hill until his death in 1819.

Today's rebuilt Richfields is a large white brick structure, fairly plain and undistinguished with an almost flat roof sloping from front to back. It is not square, as it appears to be from the highway, but is an L shaped house with the short side toward Route 15 forming the base of the L. Across the rear is an interesting two-story frame porch, a feature often seen on Maryland homes of the early 19th century.

Despite the fairly early settlement north of the Monocacy and its continued expansion from outpost to settlement to town to county seat, there were some early inhabitants who saw fit to create and maintain their residences beyond the limits of the town of Frederick.

Maj. John Grahame of Calvert County came to the Frederick area in 1767 and soon set about building himself a house in keeping with his eonomic stature, which must have been considerable. He called the completed structure Rose Hill. It was a mansion house, measured by the standards of the 1760s or the 1970s. Its dimensions are generous but not huge: 60½ by 29½ feet. The bulk of the first floor is given to living room and dining rooms—each a generous 22x27 feet. Between the two a center hall leads from front door to rear, 12 feet wide and 27 feet long. The kitchen and a service room fill the wing that graced the west side of the mansion.

Within the gate, the driveway divides and circles the lawn in front of the columned two-story porch. It is a magnificent porch with fluted columns, ornate entablature and pedimented roof with half moon window under the hip.

With such a household in his background, perhaps Maj. Grahame had little competition for the hand of the daughter of Thomas Johnson of Richfields, a few miles north of Rose Hill.

When Mr. Johnson left Richfields for Rose Hill he entered one of the most elegant mansions in northern Maryland. Nor all of its interest is centered in the mansion house. There are outbuildings for the most avid antiquarian. One is of brick with a pattern of bricks omitted from the walls below the eaves.

A fence of slag stone, unmortared, extends picturesquely across the rear lawn behind the house. Some very old boxwood shows damage from storms or cattle.

Richfields and Rose Hill are superb examples of early Maryland building. They represent two eras and stand beside a busy highway to tell their stories to strangers as well as Marylanders.

KENTUCKY—THE BASKETBALL CAPITAL OF THE WORLD

Mr. COOK. Mr. President, in the most recent national poll of sportswriters and broadcasters conducted by the Associated Press, four basketball teams from the Commonwealth of Kentucky were ranked among the top 20 teams in the country.

These teams are Western Kentucky University, the University of Kentucky, Murray State University, and the University of Louisville. In addition, Kentucky State College and Kentucky Wesleyan have consistently been ranked at or near the top of the small college division poll this year. No other State can claim such an achievement.

Kentucky has gained a national reputation and great prestige through its basketball accomplishments. Thousands of fans annually crowd the many gymnasiums throughout the State to support their favorite teams. The NCAA has selected Louisville's Freedom Hall as the site of its championship tournament on more occasions than any other site in the country, and Kentucky has placed more teams in the NCAA tournament than any other State.

It is, therefore, my great privilege to offer my congratulations and commendation to these six highly ranked Kentucky basketball teams, and to salute publicly these teams and all the other fine Kentucky teams that have made Kentucky the "Basketball Capital of the World."

OPPOSITION TO EXTENSION OF KENNEDY AIRPORT RUNWAYS

Mr. JAVITS. Mr. President, the National Academy of Sciences, the National Academy of Engineering, and the Port of New York Authority are all to be commended for their participation in the recent report released by the Environmental Study Board of the Academies on the uses of Jamaica Bay. The port authority especially is to be commended for its decision to request expert and impartial advice on this vital question and for its willingness to abide by the decision reached by the outside study group. The Academies made a thorough examination of the problem of extension of the runways and their recommendations covered all major aspects of the problem; they are against extending the J.F.K. runways.

The report makes several interesting suggestions regarding present airport congestion due to poor scheduling and excessive use by general aviation. These recommendations deserve earnest consideration and action by all appropriate authorities.

The report also recommends an immediate examination of prospective sites for a new regional jetport by the Department of Transportation and the States of New York and New Jersey. This is one of the highest priorities for public bodies in the New York area.

Most importantly, the report makes many recommendations concerning the environmental problem of Jamaica Bay and the surrounding population areas. These include completion of the sewage treatment facility at Spring Creek and other facilities to keep raw sewage from being discharged into the bay during heavy rainfalls; cessation of dredging operations in the bay, and reexamination with a view toward halting the hurricane barrier project planned by the Corps of Engineers for the bay. The report also makes several important recommendations with regard to noise pollution which I believe should be given immediate consideration by the Department of Transportation. This includes the speeded-up development of a new quiet engine to be put into new airplanes by 1975; and the use of acoustically treated engines in all present aircraft. According to the report this could very materially cut down on the noise affecting those residents living in the J.F.K. Airport area.

The report also makes important recommendations as to the recreational facilities for the community. However, I disagree with its conclusion that much of Jamaica Bay should not be included within the proposed Gateway National Recreation Area. As one who has been greatly interested in and an advocate of the gateway project, I feel that the report is not on sound ground when it recommends that the city keep much of the Jamaica Bay area and develop it on its own as a recreation area. The city already has indicated that it would like to see that area included in the gateway project and does not have the financial resources to develop the area to the extent needed. Thus I believe the area would benefit more in the long run if it is included in the gateway project.

LITHUANIAN INDEPENDENCE

Mr. RIBICOFF. Mr. President, this month Americans of Lithuanian descent commemorate two very important occasions in the history of Lithuania. They are observing the 720th anniversary of the original formation of the Lithuanian State, and they are marking the 53d anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

During the 89th Congress, House Concurrent Resolution 416 was adopted, calling for the freedom from Soviet domination of Lithuania, Latvia, and Estonia. In the light of this clear expression by the Congress, I would hope that our Government will continue to treat the illegal occupation of the Baltic States as an important unresolved issue between ourselves and the Soviet Union.

Our diplomatic representatives at the United Nations and elsewhere should take every opportunity to remind the world of the Soviet Union's naked acts of aggression against the Baltic States when Soviet spokesmen accuse our own country and our allies of "imperialism." The issue of Baltic independence is a question which surely deserves to be brought before the United Nations.

The American public in recent months has been aroused by the desperate attempts of individual Lithuanians to escape from the prison the Soviet Union has created for them in their own country.

The abortive attempt by a young Lithuanian and his wife to flee his country and the tragic episode of the attempted defection of Simas Kudirka are stark reminders that the people of Lithuania still yearn to regain their freedom.

I am pleased once again to take part in the commemoration of Lithuanian independence.

I hope that the coming year will bring important progress in the struggle of the Baltic States to regain their liberty and independence, and that a brighter future will be in store for all the peoples of the Baltic States.

I ask unanimous consent that House Concurrent Resolution 416, agreed to by the Senate on October 22, 1966, be printed in the Record.

There being no objection, the Concurrent Resolution was ordered to be printed in the Record, as follows:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge **the President of the United States—**

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

RULES OF THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE. Mr. President, section 133(b) of the Legislative Reorganization Act of 1946 as amended by the Legislative Reorganization Act of 1970 requires the rules of each committee to be published in the Congressional Record not later than March 1 of each year.

Accordingly, I ask unanimous consent that the rules of the Select Committee on Equal Educational Opportunity be inserted in the Record at this point.

There being no objection, the rules were ordered to be printed in the Record, as follows:

Rules and Procedures of the Senate Select Committee on Equal Educational Opportunity, Adopted Feburary 9, 1971

1. Committee meetings:

(a) The Chairman of the Committee, or if the Chairman is not present, a member designated by the Chairman, shall preside at all meetings.

(b) The regular meeting date of the Committee shall be the second Friday of each month at 10:00 a.m. The Comimttee shall convene at the call of the Chairman at such times as are necessary to transact Committee business. The members of the Committee shall be given written notice of all meetings of the Committee.

2. Executive sessions:

(a) For the purpose of conducting an Executive Session, a majority of the Committee shall constitute a quorum. No measure or recommendation shall be reported from the Committee unless a quorum of the Committee is actually present at the time such action is taken.

(b) Proxies will be permitted in voting upon the business of the Committee by members who are unable to be present; a proxy, to be valid must be signed and assign the right to vote to one of the members who will be present.

(c) There shall be kept a complete record of all Committee action. Such records shall contain the vote cast by each member of the Committee on any question which a "yea and nay" vote is demanded.

(d) The Clerk of the Committee, or his assistant shall act as recording secretary of all proceedings before the Committee.

(e) No person other than members of the Committee, members of the staff of the Committee, and members of the staffs of members of the Committee shall be permitted to attend the Executive Sessions of the Committee, unless authorized by the Committee or the Chairman.

3. Hearings:

(a) The Chairman of the Committee may initiate a hearing on his own authority or at the request of any member of the Committee, but if a member of the Committee objects to such hearing, the Chairman shall convene the Committee in Executive Session and the Committee shall rule upon such objection. The Chairman shall make every effort to assure the attendance of members at all hearings.

(b) Any witness summoned to a hearing may be accompanied by counsel of his own choosing who shall be permitted while the witness is testifying to advise him of his legal rights.

(c) No confidential testimony taken or confidential material acquired by the staff of the Committee or presented in an executive hearing of the Committee or any report of the nature of such material or of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee at a meeting duly called for that purpose.

(d) Any member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

4. Legislative Reorganization Act: The Committee's procedures shall be governed by the applicable requirements of the Legislative Reorganiaztion Act of 1946, as amended.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that the morning business be concluded.

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. SCOTT. Mr. President, on behalf of myself and the distinguished senior Senator from Kansas (Mr. PEARSON), I move that the Senate proceed to the consideration of Senate Resolution 9.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Pennsylvania.

Mr. ALLEN. Mr. President, I had hoped that the proponents of the motion to proceed to the consideration of Senate Resolution 9 would state their case to the Senate. We have been considering this general subject since January 26, and of all of the debate that has taken place on the subject, only about 15 or 20 minutes has been consumed by those Senators who support Senate Resolution 9.

Mr. President, Senate Resolution 9 was offered by the distinguished Senator from Idaho (Mr. CHURCH) and the distinguished Senator from Kansas (Mr. PEARSON). It would seek to amend rule XXII of the Standing Rules of the Senate so as to reduce the required number of Senators to cut off debate from two-thirds of the Senators present to three-fifths of the Senators present.

Under the rules of the Senate, as the junior Senator from Alabama understands them, the motion of the distinguished Senator from Pennsylvania (Mr. SCOTT) is debatable, and we will discuss that motion itself.

Rule XXII of the Senate has been a rule, insofar as it seeks to limit debate, since 1917. Actually the rule does not provide for extended debate. It provides a method of cutting off debate.

Mr. President, we are operating under the rules of the Senate as they existed in the 91st Congress. Rule XXXII of the Standing Rules of the Senate provides that the rules that exist in one Senate continue over to the next Congress and continue to be the rules of the Senate until they are amended as provided by the rules of the Senate.

If Senate Resolution 9 should ever come to a vote in the Senate, it would take only a majority of the Senators present to change the rule. However, the matter of discussing that rule change and the limiting of debate on that discussion requires a two-thirds vote.

I am very pleased, Mr. President, that apparently there is no inclination on the part of the proponents of the rule change to try again the attempt that was made at the start of the 91st Congress to contend that a majority of the Senate can invoke cloture and cut off debate when the rules provide that it takes a two-thirds vote. That effort was tried; that effort was made at the beginning of the 91st Congress. I believe the vote in the Senate on the question, "Should the debate be brought to a close," resulted in a vote of 51 Senators voting to cut off debate and 47 Senators voting not to cut off debate.

The contention was made, Mr. President, that under section 5 of article I of the U.S. Constitution giving both Houses of Congress the right to make their own rules cloture had been invoked. The then Vice President, now the junior Senator from Minnesota (Mr. HUMPHREY), ruled that cloture had been invoked, theorizing that section 5 of article I of the Constitution allowed the majority of the Senate to cut through any obstacles in the way and to set their rules.

Well, Mr. President, we are operating under these rules. We have been operating under these rules in the 92d Congress since the 21st day of January. This very cloture motion that is going to be voted on at approximately 1 o'clock tomorrow afternoon was filed under Senate rule XXII. If we did not have Senate rule XXII there would be no way in the world to stop an extended debate in the Senate. Nowhere else is provision made for cutting off that debate. We are proceeding to a vote one hour after the convening of the Senate on the second calendar day after the filing of the cloture motion that the Senate is in session. All that is done under rule XXII.

Apparently the contention is not going to be made as it was 2 years ago that a majority can cut off debate in the U.S. Senate. The right to extended debate in the Senate is the right, the attribute, the quality of this body that sets it apart from all other legislative bodies. It is a quality, attribute, or factor that makes this body the greatest deliberative body in the world.

As I stated earlier, I regret that those Senators who favor this rules change are not here on the floor of the Senate giving their reasons, if any, why this rule should be changed. They put in the resolution, they make a motion with respect to it, and they leave the Senate Chamber. They do not offer any reasons why the amendment should be made.

Mr. President, I want to say that this is the most benign and the most benevolent filibuster that I have seen, if it could even rise to the status of a filibuster. It is an extended discussion, but Senators have had no difficulty whatever in getting consideration of any other matter they want to bring up. At any time anyone has wanted to speak, introduce a bill, bring up confirmations, he has been allowed to do so. The distinguished Senator from New Hampshire (Mr. COTTON) made some remarks in the Senate Chamber just a few minutes ago. No one objects to anyone else speaking. If anyone wants to come in and speak on behalf of Senate Resolution 9, the junior Senator from Alabama would be delighted to yield the floor.

Why have extended debate in the U.S. Senate? What good is it? Well, the Senate has evidently thought it is good, because up until 1917 there was no way to limit debate in the Senate; and in 1917 rule XXII—which made some other type of provision and not a limitation of debate—was amended to provide that two-thirds of the Senators can cut off debate. Originally that rule did not apply to cutting off debate on a motion to bring up a bill or a measure. Debate could be cut off only on debate on a measure. As the junior Senator from Alabama recalls from reading the history of the rules of the Senate, this was changed to provide that debate could be limited on a motion to bring up. Then, the rule was changed to provide that it would take a constitutional two-thirds of the elected membership of the Senate; and under the present number of States, if we had that provision today, it would take 67 votes to cut off debate, but that was changed so that now it is only two-thirds of Senators present.

So this is not an impossible requirement whatsoever on a meritorious, or for that matter nonmeritorious, measure for cutting off debate. Theoretically, if a quorum of 51 Senators is present, two-thirds of that number would be 34. Thirty-four Senators, with only 51 present, voting to cut off debate, 17 Senators voting not to cut off debate, cloture, or the cutting off of debate, could be applied with only 34 Senators.

Mr. President, under our system of checks and balances, with the legislative branch of our Government, the Congress, being one of those branches, and the Senate and House each being coordinate parts of that single branch, with the executive and the judiciary constituting the other two branches, this separation of powers in our Government is what makes our form of government the greatest form of government in the world. This separation of powers should be maintained.

Mr. President, in the other body, debate is generally limited to 3 minutes for a Member of that body. The House has power to invoke on themselves a rule that no amendment can be offered to a bill. Legislation can go through the other body without too much consideration on the floor of the House. So when the measure comes to this body, many times it needs to be slowed down, to give the Senate an opportunity to study that bill, to give the country an opportunity to find out what is involved.

Mr. President, if we are going to make it easy to cut off debate, if we are going to do away with the right of extended debate in the U.S. Senate, we are going to have more ill-considered legislation passed in this body. We are going to have measures passed here before the country has any idea that the bills are even pending.

Mr. President, it is possible, under ideal circumstances, if they might be called ideal—but ideal for the purpose I am going to suggest—to pass a bill, to enact a law, in 1 day's time; pass it through the other body by unanimous consent; bring it over to this body; pass it here that same day by unanimous consent; have it signed by the President, all in 1 day's time. So we can move rapidly in the Congress when conditions require it.

The two-thirds rule for cutting off debate has not stopped the enactment of civil rights bills. It has been suggested in the news media that this is a southern filibuster. But the Senate has had no difficulty in invoking cloture, cutting off debate, with respect to every matter of legislation dealing with civil rights.

There is much more involved here than that. That is not involved at all, Mr. President, but the matter of the loss of separation of powers in our Government is involved.

I am not speaking with respect to the present executive department, any more than I am speaking with respect to subsequent administrations, but if the executive department gets to the point where it can have legislation passed here in the Senate and have debate cut off, next with a three-fifths vote, later with a majority vote—and that is where we would be heading if we go the three-fifths route at this time—we would find the executive department completely taking over the legislative branch of our Government. The right to extended debate, which sets the Senate apart as the only legislative body having that right, is the best protection that any minority could have from being overrun by a ruthless and arrogant majority.

Let me say to the majority that the present majority may not always constitute the majority. The minority may later take over and become the majority. So those who are temporarily in the majority and have no fear of doing away with the two-thirds rule may well consider the fact that they may not always constitute the majority.

Yes, Mr. President, the right to extended debate is the best protection that a minority has. It is the best protection that the people of this country have against Federal bureaucracy, against big government getting bigger, against the mushrooming of the Federal bureaucracy.

So, Mr. President, if we are to protect the minority, if we are to protect conservative thought in this country, if we are to protect the country from spendthrift legislation, if we are to protect the legislative branch from a takeover by the executive department, we need to preserve Senate rule XXII intact.

Mr. President, I have pointed out as I have discussed this matter that rule XXII came into existence in 1917, more than 50 years ago. It has served this country well as written; and those who favor a change in rule XXII have been challenged repeatedly by those who oppose any change to point out one single piece of constructive, worthwhile legislation that failed of enactment because of extended debate, and was not subsequently enacted.

Mr. President, at the end of the 91st Congress, it was said that the Senate had a great logjam of pending legislation caused by a series of filibusters against legislation. It has been said that there were about six or seven separate and distinct filibusters. I do not think there were that many. There were several actual or incipient filibusters, but not one single filibuster was being carried on or, as far as I recall, participated in by a Senator from any of the Southern States.

The major filibuster that I recall was the filibuster by the distinguished Senators from Wisconsin (Mr. PROXMIRE and Mr. NELSON), and they were filibustering against the conference committee report on the SST. And while I did not participate in that filibuster, and I wanted to vote on the matter under consideration and get on to something else, I was unwilling to see that debate brought to a close by a vote of the Senate. It proceeded on. Mr. President, I dare say that that filibuster would have been brought to a close had the change in the rules contemplated by Senate Resolution 9 been accomplished at that time.

Senators will recall the status of that legislation. The SST appropriation was a part of the Department of Transportation appropriation bill, providing for the Interstate System, for Federal aid to highways, and even—of all things—the Coast Guard was a part of that appropriation. It was passed by the House of Representatives and came to the Senate, and the distinguished Senator from Wisconsin (Mr. PROXMIRE) offered an amendment knocking out the appropriation of some $290 million for the SST.

I voted with the distinguished Senator from Wisconsin on that issue, because I did not feel that that was a proper expenditure of the funds of the taxpayers, spending billions of dollars to cut some 2 or 3 hours off of the length of time it would take to fly from this country to Europe, and with the thought in mind that the SST could not fly over land on account of its sonic booms.

So the provision was knocked out of the appropriation here in the Senate, but when it went to conference it got back in, in a somewhat reduced amount. When the conference report came back, it had the entire appropriation for the Department of Transportation, including the SST, so it was necessary to kill the whole conference report if they were going to kill the SST. An agreement was made on it, however, that allowed the bill to be passed, a continuing resolution agreed to, with another vote to be held under the agreement that was reached. As I understand, it will be taken before the end of next month, and we will get the opportunity to vote up or down on that question.

Had the Senate been able to invoke cloture on that matter and cut off debate, the taxpayers of this country would be saddled with the SST program. As it is now, we are going to have another vote up or down on that one question, not included in the $2 billion-odd appropriation for many other purposes.

The social security bill that was under consideration in the closing days of the 91st Congress was and is a popular bill. The absence of a rule to the contrary in the Senate allows the using of a popular pending bill as a vehicle to add nongermane amendments. So the President's family assistance program was sought to be added to the social security bill.

The trade bill—the import quota legislation, so-called—was sought to be added to the social security bill. The distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Minnesota (Mr. MONDALE) were opposing the trade bill. They served notice that they were going to talk at length against that bill.

Finally, in the closing days of the session, we were able to strip the social security bill of the family assistance plan and the trade bill, in order to try to get the social security bill enacted. We did finally pass it in the last few days of the session. It was a bill of several hundred pages, with many complicated provisions; and the House of Representatives very properly, in the judgment of the junior Senator from Alabama, refused to consider the matter by taking it to conference and trying to work out the differences in the press of time.

Mr. President, that was what caused the logjam—the debate on the SST and the adding of controversial measures to the social security bill. The social security bill could have been passed long before that, had these other measures not been added.

The distinguished Senator from West Virginia, the assistant majority leader of this body, has proposed changes, not to rule XXII but to rule XVI, that would allow the cutting off of debate, with a reduced number of Senators voting in favor, with respect to appropriations bills and conference reports on appropriations bills. The junior Senator from Alabama would support that. He hopes that some type of compromise can be reached on that. But if there is any danger of the Government of the United States being brought to a halt because appropriations bills are not passed, some consideration should be given to liberalizing the rule on cutting off debate with respect to appropriations bills and conference reports on appropriations bills.

However, under the existing practice, in the short time that the junior Senator from Alabama has been in this body, I do not believe that we have passed any—and if we have passed any at all, it is very few—appropriations bills prior to the end of the preceding fiscal year. In other words, we would go out on an uncharted sea, with no appropriation whatsoever, if Congress did not use the method to which I referred earlier in my remarks about passing legislation in one day's time. We pass continuing resolutions for the fiscal year ending June 30, the new year starting July 1. If we do not have the appropriation bill for the ensuing fiscal year, the practice has been to pass a continuing resolution. It takes no time to get that measure passed. We have gone right up to just a few hours from the lapse of the appropriation, as the junior Senator from Alabama recalls. No one wants to stop the operation of the Government of the United States.

Mr. President, I have had to digress on several occasions, but I have been trying to get back to the matter of the history of this phase of rule XXII and, in connection with that history, not only the matter of limiting debate but also the matter of a takeover of legislative powers and functions by the Executive.

Congress is the only one of these three equal rank branches of our Government that time and time and time again will cede its powers and functions. We always are setting up rules and regulations to be brought into being when the President sees fit.

In the news today, for example, we hear that the President is going to set up wage and price controls, possibly—or, this is being discussed—in the construction industry. Whether he does that or not, that is acting under power ceded to him by Congress. So we are going to find the executive branch of Government taking over all the power it can get. Again, I am not talking about the present administration, any more than I am talking about the administrations in the past or future administrations that may exist. But the executive department is going to take over all power that is not nailed down. We can rest assured of that.

The judiciary, the Supreme Court, is going to take over all the power it possibly can, and it has demonstrated that time and time again. It has set itself up as a super government, in effect, in enacting laws, when instead it should be passing on the legality or the constitutionality of laws passed by Congress.

Take the matter of forced desegregation of the public schools in the South.

Where do we find the statutory authority for the Supreme Court, the Federal judiciary, taking over the public schools of Alabama and the South?

Where do we find statutory authority for a Federal district judge becoming, in effect, the superintendent of education of the public schools of a city or county in the South?

I point these things out to show that the other two departments, the other two branches of Government, the executive and the judiciary, are not at all timid about taking over authority that belongs to Congress.

But whom does Congress have to blame for this?

It has itself to blame, Mr. President.

The Senate will have itself to blame if it makes it easier for debate to be cut off in this body.

Prior to 1917, debate could not be cut off in the Senate. Only public opinion could bring debate to a close and that is not provided in the Senate rules. Only public opinion could bring debate to a close in the Senate prior to 1917.

What happened then?

War clouds were gathering. We were close to entry into World War I. President Wilson had been reelected President in 1916 over Associate Justice Charles Evans Hughes, the Republican candidate. Because he thought he had carried California, Hughes went to bed that night thinking he had been elected President, only to wake up the next morning to find that President Wilson had been reelected. President Wilson had been elected on the slogan, "He kept us out of war."

So, the war clouds were gathering. The German Government had inaugurated its submarine blockade of American shipping and President Wilson felt that if American shipping should have to go through this submarine blockade, it should at least be armed. He sent a bill to Congress to empower him to arm the merchant marine.

The bill passed the House and it came to the Senate. There was a group of Senators who defeated the bill by debate. They were not southern Senators. I believe Senators O'Gorman of New York, Stone of Missouri, Clapp of Minnesota, and Senator La Follette of Wisconsin were some of the Senators as well as others who today would be classed as liberal Senators. They talked the bill to death.

But, Mr. President, today, if the President—any President—were confronted with a similar situation, he would issue that order to our American ships without consulting anyone. He would do it without a moment's hesitation. He certainly would not call on Congress to enact a measure. That illustrates, as I have been trying to suggest, Mr. President, the great growth and power of the executive department, such as President Franklin D. Roosevelt's lend lease, which was an accomplished fact before approval by Congress.

President Wilson called this group of men a little group of willful men, representing no opinion but their own, who had brought the great Government of the United States to a halt. The junior Senator from Alabama recalls that one of his predecessors, the U.S. Senator from Alabama, the great Senator Underwood, who was the Democratic leader in the Senate at that time—I believe the change in the rules was recommended and actually put in by Senator Martin of Virginia but it was supported by Senator Underwood who enjoyed the distinction of having been the Democratic leader in the House and later the Democratic leader in the Senate—saw the necessity of some provision by which irresponsible debate could be cut off in the Senate.

Mr. President, I was somewhat surprised to note the listing of several Senators among the 51 Senators who are cosponsors of Senate Resolution 9, but I feel that even though a Senator is a cosponsor of Senate Resolution 9, it does not necessarily mean that he will find it necessary to vote to cut off debate on this motion to proceed to the consideration of this change.

In other words, Mr. President, if the resolution comes up for a vote, all Senators who signed the resolution as cosponsors naturally, I would feel, would vote for the resolution; although there have been occasions—the junior Senator from Alabama is advised—when some sponsors of legislation have actually voted against the legislation that they have cosponsored when they had considered the matter more fully and more completely. So the question on tomorrow is whether or not this debate shall be brought to a close.

I saw one of the distinguished sponsors of Senate Resolution 9 in the Chamber a moment ago, and I had hoped that he was going to explain the reason or the necessity for this rule change. The junior Senator from Alabama has stated and reiterated that he is ready and willing, but not anxious, to turn the floor over to any proponents of Senate Resolution 9 who wish to speak on the case that has been made out, or that has failed to have been made out, with respect to Senate Resolution 9. There has been a lack of interest on the part of those who are supposedly in favor of Senate Resolution 9. They have not come to the Chamber. They have not given any reason why this resolution should be adopted and why a rule of more than 50 years' standing in this body should be changed. Because they have failed to make out a case, the junior Senator from Alabama does not see how much support could be given by Members of the Senate to this effort to change the rule.

Mr. President, I alluded earlier to the effort that was made 2 years ago to change this rule. Efforts have been made in the last six or eight Congresses—I suppose certainly they have been made for the last six Congresses—to change this rule. Those efforts have been voted down each time.

Those who favor Senate rule XXII as it now exists have stated their opposition to the measure. The distinguished Senator from North Carolina (Mr. ERVIN), a great constitutional lawyer, has pointed out the efficacy of this rule and its constructive nature. He has drawn a parallel between the two-thirds vote required to cut off debate in the U.S. Senate and the two-thirds vote required by our basic governmental document, the Constitution of the United States.

Under the Constitution it take a two-thirds vote to override or to pass over the veto of the President any piece of legislation previously passed by Congress. So a two-thirds vote is not just a figure that has been taken out of the thin air and brought into the Senate rules. It is a figure that is used by our Founding Fathers as a proper number to pass on matters of great consequence being decided in this body and in the other body.

So, whereas a simple bill can be passed by a majority vote in the House and in the Senate, when the President vetoes a bill and it comes back to the Congress, first to the House in which it originated, it takes a two-thirds vote in that body to even send it to the other body. So, it takes a two-thirds vote in both Houses. And if it fails in either body to get a two-thirds vote, then the bill is defeated.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ALLEN. I would be glad to yield to my distinguished colleague, the senior Senator from Alabama (Mr. SPARKMAN).

Mr. SPARKMAN. Mr. President, the

Senator has been detailing some of the things which the Founding Fathers in writing the Constitution recognized as being in need of protection from what some people call the tyranny of the majority.

Mr. ALLEN. The Senator is correct.

Mr. SPARKMAN. Is it not true that all of this is a part of that remarkable mechanism that was worked into our basic document of government, the Constitution of the United States, that we usually refer to as checks and balances?

Mr. ALLEN. The Senator is correct. That is a part of our system of checks and balances.

Mr. SPARKMAN. Mr. President, to show how our Founding Fathers, who were still smarting under some of the injustices and insults that they felt they had received from the British Government—going back through the pages of history—wanted to make certain that no one could be unduly harmed when it came to the matter of charges against an official for the dereliction of his duty of office, they provided another part of our system of checks and balances. The matter has to come up in the House of Representatives, and the House of Representatives must find and state that there has been a violation of his duties which renders him susceptible to removal from office. That is the impeachment proceeding which corresponds to the indictment of a grand jury.

Mr. ALLEN. The Senator is correct. That requires a two-thirds vote in the Senate.

Mr. SPARKMAN. However, even that does not remove him from office.

Mr. ALLEN. The Senator is correct.

Mr. SPARKMAN. The matter then comes to the Senate, and the entire Senate sits as a body and listens to the evidence as presented by the managers on the part of the House, who are elected by the House and become more or less prosecuting attorneys.

When that evidence is all in and the books are closed, he still, under our system of justice, has the mantle of innocence thrown around his shoulders.

Mr. ALLEN. That is correct; until he is proved guilty.

Mr. SPARKMAN. And in order to find him guilty there is required not a simple majority but two-thirds of the Senators present and voting.

Mr. ALLEN. That is correct.

Mr. SPARKMAN. And the Senator recalls very well, as I do, how when passions were running high at the close of the War Between the States Andrew Johnson had incurred the wrath of some of those leaders of the government in power because, I think it is fair to say, he believed in pursuing the policies of Abraham Lincoln in reconciling the Nation back into unity.

Mr. ALLEN. The Senator is correct.

Mr. SPARKMAN. When they tried Andrew Johnson the impeachment failed by a single vote. Is that correct?

Mr. ALLEN. Yes. The Senator is correct.

Mr. SPARKMAN. Is that not one of the best examples to be given in our system of government of the eagerness of our forebearers to make certain the majority does not run ruthless over a minority?

Mr. ALLEN. The Senator's point is well taken.

Mr. SPARKMAN. One reads many articles by columnists and listens to many commentators because many people speak on this subject. To hear some people talk one might think that the rule requiring a two-thirds vote to cut off what the Constitution says every citizen should have, the right of free speech is exercised only in the Senate when, as a matter of fact, our Government is shot through with different provisions and measures guaranteeing and seeking to guarantee that a ruthless majority will not override a minority. Is that not correct?

Mr. ALLEN. The Senator makes a good point.

Mr. SPARKMAN. I thank the Senator for yielding.

Mr. ALLEN. I thank my distinguished colleague. My distinguished senior colleague (Mr. SPARKMAN) has made some very fine points with respect to other two-thirds requirements set forth in our Constitution. The distinguished senior Senator from Alabama, in discussing the impeachment trial of President Andrew Johnson mentioned that President Johnson was seeking to carry out the reconstruction policies of Abraham Lincoln.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ALLEN. For a question I am delighted to yield.

Mr. BAKER. For a question. Is it not true that the point which the distinguished Senator from Alabama has just made with respect to the requirement for a two-thirds vote in this instance, in the case of impeachment, and in the case of overriding a veto, is properly characterized, as it is from time to time, as the only protection the American people have against the tyranny of the majority?

Mr. ALLEN. That is correct.

Mr. BAKER. Is it not true that in the history of America after the Civil War, and the elaboration and extension of civil rights and in terms of so many important measures we observe, that the majority of the moment often becomes the minority, and that the minority, more often than not have become the majority.

Mr. ALLEN. That is correct.

Mr. BAKER. Would the Senate agree that there should be some place in the federal system for the minority to protect itself and to protect the right to hold its views, at least temporarily until a public viewpoint can be expressed?

Mr. ALLEN. I agree with the Senator.

Mr. BAKER. Would the Senator agree that rule XXII is the only provision in the Senate, in the body of the statute law, or the Constitution, which codifies such protection?

Mr. ALLEN. The junior Senator from Alabama certainly agrees with the Senator from Tennessee on that point.

Mr. BAKER. I ask this further and final question, which is not directly relevant to the point so ably and eloquently made by the Senator from Alabama, but the Senator might indulge me this question in the form of an observation. Would not the Senator agree that in his reference, and the reference of the senior Senator from Alabama, to the impeachment of President Johnson that when one looks back on this trial we conclude that it was brought about really by the radicalism of stern reconstruction.

Mr. ALLEN. Yes, indeed.

Mr. BAKER. And the requirement for a two-thirds vote in the case of impeachment as in the trial of President Andrew Johnson, prevented us from starting in what might have been a very different direction and the Republic might have developed in a different and less desirable way.

Mr. ALLEN. Yes, indeed. It could have broken down our system of government.

Mr. BAKER. I thank the Senator for yielding.

Mr. SPARKMAN. Mr. President, will the Senator yield further to me?

Mr. ALLEN. I am delighted to yield.

Mr. SPARKMAN. I have had some thoughts in connection with this question of the able senior Senator from Tennessee. He mentioned that President Johnson came from "up in his neck of the woods," as we say down our way. Many is the time I have driven through the area where the distinguished Senator from Tennessee lives. By the way, he lives at Huntsville, Tenn. That is a familiar name down our way.

Mr. ALLEN. Yes; it is one of my favorite cities.

Mr. SPARKMAN. I had the pleasure to serve in the House with the Senator's father. I have driven through that area many, many times to and from Washington. I never go through there but what I think of Andrew Johnson and the difficult time he had as a young man, trying to get an education, and the many miles he walked in order to get some training. I have always admired him. I think he has been one of the most maligned men in American history who ever lived.

Mr. BAKER. Mr. President, will the Senator yield to me on that point?

Mr. ALLEN. I yield.

Mr. BAKER. I thank the distinguished senior Senator from Alabama for those remarks. I entirely agree with him that President Andrew Johnson is a much maligned figure in the history of the Republic, and I think unjustly.

I think our former colleague, the former senior Senator from Florida, Mr. Holland, would not be offended if I repeat part of the conversation I had with him recently. As he talked with me on the telephone a few days ago, he inquired if I was going to make my appointed rounds in "the bosom of Abraham," referring to the Lincoln Day dinners we Republicans indulge in at this season of the year. He pointed out that his father had been a Civil War veteran. It brought a sense of immediacy to the conversation when he stated that he and his father always felt that the reconstruction of the seceding States would not have been so harsh and that the outcome might have been very different if the humane and generous attitudes espoused by Lincoln had not been snuffed out by an assassin's bullet and if President Andrew Johnson had not been the victim of radicalism following that assassination.

It seems to me, in reflection on Andrew Johnson, that the requirement of a two-thirds majority had much to do with the direction of government following the Civil War.

I might also remark that, as the senior Senator from Alabama has pointed out, as one drives through the Johnson country, so to speak, in east Tennessee, and Greeneville, I noted that until recently the Andrew Johnson Memorial museum, park, and cemetery were under the stewardship of Andrew Johnson's granddaughter. So in my part of the country there is great feeling for the contribution of Andrew Johnson. It is a pleasure to me to hear his trial alluded to, as the two distinguished Senators from Alabama have done, in defense of something more than a simple majority for all legislative purposes and as illustrative of the protection needed against the occasional tyranny of the majority.

Mr. ALLEN. I thank the Senator from Tennessee.

Mr. SPARKMAN. Mr. President, will the Senator yield further?

Mr. ALLEN. Yes; I yield further.

Mr. SPARKMAN. I am sure the Senator will agree with the statement made by the distinguished Senator from Tennessee that many of the troubles developed over the fact that Lincoln was killed. I think we have absolute confidence that had Abraham Lincoln lived, he would have put into effect a program that was in line with his second inaugural address, in which he certainly indicated he wanted to work things out equitably between the two sections of the country and pull them back together. I have often thought that the bullet that took the life of Lincoln brought years of oppression to the South.

By the way, one other point I want to make about Andrew Johnson. I do not know whether my colleague knows this, but Andrew Johnson was an apprentice tailor at Mooresville, Ala. Mooresville is a small town in the northern part of Alabama, not far from my hometown of Huntsville. Certainly it is one of the oldest towns in Alabama. Huntsville is the oldest English-speaking incorporated city in Alabama, but Mooresville may have existed before Huntsville. Andrew Johnson served as an apprentice tailor in Mooresville, Ala. I think the tailor shop is still standing. It is a quite antique town. If the Senator from Tennessee gets down there, I hope he will drop around and see some of the old buildings and places that have been in existence through the years.

A thought just occurred to me. It is not new; I have thought about it many times in the past. Everybody thinks of southerners as being those who insist on the two-thirds rule; and we do generally. I wonder if that did not grow out of the oppression that we felt for almost 100 years following the Civil War, and particularly in those years from 1865 at least until 1876, when the great compromise was worked out so that Hayes, although he was not elected, became President and withdrew the occupying forces from the Southern States and gave us a chance once more to breathe freely. I know in 1876 George S. Houston—I think his first name was David—from Athens, Ala., was elected Governor of Alabama. That was the first time we had had home rule in the State of Alabama since the end of the Civil War.

By the way, I may say to my friend and neighbor from Tennessee that not only do I know his territory, but my mother's father came from that section of Tennessee. My father's father came from farther west in Tennessee, and he was a stanch Democrat. I need not say about my grandfather who came from the mountains of east Tennessee. One can guess what he was.

Mr. BAKER. Mr. President, if the Senator will yield further, it occurs to me that inquiry would disclose the fact that the grandfather of the distinguished senior Senator on that side was a Tennessee mountain Republican.

Our respective viewpoints on Reconstruction and on the assassination of Lincoln and on President Johnson pose a unique paradox for Republicans, especially east Tennessee Republicans, because east Tennessee, that part of the country from which I come and from which a part of the distinguished Senator from Alabama's family originates, was Union country in the Civil War. Tennessee has the unique statistical history of contributing more troops to the Confederacy than any other State save one, and more troops to the Union Army than any other Southern State, which is somewhat indicative of the paradox and ambivalence of the people there in that troubled time.

East Tennessee has always been Republican—Lincoln Republican—and was always in favor of liberal policies of reconstruction, because it knew the extent of the suffering of the people at that time. It suffered with Andrew Johnson and others when radical reconstruction was imposed on the South which, in my opinion even 100 years later, was inhumane and which retarded the growth and success of the Union.

Republicanism in Tennessee and the South was a strange admixture of these qualities; but, if I may be permitted to do so, what has characterized Lincoln republicanism was that it stood, first and foremost, in resistance against tyranny of the majority and stood stanchly in defense of the rights of the minority and the right of the minority to convince a majority of the people of the Union of their point of view. That, in essence, I think the Senator would agree, is the essence of the issue as to whether we shall have a simple majority determine all legislative issues or whether we shall require a higher degree of proof in certain cases.

Mr. SPARKMAN. Mr. President, as the Senator has just said in the latter part of his remarks, a higher degree of support is sometimes needed, which were almost the very words expressed by our forebearers when they wrote the Constitution of the United States and provided in so many instances against the tyranny of the majority—a ruthless majority.

Mr. BAKER. I thank the Senator.

Mr. ALLEN. Mr. President, I thank the Senator.

Mr. President, I ask unanimous consent that I might make a parliamentary inquiry without losing my right to the floor and without the resumption of my remarks being considered a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will state his parliamentary inquiry.

Mr. ALLEN. As the junior Senator from Alabama understands, at this portion of the morning hour, and lasting until 2 o'clock, whereas at this time we are discussing Senate Resolution 9 itself, at 2 o'clock the resolution, if it has not been acted upon, will fall and it will take a motion to proceed to the consideration of the resolution, which will be debatable, in order to bring it before the Senate again.

The PRESIDING OFFICER (Mr. STEVENSON). The motion to proceed with the consideration of Senate Resolution 9 is pending now, and is debatable. That motion will not die at the end of the morning hour, because there is no unfinished business. The motion would therefore, continue to be debatable.

Mr. ALLEN. I thank the Chair. In other words, the Chair is stating that during the morning hour a motion to proceed to the consideration of a resolution is debatable?

The PRESIDING OFFICER. The Chair will read paragraph 3 of rule XXII:

> The provisions of the last paragraph of rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate.

Mr. ALLEN. Very well. In other words, the motion to proceed to the consideration of the resolutions will not change in status at 2 o'clock; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ALLEN. Would a motion at this time with respect to the pending motion to proceed to the consideration of Senate Resolution 9 be in order?

The PRESIDING OFFICER. Any of the other motions permissible under the Senate rules would be in order if, of course, made by a Senator who has been recognized.

Mr. ALLEN. I thank the Chair for his clarification of the rules. Mr. President, as I stated at the outset of my remarks, there will be no vote on this motion prior to 2 o'clock as long as I have the floor.

I have been very much interested in the colloquy that took place between myself, the distinguished Senator from Tennessee (Mr. BAKER), and the distinguished senior Senator from Alabama (Mr. SPARKMAN):

Earlier this morning, as the distinguished Senator from Tennessee and I were riding over on the subway car, he inquired if I had been back to Alabama, and I stated that I had. Then, jokingly, I assume, the distinguished Senator from Tennessee asked if I had been making any Lincoln Day speeches in Alabama, to which I replied that I may have made a speech on Lincoln Day, if we could find out what day that is now under the combination of the birthdays of Lincoln and Washington, but that it would not have been a so-called Lincoln Day speech, because thus far the junior Senator from Alabama has not made any such speeches.

But, I believe possibly to the surprise of the senior Senator from Tennessee (Mr. Baker), I went on to say that President Lincoln, in my view, was one of the greatest Presidents that we have ever had in the history of our country, and that I greatly admire President Lincoln; and I do join the Senator from Tennessee and the senior Senator from Alabama in the belief that the policies of President Lincoln, if carried out in the South following the War Between the States, would have provided a much more lenient reconstruction of our Southern States.

I remarked about the impeachment trial of President Johnson, and wondered aloud to the distinguished senior Senator from Tennessee as to what might have happened to President Lincoln if he had sought to implement those policies with regard to the Southern States; would the radical Republicans—and I used that term as it is used in history, not as being applicable to my colleagues on the other side of the aisle—have proceeded against President Lincoln in the same way that they proceeded against President Johnson?

I believe the changes are that they would have. It has long been my theory that the greatest thing that happened, tragic though it was, insofar as the name and fame and place in history of President Lincoln is concerned, was his assassination, because we do not know what would have taken place if President Lincoln had lived out his second term and had had to face the radical Republican leadership that had control of Congress at that time. The distinguished Senator from North Carolina (Mr. Ervin), in commenting on President Andrew Johnson, stated that he would go down in history as one of this country's great Presidents. I dare say that he will, when the final verdict of history is written.

It takes two-thirds of the Senate to convict on impeachment charges. It takes a two-thirds vote in either House for the expelling of a Member of that body. It takes a two-thirds vote to approve a treaty, and we have two treaties that are to be approved this afternoon, one a convention with Nicaragua, and then another treaty on extradition with Spain.

But, as I pointed out earlier, this filibuster, if it should rise to that dignity rather than merely a discussion of the issue, has been such a benign, benevolent type of filibuster that there has been no difficulty whatsoever in bringing other matters before the Senate, and the leadership, with all confidence, has set the consideration of those treaties for this afternoon, knowing full well that those who are discussing this proposed rules change have not, and certainly I shall not, use any obstructionist tactics in preventing other matters from coming up. We will be happy and delighted to allow these treaties, or any other matter, to come up for consideration.

I make that point to show that the business of the Nation, the business of the Senate, is not suffering at all by the carrying on of this extended discussion with regard to the rules change.

Mr. President, I have discussed the logjam, and it has been cited by some who favor changing the rule as being an impelling reason why they are going to vote for a rules change. That is the logjam that developed in the 91st Congress, toward the end of the session, when it was said that we had many important pieces of legislation that failed of enactment because of the right to extended discussion.

We have been in session now almost a month. We went into session on January 21, and if it had been so important, we could have convened on January 3, because that is the time set by the Constitution, unless Congress sets a different date.

If these matters had been so important, of such vital interest and concern to the Nation, why did we return on January 21 instead of January 3? Where are the measures that it is said the filibuster has killed? Bring them out. Let us work on them.

Mr. President, the extended discussion is not delaying a single item off proposed legislation. There is no pressing need to cut off this discussion. We go through this charade every 2 years, at the start of every Congress. I do not know why this is brought up every time. It would seem that it would afford some Members an opportunity not to be on the Senate floor and would allow those who are opposed to the amendment to the rule to carry on the discussion. I should like to hear from someone who favors this rule change. I should like a case to be made, if there is one, and I have issued that challenge time and again on the floor of the Senate. No one comes out and offers any impelling reason for this rule change.

So it appears to the junior Senator from Alabama, newcomer that he is to the U.S. Senate, that this exercise in forensic skill on the part of some of the Senators opposing this change is about all we get out of these discussions, other than saving rule XXII, which is a matter of vital importance.

Mr. President, 2 years ago we went through the same charade, as I mentioned earlier in my remarks on the matter of holding up business in the Senate by this discussion, and we are going to vote tomorrow on the cutting off of debate.

Listed under "General Orders Under Rule VIII" on our calendar are three matters pending before the Senate. The first is Senate Resolution 9, which we are discussing now. The second is Senate Joint Resolution 17, by Mr. Mansfield and others, a joint resolution to establish a Joint Committee on the Environment. That can pass at any time. The third is S. 670, by Messrs. Sparkman, Bennett, and Tower, a bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes. We are ready, at any time these matters are to be brought up, to stand aside and allow the other two matters on the calendar to be taken up. So the extended discussion has the constructive effect of saving rule XXII and maintaining the rights of the minority.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. BYRD of West Virginia. Mr. President, is it not also a fact that the second and third items on the calendar to which the Senator has alluded have passed the Senate in a previous Congress?

Mr. ALLEN. Yes; that is true. That is why the junior Senator from Alabama suggested that he would be glad to stand aside, and it would take a matter of minutes to pass both of them.

I appreciate the information furnished by the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. If the Senator will yield further for a question, is it not a fact that the second and third items on the calendar are substantially in the same language and form as passed by the Senate heretofore?

Mr. ALLEN. Yes. That is the understanding of the junior Senator from Alabama. I appreciate the distinguished Senator calling it to my attention.

With respect to the logjam of legislation that is said to have existed in the Senate in the closing days of the 91st Congress, all those measures had to have been approved by the Senate committees. Of course, the junior Senator from Alabama understands that they have to make this trip through the committees again. Having once been considered to the point that they came before the Senate and be up for final passage, it would indicate that the committees at one time or another had given their stamp of approval to the proposed legislation.

So if the filibuster killed any important legislation in the 91st Congress, now would seem to be the time to bring it up, when nothing is before the Senate that would require more than just a few minutes to dispose of it.

The junior Senator from Alabama was discussing the same matter as it came up 2 years ago, and the second speech that the junior Senator from Alabama delivered in this body was with regard to the same question we are talking about at this time. He made some ad lib remarks at that time.

Mr. President, I ask unanimous consent to have printed at this point in the Record the speech I delivered on January 15, 1969, with respect to rule XXII.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Rule XXII Debate

Mr. Allen. Mr. President and Members of the Senate, I rise to speak on this question because I believe it is one of the most important issues that will come before the Senate during the 91st Congress. In fact, I believe it is the most important issue that will come before the Senate.

The only method by which the people of Alabama, some 3½ million in number, can be heard on the floor of the Senate is through her two U.S. Senators. As the junior Senator from Alabama I have been in the Senate for less than 2 weeks, but I do feel constrained to speak out on this question.

I do not believe that I would be disclosing any secrets of what went on in the first Democratic conference which I attended on the 3d of January at 10 o'clock if I stated that at that meeting the distinguished majority leader of the Senate—whom I greatly admire and who I believe is one of the great Senators in this body—and my admiration for him has gained by leaps and bounds since I have been here—welcomed the new Democratic Senators to the Congress. He welcomed us to a Senate of our peers, and he invited us to participate in the proceedings of the Senate. I have felt that, as the junior Senator from the State of Alabama, I should, even though I have been here only a short time, speak out on the great issues that come before the Senate.

I do not rise to excoriate the Vice President for his ruling, or his statement of his intention to rule. I do not rise to praise him, either. I do have great admiration for the Vice President, for his service as a public servant. I had the pleasure of meeting the Vice President for the first time on January 3.

I do not say that the action that he has taken, or is threatening to take—and I use that word advisedly—is political inspired. I will not say that it is tied in with presidential politics. I will not say that it is tied in with political ambitions. I will not say that it is a sop given to certain elements in this country. But I will say that this anticipated ruling on the part of the Vice President is not supported by logic, it is not supported by the rules of the Senate, it is not supported by the precedent—not even the precedent of the Vice President himself.

Twice already during this debate the ruling of the Vice President some 2 years ago, I believe, when this question came before the Senate last, has been put into the RECORD. His former ruling was that any appeal of his ruling to the Senate, to which he states he is going to submit this question, will be debatable; whereas his present ruling is to the effect that such appeals are debatable.

I say, Mr. President, that the issue under discussion at this time is whether we are going to have rules in the Senate or whether we are going to have rule by the gavel. Yes, we say that in our country we have a government of laws, and not of men. Certainly in the Senate, this great deliberative body, the greatest in the world, we should have rule by rules, and not rule by men.

If this anticipated decision, this announced decision of the Vice President, is allowed to stand, and he rules that a majority of the Senate—a simple majority of those present and voting—can impose cloture, stop debate in the Senate, then a new rule has been written by the Vice President.

The Vice President is without authority to write rules for the Senate. He is without authority to rule, as he says he is going to do, on the constitutionality of this rule. Nowhere in the rules of the Senate, nowhere in the Constitution, nowhere in any statute is the Vice President given the right to rule on the constitutionality of a Senate rule. And when he seeks to rule on the constitutionality of a Senate rule, and when he imposes his own rule, he is doing something that the Senate rules require a two-thirds majority of the Senators to do. He arrogates unto himself the power of a two-thirds majority in the Senate.

Some 3 years ago, Mr. President, while the junior Senator from Alabama was serving as Lieutenant Governor of the State of Alabama, and presiding officer of the Alabama State Senate, a matter somewhat similar to the one before us came before that body. Our State constitution requires a three-fifths vote of both houses of our legislature to submit a constitutional amendment to the people of Alabama. The State senate rules which governed the presiding officer provided that it took two-thirds vote to impose cloture. The fractions are the same as the ones we are discussing here today.

The constitutional amendment, submitted in the Alabama House, provided that the Governor of Alabama would be allowed to succeed himself as Governor. There was at that time a prohibition in our constitution against the Governor or any of several constitutional officers succeeding themselves. The proponents of that measure were not able to impose cloture. They were unable to get the 24 votes needed in the senate.

The contention was made, however, that since the constitution of the State of Alabama required only a three-fifths vote to submit a constitutional amendment, the two-thirds cloture rule was unconstitutional, as being opposed to the provision on the submission of constitutional amendments.

The suggestion was made to the presiding officer that the senate rule was unconstitutional. As presiding officer of the Alabama State Senate, the present junior senator from Alabama, stated that he had the power, but not the right, to impose such a rule. He had the raw power to do it, just as indications are will be done tomorrow.

The contention is made that rule XXII is unconstitutional as requiring a two-thirds vote, whereas it is contended that the Constitution of the United States requires only majority action. All section 5 of article I of the Constitution of the United States has to say about a majority is that a majority of each House shall constitute a quorum for doing business—merely a quorum for doing business. It does not say what percentage of that majority might be required for any particular action of either House.

Of course, a majority of each House has to be there before they can transact business, but that does not give any special power to a majority or to a majority vote.

Then the same section gives to each House the right to determine the rules of its proceedings. Rule XXII was not made in derogation of that section of the Federal Constitution; it was made in strict conformity with it. The Constitution gives to the U.S. Senate the right to make rules. They can set what rules they wish, and they have set a rule requiring a two-thirds vote to invoke cloture.

It seems to me, Mr. President, that the proponents of this rules change, and the Vice President himself, would use every single provision of rule XXII, except the one requiring a two-thirds vote. Without rule XXII there is no method of cutting off debate. That rule was adopted, as the junior Senator from Alabama understands, in 1917. So there was no way to stop debate prior to 1917, and I suppose it was the great debate on the armed ships bill, where President Wilson sought to arm the merchant marine, and where the little group of willful men, as he referred to them, representing no opinion but their own, had brought the great Government of the United States to a stop.

Certainly there ought to be some provision for stopping debate; and the two-thirds provision required by rule XXII certainly has provided the necessary machinery for stopping debate on many occasions in the Senate since the present rule was adopted in 1959—some eight times, as Senators will recall. So on every great question, where two-thirds or more of the Senators are of one mind, there has been no difficulty in imposing cloture. There has been no difficulty in applying rule XXII.

The Vice President has no authority to rule on the constitutionality of rule XXII and the two-thirds provision. He accepts all of the provisions except the two-thirds requirement, and he says, "I am going to cut that down to a majority."

By what authority can he do that? Either he is under rule XXII all the way, or he is not under it at all. If he is not under it at all, there is no way to stop debate. If he is under rule XXII, proceeding as those who seek to amend the Senate rules are doing, then a two-thirds vote is required to cut off debate.

We hear a great deal about protecting minority rights—the rights of minorities throughout the country. Here we are running roughshod over the rights of minorities in this august body. We are running roughshod over the people of the States represented by the minority Senators. The new proposed rule, I assume, the Vice President would declare unconstitutional, since it requires, not a simple majority to stop debate, but a vote of 60 percent of the Senators. Why is not the new rule unconstitutional?

I state very candidly that I have always had great faith in the Members of the Senate. The Senate is one of the greatest bodies in the free world. It is the greatest deliberative body in the world. I certainly want to keep it that way. I would not have sought to come to the U.S. Senate. I would not have asked the people of Alabama to send me to the Senate, if I had known that this effort was going to be made by the Vice President and that it would succeed, because I believe that it is a step in the direction of rule by a ruthless majority.

If this rule is allowed to be changed by the Vice President, and if there is to be cloture by a majority, which is the effect of the Vice President's ruling, this body will cease to be the greatest deliberative body in the world. It will be a body in which a ruthless majority can govern the proceedings, a body in which minorities will have no protection, a body in which a ruthless majority can run roughshod over minorities.

As I understand the ruling by the Vice President, the vote will take place 1 hour after the Senate convenes tomorrow, and if a simple majority of the Senators vote to cut off debate, then the proposed rules change would have been ordered up for consideration by the Senate. Then I assume we would go through the same procedure again.

A majority vote according to the Vice President, will cut off debate subject to an appeal from the ruling of the Chair. But the junior Senator from Alabama is hopeful that at that point, if a majority of Senators vote to impose cloture, but not a two-thirds majority, many of the same Senators voting for the imposition of cloture will not go along with the ruling of the Vice President that the cloture motion has carried if it carries by fewer than two-thirds of the Senators. Therein, I believe, lies the hope of those who hate to see the right of a minority of Senators cut off, who hate to see rule by the gavel, who hate to see rule by a ruthless majority in the Senate.

I am hopeful, first, that fewer than a majority of Senators will vote to impose cloture; but if some number more than a simple majority vote to impose cloture, and the Vice President declares that the cloture motion has been agreed to, I am hopeful that enough Senators who have voted to impose cloture will vote to overrule the Vice President on his ruling. The effect of any other action would be far reaching.

What is the need for this change? What bill is sought to be passed? Every civil rights measure that has been sought has been obtained. I assume that almost any other one could be obtained, so what is the need for this action? I wish some Senator would enlighten the junior Senator from Alabama.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the senior Senator from Florida.

Mr. HOLLAND. I do not pretend to state the objectives of others, but I note from the written statement of the Senator from Michigan (Mr. HART) and the Senator from New York (Mr. JAVITS), who are the powers behind the throne in this matter, that what they are hoping for is to have established a precedent under which from now to the end of time, at the beginning of every Congress, there will be a debate such as this in the Senate as to whether one rule will be changed, whether there will be a complete rewriting of the rules, so that a transient majority of the Senate, as, for instance, we have on this side of the aisle right now, a small majority, can, dissatisfied with its inability to pass certain legislation otherwise, change the rule in such a way that it can pass the legislation in which it is interested.

The real objective of the two Senators whom I have named, as the Senator from Florida undertands it, as is made clear from their written statement, which I have placed in the Record, is to establish a principle to be ingrafted in the Senate records that at the beginning of every Congress the Senate by a mere majority vote can rewrite the rulebook. It is that desire to establish a precedent that is the driving force in this effort, in the opinion of the Senator from Florida.

I thank the Senator from Alabama for his able remarks, and have at least stated to him what I understand is behind the drive at this time.

Mr. Allen. I should like to propound this question to the Senator from Florida. Could not the precedent which is sought to be established, to which the Senator has referred, be used in the future to reduce the 60 percent or three-fifths requirement still lower, possibly down to a majority cloture?

Mr. Holland. The two Senators whom I have mentioned make it clear by their statement that this is their hope. But this goes much further than that, because the procedure of rewriting the rules by a simple majority at the beginning of every Congress applies not only to rule XXII, but to all 40 rules of the Senate, and perhaps to the unwritten rules of the Senate, as, for example, the rule requiring a two-thirds vote to suspend the rules. That is not in the written rules. But the adoption of any new rule that a transient majority, a simple majority, at the beginning of a new Congress might desire could, if this principle be established, be accomplished. It is that against which at least the Senator from Florida is fighting with all his strength, because he thinks this kind of principle engrafted into the practice of the Senate means that the Senate will lose much of its essential character as a stable arm of the Government, as a continuing force. This is an attack upon the continuing character of the Senate, under which the Senate has proceeded since the organization of our Republic, and which was stated by the Founding Fathers, for instance in the Federalist papers and otherwise, as being their objective in setting up the Senate; to have a stable, continuing body which can carry along with continuing force, which cannot be accomplished in one session, and can act as a stabilizing force in the Congress as a whole and for the whole country and in the interest of the whole country.

The Senator from Florida is fighting as hard as he can to prevent such a precedent from being established, because he thinks it strikes at the very roots of the functioning of the Senate in the way in which it was supposed to function.

I thank the Senator from Alabama for yielding.

Mr. Allen. I thank the distinguished Senator from Florida and appreciate very much his able leadership in this matter. I feel certain that having heard his speeches on the Senate floor, Senators will not vote for the adoption of this amendment and that a majority of votes will not be cast in favor of the three-fifths majority rule.

I should like to ask the Senator from Florida another question.

The junior Senator from Alabama noticed, when this inquiry about majority cloture was propounded of the Vice President by the Senator from Idaho, that the Vice President appeared to pull out some two or three or four sheets of paper from which he read. Would that seem to indicate to the Senator from Florida that this was a spontaneous inquiry on the part of the Senator from Idaho or that this was all by prearrangement?

Mr. Holland. The Senator from Florida has no specific information on that. But considering the existence of this long, written memorandum, and considering the fact that the distinguished Presiding Officer made a ruling which is not the same as he and other Vice Presidents had made before, and considering the fact that the Vice President himself said he had given long study and thought to the pronouncement he was going to make to advise the Senate as to what he intended to do—for which I thought he should be commended—I would say that the whole program evidently was well thought out and arranged beforehand.

Mr. Allen. I thank the Senator.

Mr. ALLEN. Rather than read it at length, I have asked that the speech be printed in the Record.

The question at that time, as I stated earlier, was exactly the same question we have here, with the exception that the Vice President had announced in advance that if a majority of Senators voted to cut off debate, that is to apply or invoke cloture, he was going to rule that cloture had been invoked, even though this would be a constitutional question and no statute gives the Vice President that authority and no rule of the Senate gives him that authority; yet he announced that he was going to declare cloture had been invoked.

Well, if a similar rule would be announced now, we might as well proceed on to that point because 51 Senators have signed this resolution as cosponsors.

The distinguished Senator from Florida, Mr. Holland, was directing with great ability, the battle of those who sought to defeat the rules change, and just as soon as the Vice President announced that cloture had been invoked and debate would be cut off—and the question carried by 51 to 47—51 cloture votes and 47 no-cloture votes—just as quickly as that decision was announced by the Chair, the distinguished Senator from Florida, Mr. Holland, appealed that ruling.

I stated at that time that I believed the vote on overriding the Vice President was the most important vote that was going to be cast in the 91st Congress. I do not know how many votes we are going to have on the question of the rules change here. I do not believe that cloture will be invoked on tomorrow. I do not believe that two-thirds of Senators are going to vote to invoke cloture when only 51 voted last time for cloture. But the final vote, whenever it comes, or this series of votes collectively, will constitute the most important vote that is going to be taken in the 92d Congress, because the Senate will lose its distinctive feature if the rules are changed. It will cease to be a deliberative body and will become a rubberstamp body.

I am advised that the Senate, with its extended debate, passes more bills than does the House, which has a 5-minute limit on speeches.

Considerably more than three-fourths of the actions taken in the Senate are by unanimous consent; but when important legislation comes before the Senate, the Senate should have the right to consider that legislation and seek to improve it. I have never seen legislation in this body that was subjected to extended debate and that was compromised that did not end up as a better piece of legislation than it started out.

The very thought, the very fact, that there can be extended debate on a question makes the proponents of legislation more amenable to a compromise, and in the give and take on agreeing on legislation, the proper answer can be reached.

If, on the other hand, the majority knows that they can cut off debate, then they would, in ruthless fashion, steamroller the legislation through.

When the appeal was taken 2 years ago from the Vice President's ruling, there were six Senators who had voted to apply cloture who could not go far enough to say that cloture had been applied.

Six Senators—among them the distinguished lady from Maine (Mrs. Smith), the distinguished majority leader (Mr. Mansfield), the distinguished Senator from Vermont (Mr. Aiken), the distinguished Senator from Tennessee, Mr. Gore—that is four of the six and I do not recall the other two at the moment—they voted to override the Vice President on the ruling that cloture had been invoked, when the rules very plainly say that it takes two-thirds vote to invoke cloture. So the 47 became 53 and the 51 became 45 and the Vice President was overruled by a 53-to-45 vote and cloture was not invoked and debate continued. Finally the resolution was set aside.

Mr. President, I hope that when some items of business are built up on the calendar other than the two items in addition to the one we are talking about now, when we do have a little something built up on the calendar, the majority leader will set this resolution aside and let us proceed on to the discussion and consideration and taking action upon other matters.

Right now, we are not inconveniencing anyone except those Senators who are willing to come here hour after hour and discuss this iniquitous rules change.

Mr. President, one of the greatest speeches on this subject that has ever been delivered was delivered on January 12, 1967, following the same pattern I mentioned of every year going through this charade. Inasmuch as I have been here only 2 years, this is only the second such occasion for the playing out of this charade that I have witnessed.

Mr. President, the late Senator Richard B. Russell, of Georgia, delivered a great speech on this subject. I should like to read from it. First, however, I ask unanimous consent that it be printed in full in the Record.

The PRESIDING OFFICER (Mr. Weicker). Without objection, it is so ordered.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address of the Late Senator Russell

This proposal goes much deeper, Mr. President, than the right of an individual Senator or a group of Senators to engage in a prolonged discussion that might be labeled a filibuster. The real issue, the real nub of the question before the Senate, is whether we are to alter the role and the position of this body in our great scheme of government.

Mr. President, it was said on the floor of the Senate yesterday that the Senate is the only parliamentary body in the United States where a Senator could not rise to his feet and make a motion that could be carried by a transient majority of one, to gag the other Members of that body and prevent them from speaking. It was said that rule existed in all other parliamentary bodies on earth, including the House of Commons on the British Parliament, by which a motion carried by one vote would gag the remainder of the body. And that statement is true.

It is true, Mr. President, because the Senate has individuality. It has qualities that are different from those of any other parliamentary body ever created by the mind and ingenuity of man.

Mr. President, the greatest difficulty confronted by the Constitutional Convention that wrote our basic charter—a charter which receives rather short shrift these days, not only in the courts but here in the Congress and at the hands of the executive departments, and indeed, at the hands of some of the teachers of political science—the greatest difficulty they encountered in reaching agreement and accord on the basic charter of our liberties and the bulwark of our rights, the Constitution of the United States, was on the question of the composition of the parliament of this country, or, as they designated it, the Congress of the United States. The little States would not go along with the proposition that it should be based purely on population, and it took a long time to work out a compromise.

The compromise they eventually reached places on this body an indelible stamp that differentiates it from any other parliamentary body on earth; because under that agreement, the smallest State has the same representation in this body as the largest and most populous.

That is true today. Not only did they make that provision, but they provided the only limitation in the Constitution that is not subject to amendment without the consent of the States, because they went further and said in article V:

"And that no State, without its consent shall be deprived of its equal suffrage in the Senate."

So when Senators speak lightly of invoking a gag rule in the forum of the States of this Union, on the ground that it is different from other parliamentary bodies, I say Mr. President that there is the strongest reason for not tampering with these rules, and for not shutting off or stifling the voice of any representative of any state, be it great or be it small, until he has had an opportunity to discharge his responsibilities here.

Why do men wish to be U.S. Senators? Why, Mr. President, do Members of the other body, which is a coordinate branch of this Congress with the Senate, so often desire to offer for the Senate of the United States? Why do men desire to come from Governors' chairs to the Senate of the United States? I submit that it is because of the very differences that distinguish this body from every other legislative body on earth.

Yet we are told that because the Senate is different, we have got to change it and make it like all the others, even though to do so would be a serious invasion of the whole theory of our republican form of government as contemplated by the Founding Fathers. Now we are being asked to whittle away and destroy the powers and the rights of those who serve here. In the old days they were referred to as ambassadors of their respective states. Now we are told we should make the Senate just another parliamentary body, exactly like any other. Now we are told that because in the Senate of the state of Georgia a member can rise, move the previous question, and shut off debate when Senators have not had an opportunity to express themselves, the same rule should apply in the Senate of the United States.

Mr. President, I have never heard a more fallacious argument. Yet Senators absorb it. You see them drink it in.

Here we are, Members of the greatest deliberative body on earth, bearing an honor in the parliamentary field that is greater than any that has ever existed except in the earlier days of the Roman Senate; yet some Senators are pressing us into destroying this body, into eroding their own powers, into disfranchising their own states, and preventing their States from being represented properly here.

It was done first, Mr. President, in the name of civil rights. They came forward and said, "We have got to make these changes because we can't pass any civil rights bills." Well, a number of sweeping civil rights bills have been passed in the last few years. The last one proposed, the open housing bill, did not pass. I do not know whether or not it would have been enacted if we had had the majority gag cloture rule that is being urged on the Senate. But we passed bills that dealt with every other subject. We voted on, I think, some 70 amendments in 1964, dealing with every facet of the relationships between the races, and between the races and the government, and we did it under the present rules of the Senate.

Mr. President, I have waited a long time for a Senator to come forward with a list of bills vital to security and progress of the United States that have been killed because of the right of free speech in the Senate of the United States. I have never seen one example brought out here. But I have sat in the Senate for the past 34 years and have seen the exercise of that right prevent the passage of many bad bills, bills that would have been injurious to the people of the United States.

Make no mistake about it. If we go ahead and pass this majority gag cloture, we will soon be met with a change in the rules that will deny or limit or restrict the right of amendment in this body. Mark that prediction. We will have a situation in the Senate in which a mere majority, a bare majority, a temporary majority, of one will get some kind of rule, such as they have in the other body, that will keep a Senator from offering an amendment to a bill. It will make a U.S. Senator run around and beg to get the chance to speak for 3 minutes on a bill.

That is where the proponents are trying to take us with this type of change in the rules. It will destroy the prestige of the Senate. The Senate has had prestige in this country despite the efforts of many Senators to shatter or destroy that prestige.

This would destroy or impair the greatest element of checks and balances among the three divisions in our government, the judical, the legislative and the executive.

The Senate is the foundation of that division of powers. It is the balance wheel on which the division of powers in the system of checks and balances revolves.

It is because of the fact that it is different from all other parliamentary bodies that it has been able to make its contribution in war and in peace under rules permitting more freedom of debate than the present rules would permit, without impairing the welfare of the Nation, but contributing mightily to the building of the greatest society that has ever existed under the canopy of Heaven.

It has contributed to the making of the American way of life that is the envy of mankind everywhere. It has been done under these rules, and yet they say "we come in here now with a form of gag to deny the right of meaningful debate in the Senate. And do it in the name of democracy."

Mr. President, when they talk about amending the rule because it is necessary to pass civil rights bills, that is sheer hypocrisy. It has been demonstrated that they can pass such bills under the present rules. Not only that but a determined majority in the Senate has passed every bill they desired to pass when in the hearts and minds of the majority of the Senators they wanted the bill, since I became a member of this body.

Where are we going to have our debate? How are we going to take the question to the people of this country? Make no mistake about it, we are not living in the simple days of the early life of this Republic and I admit that but I say that that is all the more reason to have the right of free speech in the Senate.

It is hard to get through to the people of this country what is involved in the very complex and complicated issues that pass through here in the way of legislation. However, if the proponents can just get a gag rule through, they can then go forward and destroy or limit the right of amendment in the Senate of the United States. They can then pass the economic and social legislation they want, legislation that will revolutionize this country and will destroy this system that has afforded men the opportunity to make progress and to go forward and to succeed in accordance with their abilities, in accordance with their talent and their energies, the opportunity that has made this great country of ours.

Mr. President, Senators talk about a majority of the Senate having the right to vote at any time. There are a number of things that have been put beyond the limit of the majority. The right of private property in this country was supposed to be protected in the Constitution of the United States. The Founding Fathers did not leave it to the mercy of a simple majority in the House of Representatives or in the Senate of the United States. They put it in the Constitution, where it would require not only a vote of two-thirds of all the Senators, but also the approval of three-fourths of all the States.

They did the same thing with respect to the right of religious liberty and the right to worship God according to one's own wishes and ideas, or the right not to worship any god if one saw fit.

They said that that could not be changed by any mere statute, but must be changed by a two-thirds vote.

Even the Founding Fathers, with all their brilliance, could not look down the lane 190 years and anticipate what would happen. Even with all their brilliance, they could not possibly have predicted or envisioned what we have done in this country and the developments of the 20th century that have within the period of 60 years changed the manner of living and habits and thinking of mankind to a greater extent than in any other period of a thousand years in human history.

So please, I beg, Senators, even those who in a moment of weakness have made some commitment with respect to this matter, to go over it in your minds and think over again what the effect would be.

I know about the frustrations of long debate here. I suppose I have been involved in my share of it on both sides of the fence.

It is human nature that if you have a bill up and have a majority of one in the Senate, you are ready to vote then, and any debate against that bill is something that is irritating and frustrating, because you cannot bring the bill to a vote immediately with that majority of one.

Mr. President, the majority is not always right. Down through the years there are great monuments, tragic monuments to the failure of the majority to be right, the errors of a temporary majority such as it is proposed to subject the Senate to, a proposal to turn loose all the fires of partisanship to a mere majority, to close off debate and silence the opponents before they have had a full and fair chance to make their case before the American people.

It is sometimes hard to let it seep through. Sometimes when you are defending what you believe in, but which may be unpopular for the moment, you do not have the great media of communications to support you. They have a way of getting together sometimes, and they will exalt statements in favor of the issues they support and will minimize statements in opposition to those issues.

It is more difficult today than ever before to get both sides of the case before the American people. But I can assure, Senators, on the basis of almost 35 years of service in this body, that there are two sides to every question.

Maybe most of us think, "There is my side and there is the wrong side," but often the side you are for and the side I am for is the wrong side—it happens time and again.

Mr. President, the Senate was created to give a full chance to expose here the errors of the other branches of the Government. One of its main purposes was to permit a complete revision or canvass of the acts of the other body, to have full sway to offer amendments, and to make speeches to point out those mistakes.

Over the years, when you balance it up, the right of free speech in this body has been vastly more beneficial in the preservation of our system of Government, in maintaining our system of checks and balances, in trying to maintain the division of powers between the three separate branches of the Government, than the action of any army. The Senate is the last bulwark of the minority in this land.

Mr. President, I shall not delay the Senate much longer.

I have sat in this Chamber with men who were real liberals. They did not have to get a big badge and write on it, "I am a liberal," and run around saying, "I am a liberal. Look at it. Here is my badge." I mean men like Bill Borah, George Norris and Hiram Johnson. I did not serve with the elder LaFollette, but I served with his distinguished son, who was completely indoctrinated with his father's political philosophy. Every one of them defended the right of free speech in this body as the last defense of a minority that might be oppressed.

Now, the majority will work its will. It may have a little trouble. It may have delays. The members of the majority may get tired of sitting around listening to debate that men of good faith are making; to speeches made in the Senate, with which I thoroughly disagree, but upon which Senators had spent hours of labor. They rendered a public service, because they helped to open up before the American people both sides of the question.

This is not a partisan matter. This is a matter that goes to the heart of our system. The Senate of the United States is a unique body. It has been the most useful instrumentality of government down through the years. It has served this Nation well as a continuing body, with two-thirds of its Members going over from election to election, as the Founding Fathers provided, to carry with them experience and an understanding of the operations of the other branches of the Government, so that they might help to protect the people of this country from the excesses of the executive branch of the Government or to undo some excess or wrong that was worked by the decisions of the judicial branch of the Government.

The Senate has had a proud history. Oh, we have made mistakes, because we are human. We are fallible, as are all other men who are born of women, and as are women who are born of women. But, Mr. President, the Senate owes its greatness to the right of the representatives of the States of this Union to stand up and speak their pieces. This is the only place where that can be done.

I do not guarantee these figures, but I think they are correct. The last time I checked them they were correct. In the other body, the solid votes of nine States can overcome the resistance of all the Representatives of the other 41 States in affairs of legislation that would be beneficial to those large States.

In the general scheme of things, the smaller States are always disadvantaged and handicapped. That is true in the organization of our political parties. It is true in the other body. Until recent years, very few men from very small states were even appointed to the President's Cabinet. The one place where the small States had a right to be heard, where they could defend the interests of their people, was the Senate of the United States.

I never cease to be amazed when I see representatives from some of the smaller States come into the Senate and attempt to denigrate the only power of the small States which equalizes them with the larger. It is not true anywhere else. It is not true in an election. It is not true in the other body. It is true only in the Senate of the United States.

Let those who wish to have gag rule that is more inflexible than the existing rule 22 bring a bill of particulars, and say: Here are the bills that are vital to our people, that were defeated because we did not have immediate gag rule to shut off debate in the Senate of the United States.

Let them bring a bill of particulars. Certainly in over 190 years there must have been a number of such bills. If the situation is so bad that we have to go through this procedure at the beginning of every Congress, and it is said, "The Senate is not a continuing body; therefore we have a right to shortcut the rules," even though the rules specifically provide that they shall carry over from one Congress to the other, let the proponents bring in a bill of particulars.

In spite of all that, this drive goes on and on and on. I can understand it on the part of Senators from the very large States.

Mr. President, from the standpoint of the Senate itself as a body—I have great respect for the Senate of the United States as an institution—I think the right of free speech in this body have been one of the factors that has made this Government, this system of ours, the oldest operating system of government on the earth today. Our Constitution is the oldest charter. I do not like to see Senators take lightly these proposals to so drastically change the rules.

As a matter of fact, up until 1917 there was no way on earth to prevent any Senator or group of Senators from speaking as long as they wished. During the First World War and afterwards, in connection with the so-called armed-ship bill and two or three other measures, rule 22 has been modified two or three times. Now it is proposed to strike it out almost completely, with a great statement of words. The proponents say that to do so will protect the rights of Senators. Mr. President, the only way the rights of Senators can be protected in representing the States that sent them to the Senate is to preserve the right of free speech in the Senate. When that right is limited, the power of every Senator is limited, and the rights of the State that sent him here are circumscribed.

I realize that there are those who are committed to the doctrine of the States no longer serve any useful purpose and that it would be better to have everything, from parking regulations on up to the treaties that under the present Constitution, must be submitted to the Senate, decided by some vast bureaucracy on the banks of the Potomac. But if that is true, it flies in the teeth of human experience; because the shores of history are littered with the wrecks of civilizations that have tried that, that have enticed men to surrender their rights to someone who is going to be able to be more benevolent to a person than he could be to himself—the old "something-for-nothing" theory.

That is the objective of some of those who are seeking to bring about various changes in our system. This rule has worked no great wrong on the American people. To change it and institute gag rule in the Senate will work great wrong on them.

If the Senate in a moment of weakness adopts this gag rule, I do not doubt that a time will come when the authors will have the unfortunate end of Haman, who built the gallows for Mordecai and was hanged on it himself.

Mr. ALLEN. Mr. President, former Senator Russell, who was one of the great Senators of all times, had this to say:

> This proposal goes much deeper, Mr. President, than the right of an individual Senator or a group of Senators to engage in a prolonged discussion that might be labeled a filibuster. The real issue, the real nub of the question before the Senate, is whether we are to alter the role and the position of this body in our great scheme of government.
>
> Mr. President, it was said on the floor of the Senate yesterday that the Senate is the only parliamentary body in the United States where a Senator could not rise to his feet and make a motion that could be carried by a transient majority of one, to gag the other Members of that body and prevent them from speaking. It was said that rule existed in all other parliamentary bodies on earth, including the House of Commons of the British Parliament, by which a motion carried by one vote would gag the remainder of the body. And that statement is true.

That statement is true. The only difference between the situation now and the situation existing 4 years ago when this charade was carried out, is that apparently at that time someone was offering some argument as to why the rules should be changed. In the present instance, no Senator comes in to offer any reason whatsoever why the rule should be changed.

The distinguished Senator from Pennsylvania made the motion that the Senate proceed to the consideration of Senate Resolution 9 and immediately departed.

The authors and sponsors of the resolution are not here to defend this suggested rule change. The junior Senator from Alabama does not understand why they have not made out any case for changing the rule.

Mr. President, I continue with the remarks of former Senator Russell:

> It is true, Mr. President, because the Senate has individuality. It has qualities that are different from those of any other parliamentary body ever created by the mind and ingenuity of man.
>
> Mr. President, the greatest difficulty confronted by the Constitutional Convention that wrote our basic charter—a charter which receives rather short shrift these days, not only in the courts but here in the Congress and at the hands of the executive departments, and, indeed, at the hands of some of the teachers of political science—the greatest difficulty they encountered in reaching agreement and accord on the basic charter of our liberties and the bulwark of our rights, the Constitution of the United States, was on the question of the composition of the parliament of this country, or, as they

designated it, the Congress of the United States. The little States would not go along with the proposition that it should be based purely on population, and it took a long time to work out a compromise.

The compromise they eventually reached places on this body an indelible stamp that differentiates it from any other parliamentary body on earth; because under that agreement, the smallest State has the same representation in this body as the largest and most populous.

That is true today. Not only did they make that provision, but they provided the only limitation in the Constitution that is not subject to amendment without the consent of the States, because they went further and said in article V:

"And that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

So when Senators speak lightly of invoking a gag rule in the forum of the States of this Union, on the ground that it is different from other parliamentary bodies, I say Mr. President that there is the strongest reason for not tampering with these rules, and for not shutting off or stifling the voice of any representative of any state, be it great or be it small, until he has had an opportunity to discharge his responsibilities here.

Why do men wish to be U.S. Senators? Why, Mr. President, do Members of the other body, which is a coordinate branch of this Congress with the Senate, so often desire to offer for the Senate of the United States? Why do men desire to come from Governors' chairs to the Senate of the United States? I submit that it is because of the very differences that distinguish this body from every other legislative body on earth.

Yet we are told that because the Senate is different, we have got to change it and make it like all the others, even though to do so would be a serious invasion of the whole theory of our republican form of government as contemplated by the Founding Fathers. Now we are being asked to whittle away and destroy the powers and the rights of those who serve here. In the old days they were referred to as ambassadors of their respective states. Now we are told we should make the Senate just another parliamentary body, exactly like any other. Now we are told that because in the Senate of the state of Georgia a member can rise, move the previous question, and shut off debate when Senators have not had an opportunity to express themselves, the same rule should apply in the Senate of the United States.

Mr. President, I have never heard a more fallacious argument. Yet Senators absorb it. You see them drink it in.

Here we are, Members of the greatest deliberative body on earth, bearing an honor in the parliamentary field that is greater than any that has ever existed except in the earlier days of the Roman Senate;

Mr. President, I digress at that point to say that in the days of ancient Rome before Caesar took over as Emperor, the Roman Republic was ruled by a unicameral legislative body, the Senate. Julius Caesar used extended debate in the Senate in Rome. However, when he became the ruler of Rome, he would not tolerate extended debate. Young Cato, I believe it was, who filibustered against measures that would have destroyed the Roman Empire had to flee the country to save his life.

So, the right to extended debate is something that goes back for centuries, not just for the history of our country, but for centuries. Just as the Senate was destroyed by Caesar, just so can our separation of powers of our Government, our system of checks and balances be destroyed in the days to come—

Yet some Senators are pressing us into destroying this body, into eroding their own powers, into disfranchasing their own states, and preventing their States from being represented properly here.

It was done first, Mr. President, in the name of civil rights. They came forward and said, "We have got to make these changes because we can't pass any civil rights bills." Well, a number of sweeping civil rights bills have been passed in the last few years. The last one proposed, the open housing bill, did not pass.

It has been passed since.

I do not know whether or not it would have been enacted if we had had the majority gag cloture rule that is being urged on the Senate. But we passed the bills that dealt with every other subject.

We are just one step from majority cloture in adopting three-fifths cloture because the distinguished Senator from New York (Mr. JAVITS) already has offered an amendment or sent to the desk an amendment he stated he might offer to Senate Resolution 9 which would provide for invoking cloture by a constitutional majority of 51 votes. If we adopt three-fifths cloture, cloture by a simple majority will not be far behind.

We voted, I think, on some 70 items in 1964, dealing with every facet of the relationships between the races, and between the races and government, and we did it under the present rules of the Senate.

So if there is any measure that two-thirds of the Senators agree upon and they want to bring it to a vote under the existing rules of the Senate they can invoke cloture and bring it to a vote. This two-thirds requirement is a reasonable requirement that does empower the Senate to move when public opinion is strong enough to favor the enactment of the legislation under discussion.

Mr. President, I have waited a long time for a Senator to come forward with a list of bills vital to the security and progress of the United States that have been killed because of the right of free speech in the Senate of the United States.

In my remarks I made a somewhat similar comment, not in the forceful manner Senator Russell used, but seeking to point out the same point.

I have never seen one example brought out here. But I have sat in the Senate for the past 34 years—

Senator Russell was speaking 4 years ago—

and have seen the exercise of that right prevent the passage of many bad bills, bills that would have been injurious to the people of the United States.

Make no mistake about it. If we go ahead and pass this majority gag cloture, we will soon be met with a change in the rules that will deny or limit or restrict the right of amendment in this body. Mark that prediction.

It might sound somewhat unreasonable at first blush, but the other body can impose a rule by which they can prevent amendments to bills. They can impose a gag rule upon themselves which prevents the introduction of any amendment to a pending bill. So Senator Russell was not far off base in suggesting that would be the next thing that comes in the Senate, the inability to introduce or speak on amendments to bills.

We will have a situation in the Senate in which a mere majority, a bare majority, a temporary majority, of one will get some kind of rule, such as they have in the other body, that will keep a Senator from offering an amendment to a bill. It will make a U.S. Senator run around and beg to get the chance to speak for 3 minutes on a bill.

That is where the proponents are trying to take us with this type of change in the rules. It will destroy the prestige of the Senate. The Senate has had prestige in this country despite the efforts of many Senators to shatter or destroy that prestige.

This would destroy or impair the greatest element of checks and balances among the three divisions in our government, the judicial, the legislative and the executive.

The Senate is the foundation of that division of powers. It is the balance wheel on which the division of powers in the system of checks and balances revolves.

It is because of the fact that it is different from all other parliamentary bodies that it has been able to make its contribution in war and in peace under rules permitting more freedom of debate than the present rules would permit, without impairing the welfare of the Nation, but contributing mightily to the building of the greatest society that has ever existed under the canopy of Heaven.

It has contributed to the making of the American way of life that is the envy of mankind everywhere. It has been done under these rules, and yet they say "we come in here now with a form of gag to deny the right of meaningful debate in the Senate. And do it in the name of democracy."

Mr. President, when they talk about amending the rule because it is necessary to pass civil rights bills, that is sheer hypocrisy. It has been demonstrated that they can pass such bills under the present rules. Not only that but a determined majority in the Senate has passed every bill they desired to pass when in the hearts and minds of the majority of the Senators they wanted the bill, since I became a member of this body.

Where are we going to have our debate? How are we going to take the question to the people of this country? Make no mistake about it, we are not living in the simple days, of the early life of this Republic and I admit that but I say that that is all the more reason to have the right of free speech in the Senate.

It is hard to get through to the people of this country what is involved in the very complex and complicated issues that pass through here in the way of legislation. However, if the proponents can just get a gag rule through, they can then go forward and destroy or limit the right of amendment in the Senate of the United States. They can then pass the economic and social legislation they want, legislation that will revolutionize this country and will destroy this system that has afforded men the opportunity to make progress and to go forward and to succeed in accordance with their abilities, in accordance with their talent and their energies, the opportunity that has made this great country of ours.

Mr. President, Senators talk about a majority of the Senate having the right to vote at any time. There are a number of things that have been put beyond the limit of the majority. The right of private property in this country was supposed to be protected in the Constitution of the United States. The Founding Fathers did not leave it to the mercy of a simple majority in the House of representatives or in the Senate of the United States. They put it in the Constitution, where it would require not only a vote of two-thirds of all the Senators, but also the approval of three-fourths of all the States.

Here he is discussing another instance of the Constitution's requiring a two-thirds vote in both bodies of the Congress to take action on important measures, and he is pointing out that rule XXII, in requiring a two-thirds vote to cut off the right of debate, is not inconsistent with many provisions of the Constitution itself requiring a two-thirds vote of either one House of the Congress with respect to matters applying only to that House or a two-thirds vote of both Houses with respect to matters applying to both Houses or to the Nation as a whole.

He calls attention to the fact that in order to submit a constitutional amendment to the States, in takes a two-thirds vote in both Houses of the Congress. If it fails to get two-thirds in the Senate, even though it has gotten two-thirds in the House, it is killed; and if it fails to get two-thirds in the House even though it has gotten two-thirds in the Senate, it is killed and is not submitted to the States.

To convict on impeachment charges the President or any other Federal officer over which the Congress has jurisdiction, takes a two-thirds vote.

In ratifying a treaty—and we are going to ratify, I assume possibly by unanimous vote, two treaties at around 3 o'clock—it takes a two-thirds vote.

Earlier in my discussion, I pointed out the lenient, friendly, benign, benevolent extended discussion we are having on this matter, under which we step aside any time any matter should be brought before the Senate for action. The leadership knew that they could bring these treaties up for approval and that they would have no difficulty interrupting the extended discussion long enough to get those treaties ratified.

It takes two-thirds of the Senate to expel a Senator.

It takes two-thirds of the House to expel a House Member.

It takes two-thirds of both Houses to override a Presidential veto.

Going on with Senator Russell's discussion of this very same issue—and as I stated earlier, this is apparently a charade that we go through every 2 years in the Senate on the matter of a proposed change in the rules respecting the method of cutting off debate in the Senate—

They did the same thing with respect to the right of religious liberty and the right to worship God according to one's own wishes and ideas, or the right not to worship any god if one saw fit.

They said that that could not be changed by any mere statute, but must be changed by a two-thirds vote.

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I believe that has been stated in different language by others in more recent years.

It is more difficult today than ever before to get both sides of the case before the American people. But I can assure, Senators, on the basis of almost 35 years of service in this body, that there are two sides to every question.

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> If the Senate in a moment of weakness adopts this gag rule, I do not doubt that a time will come when the authors will have the unfortunate end of Haman, who built the gallows for Mordecai and was hanged on it himself.

Mr. President, every one of those remarks of the late great and distinguished Senator from Georgia, Mr. Russell, is applicable to this debate today.

Mr. President, tomorrow at 1 o'clock a vote will be taken to determine whether or not the debate on the present motion to proceed to the consideration of Senate Resolution 9 shall be stopped. That being true, and especially in view of the fact that there is no Senator on the opposition side who wishes to be heard on this matter, I move that further consideration of the motion be postponed to the next legislative day.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

CONVENTION WITH NICARAGUA

Mr. MANSFIELD. Mr. President, because of an unusual circumstance which has developed, I ask unanimous consent that the distinguished Senator from South Carolina may be allowed the time remaining between now and 3 p.m. as in executive session, to discuss the matter on which we will vote at 3 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. This would not interfere with the Pastore rule of germaneness as it is ordinarily applied.

Mr. THURMOND. Mr. President, I thank the distinguished majority leader for his courtesy.

Mr. MANSFIELD. It is a pleasure.

Mr. THURMOND. Mr. President, we have before us today the ratification of the convention between the United States and Nicaragua for the termination of the 1914 Bryan-Chamorro Treaty. I intend to vote against ratification—that is to say, against the termination of the 1914 treaty.

Before I set forth my reasons, however, I would like to state for the record my protest at the unseemly haste with which this matter was taken up. Hearings were held before the Senate Foreign Relations Committee last Monday, the committee voted to report it on Tuesday, and on Wednesday unanimous consent was obtained to proceed immediately to a vote at the first possible opportunity under the rules, namely, the first afternoon following the Lincoln-Washington Day recess. The Senate had little or no opportunity to study this matter before unanimous consent was obtained. It is apparently being treated as a noncontroversial matter; in my judgment, it is a matter of grave importance.

Mr. President, I first addressed this body on the proposed abrogation of the Bryan-Chamorro Treaty on March 24, 1970, when news of the negotiations first leaked out. I still do not believe that a sound argument has been put forward for the termination of this treaty.

If the treaty was important in 1914, it is doubly important today. The treaty was negotiated by William Jennings Bryan on behalf of President Wilson because of the danger of European intervention incident to the opening of World War I. The intention was to provide an alternative to the Panama Canal, if need be, and to defend the Panama Canal.

Under the 1914 treaty, the United States received "the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal." In addition, we received 99 year leases on Great Corn and Little Corn Islands in the Caribbean, and an option to establish a naval base on the Pacific side at the Gulf of Fonseca. It is also significant that the territory on the naval base and on the two islands "shall be subject exclusively to the laws and sovereign authority of the United States."

For these proprietary rights and leases, we paid $3 million in gold. Although those who attempt to depricate U.S. attitudes in that period refer to this treaty in terms of "dollar diplomacy" and the "big stick," the fact remains that the treaty provided that the money would go only to defray Nicaragua's public debt "or other public purposes for the advancement of the welfare of Nicaragua."

The arguments raised against the treaty are that the conditions of 1914 are no longer relevant, and that the United States does not intend to build a canal in Nicaragua, thus making the treaty an "irritant" in Nicaragua-United States relations.

The truth is that the danger of European intervention is even greater today than it was in 1914. The Soviet navy is constantly in the Caribbean. Soviet submarines are being tended off and on at Cuba, and, according to articles which appeared in the Washington Post this week, are very difficult to detect underwater in that area. The Panama Canal, and all the strategic narrow waterways of the world, are objects of Soviet pressures and subversion. Furthermore, it now appears that the Soviets are negotiating for a naval base in Chile on the Pacific side. It is therefore strategically unsound to surrender our options in the area when there is no compulsion to do so.

The second argument that is raised is that we do not intend to build a canal in Nicaragua. The answer is that we never had firm intentions to build a canal in Nicaragua. The treaty was negotiated after the Panama Canal was in operation. It merely provided us with an option if something went wrong in Panama. Today, more than ever we need this option. The ill-considered drive to build a sea-level canal in Panama has foundered on the tides of Panamanian politics. We are supposedly still open to negotiations with Panama—unnecessarily so, in my judgment—but how can we even consider negotiating with Panama when we are giving up the Nicaraguan alternative? Our option in Nicaragua is an important bargaining tool, and we are throwing it away.

The advocates of abrogation further say that the report of the Atlantic-Pacific Interoceanic Canal Study Commission ruled out all possibility of a canal in Nicaragua. This is not true. What the Commission ruled out was the possibility of a sea-level canal. The Commission, with its bias toward sea-level plans, never even considered the practical alternative to a sea-level canal; namely, a lock canal that would raise vessels to the surface of Lake Nicaragua, utilizing the lake, instead of digging a canal 140 miles long.

The lock canal plan was thoroughly studied and recommended in 1929–31, in an investigation conducted under the able direction of Lt. Col. Dan J. Sultan. This report is available to the Congress in the U.S. Army Interoceanic Canal Board Report, 1932—House Document No. 139, 72d Congress.

This leaves us, then, with the argument that the treaty is an "irritant" in United States-Nicaraguan relations. Mr. President, I submit that any time one nation undertakes an obligation to another, that obligation can be trumpeted up and described as an "irritant." The United States has fulfilled all of its obligations under the treaty and continues to fulfill them.

Nicaragua has enjoyed the friendship and protection of the United States, as well as the gold dollars which have been used for the welfare of her people. She has not been called upon to perform any of the obligations which she undertook. How can the treaty be considered fairly as an irritant? If treaties and agreements, freely entered into, are not considered binding, to be thrown off at the first sign of "irritation," what value do they have? They become nothing but a scrap of paper.

Finally, Mr. President, it will not go unnoticed in the world that an important precedent has been set here. The treaties give the United States the right to exercise her sovereignty and laws on the Corn Islands and on the naval base. We have similar rights in the U.S. Canal Zone in the Isthmus of Panama. When the Panamanians see that we have given up such rights in Nicaragua without a whimper, they will be ever so much more adamant that we must give up our rights in the U.S. Canal Zone. Little notice has been given to this treaty today in the United States, but I submit that it will be big news in Panama.

To sum up then, this treaty of abrogation is just another building block in the edifice designed by the State Department's architects of retreat and surrender. The main object of these policymakers appears to be to rationalize defeat and to invent tedious excuses for not exercising our just rights and powers. The ratification of this treaty today will contribute to the undermining of our authority and leadership, and I shall cast my vote nay.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, notwithstanding the agreement entered into, that I may be allowed to proceed for not to exceed 3 minutes. I feel that the remarks of the distinguished Senator from South Carolina should not be allowed to rest on the basis of their being delivered just before the vote.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, the Atlantic-Pacific Interoceanic Canal Study Commission which looked into this matter issued the following finding in its final report of December 1, 1970:

> The Nicaragua-Costa Rica Route was discarded from further consideration by the Atlantic-Pacific Interoceanic Canal Study Commission because of its expense in comparison with other canal routes. Both nuclear and conventional construction techniques were examined on a route lying just south of Lake Nicaragua. It was estimated that a conventionally constructed sea-level canal would require a prohibitively high cost ($11 billion). On the other hand, while actual construction cost of a nuclear canal would be much lower ($5 billion), the necessary relocation of 675,000 inhabitants would involve unacceptable social and economic costs.
>
> The Study Group did not find any significant foreign policy advantages that would counterbalance these technical disadvantages.

Mr. President, in the unanimous recommendation of the Committee on Foreign Relations favoring ratification, I quote from the Committee report under the heading, "Committee Action and Recommendation":

> President Nixon transmitted the convention to the Senate with a request for advice and consent to ratification on September 23, 1970. The Foreign Relations Committee held a hearing on the convention February 8, 1971, at which time a statement was received from Mr. Robert A. Hurwitch, Deputy Assistant Secretary of State for Inter-American Affairs. A copy of this statement is included as an appendix to this report.
>
> The committee considered the matter further in executive session February 9 and without objection ordered the convention favorably reported to the Senate.
>
> The convention will not result in any costs to the United States.
>
> The 1914 treaty has long since outlived its usefulness, if it ever had any. The 1970 report of the Atlantic-Pacific Inter-Oceanic Canal Study Commission—

to which I have just referred—

> emphatically rejected a possible canal route through Nicaragua. There is nothing to be gained by continuing the old treaty in force and a good deal to be lost in terms of our political relations with Nicaragua. The committee therefore recommends that the Senate advise and consent to ratification of the convention terminating the 1914 treaty.

Mr. President, on pages 2484–2485 of the CONGRESSIONAL RECORD for February 10, 1971, there is a further explanation of the matter which will be voted upon shortly and the reasons why the Committee on Foreign Relations unanimously recommended ratification to the Senate.

Mr. COOK. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield.

Mr. COOK. Is it not true that the United States has never exercised any rights or options granted by the 1914 convention, including any use of the Corn Islands?

Mr. MANSFIELD. None whatsoever.

Mr. COOK. I thank the Senator from Montana.

(The following remarks by Senators TOWER and COTTON, made later in the day, are printed at this point in the RECORD by unanimous consent.)

Mr. TOWER. Mr. President, it is no secret that troubles in the Caribbean are increasing and that the strategic importance of base rights in that area is greater now than at any time since the end of World War II. Our current rights in Nicaragua, which date from the Bryan-Chamorro Treaty of 1914, could be exercised should an emergency situation arise in that area, or should the balance of power be adversely affected on our southern approaches. Our naval base at Guantanamo Bay in Cuba is currently one of our main bastions of defense in the Caribbean; however, it must be recognized that this is a sensitive area and events could hinder normal operations out of that base. Our current rights in Nicaragua would become very important should such events befall us in Cuba.

The strategic considerations, Mr. President, are very important in deciding what we should do with regard to the proposed abrogation of the Bryan-Chamorro Treaty; however, there are other matters which must also be considered. We are currently considering what should be done in regard to the Panama Canal.

There are some proposals to build a canal through Colombia; others advocate modernization of the present canal. My own thought is that for the present we should complete and modernize the existing Isthmian Canal, which can be done at a fairly moderate cost. Nevertheless, by approving the Convention before us today, we are precluding options which are currently open to us. At the present, the only alternate site to Panama to which we have rights is Nicaragua. There has been considerable talk about acquiring rights of Colombia for building a canal; however, we do not now have these rights and with no other options open to us, it could be difficult to acquire them. In addition, when the Panamanians know that we have no real alternative to the Panamanian site in deciding where to build a possible new canal, their bargaining position will undoubtedly harden.

Mr. President, I am as desirous as anyone of good relations with our neighbors to the south. Indeed, I am proud of the fine relationship that we have developed and improved over the years with Mexico, a nation with which my State of Texas shares much common heritage. For many years, we have had a fine relationship with Nicaragua and for most of that time the Bryan-Chamorro Treaty has been in effect. I cannot see why the continuation of this treaty, at least until we have decided what we are going to do in the Isthmian Canal situation, will prevent the United States and Nicaragua from cointinuing this most desired cordial relationship. Therefore, I feel that I must vote against this abrogation of the rights of the United States at this unsettled time; I believe that this Convention could better be considered when the situation in the Caribbean is more stable and our direction in regard to the Isthmian situation is more clear.

Mr. COTTON. Mr. President, the only reason I wish to make a brief statement concerning my position and my vote on this treaty is that 2 years ago, representing the Committee on Commerce; and in company with representatives of the House of Representatives, I made a trip to Panama and, under the guidance of Canal Zone officials and those military officials who had been working with the Commission studying possible canal routes, spent several days, during which time we started over a proposed alternate route for a sea level canal in Panama, parallel to the present canal, and also over a proposed route just over the line in Colombia for a sea level canal.

During that time, as we were briefed on the problem, it was the position of those who had studied it—a position entirely consistent with the report of the Committee on Foreign Relations—that the proposed Nicaraguan route, for which we have treaty privileges, was more expensive, less practical, and the most unlikely to be resorted to of any of the proposed routes, and that construction of such a sea-level canal would necessitate the removal of a considerable number of the inhabitants. It was also emphasized that while the most favorable route would probably be through Colombia, with the situation that confronted us and the attitude of Panama as well as the attitude, to a lesser extent, of Colombia and other nations in that region, we might find it extremely difficult to acquire rights in case something happened regarding the present canal; that to acquire rights to a parallel canal in Panama, considering our relations there now, would be extremely difficult and it might be difficult to acquire the most favorable one also, which would be in Colombia. It was their attitude that it would be unfortunate if we surrendered the rights we have in Nicaragua, unless or until we were able to obtain some assurances of obtaining rights to build a canal either in Panama or in Colombia, should it become necessary or desirable.

So, while the unanimous report of the Committee on Foreign Relations is completely true in its statement regarding the remote possibility of our ever exercising our rights in Nicaragua, the fact is that I was thoroughly indoctrinated and convinced during the time we were down there and on the scene, and consequently I felt it necessary to vote against the treaty at this time because I had a feeling it was not timely to do so now, and that some effort should have been made at least to look toward securing some alternative rights, probably in the most favorable route, in Colombia; hence, I was compelled to vote against this treaty.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

CONVENTION WITH NICARAGUA TERMINATING THE BRYAN-CHAMORRO TREATY OF 1914

The PRESIDING OFFICER (Mr. Weicker). The hour of 3 o'clock having arrived, the Senate will now proceed to vote on the resolution of ratification of the Convention with Nicaragua terminating the Bryan-Chamorro Treaty of 1914, Executive L—91st Congress, second session, to be immediately followed by a vote on the Extradition Treaty with Spain, Executive N—91st Congress, second session.

The yeas and nays having been ordered the clerk will call the roll on the first treaty.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland) the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), the Senator from Utah (Mr. Moss) and the Senator from New Hampshire (Mr. McIntyre) are absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan), is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from Maine (Mr. Muskie), and the Senator from California (Mr. Tunney), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Michigan (Mr. Griffin), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senator from Illinois (Mr. Percy), and the Senator from North Dakota (Mr. Young), are necessarily absent.

The Senator from Hawaii (Mr. Fong) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Oregon (Mr. Hatfield), the Senator from Wyoming (Mr. Hansen), and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

The yeas and nays resulted—yeas 66, nays 5, as follows:

[No. 3 Ex.]

YEAS—66

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fulbright
Gambrell
Gravel
Harris
Hart
Hartke
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McClellan
McGovern
Miller
Mondale
Nelson
Pastore
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Weicker
Williams

NAYS—5

Byrd, Va.
Cotton
Gurney
Thurmond
Tower

NOT VOTING—29

Allott
Bayh
Cranston
Eastland
Fannin
Fong
Goldwater
Griffin
Hansen
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jordan, N.C.
Long
Magnuson
McGee
McIntyre
Metcalf
Montoya
Moss
Mundt
Muskie
Packwood
Pell
Percy
Tunney
Young

The PRESIDING OFFICER. On this vote, there are 66 yeas and 5 nays. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in spite of the agreement that has been reached to vote on the Treaty of Extradition with Spain, in view of the fact we have a very distinguished visitor in the Senate Chamber I ask unanimous consent that the senior Senator from Alabama (Mr. Sparkman) be recognized to bring the attention of the Senate to our visitor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

VISIT TO THE SENATE BY THE FOREIGN MINISTER AND VICE CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY

Mr. SPARKMAN. Mr. President, we are privileged to have as a guest in the Senate Chamber at this time the Foreign Minister and Vice Chancellor of the Federal Republic of Germany, Mr. Walter Scheel.

Mr. Scheel has had a long and distinguished career of public service. A member of the West German Parliament since 1953, Minister Scheel was elected Chairman of the Free Democratic Party, FDP in 1968. He was Minister for Development Aid from 1961 to 1965 and continues to have a strong interest in the developing world.

Since becoming Foreign Minister in 1969, Minister Scheel has played a leading and constructive role in strengthening the European Community and the Atlantic Alliance, while actively seeking ways and means to reduce tensions and normalize relations in Eastern Europe.

I am pleased to present the distinguished Foreign Minister and Vice Chancellor of the Federal Republic of Germany.

[Applause, Senators rising.]

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the Record a biographical sketch of the Honorable Walter Scheel, Foreign Minister and Vice Chancellor of the Republic of Germany.

There being no objection, the biographical sketch was ordered to be printed in the Record, as follows:

His Excellency Walter Scheel, Foreign Minister and Vice Chancellor of the Republic of Germany

The Brandt-Scheel government, which commenced its work in October 1969, is based on a coalition of Social Democrats and Free Democrats. The Chairman of the Free Democratic Party, Walter Scheel, has taken over the post of Foreign Minister and Vice-Chancellor. The Minister of the Interior and the Minister of Food, Agriculture and Forestry are also Free Democrats.

Walter Scheel, born in 1919, is not new to the field of foreign affairs, having in earlier years been familiar with German external relations, both as a member of parliament and as a Cabinet Minister. From 1961 to 1966, he held the post of Minister for Economic Co-operation and was responsible for German development aid policy. His farsightedness and sober outlook helped him to build up the framework for this field of work. Scheel took over his highest parliamentary office when he was elected Vice-President of the German Bundestag in succession to the late Dr. Thomas Dehler.

Scheel comes from a family of craftsmen in Solingen. After obtaining his higher secondary leaving certificate in 1938, he trained to become a merchant banker. From 1939 to 1945, he served in the armed forces and became a flying officer. After the war he held managerial posts in industrial enterprises and associations. In 1953 he became an independent adviser to industry and partner in the Intermarket and Interfinanz companies.

Scheel joined the Free Democratic Party

in 1946, becoming a member of the Executive Committee of the FDP Association in Land North Rhine-Westphalia, then member of the Federal Party Executive, Chairman of the Economic Affairs Committee, and finally Party Chairman. Scheel's parliamentary career was very similar. First he was a town councillor, then member of the North Rhine-Westphalia legislature in Düsseldorf and, in 1953, member of the Bundestag. From 1956 to 1957, he was a member of the German parliamentary delegation to the European Coal and Steel Community, and, in 1958, elected Vice-President of the Liberal Group in the European Parliament. As Chairman of the Committee on Co-operation with Developing Countries and member of the Presidium of the German Africa Association, he played a large part in shaping German development aid policy.

In the autumn of 1966, the FDP members of Erhard's Cabinet resigned, thus dissolving the coalition with the CDU/CSU. During the period in office of the grand coalition, the FDP was in the role of opposition. The party's declared aim during the 1969 election campaign was to install "partnership for progress" in place of the grand coalition. Under Scheel's leadership, the Free Democrats have achieved this aim by forming the present coalition government with the SPD.

EXTRADITION TREATY WITH SPAIN

The PRESIDING OFFICER. The Senate will now proceed to vote on the resolution of ratification of the extradition treaty with Spain.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Mr. President, is the treaty which is now before the Senate open for discussion or debate, or are we required to vote without knowing what it is all about?

The PRESIDING OFFICER. The Chair rules it is not, under the unanimous consent agreement.

Mr. DOMINICK. I was not here when the unanimous consent agreement was made. I do not know if it makes any difference but I might say that this is a poor way to run a railroad.

Mr. MANSFIELD. I have no parliamentary inquiry to propound, but this treaty was explained in full on Wednesday last. It is in the Record and it was discussed thoroughly with the minority leader and it had the full approval of the members of the Committee on Foreign Relations. As a matter of fact, this is a stronger treaty than the usual treaty of extradition because it takes in matters such as drugs, hijacking, and the like.

The PRESIDING OFFICER. The Senate will now proceed to vote on the resolution of ratification of the Extradition Treaty with Spain, Executive N, 91st Congress, second session.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), the Senator from Utah (Mr. Moss), and the Senator from New Hampshire (Mr. McIntyre) are absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from Maine (Mr. Muskie), and the Senator from California (Mr. Tunney), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senator from Illinois (Mr. Percy), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from Hawaii (Mr. Fong) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Oregon (Mr. Hatfield), and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

The yeas and nays resulted—yeas 72, nays 0, as follows:

[No. 4 Ex.]

YEAS—72

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fulbright
Gambrell
Gravel
Gurney
Hansen
Harris
Hart
Hartke
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McClellan
McGovern
Miller
Mondale
Nelson
Pastore
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams

NAYS—0

NOT VOTING—28

Allott
Bayh
Cranston
Eastland
Fannin
Fong
Goldwater
Griffin
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jordan, N.C.
Long
Magnuson
McGee
McIntyre
Metcalf
Montoya
Moss
Mundt
Muskie
Packwood
Pell
Percy
Tunney
Young

The PRESIDING OFFICER. On this vote the yeas are 72, the nays 0. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to previous order, the Chair recognizes the Senator from Massachusetts (Mr. Kennedy) for not to exceed 30 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. I yield for that purpose.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, I ask unanimous consent that at the conclusion of the remarks by the able Senator from Massachusetts, the distinguished senior Senator from New York (Mr. Javits) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, will the Senator yield for a request? I wanted to get 2 minutes after the Senator from Massachusetts. Could I get that?

Mr. KENNEDY. Mr. President, let me say in response to the Senator from New Hampshire that I do not expect to take more than 15 minutes. I shall be delighted at that time to yield to him for 2 minutes. I take this opportunity to notify the distinguished Senator from New York.

Mr. COTTON. Very well.

S. 831—INTRODUCTION OF THE PERSONAL SAFETY FIREARMS ACT OF 1971

Mr. KENNEDY. Mr. President, I introduce a bill in behalf of myself, the Senator from Hawaii (Mr. Inouye), the Senator from New Jersey (Mr. Williams), and the Senator from New York (Mr. Javits), and ask for its appropriate reference.

The PRESIDING OFFICER (Mr. Weicker). The bill will be received.

The bill (S. 831) to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly misuse fireams by restricting the availability of such firearms for enforcement; military purposes and for certain approved purposes including sporting and recreational uses, introduced by Mr. Kennedy, for himself and other Senators, was received and read twice by its title.

Mr. KENNEDY. Mr. President, I am introducing a bill designed to halt the senseless eruption of crime and violence due to guns. My bill, the Personal Safety Firearms Act of 1971, will require:

First, the registration of every civilian owned gun in this country;

Second, it will require all gun owners to pass stringent qualifying procedures to legally possess a gun; and

Third, and, my bill bans the domestic output of all hand-held firearms that are not designed for sporting uses.

As Senators are well aware, gun control is an issue that commands widespread public interest, and stirs deep seated emotions. But our society has not yet devised an effective system for curbing lawlessness due to the misuse of firearms. In past years, the Congress has been deeply involved with this vital national concern. The 92d Congress promises to be no different. Already, two gun measures have been introduced in this Senate. And in the House of Representatives, at least 28 different gun bills have been introduced since the new Congress convened.

Chairman CELLER of the House Judiciary Committee introduced the Federal Gun Registration and Licensing Act of 1971, H.R. 3108, on February 1, 1971. That bill seeks to accomplish the goals of dampening the flames of violence and halting the leaping spiral of crime. I know that Chairman CELLER's great skill and judgment of the needs in this area underscore the thrust of his legislation.

My bill seeks to achieve the same goals stressed by Mr. CELLER. It also strives to take the same approach. Mr. President, I am certain that Mr. CELLER shares with me the hope that there will be concerted efforts in both the Senate and the House in this Congress to bring the reality of sane and responsible firearms control to the American people, as swiftly as possible.

NATIONAL HERITAGE OF FIREARMS

Since the day when Pilgrims landed at Plymouth Rock, guns have been an important part of the American life. Not only were they sources of pride and power, but in those days, they held the key to survival. For the frontiersman used his gun to provide food and clothing for his family, and protection against the dangers of the wilderness. The craftsman who fashioned handsome pieces of weaponry earned high respect and esteem from his neighbors. The marksman who could fell a bear with a shot through an eye-socket won the admiration of his villagers. And the lancer who could halt the charge of the red coats took the medals of bravery.

Coming of age for the boy of the frontier was highlighted with his father's offer of the sleek—steel blue long gun that fairly stood higher than the lad's own top knot.

America has always known guns. And her families have long admired the power and the might of a true marksman. But today, in America, our families no longer face the perils of a frontier wilderness. For the American family in 1971, fear, apprehension, mistrust, anguish, and pain are the dreaded products of our firearms history.

Today, it is the misuse and abuse of firearms that taunts the quietude of our family life. We pay an enormous price for our heritage of guns. Over 200,000 gun crimes are committed in 1 year. Sixty-five percent of the murders in 1969 involved guns. And at least 71,000 aggravated assaults occurred with guns; while 113,000 robberies took place at gunpoint.

Based on some estimates, guns are statistically like rats. They outnumber our population. Not surprisingly, our output of ammunition for civilian firearms almost staggers the imagination. American industry outdoes all other nations in the production of bullets. Nearly 5 billion rounds of ammunition flow through the marketplace each year. That is enough, laid end to end, to stretch a bandoleer of ammunition 3 times around the equator. All of those bullets could not only wipe out the world's entire human population, but they could decimate practically most of the world's species of wildlife.

Among the nations of the world, America stands in the bloodiest pool of deaths by gunfire. We are not only ranked No. 1, but No. 2 lags so far behind that a tally of gun deaths in all civilized nations probably would not equal the excessive fusillade we train on our fellow citizens.

In 1963, the homicide rate, that is the rate of murders by gunfire in the United States per 100,000 population, was 2.7. That was 10 times the rate in Belgium; 5 times the rate in Australia and Canada; 20 times the rate in Denmark; 54 times the rate in Great Britain, and 90 times the rate in the Netherlands. From the following table showing gun deaths for 16 countries, it is clear that guns in America place our Nation shamefully ahead:

TOTAL NUMBER AND RATE PER 100,000 POPULATION

Country (year is the latest for which figures are available)	Homicide		Suicide		Accident	
	Number	Rate	Number	Rate	Number	Rate
United States, 1963	5,126	2.7	9,595	5.1	2,263	1.2
Australia, 1963	61	.56	336	3.1	87	.80
Belgium, 1963	24	.26	64	.69	10	.11
Canada, 1963	99	.52	556	2.9	150	.8
Denmark, 1962	6	.13	59	1.3	15	.32
England and Wales, 1963	24	.05	161	.34	77	.16
France, 1962	584	.13	777	.17	265	.56
German Federal Republic, 1962	68	.12	438	.80	93	1.17
Ireland, 1963			7	.25	15	.53
Italy, 1962	351	.70	362	.73	181	.36
Japan, 1962	37	.04	93	.10	90	.09
Netherlands, 1963	3	.03	11	.09	4	.03
New Zealand, 1962	4	.17	39	1.7	6	.26
Scotland, 1963	3	.06	30	.38	13	.25
Sweden, 1963	8	.11	163	2.1	27	.36
Switzerland, 1962					26	.46

The United States is a glaring exception among the civilized societies that have acted to control guns. In Italy, West Germany, France, Belgium, Britain, and the Soviet Union, "the right to bear arms" is a strictly regulated privilege. In Japan, private gun ownership is all but prohibited. No less than five European countries totally prohibit the private possession of handguns. From a 1968 State Department survey of 102 of its diplomatic posts, results show that 29 European countries require either a license to carry a firearm or registration of the ownership or sale of each privately owned fiream or both.

Yet, until 1968 in the United States, there was nothing to prevent the mail order sale of deadly high powered rifles or cheap pocket size pistols—sometimes called "Saturday night specials"—because they figure in so many of the murders that police blotters record on Saturday nights.

FIREARMS, VIOLENCE, AND CONTROLS

Violence and firearms are dreadfully interwined. Causes of violence and the effects of firearms generate lively public debates from which one message emerges—in America, there are too many guns. The statistics scrawl a profile that in all too clear. Where gun ownership is highest, deaths caused by guns are also highest. About 60 percent of all households in the States of the South report ownership of guns. Southern States have the highest gun ownership in the Nation. Those States also have the highest number of firearm homicides. In 1969, over 70 percent of homicide victims in the South died from gun wounds. The national average was 65 percent. The South even leads in the rate of accidental gun deaths, with nearly 3 per hundred thousand population. Where more guns are available more people die by them. If for no other reason, the appalling nationwide rate of accidental gun deaths would be sufficient to warrant strict national gun controls.

Americans are now dying at the rate of 2,900 each year from accidents caused by guns. Another 20,000 of our neighbors suffer gunshot injuries each year; and approximately half of all suicides are accomplished with guns. Alarmingly, 40 percent of all firearm fatalities are children between the ages of 1 and 19. In 1966, 9 percent of those youngsters were less than 10 years old. Though we are grimly resigned to the killing rendered by adults intent on destruction, what lies in the future for our children if we continue to carelessly leave them exposed to the dangers of unguarded firearms? Even in the face of the enormous toll that we pay for our national heritage of firearms thousands of Americans would vigorously resist attempts to place restraints on their possession of firearms.

The opponents of gun control insist that we cannot limit the supply of guns enough to reduce the incidence of violent crime. This view argues that criminals may still be able to obtain handguns through illicit channels. But the fact is that laws can shrink the supply of guns, especially cheap guns. The 1968 gun control law has substantially reduced imports of junk handguns. Only a sharp rise in domestic output of these cheap concealable weapons has kept these tools of violence available. As soon as we establish effective bans on the domestic output of these tiny weapons, I believe we can sharply reduce the awesome rate of death caused by pistol fire. For, if the criminal has to steal a gun before he can use a gun, he will use a gun much less frequently.

There are others who believe "their right to bear arms" is borne in the Constitution. As every schoolboy knows, the only language in the Constitution about firearms comes in the Second Amendment which is concerned with "a well regulated militia being necessary to the security of a free State." In his great book "Crime in America," Ramsey Clark makes the meaning of that language perfectly clear—that amendment "insures to the States the right to maintain an armed militia. The second amendment has nothing to do with the individual ownership and possession of guns. The courts have repeatedly rendered that this amendment only prohibits the Federal Government from interfering with the State militia. There is no question that Federal, State, and local governments are constitutionally endowed with the power to strictly regulate the possession of guns."

Moreover, I agree with Mr. Clark, who rendered a splendid national service as Attorney General under President Johnson—that "If Government is incapable of keeping guns from the potential criminal while permitting them to the law-abiding citizen, then Government is inadequate to the times. He sees that perhaps our only alternative is to remove guns from the American scene."

One other common refrain against firearms control is that "Guns don't kill, people do." But a quick look at the statistics and commonsense tell us that it is when guns are in hand, that two-thirds of the people who kill other people do so; and it is when guns are in hand that over 100,000 robberies a year are committed, and it is when guns are in hand that one-quarter of the Nation's 300,000 aggravated assaults are committed.

Murder is usually committed in a moment of rage. Guns are quick and easy to use. They are also deadly accurate, and they are all too often readily accessible. Some estimate that there are over 200 million guns in private ownership in this country. Each year, American factories produce 2 million firearms for civilian use. Because guns are available people use them.

Rarely does an attacker make a deliberate choice of a gun over a knife. But because the fatality rate of knife wounds is about one-fifth that of gun wounds, it may be concluded that using a knife instead of a gun might cause 80 percent fewer deaths.

Others make the argument that because criminals have guns, gun controls will simply disarm abiding citizens. Lawless citizens, according to that argument, will feel unobliged to be bound by gun restrictions.

Perhaps there is something to that. And for that reason, I am convinced that gun restrictions can be effective in limiting the wholesale misuse of firearms. Strict gun restrictions will aid in disarming any who fail to register their weapons or obtain a license for ownership. Indeed, the enforcement of licensing and registration laws serves to isolate precisely those citizens who flaunt the law. For enactment of such legislation makes it a crime merely to possess an unregistered firearm. Commission of a crime with such a weapon compounds the wrong of any illegal act.

It may be that the greatest number who protest gun controls do so on the basis that the administrative requirements for registration are cumbersome and inconvenient. Last month when he introduced a bill that affects the record-keeping requirements for .22-caliber ammunition, my very able colleague from Wyoming stated that such requirements are "unfair and punitive in that the persons really affected so adversely are law abiding citizens who pursue shooting as a hobby or as a form of recreation." I believe that any measure we might adopt which will substantially reduce the misuse of firearms will at the same time, enhance whatever pleasures that may be derived from these so-called recreational pursuits.

If the only price of firearms record-keeping requirements is the inconvenience to gun users then with my bill, the American public will have been delivered a special bargain.

"Prevention of crime and apprehension of criminals would be enhanced if each firearm were registered with a governmental jurisdiction. A record of ownership would aid the police in tracing and locating those who have committed or who threaten to commit violent crime. Law enforcement officers should know where each gun is and who owns it." That statement embodies a recommendation of the President's Commission on Law Enforcement and Administration of Justice in the report submitted by the Commission's Chairman, Nicholas Katzenbach in February 1967.

Our law-enforcement agencies see gun controls as the single most important measure to aid in the control of crime. J. Edgar Hoover in testimony before the House Appropriations Committee on February 16, 1967, supported the need for registration and licensing of civilian firearms. Law-enforcement officers want all citizens to safely enjoy life's comforts in the sanctity of their home communities. Not only does this desire express the policemens' concern for his fellow man but it also expresses his increasing apprehension about the safety of his own life.

Police officers killed by criminal action vaulted to a record high of 86 in 1969. That was a 34-percent increase over 1968 when 64 policemen were murdered. Tragically, in the decade of the 1960's, 561 policemen lost their lives. And all but 23 of those deaths were caused by gunfire. Policemen know that even they will perform more effectively when our citizens no longer have easy access to guns. In England and Wales, a study of 400,000 arrests for serious crimes revealed that only 159 persons possessed guns. In America, reviewing a similar number of arrests showed police were confronted with tens of thousands who were armed at the time of their apprehension.

Even those who claim a need for guns to provide personal protection for their family or their business run a greater risk than those who are gunless. Ramsey Clark says:

> A state in which a citizen needs a gun to defend himself from crime has failed to perform its first purpose. . . . The wrong people survive, because the calculating killer or the uninhibited psychotic more often wields the faster gun. The average citizen with a gun acting in self defense is a greater danger to himself and innocent people in the vicinity than is the crime he would commit.

It is interesting, Mr. President, that we Americans can take the time to go down and get automobile licenses, hunting licenses, or marriage licenses, and yet we hear a huge outcry when it comes to the suggestion of getting some kind of license or registration for the weapons of violence, long guns, and handguns.

Gun control laws in the United States are woefully inadequate. In our vast urban society guns should have no reasonable role. But they do. And we have not yet devised a sane national policy of firearms control. I believe this is the time to introduce meaningful gun legislation. It is not hysteria that commands our attention for controls—but rather it is the need to reduce the apprehension and community fear caused by an annual rate of 200,000 gun crimes.

Violence in America pervades every person's life. Only with bold, direct action can we expect to manage the crisis of firearms misuse. Existing Federal laws haven't been able to get at the real problems caused by the vast arsenal of firearms available to those intent on lawlessness.

The National Firearms Act of 1934 has been effective in controlling machine-guns, sawed-off rifles and shotguns, mufflers and silencers.

The Federal Firearms Act of 1938 requires the licensing of all manufacturers and dealers who use the facilities of interstate or foreign commerce.

A third Federal law enacted in 1954, the Mutual Security Act, authorizes the President to regulate the export and import of firearms.

Then in 1968, Congress passed the Gun Control Act—which principally affects interstate and mail order sales of firearms and ammunition. That measure has since been weakened by the exclusion of long gun ammunition from its record-keeping provisions. Moreover, there are current attempts to exclude even .22-caliber rimfire ammunition from coverage under that law.

I am unalterably opposed to both of those attacks on the 1968 Gun Control Act, Removal of .22-caliber ammunition from that law would virtually render the law useless.

And so it is, to assure the protection of our people from the lawless misuse of firearms, existing measures have been less than adequate.

THE PERSONAL SAFETY FIREARMS ACT OF 1971

I propose, therefore, legislation that will make a significant advance in the direction of halting the unbridled flow of guns that today ensnares all of our lives.

I am introducing "The Personal Safety Firearms Act of 1971." The essential features of my bill contain three basic provisions:

I propose first, the registration of every gun in America.

Second, that firearms ownership be attained only through approval of effective licensing procedures. Each gun owner must have a permit before he is authorized to have a gun.

Finally, I propose a ban on the output of all hand-held firearms that are not intended for legitimate uses.

A principal purpose of the first requirement—that all firearms must be registered—is to provide an improved system for law-enforcement agencies to trace those who commit crimes with firearms. This provision covers all firearms, both those already in private hands and those to be acquired in the future.

Conservative estimates show that 90 million firearms are in civilian hands in the United States today—35 million rifles; 31 million shotguns and 24 million handguns—in 60 million households. Other estimates have put the tally of firearms as high as 200 million. By any account, those are exorbitant numbers. Each year 2 million new firearms are produced by American industry. Yet, there is no system in this country that attempts to bring order to the explosive spread of these deadly devices.

Registration will tell us how many guns there are, where they are, and in whose hands they are held.

Under my bill, registration information will be referred to the National Crime Information Center maintained by the Federal Bureau of Investigation, thus enabling enforcement officers throughout the country to trace immediately the ownership of any firearm. A person who carries a firearm must have with him a certificate of registration, which he must exhibit upon the demand of any law-enforcement officer.

Under the terms of the proposal, a violation of the registration provisions is punishable by imprisonment for up to 5 years, a fine of up to $5,000, or both. The Secretary has authority to declare periods of amnesty during which previously unregistered weapons may be registered without penalty. Any purposeful falsification or forgery of registration information is punishable by imprisonment for up to 5 years, or a fine of up to $10,000 or both.

The second feature of my bill requiring every gun owner to obtain a license before he may be entrusted with a gun—is fundamental in guarding against the hazards of indiscriminately allowing criminals to obtain firearms.

A gun is such a terribly vicious weapon, that members of a civilized society should mandate gun owners to prove that they are not disqualified from having access to these instruments of death.

Under the provisions of my bill, if a State does not adopt a firearms permit system that meets minimum standards specified in the bill, Federal licensing will become effective until the State adopts an adequate permit system. No person—whether a licensed dealer or a private individual may sell firearms or ammunition to an individual who does not have either an adequate State permit or a Federal gun license. In addition, no one may possess a firearm or ammunition unless he has either an adequate State permit or a Federal gun license. To qualify as having an adequate permit system, a State must restrict the issuance of permits applied for by convicted felons, fugitives from justice, mental defectives, alcoholics, juveniles, and drug addicts, and must adequately investigate applicants prior to the issuance of permits.

In States that do not enact adequate permit systems, Federal gun licenses, valid for up to 3 years, will be issued by federally licensed dealers upon receipt—from both the chief law enforcement officer of an applicant's locality and a licensed physician—of information bearing upon his eligibility for a Federal gun license.

The sale or possession of firearms or ammunition in violation of the licensing and permit provisions of the bill carries a maximum sentence of imprisonment for 5 years and a fine of $5,000.

The purpose of the third provision of my bill—banning the domestic output of cheap hand-held firearms—is to get at the heart of the problem of those guns used in crime. The handgun's role in crime is disproportionate to its number in comparison with long guns, in the commission of homicide, aggravated assault, and armed robbery. Over 50 percent of the 15,000 homicides in 1969 were committed with handguns. Virtually every robbery involving a firearm takes place with a handgun. The percentage of violent crimes in which handguns are used is increasing. During 1969, handguns were used in 81 percent of the murders of police officers killed by criminal assaults. For the period 1960–69, 78 percent of the weapons used in police murders were handguns. From the working papers of the National Commission on Reform of Federal Criminal Laws, Prof. Franklin Zimring explains why it is vital that we have a nationwide system for the control of firearms, particularly for hand-held firearms:

> In Massachusetts, where restrictive handgun licensing has been in effect for many years, a study showed that 87 percent of the firearms confiscated as a result of use in crime came from other states, and similar studies by the Task Force on Firearms of the Eisenhower Commission show a similar pattern to be true in New York City, with restrictive handgun licensing, and Detroit, Michigan, with a permissive handgun licensing system and a geographic vulnerability to the inflow of weapons from Toledo, Ohio.

Based on an exhaustive examination of patterns of firearms crime, the Brown Commission recommended "a ban on the production and possession of and trafficking in handguns."

A majority of the members of that Commission know that State control of hand-held firearms is ineffective because of different policies and leakage between the States. Only a comprehensive and uniform system of controls of hand-held firearms will aid in suppressing the crimes of violence caused by these weapons.

My bill seeks to accomplish that goal, and I look forward to the support of the executive agencies in establishing procedures to implement these provisions. I am confident that when the Justice Department completes its review of the Brown Commission's recommendations, the Attorney General will know why his recently expressed view that handgun controls should rest with the States is not a viable position. As our Nation's chief law enforcement officer, the public looks to the Attorney General for effective national policies to safeguard our rights and protect our property. Elimination of indiscriminate access to hand-held firearms can help to make our communities safe.

I intend to work diligently to assist the Department in efforts to reduce crime by hand-held firearms.

NATIONAL FIREARMS POLICY

Firearms legislation is in demand because the Nation needs direction as well as legal authority for suppressing the lawlessness aggravated by the presence of so many guns. I intend to gain, for the American people, effective firearms legislation. At the same time, I believe that a sane firearms policy should be adopted for the safety of our citizens. Beyond Federal legislation, the Eisenhower Commission in 1969, recommended the development of a two-step national firearms policy through:

First, public education campaigns. With cooperation from the National Rifle Association and other firearms organizations the public can be properly made aware of the role of firearms in American life. By stressing firearms safety and deemphasizing the glamour and power of firearms use—perhaps, such campaigns will reduce the glitter of the firearms mystique in a fashion similar to our recent awakening about the hazards of cigarette smoking.

Second, research on the relationship of firearms and violence. Not only are firearms involved in deliberate acts of mayhem but their mere existence contributes to accidents and needless destruction—nearly half of the Nation's 20,000 annual suicides are accomplished with a gun. We need research that will aid in developing nonlethal weapons and in designing firearms control systems. For a nation that treasures life and the joy of living we in America are paradoxically overwhelmed with the tools of destruction. If it is not immediately feasible to eliminate firearms from the American scene, there ought to be a high national priority to apply some reasonable restrictions on the use of the vast arsenals at our disposal.

An effective national firearms policy will contribute to the overdue need for a curb in firearms violence. Guns are made for one purpose only—to put a bullet through something. Reasonable men can agree that no man deserves to hold the power of ending another's life because of the indiscriminate use of such a lethal contrivance. Up to this point, this Nation has not agreed on how to control that power. Yet, we have allowed and indeed, encouraged, a burgeoning explosion of these weapons of destruction. I hope to join with all Americans who treasure the sanctity of life, in seeking to bring a halt to the violence and carnage that we inflict upon each other, and bring an end to the violence and the killing guns cause.

In a Nation that has over 90 million firearms accessible to its people, the issue of gun controls and responsible use of guns is an extremely critical one. To speak of reasonable or legitimate firearms use in some instances can draw startlingly disparate reactions—at one extreme are those who urge extended arming of our civilian population to "keep America strong"; at the other extreme are those who would place the confiscation of all firearms as our No. 1 national priority. The latter, however, has often been described as folly because it is not a feasible way to approach the problem. Yet, some take the view that strict bans on the production and distribution of ammunition would solve the gun problem in quick order. No bullets—no shooting. Perhaps, that is where we should be headed.

I do not know that this is a feasible or practical alternative. But, I do believe that a majority of the American people want to see an end to gun crime, and such a bold approach may be what is needed to meet the crisis of firearms abuse in this country. America looks to Congress for the lead in matters of national survival. Complex issues such as this one deserve considerable deliberation and extensive study. Fortunately, this is one area that has already received plenty of both. The proper move for us now is to act to bring sense and reason to solve the problems.

Never has Congress or the American public been presented with an on-going organized effort to sustain public education and awareness of the proper role of firearms in our lives. Hopefully, there can be developed public information and education campaigns that will stimulate an interest in responsible firearms use. Research for nonlethal weaponry may be supported. And it is hoped that we will see the development of a renewed gun philosophy that will revise our zeal in the gun mystique. I believe with that kind of publicly developed setting for reforming the role of firearms in our society, enactment and enforcement of adequate gun controls can be achieved. I intend to work vigorously toward that goal.

Mr. President, this subject has been reviewed in considerable detail by three commissions that have studied crime and violence in this country. The Crime Commission of 1967 recommended, in effect, the essential provisions that have been included and incorporated in the bill I am introducing today. Later, a very distinguished group was established by President Johnson, headed by Milton Eisenhower, the distinguished former president of Johns Hopkins University and the brother of President Eisenhower, a man of great commitment to the public interest and public good. He chaired extensive hearings of a commission that was made up of many distinguished authorities in law enforcement. That commission, in its report, came out with essentially the same recommendations that have been included and incorporated in the bill I am introducing.

Finally, in the last 10 days, the Criminal Law Subcommittee of the Committee on the Judiciary, under Chairman McClellan, had before it former Governor Brown, who chaired a third Commission, appointed, again, by President Johnson, to study what can be effectively done to halt the growth of crime and violence in this country; and the Brown commission came back, once again, with the same recommendations.

It is difficult to imagine the distress some of us have felt, as members of the Judiciary Committee, when the distinguished Attorney General of the United States, who has appeared before that committee during the last 2 years, has been asked repeatedly about his position and the position of the Justice Department with respect to firearms control. Time after time, he has failed to respond as to what the position of the Justice Department is. He insists that this is matter for the Treasury Department, that the Treasury Department should be coming before the committee to comment on this matter. In spite of the fact that the three previous Attorneys General of the United States have stated that one of the most important and meaningful things that could be done by the Congress is to halt the escalation of crime in this country with the enactment of this kind of legislation. And because the Attorney General of the United States is the principal law enforcement officer in this country the public looks to him for guidance and leadership on this issue.

Time and time again we have heard the President talk about how he is charged with meeting the problems of crime and violence in this country. Yet the position of the administration on this issue is not at all clearly stated. It does not surprise me, when we realize the tremendous power and influence of many organizations—the national rifle organization and other groups in this country—that time and time again, the Congress has acted to frustrate the overwhelmingly expressed view of the American people, despite the fact that every poll has indicated strong support for greater control of hand guns and long guns.

So we realize that once again it will be an uphill battle to gain the kind of support and cooperation that I think the American people are entitled to on this question. We hear much talk about the problems of crime and violence in this country. We hear statement after statement about whether crime is increasing or decreasing. We hear about what is being done from various studies and about what new efforts are being made to halt organized crime. Something can be done and can be done immediately to really help meet the problems of crime in the streets of this country. Repeatedly, the recommendations for reform are of the type proposed in the bill I offered today. It is not merely that by myself that these recommendations have been offered, but similar ideas from many other Members of this body who have also thought about this, also by distinguished groups of law enforcement personnel, and now we find substantial support for the need to stem the rise in crime by developing a national system of firearms control.

In the past failure to act on this vital national crisis resulted from those who yielded to the pressures of special interest groups. Failing to act ultimately means that the interest of the American people is put behind the very strong opposition of various lobbying groups. That is a tragic indictment of our national condition.

I hope that the American people will at every opportunity, ask our national officials about their position with respect to gun control. Gun controls must be enacted, but it will not be done unless we have strong support for it.

We often hear some people say that those who come from the more densely populated areas of the country do not understand the fact that in other parts of our Nation, the less populated parts, the people really understand the use of firearms. But we cannot get around the fact that President Johnson, who is from the great State of Texas, where firearms have been used for hunting and sporting purposes throughout the State's history, enthusiastically endorsed strong recommendations in terms of halting the distribution and the abuse of firearms.

Mr. President, I think it is time that the rest of us got about the business of doing this. The legislation, I propose, will provide a meaningful first step in helping to reach that goal. Registration of all guns and licensing of all gun owners have been effectively endorsed by Attorney General after Attorney General. It has been endorsed by those principal groups who have given full consideration and deliberation to the subject matter. All that is really waiting now is for the will of Congress to respond. I am hopeful that we can do so.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Weicker). The Senator will state it.

Mr. KENNEDY. To which committee has this bill been referred?

The PRESIDING OFFICER. The bill has not been referred as yet to a committee.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the bill be referred to the Judiciary Committee, and that it be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 831), ordered to be printed in the Record, is as follows:

S. 831

A bill to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly mis-use firearms by restricting the availability of such firearms for law enforcement; military purposes and for certain approved purposes including sporting and recreational uses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Personal Safety Firearms Act of 1971."

TITLE I—REGISTRATION

Sec. 101. Title 18, United States Code, is amended by inserting after chapter 44 the following new chapter:

CHAPTER 44A

"Sec.
"931. Definitions
"932. Registration
"933. Sales of Firearms and Ammunition
"934. Penalties
"935. Disposition of Firearms to Secretary
"936. Rules and Regulations; Periods of Amnesty
"937. Disclosure of Information
"938. Assistance to Secretary

"§ 931. DEFINITIONS

"As used in this chapter—

"(1) The term 'firearm' means a weapon (including a hand-held firearm and a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, but shall not include a firearm as that term is defined in chapter 53 of the Internal Revenue Code of 1954 or an antique firearm as defined in section 921 of this title.

"(2) The term 'hand held firearm' means any weapon designed or redesigned to be fired while held in one hand; having a barrel less than ten inches in length and designed or redesigned or made or remade to use the energy of an explosive to expel a projectile or projectiles through smooth of rifled bore.

"(3) The term 'Secretary' means the Secretary of the Treasury.

"(4) The term 'licensed dealer' means any importer, manufacturer, or dealer licensed under the provisions of chapter 44 of this title.

"(5) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(6) The term 'sell' means give, bequeath or otherwise transfer ownership.

"(7) The term 'possess' means asserting ownership or having custody and control not subject to termination by another or after a fixed period of time.

"§ 932. REGISTRATION.

(a) It is unlawful for a person knowingly to possess a firearm not registered in accordance with the provisions of this section. This subsection shall not apply with respect to—

"(1) a firearm, previously not registered, if such a firearm is held by a certified dealer for purposes of sale: Provided, records of such firearms are kept as may be required by the Secretary;

"(2) a firearm possessed by a person on the effective date of this Act and continuously by such person thereafter for a period not to exceed 180 days;

"(3) a firearm, previously not registered, possessed by (A) the United States or any department or agency thereof, or (3) any State or political subdivision thereof.

"(b)(1) A certified dealer who sells a firearm to a person in whose possession the firearm must be registered shall require from the purchaser a completed application for registering the firearm and shall file the application with the Secretary at the time of sale.

"(2) When a person other than a certified dealer sells a firearm, the purchaser shall file an application for its registration with the Secretary prior to receipt of the firearm.

"(3) A person who possesses a firearm on the effective date of this Act shall, unless he sooner sells the firearm, file an application for registration of the firearm with the Secretary within 180 days.

"(c) An application for registration of a firearm shall be in a form to be prescribed by the Secretary, which shall include at least the following:

"(1) the name, address, date and place of birth, photograph and social security or taxpayer identification number of the applicant;

"(2) the name of the manufacturer, the caliber or gauge, the model and the type, and the serial number of the firearm; and

"(3) the date, the place, and the name and address of the person from whom the firearm was obtained, the number of such person's Certificate of Registration of such firearm if any, and, if such person is a licensed dealer, his license number.

"(d) An application for registration of a firearm shall be in duplicate. The original application shall be signed by the applicant and filed with the Secretary, either in person or by certified mail, return receipt requested, in such place as the Secretary by regulation may provide. The duplicate shall be retained by the applicant as temporary evidence of registration. The Secretary after receipt for a duly filed completed application for registration, shall send to the applicant a numbered registration certificate identifying such person as the registered owner of such firearm.

"(e) The certified record of a firearm shall expire upon any change of the name of the registered owner or residence unless the Secretary is notified within 30 days of such change.

"(f) It is unlawful for a person to carry a firearm required to be registered by this chapter without having registration certificate or if such certification has not been received, temporary evidence of registration or to refuse to exhibit such certificate or temporary evidence upon demand of a law enforcement officer.

"§ 933. SALES OF FIREARMS AND AMMUNITION

"(a) A registrant of a firearm who sells the firearm shall, within 5 days of the sale, return to the Secretary his registration certificate noting on it the name and residence address of the transferee, and the date of delivery.

"(b) Whoever acquires a firearm required to be registered by this chapter shall require the seller to exhibit a registration certificate and shall note the number of the certificate on his application for registration.

"(c) A licensed dealer shall not take or receive a firearm by way of pledge or pawn without also taking and retaining during the term of such pledge or pawn the registration certificate. If such pledge or pawn is not redeemed the dealer shall return the registration certificate to the Secretary and record the firearm in his own name.

"(d) The executor or administrator of an estate containing a registered firearm shall promptly notify the Secretary of the death of the registered owner and shall, at the time of any transfer of the firearm, return the certificate of registration to the Secretary as provided in subsection (a) of this section. The executor or administrator of an estate containing an unrecorded firearm shall promptly record the firearm, without penalty for any prior failure to record it.

"(e) Whoever possesses a firearm shall within 10 days notify the Secretary of a loss, theft or destruction of the firearm, and, after such notice, of any recovery.

"(f) A licensed dealer shall not sell ammunition to a person for use in a firearm required to be registered without requiring the purchaser to exhibit a certificate of registration or temporary evidence of registration of a firearm which uses such ammunition, and noting the certificate number or date of the temporary evidence of registration on the records required to be maintained by the dealer pursuant to section 923(d) of this article.

"§ 934. PENALTIES.

"(a) Whoever violates a provision of § 932 or § 933 shall be punished by imprisonment not to exceed 5 years, or by a fine not to exceed $5,000, or both.

"(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any Certificate of Registration or temporary evidence of registration, shall be punished by imprisonment not to exceed 5 years or a fine not to exceed $10,000 or both.

"(c) Except as provided in subsection (b), no information or evidence obtained from an application or Certificate of Registration required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary, shall be used as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application for registration containing the information or evidence.

"§ 935. DISPOSITION OF FIREARMS TO SECRETARY.

"(a) The Secretary is authorized to pay reasonable value for firearms voluntarily relinquished to him.

"(b) A person who lawfully, possessed a firearm prior to the operative effect of any provision of this title, and who becomes ineligible to possess such firearm by virtue of such provision, shall receive reasonable compensation for the firearm upon its surrender to the Secretary.

"§ 936. RULES AND REGULATIONS; PERIODS OF AMNESTY.

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including reasonable requirements for the making of firearms that do not have serial numbers, and may declare periods of amnesty for the registration of firearms.

"§ 937. DISCLOSURE OF INFORMATION.

"Information contained on any certificate of registration or application therefore shall not be disclosed except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law enforcement officers requiring such information inpursuit of their official duties.

"§ 938. ASSISTANCE TO THE SECRETARY.

"When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this title."

TITLE II—LICENSING

SEC. 201. Chapter 44 of title 18, United States Code is amended by inserting after section 923, the following new section:

"§ 923A. STATE PERMIT SYSTEMS; FEDERAL FIREARMS LICENSING.

"(a) The Secretary shall determine which States or political subdivisions of States have enacted or adopted adequate permit systems for the possession of firearms and shall publish in the Federal Register the names of such States and political subdivisions.

"(b) An adequate permit system shall include provisions for:

"(1) identification of the permit holder appearing on the permit including name, address, age, signature and photograph;

"(2) restrictions on issuance of a permit to a person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice;

"(3) restrictions on issuance of a permit to a person who, by reason of age, mental condition, alcoholism, drug addiction or previous violations of firearms laws cannot be relied upon to possess or use firearms safely and responsibly;

"(4) means of investigation of applicants for permits to determine their eligibility under subparagraphs (2) and (3), including filing with the issuing agency a complete set of fingerprints and a recent photograph of the applicant; and

"(5) prohibition of possessions of firearms or ammunition by any person who has not been issued such a permit.

"(c) It shall be unlawful for any person to sell or otherwise transfer any firearm or ammunition to any person (other than a licensed importer, license manufacturer or licensed dealer) unless:

"(1) the sale or transfer is not prohibited by any other provision of this chapter; and

"(2) the purchaser or transferee exhibits a valid permit issued to him by a State or political subdivision having an adequate permit system, or the purchaser or transferee exhibits a valid Federal gun license issued in accordance with subsections (d) and (e).

"(d) A licensed dealer shall issue a Federal gun license to a person upon presentation of:

"(1) a valid official document issued by the person's State or political subdivision, showing his name, current address, age, signature and photograph;

"(2) a statement, in a form to be prescribed by the Secretary and dated within 6 months and signed by the chief law enforcement officer (or his delegate) of the locality of residence of the person, that to the best of that officer's knowledge that person is not under indictment, has not been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, is not a fugitive from justice, and is not otherwise prohibited by any provision of federal, States, or local law from possessing firearms and ammunition;

"(3) a statement in a form to be prescribed by the Secretary, dated within 6 months and signed by a licensed physician, that in his professional opinion such person is mentally and physically capable of possessing and using a firearm safely and responsibly;

"(4) a statement signed by the person in a form to be prescribed by the Secretary, that he may lawfully possess firearms and ammunitions under the laws of the United States and of the State and political subdivision of his residence;

"(5) a complete set of such person's fingerprints certified to by a Federal, State, or local law enforcement officer, and a photograph reasonably identifying the person.

"(e) Federal gun licenses shall be issued in such form as the Secretary may prescribe, and shall be valid for a period not to exceed 3 years. A dealer shall maintain a record of all licenses issued by him as part of the records required to be maintained by section 923(d) of this chapter, and shall forward to the Secretary the documents described in subparagraphs (d) (2)–(d) (5).

"(f) Any person denied a federal gun license under subsection (d) may apply directly to the Secretary, for the issuance of a federal gun license.

"(g) Unless otherwise prohibited by this chapter, a licensed dealer may ship a firearm or ammunition to a person only if the dealer confirms that the purchaser has been issued a valid permit pursuant to an adequate state permit system, a federal gun license, or a federal dealer's license, and notes the number of such permit or license in the records required to be kept by section 923 of this chapter.

"(h) No person may possess a firearm or ammunition without a valid state or local permit, if he is resident of a state or locality having an adequate permit system, or a federal gun license.

"(i) Determinations of adequate permit systems and denials by the Secretary of federal gun licenses shall not be subject to the provisions of chapter 5, title 5, United States Code, but actions of the Secretary shall be reviewable de novo pursuant to chapter 7, title 5, United States Code, in an action instituted by any person, State or political subdivision adversely affected."

Sec. 202. The analysis of chapter 44 of title 18, United States Code is amended by inserting immediately after "923. Licensing.", the following:

"923A. State Permit Systems; Federal Firearms Licenses

TITLE III—HAND HELD FIREARMS

Section 922 of Title 18, USC is amended by adding at the end thereof the following subsection:

(n) (1) It shall be unlawful for any person to import, manufacture, sell, buy, transfer, receive, or transport any hand held firearms which the Secretary determines to be unsuitable for such lawful purposes as law enforcement, military and protective uses, hunting and sport shooting, based upon standards established by him.

(2) The Secretary may, consistent with public safety and necessity, exempt from the operation of subsection (1) of this section such importation, manufacture, sale, purchase, transfer, receipt, or transportation of firearms by importers, manufacturers, or dealers, licensed under this chapter.

Such exemptions may take into consideration not only the needs of police officers and security guards, sportsmen, target shooters and firearms collectors but also, small businesses in high crimes areas and others who can demonstrate a special need for self protection.

(3) The term hand held firearm means any weapon designed or redesigned and intended to be fired while held in one hand; having a barrel less than ten inches in length and designed, redesigned or made or remade to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Separability.—If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Sec. 402. Effect on State Law.—No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provisions operate to the exclusion of the law of a State or possession or political subdivision thereof, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State, possession, or political subdivision thereof.

Sec. 403. Effective Date.—The provisions of this Act shall become effective 90 days after the date of its enactment.

Mr. KENNEDY. Mr. President, I thank the Chair. Under the previous order, I would like now to yield 2 minutes to the distinguished Senator from New Hampshire (Mr. Cotton) and then I will notify the Senator from New York (Mr. Javits) of his time to speak.

The PRESIDING OFFICER. The Senator from Massachusetts has 10 minutes remaining.

Mr. KENNEDY. I thank the Chair.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 33, 87th Congress appoints the Senator from Massachusetts (Mr. Brooke) and the Senator from Illinois (Mr. Percy) to the Special Committee on Aging.

The Chair, on behalf of the Vice President, pursuant to Public Law 86–417, appoints the Senator from Nevada (Mr. Bible) to the James Madison Memorial Commission.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there may be a brief quorum call without prejudice to the Senator from New York (Mr. Javits) under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the previous order, the Chair now recognizes the Senator from New York (Mr. Javits) for not to exceed 15 minutes.

Mr. JAVITS. Mr. President, I yield to the Senator from West Virginia without losing my right to the floor.

Mr. BYRD of West Virginia. I thank the Senator from New York.

ORDER FOR RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for the Senate to convene at 11:45 a.m. tomorrow.)

ORDER FOR RECESS TO FRIDAY, FEBRUARY 19, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in recess until 12 o'clock meridian on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR HOLDING PRESIDENTIAL MESSAGES AT THE DESK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Presidential messages on the environment and accompanying references thereon be held at the desk until Wednesday next. This will permit sufficient time to work out multiple referral arrangements for many of these messages accompanying the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE GERMAN BUNDESTAG EXPRESSING CONDOLENCES ON THE PASSING OF SENATOR RUSSELL OF GEORGIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding paragraph 5 of rule VII, a message from the President of the German Bundestag to Vice President Agnew, expressing condolences of the German Bundestag with regard to the passing of the late Richard Russell of Georgia be received and printed in the Record.

There being no objection, the message of condolence was ordered to be printed in the Record, as follows:

Mr. Spiro Agnew,
Vice President of the U.S. Congress,
Washington, D.C.:

On the death of the Senator from Georgia, Richard B. Russell, I extend to you and the

Senate the sincere condolences of the German Bundestag. Senator Russell will remain, far beyond the borders of the United States, an example of the fact that a sincere and independent member of a parliamentary body not only earns praise for his responsible work from his friends but also wins the respect of his opponents.

Kai-Uwe Von Hassel,
President of the German Bundestag.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I should like to inquire of the Senator from West Virginia if I might get 15 minutes tomorrow morning for the purpose of introducing an important bill. Could the Senator from West Virginia provide for that?

Mr. BYRD of West Virginia. Yes.

ORDER FOR RECESS TO 11:45 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following approval of the Journal, if there is no objection, and the recognition of the majority and the minority leaders under the previous order of January 29, 1971, the able Senator from New York (Mr. Javits) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RELEASE OF LEONID RIGERMAN AND HIS MOTHER FROM THE SOVIET UNION

Mr. JAVITS. Mr. President, I call to the attention of the Senate the granting of permission by the Soviet Union to an American, Leonid Rigerman, and his mother, Mrs. Esther Rigerman, to come to the United States. This is most heartening. It should not be interpreted as any major shift in Soviet policy. Indeed, the Soviet Union has postponed other departures relating to the reunion of families of Soviet Jewish citizens, apparently out of some feeling that it had to protest the forthcoming conference in Brussels.

The attitude of the Soviet Union toward its Jewish citizens by this clearance of the Rigermans does indicate that the Government of the Soviet Union is paying some attention to the cause of humanity and international comity which is represented by it.

Mrs. Rigerman is a U.S.-born American citizen, married to a naturalized American, now deceased, and went to the Soviet Union in 1931 on an American passport. Leonid Rigerman, born in the U.S.S.R. in 1940, derived his American citizenship from his two U.S.-citizen parents. The U.S. Government has confirmed the U.S. citizenship of both of these individuals.

The Soviets, through arrests and harassment, endeavored to prevent the Rigermans from visiting the American Embassy in Moscow, thus hindering their efforts to confirm their U.S. citizenship and facilitate their return to this country. My interest in the case stemmed from the fact that Mrs. Rigerman is a New Yorker. I found the State Department most cooperative in indicating American concern to the Soviet Union that our citizens should be thus harassed and barred from visiting their Embassy and in facilitating the return to New York of these two individuals.

Aristotle once observed that one swallow does not make a spring. But the release of the Rigermans is a breath of that spring which it is hoped will not be too long in coming for all the Jews of the U.S.S.R.

I ask unanimous consent to have printed in the Record an article from the New York Times of today describing the case.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 17, 1971]

Moscow Assails a Conference Set for Belgium on Soviet Jews

(By Bernard Gwertzman)

Moscow, February 16.—The Soviet Union assailed today the convening of a world Jewish conference in Brussels next week to discuss the question of Soviet Jews.

Tass and Novosti, the two press services, distributed material criticizing those in the West who contend that Jews suffer from discrimination in the Soviet Union.

Yuri Kornilov, a Tass commentator, said the conference, to be held Feb. 23 to 25, "can only be regarded as another anti-Soviet provocation."

He said recent anti-Soviet incidents in the United States stirrèd by the Jewish Defense League, a militant group, "are part of the program of preparations for the Brussels gathering worked out by Tel Aviv."

Meanwhile, Jewish sources said that two Moscow families that received permission last week to emigrate were told by authorities today that they had to delay their departure until after the Brussels conference. Both families had planned to leave for Israel tomorrow.

MAY RETAIN PAPERS

Mr. and Mrs. Viktor Fedoseyev complied with the request that they return their exit documents until next week. But David Drabkin refused to do so. The authorities then said that he could keep his papers as long as he did not try to use them until after the end of the conference.

The Jewish sources speculated that the delay reflected a Soviet desire to prevent the possibility of the emigrants attending the meeting. It also showed that Moscow would watch closely what went on at Brussels.

Mrs. Esther Rigerman and her son, Leonid, who also received permission to emigrate after having claimed United States citizenship, received their United States passports from the embassy today. But when they leave on Saturday or Sunday to join relatives in New York, they will depart on Soviet document since Moscow does not recognize them as Americans.

Leonid Rigerman was jailed last November for a week after the Soviet police had prevented him from entering the embassy. Today, the guards let him enter.

SOVIET APPEARS ANNOYED

The Soviet authorities are clearly annoyed and troubled by the Brussels conference because of the effect it may have on public opinion in Western Europe. So far, the domestic Soviet media have not discussed the conference, but Tass and Novosti have circulated material abroad to demonstrate that Jews live well in the Soviet Union.

Novosti, for instance, organized a round-table discussion among several Jews who have acted as unofficial Soviet spokesmen.

According to a report by Tass, Aron Vergelis, the editor of the Yiddish-language monthly Sovietish Heimland, said the purpose of the Brussels conference was "to divert attention from Israel's aggressive lipolicy." Col. Gen. David Dragunsky said the choice of the opening date of the conference—Feb. 23—was insulting because it was Armed Forces Day in the Soviet Union, and Soviet forces "saved people of various nationalities, including Jews, from extermination by the Nazis."

In an apparent effort to demonstrate interest in Jewish cultural activities, a dispatch by Tass also said that a number of new volumes of poetry and prose would be published in Yiddish in the Soviet Union this year.

THE NEED FOR A SOLUTION OF MASSIVE NATIONAL SOCIAL PROBLEMS

Mr. JAVITS. Mr. President, the chairman of the board of the Chase Manhattan Bank of New York, David Rockefeller, made an address yesterday discussing something for which I have worked throughout my congressional career. That is the leadership role of the business community in obtaining a solution to massive national social problems—in this case housing—and the need for establishing new cities in the United States in order to deal with our population increase in the next 30 years.

Mr. Rockefeller's plan is a very long-range and most constructive concept. However, what is signally important about it is that it shows what private enterprise can do.

Mr. Rockefeller, who certainly is an excellent judge, said that $10 billion in credit could be made available for this purpose by the business and banking communities in the United States. However, we also need an additional $10 billion to be made available by way of credit—and it is a good credit—to rehabilitate the major cities of this country. That properly is a part of any social program such as the one Mr. Rockefeller spoke about.

Together with other Senators, I have before offered legislation along this line. I will again incorporate Mr. Rockefeller's concept in legislation as well as a concept incorporating credit from the private sector for the purpose of rehabilitating housing in our cities.

I hope that all Senators will study this concept which we see as represented presently in the Federal National Mortgage Association, Comsat, and other similar corporations, including the Government Overseas Private Investment Corporation, so that we may be prepared to follow through with broad vision and a certain amount of confidence in the private enterprise system. This system is certainly capable in this country of facilitating the tremendous improvements with tremendous benefits to our people. I shall, along with other Senators, endeavor to offer appropriate legislation on this score.

Mr. President, I ask unanimous consent that the speech by Mr. David

Rockefeller, to which I have referred and an article in the New York Times discussing the speech be printed in the RECORD.

There being no objection, the speech and article were ordered to be printed in the RECORD, as follows:

ADDRESS BY DAVID ROCKEFELLER

I appreciate enormously the generous recognition that has been given this evening to the things I've tried to do toward improving this city that we all love so much, even though it causes us anxiety.

To be singled out for acclaim by the Regional Plan Association is a heartening tribute, indeed, and I am most grateful to you, Rusty Crawford, and all your fine associates.

I should warn you, though, that you may be establishing a dangerous precedent at these annual dinners. My brother Nelson was the speaker at last year's affair, and I myself have that honor tonight. I just wonder whether you are aware that there are three more Rockefeller brothers!

Actually, father was a strong supporter of this Association. At one time, he stipulated that funds he provided for land acquisition and an extension of the Palisades Interstate Park System in the area north of the George Washington bridge be used in accordance with the First Regional Plan of 1929.

When Nelson originally ran for Governor, I suspect he had occasion to feel sorry that father was so self-effacing. He found to his dismay that the name most frequently associated with Palisades Park was Harriman!

Seeing David Frost here this evening as Master-of-Ceremonies reminded me that my place on the program this evening had improved considerably since we last met. On that occasion, David invited me to appear on his TV show, and of course I was happy to accept. I didn't mind so much waiting in the wings while he interviewed two famous Hollywood actors—but I did think David carried the "upstaging" bit a little too far when he then brought on the Prime Minister of Sweden!

As Rusty Crawford can testify, it is particularly reassuring these days for a banker to hear anybody say nice things about him because, frankly, in these inflationary times, we have been getting far more brickbats than bouquets.

From time to time, I am asked what I think about inflation and I've never been able to improve upon Milton Berle's definition. Inflation, he said, is when people's money won't buy what it did during the Depression when they didn't have much of it anyway!

Bankers have been forcefully reminded of inflation's impact by several recent developments, including the soaring cost of building and outfitting new branches—and you know how many of those are opening up all the time. One survey showed recently that our Avenue of the Americas now has more banks than bars!

Some people, I'm afraid, would not look upon that as a forward step in regional planning!

Some friends and I were discussing urban planning recently while watching the television coverage of Apollo 14. One of the group raised the question why, since we can put men on the moon, we cannot solve our urban problems which are so much closer at hand.

"The explanation is simple," said another. "We know where the moon is!"

In reflecting on this comment, I couldn't help feeling that it pretty well summed up the difficulty we have in coming to grips with that tangled complex of problems we call "the urban crisis."

As the Regional Plan Association found out early in its very useful life, the urban crisis is not just a single problem. Rather it is a kind of witches' brew blended from all the major ills of our time—inadequate educational systems, hard-core unemployment, poverty in the midst of plenty, antiquated transportation, shameful housing, insufficient public facilities, and all the rest.

This evening I'd like to touch briefly on some of the problems we face—problems that have been starkly delineated in the association's recent and comprehensive Second Regional Plan. Then I'd like to explore a concept of development and financing that seems to me to have application not only to our urban areas but also to the exciting development of "new towns" and "satellite cities."

I should tell you at the outset that I personally am not a devotee of the new fashion of urban pessimism. This is the dispirited and disillusioned cult that never ceases to predict an early end to all our cities. Such an attitude, in my judgment, does much less than justice to the thousands of dedicated civil servants, determined businessmen and concerned citizens who have opted for enterprise and ingenuity as their response to a troubled era. To me, it would be both impractical and unthinkable to surrender to frustration at a time when there is so much constructive work to be done.

I spoke earlier of how difficult it is for the average citizen to see the urban crisis in perspective. Perhaps it helps if we think of the United States as two broad geographical areas.

One is rural America, a region so huge that, if it were a separate country, it would rank in area as the world's ninth largest. Yet, at the same time, a region so low in income that, by itself, it would be the world's sixth largest underdeveloped nation.

This rural America contains the highest proportion of our poverty, the lowest average per capita income, the most inequitable distribution of educational opportunity, and the bulk of America's inadequate housing.

The second geographical element consists of six large urban-and-suburban sprawls: the Boston-Washington corridor down the Atlantic seaboard; from Buffalo along the Great Lakes beyond Chicago; the spill-out of Los Angeles engulfing over half the California Pacific; the Florida spread; the Atlanta-Piedmont crescent; and the Fort Worth-Dallas-Houston complex.

Statistics confirm the pattern that this Nation's urban areas accommodate 70 per cent of all Americans on about 10 per cent of the land.

Thus, in our rural areas, we have more room than people—more than enough space to expand, together with a need for the advantages that business and industry can provide.

On the other hand, we have the urban areas with far more people than room. In these areas, we have seen haphazard growth in which social ills tend to multiply.

Given these disparities, it is only natural to ask: Why don't we get people to move from congested metropolitan centers to sparsely settled rural areas?

In a regimented society that might be a good way to do it, but it is hardly the American way.

Though romantics may still dream of the glories of small-town life, thousands of Americans continue by preference to pour into our great urban regions to take advantage of the unparalleled opportunities they do, in fact, offer. To the country lover it may seem surprising that nearly all the increase in our national population, over the past decade, took place in metropolitan areas—in the central cities and suburbs.

In view of this trend, and because of the huge investment we have in our existing cities, it is the height of folly to think—as some do—that we can ignore the refurbishing of our present metropolitan areas in favor of creating new cities away from the congested corridors. Realistically, we have no choice but to do both.

Today we have a population of some 206 million. Projections show that we are likely to add as many as 75 million more people by the end of this century—less than 30 years away. While this represents a lower rate of population growth for the U.S. than in the past—and is substantially lower than that of the developing nations—it still means that we must assimilate vast additional numbers of people in our country. In short, our urban problems will grow, not diminish, in the remaining decades of the 20th Century.

Seldom does a day pass that we don't hear the question: "What's the solution?"

But I wonder if a more realistic query wouldn't be: "What's the best approach to these problems?"

Experiences I have had in relation to Morningside Heights, Lower Manhattan and urban activities of our own Bank in recent years suggest that the right approach is all-important.

I might add, parenthetically, that this lesson on the proper approach was reinforced at least in my own mind, when I tried to convince some of my associates, at our friendly little loan company, to decorate their offices with contemporary art! That's a job that definitely calls for the right approach.

At any rate, in approaching urban problems, it is absolutely vital to gain the cooperation of three elements: private business, Government, and the local citizenry. Unless these three can reach a broad consensus, even the finest plan will become nothing more than a blueprint for failure.

I believe that the basic task of urban rehabilitation is one for private enterprise. But it must be a co-operative venture. Government must lend support through zoning, through supplying essential services, and through tax incentives. Furthermore, the goodwill of the local residents and their concurrence in the program is an indispensable ingredient.

Clearly, the business and financial community has a growing stake in the economic health of our cities. Good zoning, traffic control and adequate water supply are essential to the entire community, but they also bear directly on the successes of business located there. To attract and retain top talent willing to live and work in our cities, business needs progressive community leadership that is alert to the problems which exist and is prepared to do something about them.

Conversely, cities need the help of business if they are to expand job opportunities and generate an adequate tax base. During this decade of the Seventies, we must create jobs in the United States for about a million-and-a-half men and women who will be entering the labor force every year. Since most of these jobs must be in metropolitan areas where the population is concentrated, a basic function of any city must be to encourage and support the business and commercial activities that provide its economic base.

It goes without saying that in performing its primary role of producing goods and services efficiently, business is accomplishing a vital function of great public importance. Beyond this, however, more and more businesses are coming to recognize that they have a responsibility to assume a larger share of the social burden as well, hand-in-hand with Government. A notable recent example of business initiative which went beyond the conventional role of a strictly profit-oriented project was the case of nine commercial banks which are cooperating with the city in providing nearly $75 million for the construction of the Waterside Housing Development, to accommodate some 1,500 low- and moderate-income families, on a novel six-acre platform over the East River.

This is just one example of an expanding corporate trend toward direct participation in community improvement that is becoming nationwide in scope. I am not suggesting, of course, that business singlehandedly—without Government assistance—can solve the problems of our cities. However, it can take—and is taking—a livelier interest and is playing a larger role. And I believe it will do even more as it becomes convinced that its efforts will receive encouragement and support from Government and the community.

One promising area for future collaboration between public and private sectors is in the exciting planning and development of "new towns" and "satellite cities."

I say exciting because this represents a dramatically new concept of urban building. Look at any of our present towns and cities and you can see unmistakable reflections of the way they were built—piecemeal.

How much better it would be to have an overall concept of the community which can shape the development right from the outset. That, in essence, is the new town idea. An imaginative builder comes in with a comprehensive plan and works out the details in cooperation with local government.

The location of the community center is carefully selected. You don't have the situation many of us are familiar with today where one municipality waits for its neighbor to provide the shopping and community facilities for both. Housing is planned to meet the needs of all those who will be working in the community. You don't run into situations where one municipality drags its feet, hoping the next town will provide the low- and middle-income housing, while it accommodates only the well-to-do.

In recent years, there have been about a dozen communities started which can be classified as "new towns"—that is, politically new and independent units with a wide range of options for housing, employment, worship, education and recreation. Perhaps the outstanding example of a new town in this country is Columbia, Maryland, halfway between Baltimore and Washington. Because Chase Manhattan participated in its construction financing, I have followed this particular "new town" with special interest.

Columbia was started in 1963 and is expected to be completed in 1980. By that time the population—now about 10,000—should reach 110,000. Of its 14,000 acres, about half are for residential use. A quarter of the land is for open space, while another quarter is for commercial and industrial purposes.

A core community is surrounded by what ultimately will be a dozen tree-shaded villages. Each village has been subdivided into racially integrated neighborhoods of about 1,000 families, with homes in a variety of styles and prices, clustered around churches, shops and schools. There are transportation loops around the villages that connect with Columbia's central core. Industrial sites are situated on the outskirts but with easy access routes to residential and shopping areas. The city is designed to be a balanced community with recreational and social facilities to satisfy the human needs of urban living, in addition to the businesses which provide employment and the economic base.

Seeing Columbia evolve, one can readily understand the growing support for new towns which is springing up all across the country.

As an example, The National Committee on Urban Growth Policy has recommended the creation of 100 new communities the size of Columbia and, in addition, ten new cities of at least one million people each.

The Housing and Urban Development Act of 1970 set up a Community Development Corporation to handle the financing of new communities, and provided some of the funds to get them started. These steps are very much in the right direction, but the funding presently available is still far below the waterline of adequacy to get the job done.

I have been giving considerable thought as to how the process of promoting new towns can be expedited. I have come to the conclusion that additional legislation will be required as well as added financial support. Specifically, it seems to me that two steps are needed.

One is a mechanism to help in acquiring land so that sufficiently large and contiguous tracts can be put together. In the case of Columbia, a few parcels could not be acquired and in the end the planners just had to design the city around them. If more parcels had been held out, or if they had been in more critical locations, this could have undercut the whole project. The chanciness related to land acquisition is much too great as things now stand.

The other need is for new sources of financing to provide the enormous sums required before new towns get underway and begin collecting revenue on their own.

To take care of both these needs, I would suggest the creation of two corporations nationwide in scope—one public, the other private or quasi-public.

To deal with the problem of land acquisition—and perhaps provide guidance in terms of national land use planning—we need either a new Federal agency or an existing agency supplied with special additional powers for planning and obtaining sites for new towns. Such an agency might well require the power of eminent domain. But sufficient flexibility and safeguards should be built in so that the rights and desires of those already living in proposed sites would be protected and so that there would be no improper infringement on states' rights. Whether it be an Executive Branch mechanism or a creation of Congress should be a matter for sober reflection. But the plan would call for a Federal agency with the ability to determine sites and projects in a manner consistent with the economic needs and goals of the communities involved as well as those of the Nation. Thus a single agency would handle land acquisition and site location.

The second agency, either private or quasi-public, would be organized to provide the financing. Possibly a new kind of bank could be devised which would seek its capital from commercial banks, insurance companies, industry and other sources. To do so, the new bank would need to offer long-term investment opportunities in the form of equity or debentures that would make possible full development of a new town, and be sufficiently remunerative so as to assure a continuing flow of capital for other new towns. If the new communities are well conceived, there is no reason why the bulk of the capital should not come from private sources.

The two agencies would need to work in close cooperation to see that the site locations of new towns not only met the public standards desired for national growth but also to make sure that they would be attractive to residents and to industry.

Working together, these two agencies could create a whole series of new independent communities, providing adequate housing at reasonable cost and bringing together both the white and blue-collar work force required for industrial expansion.

Aside from the building of new towns, the plan I have outlined could readily direct investment into existing core cities where our national growth policy determined that programs of redevelopment or rehabilitation were desirable.

Perhaps the greatest benefit would be the harnessing of private financing sources, which up to now have not been attracted by urban investment, and directing them into responsible urban developments that are not only profitable but that enhance the environment as well.

Obviously, the building of new towns is an expensive venture. One recent study estimates that a community the size of Columbia might cost as much as $50 million in predevelopment charges alone—in land acquisition, planning and management, and infrastructure such as streets and utilities.

These start-up costs are the very ones that the developer finds so burdensome under present conditions and the ones that the proposed new financing agency would be designed to handle. As a new town project moves ahead, it can obtain funds in the conventional money market or—in case of lower income housing—from various government programs or the new National Corporation for Housing Partnerships. But the pre-development costs are the big road blocks.

If we use this $50 million as a base figure, then the recommendation of the National Committee on Urban Growth Policy for 100 communities of Columbia's size, and ten of one million people each could cut cost in the neighborhood of $10 billion.

Standing by itself, this is an imposing figure, indeed. Yet it is less than half of what we have already spent on the man-in-space program. And as great as the benefits from that program have been, I believe that the advantages of new town development—certainly in human terms—could be incalculably greater.

In conclusion I would like to suggest that in tackling urban problems, we should keep five points in mind:

First, that because these problems are so closely interrelated, they call for the establishment of overall national goals and guidance.

Second, that federal and state assistance must be closely coordinated to stimulate responsible local action and serve the best long-run interests of the overall community.

Third, that the amount of state and local building and rebuilding required is so vast that it will make necessary the expenditure of a steadily increasing share of our total national income. Both private and public funds will be required. Since states and municipalities are already straining their taxing powers, I believe the federal government will have to bear a larger share than in the past. That is why I personally applaud President Nixon's proposal for what he calls "general revenue sharing." The idea of giving local governments greater flexibility in spending a larger portion of federal tax revenues on urban development is eminently sound, and I would hope that the President's approach would eventually find the broadly-based support it deserves on Capitol Hill.

Fourth, that it is imperative for any new town or redevelopment project to include enough profitable activities whether in housing, commercial development or industry to generate tax revenues sufficient to make the project viable with a minimum of public subsidy.

Fifth and finally, that the task of refurbishing our existing core cities and building new towns can best be accomplished if public and private efforts are creatively combined in such a way as to win the support of the community.

In shaping our cities of the future, we are limited only by the intensity of our concern, the reach of our inquiring minds, and the strength of our determination to provide a better life for all our citizens.

[From the New York Times, Feb. 17, 1971]

TEN BILLION DOLLARS ASKED FOR 110 NEW CITIES—DAVID ROCKEFELLER PROPOSES A PRIVATE CORPORATION TO FINANCE INITIAL COSTS

(By Richard Reeves)

David Rockefeller, chairman of the Chase Manhattan Bank, proposed yesterday that a corporation be created to raise $10-billion in private investment to begin development of 110 new American cities.

The private or quasi-public corporation, outlined by Mr. Rockefeller in a speech last night, would work with a new Federal agency or corporation empowered to acquire huge tracts of rural land for development of the new cities before the year 2000.

STRESSES PRIVATE ROLE

"Projections show that we are likely to add as many as 75 million more people by the end of this century," Mr. Rockefeller told the Regional Plan Association. "In short, our urban problems will grow, not diminish. . . . I believe that the basic task of urban rehabilitation is one for private enterprise."

Mr. Rockefeller then proposed his dual-corporation approach to the problems of population growth and urban decay, linking his ideas to the recommendations of the National Committee on Urban Growth.

That committee of Senators, Governors and local elected officials proposed in May, 1969, that the Federal Government build 100 new cities, each with a population of 100,000 and 10 more cities, each with a population of a million.

The committee recommendations were contained in proposed Congressional legislation that was never introduced after it became known that President Nixon opposed it because of budgetary considerations.

Mr. Rockefeller, however, whose bank is involved in the development of Columbia, Md., a new city of 100,000, stressed that he believed private interests could be induced to provide the $50-million or more needed for predevelopment charges in each city—"land acquisition, planning and management, and infrastructure such as streets and utilities."

The banker estimated that private interests could provide loans for $10-billion over the next 30 years, which would provide seed money for the developers of the 110 proposed cities.

Mr. Rockefeller introduced his proposals—"If they have merit, hope the Government will institute a study of them"—at a news conference before the plan association's dinner.

Asked whether he would be willing to become involved actively in the operation of the proposed private corporation, he answered: "I'm afraid I'm pretty busy . . . but I'm interested in doing whatever I can to give this a start."

The private corporation, Mr. Rockefeller said "might be a new kind of bank which would seek its capital from commercial banks, insurance companies, industry and other sources, [offering] long-term investment opportunities in the form of equity or debentures that would make possible full development of a new town and be sufficiently remunerative so as to assure a continuing flow of capital for other new towns."

"If the new communities are well-conceived, there is no reason why the bulk of the capital should not come from private resources," the bankers said.

The public corporation or agency, he continued, would deal with the problem of land acquisition—and perhaps guidance in terms of national land-use planning . . . with additional powers for planning and obtaining sites for new towns."

"Such an agency might well require the power of eminent domain," he noted. "But sufficient flexibility and safeguards should be built in, so that the rights and desires of those already living in proposed sites would be protected."

Under the Rockefeller proposal, private developers would take over both the financing and construction of buildings after the private corporation had arranged long-term loans for land-acquisition and predevelopment costs.

Mr. Rockefeller's speech was a feature of the 42d anniversary dinner of the Regional Plan Association in the New York Hilton. The association honored Mr. Rockefeller for his leadership in the redevelopment of lower Manhattan and Morningside Heights.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. JAVITS. Mr. President—

It seems we've stood and talked like this before.

There are a number of issues which keep cropping up in the Congress. In the last decade, we have talked at length about the civil war, civil rights, problems, of poverty, the housing crisis, and the economy.

Each year we consider appropriations bills for the same departments. We pass the same continuing resolutions, and we approve budgets for the same congressional committees.

But in all the above instances some things change. The war winds down in Vietnam but expands in another direction. Public facilities are no longer segregated, but residential suburbs are. We still do not have enough housing, but now we also worry about where we should be building it. The economy fluctuates and at least the figures change in the appropriation bills.

But rule XXII is always with us. The issue never changes; the problems remain the same and the arguments for and against the change remain virtually unchanged; though a new factor has now intervened in the use of extended debate by the liberal—a technique heretofore almost always used by the conservatives. Time after time, at the beginning of each new Congress we have debated the change of a single hyphenated word—two-thirds. At the beginning of each Congress we devote 6 to 8 weeks to this problem, and seldom even get to vote on it, substantively.

There are a number of factors in respect of this matter which I think need to be called to the attention of the Senate that relate primarily to the procedure in which we are engaged.

The merits of the question have been discussed time and again. The only difference between the discussion of the merits of this question and the discussion of the merits of the matter when I first came here in 1957 is that a new factor has been introduced. We now find that the privilege of extended debate, as it is euphemistically called, can extend to measures far different from the civil rights measures which were originally the issue to which this extended debate was directed.

We find in effect that any kind of a measure, whether a measure involving trade regulations, the family assistance plan, or any other welfare measure, or, indeed, any measure whatsoever is something which we talk about.

We have experienced very recently that this rule is as broad as it is long. It can be employed by conservatives who oppose civil rights measures and can be employed by liberals when they consider a measure to be restrictive of the national opportunities in the directions which I have mentioned.

However, other than that, the merits remain the same. The procedure, however, is a very different question. Tomorrow we will vote, not on changing rule XXII, not even on the motion to take up the resolution to change rule XXII, but we will vote on the question of ending debate on a motion to take up this resolution. If we are successful tomorrow, we still face the possibility of 100 hours of debate before we vote finally on that motion.

If we get that far, we will still have to go through the same procedure before we actually vote on the resolution itself—the resolution to make a substantive change in rule XXII.

Is not the mere statement that this parliamentary situation exists an indication of how we have gotten tangled up with our own feet and why so many people have grave questions about our procedures and our real ability to govern?

Add to this the fact that the proponents of change are forced to use the very rule we contend we have not yet adopted in order to cut off debate and the web becomes infinitely more tangled. Seldom able to muster 67 votes to cut off debate on this question we have, over the years, explored a number of alternative parliamentary tactics which would enable a majority to work its will. Without these incredibly complicated maneuvers we cannot vote. And without the cooperation of the presiding officer we cannot initiate any such strategy.

Now, on the subject of the presiding officer, we have been advised by Vice President AGNEW that he will not decide any questions of a constitutional nature but will instead refer all such questions directly to the Senate for decision. The pitfall in this position is that without a ruling from the presiding officer that because of the constitutional question at issue in amending rule XXII the issue is no longer debatable, any referral to the Senate for decision is tantamount to acquiescence in a continued filibuster.

Even the referral to the Senate is itself debatable. The failure to make such a ruling—which was made once before by former Vice President Humphrey—is in itself a decision to kill the resolution unless we can get two-thirds. If we can get two-thirds, we will be all right.

I do not question the Vice President's decision to let the Senate itself decide these questions: That is exactly what proponents of a rules change want: we want the Senate to decide, not one-third of the Senate plus one. But we know from long experience that any such question—unless the Vice President rules it is no longer debatable—will never come to a vote so long as 34 Senators oppose it. I hope very much that this question will be very carefully studied.

Until the Vice President clarifies his position and indicates that he will rule that the Senate has debated this issue sufficiently and should vote without further delay we are still saddled with the necessity of mustering 67 votes to cut off debate.

We have never been successful in such a vote, but now that liberals have begun to use rule XXII to their advantage, I predict that we may pick up a few conservative votes from Senators who have heretofore supported the filibuster. Certainly liberals are entitled to use the rules in the same manner as other members of the Senate, but they would gladly give up the filibuster in pursuit of the greater objective of ending the Senate's legislative paralysis. The issues of peace and war, welfare reform, inflation, unemployment, the cities and racial relations are so momentous that we cannot give a veto power over their resolution to a minority of the Senate—be that minority liberal or conservative.

Tomorrow—and in the cloture votes ahead—we will welcome new votes and old. And more important, we fervently hope that we will have the parliamentary cooperation of the Vice President in securing the right to vote—even if only 66 of us want to exercise that right. The country has tired of these parliamentary tangles. The people do not understand—and rightly so—why the 100 men and women they have elected to sit in this body cannot resolve the momentous issues facing this Nation without an elaborate—and often unsuccessful—effort to end debate.

There is no question about long debate. Any measure, including the one which has been introduced by the Senator from Michigan (Mr. HART) and me, for a constitutional majority to end debate, would provide for 4 to 6 weeks of debate, so that is not a problem with the proponents.

I think our people want to know why, in spite of a Constitution which clearly does not authorize such a practice, a minority can hamstring this body and prevent votes on critical issues.

Those Senators who want to give them an answer should vote for cloture tomorrow.

Mr. President, I yield back the remainder of my time.

THE RESIGNATION OF JOHN F. SHAW, SR., FROM THE FEDERAL BUREAU OF INVESTIGATION

Mr. HRUSKA. Mr. President, twice this month a Member of this body has called to our attention the circumstances surrounding the recent resignation of John F. Shaw, Sr., from the Federal Bureau of Investigation.

On February 1, the junior Senator from South Dakota (Mr. McGOVERN) called for an investigation by the Subcommittee on Administrative Practice and Procedure of FBI Director J. Edgar Hoover's handling of a personnel matter involving former Special Agent Shaw. As ranking minority member of the Judiciary Committee, I took more than passing interest in this matter.

On February 10, the Senator from South Dakota delved further into the matter by declaring that Mr. Hoover had shown—in the Senator's words—"contempt for Congress" by publicly stating his position on the matter after informing the subcommittee that he desired to avoid comment pending judicial proceedings. The Senator called Mr. Hoover's action "an affront to the Congress."

Needless to say, both statements received appropriate attention by the press. Such attention is always welcome if directed in the proper vein, and it is no doubt especially welcome to one who is currently seeking nomination to the highest office in the land.

There are a number of points in the remarks by the Senator from South Dakota, however, which deserve further consideration and comment.

First, in charging Mr. Hoover with contempt of Congress for publicly explaining his administrative action after refusing the request of a committee of Congress for the very same information, the Senator is in serious error.

His accusation is that on February 2, Mr. Hoover had answered a letter to the chairman of the subcommittee, the junior Senator from Massachusetts, by stating:

> The Attorney General has advised that since the courts have assumed jurisdiction of this matter, it would not be appropriate for me to use any other forum to contest Mr. Shaw's charges.

The Senator from South Dakota noted the propriety of this response, but added:

> Today (February 10) however I was shocked to discover that Mr. Hoover has written to the editor of the Atlanta Journal and Constitution, publicly stating his position on the merits of the Shaw case. He did so after refusing the request of a committee of Congress for the very same information.

This would be a serious indictment indeed if accurate. But anything more than a cursory examination of the facts would have indicated it was not accurate.

I have always felt that Mr. Hoover consistently conducts himself in the very best interests of the Bureau and the Department of Justice. He has stated his position on the Shaw matter. He has stated he had ample grounds for his action. That matter will be resolved by the court.

Thus it is not my purpose to defend Mr. Hoover's action with regard to Mr. Shaw at this time. It is my purpose at this time to point out that Mr. Hoover has been unfairly maligned for his very proper response on the Shaw matter. This will be clearly shown by the following chronology of events:

The Senator from Massachusetts wrote to Mr. Hoover on January 29, inquiring about the Shaw matter. Mr. Hoover's reply, dated February 2, cited the Attorney General's advice on the matter.

Mr. Hoover's letter to the editor regarding Mr. Shaw's accusations appeared in the Atlanta Journal and Constitution on February 7. This very likely led the Senator from South Dakota to the ill-founded conclusion that it had been written after Mr. Hoover's letter to Senator KENNEDY.

If the Senator from South Dakota had sought to verify this conclusion rather than proceeding eagerly to prosecute his case on the floor of the Senate, he would have discovered Mr. Hoover's letter to the editor had actually been written on January 26.

On the following day, January 27, suit was filed in Federal court on Mr. Shaw's behalf. Shortly thereafter, I am informed, Mr. Hoover's office received instructions from Attorney General Mitchell, a codefendant in the case, to reserve his comments henceforth for the courts.

Given the proper sequence of events, it becomes apparent that Mr. Hoover is not guilty of contempt. It is noted that the Senator from South Dakota, apprised of this proper sequence by the press, declined to modify his intemperate accusations. He is quoted as saying that since Mr. Hoover had already sent the letter to the newspaper, there was no jurisdiction for denying the same information to the subcommittee.

I submit, Mr. President, that generally there should be better acquaintance with legal proceedings than that. Obviously Mr. Hoover, in declining to discuss the matter further, was following the course of all prudent defendants—heeding the advice of counsel. Further comment on the case could have been a highly prejudicial action, especially so in this instance, since Mr. Hoover's words receive the closest attention by the Nation's press.

When I say highly prejudicial action, a prejudicial action potentially to the writer of the letter, Mr. Hoover, but also potentially prejudicial to the plaintiff in that action.

One wonders at the real purpose of the discussion on the floor. After all, if the Senator from South Dakota was aware of Mr. Hoover's answer to the Atlanta editor, it would be a simple matter to file that answer with the proper subcommittee. Surely no Senator should be offended that Mr. Hoover's comments were addressed to an editor rather than to the Senator or the subcommittee. It seems unfair that judgments as harsh as those made by the Senator from South Dakota were made simply on a matter of form, not substance. Nor would I like to think that Senatorial pride or vanity might have been somehow involved.

If the purpose of the Senator's accusations was really to judge the Director and find him guilty, I submit this was not the place to do it, nor the time nor the way to do it. The Senate does provide proper procedures for assessing the actions of administration officials. The motives of those who prefer to bypass those procedures for trial on the floor of the Senate should be seriously questioned.

Finally, it should be noted that Mr. Hoover has shown admirable restraint under the circumstances, in which he has been cast in a most unfair and uncomfortable light. With his access to the media, he could have responded vigorously to the charges against him. Of course, had he done so, there is no doubt he might quickly have been accused of gross impropriety. Yet that is no more than has been done to him.

Mr. Hoover's response to the Atlanta Journal and Constitution newsstory seemed to be a most restrained and proper recounting and accounting of his position. Furthermore, his answer to queries since then would certainly seem to be in keeping with the status of the entire situation in the courts.

S. 834—INTRODUCTION OF THE INTERNATIONAL TRADE ACT OF 1971

Mr. HARRIS. Mr. President, for myself and Senators Javits and Mondale, I am today introducing a bill entitled the International Trade Act of 1971. Additional cosponsors are Senators Cranston, Hart, Hughes, McGovern, Percy, and Stevenson. This bill is designed to point our foreign trade policy in a creative and expansionary direction, in contrast to the legislation that passed the House of Representatives and was approved by the Senate Finance Committee last year. There are indications that another effort will be made to enact a protectionist trade bill this year. It thus becomes all the more important, in my view, for those who oppose such an effort to express in concrete legislative terms the elements of a forward-looking, yet realistic, foreign trade policy for the 1970's.

We must protect and enlarge our large share of the world market for our goods and products. We must pay attention to and assist with the problems of American workers and plants unfairly injured by foreign imports. We can do both with an enlightened trade policy which is consistent with our international obligations and the principles of free trade. The International Trade Act of 1971, we feel, embodies such a policy.

The bill that we are introducing is long and complex, and it is not my purpose here to detail all of its provisions. It attempts to develop three primary themes:

First, negotiation of fair and equivalent access to foreign markets;

Second, prompt and effective relief from injurious and unfair import competition; and

Third, protection and promotion of U.S. exports.

NEGOTIATION OF FAIR AND EQUIVALENT ACCESS

The bill contains various authorities to negotiate with other countries the reciprocal reduction of tariff and nontariff barriers to trade. But the overriding purpose of such negotiations is explicitly stated as the establishment of fair and equivalent conditions of access to the markets of the countries concerned—for agricultural as well as industrial products. In the past, reciprocity has been the dominant purpose, but reductions in trade barriers can be reciprocal without achieving comparable conditions of access. It is now time for the United States to seek a common standard of access in the process of further liberalizing international trade, and a standard that will be concerned with the totality of restrictions affecting a given area of trade. There is no legitimate reason why the other major trading countries of the world, and particularly Japan and the European Economic Community—EEC—cannot endorse this objective.

With this purpose firmly provided for, the bill would provide five different authorities for the reduction of trade barriers.

First, the bill grants the President a new authority, lasting until July 1, 1973, to reduce by as much as 50 percent the level of tariffs that will prevail on January 1, 1972. It is on that date that the fifth and last stage of the tariff reductions agreed to in the Kennedy round will become effective. While this new authority will not be available past 1973, it could become very useful, perhaps in conjunction with other authorities granted by the bill, in the context of the negotiations between the United Kingdom and the EEC. The United States presently seems to be taking a passive attitude toward those negotiations. While this may be diplomatic, it could also be unwise, since our exports, especially our agricultural exports, are bound to be affected. A point might well come at which a new U.S. initiative to liberalize trade might beneficially influence the outcome of the negotiations. It should be noted, in this connection, that the bill expressly repeals the special duty-eliminating provisions of the Trade Expansion Act of 1962 that are related to trade between the United States and the EEC. I do not believe that the authority to reduce trade barriers should be tied to special trade relationships with any one area, since that risks diluting the objective of an open worldwide trading system.

Second, the bill urges the President to negotiate agreements with other countries providing for the reciprocal reduction or elimination of nontariff barriers and other distortions of world trade. Again, the express objective is the establishment of fair and equivalent conditions of access to the markets of the countries involved. At the same time, the bill makes clear that no such agreement should go into effect until the enactment of any necessary implementing legislation, recognizing that on occasion no new legislation may be required.

I believe that this accommodates the proper responsibilities of both the executive and legislative branches in an area that has to date proven a difficult one between those two parts of our Government. On the other hand, the President would be able to negotiate agreements on nontariff barriers and other distortions of world trade with the assurance that his efforts were in principle supported by the Congress. On the other hand, the Congress would retain its right and privilege to study closely any agreement requiring implementing legislation and pass such legislation only when it believed it was in the national interest to do so. This approach, in my judgment, affords the only realistic hope of making progress in this important area. For it seems clear that if the United States does not provide leadership in this respect, a number of years will pass before other countries will be in a position to launch such an initiative.

Third, as a particular—and important—aspect of nontariff barriers, the bill authorizes once and for all the total elimination of the American selling price system of customs valuation. In the first place, it provides for the implementation of the agreement concluded in the Kennedy round concerning the elimination of ASP as it relates to imports of benzenoid chemicals. This is long overdue and more delay will only further weaken the credibility of the United States in its pronouncements concerning the need to dismantle nontariff barriers. In the second place, the bill authorizes the President to negotiate an agreement providing for the abolition of ASP with respect to imports of rubber-soled footwear, chiefly sneakers, but on the condition that the new rate based on normal standards of valuation will yield about the same amount of duty. In this way, the bill anticipates the removal of an unjustifiable trade barrier that has unfortunately become a symbol of an all-too-prevalent lack of will in international trade policy.

Fourth, the bill urges the President to try to negotiate an international agreement that would for the first time establish a clear definition of illegitimate subsidies and impose enforcible restrictions on their use. The problem of alleged subsidies on both agricultural and industrial products has become a serious one, threatening substantially to exacerbate relations among the major trading countries. Under the bill, the United States would offer as its major contribution to such a negotiation the addition of an injury standard to our antisubsidy or countervailing duty law. Such a standard has long been sought by other countries, and its inclusion would seem consistent with an enlightened trade policy. At the same time, the bill permits the Congress to eliminate the injury standard by a simple concurrent resolution if the negotiation did not seem to be going well in terms of our interest.

Fifth, the bill recognizes the increasing need to begin to normalize our trade relations with the countries of Eastern Europe. It therefore authorizes the President to conclude a short-term renewable commercial agreement with any Communist country with which we have diplomatic relations. But the President must determine that the agreement is in the national interest and that it is commercially balanced. If he does so, the President would be able to grant the prevailing, or so-called most-favored nation, rate of duty to one or more products of that country, which now have to pay the much higher Smoot-Hawley rates. By this selective approach, the President could assure himself that we were providing no commercial benefits greater than those we receive. This would be a modest but potentially significant step toward normal peaceful trade with these countries.

RELIEF FROM UNFAIR OR INJURIOUS IMPORTS

The second dominant theme of the bill is the provision of prompt and effective relief from imports that are acknowledged to be either unfair or genuinely injurious to domestic industries, firms, and workers. Insofar as unfair competition is concerned, the bill strengthens the existing provisions of law that deal with the injurious dumping of imports, the subsidization of imports, and unfair practices generally in the importation of goods. The bill makes a number of needed reforms in these provisions. Time limitations are imposed upon the agencies charged with the task of making the necessary determinations. Prompt judicial review of such determinations is afforded. All interested parties are assured of an opportunity to make known their views in a public and recorded proceeding. The three provisions of law will thereby become far more responsive to the needs of domestic concerns, importers, and foreign manufacturers by requiring a prompt and fair decision on the merits. At the same time, they will insure that, when unfair import competition is found to be taking place, effective action can be taken to stop it.

Beyond unfair imports, some imports may enter not through unfair means but in such increased quantities as to cause or threaten serious injury to domestic interests. The bill deals with this problem in a direct and reasonable manner. It first amends the criteria for industry-wide escape-clause relief by abolishing the present requirement that tariff concessions be the major cause of the increased imports and that the increased imports, in turn, be the major cause of serious injury to an industry. Instead, the bill substitutes a test that relates increased imports to serious injury.

In other words, regardless of the reason why imports of a given article may have increased, the bill asks only whether the increased imports have been the primary cause or threat of serious injury to a domestic industry. This change is also long overdue and should afford domestic industries a fair opportunity to make the case—so often alleged these days—that increasing imports are in fact hurting them badly. Once the Tariff Commission makes such a determination, the President is authorized to take such action as he thinks appropriate, and this can be in the form of either import restrictions or adjustment assistance, or a combination of both.

Such flexibility is as it should be, since foreign trade policy must be responsive to both the national interest as well as the interests of those hurt by imports. In taking an escape-clause action and in keeping such an action under review, those responsible are required by the bill to take into account the interests of consumers and exporters, as well as the impact of such action on domestic competition. Moreover, the firms benefiting from an escape-clause action are expected to make and disclose specific efforts to adjust to import competition and render themselves more competitive.

The bill also relaxes the criteria for adjustment assistance to individual firms and groups of workers. It requires a determination as to whether increased imports have been a substantial cause or threat of serious injury to a firm or unemployment or underemployment of workers. This is a somewhat easier test than for escape-clause relief, justified primarily on the ground that adjustment assistance does not have the international consequences of an escape-clause action. Moreover, adjustment assistance is in most cases better suited to providing relief that fits the particular circumstances of the dislocated firm or group of workers.

The bill also increases the benefits available to workers who are found to be eligible for adjustment assistance. Under present law, such a worker cannot receive—from all sources—financial benefits exceeding 75 percent of his average weekly wage prior to his unemployment. And in many cases such benefits are substantially below even that level. But why should a worker not obtain full protection when he is found to be unemployed because of increased imports? If such imports are part of a trade policy that is believed to serve the national interest, then it is difficult to see why the worker should not be completely safeguarded while efforts are being made to shift him to other production employment. The bill therefore provides that such a worker shall receive no more and no less than 100 percent of his average weekly wage, with additional trade readjustment allowance being provided if his other sources of income, such as self-employment earnings and unemployment insurance, do not bring him to that level. In addition, the Secretary of Labor is authorized—but not required—to add the money value of such important fringe benefits as insurance and retirement plans. For the Secretary may find that the loss of such benefits is just as serious as the loss of wages.

With respect to adjustment assistance to firms, the bill makes few changes in present law, primarily because these provisions have not been tested as much as the provisions for workers. Nevertheless, the bill does provide for simplified procedures in obtaining and providing assistance for firms. It also permits the U.S. Government to render more financial assistance than is presently allowed in cases where the firm has already engaged in substantial self-help.

PROTECTION AND PROMOTION OF EXPORTS

The third major theme of the bill is the protection and promotion of exports, and it is important to stress both aspects of our trade to other countries. Efforts to increase exports will come to little unless the United States is prepared vigorously to defend the present access to foreign markets to which we are entitled by virtue of past trade negotiations.

In this regard, the bill completely rewrites and substantially enlarges the President's authority to restrict imports from any country that illegally or unreasonably hampers our exports. As rewritten, section 252 of the Trade Expansion Act of 1962 would authorize the President to impose high tariffs or quotas—at whatever level he deemed appropriate and on a discriminatory or most-favored-nation basis—in basically three situations. First, and most generally, he could do so whenever he determined that a foreign country was maintaining or threatening to impose illegal or unreasonable tariff and nontariff trade barriers which directly or indirectly substantially burden U.S. exports. An illegal barrier would be one inconsistent with applicable international obligations—in most cases provisions of the GATT. An unreasonable barrier would not necessarily be illegal but would be patently unfair. Second, the President would have such retaliatory authority when a foreign country nullified or impaired a tariff concession on a given article by refusing to permit the establishment of a U.S.-owned facility that would assemble such articles into a finished product. It should be emphasized, however, that this authority could be used only in a case where increased exports would result from such foreign investment. Third, the President could take action against a country which subsidized exports to a third country and by that means substantially reduced sales of the competitive U.S. product to that country. In all these instances, however, the President could act only in a manner consistent with our international obligations. Otherwise, the United States would simply risk counter-retaliation and forgo the advantages of lawful action against the offending country.

Turning, finally, to the promotion of exports, the bill would take two significant steps. First, it would liberalize the existing provision of law that authorizes the refund—or drawback—of duties upon exported articles made of imported goods. In particular, if a certain article is imported and a domestic article of the same kind and quality is used to make the exported product, the duties paid on the imported product may be refunded. The bill would expand the so-called substitution provision to include cases where the domestic article is of similar kind and quality.

In addition, the bill provides for the drawback of indirect taxes on exports. Most modern industrial nations relieve their exported products of duties and taxes by refunding them at the time of exportation. The GATT prevents the refunding of income taxes, but we could—consistent with our international obligations and the programs of other countries with which we compete—refund excise and other so-called indirect taxes imposed by Federal, State, and local governments. The Department of the Treasury has calculated that these range from 1.5 to 4 percent of the export price. This could be a significant incentive to export, especially at the present time when a few percentage points can make the difference between a sale or no sale abroad. The bill would thus remove some of the handicaps under which our exporters labor against their foreign competitors, ameliorate our balance of payments, and relieve American exports of a tax burden that they should not—in equity—bear. The bill would, therefore, authorize—but not require—the President to refund the local, State, and Federal indirect taxes that are borne by exported articles and the merchandise, services, and property used in their manufacture. The President could do so, however, only when he found it was in the national interest, which should include a finding that additional exports would be generated by such a program.

The International Trade Act of 1971 seeks to balance the interests of all those affected by our trade policies.

Workers and firms are given fuller and more easily attainable relief from import-connected injury through expansion of the remedies of adjustment assistance and the procedures to obtain this assistance.

Industries faced with serious injury from imports will be aided by the easing of the escape clause. The procedural reforms as to dumping, countervailing duty and unfair import practices will substantially aid industries faced with unfair competition.

American farmers and manufacturers will benefit from the positive encouragement of exports, the attempt to deal firmly with nontariff barriers, the authority to expand trade and free trade while seeking comparable access to world markets.

The consumer also is not forgotten. The overall freeing of world trade will make available a wider range of products at reduced cost. Consumer interests are also taken into account in review of escape clause cases.

In an area so complex as international trade, it is not possible to fully satisfy all of the competing interests of the above groups. I feel that the provisions of this bill strike a proper balance which will more nearly benefit all segments of our economy and all of our citizens—exporters, importers, workers, farmers, firms and consumers.

I hope that we can have full hearings in the Senate Finance Committee on this and related legislation and that this bill can be speedily enacted.

At this time, I send the bill to the desk and ask that it be appropriately referred.

I ask unanimous consent that a statement prepared by the Senator from Minnesota (Mr. Mondale), a summary of the bill, and the text of the bill itself be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and without objection, the several requests are granted.

The bill (S. 834) to accelerate the expansion of trade among the countries of the world on a fair and legitimate basis and thereby to promote the general welfare of the United States, and for other purposes introduced by Mr. Harris (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

The statement of Senator Mondale, summary, and text of the bill were ordered to be printed in the Record, are as follows:

Statement of Senator Mondale

Mr. President, I am pleased to join with the distinguished Senators from New York (Mr. Javits), and Oklahoma (Mr. Harris) and the other co-sponsors of the International Trade Act of 1971.

There is no question that this Congress must face up to an accumulation of grave problems with respect to international trade. And there is similarly no question but that the major trade legislation which emerges from this Congress will set the tone for our—and the entire world's trade policies for at least the rest of this decade. This is a crucial year for trade legislation, and the challenge must be met positively and responsibly.

Many sectors of our economy are facing increasing competition from abroad. While competition and specialization—doing what one does best—is at the very heart of a market economic system, both national and international, this absolutely must be fair competition.

There is strong feeling, and not without justification, that this import competition has not always been fair, and that our government has not been sufficiently aggressive in protecting the legitimate interests of our workers and industries faced with foreign export subsidies, dumping, and illegal restrictions on U.S. exports and investments abroad.

We have been the world leader in promoting the enormous economic advantages of open world trade. There is no other respectable or responsible position for the world's greatest economic power to take. Yet we must take stronger measures to see that our lead is, in fact, followed. Japanese restrictions on investments, Common Market barriers to agricultural exports, and remaining high tariffs and quotas abroad are evidence that our leadership has relied too much on "good example" and not enough on hard negotiations backed up by legitimate retaliatory authority.

In addition, regardless of the "fairness" of international competition, there will always be industries whose long run competitive edge is simply declining in the world marketplace—just as there will always be newer industries which are becoming increasingly competitive and able to expand their sales abroad.

There is no way to eliminate these trends altogether—short of an economic withdrawal from the rest of the world and denying our workers, industries, and consumers the enormous benefits of open world trade. But this does not mean that we can or should close our eyes to these inevitable problems of international competition.

Neither worker nor industry can be abandoned to an economic principle, oblivious to the very human hardship suffered by those in declining industries. We absolutely must do more than we have done in the past to help industries recover their competitive edge, to assist workers in maintaining their standards of living and productive usefulness, and to give all other forms of reasonable assistance where true "injury' has been found.

These real and legitimate grievances during the last year gained powerful momentum due, in large part, to the state of our domestic economy and the nearly 80% increase in national unemployment. With the jobless rate rising to its highest point in a decade—4.6 million workers by the end of the year and over 5 million unemployed today—the fear of foreign competition increased drastically. Whatever the cause of unemployment—and we know that the overwhelming cause, in simple terms, is a full-fledged recession—the unemployed worker looks first to the elimination of foreign competition as a means of preserving his own job.

We know from history that such a response, as understandable as it may be, is no solution. The Smoot Hawley tariff of 1932 was a child of the great depression, and only hastened the world-wide economic collapse of that decade. We cannot export if we will not import, and an invitation to an international trade war generated by economic insecurity will only cost more jobs than it can possibly save or recapture.

But our recession continues with no upturn yet in sight, and the fears so generated will continue to provide a powerful source of pressure for "solutions" through the erection of barriers to world competition, both fair and unfair.

Another source of pressure for protectionist trade legislation is political promises made to certain industries. Once industries with some legitimate grievances have been led to believe that they can receive special solutions—solutions which circumvent not only established procedures for the redress of injury, but international trade law itself—these industries soon become convinced of both the wisdom and the justice of such "solutions." This again, is understandable. But there is no way, as we saw last year, to grant special treatment to some industries and to deny such treatment to others which, by any measure, are far more "deserving" than the industry currently in political favor.

There are remedies—reasonable and legal—which can be applied to cases of injury or unfair foreign competition. As I said earlier, these must be strengthened and made more responsive to the legitimate problems suffered by many industries and workers. But protectionism is a contagious disease, and "political deals" in international trade can only result in an escalation of trade barriers and the disaster of foreign retaliation and trade wars.

Mr. President, these are the pressures which last year brought us to the very brink of such a trade war.

I and many of my colleagues opposed the protectionist legislation which died a fortuitous death in the closing logjam of the 91st Congress.

While I take relief in what I believe to have been a reversal of the protectionist momentum, I take no real comfort in having had a role in opposing this legislation. For I know that the only truly responsible alternative to protectionist sentiment lies not simply in opposition to quotas and other trade barriers, but in offering positive, forward-looking, and responsive legislation to deal with the legitimate problems—present and future—of international trade.

I promised on December 31, 1970, at the close of the 91st Congress, that those of us who believed in the benefits of expanded world trade would no longer rely simply on opposition to protectionist trade legislation. I promised then that we would have a positive answer—a constructive, responsive, and comprehensive trade bill for this Congress which could ease the domestic burdens of foreign competition and further the cause of expanded, open world trade.

The International Trade Act of 1971 is such a piece of legislation.

It is a forward-looking trade bill, continuing the momentum of the 1962 Trade Expansion Act toward the further mutual reduction of world trade barriers.

It provides a much needed stimulation for U.S. exports through the device of tax "drawbacks." For the first time, U.S. exporters would match some of the advantages of the European exporting firms who receive indirect but legal subsidies through rebates of their border taxes.

It provides for an elimination of the American Selling Price system, and grants negotiating authority to bring order to proliferation of non-tariff barriers being erected by all nations.

And this legislation takes a small step toward granting the nations of Eastern Europe sufficient, selective access to our market to further open the channels of East-West Trade in peaceful goods, when such trade is in our national interest.

But most important, the International Trade Act of 1971 is responsive, to the limits prescribed by the international rules of trade, to the legitimate anxieties of American workers, farmers, business, and industry.

The criteria for escape clause relief calling for quotas or higher tariffs are substantially liberalized. While I have opposed legislated quotas which were in violation of the GATT, I recognize that they may at times be necessary and entirely justified, and that injury findings have been far too difficult to obtain in the past. By maintaining the established *procedure* for escape clause relief, but by liberalizing the *criteria for* injury we can be much more responsive to the problems of workers and industries without overthrowing the civilized rules of international trade and inviting certain retaliation upon our exports.

The bill also liberalizes the procedures for granting adjustment assistance to workers and firms which may be suffering from foreign competition regardless of the competitive status of the entire industry or the justification for quotas or higher tariffs. Beyond making this adjustment assistance easier to obtain, we have also provided for substantially liberalized benefits, both for the maintenance of income and for the necessary retraining, placement, counseling, and other services designed to assist workers in moving into more productive and higher paying fields.

Perhaps of equal importance to the liberalized escape clause procedures are provisions of this bill designed to strengthen the U.S. negotiating hand in eliminating unfair trade practices by other countries. These provisions would expand the President's retaliatory authority against other countries which impose illegal restrictions upon our exports, both agricultural and industrial, or upon certain U.S. investments abroad.

In addition, it would tighten up our present anti-dumping and countervailing duty laws, designed to combat unfair methods of foreign competition.

Mr. President, a summary of this comprehensive trade legislation has been prepared for the record. But the truly significant points, I think, are these:

First, there are legitimate problems which have accumulated in the international trade field for which our existing remedies have been obviously inadequate.

Second, remedies for these problems must come both through tighter and more liberalized legislation, *and* through more aggressive and responsive administration of the remedies long on the books, including retaliatory authority against other nations which have yet to follow upon our lead in opening world trade.

Third, we must shift the emphasis away from protectionism and isolationism toward an *expansion* of world trade, with all of its benefits to the American worker, farmer, businessman, and consumer.

Something in nature abhors vacuum, and the absence of expansionary, forward-looking trade legislation in the last several years has given over the field to myriads of protectionist trade bills. It is our hope now to fill this vacuum with the kind of trade legislation which can set the tone for new trade policies of the 70's.

Those of us who have opposed the remedy of illegal legislated quotas owe it to our industries and workers to come up with a responsible positive alternative. I believe that this legislation is that alternative, and I hope that more of our colleagues will join us in support of this effort.

SUMMARY OF INTERNATIONAL TRADE ACT OF 1971

TITLE I—SHORT TITLE AND PURPOSES

This title provides that the Act may be known as the "International Trade Act of 1971" and briefly states the purpose of each of the succeeding six titles.

TITLE II—TRADE AGREEMENTS PROGRAM

This title amends the Trade Expansion Act of 1962 (TEA) so as to—

(1) give the President, until July 1, 1973, the authority to reduce tariffs by 50% and to eliminate tariffs of 5% or less, with a new Congressional directive that any trade agreement negotiation should be aimed at establishing fair and equivalent conditions of access for agricultural and industrial articles to the markets of all the countries involved;

(2) repeal the duty-eliminating authorities in the TEA that are based on a now questionable "special relationship" with the European Economic Community;

(3) require that any investigation under the national security provision shall be completed within one year;

(4) provide an express authorization of appropriations for the annual U.S. contribution to the GATT, both to put this appropriation on a normal basis and to emphasize support of this key international institution; and

(5) expand the President's authority to retaliate against other countries' restrictive actions and permit him, consistent with our international obligations, to impose import restrictions when another country—

(i) illegally or unreasonably imposes restrictions on U.S. exports,

(ii) impairs or nullifies a tariff concession that could permit increased U.S. exports by illegally or unreasonably restricting U.S. direct investment in that country, or

(iii) subsidizes exports to a third country and thereby substantially reduces sales of U.S. exports to such country.

TITLE III—ASSISTANCE TO FIRMS, WORKERS, AND INDUSTRIES

This title amends section 301 of the TEA so as to—

(1) relax the criteria for escape-clause relief—i.e., higher tariffs or quotas for an entire domestic industry—by requiring the industry to show that increased imports are *the primary cause* of serious economic injury;

(2) liberalize the criteria for adjustment assistance—i.e., financial and other forms of relief not involving import restrictions for an individual firm or group of workers—by providing that a firm (or individual plant) or a group of workers (in a firm or plant) shall show that increased imports are *a substantial cause* of economic dislocation;

(3) take the function of determining whether the criteria for adjustment assistance are satisfied in specific cases away from the Tariff Commission and give it to what would probably be a three-agency board of the Executive Branch; and

(4) require the Tariff Commission to find the probable effect upon consumers of any escape-clause relief it recommends to the President.

In addition, this title—

(1) liberalizes the provisions authorizing adjustment assistance to firms;

(2) assures that workers under the adjustment assistance program will receive financial benefits equal to the wages they earned prior to unemployment;

(3) requires the President, in deciding whether to grant escape-clause relief, to take into account its probable effect upon consumers and domestic competition;

(4) requires the Tariff Commission, in reviewing existing escape-clause actions, to take into account their impact upon consumers, domestic competition, and exporters;

(5) requires any industry seeking the extension of an escape-caluse action to indicate the specific efforts made to adjust to import competition; and

(6) makes permanent the special adjustment assistance provisions of the law implementing the U.S.-Canadian Automotive Agreement.

TITLE IV—NON-TARIFF BARRIERS TO TRADE

This title attempts to clear the way for substantial further progress in the important field of non-tariff barriers (NTB's). In particular, it—

(1) urges the President to do all he can to eliminate NTB's and, if necessary, to negotiate so-called *ad referendum* agreements that are first concluded and then brought back to the Congress for the enactment of implementing legislation;

(2) provides that any NTB negotiation be preceded by public hearings and an investigation by the Tariff Commission into its probable economic effect and that such negotiation be attended by Congressional delegates from the Ways and Means and Finance Committees; and

(3) authorizes the complete elimination of the American selling price system of customs valuation—a precondition in the eyes of Europeans to further international action with respect to NTB's.

TITLE V—COMMERCIAL AGREEMENTS WITH CERTAIN COUNTRIES

This title authorizes the President to conclude a three-year renewable commercial agreement with a Communist country with whom we have diplomatic relations. Under such an agreement, the President would extend non-discriminatory—or so-called most-favored-nation—tariffs to one or more products of the Communist country in return for equivalent commercial benefits. The President is authorized to terminate such most-favored-nation treatment at any time, and he is required to do so whenever he determines that the Communist country is not fulfilling its obligations or that termination is in the national interest.

TITLE VI—ENCOURAGEMENT OF EXPORTS

This title would encourage exports by expanding the concept of drawback—or refund—of duties and taxes on exports. First, it would liberalize the so-called "substitution provision" in the present law that provides for the drawback on duties. Second, it would authorize—but not require—the Secretary of the Treasury to refund Federal and State indirect taxes on goods, services, and property used in the manufacture of exports. The Secretary could not, however, grant the refund unless he found that it was likely to increase U.S. exports and was in the national interest. Such refund would be consistent with the GATT, would probably average about 2.5 percent of the sales price, and would reduce, though not eliminate, the advantages presently enjoyed by exports from the European Economic Community under its border tax system.

TITLE VII—UNFAIR IMPORT COMPETITION

This title would amend the three provisions of law directed at dumping, subsidization, and other unfair practices in the import trade.

In general, this title would—

(1) establish fixed time periods within which investigations into such alleged practices would have to be concluded;

(2) require a public hearing to permit all interested parties to have a voice in the proceeding; and

(3) assure judicial review of the pertinent agency determinations.

In particular, this title would specify the kinds of economic injury to which the Antidumping Act pertains. In addition, it would make the anti-subsidy law applicable to both duty-free as well as dutiable products, instead of just the latter as at the present. Moreover, it would add an injury requirement to the anti-subsidy law—effective January 1, 1975. The President would be urged to negotiate an international agreement limiting the use of other countries' trade-distorting subsidies, with the United States undertaking for the first time to adopt an injury standard in its law. If this effort should fail, the adoption of the injury standard could be eliminated by concurrent resolution or proclamation.

S. 834

A bill to accelerate the expansion of trade among the countries of the world on a fair and legitimate basis and thereby to promote the general welfare of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND PURPOSES

SHORT TITLE

SEC. 101. This Act may be cited as the "International Trade Act of 1971".

STATEMENT OF PURPOSES

SEC. 102. The purposes of this Act are—

(1) to grant sufficient authority to the President to seek fair access to foreign markets for United States products, including agricultural and industrial products, and to deal with the special problems created by the establishment or extension of customs unions or other arrangements among foreign countries that may adversely affect United States exports;

(2) to establish an effective program of adjustment assistance for firms and workers dislocated by increased imports and, taking into account the interests of consumers and exporters, to afford adequate relief for industries seriously injured by increased imports in order to allow such industries to adjust to import competition;

(3) to promote the reduction or elimination of non-tariff barriers and other distortions of international trade by encouraging the President to negotiate international agreements providing for such reduction or elimination and by authorizing the total elimination of the American selling price system of customs valuation;

(4) to extend on a selective basis and through reciprocal commercial agreements the application of most-favored-nation treatment to the products of countries presently denied such treatment when and so long as it is in the national interest;

(5) to further encourage United States exports by liberalizing the drawback of duties and by authorizing the drawback of indirect taxes borne by such exports and by merchandise, services, and property that are used in their manufacture; and

(6) to afford prompter relief and establish more equitable proceedings under the provisions of law directed against the injurious dumping and subsidization of imports as well as the use of injurious unfair trade practices in the importation of goods.

TITLE II—TRADE AGREEMENTS PROGRAM

BASIC AUTHORITY FOR TRADE AGREEMENTS

SEC. 201. Section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)) is amended as follows:

(a) In subsection (a) (1), strike out "July 1, 1967" and insert in lieu thereof "July 1, 1973".

(b) In subsection (b) (1), strike out "July 1, 1962" and insert in lieu thereof "July 1, 1967".

(c) Insert immediately after subsection (b) the following new subsection:

"(c) In entering into each trade agreement pursuant to subsection (a), the President shall seek the establishment of fair and equivalent conditions of access for the articles concerned, including agricultural and industrial articles, to the markets of all the parties to such agreement."

SPECIAL AUTHORITIES

SEC. 202. (a) Section 202 of the Trade Expansion Act of 1962 (19 U.S.C. 1822) is amended by striking out "July 1, 1962" and inserting in lieu thereof "July 1, 1967".

(b) Sections 211, 212, and 213 of the Trade Expansion Act of 1962 (19 U.S.C. 1831, 1832, and 1833) are repealed.

NATIONAL SECURITY PROVISION

SEC. 203. (a) Section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)) is amended by adding at the end thereof the following new sentence: "In the case of any investigation under this subsection initiated by request or application, the Director shall make and announce the determination required by this subsection not later than 1 year after the date on which such request or application was made."

(b) The amendment made by subsection (a) shall apply with respect to requests or applications made to the Director of the Office of Emergency Preparedness under section 232(b) of the Trade Expansion Act of 1962 on or after January 1, 1968; except that, in the case of such a request or application made more than 1 year before the date of the enactment of this Act, the determination required by such section 232(b) shall be made on or before the 60th day after such date of enactment.

GENERAL AGREEMENT ON TARIFFS AND TRADE

SEC. 204. Chapter 5 of title II of the Trade Expansion Act of 1962 is amended by inserting immediately after section 243 (19 U.S.C. 1873) the following new section:

"GENERAL AGREEMENT ON TARIFFS AND TRADE

"SEC. 244. There are hereby authorized to be appropriated annually such sums as may be necessary for the payment by the United States of its share of the expenses of the Contracting Parties to the General Agreement on Tariffs and Trade."

FOREIGN IMPORT RESTRICTIONS

SEC. 205. Section 252 of the Trade Expansion Act of 1962 (19 U.S.C. 1882) is amended to read as follows:

"FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS

"SEC. 252. (a) Whenever the President determines that a foreign country or instrumentality maintains or threatens to impose illegal or unreasonable tariff and non-tariff trade restrictions, including variable import fees, which either directly or indirectly substantially burden United States exports, including agricultural and industrial, the President—

"(1) shall take all appropriate and feasible steps within his power to eliminate such restrictions;

"(2) shall refrain from negotiating the reduction or elimination of any United States import restriction under section 201(a) in order to obtain the reduction or elimination of any such illegal restriction; and

"(3) may, consistent with the international obligations of the United States, impose duties or other import restrictions on the products of such foreign country or instrumentality on a most-favored-nation basis or otherwise, and for such time as he deems appropriate.

"(b) Whenever the President determines that—

"(1) a foreign country or instrumentality has granted a tariff concession applicable to a United States product;

"(2) such United States product is not likely to be exported in significantly additional quantities to such foreign country or instrumentality unless direct United States investment is made in that country or instrumentality in order to assemble, manufacture, or further process such product;

"(3) such foreign country or instrumentality has imposed illegal or unreasonable restrictions on such direct United States investment; and

"(4) such foreign country or instrumentality has thereby impaired or nullified the value of the tariff concession applicable to such United States product,

the President may, consistent with the international obligations of the United States, impose duties or other import restrictions on the products of such foreign country or instrumentality on a most-favored-nation basis or otherwise, and for such time as he deems appropriate.

"(c) Whenever the President determines that a foreign country or instrumentality provides subsidies (or other incentives having the effect of subsidies) on its exports of one or more products to other foreign markets which substantially reduce sales of the competitive United States agricultural or industrial product or products to those foreign markets, the President may, consistent with the international obligations of the United States, impose duties or other import restrictions on the products of such foreign country or instrumentality on a most-favored-nation basis or otherwise, and for such time as he deems appropriate.

"(d) Upon request by any interested person, the organization established pursuant to section 242(a) shall, after reasonable notice, hold a public hearing with respect to foreign import restrictions and discriminatory acts of the kind referred to in subsections (a), (b), and (c) and shall afford interested persons an apportunity to be present, to produce evidence, and to be heard at such hearing. Within 6 months of the date of the public hearing, such organization shall publish in the Federal Register its findings with respect to the restrictions and acts in question, including whether they are illegal or unreasonable and what their impact has been or is likely to be on United States exports, and shall submit its recommendations to the President as to what action, if any, the United States should take."

DEFINITIONS

SEC. 206 Section 256(4) of the Trade Expansion Act of 1962 (19 U.S.C. 1886(4)) is amended to read as follows:

"(4) The term 'existing on July 1, 1967', as applied to a rate of duty, refers to the lowest non-preferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) existing on such date or (if lower) the lowest non-preferential rate to which the United States is committed on such date."

TITLE III—ASSISTANCE TO FIRMS, WORKERS, AND INDUSTRIES PETITIONS AND DETERMINATIONS

SEC. 301. Section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) is amended as follows:

(a) The title is amended to read "PETITIONS AND DETERMINATIONS".

(b) Subsection (a) (2) is amended by striking out "Tariff Commission" wherever it appears and inserting in lieu thereof "President."

(c) Subsection (a) (3) is amended by striking out "this subsection"" and inserting in lieu thereof "paragraph (1)".

(d) Subsection (b) is amended to read as follows:

"(b) (1) Upon request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition under subsection (a) (1), the Tariff Commission shall promptly make an investigation to determine whether increased quantities of imports of an article directly competitive with an article produced by a domestic industry have been the primary cause or threat of serious injury to such industry. In making its determination under this paragraph, the Tariff Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(2) No investigation for the purpose of paragraph (1) shall be made, upon petition filed under subsection (a) (1), with respect to the same subject matter as a previous investigation under paragraph (1), unless one year has elapsed since the Tariff Commission made its report to the President of the results of such previous investigation."

(e) Subsection (c) is amended to read as follows:

"(c) (1) In the case of a petition by a firm for a determination of eligibility to apply for adjustment assistance under chapter 2, the President shall determine whether increased quantities of imports of an article directly competitive with an article produced by the firm have been a substantial cause or threat of serious injury to such firm.

"(2) In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under chapter 3, the President shall determine whether increased quantities of imports of an article directly competitive with an article produced by such workers' firms, or an appropriate subdivision thereof, have been a substantial cause or threat of unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision.

"(3) In order to assist him in making the determinations referred to in paragraphs (1) and (2) with respect to a firm or group of workers, the President shall promptly transmit to the Tariff Commission a copy of each petition filed under subsection (a)(2) and, not later than 5 days after the date on which the petition is filed, shall request the Tariff Commission to conduct an investigation relating to questions of fact relevant to such determinations and to make a report of the facts disclosed by such investigation. In his request, the President may specify the particular kinds of data which he deems appropriate. Upon receipt of the President's request, the Tariff Commission shall promptly institute the investigation and promptly publish notice thereof in the Federal Register."

(f) Subsection (d)(2) is amended to read as follows:

"(2) In the course of any investigation under subsection (c)(3), the Tariff Commission shall, after reasonable notice, hold a public hearing, if such hearing is requested (not later than 10 days after the date of the publication of its notice under subsection (c)(3)) by the petitioner or any other person showing a proper interest in the subject matter of the investigation, and shall afford interested persons an opportunity to be present, to produce evidence, and to be heard at such hearing."

(g) Subsection (e) is amended by inserting after "such injury" the words ", as well as the appropriateness of adjustment assistance to remedy such injury", and by adding the following new second sentence: "In addition, the Tariff Commission shall find the probable effect of such increase or imposition upon consumers, including the price and availability of such article and the like or directly competitive article produced in the United States."

(h) Subsection (f)(1) is amended by inserting "under subsection (b)" after "in each report" in the first sentence.

(i) Subsection (f)(3) is amended to read as follows:

"(3) The report of the Tariff Commission of the facts disclosed by its investigation under subsection (c)(3) with respect to a firm or group of workers shall be made at the earliest practicable time, but not later than 60 days after the date on which it receives the request of the President under subsection (c)(3)."

(j) Immediately after subsection (g), the following new subsection is added:

"(h) For purposes of this title—

"(1) the term 'firm' may include a separate establishment of a firm; and

"(2) the term 'group of workers' may include a group of workers of a separate establishment of a firm."

PRESIDENTIAL ACTION AFTER TARIFF COMMISSION REPORTS

SEC. 302. Section 302 of the Trade Expansion Act of 1962 (19 U.S.C. 1902) is amended as follows:

(a) The title is amended to read "PRESIDENTIAL ACTION AFTER TARIFF COMMISSION REPORTS".

(b) Subsection (b)(1) is amended to read as follows:

"Within 30 days after receiving a request for certification from a firm in an industry with respect to which the President has acted under subsection (a)(2), the Secretary of Commerce shall certify such firm as eligible to apply for adjustment assistance under chapter 2 unless he makes a determination that the increased quantities of imports have not been a substantial cause or threat of serious injury to such firm. Any such determination shall be supported by written findings of fact and shall be issued within 30 days after receipt of the initial request for certification unless, within that period, the Secretary notifies the firm that he requires it to submit additional information in order to enable him to resolve specific questions as to the firm's eligibility, in which event he shall issue his decision as to eligibility within 15 days after receiving such information."

(c) Subsection (b)(2) is amended to read as follows:

"Within 30 days after receiving a request for certification from a group of workers in an industry with respect to which the President has acted under subsection (a)(3), the Secretary of Labor shall certify such group of workers as eligible to apply for adjustment assistance under chapter 3 unless he makes a determination that the increased quantities of imports have not been a substantial cause or threat of unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. Any such determination shall be supported by written findings of fact and shall be issued within 30 days after receipt of the initial request for certification unless, within that period, the Secretary notifies the group of workers that he requires it to submit additional information in order to enable him to resolve specific questions as to the group's eligibility, in which event he shall issue his decision as to eligibility within 15 days after receiving such information."

(d) Subsection (c) is amended to read as follows:

"(c)(1) After receiving a report of the Tariff Commission of the facts disclosed by its investigation under section 301(c)(3) with respect to any firm or group of workers, the President shall make his determination under section 301(c)(1) or (c)(2) at the earliest practicable time, but not later than 30 days after the date on which he receives the Tariff Commission's report, unless, within such period, the President requests additional factual information from the Tariff Commission. In this event, the Tariff Commission shall, not later than 25 days after the date on which it receives the President's request, furnish such additional factual information in a supplemental report, and the President shall make his determination not later than 15 days after the date on which he receives such supplemental report.

"(2) The President shall promptly publish in the Federal Register a summary of each determination under section 301(c) with respect to any firm or group of workers.

"(3) If the President makes an affirmative determination under section 301(c) with respect to any firm or group of workers, he shall promptly certify that such firm or group of workers is eligible to apply for adjustment assistance.

"(4) The President is authorized to exercise any of his functions with respect to determinations and certifications of eligibility of firms or workers to apply for adjustment assistance under section 301 and this section through such agency or other instrumentality of the United States Government as he may direct."

CERTIFICATION PROCEDURES FOR FIRMS

SEC. 303. Section 311 of the Trade Expansion Act of 1962 (19 U.S.C. 1911) is amended by adding the following new subsection:

"(e) Certification procedures and forms prescribed by the Secretary of Commerce pursuant to this section shall be designed to simplify and expedite the provision of adjustment assistance to firms."

USE OF DEPARTMENT OF COMMERCE

SEC. 304. Section 312(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1912(a)) is amended to read as follows:

"(a) The Secretary of Commerce shall provide adjustment assistance under sections 313 and 314 to any firm whose adjustment proposal he has certified, unless he determines that the same assistance can be provided more expeditiously and effectively by one or more other agencies. In that event, he shall refer the adjustment proposal to such other agency or agencies and shall take all steps necessary to assist the firm in securing such assistance."

CONDITIONS FOR FINANCIAL ASSISTANCE

SEC. 305. Section 315(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1915(a)) is amended by inserting after "90 percent" the words "or, if the Secretary determines that the firm has already taken substantial measures to assist its own economic adjustment, 100 percent".

TAX ASSISTANCE TO FIRMS

SEC. 306. Section 317(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1917(2)) is amended by striking out "by the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements" and inserting in lieu thereof "by the increased quantities of imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be".

AUTHORITY FOR ASSISTANCE TO WORKERS

SEC. 307. Section 321 of the Trade Expansion Act of 1962 (19 U.S.C. 1931) is amended by inserting "(a)" immediately before "The", and by adding the following new subsection:

"(b) Procedures and forms prescribed by the Secretary of Labor pursuant to this section shall be designed to simplify and expedite the provision of adjustment assistance to workers."

INCREASED ASSISTANCE FOR WORKERS

SEC. 308. (a) Section 323(e) of the Trade Expansion Act of 1962 (19 U.S.C. 1942(e)) is amended to read as follows:

"(e) Whenever, with respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services performed during such week, as unemployment insurance, as a training allowance referred to in subsection (d), and as a trade readjustment allowance—

"(1) is less than 100 percent of his average weekly wage, his trade readjustment allowance shall be increased by the amount of such insufficiency, or

"(2) is more than 100 percent of his average weekly wage, his trade readjustment allowance shall be reduced by the amount of such excess."

(b) The second sentence of section 326(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1951(a)) is amended to read as follows: "To this end, and subject to this chapter, adversely affected workers shall be afforded, where appropriate, the testing, counseling, training, and placement services and supportive and other services provided for under any Federal Law."

(c) Section 338(4) of the Trade Expansion Act of 1962 (19 U.S.C. 1978(4)) is amended by adding thereto the following new fourth sentence: "For purposes of this paragraph, the Secretary of Labor is authorized to issue regulations providing that the term 'total wages' may include the monetary equivalent of insurance, retirement, and other benefits obtained in addition to wages."

(d) The amendments made by subsections (a) and (c) shall apply with respect to assistance under chapter 3 of the Trade Expansion Act of 1962 for weeks of unemployment beginning on or after the date of the enactment of this Act.

TARIFF ADJUSTMENT

SEC. 309. Section 351 of the Trade Expansion Act of 1962 (19 U.S.C. 1981) is amended as follows:

(a) Subsection (a)(1) is amended by inserting immediately before the period ", taking into account the probable effect of such increase or imposition upon consumers, including the price and availability of the imported article and the like or directly competitive domestic article, and upon competition in the domestic markets for such articles".

(b) Subsection (d)(1) is amended to read as follows:

"(d)(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section remains in effect, the Tariff Commission shall keep under review, and make annual reports to the President on—

"(A) the specific efforts being made by the firms in the industry concerned to adjust to import competition, and other developments with respect to such industry,

"(B) the effect of such increase or imposition upon consumers, including the price and availability of the imported article and the directly competitive article produced in the United States, and upon competition in the domestic markets for such articles, and

"(C) the impact upon United States exports and exporters of any action taken by foreign countries as a consequence of such increase or imposition."

(c) Subsection (d)(2) is amended to read as follows:

"(d)(2) No later than 2 years after the effective date of a proclamation providing for the increase in, or imposition of, any duty or other import restriction pursuant to this section, or upon request of the President, or upon its own motion, the Tariff Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the reduction or termination of such increase or imposition."

(d) Subsection (d)(3) is amended by adding thereto the following new second sentence: "Such petition shall include a detailed account of the specific efforts made by the firms in the industry to adjust to import competition after the effective date of such increase or imposition."

(e) Subsection (d)(4) is amended to read as follows:

"(d)(4) In advising the President under this subsection as to the probable economic effect on the industry concerned, the Tariff Commission shall take into account the specific efforts made by the firms in such industry to adjust to import competition, as well as all other economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment. In so advising the President, the Tariff Commission shall also provide its judgment as to the probable effect of the reduction or elimination, as the case may be, upon—

"(A) consumers, including the price and availability of the imported article and the directly competitive article produced in the United States, and upon competition in the domestic markets for such articles, and

"(B) United States exports and exporters affected by any action taken by foreign countries as a consequence of the increase in, or imposition of, any duty or other import restriction pursuant to this section."

PUBLICITY

SEC. 310. Title III of the Trade Expansion Act of 1962 is amended by adding at the end thereof the following new chapter:

"CHAPTER 6—PUBLICITY

"PUBLICITY OF ADJUSTMENT ASSISTANCE PROGRAM

"SEC. 371. (a) The President shall take all appropriate steps to ensure that the adjustment assistance available under chapters 2 and 3 is made known in a prompt and effective manner throughout the United States to persons who might need such assistance, including persons in areas of substantial unemployment as determined by the Department of Labor.

"(b) In particular, the President shall direct the Departments of Commerce and Labor, and such other agencies as he deems appropriate—

"(1) to use their services and programs in the several States to furnish interested persons with information concerning the various kinds of adjustment assistance available under chapters 2 and 3 and the procedures for obtaining such assistance, and

"(2) to provide timely and appropriate assistance, through their field offices in the several States, to any person seeking to apply for, and to obtain, adjustment assistance under chapters 2 and 3.

"(c) In any area of the United States where a language other than English is used by a significant number of persons, the President shall ensure that information and assistance under this chapter are provided in both English and such other language."

AMENDMENTS TO AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

SEC. 311. (a) Section 302(a) of the Automotive Products Trade Act of 1965 (19 U.S.C. 2022(a)) is amended by striking out "After the 90th day after the date of the enactment of this Act and before July 1, 1968, a petition under section 301" and inserting in lieu thereof "A petition under section 301".

(b) The heading of section 302 of such Act is amended to read as follows: "SPECIAL AUTHORITY".

(c) Subsections (c), (d), and (g)(2) of section 302 of such Act are amended by striking out "the primary factor" and inserting in lieu thereof "a substantial factor".

(d) The amendments made by this section shall apply with respect to petitions filed after the date of the enactment of this Act except that—

(1) such amendments shall apply only with respect to dislocations which began after June 30, 1968, and

(2) such amendments shall apply with respect to dislocations which began after June 30, 1968, and before July 1, 1971, only if the petition is filed on or before the 90th day after the date of the enactment of this Act.

TITLE IV—NON-TARIFF BARRIERS TO TRADE LIBERALIZATION OF NON-TARIFF BARRIERS TO TRADE

SEC. 401. (a) The Congress finds that non-tariff barriers and other distortions of international trade are reducing the growth of foreign markets for the products of United States agriculture, industry, mining, and commerce, diminishing the intended mutual benefits of reciprocal tariff concessions, and preventing the development of open and non-discrimiatory trade among nations. It is the will of the Congress that the President take all appropriate and feasible steps within his power to reduce and eliminate non-tariff barriers and other distortions of international trade in order to further the objective of establishing fair and equivalent conditions of access to markets throughout the world.

(b) As a means of pursuing this objective, the President is urged to negotiate agreements with other countries and instrumentalities providing for the reciprocal reduction or elimination of non-tariff barriers and other distortions of international trade, with the objective of establishing fair and equivalent conditions of access for the articles concerned, including agricultural and industrial articles, to the markets of all the parties concerned. No such negotiation should take place, however, until all interested persons have been given a reasonable opportunity to present their views on any proposed agreement, until the President has obtained the advice of the Tariff Commission on the probable economic effect of such agreement, and only on the condition that such agreement shall not enter into force in the United States until the enactment of any necessary implementing legislation.

(c) Subsection (b) shall in no way be construed as prior approval of any legislation that may be necessary to implement an agreement concerning non-tariff barriers and other distortions of international trade.

(d) Before each negotiation under this section, the President shall, upon the recommendation of the Speaker of the House of Representatives, select two members (not of the same political party) of the Committee on Ways and Means, and shall, upon the recommendation of the President of the Senate, select two members (not of the same political party) of the Committee on Finance, who shall be accredited as members of the United States delegation to such negotiation.

ELIMINATION OF AMERICAN SELLING PRICE SYSTEM

SEC. 402. (a) The President is authorized to proclaim such modifications of the Tariff Schedules of the United States (19 U.S.C. 1202) as are required or appropriate to carry out—

(1) part II of the Agreement Relating Principally to Chemicals, Supplementary to the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade, concluded among the European Economic Community, Switzerland, the United Kingdom, and the United States in Geneva on June 30, 1967, and

(2) the Agreement effected in Geneva on June 30, 1967, by an exchange of notes between the United States and Japan relating to certain canned clams and wool-knit gloves.

(b) With respect to certain footwear presently provided for in item 700.60 of the Tariff Schedules of the United States, the President is authorized—

(1) to enter into a trade agreement providing for the replacement of item 700.60 by one or more new items having product descriptions and rates of duty found by the Tariff Commission to result in duties substantially equivalent to those resulting from the present law, which rates of duty shall be applied to values determined in accordance with the methods of valuation, other than American selling price, provided for in section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a); and

(2) to proclaim such modifications of subpart A (Footwear) of part 1 of schedule 7 of the Tariff Schedules of the United States as are required or appropriate to carry out such agreement and necessary to simplify product descriptions and eliminate anomalies of classification.

(c) In a proclamation issued pursuant to this section, the President is authorized to simplify the Tariff Schedules of the United States by consolidating article descriptions, without changing rates of duty, with respect to articles which will be subject to full concession rates of duty that are identical to one another in column numbered 1 and to rates of duty that are identical to one another in column numbered 2. Any such consolidation shall become effective on the date the full concession rates of duty become effective for such articles.

(d) The President is authorized at any time to terminate, in whole or in part, any proclamation issued pursuant to this section.

APPLICATION OF RELATED PROVISIONS

SEC. 403. (a) For purposes of section 256(4) of the Trade Expansion Act of 1962 (19 U.S.C. 1886(4)), each full concession rate of duty proclaimed pursuant to section 402 of this Act increased by 100 percent thereof shall be treated as the rate of duty existing on July 1, 1967.

(b) For purposes of general headnote 4 of the Tariff Schedules of the United States (19 U.S.C. 1202), a rate of duty proclaimed pursuant to section 402 of this Act shall be treated as a rate of duty proclaimed pursuant to a concession granted in a trade agreement.

CONSEQUENTIAL AMENDMENTS OF TARIFF SCHEDULES OF UNITED STATES

SEC. 404. As of the effective date of a proclamation issued pursuant to section 402(a) or 402(b) of this Act, the Tariff Schedules of the United States are amended by those of the following paragraphs which apply to the articles to which such proclamation relates:

(1) Part 3E of schedule 1 is amended by striking out the rate of duty in column numbered 2 for item 114.05 and by inserting in such column "35¢ per lb." and "35% ad val." for the articles provided for in items 114.04 and 114.06, respectively, proclaimed pursuant to section 402(a) of this Act, and by striking out headnote 1 and the headnote heading preceding it.

(2) Part 1 of schedule 4 is amended by striking out the rates of duty in column numbered 2 in subparts B and C and by inserting in such column "7c per lb. + 75% ad val." for the articles provided for in each item proclaimed pursuant to section 402(a) of this Act, and by striking out headnotes 4 and 5 and inserting in lieu thereof:

"4. The ad valorem rates provided for in this part shall be applied to values determined in accordance with the methods of valuation provided for in section 402(a) through (d) of this Act (19 U.S.C. 1401a(a) through (d))."

(3) Part 1A of schedule 7 is amended by providing for the one or more new items referred to in section 402(b)(1) of this Act a rate of duty in column numbered 2 that is twice the rate provided in column numbered 1 for such item or items, respectively, and by striking out headnote 3(b) and inserting in lieu thereof:

"(b) The ad valorem rates provided for in the items proclaimed in such proclamation as may be issued pursuant to section 402(b)(1) of the International Trade Act of 1971 shall be applied to values determined in accordance with the methods of valuation provided for in section 402(a) through (d) of this Act (19 U.S.C. 1401a (a) through (d))."

(4) Part 1C of schedule 7 is amended by striking out the rate of duty in column numbered 2 for item 704.55 and inserting in lieu thereof "40¢ per lb. + 35% ad val.", and by striking out headnote 4 and inserting in lieu thereof:

"4. The ad valorem rates provided for in item 704.55 shall be applied to values determined in accordance with the methods of valuation provided for in section 402(a) through (d) of this Act (19 U.S.C. 1401a (a) through (d))."

CONSEQUENTIAL AMENDMENTS OF OTHER PROVISIONS OF TARIFF ACT OF 1930

SEC. 405. As of the date the American selling price system of customs valuation is eliminated, pursuant to sections 402 and 404 of this Act, for all articles now subject to that system—

(1) Section 336 of the Tariff Act of 1930 (19 U.S.C. 1336) is amended by striking out—

(A) subsection (b),

(B) "and in basis of value" in subsection (c),

(C) "or in basis of value" in subsections (d) and (f), and

(D) subsection (j).

(2) Section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) is amended by striking out everything in subsection (a) which follows "constructed value" and precedes the period, and by striking out subsection (e).

(3) Section 402a of the Tariff Act of 1930 (19 U.S.C. 1402) is amended by striking out everything in subsection (a) which follows "cost of production" and precedes the period, and by striking out subsection (g).

TITLE V—COMMERCIAL AGREEMENTS WITH CERTAIN COUNTRIES

AUTHORITY TO ENTER INTO COMMERCIAL AGREEMENTS

SEC. 501. In the case of a country with which the United States has diplomatic relations, but to the products of which it denies most-favored-nation treatment, the President may make a commercial agreement with such country providing such treatment to one or more products of that country whenever he determines that such agreement is in the national interest and is likely to result in commercial benefits to the United States equivalent to those provided by the agreement to the other party.

BENEFIT TO BE PROVIDED BY COMMERCIAL AGREEMENTS

SEC. 502. The commercial benefits to the United States to be obtained in a commercial agreement may be of the following kind, but need not be restricted thereto:

(a) arrangements for the protection of industrial rights and processes;

(b) arrangements for the settlement of commercial differences and disputes;

(c) arrangements for participation in trade fairs and exhibits, for sending of trade missions, and for facilitation of entry and travel of commercial representatives; or

(d) most-favored-nation treatment with respect to duties or other restrictions on the imports of the products of the United States, and other arrangements that may secure market access and assure fair treatment for products of the United States.

PROVISIONS TO BE INCLUDED IN COMMERCIAL AGREEMENTS

SEC. 503. A commercial agreement shall—

(a) be limited to an initial period specified in the agreement which shall be no more than 3 years from the time the agreement becomes effective;

(b) be subject to suspension or termination in whole or in part at any time upon reasonable notice;

(c) provide for consultations at regular intervals for the purpose of reviewing the operation of the agreement and relevant aspects of relations between the United States and the other party; and

(d) be renewable for additional periods, each not to exceed three years.

EXTENSION OF BENEFITS OF MOST-FAVORED-NATION TREATMENT

SEC. 504. (a) In order to carry out a commercial agreement and notwithstanding the provisions of any other law, the President may by proclamation extend, for the period of effectiveness of the agreement, most-favored-nation treatment to one or more products of the other party.

(b) The President may at any time suspend or terminate in whole or in part any proclamation issued under subsection (a). The President shall suspend or terminate such proclamation whenever he determines that—

(1) the other party is no longer fulfilling its obligations under the agreement; or

(2) the suspension or termination of the agreement is in the national interest.

REQUIREMENTS FOR NEGOTIATIONS

SEC. 505. Before the negotiation of a commercial agreement under this title, the President—

(1) shall seek information and advice with respect to such agreement from the interested departments and agencies of the United States Government, from interested persons, and from such other sources as he may deem appropriate; and

(2) shall, upon the recommendation of the Speaker of the House of Representatives, select two members (not of the same political party) of the Committee on Ways and Means, and shall, upon the recommendation of the President of the Senate, select two members (not of the same political party) of the Committee on Finance, who shall be accredited as members of the United States delegation to such negotiation.

TRANSMISSION OF REPORTS TO CONGRESS

SEC. 506. The President shall submit to the Congress an annual report on the commercial agreements program instituted under this title. Such report shall include information regarding negotiations, benefits obtained as a result of commercial agreements, the texts of any such agreements, and other information relating to the program.

RELATION TO OTHER LAWS

SEC. 507. (a) This title shall not apply to any agreement made with a country whose products are receiving, when such agreement is made, the benefits of trade agreement concessions extended pursuant to section 231(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1861(b)).

(b) General headnote 3(e) to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately before the colon ", unless a proclamation is in effect with respect to such country or area under section 504(a) of the International Trade Act of 1971".

(c) Headnote 4 to part 5B of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) is repealed.

TITLE VI—ENCOURAGEMENT OF EXPORTS

DRAWBACK OF CERTAIN DUTIES AND INDIRECT TAXES

SEC. 601. (a) Section 313(b) of the Tariff Act of 1930 (19 U.S.C. 1313(b)) is amended by striking out "of the same kind and quality" and inserting in lieu thereof "of a similar kind and quality".

(b) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end thereof the following new subsection:

"(k) Whenever the President determines that such action is in the national interest, he is authorized, upon the exportation of articles manufactured or produced in the United States, to allow as drawback an amount equal to such local, State, and Federal taxes as he finds are borne by such exported articles and by merchandise, services, and property used in the manufacture or production of such articles."

(c) The amendments made by subsections (a) and (b) of this section shall take effect on the 90th day after the date of the enactment of this Act.

TITLE VII—UNFAIR IMPORT COMPETITION

ANTIDUMPING ACT, 1921

SEC. 701. (a) Section 201(a) of the Antidumping Act, 1921 (19 U.S.C. 160(a)), is amended by inserting immediately after the first sentence the following new sentence: "In determining whether an industry in the United States is being or is likely to be injured, the said Commission shall consider whether the industry is suffering, or is likely to suffer, from depressed prices, a decline in production, and unemployment or underemployment."

(b) Section 201 of the Antidumping Act, 1921 (19 U.S.C. 160), is amended by adding thereto the following new subsections:

"(d) During the course of each dumping investigation under this section, public hearings shall be held, after reasonable notice, pertaining to, and in advance of, the Secretary's determination with respect to fair value under subsection (a) of this section, and the Commission's determination with respect to an industry of the United States under subsection (a) of this section. A transcript shall be made of all testimony and exhibits presented at such hearing.

"(e) The Secretary shall make his determination under subsection (a) of this section within 6 months after the question of dumping has been raised by or presented to him or any person to whom authority under this section has been delegated. If, however, prior to the termination of the 6 months, the Secretary makes and publishes in the Federal Register a finding that a fair and thorough investigation cannot be made within that time, the Secretary shall have up to 3 additional months within which to make his determination.

"(f) For the purposes of this section, the question of dumping shall be deemed to have been raised or presented on the date on which a notice is published in the Federal Register that information relating to dumping has been received in accordance with regulations prescribed by the Secretary."

(c) Section 202(b)(2) and section 202(c)(2) of the Antidumping Act, 1921 (19 U.S.C. 161(b)(2) and (c)(2)), is each amended to read as follows:

"(2) other differences in circumstances of sale, including, but not limited to, differences in terms of sale, credit terms, and advertising, distribution, and marketing costs, so long as such differences may be reasonably related to the sale of the foreign merchandise under consideration, or".

(d) Section 202 of the Antidumping Act, 1921 (19 U.S.C. 161), is amended by adding thereto the following new subsection:

"(d) Whenever the Secretary determines that the basis for the finding made under section 201(a) no longer exists with respect to all or any part of the foreign merchandise covered by such finding, he shall modify or revoke such finding."

(e) Section 210 of the Antidumping Act, 1921 (19 U.S.C. 169), is amended by inserting "(a)" immediately before "That" and adding thereto the following new subsection:

"(b) The determination of the Secretary and of the Commission under section 201(a) shall be subject to judicial review in the United States Court of Customs and Patent Appeals in the manner prescribed in section 2112 of title 28 of the United States Code."

(f) Section 213 of the Antidumping Act, 1921 (19 U.S.C. 171), is redesignated section 214, and the following new section is inserted immediately following section 212:

"RULES AND REGULATIONS

"Sec. 213. The Secretary shall make rules and regulations necessary for the enforcement of this Act. Such rules and regulations shall be of sufficient specificity to afford any interested person a reasonable opportunity to determine whether a class or kind of foreign merchandise is likely to be sold in the United States at less than fair value."

(g) The amendments made by subsections (a) through (f) of this section shall take effect on the 180th day after the date of the enactment of this Act.

COUNTERVAILING DUTY LAW

Sec. 702. (a) Section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) is amended to read as follows:

"COUNTERVAILING DUTIES

"Sec. 303. (a)(1) Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation, shall pay or bestow, directly or indirectly, any county or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, then upon the importation of such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to any duties otherwise imposed, a duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The Secretary of the Treasury shall determine, within 12 months after the date on which the question is presented to him, whether any bounty or grant is being paid or bestowed.

"(2) In the case of any imported article or merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1975, duties may be imposed under this section only if there is an affirmative determination by the Tariff Commission under subsection (b)(1).

"(3) The Secretary of the Treasury shall from time to time ascertain and determine, or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated.

"(4) The Secretary of the Treasury shall make all regulations he may deem necessary for the identification of such articles and merchandise and for the assessment and collection of the duties under this section. All determinations by the Secretary under this subsection and all determinations by the Tariff Commission under subsection (b)(1), whether affirmative or negative, shall be published in the Federal Register.

"(b)(1) Whenever the Secretary of the Treasury has determined under subsection (a) that a bounty or grant is being paid or bestowed with respect to any article or merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1975, he shall—

"(A) so advise the United States Tariff Commission, and the Commission shall determine within 3 months thereafter, and after such investigation as it deems necessary, whether an industry in the United States is being or is likely to be materially injured, or is prevented from being established, by reason of the importation of such article or merchandise into the United States; and the Commission shall notify the Secretary of its determination; and

"(B) require, under such regulations as he may prescribe, the suspension of liquidation as to such article or merchandise entered, or withdrawn from warehouse, for consumption, on or after the 30th day after the date of the publication in the Federal Register of his determination under subsection (a)(1), and such suspension of liquidation shall continue until the further order of the Secretary or until he has made public an order as provided for in paragraph (2) of this subsection.

"(2) If the determination of the Tariff Commission under subparagraph (A) is in the affirmative, the Secretary shall make public an order directing the assessment and collection of duties in the amount of such bounty or grant as is from time to time ascertained and determined, or estimated, under subsection (a).

"(c) An affirmative determination by the Secretary of the Treasury under subsection (a)(1) with respect to any imported article or merchandise entered, or withdrawn from warehouse, for consumption (1) before January 1, 1975, or (2) on or after January 1, 1975, but with respect to which the Tariff Commission has made an affirmative determination under subsection (b)(1), shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the 30th day after the date of the publication in the Federal Register of such determination by the Secretary.

"(d) During the course of each investigation under this section, public hearings shall be held, after reasonable notice, pertaining to, and in advance of, any determination of the Secretary of the Treasury under subsection (a) and of the Tariff Commission under subsection (b)(1). A transcript shall be made of all testimony and exhibits presented at such hearing.

"(e) Whenever the Secretary of the Treasury determines that the basis for his determination under subsection (a) or his order under subsection (b)(2) no longer exists with respect to all or any part of the merchandise involved, he shall modify or revoke such determination or order.

"(f) Any determination of the Secretary of the Treasury under subsection (a) and of the Tariff Commission under subsection (b)(1) shall be subject to judicial review in the United States Court of Customs and Patent Appeals in the manner prescribed in section 2112 of title 28 of the United States Code.

"(g) In recognition of the authority given to the Tariff Commission by subsection (b), the President is urged to negotiate an international agreement with other countries that would impose significant and enforceable restraints upon their use of subsidies (or other incentives having the effect of subsidies) on both agricultural and industrial exports. However, such authority given to the Tariff Commission shall terminate upon any date prior to January 1, 1975, which the Congress by concurrent resolution or the President by proclamation may designate."

(b)(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The last sentence of section 303(a)(1) of the Tariff Act of 1930 (as added by subsection (a) of this section) shall apply only with respect to questions presented on or after the date of the enactment of this Act.

UNFAIR PRACTICES LAW

Sec. 703. Section 337(d) of the Tariff Act of 1930 (19 U.S.C. 1337(d)) is amended to read as follows:

"(d) The final findings of the Commission shall be transmitted with the record to the President at the earliest practicable time, but not later than 6 months after the date on which the complaint is filed or the investigation is begun upon its own initiative. If, however, prior to the termination of the 6 months, the Commission makes and publishes in the Federal Register a determination that its final findings cannot reasonably be made within that time, the Commission shall have up to 3 additional months within which to make such findings."

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HARRIS. I am very pleased to yield to the distinguished cosponsor of the bill, the Senator from New York.

Mr. JAVITS. Mr. President, first, I appreciate greatly the proposal which is now being made with respect to trade legislation. Secondly, I wish to underline what the Senator from Oklahoma (Mr. HARRIS) has already made clear—that we felt we needed a positive alternative to the Trade Act of 1970 to which we objected, which was heavily loaded with quotas, and which we felt, at the end of the last session, would bring our trade wars harmful alike to the economy of the United States and the world and detrimental to the world's peace.

I would like to ask the Senator if he would join me in a few thoughts about what is occurring in the world with respect to trade, because it seems to me we have a very special message in this bill with respect to Japan and with respect to the European Common Market.

First with respect to Japan, as recently as this morning the Secretary of Commerce testified before the Joint Economic Committee, of which I am a member, saying that negotiations for a voluntary textile agreement on woolen and manmade fibers have continued rather desultorily, but have continued, since the end of last year, and he does not yet see a result. He made it clear, however, that the administration is serious about the need, in his judgment, for some kind of quota bill regulating imports of woolen and manmade textile and apparels in the absence of an agreement with Japan. Such an agreement is, in turn, the key to an agreement with other countries whose exports to this country, it is felt, in their weight and immediacy, bear too heavily on the American ability to absorb that kind of competition.

Mr. President, this is extremely serious, for this reason: If we have a quota bill for anything, it is our conviction, and we expressed it last year, that we are likely to have a Christmas tree bill with quotas for many products. As the hearings of the Ways and Means Committee of the 91st Congress made clear, many industries have a better case for special protection than the textile industry. Retaliation inevitably would result and we again would face the real and present danger of a trade war which could be so very harmful to the world's economy, including the economy of the most powerful nation on earth, ourselves. That is one threat.

I must strongly hope, as Secretary Stans himself hoped this morning, that statesmanship both in the United States and Japan could resolve this dilemma and thus obviate the need for the administration's backing any kind of quota bill, even in this area of textiles.

The other point I wish to make to my colleagues is with respect to the European Common Market. We are now engaged in a great effort to bring the United Kingdom, and perhaps a few other European countries of the so-called EFTA group into the Common Market. The enlargement of the Common Market to include the United Kingdom and other applicant nations is critically essential, in my judgment and that of many others, to the future progression of the economics and politics of the free world and for strengthening the prospects of world peace.

Yet, at one and the same time, the European Common Market itself is well down the road to creating a preferential trading system with certain States bordering on the Mediterranean and with selected African states, primarily those which, in previous times, had an administrative relationship with France. Such preferential arrangements are an open violation of the Most Favored Nation Provision and in contradiction to the scheme of non-reciprocal, generalized tariff preferences for the developing nations of the world. The scheme has been recently agreed to by 120 nations of the world in the 25th anniversary session of the United Nations.

In addition, there is the complication of the Common Market agricultural policy of the European Common Market which is highly protectionist in its implications. If the Common Market persists in these courses, then again a response is likely to be triggered in the United States of a highly protectionist character which would not serve the best interests of the free world.

Again, Mr. President, I hope that statesmanship and a broader outlook will prevail in the European Common Market, as in the textile negotiations with Japan.

The legislation which the Senator from Oklahoma has introduced for himself, the Senator from Minnesota (Mr. Mondale), myself, and others, is expressly tailored to give the President, flexible authority to deal with emerging trade problems. Rather than using the cutlass, we propose to use the scalpel, and we put the power in the hands of the Executive to do so.

I have emphasized the complexity, the interconnection, and the delicacy of these problems, Mr. President, only because I wish to emphasize the soundness of the remedies proposed, including improved adjustment systems, liberalizing the escape clause under the U.S. trade laws, calling for action against nontariff barriers, giving the President authority to open trade negotiations with Eastern Europe, and providing export incentives among other provisions.

Finally, Mr. President, if the Senator from Oklahoma will bear with me another instant—I think it is critically important—I just wish our voices—those of Senator Harris, Senator Mondale, myself, and the rest of us—could be loud enough, in a symbolic sense, to be heard by all the people of the country and all our colleagues. I cannot overestimate this, Mr. President, and last year we had a foretaste of the tensions which can be created within the free world, among the nations who are our best friends, the dangers from unwise trade moves whether they originate in Japan, in the European Common Market, or in the United States. I think it is our duty, because we have a representative form of Government—we are sent here for a term of years, to look at the situation at least over a period of years, not just for the immediate transitory problems of today and tomorrow.

We have a duty, in my judgment a solemn duty, to call to the people's attention how right here with the bill there could be the genesis of either a future of trade peace or a future of conflict, a future of reason and economic well-being for the world, with an opportunity to close the gap between the developing and the developed nations—which is widening, not closing, as matters stand today—or a period of economic depression for the whole of mankind. The economic will bring of the world is dependent on amicable and expanding trading relationships. These things are directly inherent in this very bill, one of the most important submitted to this Congress, which the Senator from Oklahoma (Mr. Harris) is submitting for all of us here today. I hope, Mr. President, that commentators, editors, those who make public opinion, and our colleagues will take the deep interest in the question which is here posed and which so very urgently deserves attention.

Mr. HARRIS. Mr. President, I thank the distinguished Senator from New York. I concur in the sentiments which he has expressed.

S. 835—INTRODUCTION OF THE ALASKAN NATIVE CLAIMS SETTLEMENT ACT OF 1971

Mr. HARRIS. Mr. President, I send to the desk for appropriate reference the Alaska Native Claims Settlement Act of 1971, a bill designed to provide justice for the Eskimos, Indians, and Aleuts of Alaska. The distinguished senior Senator from Massachusetts (Mr. Kennedy) and I announced our intention on February 9 to introduce this bill. We have since been joined by Senators Gravel, Stevens, by request, Hart, McGovern, Cranston, Tunney, Mondale, and Hughes.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 835) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes, introduced by Mr. Harris for himself and other Senators, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. HARRIS. The bill basically sets forth the position of the Alaska Federation of Natives. It is an alternative to S. 35, a bill which has previously been introduced and is now pending before the Senate Committee on Interior and Insular Affairs. The bill basically provides for 60 million acres in settlement for the Alaska Natives, as well as making provisions in other important respects which we have previousy discussed here in the Senate, both during this session and the last. Hearings are beginning in the Interior and Insular Affairs Committee tomorrow, Mr. President, and I intend to be there at that time and speak out against the pending bill, S. 35, and in favor of this bill, which I think more nearly represents justice and equity for the Natives of Alaska.

I think it is highly important that the attention of Indian organizations and tribes all over America be focused on this issue. I believe if that is done and if there is a strong lobbying effort from all over the country, as was true in regard to the Taos land claim last year, that the Senate and Congress will come to see the importance of this issue for the whole country, and will be persuaded of the justice of the position of the Alaska Federation of Natives, which is reflected in the bill I now introduce.

I believe it will be a tragic mistake, Mr. President, if the committee or the Senate rushes forward with legislation which does less than the provisions of this bill, and it will be my effort and the effort of others to delay any kind of precipitate attempt to pass a bill which does not do justice, until Senators and others can come to see the justice of the claims of the Alaska Federation of Natives and the people whom they represent.

Mr. President, the major thrust and purpose of this bill is to insure that the right of self-determination is preserved for the natives of Alaska. This right can only be guaranteed if sufficient lands are provided in the settlement for the natives. The Eskimos, Indians, and Aleuts of Alaska depend upon the land and the inland and coastal waters for their livelihood. Vast amounts of land are needed to support the natives, and it therefore becomes essential that we do not destroy the culture of the Alaska natives by failing to provide an adequate land settlement.

The Alaska Federation of Natives and the National Congress of American Indians adopted a resolution last year which highlights the importance of the land, which reads in part:

> To deny the Alaska Natives an adequate land base . . . will contribute to their dependency, to the disintegration of their communities, and to the erosion of their cultures. To strip the Alaska Natives of their land will destroy their traditional self-sufficiency, and it is certain to create among them bitterness toward other Alaskans and a deep distrust of our institutions and our laws.

At a meeting of the board of directors of the Alaska Federation of Natives in December of last year, the board concluded that, among other things, a basic element of the settlement of the claims would be confirmation of title to 60 million acres of land in the native villages and regions over which the native people have asserted dominion through use and occupancy from time immemorial.

This request is altogether reasonable since 60 million acres is less than 17 percent of the lands to which the natives have a valid legal claim.

The natives are convinced, and I agree, that to provide them with only 10 million acres, as the Senate did last year when considering S. 1830, would almost immediately destroy their historic way of life. We would therefore deprive the natives of the right of self-determination, a right which the President stated the American Indian is entitled to in his address last summer on Indian affairs.

The bill we are introducing today would preserve the right of self-determination by providing the natives with 60 million acres.

The right of self-determination is further preserved in this bill by requiring that three of the members of the Commission to be appointed by the President to prepare the final membership roles and perform other tasks be natives. The bill before the Senate last year required that only two members be natives and unfortunately my amendment to require three of the members to be natives was defeated.

The provision in the Senate bill of last year which terminated the services of the Bureau of Indian Affairs is also omitted from the bill we are introducing. This is a matter which should be left to the determination of the natives themselves, and not the Congress.

Senator KENNEDY was absolutely correct in stating on the floor of the Senate last week that "an Alaska claims settlement is not a welfare bill. It does not, as he stated, "reflect generosity on the part of Congress in giving something to the native people of Alaska," but is a compromise by both the United States and the Eskimos, Indians, and Aleuts of Alaska.

This is one of the most important pieces of Indian legislation that will ever be considered by this body. It is therefore essential that the rights of the natives, and their needs, be closely examined. What we do will have an impact on this country for years to come. This thought was eloquently expressed by William L. Hensley, an Eskimo leader who is a member of the Alaska State Senate and a member of the Board of Directors of Americans for Indian Opportunity, when he said:

> We are testing the American political system . . . We know the history of our country in dealing with the American Indian and we want to see a final chapter not written in blood or in deception or in injustice . . . If there is no settlement or a poor one, we will have a generation of leaders who fought for years to protect their land and lost. This may start a chain of events in which it is seen by future generations of Natives as a disaster for us—an injustice that will mar the relations between Natives and whites for many years. It may bring defeatism to the people and prevent us from becoming an integral part of Alaska's social and economic development. Our present political influence will diminish and the efforts to develop our communities will falter.

I have also been impressed by the firm resolve displayed by Don Wright, president of the Alaska Federation of Natives, to see that justice is achieved for the natives.

In view of what the native leaders themselves are saying, and in consideration of their legal rights, their social and economic needs, the settlement proposed in the bill we are introducing is just, reasonable, and responsive.

The battle cry of the natives—"Take our land, take our life"—must not go unheeded.

FUELS AND ENERGY HEARINGS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the able Senator from Washington (Mr. JACKSON) calling attention to public hearings that have been scheduled on Senate Resolution 45, which authorizes a study of national fuels and energy policy.

There being no objection, Mr. JACKSON's statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACKSON

Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that open, public hearings have been scheduled on S. Res. 45, a resolution sponsored by the senior Senator from West Virginia (Mr. Randolph) and myself authorizing a study of national fuels and energy policy, for February 25. The hearing will begin at 10:00 a.m. in room 3110 New Senate Office Building.

The Committee has invited certain representative spokesmen from the fuels and energy industry, consumer organizations and conservation groups to present testimony on the subject covered by the resolution. The members of the Senate and other interested citizens are cordially invited to attend this hearing.

ORDER FOR THE SUSPENSION OF THE OPERATION OF RULE XXII UNTIL 12 NOON TOMORROW

Mr. BYRD of West Virginia. Mr. President, a bit earlier today I asked unanimous consent that the able Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes tomorrow at the beginning of the session, and that the Senate, when it completes its business today, stand in recess until 11:45 a.m. tomorrow.

This was with the understanding, Mr. President, that the 1 hour of debate under rule XXII would not start running until the conclusion of the remarks of the able Senator from New York (Mr. JAVITS).

I ask unanimous consent, therefore, that the operation of Senate rule XXII be suspended tomorrow until 12 o'clock meridian.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow will be as follows:

The Senate will convene at 11:45 a.m., following a recess.

Immediately following the prayer and the approval of the Journal, if there is no objection, and the recognition of the majority and minority leaders, the able senior Senator from New York (Mr. JAVITS) will be recognized for a time not to extend beyond 12 o'clock.

At 12 o'clock meridian, the 1 hour of debate under rule XXII will begin. The time will be equally divided between the minority leader and the majority leader, or their designees.

At the close of that 1 hour, circa 1 p.m. tomorrow, there will be an automatic quorum call under the rule, and upon the ascertainment of a quorum, an automatic rollcall vote under the rule will ensue.

Hence, there will be a yea-and-nay vote beginning at approximately 1:15 p.m. tomorrow on the motions to invoke cloture on the motion to proceed to the consideration of Senate Resolution 9. Presumably the majority leader will arrange tomorrow for the transaction of routine morning business with a 3-minute limitation on speeches to occur following the vote on cloture if the cloture motion fails. When the Senate completes its business tomorrow, under the previous order, it will stand in recess until 12 o'clock meridian on Friday next.

RECESS TO 11:45 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:45 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 50 minutes p.m.) the Senate took a recess until tomorrow, Thursday, February 18, 1971, at 11:45 a.m.

NOMINATIONS

Executive nominations received by the Senate February 17, 1971:

FEDERAL POWER COMMISSION

Pinkney Calvin Walker, of Missouri, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1972, vice Carl E. Bagge, resigned.

CANAL ZONE GOVERNMENT

Maj. Gen. David Stuart Parker, [redacted] Army of the United States, to be Governor of the Canal Zone for a term of 4 years, vice Maj. Gen. Walter P. Leber.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Walter Philip Leber, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Alfred Dodd Starbird, [redacted], Army of the United States (major general, U.S. Army).

IN THE NAVY

Comdr. Edgar D. Mitchell, U.S. Navy, for permanent promotion to the grade of captain in the Navy in accordance with article II, section 2, clause 2 of the Constitution.

EXTENSIONS OF REMARKS

WELFARE AND REVENUE SHARING PROGRAMS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 17, 1971

Mr. BYRD of Virginia. Mr. President, I invite the attention of the Senate to a recent column by Jack Bell, a syndicated columnist of the Gannett News Service.

Mr. Bell contrasts the present welfare system and its inadequacies with the proposed family assistance plan, which he correctly describes as not being welfare reform at all.

In addition, he comments upon the recent proposal that the Federal Government take over from the States the entire cost of welfare.

I think that the Senate should pay particular attention to Mr. Bell's disclosure that if the Federal Government does assume the full burden of welfare costs, three States—Massachusetts, California, and New York—would receive 51 percent of the Federal welfare expenditures. Thus, more than half of the tax expenditure for welfare would come from citizens of 47 States to maintain the bloated relief rolls of only three States.

As I have said many times, what we need is true welfare reform. Thus far, all we have received are ideas for welfare expansion.

I ask unanimous consent that Mr. Bell's column be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

THREE STATES WOULD GET 51 PERCENT OF FEDERAL WELFARE AID

(By Jack Bell)

WASHINGTON.—The Democratic Congress appears heading now toward substituting for President Nixon's $6 billion revenue sharing program a federal takeover of skyrocketing state welfare costs.

In a bold political maneuver that could backfire explosively, Chairman Wilbur Mills, D-Ark., is rattling the keys to the House Ways and Means Committee vault in search of a secure burial place for revenue sharing. At his elbow is Rep. John Byrnes, R-Wis.

A great deal already is being made of the Mills-Byrnes alternative that would have Washington pick up the full tab for all relief costs. This would lift a heavy burden off the states and might, in the end, be as profitable to them as revenue-sharing.

The alternative is attractive also in the respect that it presumably would cost no more in the overall than the $4.4 billion Washington is doling out annually for welfare programs, plus what the states themselves put into this field. But the proposal runs against the grain of the Nixon Administration's goal of decentralization of government functions.

The nation's governors have been passing resolutions for years urging the federal government to hand over to their hard-pressed states some of the revenues it takes out of them. Lately they have grown dispirited about this and have started plugging financial action that would give them relief from relief.

Gov. Nelson Rockefeller of New York has been in the thick of this effort. As a proclaimed champion of revenue sharing, he has recently soft-pedalled his appeals for a welfare takeover. He obviously would like to have both. He would not have too much difficulty settling for either.

A hidden bomb lies behind the door. If the federal government actually agreed to pay the full relief bill, New York, California and Massachusetts would get 51 per cent of the money flowing out of the treasury.

It can be argued that the three states have the greatest number of relief clients. But it also can be said that they have outstripped other states in making the welfare way of life more attractive.

Perhaps the governors of Florida, Mississippi and Montana, for example, would be content to have their colleagues get a larger share of the pie than they as long as they got rid of their own relief burdens. But you can already hear the screams of House and Senate members whose states would be faced with taking the short end of the stick.

Whatever happens to welfare "reform"—and everybody is for it—President Nixon's heralded family assistance plan is in trouble from which he may never be able to extricate it. Now there is talk that instead of guaranteeing a $1,600 annual income for four persons, the figure may go up to $2,500 or even $3,000.

Chairman Russell B. Long, D-La., of the Senate Finance Committee and Sen. Harry F. Byrd, Jr., D-Va., who has compiled a notable record of looking after the taxpayers' interests, have laid down a scathing indictment of the family assistance plan.

Long contends, and Byrd agrees, that as it now stands the President's proposal would boost the number of persons on relief rolls from the present 10 million to 24 million. The increased cost to the government is calculated at $4.5 billion a year.

Long and Byrd have said flatly that what is being presented as a work incentive plan will work in exactly the opposite direction. They document the case that under the plan relief families would be better off, cashwise, if fathers deserted them and kept for themselves what they could make on a job.

Nobody in his right mind is going to "reform" relief in that direction. The level of common sense may not be too high in Congress at times, but few lawmakers can be that dumb.

COSTS OF WASTE

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, February 17, 1971

Mr. BOGGS. Mr. President, one of the major challenges facing our Nation is the development of effective methods and incentives for recycling waste materials. Unfortunately, an attititude that is often negative characterizes the approach many persons take on recycling. In part, this is due to economic factors geared toward new production, rather than recycling.

This problem was discussed most effectively in an editorial published in the Christian Science Monitor of February 6, 1971. As I believe the editorial is of national significance, I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COSTS OF WASTE

Widespread negativism, rather than technological unreadiness, was the biggest challenge faced by those attending the recent Recycling Day meeting in New York.

The negativism about America's willingness to meet its mammoth waste-disposal problem was put this way by one environment writer: "There is at present no real economic rationale for recycling. With some infrequent exceptions, it is simply cheaper in today's economy to produce new cars, bottles, paper, cloth and metal products than to mess around with used stuff."

The rationale that the cheapest way is the best way to run an economy can no longer be left unchallenged. Even to say this has already a hauntingly too-familiar ring. But evidently the argument for recycling and more efficient handling of wastes, even at the cost of production and life-style changes, must be made again.

The volume of wastes in America is put at over a million tons a day. The yearly price tag for disposal amounts to over $4 billion. Disposal of wastes is at the heart of the environment's decay. It is wastes from industrial plants and municipalities that befoul rivers. The burning and hilling up of solid wastes contributes to air pollution and landscape unsightliness. Landfill sites are dwindling. Dumping in lake and coastal waters is now recognized as an ecological threat. Cans and bottles, without deposit bounties, stud streambeds and backcountry paths. Urban lots and alleys accumulate trash. Abandoned cars clog city arteries. Aggregating refuse, in a sense, is a symbol of modern industrial man's failure to match his ingenuity with rudimentary tidiness.

The waste problem is more than an environmental or even a disposal issue; it is also a matter of *waste* in the most fundamental sense. As productive woodlands are overcut, the recycling of paper would help conserve pulp. Within a century other basic resource materials like oil, tin, zinc, aluminum are expected to run out unless a reuse system is adopted.

No doubt, substitutes of many kinds will be discovered to replace dwindling resources. But it seems only prudent for society to begin mastering the skills and disciplines of recycling—to husband as far as possible present resources, and to help restore its earth setting to its rightful freshness.

LITHUANIAN INDEPENDENCE DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mrs. GRASSO. Mr. Speaker, the onus of tyranny and oppression which engulfs millions of people today throughout the world is an affront to all of us who embrace the ideals of freedom and the protection of human rights.

Tragically, there are many who embrace these same ideals and protections and yet are unable to experience their benefits. Today, we commemorate a nation which no longer can call itself free. On February 16, 1918, the independence of modern-day Lithuania was proclaimed. This nation, which now also celebrates the 720th anniversary of its origin, was for a brief 21 years the master of its own destiny. Throughout her history, Lithuania's "accident of geography" made her the battlefield and war prize during the course of European development. Yet, following subjugation by Russia and the occupying German armies during World War I, she gained her independence through fierce and heroic resistance to would-be conquerers.

Lithuania again found herself in the middle of a power struggle between the Nazis and the Soviet Union. The Hitler-Stalin pact in 1939 left Lithuania confronted with the threat of invasion despite repeated Soviet pronouncements of nonintervention. A mutual assistance pact was signed with the Soviets after Kremlin troops had massed along the border. Brutal fighting waged on Lithuanian soil during World War II and Soviet reoccupation of this small nation was firmly established in 1944. Since that time Lithuania has not known independence.

During a too brief period of freedom, Lithuanians demonstrated a strong capacity and ability for self-government. Much social progress took place, including the first land reform program of modern Europe, an educational program which reduced illiteracy among its people to 15 percent from a previous 67 percent, and improved transportation. Legitimate, responsible government flourished under Lithuanian leadership, with compassion for people its chief trademark. Now, such self-rule has been denied.

A nation may be conquered, but not the spirit of its people. Despite occupations, physical hardships, persecution, and even genocidal incidents, Lithuanians have remained a strong and united people who long for a time when they can live free and at peace in their own land. Much to our credit, the U.S. Government has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. However, there is much more we can do to insist that the Soviet Union extend freedom and independence to the peoples of Lithuania, Latvia, and Estonia, and other captive nations whose lands have been unjustly occupied and whose people unjustly suppressed. The Congress has made a positive step in this direction by adopting in 1966 House Concurrent Resolution 416 which calls for freedom for Lithuania, Latvia, and Estonia. The text of this very important legislation follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

What is now crucial and essential is that the President forceably implement this legislation by calling the liberation of the Baltic States to the attention of the United Nations. The over 1 million Americans of Lithuanian origin of descent and all Americans who cherish freedom and scorn its inhibitors look to our Government for leadership to make real again the dream of Lithuanian independence.

U.S. INVOLVEMENT IN INDOCHINA

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. HARRINGTON. Mr. Speaker, for the RECORD I submit the following—a survey of what President Nixon has publicly said about our Indochinese involvement and what the facts have been:

On November 3, 1969 President Nixon said on national television:

> I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their government has told them about our policy.
>
> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

But last week we had a unique news blackout as our troops and men became involved in the Laotian invasion. While the foreign press covered this event, the American press was intimidated by threatened loss of accreditation if stories were released to Americans telling what the rest of the world already knew. What a demonstrably cynical concept characterizes the administration's view of traditional American rights to know.

On March 6, 1970, President Nixon said:

> Our purposes remain straightforward in Laos. There are no American ground troops in Laos. We have no plans for introducing ground combat forces in Laos.

Officially the administration denies a military presence in Laos.

Certainly no constitutional authority has been debated and granted by the Congress to wage war in Laos. But the facts are that the United States is flying an average of 12,500 sorties a month in Laos. Are the 40,000 airmen in Thailand who fly these missions, are they excluded from the military count merely because they go to a different country when their combat flight is completed? Or is it more honest to say they are Americans and they are indeed fighting in Laos?

And what about the 400 military personnel and uncounted CIA personnel operating in Laos under various guises? And if our men and planes deposit South Vietnamese troops on the ground in Laos, what kind of semantic leader is being erected to deny "ground combat" presence?

The Los Angeles Times reported on March 15, 1970, that the numbers of non-Americans employed in Laos by the United States "numbers in the thousands." Many are employed in combat roles and can be "described as mercenaries."

As in the Vietnam escalation—

Says the L.A. Times—

> the American involvement has been a steady removal of restraints. At first there were only clandestine Americans working in remote areas with pro-government tribal guerrillas. Then military men in mufti were assigned to Laos as military attaches—until there were almost as many attaches attached to the U.S. Embassy here as in all the other embassies of the world.

In Laos more than 300,000 refugees have been produced as a result of war-related activities. That's one-fifth of the population.

Between 1966 and 1969, Laos suffered the highest per capita casualty rate in the world, and it experienced the heaviest per square mile bombing in history. This is our work.

On June 30, 1970 President Nixon said

in his national broadcast following the Cambodian invasion:

> We will provide military assistance to the Cambodian Government in the form of small arms and relatively unsophisticated equipment in types and quantities suitable for their army.

But the Senate Foreign Relations Committee staff report entitled "Cambodia, 1970, December," states:

> The U.S. has been virtually the sole supplier of new arms, ammunition, and aircraft to the Cambodian military.

In December 1970, under great administration pressure, the Congress authorized $255 million for Cambodia, $100 million of which had been spent before it was authorized; $85 million of the $255 million was for military assistance and $70 million was economic, so called, but was described by the administration as "essential to sustain the Cambodian defense effort."

On June 30, 1970, President Nixon said that the South Vietnamese would launch Cambodian operations to prevent reestablishment of base areas along the South Vietnamese frontier. But he added:

> There will be no U.S. air or logistical support.

But last week in reply to questions regarding U.S. involvement in Cambodia a military release states the following:

> Command and control helicopters with airborne coordinators will be used if U.S. helicopter gunship support is made available. The type of air support provided to this operation will be similar to that provided in the past which includes supplementary air combat and logistical support—some helicopter troop lift and combat air missions have been provided to supplement the VNAF capability. Other U.S. air logistical and air combat operations will be provided from time to time.

On June 30, 1970, the President also said:

> We selected instead a third option—that of gradually shifting the total combat burden to the South Vietnamese.

The Senate Foreign Relations Committee report states:

> The majority of bombing and support strikes against the enemy in Cambodia are conducted by the U.S. and South Vietnamese Air Forces. The U.S. Air Force has had to assume an additional part of the missions within South Vietnam in order to permit Vietnamese Air Force operations in Cambodia.

Again, on June 30, 1970, Nixon stated:

> In Cambodia, the futility of expanded agggresion has been demonstrated. The other side cannot impose its will through military means. We have no intention of imposing ours.

The Senate Foreign Relations Committee report states:

> Between one-third and one-half of the country (Cambodia) is no longer under the control of the Cambodian Government, which means that enemy forces . . . can do there what they wish.

Mr. Speaker, invasions can be called incursions.

Night can be called day.

The craftiest of rhetoricians cannot, however, explain away the role this country is playing in again expanding the unconscionable slaughter in Indochina.

SPEECH BY DR. ROBERT GAYRE, OF GAYRE AND NIGG

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 17, 1971

Mr. THURMOND. Mr. President, the attainment of world peace is not a simple matter. If we are to achieve a lasting resolution of world problems, we must realistically consider our position in the world, and the threat which is posed by other nations or groups of nations which have the capability to attack us. Unfortunately, we seldom see the problems of peace discussed today in terms of global strategy. There is much talk about strategic weapons and the real and immediate threat which they pose. At the same time, we tend to overlook global strategic threats of less magnitude, which in a confrontation, might prove decisive.

In this regard, we ought to study the attempts of the Soviet Union and Red China to obtain footholds leading to control of strategic geographic sites. In my mind, there is no question but that the Soviet Union, and to a lesser extent, Red China, still seek to execute the strategy of encirclement.

The Soviet drive to open the Mediterranean and the Indian Ocean to the Soviet Navy, the marked emphasis put upon the problem of reopening of the Suez Canal, and the attempt to extend Soviet influence in Africa, all are evidences of the Soviet grand design.

This view was recently put forward here in Washington by the distinguished Scottish scholar and lecturer, Dr. Robert Gayre of Gayre and Nigg. Dr. Gayre, whom I could also call Colonel Gayre, or even Lord Gayre, for that matter, has had a brilliant military career in addition to his scholarly endeavors. Not long ago he addressed the McDowell Group here in Washington, giving a lucid exposition of the principles of global strategy which the Soviets have employed. Dr. Gayre has sent me a copy of that speech. It is seldom that one finds such a comprehensive strategic analysis, and I recommend it highly to my colleagues.

Mr. President, I ask unanimous consent that the speech, "World Strategy and the Coming World Crisis," by Dr. Robert Gayre, of Gayre and Nigg, be printed in the Extensions of Remarks.

Mr. President, I ask unanimous consent that a short biography of Dr. Gayre from "Contemporary Authors" also be printed in the Extensions of Remarks.

There being no objection, the speech and biography were ordered to be printed in the RECORD, as follows:

[From Contemporary Authors, 1966]

GAYRE OF GAYRE AND NIGG, ([GEORGE] ROBERT) 1907-

PERSONAL

Born August 6, 1907, in Ireland; son of Robert Gayre of Gayre and Nigg and Clara Hull; married Nina Mary Terry; children: Reinold Gayre of Gayre and Nigg. The Younger. *Education:* University of Edinburgh, M.A., 1934; additional study at Institute of West Asiatic Archaeology, University of Liverpool, and Exeter College, Oxford University, 1934–36. *Religion:* Scottish Episcopal. *Home:* 1, Darnaway St., Edinburgh 3, Scotland.

CAREER

Baron of Lochoreshyre and chief of Clan Gayre. Chairman of Macdonald Printers of Edinburgh, Scotland, Armorial Ltd. of Edinburgh, University Secretarial Services and Research Publishers Ltd. of London, England, and Kevindale Estates Property Ltd. of Johannesburg, South Africa. University of Saugor, Madhya Pradesh, India, professor of anthropology and head of department of anthropology-geography, 1954–56. Council of Scottish Clan Societies, vice-chairman. Military and Hospitaller Order of St. Lazarus of Jerusalem, grand bailiff-general for the British realms, commissioner-general for the English tongue and South Africa, and president of Leprosy Research Commission; Order of Charity, vice-president. International Congress of Genealogy and Heraldry, Edinburgh, secretary-general, 1962; College of Heralds of Rome, consultore pro lingua anglica. *Military service:* British Army, Regular Army Reserve; served on active duty, 1936–45, becoming educational adviser, Allied Military Government, and chief of education and religious affairs, German Planning Division of SHAEF, 1944; retired from Reserve in 1962 with rank of lieutenant colonel.

MEMBER

National Society of Naples, Peloritana Academy, Pontaniana Academy, Academy of Palermo, National Academy of Science (India; fellow), Italian Institute of Genealogy and Heraldry (fellow), International Association of Anthropology, Ethnology and Eugenics, International Institute of Sociology, Institute des Studios Politicos (Marid; corresponding member), Colegio Brasileiro de Genealogia (corresponding member), Forty Five Association (chairman), Scottish Plebiscite Society (chairman, 1964), Scottish Arts Club (Edinburgh), Army and Navy Club (London), Royal Forth Yacht Club (Edinburgh), and Royal Highland Yacht Club (Oban, Scotland). Honorary member of other societies and academies.

AWARDS, HONORS

Knights of Constantine St. George of Naples, 1960; Knight Commander of the Order of Lippe, 1961; Knight Grand Cross with Collar of the Military and Hospitaller Order of St. Lazarus of Jerusalem, 1962; Knight Grand Officer of the Order of the Crown of Italy, 1963; Grand Cross of Merit with Star of Sovereign Military Order of Malta, 1963. Vincente Vignau Prize of International Institute of Geneology and Heraldry, Madrid, Spain, for *The Heraldry of the Knights of St. John;* three medals for other work in genealogy and heraldry. Honorary degrees from University of Palermo, 1943, University of Naples, 1944, University of Messina, 1944.

WRITINGS

Teuton and Slav on the Polish Frontier Eyre & Spottiswoode, 1944; *Italy in Transition*, Faber 1946; *Wassaill In Mazers of Mead*, Phillimore & Co., 1948; *Gayre's Books*, four volumes, privately printed 1948–59; *The Heraldry of the Knights of St. John*, Garga 1956; *Heraldic Standards and Other Ensigns*, Oliver & Boyd, 1959; *The Nature of Arms*, Faber, 1961; *Heraldic Cadency*, Oliver & Boyd, 1961; *Who Is Who in Clan Gayre*, Armorial Ltd., 1962; *A Case for Monarchy*, Armorial Ltd., 1963.

Editor: *The Armorial Who is Who*, Volume I, 1962, Volume II, in press. Editor-in-chief, *La Croix de Sinople;* editor of Armorial, *Mankind Quarterly*, and the *Mankind Monographs*. Contributor to *Encyclopaedia Britannica*, *Coat of Arms*, *Revista Araldica*, other periodicals.

WORK IN PROGRESS

Foundations of Ethnology, English edition in three volumes; *A Roll of Scottish Arms*, publication of the first of about six volumes expected in 1964; a new edition of *The Heraldry of the Knights of St. John*.

SIDELIGHTS

Recent travels in connection with ethnogenetic work and for Order of St. Laaarus include visits to Bantu and Bushmen tribes of Southern Africa, to Egypt, and other sections of Africa, Middle East, Iceland, Canada, United States, and half a dozen countries of Europe, Master and owner of sailing cutter, "Loyalty."

WORLD STRATEGY AND THE COMING WORLD CRISIS

(By Dr. Robert Gayre of Gayre and Nigg)

World strategy is governed by the fact that there is a great land area consisting of Eurasia with attachments running into the Indian Ocean represented by India, Indonesia, and Africa. The heartlands of this land mass are controlled by two monolithic powers which, whatever their differences between each other, are antagonistic to the free nations of the world, and in particular to the major surrounding powers.

These latter consist of the Western European nations, Canada, the United States, Southern Africa, Australia, New Zealand and Japan. All, except the last, are Caucasoid nations based upon a common Christian and European tradition and culture.

This situation, in its broad outline, is not entirely new to us. For centuries now the maritime powers have had the need to contain the powers of the great land masses. The strategy of the British Empire was based upon this. With its bases in Egypt, Arabia, the Persian Gulf, India, Burma, Singapore to Hong Kong and supported by sea power in excess of that deployed by any other state, with small professional armies located at strategic positions, it established a barrier to the outward thrusts of Russia, the most formidable of these Eurasiatic continental powers. Thus the expansion of Russia and China has been contained for several centuries.

Furthermore, the unique position of the British Raj in India made the Crown the biggest Islamic force in the world, and so helped to neutralise any efforts to turn the Arab countries against Britain. There was, as a consequence, a stabilized strategic position which lasted for several generations despite attempts from time to time to destroy this hold which Britain possessed over the peoples of the Indian Ocean, the Western Pacific and the Mediterranean.

All this has been destroyed by the collapse of the European Colonial Empires, and particularly of the British, after the second world war.

It may well be that historians of the future, in looking back, will be very severe in their condemnation of this destruction of world stability—a destruction which was undertaken in the name of democracy, although the only ends it has served have been those of powers determined to suppress individual liberty and freedom.

The outcome of this dramatic recession of the imperial peoples has been to create a power vacuum which consists of a belt of weakness running along the whole of the borderlands of the Eurasiatic powers.

This has made itself felt in a number of theatres. We have Korea, which was a result of Japanese recession from the mainland of Asia. Into this vacuum the United States had to step to prevent the expansion of Communist China, which would otherwise have occupied the whole country.

The collapse of French power in Indo-China created another crucial position of weakness which has had to be under-pinned at once by the United States, in a long and costly drawn-out war of defence which is not yet ended.

Burma in its very weakness is a ready invitation for Chinese expansion. There is little doubt, that if the United States withdraws from Indo-China, not only will Cambodia and Thailand be further involved, but there is a grave danger of Burma becoming sucked into the conflict as well.

The British withdrawal from India led to a neutralization of what virtually had been her protection of Tibet. From this China was not slow to profit. The emergence of India and Pakistan into two hostile powers, dividing the sub-continent, created an area of extreme weakness out of a former bastion of great strength. Having consolidated her position in Tibet, as a result of the feebleness of the subcontinent of India, China was able to attack India in a probe of their common frontier. If China learnt anything, it was that India was no longer the great military power she was under the British Raj. It seems that it is only a matter of time before China invades in a full scale attack. The objectives of which will be the ports of the Indian Ocean.

In Arabia, the British withdrawal was followed by the throwing open to Russian occupation of all her military installations to the key position of the Indian Ocean. At the present time, the South Yemen is avowedly socialist, receiving assistance from China and Russia, and carrying on openly war against Oman which is still pro-Western.

The British withdrawal from Egypt, followed by the disastrous failure of the British and French initiative to prevent the permanent alienation of the Suez Canal, for which the United States bears no little responsibility, has meant that Russia has been able to consolidate herself in Egypt, athwart the canal, as well as being able to make herself the controller of the Southern end of the Red Sea as far as Aden, with a deep penetration into Somalia. Thus she had extended her sphere of influence to include the Horn of Africa.

From the reserve base in Egypt, Russia has been able to influence Syria, Libya and Algeria. Formerly, as the greatest Moslem power, Britain could always hope to exert some influence upon Islamic countries. With Russia now the greatest Islamic nation, it is all too easy for her, starting with the advantages she already possesses, to dominate much of the thought and action of the Arab countries.

Thus we have in a short space of twenty-five years seen a complete change of circumstances. Formerly Britain assisted and supported the Arabs against Israel. But now that these Islamic countries are willing to accept, in some degree or another, the position of clients, or at least sympathetic neutrals; in regard to Russia, we are faced with a new situation, as are also the Israelis. From being enemies of the British, and from having a sympathy with communism they now find themselves seeking to maintain good relations with Britain. At the same time they are being opposed violently by the influence of Russia in all fields. They also see Jewish minorities being persecuted in the Soviet Union on the slightest pretexts.

Insofar as the Eurasiatic countries are communist, and insofar as they seek to destroy certain encircling nations (the United States, Britain and its interests, and Western Europe) the Western powers are forced into a situation in which their interests lie with the survival of Israel and the containment of the Arab States, which are not only under the influence of Russia, but are in some cases even practically militarily in her control.

Following the developments of which we speak, Soviet Russia has effectively spread its power along the North Coast of Africa. Libya, a tremendously important base, has been lost to the maritime Western powers upon the fall of King Idris. The Libyan forces were under British influence, while the United States had the big Wheelus U.S. air base. These powerful military positions also safeguarded the western interests in oil which are located there. Now Libya has formed a federation with Egypt, the Sudan, and Syria. The consequence is that Soviet Russia has consolidated its position, in the Eastern Mediterranean and the Red Sea, as never before in history. Only the closure of the Suez Canal, due to Israel's advance to that waterway and the bombardment along its banks, denies Russia direct entry to the Indian Ocean, and the fulfillment of a Russian aim of centuries of imperialistic dreams.

Turkey and Greece are by these developments outflanked, and as a consequence, the maintenance of Cyprus as a British base becomes of paramount importance. It is the only nodal point around which, by the use of air and sea power in the Eastern Mediterranean, Turkey and Greece could be sustained, Lebanon encouraged to remain a neutral, Israel reinforced, and Syria and Irak threatened if they should openly enter a war waged by Russia against the Western interests in this theatre.

Further west, Tunis, still under French influence, is increasingly isolated with the fall of King Idris' friendly government and its replacement by one hostile to western interests.

On the west of Tunis lies Algeria, which is perhaps the most openly pro-Russian and anti-western of all the Arab countries. It is, in the Mediterranean, what Cuba is in the Caribbean.

It will seem, therefore, that from Libya Malta is directly threatened, and from Algeria the south of Europe, and particularly France.

Malta remains an island fortress of the west in the narrows between Tunisia and Sicily, and given adequate support, effectively closes the gate between the two basins of the eastern and western Mediterranean. Malta is an independent kingdom under Queen Elizabeth of Britain, as Queen of Malta, with a Governor General appointed by the Queen. At the moment it has a nationalist government of Conservative leanings, but there is a large Malta Labour Party in opposition, the accession of which to power could materially change the present favourable strategical situation.

With its fine harbours, large naval dockyards, military and Royal Air Force stations, it is a strong point, which if properly supplied and manned could contain the breaking out of Russia into the Western Mediterranean (and beyond) in the event of the collapse of Turkey, Greece and Cyprus. It is essential for the maintenance of support for these outer defences of the West and for the sustenance of Israel.

Therefore the run-down of the military and naval installations in Malta, as well as the alienation from Britain, of the goodwill of the Maltese people, under the last Labour Government, headed by Mr. Harold Wilson, can be categorized as nothing other than supreme folly only matched by his conduct of relations with Rhodesia and Portugal. The present Conservative Government under Mr. Heath is no doubt preparing to set about repairing some of the damage done to all these relationships and not least to these important defences. But Britain's position in Malta at the moment is decidedly weak until such reparation has been undertaken seriously and on a large scale.

The importance of Malta may be guaged by the fact that Russia has been pressing for facilities there, so far refused, and has at any one time several naval vessels lying off the coast. When a British aircraft carrier recently entered Malta it was accompanied by three Russian vessels, which waited for her, and when she came out on passage to Gibraltar, they fell in with her as though forming an escort. This close surveillance is why, only a few weeks ago, a British aircraft carrier in the Mediterranean avoided with difficulty cutting a Russian destroyer in two which came dangerously near to her.

West of Algeria lies Morocco, which, at the moment, under its King, has, with difficulty, avoided being drawn into the Russian orbit, and which allows facilities to the United States. Morocco is essential to Western interests, as with Gibraltar, it can seal off the Atlantic approaches of the Mediterranean, and prevent Russian naval power breaking out into the central Atlantic, if the bastion provided by Malta should fall. In this situation the position of Gibraltar is not of a little importance. Here the position has become bedeviled by the Spanish claims to this peninsula Rock, which appear to have been developed as a consequence of a reprisal for the self-righteous refusal of the former British Labour Government to supply naval vessels to Spain. A campaign has been launched in the United Nations which has the support of the Communist and the Afro-Asian blocks. In view of the xenophobia of many of these latter States, and their overt sympathy with Russia, this should be of significance to us. For the transfer of Gibraltar, from the control of a principal military and naval power of the West to a weak one, can only serve the interest of Russia.

Gibraltar was obtained by Britain under the Treaty of Utrecht in exchange for the much more valuable island of Minorca. Its only value is naval when in the hands of a naval power. Therefore, there is no basic justice in the Spanish claim, unless they undertook to give back Minorca for Gibraltar. Secondly, the people of Gibraltar have through their legislature, and also by a referendum, expressed decisively their views which are that they have no intention of becoming Spaniards. The population of Italian-British origins, with some original Minorcan, and subsequently Spanish infiltration; but they do not feel Spanish despite their use of the Spanish as well as the English languages. In view of our commitment since the first world war to the principle of self-determinism, it is quite astonishing that the Afro-Asian countries (which have evoked that principle successfully in obtaining their own independence) should deny it in this case. It fortifies my view that this is due to the fact that there is Russian diplomatic pressure upon these xenphobically-oriented states to get Gibraltar out of the hands of a major military power, and into the hands of one which can exercise only weaker control, which Russia could deal with more effectively at a later date. This view is fortified by the knowledge that Spain, considered a fascist power, has given Communist Russia naval rights in an island 150 miles out into the Atlantic from Gibraltar. What interest has Russia there if it is not to try to close the gate of Gibraltar? Or, if Gibraltar were neutralized, to give them a refueling base to harass American, European, and British shipping.

As far as the Mediterranean is concerned, it is clear that so far as Russia's expansion into the Central Atlantic is concerned, if this is to be contained, the Western powers cannot afford to surrender any of its present positions, which are dangerously reduced already. Of these, those which should be held to the bitter end are Cyprus, Malta, and Gibraltar.

All these are small areas and could be seriously impaired if not destroyed in a nuclear war, but while the west, and particularly the United States, in retaliation, can deliver blow for blow against the key positions of Soviet Russia's military power, it is unlikely that a nuclear holocaust will occur. In which case these strong points dictate the strategic situation as it affects the Mediterranean and the Central Atlantic approaches.

Turning to Europe, we have Russian expansion to the North Atlantic blocked by the NATO powers. Germany, France and Italy, with British and American support, provide a military front for a land-war defensive system, designed to defend Western Europe from invasion from the East. While such an alliance remains effective Russia cannot advance to the West coast of Europe and obtain the use of the ports of the West coast of France, which were of such importance to Hitler in the second world war. This defensive system is very much weaker than formerly and needs to be strengthened. If this is done effectively it is very doubtful, in my opinion, that Russia would be willing to invade Western Europe overland. For once Russia is convinced that such a military adventure promises no certain success, she will make a virtue of necessity, and decide to seal off her Western frontiers, so that no war can be fought over them. For Soviet Russia, this will have advantages as much as it will have for the NATO powers. This will enable her to build a curtain of security along one important front, just as it will be of advantage to the West for the same reason. When all is said and done, western strategy must be designed to contain Russian imperialistic expansion, and if a powerful NATO can do that on the Western front, it will have achieved its objective.

It is in the light of this that President de Gaulle's policy should be seen. While it was vexatious to the American policy in many aspects, as it had elements in it of containing the United States also, the *detente* which General de Gaulle sought to establish would have served western as well as Russian interests if it had produced much the same result as would a very powerful NATO which effectively prevented the possibility of a European war.

In the North Sea and Northern Atlantic, British naval and Royal Air Force strength is essential to provide the resources to prevent Russia's break-out through the Baltic and from the White Sea and her Arctic posts, or over Finland, Sweden, and Norway, if these countries should be overrun. The United Kingdom will also have to be sufficiently powerful to close the English Channel if NATO should fail to prevent a Russian invasion of the Continent, and a dash for the Channel ports.

Except for the deployment of fleets of surface and under-sea ships from the Russian Arctic ports, it would seem, if we rebuild the strength of NATO, that we have an effective barrier against Soviet Russian expansion to the North Atlantic. A strengthened British naval and air power should be able to prevent expansion from Russian northern bases.

In the diplomatic field, it is essential to produce a situation which may make it possible for those nations, such as the Poles, Bulgars, Hungarians, Czechoslovakians, Rumanians, and Jugoslavs, to come closer to the west than they are now. I would suggest it is to those nations that economic aid should be given rather than to the so-called under-developed nations. A prosperous Eastern Europe would be more effective in opposing Soviet Russian imperialistic intentions from within the Iron Curtain, than weak and dependent states can ever be. A time could arise, if we took an effective initiative here, when they might well form a neutral screen between Western Europe and Russia. This would not be against Russia's ultimate interests, in certain contingencies, and might well be allowed to occur without too much resistance from her. Such a development would be in the interests of the West, as we could deploy our limited resources more effectively, where the real danger threatens—which I hope to show is designed to encircle both the United States and Europe.

Turning to the Suez Canal, we have to realize that its continued closure is of the utmost value to Western interests. Therefore, the activities of certain influential interests to have the war between the Arabs and Israel settled at any cost, including the opening of the Suez Canal is incomprehensible. When Egypt was a British sphere of influence and the canal was Franco-British owned, its being open was a major objective of Western Strategy. But with Russia firmly embedded in Egypt, and with a sympathetic Libya and the Sudan, the closure of the canal is of paramount importance to ourselves—for it thwarts the major objective of Russian strategy, which has been that of that country for generations. Soviet Russia's ends are served first by the powerful defensive frontier which she has provided for herself in the great continental land-masses on the one hand, about which we can do little, and on the other by her paramount need to break out into the oceans of the world, about which we can do a great deal. Russia is still effectively baulked by the United Kingdom in the north, NATO in the centre, and by Cyprus, Malta and Gilraltar in the south of Europe. Her only effective direction of expansion, where she is faced with weak forces to oppose her, is towards the Indian Ocean, and what stops her here is the closure of the Suez Canal.

Owing to her difficult situation the temptation for Israel to exchange the re-opening of the Canal in return for an advantageous peace treaty, which Russia would support (any other would be ineffective) is very great. If Israel could obtain the effective control of Jersusalem, the Golam Heights, the strengthening of several dangerous salients which run into Israel along her former border with Jordan, and free passage through the Gulf of Aquaba, with some control of the southern port of the Sinai peninsula which dominates the straits, she might well give up all her other conquests and leave the Canal Zone.

It is my view that Soviet Russia might well encourage such a settlement, and may, at this time, be carrying out a diplomatic campaign with her Arab client states to induce them to accept it. For once this were achieved the Indian Ocean would be at her command. She already has the West (Sudanese) shore of the Red Sea, the eastern shore from the South Yemen southwards to the entrance to the Red Sea and Aden, and the fine former British naval and oil bases at Aden. The Red Sea is already dominated by Russia as it was formerly by the United Kingdom. With access to Port Sudan and Aden from the Black Sea ports the dreams of Russian imperial expansion would have reached the point at which their fulfilment were near accomplishment.

This then is the background to the strategic *geopolitik* of world power today. We have two massive central Eurasic powers. The one a military naval and air power in Europe and Asia, with itself strongly entrenched in North Africa and the near East, and the other, a military power solely in Asia, thrusting forward into Indo-China towards Burma and India. We have now to consider their immediate preparations for further expansion to accomplish their objectives.

China's power is contained by the United States in Korea and Southeast Asia, and India has yet to be conquered. Leaping ahead of such a conquest she has already, for all intents and purposes, established her bridge head in Zanzibar. The possession of Bombay, Madras, or Calcutta alone is necessary to complete her line of communications.

Should China find the moment opportune to invade India in force, and I believe she will if conditions are suitable, I have no doubt she will overwhelm India, which will already be fighting on two fronts against West and East Pakistan respectively. We must not lose sight of the close relations which have been developing between Pakistan and China. Meanwhile, India, in a zenophobic reaction against the British Raj has been flirting with Soviet Russia. Russia, however, would not be able to help her short of coming into direct conflict with China which I am sure she is anxious to avoid.

Therefore, I have no doubt the Indian army will be rolled up as far as the Narbudda valley, which is an east and west line which could be held across the Deccan if India could receive timely assistance from Britain, the United States, and other Western powers. But if that assistance were laggard, as one may well fear it would be, as democratic countries cannot move fast to meet radically new situations, then this line would be forced. In that case the ports of India would be in the hands of Chinese Communists within weeks of the invasion.

It is surely this plan which is integral to the actions of Communist China which are being revealed at this moment in Africa. There is no sense in China's going into Africa with developments which are clearly part of an aggressive military expansionism if we do not recognize that she cannot permit a "missing link" to exist in India between the Himalayas and Zanzibar.

From Zanzibar China is already engaged in building in collaboration with Tanzania and Zambia a strategic railway from Dar es Salaam to the Zambesi, the border of Rhodesia. Literally thousands of Chinese have been imported to construct this railway.

China cannot enter Africa overland as Russia must be eliminated first. Therefore, this great land-power has to interject a sea link (of the Indian Ocean between India and Zanzibar) in its drive outwards by a land-based line of advance. The drive to the Zambesi down the centre of the African Continent is typical of the action of a great continental land power.

In the light of the Chinese penetration to the Zambesi projected by the rail line from Dar es Salaam, the Caprivi strip becomes of paramount importance in the Western defense system of Southern Africa. This is a corridor of land which runs from South West Africa along the North of Botswana (old Bechuanaland) to the Zambesi, where at a point in the middle of that river it meets the frontiers of Zambia, Botswana, and Rhodesia.

This completely seals off Botswana, which runs deeps into South Africa, from Zambia to the north of the Zambesi. If Botswana had a connection with Zambia it could be a huge salient into Southern Africa which could turn the whole defenses of Rhodesia and Portuguese Mozambique along the Zambesi and adjoining frontiers, as well as the territory from which a direct attack on the Cape of Good Hope could take place, sealing off in the process the Transvaal as well as Rhodesia.

It is quite inconceivable in the light of these facts that the United States State Department has been making every effort to force South Africa to allow a road bridge, or, failing that, a road ferry service, across the Zambesi at this very point to link Botswana with Zambia, to enable free movement from north to south and so by-pass the need to pass through Rhodesia. If any measure were calculated deliberately to assist a Chinese conquest of Southern Africa this would be it. No wonder, therefore, South Africa will not merely resist diplomatically this United States' pressure, but I believe she would resist by force any attempt to breach her frontier and that of Rhodesia at this point.

At this stage, Soviet Russia, albeit a great Continental land power, has been assiduously making herself a great naval power. Having once accepted that commitment, with the probability of a neutralized Western front, and having broken out through Suez, she assumes the role of a sea-power. It is as such that we must study her strategy. Having broken into the Indian Ocean, even if baulked in the Arctic, the North Sea, and the Mediterranean, she now has all the naval advantages of those who, in the past, have encircled the land-powers. For now it is possible for her to reply by attempting to encircle the naval powers of Europe, the United Kingdom, and the United States of America.

This Soviet Russia is proceeding to do. She has her bases in Aden, Socotra and Somalia. She has already anchorages off the Seychilles. South of this she has entered into agreements for facilities in the Mauritius (behind the back of the U.K. Government).

Her interest on military grounds, quite apart from ideological, is to occupy the important Simonstown base in South Africa. With a pack of nuclear submarines located there she can dominate the South Atlantic, and, at the same time, controlling the Suez Canal, she can deny to Australasia and India from Europe and the East Coast of the United States of America, and prevent the movement of the Pacific and Atlantic fleets from one coast to the other if the Panama Canal cannot be used. In the event of globar war Panama is threatened. Cuba is athwart of its approaches. A thermonuclear bomb can destroy access to it, and subversion among the people of Panama could, in any case, deny it to the United States. Therefore, for the United States the Cape Horn route is of paramount importance, and to this Simonstown could be, in wrong hands, a direct threat.

Gibraltar and Simonstown together in the hands of Soviet Russia, could produce a situation in which a ship could not move in the Atlantic without Russian permission. For that reason Malta, Gibraltar and Simonstown are of paramount importance and true gates which must be locked against our potential enemies, and never be allowed into the hands of hostile powers.

To defend Simonstown the South African Government asked the Labour Government of Mr. Harold Wilson for arms, which were denied. Without the unpublicised assistance of France, South Africa's, and our defenses, today would be in a sorry condition.

This situation the new Conservative Government of Mr. Heath is trying to rectify in the teeth of the opposition of the Afro-Asian nations, the United Nations, and even of the State Department. Being mesmerised by the serried ranks of Black faces friendly to Communists in the United Nations, the State Department, in its haste to appease them, has struck an attitude helpful to the enemies of the West by prcolaiming its antagonism to South Africa and its opopsition to the supply of arms to that country. In so far as that is so, it is striking a blow at the defence of America. At this time Canada is trying to apply the utmost pressure it can to prevent the British Government from providing naval armaments to South Africa. The record of Canada, its recognition of Communist China, withdrawal from NATO, and the political background of association with Communist or near Communist influences of Mr. Trudeau, are consistently favourable to the enemies of the West at this time.

Just as China has leaped ahead of the obstacle at present provided by India so the Soviet Union is attempting to do the same thing. There is a race to the South to occupy Southern Africa and Simonstown, which is the last great strategic gate in the hands of the Western powers. Characteristically the great landlocked power of China is coming south to the Zambesi overland. Russia, which has had a navy ever since Admiral Greig (a Scotsman) founded it for her, is pushing south from the Near East (as she hopes to do when the Suez Canal is opened) by sea. Temporarily not able to occupy South Africa, she pushes onwards into the Southern Atlantic. Thus she has set her sights on South Georgia. There she had nearly completed an agreement with the South American owner of the old Scottish Whaling base (of Salvesen's, Leith) when the British intervened, however successfully remains to be seen. Meanwhile, beyond lie the Falkland Isles. We can be sure that the United Nations, supported by the Afro-Asian and Communist blocks, will support an Argentine claim to these islands.

The aim is clearly Aden, Mauritius, Simonstown, South Georgia, the Falkland Islands, and the South Atlantic is completely locked and Europe is encircled.

Meanwhile, to Soviet Russia has fallen the windfall of Chile, which is now under a markedly left wing Government. The final encircling movement is coming close to success. For a sympathetic Chile can let Russia into the South Pacific.

It is against the background of this strategy that we must view the position of the Kurile Islands. Russia needs the help of Japanese technology to develop Eastern Siberia. Yet, despite that fact, she remains adamant about returning these Japanese Islands to Japan. The obvious reason is that they form part of a global encircling movement which sweeps in a grand manner from Aden, through the Indian Ocean, to the South Atlantic, and up through the Pacific to the Eastern Siberian coast.

This is a text book encirclement but carried out on a world scale, and swept up within it is the whole of Europe, South and North America. Even China is outpaced and placed at hazard by it. No wonder that thousands of Chinese technicians have been landed at Dar es Salaam to push forward the railway through Tanganyika and Zambia to the Zambesi, heading straight for the Cape and Simonstown, before the Soviet Union can consolidate its position there first.

At this point we have to remember that the encirclement is completed in the Arctic—for the Soviet Union, United States and Canada are neighbors there.

Once the encirclement has been completed (perhaps by rights in the Galapagos Islands athwart the Western entrance of the Panama Canal) the United States, the United Kingdom, and Europe, are in a box, a big one it is true, but none the less a box for all that.

Once this situation has been achieved the enormous military power of Russia supported by what will be by then its overwhelming seapower, can dictate terms to the Western nations. The use of thermonuclear weapons, which can be as deadly to the aggressor as the defender, when the latter has some of them, will not be necessary.

An invasion of Alaska and Canada would not be a difficult operation. With few Arctic-seasoned troops it is quite unthinkable that the United States and Canada could fight effectively on the soil of North America.

While the European front must be held at all costs, and NATO must be stiffened, as I see it the grand strategy of the Soviet Union is one of encircling the West and an invasion of the American Continent. If at that time China and Soviet Russia are collaborating (hoping to settle their own differences later) then Communist China will invade India, and, in Africa she will to the north, where, with the help of the Soviet Union, it would hope to neutralize Malta and Gibraltar, and strike at the soft under-belly of Europe, while the Russian fleet broke out into the Central Atlantic. Between them they would effectively prevent Europe from bringing any aid to North America.

This then is the danger I see from the strategy of *geopolitik* dimensions which is now making itself plain. The strengthening of NATO, and our position in the Mediterranean, the support of South Africa, Portugal, and Rhodesia, and the building of the projected British-American base on Diago Garcia Island in the Indian Ocean, are all crucial to our very survival. Against this adverse votes of the Afro-Asians in the United Nations pale to insignificance; in terms of military or economic power they are of no importance, and their principle function is to act as pawns in moves to destroy the Western civilized powers.

POW EFFORTS OF WOMEN'S CLUB OF ST. RICHARD'S CHURCH

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. YATRON. Mr. Speaker, throughout the Nation we are witnessing the efforts of concerned citizens and organizations in seeking the humane treatment of American prisoners of war and in securing their release by the Government of North Vietnam.

The Women's Club of St. Richard's

Church, Barnesville, Pa., has just completed a letter-writing campaign during which citizens from the Barnesville-Mahanoy City-Shenandoah areas joined together to protest the plight of American POW's.

The letter that was written to the North Vietnamese Embassy at Paris reflects the mood of the Nation and the concern that prevails for the future of our men who are being held captive by North Vietnam. The remarks of the Women's Club of St. Richard's Church merit the attention of the Congress, and I request that they be placed in the RECORD at this time.

NORTH VIETNAMESE EMBASSY,
Paris, France.

GENTLEMEN: I am writing on behalf of the families of the American men held prisoner by your country. Your government's policy of non-information concerning these men is one lacking in simple understanding and compassion.

By your government's actions, you not only hold the men themselves captive, but also the hearts and minds of their wives and children.

I choose to believe that, whatever your country desires to achieve, the course taken need not include the mistreatment of men who honorably served their convictions, nor for their families a life of anguish in a state of limbo. No country or its people can gain respect or greatness in the eyes of the world if they do not know the quality of mercy.

Sincerely,

REVENUE SHARING

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. PEYSER. Mr. Speaker, in a speech given to the Empire State Chamber of Commerce, on February 9, 1971, New York State Governor Nelson Rockefeller, again argued in favor of President Nixon's revenue-sharing proposals. The Governor's speech makes a lot of sense and I commend excerpts of that speech which follow to the attention of my colleagues in the House.

EXCERPTS OF REMARKS BY GOV. NELSON A. ROCKEFELLER

The President's $5-billion revenue sharing bill will be introduced in Congress tomorrow.

The bill will carry 138 co-sponsors: 130 of them Republican and the other eight Democrats.

Previously, there had been no Democratic representatives from this State co-sponsoring the bill.

Tonight, I am encouraged to report that one of those co-sponsors will be a New York City Democrat, Representative Shirley Chisholm.

I am also encouraged by the number of New York Democrats in Congress who say privately that they support the concept of Federal revenue sharing, and who say they are now preparing a bi-partisan $10-billion revenue sharing bill.

That is the level of revenue sharing that I have been urging as absolutely essential.

As for Mrs. Chisholm, as representative of the Bedford-Stuyvesant section of New York City, she well knows the plight of urban families trapped in deteriorating neighborhoods and threatened by a total collapse of municipal services.

She is the first to break away from the agrairian—state leadership of the Democratic majority in the House of Representatives.

I don't blame Wilbur Mills of Arkansas, the Chairman of the House Ways and Means Committee, for opposing revenue sharing.

Arkansas is forty-first in the Nation in combined state and local tax effort—but it is ninth in the Nation in the percentage of its Federal taxes that it gets back from Washington.

New York State, on the other hand, is second in tax effort, but 38th in the share of its Federal tax money it gets back from Washington, under the present system of categorical grants.

New York State is sending $23.7-billion to Washington this year, but getting back only $2.7-billion—something more than 11 cents on the dollar.

Arkansas, however, is getting back 27.8 cents on the dollar.

If New York got back the same proportion from Washington as Arkansas, we would be receiving about $7-billion instead of $2.7-billion.

That would be a $4.3-billion increase in Federal grants for New York State and its local communities.

Actually, we are shooting for a $1-billion increase—while the President's bill would increase our Federal grants by approximately $500-million.

I can likewise understand Carl Albert of Oklahoma, the new Speaker of the House of Representatives, in his opposition to revenue sharing.

Oklahoma gets back 25.7 cents on the dollar; it ranks 33rd in state-local tax effort, but 11th in the returns from Washington.

What I can't understand is how a member of Congress from New York State can oppose revenue sharing or fail to do anything to support it, in light of the desperate crisis confronting our urban areas.

That is why it is so encouraging that Representative Chisholm has broken the ice and has put her name on the President's bill.

And that is why it is heartening that some of our State Democratic congressmen at least indicate their support of the concept.

All the Republicans in the House from New York State are supporting revenue sharing.

But, too many Democrats have thus far failed to support it. And some have openly declared their hostility.

This is a blatant case of playing politics with human misery.

I trust that Mrs. Chisholm's example will reverse the tide.

INDOCHINA WAR

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, the past few weeks have seen an unprecedented and irresponsible effort on the part of the Nixon administration to close off the sources of information, to embargo the flow of interchange, to keep in the dark the elected Representatives of the American people as to the activities of the military in Indochina.

All Americans recognize that some secrecy is necessary to protect American fighting men's lives. No one seriously questions this goal—we are all agreed on that. But some of us believe that we can best protect American lives by withdrawing—by ending the war, not enlarging it.

I would like to submit a statement made on Tuesday, February 9, 1971, on the subject of the Indochina war:

STATEMENT OF HON. WILLIAM J. GREEN

I deeply regret the Administration's decision to extend the war into Laos. It is apparent that instead of getting out of Indochina, we are getting in deeper and deeper. We have got to put a stop to this escalation or the war will continue to widen, and we'll never get out.

Congressmen are always getting guided tours of Vietnam. I'd like to reverse the procedure and take some of our military planners on a guided tour of Philadelphia's inner city. I'd like to show them some of our 40,000 abandoned houses, some of our overcrowded classrooms, some of the human misery of our people.

Our state is bankrupt, our school board is bankrupt, and our city is on the verge of bankruptcy. I think it is not too much to ask the Administration to pay a little more attention to these hard facts and a little more attention to these hard facts and a little less attention to blowing up the jungle in Southeast Asia.

YOUR LOVE IS PEACE, DEAR CHILD

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. PODELL. Mr. Speaker, I am proud to place in the CONGRESSIONAL RECORD today a most moving poem by Mr. David Gimbel, a resident of the 13th Congressional District in Brooklyn, N.Y. In May, this poem will appear in the Journal for the Association for the Help of Retarded Children.

I hope the message it brings will inspire our citizens and lawmakers to act to further the well-being of our Nation's retarded children:

YOUR LOVE IS PEACE, DEAR CHILD

(By David Gimbel)

Oh child of innocence, so precious and dear,
Little heart always lonely and so filled with fear.
In millions of homes in the world and this land,
These children reach out for a smile and a friend.

"Now put her away," the family all cry,
But, like a flower without care, she would wither and die.
These very same people keep a dog for protection,
And upon it they will shower their love and affection.

These people of yesteryear all dwell in the past,
And believe their good fortune forever will last.
Compassion and devotion to them is unreal,
So how can they know just how I feel?

In the evening when I get home her eyes sparkle and shine.
I hug her and kiss her and the world is all mine.
Every word that she utters is a symphony to my ears,
And somehow I forget any heartbreak and tears.

I reach into her little world of that you can be sure,
And I find that it is beautiful because it's good and pure,
For it is built on love that glitters like a jewel,
In their paradise of beauty it is the basic rule.

Today this tragic world of ours is beset by war and strife,

And if we will continue we can destroy all
human life.
Then let us take a leaf from their book of
love and cease,
So that peoples can all join hands and forever
live in peace.

LITHUANIAN INDEPENDENCE DAY

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. FORSYTHE. Mr. Speaker, Tuesday, February 16 marked the 53d anniversary of the independence of Lithuania, home of a brave people who have been deprived of complete independence and self-government by the Soviet Union.

My colleagues, this year Lithuanian Independence Day has special meaning to Americans of Lithuanian descent. For it was only a few days ago that the press reported that Simas A. Kudirka, believed to have been severely punished, is alive and well in Moscow.

Kudirka, as you will recall, was the Lithuanian sailor who jumped aboard the U.S. Coast Guard cutter *Vigilante,* where, tragically, he was beaten by Russian superiors and was allowed to be taken back aboard his Soviet vessel.

Only last week, the House subcommittee on State Department Organization and Foreign Operations accused the Coast Guard and State Department of ineptitude in their handling of the incident. So, all Americans of Lithuanian descent feel relief at the news about Kudirka and continue to hope that he will remain safe.

It was on this day in 1918 that Lithuanian patriots declared their state an independent nation. But after two decades of freedom, Lithuania again fell under Russian domination when it was occupied by the Red army in the Second World War.

During those 22 years of independence, Lithuanian leaders brought about land reform, expanded the nation's industry, built a transportation system, provided for a national education program, and enacted social legislation.

But on August 3, 1940, Soviet troops occupied Lithuania bringing to an end this progress and freedom and dampening hopes for continued progress through self-determination.

During the war German forces drove the Russians out of Lithuania, replacing one kind of enslavement and totalitarianism with another. But then in 1944, the Soviet Union reconquered the country.

Now, Lithuanians living in their homeland are subject to the same abuses as their neighboring Latvians and Estonians as the U.S.S.R. attempts to destroy the culture, language, and heritage of their nation.

It is fitting, on this day, that the freedom-loving people of America join with the people of Lithuania in the hope that their independence will some day be restored.

Only the people in Lithuania really know the suffering which they have endured under the Communist regime in Moscow. Let us hope that soon we will see the restoration of their great nation so that Lithuanians may once more enjoy the freedom and independence of democracy.

SOCIAL SECURITY BENEFIT INCREASE NEEDED NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. SCHWENGEL. Mr. Speaker, today I insert in the RECORD, part VII of the article entitled: "Private and Public Retirement Pensions: Findings From the 1968 Survey of the Aged," by Walter W. Kolodrubetz:

COMBINED RETIREMENT BENEFITS

The powerful effect of the dual pensions on total retirement benefits is illustrated in table 8 by showing combined retirement benefits for aged pensioners. When supplementary pensions are combined with OASDHI benefits, a pronounced spread in retirement benefit income is apparent, unlike the pattern for those who get only OASDHI in retirement benefit income. Significantly, in comparing total pensions for dual beneficiaries, the wide differences previously observed in levels of private pensions and public pensions other than OASDHI were erased with the addition of OASDHI benefits. The gap in total retirement benefits between those with and without supplemental private pensions was much greater than would ordinarily be assumed, however, because private pensioners also were more likely to receive high OASDHI benefits. As discussed later in the article, the final effects on total income differentials were substantial since these groups with two or more pensions were also more likely to have income from assets.

The distributions of combined retirement benefits for OASDHI beneficiary couples with private pensions and for those with other public pensions were remarkably similar, and the median amount was almost the same—about $3,000 (table 8). Seventy percent of the couples with two pensions had combined retirement benefits of $2,500 or more; few had less than $2,000.

In contrast, median retirement benefits for couples receiving only OASDHI benefits were half as much as they were for dual pensioners. Because of the nature of and constraints in the OASDHI benefit computation, and the selective factors that operated against OASDHI retirees not receiving another pension, the OASDHI benefits for these couples were fairly evenly distributed in the $500–$2,500 range. Married couples who received only a public pension other than OASDHI (with a median benefit of $2,720) also had total retirement benefits much higher than those of married couples with OASDHI alone and not significantly different than those of dual pensioners.

For nonmarried persons, as for married couples, the combined retirement benefits of units with two pensions were about the same whether OASDHI was combined with a private or another public pension. Retirement benefits for the nonmarried with only OASDHI in retirement benefit income were about half the amount for dual pensioners. Nonmarried persons receiving only a public pension other than OASDHI had retirement benefits that were higher than those of persons with OASDHI benefits only but were not close to the total retirement benefits of dual pensioners.

TABLE 8.—SIZE OF TOTAL PENSION INCOME BY TYPE OF RETIREMENT BENEFITS FOR OASDHI BENEFICIARIES [1] AND NONBENEFICIARIES: PERCENTAGE DISTRIBUTION OF AGED UNITS BY SIZE OF PENSION INCOME, BY RECEIPT OF RETIREMENT BENEFITS, 1967

[Number in thousands]

Total pension income	OASDHI benefits and—			Public pension other than OASDHI
	Private group pension [2]	Other public pension	No other pension	
MARRIED COUPLES				
Total	1,009	392	3,438	166
Reporting on total pension income	953	357	3,398	161
Percent of units	100	100	100	100
$1 to $149				
$150 to $299			(3)	
$300 to $499			3	
$500 to $999	(3)		20	5
$1,000 to $1,499	1	4	29	8
$1,500 to $1,999	10	10	25	8
$2,000 to $2,499	17	16	21	24
$2,500 to $2,999	22	19	2	17
$3,000 to $3,499	17	14	(3)	19
$3,500 to $3,999	13	12		4
$4,000 to $4,999	11	14		9
$5,000 to $7,499	7	10		6
$7,500 to $9,999	1	1		1
$10,000 or more	1	1		
Median total pension income	$2,999	$3,060	$1,483	$2.721
NONMARRIED PERSONS				
Total	605	476	6,353	343
Reporting on total pension income	538	448	6,315	331
Percent of units	100	100	100	100
$1 to $149			(3)	1
$150 to $299			(3)	1
$300 to $499	(3)	1	6	3
$500 to $999	2	3	55	27
$1,000 to $1,499	12	22	36	29
$1,500 to $1,999	29	21	3	12
$2,000 to $2,499	27	19	(3)	18
$2,500 to $2,999	17	13		3
$3,000 to $3,499	4	5		1
$3,500 to $3,999	4	7		1
$4,000 to $4,999	3	5		2
$5,000 to $7,499	1	2		
$7,500 to $9,999		(3)		2
$10,000 or more	(3)	1		
Median total pension income	$2,116	$2,092	$870	$1,272
MEN				
Total	287	128	1,476	109
Reporting on total pension income	265	121	1,463	99
Percent of units	100	100	100	(4)
$1 to $149			(3)	
$150 to $299				
$300 to $499			3	
$500 to $999	2		45	
$1,000 to $1,499	4	17	45	
$1,500 to $1,999	30	16	7	

TABLE 8.—SIZE OF TOTAL PENSION INCOME BY TYPE OF RETIREMENT BENEFITS FOR OASDHI BENEFICIARIES[1] AND NONBENEFICIARIES: PERCENTAGE DISTRIBUTION OF AGED UNITS BY SIZE OF PENSION INCOME, BY RECEIPT OF RETIREMENT BENEFITS, 1967—Continued

[Number in thousands]

Total pension income	OASDHI benefits and—			Public pension other than OASDHI
	Private group pension[2]	Other public pension	No other pension	
$2,000 to $2,499	23	22	(3)	
$2,500 to $2,999	20	15		
$3,000 to $3,499	9	2		
$3,500 to $3,999	5	16		
$4,000 to $4,999	5	6		
$5,000 to $7,499	1	2		
$7,500 to $9,999		2		
$10,000 or more	1	2		
Median total pension income	$2,302	$2,280	$1,008	
WOMEN				
Total	317	348	4,876	234
Reporting on total pension income	273	327	4,852	232
Percent of units	100	100	100	100
$1 to $149			(3)	1
$150 to $299			(3)	1
$300 to $499	1	1	7	3
$500 to $999	3	4	58	36
$1,000 to $1,499	19	24	34	35
$1,500 to $1,999	27	23	1	8
$2,000 to $2,499	30	18		9
$2,500 to $2,999	15	12		4
$3,000 to $3,499		6		1
$3,500 to $3,999	2	4		
$4,000 to $4,999	1	4		2
$5,000 to $7,499	1	2		
$7,500 to $9,999				
$10,000 or more		1		
Median total pension income	$1,988	$1,975	$840	$1,092

[1] Excludes beneficiaries who received their first benefit in February 1967 or later, the transitionally insured and special "age-72" beneficiaries; also excludes a small number of units reporting private pensions but no OASDHI benefits, as well as some who did not report on private pension receipt.

[2] Includes a small number of units reporting both a private and another public pension.

[3] 0.5 percent or less.

[4] Not shown where base is less than 100,000.

A LETTER TO THE PRESIDENT

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. PATTEN. Mr. Speaker, one of my constituents, Rabbi Haim Kemelman, of the East Brunswick, N.J., Jewish Center, is the author of a column in the Home News, of New Brunswick, N.J., called Lines on Living.

Rabbi Kemelman is not only a widely respected Rabbi; he is also a very talented writer—a man who writes with great feeling and eloquence. Following President Nixon's state of the Union address, Rabbi Kemelman, in stirring words and thoughts, included A Letter to the President in his column of Friday, February 5, 1971.

Also the author of a recent book called, "How to Live in the Present Tense," Rabbi Kemelman praised the address of the President and I would like to insert it in the CONGRESSIONAL RECORD, because I am proud of the brilliance of my beloved constituent—a man of deep compassion and love for people:

A LETTER TO THE PRESIDENT

LINES ON LIVING

(By Rabbi Haim Kemelman)

Dear Mr. President, congratulations! Congratulations from a citizen who heard you make a wonderful, I might say revolutionary, dreamy speech in your State of the Union message.

Yes, it was a great and soaring speech, and I liked it, because it spoke of a dream, of an "open door," and of "the need to press open the door of full and equal opportunity, and of human dignity," toward the fulfillment of the American dream.

Yes, it was a revolutionary speech because dreams are revolutionary; splendid and outsoaring in every way. And this, to me, is America: a dreamy country, and therefore, not Russia, not China. Because there, the revolution is quoted, the revolution is idolized, the revolution is fossilized and buried in a dead mausoleum of the past. Here, revolution is lived, but also outlived. Because the American revolution is the American dream. And a dream is only good for one night. For the dream of yesterday can be tonight's nightmare. Dreams change with the size of our visions, one dream begetting another.

I therefore liked, Mr. President, when you spoke of "a New American Revolution—a peaceful revolution in which power was turned back to the people . . ." That's a pretty good start. Because there can be no greater power for the people than the capacity to dream. And when you spoke of "these troubled years" of "a long nightmare of war and division, of crime and inflation . . . dark of the American spirit," and the need "for the lift of a driving dream," you turned back to the people great power. We can dream again, we can see visions, we can grow in health as in wealth.

Mr. President, I don't know much about digits and budgets and bureaus and revenues. But I know a dream when I see one. And I know it's here, not because I'm certain of its realization, but because we now come closer to confront dream's greatest test, as defined by George Bernard Shaw: "You see things and you say 'why?' But I dream things that never were; and I say 'why not?' "

Thank you, Mr. President, for saying to us "Why not?"

Good and honest people will argue as to whether this dream of yours is the most perfect dream for all the people, whether it can be realized at all. And that's very important. But more important is the spirit in which the dream was conceived. And now that the dream is born let's give it a chance to live.

"Bring us together," said that pretty girl to you, not very long ago, Mr. President. Today the opportunity is here, perhaps as at no better time. We have bled externally in far away jungles. We have bled internally in nearby cities. We have drifted from one another, from our children, from our dreams. Let the dream unite us, again; to "bring us together," again; to reconcile us with our beautiful land, again; to "close the gap between promise and performance," again—to "let our spirits soar again."

And again we shall go from dream to bolder dream, from vision to outsoaring vision, in this land of "sea to shining sea." For the lift of the spirit and the lift of the dream can unite us—never again to stop dreaming.

And, in your eye's vision you see a new revolution of priorities where man seeks not so much the heaven of a moon but the heaven of man, not the dust of ages but the dust of the living cell and soul. "Why not?"

Why not a multibillion "Apollo man project" for a decade of research to land man on his humanity; to pore over the dust of his mortality, as he peeks into the grain of moon dust; to know more about human disease, malignancy and malevolent death. Why not? What's the price of moon dust—$30 billion! And what's the price of man dust—a March of Dimes!

Dream: "Why not?" See visions: "Why not?" When? Now! Like the child who was awakened from his deep sleep, echoing the trauma of crying babies and weeping idealists, we too say in Lincoln Steffens' words: "I have lost my place in my dream." For a time, in "a long, dark night of the American spirit," we have lost our place in our dream. Now, Mr. President, you say you have found that place for us in our dream. We are ready for the lift-off—"we are ready for the lift of a driving dream."

Prayerfully and respectfully yours,

Rabbi HAIM KEMELMAN.

THE KIDS WHO CARE

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. SEBELIUS. Mr. Speaker, today a term like "student activism" can mean many things. Unfortunately, to some of us on the older side of the so-called generation gap, the label "student activist" conjures up the image of a rebellious dissident who puts all of his energy into negative and perhaps even destructive acts.

Today I would like to commend to the attention of my colleagues an article that appeared in the February edition of the Farm Journal regarding a group of student activists that are somewhat unique.

Student activists from all over the United States recently attended the 1970 National 4-H Congress in Chicago and, as the article states, broke tradition rather than laws or windows. We often hear about the behavior of idealistic young people who find faults with our society but seldom does our Nation's press pay attention to youngsters who are searching for workable solutions to our problems and, more importantly, are putting them to use and making them work.

One of our Nation's most precious assets is the idealism that motivates our young people. Much of our problem regarding young people has been the lack of any practical program by which we can utilize the idealism, enthusiasm, and honesty of young people and channel these into everyday practices and programs that can improve our society.

The national 4-H program does just this. The article by Beverly Stonebraker that follows illustrates what a tremendous job 4-H young people are doing. They learn by doing and, in so doing, develop into citizens that will actually make America a better place to live.

THE KIDS WHO CARE

(By Beverly Stonebraker)

More than 1600 students, many of them farm youngsters, swarmed into Chicago in December and occupied the Conrad Hilton Hotel. They wore psychedelic lapel buttons; sang rally songs; roamed in bands up State Street talked late at night in hotel corridors about their campaign strategies for the 70's.

But cops smiled approval, and even mothers were proud. For these were a different brand of activists; delegates from all over the U.S. to the 1970 National 4-H Congress.

The only thing they broke was tradition. Members resoundingly urged a broader, more "with it" 4-H to meet contemporary needs. I talked with boy and girl 4-Hers from several states. They're eager, articulate, and obviously playing a much stronger role than members did a few years ago in deciding the 4-H program.

Last year's Congress wore the theme "4-H is more than cows and cookin'" and this year's theme was "We care." This doesn't mean 4-H has abandoned Guernseys on its way to the ghetto. It simply means that members will apply their real strength, "to learn by doing," on contemporary needs in towns and inner cities as well as farms. A third of the 2.5 million members of 4-H clubs and groups are farm kids. Another third live in rural areas or towns under 10,000; the remainder are suburban or inner city dwellers.

If the 4-Hers in Chicago represent sentiment in your local club and elsewhere, here are some of the new thrusts 4-H will make in the '70s.

You'll see more training in citizenship and human relations. This goes well beyond teaching a 10-year-old to keep quiet in a business meeting. "Americans are dividing into opposing camps. This can be destructive," one delegate said. A perceptive Pennsylvania boy added: "It's not the *issue* that alienates people, it's just that some are *unwilling* to listen to another point of view." These boys and girls want to learn how to understand each other.

They named drug abuse as their number one social problem. "Our campus is infested with drug users," said a quiet Minnesota girl. A Kansas delegate confided, "I don't smoke pot, but you're not 'in' unless you do." But a dairy science freshman from the strife-torn University of Wisconsin voiced the majority opinion: "Your own crowd defines what it takes to be 'with it.' Drugs aren't popular with students in our ag school."

Two Connecticut 4-Hers told me how they had enriched one week of their summer by sharing their rural out-of-doors with teens from the inner city. "At first, our visitors were tough," they said. "But before they left we had built up trust and friendship."

Apparently, members soon learn to make the democratic system work in local clubs. As their horizons expand they want it to work nationally. Their response to national 4-H leadership conferences is the main reason the 4-H Foundation is raising $8 million for a new National 4-H Center in Washington, D.C.

The new center, now under construction, will handle 600 people at a time. It permits an expanded series of training conferences.

Urban areas are already feeling the fresh breeze of 4-H citizenship efforts. Just before Christmas, New York Mayor John Lindsay honored the organization with a city-wide 4-H Day for its efforts in the nation's biggest city.

"Health to better living" will be extended to more low-income people. Last summer a series of nutrition camps blossomed in more than 20 states. Club members and leaders are trying to reach and teach lower-income people how to eat nutritiously on a low budget.

I met a Utah girl who teaches breadmaking to Navajo Indian girls. A bonus: She learned about Indian cookery.

In public housing projects of Kansas City and St. Louis, 4-H leaders and members are teaching more than 4000 prospective homemakers how to make the most of inexpensive foods such as commodity program staples.

Improving our environment runs a close second behind drug abuse on these youngsters' list of concerns. Future 4-H activities will build on the organization's longtime expertise with conservation.

Perhaps the 4-Hers' philosophy was best expressed on a button I saw on one Chicago delegate's blazer: "Celebrate Life." They do, and they will.

COMMEMORATIVE STAMP HONORING THE LIFE AND DEATH OF DR. MARTIN LUTHER KING, JR.

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. NIX. Mr. Speaker, I am today introducing a bill requiring the issuance of a commemorative stamp honoring Dr. Martin Luther King.

I first introduced such a bill in 1968, shortly after the death of Dr. King. In 1969, I introduced a second bill, after contacting the Post Office Department. At that time, I received a letter of acknowledgement in response to my letter. No other action was taken.

Dr. King has been honored by many of our States and cities, postal unions have, in their proposals for the first collective bargaining negotiations, asked that a holiday be granted by the postal service in Dr. King's honor.

Dr. King was, as we all know, the holder of a Nobel prize. He was honored on an international scale not only by the great of other nations but, by the common people of other countries. Persons who seek civil rights in Ireland have marched to the singing of "We shall overcome."

Martin Luther King believed that the foundation of democracy was built on the continuing progress in human dignity and that dignity, he believed, consisted in a growing share of freedom for all men.

The dream of Martin Luther King was a dream that in America and in all the world our deeds would match our beliefs.

His life's work resulted in the passage of three civil rights bills by the Congress.

His life brought racial and political equality closer to reality for all Americans.

His life began the solution of what foreigners have called "The American Dilemma." All this in so short a time, all this in one lifetime of 39 years.

Dr. King was a builder, not a destroyer. The prophecies of doom uttered on the passage of each civil rights act have been proven empty. The pessimists were wrong. America is more of a democracy, it is a bigger country and a better Nation.

Martin Luther King brought understanding with him, the understanding that was carried into every home in America, white or black, that the Negro could not wait any longer to be equal, that 100 years of disappointment after the Civil War were enough. Equality is a right that belongs to all men, but it must be recognized. The shock of recognition was necessary for all of us, the recognition that our goals were great and our performance was so weak.

There are those who thought of Martin Luther King as a lawbreaker. They are wrong. He was the most lawful of men. He ignored unjust ordinances, but he willingly paid the penalty for their violation. He showed that where men are willing to pay the penalty, unjust laws cannot stand. An unjust law is an unworkable law because the majority of Americans are not willing to begin a campaign of massive repression to deny rights to others which they accept for themselves.

The American people are a just people. They are very often too busy with the material problems of getting and spending to give their full attention to the big questions. Martin Luther King made people listen and think, to look deeply into their own souls and the soul of their country. We have all been better for that.

When Martin Luther King thought of death he said that he would like "somebody to say, Martin Luther King tried to love somebody." He loved more than somebody, he loved this country. I believe that it is fair to say that millions of Americans white and black love him back today.

The cure for the ills of democracy is more democracy, in Al Smith's phrase. Dr. King's life applied this principle.

The President of the United States, in his inaugural address, said that he wanted to bring the American people together. My bill today is a gesture that will make that goal a little more of a reality. It will, if it results in action, stand for the principle of unity in the eyes of all Americans, not only the 20 million Americans of Dr. King's race.

I have not listed as I have in the past the commemorative stamps issued recently honoring animals, entertainers, and obscure figures in America's past. I have not done so because I believe that this matter can be settled amicably if the administration of the postal service and the committees which supposedly made decisions in this area act reasonably.

I believe that any step in the direction of reuniting Americans is worth taking. My bill is such a step. I will renew my efforts to make its terms a reality.

WHAT EVERY AMERICAN SHOULD KNOW ABOUT THE NEW RAIL PASSENGER LAW

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. SHOUP. Mr. Speaker, on February 10, 1971, Mr. Donald E. Deuster of the U.S. Department of Transportation, Office of Congressional Relations, attended a convention of the Montana Chamber of Commerce in Helena, Mont. This was a conference dealing with the problems of transportation, a topic of great concern to the State. Mr. Deuster's remarks concerning the new rail passenger law were so well received that I believe it only fitting that they be included in the CONGRESSIONAL RECORD:

WHAT EVERY AMERICAN SHOULD KNOW ABOUT THE NEW RAIL PASSENGER LAW

(Remarks of Donald E. Deuster, U.S. Department of Transportation, Office of Congressional Relations, at the Montana Chamber of Commerce, Helena, Mont., Feb. 10, 1971)

Members of the Montana State Chamber of Commerce, and your distinguished guests, Members of the Montana Legislature, congratulations on convening this timely statewide conference on transportation. Thank you for inviting me here to Helena to discuss the new "Rail Passenger Service Act of 1970."

Last year, as you know, our Congress made a great historic and truly bipartisan decision to save the vanishing American passenger train. And, after an extended legislative struggle, President Nixon put his signature to Public Law 91–518 on October 30, 1970.

Since that day our telephones at the Department of Transportation have been ringing at an accelerating crescendo—generally with basic questions about this complicated, flexible and novel piece of legislation.

It was my personal privilege as a Congressional Relations Officer for the Nixon Administration to spend almost two years closely following the progress of this landmark law. Hopefully, this experience may enable me to answer most of your questions.

But first, allow me to answer some of the most fundamental and common inquiries.

BRIEFLY, WHAT DOES THE LAW DO?

Very simply, the law creates a new semi-public Corporation which will begin operating a basic national system of passenger trains on May 1, 1971. On that date, responsibility for operating passenger trains in America will be transferred from the private railroad companies to the new National Railroad Passenger Corporation.

WHY WAS THIS LAW NECESSARY?

Since World War II, the American system of passenger trains was diminishing in size, deteriorating in quality of service, and fast disappearing. Although some 20,000 trains were running in 1929, by 1969, less than 500 trains were left.

Basically, Congress had a four-way choice: One, let the trains go the way of the stagecoach and die off; Two, subsidize the existing service; Three, nationalize the railroads; Or, four, find some limited mechanism for improving the service, and developing an efficient national system of passenger trains which the American traveler would patronize.

WHY DID CONGRESS DECIDE TO SAVE THE TRAINS?

Let me answer this straight from the horse's mouth by quoting the exact language of Title I of the law in which Congress makes seven specific findings. Emphasis is added by italicizing.

1. "The Congress finds that *modern*, efficient, intercity railroad passenger service is a necessary part of a *balanced* transportation system."

2. "That the public convenience and necessity require the continuance *and improvement* of such service to provide fast and comfortable transportation between crowded urban areas *and* in other areas of the country."

3. "That rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports."

4. "That the traveler in America should, to the maximum extent feasible, have *freedom to choose* the mode of travel most convenient to his needs."

5. "That to achieve these goals requires the designation of a *basic* national rail passenger *system* and the establishment of a rail passenger *corporation* for the purpose of providing modern, efficient, intercity rail passenger service."

6. "That *Federal financial assistance* as well as investment capital from the private sector of the economy is needed for this purpose; and"

7. "That interim emergency Federal financial assistance to certain railroads may be necessary to permit the *orderly transfer* of railroad service to a railroad passenger corporation."

WHAT KIND OF A CORPORATION IS CREATED?

The Corporation is quasi-public which means half-public and half-private. The law states "The Corporation shall be a for profit corporation, the purpose of which shall be to provide intercity rail passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service."

The public complexion of the Corporation is provided in two ways: First, the President of the United States appoints and the Senate confirms a majority of eight of the fifteen members of the Board of Directors of the Corporation; Secondly, public funds are contributed to the Corporation.

WHERE DOES THE CORPORATION GETS ITS MONEY?

The law contemplates three sources of funds: One, the Federal Government; Two, the private railroad companies; and Three, private investors.

Initially, there is a Federal grant of $40 million to assist the Corporation in organizing, establishing an improved reservations system, advertising, servicing, repairing and maintaining passenger equipment, conducting research, development and demonstration programs for new rail service, improved rolling stock, and fixed facilities, including track connections.

Secondly, the Secretary of Transportation is authorized to guarantee private loans to the Corporation up to $100 million to finance the upgrading of roadbeds, purchase of new rolling stock, and other corporate purposes.

Thirdly, Federal loans or loan guarantees in the amount of $200 million are authorized to enable needy railroads to join the corporation.

To join the Corporation and be relieved of their passenger service obligations on May 1, 1971, the private railroads must make payments to the Corporation according to a formula in the law based on their passenger train deficits in the year 1969.

Lastly, preferred stock is to be sold to the public as a third source of capital funds.

WHO WILL BE ACTUALLY RUNNING THE TRAINS?

Under the law, "The Corporation may contract with railroads or with regional transportation agencies for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree."

Should there be a disagreement on terms, the Interstate Commerce Commission may order a railroad to provide services or the use of tracks and facilities on "on such terms and such compensation as the Commission may fix as just and reasonable."

Basically, the Corporation will manage this new national network of passenger trains but operate the trains through contracts with the railroad companies.

WHERE WILL THE TRAINS RUN?

After the starting date of May 1, 1971, the Corporation will operate trains between points in the basic system over routes of the Corporation's choosing.

Secretary John A. Volpe designated the basic system last month by naming twenty-one city-pairs between which there must be train service. Of special interest to Montana is the naming of Chicago and Seattle as end points. As suggested on the maps which you have, the Corporation may choose one or more routes or combinations of routes in Montana.

The northern route could go from Williston, North Dakota, across the high line through Glacier Park to Spokane. The southern route could go from Bismarck to Billings and then either through Butte or Helena. Also, conceivably, a route could go through Billings and then swing up through Great Falls in the summertime to serve Glacier Park.

When Secretary Volpe specified the end points and identified the possible routes for the Corporation, he considered a number of basic factors. Among them were:

1. Ridership—existing and projected;

2. Population—one or both of the terminal cities were to be major population centers of one million or more;

3. Alternate Mode Competition—ability of rail travel to compete with other modes in terms of cost, speed, or comfort;

4. Existing Rail Facilities—whether track and facilities are in condition for rail service without major and immediate capital improvements;

5. Profitability—whether the Corporation can operate the system as a whole on an economically sound basis with projected revenue and cost estimates indicating no substantial losses.

Furthermore, the law requires taking into account the need for expeditious intercity rail passenger service within and between all regions of the continental United States. Presumably, the Corporation will consider these same factors as they choose the precise routes and service characteristics. These decisions will be made between now and May 1, 1971.

HOW MAY YOU COMMUNICATE TO THE CORPORATION?

The Corporation is being set up by a Board of Incorporators of eight persons who were named by President Nixon and confirmed by the Senate. Eventually, after May 1, 1971, there will be a permanent board of fifteen—eight of whom are Presidential appointees, three to be elected by the railroad stockholders, and four to be elected by the public preferred stockholders.

Communications may be addressed to the Corporation in this way: Mr. David W. Kendall, Chairman, Board of Incorporators, National Railroad Passenger Corporation, 800 L'Enfant Plaza, S.W., Washington, D.C. 20024.

HOW LONG MUST THE CORPORATION RUN THE TRAINS?

Passenger train service in the basic designated system must be operated for two years and two months until July 1, 1973. After that date, the Corporation may ask the Interstate Commerce Commission to allow the discontinuance of service which is either "not required by public convenience and necessity, or will impair the ability of the Corporation to adequately provide other services."

Hopefully, however, progress by then will rule out any such actions and instead justify further extension and expansion of the basic system.

MAY THE SYSTEM BE EXPANDED?

Yes, there are two ways in which new service may be added by the Corporation. First, at any time the Corporation may provide service in excess of that in the basic system, including special or extra trains "if consistent with prudent management."

Secondly, any State, regional, or local agency may request extra service. If the State, regional, or local agency agrees to "reimburse the Corporation for a reasonable portion of any losses associated with such service," the Corporation must institute the service. Under the law, a "reasonable portion" means at least two-thirds of the deficit.

WILL THE SERVICE BE BETTER?

Yes, this is the purpose and hope of the law. The Corporation has the flexibility and freedom to choose routes, stops, fare levels and other characteristics of service so as to comprise an efficient, inter-connected national system of trains.

The best of existing equipment will be used until new rolling stock can be purchased and more modern equipment actually put in operation.

With the new Corporation, there is a single management dedicated to the improvement and promotion of rail passenger travel. Routes, schedules, train connections, through car service together with sleeping, parlor, dining and lounge facilities can be organized in a businesslike and sensible way without red tape.

Hopefully, new techniques of marketing, ticketing, and operations will convince the American traveling public to come back to the rails. Hopefully, the system will be self-sustaining, profitable and competitive.

The new law provides a flexible framework by which, with the support of the American people, a great national system of passenger trains can be developed.

And, as Secretary Volpe stated in his press conference last month when he designated the basic system, "This is a beginning!"

SECOND-CLASS POSTAL RATES

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ABOUREZK. Mr. Speaker, I would like to share with my colleagues a letter I recently received from the editor of a fine weekly newspaper in my State. The thrust of the letter from Mr. Hans Hanssen of the Hot Springs Star is, in his words, that "the value to the Nation of strong, independent newspapers far outweighs the subsidy of those papers by the postal system."

Mr. Speaker, I believe that all of us here should consider Mr. Hanssen's argument very very carefully and should oppose any rate increase that would jeopardize the small weekly newspaper. As I understand it, the recent suggested rate increases for second-class mail will be 187 percent over a 10-year period for in-county distribution and 145 percent over 5 years for out-of-county mailing. I intend to ask publishers in my district for an analysis of the effect of these increases on their operations. I hope that each of my colleagues will do the same and will urge the Postal Commission to consider the importance of the weekly newspaper to our rural areas.

Certainly a self-supporting post office is an important goal, and I recognize that when Congress established that goal it also limited our ability to control postal rates. Nevertheless, it seems to me that the contribution made by papers like Mr. Hanssen's is of more than sufficient importance to justify our close attention to any move that might jeopardize their existence.

I include his letter as follows:

HOT SPRINGS STAR,
PRINTERS AND PUBLISHERS,
Hot Springs, S. Dak., February 12, 1971.

Representative JAMES ABOUREZK,
U.S. House,
Washington, D.C.

DEAR MR. ABOUREZK: The newspapers of this country, especially the weeklies, are without doubt the greatest dispensers of government information in the nation.

In just one issue this year the Star had columns or informational articles on veterans problems, soil conservation, county agent, extension and 4–H, social security, national forest fee schedule, the hours of opening at two national monuments, several school stories, an article on farming, one on beef cattle, a post office opening schedule plus three or four science or other informational stories. And you know how much free space the papers gave during the recent census.

For this reason I do not feel a postage rate which would force the papers to pay the full cost of handling is fair. Many newspapers in smaller communities will be unable to continue in the face of rising mailing costs. They will stay in business until the present owner retires and then they will be no more.

The value to the nation of strong, independent newspapers far outweighs the subsidy of those papers by the postal system. Not only do they dispense information, they help hold communities together by fighting for civic improvements, generating a feeling of pride among the residents and acting as a watchdog on local officials. It is the newspaper that is first to protect the public's right to know by insisting that all government units report their actions. These services cannot be measured in dollars and cents.

Your support of a fair rate for mailing papers will be appreciated greatly.

Sincerely yours,

E. E. HANSSEN.

CHILE—THE CONSOLIDATION PHASE—I

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. SCHMITZ. Mr. Speaker, Lenin on October 20, 1920, said:

> The scientific concept of dictatorship means neither more or less than unlimited power, resting directly on force, not limited by anything, not restricted by any laws, nor any absolute rules. Nothing else but that.

Salvador Allende, the new President of Chile, is a self-professed Marxist-Leninist whose Popular Unity coalition came to power primarily through the efforts of the Communist Party of Chile, the third largest in the non-Communist world. Being a Marxist-Leninist, Allende understands that seizures of the state apparatus, through elections or otherwise, is only the first step in the program designed to create a "scientific" Leninist dictatorship.

The party must now transform itself from a power seeking mechanism into a policing mechanism. To take complete and total power into the hands of fewer and fewer people, it is necessary to proceed with the historical Communist pattern of liquidate and rule. This consists basically of a staggered liquidation of all elements in the society who possibly might oppose the "proletarian dictatorship."

The advantage of coming to power through the electoral process is that the party has the organs of state power; police, army, and other ministries, simply handed over to it. Once constitutionally enthroned, it is not necessary to maneuver around, say, a Chilean J. Edgar Hoover. He is simply replaced by the party's choice. Communist electorial victory is best thought of as massive legal penetration of the state apparatus, which is then used to subjugate, rather than defend, the people.

It is little comfort that the party comes to power using due process of the law. Czechoslovakia was shoved into the Soviet camp in a semilegal fashion, by making revolutionary use of the parliament in that nation. Once in the Soviet camp, one is not allowed the choice of opting out.

The Allende government, under the guidance of Luis Corvalan, General Secretary of the Communist Party of Chile, is proceeding rapidly to eliminate the "enemies of the state." In many cases laws passed by previous "liberal" governments are being used to accomplish this end.

A free press is the enemy of the total state. Understanding this, Allende is pressing hard to eliminate or bring under his control all independent publishing organizations which are not solidly pro-Communist. One example of how this is being done is the case of Zig-Zag editorial house in Santiago, the largest publishing company in Latin America. This operation is a classic example of the Communist tactic of combining "pressure from below"—from party-controlled mass organizations outside government—and "pressure from above"—from Communists in the governmental apparatus.

A strike against Zig-Zag was organized by Communist union leaders. The Communist Minister of Labor, Jose Oyarce Jara, appointed a Red lawyer to arbitrate the dispute. Under existing Chilean law, the government can take possession of any private company which finds itself involved in a protracted labor dispute. Zig-Zag was, therefore, forced to accept the Communist lawyer's decision which called for a 65-percent increase in wages. This the company cannot pay because a price freeze is in effect.

Unless Zig-Zag can pay the wage increases without going bankrupt, the government will take over the company, because there is another law in effect which calls for the government to assume administrative control of any private company which goes bankrupt. In order to forestall the possibility of a private company securing a loan to bail itself out of the Communist crunch, the government controllers took over the banks and have cut off all the Communist crunch, the government controllers took over the banks and have cut off all business credit. This is the squeeze play supreme. It is worth noting that Zig-Zag is the major publisher of school texts used in Chile.

A different approach is being used against Chile's largest circulation newspaper, El Mercurio. Tax evasion charges were trumped up against El Mercurio. As the investigation proceeds, the paper is being slowly forced into bankruptcy. Significantly, the Minister of Finance, Americo Zorilla Rojas, is also a Communist.

Allende's oft-uttered statements to the effect that, "the government will never take action aimed at blocking free expression of ideas," are beginning to ring a little hollow. In fact, they are beginning to sound almost exactly like Fidel Castro's pledges of 1959 to the same effect.

The Communists use freedom of the press to destroy opposition when coming to power, and then destroy freedom of the press to prevent the formation of opposition. Marxist-Leninists follow an old maxim:

> When I am the weaker, I ask you for my freedom, because that is your principle; but when I am the stronger, I take away your freedom, because that is my principle.

INFORMANT IN BERRIGAN CASE LED THREE LIVES

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, I believe a number of colleagues will be interested in an article carried in the Sunday, February 7, 1971, edition of the Los Angeles Times by veteran journalists Jack Nelson and Ronald J. Ostrow.

The article follows:

PRISONER, STUDENT, MESSENGER: INFORMANT IN BERRIGAN CASE LED THREE LIVES

(By Jack Nelson and Ronald J. Ostrow)

LEWISBURG, PA.—Boyd Frederick Douglas Jr. had an unusually cozy arrangement for a three-time loser in federal prison:

Every day he left the prison here and studied at Bucknell University where he had an office and roamed freely in Lewisburg where he kept an apartment.

He romanced attractive coeds. He frequently drank liquor and, according to acquaintances, sometimes smoked marijuana. He often skipped classes at the university, where it was generally known he was commuting from the federal prison.

Douglas, 30, also was a big man in the campus peace movement. Now he has surfaced as a key figure in the government's bombing-kidnap conspiracy case against the Rev. Philip Berrigan and five others. (The defendants will be arraigned in federal court in Harrisburg, Pa., Monday.)

Douglas was able to commute between prison and campus under an authorized study-release program. But the measure of freedom he enjoyed was highly unusual.

At the university and in the town, Douglas associated with activists whom the FBI and police regarded as radicals. His roommate at his $120-a-month apartment, Tom Love, 23, was a draft-card burner. In prison Douglas closely associated with Father Berrigan, who was serving time for destroying draft records.

Douglas, who used pseudonyms of "Frank," "Gary" and "Peter," also spent a lot of time talking on pay telephones. Most of his campus acquaintances thought all his telephone conversations were with members of the peace movement. Now they know he also was talking to the FBI.

Douglas carried letters between Father Berrigan and another defendant, Sister Elizabeth McAlister, a New York nun, who was in and out of the town of Lewisburg while Father Berrigan was imprisoned there. Some of these messages furthered an alleged conspiracy to blow up underground utility lines in Washington and to kidnap Henry A. Kissinger, President Nixon's national security affairs adviser, according to the indictment.

The Times has learned that Douglas smuggled some McAlister-Berrigan messages into prison after persuading two coeds he dated to transcribe the contents of the nun's letters into a loose-leaf notebook Douglas used in his university studies. Douglas had permission to take the notebook to and from prison.

Sister Elizabeth and Father Berrigan, in addition to being indicted in the alleged conspiracy, were charged with three counts of violating a statute governing prison communications. Maximum punishment on each count is 10 years.

Douglas was not named in the indictment, either on the conspiracy charge or on the communications counts. And the government has yet to publicly acknowledge that Douglas is involved in the case.

However, a source close to the investigation said the government's major problem in the case has been to corroborate information supplied by Douglas. In an unusual procedure, the government has been attempting to do this through grand jury hearings held since the return of the indictment. The jury reconvenes in Harrisburg Tuesday and resumes questioning of witnesses Wednesday.

EARLY RELEASE

The Justice Department, meanwhile, declines to disclose Douglas' whereabouts or to say whether he is in protective custody. He was released from the Lewisburg prison Dec. 16, after the Federal Bureau of Prisons gave him some good-time credits—27 days of which bureau officials refuse to fully explain.

In addition to the 27 days, Douglas was credited with 253 days of "statutory good time"—eight days for each month of his sentence provided by law for prisoners who do not break rules—and another 66 days of meritorious good time for work inside the prison and participation in the Bucknell program.

Douglas' performance was rated so highly that on May 25, 1970, John C. Piper, assistant to the dean at Bucknell, wrote then warden J. J. Parker urging that the prisoner be released to be a fulltime student. But the idea was rejected.

On Jan. 7, 1971, three weeks after his release, Douglas testified before the grand jury at Harrisburg. On Jan. 12, the jury returned the indictment, which also named six co-conspirators who were not charged, including Father Berrigan's brother Daniel, a Jesuit priest.

Douglas' early release came less than a month after FBI Director J. Edgar Hoover first brought the case to public attention with Senate testimony that the Berrigans headed a group of Catholic antiwar militants he said were conspiring to carry out the bombing-kidnaping.

HOOVER TESTIMONY

Some of Douglas' acquaintances at Bucknell say they did not suspect him of being an informant until after publicity about Hoover's testimony, which they said greatly perturbed Douglas.

Others, such as Miss Patricia Rom, 27, a Bucknell librarian, and Richard Drinnon, a history professor, had become appprehensive months earlier because of Douglas' unusual freedom of movement and his association with radicals who were subject to police surveillance.

However, none of Douglas' acquaintances knows when he became an informant or whether he was one when he began his studies at Bucknell in January, 1970. Several of his associates say they believe he was sincere in the beginning, but later was persuaded by the FBI to become an informant. One theory is that he was pressured into cooperating after being caught smuggling a Berrigan-McAllister letter.

One of Douglas' campus associates, Robert Raymond, 21, a senior, said that after he read a report of Hoover's testimony he told Douglas that such a conspiracy "is ridiculous, who would believe that?"

"Boyd then told me," said Raymond, "'Well, in confidence, right?' And I said yeah and he said, 'It's true, it's not all superficial, only six people know about this—I wonder how he (Hoover) found out . . .'"

Raymond, who sub-let his downstairs apartment in a two-story frame house here to Douglas and Tom Love, said that at one point Douglas "broke up my relationship" with Jane Hoover, 21, a senior who lived in an apartment upstairs. Later, Douglas dated Miss Hoover's roommate, Mary Elizabeth Sandel, 22, also a senior.

Miss Hoover and Miss Sandel did not compare notes about Douglas until after the case surfaced. Then they concluded that he had duped them as well as the peace movement.

They said Douglas "was always pushing" them to be active in the peace movement and introduced them to some of the defendants in the case. They declined to reveal what they told the grand jury, but their attorney, Thomas Menaker of Harrisburg, said they had no information that would bear directly on such a conspiracy.

Menaker said Miss Hoover had transcribed many McAlister-Berrigan letters for Douglas and that Miss Sandel had transcribed only one. "Nothing Miss Hoover transcribed mentioned kidnaping," Menaker said. He quoted Miss Sandel as saying the letter she transcribed did "suggest that kidnaping might be considered as a peace protest and that someone like, say Kissinger, might be considered as a target."

Menaker also represents two other grand jury witnesses, Mrs. Zoia Horn, 52, and Miss Rom, both Bucknell librarians. He said neither of them had any information about such a conspiracy. Menaker also serves as local counsel for three of the defendants.

The attorney said that the witnesses he represented told him that Douglas was the only person they ever heard discuss explosives. They quoted Douglas as saying he had been trained in explosives in the Army and "it might come in handy."

Douglas, dark and husky and about 5-foot-9, was described by Sister Elizabeth as ruggedly handsome. He kept a handsome wardrobe in his apartment, and usually wore long-sleeve shirts and striped, flared trousers.

He had expensive tastes and apparently plenty of money, according to friends. He bought high-priced liquors and smoked imported English and Greek cigarets.

Douglas was the only prisoner studying at Bucknell in 1970. Four others had participated in similar programs in earlier years, according to prison officials.

Acquaintances in Lewisburg remember Douglas as a man who asked many more questions than he answered and who seemed to resent it when questioners persisted. He told some who wondered why he was in prison that he had been convicted of conspiring to bomb trucks carrying napalm in California, and allegation that appears nowhere in his record.

He frequently flashed the peace sign and signed his letters, "peace and love." On Miss Hoover's 21st birthday last July 21, he gave her a silver peace symbol and a silver peace plaque. For Christmas he gave a pair of peace-symbol earrings to Miss Sandel, whom he continued dating for about three weeks after leaving prison.

According to Miss Hoover, last July Douglas tried to persuade her to marry him, by claiming he had cancer and only 6 to 12 months to live. She and Robert Raymond quoted Douglas as saying he wanted Miss Hoover to marry him and go to Nevada or Puerto Rico and "give him 6 to 12 months of happiness."

Miss Hoover, a tall, dark blonde with long straight hair, said Douglas told her she was the only girl he had loved since his teenage sweetheart, who he said also was blonde. "He told me she had red hair," said Miss Sandel, an attractive, freckled redhead whom he dated after Miss Hoover.

Douglas' criminal record stamps him as a man who lets relatively lesser crimes escalate into much more serious violations. Thus, an attempt to obtain $19.75 of goods at an Army post exchange led to a six-year sentence for impersonating an officer. And the passing of bad checks mushroomed into assaulting an FBI agent with a 9-mm Beretta pistol.

Not all of Douglas' brushes with the law can be reported, however, because the Justice Department clamped an unusual lid on his federal records. The staff of the House subcommittee on freedom of information questioned the department's action and the lid was lifted, but only partially. After studying Douglas' voluminous file, George J. Reed, U.S. Parole Board chairman, noted that he had "six prior arrests" before the board first heard his case in 1966.

In calculating Douglas' good-time prison credits, Lewisburg officials awarded him 27 days for "exceptionally meritorious or outstanding service of a special nature." Such awards usually reflect "acts of outstanding heroism" or voluntary performance of "an unusually hazardous assignment."

This kind of early release cannot be awarded for giving information under Bureau of Prisons policy.

NO EXPLANATION

Richard J. Heaney, deputy director of the bureau, declined to explain why Douglas was given the so-called meritorious good time, except to note that it has been approved by warden Noah H. Aldredge in November. "That's not a matter of public record," Heaney said.

Douglas was convicted in 1963 of impersonating an Army captain at the Ft. Sam Houston PX. He was sentenced to six years imprisonment and sent to El Reno (Okla.) Federal Reformatory. He spent only a month there before being transferred to Lewisburg in April of 1963.

In 1964, he volunteered for a National Institutes of Health experiment to study genetic and other properties of human proteins. The study called for several injections of an emulsion into the muscles of the human guinea pigs.

Douglas' reaction was severe, and he required extensive treatment including 23 surgical procedures over a three-year period. He was left with long deep scars on the legs and arms. He sued the government for $2 million, contending he was not warned of the hazards of the experiment.

BAD CHECK CHARGE

After Douglas was paroled in 1966, he was sought on bad check charges and the Justice Department tried to have his damage suit dismissed on grounds he was a fugitive. But Douglas was caught and the government settled the suit in 1968 by paying him $10,688 and his lawyers $4,312.

A Federal court in Milwaukee sentenced him in 1967 to six five-year terms, all to run concurrently, for four counts of passing $17,465 of forged checks in Maryland, and separate convictions for passing a $1,750 bad check in Milwaukee and assaulting the FBI agent who apprehended him in Milwaukee.

His career parole on the six-year sentence was revoked, partly because of the subsequent convictions but also because of other actions that parole and prisons officials refuse to detail.

Friends who have visited Father Philip Berrigan in prison (he and his brother were transferred to a prison at Danbury, Conn., last fall) since the indictment say he trusted Douglas implicitly. They quoted the priest as saying that "several old cows" who used Douglas for outside contacts vouched for him.

Douglas' acquaintances here say he not only was Father Berrigan's outside contact, but was a driving force in the local peace movement, arranging meetings here that the indictment charges were conspiratorial acts.

ARRANGED VISIT

For example, they say, he arranged Sister Elizabeth's visit to Lewisburg on Sept. 26, a visit the indictment lists as one of 22 overt acts in furtherance of the conspiracy. "The whole thing was Boyd's idea," a coed said. "He got Liz to come here to be on Bucknell's 'Colloquy' program."

Douglas' father, located in Borger, Tex. where he is a pipeline construction worker, said he has not been in contact with his son since he joined the Army in 1958.

Douglas said his son's mother died when the boy was 11 years old and that he had raised the youth in towns around the country working on construction projects.

HOMES OF THE PEOPLE

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. MONAGAN. Mr. Speaker, in 1889, in an article entitled, "The Homes of the People," Henry Grady, the American journalist and orator, contrasted the awe and majesty represented by the Capitol Building with the simplicity of life in a humble country home.

Grady's idea of typical American life is set forth in a pastoral scene in which a happy family of three generations live together in their own house, surrounded by big trees and fields ready for harvest. All is clean, secure, and comfortable, and everyone is happy with his place in the scheme of things. It is a vision which seems idyllic when compared with American life today, when so many Americans live in dirty and ill-governed cities in much smaller families than Grady knew, and are beset by worries about inflation and unemployment, or by experiences in racial inequality or poverty. Yet Grady's observation that among the simple people of this country lie "the strength and responsibility of this Government, its hope and the promise of this republic" still holds. We who work in the shadow of the Capitol and represent these people must not forget this. Although we cannot return to the idealized life of the past, at least we can try to make the present better.

I offer this article for placement in the RECORD as a comment on a way of life now past and a way of life now apparent:

THE HOMES OF THE PEOPLE

(By Henry W. Grady)

I went to Washington the other day, and I stood on the Capitol Hill; my heart beat quick as I looked at the towering marble of my country's Capitol and the mist gathered in my eyes as I thought of its tremendous significance, and the armies and the treasury, and the judges and the President, and the Congress and the courts, and all that was gathered there. And I felt that the sun in all its course could not look down on a better sight than that majestic home of a republic that had taught the world its best lessons of liberty. And I felt that if honor and wisdom and justice abided therein, the world would at last owe that great house in which the ark of the covenant of my country is lodged, its final uplifting and its regeneration.

Two days afterward, I went to visit a friend in the country, a modest man, with a quiet country home. It was just a simple, unpretentious house, set about with big trees, encircled in meadow and field rich with the promise of harvest. The fragrance of the pink and hollyhock in the front yard was mingled with the aroma of the orchard and of the gardens, and resonant with the cluck of poultry and the hum of bees.

Inside was quiet, cleanliness, thrift, and comfort. There was the old clock that had welcomed, in steady measure, every newcomer to the family, that had ticked the solemn requiem of the dead, and had kept company with the watcher at the bedside. There were the big, restful beds and the old, open fireplace, and the old family Bible, thumbed with the fingers of hands long since still, and wet with the tears of eyes long since closed, holding the simple annals of the family and the heart and the conscience of the home.

Outside, there stood my friend, the master, a simple, upright man, with no mortgage on his roof, no lien on his growing crops, master of his land and master of himself. There was his old father, an aged, trembling man, but happy in the heart and home of his son. And as they started to their home, the hands of the old man went down on the young man's shoulder, laying there the unspeakable blessing of the honored and grateful father and ennobling it with the knighthood of the fifth commandment.

And as they reached the door the old mother came with the sunset falling fair on her face, and lighting up her deep, patient eyes, while her lips, trembling with the rich music of her heart, bade her husband and son welcome to their home. Beyond was the housewife, busy with her household cares, clean of heart and conscience, the buckler and helpmeet of her husband. Down the lane came the children, trooping home after the cows, seeking as truant birds do the quiet of their home nest.

And I saw the night come down on that house, falling gently as the wings of the unseen dove. And the old man—while a startled bird called from the forest, and the trees were shrill with the cricket's cry, and the stars were swarming in the sky—got the family around him, and, taking the old Bible from the table, called them to their knees, the little baby hiding in the folds of its mother's dress, while he closed the record of that simple day by calling down God's benediction on that family and on that home. And while I gazed, the vision of that marble Capitol faded. Forgotten were its treasures and its majesty, and I said, "Oh, surely here in the homes of the people are lodged at last the strength and the responsibility of this government, the hope and the promise of this republic."

IN DEFENSE OF THE RIGHTS OF ANGELA DAVIS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. HAWKINS. Mr. Speaker, the Angela Davis case in California has attracted worldwide attention. Too often the publicity has disclosed the facts in a way to prejudice the public against the defendant and to ignore the basic constitutional issues involved.

Understandably, Miss Davis, given the nature of our society as it is, had two strikes on her before the game began. She was black, and a Communist. Being either was tough; being both is serious.

In addition, Miss Davis is a woman and a person who has sought to espous causes not exactly popular in certain quarters. Thus, being what she is by birth, a black woman, was tough; becoming what she is by choice, a person with strong political and outspoken views, added immeasurably to her personal problems.

In many ways, however, all of us are involved in the Angela Davis case and cannot escape its implications of threats to individual freedom and the suppression of those rights and opportunities guaranteed by our Constitution.

The issues are clearly stated in a recent article by Dean Paul E. Miller, of Howard University Law School, for a group of 12 black law professors from 11 colleges. Not only is this an unprecedented defense, it is an extraordinary example of courage by an able band of professionals in behalf of their fellow Americans, both black and white.

The article from the February 14, 1971, issue of the Washington Sunday Star follows:

IN DEFENSE OF THE RIGHTS OF ANGELA DAVIS

(By Paul E. Miller)

A great number of persons and some organizations, including the news media, have asked why 12 black law professors from 11 different law schools have joined together to provide advice and counsel to Angela Davis through her attorney. Some of those who inquired have expressed amazement and open displeasure at the idea of prominent black legal scholars banding together to aid an avowed Communist. Others have discerned in this joint effort a sinister plot to foster the forces of revolution and subversion against the established order. Still others have unhappily suggested that a kind of taint or guilt by association is sure to follow as retribution for this unwise decision to act in such a political trial. All have unwittingly revealed that they either know little or care little about the legal imperatives of the Bill of Rights to our Constitution.

Implicit in the statements of these critics is an unfavorable judgment of Miss Davis' political views and a suggestion that only those who share her beliefs in a certain ideology would come to her defense. It is startling in this era to find people who still seriously believe that a lawyer defending a person's right to a fair trial is automatically defending that person's ideology or opinions. It is plain that when the political powers-that-be decide that someone or some group of people is engaged in activities inconsistent with what those powers admit as proper conduct, the offenders must be punished or forced to abandon that impermissible conduct.

If it takes suspension or repression of constitutional rights and guarantees to achieve this punishment, then it is done with the rationalization that it is necessary to protect the interest of the "whole society" or the "silent majority" or whatever against the interests of individual offenders.

To set the record straight, we have not joined together to champion ideology. This has not been a consideration at all. I neither know nor care what political views other members of our panel hold. To me, and, I hope, to each of the individual panel members, what Miss Davis espouses, what political "bag" she is in, and what and who her associates are, are irrelevant. What is relevant and important is our deep belief in the soundness and sanctity of the principle that any American citizen, irrespective of color, political belief, race, class or economic station, is entitled to all the privileges, rights and immunities incident to that citizenship. We are determined to live by that principle and in the practice of law to honor it.

Very recently we have observed the Department of Justice, the White House and the Congress sponsor various pieces of legislation which seriously threatened individual freedom. We have watched helplessly while the Department of Justice and the White House sponsored and the Congress passed the Organized Crime Control Act (with provisions which will apply to practically all but organized crime), the Comprehensive Drug Abuse Prevention and Control Act, and the District of Columbia Court Reform and Criminal Procedure Act, all of which carry provisions that are sinister threats to rights guaranteed individuals by our Constitution.

We have heard arguments supporting the need for a bill to create or establish preventive detention. We have heard asserted needs for legislation empowering state and federal agents to tap wires for a number of purposes. We have heard the asserted need to invade the individual's privacy through "no knock laws." We have witnessed the horrible overreaction of police and legislators to civil disturbances, to peace demonstrations, and to such other legitimate protest efforts as Resurrection City.

In each instance justification for this individual suppression is made on the basis of protecting the interest of the "majority," as though the majority were not composed of individuals often as different from each other as is possible in custom and belief. Individual rights and the individual dignity constitutionally protected are thus sacrificed in the name of protecting some asserted competing interest of the "masses" or "majority" unknown to our Bill of Rights.

Dignity is every man's right and the United States Constitution was fashioned to insure the dignity of the man, and his ideas, as well as to insure his concomitant right to disagree with the majority or a minority. Yet we see a trend developing, aided by highly placed officials in the state, to sacrifice the individual's rights on the false alter of majority or societal rights, as defined by the powers that be.

The Constitution never knew such a balancing of rights. The state was conceived of as an instrument, among other things, to protect the individual in his rights against the state. The political, social and environmental ills that plague our nation today are monumental. But in our efforts to deal effectively with the onslaught of these problems, we cannot sell cheap the individual's dignity that lies at the heart of our constitutional theory; we should not create a false dichotomy of individual vs. societal interests so as to beguile us into believing that it is constitutionally sound to balance these interests one against the other. If we do so, we will find ourselves in a police state, where only the "people's" or "society's" interests will be protected and "society's" interest will be defined by the powers that be, and will be protected by the police as agents of the powers that be. Then our democracy as it was conceived will be over. Minority groups will be especially subjected to this kind of police power, as will be all non-conforming individuals.

We cannot allow capricious and arbitrary acts by governmental officials to deprive any individual of his dignity—and as long as one human being, be it Angela Davis or anyone else, is deprived of the social justice that is guaranteed under our Constitution, no citizen is safe. The time is gone forever when middle class blacks who have a certain expertise will sit back and allow their leadership to be destroyed by those who believe that a contrary opinion is a dangerous force.

Jack Johnson, the first black heavyweight champion of the world and W. E. B. DuBois one of the greatest scholars the world has ever known and Paul Robeson, one of the greatest singers of all times, who because of his political beliefs was driven from the stage—these black leaders were all effectively silenced—and thus the black community was deprived of dignity and heroes. No longer will we stand by and allow our community to be deprived of the best of our brains or our political dissenters.

A feeble start was made in the case of Muhammad Ali where blacks, from all academic disciplines, realized for the first time that if the powers that be in this country can, with impunity, clamp down on a black person of high achievement, they could more easily repress us all. We are saying no, never again, will a black man be persecuted simply because he disagrees with a majority political belief or engages in activities which are not in conformity with majority values.

The sum total of our lives, individually and collectively, is determined by the kind of laws that we have and the manner in which they are administered. The law can bring equality to one's life. It can assure life, liberty and the pursuit of happiness, but the kind of laws being passed today do not aid equality or assure life, liberty or pursuit of happiness.

The blacks of today as well as the youth, Chicanos and brown Americans are, indeed, making certain demands of government. They are in fact demanding power to deal with the various political and legislative forces that repress them. They are demanding respect not at the expense of another individual's dignity but respect as human beings. They are demanding enlightenment so as to achieve freedom of thought, liberty of association and liberty to believe in one political ideology over another. They are demanding the right to participate fully in the wealth of this nation, to share this nation's destiny. They are demanding the right to acquire certain meaningful skills so that they do not or will not have to remain on the welfare rolls.

Finally, in my opinion, they are demanding the freedom to participate in the formulation and application of standards of responsibility. These groups have been dictated to for centuries, and their identities have been defined for them. And for centuries

American lawyers have sat by and refused to champion them in these demands for improvement. A lawyer has a responsibility to see that citizens are treated fairly, equally and with justice. We hope by forming this panel we can demonstrate to others this aspect of the lawyers' role to assure us that no citizen will go unprotected or will go without the guarantees that all citizens and humans in our government should have.

Finally, there is the important role of the government to assure that laws are equally and justly applied. Rules and regulations are meant to guide human conduct within our society to the end of achievement of freedom, liberty and justice for all. These are not meaningless terms as I see them in the context of Miss Angela Davis' case. These are guarantees which we as lawyers and law professors must assure to Miss Davis, and other Americans similarly situated.

I think lawyers and law professors would be indeed derelict if they lifted no finger, expended no energy to assure citizens that they will receive at least the guarantees of our Constitution. We have formed this panel and with these aims we intend to actively participate in Angela Davis' defense. I will guarantee that, in the end, win or lose, we will feel proud of our role in assuring Miss Davis she has had the full benefit of the protective vehicles set up by the law for assuring to all Americans the guarantees of due process.

WASHINGTON STATE PARKS RECEIVE FIRST ANNUAL GOLD MEDAL AWARD

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. PELLY. Mr. Speaker, the National Gold Medal Award has been presented to the Washington State Parks and Recreation Commission by the Sports Foundation, Inc. of Chicago. This is particularly significant because Washington was selected to receive this annual award the first time it was presented.

To those of us who are so vitally concerned about preserving areas of our environment for parks and recreation, the award takes on another dimension. A full description of the award and the work that led to Washington being chosen its first recipient, a news release follows:

STATE PARKS CHIEF ACCEPTS NATIONAL AWARD

Agency teamwork and inter-agency cooperation won the National Gold Medal Award for Washington State Parks, according to State Parks Director Charles H. Odegaard, who accepted the award from the Sports Foundation, Inc., in Chicago today.

"Washington was selected from among other state park agencies throughout the United States to be the first state so honored in the Foundation's Annual Awards Program," Odegaard said.

"With a 20.4 percent increase in park usage and a broad diversification of emerging recreation demands placing an unprecedented burden on the State Parks Commission and staff in 1970," he said, "it took teamwork, loyalty and dedication to earn this honor for our agency."

Inter-agency cooperative programs to meet public needs, were also the programs to which the Foundation's judges attached the most weight in naming Washington the 1970 winner, he said.

Examples were submitted to the Foundation in the form of a 20-minute slide presentation which is currently on display at the Sports Show at the Seattle Center, he said.

"The Parks-Highways cooperative program initiated last August," Odegaard said, "was designed to provide many additional benefits and services to the public at no increase in cost. These included development of the state's scenic and recreational highway system, provision of overnight camping and recreation facilities adjacent to certain highway safety rest areas, and services to winter sports enthusiasts using the Cascade mountain pass areas. All are covered by cooperative agreements sharing costs and responsibilities equitably between Parks and Highways to save taxpayers' dollars while increasing efficiency and service."

He pointed to a joint program with the State Superintendent of Public Instruction as another example of the type of cooperation which earned the national honor for Washington. Under the agreement signed by the two agencies last fall, Parks is providing and administering group camp facilities for year-around outdoor education, while Public Instruction is developing the curriculum and scheduling public school groups into the camps. If the facilities are not scheduled for school use, they will be available for use by youth groups.

"This will result in a 100 percent increase in group camp usage," Odegaard said, "to meet the need for effective Environmental Education."

He also cited assistance to communities and school districts in developing local programs modeled after the State Parks Youth Development and Conservation Corps, thus providing work-training opportunities for over 6,000 of the state's youth since 1961 and accomplishing necessary work in outdoor recreation areas at substantial savings.

Other examples include cooperation with federal agencies such as the U.S. Army Corps of Engineers and the Jobs Corps in development of such state parks as Horsethief Lake on the Columbia River and Potholes Reservoir near Moses Lake; local contributions of saltwater frontage for state parks such as the 100 acres of Westhaven State Park donated by the Port of Grays Harbor; and the Green River Gorge State Park Conservation area near Seattle, a natural area preserved in the midst of urban development through cooperation with other state, federal and local agencies.

"All such cooperative programs represent dedicated efforts by all levels of government to find new ways of meeting public needs," Odegaard said, "and a type of resourcefulness that is vital in a period of economic adjustment such as we currently face in Washington."

He added, "The Gold Medal Award is designed to focus national attention on outstanding park and recreation management. In presenting the award to Washington State Parks, I think the Foundation is also saluting the many dedicated public employees and their efforts to best serve the public at the least possible cost."

CHARLES McCORD MOSS

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. FULTON of Tennessee. Mr. Speaker, yesterday morning I was very saddened to learn of the passing of Mr. Charles M. Moss, vice president and editorial director of the Nashville Banner.

Mr. Moss succumbed to a prolonged illness at the age of 68. Forty-four of these years had been spent with the Nashville Banner.

Mr. Moss was, as are most men who rise to prominance in their field, a man of great intellect and ability. He was, in addition, a warm and human person, a loyal and faithful son of the true South, a gentleman, and a man whom I was privileged to call my friend.

During his years of service with and to the Nashville Banner he accumulated the usual honors and professional awards that are bestowed upon those individuals who excel. And well he deserved them for Charlie Moss was an outstanding journalist, a credit to his profession and a professional who sustained the finest traditions of journalism.

But Charles Moss was more than a man dedicated to his profession. He was an activist. He was involved, active, and involved in many many aspects of community life, projects, and programs designed to aid the community as a whole and man as an individual.

It was my privilege to become closely associated with Mr. Moss in one of his many fields of interest, conservation. About 5 years ago he and I hiked the northern terminus of the old Natchez Trace in what became a successful effort to persuade the Federal Government that that was the route Natchez Trace Parkway should follow instead of an historically inaccurate and economically more expensive route favored by the National Park Service. With the help of Mr. Moss and the Nashville Banner we won that battle.

At the time of his death Mr. Moss had asked me again to help with the Natchez Trace. This time to secure Federal funds for completion of the parkway. I told him I certainly would join with him in this effort. Mr. Speaker, I feel strongly that somehow, somewhere along the last miles of the Natchez Trace Parkway as it terminates in Middle Tennessee, Charles Moss' name should mark some appropriate spot or vista for he truly played a contributing role in the development and completion of the parkway. I intend to pursue this subject as an appropriate and deserved tribute and memorial to Charles Moss.

Mr. Speaker, one of the warmest tributes paid to the gentleman was written by one of his associates on the Banner and I insert this tribute, "My Friend, Charlie Moss" and the Banner editorial, "Charles McCord Moss" in the RECORD at this point:

MY FRIEND, CHARLIE MOSS

The telephone call was inevitable. Sooner or later it was bound to come and when it did, it caught me right in the throat and twisted my stomach into hard, throbbing knots.

"He's gone, Jack," said a subdued voice at the other end of the line. "I thought you'd want to know."

Gone!

For five minutes I stared at the floor. At the walls. At the ceiling. Then I pulled on a pair of old shoes and walked out the door, heading no where in particular, just out.

Walking alone is good for a man. It helps clean the cobwebs out of his mind. It helps breathing to come deep and fresh and steady. It jogs the memory.

Walking. Walking.

Remembering.

Remembering the time 25 years ago—in July 1946, to be exact—when I was sunk, deep in the depths of despair. Hopeless. Worthless. A lousy bum—there are no other words for it—with a wife and four children and none of us with more than a prayer.

It was then, twenty-five years ago, that Charlie Moss laid his hand on my shoulder. Gave me words of encouragement. Gave me a glimmer of hope. Gave me a fresh chance, a fresh start in life. And when I failed him, he gave me another. And then another.

Of course, there were others who helped. My wife helped. And half a dozen new-made friends helped me to my feet—they were men like me, who couldn't walk alone, but who had found a way to walk straight and steadily together—and I became one of them. But without the help, without the sustenance, without the compassion and understanding of Charlie Moss, it just wouldn't have worked. Not for me. It couldn't have worked. Charlie was the key that unlocked it all.

And after that, there were foxhunts. Not the kind where hounds are "blessed" and red coated hunters gallop across fields and jump high walls and fences on spirited thoroughbreds, but the kind where cob-pipe-smoking hounddog-men build a fire on some remote hilltop, late of an evenin', loose their hounds, and "listen to the music." Where old timers, like Charlie Moss, can tell you which dog is running where, and whether the fox they are chasing is gray or red, and tell you which way he is going to run. Between times of listening, they'll tell you stores of races and hounds, and wise old foxes, and nights in the woods that will raise the hair on the back of your neck. And at that first light, early sun, you return home, envigorated, with a fresh slant on life and a new will to live.

Over these 25 years that Charlie has been my friend, there have been many such nights, many trips to one place and another, by car, by foot, and by boat.

Then, there have been countless treks down old Natchez Trace, Charlie's favorite "stompin' ground": primm springe, bending chestnut, jackson's well, Duck River. . . . And there was the "Harper" and those ancient mounds, and Indian graves, and a scattering of Indian paintings on the bluffs along the Harpeth, and other such paintings in various caves, in the bluffs above the Cumberland.

Charlie knew something about all of them. They fascinated him and delighted him.

Too, Charlie knew the woodlands, its trees and its nature. He loved wild things—flowers, birds, all animals. And he was not a killer. He was an observer, and he knew the ways of a fawn or a fish hawk, or a beaver, "better'n its maw did."

All the while, prowling the back country, the old trails, the rivers, he sometimes talked a bit—always in measured sentences—of human nature, of philosophy, with a sprinkling of salty wisdom—And ways to do things. And to think. And to write. And to tell a story as it should be told and how to appreciate "The wonders God hath wrought."

Now "he's gone," said the quiet voice on the telephone.

But not really gone. Not for all of us.

For wherever I may go, whatever I may do, so long as I may live, a mighty lot of Charlie Moss will always be there with me. And I thank God.

Charles McCord Moss

It is as if a mighty, landmark tree had fallen—and those who cherish priceless friendship and towering figures of character and strength and achievement—are one in overwhelming sense of loss. Charles McCord Moss is dead. This newspaper that knew him as energetic, loyal, and an able associate for 44 years, a score of those years as Executive Editor, is inexpressively shocked and saddened.

Nashville and Middle Tennessee, the native heath in whose possession he rejoiced, share the bereavement so keenly felt by those of this newspaper family privileged by long association to know Charles M. Moss—great newspaperman, giant of citizenship and service; cherished friend.

Chosen on unquestioned ability for the executive duties assigned, he helped guide the destiny of the "Nashville Banner" to the heights of service that have been its aim; his special qualities not alone the vision and skill for professional excellence, but in the area of human relations—a rare gift for knowing and understanding people, and in a genuine concern for them helpfully applied.

These qualities he possessed without ostentation. He shunned the limelight. He despised sham. He came to grips with facts, and coped with them bluntly. You knew where he stood—as friend and teammate—on the side invariably of right and of principle as he saw it. And you knew the firmness of the hand he extended, in the clasp that comforted in a sorrow he shared, or to help lift over a rough spot in the experiences of life.

Charlie Moss had a heart that was boundless in its capacity to care—for individuals or mass humanity in need; the penetrating mind of a scholar; the soul of a poet. It was a combination that enriched with meaning and purpose and assistance any genuine uplift movement to which his tireless interest was drawn, and with beauty the products of a gifted pen.

As a newspaper man and editor, he was deeply sensitive to the obligation of a free press—not as a generality of that terminology, but of the newspaper for whose quality and accuracy he was in such a measure responsible. He discerned duty, and met it squarely in any question that arose.

His was a rare acquaintance, too, with his city, region and state; and with them the lifelong love affair of one who knows an area by identification with it, esteems its past, participates in its present and executes for fulfillment of wonderous dreams for its future.

As such he was enlisted actively in civic undertakings, the strong ally of cultural and humanitarian endeavors—through the Nashville Boys Club, for example, at the Children's Museum, in public schoolwork, via the advisory council on curriculum development; via the Southern Education Reporting Service, etc. An active layman of the Episcopal Church, he lived his faith, a liberal donor of time and money and dedicated interest in its service.

He was a father and husband beloved of his family, and to whom home on its own sanctuary in the deepest meaning of the term, and at the same time, the center of a genuine hospitality.

The tragic aspects of a long illness, draining strength, did not embitter the blithe spirit of the man, nor convert to pessimism a personality and outlook steeped by its very nature in sunshine.

Understanding of human weakness, he was intolerant only of indolence, of dishonesty, and hipocrisy—which he equated together.

He loved the solitudes . . . could walk them with the stride of a joyeous strength and pride in their possessions; there he could commune with Nature and in truth with God. But with all the devotion he felt, of appreciation for places and things of the wilderness—the forest and field and stream primeval—he did not dwell in a fellowless firmament. He was no recluse, hiding from life—or with disregard for fellow man.

He loved companionship of kindred tastes, of friends sharing the climb of the hill, the laugh at a funny story, the depth of a thought expressed in verse—a brush with knowledge not conveyed in books—or with eyes to see and ears to hear the flash of color and the brush of wings of song. He never lost the capacity for wonder. It was renewed on every excursion into the world of it . . . his own wonderful world . . . that he frequently wrote about.

Firm were his convictions—with respect for the ancient landmarks, the dignities and decencies a link preserved by ancestral ties, and the legacy of a region's and nation's noble past. His outlook was as fresh and bright as today's newspaper; his acceptance of the future in a spirit always as new as tomorrow.

His attitude never was of concern for himself—but for others; for those around him. To these he was a patient listener; with words weighed carefully before counselling . . . always the reliable confident.

Along with these abilities in unexcelled degree—the gifts of mind and heart and hand combining in a career thus notably successful in service to and through journalism—his was a loyalty that never flinched nor equivocated. It was there, sufficient in any test, because honor and principle were hallmarks of character to Charles McCord Moss; and to him character was above price.

Computers have been perfected to reckon otherwise incalculable things, but no device—including divinely planted human gratitude—can calculate the value and accomplishments of a totally useful life. The assets, the harvest of benefits accruing from it, do not end with its passing. They live on in the things he touched to serve.

The world is a better place—in ways innumerable—for his having lived in it.

FREEDOM FOR LITHUANIA

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. MINSHALL. Mr. Speaker, more than a million Americans of Lithuanian origin or descent are this month commemorating two important anniversaries, February 1971 marks the 720th anniversary of the forming of the Lithuanian State when Mindaugas, the Great unified all Lithuanian principalities into one kingdom in 1251. It also marks, on February 16, the 53d anniversary of the establishment of the modern Republic of Lithuania in 1918.

The Lithuanians are a proud people who have lived peacefully on the shores of the Baltic from time immemorial. But the small nation has for centuries suffered from the accident of geography—from the west the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive pressures from both sides. Lithuanians, it should be borne in mind, are not ethnically related to either the Germans or the Russians. The Lithuanian language is the oldest in Europe today.

After the Nazis and Soviets crushed Poland in September, 1939, the Kremlin moved troops into Lithuania and annexed the republic in June, 1940. So-called elections were held under the guns of the Red Army, and the Kremlin thereupon proclaimed that Lithuanians had voted for inclusion in the Soviet empire. Nothing could be further from the truth.

Thus began one of the most brutal occupations of modern history. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were exiled to Siberia. Lithuanians had never experienced such an annihilation in their long history as during the last 30 years. Since June 15, 1940, Lithuania has lost more than one-fourth of its population through the genocidal operations of their Soviet masters. No end appears in sight.

Since the outset of Soviet occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's brief but inspiring revolt against the Soviet Union. During June 1941 the people succeeded in ridding their country of the Communist regime. A free provisional government survived for more than 6 weeks, only to be overrun by the Nazis who suppressed all activities of the free government. At the end of World War II, the Nazis were supplanted again by the Soviets. Between 1940 and 1952, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. Cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. Resistance by passive means gained a new impetus, and Soviet persecutions continue.

Our Government has refused to recognize the seizure and forced incorporation of Lithuania by the Communists into the U.S.S.R. We maintain diplomatic relations with the former free Government of Lithuania. Since June 1940, when the Russians took over the little country, every President of the United States has stated and restated our nonrecognition policy of the occupation of Lithuania by the Kremlin dictators.

At the beginning of this congressional session I reintroduced my resolution calling upon the President to instruct our delegate to the United Nations to insist that the Soviet Union abide by the U.N. Charter regarding colonialism and self-determination and that the Soviets release all political prisoners. In this Congress my legislation is House Concurrent Resolution 49.

I hope that other colleagues will introduce identical resolutions and that this measure will be adopted and acted upon. Lithuania, and all of the captive nations of the world, have for too long been denied the right to choose their destiny.

LITHUANIAN INDEPENDENCE DAY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. CARNEY. Mr. Speaker, February 16 marks the 53d anniversary of Lithuanian Independence Day. It is indeed tragic that these brave people have been denied the freedom and national sovereignty of their native homeland and have been forced to exist under Soviet domination.

Twenty-one years of peace and domestic productivity were extinguished in 1939 by the Soviet army's illegal occupation of the country and the forced presence of Soviet garrisons. The fate of the small Baltic state was further doomed by its forced incorporation into the Soviet Union on August 3, 1940. Lithuanian suffered the consequences of aggression by both Hitler and the Soviet Union. The initial period of Soviet occupation resulted in an estimated loss of 45,000 people as well as a large number of arrests and deportations. Nazi occupation of the country brought the tragic extinction of almost all Lithuanian Jews. Although the end of World War II brought peace and an atmosphere of freedom and independence to most of the European nations, Lithuania's sufferings had not ended.

The brief period of independence which Lithuania enjoyed is but a memory to most Lithuanians, yet it continues to be an inspiration. The memory of freedom and independence continues to live in the minds and hearts of those Lithuanians still living in their captive homeland as well as to those living abroad. Nationalistic spirit and pride and the yearning for freedom has proven to be and will continue to be human characteristics which even 32 years of Soviet domination has been unable to suppress.

It is indeed fitting for all Americans to pay tribute to the Lithuanian people on this historic day. I join all Americans and especially the Americans of Lithuanian descent in reminding the world that Lithuania and its people continue to fight for freedom, justice, and the reestablishment of an independent Lithuanian state.

FLORIDA CANAL AUTHORITY CHALLENGES HALT OF CROSS-FLORIDA BARGE CANAL IN COURT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. BENNETT. Mr. Speaker, the House Appropriations Committee, Subcommittee on Public Works, after public hearings of all points of view, said in its report on the public works appropriation bill for fiscal year 1971 that the Cross-Florida Barge Canal "will be a long-term gain in the environmental quality."

The committee favored continuation of the one-third complete project, authorized by Congress for national defense and economically justified, recommended "that the construction work continue and that every effort continue to be made to minimize any adverse effects on the environment, ecology, and fish and wildlife in the area. Any additional studies would appear to be a duplication of previous work and would delay realization of the essential project benefits."

On January 19, 1971, the President ordered the halt of the construction of the Cross-Florida Barge Canal. He based his unprecedented decision—stopping an authorized and appropriated project for which $60 million had been appropriated—on a recommendation by the Council on Environmental Quality, without public hearings or the opportunity for proponents of the canal to be heard.

The Canal Authority of the State of Florida, the official State body of the State for this project, has submitted a resolution to the President asking for reconsideration on his decision to stop the canal, and they have also filed suit in the Federal Court in Jacksonville, Fla., asking that the President's order be declared to be of no effect, illegal or constitutionally void. I include in the RECORD copies of the resolution and complaint and a news article on the suit, as follows:

THE CANAL AUTHORITY
OF THE STATE OF FLORIDA,
Jacksonville, Fla., February 12, 1971.

RICHARD M. NIXON,
President of the United States,
The White House Office,
Washington, D.C.

DEAR MR. PRESIDENT: We of the Canal Authority of Florida believe that the future of the Cross Florida Barge Canal project merits your reconsideration and further study and that the demonstrated lack of information of your chief adviser and other pertinent facts substantiate this belief.

We are, therefore, respectfully submitting a resolution of the Canal Authority of Florida herewith in which the reasons for our request for a further study are offered and your personal consideration is most earnestly petitioned.

Your personal attention to this important national waterway project will be widely appreciated.

Sincerely,

L. C. RINGHAVER,
Chairman.

RESOLUTION

Whereas, the Canal Authority of Florida and the U.S. Government have by their actions consummated a contractual arrangement for the purpose of construction of the Cross Florida Barge Canal and that pursuant to these agreements the United States has expended more than fifty (50) million dollars and the Canal Authority has invested over twelve (12) million dollars of Florida tax monies, and that with reliance upon these agreements county governments and private corporations have invested in the construction of bargeports, and

Whereas, the Canal Authority has used all practicable means and measures, including financial and technical assistance to the U.S. Army Corps of Engineers, to promote efforts which would eliminate any damage to the environment which might be caused by the construction of the Canal, and that a committee of the U.S. Congress studied such measures and reached the following conclusion:

"In reference to the fish and wildlife, it is realized that with the construction of any new reservoirs, habitats change and some plants and animals are reduced but other plants and animals appear and prosper in the new environment. The new reservoirs will provide many thousands of acres of new habitat for a wide variety of sport and commercial species. The committee believes that studies that have been made support conclusions that while some short term losses will result, the overall effect will be a long term gain in the environmental quality."

Whereas, the criticisms generated against the project by opposition interests have been repeatedly disproven in public hearings to the satisfaction of committees of the U.S. Congress and the Legislature of the State of Florida, and that the U.S. Corps of Engineers has under study a plan whereby the canal could circumvent the Oklawaha River if such realignment is demed necessary, and

Whereas, the subject waterway has been shown to have great future economic value to the nation and the State of Florida upon its completion though its utilization as a connecting link for inland waterway systems operting in 26 states, through flood control benefits essential to the State of Florida, through the shipment of bulk commodities such as grain to central Florida, and through recreational uses, and

Whereas, the advisers to the Executive Office did not seek to gather pertinent facts about the project from the duly elected representatives of the State of Florida to the U.S. Congress, the U.S. Corps of Engineers, the various departments of the State of Florida, the author of the U.S. Geological Survey Report on the project, the Canal Authority of Florida, nor any other parties responsible under the commitments; and therefore, that a representative of the Canal on Environmental Quality was shown, upon his visit to Florida in late January, to be apparently uninformed of facts very basic to a study of the project; to wit,

He was not aware that the canal is an essential adjunct to the successful functioning of the Four Rivers Flood Control Basin and that this flood control project will require modifications to the Oklawaha River similar to that of the Canal channel; he was not aware that his recommendation caused construction to be halted on a by-pass culvert necessary to maintian fresh water flow to the Withlacoochee River and thereby prevent the environmental damage of salt water intruding into the river; he was not aware of the status of land acqusitions for rights-of-way; he was not aware that the Canal Authority and not the federal government holds titles to most of the properties in question; he was not aware that many landowners who have received full fee compensation for their lands still retain interests which permit extensive use of the property should it not be required for the operation, maintenance, or construction of the Canal; he was not aware that private developers were subdividing the Oklawaha River area into small lots in which developments raw sewage was being dumped into the Oklawaha River.

Let it hereby be resolved, that we, the duly appointed Directors of the Canal Authority of Florida, do earnestly petition the President to reopen consideration of the timely completion of this most important national waterway project.

JACKSONVILLE, FLA.,
February 15, 1971.

Hon. CHARLES E. BENNETT,
Congressman, Washington, D.C.

DEAR CONGRESSMAN BENNETT: Enclosed is a copy of a Complaint which was filed by the Canal Authority of the State of Florida on February 12, 1971. By instituting this suit, the Canal Authority is seeking to challenge the constitutionality of the President's action in ordering a permanent halt of the Cross Florida Barge Canal Project without authorization from Congress.

Any comments or suggestions you might have in regard to this matter will be appreciated.

Very truly yours,
RALPH E. ELLIOTT, Jr.,
Attorney for the Canal Authority of the State of Florida.

U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

(The Canal Authority of the State of Florida a body corporate under the laws of the State of Florida, Plaintiff, vs. Stanley R. Resor, individually and as Secretary of Army, et al., Defendants. Filed on February 12, 1971. No. 71-92-CIV-J)

COMPLAINT: JURISDICTION AND DESCRIPTION OF PARTIES

1. This is a civil suit seeking equitable relief which arises under:

A. The U.S. Constitution:

(a) Article I, Section 1, (delegation of legislative power to Congress).

(b) Article I, Section 8, Clause 1 (Congressional power to provide for common defense and general welfare).

(c) Article I, Section 8, Clause 3 (Congressional power to regulate commerce).

(d) Article IV, Section 3, Clause 2 (Congressional power over public lands).

(e) Fifth and Fourteenth Amendments.

B. Act of Congress authorizing the Construction of the Cross-Florida Barge Canal Project, Public Law 77-675 (H.R. 6999), approved July 23, 1942.

C. The National Environmental Policy Act of 1969, Public Law 91-190, 83 Stat. 852, 42 U.S.C.A. Section 4321, *et seq.* (1970).

D. 33 U.S.C. Section 622 (Duty of Secretary of Army to apply monies appropriated for improvements of rivers and harbors in carrying out public works project).

E. 5 U.S.C. Section 552 (Public Information Act).

F. 5 U.S.C. Section 702 (Judicial Review of Administrative Action).

2. Plaintiff, the Canal Authority of the State of Florida, hereinafter referred to as the Canal Authority is a body corporate and State agency organized under the laws of the State of Florida pursuant to Florida Statutes, Section 374.011, *et seq.* Its principal place of business is located at 803 Rosselle Street, Jacksonville, Florida, within the Middle District of Florida. The Canal Authority, as lineal successor to the Ship Canal Authority of the State of Florida, was organized for the purposes of, inter alia, providing without cost to the United States Army Corps of Engineers all of the lands, easements, and rights-of-way necessary for the construction, operation and maintenance of the Cross-Florida Barge Canal Project. Florida Statutes, Sub-section 374.051, 374.171. Pursuant to its statutory obligation as local sponsor for the Cross-Florida Barge Canal Project, Plaintiff has used all practicable means and measures, including financial and technical assistance to the United States Army Corps of Engineers, to promote efforts which would prevent or eliminate any damage to the environment which might be caused by the construction of the Canal project.

3. Defendant, Stanley R. Resor is Secretary of the Army of the United States. Defendant, Lieutenant General Frederick J. Clarke is the Chief of Engineers, Corps of Engineers. Defendant, Colonel A. S. Fullerton, is the District Engineer of the Jacksonville District Corps of Engineers whose office is located at 400 West Bay Street, Jacksonville, Florida, within the Middle District of Florida. Defendants, Secretary of the Army, Chief of Engineers and District Engineer will be referred to collectively as the Corps of Engineers. The Corps of Engineers is a branch of the United States Army, 10 U.S.C., § 3063. It is charged by statute with the accomplishment of certain civil functions of the Department of the Army, such as the construction of canals, dikes, reservoirs, river and harbor improvements, and flood control projects, 10 U.S.C., § 3535. Defendants, Corps of Engineers and Stanley R. Resor, Secretary of the Army, are specifically charged by statute with the responsibility for constructing the Cross-Florida Barge Canal Project in accordance with House Document 109/79/1. Public Law 77-675 (July 23, 1942). Defendants, Russell E. Train, Robert Cahn and Dr. Gordon MacDonald comprise the Council on Environmental Quality whose chief statutory function is to assist and advise the President in recommending environmental legislation programs to Congress. See 42 U.S.C.A., § 4341, *et seq.*, (1970). The individual Defendants have been responsible for actions which have taken place and which are beyond their statutory power to perform, are constitutionally void, and for actions constituting failures to perform duties owed to Plaintiff complained of herein. Equitable relief is sought against these Defendants individually and in their official capacities to enjoin them from further illegal actions and to compel them to fulfill their legal duties to Plaintiff.

4. The Court has jurisdiction over this action under:

A. 28 U.S.C. Section 1331 (Federal Question Statute).

B. 28 U.S.C. Section 1337 (Commerce Regulation).

C. 5 U.S.C. Section 702 (Judicial Review of Administrative Action).

D. 5 U.S.C. Section 552 (Public Information Act).

E. 28 U.S.C. Section 1361 (Mandamus).

F. 28 U.S.C. Sections 2201 & 2202 (Declaratory and Judgment Acts).

5. The matter in controversy, exclusive of costs, exceeds the sum of $10,000.00.

GENERAL ALLEGATIONS

6. In 1942, Congress authorized the construction of the Cross-Florida Barge Canal in accordance with the plans set forth in House Document 109/79/1. Public Law 77-675 (July 23, 1942). The project plans provide for a high-level lock barge canal 107 miles long from the St. Johns River near Palatka, thence through the valley of the Oklawaha River across the divide to the Gulf of Mexico near the Withlacoochee River. No construction was done on the project until about 1964. Each year since 1962 the United States Congress has made appropriations for design and construction of the project. In its 1971 Fiscal year appropriation, Congress specifically directed that construction of the Cross-Florida Barge Canal project should not be delayed for any additional environmental impact studies in light of the fact that thorough studies had already been made which supported the conclusion that the overall effect of the project would be a long term gain in environmental quality. H.R. Report No. 91-1219 at pages 3, 58, 91st Congress, 2nd Session, June 18, 1970; Senate Report No. 91-1118, Calendar No. 1129, pages 4, 5, 29; 91st Congress 2nd Session (August 12, 1970). This Congressional direction that canal project construction not be delayed was made with full cognizance of the requirements set forth in the National Environmental Policy Act of 1969. Senate Report No. 91-1118, Calendar No. 1129, pages 3-4, 91st Congress, 2nd Session (August 12, 1970). Defendant, Corps of Engineers has to date expended approximately $50 million of the $60 million appropriated by Congress in the construction and design of the Cross-Florida Barge Canal. Before construction and design of the Cross-Florida Barge project was commenced by Defendant, Corps of Engineers, Congress required that local interests furnish assurances satisfactory to the Secretary of the Army that they would "provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the canal, hold and save the United States free from damages due to the construction works; and take over, maintain and operate all new public highways built in connection with the project." House Document 109, 79th Congress, 1st Session (Letter dated June 12, 1942, from Chief of Engineers to House Committee on River and Harbors). Plaintiff, Canal Authority, as lineal successor to the Ship Canal Authority of the State of Florida, furnished the assurances as local sponsor required by Congress and said assurances were accepted by the District Engineer, Jacksonville, District Corps of Engineers on or about November 13, 1963.

Construction of the Cross-Florida Barge Canal Project was begun in 1964 by the Defendant, Corps of Engineers, under the direction of the Defendant, Secretary of the Army. Since 1964, Plaintiff, Canal Authority, has substantially complied with its obligation as local sponsor for the project by expending approximately $12 million in acquisition of rights-of-way land situated in Putnam, Marion, Levy and Citrus counties within the Middle District of Florida. Ninety per cent of the required rights-of-way have been furnished to Defendant, Corps of Engineers, either by conveyance from Plaintiff or under right-of-entry agreements and Defendant, Corps of Engineers, has utilized said lands in completing approximately one-third of the construction of the project. Title to the majority of the rights-of-way lands is now vested in the Plaintiff, Canal Authority.

The Cross-Florida Barge Canal Project authorized by Congress (Public Law 77–675) was designated to promote the national defense and to facilitate the transportation of materials and supplies under both wartime and normal conditions of commerce. The project plans approved by Congress (House Document No. 109, 79th Congress, 1st Session, and the Definite Project Report—Cross-Florida Barge Canal, dated December, 1943) provided for flood control, water supply hydrology and other construction and design plans adopted to prevent or eliminate damage to a healthful environment and to contribute to the preservation and enhancement of the environment contained within the Canal project.

On or about January 20, 1971, the Defendants, Secretary of Army, Chief of Engineers, Corps of Engineers and Jacksonville District Engineer, ordered a complete halt in all construction on the canal project with the intention of abandoning completion of the project. At the time the construction halt was ordered by Defendants the following construction phases were in progress:

(1) New State Road 40 bridge at the east end of the project in Marion County, Florida;

(2) Railroad relocation bridge at Dunnellon, Florida, across Blue Run;

(3) Canal bank improvement consisting of shaping, grading and sodding near Inglis Lock at the west end in Levy County, Florida;

(4) Bypass culvert at west end of project in Levy County, Florida;

(5) New dam at Inglis on the Withlacoochee River.

The result of Defendants' permanent halt of project construction will be to permit dangerous flooding conditions to continue unabated on Canal rights-of-way lands now owned by Plaintiff, in both the Oklawaha and Withlacoochee River Valleys, to permit infiltration, siltation, and pollution of the Withlacoochee River, and a failure to preserve the natural flow of the Withlacoochee River which in turn will permit salt water infiltration into the natural fresh waters of the Withlacoochee. The abandonment of the Canal project will also result in the automatic reversion of approximately 8,000 acres of rights-of-way now owned in perpetual easement by Plaintiff, lying within the Rodman Pool in Putnam County and in the Canal right-of-way to private ownership and subject Plaintiff to innumerable lawsuits concerning the ownership of other rights-of-way land which were legally acquired by Plaintiff only for the construction, operation and maintenance of the Cross-Florida Barge Canal Project. Florida Statutes, § 374.051, 374.071.

Under the assurances furnished to Defendants, Secretary of Army and Corps of Engineers, Plaintiff will be liable for any damage caused by construction of the project which is either finished or unfinished. Defendants orders to halt construction and abandon the canal project are unlawful and in violation of the rights of Plaintiff and Plaintiff will suffer irreparable damage therefrom for which it has no adequate remedy at Law.

FIRST CLAIM FOR RELIEF

7. The Defendant, Corps of Engineers, acting under the direction of the Defendant, Secretary of Army, is under a duty to complete construction of the Cross-Florida Barge Canal project in accordance with plans approved by Congress and subsequent appropriations thereto and by virtue of Defendant's agreement with Plaintiff and Congress to construct the canal project in exchange for Plaintiff's promise and actual performance of providing necessary rights-of-way for construction, and Plaintiff's further promise to hold and save the United States free from damages due to the construction works. Public Law 77–675 (July 23, 1942, H.R. 6999); letter from Jacksonville District Corps of Engineers to Giles L. Evans, Jr., Manager of the Canal Authority, dated November 13, 1963; Certificate of Resolution, dated October 6, 1959, all attached hereto as Exhibit A.

8. The press release dated January 19, 1971, issued by the Honorable Richard M. Nixon, President of the United States of America, (Copy attached hereto as Exhibit B) which the defendants have taken to be an order directing the Defendants herein to halt all construction of the Cross-Florida Barge Canal project is unconstitutional on its face and as applied to Plaintiff. Neither the President nor anyone acting under his direction has any authority to override the will of Congress expressed in the project authorization and subsequent appropriation bills. Any action of the Defendants which is based on said press release or other order of the President is in direct violation of the United States Constitution, Article I, Section 1; Article I, Section 8, Clause 1; Article I, Section 8, Clause 3; Article IV, Section 3, Clause 2, and the Fifth and Fourteenth Amendments. Defendants' decision to halt all construction of and to abandon the Canal project is an illegal attempt to exercise lawmaking power, which the Constitution vests in Congress alone.

9. Realleging the allegations contained in paragraph 8, Plaintiff further alleges that the order issued by the Defendant, Lieutenant General Frederick J. Clarke, Chief of Engineers, Corps of Engineers, dated January 20, 1971, (copy attached hereto as Exhibit C) and directing the Jacksonville District Corps of Engineers to halt all construction of the Cross-Florida Barge Canal project is unconstitutional on its face and as applied to Plaintiff. None of the Defendants herein have any discretionary power to decide whether the Canal project will be built, or not built, and said Defendants have acted beyond their statutory powers, and in violation of the U.S. Constitution as alleged in paragraph 8. Cessation of construction and abandonment of the project will cause Plaintiff irreparable damage for which it has no adequate remedy at law.

SECOND CLAIM FOR RELIEF

10. Congress has recognized, pursuant to the National Environmental Policy Act of 1969, that *each person* should enjoy a healthful environment and that *each person* has a responsibility to contribute to the preservation and enhancement of the environment. 42 U.S.C.A., § 4331(c) [1970]. Pursuant to the same act, Congress has directed that . . . "all agencies of the Federal Government shall . . . (c) include in every recommendation or report on . . . major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—(i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action, (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by Section 552 of Title 5, and shall accompany the proposal through the existing agency review processes; . . .".

The order halting construction of the Canal project is a major federal action significantly affecting the quality of human environment (as alleged in paragraph 6) and was based on a recommendation made by the defendant Council on Environmental Quality to the President prior to January 20, 1971. Upon information and belief it is alleged that said recommendation was beyond the authority of the Council to make in that it did not include a detailed statement on (1) the environmental impact of the proposed action to halt construction and abandon the Canal project; (2) any adverse environmental effects which would not be avoided if the project was halted; (3) alternatives to the proposed action, and (4) any irreversible and irretrievable commitments of resources which would be involved if the proposed action should be implemented.

Prior to making its recommendation to the President, Defendant, Council on Environmental Quality, did not consult with and obtain the comments of any Federal Agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in halting construction of the Canal project, to-wit: the Corps of Engineers, and the author of the U.S. Geological Survey Report on the project. Defendant, Council on Environmental Quality, has further refused to make the required detailed statement of environmental impact caused by a construction halt available to Plaintiff or to the public as required by the N.E.P.A., 42 U.S.C.A., § 4332 (c) and 5 U.S.C. § 552. By virtue of the foregoing, the recommendation to halt construction and abandon the project, Defendant, Council on Environmental Quality, has violated the rights of Plaintiff under the N.E.P.A., the Public Information Act (5 U.S.C. 552), and the U.S. Constitutional requirements of due process under the Fifth and Fourteenth Amendments, and has caused and is causing Plaintiff irreparable damage for which it has no adequate remedy at law.

THIRD CLAIM FOR RELIEF

Defendant, Secretary of the Army, is charged by statute with the duty to apply money appropriated for improvements of rivers and harbors in carrying on the various public works as may be most economical and advantageous to the Government. 33 U.S.C., § 622. By halting all construction on the Cross-Florida Barge Canal Project with the only purpose to delay its completion and with the intention of abandoning the project. Defendants, Secretary of the Army and Corps of Engineers, have breached their statutory duty and the duty owed to Plaintiff as local sponsor for the project. Such actions of Defendants will subject Plaintiff to suffer irreparable damage for which it has no adequate remedy at law.

Wherefore, Plaintiff prays for an Order:

1. Declaring that the press release, taken by the Defendants to be an order, issued on January 19, 1971, by the President is illegal or constitutionally void.

2. Declaring any order of the President to halt construction of the Cross-Florida Barge Canal Project to be of no effect, illegal or constitutionally void.

3. Declaring that the Order to halt all construction of the Cross-Florida Barge Canal Project issued on January 20, 1971, by

the Defendant, Chief of Engineers, Corps of Engineers, is illegal and constitutionally void.

4. Enjoining Defendants, their agents and employees from relying on or in any manner carrying out the press release order dated January 19, 1971, and the order dated January 20, 1971, referred to above.

5. Directing Defendants, Secretary of the Army, Chief of Engineers, and the District Engineers of the Jacksonville Corps of Engineers to resume all construction work on the Canal project which was in progress on January 19, 1971.

6. Directing Defendant, Council on Environmental Quality, to consult with and obtain the comments of all Federal Agencies which have jurisdiction by law or special expertises with respect to any environmental impact involved in its recommendation to halt construction, and abandon the Canal project.

7. Directing Defendant, Council on Environmental Quality, to make available to Plaintiff any statement on the environmental impact of its recommendation to halt and abandon the Canal project whether such detailed statement or statements were prepared before or after said recommendation was made.

8. Granting such other interlocutory relief to Plaintiff as may be necessary to prevent irreparable injury, pending final judgment herein.

9. Granting to Plaintiff the costs incurred in this action.

10. Granting such other and further relief as this Court may deem just and proper.

Decker, Elliott & Kaler,
P. A.

Ralph E. Elliott, Jr.,
Allan P. Clark.
815 American Heritage Life Building, Jacksonville, Fla.
Attorneys for Plaintiff.

Public Law 675—77th Congress, Chapter 520–2d Session (H.R. 6999)

(An act to promote the national defense and to promptly facilitate and protect the transport of materials and supplies needful to the Military Establishment by authorizing the construction and operation of a pipe line and a navigable barge channel across Florida, and by deepening and enlarging the Intracoastal Waterway from its present eastern terminus to the vicinity of the Mexican border)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, in order to promote the national defense and to promptly facilitate and protect the transport of materials and supplies needful to the Military Establishment, there is hereby authorized to be constructed under the direction of the Secretary of War and the supervision of the Chief of Engineers a high-level lock barge canal from the Saint Johns River across Florida to the Gulf of Mexico in accordance with the plans set forth in the letter of the Chief of Engineers dated June 15, 1942; and that there is also authorized the enlargement of the present Intracoastal Waterway from the vicinity of Apalachee Bay to Corpus Christi, Texas, and its extension to the vicinity of the Mexican border so as to provide throughout the entire length of the canal a channel twelve feet deep and one hundred and twenty-five feet wide: *Provided,* That between Mobile, Alabama, and New Orleans, Louisiana, the project shall be modified in accordance with the recommendations of the Chief of Engineers in his report dated April 27, 1942, except that the annual payments to be made by the Government to the Board of Commissioners of the Port of New Orleans are not limited by this Act to the amount recommended by the Chief of Engineers but are left open to negotiations between the Board of Commissioners of the Port of New Orleans and the Chief of Engineers: *Provided further,* That the Chief of Engineers is authorized to expedite the utilization of the facilities herein above authorized by the employment of temporary structures and available materials, and within reasonable limits to vary, in his discretion, the above-prescribed dimensions wherever advisable: *And Provided Further,* That subject to the provisions of Public Law 197, Seventy-seventh Congress, there is authorized to be constructed one or more pipe lines, together with all necessary terminal facilities, for the transport of petroleum and its products, from the vicinity of Port Saint Joe and other points on the Gulf Coast of Florida to the Saint Johns River, and a crude-oil pipe line from the Tinsley Oil Field in the vicinity of Yazoo, Mississippi, to Charleston, South Carolina, and/or Savannah, Georgia.

Sec. 2. There is hereby authorized to be appropriated the sum of $93,000,000 to carry out the provisions of this Act. Approved, July 23, 1942.

Corps of Engineers,
Jacksonville, Fla., November 13, 1963.

Re Local Assurances: Cross-Florida Barge Canal.

Mr. Giles L. Evans, Jr.,
Manager, The Canal Authority of the State of Florida, Jacksonville, Fla.

Dear Mr. Evans: Receipt is acknowledged of a certified copy of a Resolution dated 6 October 1959, adopted by the Board of Directors of The Ship Canal Authority of the State of Florida, whereby The Ship Canal Authority of the State of Florida assumes full responsibility for compliance with the requirements of local interests for construction of a barge canal from St. Johns River across Florida to Gulf of Mexico, authorized by Public Law 675–520, approved 23 July 1942, more particularly set forth in House Document No. 109, 79th Congress, 1st Session.

We also acknowledge receipt of a copy of House Bill No. 1637, Chapter 61–244, Laws of Florida, 1961, approved 12 June 1961, changing the name "The Ship Canal Authority of the State of Florida" to read "The Canal Authority of the State of Florida."

These assurances are hereby accepted; however, it should be understood that the giving of acceptable assurances does not, in itself, satisfy the requirements of local cooperation, as such requirements can be met by actual performance only.

Your cooperation with the Government in connection with this project is appreciated.

Sincerely yours,
H. R. Parfitt,
Colonel, Corps of Engineers, District Engineer.

August 9, 1963.

Mr. Norris A. Spooner,
Chief, Real Estate Division, Corps of Engineers, U.S. Army Engineer District, Jacksonville, Jacksonville, Fla.

Dear Mr. Spooner: This letter is a follow-up on our discussions last Friday, 2 August 1963, about the legal foundation of the assurances which the Canal Authority previously has given the Corps of Engineers.

We have asked our Attorney to outline, with appropriate citations, the statutory provisions which stand behind the Canal Authority assurances. His later-opinion is attached. I trust that you will find it completely satisfactory and adequate. We should appreciate any early affirmation of such adequacy.

May I take this opportunity to point out that the Corps of Engineers already has presented testimony pertaining to local cooperation to the Congress, as indicated by the attached copies of pages from both F.Y. 1962 and F.Y. 1963 Hearings before the House Appropriations Sub-Committee on Public Work

Sincerely yours,
Giles L. Evans, Jr.,
Manager.

Jacksonville, Fla.,
August 2, 1963.

The Canal Authority of the State of Florida,
Jacksonville, Fla.

Gentlemen: As you know, the Jacksonville District Office, Corps of Engineers, U.S. Army, has asked that we cite to it the specific legal authority for the assurances of local participation in the proposed construction of the Cross-Florida Barge Canal, which you have previously furnished.

These assurances consist of three separate elements, being:

1. The Canal Authority pledges itself to provide, without cost to the United States, all of the lands, easements and rights-of-way necessary for the construction of the canal.
2. The Canal Authority agrees to hold and save the United States free from damages due to the construction work.
3. The Canal Authority will take over, maintain and operate all new public highways built in connection with the project.

For the sake of clarity, we will treat each one separately.

The law creating the Canal Authority and under which it now operates is now known as Chapter 374, Florida Statutes, and all references will be to sections of this chapter.

PROVIDING OF RIGHTS-OF-WAY

Section 374.041 grants to the Authority the power "* * to lease, buy, acquire, hold and dispose of real and personal property of every kind and nature; * *". Section 374.071 authorizes the Authority to "* * acquire by condemnation, rights-of-way * * reasonably necessary for the proper construction and efficient operation * * of said canal * *". Section 374.091 authorizes the several counties of the state through which or adjacent to the boundaries of which the canal passes to "* * donate to the corporation (Authority), all necessary rights-of-way * * necessary or useful in the acquisition, construction, maintenance and operation of said canal, * *". Section 374.171 provides that should the United States undertake the construction of the canal, the Authority is authorized "* * to assign, transfer and convey to the United States, or to the appropriate agency thereof, such * * property, * * including lands, easements and rights of way * * as may be necessary * * to accomplish such purposes."

HOLD HARMLESS FROM DAMAGES DUE TO CONSTRUCTION

Section 374.041 grants to the Authority the general power "* * to make contracts * *". Section 374.161 specifically empowers the Authority "* * to enter into any and all contracts necessary or convenient to the exercise of any or all of * * (its) powers * *," and "* * to contract with the United States or any * agency * thereof for the construction operation or control of said canal or any portion thereof."

TAKE OVER, MAINTAIN AND OPERATE PUBLIC HIGHWAYS

The above quoted Sections 374.041 and 374.161 authorize the Authority to contract for this purpose with the United States or any agency thereof. Further, Section 374.051, granting special powers to the Authority, authorizes it "to acquire * * * and to operate, repair and maintain, * * * services of every kind and description that may be necessary, useful or convenient in the * * * operation of said canal; * * * and to do any and all things necessary and incur and pay any and all expenditures necessary, convenient or proper in the acquisition, * * * operation and control of said canal and its related * * * improvement and appurtenances."

Said Section 374.051 lists as the first power granted to the Authority, "* * * the right * * * power and authority to acquire, own, construct, operate and maintain a canal across the peninsula of Florida, * * *" and Section 374.081 provides:

"It is intended that the provisions of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be provided for by this act, and where strict construction would result in the defeat of the accomplishment of any part of the work authorized by this act, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen."

We trust that this letter will serve to give the information desired.

Most sincerely,

Judson Freeman.

Certificate

I, R. Malcolm Fortson, Managing Director and Secretary of The Ship Canal Authority of the State of Florida, hereby certify that the following is a true and correct copy of a resolution unanimously adopted by the Executive Committee of the Board of Directors of said Ship Canal Authority at a meeting held on the 22nd day of September, 1959:

Whereas, House Document 109 of the 79th Congress, First, Session, requires assurances for local participation satisfactory to the Secretary of War, and

Whereas, the minutes of The Ship Canal Authority of the State of Florida show that the assurances furnished the District Engineer on June 25, 1936, did not contain all of the present assurances required by House Document 109, and

Whereas, the Board of Directors of The Ship Canal Authority of the States of Florida desires to comply fully with requirements contained in House Document 109, a special meeting of the Executive Committee was called on the 22nd day of September, 1959, to adopt a resolution furnishing such assurances,

Now, therefore, be it resolved: That the Ship Canal Authority of the State of Florida pledges itself to provide without cost to the United States all of the lands, easements, and rights-of-way necessary for the construction of the canal; hold and save the United States free from damages due to the construction works; and take over, maintain, and operate all new public highways built in connection with the project, and

Be it further resolved: That a copy of this resolution be furnished the District Engineer of the Jacksonville District, Corps of Engineers, United States Army.

Dated at Jacksonville, Florida, this 6th Day of October, 1959.

R. Malcolm Fortson.

Statement by the President

I am today ordering a halt to further construction of the Cross Florida Barge Canal to prevent potentially serious environmental damages.

The purpose of the Canal was to reduce transportation costs for barge shipping. It was conceived and designed at a time when the focus of Federal concern in such matters was still almost completely on maximizing economic return. In calculating that return, the destruction of natural, ecological values was not counted as a cost, nor was a credit allowed for actions preserving the environment.

A natural treasure is involved in the case of the Barge Canal—the Oklawaha River—a uniquely beautiful, semi-tropical stream, one of a very few of its kind in the United States, which would be destroyed by construction of the Canal.

The Council on Environmental Quality has recommended to me that the project be halted, and I have accepted its advice. The Council has pointed out to me that the project could endanger the unique wildlife of the area and destroy this region of unusual and unique natural beauty.

The total cost of the project if it were completed would be about $180 million. About $50 million has already been committed to construction. I am asking the Secretary of the Army to work with the Council on Environmental Quality in developing recommendations for the future of the area.

The step I have taken today will prevent a past mistake from causing permanent damage. But more important, we must assure that in the future we take not only full but also timely account of the environmental impact of such projects—so that instead of merely halting the damage, we prevent it.

Cross-Florida Barge Canal

Confirming telephone conversation between MG Koisch, OCE, and MG Free, SAD, the President has directed that construction of the Cross-Florida Barge Canal be halted. Undertake immediate action to suspend all work, including, but not limited to, land acquisition, contracts and hired labor construction work that may be underway. In taking this action give due consideration to public safety. Further advice will be given when more detailed plans are developed pertaining to future of the project.

[From the Florida Times-Union,
Feb. 13, 1971]

Canal Authority Sues United States To Resume Project

(By Otis Perkins)

The Florida Canal Authority in a federal suit filed here Friday asks that President Nixon's order halting the Cross-Florida Barge Canal be declared illegal and that the project be resumed.

It charges that Nixon usurped the power of Congress in his "press release" order of Jan. 19, adding that the president's action in halting the canal is unconstitutional.

The suit doesn't name Nixon among the defendants, but it does list Nixon's three-member Council on Environmental Quality, which advised the President to stop the canal project as an ecological hazard.

Named as primary defendant is the U.S. Army Corps of Engineers, and specifically, Army Secretary Stanley R. Resor.

The corps is named as the government agency responsible for carrying out the intent of Congress, including the expenditure of funds appropriated for the canal.

It is alleged the Corps of Engineers was without authority to implement Nixon's order on Jan. 20, which, it says, they received by way of a press release.

The suit says:

"The press release dated Jan. 19, 1971, issued by the Honorable Richard M. Nixon, President of the United States of America, which the defendants have taken to be an order directing the defendants herein to halt all construction of the Cross-Florida Barge Canal project, is unconstitutional on its face and as applied to the plaintiff.

"Neither the President nor anyone acting under his direction has any authority to override the will of Congress expressed in the project authorization and subsequent appropriation bills.

"Any action of the defendants which is based on said press release or other order of the President is in direct violation of the United States Constitution . . . Defendants' decision to halt all construction of and to abandon the canal project is an illegal attempt to exercise the lawmaking power, which the Constitution vests in Congress alone."

The suit charges that the Army Engineers were under a duty to complete construction of the canal under plans approved by and funds furnished by Congress.

It says the Council on Environmental Quality failed to carry out its legally required duties to complete studies, including conferences with responsible federal agencies in the project, before recommending the project be halted.

It also says, the engineers, by halting the project with the purpose of delaying with intention of abandoning the project, "breached their statutory duty and the duty owed to plaintiff (the Canal Authority) as local sponsor for the project.

"Such actions of the defendants will subject plaintiff to suffer irreparable damage for which it has no adequate remedy at law.

The suit asks U.S. District Court here to declare Nixon's "press release" or any order be declared illegal and constitutionally void; that the order by the Army Engineers the following day, actually stopping the work, also be held void; that the defendants be enjoined from carrying out such orders; that the Army Secretary, chief Army engineer and local district engineer be directed to resume the work; that the Council on Environmental Quality be required to consult with proper federal agencies on the impact of the canal on environment and that it be required to report any statements—either before or after the work halt—as to its recommendations for closing down the project.

The suit was filed here by canal attorneys Ralph E. Elliott and Allan P. Clark, at the same time members of the Florida Cabinet, who are opposed to the canal, were considering ways in Tallahassee to block the suit.

Elliott had told Dr. Lee Talbot, senior staff scientist for the Environmental Council, he may file suit. Talbot was in Florida to study alternative uses for the canal, which is about one-third completed.

The suit also alleges that:

Congress in its 1971 fiscal year appropriation specifically directed that canal construction shouldn't be delayed for any further environmental studies, since completed studies showed the canal would result in long-term gain in environmental quality; that this was directed with full knowledge of the National Environmental Policy Act of 1969, requiring consultation with concerned federal agencies before recommending changes.

The Corps of Engineers has spent about $50 million of the $60 million appropriated for the canal. It says Congress required, before work began, that local interest provide land for construction of the canal, requiring that the U.S. government be held free from damages and that local authorities take over and operate new highways built along with the project.

The canal, authorized in 1942, was to promote the national defense; provide flood control and prevent damage to the environment.

Halting of the project will permit dangerous flooding conditions to continue unabated on the canal right of way, owned by the canal authority, in the Oklawaha and Withlacoochee rivers, permitting also salt water intrusion into the latter.

Halting the work will result in reversion to former owners of about 8,000 acres of right of way in the Rodman Pool in Putnam County and result in "innumerable lawsuits" over the property, to which the Canal Authority is limited for canal use only. The authority said it had acquired 90 percent of land needed and still has title to most of it.

The 107-mile canal is planned to extend from the St. Johns River, through the Oklawaha River Valley to the Gulf of Mexico near the Withlacoochee.

The Canal Authority has spent some $12 million on land acquisition, much of it coming from a special tax collected in six counties through which the canal was to pass.

When it was halted these projects were in progress: A new bridge on State Road 40 in Marion County; relocation of a railroad bridge at Dunnellon; bank improvements near the Inglis Lock in western Levy

County—plus a bypass culvert in that area; and a new dam at Inglis on the Withlacoochee River.

Opponents of the work halt have charged Nixon was ill-advised by his council, which they accused of failing to publicly report its reasons for recommending the work be halted.

LITHUANIAN INDEPENDENCE DAY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ASPIN. Mr. Speaker, February 16, 1971, marks the anniversary of Lithuanian independence. After over a century of domination by the Russian empire, Lithuania again emerged as a sovereign nation. The steadfast adherence to their language and traditions served the Lithuanian people well.

The 1917 revolution gave Lithuania the chance to throw off the Russian yoke. The tragedy of the reoccupation, first by the Soviet Union, second by Nazi Germany and again by the Soviet Union, devastated the area. The toll in human lives and suffering is incalculable. The courage of the Lithuanians is a shining beacon to all free nations.

The United States has not recognized the forced incorporation into the Soviet Union of Lithuania, Latvia, and Estonia, and rightly so. We remain committed to the ideal expressed in the Atlantic Charter:

> To see sovereign rights and self-government restored to those who have been forcibly deprived of them.

The United States will continue to support the just aspirations for freedom and independence of the Lithuanian people.

Lithuanian immigrants have brought with them industry and resourcefulness. They have been a credit to the United States, their adopted homeland. The continuing determination to look toward a free and independent homeland inspires free men everywhere.

The following is an excellent editorial on Lithuania's independence which appeared in the February 11 edition of the Racine Journal-Times:

LITHUANIA'S FREEDOM FIGHT

Lithuanian-Americans will celebrate an important date on Tuesday, Feb. 16, the 53rd anniversary of the restoration of independence to Lithuania.

The date won't be commemorated publicly in Lithuania, itself, which has been under Russian rule since 1940. It will be observed in Racine and just about every other city where there is an American-Lithuanian Council.

Recently 100 Lithuanians met at Racine's St. Casimir Church and passed a resolution demanding that "the Soviet Union . . . withdraw all its armed forces, administrative apparatus and the imported Russian colonists from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights."

Only around one million persons of Lithuanian descent live in the United States, but collectively they have an influence out of proportion to their numbers. They have stirred the hearts of millions with their undying pledge to unshackle their homeland from Russian domination.

The *Congressional Record* is filled with tributes to Lithuania on Feb. 16 of each year. In 1970, no fewer than 15 representatives and five senators paid their respects.

Racine Mayor Kenneth Huck and Wisconsin Gov. Patrick Lucey both have proclaimed Feb. 16 as Lithuanian Day.

Lithuania enjoyed only 22 years of independence, from 1918 to 1940, until the Russians took over by force. Active resistance to Russian domination in the tiny country continued until as late as 1952.

Passive resistance continues. The spirit of independence is exemplified by the fact that the Lithuanian Republic maintains a legation in Washington, consulates general in New York, Los Angeles and Chicago and a consulate in Boston.

The plight of Lithuania shows how quickly the breath of freedom can be quenched through armed aggression.

The restoration of a free Lithuania cannot be accomplished easily, but that ultimate goal should be on the agenda of freedom fighters everywhere.

IT MAKES YOU WANT TO CRY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ZWACH. Mr. Speaker, ever since I have been in Congress, I have held that one way to cure the ills of our cities is to reverse the migration from the countryside, to get people from the over-crowded cities to move back to the uncrowded and unpolluted rural countryside.

This idea is fast gaining support throughout our country, even with the President and Members of his Cabinet who are promising renewed interest and more Federal help for the countryside.

Mr. Speaker, with your permission, I would like to insert in the CONGRESSIONAL RECORD an editorial from the Wheaton Gazette on this subject which I am sure my colleagues and all of those who read the RECORD will find interesting and enlightening:

IT MAKES YOU WANT TO CRY . . .

The nation is polluted. The air is filthy, streams and lakes are collection points for refuse. There are too many people. Housing is inadequate, people are crammed together in slums and suffer the effects of substandard living. Crime rises because of it.

How do we solve it all? We call for a multitude of pollution controls. We make people conscious of the problems man is creating for himself. But most of all, we demand "Population Zero". We want less people.

It does, indeed, almost make you want to cry when you hear and read so much about this sort of thing . . . and then look at the census figures as reported in today's Gazette.

Overpopulation is, without question, a major problem in some areas. But certainly that is not the case in western Minnesota.

This part of the state has lost much during the past decade. Certainly our greatest loss has been our greatest resource—human beings.

When you sit in an area such as this and see the continuing erosion of an economic system and when you see the people who want to remain here have to move off the land and add to the problems of already overcrowded cities, you begin to wonder if the knot-heads who try to direct our economy have the slightest idea of what's really going on.

There are areas where smoke stacks jet out air pollutants and where cars fog the air with exhaust. But this area is not one of them. There are areas where roads are jammed with idiotic traffic snarls, but here our highways are wide open.

There are areas where people are crammed together in shacks and old apartment buildings to form the cancerous slums of the city, but here we have a beautiful new low-rent housing project which remains half vacant because of a shortage of human beings to fill it.

And there are areas where population decreases may well be a godsend, but if there is anything we need in this area it is more people—not less.

Our governmental bodies—both federal and state—have been directing all of their efforts for better living toward the metropolitan areas. They want to solve problems like sub-standard housing, traffic congestion, polluted air. They believe that by pouring billions upon billions of dollars into such projects as mass transit systems, urban renewal, housing developments and the like they will make Utopia for all Americans.

And now they will take the final step and make their grandest contribution. They will endeavor to do away with population problems by enacting liberalized abortion laws.

Can't they see at all? Don't they really understand that there are thousands upon thousands of communities such as our own which are begging for the very thing they seek to destroy. We want people . . . we need people.

Rather than spending these vast sums of money to clear up a problem which will never truly be solved, they could look in another direction. They could seek to shift population to rural areas. They could provide people, at virtually no cost, with exactly what they want—good clean air, a little elbow room to live in, a slower pace and better living. They could do it all, simply by taking steps not to beef up the cities to handle a continuing influx of population, but rather by working with rural communities to bolster the economy and provide the opportunities to live in the country.

They say it can't be done? We say their city rejuvenation plans are impossible. We believe that working with the rural areas stands far and away a better, cheaper, more feasible chance of solving our social ills than any multi-billion dollar proposal for remaking cities.

FUTURE FARMERS OF AMERICA NATIONAL WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. NATCHER. Mr. Speaker, it is a privilege and a pleasure for me to call attention to the fact that beginning Saturday, February 20 through the 27th, the Future Farmers of America will observe their 43d anniversary.

In the past, the celebration of George Washington's birthday has always fallen during this national FFA week, but the recent rearrangement of certain of our official Federal holidays has changed this. However, I do not believe that this will diminish in any way the patron saint status long ago bestowed upon the Father of our country by the FFA for his outstanding success as a farmer at Mount Vernon.

Forty-three years ago a group of vocational agriculture students in Kansas City, Mo. had a genuine belief in the future of farming and because of this faith they established an organization for farm boys which, by its very motto, speaks for itself—Learning to do; Doing to learn; Earning to live, Living to serve.

Originally our vocational agriculture students were boys but there have been many changes in this program during the last decade not the least of which is the fact that now young ladies may and do become members of the FFA. Classes in the horticulture area particularly consist of both boys and girls, and I might add that since its start in Kentucky in 1965 this is one of the rapidly growing phases of agriculture in my home State as well as throughout the Nation. Today the FFA is concerned with training young men and women ages 14 to 21 in every aspect of agriculture.

The Future Farmers of America was organized nationally in 1928 and, as we know, was granted a charter by Congress in 1950. At the present time there are 9,000 chapters located in 49 States as well as Puerto Rico and the Virgin Islands. Active membership has reached more than 450,000 and the latest tabulation for Kentucky shows a membership of approximately 14,000 in 162 chapters. In citing the successful operation of the FFA in Kentucky it is always with genuine pride that I recall the significant accomplishments of the chapters in the Second Congressional District.

Mr. Speaker, these are interesting and important statistics because these young men and women exert a very strong and a very positive leadership at the local, State and National levels. As students in high school vocational agriculture programs, they are actively engaged in learning modern agriculture production and business techniques, and in my opinion one of the finest benefits passed on to these particular young people is the opportunity they have to prepare themselves for careers in businesses and industries which supply farmers as well as process and market his products, thus becoming a final link in our tremendous agriculture system.

The theme for this year's FFA Week is "Involved In America's Future" and certainly as never before, the members of this splendid organization, all across this great land of ours, are emphasizing constructive involvement in programs designed to improve agriculture and to make their communities better places in which to live and work now, as well as for those millions of Americans who will be moving into rural and urban areas in the years to come.

Mr. Speaker, in this day of involvement of one kind or another, it is indeed gratifying that these high school and post secondary students in agribusiness and natural resources education are so deeply involved in America's future because they know full well the great stake that is their's and, because of this knowledge, I am confident we can safely assume that they will continue to justify the faith and the pride that we have in them.

I am always glad to publicly acclaim the tremendous achievements of the Future Farmers of America and as they approach the celebration of another national week I consider it a distinct honor to offer them my sincere congratulations and best wishes for their continued success.

WORTH ALL THE DOUBT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Richard Witkin, in the Feb. 10, 1971, edition of the New York Times, discusses and places in perspective the problems encountered in the highly successful Apollo 14 lunar landing. Mr. Witkin does much to evaluate the outstanding skills demonstrated by the astronauts and the support personnel associated with the lunar mission. Mr. Witkin's article is a story of "planned success" achieved by highly skilled and dedicated people operating what is perhaps the most complex scientific and technical system that the world has yet conceived. The article follows:

WORTH ALL THE DOUBT

(By Richard Witkin)

"It was worth all of those little moments of doubt when the problems arose." That was the way Comdr. Edgar D. Mitchell looked back on the nine-day Apollo 14 odyssey yesterday after he and his two companions were safely abroad the carrier New Orleans. It seemed an apt summing up for a flight that had accomplished a great deal and at the same time, had experienced repeated technical troubles that will be remembered perhaps as long as its triumphs.

Are such technical shortcomings inevitable? Is it likely that the success of the three remaining Apollo lunar fights will be similarly threatened by temperamental devices aboard the extremely complex spacecraft?

The answers given by the men who run the space program are generally of the "yes, but" variety.

George M. Low, the acting administrator of the National Aeronautics and Space Administration, said in an interview:

"I feel that what we've seen on Apollo 14 is about the number of problems one must expect on any given flight with such a complicated piece of hardware. Yet the spacecraft design is such that it is forgiving of failures. And we hope we'll always be able to work around them and press on with the mission."

EXPRESSION OF OPTIMISM

Mr. Low, who directed the Apollo program before moving up in the space agency hierarchy, acknowledged that, if the timing had been different, one or more of Apollo 14's problems could have washed out a landing on the moon. But he seemed optimistic that most difficulties could be surmounted, saying:

"I continue to be amazed at the work-arounds people manage to find, like the work-around for the abort switch."

The reference was to the frenetic problem-solving that was required after the discovery that the lunar module's abort switch was sending a spurious signal to the craft's main computer.

Normally the switch would be activated only if the astronaut in command wanted to abort, or break off, the lunar landing attempt. The difficulty was circumvented by rewriting of the computer program and having the new program inserted into the computer by the crew just moments before starting the descent to the moon.

NO PERIL TO CREW

The misbehaving switch did not endanger the crew, but it could have prevented a lunar landing if its first false signal had been sent after the descent had begun. It was but one in a series of technical aberrations that dogged the flight from beginning till re-docking in lunar orbit.

As a starter, soon after the Jan. 31 launching, there were the six attempts required to dock or mate the command ship to the lunar module for the outward flight to the moon. Then came a slightly low voltage reading on a battery in the lunar module's ascent stage.

After the abort-switch problem came the potentially critical delay in proper functioning of the landing radar. And finally, about 10 minutes before re-docking in lunar orbit, the lunar module's back-up guidance system, fortunately no longer essential, switched mysteriously from normal operation to "standby."

To outsiders following the flight, the list of problems seemed the longest for any of the Apollo flights, except perhaps for Apollo 13, which suffered an oxygen-bottle explosion that ruled out a lunar landing.

Actually, the number of problems (they are technically called "anomalies") on Apollo 14 were not abnormal. They were just more dramatic than on most flights.

On Apollo 7 through 11, the first five manned Apollo flights, the number of anomalies on the command ship were 22, 8, 14, 23, and 9. Apollo 9, the first flight of a lunar module, had 12 anomalies. There were 15 on Apollo 10 and 13 on Apollo 11, the first to reach the lunar surface. Apollo 10, for instance, had trouble with fuel-cell temperatures. On Apollo 11, there was fear that the landing would have to be broken off because of an overworked computer—not a conventional hardware problem but a shortcoming in the way procedures had been worked out. It was a procedural shortcoming, too, that let Apollo 12 be launched into the kind of weather in which it could trigger the lightning discharges that for a while played hob with its power supply.

PERFECTION NOT ASKED

"It does not seem to me," said Howard W. Tindall Jr., deputy director of flight operations in Houston, "that we're having any more troubles than usual."

Mr. Tindall agreed with Dr. Low that perfection could not be asked of so complex a spacecraft but that chances were excellent of by-passing most troubles. He noted that, in expectation of such problems as a short-circuiting abort switch, a special campaign had been begun last fall to develop shortcut methods for rewriting programs.

Before Apollo 14, a new program had been written for Apollo 15 that would have by-passed the abort-switch problem with one or two punches on a cockpit keyboard, instead of the 60 used on Apollo 14.

Mr. Tindall said he thought the switch solution worked out for Apollo 14 owed much to the intensive work the engineers had been doing on the computer-program campaign.

"What worries me," he added, "is the long quiet periods we're soon going to have between missions. We'll tend to get sort of rusty."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

TIME FOR ACTION

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. SIKES. Mr. Speaker, one of America's greatest assets is its forest resources. So many and so great are the pressures which demand action by Government that we often take for granted assets such as our forests. This can and does result in neglect. Kenneth Pomeroy, Chief Forester of the American Forestry Association, has written a very timely article on this subject. It is entitled "Time for Action" and appeared in the February issue of the magazine "American Forests." I am pleased to have it reprinted in the CONGRESSIONAL RECORD.

I include the article as follows:

TIME FOR ACTION

(By Kenneth B. Pomeroy)

What are we going to do about private forests?

We have talked about them since Ben Franklin noted a lack of fuel wood within wagon haul of Philadelphia.

We have counted them—4,500,000.

We have measured them—309,000,000 acres.

We have inspected them. Some need planting. Others are cluttered with useless relics of former tree crops. Only 29 percent are in satisfactory condition.

We have weighed their role in the national economy. They must produce wood more efficiently if future needs are to be met.

All of these observations and more have been documented expertly by the Southern Forest Resource Council in its excellent report The South's Third Forest. Additional findings have been reviewed by Trees For People, a national task force of conservation, industry and public advisors.

The time for talk and study has passed. No magic formula has been found. Nor is one likely to be devised. Techniques that work abroad fit different economic and social conditions. We must rely upon our own proven methods.

The initial stage is to place greater emphasis on activities that forest owners cannot handle adequately by themselves.

Why? Because private forests serve all the people—forests yield pure water; they shelter wildlife; they cleanse the air; they add beauty to the countryside; and they furnish wood for countless uses.

But these vital public services must be provided under threats of loss by fire, damage by wind and attack by diseases or insects. We can help our own cause by reducing the risks so that land owners can practice better forestry. There are several ways to do this.

PROTECT FORESTS FROM FIRE

Protection of present and future crops is basic to sound management. Yet 31 million acres, six percent of all commercial forests, do not receive any protection at all. A much larger area, over 200 million acres, is not protected adequately.

Why does this situation exist? It exists because citizens, you and I, have not insisted that adequate funds be appropriated. Federal appropriations for cooperative forest fire protection under the Clarke-McNary Act of 1924 have not been made at the level authorized by Congress. The Congress authorized an annual appropriation of $20,000,000, but after much prodding by state foresters, forest industries and conservationists, only provided $16,469,000 for the current year.

This key forestry appropriation should be increased to the full authorization of $20,000,000. It can be and will be only if you insist upon it.

2. CONTROLLING DISEASES AND INSECTS

Diseases and insects cause losses estimated in the billions of dollars annually. They attack shade trees in cities as readily as timber trees in forests. Dutch elm disease has changed the appearance of many communities. Gypsy moths defoliate hardwood forests in the Northeast. Bark beetles ravage pine forests in the South. Dwarf mistletoe damages trees in the West. Sawflies and tip moths deform young trees everywhere.

Some of these pests have been held in check in the past with DDT and other chemicals now known to be harmful to animals, birds, fish and people. Urgently needed are new, less hazardous methods of control. Some promising leads have been found by research workers. Their efforts should be accelerated and intensified greatly.

Appropriations at the federal level should be increased from the present allotment of $4,783,000 for insect research and $2,810,000 for disease research to at least $10,000,000 for both activities.

3. PROVIDE TECHNICAL ASSISTANCE

Technical assistance, some free and some at modest cost, has been available to limited numbers of forest owners for some time. More people should benefit from this service. But 4,500,000 owners are far too many to be aided by 800 cooperative Federal-State service foresters and 300 consulting foresters. At best one public forester can only aid about 100 owners in a year. Consulting foresters are more limited in their contacts because they usually work on larger properties. Add to these limitations the fact that tenure of ownership averages about 15-20 years and it becomes apparent why many forest owners are not receiving the benefits of professional guidance.

The federal share of the Cooperative Forest Management program is now bumping against its authorized ceiling of $5,000,000 annually. In 1971 the Congress will be asked to raise the authorization in order to meet rising costs of operation. At the same time the Congress and the states should be urged to double manpower on the ground so that technical assistance programs can be implemented more fully.

The ranks of consulting foresters should be expanded tenfold. These men, spurred on by private incentive, can perform services a public forester cannot provide. For example, a consultant can work on a property as long as it takes to get the job done, whereas a public forester may be limited to three or four days in which to show the landowner how it ought to be done.

Consulting foresters, being private businessmen, face the same hurdles as young attorneys in establishing their business. It takes money to tide them over during the year or two required to create a flow of funds. For example, work done today may not be paid for until months later. Meanwhile, there are payments to make on equipment and payrolls to meet.

The Tennessee Valley Authority and the National Association of Consulting Foresters have attempted to break this bottleneck with an agreement that enables TVA to underwrite certain establishment costs during a two-year period. Two promising young foresters have been selected for the program. They will be aided with referrals from TVA and other public agencies.

This pioneering effort holds great promise. It should be initiated in other forested regions.

COST-SHARING

Conversion of useless brushy areas to productive forests, planting trees to assure a future supply of wood, protection of watersheds, improvement of wildlife habitat and enhancement of the environment are public interest activities that usually require considerable labor to initiate but do not yield cash returns on the investments for a long time. Many forest owners may not be in a position to undertake such projects because of age or financial limitations. Yet future economic and social needs of the nation require that private forests fulfill their role.

There are two ways to solve the problem; i.e., regulation as in some other countries, or public assistance in the form of cost-sharing. Regulation was ruled out in this country two decades ago. What about cost-sharing?

Public assistance in the form of cost-sharing under the Agricultural Conservation Program has been available since the mid-1930's. Yet total accomplishments have been but a "drop in the bucket" compared to the job that needs to be done.

Seventy-five million acres of private land need to be planted. The actual acreage planted annually is slightly more than one million acres. The accomplishment is not enough to keep up with new areas being denuded by fire and other causes.

One hundred forty million acres of partially productive private forests need stand improvement such as thinning and removal of useless cull trees that occupy valuable growing space. Here again annual accomplishments are pitiful in comparison to the magnitude of the job.

A separate assistance program, geared to the needs of forestry, should be devised. It should contain the following key features:

(a) Be in the public interest;

(b) Emphasize long-term activities that forest owners are not likely to undertake by themselves;

(c) Require owners to commit themselves to a forest plan of long enough duration to make assistance effective;

(d) Make assistance available over a period of years;

(e) Consider cost-effectiveness in establishing priorities for assistance.

A forestry assistance program is being drafted now by the Administration for presentation to the Congress early in 1971. When its details become available, it should be studied carefully.

OTHER INCENTIVES

Utilization, marketing, taxation, leasing and insurance also are important factors in an owner's forest management program. These considerations vary considerably from one locality to another and for that reason are not being discussed in detail here. But all are important to the successful management of the small, privately-owned forest and must be dealt with before these lands can yield their full potential.

SUMMARY

Fire protection, insect and disease control, technical assistance and cost-sharing are basic elements of efforts at the federal level to improve management of 4,500,000 private, nonindustrial forests. Aggressive action should be taken immediately on each element so that owners can achieve the objectives of which their properties are capable.

Will you help, please?

INVESTMENT TAX CREDIT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. PRICE of Texas. Mr. Speaker, in the interest of promoting tax reform, economic renewal and expansion, I am today introducing legislation to establish an investment tax credit for small businessmen, ranchers, and farmers.

As will be remembered, in 1969 the general investment tax credit was eliminated supposedly for the sake of curbing what was thought by some to be inflationary business activity. At the time, I voiced my belief that Congress used a meat ax rather than a scalpel on the investment tax credit; in my view, it should have been trimmed rather than eliminated.

In any event, economic conditions have made a dramatic turnabout since that period. And what must be applied to the economy now is a slow steady accelerator, rather than the gentle braking that has marked economic activity over the last 18 months or so.

New impetus is needed because current conditions demand it. Over the last 12 months, inflation ran at about 5.6 percent. Couple this with the grim fact that approximately 6 percent of the labor force is unemployed and the extent of our economic doldrums becomes obvious. Along with this, however, I would point out that the conditions of today were determined by the excesses of Federal financial policy during the sixties. This Nation is reaping the legacy of those spend-thrift years, years when Federal spending exceeded Federal revenues by $57 billion; $40 billion of which were laid out during 1966, 1967, and 1968.

Various monetary and fiscal tools are being employed in an attempt to revitalize the economy. The recent reductions in the prime rate of interest should generate increased corporate activity. This in turn will cause new economic growth and facilitate future price stability.

I confess, however, I am much less enthusiastic over the administration's new fiscal approach to Federal financing; namely, the so-called full employment budget. In my mind, trying to stop inflation by increasing deficit spending is like trying to put out a fire by pouring money on it. Accordingly, I think a far more workable and more effective approach would be to reduce excessive Government spending, balance the Federal budget, and place new emphasis on stimulating productive activity in the private sector.

On this last point, I was very pleased when the administration announced plans to accelerate the depreciation allowance for business and industry. This allowance was successfully utilized in the sixties to stimulate capital formation, business growth, and consumer demand. I think, though, that the beneficial effects of the depreciation allowance would be enhanced if it were coupled with an investment tax credit, at least for small businesses.

Mr. Speaker, going back to 1969, when the original investment tax was eliminated, the consequences were not evenly felt throughout the business community. The burdens fell heaviest on the small businessman and the small farmer. In the absence of the 7½-percent tax credit, it became harder for these concerns and individuals to make financial ends meet. In many cases it made the difference between economic sufficiency or failure.

Even today, the adverse effects of the repeal of the investment tax credit are still being felt in small business and farming communities. In my home State of Texas, for example, many farm implement dealers have reported a substantial decline in sales. With sales off, plans for expansion have been deferred. Consequences of these decisions have, in turn, had significant effects on rural trade, construction, and banking. In addition, farmers, who in the absence of the needed investment tax credit have also had to defer purchases of needed equipment, have been forced to utilize obsolete, outworn, and sometimes even dangerous equipment. The human costs of these conditions are great indeed. In the last 2 years, more farmers and agricultural workers have been killed or injured in on-the-job accidents than in any other industry. The truth of the matter is, many of these tragedies could have been averted if newer and safer farm equipment had been in use.

Mr. Speaker, restoring the investment tax credit would help insure the continued vitality of small commercial enterprises. We are living in the era of the large corporation and witnessing the growth of conglomerate enterprise. Both these institutions threaten to engulf the small independent entrepreneur, be he farmer, rancher, or businessman. Should that day come, it will mark the destruction of a vital cornerstone of the free enterprise system.

The bill I am introducing today establishes an investment tax credit for investments up to $15,000. With this modest ceiling, the terms of my proposal will primarily benefit small businesses and small farmers and ranchers. I am confident, given this extra incentive to increase capital formation and economic activity, that resultant gains in economic growth and resultant increases in public revenues will more than offset any losses in Federal taxes resulting from the implementation of this tax credit.

I urge my colleagues to give this proposal their fullest consideration. If enacted, my bill will effect meaningful tax reform, help stimulate the economy, and insure the continued vitality of small independent farms, ranches, and businesses.

CONGRESSMAN QUILLEN'S 1971 QUESTIONNAIRE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. QUILLEN. Mr. Speaker, my 1971 legislative questionnaire has gone in the mail and I would like to make it available for readers of the RECORD. The questionnaire is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February, 1971.

DEAR FRIENDS: In his recent state of the Union message to the Congress, President Nixon outlined six goals which he said were designed "to reform the entire structure of American government so we can make it again fully responsive to the needs and the wishes of the American people."

I will appreciate your taking a moment or two of your time to answer the six questions on the back of this card, as I would like to know your views and the opinion of the other citizens in the First District on the President's proposals.

Please return the completed Questionnaire to me in Washington so I can tabulate the returns and provide you with the results in a special Report from Washington.

Sincerely,

JAMES H. QUILLEN,
First District, Tennessee.

1. Do you favor a revenue-sharing plan with state and local governments involving $16 billion in Federal funds, allowing $5 billion to be spent with no strings attached?

2. Do you approve of welfare reform, including a guaranteed annual income for every family with children?

3. Do you favor improved health care, including guaranteed medical care for the poor and an extra $100 million to help find a cure for cancer?

4. Do you favor a reduction of the present twelve Cabinet departments to eight, leaving the Departments of State, Treasury, Defense, and Justice as they are and consolidating the others into Departments of Human Resources, Community Development, Natural Resources, and Economic Development?

5. Do you favor an expansionary (deficit) Federal budget this year to help stimulate the economy and decrease the rate of unemployment?

6. Do you favor new proposals to clean up the air and water, to combat noise, to preserve and restore our surroundings, and to expand the nation's parks?

A SPANISH SPEAKING COMMUNITY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. GUDE. Mr. Speaker, the problems of any minority group are well known to us all; however, when a group does not speak the language of the country in which they reside, they have an especially difficult time in their day-to-day existence. Maryland's Eighth District, which I represent here in Congress has a growing Spanish-speaking community, and their problems are not unique. Peter Vaky, a student at Walter Johnson High School in Bethesda, has written a comprehensive report on the Spanish-speaking community in Montgomery County, and I submit it for the interest of my fellow colleagues:

A SUMMARY REPORT ON THE SPANISH-SPEAKING COMMUNITY IN MONTGOMERY COUNTY

(By Peter Vaky, HRC Student Intern—Walter Johnson H.S.—September 1970)

INTRODUCTION

"They are disadvantaged by language, by schools, and by employment and in business. Their leadership potential is great, however. They want to catch up and they do catch up". Frank E. Evans, U.S. House of Representatives, Colorado.

Congressman Evans speaks of the Spanish-American who has come to this country for various reasons. Their entrance into the American life stream results from political persecution or repression, economic dissatisfaction, or social repudiation that they have experienced in their old country.

American history has often been described "as a history of successive minority groups." The United States, the great melting pot, where cultures and races were thrown together to form and inherit one common heritage, one common culture. Now as the United States has stopped its territorial expansion and stopped its growth by terrestrial standards, the melting pot is starting to overflow.

Within the past decade an increasing awareness of races and cultures has brought the problems of cultural and race relations into public perspective. Members of past waves of immigrants as well as newly arrived minorities seek their proud heritage to preserve their ancestry and strive to achieve identity in America, the land they believe will give them freedom. This freedom, they interpret as being allowed to relate to their culture, retaining their individuality which to them is an essential part of this nation. To be one's own self, yet to be part of one's own country, is what the minority groups seek.

With this coming of a new age of "social enlightment", more and more the focus of the nation's attention has switched from the majority to the minority. Minority groups have become more visible on the American scene.

The most predominant and the most successful of these groups has been the Negro—the Black-American. He has stepped out and demanded his own culture, his basic heritage. Today the words "afro", "brother", "soul" have entered the American vocabulary demonstrating the awareness of a culture, of a heritage.

The second largest minority group in the United States has not yet swum into the American life stream. The Spanish-American now seeks his identity, his heritage in the land of opportunity and human freedom. He has not demanded because he is not accustomed to demanding nor is he accustomed to communicating to his governing body. He cannot communicate, his language is different.

This report will try to show you these differences. To point out the problems that the Spanish-American faces in his everyday living in a strange and different country and offer the possible solutions to these problems. It will focus on the state of his economy, his housing facilities, his educational opportunities, and his occupational limitations. The social aspects of these people will be brought out as well as the psychological factors. This is not just a statistical assortment of facts and figures but an observational account of how a separate people live, work and die.

ACKNOWLEDGEMENT

The compiling of this report could not have possibly been done without the understanding and support of Bertram L. Keys, Jr., who was the driving force behind the author.

I would also like to thank those people who gave up their valuable time to answer my questions. They are as follows:

Mr. Fred Anderson, Father Joaquin Bazan, Mr. Glen Black, Mr. Edward Courtner, Mrs. Esther Delaplaine, Mrs. Felice Delgado, Mrs. Emily DeMayo, Mr. Cecil B. Hilemann, Mrs. Robert W. King, Mrs. Maria Monicero, Mr. Roger Quincoses, Mrs. Maria Snyder, Mrs. James Ward, and; the countless Spanish-speaking families who welcomed me into their homes and answered my questions.

Lastly, a very special thanks to Mrs. Mitzi E. Gray, HRC Office Secretary, without whom the report would never have been inscribed on these pages.

PETER VAKY, *HRC Intern.*

THE TRANSITION

The beginning of a new way of life in a new country, which holds different ideas, speaks a different language, and lives in a different culture is nothing easy. The successful turning over, the essential change is not done overnight, nor in a year, or two years. To many Spanish-speaking families the first generation living in the United States will not be able to change and it is the second generation that fulfills the transition.

To begin with, it is not easy for many Spanish-Americans to get over here. Because of the intense migration from Latin America to the United States, entrance into this country has become more difficult. As a result many will sneak into the country or enter on tourist visas and then must stay here. It is presumed that in the Washington metropolitan area there are 1,000 such cases of visas violations. These violations stem from lack of understanding the immigration laws to simple survival. By this, I mean working on a student's visa or a tourist visa as a means to survive.

Once the Spanish-speaking arrive here they find a great deal of difficulty, outside of the problems of the normal newcomer. They must learn a new language before they can begin to function. They then, instead of facing the problem of not speaking English and learning the language, move to the "Spanish" area where most activities include their native tongue. As a result they do not learn sufficient English. What they speak is commonly called the "language of survival" which is neither English or Spanish but a combination of rough basic phrases, in a broken, hardly audible language.

POPULATION

Because of the language barrier and the lack of interest the government pays to these people the exact figures on population are not recorded. The only available numbers are estimations, educated guesses of social workers or leaders of the Spanish Communities.

These estimations place the total number of Spanish-speaking people in Montgomery County at 4,000 families. These families with an average of 4 to 5 people to a family place the total number at roughly 16,000 people. It is felt that this variation is the closest one can get to the actual number.

The Spanish-speaking people live in concentrations at various low-income apartment complexes located chiefly in the Silver Spring-Takoma Park area with one principal concentration in Bethesda.

The Silver Spring-Takoma Park concentrations are almost exclusively in the area of Piney Branch Road between Flower Avenue and University Boulevard, and on East-West Highway near 16th Street.

The breakdown* according to apartment complexes is as follows:

	Number of units
Bradley Boulevard	134
Summit Hill	94
Long Branch	89
Flower Branch	60
Rosemary Hills	41
Quebec Terrace	11
Flower Avenue	9
Goodacre	5
Total	443

Many times, the number of Spanish-speaking people in Montgomery County will be enlarged to a much greater number than actuality. This overestimation is a result of two observations: (1) Spanish people use the street very often, thus, they are outside constantly. To them it is a mode of circulating, of social gathering thus causing an observer to over estimate, and (2) many of them live in concentrations in apartment buildings making their number look larger.

ECONOMY

The wages in the United States are much higher than the Spanish-speaking person received in his old country but consequently the cost of living is higher also. They must struggle through their financial difficulties on a daily basis. They do not earn enough to plan ahead.

The average Spanish-speaking person in Montgomery County makes $2.50 per hour. This wage covering a regular 40 hour week would bring in about $100 per week with taking out taxes. However it is not possible for these people to live in Montgomery County on less than $5,000 dollars a year when they have to pay for housing, a car to get them to work, food and clothing for on the average three children and a wife, and other necessities. As a result the average Spanish-speaking person works 60 hours a week to bring home a weekly salary between $125 to $150.

The jobs they have are menial labor jobs such as carpenters, construction workers, dishwashers, etc. These people take jobs like this for two basic reasons: (1) They often do not speak sufficient English to carry on a business or a job when the language is needed and (2) they will mostly work in areas or places where their friends from the old country are employed or were employed previously because they feel more secure working with a countryman or a fellow Spanish-speaking person.

They are pressed economically because often they will have relatives in the old country whom they support or they will have newly arrived relatives in this country who have no job and need assistance.

Approximately 60% of the low-income Spanish-speaking people cannot cover all their necessities with their yearly earnings. 30% of the lower income (under $5,000 per year) cannot cover even their very fundamental necessities. Yet among these people only 5% are on welfare. The low number on welfare reflects the self-determination these people have, to "make it" in the United States.

Twenty five percent of the people earn less than $2,000 per year, 30% earn between $2,500 and $5,000 annually. The rest earn more than $5,000 annually with 5% earning more than $18,500 per year.

More than one-half of the Spanish-speaking people do not have insurance due to the fact their money will not stretch that far and they often, because of the language-barrier, are not aware of or cannot read the forms.

It is difficult for these people to get jobs. Approximately 70% took more than two months to find work, 30% spent over three months searching for a job.

Women have even a much harder time finding work than men. 80% of the women who looked for jobs as cooks, maids or any sort of domestic work, could not find work. For some, this is extremely difficult due to the fact that there are more Cuban women than men in this area. The reason for this is because it is against the law for Cuban males between the ages of 15 and 27 to leave the island. As a result they must earn a living and pay the bills, with the menial salary they make as a maid or a cleaning women.

Manpower Development Training, a Montgomery County Association whose program is to train the unskilled laborer in a skill vocation, has a special program for the Spanish-speaking.

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* This survey was conducted by a team of a Catholic priest and three nuns.

Approximately 10% of all the trainees in the development program are Spanish-speaking. Of these, 75% are Cubans. The number of trainees has grown as the years go by. In 1968 Manpower Development trained 88 Spanish-speaking, in 1969, 90 were trained. The figure rose in 1970 to 165.

Courses made available to these people are carpentry, nurses aides or orderlys, license nursing, cosmotology, auto-mechanic, clerk-typist and electronic technicians.

The Spanish-speaking people who are selected for this vocational training program are carefully screened by the Maryland State Employment Security Office, who investigates the personal and economic features of a person and the need for training. They conduct a survey to find sufficient employment opportunities in the area. They recruit through interviews, through economic status, or through personal reference.

The trainees are paid while they train. The Employment Security Office also provides them with transportation money if it is needed. The trainees train five days a week to accustom them to a regular work week.

The courses do not focus in so much on the finer points in any given skill but rather on teaching the basic fundamentals and good work habits involved in a job.

They are taught English, so in an actual breakdown of the teaching program half the course is learning the English language and the other half is the teaching of a skill.

The purpose is to compensate or return the skill or teach new skills to get new or better jobs for the unemployed or underemployed.

The training programs rise and fall according to demand for a particular skill. In the month of August there were two courses taken by Spanish-speaking people, the auto-mechanics course with 45 enrolled and the clerk-typist course with 120 enrollees.

The Silver Spring public health service grants medical assistance to Spanish-speaking people. This assistance comes in the way of clinics for the mothers or children. These clinics are usually held once or twice a month depending on the clinic and its need. Child-health supervision clinics are set up, as well as planned parenthood clinics, nutrition, etc. Here they are taught how to care for their children, how to plan the size of their families, how to balance their meals, how to dress warmly, etc.

Immunization is a problem here. Many people do not have innoculation records or have not been innoculated. Hence this must be done but chiefly the children are the ones to be innoculated.

To qualify for the medical assistance the table goes as follows:

Number of people per family	Yearly income	Monthly income
1	$1,860	$155
2	2,520	210
3	2,880	240
4	3,300	275
5	3,600	305
6	4,020	335
7	4,380	364
8	+360	395
9	+360	425
10	+360	455

These tables are very flexible considering personal and professional judgment of the attending nurse. If they do not qualify for health services they still receive medical aid in the form of advice or assistance in referrals.

Taxes are a problem to these people. Some are not aware of or are not familiar with the tax system in the United States. As a result tax reports, income tax returns, etc. are hard to file for these people. Many do not even submit a tax report. Others make too small a sum to even bother with filing a tax report. Employers sometimes just pay their Spanish-employees in cash not bothering to withhold money for taxes or social security. At times Spanish people will be working illegally. They often will have tourist or student visas with which work is not permitted but they must work to survive.

LEGAL PROBLEMS

The Spanish-speaking people due to lack of communication and a lack of understanding the English language come into a few legal problems. The crime rate of these people is very low. Approximately one percent are involved with crime. Of this one percent .7% of the crimes are misdemeanors.

The majority of legal problems encountered by these people are problems with visas. It has been estimated that over 1,000 people are in the Montgomery County area in violation of their visa regulations. Some in an effort to live in the United States will enter with a tourist visa and just stay here.

Lawyers are hardly ever brought into contact with these people for two reasons. (1) Legal advice as such is too expensive and (2) there are very few lawyers who can communicate verbally with these people.

Other than the visa problems that are the most prevalent legal trouble among these people, tax problems are also a concern. Improper tax returns are filed often but this is due more to the lack of proper usage of English rather than unfamiliarity with the tax system.

HOUSING

The Spanish-speaking communities often live in concentrations scattered throughout Montgomery County. As previously noted in this report, there are mass concentrations of lower-income Spanish people in Piney Branch—University Boulevard area in Silver Spring-Takoma Park, the Bradley Boulevard area in Bethesda and the Summit Hill, Rosemary Hill area in Silver Spring.

The apartment units range in price from $85 a month for a one bedroom to $120 for a two bedroom apartment.

These apartments are very small, containing on the average four rooms and a bathroom. Under normal circumstances a four room apartment would not be considered that small but the size of the rooms and the average number of unit inhabitants, which is about five or six per unit makes the size of the apartment smaller. Some units even have as many as eight to nine people living in them. This is often due to the small number of available low-income housing opportunities available in Montgomery County. Some families will have relatives or another family living with them until one can become situated in other living quarters. Often this situation leaves this overcrowding of families in such a crowded manner for periods of two to four months.

Spanish people find it very difficult searching for a place to live. The main difficulty encountered is the money problem. These families can rarely buy an apartment whose cost exceeds two hundred dollars a month. It is estimated that 40% of the total Spanish community spends under $150 a month on housing. Often housing cannot be rented until a job has been found whereby a man can support his family and afford them shelter. Since the average time for finding a job is two months and another two months is spent looking for a home, it is often four months before the family is situated comfortably in an apartment.

Apartment complexes vary in size, quality and Spanish population. Some complexes will not lease to more than ten percent Spanish-speaking people because they do not want their projects to become known as dwellings for the low-income Spanish population only. Despite this there is very little discrimination encountered when searching for homes.

Of the three biggest areas of Spanish concentration, Summit Hill and Rosemary Hills are the biggest in space or room and the best quality. Long Branch and University Boulevard area would rank second as a mediocre place of living, while Bradley Boulevard is the poorest of the three.

My personal observation of these areas leads me to make the previous and the following conclusions. The Bradley Boulevard apartments seemed almost inadequate. The hallways were very dirty and the stairways will not stand or hold any reasonable amount of weight within another 30 year period. The apartments, even though the ventilation seems adequate, although the air in the apartments is dusty, do not seem to allow much sunlight into the rooms. All the units seem dark and dingy. The rooms are small, the walls were probably made with the least possible effort and cheapest cost. All these apartments, although not crumbling or in a condemned state, appear to be in very poor condition.

The apartments as a whole are all small containing one bathroom of small size, unit running water, hot and cold. A combination living room-dining room which is the biggest room in the house, and on the average 36 feet in length and 18 feet in width. The kitchens are also small but are fully equipped with stoves, refrigerators and shelves. The bedrooms do not seem large enough. This impression is however because of the large amount of people in one bedroom. Nevertheless, a two person bedroom is small enough, yet when three to four people sleep in it the size shrinks.

The units are furnished adequately, some even quite comfortably. The furniture is usually in good condition although it is chiefly second-hand. There is not much furniture, the rooms give an appearance of lacking a chair or two. There is a surprising number of color T.V.'s and every apartment has one T.V.

There is an absence of rugs. The walls are usually colorfully decorated, primarily with religious paintings.

All the families have cars which are relatively new. Most range from 1968 to 1969 models.

EDUCATION

The most difficult and serious problem facing the Spanish-speaking community today is the education of its children. For some the educational process is easy, for others it is very difficult. This education throughout Montgomery County is carried out on a varied scale. In some areas special programs are conducted to gear the educational approach to these youngsters through the help of special teachers or counselors. In other areas after the children are taught enough English to communicate orally to an adequate degree of proficiency, they then are thrown into the classroom to sink or swim. For many this is a slow and tedious learning process whereby potentially productive years are thrown away.

For most children who do not speak English it takes at least one full year to learn sufficient English to communicate and understand the goings on of the daily classroom activities. Their grammatical background however is very weak. They are not taught the finer points of grammatical English. As a result these children fare poorly in courses such as English, Social Studies, or any other subject where reading is a major source of information and part of the work. In mathematics the children fare quite normally due to the lack of a language barrier.

Presently in the Montgomery County school system there are 814 Spanish-speaking students who are either non-functional in English or functional but need help. The largest number is in the Silver Spring area which is labeled by the school system as Area 12. The table for the County goes as follows:

Secondary schools with over 10 Spanish-speaking students

Secondary schools:	*Number*
Montgomery Blair	84
Takoma Park	39
Bethesda-Chevy Chase	35
Montgomery Hills	20
Walter Johnson	19
Eastern	14
Churchill	14
Leland	11
Western	11
North Bethesda	10
Pyle	10
Total number in Montgomery County secondary schools	330

ELEMENTARY SCHOOLS WITH OVER 10 SPANISH-SPEAKING STUDENTS

Elementary Schools	*Number*
Rolling Terrace	72
Rosemary Hills	43
New Hampshire Estates	34
Montgomery Knolls	33
Radnor	25
Glen Haven	22
Woodside	18
Somerset	17
Bethesda	15
Bannockburn	13
East Silver Spring	10
Total elementary schools in Montgomery County	484

These 814 students comprise 1.5% of the entire Montgomery County Public School population.

It has been found consequently that it is easier to teach an elementary student a new and different language than it is to teach a secondary pupil. This is due to the lack of fundamental knowledge the former has while the latter has already accumulated such knowledge. As a result the elementary students go on to do quite well in school, much better than the secondary student.

The elementary schools in the Takoma Park-Silver Spring area have been successful in helping the Spanish-speaking children learn a new language and teaching them correct English fundamentals. This success is due to the usage of a special education teacher who helps the children. Teaching the English language is done through normal teaching methods, employing audio-visual aids, drill cards, testing, participatory groups, etc.

The success in the elementary schools however has not been mirrored to the same degree of success in the secondary schools. This is due to two major factors (1) The secondary student has already learned his basic educational fundamentals; (2) the secondary schools are much larger so individual attention is not as easily obtained. Also in the secondary schools, groups tend to stick together more, alienating them from any exposure to conversational English.

The only secondary high school that has met the Spanish-speaking problem with any success is Montgomery Blair. Blair has because of its large number of Spanish-speaking students. This number is more than double the number of any other secondary school's students.

They are trying to follow a system of bilingual education which simply is teaching people in their own language, continuing their education in their own language, while teaching them English.

They have set up special classes to meet the needs of the foreign students, the problems one will face when trying to learn English. There are obviously going to be areas in which he is not ready to go into regular classes. This is done not only to help the student achieve a grade he rightfully earned and deserves but also to create an atmosphere for learning where he will not be "turned off" or "tuned out".

At Blair, English classes are being given where a foreign student is receiving credit for English but they are not working on the same kind of things as in other regular English classes. As Social Studies and English are the hardest courses for these students, a special level of U.S. History is being given at Blair.

Unfortunately only one out of some 26 high schools in Montgomery County is offering such opportunities to the students.

Learning English is also a problem among the adults. For this there is a program of teaching adults English through means of a volunteer teacher who tutors them once a week during the adults spare time.

Most of the "tutored" people have already obtained an education. The stress and bulk of the teaching is done on enunciation and pronunciation of the English language.

The group that conducts these programs of English teaching is the Montgomery County Literacy Council which in essence tries to "teach the Spanish-speaking community conversational English."

The Spanish-speaking, through this program, are taught enough English to allow them to communicate with the American society. To distinguish and use the English language in every day living. They are taught enough so that they may go and "survive" in the outside world.

The program, which is subsidized by the County, works under a tutor system whereby a time and place is to be convenient for both teacher and student. The teacher is a volunteer who receives no compensation. The only drawback is that there is a shortage of teachers, especially male teachers.

The course of study is recommended to be given with a minimum of 1½ hours per week. Flash cards, pictures, etc. are used to drill the learner.

PSYCHOLOGICAL FACTORS

The problem of the language is great indeed but to these people the isolation they feel is a far greater problem. The combination of being loners, outsiders looking in, causes psychological problems for these people. Every day they come home feeling frustration, feeling the pinch of the tight, closing economy situation. They are a proud people but their pride is constantly being beaten down to submission, into being American. This is because they are "much more rigid in their thinking and mental flexibility than their children."

Their children, in the pressing matter of acceptance into the social spectrum, become, in a sense, more "American" than the Americans. They, being younger also acquire the English language more rapidly. Because of this they will have to translate for their parents causing them to believe that their parents are not intelligent. This added to the fact that their parents act differently and strangely as compared to American mothers and fathers cause the children to feel shame for the parents and their heritage.

Father Ovid Pechorroman, a former Director of the Spanish Catholic Center, outlined the following pressures that a Spanish-speaking person must feel when he is adjusting to the American way of life and culture.

1. A very tight economy
2. Precarious conditions of housing, and at times of health
3. Withdrawal into their own family, group of Spanish friends or even into their own personality
4. The inability to communicate with others

These pressures exerted on anyone would often be excessive in the way of carrying on a normal home life. Yet these people manage chiefly because of the closely-knit family.

The children are the ones who face much of the psychological pressures when they grow up in the United States, a land where they are considered different. In this respect, the parents also feel the difference.

There is another tendency that at times has focused on an ethnic group. In Greek the word is—*xenophobia.* It is a malady known to psychiatry as a "morbid dread of meeting strangers." This xenophobia not only affects individuals but communities as well. Therefore the Spanish community tends to stick together hardly ever circulating within the "outside" world. There is not a widespread epidemic of this fear but it pops up in mild cases. For this reason and the fact that the Spanish-speaking person is treated as a stranger by many Americans creates a void, a gap between the two communities in relation to communication or understanding each other.

The greatest complex is the one felt by the younger generation who feel shame for their heritage and wish to change, covering a rich culture under the guise of being American. To these the psychological problem is the greatest. Many of them are too young to understand pride, nationalism, heritage and culture. All they can comprehend is the fact they are different. They discard a very rich heritage, losing an invaluable inexperience. It would be extremely advantageous for the country if these children could become bicultural, feeling loyalty to the old culture as well as the new. Yet to their young mind it presents a choice. So as a result they Americanize themselves and try to do so in their families as well.

To this problem there is only one solution, teach these children their heritage, instill the national pride of their old country in them.

It is estimated that 80% of the newly arrived Spanish-speaking know very little or no English. The eagerness and hope they once held for a better life is soon shattered. They have a difficult time finding work or decent living conditions. They soon struggle to live and often find themselves with their backs to the wall.

In an effort to reassure their feelings of security and acceptance they will try to identify or go along with the Americans. Yet their lack of understanding of the American beliefs, their way of life soon even destroys this.

Many of the Spanish-speaking are repulsed by the long haired Americans, the "hippies". They feel these people will destroy the freedom of America and so they will make such a remark to an American who is used to the hair length and the activity. This expression of disapproval meets only with a rebuff because it seems so ordinary causing them to feel all the more isolated.

The majority of the Montgomery County Spanish-speaking community is Cuban who have fled their homeland which for the last decade has been politically and socially oppressed. Their arrival in the United States and the introduction to such a contrasting freedom "allowance" often throws the balance of the Cuban off making establishment of living in America and getting accustomed to the way of life very difficult.

Then the pride of the Spanish-speaking people is hit again when the public lumps all the Spanish people together as one ethnic group. Some resent this for there are feuds, "bad blood" going on between neighboring countries, in Latin America. Yet since being from El Salvador and Nicaragua to us is the same as being from Maryland and Virginia the problem is often overlooked by Americans.

The young again are hit psychologically because often they come to the United States under the assumption that they are white. At times they will be considered Negro because in Latin America there is African descent. To some of them this is an insult because there is a fear of black people among some Spanish-speaking people. And because they both seek recognition of their race or culture they come into conflict. They fear the black element because they associate it with the violence and crime of the inner city, D.C. For these and other reasons they have moved out to Montgomery County. Also it is a matter of pride of being associated with one minority group when they are really of another.

Spanish-speaking people do not think of Indian as a racial term. Again there is a very great amount of Indian blood in Latin America. But to them "Indian" is not a racial term but a social term. To be Indian in Latin America is to be a "country bumpkin", a "hick". In Latin America an Indian works on a farm and is extremely poor and ignorant. They resent being termed as Indian yet they do not understand our meaning of the term.

Latin Americans profess a very great fear of communism. This fear is especially prevalent among the Cuban population. These are people who have seen their beloved country torn down and taken over by the communists under the regime of Fidel Castro. They express a tremendous fear of that happening again, causing them to be hypersensitive to radical political actions. The bombing of houses, stores, rioting, etc. has caused the Cuban-American to become wary of the instigators of such actions. Cubans say that the same thing, bombings and rioting went on in Cuba just before Castro took over and it was the students on the University level that got involved.

Young children often have a difficult time growing up in a new environment where they are different. Some Cuban children grew up and into the adolescent stage without the guidance and comfort of a father. This does have negative psychological effects on them that could remain for the rest of their lives.

SOCIOLOGICAL ASPECTS

To understand the problems and the troubles that the Spanish-speaking person goes through one must first comprehend what brings on these problems. To do this one must have some basic knowledge and awareness of what makes these people happy or afraid, alienated or rejected. One must have the basic concept and understanding of the sociological facts and conceptions of these people. To help them you must understand them.

The Spanish people are a lively, talkative, exuberant society who believe in living life to its fullest capacity. Because of this they tend to "exaggerate" in the Spanish language.

There is a very fine distinction between the English language and the Spanish language in the relation of direct translation. When someone talks in Spanish, and he is a native of that tongue he will tend to exaggerate. Something that in English would be termed as "Okay" or "All right" is in Spanish, "Que Bueno" (how good), or "Tremendo", "Fantastico", etc.

In asking and answering questions of a Spanish-speaking person, there is always the same similarity. In their haste to be amiable and helpful they tend to guess your answer. When one asks a question of you and your reply takes a while to come, the Spanish-speaking person will try and guess what you have to say, far out of the ordinary. Often they will anticipate your question and answer you or try to answer before your question has been asked.

Spanish is a very "loose" language, with phrases having indefinite or various meanings unless it is pinned down exactly. To tell an American to "come at four "clock" this means four o'clock or five minutes before the hour. When talking in Spanish "Venga a las cuatro" means to a Spanish-speaking person come anytime after four, 4:15, 4:30, etc. To pin this down one must say "Venga a last cuatro en punto" (come at four on the dot). When a Spanish-speaking person talks either conversationally in a casual manner or in a business transaction there is a lot of hand motion. It is felt by a Spanish-speaking person that the language cannot be spoken without using the hands. It is as much a part of the language as the words in a sentence. They feel that the language and the meaning is conveyed better and it is more personal.

The church in the United States does not play the same role as it did back in Latin America. It is not the same institution that they knew in the old country. There is neither one church nor one parish priest who has become important to them. There isn't a church that serves the particular need, that close personal need. There are many churches in the Metropolitan area that serve the Spanish-speaking and many have a Spanish-speaking priest, but they do not play the role in their personal lives that the local church did in South and Central America.

Just as church is not the same to these people, religion is also changing in their lives. There is a fine line drawn between being religious in a religious sense and religious in a cultural sense. Many families will say they are Roman Catholics, their houses are decorated with pictures of the Virgin Mary, of Jesus, many will wear crosses or medals of various saints, yet they do not go to church. This is religion playing a part of their cultural lives.

The Spanish-speaking communities who once were 95% Catholic have changed their religion so that the percentage level has dropped to about 83%. Many become members of the Seventh-Day Adventist, or become Baptist. The transitions are completed for various reasons. The Adventists and the Baptist are the first who come to these people, or the people come to them, with aid (food or clothing, even shelter). As a result these people stay at the church that helped them out.

Of the 83% that remains Catholic the number that actually practice their religion is down to about 45%.

The family structure is much different when you compare the American traditional family system to the Spanish. The average Spanish family is bigger with four children on the average as compared to the American standard which is two.

The children have a very important place in the family. They are given a great deal of attention by their parents. A child brings honor to the man of the family. There is a general feeling that the man's masculinity is enhanced by the more children he has. The children used to be valued in the old country by number because they could work on the farm but now a family tends to look at its children as its riches, as part of its wealth. In spite of the economic and social struggle that the parents go through they do not take it out on their children.

The family structure itself is also a more closely-knit institution than its American counterpart. There is a more intense personal relationship between parents and children. But even this personal closeness has been changed since immigration into the United States. In Central and South America the family, both immediate and distant relatives, lived together in the same neighborhood. As a child grew up there was more than a mother or father to go to in times of personal crisis. Then, one could talk to an aunt or uncle, grandfather, grandmother or cousin.

The partner relationship in a Spanish marriage is different than the American man-wife equal partnership in the respect that the husband, the father has 100% authority. Whatever he says goes, and he makes all the decisions. The wife cannot give consent to anything unless the husband gives his consent. For instance, a daughter asking for permission to go out in an American family could ask either the mother or father. However, in the Spanish family the mother has no say on such matters.

Dating is on a varied scale among Spanish communities. In Central and Latin American dating was chaperoned strictly. At times one of the parents or grandparents would go with the couple. Now the families in the United States find the situation a bit different. There still is some chaperoning in the dating but parents seeing the relaxed loose hold the Americans have on their children tend to relax a bit on their own but still not quite to the extent of the Americans.

The teenagers, those over the age of fifteen, remain bi-cultural in their habits. Their parties are not strictly "American" with American music but a mixed blend of Spanish and American music providing a bi-cultural atmosphere.

The drug problem among Spanish-speaking youngsters is not prevelant for two basic reasons: (1) their parents keep too tight control on them to allow them to get away with using drugs and (2) drugs cost money and these people do not have that kind of money.

The Spanish-housewives are regarded as very good cooks. They probably have a better sense of nutrition than many American women. They really prepare three meals a day for they don't believe in preparing things out of cans or boxes. They also have high standards of cleanliness. These are mothers who worry greatly for example about their children going to school in the rain.

The women are more overweight than the men due to the simple fact of the rich Spanish diet of beans, rice, corn, meat, etc. plus the lack of exercise in this country.

CONCLUSION

The relations of minority groups and their feelings, their frustrations and their desires is a very delicate subject. Its solution must be sought with patience and understanding. It has always been my belief that to help someone you must first understand them. It is difficult enough to understand one person let alone thousands.

The Spanish-speaking people are a proud people full of pride, of feelings, of ambitions, of dreams and of hope. They have come into this Country searching for a better way of life. They struggle trying to find themselves, trying to fit in, in a land they must first learn to adjust to.

Solutions are not always successful. They are merely one person's point of view on how to solve something. To this I have come to my own conclusions with my own solutions.

The Spanish-speaking people are handicapped by language. The first generation often lives out its lifetime without fully learning English. Because of this they cannot earn enough money to really support their families the way they wished they could. For them, the adult Spanish-speaking community, there is a need for learning the English language. A bigger more efficient adult English-learning program is needed.

The financial difficulties these people face would stagger the average middle-class American. These people do not want greater welfare programs, they simply want a good steady job from which they can work to achieve their goals.

Montgomery County needs a more effective, efficient and less expensive public transportation system whereby the Spanish-speaking as well as others may travel quickly and economically to and from work.

Legal advice is needed to help the Spanish community. Often they will face grave legal consequences because of this lack of advice.

They need a greater more effective bilingual system of teaching the children in school so as to bring them into the American life stream without damaging or losing the heritage that was once theirs.

There is a greater need for a bigger and better low-income housing facility which is near shopping, entertainment, and schools. This above all would help the Spanish community greatly and it would bring them all closer together.

The Montgomery County government has performed poorly in its own investigation of these people. There are no figures on how many of them there are in Montgomery County, there are no figures as to where they work, or where they live. The only agency that is up-to-date with precise information is the school system which is not connected with the county government.

A better job training program which is more extensive and offers a greater variety of job skill training programs is needed. For this more trainers must be used thus not only helping train someone for a skill but also opening up jobs for others.

The greatest need of these people is a need for unity, a sense of importance, a pride in themselves, their language, their culture. Too many times they feel ashamed of what they are and in order to become a part of this country they feel they must throw their past away and become inferior for the rest of their lives.

Many of these people face discrimination in daily life. There is not widespread discrimination in Montgomery County but there still is some. Unfortunately, it is part of the human nature, for man in all his perfection is still imperfect. It would be impossible for people to totally eliminate discrimination but the ideal still remains. In that goal all the barriers the Spanish face would be removed.

There are all the idealistic dreams of a young mind, untrained in fallacies of mankind, yet still hoping for a solution to such problems. There must be a better way of living and if one person can convince another, just another, he has accomplished something. For that other will convince another and another and another. Then life will be better. It will happen sometime, someday, somewhere.

LITHUANIA'S FIGHT FOR FREEDOM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. MIKVA. Mr. Speaker, yesterday marked the 53d anniversary of Lithuanian independence. On February 16, 1918, the modern Republic of Lithuania was established, ending years of foreign domination. I would like at this time, Mr. Speaker, to insert in the RECORD an essay prepared by the Americans for Congressional Action To Free the Baltic States. It should be read by all Americans who have forgotten the lessons of history and who have become complacent in their enjoyment of personal freedom. I am sure that after reading this historical essay, my colleagues will share my admiration and compassion for the strong-willed Lithuanian people and their compatriots in the United States who celebrate this 53d anniversary of their lost independence with a mixture of pride, sadness, and hope.

LITHUANIA'S FIGHT FOR FREEDOM

THIRTY YEARS OF SOVIET OPPRESSION

For too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians*. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however; the Lithuanians have waged an intense fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country; freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka—Coast Guard tragedy, the Hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined in psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialists Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

LITHUANIAN INDEPENDENCE DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ANDERSON. of California. Mr. Speaker, yesterday marked the 53d anniversary of the independence of Lithuania.

Today, I would like to pay tribute to a people whose courage in the face of great adversity has remained strong and vital.

It was on February 16, 1918, that Lithuania declared her independence, a goal for which her people had been striving throughout long periods of domination by both the Russians and the Germans.

As an independent nation, Lithuania flourished. Developments were made in agriculture and a comprehensive program of land reform was instituted, shaping Lithuania into an agrarian nation of small farmers. During this period industrialization progressed and great strides were made in social legislation. Lithuania's culture developed rapidly with great achievements in music, opera and literature.

Sadly, independence was short-lived as Lithuania fell under the sword of the Russian army during World War II. Declared a constituent republic of the Soviet Union on August 3, 1940, Lithuania was subjected to Nazi rule 10 months later.

When the tide turned against the Germans, Lithuania was not to return to independence. Soviet domination followed as the Russian army again marched west. By the end of 1944, all of Lithuania had fallen prey to the Soviets.

The borders of Lithuania were subsequently sealed and have remained sealed. Those who successfully fled from their native country to seek freedom in a new land, report a total absence of freedom and the imposition of totalitarian rule in their mother country. The Lithuania of today is a product of aggression and tyranny wrought upon a small nation by a superpower bent on world domination.

The enslavement of these noble people is a black mark on the history of the world. Today, Lithuanians continue to resist domination and alien rule. We, here in the United States, reassert the right of these people to govern themselves—to again be free and independent. The United States has never recognized the incorporation of Lithuania into the Soviet Union.

As former Secretary of State, Dean Rusk, said in 1967:

"United States support of the Lithuanian people's just aspirations for freedom and independence is reflected clearly in our refusal to recognize the forcible incorporation of your community into the Soviet Union and in the warm sympathy manifested by the American people in the Lithuanian cause.

"In continuing to look resolutely toward a free and independent existence, the Lithuanian people both here and abroad have established a firm foundation for the hope of free men everywhere, that the goal of Lithuanian national self-determination will ultimately be realized."

It is this eternal hope and courage of a people dedicated to the pursuit of freedom that we pay tribute to today.

LITHUANIAN INDEPENDENCE DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. RODINO. Mr. Speaker, February 16 marked the 53d anniversary of Lithuanian independence. While I have already reaffirmed my support for the Lithuanian people and their just goal of self-determination, I would like to bring to the attention of my colleagues the resolution adopted by the Lithuanian Council of New Jersey:

RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored:

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hyjacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection,

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterates the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, New Jersey—February 13, 1971.

MARCUS B. ROBERTSON IS ALABAMA WINNER IN VOICE OF DEMOCRACY CONTEST

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. BEVILL. Mr. Speaker, Mr. Marcus B. Robertson, of Gadsden, Ala., is this year's Alabama winner in the Voice of Democracy contest. Each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a Voice of Democracy contest. This year over 400,000 school students participated in the contest competing for the five scholarships which are awarded as the top prizes. First prize is $10,000 scholarship, second prize is $5,000, third prize is $3,500, fourth prize is $2,500 and the fifth prize is $1,500. The contest theme was "Freedom—Our Heritage."

We of the Seventh Congressional District are extremely proud of Marcus. His hard work has won for him the top honor in our State.

Marcus will now come to Washington, D.C., for the final judging in the contest. All Alabamians will be watching and pulling for this outstanding young American.

At this time, Mr. Speaker, I insert in the CONGRESSIONAL RECORD Marcus' winning speech:

FREEDOM—OUR HERITAGE

(By Marcus B. Robertson)

What is freedom? If you were to ask that question to the next ten people you met, I'm sure you would receive ten distinctively different answers. Upon asking a policeman, he might give you a reply like this: "Freedom is the privilege of living in a free society and obeying the laws it has given to protect you."

You might see a businessman, and upon asking him what freedom is, he could answer. "Freedom? Why that's the means by which private enterprise grows and prospers! Without freedom in our business, our economy would collapse!"

Spying a minister, his answer to the same question might go like this: "My friend, freedom is the wonderful experience of being subject to the Divine will of God."

Curiosity then might lead you to ask a hippie what his thoughts were of freedom. "Hey, man," he might say, "freedom isn't here unless you got love—can you dig it?"

The policeman's answer, I thought, was very clear. Did you actually realize how honored we are to be Americans? The Statue of Liberty is an unwavering reminder of our freedom. But did you ever stop to think what color is the statue, or what race? Did you ever stop to think of what faith it might represent? Is it's color black, or white? Maybe it is red or yellow. But isn't it more a mixture of many colors which have withstood the wind and rains of the sea over a long span of time? Although the statue is weather worn and wind beaten, does any particular color stand out? No, for that statue, just like our country, stands for nothing less than Americans. What about its religious representation? Does it represent the Protestant, Catholic, or Jewish faith, or no faith at all? Maybe it represents all religions. You know—it does.

The Statue of Liberty represents freedom, liberty, but most of all—Americans! Americans who fought at Lexington and Concord. Americans who fought at Shiloh and Gettysburg . . . At Guadalcanal, the Battle of the Bulge, and for Americans who are now fighting in obscure little rice paddies in Viet Nam.

Why do Americans sacrifice for others? For the same reasons Americans have tasted death for the past 200 years. That man might be free.

The businessman's answer was unique. Americans can enjoy private enterprise—not only that, but we take advantage of it! America has a higher standard of living than any other country—and I'll stake my life on it that tomorrow we will still have the highest standard; for I believe that Americans strive more for success than any other country in the world! And what is that great incentive that drives American enterprise?

What is that supreme motivation that stirs Americans to take that extra step when everyone else is too exhausted or frustrated to do so? It's our love of freedom.

The minister also had a good idea. Americans have realized that in all their own glory and power, there stands only half a nation unless the Creator of freedom is laid as a foundation. This is one nation under God, but when it becomes one nation that thinks it is better than God or can do without God, it will collapse.

But I'm seeing Americans—many of them, take roots in the God of real freedom and many more are following the footsteps of these as God's army begins to grow in this nation. And if America stands, as I think it will, it will stand on the freedom of God's power—the key to liberty.

The hippie's reply seems to sum everything up; freedom isn't here unless you have love. Love and freedom walk hand in hand. If America expects to emerge from these times stronger than it has ever been, love must be the common denominator. Love of country, love for liberty, and love for God.

What is freedom to me? Freedom is that chill of excitement that runs up my spine when I find out my favorite football team has won a ballgame. It's that proud feeling I get when I receive an A on my report card in algebra. It's that big fat turkey staring me right in the face at Thanksgiving dinner as Dad carves a big piece just for me, and just when I'm about to selfishly dig in, Mom says, "Son, don't forget to say grace," and I quietly think of millions of people who live in wretched poverty, endless frustration, and constant insecurity because they don't have freedom as *their* heritage. Freedom is the Star Spangled Banner at the World Series or a Miss America Pageant, but most of all, freedom is people—Americans who died for me so I could enjoy those freedoms.

So what's our job? We don't have half the job that Americans had 200 years ago. In those days, men struggled to keep a small spark of freedom alive. Today we have a constant flame because of their valiant efforts. Our job is just to keep that flame from being snuffed out. It's just keeping that flame alive in the hearts of Americans.

GEORGE WASHINGTON AND KARA GEORGE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. DERWINSKI. Mr. Speaker, Monday was not only a holiday for the people of the United States, but a double anniversary for Americans of Serbian ancestry. While most of us honored the memory of George Washington, the Father of His Country, those of Serbian blood also recalled the revolt of 1804, when George Petrovitch, better known as Kara George, led the fight for independence from Turkey.

While the infant Nation which George Washington led to freedom has grown in size, in population, and in power, Kara George's country has had a precarious existence. Through the years it has suffered greatly from within and without.

Ottoman Turkey, Hapsburg Austria, National Socialist Germany, and Communist Russia, have taken turns oppressing Serbia. Today, along with the Croats and Slovenes, the Serbs are under Communist domination.

Thousands of people of Serbian ancestry migrated to the United States in order to escape from the various tyrannies that have from time to time taken over their native land. Many began life anew in the State which I am privileged to represent, in part, in the Congress of the United States.

The last King of Yugoslavia, Peter II, was the great-great-grandson of Kara George. During World War II he was a fugitive from the Nazis who took over his kingdom, and during the quarter of a century that followed the end of the war, he was an exile from Tito's brand of communism. King Peter died last year in the land that has given a new home to thousands of his fellow Serbs and rests in the soil of Illinois at Libertyville.

Mr. Speaker, as we continue to honor the memory of George Washington, who contributed so much to the cause of independence, let us not forget the peoples of other lands who suffer under godless Communism. Among them are the political descendants of Kara George—the people of Serbia.

LITHUANIA

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. VANDER JAGT. Mr. Speaker, this week has particular meaning for the over 1 million Americans of Lithuanian origin or descent, who with their countless friends, will be observing two important anniversaries. Seven hundred and twenty years ago Mindaugas the Great brought together all Lithuanian principalities to form the Kingdom of Lithuania. And, 53 years ago this month the modern Republican of Lithuania was established.

One of the real tragedies of 1971 is that these freedom-loving people will know no joy in the midst of their observances, for their native land today, as for the past 30 years, lies locked behind the Iron Curtain, a victim of Soviet exploitation of the Baltic region.

Since the Soviet takeover in 1940, the Lithuanians have been subjected to a ceaseless process of extermination and annihilation. Many Lithuanians have been forced to migrate to Siberia and other remote areas, far from families and friends. The suffering which these people have experienced reminds us that "thaws" in the cold war often have little meaning to those most directly affected by political domination.

The 89th Congress passed a resolution calling for freedom for the Baltic peoples, and discussion of their plight by the United Nations and other appropriate international forums. This month, as our Lithuanian friends mark these historic days in the life of their homeland, we renew that call for freedom.

DROPSIE UNIVERSITY CONVOCATION IN JERUSALEM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. EILBERG. Mr. Speaker, on November 1, 1970, the Dropsie University held its first convocation outside its own academic premises, outside its own campus, outside its own city and country—Broad and York Streets, Philadelphia, Pa. The convocation was in the Presidential residence in Jerusalem. The occasion, granting of the degree of doctor of laws, honoris causa, to Shneour Zalman Shazar, President of Israel.

Mrs. Myer Feinstein, member of the board of governors of the university, presented the candidate: A man of impressive achievements, first Minister of Education and Culture of the State of Israel, former head of the Department of Culture and Education of the Jewish Agency, statesman, pioneer, author, scholar, nation builder, and third President of the State of Israel, is presented here for the honorary degree of doctor of laws.

The citation follows:

CITATION BY ABRAHAM I. KATSH, PRESIDENT OF THE DROPSIE UNIVERSITY

Shneour Zalman Shazar, born in Russia and receiving a traditional education in Heder and Yeshiva, you pursued your academic studies at the famous Academy of Jewish Studies in St. Petersburg and at the Universities of Freiburg and Berlin.

Since early childhood, the Book has never left your hand and mind and as a result you blend within yourself beautifully and harmoniously the art of the poet, the depth of the historian, the erudition of the Biblical scholar, the imagination of the critic and editor, the brilliance of the essayist and the extraordinary genius of the orator.

From the dawn of the Labor Zionist Movement until the realization of its dream—the resurgence of the State of Israel—you have devoted all your talents with rare devotion and dedication, epitomizing in your life the consciousness, the hopes, the aspirations and the longing of a historic people to return to a home divinely ordained and miraculously achieved.

We salute you for illuminating the roots of our heritage and for your tireless efforts in cultivating our vineyard.

The Dropsie University devoted to the pursuit of knowledge, wisdom and truth is most pleased to welcome you into the honorary fellowship of our great institution of higher learning. By the power vested in me, I am delighted to confer upon you the degree of Doctor of Laws, *honoris causa*.

PRESIDENT KATSH EXTENDED THE CITATION WITH THESE REMARKS (IN HEBREW)

With profound affection and regard, I am honored to confer upon you the Dropsie University's degree of Doctor of Laws, *honoris causa*. This degree symbolizes the cultural tie between the State of Israel and the Diaspora and between your admirers in the United States and Israel.

For you represent not only the Israeli nation, but all the generations of Jews who, since the Destruction 1900 years ago, prayed for the time when they would return home from all the lands of their dispersion.

From your early childhood Your Excellency was spurred by the vision of Jewish Redemption. Zionism was then only in its genesis; it was just setting out on the path along which it was to win many adherents. But the young Shneour Zalman Rubashov did not need encouragement; he had been imbued with the Zionist ideal and vision in his parents' home, a home proud of its origins and its legacy. For Shneour Zalman Rubashov, Zionism was a natural development; the urge to participate in the achievement of the ideal was natural, spontaneous. And in time, Your excellency, you moved from user of the tools of implementation to creator of tools.

In my archives I have a copy of a Hebrew newspaper called "Yarhon" ("Monthly")—a Zionist organ published by a 10-year-old lad in the town of Stolpzy in the Russian Province of Minsk. This newspaper, written entirely in its editor's hand, was neatly laid out, in sections, as a modern newspaper should be: editorial, news, and, below a line drawn across the centre of the page, political comment. In this little newspaper we can see the future writer, scholar, leader; the warm, homely Jew that its reporter, commentator, editor and publisher was to become. From that day forward he never laid down the burden of responsibility that the Zionist idea and the Zionist movement placed upon him. With immeasurable devotion he bore this burden on the long and difficult path of Zionist fulfillment. His achievements were crowned by the honor of the Presidency of the restored Jewish State.

And in his Presidency he has created a model of what a President of Israel should be. He is a true President of the people—for from the people he came; his life was always among and with the people. Now the entire Jewish world sees in him its true and faithful representative.

He has become rooted in our consciousness as the man of our generation and the man representative of all the Jewish generations. In his historical conception, it is impossible to remove any one generation from the chain of the generation that constitute Jewish history. Every generation says its piece, leaves its mark on the trail for coming generations to follow.

A product of the Russian Diaspora, of an East European Jewish hamlet, he has always remained a "natural Jew"—dwelling among his people, studying in the school of his people, dreaming of and for his people, his way always lighted by his people.

He has not only continued the tradition which he received and loved and which informed his entire being. Together with the best Jewish minds of our time he took part in planning a bright new world, the Jewish world of tomorrow, a more just world, a happier world, a world free of the chains of enslavement.

And at the centre of his world has always been the book. When he stood before his father's bookshelves, he saw the key to the Jewish People's existence. As a boy he knew that books are measured not by size and shape, but according to their contents.

And when he grew up, he did not cast aside a single one of those books. All had their place in the pattern he formed for his life—a pattern of wisdom, of devoutness, of law and custom which in all ages has given our people the strength and courage to live its unique life in the face of all obstacles. From every book he learned and continues to learn, from all those books he drew the knowledge and formed the values which created the mind and the soul of the man who was to be President of the State of Israel.

And accompanying him throughout his life was a melody, the melody of Habad, the melody of the Ba'al Hatanya, the founder of Habad Hassidism. Rabbi Shneour Zalman of Liadi after whom he is named. This melody accompanied him in "his lying down and in his waking up" and in all his travels. This melody gave him direction, kept him from straying, encouraged him and strengthened him in moments of reflection, doubt and crisis. Nor did he ever rise up against his people's yesterday: he built his view of the future on the remote past and the immediate past.

An incident reflects on the vision of President Shazar. In 1947, on Mt. Scopus, I addressed the First World Congress for Jewish Education. In my talk, I stressed the fact that the only way to attract American youth and American people to the issue Yishub, would be by bringing each summer groups of professors and students to study in the Land's natural setting and language. Everyone in the audience considered this proposal unrealistic, even a meshugat.

When I returned to the States, I began to concretize my plan with New York University, the institution with which I was then connected. The only difficulty I encountered was finding a place in Palestine to house the people. It happened that Zalman Shazar was then visiting New York as a member of the Yishub Delegation to the UN. Having known him for a long time, I approached him with my problem. He responded immediately with this statement: "We are building a new place called Bet-berl. You may have it." I had never heard of that place till then, in fact the place was not even known in Israel, but I accepted it. Out of that venture all subsequent groups and missions to Israel developed.

To Zalman Shazar the view of the Messianic future was never a remote dream. For he has been privileged to live in the time of the beginning of Redemption and to be one of those speeding its coming. And we pray that the Final Redemption, bringing with it lasting peace for Israel and all the world, will come speedily in our day.

President Shazar responded:

It is difficult to find words to express my appreciation of this gift you have presented to me in the name of so distinguished an academy of Jewish studies in the United States. One does not thank one's fellow Jews for having made a pilgrimage to the Holy City of Jerusalem, but I must find some way to thank you wholeheartedly for having singled me out and given me this honorary doctorate. It is quite clear to me that the position I hold is certainly one of the reasons for your honoring me. But there may be another reason: the particular relationship between the University founded in Philadelphia in 1907 by Moses Aaron Dropsie and first headed by Dr. Cyrus Adler, and now under my friend Prof. Abraham Katsh and that other institute of Jewish studies established that same year in Petrograd by Baron David Ginzburg, the great teacher under whom my old friend, Dropsie's distinguished Professor Solomon Zeitlin, and I studied for four years before the First World War.

In this relationship and in the fact that our meeting today brings together the surviving alumni of the Petrograd courses and the present leadership of Dropsie University, there is, I feel, true symbolic significance and a very great measure of historic pathos.

The institution founded by Baron Ginsburg was cruelly cut down by the regime in Russia which has suppressed Jewish culture within that country and in countries under its influence. For the searing agony of that loss there can be no atonement, not even in Russia's contribution to the rescue of thousands of Jews from Nazi extermination nor in the significant and deeply appreciated aid it gave to the establishment of Israel's statehood. The fate of the American "twin" was very different: organically intertwined with the growing and developing American Jewish community, Dropsie, too, grew and developed. Exposed to all the dangers that threaten the community, it has also benefitted from the human and national opportunities open to the community.

In its realization, the beautiful dream of the blind advocate named Moses Aaron Dropsie bears witness to his extraordinarily clear vision. His decision that the institution be non-sectarian was characteristic of his time, but he was ahead of his time in his insistence on scientific objectivity and non-affiliation with any of the religious trends in Jewry. Indeed, at the recent conference of the Leo Baeck Institute held in Jerusalem, Professor Gershom Scholem pointed out that he knew of only two schools of Jewish higher learning in the Diaspora which were purely academic and free from theological influence and connection: Dropsie University and the Petrograd courses of Baron Ginzburg.

I, for one, have not despaired of the spiritual future of Russian Jewry, though I know that change may take generations. As things now stand, the creative legacy of Russian Jewry has taken on new form within the emerging culture of the State of Israel. In essence, too, German Jewish scholarship lives again within Jewish Studies here. And I am firmly convinced that in the not distant future Israel will be enriched by the new flowering in these disciplines in the United States.

Upon the memory of the founders and pioneers, as upon the deeds of their followers, may blessing come from the sacred heights of Jerusalem, and may the Shekina return to Zion speedily in our day.

RACISM AND POLARIZATION

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mrs. CHISHOLM. Mr. Speaker, no nation in human history has the promise that even approaches that of the United States of America. It was, as you will recall, "conceived in liberty and dedicated to the proposition that all men are created equal." And "from the mountains to the prairies, to the oceans white with foam," it is endowed with resources that are the envy of the world. Its people, drawn from the nations of the earth, have used their education, their driving energies, and their creative minds to develop dimensions of wealth that stagger the imagination. And yet, we are a nation in agony, beset by problems and currents and forces that are shaking its foundations and threatening to destroy it. It is paradox that demands the attention of our best minds and the highest priority on our national agenda.

What has gone wrong, in this, of all nations? A nation with more churches than all of the Christian nations combined. A nation that spends billions of dollars on education and boasts the finest universities in the world.

What is wrong is that we are suffering the agony of race and racism, despite the fact that more than a century has passed since the Civil War and despite the hundreds of court cases, many of which have gone the judicial distance to the Supreme Court, and despite the great civil rights laws of the 1960's.

And the problem fundamental in discriminatory and racist practises is the willingness of the majority of Americans, both silent and vocal, to resist necessary change or to be callously indifferent to it.

The National Conference of Christians and Jews, one of the Nation's best known human relations agencies, has recognized a situation that is critical to all Americans.

In an effort to do something about the solid resistance and indifference the National Conference of Christians and Jews is sponsoring a national committee for commitment to brotherhood in 1971. The purpose is to urge all concerned citizens to support organizations, which, together with the NCCJ, work to effect rapid, yet peaceful social change, and bring about brotherhood through the eradication of racism and polarization.

The committee advocates support for and involvement in the National Association for the Advancement of Colored People, the National Urban League, and the Southern Christian Leadership Conference—organizations which work for the rights of all people regardless of color, religion, or national origin. These interracial organizations have records of positive accomplishment achieved by nonviolent approaches in seeking an end to social injustice.

This marks the first time that a national human relations agency has undertaken to obtain support for other such groups.

The national committee for commitment to brotherhood is composed of a cross section of influential men and women dedicated to broadening the mutual concern for the rights of all, so vital to national unity.

During 1971, the committee will foster public support, involvement and cooperation for the NAACP, NUL, and SCLC throughout the United States through educational programs and cooperative projects.

Local NCCJ chapters will participate in the brotherhood commitment.

I salute the National Conference of Christians and Jews for its project and I think it is time our country's leaders began to exercise some strong moral leadership in this area. We cannot tacitly condone nor encourage any more deadly polarization.

VICTORY IN VIETNAM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ROSENTHAL. Mr. Speaker, the American people did not greet the United States sponsored invasion of Laos by South Vietnam with the same vocal outrage that met last spring's venture into Cambodia. While President Nixon has called this the silence on consent, others have called it the silence of despair.

We can thank Newsday publisher William Attwood and editorial page editor Bernie Bookbinder for a clearsighted editorial February 8 which breaks this silence. I am inserting in the RECORD this editorial which calls for America to overcome the real enemy . . . our own stubborn pride and withdraw immediately from sponsorship of the death and devastation of Southeast Asian peoples.

The editorial follows:

VICTORY IN VIETNAM

In the beginning it was Vietnam, then Cambodia, and now Laos. No one who has watched the tragedy of Indochina unfold since the first American military mission arrived in Saigon 20 years ago should be surprised at our government's decision to spread death and devastation to still another country. It doesn't matter that the ground troops who have been crossing the Laotian border are South Vietnamese and not American. We subsidize them, arm them, train them, "advise" them, transport them and give them air, artillery and logistical support. They are our mercenaries; we call the shots; this is an American adventure—make no mistake about that.

And it is all quite understandable and justifiable if you can picture yourself sitting at a desk in the White House or the Pentagon. Just imagine the mounting frustration of waging an expensive, unpopular, bloody and unwinnable war—year in and year out—in a faraway land where our national interest is hard to define, let alone locate. Is it any wonder that our military and political leaders—who have staked their reputations on assurances, first of victory and then of "Vietnamization"—want to pull off one more spectacular operation? Especially one that—who knows—might vindicate them at last?

Never mind public opinion at home or abroad. Never mind the cost in blood and treasure. Never mind the peasants in the villages of Laos: They have now become as expendable as their brothers in Cambodia and Vietnam. Hell, our B-52s have already given parts of Laos the works; and by now it should make little difference to the poor wretches who live in these places whether they are machinegunned in ditches or bombed from the skies.

NOTHING HAS WORKED

Of course, this latest adventure won't work. Nothing we have done in Vietnam has worked. Not even last May's "incursion" that turned placid Cambodia into a slaughterhouse. A Reuters news dispatch from Cambodia last week quoted "senior Cambodian officers" as saying that "the Viet Cong were returning to sanctuaries cleared by South Vietnamese and U.S. troops last summer and building new ones opposite South Vietnam."

The reason things don't happen as programmed by the Pentagon is that there is no way to win the kind of victory we seek so long as the willingness of the Vietnamese to die is greater than the willingness of Americans to kill. (We *could*, technically, obliterate Vietnam with nuclear weapons but *would* we—and would that be victory?) And after 25 years of fighting to rid their country of foreign troops, the Vietnamese aren't likely to quit now or even to negotiate on our terms. Time has always been on their side.

It took the French eight years to learn that you cannot subjugate a determined and patriotic people by superior firepower. So they gave up trying. But it has been 10 years since the first American combat death in Vietnam, and our government is still trying—250,000 American casualties, 5,000,000,000 tons of bombs and $105,000,000,000 later. And we the people are paying this bill—in many more costly, corrosive ways than merely tax dollars.

Victory in Vietnam? It can yet be won if we face up to the fact that the real enemy is our own stubborn pride. We don't have to admit defeat if that is more than our collective national ego can stand; but we can and should admit to making a mistake. We can and should stop kidding ourselves—as we have been doing for 10 long bloody years.

It wouldn't be so hard. Not even politically. The latest Gallup poll reports that 73 per cent of our people now want to end American troop involvement in Vietnam by the end of the year.

At his next press conference, the President could simply announce that we have long since discharged whatever obligation we had to the Saigon generals; that this is and always was their war, not ours; and that our objective—to beef up their army—has been achieved.

As commander-in-chief he could then announce a complete and immediate American withdrawal from Indochina. Not a phase-out, but a pull-out. Not just ground troops but naval vessels, aircraft, helicopter gunships, patrol boats, military advisers, napalm, pesticides, everything lethal. And we would also bring home the hundreds of American prisoners now languishing in North Vietnamese camps.

The Vietnamese could continue their civil war if they wanted to. But for our part, we would finally stop killing innocent people and begin taking care of pressing and unfinished business here at home.

This would be a victory worth celebrating. A victory for America's best instincts. A victory for reason and humanity and common sense. A victory that the whole world would applaud.

EX-GOODELL AIDE HELPS NIXON BRIDGE GAP IN CONGRESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. DULSKI. Mr. Speaker, soon after the current administration took office, it selected a former Western New York newspaperman to handle congressional liaison for the Department of Labor, a job he handled ably.

William L. Gifford, a native of Weston, Conn., and a graduate of Fordham University, was political reporter for the Jamestown, N.Y., Post-Journal before he came to Washington in 1959 as administrative assistant to then-Representative Charles E. Goodell.

Last November, he was promoted to the White House staff and Ronald J. Maselka of the Buffalo, N.Y., Evening News reported on his new role as follows:

EX-GOODELL AIDE HELPS NIXON BRIDGE GAP IN CONGRESS

(By Ronald J. Maselka)

WASHINGTON, January 13.—The excitement of working at the White House never wears off, says William L. Gifford, a former Jamestown, N.Y., resident, now a special assistant to the President.

Mr. Gifford, 40, formerly served as special assistant for legislative affairs to former Labor Secretary George P. Shultz. Formally named to his $35,000-a-year White House post Nov. 13, his specific assignment currently is to handle congressional relations for the new office of Management & Budget, headed by Mr. Shultz.

Installed in the Executive Office Bldg., directly adjacent to the White House, in a spacious office once occupied by Army Gen. John J. Pershing, Mr. Gifford said part of the excitement comes from keeping Mr. Shultz informed on legislative, political and congressional affairs.

"Say you give Mr. Shultz a piece of information or maybe gossip," Mr. Gifford explained. "A couple of hours later he tells you: 'I passed on what you told me to the President'. . . You feel you can have an impact on the President's thinking, even if only a little."

WORE TWO HATS IN 1970

Mr. Gifford moved to the White House at Mr. Shultz's request last summer, and worked there in the mornings and at the Labor Dept. in the afternoons for about two months. But it wasn't only his relationship with Mr. Shultz that brought the move.

"The President has had two studies done by private groups on the effectiveness of congressional relations," Mr. Gifford said. "In each of those reports, I was shown to be doing the most effective job in terms of what the Congress thought. That's not to blow my own horn but it's part of the reason I am here."

While his duties are "kind of nebulous—you're doing everything," Mr. Gifford compared it to bridge-building, saleswork and "constantly vacuuming up information."

"There's a constitutional gap between the executive and legislative branches," he explained. "We have to build a bridge across that gap."

KEY IS SERVICE TO CONGRESS

Citing his nine years' service in the House as administrative assistant to then Rep. Charles E. Goodell (R., Jamestown), Mr. Gifford added:

"The basis for the bridge is service to Congress. For instance, he estimated he gets about 50 inquiries a day from congressional offices, anything "from a status report on funding for a dam . . ."

A record of prompt, reliable service, establishes a rapport for seeking to enlist members' support for administration-backed legislation.

Besides his departmental experience at the Labor Dept. in 1969–70, Mr. Gifford credits his success to the experience on legislation, politics and representation problems he gained as Mr. Goodell's aide.

Asked if the President knows he worked for Mr. Goodell, who as a senator opposed many administration policies, Mr. Gifford added: "He knows. I went through the receiving line with Sen. and Mrs. Goodell at the Christmas reception the President had here last month for the Congress."

NOT FIRST NAME YET

While he regularly attends staff meetings—usually eight or 10 people, two or three times a week—with the President, Mr. Gifford acknowledged he is not yet on a first-name basis with Mr. Nixon.

"I think I've detected a more increased glimmer of recognition," he smiled.

What's he get asked? "The President might say 'I want to know what the Senate thinks about such and such,' " Mr. Gifford said.

The average week-day of finding those answers begins for Mr. Gifford at 7:30 AM, where he goes through the mail, and later attends a staff meeting of about 20 top aides.

"The main purpose of that usually is for each of us to say whether we personally know anything that anyone else in the White House should be aware of," he said.

From 8 AM until 8:30 PM, when he gets home, the schedule varies. It could be attending meetings of the President's Domestic Council, where is the "only one oriented towards the congress," or visiting members on Capitol Hill. Mr. Gifford said he also usually works half a day Saturday.

ACCENT ON BUDGET ISSUES

The Office of Management & Budget, which replaced the old Budget Bureau, oversees and evaluates all federal programs in cabinet level departments. As the OMB congressional liaison man, Mr. Gifford expects to be working most on explaining budgetary issues and government reorganization and revenue sharing proposals to Congress in the months ahead.

"It's like trying to sell things," he said. "We try to convince people on the merits that these are good proposals."

Pointing out that he always carries a little radio with a 20-mile range that enables the White House switchboard to contact him, Mr. Gifford chuckled: "It can be a little embarrassing when this thing blares: 'Mr. Gifford. Call the switchboard.' "

While his wife, the former Marion Miletti of Jamestown, and their three children take his White House move in stride, Mr. Gifford said: "If the children say my father works for the President, most kids don't believe them."

But his son, Billy, 9, was "the star of the show and tell period" in school one day. It seems he was displaying the hand Mrs. Nixon shook when the Giffords were among the crowd welcoming the President back from Romania.

WILBUR J. COHEN'S "ESSENTIAL PROVISIONS OF A NATIONAL HEALTH INSURANCE PROGRAM"

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. REUSS. Mr. Speaker, Hon. Wilbur J. Cohen, dean, school of education, the University of Michigan, formerly Secretary of Health, Education, and Welfare, recently wrote concerning a universal national health insurance plan in the Milwaukee Journal:

ESSENTIAL PROVISIONS OF A NATIONAL HEALTH INSURANCE PROGRAM

(By Wilbur J. Cohen)

The adoption of a universal national health insurance plan is a necessary and inevitable development for the decade of the Seventies. Such a plan would cover a major portion of medical costs for everyone in the nation from birth to death—the rich and the poor; the employed and the unemployed; those in middle-incomes and those in middle age; those who live in urban areas and those who live in rural areas; those working for large corporation or small businesses or who are self-employed.

The following are the essential elements of a feasible national health insurance plan covering a wide range of medical services:

1. *Breaking the barrier between the paying for health care and eligibility for service.* We must create a system where the individual is not forced to meet the total cost of health care at one particular time. The use of an insurance system allows the individual to pay for medical services while working so that financial considerations are not a major problem during illness.

2. *Requiring the government to contribute part of the cost.* This would enable individuals without incomes or with low incomes to receive equal access to health services on the same basis as those with more adequate incomes. Thus, the stigma of poverty and welfare would be removed from the medical care system.

3. *Requiring the employer to pay part of the costs of health care so the immediate financial burden is not so great on the individual.* Good health is a valuable asset for the employer as well as the employee. This fact has been recognized by many employers who today are contributing to the private health insurance protection of their employees and their families. It is something which should be extended to the general working population.

4. *Assuring that eligibility for service would be determined by Federal rules.* The operation of a medical insurance program by the Federal government would insure that all persons would receive the same benefits, be eligible under the same standards, and be required to contribute on the same basis no matter where they live in the United States. A Federally administered program would also assure an individual of a fair hearing on matters in dispute before a Federal agency and an appeal for judicial review by Federal courts. Thus, due process and equal treatment would be assured every individual irrespective of his color age, sex, education or background.

5. *Providing for new, innovative, economical and efficient methods of organizing and delivering medical care.* Financial incentives should be provided for expanding ambulatory and outpatient care, improving emergency services and group practice plans and salary and capitation plans. Funds should also be provided to allow for experimentation with different models of medical care so that new procedures for allocating scarce medical resources may be discovered.

6. *Providing for expansion of preventive medical techniques.* The scope of coverage of medical services must be broad. At the same time it must be recognized that not every element of medical service can be provided in unlimited quantity. Multi-phasic screening, periodic examinations, and community sponsored coordinated plans for health, education, family planning, nutrition and enviromental concerns should be supported and encouraged. The most economical and humane method of dealing with illness is to prevent its occurrence. Medical research must continue to be encouraged and supported and undoubtedly will have a tremendous impact on changes in services, costs, and arrangements.

7. *Encouraging and accelerating plans for effective increasing health personnel.* Financial incentives should be provided for expanding the training of more physicians, nurses, dentists and other health personnel including physicians' assistants, aides, technicians and allied health personnel. Methods must be developed which will provide for the most effective use of para-medical personnel so that doctors, dentists and nurses can devote their full attention to their respective professional tasks. Particular attention should be paid to encouraging more black persons and individuals from other minority groups to be trained, and for more women to have opportunities to participate in the delivery of services.

8. *Providing opportunities for the various groups in society to play a significant role in policy formulation and administration of the health system.* Health care is too important to be the sole province of any one professional group no matter how well trained or well intentioned. Therefore, mechanisms must be developed where concerned parties—employers, labor unions, and the consumer himself can make a contribution in determining the amount of money to be spent, the efficiency of care, the priorities to be met first, and a host of administrative, psychological and procedural factors essential to good health. This involvement must be present at all levels of the health care system—at the local, regional and national levels.

9. *Assuring health personnel reasonable compensation, opportunity for professional practice, advancement, and the exercise of humanitarian and social responsibility.* The various components in a national health insurance program should be designed so as to foster the highest quality of medical care with individual and group responsibility for initiative, advancement, and a sense of creative and social responsibility.

10. *Encouraging effective professional participation in the formulation of guidelines, standards, rules, regulations, forms, procedures and organization.* There should be widespread participation by all health personnel in the formulation of policy at every

level of administration. A cooperative sense of participation should be fostered which would overcome hierarchical considerations and individual distinctions based on income, education and prestige. The importance of professional and administrative competence must be fostered and encouraged.

11. *Fostering a pluralistic system of administration.* There are widely differing ideas in the different parts of the United States and among different groups as to how medical care should be administered. As science and technology continue to develop new methods of diagnosis and treatment, as new drugs are developed, and as new systems to delivery of care are established, we should be willing to adapt our arrangements to new needs and new opportunities. We must be open to the development of different methods of treatment and new forms of medical care organization. It is essential that various procedures be tried so that we can evaluate which methods prove to be the most effective for different types of situations and changing conditions. There must be opportunities for institutional self-renewal.

12. *Recognizing administrative reality and administrative competence.* National health insurance is not a panacea for all the problems of medical care. The continued increase in demand for medical services while the increase in supply remains inelastic will certainly create increasing price and cost pressures for the foreseeable future. Changes in organization, delivery, and access to services will not occur overnight. Changes in medical school curricula, admissions, and orientation will take time. The administrative implementation of all these components will be difficult and errors of judgment will occur inevitably.

Meanwhile, we must make a more effective effort to distribute medical services in a more rational socially conscious manner than at present. National health insurance is a mechanism to focus our planning and our priorities for a more intelligent distribution of the miracles of medical science to the millions of our people. Medical needs are almost infinitely expansible. Medical services are a scarce resource. The allocation of scarce resources to priority needs involves planning, judgment, administrative capacity, and self-restraints.

JOHN J. McMULLEN RECEIVES AWARD POSTHUMOUSLY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. BYRON. Mr. Speaker, the late John J. McMullen was one of the outstanding citizens of western Maryland. Recently, the Cumberland Dapper Dan Club presented the Henrietta Schwarzenbach Civic Service Award to John McMullen. His son, Hugh, accepted the award for his late father.

John J. McMullen, a native of Cumberland, Md., was 68 at the time of his death last April 6 at Johns Hopkins Hospital in Baltimore. He served as publisher and later chairman of the board of the Times & Alleganian Co. He also served as chairman of the Upper Potomac River Commission since 1939 and as a member of the State roads commission for more than 10 years including a stint as chairman. He had served on the Maryland Postwar Planning and Development Commission, as chairman of the Allegany County Democratic State Central Committee, and as a director of the Allegany County League for Crippled Children and the Sacred Heart Hospital.

John McMullen's many contributions to the State of Maryland and his home area of western Maryland are a tribute to a great man. He always shunned publicity, but no man deserves the Schwarzenbach Award more than he.

REPORT ON THE AMERICAN INDIAN

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. STEELE. Mr. Speaker, much has been written about the plight of the American Indian. One of my constituents, Miss Christina Camp, recently returned from an extensive stay with the Navajos in New Mexico and Arizona. Her comments, printed by the Hartford Courant on February 7, 1971, may prove of considerable interest to my colleagues:

NOTES OF A PHOTOGRAPHER LIVING WITH THE NAVAJOS

(By Christina Camp)

Recently much has been written and broadcast about the American Indian. Do these words reflect the conscience of a nation which is truly concerned for the social and economic well-being of our native Americans? I was disturbed by the tragic situations I had read about—the high mortality rate of the Indians, high unemployment; incomes averaging only $1,500 a year. Depressing truths! I decided to go to the reservation and draw my own conclusions.

Surprisingly, it is not easy to find full-time volunteer work in this country. In January, I started writing foundations, missions, agencies—assuming that a "concerned, interested" person would be needed in the many underprivileged areas throughout the United States. I soon realized by lack of response in many cases and polite refusals in others that the Indians were reluctant to bring volunteers into reservations. Their attitude was a surprise to me—one which I did not actually understand until after I had lived on the reservation among them.

In mid-May I received a letter from the Ganado Presbyterian Mission in Arizona. Their reply stated that the school had reevaluated their program and was changing from a four-year high school to a center for high school graduates who want to continue their education but were not prepared for college. Ganado Learning Center needed exposure and publicity to inform the Navajos and other Indian students of the newly-developed programs. My job, as photographer, was to take pictures to be used in a new catalog.

I happily accepted the opportunity and arrived in Gallup, New Mexico, in mid-June. Ganado Mission appeared in direct contrast to the surrounding desolate land. It is a green, shaded complex of about 62 buildings approximately 60 miles northwest of Gallup. Ganado Mission began its ministry to the Navajo people about 70 years ago. Many changes have taken place especially in the past couple of years. The most influential is Project Hope which assumed administrative and operative responsibility of the original Sage Memorial Hospital. During June I set up a darkroom and began photographing. (Indians are repelled by people photographing them, so it is important that you gain their trust and acceptance first.) It was a somewhat disillusioning experience for me due to the fact that the Mission had few people—most of whom were belegonas (Navajo word meaning "white").

In many respects the Mission seemed to be a contradiction from what it proposed to stand for. Ganado, like many Missions throughout our Indian Reservations, has a history of implementing cultural genocide. I talked to a Navajo who was in the area looking for a job. He told me of his life as a student at the Mission about 40 years ago. One story described how the teachers would make the boys put dresses on every time they heard them speak their native language! Of course, attitudes and policies have improved since then, but it's taken too long. Only this past year, when the administration at Ganado changed, did they change their policy of compulsory Bible class and daily chapel. Past philosophy was to eradicate the Navajo culture.

Efforts are being made to gain interest and confidence in the new program for Ganado Learning Center but it takes much more than words and promises to break down the barriers which have widened the gap between the tree-shaded building of the Mission and the barren land beyond.

Ganado Learning Center seems to be headed in the right direction. The new program will provide post-secondary educational opportunities and community educational benefits for the Navajo people and other interested Indians. The ideas are good, but Ganado is having difficulty in gaining support from the Navajos.

The problem is basic among most of the schools on the reservation—there is a lack of communication. Regardless of the proposals made, there must be more dialogue and interaction between the white man and Indian.

The Navajo wants to receive an education and become trained, but he cannot bring himself to do so only on white man's terms and through white man's means. The problems being at pre-school age. ONEO, Office of Navajo Economic Opportunity, has pre-school programs throughout the reservation. The children often come from 100 or more miles away to find themself with a white teacher who knows little about the Navajo ways. There are some children who have been exposed to the white man, but the majority cannot relate to the new foreign language and life-style. From the first moment on, it is the teacher's responsibility to gain the confidence and understanding of the children. This can be done only if the teacher has a real understanding of the Indian ways and cultural differences. If the Anglo makes the effort to understand the thinking and ways of the people—communication would become much broader. From there, the teacher will have a greater ability to offer courses in the Indian's native culture and history. Another needed development is the offering of courses in Indian studies within the schools. Instead of the old theory of repressing the Indian culture and language, the schools must encourage Indian interest and pride for their own background.

Although I spent a limited time at Ganada Mission, I observed these basic faults. The school is being administered and taught by Anglos, with only a few Navajos taking part in the new program.

They do not speak Navajo, nor are they offering much in Indian studies. But their worst mistake is the fact that they are not getting to the grassroots and giving any understanding of the new improved program. Diagrams, blueprints, curriculum, means nothing to the Indians without the mutual or reciprocal action between the Mission and The People! The intentions of the white people at Ganada Mission are good, but they must be more open to the ideas of the people they hope to serve.

Ideally, the schools throughout the reservation should be controlled by the Indians themselves. Hopefully, such a trend will develop with the Ramah Navajo School in New Mexico as a model. This is the first Indian-operated school in the United States. They are going through growing-pains, but there is confidence among the people that an Indian-operated school will be the answer to many of the problems existing on the Reservation.

After finishing my photography job at Ganada, I left for Crystal, northwest of Gallup, New Mexico. I was offered the opportunity to herd sheep for Mrs. Ruth Polacca on her ranch—at last I had a chance to really gain an understanding of the people and their ways. I was offered the chance by Katheryn, Mrs. Polacca's daughter, who works in Ft. Defiance for the BIA in adult education. Mrs. Ruth Polacca is on the Tribal Council but continues to run a ranch having about eighty sheep, twenty cattle, and a few horses. She lives in a fertile area very different from most of the reservation which is eroded, barren land. Katheryn lives up the dirt road, near the lake where her brother built her house. Both houses have electricity and running water—a luxury for many Indians on the reservation. My job as sheep herder was actually done by two sheep dogs who knew the land better than I. Instead, I just led them up the mountain, then corralled them at night. The first few weeks I was there I mainly drove for Mrs. Polacca. We went to different Chapter Houses throughout the reservation. She had a pick-up but no license and she had to supervise the different precincts for the upcoming election of tribal chairman.

I enjoyed this because it gave me an opportunity to see parts of the vast 14,450,369 acres of the reservation. My first reaction was—How do these people survive on such barren, eroded land? Bumping over the dirt roads, looking from side to side—miles and more miles of desolation! I later learned and felt that the spirit of the people is what keeps them alive and happy.

Mrs. Polacca and the men who worked for her made me feel very much at home. Mrs. Polacca accepted me as "one of her own." By listening and observing, it did not take long to feel deep respect for The People. Mrs. Polacca, at 75 years, is a very active, strong woman; she attributes this to years of hard work. This is true with most Navajos; their history is a continuous struggle—most hardships were brought on by the white men's efforts to assimilate the Navajo. But the Navajos have survived our oppressions and seemed to gain greater strength from it all.

Their thriving language, culture, and customs are proof of the spiritual depth within these people. The younger generation of Navajo is acting and speaking the pride within them and their determination is to hold on to the traditions while they also improve economic conditions.

Looking into Mrs. Polacca's eyes, one can sense the years of hardship. But nothing is an obstacle. The severe climate, over-grazed land, miles of rugged terrain between families, are conditions which the Navajos have accepted. Ranch life is much more difficult than I had imagined. The hours are long and the work never seems to be done. Whereas many times I found it to be very exerting—the Navajos working beside me seem to be very much in harmony with their work and nature. Harmony is a very influential concept among the Navajos—they live within the harmonious cycle of man and nature.

It especially amazed me to see Mrs. Polacca, about 50 years older than myself, working right along with us. There is something within this beautiful lady beyond description. Hers is the true strength and endurance of the Navajo people after decades of formidable odds.

There are so many things which need to be improved on the reservation. Education, public health, the BIA, the traders, alcoholism—each area with its own special problems. Through my own observation, I have tried to answer one question—what can the white man do to help? First before helping, I believe each person should ask himself if it is to the Navajo's advantage for me to even become involved. Do they need me or can they do it better without me? Many people go to help the Indians on the Navajo Reservation. Some are successful and are able to help the people—others are confused, discouraged, and frustrated. Some people leave while others stay on to fight it out! Many times the results are worse than before they came.

I was told when I was first looking for volunteer work on the reservation that do-gooders and VISTA-types are not wanted. I did not understand then, but I do now. Too many people go to do something good for the people but actually end doing more harm. These particular people do not understand the Indian ways and, therefore, have not communicated with them.

Katheryn Polacca wrote a report to the Teachers in Adult Education of the "Ways of working with the Navajos who have not learned the white man's ways" . . .

"We have another 'Long Walk' ahead of us before the paths of our cultures merge. There are still rough paths, but as more of us take time to study, observe, give, share, and to know each other, perhaps our intercultural relations will improve. It is like someone said, 'We need to walk a few miles in the other fellow's moccasins then we will know how they feel.' This will help us to understand each other better."

I look forward to the day I return to my Indian family to learn more of their Navajo ways, for they seem to have helped me more than I helped them!

PAN AMERICAN DEVELOPMENT FOUNDATION—ITS SUCCESSES AND HOPE FOR FUTURE

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. MORSE. Mr. Speaker, one of the most crucial needs in Latin America is to bring about changes in income distribution, land tenure and social justice. A great many efforts have been made to accomplish these tasks, but few have been as successful as that undertaken by the Pan American Development Foundation, a private organization which, in the course of just over 4 years, has assisted in the organization of National Development Foundations in 15 Latin American countries—all dedicated to the goal of helping people to help themselves. I think that the story of the PADF's work is truly inspiring and I wish to commend to the attention of my colleagues a speech delivered by its executive director, Mr. Sy Rotter, on January 7, before the Twentieth Century Club.

The text of the speech follows:

SPEECH DELIVERED TO THE 20TH CENTURY CLUB BY MRS. SY ROTTER

I am particularly grateful to you for this invitation to share with you some observations on the development process in Latin America. These are, as you well know, not easy times for advocates of foreign assistance efforts in general, and perhaps as a result of recent social and economic crises in Latin America it has become even more difficult to find opportunities to discuss Western Hemisphere development activities. So, again my thanks to you for this opportunity.

As evidence of my appreciation I will depart from what has unfortunately become the vogue in such analyses, and will focus my comments on one of the successes, not the failures, of foreign assistance.

A week ago I was sitting on the shore of Lake Atitlan, high in the mountains of Guatemala, talking with a friend about the changes he had seen among the Guatemalan Indian population during the 25 years he had been living there. I told him about this talk which I was preparing and asked him what he thought I should emphasize without talking too much about our own program. He reminded me of one of Mark Twain's famous quotes, "I may have been born modest but it didn't take me very long to grow out of that state". He suggested that I put aside modesty and review with you what we describe as the only complete self-help foreign aid program which we are aware of; a program in which the people plan their own projects, contribute their own labor, borrow money at normal commercial interest rates, pay a fee for the administration of their loan, and repay their loan in pennies per day in accordance with their ability and capacity. This is what my friend Sam Greene refers to as the "penny approach to development."

Now, there may well be some who will scoff at my concern about modesty when I speak of a penny approach to development, particularly when we usually think about the cost of development in terms of millions or billions of dollars. But I trust that after this discussion you too will share our belief in the economic and social power inherent in this penny philosophy.

I will talk to them about the program of the Pan American Development Foundation (PADF), of its successes and of the opportunities we see for it in the future, and equally important, I will try to identify ways in which you, as private citizens and as members of the Twentieth Century Club, can participate with us in this effort.

Ours is a private development foundation. It is, however, affiliated with the Organization of American States in much the same way as UNICEF is with the United Nations. We have an independent Board of Trustees of leading citizens from Latin America and the United States and we derive our operational funds from other foundations such as Rockefeller, Russell Sage, Tinker, Public Welfare, Sloan and Donner, and from the Inter-American Development Bank and the Agency for International Development.

Our basic purpose is to facilitate the involvement of the private sector in the development process in Latin America in order to accelerate the changes in income distribution, land tenure, and social justice which are no longer debatable as necessary development objectives. The limited results of government efforts in this regard have clearly established the need for this kind of supplemental participation on the part of concerned and knowledgeable private citizens.

We encourage those businessmen and professionals in each country who do agree with us in these objectives that we will assist them in the organization of their own development agency if they in turn will agree to commit some of their time, money, and prestige to it. We refer to such agencies as National Development Foundations, although in practice each chooses its own name. In just over four years we have assisted in the organization of these foundations in 15 Latin American countries.

What distinguishes these private sector efforts from the many others which are stimulated by what may be described as well-intentioned outsiders? First, they are entirely autonomous local agencies which are completely responsible for their own management and operational policies. Second, they obtain their own legal recognition from their governments as non-profit development organizations. And third, they have fulltime paid executive directors and supporting staff whose salaries are paid through local private sector contributions.

While each of the foundations reflects the same basic organizational approach, there are no two alike in program characteristics. Each foundation charts its own program in accordance with its own national circumstances and priorities, and follows the policy guidance of its own Board of Directors.

How do these foundations function? I have stated as PADF's basic purpose the acceleration of changes in cash income distribution, land tenure, and social justice. Let's consider some illustrations of the way each of these objectives is approached by the National Development Foundations.

During my recent visit to Guatemala I met with a group of farmers in a small Indian community. They proudly showed me their fields of vegetables which they would soon be harvesting and bringing to market in Guatemala City. They regarded themselves as extremely fortunate to be able to sell their vegetables at a good price and to earn a fair return for their labor. They were free, they were independent, and they were proud. It was good to talk with them and to feel the enthusiasm which stems from such pride. Two years ago, however, their situation was far different. They were sharecroppers then, living with their families in a form of economic slavery, without hope, without a future. What made the difference? Credit and technical assistance—which, when blended with motivation, are in fact the basic ingredients of all development efforts. The provision of credit and technical assistance was the responsibility of the National Development Foundation. The motivation which was inherent in the people, was quickly transformed through their new opportunities into the reality of a new life.

Unlike the traditional methodology of working from the top down, of putting money into government agencies and seeing relatively little emerge at the rural community level where the great majority of impoverished people exist, the National Development Foundation brought its credit and technical assistance directly to the community.

Forty-two families were living on this land, paying $3,750 a year in rent to its absentee owner—about $90 a year per family. The local Foundation's field staff met with the leaders of the community and encouraged them to think about purchasing the land with a loan from the Foundation. They were shown how they could apply the same rental payments to a mortgage and earn a great deal more from the land through the use of better seed and fertilizer. No one in this community had received credit before since no one had any assets of sufficient value to serve as a bank guarantee. The Foundation's representatives explained that the moral integrity of the community was the basic guarantee which they required and that this could be evidenced through their own organizational efforts to develop their farm and to repay their loan.

The farmers purchased the land for $22,000 through a combination of NDF credit and a supplemental bank loan. As a result of better farm management and increased cash income they will completely repay their loan in a little over three years. At that time they will have clear title to their land, which is as important psychologically as it is economically, and they will have the equivalent of the $3,750 per year which they had formerly paid as rent to spend, to save, or to invest, as they wish.

This may appear to be a fairly simple experience. If so, it is deceptive, for otherwise one would expect to find a great many similar stories. The fact is, however, that because of the relative scarcity of such capital for self-help programs, income distribution within Latin American countries reflects the widening gap as between rich and poor nations. As Barbara Ward Jackson has reported to the United Nations Development Program, "There is no doubt that among the nations of the world the rich are getting richer and the poor, poorer." Simply stated, the combination of traditional banking procedures and scarcity of "high risk" capital has made such success stories as I have just described the exception rather than the rule. Is there then any real hope for its more extensive application? This depends upon many factors, not the least of which is the ability of the local foundations to continue to demonstrate the validity of the program. In this regard the National Development Foundations have so far proven through $2.5 million in loans during the past four years to 2,500 different community groups that incomes of subsistence farmers could rise and that this could occur at no cost to the incomes of the wealthy. In fact, since all National Development Foundation loans are immediately converted into local purchases and tax payments, both merchants and governments experience increases in income as well. In truth, the foundation program is not so much an illustration of redistribution as it is generation of new wealth. With an increasing volume of such examples it is to be expected that banking procedures will become less traditional and government credit policies more flexible as new efforts would be undertaken to encourage greater generation of new wealth.

The example of the purchase of farm land also illustrates the second of our objectives—to accelerate changes in the patterns of land tenure through private, non-government land reform. Recent history has shown that in spite of good intentions, politically motivated agrarian reform has generally achieved less than its promise. Indeed, the architects of the Alliance for Progress soon realized that it was one thing—albeit difficult—to gain Latin American government acceptance of agrarian reform in terms of redistribution of land as a prerequisite for development assistance; it was something else to see it actually implemented, for such agrarian reform usually meant government expropriation with payment in delayed bonds. Landowners and their congressional colleagues have demonstrated very effective counter pressures to such schemes and as a consequence relatively little land of any value has actually been passed on to poor farmers by government decree.

Within the realistic constraints of limited private bank financing, the PADF's approach represents what we believe to be a practical and effective supplement to government reform programs, but one which can nevertheless be expanded through enlightened government policy directives. One example of such a policy is the U.S. Government's recent adoption of a guarantee authority which encourages private banks in Latin America to lend to community groups who would not otherwise have access to commercial-rate credit. Through the foundation program the farm land owner is paid immediately in cash for the value of his farm. As a guarantee, in addition to that of the moral integrity of the community, the foundation or private bank which extends the credit can if appropriate take the mortgage to the land or the crop to be produced.

Would poor farmers paying rent as sharecroppers be willing to reapply their rental payments to ownership? Do we really have to ask such a question? Why, then, isn't there more land purchased in this manner by poor farmers? Again the problems have been related more to tradition than to distrust, for until very recently the business community—Latin as well as North American—was only interested in making profits at the least possible risk. Then too there were until a very few years ago no private sector foundations to extend credit to economically marginal people. Both conditions are, however, changing, and changing rapidly.

To quote from David Rockefeller in his recent speech to the most important U.S. corporate investors in Latin America, "I believe we must respond to current events in Latin America with a truly new revolution, one of thought and determination that individual human dignity can be attained through an awakened and responsible business system, which will, because it must, put our corporations directly into the forefront of securing that dignity. If we do not respond, who will? We have urged our companies to recognize and to accept longer range goals in their Latin American operations, goals which include social as well as economic benefits. Each business entity of the private sector within a country, regardless of form or ownership, has a responsibility not only to operate profitably but also to operate in the best interest of society and its development." That was David Rockefeller, one month ago, at the Annual Meeting of the Council of the Americas.

However, the reality facing the National Development Foundations in their efforts to greatly expand their loan programs is their limited loan fund capacity. I should explain that the foundations obtain their loan funds from two basic sources—through local contributions from their own private sector, and through one-to-one matching loans from the Pan American Development Foundation. That is, for every dollar contributed to the local foundation through its private sector, the PADF lends a dollar at low interest rate for a twenty year period. This combination of local equity and borrowed capital is loaned to community groups at the usual bank interest rates that apply in each country.

The PADF has received $1.25 million in loans and grants from AID during the past four years which has served as its matching fund resource. All of this, however, has been loaned to local foundations and we are over $2.0 million behind what the Latins have raised. Mr. Galo Plaza, Chairman of the Board of Trustees of the PADF, has publicly described this response by the Latin American private sector as both outstanding and unique for it is the only program he has ever seen in which the Latin share of the partnership has been so readily subscribed. We do hope—and are working hard to assure—that the foundations will receive additional loan and grant funds from the future Inter-American Social Development Institute as well as through the Inter-American Development Bank and the Agency for International Development.

Still another indication of change in the business of making credit available to the poor is seen in the previously indicated amendment to the United States Foreign Assistance Act. Inaugurated this year the "small loan guarantee program" was designed as a pilot project for application in five Latin American countries. The program will allow private banks to lend to community groups to encourage land purchase and other self-help economic and social development programs with up to 75% of the value of each loan guaranteed by the United States Government with a 25% overall guarantee for each bank's portfolio of such loans. We estimate that as much as $2.0 million may be loaned in Guatemala and Honduras alone by private banks during the next two years under this guarantee program—credit that will go directly to poor people.

And still another indication of change can be seen in the growing interest of U.S. foundations in applying some small portion of their endowment as a guarantee with the National Development Foundations so that they can obtain still additional bank credit for community groups.

These illustrations underscore our belief that concern for changing current land tenure practices need not be the sole prerogative of governments—ours or theirs. There is indeed a great opportunity for involvement by the private sector, through their own development foundations, to pioneer for governments those policies and procedures which governments could then amplify to encourage improvements in the income and life style of currently poor people.

The third objective of the PADF program is directed toward achieving social justice for the poor. This is unquestionably a basic government responsibility, but again there is a clear opportunity for citizen participation at all levels to supplement and give direction to government action. We can observe in this regard that government programs are generally and realistically directed toward providing services for people in response to their demands. The danger, however, particularly in lesser developed countries, to the perpetuation and deepening of people's dependence on government action is the concurrent and consequent loss of the ability for individuals to express their own responsibilities. It is the purpose of the National Development Foundations to supplement government services by encouraging self-help efforts through which poor people have the opportunity to exercise their independence to make those basic economic and social decisions which will in fact begin to influence their lives. In addition to greater cash income, which derives from most foundation-community loans, the subjective and often intangible return in the enhanced dignity of the people involved in their own self-help efforts is not to be denied. As important as the seed, fertilizer, and other tangible assets provided through the loans is the opportunity provided for self-motivation and self-determination.

One of the principles of the Charter of Punta del Este—the Magna Carta of the Alliance for Progress—is that help will come to those who help themselves. President Richard M. Nixon has repeatedly endorsed this principle and has established it as the moral bedrock for future aid programs under his Administration. Bipartisan as well as nonpartisan political endorsement of his position has certainly substantiated its popular appeal.

Although social justice in the context of this discussion is based upon respect for and facilitation of individual responsibility, we see two forces conspiring to prevent its attainment by the great masses of Latin America's poorest citizens. One is its denial in economic terms through the inability of poor people to obtain the credit and related technical assistance essential for them to escape the slavery inherent in poverty. On the other hand there is the increasing tendency of government decrees to assume responsibility for resolving problems through political programs which serve to inhibit—not encourage—individual responses. The French philosopher deNoey captured the essence of both circumstances when he wrote, "Freedom is not a privilege, it is a test. If we do not take care of the human situation we find ourselves faced with, we will find that freedom lost to the extent government control ensues."

The thesis of my discussion today is that development is far more than physical objects—roads, dams, factories, and schools. These are at best only environmental improvements. Development must be understood as a reflection of the attitudes of people, particularly in their belief in themselves and the realization of their capacity to participate in the direction of their struggle to achieve a higher standard of living for themselves. How they direct their struggle is, of course, for them to determine. Our concern is that they have at least the opportunity to understand and choose from alternatives.

Contrary to current general impressions, development experiences have not all been disastrous. What is disastrous, however, is the tendency among some of us to use what George Woods, former President of the World Bank, has described as the increasingly "plentiful statistics of misery" as justification for calling a moratorium on further development assistance.

Our concern for social justice is clearly not evidenced when we turn our back on the realities of the developing world with its staggering problems reflected in increasing poverty, population density, and unemployment, simply because previous development efforts have experienced difficulty in achieving the desired levels of success.

Two years ago in one two-week period, 36 infants and children in one small Indian village in Guatemala died of typhoid fever. There is no social justice in the knowledge that they would not have died if they had been able to obtain clean drinking water, but that development loans which could have been used for this purpose found their way to other activities, some of which might, in retrospect, have been less urgent. But social justice is evidenced when I tell you that repayments of three cents a day by forty-two families in that community on a $500-loan they requested from the Foundation to purchase the pump, cement, pipe, and valves for a well for clean drinking water, will repay that loan in a little over one year.

The opportunity for encouraging similar experiences in a completely non-patronizing, non-political and businesslike way can be seen in National Development Foundation programs throughout Latin America. Whether or not we respond to these opportunities for encouraging social justice as adequately as we might remains to be seen.

I said at the beginning of this discussion that I would suggest ways in which you could participate in this effort, and perhaps now some of you may wish to consider what these opportunities might be.

The first is for you to understand and then to encourage your friends and colleagues to recognize that the greatest reservoir for social action is within the private sector. If there is nothing else we can show as a persuasive quality of our life style in the U.S.—documented from de Toqueville's analyses 150 years ago to the most impressive community service record of your own Twentieth Century Club today, it is that we respect and cherish the right to try to resolve our own problems before turning to government. We understand too from our own recent experiences in this country, that government response to the vacuums which exist when private citizens refuse to help to resolve economic and social inequities are not always the wisest or most reasonable. Specifically then, every citizen and Congressman who is interested in assuring the greatest opportunity for self-help programs for poor people through the application of U.S. Government foreign aid funds, should understand that by directing some of these funds to private sector programs such as the Pan American Development Foundation, more of this objective is likely to be achieved.

Secondly, perhaps some of you are members of Boards of Directors of foundations which are interested in assisting self-help programs. Grants and loans to this foundation would be put to excellent use, and U.S. private foundation endowment guarantees can serve as leverage for obtaining still more private bank participation in community loans.

A third opportunity would be for you to help us identify new and surplus machine tools and hospital, medical and dental equipment, all of which we can deliver, with the assistance of AID freight subsidies, through the local National Development Foundations to technical training schools, hospitals, and clinics which would not otherwise receive such equipment.

We also need help in writing about our program and getting our stories published so that our potential base of support for these efforts can be greatly increased.

And finally, we need new ideas and the opportunity to review our experiences and to help us better understand their meeting. Perhaps, Madam Chairman, with this request for new ideas and comments, I should conclude mine. I do so, once again, with my sincerest appreciation for this wonderful opportunity.

Thank you.

ABRAHAM LINCOLN IN FREDERICK, MD.

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. BYRON. Mr. Speaker, the month of February is noted for the birthdays of two great Americans, George Washington and Abraham Lincoln. Both Presidents spent time in my district, but the trip of Abraham Lincoln to Frederick after the Battle of Antietam in 1862 was of special note. It was during this trip that he spoke to the assembled citizens of the town. The following year on his way to Gettysburg he wrote part of his famous Gettysburg Address in Frederick. The following article commemorates the 1862 trip and was published in the February 12, 1971, Frederick Post:

LINCOLN IN FREDERICK

On this day 162 years ago in an unchinked log cabin standing in the middle of a stump-cluttered clearing on his father's farm near the present community of Hodgenville, Ky., occurred the birth of a man rated by all American historians as the greatest of our Presidents.

He was born of parents so poor that by even the most rigid modern standards his entire family would have been enrolled as recipients of public welfare.

Son of an industrious but poverty-stricken carpenter who was virtually an illiterate and a drifter who progressively lost the farms he claimed in not only Kentucky but later Indiana and Illinois and a mother who in the opinion of qualified historical researchers was an illegitimate child, even by the standards of backwoods Kentucky his status was hardly elevated enough to rank him above the "poor whites."

Yet Abraham Lincoln on his father's side came of good mediocre lineage.

His family had been in America since 1637—only 17 years after the landing of the Pilgrim Fathers on Plymouth Rock—when Samuel Lincoln of Hingham, England, emigrated to America to better his economic status and—purely by coincidence—settled in the adjacent town of Hingham, Massachusetts.

Descendants of Samuel lived honorable if obscure lives in New England, had representatives who fought in the War of the Revolution, and relentlessly driven by that Yankee impelling motive to "see what lies on the other side of the hill" moved westward in the intervening centuries until the grandfather of the future President for whom he was named, Abraham Lincoln, hacked a farm out of the wilderness of what is now West Virginia.

Before the eyes of his son, Thomas, the pioneering Abraham was shot dead by an Indian arrow and scalped before being callously left to wallow in his own blood in the midst of the clearing he had hoped to convert into a farm to support his family.

His son, Thomas, who never spent a day in school in his entire life, sober, industrious, but never able to put down deep roots in any area where he settled, married Nancy Hanks, whom the most talented researchers have been able to establish only as the daughter of Lucy Hanks but have been unable to find any trace of who was her father or any record of a marriage prior to her birth.

Shortly after the birth of Abraham Lincoln, his father resumed his search for the Holy Grail—the rich bottom land which he always expected to find facing him as he turned his face westward.

He sold the Kentucky log cabin and half-cleared wooded acres for a pittance and with his family moved to a new land claim in the newly opened lands of Indiana.

Here the young Lincoln experienced even more depressing economic conditions.

The Kentucky cabin at least had four walls, a door, and a puncheon floor.

Compared to the "half-faced" cabin of logs and poles Thomas Lincoln pushed up on his new Indiana claim, the Kentucky home had been in keeping with that of his neighbors and at least livable.

In Indiana, however, the new crude cabin had only three sides with the fourth open to the elements.

In truth, it consisted of little more than a lean-to.

A constant roaring wood fire had to be maintained on the completely open fourth side of the structure to keep the Thomas Lincoln family from freezing to death in the winter.

Then came tragedy. After a brief illness with what was then loosely diagnosed as "milk sickness," Nancy Hanks died. Her grief-stricken husband whip-sawed a crude coffin, dug a grave in the clearing, and while Abraham and his sister wept at its side, laid her to rest in an unmarked grave.

That there was no clergyman available within a hundred miles or more to say the healing words of Christian burial added to the tragedy of the family.

While his two small children "made-do" in the lonely cabin, Thomas Lincoln hastily returned to Kentucky, married a widow, Sarah Bush Johnson, with whom he had become acquainted while living in that state, and returned to the Indiana farm.

It was of this step-mother that the future President, who barely recalled his natural maternal parent because of his tender age, was to eloquently say later in life: "All that I am I owe to my sainted Mother."

She insisted that Abraham attend the infrequent sessions of a frontier school where the only qualifications of its teacher, as Lincoln said in after life, was that "he or she be able to teach readin', writin' and cipher to the rule of three."

This constituted the only formal education ever received by the future 16th President of the United States.

Beyond this, he owed his intellectual development which stamped him as a master of English prose in his immortal Gettysburg Address, Second Inaugural, and other classics of his incumbency of the White House he obtained by the insatiable reading of books for which he frequently walked as much as 20 miles to obtain.

Just as his family both at his birth and until he attained his majority would by today's standards be classified as in the "welfare range," so was Abraham Lincoln by any educational standards even lower in the scale than our present-day "school drop-outs."

He became a lawyer by serving an apprenticeship in the office of a licensed attorney and passing a verbal examination at the hands of similarly trained but older members of the bar.

From a background which he himself described in answer to a letter from a biographer seeking material with which to write a campaign history for his 1859 bid for the presidency as "simply the short and simple annals of the poor," he became a leader of the Illinois bar, served several times in the Legislature, and was a one-term Whig member of Congress from Illinois.

Then he became the candidate of the Republican Party for President of the United States.

When the Democratic Party split into two warring factions over the issue of the extension of slavery into the territories, the Illinois "rail-splitter" was elected with a majority of the electoral vote but a minority choice of the people. South of Virginia, his name was not even on the ballot in a single state.

"I leave you," he told his Springfield neighbors from the rear of his train en route to take him to both world-wide recognition as America's greatest man but also to his death at the hands of an assassin, "to assume a burden greater than that of Washington."

And less than two years later in the fall of 1862, this man whose indomitable will alone made possible our presently united nation, came to Frederick City by special train of the Baltimore & Ohio Railroad to visit the Army of the Potomac then in camp some 10 miles south of Harpers Ferry following the inconclusive Battle of Antietam in which its commander, Major General George B. McClellan, had forced Confederate General Robert E. Lee to abandon his plans for further invasion of the north and retreat to Virginia.

McClellan had 85,000 seasoned troops compared to the 40,000 of the Army of Northern Virginia under Lee but like all of the commanders of the Army of the Potomac until Lincoln finally discovered the military commander with the "killer instinct" who was Ulysses S. Grant and placed him in sole command of all of the armies of the North with the rank of Lieutenant General, the "Little Napoleon" lacked the will to fight.

It is highly apropos today—as we celebrate the 162nd birthday of this greatest of all Presidents—that it is possible to reproduce from an old file of Harper's Magazine of those Civil War days the speech that Abraham Lincoln made to the nearly 3,000 assembled citizens of Frederick City when after visiting McClellan's camp he returned here to board the special train to take him back to Washington.

According to Harper's reporter on the scene, "President Lincoln responded to the loud calls for a speech, left his coach for the rear paltform, and in that honest, good-natured manner for which he is always noted," said:

"Fellow Citizens: I see myself surrounded by soldiers and by citizens of this good city of Frederick all anxious to hear something from me.

"I can only say that it is not proper for me to make speeches in my present position.

"I return thanks to our gallant soldiers for the good services they have rendered, the energies they have shown, the hardships they have endured, and the blood they have so nobly shed for this dear Union of ours.

"And I also return thanks not only to the soldiers, but to the good citizens of Frederick, and to all of the good men, women and children throughout this land for their devotion to our glorious cause.

"I say this without any malice in my heart toward those who have done otherwise.

"May our children and our children's children, for a thousand generations, continue to enjoy the benefit conferred upon us by a united country, and have cause yet to rejoice under those glorious institutions bequeathed us by Washington and his compeers.

"Now, my friends—soldiers and citizens—I can say only once more—farewell."

And it is undeniably true that but for the unconquerable dedication of this greatest of all our Chief Executives the outcome of the Civil War might have been far different.

The South had not only one of the nation's greatest generals of all time in Robert E. Lee but it also had in Jefferson Davis a political leader who fancied himself a master military strategist and kept iron control over all of his generals.

But Lincoln—after heart-breaking trials and errors—finally found the "killer with the instinct for the jugular vein" in Grant and had the wisdom to give him complete and absolute control of the armies of the North which finally by sheer attrition brought victory.

THE MULTIPLE PAYOFFS OF PUBLIC SERVICE JOB CREATION

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, as the unemployment rate continues to grow at an alarming rate, the need for emergency public service job-creation legislation becomes more urgent. In the past year alone, an average of more than 4 million Americans were unemployed. That is an increase of more than 100,000 people a month in just 1 year. It is imperative that we in Congress focus our attention on the plight of these millions of Americans who are desperately seeking decent jobs.

In the opening days of the 92d Congress, many measures were introduced, both in the House and in the Senate, which would provide for some type of job-creation legislation. Although the proposals were given a strong endorsement by the Legislative Action Committee of the National Conference of Mayors in their testimony before Senator NELSON's Employment, Manpower and Poverty Subcommittee last week, there is still much to be done if we are to see legislation of this nature enacted in this session of Congress.

An article which appeared in the October–November 1970 issue of City, a magazine published by the National Urban Coalition, makes several strong arguments in favor of this method of curbing unemployment. Because of the concern we all have for finding a workable solution to our present unemployment crisis, I am sure that my colleagues will find this both interesting and informative:

The Multiple Payoffs of Public-Service Job Creation

(By Donald Cauty)

Where will the jobs come from, to turn offenders to careers other than crime? In fact, where will the jobs come from, to reverse the upward climb of unemployment—which, as always, is hitting hardest precisely the most volatile and most vulnerable segments of our urban society?

Again as always, because we are also a free-enterprise economy, most of the jobs must be supplied by this economy's continued growth. Yet, as we are in the process of learning once again, total reliance on economic growth to reduce unemployment leaves many behind—and gives others on the bottom of the economic ladder a tragically temporary boost upward.

The manpower programs of the Great Society did rely on the unprecedented prosperity of the times to supply the jobs. These programs concentrated on preparing the poor to take jobs. The final annual report of Lyndon Johnson's Council of Economic Advisers warned that even a slight dip on the curve of prosperity could quickly take the jobs away from those traditionally last-hired and first-fired. Now the dip has come and the warning has been proved accurate. Since it was issued, in early 1969, unemployment as a whole has gone from 3.5 per cent to September's six-year high of 5.5 per cent. In nine cities, in August, the rate was 10 per cent or more (20.7 per cent in Flint, Mich.)—and clearly rising.

These trends, quite logically, are causing some members of Congress to question whether the Administration's Family Assistance Plan can, as advertised, transfer people "from the welfare rolls to payrolls."

They are also giving rise to a new wave of interest in an idea advanced by virtually every major Presidential commission of recent years to take a hard look at the problem of unemployment: the idea that the federal government must create jobs as well as training slots. The commissions, moreover, have agreed on precisely what kind of jobs should be created: jobs in the area of local public services, from maintaining the parks to providing paraprofessional help in the schools and hospitals.

The commissions and other advocates of public-service job creation through federal subsidy make a convincing case that no other single urban program could have such a multiplicity of deep-reaching benefits. A partial listing of these benefits follows:

1. Such a program would increase the number of jobs rather than the competition for jobs. The Great Society's singleminded focus on training and "hard-core" recruitment generated quite legitimate fears among white workers that they might be pushed aside—especially as the job market tightened. Creating new jobs would diminish this source of urban tension.

2. At the same time, it would get badly needed public business done. Demand for all manner of local public services—from garbage collection to police protection—is rising as the quality of these services declines because of many cities' nearbankruptcy. The money is at the federal level but, as Wilfred Owens of the Brookings Institution has wryly pointed out, the people all happen to live at the local level. The shoddiness of local public services importantly impacts upon the quality of their lives, generating daily irritations that can—at any time—come together in a fire-storm of urban turmoil.

3. Moreover, a public-service job program would provide the cities with precisely the kind of fiscal relief they need most—money to pay people to do things. More than one city recently has built a new library, but the doors remain locked, because there is no money to hire staff. The cities' most critical deficiencies are in their operating budgets, where the public service subsidies would go.

4. Finally, these subsidies could effectively tie the delivery of public services to the communities served. Thus, putting a neighborhood mother in an inner-city school as a teacher's aide does more than augment the teaching process. It installs a friendly, familiar presence in the classroom or hallway: someone who shares, and therefore knows, the particular problems of the neighborhood and its residents, young and old.

It also could lead the mother to an upgrading of her own skills and education and, eventually perhaps, a full-fledged teaching assignment—if the subsidy program were designed, as it must be, to offer a genuine hope of careers, public and private, as well as jobs. This would require, first, that every office of local government regard itself, in part, as a training office. It also would require much firmer linkages than now exist between public agencies and private employers.

A second essential element of the program's design would be sufficiency of scale. The need is great, in terms of both the numbers of the unemployed whom the program could help—and the amount of public business perenially left undone. The best measurement of the latter came in a survey of 50 big-city mayors in 1968, in which the mayors said they could *usefully* put some 300,000 men and women to work on the delivery of essential public services. Certainly any program involving substantially lesser numbers would be a drop in a bucket that is, at present, dangerously dry and getting drier.

HIJACK CASE TURNS SPOTLIGHT ON MANY SOVIET INJUSTICES

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. BROOMFIELD. Mr. Speaker, on January 22, the Congress marked the anniversary of Ukrainian independence from Czarist Russia. For 3 years, one brief shining moment, the brave people of that nation were free from foreign domination and free to inherit the traditions and values of their own proud heritage.

Now that freedom is lost, trampled beneath the Soviet Union's steamroller of conformity.

Recently we saw what looks like another wave of persecution against Russian Jews. A similar, if not more severe, persecution of Ukrainian people has been conducted over the past 20 years; and there are no signs that it is subsiding.

I believe this matter should be brought to the attention of the Congress. Accordingly, I commend to my colleagues the following article by Peter Worthington of the Toronto Telegram. It seems to me an excellent account of the persecution of the Ukrainian people by the Soviet Union:

HIJACK CASE TURNS SPOTLIGHT ON MANY SOVIET INJUSTICES

(By Peter Worthington)

The case of the Leningrad Jews has stirred the indignation of the world.

Individuals and governments ranging from Pope Paul to Prime Minister Trudeau protested against the death sentence given two Soviet Jews accused of plotting to hijack a plane to Israel.

Although the Soviets commuted the death sentences to 15-years imprisonment, protests around the world against Soviet anti-Semitism (and anti-Israel policies) have increased.

But the Soviets appear unimpressed and recalcitrant.

Whatever the merits of the world-reaction on behalf of Soviet Jewry, it is only part of the overall internal situation in the USSR. And not necessarily the most significant part at that.

There are other groups and individuals inside the Soviet Union who have suffered—and are enduring—far greater indignities and injustices than are Jews in Leningrad, or elsewhere.

Without denying the right, or moral duty, of Jews around the world to protest on behalf of their brethren, there has been an uncanny silence over the years by the rest of the world on the plight of other victims of Sovietism. And this excludes, for a moment, the fate of the "lost peoples"—the Chechen-Ingush, the Crimean Tartars, and Balts who were deported and annihilated in the past.

A deep and resounding silence greets the fate, say, of Yuri Shukhevych, a Ukrainian who was arrested in 1948 at age 15, because his father, General Roman Shukhevych, was commander-in-chief of the Ukrainian Insurgent Army until he was killed in 1950.

Yuri Shukhevych has been imprisoned ever since in Siberia, paying for the "crimes" of his father. His original 10-year sentence is being renewed every decade because, according to the Soviets, he "refuses to be re-educated." This means he refuses to acknowledge his guilt or to renounce his background. Yuri Shukhevych is doomed, it seems, to spend the rest of his life in custody. The 15-year-old boy is now a 37-year-old adult: More than half his life has been one of imprisonment, just for being his father's son.

But no world leader appeals for justice—or compassion—for him. Only his fellow prisoners, occasionally, write petitions on his behalf—and promptly wind up in solitary confinement for their efforts.

Still, Shukhevych's plight is not as cruel as that of Volodymyr Horbovy's an old man today whose first visit to Soviet soil occurred when he was imprisoned for "betraying the homeland."

Horbovy used to be a judge in Czechoslovakia. He was imprisoned by the Nazis during the war. In 1947 he was extradited to Poland and put on trial for alleged war crimes. But the Warsaw court found him not guilty. Then the Polish secret police delivered him to the Russians who sentenced him to 25 years on an administrative decree. That was 23 years ago. He has been in the camps all this time, and still no suggestion of a formal trial.

Horbovy is now 73 and in frail health. Yet according to Gerald Brooke, the British teacher who was in Soviet custody and exchanged for Soviet spies Peter and Helen Kroger—and who is the last known Westerner to have seen Horbovy—the old man is possessed of such dignity, integrity and courage that even his captors respect and fear him. Horbovy has become a living symbol to other prisoners, and a legend throughout the Soviet camp network.

Horbovy's greatest (and only) sin against the USSR was that as a young lawyer he defended the Ukrainian nationalist leader, Stepan Bandera, at his trial in 1935. Bandera was subsequently assassinated in Germany by the KBG.

Again no one, except fellow prisoners and Ukrainians abroad, has ever protested the Soviet state's crimes against Volodymyr Horbovy.

Then there is a man named Andreyev, who could qualify as the most unjustly imprisoned man on earth today. Andreyev was a witness at an international commission that investigated the mass graves of Polish officers found at Katyn Forest in 1943.

The Germans claimed the Soviets had murdered some 15,000 Polish officers, and 4,000 of these were in the graves at Katyn, near Smolensk. The Soviets, when they recaptured the area, held their own investigation and counter-claimed that the Germans did the deed and that 15,000 Poles were buried there.

RUSSIANS RESPONSIBLE

Today, with the exception of Soviet propaganda, the world accepts the fact that the NKVD executed the Poles.

Andreyev, who was a prisoner of the Germans and a witness to events at Katyn, was sentenced to a lifetime at solitary confinement in Vladimir prison when the Russians got him back. Vladimir prison is infamous in that few of its inhabitants are ever seen again. It is almost inconceivable that Andreyev is still sane. But he's still alive, and still in solitary. That much is known.

The Ukrainian writer Vyacheslav Chornovil, who himself was imprisoned for chronicling the fate of others, has wondered wryly why such a harsh sentence was given for "false testimony."

"Is false testimony under duress really such a terrible 'war' crime to justify 25 years in a stone grave?" he asks.

Again, there has never been international or U.N. protest on Andreyev's behalf.

There is also M. Soroka who was arrested in 1940 on a trumped up charge. On his release in 1949 he was re-arrested for the original "crime," and sent into exile. In 1952 he was given 25 years for allegedly organizing Ukrainian nationalist groups in the camps.

In 1957, after the 20th Congress "exposed" some of Stalin's crimes, Soroka was rehabilitated with respect to the original frame-up in 1940—yet he was kept in custody. If he survives to the completion of his present sentence, he will have served 38 years imprisonment—all for committing no offense.

No international voice has ever been raised on his behalf.

A couple of years ago a large number of hitherto unpublished documents from Ukraine reached The Toronto Telegram and were duly published. They constituted extraordinary and irrefutable testimony to the policies of Russification and the repression of dissent under way in the USSR.

Now another of these documents has come to the West—this time a 15-page "chronicle of resistance" by Valentyn Moroz, a 34-year-old history teacher who was sentenced to five years of hard labor in 1966 for alleged anti-Soviet propaganda.

On his release for good behavior he wrote an impassioned story about the historic Ukrainian village of Kosmach, and the fate of that community's religious artifacts.

Apparently a Soviet film team "borrowed" about 100 icons from Dovbush church for the movie Shadows of Forgotten Ancestors. At the conclusion of filming the icons were not returned—were, in fact, confiscated by the state. Petitions, pleas, requests and demands by the village for their return were unanswered.

Moroz wrote an account of the events, replete with pithy observations about why the icons were "stolen." He noted that in today's Soviet lexicon anyone who speaks Ukranian, or is concerned about cultural heritage, is regarded as a potential "nationalist"—the most damaging indictment under Sovietism.

THE "SABOTEUR" BLAMED

"In Western Ukraine 'nationalist' is a synonym for 'saboteur'," writes Moroz. "The 'saboteur' is officially responsible for all the obscenities of Stalin and Khrushchev. Whenever there is a bread shortage, or when cattle have disease—it is the 'saboteur' who is to blame. All evil in Western Ukraine is done by nationalist saboteurs. Even the flood in the Carpathian mountains in 1969 was the work of 'saboteurs!' "

Moroz, like others, is not pro-West, as such, or even anti-Communist. He is devoted to Ukrainian culture and traditions—a sin the Jews of Russia are also guilty of, and seemingly must be punished for. Says Moroz, with insight: "It is impossible to break a people or to make slaves of them until you destroy their traditions and trample their temples. . . .

"Enlightenment, by Soviet terms, happens when a person is deprived of his traditions and heritage—and then given education. Enlightenment is when culture is not allowed to develop naturally from its core, but is stuffed into people under some five-year plan.

"The Ukrainian of our day is being made insensitive to his history, is being culturally devastated, and is being driven into a state of somnabulism: Apathy takes over the intelligentsia."

Moroz is speaking in universal terms. While he is referring specifically to Ukraine, Jews everywhere probably would not disagree. He writes: "The 'creation' of traditions is just as ridiculous as the promotion of 'cultural revolution.' They are incompatible and conflicting phenomena. Culture represents centuries of maturation, which is impossible to speed up. Any kind of revolutionary interference is destructive. You cannot 'create' traditions. They are created by themselves, through the centuries."

Valentyn Moroz wrote this assessment early in 1970.

Because of it, in November, he was put on trial and sentenced to nine years of hard labor for spreading anti-Soviet propoganda.

But no foreign government or international body is protesting today on his behalf.

Few people would disagree that the injustices being meted out to Jews in the Soviet Union should be protested. But it would be more constructive, perhaps, if the protests were carried out on behalf of those being denied the basic tenets of the UN Declaration of Human Rights, common justice and individual dignity.

Sadly, to some, the impression is given that Soviet Jews are the only ones for whom the rest of the world is prepared to express its collective indignation.

And this, in its way, is an injustice too.

PITTSBURGH COLUMNIST QUESTIONS SANCTITY OF BIG BUSINESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. MOORHEAD. Mr. Speaker, Andrew Bernhard is one of the most respected newspapermen in Pittsburgh. A former editor of the Pittsburgh Post-Gazette, Mr. Bernhard now writes a regular opinion column for the paper.

Last week, Mr. Bernhard took a long look at a disturbing trend in the business arena, the increasing role that big government is being asked, and in many cases being forced, to play in the world of high finance.

In answering the question, "Must Government Bail Out Ailing Business," Mr. Bernhard was gracious enough to quote me on what I believe are the real facts about the Defense Department's plan to save Lockheed Aircraft.

A man with the experience and insight of an Andrew Bernhard is a man to be listened to.

I could not agree with him more when he says:

> I am not one who believes the government should take over business. But I am not one who believes business is holy as long as it's making money and that the government should insure its profits when consumer demand fails.

I include Mr. Bernhard's column in the RECORD at this time:

MUST GOVERNMENT BAIL OUT AILING BUSINESS?

(By Andrew Bernhard)

Whatever became of private enterprise?

It seems only yesterday that business was good, consumer demand was high and employers across the country were searching for men to add to their staffs at high pay. We were assured that this pleasant state of affairs was the result of a system that allowed business its head. Any suggestion that government perhaps should keep an eye on the doings in the market place were howled down. The private enterprise system would kick the inefficient operators out of business without any help from government. The proper business of government was to keep its nose out of business.

So now what has happened to those who preached this doctrine? Penn Central's troubles are old stuff. So are its desperate pleas for help from the U.S. Treasury. One of these days I suppose the federal government will have to come to grips with the Penn Central case. When it does it might also ventilate the charge that certain Penn Central officials, aware that the business was in bad shape, unloaded their stock holdings before the rest of us had any inkling that the corporation was in dire trouble.

The Penn Central may take what pleasure it can from the knowledge that it has plenty of company in its misery. The air industry, both in the skies and in the shops, is singing the blues. The airlines plead that they be permitted to raise fares to merge operations, and that the government crack down on the people running charter plane flights.

Lockheed-California Company was in difficulties before the Rolls-Royce company went bankrupt and put the supply of engines for the Lockheed Tristar airbus into doubt, thus compounding Lockheed's troubles. Those troubles, the management feels, would be alleviated if the government advanced a generous loan.

Pittsburgh's Congressman Willam S. Moorhead views such a solution to Lockheed's troubles with great reserve. He believes it might cost as much as $1 billion to bail out the company and he deplores "making plans to give money to Lockheed when we should be acquiring its assets on the basis of default."

Industrialists not begging for government loans are just as fervently imploring for higher tariffs to hamper foreign competition.

Makers of steel, shoes, textiles and a long list of other products plead for protection by government action, with the labor unions joining in the chorus and for a time submerging their usual differences with the bosses.

I get a certain wry amusement from the plea of manufacturer of pantyhose to President Nixon for relief from a flood of foreign pantyhose which he says is washing over our shores.

Things must be getting tough when even the pantyhose industry seeks governmental relief.

Over in England when Rolls Royce fell into trouble the Prime Minister Heath talked turkey: "Governments must rid themselves of the illusion that you can find the way to prosperity by pouring out the taxpayers' money in perpetual subsidies for uneconomic ventures . . . We must rid ourselves of the illusion that we can buy our way out of the problems of today by mortgaging the future."

The matter is before the House of Commons this week. Whether it will support Mr. Heath's tough mood remains to be seen.

I am not one who believes the government should take over business. But I am not one who believes business is holy as long as it's making money and that the government should insure its profits when consumer demand falls.

REPORT TO NINTH DISTRICT RESIDENTS—FEBRUARY 15, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my commentary on the President's Economic Report to the Congress:

THE PRESIDENT'S ECONOMIC REPORT

The President's Economic Report to the Congress predicts that 1971 will be a better year than last year, and that it will lead to a good year in 1972.

His report translates this optimistic, but very general conclusion into specific targets. The President believes that the Gross National Product (the total of all goods and services produced in the U.S.) will total $1,065 billion in 1971. This estimate goes considerably beyond the predictions of most non-government economists, who think the Gross National Product will range from $1,045 to $1,050 billion.

The President believes that unemployment will be in the 4½ percent range as we approach 1972. Inflation, he says, should be running about 3 percent. We now have an unemployment rate of 6 percent, and we closed out 1970 with an inflation rate of more than 5 percent.

The President's basic tool to bring about an improved economic growth is the Federal budget. He has submitted to the Congress a budget which calls for spending $229 billion in Fiscal Year 1972 (an increase of $16 billion over the current fiscal year). He is planning on Federal revenues of $217 billion ($23.4 billion more than the current fiscal year). He anticipates a deficit of $11.6 billion, but most observers believe the deficit will be substantially more.

The President has moved to an expansionary budget, believing that it is desirable to put it into a deficit in times of growing unemployment and sluggish economic growth. The object is to spend money as if the country was at full employment, and in that way, help to bring about full employment.

Apart from the Federal budget, there is another important economic control—that of monetary policy, which is under the jurisdiction of the Federal Reserve Board, not the President. The Board last year allowed a growth in the money supply of about 5½ percent, which is slightly higher than normal, but not wildly expansionary. The Board will be coming under the pressure of the President and others to allow a more liberal growth—especially if the unemployment situation worsens.

A third economic tool is incomes policy, which generally means government intervention—short of wage and price controls—to limit increase in prices and wages. The President has flatly rejected wage and price controls, and most, but not all, economists agree with him.

I have come to believe that in order to make significant progress against increases in wages and prices we must have an active incomes policy, one which is market oriented and aimed at reducing the pressures on spiraling costs and prices. The classical remedies have not worked well enough, or fast enough, to deal with this new problem in economics—persistent inflation in the face of substantial unemployment. The following steps would be helpful:

1. Continued jawboning by the President, letting both business and labor know that unwarranted wage and price boosts must stop. He has moved in this direction by establishing a special collective bargaining commission for the construction industry, by requesting that the Council of Economic Advisors bring to his attention significant wage and price increases, and by his successful efforts to reduce Bethlehem Steel price increases.

2. Opening up the construction unions, there is today an artificial scarcity of workers and a continued resistance to technological progress. Some of the sharpest increases in wages have come from the construction industry.

3. A new approach to our import policy, including liberalization of import quotas which have, in some instances, permitted American business to become non-competitive and raise prices easily.

4. Increase competition. We should repeal or modify laws that prevent competition, fix prices, or place restrictions on buying. Government power should be used to attack, not encourage, inflation that comes from monopoly and oligopoly.

5. Expansion of training programs to increase the supply of skilled workers.

6. Improve the present available information on employment opportunities, utilizing a computerized job bank.

7. Establishment of a high-level price and wage review board, with authority to investigate, advise and recommend (but not enforce) price and wage modifications.

EFFORT TO SAVE THE WILD HORSE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. WOLFF. Mr. Speaker, I am introducing today a bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands. My bill is similar to measures sponsored by more than 50 other Members of the House, but is more extensive.

In the 70 years since the beginning of this century, the number of wild horses roaming the western grasslands has been reduced from an estimated 2 million to fewer than 17,000. This decimation of the horse population has resulted from their being hunted down for sport and slaughtered for pet food, as well as from epidemics of disease and starvation in the 1920's and 1940's.

The plight of the mustangs has been brought to my attention in recent weeks by Mrs. Edwina Snow, publisher of the Oyster Bay Guardian, an excellent weekly in my congressional district. In cooperation with Mrs. Daphne Murray of Upper Brookville and Mrs. Chris Watson of the Country Art Gallery in Locust Valley, Mrs. Snow has worked diligently to inform residents of Long Island's North Shore of the impending extinction of these last wild mustangs and the urgent need to save them from slaughter. A benefit showing of "The Nobility of the Horse in Arts" at the Country Art Gallery was extended through February 10, and will open in an expanded version at the Washington Gallery of Art on March 15.

I am delighted by the initiative my constituents have shown in their efforts to save the wild horse, and will do everything I can to cooperate with them. For that reason, I am introducing today legislation recommended by the American Horse Protection Association, which gives the Secretary of the Interior exclusive jurisdiction over all free-roaming horses and burros not privately owned. The bill directs the Secretary to establish and maintain ranges for the protection of these herds on public lands, and calls for the maintenance of a thriving ecological balance on the ranges so as to preserve the integrity of the landscape and the natural habitat of the horses.

My bill specifically instructs the Secretary of the Interior to consult with, and seek the assistance of, the Secretary of Agriculture concerning any free-roaming horses or burros on public lands administered by the Secretary of Agriculture—this would include National Forest Service lands, for example. In addition, private landowners finding wild herds on their land could request that such herds be removed by agents of the Secretary of the Interior—but in no case would private landowners be authorized to dispose of, or harass, free-roaming horses or burros.

Any person who violated regulations issued by the Secretary under this bill, permitted any of the mustangs to be processed into commercial products, or took possession of any of the horses could be fined not more than $1,000 and/or receive 1 year in prison.

Presently, wild horses are virtually unprotected by law, despite their scarcity. Because they have been technically classified as domestic animals gone wild—rather than as wildlife—they are covered neither by Federal or State laws protecting wildlife, nor by laws protecting domestic animals.

It is clear that we must take immediate action to preserve the wild horse, symbol of the West and of the pioneer spirit of America, and save it from extinction. I would hope that Congress will move swiftly.

FIGURES ON TEXTILE IMPORTS SHOW CAUSE FOR CONCERN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. WYMAN. Mr. Speaker, the figures just released by the Northern Textile Association on textile imports for 1970 are cause for grave concern. American industry simply cannot continue to withstand foreign dumping in a domestic market already competing with dollar-a-day wages existing in certain countries abroad. The Northern Textile Association reports that during 1970 imports of all textiles and apparel have increased by 23 percent and in the case of man-made fiber textiles and apparel have increased by 54 percent. The trade deficit in textiles last year was $1.3 billion, up 31 percent in 1 year.

The repercussions in New England have been very serious and in many cases disastrous to small companies trying to stay alive but being forced to close their doors due to cheaply produced products from abroad. Thirty textile mills have been forced to shut down—leaving some 6,000 workers jobless.

Mr. Speaker, I urge the membership to act now on badly needed trade legislation as a matter of the highest priority. The threat to the jobs of thousands of American workers is very real and unless we want to see additional factory closings, it is imperative that Congress not delay in granting needed relief to both the textile and shoe industries.

The tabulation follows:

U.S. GENERAL IMPORTS OF COTTON, WOOL AND MANMADE FIBER MANUFACTURES CALENDAR YEARS 1964, 1968, AND 1970

[In millions of square yards equivalent]

	1964	1968	1970	Percent change 1964–70	Percent change 1968–70
Yarns and fabrics:					
Cotton	495.9	841.9	720.0	+45	−14
Wool	68.5	102.0	71.3	+4	−30
MMF	187.7	813.7	1,514.3	+707	+86
Total	752.1	1,757.6	2,305.6	+206	+31
Apparel and other made-up goods:					
Cotton	561.5	806.4	813.6	+45	+1
Wool	69.1	107.4	96.9	+40	−10
MMF	140.7	639.3	1,237.2	+779	+93
Total	771.3	1,553.1	2,147.7	+178	+38
Total imports:					
Cotton	1,057.4	1,648.3	1,533.6	+45	−7
Wool	137.6	209.4	168.2	+22	−20
MMF	328.4	1,453.0	2,751.5	+738	+89
Total	1,523.4	3,310.7	4,453.3	+192	+34

Source: U.S. Department of Commerce, Office of Textiles.

Textile Mill Closings

	Location	Employment
1969:		
Massachusetts:		
Berkshire Hathaway, Inc., Box Loom Division	New Bedford	1,100
Paul Whitin Corp	Gilbertville	200
Stanrich Mills	North Oxford	75
New Hampshire:		
Wyandotte Industries	Rochester	330
Rhode Island:		
French Worsted	Woonsocket	400
Greenville Finishing Corp	Greenville	262
Syntextils, Inc	Johnston	100
Total (7 mills, 2,467 employees)		2,467
1970:		
Massachusetts:		
Abdon Mills Corp	Fall River	125
Clinton Silk Mill	Holyoke	45
J. P. Stevens & Co., Inc	Dracut	300
J. P. Stevens & Co., Inc	North Andover	200
J. P. Stevens & Co., Inc., United Elastic Division.	Easthampton, Littleton, and Lowell.	500
Lano Knitting Mills:		
Weaving Mill	New Bedford	30
Spinning Mill	Millbury	30
Marriner & Co., Inc	Lawrence	250
New Bedford Rayon	New Bedford	369
Peitavino Silk Mill, Inc	do	55
Connecticut:		
Ponemah Mills	Taftville	135
The Aldon Spinning Mills Corp	Talcottville	150
Maine:		
Ames Textile Corp., Maine Spinning Co. Division.	Skowhegan	100
Crown Alexander, Inc	Dexter	150
West Point Pepperell, Inc., Sheeting Division.	Biddeford	900
New Hampshire:		
Abbott Worsted Mills	Wilton	150
Brampton Woolen Co	Newport	200
Cheshire Mills	Harrisville	150
A. G. Dewey Co	Enfield	300
Florence Mills	Greenville	145
Gallant Manufacturing Co	Newmarket	180
J. P. Stevens & Co., Inc	Tilton	608
Do	Franklin	
Rhode Island:		
Blezard Yarn Mills, Inc	Pawtucket	75
Pontiac Print Works, Inc	Warwick	450
Sparling Mills, Inc	North Scituate	180
Do	West Warwick	132
Troy Yarn and Textile Co	Pawtucket	75
Total (30 mills, 5,984 employees)		5,984

Source: Feb. 9, 1971, Northern Textile Association, 211 Congress Street, Boston, Mass.

NEW YORK BELL DOES IT AGAIN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. BINGHAM. Mr. Speaker, the New York Telephone Co., which is responsible for the most out-of-order telephone network in the country, has just petitioned the Public Service Commission for the largest increase in local rates in its history. This petition comes less than 6 months after the Commission granted the phone company a $120.8 million annual rate increase which the company is presently contesting in the courts as not being enough.

It cannot be denied that inflation and other factors exert pressure, even on the phone company. But a 29.1-percent rate increase, which is what the New York Telephone Co. has asked for, also creates inflationary pressure. To bring this increase into better focus, one should consider that the increase will raise the basic monthly charge for just having a phone from $6.08 to $7.85 in New York City; from $7.32 to $9.44 in Buffalo; and from $5.97 to $7.71 in Huntington, Long Island.

It might be easier to accept New York Telephone's arguments if it were not for the continued poor service that exists in New York City and other urban centers. These service difficulties, of course, not only affect residents of the New York metropolitan area but anyone else from New York State or from across the country who calls New York City.

Mr. Speaker, the New York Times today carried a well balanced editorial concerning the increase requested by New York Telephone. The editorial concludes by saying:

> It undoubtedly does cost more for the company to produce a dial tone; but it is up to the Public Service Commission to see to it that the caller will at least receive a dial tone, especially at higher prices. It must not cost more to get the same old wrong number—or no number at all.

The full New York Times editorial follows:

HIGHER COST FOR WRONG NUMBERS?

The New York Telephone Company, whose service has so grossly deteriorated in recent years, yesterday petitioned the Public Service Commission for permission to charge higher rates. It gave a number of arguments for the increase, including one heavily touched with irony. Because its service is bad, the company said, additional revenues are required to improve it.

The Public Service Commission will have to weigh these and other arguments in public hearings. It is beyond dispute that inflation takes a heavy toll, pushing up the cost both of labor and of equipment. Without an adequate return on investment, the telephone company claims it will not be able to attract the new investment required for expansion and upgrading to meet ever-increasing demands for telephone service.

The company forecasts the need to spend $1 billion a year for the next ten years—"by far the largest construction and service program ever launched by any telephone company"—to meet these demands. The company's petition for rate boosts approaching 30 per cent includes a catalogue of other cost increases that deserve public attention and perhaps sympathy. The petition mentions that in recent years "prospective employes in greater numbers lack the basic skills, edu-

> cational background or work habits that telephone work requires." It notes that special instruction, lengthened training sessions, more on-the-job training and closer supervision have all contributed to higher labor costs. Crime, vandalism and general unrest in urban areas have created the need for plant and personnel protection, again at added costs.
>
> None of these points can fairly be rejected—though whether they justify the large rate increases sought by the company is something else again. It undoubtedly does cost more for the company to produce a dial tone; but it is up to the Public Service Commission to see to it that the caller will at least receive a dial tone, especially at higher prices. It must not cost more to get the same old wrong number—or no number at all.

GENERAL HODSON'S INABILITY TO COPE WITH A RACIAL SITUATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1971

Mr. RARICK. Mr. Speaker, in Okinawa a young officer in the Judge Advocate General's Corps can be relieved of his assignment in 24 hours for refusing to shake hands with a planted black equal employment officer. But in Washington, a Member of Congress encounters top brass runaround for 24 days in obtaining the simple courtesy of a report of the so-called incident or the disposition of Capt. Jerry Lane Finley's case. And nothing yet.

Perhaps the justification for this military inefficiency at the "Penthouse" comes because the inquiry was directed to the Judge Advocate General, Kenneth J. Hodson, who as a lawyer is not in step with the military; and being naive about the duties of Congress, cannot relate to the role of an elected official inquiring as to the status of a constituent.

With such a record of inefficiency and buckpassing in a routine manner. I shudder to think of the delays that would be encountered if the JAGC suffered a casualty.

Certainly, the Judge Advocate General must have someone in his office—a couple other generals or a civilian—who can translate military justice and assist him in obtaining and/or translating the facts. While I feel sure General Hodson and his military justice officers are busily involved in equal employment it would still seem in fairness—even if not a policy of the JAGC—they could spare some time to present denial of the usual legal rights to a member of their corps. Further delays and denials but generate suspicions as to whether it is that an investigation report is not available or that a general is hiding the facts and fabricating the stories to cover up faulty and irresponsible leadership in his command—or can it be that a two-star general who can find no rights for a captain under his command is frightened to death to report anything which might be detrimental to a Negro captain from another command?

Or it can be that under the new revolutionary procedures, it is the intent of General Hodson to crucify his young southern captain to prove his freedom from bias toward a black captain who serves under a three-star general.

Many a mother and father are watching, General—make it good.

THE DIRECT SELLING INDUSTRY

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. CHARLES H. WILSON. Mr. Speaker, as the economy of our Nation continues in its decline and the unemployment rate continues to rise, more and more Americans are turning to a method of earning income that is as old as our Nation.

Starting back in the 18th century, the concept of individuals traveling from community to community, from home to home, offering wares of one sort or another has been a reality. The "Yankee peddler" helped open up this country by making life a bit easier and more pleasurable for frontier families. As the country moved West, door to door salesmen followed, providing goods and services that would otherwise have been unavailable. A tradition developed that continues today and now the direct selling industry registers billions of dollars in sales per year while providing a source of income for millions of American men, women, and youths.

Leading firms in the area belonging to the Direct Selling Association—DSA—subscribe to the principle that salespersons, by creating demands for goods, help provide the American people with employment and the world's highest standard of living, and that those who devote their lives to selling are making important contributions to the welfare of our Nation. Individual sales representatives, numbering over 3,000,000, represent 2,500 to 3,000 companies which do an annual sales volume of $3 to $5 billion. The marked trend which is easily discernible is an expansionist one with there being twice as many individuals who sell by personal contact in the home than there were 10 years ago.

President Nixon recently recognized the vitality of this industry and the contributions it makes to the economy. In greeting the member firms of the DSA at their annual meeting, the President stated that—

> In the long tradition of in-home selling, the members of the Direct Selling Association offer convenience and service to the buyer, and provide important career opportunities for all who seek immediate tangible results from their personal efforts.

Mr. Nixon continued:

> You have done much to further the development of self-regulatory business practices that are among the most prized aspects of our free enterprise system.

I wish to concur with the President's observations.

In addition to the economic contribution that the industry makes to State, local, and Federal Government, it is also keenly aware of its responsibilities to the consumer and seeks to take positive action to insure that deceptive and unethical practices are, as far as practicable, eliminated. Recently, the DSA promulgated a code of ethics and regulations which sets forth the fair and ethical principles and practices to which all member companies must adhere. In addition, the mechanisms for implementing the code have also been established and the association is mandatorily required to initiate appropriate action with State or Federal enforcement agencies to right a wrong that has come to light. Ralph Nader recently held a seminar on what he termed "corporate whistle-blowing." The Direct Selling Association has built this concept into its rules of procedure and has insured that unremedied violations of their code of ethics will result in the offender being turned over to the proper Government agency for prosecution.

Consequently, it becomes apparent that we have here an industry group that clearly recognizes its contribution to the economy of our Nation, to the citizens it provides income opportunities for, and to the consumer whom it serves. The self-regulation of its member companies and the swift action taken against fly-by-night operations by the association and its member firms is to be encouraged and commended. As the industry continues to grow, every effort must be made to insure that the opportunities for citizens to participate and earn an income are not unduly bridled by well-intentioned but impractical licensing or registration procedures. Recruitment of sellers who deal directly with the public in the home should not be unfairly restricted. Let us be mindful of the actions we take and recognize that the direct selling industry has made great contributions to our society and under the very able leadership of DSA's Chairman of the Board Cabell Brand of the Stuart McGuire Co. and of the association's own dynamic President J. Robert Brouse, will continue to do so in the future.

LITHUANIAN INDEPENDENCE DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ROONEY of New York. Mr. Speaker, during these impressive days in February when we celebrate the birthdays of our beloved heroes, Lincoln and Washington, as well as observing a heartwarming St. Valentine's Day, we should remind ourselves of the deep significance of the observance of another memorable event which took place 53 years ago yesterday. I refer to the Declaration of Lithuanian Independence, which is so meaningful to our loyal American citizens of Lithuanian birth or extraction.

Three years ago when so many of us joined with Lithuanian-American organizations in celebrating the 50th anniversary of Lithuanian Independence we had high hopes that the drab and adverse conditions to which the Lithuanian people were being subjected would be improved. Unfortunately our hopes have been in vain.

Lithuania today is but one of the Communist Russian colonies, cruelly taxed and ruthlessly ruled by Red bosses. That glorious feeling of freedom and self-determination which the people of Lithuania enjoyed from 1918 to 1940 is now but a memory to those old enough to remember it. The job of independence has had to give way to the sadness of enslavement. The happiness of freedom has been supplanted by the sorrow of serfdom imposed by the Soviets upon a people who still prize independence and yearn for freedom.

Our friends in Lithuania today are subjected to the most vicious kinds of colonial tyranny. They suffer unbearable taxation with no representation. They must sell the products of their own hands and fields to the Russians at below standard prices and often below the costs of production. They must buy essential commodities back from Russia at exorbitant prices. To protest is to risk life itself, for the Soviets employ sinister methods of obtaining strict compliance with their mandates. Death sentences for disobedience are common, as demonstrated by the recent sentences to death of Simokatis Wytautas and and Grazyna for attempted hijacking in Vilnius.

Secret methods were recently employed to cause several young scholars to disappear. Other youths have been deported to Siberia.

No, Mr. Speaker, the hopes we held for an improvement in the situation faced by our Lithuanian friends have not come to pass; rather, their plight has worsened and the future outlook for them is equally grim.

The tragic event which took place some weeks ago here at home has not given the Lithuanian people much assurance of our interest and sympathy. I feel a deep sense of shame in even mentioning our colossal blunder in handling the appeal for help of Simas Kudirka, the Soviet Lithuanian radio operator who escaped from a Russian ship in our own waters and sought asylum aboard one of our Coast Guard vessels.

The inept and unforgivable acts of our own officials in turning over this man to his bestial shipmates to beat and mistreat have done much to dishearten an already discouraged people. Only by a show of positive action in their behalf will these people—our long-time friends—be able to overlook the stupidity of our recent shameful faux pas.

We should do our utmost to utilize every economic, every political, and every cultural asset at our command to demonstrate to our friends in Lithuania that Americans remain steadfast in their affection for them and determined in their efforts to help regain the independence which Russia so blatantly stole from them in 1940. I was pleased to note that our Secretary of State saw fit to send Mr. Joseph Kajeckas, Chargé d'Affaires of the Lithuanian Legation, a warm note of best wishes and a reaffirmation of this Nation's support for Lithuania's right of self-determination. Mr. Speaker, I include Secretary of State Roger's letter for the attention of the Members of the House:

DEAR MR. CHARGÉ D'AFFAIRES: As the Lithuanian people commemorate the 53rd anniversary of Lithuania's independence, it is my sincere pleasure to extend to you best wishes on behalf of the Government and people of the United States.

Lithuania's history is the record of a long struggle against foreign domination. In 1918, that struggle culminated in the bright flame of national independence when Lithuania took its rightful place among the nations of Europe. That flame was tragically extinguished only 22 years later when Lithuania was forcibly incorporated into the Soviet Union. Nevertheless, the spirit of the Lithuanian people has remained undaunted, and their hopes for a restoration of national independence has never waivered. Their courage and patriotic determination which have sustained the goal have been the inspiration for all who cherish freedom.

The American people understand and sympathize with the desire of the Lithuanian people to be masters of their own destiny. The United States Government, by its continued non-recognition of the forcible incorporation of Lithuania, affirms its support for Lithuania's right of self-determination.

Sincerely yours,

WILLIAM P. ROGERS.

In conclusion, Mr. Speaker, I urge all my colleagues, in fact I urge all Americans to give personal endorsement of Secretary Rogers' pledge of support to our Lithuanian friends. We should all do our utmost individually and in cooperation with our patriotic Lithuanian American organizations and the captive nations' groups to seek redress for the illegal Soviet annexation of Lithuania and to the limit of our ability to further the return of independence to a nation so richly deserving of it. Meantime, we must remain steadfast in maintaining the policy established by President Truman of refusing recognition of the forcefully imposed and illegal annexation.

I commend the officers and members of the Lithuanian-American organizations for their determined pursuit of redress for their suffering relatives and friends. I wish them every success in their continued endeavors and I pledge anew my own help in their behalf.

REV. JOAQUIN PINTO DE ANDRADE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. FRASER. Mr. Speaker, anyone who has had the opportunity to talk with the leaders of the independent African nations knows that one issue is paramount to them: the issue of racism, especially as it is manifest in the white minority regimes, colonial or independent, in Africa.

While speaking out against racism serves our foreign policy aims in black Africa, this is not the principle reason for combating racism. Racism is wrong. It is contrary to the professed principles of our Nation and we should not accept it anywhere.

A week ago, I joined 54 colleagues in deploring the arrest and detention of the Very Reverend Gonville Aubie ffrench-Beytagh by the racist South African Government.

Today, I ask permission to place in the RECORD a February 12 New York Times story by Marvin Howe. It concerns the charges the Portuguese Government has lodged against another African clergyman. As in the ffrench-Beytagh case, serious violations of due process of law are involved. The trial of the Reverend Joaquin Pinto de Andrade, former chancellor of the archdiocese of Luanda, Angola, too, "is a cause for anguish to men everywhere who believe in liberty, justice, and due process of law."

It is a sad commentary on the affairs of southern Africa that within a week's time, the above words can be applied to the cases of two clergymen, each caught up in the legal system of a country engaged in suppressing majority black rights in Africa—Portugal in the Pinto de Andrade case, and South Africa in the ffrench-Beytagh case.

Father Pinto de Andrade was banished from Angola a decade ago. A principal charge against him is that he was nominated in 1962, while he was in a political prison in Lisbon, as "honorary president" of the Angolan nationalist movement.

Mario Brochado Coelho, Father Pinto de Andrade's lawyer, declared in court:

> His only crime is that he is Negro, Angolan, well-educated and non-subservient.

In the Portuguese colonies these are indeed serious charges.

The article follows:

PORTUGAL TRIES ANGOLAN PRIEST—MULATTO DENIES ANY LINK WITH NATIONALIST GROUP

(By Marvine Howe)

LISBON, February 11.—A former chancellor of the Archdiocese of Luanda, Angola, went on trial here today on charges that he was connected with the nationalist movement in that Portuguese African colony.

The defendant, the Rev. Joaquin Pinto de Andrade, a mulatto, denied the charges and said that he was a victim of racist persecution.

Father Pinto de Andrade, who is 43 years old, has experienced deportation, prison without trial, rearrest upon release, house arrest, restricted residence and constant police harassment since June, 1960.

"His only crime is that he is Negro, Angolan, well-educated and nonsubservient," his defense lawyer, Mario Brochado Coelho, declared in court.

Some 200 people, mostly mulattoes, waited for several hours in the corridors of the 17th-century monastery that serves as the Boa Hora courthouse. But only 24 seats were available for the public and six for newspapermen. Half of the public gallery was taken up by plainclothesmen. The police then removed from the courthouse members of the public who remained unseated.

This is the second political trial of a priest opposed to the wars in Portuguese Africa. In Oporto, Portugal, the Rev. Mario Pais de Oliveira, a white priest who served as a chaplain in Portuguese Guinea, has been accused of preaching against the wars and is expected to be sentenced tomorrow.

Father Pinto de Andrade was one of nine priests banished from Angola, in West Africa, in the troubled period during the nationalist uprising there a decade ago. Two died in exile, and restrictions on the others were eased recently, with the exception of Father Pinto de Andrade.

ORGANIZATION TERMED SUBVERSIVE

His case is delicate because he is a brother of Dr. Mario Pinto de Andrade, a leader of the Popular Movement for the Liberation of Angola, which is fought by Portuguese forces. The police are said to have seized correspondence between the brothers.

One of the principal charges against Father Pinto de Andrade was his nomination as "honorary president" of the Angolan nationalist movement in 1962 while he was in a political prison in Lisbon.

The charge describes the Popular Movement as "a secret, illicit organization of subversive nature, aiming through violent means, namely acts of terrorism, to obtain the separation of the overseas province of Angola from the mother country and thereby alter the political Constitution of the Portuguese state by illegal means."

Mr. Brochado Coelho denied charges that the priest had had any connection with the movement and emphasized that his nomination as honorary president could not have been a reward for services performed since he had been under close police surveillance since 1959.

Four foreign lawyers were authorized to attend the opening of the trial. They represent the International Association of Democratic Jurists, the Belgian League of Human Rights and Amnesty International, a private organization conceived with political prisoners all over the world.

Besides Father Pinto de Andrade, nine persons went on trial today for connection with the Popular Movement. Two are white. Seven were born in Angola, one in the Cape Verde Islands and one in Portugal. The prisoners include a doctor, several students and two young women.

ARRESTS IN LUANDA

The trial is connected with mass arrests in Luanda. Angola's capital, over a year ago, according to court sources. Some 70 arrested Angolan blacks and mulattoes are said to have been sent to prison camps without trial.

The Government-controlled press in Portugal has not reported the arrests. The Government contends that there is no nationalist movement in Angola and that the guerrilla activity is the work of Communist-backed extremists outside the country.

Throughout their detention the Angolan priests have denied any direct or indirect role in the guerrilla movement. However, they openly opposed discrimination the Portuguese African territories and called for freedom for the Angolans.

Father Pinto de Andrade, a slender quiet man, is fond of poetry and art. As chancellor of the Luanda Archdiocese, he was the chief administrative officer.

He holds a doctorate in theology and philosophy from the Gregorian University of Rome. Before his banishment from Angola, he was editor in chief of the archdiocesan weekly newspaper, The Apostolate.

HAWAII COUNTY DEMOCRATS TELL WHY NIXON ADMINISTRATION IS TO BLAME FOR FAILING TO CURB THE INFLATIONARY RECESSION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mrs. MINK. Mr. Speaker, the Hawaii County Committee of the Democratic Party on January 27, 1971, adopted a position statement that is the most accurate summary I have seen on why the Nixon administration is to blame for recession and inflation simultaneously.

The Hawaii County Democrats correctly point out that the working people of this country have to pick up the tab for our economic difficulties.

With unemployment at disastrous levels and thousands of businesses on the brink of failure, it is imperative that the administration be made to see its mistakes.

The statement by the Hawaii County Democrats follows:

CURB INFLATION

(A position statement adopted by the Hawaii County Committee of the Democratic Party, January 27, 1971)

After two years in office, President Nixon has accomplished a feat believed to be impossible: simultaneously he brought about runaway inflation and rising unemployment. His economic advisors told him to fight inflation with unemployment, but it isn't working out as they predicted.

More than five million people are now jobless, of whom two million were thrown out of work in 1970. The overall unemployment rate is now close to 6% of the labor force, but for weaker segments of society it is materially greater: 10% for unskilled laborers, 16% for white teenagers and 32% for black teenagers.

Economic growth, measured in terms of output of goods and services, is down. Profits of small business have been squeezed, and business failures are plentiful. The stock market behaved more erratically than at any time since 1929.

The economic policies of the President and his advisors—carved out by major industrialists and financiers—have been specifically designed so that working people will pick up the tab for the nation's economic difficulties, through increased unemployment, regressive taxation, higher interest rates and cutbacks in domestic spending. The President steadfastly refuses to put the prestige of his office behind wage, price and profit guidelines.

Time and again the nation has been told that unions and high wages are the cause of inflation. Hard economic facts do not support this allegation. Labor costs per unit have increased only slightly in the past year and even less in 1968 and 1969. Real wages have actually been falling.

Actually, current high prices for manufactured goods reflect the monopolistic nature of the American economy. Prices for all major commodities are fixed or "administered" by a few major producers. When Bethlehem Steel or General Motors raise prices other corporations quickly follow suit.

Perhaps the greatest single inflationary factor in the past two years has been the increase in interest rates. When on June 9, 1969, the nation's bankers raised the prime interest rate a full percentage point, the Nixon Administration did nothing to halt this conspiracy. On the contrary, it hailed high interest rates and "tight money" as a device for halting inflation.

One percentage point does not sound like much but it boosts interest payments 10% for the average home owner. Since the nation's debtors owe $1.5 trillion, an extra percentage point puts $15 billion more per year into the pockets of moneylenders. It is no wonder that the nation's biggest banks reported record profits in 1970.

The policy of the Administration seems to be that inflation occurs when working people ask for wage increases but when banks raise interest rates—which boosts the price of everything, that corrects inflation!

A Democratic Congress gave the President legal authority to control the amount of business and consumer borrowing and to bring down home mortgage costs, thereby regulating spending directly rather than relying on high interest rates and tight money. But the President refused to use this power.

The higher interest rates enriched the banks, but placed a tremendous burden on small businessmen, homeowners, wage earners who must borrow for emergencies, and taxpayers who foot the bill on the national debt. It's quite painful to be gouged like that, especially when given the phony reason the high interest rates save the country from inflation.

Furthermore, President Nixon reduced Federal spending on social programs, allegedly to fight inflation. He vetoed bills providing funds for education and health research, training for family doctors, and wage increases for federal blue-collar workers. At the same time, however, he requested funds for such non-essential spending as anti-ballistic missiles, and supersonic transports, and he refused to veto a bill which authorized more than $1 billion for Navy ships he had not even asked for. He refused to repeal or modify the oil import program even though this was recommended by his specially appointed commission.

Excessive military spending is universally recognized as the single most overall cause of inflation. Some $30 to $40 billion goes down the drain each year in Indochina while an equal amount is spent on military goods and services elsewhere. The millions of workers in "defense" industries receive wages but they do not produce consumer goods. The thing they produce are either destroyed in war or await replacement by more sophisticated weapons. This causes an inflationary pressure because the supply of consumer goods is limited.

Spending for defense has caused sharp cutbacks in outlays for domestic use. Home, school and hospital construction has fallen sharply. Public works projects are delayed or stopped indefinitely. Aid to education, to the elderly and indigent has been minimized.

When Congress finally got around to making minimum cuts in defense spending, the Administration made no plans to provide productive employment to the thousands of workers laid off. Although the President promises that combat troops will be withdrawn from Indochina, few steps are being taken to convert the economy to a peacetime footing.

As the economic recession deepened, pressure was exerted on Congress to pass restrictive legislation which would reduce imports of certain goods and products (textiles and shoes). Such legislation would boost the consumer price of the restricted products and ignite trade wars which would have a further disastrous effect on prices and employment.

During its two years in office the Nixon Administration has not been able to achieve price stability without increasing unemployment. It has not been willing to curb growing concentrations of wealth while millions of people sink deeper into poverty. It has not provided orderly economic expansion at home. And it has expanded U.S. economic intervention abroad.

Alarmed at the stagnant and demoralized state of the nation, the Hawaii County Committee of the Democratic Party urges Congress to consider and enact measures which will curb inflation and stimulate production and employment, such as:

1. Cutbacks in defense spending and a definite timetable for ending the war in Indochina.

2. Increase in domestic programs and spending for housing, medical care, education, ending air and water pollution, and increase in public work programs to provide necessary employment and public services.

3. Transform economic anarchy into reasonable order by establishing general standards or guidelines for behavior of prices, wages, profits, dividends aind other income.
4. Lower interest rates and establish greater public control over the banking industry.
5. End the oil import program and take other steps to expand free trade on a worldwide basis.
6. Place greater controls on American corporations operating abroad at the expense of jobs and incomes of American workers.
7. Strict enforcement of anti-trust laws and other steps to curb the growing trend toward economic monopoly in the nation.

SCHOOL CHIEF BARS CUT IN FEDERAL AID TO POOR

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, Mr. Nixon in his state of the Union address last month painted a broad, and vague picture of Federal reorganization. Included among his proposals was a plan to distribute Federal funds to State and local governments and school districts and allow them to make decisions about specific funding of programs.

Since Mr. Nixon's address, the details of his proposed revenue sharing have been slowly filtering down through the administration. Little by little, from various offices and officials small pieces of the large puzzle have been made public.

Typical of this filtering process was the unusual interview "invited" by the U.S. Commissioner of Education Sidney P. Marland, Jr., recently. Although this interview alone will not supply details for Congress to evaluate the entire proposal, it appears that only through bits and pieces such as this will the entire puzzle of revenue sharing become public record.

I include the interview at this point in the RECORD as it appeared in the Wednesday, February 10, 1971, edition of the Washington Post:

SCHOOL CHIEF BARS CUT IN FEDERAL AID TO POOR

(By Peter Milius)

President Nixon's special revenue-sharing plan will preserve for the nation's poor at least as much federal education aid as they are getting now, U.S. Commissioner of Education Sidney P. Marland Jr. said yesterday.

"We are not," he said, "simply going to put this money out on a stump and turn our backs."

The plan will, as the President said when he outlined it in his State of the Union and budget messages, simplify and consolidate many current programs, and turn over more money to the states to use as they see fit, with fewer strings attached.

But it will not, Marland said in an interview, go quite as far in that direction as some critics fear and have said.

It will earmark as much federal aid for the poor as is earmarked now—more than half of the total. And the states, Marland said, though they will have the right to reallocate some funds—use some vocational money for textbooks, for example—will not have the right to spend funds for the poor on other students.

The commissioner granted the interview—invited it, actually—to dispel what he called "misimpressions" of the President's plan that are making it harder to sell both in public and in Congress.

Details of the revenue-sharing plan have not been announced—most are still being worked out—and Marland said that it will be three months before the proposal is sent to Congress.

But when it is sent, he said, "it is going to have national priorities clearly reflected."

The plan is to take the current pantryful of federal programs—about 75 at last count, many of them narrow in their purpose, most of them legacies from Great Society days—and lump them into five new, broader-purpose block grants to the states, for vocational education, aid to federally impacted districts, the disadvantaged and the handicapped, and "educational support," things like textbooks and equipment.

Still undecided are all sorts of basic questions: such things as which old programs would be merged into which new categories, how large an appropriation would be requested in each new field and, perhaps of greatest interest in Congress, how the money in each field would be divided among the states.

Even more acute, and still undecided, are the related questions of how to divide funds within states, how to assure funds to big cities, how to save some for Catholic schools, whether to set aside any money for the poor in such fields as vocational training.

Marland has task forces at work on all these issues. The church-state and big-city problems are especially troublesome. Neither the Catholics nor the cities are happy with their treatment now by most state governments—and both have the votes, if not to block, then certainly to make great trouble for education bills in Congress.

The Johnson administration, in its bills, was only barely able to find distribution formulas thta the cities and the Catholics accepted. The Nixon proposal means finding new ones. And that, too, Marland said yesterday, means putting some strings on federal funds.

The President's plan, the commissioner said, does not contemplate abandonment of federal "stewardship" in education.

Each district's share of funds for the poor, he noted, would still be governed by federal formula, based on how many poor children it has. The states could not change that. "We want to be sure that the money reaches the poor, and the cities."

Each district also would still be required to meet federal standards in using this money, Marland observed. It could not divert the money to other students, and would have to use it as a distinct extra for poor children.

The commisisoner said that the plan may also require the states to set aside some vocational funds for poor children. Congress put such a set-aside provision in the law three years ago, because of a fear that the states were giving short shrift to the poor.

Marland said that the states would be able to transfer 15 or 20 percent of the funds from one category to another, from vocational training to the handicapped, for example. The only exception would be the funds for the poor, where there could be "no cuts, only additions." It is unsettled whether the local school districts would have the same latitude.

One other new feature in the plan, Marland said, may be incentive grants. The government would provide bonuses to states for meeting performance standards. But the states, Marland said, would set those performance standards themselves.

SAL SI PUEDES

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. O'HARA. Mr. Speaker, "Sal Si Puedes" is an expression, a phrase, and, in many places, a name for a neighborhood. It means, with all the bitterness you can elicit from three short words, "Get out if you can." It is what Chicanos from one end of America to another call the barrios in which they live.

If you have seen the barrios of many of our great urban centers—and they are not all in the Southwest or the West, by any means—you can understand the urgency in the slogan "sal si puedes." Getting out, getting away, getting a new start, may seem to some of the human beings crowded into the narrow streets and the too-small apartments and the neglected schools of the barrios, an imperative beyond any other.

Yet not everyone gets out. Not everyone saves himself. A few truly great men stay among their fellow men determined not to rise from the poor, but to rise with the poor.

Such a man is Cesar Chavez, director of the United Farm Workers Organizing Committee, AFL–CIO. The seldom-told story of his own personal history, and how he came to the cause of the farm worker—or rather, Mr. Speaker, how he came to the cause of justice—is movingly told in a profile which appeared in the February 1971 issue of American Labor.

I insert this article at this point in the RECORD:

THE MAN

"Judge me, oh Lord," said David (Psalm 26) "for I have walked in mine integrity. Examine me and prove me, try the reins of my heart."

Would that it were all that simple in man's own judgment of his fellowman for—to quote again from the Old Testament—"each of us is fearfully and wonderfully made," and a thousand understandings are less than a leaf in the forest known as character.

The poet is there in Cesar Chavez. The mystic walks side-by-side with the picketer and one facet of his nature colors the other. Mahatma Gandhi is there fighting non-violently for change and the Pied Piper who can gather to his side an army of totally committed followers willing to give him round-the-clock labors at no pay.

Another David is this subject—with darker skin, perhaps, and of different ancestry—waging another war on another battlefield for the oppressed masses that are of his blood and time, repeating the biblical story and conquering his own Goliath on a different acre of land.

What constitutes a business executive, or whether Cesar Chavez can ever fit into that suit, is another matter—perhaps of little consequence at this point—for the movement he heads is far more a spiritual than a dollar-oriented one whose bonds of cohesiveness lie solidly in the magnetism of a singular personal force.

Try to fit him into a niche and the mold breaks. By some, he is hailed as the greatest single entity ever to take up the cause of the farm workers and the one most likely to make it the first viable union of its kind. By his own cousin Manuel, he was considered originally as a calculating long-range planner moving in on a good thing that would one day make him rich enough to retire to a villa in Mexico. That same Manuel now—in Chavez' own words—"is probably the best organizer we have today."

By the AFL–CIO unions, Chavez is reckoned as the ablest and most charismatic figure ever to pick a grape. To the growers, he's the worst menace ever to hit the industry. To the press, he's the kind of copy editors dream about. To the public at large, he's the eloquent voice of protest for a neglected minority and one who has given that minority a greater measure of respect and dignity than anyone has attained for it before.

FORTY ACRES

The compound of buildings that houses the national offices of the UFWOC is on the outskirts of Delano, California, on a plot of 40 acres fronting the city dump. The name of the property is derived from the size of the land which was purchased in 1966 by the UFWOC through a "dummy" for even real-estate facing the dump was not for sale to Chavez and his brother Mexican-Americans on their own. When the garbage is burning, the aroma is a little less than fragrant to a one-time visitor, but as one of the men in office observed: "after a while you get used to it and don't even know it's there. Besides," he added, "we've got more important things to think about."

The administration building, erected by the free labor of many unionists in many fields, is a one-story affair of perhaps 4,000 sq. ft.—if that. The waiting room has about a dozen or so chairs of aluminum and vinyl in different colors and styles that look in the aggregate more like a series of individual donations than any cohesive effort at design. The very diversity somehow symbolizes brotherhood.

The "private office" of the director cannot be larger than 5' by 8'. Crowded in it is a desk of about 3 ft. by 2 ft., hand-made by his brother Richard, who was a carpenter, which takes up practically the entire side of the right wall as one enters the cubicle. A half-length curtain hangs over a smallish window. On the far wall is a bookcase which runs from the window to the door at the rear. On the top of the bookcase stands a porcelain statue of the Virgin Mary plus a number of photographs and personal knick-knacks. Completing the furnishings are a hard-backed chair and a rocker. The writer has seen many unpretentious offices before, but nothing quite as small and stark as this.

It stands at the extreme right of the building as one faces it and there were worries that it might be too exposed a spot for a man whose life has been many times endangered. But Chavez, with a "Que sera sera" fatalism, took it anyway.

Chavez rose with some difficulty to shake hands and to a look of concern responded simply, "my back is acting up today," after which statement he gave it no more conversation.

Queried as to how he might like the interview to be conducted, "Ask whatever you like," he replied with a quick smile, "I do better, I think, with direct questions."

That, therefore, was the way it was done.

FROM THE TOP

Conversation was slow at the start. Not that there was any false humility in the man but he appeared a bit uncomfortable speaking of and about himself.

Taking it from the beginning, Cesar E. (Estrada) Chavez was born March 31, 1927, in the North Gila Valley of Arizona about 16 miles outside of Yuma. He was the eldest son and the second of five children given to Librado Chavez and his wife Juana Estrada, both natives of Chihuahua, one of the Mexican towns along the border.

Cesar's grandfather, Cesario (after whom he was named) had come to the Gila Valley some years after the turn of the century and had originally homesteaded a few hundred acres there. But as his family reached maturity—he had 17 children—and as each went off on his own, "Pretty soon," said Chavez with a big grin, "collectively, we had a lot of land in that valley."

Had the big depression not come along when it did and had the animosity towards the "wetbacks" been a little less severe, young Cesar might have remained in Arizona, finished school and ultimately might have wound up in a completely different type of calling. But whoever presses the buttons had other plans for his future.

UPROOTED AT TEN

His father's loans at the bank were not renewed; the land was ultimately reclaimed for back taxes and Cesar—less than ten years old—was uprooted with his brothers and sisters to make the overland journey to California where—almost immediately—he became part of the faceless migrant stream working the crops throughout the state.

The going wages then were all of 12 cents an hour for adult farm workers. Chavez, the boy, got 8 cents an hour. Further steady formal education (he had completed the fourth grade) was not to be his. Migrant farm workers did not stay long enough in any one place to make that possible. More than that—the pittance that the children earned was essential for family survival. Such intermittent schooling as he might have attained between work sessions might have put him two or three years ahead—no more.

The next seven years for young Chavez were a repetition of the first; one crop finished, then on to another. "I picked everything under the sun in California—except pockets," he said of that period, with no bitterness in his voice—a fact which made the observation perhaps even more poignant.

Home at that time—when the family was home—was in a barrio of San Jose called Sal Si Puedes. Barrio, in Spanish, in the literal sense, means section or neighborhood. A closer translation, in this instance, would be slum. Sal Si Puedes means Get out if you can.

History does not record what genius created this name (there are many "Sal Si Puedes" stretching from central California to the southern tip of Argentina) but it is indicative of the ironic sense of humor inherent in the Spanish psyche—in so many ways—a completely different and fascinating phenomenon of its own.

Chavez got out as best he could when he was about 17, by joining the Navy in 1944, returning (honorably discharged) two years later as a seaman, first class.

On why he returned to Sal Si Puedes instead of seeking a career in the navy—a calling which might offer him better opportunities and benefits than the one given to a farm worker or most any resident of the barrio, Chavez ran a finger over his lip and shook his head slowly.

'It was home," he said, "and I wanted to be home."

Did he return to the life of a farm worker almost immediately?

Yes, he did.

Wasn't there there anything more profitable he could find?

He didn't look. And besides—what other opportunities were there then for a Mexican-American with only four years of schooling?

CIGARETTES AND MARRIAGE

As he saw it, God disposes and it all worked out for the best. Fate, he felt, (which moved him to the decision to return home) brought him to the girl who was to be his wife, for if he had not gone back to the fields, he might never have wound up in Delano and never met Helen Fabela who was to become the kind of a life partner few men have the fortune to possess.

"I was a pretty heavy smoker at the time," Chavez smiled, (he has since kicked the habit) "so I went into this supermarket in Delano to buy a pack of cigarettes." He moved a bit in his chair to make himself more comfortable.

"Cigarettes were hard to come by in those days. They didn't have them openly displayed like they do now. They used to keep them under the counter and give them out a pack at a time. And you had to be a steady customer or they were out of them."

And there was this young lady telling him just that very thing.

Chavez crossed his fingers as he leaned forward in his chair, obviously enjoying the moment.

"Well," he laughed, "I finally persuaded her to take a closer look."

Two years later, Helen Fabela became his wife. She has given her husband eight children, has worked in the fields to help put bread on the table for her family while Chavez often went without food, himself, in his early efforts to help provide a better life for the farm workers. Even today she works round the clock for the $5.00 a week paid to all UFWOC employees alike. As with her husband *la causa* has become her own.

Of those moments of disagreement that are part of any normal married relationship, Chavez summed up his wife's personality with an almost boyish grin. "She's the daughter of a former Colonel in Pancho Villa's army," he said. "And she has her father's 'non-violent' temperament."

CIGARETTES AND A JOB

Somewhere in 1952, Chavez had a meeting with a man who was to change his thinking patterns drastically over the next decade and whose later actions—in a sense—were to plunge him into the work to which he now devotes his life.

The man was Fred Ross who had come out of Chicago and was trying to organize Mexican-Americans in the barrios of California for a socio-political group known as The Community Service Organization (CSO).

One of the names given to Ross by Father Donald McDonnell, priest of the only Catholic church in the barrio was that of Cesar Chavez. A charitable organization, the CSO's functions covered a broad base of aims: voter registration drives, citizenship classes, public relations efforts to help barrio residents obtain needed facilities, aid for welfare recipients, the reduction of police harassment, etc.

Ross had tried to contact Chavez on numerous occasions, but—out of an early ingrained suspicion and easily understood mistrust of the helping hand of all "Anglos"—he had been ducking the calls.

As Juan Flores, the UFWOC comptroller told it, Chavez—at the urging of his wife—finally agreed to a meeting if he could bring a number of friends along.

"He told his friends," said Flores, "and he brought a bunch of tough ones—'I'm going to hold my cigarette in my right hand while Ross is talking. And as soon as I switch it to my left—that's when we start giving him a rough time.' "

The conversation lasted several hours and through many cigarettes, but Chavez never switched hands. Shortly after that meeting he joined the CSO as a volunteer. A few months later he became a staff member at $35 a week.

If he looks so young now—at 43—one can understand why Chavez—at 25—felt his appearance might not be old enough for the job. He was shy, then, unsure of himself and of his potential. During the initial months, on his new job he would often walk around the block several times before he found the courage to enter the meeting hall. He even grew a moustache in the hope that it might add years and authority to his bearing. He certainly doesn't need it any longer as any form of compensation for that inadequacy.

The calibre of leadership was there. Within not too long a span he was put in charge of the entire San Joaquin valley and subsequently became state director of the CSO.

By 1962, Chavez was earning $7,200 a year. It was at that year's convention that he openly suggested, as he had done so many times before, that the farm workers of California be organized. But the CSO Board said it was outside the purviews of the CSO and turned the suggestion down once more.

TURNING POINT

"When I left that morning," said Chavez, "I don't know how I knew but I knew that that was what I had to do."

He spent the next two weeks cleaning up his work and on March 31, his 35th birthday, severed his relations with the CSO.

If proof is needed of the biblical truth that man "is fearfully and wonderfully made" Chavez's decision is open testimony. With a wife and eight children to support, to renounce a $7,200-a-year job for a skittish endeavor whose whole past history was one of failure, takes a kind of spirit out of which legends are born.

He had saved some $1,100 which was to be used as a down payment on a home. That dream gave way to the larger one. He moved his family into the cheapest house he could rent in Delano and set about the job to be done.

Some say Chavez chose Delano because his brother Richard lived there. That may be part of it but perhaps a more practical reason should be added as well: there are over 70 large grape ranches in this area which provide jobs for farm workers almost nine months of the year. And this non-migratory peculiarity both simplified organization and enhanced the potential unit as a bargaining force.

His wife got a job there, picking grapes, and Cesar, bundling his youngest children in his car, took a three-day trip that carried him as far north as Marysville (about Sacramento) to Tehachapi in the South, to "get the feel" of the entire Valley. Then he returned home and began picking peas. It was to be the first in a long series of such stopgap occupations to help sustain him in his drive.

DEATH OF A USED CAR SALESMAN

Sometime in this period his cousin Manuel dropped in to see him. In truth, the visit was not accidental; one of Chavez' brothers had asked him to "please go over and talk to Cesar because I'm afraid he's losing some of his buttons." The translation is loose but the meaning is the same.

Manuel, at that time, was a used car salesman, doing very well. A hustler and an extremely practical guy, he had extricated himself from the barrio and, as Chavez put it, "If he didn't have $300 in his pocket he felt he was broke."

Manuel just couldn't see anybody working for nothing—*especially for somebody else.* And he couldn't believe that Chavez—who had never evidenced this odd evangelical bent before—was renouncing a solid income unless there was a better one at the end of the road. Had Cesar told him that *was* the case, he probably would have bought the story and said "que viva!" But Chavez told it as it was and there was no communication between them at all.

Actually, some of the earlier conversations erupted into open warfare. Manuel—as with most people of Mexican blood—had a great love—for family and he felt that his cousin was doing *his* irreparable harm.

In an effort to bring him back to his senses, Manuel overspent his planned three-day visit and went with Chavez into the fields, arguing the impracticality and the outright idiocy of the venture.

"We almost came to blows a couple of times—we got each other so furious," smiled Chavez. "He said the whole idea was impossible and more than that—that I didn't even know how to organize what I was trying to organize to begin with; that he could do it better as a used-car salesman with no experience than I could with all of my background and feelings about the farm workers."

That stung Chavez and the challenge that ensued was the turning point in Manuel's conversion to the movement.

"He *did* do better than me," said Chavez openly and with a degree of pride. "Maybe I shouldn't admit it, but he did. And I was glad he did. Because the more he got involved the more he came over to our side. That three-day visit is now almost 8 years long. And as far as I'm concerned, they don't make people any better than Manuel."

ENTER—MOTHER OF NECESSITY

They didn't make them much hungrier either, at times. There were many days, as Chavez recalled it, when the choice was between food or gas and gas always won out. One evening, after they had gone without anything for some 36 hours, Manuel turned and said, "We've got to find some way of promoting a meal or we're going to starve to death before we run out of gas."

Moving through a poor section of the town of Corcoran, Manuel stopped the car before a run-down home and knocked at the door. To the woman who answered, few words were needed, for she, too, had known hunger.

"We had planned to just stop maybe half an hour," said Chavez, "but we stayed there till almost 4 o'clock in the morning talking to Julio Hernandez and his wife—both farm workers. Julio threw in with us immediately. Today, he's a vice president of the UFWOC."

This accidental meeting caused by hunger set the pattern for the development of a whole series of food stops along the route that both men traveled. "Manuel set them all up," said Chavez, "and we knew—for the first time—that if we ever really needed a meal, there would be one handy.

"We always went to the very poorest homes," his voice went quiet for a moment, "They were the ones who really understood best and were most willing to share what little they had."

This was the picture of the initial—years: perhaps a meal a day, long hours of work, and frustration at both ends of the seesaw—the fear of the workers, themselves, to join a union (because even this tiny thrust for independence would put them out of jobs) and the solid wall of antagonism from the growers.

THE BLACK EAGLE

In September of 1962—about six months after Chavez had left the CSO—the first meeting of the National Farm Workers Association took place in Fresno, California. Here, for the first time, before some 240 dues-paying members, the black eagle—symbol of the union—was revealed. Manuel had designed it.

If it looks something like the Ford Thunderbird, let it be said kindly that Manuel had sold many of them in his day and that he would be the first to admit that he was a far better organizer than an artist.

"When that damned eagle flies," he said boldly as he unveiled it, "the problems of the farm workers will be solved."

A nice line.

But nice lines, like nice guys, often share the same fate. Ten months after that "damned eagle" was supposed to start flying, Chavez' 240 members had dropped to 12. And about half of that remainder were his relatives.

Let it be noted that he could have quit (he was offered a $21,000-a-year job with the Peace Corps) but that he did not. Within two years, during which period he went down to 120 pounds due to lack of food and sleep, the membership stood at 1,000.

The first strike waged by the NFWA was called in March of 1965 in defense of some Ranch, in the Valley, won a pay raise *and a contract* for the grape pickers there. But strikes are expensive and by December of that year—with little money to begin with and even that little soon exhausted—the union faced bankruptcy once more.

Another strike begun at J. D. Martin's rose workers in McFarland, a farming town, outside of San Francisco. It was a fiasco, dying about three weeks later when the growers agreed to a pay raise and the workers—breaking their pledge to Chavez—went back to their jobs without a contract.

REUTHER AND A TELEPHONE

At that point in its history, the late Walter Reuther, then head of the AFL-CIO's Industrial Union Department (IUD) entered the picture with dollars, comfort and whatever knowledge he could supply.

As the Reverend James Drake, who now heads up the New York office (at $5 a week), related it, "It was the first time we really drew some national attention."

"Jim" (for this is an organization of first names only) filled ALM in on an amusing incident that occurred as a result of this new-found wealth.

"Our office then was in a Quonset hut on an old labor camp near the '40 Acres' we now own. And finally, we had the money to install another phone. But there was no place to install it. So they made my office out of the women's John. Richard built a desk over the toilet and we were in business."

Asked where the women went when nature demanded its moments of privacy, "We doubled up on the men's John," laughed Drake, "as simple as that."

This kind of spirit—the growers should have seen "as simple as that"—would be next to impossible to defeat.

ON THE BOYCOTT

On the national boycott of table grapes, now a part of history, the facts reveal that it actually did not start as one nor was it conceived as one and—in retrospect—was sparked by the growers instead of Chavez.

As background, the boycott idea had its origins in the 1965 strike against the Schenley wineries, culminating in the April 1966 "march" of the farm workers to Sacramento, after which, that corporation negotiated a contract. As a point of interest, the then Governor, Edmund G. (Pat) Brown, was not available for a meeting when Chavez arrived at the State Capital: he had gone off to Palm Springs for a week-end of golf with Frank Sinatra.

Several months after that "march" (August, 1966) the initial interest of Reuther, which had engendered the cooperation of AFL–CIO President, George Meany, culminated in the merger between the FWOC and the NFWA into the United Farm Workers Organizing Committee with Chavez as its director and Larry Itliong as the Number 2 man.

Chavez had employed the boycott tactic against the DiGiorgio interests during that same period until DiGiorgio capitulated in September. DiGiorgio is one of the world's largest shippers of fresh fruit and allegedly the prototype of "Gregorio" in the Grapes of Wrath.

Emboldened by these victories, the UFWOC struck the Giumarra fields. The boycott here was so effective that Giumarra, in an effort to break it, persuaded other growers to let him use their labels for his product.

This illegal conspiracy, designed to break the UFWOC, actually worked in reverse. It solidified it as perhaps no other single act had done before. On January of 1967, a letter was sent by Chavez to all growers of grapes advising them that the boycott would no longer be specifically against Guimarra but against the industry as a whole. After that—the battle lines were drawn. The strike became the largest of its kind since the Corcoran walk-out of 1933 which idled some 18,000 workers throughout the San Joaquin Valley.

To the growers, one of whom is reported to have said, "I've got more men working in my fields than all of Chavez' and Itliong's crazy Chicanos put together," initially, it was just another one of those irritating little fires that would have to be extinguished as so many others had been before.

VIOLENCE AND A SIGNPOST

The machinery of extinguishment was standard: dogs on leashes, poisonous insecticides sprayed at pickets, fast moving trucks side-swiping "agitators", sheriffs making wholesale arrests without cause, viscious beatings and more of the same. The prognostications were also standard: fear and hunger would take over, morale would break and the scabs would be back at work in a few days.

Why it didn't go according to script is one of those mysteries that makes man the imponderable that he is. Perhaps there comes a time in the human spirit when it feels that it has had enough. The Spanish have an expression for it: "Ya no camino mas," which, loosely translated, means "This is as far as I go." Apparently, that moment had come.

Violence accelerated as the strikers held firm, and the story of violence needs no graphics. But of the tiny highlights that occasionally surface in confrontation, one of the alleged signs on a field probably expressed the emotion of the growers in a capsule that should be recorded as a classic:

"No Trespassing! survivors will be prosecuted."

Chavez, whose whole concept for change hinges on non-violence, became increasingly fearful for the safety of his members, many of whom did not share his "turn the other cheek" philosophy. But—somehow or other—he was able to hold them in check. And public opinion, in one of its few moments of compassion for this submerged minority—did the rest.

The victorious boycott plummeted Chavez into the national arena as an important figure, and the farm workers for the first time in their dismal annals of failure, had found a way to make their "damned eagle" flap its wings and fly.

"What Chavez has done or rather taught his people, *is to do for themselves,"* says Peter Matthiessen in his fascinating book, SAL SI PUEDES. "Nothing I know of in the history of labor in America shows as much sheer creativity . . . as much respect for what people, however poor, might make of their own lives once they understood the dynamics of their society."

If the victory was a magnificent one for the farm workers, to whom accolades are due for a superlative effort, it must also be considered (in another light) as a victory for the American conscience as well, for the boycott could never have been successful without its awakening and its aid. It was the involvement of the very same "Anglos", whom it is so popular today to deride, no matter by whom or what means inspired that turned the trick.

"When my own people speak to me of 'La Raza,'" said Chavez, "I never forget that fact."

ON THE UFWOC ITSELF

"We've come a long way," Chavez patted one of the huge German Shepherd dogs which are his almost constant companions, "but we've got a much longer way yet to go."

The organization presently comprises about 20,000 dues-paying members. At $3.50 a month (a figure that has never risen since Chavez began organizing in 1962) the dollars might barely cover expenses if it weren't for one slight flaw in the continuity. Most of the farm workers pay dues only about three months of the year.

"When they're not working on unionized fields, we get no dues," said the UFWOC director quietly. "There's some help from the AFL–CIO unions and from the UAW . . ." his voice trailed off, then resumed again, "And we get a lot of contributions. But there's still not enough yet to give anyone a salary."

The potential was considerable, as he saw it; there are some 3 million farm workers in the United States. On the proportion of those farms that hired outside labor as against those that worked their small tracts as a family, he had ready figures.

"In California," he noted, "7 percent of the farms hire 75 percent of the labor." But he wasn't prepared to extend that ratio as a national estimate. It was his feeling that the larger farms would continue swallowing up the smaller ones as mechanization would make it all but impossible for the latter to stay in business.

From an organizing standpoint, it would make the UFWOC's job progressively easier as this trend continued, he admitted, but he deplored the conditions that were making this constriction an inevitability.

"The day of the small independent grower is coming to an end," he said pensively. "Men like my grandfather or father are never going to be able to make it that way anymore in our present society. And it's a kind of a shame. What used to be called 'rugged individualism' is going to have to take another turn and I don't know in what direction."

MAJOR PROBLEMS

On the major problems yet to be solved for his own members, he listed: coverage by the Wagner Act; the inclusion of agricultural workers in the Social Security system; the elimination of poisonous pesticides; the reduction of accidents (farm workers represent only 6 percent of the present labor force, yet they account for 22 percent of all fatal work accidents); workmen's compensation, from which benefits they are presently excluded; better methods of schooling (migrant children in this area, are the most deprived human beings in America).

He listed three pieces of data which pinpointed some frightening conditions that would have to be changed: infant mortality among the farm workers is 125 percent higher than the national average; the accident rate is over 300 percent higher and the life expectancy is only 49 years.

ON MAJOR LEGISLATION

Chavez saw little immediate likelihood of farm workers being placed under the aegis of the National Labor Relations Act. The growers in California, he observed, have consistently supported the former Senator George Murphy's bill which puts these workers under the Department of Agriculture, outlawing strikes and boycotts and bringing any impasse before an "impartial" arbitration board.

Asked what was being done to remedy all this, "Well—we helped to defeat Murphy in the last election for one thing," he said with a big grin. "It's a start."

It is for this reason that Chavez seeks to turn to the Wagner Act as the initial thrust toward first-class citizenship for the farm workers. "The Wagner Act is a positive act that helped build unions," Chavez explains, "and, for instance, we're in the same position today as the auto workers were in the 1930's. We, too, have to go back to the basics, to the Wagner Act to get the protection it gives, and not to the limitations that come in later legislation."

There were some bills in the hopper, but as he saw it, the Senators and Congressmen in the farm states, would pigeonhole any progressive legislation that might arise in this arena for the foreseeable future.

On Social Security, Chavez said that California had been carrying such coverage on its books for some years but that as far as his members were concerned it meant zero.

"You need a minimum amount of hours with a specific employer before you can qualify," he said, "and the migrant worker just can't build up that kind of a bank. There's got to be a different solution for these particular workers, but it's not on the horizon yet."

As for better educational facilities, he observed that there has been an effort made to develop mobile schools, but that it has not been too successful to date, and that until the head of the household could earn enough on his own so that the children could stay in one place, progress would consist largely in "conversation."

ON HEALTH AND SAFETY

On pesticides, he was particularly vehement. The total population was now feeling its effects, he noted: it has reached dangerous levels even in a nursing mother's milk. And this is by way of comparatively minute exposure.

Grape workers, who are subject to these particulates nine months of the year, he said, have seen their children die of pesticide poisoning too many times to have it called "an accident". Many have grown so alergic to these pesticides that they break out in a rash as soon as they get near the vines.

In Delano, the heavy and constant spraying which—theoretically—is mostly washed away by rain, has actually infested the water table which is now so polluted that farmers have to dig ever deeper to find subterranean streams fit to drink.

"We now have a clause in our contract barring use of DDT, Aldrin, and other such killers," said Chavez. "We'd like to eliminate all pesticides. Maybe the fruits and vegetables won't look so good, but they'll be a lot healthier for everybody."

Any disease caused by these pesticides is not yet considered compensable under the law. "The men, women and children are putting their lives on the line," said Chavez, "and not a penny's worth of compensation is provided for them or their families even if they grow sick enough to die."

The reduction of accidents, too, Chavez felt was mandatory. The figure he quoted before (300 percent higher than the national average) included only those accidents "reported," he claimed but he said there were many more thousands "not reported" purely out of fear that it would go bad for the worker if he did.

"So you see," he shrugged as though the situation was too obvious for further comment, "there's still a lot of the road to be paved."

ON THE MAN AND THE MISSION

Several personal observations seem almost mandatory before an equation of the man and the mission is drawn, for to the person with a lesser sense of commitment and perhaps a different concept of the meaning of responsibility some things seem out of focus.

One does not argue here with the meaning or the value of the work that has been done, nor with Chavez' total commitment to that task. But in his unending struggle to help provide a better life for the fraternity of man, the thought persists: has he not sacrificed to that commitment not only himself but his family as well? Has he given them any part of that good life he wants so badly for others? In his fight for better education—has he provided the means for his own children to achieve it, or has he by his commitment—perhaps doomed them to the very existence he so abhors?

Disturbing questions, these, that were never asked.

Perhaps there are no answers, for each man is a universe unto himself with conscience and character a couple of lonely moons revolving in silence about the even lonelier spirit to which they have been assigned. And who is to say what is right and what is not in the governing forces that motivate the soul?

Cesar Chavez—as all of us—is one of a kind. The director of the United Farm Workers Organizing Committee (UFWOC) is a devout Catholic who wears a mezzuzah around his neck because to him, God is everywhere and because Jesus honored the Ten Commandments long before the Saint Christopher medallion was born.

He's an individual who could walk into a dozen top-paying jobs tomorrow but chooses instead to devote his life to a 24-hour, 7-day week schedule for the betterment of his people at a remuneration of $20 a month plus board and lodging and often without the dollars when they aren't there. His "lodging" is a modest two-bedroom home whose entire furnishings if bundled together might not equal the $50 a month the UFWOC pays for his rent.

He lives there with his wife and six of his eight children; the two oldest are now off on their own. His "board" consists of groceries parcelled out by the organizing committee on a so-much-per-person basis.

Chavez, himself, is almost an ascetic in his eating habits. He touches no meat; a few walnuts and an orange have often served as his lunch—if and when he found time (or remembered) to eat at all.

He's a man in almost constant pain due to semi-atrophied leg and back muscles—a condition acquired by his labors in the fields and one common to many farm workers, leaving them partially disabled before they have even reached much past maturity. Yet he is one whose spiritual courage is somehow able to disregard and even overcome that pain.

"Cesar" (nobody in the UFWOC calls him by his family name) is a great deal more than a colorful little Chicano who has captured the nation's imagination at the moment and has heard its applause. To lock it up there would be to miss the point entirely and perhaps even denigrate his individual aims and goals and also of those who have dedicated themselves so selflessly in that behalf.

To label him an extraordinary modern-day labor leader would be missing the mark by just as wide a margin, for through his aims are ineluctably tied to social progress, the roots of those aims lie far less in power than in a kind of mystique that transcends it. There is a fervor and evangelism to his call that is uniquely his own and unparalleled in recent labor history.

Cesar Chavez—more than anything else—is a symbol; the very essence of the energy of a drive; that catalytic agent that has crystalized the sufferings of a people forgotten and almost excommunicated by society from its benefits, and who has been able to rally around him by some inner strength uncharted the kind of devotion only conscience can capture and which money has never been able to buy.

More than anything else, his total being believes that what man truly seeks he shall find. And whether "la causa" ends with him or moves to whatever its destiny, the feeling is that with his coming, alone, the Mexican-American will never return to what he was before.

THE MAN

"Jail is a small price to pay to help right injustice . . ." Cesar Chavez.

The Bud Antle Corporation is the world's second largest lettuce grower and the largest not yet to negotiate with the United Farm Workers Organizing Committee. It farms in excess of 43,000 acres of land in California and Arizona.

Dow Chemical entered the Antle corporate structure in 1968, when Antle sold it some 17,000 acres for a reputed price of $5 million. Dow—at this point—put one of its board members on the Antle board and rented the property back to the seller.

The Dow-Antle complex was one of those which was struck immediately after the Salinas growers signed a contract with the Teamsters. "Unlike United Fruit and Purex," said a Farm Worker spokesman, "this conglomerate chose to fight" and went to Judge Gordon Campbell of the Monterey County Superior Court.

Sitting in Salinas, Judge Campbell issued one of the most incredible decisions in recent labor history. Not only did he prohibit farm workers at Antle from striking, but he actually directed Chavez to instruct the public that they should purchase Antle lettuce to help offset the negative effects of the boycott.

Chavez, of course, refused.

On December 4, last, Chavez appeared before Judge Campbell in answer to a "warrant of attachment" and was put in jail. Reaction from some Congressmen was immediate. Following is the partial text of a telegram sent by Senator Alan Cranston (D.-Calif.) on December 7 to Bud Antle Farms in Salinas.

"I wish to express my concern about recent events in Salinas, California, which have resulted in the jailing of Cesar Chavez, head of the United Farm Workers Organizing Committee (UFWOC) . . . I must express my profound distress that this confrontation has escalated to the point where the Nation's greatest living advocate of nonviolence has been jailed. This development raises the spectre of old and discredited tactics for thwarting legitimate unionizing drives . . . It is precisely because the jailing of Chavez can only detract from the development of a climate of understanding that I am sending you this telegram.

"I urge you to lead the way from combat and toward negotiations in good faith with UFWOC representatives on this important matter. It is in the interest of both workers and growers to bring peace to our troubled valleys at once. It is from honest efforts at the bargaining table that peace and justice will come to the Salinas Valley. The jail cell is not an acceptable alternative."

On December 24, Chavez was released on his own recognizance. The California Supreme Court had set aside the injunction, thus freeing him. That decision, as of press time, was being appealed.

Some industry figures were made available to ALM on what the government had purchased from Bud Antle since 1969. The information, according to a Farm Worker spokesman, was put together by Senator Edward Kennedy's office from material supplied by the Bureau of Labor Statistics.

In fiscal 1969 (July) the Federal Government Department of Defense purchased $840,000 worth of lettuce from the Bud Antle ranches. In fiscal 1970 (July), the figure was $730,000. But in the first three months of the present strike, these purchases totaled $750,000. Percentage-wise, it was 9.9 percent of the total lettuce it bought in fiscal 1969; 8.3 percent in fiscal 1970 and 29.1 percent for the first quarter of 1971 alone. In other words, it has tripled its purchases since the strike.

On why Dow-Antle is so anxious to fend off the UFWOC, Jim Drake, head of the Farm Workers' New York office, stated, "Antle is to lettuce what Giumarra was to grapes. But probably more critical is Dow's anxiety about the firm intent of UFWOC to limit the use of pesticides on fruits and vegetables.

"The fact that Dow is both in the business of manufacturing and applying pesticides on a vast scale gives them reason to fear the workers' drive for a union.

For example, a UFWOC release stated, "2–4,d, the potent poison used in Salinas on lettuce, is also used in Viet Nam. To bring it under control here will automatically imply that it should be controlled elsewhere, Dow manufactures 2–4,d.

MONTY HALL

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. REES. Mr. Speaker, it is my pleasure to say these all-too-few words about Mr. Monty Hall, who is among my neighbors in California.

Mr. Hall is best known to the American public as the man who hosts one of television's most popular shows, "Let's Make a Deal." But to many of us Mr. Hall is respected for something much more important: He is a humanitarian.

I will not even try to recount all the time he has devoted over the years to worthwhile causes. However, I will mention that he is an international ambassador for Variety International, and is also the outgoing president of the Southern California Variety Club, in which capacities he has raised hundreds of thousands of dollars to support such activities as the Boys Club of East Los Angeles, which serves the Mexican-American community; the children's heart clinic at UCLA; and the construction of a pediatric wing at Cedars of Sinai Hospital in Los Angeles.

Monty Hall also is a member of the board of directors of the United Jewish Welfare Fund, serves on the board of trustees of the Watts training center, and is a vice president of B'nai B'rith.

Recently all of us in the United States were deeply shocked and grieved when airplanes bearing members of the Wichita State University and of the Marshall University football teams crashed, taking 106 lives, and leaving in their wake untold human suffering and needs.

Immediately after the Wichita University crash—on October 2, 1970—Monty Hall phoned friends in Wichita and asked how he could help. He thus started the ball rolling for an all-star show—which included himself, Bill Cosby, Phil Ford and Mimi Hines, George Gobel, the Young Americans, Minnie Pearl, Marilyn Maye, Mac Davis, Leif Ericson and Humble Pie—in Wichita University's fieldhouse on November 28. Gate receipts, alone, from that show exceeded $170,000.

A decision was made along the way to also televise the all-star show and to appeal to the viewing audience to contribute additional funds.

Then, on November 14 the second tragic crash occurred, involving football players and others from Marshall University. A quick decision was made to have the families of the victims of the second crash also benefit from the all-star show.

The exact figures are not yet available, but suffice it to say that approximately $500,000 will be available as a result of the show and its telecast over 202 stations to help take care of the urgent needs brought about by both crashes.

Monty Hall, you see, is a man with a heart. He is also a man who, rather than merely stand by and say something ought to be done, actually goes out and does it.

The fact that he is both a man of action and a humanitarian has helped many persons over numerous rough spots.

Mr. Speaker, people in show business are very often—and sometimes justifiably—condemned for their public activities. On the other hand, there are many entertainers who use their positions in the public spotlight to do worthwhile things. Monty Hall is such a person, and it is my pleasure to say "thank you" to him on behalf of us all at this time.

ADDITIONAL INFORMATION, U.S. INTERNATIONAL UNIVERSITY

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. WYATT. Mr. Speaker, recently the senior Senator from Oregon, Mr. HATFIELD, introduced in the CONGRESSIONAL RECORD a series of articles, editorials, and statements in regard to the proposal of the U.S. International University to establish a campus at the site of the former Camp Adair, near Corvallis, Oreg. With slight exception, these writings were critical of the proposal and of the U.S. International University.

In the interests of complete objectivity, and so that the wrong impression will not be left in the CONGRESSIONAL RECORD, I am asking to be published today an article in the Portland Oregonian, editorials of the Corvallis Gazette-Times, and the Albany Democrat-Herald, and a news story published in the Corvallis Gazette-Times.

It should be noted that the cities of Corvallis and Albany are the cities which are directly affected by this educational proposal, and that the citizens' committee which was formed to find a beneficial use for Camp Adair, was drawn from people in these two communities. The citizens' committee labored long and hard, in fact for many months, and unanimously recommended the transfer to the U.S. International University.

FEDERAL OFFICIALS DENY ADAIR TRANSFER HELD UP AT HATFIELD REQUEST

(By John Guernsey)

United States International University, a San Diego-based institution which plans to establish a branch campus on the old Adair Air Force base near Corvallis, is a highly accredited and growing institution.

A thorough investigation of the proposed federal land transfer to the institution makes it appear that Sen. Mark Hatfield may be attacking a straw man, in his attempts to delay the land transfer.

A Hatfield aide said the senator requested a "hold" on the transfer for two reasons:

—To be sure the U.S. General Services Administration and the Department of Health, Education and Welfare have followed proper governmental procedures in arranging transfer of the land.

—To learn more about the United States International University.

The Hatfield aide said "Only a sketchy financial statement currently is required of potential recipients of surplus government property. Hatfield has indicated a more complete disclosure should be required."

Hatfield indicated he also is investigating the broader problems involved in disposal of surplus government property.

An aide said Hatfield may introduce legislation to tighten federal property disposal procedures, and require a more detailed financial statement by prospective private land surplus recipients.

The senator's land transaction delaying action also has resulted in these speculations by some Oregonians:

. . . That the property was "railroaded" to the California institution, with Oregon businesses and public agencies not having a chance to acquire it.

. . . That USIU is a fly-by-night university, trying to obtain some surplus property.

. . . That operators of independent colleges and universities in Oregon have convinced Hatfield that Oregon does not need another private college. Some of the existing independents in Oregon are having trouble staying alive.

. . . That a segment of the Methodist Church has urged Hatfield to try and keep USIU out of Oregon. The school had strong ties with the Methodist Church until the mid 1950s, when it broke away and launched its expansion program.

. . . That Hatfield senses the proposed land transfer as a worthwhile political issue, if he runs for re-election to the Senate in 1972, and is challenged by Gov. Tom McCall. The governor has endorsed transfer of most of the abandoned air base property to USIU.

The records and testimony from all persons involved remove any doubt that Oregon public agenices, and many businesses and industries, had first grabs at the multi-million dollar Adair property before USIU was even asked if it was interested.

PROBLEMS AROSE

The General Services Administration, in the spring of 1969, made it known to many Oregon firms and public agencies that the 371 acres of Adair property, and 128 buildings, would be declared surplus.

Aldon Toves, president of the Citizens Bank of Corvallis, headed up a committee of public and private lenders, trying to solicit a user for the property.

"Our first target was to get a big taxpayer to apply for and use the property for business or industry."

He said some firms did show an interest, "but we ran into some problems. We didn't have a GSA appraisal on the property, and couldn't adequately explain what we had to sell.

"And there was the problem of timing. The land availability came at the time of the national economic slowdown."

There were some ideas for using the property, but no financing.

Toves said his committee represented Monmouth, Independence, Salem, Corvallis and Albany leaders, as well as public agency leaders. They tried for 1½ years to find a taker for the property, after which the committee supported USIU's application for some of the land and buildings.

"Education is a prime form of industry in the Corvallis area," Toves said. "The committee saw no conflict if USIU got the property. It might well ease the burden on tax supported institutions in Oregon.

"A study of USIU indicates that it has performed well beyond requirements when developing other campuses," he concluded.

Other Oregon organizations, which received early GSA notification of the property availability, were:

The Oregon System of Higher Education, the Oregon Board of Education, the Oregon State Board of Health, Benton County Health Department, Linn-Benton Community College, Jewish Welfare Federation of Portland; Oregon Conference of Seventh-Day Adventists, the director of manpower and training for the Oregon Columbia Chapter of Associated General Contractors of America, the Catholic Archdiocese of Portland in Oregon, diocesan headquarters for the Oregon Episcopal Church, Oregon State University, the Linn-Benton County Education District, and the Benton County Board of Commissioners.

BEST PROPOSAL

Gov. Tom McCall also was notified, and asked all state agencies if they had any proposals for using the land.

"The System of Higher Education had a weak proposal to use it as some sort of disposal site for used and dangerous chemicals.

"Dale Parnell (Oregon superintendent of public instruction) proposed using it as a state environmental teaching center. But he could offer no plans for financing it.

"The poor people later made a bid for the property. But how can we finance it?

"There were a lot of great ideas, if you had unlimited money.

"The California university proposal is the best one we had. It will cost us no money, provide us some payroll, and provide some interaction between the two universities," McCall explained.

How did the California-based university get into the Adair land hassle in the first place?

Joseph Everett, of Health Education and Welfare's educational division, said he alerted the Corvallis committee to contact the institution after all Oregon possibilities for using the land had been exhausted.

He said he knew Dr. William C. Rust, president of USIU, was interested in acquiring land outside of California for new campuses. He said he knew this from dealing with Rust several years ago, when the university acquired part of old Camp Elliott in San Diego, on which it now operates a college.

He said several Corvallis leaders went to San Diego and checked out the university in detail before HEW reached the decision to transfer the land to USIU.

In addition to its three San Diego campuses, the university also operates campuses in Colorado, London, Kenya and Mexico. It plans to open campuses in the fall of 1971 at Adair, and at the abandoned Sundance Air Base in Wyoming. The institution also hopes to land property in Hawaii.

Some believe Hatfield may be irked because Oregon muffed a chance to acquire the valuable land.

This may be justifiable grounds for being miffed, but Oregonians did have a year-and-a-half of opportunity, and didn't take it.

Hatfield's eyes may have been curious over the frequency with which the university has acquired surplus government land in recent years.

RECORD STANDS UP

In April of 1965 the university obtained 350 acres of abandoned Camp Elliott in San Diego. In January of 1966 it received another 50 acres of the Camp Elliott property.

In August, 1970, it was granted 54 acres and 71 buildings in Wyoming, the old Sundance Air Force Station. The part of Adair now in question is 257 acres and 35 buildings, for which the university received a temporary permit this year.

HEW officials say that in each case, the university's bidding has been considered only after local agencies have shown no interest in the properties.

Everett added that in all cases the university has more than lived up to the pre-stated requirements for obtaining and using the land.

Records and conversations with persons involved indicate that government regulations for disposing of surplus property have been followed precisely in the Adair case.

Rep. Wendell Wyatt has been active in the Adair transfer proposal, and is satisfied that governmental regulations have been satisfied.

"The loss of the Air Force station was a severe blow to the Corvallis area," he said. "But USIU will be a welcome replacement."

The law provides that branches of the armed services have first choice at armed service property to be declared surplus. If they don't want it, then public agencies in the area and state are considered. If they don't want it, private enterprises are considered.

Everett said these procedures have been followed.

ULTIMATE COST ZERO

There also has been some confusion about what, if anything, community service or nonprofit agencies have to pay for surplus government property.

On paper, USIU will pay the General Services Administration appraised value of the property.

But in actuality, the university will pay only closing costs, and nothing out-of-pocket for the property.

This is because government regulations for handling such properties provide that a receiving institution will receive a 3⅓ per cent discount from total appraised price, for each year the property is operated as agreed.

That is, if USIU receives the property, and operates it as an educational institution for 30 years, the total appraised price of the property will have been amortized by discount.

Some Oregonians have speculated that the university may acquire the properties for educational use, discontinue the campus operations after only a few years, and then sell the valuable land at a profit.

"Not a chance," says Everett of the HEW.

The law provides that if a contract is breached, if the University should choose to close the Adair campus after only seven years of operation, the federal government would reserve two options.

. . . Reclaim the property and deed it to another community benefit operation, if another agency wants it.

. . . Let the occupying institution retain it, but only after paying full market value for the property. Full market value would be determined at the actual date of sale, not based on prior valuation when the institution first occupied the property.

CREDENTIALS GOOD

Hatfield has requested that the financial position of United States International University be given further study.

From the accreditations which the institution has, it appears the institution has the financial stability necessary for the expansions it is undertaking.

Educational accrediting agencies, before putting the stamp of approval on an institution, explore the academic and financial aspects of an institution in exhaustive detail.

USIU is accredited by the Western Association of Schools and Colleges.

Dr. Kay Andersen, executive director of the accrediting agency, explains that information assembled by the accrediting study teams—including seasoned businessmen, is confidential.

"But you can certainly say their resources are adequate, or they (USIU) would not have been accredited and re-accredited."

Since 1956 the WASC has examined, accredited, and renewed accreditation of the California-based university six times. The most recent re-accreditation was last spring.

Educational institutions are not reexamined for accreditation renewal because anything is suspect. They are reexamined periodically because accreditations are granted only for brief periods, three, four and five years.

The stability of USIU also is enhanced by the stature of membership on its 32-member board of trustees.

It includes leaders such as John Cranston, lawyer in San Diego; the Rev. Gerald Kennedy, bishop of the United Methodist Church of Los Angeles; T. Claude Ryan, chairman of the board of Ryan Aeronautical in San Diego; C. Arnholt Smith, chairman of the board of U.S. National Bank of San Diego; James M. Carter, judge of the ninth District Court of Appeals.

Most of the board members are from San Diego, with three from Los Angeles and one from Phoenix.

The university is a member in good standing of the Council of Graduate Schools of the United States, and of the Western Association of Graduate Schools.

REGULATIONS STRICT

Its law school is on the approved list of law schools of the American Bar Association, the State Bar of California, and is a member of the Association of American Law Schools.

The university offers liberal arts and professional programs at undergraduate and graduate levels, and appeals to high school graduates with 'B' averages and better.

The campuses do not have social fraternities nor sororities. The combined campuses have about 4,000 students.

The campuses sponsor college-community orchestra, chorus, opera workshop, surfing, sailing, skindiving clubs, religious service and honorary groups.

The Christian-flavored institutions stress democracy, decency, and acceptable student conduct and dress. Alcoholic beverages and drugs are banned from the campuses.

Tuition is about $1,950 per year, and dormitory rates for a school year amount to about $950.

About 650 freshmen were admitted last year, out of 2,650 who applied.

Some Oregonians wonder how USIU could make ends meet, when some Oregon independent institutions are having trouble staying alive—even though charging higher tuitions than USIU would charge.

Robert Dunn, vice president of USIU, answers the questions this way:

"We concentrate on very good business management, and we offer valid, exciting programs to attract students.

"We pay substantial faculty salaries, stress academic excellence and a wholesome-decent climate on campus, and we have no trouble getting students.

"We stress finding a meaning in life with academic education. A lot of parents and students want this.

"And we don't offer a lot of high cost graduate programs," Dunn added.

Both HEW and GSA officials deny that the land transaction is being held up due to Hatfield's "hold request."

However, HEW granted the university a temporary permit to the property Sept. 28, and it was stated that the GSA appraisal of land value would be available about Oct. 15. The appraisal is necessary before the final deed can be negotiated.

Hatfield has requested a meeting with Elliot L. Richardson, Secretary of Health, Education and Welfare, to discuss the matter further in early 1971.

[From the Corvallis (Oreg.) Gazette-Times, Jan. 5, 1971]

WYATT ON THE USIU CAMPUS

It is Sen. Mark O. Hatfield who has requested delay of the transfer of Adair Air Force Station to United States International University because he has some "questions" about it.

But it was Rep. Wendell Wyatt, congressman from Oregon's First District, who spent part of his Christmas holidays at the San Diego-based institution which, unless Hatfield's Johnny-come-lately intervention turns USIU sour on Oregon, will locate north of Corvallis.

At his own expense, Wyatt visited each of the two USIU branches near San Diego—Elliott and California Western—to double-check his data on the financial stability and educational quality of the institution. He talked with Dr. William C. Rust, president, who, incidentally, will speak at the Distinguished Citizens' banquet here on Jan. 28. Wyatt's opinion of Dr. Rust as "a good man . . . a man of vision who has seen his ideas through to fruition," was reinforced. "Remarkable" and "exciting" were Wyatt's terms for Rust's concept of education at geographically dispersed, small campuses. Wyatt described the California Western campus as one of the most beautiful he has seen.

Rep. Wyatt went over the financial books of USIU with Robert S. Dunn, vice president and business manager. His assessment of the financial structure is that it is sound, capable of establishing and maintaining a new branch at Adair as required under the use mortgage stipulations of acquiring the property. While in San Diego, Wyatt also discussed USIU with James Faulstich, Oregon's head of economic development, who agrees with the congressman's assessment.

Since Adair was first declared surplus, Wyatt has assisted the local search committee. After federal, state and local government agencies had struck out in finding (and funding) a viable use, the door opened to private enterprise.

Originally, it was hoped that a suitable industry could be found, but the economic climate combined with other detriments to void the objective. Then USIU entered the picture. After discussions here and at San Diego with USIU and government officials, and after further investigation, the multi-county committee granted approval.

In the interim there have been periodic flareups of alternate proposals, but nothing, according to Alden Toevs, search chairman, to cause committee members to recant their recommendation. Nor has new information raised doubts about the decision. In the main, the questions asked by Hatfield and others had been raised and settled months ago.

In fact, Hatfield cosigned a letter with Wyatt which Sen. Bob Packwood wrote to General Services Administration this summer urging the agency to expedite the transfer of Adair to USIU. Later Hatfield apparently listened to dark whispers, possibly inspired as a result of USIU's not-too-distant divorce from the Methodist Church. Perhaps political winds also were carrying messages.

Whatever the underlying cause of the senator's attempt to sidetrack USIU from Adair, the base has been vacant for a year and a half. If USIU, which holds promise of becoming a significant local asset, is aborted, the hunt for an occupant must start all over again while the property continues to deteriorate rapidly and the economy of the area misses out on the boost the new university would bring.

Wyatt's conscientious action on this matter is typical of the man. His reiterated support for USIU polishes the welcome mat that this area should be preparing for the newcomer to Benton County.

ADAIR DELAY COULD BE DISASTROUS, REPRESENTATIVE INGALLS SAYS

State Rep. Robert C. Ingals, R-Corvallis, said today that housing and buildings at Camp Adair are deteriorating, and that further delay of occupancy of these buildings could be disastrous.

Ingalls, in an interview with the Gazette-Times, said he is opposed to legislation presently under consideration in the House which asks the U.S. Committee on Health, Education and Welfare to appoint a special committee to study Adair and conduct hearings.

The proposed memorial to the Committee on Health, Education and Welfare was introduced by Rep. LeRoy Owens, D-Eugene. It must be passed by the Oregon House and Senate to be adopted.

"I don't believe that the people who are getting involved in this have a complete understanding of what has gone on before or what could happen now," Ingalls said.

Adair was declared surplus in 1969 and since that time it has been offered for sale to county, state and federal organizations. It was then offered for sale to private business and the only organization to show interest was the U.S. International University, Ingalls pointed out.

"One big problem in taking over Adair is the mortgage on the Carpart housing, which is held by the Retired Teachers Association of the State of Washington," Ingalls told the Gazette-Times. "The mortgage amounts to move than $1 million, and anyone who acquire the property would have to pay off this cost.

"Further, there is a tremendous expense in running the former base insofar as sewage disposal, water and electricity and upkeep on the buildings is concerned," the representative continued. "This will run into several thousand dollars per month."

Ingalls said the longer occupancy of Adair is delayed, the greater the deterioration will be and the more costs of rehabilization will increase.

He emphasized his fears that the U.S. International University might be scared off "because of the negative attitude of other people" and because "if they think they're not welcome there is a strong likelihood they will say, 'forget it,' and leave us with no one capable of picking up the facility and bringing an economic resource into Benton County."

"The occupancy of Adair by the university has already been delayed by Sen. Mark Hatfield some six months," Ingalls stated. "Hatfield will meet with the Secretary of Health, Education and Welfare Friday, and perhaps the matter will be resolved at this meeting."

[From the Albany (Oreg.) Democrat-Herald, Jan. 26, 1971]

Does Anybody Have Answer for Adair?

How is one to evaluate the proposal to transfer Adair Air Force Station to a private California college?

What once seemed to be a matter of mere formality has become somewhat of a cause. Consider, if you will, the following circumstances:

The Corvallis chamber, which did the initial work on locating United States International University at Adair, gives the transfer its unqualified backing.

Congressman Wendell Wyatt, a man who is famous for his homework, looked over USIU in California and pronounced the school a good potential tenant for Adair.

Sen. Mark Hatfield disagreed, albeit late in the turnover process, and suggested there might be some good reasons for not giving the land to USIU. So far, he hasn't revealed those reasons.

At least two Oregon newspapers have questioned the proposed transfer. Neither has been able to come up with any hard information that would indicate either that there is a better use for Adair or that USIU would be a poor choice.

The Oregon Poor People's Conference, a loosely woven confederation of people looking for a power base, wants Adair but so far has received little support.

Dale Parnell, state superintendent of public instruction, wants the base given to the state so that it can develop an environmental studies center.

Several influential people, including at least two college presidents, claim Oregon doesn't need another private college. They say USIU will dilute the already precarious finances of some of the state's private colleges.

Late last week, Congressman Wyatt said it was probably too late to stop the turnover. Sen. Hatfield disputed that and said the Department of Health, Education and Welfare's head, Elliot Richardson, was looking into it himself.

It becomes virtually impossible for a layman to understand what is happening. It may be that nobody really knows.

One thing that seems apparent. If Oregonians don't have the imagination to find a use for Adair, maybe they could hire somebody who does?

[From the Corvallis (Oreg.) Gazette Times, Feb. 5, 1971]

Shortage of Homework on Adair

The depth of ignorance and misinformation which surrounds the transfer of Adair Air Force Station to United States International University is appalling.

Particularly culpable are those promoting, on stage and behind the scenes, House Joint Memorial 1 that would delay a transfer of the deed—a transfer which already has taken place.

It would have helped immensely if some of these people had talked with Alden Toevs. Since the deactivation of Adair was first announced in April 1969, the Corvallis banker and First Citizen has headed up the group of area leaders working to find an occupant for the base. The Site Utilization Committee was formed in May 1969 after a top-level team from the Department of Defense spent two days in Corvallis. Among other things, they briefed the committee of representatives from Polk, Linn and Benton counties and from Salem and Portland on the transfer procedures and opportunities for assistance in locating a compatible occupant.

The committee, and particularly Toevs, worked closely with the General Services Administration, during the year that federal and state agencies had priority in acquiring the property. He can detail the early flyers—Navy Fleet Weather Control, Department of Agriculture, Oregon State University, State Department of Education, Human Resources and others—all counted out for lack of available funding.

Even while the government agencies were in the market, the local utilization committee was hunting for private industry and institutions which might be interested in Adair. But nobody could be found with the capability of converting Adair into a viable asset until they located Dr. William Rust and USIU. The committee, almost a year ago, literally sidetracked Rust on his way home from a trip to Puget Sound where trustees were considering locating a branch campus. It was local groups that, after extended investigation, requested on April 22 the transfer of Adair to USIU.

Precipitous action? When it takes over 10 months? A "deal" made in Washington, D.C.? When the local committee and citizens initiated the contact with USIU, approved it and rode herd on it all the way? Phooey.

From the first rumors of Adair's deactivation, Rep. Wendell Wyatt, R-First District, has been of extraordinary help to local people trying to develop desirable utilization of the base. Has anybody who questions the transfer talked with Wyatt about what he found when he went to San Diego in December to re-examine the financial statements and credentials of USIU on the spot? About how Wyatt, an astute lawyer as well as an influential and respected Congressman, views USIU's increase in indebtedness in the light of its substantial investment in new construction? About how the Department of Education finds nothing at all unusual about requests for loan repayment extensions, a pattern in many institutions?

Wyatt maintains his firm support for USIU and for rapid occupancy of the deteriorating property. So do those others who have worked most closely over the long period of transfer activity.

Two valuable sources of factual and comprehensive information about the transaction have been virtually ignored in favor of trumpeting some "vague apprehensions" and specious inferences. Also ignored is the reversion clause in the contract through which the government recovers the property at any time during the next 30 years if USIU fails to operate an institution of higher education at Adair.

LAW ENFORCEMENT PROBLEMS IN OUR NATIONAL PARKS

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mrs. HANSEN of Washington. Mr. Speaker, for those Members who carefully read the record of the supplemental hearings of the Interior Subcommittee on Appropriations with reference to the law enforcement problems in our national parks, I am taking this opportunity to place in the Record here a report to me from George Hartzog, director of the National Park Service. I place it in the Record prior to our hearings so that all those who are interested in crime and law enforcement, as it has an impact on recreation and park travel, may have an opportunity to comment to the subcommittee:

Law Enforcement Problems in Our National Parks

(By George Hartzog)

It is a pleasure to report further to you on the measures we propose to take to cope with the increasingly difficult law enforcement situations in the National Park System.

Your committee and the Congress responded generously to the needs we expressed in requesting supplemental funds this year to apply to our law enforcement programs, and we are most appreciative. With the monies thus made available we are able to act immediately along the lines described below. Based on a comprehensive study of law enforcement problems in the System, and an evaluation of our effectiveness and capability of dealing with these matters, by expert consultants from the International Association of Chiefs of Police, assisted by representatives of our U.S. Park Police from Washington, we are proceeding as follows:

1. In this fiscal year the U.S. Park Police force will be increased by 40 additional positions. Recruitment of candidates has already gotten underway, and basic training has begun. This added strength will permit us to form a police cadre capable of being dispatched to areas of the System throughout the country to assist Park Rangers in cases of special need such as occurred last summer.

2. Our law enforcement program will be strengthened by providing professional law enforcement assistance within our present Washington, region and park organization structures. Staffing of positions at these levels will be accomplished with available manpower and funding. We are placing maximum reliance upon the expertise and professional ability of officers of the Park Police to provide leadership and program direction. Field execution of the law enforcement functions

will, however, continue to be the responsibility of Park Rangers who, we believe, are especially suited to the unique conditions prevailing in the parks.

At the Washington level we are creating a Division of Law Enforcement, headed by an Inspector, U.S. Park Police, which will report to the Assistant Director, Park Management. The Division will have responsibility for program development, definition of operating standards, establishment of priorities for program and budgeting consideration, and related functions.

At the Regional level we are creating the position of Law Enforcement Officer on the staff of the Directors of the Regions. The position will be filled by assignment of an officer of the Park Police at the Lieutenant-Captain grade. The law enforcement function at the Regional level is concerned primarily with inspection and evaluation of field enforcement operations to assure adherence to standards. The position also will provide a source of ready professional advice and assistance to the Directors of the Regions in law enforcement matters.

At the park level we are creating Law Enforcement Officer positions on the staff of the Superintendent in parks where law enforcement problems are identified as major in degree and proportion. We anticipate that 15–20 parks are now in need of professional police assistance during the heavy travel season. The positions will be filled by the assignment of a Park Police Officer at the Sergeant-Lieutenant level.

3. During the next 6 months we are engaging in a comprehensive law enforcement training program that will reach 225 Park Ranger candidates and selected management personnel. Before the opening of the travel season this year 50 Park Rangers from all parts of the country will have completed 540 hours of basic police training at our Washington Training Center. The first basic class, now in session, consists of 25 Park Rangers and 15 Park Police recruits.

As you know, we place maximum reliance upon seasonal Park Rangers to accomplish our objectives in public use management during the heavy travel season. Accordingly, we are developing a special training program in law enforcement to reach a minimum of 100 candidates from selected areas.

An intensive 8-week training program heavily oriented to police management and administration is being desgned for supervisory Park Ranger personnel from areas experiencing major law enforcement problems.

A seminar in law enforcement is planned which will involve top field managers of the National Park Service in exposures to law enforcement problems in our society. The purpose of the 2-week seminar is to develop a policy and philosophical base upon which to formulate and execute the Service's law enforcement program.

4. The level of staffing in the Service generally is inadequate to the needs of law enforcement. Serious deficiencies occur, seasonally, at such areas as Yellowstone, Grand Canyon, and Yosemite National Parks, Lake Mead National Recreation Area, Cape Cod National Seashore, and others where enforcement problems have risen sharply in recent years. Moreover, the upward trend in the incidence of crime in the national parks suggests a continuing need for additional staffing.

At the present time approximately 800 permanent Park Rangers and Technicians and 1,300 seasonal Park Rangers are employed in duties which involve law enforcement responsibilities in varying degrees. We are able to respond quickly to remedy immediate deficiencies through the funds made available from the approved supplementary budget request. As mentioned above, the Park Police force level will be increased from 371 to 411 positions to provide capability of dispatching police assistance on short notice to areas of the System as needs arise. Use of the Park Police in this fasion will materially alleviate staffing needs this year in the specialized law enforcement area.

For the long range the emphasis in recruitment must be directed to staffing the Park Ranger and Technician ranks with personnel possessing social science and police science backgrounds. The traditional functions of the Park Ranger have been oriented to protection of park resources and interpretive services to park visitors which have led to recruitment largely from the fields of natural science, history, archeology, etc. Increasingly, public use of the parks and changing patterns of use make the traditional role of the Park Ranger unsuited to involvement with the urban problems that are more and more evident in the parks, especially in law enforcement areas.

The measures discussed herein reflect our commitment to initiate early action and achieve effective results in advance of the travel season this year. They give priority attention to the areas of greatest need; i.e., training and organization. The fact that they are capable of immediate implementation is due in large measure to your personal interest in and support of the programs of the National Park Service.

THE 53D ANNIVERSARY OF THE LITHUANIAN REPUBLIC

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. BUCHANAN. Mr. Speaker, this month the courageous people of Lithuania and their friends throughout the free world are commemorating two very important anniversaries. February of this year marks the 720th anniversary of the formation of the Lithuanian State in 1251 and the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

It is always a great privilege for me to join in the celebration of these events and to add my personal support to the struggle for freedom by the brave people of Lithuania.

In September 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. Under the guns of the Red army, so-called elections were held, followed by the Soviet claim that Lithuania had voted for inclusion in the Soviet empire.

Then began the brutal occupation during which hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. As a result of this occupation, since June of 1940 Lithuania has lost more than one-fourth of the country's population.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country—freedom and independence were restored and a free government was reestablished. This free, provisional government remained in existence for more than 6 weeks. At that time Lithuania was overrun by the Nazis, who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizure and forced incorporation of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States—Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon—have stated, restated, and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators.

When those of us who are privileged to live in this great and free Nation commemorate events whereby others have lost their freedom and independence, we always do so with a mixture of sadness and hope. We are deeply saddened by the continuing plight of the millions of people in Lithuania and other captive nations of the U.S.S.R. who still live in captivity under the tyranny of Communist rule. This occasion is, of course, a particularly sad one for the more than 1 million Americans of Lithuanian origin or descent.

We must never give up hope, however, that some day these people will once again control their own destinies and enjoy the precious human right to freedom. In 1966, with the passage of House Concurrent Resolution 416, the United States Congress gave formal expression to our genuine concern for the Baltic peoples held in captivity as well as our continuing hope for their eventual freedom. In this resolution the Congress reaffirms the support of the U.S. Government for the aspirations of the Baltic peoples for self-determination and national independence, and urges the President to bring the force of world opinion to bear on behalf of the restoration of these rights to them.

This resolution follows herewith:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

BILL TO INCREASE CHILD CARE TAX DEDUCTIONS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. KOCH. Mr. Speaker, with the increasing number of women who work—and the added number who want at least some part-time employment out of the home—it is time for the Congress to update its laws relating to tax deductions for child care expenses.

I have introduced a bill to liberalize child care tax deductions allowed under the present internal revenue code. Currently, a working mother can deduct up to $600 in day care expenses for one child and up to $900 for two or more children. My bill would increase these allowances to $1,000 for one child and $1,500 for two or more children. The bill also would eliminate the $6,000 income ceiling now placed on working wives; under present law only divorcees and fathers who are the sole parent are excluded from this income limitation—while no deductions are given to working wives whose total family income exceeds $6,000.

The need for this legislation is readily apparent, particularly when one compares the employment and wage statistics applicable to women with those applying to men. While more women are working today than in the past—women now make up 38 percent of the labor market—statistics released by the Labor Department show a wide differential between the salaries paid men and those paid women. Moreover little progress is being made to close the gap; instead the gap is widening. While in 1955 the woman's median wage was 63.9 percent of the man's, today it is reduced to 58.2 percent. And, while 58.6 percent of workingmen earn $7,000 or more annually, only 13.8 percent of women workers are in this category, and only 0.4 percent of women have incomes over $15,000.

The presence of young children in the family has a direct effect on the mother's participation in the labor force. About 11.6 million women in the labor force in March 1969 had children under the age of 18 years; 7.4 million of these working mothers had no children under the age of six. Also, almost three-fifths of all women workers are married and living with their husbands; more than one-fifth are single; and almost one-fifth are widowed, divorced, or separated from their husbands.

This legislation is also important to those working wives who raise family income above the poverty level or from a low to a middle range. Only 3 percent of all husband-wife families had incomes below $3,000 in 1968 when the wife was a worker; 10 percent when she was not.

My bill will allow expenses eligible for deduction to include those for care in the home or in a day care center. To a working mother, child care expenses are in the nature of a business expense. It seems to me that if a businessman is entitled to deduct expenses for wining and dining a customer, surely any working mother should be able to deduct the expenses for the care of her children.

LOWELL HIGH SCHOOL IN UNIQUE PROGRAM

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. MORSE. Mr. Speaker, I believe that Tom Hollenbach and Wendy Stern, seniors at Lowell High School, should be commended for their initiative and persistence in organizing a program of volunteer service for the handicapped and underprivileged. As ably reported by Staff Reporter Carolyn Miegel of the Lowell Sun, the program is designed to broaden the outlook of the students, increasing their social awareness and helping them learn more about professions they might wish to enter. The article provides an encouraging insight into the desire of the students at Lowell High to assist the less fortunate, and it should be read especially by those who are concerned over the motivations and activities of today's youth. What is going on at Lowell High should not be allowed to pass without recognition, and I am pleased to recommend Miss Miegel's article for the reading of my colleagues:

Lowell High School Students in Unique Program

(By Carolyn Miegel)

Lowell.—In September of 1969, Tom Hollenbach, now a senior at Lowell High School, had an idea about how students could do volunteer work and learn something too. Since that fall, the concept of student volunteers has grown to include a new program at Lowell High this month, where students are released early from school to work in Lowell service agencies.

In the summer of 1969, Tom and some other Lowell students worked at Camp Paul, a summer camp run for children with learning and emotional difficulties. At the end of the summer, "I made a pitch to the volunteers to continue the work during the school year, after school—and those kids became the nucleus of the kids now working at the Solomon Mental Health Center," Tom says.

From the embryonic stages of community service, came another thought—why not do the same sort of work within the high school itself and in other agencies, and on school time?

So along with fellow senior Wendy Stern and a faculty advisor, Miss Elizabeth Kinney of the physics department, Tom set up the community service club last fall.

Initially the club was formed for a tutoring program and the two students, with others, gathered names of students who had free time to begin a tutoring program for fellow students. That was last fall and the list has grown to 120 names, but there is still no tutoring program.

Hollenbach explains that organizational problems at the high school have prevented the start of the program, including the scheduling and overcrowding problems which evolved from the initial chaos of the "modified open campus plan," last fall.

So last December, with the 120 names for tutoring in his pocket, Tom and Wendy went to English classes soliciting names for a new program similar in structure to the high school work experience program, which gets jobs for non-college bound students.

Under the program developed by the two seniors, students in college preparatory courses would be able to leave school at 12:30 and do volunteer work at the Model Cities educational component center in the area Approximately 35 students, all seniors, now are released but Tom says there could be many more.

The value of the volunteer work, they argued, was that the college-bound students would have an opportunity to sample what kinds of professions they might pursue in an academic situation.

They could have the satisfaction of learning from a new experience and applying that knowledge to the choice they must make in college.

Wendy and Tom consulted with Model Cities educational director Patrick J. Mogan and special education director James Demos and finally with the high school administration.

Weary of the high school administration's view of outside programs, the students say they had set up the program and worked out details before going to high school headmaster Raymond Sullivan and work experience director Christopher Mitchell.

The tutoring program was at a stand-still and they didn't want the same delay to infect the "release-time" program, as the volunteer work is called.

They went to Asst. Supt. of Schools G. Douglas Sullivan and then back to the high school. Mitchell was hesitant to approve the program because of state regulations requiring a 5 hour school day. But after a visit by Supt. of Schools Wayne R. Peters, Mitchell's tribulations were erased.

But, even with Peters' go-ahead, the program was not off the ground. In the first week 15 students were supposed to spend Monday and Wednesday afternoons at the special education center.

The first day, however, there were some difficulties with transportation, and the kids didn't go. But now the fifteen are working in the special education center—as "friends," according to Wendy Stern.

"We're not supposed to be teachers there, just a person that the kid can have fun with, study with and confide in. And we can be used as a reward because we are friends. There is none of the structured student-teacher figures with us. We play with the kids and help them with school work, but that is about all," she said.

Wendy has one student, Robin Ann Gablois. Tom works with one of the city's all too few special education classes at the Pawtucket Memorial school on Thursday afternoons. And on Mondays and Thursdays he goes to the Solomon Clinic.

At the mental health center, I act very much like a big brother. It takes about a month for someone just to get the hang of it, though, he says.

Students are not working yet at the Model Cities program but Tom and Wendy hope they will soon.

"We talked with Mr. Mogan and we'll mostly be used in a tutorial capacity, probably for remedial reading," Wendy says, in public and private schools in the Model Cities area.

Both Tom and Wendy see great possibilities in program—and hope the planned open campus for seniors this spring will help to expand their pet project. Under the totally open campus plan, seniors would be allowed to leave school grounds when they don't have a class—and could work in free hours.

"This is the first time that I can remember where we can make constructive changes in the system being done entirely by students," Tom says.

And it seems Dr. Peters sees the possibilities of the program too, as does Asst. Supt. Sullivan.

Sullivan now heads a study committee of students, teachers and community representative to outline an open campus plan for seniors to begin sometime in April.

One state requirement for an open campus plan is for "mini-courses", where students are able to delve into areas in the community and outside the standard curriculum. The "mini-course" requirement for the open campus prevents a local school department for instituting the program merely to save drastically needed school space.

Sullivan has talked briefly with Tom and Wendy about the possibility of incorporating the "release-time" program and expanding it under the open campus plan. Giving credit for the work "is an administrative decision" right now, Tom says, waiting for the open campus to evolve, but Sullivan says it might happen.

At least one of the recipients of the student's time couldn't be more pleased. Dr. Kenneth Bryant, head of the children's division at the mental health center says he is "charmed with the concept."

"They can come and work with quite a few troubled children. It gives the high school students a very different slant on things. They learn and the kids learn from them, even from just having older kids around," Dr. Bryant says.

Other high school and college students also do volunteer work at the mental health clinic, he says, including some from Concord-Carlisle regional high school who are dismissed early to come to Lowell.

Tom and Wendy would eventually like agencies outside the school department—like the mental health center, included in the release time program.

POLITICAL RESPONSIBILITIES OF FREE MEN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. HOGAN. Mr. Speaker, recently, I shared the platform with an outstanding young man from my congressional district, Fred Thomas, a student at Suitland High School. At a time when young people are subjected to an inordinate amount of criticism because of the antisocial behavior of a few young people, it is reassuring to know that young men such as Fred Thomas are giving thoughtful consideration to the pressing issues facing our Nation. So that my colleagues can be reassured and inspired by his words, I insert his remarks in the RECORD at this point:

POLITICAL RESPONSIBILITIES OF FREE MEN

Gentlemen, I was asked to speak to you tonight on any subject I chose. I have decided to speak on the political responsibilities of free men. There are two kinds of responsibilities—responsibilities to one's self and responsibilities to others. First things first. Hence, I shall discuss the responsibilities one has to one's self and then the responsibilities one has to others.

The principal responsibility to one's self is that he be informed on all issues. The possession of this information is imperative because only when one is aware of all sides of a situation can one be truly free to choose his course of action. And we all know that action without thought is like a body without life; cold and meaningless.

Two intrinsic responsibilities are that one exercise the given rights and that one not be apathetic; that is not having an opinion about an issue. A free man must exercise the given rights or else he shall lose them in the same manner as one loses the use of a muscle that lies unused for a long period of time. If one loses his rights in this manner it is because he does not care. Losing one's rights in this manner is worse than losing all one's freedom to a dictator for when a dictator seizes one's rights, one is aware of it. A free man cannot be apathetic because this world we live in is based on Boulean Algebra; that is a base two with either yes or no opinions on everything. When one does not decide yes or no or pro or con, the world forces him into a decision without consulting him. Ergo, one loses part of his freedom.

This last group of responsibilities to one's self includes two which are usually not considered in this manner. They are to obey all laws and to protect the rights of all men. All laws must be obeyed to preserve order and society for without order, it becomes impossible to remain free because one must spend his time and effort defending his property, a task normally assigned to society. Also, it is society which says how much freedom one may have. Recalling the Old West brings to mind an example of a place and time without order or society and absolute freedom meant no freedom. This responsibility must be considered here because only an individual can decide whether or not a law is going to be obeyed. Finally, the rights of all men must be protected so that one does not find himself in the group of people whose rights are being denied. This can most easily be done by each individual fighting to protect the rights of all men. There are two major responsibilities that each free man has to every other man. These responsibilities are to resist oppression and to do service to one's country.

Every free man must resist oppression to insure justice. Justice is essential to a free society because, by its very nature, a free society enables men to choose their very course of action. When some people are not allowed to do certain activities which others are allowed to do, resentment springs up. When resentment springs up, a clash becomes eminent. When a clash becomes eminent, society is threatened. When society is threatened, individual rights are threatened. No cause which can arise in a free society is worth the loss of individual rights. Hence, justice must be maintained.

Free men must do service to their country for a country is made up of people. If the people do not help the country, how can the country be expected to help the people? Several of the services an individual owes his country are to serve on a jury, to serve in the armed services, and to vote. An individual must be ready to serve on a jury, if called, because it is the reciprocal of having the right of trial by a jury of one's peers. There would be no right of trial by jury of one's peers if no one would be a juror; hence, a fundamental right of our free society would be lost. An individual must be ready to serve in the armed services for the defense of his country for, as pointed out earlier, a country is made up of people; hence, people must fight. One cannot be free and apathetic, as pointed out earlier, so when the occasion arises that our country must be defended all free men must come to its aid for this is the price which one must pay for enjoying the advantages of a country. An individual must vote intelligently so that corrupt officials, who take all their orders from special interest groups, will not be elected. For when this happens, the majority will of the people ceases to rule and an oligarchy begins to form.

In conclusion, the fundamental ideal which lies behind all of these responsibilities is a responsibility common to both divisions. If it is neglected, all the people following the neglector, as well as he, lose their freedom. Hence, not only one's self but others are involved. This fundamental responsibility of all free men is that they remain free.

VEYSEY INTRODUCES BILL TO ALLOW CALIFORNIA TO PROTECT ITS ENVIRONMENT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. VEYSEY. Mr. Speaker, the people of southern California suffer from what is commonly acknowledged as the worst smog and air pollution in the country. Although national awareness of the damage done by polluted air has only recently grown strong enough to persuade Congress to take some action. Californians have been struggling with the problem for decades.

The priority California places on cleaning up its air is demonstrated by the recently enacted California Aircraft Emissions Standards Act. I supported the bill as a member of the California Assembly and I know it was the result of extensive research. Its provisions relate to the specific air quality problems of California much more closely than any national standard can, and there is strong local support for hardnosed enforcement.

The effective date of the act was January 1, 1971. On New Year's Day, officers of the Los Angeles Air Pollution Control District posted themselves at the airports and issued over 100 citations for alleged violations of the act.

I think vigorous enforcement like this is needed to control air pollution today. But Congress, in its effort to deal with air pollution on the national level, preempted these citations and the entire California act when it passed the Federal Clean Air Act.

Section 233 of the law expressly prohibits any State from adopting or attempting to enforce aircraft pollution standards other than those established under the Clean Air Act itself. But, I have been informed that it will be at least a year and possibly two or three before the Federal Aircraft Emission Standards can go into effect. In the meantime, the people of California who have taken responsible steps to protect themselves against aircraft pollution are left helpless.

Mr. Speaker, I am today introducing legislation to restore California's right to preserve its own environment until the Federal Aircraft Standards go into effect. I think it is appropriate for the Environmental Protection Agency to take time to hold hearings to consider the views of all interested parties before setting national standards in this field. But a State that has already done so should not be penalized in the meantime. I urge my colleagues to join with me in correcting this injustice.

FREE SCHOOL LUNCHES

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. BADILLO. Mr. Speaker, all of us are aware of the important role that nutrition plays in child development. The so-called hunger hearings shocked the Nation and served as a catalyst, arousing national support for antipoverty programs.

School lunch programs have been consistently popular in Congress and have gone a long way toward assuring that youngsters receive the nutritious meals they need. While the programs are far from being an answer to hunger—they are a first step.

Unfortunately, however, even as a first step they are not sufficiently inclusive. U.S. Department of Agriculture figures indicate that nationally 7.8 million youngsters in nearly 78,000 schools are eligible for free and reduced-price meals, but only some 5.5 million received such lunches in November, while preliminary indications are that 6 million were reached by the program in December.

New York State's estimate of children eligible for free and reduced-price lunches was 7.8 million for October. The State's report showed that while there were 77,598 NSLP schools with an attendance of 38.7 million, another 23,097 schools, with an estimated average daily attendance of 6.7 million had no food services. For lack of facilities or other reasons, 71,803 children in New York State are not receiving free or reduced-price lunches, even though they are eligible for them.

For the information of my colleagues, I would like to insert in the RECORD at this point the very interesting and perceptive assessment of the school lunch program by El Diario, a widely read Spanish-language newspaper in New York:

FREE SCHOOL LUNCHES

Education and food go hand in hand. A well-fed child has much greater possibilities of being a good student than one with an empty stomach.

This truth has been acknowledged by our government and the Food and Nutrition Service of the United States Department of Agriculture has launched an ambitious program tending to provide free lunches or low priced ones to all needy school children.

An initial estimate from the state educational agency indicates that 620,000 needy children attending the 4,496 schools in New York that participate in the National School Lunch Program are eligible for free and reduced price lunches, according to the U.S. Department of Agriculture. Nationally it is estimated that nearly 7.8-million youngsters in nearly 78,000 schools are eligible for such meals.

Some 5.5 million of them got free and reduced price lunches in November, while another 17.9 million children paid the regular price. The total of 23.4 million participants set a record for the lunch program. Preliminary indications are that some 6 million children received free and reduced price lunches in December, USDA's Food and Nutrition Service said.

The estimates of eligible children enrolled in NSLP schools were made last October, before the mandatory January 1 full implementation of amendments enacted last May to the School Lunch and Child Nutrition Acts.

"These reports represent the first State and local experience in reporting children's eligibility for free and reduced price lunches, as required by the new legislation," Assistant Secretay of Agriculture Richard Lyng commented. "We are working now with the States to refine their reporting methods, to assure greater uniformity in subsequent semi-annual reports required every March and October," he said.

"At the moment, however, these are the only benchmarks available. We are using them in our efforts with State and local school cooperators to be sure all eligible needy youngsters in participating schools get a free or reduced price lunch," Mr. Lyng said.

The States' estimates of the number of enrolled children eligible for free and reduced price lunches in NSLP schools totaled 7.8-million in October. The States' report also showed a total of 77,598 participating schools with an average daily attendance of 38.7 million at the opening of the current school year last fall. Another 23,097 schools with an estimated average daily attendance of 6.7 million were reported as having no food service.

During November of last year, a daily average of 548,197 youngsters received free or reduced price free lunches in New York. However, there were still 1,656 schools without a meal service in the state at the beginning of the school year.

For lack of facilities or other reasons, there still are 71,803 children in New York not receiving free or reduced price lunches, even though they are entitled to them.

This is a situation that our school authorities, working together with the school lunch program, should remedy as soon as possible. Free lunches are a basic step forward in our schools. We should not, however, stop there. Free breakfasts should also be provided to our needy children.

MARYLANDER KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. LONG of Maryland. Mr. Speaker, a fine young man from Maryland, Pfc. Larry A. Woodburn, was recently killed in action in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the RECORD:

[From Baltimore Sun, Feb. 10, 1971]

LARRY WOODBURN DIES IN VIETNAM

MARINE FROM SILVER SPRING WAS ON 2D COMBAT TOUR

The Department of Defense announced yesterday that Marine PFC Larry A. Woodburn, of Silver Spring, has been killed in action in South Vietnam.

The 20-year-old Marylander died February 5 in Quang Nam province while on patrol duty his mother said.

"He didn't like it. He said he thought they weren't accomplishing too much there," Mrs. Dale E. Woodburn, the marine's mother, added.

In Vietnam for a second tour of duty, Private Woodburn was a member of K Company, 1st Marine Division.

He was a graduate of Montgomery Blair High School here and had been a member of Troop 295 of the Boy Scouts. He also belonged to a group of local explorers who were fond of nature and the outdoors.

He had planned to go to college after completing his service in the Marine Corps.

Funeral arrangements were incomplete yesterday, but the marine will be buried in Arlington National Cemetery.

In addition to his parents, his survivors include a brother, Lee Woodburn, also of Silver Spring.

LITHUANIAN INDEPENDENCE DAY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ROE. Mr. Speaker, we in the United States frequently look back with great pride at the history of our battles for freedom, and because of that, we are today a free and independent people. Because we are, indeed, a free and independent Nation, we can all the more appreciate the efforts of our forefathers which attained fruition.

Unfortunately, the small but proud country of Lithuania cannot relate its present state to its two decades of independence. Dominated by the Soviet Union, its history is a saga of constant struggle and sacrifice against suppression by an alien power.

February 16, 1971, commemorated the 53d anniversary of Lithuanian independence. It is a noteworthy tribute to the fierce determination of the Lithuanian people that this day is still celebrated. Although their independence was short lived, it was and is a monument to the pride and courage of generations of Lithuanians. The people of Lithuania displayed remarkable courage in their fight against Russian subjugation. The czarist regime undertook a long campaign to replace the Lithuanian language and culture with their own but had to abandon their policy because of Lithuanian resistance.

Time and time again the Lithuanians have been called upon to resist communism and each time such invasions have been repelled.

During its short period of independence the Lithuanian nation became self-sufficient and created a modern diversified country. Many of its people became farmers as a result of a great land reform program. The number of industrial establishments increased dramatically after World War I giving rise to economic prosperity. The period of independence became an age of growth and maturity for Lithuania, and proved to be a strong contributive force for its development and social progress. How tragic that it was crushed.

Despite courageous but vain attempts to remain neutral during both World Wars, Lithuania fell victim to the aggressive appetites of Germany and the Soviet Union. Following the war's end, Lithuania could not return to its independent status as the repressive power of the Soviet Union dominated the Nation.

We know very little about life in Lithuania now. We can assume, however, that the people suffer from the lack of freedom and independence that characterize Soviet rule. The United States has always recognized Lithuanian independence.

This indicates the faith and esteem which the Government of the United States has for the Lithuanian people. I hope the day will never come when we will recognize the lowering of the iron curtain separating them from the rest of the world, and that the day will come when once again Lithuania can take her place beside the free nations of the world.

Rarely has one people fought with the determination and patience exhibited by the Lithuanians who are faced with a seemingly insurmountable challenge, a constant reminder to all Americans of the value of our own independence.

National pride is their challenge. Their goal—independence.

Though the road may be long and difficult, I am confident that their spirit and national pride will overcome all obstacles.

Mr. Speaker, I am proud to lend my voice to honor the Lithuanian people on the 53d anniversary of their independence. The future of Lithuania may look bleak to some but if the people demonstrate the same patience and courage in the future as they have in the past, then I for one am sure that given time, they will overcome their oppressors.

THE VERY REVEREND GONVILLE AUBIE FFRENCH-BEYTAGH AND THE TERRORISM ACT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. FRASER. Mr. Speaker, the following editorial comments are from South African newspapers. They concern the arrest and initial detention of the Very Reverend Gonville Aubie ffrench-Beytagh, Anglican dean of Johannesburg, South Africa.

On February 8, I noted that the Record statement of 55 Members of this Congress on the ffrench-Beytagh case spoke for itself. It is equally true that the editorials I include today in the Record need no further comment. They follow:

[From the Argus, Jan. 22, 1971]

Right to Fair Trial

In a normal society the Dean of Johannesburg would have appeared before a magistrate in open court by now, or he would have been released. Either way the public would know what it was he was being questioned about and, if a charge were to be laid, the Dean would have had the help of a lawyer and been in contact with his family, friends and colleagues.

But the law under which the Dean was detained is not a normal law. The continued silence on the specific reason for police action against him, the manner of the detention and the knowledge that there is no machinery existing to test the validity of the action against him or even to secure his release, all these are abnormal circumstances. Public disquiet is, therefore, understandably grave. More than that, the matter is causing international concern. The British Government has intervened directly to secure access to the Dean, who is a British citizen. Friends and foes of South Africa throughout the world are reacting just at a time when South Africa's affairs are being closely examined once again by the World Court at The Hague and by heads of government of Commonwealth countries.

Nothing will undo the harm already done by this unexplained action. But the longer the public is kept in the dark, the longer the Dean is denied his freedom or the right to fair trial, the greater the injury to this country will be. It is fitting that bells should toll (not just from Anglican churches but from churches throughout the land) for those who have lost their liberties without trial.

The Dean should be charged or freed immediately and the bells should not stop tolling until this happens.

[From the Cape Times, Jan. 22, 1971]

Laws and Usages

We often wonder whether the harm that can conceivably be done by mischievous clergymen is not vastly less than the harm that is done when the machinery of the State sweeps into action with deportations, withdrawals of passports, cancelling of residence permits and, as in the latest instance, locking up in gaol. The arrest of the Very Rev. G. A. ffrench-Beytagh in the precincts of his own cathedral, in circumstances lacking only the tolling of the sanctuary bell, could be calculated to ensure maximum emphasis of the event. It has, in fact, already attracted powerful attention: it was a main item in the news services of at least three of the major international radio stations in yesterday's morning broadcasts. That the South African Broadcasting Corporation was not prominently among that number is not evidence that the world at large is unconcerned about the detention by Security Police of eminent clerics.

We entirely agree with Mr. Gerdener in his statement yesterday that nobody can expect that clergymen, because they are clergymen, are in any way immune from the laws of this country. "Laws" in this sense is usually understood in terms of well-tried procedures. A man is arrested, appears in public within 48 hours before a judicial officer, is presented with a specific charge and within a reasonable time is publicly tried on evidence given under oath and with provision for legal representation and appeals to higher courts. If the Very Rev. Mr. ffrench-Beytagh had been arrested as part of a judicial procedure of this kind there could not be the slightest criticism.

But we are a little anxious about Mr. Gerdener's coupling with "the laws" the words "and usages." It is presumably under the banner of "the usages" that in the last year or so a score or so clergymen of various kinds have been deported or refused visas or have had passports without drawn. As distinct from the normal working of the laws, these usages are marked by the total refusal of the authorities to prefer a formal charge or to give any information about why the cleric concerned has drawn upon himself the wrath and power of the State. It was presumably in terms of the usages that a Moslem priest, the Imam Haron, was arrested, whisked away from friends and relatives and locked up incommunicado for three months, at the end of which he died after falling down some stairs. He had some 26 bruises and other injuries, not all of which, according to the inquest magistrate, could be ascribed to the fall down the stairs.

The information that the Very Rev. Mr. ffrench-Beytagh has been arrested in terms of Section 6 of the Terrorism Act is not reason for expecting that he is being dealt with in terms of law as distinct from usage. This is the section which enables any policeman above the rank of lieutenant-colonel to arrest without warrant anyone he thinks is a terrorist or has information about terrorists. He can then have the man locked up without any obligation other than to tell the Minister of Police what he is doing and, once a month, to give the same Minister a statement of the reasons why the man shall NOT be released. The rest of the section lays down that no court of law shall pronounce on the validity of the detention, no person shall have access to the detainee and no person shall be entitled to any official information about the detainee. However, "if circumstances so permit" a detainee shall be visited in private by a magistrate once a fortnight.

[From the Cape Times, Jan. 23, 1971]

Laws and Usages

After much damage has been done, the public is presented with the statement that the Dean of Johannesburg has been arrested and kept *incommunicado* in a police cell "for reasons connected with his private life—not with his political views nor his church life". The first question which arises is: Why the Security Police? The whole function of the Security Police, a body quite separate from the ordinary police, is to protect the State against political subversion and to deal with crime and criminals associated with political protest. If the Dean's misdemeanours have nothing to do with his political views and concern only his private life, the matter is one for the ordinary police, formulating a charge, legal representation, bail and public trial.

And why the Terrorism Act? The section under which the Dean has been arrested requires that the detainee shall be suspected of being a "terrorist" or of "withholding from the police any information relating to terrorists or to offences under the Terrorist Act". If the Dean is a terrorist or is withholding information about terrorists, how can it be claimed that his detention is "for reasons connected with his private life" and has nothing to do with political views?

A further question arises from the reported statement of Mr. S. L. Muller, the Minister of Police: "I know nothing about it." The Act requires that "The Commissioner shall, as soon as possible after the arrest of any detainee, advise the Minister of his name and the place where he is being detained". How long is "as soon as possible"? Or do the police incarcerate eminent clerics and get round to informing the political head of their department only after the accomplished fact and through the leisurely channels of inter-departmental correspondence?

[From the Argus, Jan. 25, 1971]

Public Concern

While there is undoubtedly relief that the Dean of Johannesburg is to face trial following his detention under the Terrorism Act, the announcement itself in no way mitigates the way in which the laws governing "subversion" are being implemented. Concern remains for the manner of the Dean's detention, for the continued refusal to grant him access to his lawyer and for the deprivation of rights which he along with others held under these laws are suffering.

A senior Security Police officer says: "It is normal procedure to bring an accused man to court as soon as possible." But it is precisely because normal procedures seem too often to be dispensed with when the charges are political, that there have been so many who have been held for months before first appearing in court, that the public has been disturbed by the Dean's arrest. Normal procedure is for the police to establish a case before detaining anyone. Normal procedure is for anyone detained to appear before a magistrate within 48 hours, even if only then for remand. Normal procedure is for an accused to have ready access to legal advice, to be provided with every facility to ensure that he does nothing to incriminate himself. The principle that a man is innocent until he is proved guilty is firmly adhered to even for the most serious crimes.

It is wrong, therefore, for anyone now to attempt to dismiss the very real perturbation at the treatment of people suspected of "subversion". No matter what crimes anyone is alleged to have committed he should enjoy the full protection of a system of justice which is one of the most cherished traditions of this land. By failing to give this protection the authorities are blackening South Africa's name throughout the free world.

"WHEELCHAIR SAFARI"

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, several times each year, Humboldt County, in my California congressional district, entertains groups of amputees, who are in San Francisco Bay military hospitals. The program ranges from hunting deer to fishing for salmon in north coastal streams.

Recently, an article appeared in the Marine Corps publication, the Leatherneck, detailing the experiences of 15 men, all of whom had lost one or more limbs in Vietnam, on a deer-hunting excursion in the county.

In addition to including the article in the RECORD at this point, I would like to publicly commend two people who are primarily responsible for this tremendous program, retired Marine gunnery sergeant, Bob Boudreau, himself a double amputee and Ervin Renner, the county veterans service officer.

Following is the article, written by Marine Sgt. Hank Berkowitz:

"This was my first step back into public life, and I couldn't have asked for a better experience to start out with."

These words were spoken by Cpl Bobby DeVoll, one of 15 amputees, both Marines and Navy corpsmen, who had just returned from a successful weekend of deer hunting and other recreational activities. The weekend was sponsored by the community of Humboldt County in Northern California.

The 15 men—13 were Marines and two Navy corpsmen who had lost one or more limbs in Vietnam—had been flown from Oak Knoll Naval Hospital, Oakland, Calif., along with five attendants.

The program was initiated by Humboldt County in 1966 under the directorship of Ervin Renner, County Veterans Service Officer. Since the start of the program, the county has entertained more than 160 Marine and Navy Vietnam amputees.

Renner, a double-leg amputee himself, lost his limbs in the Battle of the Bulge during World War II. "I was a patient in a military hospital after the war," he explained, "so I know the mental and physical trauma to which these young men are subjected. During my period of hospital recuperation, the surrounding community sponsored a program whereby we were able to get out of the hospital and get involved with life again. Sort of a 'first step' back to the land of the living, you might say.

"And that's what we're trying to accomplish here," he continued. "We want to give these men that chance and help them realize that someone still cares for them. That's hard to realize when you're lying in that hospital bed day after endless day, thinking lonely thoughts of the world flowing by without you.

"So, after much thought and consideration, we finally got the program started here in Humboldt County. The first trip wasn't that successful, but we learned more as time went by.

"The program has grown now to envelop the whole community. They provide for two trips a year—a fishing trip and then the hunt. Everybody donates something," said Renner. This includes local citizenry, merchants, service organizations and the sheriff's office. The VFW and the American Legion are the biggest backers, getting out and asking for monetary donations, food, housing, sports equipment, transportation and all the other necessities needed to provide a memorable weekend for the amputees.

"We have no specific therapy in mind; we're just a group of people who want to make the men feel that someone is concerned about their welfare, and we try to make their period of recuperation a little easier," he concluded.

The amputees were greeted at the airport by local officials and veterans, then taken to lunch before changing clothes and heading for the hills and the deer hunt.

Arriving at the Roy Fulton Ranch, owned by one of the five local ranchers who had donated their private land for the hunt, the novice nimrods were given rifles. Amputees confined to wheelchairs had their chairs securely fastened in backs of trucks before heading out. A few hours of daylight still remained for hunting.

Each amputee hunter was accompanied by a driver, guide and one or two helpers. This was to insure the safety of the hunt. Also, in case the hunter only succeeded in wounding a deer, one of the guides would be there to make sure it didn't get away.

Because of their various handicaps and the rough terrain, hunters were confined to the trucks. Drivers would travel the hill roads until they reached a likely-looking area. They would then stop, and the truck beds would be used as deer stands.

Guides used binoculars and rifle scopes to survey the hills, looking for deer in the dense underbrush and timber. If a deer wasn't sighted after a reasonable length of time, one or two helpers would tramp through the area, trying to drive one out of hiding.

The spirit of the hunt affected one and all, each group insuring their particular hunter that they knew a place in the woods where deer were certain to be found. At first, most of the amputees were restrained, but it wasn't long before they were conversing easily.

For most of the Marines, it was their first try at deer hunting. It didn't take them long to snap in, though; seven white-tail bucks fell the first day.

Back at camp, local men and women had been busy preparing a steak barbecue with all the trimmings. From past hunts, they knew there would be some big appetites coming in soon.

A few bucks had escaped the sights of the hunters and during dinner there were jests from the local populace about the famed Marine marksmanship. But it was all good-natured kidding, and besides, there would be another chance the next morning.

After the meal, a trio of musicians provided a wide assortment of sounds and songs for entertainment. In the audience were more than 200 county residents who had made the long trek up to the Fulton ranch to visit with the amputees.

One of those who had driven up to participate in the hunt was retired Marine GySgt Bob Boudreau, president of the Rehabilitation Jobs Development Company in Humboldt. Boudreau, who lost both legs in a mine accident, had been a member of the first trip sponsored by the county in 1966. Impressed by the area, he and his family moved there. Since then, Boudreau has made every hunting and fishing trip the amputees have taken.

"That first trip up here was a great inspiration for me. I was a pretty bitter individual after losing my legs," Boudreau mused, "and I really didn't know what I was going to do with myself.

"And that's the way it is for a lot of these young amputees," he stressed. "For some of them, it's their first public contact since their injuries. For most, it can prove to be the first step back on the long road to complete rehabilitation. This kind of program shows the men that the American people haven't forgotten them, and by using myself as an example, I hope to show them that they too can find their places in society."

The barbecue festivities lasted well into the night, but the entire camp was up at 4:30, awakened by the siren of a fire engine driven up especially for the occasion. As Cpl. Greg Najera, one of the Marine hunters said, "It reminded me of the 'Nam with that siren going off."

After a hot breakfast, the hunters and their helpers were again on the trail, some looking for their first deer while others were on the lookout for their second, trying to use up their full deer tag allotment. This was the last day of the hunt and the hunters knew there could be no wasted shots.

It was a cool, crisp morning and one seasoned guide observed, "It's just right for the deer to be up and moving." Drivers, guides and Marine hunters spread out over the hills in their vehicles, each group hoping to claim the biggest buck.

It wasn't long before several shots broke the morning stillness. For most of the hunters, though, it was a long wait to sight a deer, then scoping it out to make sure it was a buck and not a doe or fawn. Then there was another pause while they made sure they had a clear shot.

By noon most of the hunters had returned to camp. Cpl. Ed Busby was the only Marine to fill both his tags, downing two bucks. Navy Corpsman Bruce Eades also collected two. But Cpl. Tommy Brock brought home the prize with a three-point buck weighing almost 110 pounds. In all, the 13 Marines and two Navy corpsmen collected 17 bucks before the hunt ended.

With the hunt over, it was time to head back to Eureka and dress for a banquet in their honor, scheduled later that night at the Eureka Inn.

More than 300 community residents attended the banquet. Congressman Don Clausen was guest speaker. During the awards ceremony, he presented Cpl. Brock with a pair of binoculars for his firstplace buck. Sgt. Henry Barcena received a "Maggie's Drawers" for missing his only shot at a deer.

Afterwards, the amputees had a chance to visit some local night spots. Several chose to visit a discotheque for some dancing. One of those swingers was Cpl. Greg Najera, who had lost both legs in a booby trap explosion.

Najera was still confined to a wheelchair, waiting to be fitted with artificial limbs at the hospital. But that didn't stop him from showing the young set a new dance technique. Najera used his chair to perform wheelies, spins and twists around his dancing partner. The young crowd circled him and expressed their approval with a burst of applause.

Tommy Brock, who had recuperated enough from his wounds to be fitted with artificial limbs, tried his luck on the floor. "I had never tried dancing since my injury, but I figured if Greg could dance in his chair then I could do it with my new legs," he chuckled. "That first time I fell flat on my face, but I just got right back up and tried it again until I succeeded."

As the evening came to an end the weary but happy hunters returned to the Eureka Inn, where they spent the night.

The next morning the amputees participated in a trap and skeet shoot prior to boarding a plane for the flight back to the hospital.

Home again in his ward, Cpl. Bobby DeVoal had one last comment about the weekend. "Thank them for us would you? For the wonderful hospitality and, most of all, for just making us feel at home."

REVENUE SHARING: TAX SPENDER'S RELIEF

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. SCHMITZ. Mr. Speaker, throughout America today, and particularly in California, resounds the demand for tax relief. In vote after vote the people have made it clear that they think their Government costs too much; that the last thing they want is more taxes and more inflation to continue the seemingly endless expansion of Government programs.

The greatest impact of these votes has been at the local level of government, where the people either have the right to vote directly on increases in the tax rate—as in the case of school taxes—or at least can see first hand not only where their tax money is coming from, but also where it is going. The result is that the inevitable clamor for more money to meet Government "needs"—read "wants"—has been met by a still louder outcry of "stop."

So now the spenders have come to Washington in force looking for relief—not for the taxpayer, but for themselves. They want more money in a less visible form. And in Federal revenue sharing they think they have found the magic carpet to carry them over the angry ranks of aroused taxpayers. They are all but beating down the doors of Congressmen to get their hands on the $5 billion President Nixon would offer them—with no strings attached.

The rhetoric of revenue sharing pleases many supporters of limited government because it speaks of returning more authority to lower levels of government. But this talk is utterly meaningless unless Federal authority, or Federal taxes, or local taxes are reduced as a result. The revenue-sharing proposal now being presented to Congress would reduce none of these. It would simply add $5 billion more on top of everything else government at all levels is now spending.

It is highly undesirable to separate the level of government which collects taxes from the level which spends the money collected, because this makes it so difficult to call government to account for how it uses or misuses the money it takes. This point was made in my newsletter 2 weeks ago, and deserves repetition and even greater emphasis as the drive for revenue sharing escalates. Local government programs financed by Federal funds are for all practical purposes out of the people's hands, and quickly become bureaucratic nightmares.

Congressman John W. Byrnes of Wisconsin, senior Republican on the House Ways and Means Committee and a leading opponent of the revenue-sharing proposal, has pointed out that in Germany during the 1920's, before Hitler came to power, a revenue-sharing system was in effect. The disastrous results were explained in an official report in 1930 by S. Parker Gilbert, Agent General for Reparation Payments:

> The Government of the Reich collects the taxes, but does not feel the full responsibility for them since it must pass on a large share of the proceeds to the States and communes . . . The States and communes, on their side, spend the money without having had any of the responsibility or odium of collecting it, and they have fallen into the habit of expecting the Reich to provide more and more money for them to meet their recurring budgetary deficits . . . The financial relations between the Reich and the States and communes will not be on a sound basis until the responsibility for raising the money by taxation has been reunited with the responsibility for spending it.

There is substantial and growing support for Congressman Byrnes' position—which is also mine—among House Members of both parties who do not feel that they should vote relief for local tax spenders trying to evade the voters' verdict on their liberality with other people's money.

A HUNDRED YEARS IS TOO LONG: THE WAGE BOARD SYSTEM MUST BE REFORMED

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. NIX. Mr. Speaker, the President of the United States in early January of this year vetoed a bill which would have revised the Federal pay system for its blue collar employees. This bill would have been the first real reform in that pay system since the Civil War. The President said it was inflationary while within a few days approving a bill for white collar employees, the total cost of which was $2.3 billion, while the so-called blue collar wage increase would have amounted to $130 million.

The President's veto defies commonsense.

While the bill which was forwarded to the President provided for an additional within step increase, because of a threatened veto by the President the bill I introduce today is one which will provide for 10 steps within grades.

Within grade increases are those given for time in service. It is necessary in work where there is little room for grade advancement to provide some pay incentive to those workers whose loyalty and dedication lead them to stay in the Federal service for a lifetime. Long time employees should be rewarded rather than ignored.

Additionally, my bill provides for participation by employee representatives in the wage board system to the extent of studying and making recommendations for changes in coverage and the collection of data. The wage board system depends for its comparability with pay for the same work in private industry on correct data.

The comparability principle of equal pay for equal work with local private industry is a simple one.

But it has become very complicated because of profound differences in pay in different cities. A few years ago, Federal workers often received different pay in the same trades in different Federal agencies in the same city. Management can not resist comparing Federal trades with unlike occupations in private industry.

The result has been a mess. In 1965, President Johnson ordered an overhaul of the wage board system. It was completed this past October, 5 years later.

The time for statutory reform is here. A hundred years without such reform is too long to wait. It is for the Congress to set policy.

Congress needs to set policy because those who work for nonappropriated fund activities have never been included in the wage board system. These employees work in PX's and other activities which pay for themselves. This distinction which is a bookkeeping one has been enough to keep thousands of workers from receiving decent pay, while ignoring the fact that such activities would have no life without their connection to the Defense Department and other Federal agencies.

Congress needs to set policy in matters of pay such as overtime and seniority because the executive branch has refused to look at these problems. The responsibility for the functioning of all Federal activities ends with the Congress. Should they cease to function, the American people will look to the Congress for a solution. The employee morale of "blue collar" employees is declining seriously. We must take action. I believe that this legislation will provide some of the answers to our difficult problems.

DSG CONSUMER LEGISLATION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ROSENTHAL. Mr. Speaker, the consumer task force of the Democratic Study Group held a press conference today to announce its support of a package of progressive consumer legislation.

Eleven other House Democrats joined me to express a collective commitment to the American people that we in the Congress are aware of the tremendous and growing importance of consumer interests and the need for increased consumer protection.

The failure of the administration to propose meaningful consumer protection measures demonstrates that there is a clear and urgent need for the Congress to take the lead. I hope this Congress will enact a body of consumer legislation which can redress the imbalance between the consumer and the collective might of the business community.

I include below my statement at the press conference and a list of the legislation endorsed today by the Democratic Study Group's consumer task force:

STATEMENT OF CONGRESSMAN BENJAMIN S. ROSENTHAL

Our subject today is disorder in government. We are here because there is an ever growing imbalance between the ability of the American business community to abuse the consumer and the ability of government to protect him.

We are also here to endorse a progressive consumer legislative package. We hope this checklist of important legislation will inspire action from an Administration whose consumer proposals have been a mixture of rhetoric, confused promises and misleading goals.

The consumer record of the past Congress can also be viewed as a tragic disappointment for America's 200 million consumers. We view today's press conference, therefore, with a sense of urgency.

The American consumer is lost in a commercial jungle without weapons and without a guide. He faces the slickest combination of technology and Madison Avenue ingenuity. He is matched against whirling computers and motivational experts.

The free enterprise system with its give and take in the marketplace is essentially healthy and constructive. But it sometimes appears to me that businessmen at all levels—from producers to retailers—are involved in a gigantic bait and switch scheme: today's typical consumer is tempted into the marketplace by promises of product perfection. But the system that produces, promotes, sells and services that product is characterized by planned obsolescence and poor quality control; by the fanciful, frivolous or deceptive advertising it permits; by the withholding of unfavorable performance data from the public; by the absence of meaningful and understandable warranties and guarantees; by the use of irrelevant product endorsements; by the existence of underpaid and underinformed salesmen on the showroom floor; by the omnipresence of unreliable auto, TV, or appliance repairmen.

The result is that the great free enterprise promise too often proves an illusion!

The American consumer is without the kind of help he needs and deserves from his government. If this Administration, and this Congress, really intend to stop inflation, we had better become concerned about proper consumer representation in Washington which is where many price increases either begin or fail to be halted.

Two years ago, at the beginning of the 91st Congress, there was genuine hope that a massive legislative attack on consumer abuses could be mounted. With the help of special interest forces, that hope died in the final days of last year's legislative session.

But this is a new and, we believe, a better Congress for enacting needed consumer legislation.

There is some cause for optimism:

—133 Democratic Members of the House will today cosponsor the bill to establish an independent Consumer Protection Agency. A bi-partisan effort to enlist Republican cosponsors, under the leadership of Mrs. Dwyer of New Jersey, is underway at this time;

—On January 8, 1971, one of the nation's most prestigious bar associations, the Association of the Bar of the City of New York, endorsed consumer class action legislation proposed by Congressman Eckhardt of Texas.

The Administration will very shortly be sending Congress its consumer proposals. As legislators it will be our responsibility to examine these bills with objectivity and in a spirit of bi-partisanship. But it is not our responsibility to ratify proposals which have the "seal of approval" of those special interest groups whose practices the legislation must correct. It *is* our responsibility to pay special attention to the views of those in our society—the consumers—whose interests must be protected. These voices have consistently spoken in favor of the legislative approaches we endorse today.

I fear that this Administration's approach to consumer protection has been dictated more by a concern for the hypochondria of the business community than for the real maladies facing millions of consumers.

Let me say a brief word about other bills in which I have a particular interest:

First, together with Senator Gaylord Nelson, I am reintroducing today the bill to establish nationwide, a federally regulated program of unit-pricing of packaged consumer products. Segments of the supermarket industry are to be commended for instituting unit-pricing programs on a voluntary basis. But there is a need for uniformity and an assurance of continued operation.

The new bill permits retailers to display the unit price either on or near the packaged product; it exempts "Mom and Pop" stores with gross sales under $250,000 per year; it also exempts from federal law retailers who do business in a state with a comprehensive mandatory unit-pricing law;

Second, based on the preliminary results of a U.S.D.A. study, I will introduce a revised "open-dating" bill, first proposed legislatively by Congressman Farbstein;

Third, I am reintroducing today, without modification, last year's bill for better labeling of food products, including nutritional statements, and other bills covering drug and appliance dating.

Finally, I am today introducing a new bill which would permit the advertising of prescription drug prices, now prohibited in most states. This bill is a response to a recent study by Consumers Union in New York City showing a wide disparity in the prices of identical drugs.

LEGISLATIVE RECOMMENDATIONS OF DEMOCRATIC STUDY GROUP CONSUMER TASK FORCE, FEBRUARY 17, 1971

Rep. Benjamin S. Rosenthal, Chairman.
Rep. Joseph Karth, Vice Chairman.
Rep. Shirley Chisholm, New York.
Rep. Bob Eckhardt, Texas.
Rep. Joshua Eilberg, Pennsylvania.
Rep. James M. Hanley, New York.
Rep. James J. Howard, New Jersey.
Rep. Torbert Macdonald, Massachusetts.
Rep. Abner J. Mikva, Illinois.
Rep. Joseph G. Minish, New Jersey.
Rep. Patsy T. Mink, Hawaii.
Rep. John E. Moss, California.
Rep. Neal Smith, Iowa.
Rep. Fernand St Germain, Rhode Island.
Rep. Robert O. Tiernan, Rhode Island.
Rep. Lester Wolff, New York.

Following is a summary listing of legislative proposals recommended by the DSG Consumer Task Force for action in the 92nd Congress:

NEW AND PENDING CONSUMER MEASURES

(*Indicates amended bill; **indicates new bill)

A. Consumer organization and representation

**1. Consumer Protection Agency:* Titled the Consumer Protection Act of 1971 this bill establishes a statutory Office of Consumer Affairs and an independent Consumer Protection Agency. It provides for representation of consumer interests before federal agencies and the courts, coordination of consumer programs, release of government test data, continuation of the work of the National Commission on Product Safety, publication of a Consumer Federal Register, and other items.

2. Independent Office of Utility Consumers' Council: Provides for the establishment of an independent agency to represent the economic interests of consumers of utility services before state regulatory agencies and the courts.

3. Grants to State and Local Consumer Protection Offices: Provides for federal grants-in-aid and assistance in establishing and strengthening state and local offices of consumer protection.

B. Private consumer remedies

**1. Consumer Class Action:* Affords increased protection to consumers by permitting and facilitating consumer class action suits in state and federal courts on matters which now involve sums too small to justify individual litigation.

**2. Comprehensive Warranty Protection:* Authorize the FTC to set standards to guarantee comprehensive warranty protection, expressed in simple language, to purchasers of retail goods shipped in interstate commerce.

3. Door-to-Door Sales Regulation: Amends the Consumer Credit Protection Act to provide a right of rescission regarding sales not made at the seller's place of business.

**4. Eliminating Sales Promotion Games:* Original bill prohibits manufacturers, producers or distributors from requiring or encouraging any retail seller to participate in promotional games.

The proposed bill in the 92nd Congress would also prohibit a retail seller from engaging on his own in a promotional game in connection with the sale of any item.

5. Injunctions by FTC to Stop Deceptive Sales Practices: Would give the Federal Trade Commission power to halt deceptive sales practices by issuing temporary injunctions rather than waiting for the outcome of lengthy "cease and desist" proceedings.

6. Home Improvement Industry Investigation: Directs the Federal Trade Commission to conduct a comprehensive investigation of unfair methods of competition and unfair trade practices in the home improvement industry, and to expand its enforcement activities in this area.

7. Minimum Electric Power Reliability Standards: Amends the Federal Power Act to promote adequate bulk electric power through regional coordination, consistent with the preservation and enhancement of the environment.

C. Food and drug safety

1. Wholesome Fish and Fishery Products Act: Provides for continuous inspection of fish harvesting and processing facilities and fish and fishery products, including adequate intrastate inspection through federal grants-in-aid.

2. Drug Dating Act: Requires that prescription and over-the-counter drugs and vitamins which are determined by the FDA to be of a type whose effectiveness or potency becomes diminished, or which change chemical composition, after storage, be labeled as to the date beyond which the products should not be used.

D. Product safety

1. Consumer Product Safety Act: Establishes an independent Product Safety Agency with regulatory powers to promulgate safety standards for household products.

2. Medical Device Safety Act: Amends the Federal Food, Drug and Cosmetic Act to assure the safety, reliability and effectiveness of medical devices.

E. Food and drug information

**1. Unit Pricing*: Original bill requires retail businesses selling packaged consumer commodities to disclose plainly to purchasers both the retail price of the entire contents of such package, and the unit retail price of its contents per single unit of weight, volume or measure, on the package.

Proposed bill in the 92nd Congress requires retailers to display unit price information either on the product itself *or* in close proximity to the packaged product. It would also establish a dollar volume below which a retailer would be excluded from the provisions of the bill and allow state and city laws of similar effect to apply instead of the federal law.

**2. Open Dating Act:* Amends the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it loses substantial quality.

***3. Prescription Drug Advertising Act:* A new bill which would permit retailers of prescription drugs to publicly advertise prices of such drugs.

4. Better Labeling Act: Requires processors of packaged consumer foods to label these foods with nutrition statements, ingredient contents and other items.

5. Consumer Food Grading Act: Requires promulgation by the Department of Agriculture of a uniform system of retail quality grade designations for consumer food products based upon the nutritional quality and wholesomeness of food products.

6. Generic Labeling of Prescription Drugs: Requires that the generic or established name of certain prescription drugs appear each time the proprietary or brand name is used in the labeling and advertising of such drugs.

F. Other labeling information

1. Appliance Dating Act: Requires manufacturers of consumer durable products to label the month and year of manufacture on such goods whose design or performance standards are changed on an annual or other periodic basis.

2. Performance Life Disclosure Act: Requires, under National Bureau of Standards regulations, that durable consumer products sold at retail to consumers, including appliances and electronic items, bear a conspicuous label disclosing performance life under normal operating conditions.

3. Durable Products Dating Act: Requires manufacturers to label the expiration date of the effective performance life of all durable consumer products which the National Bureau of Standards determines are subject to deterioration in storage.

"FREEDOM—OUR HERITAGE"

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mrs. MINK. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy Contest. The winning speech from the State of Hawaii was delivered by Mr. John Wilson Ames of Wahiawa, Hawaii, a resident of the Second Congressional District. A student at Farrington High School, Honolulu, Hawaii, Mr. Ames is 17 years of age and is the son of Mr. Wilson Ames and the late Mrs. Opal Wallace Ames.

The subject of Mr. Wilson's remarks is "Freedom—Our Heritage." For the benefit of my colleagues, I insert his remarks at this point in the RECORD:

"FREEDOM—OUR HERITAGE"

(By John Wilson Ames)

The Christmas Play was ended! Our Young People's Group had presented the immortal, "A Christmas Carol." I had portrayed the difficult, demanding role of Ebenezer Scrooge. The play was a huge success! Later, that evening, my Mother gently closed the door to my bedroom. I heard her proudly say to my father, "Let him Relax! He has done a good job!" Happily contented, I closed my eyes. Suddenly, the Steeple Clock struck midnight! My door was opened. A Lovely Lady, dressed in white, entered. I noticed that her eyes were blind-folded, and she carried a pair of Silver Scales, in her hand.

"Oh, No! Not again!" I whispered! But, in order to play my part—in this Charade, I politely asked, "Who are you?" "What Do You Want?"

"Do you not recognize me, Child! I am the Spirit of America's Past!" "I stood one day, in a Meadow, called Runymede! I remember it well! That was the Day, on which *Individual Rights and The Dignity of Man Were Born*! Mine was also the Guiding Spirit on that warm August Day, in Convention Hall In Philadelphia, when *your* Constitution was born. I shall never forget it! We the people! No *challenge* is too great! No *foe* is too formidable! As long as we stand, in unison, and proclaim—we the people of the United States of America!"

"Why do you carry a pair of Scales in your hand, and why are your Eyes bandaged?" I asked.

"The scales represent justice to all Men! The bandage I wear, because I am a Female Spirit! I cannot bear to gaze upon the thousands of bruised and battered bodies of my Sons and Daughters, who have fallen on the Battlefields of the World!

"The Hour grows late! You will soon be visited by my Younger Brother, The Spirit of America's Present. Be careful with him! He is both turbulent and troubled! He worries constantly about such Problems as Over-Population, Air and Water Pollution, Human Ghettos, Moral Collapse, etc., etc.!"

"I keep reminding him! You really have *nothing* to worry about! You are the most prosperous, most progressive, most powerful nation—in the world!"

Just then, the East Wall of my room blew away! And, a lovable, laughing *Giant* burst in!

"Do not be afraid, Little Brother! The Spirit of America's Present said to me. I have waited 200 years for your generation! You are my *heirs!* Heirs to America's Heritage! Oh, I know that you are *beseiged* by Problems! But the *Problems,* as well as the *Privileges,* are vital parts of *your* Heritage! Please remember that thousands of eager, education-hungry teenagers covet your inheritance, today!"

"Walk on the Moon, with Neal Armstrong—if you like! But, don't forget to *return* to America! For, this is your Home! As the poet said, centuries—ago.

Humanity, with all its Fears,
With all the Hopes of Future Years,
Is hanging Breathless, on Thy Fate."

As the Spirit of America's Present, departed, he handed me a scroll: I opened it, eagerly, and read:

"This is Your Legacy, Guard it well!"

Fellow Peers! This is our moment in History! What will the future generations say of us? America's past has given us freedom! America's Present has given us Security and the Pursuit of Happiness? Are we "big enough" to "Bind up the Nation's Wounds!" Are we capable of *restoring* our Nation's dignity? I believe that we must! For Freedom is our Heritage! In the words of Eternal Youth, we say:

"So nigh is grandeur to our dust!
So near is God to man. . . .
When Duty whispers, 'Lo, thou must!'
Then Youth replies, I Can!"

DR. LUDWICK GROSS AND THE BRONX VA HOSPITAL—WE ARE PROUD OF THEM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. BINGHAM. Mr. Speaker, last May, a sensational article in Life magazine depicted the Veterans' Administration Hospital in New York's 23d Congressional District as a dead end for paraplegic veterans. As I said at the time, the article made a good point that many of the facilities serving our veterans are in need of repair but the article failed to balance the picture with the story of the excellent care that is given patients in the Bronx Veterans Hospital in spite of the poor conditions and lack of sufficient funds. It is truly a labor of love.

The February 22, 1971, issue of Newsweek magazine, whose feature story is "The War Against Cancer: A Progress Report," carries a short article about Dr. Ludwik Gross, a Polish-born cancer researcher who, in 1950, isolated for the first time a virus that induced leukemia in mice. Today, Dr. Gross is still carrying on his career research efforts at the place where it all began—at the Bronx VA Hospital.

Mr. Speaker, we in the Bronx are proud of Dr. Gross. His example is just one more reason for us to give expanded support to our network of VA hospitals across the country.

The article follows:

WHERE ARE THEY NOW?

OF MICE AND MEN

Two decades ago, conventional medical wisdom held that cancer in general and leukemia in particular were essentially genetic, rather than infectious, diseases. Then, early in 1950, an obscure Polish-born researcher at New York City's Bronx Veterans Administration Hospital succeeded in isolating, for the first time, a virus that induced leukemia in healthy newborn mice. This achievement by Dr. Ludwik Gross suggested two striking new possibilities: first, that the existence of a virus causing leukemia in mammals could lead to the development of a vaccine to prevent the disease; and second, that the forms of cancer other than leukemia could be similarly caused by viruses and thus perhaps were equally susceptible to immunization.

Gross's findings were so startling that his report to the medical community in 1951 was greeted not only with suspicion but with derision as well. But Gross was not dismayed. An intense man and an indefatigable worker, he persisted in performing his experiments again before the very eyes of his detractors—often right in their own laboratories.

"I had a terrible time," the graying, 66-year-old Gross recalls today with a visible shudder. But far from harboring bitterness, Gross shows an obvious pride in his multiple triumphs over adversity. He came to the U.S. at the beginning of World War II after nine years of cancer research at the Pasteur Institute in Paris and continued his experiments while serving with the U.S. Army Medical Corps. Now he delights in pointing out the overwhelming array of awards lining his office wall to demonstrate the vindication of his efforts.

PURSUIT

Trim, gracious and constantly fidgeting with nervous energy, Gross still holds forth at the same VA hospital where, as chief of the cancer-research unit, he controls a budget of nearly $200,000, a staff of twelve and a squeaking, whistling menagerie of some 10,000 mice, hamsters and guinea pigs. Through the years, he has relentlessly pursued his research, working six long days each week, with precious little time to spare for attending an occasional concert with Augusta his wife of 28 years.

As for making the long leap from mice to men, Gross remains cautiously optimistic. "As yet," he concedes, "we still have no reason to believe that we will ever 'cure' cancer. But there is so much that we can do right now to minimize such cancer-inducing factors as pollution, cigarettes, the use of dangerous hormones in food processing and, above all, atomic-bomb testing. We have at least made some tremendous strides toward someday learning how to prevent cancer."

H.R. 4329, THE WIDOW'S EQUITY ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ANDERSON of California. Mr. Speaker, today I am reintroducing a measure which is long overdue. One group of Government employees are second-class citizens when it comes to survivor equity—the military. The military retiree is the only Federal employee whose dependent survivors do not automatically receive a survivor annuity based on the retired pay which he was receiving at the time of his death.

A member of the Armed Forces retired from active duty receives retired pay as long as he lives. But, no part of his military retirement income automatically passes to his surviving dependent when he dies. Every other Federal employee is assured by law that his surviving dependents will automatically receive 55 percent of his Federal retired pay when he dies, unless at the time of his retirement, he signifies in writing his refusal to participate in the survivor annuity plan.

Since 1953, military retirees have been able to participate in the retired servicemen's family protection plan (RSFPP). This plan is a self-supporting survivor annuity program with the Government paying only the minimum administrative costs. The cost of the RSFPP is borne entirely by the participating members of the plan, with the exception of those minimal administrative operational costs.

Despite minor amendments and Public Law 90–465, the basic inequity remains: the high cost to military retirees for their survivors' annuity. Under RSFPP the military retiree pays two and one-half to five times as much as does the civil servant for an annuity of the same dollar value. For instance, a master sergeant who retires at age 50 after 30 years of service must pay more than three times as much as a civil servant to get the same benefits for his survivors.

Despite efforts to make the program more attractive, relatively few military retirees choose to participate in RSFPP. While 90 percent of those eligible for participation in the civil service annuity program do so, only 15 percent of military retirees participate in RSFPP. Clearly, the program has not been appealing to retiring servicemen and therefore not adequate.

The need for an equitable survivor annuity plan for military retirees has been documented by a number of Government studies in recent years. For instance, the Department of Defense's "Study of Military Compensation of October 1964" stated that:

> The evidence is conclusive that the military fringe benefits trend is running counter to private industry trends, with the net result that the military man is rapidly losing ground to his civilian counterpart in this significant part of the compensation package. Reductions in benefits are effectively reductions in pay.

In 1967 President Johnson appointed the U.S. Veterans Advisory Commission and charged them to investigate veteran's benefits and make formal recommendations. In a report dated March 18, 1968, the commission recommended:

> That a federally financed survivors' benefit program be established as an adjunct of the serviceman's retirement program.

H.R. 4329, the bill that I am introducing is designed to change the unfortunate situation in which many survivors of military retirees are faced with economic hardship. It will create a program that will be more flexible and which will bring the serviceman into proper alinement with the rest of the Federal work force. The Government will share in the cost of the program for servicemen, just as it now does for civilian employees. The financial burden will no longer be borne exclusively by the retired military men, though the program will be economically sound. In addition, the bill would provide better survivor benefits and thus place the Armed Forces in a better position relative to private industry, in terms of attracting and keeping employees. Private enterprises generally offer much in the way of liberalized retirement plans.

Basically, the "Widow's Equity Act"—H.R. 4329—provides for an equitable survivor benefits plan to all military retirees, present and future. It will provide two types of annuities for retired servicemen's survivors. One, for married retirees, will be automatic unless declined in writing at the time of retirement. The other, for unmarried retirees, will provide an annuity to a named person having an insurable interest in the retiree. This latter type of survivor annuity may only be elected to those retiring in good health.

For a reduced amount of his retired pay during his retired lifetime, the serviceman will be able to provide a predetermined annuity for his survivors. The formula will be the same as used for civil service survivor annuities. The survivor benefit will be 55 percent of whatever amount of his retired pay the serviceman specifies.

Thus, the bill—H.R. 4329, will be a step in the improvement of fringe benefits for our military personnel and will help countless widows and their families to avoid deprivation. It will help the armed services to compete with the benefits of private industry and will bring widows' equity for retired military men to the level of survivors of retired civil servants.

Mr. Speaker, the adoption of this act will go a long way toward changing a shameful situation.

NATIONAL SOJOURNERS MEMORIALIZE MENDEL RIVERS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. SIKES. Mr. Speaker, my attention has been called to the fact that Charleston Chapter No. 28, National Sojourners, has passed a resolution memorializing our dear departed colleague, L. Mendel Rivers. I am very pleased to ask that this resolution be reprinted in the CONGRESSIONAL RECORD:

A RESOLUTION IN MEMORIAM

Whereas, it has pleased our Heavenly Father, in His infinite wisdom, to call our Brother Sojourner, the Honorable L. Mendel Rivers, to that house not made with hands eternal in the heavens.

Therefore be it resolved,

First, That we humbly bow in submission to God for the privilege of having known Brother Rivers and having served with him through the years in the service of God and our Country.

Second, In the untimely passing of this Brother, the Chapter, the community, the State and the Nation have suffered a great loss, and the Chapter extends deepest sympathy to the bereaved family.

Third, That a memorial be established in the name of Brother Rivers in the Sojourners Endowment Memorial Fund.

Fourth, That all Brother Sojourners be offered the opportunity to contribute to the Sojourner Endowment Memorial Fund in memory of Brother Rivers to the end that an engraved plate bearing his name be added to the Sojourner Endowment Memorial Plaque located at National Headquarters.

Fifth, That this memorial be inscribed on a page of the minutes of the Chapter, and that a copy thereof be transmitted to the family of our late Brother.

SENATE—*Thursday, February 18, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 11:45 a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

"Dear Lord and Father of mankind,
Forgive our foolish ways;
Reclothe us in our rightful mind,
In purer lives Thy service find,
In deeper reverence, praise.

"In simple trust like theirs who heard,
Beside the Syrian sea,
The gracious calling of the Lord,
Let us, like them, without a word
Rise up and follow Thee.

"Drop Thy still dews of quietness,
Till all our strivings cease;
Take from our souls the strain and stress,
And let our ordered lives confess
The beauty of Thy peace. Amen."

—JOHN GREENLEAF WHITTIER.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, February 17, 1971, be approved.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

ADJUSTMENT OF OUTSTANDING CURRENCY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 7, S. 670.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (S. 670) to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of June 24, 1967 (31 U.S.C. 405a–2) is amended by inserting a comma and the words "Federal Reserve Bank notes, and National bank notes" immediately after "silver certificates" wherever the term appears and by striking out "(not exceeding $200,000,000 in aggregate face value)".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–3), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

The bill, S. 670, would authorize further adjustments in currencies outstanding which were issued after June 30, 1929. Specifically, the amendment proposed to the first section of the act of June 24, 1967, would authorize the writeoff of Federal Reserve bank notes and national bank notes, and would remove the limitation of $200 million on the aggregate face value of silver certificates outstanding that the Secretary of the Treasury is authorized by law to write off after he has determined that they have been lost or destroyed, or are held in collections, and will never be presented for redemption. The limitation of $200 million of silver certificates which could be written off was established by the act of June 24, 1967 (31 U.S.C. 405a–2).

HISTORICAL BACKGROUND

The Old Series Currency Adjustment Act of 1961 provided authority for the writeoff of the old large size currency which was issued prior to June 30, 1929, and the act of June 24, 1967, provided authority for the writeoff of silver certificates of the new series issued after June 30, 1929. Under the Old Series Currency Adjustment Act, over $144 million of currency has been determined by the Secretary of the Treasury to have been lost or destroyed and has been written off. Under the act of June 24, 1967, silver certificates determined to have been lost or destroyed or to be held in collections in the amount of $200 million have been written off. For those currencies which are no longer being issued, the writeoff technique is the accepted method of adjusting the liability for currencies outstanding on the books of the Treasury. These adjustments make it possible to reflect more accurately the true liability for currencies which remain outstanding. The writing off of the liability is reflected in the budget as a receipt.

WRITEOFF OF DISCONTINUED NATIONAL BANK AND FEDERAL RESERVE BANK NOTES

Enactment of S. 670 would permit the writeoff of discontinued national bank notes and Federal Reserve bank notes issued after June 30, 1929, determined by the Secretary of the Treasury to have been lost or destroyed. National bank notes, authorized by the act of June 3, 1864 (National Currency Act), were circulating notes delivered to national banks in amounts equal to the market value of U.S. bonds required to be deposited by the banks at the time of their organization. Provision was made by the act of June 20, 1874, and later acts, for the retirement of national bank notes upon the deposit of lawful money with the Treasurer of the United States. As the bonds which were deposited as collateral for national bank notes were retired, national banks deposited lawful money to retire the circulation so secured, thus transferring the liability for redemption of national bank notes to the United States. The amount of such notes outstanding is carried as a part of the public debt bearing no interest. As of January 31, 1970, the amount of national bank notes outstanding, issued after June 30, 1929, amounted to $20,040,000. In the 5-year period 1966–1970 redemptions have amounted to $1,333,000 and to less than $175,000 in each of the last 2 calendar years. Based on this record of retirement, it would seem desirable to reduce the liability of the Treasury for the redemption of these notes by about $18 million, representing notes which will never be presented for redemption.

Federal Reserve bank notes were authorized by the Federal Reserve Act of December 23, 1913, to be issued by Federal Reserve banks against the deposit of U.S. bonds, as in the case of national bank notes. By the close of 1922, Federal Reserve banks had ended their liability on these issues of notes by the deposit of lawful money for their retirement with the Treasurer of the United States. Federal Reserve bank notes were also issued during the emergency period in 1933–34 under the Emergency Banking Act of March 9, 1933. Since 1935, however, all of those notes have been liabilities of the Treasury and in process of retirement. Authority for the issuance of Federal Reserve bank notes was repealed by the Act of June 12, 1945. As of December 31, 1970, the amount of Federal Reserve bank notes outstanding, issued after June 30, 1929, amounted to $54,608,000. In the 5-year period 1966–70, redemptions have amounted to $12,070,000, and in the last 2 calendar years redemptions have amounted to $3,318,000. Based on this record of retirement of these notes, it would seem desirable to reduce the liability of the Treasury for their redemption by about $35 million, representing notes which will never be presented for redemption.

Enactment of S. 670 would permit further writeoffs of silver certificates by removal of the $200 million limitation established by the act of June 24, 1967. During the year following passage of that act, redemptions of silver certificates were very heavy because the act specified that they would not be exchanged for silver after the expiration of that year. Without the incentive inherent in exchange for silver, redemptions then dropped very sharply. During calendar year 1969, only $2,945,000 were redeemed and in the calendar year 1970 only $2,711,000 were redeemed. At the end of December 1970 the amount outstanding was $218,647,000. On the basis of this experience, it would seem desirable to reduce the liability of the Treasury for silver certificates by at least $175 million at the present time, and possibly by more later, representing certificates which will never be presented for redemption.

BACKGROUND OF THE BILL

The legislation proposed by S. 670 was requested by the Secretary of the Treasury in a letter dated January 26, 1971, to the President of the Senate and the Speaker of the House of Representatives. Subsequently on February 5, 1971, Senator Sparkman, for himself, Mr. Tower, and Senator Bennett, introduced S. 670. After consideration the bill was reported unanimously by the committee.

The committee recommends favorable action by the Senate.

The VICE PRESIDENT. Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for 15 minutes.

ATTENDANCE OF A SENATOR

Hon. WARREN G. MAGNUSON, a Senator from the State of Washington, attended the session of the Senate today.

S. 836.—INTRODUCTION OF THE NATIONAL HEALTH INSURANCE AND HEALTH SERVICES IMPROVEMENT ACT OF 1971; AND S. 837—INTRODUCTION OF THE LOCAL COMPREHENSIVE HEALTH SERVICE SYSTEMS ACT OF 1971

Mr. JAVITS. Mr. President, my purpose in obtaining the floor today is to introduce two bills, the National Health Insurance and Health Services Improvement Act of 1971, which I send to the desk for appropriate reference, and the Local Comprehensive Health Service Systems Act of 1971, which I send to the desk for appropriate reference.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bill (S. 836) to provide a national health insurance program by extending the benefits, enlarging the coverage, expanding the role of private carriers, and otherwise improving the health insurance program established by title XVIII of the Social Security Act, by establishing a new title XX to such act to provide comparable health insurance benefits to individuals not covered therefor under the program established by such title XVIII, by providing Federal assistance to develop local comprehensive health service systems, and by authorizing the establishment of federally chartered national health insurance corporations, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Finance.

The bill (S. 837) to amend the Public Health Service Act by establishing a new title X to such act to provide Federal assistance to develop local comprehensive health service systems, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, these measures I am submitting today are part of the totality of health measures, which I hope will have the urgent consideration of Congress. This subject is already receiving the urgent consideration of the President, with a view toward building a national health strategy which will, at long last, deal with the health of all the people on an equal basis, that is, a basis of equal opportunity for gaining access to our health care system, especially for preventive care instead of illness care; and, secondly, as to the economy with which that health care is delivered and the way in which we pay for the service.

I believe so deeply, Mr. President, in 1971 as the Year of Health that I have joined in the bill of the Senator from Massachusetts (Mr. KENNEDY), with others of my colleagues, because I think it takes us one step farther along the road, as it recognizes the national responsibility for the health of all the people. I expect to carry so much of the bill as the President wishes me to carry in the forthcoming omnibus bills for health care of the administration, and I am introducing my own concept. I see no inconsistency in so doing; on the contrary, Mr. President, I see every consistency in these positions, for I believe that all legislative alternatives which hold out the promise of making adequate quality health care for all Americans a reality should be before us so that we may fashion the final measure from them all.

Mr. President, I am very much encouraged, having participated in a conference only yesterday with representatives of the White House, by the fact that the attitude of the administration I believe will be very much the same as mine—that is, an effort from an eclectic point of view to develop the best possible plan from all the alternatives which may be put before us.

To provide adequate, quality health care to all the people of this Nation, my national health insurance bill provides:

Eligibility for basic benefits under title XVIII of the Social Security Act available without limitation to all resident citizens of the United States, without regard to age. Because such a massive expansion of health insurance coverage cannot be imposed immediately upon our present health-care system, these benefits would be phased in by July 1, 1974. It may even be necessary to defer full realization for a year or perhaps two beyond this date. This would give the care system time to "gear up" for the greatly increased demand and allow for the vast reorganization of health care which other parts of this bill would stimulate. I am hopeful that the disabled, the unemployed, and the poor will be the first to be phased into the system.

Before health insurance is extended to all, the following improvements would be made in the present medicare system: Merger of parts A and B of that system; a single charge to provide for both hospital and physician's benefits for the elderly; and extension of these benefits to the disabled under age 65. These changes would become effective July 1, 1972.

Financing of a limited prescription drug benefit would be added to the benefit package. This would be available, with a $1 copayment per prescription, for long-term maintenance drugs. The Secretary also would be authorized to conduct studies relating to maintenance drug utilization, efficacy and cost, and to establish a committee to assist with the drug program.

One year after the effective date of extending medicare benefits to the disabled under 65, two new benefits would be added: First, dental care for children under 8 years of age, restricted to examination and diagnosis, oral prophylaxis, and the filling and removal of teeth; and second, a diagnostic benefit for all who are covered, providing for annual physical checkups, and eye and ear examinations. There is, of course, the risk of abuse of this benefit, but so crucial is its role in preventing more serious and costly illnesses and hospitalization, that it should be included in the benefit package.

Continuation of a separate trust fund for the elderly and a new trust fund for those under 65, thereby protecting the soundness of the medicare trust fund. To simplify administration, both trust funds would be financed from a basic payroll tax split between the employer and the employee. The Secretary of Health, Education, and Welfare would be authorized to apportion revenues between the two trust funds.

Health insurance would be financed by a tax on employers, employees, and the self-employed. The earnings base would be increased to $15,000 for all employees and self-employed. Public assistance recipients and the unemployed would receive full health benefits, the cost of which would be underwritten by Federal Government general revenue financing. The contribution rates from all—as set forth in the actuarial cost estimates developed by the Social Security Administration for my bill—would be, with respect to wages paid during the calendar year 1972, 0.7 percent; 1973, 0.9 percent; 1974, 2 percent; 1975, 3.1 percent; and 1976 and thereafter 3.3 percent. I believe a contributory health insurance system is far preferable to the financing of all health services out of general public revenues because beneficiaries make a direct financial contribution to the system and, consequently, have a personal stake in its fiscal operations.

Significant changes would be established in the administration of health insurance financing. Carriers, wherever possible, would be required to encourage rational organization of health care services and facilities; provide greater consumer education and participation; emphasize preventive, diagnostic, and early therapeutic services; control the costs of services; stimulate diversity and innovation in the provision of health insurance protection; make a continuing study of the organization and methods of delievery of health services in the geographic area in which it operates; review patterns of utilization of services and the effectiveness of existing procedures for control of unnecessary utilization; and recommend action by the Secretary of Health, Education, and Welfare to further such objectives.

This is the significant aspect of my bill as distinguished from other bills in the same field, an effort to use the whole private enterprise system for the purpose, rather than to establish a new system, to use existing carriers, profit and nonprofit, and to encourage, by financing and other means, the development of group practice and other health maintenance organizations.

The Secretary of Health, Education, and Welfare would encourage the rational organization of health care by entering into a variety of administrative arrangements for comprehensive health insurance benefits with comprehensive health service systems—that is, prepaid group practice units, other providers of health services, health insurance carriers, or a combination of them—private, profit, or nonprofit. Such organizations would receive reimbursement for costs and incentive payments to bring about a reduction of costs without impairment of services.

That seems to be the principal problem and the pertinent distinction between my bill and the others as encompassed in that approach, in the approach of utilizing the whole private sector for the purpose.

In order to do that effectively, I have introduced the other bill to which I referred when I began, the Local Comprehensive Health Service Systems Act, to develop a means for establishing institutions locally which could give adequate implementation to a national health scheme, whatever it may be, whether it is based on insurance or whether it is based on some other plan.

In this connection, I wish to note that the President's message on health will be here today. It proposes the administration's alternative respecting this particular matter, in which I hope very much to have a material part, in bringing about the development and implementation of the final system.

The Secretary of Health, Education, and Welfare, under my second bill, would be authorized to make grants to public or nonprofit hospitals, medical schools, insurance carriers, or nonprofit prepayment plans or nonprofit community groups, up to 80 percent of the cost of planning and developing of comprehensive health care systems. In addition, he would be authorized to underwrite the operating and maintenance costs of such local systems for their first 5 years in order to enable them to get on their feet.

This is an absolutely indispensable element of any national health insurance scheme, for without it, any scheme would be valueless, as we would not have—and we do not have today—the means to bring it into being.

These two bills would be in addition to other measures dealing with health education, as our medical schools urgently need considerable assistance. I will not trace the history of that, but at one time I was able to have adopted in the Senate an amendment to provide $100 million emergency financial assistance for medical schools. We are working out other means for helping them, but it is essential to recognize that they need help and need help urgently.

The Secretary of Health, Education, and Welfare would be mandated to undertake a comprehensive study of compensation methodologies for providers of services, soliciting the widest possible expression of views from interested persons and organizations, including health insurance carriers. He would then present a proposed regulation, no later than December 1, 1973, regarding modification of methods of compensation.

I also propose to require the Secretary to study methods of compensation designed to encourage responsibility by medical associations, which are largely regional in character, in regard to this question of methodology of compensation; and the rationalization for how services should be provided to improve—through peer review and otherwise—the quality of health care.

"Reasonable" charges as presently called for by title XVIII would be modified to provide that wherever that phrase appears, it would be subject to the modification, "appropriate." This modification would provide the Secretary of Health, Education, and Welfare with the necessary authority to restructure health care costs so that the charges will be for what the service is really worth when efficiently delivered.

The Secretary of Health, Education, and Welfare would be authorized to require physicians providing services under this bill to meet standards of continuing professional education; of national minimum standards of licensure, if licensed after such standards are promulgated; and of certain professional specialty board standards of qualification for the performance of major surgery or other specialty services.

To the extent practicable and consistent with good medical practice, the Secretary of Health, Education, and Welfare would encourage the training and employment of allied health personnel and other subprofessionals in the rendering of comprehensive health services.

I have long urged bringing many of the 30,000 medical corpsmen released from the Armed Forces each year into the business of providing health services in an important way.

The Secretary of Health, Education, and Welfare would be authorized to make loans and grants and to provide technical assistance to contracting comprehensive health service systems to help them develop the capability to administer the program. These systems would include such comprehensive health services as can be established with Federal aid in given communities which do not have them now.

The Secretary of Health, Education, and Welfare would be authorized to establish, as a contingency provision, a National Health Insurance Corporation, or corporations. The establishment of an autonomous Government corporation in a given area would be for the purpose of fostering better organization of health care and reshaping financing mechanisms to facilitate progressive health care changes. From a practical standpoint, I believe a national health insurance program is far more likely to emerge from Congress if we utilize the existing health insurance industry. However, should hearings on national health insurance legislation indicate that the health insurance industry is not prepared to cooperate, then I would consider bypassing the carriers with the alternative of the establishment of an autonomous Federal corporation or corporations to administer the program, as authorized by title X of the bill.

HEALTH-CARE CRISIS

President Nixon, in July 1969, stated that the Nation "faces a breakdown in the delivery of health care." In 1967 the Report of the National Advisory Commission on Health Manpower warned:

> There is a crisis in American health care. The intuition of the average citizen has foundation in fact.

Since 1960, every national administration has emphasized the "crisis in health care." Let us take a brief look at just a few of the stark and appalling statistics in three basic areas.

Rapidly escalating costs. The cost of 1 day's stay in a community hospital, not including a physician's care, has gone from $44.48 in 1965 to $74.24 in 1970, and in too many hospitals in New York City the daily charge is in excess of $100 per day. In the last 4 years medical care costs have increased almost twice as fast as costs for all consumer items.

Inadequate health manpower and health care facilities. The National Institute of Health's Health Manpower Bureau estimates that we need today an additional 48,000 physicians, 17,800 dentists, 150,000 nurses, and 266,000 allied health profession personnel. In addition, there is a $16 billion measured urgent need for construction and modernization of hospitals and other health care facilities. Also, the geographic distribution of health manpower across the Nation is highly uneven. There are some 212 physicians for every 100,000 persons living in New York State but only 73 per 100,000 in Mississippi. In Harlem, with a population of 185,000 persons, there are about 30 physicians in private practice relating to the local population.

Inadequate health services for the poor and nonwhites. The poor suffer six times as many deaths from pregnancy complications, three and one-half times as many deaths from diseases in early infancy, four times as much heart disease, seven times as many eye defects, and five times as much mental retardation. The life expectancy of a nonwhite American is 7 years less than his white counterpart; infant mortality rates are twice as great for nonwhites as for whites; and nonwhite maternal mortality is four times as great as for whites.

IMPLEMENTATION OF NATIONAL HEALTH INSURANCE

I do not believe we in the Congress should make a promise which cannot be fulfilled. We must allocate sufficient resources to establish a Federal commitment to assist in the development of the newest and safest quality health care together with the best treatment, personnel and facilities.

Because of this, I am also introducing the bill, which I introduced in the 91st Congress, to implement a national health insurance system. It is vital that we proceed immediately with the rationalization of medical services and facilities.

MAJOR PROVISIONS, LOCAL COMPREHENSIVE HEALTH SERVICES SYSTEMS ACT OF 1971

The second bill, to overcome the inequities and perhaps hardships of our presently outmoded health care system, provides:

The Secretary of Health, Education, and Welfare would be authorized to make loans and grants and provide technical assistance to enable comprehensive health service systems to plan and develop comprehensive health care programs and assist them to become self-supporting.

Criteria would be established for systems seeking financial and technical assistance from the Government for the purposes of developing comprehensive health-service systems. Such systems would be required, among other things, to enter into an agreement with the Secretary to provide or arrange to provide services authorized by medicare. Comprehensive health-service systems would have to develop preventive health-care programs, train and employ allied health personnel, be organized in a manner consistent with a State's overall comprehensive health-care plan, and emphasize local consumer and community involvement in its planning, development, and operation.

The Secretary would be authorized to make grants to public or nonprofit hospitals, medical schools, insurance carriers or nonprofit prepayment plans or nonprofit community groups to pay up to 80 percent of the cost of planning and development of comprehensive health-care systems. Applications for assistance under this title would have to be approved by a State health planning agency.

The Secretary would be authorized to contract with an approved comprehensive health-service system to pay as much of administrative, operating, and maintenance costs of such system as exceed its income for the first 5 years after approval. The contract would require the system to make efforts to enroll members, control costs and utilize services and otherwise maximize income and minimize costs. The Secretary could terminate a contract after giving 6 months' notice. The Secretary would be authorized to make grants to a system for programs of capital development in an amount not to exceed 80 percent of non-Federal contributions otherwise required for construction and modernization of hospitals under title XI of the Public Health Service Act. The award of such a grant would depend upon approval of the proposed project by the responsible State health planning agency.

A comprehensive health service system would be identified as one providing health care to an identified population group in a primary service area on the basis of contractual arrangements which embody group practice established by a medical school, hospital medical staff, medical center or other entity among the participating providers of services. It would be required to provide at least all services specified in title 18 of the Social Security Act—hospital and physician checkups, provision for maintenance prescription drugs, and dental services for children under 8 years of age. Other appropriate preventive and comprehensive health care services would be included, as required by the Secretary.

"Such sums as may be necessary" would be authorized to carry out the purposes of this act.

We in the Congress must give an adequate response to the angry frustrations over health care in America; we cannot depend upon an already overburdened health-care system to meet comprehensive needs. We must begin now to reorganize health-care systems accordingly.

Health care is a right for all Americans. The legislative proposals I have introduced today seek to make that right a reality.

Mr. President, I ask unanimous consent that a section-by-section analysis prepared by the Legislative Reference Service of the Library of Congress, a description of the level of benefits, and the text of the National Health Insurance and Health Services Improvement Act of 1971, and the Local Comprehensive Health Services System Act of 1971 may be made a part of my remarks.

There being no objection, the bills and other material were ordered to be printed in the RECORD, as follows:

S. 836

A bill to provide a national health insurance program by extending the benefits, enlarging the coverage, expanding the role of private carriers, and otherwise improving the health insurance program established by title XVIII of the Social Security Act, by establishing a new title XX to such Act to provide comparable health insurance benefits to individuals not covered therefor under the program established by such title XVIII, by providing Federal assistance to develop local comprehensive health service systems, and by authorizing the establishment of federally chartered national health insurance corporations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act, with the following table of contents, may be cited as the "National Health Insurance and Health Services Improvement Act of 1971".

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FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that:

(1) the ability to deliver basic health protection is impaired as the result of the inadequate allocation of health resources and less than optimum management and rapidly escalating health care costs. An anachronistic national health care system often operates to provide priority to patients on the basis of ability to pay rather than most pressing need for services. The inequities and hardships which result from such a system are further aggravated by duplication, waste, overlap, and poor coordination in the system at a time when health manpower and resources are in short supply.

(2) the right to quality health care has become a national objective and a right for all Americans. The removal of financial barriers to health care services, and improvement of the present system of delivery of health services, are matters of vital concern affecting the public health, safety, and welfare.

(3) every American regardless of economic status, should be enabled to obtain basic health benefits and a national system should be established which will allocate sufficient resources to bring about the needed changes in the system of health care.

(4) we should develop a system of health insurance benefits which will be financed by employer-employee contributions and from general revenues, and which will provide benefits to all Americans including the aged, the indigent, the disabled and the unemployed.

(5) we should encourage the development of a system of health care under Federal standard which utilizes a wide diversity of care and benefit mechanisms, including the valuable management skills of the commercial and nonprofit insurance industry, the nonprofit health care community and cooperative agencies and group practice units, and maximizes consumer choice between such competing mechanisms.

(6) we should encourage the development of systems of continuing and comprehensive health care which emphasize preventive, diagnostic, ambulatory, and rehabilitative services, as well as physicians' and hospital care, and which stimulate physicians and providers to enter into group practice and other arrangements and into relationships with other providers, under which the delivery of quality health care will be facilitated.

TITLE I—AMENDMENTS RELATING TO HEALTH INSURANCE PROVIDED BY TITLE XVIII OF THE SOCIAL SECURITY ACT

PART A—COVERAGE OF ALL AGED AND DISABLED; EXTENSION, WITHOUT PREMIUM, OF SUPPLEMENTARY BENEFITS TO ALL COVERED INDIVIDUALS

SEC. 101. (a) Section 226(a) of the Social Security Act is amended to read as follows:

"(a)(1) Every individual who—

"(A) has attained age 65, and

"(B) is—

"(i)(I) entitled to monthly insurance benefits under section 202, or (II) a qualified railroad retirement beneficiary, or

"(ii) a resident of the United States (as defined in section 210(i)) and—

"(I) a citizen of the United States (as so defined), or

"(II) an alien lawfully admitted for permanent residence who, after being so admitted, has resided in the United States (as so defined) continuously for a period of not less than 5 years,

shall be entitled to hospital insurance benefits under part A of title XVIII for each month for which he meets the conditions specified in subparagraph (B), beginning with the first month after June 1972 for which he meets the conditions specified in subparagraphs (A) and (B).

"(2) Every individual who—

"(A) has not attained age 65, but

"(B) (i) is entitled to disability insurance benefits under section 223, or (ii) has attained the age of 18 and is entitled to child's insurance benefits under section 202(d) and is under a disability (as defined in section 223(d)) which began before he attained age 18, or (iii) has not attained age 60 and is entitled to widow's insurance benefits, or (iv) has not attained age 62 and is entitled to widower's insurance benefits, or (v) is a qualified railroad retirement beneficiary,

shall be entitled to hospital insurance benefits under part A of title XVIII for each month beginning with the later of (I) July 1972 or (II) the first month he satisfies the applicable conditions of subparagraph (B), and ending with the second month after the first month in which he ceases to meet the applicable conditions of subparagraph (B) or, if earlier, with the month before the month in which he attains age 65.

"(3) Notwithstanding clauses (iii) and (iv) of subparagraph (B) of paragraph (2)—

"(A) a widow or surviving divorced wife who has attained age 60 shall be deemed to have satisfied the applicable conditions of such subparagraph (B) in any month in which (i) she is entitled to benefits under section 202(e) (or would be entitled to benefits under section 202(e) but for paragraph (1) (E) thereof, and (ii) she would be entitled to such benefits without regard to such paragraph (1) (E) and section 202(e) (1) (B) (i)) had the period specified in section 202 (e) (5) ended in the month in which she attains age 65 instead of in the month in which she attains age 60, and had the reference to age 60 in section 202(e(1) (B) (ii) been a reference to age 65; and the first month in which she shall be deemed not to have satisfied such applicable conditions shall be the second month following the first month in which such benefits would have been terminated on the basis of the occurrence of an event specified in section 202(e) (1); and

"(B) a widower who has attained age 62 shall be deemed to have satisfied the applicable conditions of such subparagraph (B) in any month in which (i) he is entitled to benefits under section 202(f) (or would be entitled to benefits under section 202(f) but for paragraph (1) (E) thereof, and (ii) he would be entitled to such benefits without regard to such paragraph (1) (E) and section 202(f) (1) (B) (i)) had the period specified in section 202(f) (6) ended in the month in which he attains age 62, and had the reference to age 62 in section 202(f) (1) (B) (ii) been a reference to age 65; and the first month in which he shall be deemed not to have satisfied such applicable conditions shall be the second month following the first month in which such benefit would have been terminated on the basis of the occurrence of an event specified in section 202 (f) (1)."

(b) (1) Section 226(b) (1) of such Act is amended to read as follows:

"(1) entitlement of an individual to hospital insurance benefits for a month shall consist of entitlement to the benefits provided under part A of title XVIII (subject to the limitations, conditions, and procedures provided in such title for the provision of such services) furnished to him in the United States (or outside the United States in the case of inpatient hospital services furnished under the conditions described in section 1814 (f)) during such month; and".

(2) Section 226(b) (2) of such Act is amended by striking out "under section 202" and inserting in lieu thereof "under section 202 or 223".

(c) Section 226(d) of such Act is hereby repealed.

(b) Section 103 of the Social Security Amendments of 1965 is hereby repealed.

Sec. 102. (a) The heading of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED".

(b) The heading of part A of title XVIII of such Act is amended by striking out "FOR THE AGED".

(c) Section 1811 of such Act is amended by inserting immediately before the period at the end thereof the following: ", and for individuals who are disabled and are entitled to benefits based on disability under title II of this Act or under such system".

Sec. 103. (a) The heading of part B of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED".

(b) (1) Section 1831 of such Act is amended to read as follows:

"Sec. 1831. There is hereby established an insurance program to provide medical insurance benefits in accordance with the provisions of this part for individuals who are entitled to the hospital insurance benefits provided by part A."

(2) The heading for section 1831 of such Act is amended to read as follows: "ESTABLISHMENT OF SUPPLEMENTARY MEDICAL INSURANCE PROGRAM".

(c) (1) Section 1836 of such Act is amended to read as follows:

"Sec. 1836. Every individual who is entitled to hospital insurance benefits under part A shall be entitled to the benefits provided by the insurance program established by this part."

(2) The heading to section 1836 of such Act is amended to read as follows: "ENTITLEMENT TO BENEFITS".

(d) Sections 1837, 1838, 1839, 1840, 1841, 1843, and 1844 of such Act are repealed.

(e) Section 1815 of such Act is amended by striking out "Hospital" and inserting in lieu thereof "Health".

(f) (1) The heading to section 1817 of such Act is amended by striking out "HOSPITAL" and inserting in lieu thereof "HEALTH".

(2) Section 1817(a) of such Act is amended by striking out, in the second sentence thereof, "part" and inserting in lieu thereof "title".

(3) Section 1817(h) of such Act is amended by inserting "and part B" immediately after "this part".

(4) Section 1817 of such Act is further amended by adding at the end thereof the following new subsection:

"(i) On July 1, 1972, there shall be transferred to the Trust Fund all of the assets and liabilities of the Federal Supplementary Medical Insurance Trust Fund."

(g) The last sentence of section 1861(v) (1) of such Act is amended by striking out "Hospital" and inserting in lieu thereof "Health".

(h) Section 1864(b) of such Act is amended by striking out "Hospital" and inserting in lieu thereof "Health".

(i) Section 201(g) (1) (A) of such Act is amended—

(1) by striking out "Hospital" and inserting in lieu thereof "Health", and

(2) by striking out "and the Federal Supplementary Medical Insurance Trust Fund".

(j) Section 1875(a) of such Act is amended by striking out "health care of the aged" and inserting in lieu thereof "health care of the aged and disabled".

(k) Section 1902(a) (10) of such Act is amended by striking out "the making available of supplementary medical insurance benefits under part B of title XVIII to individuals eligible therefor (either pursuant to an agreement entered into under section 1843 or by reason of the payment of premiums under such title by the State agency on behalf of such individuals), or".

(l) Section 1902(a) (15) of such Act is amended by striking out "either or both of".

(m) Section 1903(b) (2) of such Act is repealed.

Sec. 104. (a) (1) Section 21(a) of the Railroad Retirement Act of 1937 is amended by striking out "consisting of inpatient hospital services, posthospital extended care services, posthospital home health services, and outpatient hospital diagnostic services (all hereinafter referred to as 'services')" and inserting in lieu thereof "and other benefits and services (such benefits and services hereinafter being referred to as 'services')".

(b) (1) Section 21(d) of the Railroad Retirement Act of 1937 is amended by striking out "and sections 1840, 1843, and 1870" and inserting in lieu thereof "and section 1870".

(2) Section 21(e) of such Act is amended by striking out "Hospital" and inserting in lieu thereof "Health".

(c) The Railroad Retirement Act of 1937 is amended by adding after section 21 the following new section:

"HEALTH INSURANCE BENEFITS FOR THE DISABLED

"Sec. 22. Individuals under age sixty-five who are entitled to annuities under paragraph 4 or 5 of section 2(a) or are entitled to annuities under section 5(c) (or who have been or would be considered in applying the provisions of section 3(e)) and have attained the age of eighteen and have a disability (within the meaning of section (5) (1) (ii)) and who are in a 'period of disability' (as this term is described in section 3(e)) and, with respect to individuals entitled to annuities under paragraph 4 or 5 of section 2(a) are not in a 'waiting period' (as defined in section 223(c) (2) of the Social Security Act) shall be certified by the Board under section 21 in the same manner, for the same purposes, and subject to the same conditions, restrictions, and other provisions as individuals specifically described in such section 21, and also subject to the same conditions, restrictions, and other provisions as are disability beneficiaries under title II of the Social Security Act in connection with their eligibility for hospital insurance benefits and medical insurance benefits under title XVIII of such Act; and for the purposes of this Act and title XVIII of the Social Security Act, individuals certified as provided in this section shall be considered individuals described in and certified under such section 21."

Sec. 105. The amendments made by this part shall take effect July 1, 1971.

Part B—Coverage of Drugs

Sec. 110. (a) (1) Section 1861 of the Social Security Act is amended by adding after subsection (y) the following new subsection:

"(z) (1) The term 'maintenance drugs' means those drugs appearing on the list specified in paragraph (2) of this subsection.

"(2) (A) Subject to the provisions of subparagraph (C), the Secretary shall establish and publish a list of those legend and nonlegend drugs for which payment may be made subject to the conditions of section 1812(a) (4) under part A of this title. The Secretary shall distribute such list on a current basis to practitioners licensed by law to prescribe and administer drugs or to dispense drugs and shall make such other distribution as in his judgment will promote the purposes of this title. He shall from time to time (but at least once a year) review such list, and shall revise it or issue supplements thereto, as he may find necessary, so as to maintain insofar as practicable currency in the contents thereof and shall publish and distribute such revisions in accordance with the preceding sentence.

"(B) Each drug appearing on the list established under subparagraph (A) shall be designated by its established name and with respect to each such drug, the Secretary may include such other information (including trade names of such drug) as he finds necessary in the administration of this title.

"(C) A drug shall not appear on the list established under subparagraph (A) unless—

"(i) such drug is lawfully available in interstate commerce for dispensing or administration to humans;

"(ii) it is determined by the Secretary that such drug is appropriate for the treatment of diabetes or of chronic cardiovascular diseases, kidney conditions, or respiratory conditions;

"(iii) such drug is usually used for treatment extending over a period of 90 days or more (but not necessarily consecutive); and

"(iv) (in the case of a nonlegend drug) it is a life-saving drug, or a drug the withdrawal of which would be seriously harmful to the health of the individual, or a drug which the Secretary determines (under such standards and criteria as he may prescribe) is a satisfactory substitute for a legend drug appearing on the list.

"(D) For purposes of this subsection—

"(i) the term 'drug' means a drug as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (including those specified in section 351 of the Public Health Service Act);

"(ii) the term 'legend drug' refers to a drug specified in section 503(b) of the Federal Food, Drug, and Cosmetic Act; and

"(iii) the term 'established name' shall have the meaning assigned to such term by section 502(e)(2) of the Federal Food, Drug, and Cosmetic Act."

(2) Section 1861(t) of such Act is amended by inserting after "subsection (m)(5)" the following: "or subsection (z)".

(b) Section 1812(a) of such Act is amended by—

(1) striking out "and" at the end of paragraph (2);

(2) striking out the period at the end and inserting in lieu thereof: "; and"; and

(3) adding at the end the following new paragraph:

"(4) maintenance drugs furnished to such individual while he is not an inpatient in a hospital."

(c) Section 1813 of such Act is amended by adding at the end the following subsection:

"(c)(1) The amount payable for a maintenance drug furnished an individual shall be reduced by an amount equal to the copayment determined under paragraph (2) or, if less, the charges imposed with respect to such individual for such maintenance drug.

"(2) The copayment specified in paragraph (1) shall be $1 during the period ending December 31, 1974, and such amount as may be determined pursuant to paragraph (3) of this subsection during any period thereafter.

"(3) The Secretary shall, between July 1 and October 1 of 1974, and of each year thereafter, determine and promulgate the copayment for purposes of the preceding paragraphs of this subsection and such co-payment shall be in effect for purposes of such paragraphs for the calendar year succeeding the year in which such co-payment is promulgated. Such co-payment shall be equal to $1 multiplied by the ratio of (A) the average per capita costs for maintenance drugs for the calendar year preceding the year in which the determination is made to (B) the average per capita costs for such maintenance drugs for the calendar year 1971. Any amount so determined, which is not a multiple of $0.10, shall be rounded to the nearest multiple of $0.10 (or, if it is midway between two multiples of $0.10, to the next higher multiple of $0.10)."

(d) Title XVIII of the Social Security Act is amended by adding after section 1817 of such Act the following new sections:

"PAYMENT FOR MAINTENANCE DRUGS; CONDITIONS AND LIMITATIONS ON SUCH PAYMENT

"SEC. 1818. (a)(1) The amount paid to any provider of drugs with respect to maintenance drugs for which payment may be made under this part shall, subject to the provisions of this section and section 1813(c), be the reasonable drug charge with respect to such drugs.

"(2)(A) The 'reasonable drug charge' for a maintenance drug shall be the acquisition allowance plus a dispensing allowance.

"(B) The Secretary shall by regulations establish the method or methods for determining the acquisition allowance of a maintenance drug, giving consideration to the cost to providers of drugs of acquiring the drug by its established name. If the source from which any maintenance drug is available charges different prices therefor to different classes or types of providers, or if a class of providers may reasonably obtain such drug from only certain types of sources, the Secretary may, in establishing the acquisition allowance, take into account these differences.

"(C) The Secretary shall by regulations establish the methods for determining a dispensing allowance for a maintenance drug, giving consideration to such factors as cost of overhead, professional services, and a fair profit. He may provide different dispensing allowances for different classes of providers.

"(b) Payment for maintenance drugs furnished to an individual may be made only to a dispenser of drugs eligible therefor under subsection (c) and only if—

"(1) written request, signed by such individual, except in cases in which the Secretary finds it impracticable for the individual to do so, is filed for such payment in such form, in such manner, within such time, and by such person or persons as the Secretary may by regulation prescribe; and

"(2) (in the case of a legend drug) a written prescription, signed by a physician, was filed with such provider of drugs, or (in the case of a nonlegend drug) a physician has certified that the covered drug furnished the individual was medically required by such individual;

except that (pursuant to such regulations as the Secretary may prescribe) no payment may be made for a maintenance drug—

"(3) to the extent that the quantity of such drug furnished an individual exceeds the quantity of such drug needed for the treatment of such individual for 90 days; or

"(4) if it fails to meet such requirements as to quality and standards of manufacture as the Secretary may prescribe; or

"(5) it fails to meet such specifications as to dosage form as the Secretary may require.

"(c) For purposes of subsection (a), a provider of drugs shall be eligible for payment if—

"(1) he is licensed or authorized to compound and dispense drugs to humans pursuant to State law;

"(2) he agrees to comply with such rules and regulations as the Secretary may issue with respect to—

"(A) submission of bills as such frequency and on such forms as may be prescribed in such rules and regulations;

"(B) availability for audit of his records relating to drugs and prescriptions;

"(C) the maintenance and retention of such records relating to the cost of drugs as may be specified in such rules and regulations;

"(3) he meets such other conditions relating to health and safety as the Secretary may find necessary;

"(4) he agrees not to charge any individual for a drug for which such individual is entitled to have payment made under this section and section 1861(z) an amount in excess of the amount which, when added to the amount of payment made under this section and section 1813(c) for such drug, exceeds the customary charge at which such dispenser of drugs sells or offers such drug to the public at the time such drug is furnished to such individual.

"USE OF ORGANIZATIONS IN ADMINISTRATION OF PROGRAM FOR FURNISHING MAINTENANCE DRUGS TO ELIGIBLE INDIVIDUALS

"SEC. 1819. (a) The Secretary is authorized to enter into contracts with organizations to perform such functions as he may find appropriate in administering a maintenance drug benefit if he finds that the utilization of one or more of such organizations will promote the effective and efficient administration of the program provided under this part for the furnishing of maintenance drugs to eligible individuals.

"(b) Contracts with organizations under subsection (a) may be entered into without regard to section 3709 of the revised statutes or any other provision of law requiring competitive bidding.

"(c) For purposes of this section, the term 'organization' means a voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the cost of, prescription drugs under group insurance policies or contracts, medical or hospital service agreements, membership, or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the organization, including a health benefits plan duly sponsored or underwritten by an employee organization.

"STUDY OF DRUG UTILIZATION

"SEC. 1820. The Secretary is authorized to conduct and publish studies relating to the utilization, efficiency, and costs of maintenance drugs for which payment may be made under this part in order to encourage the proper use of such drugs."

(e) Title XVIII of the Social Security Act is further amended by adding after section 1867 of such Act the following new section:

"EXPERT COMMITTEE ON DRUG COVERAGE

"SEC. 1868. (a) There is hereby created an Expert Committee on Drug Coverage which shall consist of five persons, not otherwise in the employ of the United States, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Secretary shall from time to time appoint one of the members to serve as Chairman. The members shall include persons who are outstanding in the fields of pharmacology, geriatrics, and other branches of medicine. Members of the Expert Committee, while attending meetings or conferences thereof or otherwise serving on business of the Expert Committee shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. The Expert Committee shall meet as frequently as the Secretary deems necessary.

"(b) It shall be the function of the Expert Committee to advise the Secretary on matters of general policy in the administration of the program provided under this title for furnishing maintenance drugs to eligible individuals. The Expert Committee shall also make recommendations to the Secretary as to what drugs should be included in the list established under section 1861(z)(2) and what drugs should be deleted from such list. In making any such recommendation the Expert Committee shall submit in such detail as the Secretary may request the information and data the Expert Committee considered in making such recommendation. In carrying out its work, the Expert Committee shall consult with organizations representing the aged, pharmacists, the pharmaceutical industry, and with such other organizations or individuals as the Expert Committee finds appropriate. The Expert Committee shall make an annual report to the Secretary on the performance of its function, including any recommendations it may have with respect thereto, and such report shall be transmitted promptly by the Secretary to the Congress.

"(c) The Expert Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Expert Committee such secretarial, clerical, and other assistance and such pertinent data obtained and prepared by the Department of Health, Education, and Welfare as the Expert Committee may require to carry out its functions."

(f) The heading of part A of title XVIII of such Act (as amended by section 102(b) of this Act) is further amended by striking out "INSURANCE" and inserting in lieu thereof "INSURANCE AND DRUG".

(g) Section 1811 of such Act (as amended by section 102(c)(3) of this Act) is further amended by inserting after "services" the following: "and the cost of maintenance drugs".

(h) Section 1814(c) of such Act is amended by—

(1) adding at the end of the heading the following "or Federal Provider of Drugs";

(2) inserting "(1)" after "(c)"; and

(3) adding at the end the following new paragraph:

"(2) No payment may be made under this part to any Federal provider of drugs (as provided for in section 1818), except a provider of drugs which the Secretary determines is dispensing drugs to the public generally as a community institution or agency; and no such payment may be made to any provider of drugs for any drug which such provider is obligated by a law of, or a contract with, the United States to render at public expense."

(i) Section 1815 of such Act is amended by—

(1) adding at the end of the heading the following "and Provider of Drugs";

(2) adding after "provider of services with respect to the services furnished by it": ", and each provider of drugs with respect to drugs,";

(3) inserting after "provider of services" the second time it appears "and the provider of drugs, as the case may be,".

(j) Section 1861(r)(3) of such Act is amended by adding at the end before the period the following: "and, for purposes of section 1818, only with respect to drugs he is legally authorized to prescribe by the State in which he prescribes such drugs".

(k) Section 1869(c) of such Act is amended by inserting after "provider of services" the following: "or any person dissatisfied with any determination by the Secretary that he is not a provider of drugs eligible for payment under this title,".

(l)(1) Section 1870(a) of such Act is amended by—

(A) inserting ", provider of drugs," after "provider of services"; and

(B) inserting "or drugs" after "items or services".

(2) Section 1870(b) of such Act is amended by—

(A) inserting ", or provider of drugs," after "provider of services" each time it appears;

(B) inserting "or drugs" after "items or services"; and

(C) adding at the end of paragraph (2) the following: "or any payment has been made under section 1818 to a provider of drugs for drugs furnished an individual,".

(3) Section 1870(d) of such Act is amended by inserting ", or provider of drugs," after "provider of services".

(m)(1) The heading of section 226 of such Act is amended by striking out "INSURANCE" and inserting in lieu thereof "INSURANCE AND DRUG".

(2) Section 226(a) of such Act (as amended by section 101(a) of this Act) is further amended by inserting, in paragraphs (1) and (2), "and drug" immediately after "hospital insurance".

(3) Section 226(b)(1) of such Act (as amended by section 101(b)(1) of this Act) is further amended by inserting "and drug" immediately after "hospital insurance".

SEC. 111. Section 21(e) of the Railroad Retirement Act of 1937 (as amended by section 104(b)(2) of this Act) is further amended by inserting "(other than maintenance drugs)" immediately after "services" the first place it appears therein.

SEC. 112. The amendments made by this part shall be effective with respect to drugs dispensed after June 30, 1973.

PART C—ANNUAL PHYSICAL CHECKUPS

SEC. 120. (a) Section 1861 of the Social Security Act is amended by adding after subsection (z) (added by section 110(a) of this Act) the following new subsection:

"Physical Checkup

"(z–1) The term 'physical checkup' means eye examinations for the purpose of prescribing, fitting, or changing eyeglasses, procedures performed (during the course of any eye examination) to determine the refractive state of the eyes, examinations of the ears for the purpose of determining the need for hearing aids, and such diagnostic X-ray tests, diagnostic laboratory tests, and other diagnostic tests, as the Secretary may by regulations specify as being the type and kind of tests which are the most likely to reveal defects, diseases, or conditions which are susceptible to effective treatment or control. Such regulations may specify different tests, as may be appropriate, for individuals on the basis of their age or sex. Such term shall also include such physicians' services as may be appropriate for the interpretation, evaluation, and analysis of such tests."

(b) Section 1861(s)(3) of such Act is amended (1) by inserting "(A)" immediately after "(3)", and (2) by inserting before the semicolon at the end thereof the following: ", and (B) physicians' services and diagnostic tests included within a physical checkup (as defined in subsection (z–1))".

(c) Section 1862(a)(1) of such Act is amended by inserting immediately before the semicolon the following: "(except physical checkups as defined in section 1861(z–1))".

(d) Section 1862(a)(7) of such Act is amended by striking out all after "checkups" and inserting in lieu thereof the following: "(other than physical checkups as defined in section 1961(z–1))".

(e) Section 1833 of such Act is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provisions of this part, with respect to expenses incurred by an individual in any calendar year for a physical checkup (as defined in section 1861(z–1))—

"(1) the provisions of subsection (a) shall be applied without regard to the provisions of subsection (b);

"(2) such expenses shall be regarded as incurred expenses for purposes of subsection (a) only if such individual has not, previously during such year, incurred expenses for a physical checkup (as so defined);

"(3) such expenses shall not be taken into account for purposes of subsection (b);

"(4) there shall be considered as incurred expenses for purposes of subsection (a) only whichever of the following amounts is the smaller—

"(A) $75, or

"(B) the amount determined by the Secretary to be equal to the charge which would be imposed for such physical checkup if it had been provided by the most efficient provider of high quality physical checkups in the area wherein such physical checkup was conducted."

(f) The amendments made by the preceeding provisions of this section shall apply only in the case of physical checkups performed after June 30, 1975.

PART D—DENTAL SERVICES

SEC. 130. (a) Section 1861(r)(2) of the Social Security Act is amended (1) by striking out "or" at the end of clause (A), and by inserting at the end thereof the following: "(C) dental services for children (as defined in subsection (z–2))".

(b) Section 1861 of such Act is amended by adding after subsection (z–1) (added by section 120(a) of this Act) the following new subsection:

"Dental Services for Children

"(z–2) The term 'dental services for children' means professional services rendered to children under 8 years of age by or under the direction of a doctor of dentistry or of dental or oral surgery who is legally authorized to practice dentistry by the State in which he performs such function; such term shall include oral examinations and diagnosis, oral prophylaxis, filling, and removal of teeth, but shall not include the provision of braces or prosthetic devices."

(c) Section 1862(a)(12) of such Act is amended by inserting "(unless such services consist of dental services for children, as defined in section 1861(z–2))" immediately after "supporting teeth".

(d) Section 1833 of such Act is amended by adding after subsection (g) (added by section 120(e) of this Act) the following new subsection:

"(h) With respect to expenses incurred by an individual for dental services for children as defined in section 1861(z–2), the provisions of subsection (a) shall be applied without application of the provisions of subsection (b)."

(e) The amendments made by the preceding provisions of this section shall apply only in the case of dental services for children performed after June 30, 1975.

PART E—LIMITATIONS ON CERTAIN CHARGES FOR SERVICES; PHYSICIANS' QUALIFICATIONS

SEC. 140. Section 1833(a)(1) of the Social Security Act is amended, effective January 1, 1972, by striking out "reasonable charges" each place it appears therein and inserting in lieu thereof "appropriate and reasonable charges".

SEC. 141. Section 1861(r) of the Social Security Act is amended—

(1) by striking out "The" and inserting in lieu thereof "Subject to subsection (r–1), the"; and

(2) by adding immediately thereafter the following new subsection:

"(r–1)(1) Taking into consideration standards approved by appropriate professional organizations, and upon recommendation of the Health Insurance Benefits Advisory Council, the Secretary may, after public hearings, prescribe for physicians (as defined in subsection (r)) providing services under this title—

"(A) standards of continuing professional education,

"(B) national minimum standards of licensure, applicable to any individual first licensed as a physician after the effective date of such standards, or

"(C) standards of qualifications for the performance of major surgery or of other specialty services designated by the Secretary.

"(2) After the effective date of standards issued under clause (A) or (B) of paragraph (1), an individual who fails to meet such standards shall not be deemed to be a physician for purposes of this title; except that a failure to meet standards issued under clause (A) of paragraph (1) shall not be found until the Secretary has notified the individual involved of the deficiency and afforded him a reasonable opportunity to correct it. After the effective date of standards issued under clause (C) of paragraph (1), an individual who fails to meet such standards shall not be deemed, for purposes of this title, to be a physician in connection with any services to which such standards are applicable.

"(3) The provisions of section 553 of title 5, United States Code, shall be applicable to the promulgation of standards under this subsection.

PART F—AGREEMENTS WITH STATES FOR ADMINISTRATION

SEC. 150. Section 1874 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may enter into an agreement with any State under which such State will administer, on behalf of the Secretary, the health insurance programs established by this title (or such part thereof as may be specified in the agreement) with respect to individuals in such State. The costs of carrying out any such agreement shall be paid to the State by the Secretary in advance or by way of reimbursement and in such installments as may be agreed upon."

PART G—IMPROVEMENT IN ORGANIZATION OF HEALTH CARE

SEC. 160. Title XVIII of the Social Security Act is amended by adding after part C thereof the following new parts:

"PART D—IMPROVEMENT IN ORGANIZATION OF HEALTH CARE

"PURPOSE

"SEC. 1881. The purpose of this part is (a) to encourage the rational organization of health care services and facilities so as to provide greater continuity and comprehensiveness of care of the individual, to provide greater consumer education and participation, and to emphasize preventive, diagnostic, and early therapeutic services, (b) to control the costs of services paid for under this title, and (c) to stimulate diversity and innovation in the provision of health insurance protection.

"USE OF CARRIERS AND OTHER AGENCIES AND ORGANIZATIONS

"SEC. 1882. No agreement or contract shall be entered into under section 1816 or section 1842, or continued in force after the effective date of this section, unless the agency, organization, or carrier agrees to use its best effort to carry out the purposes of section 1881 (a), and agrees—

"(a) to make (alone or in conjunction with other appropriate public or private agencies) a continuing study of the organization and methods of delivery of health services in the geographic area in which it operates, and of potential improvement of such organization and methods with a view to the effectuation of those purposes;

"(b) to review periodically patterns of utilization of the services paid for under this title and the effectiveness of existing procedures for the control of unnecessary utilization, to develop programs for the strengthening of such procedures, and to perform the functions specified in section 1816(b) (1) (B) or section 1842(a) (2), as the case may be; and

"(c) to take such action within its own authority, and to recommend such action by the Secretary authorized by part E (or by section 402 of the Social Security Act Amendments of 1967), as it finds calculated to further the objectives of section 1881(a) and to strengthen the control of unnecessary utilization.

"CONTRACTS WITH COMPREHENSIVE HEALTH SERVICE SYSTEMS

"SEC. 1883. (a) The Secretary is authorized to contract with a comprehensive health service system which meets the conditions set forth in subsection (b), for the provision, to the members of the system, of all services for which payment may be made under this title. In lieu of payment otherwise prescribed by this title, he shall pay to such system, at its election, either (1) the reasonable cost of all such services, or (2) a periodically predetermined capitation amount for each member, equal to the estimated average reasonable cost of such services per member; and if he finds (A) that the average cost of such services in any fiscal year is less than the average cost of services (for which payment is made under this title) to comparable population groups under comparable circumstances, and (B) that services provided by the system have been of high quality and adequate to the needs of its members, he may in addition make an incentive payment to the system equal to not more than two-thirds of such difference of cost per member. The amount of an incentive payment may be used by the system for any of its purposes, including application to the cost of services for which payment is not made under this title, whether or not such services are otherwise provided by the system. Expenditure of funds received as an incentive payment, for whatever purpose, shall not be deemed a cost of services under the contract.

"(b) No contract shall be made under this section with a comprehensive health service system unless—

"(1) such system assures the provision of health services to all its members by a contract or contracts with the Secretary, or by such a contract and subcontracts, entered into by one or more providers of services and other persons furnishing health services, or by a health insurance carrier or nonprofit prepayment plan, or by a combination of the foregoing;

"(2) such system is designed, to the maximum extent feasible, to make all health services readily accessible to persons residing in a specified primary service area and will pay for transportation where reasonable accessibility to persons in that area cannot otherwise be assured;

"(3) all persons, whether or not residing within the primary service area, are eligible to become members of such system, except that (A) the number of members may be limited, with or without giving preference to persons living within the primary service area, to avoid overtaxing the resources of the system, and (B) such restrictions upon enrollment may be imposed as are approved by the Secretary as necessary to prevent undue adverse selection; and the system is so designed and operated as to encourage enrollment from as broad as practicable a range of income and social groups;

"(4) all health services are provided by providers or other persons who meet the standards imposed by or pursuant to this title for the respective services;

"(5) such system encourages increased health education of its members and the development and use of preventive health services, and provides for a group of physicians (such as a committee of a medical school faculty, of a hospital medical staff, or of a group practice organization), approved by the Secretary for this purpose, which group will consult periodically with representatives of the membership, fix the professional policies of the system, oversee the professional aspects of the delivery of services, and review the utilization of all health services, drugs and supplies;

"(6) such system, to the extent practicable and consistent with good medical practice, trains and employs allied health personnel and subprofessional and lay persons in the rendering of services;

"(7) any participating extended care facility under such system is affiliated with a hospital or with a group practice or similar organization, and the medical staff of the hospital or the group practice organization assumes responsibility for rendering or supervising professional services in the facility;

"(8) premiums charged by such system for services not paid for under this title are reasonable; and

"(9) the establishment of such system is consistent with any comprehensive State health plan developed pursuant to section 314(a) of the Public Health Service Act, as amended, and has been approved by the State planning agency designated or established pursuant to that section, and, where appropriate, is in accord with area-wide health planning carried out pursuant to section 314(b) of that Act.

"(c) In administering this section the Secretary shall emphasize consumer and community involvement in the operation of comprehensive health service systems, and shall seek to insure prompt response to local initiative and maximum flexibility in such operation.

"(d) For the purposes of this section, 'comprehensive health service system' means a system of providing health care to an identified population in a primary service area and its environs, enrolled as members, on the basis of contractual arrangements (which embody group practice, or similar arrangements established by a medical school, a hospital medical staff or a medical center) among participating providers of services and other persons so as (1) to assure continuity of care and ready referral and transfer of patients where medically appropriate, and (2) to provide comprehensive health services, which shall include at least all services for which payment may be made under this title (such services to be provided, except as authorized by the Secretary without deductibles, coinsurance, or copayment) drugs prescribed for ambulatory patients, one hundred days of extended care services (which are not post-hospital extended care services) in any spell of illness, and necessary immunizations, and may include other health services approved by the Secretary as appropriate to the particular comprehensive health service system.

"CONTRACTS FOR EQUIVALENT HEALTH INSURANCE PROTECTION

"SEC. 1884. The Secretary is authorized to contract with any carrier (as defined in section 1842(f)(1)) to provide, to individuals electing insurance by such carrier in lieu of other rights under this title, health benefits equivalent to those for which payment would be made under this title. No such contract shall be made unless the Secretary is satisfied (a) that the carrier will make such insurance available to all individuals (or to all individuals who reside in a specified area), subject to such restrictions on enrollment as he has approved as necessary to avoid undue adverse selection, (b) that the benefits to be provided by the carrier under the contract will furnish health protection which the Secretary determines (under national standards prescribed by him) to be equivalent to, and at no greater cost than, the protection furnished by the benefits for which payment is made under this title, and (c) that premiums for any health insurance to be sold by the carrier to supplement the benefits provided under the contract will be reasonable. A contract under this section shall require the carrier to perform such of the functions specified in section 1882 as the Secretary finds appropriate.

"PROVISIONS RELATING TO CONTRACTS FOR ALTERNATIVE HEALTH SERVICE PLANS

"SEC. 1885. (a) The Secretary shall by regulation prescribe the manner of making an election (including the manner in which an election may be made on behalf of a legally incompetent individual) to become a member of a comprehensive health service system with which the Secretary has contracted under section 1883, or an election to be insured by a carrier with which the Secretary has contracted under section 1884; the manner in which the election may be revoked; and the frequency with which election and revocation may be made.

"(b) Notwithstanding other provisions of this title, an individual with respect to whom an election made in accordance with subsection (a) is in effect shall not, except in such cases and to such extent as may be provided in regulations, be entitled to have payment made to him or on his behalf for services other than those provided, or to be paid for, in accordance with such election.

"(c) Contracts under section 1883 or section 1884 may be entered into by the Secretary without regard to section 3709 of the Revised Statutes or any other provision of law requiring competitive bidding.

"(d) Each such contract shall provide that the comprehensive health service system or the carrier, as the case may be, shall—

"(1) establish and maintain procedures pursuant to which an individual, with respect to whom an election in accordance with subsection (a) is in effect, will be granted an opportunity for a fair hearing by the system or carrier when any claim by or an account of such individual is denied (in whole or in part) or not acted upon with reasonable promptness;

"(2) will furnish the Secretary such timely information and reports as he may find necessary in performing his functions under this title; and

"(3) will maintain such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such information and reports and otherwise to carry out the purposes of this title;

and shall contain such other terms and conditions (including, in the case of contracts entered into pursuant to section 1884 or this section, provisions relating to the methods of payment to be used in paying for health services provided under any such contract) not inconsistent with this section as the Secretary may find necessary, appropriate, and practicable.

"(e) Each such contract shall be for a term of at least one year, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term; except that the Secretary may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the system or carrier involved as he may provide in regulations) if he finds that the system or carrier has failed substantially to carry out the contract.

"EMPLOYER-EMPLOYEE HEALTH PLAN OPTION

"SEC. 1886. (a) The Secretary may authorize under appropriate regulations promulgated by him agreements or arrangements with any employer who, in agreement with his employees or their representatives, provides for his employees health care benefits under a qualified plan (as specified in subsection (b)) in lieu of the benefits provided under other provisions of this title.

"(b) For purposes of subsection (a), a qualified plan is a health benefits plan—

"(1) which is provided through or in conjunction with an insurance carrier or similar organization or a union-management health or health and welfare plan;

"(2) not less than 75 per centum of the cost of which is paid by the employer offering such plan;

"(3) covers the employees of the employer offering such plan, and the dependents of such employees;

"(4) provides benefits of a type and level which, in terms of actuarial and health care considerations, is superior to the health benefits provided under other provisions of this title;

"(5) which contains provision for a fair hearing to any individual covered thereunder who is dissatisfied with the disposition of any claim he may have for benefits provided thereunder; and

"(6) which employs methods of payment determined by the Secretary to carry out the objectives of part E.

"(c) Any agreement entered into under this section with an employer shall provide that the employer shall supply to the Secretary such information and data as may be necessary to keep the Secretary currently advised as to the identification of the particular employees covered by such plan as well as such other information and data as the Secretary may reasonably require in carrying out the purposes of this title.

"(d) Any agreement entered into pursuant to this section shall be for a term of at least one year, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term; except that the Secretary may terminate any such agreement at any time (after such reasonable notice and opportunity for hearing to the employer involved as he may provide in regulations), if he finds that the employer has substantially failed to carry out the agreement, or the agreement is not carrying out purposes of this title.

"(e) The Secretary shall provide to the Secretary of the Treasury such information regarding employees covered by qualified plans covered under agreements under this section as may be necessary or appropriate to enable the Secretary properly to administer the provisions of chapter 21 of the Internal Revenue Code of 1954.

"PART E—METHODS OF COMPENSATION FOR HEALTH SERVICES

"MODIFICATION OF METHODS OF COMPENSATION FOR HEALTH SERVICES

"SEC. 1891. (a) The Secretary, with the approval of the President, is authorized in accordance with this section to modify, effective July 1, 1974, the methods prescribed in this title for determining the amounts of payments to providers of services and other persons furnishing services to individuals entitled to benefits under this title. If any such action requires modification of the provisions of section 1813 or section 1833 relating to deductibles, coinsurance, and copayment, it shall contain provisions imposing equivalent requirements as nearly as may be.

"(b) The Secretary shall forthwith undertake a comprehensive study of methods of determining and paying compensation to providers of services and other persons furnishing health services, with a view to ascertaining what methods are, for the purposes of this title, best calculated to further the following objectives:

"(1) to control the cost of services paid for under this title, to reduce costs wherever possible, and to assure that costs will not in any event increase more rapidly than average wage levels;

"(2) to control the utilization of services paid for under this title, so that to the greatest extent possible unnecessary utilization will be eliminated;

"(3) to improve the organization of health services and the manner of their delivery, in order (A) to increase their accessibility to all individuals wherever resident in the United States, (B) to provide continuous and comprehensive care, and (C) to emphasize the maintenance of health as well as the treatment of illness; and

"(4) to assure, through improved organization and methods of delivery, that control of the aggregate cost of health services will not deprive providers of services and other persons furnishing health services of fair and reasonable compensation therefor.

"(c) Such study shall include (1) alternative methods of compensating hospitals and other providers of serviecs (such as negotiated charges, capitation payments, or annual budgets), (2) alternative methods of compensating professional practitioners (such as fee schedules or unit value scales with or without proration, capitation payments, or salaries or per session allowances), (3) alternative methods of paying for drug and other supplies, (4) the use of specific financial incentives and disincentives as means to further the objectives set forth in subsection (b), and (5) methods of compensation designed to encourage assumption of responsibility, by local or State medical societies or other professional organizations or organizations or providers of services, for maintaining and improving (through peer review and otherwise) the quality and efficiency of care provided by their members, for the avoidance of unnecessary utilization and for the continuing education of professional and paramedical personnel.

"(d) In making such study the Secretary shall solicit the widest possible expression of views from interested organizations and their members and from the public. To this end he shall appoint such advisory committees, hold such conferences and hearings, and publish such proposals, as he finds appropriate to obtain the views of providers of services and other persons furnishing health services, of health insurance carriers of qualified students of the health care system, and of users of health services.

"(c) Not later than December 1, 1972, the Secretary, with the approval of the President, shall publish in the Federal Register a proposed regulation prescribing the methods of payment for services for which payment may be made under this title. Such proposed regulation shall be subject to the provisions of title 5, section 553, United States Code.

"(f) Not later than March 1, 1974, the Secretary, with the approval of the President, shall issue and publish in the Federal Register his final regulation. Such regulation shall be effective on and after July 1, 1974, and shall suspersede all inconsistent provisions of this title.

"(g) The regulations of the Secretary under this part with respect to the methods of payment for services for which payment may be made under this title may be amended or modified by the Secretary, with the approval of the President, from time to time, in accordance with the provisions of section 553 of title 5, United States Code.

"STATE AND LOCAL ADVISORY COMMITTEES

"SEC. 1892. (a) The Secretary, in carrying out the provisions of this part, shall consult with and seek the advice of the State committees representative of consumers and professional health personnel, and such local committees of like character as he may deem appropriate.

"(b) If in any State, or in any local area in which he decides to utilize such a committee, there is not in existence an appropriate State or local consumer-physician committee, the Secretary is authorized to encourage and assist in the establishment of such a committee, or appoint such a committee."

PROCEDURES REQUIRED OF SECRETARY IN ESTABLISHING STANDARDS

SEC. 161. Standards promulgated by the Secretary with respect to qualifications of institutional providers of service under section 1861(e)(8), section 1861(f) (3) and (4), section 1861(g) (3) and (4), section 1861j(10), section 1861 (p)(4) (A)(v) and (B) shall be promulgated in accordance with the provisions of section 553 of title 5, United States Code.

EFFECTIVE DATE

SEC. 162. That part of the amendments made by section 160 which added new sections 1881 through 1885 to title XVIII of the Social Security Act shall take effect July 1, 1972.

TITLE II—HEALTH BENEFITS FOR THE GENERAL PUBLIC

SEC. 201. (a) The Social Security Act, as amended by the preceding provisions of this Act, is further amended by adding after title XIX the following new title:

"TITLE XX—HEALTH BENEFITS FOR THE GENERAL PUBLIC

"PURPOSE

"SEC. 2001. It is the purpose of this title to secure to every individual who—

(1) is a resident of the United States, and

(2) is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States,

coverage for all the benefits provided under parts A and B of title XVIII of this Act.

"ENTITLEMENT TO BENEFITS

"SEC. 2002. (a) Every individual who—

"(1) is not entitled or deemed to be entitled (and upon the filing of appropriate application or applications could not become entitled or deemed to be entitled) under section 226 to hospital insurance benefits under part A of title XVIII;

"(2) is a resident of the United States (as defined in section 210(i));

"(3) is (i) a citizen of the United States, or (ii) an alien lawfully admitted for permanent residence; and

"(4) has filed application under this section in such manner and in accordance with such other requirements as may be prescribed in regulations of the Secretary,

shall be entitled to hospital insurance benefits under part A of title XVIII (and consequently to the benefits provided by part B thereof) for each month that he meets the conditions specified in paragraphs (1) through (3), beginning with the first month after June 1974 for which he has filed application for such benefits and meets the conditions specified in paragraphs (1) through (3). An individual who met the conditions specified in paragraphs (1) through (3) for any month shall be deemed to be entitled to such benefits for such month if he files application in accordance with the requirements imposed pursuant to paragraph (4) prior to the end of the twelfth month following such month.

"(b) Except as otherwise provided in this title or by regulations of the Secretary, individuals entitled to hospital insurance benefits under part A of title XVIII by reason of the provisions of this title shall receive such benefits in like manner and under the same conditions as obtained in the case of individuals who are entitled to such benefits by reason of the provisions of section 226.

"TRUST FUND ACCOUNT FOR PERSONS COVERED UNDER TITLE XX

"SEC. 2003. (a) There is hereby established in the Federal Health Insurance Trust Fund a special account to be known as the 'Special Account for Persons Covered Under Title XX' (hereinafter in this section referred to as the 'Special Account').

"(b) Notwithstanding any provision of title XVIII, all benefits to which individuals are entitled under such title by reason of the provisions of this title, and all administrative expenses attributable to the providing of such benefits, shall be paid from and only from the Special Account.

"(c) Moneys in the Federal Health Insurance Trust Fund which are not transferred to the Special Account shall be regarded as being held in the General Account of such Fund and moneys in such General Account shall be available for the purposes for which moneys in such Fund were available prior to the establishment of the Special Account.

"(d) (1) The Secretary shall prior to each fiscal year, estimate the total amounts which will be necessary—

"(A) to pay the total of the benefits payable from the General Account for such fiscal year, together with the administrative expenses attributable to the payment of such benefits, and

"(B) to pay the total of the benefits payable from the Special Account for such fiscal year, together with the administrative expenses attributable to the payment of such benefits.

"(2) The Board of Trustees of the Federal Health Insurance Trust Fund, shall, on the basis of estimates of the Secretary with respect to any fiscal year, apportion moneys which will be appropriated to the Trust Fund for such year between the General Account and the Special Account; except that, if, on the basis of estimates of the Secretary of the Treasury as to the total amounts which will be so appropriated, such total amounts will be less than the aggregate of the estimates of the Secretary for the General Account and for the Special Account, there shall be apportioned to the General Account the full amount estimated under paragraph (1) for the General Account and the balance shall be apportioned to the Special Account.

TITLE III—FINANCING OF HEALTH INSURANCE

SEC. 301. (a) (1) Section 3121 of the Internal Revenue Code of 1954 (relating to definitions for purposes of the Federal Insurance Contributions Act) is amended by adding at the end thereof the following new subsection:

"(r) WAGE BASE FOR PURPOSES OF HEALTH INSURANCE.—For purposes of the tax imposed by section 3101(b) only, the term 'wages' (as defined in subsection (a)) shall have the same meaning as that set forth in such subsection, execpt that the amount '$7,800', wherever it appears therein, shall be deemed to be '$15,000'; and, for purposes of the tax imposed by section 3111(b) only, the term 'wages' (as defined in subsection (a)) shall have the same meaning as that set forth in such subsection, except that the provisions of paragraph (1) of such subsection shall be deemed to be inapplicable."

(2) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "section 3111" wherever it appears therein and inserting in lieu thereof "section 3111(a)".

(3) Section 3125 of such Code (relating to returns in case of Governmental employees in Guam, American Samoa, and the District of Columbia) is amended—

(A) by striking out (in the second sentence of subsection (a) thereof) "section 3111" and inserting in lieu thereof "section 3111 (a)";

(B) by striking out (in the second sentence of subsection (b) thereof) "section 3111" and inserting in lieu thereof "section 3111(a)"; and

(C) by striking out (in the second sentence of subsection (c) thereof) "section 3111" and inserting in lieu thereof "section 3111(a)".

(4) Section 6413(c) (1) (D) of such Code (relating to special refunds) is amended—

(A) by inserting "(ii)" immediately after "(D)";

(B) by striking out "section 3101" and inserting in lieu thereof "section 3101(a)"; and

(C) by inserting immediately before the period at the end thereof the following: "; and (ii) during any calendar year after the calendar year 1970, the wages received by him during such year exceed $15,000, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101(b) and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $15,000 of such wages received in such calendar year".

(5) The amendment made by paragraph (1) shall be effective only with respect to remuneration paid after December 1971; the amendments made by paragraphs (2) and (3) shall be effective only with respect to taxes imposed by chapter 21 of the Internal Revenue Code of 1954 with respect to service performed after December 1971; and the amendments made by paragraph (4) shall be effective only in the case of wages received during calendar years after the calendar year 1971.

(b) (1) Section 1402 of the Internal Revenue Code of 1954 (relating to definition for purposes of the Self-Employment Contributions Act of 1954) is amended by adding at the end thereof the following new subsection:

"(i) SELF-EMPLOYMENT INCOME BASE FOR PURPOSES OF HEALTH INSURANCE.—For purposes of the tax imposed by section 1401(b) only, the term 'self-employment income' (as defined in subsection (b)) shall have the same meaning as that set forth in such subsection, except that the amount '$7,800' contained in paragraph (1) (E) thereof shall be deemed to be '$15,000'."

(2) The amendment made by paragraph (1) shall be effective only with respect to taxable years ending after December 1971.

SEC. 302. (a) Section 3121 of the Internal Revenue Code of 1954 (relating to definitions for purposes of the Federal Insurance Contributions Act), as amended by section 301(a) (1) of this Act, is further amended by adding after subsection (r) thereof (as added by such section 301(a) (1)) the following new subsection:

"(s) EMPLOYMENT FOR PURPOSES OF HEALTH INSURANCE.—For purposes of the tax imposed by section 3101(b) only, the term 'employment' (as defined in subsection (b)) shall have the same meaning as that set forth in such subsection, except that the provisions of paragraphs (3), (5), (6), (7), (8), (9), (10), and (17) of such subsection shall be deemed to be inapplicable; and, for purposes of the tax imposed by section 3111(b) only, the term 'employment' (as defined in subsection (b)) shall have the same meaning as that set forth in such section, except that the provisions of paragraphs (3), (5), (6), (9), (10), and (17) of such subsection shall be deemed to be inapplicable."

(b) (1) (A) Section 218(e) (1) (A) of the Social Security Act is amended by striking out "sections 3101 and 3111 of the Internal Revenue Code of 1954" and inserting in lieu thereof "sections 3101(a) and 3111(a) of the Internal Revenue Code of 1954".

(B) Section 218(e) of such Act is further amended by adding at the end thereof the following new paragraph:

"(3) Notwithstanding the provisions of any agreement entered into under this section prior to January 1, 1972, no State shall be required to pay or be under any obligation to pay to the Secretary of the Treasury, with respect to service covered under the agreement and performed after December 31, 1971, amounts equivalent to the taxes which would have been imposed by sections 3101 (b) and 3111(b) of the Internal Revenue Code of 1954 if such service constituted employment as defined in section 3121 of such Code."

(2) Section 218(h) (1) of such Act is amended—

(A) by striking out "and the Federal Hospital Insurance Trust Fund", and

(B) by striking out "subsection (a) (3) of section 201, subsection (b) (1) of such section, and subsection (a) (1) of section 1817, respectively" and inserting in lieu thereof "subsection (a) (3) and (b) (1) of section 201".

(c) The amendment made by subsections (a) and (b) (2) of this section shall be applicable only with respect to service performed after December 31, 1971; and the amendment made by subsection (b) (1) (A) shall apply with respect to agreements under section 218 of the Social Security Act which are entered into after December 31, 1970, or which are entered into prior to such date but which first become effective on or after January 1, 1972.

Sec. 303. Section 3121 of the Internal Revenue Code of 1954 (relating to definitions for purposes of the Federal Insurance Contributions Act), as amended by sections 301 (a)(1) and 302(a) of this Act, is further amended by adding after subsection (s) thereof (as added by such section 302(a)) the following new subsection:

"(t) EXCLUSION FROM EMPLOYMENT OF CERTAIN SERVICES FOR PURPOSES OF HEALTH INSURANCE.—For purposes of the taxes imposed by sections 3101(b) and 3111(b) only, the term 'employment' shall not include performance of service by an employee of an employer who has in effect an agreement entered into between such employer and the Secretary of Health, Education, and Welfare pursuant to section 1886 of the Social Security Act for the provision of health care benefits for the employees of such employer, if such employee is at the time such service is performed, entitled to the health care benefits provided pursuant to such contract."

Sec. 304. (a)(1) Section 3101(b) of the Internal Revenue Code of 1954 (relating to rate of tax on employees) is amended by striking out paragraphs (1) through (5) and inserting in lieu thereof the following:

"(1) with respect to wages paid during the calendar year 1972, the rate shall be 0.7 percent;

"(2) with respect to wages paid during the calendar year 1973, the rate shall be 0.9 percent;

"(3) with respect to wages paid during the calendar year 1974, the rate shall be 2.0 percent;

"(4) with respect to wages paid during the calendar year 1975, the rate shall be 3.1 percent; and

"(5) with respect to wages paid during the calendar year 1976, or any calendar year thereafter, the rate shall be 3.3 percent."

(2) The amendment made by paragraph (1) shall be effective only with respect to remuneration paid after December 31, 1971.

(b)(1) Section 3111(b) of such Code (relating to tax on employers) is amended by striking out paragraphs (1) through (5) and inserting in lieu thereof the following:

"(1) with respect to wages paid during the calendar year 1972, the rate shall be 0.7 percent;

"(2) with respect to wages paid during the calendar year 1973, the rate shall be 0.9 percent;

"(3) with respect to wages paid during the calendar year 1974, the rate shall be 2.0 percent;

"(4) with respect to wages paid during the calendar year 1975, the rate shall be 3.1 percent; and

"(5) with respect to wages paid during the calendar year 1975, or any calendar year thereafter, the rate shall be 3.3 percent."

(2) The amendment made by paragraph (1) shall be effective only with respect to remuneration paid after December 31, 1971.

(c)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income) is amended by striking out paragraphs (1) through (5) and inserting in lieu thereof the following:

"(1) in the case of any taxable year beginning after December 31, 1971 and before January 1, 1973, the tax shall be equal to 0.7 percent of the amount of the self-employment income for such taxable year;

"(2) in the case of any taxable year beginning after December 31, 1972 and before January 1, 1974, the tax shall be equal to 0.9 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1973 and before January 1, 1975, the tax shall be equal to 2.0 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1974 and before January 1, 1976, the tax shall be equal to 3.1 percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 1975, the tax shall be equal to 3.3 percent of the self-employment income for such taxable year."

(2) The amendment made by paragraph (1) shall apply only with respect to taxable years beginning after December 31, 1971.

Sec. 305. Section 1817 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(i) In addition to the funds appropriated for each fiscal year to the Federal Health Insurance Fund pursuant to subsection (a), there is authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1973, an amount which is equal to 50 per centum of the amount appropriated to such Fund for such year pursuant to such subsection, and such additional amount as the Secretary estimates would have been so appropriated if he had not entered into any agreements pursuant to section 1886."

TITLE IV—FEDERAL AID TO ESTABLISH LOCAL COMPREHENSIVE HEALTH SERVICE SYSTEMS

FINDINGS AND DECLARATION OF PURPOSE

Sec. 401. (a)(1) The Congress hereby finds and declares that improving the provision and the delivery of health care is of critical importance and of the highest national priority and that present programs of health services do not provide for continuing, efficient and comprehensive health care, and lead to an unnecessary duplication of facilities, equipment, and personnel.

(2) The Congress further finds and declares that the establishment of a system of health insurance for every American must not only increase purchasing power and equalize access to quality health care but must also bring about significant change in the health care system.

(b) It is the purpose of this title to provide financial and technical assistance through loans, grants, supplementary financing and otherwise to health service institutions and organizations which will stimulate and enable such institutions and organizations to plan, develop and implement comprehensive systems for the delivery and provision of health care.

BASIC AUTHORITY

Sec. 402. The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make loans and grants and to provide technical assistance, as provided by this title, to enable comprehensive health service systems (as defined in section 407) to plan and develop comprehensive health care programs in accordance with the purpose of this title, and to assist them to become self-supporting.

ELIGIBILITY FOR ASSISTANCE

Sec. 403. (a) A comprehensive health service system (as defined in section 407 of this title) is eligible for assistance under section 405 of this title if—

(1) such system assures the provision of health services to all its members by a contract or contracts with the Secretary, or by such a contract and subcontracts, entered into by one or more providers of services (as defined in section 1861(u) of the Social Security Act) and other persons furnishing health services, or by a health insurance carrier or nonprofit prepayment plan, or by a combination of the foregoing;

(2) such system is designed, to the maximum extent feasible, to make all health services readily accessible to persons residing in the specified primary service area and will pay for transportation where reasonable accessibility to persons in that area cannot otherwise be assured;

(3) all persons, whether or not residing within the primary service area, are eligible to become members of such system, except that (A) the number of members may be limited, with or without giving preference to persons living within the primary service area, to avoid overtaxing the resources of the system, and (B) such restrictions upon enrollment may be imposed as are approved by the Secretary as necessary to prevent undue adverse selection; and the system is so designed and operated as to encourage enrollment from as broad as practicable a range of income and social groups;

(4) all health services are provided by providers or other persons who meet the standards imposed by or pursuant to title XVIII of the Social Security Act for the respective services;

(5) such system encourages increased health education of its members and the development and use of preventive health services, and provides for a group of physicians (such as a committee of medical school faculty, of a hospital medical staff, or of a group practice organization), approved by the Secretary for this purpose, consulting periodically with representatives of the membership, to fix the professional policies of the system, to oversee the professional aspects of the delivery of services, and to review the utilization of all health services, drugs and supplies;

(6) such system shall, to the extent practicable and consistent with good medical practice, train and employ allied health personnel and subprofessional and lay persons in the rendering of services;

(7) any participating extended care facility is affiliated with a hospital or with a group practice or similar organization and the medical staff of the hospital or the group practice organization assumes responsibility for rendering or supervising professional services in the facility;

(8) premiums charged by such system for services not paid for under title XVIII of the Social Security Act are reasonable; and

(9) the establishment of such system shall be consistent with any comprehensive State health plan developed pursuant to section 314(a) of the Public Health Service Act, as amended, and shall be approved by the State planning agency designated or established pursuant to that section, and, where appropriate, shall be in accord with areawide health planning carried out pursuant to section 314(b) of that Act;

(b) In administering this title, the Secretary shall emphasize local initiative and consumer and community involvement of the planning, development, and operation of such comprehensive health service systems, and shall seek to insure prompt response to local initiative, and maximum flexibility in the planning, development, and operation of such systems. Appropriate Federal departments and agencies shall provide maximum coordination of other Federal assistance with the operation of this title.

FINANCIAL AND TECHNICAL ASSISTANCE FOR PLANNING COMPREHENSIVE HEALTH SERVICE SYSTEMS

Sec. 404. (a) The Secretary is authorized to make grants to, and to contract with, any public or nonprofit hospital, or any medical school or other institution of higher education, or any insurance carrier or nonprofit prepayment plan providing health coverage, or any nonprofit community organization, or any community group organized for this purpose in a geographically defined primary service area and representing a broad range of income and social groups, or any combination of two or more such entities, to pay 80 percent of the cost of planning and developing a plan for a comprehensive health service system (as defined in section 407) which will meet the requirements of section 403. The Secretary is also authorized to undertake such activities as he determines to be desirable to provide, either directly or by contracts or other arrangements, technical assistance to such entities for the development of plans for such comprehensive health service systems.

(b) Financial and technical assistance for planning such a system will be provided under this section only if the application for such assistance has been approved by the State health planning agency designated or established pursuant to section 314(a) of the Public Health Service Act, as amended.

FINANCIAL AND TECHNICAL ASSISTANCE FOR THE OPERATION OF APPROVED COMPREHENSIVE HEALTH SERVICE SYSTEMS

Sec. 405. (a) The Secretary is authorized to approve a plan for a comprehensive health service system (as defined in section 407) if, after review of the plan, he determines that such plan satisfies the criteria set forth in section 403.

(b) The Secretary is authorized to contract, in accordance with section 403(a)(1), with a comprehensive health service system, if he has approved the plan for such system, to pay so much of the administrative, operating, and maintenance costs of such system as exceed its income for the first five years of operation after approval under this section. Any such contract shall require the system to make all reasonable efforts to enroll members, to control costs and the utilization of services, facilities, and supplies, and otherwise to maximize its income and minimize its costs. If at any time the Secretary finds that the system is not making reasonable progress toward becoming self-supporting, he may, after hearing, terminate the contract on not less than six months' notice.

(c) To assist a comprehensive health service system to carry out programs of capital development which the Secretary finds necessary for the purposes of this title, the Secretary is authorized to make a grant to such system of not to exceed 80 percent of the amount of non-Federal contribution otherwise required for the construction or modernization of hospitals and other medical facilities assisted under title VI of the Public Health Service Act, as amended: *Provided*, That such project has been approved by the State agency under that title and is consistent with the approved State plan, other than the provisions thereof respecting priorities.

(d) In connection with any project of an approved comprehensive health service system for the modernization, rehabilitation, or construction of ambulatory care facilities which the Secretary finds necessary for the purposes of this title, the Secretary is authorized in lieu of assistance under any other Federal program or under subsection (c) of this section, to make a grant for up to 50 percent of the cost of such project and to make a loan, on such terms as he shall prescribe, except that the rate shall not exceed 3 percent per annum, for the remaining cost of the project.

(e) The Secretary is authorized to contract to make periodic interest reduction payments on behalf of any group practice or other ambulatory care facility, nonprofit hospital or nursing home which is operated or to be operated as part of an approved comprehensive health service system, such interest reduction to be accomplished through payments to the holder of a mortgage insured under Title XI, or Section 232, or Section 242, of the National Housing Act. Interest reduction payments with respect to a facility shall be made during such time as the facility is operated as part of the approved comprehensive health service systems. The interest reduction payments shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the owner of the facility is obliged to pay under the mortgage, and the monthly payment for such purposes which the owner would be obliged to pay if the mortgage bore interest at the rate of 1 percent per annum.

(f) Of the sums appropriated pursuant to section 406 for any fiscal year, 2 per centum shall be available for grants by the Secretary to pay 100 per centum of the costs (but in no case to exceed $100,000) of projects, in areas designated by the Secretary as urban or rural poverty areas, for assessing local needs for comprehensive health service systems, obtaining local financial and professional assistance and support for local comprehensive health service systems, or for comprehensive health service system projects which, in his judgment, are of national significance because they will assist in meeting the needs of the disadvantaged for comprehensive health services systems or demonstrate new or particularly effective or efficient methods of delivery of health care through comprehensive health service systems.

APPROPRIATIONS

Sec. 406. There are authorized to be appropriated for the purposes of this title $——— for the fiscal year ending June 30, 1971, $——— for the fiscal years ending June 30, 1972 and June 30, 1973, $——— for each of the three fiscal years thereafter, and for succeeding fiscal years sums sufficient to carry out contracts entered into pursuant to this title.

DEFINITIONS

Sec. 407. As used in this title, the term "comprehensive service system" means a system providing health care to an identified population group in a primary service area and its environs enrolled as members, on the basis of contractual arrangements (which embody group practice, are established by a medical school, a hospital medical staff or a medical center, or similar arrangements) among participating providers of service and other persons organized so as to—

(1) assure continuity of care and the ready referral and transfer of patients where medically appropriate;

(2) provide comprehensive health services, which shall include at least all services specified in title XVIII of the Social Security Act, as amended by this Act (such services to be provided except as authorized by the Secretary, without deductibles, coinsurance, or copayment), drugs prescribed for ambulatory patients, one hundred days of extended care services (which are not post-hospital extended care services) in any spell of illness, and necessary immunization, and may include other health services which are approved by the Secretary as appropriate to the particular comprehensive health service system.

TITLE V — FEDERALLY CHARTERED HEALTH INSURANCE CORPORATIONS

Sec. 501. Title VII of the Social Security Act is amended by adding at the end thereof the following new sections:

"Sec. 708. In order to assure maximum availability of a variety of techniques for the administration of benefits and services under title XVIII, the Secretary of Health, Education, and Welfare is hereby authorized to organize and establish one or more national health insurance corporations, each of which shall be an agency of the United States under the policy guidance of the Secretary, and shall have such organization and such powers as the Secretary finds necessary for the effectuation of title XVIII.

"Sec. 709. The Secretary shall be authorized to contract with, or enter into arrangements with, the corporation or corporations organized and established under section 708 to the same extent as he is authorized to contract with carriers and other agencies and organizations under part G of title XVIII and to enter into agreements with States under part F of such title."

S. 837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Local Comprehensive Health Services Systems Act of 1971".

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Sec. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE X—FEDERAL AID TO ESTABLISH LOCAL COMPREHENSIVE HEALTH SERVICE SYSTEMS

"FINDINGS AND DECLARATION OF PURPOSE

"Sec. 1001. (a)(1) The Congress hereby finds and declares that improving the provision and the delivery of health care is of critical importance and of the highest national priority and that present programs of health services do not provide for continuing, efficient and comprehensive health care, and lead to an unnecessary duplication of facilities, equipment, and personnel.

"(2) The Congress further finds and declares that the establishment of a system of health insurance for every American must not only increase purchasing power and equalize access to quality health care but must also bring about significant change in the health care system.

"(b) It is the purpose of this title to provide financial and technical assistance through loans, grants, supplementary financing and otherwise to health service institutions and organizations which will stimulate and enable such institutions and organizations to plan, develop, and implement comprehensive systems for the delivery and provision of health care.

"BASIC AUTHORITY

"Sec. 1002. The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the 'Secretary') is authorized to make loans and grants and to provide technical assistance, as provided by this title, to enable comprehensive health service systems (as defined in section 1007) to plan and develop comprehensive health care programs in accordance with the purpose of this title, and to assist them to become self-supporting.

"ELIGIBILITY FOR ASSISTANCE

"Sec. 1003. (a) A comprehensive health service system (as defined in section 1007 of this title) is eligible for assistance under section 1005 of this title if—

"(1) such system assures the provision of health services to all its members by a contract or contracts with the Secretary, or by such a contract and subcontracts, entered into by one or more providers of services (as defined in section 1861(u) of the Social Security Act) and other persons furnishing health services, or by a health insurance carrier or nonprofit prepayment plan, or by a combination of the foregoing;

"(2) such system is designed, to the maximum extent feasible, to make all health services readily accessible to persons residing in the specified primary service area and will pay for transportation where reasonable accessibility to persons in that area cannot otherwise be assured;

"(3) all persons, whether or not residing within the primary service area, are eligible to become members of such system, except that (A) the number of members may be limited, with or without giving preference to persons living within the primary service area, to avoid overtaxing the resources of the system, and (B) such restrictions upon enrollment may be imposed as are approved by the Secretary as necessary to prevent undue adverse selection; and the system is so designed and operated as to encourage enrollment from as broad as practicable a range of income and social groups;

"(4) all health services are provided by providers or other persons who meet the standards imposed by or pursuant to title XVIII of the Social Security Act for the respective services;

"(5) such system encourages increased health education of its members and the development and use of preventive health services, and provides for a group of physicians (such as a committee of medical school faculty, of a hospital medical staff, or of a group practice organization), approved by the Secretary for this purpose, consulting periodically with representatives of the membership, to fix the professional policies of the system, to oversee the professional aspects of the delivery services, and to review the utilization of all health services, drugs and supplies;

"(6) such system shall, to the extent practicable and consistent with good medical practice, train and employ allied health personnel and subprofessional and lay persons in the rendering of services;

"(7) any participating extended care facility is affiliated with a hospital or with a group practice or similar organization and the medical staff of the hospital or the group practice organization assumes responsibility for rendering or supervising professional services in the facility;

"(8) premiums charged by such system for services not paid for under title XVIII of the Social Security Act are reasonable; and

"(9) the establishment of such system shall be consistent with any comprehensive State health plan developed pursuant to section 314(a) of the Public Health Service Act, as amended, and shall be approved by the State planning agency designated or established pursuant to that section, and, where appropriate, shall be in accord with areawide health planning carried out pursuant to section 314(b) of that Act;

"(b) In administering this title, the Secretary shall emphasize local initiative and consumer and community involvement of the planning, development and operation of such comprehensive health service systems, and shall seek to insure prompt response to local initiative, and maximum flexibility in the planning, development and operation of such systems. Appropriate Federal departments and agencies shall provide maximum coordination of other Federal assistance with the operation of this title.

"FINANCIAL AND TECHNICAL ASSISTANCE FOR PLANNING COMPREHENSIVE HEALTH SERVICE SYSTEMS

"SEC. 1004. (a) The Secretary is authorized to make grants to, and to contract with, any public or nonprofit hospital, or any medical school or other institution of higher education, or any insurance carrier or nonprofit prepayment plan providing health coverage, or any nonprofit community organization, or any community group organized for this purpose in a geographically defined primary service area and representing a broad range of income and social groups, or any combination of two or more such entities, to pay 80 percent of the cost of planning and developing a plan for a comprehensive health service system (as defined in section 1007) which will meet the requirements of section 1003. The Secretary is also authorized to undertake such activities as he determines to be desirable to provide, either directly or by contracts or other arrangements, technical assistance to such entities for the development of plans for such comprehensive health service systems.

"(b) Financial and technical assistance for planning such a system will be provided under this section only if the application for such assistance has been approved by the State health planning agency designated or established pursuant to section 314(a) of the Public Health Service Act, as amended.

"FINANCIAL AND TECHNICAL ASSISTANCE FOR THE OPERATION OF APPROVED COMPREHENSIVE HEALTH SERVICE SYSTEMS

"SEC. 1005. (a) The Secretary is authorized to approve a plan for a comprehensive health service system (as defined in section 1007) if, after review of the plan, he determines that such plan satisfies the criteria set forth in section 1003.

"(b) The Secretary is authorized to contract, in accordance with section 1003(a)(1), with a comprehensive health service system, if he has approved the plan for such system, to pay so much of the administrative, operating, and maintenance costs of such system as exceed its income for the first five years of operation after approval under this section. Any such contract shall require the system to make all reasonable efforts to enroll members, to control costs and the utilization of services, facilities, and supplies, and otherwise to maximize its income and minimize its costs. If at any time the Secretary finds that the system is not making reasonable progress toward becoming self-supporting, he may, after hearing, terminate the contract on not less than six months' notice.

"(c) To assist a comprehensive health service system to carry out programs of capital development which the Secretary finds necessary for the purposes of this title, the Secretary is authorized to make a grant to such system of not to exceed 80 per centum of the amount of non-Federal contribution otherwise required for the construction or modernization of hospitals and other medical facilities assisted under title VI of the Public Health Service Act, as amended: *Provided*, That such project has been approved by the State agency under that title and is consistent with the approved State plan other than the provisions thereof respecting priorities.

"(d) In connection with any project of an approved comprehensive health service system for the modernization, rehabilitation, or construction of ambulatory care facilities which the Secretary finds necessary for the purposes of this title, the Secretary is authorized, in lieu of assistance under any other Federal program or under subsection (c) of this section, to make a grant for up to 50 per centum of the cost of such project and to make a loan, on such terms as he shall prescribe, except that the rate shall not exceed 3 per centum per annum, for the remaining cost of the project.

"(e) The Secretary is authorized to contract to make periodic interest reduction payments on behalf of any group practice or other ambulatory care facility, nonprofit hospital or nursing home which is operated or to be operated as part of an approved comprehensive health service system, such interest reduction to be accomplished through payments to the holder of a mortgage insured under title XI, or section 232, or section 242, of the National Housing Act. Interest reduction payments with respect to a facility shall be made during such time as the facility is operated as part of the approved comprehensive health service system. The interest reduction payments shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the owner of the facility is obliged to pay under the mortgage, and the monthly payment for such purposes which the owner would be obliged to pay if the mortgage bore interest at the rate of 1 per centum per annum.

"(f) Of the sums appropriated pursuant to section 1006 for any fiscal year, 2 per centum shall be available for grants by the Secretary to pay 100 per centum of the costs (but in no case to exceed $100,000) of projects, in areas designated by the Secretary as urban or rural poverty areas, for assessing local needs for comprehensive health service systems, obtaining local financial and professional assistance and support for local comprehensive health service systems, or for comprehensive health service system projects which, in his judgment, are of national significance because they will assist in meeting the needs of the disadvantaged for comprehensive health services systems or demonstrate new or particularly effective or efficient methods of delivery of health care through comprehensive health service systems.

"APPROPRIATIONS

"SEC. 1006. There are authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the four fiscal years thereafter, such sums as may be necessary to carry out the puposes of this title.

"DEFINITIONS

"SEC. 1007. As used in this title, the term 'comprehensive service system' means a system providing health care to an identified population group in a primary service area and its environs enrolled as members, on the basis of contractual arrangements (which embody group practice, are established by a medical school, a hospital medical staff or a medical center, or similar arrangements) among participating providers of service and other persons organized so as to—

"(1) assure continuity of care and the ready referral and transfer of patients where medically appropriate.

"(2) provide comprehensive health services, which shall include dental services for children under eight years of age, annual physical checkups, maintenance prescription drugs, and at least all services specified in title XVIII of the Social Security Act (such services to be provided except as authorized by the Secretary, without deductibles, coinsurance, or copayment), drugs prescribed for ambulatory patients, one hundred days of extended care services (which are not post-hospital extended care services) in any spell of illness, and necessary immunization, and may include other health services which are approved by the Secretary as appropriate to the particular comprehensive health service system."

(b) Section 1 of the Public Health Service Act is amended to read as follows:

"SECTION 1. Titles I to X, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(c) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

The material, presented by Mr. JAVITS, is as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., April 13, 1970.

To: Hon. JACOB JAVITS.
From. Education and Public Welfare Division.
Subject: Review of the major provisions of your proposed National health insurance plan.

This is in reply to your recent request asking for a review and description of the ma- States. The description of the provisions of National health insurance for the United States. The description of the provisions of the bill, which is outlined below, is intended only to summarize the principal features of the legislation and in no way is it intended to constitute a comprehensive analysis of any single provision in the legislation. Because of the time requirements imposed on us by this request, we are unable to touch upon every aspect of the proposal. We have, therefore, confined this discussion to capsule statements summarizing the principal features of each part of the proposal. In the event you would like us to examine the bill in greater detail, please let us know.

PURPOSE AND ORGANIZATION OF THE LEGISLATION

The proposed "National Health Insurance Act of 1970" would create a National health insurance program for the United States by extending the benefits, enlarging the scope of coverage, and by otherwise revising the existing program of health insurance for the aged, commonly known as medicare (title 18 of the Social Security Act).

According to the findings outlined in the draft bill, Congress finds that the existing health care system in the Nation cannot guarantee the right to quality health care for every citizen regardless of economic status. The legislation states that the Government has, therefore, an obligation to encourage the development of systems of care which would eliminate economic and organizational barriers to health care for every American, including the aged, the indigent, the disabled and the unemployed.

Specifically, the draft legislation would seek to meet these objectives by means of five titles.

First, the existing Title 18 program would be revised, both as to its coverage of certain insured individuals and to the benefits provided by the program. Basic hospital insurance benefits (Part A of the existing Title 18 program) would be available under the bill not only to all older people but to the disabled, widows, and widowers as well. The supplementary benefits program (Part B of the existing Title 18 program) would be provided to such covered individuals without separate premium costs. Title I of the bill would also add, among the services covered by the newly expanded Title 18 program, the costs of certain maintenance drugs, annual physical checkups, and certain dental health services for children under 8 years of age. Other provisions provide for limitations on certain charges for services, for administration of the program and for means of stimulating improvements in the organization of health care in the United States.

Title II of the proposed legislation establishes a health benefits program for all persons not otherwise protected under the revised title 18 program. The benefit package provided for under this new title (a proposed title 20 of the Social Security Act) is identical with those benefits provided to the aged and disabled under the revised title 18 program.

Title III of the proposal provides for the financing of the National health insurance program by expanding upon the current payroll tax mechanism used to finance retirement, survivors, disability and hospital insurance benefits in the present Social Security Act. Changes in the tax rates and earnings base, to which such rates are applied, are provided for in the legislation. In addition to the wage-related financing provisions authorized by the bill, however, a separate source of income for the program is authorized by requiring the Government to meet one-third of the total costs of National health insurance out of general revenue funds.

Title IV of the proposal provides for financial and technical assistance through programs of loans, grants and supplementary financing to institutions and to other organizations for the purpose of stimulating and developing improved comprehensive systems delivering and providing health care to the public.

Title V of the proposed Act calls for the establishment of national health insurance corporations which would be federally chartered and operate as agencies of the U.S. under the guidance of the Secretary of Health, Education and Welfare. Such federal health insurance corporations would operate under contract with the Secretary in a manner similar to contract agreements entered into between the Secretary and various private health insurance carriers, non-profit organizations, etc.

SELECTIONS OF THE DRAFT PROPOSAL

Title I—Amendments relating to the present title 18 Health Insurance Program

Title I of the proposed legislation contains seven parts designed to revise the scope of coverage of the title 18 program to groups of persons in addition to those now covered by law, to expand the scope of benefit coverage provided by the existing program, and to provide for improved health care administration, in connection with a National health insurance program.

Part A

Sec. 101—Changes in Entitlement to Health Insurance: revises Sec. 226 of the present Social Security Act, relating to who is entitled to hospital insurance benefits under medicare (title 18, Part A), by including all persons aged 65 and older (including those not presently insured) and all others receiving benefits based upon their disability (including those 18 and over with childhood disabilities). In addition, entitlement is established for widows aged 60 and over and for widowers aged 62 and over. The existing provisions relating to entitlement for certain uninsured persons are repealed by the bill.

Sec. 102—Changes in the Name of the Title 18 Program: the present Health Insurance Program for the Aged is renamed the "Health Insurance Program," and the program description is changed to refer to the disabled as well as to the aged. The phrase "for the Aged" is dropped from the names of the present Hospital and Supplementary Medical Insurance Programs.

Sec. 103—New Supplementary Medical Insurance Program: deletes reference of this program solely for the aged and makes entitlement to supplemental benefits solely a matter of entitlement to the Part A, or hospital insurance program. Repeals certain provisions of the present supplementary program and transfers to a Federal Health Insurance Fund the assets and liabilities of the Supplementary Medical Insurance Trust Fund now used to finance current Part B benefits. Eliminates references in the present medicaid law (title 19) to the present Part B, or supplementary program.

Sec. 104—Coordination with the Railroad Retirement Act: Coordinates provisions of the Railroad Retirement Act with the expanded title 18 program and includes the disabled railroad retirement employees among those entitled to health insurance benefits, in a manner similar to those disabled covered under the Social Security Act.

Sec. 105—*Effective Date:* the effective date of the Part A provisions would be July 1, 1972.

Part B

Sec. 110—*Coverage of Drugs under the New Health Insurance Program:* expands the benefit coverage under the new title 18 program to include protection against the costs of certain maintenance drugs appropriate to the treatment of certain long-term conditions. Provides for the cost-sharing by beneficiaries for such maintenance drugs available on an outpatient basis. Establishes the conditions for which drugs are to be included, how drug costs are to be paid, and other standards for administering and supervising a drug benefit under the program. The inclusion of a maintenance drug benefit would be effective with respect to drugs dispensed after June 30, 1974.

Part C

Sec. 120—*Coverage of Physical Examination:* adds a new benefit to the revised title 18 program by covering the costs of physical checkups to include eye examinations, ear examinations, and such other diagnostic tests or examinations which would be likely to reveal defects, diseases or conditions susceptible to effective treatment and control. Checkup services would also include the costs of physicians' service appropriate for the interpretation, evaluation or analysis of these tests. The deductible provision, now applicable to the Part B program, would not apply in the case of expenses incurred for checkups, except that limits are placed upon the maximum charges which would constitute incurred charges for checkups. These additional benefits would become available after June 30, 1975.

Part D

Sec. 130—*Dental Services for Children:* amends the new health insurance program to provide for routine dental care for children under 8 years of age. As in the case of physical checkups, the deductible provisions of the present Part B program would not apply. These benefits would become available after June 30, 1975.

Part E

Sec. 140—*Limitations on Certain Charges for Services:* amends effective January 1, 1972 the current "reasonable charges" section of the present Part B program and substitutes the phrase "appropriate and reasonable charges."

Sec. 141—*Physicians' Qualifications:* Revises under Title 18 of the Social Security Act the definition of the term "physician" by imposing certain qualifications for physicians providing services under the health insurance program. Such qualifications would be related to standards for 1) continuous professional education 2) national minimum licensure requirements 3) performance of various specialty services. Any physician or specialist failing to meet such standards would not be recognized as a "physician" for purposes of the program, although the Secretary of HEW would be required to notify the physician of any deficiency and allow for a "reasonable opportunity" to correct it.

Part F

Sec. 150—*Agreements with States for Administration:* amends Title 18 of the Social Security Act to allow the Secretary of HEW to arrange for State administration of the health insurance programs established pursuant to Title 18 of the Act. Reimbursement to the States for costs of carrying out such agreements would be made by the Secretary of HEW.

Part G

Sec. 160—*Improvement in the Organization of Health Care:* amends Title 18 of the Social Security Act (the revised medicare program) by adding a new "Part D" to the program. The purpose of this part is to encourage the rational organization of health care services and facilities so as to provide greater continuity and comprehensiveness of care of the individual, to provide greater consumer education and participation, and to emphasize preventive, diagnostic, and early therapeutic services, to control the costs of services paid for under the title and to stimulate diversity and innovation in the provision of health insurance protection.

Part D would authorize the Secretary to develop, by means of contracts and by other methods, the growth of "comprehensive health service systems." Such systems would agree to provide the basic benefits provided for in the revised health insurance program and also agree to carry out appropriate utilization and cost control responsibilities in connection with the provision of benefits. Such systems would have to be consistent with comprehensive health plans developed by each State. The Secretary would be authorized to use various means of reimbursement (other than a reasonable cost system) to pay for benefits provided by comprehensive health service systems, and could develop special incentive provisions for these systems if their costs were generally less than costs otherwise experienced by the health insurance program. A special employer-employee health plan option is authorized where employers provide for their employees' health care benefits under a qualified plan in lieu of benefits otherwise provided by the new program. The effective date for the new Part G program would be July 1, 1972.

Title II—Amendments relating to health benefits for the general public

Title II of the proposed legislation would add a new title 20 to the Social Security Act to provide for the entitlement to benefits of the revised title 18 program for all persons not otherwise so entitled by reasons of other provisions in the law. The new title 20 is composed of two sections:

Sec. 2001—*Entitlement to Benefits for the Uninsured:* provides that any person, who is a resident and a citizen (or an alien lawfully admitted for permanent residence), not otherwise entitled to the revised title 18 program (by reason of Sec. 226 of the Act) would be entitled to the same benefits of that program on July 1, 1974. Special provisions would govern the manner and period during which such entitlement would be established.

Sec. 2002—*Trust Fund Account for the Uninsured:* creates within the new Federal Health Insurance Trust Fund a special account known as the "Special Account for the Uninsured." Benefits provided for the persons entitled under title 20 would be paid from, and only from, this Special Account. This section also specifies the manner in which funds are to be appropriated to the Special Account within the Health Insurance Trust Fund.

Title III—Financing of health insurance

Title III of the proposed legislation is divided into five parts which identify and explain the taxing mechanism devised to provide the financial resources with which the national health insurance program will operate. The new title includes amendments to the Internal Revenue Code relating to payroll deductions for the purposes of health insurance:

Sec. 301—*Wage and Income Bases for Purposes of Health Insurance:* amends those sections of the Internal Revenue Code of 1954 (relating to definitions for the purposes of Federal Insurance Contributions) by adding new subsections setting forth definitions of wage and self-employment income bases for purposes of health insurance. The wage and income bases on which taxes are imposed in connection with the financing of health insurance benefits provided under the proposed Act would be set at $15,000 rather than $7,800 per annum, with respect to the tax paid by employees or the self-employed. No ceilings are placed on the wages with respect to taxes paid by the employer. The bill indicates that the effective date of the tax change and wage base would begin with taxable years ending after December, 1970.

Sec. 302—*Definition of the Term "Employment" for the Purposes of Health Insurance:* amends Internal Revenue Code so as to include only within the framework of the revised taxing mechanism, certain additional categories of employees and employers formerly excluded from taxing provisions used to finance benefits under Title 18 Social Security Act. Additional categories of employees to be included for taxing purposes are: individuals engaged in family employment: federal, state, and local government employees; ministers; railroad employees, individuals in employ of tax-exempt organizations; individuals in employ of registered subversive organizations. Employers of these individuals in above-mentioned categories would also be included in the taxing mechanism for health insurance with the exception of employers falling into the categories of state and local governments and churches and religious orders. Effective date of this section will be 12/70.

Sec. 303—*Exemption of Certain Employment for Health Insurance Taxing Purposes:* provides that employment which includes the performance of service by an employee for an employer, who has in effect a contract with the Government relating to a comprehensive health service system, is excluded for purposes of health insurance taxation.

Sec. 304—*Rate of Tax for Health Insurance Purpose on Employees, Employers, and Self-Employed Individuals:* amends Internal Revenue Code by establishing new tax rate schedules for health insurance purposes applicable equally to employers, employees, and self-employed individuals as follows:

[In percent]

Calendar years	Employers	Employees	Self-employed
1972	0.7	0.7	0.7
1973	.9	.9	.9
1974	2.0	2.0	2.0
1975	3.1	3.1	3.1
1976 and thereafter	3.3	3.3	3.3

Sec. 304—*Appropriations to Federal Health Insurance Fund:* provides that in addition to funds appropriated to Federal Health Insurance Fund through taxing mechanism described above, there shall also be appropriated from general revenues an amount equal to 50% of the amount deposited in the Health Insurance Fund collected by means of the payroll tax mechanism and any additional amounts that would have been appropriated if no agreements had been authorized for employer-employee health plan options (as provided for in Part C, Title I of this bill).

Title IV—Federal aid to establish local comprehensive health service systems

Title IV is composed of seven sections which emphasize the need for a reorganization of the present health care system and provisions of Federal financial and technical assistance to affect the desired changes:

Sec. 401—*Findings and Declaration of Purpose:* in keeping with its findings that present programs of health services fail to provide for continuous, efficient, and comprehensive health care, Congress declares that a system of national health insurance must be established in a way that will increase purchasing power, equalize access to quality care, and affect a change in the health care system. Declares that the purpose of this title is the provision of financial and technical assistance through the awarding of grants and loans to health service institutions and organizations in order to stimulate the planning, development, and implementation of comprehensive health service systems.

Sec. 402—*Basic Authority:* authorizes the Secretary of Health, Education, and Welfare to make such loans, grants, etc. as are provided for under this title.

Sec. 403—*Systems Eligible for Financial and Technical Assistance:* establishes the criteria for systems wishing to receive financial and technical assistance from the Government for the purposes of developing comprehensive health service systems. Such systems must, among other things, enter into an agreement with the Secretary to provide or arrange to provide services authorized by medicare. In addition to certain requirements concerning enrollment of beneficiaries in such systems, comprehensive health service systems must develop preventive health care programs, train and employ allied health personnel, and be organized in a manner consistent with the State's overall comprehensive health care plan.

Sec. 404—*Financial and Technical Assistance for Planning Comprehensive Health Service Systems:* authorizes Sec. of HEW to make grants to public or non-profit hospitals, medical schools, any insurance carriers or non-profit prepayment plans, etc. to pay 80% of the cost of planning and development of comprehensive health service systems. Applications for assistance under this title must be approved by a State health planning agency.

Sec. 405—*Financial and Technical Assistance for Operation of Approved Comprehensive Health Service Systems:* authorizes Secretary to contract with approved comprehensive health service system to pay so much of administrative, operating, and maintenance costs of such system as exceed its income for the first five years after approval. The contract shall require the system to make efforts to enroll members, control costs and utilization of services, and otherwise maximize income and minimize costs. Secretary may see fit to terminate contract after giving 6 months notice. Secretary is authorized to make grants to system for programs of capital development in an amount not to exceed 80% of non-Federal contributions otherwise required for construction and modernization of hospital, etc., under Title 6 of Public Health Service Act. The awarding of such a grant depends upon approval of the proposed project by the responsible State health planning agency.

Sec. 406—*Appropriations:* authorizes appropriations to carry out contracts pursuant to Title IV.

Sec. 407—*Definitions:* the term "comprehensive health service systems" is intended to identify a systems providing health care to an identified population group in a primary searvice area on basis of contractual arrangements which embody group practice, are established by a medical school, a hospital medical staff or medical center or similar arrangements among the participating providers of services. Describes comprehensive health service systems as those which provide at least all services specified in Title 18 Social Security Acts as amended by this Act.

Title V—Federally chartered health insurance corporations

Title V of the proposed Act is composed of one section which amends the Social Security Act by adding new sections authorizing the Secretary of HEW to establish various national health insurance corporations which will operate under the guidance of the Secretary.

Sec. 501—*National Health Insurance Corporations:* Authorizes the Secretary of Health, Education, and Welfare to establish and contract with one or more Federally chartered health insurance corporations for provision of health benefits under Title 18 of the Social Security Act. Health Insurance corporations so organized will act as agents of the U.S. Government under the guidance of the Secretary of HEW.

Level of Benefits: National Health Insurance Act of 1971

The benefits provided to all citizens of the United States under my national health insurance bill—subject to existing coinsurance and deductibles—shall consist of no less than the following (effective for over 65 and disabled, July 1, 1972; for general public, effective July 1, 1974):

1. Up to 90 days—with a lifetime reserve of 60 additional hospital days—of bed patient

care in any participating general care, tuberculosis or psychiatric hospital. When a bed patient in a hospital, some of the services paid for include:

Bed in semiprivate room (2–4 beds in a room) and all meals, including special diets;

Operating room charges;

Regular nursing services (including intensive care nursing);

Drugs furnished by the hospital;

Laboratory tests;

X-ray and other radiology services;

Medical supplies such as splints and casts;

Use of appliances and equipment furnished by the hospital such as wheelchairs, crutches, braces, etc.; and

Medical social services.

2. When the patient no longer needs the intensive care which hospitals provide, but still needs full-time skilled nursing care, he may be transferred—for up to 100 days—to an extended care facility—a specially qualified facility, staffed and equipped to furnish full-time skilled nursing care and related health services, which include:

Bed in a semiprivate room (2–4 beds in a room) and all meals, including special diets;

Regular nursing services;

Drugs furnished by the extended care facility;

Physical, occupational, and speech therapy;

Medical supplies such as splints and casts;

Use of appliances and equipment furnished by the facility such as wheelchairs, cructhes, braces, etc., and

Medical social services.

3. After a stay in a hospital (or in an extended care facility after a hospital stay) if the physician determines continued care can be best given at home through a home health agency, the individual will be covered for as many as 100 home health visits for further treatment of the condition for which he received services as a bedpatient in hospital or extended care facility. The home health services include:

Part time nursing care;

Physical, occupational, or speech therapy;

Part-time services of home health aides;

Medical social services;

Medical supplies furnished by the agency; and

Use of medical appliances.

4. Doctors' services no matter where he treats the patient—in a hospital, his office, an extended care facility, home, a group practice or other clinic—and included are:

Medical and surgical services by a doctor of medicine or osteopathy;

Certain medical and surgical services by a doctor of dental medicine or a doctor of dental surgery;

Services by podiatrists which they are legally authorized to perform by the State in which they practice; and

Other services which are ordinarily furnished in the doctor's office and included in his bill, such as: Diagnostic tests and procedures, Medical supplies, Services of his office nurse, Drugs and biologicals which cannot be self-administered.

5. Ambulance services to a hospital when—

(a) ambulance services are medically necessary to protect the health of the patient,

(b) transportation by other means could endanger the patient's health, and

(c) the patient is taken to the nearest hospital that is equipped to take care of him (or to one in the same locality).

6. Outpatient hospital benefits which include:

Laboratory services such as blood tests and electrocardiograms;

X-ray and other radiology services;

Emergency room services; and

Medical supplies such as splints and casts.

7. In addition to "3" above, home health benefits—up to 100 home health visits each calendar year—even if the individual was not first hospitalized, if confined to home, a doctor determines home health care needed and periodically reviews the home health care plan. It would include:

Part-time nursing care;

Physical, occupational, or speech therapy;

Part-time services of home health aides;

Medical social services;

Medical supplies furnished by the agency; and

Use of medical appliances.

8. Other medical services and supplies for the treatment of illness or injury—furnished by a doctor as part of his treatment, or by the outpatient department of a hospital, or a medical clinic in connection with treatment, includes:

Diagnostic tests such as X-rays and laboratory tests;

Radiation therapy;

Portable diagnostic X-ray services furnished in your home under a doctor's supervision.

Surgical dressings, splints, casts, and similar devices;

Rental or purchase of durable medical equipment prescribed by a doctor to be used at home; for example, a wheelchair, hospital bed, or oxygen equipment, and

Devices (other than dental) to replace all or part of an internal body organ. This includes corrective lenses after a cataract operation.

9. Payment for maintenance drugs, a drug used for treatment extending over a period of 90 days or more and the withdrawal of which would be seriously harmful to the individual's health. The copayment shall be $1 until January 1974 and thereafter, an amount to be determined by the Secretary pursuant to the formula set up in the bill, effective July 1, 1974.

10. Payment of up to $75 for annual physical checkups, which include eye examinations for the purposes of prescribing, fitting, or changing eyeglasses; ear examinations for the purpose of determining the need for hearing aids; and such diagnostic X-ray, laboratory and other tests as are likely to reveal defects, diseases or conditions susceptible to effective treatment or control; including physician's services appropriate for interpretation, evaluation and analysis of such tests, for all over and under 65, effective July 1975.

11. Dental services for children under 8 years of age, including oral examinations and diagnosis, oral prophylaxis, fillings and removal of teeth, effective July 1, 1975.

Mr. JAVITS. Mr. President, for the information of Senators, I am the ranking Republican member of the Committee on Labor and Public Welfare, which handles health measures other than those related to financing health care, which would go to the Committee on Finance. I shall do my utmost to bring about the earliest possible hearings on the bills I have introduced and other bills which may be referred to our committee, in the deep conviction that 1971 will be the year in which Congress will enact, and the President will make into law, a national health system at long last assuring every American of an equal opportunity for decent health care.

I thank the Senator from West Virginia (Mr. BYRD) for affording me this time.

Mr. BYRD of West Virginia. The Senator is welcome.

APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to the provisions of Senate Resolution 281, 90th Congress, as amended and supplemented, appoints the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Ohio (Mr. TAFT) to the Select Committee on Nutrition and Human Needs.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The VICE PRESIDENT. Under the previous order, the time between 12 noon and 1 p.m., will be equally divided and controlled between the majority and minority leaders or their designees.

Mr. MANSFIELD. Mr. President, I yield control of the time to the distinguished Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. Mr. President, I yield to the distinguished Senator from Kansas (Mr. PEARSON), the cosponsor of this resolution, such time as he may require.

The VICE PRESIDENT. The Senator from Kansas is recognized.

Mr. PEARSON. Mr. President, I am most hopeful that the Senate today will act pursuant to rule XXII on this cloture motion filed, and filed reserving all constitutional rights that may be the property of those who seek to modify rule XXII under Resolution 9.

Yet, Mr. President, I do not deceive myself that this is a possibility today. It is only one hurdle along a course that needs to be run. I would hope, in this Congress, at this time, that we would finally see some modification and some solution to this problem. For it is, I submit, Mr. President, a reasonable and practical modification of rule XXII that seeks some balance in protecting the rights of the minorities within this Chamber while at the same time permitting the majority to govern.

It is, Mr. President, I submit, a balance between the right of free and complete debate and the right finally to vote at some time.

This resolution is offered, Mr. President, when the winds of change are high. I think it fair and proper to say that the distinguished Senator from Idaho and myself have not and do not favor majority cloture. It is not that balance, we think, that is necessary to proceed with orderly consideration of business, and, moreover, it is our persuasion, I think, that to deny this change now will increase the forces of modification until the Senate, in some years in the immediate future, will be face to face with the prospect of majority cloture.

I think the Senate can and should recognize the riptides of change, the acceleration of events and the magnification of our problems, all of which are sweeping upon this Congress, not in sequence or in turn but at the same time; and to have some sensitivity for the attitudes of the people of this country today, who have lost some confidence in their institutions and who are asking questions about whether we are capable, within the Congress and within the Senate in particular, effectively to meet the needs and the issues caused by the great growth which has taken place in this country not only in people but also in technology.

Mr. President, I am very much pleased that President Nixon has made some expression on this issue and has done so within proper limits indicating not only confirmation of his prior ruling in an advisory opnion but also properly recognizing the division between the executive and the legislative bodies, to make some expression as to the need for change in changing times.

With that, Mr. President, I ask unanimous consent to have printed in the Record an article dated February 12, 1971, published in the Washington Post, entitled "Nixon Backs Filibuster Reform Move"; and also an editorial published in the Washington Post of this date, entitled "A Chance To Vote in the Senate."

There being no objection, the article and editorial were ordered to be printed in the Record, as follows:

Nixon Backs Filibuster Reform Move

(By Carroll Kilpatrick)

Key Biscayne, Fla., Feb. 12.—President Nixon gave encouragement today to Senate backers of a change in the filibuster rule and took a stand bound to antagonize many of his Southern and Midwestern supporters.

Speaking through his press secretary, the President made it clear that he would like to see a reform of Senate rules so that business may be conducted "more promptly and expeditiously."

Last year the Senate effectively blocked attempts to enact the Nixon proposals for Social Security and trade legislation as well as his Family Assistance Plan by the use of the filibuster; it delayed for some weeks in the same way a vote in 1969 on his proposal for the antiballistic missile.

Earlier, when asked about the President's position regarding the current attempt to amend the Senate's Rule 22, which requires a two-thirds vote to end cloture, White House spokesmen had said that the President would not interfere with the Senate's right to make its rules.

But today they broke with tradition in a move carefully designed to strengthen the hand of those who want to make it easier to limit filibusters.

Senate Republican leaders are understood to have urged the President to make his statement in an attempt to persuade some Midwestern Republicans to vote for filibuster reform rather than with Southern Democrats. The issue comes to its first test vote Feb. 18.

When asked about Mr. Nixon's position today, Press Secretary Ronald L. Ziegler first emphasized that the President has not taken a position regarding rules changes in the House or Senate.

"However," Ziegler went on, "I think many of you recall the President has said on several occasions that it was unfortunate that procedural delays stalled the important legislation before the Congress.

"And I believe the President would support any rules or precedural changes which would facilitate consideration of legislation."

Finally, Ziegler said that "the President would be in favor of Congress taking action that it feels necessary and that it determines as a body to reform or to adjust its work procedures and schedules in a way that allow them to deal with business more promptly and expeditiously."

Ziegler emphasized that he was expressing "the President's point of view."

In debate Thursday, Sen. Edmund S. Muskie (D-Maine) called on Mr. Nixon to "publicly and forcefully back the efforts of those who are attempting to modernize the Senate procedures."

The proposal by Sens. James B. Pearson (R-Kan.) and Frank Church (D-Idaho) now being filibustered by Southern Democrats would make it possible to close debate by a three-fifths rather than two-thirds vote.

[From the Washington Post, Feb. 18, 1971]

A Chance To Vote in the Senate

The first effort to break the filibuster now blocking a Senate vote on the proposal to modify the filibuster rule is supposed to take place some time today. The proposed modification is a modest one: it would alter the existing rule under which debate can be forced to an end only through a cloture vote by two-thirds of the Senators present; under the proposed rule, cloture could be imposed by three-fifths of the Senators present. The alteration is hardly monumental; but it would make it somewhat more difficult for a minority to keep the Senate as a whole from settling an issue by bringing it to a vote.

The debate on the filibuster rule has been going on for about a month—with Southern Senators leading a filibuster designed to prevent a vote on the proposed change. It had been hoped that Vice President Agnew would rule, from his eminence as president of the Senate—as Vice President Humphrey did when he occupied that office in 1969—that the Senate, at the beginning of a new Congress, may alter its rules by a simple majority vote. But Mr. Agnew made it plain that he will not duplicate Mr. Humphrey's stand; and so only a two-thirds majority can cut off debate today. It is not anticipated that opponents of the filibuster can muster two-thirds right now. Ten to 15 Senators will probably be absent from the floor today. Something like 58 or 60 votes would be needed for cloture therefore, and it is not likely that they will now be available. The debate, if it can be called that, will drone on, in consequence, until another effort to impose cloture is made a fortnight or so in the future.

Frustration has a way of mounting in the wake of a filibuster. And Senators unwilling to cut short debate in its early stages sometimes become ready to do so when they are convinced that the supporters of a filibuster have had ample opportunity to say all that they have to say in behalf of their position. If cloture is not voted today, we hope heartily that it will succeed on the next try. For the Senate ought to be free to bring questions before it to a decision and get on with its other business.

President Nixon gave encouragement the other day to the backers of a change in the filibuster rule. His press secretary said that "the President would be in favor of Congress taking action that it feels necessary and that it determines as a body to reform or to adjust its work procedures and schedules in a way that allow them to deal with business more promptly and expeditiously." This is a cautious statement—or perhaps it would be more accurate to call it an extremely tactful way of recognizing and respecting the Senate's acutely sensitive feeling of independence. It says plainly enough, however, that the President would be glad to see the filibuster rule altered. And indeed only an alteration of it affords any hope that controversial measures such as his Family Assistance Plan can be brought to a decision in the Senate.

If tact has prompted the President to speak very softly in public, it need not by any means prevent him from speaking very fervently in private. The best hope for amending the filibuster rule lies in Mr. Nixon's quietly persuading a few midwest Republicans to join liberal Democrats in voting for the change. And the liberal Democrats themselves—some of whom have resorted to filibustering when they thought it beneficent—must close ranks and adhere to the principle that the Senate must be able to bring issues to a vote after a reasonable period of debate. That principle lies, after all, at the very heart of representative government.

Mr. PEARSON. Mr. President, I thank my distinguished colleague from Idaho for yielding me this time.

Mr. CHURCH. Mr. President, I yield now 1 minute to the distinguished Senator from West Virginia (Mr. Byrd).

The VICE PRESIDENT. The Senator from West Virginia is recognized for 1 minute.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I shall need only 30 seconds. Mr. President, I ask unanimous consent that at the beginning of the yea-and-nay vote and continuing throughout that vote until the results thereof are announced, the Sergeant at Arms be directed to clear the floor of all clerks to Senators with one exception, that one exception being Mr. Wes Barthelmess who is an assistant to the Senator from Idaho (Mr. Church) who is leading the debate for the proponents of cloture.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I yield myself 30 seconds.

The VICE PRESIDENT. The Senator from Michigan is recognized for 30 seconds.

Mr. GRIFFIN. Mr. President, under the unanimous-consent agreement that was entered into, the time was equally divided between the majority and the minority leaders. It happens that the majority and the minority leaders as well as the assistant minority leader are all on the same side of this issue. I intend to vote with the Senator from Kansas (Mr. Pearson) and the Senator from Idaho (Mr. Church).

Therefore, in order to assure that time will be equally divided between the opponents and the proponents, I designate the Senator from Alabama (Mr. Allen) to control the time for the opponents.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Michigan, and I yield myself 4 minutes.

The VICE PRESIDENT. The Senator from Alabama is recognized for 4 minutes.

Mr. ALLEN. Mr. President, I oppose Senate Resolution 9, which is an effort to reduce to three-fifths of Senators present from two-thirds of Senators present the number required to invoke cloture and stop debate on measures and issues pending before the Senate.

The Senate is the only legislative body in the world that has the right of extended debate. Rule XXII does not give that right. Without rule XXII, there would be no way under the rules—no way in the world—to stop debate in the Senate, except through the power of public opinion.

Rule XXII provides a method, which was adopted in 1917, to stop debate in the Senate by empowering two-thirds of Senators present to stop that debate.

Mr. President, I challenge those who seek to amend rule XXII to offer any evidence whatsoever that any worthwhile and constructive legislation necessary for the well-being of this Republic has been killed through the use of extended debate in the Senate.

Every conceivable civil rights bill has been passed. Cloture has been invoked time and time again by obtaining a two-thirds vote in the Senate. It should not be reduced to three-fifths. That is the entering wedge, the opening wedge, to reduce the number down to majority cloture.

Why do we need extended debate in the Senate?

Because it protects the rights of the minority. It slows down, on occasion, the speedy enactment of legislation in the Congress. It gives the country an opportunity to catch up, to come abreast of what is going on in the Congress. There is no meaningful debate in the other body, so that when a bill comes to the Senate it should be subjected to the closest scrutiny. Efforts should be made to agree on compromises on controversial legislation. That ability to compromise on legislation can exist only if we have the right to extended debate.

We need extended debate in the Senate to protect the minority against a ruthless and tyrannical majority.

Who knows but what the minority today will be the majority in the next Congress or in the next decade.

Mr. President, we need the right of extended debate as a protection against big government getting bigger, as protection against a mushrooming Federal bureaucracy.

Why cut off this debate?

Mr. President, I hold in my hand the calendar of business we have for the Senate today. If this debate ends, there will only be one item on the calendar besides the one under discussion at this time. This resolution was passed by the Senate in the last session of Congress and it could pass again in 2 minutes' time.

There is no occasion at this time to cut off this debate. I hope that Senators will preserve this rule which we have had since 1917, because during that time the Senate has passed literally tens of thousands of bills and not one single bill of a constructive nature necessary for the preservation and well-being of this Republic has been killed by a filibuster.

Let us leave the two-thirds cloture requirement that makes this body the greatest deliberative body in the world. Let us not deprive this body of the feature that does make it the greatest deliberative body in the world.

The VICE PRESIDENT. The Senator's time has expired. Who yields time?

Mr. CHURCH. Mr. President, I yield 5 minutes to the distinguished minority leader.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized for 5 minutes.

A MODEST MODIFICATION OF CLOTURE

Mr. SCOTT. Mr. President, the debate over a change in the cloture rule of the U.S. Senate is now in its third week. The change, as embodied in Senate Resolution 9, would reduce the present formula of two-thirds of Senators present and voting as necessary to cutoff debate on a pending matter to three-fifths of Senators present and voting. I judge such a change a most desirable change—one that is modest as to its reach and its scope.

More than 70 years ago, a distinguished Republican Senator, John Sherman of Ohio, addressed himself to the abuse of the right of debate in this Chamber:

> We are not here for any other purpose than to legislate. The right to debate a question broadly has been recognized by the Senate of the United States from the beginning of our government; but when the rules of this body, intended to expedite legislation, are used as an obstruction by the minority in order to defeat the will of the majority, those rules should as soon as possible be corrected, changed and altered.

Now, Mr. President, I submit that this statement of Senator Sherman is as sound today as the day it was spoken. It is typical of the numerous statements of Senators over the years who seek a change in rule XXII as it now stands. Senator Sherman, like those of us in this Chamber today who favor change, had impeccable credentials. He was a reasoned man. He was a man of high standing in his own political party. He was a firm, even fervent, defender of the traditions and privileges and rights of the Senate, this unique legislative assembly. But, he did not flinch from his responsibility to correct flaws in his beloved Senate.

Those who care deeply about the Senate are compelled by this care and this concern to help remedy a fault, in this case rule XXII—not pretend a fault does not exist. Consequently, I believe we are amiss not to correct the debilitating consequences of the cloture rule. It should be remembered that those who sat in the Senate Chamber in 1917 responded positively to an absence of any restraints upon debate that then existed. After a few days of discussion, the Senate adopted rule XXII by an overwhelming margin of 76 to 3. At the time, this was regarded as a step toward making the Senate a more effective body.

But the stark statistics of this rule XXII show that the rule, as presently devised, is unworkable. On 49 occasions cloture has been attempted. Only eight attempts—16 percent—have been successful. Statistics aside, we have surely acknowledged that the implicit threat of filibuster has itself exerted an influence upon our legislative agenda. Many a bill has been enfeebled in the cloakroom of this Senate under these circumstances. Some bills have been aborted before delivery.

Moreover, the prestige of the Senate has declined, particularly in those instances where the other body has acted and the Senate is exceedingly anxious to act on such critical measures as confronted it, for example, toward the end of the 91st Congress.

Truly, as Cicero observed in his De Amicitia:

> Jam videor videre populum disjunctum a senatu: "Already do I seem to see the people disunited from the Senate."

A three-fifths formula lowers the virtually insurmountable barrier that now exists without lowering it to the point that "transient majorities," which opponents of change fear, would work their will in some hasty and uninformed fashion.

Mr. President, I wish to state what other proponents of change have pointed out. The President of the United States, Richard Nixon, once presided as Vice President over this Chamber. Several times he indicated that a change in the Senate rule XXII was desirable. As President, he has indicated that he is still of the same opinion. On January 5 of this year, the President said:

> Further, the Congress may wish to consider revision of the "turn-of-the-century" work schedules and procedures that now obtain on Capitol Hill. While there are many excuses for congressional inaction—there are no good reasons.

The proposed change in rule XXII is a reasoned modification that has been reasonably propounded by its advocate during these 3 weeks. I support Senate Resolution 9.

It does not in any way inhibit extended debate. It simply provides that when all the pros and cons of a matter have been thoroughly discussed, then three-fifths of Senators, if such a large majority exists, may vote to put an end to the discussion and vote on the merits of the matter at hand. Extended debate in this Chamber is good practice. Carried to extremes, as it has been, converts it into a serious, even grave, defect.

Parenthetically, I remind my colleagues that even when cloture is successfully applied, that the rule would still allocate 1 hour for each Senator who wishes to talk further. I submit that by any definition, in or out of a dictionary, Senate Resolution 9 is a reasonable proposal. The fears of opponents are grossly exaggerated and ill-founded. Consequently, Mr. President, I will vote for cloture on this matter after a petition is filed; furthermore, I will vote, as a cosponsor, for Senate Resolution 9. I hope my colleagues in sufficient numbers will do the same. To act otherwise, in my judgment would be a grave error and would reflect adversely upon the ability of the Senate to put its own house in order.

Mr. ALLEN. Mr. President, I yield 3 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, certain references have been made here to allege the downgrading of the Senate and the role of the Senate in debate. I totally disagree with such sentiments. We had some of the finest debates here last year that I have heard within the more than 20 years I have served here.

The President was a little miffed at Congress because it did not pass some of his bills. He made some unfavorable remarks about the work schedule of Congress. The President is the hardest working man in the Government, but a lot of hard work goes on among Members of this body, also. I cannot believe that he in any way intended to discredit the Senate. In any event, the Senators are the judges of the Senate rules. We have to work on our rules and dispose of our business within those rules.

A great deal of time last year was spent in debating the Cooper-Church amendment. Over one-half of that time was spent defending the President's position in opposition to the amendment and not the proponent of the amendment. It was a far-reaching and important debate on a delicate and explosive issue.

I think we can lose face mighty fast before the people by passing a lot of unsound bills that work harm rather than benefits to the people and the Nation.

I have noticed statements in the press that there was a filibuster here on the military defense bill of 1969. It was said that that bill was filibustered here on the floor of the Senate.

I was on the floor during all of that debate, with the exception of about 20 minutes, during the entire 6 weeks. In fact, I was floor manager of the bill. And I know that there was not an iota of a suggestion of a filibuster here. No one was trying to delay the bill. It was honest, conscientious, valid debate, the exchange of views, and the clash of ideas. Many rollcall votes were had. This was also the situation regarding the debates on the military procurement bill in 1970. There was no filibuster in either, year, not any.

I do not use the term "liberal" with respect to any fellow Senator. Senators are classified that way sometimes by the press.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield 1 additional minute to the Senator from Mississippi.

Mr. STENNIS. Mr. President, it seems to me that our so-called liberal friends have already passed all of the legislation that they can think of. They already have it in the lawbooks. Some might now want to repeal some of it. The liberals might want to fall back on Senate rule XXII should there be a wave of sentiment for repeal of these liberal laws that would blow across the country and through this Chamber that would result in the repeal of such legislation.

I am not talking about civil rights laws now on the books.

I am talking about other so-called progressive legislation. I think it is time for us to stop and think. Certainly this rule actually has not hurt anyone. Even the appropriation bill for the Department of Transportation was handled satisfactorily in December 1970, even though there was a persistent filibuster. I trust that the Senate will keep rule XXII intact as now written.

Mr. CHURCH. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, the substantive argument as to why we should change the cloture rule have been made thoroughly and I do not wish to repeat them. I do wish to say a word about the statement just made by the Senator from Mississippi with respect to the attitude on this matter of those generally classified by the press as liberals, justified or not. They, too, have used the privilege of extended debate in respect of trade and other legislation and important matters, just as it was used on the welfare measures in the closing days of the last session.

So long as this provision is on the books it is going to be used and it should be used. It is as good for the goose as it is for the gander. The important thing is that the liberals, generally speaking, do not want to see this provision on the books and believe it represents retrogression of the constitutional process of our country by introducing an extra constitutional power in the Senate, which is what it is. The Constitution never contemplated that one-third could block legislation in this country—veto it—yet that is the case.

The other point I wish to make is that the Vice President, who is now presiding, will have a very major role in determining what happens. This matter can wind back upon itself if proponents of the rule change are relegated constantly to a debatable proposition in terms of leaving it to the Senate.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me 1 additional minute?

Mr. CHURCH. I yield 1 additional minute to the Senator from New York.

Mr. JAVITS. Mr. President, former Vice President HUMPHREY ruled on one occasion, although he was reversed by the Senate, that he had a right to say in this constitutional situation that at a given point debate should end, that there had been enough debate, and that the Senate had heard enough on the subject. It is contended there is no rule where a change is sought and the Senate has a right to make its rules under the Constitution and a right to say that debate has ended. As I said, the Senate reversed then Vice President HUMPHREY, but that is not an irrevocable position. It is the only way the matter can be brought to issue.

I express the hope that this Presiding Officer will say that this constitutional tangle or dilemma cannot be resolved in any other way. It would give the Senate a chance to express its will. But if we devolve back upon ourselves and operate under the two-thirds rule, a solution is more difficult.

Mr. ALLEN. Mr. President, I yield 3 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, while I was campaigning for the Senate, the issue of cloture was not raised in my campaign, so I came to the Senate uncommitted and without a position on the question.

During the last month, I have tried to listen and understand the arguments, both for and against, reducing the number necessary to limit debate. I am persuaded by the argument that the Senate is a deliberative body and must be capable of reaching a conclusion—that the people lose confidence and respect for the Senate when a filibuster can, by tying up major funding measures, virtually grind our country to a halt. Last December, I listened to and read many of the comments when many major and vital measures were caught in a logjam by the filibuster on the funding of the SST. On reflection, however, the culpable problem there was not the extended debate, but the fact that so much major legislation had been delayed and was only brought to the floor in the closing hours and then was tied together so that Senators were not free to vote on separate items. The distinguished Senator from the State of Washington (Mr. JACKSON) raised this issue early in this session and I understand the Senator is going to propose recommendations to the democratic caucus that would require committee chairmen to identify and move expediently appropriation measures and other major bills. I commend this approach and feel that it offers a far better solution to the problem of the logjam of motor legislation, with the resulting loss of Senate prestige, than to restrict the right of prolonged debate.

It appears to me that many Senators are for or against reducing the number necessary to limit debate for historical reasons that applied when they first came to the Senate but are no longer relevant and, but for this, many of the Senators would now find themselves more comfortable on the other side of the question. The attempted use of the filibuster to block or retard the passage of civil rights legislation, being the prime example of a historic reason Senators locked into position for or against the proposition and, while this reason is no longer relevant, it continues to cast an indelible shadow which prevents many Senators from evaluating this issue in the light of the relevant issues today.

While there is a number of valid reasons for opposing the move to ease the requirement to limit debate, not the least of which is the fact that free and unlimited debate has been the hallmark and distinguishing feature of the U.S. Senate from other parliamentary bodies, the argument that is most persuasive to me and which causes me to cast my vote today against an attempt to limit debate is the argument that the continuing, accelerating growth of Presidential power requires and necessitates the Senate preserve and encourage free and unlimited debate as a check and safeguard for the welfare of our country.

I am now reading a book written in 1957 by a Frenchman, Amaury de Riencourt, who lived in this country for a number of years, entitled "The Coming Caesars." In the preface, he quotes Tocqueville's Democracy in America:

> The English, after having cut off the head of one king, and expelled another from his throne, were still wont to address the successors of those princes only upon their knees. On the other hand, when a republic falls under the sway of one single man, the demeanor of the sovereign remains as simple and unpretending as if his authority was not yet paramount. When the emperors exercised unlimited control over the fortunes and the lives of their fellow citizens, it was customary to call them Caesar in conversation; and they were in the habit of supping without formality at their friends' houses.

The author, Riencourt, believes that our Western World is threatened with the advent of caesarism on a scale unknown since the Roman Empire. This caesarism is not dictatorship, not the result of one man's overriding ambition, nor a brutal seizure of power through revolution—but a slow unconscious development brought about by the tremendous increase of America's power in the Western World and the President's power within America.

My conviction is that it is essential that we find some way to check and balance the tremendous growth of Presidential or Executive power and the best hope for that is the Congress wherein, today, the best tool is the Senate's right to engage in prolonged debate. This, in my opinion, is not a sufficient or balancing safeguard, but to weaken this tool is to lose our one device to protect the fabric of our system while we try to balance the scales between the respective branches of our Union.

To cite two recent examples of this growing Executive power: the President recently, by a statement to the press, ordered a halt and termination to the Cross Florida Barge Canal. Quite apart from the merits of whether the canal should have been completed or not is the fact that Congress had authorized the project and continuously appropriated funds. And now the President has halted the project without even a written Executive order—night before last on the news, it was reported that the Secretary of Transportation, Mr. Volpe, had stated that two models of the SST would be built, period. I was laboring under the impression that this Congress was going to make that decision.

It is my understanding, since 1961 there have been 28 votes on the question of limiting debate and that there are 14 Senators who have never voted to limit debate.

While this is their right, I feel this adds to the pressure for the change and reduction of the number necessary to limit debate and I intend to feel free to vote for cloture under the existing rule on any given issue and not be "hidebound" to never curtail debate. Knowing, also, that, if rule 22 is not amended this time, this proposition will, no doubt, be raised in the future. I intend to observe if other reforms can be effected which will allow us to retain this right. But, if that is not possible and I feel it is necessary to preserve the reputation of the Senate, I will reluctantly change my stand on this issue.

Mr. CHURCH. Mr. President, I yield 4 minutes to the Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Mr. President, I wish to speak briefly in support of the proposal to permit debate in the Senate to be ended by three-fifths of those Senators present and voting on the issue. In my view, this is a modest but important step toward making the Senate a more effective body.

Opponents of this change have brought forth all the time-honored arguments in favor of unlimited debate. They have paraded the historical precedents. They insist that a minority of Senators must, on occasion, be able to forestall the ill-considered action of a majority. They assert that the right to unlimted debate is what makes the Senate unique.

These are familiar arguments but they are less convincing than ever before. They are less convincing, Mr. President, because they assume a static, unchanging legislative environment. They do not recognize the changing needs of the country and the changing responsibilities of the Senate. They do not take account of the fact that at this point in our history, too many people in the United States have paid too high a price for the right to vote to see that right diluted by the archaic procedures of the Senate.

The filibuster has not been the special province of any Senator or group of Senators. In recent years, we have experienced filibusters by Senators from every part of the country, reflecting every political viewpoint. At one time or another, a majority of Senators have exercised their right to engage in unlimited debate. But this fact does not justify the perpetuation of this right in its present form.

It is astounding but true, Mr. President, that some of those who for years opposed the right to unlimited debate as a matter of high principle are now opposing change in the cloture rule because the filibuster has now become a convenient weapon for their own use. The filibuster does not become any more appealing or defensible a technique because of the subject matter involved or the Senators who use it.

No one contends that the proposed change in the cloture rule will dramatically change the Senate's methods of doing business. Such a change does not sound the death knell for unlimited debate. But it would serve notice that the Senate is less likely to tolerate the abuse of unlimited debate. Hopefully, it would deter the irresponsible use of this procedure which hamstrings the effective operation of the Senate.

The VICE PRESIDENT. The Senator's time has expired.

Mr. JACKSON. May I have 1 additional minute?

Mr. CHURCH. I yield 1 additional minute to the Senator from Washington.

Mr. JACKSON. The simple fact is, Mr. President, that we can no longer afford the luxury of an unlimited resort to unlimited debate. The work of the Senate has increased enormously—both in volume and complexity—over the past decade. There is every indication that this trend will continue in the 1970's. To handle this workload effectively, we must update Senate rules and procedures. And we must be willing to exercise greater restraint in imposing on the time of the Senate in order to discharge our responsibilities.

Mr. President, the proposed change in the cloture rule is more than symbolic. At the same time, no one can study the history of recent filibusters and seriously contend that this change will diminish the character or effectiveness of the Senate. What it will do is serve to make the Senate a more responsible and responsive institution.

I yield back the remainder of my time.

Mr. ALLEN. Mr. President, I yield the remaining 16 minutes of our time to the distinguished Senator from Arkansas (Mr. FULBRIGHT).

The VICE PRESIDENT. The Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, much has been said about this matter. I do not know that there is anything new I can say. I would like to try to put it in a little different context, and I particularly appeal to the new Members of the Senate who have recently gone through a hard election to become Members of this body. If they have time to give this question sufficient thought, I cannot believe they would like to undermine the significance of the Senate, of which they have become Members after a great effort in most cases. The significance of this matter, it seems to me, is a question of procedure. I always think of democracy not as a status that one achieves; it is a procedure; it is a process by which we solve differences or develop programs of mutual benefit. Democracy is not a specific program, it is a way to create one. It is a respect for reasonable discussion, for persuasion and accommodation rather than for power alone.

The significance of this rule is not to insure long and involved discussions. Actually, the so-called debate and talk that has taken place on this very question has not been a debate at all. The proponents of the resolution were not interested in a debate. They were not interested in dialog. There has hardly been one of them on the floor when any Senator who opposed it was talking about it. I have been in here several times, and there would be nobody but two or three Senators interested in one or the other side of the subject. The proponents of this change were not interested in listening to the debate. They were simply interested in the delaying action, hoping to create the impression in the country that there was something evil about the rule. That, I submit, is the real fact. It was not delayed by us.

I and my colleagues who oppose the resolution would have been perfectly willing for Senators to bring their cloture motion up at the beginning and have the vote and get it over with. They wished to prolong it, in order to be able to say, "Look how long this futile debate has gone on and how much time we have wasted." No time has been wasted on the floor of the Senate, because no legislation is ready for action. This is true at the beginning of every session.

The real significance of the issue is not that we can talk a long time. Nobody is interested in that. The significance is that of the role of the Senate in our constitutional system. Is it to remain an important element for the adjustment of the differences that arise in a great community? Is it to remain an institution which can influence decisions, or are we to abdicate our authority and responsibilities under the Constitution and allow the executive department to do it all? That is truly what has happened in almost all the other countries of the world. Far more countries of the world are ruled by authoritarian systems than by democracies. None of the other countries has the democratic system we have. They have gone into either civilian dictatorships or military juntas. We are the only institution in which it is possible to insure a deep consideration of controversial issues.

I strongly disagree with the Senator from Pennsylvania that the Senator is in disgrace and has lost the confidence of the people.

On the contrary, I think people today who are deeply worried about the course of our Government look to the Senate as the only place where we can possibly work out reconciliations and adjustments of these issues. That is what this is about. It is not to precipitate long debate. It is in recognition of the fact that in a country with 50 States, with over 200 million people, from time to time there arise certain deeply controversial issues which should not be imposed upon a large minority by a simple majority.

The very basis of our Constitution is not majority rule. I do not know how anyone can say that majority rule is essentially democratic. Majorities have often imposed the most unjust decisions upon minorities throughout history, beginning with the well-known crucifixion and with many subsequent events.

The fact is that some issues arise in our kind of community which require delay, the putting off of the decision until some compromise and adjustment may be worked out. Debate is simply a vehicle. It is not a very happy way to exhibit that disagreement and necessity for further consideration. But, as we contemplate the role of the Senate, it is that we are the only body which, when such issues arise, can insure that there is delay sufficient to give not only the Senate but the country as a whole the opportunity to consider those particular divisive issues.

There were differences over civil rights. Today there is a similar division in this country over the war in Vietnam. Regardless of what one may think about it, no one can deny that there is a division over the wisdom of that decision.

I do not think a simple majority should be handed the authority to handle that kind of issue and say, "Take it or leave it." It should be by a large majority—in this case two-thirds. In this kind of issue, two-thirds is not too much to require. As has been pointed out by some of the greatest liberal writers of this country, this is the kind of issue which, if you impose it on a large minority—say 45 or 40 percent—will result in setting the stage for revolution and setting the stage for violent disagreement with the decision of the majority. So it has much more significance than merely delay.

I am not looking, and neither are my colleagues who oppose the resolution, for more opportunity to talk. We have been talking to an empty Chamber here. The proponents of this resolution have never really wished to engage in a dialog on this issue. I suggest to new Members of this body that they cannot engage in a dialog because it is not available. I think they ought to consider the matter from the point of view of whether they wish the Senate of the United States to continue to be an influence in the decisions of our Government. Do 100 Members of this body from every State of the Union want to have anything to contribute to the wisdom of the decisions of government?

In my opinion, one of the important reasons why our Government and our country are in great difficulty is that the Senate has not been able, even with the present rule, to exert as much influence as it should under our Constitution. I shall not go into any other reasons at this time, but I shall be glad to in other circumstances when we are not under limited time.

I do hope that new Members of this body who have not had time to think about this issue as deeply as the older ones would consider that aspect of the issues—that is, that the role of the Senate is involved; it is not an issue of extended debate. It is whether or not the Senate can have an influence.

The very fact that we have the capacity to resist an arbitrary proposal makes those who make the proposals—of course, I am speaking of the executive branch—consider the Senate very seriously—much more seriously than otherwise—if they know they may run into resistance in the Senate. The fact that the rule exists, without its being used, is most significant to a continued balance within our system.

Now, one may well accept the proposition that an executive branch government is more efficient. Dictatorships are more efficient in the sense of getting action more quickly. I do not think they are efficient in getting wise action, but just in getting action.

But if you really believe that this body of 100 men can make a contribution to the wisdom, if not to the velocity, of the passage of legislation, then I cannot see how you can object to it being necesary that a majority of two-thirds be obtained on those issues on which there is deep division of opinion within our country, reflected in this body, over changes or proposals that come before us, ranging all the way from civil rights to the making of war.

I think it is very significant, Mr. President, that just recently one of our best known and generally considered most liberal writers has taken this same view, much to my surprise. I believe Mr. Nicholas von Hoffman has made an outstanding and timely contribution to the public debate on rule XXII. I refer to his column appearing in yesterday's Washington Post entitled "Shouting Back, Not Shutting Up." Mr. von Hoffman displays a remarkable perceptiveness in his articulation of the real issue underlying this debate; namely, the Senate's intended role within our constitutional system.

I would particularly hope that the Senate "liberals," who for so long have associated rule XXII with civil rights battles, will give their very closest attention to this commentary, for it points out, correctly I believe, the irony that those Senators with the most to lose are the ones who now insist that rule XXII be changed.

I ask unanimous consent that Mr. von Hoffman's article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOUTING BACK, NOT SHUTTING UP

(By Nicholas von Hoffman)

Tomorrow the Senate liberals will have another go at making it easier to kill off a filibuster. They've been trying for 20 years, but they may get it this time because the President is on their side, and that ought to make them wonder how good an idea knocking out the filibuster was.

The White House contends that without the filibuster the Senate can do its work "more promptly and expeditiously." Congress, and especially the Senate has of late been much taxed with being inefficient and old-fashioned, a thick-sapped institution in an age of speed and transistorized judgments.

The Senate's job isn't speed or neat dispatch, but wisdom, and these elements don't always go together. In legislation part of wisdom is delay and procrastination, knowing how not to get swept off your feet, how to temporize because it's better to be late than sorry.

Stalling around and pulling on its beard and not being hasty is an aspect of the Senate that pre-dates its coming into existence. During the Constitutional Convention of 1787, James Madison argued on the floor that the first purpose of the Senate was "to protect the people against their rulers; secondly to protect the people against the transient impressions into which they themselves might be led . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous counsels . . . How is the danger in all cases of interested coalitions to oppress the minority to be guarded against? Among other means by the establishment of a body in the government sufficiently respectable for its wisdom and virtue, to aid on such emergencies, the preponderance of justice by throwing its weight into that scale."

The Senate hasn't often lived up to Madison's hopes for it, but it has sometimes, and one of the ways it does is through the filibuster. A lone, filibustering senator, if he's got the guts, may be able to make the whole country think twice before it's carried off by enthusiasm or hysteria.

Because of the South's use of the device to fight down civil rights legislation the filibuster may now have too bad a name to save it. People forget that the filibuster didn't prevent the passage of the great civil rights act legislation of the '60s. It delayed them. In this way it acted like the temporary veto in the English House of Lords; in effect the filibuster asked the country, "Hey, did you really mean it with this civil rights legislation?"

That angered a lot of people who wanted the civil rights laws on the books immediately, people who had no patience with the Southern contention that much of this legislation was unconstitutional. Since then the courts have said they are constitutional, but even so they were a sharp departure from past practice . . . such things as taking away the freedom to refuse to rent, sell or service people because of their race or religion.

These aren't the kind of laws that should be passed with a 51 per cent majority. They are too important to slip into passage by seven or eight votes. The Senate's famous rule XXII requires a two-thirds vote to break a filibuster, and that's the kind of numbers needed to ensure such important laws have a chance of being enforced. The Reconstruction Congress passed all kinds of civil rights legislation that was not only ignored but literally forgotten. There just wasn't enough steam behind them to do more than pass them so that they became a kind of legislative tokenism.

But the filibuster and civil rights is history. Nixon certainly doesn't want to weaken the filibuster in order to pass a new civil rights act. He's concerned about such matters as the anti-ballistic missile, the draft and the SST. A Northern liberal can use the device as well as a Southern reactionary, and in the next couple of years the Northerners are going to need it more than the Southerners.

The big winner in the cutting down of the filibuster will be the White House, which will need to twist fewer senatorial arms to get what it wants passed. That's why Nixon's for it, and it's why everyone who wants to see congressional power diminished should be for it.

Killing the filibuster is presented as a reform measure. Words like modernize and expedite are used when talking about it. As if the Senate is old-fashioned because the senators talk too much. The problem is that half the time the senators don't know what they're talking about, and eliminating the filibuster isn't going to cure that. What might help, what might be a true modernization would be if the congressional research and information gathering facilities were significantly enlarged. The legislative branch is dangerously dependent on the executive for too much of what it knows.

Minor mechanical adjustment in the rules isn't going to make a better Congress. This is so of the filibuster, and of the furor over the seniority system. Those old coots run things, not because of the rules, but because the good guys don't have enough votes. When they do have the votes seniority doesn't matter.

You can see that in the case of Congressman John L. McMillan, the superannuatedly impossible gent from South Carolina who chairs the House District of Columbia Committee. The liberals had a chance to vote him out but they didn't have the numbers; then later, they were able to clip his power in the committee because they constitute a majority.

The last 50 years ought to have schooled us to watch out for reforms that promise us business-like procedures by strengthening centralized power. The problem isn't to get Congress to shut up but to get them to shout back.

Mr. FULBRIGHT. This is a view quite similar to the one Walter Lippmann took in 1949. It is doubtless quite surprising to some that Walter Lippmann could have taken almost exactly the same position on rule changes that von Hoffman took in yesterday's Post. As I say, I myself was very surprised, but he is a perceptive man, and could see the danger to the so-called liberals who wish to change the processes of the Senate.

Democracy is only a set of rules. It is not a state that either you have or you do not have; all it is is a set of rules by which people can work out their differences, and of course there will always be differences.

I can understand a man who expects to be President and sees himself in the White House saying, "I would like to get rid of that obstacle." All Presidents have had that wish. Perhaps Woodrow Wilson is the most glaring example. Before he was President, he supported the right and function of the Senate. When he became President, and ran into the problem of Henry Cabot Lodge and the Senate, he deplored the fact of the Senate being an obstacle to his plans.

Aside from that substantive question, the procedures we have followed, in my opinion, are the primary reason why this democratic government has survived as long as it has. No other government in the world today has survived as long as ours with even a modicum of democratic practice. Nearly every one of them, with a few exceptions of small parliamentary governments, which are not like ours, have disappeared. This problem does not arise in a parliamentary government; I remind all new Members of this body to make that distinction. Parliamentary systems do not need this kind of a rule. But with our system of a separate executive and legislature, I submit it is most important that the role of the Senate as an institution be preserved.

On any specific substantive issue, one can say this rule may be abused. All rules may be abused, no matter what they are. By and large, I submit that our record has been good. I am not at all ashamed of the record of the Senate. In fact, I think it has performed a great service to this country in being able to inform and influence not only its own Members, but the public, by calling attention to what is involved in very deeply divisive and complicated questions which have afflicted our country, and always will afflict a great society.

Mr. President, I understand that the Senator from Kentucky (Mr. COOPER) wishes me to yield him some time. How much time do I have remaining, Mr. President?

The VICE PRESIDENT. The Senator has 4 minutes remaining.

Mr. FULBRIGHT. Of course, much more can be said. I have spoken before. If the Senator from Kentucky wishes me to yield, I yield him my remaining 4 minutes.

Mr. COOPER. Mr. President, I thank the Senator from Arkansas.

May I say that I feel some reluctance in following his eloquent and reasoned argument, and I emphasize the word "reasoned."

Mr. President, I shall vote against cloture today, and I shall vote against it because I support rule XXII in its present form.

I have not always held this position. Members of the Senate may recall that in 1957 I joined with the Senator from New Mexico (Mr. ANDERSON) and in 1959 with my then colleague from Kentucky, Mr. Morton, in introducing a similar resolution, to reduce the number of Senators required to secure cloture from two-thirds to three-fifths. I do not hold that position now, and I shall state my reasons.

At that time, I felt that a great body of our fellow citizens—the black citizens—were being deprived of their constitutional rights, and I felt it morally as well as constitutionally wrong. It seemed to me that that situation was so plain that it did not require extended debate. But all of us know that the filibusters did not prevail, that the Senate was able to vote upon those questions, and between 1954 and 1968 approved the comprehensive provisions for securing to all our fellow citizens their constitutional rights of nondiscrimination and the equal protection of the law. In addition, legislation to secure economic justice has been enacted, although not yet fully realized.

I hold that similarly, other controversial legislative proposals which will come before this body can be enacted if in truth they are supported by a majority of the people of our country.

One situation which has caused me to change my mind, although I had been troubled before, was the situation the Senate faced last year in the closing days of the session. A number of constitutional amendments, including one which I believe would have changed the Federal structure of this country—involving the manner of election of the President and legislation of greatest importance, yet controversial, were before the Senate——

The VICE PRESIDENT. The Senator's time is expired.

Mr. COOPER. May I have an additional minute?

Mr. FULBRIGHT. I yielded the Senator all my remaining time.

Mr. CHURCH. Mr. President, I am happy to yield the Senator from Kentucky a minute of my time.

Mr. COOPER. I thank the Senator. We knew that there was no time for proper consideration of the measures before us. We saw filibusters carried on by Members of different persuasions. I do not think that the Senator from Washington (Mr. JACKSON) suggested that it was wrong, evil, arbitrary, or capricious. Their actions simply pointed out the truth that Senators of all persuasions know that at times legislation before the Senate is of such importance or of such a controversial nature that it must be fully debated and considered if great harm to our country is to be avoided and beneficial legislation assured.

My good friend the Senator from New York (Mr. JAVITS) suggested that the founders never contemplated such a provision as rule XXII.

In the narrowest terms he may be correct, but they were children of the enlightenment. They lived in the age of reason. They believed that reason would prevail in government.

I believe rule XXII is necessary to keep available to Members of the Senate the opportunity to reason, the opportunity to appeal to reason, the opportunity to appeal to reason throughout the country.

The VICE PRESIDENT. The Senator's additional time has expired. Who yields time?

Mr. CHURCH. Mr. President, I yield myself the balance of the time which remains before the vote.

Let me say, at the outset, that I feel unequal to the task of responding to two such eminent Members of this body as the Senator from Arkansas and the Senator from Kentucky, not to speak of the Senator from Mississippi, who also addressed himself to this subject a few minutes ago. Nevertheless, that responsibility is mine as one of the cosponsors of the resolution, and I shall do my best to discharge it.

No one should question the fidelity of any Senator to this institution. I have not served as long as some Senators who have spoken, but I have been here 15 years. I also believe in the Senate and the importance of its role in our political life.

I recognize there is much validity to the argument that majority rule has not always been exercised in a prudent way. It is true that great injustices have been done by majorities. But, if the case is imperfect for majority rule, it nevertheless is better than the case for rule by the minority. History is also replete with injustices done by minorities possessed of the power to impose their will upon the majority. If one had to choose between the two, if one had to ask which of the two more closely implements democratic government, I would have to choose majority rule over minority rule.

At present, rule XXII empowers a minority of one-third plus one to govern the Senate. On any matter of real gravity, rule XXII enables the minority to govern. Philosophically, I find that difficult to reconcile with my belief in democratic principles.

The distinguished Senator from Arkansas has said that great and controversial issues ought not be decided by a mere majority—one that is quite possibly transient, one that might be swayed by the emotions of the moment. I concede that this argument, also, has validity. But, Mr. President, the resolution we propose does not enable a mere majority to decide great and controversial issues. The resolution would simply reduce from two-thirds to three-fifths the number of Senators present and voting required to limit debate. Is that such a radical proposition? Would it really change the essential character of the Senate? Does anyone here honestly believe that it would undermine the tradition of extended debate?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CHURCH. I would prefer to complete my statement.

Mr. FULBRIGHT. The Senator asked a question. I do.

Mr. CHURCH. Then, the Senator from Arkansas does, but I do not.

I think the traditions of the Senate clearly show that there is no disposition in this body to summarily cut off debate. If this resolution were adopted, it would still require 60 percent of the Senators voting to concur before any limitation on debate could be imposed.

So I suggest, Mr. President, that this is a very prudent modification of rule XXII. It is brought here simply because history demonstrates that the present rule is too strict. In the past 54 years, 49 attempts have been made to invoke cloture, and only eight have succeeded.

I believe it was the distinguished Senator from Arkansas who said that we should preserve the role of the Senate as a deliberative body, that we should protect the procedures of the Senate, since this is a unique institution, and it is our responsibility to safeguard the role it plays. I agree with that argument. But I suggest that the best way to safeguard the Senate, the best way to preserve its rules against the vicissitudes of the future, is to make a prudent change in the filibuster rule now. We need to relax the rule just enough to give us better assurance that, after extensive debate has occurred, and the needs of the country call for action, the Senate can reach a vote. Eight successful attempts in 49; that is not enough.

We are simply asking for another occasion, such as that which occurred in 1917, when the Senate was asked to approve a bill to arm our merchant ships. At that time, there was no rule, no procedure for securing any limitation on debate, and the result was that a few Senators were able to talk the bill to death. But the country felt that action on the bill was required, that the vital interests of the United States were being challenged in the Atlantic, where German submarines were attacking American merchant ships. Yet the Senate, paralyzed by its own procedures, could not act. Then what happened, Mr. President? Why, then there was a tide, a great upsurge of public sentiment, of public anger, and its focus was upon the Senate. Faced with overpowering public indignation, the very Senators who previously had championed unlimited debate ran for cover; and rule XXII, establishing the first procedure for limiting debate was adopted by a near-unanimous vote of 76 to 3.

I would hope that we could avoid in the future another deadlock and upheaval that could rip our rules asunder. I suggest that the best way to do it, the best way we can insure that the essential character of the Senate—the right of extended debate, the uniqueness of our role—is protected against the uncertainties of the future is to make a prudent change in rule XXII now, so that when the occasion is right, when the national need is great, when a long and extended debate has taken place, it will be more reasonably certain that a substantial majority of Senators may work their will. That is the best way to protect the Senate. That is the best way to preserve it in its role.

This debate commenced 25 days ago, and it has been said that the proponents of this resolution have not participated fully in the debate. That charge is true. The reason we have not participated more fully is that this debate has gone on for years and years. Every time there is a new Congress, we spend a month or more debating rule XXII. There is no mystery about the proposed change. There is no subtle mischief it can do. There is no argument that has not been propounded here a hundred times over. There is no Member of the Senate who cannot recite the arguments, pro and con, in his sleep.

Twenty-five days have passed, while this debate contributes nothing either to the education of the country or the Senate. Indeed, its very purpose is not to educate or instruct, but to prevent the Senate from working its will, from proceeding in due course to a vote on the merits. We are all aware of it. That is why it has now become necessary to file a cloture motion and to ask the Senate, in its wisdom, to invoke a limitation on this debate, so that we can proceed to a vote on Senate Resolution 9, the long-pending business.

Mr. KENNEDY. Mr. President, we are now in the fifth week of the 92d Congress and throughout that period we have been engaged in a debate over the internal rules of the Senate. It is a debate which has not drawn the attention of the Nation. To many, it has seemed an internal matter affecting the Nation very little.

But if we do not resolve this matter in favor of change, then the time will come during this session when not only the proponents of a certain measure, but the groups arrayed in favor of that measure in the Nation, will deeply regret the failure of the Senate to push for a rules change today.

In an age of moonwalks and malnutrition, we cannot afford to allow a handful of Senators to forever bind the will of Members of this body, who represent a majority of the people in this Nation.

The proposed change in the Senate rules is neither unreasonable nor revolutionary. It does not seek to restrict the opportunity for unlimited debate unduly. We are merely attempting to prohibit a small group of the Members of this body from denying to the rest, the right to decide an issue by a recording of the yeas and nays.

During the past decade, we have seen 24 attempts at cloture with ouly four of them successful. In the 43 years before 1960, there were only 20 attempts at cloture, also with four achieving success. The pressure of the times and the urgency of the issues has brought an increase in the use of the filibuster just as it has prompted a greater frequency of efforts to close off the filibuster.

The pressures have been great and the failures to invoke cloture have proved serious for the Nation. A delay in passage of civil rights legislation and a delay in voting rights are among the offspring of filibusters during this decade.

For a nation trying to meet the legitimate demands of all of its citizens for full and equal participation in the political system, these delays meant long summers of mounting frustration.

Beyond the immediate consequences of the Senate's inability to act on a specific issue, there has been a general decline in the prestige of the Senate and perhaps for the first time, the vitality of this democratic institution has been openly questioned.

We are sent here to be both representatives of our State constituencies and representatives of the national interest. We operate in the balance between majority rule and the protection of minority rights. We receive our sustenance from a political system that seeks through compromise and persuasion to further the interests of all of our citizens.

In that process, we are rarely called upon to examine our own institutional integrity. Today we have that responsibility. It has been thrust upon us by a nation uneasy with the appearance of ineffectiveness in its leaders.

Some 37 Senators have signed this motion for cloture to bring about a change in the rules. Many, if not all of us, believe that this legitimately can be done by simple majority vote under section 5 of article I of the Constitution, and I would hope the Vice President would so rule if the question were formally placed before him.

The two rights of Members of the Senate that are critically important in this democracy are the right to debate and the right to vote. In responding to the needs of the Nation and to their constituents, Senators have corresponding responsibilities to utilize those privileges in the exploration of each issue in full debate and ultimately by voting a measure up or down.

In this balance between the right to debate and the right to vote, ultimately the right to vote must take precedence. The only matter at issue is how much of a majority is necessary before the right to debate shall give way.

For 59 years, we have operated, often painfully, under a rule that requires a two-thirds majority. Today, with the experience of past decades, we would take the reasonable and modest step of lowering that requirement to a three-fifths majority.

When the times demand many more urgent decisions from all of our institutions, increasing the ability of the Senate to act decisively appears to me a thoroughly rational and justifiable decision.

Mr. TUNNEY. Mr. President, the Senate today has an opportunity to make significant progress in the area of congressional reform.

After almost a month of extensive debate, the Senate will decide whether or not to cut off debate in order to allow a vote on an amendment to rule XXII. I will vote to end debate.

Senate procedural rule XXII now requires the affirmative vote of two-thirds of the Senators present and voting before a filibuster can be ended.

The purpose of this rule is clear and, philosophically and historically speaking, laudatory. Minority rights must be protected and the minority must be given an ample opportunity to be heard.

The Senate has maintained a tradition of allowing lengthy debate and this has proven effective in protecting the minority against a stampeding majority. Walter Lippmann has said:

> If the sovereign himself may not act willfully, arbitrarily, by personal prerogative, then no one may. His ministers may not. The legislature may not. Majorities may not. Individuals may not. Crowds may not. The National State may not.

I would not be able to support an amendment which would permit cloture by a majority vote.

However, it is also clear that rule XXII has been abused and the will of the majority thwarted on matters of great national concern.

As presently constituted, rule XXII permits tyranny by the minority. This is just as unacceptable.

All of us were elected for the primary purpose of legislating. In our campaigns, we pledged to the people that we would initiate legislation and that we would vote for or against measures of national and State concern. Yet one of the deepest frustrations prevailing in my home State and elsewhere is that Government is impotent to act in their behalf. The virtually unreachable two-thirds cloture requirement of rule XXII, along with the seniority system, has become symbolic of this frustration. Cloture under rule XXII has been attempted 49 times in 54 years and invoked only eight times. Fifteen times, three-fifths of those present and voting supported cloture; 24 times a majority of the Senate voted for cloture; 34 times a majority of those present and voting favored cloture.

Although it is, of course, difficult to draw the fine line between majority rule and minority rights, it is clear that the wishes of a substantial majority should not be permanently frustrated. I believe that Senator Church's amendment is an appropriate compromise. The amendment offers the opportunity to preserve Senate tradition of extended debate while at the same time allowing the Senate to do its job—to legislate—at the proper time.

Reducing the required vote under rule XXII from two-thirds to three-fifths ensures continued minority protection while lessening the possibility of abuse.

It is my hope that this reasonable reform will be adopted and that cloture will be invoked today in order to give the Senate an opportunity to vote on the amendment.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. MILLER. I just want to make the observation that if the proponents would see fit to adopt my amendment to their amendment, I think we would have cloture, we would have progress, and we would have assured genuine bipartisanship in this very serious matter.

Mr. CHURCH. I thank the Senator for his observation, and I only want to note that 51 Senators have affixed their names to this resolution, it already stands endorsed by a constitutional majority made up from both sides of the aisle. Thus I hope that if we cannot make it on this vote, we will soon come to a cloture vote that will enable the Senate to proceed to a final vote on the merits of a rule that the majority should be entitled to pass upon.

The VICE PRESIDENT. All time has now expired.

Pursuant to rule XXII and the hour of 1 o'clock having arrived, the Chair lays before the Senate the pending cloture motion which will be stated by the clerk.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of the Resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Frank Church, James Pearson, Wm. B. Saxbe, Robert Taft, Jr., Hugh Scott, Jacob Javits, Robert Griffin, Clifford P. Case, J. Glenn Beall, Jr., Mike Mansfield.

Edward Kennedy, Jennings Randolph, Charles McC. Mathias, Jr., Stuart Symington, Thomas F. Eagleton, Philip A. Hart, John V. Tunney, Claiborne Pell, Adlai Stevenson, Hubert Humphrey.

Harrison Williams, Fred Harris, Wm. Proxmire, Lee Metcalf, Daniel Inouye, George McGovern, Harold E. Hughes, Clinton P. Anderson, Alan Cranston, John O. Pastore.

Vance Hartke, Charles H. Percy, Thomas McIntyre, Gaylord Nelson, Lloyd Bentsen, Walter F. Mondale, Edmund S. Muskie, Henry M. Jackson.

The VICE PRESIDENT. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 5 Leg.]

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
Miller
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Hawaii (Mr. Inouye), the Senator from Montana (Mr. Metcalf), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Utah (Mr. Moss) are absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott) is necessarily absent.

The Senator from Hawaii (Mr. Fong) and the Senator from Texas (Mr. Tower) are absent on official business.

The Senator from Nebraska (Mr. Hruska) is absent because of death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The VICE PRESIDENT. A quorum is present.

Under the previous order, beginning with the yea-and-nay vote and continuing throughout that vote until the results are announced, the Sergeant at Arms is directed to clear the floor of all clerks of Senators with one exception, that one exception being Mr. Wes Barthelmes, who is an assistant to the Senator from Idaho (Mr. Church).

The question is, Is it the sense of the Senate that debate shall be brought to a close?

The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK (when his name was called). On this vote I would vote "yea." My colleague, the senior Senator from Colorado (Mr. Allott), would vote "yea." The Senator from Texas (Mr. Tower), would vote "nay." I withhold my vote.

The rollcall was resumed and concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana

(Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Utah (Mr. MOSS) are absent on official business.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

Mr. President, on this vote, the Senator from Wyoming (Mr. MCGEE) has a pair with the Senators from Utah (Mr. MOSS) and Hawaii (Mr. FONG). If they were present and voting, the Senator from Wyoming would vote "nay," and the Senators from Utah and Hawaii would each vote "yea."

Also, Mr. President, the Senator from North Carolina (Mr. JORDAN) has a pair with the Senators from Montana (Mr. METCALF) and New Hampshire (Mr. MCINTYRE). If they were present and voting, the Senator from North Carolina would vote "nay" and the Senators from Montana and New Hampshire would each vote "yea."

The Senators from Indiana (Mr. BAYH) and Maine (Mr. MUSKIE) have pairs with the Senator from Nebraska (Mr. HRUSKA). If they were present, the Senators from Indiana and Maine would vote "yea," and the Senator from Nebraska would vote "nay."

Finally, Mr. President, the Senators from Hawaii (Mr. INOUYE) and California (Mr. CRANSTON) are paired with the Senator from South Dakota (Mr. MUNDT). If they were present and voting, the Senators from Hawaii and California would vote "yea," and the Senator from South Dakota would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is necessarily absent.

The Senator from Hawaii (Mr. FONG) and the Senator from Texas (Mr. TOWER) are absent on official business.

The Senator from Nebraska (Mr. HRUSKA) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote the Senator from Hawaii (Mr. FONG) and the Senator from Utah (Mr. MOSS) are paired with the Senator from Wyoming (Mr. MCGEE). If present and voting, the Senator from Hawaii and the Senator from Utah would each vote "yea" and the Senator from Wyoming would vote "nay."

The pair of the Senator from Colorado (Mr. ALLOTT) and that of the Senator from Texas (Mr. TOWER) has been previously announced.

On this vote, the Senator from Indiana (Mr. BAYH) and the Senator from Maine (Mr. MUSKIE) are paired with the Senator from Nebraska (Mr. HRUSKA). If present and voting, the Senator from Indiana and the Senator from Maine would each vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from California (Mr. CRANSTON) and the Senator from Hawaii (Mr. INOUYE) are paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from California and the Senator from Hawaii would each vote "yea" and the Senator from South Dakota would vote "nay."

The yeas and nays resulted—yeas 48, nays 37, as follows:

[No. 6 Leg.]

YEAS—48

Aiken
Anderson
Beall
Bellmon
Bentsen
Boggs
Brooke
Burdick
Case
Church
Cook
Eagleton
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Symington
Taft
Tunney
Williams

NAYS—37

Allen
Baker
Bennett
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Gurney
Hansen
Hollings
Jordan, Idaho
Long
McClellan
Miller
Roth
Sparkman
Spong
Stennis
Talmadge
Thurmond
Weicker
Young

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—1

Dominick, for

NOT VOTING—14

Allott
Bayh
Cranston
Fong
Hruska
Inouye
Jordan, N.C.
McGee
McIntyre
Metcalf
Moss
Mundt
Muskie
Tower

The VICE PRESIDENT. On this vote, the yeas are 48 and the nays 37.

Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

Mr. BUCKLEY. Mr. President, a vote for cloture at the present time is in effect a vote in favor of the three-fifths proposal. I voted against cloture because I am convinced that the present two-thirds rule is in the best interests of the Senate and of the country.

The indictment raised against the two-thirds rule, however well intentioned, is unfortunately misdirected. To my knowledge, no measure which enjoyed genuine—as opposed to apparent—majority support in the Nation has ever failed to pass because of rule XXII in its present form. A number of important bills have been delayed, to be sure, but there is none which was not better for the delay. This is not to deny that the present rule, like all rules, has been abused in the future. But if it is abused in the future, many who now support it will vote for a change.

It is true that democracy in the final analysis must rest on majority rule. But nothing in human experience recommends, and certainly nothing in the Constitution requires, that we embrace a mindless majoritarianism. President Jefferson said in his first inaugural address:

> The will of the majority is in all cases to prevail, but that will, to be rightful, must be reasonable.

The ultimate purpose of the two-thirds rule is not to thwart majority rule, but to keep the majority reasonable. The right—as opposed to the power—of the majority to rule rests on its ability to acquire the consent of the minority. When a majority chooses to rule by force rather than by consent, or when a minority refuses to grant its consent when it is justly asked for, representative government faces a crisis which can lead to tyranny or to civil war. It is the avoidance of such a crisis that the two-thirds rule is ultimately dedicated. But this high purpose imposes an obligation upon those who seek the protection of rule XXII to use it prudently and with restraint, reserving its invocation for measures of the gravest national importance. By the same token, Members of a would-be majority must pay heed to the right of the minority to demand reasonable concessions.

It will be argued, of course, that the three-fifths proposal will adequately protect minority interests. My study of the problem, however, convinces me that three-fifths would be an inadequate safeguard for the right we seek to protect.

In practice, because of necessary absences, three-fifths of those present and voting will often mean barely more—and sometimes less—than a simple majority of the Senate as a whole. Further—and this is ultimately more important—I have yet to hear an argument against the present two-thirds rule which could not with equal force be applied to the three-fifths proposal were it to be adopted. Although some proponents of the three-fifths measure will deny it, adoption of the three-fifths rule at the present time would be a fatal step down the road toward cloture by simple majority. And when that day arrives, the distinctive deliberative character of the Senate will have been destroyed, and, with it, one of the bulwarks of the American constitutional system.

The defenders of the two-thirds rule are frequently depicted as reactionary gadflies on the hide of progress. By contrast, the proponents of three-fifths or simple majority cloture are commonly cast in the role of enlightened reformers. But even a cursory glance at the history of the Senate will demonstrate the falsity of this convenient compartmentalization of opponents and proponents. For one thing, the filibuster has in recent years been used with greater effectiveness by liberals than it has been by conservatives. For another, the greatest Senate liberals of this century—I have in mind George Norris and Robert LaFollette—wisely and steadfastly opposed shortsighted attempts to diminish the right of extended debate in the Senate. They did so, I might add, in the full knowledge that rule XXII might sometimes work to their own disadvantage. They did so, in short, because they thought it in the best interests of the Senate and of the Nation.

It is true that most liberals today will be found on the side of the three-fifths proposal; some, indeed, go to the extreme of advocating cloture by simple majority. In so doing, they have fallen into a kind of ideological lock-step, preferring the logical consistency of an abstraction to the prudent restraints of commonsense. In so doing, they ignore the teaching of the most famous expositor of liberal ideas of his generation, Mr. Walter Lippmann, who has written that "the filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution. It is one of the very strongest practical guarantees we possess for preserving the rights which are in the Constitution."

The ultimate test of the Senate is neither the speed with which it passes laws, nor the quantity of laws it passes. The true test of the Senate, rather, is the ultimate wisdom of its decisions. I believe that Congress in general and the Senate in particular have suffered in recent years from a tendency to embrace ill-considered legislative proposals. Indeed, among the most commonly heard complaints these days across the land—it can even be heard at the White House—is that the Federal Government has undertaken too much. The pressing need at the present hour, it seems to me, is not for more laws, but for better laws. Rule XXII in its present form is one of the few devices at our disposal for seeing to it that the counsels of prudence can prevail over the thoughtlessness of haste. The two-thirds rule, of course, cannot possibly guarantee that all, or even most, legislation will be as well-considered as it ought to be. But it can serve as a salutary restraint upon hasty action and ill-considered schemes. It can serve to moderate passions. It can serve to keep majorities reasonable and minorities contented. It can serve to restore the distinctive character of what has been justly called the world's greatest deliberative body.

It is commonplace to remark that these are troubled times. Many citizens are understandably perplexed by the variety and complexity of the problems which beset the Nation. Some, unfortunately, seem to have lost confidence in the capacity of government to solve them. But the reasons for this loss of confidence have less to do with the failure of Congress to enact numerous laws than they have to do with the failure of Congress to enact wise laws. Given the confusion which abounds in the land today, and given the passions which may at any moment ignite, this is hardly the time to speed up a process that already suffers from the evils of excessive haste. It is time, rather, to take stock, to proceed cautiously. The two-thirds rule is at present a necessary means to that end.

It is worthy of note, I think, that the respected New Republic, in a principled and forthright editorial in its February 20 issue, defends the present two-thirds rule. I concur in the spirit which prompted that editorial and enjoin my colleagues, liberal and conservative alike, to pay heed to its arguments. In particular, I enjoin my liberal friends to heed its argument, for, unless they are careful, they may find themselves permanently on the short end of the cloture stick. If the three-fifths proposal carries, the liberals may soon find that they have won a Pyrrhic victory.

Mr. President, I cannot think of a better way to close my remarks than to quote from the concluding paragraph of the New Republic editorial:

> The filibuster could be destructive, if used indiscriminately by incontinent men, or if no majority, however large, were sufficient to overcome it. But all the institutions and devices of our government, not alone the filibuster, have it in them to destroy everything else in the process, once restraint and ultimate civility are gone. And the power of a majority that is large enough and, what is more important, that is confident of the validity of its purposes and correspondingly determined, is ensured by the present Senate rule, under which cloture can be imposed by a two-thirds majority of members present and voting.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour for the transaction of routine morning business, with a time limitation of 3 minutes attached thereto.

The VICE PRESIDENT. Without objection, it is so ordered.

REFERRAL OF PRESIDENT'S MESSAGE ON HEALTH AND HOSPITALIZATION (H. DOC. NO. 92-49)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message at the desk from the President of the United States on health and hospitalization be jointly referred to the Committee on Labor and Public Welfare and the Committee on Finance.

The VICE PRESIDENT. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

In the last twelve months alone, America's medical bill went up eleven percent, from $63 to $70 billion. In the last *ten* years, it has climbed 170 percent, from the $26 billion level in 1960. Then we were spending 5.3 percent of our Gross National Product on health; today we devote almost 7% of our GNP to health expenditures.

This growing investment in health has been led by the Federal Government. In 1960, Washington spent $3.5 billion on medical needs—13 percent of the total. This year it will spend $21 billion—or about 30 percent of the nation's spending in this area.

But what are we getting for all this money?

For most Americans, the result of our expanded investment has been more medical care and care of higher quality. A profusion of impressive new techniques, powerful new drugs, and splendid new facilities has developed over the past decade. During that same time, there has been a six percent drop in the number of days each year that Americans are disabled. Clearly there is much that is *right* with American medicine.

But there is also much that is wrong.

One of the biggest problems is that fully 60 percent of the growth in medical expenditures in the last ten years has gone not for additional services but merely to meet price inflation. Since 1960, medical costs have gone up twice as fast as the cost of living. Hospital costs have risen five times as fast as other prices. For growing numbers of Americans, the cost of care is becoming prohibitive. And even those who can afford most care may find themselves impoverished by a catastrophic medical expenditure.

The shortcomings of our health care system are manifested in other ways as well. For some Americans—especially those who live in remote rural areas or in the inner city—care is simply not available. The quality of medicine varies widely with geography and income. Primary care physicians and outpatient facilities are in short supply in many areas, and most of our people have trouble obtaining medical attention on short notice. Because we pay so little attention to preventing disease and treating it early, too many people get sick and need intensive treatment.

Our record, then, is not as good as it should be. Costs have skyrocketed but values have not kept pace. We are investing more of our nation's resources in the health of our people but we are *not* getting a full return on our investment.

BUILDING A NATIONAL HEALTH STRATEGY

Things do not have to be this way. We can change these conditions—indeed, we must change them if we are to fulfill our promise as a nation. Good health care should be readily available to all of our citizens.

It will not be easy for our nation to achieve this goal. It will be impossible to achieve it without a new sense of purpose and a new spirit of discipline. That is why I am calling today not only for new programs and not merely for more money but for something more—for a *new approach* which is equal to the complexity of our challenges. I am calling today for a new National Health Strategy that will marshal a variety of forces in a coordinated assault on a variety of problems.

This new strategy should be built on four basic principles.

1. Assuring Equal Access. Although the Federal Government should be viewed as only one of several partners in this reforming effort, it does bear a special responsibility to help all citizens achieve equal access to our health care system. Just as our National Government has moved to provide equal opportunity in areas such as education, employment and voting, so we must now work to expand the opportunity for all citizens to obtain a decent standard of medical care. We must do all we can to remove any racial, economic, social or geographic barriers which now prevent any of our citizens from obtaining adequate health protection. For without good health, no man can fully utilize his other opportunities.

2. Balancing Supply and Demand. It does little good, however, to increase the demand for care unless we also increase the supply. Helping more people pay for more care does little good unless more care is available. This axiom was ignored when Medicaid and Medicare were created—and the nation paid a high price for that error. The expectations of many beneficiaries were not met and a severe inflation in medical costs was compounded.

Rising demand should not be a source of anxiety in our country. It is, after all, a sign of our success in achieving equal opportunity, a measure of our effectiveness in reducing the barriers to care. But since the Federal Government is helping to remove those barriers, it also has a responsibility for what happens after they are reduced. We must see to it that our approach to health problems is a balanced approach. We must be sure that our health care system is ready and able to welcome its new clients.

3. Organizing for Efficiency. As we move toward these goals, we must recognize that we *cannot* simply *buy* our way to better medicine. We have already been trying that too long. We have been persuaded, too often, that the plan that *costs* the most will *help* the most—and too often we have been disappointed.

We cannot be accused of having underfinanced our medical system—not by a long shot. We have, however, spent this money poorly—re-enforcing inequities and rewarding inefficiencies and placing the burden of greater new demands on the same old system which could not meet the old ones.

The toughest question we face then is not *how much* we should spend but *how* we should spend it. It must be our goal not merely to finance a more expensive medical system but to organize a more efficient one.

There are two particularly useful ways of doing this:

A. Emphasizing Health Maintenance. In most cases our present medical system operates episodically—people come to it in moments of distress—when they require its most expensive services. Yet both the system and those it serves would be better off if less expensive services could be delivered on a more regular basis.

If more of our resources were invested in preventing sickness and accidents, fewer would have to be spent on costly cures. If we gave more attention to treating illness in its early stages, then we would be less troubled by acute disease. In short, we should build a true "health" system—and not a "sickness" system alone. We should work to maintain health and not merely to restore it.

B. Preserving Cost Consciousness. As we determine just who should bear the various costs of health care, we should remember that only as people are aware of those costs will they be motivated to reduce them. When consumers pay virtually nothing for services and when, at the same time, those who provide services know that all *their* costs will also be met, then neither the consumer nor the provider has an incentive to use the system efficiently. When that happens, unnecessary demand can multiply, scarce resources can be squandered and the shortage of services can become even more acute.

Those who are hurt the most by such developments are often those whose medical needs are most pressing. While costs should never be a barrier to providing needed care, it is important that we preserve some element of cost consciousness within our medical system.

4. Building on Strengths. We should also avoid holding the whole of our health care system responsible for failures in some of its parts. There is a natural temptation in dealing with any complex problem to say: "Let us wipe the slate clean and start from scratch." But to do this—to dismantle our entire health insurance system, for example—would be to ignore those important parts of the system which have provided useful service. While it would be wrong to ignore any weaknesses in our present system, it would be equally wrong to sacrifice its strengths.

One of those strengths is the diversity of our system—and the range of choice it therefore provides to doctors and patients alike. I believe the public will always be better served by a pluralistic system than by a monolithic one, by a system which creates many effective centers of responsibility—both public and private—rather than one that concentrates authority in a single governmental source.

This does not mean that we must allow each part of the system to go its own independent way, with no sense of common purpose. We must encourage greater cooperation and build better coordination—but not by fostering uniformity and eliminating choice. One effective way of influencing the system is by structuring *incentives* which reward people for helping to achieve national goals without forcing their decisions or dictating the way they are carried out. The American people have always shown a unique capacity to move toward common goals in varied ways. Our efforts to reform health care in America will be more effective if they build on this strength.

These, then, are certain cardinal principles on which our National Health Strategy should be built. To implement this strategy, I now propose for the consideration of the Congress the following six point program. It begins with measures designed to increase and improve the supply of medical care and concludes with a program which will help people pay for the care they require.

A. REORGANIZING THE DELIVERY OF SERVICE

In recent years, a new method for delivering health services has achieved growing respect. This new approach has two essential attributes. It brings together a comprehensive range of medical services in a single organization so that a patient is assured of convenient access to all of them. And it provides needed services for a fixed contract fee which is paid in advance by all subscribers.

Such an organization can have a variety of forms and names and sponsors. One of the strengths of this new concept, in fact, is its great flexibility. The general term which has been applied to all of these units is "HMO"—"Health Maintenance Organization."

The most important advantage of Health Maintenance Organizations is that they increase the value of the services a consumer receives for each health dollar. This happens, first, because such organizations provide a strong financial incentive for better preventive care and for greater efficiency.

Under traditional systems, doctors and hospitals are paid, in effect, on a piece work basis. The more illnesses they treat—and the more service they render—the more their income rises. This does not mean, of course, that they do any less than their very best to *make* people well. But it does mean that there is no economic incentive for them to concentrate on *keeping* people healthy.

A fixed-price contract for comprehensive care reverses this illogical incentive. Under this arrangement, income grows not with the number of days a person is sick but with the number of days he is well. HMO's therefore have a strong financial interest in preventing illness, or, failing that, in treating it in its early stages, promoting a thorough recovery, and preventing any recurrence. Like doctors in ancient China, they are paid to keep their clients healthy. For them, economic interests work to re-enforce their professional interests.

At the same time, HMO's are motivated to function more efficiently. When providers are paid retroactively for each of their services, inefficiencies can often be subsidized. Sometimes, in fact, inefficiency is rewarded—as when a patient who does not need to be hospitalized is treated in a hospital so that he can collect on his insurance. On the other hand, if an HMO is wasteful of time or talent or facilities, it cannot pass those extra costs on to the consumer or to an insurance company. Its budget for the year is determined in advance by the number of its subscribers. From that point on it is penalized for going over its budget and rewarded for staying under it.

In an HMO, in other words, cost consciousness is fostered. Such an organization cannot afford to waste resources—that costs more money in the short run. But neither can it afford to economize in ways which hurt patients—for that increases long-run expenses.

The HMO also organizes medical resources in a way that is more convenient for patients and more responsive to their needs. There was a time when every housewife had to go to a variety of shops and markets and pushcarts to buy her family's groceries. Then along came the supermarket—making her shopping chores much easier and also giving her a wider range of choice and lower prices. The HMO provides similar advantages in the medical field. Rather than forcing the consumer to thread his way through a complex maze of separate services and specialists, it makes a full range of resources available through a single organization—often at a single top—and makes it more likely that the right combination of resources will be utilized.

Because a team can often work more efficiently than isolated individuals, each doctor's energies go further in a Health Maintenance Organization—twice as far according to some studies. At the same time, each patient retains the freedom to choose his own personal doctor. In addition, services can more easily be made available at night and on weekends in an

HMO. Because many doctors often use the same facilities and equipment and can share the expense of medical assistants and business personnel, overhead costs can be sharply curtailed. Physicians benefit from the stimulation that comes from working with fellow professionals who can share their problems, appreciate their accomplishments and readily offer their counsel and assistance. HMO's offer doctors other advantages as well, including a more regular work schedule, better opportunities for continuing education, lesser financial risks upon first entering practice, and generally lower rates for malpractice insurance.

Some seven million Americans are now enrolled in HMO's—and the number is growing. Studies show that they are receiving high quality care at a significantly lower cost—as much as one-fourth to one-third lower than traditional care in some areas. They go to hospitals less often and they spend less time there when they go. Days spent in the hospital each year for those who belong to HMO's are only three-fourths of the national average.

Patients and practitioners alike are enthusiastic about this organizational concept. So is this administration. That is why we proposed legislation last March to enable medicare recipients to join such programs. That is why I am now making the following additional recommendations:

1. We should require public and private health insurance plans to allow beneficiaries to use their plan to purchase membership in a Health Maintenance Organization when one is available. When, for example, a union and an employer negotiate a contract which includes health insurance for all workers, each worker should have the right to apply the actuarial value of his coverage toward the purchase of a fixed price, health maintenance program. Similarly, both medicare and the new Family Health Insurance Plan for the poor which I will set out later in this message should provide an HMO option.

2. To help new HMO's get started—an expensive and complicated task—we should establish a new $23 million program of planning grants to aid potential sponsors—in both the private and public sector.

3. At the same time, we should provide additional support to help sponsors raise the necessary capital, construct needed facilities, and sustain initial operating deficits until they achieve an enrollment which allows them to pay their own way. For this purpose, I propose a program of Federal loan guarantees which will enable private sponsors to raise some $300 million in private loans during the first year of the program.

4. Other barriers to the development of HMO's include archaic laws in 22 States which prohibit or limit the group practice of medicine and laws in most States which prevent doctors from delegating certain responsibilities (like giving injections) to their assistants. To help remove such barriers, I am instructing the Secretary of Health, Education, and Welfare to develop a model statute which the States themselves can adopt to correct these anomalies. In addition, the Federal Government will facilitate the development of HMO's in all States by entering into contracts with them to provide service to medicare recipients and other Federal beneficiaries who elect such programs. Under the supremacy clause of the Constitution, these contracts will operate to preempt any inconsistent State statutes.

Our program to promote the use of HMO's is only one of the efforts we will be making to encourage a more efficient organization of our health care system. We will take other steps in this direction, including stronger efforts to capitalize on new technological developments.

In recent years medical scientists, engineers, industrialists, and management experts have developed many new techniques for improving the efficiency and effectiveness of health care. These advances include automated devices for measuring and recording body functions such as blood flow and the electrical activity of the heart, for performing laboratory tests and making the results readily available to the doctor, and for reducing the time required to obtain a patient's medical history. Methods have also been devised for using computers in diagnosing diseases, for monitoring and diagnosing patients from remote locations, for keeping medical records and generally for restructuring the layout and administration of hospitals and other care centers. The results of early tests for such techniques have been most promising. If new developments can be widely implemented, they can help us deliver more effective, more efficient care at lower prices.

The hospital and outpatient clinic of tomorrow may well bear little resemblance to today's facility. We must make every effort to see that its full promise is realized. I am therefore directing the Secretary of Health, Education, and Welfare to focus research in the field of health care services on new techniques for improving the productivity of our medical system. The Department will establish pilot experiments and demonstration projects in this area, disseminate the results of this work, and encourage the health industry and the medical profession to bring such techniques into full and effective use in the health care centers of the nation.

B. MEETING THE SPECIAL NEEDS OF SCARCITY AREAS

Americans who live in remote rural areas or in urban poverty neighborhoods often have special difficulty obtaining adequate medical care. On the average, there is now one doctor for every 630 persons in America. But in over one-third of our counties the number of doctors per capita is less than one-third that high. In over 130 counties, comprising over eight percent of our land area, there are no private doctors at all—and the number of such counties is growing.

A similar problem exists in our center cities. In some areas of New York for example, there is one private doctor for every 200 persons but in other areas the ratio is one to 12,000. Chicago's inner city neighborhoods have some 1,700 fewer physicians today than they had ten years ago.

How can we attract more doctors—and better facilities—into these scarcity areas? I propose the following actions:

1. We should encourage Health Maintenance Organizations to locate in scarcity areas. To this end, I propose a $22 million program of direct Federal grants and loans to help offset the special risks and special costs which such projects would entail.

2. When necessary, the Federal Government should supplement these efforts by supporting out-patient clinics in areas which still are underserved. These units can build on the experience of the Neighborhood Health Centers experiment which has now been operating for several years. These facilities would serve as a base on which full HMO's—operating under other public or private direction—could later be established.

I have also asked the Administrator of Veterans Affairs and the Secretary of Health, Education, and Welfare to develop ways in which the Veterans Administration medical system can be used to supplement local medical resources in scarcity areas.

3. A series of new area Health Education Centers should also be established in places which are medically underserved—as the Carnegie Commission on Higher Education has recommended. These centers would be satellites of existing medical and other health science schools; typically, they could be built around a community hospital, a clinic or an HMO which is already in existence. Each would provide a valuable teaching center for new health professionals, a focal point for the continuing education of experienced personnel, and a base for providing sophisticated medical services which would not otherwise be available in these areas. I am requesting that up to $40 million be made available for this program in Fiscal Year 1972.

4. We should also find ways of compensating—and even rewarding—doctors and nurses who move to scarcity areas, despite disadvantages such as lower income and poorer facilities.

As one important step in this direction, I am proposing that our expanding loan programs for medical students include a new forgiveness provision for graduates who practice in a scarcity area, especially those who specialize in primary care skills that are in short supply.

In addition, I will request $10 million to implement the Emergency Health Personnel Act. Such funds will enable us to mobilize a new National Health Service Corps, made up largely of dedicated and public-spirited young health professionals who will serve in areas which are now plagued by critical manpower shortages.

C. MEETING THE PERSONNEL NEEDS OF OUR GROWING MEDICAL SYSTEM

Our proposals for encouraging HMO's and for serving scarcity areas will help us use medical manpower more effectively. But it is also important that we *produce* more health professionals and that we educate more of them to perform critically needed services. I am recommending a number of measures to accomplish these purposes.

1. First, we must use new methods for helping to finance medical education. In the past year, over half of the nation's medical schools have declared that they are in "financial distress" and have applied for special Federal assistance to meet operating deficits.

More money is needed—but it is also important that this money be spent in new ways. Rather than treating the symptoms of distress in a piecemeal and erratic fashion, we must rationalize our system of financial aid for medical education so that the schools can make intelligent plans for regaining a sound financial position.

I am recommending, therefore, that much of our present aid to schools of medicine, dentistry and osteopathy—along with $60 million in new money—be provided in the form of so-called "capitation grants," the size of which would be determined by the number of students the school graduates. I recommend that the capitation grant level be set at $6,000 per graduate.

A capitation grant system would mean that a school would know in advance how much Federal money it could count on. It would allow an institution to make its own long-range plans as to how it would use these monies. It would mean that we could eventually phase out our emergency assistance programs.

By rewarding *output*—rather than subsidizing *input*—this new aid system would encourage schools to educate more students and to educate them more efficiently. Unlike formulas which are geared to the annual number of enrollees, capitation grants would provide a strong incentive for schools to shorten their curriculum from four years to three—in line with another sound recommendation of the Carnegie Commission on Higher Education. For then, the same sized school would qualify for as much as one-third *more* money each year, since each of its graduating classes would be one-third larger.

This capitation grant program should be supplemented by a program of special project grants to help achieve special goals. These grants would support efforts such as improving planning and management, shortening curriculums, expanding enrollments, team training of physicians and allied health personnel, and starting HMO's for local populations.

In addition, I believe that Federal support dollars for the construction of medical education facilities can be used more effectively. I recommend that the five current programs in this area be consolidated into a single, more flexible grant authority and that a new program of guaranteed loans and other financial aids be made available to generate over $500 million in private construction loans in the coming Fiscal Year—five times the level of our current construction grant program.

Altogether, these efforts to encourage and facilitate the expansion of our medical schools should produce a 50 percent increase in medical school graduates by 1975. We must set that as our goal and we must see that it is accomplished.

2. The Federal Government should also establish special support programs to help low income students enter medical and dental schools. I propose that our scholarship grant program for these students be almost doubled—from $15 to $29 million. At the same time, this administration would modify its proposed student loan programs to meet better the needs of medical students. To help alleviate the concern of low income students that such a loan might become an impossible burden if they fail to graduate from medical school, we will request authority to forgive loans where such action is appropriate.

3. One of the most promising ways to expand the supply of medical care and to reduce its costs is through a greater use of allied health personnel, especially those who work as physicians' and dentists' assistants, nurse pediatric practitioners, and nurse midwives. Such persons are trained to perform tasks which must otherwise be performed by doctors themselves, even though they do not require the skills of a doctor. Such assistance frees a physician to focus his skills where they are most needed and often allows him to treat many additional patients.

I recommend that our allied health personnel training programs be expanded by 50% over 1971 levels, to $29 million, and that $15 million of this amount be devoted to training physicians' assistants. We will also encourage medical schools to train future doctors in the proper use of such assistants and we will take the steps I described earlier to eliminate barriers to their use in the laws of certain States.

In addition, this administration will expand nationwide the current MEDIHC program—an experimental effort to encourage servicemen and women with medical training to enter civilian medical professions when they leave military duty. Of the more than 30,000 such persons who leave military service each year, two-thirds express an interest in staying in the health field but only about one-third finally do so. Our goal is to increase the number who enter civilian health employment by 2,500 per year for the next five years. At the same time, the Veterans Administration will expand the number of health trainees in VA facilities from 49,000 in 1970 to over 53,000 in 1972.

D. A SPECIAL PROBLEM: MALPRACTICE SUITS AND MALPRACTICE INSURANCE

One reason consumers must pay more for health care and health insurance these days is the fact that most doctors are paying much more for the insurance *they* must buy to protect themselves against claims of malpractice. For the past five years, malpractice insurance rates have gone up an average of 10 percent a year—a fact which reflects both the growing number of malpractice claims and the growing size of settlements. Many doctors are having trouble obtaining *any* malpractice insurance.

The climate of fear which is created by the growing menace of malpractice suits also affects the quality of medical treatment. Often it forces doctors to practice inefficient, defensive medicine—ordering unnecessary tests and treatments solely for the sake of appearance. It discourages the use of physicians' assistants, inhibits that free discussion of cases which can contribute so much to better care, and makes it harder to establish a relationship of trust between doctors and patients.

The consequences of the malpractice problem are profound. It must be confronted soon and it must be confronted effectively—but that will be no simple matter. For one thing, we need to know far more than we presently do about this complex problem.

I am therefore directing—as a first step in dealing with this danger—that the Secretary of Health, Education, and Welfare promptly appoint and convene a Commission on Medical Malpractice to undertake an intensive program of research and analysis in this area. The Commission membership should represent the health professions and health institutions, the legal profession, the insurance industry, and the general public. Its report—which should include specific recommendations for dealing with this problem—should be submitted by March 1, 1972.

E. NEW ACTIONS TO PREVENT ILLNESSES AND ACCIDENTS

We often invest our medical resources as if an ounce of cure were worth a pound of prevention. We spend vast sums to treat illnesses and accidents that could be avoided for a fraction of those expenditures. We focus our attention on making people well rather than keeping people well, and—as a result—both our health and our pocketbooks are poorer. A new National Health Strategy should assign a much higher priority to the work of prevention.

As we have already seen, Health Maintenance Organizations can do a great deal to help in this effort. In addition to encouraging their growth, I am also recommending a number of further measures through which we can take the offensive against the long-range causes of illnesses and accidents.

1. To begin with, we must reaffirm—and expand—the Federal commitment to biomedical research. Our approach to research support should be balanced—with strong efforts in a variety of fields. Two critical areas, however, deserve special attention.

The first of these is cancer. In the next year alone, 650,000 new cases of cancer will be diagnosed in this country and 340,000 of our people will die of this disease. Incredible as it may seem, one out of every four Americans who are now alive will someday develop cancer unless we can reduce the present rates of incidence.

In the last seven years we spent more than 30 billion dollars on space research and technology and about one-twenty-fifth of that amount to find a cure for cancer. The time has now come to put more of our resources into cancer research and—learning an important lesson from our space program—to organize those resources as effectively as possible.

When we began our space program we

were fairly confident that our goals could be reached if only we made a great enough effort. The challenge was technological; it did not require new theoretical breakthroughs. Unfortunately, this is not the case in most biomedical research at the present time; scientific breakthroughs are still required and they often cannot be forced—no matter how much money and energy is expended.

We should not forget this caution. At the same time, we should recognize that of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources. For there are moments in biomedical research when problems begin to break open and results begin to pour in, opening many new lines of inquiry and many new opportunities for breakthrough.

We believe that cancer research has reached such a point. This administration is therefore requesting an additional $100 million for cancer research in its new budget. And—as I said in my State of the Union Message—"I will ask later for whatever additional funds can effectively be used" in this effort.

Because this project will require the coordination of scientists in many fields—drawing on many projects now in existence but cutting across established organizational lines—I am directing the Secretary of Health, Education, and Welfare to establish a new Cancer Conquest Program in the Office of the Director of the National Institutes of Health. This program will operate under its own Director who will be appointed by the Secretary and supported by a new management group. To advise that group in establishing priorities and allocating funds—and to advise other officials, including me, concerning this effort—I will also establish a new Advisory Committee on the Conquest of Cancer.

A second targeted disease for concentrated research should be sickle cell anemia—a most serious childhood disease which almost always occurs in the black population. It is estimated that one out of every 500 black babies actually develops sickle cell disease.

It is a sad and shameful fact that the causes of this disease have been largely neglected throughout our history. We cannot rewrite this record of neglect, but we can reverse it. To this end, this administration is increasing its budget for research and treatment of sickle cell disease fivefold, to a new total of $6 million.

2. A second major area of emphasis should be that of health education.

In the final analysis, each individual bears the major responsibility for his own health. Unfortunately, too many of us fail to meet that responsibility. Too many Americans eat too much, drink too much, work too hard, and exercise too little. Too many are careless drivers.

These are personal questions, to be sure, but they are also public questions. For the whole society has a stake in the health of the individual. Ultimately, everyone shares in the cost of his illnesses or accidents. Through tax payments and through insurance premiums, the careful subsidize the careless, the nonsmokers subsidize those who smoke, the physically fit subsidize the rundown and the overweight, the knowledgeable subsidize the ignorant and vulnerable.

It is in the interest of our entire country, therefore, to educate and encourage each of our citizens to develop sensible health practices. Yet we have given remarkably little attention to the health education of our people. Most of our current efforts in this area are fragmented and haphazard—a public service advertisement one week, a newspaper article another, a short lecture now and then from the doctor. There is no national instrument, no central force to stimulate and coordinate a comprehensive health education program.

I have therefore been working to create such an instrument. It will be called the National Health Education Foundation. It will be a private, non-profit group which will receive no Federal money. Its membership will include representatives of business, labor, the medical profession, the insurance industry, health and welfare organizations, and various governmental units. Leaders from these fields have already agreed to proceed with such an organization and are well on the way toward reaching an initial goal of $1 million in pledges for its budget.

This independent project will be complemented by other Federal efforts to promote health education. For example, expenditures to provide family planning assistance have beeen increased, rising fourfold since 1969. And I am asking that the great potential of our nation's day care centers to provide health education be better utilized.

3. We should also expand Federal programs to help prevent accidents—the leading cause of death between the ages of one and 37 and the fourth leading cause of death for persons of all ages.

Our highway death toll—50,000 fatalities last year—is a tragedy and an outrage of unspeakable proportions. It is all the more shameful since half these deaths involved drivers or pedestrians under the influence of alcohol. We have therefore increased funding for the Department of Transportation's auto accident and alcohol program from $8 million in Fiscal Year 1971 to $35 million in Fiscal Year 1972. I am also requesting that the budget for alcoholism programs be doubled, from $7 million to $14 million. This will permit an expansion of our research efforts into better ways of treating this disease.

I am also requesting a supplemental appropriation of $5 million this year and an addition of $8 million over amounts already in the 1972 budget to implement aggressively the new Occupational Safety and Health Act I signed last December. We must begin immediately to cut down on the 14,000 deaths and more than two million disabling injuries which result each year from occupational illnesses and accidents.

The conditions which affect health are almost unlimited. A man's income, his daily diet, the place he lives, the quality of his air and water—all of these factors have a greater impact on his physical well being than does the family doctor. When we talk about our health program, therefore, we should not forget our efforts to protect the nation's food and drug supply, to control narcotics, to restore and renew the environment, to build better housing and transportation systems, to end hunger in America, and—above all—to place a floor under the income of every family with children. In a sense this special message on health is one of *many* health messages which this administration is sending to the Congress.

F. A NATIONAL HEALTH INSURANCE PARTNERSHIP

In my State of the Union Message, I pledged to present a program "to ensure that no American family will be prevented from obtaining basic medical care by inability to pay." I am announcing that program today. It is a comprehensive national health insurance program, one in which the public and the private sectors would join in a new partnership to provide adequate health insurance for the American people.

In the last twenty years, the segment of our population owning health insurance has grown from 50 percent to 87 percent and the portion of medical bills paid for by insurance has gone from 35 percent to 60 percent. But despite this impressive growth, there are still serious gaps in present health insurance coverage. Four such gaps deserve particular attention.

First—too many health insurance policies focus on hospital and surgical costs and leave critical outpatient services uncovered. While some 80 percent of our people have some hospitalization insurance, for example, only about half are covered for outpatient and laboratory services and less than half are insured for treatment in the physician's office or the home. Because demand goes where the dollars are, the result is an unnecessary—and expensive—overutilization of acute care facilities. The average hospital stay today is a full day longer than it was eight years ago. Studies show that over one-fourth of hospital beds in some areas are occupied by patients who do not really need them and could have received equivalent or better care outside the hospital.

A second problem is the failure of most private insurance policies to protect against the catastrophic costs of major illnesses and accidents. Only 40 percent of our people have catastrophic cost insurance of any sort and most of that insurance has upper limits of $10,000 or $15,000. This means that insurance often runs out while expenses are still mounting. For many of our families, the anguish of a serious illness is thus compounded by acute financial anxiety. Even the joy of recovery can often be clouded by the burden of debt—and even by the threat of bankruptcy.

A third problem with much of our insurance at the present time is that it cannot be applied to membership in a Health Maintenance Organization—and thus effectively precludes such membership. No employee will pay to join such a plan, no matter how attractive it might seem to him, when deductions from his paycheck—along with contributions from his employer—are being used to purchase another health insurance policy.

The fourth deficiency we must correct in present insurance coverage is its failure to help the poor gain sufficient access to our medical system. Just one index of this failure is the fact that fifty percent of poor children are not even immunized against common childhood diseases. The disability rate for families below the poverty line is at least 50 percent higher than for families with incomes above $10,000.

Those who need care most often get care least. And even when the poor do get service, it is often second rate. A vicious cycle is thus reinforced—poverty breeds illness and illness breeds greater poverty. This situation will be corrected only when the poor have sufficient purchasing power to enter the medical marketplace on equal terms with those who are more affluent.

Our National Health Insurance Partnership is designed to correct these inadequacies—not by *destroying* our present insurance system but by *improving* it. Rather than giving up on a system which has been developing impressively, we should work to bring about further growth which will fill in the gaps we have identified. To this end, I am recommending the following combination of public and private efforts.

1. I am proposing that a National Health Insurance Standards Act be adopted which will require employers to provide basic health insurance coverage for their employees.

In the past, we have taken similar actions to assure workers a minimum wage, to provide them with disability and retirement benefits, and to set occupational health and safety standards. Now we should go one step further and guarantee that all workers will receive adequate health insurance protection.

The minimum program we would require under this law would pay for hospital services, for physicians' services—both in the hospital and outside of it, for full maternity care, well-baby care (including immunizations), laboratory services, and certain other medical expenses. To protect against catastrophic costs, benefits would have to include not less than $50,000 in coverage for each family member during the life of the policy contract. The minimum package would include certain deductible and coinsurance features. As an alternative to paying separate fees for separate services, workers could use this program to purchase membership in a health maintenance organization.

The Federal Government would pay nothing for this program; the costs would be shared by employers and employees, much as they are today under most collective bargaining agreements. A ceiling on how much employees could be asked to contribute would be set at 35 percent during the first 2½ years of operation and 25 percent thereafter. To give each employer time to plan for this additional cost of doing business—a cost which would be shared, of course, by all of his competitors—this program would not go into effect until July 1, 1973. This schedule would also allow time for expanding and reorganizing our health system to handle the new requirements.

As the number of enrollees rises under this plan, the costs per enrollee can be expected to fall. The fact that employees and unions will have an even higher stake in the system will add additional pressures to keep quality up and costs down. And since the range within which benefits can vary will be somewhat narrower than it has been, competition between insurance companies will be more likely to focus on the overall price at which the contract is offered. This means that insurance companies will themselves have a greater motivation to keep medical costs from soaring.

I am still considering what further legislative steps may be desirable for regulating private health insurance, including the introduction of sufficient disincentive measures to reinforce the objective of creating cost consciousness on the part of consumers and providers. I will make such recommendations to the Congress at a later time.

2. I am also proposing that a new Family Health Insurance Plan be established to meet the special needs of poor families who would not be covered by the proposed National Health Insurance Standards Act—those that are headed by unemployed, intermittently employed or self-employed persons.

The Medicaid program was designed to help these people, but—for many reasons—it has not accomplished its goals. Because it is not a truly national program, its benefits vary widely from State to State. Sixteen States now get 80 percent of all Medicaid money and two States, California and New York, get 30 percent of Federal funds though they have only 20 percent of the poverty population. Two States have no Medicaid program at all.

In addition, Medicaid suffers from other defects that now plague our failing welfare system. It largely excludes the working poor—which means that all benefits can suddenly be cut off when family income rises ever so slightly—from just under the eligibility barrier to just over it. Coverage is provided when husbands desert their families, but is often eliminated when they come back home and work. The program thus provides an incentive for poor families to stay on the welfare rolls.

Some of these problems would be corrected by my proposal to require employers to offer adequate insurance coverage to their employees. No longer, for example, would a workingman receive poorer insurance coverage than a welfare client—a condition which exists today in many States. But we also need an additional program for much of the welfare population.

Accordingly, I propose that the part of Medicaid which covers most welfare families be eliminated. The new Family Health Insurance Plan that takes its place would be fully financed and administered by the Federal Government. It would provide health insurance to all poor families with children headed by self-employed or unemployed persons whose income is below a certain level. For a family of four persons, the eligibility ceiling would be $5,000.

For the poorest of eligible families, this program would make no charges and would pay for basic medical costs. As family income increased beyond a certain level ($3,000 in the case of a four-person family) the family itself would begin to assume a greater share of the costs—through a graduated schedule of premium charges, deductibles, and coinsurance payments. This provision would induce some cost consciousness as income rises. But unlike Medicaid—with its abrupt cutoff of benefits when family income reaches a certain point—this arrangement would provide an incentive for families to improve their economic position.

The Family Health Insurance Plan would also go into effect on July 1, 1973. In its first full year of operation, it would cost approximately $1.2 billion in additional Federal funds—assuming that all eligible families participate. Since States would no longer bear any share of this cost, they would be relieved of a considerable burden. In order to encourage States to use part of these savings to supplement Federal benefits, the Federal Government would agree to bear the costs of administering a consolidated Federal-State benefit package. The Federal Government would also contract with local committees—to review local practices and to ensure that adequate care is being provided in exchange for Federal payments. Private insurers, unions and employees would be invited to use these same committees to review the utilization of their benefits if they wished to do so.

This, then, is how the National Health Insurance Partnership would work: The Family Health Insurance Plan would meet the needs of most welfare families—though Medicaid would continue for the aged poor, the blind and the disabled. The National Health Insurance Standards Act would help the working population. Members of the Armed Forces and civilian Federal employees would continue to have their own insurance programs and our older citizens would continue to have Medicare.

Our program would also require the establishment in each State of special insurance pools which would offer insurance at reasonable group rates to people who did not qualify for other programs: the self-employed, for example, and poor risk individuals who often cannot get insurance.

I also urge the Congress to take further steps to improve Medicare. For one thing, beneficiaries should be allowed to use the program to join Health Maintenance Organizations. In addition, we should consolidate the financing of Part A of Medicare—which pays for hospital care—and Part B—which pays for outpatient services, provided the elderly person himself pays a monthly fee to qualify for this protection. I propose that this charge—which is scheduled to rise to $5.60 per month in July of this year—be paid for instead by increasing the Social Security wage base. Removing this admission cost will save our older citizens some $1.3 billion annually and will give them greater access to preventive and ambulatory services.

WHY IS A NATIONAL HEALTH INSURANCE PARTNERSHIP BETTER THAN NATIONALIZED HEALTH INSURANCE?

I believe that our government and our people, business and labor, the insurance industry and the health profession can work together in a *national partnership* to achieve our health objectives. I do *not* believe that the achievement of these objectives requires the *nationalization* of our health insurance industry.

To begin with, there simply is no *need* to eliminate an entire segment of our private economy and at the same time add a multibillion dollar responsibility to the Federal budget. Such a step should not be taken unless all other steps have failed.

More than that, such action would be dangerous. It would deny people the right to choose how they will pay for their health care. It would remove competition from the insurance system—and with it an incentive to experiment and innovate.

Under a nationalized system, only the Federal Government would lose when inefficiency crept in or when prices escalated; neither the consumer himself, nor his employer, nor his union, nor his insurance company would have any further stake in controlling prices. The only way that utilization could be effectively regulated and costs effectively restrained, therefore, would be if the Federal Government made a forceful, tenacious effort to do so. This would mean—as proponents of a nationalized insurance program have admitted—that Federal personnel would inevitably be approving the budgets of local hospitals, setting fee schedules for local doctors, and taking other steps which could easily lead to the complete Federal domination of all of American medicine. That is an enormous risk—and there is no need for us to take it. There is a better way—a more practical, more effective, less expensive, and less dangerous way—to reform and renew our Nation's health system.

CONFRONTING A DEEPENING CRISIS

"It is health which is real wealth," said Gandhi, "and not pieces of gold and silver." That statement applies not only to the lives of men but also to the life of nations. And nations, like men, are judged in the end by the things they hold most valuable.

Not only is health more important than economic wealth, it is also its foundation, it has been estimated, for example, that ten percent of our country's economic growth in the past half century has come because a declining death rate has produced an expanded labor force.

Our entire society, then, has a direct stake in the health of every member. In carrying out its responsibilities in this field, a nation serves its own best interests, even as it demonstrates the breadth of its spirit and the depth of its compassion.

Yet we cannot truly carry out these responsibilities unless the ultimate focus of our concern is the personal health of the individual human being. We dare not get so caught up in our systems and our strategies that we lose sight of *his* needs or compromise *his* interests. We can build an effective National Health Strategy only if we remember the central truth that the only way to serve our people well is to better serve each person.

Nineteen months ago I said that America's medical system faced a "massive crisis." Since that statement was made, that crisis has deepened. All of us must now join together in a common effort to meet this crisis—each doing his own part to mobilize more effectively the enormous potential of our health care system.

RICHARD NIXON.

THE WHITE HOUSE, *February 18, 1971.*

THE PRESIDENT'S MESSAGE ON HEALTH

Mr. JAVITS subsequently said: Since the introduction today of my National Health Insurance Act and Health Services Systems Act, I am pleased that the President's omnibus health message has been made public.

Included in the President's recommendations to achieve a comprehensive national health program are many provisions similar to those in the bills I have introduced today. I believe we in the 92d Congress have now marked the beginning of the end of a journey toward the fulfillment of one of the great social needs of our people—equal right to quality health care.

I am pleased that the President believes that we should not destroy our present private sector health insurance system, but improve it, for this is extremely important in the scheme of my bills—the concept of reliance upon the management talents, expertise, and experience of the health insurance industry to make a national health system work.

Essential to the strategy of my bills is the concept of establishing a commitment to provide Federal financial assistance, through grants and loans, to stimulate and develop comprehensive health service systems. Such comprehensive health service systems have a variety of forms and names and the President has applied the name HMO's—health maintenance organizations. I am deeply gratified that the President has recommended a program of grants and loans to help these HMO's start up and develop.

Another Presidential recommendation, similar to what I have proposed today, is the consolidation of the financing of part A of medicare, which pays for hospital care, and part B, which pays for outpatient service and the elimination of the monthly fee. This is done also by my bill.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. CHURCH. Mr. President, I have been asked by the distinguished Senator from Maine (Mr. MUSKIE) to announce that if he were present today he would have voted "aye," that he will be present to vote at the next vote on cloture, and he will vote "aye."

Mr. GRIFFIN. Mr. President, may we have order?

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The VICE PRESIDENT. The Senate will be in order.

Mr. CHURCH. Mr. President, I would like to announce for the information of the Senate that a second cloture motion will be filed on Friday and that a second attempt to limit debate will come next week, on Tuesday, and all Senators should be on notice.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. JAVITS. Mr. President, it is very significant that a constitutional question was not raised, that a majority having voted to close debate, and this matter being considered under the Constitution rather than under the existing rules of the Senate, debate should have been considered closed, thus calling for a ruling by the Vice President. I realize why it was not asked and I agree. I wish to make clear we do not consider any rights to have been waived nor do we wish to lull anyone to sleep and into thinking this question is foreclosed by the fact that the Vice President announced that this motion did not carry.

Is it not a fact that the proponents of this resolution still reserve their right to contest this question?

Mr. CHURCH. Mr. President, I would say to the Senator that whatever constitutional right resides in the Senate, in the opinion of the Senator from Idaho, can be asserted at any time, and that it is up to the Members of the Senate to decide whenever that question might be raised.

Personally I had hoped that it would be possible to act within the limits of the present rule, and that those opposed to any change whatever would at least permit the Senate to come to a vote on that question. I know there is a great reluctance in the Senate, a habit formed over the past century, not to limit debate and particularly on the first attempt. So it is my expectation, with 15 Senators absent today, the debate having gone on for 25 days, and the first attempt having been made and a second motion to be laid before the Senate at the end of the week, that on the second effort being made next week we will improve the vote, although clearly a substantial majority is in favor of limiting debate at the present time. Next week I hope we have an improved vote. But this certainly does not trespass upon any rights of the Senator from New York or others that they might wish to exercise at a later date to put the constitutional question to the test.

Mr. JAVITS. I thank the Senator.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. MANSFIELD. I wish to make clear for the RECORD that it is the understanding of the joint leadership that the distinguished senior Senator from Idaho has announced that on tomorrow he will file another cloture motion and that on Tuesday next, 1 hour after the convening of the Senate, there will be a vote on the second cloture motion in an attempt to cut off debate.

Mr. CHURCH. I thank the Senator.

Mr. FULBRIGHT. Does this mean that every 2 days from now on we will have a cloture motion filed?

Mr. MANSFIELD. Not necessarily. We will have to take things in stride.

I wish to commend the distinguished Senator from Idaho and the distinguished Senator from Kansas for operating within the rules of the Senate.

APPOINTMENTS BY THE CHAIR

The PRESIDENT pro tempore. The Chair, in accordance with the provisions of Public Law 91–510, appoints the Senator from New Jersey (Mr. Case) and the Senator from Pennsylvania (Mr. Schweiker) to the Joint Committee on Congressional Operations.

INTEREST RATES

Mr. BYRD of Virginia. Mr. President, one of the most encouraging signs in the economy during recent months has been the decline in interest rates.

Prime rates, which stood at 8½ percent in 1969, have now fallen to the point where many banks are offering 6 percent, and some have now reduced to 5¾ percent. The prime rate is generally taken to be the barometer of commercial banking.

It may be, however, that the fiscal policies of the Federal Government are working toward a reversal of the recent downward trend in interest rates.

I note that during the 4-month period from October 15, 1970, to February 15 of this year, the Government has sold $32 billion in short-term bonds and tax anticipation bill offerings.

A comparison of that figure with the figures for the corresponding periods of 1 year ago and 2 years ago makes an interesting pattern.

From October 15, 1968, to February 15, 1969, short-term bond issues by the Treasury totaled $29 billion.

That meant that the Government bid that much money out of the market, and that much less was available to meet private demand.

The interest rate picture during that period was this: from a level of 6½ percent in November 1968, the prime rate went up to 8½ percent by mid-1969.

A year later, the Government took a much smaller amount of money out of the market: from October 15, 1969, to February 15, 1970, the short-term bond issue total was only $15 billion.

And during the months following, interest rates declined, until today they are at 6 percent—lower than before the steep climb of 1968–69 began.

But the October-to-February bond issues of the Government for the current 1970–71 period were even greater than they were 2 years ago, when the drastic interest rate increases started.

The total of $32 billion for the period from October 15, 1970, to February 15, 1971, was $3 billion higher than the issues 2 years earlier—and it was nearly $18 billion greater than the period 1 year earlier.

Does that mean there will be a reversal in the downward trend of interest rates?

I do not know. I do not pretend to be an expert in high finance.

But I do know that economists consider that interest rates are the unmistakable and reliable barometer of inflation. Many economists consider them more reliable than the cost-of-living index.

I know, too, that if the law of supply and demand still is in effect, the withdrawal of $32 billion from the money market by the Federal Government certainly will not help to keep rates down.

Of course the reason for this heavy borrowing is the huge deficit we are incurring in Federal finances this year.

President Nixon has acknowledged that it will exceed $18 billion—and that is under the so-called unified budget, which unjustifiably includes trust fund surpluses in the general fund picture.

The real deficit for the current fiscal year, leaving the trust funds out, will be $25 billion—as great as the deficit incurred by the Johnson administration in fiscal 1968.

It is imperative that the Government put its financial house in order. If we are to make progress against inflation, we must control deficit spending.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. Stevenson). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Reports on Reapportionment of Appropriations

Two letters from the Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriations to the Veterans' Administration for "Compensation and pensions" and "Readjustment benefits" for the fiscal year 1971 have been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations; to the Committee on Appropriations.

Report of the Securities and Exchange Commission

A letter from the Commissioner, Securities and Exchange Commission, transmitting, pursuant to law, a report of the Commission for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report by the Comptroller General of the United States

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the audit of Federal Deposit Insurance Corporation for the year ended June 30, 1970—limited by agency restriction on access to bank examination records (with an accompanying report); to the Committee on Government Operations.

Report of the Office of Water Resources Research

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Office of Water Resources Research for 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. BYRD of West Virginia (for Mr. Holling), from the Committee on Commerce:

James H. Wakelin, Jr., of the District of Columbia, to be an Assistant Secretary of Commerce;

Rear Adm. Don A. Jones, to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration;

Rear Adm. Harley D. Nygren, to be Director of the Commissioned Officer Corps, National Oceanic and Atmospheric Administration;

Robert M. White, of Maryland, to be Administrator of the National Oceanic and Atmospheric Administration;

Howard W. Pollock, of Alaska, to be deputy Administrator of the National Oceanic and Atmospheric Administration; and

John W. Townsend, Jr., of Maryland, to be Associate Administrator of the National Oceanic and Atmospheric Administration.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 836. A bill to provide a national health insurance program by extending the benefits, enlarging the coverage, expanding the role of private carriers, and otherwise improving the health insurance program established by title XVIII of the Social Security Act, by establishing a new title XX to such Act to provide comparable health insurance benefits to individuals not covered therefor under the program established by such title XVIII, by providing Federal assistance to develop local comprehensive health service systems, and by authorizing the establishment of federally chartered national health insurance corporations; to the Committee on Finance.

S. 837. A bill to amend the Public Health Service Act by establishing a new title X to such Act to provide Federal assistance to develop local comprehensive health service systems, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bills appear earlier in the Record under the appropriate heading.)

By Mr. SCOTT:

S. 838. A bill for the relief of Salvatore Butto;

S. 839. A bill for the relief of Carmela Verrecchia;

S. 840. A bill for the relief of Alfredo Giammatteo;

S. 841. A bill for the relief of Bee Ling Ang;

S. 842. A bill for the relief of Nasralla Aziz Barber (also known as Badry Barbar);

S. 843. A bill for the relief of Paola Falcetta, his wife Salvatrice Falcetta, and their daughter, Brigida Falcetta;

S. 844. A bill for the relief of Giustine Tucci;

S. 845. A bill for the relief of Giuseppe Zito;

S. 846. A bill for the relief of Antonetta Cella;

S. 847. A bill for the relief of Mamerto C. Comia;

S. 848. A bill for the relief of Maria Adela Foos;

S. 849. A bill for the relief of Giacomo Fiorello;

S. 850. A bill for the relief of Ibrahim Zakour Eskaf;

S. 851. A bill for the relief of Yung Suk Kang; and

S. 852. A bill for the relief of Sapat Mitrani; to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 853. A bill to establish a military medical college and to provide premedical courses at U.S. Service Academies; to the Committee on Armed Services.

(The remarks of Mr. Goldwater when he introduced the bill appear below under the appropriate heading.)

By Mr. BOGGS:

S. 854. A bill for the relief of Keiko Toyoda; to the Committee on the Judiciary.

By Mr. COTTON (for himself and Mr. Boggs, Mr. Roth, Mr. Pastore, Mr. Pell, Mr. Schweiker, and Mr. Thurmond):

S. 855. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard Technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Cotton when he introduced the bill appear below under the appropriate heading.)

By Mr. GURNEY (for himself, Mr. Cooper, Mr. Baker, Mr. Boggs, Mr. Dole, Mr. Fannin, Mr. Packwood, Mr. Scott, Mr. Thurmond, Mr. Tower, Mr. Randolph, Mr. Tunney, Mr. Hollings, Mr. Eastland, Mr. Bennett, Mr. Pastore, and Mr. Beall):

S. 856. A bill to encourage States to establish junked motor vehicle disposal programs, and for other purposes to the Committee on Public Works.

(The remarks of Mr. Gurney when he introduced the bill appear below under the appropriate heading.)

By Mr. HARTKE:

S. 857. A bill to provide that individuals entitled to disability insurance benefits (or child's benefits based on disability) under title II of the Social Security Act, and individuals entitled to permanent disability annuities (or child's annuities based on disability) under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act.

S. 858. A bill to amend titles I, IV, X, XIV, and XVI of the Social Security Act to prevent recipients of assistance under programs established pursuant to such titles from having the amount of such assistance reduced because of increases in the monthly insurance benefits payable to them under title II of such act; and

S. 859. A bill to amend titles X and XVI of the Social Security Act to improve the programs of aid to the blind so that they will more effectively encourage and assist blind individuals in achieving rehabilitation and restoration to a normal, full, and fruitful life; to the Committee on Finance.

(The remarks of Mr. Hartke when he introduced the bills appear below under the appropriate headings:)

By Mr. BURDICK:

S. 860. A bill relating to the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. TALMADGE (for himself, Mr. Gambrell, and Mr. Thurmond):

S. 861. A bill to designate the Federal Office Building and U.S. Courthouse to be constructed in Atlanta, Ga., as the "Richard B. Russell Federal Building"; to the Committee on Public Works.

(The remarks of Mr. Talmadge when he introduced the bill appear below under the appropriate heading.)

By Mr. NELSON:

S. 862. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 863. A bill to extend certain benefits to National Guard technicians, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; and

S. 864. A bill to amend the Military Selective Service Act of 1967 to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to all employees of the Selective Service System; to the Commitee on Armed Services.

(The remarks of Mr. Williams when he introduced the bills appear below under the appropriate headings.)

By Mr. BYRD of West Virginia:

S. 865. A bill to amend title II of the Social Security Act to provide that monthly insurance benefits, when based upon attainment or retirement age, will be payable in full at age 62 and on an actuarially reduced basis at age 60; to the Committee on Finance.

(The remarks of Mr. Byrd of West Virginia when he introduced the bill appear below under the appropriate heading.)

By Mr. PACKWOOD:

S. 866. A bill to establish the French Pete Creek Intermediate Recreation Area; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Packwood when he introduced the bill appear below under the appropriate heading.)

By Mr. MONTOYA:

S. 867. A bill to create the Bureau of Consumer Protection and providing for the appointment of a director, and for other purposes; to the Committee on Government Operations.

(The remarks of Mr. Montoya when he introduced the bill appear below under the appropriate heading.)

By Mr. NELSON:

S. 868. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Nelson when he introduced the bill appear below under the appropriate heading.)

By Mr. RIBICOFF:

S. 869. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; referred to the Committee on Finance.

By Mr. WILLIAMS (for himself and Mr. Percy):

S. 870. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. TUNNEY (for himself, Mr. Cranston, and Mr. Bayh):

S. 871. A bill to provide for a national program of earthquake insurance; to the Committee on Banking, Housing and Urban Affairs.

(The remarks of Mr. Tunney when he introduced the bill appear below under the appropriate heading.)

By Mr. STEVENS:

S. 872. A bill to amend the Act entitled "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966, to require that the method of straight baselines shall be employed for the purpose of determining the boundaries of such fishery zone, and for other purposes;

S. 873. A bill to amend the Fish and Wildlife Act of 1956 to authorize loans to fishermen's associations for certain purposes;

S. 874. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of Commerce to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; and

S. 875. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government; to the Committee on Commerce.

(The remarks of Mr. Stevens when he introduced the bills appear below under the appropriate heading.)

By Mr. SPONG:

S.J. Res. 41. Joint resolution proposing an amendment to the Constitution of the United States with respect to the election of the President and Vice President of the United States; to the Committee on the Judiciary.

(The remarks of Mr. Spong when he introduced the bill appear below under the appropriate heading.)

By Mr. GURNEY (for himself and Mr. Chiles):

S.J.Res. 42. Joint resolution to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.; to the Committee on Aeronautical and Space Sciences.

(The remarks of Mr. Gurney when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. JAVITS (by request):

S.J. Res. 43. Joint resolution to provide alternate procedures to facilitate the settlement of the labor dispute between certain carriers by railroad and certain of their employees; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. COOPER:

S.J. Res. 44. A joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Cooper when he introduced the bill appear below under the appropriate heading.)

S. 853—INTRODUCTION OF A BILL TO ESTABLISH A UNIFORMED SERVICES UNIVERSITY OF HEALTH SCIENCES

Mr. GOLDWATER. Mr. President, today I am introducing legislation to establish a program leading to the construction and operation of a medical school for the uniformed military services. The proposal is offered as a Senate companion measure to H.R. 2, which has been introduced in the House of Representatives by the distinguished chairman of the House Armed Services Committee, Congressman F. Edward Hébert.

The need for the legislation arises out of the increasing difficulty in obtaining medical officers for the military. The problem is interrelated with the nationwide health manpower shortage, and the situation is going to get worse a long time before it gets better, if we follow the normal and present courses. It will be particularly accentuated once we develop an all-voluntary military service, and the need for solutions is right now—before we reach the all-volunteer stage.

Mr. President, it is not commonly known, but the medical units of our Armed Forces have a patient population approaching 10 million individuals. Nearly 3 million of these persons are active duty personnel; and the others are civilians, generally the dependents of active duty personnel, or retired personnel and their dependents. In fact, half of the physicians now drafted are serving civilian patients.

It is not my purpose to challenge the vast size of the military's medical responsibilities. High quality medical care for dependents of active duty members and for retired members and their dependents is a very significant attraction leading to voluntary enlistments into the military services and career decisions by military personnel. In short, it is an indispensable element of the proposed voluntary military system.

The question rather is how we can obtain the professional medical personnel required to provide these promised health services. The answer is not found in any single solution, and the bill I present today is but one segment of the comprehensive approach which is demanded.

For example, one promising answer is to improve and expand the programs under which the education of doctors and dentists at civilian colleges is paid for by the Armed Forces in exchange for a commitment to serve in the military for a specified period of years.

Such a recommendation was made by the Gates Commission and would be implemented by one of the provisions included in the voluntary military proposal coauthored by the Senator from Oregon (Mr. Hatfield) and myself. Also, I am told the Department of Defense plans to submit legislation aiming at the same end. The administration-backed measure will provide a substantial increase in the number of medical scholarships awarded in exchange for obligated military service. The President's 1972 fiscal year budget earmarks about $20 million for this program which will support at least 2,000 medical scholarships. To my mind, the President's request is an excellent and necessary step forward.

But as helpful as it will be, the scholarship program by itself will supply only about half the number of new physicians and dentists who are needed by the military each year. Other changes are clearly called for. Somehow we must attract a wider base of young physicians than the scholarship system is capable of achieving; and once they enter the service, we must induce more physicians to remain in the military.

Therefore, a second major solution in any program of fundamental changes must be increased pay for medical officers. For it is only in this way that we can significantly boost the retention of military doctors.

Even if it was not needed as an inducement, however, it is compelled as a matter of equity. In the words of the Gates Commission:

> No other group in our society has had such heavy relative demands placed upon it for military service.

Indeed, the doctors' draft has been so all-pervasive that 96 percent of all male physicians under 35 who are eligible for military service have served. All the while the Government has paid these doctors at less than 40 percent of their normal incomes.

Again, the legislation which the Senator from Oregon and I have drafted will seek to correct this injustice. Section 7 of our bill will make the special pay for physicians and dentists permanent and will increase the amount of their special pay by sums ranging from $150 a month in the case of officers with less than 2 years of active duty to $1,050 a month in the case of officers with 7 years of active duty. The cost of this program will be approximately $120 million annually.

A third change which may ease the medical manpower shortage in our military services is a shift of some portion of military patient care to civilian physicians. One way to accomplish this may be by substituting civilian physicians for military doctors under some form of group practice contract, and the volunteer military bill—which I have sponsored—will require that this approach be explored by the Secretary of Defense.

There is a fourth course of action, also, and it is contained in the bill I am introducing today. This is the establishment of a dual program of premedical courses at the service academies combined with the creation of a separate medical college for the military services.

The program I am suggesting looks to the long-range needs of the military forces and is a supplemental solution to, not a replacement for, the other changes I have discussed. The urgency of the military medical shortage demands a varied response.

The concept of building a special military medical school is designed to provide the services with a measure of self sufficiency in obtaining medical officers and in providing military medical education. We must not close our eyes to the growing antagonism at certain of our civilian universities toward military research, but should be providing for at least a minimum degree of Government operated education for prospective military medical officers.

What is more, many medical problems are unique to military conditions and are not adequately covered in civilian medical schools. Accordingly, the bill I introduce will authorize the military to establish their own medical college at a site picked by the Secretary of Defense within the metropolitan Washington area. The measure allows for a phased development of the institution, but sets a definite goal of the first class graduating within 10 years.

Along with the education provided to men attending the college will go the obligation that they shall serve their Government for at least 7 years. Eighty percent of the graduates will be required to serve on active duty with a military service and up to 20 percent may perform civilian Federal duty in lieu of active duty in a uniformed service.

In addition, the bill includes a provision requiring the Secretary of Defense to study and report on the feasibility of creating a medical college at one of the large military hospitals.

Further, the Secretaries of the military departments are directed to specifically provide for the improvement and expansion of premedical course programs at the service academies. The U.S. Air Force Academy has established a Department of Life Sciences which offers a premed course, and I am told it is eminently successful.

The Air Force program allows a maximum of 2 percent of the academy class to enter medical school immediately after graduation. At present there are 16 1970 graduates and 15 1969 graduates attending medical school. Their medical education is being subsidized in return for a service obligation which is in addition to their obligation for their academy education.

The U.S. Military Academy also offers courses which qualify cadets for admission to medical school. Two USMA graduates from the class of 1970 are now in medical school, and effective with the class of 1971, up to 1 percent of each graduating class may enter medical school.

The U.S. Naval Academy does not now have a program permitting a specified portion of their graduates to enter medical school, though I understand the Secretary of the Navy has placed that policy under review.

These undergraduate developments seem sensible and proper, and I think it is wise to move them along at an increased pace.

In closing, I will repeat my belief that any military medical program which Congress may enact must be a many-pronged attack on the basic problems. It must eliminate the doctor draft, it must increase compensation for military doctors and dentists, it must assure the continued provision of high quality medical care to military patients, and it must establish a self-supporting capacity whereby the military services can educate some percentage of their future medical officers. The bill I have offered today is one essential ingredient of any such comprehensive military medical system.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 853) to establish a military medical college and to provide premedical courses at U.S. services academies, introduced by Mr. Goldwater, was received, read twice by its title, and referred to the Committee on Armed Services.

S. 855—INTRODUCTION OF A BILL TO CORRECT CERTAIN INEQUITIES IN CREDITING NATIONAL GUARD TECHNICIAN SERVICE FOR CIVIL SERVICE RETIREMENT

Mr. COTTON. Mr. President, on behalf of myself and the Senators from Delaware (Mr. Boggs and Mr. Roth), the Senators from Rhode Island (Mr. Pastore and Mr. Pell), the junior Senator from Pennsylvania (Mr. Schweiker), and the senior Senator from South Carolina (Mr. Thurmond), I introduce a bill to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement.

This bill is identical to S. 2031 of the 91st Congress, which I also introduced. When I submitted that previous measure, I pointed out that a retirement program had been established in the 90th Congress for the 41,000 National Guard technicians and that this action had helped retain these men who are often subject to attractive offers from private industry with superior retirement and fringe benefits. However, further improvements in their retirement program are warranted. This is the purpose of the bill I propose, and I call attention to the fact that it has the support of the association of National Guard civilian technicians at Peace Air Force Base in my own State of New Hampshire and the national association as well.

The men who serve our country as National Guard technicians are vital to the defense of this Nation. They deserve their full share of civil service benefits. I believe the equity of this proposal will result in favorable action by the Congress.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 855) to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes, introduced by Mr. Cotton (for himself and other Senators), was received, read twice by its title and referred to the Committee on Post Office and Civil Service.

S. 856—INTRODUCTION OF THE MOTOR VEHICLE DISPOSAL ASSISTANCE ACT

Mr. GURNEY. Mr. President, I introduce, on behalf of myself and Senators Cooper, Baker, Boggs, Dole, Fannin, Packwood, Scott, Thurmond, Tower, Randolph, Tunney, Hollings, Eastland, Bennett, Pastore and Beall, a bill which would establish a "Motor Vehicle Disposal Assistance Act". This bill would afford a practical means of disposing of junked and abandoned motor vehicles. It would provide Federal financial assistance to the States to carry out programs approved by the Administrator of EPA to remove abandoned and junked motor vehicles which are an eyesore to our Nation.

Although we think of ourselves as a nation of consumers, in reality, we consume very little. Too often, we simply use an item until we decide it is no longer of value to our particular need and then discard it in the most personally convenient manner.

The junked motor vehicle is the most obvious and noticeable example of the solid waste disposal problem nationwide. As President Nixon said in his message to Congress on environmental quality a year ago:

> Few of America's eyesores are so unsightly as its millions of junk automobiles.

This environmental problem area includes the growing unsightly accumulation of junked automobiles, buses, and trucks encircling our cities, and scattered in fields and vacant lots in less populated areas.

In 1968, our motor vehicle manufacturing industry passed a significant milestone with the 250 millionth car coming off the assembly line. But as the size of our auto population grows, the number of vehicles becoming unusable and left abandoned also grows, and the Nation that relies on and enjoys the automobile is about to be overwhelmed by a proliferation of rusting hulks. We must realize now, that unfortunately, when old cars die, they do not fade away.

The dimensions of the problem are staggering. At the present time, there are a total of 105,403,557 registered motor vehicles in the United States. The Department of Transportation's Federal Highway Administration predicts that in 20 years—by 1990—there will be a total of 158.6 million registered cars, trucks and buses—a 51 percent increase over the 1969 total. The current annual retirement rate is approximately 7.9 million motor vehicles. The number of motor vehicles processed for scrap each year is between 6 and 7 million. Therefore, we can safely say that at least 1 million motor vehicles each year and perhaps more are added to the visible junkpiles around the country. Though nobody knows exactly how many rusting hulks are strewn across the American countryside, the current estimates run between 15 and 20 million.

This represents more than $1 billion of reusable metals. The number of motor vehicles in autowreckers' yards which have little or no parts value, added to the number of abandoned vehicles, added to the current number of motor vehicles annually retired which the scrap dealers do not process, comes to approximately 12 million rusted, unprocessed hulks which dot the landscape. Quite obviously, the scrap gap is widening.

Although discarded motor vehicle hulks constitute a small fraction of the waste disposal problem in terms of tonnage, they are higher in metal recycle value than most waste materials. The use of 1 ton of scrap eliminates the need for 1½ tons of iron ore, 1 ton of coke, and a half ton of limestone. Presently, American mills and foundries use from 60 million to 80 million tons of scrap annually. Without it, the iron and steel industry would have to rely entirely on dwindling supplies of American iron ore, coke, and limestone, or on imported ore from foreign mines. The export of scrap, averaging between 6 and 7 million tons a year, helps improve our Nation's balance of payments, for seldom are more than a few hundred tons of scrap imported in a year.

We must rid our Nation of the use and discard syndrome, for old motor vehicle hulks also represent a source of other valuable material for which our national need is likewise growing. Presently, 60 percent of all the rubber, 20 percent of all the steel, 10 percent of all the aluminum, over 7 percent of the copper, 13 percent of the nickel, 35 percent of the zinc, and over 50 percent of the lead consumed in the United States goes for automotive use.

Quite obviously, junk motor vehicles are truly a resource out of place. We must act now to take the necessary steps to recycle the ever-growing number of wornout hulks back into the steelmaking process at an increased rate—a move which would aid in changing our national eyesores into national assets. With this aim in mind, I am introducing a bill to establish a Motor Vehicle Disposal Assistance Act to provide aid to the States in retrieving junked motor vehicles and processing them for scrap.

This bill would offer Federal financial aid to the States and extracontinental territories administered by the United States to execute programs to remove junk motor vehicles from public thoroughfares, junkyards, and remote rural areas. Funds would be allotted to each State in an amount which bears the same ratio as the number of motor vehicles registered in such State bears to the number of such vehicles in all the States. The portion of any State's allotment for a fiscal year which will not be required will be reallotted no later than the 10th month of that fiscal year to other States in proportion to their original allotment.

Under this plan Federal regulations are to be established to spell out requirements for State participation. Such guidelines would include requirements to provide for the administration by a public agency in the State of a junked motor vehicle disposal plan to provide for the efficient removal to scrap processing facilities of junked motor vehicles. States would also provide an efficient means of transferring title of junked motor vehicles—or other evidence of ownership of such vehicles in States not requiring title certification—to public agencies or private business concerns charged with the responsibility of processing such motor vehicles.

The criteria established under the section on State plans will also include, after thorough study and evaluation by the Secretary of pertinent information available from authoritative sources—as DOT, HEW, Interior, Commerce, President's Council on Environmental Quality, the Institute of Scrap Iron and Steel—a description of the most efficient means of transporting junked motor vehicles as well as the average cost of such scrap transporting.

Payments under this act will be made from a State's allotment to any State agency which administers a plan approved by the Administrator of the Environmental Protection Agency. Payments from a State's allotment with respect to the cost of carrying out its State plan will equal 50 percent of the costs for any fiscal year. In other words, half will be Federal; the other half will be State. The Federal share for the total cost of carrying out this plan will be $25 million per year, for fiscal years 1972 through 1975.

Under this bill, and with Federal assistance, States will be able to shrink, or at least, begin to shrink the huge accumulation of junk hulks to nothing within a few years. The ultimate goal would be a smooth flow of old motor vehicles back into the steelmaking facilities without the intermediate stops on city streets, junkyard stockpiles or in woods off country roads. Unless this recycling occurs, we will soon find ourselves in a national crisis—buried in the effluents of our own affluence.

Mr. President, I feel this plan will assist the States in a two-fold fashion. First, it will aid the States, which in most cases lack the financial resources to carry on a meaningful program on their own initiative. Second, this financial assistance should provide the needed incentive to pass State legislation dealing with junked motor vehicles.

Mr. President, I realize my bill is not the be-all and end-all and I don't offer it as the final word or the final solution—but, I think it is a good working start and I feel that the hearings held on this bill in the 91st Congress pointed to this fact. I continue to be amendable to suggestions, modifications or improvements to my approach and I hope that the members of the Public Works Committee will view it in this light.

I have offered my bill at this time because I think it is a balanced, flexible, fundable, and easy to administer program, which fills a very real and pressing need. It is my sincere hope that some significant legislation will come out of this Congress to deal with this mounting problem of junked and abandoned motor vehicles.

I ask unanimous consent that the bill I now introduce be printed in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 856) to encourage States to establish junked motor vehicle disposal programs, and for other purposes, introduced by Mr. Gurney (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 856

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Disposal Assistance Act".

APPROPRIATIONS AUTHORIZED

Sec. 2. There is hereby authorized to be appropriated, not to exceed $25,000,000 for the fiscal year ending June 30, 1972, $25,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

GRANTS TO STATES

Sec. 3. The Administrator is authorized to make grants to States which have State plans approved by him, to pay the Federal share of the cost of carrying out motor vehicle disposal plans.

ALLOTMENTS TO STATES

Sec. 4. (a) From the sums available for the purposes of section 3 for any fiscal year, the Administrator shall allot not more than 2 per centum among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Canal Zone. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of motor vehicles registered in such State bears to the number of such vehicles in all States. For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Canal Zone.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Administrator determines will not be required to carry out the State plan for that fiscal year shall be reallotted not later than the tenth month in such fiscal year, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Administrator estimates such State needs and will be able to use for such period for carrying out its State plans approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c) The number of motor vehicles registered in a State and in all States shall be determined by the Administrator on the basis of the most recent satisfactory data available to him.

STATE PLANS

Sec. 5. (a) Any State desiring to receive its allotment of Federal funds under this Act shall submit a State plan consistent with such basic criteria as the Administrator may establish. Such plan shall—

(1) provide for the administration by a public agency in the State of a junked motor vehicle disposal plan designed to provide for the efficient removal to scrap processing facilities of junked motor vehicles;

(2) provide assurances that a State law substantially in accordance with requirements established by the Administrator, after consultation with the Attorney General, has been enacted or will promptly be enacted by such State designed to provide an efficient means of transferring title of junked motor vehicles (or other evidence of ownership of such vehicles in States not requiring title certification) to public agencies or private business concerns charged with the responsibility of transporting such motor vehicles to scrap processing facilities;

(3) provide assurances that the State agency will pay from non-Federal sources the remaining costs of such program;

(4) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State agency (including such funds paid by the State agency to any agency of a political subdivision of such State) under this Act; and

(5) provide for making such reasonable reports in such form and containing such information as the Secretary may reasonably require to carry out his functions under this Act and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

(b) The Administrator shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

(c) Criteria established under this section shall include, after consideration by the Administrator of the latest and best information available, a description of the most efficient means of transporting junked motor vehicles, the average cost of such scrap transporting the requirements set forth in paragraph (2) of subsection (a), and other information as the Administrator deems relevant and necessary.

ADMINISTRATIVE PROVISIONS

Sec. 6. (a) In order to carry out the objectives of this Act, the Administrator is authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as he may deem advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor.

(b) Upon request by the Administrator each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics available to the greatest practicable extent to the Administrator in the performance of his functions under this Act.

(c) Any agency or organization which receives assistance from a State under this Act shall make available to the Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers and records that are pertinent to the assistance received by such agency or organization from the State under this Act.

PAYMENTS

Sec. 7. (a) Payments under this Act shall be made from a State's allotment to any such State agency which administers a plan approved under section 5. Payments under this Act from a State's allotment with respect to the cost of carrying out its State plan shall equal 50 per centum of such costs for any fiscal year. In determining the cost of carrying out a State's plan, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

WITHHOLDING OF GRANTS

Sec. 8. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Administrator shall notify such recipient of his findings and no further payments may be made to such recipient by the Secretary until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Administrator may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

DEFINITIONS

Sec. 9. As used in this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails. The Administrator may include classes of motor vehicles other than passenger automobiles from the definition of motor vehicle for the purpose of this Act upon a finding that to do so is in the public interest;

(3) the term "junked motor vehicle" means any motor vehicle which the owner desires to dispose of, including derelict motor vehicles;

(4) the term "derelict motor vehicle" means any obviously abandoned vehicle which has component parts missing, is inoperable, or is worth less than $100 in value;

(5) the term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

S. 857—INTRODUCTION OF A BILL TO AMEND TITLE XVIII OF THE SOCIAL SECURITY ACT TO INCLUDE DISABILITY BENEFICIARIES IN THE MEDICARE PROGRAM

Mr. HARTKE. Mr. President, although I believe the greatest legislative accomplishment of the 89th Congress was the establishment of the social security-based health insurance program for persons over the age of 65. I also believe that this program must not remain limited only to elderly persons.

Rather, I believe this program must be changed and so expanded that beneficiaries of social security-provided disability insurance payments may share in its benefits, may be included in the federal health insurance program.

To achieve this most worthwhile purpose, Mr. President, I am introducing a bill to provide that individuals entitled to disability insurance benefits (or child's benefits based on disability) under Title II of the Social Security Act, and individuals entitled to permanent disability annuities (or child's annuities based on disability) under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act.

Mr. President, just as the men and women who are elderly and retired on social security payments must live and manage on very limited income have a great need that their health care costs be met by the social insurance method, so, too, is it most necessary that the health care costs of those who must live and manage on limited income because they are disabled, because they are beneficiaries of the disability insurance program be met by the very same concept of social insurance enacted into Federal law.

For the limited income problem of the disabled insurance beneficiary is the very same as that of the retired elderly person—the amount of his payment is the same as the amount of the old age benefit for which he would be eligible if he were to retire.

It has been said, Mr. President, that older people, in general, have need for more medical and hospital care and less ability to pay for such care than is the case with younger persons.

It is equally true, Mr. President, that disabled persons with verified, medically determined disabilities, in general, have need for more medical and hospital care than retired persons who, though advanced in years, still may be robust and well.

It is equally true, Mr. President, that persons whose disabilities are chronic, are constantly in need of medical and hospital attention.

Mr. President, how do the disabled, living on a limited income of social security, pay for their health care costs now, when they are confronted by the shockingly high expenses of a sudden accident or a major illness, or the prolonged anguish of a terminal disease?

Some, of course, may have savings to draw upon—to pay doctors' and hospital bills, nurses's wages and druggists' charges. But, as you well know, Mr. President, savings, so long in building, soon disappear.

Savings, so slowly accumulated and so carefully hoarded for use to supplement insufficient social security payments, soon disappear.

Then, Mr. President, there are family reserves and the earnings of family members to draw upon—of course, the health care costs of the disabled can be imposed upon responsible relatives.

Finally, Mr. President, the disabled, beneficiaries of the Federal disability insurance program, faced with the disastrous financial consequences of impaired health or additional disabilities, may turn, in their grievous need, to charity—yes, for them there is always charity—there is always public welfare and private charity.

Mr. President, I reject these uneconomic and unsocial methods of meeting the health care costs of the retired elderly, and, with equal force and conviction, I reject them for paying the health care bills of disability insurance beneficiaries.

Mr. President, just as I supported the social insurance method for paying the price exacted for restored health and repaired bodies for the elderly, I urge its adoption for the disabled.

Just as I preferred the advanced payment with established rights method to the public or private charity method, or the responsible relatives method, for the elderly, I urge its adoption for the disabled.

My bill as Federal law would provide health care benefits to the disabled, benefits specified and described in Federal law and regulation rather than having such benefits dependent upon a social case worker's biased judgment or uncertain whim.

My measure as Federal law would provide health care benefits to disabled persons by right upon establishment of eligibility in accordance with requirements specified and described in Federal law and regulations, rather than have receipt of such benefits dependent upon a "means" test standard of proven poverty or demonstrated destitution.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 857) to provide that individuals entitled to disability insurance benefits (or child's benefits based on disability) under title II of the Social Security Act, and individuals entitled to permanent disability annuities (or child's annuities based on disability) under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

S. 858—INTRODUCTION OF A BILL TO EXEMPT INCREASES IN SOCIAL SECURITY PAYMENTS IN THE U.S. SENATE

Mr. HARTKE. Mr. President, since the first enactment of the Social Security Act in 1935, Congress has acted many times providing for increases in social security payments.

Congress has taken these actions to raise the level of such payments, that aged and blind and other disabled beneficiaries might have more money in their monthly checks and be able to live better, to eat and cloth themselves better, to live in better circumstances.

Yes, many Congresses have acted to raise the level of social security payments, but far too often, the intended beneficiaries of congressional generosity have not benefited at all from such ameliorative legislation.

There are millions of social security recipients, Mr. President, whose social security checks are just not sufficient to allow them to live even at the lowest standard of decent and healthy living, so these vast numbers of people must supplement their totally inadequate income with public assistance, with veteran's compensation or with payments from private insurance plans.

And the structural nature of these supplemental income programs are such that as social security payments are increased, supplementary payments are decreased in the amount of the social security increase—thus, social security beneficiaries in large numbers are not one dollar better off, after an increase in social security payments has been passed by Congress than they were before.

Although I am concerned with the plight of social security recipients who get additional income from veteran's compensation and from private insurance plans, the bill I am introducing today, is particularly directed to help social security beneficiaries who also receive public assistance, for these are our most needy citizens, yet many of them fail to benefit at all when we in the Congress legislate increases in social security payments.

To understand the reason for this, requires an understanding of the operations of the Federal-State public assistance system:

When a person applies for aid, after consideration of various budgetary items—food, clothing, shelter, fuel, and similar necessaries—a dollar amount is determined upon and his total need is established—let us say, at $80 a month.

Then, available resources are ascertained—unexempt earnings, regular contributions from relatives, pensions, insurance, and other forms of fixed and regularly received income.

Social security payments, whether received because of retirement or disability, are classed as available resources.

Since public assistance is only intended as supplementary help—help provided in addition to available resources—social security payments are used to reduce the amount of public assistance grants.

So that the person who has an established need, according to public assistance standards, of $80 monthly, and who receives the minimum social security payment of $55, will be given a $25 monthly public assistance grant.

If this same person's social security payment should be raised from the present $55 to, let us say, $65, this rise in social security will have no value for this person.

It will only mean that, instead of his public assistance grant being $25 it will be $15 a month.

The person intended by Congress to be benefited by the social security payment increase will not benefit at all.

The State and county where the man lives, which provides his public assistance support, will be the only beneficiaries of the congressional generosity.

My bill would change this.

It would amend titles I, X, XIV and XVI—the public assistance titles of the Social Security Act—to exempt all increases in social security payments made subsequent to January 1, 1972, from consideration in determining a person's need for public assistance and the amount of aid he should receive.

This proposal, enacted into Federal law, would assure that increases in social security payments provided by Congress to improve and raise the living standards of elderly and disabled persons, would, in fact, be actually available to them as increased monthly income.

Nor is the concept which I propose of exempting certain income from consideration as an available resource when determining a person's need for public assistance a novel and startling concept to the Congress and to the Social Security Act.

Except that, Mr. President, previously adopted measures have only been half measures, and therefore, have almost totally failed to achieve the objective they were intended to further.

In the social security amendments of 1965, Mr. President, Congress acted as I now propose it act again—it provided that the social security increase of that year might be exempt up to $5 monthly from consideration in determining a person's public assistance need.

But, Mr. President, although, in 1965, Congress recognized the importance of providing for the $5 monthly exemption, it failed woefully to implement this recognition with effective legislation.

For it was left up to the States whether to exempt the $5 minimum increase in social security payments, and only 24 States have acted affirmatively in this matter.

Again in the 1967 social security amendments, it was the very same disappointing situation.

In the 1967 amendments to the Social Security Act, Congress authorized States to exempt up to $7.50 monthly of social security payments, and this time only nine States acted affirmatively.

Mr. President, my bill would do effectively what Congress did, ineffectively, both in 1965 and in 1967.

Mr. President, my bill as Federal law, would make sure that any proposed increase in social security payments would actually be received by social security beneficiaries, for my proposal would be mandatory on the States and not optional with them.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 858) to amend titles I, IV, X, XIV, and XVI of the Social Security Act to prevent recipients of assistance under programs established pursuant to such titles from having the amount of such assistance reduced because of increases in the monthly insurance benefits payable to them under title II of such act, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

S. 859—INTRODUCTION OF A BILL TO IMPROVE PROGRAMS OF AID TO THE BLIND

Mr. HARTKE. Mr. President, continuing my efforts to improve, through Federal legislation, the opportunities of needy blind persons who must depend for support upon publicly-provided programs of aid to the blind, I am introducing a bill containing several proposals to amend title X and title XVI of the Social Security Act.

Since my election to the U.S. Senate, Mr. President, it has been a particular privilege and, I believe, a particular opportunity for me to work with and for our sightless fellow citizens in their courageous struggle to achieve full and equal participation in all aspects and activities of our Nation's life.

Blind men and women throughout the country, join together in common cause in the National Federation of the Blind and working together in this organization toward the realization of common objectives and a shared philosophy—this organization and I, Mr. President, have joined forces to improve conditions and to equalize opportunities for all persons without sight in our nation.

One object of our labors has been the improvement of the Federal-State programs of aid to the needy blind, established under title X of the Social Security Act.

We, the blind, and I, have sought to make public assistance to the blind an adjunct to rehabilitation, a force to stimulate hope, to encourage initiative and effort, a means and a way of gaining restoration of self-sufficiency and independence.

It has been one of my greatest satisfactions as a U.S. Senator that some of the proposals I have sponsored have been accepted by Congress and are now Federal law—and because of this, blind men and women have received some measure of help as they strive so bravely and so determinedly to help themselves and to help each other.

Mr. President, although Congress has, on numerous occasions, indicated by its enactments that aid to the blind should be directed toward the goal of assisting blind persons to reduce or to entirely eliminate their dependence upon public welfare, to achieve self-support through the use of their talents and training—still, the ancient and outmoded concepts of the Elizabethan "poor laws" continue to oppress the needy blind and obstruct their efforts, making release from relief an almost unattainable possibility.

The bill I have introduced today would remove these unsocial and uneconomic roadblocks from the law and from the lives of blind people.

In summary, Mr. President, my bill would do the following:

Section 1 would not only require that the basic human needs of blind persons be met by the maintenance of standards compatible with decency and health by State programs of aid to the blind, but would also require that the specialized needs, the needs which blind persons have because they are blind, be fully met and provided for by such programs.

Section 2 would remove the length of time limitation—of 12 months obligatory and 36 months permissive—on the exemption of all income and resources of a recipient of aid to the blind having a State-approved rehabilitation plan for achieving self-support.

Section 3 provides the maximum amount for which a relative may be held liable to contribute to a needy blind person.

Section 4 would prohibit any State agency administering a federally supported program of aid to the blind from requiring recipients under such a program to subject their property to liens or to transfer their property to such agency as a condition for receiving aid and assistance.

Section 5 provides for a minimum public assistance payment, which would permit the satisfaction of basic needs, and, in addition, would recognize and allow for the satisfaction of the specialized needs resulting from the circumstances of blindness. This provision would also require that needs peculiar to an individual—diabetic diet, homemaker help, and so forth—be also adequately provided for by State programs of aid to the needy blind.

Section 6 provides that the social services which are to be made available to recipients of public assistance under the welfare amendments of 1962, shall be given only to persons who request them, that the amount of aid a person is entitled to receive in nowise shall be contingent upon his acceptance of social services, and that such services be defined and administered on a categorical basis.

Section 7 provides for an increase in the Federal financial participation in money payments to recipients of aid to the blind.

This proposed matching formula change would raise the present basic grant of $31 of the first $37 to $42.80 of the first $50; and it would raise the present matching ceiling from $75 to $100, with the variable grant formula determining an additional Federal share of 50 percent to 66 percent of the difference between $50 and $100.

Section 8 requires that any increase in Federal financial sharing in aid-to-the-blind payments intended to raise the level of money payments to recipients be given to States only upon the condition that the States will pass on the additional money to recipients without a reduction in the State's or the local share in such payments.

Section 9 prohibits the imposition of any durational residence requirement as an eligibility condition for receiving aid-to-the-blind payments.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 859) to amend titles X and XVI of the Social Security Act to improve the programs of aid to the blind so that they will more effectively encourage and assist blind individuals in achieving rehabilitation and restoration to a normal, full, and fruitful life introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

S. 861—INTRODUCTION OF A BILL TO DESIGNATE U.S. COURTHOUSE AND FEDERAL OFFICE BUILDING IN ATLANTA, GA., AS THE "RICHARD B. RUSSELL FEDERAL BUILDING"

Mr. TALMADGE. Mr. President, I introduce a bill today to designate the U.S. courthouse and a Federal office building, to be constructed in Atlanta, as the "Richard B. Russell Federal Building."

I am very pleased that my colleague from Georgia, Senator DAVID H. GAMBRELL, has joined me in offering this legislation to honor the memory of our beloved departed colleague, the late senior Senator from Georgia, Richard Brevard Russell.

The new courthouse and Federal office building, authorized in the fall of 1966 by the Senate and House of Representatives, will house Federal courts for the northern district of Georgia and the Fifth U.S. Court of Appeals. It will also provide facilities for other Atlanta-based regional Federal agencies, such as offices of the Department of Agriculture, Department of Defense, General Services Administration, and 12 other agencies.

Naming this new facility for Senator Russell will be appropriate recognition of the leadership he provided in securing its authorization. Moreover, when constructed, it will stand as a permanent tribute to Senator Russell, without a doubt one of the most outstanding U.S. Senators of all time.

The U.S. courthouse and Federal office building in Atlanta, to be constructed at an estimated cost of $14 million, will be a 14-story, air-conditioned structure, with basement, subbasement, and interior parking for 230 automobiles. The overall building population is expected to be approximately 3,300 persons.

The Federal Northern District Court trial docket in Atlanta is the largest in the State of Georgia. The Fifth U.S. Court of Appeals, headquartered in Atlanta, has the largest case load of any circuit in the United States. Existing court and agency space in the present Post Office and Federal Courthouse building are totally inadequate and unsuitable. Current requirements are double that space being presently occupied.

I deem it a high honor to sponsor this legislation. I believe I can speak on behalf of all Georgians in saying that I hope this magnificent new Federal facility in Atlanta will be named for Senator Russell to honor his life and memory and the great service he rendered his State and Nation for half a century, including 38 years in the Senate. I also want to express the earnest hope that funds can be appropriated and construction begun on this building at the earliest possible time. It has already been demonstrated that the need is great.

The PRESIDING OFFICER (Mr. STEVENSON). The bill will be received and appropriately referred.

The bill (S. 861) to designate the Federal Office Building and United States Courthouse to be constructed in Atlanta, Georgia, as the "Richard B. Russell Federal Building" introduced by Mr. TALMADGE (for himself, Mr. GAMBRELL, and Mr. THURMOND), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. GAMBRELL. Mr. President, I would like to join with the distinguished senior Senator from Georgia in offering this bill for all the reasons that he gave and particulary with regard to the friendship and high regard that I have had for Senator Russell. It was my privilege, as president of the Atlanta Bar Association, in 1965 and 1966, to constitute a committee to work with Senators Russell and TALMADGE at that time to obtain the authorization for the construction of this magnificent facility in Atlanta. It is certainly a great privilege for me to join in sponsorship of this legislation.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. GAMBRELL. I yield.

Mr. TALMADGE. I recall the genesis of this project during my colleague's presidency of the Atlanta Bar Association. I had the honor of meeting with the committee that had been appointed by the distinguished Senator from Georgia to give impetus to this project. I am happy those efforts are coming to fruition. I join with my colleague in his plea that the facility be named in honor of the late senior Senator from Georgia, Richard B. Russell, whose memory, I think, will be eminently honored by this magnificent structure in Atlanta, Ga.

Mr. GAMBRELL. I thank the Senator for his remarks and for all the efforts he has put into this project, bringing it into fruition.

S. 863—INTRODUCTION OF A BILL RELATING TO EQUITABLE PROMOTIONS AND RETIREMENT FOR NATIONAL GUARD TECHNICIANS

Mr. WILLIAMS. Mr. President, I am pleased to introduce again this year a bill that would correct several inequities of the 1968 National Guard Technicians Act. Under this law the National Guard Technicians were granted status as Federal employees. Accordingly, I feel they should share the benefits of retirement and promotion. This bill will establish a uniform merit promotion system for these skilled technicians. It would also provide an equitable retirement program. A technician over 50 years of age with 20 years of service can, with the approval of the Secretary of the Military Department and the Civil Service Commission, receive an annuity. This bill would make this annuity a right.

Mr. President, the inequality is clear and the need for the proposed legislation is apparent. I am very pleased to state that this legislation has received the endorsement of the National Federation of Federal Employees.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 863) to extend certain benefits to National Guard technicians, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes, introduced by Mr. WILLIAMS, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 709 of title 32, United States Code, is amended by adding at the end thereof the following new sentence: "The Secretary of the Army and the Secretary of the Air Force shall jointly establish and implement a uniform merit promotion program for technicians which shall apply in all States and the Commonwealth of Puerto Rico."

(b) Subsection (d) of such section 709 is amended by adding at the end thereof the following new sentence: "A technician may not be required to wear a military uniform while performing duties within the scope of his employment as a technician."

(c) Subsection (e) of such section 709 is amended by inserting "and" after the semicolon at the end of paragraph (4) and by striking out paragraphs (5) and (6) and inserting in lieu thereof the following:

"(5) A light of appeal to the adjutant general of the jurisdiction concerned exists with respect to paragraph (1), (2), (3), or (4) and if such appeal is made the adjutant general concerned shall make a written record of his decision and his findings supporting such decision. The technician concerned may appeal the decision by the adjutant general concerned to the Civil Service Commission in the manner provided for under chapter 77 of title 5, United States Code, with respect to adverse decisions affecting employees in the civil service. The adjutant general concerned shall take the corrective action which the Civil Service Commission finally recommends."

(d)(1) Paragraph (1) of subsection (g) of such section 709 is amended—

(A) by striking out "Secretary concerned may" and inserting in lieu thereof "Secretary concerned shall" and

(B) by striking out "may be fixed on an annual basis" and inserting in lieu thereof "shall be fixed on an annual basis".

(2) Paragraph (1) of such subsection (g) is further amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", except that such additional compensation shall be paid if such unusual or irregular duty or work on non-workdays exceeds an average of eight hours per week. For the purpose of computing additional compensation, a technician shall be credited with twenty-four hours for each twenty-four hour period he is required to be at a missile site."

(3) Subsection (g) of such section 709 is amended by adding at the end thereof the following new paragraph:

"(3) Notwithstanding any other provision of law, any technician who is required to fulfill annual missile-firing requirements in order to qualify for his technician's position shall, during any calendar year, be granted appropriate military leave for the purpose of meeting such qualifications, and such military leave shall be in addition to any other annual military leave authorized by law or regulation in the case of such technician."

Sec. 2. (a) Section 8332(b) of title 5, United States Code, relating to creditable service for civil service retirement purposes, is amended by striking out the last sentence thereof which reads as follows: "Service referred to in paragraph (6) is allowable only in the case of persons performing service under section 709 of title 32, United States Code, on or after the effective date of the National Guard Technicians Act of 1968."

(b) Section 8334(c) of title 5, United States Code, relating to deposits for periods of creditable service for civil service retirement purposes, is amended by striking out the last sentence thereof which reads as follows: "Notwithstanding the foregoing provisions of this subsection, the deposit with respect to a period of service referred to in section 8332(b)(6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be an amount equal to 55 per centum of a deposit computed in accordance with such provisions.".

(c) Section 8336 of title 5, United States Code, is amended by adding the following new subsection at the end thereof:

"(h) A person performing service under section 709 of title 32, United States Code, who is separated from such service after becoming fifty years of age and completing twenty years of service in the performance of such duty is entitled to an annuity if the Secretary of the military department concerned recommends his retirement and the Civil Service Commission approves the recommendation."

(d) Section 8339 of title 5, United States Code, relating to computation of civil service retirement annuities, is amended by striking out subsection (1) thereof which reads as follows:

"(1) In determining service for the purpose of computing an annuity under each paragraph of this section, 45 per centum of each year, or fraction thereof, of service referred to in section 8332(b)(6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be disregarded.".

(e) Section 3(c) of the National Guard Technicians Act of 1968 (82 Stat. 757; Public Law 90–486), relating to crediting of National Guard technician service for Federal employees' leave, death, and disability compensation, group life and health insurance, severance pay, tenure, and status, is amended by striking out the last sentence thereof which reads as follows: "This subsection shall apply only in the case of persons who perform service under section 709 of title 32, United States Code, on or after the effective date of this Act.".

(f) The foregoing provisions of this section (except subsection (c)) shall become effective as of January 1, 1969.

S. 864—INTRODUCTION OF A BILL RELATING TO CIVIL SERVICE STATUS FOR SELECTIVE SERVICE SYSTEM EMPLOYEES

Mr. WILLIAMS. Mr. President, I am today introducing a bill which would bring employees of the Selective Service System under the classified Civil Service.

In view of the proposed governmental reorganizations and the impending reconsideration of the Selective Service Act of 1967, we should endeavor to ensure that there are adequate safeguards to protect the employment security of these local employees.

Although selective service employees are Federal employees they have been denied many of the rights and benefits of other Federal employees. They are generally underpaid. The Selective Service System lacks the equity and order engendered by the Classification Act. More importantly they exist in the twilight zone between Federal and private employment. They enjoy the benefits of neither group.

This step to bring them under the provisions of the Classification Act is long overdue. Selective service employees should have the same opportunities other employees enjoy in connection with transfers, promotions, and other personnel action under the classified civil service system.

Mr. President, this is truly an inequitable situation. It is up to Congress to rectify this oversight. I ask unanimous consent that the bill be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 864) to amend the Military Selective Service Act of 1967 to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to all employees of the Selective Service System; introduced by Mr. Williams, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the Record, as follows:

S. 864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) that part of section 10(b)(4) of the Military Selective Service Act of 1967 (50 App. U.S.C. 460(b) (4)) which precedes the words "That any officer on the active or retired list of the armed forces" is amended to read as follows:

"(4) to appoint, and fix, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, the basic pay of such officers, agents, and employees (including employees of local boards and appeal boards) as he may deem necessary to carry out the provisions of this title: *Provided,*".

(b) Such section 10(b)(4) is further amended by striking out ": *Provided further,* That an employee of a local board having supervisory duties" and all that follows thereafter and inserting in lieu thereof a semicolon.

Sec. 2. The rate of basic pay of each employee in a position under a local board or appeal board of the Selective Service System on and immediately prior to the effective date of this section shall be adjusted, as of such effective date, as follows:

(1) If the rate of basic pay of such employee is equal to a scheduled rate of that grade of the General Schedule in section 5332 of title 5, United States Code, in which his position is placed, such rate of basic pay shall be the new rate of basic pay for such employee.

(2) If the rate of basic pay of such employee is less than the minimum scheduled rate of that grade of the General Schedule in which his position is placed, such minimum rate shall be the new rate of basic pay for such employee.

(3) If the rate of basic pay of such employee is between any two scheduled rates of that grade of the General Schedule in which his position is placed, the higher of such two rates shall be the new rate of basic pay for such employee.

(4) If the rate of basic pay of such employee is higher than the maximum scheduled rate of that grade of the General Schedule in which his position is placed, such rate of basic pay shall continue to be the rate of basic pay for such employee.

Sec. 3. The foregoing provisions of this Act shall take effect at the beginning of the first pay period which begins on or after the ninetieth day following the date of enactment of this Act.

S. 865—INTRODUCTION OF A BILL TO AMEND TITLE II OF THE SOCIAL SECURITY ACT

Mr. BYRD of West Virginia. Mr. President, I have been asked on some occasions to pinpoint the most important item facing this Congress. On each occasion I have answered that the enactment of meaningful social security legislation should be given the highest priority—that a 10-percent across-the-board increase in benefits should be passed, and that the increase in benefits should be accompanied by other reforms in the Social Security Act.

Therefore, Mr. President, I am today introducing a bill to amend title II of the Social Security Act to provide that monthly benefits, when based upon attainment of retirement age, will be payable in full at age 62 and on an actuarially reduced basis at age 60.

Throughout my more than 18 years in Congress, I have consistently worked and voted for legislation aimed at providing realistic benefits, and legislation designed to strengthen the structure, administration, and financing of the social security program. On previous occasions, in fact, I introduced bills and amendments to lower to 60 the age at which actuarially reduced benefits could be received.

The Senate has always given its approval to the legislation, but the House has never seen fit to agree. I believe, however, that the need for updated social security legislation is now clearly recognized by Members in both Houses of Congress, and I am hopeful that my bill will be enacted into law.

Mr. President, the social security system currently reaches over 26 million Americans, many of whom are totally dependent on the program for their existence. Yet, beyond these 26 million, there are other Americans who are being forced out of the labor market because of early retirement policies of many businesses and companies.

It is this group of citizens that my bill is aimed at assisting.

Lowering from 65 to 62 the age at which full benefits could be received would assist about 8 million citizens—that is the number that the Social Security Administration estimates would either receive larger benefits, or claim benefits for the first time. Of the 8 million, 3.5 million would become eligible for the first time; and, of that number, an estimated 1 million persons would act to claim benefits in the first year. The Social Security Administration estimates the first-year cost at $2.6 billion, which means that providing full benefits at age 62 would increase the cost of the social security program by 0.8 percent of the taxable payroll.

In my home State of West Virginia, Mr. President, approximately 80,000 persons would receive larger or new benefits; and, of the 35,000 persons in West Virginia who would become eligible for the first time, an estimated 12,000 would claim benefits in the first year. The estimated initial increase for providing these West Virginians with full benefits at age 62 would amount to $25 million.

Under the provision of my bill allowing actuarially reduced benefits to be received at age 60, the Social Security Administration estimates that 3.5 million persons would become eligible. Of these, approximately 960,000 would claim benefits the first year, creating an initial cost of about $1 billion. But in the long run there would be no increased cost; it would balance out.

In West Virginia, approximately 11,000 persons would become eligible for actuarially reduced benefits if the age were lowered from 62 to 60. The increase in benefits for West Virginians would be about $11 million.

Mr. President, this bill would provide benefits for persons who need it most—citizens who have been forced to retire, or who, because of failing health, and so forth, would like to retire, but who have been unable to do so because the social security program does not yet cover them. These are people who have been paying into the program longest, and who deserve to have its provisions extended to cover them—and cover them now.

Mr. President, I hope the Senate will pass this bill, and that the House will concur.

Mr. President, I send my bill to the desk and I ask unanimous consent that it be printed in the Record and appropriately referred.

The PRESIDING OFFICER (Mr. Stevenson). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 865) to amend title II of the Social Security Act to provide that monthly insurance benefits, when based upon attainment or retirement age, will be payable in full at age 62 and on an actuarially reduced basis at age 60, introduced by Mr. Byrd of West Virginia, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1)(A) section 202(a)(2) of the Social Security Act is amended by striking out "62" and inserting in lieu thereof "60".

(B) Section 202(a)(3) of such Act is amended by striking out "65" and inserting in lieu thereof "62".

(2) Section 202(b)(1) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(3) Section 202(c) (1) and (2) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(4) (A) Section 202(f)(1)(B), (2), (5), and (6) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(B) Section 202(f)(1)(C) of such Act is amended by striking out "or was entitled" and inserting in lieu thereof "or was entitled, after attainment of age 62,".

(5) (A) Section 202(h)(1)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60."

(B) Section 202(h)(2)(A) of such Act is amended by inserting "subsection (q) and" after "Except as provided in".

(C) Section 202(h)(2)(B) of such Act is amended by inserting "subsection (q) and" after "except as provided in".

(D) Section 202(h)(2)(C) of such Act is amended by—

(i) striking out "shall be equal" and inserting in lieu thereof "shall, except as provided in subsection (q), be equal"; and

(ii) inserting "and section 202(q)" after "section 203(a)".

(6) (A) The first sentence of section 202(q)(1) of such Act is amended (i) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (ii) by striking out, in subparagraph amended by striking out "65" and inserting in lieu thereof "62".

(B) Section 202(q) (2) of such Act is amended by striking out "65" and inserting in lieu thereof "62".

(C) (i) Section 202 (q) (3) (A) of such Act is amended (I) by striking out "husband's, widow's, or widower's" each place it appears therein and inserting in lieu thereof "huband's, widow's, widower's, or parent's", (II) by striking out "62' and inserting in lieu thereof "60", (III) by striking out "wife's, or husband's" and in inserting in lieu thereof "wife's, husband's, or parent's", and (IV) by striking out "65" and inserting in lieu thereof "62".

(ii) Section 202(q) (3) (B) of such Act is amended by striking out "or husband's" each place it appears therein and inserting in lieu thereof ", husband's, widow's, widower's, or parent's."

(iii) Section 202(q) (3) (C) of such Act is amended by striking out "or widower's" each place it appears therein and inserting in lieu thereof "widower's, or parent's".

(iv) Section 202(q)(3)(D) of such Act is amended by striking out "or widower's" and inserting in lieu thereof "widower's, or parent's".

(v) Section 202(q)(3)(E) of such Act is amended (I) by striking out "65" and inserting in lieu thereof "62", (II) by striking out "(or would, but for subsection (e)(1) in the case of a widow or surviving divorced wife or subsection (f)(1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e)(1), (f)(1), or (h)(1), be) entitled to a widow's, widower's, or parent's insurance benefit to which such individual was first entitled for a month before such individual", (III) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's, widower's, or parent's insurance benefit", and (IV) by striking out "over such widow's or widower's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent insurance benefit".

(vi) Section 202(q)(3)(F) of such Act is amended (I) by striking out "62" and inserting in lieu thereof "60", (II) by striking out "(or would, but for subsection (e)(1) in the case of a widow or surviving divorced wife or subsection (f)(1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e)(1), (f)(1), or (h)(1), be) entitled to a widow's, widower's, or parent's insurance benefit for which such individual was first entitled for a month before such individual", (III) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's, widower's, or parent's insurance benefit", and (IV) by striking out "over such widow's or widower's insurance benefit" and inserting in lieu thereof "over such widow's, widower's or parent's insurance benefit".

(vii) Section 202(q)(3)(G) of such Act is amended by striking out "62" each place it appears therein and inserting in lieu thereof "60".

(D)(i) Section 202(q)(5)(A) of such Act is amended by striking out "No wife's insurance benefit" and inserting in lieu thereof "No wife's insurance benefit to which a wife is entitled".

(ii) Section 202(q)(B) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(iii) Section 202(q)(5)(C) of such Act is amended (I) by striking out "woman" and inserting in lieu thereof "wife", and (II) by striking out "65" and inserting in lieu thereof "62".

(E)(i) Section 202(q)(6)(A) of such Act is amended by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parents's".

(ii) Section 202(q)(6)(A)(i)(II) of such Act is amended by (I) by striking out "wife's insurance benefit" to which a wife is entitled", and (II) by striking out "or" at the end thereof and inserting in lieu thereof the following: "or in the case of a wife's insurance benefit to which a divorced wife is entitled, with the first day of the first month for which such individual is entitled to such benefit, or ".

(iii) Section 202(q)(6)(A)(i)(III) of such Act is amended by striking out "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(F) Section 202(q)(7) of such Act is amended—

(i) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, or widower's, or parent's",

(ii) by striking out, in subparagraph (B) thereof, "wife's insurance benefits" and inserting in lieu thereof "wife's insurance benefits to which a wife is entitled", and

(iii) by striking out, in subparagraph (E) thereof, "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(G) Section 202(q)(9) of such Act is amended to read as follows:

"(9) For purposes of this subsection, the term 'retirement age' means age 62."

(7) (A) The heading to section 202(r) of such Act is amended by striking out "Wife's or Husband's" and inserting in lieu thereof "Wife's, Husband's, Widow's, Widower's, or Parent's".

(B) Section 202(r)(1) of such Act is amended (i) by striking out "65" and inserting in lieu thereof "62", and (ii) by striking out "wife's or husband's" each place it appears therein and inserting in lieu thereof "wife's, husband's, widow's, widower's, or parent's".

(C) Section 202(r)(2) of such Act is amended (i) by striking out "65" and inserting in lieu thereof "62", and (ii) by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husband's, widow's, widower's, or parent's".

(b) Section 214(a)(1) of such Act is amended to read as follows:

"(1) one quarter of coverage (whenever acquired) for each calendar year elapsing after 1950 (or, if later, the year in which he attained age 21) and before the year in which he died or (if earlier) the year in which he attained age 62, except that in no case shall an individual be a fully insured individual unless he has at least 6 quarters of coverage; or".

(c) The first sentence of section 215(b)(3) of such Act is amended to read as follows: "For purposes of paragraph (2), the number of an individual's elapsed years is the number of calendar years after 1950 (or, if later, the year in which he attained age 21) and before the year in which he died, or, if it occurred earlier but after 1960, the year in which he attained age 62."

(d) Section 215(f)(5) of such Act is amended to read as follows:

"(5) In the case of an individual who is entitled to monthly benefits for a month after June 1970, on the basis of the wages and self-employment income of an insured individual who prior to July 1970 became entitled to benefits under section 202(a), became entitled to benefits under section 223 after the year in which he attained age 62, or died in a year after the year in which he attained age 62, the Secretary shall, notwithstanding paragraphs (1) and (2), recompute the primary insurance amount of such insured individual. Such recomputation shall be made under the computation methods of this section, as amended by the Social Security Retirement Age Amendments of 1969, which would be applicable in the case of an insured individual who attained age 62 after June 1970."

(e)(1)(A) Section 223(a)(1)(B) of such Act is amended by striking out "sixty-five" and inserting in lieu thereof "62".

(B) Section 223(a)(1) of such Act is further amended by striking out "he attains age 65" and inserting in lieu thereof "he attains age 62".

(2) Section 223(a)(2) of such Act is amended by—

(A) striking out "(if a woman) or age 65 (if a man)",

(B) striking out "in the case of a woman" and inserting in lieu thereof "in the case of an individual", and

(C) striking out "she" and inserting in lieu thereof "he".

(3) Section 223(c)(1)(A) of such Act is amended by striking out "(if a woman) or age 65 (if a man)".

(f) Section 224(a) of such Act is amended by striking out "the age of 62—" and inserting in lieu thereof "the age of 60—".

(g) The first sentence of section 225 of such Act is amended by striking out "age 62" and inserting in lieu thereof "age 60".

(h) Subsections (b), (c), (f), and (g) of section 216 of such Act are each amended by striking out "62" and inserting in lieu thereof "60".

(i) Sections 209(i), 216(i)(3)(A), and 213(a)(2) of such Act are each amended by striking out "(if a woman) or age 65 (if a man)".

(j)(1) Section 216(i)(2)(B) of such Act is amended by striking out "65" and inserting in lieu thereof "62".

(2) Section 216(i)(2)(D) of such Act is amended by striking out "65" and inserting in lieu thereof "62".

Sec. 2. Section 3121(a)(9) of the Internal Revenue Code of 1954 is amended to read as follows:

"(9) any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of 62, if such employee did not work for the employer in the period for which such payment is made;".

Sec. 3. The amendments made by the first section of this Act shall apply with respect to monthly benefits under title II of the Social Security Act for months after June 1970. The amendment made by section 2 of this Act shall be applicable with respect to remuneration paid after June 1970.

Sec. 4. This Act may be cited as the "Social Security Retirement Age Amendments of 1969".

S. 866—INTRODUCTION OF A BILL TO ESTABLISH THE FRENCH PETE CREEK INTERMEDIATE RECREATION AREA

Mr. PACKWOOD. Mr. President, some 60 miles from Eugene, Oreg., in the Blue River district of the Willamette National Forest, is situated one of the most unique spots in the Oregon Cascades—French Pete. Thirty-nine square miles of unlogged, virgin, Oregon wilderness, named after an obscure shepherd who grazed his sheep in the rich valley. Sheep grazing was common there until about 1964.

In the mid-1860's fires had swept the area, leaving small pockets of older timber, sometimes ranging to over 400 years of age.

Last year, I introduced a bill to preserve this approximately 19,000-acre treasure, but Congress did not take action on the proposal, and it died with the adjournment of the 91st Congress. Today I am reintroducing that legislation on behalf of thousands of Oregonians who have expressed their desire to preserve this marvelous watershed. While Congress failed to take action last year on this bill, the people did take action, by thousands of handwritten, individually conceived, letters and cards to me, to the various newspapers, TV and radio stations in Oregon, and to many of my colleagues in Congress. The youth of Oregon took action. Nature's Conspiracy joined with the Save French Pete Committee, and some 500 University of Oregon students rallied to dramatize the importance of the issue involved. National headlines were inspired by this youthful grassroots support for preservation of a relatively small Oregon watershed.

In Washington, a decision to cut the timber was delayed by Forest Service, and a bill to preserve the area was introduced on the House side by the Honorable Edith Green.

There is no doubt that the French Pete issue touched the hearts and the nerves of many Oregonians on both sides of the question. It roused dormant interest on both sides to spontaneous action; it caused many to take a stand they preferred not to take.

Mr. President, we have come upon a question in Oregon which is at the very core of the Environmental Protection Act. The French Pete issue must not be settled by one individual Federal agency, no matter how much we respect its integrity, when thousands of people are lined up on the opposite side of the question. The recent NBC nationwide production, "The American Wilderness," documented the magnitude of interest in this issue. We in Congress simply must provide the platform for honest, open debate on the question, by an open congressional hearing, and I am so requesting the distinguished chairman of the Senate Interior and Insular Affairs Committee to make this possible.

Mr. President, I ask unanimous consent to have the entire text of my bill printed in the Record.

The PRESIDING OFFICER (Mr. Stevenson). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 866) to establish the French Pete Creek Intermediate Recreation Area, introduced by Mr. Packwood, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to develop, protect, and preserve for the use and enjoyment of present and future generations the area known as French Pete Creek Drainage, located within the Blue River Ranger District, Willamette National Forest, State of Oregon, such area is hereby established as the French Pete Creek Intermediate Recreation Area.

(b) The French Pete Creek Intermediate Recreation Area shall be administered by the Secretary of Agriculture in accordance with the provisions of this Act and the laws relating to the national forests. Within such area, there shall be no (1) road construction or timber harvest activities of any kind; (2) use of motor vehicles, motorized equipment, motorboats, or other form of mechanical transport; or (3) structures or installations; except as necessary to meet minimum requirements in connection with the purposes for which such area is administered (including measures required in emergencies involving the health and safety of persons within such area, and the removal of dead trees which create a fire hazard).

(c) Notwithstanding the provisions of subsection (b) of this section, the Secretary of Agriculture may provide for trail construction, primitive walk-in campsites, trail bridges, sanitary facilities, and other necessary facilities to further the purposes for which such area is administered. The lands within the recreation area established by this Act, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws.

Sec. 2 The Secretary of Agriculture is authorized to issue such regulations as may be necessary to carry out the provisions of this Act.

Sec. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 867—INTRODUCTION OF A BILL TO CREATE THE BUREAU OF CONSUMER PROTECTION

WHY WE MUST CREATE A SEPARATE CONSUMER PROTECTION AGENCY

Mr. MONTOYA. Mr. President, there are many different kinds of pollution. Each affects a different portion of our total environment. The marketplace where America shops for goods and services is polluted by questionable merchandise and practices. We require protection against these as well as against bad water and impure air.

The overwhelming majority of our manufacturers, businessmen, and repair people are scrupulously honest. A few, however, busily engaged in defrauding consumers and are muddying the waters for all of us, stirring up a cry for overdue action on the part of Congress.

Consumer protection is not merely a catchword. It has become a reality or a desperately desired necessity for millions of citizens. Our needs fall into several major categories.

First, there is enforcement of existing laws passed by the Congress. We have placed some very significant pieces of legislation on the books, and the people of the Nation have a right to expect conscientious enforcement of these laws.

I include in this category measures such as the Wholesome Meat Act, Wholesome Poultry Act, Flammable Fabrics Act, Truth-in-Lending, Truth-in-Packaging, Safe Toy Act, Poison Prevention Packaging Act, and several others. It is a sad fact of life today in the marketplace that a good many of these measures are not being enforced. This cannot be denied. It is one of the scandals of the Federal Government and its consumer protection structure. No evasions can avoid the guilt for this shameful state of affairs. Mr. President, the Nation desperately needs a central consumer protection agency within the Federal Government that will make it its business to oversee the enforcement of these laws.

It is absolutely certain that these measures I have already listed are but the cutting edge of major institutional reforms in the consumer protection area. In this Congress and in the years to come, it is virtually certain that major pieces of consumer protection legislation will be placed on the statute books by an aroused Congress motivated by an outraged public. Investigations are already afoot in several areas where reform has been badly needed for years. Auto insurance immediately suggests itself. Warranties and guarantees come to mind, also. Life insurance is another industry where a good long look around is merited. Auto safety cries out for Federal action, as does tire safety, clean fish, dating of foods and other perishables. And this is only the most partial listing of evils and abuses that have affected major portions of the consuming public.

It is not enough to deplore. It is not enough to solemnly condemn it and look to industry to police itself. In some cases, this will occur. In most instances, reform will only come after a national legislative initiative has been taken.

For this series of reasons, I believe we must have an independent agency within the Federal Government committed to consumer protection. I am therefore introducing today S. 867, the Consumer Protection Act of 1971. The bill would set up such an independent agency, to be called the Bureau of Consumer Protection. It is identical to S. 3165, which I introduced on November 20, 1969, during the first session of the 91st Congress. There have been attempts made to water down this concept. None have succeeded because none of the substitutes would do the job which now is required. Nevertheless, debate on this and several substitutes will, in all probability, mark this Congress.

Mr. President, the Senate passed on December 1, 1970, Senator Ribicoff's measure, S. 4459—the Consumer Protection Organization Act of 1970. However, this valuable progressive measure died with adjournment of the 91st Congress because of the absence of final action on the part of the House of Representatives.

I understand that H.R. 14, recently introduced in the House, is the equivalent of this measure—the same as the one introduced in that body during the 91st Congress. One significant difference to be noted between the measure I am introducing here today and the House measure is that the House measure establishes an Office of Consumer Affairs in the Executive Office of the President. A similar office now exists in the form of Mrs. Knauer's office.

With all due respect to the efforts of Mrs. Knauer, I feel that such an office can be most effective when acting as an independent agent of the consumer. It must be an independent bureau rather than part of the Executive Office of the President. It must have responsibility to the consumer rather than primarily to the President. Independence is the key to effective Federal consumer protection. Without it, there will be no enforcement of any law, no matter how stringent its provisions. I made this point last year in testimony before the Subcommittee on Executive Reorganization and Government Research of the Senate Government Operations Committee.

During the first session of the 91st Congress, the President recommended to Congress establishment of a new White House Consumer Affairs Office. Such an office, together with a sub-Cabinet consumer protection unit within the Department of Justice, would supposedly provide adequate protection for the Nation's consumers. This proposal has proven out to be highly unsatisfactory. Once again, it must be asserted that consumer protection on a Federal level must be based in an independent agency in order to be viable, credible, and effective. Diffusing it in the manner described would only have the effect of diluting what power could be delegated to it.

Since that time, the administration has not seen fit to submit updated consumer protection proposals to the Congress. It has been suggested that this has been the case because of the Government reorganization plans which are under study.

The measure I have today reintroduced is badly needed, as most authorities in the field readily concede. There must be a central concentration point for the consumer protection effort. Existing regulatory agencies, such as the FTC, have come into nationwide disrepute in recent years. This has been because they have not utilized their powers of regulation effectively and consistently to protect the public. There is no reason to believe that giving one or another of them the kind of power needed to protect the consumer would lead to any radical new departure on their part.

What we must do now is utilize our knowledge of marketplace evils and consumer demands to creat a viable agency that can and will respond. This bill would effectively do just that. It is to be hoped that we will press forward in order to reach that goal.

Mr. President, I ask unanimous consent to have printed at this point in the Record the contents of my bill.

The PRESIDING OFFICER (Mr. Stevenson). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 867) to create the Bureau of Consumer Protection and providing for the appointment of a director, and for other purposes; introduced by Mr. Montoya, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S. 867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Act of 1971."

BUREAU OF CONSUMER PROTECTION

Sec. 2. (a) There is hereby established an independent agency in the Federal Government to be known as the Bureau of Consumer Protection, hereinafter referred to as the "Bureau". The Bureau shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate. There shall also be in the Bureau a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate. The Deputy Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director, he shall act as Director.

(b) The compensation of the Director of the Bureau shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director of the Bureau of the Budget.

(c) The compensation of the Deputy Director of the Bureau shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(d) There shall be in the Bureau a General Counsel (referred to herein as the "Consumer Counsel") who shall be appointed by the President by and with the advice and consent of the Senate. The Consumer Counsel shall perform such duties as the Director may direct. The Consumer Counsel shall also act as Director during the absence or incapacity of the Director and Deputy Director and may be designated by the Director to act as Deputy Director during the absence or incapacity of the Deputy Director.

(e) Except as hereinafter provided in this section, the Director and the Deputy Director shall hold office for fifteen years. The Director shall not be eligible for reappointment. The Director or the Deputy Director may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Director or Deputy Director has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any Director or Deputy Director removed in the manner provided in this section shall be ineligible for reappointment to that office.

(f) The Director, under such rules and regulations as the President may prescribe. shall appoint attorneys and other employees and shall make whatever expenditures may be necessary to administer the Bureau and to carry out its mission within the appropriations made therefor.

FUNCTIONS

SEC. 3. In order to protect the interests of consumers in the United States the Bureau is authorized to perform the following functions:

(a) to coordinate the activities of all Federal departments concerned with matters affecting the interests of consumers and, where necessary, to submit such reports and make such proposals to the President to eliminate overlap, conflict or other problems tending to interfere with the Government's overall program on behalf of or in the interest of consumers;

(b) to represent the viewpoint of consumers of goods and services within the United States in the formulation and implementation of policies of the Government of the United States and of the several States which affect the economic and other interests of consumers;

(c) to establish and staff consumer centers in major population centers to facilitate the presentation of grievances by consumers, to advise consumers of methods available to them to resolve said grievances and to identify and recommend legislative or executive solutions to problems affecting substantial numbers of consumers; except that nothing contained herein shall be construed as a requirement that such a consumer center be established in any case where the State or local government has established a similar instrumentality to perform the functions enumerated in this section, but in any case standing the establishment of such a local or State instrumentality to perform functions enumerated in this section, to establish a consumer center, the duties and functions of said consumer center shall be limited in order to avoid conflict and duplication with those being performed by the State or local instrumentality;

(d) to receive, evaluate, and negotiate voluntary adjustments of complaints of consumers concerning consumer products and services and trade practices detrimental to the economic and other interests of consumers, and to receive, evaluate, and negotiate the voluntary adjustment of complaints of consumers with Government agencies of the United States and of the States;

(e) to collect, coordinate, and disseminate in appropriate form information compiled by other Federal agencies or departments relating to the safety, performance, and quality of consumer goods and services;

(f) to encourage, support, and coordinate research leading to improved products, services, and consumer information;

(g) to initiate programs and encourage the expansion of existing consumer education programs at all school levels and through adult continuing education programs and to encourage, assist, and coordinate neighborhood consumer counseling services, except that the execution and administration of such programs shall be conducted through the facilities of State and local governments where, in the discretion of the Director, the State or local programs are determined to adequately meet the needs of the consumer for such programs;

(h) to provide technical assistance to State and local government agencies engaged in consumer programs:

(i) to assist State and local governments in the enactment of laws designed to provide greater protection to all consumers where such assistance is requested by the State or local government; and

(j) to encourage and assist representatives of commerce and industry in their efforts to undertake programs designed to provide higher quality products and better service for consumers generally.

CONSUMER PROTECTION

SEC. 4. (a) Whenever there is pending before any regulatory agency of the United States (as defined by subsection (f) of this section) any matter or proceeding which does not involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States or any rule promulgated thereunder, and the Director finds that the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Director shall be entitled as a matter of right to intervene in such matter or proceeding as a party to represent the interest of consumers by filing with such agency a duly certified copy of the finding so made by the Director. Upon any such intervention, the Director, through the Consumer Counsel or any other employee of the Bureau designated by the Director for that purpose, shall present to such regulatory agency, in conformity with the rules of practice and procedure thereof, such evidence, briefs, and argument as it shall determine to be necessary for the effective protection of the interests of such consumers.

(b) Whenever—

(1) there is pending before any regulatory agency of the United States any matter or proceeding relating to the trade or commerce of the United States which does involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States, or any rule promulgated thereunder, or

(2) there is pending before any district court of the United States any matter or proceeding involving the trade or commerce of the United States to which the United States or any regulatory agency of the United States is a party,

the Director upon his own motion may, and upon written request made by the officer or employee of the United States or such regulatory agency who is charged with the duty of presenting the case for the Government in that matter or proceeding shall, certify to such officer or employee all evidence and information in the possession of the Bureau relevant to that matter or proceeding.

(c) Whenever there is pending before any appellate court of the United States any matter or proceeding involving the review of—

(1) an order or determination made by any regulatory agency of the United States relating to the trade or commerce of the United States, or

(2) any judgment, decree, or order entered by a district court of the United States in any civil action involving the trade or commerce of the United States, and the Director finds that the action taken by the appellate court upon such review may affect substantially the interests of consumers within the United States, the Director, subject to the rules of practice and procedure of such appellate court, may make application to that court for leave to file in such matter or proceeding a brief as amicus curiae, or to present to the court oral argument therein, or both, except that no such application may be filed by the Director without the consent of the Attorney General in any matter or proceeding (A) to which the United States or any regulatory agency of the United States is a party, or (B) in which the Attorney General has been granted leave to intervene on behalf of the United States or any regulatory agency of the United States. Upon the filing by the Director of such application, supported by a duly certified copy of the finding so made by the Director and such other showing as the court may require to demonstrate that the action taken upon such review may substantially affect the interests of consumers within the United States, the appellate court in its discretion may grant such application.

(d) Whenever there is pending before any department or independent agency of the United States any matter or proceeding relating to the trade or commerce of the United States which does not involve the adjudication of the alleged violation, by an individual or corporation named as a defendant or respondent therein, of any statute of the United States, or any rule promulgated thereunder, and the Director finds that the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Director shall be entitled as a matter of right to intervene in such matter or proceeding as a party to represent the interest of consumers by filing with such agency a duly certified copy of the finding so made by the Director. Upon any such intervention, the Director shall present to such agency, in conformity with the rules of practice and procedures thereof, all evidence and information in the possession of the Bureau relevant to that matter or proceeding.

(e) The Consumer Counsel, or any other Attorney of the Bureau specially designated by the Director for that purpose, shall be entitled to enter an appearance on behalf of the Director before any court (except the United States Supreme Court) or regulatory agency of the United States, without other compliance with any requirement for admission to practice before such court or agency, for the purpose of making any application or taking any action which is authorized by subsection (a), (b), (c), or (d) of this section.

(f) For the purposes of this Act the term "regulatory agency" includes any agency, board, commission, or other institution within the Federal Government which is charged with administrative or regulatory duties with respect to trade or commerce of the United States.

STUDIES AND CONSUMER COMPLAINTS

SEC. 5. (a) It shall be the duty of the Bureau and its consumer centers to conduct studies, and to receive and evaluate complaints from consumers of the United States without regard to membership in the Council, concerning—

(1) consumer products and commercial and trade practices employed in the production, distribution, and furnishing of goods and services to or for the use of consumers which may be detrimental to their economic or other interests; and

(2) governmental action or inaction on the part of Government agencies of the United States and of the States detrimental to the economic or other interests of consumers.

(b) Upon receipt of any complaint disclosing the distribution of a product, the rendering of a service, or the use of any commercial or trade practice detrimental to the economic or other interests of consumers within the United States in any consumer products industry or by any producer, distributor, or supplier of consumer goods or services, or governmental action or inaction detrimental to the economic or other interests of consumers, which in the opinion of the Bureau does not violate any law of the United States or any State, the Bureau or a consumer center may undertake to provide for the adjustment of that complaint with the consent of the parties to the controversy through voluntary negotiation or arbitration. If in the opinion of the Bureau such practice is in violation of any law of the United States or any State, the Bureau shall refer the complaint to the Government agency whose regulatory or other authority provides the most effective available means to obtaining appropriate relief or to proceed against such violation of law.

(c) If the Bureau finds that no equitable voluntary adjustment of the complaint can be obtained, that no public law has been violated or if violated the Government agency having jurisdiction to enforce the law violated fails to act or is dilatory in action, that in its opinion legal remedial action is available by individual or class action for relief, and the matter involved in the complaint has sufficient economic effect upon consumers generally, the Bureau, subject to applicable statutes and rules of practice and procedure, may (1) furnish legal and other assistance necessary to the filing and prosecution of an appropriate remedial action in a State or Federal court of competent jurisdiction, or (2) institute and prosecute a class action to obtain appropriate civil relief for the benefit of a designated class of consumers.

CONSUMER INFORMATION

SEC. 6. (a) Under such regulations as the President may prescribe, the Director may request and shall receive from any Federal department or agency such information as he may from time to time require.

(b) The Director, or any employee of the Office acting for and on behalf of the Director, shall receive from consumers and evaluate complaints concerning trade or commercial practices or other matters which may adversely affect consumers and shall take whatever action may be appropriate to resolve the complaint or other matter, including, but not limited to, referral to an appropriate Federal, State, or local agency. If no agency exists to which the particular matter can be referred or the agency to which a matter is referred fails or refuses to take action in connection with said matter, or any part thereof, the Director may provide conciliation or mediation services or, if the parties agree, final and binding arbitration.

(c) The Director shall have for any of the purposes described in section 3 the authority to gather and compile information from governmental and nongovernmental sources and, where appropriate, shall analyze and make such information available in appropriate form to the public or other governmental agencies.

(d) For the purposes of conducting surveys and investigations under this Act, the Director shall have all powers which are conferred upon the Federal Trade Commission by section 9 of the Federal Trade Commission Act with respect to the conduct of investigations made by that Commission under that Act, except that the Director may not grant to any person any immunity from prosecution, penalty, or forfeiture in accordance with the provisions of that section without first obtaining the written consent of the Attorney General and serving upon such person a duly certified copy of any consent therefor granted by the Attorney General. The provisions of section 10 of the Federal Trade Commission Act shall apply to the act or omission of any person, partnership, or corporation with regard to any subpena, order, requirement, or information of the Director to the same extent, and with the same effect, as if such act or omission had occurred with regard to a like subpena, order, or requirement, or with reference to like information, of the Federal Trade Commission.

ANNUAL REPORT

SEC. 7. The Director shall transmit to the Congress in January of each year a report which shall include a comprehensive statement of the Bureau's activities, including a summary of the major problems confronting the Bureau, methods utilized in dealing with such problems, recommendations for additional legislation necessary or desirable to protect consumer interests, recommendations for organizational changes within the executive branch to provide more efficient service to the consumer, and such other information as the Director may deem pertinent to the mission of the Bureau, or as Congress may require.

APPROPRIATIONS

SEC. 8. There are hereby authorized to be appropriated to the Bureau such sums as may be required to carry out the provisions of this Act.

S. 868—INTRODUCTION OF A BILL RELATING TO IMPROVING THE TRUTH-IN-PACKING ACT

Mr. NELSON. Mr. President, today I am reintroducing a proposal which was first presented in the 91st Congress, which would relieve shoppers of the burden of having to be mathematicians when they go to the supermarket.

This bill is a modified version of the one introduced on March 7, 1969, as S. 1424. An identical companion bill is being introduced this week in the House of Representatives by Representative BENJAMIN ROSENTHAL of New York. Passage of this legislation would finally give this Nation's shoppers a real opportunity for comparative shopping—to be able to determine which product actually is the least expensive.

Consumer studies taken since the enactment of the Truth-in-Labeling Act have shown that this law has not succeeded in eliminating deception and confusion from the marketplace.

Despite the intent of Congress in 1966 to remove deceptively packaged products from supermarkets and stores, consumers today must still be mathematicians before they can select the best bargain from among the vast variety of odd-sized packages on the market.

It is virtually impossible for shoppers to compare prices when they are confronted for instances by 32 different choices of pancake mix in 13 different sized packages at 21 different prices.

This proposal would amend the 1966 Fair Packaging and Labeling Act to require posting of the price per unit of consumer commodities, including food, household goods, drugs, and cosmetics. This price per unit could be either affixed to the label of the particular commodity, or displayed on a sign in close proximity to the point of display.

For example, a 60-cent package of pancake mix, containing 42 ounces, would be priced not only at 60 cents but also at 23 cents per pound. Products would be priced on a per ounce or pound basis for solid commodities, per ounce, pint, or quart for fluids, and per unit for items like napkins.

This legislation is vitally needed because the Fair Packaging and Labeling Act of 1966 is not really giving the aid to consumers that Congress had hoped. Congress and the proponents of that act placed in it a provision that every consumer commodity be labeled both in terms of ounces, and, if applicable, in pounds for weight units. Similar requirements apply for volume packages as well as for liquid measure. Thus, on consumer packages today, a package contains a label stating its weight of 1 pound 7 ounces and also a total weight of 23 ounces.

It was hoped in 1966 that the act would enable consumers to make better comparisons of packages than had been possible with only one form of weight stated on the package. In urging passage of the Fair Packaging and Labeling Act of 1966, President Johnson pointed out that:

> Practices have arisen that cause confusion and conceal information even when there is no deliberate intention to deceive. The housewife often needs a scale, a yardstick, and a slide rule to make a rational choice. She has enough to do without performing complicated mathematics in the stores. An accurate and informative package and label need not add to the producer's cost. It will add to the welfare of the American consumer.

However, the results of two California consumer tests, conducted before and after the passage of the Truth-in-Packaging Act, have indicated that housewives are no better able today to select the most economical buys among everyday grocery items than they were 9 years ago.

In 1962, five college-educated housewives were asked to purchase a total of 70 items based on the lowest unit cost. The women made 36 correct choices and 34 incorrect ones.

In an identical test made after the Truth-in-Packaging Act, the women made 38 incorrect selections, four more than in 1962, and only 32 correct choices.

This and other similar research clearly shows that additional legislation is needed to end confusion in the marketplace. Every consumer should have the right to judge products on their merits alone and not be misled by deceptively priced packages.

This requirement for per unit pricing would not be new to American supermarkets. It has long been a practice to print the per pound price on packages of meat, fish, and poultry.

Also, since the first introduction of this proposal in 1969, several grocery chains across the country have instituted programs of unit pricing on some, or all, of their merchandise. In December of 1970, according to the National Association of Food Chains, some 35 supermarket chains had moved to unit pricing.

Although these uses of unit pricing are still in their early stages, it is apparent that once customers learn what unit pricing is and how to use it, their desire for it is overwhelming. As reported in the February 1971 issue of Consumer Reports magazine, preliminary studies showed that of those who attempted to use unit pricing labels, approximately 90 percent found them helpful in making the most of their shopping dollar.

Present experience with the concept of unit pricing thus emphasizes clearly that passage of this measure would be a boon to the American shopper.

As mentioned earlier, this bill is a modification of the earlier proposal. Of two major changes in the bill, the first would allow the price per unit to be posted on a sign or label in close proximity to the area of display, as well as on the label of the package itself, as was stipulated in the earlier version of this measure. Experience has shown that this method is equally helpful for the shopper, and considerably less expensive for the supermarket owner.

The second modification would exempt from the provisions of this act those small, individually owned stores for which the requirement of unit pricing would pose a financial burden. As has been shown in recent experiments, the institution of unit pricing by large supermarket chains results in a negligible expense. Yet it is felt that some small stores would be significantly hurt if required to post unit prices, and this bill specifically exempts those establishments.

Mr. President, it is my belief that this proposal should receive an early hearing in the 92d Congress. The benefits and potential savings which unit pricing can provide should not be denied the American consumer any longer. If shoppers are expected to make intelligent decisions in their buying, they should be able to compare prices on products without having a calculating machine in their shopping carts.

I ask unanimous consent that an article from the January 1969 issue of Consumer Reports magazine, entitled "What's Happened to Truth in Packaging?" be placed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Stevenson). The bill will be received and appropriately referred; and, without objection, the articles will be printed in the Record.

The bill (S. 868) to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes, introduced by Mr. Nelson, was received, read twice by its title, and referred to the Committee on Commerce.

The article submitted by Mr. Nelson is as follows:

[From Consumers Report, January 1959]

What's Happened to Truth in Packaging?

"We can't compare prices," housewives complained during the long fight for a truth-in-packaging bill. Can prices be compared now, two years after the Federal Fair Packaging and Labeling Act was signed into law?

The troublemaker has been the odd-sized package, which almost completely superseded the pound, the pint and the quart as basic pricing units for household commodities. All manner of peculiar package sizes boggled the mind, often with deception intended. Manufacturers instituted the practice of "packaging to price"—taking covert price increases by cutting quantity. A 150-sheet box of tissues quietly dropped in quantity to 125, say, or a 16-ounce can of vegetables to 14½ ounces—with no reduction in price.

Down the long self-service aisles, the package has done the selling. Some consumers may have found cart-shopping more convenient and efficient than waiting while the corner grocer pulled down a package from a ceiling-high pile with his long-handled clamp. But the grocer at least knew his prices per pound—and would tell you. The odd-sized package defied you to find out for yourself. Somewhere—anywhere—on the surface of the can, bag, box, carton, or bottle a statement of net quantity lurked. Somewhere else, usually, was a price, often smudged and indecipherable. Once you'd managed to ferret out the pertinent data, all you had to do was engage in some modest calculating. Let's say a box of detergent was labeled "1 lb. 7 oz. net weight" and stamped "3/89."

Step 1: Convert odd-sized quantity to total ounces (1 pound 7 ounces equals 23 ounces).

Step 2: Convert multiple price into price per package (3 for 89¢ comes to about 30¢ a package) or price per total ounces (3 times 23 equals 69 ounces for 89¢).

Step 3. Divide price by quantity to get price per ounce (30¢ divided by 23 ounces or 89¢ divided by 69 ounces equals about 1.3¢ per ounce).

Step 4: Convert price per ounce to price per pound or pint, frequently a more realistic measure of effect on the purse (16 times 1.3¢ equals about 21¢ per pound).

Step 5: Repeat process for the several competing brands and sizes of the same product.

Step 6: Make whatever quality judgments you can, based on almost no label information about comparative quality.

Step 7: Make a selection based on price, quality judgment and brand preference.

THE PROWLING COMPUTER

"A woman in a store is a mechanism, a prowling computer," said Scott Paper Co. when arguing against truth-in-packaging legislation. To be a successful comparison shopper, one really *did* have to be some kind of calculating machine. But few women are.

The Fair Packaging and Labeling Act, which was signed into law November 3, 1966, was intended to allow flesh-and-blood shoppers to make intelligent price comparisons. As we said at the time, the act provided "some truth-in-packaging . . . but not enough" (Consumer Reports, February 1967). The act requires statements of net quantity in standard form to appear in a well-defined place and in reasonably large type on the front or main panel of every package entering interstate commerce. (State labeling laws are being revised to conform to the Federal rules.) The quantity declaration has to be made in total ounces to eliminate one conversion step from price computations. Larger units of measure must be declared as well, if the package holds from one to four pounds or from one quart to one gallon. Example: 28 oz. net weight (1 lb. 12 oz.).

The act also has provisions that could help the Government reverse the trend to proliferating package sizes, curb deceptive claims on cents-off labels, clamp down on oversized packages (slack fill), and standardize the meaning of such package-size rubrics as "Regular," "Giant" and "King."

A big problem facing the Federal Trade Commission and the Food and Drug Administration, which were the agencies assigned to write and enforce labeling regulations, has been cripplingly small budgets. As a result they have been slow in getting started. But "Truth Day" for labels on food products did finally come last July 1, although the FDA extended the deadline one more year for thousands of brands. Nonfood labeling comes under the gun on July 1, 1969, except that as this issue went to press, no date had been set for cosmetics and nonprescription drugs.

Even with administrative action proceeding at such a crawl, the Fair Packaging and Labeling Act has had an impact. Against the kaleidoscope of 8000 ever-changing package faces on supermarket shelves, a pattern of candor is already emerging. Net quantity statements on many if not most packages have moved around to the front and, usually, the lower third of the panel. The type is growing larger, bolder and more contrasting in color. Quantity is more and more often expressed in total ounces.

There was enough apparent improvement by the end of last October to justify a look at whether the new law is, indeed, helping consumers to compare prices. So CU commissioned a study of how that "prowling computer," the housewife, is doing these days.

As a point of reference we turned to a test conducted in 1962 in Sacramento, Calif., under the aegis of the California Consumer Counsel, Helen Ewing Nelson. She had sent to a supermarket five college-educated women who shopped regularly for the family larder. Their instructions were to buy 14 specified everyday grocery items. They were told to disregard brand preferences and quality in making their choices, but to buy the package that, in their judgment, offered the largest amount of the product for the lowest unit cost. The five women had a total of 70 items to buy. Of the 70 selections they made, 34 were wrong. About half of the time, those five women—experienced shoppers well above the average educational level—were just plain unable to recognize the best price when they saw it.

How well might they be expected to do in 1968? In practical consumer terms, what had the Fair Packaging and Labeling Act accomplished in its two years of existence? We arranged for five women, with educational backgrounds and homemaking experience similar to those of the 1962 group, to take an identical test. It was directed by a nonprofit group, the Consumer Research Foundation (headed by Mrs. Nelson, who has since returned to private life and is now on CU's Board of Directors). A list containing the same 14 everyday grocery items was handed to each of the five housewives. They were dispatched, half an hour apart and unbeknownst to each other, to the same Sacramento supermarket where the previous test had been held. Their instructions, as before: In a two-hour time limit, select the package of each item that offers the largest amount at lowest price per product unit.

The shopping list appears in the table below. Some items on it had not yet come under the act. Dog food was one. Because it contains meat, it is permanently exempt, but it does fall under the similar labeling rules of the Department of Agriculture. The four nonfood items—liquid dishwashing detergent, toilet soap, toilet tissue and shampoo—do not yet have to comply with the truth-in-packaging rules. The other nine items, however, had been packaged and labeled under the FDA rules for four months, and a new frankness in labeling was indeed discernible.

Not discernible, however, was any reduction in the number of package choices. In fact the display of groceries had continued to proliferate. In 1962 those 14 products were represented by 246 brands, types and sizes. This time the number had gone up to 286—an increase of 16 per cent. It was no surprise, then, that the women took longer to make their selections. In 1962 average shopping time was 43 minutes; last fall the average time was 50 minutes.

CURSES, FLUNKED AGAIN

It's discouraging to have to report that the 1968 shoppers did not improve on the record of correct choices made in pre-truth-in-packaging days. This time, in fact, the women were a bit less successful. They made 38 wrong choices, as compared with 34 wrong ones in 1962:

	1968 results		1962 results	
	Right choice	Wrong choice	Right choice	Wrong choice
Rice	3	2	0	5
Canned tomatoes	3	2	3	2
Hot cereal	2	3	4	1
Chunk Cheddar cheese	2	3	5	0
Canned tuna	5	0	2	3
Salt	4	1	2	3
Imitation maple sirup	2	3	3	2
Pancake mix	0	5	3	2
Peanut butter	3	2	3	2
Dishwashing detergent	3	2	3	2
Toilet soap	1	4	0	5
Toilet tissue	2	3	4	1
Liquid shampoo	1	4	1	4
Canned dog food	1	4	3	2
Total	32	38	36	34

It's obvious, then, that plainer labelling alone doesn't solve the shopper's difficulty. At the pancake-mix display, for example, most labels appeared to conform to regulations, and the rest at least made no secret of quantity. Yet nobody found the brand at lowest unit price (see below). One can sympathize if the shoppers felt too discouraged to do the necessary mathematical computations for 32 selections in 13 different sizes of flour—excluding boxes and sacks. Under somewhat less unfavorable conditions (25 selections in 11 different sizes), three shoppers had made the correct choice last time.

At the dog-food shelf the results were little better. The (presumably) USDA-approved quantity declaration on each can was forthright enough. Yet the shoppers in 1968 had less success in buying the right dog food than the 1962 shoppers did. Perhaps it's no wonder in view of the explosion of brands and types—from 14 to 35, canned in nine net weights, up from five. Only one shopper recognized the day's bargain price for canned dog food.

Not only *didn't* the shoppers make a reasonable number of correct choices, they *couldn't*—not in any practical terms. It took the five-woman project staff six hours and the services of an electric calculating machine to get all the answers figured out.

PANCAKE MIXES FOUND ON DISPLAY IN 1 SACRAMENTO SUPERMARKET

	Net contents as stated on package	Price on package	Calculated price per pound[1]
Albers flapjack buttermilk	32 oz. (2 lb.)	$0.41	$0.21
Aunt Jemima buttermilk	2 lb.	.65	.33
Do	4 lb	.79	.20
Aunt Jemima buttermilk[2]	32 oz. (2 lb.)	.65	.33
Aunt Jemima	32 oz. (2 lb.)	.53	.27
Aunt Jemima buckwheat	32 oz. (2 lb.)	.57	.29
Aunt Jemima deluxe easy pour	2 lb	.57	.29
Betty Crocker buttermilk	28 oz. (1 lb. 12 oz.)	.51	.29
Do	42 oz. (2 lb. 10 oz.)	.60	.23
Do	4 lb	.83	.21
Betty Crocker complete buttermilk	26 oz. (1 lb. 10 oz.)	.55	.34
Do	40 oz. (2 lb. 8 oz.)	.69	.28
Do	56 oz. (3 lb. 8 oz.)	.85	.24
Bisquick Variety baking mix	20 oz. (1 lb. 4 oz.)	.31	.25
Do	40 oz. (2 lb. 8 oz.)	.44	.18
Do	60 oz. (3 lb. 12 oz.)	.63	.17
Fisher's Deluxe Biskit all purpose mix	40 oz. (2½ lb.)	.39	.16
Krusteaz old-fashioned buttermilk	56 oz. (3 lb. 8 oz.)	.79	.23
Lund's Sweedish pancake mix	1 lb	.43	.43
Morrisons Bis-Kits prepared biscuit mix	6 oz	.10	.27
Morrisons Pan-Kits prepared pancake mix	6 oz	.10	.27
Pillsbury extra lights	48 oz. (3 lb.)	.55	.18
Do	4 lb	.79	.20
Do	8 lb	1.45	.18
Pillsbury buckwheat	32 oz. (2 lb.)	.55	.28
Pillsbury sweet cream	2 lb. (32 oz.)	.65	.33
Pillsbury Hungry Jack buttermilk	16 oz. (1 lb.)	.39	.39
Do	32 oz. (2 lb.)	.57	.29
Do	48 oz. (3 lb.)	.77	.26
Do	64 oz. (4 lb.)	.89	.22
Pillsbury Hungry Jack pure wheat	2 lb	.49	.25
Sambos instant pancake mix	1 lb. 12 oz. (28 oz.)	.51	.29

[1] To nearest cent.

[2] With "free" 5½-oz. bottle of sirup.

But the shoppers tried. Lacking a calculating machine, and not themselves being prowling computers, they tried short-cuts. For example: All five bought the right can of tuna fish, probably because it was the only brand of grated tuna and because all the women correctly assumed that to be the lowest-priced type.

But shortcuts didn't always work. The largest size was not necessarily the one with the lowest unit price, for example, nor was the smallest necessarily the most costly. A 16-ounce can of tomatoes cost more per pound that an 8¼-ounce can, and a roll of 650 sheets of toilet tissue gave more sheets for the money than a 1000-sheet roll.

Even when the largest-quantity package did offer the lowest unit price, the shoppers didn't always spot it. Only two bought the five-pound box of *Buckeye Rolled Oats* as the right choice in thrifty hot cereals among the 31 different selections in 15 sizes filling the shelf. Feeling pressed for time, one shopper bought hominy grits on the logical—but incorrect—theory that it would give the most for the money. It cost half again as much per pound as the rolled oats. Indeed, the prices represented in those 31 different cereal packages ranged from 15c to 98c a pound.

Things went better at the rice display, where the number of package sizes had dropped from six in 1962 to four in 1968 (though the one-pound size, missing in 1962, was missing still). No one had found the right choice last time, but in 1968 three women did. That's progress of a sort in the Sacramento Valley, one of the nation's richest rice-growing regions.

It would appear, then, that the odd-sized package is still the consumer's most formidable foe in the battle of the bargains. Forthright disclosures of quantity and price are not much help so long as they are obscured by enough variety of package sizes to discourage the computations needed to make quantity and price figures meaningful.

PRODDING THE PACKAGER

The key to success in comparison shopping, CU and many others have argued, lies in mandatory Federal standards for package sizes. They should be limited for each product to as few as logically meet consumers' needs; and common-sense pound and pint units should be reestablished. Once held to a few logical quantities, manufacturers could no longer conceal price hikes by lopping off an ounce or a fraction of an ounce here and there.

When the present law was under consideration, the manufacturers concentrated their lobbying effort on defeating Federal regulation of package sizes. They succeeded in getting the proposed provision watered down to a point where the Secretary of Commerce may only make a *finding* of undue package proliferation in a given product line. He cannot force an industry to change its ways.

Nevertheless, the threat of a proliferation finding has served as a prod in itself. By late 1968, the Secretary had goaded 48 packaging industries toward reducing or agreeing to reduce the number of their package sizes to a standardized set. The whole program is strictly voluntary and unenforceable. But significant reductions in number of sizes have already been announced as in effect for most types of dry detergents, jams and jellies, mayonnaise and salad dressing, peanut butter and pickles. As of January 1, the list was to be expanded to include dry cereals (except single servings), cookies and crackers, instant coffee, and salad and cooking oils. A third batch of reductions is due to start July 1. The Commerce Department cautions, though, that nonstandard sizes will continue to be sold until inventories are used up.

The new standards, if adhered to, would be welcome. They would, for example, reduce the sizes of toothpaste from 57 to a mere 5; of dry detergent from 24 to 6; of adhesive bandage from 37 to 10; of paper towel from 33 to 8; of dry cereal from 33 to 16; of cookies and crackers from 73 to 56; and of macaroni products from 32 to 16. With that kind of reductions, the food industry itself should enjoy fat savings from marketing efficiencies.

But in many instances the consumer may be no better off than before because even a significant reduction in package sizes at the disposal of manufacturers will not necessarily reduce the variety of sizes displayed in any given supermarket. In the Sacramento store chosen for our shopping test shoppers found six sizes each of imitation maple syrup and peanut butter. With the kind of odd-size problem we've described, six computations were difficult enough. Yet the new standards would merely ask manufacturers to limit themselves to 16 sizes of syrup and 12 sizes of peanut butter. Whatever cutting down may take place during packaging, it's not likely to show upon the shelves of that particular supermarket in Sacramento, nor in stores anywhere else, we'd guess.

So much for truth-in-packaging, 1969. Judging by this look at it, the consumer still can't compare prices and cannot anticipate being able to compare them any time soon. CU is now convinced that we did not go far enough in our proposals for price disclosure.

The best method for making comparisons stares out from just about every supermarket meat counter. Because of their random size, meat and poultry have long been subject to state laws requiring declaration not only of weight and price but also of price per pound.

Why shouldn't all packages be labeled with the price per pound or pint or other relevant unit? In considering such a requirement, the drafters of the Fair Packaging and Labeling Act decided it might be too costly for the small, independent grocer. Since manufacturers could not usually print prices on their packages without violating the laws against price-fixing, the price labeling job would fall, as it does now, to the retailer. But regional offices of supermarket chains could readily include unit prices on the master price lists sent to all store managers, and suppliers could equip small groceries with easy-to-use price tables. The extra cost, if any, would probably prove negligible.

CU therefore urges Congress to amend the law to require unit pricing. Further, we suggest that the price unit should represent the quantities customarily purchased—not price per ounce (unless possibly for caviar, spices and such) but price per pound, per pint, per 100 paper towels and so forth). Many CU readers have already asked why that pricing system isn't used to solve their shopping problem. A letter-writing campaign to your Senators and Representatives would seem to be in order. It's high time to turn all those prowling computers back into people again.

S. 869—INTRODUCTION OF A BILL TO EXTEND TO UNMARRIED INDIVIDUALS THE TAX BENEFITS OF INCOME SPLITTING ENJOYED BY MARRIED INDIVIDUALS FILING JOINT RETURNS

Mr. RIBICOFF. Mr. President, I introduce for appropriate reference a bill to extend to unmarried persons the tax benefits of income-splitting now enjoyed by married persons filing joint returns.

As many of us know the income splitting procedure arose out of a historical accident. Before World War II, eight States had community property laws which treated income as divided equally between husband and wife. The U.S. Supreme Court ruled that married couples in these States could divide their income and file separate U.S. tax returns. With this in mind, several other States soon passed laws giving their citizens a similar break. In an effort to restore tax equality and to prevent wholesale disruption of local tax and property laws, Congress in 1948 made income-splitting a national procedure.

This solved the problem for all the married couples, but only served to increase the relative tax burdens on single citizens. As Joseph Pechman has pointed out:

> The practical effect of income splitting is to produce large differences in the tax burdens of single persons and married couples, differences which depend on the rate of graduation and not the level of rates. Such differences are difficult to rationalize on any theoretical grounds.

The income tax should reflect differences in condition and responsibilities by allowing reasonable deductions. However, once the taxable income is determined the same rate should apply to all who have the same income, regardless of whether they are married or single.

Many people attempt to explain the present system by saying that single persons do not bear the costs and responsibilities of raising children. But income-splitting under the present law does not differentiate among taxpayers in this respect, since the benefit is the same whether or not they have children.

The Tax Reform Act of 1969 moved toward eliminating this inequity, but did not go far enough. The bill introduced today finishes the job. It provides the benefits of income-splitting for unmarried taxpayers placing them on an equal footing with married couples filing joint returns.

Much of the credit for the progress already made in this area goes, I am pleased to say, to a constituent of mine, Miss Vivien Kellems of East Haddam, Conn. Vivien has been the founder and guiding force behind the movement to free single persons from the inequities of higher taxes. She has refused to retreat from her position and has even gone so far as to join battle personally with the Internal Revenue Service.

Because of her efforts on behalf of millions of men and women across the land, Miss Kellems was chosen as Citizen of the Year, 1970, by the New Haven Register. It was a well deserved honor.

Vivien Kellems has pointed the way and now it is up to those of us in the Congress to follow through. I hope that my colleagues will join me in this effort.

I ask unanimous consent that the story of Miss Kellems' fight and her recognition be included at this point in the Record.

The PRESIDING OFFICER (Mr. Stevenson). The bill will be received and appropriately referred; and, without objection, the article will be printed in the Record.

The bill (S. 869) to extend to all unmarried individuals the full tax benefits of income-splitting now enjoyed by married individuals filing joint returns, introduced by Mr. Ribicoff, was received, read twice by its title, referred to the Committee on Finance.

The article submitted by Mr. Ribicoff is as follows:

The Register Awards Its Citizen of the Year Citation to Vivien Kellems

The thing about Vivien Kellems is that she has been a self-liberated woman for decades—a citizen first and a female second, and she has never wasted time in dreaming about revolutions when she could be straightening out some government bureaucrat on the best route toward reform.

In a year when women's liberationists have made themselves heard and felt all through the country, the New Haven Register has chosen as its 1970 Citizen of the Year a woman who has long been a champion of women's rights and who has fought countless battles to win those rights and to preserve them.

That woman is Miss Vivien Kellems of East Haddam. Miss Kellems has waged her battles from a standpoint of erudition and intelligence; from knowing both the historical and legal facts of a given issue and then attacking squarely. Perhaps nothing symbolizes her efforts better than her most recent campaign. to pressure Congress into equalizing taxes for married and single people. As a result of her unrelenting pressure such a provision has been written into a tax reform package scheduled for action this year. But that reform already is, in Miss Kellems' words "a fraud" and she plans to continue pressuring Congress to act on a separate bill to equalize taxation.

She still has a suit pending in Washington, designed to test the constitutionality of taxing unmarried people at a higher rate.

It was, however, Miss Kellems' refusal to pay her own taxes, saying she would do so only after the government refunded some $76,000 they have overtaxed her for being single, that produced a unique development this past year. In Federeal District Court in New Haven, the IRS filed suit against Miss Kellems to get access to her financial records. She refused to surrender the documents, citing Fifth Amendment guarantees against self-incrimination. The IRS, apparently believing she would win, withdrew the suit in order to prevent a court ruling. Though the court did not allow Miss Kellems to file a counter suit, the implication is that any taxpayer may follow the same course of action and challenge IRS demands for financial data.

Miss Kellems is no stranger to the courts. Some 20 years ago, in 1948, she nearly won her battle to prevent the government from forcing her to withhold taxes from the salaries of her employes at the Kellems Co. It was her contention that she should not be coerced into acting as the government's tax collector.

In 1964, in a struggle with Connecticut officialdom, this time, Miss Kellems staged a sit-in at the polls. After fighting for nearly 20 years to get the mandatory party lever taken off the voting machines she resorted to a one-woman demonstration and had to be hauled protesting from a home town voting machine. The machines were changed shortly thereafter, and the party lever has never been the same since.

But it is in the past few years that Miss Kellems has made her greatest gains. Exhibiting typical courage and persistence as well as a broad knowledge of income tax law, she took trip after trip to Washington to confer with leaders in both the Senate and House in an effort to make herself heard. At 74 she still finds the energy and impatience to fight against what she believes is wrong and to make the changes that will set it right.

That impatience is nearly lifelong. She was born in Iowa, daughter of a minister. She earned both a B.A. and M.A. at the University of Oregon and in 1921 enrolled in a Ph. D. program at Columbia University.

Miss Kellems also founded the Kellems Co., manufacturers of cable grips, a device invented by one of her younger brothers. That device was widely used by power companies throughout the country. As president of the Kellems Co., Miss Kellems was the first business woman to enter the electrical field.

In 1942 she ran against Clare Booth Luce for nomination to Congress on the Republican ticket. She lost and, in fact, has never been elected to public office. That did not keep her from running, however. As an Independent party candidate she has opposed four different men for a seat in the U.S. Senate: former Senators William Purtell, William Benton and Prescott Bush and Sen. Abraham A. Ribicoff. In 1954 she ran as the Independent candidate for governor.

Vivien Kellems, like every political maverick, has been accused of being a publicity hound even just a kook. But when it comes to getting things done, to making the changes in government she wants, few private citizens anywhere in America have been as effective.

And she has paid her way. Taking money out of her own pocket she has financed the long and expensive court battles which are axiomatic to Miss Kellems' idea of the way in which change must come. On any given issue she is prepared to go all the way to the Supreme Court.

She is absolutely committed to the ideals as put forth in the Constitution. Her every challenge to the laws of the land has been based on people being denied the rights outlined in the Constitution.

In an era when the "establishment" is lambasted right and left there are some who toss aside responsible citizenship in the belief that the window-breaking "rip-off" is the route to change in government and society. There are those who think that an "unresponsive" pile-up of bureaucracies at all levels of government frustrates the public good and forces on them a sullen withdrawal from all the processes of citizen action and democratic change.

Long before such theories became current Miss Vivien Kellems was busily, humorously, unfalteringly disproving them by tweaking bureaucratic noses and kicking government in the seat of the pants with eloquent written argument, vigorous speech-making, and persistent and productive appeals to the courts.

As she herself has said: "If an American citizen thinks a law is unconstitutional, it is not only his privilege, but, I believe, his duty to break that law and demand that it be submitted to the court. Every man who signed the Declaration of Independence was a lawbreaker and a rebel. He broke the law, but he formed a nation."

Vivien Kellems has broken laws without breaking windows. She has moved mountains of legalistic paperwork and poked into flexibility a host of regulation-rigid Federal and State offices. Se has reminded the Tax Collector that the Tax Payer is, in the end, his boss. And she has done it all while emphasizing her womanly self-respect, her womanly freedom to act, and her acceptance of total citizenship as expressed in a persistent struggle for improvement and change based upon a constant belief in the Constitution and the courts.

S. 870—INTRODUCTION OF THE EMERGENCY COMMUTER RELIEF ACT OF 1971

Mr. WILLIAMS. Mr. President, I am today together with the senior Senator from Illinois (Mr. Percy) introducing legislation which would provide subsidies on an interim basis to State and local governments to assure adequate urban mass transportation. This legislation would also provide emergency grants to State and local bodies for the purpose of assisting mass transit systems in paying interest charges and other annual obligations which have been incurred in order to provide essential services.

The Urban Mass Transportation Assistance Act, which was enacted during the last Congress provides long-range answers to our Nation's urban transit crisis.

It is a program intended to provide long-range benefits.

It will build carefully planned programs of capital improvements for our Nation's transit systems over the next 10 years. However, such programs will take time as they properly should. A modern transit system such as the one in San Francisco or the one planned for Washington, D.C., takes at least 10 years from the initial exploratory steps to final completion. And, while the first steps are being taken toward building these transit systems of the future, today's commuters are faced with today's problems.

But one fact is crystal clear—adequate mass transportation facilities are an immediate, absolute necessity for America's millions of commuters. Existing commuter services must be kept in operation until the large sums of money authorized by the Urban Mass Transportation Assistance Act begin to flow to State and local mass transportation agencies.

During the interim we are faced with what Newsweek has called "the agony of the commuter." Some of our bankrupt railroads may stop moving entirely because they cannot generate enough cash flow to pay their employees. This threat faced the Penn Central until the Congress took emergency action to keep it running. Another railroad, the Central of New Jersey, has been teetering on the brink of disaster for many months. An emergency grant of $2 million has kept the CNJ in operation. This money is on top of the $31 million in subsidies paid to the railroad by the State over the last 10 years. Additional subsidies have been paid by the States of Connecticut and Massachusetts to the New Haven Railroad and by New York and Pennsylvania to the commuter lines within their borders.

At the present time, the burden of maintaining these essential commuter services falls entirely upon the States and their inadequate tax sources. The States, already pressed to financial limits, cannot afford to carry the burden alone. They now are doing more than their fair share.

The situation has become critical. The Penn Central and the Jersey Central are bankrupt. The State of New York owns the Long Island Railroad and Massachusetts has taken over the operation of the commuter lines formally serviced by the Boston and Maine. Recently there even was a question as to whether or not the Jersey Central could meet its payroll.

This legislation would prevent these crises from occurring. Under the Emergency Commuter Relief Act funds for operating subsidies would be made available on a 5-year emergency basis to all forms of mass transportation. They would be channelled to State and other public bodies.

Before approving the grant which would be made on a two-thirds Federal, one-third local matching formula, the Secretary of Transportation would have to determine that the services were essential to the community. In addition, the State or public body applying for the grant along with the transit company involved must first submit a plan to the Secretary setting forth a program of the capital improvements to be undertaken for the purpose of providing more efficient and economic service and for placing the commuter operations of the system on a sound financial basis. These safeguards would guard against windfall profits by private promoters and would provide adequate insurance that the operating subsidy will not pay for existing inefficiency and poor service. The only purpose of this bill is to provide interim emergency operating subsidies to States like New Jersey, in order to keep essential commuter railroads running until they can be put on a sound financial footing.

While operating subsidies do not build new facilities or buy desperately needed new equipment in some instances a blood transfusion is called upon before curative surgery can be performed.

Given the current state of our Nation's mass transit systems a temporary transfusion such as the one contained in this legislation is necessary.

Transportation systems are too vital a part of the continued healthy growth of urban centers for their future operations to be governed solely by balance sheet considerations. Profitability and return on investment cannot and must not outweigh the social dividends which all of our citizens receive from good public transportation. Therefore, this legislation also contains provisions drafted by Senator Percy who throughout his career in this body has been a leader in the fight for improved urban mass transportation, which allow the Secretary to make emergency grants to pay interest charges and other annual obligations which have been incurred by transit systems in order to provide essential services.

Such grants would be made only when the debt burden threatens the curtailment of needed commuter services or would increase fares to such a degree that low income groups who use the service are unfairly penalized.

An increase in transit fares or a curtailment of transit service works undue hardships on citizens earning less than $4,000 a year. As industry and business move to the suburbs, the tragic isolation of the inner city ghetto increases. Here is the most pressing need for low cost, efficient mass transit systems to take people to the jobs they so desperately demand. An increase in transit fares or a curtailment of service works undue hardships on these citizens.

The debt servicing provisions of this legislation would allow transit lines to continue to provide their essential services without the fare increases which all too frequently penalize the inner city dweller.

If existing commuter lines are allowed to collapse from financial weakness, severe hardships will result. The thousands of commuters who depend on these services to get them to and from work will be left stranded. And, in addition, these commuter lines will be far more costly to rebuild in the future than to preserve today.

Mr. President, prompt enactment of the Emergency Commuter Relief Act is an absolute necessity if we are to provide short-term Federal assistance to our Nation's struggling transit systems. Action is imperative if we are to preserve these systems while we are at the same time fulfilling tomorrow's transit needs.

I ask unanimous consent that the full text of the Emergency Commuter Relief Act of 1971 be printed in the Record.

The PRESIDING OFFICER (Mr. Stevenson). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 870) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes, introduced by Mr. Williams (for himself and Mr. Percy) was received, read twice by its title, referred to the Committee on Banking, Housing, and Urban Affairs, and ordered to be printed in the Record, as follows:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commuter Emergency Relief Act".

FINDINGS

Sec. 2. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient, economical, and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service;

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed on an interim basis to enable many mass transportation systems to continue to provide vital service during the period required to overhaul and revitalize mass transportation operations and to place such operations on a sound financial basis.

EMERGENCY GRANTS TO PAY INDEBTEDNESS

Sec. 3. The Urban Mass Transportation Act of 1964 is amended—

(1) by redesignating sections 6 through 16 as sections 8 through 18, respectively; and

(2) by inserting after section 5 a new section as follows:

"EMERGENCY GRANTS TO MAKE ANNUAL DEBT PAYMENTS

"Sec. 6. (a) Notwithstanding any other provision of this Act, the Secretary is authorized to make grants to States and local public bodies and agencies thereof to assist in paying the yearly interest on and discharging annual obligations on securities, equipment trust certificates, or other similar instruments of indebtedness which have been incurred in the acquisition, construction, reconstruction, improvement, and leasing (exclusive of any charge for operation or maintenance) of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may not be made under this subsection unless the Secretary determines that it is essential to prevent (1) the termination of a significant part of the transportation service for a community, or (2) the occurrence of a serious adverse effect upon the welfare of a substantial number of lower income persons who are dependent upon the transportation service of such community. The amount of any grant made by the Secretary under this subsection shall not exceed twice the amount provided by the grant applicant (from other sources than current revenues of a mass transportation system) for use in paying such interest or obligations during the year in which the grant is made.

"(b) To finance grants under subsection (a) of this section, there is authorized to be appropriated $75,000,000 for each of the fiscal years 1972, 1973, 1974, 1975, and 1976. Any amount appropriated pursuant to this subsection shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year."

INTERIM ASSISTANCE TO ASSURE ADEQUATE MASS TRANSPORTATION SERVICE IN URBAN AREAS

Sec. 4. The Urban Mass Transportation Act of 1964 is amended by inserting after section 6 (added by section 3 of this Act) a new section as follows:

"INTERIM ASSISTANCE

"Sec. 7. (a) For the purpose of providing interim assistance to assure adequate mass transportation service in urban areas, the Secretary is authorized to make grants to any State or local public body or agency thereof to enable it to assist any mass transportation system which maintains mass transportation service in an urban area within its jurisdiction to defray annual net operating deficits incurred as the result of providing such service to such areas. No grant shall be provided under this section unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed for carrying out a program referred to in section 4(a), and (2) the applicant State, public body, or agency, and the operator (if a different entity) of such system, have jointly submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis.

"(b) The amount of any grant under this section to a State or local public body or agency thereof to defray the operating deficit of any mass transportation system shall not exceed twice the amount of financial assistance provided by such State, public body, or agency to such system to defray such deficit.

"(c) The Secretary shall issue such regulations as he deems necessary to administer this section in an equitable and efficient manner. Such regulations shall include appropriate definitions of (1) the items of cost and revenue to be used in determining annual net operating deficits, and (2) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant.

"(d) To finance grants under this section, there is authorized to be appropriated not to exceed $75,000,000 for each of the fiscal years 1972, 1973, 1974, 1975, and 1976. Any amount so appropriated shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year. The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, to make advance or progress payments on account of any grant made pursunt to this section.

"(e) The Secretary shall conduct a study of the operation of the subsidy program authorized by this section comparing it with other operating subsidy programs including those currently carried out by the Federal Government, with a view to determining the efficacy of such program in assuring adequate mass transportation service in urban areas. The Secretary shall submit an interim report of his findings not later than June 30, 1972, and a final report of such findings and recommendations not later than June 30, 1974.

"(f) No grants shall be made under this section after June 30, 1976, except pursuant to a commitment entered into prior to such date."

ADDITIONAL AMENDMENTS

Sec. 5. (a) The following sections of the Urban Mass Transportation Act of 1964 (as redesignated by section 3 of this Act) are amended as follows:

(1) Section 3(b) is amended by striking out "section 7" and inserting in lieu thereof "section 9".

(2) Section 4(c) is amended by striking out "7(b), and 9" and "section 12(d)" and inserting in lieu thereof "9(b), and 11" and "section 14(d)", respectively.

(3) Section 14(c) is amended—

(A) by striking out "and" at the end of clause (4);

(B) by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon; and

(C) by adding after clause (5) the following new clauses:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service; and

"(7) the term 'annual net operating deficit' means that part of the annual operating costs of a mass transportation system which could reasonably have been avoided by the elimination of all or part of the mass transportation service in an urban area, less the annual revenues derived by such system from the provisions of such service."

(4) Section 14(d) is amended by adding the following at the end thereof: "No funds appropriated pursuant to section 4(b) may be used for grants made pursuant to section 6 or 7. Grant assistance provided under any section of this Act shall be coordinated to the greatest extent practicable with any other financial assistance provided under this Act. With the specific exception of the prohibition contained in section 3(c), the extension of financial assistance to a State or local public body or agency thereof under any section of this Act shall not have the effect of prohibiting the extension of financial assistance to such entity pursuant to any other section of this Act."

(5) The first sentence of section 15(c) is amended by striking out "section 3" and inserting in lieu thereof "section 3, 6, 7, or 8".

(6) The part of the first sentence of section 17 which precedes the first semicolon is amended to read as follows: "Grants made under section 3 (before July 1, 1970) and grants made under section 6 or 7 of this Act (other than for relocation payments in accordance with section 9(b)) for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to sections 4(b), 6(b), and 7(c), respectively".

(7) Section 3(e) is amended by striking out "section 13(c)" and inserting in lieu thereof "section 15(c)".

(b)(1) Section 10 of the Urban Mass Transportation Assistance Act of 1970 is amended by striking out "and 6" and inserting in lieu thereof "and 8".

(2) Section 11 of such Act is amended by striking out "6(a), 9, and 11" and inserting in lieu thereof "8(a), 11, and 13".

Mr. PERCY. Mr. President, I am pleased to join with the distinguished Senator from New Jersey (Mr. WILLIAMS) in reintroducing legislation designed to prevent reduction of essential transportation services in the Nation's urban centers by providing for emergency Federal assistance.

This bill would provide emergency grants, requiring at least a one-third local contribution, to State and local public bodies in order to assist local mass transportation systems in paying for outstanding indebtedness and operating deficits incurred while maintaining service. Senator WILLIAMS authored the section which would provide operating subsidies, while the section which would underwrite indebtedness for capital expenditures originated with me. These proposals became title VIII of the Housing and Urban Development Act of 1970, which passed the Senate last year, but title VIII was deleted in conference.

I wish to commend very much the distinguished chairman of the Banking, Housing, and Urban Affairs Committee, the Senator from Alabama (Mr. SPARKMAN), who was extremely helpful in seeing that this legislation received overwhelming approval last year in the Banking and Currency Committee. Later when title 8 had been deleted in conference, Senator SPARKMAN indicated on the floor of the Senate, toward the latter part of the 91st Congress, that he would do everything within his power to insure that this legislation was expedited in the Banking, Housing, and Urban Affairs Committee. I feel quite confident that he believes this legislation will be adopted once again by the committee and by the Senate, because he recognizes and the committee members recognize, the urgent need that we are now facing.

Mr. President, I fully recognize the need to establish a more comprehensive program of assistance to urban mass transportation and I shall introduce legislation to that end later in this session. But an emergency situation exists now in many of our great urban areas. In my own State, the Chicago Transit Authority has been forced to raise its fares twice within the past year, to a level of 45 cents. At the same time, the CTA faces indebtedness of more than $20 million annually, primarily as a result of its having to pay interest on equipment bonds and to lay funds aside to retire the principal on such obligations. Moreover, it must contribute to a depreciation account to meet future needs.

This is not a case where, because of our urgent needs in Chicago and our urgent needs in Illinois, I am coming to the Federal Government because the

State is not doing its part or our local communities are not doing their part. We have had bus systems fail within the past year in such cities as Peoria. Private companies have failed. The city of Peoria has authorized a mass transit authority, and this authority, with the power to tax, is moving ahead to do its share locally to provide urgently needed bus transportation.

In many cities in Illinois, such as Danville and Joliet, we have had failing bus companies. Most hard hit are low-income people who do not have automobiles, or the physically handicapped, or the elderly people, who may have had their driver's licenses revoked because of age or inability to pass tests.

We have a pressing need to provide public transportation for those people who wish to move about the city and who are impaired because of the failing nature of our transportation systems.

Because of the urgent problems we face both in downstate Illinois and in Chicago, Governor Ogilvie has just announced, within the last 24 hours, a bold new plan for the establishment of a department of transportation in the government of our State. He has asked for a bond issue of some $900 million to enable us to finance our transportation needs, ranging from highways to airports to mass transit.

So I am not indicating that the Federal Government is being appealed to in the first instance. Certainly we have accepted responsibility in our own State. But I think we must recognize that, because of the preemption of the field of transportation financing for highways, we have imposed tremendous loads upon our mass transit system without participation by the Federal Government.

Mr. President, I ask unanimous consent that an article from this morning's Chicago Tribune describing Governor Ogilvie's transportation proposals be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago (Ill.) Tribune, Feb. 18, 1971]

ROAD, AIRPORT AND TRANSIT BONDS URGED

(By George Tagge)

SPRINGFIELD, Ill., February 17.—Gov. Ogilvie today gave the closely divided legislature his overall program to aid mass transit, highways, and airports with the help of $900 million in bonds.

The Republican governor said in the crowded House chambers that the emergency makes his plan "the most important challenge of 1971."

Illinois is the transportation hub of the United States and this is the foundation of its prosperity, he said.

As disclosed earlier this week by THE TRIBUNE, the Ogilvie plan does not propose any new taxes. Nor does it suggest diversion of present motor fuel taxes for mass transit.

The bond issue would finance a four-year program with these allocations: $600 million for construction of the first phase of a 1,950 mile supplementary freeway system, recommended two years ago by the Highway Study Commission; $100 million for planning, improving and developing airports, both new and existing facilities; $200 million for capital investments for mass transit systems.

Last year Ogilvie failed to get legislation to provide a mass transit subsidy thru a half-cent boost in the 7½-cent gasoline tax.

PREDICTS BID FOR SUBSIDY

Democratic legislative leaders delayed a statement on their position, but one predicted privately that Mayor Daley of Chicago will order a fight for cash from the state treasury to meet operating deficits of the Chicago Transit Authority.

Lt. Gov. Paul Simon, a down-state aspirant for the Democratic nomination for governor next year, assailed the proposed $600 million bond issues for highway construction as "reckless."

Ogilvie's plan for freeways is a partial substitute for the $2 billion bond issue project killed last year by the Illinois Supreme Court. Part of that program is going forward with current revenue from highway user taxes sharply increased in 1969.

SIMON URGES DELAY

"Beginning June 30, 1973, the federal government will pay 70 per cent of all highway construction," Simon said. "To move hastily now with a bond issue will not only mean wasting hundreds of millions of dollars on interest; it will also mean that Illinois taxpayers will assume an excessive portion of the burden of building the highway.

A member of the Highway Study Commission disputed Simon as to federal laws.

However, Simon supported Ogilvie's idea of creating a department of transportation to administer financing and to coordinate the state's actions in the field.

Observers said Ogilvie will need substantial Democratic help, because both sides agree that 60 per cent majorities in Senate and House will be needed to safeguard the program. The 1970 state constitution, effective July 1, requires three-fifths majorities on state bond issues. Anticipating court challenges, sponsors of the bills will seek this degree of legislative approval before July 1.

The Nov. 3 election produced a 29 to 29 tie in the Senate and a 90 to 87 G. O. P. edge in the House, but several Republican legislators are ailing.

Just before Ogilvie made his speech, the Illinois Commerce Commission authorized the West Towns Bus Co., serving 40 communities west and north of Chicago, to charge 5 cents for transfers starting Sunday. In the past transfers have been free.

Last July, after Mayor Daley blocked Ogilvie's rescue effort, the CTA increased its basic fare from 40 to 45 cents and doubled its transfer fee to 10 cents.

WANTS SIX-COUNTY AGENCY

Ogilvie wants the proposed department of transportation to set up a six-county transit agency in Northeastern Illinois. Work has started on this project in the new Office of Mass Transportation created by Ogilvie's executive order Monday in the Department of Local Government Affairs.

The six-county agency would distribute state funds "systematically and wisely without giving undue competitive advantage" to one railroad or bus line, Ogilvie said.

Matching local funds will be required, Ogilvie's message said, but it was vague on whether state funds need be matched dollar for dollar. An aide to the governor said this is being left "flexible."

Ogilvie said the $200 million of state bond money with matching federal funds under a 1970 act of Congress "will be sufficient—when matched by local money—not only to maintain but also to renew and to improve the existing system substantially."

CALLS NEED STATEWIDE

"The need for this assistance is pressing and immediate, and it is far more than a Chicago problem," he said. "Mass transit systems elsewhere in the state are in difficulties at least as dire as the CTA. During the past year three-fourths of the transit systems in downstate cities and suburbs were operating at a deficit. Almost one-half were receiving some type of local subsidy."

Altho Chicago commuter railroad services are "for the most part the finest in the nation," Ogilvie said, many are using equipment made before World War II.

Suburban and downstate bus companies are experiencing similar problems with capital improvements, he said, mentioning Bloomington, Normal, Quincy, Decatur, Rock Island, and Joliet.

He said state aid will ease the burden of property taxes voted to help mass transit in Springfield, Peoria, and Champaign-Urbana.

HELPS GET FEDERAL AID

Capital grants provide maximum leverage to get federal funds recently made available, he said.

"One local dollar can be expected to bring five additional state and federal dollars into the program," he said.

Chicago and Cook County were authorized in 1969 to use part of their shares of motor fuel taxes for the CTA, but Mayor Daley has prevented such subsidy.

"Capital investment will substantially reduce operating costs because new equipment is cheaper to maintain and operate," Ogilvie said.

"This program should be adequate to give substantial assistance to the CTA, the major portion of whose deficit is not in operations but in capital accounts."

He said this method will keep the state from being pulled down into a quagmire of constantly increasing operating deficits. The CTA is again being threatened with a strike for higher wages.

He credited in large part the 1970 state constitution's bond financing provisions not available for the battle over mass transit last year.

Illinois' state debt was only 51 per cent of the average for California, New York, Pennsylvania, Texas and Michigan, in the last figures available. Even after the $750 million pollution and his proposed $900 million bond issues, Illinois would still rank far below the average, he said.

He said the bonds would be "essentially pay-as-you-go," with no principal deferral and a 25-year payment schedule.

Mr. PERCY. Mr. President, we recognize this fact in the Mass Transit Act of 1969, but this act did not take care of many of the cities that went boldly ahead in the past, putting out heavy outlays for equipment that they purchased, incurring indebtedness to do so, and now find their operating revenues at the point where they simply cannot meet their depreciation costs or even finance and pay interest on their bonds.

Mr. President, we need immediate substantial Federal assistance to assure the continuation of essential transportation services and to revitalize urban mass transportation systems by putting them on a sound financial footing.

The bill would authorize the Secretary of Transportation to make the emergency grants to State and local bodies for the purpose of helping local mass transportation systems to pay interest charges and other annual obligations which have been incurred for capital equipment purchases. Such funds could be used to defray costs arising from the acquisition, construction, improvement or leasing of facilities and equipment, but not from their operation or maintenance. These grants would be made only when the Secretary determines that they are required to prevent (1) termination of a significant part of a community's transportation service, or (2) serious adverse effect on the welfare of a substantial number of lower-income persons. To finance the emergency grants, an appropriation of $75 million annually would be authorized for each of the fiscal years from 1972 through 1976. The approval of any grant would be contingent upon the applicant's contribution of at least one-third of the required funds from sources other than the current revenues of the system.

In its second part, the bill would provide interim subsidies to State and local public bodies to defray the annual operating deficits of local mass transportation systems within the applicant's jurisdiction. Grants to any system would require at least one-third local contribution. An annual appropriation of $75 million for each of the fiscal years 1972 through 1976 would be authorized to finance these interim grants.

The Secretary would be authorized to make such grants only after he has one, determined that they are needed to support services which are included in the area's comprehensive development plan, and two, approved a long-range plan, submitted by the applicant and operating agency, to improve transportation services and to insure the financial soundness of the system.

The Urban Mass Transit Act, passed last year, will greatly assist in the construction of new systems or help existing systems purchase new equipment. It does not, however, help those systems that have had the foresight, initiative, and courage to purchase new equipment without the promise or commitment, of outside financial assistance. Thus, one system with courage incurs debt to preserve or improve transportation service while another plays it safe, does nothing, and receives Federal financial assistance. By rewarding delay and penalizing initiative, we are undermining the very spirit we need if we are to revitalize urban mass transportation. This bill is a major step in helping those systems which have tried to help themselves.

S. 871—INTRODUCTION OF THE NATIONAL EARTHQUAKE INSURANCE ACT

Mr. TUNNEY. Mr. President, if southern California is to lift itself from the debris of the devastating February 9 earthquake, the Federal Government must offer a helping hand.

And it must continue to do so until those who lost their homes because of the quake are permanently rehoused, those made jobless are reemployed, and those impoverished are again back on their feet.

Commitment as strong as the sympathy felt with the first grim news of the quake must assure that the various Federal assistance programs swiftly get the funds needed for reconstruction.

There is no question that the Office of Emergency Preparedness and the Small Business Administration will seek supplementary appropriations to complete their work in helping residents of the Los Angeles area to reoccupy homes and reopen businesses.

Congress, here and now, should vow that these funds shall be speedily approved when the full inventory of damage is completed and the supplementaries are requested.

Even the most preliminary estimates place damage at half a billion dollars, and the prudent expectations is that this figure will go much higher as the price of repair and replacement is calculated.

Any delay or deferment on the supplementaries by the agencies submitting them or by Congress in approving them will heighten the suffering and anxiety of the thousands of victims of the disastrous quake.

Furthermore, Congress immediately should set course on legislation that will provide improved protection for householders and businessmen against loss in earthquakes and other major disasters.

I specifically refer to the need to extend the Federal Flood Insurance program to embrace earthquakes, and I am introducing such legislation today with the cosponsorship of Senators CRANSTON and BAYH.

The bill I am introducing would establish a Federal earthquake insurance program to be administered under the direction of the Secretary of Housing and Urban Development. The program would rely upon the participation of the private insurance industry to the maximum extent feasible and would provide earthquake insurance for residential units housing 1 to 4 families with subsidized rates where necessary. The Secretary of HUD would be encouraged by the bill to expand coverage to other residential, commercial and public buildings as quickly as possible.

The bill is patterned after the Flood Insurance Act of 1968 and is analogous to that act. The insurance program is designed to be self sustaining through the participation of the private insurance industry along the lines of the presently successful flood insurance program. As of December 1970 the flood program had over 60,000 policies outstanding with a dollar value of $1 billion, yet all claims under the program have been covered by private companies out of the premium revenues without Federal reinsurance provisions.

Obviously, a comprehensive approach to disaster insurance on a more general basis is also needed. Legislation dealing with this broader issue has been introduced in the past and will I am sure be reintroduced in this session. The immediate need, however, is to guarantee the availability of insurance for the citizens of California and other States threatened by earthquakes.

Additionally, legislation should be enacted to provide Federal funds for the reconstruction of private, nonprofit hospitals. Two—Holy Cross and Pacoima Lutheran—and two public hospitals were destroyed by the quake, denying hospital services to the vast San Fernando Valley areas.

Other legislation should authorize the Department of Transportation to make emergency funds for freeway reconstruction available as soon as the President declares a major disaster.

Above all, however, the Federal Government—and those of us here in Congress—cannot forget the plight of the individual victim of the quake—his problems in returning to his home or reestablishing his business.

We cannot let him down, or shortchange those emergency programs designed to help him.

These programs offer some basic, bread and butter assistance and every American should be familiar with the help available to him when disaster strikes:

First. Removal of debris from homes, yards and other private property at no cost.

Second. Temporary housing, including mobile homes or other dwellings, rent free for up to 12 months, and even after that at rents based upon ability to pay.

Third. Temporary assistance for rent or mortgage payments up to a full year for anyone facing eviction, dispossession or foreclosure as a result of financial hardship caused by disaster.

Fourth. Low-interest loans from Small Business Administration for repair, rehabilitation, or replacement of property damaged or destroyed.

Fifth. Refinancing of mortgages through SBA to cover repairs to home or business.

Sixth. Same benefits are available through Farmers Home Administration for rural residents.

Seventh. VA loan payments may be extended.

Eighth. Major employers may get low-interest loans to resume operations.

Ninth. Food stamps for low-income families.

Tenth. Also legal services.

Eleventh. Anyone who is unemployed because of the earthquake who cannot get unemployment compensation from regular State programs, can get it from Federal Government.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today, with Senators CRANSTON and BAYH, be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. STEVENSON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 871) to provide for a national program of earthquake insurance, introduced by Mr. TUNNEY, for himself, Mr. CRANSTON, and Mr. BAYH, was received, read twice by its title, referred to the Committee on Banking, Housing and Urban Affairs, and ordered to be printed in the RECORD, as follows:

S. 871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Earthquake Insurance Act".

PURPOSE

SEC. 2. It is the purpose of this Act to provide for a Federal insurance program covering property loss or damage resulting from earthquakes.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "earthquake" means any earthquake, earth tremor, earthslide, mudslide, or other similar geophysical phenomenon as the Secretary may define by regulation to be covered by the term earthquake;

(2) "United States" means the several

States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Canal Zone;

(3) "State" means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Canal Zone;

(4) "Governor" means the chief executive of any State; and

(5) "Secretary" means the Secretary of Housing and Urban Development.

BASIC ANTHORITY

SEC. 4. (a) The Secretary is authorized to establish and carry out an earthquake insurance program which will enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real property and personal property related thereto resulting from, or arising out of, any earthquake occurring in the United States.

(b) In carrying out the earthquake insurance program the Secretary shall, to the maximum extent practicable, encourage and arrange for—

(1) appropriate financial participation and risk-sharing in the program by insurance companies or other insurers; and

(2) other appropriate participation on other than a risk-sharing basis by insurance companies or other insurers, insurance agents and brokers, and insurance adjustment organizations.

SCOPE OF PROGRAM

SEC. 5. (a) In carrying out the earthquake insurance program the Secretary shall initially make earthquake insurance available to cover residential properties which are designed for the occupancy of from one to four families.

(b) If on the basis of—

(1) studies and investigations undertaken and carried out and information received or exchanged under section 7, and

(2) such other information as may be necessary, the Secretary determines that it would be feasible to extend the earthquake insurance program to cover other properties, he may take such action under this Act as may be necessary in order to make earthquake insurance available to cover, on such basis as may be feasible, any types and classes of—

(A) other residential properties;

(B) business properties;

(C) agricultural properties;

(D) properties occupied by private nonprofit organizations; and

(E) properties owned by State and local governments and agencies thereof.

Any such extensions of the program to any types and classes of such properties shall be established by order.

NATURE AND LIMITATION OF INSURANCE COVERAGE

SEC. 6. (a) The Secretary shall, after consultation with appropriate representatives of the insurance authorities of the respective States, provide by order for general terms and conditions of insurability which shall be applicable to properties eligible for earthquake insurance coverage under section 5, including—

(1) the types, classes, and locations of any such properties which shall be eligible for earthquake insurance;

(2) the nature of and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such insurance;

(3) the classification, limitation, and rejection of any risks which may be necessary;

(4) appropriate minimum premiums;

(5) appropriate loss-deductibles; and

(6) any other terms and conditions relating to insurance coverage or exclusion which may be necessary to carry out the provisions of this Act.

(b) In addition to any other terms and conditions under subsection (a), such orders shall provide that—

(1) any earthquake insurance coverage based on chargeable premium rates (under section 8) which are less than estimated premium rates (under section 7 (a)(1)), shall not exceed—

(A) in the case of residential properties which are designed for the occupancy of from one to four families—

(i) $25,000 aggregate liability for any dwelling unit and $75,000 for any single dwelling structure containing more than one dwelling unit, or such greater amounts as the Secretary may determine by regulation: *Provided,* That such greater amount shall not exceed $40,000 for any single dwelling unit or $100,000 for any single dwelling structure containing more than one dwelling unit, and

(ii) $5,000 aggregate liability per dwelling unit for any personal property related thereto; and

(B) in the case of any other properties which may become eligible for earthquake insurance coverage under section 5, $100,000 aggregate liability for any single structure; and

(2) any earthquake insurance coverage which may be made available in excess of any of the limits specified in subparagraphs (1) (A) and (B) of this subsection shall be based only on chargeable premium rates (under section 8) which are not less than estimated premium rates (under section 7 (a) (1)).

ESTIMATES OF PREMIUM RATES

SEC. 7. (a) The Secretary is authorized to undertake and carry out such studies and investigations and to receive or exchange such information as may be necessary to estimate on an area, subdivision, or other appropriate basis—

(1) the risk premium rates for earthquake insurance which,

(A) based on consideration of the risk involved and accepted actuarial principles, and

(B) including—

(i) applicable operating costs and allowances which, in his discretion, should properly be reflected in such rates, and

(ii) any administrative expenses (or portion of such expenses) of carrying out the earthquake insurance program which, in his discretion, should properly be reflected in such rates,

would be required in order to make such insurance available on an actuarial basis for any types and classes of properties for which insurance coverage shall be available under section 5, and

(2) the rates, if less than the rates estimated under paragraph (1) which would encourage prospective insureds to purchase earthquake insurance, and would be consistent with the purposes of this Act.

(b) In carrying out subsection (a), the Secretary shall, to the maximum extent feasible and on a reimbursement basis, utilize the services of other Federal departments or agencies, and for such purposes, may enter into contracts or other appropriate arrangements with any person.

ESTABLISHMENT OF CHARGEABLE PREMIUM RATES

SEC. 8. (a) On the basis of estimates made under section 7 and such other information as may be necessary, the Secretary from time to time shall, after consultation with appropriate representatives of the insurance authorities of the respective States, by order prescribe—

(1) chargeable premium rates for any types and classes of properties for which insurance coverage shall be available under section 5 (at less than the estimated risk premium rates under section 7(a) (1), if necessary), and

(2) the terms and conditions under which and areas (including subdivisions thereof) within which such rates shall apply.

(b) Such rates shall, insofar as practicable, be—

(1) based on a consideration of the respective risks involved,

(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or, if less than such amount, consistent with the objective of making earthquake insurance available, where necessary, at reasonable rates so as to encourage prospective insureds to purchase such insurance, and

(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates under paragraph (1) of section 7(a), and the estimated rates under paragraph (2) of such section.

(c) If any chargeable premium rate prescribed under this section—

(1) is at a rate which is not less than the estimated risk premium rate under section 7(a) (1), and

(2) includes any amount for administrative expenses of carrying out the earthquake insurance programs which have been estimated under clause (ii) of section 7(a) (1) (B), a sum equal to such amount shall be paid to the Secretary, and he shall deposit such sum in the fund authorized under section 10.

TREASURY BORROWING AUTHORITY

SEC. 9. (a) The Secretary is authorized to issue to the Secretary of the Treasury from time to time and have outstanding at any one time, in an amount not exceeding $500,000,000 (or such greater amount as may be approved by the President), notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on the outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued under this subsection, and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations.

The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(b) Any funds borrowed by the Secretary under this authority shall, from time to time, be deposited in the Earthquake Insurance Fund established under section 10.

EARTHQUAKE INSURANCE FUND

SEC. 10. (a) To carry out the earthquake insurance program authorized by this Act, the Secretary is authorized to establish in the Treasury of the United States an Earthquake Insurance Fund which shall be available, without fiscal year limitation—

(1) to repay to the Secretary of the Treasury such sums as may be borrowed from him (together with interest) in accordance with the authority provided in section 9 of this title; and

(2) to pay such administrative expenses (or portion of such expenses) of carrying out

the earthquake insurance program as he may deem necessary; and

(3) to pay claims and other expenses and costs of the earthquake insurance program (including any premium equalization payments and reinsurance claims), as the Secretary deems necessary.

(b) The fund shall be credited with—

(1) such funds borrowed in accordance with the authority provided in section 9 of this Act as may from time to time be deposited in the fund;

(2) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities;

(3) interest which may be earned on investments of the fund pursuant to subsection (c);

(4) such sums as are required to be paid to the Secretary under section 8(c); and

(5) receipts from any other operations under this Act which may be credited to the fund (including premiums and salvage proceeds, if any, resulting from reinsurance coverage).

(c) If, after all outstanding obligations have been liquidated, the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

PAYMENT OF CLAIMS

SEC. 11. The Secretary is authorized to issue orders establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for any damage to or loss of property which is covered by earthquake insurance made available under the provisions of this Act.

DISSEMINATION OF EARTHQUAKE INSURANCE INFORMATION

SEC. 12. The Secretary shall take such action as may be necessary in order to make information and data available to the public and to any State or local agency or official, with regard to—

(1) the earthquake insurance program, its coverage and objectives, and

(2) estimated and chargeable earthquake insurance premium rates, including the basis for and differences between such rates in accordance with the provisions of section 8.

PROHIBITION AGAINST CERTAIN DUPLICATIONS OF BENEFITS

SEC. 13. (a) Notwithstanding the provisions of any other law, no Federal disaster assistance shall be made available to any owner of real property for the physical loss, destruction, or damage of such property, to the extent that such loss, destruction, or damage is covered by a valid claim which may be adjusted and paid under earthquake insurance made available under the authority of this Act.

(b) For purposes of this section "Federal disaster assistance" shall include any Federal financial assistance which may be made available to any person as a result of—

(1) a major disaster proclaimed by the President,

(2) a natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), and

(3) a disaster with respect to which loans may be made under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)).

PROPERTIES IN VIOLATION OF STATE AND LOCAL LAW

SEC. 14. No new earthquake insurance coverage shall be provided under this Act for any property which the Secretary finds has been declared by a duly constituted State or local zoning authority, or other authorized public body, to be in violation of State or local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in earthquake-prone areas.

COORDINATION WITH OTHER PROGRAMS

SEC. 15. (a) The Secretary shall coordinate the administration of this Act with the authority conferred on him by the National Flood Insurance Act of 1968, and may use the personnel and facilities engaged in carrying out the National Flood Insurance Program to carry out the provisions of this Act.

(b) In carrying out this Act, the Secretary shall consult with other departments and agencies of the Federal Government, and interstate, State, and local agencies having responsibilities for disaster assistance in order to assure that the programs of such agencies and the earthquake insurance program authorized under this Act are mutually consistent.

(c) The Veterans' Administration, the Federal Housing Administration, and any other Federal agency administering a program under which loans or mortgages on residential or other structures are guaranteed or insured by the Federal Government, may, by regulation, require that any such structure be insured under the earthquake insurance program administered by the Secretary, if insurance is available under such program for such structure.

JUDICIAL REVIEW

SEC. 16. Orders under this Act shall be established and issued in accordance with the provisions of section 553 of title 5, United States Code. In case of controversy as to the validity of any such order, a person who is adversely affected thereby may, at any time prior to the sixtieth day after such order is issued, file a petition with the United States District Court for the District of Columbia for judicial review of such order in accordance with the provisions of chapter 7 of such title.

IMPLEMENTATION

SEC. 17. After such consultation with representatives of the insurance industry as may be necessary, the Secretary shall implement the earthquake insurance program. In implementing such program, the Secretary is authorized, to the extent not inconsistent with this Act, to establish an industry program for earthquake insurance with Federal financial assistance or a Government program for earthquake insurance with industry assistance in the same manner and under the same terms and conditions as he is authorized to establish programs under chapter II of the National Flood Insurance Act of 1968.

PAYMENTS

SEC. 18. Any payments under this Act may be made (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

GOVERNMENT CORPORATION CONTROL ACT

SEC. 19. The provisions of the Government Corporation Control Act shall apply to the program authorized under this Act to the same extent as they apply to wholly owned Government corporations.

FINALITY OF CERTAIN FINANCIAL TRANSACTIONS

SEC. 20. Notwithstanding the provisions of any other law—

(1) any financial transaction authorized to be carried out under this Act, and

(2) any payment authorized to be made or to be received in connection with any such financial transaction,

shall be final and conclusive upon all officers of the Government.

ADMINISTRATIVE EXPENSES

SEC. 21. Any administrative expenses which may be sustained by the Federal Government in carrying out the earthquake insurance program authorized under this Act may be paid out of appropriated funds.

AUTHORIZATION OF APPROPRIATIONS

SEC. 22. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, including sums—

(1) to cover administrative expenses of carrying out the earthquake insurance program;

(2) to cover reimbursement of premium equalization payments made from the earthquake insurance fund and reinsurance claims paid under excess loss reinsurance coverage; and

(3) to make such other payments as may be necessary to carry out the purposes of this Act.

(b) All such sums shall be available with fiscal year limitation.

TECHNICAL AMENDMENT

SEC. 23. (a) Section 1302(f) of the Housing and Urban Development Act of 1968 is repealed.

(b) Section 1370 of such Act is amended by—

(1) striking out the subsection designation "(a)"; and

(2) striking out subsection (b) of such section.

EFFECTIVE DATE

SEC. 24. This Act shall take effect 120 days after the date of its enactment, except that the Secretary, on the basis of a finding that conditions exist necessitating a later effective date, may prescribe a later effective date which shall not be more than 180 days after such date of enactment.

S. 872, S. 873, S. 874, S. 875, AND SENATE CONCURRENT RESOLUTION 7—INTRODUCTION OF BILLS AND SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO PROBLEMS IN THE AMERICAN COMMERCIAL FISHING INDUSTRY

Mr. STEVENS. Mr. President, today I am introducing a series of bills which are designed to solve several serious problems presently confronting the American commercial fishing industry.

The first measure (S. Con. Res. 7) requests the President to convene a conference of fishing nations for the purpose of negotiating an international treaty giving coastal nations exclusive jurisdiction over anadromous fish, such as salmon, which spawn in their coastal streams. Such a treaty would minimize disputes over international rights while increasing the effectiveness of conservation laws imposed by coastal nations on their own commercial fishermen.

This concurrent resolution is offered as a companion measure to legislation which I have already introduced to widen the present U.S. contiguous fisheries zone. The latter measure would retain the present inward boundary of the contiguous zone, but would extend the outer limit so that each point on the boundary line would be 200 nautical miles from the nearest point on the inner line or at a point corresponding to a depth of 550 meters, whichever alternative produces the greater breadth. This formula would be used to compute the contiguous zone everywhere except in the Bering Sea off the coast of Alaska, where the outer boundary would be the International Dateline.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 7), which reads as follows, was referred to the Committee on Foreign Relations:

S. Con. Res. 7

Resolved by the Senate (the House of Representatives concurring), That the Congress declares that—

(1) anadromous fish, particularly the salmon species which inhabit the waters of the North Pacific Ocean, are a unique natural resource of the United States;

(2) the United States has imposed severe catch restrictions upon its fishermen in order to insure that adequate stocks of salmon will be permitted to return to their spawning grounds;

(3) existing international agreements governing the taking of salmon on the high seas do not adequately reflect the paramount interest of the United States as the principal spawning ground of this ocean resource;

(4) the failure of certain nations to adhere to existing international agreements governing the taking of salmon on the high seas threatens to undermine the efforts of the United States to conserve this resource;

(5) the United States will be compelled to act unilaterally to preserve its anadromous fish resources in the North Pacific Ocean unless an international accord is reached which grants exclusive jurisdiction to the United States for the establishment of high seas fishery conservation practices;

(b) The Congress therefore requests the President to call at the earliest convenient time a Conference on the International Conservation of Anadromous Fish and invite all nations interested in anadromous fish resources to attend the conference to consider the adoption of an International Convention on the Conservation of Anadromous Fish recognizing the exclusive right of coastal states to establish high seas conservation practices for those stocks of anadromous fish which spawn principally in their respective inland waters.

Mr. STEVENS. Mr. President, the first bill which I am introducing today would change the present method used for determining the inward boundary of the 3 mile territorial sea. In most instances, the low water line along the coast would still be used to determine the inward boundary. However, in places where the coastline is deeply indented or where there is a fringe of islands along the coast, the straight baseline method would be employed. Thus, except where the 24 mile closing rule applies, the inward boundary of the territorial sea would be computed by drawing a straight line between the two headlands of a bay or other indentation in the coastline. In the case of a bay which is more than 24 miles wide, the inward boundary would be determined by drawing a line across the width of the bay at the point where it exceeds 24 miles. Where there is a fringe of islands along the coast, the inward boundary would be computed by drawing a straight line between the islands. Any areas enclosed within the line would be designated as part of the inland waters of the United States. Since the inward boundary of the territorial sea would be drawn further from shore along certain streches of the coastline of my State of Alaska, the use of the straight baseline method would significantly widen the marine areas under the jurisdiction of Alaska or the United States in these coastal regions.

The net effect of the three measures which I have just described would be to protect the bountiful American fisheries from the depredations of foreign fishermen. Such protection is necessary for two reasons. First, foreign fishing activity off the coasts of the United States has seriously threatened our marine resources. American fishermen are required to adhere to very stringent laws and regulations respecting the time, place and manner governing fishing activities. However, foreign fishermen are subject to no such restrictions. As a result, the salmon run in my State has been threatened several times in the past few years by foreign nationals using harvesting techniques which are forbidden to our own fishermen.

Foreign fishing activity only a few miles off the coasts of the United States has also posed a severe economic threat to American commercial fishermen. Partly because of this activity, the United States ranks a poor sixth among the world's fishing nations in spite of our advanced technology and vast wealth. The economic consequences of foreign fishing are felt throughout the United States. However, the most deleterious effects are experienced in Alaska, where fishing is the second greatest revenue producing industry and where commercial fishermen represent a large proportion of the overall work force. These men and women look to the sea as their sole source of income, and many depend on the Alaskan fishery for a large part of their diet.

The PRESIDING OFFICER (Mr. Bellmon). The bill will be received and appropriately referred.

The bill (S. 872) to amend the act entitled "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966, to require that the method of straight baselines shall be employed for the purpose of determining the boundaries of such fishery zone, and for other purposes, introduced by Mr. Stevens, was received, and read twice by its title, and referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, I am introducing three other bills to provide assistance to America's commercial fishing industry. The first measure would authorize the Secretary of Commerce to make loans to fishermen's associations to defray costs incurred in purchasing and storing fish and shell fish or products; to provide operating capital; and to finance the acquisition by purchase or lease of vessels, land, buildings, and equipment used in connection with the storing, processing, and preparation for market of fish and fish products.

The PRESIDING OFFICER (Mr. Bellmon). The bill will be received and appropriately referred.

The bill (S. 873) to amend the Fish and Wildlife Act of 1956 to authorize loans to fishermen's association for certain purposes introduced by Mr. Stevens, was received, read twice by its title, and referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, the second bill would authorize the Secretary of Commerce to make loans to associations of fishing vessel owners and operators organized to provide marine insurance at lower rates. Such insurance would cover loss of or damage to commercial fishing vessels, including machinery, equipment, and gear. The injury or death of crew members would also be compensable. To implement this insurance program, $10 million would be appropriated to a revolving fund. With certain limitations, the Secretary of Commerce could then make low-interest loans to fishing associations.

The PRESIDING OFFICER. The bill will be received and appropriated referred.

The bill (S. 874) to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of Commerce to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes, introduced by Mr. Stevens, was received, read twice by its title, and referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, each of these two bills is designed to assist fishing vessel owners and operators to resolve difficulties that have proved especially onerous in recent years. Thus, for example, the first bill would enable fishermen to obtain loans more easily than ever before. Although both the Farmers Home Administration and the Small Business Administration are authorized to make loans to commercial fishermen, such loans are often impossible to obtain because of the nature of particular operations. By establishing a loan program especially designed to meet the needs of fishing associations, my bill would bring much needed stability, economy, and efficiency to many segments of the fishing industry which, in the past, have been plagued by a lack of capital.

The second bill is introduced in response to another problem confronting many fishermen in Alaska and elsewhere: the high cost of marine insurance. Recent studies indicate that insurance rates are increasing in almost every area of marine insurance and in almost every region of the United States. This trend is most acute in Alaska, where insurance rates as high as 14 percent of total coverage are being charged for hull insurance. These statistics indicate that Federal participation is necessary to provide adequate insurance coverage for the less wealthy sectors of the fishing community.

The last bill which I am introducing today would provide partial reimbursement to fishermen for losses incurred as a result of fishing restrictions imposed by a State or the United States because of water pollution. Under the bill, if a fisherman accepts reimbursement, he automatically authorizes the Federal Government to file suit in his behalf against those who polluted the waters. Any amount collected in excess of the initial reimbursement and court costs would be turned over to the aggrieved fisherman by the governmental entity which initiated the suit. Although it is reasonable to expect that this method of reimbursement will ultimately be self-supporting, such a status will probably not be achieved for several years. Accordingly, my bill appropriates $4 million for operation of the program during the first year and $5 million for each of the 4 succeeding years.

The most obvious example of the bill's application is the Great Lakes area, where mercury-laden industrial wastes have forced the State of Michigan to ban commercial fishing. However, it would also apply if the Federal or a State government along the Pacific coast is ever forced to take drastic action against oil or other chemical pollution. At present, no Federal program exists to assist commercial fishermen to cope with the consequences of water pollution, although such programs are often available in other sectors of economic activity.

Mr. President, I want to emphasize the urgent need for the type of legislation which I have introduced today. The U.S. commercial fishing industry contributes a great deal to our society in both economic and nutritional terms. It would indeed be a national catastrophe if we in Congress were to neglect the needs of our fishermen at this critical juncture in the history of this vital industry.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 875) to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government introduced by Mr. Stevens, was received, read twice by its title, and referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, I ask unanimous consent that the texts of these bills be printed in the Record at this point.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 872

A bill to amend the Act entitled "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966, to require that the method of straight baselines shall be employed for the purpose of determining the boundaries of such fishery zone, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966 (16 U.S.C. 1092), is amended by inserting "(a)" immediately after "Sec. 2." and by adding at the end thereof the following new subsection:

"(b) For the purposes of this section, the baseline for measuring the breadth of the territorial sea shall be established in accordance with the provisions of the Convention on the Territorial Sea and the Contiguous Zone which came into force on September 10, 1964, and, where applicable, the method of straight baselines shall be employed in drawing the baseline pursuant to article 4 of such convention."

Sec. 2. Such Act of October 14, 1966, is amended by adding at the end thereof the following new sections:

"Sec. 5. Within the two-year period beginning on the date of enactment of this section, the baseline for the purpose of charting the contiguous fishery zone, described in subsection (b) of section 2 of this Act, shall be marked on large-scale charts officially recognized by the United States.

"Sec. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

S. 873

A bill to amend the Fish and Wildlife Act of 1956 to authorize loans to fishermen's associations for certain purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121), as amended (16 U.S.C. 742c), is amended by adding at the end thereof the following new subsection:

"(f) The Secretary of Commerce is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to make loans to any fishermen's association meeting the requirements of the Act of June 25, 1934 (48 Stat. 1213), as amended (15 U.S.C. 521–522), and existing as of the date of enactment of this subsection, for the following purposes: (1) to finance the purchase of fish and shellfish or products thereof and the cost of storing fish and shellfish and the products thereof in cold storage or other storage facilities owned, leased, or used by such association; (2) to provide operating capital needed to supplement the capital funds of such association; and (3) to finance or refinance the acquisition by purchase or lease of vessels, land, buildings, and equipment and the construction or reconstruction of buildings or other improvements used by such association in connection with activities related solely to the storage, processing, preparation for market, handling, or marketing of fish and shellfish or the products thereof."

(b) The first sentence of section 4(b)(4) of the Fish and Wildlife Act of 1956, as amended, is amended by striking the period at the end thereof and adding the following: "and to fishermen's associations."

(c) Section 4(b)(5) of the Fish and Wildlife Act of 1956, as amended, is amended by striking the period at the end thereof and inserting "or to enable it, in the case of a fishermen's association, to operate and manage the association efficiently and effectively for the mutual benefit of the members thereof."

S. 874

A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of Commerce to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) is amended by striking out "Sec. 4." and inserting in lieu thereof "Sec. 4a.".

Sec. 2. The Fish and Wildlife Act of 1956 is amended by inserting immediately after section 4a thereof (as redesignated in the first section of this Act) the following new section:

"INSURANCE LOAN PROCEDURES

"Sec. 4b. (a) The Secretary is authorized to make loans to any fishermen's marine insurance association to enable such association to carry out its insurance operations.

"(b) The Secretary may not make loans under this section to any fishermen's marine insurance association which in aggregate amount exceed an amount equal to 50 per centum of the amount of the capital and surplus of such association.

"(c) Any loan made by the Secretary under this section shall—

"(1) bear an interest rate of not less than (A) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (B) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose,

"(2) mature in not to exceed ten years,

"(3) be secured in a manner deemed satisfactory by the Secretary, and

"(4) be subject to such other terms and conditions as the Secretary deems necessary or appropriate.

"(d) The Secretary may, with respect to any loan made by him under this section, agree to a modification of—

"(1) the interest rate,

"(2) the time of payment of any installment of principal, but such modification may not extend the loan beyond ten years,

"(3) the security for the loan, or

"(4) any other terms or conditions made with respect to the loan by the Secretary.

"(e) There is created a Fishermen's Association Insurance Loan Fund which shall be used by the Secretary as a revolving fund to make loans under this section. Any funds received by the Secretary in payment of principal or interest on any loan so made shall be deposited in the Fund and be available for making additional loans under this section. There is authorized to be appropriated to the Fund the sum of $10,000,000 to provide initial capital.

"(f) As used in this section—

"(1) The term 'fishermen's marine insurance association' means any association, whether corporate or otherwise, which is formed by citizens of the United States who are owners or operators of commercial fishing vessels for the purpose of insuring themselves, in accordance with applicable State laws, against—

"(A) any loss of, or damage to, a commercial fishing vessel (including machinery, equipment, and gear) caused by marine perils, and

"(B) the injury or death of any officer, and any member of the crew, of a commercial fishing vessel incurred incident to the operation of such vessel for fishing purposes.
except that a fishermen's marine insurance association may not insure any commercial fishing vessel other than a vessel of which at least 75 per centum of the interest therein is owned by a citizen of the United States who is a member of such association.

"(2) The term 'citizen of the United States' includes a corporation, partnership, or association which—

"(A) is organized under the laws of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and

"(B) is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802)."

S. 875

A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Domestic Fishermen's Emergency Assistance Act".

SEC. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "domestic fishing" means commercial fishing which is subject to regulation or restriction under the laws of any State.

(3) The term "fishing equipment" includes nets, equipment, and vessels used in domestic fishing.

(4) The term "prohibitive Federal or State restrictions" means restrictions related to a deterioration in the quality of the aquatic environment and imposed on or after January 1, 1971, by any State or by any department or agency of the Federal Government which, in the judgment of the Secretary, impair the economic feasibility of any type of domestic fishing to such an extent as to reduce (1) by 50 per centum or more the fair market value, in the affected area, of fishing equipment principally useful for that type of fishing, or (2) by 20 per centum or more the market value of the commercial catch in the affected area which would have been realized in the calendar year concerned but for the imposition of such restrictions.

(5) The term "eligible owner" means any legal entity which—

(A) is the owner of fishing equipment, and

(B) was engaged in domestic fishing as his usual occupation for one month or more prior to the imposition of prohibitive Federal or State restrictions thereon.

SEC. 3. (a) Any eligible owner adversely affected by the imposition of prohibitive Federal and State restrictions in any calendar year may apply to the Secretary for a grant under this section for the purpose of enabling such owner to meet the usual business expenses which, but for the economic loss caused him by the imposition of such restrictions, such owner would ordinarily be able to meet.

(b)(1) In any case in which paragraph (2) does not apply, a grant made by the Secretary under this section may not exceed an amount equal to 70 per centum of the yearly gross earnings from domestic fishing operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In determining lost gross earnings from domestic fishing operations for an eligible owner under this paragraph, the Secretary shall subtract the amount of actual or estimated gross earnings from such operations in the year in which such Federal or State restrictions were imposed from the yearly gross earnings from domestic fishing operations made by such eligible owner in the last calendar year in which no prohibitive Federal or State restrictions affected such owners' operations.

(2) In the case of an eligible owner who substantially increased his investment in fishing equipment for use in the calendar year in which such restrictions are imposed, as compared with his investment in fishing equipment in the calendar year immediately preceding such calendar year, a grant made under this section may not exceed an amount equal to 70 per centum of the estimated yearly gross earnings from domestic fishing operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In estimating lost gross earnings under this paragraph, the Secretary shall take into account the size, type, and number of fishnets owned by the eligible owner and in use by him at the time of, or intended to be so used by him before, such Federal or State restrictions were imposed and the expected income per fishnet for that calendar year.

(c) No grant may be made under this section unless application therefor is made before the close of the calendar year after the calendar year in which the prohibitive Federal or State restrictions concerned are State restrictions concerned are imposed.

SEC. 4. The Secretary shall attach such conditions and limitations with respect to a grant made under section 6 of this Act as he deems necessary or appropriate to protect the interests of the United States. The acceptance of a grant made under section 3 of this Act shall operate as an assignment to the Secretary of all rights of the eligible person receiving the grant to recover damages against any party for committing or failing to commit acts which resulted in the imposition of the prohibitive Federal or State restrictions on the basis of which the eligible person obtained such grant. If the Secretary recovers damages by exercising any right assigned to him under this section, any amount so recovered in excess of the amount of the grant made under this Act and the administrative expenses incurred in exercising such right shall be paid to the eligible person concerned.

SEC. 5. There is authorized to be appropriated to carry out the purposes of this Act not to exceed $4,000,000 for the fiscal year ending June 30, 1972, and not to exceed $5,000,000 for each of the four succeeding fiscal years.

SENATE JOINT RESOLUTION 41—INTRODUCTION OF A JOINT RESOLUTION PROVIDING FOR CHANGES IN SYSTEM OF ELECTING PRESIDENT AND VICE PRESIDENT

Mr. SPONG. Mr. President, I introduce for appropriate reference a joint resolution proposing an amendment to the Constitution to provide for changes in our system of electing the President and Vice President.

The purpose of this proposed amendment is to meet the acknowledged defects of our present electoral system without, in the process, disrupting the operation of our two-party system. Briefly, the amendment would do three things.

First, it would eliminate electors as such and make the division of electoral votes an automatic process, thus avoiding the problem of the so-called faithless elector.

Second, it would improve the method for naming a President outside the electoral vote system by making it a matter for the entire Congress to decide—Senate and House sitting in joint session—with each Member having one vote.

Finally, the amendment would assure a direct popular voice in the election of the President by requiring the winner to have both an electoral majority and a popular plurality. In the event that no candidate met both tests, the Congress would choose between the person having the most electoral votes and the person having the greatest number of popular votes.

In fact, there has been only one occasion in our history when the electoral college has elected a President who had fewer popular votes than his rival candidate. That was in 1888 when Benjamin Harrison was named to the office even though he had about 100,000 fewer votes than Grover Cleveland. In all other instances, however, the electoral vote has faithfully followed the decision at the polls even in such close contests as we had in 1960 and 1968.

Nevertheless, as rare as such an incident has been, I believe it is important for public confidence in our electoral system that we remove any chance that it will happen again. And it could not under my amendment which, in effect, converts the electoral college system into a direct popular election. But by retaining the electoral division of votes it avoids all of the problems of proliferating parties and splinter candidates that a simple popular vote could induce.

Mr. President, last month the President called on the Congress to make the unfinished business of the 91st Congress the priority concern of the new session. Of all those issues, none is of greater importance in my judgment than improving our electoral college system, and I would hope that it will be among the first to be acted upon by the Senate.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 41) proposing an amendment to the Constitution of the United States with respect to the election of the President and Vice President of the United States, introduced by Mr. SPONG, was received, read twice by its title and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 42—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE THE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO CONVEY CERTAIN LANDS IN BREVARD COUNTY, FLA.

Mr. GURNEY. Mr. President, I am today submitting a joint resolution for myself and my distinguished colleague, Senator CHILES to authorize the Administrator of NASA to convey several acres of unimproved land at the John F. Kennedy Space Center to a nonprofit organization for the purpose of erecting a Chapel of the Astronauts.

Mr. President, it appears to me to be fitting and proper that there be erected at the Kennedy Space Center a nondenominational, nonsectarian, nonprofit, public facility open to all Americans where a man can express his gratitude to the Almighty God for the knowledge he has released to us, so that mortal man might penetrate deeper into the secrets of this infinite universe.

Over 2 years ago, a group of dedicated businessmen became aware and concerned with the fact that there exists no place of worship on, or very near, the vast expanse of the moonport—NASA's Kennedy Space Center. Their determination to create a chapel for worship was further spurred on by the historic reading of Genesis by the Apollo 8 astronauts. Finally, a nonprofit organization, the Chapel of the Astronauts, Inc., was established in early 1969.

The proposed Chapel of the Astronauts will be a $1 million facility paid for entirely by public subscription. It will be dedicated to no man, but to the worship of Almighty God. The pattern of worship within the building will be liturgical and ecumenical. The millions of people who come to visit the great port of departure and view the manmade wonders at the Kennedy Space Center will also be able to visit this visible symbol of our faith.

The National Aeronautics and Space Administration has already given its informal approval to this project. I would hope that the Senate would also early consider and speedily and favorably act on this resolution.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 42) to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.; introduced by Mr. GURNEY (for himself and Mr. CHILES), was received, read twice by its title, and referred to the Committee on Aeronautical and Space Sciences.

Mr. CHILES. Mr. President, I am very pleased to join my distinguished colleague from Florida (Mr. GURNEY) in introducing legislation which will make it possible to establish a Chapel of the Astronauts at John F. Kennedy Space Center in Brevard County, Fla.

Nothing in modern history has captured the imagination of the peoples of the world as has space exploration. Without question our American program has delighted the hearts of everyone. And there can be no doubt that at the core of all our successes has been those men of courage, imagination, and great capacity—our astronauts.

This legislation would allow the space administration to sell to a nonprofit corporation sufficient land for the Chapel of the Astronauts, a nondenominational, nonsectarian and nonprofit facility for meditation and worship which would serve as a memorial to our astronauts.

How fitting it is that a place of worship serve as a memorial to our astronauts—men who have probed outer space, men who have journeyed into the heavens and returned to share their experiences with us.

This chapel would stand adjacent to the visitors' information center at the space center, available to the millions of visitors from throughout the world who go there each year. The purpose is appropriate. The place is significant. The time is right. I ask that this legislation be given serious consideration.

SENATE JOINT RESOLUTION 43—INTRODUCTION OF A JOINT RESOLUTION WITH RESPECT TO THE CURRENT RAILROAD LABOR DISPUTE

Mr. JAVITS. Mr. President, faced with the threat of a nationwide railroad strike, we acted on last December 10 to postpone such a strike until March 1, 1971. The law which was enacted at that time, Public Law 91-541, also required the President to send to Congress 15 days in advance of the new deadline a report on the progress of the negotiations and his recommendations for dealing with the dispute. Last Saturday, the President submitted his report and recommendations. I now introduce, by request, for appropriate reference, the joint resolution proposed by the President—it is also being introduced in the other body—and ask that the joint resolution together with the President's report and recommendations be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and report and recommendations will be printed, as requested, at the conclusion of the Senator's remarks.

(See exhibit 1.)

Mr. JAVITS. Mr. President, I am pleased to report to the Senate that there is some basis for optimism that this dispute may be resolved before March 1, thus obviating the need for us to act on the President's proposals. Two of the four unions involved in this dispute have already reached agreement with the carriers. The two are the Brotherhood of Maintenance of Way Employees and the Hotel and Restaurant Employees. A third union, the Brotherhood of Railway Clerks, has reached tentative agreement. The fourth union, the United Transportation Union, is now engaged in intensive negotiations with the carriers, and there is reason to hope that these negotiations may be successful. Certainly, legislation, no matter how carefully shaped, is no substitute for an agreement reached through collective bargaining. I know that the parties, with the assistance of the National Mediation Board, Secretary of Labor Hodgson, and Assistant Secretary of Labor Usery, are making every effort to resolve their remaining differences.

We must, however, be prepared for any eventuality. If the dispute is not resolved, the President has asked for legislation which would provide him with two alternative courses of action: first, to put into effect with some revisions the recommendations of the Emergency Board No. 178; and second, to permit a selective strike against certain railroads under conditions that would insure that the health and safety of the Nation would not be adversely affected.

Mr. President, in view of the negotiations now going on, I do not believe that it would be appropriate for me to comment in detail on the President's proposals. I do think it is helpful to have them in advance, and there is no question but that they will be given the greatest weight in the regrettable event that we are forced to act again with respect to this dispute.

Mr. President, I also want to point out that whether or not this dispute is settled, and I certainly hope that it will be, the Congress still has a responsibility to pass permanent legislation to deal on a permanent basis with the emergency dispute problem. The President has sent up a bill for this purpose, and I have introduced a somewhat broader measure. An editorial in the Washington Evening Star of February 12 commented on the differences between my bill and the President's bill. I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. JAVITS. I note that the distinguished chairman of the Labor and Public Welfare Committee, Senator WILLIAMS, of New Jersey, yesterday introduced a bill to permit selective strikes in the railroad industry. All of these bills will, I am sure, be given the most careful consideration by the committee when hearings are held in March.

EXHIBIT 1

The joint resolution (S.J. Res. 43) to provide alternate procedures to facilitate the settlement of the labor dispute between certain carriers by railroad and certain of their employees introduced by Mr. JAVITS, by request, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S.J. RES. 43

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and certain of their employees represented by the United Transportation Union (UTU), and the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC), threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act and the no-strike, no-lockout extension provided by the Joint Resolution of December 10, 1970 (Public Law 91–541) have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas Emergency Board numbered 178 (created by Executive Orders 11558 and 11559, September 18, 1970) made its report to the President on November 9, 1970, which report has provided the basis for negotiation since that time resulting in a settlement between the carriers and two unions that were original parties to this dispute, has been generally accepted by the carriers, and has been partially adopted by the wage increases legislated by the Congress in the Joint Resolution of December 10, 1970; and

Whereas it is possible that resolution of this dispute could be best assured through the free action of the parties, restricted only to the degree necessary to assure the protection of the health and safety of all sections of the Nation; and

Whereas it is desirable to provide for alternative methods of resolution as an incentive to continued free collective bargaining: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may invoke, effective March 1, 1971, or not later than seven days after the enactment of this Resolution, whichever is later, either of the following alternative procedures (section 2, or section 3) but not both, for resolution of this dispute:

RECOMMENDATIONS OF EMERGENCY BOARD

SEC. 2. (a) If the President chooses to invoke the procedures provided in this section, no strike or lockout shall be permitted through the period of time granted the Special Railway Dispute Commission, established in subsection (d) of this section, for resolving the dispute and, further, the decision rendered by the Commission shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

(b) The following items are descriptive only of the recommendations contained in the report of Emergency Board No. 178, which the Special Railway Dispute Commission shall use as the basis for defining, formulating, and making effective a final resolution of the dispute as provided by subsection (e) of this section: *Provided*, That the Commission in the exercise of its responsibility and authority under subsection (e) of this section shall not be limited by the following descriptions but shall deal with each such recommendation in accordance with the discussion and analysis of the recommendation contained in the report of Emergency Board No. 178.

(1) An increase in the rate of pay, in addition to that provided by Public Law 91-541, by 4 percent effective April 1, 1971; by 5 percent effective October 1, 1971; by 5 percent effective April 1, 1972; and 5 percent effective October 1, 1972.

(2) Elimination of "shift rules" granting premium pay for work performed on the day after a holiday notwithstanding the fact that the actual holiday falls on the employee's rest day. (Applicable to agreements between BRAC and the respective carriers.)

(3) Establishment of a rule permitting the carrier to blank an employee's birthday holiday instead of paying premium rates. (Applicable to agreements between BRAC and the respective carriers.)

(4) Extension of personal injury and liability group insurance to all employees traveling in off-track vehicles authorized by the carriers—similar to the April 21, 1969, agreement with the Brotherhood of Railroad Signalmen and Carriers. (Applicable to agreements between BRAC and the respective carriers.)

(5) Establishment of a rule requiring yard crews to service old industries located between the switching limits and industries currently served by such crews. (Applicable to agreements between UTU and the respective carriers.)

(6) Establishment of a rule modifying existing notice requirements for force reductions—similar to the 1969 Shop Craft Agreement.

(7) Establishment of a rule prohibiting additional and separate compensation for using radio communication systems. (Applicable to agreements between UTU and the respective carriers.)

(8) Establishment of a rule allowing the carriers to institute interdivisional runs. (Applicable to agreements between UTU and the respective carriers.) In defining, formulating and making effective this rule pursuant to subsection (e) of section 2 of this Resolution, the Commission shall also define, formulate and make effective a modification of existing rules covering away-from-home expenses.

(9) Establishment of a rule allowing the carriers more flexibility in interchange operations. (Applicable to agreements between UTU and the respective carriers.)

(10) Establishment of a rule implementing certain Presidential Railroad Commission findings combining road and yard service. (Applicable to agreements between UTU and the respective carriers.)

(11) Establishment of a rule requiring the merger of road and yard seniority rosters. (Applicable to agreements between UTU and the respective carriers.)

(12) Establishment of a rule permitting work assignments to be made interchangeably between clerks and telegraphers. (Applicable to agreements between BRAC and the respective carriers.)

(13) Establishment of a rule permitting the carriers to assign other employees to assist a worker who otherwise may be required to work overtime. (Applicable to agreements between BRAC and the respective carriers.)

(14) Establish a moratorium on issues relating to those disposed of in this round of bargaining.

(c)(1) The parties to the dispute for which Emergency Board No. 178 was originally established shall create, within three months of the effective date of this Resolution, a "standing committee" similar to the committee suggested by the Emergency Board, in order to effect a resolution of the issues which the Emergency Board recommended should be assigned to such a committee. At the conclusion of the three-month period, the parties shall notify the Secretary of Labor whether such a committee has been established and of the action which it has taken. If the parties report that no committee has been established, the Secretary of Labor shall provide such assistance to the parties as he deems appropriate to provide for the effective implementation of the recommendation.

(2) The following items are descriptive only of the issues the Emergency Board recommended be assigned to such standing committee:

(A) The revision or replacement of the dual system of pay, including the carrier request for restoration of the mileage holddown and the elimination of arbitraries, and the union request for revision of car sale additives. (Applicable to agreements between UTU and their respective carriers.)

(B) The possibility of combining all yard and road service. (Applicable to agreements between UTU and their respective carriers.)

(C) The elimination of Hostler positions. (Applicable to agreements between UTU and their respective carriers.)

(D) Any non-operating union rules otherwise not disposed of in the report of the Emergency Board.

(d) There is hereby established a Special Railway Dispute Commission consisting of two members appointed by the carriers, two members appointed by the unions, three public members appointed jointly by the unions and the carriers who shall be selected within five days of the date of the President's selection of this alternative procedure. If either party fails to name any of its members to the Commission, or if they fail to name the three public members, within the five-day period, the Secretary of Labor shall name said member or members. One member shall be chosen by the Commission as chairman. The Commission shall make decisions on the basis of a majority vote of the members. Members of the Commission shall receive compensation at a rate of up to the per diem equivalent of the rate for a GS-18 when engaged in the work of the Commission as prescribed by this section, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis. The National Mediation Board shall provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. The Commission shall have the authority to hire experts and consultants, as provided in section 3(d)(3) of this Resolution.

(e)(1) The Commission shall have the authority and responsibility to define, formulate and make effective all of the recommendations of the report of Emergency Board 178 described in (b) above and no others, unless otherwise provided in this resolution. The Commission shall issue a final determination by May 1, 1971.

(2) The Commission shall hold hearings in the same manner as provided in section 3(e). The parties shall be afforded an opportunity to present their position on the definition and formulation of the Emergency Board's recommendations.

(3) The final determination by the Commission shall be binding on all parties and shall constitute a complete and final disposition of all issues involved: *Provided, however*, That an agreement between the parties before May 1, 1971, on any recommendation shall relieve the Commission from further consideration of that item and shall constitute a final disposition of the issue involved.

(f) Any party to the dispute aggrieved by the final determination of the Commission may obtain review thereof in the same manner as provided for review of a Panel decision in section 3(b)(4) and (5) of this Resolution.

(g) This section shall take effect immediately upon the invocation of its procedures by the President and shall remain in effect until such time as the Commission certifies to the President that it has completed its responsibilities or that a resolution of the dispute has been reached by the parties.

(h) The binding effect of the recommendations and the prohibition on strikes or lockouts required by this section shall expire on December 31, 1972, provided, however, that the Commission may extend such date for such a period of time as it deems appropriate under such terms as it considers equitable, including the granting of a pay rate increase or increases, in addition to those described in subsection (b)(1) of this section, on such dates and in such amounts as the Commission deems appropriate. Such time extension and rate increase determinations shall be binding on all parties as provided in subsection (e)(3) of this section.

SELECTIVE STRIKE/LOCKOUT

SEC. 3. (a) If the President chooses to invoke the procedures provided in this section, no strike or lockout shall be permitted except as authorized by an order of the Emergency Railway Dispute Panel (hereinafter referred to as Panel), established in subsection (d) of this section.

(b) When any party to this dispute intends to engage in a strike or lockout, it shall, by certified mail, notify the Secretary of Labor of such intention and send copies of the notification to the other parties to the dispute. The Secretary of Labor shall transmit such notifications to the Panel in the order in which they are received.

(1) Each notification shall state the intention of the party to engage in a total strike or lockout of an individual carrier fifteen days after the delivery of the notification to the Panel.

A separate notification shall be required in regard to each individual carrier. The notification shall state with particularity (a) the carrier to be struck or locked out and (b) the existence of alternative rail, water, highway, or air transportation services, or any combination thereof, which will not endanger the health or safety of the Nation or any section thereof.

(2) The Panel shall determine, by order, after a hearing, whether the proposed total strike or lockout of a carrier shall be permitted as consistent with the health and safety of the Nation and all sections thereof and shall make such decisions and issue such orders as are necessary to carry out this responsibility. The Panel, in developing its order approving any selective strike or lockout, shall make provision to insure that only the operations of the struck or locked out carrier shall be directly curtailed by such permitted action. The Panel shall, in making such a determination, take into account the

cumulative effect of any of its prior orders permitting a strike or lockout. The Panel shall be further authorized to consolidate notification proposals for the purpose of conducting hearings, rendering decisions, and issuing orders. If the notifications of two or more parties deal with the same or related rail operations, in a way in which any one such notification could be implemented, singly, without endangering health or safety, but not all of them could be so implemented, the Panel shall give preferred consideration to such notifications in the order in which they were received by the Secretary.

(3) The Panel shall not approve any notification proposing a strike or lockout where the effect of the proposal would be to (1) deprive the Nation of the transport of material or personnel essential to the national defense, or (2) to deprive any section of the Nation of the transportation services required to maintain the basic health or safety of that section: *Provided*, however, That mere inconvenience to a section of the Nation shall not be deemed a threat to its basic health or safety.

(4) The orders of the Panel shall be deemed final upon their issuance. Any party aggrieved by an order of the Panel may, within fifteen days after its issuance, obtain review of the order in the United States Court of Appeals, for the District of Columbia. The decision of the Court of Appeals may be reviewed in the Supreme Court by writ of certiorari or upon certification as provided for in section 1254 (1) and (3), Title 28, United States Code. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Panel.

(5) An order of the Panel shall be conclusive unless found to be arbitrary or capricious.

(6) On notice to the parties, and following a hearing, the Panel may cancel an order authorizing a strike or lockout as it deems necessary to effectuate the purposes of this Act. Such cancellations are subject to the provisions of subsections (b) (3), (4) and (5) of this section.

(c) (1) If a settlement is reached in this dispute by any union with any one or more carriers, but less than all carriers, such settlement or settlements shall be submitted to the National Railway Labor Conference by the union. The National Railway Labor Conference shall have the option, for ten days from submission, of accepting any such settlement as a solution of the dispute for all member carriers represented by it; and that settlement shall be binding upon the union involved and the carriers represented by the Conference.

(2) If the settlement submitted to the Conference pursuant to paragraph (1) above is not accepted within the ten-day option period, each individual carrier shall be permitted ten additional days in which to individually accept the settlement, which acceptance shall be binding upon the union involved and the individual accepting carrier.

(3) The provisions of this subsection shall be invoked only once for each union which is a party to this dispute and no authorized strike or lockout need be suspended prior to acceptance of a settlement.

(d) (1) There is hereby established an Emergency Railway Dispute Panel consisting of two members appointed by the carriers, two members appointed by the unions, three public members appointed jointly by the unions and the carriers who shall be selected within 5 days of the date upon which the President invokes the procedures of this section 3. If either party fails to name any of its members to the Commission, or if they fail to name the three public members, within the five day period, the Secretary of Labor shall name said member or members. One member of the Panel shall be selected as chairman. The Panel shall make decisions based on a majority vote of the members.

(2) Members of the Panel shall receive compensation at a rate of up to the per diem equivalent of the rate for a GS–18 when engaged in the work of the Panel as prescribed by this section, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis. The National Mediation Board shall provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this Resolution.

(3) For the purpose of carrying out its functions under this section, the Panel is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(e) The following rules of procedure shall be applicable to the Panel's functions under this section:

(1) Notice of Hearing.—Upon receipt of notifications the Panel shall promptly notify and inform the Government and all parties to the dispute of the time, place, and nature of the hearings, and the matters to be covered therein.

(2) Hearing To Be Public.—The Panel shall hold public hearings, unless it determines private hearings are necessary in the interest of national security, or the parties and the Government agree to present their positions in writing. The record made at such hearings shall include all documents, statements, exhibits, and briefs, which may be submitted, together with the stenographic record. The Panel shall have authority to make whatever reasonable rules are necessary for the conduct of an orderly public hearing. The Panel may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

(3) Participation by Panel in the Hearing.—The Panel, or any member thereof, may, on its own initiative, at such hearing, call witnesses and introduce documentary or other evidence, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

(4) Participation by Parties in Hearing.—The parties and the Government shall be given reasonable opportunity: (a) to be present in person at every stage of the hearing; (b) to be represented adequately; (c) to present orally or otherwise any material evidence relevant to the issues; (d) to ask questions relating to the evidence of other parties or of a witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness or on the issues in the case; (e) to present to the Panel oral or written argument on the issues.

(5) Stenographic Records.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

(6) Rules of Evidence.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

(f) This section shall take effect immediately upon the invocation of its procedures by the President and shall remain in effect until such time as the Panel certifies to the President that a resolution of the dispute has been reached by all of the parties.

(g) Any provision of interpretation of the Railway Unemployment Insurance Act, 52 Stat. 1094, as amended, 45 U.S.C. 351 et seq., which provides that an employee covered by the provisions of that Act shall receive benefits while on strike is hereby suspended for the duration of any strike with regard to any employee who participates in any strike in the above described dispute.

Sec. 4. During the period in which the President may select an alternative pursuant to the provisions of this Resolution, no strike or lockout shall be permitted.

Sec. 5. Any strike, lockout or other concerted activity in violation of this Resolution shall be subject to a penalty not to exceed $100,000. Each calendar day in which such a violation occurs shall be considered a separate violation. The Attorney General of the United States shall be authorized to maintain any civil action necessary to obtain compliance with any provision of this Resolution.

Report to Congress on Progress in Negotiations in the Railway Labor Dispute and Recommendations for Resolution of the Dispute

Pursuant to the Joint Resolution of December 10, 1970, P.L. 91–541, I hereby submit my report on the progress of the negotiations in the dispute between most of the Nation's railroads and four railway unions—the Brotherhood of Railway and Airline Clerks, the United Transportation Union, the Brotherhood of Maintenance of Way Employees, and the Hotel and Restaurant Employees—and my recommendations for a proposed solution to this dispute.

At the outset, I am pleased to report that the carriers and two of the unions—the Brotherhood of Maintenance of Way Employees and the Hotel and Restaurant Employees—have reached agreement on new contract terms. We had hoped that these agreements would lead to similar settlements with the United Transportation Union and the Brotherhood of Railway and Airline Clerks. However, as yet, we regret to report that these two unions and the carriers have not been able to resolve their differences. We will continue to work with them in their efforts to reach a timely settlement.

PROGRESS IN NEGOTIATIONS

The history of this dispute dates back to 1969 when the unions served notices on the carriers asking for improvements in wages and other benefits. This was countered by the carriers, who served notices requesting changes in various existing contractual arrangements. The initial negotiations between the parties proved unsuccessful and the services of the National Mediation Board were invoked. When the organizations and carriers were unable to resolve their differences, the NMB proferred arbitration as provided under the Railway Labor Act and subsequently released the parties on August 10, 1970, leaving them free to resort to self-help after 30 days.

There followed a period of intensive negotiations under the auspices of the Labor Department and the National Mediation Board. During this period, a selective strike took place but was enjoined by a temporary restraining order of the United States District Court of the District of Columbia.

I subsequently appointed Emergency Board No. 178 to investigate and report on the dispute. This Board undertook an extensive review of the issues and attempted unsuccessfully to mediate the dispute prior to the submission of its Report to me on November 9, 1970.

The recommendations set forth in the Emergency Board Report were cast in the light of encouraging the parties to negotiate a settlement which would provide benefits for both the employees and the industry. Thereafter, the Labor Department and the

National Mediation Board resumed their efforts to encourage the parties to reach agreement based on these recommendations. While considerable progress was made during these negotiations, a threatened strike against the Nation's railroads made it necessary for me to propose legislation to the Congress providing an additional period of time for further negotiations without a strike or lockout. Public Law 91–541 was subsequently enacted on December 10, 1970, and halted a one-day national rail shutdown.

The recent negotiations in this dispute have centered around the recommendations of Emergency Board No. 178. The Board sought to provide substantial wage increases for the unions in return for the relaxation of several restrictive work rules.

The wage increases called for a 5 percent increase retroactive to January 1, 1970, 32 cents an hour effective November 1, 1970, 4 percent on April 1, 1971, and three additional 5 percent increases effective October 1, 1971, April 1, 1972, and October 1, 1972. The first two of these increases were placed into effect by the Congress as part of the December 10, 1970 Joint Resolution. No work rule changes, however, were placed into effect as part of the Resolution.

The Board recommended work rule changes which cover such areas as interdivisional runs, interchange of cars, combining of the function of road and yard employees in many respects and combining clerk and telegrapher classifications.

On February 4, 1971, the Brotherhood of Maintenance of Way Employees and the Hotel and Restaurant Employees entered into an agreement with the carriers. The terms of that agreement generally followed the recommendations of the Emergency Board. However, an additional six-month extension of the contract period was agreed to with the unions receiving an additional 25 cents per hour increase effective April 1, 1973, an additional paid holiday effective January 1, 1973, and five weeks of vacation after 25 years of service effective January 1, 1973. The Hotel and Restaurant Employees elected to take a money equivalent instead of the holiday.

I wish it were possible to report to you that all of the parties had been able to reach a settlement. This I am unable to do. This is a highly complex dispute dealing with issues crucial to the parties. Changes in work rules in effect for many years and the impact of such changes on employment and on savings for the carriers have proven to be difficult labor-management issues.

This Administration has made exhaustive and wide-ranging efforts to assist the parties. During the period since enactment of Public Law 91–541 this Administration has conducted over 30 negotiating sessions under the auspices of Federal mediators. These sessions lasted anywhere from a few hours to all day, encompassed both joint and separate talks, and at various times involved all of the parties. Over 15 private sessions between the mediators and the parties have been held, many of which lasted an entire day. These face-to-face sessions have been supplemented by innumerable local and intercity telephone conversations between the mediators and the parties.

The Secretary of Labor has personally held meetings with the parties at the Department of Labor and participated in conferences with the parties elsewhere to encourage a settlement. He has remained in daily contact with the Government mediators throughout this period and held innumerable internal strategy and review conferences regarding efforts to settle the dispute.

Administration officials have also consulted with members of Emergency Board No. 178, senior officers of the AFL–CIO, the Association of American Railroads and numerous railroad labor leaders for their assistance and suggestions. While these intensive efforts were unsuccessful in resolving the disputes between the United Transportation Union, the Brotherhood of Railway and Airline Clerks, and the carriers they were instrumental in helping the other two unions and the railroads reach a voluntary settlement. A record of the day-to-day efforts to resolve the dispute is in existence and can be made available to the Congress.

RECOMMENDATIONS

My recommendation for resolution of this dispute is based on three overriding principles. First, the health and safety of the Nation must be protected. Second, any proposal I make must be fair in its application. Third, because time remains for the parties to settle their differences through bargaining, my proposal must take into account its impact upon collective bargaining and, indeed, provide incentive to the continuation of that bargaining process.

With these principles in mind, I am proposing legislation transmitted with this report, which, if the dispute continues unresolved and an emergency is threatened, will afford me a choice between alternative procedures.

The first alternative would be to complete, with some revisions, the implementation of the recommendations of Emergency Board No. 178. These recommendations were arrived at by the Board after nearly two months of study and deliberation on the issues in the dispute. They offer a balanced approach—substantial wage increases over the next two years as well as the modification of certain of the work rules. Indeed, Congress has already acted upon some of the recommendations by adopting the initial wage increases and placing them in effect in the enactment of its Joint Resolution of December 10, 1970, extending the strike deadline. Implementation of the report requires the establishment of a special Railway Dispute Commission to decide on final definition and application of the recommendations of the Emergency Board.

The other alternative would allow the parties, after the expiration of the Joint Resolution, to undertake a limited strike or lockout, if they so desire, so long as such action does not endanger the health or safety of the Nation, or any section thereof. Under this alternative, the parties would be required to submit notifications of proposed action to an Emergency Dispute Panel. The Panel would have the authority to accept any such proposal if acceptance would not jeopardize the health and safety of all sections of the Nation.

In so doing, the Panel would be empowered to approve proposals only where they provided for a selective strike or lockout. The approach would allow the total shutdown of some, but not all railroads, and only where alternative transportation services exist and to the extent that such a shutdown would not endanger any section of the country.

This is a "selective operation" not a "partial operation" proposal—a method which would allow for a partial shutdown of all railroads.

The latter is not considered a feasible alternative in the circumstances involved in this case. It requires a complex and costly administrative structure to operate it—to make the decisions about which goods are to move, when, and how. Further, the effective and safe operation of even a small percentage of each individual railroad's business requires a disproportionately large employee force. For example, the Secretary of Transportation advises me that a nationwide partial operation allowing for the movement of only 15 percent of normal railroad traffic would require a 30 percent operating level of the Nation's railroads. The economic burden of this type of partial strike would fall in disproportionate measure on the carriers. Such a partial operation plan, therefore, is not proposed.

Under a selective operation plan, it is anticipated that an individual railroad line would be either totally shut down or totally in operation. Individual railroads would not be required to keep the large employee workforce on hand or to operate the plan that would be required by nationwide partial operation.

In addition, and in order to move toward a balancing of economic pressures, I am proposing a suspension of unemployment benefits for striking railroad employees, thus moving toward an equalization of the economic pressures of such a strike.

In the interests of presenting a complete report, I must also mention that the "fireman manning" issue between the United Transportation Union and most of the Nation's railroads remains unresolved. This issue, which has plagued the Nation, the Congress, and the Executive Branch for years has now run through all existing dispute settlement procedures of the Railway Labor Act. Although a strike could occur at any time, negotiations are continuing in an effort to resolve the matter.

Thus, the legislative action I am recommending would preclude a national emergency, either by mandating acceptance of the Emergency Board's recommendations or by allowing such economic action by the parties as would be consistent with the national health and safety. At the same time nothing in the proposal would serve to discourage the parties in continuing negotiations.

EXHIBIT 2

STRIKE DEADLINE

Time is running out, again, for Congress to take action dealing with labor stoppages of prohibitive proportions.

The special law that cut off a nationwide railroad strike late last year expires March 1. On that date, the four affected unions will be legally free to strike, halting just about all the country's rail traffic and quickly crippling many industries dependent on train deliveries of fuel, raw materials and parts. While tentative agreement has been reached with two of the unions, either of the other two could still shut down the railroads. One of them, the Railway Clerks, broke off negotiations this week and announced plans to strike on the deadline.

The President's proposed law for heading off transportation strikes that pose national emergencies should be given prompt attention by Congress. The measure could be improved upon. But the Nixon plan, or something close to it, represents the least that should be done to prohibit strikes that the nation cannot afford.

The congressmen also should give thoughtful consideration to the wider kind of legislation proposed by Senator Javits of New York. His bill would give the President broader powers to deal with strikes or lockouts that threaten "national or regional health or safety." The Javits approach makes more sense than legislating only for the transportation industry. For instance, a shutdown of the steel industry, which is in prospect later this year, could cause immense damage to the economy.

There is no excuse for further congressional inertia on this problem. The administration's basic proposal has been available for study for many months, and the need for crisis legislation in December was notice enough that a more comprehensive law should be passed without delay. The unions oppose an additional inhibition of their right to strike, but it is hard to see how their members would suffer from an impartial adjudication of labor disputes that would, among other things, keep people working and collecting paychecks.

Since strikes that paralyze the country are impermissible anyway, a law that handles the problem—rather than crisis-to-crisis legislation—is many years overdue.

SENATE JOINT RESOLUTION 44—INTRODUCTION OF A JOINT RESOLUTION TO EXTEND THE TIME FOR THE PROCLAMATION OF MARKETING QUOTAS FOR BURLEY TOBACCO FOR THE 3 MARKETING YEARS BEGINNING OCTOBER 1, 1971

Mr. COOPER. Mr. President, last week I introduced a bill, S. 789, to shift production controls for the burley tobacco price support program from acreage allotments to poundage quotas. The bill is similar to one I had introduced on December 31, so that this proposal could be considered by burley tobacco growers and farm organizations.

I had asked Senator TALMADGE, chairman of the Committee on Agriculture, to hold hearings as soon as possible on S. 789, because planting time is approaching, farmers need to make plans, and the Congress must act promptly if a change is to be made in the production control method for the 1971 burley crop. Further, the Secretary of Agriculture is now required to proclaim the national marketing quota for burley tobacco by March 1, which would be followed within 30 days by a farmer referendum on whether to have a burley price support program for the next 3 years. That would already have been done, except for a 30-day postponement enacted by the Congress in the closing days of the last session, for the specific purpose of obtaining time to consider such a change.

Senator TALMADGE has now scheduled hearings on S. 789 for March 2, at 10, in the hearing room of the Senate Committee on Agriculture and Forestry, room 324 of the Old Senate Office Building. They will be before the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, which is composed of Senator B. EVERETT JORDAN, North Carolina, chairman; and Senators MCGOVERN, EASTLAND, ELLENDER, HUMPHREY, YOUNG of North Dakota, MILLER, CURTIS, and BELLMON. Because of the absence of Senator JORDAN, who conducted the hearing on this subject held on December 8—and we regret his absence and expect that he will soon return in his customary good spirits and good health—the hearing will be chaired by Senator EASTLAND.

As it was not possible for the committees of the Senate and the House of Representatives to consider and take action on this proposal before March 1, and as the Secretary of Agriculture would be required under the formula in existing law to proclaim a cut in acreage allotments—perhaps 25 percent or more—I am today introducing a resolution to defer establishment of quotas until the Congress can act, or until the Secertary determines that growers must be notified of farm marketing quotas prior to normal planting time.

I understand an identical resolution has been introduced today in the House of Representatives by Congressman WAMPLER of Virginia, who also introduced a resolution in December like the one I introduced in the Senate, which was adopted.

Burley poundage bills, similar to but not identical to S. 789, were also introduced in the House yesterday by Congressman JOHN WATTS of Kentucky and by Congressman WATKINS M. ABBITT of Virginia, chairman of the Tobacco Subcommittee of the House Committee on Agriculture. We are hopeful that the House Committee on Agriculture will also consider this matter promptly.

Mr. President, I am very glad that this poundage proposal will receive early attention, for the burley tobacco price support program is in some difficulty, as I pointed out at the hearings on December 8, and in my statements of December 31 and February 11, and I know that burley tobacco farmers are concerned and are anxious that these problems be resolved promptly and in the best possible way.

Mr. President, I ask unanimous consent to have the joint resolution printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. STEVENSON). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 44) to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971, introduced by Mr. COOPER, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S.J. RES. 44

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture may defer any proclamation under section 312 of the Agricultural Adjustment Act of 1938, as amended, with respect to national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971, until the date he determines is necessary to permit growers to be notified of their farm marketing quotas and the referendum to be held prior to normal planting time.

ADDITIONAL COSPONSORS OF BILLS

S. 34

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of S. 34, a bill introduced by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) having to do with the conquest of cancer.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 485

At the request of the Senator from Arizona (Mr. GOLDWATER), the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 485 to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

S. 662

At the request of the Senator from Oklahoma (Mr. BELLMON), the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 662, to promote the development and reform of penal and correctional systems.

S. 681

At the request of the Senator from Oklahoma (Mr. BELLMON), the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 681, to establish Environmental Research Centers within the States.

S. 745

At the request of the Senator from Oregon (Mr. PACKWOOD), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), and the Senator from New Jersey (Mr. CASE), were added as cosponsors of S. 745, The Federal Environmental Pesticide Control Act of 1971.

ADDITIONAL COSPONSORS OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 5

At the request of the Senator from Massachusetts (Mr. BROOKE), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. CASE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Michigan (Mr. HART), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. STEVENS), the Senator from New Mexico (Mr. ANDERSON), the Senator from Wisconsin (Mr. NELSON), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Missouri (Mr. SYMINGTON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. BENNETT), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Rhode Island (Mr. PELL), were added as cosponsors of Senate Joint Resolution 5, designating January 15 of each year as Martin Luther King Day.

SENATE JOINT RESOLUTION 7

At the request of the Senator from West Virginia (Mr. BYRD) on behalf of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor to the Senate Joint Resolution 7, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or more.

SENATE JOINT RESOLUTION 34

At the request of the Senator from Pennsylvania (Mr. SCOTT), the Senator from Vermont (Mr. PROUTY), the Senator from New Hampshire (Mr. COTTON), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Joint Resolution 34, proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 45

At the request of the Senator from West Virginia (Mr. BYRD) on behalf of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Kentucky (Mr. COOPER), the Senator from New York (Mr. JAVITS), and the Senator from Vermont (Mr. PROUTY) were added as cosponsors of Senate Resolution 45, to authorize the Committee on Interior and Insular Affairs to make a study of national fuels and energy policy.

SENATE CONCURRENT RESOLUTION 7—SUBMISSION OF A CONCURRENT RESOLUTION TO REQUEST THE PRESIDENT TO CALL A CONFERENCE ON THE INTERNATIONAL CONSERVATION OF ANADROMOUS FISH

Mr. STEVENS submitted a concurrent resolution (S. Con. Res. 7) to request the President to call a Conference on the International Conservation of Anadromous Fish, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. STEVENS when he submitted the concurrent resolution appear earlier in the RECORD under the appropriate heading.)

ORDER FOR RECESS FROM TOMORROW UNTIL MONDAY, FEBRUARY 22, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in recess until 12 meridian on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM MONDAY, FEBRUARY 22, UNTIL TUESDAY, FEBRUARY 23, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in recess until 12 meridian on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HIGHWAY SAFETY PROGRAMS BEGIN TO SHOW RESULTS

Mr. RANDOLPH. Mr. President, in the past quarter-century the American people have become increasingly mobile. Our desire to move about is encouraged by an expanding, technological society, and is facilitated by the continuing development of fast, efficient means of transportation.

The United States is firmly committed to the automobile as its principal means of transportation. Our car ownership and usage is the highest in the world, and our highway network is the envy of many.

But, Mr. President, I continue to be alarmed about the number of people who are killed ever year on our roads. Concern for highway safety has been foremost in my mind on each occasion that the Committee on Public Works has considered highway legislation.

I am gratified that there now appears to be a downturn in the highway death rate. I hope that this is just the first dividend in our efforts to cope with this horrible waste of life and will be multiplied many times in each succeeding year.

During 1970 approximately 55,300 people were killed as the result of motor vehicle accidents. This is a decrease of 1,100 from the 1969 total and is cause for encouragement. It is even more encouraging when we realize that motor vehicle travel in the United States grew from 1,071 billion miles in 1969 to 1,125 billion miles last year.

If the deaths per mile traveled had remained the same in 1970 as it was in 1969 then the number of deaths from vehicle accidents would have been 59,200 instead of 55,300.

Mr. President, I believe we are finally making progress in this area.

In order to strengthen the Highway Safety Act of 1966, the Congress last year passed the Highway Safety Act of 1970. One of the important provisions of the act created the National Highway Traffic Safety Administration in the Department of Transportation. This reorganization will give proper status to this important activity and should increase the effectiveness of federally sponsored highway safety activities.

Two other important provisions of the 1970 act provided partial funding of the highway safety program from the highway trust fund and provided a new formula for the apportionment of these funds to the States on a more equitable basis. Two-thirds of the money to operate the safety program—a total of $440 million is authorized for fiscal years 1972 and 1973—will come from the trust fund.

The States, in the past, have never received the amount of money for highway safety that was authorized from the general fund. It is hoped that this change will assure the States of more adequate Federal funding which will induce them to provide more State funds for safety programs. The States must have adequate highway safety funding if they are going to develop effective highway safety programs with their political subdivisions. In my opinion, we will never attain the safety on our roads that we seek without strong, effective local highway safety programs. Safety on our roads is an integral part of the total road system, and I have long believed that the Federal share of funding the highway safety effort should come from the highway trust fund.

In addition to organizational and financial improvements in the safety program, developments in construction techniques and the opening of additional interstate mileage have contributed to the lower death rate. The Department of Transportation estimates that interstate mileage completed during 1970 alone saved 400 lives as more traffic is able to utilize the safer highways. Additional savings of lives can be expected as the Interstate System moves on toward completion.

While the progress we have made in lowering the highway death is gratifying, there is still much to be done. Ways must be found to cope with the menace of drinking drivers who continue to cause 50 percent of highway deaths. I am glad to note that the National Highway Traffic Safety Administration is moving in this direction with the development of alcohol safety action programs in the form of demonstration projects to be undertaken in large part by counties and cities.

Increased activity in such areas as driver licensing and law enforcement also are needed if we are to be successful in our efforts to reduce highway deaths. In this connection, the report of the President's Task Force on Highway Safety, "Mobility Without Mayhem," makes a number of sound and worthwhile recommendations that should be given careful consideration.

Mr. President, the United States has shown that it has the technical and industrial capacity and is willing to commit the funds necessary to construct the finest highway system in the world. We cannot, however, even consider that we have completed the task until there is a drastic reduction in the numbers of our citizens who are killed on these roadways.

NIXON ADMINISTRATION WINNING WAR ON HUNGER—WITH LITTLE FANFARE

Mr. GRIFFIN. Mr. President, Columnist Jeffrey Hart wrote in the Pontiac, Mich., Press on Monday of this week that the Nixon administration is being scorned when it should be praised for its efforts toward eradicating hunger in the United States.

I find the article worthy of the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BIG HUNGER ISSUE NO LONGER APPETIZING

(By Jeffrey Hart)

Flash. The Nixon administration, it appears is well on the way to solving what by anyone's definition constitutes the problem of hunger in America. You may not remember it, but only about a year and a half ago hunger was Awfully Big.

There was even a major White House Conference on the subject, which made headlines by vociferously declaring that hunger was widespread in America. Whereas FDR, in the depths of the Depression, had claimed that only one-third of the Nation was "ill-fed," by 1970 we were hearing that two-thirds or even one-half of the nation was "hungry."

The drum began to beat. Starvation in the midst of affluence. One more instance of America's depravity and the bankruptcy of the System.

Sen. George McGovern led the wave of enlistments in the hunger cause, becoming a sort of Mr. Hunger for the first quarter of 1970. Paperbacks on hunger poured from the presses.

CONVERSATION PIECE

You will not believe it, but I vouch for the fact: one New York travel agency actually advertised an Appalachian vacation. Those who were bored with Acapulco and the south of France could now spend 10 days on the hunger scene itself, maybe eating grits and deer meat. In this way, they might accumulate enough anecdotes to get through an entire cocktail party season.

But now it develops that the Nixon administration, without much fanfare at all, has in fact moved massively to pass out a lot of food. In New York City the number of people receiving food stamps, subsidized school lunches, and other forms of federal nutritional aid has increased fourfold since President Nixon took office. In Pennsylvania, the number of federally subsidized lunches has jumped from 25,000 per month two years ago to 2.8 million per month today.

Let us set aside the question of whether the federal approach is the best one here. On the surface, at least, it would seem to be what the hunger chorus actually desired. But are they celebrating this Nixonian achievement? They are not.

Of course, I know that the erstwhile Mr. Hunger has now become Mr. Lose the War, having very big things in mind. But what about all the others? Aren't they even interested in something like a solution?

The answer is no. And here I think we touch on something profound. For a certain kind of person, problems are much more interesting than solutions. And the reason is that the McGovern's and all the other hunger warriors are not primarily concerned about hunger, really, and not about something so pedestrian as food. Rather, they desire to dramatize their capacity for concern itself.

THE DRAMA

It is the dramatization that is all important. Therefore the hunger politician of 1969 can suddenly become the pollution politician of 1970.

When you have watched this process go on for some time, you discern that it even has a quasi-religious dimension. Dramatizing concern, setting up the correct vibrations, establishes a politician as a Man of Good Will, one of the saved, a member of the moral elect—in contrast to the Others, the mere politicians and administrators.

And no one needs to be told that Nixon hardly sets up the correct vibrations.

A TIME FOR CONCERN ABOUT THE ELDERLY

Mr. CHURCH. Mr. President, during the past 6 years several laws have been enacted which have brought new hope for our Nation's 20 million older Americans.

In 1965 the landmark medicare law was passed to help protect the elderly from costly and catastrophic illness. An Administration on Aging was established to provide a central focus in Government for enriching and improving the lives of the aged. And a measure was passed calling for this year's White House Conference on Aging to chart comprehensive action strategies for older Americans during the 1970's.

Despite these achievements there is still widespread concern today among our 65-plus population, as well as those nearing retirement. At a time when the administration is promoting an "expansionary" budget to bolster our economy, appropriations for aging programs are being cutback sharply. For example, the budget for the Older Americans Act has been slashed to the bone, bringing the funding back to the pre-1969 levels.

A mere 6-percent raise in social security benefits has been recommended by the administration, although most Members in Congress are proposing increases ranging from 10 to 15 percent. This is in recognition of the fact that the cost-of-living has risen by nearly 6 percent since the last social security increase. With prices expected to rise in the months ahead, the administration's proposal will fall far short in helping the aged to win their desperate race with inflation. Quite clearly, this stopgap measure will not be effective for easing the retirement income crisis now threatening millions of older Americans.

Medicare, though it has provided valuable protection, still covers less than one-half of the elderly's medical bills. As a group, the aged can expect to pay as much in out-of-pocket medical expenses as the year before medicare went into operation. Deductibles under part A—hospital insurance, and part B—supplementary medical insurance—continue to rise, and with no end in sight. The elderly's monthly premium charge for part B is scheduled to rise again from $5.30 to $5.60 this July. This represents almost a 90-percent increase from the 1966 charge of $3 per month. And many important items—such as out-of-hospital prescription drugs—are still not covered under medicare.

Equally disturbing are reports about "foot dragging" for the 1971 White House Conference on Aging. Meetings of task forces, representing nearly 400 national organizations, have been unexpectedly called off. Action has been deferred until the technical papers can be completed. But one participant responded:

> I can't believe the White House couldn't get these papers finished and printed in time if they had a real sense of urgency—even if they had to be mimeographed.

And there is also widespread concern that the conference may not come to grips with the real issues affecting the elderly, but will simply be a reanalysis of old, familiar problems.

Mr. President, two articles published recently in the New York Times and the Washington Star provide hard-hitting information about issues now troubling the elderly. I commend these articles to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MEDICARE: NO CURE YET FOR RISING BILL

WASHINGTON.—President Johnson told the nation on signing Medicare into law that "no longer will older Americans be denied the healing miracle of modern medicine—no longer will illness crush and destroy their savings—no longer will young families see their own incomes and their own hopes eaten away . . . carrying out their deep moral obligations—and no longer will this nation refuse the hand of justice to those who have given a lifetime of service . . ."

That was the hope of 1965. The reality of four and a half years of Medicare's operations has dimmed the original dream as the program has become ever more cumbersome and controversial.

Medical service to Americans aged 65 and over has increased, but in the next fiscal year this group will collectively be paying about as much in out-of-pocket funds for medical care as it paid the year before Medicare began. And there is some danger that they may have to pay more.

For the cost to the Federal Government has soared far beyond original estimates—it will reach a total of $30-billion by summer. And for the next fiscal year alone, as seen by medical planners in the White House and the Department of Health, Education and Welfare, the cost of Medicare will be $9.4-billion—some $400-million above the figure set forth in President Nixon's budget. They hope to make up the difference by means of a series of economy measures; and that's where the extra pinch may come for the Medicare patient.

The exact means of effecting the economics has yet to be decided, but oblique statements of various Federal officials, including H.E.W. Secretary Elliot L. Richardson, indicate their sights are on reducing hospitalization benefits, increasing the contributions to Medicare from its enrollees, forcing hospitals and nursing homes to economize on services, and restricting doctors' fees.

These fees, which have been the target of Congressional investigations and consumer groups for several years, were at the heart of a series of letters between Representative Samuel S. Stratton and H.E.W. officials. The New York Democrat said that Medicare beneficiaries were "being cheated" on reimbursements by H.E.W., which, he said, was not paying the share called for in the law. Mr. Stratton complained that while doctors' fees are rising, the Social Security Administration, which administers Medicare, is reducing its percentage of coverage of medical fees.

Social Security Commissioner Robert M. Ball denied Mr. Stratton's charge that revised fee procedures have been "seriously shortchanging millions of American senior citizens." While conceding that some persons are paying more, Mr. Ball said that lack of action by the Social Security Administration in attempting to contain fees "would greatly increase the cost of the program by failing to offer discouragment to increases in charges."

Mr. Ball, Mr. Stratton and other administrators and Congressmen actually are expressing a feeling of exasperation over ever higher costs and what to do about them. Both the Legislative and Executive branches of the Government have ordered Mr. Ball in the past few years to crack down on financial inefficiencies and excesses in the Medicare program. But many of the savings are effected at the cost of cuts in benefits and bring complaints. Medicare, for example, is not supposed to pay for custodial care in nursing homes, only convalescent care. This distinction was widely ignored early in the program, but it is being enforced now amid growing complaints that Medicare recipients are being euchered.

When President Nixon announces the Administration's new look health care program, probably at the end of the month, it is expected to contain some proposals aimed at forcing doctors and hospitals to be more efficient. Hospitals, for example, traditionally operate on a cost-plus basis, meaning that when their costs rise they merely pass the increases along to the consumer. Criticism of this method has mounted. Gordon Chase, New York City's Health Services Administrator, says hospitals should be paid on a "cost-minus" basis, meaning that as their costs rise their productivity and efficiency should also, thus holding down dollar outlays.

While criticism of the program mounts, the Nixon Administration says the Federal budget cannot abide unending increases in Medicare costs. Even if Congress approves a proposed $383-million cut in benefits, Medicare outlays for the fiscal year 1972 still will go up by $700-million.

"We're very despondent," said William Hutton, executive director of the National Council of Senior Citizens, which represents three million of the nation's elderly. The increased costs of both Medicare and out-of-pocket expenses, he said, "mean people are not going to doctors because they can't afford it." Speaking of the new proposals to cut benefits, Mr. Hutton said: "The Administration is trying to balance the budget on the backs of sick old people, and Congress will never go along with it."

CRITICISM OF ADMINISTRATION GROWING AMONG THE ELDERLY

(By Philip Shandler)

Planning for the once-a-decade White House Conference on Aging is faltering, adding to grumbles among organized oldsters about the Nixon administration.

Task forces set up to draft recommendations for the November conference—the second such parley and the first since 1961—began meeting the first week in February.

But participants unexpectedly were told that technical papers promised for their deliberations were not available, and one taks force resolved not to meet again until it had the data.

Last week, John B. Martin, conference director and President Nixon's special assistant for the aging, sent the several hundred participants telegrams "deferring"—until the papers were ready, further meetings scheduled this month and next.

TWO OTHER DEVELOPMENTS

The latest action deepened unhappiness produced by two other developments in recent weeks: The President's budget message, with apparent cuts in programs for the elderly; and reports of administration plans to reduce Medicare benefits while boosting fees.

Officials of both the labor-oriented National Council of Senior Citizens and the more conservative American Association of Retired Persons indicated, in interviews, increasing apprehension about prospects for aid to the elderly.

But Martin said the planning lags would not disturb the conference schedule. Such parleys in the past also were marked by charges of mishandling but were productive nonetheless, he observed.

INITIATIVE PREDICTED

The budget data has been misinterpreted, Martin said. And he predicted that a presidential health message next week would display "interesting initiatives" for the aging.

Martin, commissioner of the Administration on Aging within the Department of Health, Education and Welfare, was named in October 1969 by the President to direct the conference. The parley had been mandated by Congress a year earlier.

Martin put together 20 task forces, drawn from groups concerned with the problems of the elderly, and 14 technical committees to review the commissioned technical papers.

At the first of the planned series of task force meetings, Martin announced that the expected technical papers would not be ready until November. He provided summaries. Later he said some of the papers were sufficiently completed to be ready for meetings next month.

"VOTED TO ADJOURN"

"We decided there was no point to our trying to develop policy recommendations without data to back them up, so we voted to adjourn until November," said John Z. Schneider of Columbia, Md., delegate of the National Association of Life Underwriters to the task force on retirement.

That meeting was held despite a feeling by some participants that "there's no reason to meet at all," said Schneider, because of a story that morning in The New York Times.

The story quoted "public health sources" as saying the administration planned to both increase fees and cut benefits of Medicare the program of health care for the elderly. The President's budget, released 10 days earlier, anticipates a saving of $393 million in the fiscal year that starts July 1, it noted.

AGENCY FUNDS CUT

The budget also shows a drop from $33.6 million to $25.8 million in funding for the Administration on Aging (of $105 million authorized by Congress); and a cut in funding for community programs from about $9 million to $5 million.

In addition, the administration has requested a 6 percent increase in Social Security benefits in the face of a 10 percent boost voted by the Senate.

Together, the actions "reveal the low priority the White House places on the needs of the elderly," charged Nelson H. Cruikshank, president of the 3-million-member National Council of Senior Citizens, which has links with the AFL–CIO.

Bernard E. Nash, executive director of the rival American Association of Retired Persons (which he describes as "white collar") said he also was disturbed by planned cuts in the so-called "Foster Grandparents" program of care by the elderly for children from institutions. The program has been "universally acclaimed," he said.

"LACK OF EXPERIENCE"

As for the White House conference, the preparation reflects "at best a lack of experience and ability," Cruikshank charged.

And a participant who asked not to be named said, "I can't believe the White House couldn't get these papers finished and printed in time if they had a real sense of urgency—even if they had to be mimeographed."

"Either there's something in the papers they don't like or they're dragging this thing out so they'll be able to say 'We're working on the proposals' right before the election (in November 1972)," he asserted.

Martin said, he, too, was disappointed that the technical papers were not yet ready. Reviews by the technical committees of draft documents were completed two weeks ago, but rewriting was required for all but one or two, he said.

"STILL ON TARGET"

Martin said the conference preparations are still "on target."

The original schedule called for task force meetings in four groups here and in Chicago this week and again next month.

Other conferences to develop recommendations are scheduled at the state level in May and June. But these will not require the use of the anticipated task force recommendations, he said

As for the administration's budgeting for the elderly, Martin said $5.8 million of the asserted $7.8 million cut for the AOA has been shifted to other HEW accounts, "which I still will be able to sign off on."

Another $1.6 million, he said, represents funding in the present budget for the conference which does not have to be repeated in the 1972 budget.

The $4 million cut in grants of communities would be partly offset by a rise from $2.2 million to $4 million for so-called area-wide projects, he said.

And while the Foster Grandparents program would be cut from $10.5 million to $7.5 million, the Retired Senior Volunteer Program of carfare and lunch money for social-work volunteers would be boosted from $500,000 to $5 million, if Congress approves, Martin noted.

The disparity between what Congress authorized for the AOA and what the administration requested is "traditional," he added.

It also is determined by "other budgetary constraints," he said. "We have to work out our problems in relation to other needs," he said.

NEW YORK STATE AND THE ARTS

Mr. JAVITS. Mr. President, the increasing number of Americans, including Members of Congress and the administration, who are concerned with the development of the arts in our Nation, especially in smaller and more remote communities, will be heartened by a report which has recently come from New York State. The New York State Commission on Cultural Resources, under the chairmanship of a distinguished State senator, William T. Conklin, of Brooklyn, has recommended that the State expend $30 million for assistance to local cultural institutions in the next fiscal year.

The Conklin commission's recommendation for $30 million represents an appreciable increase over the $18 million being expended this year for the arts in New York State. There is an interesting parallel here. President Nixon has also proposed a budget of $30 million for the arts, which is almost double the amount appropriated for the current year. Thus, both in New York State and at the Federal level, in each of which budget restrictions are tight, there is a conviction that despite a stringent financial situation the arts must be nourished. This is most heartening for the people of New York and the American people.

Mr. President, I ask unanimous consent that an article published recently in the New York Times detailing the recommendations of the Conklin commission be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATE UNIT ASKS MORE AID FOR CULTURE

(By Howard Taubman)

The New York State Commission on Cultural Resources is recommending that the state appropriate $30-million for local assistance to cultural institutions in the next fiscal year.

In a wide-ranging report that it will submit to the Governor and the Legislature in the next fortnight, the commission urges that the program, instituted last year as an emergency measure with an $18-million appropriation, be made permanent.

The report recommends a shift in the program's philosophy. While the financial needs of a cultural institution must remain a significant factor, it holds that the key consideration should be the quality and extent of its contribution to community and state. In line with what it calls "the resource concept," the commission would like to encourage new programs and assist existing organizations to "reach their full potential."

The commission's money recommendation is believed to exceed by more than $10-million what Governor Rockefeller is likely to reqeust in his budget to be made public Monday. In the face of the stringencies of the state's economic situation, the Governor is not expected to go beyond the $18-million he suggested last year.

The commission's report reflects a reversal in the positions of the Governor and the

Legislature. Last year the Governor took the initiative in urging the $18-million program, and the Legislature went along only after intensive pressure from supporters of the arts throughout the state. This year members of the Legislature, five of whom are on the 10-member commission, will lead the fight for state support of the arts.

SET UP LAST AUGUST

The commission was set up last August after enactment of a law that required "a study of the current and long-range needs of cultural institutions in New York for the purpose of determining whether assistance is needed and if so, to recommend a series of alternatives to meet such fiscal needs."

In his charge to the commission, Governor Rockefeller asked it to address itself "to the long-term solution" and added:

"A civilization without culture and art is no civilization at all. The mission which this commission is now beginning touches, therefore, at one of the most important areas of our lives."

Under the chairmanship of Senator William T. Conklin, Brooklyn Republican, the commission undertook a series of trips and seminars throughout the state. The commissioners visited cultural institutions, talked to their executives and supporters and attended performances and exhibits.

What they saw impressed them. Mr. Conklin was struck by the caliber of the display of an upstate museum and began immediately to suggest ways of improving its usefulness to the community.

"The state should stop apologizing for its commitment to culture and the arts," he said yesterday. "They are just as important to the quality of our lives as the development of our bodies, the education of our minds and the cleanliness of our surroundings."

The commission's report, which will be the first in a series devoted not only to financial assistance but also to planning and management and the role of the arts in education, offers 10 findings and recommendations:

10 POINTS IN REPORT

1. Unless state funds are forthcoming during 1971 and beyond, the state faces "a severe cultural depression." The gap between escalating expenses and less rapidly increasing income and contributions is growing wider.

2. Last year's emergency program must be made permanent. Since the $18-million appropriation is inadequate, it should be raised to $30-million.

3. The "resource concept" must become the basis of policy, with the nature of public service becoming the criterion for assistance rather than the size of the deficit.

4. Five categories should be set up in the guidelines for grants: operating, program, development, fellowships and technical. The report stresses the commission's desire to have new programs and experimental projects supported wherever they would benefit the community and state. It would also allow up to 500 individual fellowships, which are not permitted under the present law.

5. Grants under all five categories should be awarded on the basis of merit, financial need and the caliber of the public service. Under the law authorizing last year's emergency appropriation, assistance could go only to cultural organizations in existence before April 1. The commission wants useful new organizations to be eligible for aid, too.

6. Local and private support must continue as in the past before any grants are made.

7. The New York State Arts Council is requested to set up regional offices in western New York, the Albany area and Long Island.

8. The council should have a larger staff to process the more than 1,000 grants anticipated under a permanent program.

9. The commission finds that the state, its cultural institutions and the public have been well served by the council.

10. The commission urges an examination of the possibility of creating a permanent cultural resources planning commission, in view of the fact that the state spends many additional millions—no one knows exactly how many—on cultural activities through its educational, library, parks and recreation, youth, agricultural extension, poverty, labor department and model Cities programs.

The members of the commission, besides Senator Conklin, are Assemblyman Fred W. Droms, vice chairman; William E. Taylor, secretary; Senators H. Douglas Barclay and Seymour R. Thaler, Assemblyman Franz S. J. Leichter, Joseph Thomas DeVitt, Kenneth G. Dewey, Mrs. James R. Dunne and Harvey Lichtenstein.

Only one member, Senator Thaler, is believed to have any reservation about the report. He is said to be uncertain whether the $30-million figure is too large or too small and would like further documentation.

Senator Conklin has no doubts.

"I didn't think I had a particular yen for this kind of activity," he said, "but when I got out and saw and heard, I changed my mind. Despite my meager background in this field, I quickly saw its value and importance. I wasn't sure people would think it had any political significance, but I now see that it has a higher priority than I thought when I went in."

AGRICULTURAL CITATION FOR SENATOR B. EVERETT JORDAN

Mr. ERVIN. Mr. President, anyone at all familiar with his record is fully aware of the valuable service which my good friend and colleague from North Carolina (Mr. JORDAN) has performed for North Carolina's farmers and those in other parts of the country during his years as an influential member of the Committee on Agriculture and Forestry.

I would, however, like to invite attention to a particularly important contribution he made during the last session of Congress and for which he was recently recognized by agricultural groups in our State.

I speak in that connection of his work in sponsoring and securing the passage of two bills which will be of significant long-range benefit to both producers and users of a wide variety of plant seeds. The first, known as the Uniform Certification Standards Act, became law in 1969; the second, the Plant Variety Protection Act, which he cosponsored, was enacted late last year.

The North Carolina Crop Improvement Association recognized those contributions by presenting him with its Distinguished Service Award in ceremonies on January 29 at North Carolina State University, in Raleigh.

I ask unanimous consent that the remarks of Prof. Foil McLaughlin, the organization's director in charge, in making the presentation, and the text of the report on the event, published in the Raleigh News and Observer, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

A SPECIAL RECOGNITION FOR SENATOR B. EVERETT JORDAN

(Given at the Annual Meeting of the N.C. Crop Improvement Assn. and N.C. Foundation Seed Producers) January 29, 1971

President Sink, Senator Jordan, ladies and gentlemen.

The 91st Congress of the United States will be remembered for many things but to many of us, as the Congress that developed and passed major seed legislation. I say *major* because legislation enacted during the last two sessions of Congress will affect each and every person here today—whether seed growers, farmers, seedsmen (retail and wholesale) or the consuming public.

The first seed bill introduced into the 91st Congress during its first session was known as S. 1836. This legislation as passed, amended the Federal Seed Act to provide for Uniform Standards and Procedures for Certified Seed. Thus providing for the production, processing and distribution of certified seed under more uniform standards regardless of state of origin.

The second major piece of legislation was handled by the second session which has just concluded in December. This bill proceeded through Congress as S. 3070 and was an Act to provide Plant Variety Protection for developers of novel varieties of crops. This "Plant Variety Protection Act" as it is now called, provides protection for plant breeders very similar to the protection which patents provide to other inventors.

In my judgment, both of these laws as they are implemented, will be very meaningful, not only to North Carolina agriculture but to the nation. Today we want to pause and pay special tribute to a person who almost single handedly, guided these bills through Congress and into law. Our own Senator Jordan was author and chief sponsor of the Uniform Certification Standards Law. He was one of the sponsors of the Plant Variety Protection Act and as Chairman of the Senate Subcommittee on Agricultural Research and General Legislation, saw to it that the bill did not get bogged down in the legislative processes. It was during this last December as Chairman of the Senate Rules Committee that Senator Jordan gave the Protection Act its final thrust to passage.

(Senator Jordan, will you please come forward.)

Senator Jordan, it is a distinct honor and privilege for me, on behalf of the N.C. Crop Improvement Association and all assembled here today, to present you with this Distinguished Service Award in grateful appreciation for your outstanding work on behalf of agriculture. It is your capable leadership that we gratefully acknowledge and say thanks for a job well done. It is for your legislative interest on behalf of the seed industry—one of the states basic businesses—that we honor you today. Progress in this industry will be constructed upon the foundation that you have helped build through your sponsorship and support of the needed legislation. We thank you.

CROPMEN HONOR JORDAN

U.S. Sen. B. Everett Jordan was honored Friday in Raleigh for his role in getting two new national seed laws passed by the last Congress.

The N.C. Crop Improvement Association gave Jordan a special plaque for writing and guiding through the 91st Congress the Uniform Certification Standards Law and the Plant Variety Protection Act.

Foil McLaughlin, director of the Association, predicted that the new laws would help every American, regardless of whether they are farmers, seedsmen or consumers.

LIKE PATENTS

The Uniform Certification Standards Act defines, for the first time, a minimum standard for certified seed moving in interstate commerce. The Plant Variety Protection Act provides protection, much like patents, to developers of new varieties of plants reproduced from seed.

Along with the special award, the association gave its annual Crop Improvement Award to Edmund Mann, president of Blount-Midyette & Co., Washington, N.C. He was cited for his leadership role in promoting better seeds for North Carolina agriculture.

The Crop Improvement Association, which met at N.C. State University, elected John Green, McNair Seed Farms, Laurinburg, as its new president. Charles L. Davis, Speight-Davis Seed Farms, Pollocksville, was elected vice president.

Marvin Godfrey, FCX, Raleigh, was elected president of the N.C. Foundation Seed Producers, which also met in Raleigh on Friday. C. Evans McSwain, McSwain & Sons, Norwood, was elected vice president of the Foundation Seed Producers.

New directors of the Foundation Seed Producers are Stanley Cross, Wilmington, and S. M. Cozart, Wilson. New directors of the Crop Improvement Association are M. L. Dilday, Belhaven, and Carl Patterson, China Grove.

SENATOR RANDOLPH SUPPORTS SENSE OF SENATE RESOLUTION ON RELEASE OF IMPOUNDED PUBLIC WORKS FUNDS

Mr. RANDOLPH. Mr. President, when the President found it advisable to impound in budgetary reserve funds for public works projects, funds appropriated in the Public Works Appropriation Act of 1971 in excess of his budgetary requests, he told Congress that he would evaluate these projects during his review of the 1972 budget. That review is complete, and the budget before us indicates that not all the projects placed in reserve will be undertaken, and many will not be started before 1972.

Mr. President, Congress had determined that all of these projects were justified and timely. Many are urgently needed. For this reason I join the able Senator from Oklahoma (Mr. HARRIS) in cosponsoring a resolution expressing the sense of the Senate that the funds for all these projects be released from budgetary reserve and that construction take place according to the schedules originally contemplated by Congress.

All of these projects were carefully considered by the Committee on Public Works, of which I am chairman, and by other authorizing committees. We studied proposed projects for their value in flood control or navigational improvement, the relationship of costs associated with the projects and benefits derived from them, the possible adverse environmental impact of them, and other factors. We took testimony from local people who dramatically expressed the need for many of these projects. Public works projects included in bills reported by the Committee on Public Works are there because of a demonstrated need and justification.

Mr. President, I am certain that the Committee on Appropriations acts in approving these projects with similar deliberation. Congress, when it passes a Public Works Appropriation bill, acts on a convincing need and intends that projects be constructed according to the schedules it contemplated when considering the projects.

The costs of deviating from the schedules established by Congress will be considerable. Deferral of these projects will surely increase costs of construction. They are not projects likely to create inflationary pressure. In fact, many of them are flood control or flood protection projects desperately needed, and the toll of a single flood in human health costs and property damage might well exceed any budgetary advantage from delaying construction.

One of the best examples of this potential magnification of costs is in the Washington metropolitan area. Flood protection on Four Mile Run is long overdue, and delay of construction even into 1972, would subject the Arlandria area to a high risk of destruction. The small budgetary savings cannot be worth destruction of the type Arlandria has know in the past.

Mr. President, there is a further reason why all of these projects should be begun at this time, with accelerated construction on the schedules originally contemplated by Congress. The President has embraced the concept of an expansionary full employment budget, using Federal spending to combat the recession and unemployment now plaguing many parts of the country. The impounded funds, if used for accelerated construction, could be a valuable stimulus to increasing employment. These need not be new funds reflected in the fiscal year 1972 budget, but could be brought quickly into the economy simply by the release from budgetary reserve.

Mr. President, I remind the Senate that twice before, in the Federal-Aid Highway Acts of 1968 and 1970, Congress has passed statements of the sense of Congress that no appropriated highway funds may be impounded or withheld from obligation by the executive branch. In order for a critical construction program of the magnitude of the highway program or public works construction to be accomplished without disruption and runaway costs, construction schedules established by Congrses must be followed. The importance of those timetables was recognized by the Congress in the highway legislation. We must make the same statement with respect to needed public works projects.

Mr. President, several of these impounded projects are important to my own State of West Virginia. The funds placed in budgetary reserve would be used in the construction of the Bloomington Reservoir, Burnsville Lake, Leading Creek Lake, and Stonewall Jackson Lake projects, and land acquisition for Rowlesburg Lake. Delays in these projects will increase costs, postpone project benefits in areas which urgently need them, and deprive the labor and retail markets of surrounding areas of an economic stimulus which construction expenditures would bring.

Mr. President, for these reason I support the resolution offered by Senator HARRIS.

RIVERTON EXTENSION UNIT OF MISSOURI RIVER BASIN PROJECT

Mr. HANSEN. Mr. President, last September 25, President Nixon signed Public Law 91–409. This legislation provided for the reauthorization of the Riverton extension unit as part of the Missouri River Basin project and for the sale of the Third Division lands of the project.

Public Law 91–409 followed hearings by the Senate and House Committees on Interior and Insular Affairs in both the 90th and 91st Congresses. A major part of this legislation dealt with the sale by the Bureau of Reclamation of lands on the third division of the Riverton project. During the course of the hearings and the executive sessions much time was devoted developing language which would insure that these lands, when sold, would be farmed successfully.

Mr. President, I take the Senate floor today to report on the sale of the third division lands as provided by Public Law 91–409. On February 8, 1971, a public sale was held in Riverton, Wyo., by the Bureau of Reclamation for the purpose of disposing of the third division lands. Forty-two of the 43 units on the third division were sold at or above the appraised value. The appraised value of the 42 parcels sold was $1,189,300. The bid price of the 42 parcels sold was $1,367,600.

The fact that this land was moved into private ownership is of great importance. The land will be placed on the tax rolls of Fremont County and will contribute to the school revenues of that area as well as help support local governmental services. In addition, the land will be farmed by people with pride of ownership who will be able to make the necessary improvements and investments for the land to prosper. Only an owner can afford to make the long-term investments necessary to insure that these lands can continue to be farmed successfully.

One point of interest concerning the sale is the fact that 39 of the 42 parcels sold were sold to people who were already farming on the Riverton project. These parcels will help round out existing units on the project and make for more economical and efficient farming in the area. These people are familiar with the project, with the soil, and with the potential for the area. They are willing to risk their money to back up their belief that this land is good land and can be farmed successfully.

It is also important to note the outstanding cooperation existing among the Farmers Home Administration, the Federal land banks, and the Wyoming Farm Loan Board to insure that proper financing is available for successful farming on the third division lands.

SENATOR KENNEDY OPPOSES WIDENING OF INDOCHINA WAR

Mr. CHURCH. Mr. President, at a Businessmen's Executive Movement for Peace in Vietnam breakfast meeting in Washington, D.C., on February 17, the distinguished senior Senator from Massachusetts (Mr. KENNEDY) spoke out against the continuing American "acts of war" in Indochina. Senator KENNEDY'S statement to this important group of businessmen from all sections of the United States commands attention. I am pleased to ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Statement by Senator Edward M. Kennedy to the Businessmen's Executive Movement for Peace in Vietnam

It is a pleasure for me to have this opportunity to be with you this morning. This organization is unique among groups in America—not simply because of your opposition to the war in Southeast Asia, but also because as business men you have gathered together under that title to bring the prestige and balance of your private lives to a great public effort.

I do not wish to take a great deal of your time this morning, for among those who share a common view of a grave national problem—and have shared that view for some years now—it should not take us any great amount of time to express our feelings of disappointment and dismay. When this nation that we love, and to which we are totally committed as men, continues acts of war that we find repugnant and not in her interest, an excess of words is not the order of the day. Rather each and every one of us must reaffirm our intentions to do all we can to change the course of national policy—you through this organization and its fine work, I through the United States Senate and the legislation necessary to end this war by a date certain.

Such a reaffirmation appears to be very much needed. For a gross step was taken in the invasion of Laos, and unlike times past, the people of this nation have uttered hardly a word of protest. No trains are coming from New York now filled with the finest legal minds. No law schools have prepared their briefs on the Constitutionality of it all. My mail room is not flooded with telegrams; no Senate Committees are meeting in public. Rather, we read in the weekly magazines that America is cooling off, that we are entering a period where each person will be more interested in literally doing his own thing and less interested in the larger events that do not seem to submit to control.

There are not many among us who wish to see this nation remain in a state of constant agitation—we do not want riots, disruptions, or turmoil in our institutions. But neither do we wish to see a complacency so great, a nation of individuals turned in upon themselves to such an extent, that the invasion of a neutral nation by another state under our guidance and control goes unanswered. In short, if, at long last, there is the hope of greater domestic quiet, we do not wish to see such an understandable and positive attitude exploited. But I think we saw that occur last week.

And the step into Laos was taken with great stealth. It is Asians, now, fighting Asians—and they do it for our purposes more than their own. What regard do we have for them, for those villages, those children, those women, those soldiers? They are merely Asians fighting Asians, and if luck smiles upon us in this great game of life and death in Southeast Asia, we will reap the political benefits from this new ante on war's table—the political benefit that will keep America cool, while Vietnam falls deeper into the pit, her armies in three theaters, her ultimate future more dismal.

So what can we say of this newest spread of war? What are the effects of this act, that, for whatever reasons, has been so quietly received by a nation heretofore so indignant?

First, we have now seen clearly what Vietnamization means. The invasion of Cambodia, the invasion of Laos, are the children of that policy. Vietnamization means war and more war; it has nothing to do with an end to violence, it is a policy of violence. The political negotiations long sought to end the killing and the fire in Southeast Asia now fade as a possibility. It is possible that we will, under Vietnamization, eventually reduce our involvement in Vietnam—only to step back to watch the ultimate agony of that place while washing our hand of it. That is what is so repugnant about the invasion of Laos and all it means. For those who care little about the violence we brought on, for those who care little for the civilian casualties, for those who care little about what eventually befalls that cluster of underdeveloped states—the policy may be judged a success. But for those who feel otherwise, who call for an end to the war and the death, the only solution to this political war is the political settlement that will end the violence.

Secondly, the invasion of Laos significantly raised the level of deception here at home. Soldiers were not dressed as civilians recently to deceive the enemy—but to deceive us. The embargo on news was not erected to deceive the enemy—but to deceive us.

No one seriously questions the right of our government to withhold some news in the field of foreign policy in the short run situation. Plebecites cannot be taken on every act of the government throughout the world. But Vietnam is not a short run situation—we have been living with it all these years and public opinion is now clear on the question of withdrawal or new acts of war versus any illusion of military victory. The public wants no part of it, yet our government persists in it, and so the news must be kept from us. How long it will take to reestablish the faith of the citizen in the word of their government is a matter of great speculation—but it is that faith and trust that has also fallen in this war.

Thirdly, the preoccupation with Vietnamization and the invasion of other states has caused serious damage to our foreign policy in the eyes of the world. What has it meant to the progress of arms limitation talks? What time and energy can we give to the situation in the Middle East—a situation now in a critical stage? When was the last time our government could focus on the rapidly changing situation in the Latin countries, or the African states? All this is put aside, as we compound the error of Vietnam.

And when will it end? That depends on the Congress, and whether or not we will be strong enough to pass the necessary legislation to guarantee withdrawal. Only at that time will the spell be broken. Only then will there be the realization that enough has finally become enough, and in view of the time remaining the only appropriate actions will be those taken in Paris.

In this endeavor we will need your help and assistance, and we will be looking to you and groups such as yours for support throughout the country.

If the President of the United States looks to protect American boys—rather than to justify every new act of war on them—let him bring them home to their families.

If the President of the United States looks for peace in Asia—a lasting peace, for a generation—let him give the word to his able negotiator in Paris.

And if we are not to fall complacent while an unwanted war continues to rage, let us renew our commitment to the task of legislating the date—the date to end our involvement in that conflict, and force the political solution.

LITHUANIAN INDEPENDENCE DAY

Mr. DOMINICK. Mr. President, February 16 marked the 53d anniversary of the Lithuanian Declaration of Independence. Lithuania presents a dramatic example of Soviet colonialism in Eastern Europe, as they are related neither ethnically nor culturally to the Germans or Russians. Through direct control of foreign affairs, economic planning, defense, currency, and foreign trade, the Soviet Union has usurped the independence and freedom possessed by Lithuania before the Red Army invasion and forced annexation in June 1940. With the invasion began a brutal and inhuman occupation, interrupted only briefly by a revolt and 6 weeks of short-lived independence. More than one-fourth of Lithuania's population has been exterminated or relocated since 1940, and her culture continues to be stifled by Russian customs and dictates.

The United States has refused to recognize the incorporation of Lithuania into the Soviet Union, supports a nonrecognition policy on Soviet possession, and continues to maintain diplomatic relations with the former free Government of Lithuania. The desire of these people for freedom was dramatically demonstrated last month by the unsuccessful defection attempt by Simas Kudirka on the U.S. Coast Guard Cutter *Vigilant*.

Although we yearly protest the Soviet domination of Lithuania, we have failed to enlist the needed support from other free countries of the world to pressure the Soviet Union toward a just self-determination for the peoples of the captive nations. The Western World has voluntarily granted independence to former colonies in many parts of the world, and we should and must insist ourselves and enlist the support of other countries to obtain the same freedom and independence for Soviet colonies held in involuntary servitude.

C. W. PARIS—MAN OF THE YEAR IN SERVICE TO GEORGIA AGRICULTURE

Mr. TALMADGE. Mr. President, each year the Progressive Farmer magazine honors an individual as "Man of the Year in Service to Georgia Agriculture."

The man selected for this year's award is C. W. Paris, general manager of Gold Kist, formerly known as the Cotton Producers Association. I wish to extend my personal congratulations to Mr. Paris for this well-deserved recognition of his many outstanding contributions to agriculture and agribusiness.

This is a high honor, and I ask unanimous consent that there be printed in the Record a profile of Mr. Paris that outlines the splendid work he is doing with Gold Kist.

There being no objection, the profile from Progressive Farmer magazine was ordered to be printed in the Record, as follows:

Man of the Year—In Service to Georgia Agriculture

Gold Kist is the new name for Cotton Producers Association, so it seems an unusually appropriate time to recognize Gold Kist's relatively new general manager, C. W. Paris, as Man of the Year in Service to Agriculture for his contributions to agriculture and agribusiness.

It was 20 years ago that a similar award was made to D. W. Brooks, present chairman of the board, who became manager in 1933 when CPA organized as a cotton-marketing co-op with a net worth of $2,100. Current net worth is $76 million. C. W. Paris is one of the men responsible for Gold Kist's growth and greatly responsible for the appropriateness of the name change.

Paris' life is so closely woven into the life of farm cooperatives and allied businesses that recounting successes of Gold Kist is akin to telling of his personal successes. In addition to more than 30 years of successful operations with CPA/Gold Kist he has been president of United Co-operatives, the supply unit for many of the largest cooperatives in the United States. He also served two terms as president of the National Broiler Council, and currently serves as director with both organizations.

He's also director and president of Gold Kist, S.A., the fishmeal company based in Lima, Peru, Other organizations which he serves as director include: Cooperative Mills of Ohio; Institute of American Poultry Industries; Cotton States Life and Health Insurance Company; National Council of Farmer Cooperatives; the Columbia, Newberry & Laurens Railroad; and the Georgia Agribusiness Council.

He was a delegate to the World Poultry Congress in Russia in 1966 and the European-American Symposium on Agricultural Trade in the Netherlands in 1963, a member of USDA's Broiler Advisory Committee in 1961–62, and currently serves on the National Industrial Pollution Control Council.

His interest in poultry is reflected in Gold Kist's annual report, which reads: "Due to a good poultry market, efficient operations, and skillful overall management in Gold Kist Poultry, this division again produced the most net margin for patrons—$5,185,000. Refund to poultry producers will be $1.10 on each 100 pounds of poultry produced."

Additional income to all farmer members and to the communities in which Gold Kist operates remains the main objective of this agricultural cooperative. It has charted a course of continued expansion in the consumer market field, more joint venture operations, refined research, more diversification, and additional local marketing and purchasing services to members.

In recounting this course and the many fields in which Gold Kist operates when he announced the name change, Paris pointed out that "the same services to farmers and the same principles of organization will continue. Gold Kist will continue to be a farmer cooperative with savings being returned to members." Thus the appropriateness of remarks of Under Secretary of Agriculture J. Phil Campbell when he called the organization "one of the great examples of the American free enterprise capitalistic system."

He went on to express his confidence that co-ops such as Gold Kist would "continue to add substantially to farmers' receipts by getting them better prices, by finding them export and other markets they could not find by themselves, and by making it possible for the individual to share in the cost savings achieved by combining the strength of many individuals."

FLYING THE AMERICAN WAY: BIGGER PLANES, HIGHER FARES, MORE RED INK

Mr. PROXMIRE. Mr. President, an excellent article concerning the American airline industry was published recently in the New Republic. The article, entitled "Flying the American Way," was written by Robert Fink, who has had extensive experience in the air travel business.

Mr. Fink points out that the 20 United States scheduled air carriers are in serious financial difficulty. This problem has come about because the airlines have been operating with over 50 percent of their seats vacant, while expanding at a rate far in excess of the growth of the number of passengers who are able or willing to pay the rapidly rising cost. This expansion, which has led to most airlines having planes on the ground and unused, or operating at far below their capacity, has been encouraged by the tax incentive and depreciation system which encourages the airlines to continually invest in new and larger aircraft.

This has led to congestion at many major airports and contributed to noise and air pollution, as well as the waste of our natural resources.

Mr. Fink said:

> For the past 20 years, it has been government policy to encourage open competition and restrict any form of capacity control on scheduled airlines' services within the U.S. and on overseas routes where U.S. carriers actively participate, such as on the North Atlantic. On affected international routes the effect has been similar to what has happened here, and the President of TWA recently noted that the excess seats of the two dozen carriers on the North Atlantic represented no less than the equivalent of 84 Boeing 707s daily flying empty.

The advent of the SST would hardly improve this situation. In fact, keeping up with the Jones or expansion for expansion's sake was one of the contributing factors leading to this financial crisis. The SST will only make matters worse and add to the severe financial burden of the major airlines in this country.

Mr. Fink believes the solution to be the reduction in the number of flights made by the airlines as well as regulation of the competition on the routes by the CAB. For example, a simple 10-percent reduction in flights would represent an 850 million gallon decline in the usage of aircraft fuel, reduce air congestion and cut down on emissions. A 10-percent reduction is not enough, but it does show how important this entire subject is when Congress is being asked at the same time to provide through funding for the SST for more expansion, more waste, and more pollution on the airways.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLYING THE AMERICAN WAY

(By Robert Fink)

The 20 US scheduled carriers are in dire financial straits, and it is possible that only a handful will survive the next two years. The industry generally concedes that some large companies will go under, and perhaps as few as four or five giants will emerge. Last week the airline industry, in the person of Stuart Tipton, the President of the Air Transport Association (see Correspondence, p. 34), appealed to Congress to let the industry raise passenger fares so "we can have a good, solid system and not have to come to Congress for government help."

That the airlines' plight was not anticipated years ago by airlines or federal regulatory bodies reflects their collective mentality, which appears to have lived for years in the never-never land of expansion for expansion's sake—despite the patently obvious fact that overall lift capacity was increasing at a substantially higher rate than even a healthy market increase could absorb at contemporary tariff levels, as each company generally followed a policy of buying aircraft to meet their own peak season demands. With the advent of the 747 Jumbo Jet, it was clear that scheduled seat capacity would probably exceed even that demand for the first time in the history of commercial aviation, just as it should now be clear that the coming of the wide-bodied tri-jets in 1972, with approximately twice the number of seats of the familiar Boeing 707 and DC–8, will increase the discrepancy between available seats and passengers to fill them, still more.

The airlines' compulsion to grow has been tuned to such tangible governmental expansion incentives as accelerated depreciation schedules, the 10.5 percent return on invested capital, and the now-cancelled 7 percent investment tax credit—an arrangement under which virtually all large aircraft now in service, and much of the fleets soon to be delivered, have been secured. This credit device encouraged companies to expand by purchasing equipment—in many cases aircraft they didn't vitally need—and subsequently their applicable annual net-after-tax profits by as much as 50 percent.

The 10.5 percent return on invested capital is a guideline that the Civil Aeronautics Board recognizes as being a reasonable rate. It is on this basis that the major scheduled carriers recently asked for a 20 percent fare increase, the amount they believe they need to guarantee themselves a 10.5 percent return. In arriving at this 20 percent figure, the airlines by their own calculations, generously acknowledge that substantial numbers of passengers will be driven away, and that if this were not the case they would only need a 12 percent fare boost. At a time when more and more seats are empty, both percentage-wise and in toto, the airlines are ironically proposing to aggravate the condition still further, and looking for their salvation to the government which contributed to their dilemma. But the higher tariff structure the carriers are now demanding can only provide temporary relief, and in the long run is not in the best interest of the airlines, the aircraft manufacturers and suppliers, or the general public.

No responsible industry goes in for major capital expansion primarily to obtain short-term financial advantages. Presumably, most airline executives had faith in massive and continued growth ad infinitum, and acted accordingly—and so it is a natural progression for them to now attribute their difficulties to a slump in the economy. Translated into airline passenger traffic, "slump" means the rate of anticipated growth has not materialized; it does not mean decrease in passenger seat-miles (actually up 8.3 percent in the first seven months of 1970), except in relation to overall expenses and available seat-miles. This combination of factors set off the plunge, but in a situation where, percentage-wise, fewer passengers carry an everwidening burden of costs, a cave-in is inevitable. The "slump" is a symptom of unsoundness, as are many of the soaring costs the airlines are saddled with: excess interest charges on unneeded aircraft, their maintenance and operating costs, and the waste in time and fuel spent in runway delays resulting from the congestion of unnecessary flights, are a few examples. These kinds of needless costs annually add up to tens of millions (if not hundreds of millions) of dollars thrown away, millions of man-hours wasted, and the squandering of natural resources.

How did the airlines, with all their management and marketing expertise, get in such a mess?

The answer partially lies in the curiosities of airline economics, and the blessing of the operating economies of modern jet aircraft. The actual cost of flying them is so low that once they are purchased, the sale of a relatively few seats on each flight will cover the expenses of aircraft operations. "Aircraft Operating Expenses" are calculated in block hours—time measured from the moment an aircraft begins a flight by moving under its own power, to the time its engines are switched off at its destination. These expenses, in airline accounting procedures, include "out of pocket" costs of fuel, oil, crew salaries and flight insurance, as well as the major expenditures of direct maintenance, and depreciation. In actual figures, these various outlays average about $800 per block hour for a Boeing 707 or DC–8, about $850 for a stretch DC–8–61, and about $1550 for a Boeing 747 Jumbo.

Actual operating costs vary from route to route and from carrier to carrier, and the break-even point between any two points differs, depending on such variables as distance and tariff structure, but the break-even point is usually reached by the sale of between 16 to 25 percent of the available seats at the coach-class fare level, between most major cities. Hence, for example, a 747 flying from Los Angeles to New York requires about 65 coach passengers in its 340-odd seats—and it could comfortably have many more seats—to recoup the operator's aircraft expenses. Or a DC–8–61 flying between Chicago and Los Angeles can break-even with approximately 32 coach passengers in its 195-odd seats—plus the few passengers needed to cover the expenses of catering (a fixed expense per passenger), and ground handling (a variable expense per passenger, tied in to the frequency of flights and size of the aircraft, but obviously, the fewer the flights and the larger the aircraft to transport a given quantity of passengers, the lower the per passenger cost). Moreover, the minimal passenger figures given here assume no freight or mail are being transported; if they generate revenue, the passenger break-even points are further reduced, often to where no passengers are needed to pay the aircraft's operating expenses.

It is because of these kinds of figures that the airlines have seen their road to prosperity in keeping their half-full aircraft in the air, and their advertising budgets high ($220 million in 1969, and growing substantially)—figuring every extra seat sold is largely money in the bank, as well as being a defensive necessity to keep up with the competition. There is little incidentally, to indicate that massive advertising expenditures increase total airline traffic to any meaningful extent.

The golden calf of bigness, combined with this sort of economics, leads many carriers, when given a choice between operating, say, a 140-passenger Boeing 707 or a 340-passenger Boeing 747, on a service which would normally be expected to have, say, 75 passengers per flight, to opt for the larger aircraft, because the substantially greater income it can generate on the odd occasions when there's a surge of passenger or freight demand, will more than offset the higher operating costs. Furthermore, the prestige of a 747 is seen as a lure to attract passengers from the competition. This type of reasoning totally ignores the social costs of pollution and the unnecessary consumption of resources.

The airlines have gone wrong because the delicate balance between irresponsible overcapacity and enormous ground expenses (approximately equal to total aircraft operating expenses), has gone against them—as sooner or later it had to do. Seeing load factors steadily slipping in the last few years—on domestic scheduled services the 1970 results will probably be about 46 percent, down from 57.9 percent in 1966—the airlines have tried to combat the trend by instituting gimmick fares, by shenanigans as the "wider-seat war," and by crying out for higher fares. These would make their aircraft operational break-even points even lower than they already are, and concurrently allow the in efficiency and waste to continue until the next crisis.

Airline operating costs being so low, the airlines literally would have a license to print money at the present tariff levels if the industry were rationally operated. That it is not so operated is a responsibility shared by the companies themselves and the CAB. For the past 20 years, it has been government policy to encourage open competition and restrict any form of capacity control on scheduled airlines' services within the U.S. and on overseas routes where U.S. carriers actively participate, such as on the North Atlantic. On affected international routes the effect has been similar to what has happened here, and the president of TWA recently noted that the excess seats of the two dozen carriers on the North Atlantic represented no less than the equivalent of 84 Boeing 707s daily flying empty. Domestically, the CAB has gone out of its way to increase competition, a familiar practice being to put three or four carriers on a route which has proved profitable for one or two, so that it becomes unprofitable for all.

On the airlines' sides, excess competition has naturally been unwelcomed by carriers when it invaded routes they themselves dominated; at the same time, wanting the best of both worlds, the carriers' normal practice has been to get the maximum possible routes for themselves—with the exception that on occasion they have been obligated to take routes they didn't want (usually short-distances or between small markets) to get others they did. The result of "what's mine is mine, what's yours we share,' combined with the carriers' acquiescence to the CAB's directives, is the present chaos of largely empty planes standing on runways, waiting to take off minutes apart for the same destination.

The obvious solution is—and has been—to reduce the number of flights, but until last September the airlines made no collective attempt to do so. And on an individual basis it is only within the last few weeks that major carriers such as TWA and United have made individual curtailments of any consequence, even though government regulations have not interfered with their right to individually reduce the frequency and size of their flights over any given route. In practice, the carriers have felt they would put themselves at a competitive disadvantage by acting initially or unilaterally: they have been more concerned with the possibility of losing out to competitors than of losing money, and it is only now that the losses are getting uncomfortable, that they are willing to risk losing "their" share of the market.

Why haven't the airlines at least been able to agree among themselves to jointly cut their services? The reasons are partly institutional: (1) the nature of the business is to plunge forward and not retrench; (2) it is difficult to question, much less change, habits and tenets that take up attributes of universal truths inside a functioning and dynamic industry; and (3) it is against the unspoken rules and anticipitalistic to impede free competition. The airlines, like the federal agencies that regulate them, have made "free competition" synonymous with the quality of public service: the constant inference is that any restrictions will jeopardize the public's welfare.

And the reasons are partly governmental: the CAB has made it difficult for the airlines to cut down. Last September, American, TWA, and United, finally seeing the handwriting on the wall in terms of unacceptable losses, made a unique application to curtail capacity by requesting that ceilings be placed on the number of available seats offered on selected long-distance routes on which the load-factors were only 40 percent, leaving to the companies the option to withdraw services within modest limits. In November the CAB rejected the application on antitrust grounds.

Can it be that they see the public interest being served by hundreds of millions of gallons of excess fuel being burned in the atmosphere? A mere 10 percent flight reduction would represent a savings of approximately 850 million gallons annually at the present rate of consumption. Can it be that they see the public interest served by having aircraft circling dangerously saturated airspace, waiting to land? Can it be that while no one wishes these results, public officials tied in to archaic systems, and possibly to narrow interests, create and maintain by their policy decisions the very conditions leading to inevitably disastrous results?

All is not lost at the CAB. Some members, including Chairman Secor Browne, have long been in favor of, or now see the wisdom of capacity reductions, and the Board's objections to the September application are now viewed as procedural: it could not be approved because the three carriers met behind closed doors without asking prior governmental approval—a breach of antitrust law so flagrant that cynical observers within the industry suspect the carriers' application was not wholly serious. Be that as it may, and while the Board is against "pooling"—an arrangement much in use outside the US wherein competing carriers (usually nations) mutually establish flight frequency and size patterns, and share revenues and expenses on given routes—it has announced it would be receptive to receiving definite and precise airline proposals that are properly initiated, for markets of substantial size where low load factors prevail.

How far the reforms will extend in practice is not clear. In all likelihood, the airlines and the CAB will not find anything amiss if load-factors can be corrected up to the 50–52 percent level, with the free-for-all to continue above that, thereby satisfying themselves that the present system is kept almost wholly intact, the airlines would once again be making profits, and the reductions in frequencies would not be injurious to the travelling public. If such be the extent of the remedial steps, and there is reason to believe it is the maximum to be expected, it is a solution befitting a society that disregards the costs of pollution, waste, and economic sense.

A rational policy of scheduled commercial aviation should aim at load-factors in the vicinity of 70 percent between hub cities—a figure which, under the present system, airline management in this country considers preposterous, though it is often realized and even surpassed on some inter-European routes, and was common in this country in the pre-jet era of the early fifties. With the assiduous use of computers, airline marketing statistics and probability studies, the carriers should restructure their schedules to meet such a figure, and subsequently keep their excess aircraft on the ground in active reserve, strategically placed to be readily available for increased demand prompted by special events and peak periods.

This system can be carried a substantial step further. With carriers knowing approximately how many passengers to expect on any given flight on any given day (they have this information now), and building in a comfortable reserve for chance error and variability, a large part of the advance reservations systems now costing the airlines dearly, could be abandoned. Passengers arriving at the airport would merely supply the ticket agent with their names and addresses, which would be immediately entered on the flight manifest. When more passengers turn up than the computer probability studies have predicted, as will certainly happen from time to time, or when seasonal or special events indicate a greater demand, aircraft from the reserve supply would be immediately put in service—or where operationally feasible, a larger aircraft would be substituted.

With the hundreds of millions of dollars saved by having fewer planes in the air, and communications and personnel expenses measurably reduced, the airlines could not only enjoy very substantial profits, but they could likely reduce fares to an extent that they could not only fill those portions of their fleets voluntarily grounded, but the mountains of giant aircraft they have on order. All parties stand to gain: the airlines, the manufacturers and suppliers, the travelling and nontravelling public, and the country.

In an era when costs and wages are rising steeply, the airlines are correctly claiming their costs are soaring, but they neglect to mention the anomaly of modern commercial aviation: the available seat cost per mile is now less than it has ever been. The case for higher fares is justified only in terms of rewarding the airlines for their past mistakes. Are the airlines to genuinely operate for the benefit of the widest possible public, or are they to pay them lip service while they make profits at 50 percent occupancy?

HEALTH MESSAGE AND ITS SIMILARITY TO PELL BILL

Mr. PELL. Mr. President, today the President has sent to Congress his proposals for improving the Nation's health care system. I commend him for his initiative and for the wide scope of his proposals.

In particular, I am very much encouraged that the President has decided to utilize my own basic approach to national health care as the keystone of his own health proposals.

In the last Congress I suggested a nontax approach to national health care reform. I proposed in my bill in the 91st Congress that employers provide employees a minimum level of health benefits just as they provide employees a minimum wage. The President now has proposed a similar approach.

In my bill I also proposed the development of community health corporations to encourage preventive medicine through group practice arrangements. The President in his message suggested he would encourage such an approach.

The thrust of my own approach is to restructure, rather than refinance through new taxes, the private sector by attempting to balance the demand for health care services with a new means of supplying health care services. From the tone of the President's message, it is evident that he shares this same philosophical approach.

EXCEEDING THE BOUNDS

Mr. GOLDWATER. Mr. President, on February 10 I took occasion to express my admiration for the courage of President Nixon in assisting the South Vietnamese invasion of Laos. At that time I offered the opinion that the war in Indochina would have been greatly shortened if this vital action had been taken 7 years ago. I also took note of the fact that the outcry of protest from antiwar units in this country was not all that the "doves" in our midst had hoped for.

Now we find a member of the Senate's antiwar faction, the Senator from Massachusetts (Mr. KENNEDY), complaining over the fact that Americans are not complaining. In a speech delivered here yesterday, the Senator from Massachusetts is reported to have said that he was disappointed and dismayed that Americans had not protested more about the incursion in Laos. At the same time Senator KENNEDY criticized bitterly the policy of Vietnamization which has permitted this country to withdraw many thousands of American fighting men from the scene of hostility. Mr. President, I might point out that whether you like the policy of Vietnamization or not, it is far superior to anything proposed by Senator KENNEDY's political party to facilitate a gradual termination of American participation in the Indochina war.

Mr. President, I believe we live in strange times when a Member of the Senate of the United States actually complains publicly because the American people fail to protest hard enough against an official policy of the man they elected President to facilitate the end of the war, to quicken the return of American fighting men, and to save American lives.

I believe, as does President Nixon, that all is fair in politics when truth and accuracy are brought to bear upon the public policies of people with whom we disagree. But I for one believe that it is exceeding the bounds of fair politics for an elected official to urge protest and dissension over an official policy of the Commander in Chief of this Nation. Senator KENNEDY says that he believes "a gross step was taken in the invasion of Laos," and that the action is in pursuit of a policy of violence. President Nixon and the vast majority of American people believe that it was a courageous step and a difficult step taken in the best interests of the Nation.

ADMINISTRATION'S MINED AREA PROTECTION ACT OF 1971

Mr. JACKSON. Mr. President, I submit for printing in the RECORD the Mined Area Protection Act of 1971. This measure is proposed by the administration as a part of the President's environmental message of February 8, 1971.

At the present time two other measures relating to surface and strip mine protection and reclamation are pending before the Senate Committee on Interior and Insular Affairs. These measures will all receive active consideration in this session of Congress.

Mr. President, I ask unanimous consent that the executive communication from the Secretary of the Interior accompanying the administration's draft proposal together with a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. —

A bill to provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mined Area Protection Act of 1971".

TITLE I

SEC. 101. DEFINITIONS.—For the purpose of this Act, the terms—

(a) "Secretary" means the Secretary of the Interior;

(b) "mining operations" means (1) activities conducted on the surface of underground for the exploration for or extraction of minerals from their natural occurrences, including strip or auger mining, dredging, quarrying, in situ distillation or retorting and leaching; and (2) the cleaning, concentrating, refining, or other processing or preparation (excluding smeltering) and loading for interstate commerce of crude minerals at or near the mine site. It does not include the extraction of minerals in a liquid or gaseous state by means of wells or pipes unless the process includes in situ distillation or retorting;

(c) "underground mining operations" means those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings and such use of the adjacent surface as is incidental thereto;

(d) "surface mining operations" means those mining operations carried out on the surface, including strip or auger mining, dredging, quarrying, and leaching, and activities related thereto;

(e) "mined area" means the surface and subsurface of an area in which mining operations are being or have been conducted including private ways and roads appurtenant to any such area, land excavations, workings, refuse banks, tailings, spoil banks, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, mining operations are situated;

(f) "operator of a mining operation" means an individual, society, joint stock company or a partnership, association, corporation, or other organization controlling or managing a mining operation;

(g) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(h) "reclamation" means activity which is taken during and following a mining operation to avoid or correct adverse environmental effects of mining operations.

SEC. 102. Congressional Findings and Declarations. The Congress finds and declares—

(a) that mining operations are essential activities affecting interstate commerce which contribute to the economic well-being, security and general welfare of the Nation;

(b) that there are mining operations on public and private lands in the Nation which adversely affect the environment by destroying or diminishing the availability of public and private land for commercial, industrial, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods and the pollution of waters and air, by destroying fish and wildlife habitat and impairing natural beauty, by frustrating efforts to conserve soil, water and other natural resources, by destroying public and private property, and by creating hazards to life and property;

(c) that the initial and principal continuing responsibility for developing and enforcing environmental regulations for mining operations should rest with the States;

(d) that the cooperative effort established by this Act is necessary to the prevention and elimination of the adverse environmental effects of present and future mining operations; and

(e) that it is the purpose of this Act to encourage a nationwide effort to regulate mining operations to prevent or substantially reduce their adverse environmental effects, and to assist the States in carrying out programs for those purposes.

TITLE II ENVIRONMENTAL REGULATIONS FOR MINING OPERATIONS

SEC. 201. State Environmental Regulations for Mining Operations.

(a) Each State, after public hearings and within two years of the date of enactment of this Act, may submit to the Secretary for review and approval or disapproval in accordance with this section State environmental regulations for mining operations on all lands within such State, except Federally-owned land or land held in trust by the United States for Indians. A State may at any time thereafter submit revisions to such regulations to the Secretary for review and approval or disapproval in accordance with this section. The Secretary shall approve the regulations or revision of such regulations submitted to him if in his judgment:

(1) the regulations require that each operator of a mining operation obtain a permit from a State agency established to administer the regulations, and file a mine reclamation plan describing the manner in which his reclamation activity will be conducted showing that such activity will be conducted in a manner consistent with the regulations;

(2) the regulations contain requirements designed to insure that the mining operation (i) will not result in a violation of applicable water or air quality standards, (ii) will control or prevent erosion or flooding, release of toxic substances, accidental subsidence of mined areas or land or rock slides, underground, outcrop, or refuse bank fires, damage to fish or wildlife or their habitat, or public or private property, waste of mineral resources, and hazards to public health and safety;

(3) the regulations require reclamation of mined areas by revegetation, replacement of soil, or other means; that a reclamation plan be prepared and approved in advance of initiation or continuance of mining operations, and that reclamation work be made an integral part of the mining operation and be completed within reasonably prescribed time limits;

(4) the regulations require posting of performance bonds in amounts at all times sufficient to insure the reclamation of mined areas in the event that the regulations are not complied with or that reclamation is not completed in accordance with the reclamation plan;

(5) the regulations provide for filing, updating, and permanent retention of engineering maps of all active surface and underground mining operations and of all inactive surface and underground mining operations for which engineering or other maps are available;

(6) the regulations provide that regular reports will be made to the Secretary concerning the progress made by the State in carrying out the purposes of this title;

(7) the regulations require regular monitoring by the State agency of environmental changes in mined areas to assess the effectiveness of the environmental regulations for mining operations;

(8) the regulations designate a single agency, or with the Secretary's approval, an interstate organization upon which the responsibility for administering and enforcing the regulations is conferred by the State which will insure full participation of those agencies responsible for air quality, water quality and other areas of environmental protection;

(9) the State agency or interstate organization responsible for the administration and enforcement of the regulations has vested in it the regulatory and other authorities necessary to carry out the purposes of this Act including, but not limited to, authority to prohibit mining operations where the area affected cannot be adequately reclaimed, to order cessation of mining operations, and to bring or request the bringing of civil and criminal actions for violation of applicable laws and regulations;

(10) the regulations were developed with full participation of all interested Federal departments and agencies, State agencies, local governments, and other interested bodies and groups;

(11) the regulations provide for regular review and updating, and for public notice and an opportunity for public participation in their revision;

(12) funding and manpower are or will be committed to the administration and enforcement of the regulations sufficient to carry out the purposes of this title;

(13) the regulations are authorized by law and will become effective no later than sixty days after approval by the Secretary;

(14) training programs will be established, as necessary, for persons engaged in mining operations and in enforcement of environmental regulations; and

(15) the regulations are compatible to the maximum extent practicable with approved regulations of adjacent States.

(b) The criteria set forth in subsection (a) of this section shall be further elaborated by the Secretary through guidelines which will be issued within 30 days after enactment of this act and revised periodically as the Secretary deems appropriate. Such guidelines shall attempt to assure that State regulations provide the operator of a mining operation sufficient flexibility to choose the most economically efficient means of meeting the requirements of section 201(a)(2) and shall be based on consideration of:

(1) the differences between the various States and regions;

(2) the effectiveness and experience gained under present State mining reclamation regulations and Federal regulations for Federal lands;

(3) the available technology for achieving the requirements of section 201(a)(2);

(4) a comparison of the costs and benefits of achieving alternative levels of the requirements of section 201(a)(2).

(c) To advise the Secretary in developing guidelines under subsection (b) of this section, there is established an Advisory Committee composed of representatives from the Departments of Agriculture and Commerce, the Environmental Protection Agency, the Tennessee Valley Authority and the Appalachian Regional Commission and such other representatives as the Secretary may designate.

(d) The Secretary shall not approve regulations submitted by a State pursuant to this section until he has solicited the views of Federal agencies principally interested in such regulations. In case of serious disagreement between any Federal agency and the State in the development of the regulations the Secretary shall seek to mediate the differences. The Secretary shall approve or reject the State regulations within 180 days after such regulations are filed. If no action is taken by the Secretary within the allotted time it shall be presumed, as a matter of law, that the State regulations are approved.

(e) If the Secretary approves the regulations or revision thereof submitted to him by a State for approval, he shall conduct a continuing review and evaluation of the effectiveness of the regulations and the administration and enforcement thereof. As a result of the evaluation and review the Secretary may determine that:

(1) the State has failed to enforce the regulations adequately;

(2) the State's regulations require revision as a result of experience or the guidelines issued by the Secretary pursuant to section 201(b);

(3) the State has otherwise failed to comply with the purposes of this Act.

Upon making such determination the Secretary shall notify the State and suggest appropriate action, remedies, or revisions to the regulations affording the State an opportunity for a hearing. If within a reasonable time, as determined by the Secretary, the State has not taken appropriate action as determined by the Secretary, the Secretary may withdraw his approval of the regulations, and issue regulations for such State under section 202 of this title. After withdrawal of his approval and pending the issuance of regulations under section 202 the Secretary may administer and enforce the State regulations. Following the issuance of regulations under section 202 and while they are in effect the Secretary is authorized to administer and enforce such regulations within such State.

SEC. 202. Federal Regulation of Mining Operations.

(a) If, at the expiration of two years after the date of enactment of this Act, a State has failed to submit environmental regulations for mining operations, or has submitted regulations which have been disapproved and within such period has failed to submit revised regulations for approval, the Secretary shall promptly issue environmental regulations for mining operations within such State. The Federal regulations issued by the Secretary for a particular State shall meet the requirements of the principles set forth in subsection (a) of section 201 of this Act.

(b) Regulations under this section shall be issued pursuant to the Federal rule making procedure set forth in 5 U.S.C. 553.

(c) The Secretary may from time to time revise such regulations in accordance with the procedure prescribed in 5 U.S.C. 553.

SEC. 203. Where the Secretary administers and enforces the program for the State, or when the Secretary administers and enforces State regulations under section 201(e) of this title, he shall recover the full cost of administering and enforcing the program through the use of mining permit charges to be levied against mining operations within the State.

SEC. 204. Termination of Federal regulations. If a State submits proposed State regulations to the Secretary after Federal regulations have been issued pursuant to section 202 of this title, and if the Secretary approves such regulations, such Federal regulations shall cease to be applicable to the State at such time as the State regulations become effective. Such Federal regulations, as changed or modified by the Secretary, shall again become effective if the Secretary subsequently withdraws his approval of the State regulations pursuant to subsection (e) of section 201 of this title.

SEC. 205. Inspections and Investigations. The Secretary is authorized to make such inspections and investigations of mining operations and mined areas as he considers necessary or appropriate to evaluate the administration and enforcement of any State's regulations, or to develop or enforce Federal regulations, or otherwise to carry out the purposes of this Act, and for such purposes authorized representatives of the Secretary shall have the right of entry to any mining operation and into any mined areas. In order to enforce the right of entry into a specific mining operation or mined area the Secretary may obtain a warrant from the appropriate district court to authorize such entry.

SEC. 206. Injunctions. At the request of the Secretary, the Attorney General may institute a civil action in a district court of the United States or the highest court in a U.S. territory for an injunction or other appropriate order (1) to prevent any operator of a mining operation from engaging in mining operations in violation of Federal regulations issued under section 202 of this title or State regulations which the Secretary is authorized to enforce under section 201(e) of this title; (2) to prevent an operator of a mining operation from placing in commerce the minerals produced by a mining operation in violation of State regulatins approved under section 201 of this title; (3) to enforce a warrant issued under section 205 of this title; or (4) to collect a penalty under section 207(a) of this title. The district court of the United States for the district in which such operator of a mining operation resides or is doing business shall have jurisdiction to issue such injunction or order.

SEC. 207. Penalties. (a) If any person fails to comply with any regulation issued under section 202 of this title for a period of fifteen days after notice of such failure, the Secretary may order cessation of such person's mining operations and such person shall be liable for a civil penalty of not more than $1,000 for each day of continuance of such failure after said fifteen days.

(b) Any person who knowingly violates any regulation issued pursuant to section 202 of this title shall, upon conviction, be punished by a fine not exceeding $10,000, or by imprisonment not exceeding one year, or both.

(c) The penalties prescribed in this section shall be in addition to any other remedies afforded by this title or by any other law or regulation.

SEC. 208. Research. The Secretary is authorized to conduct or promote research, or training programs to carry out the purposes of this title. In so doing, the Secretary may enter into contracts with institutions, agencies, organizations, or individuals and make grants to non-profit organizations and collect and make available information resulting therefrom.

SEC. 209. Grants. (a) The Secretary is authorized to make a grant to any State for the purpose of assisting such State in developing, administering and enforcing environmental regulations under this title provided that such grants do not exceed 80 per centum of the program development costs incurred during the year preceding approval by the Secretary and do not exceed 60 per centum of the total costs incurred during the first year following approval, 45 per centum during the second year following approval, 30 per centum during the third year following approval and 15 per centum during the fourth year following approval, at which time the Federal grants shall cease.

(b) The Secretary is authorized to cooperate with and provide non-financial assistance to any State for the purpose of assisting it in the administration and enforcement of its regulations. Such cooperation and assistance may include:

(1) technical assistance and training, including provision of necessary curricular and instructional materials, in the administration and enforcement of the State regulations or program; or

(2) assistance in preparing and maintaining a continuing inventory of mining operations and mined areas in such State for the purposes of evaluating the effectiveness of its environmental regulations for mining operations programs and identifying current and future needs of the State's activities under this Act.

SEC. 210. In extending technical assistance to States under section 209 and in the enforcement of regulations issued by the Secretary under section 202 concerning matters relating to the reclamation of areas affected by surface mining, the Secretary may utilize the services of the Secretary of Agriculture, and may transfer funds to cover the cost thereof.

SEC. 211. Rules and Regulations. The Secretary is authorized to promulgate such rules and regulations as he considers necessary to carry out the provisions of this title.

SEC. 212. Authorization of Appropriations. There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this Act.

TITLE III

SEC. 301. (a) The heads of all Federal departments or agencies which have jurisdiction over land on which mining operations are permitted are authorized to promulgate environmental regulations to govern such mining operations. Such department or agency heads shall issue regulations to assure at least the same degree of environmental protection and reclamation on lands under their jurisdiction as is required by any law and regulation established under an approved State program for the State in which such land is situated. Each Federal department and agency shall cooperate with the Secretary and the States, to the greatest extent practicable, in carrying out the provisions of this Act.

(b) Nothing in this Act or in any State regulations approved pursuant to it shall be construed to conflict with any of the following Acts or with any rule or regulation promulgated thereunder:

(1) the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772; 30 U.S.C. 721–740);

(2) the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742);

(3) the Federal Water Pollution Control Act, as amended (79 Stat. 903, 33 U.S.C. 1151–1175), the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality;

(4) the Clean Air Act, as amended (79 Stat. 992; 42 U.S.C. 1857); and

(5) the Solid Waste Disposal Act, as amended (79 Stat. 997; 42 U.S.C. 3251).

SEC. 302. Separability. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 10, 1971.

Hon. SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration and we recommend that it be enacted.

This legislative proposal was referred to in that part of President Nixon's environmental message dealing with environmental regulations for mining operations which was submitted to the Congress on February 8, 1971.

The adverse environmental effects that can result from mining operations has been a subject of growing national concern in recent years. The ever-increasing demand for minerals coupled with dramatic developments in our ability to recover them has led to an increase in mining activity, particularly surface mining.

These activities are an important part of the American economy and will continue to be. But we are coming to realize that they may contain hidden costs in terms of environmental deterioration that do not appear in the market transaction of the commodity.

Recent studies and investigations in the past 5 years documented some of the adverse environmental effects that may result from surface mining. Over 3.2 million acres of land had been disturbed by surface mining, with approximately 150,000 acres being added annually. By 1980, if this trend continues unchecked, 5 million acres will have been affected by mining activity, an area roughly the size of the State of New Jersey.

Underground mines also pose a serious threat to the environment. Like surface mines, underground mines can produce unsightly spoil heaps which disfigure the countryside and contribute to water pollution. Mine fires and unintentional subsidence are also major problems associated with underground mines in some areas.

In varying degrees State legislatures and mining companies have responded to the problem with the result that much land is being reclaimed by the mining industry as a part of the mining operation. Twenty-two States have laws regulating some aspects of surface or underground mining. This effort, however, suffers from lack of uniformity and lack of unanimity.

There are two distinct problems involved in meeting the challenge which mining operations can present to the environment:

(1) requiring ongoing and future mining activities to be conducted in a way as to minimize the environmental impact, and

(2) healing the wounds that have been inflicted by past mining operations.

The proposed bill deals only with the first problem, the solution to which is largely a matter of developing regulations which will require environmental considerations to be built into the mining operation. An integral part of this effort will be research programs promoted by the Secretary of the Interior with Federal funds.

The proposed bill recognizes that the initial responsibility for developing and enforcing regulations should rest with the States. It also recognizes, however, that the effort must be nationwide and based, to the fullest extent possible, on national standards, so that industry will be placed on an equal footing in every State.

The proposed bill therefore gives the States the opportunity to develop and submit regulations for approval by the Secretary of the Interior in accordance with certain specific criteria set forth in the bill.

If a State fails to develop an acceptable program within two years after enactment, the proposed bill authorizes the Secretary to promulgate regulations for mining operations within the State.

The problem of healing damage inflicted in the past is more complicated. Typically, the party responsible is not available for legal action to require him to repair the damage he has caused. Consequently the solution is largely a matter of spending taxpayers dollars. In order to justify a massive Federal grant program to clean up past mined-areas, a detailed cost-benefit analysis must be undertaken to assure that this problem deserves top priority among the great number of other environmental problems the solution to which requires Federal funds. The tools for such an analysis are in the formative stages. Until they have been further refined, it is felt that a restoration program is premature.

A section-by-section analysis of the bill is enclosed.

This legislation is long overdue. The longer it is put off, the larger the ultimate cost will be.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

SECTION-BY-SECTION ANALYSIS

To provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes.

TITLE I

Section 101—contains definitions. "Mining operations" includes surface and underground mining but excludes extraction of minerals in a liquid or gaseous state through pipes. "Reclamation" means environmental protection built into mining operations.

Section 102—contains Congressional findings and declarations and states specifically that mining operations affect interstate commerce but that the initial and principal continuing responsibility for regulating them rests with the States.

TITLE II

Section 201—permits each State to submit for approval by the Secretary of the Interior environmental regulations for mining operations. Such regulations must cover all land within the State except Federally-owned land or land held in trust for Indians. The section contains criteria for secretarial approval, including provision that the regulations contain requirements designed to insure compliance with air or water quality standards and control or prevention of other specific types of environmental damage. The section sets up an Advisory Committee to establish guidelines further elaborating upon the criteria. The section allows the Secretary to withdraw his approval of State regulations if he finds that the State has failed to enforce the regulations adequately or otherwise failed to comply with the purposes of the Act.

Section 202—provides that if, after two years from the date of enactment of this Act, a State has failed to submit regulations to the Secretary for approval, the Secretary shall issue regulations for mining operations within that State.

Section 203—provides that, when the Secretary administers and enforces the program for a State, he shall recover the cost of so doing through permit charges levied on the mining operations within that State.

Section 204—provides that Federal regulations issued under section 202 shall cease to apply whenever the Secretary approves regulations submitted to him by the State.

Section 205—authorizes the Secretary to make inspections of mining operations in carrying out his responsibilties under the Act.

Section 206—authorizes the Attorney General to institute a civil action in the Federal district court to enforce Federal regulations, and to enforce certain other provisions of the Act.

Section 207—prescribes penalties for violation of Federal regulations.

Section 208—authorizes the Secretary to conduct research or training programs to carry out the purposes of title II.

Section 209—authorizes the Secretary to make grants to States to cover 80% of the cost of developing the regulations during the year prior to approval and to cover the following portion of the administering and enforcing costs for the four years following approval; 60% the first year, 45% the second year, 30% the third year and 15% the fourth year. The section also authorizes the Secretary to provide technical assistance to the States.

Section 210—authorizes the Secretary to utilize the services of the Secretary of Agriculture in extending technical assistance to the States.

Section 211—authorizes the Secretary to promulgate rules and regulations.

Section 212—authorizes appropriations as necessary.

TITLE III

Section 301—authorizes heads of Federal agencies to issue environmental regulations governing mining operations on lands under their jurisdiction. It directs such agency heads to require at least the same degree of environmental protection and regulation as is required by the State on other lands within the State. The section also provides that the Act shall not conflict with certain other Federal laws.

Section 302—provides for the separation of any provisions of the Act held invalid.

ACTION LONG OVERDUE ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, during the preparation of the various drafts of the Genocide Convention, active support was given by the United States. Indeed, it was largely through the efforts of the United States that the convention was completed in 1948 and adopted by the General Assembly on December 9 of that year.

At that time the position of the United States on the Genocide Convention was clearly set forth in a speech made to the General Assembly by the then Assistant Secretary of State Ernest Gross:

> It seems to the United States delegation that, in a world beset by many problems and great difficulties, we should proceed with this Convention before the recent memory of horrifying genocidal acts has faded from the minds of conscience of men. Positive action must be taken now. My government is eager to see a genocidal convention adopted at this session of the General Assembly and signed by all member states before we quit our labors here.

The General Assembly responded by unanimously adopting the convention with 55 nations voting, the other three being absent.

In June 1949, President Truman submitted the Genocide Convention to the Senate with an enthusiastic endorsement. In January 1950 a special Genocide Subcommittee under the chairmanship of the late Senator Brian McMahon of the Senate Foreign Relations Committee conducted public hearings. Leaders of more than 50 important organizations, representing millions of citizens, appeared before it to urge early ratification. On behalf of the State Department, Dean Rusk offered reassurance as to the possible effect of the convention on the domestic concerns of the United States. Mr. Rusk said:

> In terms of practical application throughout the United States, genocide means the commission of such acts as killing members of a specified group and thus destroying a substantial portion of that group, as part of a plan to destroy the whole group within the territory of the United States. It can thus be readily seen that genocide, as defined in the Convention, has never occurred in the United States, and is not likely to occur in the future.

In its report to the full Committee on Foreign Relations following these extensive hearings, the special subcommittee recommended ratification of the Genocide Convention, urging the inclusion of four reservations. However, months, then years, elapsed and the convention did not get out of committee.

In 1970 a major step toward U.S. ratification of this convention was taken by the President who called for Senate approval of the United Nations Genocide Convention. In a special message to the Senate on February 19, 1970, the President stated:

> I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever.

The President endorsed the recommendations of Secretary of State William Rogers and concurred with the judgment of Attorney General Mitchell that there are no constitutional obstacles to U.S. ratification and that ratification at this time would serve the national interest.

President Nixon further stressed that Senate action "will demonstrate unequivocably our country's desire to participate in the building international order based on law and justice."

A principal obstacle to ratification of the convention was eliminated in 1970 by the positive recommendations of all the relevant divisions of the American Bar Association, including the section on individual rights and responsibilities, the standing committee on world order through law, and the section on international and comparative law. In contrast to past years when there was little support for the convention, at a meeting of the ABA House of Delegates in February 1970, nearly half the members endorsed ratification.

Senate Hearings on the Genocide Convention were held on April 24 and 27 and May 22 of last year under the chairmanship of Senator CHURCH.

A major step toward ratification was taken when the subcommittee reported the convention favorably to the full committee. The full committee reported favorably by a vote of 7 to 3.

The Genocide Convention has become the most widely ratified United Nations agreement with the exception of the U.N. Charter itself. Seventy-five countries have adopted it thus far. The United Kingdom became the 75th party to the Convention on Genocide on January 30, 1970, when its instruments of accession was received by the United Nations Office of Legal Affairs.

The failure of this Nation to ratify the Genocide Convention is unjustified. If we are to safeguard human rights and freedom, we must ratify this Convention. I sincerely urge the Senate to do so.

ARIZONA AND PENNSYLVANIA

Mr. GOLDWATER. Mr. President, a funny thing happened to the great State of Arizona on its way to affluence and prosperity the other day.

It seems that an organization called the Citizens Conference on State Legislatures has ranked the legislative body of my State 43d in a Nation of 50 States.

At the same time the Pennsylvania Legislature was ranked 21st and thereby hangs an interesting story of comparison.

You see, Mr. President, Arizona is financially solvent and in no danger of running out of operating funds—a condition that the State legislature played a major role in bringing about. On the other hand Pennsylvania, which ranks so far ahead of Arizona in the view of Citizens Conference, is flat broke and will be unable to meet its financial obligations by the end of February. This assessment of conditions in the Keystone State is not mine. It was outlined in a statement from the office of Gov. Milton Shapp, of Pennsylvania, a few weeks ago.

This interesting situation has led Governor Williams, of Arizona, to make some pungent remarks and the Arizona Republic newspaper to publish an interesting editorial. Entitled "Smart But Poor," the editorial concludes with these words:

> Arizona's Legislature may not be smart, and it certainly does not represent a rich State, but its fiscal policies have not set it on the road to the poor house.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Feb. 9, 1971]

SMART BUT POOR

"If you're so smart," runs a standard American retort, "why aren't you rich?"

This question was propounded, in effect at least, by Governor Williams when he commented on Arizona's place—43rd in the nation—in a ranking of state legislatures released by the Citizens' Conference on State Legislatures.

Noting that the Pennsylvania legislature was ranked 21st among the 50 in this country, Governor Williams quoted from a statement from the office of the governor of Pennsylvania admitting that his state would be out of money and unable to meet some of its obligations by the end of February.

In contrast, said Governor Williams, Arizona is financially solvent and in no danger of running out of operating funds.

One reason for Arizona's comparative affluence is the constitutional provision against the state's going into debt. During the last Democratic state administration a major drive was launched to allow the state to issue $100 million worth of bonds for various public purposes. The proposal was soundly defeated at the polls.

In the view of some, this was a regressive step by Arizona taxpayers. But it had much to do with keeping the state in a sound financial position. Had the bonds been authorized, the money probably would have been spent by now. And a large part of current income would now be going to pay off the bonds.

In sharp contrast, Pennsylvania does bond itself for public buildings, etc. Yet, unless it boosts its taxes or gets a windfall from President Nixon's revenue-sharing program, the Keystone State will be tottering on the edge of bankruptcy in three weeks.

Arizona's legislature may not be smart, and it certainly doesn't represent a rich state, but its fiscal policies haven't set it on the road to the poor house.

AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1964

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself, I submit for printing in the RECORD a bill to amend the Land and Water Conservation Fund Act of 1964, as amended.

The proposed legislation was submitted and recommended by the Department of the Interior and was referred to in that part of President Nixon's environmental message dealing with the Land and Water Conservation Fund which was submitted to Congress on February 8, 1971.

I ask unanimous consent that the letter from the Secretary of the Interior accompanying this draft proposal and an analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. —

A bill to amend the Land and Water Conservation Fund Act of 1965, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 460*l*–4 *et seq.*), is further amended as follows:

(a) In the title of the Land and Water Conservation Fund Act of 1965 and in subsections 1(b), 5(a), 5(d), and 5(f), after the word "outdoor" wherever it appears insert "and other".

(b) In the first sentence of subsection 5(b), delete paragraphs numbered (1) and (2) and substitute the following:

"(1) 20 per centum shall be apportioned equally among the several States;

"(2) 75 per centum shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include, among other things, consideration of population density and urban concentration within individual States as well as a consideration of the Federal resources and programs in the particular State; and

"(3) 5 per centum shall be made available to individual States to meet special or emergency needs, as determined by the Secretary."

(c) In the third sentence of subsection 5(b), delete "7" and substitute "10"; at the end of the fifth sentence of said subsection, change the period to a comma and add "without regard to the 10 per centum limitation to an individual State specified in this subsection."; and delete the last sentence of said subsection.

(d) In subsection 5(d), delete paragraph numbered (2) and substitute the following:

"(2) an evaluation of the present and future demand for and supply of outdoor recreation resources and facilities in the States;"

(e) In subsection 5(e) delete the paragraph numbered (2) and substitute the following paragraph:

"(2) DEVELOPMENT.—For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more. Not more than 25 per centum of the total amount allocated to a State in any one year may be approved by the Secretary for the development of indoor recreation facilities within areas where the unavailability of land or climatic conditions provide no other feasible or prudent alternative to serve identified unmet demands for recreation resources."

(f) After the third paragraph of subsection 5(f) of the existing law, insert the following new paragraph:

"The Secretary shall annually review each State's program to implement the statewide outdoor recreation plan and shall withhold payments to any State until he is satisfied that the State has taken appropriate action (1) toward insuring that new recreation areas and facilities are being located to satisfy the highest priority unmet demands for recreation, especially in and near cities, particularly with respect to the resources that have been acquired or developed with funds apportioned to the State under section 5(b)(2) of this Act; (2) to consider preservation of small natural areas, especially near cities; (3) to consider preservation of scenic areas through the acquisition of development rights, scenic easements, and other less-than-fee interests in lands or waters; and (4) to provide for appropriate multiple use of existing public lands, waters, and facilities, to help satisfy unmet demands for recreation resources."

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 10, 1971.

Hon. SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Land and Water Conservation Fund Act of 1965, as amended."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This legislative proposal was referred to in that part of President Nixon's environmental message dealing with the Land and Water Conservation Fund which was submitted to the Congress on February 8, 1971.

The proposed legislation will accomplish several reforms in the administration of the Land and Water Conservation Fund, designed to increase the effectiveness of the expenditures in providing public recreation opportunities and open spaces where the unmet demands are greatest. The formula for apportionment of assistance among the States would be altered to give increased emphasis to the demands for additional recreation opportunities and open spaces in and near heavily populated urban areas. The Secretary of the Interior will be given added authority to review State implementation plans in order to assure compliance with this goal.

The bill will also authorize a State to use up to 25% of its total annual allocation to develop indoor recreation facilities within areas where the unavailability of land or climatic conditions provide no other feasible or prudent alternative to serve identified unmet demands for recreation resources.

These amendments are recommended as a part of the President's program which he mentioned in his State of the Union Message on January 22, 1971, as follows:

"And not only to meet today's needs but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the Nation's parks, recreation areas, open spaces, in a way that truly brings parks to the people where the people are. For only if *we* leave a legacy of parks will the next generation have parks to enjoy."

A detailed analysis of this draft bill is enclosed.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

ANALYSIS OF DRAFT BILL

Subsection (a) would remove the requirement in the Land and Water Conservation Fund Act that financial assistance to the States for recreation planning, acquisition, or development be for *outdoor* facilities only.

Subsection (b) would change the existing formula for apportioning Land and Water Conservation Fund Moneys to the States. At present 60 percent of such moneys is apportioned on the basis of need, as determined by the Secretary of the Interior in accordance with certain prescribed considerations. One such consideration is the proportion which the population of each State bears to the total population of the United States.

The proposed apportionment in subsection (b) is based upon the following formula:

1. 20 percent on an equal basis;
2. 75 percent on the basis of need as determined by the Secretary; and
3. 5 percent on the basis of special or emergency needs as determined by the Secretary.

Subsection (c) would change the present annual limitation on the total apportionment of Fund moneys to an individual State from 7 to 10 per centum of the total amount allocated under paragraphs (1) and (2) to the several States, and would provide that if such apportionment has not been paid or obligated within a prescribed period it will be reapportioned on the basis of need as determined by the Secretary without regard to the 10 per centum limitation. In addition, the subsection would delete the provision under which the populations of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa are included in the population computation of the United States since under subsection (b) such a computation would no longer be made.

Subsection (d) modified one of the existing requirements of State comprehensive recreation plans which must be approved by the Secretary before financial assistance may be given to the States for acquisition or development projects. The subsection requires such plans to contain an evaluation of present and future demands for and supply of outdoor recreation resources and facilities in the States.

Subsection (e) would permit a State to use up to 25 percent of its total annual allocation to develop indoor recreation facilities in those areas where the unavailability of land or climatic conditions provide no feasible or prudent alternative to serve identified unmet demands for recreation resources.

Subsection (f) would require that the Secretary withhold payments to States until he is satisfied that they have taken appropriate action to ensure, consider, or provide for certain items listed in said subsection.

CAMPAIGN COSTS

Mr. **FANNIN**. Mr. President, last year Congress passed piecemeal legislation to cut down the cost of campaigning for political office.

President Nixon very wisely vetoed the bill which was limited to radio and television campaigning.

It is obvious that the cost of campaigning for public office is completely out of hand. We must put some restrictions on it. But these restrictions must be comprehensive and they must be fair.

Leaders of the broadcast industry and of the press are deeply concerned, of course, and are offering some thoughts that are very worthwhile.

Mr. President, I ask unanimous consent to have printed in the Record two brief editorials which were broadcast by KOOL Radio Television in Phoenix, Ariz.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Control Politicians, Not Media

There is little doubt but that there will be introduced in this session of Congress a bill, or more likely a number of bills, designed to control the costs of campaigning for public office.

A bill to just control the amount spent on radio and television campaigning was introduced, passed by Congress, and vetoed by President Nixon last year.

It is important that if indeed any law is necessary, such a law or laws place controls on all forms of campaign expense and that the control is on the politicians, not on the media.

Further, it is important, especially to the politician, that the controls not be broken down into how much can be spent in each media, but how much can be spent over-all so that the candidate can himself choose what he believes to be the most effective method of presenting himself to the voters.

If the Congress would then repeal the discriminatory Section 315 from the rules and regulations enforced by the FCC on broadcasting, we could properly report the conduct of political campaigns.

Lowest Rates In All Media

There is no question but that we need some reforms in our election procedures. It costs too much money to campaign for political office.

Because such large amounts of money are necessary, a candidate must either be himself wealthy, or he must make too many deals with large contributors for the public good.

To improve our election procedures, five things should be done. The Congress should limit campaign expenses to a reasonable over-all amount, permitting the candidate himself to determine how to spend the campaign fund.

All advertising media, including newspapers and billboards, should be required to sell political advertising at the lowest rate available to any commercial advertiser for comparable time or space, a practice that is now observed only by radio and television.

The so-called equal time provision of the Communications Act regulating broadcasting should be repealed so that election campaigns can be properly reported by the broadcast press. We believe election campaigns are too long and should be, by law, shortened. Then, declare Election Day a national 24 hour holiday, with all polls opening simultaneously, and closing simultaneously, 24 hours later, so that early reporting of election returns cannot possibly influence voting in western states.

MILLARD CASS

Mr. **TUNNEY**. Mr. President, on January 30 of this year the Federal Government lost one of its most valuable and dedicated employees when Millard Cass, the Deputy Under Secretary of Labor, left the Federal service after 30 years.

As Deputy Under Secretary since 1955, Millard assisted the Secretary and the Under Secretary in directing and coordinating the programs and the operations of the Department of Labor. Mr. Cass also served as the Secretary's liaison with the 50 State Governors.

His contributions have been recognized on several occasions in the past. He has been awarded the Rockefeller Public Service Award, 1966, and the National Civil Service League Career Service Award, 1969. He has also received the Arthur S. Flemming Award for outstanding young men in the Federal Government, 1955, and the Department of Labor's Distinguished Service Award, 1960.

Millard has served as Deputy Under Secretary since 1955, when he was appointed to that position by the late Secretary of Labor James Mitchell. Prior to this he had served in that Department and throughout the Federal Government in a variety of posts including Special Assistant to the Secretary of Labor, with the National Labor Relations Board, and as an attorney with Securities and Exchange Commission. Before entering the Federal service in 1941, Millard was in the private practice of law in Portsmouth, Va.

I am sure that Millard Cass' career in the Federal service has been both challenging and rewarding. But too often the accomplishments of men like Millard Cass go unnoticed.

Since my entrance into Congress in 1965, Millard Cass has never ceased to be a source of wise counsel and keen information to both me and my staff. I have always valued him both as a friend and as a counselor.

I am sure that many tributes will be made to his career, as they ought to be; but in the final analysis men like Millard Cass are hard to find and even harder to replace. No tribute can ever make up for what the Federal Government and the Labor Department lose in terms of experience, counsel, and judgment.

It is my hope that in whatever Millard undertakes upon his resignation, he will meet with the same success that he has had while serving his country for the last three decades.

THE U.S. MARITIME INDUSTRY

Mr. **LONG**. Mr. President, earlier this month, on February 2, 1971, Andrew E. Gibson, Assistant Secretary of Commerce for Maritime Affairs, spoke before the Port of Washington, D.C., Propeller Club luncheon meeting. I invite the attention of the Senate to his remarks and ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks by A. E. Gibson

I very much appreciate the opportunity to speak to you today. A little over a year ago I had the pleasure of addressing your organization in this same room and much has happened to the U.S. maritime industry in the interim. Much that is good—and a few things we could have done without.

Last year at this time the legislation encompassing President Nixon's maritime program had just been submitted to the Congress. The extensive hearings—during which some 60 witnesses were to testify—were about to begin.

I believe that the prevailing attitude of the audience I addressed a year ago could be characterized as one of guarded optimism. Most, I am sure, hoped that some improvements would accrue to the industry from the legislative program that the Administration had just presented, but few, I suspect, could have anticipated that the total package that the President requested would emerge virtually unscathed and in some instances—strengthened.

This program has to validate once again the adage that "nothing can stand in the way of an idea whose time is come." The Administration recognized this, as did the Congress and many others that are here today.

Last October President Nixon signed into law the Merchant Marine Act of 1970. In so doing he provided the maritime industry with the opportunity to rebuild our aging merchant fleet, improve the competitiveness of our ship-building industry, and restore the United States to the rank of a first-class maritime nation.

It is particularly appropriate in these surroundings that we acknowledge the enormous support the Congress extended to the Administration's efforts to develop a program to correct our critical maritime deficiencies.

The two Committees concerned with this Nation's maritime affairs—the House Merchant Marine and Fisheries Committee, and the Senate Commerce Subcommittee on the

Merchant Marine—are both comprised of extremely capable and dedicated legislators. The dogged perseverance over the years of these Committees in refusing to write off the U.S. merchant marine deserves the gratitude of all associated with the industry.

In fact, if I were to compile an inventory of this Nation's maritime resources, these two Committees would be placed at the top of the column. They had the patience and wisdom to recognize that a day would come when the traditionally fragmented and divisive segments of the industry would begin to put aside their parochial viewpoints in the interest of developing a sound future.

Certainly, these Committees, whose concern over the plight of our merchant marine transcends party affiliation, have been models of the cooperative approach to common objectives, that our maritime industry must emulate.

Those of us in the Maritime Administration who were involved in formulating the legislative provisions of the President's program are deeply grateful for the counsel and advice we received from the members of these Committees—on both sides of the political aisle.

I cannot let this opportunity pass without acknowledging the effective efforts of the ranking members of these Committees. Congressmen Garmatz and Mailliard in the House and Senators Long and Griffin on the Senate Subcommittee all warrant particular appreciation.

Because of the efforts of these members of the Congress and scores of others who worked with equal dedication, the enabling legislation received nearly unanimous approval when it came up for floor action in the House and the Senate. This overwhelming endorsement is indicative of the strong commitment the Congress has given the President and the American Merchant Marine.

Having expressed my appreciation and that of the Administration for the tremendous assistance of the Congress in the passage of the Merchant Marine Act of 1970, I would like to go on to consider what this Nation might expect as the result of this legislation.

It has been said that the longest journey begins with the first step. We have taken that first step and we are on the way to our objective. However, we have still a long way to go and this is no time to relax or rest on our oars.

The President, when he submitted his Maritime Message to the Congress, recognized that one of the obstacles to the fulfillment of his program was the chronic instability of labor-management relations that had characterized this industry in the past. He made it a point to warn that the upgrading of our merchant marine would ultimately depend on the ability of labor and management to settle their differences without costly strikes and work stoppages.

Said the President:

"Past government policies and industry attitudes have not been conducive to cooperation between labor and management. Our program will help to improve this situation by ending the uncertainty that has characterized our past maritime policy. Labor and management must now use this opportunity to find ways of resolving their differences without halting shipping operations. If the desired expansion of merchant shipping is to be achieved, the disruptive work stoppages of the past must not be repeated."

Congresswoman Leonor Sullivan, during the hearing, made it clear that she shares the concern of the President and that labor-management stability is absolutely essential if the new program is to succeed. At one point, during my appearance before the Committee, she said:

"I think we have seen more and more stoppage of using U.S.-flag ships, the use of foreign lines, because of the sudden strikes and the uncertainty of cargo being shipped on schedule."

And she went on to say:

"If we can't get these (U.S.-flag) ships to run as well as the (foreign-flag) ships that carry the cargo produced here in the United States, I don't see any hope for an expanded maritime program."

In reply I had to agree with her premise but said that as a result of my talks with a number of labor leaders, I was encouraged by their recognition of the need to avoid future disruptive work stoppages.

It has been suggested that the Administration is reconsidering its commitment to the program because of recent events which disrupted the maiden voyage of the LASH ITALIA. That is plain nonsense and indicates a fundamental lack of understanding of the program itself. This is a conditional program. It is an "opportunity" with a very definite "challenge." The Government is called on to make its subsidy payment *only* after the private capital has been committed in the amount that would be required to build the ship in a foreign yard.

During the hearings in the Senate, a vice president of a prominent New York bank stressed that labor stability was a major factor influencing the approval of any investment. He observed that:

"Labor relations must be stable enough to allow a lender reasonably accurate profit projections on which to base his decision. Many analysts are loath to spend the time necessary to explore an industry that appears, on the surface, to be complicated at best, and at worst, unstable."

In previous legislative proposals it was suggested that certain compulsory features be included for the settlement of labor-management disputes. Such suggestions were again forwarded during the formulation of this legislation. These proposals, however well-meaning, we rejected—for it is my considered judgment that it is impossible to legislate common sense. If one's instincts for self preservation do not clearly tell him that the constant resort to jungle tactics for the settlement of disputes is suicidal, then no law, no matter how well drafted, will do so.

As this audience is well aware, the success of the President's program will require a number of specific and demanding challenges to be met. Among them, it requires the development of innovative designs of high-productivity ships that can compete effectively against lower-cost foreign competitors. It requires the ship operator to aggressively market his services and recapture the commercial cargoes so that there is less dependence on declining government cargoes.

I have absolutely no doubt about the ability of our ship designers to develop the advanced ship types we need to make the American merchant marine an effective force on the world's trade routes. This they have demonstrated in the past. Almost every advancement in ship technology in the postwar period has been pioneered by Americans. Yet, in almost every instance, it has been the foreign merchant marine that has ultimately benefited. The introduction of new technology in the American merchant marine has all too often been met with a type of blind opposition that has discouraged further development. Having once been shown the way, the foreign ship operator with no such encumbrance has rapidly taken over the lead. We have seen this happen to ship automation—it's beginning to happen to containerization—and I submit that the inauguration of the new barge-carrying LASH vessels has not been one that would readily "turn on" future investors.

It is said that we study the past to obtain guidance for the future. With this in mind, we might review the efforts by a few companies to automate our merchant fleet. Beginning in 1963, a strong effort was made to achieve lower manning scales on new construction through the introduction of new technology. These operators, with government cooperation, were working to introduce to their fleets some of the elements of machinery control that had become standard in shore-based power plant operation. Disputes and work stoppages started almost immediately, culminating in a prolonged strike in 1965. The strike finally ended with an agreement dictated by the President directing the Secretary of Labor and the President of the AFL–CIO to convene a committee of the labor and management parties to develop procedures which could resolve such disputes in the future without resort to work stoppages. The President's directive was never implemented. The required procedures still do not exist. We were reminded of this again a year ago when a West Coast company attempted to put into operation ships which included the barest essentials of an automated system. Again this resulted in an extended work stoppage.

As early as 1938 attempts were made to find solutions to this growing problem. The Merchant Marine Act of 1936 was amended in 1938 by adding Title X which established a three-man, presidentially appointed Maritime Labor Board. When requested by the parties, this Board would:

1. Assist in collective bargaining negotiations
2. Act as a mediator
3. Use its best efforts to secure the assent of both parties to arbitration.

This Labor Board had only mixed success and was allowed to expire in 1941. It is of interest to note that it was mainly due to management opposition that the Board was not continued.

I believe the time has come for the labor and management of this industry to develop the appropriate means for the rule of reason to prevail in the settlement of future disputes. If they are incapable of this, then they should call on some knowledgeable third party to develop the necessary procedures for them.

In his recent speech at the University of Nebraska, President Nixon said, "Defeat . . . can be an occasion for learning, for weighing the wisdom of our own purposes, examining the strength of our own resources."

The resources of this industry to withstand such continued warfare are virtually exhausted. We should be aware that regardless of our "defeats" in this area and the difficulty in solving these problems, the maritime nations of this world are not sitting back. If we want to dissipate our technological advantages it must be recognized that they will not encumber theirs, and will fully exploit those we lack the wisdom to utilize. We can expect the foreign ships of the future to take maximum advantage of the cost reductions which the advanced systems offer.

You might say that resistence to change is not new and certainly is not unique to this industry. Why then is it so critical at this time? There are many reasons. In the past most of the higher U.S. operating costs, in the form of wage increases or enlarged crew sizes, could be passed on either in the form of higher freight rates for carrying government cargo or be absorbed by direct subsidies. Recent events drastically limit the ability to transfer these higher costs.

First, the amount of government cargo is decreasing and the competition for it has forced freight rates down to a level that in some instances are non-compensatory, let alone capable of absorbing higher costs.

Second, those lines receiving direct subsidy are diminishing as a proportion of our over-all liner trade with a number of relatively strong unsubsidized companies coming to the fore. These companies will only be able to compete against the foreign lines if they are allowed to utilize existing technology to the fullest to offset the lower costs of their foreign competitors.

Third, the change in the 1970 Merchant Marine Act from full parity for operating wages to an index system which ties future increases to those gained by other American labor is fundamental, and any costs in excess of this level will have to reduce profits if they cannot be transferred in the form of increased freight rates.

Lastly, crew sizes for subsidy purposes are determined at the time that the construction contracts are let, and no prudent investor would undertake a building program involving millions of dollars without some assurance that he can expect his ships to operate without undue interference when delivered.

Ladies and gentlemen, we are at a critical time in our journey. True, we have taken a giant first step, but we are at a point where shortly the future direction of the industry will be determined. We must recognize now, if we haven't already, that times have changed, ships have changed, the industry has radically changed, and labor relations have got to change with it. The tyranny of the few has to give way to the well-being of the many. The self-seeking pride of one or two individuals cannot be allowed to deprive this industry and this Nation of a long-sought opportunity which may not readily come again.

I have great confidence in the integrity and plain common sense of the American seaman and his union leadership. I have an abiding trust that the American free enterprise system, unencumbered, can prevail against any competition. It is time to put this common sense to work and remove the fetters from our advancing technological achievements in order that all concerned—labor, management and our Nation—may derive the benefits of the finest merchant fleet the world has ever seen.

RESOLUTION BY THE RIVERSIDE COUNTY MEDICAL SOCIETY ON THE DANGERS OF AIR POLLUTION

Mr. TUNNEY. Mr. President, I invite the attention of the Senate to a letter containing a resolution adopted by the Riverside County Medical Society and presented before the meeting of the air quality committee of the State of California Environmental Quality Study Council.

Dr. Gerschen L. Schaefer has been particularly active in the area of environmental health. Dr. Schaefer's many activities in this vital area include the following:

Chairman, environmental health committee, Riverside County Medical Association.

Chairman, committee of environmental health, comprehensive health planning association of Riverside County.

Chairman, program committee, tuberculosis and respiratory disease association, Riverside County.

Member, college committee on air pollution, American College of Chest Physicians; chairman, ad hoc committee on oxidants.

Member, smog alert committee, Riverside Board of Supervisors.

Member, committee on air pollution health warning systems, South Coast Air Basin.

Member, the committee on environmental health, California Medical Association.

Member, county board of supervisors technical advisory committee on air pollution.

I believe that the following resolution demonstrates how serious a problem air pollution has become in California.

Mr. President, I ask unanimous consent that the resolution of the Riverside County Medical Society be printed in its entirety in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

GENTLEMEN: The degree of air pollution existing in California, particularly in the south coast air basin, is no longer a problem of esthetics, but is a realistic progressive health hazard. The physicians of California once concerned about the true jeopardy and possibly even death potential of polluted air on our patients with bronchopulmonary and cardiovascular disease, now by necessity are feeling increasing anxiety about the future of our healthy populace, particularly children. It is no longer a problem of just eye irritation. Laboratory and clinical evidence clearly spell out the increase symptomatology and morbidity amongst our patients in the above categories. Our critically ill patients, even in the intensive care and coronary care units of our hospitals, are no longer safe from the noxious toxic agents present in the air they breathe. Epidemiologic studies strongly point to the increased incidence of bronchopulmonary infections, emphysema, carcinoma of the lung, and mortality from cardiovascular disease.

The council of the Riverside County Medical Association passed the following resolution on October 6, 1969.

Whereas: The problem of pollution of the air in our community appears to be continuous and progressive; and

Whereas: The present efforts to date to control atmospheric contaminants are visibly and obviously inadequate; and

Whereas: Although there is a divergence of opinion concerning the sole causation of chronic respiratory diseases by inhaled materials; there is, however, a substantial and respectable body of convergent evidence (epidemiologic, experimental, pathologic and statistical) that establishes a strong relationship, this mounting tide of devastating evidence incriminates inhaled polluted air in respiratory complaints, susceptibility to infection, genesis of cancer, the development of emphysema and bronchitis, and increasing severity of cardiovascular diseases, and its presence is considered emotionally and physically harmful to the entire population and is therefore a public health problem of increasing proportion; and

Whereas: No individual can protect himself against the contamination in the air he breathes; now therefore be it

Resolved: That the Riverside County Medical Association in the interest of the public welfare, for the mental and physical health of all those who live in this polluted environment, strongly recommend that urgent recognition be given to the fact that we are living in a state of chronic and increasing emergency, that the ability to breathe pure air is a right and not a luxury, and therefore, immediate priority be given by the leaders of our government on a local, regional, and national level to expedite the establishment and enforcement of those criteria necessary to obviate the dangerous problem of air pollution.

Then came 1970. Where despite legislative controls by our State Legislature the level of pollutants in the air in almost all of its parameters increased to an almost constant emergency state. On not one day this past summer was the peak level of oxidants in Riverside low enough to even approximate that level as recommended by the Air Resources Board as a safe level for man. And, there are many of us who believe the criteria as adopted by the Air Resources Board is too high. The technical advisory committee to this board is even now in the process of revising some of these standards to lower levels.

On June 1, 1970 the Council of the Riverside County Medical Association passed the following Resolution:

Whereas: Air pollution has reached the degree where it has become a public health problem.

Whereas: The frequency of high levels of pollutants and the increase in the levels of pollutants is a hard reality.

Whereas: The air pollution disasters in the past have caused death and disability not only among children but adults with chronic broncho-pulmonary and cardiac disease; and epidemiologic studies have suggested a cumulative time-concentration relationship to disability in the future.

Resolved: The Riverside County Medical Association strongly urges that the Riverside City Council and the County Board of Supervisors of Riverside adopt a Smog Alert plan as now used by Riverside and other Unified School Districts for the public as a whole and implement it with an adequate public alert system. So that people in high level areas can be warned to limit their degree of physical activity during times when dangerous levels of pollutants are in the air.

At the present time the public health officers and, air pollution control officers, of San Bernardino, Orange, Riverside, and Los Angeles Counties are meeting with representatives of the State Health Department, Air Resources Board, and California Medical Association as well as myself in an attempt to come up with a unified alert systems for those people in our counties who have medical conditions making them most susceptible to the harmful effects of air pollution.

As important as these steps are to protect our populace—we cannot and must not stop at only developing a warning system. One does not combat atomic warfare by building fallout shelters. The time to philosophize, the time to procrastinate, the time to compromise has come to an end.

No, we cannot accept compromise on air pollution controls. How can one possibly conceive of compromising with the health of man.

Yes, true control will be expensive. You know it, I know it, our legislators know it, and the public should be informed of it. But who here would like to put a price on the prevention of illness and possibly death.

It should be emphasized that the Technical Advisory Committee to the Air Resources Board has recently reported to the Board, in effect, that when the strictest standards now legislated against moving vehicles take effect, we will still not be near reaching the Ambient Air Quality Standards adopted by the Board.

We are gathered here today to consider proposing legislative action. In view of my prefacing remarks, I would like to recommend the following legislation.

I. In view of evidence that the level of oxidants in hospitals are 50% that of the outside ambient air; and intensive care and coronary care units, which, by necessity must use unrecirculated air without make up air, approximating ⅔ the level of ambient air, the Council of Riverside County Medical Association voted the following resolution on September 14, 1970.

(1) The Riverside County Medical Association strongly recommends to the Bureau of Hospitals of the State of California that it be mandatory that all future hospital construction in areas of high air pollution be equipped with an air pollution-air filtering system. The Committee recommends passage of this with copies of this resolution being sent to CMA Legislative Committee, CMA Environmental Health Committee, State of California Bureau of Hospitals and fourthly, that our Delegate to the House of Delegates of CMA be instructed to introduce this reso-

lution at the next House of Delegates meeting.

(2) That the Riverside County Medical Association recommend all existing Health Facilities in Riverside County where dangerous levels of air pollution exist have installed as soon as feasible, air pollution filters, with special priority to intensive care, and coronary care units; that no plans be made for any future construction unless such filters are included.

A similar resolution was passed by the Comprehensive Health Association of Riverside County, The Tuberculosis and Respiratory Disease Association of Riverside County, and The Environmental Health Committee of the American College of Chest Physicians. I urge enactment of such legislation.

II. No matter how efficient an air pollution control device be that is installed on an automobile, if there is not a mandatory inspection of such devices this system of control will break down. This has been demonstrated by a survey by an organization in Riverside County.

I therefore urge legislation necessitating mandatory inspection by the State of all vehicles using air pollution control devices at least on a yearly basis.

III. Again not willing to compromise, I urge enactment of legislation prohibiting the use of engines manufactured after January 1, 1975 which discharge any pollutants into the atmosphere. (Similar to SB66 of the 1970 Legislature which was held in the Assembly Transportation Committee).

IV. In view of increasing evidence of the possible harmful effects of inspired lead on man I urge legislation that would prescribe progressively more stringent standards, for the lead content of gasoline, reaching zero on January 1, 1974. (Similar to SB860 of the 1970 Legislature that was held in the Senate Health and Welfare Committee.)

V. And lastly, with the full realization that absolute control of emissions from motor vehicles by themselves will not yet reach our goal of safe air, I urge adoption of legislation that would prohibit the emitting of air pollutants from stationary sources of not only new and expanding industries, but existing industries as well.

Gentlemen, the stakes are high. They are the physical and emotional health and well being of the people of California. Are you willing to gamble?

PRESIDENT'S ENVIRONMENTAL PROPOSALS

Mr. COOPER. Mr. President, Congress has received the formal transmittal of the legislative proposals described in the President's environmental message on February 8. As I mentioned in my remarks on the President's message on Monday the eighth, many of the proposals will be referred to the Committee on Public Works on which I serve as ranking minority member. It is my intention to introduce the bills so referred after circulating a letter, dated February 16, among all Members of the Senate inviting cosponsorship. I expect to introduce the bills on Wednesday, February 24. As two of the bills, the noise pollution bill and the Environmental Financing Authority bill will be jointly referred to the Commerce Committee and the Banking Committee respectively, I intend to introduce these two bills with the Senator from Oregon (Mr. HATFIELD) and the Senator from Texas (Mr. TOWER) as principal cosponsors.

To assist in understanding these proposals, I would like to briefly describe the bills that will be referred to the Committee on Public Works and insert in the RECORD certain materials, including the text of the proposals.

The President has transmitted three bills to amend the Federal Water Pollution Control Act of 1965, as amended. One would amend section 7 of the act to provide, a. increased authorizations for appropriations to assist State and interstate water pollution control programs, and, b. additional flexibility to the Administrator in awarding such grants through the increased use of incentives. In addition, this bill would amend section 5 of the act to provide additional research and development authority and would amend section 6 of the act to provide for the development of new technology in the area of advanced waste treatment, combined sewers, and industrial waste treatment.

Mr. President, I ask unanimous consent that a section-by-section analysis and the text of the bill which will be introduced be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND SECTION 7 OF THE FEDERAL WATER POLLUTION CONTROL ACT (STATE PROGRAM GRANTS)

Subsection (a) would amend section 7 to increase authorizations for appropriations for purposes of State and interstate water pollution control programs from the present $10 million to $15 million in FY '72, $20 million in FY '73, $25 million in FY '74, and $30 million in FY '75. Not less than $10 million of those sums would be available for the basic State or interstate programs.

Subsection (b) would provide for allotments to the States of sums for purposes of basic State programs. This corresponds to the present section 7(c).

Subsection (c) would provide for the payment to the States of their allotment for purposes of their basic program. This corresponds to the present section 7(d). Clarification is provided in authorizing the use of such funds by a State through participation in an interstate agency.

Subsection (d) provides for the allotment and payment of sums to interstate agencies for purposes of basic interstate agency water pollution control programs. This corresponds to the present section 7(e).

Subsection (e) provides for the components of a basic State interstate agency basic water pollution control program. These components correspond to those presently recited in section 7(f) of the Act, except that the criteria whereby States determine the priorities for waste treatment facilities projects must be criteria acceptable to the Administrator. The grant program would be changed from a mandatory to a discretionary authority.

Subsection (f) provides for the termination of grant support in the event the plan is inadequately executed or otherwise fails to meet the requirements of section 7. This subsection corresponds to the present section 7(g). It eliminates the public hearing and judicial review now provided in the event of grant termination, and would substitute therefore a conference with the Administrator.

Subsection (g) provides for the determination of the "Federal share" of the grant. This corresponds with the present subsection (h), (i) and (j).

Subsection (h) provides for grants to States and to interstate agencies to develop an improved water pollution control program consisting of five program components. This grant is in addition to the basic program grant.

Subsection (i) authorizes grant bonuses to States or interstate agencies for the achievement of the following program elements: (1) a mandatory permit system, (2) a sewage treatment facilities program, (3) a program of personnel training, (4) a personnel system, including a merit system for classification and competitive salaries, and (5) a planning capability.

Subsection (j) provides for the payment of bonus grants in the amount of 40% of the basic grant for each "improved program" element achieved. If all five elements are achieved a grant in an amount of 250% of the basic grant may be made.

Subsection (k) would authorize the Administrator to make grants, not in excess of 10% of the funds authorized by section 7, to States and interstate agencies for support of exceptional projects dealing with significant water pollution problems.

Section 2 of the bill would amend section 5 of the Act, relating to research and development, by extending authorizations for appropriations for those authorities through FY '72.

Section 3 of the bill would amend section 6 of the Act, relating to the development of technology in the areas of advanced waste treatment, combined sewers and industrial waste treatment, to provide authority to pursue the development of such technology within the Environmental Protection Agency as well as through grants and contracts.

Section 4 of the bill would amend section 23 of the Act to include American Samoa and the Trust Territory of the Pacific Islands within the definition of "State" for all purposes of the Act. Those areas would be able to participate in all State programs and activities under the Act.

S. —

A bill to amend the Federal Water Pollution Control Act, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act, as amended (33 U.S.C.A. 1151 *et seq.*) is further amended as follows:

SECTION 1. Section 7 of the Act is amended to read as follows:

"SEC. 7. (a) There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section—

$15,000,000 for the fiscal year ending June 30, 1972;

$20,000,000 for the fiscal year ending June 30, 1973;

$25,000,000 for the fiscal year ending June 30, 1974; and

$30,000,000 for the fiscal year ending June 30, 1975

for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution; *Provided*, That not less than $10,000,000 shall be available for the allotments authorized by subsections (b) and (d) hereof.

"(b) From the sums available therefor for any fiscal year, the Administrator shall make allotments to the several States for their basic State water pollution control program, in accordance with regulations, on the basis of (1) population, (2) extent of water pollution, and (3) financial need.

"(c) From each State's allotment under subsection (b) for any fiscal year, the Administrator may pay to such State an amount equal to its Federal share (as determined under subsection (g)) of the cost of carrying out its basic State water pollution control program pursuant to a plan approved under subsection (e), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan. Nothing herein shall prevent a State from expending grant funds for State program purposes through participation in interstate agencies.

"(d) From the sums available therefor for any fiscal year, the Administrator shall, from time to time, make allotments to interstate agencies for their basic interstate water pollution control program in accordance with regulations on such basis as the Administrator finds reasonable and equitable. The Administrator may, from time to time, pay to each such agency from its allotment, an amount not in excess of such portion of the cost of carrying out its basic interstate water pollution control program pursuant to a plan approved under subsection (e), as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's basic program.

"(e) The administrator may approve any plan for a program to prevent and control water pollution which is submitted by the State water pollution control agency or an interstate agency, if such plan—

"(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency, or in the case of a plan submitted by an interstate agency, by such interstate agency;

"(2) provides that such agency will make such reports, in such form and containing information, as the Administrator may, from time to time, reasonably require to carry out his functions under this Act;

"(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and its administration;

"(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

"(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

"(6) provides acceptable criteria to be used by the State in determining priority of projects as provided in section 8(a) (2) (D).

The Administrator shall not disapprove any plan without first giving reasonable notice and opportunity for a conference with the Administrator to the State water pollution control agency or interstate agency which has submitted such plan.

"(f) (1) Whenever the Administrator, after reasonable notice to a State water pollution control agency or interstate agency and an opportunity for a conference of such agency with the Administrator, finds that—

"(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (e) of this section; or

"(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Administrator shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Administrator shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

"(g) (1) As used in this section, the "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that—

"(A) the Federal share shall in no case be more than 66⅔ per centum, and

(B) the Federal share for Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be 66⅔ per centum.

"(2) The Federal shares shall be promulgated by the Administrator between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"(3) As used in this subsection, the term 'United States' means the fifty States and the District of Columbia.

"(4) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

"(5) The regulations relating to the portion of the cost of carrying out the interstate agency plan which shall be borne by the Federal Government shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

"(h) (1) If the Governor of any State or the head of an interstate agency files a letter of intent with the Administrator that such State or interstate agency will develop an improved water pollution control program which takes into account the provisions of subsection (i) of this section; and if the Administrator, in accordance with regulations, is reasonably assured that such State or interstate agency will develop an improved water pollution control program, he may make a grant in any fiscal year to such State or interstate agency in an amount not to exceed 25 per centum of such State or interstate agency's Federal share under subsections (c) or (d) of this section during such fiscal year.

"(2) No grant shall be made to any State or interstate agency under this subsection in any fiscal year unless during such fiscal year such State or interstate agency is conducting a basic program to prevent and control water pollution under a plan approved pursuant to subsection (e) of this section.

"(i) As used in this section, 'improved water pollution control program' shall be one which the Administrator determines, in accordance with regulation, is developed by a State or interstate agency whereby such State or interstate agency enhances the quality of its waters for required uses and needs. In making his determination, the Administrator shall consider whether such program includes—

"(1) an effective mandatory permit system covering all municipal, industrial, and other significant waste sources, including discharge requirements, with adequate State implementation and enforcement authority;

"(2) a sewage treatment facilities program pursuant to which such facilities are planned, constructed, and maintained so as to achieve efficiency, economy, and water quality enhancement, including comprehensive regulation of the operation and maintenance of such facilities; a program of comprehensive State review of engineering plans and specifications for all proposed waste collection and treatment facilities; adequate State manpower to implement the program, and mandatory certification of facility operators;

"(3) a program of training and development of water pollution control personnel designed to achieve full implementation of the State water pollution control program;

"(4) balanced State personnel recruitment program, with an adequate merit system, job classifications, and competitive salary schedules; and

"(5) a program of planning, including the development and maintenance of planning capability in the State agency and the capacity to adequately evaluate river basin, regional, and metropolitan water quality planning."

"(j) (1) If the Administrator determines in accordance with regulations, that a State or interstate agency has developed one or more of the provisions enumerated in subsection (i), he may grant to such State or interstate agency an amount not in excess of 40 per centum of the Federal share for such State or interstate agency for each fiscal year for each such element; except that the amount of such grant may be increased to an amount not exceeding 250 per centum of the Federal share of such State or interstate agency if the Administrator determines that such agency has developed all five of the elements enumerated in subsection (i).

"(2) Whenever the eligible bonuses under this section are greater than the amount appropriated, bonuses shall be made available to States in order of priority corresponding to the times when such States initially become eligible for such bonuses.

"(3) Grants made under this subsection shall be in addition to any grants made under other subsections of this section.

"(k) (1) From any sums that may be available therefor in any fiscal year, which are not expended for grants under other subsections of this section, and which do not exceed ten per centum of the total amount of funds appropriated for grants under this section in such fiscal year, the Administrator may make grants to States and to interstate agencies to support water pollution control projects which are exceptional because of the nature and scope of the water pollution problems toward which they are directed and the impact on State or interstate programs."

SEC. 2. Section 5 of the Act is hereby amended by amended subsection (n) thereof to read as follows:

"(n) There is authorized to be appropriated to carry out this section, other than subsections (g) (1) and (2), not to exceed $65,000,000 for the fiscal year ending June 30, 1972. There is authorized to be appropriated to carry out subsection (g) (1) not to exceed $7,500,000 for the fiscal year ending June 30, 1972; and to carry out subsection (g) (2) not to exceed $2,500,000 for the fiscal year ending June 30, 1972."

SEC. 3. Section 6 of the Act is hereby amended as follows:

(1) by amending subsection (a) as follows:

"(a) The Administrator is authorized to conduct in the Environmental Protection Agency and to make grants to and enter into contracts with any State, municipality, or intermunicipal or interstate agency for the purpose of—

"(1) developing or assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

"(2) developing or assisting in the development of any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes, and for the purposes of reports, plans, and specifications in connection therewith."

(2) by amending subsection (b) thereof to read as follows:

"(b) The Administrator is authorized to conduct in the Environmental Protection Agency and to make grants to and enter into contracts with appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals for the conduct of, research and demonstration projects for prevention of pollution of waters by industry including, but not limited to, treatment of industrial waste.

(3) by amending subsection (e) thereof to read as follows:

"(e) For the purposes of this section there are authorized to be appropriated—

"(1) for the purposes set forth in subsections (a) and (b) of this section, the sum of $20,000,000 for the fiscal year ending June 30, 1972;

"(2) for the purposes set forth in clause (2) of subsection (a), the additional sum of $20,000,000 for the fiscal year ending June 30, 1972; and

"(3) for the purposes set forth in subsection (b) the additional sum of $20,000,000 for the fiscal year ending June 30, 1972."

Sec. 4. Section 23 of the Act is hereby amended by striking out "the Virgin Islands and Guam" from subsection (d) thereof, and by inserting in lieu thereof the following: "Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

Mr. COOPER. Mr. President, the second water pollution bill would amend section 8 of the Water Pollution Control Act to provide a new program of financial assistance to States and municipalities for the construction of treatment works. This bill includes new provisions to assure the development of financial, and operation and maintenance capability in the States and municipalities in the construction and maintenance of waste treatment works. It is this bill which would authorize $6 billion Federal; $2 billion for each of the next 3 fiscal years, to match on a 50-percent basis, State and local funds for the construction of a total of $12 billion of waste treatment works throughout the Nation. In addition, the bill would revise the allocation formula to provide greater flexibility to meet the most critical water pollution problems, and, further, provide a new formula for the reimbursement of prefinanced Federal shares that is so important to many of our larger States.

Mr. President, I ask unanimous consent that a section-by-section analysis and the text of the bill which will be introduced be printed at this point in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

S. —

A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 *et seq.*), is further amended as follows:

Section 1. Section 8 of the Act is hereby amended to read as follows:

"FINANCIAL ASSISTANCE FOR CONSTRUCTION OF WASTE TREATMENT FACILITIES

"Sec. 8(a) (1). The Administrator is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters, for the purpose of reports, plans and specifications in connection therewith, and for such additional reports and studies necessary for the grantee to develop the institutional arrangements and financial capacity to assume adequate future operation, maintenance, expansion and replacement of such works.

"(2) Federal grants under this subsection shall be subject to the following limitations:

"(A) No grant shall be made for any project pursuant to this subsection unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

"(B) No grant shall be made unless the grantee agrees to pay for all project costs which are not paid for by the grant or by the State financial contribution;

"(C) No grant shall be made for any project under this subsection until the applicant has made provision satisfactory to the Administrator for assuring (i) that there will be proper and efficient operation and maintenance of the treatment works, including adequate provision for trained management and operational personnel, and (ii) that the applicant has or will take measures to establish or acquire adequate legal, institutional, managerial and financial capability for meeting foreseeable future needs with respect to operation, maintenance, expansion and replacement of the treatment works in order to meet water quality standards;

(D) No grant shall be made for any project under this subsection unless such project is in conformity with the Senate water pollution control plan submitted pursuant to section 7 of this Act, and the Administrator finds that such project is consistent with any planning requirements designated pursuant to regulation, including the economic and engineering feasibility, and the architectural, legal, fiscal and economic investigations, studies, surveys, designs, plans, drawings and specifications, and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of criteria submitted as part of the approved State water pollution control plan;

(E) No grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Administrator, except as hereinafter provided;

"(F) The percentage limitation of 30 per centum imposed by subparagraph (E) of this paragraph shall be increased to a maximum of 40 per centum in the case of grants made under this subsection from funds allocated for a fiscal year to a State under paragraph (4) of this subsection if the State agrees to grant, loan or otherwise finance not less than 25 per centum of the estimated reasonable cost (as determined by the Administrator) of all projects for which Federal grants are to be made under this subsection from such allocation, or if the grantee has a treatment works user charge system and otherwise has legal, institutional, managerial and financial capability to assure adequate operation, maintenance, expansion and replacement of treatment works throughout the grantee's jurisdiction, as determined by the Administrator;

"(G) The percentage limitations imposed by clause (B) of this paragraph shall be increased to a maximum of 55 per centum in the case of grants made under this subsection from funds allocated for a fiscal year to a State under paragraph (4) of this subsection if (i) the State agrees to grant, loan or otherwise finance not less than 25 per centum of the estimated reasonable costs (as determined by the Administrator) of all projects for which Federal grants are to be made under this subsection from such allocation or the grantee has a treatment works user charge system and otherwise has legal, institutional, managerial and financial capability to assure adequate operation, maintenance, expansion and replacement of treatment works throughout the grantee's jurisdiction, as determined by the Administrator, and (ii) enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act;

"(H) No grant shall be made unless the applicant complies with such regulations as the Administrator may prescribe to assure the effective and efficient use of funds under this section; and

"(I) No grant shall be made for any project which will treat industrial wastes of a liquid nature unless the grantee makes provisions satisfactory to the Administrator, in accordance with regulations promulgated by him, for the full recovery by the grantee, from the industrial users of the project, of that portion of the estimated reasonable cost of construction of such project (as determined by the Administrator) which is allocable to the treatment of such industrial wastes. The amount of estimated reasonable project costs recovered from each industrial user shall be equitably based on the proportion which the volume and strength of such user's wastes treated by the project bears to the volume and strength of all wastes treated by the project. Revenues derived from such cost recovery, to the extent apportionable to the Federal share of eligible project costs allocable to the treatment of industrial wastes, shall revert to the Treasury of the United States, unless the grantee has, or, in accordance with regulations to be promulgated by the Administrator, makes satisfactory provision for developing, a user charge system and other legal, institutional, managerial and financial capability to assure adequate operation, maintenance, expansion and replacement of treatment works throughout the grantee's jurisdiction, in which case such revenues may be retained by the grantee to assist in providing the financial capability referred to in this subparagraph.

"(3) In approving Federal financial aid for proposed projects for treatment works, the Administrator shall make a determination as to the public benefits to be derived by the construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the applicant's legal, institutional, managerial and financial capability, or provisions made by the applicant to develop such capability, for meeting foreseeable future needs with respect to operation, maintenance, expansion and replacement of treatment works in order to comply with applicable water quality standards. The Administrator may from time to time issue regulations or guidelines to assist in the administration of this subsection.

"(4) The sums authorized to be obligated pursuant to subsection (c) of this section for each fiscal year beginning on or after July 1, 1971, shall be allotted by the Administrator, from time to time, in accordance with regulations, as follows:

"(A) 45 per centum of all sums authorized to be obligated in the ratio that the population of each State bears to the population of all the States;

"(B) Not to exceed 20 per centum of such sums as determined by the Administrator to those States which agree to grant, loan or otherwise finance not less than 25 per centum of the estimated reasonable cost, as determined by the Administrator, of all projects for which Federal grants or other commitments of financial assistance are to be made under this section during any fiscal year, which allotment shall be in the ratio that the population of each such State bears to the population of all such States;

"(C) Not to exceed 25 per centum of such sums to those States which have projects the construction of which was initiated after June 30, 1966, which were approved by the appropriate State water pollution control agency and which the Administrator found met the requirements of this subsection but which were constructed without such assistance, or with a lesser amount of such assistance than that for which it was eligible, because of the unavailability of adequate funds, which allotment shall be in the ratio that the total of such unavailable funds for such projects in a State bears to the total of all such unavailable funds for all such projects in all the States;

"(D) The remainder of such sums shall be distributed to States, municipalities, and intermunicipal or interstate agencies to meet the most serious water pollution control problems as determined by the Administrator.

Any sums allotted to a State which are not obligated at the end of the fiscal year for which they are allotted because of a lack of projects which have been approved by the State water pollution control agency under subparagraph (2)(A) of this subsection and certified as entitled to priority under subparagraph (2)(D) of this subsection shall be reallotted by the Administrator, on the basis provided in subparagraph (D) of this paragraph. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. Allotment or reallotment of sums under or on the basis provided in subparagraph (D) of this paragraph shall be subject to any special priorities for the use of such sums established by any other provision of law. The total allotments of a State under the first and second sentences of this paragraph (4) shall be available, in accordance with the provisions of this subsection, for payments with respect to projects in such State which have been approved under this subsection. For purposes of this subsection, population shall be determined on the basis of the last year for which satisfactory population figures are available from the Department of Commerce.

"(5) Any project in a State on which construction was initiated after June 30, 1966, but prior to July 1, 1971, which was approved by the appropriate State water pollution control agency, and which the Administrator finds meets the requirements of section 8 of this Act in effect at the time of initiation of such construction, but which was constructed (1) without financial assistance authorized by said section 8, or (2) with financial assistance authorized by said section 8 but in a lesser percentage of the cost of construction than authorized by said section 8, shall qualify for payments in reimbursement of State or local funds used for such project prior to July 1, 1974, from sums allocated to such State under subparagraph 4 of this subsection for any fiscal year ending prior to July 1, 1974, to the extent that assistance could have been provided under said section 8 if such project had been approved thereunder and adequate funds had been available. Neither a finding by the Administrator that a project meets the requirements of this paragraph, nor any other provision of this paragraph, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project.

"(6) Any project in a State on which construction is proposed to be initiated after June 30, 1971, which is approved by the appropriate State water pollution control agency and which the Administrator finds meets the requirements of this subsection, but for which financial assistance as authorized by this subsection is unavailable in the fiscal year in which the project is approved by the Administrator, or is available in such fiscal year only in a lesser percentage of the cost of construction than authorized by this subsection, shall qualify for payments in reimbursement of state or local funds used for such project prior to July 1, 1974, from sums allocated to such State under subparagraph 4 of this subsection for any fiscal year ending prior to July 1, 1974: *Provided*, that prior to the initiation of construction of such project, the Administrator finds (1) that the State in which such project is located, in approving projects for Federal financing out of the sums allocated to such State under paragraph (4) of this subsection for the fiscal year in which qualification for payments in reimbursement is sought; has given priority to eligible projects in the more advanced stages of construction, (2) that such project is necessary to achieve compliance with applicable water quality standards, and (3) that the initiation of such project will be commenced within a reasonable period of time. Neither a finding by the Administrator that a project meets the requirements of this paragraph, nor any other provision of this paragraph, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project.

"(7) The Administrator shall make payments under this subsection through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid.

"(8) The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants or other financial assistance are made under this subsection shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C. secs. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15) and section 2 of that Act of June 13, 1934, as amended (48 Stat. 948: 40 U.S.C. 276c).

"(9) For the purposes of this section, the term—

"(A) 'industrial wastes' means the waste discharges (other than domestic sewage) of industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented under the category 'Division D—Manufacturing', and other wastes which in the opinion of the Administrator may appropriately be considered industrial wastes for the purposes of this subsection.

"(B) 'construction' includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

"(b) The Administrator shall administer the provisions of this section and related sections of this Act in a manner to encourage and assist any State, municipality, or inter-municipal or interstate agencies which will receive Federal assistance for the construction of treatment works, to achieve adequate legal, institutional, managerial and financial capability for meeting forseeable future needs with respect to operation, maintenance, expansion and replacement of such works in order to achieve compliance with applicable water quality standards. The Administrator shall pursue this objective through the determination of eligible costs under subsection (a)(1) of this section and percentage limitations under subparagraphs (a)(2)(F) and (a)(2)(G) of this section, through consideration of the adequacy of provisions for operation and maintenance under subparagraph (a)(2)(C) of this section, through provisions relating to industrial participation in municipal projects under subparagraph (a)(2)(I) of this section, through the exercise of his authority concerning approval of Federal financial aid under subparagraph (a)(3) of this section, through the provision of technical assistance, and through such other provisions for administering this section as he may designate by regulation.

"(C) There are hereby authorized to be appropriated for the purpose of making grants under this section, $2,000,000,000 for the fiscal year ending June 30, 1972; $2,000,000,000 for the fiscal year ending June 30, 1973; and $2,000,000,000 for the fiscal year ending June 30, 1974. Sums so appropriated shall remain available until expended."

Sec. 2. The provisions of this Act shall be effective on July 1, 1971.

LEGISLATIVE PROPOSAL TO AMEND SECTION 8

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill would amend section 8 of the Federal Water Pollution Control Act.

Subsection 8(a) would authorize Federal grants for the construction of treatment works to prevent the discharge of inadequately treated wastes and for other purposes. Paragraph 8(a)(1) would retain the provisions of the present Act authorizing the Administrator to make grants for treatment works and related reports, plans and specifications. No change would be made in the existing definition of "treatment works" in section 23 of the Act and no change would be made in those eligible to receive grants, which would include States, municipalities, intermunicipal agencies and interstate agencies.

Grant limitations would be listed in paragraph 8(a)(2). There would be some modifications and additions to the grant limitations in the present Act. Subparagraph 8(a)(2)(A) would prohibit a grant unless it were approved by the State water pollution control agency and by the Administrator. Subparagraph 8(a)(2)(B) would prohibit a grant unless the grantee agreed to pay all costs not paid for by Federal and State funds.

Subparagraph 8(a)(2)(C) would permit a grant only if the grantee made provision for satisfactory operation and maintenance of the treatment works. Adequate provision would have to be made for an operating and managerial staff of well qualified personnel. A new provision in this subparagraph would require the grantee to have or develop the financial and other capability necessary to satisfy future waste treatment needs.

Subparagraph 8(a)(2)(D) would retain the provisions of the existing Act which prohibit a grant unless the project conforms with a section 7 State plan and is entitled to priority over other eligible projects. In addition, the project would have to be consistent with any planning requirements specified by the Administrator in regulations.

Subparagraph 8(a)(2)(E) would retain the provision of the present Act which specifies that the basic Federal grant share is 30 percent of the cost of the project.

Modifications would be made in the provisions of the present Act relating to the requirements for an increased Federal share and the requirements for matching payments by States. Subparagraph 8(a)(2)(F) would provide that the Federal share shall be increased to a maximum of 40 percent if the State agrees to "grant, loan or otherwise finance" 25 percent of the cost. (The required State share is 30 percent in the present Act). The words "to grant, loan, or otherwise finance" would replace the words "to pay" in the present Act to make it clear that the State matching funds need not be an outright grant but may be in the form of a loan. This subparagraph would also provide that the Federal share shall be increased to 40 percent, regardless of whether there are State matching funds, if the grantee has a user charge system as well as other capability for satisfying future waste treatment needs.

Subparagraph 8(a)(2)(G) would change the provisions of the present Act which provide that the Federal share shall be increased to 50 percent if the State agrees to pay 25 percent of the cost and if enforceable water quality standards have been established. The new provision would increase the Federal share to 55 percent if there are enforceable water quality standards and either the State agrees to grant, loan or otherwise finance 25 percent of the cost, or the grantee has a user charge system as well as other capability for satisfying future waste treatment needs.

Subparagraph 8(a)(2)(H) would add a new provision to prohibit grants unless the grantee provides assurance that it comply with regulations to assure the effective and efficient use of funds under the section.

Subparagraph 8(a)(2)(H) would add a new provision designed to make more effective and efficient use of construction grant monies and to avoid certain abusive practices and inequities associated with the treatment of industrial wastes in municipal waste treatment facilities. Grants would be prohibited for projects treating industrial wastes unless the industrial user were required by the grantee to pay back that portion of the project cost attributable to the treatment of industrial wastes. The Federal share of such recovered costs would be used by the grantee to operate and maintain its works and for meeting future waste treatment needs.

Paragraph 8(a)(3) identifies the factors which would be considered by the Administrator in approving a grant under subsection 8(a). Two factors specified in the present Act would be retained, specifically, an assessment of public benefits and the relation of project costs to the public interest. In addition, the Administrator would be required to assess the capability of the grantee to satisfy its own future waste treatment needs.

Paragraph 8(a)(4) would provide a new allocation formula to permit the optimum distribution of funds over the next three fiscal years in closer relationship to the construction needs of the respecting States. Four factors would be employed in distributing construction grant funds among the States. First, 45 percent of the amounts authorized to be obligated in each fiscal year would be allocated on the basis of relative State population; second, up to 20 percent would be allocated to States which agree to grant, loan or otherwise finance at least 25 percent of all project costs during a given fiscal year; third, up to 25 percent would be allocated to States which have approved projects for which grants have not been made or which have been made in a reduced amount because of lack of Federal funds; and fourth, the remainder would be distributed to meet the most serious water pollution control problems as determined by the Administrator. The new allocation formula would give the Administrator a degree of flexibility to direct construction grant funds to areas where funds are most critically needed and where they can be most effectively used. This paragraph would also provide for the reallotment of any sums which are not obligated by a State at the end of a fiscal year because of a lack of certified projects. [The Act now calls for reallotment after 18 months.] These funds would be realloted by the Administrator to meet the most serious water pollution control needs in accordance with the fourth factor mentioned above.

Paragraph 8(a)(5) would authorize Federal payments in reimbursement of State or local funds used to pre-finance the Federal share of qualified projects on which construction was initiated after June 30, 1966, but prior to July 1, 1971. Paragraph 8(a)(6) would extend this authorization with respect to projects on which construction is initiated after June 30, 1971, in order to continue to provide some encouragement to localities to initiate projects even though Federal funding is not then available. However, projects commenced after June 30, 1971, would not qualify for reimbursement unless, prior to the initiation of construction, the Administrator makes three findings. He would be required to find (1) that the State in which the project is located has given funding priority in the current fiscal year to projects in more advanced stages of construction; (2) that the project is necessary to achieve compliance with water quality standards; and (3) that construction on the project will be initiated within a reasonable period of time. This approach would give the Administrator some control over the accumulation of reimbursables and thus minimize abusive practices.

Paragraph 8(a)(7) would direct the Administrator to make grant payments through the disbursing facilities of the Department of the Treasury. Such payments would be required to be used exclusively to meet the costs of construction.

Paragraph 8(a)(8) would retain the provisions from the present Act which direct the Administrator to make certain determinations with regard to the adequacy of wages of laborers working on projects funded under subsection 8(a).

Paragraph 8(a)(9) would define certain terms used in subsection 8(a). Subparagraph 8(a)(9)(A) would define "industrial wastes" as waste discharges (other than domestic sewage) from industries identified in the Standard Industrial Classification Manual and other wastes as determined by the Administrator. Subparagraph 8(a)(9)(B) would retain the same definition of "construction" as appears in the present Act which includes a range of activities from preliminary planning to the actual installation of the facility and alterations and improvements of the facility.

Subsection 8(b) would direct the Administrator to administer section 8 and related sections so as to encourage and assist grantees in developing adequate legal, institutional, managerial and financial capability for meeting foreseeable future waste treatment needs to achieve compliance with applicable water quality standards. Future waste treatment needs would include the operation, maintenance, expansion and replacement of treatment works. This would be an important new provision to encourage local self-sufficiency and possibly to reduce the future levels of Federal funding needed for treatment works construction.

Subsection 8(c) would authorize the appropriation of $2 billion in each of fiscal years 1972, 1973, and 1974 for the purpose of making grants under this section. Sums appropriated would remain available until expended.

Section 2 of the bill would provide that the provisions of the bill take effect on July 1, 1971.

Mr. COOPER. Mr. President, the third water pollution proposal of the President would amend section 10 of the act to provide for a strengthened program to establish, implement, and enforce water quality standards. This amendment would extend the Federal-State program for the establishment and approval of standards and plans applicable to all navigable and ground waters of the United States. The bill, in addition, would clearly establish effluent standards as the primary pollution abatement mechanism in implementation plans to achieve water quality standards. The bill would also modify the enforcement provisions to include provisions for, first, immediate Federal abatement; third, information acquisition; and fourth, emergency abatement authority. In many respects these elements are similar to the pollution control provisions recently enacted by Congress and signed into law by the President in the Clean Air Amendments of 1970.

Mr. President, I ask unanimous consent that a section-by-section analysis and the text of the bill which will be introduced, be inserted at this point in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Legislative Proposal to Amend Section 10

Subsection-by-Subsection Analysis

Subsection (a) defines the terms to be used in the section, particularly "water quality standards" and the components of such standards.

Subsection (b) states a Federal policy in favor of encouraging State and interstate action to abate pollution, and provides that the Administrator may not initiate an enforcement action if he determines that a State is taking appropriate abatement action.

Subsection (c) identifies the waters for which water quality standards would be required. These waters would include interstate waters already subject to standards under the present Act, and, in addition, navigable waters; ground waters; tributaries of any such waters; the contiguous zone (with respect to pollution which threatens the territorial sea); and the high seas (with respect to discharges of matter transported from or originating within the United States).

Under a new requirement contained in subsection (d), the Administrator would be required, within six months after the enactment of the section and from time to time thereafter, to publish in the *Federal Register* regulations establishing specifications for water use designations, water quality criteria and effluent requirements for the purpose of advising the States in adopting or revising water quality standards. The regulations concerning water use designations will provide methods for assuring that legitimate factors are taken into account. The regulations concerning water quality criteria would, on the basis of the latest scientific knowledge about the effects of identifiable pollutants on health, welfare and the environment, specify minimum and maximum water quality characteristics required to protect various legitimate and beneficial water uses. The regulations concerning effluent requirements would specify the minimum levels of treatment or control which would be generally applicable to various categories of industrial and municipal facilities and other pollution sources, and would specify procedures for determining additional treatment required to comply with water quality criteria or to prevent the degradation of high-quality waters. The Administrator would also be required to publish information concerning recommended pollution control techniques for complying with water quality criteria and effluent requirements.

Under subsection (e), States would have up to one year after the publication of regulations under subsection (d) to submit required new standards and revisions of old standards for all waters specified in subsection (c) which are within their jurisdiction. The Administrator would be required to advise the States as to which elements of existing standards require revision. If the State did not act within the one-year period, the Administrator would be authorized, after a public hearing, to publish regulations setting forth water quality standards for waters over which the State has jurisdiction. The Administrator would be required to promulgate such standards if, within 60 days after publication of the regulations, appropriate standards were not adopted by the State.

If the Administrator published regulations under subsection (d) twice in one year, publication of the later regulations would not extend the time for adopting water quality standards pursuant to the earlier regulations except with respect to elements thereof required to be revised by the later regulations.

Water quality standards established under the Water Quality Act of 1965 would continue to be effective, until superseded by new standards. The Administrator would be able to utilize the new enforcement authorities in subsection (f) to enforce standards established under existing law while new standards are being developed.

No provision is made at present for the Governor of a State to initiate revision of standards. The proposed subsection (e) (2) (D) would authorize the Governor of a State to submit revised standards at any time. If the Administrator determined that the revised standards met the requirements of subsection (d), such standards would become effective.

The authority of the Administrator to promulgate standards for waters in areas of exclusive Federal legislative jurisdiction, or where the States do not have jurisdiction, is unclear under existing laws. Subsection (e) (3) would provide the Administrator with clear authority to establish standards in such areas after public hearings.

Two administrative enforcement procedures are authorized under the existing provisions of section 10: the Administrator may convene an enforcement conference, or, in cases of violation of water quality standards, he may issue 180-day notices, followed by court action. Under the present proposal, these procedures would be replaced by a new administrative procedure based on the violation of water quality standards (or of effluent requirements for hazardous substances established under subsection (1)). The Administrator would be required, upon a finding based on any information however obtained that any person is in violation of water quality standards or the requirements of subsection (1), to notify such person of the violation and the required remedial action, and simultaneously to provide notification to the water pollution control agencies of the States involved. If the required remedial action or appropriate State action were not taken within 30 days, the Administrator would be authorized to issue an order requiring compliance within a specified time, or bring a civil action for an injunction under subsection (f) (6). The recipient of an order directing compliance would be authorized to request a hearing within 15 days following receipt of the order. Following such hearing, the Administrator would be required to affirm, modify or revoke the order by written decision constituting his final order. In cases in which the recipient of the order did not make a timely request for a hearing, the original order would become the final order unless modified by the Administrator on his own initiative. Judicial review would be provided for all final orders after exhaustion of administrative remedies. It is intended that an appeal or a request for a hearing would not operate as a stay of an order, except where a court determined a stay to be necessary as provided in the Administrative Procedure Act. The Administrator would be authorized to assess a civil penalty for violation of a final order of up to $25,000 per day of violation.

Under subsection (f) (6) the Administrator could enforce his final orders and recover fines upon petition to the appropriate U.S. Circuit Court of Appeals.

Under subsection (f) (7), the Administrator would be authorized to commence a civil action in the appropriate U.S. district court for injunctive relief in any case of violation of water quality standards or of effluent requirements for hazardous substances established under subsection (—). Under subsection (f) (8), the Court in any such proceeding would be authorized to assess a civil penalty of not more than $25,000 per day of violation. Subsection (f) (9) would authorize the imposition of criminal fines of up to $10,000 and imprisonment of up to six months, for making any false statement in any document or tampering with any monitoring device required by the section.

Although the enforcement conference would be eliminated by this proposal, its useful features would be retained in subsection (g), authorizing the Administrator to call fact-finding public hearings for the purpose of obtaining information necessary to carry out the Act, including the investigation of possible water quality standards violations. Notice of any hearing would be required to be published in the *Federal Register* and in a newspaper of general circulation in the area in which the hearing is to be held. The hearing would be conducted before a hearing panel, consisting of the Administrator's representative and representatives of the States involved. Any interested person would be permitted to make a statement of views.

At the conclusion of the hearing, the hearing panel would make findings concerning the existence of pollution, and would report such findings to the Administrator, including recommendations for remedial action. The Administrator would review the findings, and would take such action as he deemed appropriate, which are understood to include the issuance of an administrative order or the initiation of a civil action pursuant to subsection (f), or, the establishment of water quality standards under subsection (e) (2) (A). If, after a hearing under subsection (g), the Administrator determined that the public health or welfare required revision of water quality standards he would be authorized to request a State or States to adopt revised standards within 60 days. If the State did not adopt acceptable standards within such period, the Administrator would be authorized, after notice and hearing, to publish standards and to promulgate them after 30 days following publication. Subsection (g) (7) would make it clear that the Administrator could issue administrative orders to require compliance with water quality standards even while a hearing is being held under subsection (g).

Subsection (h) would provide the Administrator with broad authority to compel the attendance and testimony of witnesses at hearings, and to order the production of records. However, Agency representatives would still be subject to the provisions of 18 U.S.C. 1905 with regard to protection of trade secrets.

Subsection (i) would authorize the Administrator to require any discharger to perform effluent monitoring and to report the results to EPA. In exercising this authority the Administrator would be required to take into consideration the availability of the desired information from State or local monitoring programs. Further provisions of this subsection would authorize the Administrator's representatives to enter and inspect facilities from which discharge is made into sewers or waters specified in subsection (c), and to have access to monitoring or other records. Any information obtained under subsection (i) would be available to the public except information which is shown to the satisfaction of the Administrator to contain trade secrets.

Subsection (j) would provide emergency authority for the Administrator to commence an action in the appropriate U.S. district court for an injunction or other appropriate equitable relief whenever a pollution source presents or may present an imminent and substantial danger to the health or welfare of any person, or to water quality. It would also provide for the consolidation of suits.

Subsection (1) would require the Administrator within 60 days after enactment of the new section 10, to publish in the *Federal Register* a list of substances which in his opinion possess a high potential for causing substantial danger to the public health or the environment and which shall be subject to a prohibition or effluent requirement. Within six months after publication of the list, the Administrator would be required to publish proposed effluent requirements or prohibitions for such substances, and within ninety days after such publication, he would be required to promulgate such requirements and prohibitions in final form.

S. —

A bill to amend the Federal Water Pollution Control Act, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Federal Water Pollution Control Act, as amended, is further amended to read as follows:

"WATER QUALITY STANDARDS AND ENFORCEMENT

"Sec. 10.(a) As used in this Act:

"(1) The term, 'water quality standards' shall mean—

"(A) Water use designations, water quality criteria, effluent limitations, and a plan of implementation and enforcement adopted pursuant to subsection (e) of this section; and

"(B) Water quality standards, including water quality criteria and a plan of implementation and enforcement, adopted pursuant to the Water Quality Act of 1965, until superseded by water quality standards adopted pursuant to this section.

"(2) The term, 'water use designation' shall mean the legitimate and beneficial uses which are or shall be permitted and protected in waters specified in subsection (c) of this section or portion thereof.

"(3) The term 'water quality criteria' shall mean those physical, chemical, and biological characteristics of water quality which, for a given body of water are required to permit and protect the uses identified in the water use designation.

"(4) The term 'effluent limitations' shall mean the permissible quantities of physical, chemical, biological, and other constituents of effluents which are discharged into waters specified in subsection (c) of this section.

"(5) The term 'plan of implementation and enforcement' shall mean a plan for the achievement and maintenance of water quality criteria and effluent limitations, including provisions for the enforcement of such criteria and effluent limitations.

"(6) The term 'discharge' means any addition of matter to waters specified in subsection (c) of this section, whether such matter enters such waters directly or from runoff or percolation.

"(7) The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body, and

"(8) The term 'municipality' means city, town, burrough, county, parish, district, or other public body created by or pursuant to State law.

"(b) Consistent with the policy declaration of this Act, State and interstate action to abate and control water pollution shall be encouraged. No action shall be initiated by the Administrator under subsection (f) of this section in any case if he determines that the State or States involved are taking appropriate and sufficient action in such case to secure compliance with water quality standards.

"(c) Water quality standards adopted pursuant to subsection (e) of this section shall apply to:

"(1) All interstate waters of the United States;

"(2) All navigable waters of the United States;

"(3) Ground waters;

"(4) The waters of the Contiguous Zone of the United States, with respect to pollution thereof, which causes or is likely to cause pollution of the territorial sea of the United States;

"(5) The waters of the high seas beyond the territorial sea of the United States, with respect to discharges of matter transported from or originating in areas over which the United States has sovereignty; and

"(6) Portions or tributaries of any of the waters specified in paragraphs (1) through (5) hereof, whether discharges reach such waters, tributaries, or portions thereof directly or from runoff or percolation.

"(d) (1) For the purpose of advising States in adopting or revising water quality standards, the Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons, publish within the time specified in paragraph (6) of this subsection, and from time to time thereafter, regulations providing specifications and methods to assure that in the establishment of water use designations, the use and value of water for public water supplies, propagation of fish and wildlife, recreational purposes, agricultural, industrial, navigational, and other legitimate uses are adequately taken into account.

The Administrator shall not approve water use designations if:

(i) such water use designation specifies transport or assimilation of waste as a primary use; or

(ii) the Administrator determines that the use and value of the waters in question for public water supplies, propagation of fish and wildlife, recreational purposes, agricultural, industrial, navigational, and other legitimate uses have not been adequately taken into account.

"(2) For the purpose of advising States in adopting or revising water quality standards, the Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons, publish, within the time specified in paragraph (6) of this subsection and from time to time thereafter, regulations establishing specifications for water quality criteria. Such regulations shall reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health and welfare and water quality which may be expected from the presence of a pollutant or combination of pollutants in any body of water in varying quantities. Such regulations shall, on the basis of such scientific knowledge, specify the water quality characteristics required to protect and enhance water quality, including those minimum or maximum characteristics required to permit and protect uses identified in water use designations, as well as analytical and test procedures to be used in determining such characteristics.

"(3) In cases where the quality of water on the effective date of this section is higher than water quality criteria applicable to any use designation, such high quality shall be maintained in accordance with regulations.

"(4) For the purpose of advising States in adopting or revising water quality standards, the Administrator shall also, after consultation with appropriate Federal and State agencies and other interested persons, publish, within the time specified in paragraph (6) of this subsection and from time to time thereafter, regulations providing specifications for effluent limitations. Such regulations shall set forth the minimum acceptable levels of treatment or control, including allowable amounts of constituents of effluents, and permissible physical, chemical, and biological characteristics of effluents, which shall be based on the availability of practicable treatment or control measures and shall be generally applicable to discharges from various categories of:

"(i) Industrial facilities on which construction was commenced prior to the effective date of this subsection;

"(ii) Industrial facilities on which construction shall be commenced after the effective date of this subsection (taking into account the best available technology);

"(iii) Sanitary sewers and sewage treatment plants; and

"(i) Other sources.

"(5) For the purpose of providing guidance to the States in adopting and revising water quality standards, the Adminisrator shall also, after consultation with appropriate Federal and State agencies and other interested persons, develop and publish within the time specified in paragraph (6) of this subsection and from time to time thereafter, recommended pollution control techniques necessary to achieve applicable water quality criteria and effluent limitations, including identification of available technology and data on the effectiveness, cost, and economic feasibility of alternative methods of prevention and control of water pollution.

"(6) No later than six months after the date of enactment of this subsection, the Administrator shall promulgate concurrently, in accordance with 5 U.S.C. § 553, regulations under paragraphs (1), (2), (3), and (4) of this subsection, after allowing a reasonable time of at least 45 days, but not to exceed 60 days from the publication of proposed regulations, for interested persons to submit written comments. Revisions of such regulations shall follow the procedures prescribed in this paragraph.

"(7) All water quality standards established pursuant to this section shall be such as to protect the public health and welfare, enhance the quality of water, and serve the purposes of this Act.

"(8) (A) Plans of implementation and enforcement shall include remedial or other measures required to achieve compliance with effluent limitations and water quality criteria.

"(B) No plan of implementation and enforcement shall be approved by the Administrator unless

(i) in the case of industrial and municipal dischargers, it provides a phased schedule for the attainment of compliance with effluent limitations established pursuant to this subsection as expeditiously as practicable; and

(ii) in the case of sources other than those specified in subparagraph (B) (i) of this paragraph, it provides for the attainment of applicable effluent limitations as expeditiously as practicable; and

(iii) it identifies the nature and extent of improvement of water quality that is expected to result from measures in this plan.

"(9) Nothing in this section shall require the revision of compliance dates specified in plans of implementation and enforcement included in water quality standards established pursuant to the Water Quality Act of 1965; provided, that such dates may be revised pursuant to subsections (e) (2) (B), (e) (2) (D), and (g) (6) of this section.

"(e) (1) If a State, after public hearings, adopts within the time specified in paragraph (2) of this subsection water quality standards applicable to (i) all waters specified in subsection (c) hereof over which the State has jurisdiction, or (ii) portions thereof, and if the Administrator determines that such standards are consistent with the regulations and requirements established pursuant to subsection (d) of this section, such State standards shall be approved by the Administrator as the water quality standards applicable to such waters or portions thereof.

"(2) (A) Water quality standards established pursuant to this Act prior to the effective date of this subsection shall continue in effect until superseded. If a State has not adopted, within one year after the promulgation of initial regulations under subsection (d) of this section, water quality standards applicable to all waters specified in subsection (c) hereof over which such State has jurisdiction; or if such State does not, within one year after the promulgation of regulations, other than initial regulations, pursuant to subsection (d) of this section, adopt such revisions of water quality standards as are consistent with regulations and requirements established pursuant to subsection (d) of this section, or if the Administrator determines that any water quality standards adopted by a State pursuant to this subsection are not consistent with the requirements of regulations established pursuant to subsection (d) of this section, the Administrator is authorized, after reasonable notice and a public hearing, to be held in or near the place where the standards will take effect, to publish proposed regulations setting forth water quality standards for those waters specified in subsection (c) hereof over which the State has jurisdiction. If within 60 days from the date the Administrator publishes such proposed regulations, the State has not adopted water quality standards which the Administrator finds to be consistent with subsection (d) of this section, the Administrator shall promulgate standards which shall be the water quality standards applicable to such waters or portions thereof.

"(B) Water quality standards which, prior to the effective date of this paragraph, were adopted by a State and approved by the Administrator under this Act or submitted to him but not yet so approved by him prior to such date, and which do not include all of the elements of water quality standards as defined in subsection (a) (1) (A) of this section, shall be supplemented within the appropriate time specified in subparagraph (A) of this paragraph by those elements which are not included. The Administrator shall consult with the States and shall advise them what elements, if any, of existing approved standards shall be required to be revised pursuant to this subparagraph, giving due consideration to the desirability of preserving existing standards to the extent they are consistent with the purposes of this Act. After the effective date of this section, the Administrator may continue to approve standards or portions thereof submitted to him prior to the effective date of this subsection.

"(C) Where the Administrator publishes regulations pursuant to subsection (d) of this section subsequent to the initial publication of regulations thereunder, such publication shall not constitute an extension of the date on which a State is required to submit standards pursuant to any prior publication of regulations, provided that where:

"(i) the Administrator has issued regulations pursuant to subsection (d) of this section; and

"(ii) less than one year after the issuance of such regulations the Administrator issues subsequent regulations; and

"(iii) such subsequent regulations affect the same specific criteria or other elements of water quality standards as the prior regulations;

a State may, in submitting standards pursuant to the prior regulations, omit the elements for which revision will be required pursuant to the subsequent regulations.

"(D) If at any time the Governor of a State or the State water pollution control agency, on his or its own initiative or at the request of the Administrator, revises all or part of the water quality standards established under this section for the waters in subsection (c) hereof over which the State has jurisdiction, and if the Administrator determines that such revised standards are consistent with the regulations and requirements of subsection (d) of this section, such standards shall thereafter be the water quality standards applicable to such waters.

"(3) For waters in subsection (c) hereof over which the States do not have jurisdiction, the Administrator shall, after reasonable notice and a public hearing, promulgate regulations setting forth such water quality standards for such waters. Such hearings shall be held in or near the place where such standards will take effect. Affected States, interstate agencies, Federal departments and agencies, municipalities, industries, and other interested persons shall be given an opportunity to make a full statement of views.

"(f)(1) Whenever, on the basis of any information available to him, the Administrator determines that any person is in violation of water quality standards or any element thereof or limitations established under subsection (1) hereof, he shall notify such person and the water pollution control agency of the State or States in which such violation is occurring of his determination and of the remedial action which is required to achieve compliance. If the Administrator determines at any time after 30 days following such notice that required remedial action or appropriate State action has not been taken, he may issue an order for compliance or request that the Attorney General bring a civil action pursuant to paragraph (6) of this subsection.

"(2) An order issued pursuant to paragraph (1) of this subsection shall state with reasonable specificity the nature of the violation and shall specify: a time for compliance, taking into account the practicability of compliance; any applicable compliance schedule which is part of either the applicable standards or a permit issued under section 407 of title 33 of the United States Code; the requirements of subsection (1) hereof; the seriousness of the violation; and any good faith efforts to comply with water quality standards, requirements of subsection (1) hereof, or such permit. A copy of any order issued under this subsection shall be sent to the State water pollution control agency of the State in which the violation occurs. In any case in which an order or notice under this subsection is issued to a corporation, a copy of such order or notice shall be issued to such corporate officers as the Administrator may determine to be appropriate.

"(3) If within 15 days following receipt of an order under paragraph (1) of this subsection, the person to whom such order is issued files a request for a hearing, the Administrator shall promptly hold a public hearing to permit such person to present information relating to the order or the violation or both. The person requesting the hearing may be required to file, in such form as the Administrator may specify, a report furnishing such information concerning the nature and amounts of discharges from facilities which he owns, leases, manages, or controls and which are subject to the order, as the Administrator may prescribe. Any hearing held pursuant to this paragraph shall be of record, and shall be subject to the provisions of section 554 of title 5 of the United States Code. Based on the record, the Administrator shall affirm, modify, or revoke the original order by a written decision which shall constitute his final order. If no hearing is duly requested pursuant to this paragraph and the Administrator does not on his own initiative modify or revoke an order issued pursuant to paragraph (1) of this subsection, such order shall constitute his final order.

"(4) Any final order under paragraph (3) hereof shall be subject to judicial review in accordance with section 701 of title 5 of the United States Code by the United States Court of Appeals for the circuit in which the violation occurred, upon the filing of a petition in such court within thirty days from the date of such order by any person aggrieved thereby praying that such order be modified or set aside in whole or in part. The petitioner shall send a copy of such petition to the Administrator and the appropriate State water pollution control agency by registered mail. The Administrator shall certify and file in such court the record upon which the final order was issued. The court shall hear the petition on the record made before the Administrator. The court may affirm, modify, or revoke any order of the Administrator, or may remand the proceedings to the Administrator for such further action as it may direct.

"(5) Any person who violates or fails or refuses to comply with a final order of the Administrator shall be liable to a civil penalty in an amount, not to exceed $25,000 per day of violation, to be determined by the Administrator and subject to compromise by him, after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with such standards and any good faith efforts to comply with such order.

"(6) Any final order under paragraph (3) not appealed by an aggrieved person and any fine assessed by the Administrator under paragraph (5) shall be enforced by the Attorney General, upon the request of the Administrator, by petition to the United States Court of Appeals for the circuit in which the violation occurred.

"(7) The Administrator may request the Attorney General to commence a civil action for a permanent or temporary injunction, an order compelling testimony or the production of records, or such other relief as may be appropriate, whenever any person—

"(i) violates water quality standards;

"(ii) fails or refuses to comply with any requirement of subsection (h) of this section; or

"(iii) fails or refuses to comply with any requirement of subsection (1) of this section.

Any action under this paragraph may be brought in the appropriate United States district court, and such court shall have jurisdiction to restrain violations and to require compliance, after taking into account the factors specified in subsection (f)(2) of this section. Notice of the commencement of any such action shall be given to the appropriate State and interstate water pollution control agencies.

"(8) The court, in any action under paragraph (7) of this subsection may assess a civil penalty of not more than $25,000 per day of violation in case of

"(i) any violation of water quality standards;

"(ii) any discharge in violation of subsection (1) of this section."

The amount of such penalty shall be determined by the court after considering the nature, circumstances, and extent of the violation and any good faith efforts to comply. In any action under paragraph (7) of this subsection which is subsequent to one or more previous such actions resulting in the assessment of a penalty for a violation at the same facility, the court may assess a penalty of not more than $50,000 per day of violation.

"(9) Any person who knowingly makes any material false statement or representation in any application, record, report, plan, or other document filed or required to be maintained under this section or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to this section shall upon conviction be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"(g)(1) Whenever the Administrator, on the basis of any information available to him or at the request of the Governor of a State:

"(A) believes or has reason to believe that pollution of any waters specified in subsection (c) of this section is occurring which endangers the health or welfare of any persons, or that water quality standards are being or may be violated, or

"(B) wishes to investigate any acts, conditions, practices, or matters in order to determine whether any person has violated or is about to violate any provision of this Act or any standards established pursuant thereto or to aid in the carrying out of any of the provisions of this Act, including the promulgation of water quality standards, rules or regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation concerning the matters to which this Act relates, he may call a public hearing for the purpose of obtaining information and determining the remedial or other action which may be appropriate.

"(2) Notice of such hearing shall be published in the *Federal Register* and in a newspaper of general circulation in or near the place where the hearing is to be held, and given to the State and interstate water pollution control agencies of the State or States in which any discharge causing or contributing to any pollution which is to be considered at the hearing originates, and of any other State or States adversely affected by any such pollution, to the municipalities concerned, and to any person believed to be causing or contributing to any such pollution.

"(3) The Administrator shall give the State or States, any interstate agency, and the municipalities involved, and every person contributing to any pollution referred to in paragraph (1) of this subsection or affected by it, and other interested persons, an opportunity to make a full statement of views at the hearing. Such statements may be made under oath or otherwise, and may be written or oral, as the Administrator may prescribe.

"(4) The Administrator shall prescribe by regulation the procedures to be followed in any hearing under this subsection.

"(5) In any hearing under this subsection, the Administrator or his representative shall invite representatives of the States in which pollution may be originating, and representatives of States affected by such pollution, to assist him in conducting such hearing. After any such representatives have been impaneled, they shall be entitled to question witnesses, to present evidence, and otherwise fully participate in the hearing. At the conclusion of the hearing, the hearing panel shall make a report which may contain findings concerning the existence of pollution, violations of any provisions of this Act, and recommendations for corrective action and any dissenting views of panel members. After such report is prepared, the Administrator may take such action pursuant to this Act as may be appropriate.

"(6) Where, after reviewing the report of a hearing panel, the Administrator determines that pollution is occurring which endangers the quality of water or the health and welfare of persons, and that revision of previously established standards is required, he may request that a State adopt within a reasonable time, not less than 60 days, specified by the Administrator, revised standards for those waters specified in subsection (c) hereof over which the State has jurisdiction. The Administrator shall specify the waters for which revision is required, and the specific criteria, effluent limitations, or provisions of the plan of implementation and enforcement which require revision. If the State adopts revised standards pursuant to the Administrator's request, and the Administrator determines that such revised standards are consistent with the requirements of subsection (d) of this section, such revised standards shall be the water quality standards for such waters. If the State does not, within the time specified by the Administrator, adopt acceptable revised standards, the Administrator is authorized, after reasonable notice and a public hearing, to publish proposed regulations setting forth such water quality standards. If within 30 days from the date the Administrator publishes such regulations, the State has not adopted water quality standards which are consistent with subsection (d) of this section and with the purposes of this Act, the Administrator shall promulgate such standards.

"(7) Notwithstanding any other provision of this subsection, the authority of the Administrator pursuant to other subsections of this section is not affected.

"(h) (1) For the purpose of any hearing held under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for effluent data, upon a showing satisfactory to the Administrator that such papers, books, documents, or information or particular part thereof, if made public would divulge trade secrets or secret processes, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act. Such attendance of witnesses and the production of any such records may be required from any place in the United States at any reasonable place designated for the hearing. Witnesses summoned by the Administrator to appear before him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(2) The testimony of any witness may be taken, at the instance of a party, in any hearing under this Act, by deposition, at any time after the notice of the proceeding is published. The Administrator may also order testimony to be taken before any person authorized to administer oaths who is not counsel or attorney to the party making the deposition.

"(3) If a witness whose testimony may be desired to be taken by deposition is in a foreign country, the deposition may be taken before an officer or person designated by the Administrator, or agreed upon by the parties by stipulation in writing to be filed with the Administrator. All depositions must be promptly filed with the Administrator.

"(4) Witnesses whose depositions are taken as authorized in this Act, and the person or officer taking the same, shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

"(i) (1) After the effective date of this subsection, any person who owns, leases, manages or controls any public or private property or facility from which discharge is being made into water specified in subsection (c) shall with respect to such discharge install, use, and maintain such monitoring equipment or methods and establish and maintain such records, make such reports, and provide such information as the Administrator may require for the purpose of ascertaining compliance with water quality standards, taking into account the extent to which such information is available to the Administrator from State or locally required monitoring.

"(2) The Administrator or his authorized representative, upon presenting appropriate credentials, is authorized—

"(A) to enter, at reasonable times, any public or private property from which discharge is being made into waters specified in subsection (c);

"(B) to inspect and investigate, at reasonable times, within reasonable limits and in a reasonable manner, the operation of collection systems, waste treatment works or facilities, or conditions relating to pollution or the possible pollution of such waters; and

"(C) to have access to such records in connection therewith, including reports or information required by paragraph (1) of this subsection, as the Administrator may require.

"(3) Any records, reports, or information obtained under paragraph (1) of this subsection shall be available to the public, except that upon a showing satisfactory to the Administrator that records, reports, or information, or a particular part thereof (other than effluent data), to which the Administrator has access under this subsection constitute trade secrets or other matter referred to in section 1905 of title 18 of the United States Code, the Administrator shall consider such record, report, or information or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, and such information may be disclosed *in camera* relevant in any proceeding under this Act.

"(j) Notwithstanding any other provision of this section, the Administrator, upon his determination that any discharge or combination of discharges into any of the waters specified in subsection (c) presents an imminent and substantial danger to the health or welfare of any person or persons, or to water quality, may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to enjoin immediately any person contributing to the alleged pollution from further discharges causing such danger and to take such other action as may be necessary.

"(k) (1) Except as provided in paragraph (2) hereof, any person may commence a civil action on his own behalf—

"(A) against any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the Eleventh Amendment to the Constitution), who is alleged to be in violation of any standard or limitation under this section or a final order issued by the Administrator of a State with respect to such a standard or limitation, or

"(B) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this section which is not discretionary with the Administrator.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be, taking into account the practicability of compliance; any applicable compliance schedule which is part of either the applicable standards or a permit issued under section 407 of title 33 of the United States Code; the requirements of subsection (1) hereof; the seriousness of the violation; and any good faith efforts to comply with water quality standards, requirements of subsection (1) hereof, or such permit.

"(2) No action may be commenced—

"(A) under subparagraph (1) (A) hereof—

"(i) prior to 60 days after the plaintiff has given notice of the violation to the Administrator, to the State in which the violation occurs, and to any alleged violator of the standard, limitation, or order; or

"(ii) if the Administrator or State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the standards, limitation, or order; or

"(iii) if the Administrator has issued and is diligently seeking to enforce an order pursuant to subsection (f) of this section.

"(B) under subparagraph (1) (B) hereof prior to 60 days after the plaintiff has given notice of such action to the Administrator in such manner as the Administrator shall prescribe by regulation.

"(3) (A) Any action respecting a violation of a standard or limitation or an order respecting such standard or limitation may be brought only in the judicial district in which the violation occurs.

"(B) In any such action under this subsection in which the United States is not a party, the Attorney General, at the request of the Administrator, may intervene on behalf of the United States as a matter of right.

"(4) The court, in issuing any final order in any action brought pursuant to paragraph (1) hereof, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

"(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

"(6) (A) In order to direct notice of the commencement of any action brought pursuant to paragraph (1) of this subsection to persons who may join in the action under subparagraph (B) of this paragraph, the court, upon motion of any party made within sixty days of the commencement of the action, shall order notice published in at least one newspaper of general circulation in the place where the court sits and shall direct the Administrator to publish notice in the Federal Register. The notice shall advise that the judgment, whether favorable or not, will be binding on all such persons and that any such person may if he desires join the suit, and shall contain such other matters and be in such form as the court may provide.

"(B) Any person who might have brought suit on his own behalf on the matters alleged in the complaint may join such suit as a plaintiff, and, in any case where notice was given as provided in subparagraph (A) of this paragraph, a failure to join shall bar any subsequent suit under this subsection by such person as if such person has joined in such suit.

"(C) In any action under this subsection the court, in its discretion, may make such orders as it deems appropriate to prevent undue repetition or complication in the presentation of evidence or argument, including orders that one or more parties may adequately and fairly represent other parties.

"(1) (1) The Administrator shall, within sixty days after the enactment of this section and from time to time thereafter, publish in the Federal Register a list of those elements and compounds other than oil as defined in section 11 of this Act, or combination of such elements and compounds which in his judgment possess a high potential for presenting an imminent and substantial danger to the health or welfare of persons or to water quality because of their nondegradable or persistent nature or because they can be biologically magnified, or because they can be immediately lethal, or because they otherwise cause or tend to cause detrimental cumulative effects, and which may be subject to an effluent limitation established under this section. He shall simultaneously publish a summary of all evidence available to him concerning the effects of those elements, compounds, and combinations thereof on the health or welfare of persons or on water quality.

"(2) Within six months after the publication of such list, or revision thereof, the Administrator, in accordance with section 553 of title 5 of the United States Code, shall publish for comment proposed effluent limitations including, if appropriate, prohibition of discharges, of each such element and compound or combination of elements and compounds together with a summary of the evidence on which such limitations are based. No later than ninety days after such publication the Administrator shall promulgate final limitations.

"(3) Prior to publishing any lists or regulations pursuant to this subsection the Administrator shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, independent experts, and Federal departments and agencies.

"(4) The President may exempt any person from any limitation or limitations established under this subsection for a period of not more than two years if he finds that such exemption is required for reasons of national security. An exemption under this paragraph may be extended for one or more additional periods, each period not to exceed two years."

SEC. 2. Section 23 of the Federal Water Pollution Control Act, as amended, is amended to revise subsection (a) to read as follows:

"(a) The term 'State water pollution control agency' means a single State agency designated by that State as the official State water pollution control agency for purposes of this Act."

and to add the following subsection (g):

"(g) 'Contiguous zone' means the entire zone defined by article 24 of the Convention on the Territorial Sea and the Contiguous Zone."

Mr. COOPER. Mr. President, in addition to the amendments to the Water Pollution Control Act, the President has proposed an innovative regulatory framework to control the dumping of waste material into the oceans and coastal waters. This proposal is titled "The Marine Production Act of 1970." It would implement the recommendations of the Council on Environmental Quality in its report on ocean dumping released in October of last year. In my judgment, that report represents the fine work performed by the Council on Environmental Quality to date. The bill which the President has sent to the Congress measures up to the same standard. The bill would authorize the Environmental Protection Agency to issue permits controlling the discharge of waste material in the oceans and prohibit the discharge of such materials without such permits.

Mr. President, I ask consent that a section-by-section analysis and the text of the bill which will be introduced be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FINDINGS AND RECOMMENDATIONS OF THE REPORT TO THE PRESIDENT PREPARED BY THE COUNCIL ON ENVIRONMENTAL QUALITY ENTITLED "OCEAN DUMPING: A NATIONAL POLICY," OCTOBER 1970

The Council on Environmental Quality concludes that there is a critical need for a national policy on ocean dumping. It is not a serious, nationwide problem now, but the decisions made by municipalities and industries in the next few years could lead to dramatic increases in the level of dumping. Once these decisions are made and ocean dumping proceeds, it will be costly and difficult to shift to land-based disposal at some future date.

Ocean-dumped wastes are heavily concentrated and contain materials that have a number of adverse effects. Many are toxic to human and marine life, deplete oxygen necessary to maintain the marine ecosystem, reduce populations of fish and other economic resources, and damage esthetic values. In some areas, the environmental conditions created by ocean disposal of wastes are serious.

The Council study indicates that the volume of waste materials dumped in the ocean is growing rapidly. Because the capacity of land-based waste disposal sites is becoming exhausted in some coastal cities, communities are looking to the ocean as a dumping ground for their wastes. Faced with higher water quality standards, industries may also look to the ocean for disposal. The result could be a massive increase in the already growing level of ocean dumping. If this occurs, environmental deterioration will become widespread.

In most cases, feasible and economic land-based disposal methods are available for wastes currently being dumped in the ocean. In many cases, alternatives to ocean dumping can be applied positively for purposes such as land reclamation and recycling to recover valuable waste components.

Current regulatory activities and authorities are not adequate to handle the problem of ocean dumping. States do not exercise control over ocean dumping, and generally their authority extends only within the 3-mile territorial sea. The Army Corps of Engineers authority to regulate ocean dumping is also largely confined to the territorial sea. The Corps has responsibility to facilitate navigation, chiefly by dredging navigation channels. As such, it is in the position of regulating activities over which it also has operational responsibility. The Coast Guard enforces several Federal laws regarding pollution but has no direct authority to regulate ocean dumping. The authority of the Federal Water Quality Administration does not provide for issuance of permits to control ocean dumping. And the Atomic Energy Commission has authority only for disposal of radioactive materials. The Council believes that new legislative authority is necessary.

Finally, this report recognizes the international character of ocean dumping. Unilateral action by the United States can deal with only a part—although an important part—of the problem. Effective international action will be necessary if damage to the marine environment from ocean dumping is to be averted.

POLICY AND REGULATORY RECOMMENDATIONS

The Council on Environmental Quality recommends a comprehensive national policy on ocean dumping of wastes to ban unregulated ocean dumping of all materials and strictly limit ocean disposal of any materials harmful to the marine environment. In order to implement the policy, new regulatory authority is necessary. The Council on Environmental Quality recommends legislation that would:

Require a permit from the Administrator of the Environmental Protection Agency for the transportation or dumping of all materials in the oceans, estuaries, and the Great Lakes.

Authorize the Administrator to ban ocean dumping of specific materials and to designate safe sites.

Establish penalties for violation of regulations.

Provide for enforcement by the Coast Guard.

The Administrator of the Environmental Protection Agency would be guided by the following principles in exerting his authority:

Ocean dumping of materials clearly identified as harmful to the marine environment or man should be stopped.

When existing information on the effects of ocean dumping are inconclusive, yet the best indicators are that the materials could create adverse conditions if dumped, such dumping should be phased out. When further information conclusively proves that such dumping does not damage the environment, including cumulative and long-term damage, ocean dumping could be conducted under regulation.

The criteria for setting standards for disposing of materials in the ocean and for determining the urgency of terminating disposal operations should include:

1. Present and future impact on the marine environment, human health, welfare, and amenities.
2. Irreversibility of the impact of dumping.
3. Volume and concentration of materials involved.
4. Location of disposal, i.e., depth and potential impact of one location relative to others.

High priority should be given to protecting those portions of the marine environment which are biologically most active, namely the estuaries and the shallow, nearshore areas in which many marine organisms breed or spawn. These biologically critical areas should be delimited and protected.

The Council on Environmental Quality recommends the following policies relating to specific types of wastes currently being dumped in the ocean, in estuaries, and in the Great Lakes:

Ocean dumping of undigested sewage sludge should be stopped as soon as possible and no new sources allowed.

Ocean dumping of digested or other stabilized sludge should be phased out and no new sources allowed. In cases in which substantial facilities and/or significant commitments exist, continued ocean dumping may be necessary until alternatives can be developed and implemented. But continued dumping should be considered an interim measure.

Ocean dumping of existing sources of solid waste should be stopped as soon as possible. No new sources should be allowed, i.e., no dumping by any municipality that currently does not do so, nor any increase in the volume by existing municipalities.

Ocean dumping of polluted dredge spoils should be phased out as soon as alternatives can be employed. In the interim, dumping should minimize ecological damage. The current policy of the Corps of Engineers on dredging highly polluted areas only when absolutely necessary should be continued, and even then, navigational benefits should be weighed carefully against damages.

The current policy of prohibiting ocean dumping of high-level radioactive wastes should be continued. Low-level liquid discharges to the ocean from vessels and land-based nuclear facilities are, and should continue to be, controlled by Federal regulations and international standards. The adequacy of such standards should be continually reviewed. Ocean dumping of other radioactive wastes should be prohibited. In a very few cases, there may be no alternative offering less harm to man or the environment. In these cases ocean disposal should be allowed only when the lack of alternatives has been demonstrated. Planning of activities which will result in production of radioactive wastes should include provisions to avoid ocean disposal.

No ocean dumping of chemical warfare materials should be permitted. Biological warfare materials have not been disposed of at sea and should not be in the future. Ocean disposal of explosive munitions should be terminated as soon as possible.

Ocean dumping of industrial wastes should be stopped as soon as possible. Ocean dumping of toxic industrial wastes should be terminated immediately, except in those cases in which no alternative offers less harm to man or the environment.

Ocean dumping of unpolluted dredge spoils, construction and demolition debris, and similar wastes which are inert and nontoxic should be regulated to prevent damage to estuarine and coastal areas.

Use of waste materials to rehabilitate or enhance the marine environment, as opposed to activities primarily aimed at waste disposal, should be conducted under controlled conditions. Such operations should be regulated, requiring proof by the applicant of no adverse effects on the marine environment, human health, safety, welfare, and amenities.

RESEARCH NEEDS

In the long term, additional information is required in the implementation of this policy. Serious information deficiencies exist, and research is required in the following major areas:

Broad-based ecological research is needed to understand the pathways of waste materials in marine ecosystems. Such studies should be directed to a better understanding of the food chain from microscopic plants and animals to high predators; how pollutants concentrate in the food chain; the origin and ultimate fate of pollutants in the oceans; and the effects of concentration on the marine environment and eventually man.

Marine research preserves should be established to protect representative marine ecosystems for research and to serve as ecological reference points—baselines by which man-induced changes may be evaluated.

Oceanographic studies of basic physical and chemical processes should be directed toward gaining a thorough understanding of the marine environment, with special emphasis on estuaries and coastal areas.

Toxic materials should be identified and their lethal, sublethal and chronic long-term effects on marine life investigated. Information is needed on the persistence of toxic substances; how pollutants are degraded chemically and biologically; the effects of radioactivity on the marine environment and man; and the capacity of waters to assimilate waste materials.

More information is needed about public health risks from ocean pollution. Studies should determine what pathogens are transported in marine ecosystems and how. Better methods of measuring public health dangers are also needed.

Research is needed on the recycling of wastes and the development of alternatives to ocean dumping. Technical problems must be solved, but there is also a great need to study the social, institutional, and economic aspects of waste management.

Effective national and international monitoring systems need to be developed. Research is necessary to develop improved methods and technology so that alterations in the marine environment may be detected. But there is also a need for data coordination so that data gathering and analysis efforts are not duplicated.

SUMMARY

The Nation has an opportunity unique in history—the opportunity to act to prevent an environmental problem which otherwise will grow to a great magnitude. In the past, we have failed to recognize problems and to take corrective action before they became serious. The resulting signs of environmental degradation are all around us, and remedial actions heavily tax our resources. This is clearly the time for a conscious national decision to control ocean dumping.

RUSSELL E. TRAIN,
Chairman.
ROBERT CAHN,
GORDON J. MACDONALD.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED MARINE PROTECTION ACT OF 1971

The title of the proposed act is designated as the "Marine Protection Act of 1971."

Section 2, drawing on the report of the Council on Environmental Quality made public by the President October 7, 1970, makes a finding by the Congress that unregulated dumping of material in the oceans, coastal, and other waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities. It declares a federal policy of regulating dumping of all types of material in the relevant waters and of vigorously limiting the dumping of material which could have an unfavorable effect.

Section 3 defines certain terms used in the proposal. Subsection 3(a) defines the responsible official for implementation of the legislation as the Administrator of the Environmental Protection Agency (EPA). Subsection 3(b) provides that the proposal applies to the oceans, to gulfs, bays, and other similar salt waters, other coastal areas where the tide ebbs and flows, and to the Great Lakes.

Subsection 3(c) defines material, the transportation for dumping and dumping of which are regulated by the proposal, very broadly as "matter of any kind or description", and then, for illustrative purposes, but without limiting the comprehensive scope of this initial definition, lists specific materials which are included in the general definition. Oil and sewage from vessels, discharges of which are covered by the Federal Water Pollution Control Act, are excluded from the scope of this Act.

Subsection 3(e) defines "person" in such a way that all Federal, State, and foreign governmental organizations, employees, and agents, along with private persons or entities, are included within the prohibition on transportation for dumping or dumping contained in Section 4. Federal organizations, employees, and agents, however, are excepted from the definition of "person" insofar as section 6, providing for penalties, is concerned. Thus, Federal organizations, employees, and agents must comply with the permit and standard-setting provisions of the Act, *i.e.*, they would be required to obtain approval from the Administrator of EPA for the transportation for dumping or the dumping of materials in the relevant waters, but they are not liable for or subject to the penalty provisions.

Subsection 3(f) defines dumping for purposes of the Act as "a disposition of material". Provisos make two important exceptions to this general rule of applicability. The first proviso excepts from the Act's coverage disposition of effluents from any outfall structure or routine discharges of effluents incidental to the propulsion of vessels. Municipal sewage outfalls or industrial waste outfalls come within this priviso. Discharges of effluents other than sewage from outfalls come within the purview of standards set pursuant to the Federal Water Pollution Control Act and also will be subject to the proposed permit program under the Refuse Act (33 U.S.C. § 407). Municipal sewage outfalls also come under the Federal Water Pollution Control Act's standards and also are affected by that Act's assistance programs.

The second proviso could be called the "lobsterpot" proviso. It excepts intentional placement of devices in the relevant waters or on the submerged lands beneath those waters. Several federal departments and agencies place testing, monitoring, sensing, or surveillance devices on the ocean floor. Under this proviso, the placement of such items or their transportation for placement is not within the coverage of the proposal. Private activities similarly not within the proposal would include placing into the ocean and other pertinent waters lobster traps, off-shore drilling platforms, pipelines, or cables. The latter portion of the proviso ensures that any excepted placement of devices does not include placement of material to produce an effect attributable only to the physical presence of the material in the ocean or other relevant waters. Thus, if car bodies or other similar material were placed in the ocean to serve as a shelter for fish, the effect from placing the car bodies would be attributable only to the physical presence of the car bodies in the ocean, and the placement would constitute a dumping for which a permit would be required under the Act.

Special note should also be made of the fact that "dumping" as defined in subsection 3(f) would not include an activity which has as its primary purpose a result other than "a disposition of material" but which involves the incidental depositing of some debris or other material in the relevant waters. For example, material from missiles and debris from gun projectiles and bombs ultimately come to rest in the protected waters. Such activities are not covered by this Act.

Except where the Administrator has issued a permit for such activity, subsection 4(a) of the proposal prohibits transportation of material from the United States for the purpose of dumping it in the oceans, coastal, and other waters. Similarly, except where a permit has been granted, section 4(b) prohibits dumping of material in that part of such waters which is within that territorial jurisdiction of the United States, or in the Contiguous Zone of the United States when the dumping affects the territorial sea or territory of the United States.

Section 5 places authority to grant transportation and dumping permits in the Administration of EPA, provides standards for his use in acting on permit applications, and governs the nature of permits which may be issued.

Section 5(a) allows issuance of a permit where the applicant presents information which indicates that the transportation or dumping or both will not unreasonably degrade or unreasonably endanger human health, welfare, or amenities, or the marine environment, ecological systems or economic potentialities. The Administrator is directed to establish and apply criteria for reviewing and evaluating permit applications. In establishing or revising the criteria, the Administrator is required to consider the likely impact of the proposed dumping along with alternative locations and methods of disposal, including those based on land, the probable impact of using such alternatives on considerations affecting the public interest, and the probable impact of issuing or denying permits on such considerations. In establishing or revising criteria, the Administrator is directed to consult with the heads of concerned departments and agencies.

Subsection 5(b) authorizes the Administrator to establish and issue various categories of permits. If he deems such a step to be desirable, the Administrator could set different procedures for handling applications in the various categories. Subsection (b)(2) allows the Administrator to require applicants for permits to provide necessary information. The Administrator could require differing amounts and types of information according to category.

Subsections 5(c) and 5(d) set out the requirements which may be incorporated into permits issued under the authority of subsection 5(a). They also allow the Administrator, as he deems appropriate, to state further requirements and actions, such as charges for permits or reporting on actions taken under a permit.

Subsection 5(e) authorizes the Administrator to grant general permits for the transportation for dumping or dumping of quantities and types of materials which he determines will have a minimal effect on the ocean. This provides flexibility to give general permits for certain types of periodic or continuing activities where the amounts dumped are minimal.

Subsection 5(f) authorizes the Administrator to limit or deny the issuance of permits involving specified substances where he finds that the substance cannot be dumped consistently with the provisions of and criteria established under subsection 5(a). In such cases the Administrator may also alter or revoke partially or entirely the terms of existing permits.

Subsection 5(g) allows the Administrator to designate recommended sites for dumping specified materials. This would give guidance to applicants and facilitate the Administrator's implementation of the control programs.

Subsection 5(h) establishes a very limited exemption from the prohibition on transportation for dumping or dumping where no permit has been granted. Such transportation or dumping is not prohibited where it is necessary in an emergency to safeguard human life. In such cases reports of the excepted emergency actions must be made to the Administrator.

Section 6 provides for penalties. Under subsection 6(a) the Administrator could assess a civil penalty recoverable in federal district court, of up to $50,000 for each violation. Subsection 6(b) establishes, in addition, criminal sanctions for knowing and willful violations. The court could assess a fine of up to $50,000 or order imprisonment for a period of up to one year, or both. For those cases where violations are of a continuing nature, and for the purpose of imposing civil penalties and criminal fines but not imprisonment, subsection 6(c) makes each day of such a violation a separate offense. Under the provisions of subsection 6(d), the Attorney General is authorized to seek equitable relief to redress violations. Subsections 6(e) subjects vessels used in violations to in rem liability for any civil penalty assessed or criminal fine imposed. Public vessels within the meaning of subsection 13(a)(3) of the Federal Water Pollution Control Act and other public property of a similar nature would not be subject to the remedy authorized by this provision. Subsection 6(f) adds authority for the Administrator to revoke or suspend a permit issued under subsection 6(a) if the permit's provisions have been violated.

Section 7 deals with the relationship of this legislation to other laws. Generally, except as provided in subsections 7(b) and 7(c), it provides that after the Act's effective date, existing licenses, permits, or authorizations would be terminated to the extent they authorize activity covered by this proposal, and that further licenses, permits, or authorizations of a similar nature could not be issued.

Subsection 7(b) maintains present responsibility and authority contained in the Atomic Energy Act of 1954, and provides that the provisions of Sections 4 and 7(a) of this proposal do not apply to actions taken under that Act. However, the AEC must consult with the Administrator before issuing a permit to conduct any activity otherwise regulated by this proposal. Moreover, the AEC must comply wth the radioactive-material standards set by the Administrator, and the Administrator is directed to consider the policy expressed in subsection 2(b) of this proposal along with the factors stated in subsections 5(a)(1) and 5(a)(2) in setting such standards for the waters covered by this proposal.

Subsection 7(c) relates to authorities contained in the Rivers and Harbors Act of 1899, respecting dredging, filling, harbor works, and maintenance of navigability. The powers are exercised for the most part by the Secretary of the Army and the Chief of Engineers. Except for the limited supersession found in subsection 11(e), the Rivers and Harbors Act authorities are not negated or abrogated, nor are existing licenses or permits issued under the Act terminated. Rather, in situations where this Act and the Act of 1899 both apply to dumping of material in connection with a dredge, fill or other permit issued by the Corps of Engineers, issuance of the permit requires a certification by the Administrator of EPA that the activity is in conformity with this proposal and any regulations issued under it. The Administrator will not issue separate permits in such cases.

After this Act becomes effective, the Department of the Army's permit program under the Refuse Act, which is administered in close cooperation with EPA on all water quality matters, will continue to regulate the disposition of any effluent covered by the Refuse Act from any outfall structure regardless of the waters into which this disposition occurs, in addition to regulating all depositing of material into other navigable waters of the United States not covered by subsection 4(b) of this Act.

Subsection 7(d) provides for consultation by the Administrator of EPA with the Secretary of the Army in cases where the Administrator finds that the proposed activity may affect navigation or create an artificial island on the Outer Continental Shelf.

Subsection 7(e) saves State or local laws from being preempted by this proposal.

Section 8 allows the Administrator to use, by agreement, resources of other federal agencies, on either a reimbursable or nonreimbursable basis. In subsection 8(b) the Administrator is authorized to delegate responsibility for acting on permit applications to an officer of EPA or, by agreement, to the head of other federal departments or agencies, such as the Commandant of the Coast Guard. Subsection 8(c) directs that surveillance, and other appropriate enforcement activity be conducted by the Secretary of the department in which the Coast Guard is operating.

Section 9 gives the Administrator power to issue appropriate regulations in carrying out the responsibilities and authority conferred by the Act.

Section 10 directs the Secretary of State, in consultation with the Administrator, to seek appropriate international action and cooperation to support the policy of this proposal.

Subsections 11(a) and 11(b) repeal the Supervisory Harbors Act of 1888, as amended (33 U.S.C. §§ 441–451b), and the provision of the Rivers and Harbors Act of 1899 (33 U.S.C. § 418) which preserved the Supervisory Harbors Act from supersession by the 1899 Act. The Supervisory Harbors Act provides a special authority to control transit in and from the harbors of New York, Baltimore, and Hampton Roads, Virginia. This authority has been used to regulate ocean dumping. The proposed Act would replace that authority. A portion of the Act of August 5, 1886 (33 U.S.C. § 407a), which pertains to deposits of debris from mines and stamp works, and which is covered by this bill or the Refuse Act, is also repealed. A provision contained in the Rivers and Harbors Act of 1905 (33 U.S.C. § 419), which has been used to buttress the Corps of Engineers' authority to regulate ocean dumping, is superseded, insofar as it authorizes action that would be regulated by this proposal. Lastly, section 13 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 407), commonly known as the Refuse Act, is superseded, but only insofar as it applies to dumping of material in the waters covered by subsection 4(b) of this proposal.

Section 12 provides that this proposal shall take effect six months after its enactment and further saves from being affected by this proposal legal actions begun or rights of action accrued prior to the proposal's effective date.

Section 13 contains an authorization for appropriations to carry out the purposes and administration of the proposal.

A BILL—MARINE PROTECTION ACT OF 1971

To regulate the dumping in the oceans, coastal, and other waters and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That: This Act may be cited as the "Marine Protection Act of 1971."

SECTION 2. FINDING, POLICY, AND PURPOSE

(a) Unregulated dumping of material into the oceans, coastal, and other waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) Congress declares that it is the policy of the United States to regulate the dumping of all types of material in the oceans, coastal, and other waters and to prevent or vigorously limit the dumping into the oceans, coastal, and other waters of any material which could adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. To this end, it is the purpose of this Act to regulate the transportation of material from the United States for dumping into the oceans, coastal, and other waters, and the dumping of materials by any person from any source if the dumping occurs in waters over which the United States has jurisdiction.

SECTION 3. DEFINITIONS

For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Oceans, coastal, and other waters" means oceans, gulfs, bays, salt-waters, lagoons, salt-water harbors, other coastal waters where the tide ebbs and flows, and the Great Lakes.

(c) "Material" means matter of any kind or description, including, but not limited to, dredge spoil, solid waste, garbage, sewage sludge, munitions, chemical, biological, and radiological warfare agents, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial waste. *provided*, that it does not mean oil within the meaning of section 11 of the Federal Water Pollution Control Act or sewage from vessels within the meaning of Section 13 of said Act.

(d) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the territories and possessions of the United

States and the Trust Territory of the Pacific Islands.

(e) "Person" means any private person or entity, any employee, agent, department, agency, or instrumentality of any State or local unit of government, or foreign government, and, except as to the provisions of section 6, any employee, agent, department, agency, or instrumentality of the Federal Government.

(f) "Dumping" means a disposition of material, *provided*, that it does not mean a disposition of any effluent from any outfall structure, or a routine discharge of effluent incidental to the propulsion of vessels, and *provided further*, that it does not mean the intentional placement of any device in the oceans, coastal, or other waters or on the submerged land beneath such waters, for the purpose of using such device there to produce an effect attributable to other than its mere physical presence.

(g) "District Court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which court shall have jurisdiction over actions arising therein.

SECTION 4. PROHIBITED ACTS

Except as such transportation or dumping or both may be authorized in a permit issued by the Administrator,

(a) No person shall transport material from the United States for the purpose of dumping it into the oceans, coastal, and other waters, and

(b) No person shall dump material (1) in that part of the oceans, coastal, and other waters which is within the territorial jurisdiction of the United States, or, (2) in a zone contiguous to the territorial sea of the United States, extending to a line 12 nautical miles seaward from the base line of the territorial sea as provided in Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, to the extent that it may affect the territorial sea or the territory of the United States.

SECTION 5. PERMITS

(a) The Administrator may issue permits to transport material for dumping into the oceans, coastal, and other waters, or to dump material into the waters described in subsection 4(b), or both, where the applicant presents information respecting the proposed activity which in the judgment of the Administrator indicates that such transportation, or dumping, or both will not unreasonably degrade or unreasonably endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator shall establish and apply criteria for reviewing and evaluating such permit applications, and, in establishing or revising such criteria, shall consider, but not be limited in his consideration to, the following:

(1) the likely impact of the proposed dumping on human health, welfare, and amenities, and on the marine environment, ecological systems, and economic potentialities, including an assessment of—

(A) the possible persistence or permanence of the effects of the proposed dumping,

(B) the volume and concentration of materials involved, and

(C) the location proposed for the dumping.

(2) alternative locations and methods of disposal, including land-based alternatives; the probable impact of requiring the use of such locations or methods of disposal on considerations affecting the public interest; and the probable impact of issuing or denying permits on considerations affecting the public interest.

In establishing or revising such criteria, the Administrator shall consult with the Secretaries of Commerce, Interior, State, Defense, Agriculture, Health, Education and Welfare, and Transportation, the Atomic Energy Commission, and other appropriate Federal, State, and local officials. With respect to such criteria as may affect the civil works program of the Department of the Army, the Administrator shall also consult with the Secretary of the Army. In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary. No permit shall be issued for a dumping of material which will violate applicable water quality standards.

(b) (1) The Administrator may establish and issue various categories of permits, including the general permits described in subsection (e).

(2) The Administrator may require an applicant for a permit under subsection (a) to provide such information as the Administrator may consider necessary to review and evaluate such an application.

(c) Permits issued under subsection (a) may designate and include (1) the type of material authorized to be transported for dumping or to be dumped; (2) the amount of material authorized to be transported for dumping or to be dumped; (3) the location where such transport for dumping will be terminated or where such dumping will occur; (4) the length of time for which the permits are valid and their expiration date; and (5) such other matters as the Administrator deems appropriate.

(d) The Administrator may prescribe such processing fees for permits and such reporting requirements for actions taken pursuant to permits issued under subsection (a) as he deems appropriate.

(e) Notwithstanding any other provision of this Act, the Administrator may issue general permits for the transportation for dumping, or dumping, or both, of classes of materials which he determines will have a minimal impact, considering the factors stated in subsection (a).

(f) The Administrator may limit or deny the issuance of permits, or may alter or revoke partially or entirely the terms of permits issued by him under this Act, for the transportation for dumping, or the dumping, or both, of specified material, where he finds that such material cannot be dumped consistently with the criteria established pursuant to subsection (a). No action shall be taken under this subsection unless the affected person or permittee shall have been given notice and opportunity for hearing on such action as proposed.

(g) The Administrator may, considering the criteria established pursuant to subsection (a), designate recommended sites for the dumping of specified materials.

(h) Nothing in this Act shall prohibit any transportation for dumping or dumping of material where such transportation or dumping is necessary, in an emergency, to safeguard human life. Such transportation or dumping shall be reported to the Administrator within such times and under such conditions as he may prescribe by regulation.

SECTION 6. PENALTIES

(a) A person who violates section 4 of this Act, or regulations promulgated under this Act, or a permit issued under this Act by the Administrator shall be liable to a civil penalty of not more than $50,000 for each violation to be assessed by the Administrator. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such violation. Any such civil penalty may be compromised by the Administrator. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation shall be considered by said Administrator. Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) In addition to any action which may be brought under subsection (a), a person who knowingly and willfully violates section 4 of this Act, regulations promulgated under this Act, or a permit issued under this Act by the Administrator shall be fined not more than $50,000 or imprisoned for not more than one year, or both.

(c) For the purpose of imposing civil penalties and criminal fines under this section, each day of a continuing violation shall constitute a separate offense.

(d) The Attorney General or his delegate may bring actions for equitable relief to redress a violation by any person of this Act, regulations promulgated under this Act, and permits issued under this Act by the Administrator, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

(e) A vessel, except a public vessel within the meaning of subsection 13(a)(3) of the Federal Water Pollution Control Act or other public property of a similar nature, used in a violation shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof, *provided*, that no vessel shall be liable unless it shall appear that the owner was at the time of the violation a consenting party or privy to such violation.

(f) If the provisions of any permit issued under subsection (a) of section 5 are violated, the Administrator may revoke the permit or may suspend the permit for a specified period of time. No permit shall be revoked or suspended unless the permittee shall have been given notice and opportunity for a hearing on such violation and proposed suspension or revocation.

SECTION 7. RELATIONSHIP TO OTHER LAWS

(a) After the effective date of this Act, all licenses, permits, or authorizations which have been issued by any officer or employee of the United States under authority of any other provision of law shall be terminated and of no effect to the extent they authorize any activity regulated by this Act. Thereafter, except as hereafter provided, no license, permit, or authority shall be issued by any officer or employee of the United States other than the Administrator which would authorize any activity regulated by this Act or the regulations issued hereunder.

(b) Nothing in this Act shall abrogate or negate any existing responsibility or authority contained in the Atomic Energy Act of 1954, as amended, and section 4 and subsection 7(a) of this Act shall not apply to any activity regulated by that Act, *provided*, the Atomic Energy Commission shall consult with the Administrator prior to issuing a permit to conduct any activity which would otherwise be regulated by this Act. In issuing any such permit, the Atomic Energy Commission shall comply with standards set by the Administrator respecting limits on radiation exposures or levels, or concentrations or quantities of radioactive material. In setting such standards for application to the oceans, coastal, and other waters, or for specific portions of such waters, the Administrator shall consider the policy expressed in subsection 2(b) of this Act and the factors stated in subsections 5(a)(1) and 5(a)(2) of this Act.

(c) (1) The provisions of subsection (a) shall not apply to actions taken before or after the effective date of this Act under the authority of the Rivers and Harbors Act of 1899.[1]

(2) Except as provided in subsection 11(e),

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[1] 33 U.S.C. § 401 et. seq.

nothing in this Act shall be construed as abrogating or negating any existing responsibility or authority contained in the Rivers and Harbors Act of 1899, *provided*, that after the effective date of this Act, no Federal license or permit shall be issued under the authority of the Rivers and Harbors Act of 1899 to conduct any activity otherwise regulated by section 4 of this Act and the regulations issued hereunder, unless the Administrator has certified that the activity proposed to be conducted is in conformity with the provisions of this Act and with the regulations issued hereunder.

(3) Where a license or permit to conduct an activity has been granted under the authority of subsections (c)(1) and (c)(2) of this section and of the Rivers and Harbors Act of 1899, no separate permit to conduct such activity shall be required under this Act.

(d) Prior to issuing any permit under this Act, where it appears to the Administrator that the disposition of the material to be transported for dumping or to be dumped may affect navigation in the navigable waters of the United States or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary of the Army and no permit shall be issued if the Secretary of the Army determines that navigation will be unreasonably impaired.

(e) Nothing in this Act shall be construed as preempting any State, Federal Territory or Commonwealth, or subdivision thereof from imposing any requirement or liability.

SECTION 8. ENFORCEMENT

(a) The Administrator may, whenever appropriate, utilize by agreement, the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis.

(b) The Administrator may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of the Environmental Protection Agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

(c) The Secretary of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping or dumping.

SECTION 9. REGULATIONS

In carrying out the responsibilities and authority conferred by this Act, the Administrator is authorized to issue such regulations as he may deem appropriate.

SECTION 10. INTERNATIONAL COOPERATION

The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to ensure protection of the marine environment, and may for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

SECTION 11. REPEAL AND SUPERSESSION

(a) The second proviso to the last paragraph of section 20 of the Act of March 3, 1899 (30 Stat. 1154), as amended,[2] is repealed.

(b) Sections 1, 2, 3, 4, 5, 6, and 7 of the Act of June 29, 1888 (25 Stat. 209), as amended,[3] are repealed.

(c) Section 2 of the Act of August 5, 1886 (24 Stat. 329),[4] is repealed.

(d) To the extent that it authorizes action regulated by this Act, section 4 of the Act of March 3, 1905 (33 Stat. 1147),[5] is superseded.

(e) Section 13 of the Rivers and Harbors Act of 1899 (30 Stat. 1152), as amended,[6] is superseded insofar as it applies to dumping, as defined in subsection 3(f) of this Act, of material in the waters covered by subsection 4(b) of this Act.

SECTION 12. EFFECTIVE DATE AND SAVINGS PROVISION

(a) This Act shall take effect six months after its enactment.

(b) No legal action begun, or right of action accrued, prior to the effective date of this Act shall be affected by any provision of this Act.

SECTION 13. AUTHORIZATION FOR APPROPRIATIONS

There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the purposes and administration of this Act.

Mr. COOPER. Mr. President, last year the President recommended to Congress the establishment of an Environmental Financing Authority to be administered by the Secretary of the Treasury to provide a market for the revenue bonds of municipalities otherwise unable to generate the financial capability necessary to match the Federal share of waste treatment works construction under section 8 of the Federal Water Pollution Control Act of 1965. The President has again recommended the establishment of this financing institution.

Mr. President, we are all aware of the difficulties in providing revenues for essential domestic purposes. Money is, perhaps, the most serious obstacle in the path of the adequate control of water pollution. The President's proposal to make available to States and municipalities the marketing power of the Federal Government could be tremendously helpful.

Mr. President, I ask unanimous consent that a section-by-section analysis and the text of the bill which will be introduced be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE ENVIRONMENTAL FINANCING ACT OF 1971

Section 1. This section provides for the Act to be cited as the "Environmental Financing Act of 1971."

Section 2. Creation of Authority. This section establishes the Environmental Financing Authority as an instrumentality of the United States subject to the general supervision and direction of the Secretary of the Treasury and authorizes the Authority to establish offices to conduct its business.

Section 3. Purpose. This section states that the purpose of the Act is to assure that inability to borrow necessary funds on reasonable terms does not prevent any State or local public body from carrying out a waste treatment works project eligible for financial assistance under the Federal Water Pollution Control Act.

Section 4. Board of Directors. This section provides a five-member Board of Directors consisting of the Secretary of the Treasury or his designee as Chairman and four others appointed by the President from the officers or employees of the Authority or of any Federal agency. The Board would meet at the call of the Chairman and would determine the general policies of the Authority. The Chairman would appoint the officers of the Authority.

Section 5. Functions. This section authorizes the Authority to purchase obligations issued by State and local public bodies to finance the non-Federal share of the cost of a waste treatment construction project. No purchase could be made unless the Administrator of the Environmental Protection Agency has certified that the seller is unable to obtain sufficient credit on reasonable terms, has approved the project as eligible under the Federal Water Pollution Control Act, and has agreed to guarantee principal and interest payments on the obligation. No purchase could be made of obligations issued to finance projects the permanent financing of which occurred prior to this Act. Interest rates on such purchases would be determined by the Secretary of the Treasury taking into consideration (i) current market yields on obligations of comparable maturity issued by the Treasury or the Authority and (ii) market yields on municipal bonds. The Authority would charge fees to cover expenses and to accumulate reasonable reserves, and such fees would be included in project costs.

Section 6. Initial Capital. This section authorizes appropriations to the Secretary of the Treasury to advance up to $100 million for initial capital to the Authority. The interest rate on advances would be not less than a rate determined by the Secretary of the Treasury taking into consideration current market yields on Treasury obligations. Interest payments could be deferred at the discretion of the Treasury.

Section 7. Obligations of the Authority. This section authorizes the Authority, with the approval of the Secretary of the Treasury, to issue its own obligations in the market. The Secretary of the Treasury could purchase such obligations, as authorized in appropriations acts. Purchases by the Secretary would be public debt transactions and would be at interest rates determined by him taking into consideration current market yields on outstanding Treasury obligations of comparable maturities.

Section 8. Federal Payment to the Authority. This section directs the Secretary of the Treasury to make annual payments to the Authority in the amount by which the Authority's interest expense exceeds its interest income.

Section 9. General Powers. This section provides the Authority with general corporate powers.

Section 10. Tax Exemption. This section generally exempts the Authority and its income from all taxes except real and personal property taxes and taxes on the principal or interest on obligations issued by the Authority, which would be taxed to the same extent as obligations of private corporations.

Section 11. Obligations as Lawful Investments, Acceptance as Security. This section makes obligations issued by the Authority lawful investments, acceptable as security for all fiduciary, trust, and public funds, and exempt from SEC requirements.

Section 12. Preparation of Obligations. This section authorizes the Secretary of the Treasury to prepare, hold, and deliver obligations for the Authority on a reimbursable basis.

Section 13. Annual Report. This section requires the Authority to transmit to the President and Congress an annual report of its operations and activities.

Section 14. Obligations Eligible for Purchase by National Banks. This section permits national banks to invest in or deal in obligations of the Authority.

Section 15. Government Corporation Control Act. This section subjects the Authority to the budget and audit provisions of the Government Corporation Control Act in the same manner as they are applied to a wholly-owned Government corporation.

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[2] 33 U.S.C. § 418.

[3] 33 U.S.C. §§ 441–451b.

[4] 33 U.S.C. § 407a.

[5] 33 U.S.C. § 419.

[6] 33 U.S.C. § 407.

Section 16. Permanent Appropriation for Federal Payment to Authority. This section provides a permanent indefinite appropriation to permit the Secretary of the Treasury to make interest payments to the Authority as required by section 8.

Section 17. Separability. This section makes the provisions and validity of the Act separable if any of the provisions is held invalid.

S. —

A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Financing Act of 1971".

CREATION OF AUTHORITY

SEC. 2. There is hereby created a body corporate to be known as the Environmental Financing Authority, which shall have succession until dissolved by Act of Congress. The Authority shall be subject to the general supervision and direction of the Secretary of the Treasury. The authority shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

PURPOSE

SEC. 3. The purpose of this Act is to assure that inability to borrow necessary funds on reasonable terms does not prevent any State or local public body from carrying out any project for construction of waste treatment works determined eligible for assistance pursuant to section 5 of this Act.

BOARD OF DIRECTORS

SEC. 4. (a) The Authority shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Authority or of any department or agency of the United States Government.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

FUNCTIONS

SEC. 5. (a) The Authority is authorized to make commitments to purchase and to purchase on terms and conditions determined by the Authority, any obligation or participation therein which is issued by a State or local public body to finance the non-Federal share of the cost of any project for the construction of waste treatment works which the Administrator of the Environmental Protection Agency has determined to be eligible for Federal financial assistance under the Federal Water Pollution Control Act (33 U.S.C. 466).

(b) No commitment shall be entered into, and no purchase shall be made, unless the Administrator of the Environmental Protection Agency (1) has certified that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs; (2) has approved the project as eligible under the Federal Water Pollution Control Act (33 U.S.C. 466); and (3) has agreed to guarantee timely payment of principal and interest on the obligation. The Administrator is authorized to guarantee such timely payments and to issue regulations as he deems necessary and proper to protect such guarantees. Appropriations are hereby authorized to be made to the Administrator in such sums as are necessary to make payments under such guarantees, and such payments are authorized to be made from such appropriations or from any other available funds.

(c) No purchase shall be made of obligations issued to finance projects, the permanent financing of which occurred prior to the enactment of this Act.

(d) Any purchase by the Authority shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury taking into consideration (i) the current average yield on outstanding marketable obligations of the United States of comparable maturity or in its stead whenever the Authority has sufficient of its own long-term obligations outstanding, the current average yield on outstanding obligations of the Authority of comparable maturity; and (ii) the market yields on municipal bonds.

(e) The Authority is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves and such fees shall be included in the aggregate project costs.

INITIAL CAPITAL

SEC. 6. To provide initial capital to the Authority, the Secretary of the Treasury is authorized to advance the funds necessary for this purpose. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE AUTHORITY

SEC. 7. (a) The Authority is authorized, with the approval of the Secretary of the Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Authority. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein.

(b) As authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary of the Treasury may in his discretion purchase or agree to purchase any obligations issued pursuant to subsection (a) of this section, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

FEDERAL PAYMENT TO THE AUTHORITY

SEC. 8. The Secretary of the Treasury is authorized and directed to make annual payments to the Authority in such amounts as are necessary to equal the amount by which the dollar amount of interest expense accrued by the Authority on account of its obligations exceeds the dollar amount of interest income accrued by the Authority on account of obligations purchased by it pursuant to section 5 of this Act.

GENERAL POWERS

SEC. 9. The Authority shall have power—

(a) to sue and be sued, complain and defend, in its corporate name;

(b) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(c) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(d) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(e) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(f) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Authority;

(g) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(h) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof; and

(i) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

TAX EXEMPTION

SEC. 10. The Authority, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Authority shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Authority shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

OBLIGATION AS LAWFUL INVESTMENTS, ACCEPTANCE AS SECURITY

SEC. 11. All obligations issued by the Authority shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Authority pursuant to this Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

PREPARATION OF OBLIGATIONS

Sec. 12. In order to furnish obligations for delivery by the Authority, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Authority may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Authority. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Authority shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

ANNUAL REPORT

Sec. 13. The Authority shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

Sec. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Environmental Financing Authority" immediately after "or obligations, participations or other instruments of or issued by the Federal Mortgage Association or the Government National Mortgage Association."

GOVERNMENT CORPORATION CONTROL ACT

Sec. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 846) shall be applicable to the Environmental Financing Authority in the same manner as they are applied to the wholly owned Government corporations.

PERMANENT APPROPRIATION FOR FEDERAL PAYMENT TO AUTHORITY

Sec. 16. Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph following the last paragraph appropriating moneys for the purposes under the Treasury Department to read as follows:

"Payment to the Environmental Financing Authority: For payment to the Environmental Financing Authority under section 8 of the Environmental Financing Act of 1971."

SEPARABILITY

Sec. 17. If any provision of this Act or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

Mr. COOPER. Mr. President, the Committee on Public Works last year was responsible for the enactment of title IV of the Clean Air Amendments of 1970, which authorized a study of noise pollution and established the beginning of a regulatory program in the Environmental Protection Agency.

The President has transmitted to Congress, as part of his environmental message, a bill which would establish a comprehensive noise control program administered by the Environmental Protection Agency. The bill would authorize the Administrator to a. issue criteria on the technology of noise pollution control; b. identify major sources of noise pollution; and c. establish standards for the generation of noise from such sources. The bill would also authorize the Administrator to approve standards controlling noise emissions from aircraft; a program which has been administered exclusively by the Federal Aviation Agency. The Administrator would also be required to establish labelling requirements for products producing noise as designated by the Environmental Protection Agency. The bill would also provide necessary correlative enforcement authority.

The din surrounding all of us who reside in metropolitan communities is reaching the point of intolerability. The President recognizes the grave problem and is proposing a regulatory plan which will begin to restore peace and quiet to our urban and rural life.

Mr. President, I ask unanimous consent that a section-by-section analysis and the text of the bill which will be introduced be printed at this point in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Proposed Noise Control Act of 1971
Section-by-Section Analysis

The title of the proposed act is designated as "The Noise Control Act of 1971."

Section 2 contains a statement of congressional findings and policy. Subsection 2(a) states findings that noise, particularly in urban areas, presents a growing danger to the public health and welfare; that the major sources of noise include a variety of manufactured articles that move in commerce; and that the Federal Government bears a responsibility to deal with major noise problems requiring national uniformity of treatment. Subsection 2(b) declares a Federal policy to promote an environment for all Americans free from noise that jeopardizes their health or welfare. This subsection further states that the purpose of the proposed act is to establish a means for effective coordination of Federal noise programs, to supplement existing Federal authority for regulation of the noise characteristics of articles moving in commerce, and to authorize Federal noise labeling requirements for such articles. The Act is not intended to relieve States and localities of their responsibilities to control other aspects of noise within their jurisdictions.

Section 3 defines certain terms used in the proposal. Subsection 3(a) defines the official primarily responsible for implementing the legislation as the Administrator of the Environmental Protection Agency (EPA). Subsection 3(b) defines "person" in such a way that all Federal, State, or local governmental organizations, employees, and agents, along with private persons or entities, are included within the enforcement provisions of section 12. However, Federal organizations, employees, and agents are excepted from the definition of "person" insofar as subsection 12(a), providing for civil penalties, is concerned. Thus, Federal organizations, employees, and agents must comply with the prohibitions of section 8, but they are not liable for or subject to the civil penalties authorized in subsection 12(a).

Subsection 3(c) defines "product" to include any article or good manufactured for sale in, or introduction into, commerce with three general exclusions. "Product" does not include aircraft or aircraft components that are covered by Title VI of the Federal Aviation Act of 1958. The noise characteristics of these aircraft and aircraft components are already subject to regulation under that Act, which will continue in effect subject to the amendments made by section 6 of the proposed legislation, discussed below.

"Product" also excludes any article that, although otherwise within the broad definition, is designed for military combat use. National security requires that the responsible authorities be free to determine to what extent noise control objectives must be subordinated to military necessities in the use of such articles. Therefore, they are excluded from the definition of "product" to exempt them entirely from the standard-setting and labeling provisions of sections 6 and 7 without regard to the exercise by the Administrator of his power under section 8(b)(1), discussed below, to grant specific exemptions for national security reasons. The policy of the proposed legislation will, however, dictate that all feasible steps be taken to improve the noise characteristics of even these articles. "Product" also excludes equipment designed for use in experimental work done by or for the National Aeronautics and Space Administration or other agencies of the Federal Government.

Subsection 3(d) defines "ultimate purchaser" to be the first person who purchases a new product for a use other than resale. This excludes both those intermediaries who may handle the product before sale to the first user, and subsequent users who may obtain the product second-hand. Subsection 3(e) defines "new product" to mean a product the title to which has not yet been transferred to an ultimate purchaser.

Subsection 3(f) defines "manufacturer" to include any person who manufactures or assembles new products or who acts on behalf of such a person in the distribution of new products. "Commerce" is defined in subsection 3(g) to include all forms of interchange involving two or more States, or a State and a place outside thereof the District of Columbia or a possession of the United States.

Section 4 entrusts to the Administrator of EPA the primary responsibility for promoting coordination of Federal programs relating to noise. To assist him in exercising this responsibility, subsection 4(a) directs each other Federal agency to furnish him with any information he may reasonably request about the agency's noise programs.

Subsection 4(b) directs the Administrator, on the basis of consultation with appropriate Federal agencies, to publish a periodic report covering the noise-related activities of all Federal agencies. It is intended that this report will provide a means for assessing the overall progress of Federal noise control efforts.

Section 5 gives the Administrator of EPA responsibility to develop and publish basic documents on noise and its control. Subsections 5(a) directs him to develop criteria for noise, taking into account up-to-date scientific knowledge on noise effects. These criteria should make clear what quantities and qualities of noise are consistent with protection of public health and welfare under differing circumstances. The Administrator is directed to seek consistency between these criteria and the criteria and standards for occupational noise exposure produced by the Secretaries of Health, Education, and Welfare and Labor under the Occupational Safety and Health Act of 1970.

Subsection 5(b) directs the Administrator, after initial publication of criteria under subsection 5(a), to publish one or more reports identifying major sources of noise and discussing techniques for controlling noise from such sources. It is not intended that any single report published under subsection 5(b) must cover all or most major noise sources. Rather, as information becomes available, the Administrator may publish individual reports identifying one or more major sources and outlining the noise control technology applicable to each identified source. Subsection 5(c) directs the Administrator to review and, when appropriate, revise both the criteria and the control technology documents published under section 5, to ensure that these reflect changes in available knowledge. Subsection 5(d) requires announcement of each publication or revision of criteria or control technology documents in the Federal Register and release of copies to the public. This provision is intended to ensure adequate public knowledge of the content of these publications.

Subsection 6(a) authorizes the Administrator of EPA to prescribe noise standards for construction equipment, transportation equipment, and equipment powered by internal combustion engines that he has identified as a major source of noise and for which he has discussed control technology in a report published pursuant to section 5. When the Administrator determines to impose standards, subsection 6(a) requires that they be set at the level required, in light of the published criteria, to protect health and welfare, taking into account the feasibility of such a level of control and the appropriateness of Federal regulation. Standards under subsection 6(a) shall not apply to products manufactured on or before the effective date of the standards. Subsection 6(b) alters the procedures under the Administrative Procedure Act by granting a manufacturer the right to a public hearing on proposed standards that would cover his products.

Subsection 6(c) amends section 611 of the Federal Aviation Act, which authorizes regulation of the noise characteristics of civil aircraft and aircraft components. Subsection 6(c) provides that standards, rules, and regulations prescribed by the Federal Aviation Administration under section 611 must be approved by the Administrator of EPA, and that such standards, rules, and regulations become effective only upon such approval. However, subsection 6(c) contains a saving clause which allows all standards, rules, and regulations prescribed under section 611 prior to the effective date of the proposed legislation to continue in effect until superseded by new standards, rules, or regulations prescribed in accordance with the proposed legislation.

Subsection 6(c) further provides that after the effective date of the proposed act the Federal Aviation Administrator shall not issue a type certificate for any aircraft unless he has already prescribed standards, rules, and regulations governing the noise characteristics of that aircraft. This requirement also applies to any aircraft engine, propeller, or appliance that affects significantly the noise characteristics of any aircraft in which it is to be used. This provision will ensure that in the future the noise characteristics of any new aircraft or aircraft component will be ascertained and controlled prior to its introduction into air commerce or air transportation.

Subsection 6(c) further provides that if the Administrator of EPA has reason to believe that an existing standard, rule, or regulation prescribed under 611 of the Federal Aviation Act inadequately protects the public from noise, he may request the Federal Aviation Administrator to review the standard, rule, or regulation and report to him on the advisability of revising it. Any such request must be accompanied by a detailed statement of the reasons therefor. The Administrator of EPA may invoke this provision with respect to a standard, rule, or regulation prescribed before or after the effective date of the proposed act.

Subsection 6(d) provides that when the Administrator of EPA has prescribed standards for any product under subsection 6(a), no State or subdivision thereof shall adopt or enforce noise standards for that product different from the standards set by him. Nothing in section 6 preempts any existing powers of the States or localities to set noise standards for products for which the Administrator has not yet set standards under the proposed act, to set State standards identical to standards set by the Administrator for the same product, or to regulate the use, operation, or movement of products.

Section 7 authorizes Federal noise labeling requirements for products in commerce. Subsection 7(a) authorizes the Administrator of EPA to designate classes of products that either produce noise capable of adversely affecting the public health or welfare, or are sold at least in part on the basis of their effectiveness in reducing noise. These products need not be limited to those for which noise standards have been set under section 6 or which have been discussed in a control technology document under section 5. Subsection 7(b) authorizes the Administrator to prescribe a noise-generation or noise-reduction labeling requirement for any product designated under subsection 7(a). To assure that such notices are informative and useful in facilitating choices by buyers in the marketplace, the Administrator is directed to prescribe the form of the notice and the methods and units of measurement used in its preparation. Subsection 7(c) leaves intact any existing powers of the States to regulate product labeling, except that such regulation may not conflict with regulations promulgated by the Administrator under section 7.

Subsection 8(a) prohibits a number of acts in violation of the proposed legislation. Paragraph 8(a)(1) forbids any manufacturer to sell a product manufactured after the effective date of noise-generation standards prescribed under subsection 6(a) that apply to the product, unless the product conforms with such standards. Paragraph 8(a)(2) forbids any person who owns or operates a product to use it in commerce after the effective date of noise-generation standards prescribed under subsection 6(a) that apply to it, unless the product conforms with such standards. Paragraph 8(a)(3) forbids any person to remove or render inoperative, other than for maintenance, repair, or replacement, any device or element of design incorporated into a product to make the product comply with noise-generation standards prescribed under subsection 6(a). This proscription applies both prior to sale of the product to the ultimate purchaser and during its term of use.

Paragraph 8(a)(4) forbids any manufacturer to sell a product manufactured after the effective date of labeling regulations promulgated under section 7 that apply to the product, unless the product conforms to such regulations. Paragraph 8(a)(5) forbids any person, prior to sale of a product to the ultimate purchaser, to remove a notice affixed to the product or its container pursuant to regulations promulgated under section 7. Paragraph 8(a)(6) forbids the importation into the United States of any products in violation of regulations under section 13, discussed below, relating to imports. Paragraph 8(a)(7) forbids any person to fail to comply with the provisions of section 9, discussed below, respecting access to required records and reports.

Subsection 8(b) creates two exceptions to the prohibitions in paragraphs 8(a) (1), (2), (4), and (6). First, the Administrator is authorized to exempt any new product from those prohibitions, upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security. Second, subsection 8(b) provides that a product produced solely for export, and visibly labeled or tagged to that effect, is exempted from the prohibitions of paragraphs 8(a) (1), (2) and (4).

Section 9 requires every manufacturer of a product covered by noise regulation or labeling regulations under subsection 6(a) or section 7 to maintain such records, make such reports, and provide such information as the Administrator may reasonably require to enable him to determine whether the manufacturer has acted or is acting in compliance with the proposed act. This may include the availability of products coming off the assembly line for testing by the Administrator. The manufacturer shall, on request, permit a representative of the Administrator to view and copy such records. Any information obtained by the Administrator or his representatives pursuant to section 9, if it contains or relates to a matter referred to as confidential in section 1905 of title 18 of the United States Code, shall be protected from disclosure as provided in that section, except that it may be disclosed to other Federal employees or when relevant in any proceeding under the proposed act. Disclosure to other Federal employees or in a proceeding under the proposed act will not terminate the confidential status of the information.

Section 10 authorizes and directs all Federal agencies to administer the programs within their control in such a manner as to further the policy of the proposed Act, to the fullest extent consistent with the agencies' existing authority.

Section 11 authorizes the Administrator of EPA, in furtherance of his responsibilities under the proposed act, to conduct and assist noise research, to provide technical assistance to State and local governments, and to disseminate to the public information on noise. The enumeration in section 11 of particular activities within these categories is not intended to exclude other activities but only to stress the importance of those enumerated. However, it is not intended that the activities of the Administrator under section 11 will duplicate activities carried on in other agencies.

Section 12 provides for enforcement of the prohibitions in subsection 8(a) of the proposed act. Subsection 12(a) establishes a civil penalty of not more than $25,000 for each violation of subsection 8(a), and provides for imposition of this fine either by the Administrator or by a court in a proceeding authorized by subsection 12(b) or (c), discussed below. Subsection 12(a) further provides that in any administrative proceeding for imposition of such a civil penalty by the Administrator the person charged must be given notice and an opportunity for a hearing, and the Administrator must, in determining the penalty or the amount accepted in compromise, consider the gravity of the violation and the efforts of the person charged to achieve rapid compliance after notice of the violation. If the offending party fails to pay any penalty assessed, the Administrator may request the Attorney General to sue in the appropriate district court for appropriate relief. For the purpose of imposing cumulative penalties, the commission of any act prohibited by paragraph 8(a) (1), (2), (3), (4), (5), or (6) will be a separate violation for each day or product involved. For example, sale of 10 identical products in violation of noise-generation or labeling regulations would constitute 10 violations, punishable by a maximum cumulative fine of $250,000.

Subsection 12(b) gives jurisdiction to the Federal district courts to entertain actions brought by and in the name of the United States to restrain violations of the proposed act or to enforce civil penalties authorized by it. This provision will allow the Administrator of EPA, by recommending that the Attorney General bring suit, to seek equitable relief or judicial imposition of a civil penalty, or both, as an alternative to the administratively imposed fine also authorized by section 12.

Section 12(c) enables the Administrator to enlist the aid of State or local governments in the enforcement of the proposed act. While neither the executive nor the judicial bodies of any State will be required to participate, they may do so where this is authorized by State law and also by the Administrator of EPA in an agreement with the appropriate State authorities. Under this provision the Administrator may authorize State personnel to sue in State court both to restrain violations and to impose civil penalties; he may not authorize State personnel to impose fines administratively. Any civil penalty imposed under the proposed act by a State court in a suit under subsection 12(c) will be payable one-half to the appropriate State authorities and one-half to the United States Treasury.

S. —

A bill to control the generation and transmission of noise detrimental to the human environment, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Noise Control Act of 1971".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds—

(1) that inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population, particularly in urban areas;

(2) that the major sources of noise include transportation vehicles and equipment, machinery, appliances, and other manufactured articles that move in commerce; and

(3) that, while primary responsibility for control of noise rests in many respects with the States and local governments, Federal action is essential to deal with major noise problems requiring national uniformity of treatment.

(b) The Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare. To that end, it is the purpose of this Act to establish a means for effective coordination of Federal research and activities in noise control, to supplement existing Federal authority for regulation of the noise characteristics of articles moving in commerce, and to authorize Federal noise labeling requirements for such articles. Nothing in this Act is intended to diminish the responsibilities of State and local governments to regulate other aspects of noise within their jurisdictions.

DEFINITIONS

SEC. 3. As used in this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency;

(b) "person" means any private person or entity, any officer, department, agency, or instrumentality of any State or local unit of government, and, except with respect to the provisions of section 12(a), any officer, department, agency, or instrumentality of the Federal Government;

(c) "product" means any article or goods manufactured for sale in, or introduction into, commerce, including but not limited to transportation vehicles and equipment, machinery, and appliances, *provided,* that it does not include (i) aircraft, aircraft engines, propellers, or appliances that are covered by title VI of the Federal Aviation Act of 1958 (49 U.S.C. Secs. 1421–32), (ii) those military aircraft, weapons, or equipment that are designed for combat use; or (iii) those aircraft, rockets, or equipment that are designed for research or experimental or developmental work to be performed by the National Aeronautics and Space Administration, or other machinery or equipment designed for use in experimental work done by or for the Federal Government;

(d) "ultimate purchaser" means the first person who in good faith purchases a new product for purposes other than resale;

(e) "new product" means a product the equitable or legal title to which has never been transferred to an ultimate purchaser;

(f) "manufacturer" means any person engaged in the manufacturing or assembling of new products or who acts for, and is controlled by, any such person in connection with the distribution of such products;

(g) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof.

COORDINATION AND EVALUATION OF FEDERAL PROGRAMS

SEC. 4. (a) The Administrator shall promote coordination of the programs of all Federal departments and agencies relating to noise research and noise control. Each Federal department or agency shall, upon request, furnish to the Administrator such information as he may reasonably require to determine the nature, scope, and results of the noise-research and noise-control programs of the department or agency.

(b) On the basis of regular consultation with appropriate Federal departments and agencies, the Administrator shall compile and publish, from time to time, a report on the status and progress of Federal activities relating to noise research and noise control. This report shall describe the noise programs of each Federal department or agency and assess the contributions of those programs to the Government's overall efforts to control noise.

NOISE CRITERIA AND CONTROL TECHNOLOGY

SEC. 5. (a) The Administrator shall, after consultation with appropriate Federal departments and agencies, develop and publish such criteria for noise as in his judgment may be requisite for the protection of the public health and welfare. Such criteria shall reflect the scientific knowledge most useful in indicating the kind and extent of all identifiable effects on the public health or welfare which may be expected from differing quantities and qualities of noise. The Administrator shall confer with the Secretaries of Health, Education, and Welfare, and of Labor to assure consistency between the criteria published under this subsection and the criteria and standards for occupational noise exposure produced under the Occupational Safety and Health Act of 1970.

(b) The Administrator shall, after publication of the initial criteria pursuant to subsection (a) of this section and after consultation with appropriate Federal departments and agencies, compile and publish a report or series of reports identifying major sources of noise and giving information on techniques for control of noise from such sources. This information shall include such data as are available on the technology, costs, and alternative methods of noise control.

(c) The Administrator shall from time to time review and, as appropriate, revise or supplement any criteria or information on control techniques published pursuant to this section.

(d) The publication or revision of any criteria or information on control techniques pursuant to this section shall be announced in the Federal Register, and copies shall be made available to the general public.

NOISE-GENERATION STANDARDS

SEC. 6. (a) If the Administrator, in a report published pursuant to section 5, identifies as a major source of noise any product or class of products of one or more of the following types:

(1) construction equipment,

(2) transportation equipment (including recreational vehicles and related equipment), or

(3) equipment powered by internal combustion engines,

he may, after consultation to the extent desirable with appropriate Federal departments and agencies, by regulation prescribe and amend standards limiting the noise-generation characteristics (including reasonable durability over the life of the product) of such product or class of products. The standards so prescribed shall be the standards that the Administrator determines, consistent with criteria published pursuant to section 5, to be requisite to protect the public health and welfare. In prescribing and amending such standards the Administrator shall consider whether any proposed standard is economically reasonable, technologically practicable, and appropriate for the particular products to which it will apply, and whether the particular products can more effectively be controlled through Federal regulation of interstate commerce or through State or local regulations. *Provided,* that no standards prescribed under this section shall apply to products manufactured on or before the effective date of such standards.

(b) The Administrator shall publish any standards proposed under subsection (a) in the Federal Register at least 60 days prior to the time when such standards shall take effect. In addition to submissions of written views, any person who will be adversely affected by such proposed regulation may, within 45 days of the date of publication of the proposed regulation, or within such other time period as the Administrator may prescribe, file objections with the Administrator and request a public hearing. Requests for a public hearing made by a manufacturer of a product covered by the proposed standards shall be granted. Requests for a public hearing by other persons may be granted at the discretion of the Administrator. If a public hearing is held, final regulations will not be promulgated by the Administrator until after the conclusion of such hearing.

(c) Section 611 of the Federal Aviation Act of 1958 (49 U.S.C. Sec. 1431) is amended as follows:

(1) In subsection (a), after "with the Secretary of Transportation", insert "and subject to the approval of the Administrator of the Environmental Protection Agency".

(2) At the end of subsection (a), insert "Standards, rules, and regulations prescribed and amended under this section shall become effective only upon approval by the Administrator of the Environmental Protection Agency; *provided,* that, all standards, rules, and regulations prescribed pursuant to this section prior to the effective date of the Noise Control Act of 1971 shall remain in effect until amended or revoked by subsequent standards, rules, or regulations prescribed and approved pursuant to this section."

(3) After subsection (a), insert the following new subsections:

"(b) The Administrator of the Federal Aviation Administration shall not issue a type certificate under section 603 of this act for any aircraft, or for any aircraft engine, propeller, or appliance that affects significantly the noise or sonic boom characteristics of any aircraft, unless he shall have prescribed standards, rules, and regulations under this section that apply to such aircraft, aircraft engine, propeller, or appliance.

"(c) If at any time the Administrator of the Environmental Protection Agency has reason to believe that an existing standard, rule, or regulation under this section does not protect the public from aircraft noise or sonic boom to the maximum extent that is consistent with the considerations listed in subsection (d) of this section, he may request the Administrator of the Federal Aviation Administration to review and report to him on the advisability of revising such standard, rule, or regulation. Any such request shall be accompanied by a detailed statement of the information on which it is based."

(4) Subsections (b) and (c) are redesignated as (d) and (e).

(d) No State of subdivision thereof shall adopt or enforce, with respect to any product for which noise-generation standards have been prescribed by the Administrator under subsection (a) of this section, any standard limiting noise-generation characteristics different from the standards prescribed by the Administrator. Nothing in this section shall diminish or enhance the rights of any State or subdivision thereof otherwise to control, regulate, or restrict the use, operation, or movement of such products.

LABELING

SEC. 7. (a) The Administrator may by regulation designate products or classes thereof:

(1) that produce noise capable of adversely affecting the public health or welfare; or

(2) that are sold wholly or in part on the basis of their effectiveness in reducing noise.

(b) For each of such products or classes the Administrator may, after consultation to the extent desirable with appropriate Federal departments and agencies, by regulation require that a notice of the actual level of noise generation, or notice of the actual effectiveness in reducing noise, be affixed to the product and to the outside of its container at the time of its sale to the ultimate purchaser. He shall prescribe the form of the notice and the methods and units of measurement to be used for this purpose.

(c) Nothing in this section shall preclude or deny to any State or subdivision thereof the right to regulate product labeling in any way not in conflict with regulations promulgated by the Administrator under this section.

PROHIBITED ACTS

SEC. 8. (a) The following acts or the causing thereof are prohibited:

(1) in the case of a manufacturer of new products, the sale, the offering for sale, or the introduction or delivery for introduction into commerce of any product manufactured after the effective date of regulations promulgated under section 6(a) (respecting noise-generation characteristics) that are applicable to such product, unless it is in conformity with such regulations (except as provided in subsection (b) of this section);

(2) in the case of an owner or operator of a product, the use in commerce of such product after the effective date of regulations promulgated under section 6(a) that are applicable to such product, unless it is in conformity with such regulations (except as provided in subsection (b) of this section);

(3) the removal or rendering inoperative by any person, other than for purposes of maintenance, repair, or replacement, of any device or element of design incorporated into any product in compliance with regulations promulgated under section 6(a), prior to its sale or delivery to the ultimate purchaser or during its term of use.

(4) in the case of a manufacturer of new products, the sale, the offering for sale, or the introduction or delivery for introduction into commerce of any product manufactured after the effective date of regulations promulgated under section 7 (respecting noise labeling) that are applicable to such product, unless it is in conformity with such regulations (except as provided in subsection (b) of this section);

(5) the removal by any person of any notice affixed to a product or container pursuant to regulations promulgated under section 7, prior to sale of the product to the ultimate purchaser;

(6) the importation into the United States by any person of any product in violation of regulations promulgated under section 13 that are applicable to such product; and

(7) the failure or refusal by any person to permit access to, or copying of, records or to make reports or provide information required under section 9.

(b) (1) The Administrator may exempt any product, or class thereof, from paragraphs (1), (2), (4), and (6) of subsection (a), upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

(2) A product intended solely for export, and so labeled or tagged on the outside of the container and on the product itself, shall not be subject to paragraph (1), (2), or (4) of subsection (a).

RECORDS, REPORTS, AND INFORMATION

SEC. 9. (a) Every manufacturer of a product for which applicable regulations have been promulgated under section 6(a) or section 7 shall establish and maintain such records, make such reports, and provide such information (which may include the availability of products coming off the assembly line for testing by the Administrator) as the Administrator may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this Act and shall, upon request of an officer or employee duly designated by the Administrator, permit such officer or employee at reasonable times to have access to such information and to copy such records.

(b) All information obtained by the Administrator or his representatives pursuant to subsection (a) of this section, which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other Federal officers or employees, in whose possession it shall remain confidential, or when relevent in any proceeding under this Act.

(c) This section shall apply only to manufacturers in the United States.

FEDERAL PROGRAMS

SEC. 10. The Congress authorizes and directs that all agencies of the Federal Government shall, to the fullest extent consistent with existing authority, administer the programs within their control in such a manner as to further the policy declared in section 2(b).

RESEARCH, TECHNICAL ASSISTANCE, AND PUBLIC INFORMATION

SEC. 11. In furtherance of his responsibilities under this Act and to complement, as necessary, the noise-research programs of other Federal departments and agencies, the Administrator is authorized to:

(a) Conduct research, and finance research by contract with other public and private bodies, on the effects, measurement, and control of noise, including but not limited to:

(1) Investigation of the psychological and physiological effects of noise on humans and the effects of noise on domestic animals, wildlife, and property, and determination of acceptable levels of noise on the basis of such effects;

(2) Development of improved methods and standards for measurement and monitoring of noise, in cooperation with the National Bureau of Standards, Department of Commerce; and

(3) Determination of the most effective and practicable means of controlling noise generation, transmission, and reception;

(b) Provide technical assistance to State and local governments to facilitate their development and enforcement of ambient noise standards, including but not limited to:

(1) Advice on training of noise-control personnel and on selection and operation of noise-abatement equipment; and

(2) Preparation of model State or local legislation for noise control; and

(c) Disseminate to the public information on the effects of noise, acceptable noise levels, and techniques for noise measurement and control.

ENFORCEMENT

SEC. 12. (a) (1) Any person who violates section 8(a) of this Act shall be subject to a civil penalty of not more than $25,000 for each violation, which may be assessed by the Administrator or by a court in any action authorized by subsection (b) or (c) of this section.

(2) In any proceeding by the Administrator to assess a civil penalty under this subsection, no penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the Administrator shall consider the gravity of the violation and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification by the Administrator of a violation. Upon failure of the offending party to pay any penalty assessed, the Administrator may request the Attorney General to commence an action in the appropriate district court for appropriate relief.

(3) For the purpose of this subsection, the commission of any act prohibited by paragraph (1), (2), (3), (4), (5), or (6) of section 8(a) shall constitute a separate violation for each day or product involved.

(b) The district courts of the United States shall have jurisdiction of actions brought by and in the name of the United States to restrain violations of this Act or to enforce civil penalties authorized by this Act. Any civil action authorized to be brought by the United States under this Act shall be referred to the Attorney General for appropriate action.

(c) By agreement with any State, with or without reimbursement, the Administrator may authorize law enforcement officers or other personnel of such State to enforce the prohibitions of section 8(a) by bringing actions in the appropriate State courts. When authorized by State law, the courts of such State may entertain actions brought by such officers or personnel to restrain violations of this Act or to enforce civil penalties authorized by this Act. In any action under this subsection, any civil penalty imposed shall be payable one-half to the State and one-half to the United States Treasury.

IMPORTS

SEC. 13. (a) Products offered for importation shall be subject to the same general standards and labeling requirements that are applied to like domestic products. The Administrator shall by regulation prescribe the procedures by which this will be accomplished with a minimum detrimental effect on domestic and international trade.

(b) The Secretary of the Treasury shall, in consultation with the Administrator, issue regulations to carry out the provisions of this Act with respect to products offered for importation.

APPROPRIATIONS

SEC. 14. There are authorized to be appropriated to carry out this Act for Fiscal Year 1972 and for each fiscal year thereafter such sums as are necessary.

REPORT OF NOISE STUDY

SEC. 15. Section 402(a) of the Clean Air Act is amended by deleting everything before "a full and complete investigation" and inserting in lieu thereof "The Administrator shall carry out".

Mr. COOPER. Mr. President, in transmitting these bills to Congress, the President has carried out his constitutional functions in an enlightened and progressive manner. He has proposed the most comprehensive environmental program ever undertaken in this country. He is now asking the Congress to assist him by providing new authority to implement the clear national policy to enhance the environment. The responsibility on Congress is great.

As I mentioned on Monday, I know the Committee on Public Works will respond to the challenge and will legislate in this session in the areas where the President has submitted recommendations. In fact, the committee has begun to explore the general subject of water pollution with the Administrator of the Environmental

Protection Agency, the Honorable William Ruckelshaus, in 2 days of oversight hearings on February 4 and 9. It is our expectation that the Administrator will again come before our committee during the week of March 15 to testify on the President's proposed bills. In addition, many other public hearings will be scheduled for the latter part of February and during the month of March.

Mr. President, the Honorable Russell E. Train, the Chairman of the Council on Environmental Quality which is responsible for many of the innovative proposals contained in the President's message, described the legislative proposals in a recent article in the New York Times. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 11, 1971]

TOWARD A BETTER ENVIRONMENT

(By Russell E. Train)

WASHINGTON.—As we read about, live through, and see one environmental crisis after another, perhaps the most difficult task facing each of us is to put the environmental picture into perspective.

The view today from the President's Council on Environmental Quality is one of very concerned optimism. It is not that the problems aren't monumental. They are and they will continue to be. The cause of our optimism is growing awareness of these problems and determination to solve them that is shared by all of our nation's people from young schoolchildren to the White House.

A problem isn't solved by awareness that it exists. But it is the best of beginnings. A problem isn't solved entirely by a Presidential attitude of leadership; but it is the best of beginnings.

The more than 300 pages of legislation that are going to Congress this week are much more than a beginning, of course, in our struggle for a better environment. The President's 37-point environmental program sent to Congress a year ago this week set the stage for the new explosion of proposals which were outlined by President Nixon in his second environmental message.

This surge of new legislation—coming two weeks after the President in his State of the Union address declared environmental improvement to be one of the "great goals" of the Administration—is somewhat unique in Washington both in speed and scope. The total, 14 new bills and three recommendations for new tax legislation, indicates both the complexity of our environmental problems and the breadth of the Administration's attack.

For example, the message emphasizes dealing with problems beforehand rather than simply reacting after the fact. Such is the case with the proposal for the control of dumping in our oceans, the Great Lakes, and estuaries. Another strategy calls for testing potentially toxic substances before their introduction into commercial use and authority to ban those found to be harmful. The key to effective management of the environment is anticipation of potential problems and action before they become critical.

A major innovation is the proposed clean air charge on sulphur fuels to create a strong incentive for reducing sulphur oxides in the atmosphere. This charge will harness the powerful forces of our economic system to work for cleaner air. Sulphur oxides from smokestacks are estimated to cost the American people about $2 billion annually in lowered health, damaged crops, and deteriorating plants and equipment.

In past years we have moved to protect our air and water. Now is the time to protect our lands. The message contains new initiatives designed to do just that, including development by the states of land use plans, advanced planning of power plan sites, taxes to discourage development of our important wetlands, and to encourage preservation and rehabilitation of historic buildings.

The comprehensive positive program for environmental improvement was developed over the past six months by the Council on Environmental Quality, working closely with many other federal agencies. The administration of many of the antipollution proposals would be the responsibility of the new Environmental Protection Agency set up in December on President Nixon's recommendation and already giving forceful new leadership to our fight against pollution.

The message emphasizes that laws and regulations alone will never build a high-quality environment and that we must "enlist the active participation of the American people." The President speaks particularly of the role of housewives, businessmen and young people and he urges communities to encourage citizen involvement in environmental issues.

It was in this vein that the Council on Environmental Quality recently proposed new Federal procedures for handling the environmental impact statements of Government agencies by providing the public with the opportunity to get information and make comments at early stages of the environmental decision-making process.

The Administration realizes that the proposals submitted by the President are by no means free from controversy. Everyone may be "for" a good environment. But when we get down to cases the choices become harder. Special interests will be threatened whether they be the interests of business, labor, or the average citizen in his role as consumer and landowner. But the benefits will be enormous.

While his environmental proposals will involve tough choices, the President has made clear he is not looking for issues but for action.

These are the things we are doing and trying to do. There are many other things to be done—by the Congress of the United States, by state, county and city governments, by the communications business, by agriculture, industry and by each and every American. The growing commitment of the nation to building a better environment for the future is cause for optimism. But much remains to be done.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, the fact that opponents of free debate come back session after session with proposals to put a gag on the Senate would indicate that their purpose far transcends the mere revision of rules to be followed in this Chamber.

The fact is, the ramifications extend to the very heart of our form of government, and candor compels the conclusion that the effect—if indeed not the goal—of their efforts would be to repudiate the Senate's assigned constitutional role and function.

This is more than just a rules fight.

It is a fight to preserve the Senate itself as a deliberative body. It is a fight to save the Senate as a forum of individual and sovereign States.

It is a fight to maintain the delicate checks and balances system in our Government, that was conceived by the Founding Fathers.

It is a fight to secure the rights of the minority against the potential brute force of a rampant majority.

We are not dealing here with just constructive evolution of the rules of the Senate. To the contrary, proposals that the Senate repudiate its continuity, and weaken freedom of debate are nothing short of destructive revolution for this body and its unique and essential role in our federal-national system of government.

There was no greater champion of the rules of the Senate and freedom of debate in the Senate than our late beloved colleague, Senator Richard B. Russell. Senator Russell knew and loved the Senate, and everything it stood for, as no other man of modern history.

When Senator Russell spoke of the Senate, he did so with reverence and respect for the rules that make it a great legislative institution. Senator Russell's profound wisdom and insight on the Senate are reflected in the following selection taken from testimony given to the Senate Rules Committee in 1951, and I quote:

> The Senate of the United States is unique among all parliamentary bodies. It has a peculiar composition. It has unusual rules. It is a very unusual agency of government. All of those things grew out of compromise, as all legislation is the result of compromise.
>
> The American people have been proud of the fact that it can be called the greatest deliberative body in the world.
>
> Of course, deliberation in this day and time does not appeal to some people. It never

appeals to any Senator when he knows he has the votes to pass his measure; but nevertheless the rules and the composition of the Senate have admirably enabled the Senate to discharge its proper function in maintaining the very delicate system of checks and balances envisioned by the founding fathers when they created our system of government, with the legislative, the judicial, and the executive branch.

Mr. LONG. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am happy to yield to my distinguished friend and colleague from Louisiana.

Mr. LONG. I would like to ask the Senator, when one speaks about majority rule, if it is not well to keep in mind that what constitutes a majority depends on one's point of view. Everyone in this country is a part of a majority in one respect or another, yet all are parts of the minority in other respects. For example, one might be a part of a majority by being regarded as a Democrat. He may be part of a majority because he might come from a certain section of the country, or he might be part of a majority because he believes in a greater power than man himself; but, on the other hand, he might be a minority because he chooses to join one religious group or another or to disassociate himself from all such groups who believe in a Being greater than himself; or one might be a majority in his State on a particular issue, yet it may be that the majority of the people in his State do not share the same view about that matter as do the majority of people in the entire United States. In other words, what constitutes a majority just depends on time, place, and condition. It can depend upon a great number of circumstances. I would ask the Senator if it is not true that even the Senate is not so constituted that one may contend that a majority of this body speaks for the majority of the country.

Mr. TALMADGE. The Senator is eminently correct. The fact is, as the Senator knows, a majority is a transitory thing. A majority today on an issue may be a minority tomorrow, and vice versa. As the Senator knows, the Senate is composed of two Senators from each State regardless of its size. I believe that New York and California each have something on the order of 18 million people, whereas Nevada has less than 500,000; yet its representation in the Senate is equal to the States of New York and California. That representation cannot be changed unless the individual State concerned and every other one of the 50 States in the Union agree to change it.

As the Senator knows, our entire form of government was designed to protect the individual. The whole of our 205 million people may be arrayed against one citizen of Georgia or one citizen of Louisiana, yet the full power and might of this government and its 205 million people cannot deny that one single individual the rights and protections of the Constitution of the United States which is vested in the Senate. It protects him against illegal search and seizure. The sheriff of a parish in Louisiana, the Governor of the State of Louisiana, the President of the United States, the Army, Navy, Marine Corps and all the might of that parish, that State, and this government, might be arrayed against that one poor, little, insignificent, lonely man, without any resources to defend himself. But the Constitution of the United States was designed to protect him.

I would hope that we would not abrogate that right. Those who most frequently criticize unlimited debate in the Senate are the very ones who most frequently use it, as the Senator well knows. They would be the first ones to feel the effects of it. It would be like Mordecai on the scaffold he built. They would be the first to be hanged by any change in their own rules.

Mr. LONG. It is often complained that in the field of legislation, everyone talks too much. But I would like to ask the Senator, is it not often a fact that Senators and others, including the press, do not listen enough and do not study enough so that they are not familiar enough with the issues involved?

Mr. TALMADGE. The Senator is eminently correct.

Mr. LONG. Has the Senator read the press reports which were available to the Senator from Louisiana, stating that the Social Security bill was killed by a filibuster last year?

Mr. TALMADGE. I have. Nothing could be more inaccurate, as the Senator knows.

Mr. LONG. Has the Senator from Georgia seen that in newspaper accounts recently?

Mr. TALMADGE. I have. The Senator is correct. Moreover, as the Senator knows, last year, the Senate, according to the majority leader—and I take his word—said that we had filibuster on filibuster and sometimes filibusters within filibusters, but we had cloture motions filed galore in the first and second sessions of the 91st Congress and not a single one of those cloture motions received a majority vote. Even if we had had majority cloture in the Senate last year, it would not have changed the results one iota.

As the Senator knows, during the shank of a session, when we have to adjourn under the constitutional process by a certain date, any one Senator out of 100 can delay and frustrate the will of the Senate. They took advantage of that procedure, in the dilemma in which the Senate found itself last year, and no change in the rules would have changed it at all. What we have to do is to get legislation supported by the Senate earlier and considered earlier, so that we can pass important legislation.

I point out that last year, those who were most adamant in their desire to change the rules of the Senate, debated the issue for 7 full weeks, whether this country was going unilaterally to disarm. That was our military procurement program. They wanted us unilaterally to disarm the United States in the dangerous world in which we live today; yet no one accused then of filibustering at any time.

I think there was debate for a period of something like 8 weeks whether the President of the United States was, indeed, the Commander in Chief of the military forces of this country, even though the Constitution makes that very clear and there is nothing the Senate or Congress can do in the way of changing that provision in the Constitution that would add or detract in any manner whatever from the constitutional power vested in the President of the United States to be Commander in Chief of our Armed Forces.

Even so, those are the very people who want to change the rules of the Senate. After utilizing free debate themselves on issues of that transcendent importance, they would gag other Senators who may have something of overwhelming and compelling importance for the country that they think needs to be illuminated in this body, which means illuminated to the people of the country, so that the people can have adequate time to make a decision about a matter of overwhelming importance.

It never ceases to amaze me how Senators that want to gag other Senators are the very Senators who make the most frequent use of the right of free and unlimited debate. I have no quarrel with them, except I think it is a little odd for them to be utilizing that weapon yet trying to deny other Senators the right to do likewise.

Mr. LONG. Is the Senator aware of the fact that the principal reasons the Senate did not act last year on the so-called welfare reform proposal was that it failed to be what it was claimed to be? It was not a welfare reform proposal at all, but one that would make the welfare mess twice as large.

Mr. TALMADGE. Yes, just compound it, as the Senator knows. It would add something like 12 to 15 million people to the welfare rolls, which already includes 13 million people.

The sum and substance of it would be that 1 citizen out of every 8 in the United States of America would be on welfare whether he wanted to be on welfare or not. And in some States, as the Senator knows, 35 percent of the people would be on welfare.

According to a previous Georgia director of the Department of Family and Children's Services—we have around 159 counties in my State—over half of these counties in Georgia would have three-fourths of their people on welfare, whether they were working, desired to work, or were able bodied and did not desire to work.

The Senator has been a great friend of the aged, the disadvantaged children, the blind, and the disabled. The Senator has offered many amendments in the Finance Committee, as I have, to improve the lot of these people. These amendments have usually been approved by the Finance Committee, the Senator's amendments and mine also.

I have great sympathy with the disabled, the aged, the disadvantaged children, and the blind. I want to help them in every way I can. But I do not believe that the people of Georgia sent me to Washington to levy an increased tax burden on them in order to support other families that choose not to work and would rather be on welfare.

I know that is the position of the Senator from Louisiana also, and I compliment him for it.

Mr. LONG. Mr. President, with respect to the matter of free debate, is not the whole purpose of debate to try to educate not only the Senators but also the Nation as a whole on what is involved?

Mr. TALMADGE. The Senator is absolutely right. If the Senator will look at the press gallery, he will see that there is not a single newspaper reporter there to report to the country what the Senator and I are discussing.

Mr. LONG. There are some there.

Mr. TALMADGE. I withdraw my statement. The Senator from Louisiana has a better vantage point than I. The only way that the people of the country can get the facts on this issue is through the CONGRESSIONAL RECORD. The CONGRESSIONAL RECORD goes out throughout the country. It takes time for the people to read the CONGRESSIONAL RECORD and learn what the issues are.

Mr. LONG. Is it not true that some of us in the very beginning of the consideration of the so-called family assistance plan pointed out that the welfare law was presently being applied in Washington, D.C., in such a fashion that it was more advantageous for a person to be on welfare than to go to work. In other words, a person on welfare would actually lose money by going to work.

Mr. TALMADGE. The Senator is eminently correct. We discovered that situation to be true not only in the District of Columbia, but we also found horrible examples in New York, Illinois, and Arizona.

We did not think that was a very strong inducement to go to work.

If the Senator recalls, the classic example was for a family of four living in the city of New York or State of New York that consists of a mother with three children. Usually the husband has either abandoned the family or gone into the business of raising children without obtaining a marriage license, and there are three illigitimate children as a result.

Under those circumstances, if the President's program had become law and they were living in public housing and drawing New York State supplements and benefits under Medicaid from the State of New York and also food stamps, they would have an equivalent income in cash of $6,210 a year.

If that mother were fortunate enough to obtain a job and go to work at what would be considered a fairly high salary for some, $7,000 a year, she would have an equivalent net income exactly one dollar less. Her net income would be $6,209 rather than $6,210.

The Senate Finance Committee did not think that was a very good inducement to go to work.

So there was no welfare reform in it. It would compound, as the Senator has said, both the existing fallacies and the inequities in the program. Yet, everytime we would bring that out in the hearings, the Department of HEW would revise the plan. They revised it some 6 times when the issue was pending before the Finance Committee. Every revision made it worse rather than better. That was the issue we were dealing with last year.

Mr. LONG. Mr. President, is it not true that, although we exposed the fact that not only was there no incentive for anyone to go to work and there was less incentive than there was under the old law, the public never got that word? The people across the country never knew the first thing about the welfare plan.

The various magazines and newspaper publications that we rely upon to inform the public never got that word to the public. The people were led to believe that it consisted of welfare reform when, in fact, it would have weakened rather than strengthened work incentives.

Mr. TALMADGE. The Senator is exactly correct about that. Unfortunately, very little of the information from the hearings of the Senate Finance Committee was ever reported in the press. None of its widely distributed. People did not have the slightest idea what was in the bill. If they had known what was in the bill, I think that we would have had a march on Washington and a deluge of telephone calls such as the Capital has never seen before. The people did not realize that it would put 26 million or 27 million people on welfare and keep them there in perpetuity.

Mr. LONG. Mr. President, is it not true that the problem was not that the Senators were talking too much, but that the facts were not being reported to the people of the country? The people of the country had no idea of the problems that would have been created by the bill. If we had acted on the bill, we would not have possibly been able to act on the basis of full knowledge of its effects, since a majority of the Senators, like the majority of the people, did not understand that the bill would make it advantageous for people not to work rather than to go to work.

Mr. TALMADGE. The Senator is correct. I had several conversations with Senators who were not on the Senate Finance Committee. When I told them some of the problems with the bill, they would look at me in utter amazement. They could not believe that such a fantastic scheme had ever been proposed. Yet they were Senators of the United States, whose business it was to vote on legislation on important issues pending before the Senate and the country. They did not understand all of the facets of that 600 page bill. I can understand that the 205 million Americans who were busy making a living in other pursuits, other than voting on bills, would not understand the complexities of the issue.

Mr. LONG. Is it not true that when we debated the family assistance plan and the Senator from Delaware got up with charts and figures and proceeded to show how the so-called welfare reform bill would double welfare costs, Senator after Senator could not believe his ears. Notwithstanding that fact, not one word of the basic argument presented by the Senator from Delaware was conveyed to the American public, though he clearly demonstrated that the effect of the bill would make the welfare mess twice as bad because it would not clean up the mess that existed but instead would make it worse.

Mr. TALMADGE. The Senator is absolutely correct. The unfortunate thing is that not only did Senators not answer the argument of the Senator from Delaware, but unfortunately the news media of this country did not communicate that information to the American people.

Mr. LONG. Mr. President, is the Senator aware of the matter that came up since that time, when the Governor of the State of Nevada, with such resources as were available to him, initiated through his individual efforts an investigation of the welfare caseload existing in his State? This investigation disclosed that 50 percent of the families on welfare in his State were totally or partially ineligible for welfare. The State blamed this appalling situation on the HEW push to make all States use a so-called "simplified method" of determining welfare eligibility.

Mr. TALMADGE. Yes, I read that in the news media. Of course, that is the direct result, as the Senator knows, of a regulation that Secretary Cohen put into effect before he left office as Secretary of HEW. It authorized any citizen of America to walk into a welfare office and say, "I am entitled to welfare," and to receive it with no questions asked. Under that regulation, written by Secretary Cohen, the president of the Chase National Bank in New York City could go into the welfare office and demand welfare and his right to receive welfare payments could not be questioned.

Also, under a ruling put into effect, which was subsequently changed by a ruling from New York State, no welfare official could go into his home or into his office to determine whether need existed for the President of the Chase National Bank to receive welfare payments.

I do not think the people of America know about that.

Mr. LONG. Does not the fact that these things happen without Congress and without the public knowing about it indicate there is not enough discussion to explain the matter? When there is discussion, it is not reported so that people can have the benefit of that knowledge.

Mr. TALMADGE. I concur fully in what the Senator has said.

Mr. LONG. Mr. President, will the Senator yield so that I may ask another question?

Mr. TALMADGE. I yield.

Mr. LONG. Is the Senator aware of the statement which this Senator once heard from one that he regarded as a great Senator, former Senator Burt Wheeler? He said that if a Senator wanted to explain something to the Senate, he should plan to make at least two speeches because he would not catch all the Senators the first time the speech was made, and it would be necessary to find an additional opportunity to speak to them in order to be sure that Senators knew of the problem. Is the Senator aware of that situation?

Mr. TALMADGE. Indeed, I am. I concur in what the Senator has said.

Mr. LONG. Even if a Senator had to make five, 10, or 20 speeches, is it not a lot better that the public and the Senate should eventually be informed rather than to have a horrible mistake calling for an expenditure of taxpayers' money of $5 billion a year, and frankly, a mistake that could lead to $50 billion a year, a mistake that would be perpetrated on the public because of lack of information with respect to what is being done?

Mr. TALMADGE. I agree fully with what the Senator has said. As the Senator knows, the estimate of increased cost by HEW is $4.3 billion the first year. But the Senator and I know we must take any HEW estimate not with a grain of salt but with a ton of salt. They were 1,000 percent off on their estimates on medicaid and they may be 1,000 percent off in their estimates on the welfare plan. So it is necessary to look at it cautiously and carefully before making this drastic change in the law.

Mr. LONG. Does the Senator recall the problem that was created by putting all of these so-called poverty lawyers on the payroll of the Office of Economic Opportunity? Was it not our thought when we put them on that those people would represent the poor people, the woman who has children, for example, in an effort to help her obtain support from a husband who has abandoned her, or to help her get a divorce if she had been mistreated, with the hope that another family unit might be formed to look after the mother and the children; and did we not find that these lawyers, instead of helping those mothers who had runaway fathers, or where there had been mistreatment of a woman and her children, were devoting their efforts instead to suing the States in order to load the welfare rolls down with people that no one ever thought should be put on the welfare rolls?

Mr. TALMADGE. The Senator is correct. The decision of the courts was that welfare workers did not have the right to go into the home to ascertain if a mother had as many children as she claimed. They might have a houseful of narcotics and she could be earning as much as several hundred dollars a day, but the welfare workers could not go in there to ascertain the true situation in the home or the need of the mother and the children. That is an outrageous situation, because certainly the government that is supporting the family should have the right to ascertain whether or not the needs of the family come within the purview of the law. There have been any number of similar decisions handed down by the courts.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. TALMADGE. I yield to the Senator from Louisiana.

Mr. LONG. When the Federal Government starts paying lawyers to sue the States, would not ordinary commonsense indicate that the Federal Government at least should know what they are suing the States about?

Mr. TALMADGE. I agree.

Mr. LONG. Would the Senator not agree that they should at least pass some judgment on why the Government of the United States, which is supposed to be an alliance of all 50 States, should be suing one of its members or financing a suit against one of its members?

Mr. TALMADGE. I agree with the Senator. Under the constitution of the State of Georgia, a citizen cannot sue the State without the consent of the State. Here we are using Federal money to hire an army of lawyers to institute suits not only against the States but against the Federal Government to strike down laws which Congress has passed and which are designed to benefit all the people of this country.

Mr. LONG. Can the Senator explain to me by what rationale the Federal Government should be financing lawsuits against the Federal Government? What logic is there in that?

Mr. TALMADGE. I cannot understand it.

Mr. LONG. Does the Senator believe we could make the kind of mistakes that were inherent in that kind of fiasco if we ever took the time to study matters carefully here on the floor of the Senate?

Mr. TALMADGE. Certainly the Committee on Finance did make tremendous improvements in the bill. If the bill reported by the Committee on Finance had become law, in my judgment the unfortunate people on welfare would have a vastly improved lot in this country. They would have the opportunity for training, the opportunity to seek jobs, and the opportunity to become taxpayers rather than recipients of welfare.

In many States, including my State, in some instances we have had three generations of the same family that have known no other way of life except welfare year after year, decade after decade, and generation after generation. That is the real reform we should have in welfare, rather than compounding the existing mistakes and creating a new generation of welfare recipients. Welfare expenditures have grown so heavy that it is bankrupting cities, municipalities, counties, States, and the Federal Government. In New York one of every seven Americans is on welfare.

Mr. LONG. If the Senator will yield further, beyond all the difficulties involved in that legislation which should be discussed, is it not correct that there were cases—perhaps two in number—when a proposed constitutional amendment failed to come to a vote because those debating it continued to speak aginst it and cloture was not invoked? Can the Senator tell me why we should pass a measure if the very two-thirds of the Senate required to propose a constitutional amendment did not consider the time had come when debate should be closed?

Mr. TALMADGE. The Senator is correct. It takes two-thirds to invoke cloture and two-thirds of this body to submit a constitutional amendment. The mathematics are the same.

Mr. LONG. Is it not patent on its face, with regard to a proposed constitutional amendment, that if the two-thirds necessary to invoke cloture could not be mustered, then obviously the two-thirds necessary to pass the measure must not have agreed that debate had been sufficiently exhausted?

Mr. TALMADGE. That is absolutely correct.

Mr. LONG. I thank the Senator.

Mr. TALMADGE. I thank the distinguished Senator for his contribution.

Mr. President, I return now to what our late colleague, Senator Russell, was testifying to before the Rules Committee in 1951 about the U.S. Senate:

> The Senate has had attack after attack made upon its rules. Almost every President of the United States, who had a majority and was convinced that he was right in his position, has assailed the Rules of the Senate. The party in power, generally speaking, is more often than not very restive under the Rules of the Senate.
>
> All those who wish to make quick and drastic changes in our Government violently condemn the Rules of the Senate, but the Senate has served its purpose throughout the years.
>
> All Senators have had feelings of great frustration at times in debate in the Senate. As I stated a moment ago, the majority always thinks it is right, and is impatient to act, but there have been a great many times when the majority was wrong. There will be times in the future when the majority will be wrong.
>
> I would be the last to deny that there have been abuses of freedom of debate in the Senate of the United States. We all know that the constitutional guaranty of freedom of speech is also often abused. We value highly freedom of the press, which is also guaranteed by the Constitution. The freedom of the press is oftentimes abused.
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> I submit that the benefits we derive from all of those freedoms greatly outweigh the detriment of the abuses that we suffer as the result, and no sound thinker would advocate changing or curtailing or modifying the freedom of speech or freedom of press, because they have been abused.
>
> I have studied this question of the proposal to institute a more restrictive gag rule in the Senate. Almost always those who sought to change the rules to gag his adversary of the minority when he was in power became a great advocate of freedom of debate when he was translated from the majority to the minority. Further, almost invariably men who came to the Senate determined to change the Rules of the Senate, if they stayed there long enough, came to defend the rules. I could give illustrations of that by the hour.
>
> However, there is a clamor that we should have more speed in the legislative body. Our representative Government was never designed to act with speed. If it is speed and speed alone that you wish to have, why, of course, we should adopt the system of Hitler because we could get action and get it immediately. No one could debate any of his proposals. It was either 'ja' or death—that was Mr. Hitler's cloture rule.
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> The rule of freedom of debate in the Senate has deterred power-seeking Executives from seeking corruptive powers at the hands of the legislative branch because any Chief Executive must have known that, as long as there was freedom of debate in the Senate and courageous men in the Senate, he would not only be thwarted but that he would be discredited if he sought unconscionable power.
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> If the majority had the power, as in the House of Representatives, to come in with a rule that even prevents an amendment to a bill, that the debate shall be very limited on a bill, and permit a bare majority to jam through such a proposal, not only would the Senate lose its value as a bulwark of individual liberty in this country, but it would be subordinated completely to the will of the party in power.

Mr. President, Henry Cabot Lodge, who served in the Senate for 31 years, wrote a book entitled "The Senate of the United States." It is a scholarly book, and one which is worthy of our attention at this time in connection with the present debate.

Indeed, I am becoming increasingly convinced that many members of the Senate could profit very much from more study of the history of the Senate, its assigned constitutional role, and its purpose as a unique institution in the American Government. With all due respect to my colleagues, I believe this to be a far more worthy pursuit than persistently attempting to alter the Senate and, in effect, to change the very nature of our government.

I would like now to refer the Senate to sections of Mr. Lodge's book, in which he outlines the historical purpose of this body and the importance of freedom of debate that Senators have traditionally enjoyed.

I might add that Mr. Lodge refers to freedom of debate in the Senate that overall was beneficial to the American people during his time, has been beneficial to the American people since his passing in 1924, and which is still beneficial to the American people.

I now quote Mr. Lodge:

> Under the provisions of the Constitution framed in 1787 the Senate met for the first time on the fourth day of March, 1789. The quorum required by the Constitution was not obtained until the 6th of April, when the Senate was organized by the election of the President pro tempore and by the appointment of a Secretary and other subordinate officers.
>
> From that day to this the Senate has never been, legally speaking, reorganized. It has been in continuous and organized existence for one hundred and thirty-two years, two-thirds of the Senate being always in office. There never has been such a thing as a Senate requiring reorganization, as is the case with each newly elected House. When, at intervals of four years, a new President comes into office, the first act at twelve o'clock noon on that day it for the outgoing Vice President, or for the President pro tem of the Senate, to administer the oath to the new Vice President and hand him the gavel, the symbol of the presiding officer in a body then and there ready to transact business. There is no break in the existence of the Senate, and before the President elect can be inaugurated or the members elect of the House of Representatives can meet and choose a Speaker, the Senate of the United States has transferred the authority from one presiding officer to another, and goes forward with its organization unchanged and in full possession of all the qualifications necessary to the performance of its duties.
>
> There may be no House of Representatives, but merely an unorganized body of members elect; there may be no President duly installed in office, but there is always the organized Senate of the United States. This fact is not without an important significance.
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> When the delegates from the various states gathered at Philadelphia in May, 1787, for the purpose of framing a new and better general government for the Union of States, it must never be forgotten that these delegates represented States and not people.
>
> The sentiment in the larger States was generally favorable to the idea of a new Constitution, but the smaller States, which were in the majority when the vote was by States, regarded all changes with profound suspicion. They feared, and not wholly without reason, that if too much power was given to the central Government, acting directly upon the people and deriving its power from the people at large, three or four of the largest States would be able practically to control the Government of the Union.
>
> It is not necessary to trace the long struggle between these opposing forces which ended in the most famous compromise of the Constitution of which the Senate was the vital element and which finally enabled the Convention to bring its work to a successful conclusion. It is sufficient here to point out that as the Constitution was necessarily made by the States alone, they yielded with the utmost reluctance to the grants of power to the people of the United States as a whole and sought in every way to protect the rights of the several States against invasion by the national authority.

Here Mr. Lodge reflected the deep concern of the founding fathers and the individual States about protecting the rights of these States against possible tyranny by an all-powerful national, centralized government.

Continuing to read from Henry Cabot Lodge's book, we see how the U.S. Senate was instituted as a forum of States, with each State equal in representation, and with each Senator on an equal footing with every other, regardless of how large or how small the States they represented.

> The States, it must be remembered, as they then stood were all sovereign States. Each one possessed all the rights and attributes of sovereignty, and the Constitution could only be made by surrendering to the general Government a portion of these sovereign powers.
>
> In the Senate accordingly the States endeavored to secure every possible power which would protect them and their rights. They ordained that each State should have two Senators without reference to population, thus securing equality of representation among the States. They then provided in Article V of the Constitution that "no State without its consent should be deprived of its equal suffrage in the Senate."
>
> This clause, it will be noted, is the only provision of the Constitution which requires the assent of every State for amendment or change. Having made the Senate in this way as immovable in its representation as possible, and having provided that its members should be chosen by the legislatures of the States, thus securing it, as they believed, from the sudden changes incident to popular voting, they proceeded so far as they could to invest it with the most important of the sovereign powers which they themselves possessed.
>
> They gave to the Senate not only legislative but executive and judicial powers. There is only one limitation upon the legislative power of the Senate. Bills to raise revenue must originate in the House of Representatives but the Senate can propose or concur amendments
>
> In practice, the Senate, although possessing the power to originate bills appropriating money, has ceded to the House this right in the case of the great Appropriation Bills. The Senate still originates bills containing an appropriation of money for a single object, but on the great Supply Bills it is content with its right of unlimited amendment, which it always exercises without restraint. In all other respects, so far as legislation is concerned the Senate is on absolute equality with the House.
>
> The Senate shares with the President the executive functions. No treaty can be made without the assent of two-thirds of the Senate. The President can enter upon any negotiations that he pleases, but no treaty which he may make can become the supreme law of the land without the consent of the Senate. The President can nominate, but without the advice and consent of the Senate he cannot appoint "ambassadors, judges, etc."
>
> The judicial functions of the Senate consist in its being the court before which all impeachments must be tried. They can even try the President of the United States upon articles presented by the House, as was done in one instance, and in that event the Chief Justice presides over their deliberations, but in all other cases of impeachment the Senate selects its own presiding officer.
>
> To Congress is given the power to declare war. To the President and the Senate alone is given the power to make a treaty of peace, as is the case with all other treaties. Thus it will be observed that the assent of the Senate is necessary both to make peace and war. War can be declared without the assent of the Executive, and peace can be made without the assent of the House, but neither war nor peace can be made without the assent of the Senate.
>
> The makers of the Constitution also gave to the Senate the longest tenure conceded to any of the political branches of the Government—six years—and this term enabled the Convention to arrange the election of Senators in such a way that only one-third of the Senate goes out at each biennial national election and the inevitable result of such an arrangement was that two-thirds of the Senators were always in organized existence.

Thus we see beyond any shadow of a doubt that the Senate is unique in its constitutional role and unlike any other legislative body in the world. Thus was the genius of the Founding Fathers.

When we hear proposals for majority cloture vote or a three-fifths cloture vote, amid contentions that this is the democratic way and that this is how the Senate ought to operate, I for one find myself confronted with some very perplexing questions.

In paying tribute to so-called majority rule, are we supposed to believe that the Senate and even the Constitution should be modified so that treaties would be ratified by a simple majority or a three-fifths vote?

We might ask the same thing of proposed constitutional amendments. Are we someday to consider the adoption of constitutional amendments to a majority of one or by three-fifths of the Senate?

In the name of so-called majority rule are we also to alter the Constitution—the very foundation for our Government—to provide for a majority or three-fifths vote to override a Presidential veto or to convict an impeachment?

I think not, Mr. President. This would be sheer folly, and certainly no Member of the Senate contemplates such radical action. Yet, a continuing watering down of rule XXII, the cornerstone for freedom of debate in the Senate, is just as radical. It strikes at the very vitals of our Government envisioned by the Constitution that we have all sworn to uphold.

I return now to quote from Henry Cabot Lodge's book on the Senate:

> The Seventeenth amendment changing the method of electing Senators which has been adopted affects in no way the power, the tenure of office, or the permanency of existence conferred upon the Senate by the makers of the Constitution. They provided that Senators should be elected by the legislatures because they wished in every possible manner to impress upon the office of Senator the State characteristics and to make it as clear as possible that a Senator represented a State and not a constituency. They also believed that the legislatures would choose better men to fill the senatorial office than could be expected from a popular vote.

> Senators of long service, no matter how much they might be divided on purely political issues, in dealing with that wide range of questions which are not necessarily connected with party have constituted a most important element in our past history and have exercised a very great influence in forming the traditions and guiding the operations of the Government of the United States.
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> The makers of the Constitution knew, of course, that in the last resort the popular will would control and ought to control absolutely, but upon the democracy for which they were forming a Government they wished to put limitations. They desired to give ample space for deliberation, and for this reason they sought for checks and balances, gave the federal judges a life tenure, raised the courts above the duty atmosphere of the hustings, and strove to make the operation of the popular will depend for its final expression upon the calm second-thought of the community and not be governed by the passions of the moment. They tried to secure limitations by making amendment to the Constitution difficult by separating the judicial, executive and legislative powers into three coordinate and independent branches, and by the peculiar power and authority with which they invested the Senate.
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> Except on some rare occassions the Senate has been the conservative part of the legislative branch of the Government. The closure and other drastic rules for preventing delay and compelling action which it has been found necessary to adopt and apply in the House of Representatives have never except in a most restricted form been admitted in the Senate. Despite the impatience which unrestricted debate often creates it has been most important and indeed essential to free and democratic Government to have one body where every great question could be fully discussed.
>
> Undoubtedly there are evils in unlimited debate, but experience shows that these evils are far outweighed by the benefit of having one body in the Government where debate cannot be shut off arbitrarily at the will of a partisan majority. The Senate, I believe, has never failed to act in any case of importance where a majority of the body really and genuinely desired to have action, and the full opportunity for deliberation and discussion, characteristic of the Senate, has prevented much rash legislation born of the passion of an election struggle and has perfected still more than which ultimately found its way to the statute books.

Mr. President, it is the deep conviction of the Senator of Georgia that proposals for further limiting debate in the Senate—which ultimately will lead to gag rule over all the Members of this body—are matters of grave consequence.

They should not be adopted lightly without due consideration, forethought, and especially consideration given to all the attendant ramifications, present and future.

Debate in the Senate certainly should not be stifled to accomplish some other transient objective. Debate in the Senate—the right of all Senators to make their views known as fully as possible—should not be denied merely to satisfy some temporary whim. Most assuredly, the Senate should not abandon its role as a deliberative body and acquiesce to whatever emotions may be rampant in the land.

It was out of this conviction that the Senator from Georgia, as a member of the Senate Committee on Rules and Administration during the 85th Congress, insisted that comprehensive hearings be held on various resolutions then pending to amend Senate rule XXII.

I was named chairman of that special subcommittee. I endeavored to obtain through those hearings "grassroots" sentiment on the question that confronts the Senate with regularity every 2 years. This was the first time such a large-scale effort was made.

I carefully studied the transcripts of those hearings at that time, during the 85th Congress. I have carefully studied them many times since. I have gone over them time and time again up to the present.

The question of cloture, of course, has been a recurring issue before the Senate since 1917. Hearings on the subject were held in 1947, 1949, and 1951. But it was not until 1957 that any effort was made to determine the thinking of the American people about it. They, after all, are what this Government is all about. They after all are the ones we are most responsible to. They, after all, have the greatest stake in the preservation of stability in the Government—their Government, if you please—and it is they who are most concerned about the protection of their rights.

And, most importantly, it is the people of the United States who do not desire to see an unrestrained and sometimes runaway majority given the power to trample over the rights of the minority.

And this, Mr. President, in the final analysis, is what rule XXII is all about—stability in Government and protection of the minority.

The Special Rules Subcommittee, composed of the senior Senator from New York (Mr. JAVITS) and the Senator from Georgia heard, either in person or by prepared statement, from 132 Senators, spokesmen for organizations with widespread national memberships, and other knowledgeable parties.

I refer today to those hearings. I invite the attention to those hearings of all Senators who wish to be responsive to the will of their constituents and who wish to honor the role of the Senate in our Government, as assigned by the Constitution.

I would like at this time to offer to the Senate some of my conclusions that are contained in a report that I filed following the hearings held by Mr. JAVITS and myself. They are, of course, as pertinent to the immediate question today as they were during the 85th Congress. I quote from my report:

> It must be recognized that the Senate of the United States, as an instrumentality of the States and their citizens, is the property of every American and does not belong to the individuals who transiently occupy the seats in its Chamber. Individual Senators have no proprietary rights in the operation of the Senate except as they act as creatures of the will of the States and constituents they represent.
>
> Therefore, it is certain that no Senator honestly seeking to be responsive to the will of those he serves will wish to close his mind on this issue before giving careful study and consideration to the transcript compiled by this special subcommittee and the unmistakable conclusions of public opinion it affords.
>
> An analysis of that transcript discloses that more than three-fourths of those presenting their views to the subcommittee expressed approval of Senate rule XXII as it now stands and confidence in it as the major bulwark of the people in the maintenance of constitutional government and individual liberty in this Nation. . . .
>
> There is only one conclusion which can be drawn logically and dispassionately from the actions of those who persist in their efforts to change rule XXII: That their onslaught to stifle freedom of speech on the floor of the Senate is an attack not only on the Senate itself but also on the stature, prerequisites, and prerogatives of each Senator in national affairs and every other responsibility incident to the senatorship.
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> It is an attack which threatens the whole fabric of our form of government and strikes at the very vitals of representative government.
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> It is an attack which seeks to destroy the constitutional balance of Federal and state power and deal a death blow to the States as political entities.
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> It is an attack which seeks to make big government bigger and to centralize more and more power in Washington in a government less responsive to the wishes of the citizenry.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I refer the Senator to the remarks made on the floor of the Senate this morning—I am sure the Senator from Georgia was present—when the Senator from Arkansas (Mr. FULBRIGHT) discussed the pending measure and in a very fine manner gave the reasons why he was opposed to change in rule XXII. The Senator from Georgia will recall that the Senator from Arkansas based his major argument in behalf of keeping rule XXII in that it was the only effective safeguard, we might call it, that Congress had to stop the Presidential pressure, prestige, and influence—I am sure he was not referring to President Nixon, and I am not—but the power of the President, whoever he is, to push through and get his way on major matters of far-reaching consequence. I know the Senator from Georgia well enough to know that he has that point very much in mind, himself.

My question is this: The Senator has noted the article on the desk from the Washington Post of yesterday, February 17, 1971, by the columnist, Nicholas von Hoffman.

Mr. TALMADGE. Yes, sir.

Mr. STENNIS. Has the Senator read that?

Mr. TALMADGE. I have.

Mr. STENNIS. Again the Senator from Arkansas pointed out that it was almost identical in substance in major points with the famed editorial written by Walter Lippmann in 1949 who was then generally thought of as one of the foremost if not the foremost columnist of his day and he was termed a liberal. It has been a long time since 1949, many things have happened in world affairs; our country has changed a good deal and the form of our Government has been modified substantially. However, is it not a striking illustration of these two outstanding and so-called liberal columnists, applying their reasoning to this different time and different state of the Nation, reaching a conclusion that, superficially, would be considered contrary to what their real, regular position and reasoning would be?

Would not the Senator comment on that, as to the continuity and soundness of rule XXII?

Mr. TALMADGE. I agree implicitly with what the Senator has just inferred from the argument of the able Senator from Arkansas. I heard his argument and it was clear, incisive and, in my judgment, eminently correct. I have read the writings, also, of Mr. Walter Lippmann and I concur fully with what he had to say.

The executive branch at the present time, with millions of American boys wearing the uniform of their country, with millions more of our citizens in the employ of the Federal Government, with the power of the purse to spend some $200 billion-plus annually, plus the prestige of the Office of the President, plus the use of the news media, radio, television and press, so that anything the President says is calculated to make the headlines—with all that power arrayed, it is imperative, in my judgment, that there be some branch of the legislature which has the power to delay, in order to insure that adequate deliberation will be given on any matter the President recommends.

I can give the Senator a recent example. During the administration of President Truman, on the railway strike—and we are threatened with one now—the President's answer was to draft all the strikers into the Army. A bill was introduced in the House, as I recall, without any hearings and voted on the same day with something like only 14 dissenting votes in the House, and then it came over to the Senate where Senator Taft, acting under the Senate rule of free speech—and he was not considered any particular friend of labor—opposed the bill until reason, maturity, judgment, calm, and stability could reassert itself.

I think it is imperative that some legislative body have that power.

As the Senator knows, the House was organized not to represent the States but the people. The House is too large to have freedom of debate and they wisely have rules there for the limiting of debate.

However, the Senate is composed of two Senators from each State regardless of population. The Senate is the place where free speech should and must continue. I think it has served the Nation well for almost 200 years, and I think it will serve the Nation well in the future.

The Senator from Mississippi will remember one Chief Executive who proposed that the Supreme Court be packed with his own appointees so that they could hand down decisions that were in accordance with what the President thought those decisions should be. It was free speech in this body in those days that blocked that impetuous action. There will be times in the future—many times, in fact—when free speech can prevent hasty action that would imperil the well-being and the freedom of all the people of this great Republic of ours.

Mr. STENNIS. I thank the Senator for his comments. A more recent illustration—not dealing in any personalities but an historical fact, as the Senator knows—we would have a different Chief Justice of the United States today if it had not been for rule XXII and what happened to rule XXII on this floor. The President was totally within his rights, of course, to make that appointment. I was never attracted by the argument that President Johnson was not entitled to make that appointment. However, we had some slight help from rule XXII to block that appointment, and subsequent events brought out far more facts that illuminated the case and made it much stronger, with all deference, against the nominee's being confirmed.

I think that is the most striking illustration that has happened recently.

If I may mention another matter here which happened on the floor today, our esteemed friend from Kentucky (Mr. COOPER), as the Senator knows, in years passed, as he said this morning, along in the 1950's and 1960's had been a great proponent of the change desired in rule XXII. He thought it was necessary, based on the facts existing then. But, as time has gone on, and particularly the problem he had in mind then had been changed and legislation had been passed, he made the very strong statement—I do not remember whether the Senator from Georgia was in the Chamber this morning when the Senator spoke——

Mr. TALMADGE. Yes; I heard part of the Senator's statement, and I share the view that it was a strong statement and, I agree, it was also an eloquent one. I thought it entirely appropriate, as the Senator from Kentucky pointed out, why he changed his mind. He has had long experience in the Senate on that issue. Many other Senators have, likewise, but, unfortunately, many people involved in campaigns for the office of Senator and seeking votes, without knowing what rule XXII is and the significance of freedom of debate in the Senate Chamber, and throughout the history of this country, make pledges to various groups to work to change the rule. They feel they are dutybound, regardless of the arguments, to honor those pledges, but frequently, after long service in the Senate, they change their minds, recognizing that free speech and free debate in this body are the greatest protections we can have to the liberties and freedoms of our people in upholding the Constitution.

Mr. STENNIS. I thank the Senator from Georgia. As a testimonial to the distinguished Senator from Kentucky (Mr. COOPER), I do not believe I have known of anyone on this floor who has as fine a concept of his duties—almost a reverence, almost a worship of that word "duty"—than the Senator from Kentucky. He is the opposite of one who hops and skips around an issue in any way, because there might be a small change in public opinion. Certainly he is a man of great deliberation, a man with a very fine mind and a stout character.

Mr. President, I think that the statement made by the Senator from Kentucky this morning will be very influential, and I trust that he will see fit to enlarge on his remarks as this debate progresses.

Mr. TALMADGE. I likewise share the high opinion the Senator from Mississippi has of the Senator from Kentucky. I, too, hope that he will express himself further on the subject. Unfortunately, not too many of our colleagues were present on the floor at the time he spoke. Sometimes it takes several speeches to gain the attention of our colleagues who, of course, have many other matters to attend to that require their time away from the Chamber. However, I hope that the Senator from Kentucky will again address himself to the subject.

Mr. STENNIS. Mr. President, let me quote from Mr. Von Hoffman's column in the Washington Post, to which I have referred,

> The big winner in the cutting down of the filibuster will be the White House, which will need to twist fewer senatorial arms to get what it wants passed. That's why Nixon's for it, and it's why everyone who wants to see congressional power diminished should be for it.

I say that is not an attack on the President by Von Hoffman or by the Senator from Mississippi. It is merely a statement of a sound principle of government. I commend this columnist for coming out in such a fine fashion.

Mr. TALMADGE. Mr. President, I concur. I agree implicitly with what he has said. I thank the able Senator from Mississippi for his contribution to this debate.

Mr. President, I return to a report that I filed in the Senate to give my views on this issue in 1957:

> It is an attack which seeks to eliminate the spirit of compromise and respect for divergent views which has characterized the Senate for more than 1½ centuries and to substitute for it the brute force of numbers.
>
> It is an attack which seeks to put Congress only a short step from the unicameral system and which has as its ultimate aim the destruction of the seniority system which has given Congress its stability and sense of responsibility over the years.
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> Standing Senate rule XXII is a wise rule—the result of compromise—which protects full and free discussion of legislative proposals yet serves as a barrier to thwart those few Members who would abuse the privilege of free speech.
>
> Standing Senate rule XXII is fair and to change it again would be to militate against the historic tradition of unlimited debate in the Senate.
>
> The first change in rule XXII to authorize cloture was adopted in 1917 following a bitter controversy over the failure in the Senate of a proposal for arming American merchant ships prior to this Nation's entry into World War I. It was offered by Senator Martin as a "war measure" and, after debate at length, was adopted March 8, 1917, by an overwhelming vote of 76 to 3.
>
> It required the votes of two-thirds of the Senators present and voting to invoke cloture. . . .
>
> They complain that standing rule XXII in its application thwarts the wishes of the majority. However, authoritative observers of the American legislative process hold that a determined majority of Senators can find ways of passing any measure it desires without resorting to changing the very character and complexion of the body itself. The 1st session of the 85th Congress affords a case in point.
>
> To argue that rule XXII by holding forth a threat of prolonged debate serves to prevent Senators from insisting upon legislation with controversial features is to challenge the

> depth and sincerity of the convictions of all 96 Senators.
>
> Ample means are available at present to overcome what a majority at any time may feel to be needless obstruction in debate. The use of protracted sessions and strict enforcement of all Senate rules afford adequate safeguards to bring to an end even the most determined and prolonged debate.
>
> Whenever any issue of overriding importance to the welfare of the Nation arises, it goes without saying that debate will be limited accordingly. . . .
>
> Frankness compels the observation that the ultimate objective of opponents of free debate in the Senate is cloture by a simple majority vote of Senators present at any given time. Eventual adoption of such a rule would make it possible for 25 Senators, a majority of a quorum, to impose gag rule.
>
> Historically, freedom of debate in the Senate is not a party or sectional device. It has served the whole country and both political parties well at one time or another. History records the fact time and again that the benefits of free debate far outweigh the few instances where the privilege to speak thoroughly may have been abused—and only the most partisan would not admit there have been some abuses. . . .
>
> Under our plan of government the United States Senate is the great safety valve. It is a body which can prevent impasses from developing in our Nation and it is the best instrument for resolving seemingly irreconcilable conflicts. It has afforded a permanent basis for American unity; and that basis has its foundation in the right of every Senator, regardless of the size of the State from which he comes, to talk things out before the country.
>
> The only real protection remaining for States which find themselves from time to time in the minority on any given issue in the Senate is a safe two-thirds rule on limiting debate.
>
> Through the medium of free debate, the Senate provides the machinery by which all measures affecting the lives, fortunes, and sacred honor of the American people can be put to the critical test of unhurried examination by the collective intellect of a body expressly created as one of our governmental checks and balances.
>
> Those who would destroy this right contend it imperils democracy and thwarts the wishes of the majority. In their zeal they forget that its very purpose is to provide a restraint upon the abuses of unbridled majority rule and, even more important, to protect the rights of the minorities of this nation.
>
> Our wise Founding Fathers were aware that the excesses of democracy can be as fearful in their consequences as are the excesses of totalitarianism. To safeguard against both extremes they gave us our republican form of government with its delicately contrived system of checks and balances of which freedom of debate in the Senate is at least an implied, if not actual, part.
>
> If minority rights are trampled in the Senate there is only one remaining remedy available to those who do not happen to be with the majority; that is, affiliation with a multiplicity of splinter parties. No greater catastrophe could befall our country than such enforced destruction of the two-party system and substitution of a countless number of political parties.
>
> It does not take much vision to perceive that under such circumstances a small militant minority exercising the balance of power, could be catapulted into a position of leadership where it could inflict great harm on constitutional government and democratic processes.
>
> Since its establishment the Senate of the United States has refused to be bound in a straitjacket. Its rules have had the flexibility the nature of the body demands.

Mr. President, that was only a portion of the report that I submitted to the Senate on this issue in 1957. At a later date I intend to speak further on this question and submit the remainder of that report in some detail.

I hope that the Senate will remember that for almost 200 years it has served as the guardian of our Constitution, the bulwark of the liberties of our people, the protector of the rights of our citizens. If freedom of debate is stricken down in the U.S. Senate, we might as well go all the way and abolish the U.S. Senate as a legislative body and adopt a unicameral system of government and let the House of Representatives be the legislative body.

There would be no need for a Senate because free debate and the right of free speech had been stricken down. The Senate would become a mere appendage of the House of Representatives.

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WELFARE MESS—BENEFITS FOR FRAUD DURING THE APPEALS PROCESS

Mr. LONG. Mr. President, on February 13, 1971, the Department of Health, Education, and Welfare published new regulations concerning continuation of welfare payments while a welfare recipient appeals a decision involving either eligibility for or amount of welfare benefits. I would like to outline for my colleagues the events leading to these new regulations and to then discuss some of the problems raised by the regulations themselves.

Let me begin by saying that I am sure all Senators would agree that needy persons should be able to obtain the full welfare benefits they are entitled to under the law and to obtain them within a reasonable time after applying for aid. Arbitrary administrative procedures should not become roadblocks to the receipt of this assistance, and applicants should receive fair treatment in accordance with the law. Ever since the Social Security Act of 1935, Federal law has required States to provide an opportunity for a fair hearing when an individual has been determined to be ineligible for welfare payments. Section 402(a)(4) of the Social Security Act today, for example, requires States to "provide for granting an opportunity for a fair hearing before the State agency to any individual whose claim for aid to families with dependent children is denied or is not acted upon with reasonable promptness."

The situation that has developed recently, however, goes far beyond offering reasonable protection of the rights of the needy. One year ago, the Supreme Court ruled in two cases that assistance payments could not be terminated before a recipient is afforded an evidentiary hearing. The decision was made on the constitutional grounds that termination of payments before such a hearing would violate the due process clause. A majority of the Court argued that welfare payments are a matter of statutory entitlement for persons qualified to receive them and that—

> It may be realistic today to regard welfare entitlements as more like "property" than a "gratuity." . . . The Constitutional challenge cannot be answered by an argument that public assistance benefits are "a 'privilege' and not a 'right.' "

Justice Black, in dissenting from the majority's opinion felt that the Court had no basis for exercising legislative power in the guise of a judicial decision. He stated:

> In my judgment there is not one word, phrase, or sentence from the beginning to the end of the Constitution from which it can be inferred that judges were granted any such legislative power. True, *Marbury v. Madison* held, and properly, I think, that courts must be the final interpreters of the Constitution, and I recognize that the holding can provide an opportunity to slide imperceptibly into constitutional amendment and law making. But when federal judges use this judicial power for legislative purposes, I think they wander out of their field of vested powers and transgress into the area constitutionally assigned to the Congress and the people. That is precisely what I believe the Court is doing in this case.

Turning to the substance of the decision, Justice Black rejected the majority view which he felt stated that:

> In other words, although some recipients might be on the lists for payment wholly because of deliberate fraud on their parts, the Court holds that the Government is helpless and must continue, until after an evidentiary hearing, to pay money that it does not owe, never has owed, and never could owe. . . . It somewhat strains credulity to say that a government's promise of charity to an individual is property belonging to that individual when the Government denies that the individual is honestly entitled to receive such a payment. . . . Although the majority attempts to bolster its decision with limited quotations from prior cases, it is obvious that today's result depends neither on the language of the Constitution itself or the principles of other decisions, but solely on the collective judgment of the majority as to what would be a fair and humane procedure in this case.

If no applicant for welfare assistance was ever dishonest, the whole matter would cause little concern. But frankly, Mr. President, welfare fraud is much more prevalent than the Department of Health, Education, and Welfare would like to admit. In 1969 the General Accounting Office monitored a special review of the program of aid to families with dependent children in New York City. Based on this review, the GAO estimated that 10.7 percent of the AFDC families were ineligible for any benefits and that 34.1 percent of the AFDC families were receiving payments higher than what they were entitled to. I might mention that GAO originally found 14 percent ineligible; they were able to get the city welfare agency to agree to at least 10.7 percent. The net cost of these illegal payments amounted to about $70 million annually—$35 million of which is paid by the Federal Government. New York City, as is well known, has a larger welfare caseload than any other city in the Nation with more than 1 million persons drawing welfare payments—and the number is going up all the time.

Welfare fraud not only costs the taxpayers more—it also hurts the needy who should be receiving welfare. In most States, appropriations for welfare payments are fixed by the State legislature, and unanticipated increases in the caseload may result in prorated cutbacks for all welfare recipients to fit payments within available funds.

It is a sad situation for those deserving needy persons, Mr. President, when there is a cutback on welfare payments to families with dependent children because of these erroneous Supreme Court decisions, which had the effect of loading down the welfare rolls with people who were never intended to be there.

The Federal Government paid for the services of poverty lawyers who were supposed to help poor people get their legal affairs straightened out. Instead, the lawyers have undertaken to challenge State and Federal law to add new categories of families to the welfare rolls that the Congress never intended to be there.

As much as we like to hope that the Supreme Court will be right in all cases, it does not stand to reason that the Supreme Court is going to be infallible when the very basis of having a Supreme Court is the fact that the lower courts err. If lower courts can make a mistake, why not the Supreme Court? If enough erroneous lawsuits are brought to plead enough ridiculous causes, then some of those far-fetched contentions will be agreed to by the Supreme Court, if only through error. By its suggesting all these different ways that States can be made to do more for the poor, we find the welfare rolls loaded with people who were not intended to be there, and that those who are on the rolls suffer as a result of cutbacks because welfare funds are limited, and by having to share the available funds with numbers of people who never should have been put on the welfare rolls, those who have a right to be on the rolls must receive lower payments. Just applying the New York City percentages of ineligibility and overpayments, if 11 percent of the welfare recipients in a particular State are ineligible for any benefits and another 34 percent are receiving more than they are entitled to, this may well result in persons who are poor and needy receiving a cut in the welfare assistance they legitimately need, or it may prevent the State from raising payment levels as the cost of living goes up.

In its review of the welfare programs last year, the Finance Committee let its views be known on this issue of welfare as a right. I quote in full an excerpt from the committee report on the 1970 social security bill dealing with this question:

> It should be remembered that welfare is a statutory right, and like any other statutory right, is subject to the establishment by Congress of specific conditions and limitations which may be altered or repealed by subsequent congressional action. In fact, the Social Security Act, in section 1104 makes explicit what would be the case in any event, that "the right to alter, amend, or repeal any provision of this Act is hereby reserved to the Congress." . . .
>
> The "right to welfare" implies no vested, inherent or inalienable right to benefits. It confers no constitutionally protected benefit on the recipient. To the contrary, the right to welfare is no more substantial, and has no more legal effect, than any other benefit conferred by a generous legislature. The welfare system as we know it today has its legal genesis in the Social Security Act and the statutory rights granted under, and pursuant to, that Act can be extended, restricted, or otherwise altered or amended—or even repealed—by a subsequent act of Congress (or of a State legislature). It is this ability to change the nature of a statutory right which distinguished it from a property right or any right considered inviolate under the Constitution. The committee firmly restates this view of the nature of the "right" to a welfare benefit.

With respect to the appeals process, the committee bill last year would have required State welfare agencies to reach a final decision on the appeal of a welfare recipient within 30 days following the day the recipient was notified of the agency's intention to reduce or terminate assistance. The committee bill would have also required that a recipient pay back amounts received during the appeal period if it was subsequently determined that he was not entitled to them. The committee felt that its action would both assure that the appeals procedure would be handled expeditously by the States to protect the rights of the needy and also assure that appeals would not be made frivolously.

Now let us look at the new regulations of the Department of Health, Education, and Welfare. These regulations go well beyond anything the Court required in its decision. The whole tone and emphasis of these regulations seems to assume that the recipient is entitled to the full welfare payment and that he has done no wrong. The regulations give no serious consideration to the fact that fraud may have been committed.

I can well understand why every recipient is entitled to an opportunity to appeal an unfavorable decision by the welfare agency, but the HEW regulation goes well beyond this to state that "agency emphasis must be on helping the claimant to submit and process his request, and in preparing his case, if needed." This means that even if the welfare agency terminated a recipient on the grounds that the application was fraudulent it must still help him prepare his case against the agency for doing what it had to do under the law, and trying to protect the taxpayers' money.

The welfare agency must not only notify the recipient of his right to appeal, it must also notify him that his assistance will be continued during the appeal period if he decides to appeal. A provision of last year's committee bill would have required disposition of all cases within thirty days. The HEW regulation places a 60-day limitation, with one monumental exception:

> Prompt, definitive, and final administrative action will be taken within sixty days from the date of the request for a fair hearing, *except where the claimant requests a delay in the hearing.*

Simply stated, Mr. President, this means that any welfare recipient can stall the hearing process in order to continue to receive welfare payments.

The new HEW regulations state that when the hearing decision is favorable to the claimant, any cumulative payments must be made retroactively if they have not already been paid to the recipient. There is not one mention in the regulations, however, that the welfare recipient has any obligation whatever to repay any portion of funds he was ineligible to receive and received illegally.

Let us look at this in the context of other regulations of the Department of Health, Education, and Welfare. For the past 2 years, this Department has spared no effort to bring into being the use of the so-called simplified declaration method of determining eligibility for welfare. Under this method, a recipient merely fills out a simplified form which serves as the basis of determining if he is eligible for welfare payments. Welfare agencies then check a sample of these cases, if they can get around to it, to determine whether the applicant is actually eligible. Under the simplified declaration method getting on welfare is as easy as filling out a simple form.

Under the Court decision and the HEW regulations, however, it becomes almost impossible to get anyone off welfare even if the initial application was fraudulent. I might note that the State of Nevada recently reduced its welfare rolls by 22 percent after they checked into every single AFDC case in the State. In a letter to me, the State welfare administrator, Mr. George E. Miller stated:

> The results of the review show conclusively that the declaration system, as imposed by Federal regulations, is unrealistic and unworkable.

Mr. President, the same investigation effort by the department in Nevada demonstrated that more than 50 percent of those people were getting more money than they were entitled to receive. Twenty-two percent were totally ineligible, and 38 percent of them were receiving more money than they were entitled to.

In other words, the State felt that use of the so-called declaration method had resulted in more than 50 percent of the families on the rolls getting more than they were entitled to, with 22 percent of them not being entitled to be on the rolls at all.

Despite this phenomenally high percentage, the HEW regulations would have all 50 percent entitled to continue to get that money, and informed of their rights to continue to get it, without any plan being made to get back for the Government the money of which it was wrongfully deprived as a result of fraud or error made to the advantage of the welfare applicant.

Is it any wonder, Mr. President, that welfare costs are rising catastrophically, and that the States are urging the Federal Government to take over the welfare burden? It is the activity of the Federal Government itself—by ridiculous regulations out of Washington and by paying the so-called poverty lawyers to sue the States—that have succeeded in making the program anything but what it was supposed to be, a program to help honorable people who, through no fault of their own, were in necessitous circumstances.

As far as this Senator is concerned, the Congress had better think twice before it turns over the responsibility of welfare programs to a Department which can write welfare regulations the way the Department of Health, Education, and Welfare had done.

I might point out that the same kind of people who wrote these regulations, where the Government is on the short end of a heads-I-win, tails-you-lose sort of proposition, those who have proposed the family assistance plan. Is it any wonder that all the problems inherent in the existing welfare mess—and then some—are included in the so-called welfare reform plan, when the same people who write this kind of regulation are the proponents and the architects of the so-called family assistance plan?

I must say that there is a great deal that should be done, and I would like to see it done, to help working people, who work hard and make little, and are presently ineligible for welfare. But about the last thing we ought to do is to continue to build upon a structure that has all the faults within it that are inherent in the existing welfare program—and for that matter, to make it worse with ridiculous regulations. Until some headway is made toward correcting what is wrong and stopping the additional wrongs that are being forced into the program by those who are presently running it, I, for one, would not be able to vote for this so-called welfare reform package.

I would very much like to do a great deal more for the poor. I have every sympathy on earth for the unfortunate cases of persons who have every right to come to the Government asking for help, and whom I have voted to assist year after year. But I do not see how I can be enthusiastic about any program that further rewards fraud, that further encourages people not to go to work, that further fails to require people to do that which is in their long-term best interests, and further penalizes the taxpayer unjustly by making welfare fraud simple, attractive, and expensive.

Any real welfare reform must undo the horrible mischief that was done to the existing welfare program administratively, right here in Washington, by the institution of the so-called declaration method for placing recipients on the rolls. When we can have an investigation in a State such as Nevada and discover that more than 50 percent of the people are getting more than they are entitled to and 22 percent are totally ineligible to receive anything, it can be seen what a ridiculous idea the declaration method is.

Before we build on top of that kind of structure, we ought to first clean up the present mess by providing reform without adding more recipients to the rolls. Then, having corrected what is wrong with our present program, we should proceed to provide more generous care for those who need it, and we will have found the money to pay for that more generous care from the savings due to denying benefits to those who are not eligible or who are being paid more than they are entitled to. Cleaning up the present caseload must be a condition of passing any further welfare legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the new HEW regulations and a copy of the press report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE 45—PUBLIC WELFARE

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Part 205—General administration—Public assistance programs

Notice of proposed rule making for the programs administered under titles I, IV–A, X, XIV, XVI, and XIX of the Social Security Act, relating to fair hearings in public assistance programs, was published in the *Federal Register* on May 29, 1970 (35 F.R. 8448). After consideration of the views presented by interested organizations, agencies, and individuals, the following changes were made:

1. Section 205.10(a) (5) now requires that the State agency shall determine whether the issue is one of fact or judgment or of State agency policy; that assistance will continue until such determination is made, and—where the issue is one of fact or judgment—until a fair hearing decision is reached. It incorporates the substance of the proposed § 206.11 (which has been omitted) and requires a minimum advance period of 15 days rather than 7 days. It clarifies the State's option of continuing assistance regardless of the nature of the issue, and even if the request for a hearing is made after expiration of the advance notice period.

2. Section 205.10(a) (3) (v) is changed to provide that any claimant scheduled for a group hearing may withdraw and be given an individual hearing instead.

3. Clarifying changes are also made in § 205.10(a) (3), first paragraph (opportunity for a fair hearing regarding suspension of assistance), § 205.10(a) (9) (medical assessment from a source satisfactory to a claimant) and § 205.10(a) (10) (i) (opportunity to examine hearing evidence in advance).

4. The requirement for provision of legal services contained in §§ 205.10 and 220.25 was separately revoked (see 35 F.R. 10591, June 30, 1970).

Accordingly, section 205.10, Part 205, Chapter II, Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 205.10 Fair hearings.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV, XVI or XIX of the Social Security Act must provide for a system of fair hearings under which:

(1) The single State agency responsible for the program will be responsible for fulfillment of fair hearings provisions.

(2) Every claimant will be informed in writing at the time of application and at the time of any action affecting his claim:

(i) Of his right to fair hearing;

(ii) Of the method by which he may obtain a hearing;

(iii) That he may be represented by legal counsel, or by a relative, friend, or other spokesman, or he may represent himself; and

(iv) Of any provision for payment of legal fees by the agency.

(3) An opportunity for a fair hearing before the State agency will be granted to any individual requesting a hearing because his claim for financial or medical assistance is denied, or is not acted upon with reasonable promptness, or because he is aggrieved by any other agency action affecting receipt, suspension, reduction, or termination of such assistance or by agency policy as it affects his situation. Under this requirement:

(i) A request for a hearing is defined as any clear expression (oral or written) by the claimant (or person acting for him, such as his legal representative relative, or friend) to the effect that he wants the opportunity to present his case to higher authority.

(ii) The freedom to make such a request must not be limited or interfered with in any way, and agency emphasis must be on helping the claimant to submit and process his request, and in preparing his case, if needed.

(iii) The claimant must be provided reasonable time in which to appeal an agency action.

(iv) The fair hearing shall include consideration of:

(*a*) Any agency action, or failure to act with reasonable promptness, on a claim for financial or medical assistance, which includes undue delay in reaching a decision on eligibility or in making a payment, refusal to consider a request for or undue delay in making an adjustment in payment, and suspension or discontinuance of such assistance in whole or in part;

(*b*) The agency's interpretation of the law, and the reasonableness and equitableness of the policies promulgated under the law, if the claimant is aggrieved by their application to his situation;

(*c*) Agency decision regarding:

(*1*) Eligibility for financial or medical assistance in both initial and subsequent determinations,

(*2*) Amount of financial or medical assistance or change in payments,

(*3*) The manner or form of payment, including restricted or protective payments, even though no Federal financial participation is claimed, and

(*4*) Conditions of payment, including work requirements.

(v) States may respond to a series of individual requests for fair hearings by conducting a single group hearing. States may only consolidate cases in which the sole issue involved is one of an agency policy. In such a situation, each individual must be given the right to withdraw from the group hearing in favor of an individual hearing. If recipients request a group hearing on such an issue the State must grant it. In all group hearings, whether initiated by the State or by the claimants, the policies governing fair hearings must be followed. Thus, each individual claimant must be permitted to present his own case and be represented by his own lawyer.

(vi) The agency shall not deny or dismiss a request for a hearing except where it has been withdrawn by claimant in writing, or abandoned.

(4) Hearing procedures will be issued and publicized by the State agency for the guidance of all concerned.

(5) In cases of any proposed action to terminate, suspend or reduce assistance:

(i) The State or local agency will give timely and adequate advance notice detailing the reasons for the proposed action. Under this requirement:

(*a*) "Timely" means that the notice is mailed at least 15 days before the action is to be taken.

(*b*) "Adequate advance notice" means a written notice that includes details of reasons for the proposed agency action, explanation of the individual's right to conference, his right to request a fair hearing and the circumstances under which assistance is continued if a fair hearing is requested.

(ii) If, within the advance notice period, the individual responds by indicating his wish for an agency conference, an opportunity is provided for the recipient (or his representative) to discuss his situation with agency staff, obtain an explanation of the reasons for the proposed action, and present information to show that the proposed action is incorrect. Under this requirement:

(*a*) During this conference, the recipient is given the opportunity to speak for himself or be represented by legal counsel or by a friend or other spokesman.

(*b*) The opportunity for a conference does not in any way diminish the recipient's right to a fair hearing.

(iii) In cases in which there is a request for a fair hearing within the advance notice period:

(*a*) Assistance is continued until the fair hearing decision is rendered and through a period consistent with the State's established policies for issuance of payments unless a determination is made by the State agency, in accordance with criteria issued by the Social and Rehabilitation Service, that the issue is one of State agency policy and not one of fact or judgment relating to the individual case, including a question of whether the State agency rules or policies were correctly applied to the facts of the particular case.

(*b*) The agency promptly informs the claimant in writing if assistance will be discontinued, based on the State agency's determination.

Alternatively, the State may provide for continuing assistance in all cases.

In cases in which a fair hearing is requested after expiration of the advance notice period, the State may provide for an additional period during which time the request for a hearing will result in reinstatement of assistance to be continued until the fair hearing decision.

(6) Information and referral services are provided to help claimants make use of any legal services available in the community that can provide legal representation at the hearing.

(7) The hearing will be conducted at a time, date and place convenient to the claimant, and adequate preliminary written notice will be given.

(8) The hearings will be conducted by an impartial official (or officials) of the State agency. Under this requirement, the hearing official must not have been involved in any way with the action in question.

(9) When the hearing involves medical issues such as those concerning a diagnosis, or an examining physician's report, or the medical review team's decision, a medical assessment other than that of the person or persons involved in making the original decision will be obtained at agency expense from a source satisfactory to the claimant and made part of the record if the hearing officer or the appellant considers it necessary.

(10) The claimant, or his representative, will have adequate opportunity:

(i) To examine all documents and records used at the hearing at a reasonable time before the date of the hearing as well as during the hearing;

(ii) At his option, to present his case himself or with the aid of others including legal counsel;

(iii) To bring witnesses;

(iv) To establish all pertinent facts and circumstances;

(v) To advance any arguments without undue interference;

(vi) To question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.

(11) Prompt, definitive, and final administrative action will be taken within 60 days from the date of the request for a fair hearing, except where the claimant requests a delay in the hearing.

(12) The claimant will be notified of the decision, in writing, in the name of the State agency and, to the extent it is available to him, of his right to judicial review.

(13) When the hearing decision is favorable to the claimant, or when the agency decides in favor of the claimant prior to the hearing, the agency will make corrective payments retroactively to the date the incorrect action was taken or such earlier date as is provided under State policy.

(14) Recommendations of the hearing officer or panel shall be based exclusively on evidence and other material introduced at the hearing. The verbatim transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the recommendations of the hearing officer or panel will constitute the exclusive record for decision by the hearing authority and will be available to the claimant at a place accessible to him or his representative at any reasonable time.

(15) Decisions by the hearing authority, rendered in the name of the State agency, shall specify the reasons for the decision and identify the supporting evidence. They shall be binding on the State and local agency. Under this requirement:

(i) No person who participated in the local decision being appealed will participate in a final administrative decision on such a case;

(ii) The State agency is responsible for seeing that the decision is carried out promptly.

(16) The State agency will establish and maintain a method for informing, at least in summary form, all local agencies of all fair hearing decisions by the hearing authority and the decisions will be accessible to the public (subject to provisions of safeguarding public assistance information).

(17) In respect to title XIX, when the appeal has been taken on the basis of eligibility determination, the agency responsible for the determination of eligibility for medical assistance, if different from the single State agency administering the medical assistance plan, shall participate in the conduct of the fair hearing.

(b) *Federal financial participation.* Federal financial participation is available for the following items:

(1) Payments of assistance continued pending a hearing decision;

(2) Payments of assistance made to carry out hearing decisions, or to take corrective action after an appeal but prior to hearing, or to extend the benefit of a hearing decision or court order to others in the same situation as those directly affected by the decision or order. Such payments may be retroactive in accordance with applicable Federal policies on corrective payments.

(3) Payments of assistance within the scope of Federally aided public assistance programs made in accordance with a court order.

(4) Service costs incurred by the agency at the applicable matching rates, for:

(i) Providing legal counsel to represent clients at hearings or in judicial review;

(ii) Providing transportation for the claimant, his representative and witnesses to and from the place of the hearing;

(iii) Meeting other expenditures incurred by the client in connection with the hearing.

(5) Administrative costs incurred by the agency in carrying out the hearing procedures, including expenses of obtaining an additional medical assessment.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302.)

Effective date: These regulations shall become effective 60 days from the date of their publication in the *Federal Register*.

Dated: November 23, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: February 6, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[From the Washington Post, Feb. 15, 1971]

HEW TO CHANGE WELFARE POLICY

The Health, Education and Welfare Department announced yesterday it is instituting a policy effective in 60 days to issue welfare payments to clients while hearings are being held on challenges to their eligibility.

The policy change comes nearly a year after the U.S. Supreme Court ruled that welfare clients have a constitutional right to formal hearings before officials cut off their benefits.

A spokesman said the new regulation, which the states receiving federal welfare aid are instructed to enforce, will mean that even if a client loses his case, he will get to keep the benefits he received during the hearings.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, following approval of the Journal, if there is no objection, the recognition of the majority and minority leaders under the previous standing order, and the calling up of any unobjected-to items on the calendar, if there be any, there be a period for the transaction of routine morning business not to exceed 45 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian following a recess. Following approval of the Journal if there is no objection, and recognition of the two leaders or their designees and the call of unobjected to items on the legislative calendar, if there be any, and there will be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes; following which the Senate will continue its consideration of pending business.

Under the previous order, the Senate, upon completion of its business tomorrow, will then stand in recess until 12 o'clock meridian on Monday next.

RECESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 4 o'clock and 1 minute p.m.) the Senate recessed until tomorrow, Friday, February 19, 1971, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 18 (legislative day of February 17), 1971:

IN THE NAVY

Adm. Waldemar F. A. Wendt, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. William F. Bringle, U. S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Rear Adm. Thomas J. Walker III, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Malcolm W. Cagle, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

HOUSE OF REPRESENTATIVES—*Thursday, February 18, 1971*

The House met at 12 o'clock noon.

Bishop Anthony L. Deksnys, Ph. D., Titular Bishop of Lavellum for Lithuanians in Western Europe, offered the following prayer:

Eternal Father, we raise our minds and hearts to You, invoking Your benediction upon our President and his entire administration, as well as upon every Member of Congress, elected by the free citizens of this Republic, that the laws enacted by Congress would be inspired and guided by Your wisdom, flow from hearts dedicated to the needs of neighbor, and be beneficial to all the inhabitants of our land.

The Lithuanian people, commemorating the 53d anniversary of the proclamation of their independence, also pray Your Majesty to restore to her the independence of which she was so brutally stripped, appealing at the same time to the conscience of the world and especially to the United States—the champion of self-determination for all nations—at whose shores all the oppressed seek protection and help.

We pray, too, that the fortunate citizens of this noble Republic would dedicate themselves in these trying times to the good of their country, that our star-spangled banner would ever gloriously wave on high, and that, from the hearts of all beholding it, would pour forth in a paean of love and thanksgiving the glorious strains of "God Bless America." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announced to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

DESIGNATION OF MEMBER TO READ GEORGE WASHINGTON'S FAREWELL ADDRESS ON FEBRUARY 22

The SPEAKER. Pursuant to a special order agreed to on February 8, 1971, the Chair designates the gentleman from Virginia (Mr. ROBINSON) to read George Washington's Farewell Address immediately following the approval of the Journal on February 22, 1971.

BISHOP ANTHONY L. DEKSNYS

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Illinois. Mr. Speaker, it is indeed appropriate that our opening prayer today has been offered by his Excellency Anthony L. Deksnys, Titular Bishop of Lavellum. Today, we officially observe the 53d Anniversary of the Independence of Lithuania. As the Bishop of Lavellum, Bishop Deksnys is responsible for providing for the spiritual assistance of Lithuanians living in Western Europe.

Long before his ordination as the Bishop of Lavellum, my good friend Bishop Deksnys worked diligently and tirelessly for the Lithuanian people. In his long years in the Resettlement Council in the United States and as pastor of the Immaculate Conception Church in East St. Louis, Ill., Bishop Deksnys has provided spiritual strength and guidance for his fellow countrymen.

As leader of the Lithuanian community in East St. Louis for many years, Bishop Deksnys has special understanding of the needs of his people. His counsel and advice was sought by all. I consider it a distinct privilege and honor to have Bishop Deksnys as a longtime friend. Throughout the years we have worked together on many problems and projects affecting our Lithuanian friends. I am especially pleased that Bishop Deksnys could be with us today on such an auspicious occasion.

THE LOST ART

(Mr. ASPINALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, just recently I have read the most thought-provoking article entitled "The Lost Art." It was written by Elmer Shaw, research production assistant in the Environmental Policy Division of the Library of Congress, and published in the National Parks magazine.

Mr. Speaker, because of the thought conveyed in the article, I commend it to the reading of my colleagues:

THE LOST ART

Have we, here in America, lost the art of doing nothing? Have we forgotten how to relax, how to meditate, and how to be at ease when alone?

For most of us, life has become too ultramodern. Like automatons, we are controlled by clockwork. We have forsaken the vastness of mountains, prairies, and forests, for a cubicle deep in the city. We swarm in the streets like bees in a hive. In the big cities we are all John Doe; in the wilderness we are Adam.

When we grow weary of speed, schedules, and smog, some deep homing instinct calls us out of the cities into the great quiet places of the earth—to the deserts, the forests, the mountains, and to the shores of the sea. Here, Time itself seems to sleep and clocks are forgotten. Once again, almost without effort, we learn to do nothing, to play in the sand, to dream westward with the sunset, to live as only a child can live—free and unfettered.

High in the mountains, time becomes infinite; space seems eternal—and both fade to nothingness.

Released and free, the mind explores the universe. It wanders through the corridors of space. It dreams; it soars; it finds itself—not through action and struggle, not through the magic of some formula, but by simply being still, by doing nothing.

OUR MOST CERTAIN DEFENSE IS OUR OWN STRENGTH

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, our most effective weapon for survival remains the ready strength to insure survival. We must have immediate power for instant use. Our friends need this assurance; our enemies will respect it. A case in point is the threat of the Red Chinese to intervene in Laos. This is to offset the South Vietnamese drive to cut Communist supply lines to Indochina. The Premier of Laos has expressed apprehension about this possibility. This is a natural reaction. His small country has been harassed by threat of Communist takeover for years and he recalls the Chinese invasion of North Korea during the Korean war. The circumstances now are different and there is much less likelihood of a repetition of this action by the Red Chinese.

However, just to help the Red Chinese to keep their minds made up that involvement in Indochina is not for them, we should make certain that they understand our feelings toward additional Red aggression and our ability to react forcefully if we are required to do so.

If there are not sufficient weapons in our arsenal to handle a threat from the East or the West, simultaneously if necessary, we should proceed immediately to beef up our arsenal to the point that our potential enemies fully understand our capabilities. It is a waste of time to attempt to reason with communism. They are accustomed to the use of force when it is to their advantage and they understand the use of threat as well. We are not geared to the use of either, but we should be prepared to cope with them. We make altogether too much show of willingness to compromise just for the sake of reaching agreements with people who do not intend to respect those agreements. Our most effective weapon for survival remains the military strength to insure survival.

THE DEMOCRATIC PARTY MUST BE ATTRACTIVE TO ALL THE NATION

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, I have noted plans to modify allocation of delegates to the Democratic National Convention in a way which reputedly will place majority control in the hands of the eight largest industrial centers of the Nation. It is also planned to make significant increases in the number of delegates authorized for the convention. Both appear to me to be unfortunate proposals which I hope will be reconsidered.

Taking strength away from the smaller States and cities and vesting power in a few large municipalities simply perpetuates the problems which helped to defeat the Democrats in the last national election. To elect a President, the Democratic Party must renew its appeal to all of the Nation and not limit it primarily to the big city establishments. The Democrats cannot claim to be a national party if they deny proper representation to any part of the Nation. We must be a national party to win.

Increasing the number of delegates simply compounds the confusion which always is associated with big conventions. I have attended Democratic Conventions and I have noted that increased numbers simply make it more difficult to carry on the business of the convention. A more orderly convention, and a more impressive one to the public, would come about through a reduction in the number of delegates rather than an increase.

SPECULATION IN LUMBER FUTURES

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I take this 1 minute to express what I know is a concern of all the Members: the staggering rise in the price of lumber products in this great Nation. Since January 1, retailers and wholesalers of lumber report to me, the price at the mill has gone up 30 percent

To bring home what this means, the price of a 5-room house in the United States has gone up $200 because of the increase in lumber prices.

What this means is that all the benefits we had hoped had been obtained by moving interest rates down have now been more than offset by the rising price in lumber.

I find there is a contributing cause to this rise that is not justified. Speculators who have the "hot money" that can flow to any place where they smell a dollar to be made are buying futures in lumber. They are buying so many lumber futures that their speculation is forcing the price up. Yet we find what? There is no regulation of their activity, and small margin requirements, which means that a speculator with a little bit of money can make a tremendous impact on a market very essential to the homebuying public.

I think we must take swift and prompt action on this matter, and I am glad that the Committee on Banking and Currency has planned to have immediate hearings on this subject. Something must be done, now.

TRIBUTE TO THE LANCASTER LANCERS

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, we learn our lessons early in life and sometimes they are difficult. Sports and participation in sports are good training grounds for not just building of the body but also for the spirit. I pay tribute to the Lancaster Lancers who in spite of being on the short end of the score in most of their games still hang in there displaying a tenacity and determination which speaks of good coaching and good training at home and in school. The coach is Mr. Richard Cole and the players include: Mike Hacker, Nick Neal, James Sunderman, Mike Burns, Jimmy Sprowl, Ralph Carrell, Rick Kellam, Joe McIntyre, Robin Roush, Phil Campbell, Barry Shaw, and Steve Allred.

I saw the team win their only game of the year the other day. They deserved to win. But even in their losses they have the admiration of their classmates, their teachers, and their fans like myself. I am reminded of the words of Theodore Roosevelt who spoke of both the winner and the loser when he said:

> Who, if he succeeds, knows the triumph of high achievement. Who, if he fails, knows that he shall never be counted among those cold and timid souls who know neither defeat nor victory.

ADOPTING "911" AS NATIONWIDE EMERGENCY TELEPHONE REPORTING NUMBER

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, last week I introduced a bill to help implement adoption of "911" as a nationwide, emergency telephone reporting number. I included in that speech a list of the cities which have or are in the process of adopting "911". Washington, D.C., was not among that list. However, I am hopeful that it soon will be.

I have felt, since A.T. & T. offered the possibility of "911" in January 1968, that the Federal City and its environs, the Washington metropolitan area, should be an example to the rest of the Nation of the public service possibilities inherent in the simple, three-digit emergency number "911".

The National Service to Regional Councils had the same idea. Aware of the frequent incompatibility of telephone exchange boundaries and political jurisdictional boundaries, the national service became convinced that "911" could best be implemented on a regional or metropolitan basis and was willing to offer assistance in that effort.

To demonstrate the possibilities of this regional approach, the national council established several regional pilot efforts. Six regional councils were selected to work with in the hope of better evaluating the nationwide feasibility of implementing "911". Deliberately different kinds of regions were selected, some heavily concentrated urban areas, others primarily rural. One of these was the Washington metropolitan area.

Fortunately, there exists an areawide association in the Washington metropolitan area. This is the Metropolitan Washington Council of Governments whose membership consists of the elected officials of its 15-member jurisdictions, plus the area members of the Maryland and Virginia Legislatures, the area Members of the Congress, and full membership of the House and Senate District Committees. Four of the counties are in Virginia and two in Maryland. The council is responsible for nearly 3 million citizens in a 25,000-square-mile area. The projected population of the area is 7.7 million by the year 2000. In this wide and heavily populated an area, telephone trunklines and political jurisdictions must overlap and implementing "911" must pose special problems.

But there are several important signs of progress, of notable cooperation in this heterogeneous geographical and political region. Several years ago detectives from several jurisdictions in the Washington metropolitan area cooperated through the Council of Governments to apprehend a gang known as the Beltway Bandits. These bandits were involved in more than 50 housebreakings in various areas of the overall metropolitan region. Intelligence and other information were pooled across jurisdictional boundaries to solve the case and end the robberies.

In addition, a fire mutual aid agreement was developed several years ago that enabled the suburban jurisdictions to answer about 250 fire alarms in the District of Columbia during the disorders of April 1968.

And just this past January a police mutual aid agreement was signed, enabling police to cross city, county, and State lines to aid neighboring jurisdictions, when asked to do so by the jurisdiction, which were involved in emergencies such as civil disturbances or natural disasters. When the Washington area police departments signed this agreement in January, Attorney General Mitchell attended and described the signing of the agreement as a "monumental occasion." He commended the area's elected officials and police chiefs for their accomplishment and said he hoped that elected officials and police chiefs for their throughout the Nation. Mayor Washington also commended the action and said the region is "forging ahead in perhaps the most significant example of cooperation in the Nation."

It is obvious, then, that this metropolitan area knows something about regional cooperation, especially regional cooperation to meet emergency needs. Now what we need is to crown the edifice by installing the "911" emergency telephone number areawide. I think we are on the way to doing this.

Prince Georges County and the District of Columbia already have the same seven-digit emergency telephone number—444-1111. Adopting "911" becomes much easier in this case because there is already a single number for reporting police emergencies—the public does not have to unlearn other numbers—and a single emergency line into a common center. New York City had a single police emergency number before they progressed to "911" and this simplified their changeover.

Moreover, on February 26 the Metropolitan Washington Council of Governments is sponsoring a meeting to discuss "911" for the area. Invited to this meeting are representatives from the Virginia and Maryland State Police, the International Association of Chiefs of Police and International Association of Fire Chiefs, State law enforcement planning agencies of Maryland and Virginia, State highway safety representatives, the regional office of the Law Enforcement Assistance Administration, to mention just a few.

At this meeting the advantages and disadvantages of adopting "911" in the Washington metropolitan area will be fully explored. The technical, professional, and political problems involved in crossing over political jurisdictions, will be discussed. The effort will be to fully analyze the metropolitan situation vis-a-vis adopting "911." Following this meeting there will be separate jurisdictional meetings throughout the region, in which policy decisions will be made at the local level concerning how to actualyl implement "911" if it is desired.

Another meeting in May will coordinate the decisions reached in those separate meetings. It is my hope that these decisions will reflect a desire and a plan to implement "911" throughout the Washington metropolitan area as rapidly as possible.

REVISION OF OUR PESTICIDE LAWS IS NEEDED

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. OBEY. Mr. Speaker, it is difficult to imagine that over the past few years any of us could have escaped reports which have been published indicting careless and indiscriminate use of pesticides as a threat to man and his environment.

For example, 8 years ago in Florida, pollution from DDT killed an entire scallop crop. That crop still has not reappeared.

DDT in water has been found to adversely affect the ability of salmon to return to their spawning ground by reducing their ability to withstand temperature change.

The Department of Interior has stated it has detected poisoning from dieldrin in growing numbers of bald eagles found dead in the United States.

Food and Drug Administration geneticists have found that DDT causes mutations in rats. It has also been found to be the cause of cancerous tumors in other animals.

University of Wisconsin scientists have reported that hard pesticides, including dieldrin, DDT, and PCB's, reduce resistance to and raise death rates from viral diseases.

Extensive hearings in Wisconsin have concluded that DDT has "biochemical, pharmacological, and neurophysiological effects of public health significance."

Virginia was forced last year to ban the taking of crabs and other shellfish in five creeks on that State's eastern shore because of the presence of dangerous concentrations of DDT. Action was taken after an estimated 30,000 crabs were killed by pesticides during a 2-week period.

It has been estimated that each year pesticides may poison up to 30,000 persons seriously enough to require medical attention.

Even the first report of the Council on Environmental Quality has included a laundry list of horrors traceable to pesticides, including 2 million fish killed in a Florida marsh and over 5 million killed in the lower Mississippi.

We ought to be able to confidently assume that we have effective governmental controls over the uses of these substances which pose serious dangers to man and the fish, birds, animals, and natural resources which make up his environment. Unfortunately, we cannot.

The fact is that we are now governed by a statute encumbered by undefined terms, advisory committees, public hearings, judicial procedures and an ineffective procedure for the recall of hazardous products which makes the law—according to U.S. Department of Agriculture officials who were supposed to enforce it—"inadequate to protect the public."

It is for this reason, Mr. Speaker, that I am introducing in the House today, a bill to completely overhaul this Nation's pesticide laws. The bill is identical to one introduced in the Senate last week by Senators NELSON and HUMPHREY, and includes in it several provisions recommended last year by the USDA. Some provisions are similar to those proposed in the Pesticide Control Act proposed by the President in his environment message.

Under this legislation:

First. Authority for pesticide regulation would be transferred from the Department of Agriculture to the new Environmental Protection Agency—EPA—with close coordination by the Department of Health, Education, and Welfare.

Second. Existing programs for testing, registering, canceling, and suspending pesticides and pest control devices would be revised, and adequate emphasis would be placed on environmental and public health safeguards.

Third. The Administrator of the EPA would be authorized to require potential users of certain especially hazardous pesticides to obtain prior to purchase a certificate justifying the use from a designated official in the local area and require that some pesticides could only be applied by qualified and approved pest control operators.

Fourth. Citizens would be allowed to bring court suits against persons, companies, or government agencies for violations of the act or failure to enforce its provisions.

Fifth. A national pesticide research and control trust fund would be established, financed by assessments on pesticide sales, to be used for covering the expense of the regulation program as well as the extensive research program.

Sixth. All pesticides and pest control devices would be required to undergo thorough testing prior to sale to disqualify potentially hazardous products before they are placed on the market.

Seventh. Interested parties would be able to obtain access to Government-held information on pesticide regulation and research except data on formulas and formulations.

Eighth. All pesticides and pest control devices produced in the United States would be regulated by the act, whether shipped in intrastate, interstate, or foreign commerce.

Ninth. Emphasis would be placed on the review of biological and nonchemical means of pest control as alternatives to the use of chemical pesticides.

Tenth. EPA would be required to make available upon request by any interested party all records maintained in the administration of the act except the formulas and formulations that he determines to be a trade secret.

Eleventh. No agency could use or recommend for use a pesticide in any State which is in violation of any law in that State.

Mr. Speaker, there is no better example of the problems we now face in the enforcement of our present pesticide law than the delays we experienced since November 1969, when the USDA announced that DDT was being canceled for home, garden, aquatic and other uses.

According to present regulations, if the USDA cancels the registration for a pesticide as it did with DDT, the manufacturer has 30 days to request the appointment of an advisory committee or a public hearing to hear his appeal against the USDA decision.

The Secretary of Agriculture then is required to appoint the members of that advisory committee, but there is no set time in which he must do so. Once appointed, the advisory committee has 60 days to issue a report of its findings to the Secretary of Agriculture. The Secretary then has 90 days to issue a report based on the evidence presented to the committee.

The manufacturer has an additional 60 days to file an objection to the Secretary's decision, and he can then request a public hearing. After the public hearing is held—and there is no time limit on how soon it must be held or how long it can last—the Secretary of Agriculture has 90 days to issue an order granting or rejecting the registration for the pesticide.

After these drawnout procedures, the manufacturer can ask for judicial review of the matter which would again delay any decision on when the pesticide will be banned. These lengthy procedures can take up to 2 years, and provide an obvious advantage to polluters.

With regard to the specific cancellations of DDT which were announced in November, six manufacturers of DDT appealed the decision of the USDA under these provisions. Three asked for an advisory committee and three asked for a public hearing. Two of the three which asked for an advisory committee subsequently changed their minds and decided to settle for a public hearing. Significantly, 6 months after the decision was announced to ban DDT for certain uses, not even the first step in the appeals process had been carried out by the USDA.

The suspension of 2,4,5-T last year suffered a similar fate. While its recall from retailer's shelves was requested by the USDA, 6 million cans remain on shelves, still being sold and presumably still being used.

Mr. Speaker, criticism of our pesticide law, and particularly its enforcement, is not particularly new. Studies by both the GAO and the House Government Operations Subcommittee on Intergovernmental Operations have found enforcement of the law to be extremely lax.

The GAO has pointed out the need to strengthen registration activities, pesticide accident investigations and the collection and evaluation of data on environmental hazards. The report of the Intergovernmental Operations Subcommittee found that enforcement of our pesticide law was hampered by confusing and contradictory pesticide labeling, inadequate information on pest poisonings, a failure by USDA to secure the cancellation of any registered pesticide in which the manufacturer contested the case, and a lack of action by USDA to protect the public from hazardous products.

The House committee also reported that according to USDA figures, the Department of Health, Education, and Welfare had objected to a total of 1,663 proposed pesticide registrations or reregistrations from July 1, 1964, to June 30, 1969. Although the USDA did not keep records of products registered over HEW objections and did not inform HEW what action was taken on their objections, the House subcommittee learned that during fiscal year 1969 alone there apparently were 185 pesticides registered by the USDA over the objections of the agency which is responsible for assessing the public health aspects of all pesticide registrations.

It is in the face of these kinds of problems that I have introduced in the House today for review and inspection, the bill introduced in the Senate last week by Senators NELSON and HUMPHREY.

Under this legislation, for example, the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare would have to determine before registering a pesticide that benefits from the use of any pesticide would be substantially greater than potential detriments to public health, safety, and welfare or to the environment.

In making their decision, they would consider the availability of nonchemical alternatives to that pesticide, the toxic or other adverse health effects of the pesticide, the persistence and mobility of the pesticide and, importantly, its effect on nontarget organisms.

This legislation also deals with the problems caused by the current law with regard to, first, the definition of an "imminent hazard to the public"; second, the cancellation of pesticide registrations, which allows a pesticide to continue in interstate commerce until the appeals process is exhausted and a final determination is made on the registration; and, third, the suspension of registrations which prohibit the sale of the pesticide immediately, and which can only occur if the pesticide presents an "imminent hazard to the public."

Under present law, the definition of an "imminent hazard," if there is one at all, is vague. Even if we know, for example, that pesticides applied to vegetables today will be a danger to man after the vegetables are harvested 6 months hence, does this pose an "imminent" hazard to the public. In some men's dictionaries perhaps not, because if "imminent" is taken strictly to mean "now," the danger posed 6 months from now would not allow it to be removed immediately from the market.

The legislation I am presenting to the House today solves this problem by eliminating this troublesome phrase. Under this legislation, the Administrator of the Environmental Protection Agency would be authorized to suspend the registration of a pesticide if he determines that it constitutes a serious actual hazard or a serious potential hazard which could become a serious actual hazard before it can be canceled. The Administrator would also be authorized to suspend for 90 days the registration of a pesticide if he or the Secretary of Health, Education, and Welfare has reason to believe that it presents a serious actual or serious potential hazard but there is not sufficient information available to make a definite determination.

If the registration of a pesticide is canceled or suspended, the Administrator would be required to issue orders to all handlers and dealers requiring that they stop the sale or use of the pesticide until further notice. A similar stop-order provision is included in the pesticide reform bill introduced at the request of the President.

With regard to the cancellation procedure, under this bill, if a registration is canceled or refused, the manufacturer could appeal for a hearing within 30 days. Within 60 days, hearings are to be held; 60 days after that an order must be issued on whether the registration shall be granted. Thus, the extended cancellation procedures which can now be dragged on for years would be reduced to 150 days.

Furthermore, in a provision similar to one recommended by the administration, under this legislation if any pesticide would constitute a serious actual or serious potential hazard, the EPA shall require that an approved pest control operator apply the pesticide or control the device used to apply it.

Mr. Speaker, I have referred a number of times to the bill recommended by the President in his environmental message to the Congress. In many ways, it is a fine bill. In other ways, I would hope it could be strengthened.

The President's bill, for example, provides controls for the experimental use of pesticides. It deletes the advisory committee in the appeals process. It has provisions for making available to the public data which was used in evaluating the application for registration. Provisions are made for the registration and inspection of establishments manufacturing or processing pesticides. States are not precluded from imposing stricter standards on pesticide use.

Many of these or similar provisions are included in the legislation which I am presenting to the Congress today, and I support fully these goals of the President.

However, the President's bill would require that pesticide exporters file with the Administrator of the Environmental Protection Agency a certification that the article exported is in compliance with the laws and regulations of the foreign country to which it is being sent. We would like to see a further provision, included in the legislation I am introducing today, which also provides assurances that any exported pesticides will be used in accord with the U.S. registration.

The administration bill refers to exported pesticides and those sold in interstate commerce but does not affect that sold in intrastate commerce. When we are dealing with materials which "move" as much as pesticides do, I do not believe we can truly protect the public welfare or the environment unless we regulate all pesticides.

The administration bill continues to use the term "imminent hazard" to health or the environment. Without a definition of this term—and it seems difficult to formulate one—we shall continue to register, as we do today, questionable pesticides which may be a potential hazard for the environment.

The administration bill provides for recordkeeping by the Administrator of the Environmental Protection Agency, although there is room for doubt about whether these provisions are strong enough.

That bill also provides that when registering a pesticide the Administrator of the Environmental Protection Agency consider the environmental effects of the pesticide. Included would be the pesticide's persistence, degradation, and potential for movement and accumulation in the environment. I would hope that other criteria could be included, such as whether the chemical is subject to transformation into other chemicals which may injure the environment—a serious problem with pollution from mercury compounds—and whether nonchemical alternatives are available.

Mr. Speaker, there is no doubt that much discussion will be needed with regard to this legislation, to the President's proposal and other pesticide legislation which has been or will be introduced in the Congress.

We all realize, I think, that pesticides are necessary in agriculture and that they will be with us for some time to come. But there is no doubt either that we must devise ways to limit the use of pesticides when alternatives are available and that when they are necessary, we must use them in a way that will be least hazardous to the health of both the public and the environment.

Mr. Speaker, a copy of this legislation appears below:

H.R. 4596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (61 Stat. 167; 7 U.S.C. 135–135k), is amended to read as follows:

"That this Act, with the following table of contents, may be cited as the National Pesticide Control and Protection Act.

"TABLE OF CONTENTS

"Sec. 2. Statement of Findings.
"Sec. 3. Definitions.
"Sec. 4. Prohibited Acts.
"Sec. 5. Registration.
"Sec. 6. Public Notice of Applications.
"Sec. 7. Labeling.
"Sec. 8. Testing.
"Sec. 9. Certificates for Purchase and Use.
"Sec. 10. Records.
"Sec. 11. Rules and Regulations.
"Sec. 12. Penalties.
"Sec. 13. Stop Sale and Seizure.
"Sec. 14. Injunctive Proceedings.
"Sec. 15. Private Remedies.
"Sec. 16. Imports.
"Sec. 17. Use of Pesticides or Devices by Federal Departments and Agencies.
"Sec. 18. National Pesticide Research and Control Trust Fund.
"Sec. 19. Authorization for Appropriation.
"Sec. 20. Separability.

"STATEMENT OF FINDINGS

"SEC. 2. The Congress hereby finds that—

"(1) the actual and potential hazards of pesticides and pest control devices to the public health, safety, and welfare, to useful plants and animals and to the environment are not adequately controlled by existing law;

"(2) only through effective administration and enforcement of this Act can the public health, safety, and welfare, and the environment be safeguarded. To this end, it is determined that the Environmental Protection Agency is the agency best qualified to carry out the responsibilities of this Act in close cooperation with the Department of Health, Education, and Welfare;

"(3) many of the past and present problems caused by certain particularly dangerous pesticides can be traced to the improper and excessive use of these chemical compounds. In order to avoid such misuses, a system of pesticide use by certificate only should be established with a qualified specialist authorized to provide the users of such pesticides with certificates authorizing them to obtain and use certain pesticides in accordance with the certificate issued;

"(4) basic to the maintenance of the public health, safety, and welfare and to the protection of the environment is the establishment of sound criteria for use by the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare in determining whether the benefits from the use of any pesticide or device are substantially greater than the potential detriments to the public health, safety, and welfare, and to the environment. Such criteria should include the following: the specificity, persistence, and mobility of the pesticide and its toxic, carcinogenic, mutagenic, teratogenic, and other effects, as well as the availability of effective alternative means of pest or plant control;

"(5) emphasis must be placed on the need to provide the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare with the most comprehensive and objective information about the pesticides and devices proposed to be registered and already under registration. To that end, an effective procedure must be established to adequately test all pesticides and devices prior to their entry into commerce, and such testing should be conducted by officials of the Environmental Protection Agency and the Department of Health, Education, and Welfare or by qualified independent researchers under contracts to the Environmental Protection Agency;

"(6) new appeal procedures are necessary to reduce the present delay in reaching final action on the cancellation of a registration or the rejection of a registration application. Under existing law, as much as 390 days may be consumed through administrative appeals procedures while the pesticide or device may continue to be sold and used without restriction. New procedures must be initiated to hasten the decision-making process without jeopardizing the rights of manufacturers and other parties, while at the same time enabling other interested parties from the public to be heard;

"(7) now private individuals and groups of individuals do not at present have any clear means of protecting themselves or the environment from real or potential hazards caused by pesticides and devices or to obtain damages for injuries caused by pesticides or devices. Such rights should be available to all persons as well as the right to seek injunctive relief against the Administrator or the Secretary of Health, Education, and Welfare if such officials take action inconsistent with the requirements of this Act;

"(8) effective administration of the provisions of this Act, including the conduct of research to determine the potential effects of pesticides and devices on the public health, safety, and welfare and on the environment, will require special financial support. To raise the necessary revenue, an assessment on the sale of pesticides and devices shall be made and the receipts there from shall be placed in a trust fund and used for the administration of this Act;

"(9) the public health, safety, and welfare and the environment would be better protected if biological and non-chemical means of pest and plant control were used as alternatives to chemical pesticides. Therefore, it is essential that the availability of such biological and non-chemical means of pest and plant control be fully ascertained before the registration of any pesticide is initially approved or renewed or is certified for use in any specific region of the country; and

"(10) all pesticides and devices produced domestically are either in the current of interstate or foreign commerce or directly affect such commerce. Federal regulation of pesticides and devices as provided in this Act is necessary and desirable since pesticides and devices which enter directly into the current of interstate or foreign commerce cannot be effectively regulated without also regulating pesticides and devices which do no enter directly into the current of interstate or foreign commerce.

"DEFINITIONS

"SEC. 3. For the purposes of this Act—

"(1) The term 'pesticide' means (A) any substance or mixture of substances intended for use in destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary of Agriculture after opportunity for a hearing shall declare to be a pest, and (B) any substance or mixture of substances intended to use as a plant regulator, defoliant or desiccant.

"(2) The term 'device' means any instrument or contrivance intended for trapping, destroying, repelling or mitigating insects or rodents or destroying, repelling, or mitigating fungi, nematodes or such other pests as may be designated by the Secretary of Agriculture, including equipment used for the application of pesticides when sold separately therefrom.

"(3) The term 'insecticide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

"(4) The term 'fungicide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

"(5) The term 'rodenticide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the Secretary of Agriculture shall declare to be a pest.

"(6) The term 'herbicide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

"(7) The term 'nematocide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes.

"(8) The term 'plant regulator' means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inocculants, and soil amendments.

"(9) The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

"(10) The term 'desiccant' means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

"(11) The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms.

"(12) The term 'weed' means any plant which grows where not wanted.

"(13) The term 'insect' means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, unually winged forms, as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

"(14) The term 'fungi' means all non-chlorophyll-bearing thallophytes (that is all non-chlorophyll-bearing plants of a lower order than mosses and liverworts), as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

"(15) The term 'ingredient statement' means with respect to any pesticide either—

"(A) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide; or

"(B) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the pesticide,

and, in addition to (A) or (B) in case the pesticide contains arsenic in any form a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

"(16) The term 'active ingredient' means—

"(A) in the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests;

"(B) in the case of plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

"(C) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

"(D) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

"(17) The term 'inert ingredient' means an ingredient which is not active.

"(18) The term 'antidote' means a practical immediate treatment in case of poisoning and includes first-aid treatment.

"(19) The term 'person' means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

"(20) The term 'possession of the United States' means any territory or possession of the United States, excluding the Canal Zone.

"(21) The term 'State' means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(22) The term 'registrant' means the person registering any pesticide or device pursuant to the provisions of this Act.

"(23) The term 'label' means the written printed, or graphic matter on, or attached to, the pesticide or device or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, or the pesticide or device.

"(24) The term 'labeling' means all labels and other written, printed, or graphic matter—

"(A) upon the pesticide or device or any of its containers or wrappers;

"(B) accompanying the pesticide or device at any time;

"(C) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Department of Agriculture, the Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

"(25) The term 'adulterated' shall apply to any pesticide or device if its strength or purity falls below the professed standard or quality as expressed on its labeling under which it is sold, or of the analysis of the representative samples delivered in connection with the application for registration of the pesticide or device, or if any substance has been substituted wholly or in part for the pesticide or device, or if any valuable constituent of the pesticide or device has been wholly or in part abstracted.

"(26) The term 'misbranded' shall apply—

"(A) to any pesticide or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular, or if it is contained in a package or other container or wrapping which does not conform to the regulations established by the Administrator Agency pursuant to the provisions of this Act, or if it was manufactured, prepared, propagated, compounded, or processed by an establishment which did not have in effect a valid registration under this Act for such pesticide or device;

"(B) to any pesticide or device

"(i) if it is an imitation of or is offered for sale under the name of another pesticide or device;

"(ii) if its labeling bears any reference to any registration number under this Act other than the registration number assigned to the pesticide or device;

"(iii) if the labeling accompanying it does not contain directions for use which are necessary and, if complied with, adequate for the protection of the public, including the protection of living man, vertebrate animals, vegetation, and invertebrate animals, except target pests;

"(iv) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to the public, including living man, vertebrate animals, vegetation, and invertebrate animals, except target pests;

"(v) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase; but the Administrator may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

"(vi) if any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, as determined by the Administrator;

"(vii) if the package or label bears any false or misleading statement, design, or device regarding the pesticide or device, or any ingredient or substance which is contained in it; or

"(viii) if it is labeled, or branded, or packaged so as to deceive or mislead the purchaser.

"(27) The terms 'proper court' and 'district court' mean a United States district court, and the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States Court of any other possession of the United States.

"(28) The term 'target pests' means particular species of plant or animal which is injuring or destroying another particular plant or animal, but does not include predators of any such plant or animal though such predators may be classified or considered to be pests of other plants or animals.

"(29) The term 'formula' means the chemical structure of the constituent ingredients.

"(30) The term 'formulation' means the techniques of manufacturing, preparing, propagating, compounding, or processing a pesticide or device.

"(31) The term 'established name' means the applicable official name of a pesticide or device as determined by the Administrator or, if the Administrator determines there is no such name for the pesticide or device, the name for such pesticide or device as published by the American National Standards Institute, Incorporated, and if no name for such pesticide or device exists, the common or usual name of the pesticide or device.

"(32) The term 'Agency' means the Environmental Protection Agency.

"(33) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"PROHIBITED ACTS

"SEC. 4. (a) It shall be unlawful for any person to distribute, sell, or offer for sale in any State or possession of the United States or to ship or deliver for shipment from any State or possession of the United States or foreign country, and having so received, deliver or offer to deliver in the original unbroken package to any other person, any of the following:

"(1) any pesticide or device which is not registered pursuant to the provisions of section 5 of this Act;

"(2) any pesticide or device which is not in the registrant's unbroken container and which does not have affixed to such container a label as required in section 7 of this Act;

"(3) any pesticide or device, if any of the claims made for it or any of the directions for its use differ in substance from the conditions and requirements contained in the registration of the pesticide or device, or if any of the pesticide's or device's claims or labels contain any material or substantial misrepresentation or make any false promises of the character likely to influence, induce, or deceive;

"(4) the pesticides commonly known, respectively, as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, sodium fluoride, sodium fluosilicate, and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this Act; or any other white powder pesticide which the Administrator, after investigation of and after public hearing on the necessity for such action for the protection of the public health, safety, and welfare and of the environment and the feasibility of such coloration or discoloration, shall by regulation have required to be distinctly colored or discolored, unless it has been so colored or discolored; but the Administrator may exempt any pesticide from the coloring or discoloring required or authorized by this section to the extent that such pesticide is intended for a particular use or uses if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health, safety, and welfare and the environment;

"(5) any pesticide which is adulterated or misbranded or any device which is misbranded; and

"(6) any pesticide or device if the package, other container, or wrapping in which such pesticide or device is enclosed for use or consumption fails to comply with the standards established therefor pursuant to section 11(b) of this Act.

"(b) Notwithstanding any other provision of this Act, no pesticide or device may be exported to any foreign country unless a certificate has been filed with the Administrator by the exporter stating that the pesticide or device proposed to be exported (1) is in compliance with the laws and regulations of such foreign country, and (2) will be used in accordance with the conditions stipulated in the registration for such pesticide. The Administrator may waive the requirement prescribed in clause (2) of the preceding sentence if he determines the use to be made of the pesticide is essential to the maintenance of the health of the foreign country to which the pesticide is to be exported and will not be inconsistent with the protection of the health, safety, and welfare and the environment of the United States.

"(c) It shall be unlawful—

"(1) for any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or the rules and regulations promulgated hereunder, or to add any substance to, or take any substance from, a pesticide in a maner that may defeat the purpose of this Act;

"(2) for any manufacturer, distributor, dealer, carrier, or other person to refuse, upon a request made in writing specifying the nature or kind of pesticide or device to which such request relates, to furnish to or permit any person designated by the Administrator or the Secretary of Health, Education, and Welfare to have access to and to make copy of records as authorized by section 10 of this Act or to refuse to permit entry, or inspection, or the taking of samples as authorized by such section;

"(3) for any person to give a guaranty or undertaking provided for in section 12(f) of this Act which is false in any particular, except that a person who receives and relies upon a guaranty authorized under such section may give a guaranty to the same effect, which guaranty shall contain in addition to his own name and address the name and address of the person residing in the United States from whom he received the guaranty or undertaking; and

"(4) for any person to use for his own advantage or to reveal, other than to the Administrator, or to officers and employees of the Agency or of other Federal agencies, or to the Congress of the United States, or to the courts in response to a subpena, or to physicians when necessary to the treatment of patients, or in emergencies to pharmacists and other qualified persons when necessary for use in the preparation of antidotes, the formula or formulations acquired by authority of section 5 of this Act if the Administrator has determined that such information constitutes a trade secret not protected by patent or other safeguard.

"REGISTRATION

"Sec. 5. (a) Every pesticide and device which is distributed, sold, or offered for sale in any State or possession of the United States, or which is shipped or delivered for shipment in any State or possession of the United States, or which is received from any foreign country, shall be registered with the Administrator in accordance with the provisions of this Act. Such registration shall specify the pests or plants for which the pesticide or device is intended for use and the conditions for such use. Any pesticide which has the same formula as another pesticide, both of which are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying both as the same pesticide may be registered as a single pesticide. Notwithstanding any other provision of this Act, registration shall not be required in the case of a pesticide or device shipped from one plant to another plant operated by the same person and used solely at such plant as a constituent part to make a pesticide or device which is registered under this Act.

"(b) An applicant for registration of a pesticide or device shall file with the Administrator a statement including—

"(1) the name and address of the applicant for registration and the name and address of the person whose name will appear on the label, if other than the applicant for registration;

"(2) the established name, the brand name, and trademark of the pesticide or device to be registered;

"(3) the correct name and percentage of each active ingredient in the pesticide and the total percentage of inert ingredients contained in the pesticide;

"(4) the size or sizes of the containers in which the pesticide is proposed to be sold;

"(5) a complete copy of the labeling which the applicant proposes to attach to containers of the pesticide or device and a statement of all claims to be made for it, including directions for the use;

"(6) the specific pests or plants for which the pesticide or device is proposed for use and the proposed conditions for its use; and

"(7) if requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based. The Administrator or the Secretary of Health, Education, and Welfare may, if either deems it necessary for the effective administration of this Act, require the submission of the complete formula and formulation of the pesticide or device.

"(c) A copy of each application for registration and renewal submitted to the Administrator under this section shall be sent by the Administrator to the Secretary of Health, Education, and Welfare and the Secretary of Agriculture for their information.

"(d)(1) The Administrator shall refuse to register or shall cancel the registration of any pesticide or device when he determines that the pesticide or device is not such as to warrant the proposed or existing claims for it, or if the pesticide or device and its labeling and other material required to be submitted do not comply with the provisions of this Act, or if—

"(A) it is of little or no value for the purpose for which it is intended;

"(B) any false or misleading statement is made or implied by the applicant or registrant, or by his agent, either verbally or in writing, or in the form of any advertising literature; or

"(C) it is manufactured by any person who has repeatedly violated any of the provisions of this Act.

"(2) The Administrator shall refuse to register or shall cancel the registration of any pesticide or device when he determines, or when he receives a written notification from the Secretary of Health, Education, and Welfare that the Secretary has determined, that the registration of a pesticide or device should be refused or canceled on the basis that such registration does not comply with the provisions of this Act. The Administrator shall refuse to register or shall cancel the registration of any pesticide or device unless he determines, and receives written notification from the Secretary of Health, Education, and Welfare that the Secretary has determined, from the testing conducted pursuant to the provisions of section 8 of this Act, or from other information, that the benefits from the use of such pesticide or device are substantially greater than the potential detriments to the public health, safety, and welfare or to the environment. In making this determination, the Administrator and the Secretary of Health, Education, and Welfare shall consider at least the following criteria—

"(A) the specificity of the pesticide and the nature and extent of harm done to nontarget organisms or plants;

"(B) the persistence and mobility of the pesticide or its byproducts and their incorporation into nontarget organisms and plants;

"(C) the toxic, carcinogenic, mutagenic, teratogenic, and other health effects of the pesticide or its byproducts;

"(D) the adequacy of the knowledge of its effects on the public health, safety, and welfare and the environment; and

"(E) the availability of safe and effective biological and nonchemical alternative means of controlling the pests specified in the registration or registration application.

"(3) The Administrator, with the cooperation of the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, shall develop an orderly program for the continuous evaluation of all registered pesticides and devices, including the compilation and publication of annual statistics on the production, sale, and use of pesticides and devices.

"(e) The Administrator shall immediately suspend the registration of any pesticide or device after notice to the registrant and pending a hearing and final decision pursuant to subsection (h) of this section if he determines, or receives a written notification from the Secretary of Health, Education, and Welfare that the Secretary has determined, that the use or continued use of such pesticide or device constitutes a serious actual hazard to the public health, safety, and welfare, or to the environment, or constitutes a serious potential hazard to the public health, safety, and welfare, or to the environment, which may become a serious actual hazard prior to the time normally required to carry out the cancellation procedures under subsection (h) of this section.

"(f) Notwithstanding any other provision of this section, whenever the Administrator or the Secretary of Health, Education, and Welfare has reason to believe that any pesticide or device or its labeling or other material required to be submitted does not comply with the provisions of this Act and that the use of the product in accordance with the labeling accepted in connection with its registration may present a serious actual hazard to the public health, safety, and welfare, or to the environment, or constitutes a serious potential hazard to the public health, safety, and welfare, or to the environment, which may become a serious actual hazard prior to the time normally required to carry out the cancellation procedures under subsection (h) of this section, but the information then available is insufficient for a definite determination as to the existence, nature, and potential of any hazard involved, the Administrator shall give notice of such belief and the basis therefor to the registrant and afford the registrant a period of not more than seven days to submit his views on the matter informally. The Administrator shall submit to the Secretary of Health, Education, and Welfare a copy of any views received from the registrant. After consideration of such views and all other pertinent information then available, the Administrator shall promptly order a preliminary suspension of the registration effective immediately, if he determines, or if he receives a written notification from the Secretary of Health, Education, and Welfare that the Secretary has determined, that such action is necessary in order to afford an opportunity to acquire and analyze information and data essential for a definite determination as to the existence, nature, and potential of any hazard which may be involved. After such analysis, but not later than ninety days after the effective date of such preliminary suspension, the Administrator shall—

"(1) by order suspend the registration in accordance with the provisions of subsection (e) of this section if he or the Secretary of Health, Education, and Welfare finds that such action is necessary to prevent a serious actual hazard to the public health, safety, and welfare, or to the environment, or a serious potential hazard to the public health, safety, and welfare or to the environment, which may become a serious actual hazard prior to the time normally required to carry out the cancellation procedures under subsection (h) of this section; or

"(2) institute action in accordance with subsection (d) of this section for the cancellation of such registration if it appears to the Administrator or the Secretary of Health, Education, and Welfare that the pesticide or device or its labeling or other material required to be submitted does not comply with the provisions of this Act and the Administrator or the Secretary of Health, Education, and Welfare finds that a serious actual hazard to the public health, safety, and welfare, or to the environment, or a serious potential hazard to the public health, safety, and welfare, or to the environment, is not involved; or

"(3) issue an order terminating the preliminary suspension.

Any action or failure to act under this subsection shall not preclude any subsequent action under this section with regard to the registration of any pesticide or device.

"(g) If any applicant for registration of a pesticide or device has complied with the requirements of subsections (a) and (b) of this section, and the pesticide or device is not prohibited on any of the grounds set forth in subsections (d), (e), and (f) of this section, the Administrator shall register as soon as practicable the pesticide or device sought to be registered and shall assign a registration number to the pesticide or device, as the case may be. Such registration shall specify the pests for which the pesticide or device is intended for use, the size or sizes and nature of the container in which the pesticide may be sold, and the conditions for its use, including whether the pesticide or device must only be used by an approved pest control operator pursuant to subsection (k) of this section or whether the pesticide or device may be purchased and used only upon the issuance of a certificate pursuant to section 9 of this Act. Each registration shall be good for four years, unless a determination is made pursuant to subsection (d), (e), or (f) of this section that such registration should be canceled or suspended. When a registration expires at the end of a four year period, it may be renewed after application in the manner provided for registration in subsections (a) and (b) of this section. If a registration renewal is objected to and challenged by any person, the Administrator shall hold a public hearing on the renewal application if he determines that there is new information or evidence available pertaining to the registration that has not been previously considered.

"(h) Whenever the Administrator refuses registration of a pesticide or device or cancels the registration for any pesticide or device, he shall notify the applicant for registration or the registrant of his action and the reasons therefor. Whenever an application for registration is refused, the applicant, within thirty days after service of notice of such refusal, may file objections and request a hearing in accordance with this subsection. A cancellation of registration shall be effective thirty days after service of the foregoing notice unless within such time the registrant makes the necessary corrections prescribed by the Administrator, with the concurrence of the Secretary of Health, Education, and Welfare, or files objections to the cancellation and requests a hearing. Within sixty days of the receipt of such request for a hearing the Administrator shall grant a hearing on the record to the applicant. At such hearing, which shall be conducted as expeditiously as possible, the Administrator shall afford any interested party the opportunity to present testimony or evidence directly relating to the proposed action of the Administrator. As soon as practicable after completion of the hearing, but not later than sixty days, the Administrator, subject to the approval of the Secretary of Health, Education, and Welfare, shall issue an order granting, denying, or canceling the registration, as appropriate, or requiring modification of the claims, the labeling, or other material relating to the pesticide or device.

"(i) In a case of actual controversy as to the validity of any official action taken under this section, any person who will be adversely affected by such action may obtain judicial review by filing in the United States Court of Appeals for the circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the taking of such action, a petition praying that the action be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or any officer designated by him for that purpose, and thereupon the Administrator shall file in the court the record on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the Court shall have exclusive jurisdiction to affirm or set aside the action complained of in whole or in part. The findings of the Administrator and the Secretary of Health, Education, and Welfare with respect to questions of fact, shall be sustained if supported by substantial evidence when considered on the record as a whole. If application is made to the court for leave to adduce additional evidence, the court may order such additional evidence to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper, if such evidence is material and there were reasonable grounds for failure to adduce such evidence in the proceedings below. The Administrator, with the concurrence of the Secretary of Health, Education, and Welfare, may modify his findings as to the facts and action taken by reason of the additional evidence so taken, and shall file with the court such modified findings and action. The judgment of the Court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States, upon certiorari or certification as provided in section 1254 of title 18, United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the Court to the contrary, operate as a stay of an order.

"(j) Any person who on the effective date of the Act enacting this subsection operated any establishment in any State or Possession of the United States and such establishment was engaged in the manufacture, preparation, propagation, compounding, or processing of any pesticide or device subject to this Act shall, within one hundred and eighty days after such date, apply to the Administrator for a new registration, pursuant to the provisions of this Act, of any pesticide or device manufactured, prepared, propagated, compounded, or processed in such establishment, giving his name and the address of each such establishment operated by him and other information required for the registration under this Act for any pesticide or device. The Administrator shall either grant or reject any application for new registrations required under this subsection as soon as practicable after the receipt of such application. Any registration issued prior to the effective date of the Act enacting this subsection shall become inoperative upon the registration or rejection of a registration application made under the provisions of this Act after such date or after one hundred and eighty days after such date if a new registration has not been applied for. Any person who proposes to begin operation of any such establishment after such date shall, at least thirty days prior to beginning such operation, similarly apply for registration with the Administrator. Each establishment will be assigned an establishment number by the Administrator at the time of registration of the pesticide or device manufactured, prepared, propagated, compounded, or processed by it.

"(k) Whenever the Administrator determines, or whenever the Secretary of Health, Education, and Welfare determines and notifies the Administrator in writing that the use of any pesticide or device by a person other than an approved pest control operator would constitute a serious actual hazard or a serious potential hazard to the public health, safety, and welfare, or to the environment, the Administrator shall issue an appropriate order prohibiting the use of such pesticide or device except by an approved pest control operator. No person other than an approved pest control operator shall use any pesticide or device with respect to which such an order has been issued. No approved pest control operator shall use any pesticide or device required to be registered under this Act unless such product is so registered, and no approved pest control operator shall use any registered pesticide or device except in accordance with the labeling accepted in connection with the registration. As used in this subsection, the term 'approved pest control operator' means any person who uses any pesticide or device for any use specified in section 3(1) of this Act and who—

"(1) has been issued a license by a State or possession of the United States on the basis of a demonstration of his competence in the use and other handling and knowledge of the toxicity and antidotes of the pesticide or device involved, according to standards approved or prescribed by the Administrator as hereinafter provided, or

"(2) is employed by a Federal, State, or local governmental agency in pest control programs or is engaged in research concerning, or development, evaluation, or use of, pesticides or devices and meets such standards as the Administrator shall approve or prescribe to assure that such person has sufficient competence in the handling and knowledge of the toxicity and antidotes of such pesticide or device to avoid any hazard to the health, safety, and welfare of the public or to the environment.

The Administrator shall promulgate regulation establishing minimum standards which approved pest control operators must meet.

"PUBLIC NOTICE OF APPLICATIONS FOR REGISTRATION AND REGISTRATION APPROVALS

"SEC. 6. (a) Upon receipt of an application for registration or registration renewal for a pesticide or device the Administrator shall publish a notice of the receipt of such application in the Federal Register. Such notice shall contain the following information:

"(1) the name and address of the applicant for registration or renewal and the name and address of the person whose name will appear on the label, if other than the applicant for registration or renewal;

"(2) the brand name and the trademark of the pesticide or device to be registered;

"(3) in the case of a pesticide, the correct name and percentage of all active ingredients contained in it, and the total percentage of inert ingredients contained in it;

"(4) a copy of the label and other instructions which the applicant proposes to attach to the containers of the pesticide or device; and

"(5) the purposes for which the pesticide or device should and should not be used.

The formula or formulation shall not be included in the notice if the Administrator determines that such information would constitute a trade secret not protected by patent or other safeguard.

"(b) Upon registration or registration renewal for a pesticide or device the Administrator shall publish a notice thereof in the Federal Register. Such notice shall contain the name and address of the registrant, the established name, the brand name and trademark of the pesticide or device registered or for which a registration was renewed, and any changes in the registration from that set forth in the application.

"(c) The Administrator shall maintain records of all information received or developed in the administration of this Act. He shall retain such records of all pesticides and devices at least three years after the cancellation, suspension, or expiration of the registration of such pesticides and devices, except that the Administrator shall retain permanently any information which he believes is of special value in the administration of the Act.

"(d) Upon request of any interested party, the Administrator shall make available all records maintained in the administration of this Act; except that the formula or formulation of pesticides or devices shall not be made available if the Administrator determines that such formula or formulation constitutes a trade secret not protected by patent or other safeguard.

"LABELING

"SEC. 7. (a) The registrant of any pesticide or device shall attach to each separate lot, and each separate, finished, sealed, or closed container or package of pesticide or device which he intends to sell or distribute a plainly printed label, that states all of the following:

"(1) the established name, brand name, and trademark, if any, under which the pesticide or device is sold;

"(2) the name and address of the manufacturer, importer, or vendor holding the registration for such pesticide or device;

"(3) the net weight or measure of the content in the case of a pesticide;

"(4) the purposes for which the pesticide or device is registered to be used, and the purposes for which the pesticide or device under its registration may not be used;

"(5) the precautions to be taken to avoid accident, injury or damage;

"(6) the symptoms of poisoning which may be caused by the pesticide;

"(7) the first aid remedies to apply if personal injury occurs; and

"(8) when required by regulations of the Administrator to effectuate the purposes of this Act, the registration number assigned to the pesticide or device under section 5(g) of this Act, and the number assigned to each establishment under section 5(j) of this Act in which the pesticide or device was manufactured, prepared, propagated, compounded, or processed.

The Administration may permit reasonable variations from the labeling requirements prescribed herein that are not inconsistent with the protection of public health, safety, and welfare, or harmful to the environment.

"(b) No pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in section 8 of this Act, unless the label of such pesticide shall bear, in addition to any other matter required by this Act—

"(1) the skull and crossbones;

"(2) the word 'poison' prominently (in red) on a background of distinctly contrasting color; and

"(3) a statement of an antidote for the pesticide.

"TESTING

"SEC. 8. (a) The Administrator shall be responsible for conducting all tests on pesticides and devices submitted to him for registration under this Act for the purpose of determining whether or not such pesticide or device should be approved for registration, and shall be responsible for conducting tests on pesticides and devices which have previously been registered under this Act in order to determine whether or not approval of such pesticides or devices should be cancelled or suspended pursuant to subsections (d), (e), or (f) of section 5 of this Act.

"(b) Whenever the Administrator receives an application from any person for registration of a pesticide or device pursuant to section 5 of this Act, he shall, as soon as practicable provide for the necessary testing of such pesticide or device either by the Agency, the Department of Health, Education, and Welfare, or by any qualified individual, organization, or institution which the Administrator may engage to conduct such testing. It shall be the responsibility of the Administrator to insure that the testing of any pesticide or device is conducted by experts qualified by scientific training and experience to test pesticides and devices for their toxicity, persistence, and the potential or real hazards they may present to vegetation, animals, the public health, safety, and welfare, and to the environment.

"(c) Whenever a pesticide or device has been submitted to the Administrator by any applicant for the registration of such pesticide or device, the applicant shall make available to the Administrator such amounts of the pesticide or numbers of the devices as the Administrator determines is necessary for the adequate testing of such pesticide or device. Notwithstanding any other provision of this Act, the Administrator is authorized, under such rules and regulations as he may prescribe, to permit the shipment of any unregistered pesticide or device for testing under this section.

"(d) The Administrator is authorized with the concurrence of the Secretary of Health, Education, and Welfare and after opportunity for a hearing—

"(1) to determine pesticides and quantities of substances contained in pesticides, which are highly toxic to man; and

"(2) to determine standards of coloring or discoloring for pesticides, and to subject pesticides to the requirements of section 4 (a) (4) of this Act.

"CERTIFICATES FOR PURCHASE AND USE

"Sec. 9. (a) If the Administrator determines, or if he receives a written notification from the Secretary of Health, Education, and Welfare that the Secretary has determined, on the basis of all information available to him, that it is necessary for the protection of the public health, safety, and welfare or the environment that the purchase and use of any particular pesticide should be prohibited except under special circumstances, the Administrator shall issue a regulation prohibiting the purchase and use of such pesticide except on the issuance of a certificate for the sale or other transfer and use of such pesticide in accordance with the provisions of this section.

"(b) Any person who wishes to obtain for use a pesticide subject to the provisions of subsection (a) of this section shall contact an authorized agent and request a certificate authorizing the purchase and use of such pesticide. Any authorized agent, upon receiving a request orally or in writing from any person for a certificate to purchase and use such pesticide, shall, as soon as practicable, determine the purpose for which such pesticide is to be used and, in every case possible, visit the place where such pesticide is to be used. If he determines that the use of the pesticide requested is not inconsistent with protection of the public health, safety, and welfare, or of the environment, he shall issue a certificate authorizing the purchase of the pesticide to the person who made the request therefor and prescribing the manner in which the pesticide may be used. In issuing a certificate for the purchase and use of a pesticide to any person under this section, the authorized agent shall consider the overall pest or plant control problem of the area in which he is authorized to issue certificates and shall review the possibility for area-wide control of such pests by biological and nonchemical means, taking into account the need to limit the amount of chemicals introduced into the environment.

"(c) Any certificate issued under this section shall indicate thereon the specific pesticide authorized to be purchased, the maximum amount of such pesticide which may be purchased, and the manner in which the pesticide may be used.

"(d) No dealer shall sell or otherwise transfer to any person any pesticide subject to the provisions of subsection (a) of this section unless he has received a certificate issued by an authorized agent in such form as may be prescribed by the Administrator.

"(e) The requirements of this section shall not apply to any broker, wholesaler, or other person engaged in the business of purchasing or selling pesticides in bulk quantities and who does not sell at the wholesale or retail level to consumers intending to use such pesticides.

"(f) The Administrator shall issue regulations for the administration of this section.

"(g) As used in this section (1) the term 'dealer' means any person engaged in the business of selling pesticides to consumers intending to use such pesticides; and (2) the term 'authorized agent' means any person authorized by the Administrator to issue certificates for the purchase of pesticides. The Administrator shall utilize as authorized agents only persons qualified by education, training, or experience to carry out the duties imposed on them under this section. The Administrator shall, to the maximum extent practicable, utilize county agents of the Department of Agriculture as authorized agents.

"RECORDS

"SEC. 10. (a) Every establishment in which any pesticide or device registered under this Act is manufactured, prepared, propagated, compounded, or processed and every distributor, carrier, and dealer (as defined in section 9(g) of this Act) shall be required to keep such records relating to pesticides and devices as the Administrator may determine appropriate for the effective administration of this Act. Such records shall be maintained in such manner as the Administrator shall prescribe by regulation.

"(b) For the purpose of enforcing the provisions of this Act, any manufacturer, distributor, carrier, dealer, or any other person who sells or offers for sale, delivers or offers for delivery, or receives or holds any pesticide or device subject to such provisions, shall, upon request of any employee of the Agency or of any employee of any other Federal agency or any State or possession of the United States or political subdivision thereof, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to, and to copy all records showing the delivery, movement, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and the consignee; and in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device shall be made available for inspection and copying.

"(c) For the purposes of enforcing the provisions of this Act any individual duly designated by the Administrator, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

"(1) to enter, at reasonable times, any factory, warehouse, or other establishment in which there is reason to believe any pesticide or device is manufactured, prepared, propagated, compounded, processed, or held for distribution or sale in any State or possession of the United States or in interstate or foreign commerce, or is held after such distribution or sale, and to enter any means of conveyance which there is reason to believe is being used to transport or hold any pesticide or device; and

"(2) to inspect, and obtain samples of, any such pesticides or devices, whether packaged or unpackaged, and samples of any containers or labeling for such pesticides or devices.

Each such inspection shall be commenced and completed with reasonable promptness. If the duly designated individual obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

"(d) Physicians and other health care personnel treating cases of pesticide related injuries or illnesses shall file monthly reports to the Administrator including at least the following information—

"(1) the names and addresses of the injured parties;

"(2) the circumstances of the injury including the brand name of the pesticide;

"(3) the nature and extent of the injury; and

"(4) the treatment given.

The Administrator shall keep a current tabulation of the reported cases and shall make these files available upon request to the public.

"RULES AND REGULATIONS

"SEC. 11. (a) The Administrator, with the concurrence of the Secretary of Health, Education, and Welfare, is authorized to make rules and regulations for carrying out the provisions of this Act after public notice and opportunity for public hearing thereon.

"(b) In order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act and to accomplish the other purposes of this Act, the Administrator shall establish standards with respect to the package, other container, or wrapping in which a pesticide or device is enclosed for use or consumption.

"(c) The district courts of the United States are vested with jurisdiction specifically to enforce and to prevent and restrain violations of this Act.

"(d) The Administrator shall, by publication in such manner as he may prescribe, give public notice of all judgments entered in actions instituted under the authority of this Act.

"(e) The Administrator and the Secretary of Health, Education, and Welfare are authorized to cooperate with any other department and agencies of the Federal Government and with the official agriculture, public health, and other regulatory agencies of any State or possession of the United States, or any political subdivision thereof, in carrying out the provisions of this Act and in securing uniformity of regulations.

"PENALTIES

"SEC. 12. (a) Any person violating section 5(k) of this Act shall be guilty of a misdemeanor and shall, upon conviction be fined not more than $5,000.

"(b) Any person violating any provision other than sections 4(c)(4) or 5(k) of this Act shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than $2,500 for the first offense and upon conviction for each subsequent offense, be fined not more than $5,000, or imprisoned for not more than one year, or both such fine and imprisonment. Any offense committed more than five years after the last previous conviction shall be considered a first offense. No pesticide or device the registration of which has been terminated may again be registered unless the Administrator and the Secretary of Health, Education, and Welfare determine that such pesticide or device, its labeling, and other material required to be submitted comply with all the requirements of this Act.

"(c) Any person violating any provision of this Act shall be subject to a civil penalty of not more than $1,000 for each such violation. Violations of this Act shall be referred to the Attorney General for appropriate action to recover such penalty in a civil suit brought in the name of the United States.

"(d) Notwithstanding any other provision of this section, any person who uses or reveals, except as authorized by this Act, any formula or formulation acquired under the authority of section 5 of this Act, shall be fined not more than $10,000 or imprisoned for not more than one year, or both such fine and imprisonment, if the Administrator has determined that such information constitutes a trade secret not protected by patent or other safeguard.

"(e) When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person shall in every case also be deemed to be the act, omission, or failure of such person as well as that of such officer, agent, or other person acting for or employed by such person.

"(f) The penalties provided for a violation of section 4 of this Act shall not apply to—

"(1) any person who obtained a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom such person purchased and received in good faith any pesticide or device in the same unbroken package, to the effect that such pesticide or device was lawfully registered at the time of sale and delivery to him, and that it complies with the requirements of this Act. In such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of this Act;

"(2) any carrier while lawfully engaged in transporting a pesticide or device if such carrier upon request by any person duly designated by the Administrator or the Secretary of Health, Education, and Welfare permits such person to copy all records of such carrier relating to the movement of such pesticide or device;

"(3) to the manufacturer or shipper of a pesticide or device for experimental use only by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of pesticides or devices; or by others if a permit has been obtained before shipment in accordance with regulations promulgated pursuant to this Act.

"STOP SALE AND SEIZURE

"SEC. 13. (a) Whenever the registration of a pesticide or device is canceled or suspended pursuant to the provisions of section 5 of this Act and such pesticide or device is found by the Administrator upon the premises or in any means of conveyance where it is held for purposes of, or during or after, distribution or sale and there is reason to believe that such pesticide or device is in violation of any of the provisions of this Act, or that such pesticide or device has been or is intended to be, distributed, sold, or used in violation of any such provision, the Administrator shall issue a written or printed stop sale, use, or removal order to the owner or custodian thereof, and after receipt of such order the owner or custodian shall not sell, use, or remove the pesticide or device described in the order until the provisions of this Act have been complied with and such pesticide or device is released in writing by the Administrator or by order of a proper court.

"(b) Any pesticide or device that is being transported in any State or possession of the United States or, having been transported, remains unsold or in original unbroken packages, or any pesticide or device that is sold or offered for sale in any State or possession of the United States or any pesticide or device that is imported from a foreign country, shall be liable to be proceeded against in the district court of the United States for the district where it is found and seized for confiscation by a process of libel for condemnation—

"(1) in the case of a pesticide—

"(A) if it is adulterated or misbranded;

"(B) if it has not been registered pursuant to the provisions of section 5 of this Act;

"(C) if it fails to bear on its label the information required by this Act;

"(D) if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or;

"(E) if it otherwise fails to conform with the provisions of or the regulations promulgated pursuant to this Act;

"(2) in the case of a device, if it is misbranded or otherwise fails to conform to the provisions of or regulations promulgated pursuant tothis Act.

"(c) If any pesticide or device is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the legal costs, shall be paid into the Treasury of the United States, but the pesticide or device shall not be sold contrary to the provisions of this Act or of the laws of the jurisdiction in which it is sold. Notwithstanding the foregoing, upon payment of the costs of the libel proceedings and the execution and delivery of a good and sufficient bond conditioned upon the pesticide or device not being sold or otherwise disposed of contrary to the provisions of this Act or the laws of any State or possession of the United States in which sold, the court may direct that the pesticide or device be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(d) When a decree of condemnation is entered against any pesticide or device, court costs and fees, storage, and other proper expenses shall be awarded against the person, if any, intervening as claimant of the pesticide or device.

"INJUNCTIVE PROCEEDINGS

"SEC. 14. (a) The Administrator or the Secretary of Health, Education, and Welfare shall be empowered to commence civil actions to enjoin violations of this Act.

"(b) Subject to the provisions of section 351 of title 28, United States Code, relating to notice to the opposite party, the district courts of the United States and the United States courts of the possessions of the United States shall have jurisdiction, for cause shown, to restrain violations of this Act.

"(c) In the case of any violation of an injunction or restraining order issued under this section, which also constitutes a violation of this Act, trial shall be by the court, or upon demand of the accused, by a jury.

"PRIVATE REMEDIES

"SEC. 15. (a) Any person or group of persons who alleges injury or alleges that the environment has been substantially harmed as a result of a violation of this Act, or any person or group of persons who alleges that it will suffer irreparable injury or that the environment will suffer irreparable harm in any case of a threatened violation of this Act may file, in the district court of the United States, or in the United States courts for possessions of the United States, for the district or area, as the case may be, wherein the injured party resides or wherein the injury or harm will occur, a civil suit for damages or for injunctive relief, or both, as appropriate, against the person or persons responsible for such violation or threatened violation.

"(b)(1) The District courts of the United States shall have original jurisdiction, regardless of the amount in controversy or the citizenship of the parties, to enforce, or to require the enforcement of, provisions of this Act and the regulations issued thereunder. Civil actions for such enforcement, or to require such enforcement, may be brought by one or more persons, (A) against any person, including, but not limited to, a governmental instrumentality or agency, where there is alleged a violation by such person of any such provision or regulation, or (B) against the Administrator where there is alleged a failure of the Administrator to enforce the provisions of this Act and the regulations issued thereunder. In any such action the court may grant such relief, temporary or permanent, as may be necessary to carry into effect such provisions or regulations. Nothing in this section shall affect the rights of such persons as a class or as individuals under any other law to seek enforcement of such provisions or regulations or any other relief.

"(2) Prior to instituting any suit under this subsection, such person or persons shall, by certified or registered mail or personal service, notify the Administrator, or an authorized representative of the Administrator, of the alleged basis for the suit. No such suit shall be filed unless such person or persons shall have afforded the Administrator at least thirty days from the receipt of such notice to institute appropriate enforcement proceedings under this Act.

"(3) The court, in issuing any order brought pursuant to subsection (b) of this section may award costs of litigation, including reasonable attorney and expert witness fees whenever the court determines such action is in the public interest.

"IMPORTS

"Sec. 16. (a) The Secretary of the Treasury shall notify the Administrator and the Secretary of Health, Education, and Welfare of the arrival of all pesticides or devices offered for importation into the United tSates and shall, upon the request of either such official, deliver to the Administrator and the Secretary of Health, Education, and Welfare samples of any such pesticide or device.

"(b) If the Administrator or the Secretary of Health, Education, and Welfare finds from the examination of a sample that it is adulterated, or misbranded, or otherwise violates any provision of this Act, or is otherwise dangerous to the health, safety, or welfare of the people of the United States or to the environment of the United States, or is of a kind forbidden entry into or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, the pesticide or device may be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall under such regulations as he may prescribe cause the destruction of any goods refused delivery which have not been exported by the consignee within 90 days from the date of notice of such refusal. The Administrator shall give notice to the consignee or owner of any pesticide or device which is refused admission into the United States giving the reasons for such refusal; and the consignee or owner of such pesticide or device shall be given the right to present testimony before the Administrator regarding such refusal. Notwithstanding the foregoing provisions of this section, the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding such goods from the United States, or for any other purpose, said consignee shall forfeit the full amount of the bond. All charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future * * *.

"USE OF PESTICIDES OR DEVICES BY FEDERAL DEPARTMENTS AND AGENCIES

"Sec. 17. No departemnt or agency of the Federal Government shall use or recommend for use any pesticide or device in any State contrary to or in violation of the laws and regulations of such State regulating the use of pesticides and devices within such State.

"NATIONAL PESTICIDE RESEARCH AND CONTROL TRUST FUND

"Sec. 18. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the National Pesticide Research and Control Trust Fund. The trust fund shall consist of such amounts as are appropriated to it by pursuant to subsection (b) of this section.

"(b) There is hereby authorized to be appropriated to the trust fund from time to time amounts equivalent to 100 per centum of the assessments received in the Treasury under the provisions of this section. The amounts appropriated pursuant to this subsection shall be transferred at least monthly from the general fund of the Treasury to the trust fund on the basis of estimates by the Secretary of the Treasury of the amounts received in the Treasury under the provisions of this section of this Act. Proper adjustments at the end of each fiscal year shall be made in the amounts subsequently transferred to the extent prior estimates in each year were in excess of or less than the amounts required to be transferred.

"(c) It shall be the duty of the Secretary of the Treasury to hold the trust fund, and, after consultation with the Administrator, to report to the Congress not later than the 1st day of March of each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on the projected financial condition and operations during each fiscal year thereafter. Such report shall be printed as a House document of the session of the Congress during which the report is made. It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at par, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the trust fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issues, borne by all marketable interest-high bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-high bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest. Any obligation acquired by the trust fund (except special obligations issued exclusively to the trust fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest. The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

"(d) Amounts in the trust fund shall be available, as provided by appropriation Acts, only to enable the Administrator and the Secretary of Health, Education, and Welfare to carry out the provisions of this Act.

"(e) In order to provide funds for the trust fund, each manufacturer of pesticides or devices in the United States, and each importer of pesticides or devices into the United States, shall pay an assessment to the United States based on his wholesale selling price in the United States for each pesticide or each device sold by such manufacturer or importer according to a schedule established by the Administrator.

"(f) Assessments payable under subsection (e) shall, except as provided in subsection (g) be collected by the Administrator in accordance with such regulations as he may prescribe and shall be deposited in the Treasury of the United States.

"(g) The Administrator is authorized to enter into an agreement with the Secretary of the Treasury for the collection of the assessments payable under subsection (e). In the event such an agreement is entered into, the Secretary of the Treasury is authorized—

"(1) to collect the assessments payable under subsection (e) by manufacturers and importers of pesticides or devices in the United States in the same manner and with the same powers as if such assessments were excise taxes imposed by subsection D of the Internal Revenue Code of 1954, as amended, and

"(2) to collect the assessments payable under subsection (e) by importers of pesticides or devices in the same manner and with the same powers as if such assessments were customs duties imposed by the Tariff Schedules of the United States.

"AUTHORIZATION FOR APPROPRIATIONS

"Sec. 19. In addition to any funds appropriated pursuant to section 18(b) of this Act, there are hereby authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this Act.

"SEPARABILITY CLAUSE

"Sec. 20. If any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby."

EFFECTIVE DATE

This Act shall become effective one year after the date of enactment.

CONGRESSMAN ANNUNZIO URGES EXTENSION OF TERMS OF OFFICE FOR OFFICERS OF LOCAL LABOR UNIONS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, when the 92d Congress convened on January 22, I introduced a bill, H.R. 567, to amend the Labor-Management Reporting and Disclosure Act with respect to the terms of office for officers of local labor unions. I feel strongly that this proposal, which has been referred to the House Committee on Education and Labor, will correct an existing inequity, and I urge my colleagues to support it.

As you may recall, title IV of the Landrum-Griffin Act sets up standards and regulations for union election procedures. Under this title, national labor unions are required to elect officers at least once every 5 years and local unions must elect officers at least once every 3 years. The bill I have introduced is short and simple, with only one provision: To extend the maximum term permitted for local union officers from the present 3 to 5 years, the same length as the present allowable maximum term for national union officers. If H.R. 567 were enacted, section 401(b) of Landrum-Griffin would read:

> Every local labor organization shall elect its officers not less often than once every five years by secret ballot among the members in good standing. The present wording of sec. 401(b) is exactly the same as this, except it reads "every three years."

Let me stress that the Landrum-Griffin Act specifies only the allowable maximum terms of office. Unions can, and many do, prescribe in their constitutions and bylaws terms of office which are shorter than the present 5 years permitted in title IV for national union officers and 3 years for local union officers. Information from the most recent available U.S. Labor Department survey reveals that as of 1968 only 25 of the 178 national unions responding to the survey elected officers for 5-year terms. Of the rest, 56 unions elected officers for 4-year terms, 20 for 3-year terms, 59 for 2-year terms, 16 for only 1-year terms, and 2 called for terms which differed for the several officers. The 178 unions responding to this survey include nearly all national and international unions, by the way, since the Labor Department records only 189 all told. For the roughly 77,000 local unions in this country, statistics are not available as to how many elect officers for the present maximum allowable term of 3 years and how many elect for shorter terms.

The point is that my bill does not force local unions to switch to longer terms of office, but merely allows them a broader option—the same range as has always been available under the Landrum-Griffin Act for national unions.

The Landrum-Griffin Act was passed in 1959 after several years of investigations by the McClellan Committee into the internal affairs of unions. The McClellan Committee hearings unearthed several types of union abuse which startled and dismayed the American public. In some cases, local union leaders received kickbacks from employers in return for "sweetheart" contracts which provided wages and working conditions below the prevailing standards. In other instances, union dues were used by officials to buy houses, take lush trips to exotic places, or pad their expense accounts beyond any reasonable limit. On still other occasions, labor leaders won elections by throwing dissenting locals into trusteeship, manufacturing votes from "paper" locals, or intimidating members by threats, physical beatings, or denying job referrals under union hiring halls. In the Landrum-Griffin Act, the Congress not only outlawed transgressions of these types but also wisely attempted to strengthen democratic processes in unions and thus give power to the members to protect themselves against irresponsible leaders.

On the basis of over a decade of experience, it now appears that the Congress in its desire to do a thorough job of curbing abuses was unduly cautious in laying down a statutory maximum of only 3 years for terms of office of local union officials. The period was unnecessarily short. We know from reports of the U.S. Labor Department, the Federal agency empowered to enforce title IV of Landrum-Griffin, that the number of cases of alleged corruption in local union elections has been extremely small. Over the first 10 years of experience under the act, the Secretary of Labor has sought court authority to set aside for wrongdoing only 155 out of well over 150,000 local union elections, an extremely small ratio of one-tenth of 1 percent.

The record since 1959 also indicates that union leaders have been highly responsive to the wishes and needs of the union membership. Ironically, in the relatively rare cases where they have not been completely in tune, for the most part the union officers have shown a more responsible, balanced, and socially aware view than the rank and file. One can think of instances where the leadership has tried to persuade union members to abandon harmful practices, such as racial restrictions, make-work devices, and demands for wage increases that would threaten the jobs of union men and invite encroachments by unorganized competitors.

The record shows that no harm at all will come from permitting local unions the opportunity to inaugurate longer terms for its officers, the same 5-year maximum already allowed for national union officers. In fact, much good will derive from this change. For one thing it will relieve local unions of the burden engendered by the time lost, expense incurred, and instability created by too frequent elections. We in the Congress know, as much as anyone, that elections involve larger and larger sums of money as electioneering becomes increasingly more expensive.

Another advantage of my proposal is that extending the permissible term of local union office is in keeping with the trend of the 1960's toward longer term collective bargaining agreements. In 1960, the 2-year contract was the most common type of collective bargaining agreement; by 1969, nearly two-thirds—65 percent—of contracts were for 3 years. Contracts for only 1 year dwindled in number, according to these statistics—which are from the Bureau of National Affairs—from 13 percent of all contracts surveyed in 1960 to only 3 percent by 1969. And in 1969, fully 6 percent of all contracts were for 4 years or more, while another 4 percent were for indefinite terms. Not all these contracts are negotiated by national unions. Many are negotiated entirely by local unions, while national contracts frequently have supplements which are negotiated by local unions. Some local unions with contracts of long duration undoubtedly would find it convenient to have longer terms of office for its bargaining officials. Other locals would most likely shift to longer contracts if they were assured more continuity in their negotiating representatives. Longer term contracts make for greater stability in labor relations, an outcome we all desire. Longer terms for local union officers would do the same.

Joseph in ancient Egypt spoke to the Pharaoh of 7-year cycles. In modern-day America, it seems that our collective bargaining legislation is revisited in 12-year cycles. Our first great Federal statute in this field, the Wagner Act, was passed in 1935. It was substantially revised 12 years later, in 1947, by the Taft-Hartley Act. Taft-Hartley was significantly revised 12 years later, in 1959, by the Landrum-Griffin Act. This year, 1971, the year of Landrum-Griffin plus 12, is an auspicious year, though somewhat overdue, to enact my proposed revision of title IV.

STATEMENT OF LEV SHEINKAR, A RUSSIAN JEW

(Mr. DOW asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DOW. Mr. Speaker, I wanted to bring to the attention of my colleagues a statement written by Lev Sheinkar, one of the Russian Jews who maintained a vigil outside the Moscow building where the Russian Federation Supreme Court was deciding the case of a group commonly referred to as the "Leningrad 11" in December 1970. I know that many Members of Congress support the effort to create free emigration rights for those of the Jewish faith who desire to leave the U.S.S.R. and emigrate to Israel.

The condition of the Jewish people in Russia at the present time is a matter of grave concern, and because of the strong feeling for human rights expressed by Mr. Sheinkar I feel that his views should be shared with other Members of Congress.

STATEMENT OF LEV SHEINKAR

I am a Zionist. Of course, not as a matter of party membership, but as a matter of conviction (there are no other parties—either openly or secretly—except the Communist Party in the Soviet Union). Of course, Soviet propaganda is trying to convince the world that the Soviet Union is the promised paradise for the Jews, while Zionism and "its tool—Israel" is their worst enemy. I don't want to talk about whether Jews live well or not well in the Soviet Union. Even had the Jew been an equal citizen as far as national culture is concerned, I would have striven to go to Israel because I am convinced that it is only there that our people will keep its cultural values and its language and won't become dissolved in an alien mass.

The Soviet propaganda is lying when it claims that there is no single Jew wishing to be repatriated to Israel for national reasons. It is lying arrogantly and vilely. Arrogantly—because it is conscious of its power and its impunity, and vilely—because of its essence. Those who loudly demand to emigrate to Israel and who expose the cultural discrimination against Jews are put in prisons, while those who ask for permission to go to their relatives in Israel are refused the permission without any explanation for the reasons for the refusal.

I don't ask to go to relatives living abroad. I do not appeal to the mercy of the Soviet authorities and to their humanism in helping the reunification of separated families.

I am a Zionist, that is a Jew who is convinced that there is no life without Israel either for him or for his people. The State of Israel has granted me an entry visa. And I demand from the Soviet government that it should allow me to go to Israel for permanent residence. This is my right, a right declared by the International Convention on the Elimination of all Forms of Racial Discrimination which, incidentally, has been ratified by the Presidium of the Supreme Soviet of the USSR.

And I ask all honest people to help me. Both those who live in the Fatherland and those who are parted from it, as well as those who were born in alien lands. Because there is nothing more sacred than love for one's people, for one's Fatherland. I shall never reconcile myself to vegetating in an alien land.

LEV SOLOMOVICH SHEINKAR.

THE FIGHT AGAINST CANCER

(Mr. ROGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, cancer is perhaps the most dread disease confronting Americans today. It is now the second leading cause of death in the United States. A cure for cancer eludes us.

Recognizing these facts, the President in his state of the Union and budget messages, has called for a "total national commitment" to launch "an intensive campaign to find a cure for cancer." Mr. Speaker, I shall support this goal with all the powers at my disposal.

Recently, special support for this goal came from the Association of American Medical Colleges. The association represents more than 100 of our Nation's medical schools, their faculties and students, and more than 400 major teaching hospitals across the country. At a meeting in Chicago on February 13, the assembly of the association adopted a resolution wholeheartedly endorsing Federal support of a broad based and intensive attack on the cancer problem, and urged that this major expansion be undertaken as an integral part of the existing national framework for the advancement of biomedical knowledge.

The position of the association was echoed in a major address to the assembly by Dr. Edward E. David, Jr., science advisor to the President. Dr. David made known the strategy of the administration for retaining the drive on cancer in the National Institutes of Health.

Mr. Speaker, it is through the activities of the National Institutes of Health and their support of research across the whole spectrum of biomedical sciences that we have come to the point where special initiatives are called for in cancer. The advances in naturally related fields such as virology, immunology, and molecular biology will continue to provide the base on which to mount our attacks on this dread disease. I am fearful that isolating our efforts in an independent authority, as some have proposed, would diminish an easy exchange of knowledge and ideas among scientists. Yet it is just such interchanges that will provide the greatest opportunities to conquer cancer.

I have worked hard in the Congress to provide adequate support for biomedical research and for investigations in the cause, prevention, and cure of cancer. We need to provide even more funds for these purposes. The members of the National Panel of Consultants on the Conquest of Cancer have given us their views of the levels necessary. Let us work toward their goals and use the channels already available in the NIH to make effective use of the funds. Let us not waste precious dollars in establishing another agency with its attendant overhead costs.

Mr. Speaker, because both the resolution of the Association of American Medical Colleges and the speech by Dr. David represent major pronouncements in the cancer field, I insert the material in the CONGRESSIONAL RECORD at this point.

ASSOCIATION OF AMERICAN
MEDICAL COLLEGES,
Washington, D.C., February 16, 1971.

A RESOLUTION ADOPTED BY THE ASSEMBLY OF THE ASSOCIATION OF AMERICAN MEDICAL COLLEGES ON THE FIGHT AGAINST CANCER

Cancer is the second leading cause of death in the United States. The search for the causes and the cure of cancer, which spreads over all ages, is a scientific endeavor worthy of our greatest efforts.

New scientific leads, if fully and comprehensively exploited, may make it possible to achieve more adequate preventive and therapeutic capability for coping with this disease.

The present state of our understanding of cancer is a consequence of broad advances across the full scope of the biomedical sciences. In preparing for a greater effort, it is of the utmost importance to understand that despite the progress thus far made, the basic nature and origins of cancer are still not known. The kind of scientific formulation that permitted the development of nuclear energy and that underlies our space exploration does not exist for cancer. Further advance in fundamental biomedical sciences is essential to the solution of the unsolved problems that limit our ability to control cancer. Thus, the development of a special and extraordinary national program in cancer should be in the context of broad support of the related and underlying fields of scientific effort and in an organizational framework which assures sound direction and leadership in advancing this complex set of interrelationships.

The framework of the NIH, which had its origins with the Act of 1930, enlarged by the National Cancer Act of 1937, and the successive statutes creating the several categorical institutes in the post-war period, has made it possible to bring into being the most productive scientific community centered upon health and disease that the world has ever known. It is precisely because this organization has assured a close integration between fundamental scientific endeavor and organized attack upon specific disease problems that this extraordinary blossoming of medical science, and thus our medical capability, has taken place.

Therefore be it resolved that the Association of American Medical Colleges wholeheartedly endorses Federal support of a broad-based and intensive attack on the cancer problem called for by President Nixon in his State of the Union Message and of the magnitude envisaged in the report of the National Panel of Consultants on the Conquest of Cancer, and that this major expansion be undertaken as an integral part of the existing national framework for the advancement of biomedical knowledge for the nation's health as provided by the structure of the NIH and the National Cancer Institute.

ADDRESS BY DR. EDWARD E. DAVID, JR., SCIENCE ADVISER TO THE PRESIDENT, BEFORE THE ASSEMBLY OF THE ASSOCIATION OF AMERICAN MEDICAL COLLEGES, PALMER HOUSE, CHICAGO, FEBRUARY 13, 1971

I am here today to enlist your aid and advice in a totally revolutionary undertaking which President Nixon has proposed. He hopes that it will invigorate the best of biomedical science to provide a major improvement in the health of our society. In his State of the Union speech the President said:

"I will also ask for an appropriation of an extra $100 million to launch an intensive campaign to find a cure for cancer, and I will ask later for whatever additional funds can effectively be used. The time has come in America when the same kind of concentrated effort that split the atom and took man to the moon should be turned toward conquering this dread disease. Let us make a total national commitment to achieve this goal."

The President clearly recognizes the subtleties behind this statement. Cancer is not a simple disease; it is probably many. There is likely not to be a single cure for cancer, but a series of steps which can lead to effective treatment and, hopefully, prevention. The cancer crusade, as it has been called, will call on very different talents from scientists, researchers and managers than Apollo and the Manhattan Project did.

Recognizing all of this, the President has issued his call for action by setting a clear goal for the biomedical research community. It is the form and substance of the enterprise aimed at that goal that I came to talk to you about today. Basically, I see the enterprise as being a logical, and yet imaginative, extension of today's biomedical enterprise. If we are to be successful, we must utilize imaginatively the research institutions which are the result of our past efforts. This base is the resource which I believe promises success for the exciting venture the President has proposed.

The building of this base began more than two decades ago when the Federal Government issued another invitation to life and medical scientists to join in a new venture. It was to expand and strengthen our national biomedical research with the purpose of mitigating the major human illnesses confronting mankind. At first this venture met with some hostility, and there was some alarm within the scientific community. Some predicted that the heavy hand of government would stifle rather than stimulate biomedical research. Others felt that the NIH intramural program would siphon off the cream of American life scientists and decimate departments at the universities. Others predicted that the allocation of federal funds would degenerate into a spoils system, with friends supporting friends to the exclusion of bright and promising scientific young people. Finally, others predicted that Washington bureaucrats would be dictating the choice of research subjects to the working scientists.

How different the results have been! The life sciences have flourished and grown to the point where this country leads the world in biomedical research. Moreover, the overflow from this initiative has been responsible for the development of the life sciences in other countries. The Swedes acknowledge without hesitation their debt to this country for the burgeoning of the life sciences in Sweden. The complex in Bethesda has indeed evolved into an institution of high quality from which significant research results flow daily. The quality of the work in Bethesda is attested to by the award of two Nobel prizes to intra-mural NIH scientists. Yet, despite the pre-eminence of the intramural program, the academic institutions have not suffered. On the contrary, I would venture to say that a significant portion of the chairmen of departments of biochemistry, medicine, physiology, and pharmacology throughout the country have at one time or another trained or worked at the Bethesda campus. The award of grants has not become a spoils system. The peer review system for the allocation of research support is a major achievement in the life sciences and is a model for other disciplines. Finally, the federal bureaucracy has stimulated, fostered, and strengthened basic research throughout the country. These judgments are not mine alone. You share them with me, and special committees to review our biomedical research programs have concurred.

The venture, then, was successful—not only in producing more knowledge, but also in changing significantly the patterns of disease in this country. Vaccines for poliomyelitis, German measles, mumps, and other infections are available to us all. Victims of Parkinsonism have been raised from the status of cripples to productive members of society. Children who would have been dead from leukemia are alive today and are regarded as cured in a surprising number of instances. I need not catalog the results further. You know them far better than I. I believe that when we look back 25 years from today, we will perceive a similar record of proud achievement starting with the President's cancer initiative as a take-off point for the biomedical enterprise.

The President's goal provides us with a unique opportunity. It is an opportunity to show that we can concentrate our fire effectively when a possibility for progress emerges from research. In Vince Lombardi's terms, can we "run to daylight"? The President recognized both the possibility for progress and the challenge to the research community early. Over a year ago, in his 1971 budget document, he said:

"New research leads, giving hope of conquering some of the most dreadful and prevalent diseases of mankind, will be pursued with greater intensity in 1971. A major effort to investigate viruses as a cause of cancer is proposed, with the goal of eliminating viral cancer at the earliest possible date."

In the year since that statement, the President has been joined by the Congress, the medical community, and the public in recognizing the possibilities. But it was the support and enthusiasms of the biomedical scientists themselves that convinced the President of the validity of his judgment last year. Accordingly, in his budget for 1972, he has allocated not only the so-called "additional" $100 million, but also $232 million for the National Cancer Institute. The President said in addition that his total national commitment would involve all pertinent institutions and agencies. We should not overlook the significance of this important policy decision. Running to daylight requires that we utilize the magnificent resources of the biomedical research community to which I referred earlier. In structuring the effort we must take account of the differences between this effort and the Apollo and Manhattan projects. When we embarked on those, Lisa Meitner's demonstration of fission and the launching of Sputnik had already been achieved. In cancer, we do not know whether the critical experiment has yet been done. Despite this uncertainty, I find in my discussions with biomedical scientists a quiet sense of confidence and sober recognition of the opportunity which stimulated the President to propose his campaign against cancer. Molecular biologists, cell biologists, and biochemists of world renown tell me that of all the medical problems facing us, they would choose cancer as the one in which to attempt a concerted effort of research. We must, of course, create no undue optimism. No one guarantees rapid progress. The final results may be 10, 20 or 50 years in the future. But the judgment seems widespread that the time has come to try. I do find one area on which there is room for considerable discussion. What is the most rational and effective way to undertake this effort, considering that Apollo and the Manhattan efforts don't provide any infallible blueprint?

It is the President's belief that having honed and sharpened our biomedical research mechanism, the National Institutes of Health, we should now use it and call upon it as we embark on this new adventure. To isolate the cancer effort would prejudice the very outcome we seek. The problem of cancer straddles virtually all the life sciences—molecular biology, biochemistry, virology, pharmacology, toxicology, genetics—any one of these, or all of them, will contribute to the final solution. No one is wise enough to pick and choose just those components of the total biomedical spectrum that will be vital. Who knows what new discovery will become vital even next year? This aspect presents a stark contrast with Apollo and nuclear energy. Indeed, we do not believe in an AEC or NASA for cancer.

However, the President does believe the cancer effort is a partnership between the public and scientists, and although laymen cannot program the scientific efforts, they are entitled to know the strategy, to know the short-term objectives, and to receive progress reports. One individual must be responsible. He must plan the effort, direct it, and report to the American people. That individual must be within and a part of our total effort in the life sciences and therefore a part of the National Institutes of Health. He must not be confined to a single institute; he must have the administrative freedom to approach the problem with daring and imagination, and to catalyze the transfer of results from scientific discipline to scientific discipline. Thus, the Administration feels that the instrument for our campaign against cancer must be forged from and within the National Institutes of Health to assure the greatest chance of success.

The President is in the process of considering the best design for the administration of this effort and will report his decision to the American people in the near future. But it is my judgment that he will certainly not elect to fragment the life sciences at a time when we need their unified efforts.

The President is also aware that this new venture must not be undertaken at the expense of the broad base of scientific research. We must maintain the vigor, diversity, and sparkle of biomedical research. New ideas must be able to flourish; new investigators must be able to grow in intellectual stature; new fields must be opened regardless of whether they appear to have immediate relevance to the problem of cancer or to the other diseases which society feels must be overcome in the near future. What we seek, then, is a balance between well-designed effort against cancer, and the self-starting research which has been so productive in producing new possibilities for medical science. In achieving this balance we need the benefit of the thinking in institutions you represent and, more important, your institutions must be healthy.

The President recognizes the importance of the medical schools, not only in the delivery of health care, but also as intellectual beehives which will yield new insights and concepts. Therefore, in his budget request for 1972, he has asked for an increase of $95 million to expand the nation's pool of biomedical personnel and to invigorate the teaching institutions upon which we depend for the development of this pool. The precise mechanisms by which this additional $95 million will be used will be announced at a later date by the President, but his intention is to give the schools the flexibility and stability they must have to serve the nation.

There will be debates on specific programs. I recognize your concern about the issue of fellowships and training grants in the field of biomedical research. The President does not take a dogmatic stance in this regard. His budget for 1972 in essence requests that support for fellowships and training grants remain constant until the NIH can complete a study that is designed to give us insights as to how best to support students and trainees in the life sciences. We welcome your voice in the debate over this issue; we will not move precipitously or capriciously, but we need courageous assessments on your part. By courageous, I mean assessments which can lead to change where it suits national objectives. The Carnegie Commission report and your Howard Report both advocate imaginative and fundamental changes in medical education. Yet these will be traumatic and will require strength of purpose. I urge you to give us your views and to take action to provide the nation with the medical manpower we need to achieve a higher level of national health.

In closing, let me assure you that the President is dedicated to improving the nation's health and particularly to the conquest of cancer. Success hinges on using our national biomedical research resources imaginatively and creatively. The finest of these resources are people. It is they and you who must rise to the occasion. Both the President and I have confidence that you will.

LEONARD L. PHARR, JR.—VOICE OF DEMOCRACY CONTEST WINNER

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy Contest. This year over 400,000 school students participated in the contest.

It gives me great pleasure to call attention to the inspiring winning speech from my fine State of Mississippi, delivered by Mr. Leonard L. Pharr, Jr., 16 years of age, a resident of Clarksdale, Miss., in my district. I would like to present this speech to the membership:

Freedom—Our Heritage

Freedom is our American way of life. This was spelled out by our forefathers as faith in God and freedom and justice for all. Since millions of people have sought the free life that we Americans live, the United States stands as the patriarch of all freedom-loving people, everywhere.

Our rich heritage was carved out of rock for us by pilgrims, revolutionaries and trailblazers. To me, freedom is the one thing that makes this country as great as it is. But sometimes we take this freedom for granted; and sad but true—people don't appreciate *anything* until they have lost it.

I, too, take this freedom for granted. I wake up in the morning and read the newspaper, or listen to the news on the radio, not realizing how great freedom of the press really is. I am able to voice my opinion in school, or outside of school, without fear. I also have the privilege of going to the church of my choice, but never during these activities do I think about the freedom that I have inherited. Not many people do.

Think of the young people in communist countries who do not have the privileges, or this freedom, of which I speak. Even though they are able to read newspapers and listen to radios, theirs is not the kind of freedom to which we are accustomed. What they read or hear is censored by the government of their country. They are taught *only* what the government wants them to learn.

Take for example the citizens of East Berlin. Freedom to them is the other side of a barbed wire topped concrete wall, guarded by vicious dogs and heavily armed sentries with orders to shoot to kill. Still, as impassable as the wall sounds, East Berliners are willing to risk death for freedom.

People in communist countries do not have the freedom to pick the occupation that they would like as we do, but instead they work at the job the government chooses for them.

I think it is wrong to neglect this freedom that is bestowed upon us. Our forefathers died trying to gain this freedom that we now possess. They believed in speaking out for that in which they believed, but not to the point that they encroached upon the rights of their fellow man. When persons stage a peaceful protest or demonstration, they are using the freedom that they have inherited; but when demonstrations get out of hand and property is damaged or innocent lives are taken, not only is this freedom being greatly misused, but it denies freedom to the innocent victims who have done no wrong.

We as the citizens of the United States are lucky enough to have as our heritage . . . freedom! We should never at any time take it for granted, or neglect it. Doing this would be a shameful waste—a waste of the time spent by our ancestors dedicating and sacrificing their lives in order to gain this freedom. We need to nourish, protect, and preserve our freedom so that we may pass on this precious gift to our children and their children, just as our forefathers have done for us.

THE 53D ANNIVERSARY OF THE DECLARATION OF LITHUANIAN INDEPENDENCE

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, this week marks the 53d anniversary of the declaration of Lithuanian independence.

All of us in the U.S. Congress should make note of this event. We should recognize the desire of Lithuanians to be free of the oppression of the Soviet Union and to again be able to consider their homeland free and independent.

I extend to the Lithuanian-American community across the country the reassurance that we are aware of their desires and share their hope that freedom will some day again come to Lithuania.

The U.S. Government should make it clear that it does not recognize the incorporation of Lithuania into the Soviet Union. It should not recognize Soviet annexation of the Baltic States. I hope that this policy will be made very clear in the very near future.

In the meantime, I assure all Lithuanian Americans that we hold dear their desire for freedom and independence.

DISPUTE WITH ECUADOR SHOULD BE SETTLED BY GOVERNMENT, NOT PRIVATE SECTOR

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, labor-union officials are threatening to call a nationwide boycott of Ecuadorean imports as a means of pressuring Ecuador into a backdown in the fishing rights conflict.

Authorization for a boycott or to refuse to unload ships from any country seizing U.S. fishing vessels in international waters was agreed upon by the longshoremen at a convention year before last, but such drastic action has not yet been instituted. However, the new threat by labor, following the illegal seizure of 18 American fishing boats by Ecuador, is not idle. This is very real.

It is my position that such action should not have to be taken by the private sector of our society. On the contrary, the responsibility falls on our Government to protect American citizens throughout the world; a job that has been handled very poorly with regard to Americans fishing in the international waters off Ecuador and Peru.

State Department sources have been quoted as saying that the departure of tuna from the disputed area may serve to cool tensions. Mr. Speaker, I submit that this is pretty poor diplomacy and extremely bad logic. Under the Constitution, American citizens at sea or on the land are entitled to protection, and the U.S. flag definitely deserves more respect than it has been afforded by the Ecuadoreans who in 18 instances this year alone, have kidnaped vessels flying the Stars and Stripes on the high seas, sometimes firing fusillades of shots during these acts of piracy.

Mr. Speaker, I shall continue legislative steps to bring an end to these illegal seizures because of my belief that the responsibility belongs to the U.S. Government. Meanwhile, an end to this force of arms by Ecuador should be found by Government action instead of private citizens having to resort to violence or trade boycotts. This is why I believe my bill, H.R. 987, to prohibit the importation into the United States of any fish product from a country that illegally seizes U.S. fishing vessels is more the answer to the problem than a dockside boycott.

CHAPEL OF THE ASTRONAUTS

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, I am today introducing for myself and seven distinguished colleagues from Florida a resolution to authorize the Administrator of the National Aeronautics and Space Administration to convey several acres of unimproved land at the John F. Kennedy Space Center to a nonprofit organization for the purpose of erecting a Chapel of the Astronauts.

It appears to me to be fitting and proper that there be erected at the Kennedy Space Center a nondenominational, nonsectarian, nonprofit, public facility open to all Americans where a man can express his gratitude to Almighty God for the knowledge he has released to us that has enabled mortal man to penetrate deeper into the secrets of this infinite universe.

Over 2 years ago, a group of dedicated businessmen became aware and concerned with the fact that there exists no place of worship on, or near, the vast expanse of the moonport—NASA's Kennedy Space Center. Their determination to create a chapel for worship was further spurred on by the historic reading of Genesis by the Apollo 3 astronauts.

After considerable discussion, a nonprofit organization, the Chapel of the Astronauts, Inc., was established in early 1969.

The proposed Chapel of the Astronauts will be a $1 million facility paid for entirely by public subscription. It will be dedicated to no man, but to the worship of Almighty God. The pattern of worship within the building will be liturgical and ecumenical.

The National Aeronautics and Space Administration has already given its informal approval to this project. I would hope that the Congress would also early consider and favorably act on this resolution.

CHANGING THE FISCAL YEAR

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, today I am reintroducing legislation which would change the fiscal year to an October 1—September 30 basis.

The 91st Congress was a prime example of why the fiscal year should be changed. We all well remember the reasons why the last session breached across into the new year. Several appropriations bills were considered in the closing days of the session—the Department of Transportation, for example, is still operating on a continuing resolution. Surely, we need to change this system.

Several different approaches have been suggested for changing the fiscal year. One alternative would be to substitute the calendar year for the current logic. While I am not opposed to this approach, I do think a calendar year fiscal year would be a painful admission that the Congress is a year-round thing and I long for the good days when we got our work done and left the public alone for a while.

My reasoning for changing the fiscal year is simple. As a practical matter, Congress does not have time to finish both the authorizations and the appropriations by June 30. We have little chance to keep the budget in focus as we take scattered looks at the various appropriations bills throughout the entire year. I envision a special time set aside to consider little but appropriations bills. We could begin after the August recess—should there be one—and work straight through to the end of September strictly on money matters with the possible exception of legislation of national emergency matters. Today, I ask to introduce my legislation and that hearings be held as soon as possible.

DRUG ABUSE

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, drug abuse has become a national epidemic threatening the stability of the entire Nation. It is a national and international problem.

Vicious underworld syndicates are reaping untold millions as they sell their products at fantastic profits.

Some of our people, who may have first naively experimented with drugs at the invitation of a pusher, now are hardened criminals who can support their expensive habits only through a life of constant crime.

As a partial answer to this problem, I have joined my colleague from New Jersey (Mr. Rodino) in sponsoring a comprehensive approach to the problem of narcotics. This legislative package is aimed at controlling the organized rings of pushers, putting the addicts under mandatory medical supervision and control, and urging the administration to cut off U.S. foreign assistance to countries which do not make a good faith effort to curb the exportation into the United States of illegal drugs.

Mr. Speaker, this has been thought of as a problem affecting only our great urban centers, but this is truly a national problem which now has appeared in every section of the Nation. Virtually every community and every high school—even elementary school—are the targets of these pushers.

We are deeply concerned about this, and must promote a comprehensive educational campaign so that our people may see for themselves that drug experimentation is a one-way street.

STATEMENT ON AUTHORIZING APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF DEPARTMENT OF COMMERCE

(Mr. GARMATZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GARMATZ. Mr. Speaker, I am today, along with the gentleman from Washington (Mr. Pelly), introducing a bill which would authorize sums to be appropriated for certain maritime activities of the Department of Commerce for fiscal year 1972. The following is an explanation of the provisions and purposes of that bill.

Section 209 of the Merchant Marine Act, 1936, provides that after December 31, 1967, there are authorized to be appropriated for certain maritime activities of the Department of Commerce only such sums as the Congress may specifically authorize by law.

The draft bill authorizes specific amounts for those activities listed in section 209 for which the Department of Commerce proposes to seek appropriations for the fiscal year 1972, and reflects the fiscal implications of the second year of operation of a new maritime program being implemented during fiscal 1971.

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $229,687,000.

Funds authorized to be appropriated under this heading would provide for the payment of construction-differential subsidy and national defense allowances on vessels constructed under applicable provisions of title V of the Merchant Marine Act of 1936, as amended. Fiscal year 1972 represents the second and final year of the initial buildup phase in preparation for the full-scale effort to reach a construction level of 30 ships per year in fiscal year 1973. We are going to contract in fiscal 1972 for the construction of 27 ships. Of these 27, we will obligate the full amount for construction of 14 ships. The other 13 will be funded in 1973. This authorization will also provide funding for eight ships which will be contracted for in 1971.

(b) payment of obligations incurred for operating-differential subsidy, $239,145,000.

The authorization under this heading will provide for payment of operating subsidy to ship operators in order to maintain a U.S. merchant fleet in support of our foreign commerce and capable of serving as a naval auxiliary in the event of a national emergency. Payments made from this appropriation are intended to overcome the competitive disadvantage of U.S. ship operators by generally providing subsidy based on the difference between the subsidizable wage costs of U.S. officers and crews and other items of expense authorized under title VI of the Merchant Marine Act of 1936, and the cost of the same items if the operator's vessels were operated under foreign registry. The 1972 authorization request has provisions for normal cost escalation in the area of subsidizable operating costs, vessels granted partial year operating subsidy, and the planned elimination from subsidy of four unprofitable passenger vessels expected to be withdrawn from service prior to the end of fiscal year 1971.

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $25,000,000.

The research and development projects of the Maritime Administration are designed to improve the competitive position of the U.S. merchant marine while reducing the Government's share of costs of its construction, operation, and maintenance. The 1972 authorization will provide a level of fundiing for the continuation of the 1971 program which is designed to serve the needs of the entire maritime complex including Government, shipbuilders, labor, and shipowners. The program will operate in the following major areas:

Maritime science and technology: Research conducted herein is planned to raise the level of marine scientific knowledge in order to advance the technological base upon which ships are designed, built, and operated. Primary research will be in hydrodynamics, propulsion, ship structures, navigation-communications electronics, and facilities and systems to disseminate technical information.

Shipping systems analysis and requirements: This effort is concerned with forecasting trade and technology and with the economic analyses of total transportation systems. Included are studies of transportation demands as a means for projecting ship numbers and characteristics, advanced vehicles, intermodal aspects, and special economic studies.

Advanced ship engineering and development: Concerned with advanced ship design and construction methods. Nuclear and nonnuclear advanced ship design programs, subsystem development, management systems, and shipyard methods are included in this activity, as well as development of computer-aided design programs and development of hull types.

Improvement in ship operations and shipping systems: Includes applied research for all aspects of the maritime field concerned with ship and port operations. Consideration will be given to related operational equipment and procedures for navigation, cargo handling, automated control systems, containerization, manning, training, maintenance, and other aspects of the field.

NS *Savannah.*—Provides for the phased lay-up of the NS *Savannah.*

(d) reserve fleet expenses, $4,318,000.

The authorization under this heading will provide for the costs for preservation work and security measures performed on ships retained in our reserve fleet sites for national defense purposes; and for custody of ships awaiting sale.

(e) maritime training at the Merchant Marine Academy at Kings Point, New York $7,300,000.

Public Law 415, 84th Congress—46 United States Code 1126—established the U.S. Merchant Marine Academy to train cadets for service as officers in the U.S. merchant marine. The 4-year course provided is designed to qualify graduates for licenses as merchant marine deck or engineering officers. About 200 cadets are graduated annually.

The requested authorization of $7,300,000 contains requested funding for the payment of an average of $475 per cadet annually for the cost of uniforms and textbooks, and normal operating costs of the Academy. Provision is also made for certain necessary improvements in the facilities and curriculum at the Merchant Marine Academy during 1972.

(f) financial assistance to State Marine Schools, $2,200,000.

Under the provisions of the Maritime Academy Act of 1958—72 Statute 622-624—this program provides for training of cadets at State maritime schools for service as officers in the U.S. merchant marine. The program is aimed at a level of graduating approximately 400 deck and engineering officers each year. The six participating State schools, Maine, Massachusetts, Michigan, New York, Texas, and California, prepare officers to man our merchant ships in times of peace and national emergency.

The funding level of $2,200,000 will provide for grants in the amount of $75,000 to each of the participating State schools, allowances not to exceed $600 to cadets for uniforms, textbooks, and subsistence, and with the exception of Michigan which has its own training ship, funds for the maintenance and repair of the training ships loaned to the schools.

LEGISLATION TO REQUIRE BUFFALO TO BE INCLUDED IN DIRECT PASSENGER SERVICE NEW YORK TO CHICAGO AND WEST

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, I have today introduced legislation requiring the Department of Transportation to include Buffalo in any final plan concerning direct passenger service from New York City to Chicago and west.

In reviewing the proposal for a National Railroad Passenger Corporation developed by the Department of Transportation, I was encouraged to see that a positive step has finally been taken toward providing clean and efficient passenger rail service. However, I was distressed to find that while the Corporation will be required to provide daily service between New York City and Buffalo, it would not be required to continue service west of Buffalo. I recognize that these are only minimum service requirements, but I believe that it is vitally important that any final plan that is adopted insures that Buffalo will have direct passenger service to Chicago and west, and thus I feel legislation may be necessary to bring this about.

The DOT has claimed that under the present rail system, the route from New York City via Buffalo to Chicago has declined in popularity. With this, one cannot argue the statistics. However, in my study of the situation, I have found that this unpopularity is not without specific cause and not without a practical solution. I intend to develop this and other points at length in a future speech.

Mr. Speaker, failure to specifically include service west of Buffalo could result in the cutting off of the entire population of upstate New York from an outlet to the Western United States via Chicago. Also, if Buffalo were omitted, persons could not travel between New York City and any of the large metropolitan areas located along the Empire Service Corridor, or areas such as Cleveland, Toledo, Detroit, and South Bend.

A copy of the bill follows:

H.R. 4570

A bill to amend the Rail Passenger Service Act of 1970 to require the Secretary of Transportation to include a route from New York City to Chicago, Illinois, via Buffalo, New York

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Rail Passenger Service Act of 1970 is amended by inserting "(1)" immediately before "The Commission" and by adding at the end thereof the following new paragraph:

"(2) The final report submitted to the Congress by the Secretary under paragraph (1) of tis section shall include as a part of the basic system a route from New York, New York, to Chicago, Illinois, via Buffalo, New York."

NIXON'S STATE OF THE UNION MESSAGE INCLUDED "BOLD SUMMONS"

(Mr. KEMP asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KEMP. Mr. Speaker, President Nixon's state of the Union message did indeed include a "bold summons." According to the Buffalo Evening News:

> Perhaps the most dominant and reassuring theme of the address was the plea to Congress to join in finding ways to return more power and responsibility and services to state and local governments and the people generally.

I must say that it is reassuring to see any President, or any world leader, propose methods to return power to the people. However, I am very concerned about the President's plea when I consider the present state of the Union as compared to the state of the Union July 13, 1935, the day I was born.

Mr. Speaker, in order to get an accurate reading of the current state of our Union, we must have a yardstick against which we can measure progress or deterioration. Instead of 36 inches, I submit we might appropriately consider the last 36 years.

Economically, the country was not in very good shape in 1935 with unemployment at 20 percent as compared to 6 percent now. But the significant point is, the present administration is getting us out of and not into a war while reducing unemployment.

Mr. Speaker, in the last 36 years, a lot has happened to the executive branch, particularly as it encroached upon the rights and duties of the Congress, not to mention the adverse effect on local initiative.

Since July 13, 1935, to the end of the 91st Congress, the Senate has been in session 5,445 days and the House 5,350 days. Out of a total of 10,795 days both Houses were in session, the Democrats controlled the Senate and the House for 9,750 days or over 90 percent of the time.

As a matter of fact, the Democrats controlled both Houses simultaneously for 8,803 days or about 82 percent.

Equally important are the days the executive branch was controlled by the Democrats—8,304 or about 77 percent of the time since my birth. But we should especially note that of the above 77 percent, there were 5,286 days when the Democrats controlled not only the executive branch but also both Houses of Congress. Thus for 64 percent of the above period, the Democrats had complete domination—a period which some political scientists have referred to as an "executive dictatorship" and maintain this period resulted in programs causing irreparable harm to our system of government.

Therefore, Mr. Speaker, it is not surprising that we hear many political scientists are referring to the President's proposals as revolutionary. Now, after we have seen the bureaucracy expand over the past 36 years, the real question is: Will my colleagues on the other side of the aisle rise to meet the seriousness and scope of the state of the Union message?

At this point, I insert the editorial from the Buffalo Evening News to which I referred:

Nixon's Bold Summons

> President Nixon's confident and straightforward state of the union message last night was most impressive. Progressive in substance and an altogether bold challenge to Congress to enact broad reforms, it struck us as Mr. Nixon's most comprehensive discussion of domestic affairs since he took office two years ago.
>
> Whether the address will prompt historic changes in all of the six great policy areas which he touched upon, only Congress—and a Congress already proved dubious about his welfare and revenue-sharing plans—can tell.
>
> But for this Republican president himself, the address does seem to mark a significant change in emphasis from the first half of his term in office.
>
> While he has devoted much of his energy in his first two years to foreign policy, this message wholly focused on domestic policy. In place of last year's appeal for a balanced budget, Mr. Nixon now urges an expansionary budget to stimulate economic growth and higher employment. Gone were the earlier references to crime-fighting, to digesting domestic programs already on the plate. Gone, too, was the narrow partisanship of last fall's divisive campaign.
>
> Perhaps the most dominant and reassuring theme of the address was the plea to Congress to join in finding ways to return more power and responsibility and services to state and local governments and the people generally. He spoke of putting "the money where the problems are," of insisting on Lincoln's government of, by and for the people rather than a nation "of the government, by the government and for the government" in Washington
>
> Many of the details of his proposals remain to be spelled out later, and thus detailed judgments, too, must be deferred on these programs. But we go at least as far as the President himself seems to go on five of his six goals—the welfare, health and revenue-sharing reforms, the programs to enhance the environment, the goal of "full prosperity in peacetime." And we remain open-minded on his proposals to restructure his cabinet, but here the burden of proof rests clearly with him.
>
> As he said, "change is hard," and his revenue-sharing plan will be difficult to push through Congress. And while it may be revolutionary in those terms, its $6 billion in new money doesn't match the scale Gov. Rockefeller, for example, had hoped for. In trying to reshape the executive branch around function instead of constituency, Mr. Nixon is certain to provoke outcries from hundreds of constituencies, both in the bureaucracy and outside it. His emphasis on expanding the number of doctors and other medical personnel is absolutely necessary if the planned expansion of public access to health services isn't to simply reinforce the existing spiral in health costs.
>
> Finally, the President challenges himself as well as Congress with his activist reform program. To see it enacted, he will have to skillfully and consistently lobby it on Capitol Hill, something he hasn't always done in the past. But we hope this follow-up effort will match the seriousness and scope of the state of the union message itself.

DEMANDS OF THE TIMES

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, on January 1 of this year the Chicago Tribune carried an editorial entitled "Demands of the Times" which I would like to insert in the Record even at this late date.

In contrast to a rather large percentage of news reporting this editorial has an optimistic and uplifting quality to it which I feel should be exposed to the country outside of the area in the Middle West served by the Tribune.

The words of Rev. Harold Blake Walker should inspire those of us in the Congress to redouble our efforts in seeking solutions for the many problems which plague the country but which are capable of being solved if we but put our minds to the task and get on with the job.

And, finally, the appraisal of President Nixon by a prominent Democrat, Daniel Moynihan, which is quoted in the editorial should be considered a fresh reminder to the Congress that if our country is to remain as "the hope of the world," we must support the President to the greatest extent possible as he grapples with these very difficult problems at home and abroad.

I insert the editorial at this point in the Record.

Demands of the Times

The Reverend Harold Blake Walker, who writes "Living Faith" for the Tribune, had a singularly apposite column as the new year approached. He quoted Shakespeare's text: "There is a tide in the affairs of men which, taken at the flood, leads on to fortune."

The Rev. Mr. Walker recounted the problems confronting us: "Seldom in history have so many problems thrust themselves upon a generation. War and injustice, decaying cities, and polluted water and atmosphere cry out for the intelligent courage of the present. Threatened overpopulation, with attendant hunger and misery, summons us to rethink our traditional attitudes."

Yet Mr. Walker found abundant reason why we should not be overwhelmed by the perplexities we face. "The simple truth," he said, "is that we know how to do what must be done. We have the technology, the wealth, the know-how to transform our cities, to deal with overpopulation, to produce from land and sea to feed the hungry, to clean up the air, the rivers, and the lakes. We lack only the will to seize the tide that is upon us . . . God, give us men a time like this demands."

While the challenge is great, the power to deal with it was never greater. We have leaders in national and state government who will make sincere and energetic efforts to cope with the promise and peril which are now with us. We have experts in the scientific and academic communities. We have concerned members in the community who fight for an improved environment, for amity among races, and for other good causes.

We ourselves have discerned advances. Informed economists look for better times, a reduction in unemployment, and a resurgent economy. They say that the end of the General Motors strike has already had a pronounced effect in reducing the roll of the jobless and in bringing the economy back on the upswing.

During the year we saw a reduction in campus disorders, progress in winding down the war in Vietnam, and an improvement in relations among races and national-origin groups.

Gov. Ogilvie is hopeful, despite the many vexing problems besieging the state, that Illinois will have a good year. Unemployment here has been at 4 percent, when the national average stood at 5.7 percent. The Governor feels that there will be a growth in the economy of the state during the year of some 6 percent and perhaps as much as 8.

In the national government, President Nixon's administration has come to the midterm point, in assessing the situation when he came to office and as it stands now, Daniel Patrick Moynihan, a Presidential Counsellor, now returning to his post on the Harvard faculty, presented these facts to Cabinet members and other high officials:

"It may be of some use to reconstruct the circumstances in which the President was elected, and formed his administration, just two years ago. It seemed the worst of times. It was the habit then to speak of the nation as divided and to assert that the situation was grave beyond anything since the Civil War itself.

"The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means, and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

"The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. . . . The economic vitality of the nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

"In such circumstances, confidence in American government eroded. Government was not to be believed, nor was much expected of it. Save fear."

Against this background, Mr. Moynihan said that the two years just passed would be judged not unkindly. The nation has asserted the limits of its power and purpose in foreign policy. The possibility of containing the endless ethnic, racial and religious conflicts that may now become the major threat to world order has become more believable as here and there things have got better, not worse. The prospect of a generation of peace has convincingly emerged. Mr. Moynihan went on to recount progress on one front after another, then said:

"Yet how little the administration seems to be credited with what it has achieved. . . . Depressing, even frightening things are being said about the administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and intellectual daring, only to be greeted with silence and incomprehension.

"To have seen him late into the night and thru the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it—above all, caring working for his country he has made greater already and which he will make greater still. . . . Pray for his success."

This is the appraisal by a Democrat of a Republican President. Certainly the character, hard work, and dedication he has shown deserve, at the least, our trust. America is still the hope of the world. Let us labor as hard as the lonely man in the White House to make that hope come true, now, as we start a new year and each day thereafter.

LEGISLATIVE PROGRAM

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, I take this time to inquire of the distinguished majority leader as to the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the distinguished gentleman from Illinois, I should like to announce that except for the reading by our distinguished colleague from Virginia (Mr. Robinson) of Washington's Farewell Address on Monday, we have no program. It is my intention that we go over until Monday.

ADJOURNMENT OVER TO MONDAY, FEBRUARY 22, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ACCELERATED PUBLIC WORKS

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, the chairman of the House Public Works Committee, the gentleman from Minnesota (Mr. Blatnik), is today announcing public hearings to start on March 15 on accelerated public works legislation. This is indeed welcome news.

I am proud of the role I played in the enactment of the original Accelerated Public Works Act in 1962. That legislation was highly successful. It played a major role in pulling this Nation out of the recession which we Democrats had inherited from the previous administration upon assuming office in January 1961. Of equal importance, it resulted in the construction of countless water and sewer works, hospitals, health centers, and other vitally needed public buildings in every part of the country. I am equally proud that I am a cosponsor of the pending legislation together with the chairman of the Public Works Committee, and my good friend, the gentleman from California (Mr. McFall). John McFall is to be congratulated on the leadership and initiative that he has taken in sponsoring and gathering support for this meritorious proposal.

In 1970, my good friend the minority leader, the gentleman from Michigan (Mr. Gerald R. Ford), was a cosponsor of the accelerated public works bill. Despite the increased seriousness of our economic situation this year, he did not choose to join in cosponsoring the bill. Nevertheless, it is my sincere hope, and I might say expectation, that he will help us in passing it.

It is certainly must legislation. It is of the highest national priority. A review of the state of the economy emphasizes the need for immediate action by the Federal Government in this area.

In real terms, excluding the effects of inflation, the gross national product declined in 1970 for the first time in 12 years.

The gap between what we are actually producing and what we are capable of producing has expanded during the

Nixon administration from zero to $67.5 billion in the fourth quarter of 1970. By the end of 1970, industrial production had declined 6 percent from its peak in July 1969. The drop in durable goods manufacturing has been 12 percent. It should be pointed out, moreover, that industrial production gained only moderately in January as a result of continued sluggishness of the economy apart from the auto and related industries, which were rebounding from last year's General Motors strike.

The capacity utilization rate in manufacturing declined from 84.5 percent in the first quarter of 1969 to 72.3 percent in the fourth quarter of 1970. This means that 27 percent of our productive capacity is lying idle.

During the 2 years of the Nixon administration we have fallen short of our housing goals by 2.2 million units. The goals legislated in the Housing and Urban Development Act of 1968 called for 5.2 million housing units in 1969 and 1970. Only 3 million units were built.

Corporate profits after taxes have declined 8 percent since the first quarter of 1969.

Real average weekly earnings in the manufacturing sector have declined 4 percent since January 1969—from $101.57 to $97.42.

Unemployment increased from 2,645,000 in January 1969 to 5,033,000 in January 1971.

This unhappy record, it should be recalled, has been compiled in the face of an 11-percent rise in consumer prices.

It is mandatory therefore that the 92d Congress devote its initial efforts to getting this Nation's economy moving again.

My congratulations, therefore, to the chairman of the Public Works Committee for his prompt action on accelerated public works legislation. I pledge him the all-out support of the House Democratic leadership on this matter.

NEW FEDERAL CONTROLS FOR DRUG ABUSE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues an article on drug abuse written by one of my constituents, Maj. Charles J. Baldree, JAGC. Major Baldree is the son of Dr. Charles E. Baldree, Jr., of Belleville, Ill.

Major Baldree is currently assigned as Deputy Chief, Law Division, DRI, U.S. Army Military Police School. He has attended the military training course presented by the BNDD to criminal investigators, in Europe. Prior to his present assignment in July 1970, he served as a military judge in Germany.

The elimination of drug abuse has become one of the most important goals of the Federal Government. I wish to commend Major Baldree on his interest and insight into the problem.

The article follows:

NEW FEDERAL CONTROLS FOR DRUG ABUSE

(By Maj. Charles J. Baldree, Judge Advocate General Corps)

The federal government, in the fall of 1970, took two important steps to provide both realistic and effective measures to control the menacing and ever increasing problem of drug abuse within our nation and among US Army personnel world-wide. On 27 October 1970, President Nixon signed into law the Comprehensive Drug Abuse Prevention and Control Act. This Act, which may have its substantive provisions made applicable to military prosecutions through Article 134 of the Uniform Code of Military Justice, constitutes the first enactment of legislation of such magnitude dealing with drug abuse.

In signing the law, President Nixon said:

In order for the laws to mean anything, they must have public support. I hope the whole nation will move with us to save the lives of thousands of our young people who would otherwise be hooked on drugs and physically, mentally, and morally destroyed.

The second measure is a Department of the Army regulation which provides for an aggressive preventive program to eliminate and prevent drug abuse within the Army, and permits the granting of amnesty to drug abusers who voluntarily seek assistance in terminating their wrongful use of drugs.

Because of the sweeping changes and innovations brought about by these two measures, it is particularly important for military law enforcement personnel to be familiar with the saliant features of this new and forward looking program for the control of drug abuse within the Army. The departmental regulation (AR 600–32) was effective on 1 December 1970; the criminal penalties and certain other provisions of the Act will become effective on 1 May 1971.

This article will review the criminal, administrative, and financial sanctions available to the military to control drug abuse, with particular attention on an examination of the Comprehensive Drug Abuse Prevention and Control Act of 1970, Army Regulation 600–32, and the marihuana laws of various states and foreign countries, because they may well constitute the means available to a commander for accomplishing the Army's policy of reducing drug abuse.

CONGRESSIONAL LEGISLATION

Although the first enactment by the Congress took place shortly before the turn of the twentieth century, the United States first became involved in drug control measures in the early nineteenth century through treaty agreements with several nations (the first was with Siam in 1841) in an international effort to control the traffic in opium. Action by the international community to control drugs continues today under the leadership of the World Health Organization of the United Nations.

Prior to the 1970 Act, the pattern of federal drug laws consisted of three categories, all primarily based upon the Constitutional grant of legislative competence to control interstate and foreign commerce. The first group included "narcotic drugs" (opium, heroin, and cocaine), and the first major federal drug abuse control law, the Pure Food and Drug Act of 1906, was designed to regulate the use of patent medicines containing synthetic narcotic drugs (the opiates). The Harrison Narcotic Drug Act of 1914 regulates the manufacture and distribution of morphine, cocaine and other narcotics within the United States. The Narcotic Drugs Import and Export Act of 1922 provides penalties for illegal import and export of narcotics. In 1946, the Harrison Act was amended to include synthetic substances having addiction-forming or addiction-sustaining qualities similar to morphine or cocaine. Four years later the Narcotics Manufacturing Act was passed to provide for licensing and the establishment of manufacturing quotas for all manufacturers of narcotic drugs.

The second major category of drug laws involves marihuana, an hallucinogenic drug. This substance was the subject of Congressional action in 1937 with the passing of the Marihuana Tax Act for the primary purpose of precluding the importation of marihuana from Mexico. Substantial medical research is needed to determine the long range effects of this drug. At the time of passage of this law it was wrongfully regarded as producing effects similar to those produced by narcotics; thus, the same penalties were provided for marihuana violations as for narcotics violations, both by the Congress and by several states. The medical community has since established that narcotic drugs produce physical dependence/addition, whereas marihuana, as an hallucinogen, may produce psychological/mental dependence.

In 1951 Congress adopted a law which required minimum mandatory sentences for those convicted of violating the narcotics and marihuana statutes and probited suspension of sentences and probation for second offenders. The only remedial action taken from these laws has been the Narcotic Addict Rehabilitation Act of 1966, which allows for treatment and rehabilitation of narcotics addicts which represent a small but pitiful segment of the drug abuse population.

The third category of federal statutes concerns "dangerous drugs," which are defined as having a "potential for abuse." In 1951, Congress passed amendments to the Food, Drug and Cosmetic Act which prohibited the dispensing, without a prescription of a licensed practitioner, of drugs which require medical supervision. Subsequent legislation attempted to deal with the illicit traffic in these drugs by placing penalties for wrongful possession, sale, transfer, etc. as the illicit traffic and abuse increased. The term "dangerous drugs" commonly refers to three classes of non-narcotic drugs that are habit-forming or have a potential for abuse because of their stimulant, depressant, or hallucinogenic effect. The most widely used and abused of the stimulants are the amphetamines, known as pep pills. The barbituates (goofballs) are the most widely used and abused of the depressant drugs. Drugs in the hallucinogenic class (LSD, peyote, and psilocybin) have not yet been proven safe for medical purposes, although limited investigations are being conducted under the supervision of the US Government.

Drug abuse has been deemed to exist when an individual takes drugs under any of the following circumstances:

In amounts sufficient to create a hazard to his own health or to the safety of the community; or

When he obtains drugs through illicit channels; or

When he takes drugs on his own initiative rather than on the basis of professional advice.

The federal statutory scheme for control grew out of three distinct eras. The first, around the turn of the century, was posed by the illegal importation of opium and its derivatives (heroin and morphine) and cocaine. The second, the late 1920s through 30s, witnessed the influx of Mexican "grass" which was subjected to controls through the Marihuana Tax Act of 1937. The third, which began after World War II, involved the increasing availability of pills and other chemically prepared substances as a by-product of scientific advances.

It is submitted that we are now in the fourth drug abuse era. Unlike the other three, where the substances involved were handled by means of generally particularized legislation and separate federal enforcement agencies, the current era is concerned with the prevention and elimination of all forms of drug abuse posed by the drugs discussed above, as well as the rehabilitation of those persons who become either physically addicted to the narcotic drugs or psychologically dependent upon one or more of the stimulants, depressants, or hallucinogenic drugs (including marihuana). To respond to this grave situation confronting our Nation, which results from the illegal importation, manufacture, distribution, possession and use of these drugs, the Congress, at the urging of the President, enacted the Comprehensive Drug Abuse Prevention and Control Act of 1970. The primary enforcement responsibility for this Act lies with one agency, the Justice Department's Bureau of Narcotics and Dangerous Drugs.

THE NEW ACT

This Act constitutes a major revision and consolidation of the federal drug laws scattered throughout the US Code, and provides for a complete compendium of laws dealing with the classification and registration of drugs, a wide range of new penalties, special parole and probation provisions, special sentencing provisions, provisions for "no knock" search warrants, and many other features. It focuses federal law enforcement activities on controlling the flow of drugs and on directing prime attention to the "pusher." Penalties on simple possession for any drug, set forth in one of five schedules of controlled substances, is punishable by no more than one year's imprisonment, a substantial reduction from the mandatory two-year minimum sentence for possession of narcotics or marihuana.

The statute is divided into four parts: Rehabilitation Programs relating to Drug Abuse; the Controlled Substances Import and Export Act; the Controlled Substances Act; and a provision for Advisory Councils. This law represents the first effort by the Congress to deal with the total spectrum of drug abuse. As such, it is a welcome departure from the past. Also covered are new procedures for controlling the legitimate manufacture and sale of drugs, treatment of all forms of drug dependence—psychological as well as physical—and research into drug abuse. Major responsibility for enforcement of the Act is shared by the Attorney General and the Secretary of Health, Education and Welfare. Some provisions of the Act became effective upon enactment. Other provisions, principally the penalties, will become effective on 1 May 1971.

CONTROL AND ENFORCEMENT

Title II of the Act, entitled Control and Enforcement, is of critical importance to law enforcement personnel and agencies. This Title, also to be known as the "Controlled Substances Act," provides for definitions; authority to control and establish schedules of drugs depending upon their potential for abuse; registration of those engaged in manufacture; distribution or dispensing provisions; offenses and penalties; enforcement and administrative provisions; and the establishment of an Advisory Commission to study marihuana.

SCHEDULES

After hearing extensive medical testimony, and using the same basic definition of drugs set forth earlier, the Congress established five schedules and placed certain drugs, referred to as "controlled drugs," in one of the schedules. Responsibility to place additional drugs on a schedule, deletion of drug(s) from a schedule, or changing a drug from one schedule to another, was placed on the Attorney General. He is required to conduct a hearing, subject to judicial review, incident to each such modification of a schedule. The Secretary of HEW is required to submit recommendations to the Attorney General on proposed changes; these recommendations are binding on the Attorney General regarding medical and scientific matters. Table I outlines these schedules.

TABLE I.—SCHEDULES OF CONTROLLED SUBSTANCES

Schedule and principal controlled substance	Potential and abuse	Medical use	Dependency
I. Certain opiates, certain opium derivatives (heroin), and hallucinogens (LSD, marihuana).	High	No	Lack of accepted safety for use.
II. Certain opiates, cocaine, methadone, opium poppy	High	No	Severe.
III. Amphetamines, barbiturates	High	Yes	Moderate.
IV. Barbital, meprobamate	Low	Yes	Limited.
V. Narcotic drugs used with nonnarcotic ingredients to be medically valuable.	Low	Yes	Do.

Source: "Military Police Journal."

OFFENSES AND PENALTIES

Regarding any controlled drug, it is unlawful to knowingly or intentionally manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense a counterfeit substance without a written order or prescription from a licensed practitioner. It is also unlawful for anyone knowingly or intentionally to possess a controlled substance, except where the person in possession has acquired the substance pursuant to a valid prescription, or in those situations authorized by the Act, e.g. registered dealer.

Table II [not printed in the RECORD] depicts the maximum imposable jail sentences for first conviction by either a U.S. District Court for one of the above violations, or by a general court-martial for a violation of one of the two principal punitive Articles of the UCMJ used to control drugs, i.e. Articles 92 and 134.

The Act sharply reduces the penalties for first conviction of wrongful possession of any narcotic drug or marihuana, from a mandatory two-year minimum sentence to a misdemeanor. Under the 1968 Drug Abuse Amendments it had been unlawful to possess for personal use any one of the dangerous drugs; there is no change regarding these drugs for this offense.

Increased penalties are provided for other conduct involving a narcotic drug under either Schedule I or II. Effective 1 May 1971, the maximum sentence for a first conviction will be a 15-year prison term, compared to the present ten-year term. The Table of Maximum Punishments has also reflected a comparable change, for the narcotic drug conviction was increased on 1 January 1969 from five to ten years confinement at hard labor.

There are increased jail terms for second and subsequent drug convictions. All convictions also carry a provision for imposition of a fine, ranging from $5,000 maximum for simple possession to $200,000 for any person who has been previously convicted of a violation of this Act that engages in a continuing criminal enterprise. Increased penalties imposable by the court may not exceed 25 years in those cases where the United States Judge finds, after a hearing and conviction of a drug law violation, that the defendant is a "dangerous special drug offender." Another provision is aimed at those who make a living through dealings in illicit drug activities on a continuing basis. This provision provides for a ten-year to life imprisonment and up to $100,000 fine as penalties for the first conviction.

Because of the widespread controversy surrounding the danger or potential danger of marihuana, the Congress established a rather unique and elaborate sentence feature for those offenders under the age of 21 who are tried for simple possession of this hallucinogenic drug. In a case where a youthful offender is found guilty, the judge may place him on probation and defer further proceedings, including entering of a finding of guilty. If there is no violation of the parole, which can extend up to one year, the court will dismiss the charges without an adjudication of guilt, the record will be non-public, and the defendant may apply to the U.S. District Court to expunge the official records of his case, except for those non-public records maintained by the Justice Department. Irrespective of whether the records are expunged of the proceeding, the dismissal of the charge of simple possession is to be regarded as tantamount to an acquittal for job applications, questionnaires and perjury statutes.

ARMY REGULATION 600-32

In continuing its implementation of Department of Defense Directive 1300.11, Prevention and Elimination of Drug Abuse, the Army promulgated, on 23 September 1970, Regulation 600-32, Drug Abuse Prevention and Control. This departmental regulation, which became effective on 1 December 1970, prohibits the wrongful possession, use, transfer, sale or manufacture of narcotics, marihuana, and dangerous drugs. Violations of these prohibitions may be prosecuted under Article 92, UCMJ, as a violation of a lawful general regulation, or other appropriate articles of the Code, e.g. attempts, conspiracy, drunk driving, larceny, or under Article 134 as either conduct prejudicial to good order and discipline or to the discredit of the Armed Forces, or as a violation of the United States Code.

AMNESTY

An innovation in the Army's rehabilitation program is the granting of amnesty for those voluntarily seeking assistance to discontinue the unlawful use of drugs. The grant of amnesty will preclude punishing the soldier for admitting to the wrongful use of drugs, but will not necessarily extend to other drug-related offenses. In addition to the amnesty program which Secretary of Defense Laird publicly approved in August 1970 for all military services, the Army's rehabilitation programs include limited hospitalization and counseling by a medical officer, chaplain, and others. (See *Operation Awareness*, MP JOURNAL, October 1970, on the rehabilitation measures taken at Fort Bragg, N.C.)

The regulation provides a list of educational materials for use in drug abuse programs conducted by military units or installations. Also contained in AR 600-32 is a compilation of Army Regulations relating to drug abuse. To be added to that list is Section XVI, AR 40-2, which provides guidance for the maintenance of the Narcotic and Controlled Drug Register, an important item to be reviewed incident to either a criminal investigation or as part of a Crime Prevention Survey.

CRIMINAL SANCTIONS

Shown in Table II are the maximum imposable periods of confinement at hard labor allowable by the Table of Maximum Punishments for drug offenses in violation of Articles 92 and 134, the principal articles of the UCMJ used to prosecute these offenses. A general court-martial is empowered to adjudge either a Dishonorable or Bad Conduct Discharge upon conviction, in addition to the periods of incarceration; a special court-martial may adjudge a Bad Conduct Discharge where so empowered by the general court-martial convening authority, and where the accused is represented by qualified counsel and a verbatim record of the trial is prepared.

The military justice system has a certain amount of flexibility in dealing with all offenders, but this is especially true regarding drug offenders where it is of critical importance to fit the punishment to the accused's criminal conduct. The federal government and many state governments are now revising their laws to achieve this needed flexibility by abolishing the mandatory minimum sentence in the event of conviction for narcotics or marihuana violations. Unlike the civilian systems of trial courts, the military's three-tier trial court composition of the summary, special and general courts-martial—each with its statutory limitations on the quantum of punishment imposable—adds to this flexibility in tailoring the punishment to the crime.

ADMINISTRATIVE SANCTIONS

In addition to, or in some cases in lieu of, disciplinary action, there is a wide range of administrative sanctions available to the military commander for dealing with the prevention and elimination of drug abuse. One of the prime sanctions is to discharge a service member for wrongful complicity with drugs, as provided by paragraph 6a, AR 635-212. In the event of conviction by either a civilian court or a foreign tribunal for a drug violation of the laws of that jurisdiction, and where the Table of Maximum Punishments provides for confinement at hard labor for more than one year, the offender is subject to administrative elemination under the provisions of AR 635-206.

The awarding of an Undesirable Discharge incident to one of the elimination actions noted above, or a punitive discharge by a court-martial, may result in the deprivation of certain federal benefits normally available to military veterans (the principal such benefit being educational/financial assistance) or the rejection of a drug abuser's application for certain civilian jobs or admission to a college or university. Other administrative sanctions for drug violations include a bar to re-enlistment, removal from a standing promotion list, suspension of favorable personnel actions, and reduction in grade for either a civil conviction or for inefficiency.

FINANCIAL SANCTIONS

Quite frequently the drug offender is subjected to financial sanctions which have an impact far beyond the fine or forfeiture included in a court sentence or Article 15 proceeding. The service member may be sued by an individual or business in a civil court, in CONUS or overseas, for damages where the service member was outside the scope of his duties, seeking recovery for property damage, bodily injury or death caused by the offender. Also, the U.S. Government may seek reimbursement under the Report of Survey System in cases of damaged, lost or destroyed property. Lastly, a financial loss may be incurred through governmental forfeiture action as to the drugs seized or the means used to facilitate the violation of the drug laws. Army Regulation 190-22 provides guidance for the disposition of such property which falls into the hands of the Army.

STATE AND FOREIGN MARIHUANA LAWS

Generally, service members are subject to prosecution for drug law violations, in appropriate circumstances, by one of four jurisdictions: military, federal courts, state courts, and the courts of a foreign country. All such prosecutions may well contribute to accomplishing the Department of Defense policy of eliminating and preventing drug abuse within the military community.

SERVICE-CONNECTED

The exercise of court-martial jurisdiction in CONUS is limited by the June 1969 *O'Callahan* decision by the United States Supreme Court regarding the conduct of a person subject to the Code which is "service-connected." Following that decision, military tribunals have ruled on the application of this limitation on trials conducted in non-overseas areas. The United States Court of Military Appeals has handed down the following general rules concerning the competence of a court-martial to exercise jurisdiction:

A court-martial has jurisdiction to try drug offenses which take place on a military reservation.

A court-martial has jurisdiction to try military persons for use and/or possession of dangerous drugs, marihuana and narcotics on or off the military reservation because such conduct has special military significance, in that the drugs have a detrimental effect on the health, morale and fitness for duty of persons in the Armed Forces.

A court-martial lacks jurisdiction to try military persons for wrongful importation and transportation of these drugs, unless there are circumstances surrounding the commission of this type conduct which relate them specially to the military.

STATE LAWS

Over the past three years, 27 states have overhauled their statutes relating to marihuana. Twenty-four have reduced the penalties for possession of marihuana incident to the first conviction, generally from felonies to misdemeanors. New Jersey reduced the penalty from a minimum of two years in jail to a maximum of six months, but the state Supreme Court ruled that jail terms will not be imposed for first offenders.

Penalties range from no jail term in New Jersey to seven days in Nebraska, to 20 years in Alabama, Minnesota and Missouri, to life imprisonment in Texas.

Twenty-one states have a mandatory minimum period of imprisonment, extending from five years in Alabama to six months in Missouri.

Notwithstanding a conviction of a service member for wrongful possession of marihuana in one of the states where either the sentence adjudged or the maximum period allowed did not exceed one year, elimination action under AR 635-206 is possible because the Table of Maximum Punishments provides for a five-year imposable sentence for marihuana violations.

FOREIGN LAWS

In the event an Army service member is tried for violating the marihuana laws in Europe, Table III depicts the maximum imposable sentences of imprisonment in eight countries where US Armed Forces personnel are stationed or frequently visit. Great Britain recently reduced its possession penalties while, at the same time, increased those for trafficking. Table IV [not printed in the RECORD] is a chart of possible sanctions imposable upon Army drug users.

TABLE III. MARIHUANA: MAXIMUM JAIL TERMS IMPOSABLE BY EUROPEAN COUNTRIES

Country and smuggling	Sale	Possession
Belgium: 5 years	5 years	2 years.
France:		
(a) Confiscation of auto and goods	3 months to 5 years	(a) 3 months to 5 years.
(b) 6 months to 3 years		(b) Fine ($200 to $2,000).
(c) Fine of 4 times value of goods		
Germany: 3 years	3 years	3 years.
Great Britain: 14 years[1]	14 years[1]	5 years.[2]
Italy: 3 to 8 years	3 to 8 years	3 to 8 years.
Netherlands: 1 year	1 year	1 year.
Spain: 6 to 12 years	6 to 12 years	6 to 12 years.
Turkey: "Eternal imprisonment"	10 years minimum	10 years.

[1] Maximum penalty increased in March 1970 from 10 to 14 years.

[2] Maximum penalty reduced in March 1970 from 12 to 5 years.

THE FUTURE

Although an appreciable period of time must elapse before a sound judgment can be made of the new Act and the military's amnesty program, these measures have been applauded by those who deal with drug abuse as substantial steps in the right direction to provide effective means of control. The only one who benefits from drug abuse is the pusher and, generally, he does not use the drugs.

In addition to providing for the added enforcement and control measures discussed above, the 1970 Act has provided for a program to detect the root causes of drug abuse and to improve treatment and rehabilitation of all drug abusers, not just narcotics addicts The military amnesty policy will enhance and facilitate the prevention of drug abuse, especially among younger service members.

The 1970 Act provides for the immediate establishment of an Advisory Commission on Marihuana and Drug Abuse to study all aspects of marihuana and drug abuse, and report back to the Congress within one year. Also created is an annual reporting requirement by the various medical Advisory Councils set up under the supervision of the Secretary of Health, Education, and Welfare to insure the availability of current and thorough medical information on which further legislation may be based, and to provide assistance to current programs of treatment and cure of drug dependence.

The federal law enforcement agencies' efforts to control drug abuse are under the leadership of the Bureau of Narcotics and Dangerous Drugs (a recently formed agency when the Bureau of Narcotics in the Treasury Department was merged with the Bureau of Drug Abuse Control in the Food and Drug Administration). The BNDD plans to train some 22,000 local and state drug enforcement personnel this year through its new National Training Institute in Washington (where a ten-week course is offered) and through other schools and seminars throughout the country. A special course is provided by BNDD to military investigators.

Our future efforts to enforce the drug laws in order to prevent and eliminate the scourge of drug abuse from the military community and the nation have been joined by a forward looking Act of Congress and an equally realistic departmental regulation. Military law enforcement personnel have a tremendous challenge, not only in the investigation of drug cases, but in assisting to muster public support to give these new measures the effective meaning which President Nixon has stated is essential for achieving the mission of preventing and eliminating drug abuse.

NATIONAL HEALTH INSURANCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-49)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

In the last twelve months alone, America's medical bill went up eleven percent, from $63 to $70 billion. In the last *ten* years, it has climbed 170 percent, from the $26 billion level in 1960. Then we were spending 5.3 percent of our Gross National Product on health; today we devote almost 7% of our GNP to health expenditures.

This growing investment in health has been led by the Federal Government. In 1960, Washington spent $3.5 billion on medical needs—13 percent of the total. This year it will spend $21 billion—or about 30 percent of the nation's spending in this area.

But what are we getting for all this money?

For most Americans, the result of our expanded investment has been more medical care and care of higher quality. A profession of impressive new techniques, powerful new drugs, and splendid new facilities has developed over the past decade. During that same time, there has been a six percent drop in the number of days each year that Americans are disabled. Clearly there is much that is *right* with American medicine.

But there is also much that is wrong.

One of the biggest problems is that fully 60 percent of the growth in medical expenditures in the last ten years has gone not for additional services but merely to meet price inflation. Since 1960, medical costs have gone up twice as fast as the cost of living. Hospital costs have risen five times as fast as other prices. For growing numbers of Americans, the cost of care is becoming prohibitive. And even those who can afford most care may find themselves impoverished by a catastrophic medical expenditure.

The shortcomings of our health care system are manifested in other ways as well. For some Americans—especially those who live in remote rural areas or in the inner city—care is simply not available. The quality of medicine varies widely with geography and income. Primary care physicians and outpatient facilities are in short supply in many areas, and most of our people have trouble obtaining medical attention on short notice. Because we pay so little attention to preventing disease and treating it early, too many people get sick and need intensive treatment.

Our record, then, is not as good as it should be. Costs have skyrocketed but values have not kept pace. We are investing more of our nation's resources in the health of our people but we are *not* getting a full return on our investment.

BUILDING A NATIONAL HEALTH STRATEGY

Things do not have to be this way. We can change these conditions—indeed, we must change them if we are to fulfill our promise as a nation. Good health care should be readily available to all of our citizens.

It will not be easy for our nation to achieve this goal. It will be impossible to achieve it without a new sense of purpose and a new spirit of discipline. That is why I am calling today not only for new programs and not merely for more money but for something more—for a *new approach* which is equal to the complexity of our challenges. I am calling today for a new National Health Strategy that will marshal a variety of forces in a coordinated assault on a variety of problems.

This new strategy should be built on four basic principles.

1. Assuring Equal Access. Although the Federal Government should be viewed as only one of several partners in this reforming effort, it does bear a special responsibility to help all citizens achieve equal access to our health care system. Just as our National Government has moved to provide equal opportunity in areas such as education, employment and voting, so we must now work to expand the opportunity for all citizens to obtain a decent standard of medical care. We must do all we can to remove any racial, economic, social or geographic barriers which now prevent any of our citizens from obtaining adequate health protection. For without good health, no man can fully utilize his other opportunities.

2. Balancing Supply and Demand. It does little good, however, to increase the demand for care unless we also increase the supply. Helping more people pay for more care does little good unless more care is available. This axiom was ignored when Medicaid and Medicare were created—and the nation paid a high price for that error. The expectations of many beneficiaries were not met and a severe inflation in medical costs was compounded.

Rising demand should not be a source of anxiety in our country. It is, after all, a sign of our success in achieving equal opportunity, a measure of our effectiveness in reducing the barriers to care. But since the Federal Government is helping to remove those barriers, it also has a responsibility for what happens after they are reduced. We must see to it that our approach to health problems is a balanced approach. We must be sure that our health care system is ready and able to welcome its new clients.

3. Organizing for Efficiency. As we move toward these goals, we must recognize that we *cannot* simply *buy* our way to better medicine. We have already been trying that too long. We have been persuaded, too often, that the plan that *costs* the most will *help* the most—and too often we have been disappointed.

We cannot be accused of having underfinanced our medical system—not by a long shot. We have, however, spent this money poorly—reenforcing inequities and rewarding inefficiencies and placing the burden of greater new demands on the same old system which could not meet the old ones.

The toughest question we face then is not *how much* we should spend but *how* we should spend it. It must be our goal not merely to finance a more expensive medical system but to organize a more efficient one.

There are two particularly useful ways of doing this:

A. Emphasizing Health Maintenance. In most cases our present medical system operates episodically—people come to it in moments of distress—when they require its most expensive services. Yet both the system and those it serves would be better off if less expensive services could be delivered on a more regular basis.

If more of our resources were invested in preventing sickness and accidents, fewer would have to be spent on costly cures. If we gave more attention to treating illness in its early stages, then we would be less troubled by acute disease. In short, we should build a true "health" system—and not a "sickness" system alone. We should work to maintain health and not merely to restore it.

B. Preserving Cost Consciousness. As we determine just who should bear the various costs of health care, we should remember that only as people are aware of those costs will they be motivated to reduce them. When consumers pay virtually nothing for services and when, at the same time, those who provide services know that all *their* costs will also be met, then neither the consumer nor the provider has an incentive to use the system efficiently. When that happens, unnecessary demand can multiply, scarce resources can be squandered and the shortage of services can become even more acute.

Those who are hurt the most by such developments are often those whose medical needs are most pressing. While costs should never be a barrier to providing needed care, it is important that we preserve some element of cost consciousness within our medical system.

4. Building on Strengths. We should also avoid holding the whole of our health care system responsible for failures in some of its parts. There is a natural temptation in dealing with any complex problem to say: "Let us wipe the slate clean and start from scratch." But to do this—to dismantle our entire health insurance system, for example—would be to ignore those important parts of the system which have provided useful service. While it would be wrong to ignore any weaknesses in our present system, it would be equally wrong to sacrifice its strengths.

One of those strengths is the diversity of our system—and the range of choice it therefore provides to doctors and patients alike. I believe the public will always be better served by a pluralistic system than by a monolithic one, by a system which creates many effective centers of responsibility—both public and private—rather than one that concentrates authority in a single governmental source.

This does not mean that we must allow each part of the system to go its own independent way, with no sense of common purpose. We must encourage greater cooperation and build better coordination—but not by fostering uniformity and eliminating choice. One effective way of influencing the system is by structuring *incentives* which reward people for helping to achieve national goals without forcing their decisions or dictating the way they are carried out. The American people have always shown a unique capacity to move toward common goals in varied ways. Our efforts to reform health care in America will be more effective if they build on this strength.

These, then, are certain cardinal principles on which our National Health Strategy should be built. To implement this strategy, I now propose for the consideration of the Congress the following six point program. It begins with measures designed to increase and improve the supply of medical care and concludes with a program which will help people pay for the care they require.

A. REORGANIZING THE DELIVERY OF SERVICE

In recent years, a new method for delivering health services has achieved growing respect. This new approach has two essential attributes. It brings together a comprehensive range of medical services in a single organization so that a patient is assured of convenient access to all of them. And it provides needed services for a fixed contract fee which is paid in advance by all subscribers.

Such an organization can have a variety of forms and names and sponsors. One of the strengths of this new concept, in fact, is its great flexibility. The general term which has been applied to all of these units is "HMO"—"Health Maintenance Organization."

The most important advantage of Health Maintenance Organization is that they increase the value of the services a consumer receives for each health dollar. This happens, first because such organizations provide a strong financial incentive for better preventive care and for greater efficiency.

Under traditional systems, doctors and hospitals are paid, in effect, on a piece work basis. The more illnesses they treat—and the more service they render—the more their income rises. This does not mean, of course, that they do any less than their very best to *make* people well. But it does mean that there is no economic incentive for them to concentrate on *keeping* people healthy.

A fixed-price contract for comprehensive care reverses this illogical incentive. Under this arrangement, income grows not with the number of days a person is sick but with the number of days he is well. HMO's therefore have a strong financial interest in preventing illness, or, failing that, in treating it in its early stages, promoting a thorough recovery, and preventing any reoccurrence. Like doctors in ancient China, they are paid to keep their clients healthy. For them, economic interests work to reenforce their professional interests.

At the same time, HMO's are motivated to function more efficiently. When providers are paid retroactively for each of their services, inefficiencies can often be subsidized. Sometimes, in fact, inefficiency is rewarded—as when a patient who does not need to be hospitalized is treated in a hospital so that he can collect on his insurance. On the other hand, if an HMO is wasteful of time or talent or facilities, it cannot pass those extra costs on to the consumer or to an insurance company. Its budget for the year is determined in advance by the number of its subscribers. From that point on it is penalized for going over its budget and rewarded for staying under it.

In an HMO, in other words, cost consciousness is fostered. Such an organization cannot afford to waste resources—that costs more money in the short run. But neither can it afford to economize in ways which hurt patients—for that increases long-run expenses.

The HMO also organizes medical resources in a way that is more convenient for patients and more responsive to their needs. There was a time when every housewife had to go to a variety of shops and markets and pushcarts to buy her family's groceries. Then along came the supermarket—making her shopping chores much easier and also giving her a wider range of choice and lower prices. The HMO provides similar advantages in the medical field. Rather than forcing the consumer to thread his way through a complex maze of separate services and specialists, it makes a full range of resources available through a single organization—often at a single stop—and makes it more likely that the right combination of resources will be utilized.

Because a team can often work more efficiently than isolated individuals, each doctor's energies go further in a Health Maintenance Organization—twice as far according to some studies. At the same time, each patient retains the freedom to choose his own personal doctor. In addition, services can more easily be made available at night and on weekends in an HMO. Because many doctors often use the same facilities and equipment and can share the expense of medical assistants and business personnel, overhead costs can be sharply curtailed. Physicians benefit from the stimulation that comes from working with fellow professionals who can share their problems, appreciate their accomplishments and readily offer their counsel and assistance. HMO's offer doctors other advantages as well, including a more regular work schedule, better opportunities for continuing education, lesser financial risks upon first entering practice, and generally lower rates for malpractice insurance.

Some seven million Americans are now enrolled in HMO's—and the number is growing. Studies show that they are receiving high quality care at a significantly lower cost—as much as one-fourth to one-third lower than traditional care in some areas. They go to hospitals less often and they spend less time there when they go. Days spent in the hospital each year for those who belong to HMO's are only three-fourths of the national average.

Patients and practitioners alike are enthusiastic about this organizational concept. So is this administration. That is why we proposed legislation last March to enable Medicare recipients to join such programs. That is why I am now making the following additional recommendations:

1. We should require public and private health insurance plans to allow beneficiaries to use their plan to purchase membership in a Health Maintenance Organization when one is available. When, for example, a union and an employer negotiate a contract which includes health insurance for all workers, each worker should have the right to apply the actuarial value of his coverage toward the purchase of a fixed-price, health maintenance program. Similarly, both Medicare and the new Family Health Insurance Plan for the poor which I will set out later in this message should provide an HMO option.

2. To help new HMO's get started—an expensive and complicated task—we should establish a new $23 million program of planning grants to aid potential sponsors—in both the private and public sector.

3. At the same time, we should provide additional support to help sponsors raise the necessary capital, construct needed facilities, and sustain initial operating deficits until they achieve an enrollment which allows them to pay their own way. For this purpose, I propose a program of Federal loan guarantees which will enable private sponsors to raise some $300 million in private loans during the first year of the program.

4. Other barriers to the development of HMO's include archaic laws in 22 States which prohibit or limit the group practice of medicine and laws in most States which prevent doctors from delegating certain responsibilities (like giving injections) to their assistants. To help remove such barriers, I am instructing the Secretary of Health, Education, and Welfare to develop a model statute which the States themselves can adopt to correct these anomalies. In addition, the Federal Government will facilitate the development of HMO's in all States by entering into contracts with them to provide service to Medicare recipients and other Federal beneficiaries who elect such programs. Under the supremacy clause of the Constitution, these contracts will operate to preempt any inconsistent State statutes.

Our program to promote the use of HMO's is only one of the efforts we will be making to encourage a more efficient organization of our health care system. We will take other steps in this direction, including stronger efforts to capitalize on new technological developments.

In recent years medical scientists, engineers, industrialists, and management experts have developed many new techniques for improving the efficiency and effectiveness of health care. These advances include automated devices for measuring and recording body functions such as blood flow and the electrical activity of the heart, for performing laboratory tests and making the results readily available to the doctor, and for reducing the time required to obtain a patient's medical history. Methods have also been devised for using computers in diagnosing diseases, for monitoring and diagnosing patients from remote locations, for keeping medical records and generally for restructuring the layout and administration of hospitals and other care centers. The results of early tests for such techniques have been most promising. If new developments can be widely implemented, they can help us deliver more effective, more efficient care at lower prices.

The hospital and outpatient clinic of tomorrow may well bear little resemblance to today's facility. We must make every effort to see that its full promise is realized. I am therefore directing the Secretary of Health, Education, and Welfare to focus research in the field of health care services on new techniques for improving the productivity of our medical system. The Department will establish pilot experiments and demonstration projects in this area, disseminate the results of this work, and encourage the health industry and the medical profession to bring such techniques into full and effective use in the health care centers of the nation.

B. MEETING THE SPECIAL NEEDS OF SCARCITY AREAS

Americans who live in remote rural areas or in urban poverty neighborhoods often have special difficulty obtaining adequate medical care. On the average, there is now one doctor for every 630 persons in America. But in over one-third of our counties the number of doctors per capita is less than one-third that high. In over 130 counties, comprising over eight percent of our land area, there are no private doctors at all—and the number of such counties is growing.

A similar problem exists in our center cities. In some areas of New York for example, there is one private doctor for every 200 persons but in other areas the ratio is one to 12,000. Chicago's inner city neighborhoods have some 1,700 fewer physicians today than they had ten years ago.

How can we attract more doctors—and better facilities— into these scarcity areas? I propose the following actions:

1. We should encourage Health Maintenance Organizations to locate in scarcity areas. To this end, I propose a $22 million program of direct Federal grants and loans to help offset the special risks and special costs which such projects would entail.

2. When necessary, the Federal Government should supplement these efforts by supporting out-patient clinics in areas which still are underserved. These units can build on the experience of the Neighborhood Health Centers experiment which has now been operating for several years. These facilities would serve as a base on which full HMO's—operating under other public or private direction—could later be established.

I have also asked the Administrator of Veterans' Affairs and the Secretary of Health, Education, and Welfare to develop ways in which the Veterans' Administration medical system can be used to supplement local medical resources in scarcity areas.

3. A series of new area Health Education Centers should also be established in places which are medically underserved—as the Carnegie Commission on Higher Education has recommended. These centers would be satellites of existing medical and other health science schools; typically, they could be built around a community hospital, a clinic or an HMO which is already in existence. Each would provide a valuable teaching center for new health professionals, a focal point for the continuing education of experienced personnel, and a base for providing sophisticated medical services which would not otherwise be available in these areas. I am requesting that up to $40 million be made available for this program in Fiscal Year 1972.

4. We should also find ways of compensating—and even rewarding—doctors and nurses who move to scarcity areas, despite disadvantages such as lower income and poorer facilities.

As one important step in this direction, I am proposing that our expanding loan programs for medical students include a new forgiveness provision for graduates who practice in a scarcity area, especially those who specialize in primary care skills that are in short supply.

In addition, I will request $10 million to implement the Emergency Health Personnel Act. Such funds will enable us to mobilize a new National Health Service Corps, made up largely of dedicated and public-spirited young health professionals who will serve in areas which are now plagued by critical manpower shortages.

C. MEETING THE PERSONNEL NEEDS OF OUR GROWING MEDICAL SYSTEM

Our proposals for encouraging HMO's and for serving scarcity areas will help us use medical manpower more effectively. But it is also important that we *produce* more health professionals and that we educate more of them to perform critically needed services. I am recommending a number of measures to accomplish these purposes.

1. First, we must use new methods for helping to finance medical education. In the past year, over half of the nation's medical schools have declared that they are in "financial distress" and have applied for special Federal assistance to meet operating deficits.

More money is needed—but it is also important that this money be spent in new ways. Rather than treating the symptoms of distress in a piecemeal and erratic fashion, we must rationalize our system of financial aid for medical education so that the schools can make intelligent plans for regaining a sound financial position.

I am recommending, therefore, that much of our present aid to schools of medicine, dentistry and osteopathy—along with $60 million in new money—be provided in the form of so-called "capitation grants," the size of which would be determined by the number of students the school graduates. I recommend that the capitation grant level be set at $6,000 per graduate.

A capitation grant system would mean that a school would know in advance how much Federal money it could count on. It would allow an institution to make its own long-range plans as to how it would use these monies. It would mean that we could eventually phase out our emergency assistance programs.

By rewarding *output*—rather than subsidizing *input*—this new aid system would encourage schools to educate more students and to educate them more efficiently. Unlike formulas which are geared to the annual number of enrollees, capitation grants would provide a strong incentive for schools to shorten their curriculum from four years to three—in line with another sound recommendation of the Carnegie Commission on Higher Education. For then, the same sized school would qualify for as much as one-third *more* money each year, since each of its graduating classes would be one-third larger.

This capitation grant program should be supplemented by a program of special project grants to help achieve special goals. These grants would support efforts such as improving planning and management, shortening curriculums, expanding enrollments, team training of physicians and allied health personnel, and starting HMO's for local populations.

In addition, I believe that Federal support dollars for the construction of medical education facilities can be used more effectively. I recommend that the five current programs in this area be consolidated into a single, more flexible grant authority and that a new program of guaranteed loans and other financial aids be made available to generate over $500 million in private construction loans in the coming Fiscal Year—five times the level of our current construction grant program.

Altogether, these efforts to encourage and facilitate the expansion of our medical schools should produce a 50 percent increase in medical school graduates by 1975. We must set that as our goal and we must see that it is accomplished.

2. The Federal Government should also establish special support programs to help low income students enter medical and dental schools. I propose that our scholarship grant program for these students be almost doubled—from $15 to $29 million. At the same time, this administration would modify its proposed student loan programs to meet better the needs of medical students. To help alleviate the concern of low income students that such a loan might become an impossible burden if they fail to graduate from medical school, we will request authority to forgive loans where such action is appropriate.

3. One of the most promising ways to expand the supply of medical care and to reduce its costs is through a greater use of allied health personnel, especially those who work as physicians' and dentists' assistants, nurse pediatric practitioners, and nurse midwives. Such persons are trained to perform tasks which must otherwise be performed by doctors themselves, even though they do not require the skills of a doctor. Such assistance frees a physician to focus his skills where they are most needed and often allows him to treat many additional patients.

I recommend that our allied health personnel training programs be expanded by 50% over 1971 levels, to $29 million, and that $15 million of this amount be devoted to training physicians' assistants. We will also encourage medical schools to train future doctors in the proper use of such assistants and we will take the steps I described earlier to eliminate barriers to their use in the laws of certain States.

In addition, this administration will expand nationwide the current MEDIHC program—an experimental effort to encourage servicemen and women with medical training to enter civilian medical professions when they leave military duty. Of the more than 30,000 such persons who leave military service each year, two-thirds express an interest in staying in the health field but only about one-third finally do so. Our goal is to increase the number who enter civilian health employment by 2,500 per year for the next five years. At the same time, the Veterans Administration will expand the number of health trainees in VA facilities from 49,000 in 1970 to over 53,000 in 1972.

D. A SPECIAL PROBLEM: MALPRACTICE SUITS AND MALPRACTICE INSURANCE

One reason consumers must pay more for health care and health insurance these days is the fact that most doctors are paying much more for the insurance *they* must buy to protect themselves against claims of malpractice. For the past five years, malpractice insurance rates have gone up an average of 10 percent a year—a fact which reflects both the growing number of malpractice claims and the growing size of settlements. Many doctors are having trouble obtaining *any* malpractice insurance.

The climate of fear which is created by the growing menace of malpractice suits also affects the quality of medical treatment. Often it forces doctors to practice inefficient, defensive medicine—ordering unnecessary tests and treatments solely for the sake of appearance. It discourages the use of physicians' assistants, inhibits that free discussion of cases which can contribute so much to better care, and makes it harder to establish a relationship of trust between doctors and patients.

The consequences of the malpractice problem are profound. It must be confronted soon and it must be confronted effectively—but that will be no simple matter. For one thing, we need to know far more than we presently do about this complex problem.

I am therefore directing—as a first step in dealing with this danger—that the Secretary of Health, Education, and Welfare promptly appoint and convene a Commission on Medical Malpractice to undertake an intensive program of research and analysis in this area. The Commission membership should represent the health professions and health institutions, the legal profession, the insurance industry, and the general public. Its report—which should include specific recommendations for dealing with this problem—should be submitted by March 1, 1972.

E. NEW ACTIONS TO PREVENT ILLNESSES AND ACCIDENTS

We often invest our medical resources as if an ounce of cure were worth a pound of prevention. We spend vast sums to treat illnesses and accidents that could be avoided for a fraction of those expenditures. We focus our attention on *making* people well rather than *keeping* people well, and—as a result—both our health and our pocketbooks are poorer. A new National Health Strategy should assign a much higher priority to the work of prevention.

As we have already seen, Health Maintenance Organizations can do a great deal to help in this effort. In addition to encouraging their growth, I am also recommending a number of further measures through which we can take the offensive against the long-range causes of illnesses and accidents.

1. To begin with, we must reaffirm—and expand—the Federal commitment to biomedical research. Our approach to research support should be balanced—with strong efforts in a variety of fields. Two critical areas, however, deserve special attention.

The first of these is cancer. In the next year alone, 650,000 new cases of cancer will be diagnosed in this country and 340,000 of our people will die of this disease. Incredible as it may seem, one out of every four Americans who are now alive will someday develop cancer unless we can reduce the present rates of incidence.

In the last seven years we spent more than 30 billion dollars on space research and technology and about one-twenty-fifth of that amount to find a cure for cancer. The time has now come to put more of our resources into cancer research and—learning an important lesson from our space program—to organize those resources as effectively as possible.

When we began our space program we were fairly confident that our goals could be reached if only we made a great enough effort. The challenge was technological; it did not require new theoretical breakthroughs. Unfortunately, this is not the case in most biomedical research at the present time; scientific breakthroughs are still required and they often cannot be forced—no matter how much money and energy is expended.

We should not forget this caution. At the same time, we should recognize that of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources. For there are moments in biomedical research when problems begin to break open and results begin to pour in, opening many new lines of inquiry and many new opportunities for breakthrough.

We believe that cancer research has reached such a point. This administration is therefore requesting an additional $100 million for cancer research in its new budget. And—as I said in my State of the Union Message—"I will ask later for whatever additional funds can effectively be used" in this effort.

Because this project will require the coordination of scientists in many fields—drawing on many projects now in existence but cutting across established organizational lines—I am directing the Secretary of Health, Education, and Welfare to establish a new Cancer Conquest Program in the Office of the Director of the National Institutes of Health. This program will operate under its own Director who will be appointed by the Secretary and supported by a new management group. To advise that group in establishing priorities and allocating funds—and to advise other officials, including me, concerning this effort—I will also establish a new Advisory Committee on the Conquest of Cancer.

A second targeted disease for concentrated research should be sickle cell anemia—a most serious childhood disease which almost always occurs in the black population. It is estimated that one out of every 500 black babies actually develops sickle cell disease.

It is a sad and shameful fact that the causes of this disease have been largely neglected throughout our history. We cannot rewrite this record of neglect, but we can reverse it. To this end, this administration is increasing its budget for research and treatment of sickle cell disease fivefold, to a new total of $6 million.

2. A second major area of emphasis should be that of health education.

In the final analysis, each individual bears the major responsibility for his own health. Unfortunately, too many of us fail to meet that responsibility. Too many Americans eat too much, drink too much, work too hard, and exercise too little. Too many are careless drivers.

These are personal questions, to be sure, but they are also public questions. For the whole society has a stake in the health of the individual. Ultimately, everyone shares in the cost of his illnesses or accidents. Through tax payments and through insurance premiums, the careful subsidize the careless, the nonsmokers subsidize those who smoke, the physically fit subsidize the rundown and the overweight, the knowledgeable subsidize the ignorant and vulnerable.

It is in the interest of our entire country, therefore, to educate and encourage each of our citizens to develop sensible health practices. Yet we have given remarkably little attention to the health education of our people. Most of our current efforts in this area are fragmented and haphazard—a public service advertisement one week, a newspaper article another, a short lecture now and then from the doctor. There is no national instrument, no central force to stimulate and coordinate a comprehensive health education program.

I have therefore been working to create such an instrument. It will be called the National Health Education Foundation. It will be a private, non-profit group which will receive no Federal money. Its membership will include representatives of business, labor, the medical profession, the insurance industry, health and welfare organizations, and various governmental units. Leaders from these fields have already agreed to proceed with such an organization and are well on the way toward reaching an initial goal of $1 million in pledges for its budget.

This independent project will be complemented by other Federal efforts to promote health education. For example, expenditures to provide family planning assistance have been increased, rising fourfold since 1969. And I am asking that the great potential of our nation's day care centers to provide health education be better utilized.

3. We should also expand Federal programs to help prevent accidents—the leading cause of death between the ages of one and 37 and the fourth leading cause of death for persons of all ages.

Our highway death toll—50,000 fatalities last year—is a tragedy and an outrage of unspeakable proportions. It is all the more shameful since half these deaths involved drivers or pedestrians under the influence of alcohol. We have therefore increased funding for the Department of Transportation's auto accident and alcohol program from $8 million in Fiscal Year 1971 to $35 million in Fiscal Year 1972. I am also requesting that the budget for alcoholism programs be doubled, from $7 million to $14 million. This will permit an expansion of our research efforts into better ways of treating this disease.

I am also requesting a supplemental appropriation of $5 million this year and an addition of $8 million over amounts already in the 1972 budget to implement aggressively the new Occupational Safety and Health Act I signed last December. We must begin immediately to cut down on the 14,000 deaths and more than two million disabling injuries which result each year from occupational illnesses and accidents.

The conditions which affect health are almost unlimited. A man's income, his daily diet, the place he lives, the quality of his air and water—all of these factors have a greater impact on his physical well being than does the family doctor. When we talk about our health program, therefore, we should not forget our efforts to protect the nation's food and drug supply, to control narcotics, to restore and renew the environment, to build better housing and transportation systems, to end hunger in America, and—above all—to place a floor under the income of every family with children. In a sense this special message on health is one of *many* health messages which this administration is sending to the Congress.

F. A. NATIONAL HEALTH INSURANCE PARTNERSHIP

In my State of the Union Message, I pledged to present a program "to ensure that no American family will be prevented from obtaining basic medical care by inability to pay." I am announcing that program today. It is a comprehensive national health insurance program, one in which the public and the private sectors would join in a new partnership to provide adequate health insurance for the American people.

In the last twenty years, the segment of our population owning health insurance has grown from 50 percent to 87 percent and the portion of medical bills paid for by insurance has gone from 35 percent to 60 percent. But despite this impressive growth, there are still serious gaps in present health insurance coverage. Four such gaps deserve particular attention.

First—too many health insurance policies focus on hospital and surgical costs and leave critical outpatient services uncovered. While some 80 percent of our people have some hospitalization insurance, for example, only about half are covered for outpatient and laboratory services and less than half are insured for treatment in the physician's office or the home. Because demand goes where the dollars are, the result is an unnecessary—and expensive—overutilization of acute care facilities. The average hospital stay today is a full day longer than it was eight years ago. Studies show that over one-fourth of hospital beds in some areas are occupied by patients who do not really need them and could have received equivalent or better care outside the hospital.

A second problem is the failure of most private insurance policies to protect against the catastrophic costs of major illnesses and accidents. Only 40 percent of our people have catastrophic cost insurance of any sort and most of that insurance has upper limits of $10,000 or $15,000. This means that insurance often runs out while expenses are still mounting. For many of our families, the anguish of a serious illness is thus compounded by acute financial anxiety. Even the joy of recovery can often be clouded by the burden of debt—and even by the threat of bankruptcy.

A third problem with much of our insurance at the present time is that it cannot be applied to membership in a Health Maintenance Organization—and thus effectively precludes such membership. No employee will pay to join such a plan, no matter how attractive it might seem to him, when deductions from his paycheck—along with contributions from his employer—are being used to purchase another health insurance policy.

The fourth deficiency we must correct in present insurance coverage is its failure to help the poor gain sufficient access to our medical system. Just one index of this failure is the fact that fifty percent of poor children are not even immunized against common childhood diseases. The disability rate for families below the poverty line is at least 50 percent higher than for families with incomes above $10,000.

Those who need care most often get care least. And even when the poor do get service, it is often second rate. A vicious cycle is thus reinforced—poverty breeds illness and illness breeds greater poverty. This situation will be corrected only when the poor have sufficient purchasing power to enter the medical marketplace on equal terms with those who are more affluent.

Our National Health Insurance Partnership is designed to correct these inadequacies—not by *destroying* our present insurance system but by *improving* it. Rather than giving up on a system which has been developing impressively, we should work to bring about further growth which will fill in the gaps we have identified. To this end, I am recommending the following combination of public and private efforts.

1. I am proposing that a National Health Insurance Standards Act be adopted which will require employers to provide basic health insurance coverage for their employees.

In the past, we have taken similar actions to assure workers a minimum wage, to provide them with disability and retirement benefits, and to set occupational health and safety standards. Now we should go one step further and guarantee that all workers will receive adequate health insurance protection.

The minimum program we would require under this law would pay for hospital services, for physicians' services—both in the hospital and outside of it, for full maternity care, well-baby care (including immunizations), laboratory services and certain other medical expenses. To protect against catastrophic costs, benefits would have to include not less than $50,000 in coverage for each family member during the life of the policy contract. The minimum package would include certain deductible and coinsurance features. As an alternative to paying separate fees for separate services, workers could use this program to purchase membership in a Health Maintenance Organization.

The Federal Government would pay nothing for this program; the costs would be shared by employers and employees, much as they are today under most collective bargaining agreements. A ceiling on how much employees could be asked to contribute would be set at 35 percent during the first two and one-half years of operation and 25 percent thereafter. To give each employer time to plan for this additional cost of doing business—a cost which would be shared, of course, by all of his competitors—this program would not go into effect until July 1, 1973. This schedule would also allow time for expanding and reorganizing our health system to handle the new requirements.

As the number of enrollees rises under this plan, the costs per enrollee can be expected to fall. The fact that employees and unions will have an even higher stake in the system will add additional pressures to keep quality up and costs down. And since the range within which benefits can vary will be somewhat narrower than it has been, competition between insurance companies will be more likely to focus on the overall price at which the contract is offered. This means that insurance companies will themselves have a greater motivation to keep medical costs from soaring.

I am still considering what further legislative steps may be desirable for regulating private health insurance, including the introduction of sufficient disincentive measures to reinforce the objective of creating cost consciousness on the part of consumers and providers. I will make such recommendations to the Congress at a later time.

2. I am also proposing that a new Family Health Insurance Plan be established to meet the special needs of poor families who would not be covered by the proposed National Health Insurance Standards Act—those that are headed by unemployed, intermittently employed or self-employed persons.

The Medicaid program was designed to help these people, but—for many reasons—it has not accomplished its goals. Because it is not a truly national program, its benefits vary widely from State to State. Sixteen States now get 80 percent of all Medicaid money and two States, California and New York, get 30 percent of Federal funds though they have only 20 percent of the poverty population. Two States have no Medicaid program at all.

In addition, Medicaid suffers from other defects that now plague our failing welfare system. It largely excludes the working poor—which means that all benefits can suddenly be cut off when family income rises ever so slightly—from just under the eligibility barrier to just over it. Coverage is provided when husbands desert their families, but is often eliminated when they come back home and work. The program thus provides an incentive for poor families to stay on the welfare rolls.

Some of these problems would be corrected by my proposal to require employers to offer adequate insurance coverage to their employees. No longer, for example, would a workingman receive poorer insurance coverage than a welfare client—a condition which exists today in many States. But we also need an additional program for much of the welfare population.

Accordingly, I propose that the part of Medicaid which covers most welfare families be eliminated. The new Family Health Insurance Plan that takes its place would be fully financed and administered by the Federal Government. It would provide health insurance to all poor families with children headed by self-employed or unemployed persons whose income is below a certain level. For a family of four persons, the eligibility ceiling would be $5,000.

For the poorest of eligible families, this program would make no charges and would pay for basic medical costs. As family income increased beyond a certain level ($3,000 in the case of a four-person family) the family itself would begin to assume a greater share of the costs—through a graduated schedule of premium charges, deductibles, and co-insurance payments. This provision would induce some cost consciousness as income rises. But unlike Medicaid—with its abrupt cutoff of benefits when family income reaches a certain point—this arrangement would provide an incentive for families to improve their economic position.

The Family Health Insurance Plan would also go into effect on July 1, 1973. In its first full year of operation, it would cost approximately $1.2 billion in additional Federal funds—assuming that all eligible families participate. Since States would no longer bear any share of this cost, they would be relieved of a considerable burden. In order to encourage States to use part of these savings to supplement Federal benefits, the Federal Government would agree to bear the costs of administering a consolidated Federal-State benefit package. The Federal Government would also contract with local committees—to review local practices and to ensure that adequate care is being provided in exchange for Federal payments. Private insurers, unions and employees would be invited to use these same committees to review the utilization of their benefits if they wished to do so.

This, then, is how the National Health Insurance Partnership would work: The Family Health Insurance Plan would meet the needs of most welfare families—though Medicaid would continue for the aged poor, the blind and the disabled. The National Health Insurance Standards Act would help the working population. Members of the Armed Forces and civilian Federal employees would continue to have their own insurance programs and our older citizens would continue to have Medicare.

Our program would also require the establishment in each State of special insurance pools which would offer insurance at reasonable group rates to people who did not qualify for other programs: the self-employed, for example, and poor risk individuals who often cannot get insurance.

I also urge the Congress to take further steps to improve Medicare. For one thing, beneficiaries should be allowed to use the program to join Health Maintenance Organizations. In addition, we should consolidate the financing of Part A of Medicare—which pays for hospital care—and Part B—which pays for outpatient services, provided the elderly person himself pays a monthly fee to qualify for this protection. I propose that this charge—which is scheduled to rise to $5.60 per month in July of this year—be paid for instead by increasing the Social Security wage base. Removing this admission cost will save our older citizens some $1.3 billion annually and will give them greater access to preventive and ambulatory services.

WHY IS A NATIONAL HEALTH INSURANCE PARTNERSHIP BETTER THAN NATIONALIZED HEALTH INSURANCE?

I believe that our government and our people, business and labor, the insurance industry and the health profession can work together in a *national partnership* to achieve our health objectives. I do *not* believe that the achievement of these objectives requires the *nationalization* of our health insurance industry.

To begin with, there simply is no *need* to eliminate an entire segment of our private economy and at the same time add a multi-billion dollar responsibility to the Federal budget. Such a step should not be taken unless all other steps have failed.

More than that, such action would be dangerous. It would deny people the right to choose how they will pay for their health care. It would remove competition from the insurance system—and with it an incentive to experiment and innovate.

Under a nationalized system, only the Federal Government would lose when inefficiency crept in or when prices escalated; neither the consumer himself, nor his employer, nor his union, nor his insurance company would have any further stake in controlling prices. The only way that utilization could be effectively regulated and costs effectively restrained, therefore, would be if the Federal Government made a forceful, tenacious effort to do so. This would mean—as proponents of a nationalized insurance program have admitted—that Federal personnel would inevitably be approving the budgets of local hospitals, setting fee schedules for local doctors, and taking other steps which could easily lead to the complete Federal domination of all of American medicine. That is an enormous risk—and there is no need for us to take it. There is a better way—a more practical, more effective, less expensive, and less dangerous way—to reform and renew our Nation's health system.

CONFRONTING A DEEPENING CRISIS

"It is health which is real wealth," said Ghandi, "and not pieces of gold and silver." That statement applies not only to the lives of men but also to the life of nations. And nations, like men, are judged in the end by the things they hold most valuable.

Not only is health more important than economic wealth, it is also its foundation, it has been estimated, for example, that 10 percent of our country's economic growth in the past half century has come because a declining death rate has produced an expanded labor force.

Our entire society, then, has a direct stake in the health of every member. In carrying out its responsibilities in this field, a nation serves its own best interests, even as it demonstrates the breadth of its spirit and the depth of its compassion.

Yet we cannot truly carry out these responsibilities unless the ultimate focus of our concern is the personal health of the individual human being. We dare not get so caught up in our systems and our strategies that we lost sight of *his* needs or compromise *his* interests. We can build an effective National Health Strategy only if we remember the central truth that the only way to serve our people well is to better serve each person.

Nineteen months ago I said that America's medical system faced a "massive crisis." Since that statement was made, that crisis has deepened. All of us must now join together in a common effort to meet this crisis—each doing his own part to mobilize more effectively the enormous potential of our health care system.

Richard Nixon.

The White House, *February 18, 1971.*

LITHUANIAN INDEPENDENCE DAY—53 YEARS OF RESISTANCE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 60 minutes.

(Mr. FLOOD asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. FLOOD. Mr. Speaker, today we observe the 53d anniversary of the declaration of independence of the Lithuanian people. On November 15, 1917, the Soviet Government under Lenin declared that all the nations of Russia had the right of self-determination, including independence and the formation of sovereign governments. On February 16, 1918, the Lithuanian Council, speaking for all of the people of Lithuania, declared the nation an independent, democratically ordered state. But Lithuania is still not free.

The roots of the Lithuanian independent spirit reach deep into the history of this Baltic nation. During the second half of the 14th century, vast empires were being built by powerful lords who conquered great expanses of land and established dynasties. By the mid-15th century, the Lithuanian empire extended over 300,000 square miles, stretching south from the Baltic Sea to the Black

Sea and east almost to Moscow, an area larger than any country in modern Europe.

The ruling classes managed to control this vast territory because of their unquestionable political talent and their spirit of religious tolerance. Lithuania at that time was a proud and powerful multinational state and the Baltic peoples who inhabited the land were intensely nationalistic, proud of their religion, language, and customs.

The struggle of these proud peoples to maintain their freedom began in the 16th century when the Russian rulers in Moscow proclaimed themselves czars of all the Russias and began to sweep across the surrounding nations. Russian invasions of Lithuania began in the 17th century and continued for over 100 years, culminating finally in the fall of Vilnius, the capital, during the second invasion in 1721. Her gallant citizens had fought vehemently, but finally, the Russian Empire proved the stronger. Thus, the inherent right of mankind to liberty and with it man's sense of human dignity were shut in darkness. For the 120 years of the czarist occupation, endless attempts were made to break down the nationalistic spirit of the Lithuanian people in favor of a stronger feeling of oneness with the Russian Empire. During these dark times, Lithuanian schools were closed; the land was seized and put in the hands of Russian landlords; Lithuanian language and literature were outlawed; the press became Russian dominated, its principal purpose to spread Russian nationalist propaganda throughout the land; the people's religion was persecuted, and even the name of this once proud state was abolished, the Russians referring to their newest colony as the "Territory of the Northwest."

In 1917, Woodrow Wilson's words expressing the right of all peoples to self-determination gave voice to the hopes of the Lithuanians, and the demand for independence, for liberty, flared anew. Throughout the horrors of the German occupation and World War I, Lithuanian statesmen strove for independence, leading delegation after delegation first to Berlin, later to Moscow demanding the right of self-government. On February 16, 1918, at Vilnius, the people of Lithuania declared themselves free.

It was necessary at once for the fledgling government to prove its mettle, for Bolshevik and German eyes were upon Lithuanian soil as fat enrichment of their empires. However, the people had savored the sweet joy of liberty and intended to make it last. In 1921, the country took a proud place as member of the League of Nations in status equal to every other European country, and by 1922, she had been recognized as a sovereign state by all of the major powers of the world. Lithuania was to enjoy 22 years of growth, prosperity, and freedom.

During this consummate period in Lithuanian history, the citizens proved what an energetic and dedicated people they are, for they put themselves to work building the government structure and attacking the problems which must be surmounted to make a sovereign state a great nation. Much had to be done to erase the Russian foundations set up during the 120 years' colonization. Lithuanian spirit ardently burst forth across the land, patriotically, eager to rebuild the Lithuanian homeland. Various social reforms were initiated, new elementary and secondary schools were established as well as vocational schools and many fine colleges. Existing networks of transportation were improved and new ones constructed, and attempts were made to augment industry. As a major step toward a flourishing economy, the people made the most of their greatest asset, the fertile soil, by inaugurating land reforms, establishing new farms, and teaching improved farming techniques. Agricultural exports increased rapidly and the Lithuanian economy began to boom.

Suddenly across the landscape of this rapidly growing and thriving country fell the shadow of the terrifying specter of imperialism. In 1939, the European nations began to comprehend that a massive militant German state, ready to march on sovereign nations, was threatening their liberty. At this time, the Soviet Union began embroiling the Lithuanian Government in complicated diplomatic maneuvers and mutual assistance pacts with hidden strings attached. Soviet armed forces were sent to occupy the country for the purpose of thwarting the Nazi invaders and "protecting" the naive Lithuanian nation. Germany attacked the Soviet Union in 1941 and hapless Lithuania fell to the Nazis.

Then followed the bloodiest period in Lithuanian history. Free men will never fully understand the torments which the terrified people endured during the Nazi invasion and the ensuing Soviet occupation. Under the Soviets, hundreds of thousands of people were rounded up and deported to Soviet camps in Siberia. Thousands more were murdered as political enemies. Hitler's policy of conquering and colonizing resulted in more mass executions and inconceivable abuses to the Lithuanian people. As the Nazi onslaught subsided and the German armies fell back, the Soviet Army moved in to occupy Lithuanian territory again, this time under the noble pretense of freeing the worker and the peasant. Soviet subversion begun in 1939 now showed its strength. The Lithuanian people, who had been terrorized by Nazi power and confused by Soviet pressures for union in complex assistance treaties, had been the victims of skilled subversive tactics. Under the guise of protecting the country agaist the Nazi invaders, the Soviets had managed to implant Communist rule in every corner of Lithuania, and their lethal subterfuge had undermined the structure of the Lithuanian state. Expulsion of the Soviets after World War II was hopeless. Thus, the gallant citizens once more fell under the yoke of oppression.

The story does not end here; indeed, the courageous resistance of the Lithuanians to Sovietization goes on today in the same way it did during the first Russian occupation under the czars. The people of Lithuania living today have known freedom; although they have suffered the bitterness of Russian tyranny, they have also tasted the sweet fruits of liberty. Remembrance of their great history and their once-proud moment of independence has kept alive their hope of self-determination. Every effort is made to instill in the youth this same feeling of pride in the past and determination to achieve liberty in the future. Freedom's spirit endures.

On this 53d anniversary of the declaration of Lithuanian independence, as we pause to honor the brave Lithuanians, let us consider the words of Nadas Rastenis, Lithuanian-born poet and now U.S. citizen:

For brutal brawls and wicked wars,
All men are blamable, of course.
No king, no ruler, ever could
Disrupt the tranquil brotherhood
Of men and nations on this Sphere,
If mortals, honest and sincere—
The men who think, the men who slave,
Would rise united, peaceful, brave . . .

Mr. Speaker, the people of Lithuania will again be free.

As part of my remarks today, Mr. Speaker, I would like to include the text of an address I delivered on Sunday, February 7, 1971, before the American Lithuanian Society of the District of Columbia at the Hotel Washington on the occasion of the society's observance of the 53d anniversary of Lithuanian independence.

The address follows:

It is truly a privilege and pleasure for me to be here with you today to share in the celebration of the 53d Anniversary of the Independence of modern Lithuania. I say modern because the history of Lithuania—its people and its culture—extends back to the early middle ages, to the period marked by the coming of Christianity in the 13th century and the planting of that deep faith in God which has always been the glory of the Lithuanian national heritage. However, it was but half a century ago that the aspirations of the Lithuanian people for political freedom found their precious opportunity: In December of 1917 a national council assembled at Vilna, and on February 16 of 1918 a formal declaration of independence was issued, marking the end of centuries of alien rule. Through those difficult and momentous years Americans of Lithuanian descent helped to win official American recognition for the cause of an independent Lithuania.

In commemorating those heroic days our joy is overcast with sadness as we consider the unhappy history of Lithuania since 1918—twice overrun by Soviet and once by German armies, and, since 1944, deprived of political and religious freedom alike by the grim realities of continued Soviet occupation. Nevertheless, love of freedom and loyalty to religious faith have survived in Lithuania and, by God's grace, will continue to flourish in the days to come. Lithuania has known oppression and persecution in the past: she has seen "the wicked flourish like the green bay tree", in the words of the psalmist, and her people have learned that, however strong and ruthless the oppressor, his days are surely numbered while freedom lives. Lithuanians have had to fight long and hard and often to obtain and to preserve their independence, a continuing struggle in which the language, culture, and tradition of a great people have become their means to identity and, in a very real sense, their salvation, under God. From the tragic, moving history of their struggle all people everywhere may find inspiration in these troubled times.

In our beloved America, formed from many peoples, races, and faiths, there are approximately a million Lithuanians, of whom the great majority—some 70 per cent—are Americans of Lithuanian descent, and the rest naturalized Americans born in the old country. Lithuanians have contributed much to this Nation—profound religious commitment, passionate love of freedom, stable family life, and a deep sense of social and community organization built upon cooperation and concern for the common good. Lithuanian-Americans have distinguished themselves in the arts, in education, in business, and in sports. Their patriotism has been vindicated time and again in proven loyalty to America and her heritage of freedom and dignity, a heritage especially precious to Lithuanians, who know at what great cost freedom is won and preserved.

As it happens, this year marks the 20th anniversary of the Voice of America, one of the strongest weapons possessed by the free world in its unending conflict with the forces of tyranny and repression. For many millions of people, the Voice of America is virtually the only means by which they are able, if only for a moment, to escape the Iron Curtain of alien rule and to come into contact with the outside world. It was my privilege in that period in which the Voice of America was first established to make the first broadcasts into Lithuania, conveying the assurance of support for the aspirations of her people and their inextinguishable hope for independence. It so happens that in 1951, I was a member of the Appropriations Subcommittee for the Department of State, when the Director of Voice of America appeared before my subcommittee to tell us about his proposed broadcasts behind the Iron Curtain, he listed the countries, but did not include Lithuania. I insisted that Lithuania be included, and it was included, and as I just mentioned I made the first broadcast on Voice of America to Lithuania on February 16, 1951. I inserted this in the CONGRESSIONAL RECORD March 13, 1951, and I think it would be a historic and warming experience for you if I read that statement now:

"My name is Dan Flood, I was elected by the people of my district in Pennsylvania, a district in the hard-coal-mining fields of the State. My constituents live in Luzerne County, the principal city of which is Wilkes-Barre. Among the people who have asked me to represent them in the Congress of the United States, there are more than 30,000 of Lithuanian stock. Most of them are third generation Lithuanians, which means that their grandparents immigrated to this country. When they came here, they found the opportunity which America offers to all those who cherish freedom and who are ready to work to build up their own lives and the future of their children. I am glad to say that all these Lithuanian-Americans are well established American citizens now who uphold the democratic ideals and traditions of this country and who are highly respected by their fellow Americans of other origins. It is one of the great privileges of American citizenship that we who are loyal to the United States of America do not forget our ties with the country of origin of our ancestors. We cherish and continue many of the good European traditions within the framework of our American way of life. And this is also true of the Lithuanian-Americans in my constituency. They have formed Lithuanian-American societies and clubs, and they have many churches in which the parish priests are Lithuanian-Americans who preach to their flock in Lithuanian.

Now all these Lithuanian-Americans speak Lithuanian among themselves a great deal and celebrate today as every year; on February 16 the birthday of the Republic of Lithuania, with folk songs and festivals.

It is therefore my particular pleasure, as a representative of those citizens, to take the opportunity of the first Lithuanian language program of the Voice of America, to relay my best wishes as well as those of my constituents to the people of Lithuania.

My Lithuanian-American constituents are very proud of the fact that the United States has refused to recognize the Soviet claim to the Baltic States and that we recognize the Minister of Lithuania to Washington as a representative of the Lithuanian people in the United States. My Lithuanian-American constituents look forward to the day when the Lithuanian people will again have their free choice as to their form of Government and their national life.

Among these Lithuanian-Americans many have achieved positions of respect and importance in our community. As an example, I can cite Mr. Peter Margia, a business-man of Wilkes-Barre who is a Senator in the legislature of the State of Pennsylvania.

All these people, as American citizens, are supporting fully the policy of peace with freedom and justice for all people, which is the policy of the Government of the United States. And that is why I think that on this day I can speak for all of them when I wish you, the people of Lithuania, that you may regain your freedom and may be able to work out your own destiny. It is with these thoughts that I am repeating to you what my Lithuanian-American constituents always say with conviction and confidence: kas bus nebus, Lietuva neprazus (no matter what will happen, Lithuania will not perish)."

Today no less than at that time I am confident that we shall see the restoration of Lithuania as a free nation. I need hardly remind you who are gathered here of the fact that Lithuania and her people have seen great days in the past and have survived dark times. In the 14th and 15th centuries Lithuania took her place as one of the great powers in eastern Europe, enjoying a vigorous and creative national life. Subsequent centuries saw the seeming eclipse of that greatness and the curse of foreign occupation. Then, in 1918, the rebirth and renewal of freedom proved to all the world the tenacity and durability of Lithuanian culture and identity. So, today, under Soviet rule, Lithuania and her traditions refuse to be absorbed, assimilated, or obliterated. To no small degree, this is due to the continuing concern which Lithuanian-Americans have manifested for their land or origin, its language and its proud heritage.

You hold before us the reality of the "captive nations"—all those ancient peoples who share the plight of Lithuania under Soviet rule—and whose aspirations serve to rouse our conscience. They must not—they shall not—be forgotten!

Recent events have served to remind us all anew of the price which oppression exacts of freedom and of the grim fate which awaits those who are determined to risk all for freedom. The names of Simas Kudirka and Vitautas Simokaits will live among Lithuanians and all peoples who yearn to be free. Americans recall with shame the return of Kudirka to the vessel from which he had sought to defect. Let us hope that such a situation will never recur, and that this Nation will always be a haven for those seeking the blessings of a free society. The fate of Simas Kudirka is unknown.

It is now more than two months since the forced repatriation of the Lithuanian seaman, Simas Kudirka, who unsuccessfully attempted to defect to the United States from a Soviet trawler operating in American waters.

To the regret and consternation of the American people—who learned of this tragedy only after it was too late to help—Mr. Kudirka was not granted sanctuary on the U.S. Coast Guard cutter "Vigilant." Instead, Russian seamen were permitted to board the cutter and, in the presence of the American crew, were allowed to capture, forcibly restrain, and beat Mr. Kudirka into unconsciousness.

This tragedy should never have taken place. Hopefully, sufficient steps are being taken to insure that a similar incident in the future will be met with compassion and intelligent alternatives.

I have proposed to co-sponsor with the Honorable Roman Pucinski, a House Joint Resolution, that the American Coast Guard cutter "Vigilant" be renamed the "Simas Kudirka" as a significant and effective way of reminding the world and our own authorities of the contempt we hold for forced repatriation

That of Vitautas Simokaitis—he was originally sentenced to death, but a Reuters news agency report in the Washington Post on January 31, 1971, states that his death sentence was commuted to 15 years in a labor camp. This in itself, for the mere attempt, is a harsh and unseemly sentence. At least, thank God, we hope and pray that the death sentence was commuted. . . .

. . . As a Congressman, as an American, and as a human being, I share the concern of men and women everywhere for these unhappy victims, and I am glad to join my voice to those who are urging that the Soviet authorities exercise clemency and spare the life of Simokaitis. I can assure you that whatever can be done through every channel of peaceful suasion, we shall do.

In the meantime, the heroism of such men and women is proof—were proof needed—that the spirit of 1918 lives among Lithuanians and that the fire of freedom kindled half a century ago has not been extinguished. So long as free men humbly acknowledge their liberties as derived from God and securely rooted in Him, that fire shall burn until its brightness shall usher in a new era of justice, freedom, and peace for Lithuania and for all peoples everywhere.

Mr. GERALD R. FORD. Mr. Speaker, this week Americans of Lithuanian descent and their millions of friends across the Nation join in observing two important Lithuanian anniversaries—the 720th anniversary of the founding of the Lithuanian State and the 53d anniversary of Lithuanian Independence.

Mr. Speaker, I am proud to be a part of this commemoration, this salute to a gallant people. For me the words "Lithuania" and "courage" are synonymous. In thinking of the Lithuanian people, I shall ever be mindful of the regretfully unsuccessful but stunningly brave attempt of the seaman Simas Kudirka to defect to the U.S. Coast Guard cutter *Vigilant*. The spirit of seaman Kudirka is typical of his people. This is the kind of spirit that stirs men's souls.

It was in February 1261, more than seven centuries ago, that Lithuania first was formed. It was on February 16, 1918, that Lithuanians broke the bonds of Russian domination and German occupation and declared their nation free and independent. For 22 years thereafter Lithuania took her rightful place in the family of free nations, but then Russian Communist invaders acting in the name of a new imperialism destroyed her precious independence.

Although stamped on by the iron heel of Communist dictatorship, the Lithuanians have never lost their zeal for freedom and independence. Lithuanians living under the Soviet yoke still yearn for the day when they shall again be free.

We who enjoy the blessings of liberty must encourage the spirit of independence in Lithuania and other nations held captive by the Soviets. We must ever champion their righteous cause. The truth is on their side—and there we must be also. I urge that the administration do everything within reason to implement House Concurrent Resolution 416, which calls for freedom for the Baltic States.

Mrs. HICKS of Massachusetts. Mr. Speaker, today, I urge the Members of the U.S. House of Representatives to join with me in observing the 720th anniversary of the Lithuanian State and the 53d anniversary of the modern Republic of Lithuania.

For more than 50 years, the Lithuanian people have been suffering under Communist totalitarianism imparted upon them by the Soviet Union. It is one of the ironies and tragedies of contemporary history that these gallant and gifted people—totaling over 1 million in the United States—have been fated to have their beloved homeland suffer under alien tyrants for so long.

The modern history of the Lithuanian people is the story of their ceaseless struggle for their inalienable birthright: Freedom and independence.

The terrible and tragic event of November 23, 1970, in which a Lithuanian sailor, Simas Kudirka, was denied sanctuary aboard an American Coast Guard vessel, should serve as a constant reminder of the importance of freedom. Simas Kidurka must not be forgotten.

I have recently cosponsored legislation which would rename the Coast Guard cutter *Vigilant*, on which this terrible tragedy occurred, the U.S.S. *Simas Kidurka*.

Many Lithuanians fled their homeland to escape tyranny but each carried with him a strong sense of nationalism and an unswerving commitment to freedom. Despite five decades of Soviet oppression, the idea of self-determination has endured and flourished.

It is a privilege to be able to join with my God-fearing and freedom-loving people throughout the United States in commemorating the 53d anniversary of the modern Lithuanian Republic.

Let us never forget the sacrifices these Lithuanian patriots have made for the cause of freedom and let us always remember the ancient precept that so long as some men are enslaved none of us are totally free.

Mr. STEELE. Mr. Speaker, Lithuanians in this country and all over the world are celebrating two important anniversaries this month.

They observe the 720th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and second, they are marking the 53d anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

The freedom of Lithuania lasted only 22 years. In 1940 the Soviets moved in and annexed the country. By various inhuman means the Soviets have tried to suppress the Lithuanian identity ever since that time. But Lithuanians are intensely proud of their heritage and they will not accept the taking away of their freedom. We must not forget the tragedy this nation suffered over the past three decades under Soviet occupation.

At a time when the Western powers have granted freedom and independence to nations in Africa and Asia, we must insist that the Soviet Union likewise extend freedom and independence to those countries which it simply incorporated into its empire. Particularly, Lithuania, Latvia, and Estonia, which were unjustly occupied, must be restored to their rightful place among free nations.

In the past Congress has recognized that we have a responsibility to keep up the moral pressure on the Soviet Union, lest their Government think that the incorporation of these nations has been accepted. Congress has passed House Concurrent Resolution 416 that calls for freedom of Lithuania as well as Latvia and Estonia. I would like to include that resolution in the RECORD at this time to remind us of our obligation to the freedom of these countries.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. COTTER. Mr. Speaker, I rise today to commemorate Lithuanian Independence Day.

This year there are two reasons to remember this day. First, it is the 720th anniversary of the unification of the Lithuanian State into one kingdom in 1251 by Minduagas the Great and, secondly, the 53d anniversary of the modern Republic of Lithuania.

I would like to take this opportunity to recognize these anniversaries and to share with Americans of Lithuanian descent and Lithuanians still behind the Iron Curtain the hope and promise for the future that these justifiably proud people will be able to walk free in their own land.

Mr. Speaker, I am sure that the courage and forbearance of these great people will provide inspiration to the peoples of all nations. On this week dedicated to the memory of these proud people I am prayerful that the future will bring them the happiness they deserve.

Mrs. GRIFFITHS. Mr. Speaker, today, we in the House of Representatives call to the attention of the American people the 53d anniversary of the declaration of independence of the Lithuanian people. This is a glorious anniversary as well as a time of great sorrow for free men everywhere.

On February 16, 1918, the Lithuanian nation declared its independence—an independence that had not been theirs for more than two centuries of Russian domination and German occupation during World War I. For two decades from that day in 1918, the Lithuanian people lived and thrived in the light of freedom which we Americans believe is the birthright of all men. But now, 53 years later, freedom has still eluded the over 3 million captive citizens of Lithuania.

Independent Lithuania again fell under Russian domination when it was occupied by the Red army in World War II. It was declared a constituent republic of the U.S.S.R. on August 3, 1940. Following German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944. Since then it has been considered by the Soviet Union as a component republic. The United States have never recognized the Soviet incorporation of Lithuania or the other two Baltic States, Estonia and Latvia.

The Lithuanians have had a long and rich history in their continuing struggle for freedom and independence. It is a credit to the courageous Lithuanian people that after all these years they have maintained their freedom in mind and spirit. The continued determination of the Lithuanian people to recapture their freedom and independence is an example for the entire world. I join free men everywhere in expressing my continued admiration for these people and in supporting their campaign for freedom and self-determination.

Mr. CONABLE. Mr. Speaker, this week we in the United States join with Lithuanian Americans and their many friends in commemorating two great events in Lithuanian history: we mark the 720th anniversary of the unification of the country by Mindaugas the Great, and the 53d anniversary of the founding of the modern Republic of Lithuania. This is not a happy commemoration, however, for we are reminded that the proud country of Lithuania, which possesses the oldest existing European language, has been under the domination of the Soviet Union for more than 30 years.

Despite the harshness of the Russian occupation of their country, Lithuanians have kept alive the struggle against the suppression of their independence and their rights of freedom of speech, press, and assembly. As a nation that upholds the guarantee of fundamental human liberties for all peoples, we find the repression of individual liberty in this small Baltic nation as unacceptable as similar repression would be within our own borders. Therefore, as Lithuanians continue their efforts with the other Baltic captive nations for self-determination, it is appropriate that our country should stand in the forefront among the free world nations in condemning the Soviet Union's oppression of Lithuania and in expressing support for the continuing struggle of this Baltic people for the right of political, economic, and cultural self-determination.

Mr. KEMP. Mr. Speaker, Americans of Lithuanian origin or descent and their friends in all parts of our great Nation will commemorate two very important anniversaries this month: First. They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and second, they will mark the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

Therefore, at this point I would like to include an essay prepared by the Lithuanian American Executive Committee and a resolution adopted by the Lithuanian Club of Buffalo to emphasize the need to continue the crusade to free the Baltic States. The essay and resolution follow:

Lithuania's Fight for Freedom—30 Years of Soviet Oppression

For too long too many people throughout the world have been unaware of what happened to the people in Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

Resolution

We, the Lithuanian-Americans of Buffalo, New York and environs, assembled this 14th day of February, 1971, at the International Institute to commemorate the restoration of Lithuania's independence, do hereby resolve the following:

Whereas, the Union of Soviet Socialist Republics according to the agreement signed with Nazi Germany in 1939, on June 15, 1940, forcibly occupied and illegally annexed the independent Republic of Lithuania as well as Latvia and Estonia, which fact had been officially confirmed by the findings of the Select Committee on Communist Agression of the House of Representatives, 83d Congress of the United States, and

Whereas, the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation, and

Whereas, the Union of Soviet Socialist Republics, through a program of deportations and resettlement of peoples, continues in its efforts to change the ethnic character of the population of Lithuania and the other Baltic States, thereby committing the offense of genocide, and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights, as most recently demonstrated by the dramatic hi-jacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, the heroic attempt of defection by Simas Kudirka, and the unsuccessful attempt of escape to Sweden by Vytautas Simokaitis and his wife; now, therefore, be it

Resolved, That we Americans of Lithuanian origin or descent, reaffirm our adherence to American democratic principles of government and pledge our support to our President and Congress to achieve lasting peace, freedom, and justice in the world,

That we respectfully request the President of the United States to direct the attention of world opinion at the United Nations and at the other appropriate international forums on behalf of the restoration of sovereign rights to the Baltic peoples, which policy was recommended to the President of the United States by the House Concurrent Resolution 416 of the 89th Congress, and

Be it finally resolved that copies of this resolution be forwarded to the President Richard M. Nixon, Secretary of State William P. Rogers, Senators Jacob J. Javits and James L. Buckley, to the Members of Congress Thaddeus J. Dulski, Henry P. Smith, and Jack E. Kemp.

Dr. A. GAMZIUKAS,
President.
R. MASIULIONIS,
Secretary.

Mr. BURKE of Massachusetts. Mr. Speaker, I feel it very fitting to devote time to commend the Lithuanian people in their continued fight for the reestablishment of independence and self-government. After years of struggle and agitation, Lithuania became an independent state on February 16, 1918. This date marked the triumphant rebirth of a once powerful state whose confines spread far beyond the Baltic littoral. The triumph was short, for during the period following World War I, Red armies marched across Eastern Europe taking control. When the dust of war finally settled, however, an independent Lithuania took her place among the free nations of the world.

The decades of the 1920's and 1930's were happy and prosperous years for the Lithuanian people, but with the lengthening of the clouds of World War II over Europe, Lithuania along with so many other small nations, was an early casualty. Soviet troops moved into Lithuania building airbases on her territory. Under duress, she had little choice in preventing the matter. The Soviets engineered a fixed election, and in a short while absorbed Lithuania. The war thus proved to be a national tragedy and marked the demise of Lithuania as a nation state.

But memories have outlasted political events in this case, as they so often do—memories of happier days of freedom, independence and nationhood. Today, these courageous and brave people still cling to the hope and idea of freedom and independence with a noble tenacity. Let us never forget the fight continuously waged by the Lithuanian people to reestablish their complete independence from Soviet domination.

Let us resolve here today never to lose sight of events in a far-off corner of the globe. If no man is an island, certainly no nation or people are an island—certainly not in this day and age. The denial of identity, the suppression of national urgings, the domination by foreign troops or the threat of imminent invasion that is part of the everyday facts of life for our Lithuanian brothers is something which is a judgment on each and every one of us in this free and prosperous Nation. For Lithuania stands out as more than as enslaved nation. It is a daily reminder of the fact that we are living in an epoch in which one evil leads inexorably to another. Let us not forget Lithuania, because to do so might lead the world to relive past mistakes and errors.

Let us hope and pray that the Lithuanian people will one day soon see the rebirth of a free state and once again enjoy the freedom which is democracy's lifeblood.

Mr. SMITH of California. Mr. Speaker, the fate of Lithuania and its people again comes to the fore as we are reminded of the 720th anniversary of its formation as a state and the 53d anniversary of the modern Republic of Lithuania established on February 16, 1918.

There is no celebration of independence, however, for this land and its people who have been in the captivity of the Iron Curtain since the Kremlin moved troops into Lithuania in June of 1940—following the Nazi and Soviet smashing of Poland in September 1939.

House Concurrent Resolution 416 adopted by the U.S. Congress calls for freedom for Lithuania and its Baltic neighbors, Latvia and Estonia.

All Americans everywhere should urge the implementation of this resolution and firmly and consistently support the aspirations of these Baltic people to their rights of self-determination and national independence.

The force of world opinion should be brought to bear on the restoration of these rights. No longer should the peoples of Lithuania, Latvia, and Estonia be denied their rightful place among the nations of the world—and the freedom to live as they choose.

Mr. HUNT. Mr. Speaker, precisely 2 years ago, on the occasion of the 51st anniversary of the declaration of independence by Lithuania, I stated:

> Self-determination, freedom, and independence, won in these United States by great sacrifice and sustained only by determined vigilance and a dedication to these principles for which men continue to give of their lives and fortunes, must not be denied to any nation whose spirit is bolstered by the hope that the United States will advance their cause. To retreat from this challenge is to diminish our own security as a free nation.

February 16, 1971, marked the 53d anniversary of the restoration of Lithuanian independence and time, especially in light of the commitments of the United States around the globe, has sustained the truth of my words spoken only 2 short years ago. These truths, however, are not self-evident and their validity in the years to come will depend largely, if not solely, upon how faithfully we execute our commitments abroad as a free nation.

Demonstrative of the never-dying spirit of those of our own citizens of Lithuanian descent is the following resolution that was adopted at Newark, N.J., on February 13, 1971, at a mass meeting of the Lithuanian people under the sponsorship of the Lithuanian Council of New Jersey:

RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupations of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hyjacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection,

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterate the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, New Jersey—Feb. 13, 1971.

LITHUANIAN COUNCIL OF
NEW JERSEY,
VALENTINAS MELINIS,
President.

Today, Mr. Speaker, I am also introducing a concurrent resolution as follows:

H. CON. RES. 169

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exists many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring). That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mrs. REID of Illinois. Mr. Speaker, on this 53d anniversary of the establishment of Lithuania as a democratic and sovereign state, we pay honor and tribute to a gallant people who have won wide respect and admiration. It was 53 years ago—on February 16, 1918—when the people of Lithuania proclaimed the restoration of their independence after centuries of Russian rule.

For 22 years the nation flourished—land reform was instituted—industries reestablished—transportation facilities expanded—and educational institutions improved. The people were happy and content with their freedom. Unfortunately, this new independence was of short duration. On June 15, 1940, Lithuania was again invaded by Russia—a ruthless Communist Russia—which used strong-arm methods to take over this and other small Eastern European nations and incorporate them as provinces.

Since then Lithuanians have not known freedom in their homeland and they do not have the privilege of observing their independence day—their national holiday. Our observance of this anniversary is much more than the making of a historic event in the history of nations, it is a recognition of the courageous resolve with which the people of that great Republic have steadfastly maintained their love of freedom in spite of the attempts of their Communist rulers to beat them down by destroying their national culture, language, and even the populations through mass deportations and colonization of their lands.

But, we in the free world must give them the encouragement to continue that fight for freedom. We must let them know that America still stands devoted, as they do, to the principles of justice and the right of self-determination. We must not forget for a minute the fate of this and other nations who have contributed so much to civilization and whose right to self-determination has been taken from them. In the 89th Congress I gave my support to House Concurrent Resolution 416 which urged the President of the United States to direct the attention of world opinion at the United Nations and other appropriate forums by such means as he deems appropriate to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples. This should continue to be our policy.

All who cherish freedom in the world have a common interest, and likewise we share a common threat. Lithuanian Independence Day, therefore, should be for Americans, a day of prayerful reflection and renewed dedication. I know the people of my district join me in saluting the brave people of Lithuania and in expressing the hope that one day February 16 will again be a day of rejoicing for this valiant nation. As long as we in the free world continue to give them encouragement, I am confident that the people of Lithuania will not abandon their dream and hopes of liberation.

Mr. HELSTOSKI. Mr. Speaker, even as the world's attention has been focused on the war in Vietnam and Southeast Asia, millions of people, friends of the Lithuanians are again showing their close relationship to their enslaved brethren by celebrating the 53d anniversary of the restoration of Lithuanian independence.

It was on February 16, 1918—53 years ago—that the Lithuanian people realized a heartfelt desire that had been theirs for two centuries—freedom from Russian tyranny. On that glorious day in Lithuanian history, the ruling council of the land signed the declaration of independence of Lithuania, an action based on the idea of President Woodrow Wilson of the "recognized right of nations to self-determination."

A powerful nation in the middle ages, Lithuania had been annexed by Russia in 1795. Despite many attempts to replace the Lithuanian language and traditions, the Russians failed to erase the Lithuanian sense of nationhood. The Lithuanians made many attempts to throw off Russian rule, and finally World War I provided them with the opportunity for success.

When Lithuania proclaimed to the world its determination to stand as a free and sovereign nation, every citizen of the little nation must have felt at that time the proud thought expressed by Daniel Webster:

> It is my living sentiment, and by the blessing of God, it shall be my dying sentiment, independence now and independence forever!

That period of its history from independence day in 1918 until its lamented engulfment by the Soviet Union in 1940 was but a relatively brief period in its life as an independent state. For hundreds of years before the Russian takeover in 1795, Lithuania had flourished in its advanced culture and political development. When it emerged from the havoc of the Russian revolution of 1917, as a free and politically independent state, it was not a new country wavering in infancy. There was no doubt about Lithuania taking its place among the countries of the world, firmly established on the international scene as an autonomous republic. During the decades of its independence between World War I and II there was no reason for alteration of this independent status.

But in October 1939, the Communists forced Lithuania to accept a new mutual assistance agreement that in reality amounted to Russian occupation. On June 15, 1940, Russia presented an ultimatum demanding immediate formation of a friendly government. Obviously this meant a government amenable to Moscow.

Following a Russian-sponsored election of July 14–15, the Government of Lithuania unanimously requested incorporation into the Soviet Union. The Soviets lost little time in approving this request, and on August 5, 1940, Lithuania became a corporate member of the Soviet Union.

This action is a clear example of interference into the domestic affairs of another state and outside aggression.

Communist occupation of Lithuania brought much hardship and suffering upon the people, and it is estimated that more than 45,000 Lithuanians lost their lives or were deported between June 15 and the time when the Russian troops fled the onslaught of the German forces in Lithuania around June 21.

However, by the end of 1944 Russian troops were once again in control of the country after having driven out the Nazi forces. The brutal and arrogant oppression by the Communists has continued unabated since 1944. This means that at least for 27 years Lithuanian citizens had to endure hardships and deprivation as a result of Russian occupation.

By the ever present military might, Russia has been able to maintain its illegal and immoral occupation of Lithuania. It is a certainty that although Lithuanian patriots have been obliged to endure Soviet occupation and incorporation, they do not accept it as being perpetual. Their pride in the sacrifices of previous generations has sustained them and will continue to do so in the hope that one day soon they will see their country free again.

Mr. Speaker, let us not be distracted by the Asian crisis to where we become prone to forget the whole picture, the true state of captivity of nations such as Lithuania.

Officially, the United States has refused to recognize the Soviet occupation of Lithuania and its incorporation into the Soviet orbit of nations. This stand holds out to those held in bondage the precious belief in hope—hope of an eventual freedom. If the Communists convince the Lithuanian people that hope is a myth, then the process of total extinction can be fulfilled.

The ideals of liberty and her craving for independence have not diminished in the hearts of the Lithuanians—rather they have been nurtured by the inner spirit of an honorable people.

Despite oppression, the Lithuanian people continue to resist tyranny and attempt to preserve their heritage of freedom. Today, our prayers and hopes are that this proud nation of people dedicated to the cause of liberty throughout their history will once again join the family of free nations. We honor these people on their 53d anniversary of their independence and join with all Americans of Lithuanian ancestry in renewing our devotion to the cause of freedom and justice.

Mr. Speaker, I would like to insert at this point in the Record a resolution which was adopted at a mass meeting on February 13, 1971, at the Lithuanian Hall, 207 Adam Street, Newark, N.J., which commemorated the 53d anniversary of Lithuanian independence.

The resolution follows:

Resolution

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection,

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterate the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, N.J., February 13, 1971.

Lithuanian Council of New Jersey,
Valentinas Melinis, *President.*
Albin S. Treciokas, *Secretary.*

Mr. Speaker, the U.S. Congress has made a right step into the right direction by adopting House Concurrent Resolution 416 in the 89th Congress that calls for freedom for Lithuania and the other two Baltic Republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of liberation to the Baltic States to the United Nations. We should have a single standard for freedom. The denial of freedom in whole or in part, any place in the world, including inside Soviet Russia, is surely intolerable.

Mr. Speaker, at this point of the Record, I would like to insert the complete text of House Concurrent Resolution 416.

The resolution follows:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attenion of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. Speaker, I am pleased in being able to join with the Lithuanians everywhere in commemorating the historic struggle they have made for liberty and self-determination, and in marking the 53d anniversary of the national independence.

Lithuanians have helped to make America strong, vigorous, and free. Americans in turn recognize the drive for restoration of a free and independent Lithuania.

Mr. THOMPSON of New Jersey. Mr. Speaker, 53 years ago, on February 16, 1918, the modern Republic of Lithuania was established. This week marks the commemoration of Lithuanian Independence Day.

During the 89th Congress both the House and Senate unanimously passed a resolution in support of the independence of Lithuania, Latvia, and Estonia. In the light of the recent forceful prevention of the attempted escape by the Lithuanian defector, Simas Kudirka, I am inserting that resolution, along with testimonies to Lithuania's fight for freedom, in the Record in order to remind ourselves of our commitment to these oppressed countries:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

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Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

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Resolution

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuanian national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection.

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereignty rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterate the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, N.J. February 13, 1971.

Lithuanian Council of New Jersey,
Albin S. Treciokas,
Secretary.
Valentinas Melinis,
President.

Memorandum to the Congress of the United States of America

Concerning the recent incident involving a would-be Lithuanian defector on board the U.S. Coast Guard cutter Vigilant, we would like to bring to your attention a number of facts having grave implications for U.S. foreign policy toward the Baltic states.

It was noted widely in the press that the name of the Soviet ship from which Simas Kudirka leaped to the Vigilant was Sovetskaya Litva (Soviet Lithuania) and that he himself was Lithuanian. But these facts were generally mentioned without attaching any particular importance to them. Most newsmen and decision-making officials did not notice or did not want to see the specific political implications of the very term "Soviet Lithuanian".

The U.S. Government explicitly does not recognize the incorporation of Lithuania into the Soviet Union and does not give *de jure* recognition to Soviet Lithuania, nor does it enter into negotiations with the Soviet Union if they have a bearing on Lithuanian territory or Lithuanian citizens. All U.S. Secretaries of State have reaffirmed this policy of the United States at least three times a year for the last thirty years. But unfortunately, this reaffirmation is made only to the diplomatic representatives and exile leaders of Lithuania, Latvia and Estonia, and is seldom, if ever, mentioned publicly. The American press ignores this facet of U.S. policy and the U.S. public has almost completely forgotten it. At the same time the Soviet Union blatantly publicizes these countries as Soviet republics at home and abroad.

The name of the mother ship of the Soviet fishing fleet in Atlantic waters, Sovetskaya Litva, is an example of this propaganda effort and is an affront to U.S. policy toward the Baltic states. Had this policy been appropriately publicized by U.S. officials and not ignored by the U.S. press, then it would have been common knowledge not only to high State Department functionaries but also to all public officials involved in the aforementioned incident, from admirals to captains.

The name of the Sovetskaya Litva is not the only affront to U.S. policy. Although the ship is owned by the Soviet Union and is under its jurisdiction, it is registered in and its operations are based in Klaipeda, which is Lithuanian territory not recognized by the United States as part of the Soviet Union.

Simas Kudirka was not the only Lithuanian crew member of that ship. There are many Lithuanians on the fishing vessels which the Soviet Union operates out of the port of Klaipeda. According to U.S. policy, these Lithuanians are subjects but not citizens of the Soviet Union.

The U.S. Government has promised to commit no acts which would explicitly or implicitly recognize Soviet annexation of the Baltic states. This being the case, the State Department should not have arranged negotiations under its aegis on a ship which by its name and method of operation violates a tenet of U.S. foreign policy.

It is a fact that the negotiations on that ship, undertaken with Coast Guard and State Department cooperation, are a sign that the State Department is not firmly committed to its declared policy concerning the Baltic states. The State Department does not give instructions to U.S. functionaries concerning proper procedures in cases where this policy is affronted. It is not entirely clear exactly when and how the commander of the Vigilant discovered that the would-be defector on his ship was a Lithuanian. But it is all too tragically clear that this fact meant absolutely nothing to him and it is not certain whether he even transmitted this piece of information to his superiors. In all the communications between Coast Guard and State Department officials, it did not occur to anyone that the defector and his ship were from a country which the United States does not recognize as part of the Soviet Union.

As soon as it became clear that the man was Lithuanian, U.S. officials should have refused to enter into any discussions concerning his fate with Soviet authorities, because a Lithuanian refugee from the Soviet Union has full rights to Lithuanian citizenship, which the U.S Government recognizes. The Lithuanian Legation in Washington should have been notified of the attempted defection before the man was returned.

But in this instance U.S. policy toward the Baltic states was forgotten, and the U.S. officials who were faced with making the decisions were ignorant of this policy and were unable to draw the proper conclusions as events unfolded and civilians on board the Coast Guard ship attempted to inform them. Therefore, it is imperative that at least now U.S. policy concerning the Baltic states be made clear to every single U.S. official from the highest to the lowest rank in all agencies having any dealings with the Soviet Union directly or indirectly.

Guidelines giving instructions concerning political refugees in general are not enough. It is imperative to explain the specific political and legal implications of defection of nationals of the Baltic states. It should be stressed that a Lithuanian, Latvian, or Estonian defector should automatically be treated not as a Soviet citizen but as a refugee who is entitled to protection of Lithuanian, Latvian and Estonian consulates in the free world. These instructions should be made known not only within the pertinent bureaucracies, but also publicly, so that the American public should be aware of the policies of its Government.

It is a fact that the information media have long ignored or underplayed the abnormal political status of the Baltic countries. But this is to a great extent the result of official silence on the subject. Because the State Department barely whispers about this particular policy, the information media, encyclopedias, almanacs, and the general public are increasingly coming to believe in Soviet allegations about the Baltic states.

A policy of silence on the Baltic states serves no U.S. interest and has been shown to violate grievously the rights of citizens of the Baltic nations. We request that you, a member of the Congress of the United States of America, make your opinion known to the President and the Department of State and obtain from them a clear public statement of policy toward the Baltic states.

CITIZENS CONCERNED FOR SIMAS.

FEBRUARY 8, 1971.

LITHUANIA'S FIGHT FOR FREEDOM: 30 YEARS OF SOVIET OPPRESSION

For too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the Hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the President of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

Mr. PATTEN. Mr. Speaker, we are gathered here today to commemorate the 53d anniversary of Lithuanian independence. Would not it be wonderful if our people could send a congratulatory message to the people of Lithuania and share with them this celebration of freedom. Unfortunately, Mr. Speaker, there will be no joyful celebration in Lithuania this week.

Since 1940, this tiny nation of freedom-loving people has been occupied by forces from the Soviet Union. This has not been merely a token occupation; it is a determined effort by the Communists to utterly destroy any trace of independence in Lithuania. Since 1940, Lithuania has seen one-fourth of her people eliminated by the Communists. Many were shipped off to Siberia; others never got that far. This reign of terror continues right up to the present time, and still the Lithuanian people hold on to the hope that one day freedom and independence will again be a part of their daily lives.

Americans are born to freedom, and we should take on the responsibility of genuinely helping other nations to achieve freedom for their citizens too. The people of the world will never agree 100 percent on any issue, but I live for the day when we will all have the right to speak our minds openly.

There are over one million Americans of Lithuanian descent in our Nation today. I say to those of you who live in my district, the 15th Congressional District of New Jersey, as well as those of you throughout our great land that I will not cease my efforts until your families, friends, and fellow Lithuanians are once again free. I have met so many of you personally, and I know how strong the feeling is in your heart for those people. America must not only be a symbol of freedom to the rest of the world, but we must be fighters for freedom as well. I sincerely hope that not too many more of these anniversaries will pass before we can truly send that congratulatory message to the people of Lithuania.

In closing, Mr. Speaker, I would like to submit the resolution passed by New Jersey citizens of Lithuanian descent. I think it sums up beautifully all that we in the Congress feel are the issues in this fight to free the world from tyranny and oppression.

RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection,

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterates the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, New Jersey—Feb. 13, 1971.

Lithuanian Council of New Jersey.
VALENTINAS MELINIS, *President*.

Mr. BYRNE of Pennsylvania. Mr. Speaker, today I join with many thousands of my constituents of Lithuanian origin or descent to mark two important days in Lithuanian history. These will not be occasions of joy and celebration. How can they be happy days when Lithuania remains a captive of the Soviet Union?

This week, we are marking the 720th anniversary of the formation of the Lithuanian nation, accomplished by Mindaugas the Great in 1251 when he forged a number of principalities into a single country.

And, at the same time, we are remembering the former Lithuanian Republic, which was founded on February 16, 1918, and snuffed out of existence by the invasion of the Soviet Army in June, 1940, as part of the 1939 Hitler-Stalin alliance. Now, for almost 31 years, Lithuania has been a slave state of the Soviets except for a brief 6-week period of freedom between the time that the Soviets were expelled and the Nazis invaded—in 1941.

We of the West know little of the bloody and brutal 8-year war which Lithuanian loyalists waged from 1944 to 1952 in a glorious but impossible search for freedom, independence and liberty.

And that determination for freedom remains in the hearts of the Lithuanian people. This is exemplified to the present day.

This desire for freedom is perhaps epitomized by the desperate leap for freedom of Simas A. Kudirka, who sought refuge on an American Coast Guard ship but was wrongfully turned back to the brutal hands of his oppressors.

It was, of course, a desperate measure; but desperate measures were called for. We now hear on good authority that this brave seaman is now dead; a brutal example to others who would also seek freedom.

But let the Soviet Union be warned that it will never snuff out the light of freedom. We of the Congress recognized this fight for freedom in House Concurrent Resolution 416, in the 89th Congress. This resolution should be implemented, and I sincerely ask all of my colleagues to call upon the President to do so.

To understand this situation better, I ask unanimous consent to include first, the declaration which was pronounced at the commemorative exercises at the Lithuanian Music Hall in Philadelphia on February 12; second, an appeal by the Philadelphia Chapter of the Lithuanian-American Community of the U.S.A., Inc., and signed by Mrs. Ausra M. Zerr, chairman; and third, a column by V. Stanley Vardys, professor of political science and director of the University of Oklahoma Munich Center for Soviet Studies, which appeared in the New York Times on Saturday, February 13.

We, the participants in this commemorative exercise on the occasion of the 53rd Anniversary of the Restoration of Independence to Lithuania, on the 21st day of February, 1971, at the Lithuanian Music Hall in Philadelphia, hereby affirm the following:

DECLARATION

(1) Lithuania has her own tradition of separate nationhood dating back to the establishment of the Kingdom of Lithuania in 1251.

(2) In 1918 the people of Lithuania had exercised their right of self-determination by declaring the restoration of independence to Lithuania, and Lithuania remained a fully independent and sovereign nation up to the outbreak of World War II.

(3) In the peace treaties of 1920, Soviet Russia recognized the sovereignty and independence of Lithuania and voluntarily and forever renounced all sovereign rights and claims over the Lithuanian people and territory.

(4) Since the occupation by the Soviets in 1940, Lithuania has been ruled by the Soviet Union as if she was its province and, in effect, a Soviet colony. Lithuania shares all essential characteristics of a dominated country with other subjugated and colonially ruled peoples of the world: (a) imposition by an alien rule by force; (b) alien domination of all political and economic activity; (c) systematic depopulation of the original inhabitants and an extensive settlement by nationals of the ruling country; (d) economic exploitation and artificial integration of the economies of the subject country with the economy of the ruling country; (e) forcible imposition of the cultural and spiritual values of the ruling nation in a sustained policy of ethnical assimilation—Russification in this case.

(5) The Soviet Union even today continues to ruthlessly suppress the human rights and aspirations to freedom of the Lithuianian people as most recently revealed by the clandestine efforts of the Soviets to force the return of Pranas and Algirdas Brazinskas after their dramatic escape to Turkey, by the Soviets' brutal beatings of Simas Kudirka after his heroically attempted pleas for asylum—in this case denied by the U.S. Coast Guard—and by the unduly harsh and unjust sentence of death imposed by the Soivets upon Vytautas Simokaitis after he and his wife sought to escape to Sweden.

We urge that, without further delay, the United States initiate action in the United Nations to implement the Declaration on Granting of Independence to Colonial Countries and People in reference to Lithuania by restoration of her independence since she has already exercised her right of self-determination by the Declaration of Restoration of Independence to Lithuania of Feb. 16, 1918.

We further strongly urge the United States Government to issue explicit directives which would establish conclusive guidelines for the handling of political asylum requests. We especially emphasize that such directives necessarily be clear, precise and readily available to the public so that no such tragedies as that of Simas Kudirka would re-occur in the future.

AUSRA M. ZERR, *Chairman.*

WHY THE BALTS REBEL

(By V. Stanley Vardys)

NORMAN, OKLA.—The tragedy of Simas A. Kudirka, the Lithuanian sailor who was cynically returned to the Russians so that this defection would not jeojardize a fishing arrangement, brought national attention to a violation of the American tradition of granting sanctuary to political refugees.

However, the sailor's native country of Lithuania, from which he tried to flee, received hardly any notice. It should, because it helps to explain Kudirka's reasons for defection and also his possible fate.

Today Lithuania is a Soviet republic. Between the two World Wars, however, it was an independent nation. Together with Estonia and Latvia it became a victim of the Soviet-Nazi nonaggression pact of August, 1939. Stalin first won Hitler's approval for the introduction of military bases on the Baltic soil, and then, upset by Hitler's easy successes on the Western front, on June 15–17, 1940, occupied and annexed Lithuania and the other Baltic states.

The United States, Canada and several other nations never recognized this Soviet annexation. The Lithuanians themselves revolted against the Soviet rule at the outbreak of the Nazi-Soviet war of 1941. A guerrilla war that Lithuanian loyalists for eight years (1944–52) waged against the Soviets is hardly known in the West. Yet its destructive effects were worse than those of the Algerian insurrection against the French and cost, according to Soviet sources, 40,000 dead in military actions alone.

Generally, Lithuanian population losses due to Stalinist policies were so staggering that only in the late nineteen-sixties did the republic reach the approximate population figure it had in 1940.

Shortly before Stalin died in 1953, the country was pacified and Sovietized. After the dictator's death, Moscow allowed sufficient funds for rapid industrial expansion. As a consequence, Lithuania specializes in making electric motors, metal cutting laces, appliances. The republic builds ships and administers a sizable fishing fleet that actually is Russian-controlled as, in effect, are most of the top offices of the Lithuanian republic itself. *Sovetskaia Litva* (translated, Soviet Lithuania; in Lithuanian it would be *Tarybu-Lietuva*), the ship whose crew captured and beat up Kudirka, is a mother ship of this fleet. Together with Estonia and Latvia, Lithuania is the top dairy and meat producer in the Soviet Union and has the highest Soviet indices of productivity and consumer services.

These improvements, together with Khrushchev's policies of de-Stalinization, helped to normalize Lithuania but did not erase memories of independence nor the desire for "at least as much sovereignty as Poland has" within the "Socialist" system of nations. In 1956, students demonstrated in support of the Hungarian revolution. In 1959, a number of officials were purged, among them the rector (president) of Vilnius University who lost his party card as well. Antanas Y. Sneckus, the first party secretary, kept warning—as he still does—against the evils of "national Communism."

After the overthrow of Khrushchev, the Lithuanian situation did not change for almost five years. However, in 1969, a period of gradual retrenchment began. It was started by a warning published in Moscow's Pravda of Jan. 24, 1969, that remnants of "bourgeois nationalism" still exist in Lithuania, even among the Communists. Several administrators of cultural institutions were replaced by more conservative, dogmatic and pliable personalities. Despite improved relations with the Vatican, the regime reneged on a promise to make available to the Catholics the new liturgical texts in the vernacular. Forty priests of the Vilnius archdiocese signed a petition to Premier Aleksei N. Kosygin and President Nikolai V. Podgorny asking them to enforce constitutional guarantees of religious worship. They listed a number of vulgar suppressive measures, including a prohibition to ordain more than 4–5 priests annually while 30 die in the same period.

In the summer of 1970 the Lithuanian intellectuals were upset by Moscow's refusal to let Dr. J. Kazlauskas, an internationally known professor of Baltic linguistics, go for lectures to Pennsylvania State University, which had invited him. Without the professor's knowledge, an official of the Ministry of Higher and Secondary Special Education in Moscow wrote the university that Dr. Kazlauskas was "too busy" to come. On Oct. 8 Dr. Kazlauskas disappeared and on Nov. 17 his body was found in the Neris river that flows through the city of Vilnius. The party press implied suicide. Private sources connect his death with a protest by Dr. Kazlauskas to authorities against his treatment. The shock the intellectuals suffered at his death was further intensified by the appointment, effective Nov. 12, of a former chief of security police as minister of justice in Lithuania.

Simas Kudirka apparently had decided he had enough of all this. However, he did not succeed in his leap to freedom.

The case of the most recent Lithuanian defector is instructive in this instance. Apparently encouraged by a successful hijacking of a Soviet plane into Turkey that two Lithuanians executed in October of last year, a young Lithuanian couple, Mr. and Mrs. Vytautas Simokaitis tried their luck in December. They attempted to seize a plane flying to a Lithuanian resort town of Palangar and to direct it to Sweden. Their attempt, however, failed. Mr. Simokaitis was tried in Vilnius and sentenced to death. His pregnant wife received a three-year sentence. Later, Mr. Simokaitis's sentence was reported to have been commuted to fifteen years in labor camp.

Mr. ST GERMAIN. Mr. Speaker, this week marks the 53d anniversary of the establishment of the Republic of Lithuania, February 16, 1918. Lithuanians cannot rejoice, however, for a Communist regime occupies their territory, oppresses the populace, and denies Lithuania a place among the independent nations of the world.

I consider it a solemn duty on this occasion to speak out against the Russian-Communist domination of a freedom-loving and independent people. The story of the Soviet takeover and subsequent harsh occupation is one of the tragedies of this century.

Ever since the annexation of Lithuania in 1940, suffering and persecution have been the daily lot of a courageous but hopelessly overpowered people. Hundreds of thousands of Lithuanians have been deported to Siberia, thousands have been executed and terrorism of every kind has stalked the land.

The recent brutal treatment of Simas Kudirka by his Russian captors symbolizes how the Soviets have dealt with a whole nation for 30 years.

In the 89th Congress, the House and the Senate passed House Concurrent Resolution 416, arguing the cause of Lithuania and the other Baltic States, Estonia and Latvia, for self-determination and national independence. I am enclosing the text of that resolution here, to urge again that our Government do everything possible to bring freedom to the Baltic States.

CONCURRENT RESOLUTION

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all people have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of

Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. SANDMAN. Mr. Speaker, for too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1 million in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February 1971: First, they will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and second, they will mark the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the west the country was invaded by the Teutonic Knights, from the east by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red Army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country; freedom and independence were restored and a free Government was reestablished. This free, provisional Government remained in existence for more than 6 weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the hijacking of a Russian jetliner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow 3 months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania—in Philadelphia, Pa.—as a guest professor for this very spring semester of 1971.

The Government of the United States has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States—Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon—have stated, restated, and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia, and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia, and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The U.S. Congress has made a right step into the right direction by adopting House Concurrent Resolution 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

Mr. MORSE. Mr. Speaker, this month Americans of Lithuanian descent will commemorate two important anniversaries: the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and the 53d anniversary of the modern Republic of Lithuania.

It is indeed an honor for me to join my colleagues in the House and all Lithuanian-Americans throughout the Nation in marking these dates, and to insert here in the Record an eloquent statement prepared for this occasion by the Lithuanian American Community of the U.S.A., Inc., and a copy of the resolution passed by the 89th Congress which calls for freedom for the three Baltic States.

LITHUANIA'S FIGHT FOR FREEDOM—THIRTY YEARS OF SOVIET OPPRESSION

For too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians*. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the Hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognized the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The United States Congress has made a right step into the right direction by adopting *H. Con. Res. 416* that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Mr. REUSS. Mr. Speaker, once again today we pause to commemorate the establishment on February 16, 1918 of the independent state of Lithuania. Tracing their national history back to the year 1251, the Lithuanians can lay claim to being one of the oldest distinct national groups in Europe. As such, they yearn to follow as a free people their own cultural, social, and economic traditions.

History, regrettably, has not been kind to the nation, and somberness rather than joy is the mood which marks each year's commemoration of this occasion. Each year the brief period of independence we recall becomes a dimmer memory. Yet even years of suffering cannot destroy the Lithuanians' spirit or their longing for liberty.

Today we join with more than 1,000,000 Americans of Lithuanian descent as they celebrate the rich heritage of the past and look with continued hope to the future of their native land. We too look forward to the time when the Lithuanians and all peoples everywhere can share the blessings of freedom.

Mr. NEDZI. Mr. Speaker, this is an age where momentous event follows momentous event in a succession so rapid that the average person soon tends to forget even the names of the first Americans on the moon.

When it comes to international political events, public memory is short. Moreover, half of the Americans living today had not been born when the Soviet Union occupied the Baltic States, Lithuania, Estonia, and Latvia, in 1940, and half the nations which presently form the United Nations also were not in existence. Those who do remember have an obligation to inform their fellow citizens.

Militarily speaking, the Soviet Union leads from strength in Eastern Europe. Morally speaking, it leads from weakness.

Recent events in Poland and the 1968 events in Czechoslovakia remind us that there may be satellite states, but as Seymour Fried in observed in his "Forgotten People:"

> The people are not satellites.

Today marks the 53d anniversary of the declaration of Lithuanian independence. In observing this day, we remind ourselves that Lithuania is not a make-believe country. On the contrary, Lithuania has had a long and honorable history dating back to 1009 A.D., which was nearly 500 years before the discovery of America.

Admittedly, the heavy boot of Russian oppression, and reliance on tactics of intimidation, deportation, and colonization, makes difficult Lithuania's survival as a people. Nevertheless, Lithuania, which emerged from the ashes of hopelessness in 1918 after 120 years of Russian occupation, continues to see manifestations of Lithuanian resistance and ethnic solidarity.

In the long term, we cannot predict an early end to Communist control of the Baltic States, but we can and we must take note of individual acts which reflect a national impulse toward Lithuanian independence.

I am pleased to join my colleagues in expressing our sympathy with the Lithuanian people and to express our hope for their deliverance to the ranks of free men.

Mr. GREEN of Pennsylvania. Mr. Speaker, the month of February is important to over 1 million Americans of Lithuanian origin or descent. During this month they will commemorate the 720th anniversary of the formation of the Lithuanian State when Mindaguas the Great unified Lithuania in 1251 and, second, they will commemorate on February 16, the 53d anniversary of the establishment of the modern Republic of Lithuania.

Though it is an important month for the Lithuanians, it is a month without celebration. The Lithuanian nation will remember its past in silence, sorrow, and with a somber reserve for a nation that has lost its independence and exists today as a captive nation.

In another speech at another time I said:

> If the common desire of all men today is to be free it is because oppression and injustice have most often sprung up when one nation has been oppressed by another.

It is this desire and this spirit that is a distinguishing factor of Lithuanians today. No Iron Curtain can crush an identity because a fiercely proud and productive Lithuanian people will refuse to allow that identity to wilt or die.

The entire history of the Lithuanian people mitigates against this happening. From the Teutonic invasions, to the Kremlin invasions a peaceful people has found itself challenged and threatened—but the independence of mind and culture remains as strong as ever.

Our Government, from Presidents Roosevelt to Nixon, has steadfastly pursued a policy of nonrecognition of the occupation of Lithuania by the Soviets. We have time and time again deplored the subjugation of one people by another. This Congress has adopted House Concurrent Resolution 416 which calls for the freedom of Lithuania and the other two Baltic republics—Latvia and Estonia. We should bring this issue to the attention of the United Nations. We must continue to pursue a policy of freedom throughout the world. We must use the force of our moral authority and our powers of persuasion to change the world.

To deny freedom to the Lithuanian people is intolerable.

Mr. MONAGAN. Mr. Speaker, as a long-time friend of the Lithuanian people, I am pleased to join my colleagues in marking the 53d anniversary of the establishment of the modern Republic of Lithuania and the 720th anniversary of the formation of the Lithuanian State.

Lithuania has continually suffered from what can only be called an accident of geography. Surrounded by hostile neighbors, she has lived through numerous and lengthy occupations, and has been used by other countries for their own ends, with little consideration for the needs of the Lithuanian people themselves. Throughout the current occupation, Lithuania has managed to maintain her spirit of freedom. It is reported that between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in organized resistance and guerrilla warfare. This sacrifice symbolizes the Lithuanian love of liberty despite the overwhelming odds its people fight against. Lithuanians have not given up their hope for independence. Despite attempts to suppress it, the dedication remains.

Recognizing this spirit, the U.S. Congress recently passed House Concurrent Resolution 416, a resolution which I authored and which urges the President to direct the attention of world opinion at the United Nations and other appropriate international forums to the denial of the right of self-determination for the people of Estonia, Latvia, and Lithuania. It also urged the President to bring the force of world opinion to bear on behalf of the restoration of the rights of the Baltic people.

The Congress must, of course, continue such efforts. The Lithuanian people this week mark the 53d anniversary of the establishment of the modern Republic of Lithuania, but the celebration is not a happy one. There can be no real sense of achievement and freedom for Lithuanians do not enjoy the same rights as the more than 1,000,000 people of Lithuanian origin who now live in America. The spirit of today's anniversary should not end with the day. Those of us who enjoy the basic rights which are the necessary claim of every man must rededicate ourselves to obtain these rights for those who are captive.

At this point in the Record, I enter a copy of House Concurrent Resolution 416, expressing the concern of Congress for the rights of the Lithuanian people:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

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Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. HOGAN. Mr. Speaker, Lithuanian Americans in all parts of this great Nation will this week commemorate two very important anniversaries. They will observe the 720th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251, and they will mark the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

But, Mr. Speaker, this celebration of Lithuania's Independence Day will not be similar to American Independence Day celebrations. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

Similarly, Americans of Estonian and Ukrainian descent are also commemorating anniversaries at this time. Estonian-Americans are commemorating the 53d anniversary of the Estonian Declaration of Independence and Ukrainian Americans last month commemorated the 53d anniversary of the Ukrainian Declaration of Independence.

All of these Americans, whether they are the friends and relatives of people living in captivity in the Baltic States or living within the confines of the Soviet Union, share the same aspirations and hopes for their loved ones.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia, and other parts of the world, these dedicated Americans, who understand the captive nations concept, insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Estonia, the Ukraine, and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied.

Mr. Speaker, it is not often that one can cite concrete evidence to bolster the hopes of the Americans of Eastern European descent. However, just last month the American relatives of a Russian subject imprisoned in Lithuania did receive a spark of hope which may rekindle the spirits of other Americans in similar circumstances.

For the benefit of these Americans and my colleagues in the Congress I would like to relate the circumstances of this incident which might encourage others to take similar action. Nearly 2 years ago, when I was first elected to the House of Representatives, I was asked to help in whatever way I could to secure the release of an elderly and ill Russian woman who had received a life prison sentence in 1962 for alleged currency speculation. She was then confined in a Lithuanian prison hospital. This woman's relatives in Pennsylvania and Maryland asked for my assistance because they were convinced that she was not guilty of the charges and felt that her case should be reviewed by the Soviet Presidium. Her husband was given a death sentence on the same charge and was executed. She had also, many years before, lost her two young daughters in the Nazi terror.

I became interested in the case and initiated action with the Soviet Embassy here in Washington, with the State Department, with the Lithuanian Presidium, and, indeed, even with Premier Kosygin of the Supreme Soviet. Our attempts in her behalf were, at first, barely heeded by the Soviet authorities, and later received only a cursory acknowledgment. But, last month I was informed that the Soviet Union had, at long last, released this poor woman from her prison cell in Lithuania.

Mr. Speaker, I hope that the case I just mentioned will bolster the resolve of all Lithuanian Americans and give them the needed inspiration not to give up their struggle in behalf of the people in the captive nations.

Mr. DINGELL. Mr. Speaker, the month of February marks two anniversaries of great importance to persons of Lithuanian origin or descent and their friends throughout the world for it is in this month that they observe the 720th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and it also marks the 53d anniversary of the establishment of the modern Republic of Lithuanian on February 16, 1971.

Unfortunately, our commemoration of these two events of such great importance to Lithuanians and their friends must be on a somber note. This is so because Lithuania has lost its independence and today survives only as a captive nation behind the Iron Curtain.

After the Nazis and the Soviets had brutally smashed Poland in September of 1939, the Soviet Russian troops moved into Lithuanian and annexed this republic in June of 1940. From the very beginning the Lithuanian people have waged an intensive fight to be free of Russian occupation.

The events of June 1941 make clear the views and desires of the Lithuanian people for it was at that time that they successfully rose in revolt against the Soviet Union and established a free government. Unfortunately, the Nazi armies moved into Lithuania some 6 weeks later and suppressed the activities of the free government. The Nazis were in turn replaced by the Russians who continue to this day to dominate Lithuania.

It is the hope of Lithuanians everywhere that independence will one day be restored to their homeland.

Mr. ZABLOCKI. Mr. Speaker, it is an honor and a privilege to join my distinguished colleagues in memorializing two treasured anniversaries in Lithuanian history. The 720th anniversary of the consolidation of the Lithuanian state and the 53d anniversary of the establishment of the Republic of Lithuania are commemorated this week.

Recalling these great events in Lithuania's struggle for freedom serves a twofold purpose. First, it rekindles the patriotism which reaffirms the commitment to freedom in the hearts of both Lithuanians and Americans. Second, it encourages placing before the United Nations the plea of the captive Baltic nations for a Soviet withdrawal from Lithuania, Latvia, and Estonia.

For too long too many people have been apathetic to what really happened in Lithuania. Contrary to most popular belief, the Communist regime did not come to power in those lands by legal or democratic means. Russia occupied Lithuania in June 1940, and has held a stranglehold on the country ever since. Yet, the fight for freedom continued. Late in June 1941 the Lithuanian people succeeded in ridding their country of the Communist regime. Although this free government lasted only 6 weeks, the passion for liberty did not die. Guerrilla resistance until 1952 and now passive resistance reminds her oppressors of Lithuania's thirst for freedom.

The example of Lithuanian exiles in America is a vivid demonstration that their desire of freedom for their homeland has not diminished. In Lithuania itself, recent attempts by the Soviets to discourage freedom have proved futile. The longing for freedom in the hearts of the captive Balkan people grows stronger.

It is, therefore, fitting that we pause today in our legislative business to pay tribute to the indomitable spirit of the Lithuanian people. Their history is filled with courageous deeds in defense of their independence. It is equally fitting to commend the Lithuanian American Council and the Americans for Congressional Action To Free the Baltic States for their determined efforts to promote the freedom Lithuania knew prior to those fateful June days.

However, the commemoration of these anniversaries contains no note of joy, no jubilant tone of achievement or victory. This observance is somber, sorrowful, and underlined with the grim accent of tragedy. Because we share their love for freedom, we join all Lithuanians in hoping for a brighter tomorrow when Lithuania—and the world—can once again enjoy peace and freedom.

Mr. McCLORY. Mr. Speaker, during February, Americans of Lithuanian descent commemorate the founding of that nation, first as a cohesive people in 1251, and the establishment in 1918 of the modern Republic of Lithuania. Thus, it is appropriate that we mark the occasion in this body and recognize the long fight for freedom by the people of Lithuania.

As the world knows, Lithuania was invaded by the U.S.S.R. in June of 1940. While there was a brief period of independence, brought about by their own heroic efforts, Lithuanians since that time have lived as a captive people under Soviet domination.

House Concurrent Resolution 416 was adopted by the House of Representatives, by unanimous vote, on June 21, 1965, and had like passage in the Senate on October 22, 1966. This resolution calls for the Congress to urge the President of the United States to: "direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and "to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples."

Mr. Speaker, I am pleased to echo the statements herein continued and to remind the administration of the importance and equity of these objectives.

In behalf of the Americans of Lithuania birth and descent who reside in the 12th Congressional District of Illinois, and in furtherance of the independence of the Lithuanian nation, I urge continued support for the freedom of this and the other captive nations of the world.

Mr. Speaker, it is my hope that this subject may be brought before the General Assembly of the United Nations.

Mr. MURPHY of Illinois. Mr. Speaker, February 16, 1918, is a memorable occasion in the history of the small Baltic State of Lithuania. This year marks the 53d anniversary of this historic day, a day which this brave and courageous people had fought for so ardently, throughout a long period of Russian domination—1795–1915—and German occupation during the First World War. For 22 years, Lithuania and its people thrived in an atmosphere of national sovereignty. However, this brief period of peace and progress was terminated by the advent of World War II, although Lithuania attempted to maintain a policy of neutrality.

The small Baltic State was one of the first countries to experience the aggression of both Hitler and the Soviet Union. Two decades of independence was cut short by the mutual assistance treaty of October 10, 1939, forced on Lithuania by the Soviet Union.

Lithuania was coerced into granting air bases to the Soviet Union and admitting Soviet garrisons in spite of the Soviet-Lithuanian treaty of nonaggression which had been signed in Moscow on September 28, 1926. The Soviet Union further tightened its vise-like grip on the tiny nation by occupying the country and demanding the formation of a "friendly" government.

In July 1940 the Soviets forced a rigged election producing a congress which "requested" the incorporation of Lithuania into the Soviet Union. The door to independence slammed shut on August 3, 1940, when Lithuania was declared a constituent republic of the U.S.S.R.

During this first period of Soviet occupation, Lithuania suffered the loss of an estimated 45,000 people, with an equal number being arrested or deported. The Soviet assault, followed by German occupation in 1941, resulted in the execution of almost all Lithuanian Jews. The end of the war did not, however, end the nation's sufferings, but rather reestablished Soviet domination. In light of these tragic events, February 16 is a day of rejoicing as well as a day of sorrow.

That brief period of independence has continued to be an inspiration to the brave Lithuanians. The experience of independence was successful and productive. Great emphasis was placed on long-needed land reform programs, industrialization, and the implementation of social legislation. Economic and social progress was complemented by cultural reawakenment. Nationalistic fervor and pride were reflected in the works of Lithuanian writers and musicians. These people enjoyed but a brief, enthusiastic period of independence, yet, its memory cannot be erased from the minds of Lithuanians who still live in their captive homeland or those who are living abroad.

Like other Eastern European states, Lithuania continues to have its sovereignty violated and its freedom suppressed by the Soviet Union. However, the Lithuanian people continue to yearn for freedom and the reestablishment of a truly independent Lithuanian State.

The spirit of Lithuanian independence is not dead. It continues to exist as an undying flame in the hearts of its people. I join all Americans and particularly the Lithuanians in my constituency, in the celebration of Lithuania Independence Day and with them hope for the future freedom of the Lithuanian people and their homeland.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material concerning the subject of my special order today, and that they may do so immediately following my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE CONSTITUTIONAL CONFRONTATION BETWEEN THE CONGRESS AND THE PRESIDENT RELATIVE TO LAOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McCloskey) is recognized for 60 minutes.

(Mr. McCLOSKEY asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. McCLOSKEY. Mr. Speaker, in these opening days of the 92d Congress, the major issue before us is whether or not we will act to end our involvement in Vietnam this year—1971—rather than continue to leave the time and circumstances of our disengagement solely to the discretion of the President.

I would like to respectfully suggest that the House undertake immediate consideration of resolutions to terminate aerial warfare in Laos and Cambodia, and to terminate as of December 31, 1971, the further funding of American troop presence in Vietnam.

I would further urge that early consideration of these issues is the obligation of the Congress under our Constitution, and that we can no longer stand by in blind acceptance of the policies that the President is presently pursuing, and states that he intends to continue to pursue for the indefinite future.

These policies, in brief, are as follows:

First, the President is pursuing a timetable of withdrawal which obviously contemplates leaving American troops in Vietnam as late as 1973, if not indefinitely. By May 1 of this year he will have withdrawn less than half of the 540,000-odd troops which were in Vietnam at the time he took office over 2 years ago. This in spite of a recent poll which indicated that nearly three-fourths of the American people feel that all American troops should be withdrawn by the end of this year.

Second, despite an overwhelming vote by the Congress to repeal the Gulf of Tonkin resolution on December 31, 1970, now, less than 2 months later, the President is stating unequivocally that there are no limits to his potential use of air power in all of Southeast Asia, and that he has ordered the massive bombardment and aerial invasion of Laos and Cambodia by American airpower.

A reasonable argument can be made that the President's recent decision to employ American airpower in support of South Vietnamese and Cambodian forces in the neutral countries of Laos and Cambodia exceeds his constitutional powers, and is, at best, a deliberate flouting of the will of Congress.

The Constitution grants to Congress, not the President, the sole power to determine where and when we go to war. If war is to be waged in Laos, if Laotians are to be killed and Laotian villages and countryside destroyed by American firepower, then it would seem appropriate that Congress is the only body in our Government to properly make that decision.

It is true that the President's powers in this regard were not limited so long as the Gulf of Tonkin resolution was in effect. That resolution, adopted overwhelmingly by the House and Senate on August 10, 1964, provided specifically:

> That the Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

The resolution went on to state:

> The United States is prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Finally the resolution provided that it should expire when the President determined, except that it might be terminated earlier by concurrent resolution of the Congress.

The resolution specifically referred to the people of Southeast Asia and was not limited to just Vietnam.

A clearer grant of authority to the President to wage war in Southeast Asia could not have been made. Significantly, in 1965, the State Department advised the Congress that a formal declaration of war against North Vietnam was not only undesirable, but unnecessary, citing the Gulf of Tonkin resolution as a clear indication of congressional intent, support and approval for the use of armed force in Southeast Asia.

This being so, what possible conclusion can be drawn from the repeal of the resolution save that Congress expressly intended to terminate the President's authority to "prevent further aggression," "assist" South Vietnam, and most certainly, to terminate his authority to wage offensive warfare in Laos and Cambodia.

No one would question that the President retains his power, and duty, as Commander in Chief to protect the lives of Americans remaining in Vietnam, and to take all steps reasonably necessary to this end. Is it reasonable, however, to contend that American lives are being saved by giving close air support to Cambodian forces 60 miles from South Vietnam, engaged in opening a road through the Pich Nil Pass between Kompong Som and Phnom Penh? Under no military theory can this be claimed to be the interdiction of supply lines to the enemy forces which might pose a threat to American troops in South Vietnam.

Likewise, with regard to the recent invasion of Laos, can it honestly be argued that American lives are being saved by moving 9,000 American troops into the mountainous and rugged terrain on the Laotian border, and by flying thousands of bombing and helicopter support sorties into Laos itself?

For at least 6 months now, there has existed no major threat to the American troops remaining in Vietnam from the North Vietnamese troops scattered widely throughout Cambodia, Laos, and the jungles of South Vietnam. Present intelligence estimates consider North Vietnamese strength in Cambodia at not exceeding 55,000; in Laos, 70,000; and in South Vietnam 150,000; plus perhaps 120,000 Vietcong. These troops are allegedly hungry, of low morale, and at the end of supply lines hundreds of miles in length. They are opposed by South Vietnamese Army, regional, popular, and people's self-defense forces who outnumber them at least 4 to 1, and who are better armed, better fed, and better equipped. According to the official figures of the Department of Defense, during 1970, when the South Vietnamese forces could lure the North Vietnamese and Vietcong units into combat, the South Vietnamese killed their enemies at a 5-to-1 ratio. If the South Vietnamese Government forces outnumber their opponents by 4 to 1, and are killing them in combat at a 5-to-1 ratio, what possible risk is there to the American troops so effectively shielded by the victorious South Vietnamese? What need is there for any Americans to remain any longer in South Vietnam than the time necessary to march to the coastal cities and thence to the ships and aircraft waiting to bring them home?

The foregoing statistics tend to support the conclusion that the President's incursions into Laos and Cambodia are not intended to protect American lives, but rather to kill the maximum number of North Vietnamese possible, wherever they may be found, and despite whatever number of Laotian and Cambodian people and villages may have to be destroyed in the process. The real purpose is not to protect American lives, but to so damage the North Vietnamese capacity to wage war that we can leave Vietnam with a reasonable hope that South Vietnam's Government will not fall so rapidly that our tremendous expenditure of both dollars and human life will be proven valueless and we will suffer the humiliation and defeat to which the President referred in his speech of some months ago.

I do not question the sincerity of purpose of the administration, and it is possible that the tactics involved may suffice to permit the South Vietnamese to preserve an independent new nation for some time after we have finally withdrawn. I do question, however, the administration's attempts to label the present massive aerial bombardment in Laos and Cambodia as an effort to save American lives. If the use of airpower is not to save American lives, then of course it can only be justified under some form of congressional authority to wage war, and it was precisely this authority which Congress withdrew from the President when the Gulf of Tonkin resolution was repealed.

I have heard it argued that the President's authority to use airpower in Laos and Cambodia can be implied from the language of the Cooper-Church amendment which we added to the supplemental foreign aid authorization bill last year. It is argued that by expressly limiting the use of ground combat troops in Laos and Cambodia, we impliedly authorized the use of airpower. This would be a valid argument, save for the fact that at the time Cooper-Church was adopted by both the House and Senate on December 22, the underlying Gulf of Tonkin authority to wage war in Southeast Asia was still in effect. It was not until 9 days later, on December 31, that the House and Senate approved the repeal of the Gulf of Tonkin resolution, and at the time Cooper-Church was adopted no one, with any certainty, could predict that Congress would ultimately rescind the Gulf of Tonkin resolution itself.

As one of the authors of the move to repeal the Gulf of Tonkin resolution in the House, I can confirm that the repealing amendment, originally introduced in October 1969, to be effective December 31, 1970, was accompanied by a letter to colleagues specifically stating that it was the authors' intention to terminate the warmaking authority of the President as of December 31, 1970.

A further argument of implied Presidential power has been advanced, that being that the long history of American Presidential commitment of U.S. Armed Forces in foreign countries shows that the President, by custom at least, has an inherent power to send American forces into combat to protect American lives and interests without a prior declaration of war and without consulting with the Congress.

Again, there is no question but that the President has this power under emergency circumstances, and that there have been occasions in our history when the President has exercised the power when it was extremely dubious that an emergency existed. There are over 130 instances where American military forces, usually marines, were sent into foreign countries without prior congressional action.

I have been unable to discover a single instance in our history, however, where an American President ordered offensive operations in a foreign country immediately after Congress had specifically repealed a prior resolution authorizing him to wage war in such country.

Supreme Court decisions provide some basis for the conclusion that the President may have inherent powers in foreign affairs so long as Congress has not acted, but that the President's powers are limited once Congress specifically acts with respect to the situation involved.

In the case of the *Flying Fish*, in 1804, *Little* v. *Barreme*, 2 Cranch 170, Chief Justice Marshall ruled that the President did not have the power to seize a vessel bound from a French port, because Congress had previously passed a law permitting the seizure of vessels only if they were bound to a French port, not from such a port.

The opinion stated:

> It is by no means clear that the president of the United States whose high duty it is to 'take care that the laws be faithfully executed,' and who is commander in chief of the armies and navies of the United States, might not, without any special authority for that purpose, in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce. But when it is observed that (an act of Congress) gives a special authority to seize on the high seas, and limits that authority to the seizure of vessels bound, or sailing to, a French port, the legislature seems to have prescribed that the manner in which this law shall be carried into execution, was to exclude a seizure of any vessel not bound to a French port.

This same principle of law was later confirmed by the U.S. Supreme Court in 1952 when the Court held unconstitutional the seizure of the steel mills by President Truman on the basis that there was no statute which expressly or impliedly authorized such a seizure, and to the contrary, in enacting the Taft-Hartley Act in 1947, Congress had expressly refused to authorize governmental seizures of property as a means of preventing work stoppages and settling labor disputes. President Truman's action in the steel seizures, interestingly enough, provoked several House Republicans to demand his impeachment.

For all of these reasons, it seems possible that the President, in ordering the use of American airpower in Laos and Cambodia after the repeal of the Gulf of Tonkin resolution, has exceeded his constitutional powers as well as ignored the clear the clear message of congressional intent which that repeal represented.

I do not suggest that the case against the President is sufficient to justify the extraordinary remedy of impeachment which the Constitution gives to the Congress in cases of Presidential abuse of his obligation to "take care that the laws shall be faithfully executed." I do not advocate impeachment, but the question is certainly one which justifies a national discussion and debate, if only to bring home to the President the depth of despair many of us feel over his recent moves without prior consent of the Congress.

I think it worthy of note in these difficult times to recall the words of Edmund Randolph during the debate over the impeachment clause in the Constitutional Convention of 1787. As reported by James Madison, Randolph's argument was as follows:

> The Executive will have great opportunities of abusing his power; particularly in time of war, when the military force, and in some respects the public money, will be in his hands. Should no regular punishment be provided, it will be irregularly inflicted by tumults and insurrections."

We need only to look back to the events of last May following the Cambodian invasion to recognize the validity of Mr. Randolph's prediction.

The great issue before us, however, is not what the President has done or has not done, but what Congress, and particularly the House of Representatives, should now do in its leadership capacity, in the Speaker's words, "its rightful place, a preeminent place among the branches of the National Government."

If I may, I would like to discuss for a moment the possibility that through habit or neglect, the House of Representatives has gradually abandoned some of its key constitutional responsibilities with respect to the executive branch of Government. In reviewing the history of major policy decisions in America, I am struck by the fact that some of our gravest policy errors have been attended by the near-unanimous support of the Congress itself and the American people. A unanimity of opinion at any given time is no guarantee that the chosen course of action is correct. Some examples of error might well include the deportation of Japanese-Americans in 1942, the McCarthyism furor of the early 1950's, the Gulf of Tonkin resolution of August 1964.

In reviewing the historical prerogatives of the legislative branch, it is apparent that the framers of the Constitution gave the war power to Congress because of a healthy fear and concern over its misuse by the executive branch.

Abraham Lincoln once described it thusly:

> The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our Convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

Earlier, Alexander Hamilton in Federalist Paper No. XXVI, had explained the reason for the limitation of funds for the standing army in a similar vein:

> The legislature of the United States will be obliged by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by a formal vote in the face of their constituents. They are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence.

Tying this together with the provision that only one branch of Government would face election every 2 years, the House of Representatives thus becomes the crucial body in the Government which must obtain and keep the approval of the people for any proposed course of action involving warfare. It seems particularly significant that the Constitution also reposes in the House the responsibility for initiating all revenue measures to tax the people for the support of the Government. Thus, the costs of war and standing armies must be justified by that body in the Government which faces the electorate not every 4 years or every 6 years, but every 2 years. Taken together, all of these provisions provide a constitutional safeguard to the American people that the use of armed force over any prolonged period will be regulated and controlled by those representatives closest to the people rather than by the Chief Executive.

This is not to derogate the powers of the President as Commander in Chief of the Armed Forces of the United States as to the conduct of a war once embarked upon by congressional authorization. However, as to the question of whether or not wars should be fought, whether other countries are to be invaded, and what expenditures will be authorized to support such wars, Congress not only has the sole power, but the sole obligation under the Constitution.

Against this background I would like to discuss some specific areas where it might be said that Congress has allowed its constitutional powers with respect to the war in Southeast Asia to be usurped and eroded.

First. We have repeatedly allowed the administration to conceal from both Congress and the American people facts which were highly relevant to our own decisionmaking process and the support of our constituents. For years, we permitted the administration to conceal the fact that we were bombing in Laos well beyond the area of the Ho Chi Minh Trail; American ground combat forces have been sent into Laos and told to conceal the fact; the present operation "Dewey Canyon II" is an expanded version of a former operation into Laos by American combat troops called "Dewey Canyon I"; the wives of American pilots shot down over Laos were instructed by our Defense Department not to reveal that their husbands had been shot down over Laos; we have pursued the fiction that American combat operations directed by the U.S. Ambassador and civilian employees of the Central Intelligence Agency in Laos did not really constitute American combat activity at all.

Perhaps, most amazingly of all, we have permitted the administration to conceal from most of us in the Congress the precise amount of the Defense Department appropriations necessary to conduct the war in Vietnam and Laos. Understandably, an administration which wants to retain popular support for a war in Southeast Asia may not want the American people to know how much that war is costing. That is no excuse, however, for the failure of the House of Representatives to insist that the administration disclose both to us, and to our constituents, the true cost of the war and the diversion of defense funds authorized for other purposes which we might have felt could be more appropriately used other than in the rice paddies and jungles of Southeast Asia.

Second. As a corollary to our acceptance of the concealment of Vietnam war costs during our consideration of Defense Department budget requests, we have permitted our strategic weapons strength and research and development to lag behind that of our real Communist opponent, Soviet Russia. Shortly before his death, our distinguished colleague, Mendel Rivers, made an impassioned speech in this Chamber, suggesting that the United States had never been in graver peril because of the deterioration of our comparative strategic position vis-a-vis the Soviet Union. Mr. Rivers stated that the three basic reasons for this deterioration lay in our great expenditures in Vietnam over the previous 5 years, the inflation of which such expenditures were the primary cause, and increased domestic priorities. In his remarks, Mr. Rivers made it clear, to many of us for the first time, that in order to conduct the war in Vietnam, this country had cut back many essential defense programs of construction, repair and particularly in the field of research and development.

The magnitude of Russia's gain from our Vietnam involvement is reflected by the fact that while we have spent well over $120 billion in Vietnam over the past 5 years, the Soviets have spent less than $10 billion. Since their defense budgets are roughly similar to ours in size, say in the $70 billion range, the $110-plus billion saved by them has presumably gone into missiles, naval vessels, submarines and research and development which last year surpassed our own.

The Soviets must feel they are receiving a great deal of aid and comfort every day that we remain in Vietnam.

Third. We have tacitly permitted the United States to gradually adopt methods of waging war which are repugnant to our highest traditions of military history and honor. Having lost the stomach for fighting this war and suffering the casualties involved, we have grown to accept the idea of hiring mercenaries to do our fighting for us. We have paid the salaries of South Koreans, Thais and others, failing to connect this with our own history antipathy to the concept of the British hiring the hated Hessians to put down our own revolution against the British Crown.

Less than 25 years after Nuremberg, where we insisted that the wanton destruction of villages and the forced relocation of civilians should be considered war crimes against humanity, we adopted the same sort of tactics in Vietnam, forcing Vietnamese peasants to leave the villages and farmlands where they had lived for generations, and then destroying the villages themselves, as well as any of the inhabitants who might escape from our refugee centers and return to their home areas.

I was personally advised by a top CORD's official, while in Vietnam a year ago, that in a single province, Quang Nam, American and allied forces had destroyed and razed 307 of the original 555 hamlets of the province. I was flown over square mile after square mile where every village, home, and treeline had been burned to the ground; this was part of a rice denial and search and destroy program admittedly based on the need to deny the Vietcong the ability to obtain food, hospitalization, cover and concealment which the villages would otherwise afford.

Granted that these tactics were necessary to save the lives of American boys committee to the pacification of the areas involved, should not the Congress long ago have weighed the benefits to be gained from fighting a war of this kind against the terrible break with our traditional concepts of military responsibility?

Fourth. We likewise seem to have fallen into the view, now so vigorously espoused by the President, that it is all right to destroy the villages and people of small countries like Laos and Cambodia, if we only do it through airpower, rather than in head-to-head ground combat where those who pull the triggers actually see the people they are killing. Somehow it is now acceptable to drop bombs from 50,000 feet while it is unacceptable to suffer the casualties incident to infantry warfare. I suspect that all over the world where unalined peoples may be considering the relative merits of democracy versus communism, we are thoroughly hated and condemned for the disregard of human life and humanity we betray by our use of sophisticated airpower, napalm, and helicopter gunships against the people of villages like Skoun in Cambodia and Sarabane in Laos. In the long run, as we wage the continuing battle for the hearts and minds of people of other races against the blandishments of communism, we may very well have cause to rue the willingness of Congress to accept these particular decisions of our executive branch.

Fifth. We seem to have likewise fallen into an acceptance of the nomenclature thrust on us by the public relations experts of DOD and the White House—that the peasant soldiers against whom we fight are all "Communists," that somehow they are "wrong" to be fighting to reunite their homeland; that we are "right" in seeking to permanently divide Vietnam into a South Vietnam and a North Vietnam, this in spite of our acquiescence in the Geneva Accords of 1954 where the Viet Minh were promised that Vietnam would be reunited as one country within 2 years—and further in spite of our growing understanding that the most dangerous sources of world war III may well be those countries divided against the will of their peoples, Korea, Germany and, perhaps, the Mideast. We seem to have forgotten that the history of Vietnam is one of native inhabitants rebelling against a colonial power, France, in much the same way we once rebelled against Great Britain; that our love of country and knowledge of the terrain were the decisive factors in our own 8-year war against the world's mightiest military nation 200 years ago. We perhaps should be beginning to wonder what provides the staying power and will to fight for these impoverished, lean, and hungry people who have thus far remained steadfast in their devotion to their cause, despite the most massive bombing destruction in the history of the world

Whatever our views on Vietnam policy, I should think we in the Congress might afford this worthy people the same grudging respect our fighting men have come to give them.

Sixth. We might also reflect on the secondary burdens that this continuing war has imposed on the basic military potential and strength of this country. We have managed to convince most of our young people that a Congress, as an institution, is unresponsive to their desire to refrain from killing people they do not hate, in a cause in which they do not believe. Since all of us in the Congress are beyond the age of required military service, I suspect we are prone to forget that fighting wars requires young 18- and 19-year-olds who are willing to take the risk of being blinded or losing both legs because of their belief that the Nation's interests and idealism justify that risk. Do any of us know any reasonably young men today who are willing to serve as combat infantrymen in a cause in which we have admittedly given up the will to win? In years to come, the United States will be in desperate need of professional military men who are the equivalent of our best minds in science, the professions and the business community. Our military establishment will need the pride and esprit de corps that have characterized it since Lexington and Concord. By turning away from the pleas of our young people to end this war now, we may be depriving our future military forces of the ability to attract men of the necessary dedication and abilities, no matter what pay raises we may choose to later give them from a Treasury already suffering a chronic deficit.

It has been my observation in combat circumstances that the bravest of men wish to avoid being killed during a retreat or in the final days of combat. Recent reports from Vietnam indicating that both enlisted men and junior officers are perilously close to direct disobedience of orders to attack raise the possibility of widespread mutiny that could endanger not only our ability to maintain a credible military deterrent, but which could further endanger the lives of any Americans the President decides should be left in Vietnam over the next several years.

Once a retreat is commenced, it can only accelerate; it cannot be interrupted or stopped. To the men who walk the rice paddies and fly the combat air missions, we have been in a full-scale retreat for some time. They are being asked to carry the sole burden of preventing shame and humiliation for an American people, most of whom are enjoying the benefits of the highest standard of living and conveniences the world has ever known. As the primary body which keeps them exposed to death or maiming, I suggest that it might be well for the Congress to put a fixed termination date on their continued exposure to risks we do not share with them, if we are to meet our responsibility of protecting the Nation's security through a competent force in readiness in the years ahead.

Seventh. In addition to the secondary military problems caused by our continued involvement in Vietnam, what of the threat to our economic stability? In order to afford the costs of this war, we are embarking upon a new concept, that of a $30 billion budget deficit over the next 2 years, concealed beneath the label of a "full employment budget." Inflation may or may not be under control, but the impacts of inflation have been disastrous to date, and as I have listened to the comments of my older and wiser colleagues during the past 2 years, I have gathered the impression that competent economists feel that Government deficit spending has been a primary cause of inflation. This was the primary argument advanced by the President last year when he asked us to sustain his vetoes of several hundred extra million dollars over his housing and education budget proposals. I have been accustomed to hear my Republican colleagues refer to the historic virtue of "fiscal responsibility" as a desirable congressional goal. If this is so, might we then not deliberate with some seriousness over whether we can afford to continue this war at the tremendous cost which the administration is so reluctant to specify in its otherwise carefully detailed budget?

Eighth. It is the situation of our prisoners of war that should perhaps cause our most serious reflection on the wisdom of the Government's present policies. The prisoners and their families after all, along with those who have been killed or wounded, are the individuals to whom this Nation owes the highest degree of effort and service, since they have been the very cutting edge of a national policy which has imposed hardship on a relatively small percentage of our people.

There has perhaps never been a body of American fighting men who carried out an American military policy more bravely and unselfishly.

It seems clear that the North Vietnamese are not about to release any of our prisoners so long as U.S. pilots continue to bomb in every country in Indochina. The North Vietnamese have made it clear that the prisoners will not be released until the last American has left Vietnam or the date of departure has been fixed with certainty. There is no cause to believe that any military action that the President has announced he will take will cause any softening of the North Vietnamese position. Indeed, White House spokesmen now concede that they have about given up hope of any success at the negotiating table. Under these circumstances, our continued presence in Vietnam can only prolong the period of captivity of our POW's. While there is no guarantee that our withdrawal from Vietnam will result in the speedy return of our prisoners, there is no reason to believe that they will not be returned when there is no benefit to the North Vietnamese in keeping them. This was true of the *Pueblo* crew, and it is the general belief that the North Koreans have been far harsher and crueler captors than have the North Vietnamese.

There is also no real way we can insist upon better treatment of our POW's as long as it remains our policy to turn enemy POW's over to the tender mercies of the South Vietnamese, whose past cruelties to prisoners are fairly well documented.

For these reasons it would seem that the best means of helping our POW's and their families is to effect our withdrawal from South Vietnam at the earliest practicable date.

Ninth. In conclusion, I wonder if perhaps our primary duty in the Congress is not to show the Nation some leadership in the basic thought that we should be big enough to admit our mistakes. Clearly the administration is not about to admit something which nearly all of us now admit—that it was a mistake to have ignored the admonitions of Generals MacArthur and Ridgeway that we should not become involved in a land war on the Asian continent, considering the history and terrain of Vietnam—that it was a mistake to have stayed in as long as we did—and that it is a mistake to think that somehow we can now wrest victory out of defeat if we will only hang in a little longer and kill every possible North Vietnamese and Vietcong that we can find anywhere in Indochina, using only bombs, napalm, and strafing runs where the enemy has chosen to mix in with the native population.

There are a great many good things to do in America—building houses and rapid transit systems, doing research in medicine, high energy physics and better education methods, cleaning up our air and water. I should think that the chances of achieving a "generation of peace" might actually be enhanced if we could bring ourselves to stop participating in the killing of people in Southeast Asia and leave it to the Vietnamese themselves as to how they decide to govern themselves and possibly even reunite a country which, in times of peace, is one of the most beautiful in the world.

I suspect they will find peace with far fewer people killed than if we continue the authorization the President presently claims for the unlimited use of airpower.

Therefore, I would reiterate the hope that the House will give immediate consideration to both cutting off the funds for our involvement in Vietnam as of December 31, 1971, and for directing the early cessation of the use of airpower in Laos and Cambodia, two countries with which we are not at war and whose people can only suffer from our attempts to ally them with the present Government of South Vietnam.

I make these comments with the highest respect for our President, but in complete disagreement with this single aspect of the foreign policy which he now pursues. I hope to continue to support him in the challenging and innovative proposals he has offered in the domestic field, but I have a far greater hope that he and Dr. Kissinger will reconsider their Vietnam policy as stated as forcefully in yesterday's press interview.

Mrs. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Speaker, I commend the gentleman from California (Mr. McCLOSKEY) for his excellent remarks and for his constitutional treatment and historical treatment of what is indeed probably a high point of illegal activity on the part of the President of the United States. With the war in Indochina escalating, and President Nixon placing emphasis on the U.S. air role there and with the threat of South Vietnamese invasion of North Vietnam, Congress has seen its constitutional prerogatives violated by the executive branch, and Congress must indeed have its power restored. I agree with the gentleman from California, Mr. McCLOSKEY, that it can do so by voting to end this war by a date certain, by voting to withdraw all our troops in Indochina and by voting to cut off all funds for the war in Indochina by a date certain at the end of this year.

The administration's mounting of major invasionary expeditions into the countries neighboring South Vietnam in violation of the neutrality and sovereignty of Laos and in violation of the Geneva Accords of 1962 and in violation of the clear intent of the Cooper-Church, if not the letter, has been scandalous enough.

In view of the possibility of a blatant and outright violation of Cooper-Church—and the news reports indicate more than mere possibility of such an affront to the Congress of the United States—I have today introduced a resolution into the House calling for an immediate on-the-spot investigation by the Government Operations Committee of possible violations of the Cooper-Church amendment passed by the 91st Congress. I think this investigation is necessary to determine the exact nature of the activities of the United States troops in Laos.

In the face of a rigid news embargo, the United Press International reported on February 10 that at least 100 American ground troops of the 3d Platoon, 7th Battalion, 17th Air Cavalry had entered Laos during the preceding 3 days and fought there.

The Columbia Broadcasting System reported in the first week of February on groups of GI's working in civilian clothes out of the Pnompenh Airport.

That same week an American soldier wearing a South Vietnamese Army uniform was brought back over the border by South Vietnamese troops.

A National Broadcasting Co. telephone poll of over 1,000 Americans discovered that 46 percent of the people interviewed in the sample believed American ground troops are fighting in Laos.

The administration will no doubt reassure us that these things are not as they seem to the press, to the Congress, to the American people; that soldiers on the ground in Laos recovering helicopters, fighting, being returned over the border were all part of our air support of the South Vietnamese invasion and, therefore, not in violation of public law.

For the Nixon administration is taking us deeper into the war rather than out of it, in express repudiation of the wishes of 73 percent of the American people. And of the NBC telephone survey only 14 percent of the sample felt that the current invasion would be of any help in getting the United States out of Southeast Asia. And 55 percent felt Congress ought to have a bigger role.

The Congress must respond to the mandate of the people. The Congress and the people of the United States must act to bring our illegal and immoral interference in Indochina to an end before the year is out, and those decisions must be based on facts and not administration reassurances.

Investigating allegations of clear violations of the congressional mandate to end the war in Laos is only a necessary beginning.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Illinois.

Mr. MIKVA. I thank the gentleman for yielding.

I wish to compliment the gentleman from California (Mr. McCLOSKEY) on seeking to focus the attention of his colleagues and the country on a war that has no end. I recognize how difficult it is for the gentleman in the well to criticize the Administration of his own party just as it was difficult for some of my predecessors on this side of the aisle to criticize the administration when it was of their own party.

As I read the President's remarks yesterday I could not help but think that they were so similar to the remarks of his predecessor. We seem to be threatening North Vietnam now with extended use of air power. It seems to me that a previous President threatened the North Vietnamese with the use of air power, too. We found out in 1965 and 1966 and 1967 and 1968, that the extended use of air power in North Vietnam did not bring the war to an end. I doubt that the bombardiers of 1971 are any more accurate than were those of earlier years. I doubt that we have any secret weapons with which we are going to make the air power more effective now than it was 5 years ago.

The President said yesterday that he would keep troops in South Vietnam as long as necessary in order to free our prisoners from the North Vietnamese prison camps. As the gentlemen in the well has ponted out, the easiest way to seek to get negotiations going on that kind of freedom would be if, at Paris, we would commit ourselves to a date certain when our troops would be leaving South Vietnam.

In short, it seems to me that this war without end continues to offer the same rhetoric day in and day out and year in and year out. It is very important, therefore, for the gentleman in the well to document the case against the war as he has done; there are some of us on both sides of the aisle who realize the deep concern he has shown and the difficulties he has carved out for himself in the role that he is playing. All I can say in reassurance is that if we find our way out of the miasma that we are in, it will be because of the efforts of the gentleman in the well and others like him. I am proud to be one of his colleagues. His love of country is a benchmark for patriotism in its highest sense.

Mr. CARTER. Mr. Speaker, would the distinguished gentleman yield?

Mr. McCLOSKEY. Yes, I yield to my colleague from Kentucky.

Mr. CARTER. Mr. Speaker, I have opposed our being in Vietnam since I think it was a bad military move. However, I want to compliment the President for having removed 200,000 troops from South Vietnam.

About this so-called invasion in Laos, if we search the records today we will find that in 1966 under President Johnson we had no fewer than 5,000 soldiers of fortune or mercenaries in Laos.

If such an impeachment procedure were necessary, then it should have been taken at the time we had these troops in Laos in July of 1966.

I asked the acting Ambassador of Thailand if this was not true, that we had 5,000 troops and he said that the answer to that question was "No." A little later, however, as I left the room and he told me or confirmed that we actually had 5,000 troops there in Laos and that that was correct.

So, actually, today we have fewer people in Laos than we had at that time.

Of course, Mr. Speaker, many became excited about the incursion into Cambodia. I was upset about it at that time, but based upon the facts which have been developed later as to what has been accomplished as a result of that incursion, this was the most successful military operation of the war and was prosecuted in the most successful manner. Our casualty rate has dropped 50 percent and more.

Mr. Speaker, it is my feeling that we should continue to support the President in his attempt to withdraw our troops from South Vietnam.

Certainly, I wish to commend the President again upon his removal of 200,000 men from South Vietnam. In this instance, if he feels that by cutting the Ho Chi Minh Trail it will bring that goal nearer of the removal of all of our troops, then I would say to cut the Ho Chi Minh Trail.

Mr. McCLOSKEY. Mr. Speaker, in response to the gentleman's statement, apparently, the gentleman I do not believe heard the entirety of my remarks.

Mr. CARTER. I read about them in the press.

Mr. McCLOSKEY. During 1966 and up until the end of 1971 we did not have any troops in Laos. I want the record to show that the measure by which the Congress gave to the President the power to intervene, the Gulf of Tonkin resolution, has specifically since that time been repealed with reference to all of Southeast Asia.

Mr. CARTER. That is rather debatable.

Mr. McCLOSKEY. This is especially true since the repeal of the Gulf of Tonkin resolution which gave the President the power to act in this area up until December 31, 1970. However, there is a group today that says he still has that power but we must focus upon the question of the confrontation between the President and the Congress on the one hand, because our commitments there before December 31, 1970, were clearly different than they are at this time since the repeal of the Gulf of Tonkin resolution.

Mr. CARTER. Mr. Speaker, if the gentleman will yield further, as far as I can find out there is no concrete evidence at the present time that we have men in Laos, contrary to some of the reports we hear on the floor.

I thank the distinguished gentleman for yielding.

Mr. McCLOSKEY. Mr. Speaker, I now yield to the gentleman from Illinois, Mr. ANDERSON.

Mr. ANDERSON of Illinois. Mr. Speaker, first of all I would certainly assure the gentleman now in the well that I do believe he is a man of courage, conviction, and compasison, and the remarks that I will make are not intended in any way to cast any doubt either on his patriotism or on his right to stand before this body and express the views that he has.

I would in general associate myself with the remarks of the gentleman from Kentucky (Mr. CARTER), in praising what actions the President has taken in an effort to wind down the war in Vietnam. My purpose in rising, however, is twofold: first of all to express appreciation to the gentleman for the fact that he has made it clear that he is not suggesting the impeachment of the President of the United States, contrary to what seems to have been implied in some newspaper stories. And secondly, that when he talks about a National discussion and debate, that he is talking about a discussion along the lines of his statement—which I think on the whole is one that has been pretty low keyed—a discussion which hinges on whether or not the President does in fact have the implied power under our Constitution to take the kind of action he has taken in defense of American soldiers in the field.

Mr. McCLOSKEY. That is correct.

Mr. ANDERSON of Illinois. On that score, if I may pursue that for one moment further, I think the gentleman's argument, as I have listened to his statement, and have rather quickly examined what is in the gentleman's prepared speech, seems to make much of the fact that the actions both with respect to Cambodia and Laos took place subsequent to the repeal of the Gulf of Tonkin resolution. For example, on page 7 of his prepared statement he says:

> I have been unable to discover a single instance in our history, however, where an American President ordered offensive operations in a foreign country immediately after Congress had specifically repealed a prior resolution authorizing him to wage war in such country.

I would remind the gentleman that it was not this administration, but rather a prior administration, that regarded the Gulf of Tonkin resolution as the functional equivalent of a declaration of war. This has never been the position of the Nixon administration. Indeed, as I understand it, at the time the proposition of repeal of the Gulf of Tonkin resolution was before the other body the administration expressed some disinterest in whether or not it was repealed at all, because the President was not resting his constitutional power upon what admittedly is a very fragile reed. I think it is already clear that it is on his implied power that the President bases his action to defend American forces in the field, and to protect those lives.

And even the gentleman in the well would concede. as he does on page 3 of his prepared statement:

> No one would question that the President retains his power, and duty, as Commander-in-Chief to protect the lives of Americans remaining in Viet Nam, and to take all steps reasonably necessary to this end.

The question then is one, is it not, of judgment? The President and his advisers believe that this is the reasonable action to take, to try to cut off the trails in Laos, and to take actions against the sanctuaries in Cambodia, and does represent therefore action taken and designed for the purpose of defending American lives.

The gentleman in the well has drawn a contrary conclusion, to be sure. But is it not important to draw the distinction that the administration is not resting its authority in this case on the Gulf of Tonkin resolution? It therefore seems to me that the rationale of that does not have much relevance to the conclusions that the gentleman tries to make.

Mr. McCLOSKEY. In response to the gentleman from Illinois, I think the case of the intrusion into Laos to interdict the Ho Chi Minh Trail is far more reasonable argued as an action by the President to save American lives than was the January intrusion into Cambodia, because at the end of the Ho Chi Minh Trail are forces that can threaten the American Forces in Vietnam. With respect to the intrusion into Cambodia and the close air support to open the Pich Nil Pass last month, however, I do not believe it can be rationally argued that assisting Cambodian troops to open their own highway between their own seaport and their capital represents a saving of American lives. Certainly by doing this we do not interdict Communist supply lines which might pose a threat to American troops in South Vietnam.

I am reminded of the President's express statement on June 3 of last year when he said that future Cambodian air action would be limited to interdiction of enemy supply lines that might endanger American Forces in South Vietnam.

The use of close air support to assist the Cambodians to open the Pich Nil Pass cannot be considered except as an action to hurt the North Vietnamese who were trying to block the road.

I cannot conceive of any rational military theory that would say that the Pich Nil Pass action represented an attempt to interdict North Vietnamese supply lines. This is the reason that when those two cases are taken into context and read together, the inability to justify the Cambodian close air support effort in January as an interdiction of enemy supply lines casts some doubt on what the President's real intention is with respect to the interdiction of the Ho Chi Minh Trail.

I agree with the gentleman that the present incursion into Laos could otherwise be considered a possible effort to protect American lives.

Mr. ANDERSON of Illinois. Mr. Speaker, if the gentleman will yield further, I do not profess to be a military expert. However, even as a layman it is not too difficult for me in retrospect to see the importance of the highway linking the port through which the POL supplies have to come and then go up to the capital of that country. In that way the highway might have a certain importance so far as maintaining the integrity of the country's defense is concerned and if all the defenses fell entirely, the country then again might become a sanctuary from which the enemy might launch operations against South Vietnam and the remaining American troops in South Vietnam.

It seems to me you can at least make that argument—and maybe we are elasticising the meaning of the word "interdiction" and torturing it beyond its usual meaning.

It seems to me you can see some relationship between action along that highway and the protection of our American troops in South Vietnam.

Mr. McCLOSKEY. I agree with the gentleman. My only regret is the President chose to do this without prior consultation and consent of the Congress. We learned of this matter later than the North Vietnamese did and later than did the Laotians, Cambodians and the South Vietnamese. I think this is regrettable because under the gentleman's theory the President could interdict roads in China along which supplies are conveyed to North Vietnam and could bomb Russian ships in Haiphong Harbor. All things considered, it seems to me in this day and age that in a case where no emergency is involved, the Constitution reposes the war power in Congress alone. This justifies the Congress asking the President to advise us and obtain our consent before allowing acts of war in third countries that are not connected with the country in which our troops are presently engaged.

This is the reason I am making this speech today on the floor of the House. The thrust of my remarks is not so much in criticism of the President, but to point out that over the last several decades the constitutional powers and the responsibilities of the Congress have gradually been permitted to erode until today the Congress merely acts in acquiescence with whatever the Presidential decision happens to be.

It is time for the Congress to remedy this situation. The Congress should insist that its sole power to declare war be respected by the Chief Executive.

Congress has permitted itself to be informed of major changes in American foreign policy after they have occurred, rather than insisting that Congress participate in the decision itself as contemplated by the Constitution.

This is the problem that I address my remarks to, primarily that we in the Congress have that obligation to speak up and participate in major decisions as to where and when we go to war.

Mr. ANDERSON of Illinois. I thank the gentleman.

Mr. McCLOSKEY. I thank the gentleman from Illinois for making clear what I tried to make clear. Under no circumstances have I urged the impeachment of the President nor do I urge the impeachment of the President. I have great respect for the President and the problems he has. But I disagree strenuously with him on these most recent decisions.

OUR ALLIES IN SOUTH VIETNAM DESERVE OUR FULL SUPPORT

The SPEAKER pro tempore (Mr. PATTEN). Under previous order of the House, the gentleman from California (Mr. SCHMITZ) is recognized for 15 minutes.

Mr. SCHMITZ. Mr. Speaker, my presentation is on the same subject matter as that just concluded. This seems to be Marine Reserve Officers Day on this subject.

Mr. Speaker, the South Vietnamese thrust into areas of Laos under enemy control is one of the real breakthroughs in the allied effort against North Vietnamese aggression. It shows we have finally realized that limiting active opposition to enemy advances to those areas where he prefers to fight, and allowing him sanctuary in those areas he needs to prolong the war, are not sound methods of coping with an invasion.

Senator GOLDWATER has rightly stated that this operation against the enemy's lifeline—which has been the "death line" to tens of thousands of people in Southeast Asia—should have been carried out long ago. While we cannot bring back the lives which would have been saved if we had done this earlier, lives will be saved in the future by this action.

The truth is that the North Vietnamese Communists, heavily supplied by the Soviet bloc and Red China, have shown by word and deed that their protracted campaign to bring all of Indochina under their heel can be stopped only by removing the implements they need to continue the war. The level of Communist military activity is directly connected with their level of military capability. By cutting the enemy's lines of supply, the South Vietnamese are helping to choke off the war which has devastated their nation for so many years.

The United States has attempted to use diplomatic channels to deny the North Vietnamese resupply routes and staging areas in Laos. Just last March President Nixon sent a letter to both Prime Minister Wilson of Great Britain and Soviet Premier Kosygin, as cochairmen of the 1962 Geneva Accords which guaranteed the neutrality of Laos, asking their help in removing foreign troops from that nation. The President pointed out that the North Vietnamese had been violating this agreement ever since it went into effect, not only by using Laotian territory as a base and conduit for operations against their neighbors in South Vietnam and, more recently, Cambodia, but also by mounting military campaigns against the neutralist government of Laos.

This appeal did not produce any notable results, probably because the manner in which the agreement was set up by our Ambassador at the time, Averell Harriman, required Soviet cooperation for enforcement. The Soviets would hardly be likely to agree to anything which would hinder the efforts of their North Vietnamese proxy forces who were doing so well against allied forces unwilling to utilize their superior power correctly.

This diplomatic failure left the broad complex of enemy roads and base camps, known to some as the Ho Chi Minh Trail and to others as Harriman's Highway, operational. During this year's dry season, which will end in May, the Communists have been starting up to 179 tons of supplies per day down this access route to their forces fighting in the south. While U.S. air power has been able to lower substantially the amount of material finally reaching the enemy forces in southern Laos, Cambodia and South Vietnam, the significant amount still getting through necessitated the disruption and blockage of this enemy resupply route by ground forces.

Air power by itself cannot halt a flow of this magnitude by attacking intermediate points of transshipment. It is necessary either to dam the flow with armed forces in the traffic-bearing area, or to degrade the ability of the source of output—North Vietnam—to initiate the shipments. While, in my view, the best strategy is to stem the flow at those areas which serve as initial points of input, such as Haiphong Harbor, the type of operation being carried out by our allies in Laos will certainly damage the enemy's capabilities and should be welcomed by all who wish to shorten the war.

There has been little reasonable criticism of this latest effort to hinder the Communist efforts to conquer Indochina. Many talk about "widening the war" and "opening a new front" leading to an "unending conflict," but in fact we are narrowing the areas where the enemy moves at will, responding to an enemy front which has been in existence for many years, and moving the enemy farther from those areas where he would like the conflict to take place. The enemy's containment of freedom's forces has ended.

Our allies have taken the initiative in defending their nation. They deserve our full support.

BILLS INTRODUCED BY CONGRESSMAN RONCALIO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wyoming, Mr. RONCALIO, is recognized for 60 minutes.

PROPOSED AMENDMENT OF THE RAILWAY LABOR ACT

Mr. RONCALIO. Mr. Speaker, today I am introducing a bill to amend the Railway Labor Act to permit selective strikes in the railroad industry.

My proposal is a move in place of the Nixon administration's Emergency Public Interest Protection Act proposal which provides for a single set of procedures for dealing with national emergency disputes in the transportation industries.

President Nixon's proposal would virtually scrap the Railway Labor Act by substituting the provisions of the Taft-Hartley Act and adding certain cumbersome procedures including a form of compulsory arbitration as a means of settling disputes in the transportation industries.

I believe that a concerted effort should be made to amend the Railway Labor Act to permit unhampered collective bargaining in all transportation industries.

DESIGNATING THE GROS VENTRE AREA OF THE TETON NATIONAL FOREST IN THE STATE OF WYOMING AS THE GROS VENTRE WILDERNESS AREA

Mr. Speaker, today I am introducing a bill to designate the Gros Ventre Area of the Teton National Forest in the State of Wyoming as the Gros Ventre Wilderness Area. In this I am joined by two of my colleagues, Mr. SAYLOR and Mr. EDMONDSON.

The Gros Ventre Area of the Teton is one of the most scenic areas in the world—one enjoyed not only by Wyomingites but by thousands of tourists who come to enjoy the Tetons in summer and in winter.

If I could do but one thing toward the preservation of scenic areas in the West it would be to set aside this beautiful area so that it might be enjoyed by your children and mine.

TIME FOR A BASIC CHANGE

Mr. Speaker, the 92d Congress bears the awesome responsibility of resolving an environmental and governmental crisis unequaled in the history of this Nation.

At the core of this problem is the chaotic growth of metropolitan areas. The cumulative effect of the attending demands on our human and physical resources represents a genuine threat to our very survival.

In this plight of the cities, Washington seems to be sorrowfully leading the Nation. During the last decade alone, Washington has experienced a growth rate of 38 percent, second only to that of Los Angeles.

In this period, the gain in office space alone has exceeded 45 million square feet, and the groundwork has been set up for an additional 55 million square feet of office space in the next 10 years.

The consequences of this topsylike growth are regrettably manifest. The congestion and destruction of environment even now threatens to make Washington a capital example of the host of problems this Congress must resolve.

I direct the attention of my colleagues to an isolated, but not insignificant, instance of this irrational and inhumane concentration of resources.

In the Washington Post of January 15, 1971, plans were outlined for the movement of the U.S. Army Materiel Command from its temporary buildings at National Airport to two new, privately owned buildings in Alexandria, Va.

The selection of permanent headquarters for this vital installation represented an excellent opportunity to reverse this self-destructive policy of overcentralization.

Instead, the Federal Government has once again ignored its capability to disperse and deploy population and has reached a decision which will aggravate the problem.

The cramming of yet another Department of Defense agency into the Greater Washington area appears to me to violate the best interests not only of the defense of America, but also of environmental improvement, pollution abatement, and of the general quality of living in this city.

I have respectfully submitted to the Secretary of the Army an alternative proposal which I believe could honestly command the support of millions of Americans.

The Army Materiel Command Headquarters could be located in any one of some 45 States away from this general area, States where a Federal installation would represent a welcome and beneficial introduction of population.

As an illustration, I would report that between 1960 and 1968, the number of persons employed by the Federal Government actually declined in four States: Alabama, Louisiana, Nebraska, and Maine.

In my home State of Wyoming, the net gain was 40 jobs, the smallest net gain in the Union.

In contrast, the States of Virginia, Maryland, California, and Texas showed a combined gain of 222,899.

I believe the location of the permanent headquarters of the Army Materiel Command in an area of the country not suffering from the exodus from the cities and their satellite suburbs would not only relieve the pressure on Washington, but would also result in excellent dispersal, a commonsense deployment of population, and a long overdue recognition that a reasonable and balanced growth throughout the Nation is imperative to survival.

I respectfully submit for the attention of my colleagues both the newspaper article from the Washington Post describing the proposal and the text of my letter to the Secretary of the Army, Stanley Resor, calling attention to the fact that that move should be stopped.

The letter and document referred to are as follows:

MATERIAL COMMAND TO BE RELOCATED

(By Paul G. Edwards)

The U.S. Army Materiel Command, now housed in World War II temporary buildings at National Airport, will be relocated in a new office building to be built in Alexandria's Capital Beltway corridor, city and federal officials said yesterday.

The agency's move to a privately owned building is expected to cost at least $10 million and will give a significant boost to Alexandria's property tax base. The move also may result in the razing of the bleak-looking temporary buildings now lining George Washington Memorial Parkway at the airport.

The impending relocation was first announced by City Councilman Wiley F. Mitchell Jr. He had headed a long campaign by Alexandria officials to win a bigger share of government office space in privately owned buildings leased by the General Services Administration.

A GSA spokesman said the agency has advertised for 455,326 square feet of office space to accommodate the Materiel Command and will not locate the building anywhere but in Alexandria. Two proposals to construct the buildings have been made and will be reviewed by the GSA Jan. 21, the spokesman said.

The spokesman would not identify the bidders, but there are only two building permits currently listed in Alexandria for structures large enough to accommodate the agency. GSA requires bidders to have building permits in hand.

Both were issued Dec. 29. One went to real estate investor Hubert Hoffman for a 13-story building on Eisenhower Avenue east of Telegraph Road and the other to the LNT Corp. for an 11-story building on Eisenhower Avenue south of the Army's Cameron Station supply depot.

Each application estimated the cost of the building at $10 million. Permit estimates usually are conservative.

In their campaign for GSA-leased space, city officials have argued that Alexandria has done a better job than any other suburban Washington jurisdiction of meeting the need for low- and moderate-income housing, but has fared the worst in the competition for federal agencies.

GSA has been criticized for moving large agencies out of Washington and into high-priced housing areas, such as Montgomery County, without regard for low-income black employees who cannot afford to commute long distances or to buy suburban housing.

Alexandria's supply of low- and moderate-income housing is not sufficient to meet the demand. But in their campaign for office space, officials cited the city's 1,034 public housing units, the City Council's encouragement of housing projects that offer federal rent and mortgage payment subsidies, and a significant supply of moderately priced private housing in the city's northeast and southern sections.

The city campaign also included complaints to GSA that millions of square feet in government office space has been leased in Arlington's Rosslyn and Crystal City areas in recent years, although there is no publicly assisted housing in the county.

The Materiel Command directs development, production, procurement and maintenance of all materials used by the Army.

The headquarters at National Airport employs 2,803 persons, all but 304 of them civilians. It has been located in temporary building T-7 for nine years.

GSA officials could not confirm yesterday that T-7 would be demolished after the new building is occupied, but the government has followed a policy in recent years of razing temporary buildings as agencies are relocated.

FEBRUARY 17, 1971.

Hon. STANLEY D. RESOR,
Secretary of the Army,
The Pentagon,
Washington, D.C.

MY DEAR MR. SECRETARY: I write to register my objection to the proposed move of the Army Materiel Command from its present location at Washington National Airport to two "leased" buildings in the heart of Alexandria. I would also like to know if these new buildings are now being built or are yet to be built, and I would like the latest information regarding the posture of this proposed move.

The cramming of yet another Department of Defense agency into the greater Washington area appears to me to violate the best interests, not only for the defense of America, but also for environmental improvement, for pollution abatement and for generally trying to improve living and working conditions in the Washington area.

I respectfully submit that there are numerous potential site locations in some 45 states away from this general area which would prove more satisfactory and more adequate to serve the function of the Army Materiel Command that would be more acceptable to the general defense of the Nation and more beneficial to the country than the planned change which you have announced.

Our largest American cities already suffer from overconcentration of population. Washington seems to sorrowfully lead the rest. While the movement of the Materiel complex less than a half mile or so to Alexandria would only aggravate environmental problems, its location to any of the remaining open areas of America would result in excellent dispersal, a common sense deployment long overdue if even the most basic laws of survival are to be heeded in this country.

I would be grateful to you for a review of this decision.

Respectfully yours,
TENO RONCALIO,
Member of Congress.

Mr. RONCALIO. Mr. Speaker, I submit that there ought to be an end to further construction, to housing Federal facilities in the Greater Metropolitan Washington area. I believe the statistics will show that if one-third of all governmental activity in this area were now to be moved elsewhere, that the natural ordinary growth of this area would not be impeded in any way. It is the only way in which I see any hope to alleviate the congestion and the environmental destruction, the choked highways, the impossible transportation problems that seem to come now and plague what was once our beautiful Washington area.

In conclusion, Mr. Speaker, this morning at the White House the President of the United States ended a meeting with leaders of the House and the Senate touching on the highlights of executive reorganization, the need for reform for the 1970's, and for a renewal of progress which is so necessary in the 1970's. We were reminded by the President himself that there is growing in this Nation a distrust and a disgust with men in public life and a frustration on the part of all the people in this Nation with their elected public leaders—we politicians. There is need for the executive reorganization and the reducing of Cabinet departments from 12 to nine as is now requested by the President. We have observed a number of major independent agencies which have grown from 27 to 41 in less than a decade. We now see the number of Washington Federal employees at nearly 3 million and a budget which has grown from $42 billion to well over $200 billion. We have seen domestic programs and categorical grant-in-aid programs that require a needed revenue-sharing program which is now foremost in this administration's mind. The specific needs are present for physical as well as structural reorganization of the executive departments. I submit that it must be accomplished physically as well as organizationally so that the day may come, Mr. Speaker, when in this great Capital of ours there will be a White House, the head of the executive branch of the Government, the Department of State, the Department of the Treasury, the Department of Defense, and the Department of Justice and their related agencies.

All other structures, functions, bureaus, agencies, offices, and creations of this Government should fall into four additional Cabinet positions as now requested by the President: namely, the Department of Natural Resources, the Department of Human Resources, the Department of Economic Development, and the Department of Community Development. Each and every person employed in these latter four organizations, in those four departments, should be moved away from the Greater Metropolitan area if this area is to find a lasting solution to its problems, and if the quality of life is to be improved in the National Capital.

LEGISLATIVE PROGRAM OF VETERANS OF WORLD WAR I

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HALEY) is recognized for 20 minutes.

Mr. HALEY. Mr. Speaker, on February 10, 1971, the Committee on Veterans' Affairs heard testimony from the national commander of the Veterans of World War I, Mr. J. B. Koch, who presented the legislative program of his organization for the 92d Congress.

I think it is important that this entire body be made aware of some of the needs of this group of combat veterans who so valiantly served our Nation in time of peril.

I would therefore like to include in the RECORD the following transcript of Mr. Koch's presentation to the House Veterans' Affairs Committee:

PRESENTATION BY J. B. KOCH

Mister Chairman and members of this distinguished committee: It is a privilege for me to appear before you to present the legislative program of the Veterans of World War I of the U.S.A., Inc., and I express my sincere gratitude for the opportunity.

The Veterans of World War I of the U.S.A. believe that the contribution America's veterans have made during the first 200 years of our history has insured our security. And that in the future, our security, our stability, our economic progress and moral fiber will be measured in proportion to the willingness of our citizens to render service for our country.

Twice in our lifetime, the veteran has stood between the crushing wheels of tyranny and freedom. We represent that group of veterans who, in 1917 and 1918, met the most powerful war machine the world had known to that time. An imperial army with a will to win and the power to do so, until they met this American Army only 30 miles from Paris on May 30, 1918 and were stopped and thrown back and crushed November 11, 1918.

Later, in 1941, some of us, and our sons, had the task of standing between the worldwide forces of the Axis Powers and dictatorship of Fascism, and the freedom of our homes in America in the greatest war known to man. We would not be here today enjoying the freedom we take for granted had it not been for the dedication of these men standing firm before, and throwing back, those forces who would have destroyed us.

We believe, and logic will attest, that America with all her power, factories, teaming cities, schools and homes owes its existence to her veterans who in former years believed in the principles upon which our Country was founded, and made their contribution of service in uniformed services, and as veterans, stand today as a united block espousing the same patriotic spirit of earlier years.

We believe that the existence of America, her strength and her prestige, now and in the future, continues to depend upon this contribution of her citizens of service to our country in the uniformed forces, and that should any generation fail in their contribution of participation in the service of our country, America would take a place in the history of the future only as a Nation that was, for our enemies would crush us. There is no alternative.

We also believe that the continued success of our way of life as a Nation of prestige and power, depends upon the mutual obligation and commitment between government and its citizens.

As compensation to veterans for their services, the government has accepted some basic principles as fundamental commitments to the past, present, and future veterans. The implementation of these is the concern of our organization. And we recommend to the Congress to strengthen the laws governing this, and to the Administrative Branch of our government to execute them as fundamental to the needs of American veterans.

1. Hospitalization:

We believe that the Veterans Administration should be adequately funded to care for the needs of this group of special citizens who, by their commitment to service for their country, deserve special consideration above those who have not, and did not, and some were not willing to make a contribution for their country. We recommend the up-dating of many of our V.A. facilities to meet current needs of modern equipment. That the staff and equipment be enlarged to meet the present needs. Our findings are that there is a shortage of medical and nursing personnel. This we recommend be given high priority.

a. Hospitalization for the families of all combat veterans.

In view of the hospitalization privilege of those on public welfare who have made no contribution to the preservation of this nation, we recommend that the families of all combat veterans of all wars be eligible for hospitalization in Veterans Administration Hospitals. As stated before, we believe that veterans and their families should have preferential treatment, not less.

b. We believe that prescription drugs should be provided on an outpatient basis to cases after they leave the hospital by the government, or prior to hospitalization if the attending physician deems it necessary to all combat veterans.

2. Nursing Homes:

We believe that the time limit clause in Nursing Home care should be eliminated.

3. National Cemeteries:

We believe that our National Cemetery system should be placed under the jurisdiction of the Veterans Administration. We further believe that Arlington National Cemetery should be opened to all veterans until filled, and when filled, be recognized as a National Shrine. And, that additional space be acquired adjacent to the National Capitol Area for another National Cemetery.

We recommend that National Cemeteries be provided in areas of population shifts to meet the needs of veterans who desire to be interred in a National Cemetery or Crematory.

4. Burial:

We believe that the cost of burial has become so expensive that the present allowance is unrealistic, and recommend that the burial allowance be increased to $400.00 with an additional $150.00 allowed toward the purchase of a burial lot for those desiring to be buried in a private cemetery, or being denied burial in a National Cemetery.

5. Certain funds not be counted as income for pension purposes.

Inasmuch as insurance and retirement income is a part of our economic system, we believe that income from any program to which a veteran has contributed should not be counted as income for pension purposes.

6. Wife's income not to be counted against veteran for pension purposes.

According to our records, certain veterans have lost their pension or had it drastically reduced due to his wife's income being charged to the veteran. Example, a veteran whose wife while working did not affect the veteran's pension, after her retirement with less income, her retirement income was charged against the veteran and the total, though less than formerly, caused the veteran to go over the limit and he lost his pension.

We feel this is discriminatory, and recommend that the wife's income from whatever source be excluded as income for veterans' pension purposes.

7. Increase in pension in laws prior to July 1, 1960:

The veterans of all categories acknowledge with gratitude the recent enactment of P.L. 91–588, and express our thanks to the Congress for the passage of H.R. 15911, and to the President for signing it into law. This law provides among other things, an average increase in pensions of approximately 9.5 percent.

We believe and pray the Congress to introduce legislation granting a similar increase of 9.5 percent to the pension of veterans and widows on all laws in effect prior to July 1, 1960, and earnestly solicit the President to sign such legislation granting this small group of our oldest veterans and widows a cost of living increase.

8. Life Insurance as income:

Inasmuch as government Life Insurance beneficiaries need not consider the proceeds as income from that source, and we feel rightly so, we find that many veterans dropped their government Life Insurance, and have Commercial life insurance, and since many widows and dependent parents receiving commercial life insurance settlements upon the death of a veteran are eliminated from V.A. pension benefits for the year in which the settlement is made, we recommend that the law be amended to read, "All over $10,000 excluded" in each column after "Commercial Life Insurance."

9. Internal Security:

We reaffirm our complete opposition to Communism, Fascism and World Government. We wholeheartedly oppose any weakening of any of the security laws of the United States, and urge further strengthening when needed.

We support both recognition and toleration of the right of peaceful and honest dissent by sincere and loyal citizens. However, we urge prosecution and punishment of all who encroach upon the rights of others by voice or act, or who engage in vandalism under the guise of dissent. We endorse and support the Federal Bureau of Investigation, and all other Federal, State and local law enforcement agencies, including the National

Guard, the Internal Security Committee of the House and Senate, and other Congressional Committees whose purpose it is to strengthen and protect our country from subversive forces of whatever alien philosophy of government they represent. We call upon the Congress of the United States to enact legislation specifically outlawing groups and organizations responsible for campaigns against the internal security of this nation.

We urge the vigorous prosecution of all who violate the provisions of the Selective Service Act.

We urge the Attorney General of the United States to make a review of all subversive organizations of the United States and make public the list enabling our citizens an opportunity to know who is for our country, and those who seek its overthrow. And further, we urge that Federal Funds be denied to any organization engaged in violent or subversive actions.

We, the Veterans of World War I of the United States of America, believe that the security of this Nation is paramount to individual welfare.

Mr. Chairman, this is the legislative program of the Veterans of World War I of the U.S.A., Inc., and again, we thank you for the privilege of appearing before you and the distinguished members of your committee to make our presentation.

ABOLISH STRIP MINING OF COAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 15 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, minerals have always played an important role in the development of the United States. Without minerals, many of the businesses and household goods we take for granted could not have been developed. Without mining, we would lack the minerals we need to maintain our present standards and to increase our growth in the future.

According to a January 25, 1971, press release of the Bureau of Mines, the "mineral industry output was valued at $29.5 billion in 1970." The Bureau said this represents a "value gain of $2.6 billion over 1969," but much of that gain "was directly attributable to higher prices."

One of the most important of these minerals is coal. The demand for coal has risen sharply since the early 1960's. Production of bituminous coal and lignite rose nearly 5 percent from 560.5 million tons in 1969 to an estimated 590 million tons in 1970, according to the Bureau of Mines. The output of Pennsylvania anthracite declined in 1970 to an estimated 9.3 million tons. Domestic consumptions of bituminous coal rose to 519 million tons in 1970, up 12 million tons from 1969. The foreign market for bituminous coal grew by about 13 million tons in 1970 over the 56 million tons exported in 1969.

But this production over the years has occurred with little or no concern for the consequences to our environment from mining. This fact is clearly stated in the Bureau of Mines 1969 draft report "Environmental Effects of Underground Mining and of Mineral Processing" which was made available for review by the press and the public at the Bureau of Mines but has never been published as a report to Congress as promised by the Interior Department in March 1968. The draft report states on page 2:

> *The by-products and waste generated by mining and mineral processing activities have deleterious and often costly effects on both man and his environment.* Our mining forefathers, hard pressed to satisfy the demands of a rapidly expanding manufacturing industry, gave scant heed to the adverse environmental effects which might follow their persistent burrowing beneath the earth's surface for those minerals so urgently needed. The country was big and the population small and widely dispersed. *The Nation demanded the minerals and was willing to accept the then relatively insignificant environmental disturbances associated with mining and processing.* Under such conditions it is easy to understand the philosophy of those early operators.
>
> *Today, however, the cumulative damage is no longer insignificant and each year our environment becomes more and more degraded.*
>
> * * * * *
>
> *Projections of the Nation's future needs for the products of mining and mineral processing industries foreshadow the possibility of much greater damage to our environment than we are now experiencing.* (Italics supplied.)

I am not ready to sit by and let "the philosophy of those early operators" which, all to often, still remains the philosophy of present-day coal operators be applied to current mining so that the Bureau's prediction of "greater damage to our environment" will come true.

I do not believe the public is willing to accept that philosophy either. Too much environmental damage has already occurred from mineral development.

I believe that is possible with available technology to develop our coal resources for society's benefits with little damage to our environment. I do not, however, believe it is possible or practicable to do so through surface coal mining operations, because the resultant damage to the environment by such operations is so great that even the best of reclamation practices does not eliminate some of its ugly scars, such as highwalls.

The bill which I am introducing today—with 33 cosponsors from 16 States—is designed to cope with the problems of environmental damage associated with coal mining. Let me now discuss some of its principal features:

First, my bill applies to surface and underground coal mines located or planned anywhere in the United States, including those in Federal lands and Indian lands.

The administration's bill transmitted to the Congress on February 10, 1971, does not apply to Indian lands. Further, the administration's bill does not require any regulation of these operations in the case of coal mining on "federally owned lands or land held in trust by the United States for Indians." It merely authorizes—see title III—Federal agencies "which have jurisdiction over land on which mining operations are permitted"—but apparently not those where minerals are reserved—to promulgate, at their discretion, "environmental regulations to govern such mining operations."

In my judgment this is a significantly weak feature of the administration's bill. The coal industry—indeed the oil industry—is turning more and more to the public lands of the United States to develop the coal resources therein. Why should the administration, in one breath, tell the States that they must regulate their coal mining operations to protect our environment, but, in another, say that, as to Federal lands and Indian lands located within the States, the Federal Government may choose to regulate these operations?

The administration's bill covers all minerals.

My bill applies only to coal mining operations. I believe that the principal environmental problem that has caught the attention of the public is coal mining. I do not wish to confuse this issue by trying to regulate these other industries at the same time, although I would not object to efforts to control all minerals where necessary.

Second, my bill provides that it be administered by the Environmental Protection Agency.

The administration's bill proposes that the Interior Department administer the program.

The Interior Department is a management agency; it manages lands and resources. It is also interested in increased mineral production. Its record in trying to regulate the coal industry for health and safety has been dismal.

My bill and, for that matter, the administration's bill, does not provide a management function. Both bills are standard-setting and regulatory bills. EPA now has a similar function in the case of air and water pollution control and the control of pesticides. Many of the environmental problems associated with coal mining center around air and water pollution. It is, therefore, logical and reasonable for EPA to have this function. Furthermore, inasmuch as forest lands of the Department of Agriculture's Forest Service are involved, it is logical to place control in the Environmental Protection Agency rather than the Interior Department.

Third, my bill declares that "the public has a right to enjoy a safe and healthy human environment" and to expect that Federal, State, and local governments "will protect this right."

The administration's bill has no similar declaration.

Fourth, my bill prohibits the opening of any new abandoned, or inactive surface coal mine. It also requires, in the case of existing surface coal mines, that EPA shall promulgate regulations within 30 days after enactment governing the content of reclamation plans for such mines; the regulations shall require that all surface coal mining operations shall cease within 6 months after enactment, except those necessary to reclaim the lands; the operators of such mines shall submit for EPA's approval reclamation plans within 60 days after enactment; and the failure of an operator to submit a plan for approval or to comply with it shall not relieve him of his responsibility to do so.

The administration's bill does not prohibit all surface coal mining. In fact, for at least 2 years such mining would go unregulated under the administration's bill.

The Bureau of Mines in 1965 said that over 1.3 million acres in the United States had been strip mined by coal operators. The Bureau estimates that over the last 6 years another 480,000 acres have been stripped by such operators. Of that total, the Bureau estimates that only 56,000 acres have been reclaimed. Need I say more?

Fifth, my bill would prohibit any underground and surface coal mining in areas of the national wilderness system.

The administration's bill has no similar provision.

Sixth, my bill would require that no surface coal mining be conducted at national forests, and that underground coal mining in the national forests be conducted so as not to damage or destroy any area of the forests or the natural resources thereof.

The administration's bill has no similar provision.

Seventh, my bill would control underground coal mining so as to reduce or eliminate adverse environmental effects. It would require that EPA publish, within 90 days after enactment, regulations prescribing national environmental control standards for active and planned underground coal mines and that those regulations, after public comment, shall be finally promulgated 90 days later. Then, each of the 50 States must adopt, after public hearings, and submit to EPA, within 6 months after such promulgation, a plan for the effective implementation, maintenance, and enforcement of these promulgated EPA regulations. EPA will approve those plans which provide for permits or licenses for underground coal mines and for renewal thereof at least every 3 years; for performance bonds; for reports on the actions taken or planned to protect the environment and the effectiveness of such actions; for prohibiting the opening of new underground coal mines where such mining would result in a violation of applicable air or water quality standards or would be detrimental to health or welfare; for timetables to insure compliance with the plan; and for periodic revision of the plans.

If EPA finds that a State has failed to submit a plan, or that it has been disapproved, or that a State fails to make revisions in it after notice from EPA, the Administrator of the Environmental Protection Agency must issue regulations covering such operations in the State which shall then apply to such operations.

The administration's bill would give the States up to 2 years to submit approvable regulations governing surface and underground coal mines.

The administration's bill also provides, in section 201(a)(2) that the mining operations must not "result in a violation of applicable water or air quality standards." But section 201(b) of the administration's bill directs that the State regulations "shall be further elaborated" by the Secretary of the Interior through "guidelines" which he must issue 30 days after enactment. These are issued without any opportunity for public comment on them. We have seen the disastrous effects of not providing for public review of regulations and guidelines before they are finalized in the case of coal mine health and safety regulations published by Under Secretary Fred J. Russell—since resigned.

This section of the administration's bill also directs that the guidelines "shall attempt to assure that State regulations provide the operator of a mining operation sufficient flexibility to choose the most economically efficient means of meeting the requirements of section 201 (a)(2)" which relate to air and water quality standards.

I cannot understand the meaning of this provision or the need for it. Neither the Clean Air Act, nor the Federal Water Pollution Control Act, prevent anyone subject to air or water quality standards from choosing whatever means necessary to achieve the requirements of the standards. Thus, this provision is not necessary.

If that is the case, why is it in the bill?

The Clean Air Act amendments of 1970 specifically provide that air quality standards and requirements are mandatory and that only technological considerations, not economic considerations will be applied. This provision of the administration's bill appears to change this requirement of the 1970 law. I hope that the report of EPA, which is required under section 309 of the Clean Air Act in proposed legislation of a Federal agency, and the environmental statement of the Interior Department, under the National Environmental Policy Act, will clarify this point. I fail to see how we can ever achieve the goals of the Clean Air Act and the Federal Water Pollution Control Act if we give this "flexibility" to the coal operators.

The administration's bill provides that if a State fails to submit environmental regulations within 2 years after enactment, the Secretary of the Interior must "promptly" issue them, but no time is established for doing so.

Eighth, my bill provides for civil and criminal penalties and for injunctions and other actions to enforce its provisions, regulations, and plans.

The administration's bill has similar provisions, but its civil penalties are only applied after 15 days of continuing violations.

Ninth, my bill provides for citizen class action suits as does the Clean Air Act Amendments of 1970.

The administration's bill contains no similar provision.

Tenth, my bill protects employees who notify EPA of violations or testify regarding enforcement of the act from being discharged or discriminated against. This provision is also in the Federal Coal Mine Health and Safety Act of 1969.

The administration's bill does not.

Eleventh, my bill provides up to 90 percent grants for reclaiming abandoned or inactive coal mines under plans to be submitted to EPA for approval and where the Administrator finds such reclaiming is feasible. The requirements for such plans is set forth in the bill.

The administration's bill has no similar provision.

Mr. Speaker, I believe that my bill, which is cosponsored by 33 of my colleagues, will provide greater protection to our environment than the administration's bill. I believe that this legislation is long overdue. The public is demanding it. Let us respond to this demand.

At this point, there follows a list of cosponsors, a "fact sheet" containing its provisions, the text of the bill, and a public statement I made upon introduction of the bill:

COSPONSORS OF ANTI-STRIP-MINING BILL

Representative Bella Abzug, Democrat, of New York.

Representative Jonathan Bingham, Democrat, of New York.

Representative Phillip Burton, Democrat, of California.

Representative Silvio O. Conte, Republican, of Massachusetts.

Representative John D. Dingell, Democrat, of Michigan.

Representative John Dow, Democrat, of New York.

Representative Robert Eckhardt, Democrat, of Texas.

Representative Thomas S. Foley, Democrat, of Washington.

Representative William Ford, Democrat, of Michigan.

Representative Cornelius Gallagher, Democrat, of New Jersey.

Representative Henry Gonzalez, Democrat, of Texas.

Representative Ella T. Grasso, Democrat, of Connecticut.

Representative Seymour Halpern, Republican, of New York.

Representative Michael Harrington, Democrat, of Massachusetts.

Representative William D. Hathaway, Democrat, of Maine.

Representative Augustus Hawkins, Democrat, of California.

Representative Henry Helstoski, Democrat, of New Jersey.

Representative Robert Leggett, Democrat, of California.

Representative Clarence Long, Democrat, of Maryland.

Representative Abner Mikva, Democrat, of Illinois.

Representative Patsy Mink, Democrat, of Hawaii.

Representative Parren Mitchell, Democrat, of Maryland.

Representative F. Bradford Morse, Republican, of Massachusetts.

Representative John Moss, Democrat, of California.

Representative Otis Pike, Democrat, of New York.

Representative Ogden Reid, Republican, of New York.

Representative J. Edward Roush, Democrat, of Indiana.

Representative Charles W. Sandman, Jr., Republican, of New Jersey.

Representative Paul Sarbanes, Democrat, of Maryland.

Representative John Seiberling, Democrat, of Ohio.

Representative Guy Vander Jagt, Republican, of Michigan.

Representative Charles A. Vanik, Democrat, of Ohio.

Representative Lawrence Williams, Republican, of Pennsylvania.

FACT SHEET

	My bill	Administration bill of Feb. 10, 1971
1. Does the bill apply to all underground and surface coal mines?	Yes	No.
2. Are regulations required for all such mines?	Yes	No. The administration's bill does not require it for Federal lands or Indian lands, but merely authorizes it on these lands at the discretion of Federal agencies.
3. Does it apply to Indian lands?	Yes	No.
4. Does it apply to all minerals?	No—just coal	Yes.
5. Who administers the bill?	EPA	Interior Department.
6. Would the bill prohibit all surface coal mining within 6 months?	Yes	No.
7. Would the bill prohibit underground and surface coal mining in wilderness areas?	Yes	No.
8. Would it limit underground coal mining in national forests?	Yes	No.
9. Will EPA issue national standards of environmental control for active and planned underground coal mines?	Yes—they must be published within 90 days after enactment and effective 90 days later.	No.
10. Must 50 States submit plans or regulations for reclamation at active and planned underground coal mines?	Yes—within 1 year after enactment	Yes—within 2 years after enactment and covers surface mines also.
11. Does the bill provide civil and criminal penalties and injunctions?	Yes, civil penalties—$10,000 for each violation; criminal penalties of $25,000 or imprisonment for 1st violation, and $50,000 for 2nd.	Yes, civil penalties-$1,000 per day after 1st 15 days; criminal—$10,000 for violations or 1-year imprisonment.
12. Does the bill provide for class action suits similar to the Clean Air Act?	Yes	No.
13. Does the bill provide grants for reclaiming abandoned and inactive coal mines?	Yes—up to 90-percent grants	No.

H.R. 4556

A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Environmental Protection and Enhancement Act of 1971."

DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "Commerce" means trade, traffic, commerce, transportation, or communication between any State, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States and any other place outside the respective boundaries thereof, or wholly within the District of Columbia or any territory or possession of the United States, or between points in the same States, if passing through any point outside the boundaries thereof;

(3) "Coal" includes bituminous coal, lignite, and anthracite;

(4) "Coal Mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area coal from its natural deposits in the earth by any means or method, and the work of preparing or processing the coal so extracted, and includes custom coal preparation facilities;

(5) "Surface coal mine" means any surface mine from which coal, is extracted from its natural deposits in the earth by surface mining;

(6) "Surface mining" means the mining of coal from a surface coal mine after removal of all or part of the overburden above the mineral deposit to be mined in a series of rows or strips, and includes 'auger mining' when conducted in conjunction with surface mining;

(7) "'Overburden" means the earth, rock, and other materials which lie above a natural coal deposit;

(8) "Spoil" means any overburden material removed from a surface coal mine which is either deposited onto the surface coal mine area from which it is extracted or on land outside the boundaries of such mine;

(9) "Spoil bank" means the spoil deposited on the surface so that the underlying coal may be recovered;

(10) "Stripping pit" means any trench, cut, hole, or pit formed by removal of the surface or mineral as a result of surface coal mining;

(11) "Reclamation" or "reclaim" means the reconditioning or restoration, when appropriate, of all or part of the area of land affected by surface coal mining operations and includes such contiguous lands as may be necessary for an effective reclamation program;

(12) "Underground coal mining operations" means those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings;

(13) "Operator" means any owner, lessee, or other person who operates, controls, or supervises a surface or underground coal mine;

(14) "Agent" means any person charged by an operator with responsibility for the operation of all or part of a coal mine;

(15) "Person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(16) "Area of land affected" means the area of a surface coal mine from which the overburden is removed, except that in stripping pits not more than one hundred feet in depth the area shall include the area occupied by the spoil banks, and includes all lands affected by roads constructed to gain access thereto and to haul coal;

(17) "Operation" means all of the premises, facilities, roads, and equipment used in the process of extracting minerals from a designated surface or underground coal mine; and

(18) "State" includes a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Indian Tribes.

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that unregulated surface or a underground coal mining operations—

(1) destroys or otherwise adversely affects entire communities and private residences and businesses,

(2) menaces and adversely affects the public health and safety,

(3) destroys natural beauty,

(4) damages or destroys the usefulness of the terrain for other purposes and, in the case of surface coal mines, leaves ugly highwalls that cannot be reclaimed,

(5) causes erosion of the soil,

(6) contributes to air and water pollution,

(7) adversely affects commercial and industrial development,

(8) damages or destroys agricultural use of the terrain,

(9) destroys forests, wildlife habitat, fishery resources and spawning grounds, and other natural resources,

(10) cannot, in the case of surface coal mines, be made subject to uniform conservation requirements because physical and chemical conditions of spoil and spoil-bank characteristics differ from State to State, political subdivision, bank to bank, and even from spot to spot on a particular bank, and

(11) creates, because of the diversity of State regulations, or the lack thereof, competitive disadvantages for persons operating in a given market area and thereby interferes with the orderly and fair marketing of minerals in commerce, and that these results are detrimental to the economy of the Nation.

(b) The Congress finds and declares that the public has a right to enjoy a safe and healthy human environment and to expect that the Federal Government, the States, and local government will utilize all practicable means and measures to protect and enhance the quality of our environment.

(c) It is therefore the purpose of this Act to provide for participation by the Federal Government with State and local governments, private individuals and other interested persons in a comprehensive program to prevent further damage to the lands, waters, and natural resources of the Nation from unregulated or inadequately regulated surface and underground coal mining operations, to reclaim lands and waters damaged by surface coal mining, and to promote an effective continuing conservation land-use and management program through—

(1) the establishment of criteria and standards for the reclamation, conservation, and protection of abandoned or inactive surface coal mines;

(2) the termination of surface coal mine operations in accordance with this title;

(3) the establishment of means and measures, including but not limited to, financial and technical assistance and enforcement, to protect, foster, and promote that right set forth in subsection (b) of this section in order to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the requirements of present and future generations of Americans;

(4) financial aid to provide for research and development, and technical advisory assistance, and the installation of demonstration projects;

(5) cooperative programs with State and local governments to provide, where appropriate, Federal assistance for the reclamation and conservation of publicly and privately owned surface and underground coal mines;

(6) the promotion of the public health and safety and public recreation, flood control, and soil erosion control, air and water pollution control, forestry, agriculture, restoration and preservation of natural beauty, enhancement of fish and wildlife habitat, and other natural resources values; and

(7) the elimination of competitive disadvantages for persons operating in a given market area which interfere with the or-

derly and fair marketing of coal in commerce.

COAL MINES SUBJECT TO ACT

SEC. 4. Each coal mine, the products of which enter commerce, or the operations or products of which affect commerce, and each operator of such mine, shall be subject to the provisions of this Act.

SURFACE COAL MINES

SEC. 5. (a) On and after the enactment date of this Act, no person shall open in any State any new, inactive, or abandoned surface coal mine for the purpose of conducting surface coal mining operations thereon.

(b) (1) On and after the enactment date of this Act, any operator of a surface coal mine who is conducting operations therein to extract coal from such mine shall develop and submit to the Administrator a plan for the effective reclamation of such surface mine. Such plan shall be submitted by the operator within 60 days after such enactment.

(2) The Administrator shall promulgate, within 30 days after enactment of this Act, regulations governing the content of any reclamation plan submitted to him under this subsection. As a minimum, such regulations shall prescribe (A) the prevention of all adverse offsite effects from such mining and (B) effective requirements for the planned reclamation of such mines and for the termination of all surface coal mining operations at all surface coal mines within six months after the date of enactment of this Act, except those operations necessary to carry out any approved plan.

(3) The Administrator shall approve any plan submitted to him under this section if he determines that it meets the requirements of such regulations. The failure of any operator of a surface coal mine to submit to the Administrator an approvable reclamation plan under this section shall not relieve or be construed as relieving such operator of his obligation under this Act to carry out effective reclamation of such mine and to terminate surface coal mining operations at such mine within six months after the date of enactment of this Act.

If an operator does not comply with the plan or submit it for approval, the Administrator may reclaim such lands and the operator shall be liable to the United States for all such costs of reclamation and the Administrator shall sue for the same in the appropriate district court which shall have jurisdiction.

NATIONAL STANDARDS FOR UNDERGROUND COAL MINES

SEC. 6. (a) The Administrator shall within 90 days after the date of enactment of this Act, publish proposed regulations prescribing national environmental control standards for underground coal mines opened on or before the enactment of this Act and for such mines opened or activated after the date of enactment of this Act and for contiguous areas affected by operations within such mines.

(b) After a reasonable time for interested persons to submit written comments thereon (but no later than 90 days after the publication of such proposed regulations), the Administrator shall by regulation promulgate such regulations with such modifications as he deems appropriate to carry out the purpose of this Act. Such regulations may be revised in the same manner as promulgated.

IMPLEMENTATION PLANS

SEC. 7. (a) (1) Each of the several States shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within six months after the promulgation of reasonable regulations under section 6(a) of this Act, a plan which provides for the effective implementation, maintenance, and enforcement of such regulations within such State.

(2) The Administrator shall, within four months after the date required for submission of a plan under paragraph (1) of this subsection, approve or disapprove such plan or any portion thereof. The Administrator shall approve such plan, or each portion thereof, if he determines that it was adopted after reasonable notice and public hearing and that—

(A) it is in conformance with the regulations promulgated under section 6 of this Act;

(B) it includes provisions—

(i) for the issuance of permits or licenses by the State for all underground coal mining operations subject to such regulations and for the review and renewal thereof at a minimum of every three years;

(ii) for the posting by the operator of each underground coal mine of an adequate performance bond to provide for the appropriate reclamation of such mine simultaneously with such mining operations (whether or not such operator completes mining operations at such mine), and the forfeiture of which shall automatically result in the denial of future permits or licenses applied for by such operator or his successors in interest to conduct operations at any other such mine in said State;

(iii) for mining operations to be planned and approved prior to the issuance or renewal of any license or permit;

(iv) for reports which shall be available to the public by the operator of the mine concerning compliance with his permit or license;

(v) for prohibiting the opening of any new underground coal mine or expanding the operations of any such existing mine where the State finds that such mining would result in, or contribute to, the violation of applicable air or water quality standards or where such mining would be detrimental to the public health or welfare; and

(vi) for insuring that during operations at such mine effective controls will be established and maintained to prevent environmental damage consistent with the purposes of this Act;

(C) it includes limitations, schedules, and timetables for compliance with such plan and such other measures as may be necessary, including, but not limited to, land use controls, to insure attainment and maintenance of the regulations promulgated under section 6 of this Act;

(D) it includes provision for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on surface mining operations and reclamation work, and (ii) upon request, make such data available to the Administrator and to the public;

(E) it provides necessary assurances that the State will have adequate personnel, funding, and authority to carry out such implementation plan;

(F) it provides for revision, after public hearings, of such plan (i) from time to time as may be necessary to take account of revisions of such regulations or the availability of improved or more expeditious methods of achieving such regulations; or (ii) whenever the Administrator finds on the basis of information available to him that the plan is substantially inadequate to achieve such regulations; and

(G) it includes such other provisions as the Administrator may require to carry out the purposes of this Act.

(b) (1) The Administrator shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth an implementation plan, or portion thereof, for a State if—

(A) the State fails to submit an implementation plan within the time prescribed;

(B) the plan, or any portion thereof, submitted by such State is determined by the Administrator not to be in accordance with the requirements of this section; or

(C) the State fails, within 60 days after notification by the Administrator or such longer period as he may prescribe, to revise an implementation plan as required pursuant to a provision of its plan referred to in subsection (a) (2) (F).

(2) If such State held no public hearing associated with or respect to such plan (or revision thereof), the Administrator shall provide opportunity for such hearing within such State on any proposed regulation. The Administrator shall, within six months after the date required for submission of such plan (or revision thereof), promulgate and enforce any such regulations unless, prior to such promulgation, such State has adopted and submitted a plan (or revision) which the Administrator determines to be in accordance with the requirements of this section.

UNDERGROUND COAL MINES IN NATIONAL FORESTS AND WILDERNESS AREAS

SEC. 8. (a) Underground coal mining operations on lands within the National Forest System shall be conducted in a manner that will not damage or destroy any area within the System or the natural resources of such area. Each operator of any existing or planned underground coal mine shall submit to the Secretary of Agriculture a plan for his approval that will insure that no mining shall be allowed on such area after 120 days from the enactment of this Act, until regulations are promulgated which will assure that there will be no adverse effects, such as subsidence, acid mine drainage, or any adverse onsite or offsite effects from such mining. Such regulations shall also provide for both a certification by the operator, at no less than six-month intervals, that such regulations are being followed, and the posting of a bond which will be sufficient to cover the cost of all restoration work in the event the regulations are not followed.

(b) No person shall hereafter be permitted to conduct any underground coal mining operations in any areas heretofore or hereafter established as a wilderness area pursuant to, or by, the Wilderness Act.

RECLAMATION AND CONSERVATION OF ABANDONED AND INACTIVE SURFACE AND UNDERGROUND COAL MINED LANDS OWNED BY STATE AND LOCAL GOVERNMENTS IN THE UNITED STATES

SEC. 9. (a) It is the purpose of this section to facilitate, when appropriate, the reclamation and conservation of lands owned by State and local governments that have been adversely affected by surface and underground coal mining operations, and that have not been reclaimed prior to the date of enactment of this Act to a level commensurate with the criteria and standards to be established pursuant to this Act by the Administrator, and by providing authority to the Administrator to enter into agreements with the States and local governments to provide financial and other assistance for their reclamation and conservation. When the intended use of the lands to be reclaimed is for parks, recreation or fish and wildlife purposes, the Administrator shall enter into agreements respecting such lands only after consultation with the Secretary of the Interior.

(b) (1) To carry out the purpose of this section, the Administrator is authorized to enter into agreements with the various States and local governments for the conservation and reclamation of abandoned and inactive surface and underground coal mined lands owned or hereafter acquired by them, and for providing technical and financial assistance thereto. Before entering into such agreements he shall satisfy himself that such conservation and reclamation of a particular area is feasible and consistent with the purpose of this section.

(2) Each such agreement shall describe (A) the actions to be taken by the Administrator and by the State or local government; (B) the estimated cost of these actions; (C) the public benefits expected to be derived, including, but not limited to, the benefits to the economy of the State or local area, abatement or alleviation of land and water pollution, public recreation, fish and wildlife, and public health and safety; (D) the share of the costs to be borne by the Federal Government and by the State or local government; except that, notwithstanding any other provision of law, the Federal share of the cost shall not exceed the direct identifiable benefits which the Administrator determines will accrue to the public, and shall not in any event exceed 90 per centum of such cost and the share of the State or local government shall not consist of funds granted under any other Federal program; and (E) such other terms and conditions as the Administrator deems desirable.

(3) The Administrator, shall require as a part of any agreement under this section that adequate provision be made for access to, and use by, the public of lands reclaimed under the provisions of this Act.

(4) Each agreement entered into under this section shall contain a reasonable assurance by the State or local government that the reclaimed lands which are devoted to public use will be adequately maintained.

(5) Whenever the Administrator, after reasonable notice and opportunity for hearing, determines that there is a failure to expend funds in accordance with the terms and conditions governing the agreement for approved projects, he shall notify the State that further payments will not be made to the State from appropriations under this Act until he is satisfied that there will no longer be any such failure.

(6) The programs authorized to be assisted pursuant to this Act shall be completed not later than January 1, 1980.

(C) The Administrator is authorized to pay not more than 90 per centum of the actual cost of the acquisition of surface or underground coal mined lands by a State or local government to carry out the purpose of this section. In selecting such lands for such cost sharing, the Administrator shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, and other public purposes, and (3) be satisfied that all reasonable efforts have been made and exhausted to require the operator of such lands to reclaim them pursuant to this Act or to donate such lands free to the State or local government.

(D) The Administrator shall take legal remedies against any operator of a coal mine for the costs of reclaiming such lands (where such reclamation was required but not performed under previously existing agreements) to the extent of any Federal grant made for such reclamation. For the purpose of this subsection, Congress finds and declares that such lands impede commerce and adversely affect the public health and welfare.

FEDERAL ENFORCEMENT

SEC. 10. (a) (1) Whenever, on the basis of any information available to him, the Administrator finds that any operator is in violation of any requirement of an applicable implementation plan, the Administrator shall notify the operator in violation of the plan and the State in which the plan applies of such finding and publish such finding. If such violation extends beyond the 30th day after the date of the Administrator's notification, the Administrator shall issue an order requiring such operator to comply with the requirements of such plan or he shall bring a civil action in accordance with subsection (b) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds that violations of an applicable implementation plan are so widespread that such violations appear to result from a failure of the State in which the plan applies to enforce the plan effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the 30th day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such plan (hereafter referred to in this section as 'period of Federally assumed enforcement'), the Administrator may enforce any requirement of such plan with respect to any person—

(A) by issuing an order to comply with such requirement, or

(B) by bringing a civil action under subsection (b) of this section.

(3) Whenever, on the basis of any information available to him, the Administrator finds that any operator is in violation of sections 5 or 8 of this Act, he shall bring a civil action in accordance with subsection (b) of this section, requiring such operator to comply with such sections.

(4) An order issued under this section shall take effect immediately. A copy of any order issued under this section shall be sent to the State in which the violation occurs. Any order issued under this section shall state with reasonable specificity the nature of the violation, specify, a time for compliance which the Administrator determines is reasonable taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order or notice under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

(5) All notices or orders issued or the termination thereof under this section shall be published in the Federal Register.

(b) The Administrator may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any operator—

(1) violates or fails or refuses to comply with any order issued under subsection (a) of this section; or

(2) violates any requirement of an applicable implementation plan during any period of Federally assumed enforcement more than 30 days after having been notified by the Administrator under subsection (a) (1) of this section of a finding that such person is violating such requirement; or

(3) violates sections 5 or 8 of this Act; or

(4) fails or refuses to comply with any requirement of this Act or any regulation issued hereunder.

Any action under this section may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State.

(c) (1) Any operator or agent of an operator who knowingly (A) violates any requirement of an applicable implementation plan during any period of federally assumed enforcement more than thirty days after having been notified by the Administrator under subsection (a) (1) of this section that such person is violating such requirement, or (B) violates or fails or refuses to comply with any order issued by the Administrator under subsection (a) of this section, or (C) violates sections 5 or 8 of this Act, shall be punished by a fine of not more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both. One-half of said fine shall be paid to any person giving information which shall lead to a conviction and he may sue for the same.

(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

(d) (1) The operator of a surface mine who violates sections 5 or 8 of this Act or any implementation plan or portion thereof or fails or refuses to comply with any order issued under this section shall be assessed a civil penalty by the Administrator which penalty shall not exceed $10,000 for each such violation. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. The Administrator shall have the power to compromise, mitigate, or remit such penalties.

(2) Whenever the Administrator has reason to believe that a person has become subject to the imposition of a civil penalty under the provisions of this subsection, he shall notify such person in writing (A) setting forth the date, facts, and nature of each act or omission with which the person is charged, (B) specifically identifying the particular provision or provisions of the section, rule, regulation, order, or plan involved in the violation, and (C) advising of each penalty which the Administrator proposes to impose and its amount. Such written notice shall be sent by registered or certified mail by the Administrator to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Administrator shall by regulation prescribe, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Administrator, if any, the penalty may be collected by civil action.

(3) On the request of the Administrator, the Attorney General is authorized to institute a civil action to collect a penalty imposed pursuant to this section. The Attorney General shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred to him for collection.

INSPECTIONS, MONITORING, AND ENTRY

SEC. 11. (a) For the purpose (i) of developing or assisting in the development of any implementation plan, or any regulation, or (ii) of determining whether any person is in violation of any requirement of such a plan or any provision of this Act—

(1) the Administrator may require the operator of any coal mine to (A) establish and maintain such records, (B) make such reports, (C) install, use, and maintain such monitoring equipment or methods, (D) sample such emissions (in accordance with such methods, at such locations, at such

intervals, and in such manner as the Administrator shall prescribe), and (E) provide such other information as he may reasonably require; and

(2) the Administrator or his authorized representative, upon presentation of his credentials—

(A) shall have a right of entry to, upon, or through any coal mine or any premises in which any records required to be maintained under paragraph (1) of this subsection are located, and

(B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph.

(b) Any records, reports or information obtained under subsection (a) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, reports, or information or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

CITIZEN SUITS

SEC. 12. (a) Except as provided in subsection (b) of this section, any person may commence a civil action on his own behalf—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the Eleventh Amendment to the Constitution) who is alleged to be in violation of (A) any implementation plan or sections 5 or 8 of this Act or (B) an order issued by the Administrator or a State with respect to such plan or sections, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this act which is not discretionary with the Administrator.

(b) The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such plan or section, or such order, or to require the Administrator to perform such act or duty, as the case may be.

(c) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or the common law to seek enforcement of this title or to seek any other relief, including relief against the Administrator or any State agency.

APPEARANCE

SEC. 13. The Administrator shall request the Attorney General to appear and represent him in any civil action instituted under this Act to which the Administrator is a party. Unless the Attorney General notifies the Administrator that he will appear in such action, within a reasonable time attorneys appointed by the Administrator shall appear and represent him.

FEDERAL PROCUREMENT

SEC. 14. (a) No Federal agency may enter into any contract with any operator who is convicted of any offense under this Act for the procurement of goods, materials, and services to perform such contract at any coal mine at which the violation which gave rise to such conviction occurred. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition given rise to such a conviction has been corrected.

(b) The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purpose of subsection (a).

(c) In order to implement the purposes and policy of this Act, the President shall, not more than 180 days after enactment of this Act cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of the Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

(e) The President shall annually report to the Congress on measures taken toward implementing the purpose and intent of this section, including but not limited to the progress and problems associated with implementation of this section.

GENERAL PROVISION RELATING TO ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW

SEC. 15. (a) For the purposes of obtaining information, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Upon a showing satisfactory to the Administrator by such owner or operator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Administrator shall consider such record, report, or information or particular portion thereof confidential, except that such paper, book, document, or information may be disclosed to other officers, employees or authorized representatives of the United States concerned with carrying out this title, or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) (1) A petition for review of action of the Administrator in promulgating any regulation under this Act, may be filed only in the United States Court of Appeals for the District of Columbia. A petition for review of the Administrator's action in approving or promulgating any reclamation plan or any implementation plan may be filed only in the United States Court of Appeals for the appropriate circuit. Any such petition shall be filed within 30 days from the date of such promulgation or approval, or after such date if such petition is based solely on grounds arising after such 30th day.

(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in civil or criminal proceedings for enforcement.

(c) In any judicial proceeding in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination with the return of such additional evidence.

EMPLOYEE PROTECTION

SEC. 16. (a) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee of a surface mine or any authorized representative thereof by reason of the fact that such employee or representative (1) has notified the Administrator or his authorized representative of any alleged violation or danger, (2) has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or (3) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any such employee or representative who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any order issued by the Secretary under this paragraph shall be subject to judicial review in accordance with section 11 of this Act. Violations by any person of subsection (a) of this section shall be subject to the provisions of section 11 of this Act.

(c) Whenever an order is issued under this section, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

Public Statement of Representative Ken Hechler, Democrat, of West Virginia, on Introduction of Bill

Giant gouging machines are ruthlessly ravaging our precious hillsides, soil and forests, polluting our streams with acid mine drainage, and making vast areas start to look like the surface of the moon. Because the strip mining of coal has caused the most irreparable damage to our environment, this bill is designed to phase out the strip mining of coal within six months of the enactment of the bill. It will also place such restrictions on underground mining in national forests as to disallow any coal mining resulting in any damage to the soil, forests, streams and hills in those areas.

Enforcement of these regulations is placed in the Environmental Protection Agency, with authority to assess civil and criminal penalties. Provision is made for citizen suits to assist enforcement. Federal assistance to the states on a 90–10 basis is provided for the states to acquire and reclaim those lands which the Administrator of the Environmental Protection Agency deems worth reclaiming for parks, recreation or fish and wildlife purposes.

I feel the strip mining control bill proposed by the President does not go far enough. By giving two years for states to submit plans to control strip mining, and then on top of that allowing some vague time beyond that for the Secretary of the Interior to act, we are inviting the same old artful dodging and delay which characterized attempts to control air pollution during the '60's. You can't expect a toothless law, administered by an agency primarily interested in minerals production, to slow down the ruthless rape of the environment by the strippers who scalp the surface from the land.

Many states have attempted to limit and regulate the strip mining of coal. Public interest has been roused in West Virginia through the courageous leadership of those officials who have defied powerful economic interests in a drive to ban strip mining in West Virginia. I would not want to see the strippers pull up stakes and leave those states with strict laws, merely to continue their depredations elsewhere. I don't want to see any state suffer economically just because it has the courage to enact stiff and effective regulations to save the environment.

The damages caused by strip mining of coal are steadily rising. Stripping is cheaper and quicker, so the amount is rapidly increasing. Ten years ago, an estimated 29 percent of the nation's coal production came from strip mining. This year it will be over 35 percent. And the damages are getting worse each time the gouging machines get bigger and deadlier.

Is stripping obscene? Webster defines "obscene" as "disgusting to the senses." The strip mining of coal accurately fits this definition.

There are those who taunt the conservationists and ecologists with threats that jobs will be lost if strip mining is abolished. What about the jobs that will be lost if the strippers continue to ruin the tourist industry, wash away priceless topsoil, fill people's yards with the black muck which runs off from a strip mine, rip open the bellies of the hills and spill their guts in spoil-banks? This brutal and hideous contempt for valuable land is a far more serious threat to the economy than a few thousand jobs which are easily transferable into the construction industry, or to fill the sharp demand for workers in underground mines.

Now the coal operators, banded together with those who sell their expensive equipment hardware to the strippers, are screaming that our entire economy will be wrecked if we attempt to protect our beautiful hills against the jack-hammers, the bull-dozers and the power shovels which methodically gash and mutilate nature's handiwork. They charge that jobs will be lost in areas like West Virginia where jobs are scarce and the population is declining. Such a charge by this unholy combine comes with ill grace from the giant coal industry which presided without blinking an eye over the loss of some 300,000 jobs when the mines were mechanized and the railroads were dieselized. Thousands of middle-aged and elderly miners and their wives and families deserted by the United Mine Workers and their heartless and mismanaged Welfare and Retirement Fund, were left to eke out an existence on the scar-torn land of Appalachia.

The despoilers realize that they are merely buying time, until the sleeping giant of an outraged public opinion forces them to cease their decapitation of the hills.

That is why it is so important to move swiftly, surely, forcefully and decisively to stop the strip mining of coal before it is too late. Compromises, delays, yielding to the pressure of the powerful and well-financed strip mining interests, and wishy-washy non-regulations will only spur the strip miners to hurry even faster to rip up and scar the land. The time for decision action to end strip mining of coal is now.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Benjamin Banneker wrote the first scientific publication by an American Negro. It was a series of annual almanacs containing information on eclipses, tides, and medicine. In 1761 he built the first American clock made exclusively of American-made parts and later participated in the surveying and founding of our Nation's Capital.

MISSOURI SESQUICENTENNIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. Randall) is recognized for 45 minutes.

Mr. RANDALL. Mr. Speaker, it was my privilege to be present Friday evening, February 5, at the Governor's banquet in the ballroom of the Three Flags Hotel in St. Charles, Mo.

As all Missourians know, St. Charles was chosen for the first event in Missouri's year-long celebration of its 150th birthday because St. Charles was our first State capitol.

The celebration began with a concert by the Lindenwood Woodwind quintet featuring members of the St. Louis Symphony Orchestra on Thursday, February 4, 1971, at 8 p.m.

During the afternoon of February 5, there had been a parade from Lindenwood College campus over to the first capital drive which included many historical floats together with a large number of antique autos, courtesy of the Horseless Carriage Club of Missouri. At 2 p.m. there was a flag-raising ceremony at our restored first State capitol. This flag ceremony was presented by the Color Guard of Missouri's Air National Guard. Then there was a flame-lighting, officially opening Missouri's Sesquicentennial year by our beloved Governor, Warren E. Hearnes.

The program from the gallery, on the Riverside of the restored capitol which followed the flame lighting included a dedicatory address by our Governor and an official opening of our first State capitol by Conn C. Winfrey, chairman of the Missouri State Park Board. After the address by Governor Hearnes and the remarks by Chairman Winfrey, guided tours of the capitol were provided while mock legislative sessions of our first legislature were being enacted. The vice president of Lindenwood College, Richard Berg, portrayed Alexander McNair, the first Governor of Missouri and repeated portions of the first inaugural address delivered on June 4, 1821.

Now, Mr. Speaker, Missouri did not wait until 1971 to set about restoring its first State capitol. The facts are that Gov. James T. Blair started the move toward restoration by purchasing the site as early as January of 1961, over 10 years ago. While Jim Blair made the first effort, Gov. John M. Dalton and Gov. Warren E. Hearnes enthusiastically supported the restoration project and appointed the first State Capitol Restoration and Sesquicentennial Commission.

Our restored capitol building consists of three connected brick structures built about 1819. One building was the former Charles Peck residence, another was the Chauncey Shepard residence and a third was the store. The early Senate and House chambers, together with the Governor's office, were on the second floor of these connected structures. Our first Missouri General Assembly consisting of 14 senators and 43 representatives, held its sessions in this building from 1821 till 1826 when the seat of government was moved to Jefferson City, Mo.

The capitol complex, opened to the public for the first time on February 5, 1971 constituted the opening of Missouri's sesquicentennial celebration. Our restored capitol will be maintained hereafter by the Missouri State Park Board, under the direction of Joseph Jaeger, Jr.

The Governor's banquet was a gala affair, preceded by an hour-long reception. The guests were entertained by August Ponstingl and his Vienese Serenaders. The master of ceremonies, according to the program, was to have been Thomas F. Eagleton, our junior U.S. Senator. Because he was ill, he was unable to leave the city of Washington. Taking his place was William L. Hungate, U.S. Representative of Missouri's 9th District. Congressman Bill Hungate displayed his talents as an able and entertaining master of ceremonies. To one who sat at the speaker's table, it seemed almost unbelievable that one who did not know until just a few minutes before the start of the banquet that he would be tapped on the shoulder to do the job could so ably and so quickly come into command of all the details that must be fitted into place by a master of ceremonies of such an important event. To say he performed brilliantly the job of master of ceremonies is a commendation but not an exaggeration.

During the meal most entertaining music was provided by the Sesquicentennial Trio.

At the speakers table on the banquet floor were such distinguished personalities as Speaker of the State House of Representatives, James E. Godfrey. Also present were the members of the Sesquicentennial Commission, including Senator Don Owens, Representative Clarence Heflin, Senator Lawrence J. Lee, Senator Omer H. Avery, Senator Edward Stone, Senator Nelson B. Tinnin, and Representatives Arlie H. Meyer, Herman Johnson, Edward Cannon and D. R. Osbourn, as well as Fred Baue, Henry J. Elmendorf and Lee White, all of St. Charles and Dr. R. S. Brownlee of Columbia. Also present were Senator Don Manford of Kansas City, chairman of the Missouri Senate Appropriations Committee, Henry C. Vogt, distinguished mayor of St. Charles, and Glen Goellner, general chairman of the St. Charles Sesquicentennial Commission.

At the head table were Dr. Walter C. Daniel, president of the Lincoln University, Rev. Paul C. Reinert, S.J., president of St. Louis University, Dr. Robert J. Rodisch, president of the Missouri Council of Churches, Dr. Homer Clevenger, chairman of the Missouri Sesquicentennial Commission, our beloved Secretary of State, Jim Kirkpatrick and our new State Auditor, Christopher "Kit" Bond.

Among the highlights of the evening was the presentation of Missouri's birthday cake to Governor Hearnes by Miss Missouri, the lovely Marcia Mossbarger of Brookfield, Mo. Also at the head table was Edward A. Cahill, Jr., president of the Missouri Society of Washington, D.C., Robert Clayton II of Hannibal, Mo., and the main speaker of the evening, Lew Larkin of Kansas City, Mo.

One of the most interesting portions of the evening's program was an impersonation of Mark Twain by Robert Clayton II. Dressed in his white linen suit, his voice and mannerisms were much like that great Missourian as he proceeded to recite many of the humorous and entertaining words of the original Samuel Clements.

It was my honor before the banquet concluded to be permitted to offer a toast to my native State of Missouri in which I simply raised a glass and asked those present to join with the words "To our great State of Missouri, may her future be as great and glorious as her past."

Before I share with my colleagues the words of the principal speaker of the evening I hope I can adequately describe the fireworks finale out on the Missouri River bank just to the east of the Three Flags Hotel. First there was a colorful likeness of Missouri's first capitol, as restored. The scene which followed was that of the present capitol of Missouri at Jefferson City. Next there was presented an outline of our State of Missouri as it looks on the map with the word "Sesquicentennial" beneath. The last pyrotechnics display of the evening was a beautiful salutation "Happy Birthday Missouri."

As most Missourians know, the Three Flags Hotel is located on the north side of Interstate Highway No. 70 at the west end of the St. Charles Bridge over the Missouri River. There is probably more out-of-State traffic using this route than local traffic. As I looked at our beautiful display of fireworks from inside the Three Flags, cars were stopped bumper to bumper on the Missouri bridge watching the colorful show. For those travelers who did not know it was Missouri's 150th birthday, I wondered whether they were thinking, "do they have fireworks such as this in Missouri every Friday night?" Well, anyway, it was a great way to conclude an inspiring evening.

The honor to introduce the principal speaker of the evening belonged to President Cahill of the Missouri Society who had journeyed from Washington, D.C. to make the introduction. He introduced Lew Larkin, author, historian, and journalist, of Kansas City, Mo. It should be remembered Lew Larkin was for many years the Missouri correspondent of the Kansas City Star at our State capitol in Jefferson City, Mo. Best of all he is a student of Missouri's history. I am sure the content of his address gave proof that he had researched Missouri's history very carefully and proceeded to present these items of personal research for the first time.

The large audience of more than 600 persons listened with an attention generated not only by the interesting content of Mr. Larkin's remarks but by the respect and love that every Missourian holds in his heart for our great State.

The remarks of Mr. Larkin's address were first so interesting and next so important from a historical standpoint, that I quickly concluded they should be shared with my colleagues of the U.S. House of Representatives, to become a part of the Congressional Record and thus perpetuated forever as a part of the archives of the United States. At this time I shall repeat Mr. Larkin's speech entitled "What Made Missouri Great":

What Has Made Missouri Great

We Missourians, outside of St. Charles, must make our apologies to you people of St. Charles for being a bit later with our own Sesquicentennial celebration, because it was 30 years ago when you observed your own Sesquicentennial.

And, of course, if there is needed more apologies for Sesquicentennial tardiness, we must go to St. Louis, Ste. Genevieve and some other towns that have grown.

But we are gathered here today to observe the greatest Sesquicentennial of all, that when Missouri officially became a state, 150 years ago next August 10.

The 1820 Constitutional convention was held in St. Louis, and in the first general assembly that followed almost immediately there was considerable argument where the first capitol should be located. St. Louis was in the running for a short time but someone noted that the population was moving westward and that it might be a good idea to consider a "western city". When you consider today the idea of going westward, the speed was geared then to horse-power of the four-footed category and not the Apollo moon-shot speed.

Among the towns considered were St. Louis, St. Charles, Potosi, Franklin, Florissant, Boonville, Ste. Genevieve and Herculaneum. Some were too far and it was decided that 25 miles west of St. Louis was sufficiently far west, and so the capitol was established here.

St. Charles, known as "Little Hills" with a population of 800, was selected. And this was our capitol city and our capitol until 1826 when it was moved to Jefferson City.

But we are concerned here with what made Missouri great. The establishment of the capitol in St. Charles certainly was a motivating point, but in the overall analysis it is my opinion there are five major ones which I hope to develop in this talk.

I have a few dates to use in establishing my analysis. The first two are linked; the Louisiana Purchase of 828,000 square miles in 1803 by Thomas Jefferson for a paltry 15 million dollars from France, and the famous Lewis and Clark expedition that followed.

These events kicked open the door to the West.

So, point No. 1 involves Public Relations. You think this is a relatively modern term and category. The one basic yardstick even today is that, if you can get a top writer to write something mighty favorable about you, or your company, on a completely voluntary basis, you really have something.

When the time arrived for the United States to take over the vast territory, Thomas Jefferson selected a 23 year old captain of the United States Army, Amos Stoddard, to do this. This he did efficiently but there was something of the historian and reporter in Stoddard. He knew the territory well. He liked it, the people, the promising possibilities. Why not let the whole world know about this wonderful area?

So Stoddard wrote the first complete book about the area and large part of it was about the Missouri that we know today.

It was so complete and so accurate that it was a sort of definitive textbook-travelogue of the new territory for 30 years. Henry Brackenridge came to Missouri and in 1811 wrote about a voyage up the Missouri River.

John Bradbury, an English Botanist, came here, wrote about the New Madrid earthquake and then turned out a book. He wrote, "There is no part of the Western country that holds out greater advantages to the new settler than the Missouri territory."

Henry Rowe Schoolcraft and Edmund Flagg also sang the song of Missouri. Remember there was no chamber of commerce then to hire these writers, no public relations firms.

They came, they saw and they were conquered. So, for a period roughly between the Louisiana Purchase and 1821, Missouri received favorable and voluntary publicity worth untold millions. It was the kind public relations executives dream of today—the kind you can't buy and of the very top quality.

And then, there was travail in the land and bitterness in Congress. Missouri, the territory, knocked for admittance as a state. Petitions flowed to Congress. Meetings by the hundreds were held in Missouri.

Arguments galore. Tennessee, Ohio and Mississippi, with lesser populations, had been admitted ahead of Missouri. But the argument was whether Missouri should be admitted as a slave state or a free state.

The arguments in Congress continued, and there were many smallbore, narrow minded, provincial and myopic congressmen and senators.

That rather odious document, the "Missouri Compromise" was effected and the "Child of the Storm" was admitted to the Union as a slave state.

My second point concerns the 1820 Constitutional Convention. Missouri territorial officials were told to go ahead and establish a Constitution and de facto government, that official statehood was around the corner, so to speak.

I am firmly convinced that this convention was the greatest assembly in the entire history of Missouri and ranks even with the Continental Congress.

Why? The abilities of the members, their sincerity, vision and honesty. Let's look at the 41 delegates. David Barton, the president and one of the state's first United States Senators, was an acknowledged leader among giants, agreed to by almost all historians. The average age was 38. Edward Bates, who would later help spearhead Mr. Lincoln's campaign and become the first cabinet member (Attorney General) west of the Mississippi, was the "youngster" of the assembly at 27. The "old man" was John Rice Jones at 61. Barton was 37. Other leaders included Duff Green at 29 and Horace Dodge at 38.

Religion. There were Methodists, Baptists, Catholics, Presbyterians and Episcopalians. Seven were self-educated and the others had some formal education, several with college degrees or with years spent in college.

Fourteen were independently wealthy and the others enjoyed good incomes from their farms, businesses, professions or occupations. They were in law, mining, educations, business, industry, farming, engineering, medicine and journalism.

They were of Anglo-Saxon stock, Welsh, Scotch, Irish, French and German. Seventeen came originally from Virginia, Maryland and Kentucky and the others from New York, Pennsylvania, Vermont and Wales.

The "old man" John Rice Jones, whose sons would play important roles in the formation of the Republic of Texas, spoke Welsh, Greek, Latin, French, Spanish and English.

Three served in the Revolutionary war and 18 in the War of 1812. Several others would serve in the Black Hawk war and the War with Mexico. Dodge would serve 29 years in the United States army and Nathan Boone, Daniel's son, 31 years.

So, what a diversified group, an extraordinary hodge-podge of outstanding personalities, to write Missouri's first Constitution.

They met from June 12, 1820, in St. Louis to July 19. The Constitution was a model of brevity, 18½ pages, whereas the journal printing the proceedings required 48 pages.

This Constitution sharply shaped up the powers of the Executive, the Legislature and the Judiciary, granted certain civil rights to slaves denied by Southern states and contained many provisions that would be tagged "liberal" today. It lasted for a long time before being amended and many other states copied it.

The de facto government operated, Alexander McNair was elected governor and Missouri officially became a state August 10, 1821, when the Congressional document was signed by President Monroe.

My third point actually revolves around Four Important Dates. Within two months of each other, these four events occurred. They are and the area of importance:

1. August 10, statehood, already mentioned.

2. July, when Mexico obtained independence from Spain.

3. August 12, when Stephen Austin arrived in San Antonio to carry out the colonization plans of his late father that eventually resulted in the formation of the Republic of Texas which later became a state.

4. September 1, Capt. William Becknell and several men left Franklin, Missouri for Santa Fe.

The first point is self-explanatory, but official statehood meant Missouri could hold its head high among the other states and had a diplomatic status in the coming trade with Mexico.

Point 2 was most important and tied in with No. 4. Spain did not want to trade with the United States, at least via the Santa Fe Trail and jailed several who tried it. With its independence now, Mexico was most willing to trade and that is why Becknell and his men journeyed to Santa Fe. The trade gates were opened and Missourians, along with others, began a most lucrative trade with Mexico. Becknell is known today as the "Father of the Santa Fe Trail."

These four dates would mean the significant turning point in Missouri, catapulting this frontier territory and fledgling state into a galaxy of states in which Missouri would be a leader for 150 years.

In the historical evaluation of any state or nation, the military record must be considered. No state can match Missouri, unless it be Virginia.

Missouri was producing military victories 30 years before she became a state. George Rogers Clark and his small band of men turned the British-led Indian tribes back from the gates of St. Louis in the later stages of the Revolutionary War. Of course, there was no Missouri per se then, nor were his men called Missourians, but many came from the St. Louis-Kaskaskia area.

But in the War of 1812 there was a Missouri—Territory, that is, and Nathan Boone and his Missouri Rangers not only turned the British-led tribes back from St. Louis but they chased them to the Great Lakes, established an army of occupation and then after pow-wows won almost all of the tribal leaders away from the British. There also were many Missourians in Andrew Jackson's army at the Battle of New Orleans.

Many Missourians fought in the Black Hawk war of 1832 and Col. Richard Gentry led a regiment to Florida in the Seminole War of 1837.

Then there was the 18 minute battle when a small band of Texans including many Missourians, won independence from Mexico in 1836. Gen. Sam Houston's chief of staff was Edward Burleson, a Missourian; one Missourian died at the Alamo and several wounded in the 18 minute fracas at San Jacinto.

The march of Alexander Doniphan and his 1,000 volunteer Missourians into the Southwest and their unbelievable victories at Brazito and Chihuahua, Mexico, further brightened the military record.

They marched 3,600 miles, occupied three capitols, four Mexican states and negotiated treaties with two Indian nations. William Cullen Bryant called Doniphon the modern Xenophon. In addition Missouri furnished 5,000 men to the regular armies.

And then finally, this "Child of the Storm" this state scorned by Eastern and Northern congressmen and tagged as a slave state, proved its worth as a staunch supporter of the Union.

The Civil War. Missouri sent 109,000 men to the Union armies, more than all Northern states except New York, Pennsylvania, Ohio, Illinois and Massachusetts, all with much heavier populations. And it sent the Confederacy 30,000 men.

Missourians knew how to fight on horseback or afoot. Only New York, with 446,000 men in the Union armies, had more cavalry regiments than Missouri. And of all the Northern states, Missouri was first in the number of infantry regiments, infantry battalion and infantry companies.

When the ground fighting got rough, Grant and Sherman sought Missourians. When General Pemberton surrendered his 32,000 man army to Grant after the seige of Vicksburg, he said that if he had more Missourians, and he had thousands, he would have won. It just happened that Grant had more Missourians in his army there.

Missouri furnished 11,000 men in the War with Spain, being superseded only by New York, Illinois, Ohio and North Dakota, and the University of Missouri set a national record among colleges by sending one-fourth of its total enrollment into the armed conflict. One of the young officers to attract attention was a Missourian, John J. Pershing, who led the allied armies to victory in the first World War.

And the record of World War II is well known when another Missourian Omar Bradley, led the biggest army in world history to smashing victories in France that broke the back of the German armies. Missourians also have distinguished themselves in the Korean and Vietnam wars.

And now for Point Five. Any family is proud when its sons and daughters go out into the world and distinguish themselves in a dozen different endeavors.

You've heard that Missouri was the "Mother of the West", and it is true that Missourians took the lead in settling and developing the West. The evidence is so detailed in this category it would take 10 more pages to list most of the names, but consider a few:

Bennett Riley, a St. Louis Irishman, was the last military governor of the Territory of California, and Peter Burnett of Liberty was the first elected governor of the State of California. I speak of Missourians only here.

Joseph O'Toole was the first governor of Montana, Augustus Dodge the first governor of Iowa, Henry Dodge became the first governor of Territorial Wisconsin, William Gilpin the first governor of the Territory of Colorado and Jerome Chaffee the first United States senator in Colorado. Nine Missourians were governor of the Territory of New Mexico.

These are mainly "firsts," and the governmental list could go on and on and especially down into congressmen, mayors and other officials.

Stephen Austin is known as the "Father of Texas." Edwin Waller established the City of Austin and became its first mayor. James Perry laid out the City of Galveston, John Smith was three times mayor of San Antonio, a son of John Rice Jones was the first postmaster general of the Republic of Texas and a grandson of Moses Austin was Secretary of War.

Missouri has produced two presidents Harry Truman, who served for seven years, and David Rice Atchison, who served one day.

George Washington Carver is regarded as the nation's greatest Negro leader and one of the world's immortal scientists.

Thomas Hart Benton and George Caleb Bingham lead the vanguard in painting. In writing the list is equally long but led by Mark Twain, Eugene Field and others.

The intrepid trail blazers, scouts and pathfinders were Missourians, and led off with Daniel Boone, who regarded himself as a Missourian and became a legend 25 years before his death; they include Kit Carson, Jim Bridger, Shirley (Old Bill) Williams, Joe Walker, the first sheriff of Jackson County, the Robidoux brothers, one of whom founded St. Joseph, General William Henry Ashley, Missouri's first lieutenant governor and many others.

Amos Stoddard and others weren't writing malarky about Missouri's advantages because a large number of the men in the Lewis and Clark expedition, some recruited in other states, decided to remain in Missouri upon their return. Both William Clark and Meriwether Lewis were territorial governors of Missouri and Clark liked the state so well he remained 17 years until his death.

Missouri led in the population of most western states for many years—first in California 8 years, first in Oregon 60 years, first in Idaho 10 years, first in Colorado 20 and first in Montana 20 years. And first in Texas until the Texans began spinning their tall tales.

The glory of Rome, the greatness of Greece and the grandeur of Genghis Kahn's court are gone, but the achievements of thousands of immortal Missourians are indelibly etched in the record of Time.

CONGRESS MUST HOLD THE LINE ON 4¼ PERCENT CEILING: FALSE COMPROMISE UNACCEPTABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, once again we have a Republican administration which believes you get lower interest rates by voting in higher interest rates.

This apparently is the upside-down logic behind Secretary of the Treasury John Connally's proposal that the Congress relinquish the 53-year-old ceiling of 4¼ percent on long-term Government obligations.

First, the administration proposed that the ceiling just be wiped out completely. Now it appears that there is a possibility that the administration will push for a "partial" removal of the 4¼-percent ceiling. This so-called compromise would allow the Treasury to market something like $10 billion of long-term obligations without regard to the 4¼-percent ceiling.

Mr. Speaker, this is no compromise at all. This is just a back door removal of the ceiling. Such a compromise is totally unacceptable to anyone who really wants low interest rates.

If we allowed a temporary or partial removal of the ceiling, that would be the end of 4¼ percent for all times. In future years, we would simply have quiet little requests for extensions of the temporary authority to gouge the American taxpayer with high interest rates. The ceiling might as well be removed now if we are going to allow $10 billion of long-term bonds to be marketed without regard to this low-interest mandate.

Mr. Speaker, I urge all Democrats—and Republicans who want low interest rates—to speak out against this attempted assault on the taxpayers. It is regrettable that we must once again marshal the forces in the Congress to restate the people's desire to maintain the 4¼-percent ceiling. The Nixon administration and the Treasury Department are obviously out of touch with the people on this important issue.

As the Congress has stated time and again—the 4¼-percent ceiling is the principal low-interest symbol of our Federal Government. There have been many assaults on this 53-year-old standard, but it has stood the test of time. It has provided an anchor for all interest rates in the economy.

The existence of the 4¼-percent ceiling has required the Federal Government to finance its deficits with short-term borrowings in periods of high interest rates. If the Congress had not retained the 4¼-percent ceiling, we would have seen the Treasury Department out in the market obligating the taxpayers to 6, 7, and possibly 8 percent interest on bonds with maturities of 30, 40, or even 50 years. But the 4¼-percent ceiling prevented this disaster.

It is true that the Treasury Department has been required to enter the market many times with short-term issues at relatively high interest rates. But this is much preferable to locking in high interest rates for generations to come.

The Treasury Department always contends that the 4¼-percent ceiling makes debt management difficult. However, I think it is the intent of Congress to make it difficult for the Treasury Department to impose high interest payments on the people. I do not think Congress would be doing its job if it made it easy for the bureaucrats in the executive branch to run up 50-year debts at 6 and 7 percent interest rates. Let us continue to make it difficult for the Federal Government to gouge the taxpayer.

In fact, the financing of deficits on a short-term basis is the wisest policy that could be followed in periods of high interest rates. When interest rates are now—below 4¼ percent on long-term borrowings—the Federal Government can enter into 30, 40, and 50-year obligations. Most businesses avoid long-term borrowings when interest rates skyrocket, resorting to short-term debt that can be rolled over rapidly as interest rates fluctuate. Why should not the Federal Government follow the same sound business practices?

The 4¼-percent ceiling has traditionally applied pressure on whatever administration was in power to hold down interest rates. So long as the 4¼-percent ceiling has remained it has been an incentive for the debt managers to seek lower interest rates.

The removal of the 4¼-percent ceiling would leave the debt managers free to impose any kind of charge on the American taxpayer.

In recent years, Congress has relinquished many of its powers to the executive branch and in many cases these abdications have resulted in great detriment to the public interest. The 4¼-percent ceiling on long-term Government bonds is a congressional mandate—a ceiling imposed by the Congress—and it is an area in which the elected representatives of the people should maintain their authority. The 4¼-percent ceiling is a congressional statement for low interest rates. Its removal would be a signal that the Congress no longer cares and no longer endorses the concept of the lowest possible interest charges on the national debt.

The Ways and Means Committee is considering an increase in the national debt to $435 billion—an enormous figure by any calculation. So it is obvious that the interest rates paid on this debt have a strong bearing on other interest rates in the economy. Therefore, the removal of the 4¼-percent ceiling on the long-term areas of this debt would have a tremendous impact throughout the economy and would send interest rates up at all levels.

The removal of the 4¼-percent ceiling does not make good sense at any time, but to propose it under present economic conditions is especially foolhardy. In recent months, interest rates have been declining. The prime rate now stands at 5¾ percent and there are possibilities of other reductions of this rate. Unfortunately, most of the interest-rate reductions have gone to the upper levels of the economy and are just beginning to trickle down to the consumer, the farmer and the small businessman. The little man in the economy is just getting his chance to benefit from this trend toward lower interest rates.

So what happens?

The administration runs up a proposal to remove the 4¼-percent ceiling, to break the trend toward lower interest rates, and to start a new psychological push for higher rates. Under this administration proposal, the consumer is going to get socked again.

Today, short-term Treasury bills are selling below 4 percent as a result of recent interest rate reductions. Yet, we have an administration which now says that it needs to pay more than 4¼ percent for long-term Government obligations. When the Treasury can borrow for less than 4 percent, why is it so anxious to seek authority to charge the taxpayers more than 4¼ percent?

Just last Thursday, interest rates for 6-month Treasury bills fell to their lowest level in more than 6 years. In fact, the Treasury sold $1.4 billion of 182-day bills for an interest rate of 3.6 percent—the lowest since the days of the last Democratic administration.

Mr. Speaker, let me emphasize that the 4¼-percent ceiling is a broad gage symbol of low interest rates. The Democrats in the Congress have stood off numerous assaults on this 4¼-percent ceiling. Many Members of this Congress will remember the formation of a Democratic steering committee to block the Eisenhower administration's attempt to lock in high interest policies through the removal of the 4¼-percent ceiling. More than 100 Members of the House of Representatives served on that steering committee, of which I had the opportunity to serve as chairman. We stopped the high interest boys in the Eisenhower administration and I hope that this Congress will block the Nixon administration's efforts in this same area.

THE CONGRESS SHALL HAVE POWER—TO COIN MONEY, REGULATE THE VALUE THEREOF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) will be recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, the national debt of the United States—officially termed "the gross public debt"—represents the total amount of U.S. Government securities plus securities of the U.S. Government agencies guaranteed by the Federal Government that have been issued and that are still outstanding. As of June 30, 1968, our national debt amounted to $348,146,992,325.88. As of January 27, 1971, the national debt—the mortgage of the politicians have put against the people's future earnings—had risen to $393,141,662,732.88. The additional deficit to be incurred by the President's proposed programs would increase the national debt to an estimated $404.7 billion.

To carry out his New American Revolution, the President and his financial advisers confess that the Federal Establishment will end up the fiscal year in the red by $11.6 billion. Other knowledgeable national leaders estimate the deficit for the year may be as high as $25 to $30 billion.

For every proposal of spending exceeding the legal debt ceiling, the Secretary of the Treasury must sell U.S. bonds to raise revenue by pledging the full faith and credit of the U.S. Government.

On March 19, 1969, the Congress, at the President's request, increased the permanent debt ceiling to $365 billion and the temporary ceiling to $377 billion.

On June 3, 1970, the Congress, at the President's request, increased the permanent debt ceiling to $380 billion and the temporary ceiling to $395 billion—authorizing the executive branch to sell U.S. bonds and pledge future tax revenues to that extent.

Secretary of the Treasury, John Connally, testified yesterday before the House Committee on Ways and Means that the debt will rise this month to within $1 billion of the $395 billion ceiling, and asked that the ceiling be increased to $435 billion before the end of March. Mr. Connally also called for the elimination of the 4½-percent ceiling on interest which the Government—that is, the American taxpayer—can pay on long-term borrowing.

In spite of the fact that a solution to our money system and the national debt is the key to the solution to many ills in our society, there remains widespread apathy and general unconcern regarding the public debt as a national issue.

Because of the complexity of the budget, the machinations of the Federal Reserve banking system, and the staggering size of the debt as well as the publicity and overemphasis given to pollution, sex, pornography, and other problems by the mass media, the average man in the street pays little attention to something made to seem as complicated as the national debt.

Why our Government leaders do not consider the national debt to be one of our most pressing problems to be solved by means other than annually increasing the legal debt limit is open to speculation.

An indication of the administration's cut and dried attitude toward the debt problem is revealed by the fact that only 1 day was set aside for public hearings on something as crucial to the American people and their money as this. It has become a routine matter to spend recklessly in excess of income and simply increase the debt ceiling each year. But it is also inflationary, irresponsible, and immoral.

Still another explanation for this indifference toward the ever-rising national debt is the concept that has been drummed into the consciousness of the American people that the size of the debt does not matter since we owe it to ourselves. It is estimated that only 11.6 percent is owed to the small investor in the form of savings bonds in small amounts. The preponderant bulk of it is owed to the international bankers and financiers.

Since 1913, American taxpayers, unbeknown to most, have been paying billions of dollars of interest to the Federal Reserve banking system to issue their own money. Why should not the Congress issue our money as the U.S. Constitution prescribe—article 1, section 8, clause 5? One Republican President refused to succumb to the banker's demands to pay interest to issue the people's money. Some speculate that this may have been the reason for Lincoln's assassination.

Now is an appropriate time to give to the people "a bigger voice in deciding for themselves those questions that so greatly affect their lives." Now is the time to return power to the people to control their money. Presently the people and their elected representatives have little or no control over the issuance and value of their money. There has been no independent audit of the books of the Federal Reserve banking system since its establishment as a private monopoly in 1913.

To return control of the people's money back to Congress as the Constitution intended, I have introduced a bill, H.R. 351. I urge its support by my colleagues interested in giving power to the people over their money and in saving the taxpayers billions of dollars annually. It is anticipated that the interest payment on the national debt this year will be over $20 billion. The periodical Government Executive of February 1971 estimates that interest on the debt equals combined incomes of 2,231,000 average families. If the United States did not have to pay this cost, average family Federal income tax could be reduced $294.

I insert the text of H.R. 351 at this point in my remarks:

H.R. 351

A bill to vest in the Government of the United States the full, absolute complete, and unconditional ownership of the twelve Federal Reserve banks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury of the United States is hereby authorized and directed forthwith to purchase the capital stock of the twelve Federal Reserve banks and branches, and agencies thereof, and to pay to the owners thereof the par value of such stock at the date of purchase.

(b) All member banks of the Federal Reserve System are hereby required and directed to deliver forthwith to the Treasurer of the United States, by the execution and delivery of such documents as may be prescribed by the Secretary of the Treasury, all the stock of said Federal Reserve banks owned or controlled by them, together with all claims of any kind or nature in and to the capital assets of the said Federal Reserve banks, it being the intention of this Act to vest in the Government of the United States the absolute, complete, and unconditional ownership of the said Federal Reserve banks.

(c) There is hereby authorized to be appropriated, out of any funds not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

In order "to lower interest rates and fight inflation; to help housing, small business, and employment; to increase the availability of mortgage credit; and for other purposes" such as to reduce the public debt and cease payment at once of billions of the taxpayers' money to the Federal Reserve bankers, I have introduced a bill, H.R. 4409. I urge support for this measure by those interested in achieving the above stated purposes. The text of H.R. 4409 follows:

H. R. 4409

A bill to provide a moratorium in which the payment of interest on United States obligations will be suspended, to provide that for this period interest bearing obligations will be refunded with twenty-year non-interest bearing obligations, and to provide that the savings to the United States will be used to reduce the public debt

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby declared a moratorium on the interest accruing on all obligations of the United States. Such moratorium shall become immediately effective upon the enactment of this Act. During the moratorium, no interest shall accrue or be paid on any obligation of the United States.

SEC. 2. As soon as possible after the date of the enactment of this Act, the Secretary of the Treasury shall provide for the refunding of all outstanding interest-bearing obligations of the United States when due with 20-year non-interest bearing obligations.

SEC. 3. An amount equivalent to the amount of the interest saved by the United States as the result of this Act shall be used solely for the purpose of reducing the public debt.

In a truly progressive nation the cost of living goes down, not up. In a truly progressive nation, there are not millions on welfare who make a living by exploiting the millions of employed. In a truly progressive nation there is a labor shortage, not millions of unemployed.

The ever spiraling cost of living, the millions on welfare rolls and millions of unemployed caused by huge debts, budget deficits and confiscatory taxes are irrefutable evidence that America is going backward. Initiative is being stifled, the free enterprise system which made America the most prosperous nation on earth is being destroyed, and business, seeking lower taxes and lower costs of production, is being driven to foreign countries.

A nation with the natural resources and the productive capacity of America has never gone financially bankrupt without first suffering moral bankruptcy at the top. The lamebrains, weak sisters, and Keynesians already have plunged the U.S. Government into almost hopeless insolvency. Continued deficits will result in total bankruptcy. Can there be any doubt about the end of the road backward? The deficit financing road is the freeway to total state socialism, known by some as communism.

The answer to the financial morass that our Nation is in is to restore fiscal responsibility, which traditionally has meant a balanced budget, and for the Congress to reassume the constitutional power, which it relinquished in 1913 to the Federal Reserve banking system, "to coin money, regulate the value thereof."

Following my remarks, I insert a statement and supplementary testimony of a distinguished patriot, Col. Curtis B. Dall, chairman of Liberty Lobby on February 17, 1971, before the House Ways and Means Committee with regard to increasing public debt ceiling and removing interest ceiling on U.S. Government bonds; an American Mercury article entitled "Government Gives Bankers Another $15 Billion"; and a newsclipping:

STATEMENT OF CURTIS B. DALL

Mr. Chairman and members of the committee, I am Curtis B. Dall, chairman of Liberty Lobby's board of policy. I express my appreciation for the opportunity to appear before you today, and discuss the Administration's request for your consideration to increase the legal public debt ceiling, and to remove the 4¼% interest ceiling which Congress placed on long-term U.S. Government bonds.

Liberty Lobby is known as "the people's lobby" on Capitol Hill. Therefore, the far-reaching importance of these two proposals for submission to the Congress is of great importance to us. A continuing interest, shall I say, recalling our appearance before your committee on the subject of increasing the public debt ceiling last May.

I stand somewhat aghast at the allocation of but one day for public hearings on these proposals, involving as they do the very economic life and death of the American people! What will be your considered position—you who have been selected by the people to represent them—not the money powers, with their avid aim for one world money control?

Liberty Lobby feels that the Congress should be fully informed as to what lies behind this pressure, and what may lie behind the statement made by President Nixon to one of his interviewers after he concluded a recent public address, euphemistically described as "State of the Union." It was headlined in a leading newspaper on Jan. 10, 1971, as follows:

NIXON'S PROGRAM—"I AM NOW A KEYNESIAN"

Mr. Chairman, I venture to say that few assembled here know the *why* of the political importance attached to some observations of the late John Maynard Keynes, often described as a British economist. Briefly, Keynes was coached and brought forward by the powerful London banking interests to aid their long-range program, aided by their associates here in the U.S.A.

I also venture to say that few know *why* John Keynes was knighted by the British Crown. It was because he performed so well in the delicate task set for him to accomplish—namely, to employ various arguments, half truths, and propaganda in the political arena to establish a trend in government here, designed to lower the value of our dollar, ultimately to bring it into close proximity with the shaky British pound! Keynes was no friend of this country! Inflation and taxation are the "medicine" that have made this country sick, very sick—and now, as a cure, you and I are being asked to take a *double dose* of it.

The U.S.A. was wealthy when he first came here to get the "ear" of my former father-in-law Franklin Roosevelt. But when armed with a favorable "nod" from "kingmaker" Bernard Baruch, Keynes not only got the ear of F.D.R., he got both ears—and also the ears of those who followed him into the White House. Before his election, President Nixon severely belabored the hidden tax called "deficit financing" occurring in a Democratic administration, but now he publicly embraces it. Figuratively speaking, he seems about to move from the White House to occupy a second floor office in Arthur Burns' Federal Reserve Bank. One wonders whether the President looks more to the Federal Reserve System for money than to Congress, as Congressman John R. Rarick thoughtfully commented on Feb. 3, 1971.

In making this remark, I do not speak in a partisan manner, because Liberty Lobby is strictly nonpartisan. I *do* speak, however, as an American citizen who is not afraid to point out to what extent the international money lords have bled the people of this country. It is an *astronomical* sum! Further details concerning the privately-owned Federal Reserve Bank System are attached in a supplementary statement.

In respect to item 1, under consideration by your committee, we recommend that the legal public debt ceiling not be increased at this time unless the administration cuts its budget commitment by a figure of not less than $20 billion. To increase the legal debt limit for unwise Government expenditures we cannot afford is but to woo more deficit financing which robs the people by decreasing the purchasing power of their hard earned dollars.

To remove the 4¼% interest rate ceiling on new issues of U.S. Government bonds is very dangerous, and gives a self-serving group of private bankers of great wealth, here and abroad, access to *all* of our valued holdings and property. On all new issues of bonds, we recommend that Congress should have the final say! Of course, some flexibility in interest rates should exist, but Congress should have the last say on each new issue of bonds. This matter leads directly into the current defects of our expensive, privately owned and controlled fractional reserve central bank of money issue—the Federal Reserve, as further detailed in our supplement.

Any banking system which makes a people dependent upon debt for their well-being violates natural laws, on which their good is based, thus condemning them to a tyranny which is far more ruthless than one can imagine. Recall that "the policy of the monarch is the policy of his creditors." Are we, therefore, a free people, or are we merely industrious puppets of the privately-owned Federal Reserve banking system?

Congress must face this awesome issue and repel the attack of the foreign and domestic money creators. In so doing, gentlemen, you will keep faith with the American people. In so doing, you and your families and heirs will then have a chance to retain and enjoy liberty, by avoiding this sinister debt-money trap that leads but to slavery.

SUPPLEMENT

The most important political matter that we, as a Nation, should consider and solve is to improve our present confiscatory debt finance system known as the Federal Reserve. All else falls into secondary importance! Regrettably, few citizens have taken the trouble to analyze the cause for all our vexing major problems today. The results are catastrophic in nature—but they all stem from the one evil source—debt financing. The same holds true for England, France, Germany, Holland, etc.; in fact, for all our Western civilized nations.

In 1913, the Federal Reserve Banking System—sometimes referred to as Warburg's Pawn Shop—was established. It was carefully foisted on the back of the American people by the late unfortunate Woodrow Wilson, guided by Paul Warburg and Sen. Nelson Aldrich. Woodrow Wilson thus paid off his major campaign obligation. The Federal Reserve Banking System of Mr. Warburg was copied after the privately-owned central banks of Europe! It is a privately-owned and controlled fractional reserve central bank of money issue. It is not an agency of the U.S. government, as some self-styled experts would have you believe, although it does handle some agency work. Being privately owned, the system is operated to make a profit for itself. It does!

The many member banks of this system, operating through 12 regional Federal Reserve Banks, are all privately owned. The Federal Reserve Bank of New York usually "cracks the whip" for the other 11 reserve banks to follow, through its Open Market Committee operations. Your friendly, local member banker, on Main St., must fall in line with New York—or else!

By means of controlling the quantity of our outstanding money supply, the Federal Reserve Banking System plans and puts into effect economic cycles known as "boom and bust"—good times (with easy money), or hard times (with high interest). The one world money proprietors also plan wars, which yield them enormous profits.

Under the Federal Reserve Act of 1913, the U.S. has to *borrow all* its money requirements, and pays interest *on its own credit*! This is a very drastic and expensive procedure for the people, but very fine for the lending "Federal" Reserve Banks! The interest bill on our Federal indebtedness will run around $20 billion for 1971, maybe more! This vast sum will continue to increase unless Congress modifies the present Federal Reserve Act, and *wisely decides* to authorize our Treasury, under careful controls, to *issue our own U.S. lawful money, interest free at the point of origin,* as provided by the Constitution! This the Congress must do! Why should we pay interest on our own credit?

Please realize that our present banking system, misnamed the Federal Reserve, which was adopted in 1913, albeit by gross misrepresentation, must be held strictly responsible by the Congress, and by the people today for the following dire results for which it is the cause, and which now confront us:

1. The imposition upon us, as a people, of DEBT as the source of this unstable money system, with the specter of our wealth being *confiscated*.

2. The substitution of this unstable money system as the means to attain the right to administer real wealth, via private property.

3. The growing disrespect for *contracts*—a cornerstone in supporting our civilized existence.

4. The acceptance by us, as a people, of *expediency* as a substitute for *discipline*, to which we once submitted, because of its inherent morality. Note the use of the concept "temporary debt ceiling" as a substitute for "legal" debt ceiling.

5. The increasingly evident transformation of our schools, colleges, and churches into channels aimed at conditioning those in attendance to accept *collectivism* as the dominating feature of our national life.

6. The obvious inability of federal, state, and local government to maintain law and order.

It is hoped that the revelation shown here of these duly planned results will show the path to the cause and thus help eliminate it. The cause is DEBT, and the violation of the sanctity of private property—the home of *liberty*. Thoughtful American citizens should carefully ponder this situation and take action via representative government to cause a new day in our monetary policy. Let us no longer allow ourselves to be the subject of exploitation and allow our culture to be completely distorted.

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[From the American-Mercury, October 1959]

Government Gives Bankers Another $15 Billion

(By Stephen Paulsen)

In the June, 1959, issue of Mercury, page 23, we exposed the fact that during 1958, the U.S. Government gave $10,410 million to the banks. We quoted the various figure cited by Congressman Wright Patman of Texas, who is Chairman of the House Banking Commission. On June 2, 1959, Congressman Wright Patman again served the American people by telling them of another give-away bank program totaling $15 billion. We quote from the *Congressional Record* of June 2, 1959:

"Mr. Speaker, someone should let the American people know about this bond "give-away" bill. It will reach deep into the pockets of every family in the United States. *This will be the biggest give-away of Government property in all history. All the Teapot Domes, Dixon-Yates deals, public-land grabs, timber steals, and defense contract riggings put together amount to only pennies by comparison.*

"This is no 'vault-cash' bill, as the bankers' lobby calls it. It is nothing more nor less than a bill to *give away $15 billion of the people's property to the private banks.*

"I doubt if one person in a million—other than the bankers—ever heard of this bill. And I doubt if even that many people understand that this Congress is enacting legislation to *give away $15,000,000,000* of their property to the private bankers.

"The American people have certainly not learned about this legislation from the newspapers. And unlike Members of Congress, they do not have the *Congressional Record* and the committee reports which let us know what this legislation is all about. If this legislation were not *being slipped through Congress and given the silent treatment by the newspapers,* I think we could be sure that a few patriotic citizens would be writing or wiring their Congressmen in indignation. I think these people would say to us plainly they do not approve of our confiscating their property and giving it to the bankers.

"This legislation, S 1120, approves a proposal to give away to the private banks about $15 billion of U.S. bonds and other interest-bearing obligations of the United States which are now in the vaults of the Federal Reserve banks. I use the term, 'Give-away,' in a quite literal sense.

"Quite a few American families would like to have a slice of these bonds on the same basis as we are about to let the banks have them. What family would not like an opportunity to "buy" these bonds *on the basis that we give them the money with which to buy them?* If we divided up this $15 billion among each family in the country, each family's share would go a long way toward putting the children through school or college. It would help pay for a house, a new automobile, or pay medical bills. The only reason which has been given for this legislation is that it will increase bank profits. Well, I could make a better argument that we ought to increase family incomes. *Yes; the American people would like to own these bonds. In fact, they do own the bonds, because the Government owns them. The bankers have no claim to them whatever.* Furthermore, the interest payments on these bonds are now paid back into the U.S. Treasury and go to help meet Government expenses. If we give away the bonds, the interest payments will then go into bank profits, and *every family in the country will have to help make up the loss by paying increased taxes.*

"Here we are with the Federal debt at an all-time high. And the administration is about to ask Congress to increase the debt ceiling by another $12 billion, so that the debt can be increased by another $12 billion. More than that, we know that as soon as this bond giveaway legislation is disposed of, Congress will be asked to raise the ceiling on interest rates—the administration has already warned us of that. *The Federal Reserve has pushed interest rates up so high that U.S. bonds are now selling in the open market at yields above 4¼ per cent.* So we know that Congress will be asked to raise the interest-rate ceiling at which the Treasury can issue new bonds since *Congress will be asked to break the legal ceiling* which has been in effect since World War I, or, to be exact since 1918.

"Why should we increase the Federal debt and pile up more debt? Why should we not amend this bill to transfer to the Treasury for cancellation $15 billion of the bonds? *Why should we not reduce the* Federal debt by $15 billion instead of giving bonds to private banks?"

These are just a few of the many high spots of Congressman Patman's speech under the caption of "The Bankers' Bond Giveaway Bill Is Being Rushed Through Congress—Congress Could Reduce the Federal Debt by $15 Billion Instead of Giving Away Bonds Now Owned by the Government."

It must be obvious to the taxpayers of our country, who have been robbed and lied to, that *the press of the country is dominated by the International Bankers.* Therefore, as Congressman Patman says, you saw no publicity last year about the $10 billion given to the banks, nor is there any publicity about the current $15 billion being given to banks.

Of course, *the abused taxpayers will hereafter be paying high interest to the International Banks on this $25,410 million of additional debt.* Again, it is urgently suggested that you read Mercury's vital book, *Money Made Mysterious.* It tells you the source of all your troubles, which is the dishonest debt-money system that has been fastened on to these United States. *This system makes economic slaves of the citizens of the U.S.*

In his book, *Money and Its True Function,* F. R. Burch has the following comment: "As long as Jesus confined his teachings to the realm of morality and righteousness, He was undisturbed; it was not until He assailed the established economic system and cast out the profiteers and overthrew the tables of the money changers, that He was doomed. The following day He was questioned, betrayed on the second, tried on the third and on the fourth crucified."

The United States Government during its 1959 fiscal year had its biggest peace time deficit in history, which totaled $13 billion. Without the gift last year of $10.4 billions to banks—it would only be $2.6 billion deficit.

Most of the existing mortgages on G.I. housing bear interest at four per cent. On June 30, 1959, the Government increased the interest rate to a record high of five and one-fourth percent. Will you wake up?

[From the Houston Tribune, Feb. 11, 1971]

Debt Called Neglected Issue

(By Henry C. Chen)

The public debt, which stands at a staggering sum of about $381 billion as of August 1970, is perhaps the most neglected major issue of public policy today. Seldom does it become a subject of serious conversation in the financial circles, this despite its enormous size and persistently rising trend.

The general apathy toward the debt as a national issue is understandable, though inexcusable. Currently, the public is deeply engulfed in such over-riding problems as war and peace, law and order, crime and violence, environment and pollution, sex and pornography, unemployment and inflation, to name just a few.

The average man in the street is simply too pre-occupied to be interested in such a seemingly unimportant subject as the public debt.

To him the debt, it seems, has become some sort of "a stigma wrapped up in an enigma," to borrow a Churchillian phrase.

ECONOMISTS

The silence on the subject in the academic circles is equally deplorable. Most economists look at the public debt as a kind of wild animal that has already been tamed and domesticated, and any one who is even slightly apprehensive about it would be branded as a Neanderthal. Their arguments generally run as follows:

First, the public debt is an internal debt, owed by the nation to its own citizens and residents. An internal debt entails no loss of capital or wealth to the outside world because "we owe it to ourselves," and the making of interest payments merely involves the transfer of funds within the country from taxpayers to bondholders and thus has no effect on the total income of the people as a whole.

Second, it is true that the size of the public debt has been on the rise in recent years, but the burden of the debt, on the contrary, has been lessening. Thus, as a percentage of gross national product (hereinafter referred to as GNP which is defined as the nation's total production of goods and services for any given year, valued in terms of their current market prices), the public debt has steadily drifted downward from a peak of about 130 per cent at the end of World War II to a little over 40 per cent today.

INTEREST

Interest charges on the debt tell a similar story. Although interest rates have risen measurable since Pearl Harbor, the current interest payment of $18 billion amounts to less than 2 per cent of gnp, and over the past decade interest charges have averaged about 1.2 per cent only. Surely an economy that is fast approaching one trillion dollars in size like ours can foot the bill without undue hardship.

Third, the public debt has served for many a generation as one of the best outlets of investment for the public's savings. Government securities have good marketability and are virtually riskless. They make an excellent purchase for small and conservative investors.

Indeed, they are so safe that they are often classified as money bonds. The reason is that our government always honor the payment of its debt and that it will never go bankrupt for it has the twin powers to tax and to borrow to assure its financial integrity.

REDEMPTION

Fourth, the suggestion that the government immediately embark upon a vigorous program of debt redemption should be pooh-poohed as unsound and unnecessary. Remember that of our present money supply of $206 billion, $100 billion represents money created as a result of the monetization of the debt during World War II. A wholesale reduction of the debt and therefore siphoning off of an equal amount of the money stock would create the most disruptive impact on the economy.

All these are plausible arguments that contain an element of truth. Does it follow that we shouldn't worry about the debt? As a matter of fact, a huge debt particularly when it is persistently increasing in size, does pose some real and potential problems for the economy that no concerned citizen should brush aside.

First, a huge public debt has the tendency to encourage wasteful government spending. Experience has shown that as a matter of practical politics Congress almost invaribly appropriates more funds than the budget asks for since it is under no obligation to make expenditures conform to tax receipts.

PORK BARREL

And Congressmen, whether facing reelection or not, certainly would do their utmost to please their constituents by sponsoring as many pork barrel projects as feasible regardless of the fiscal condition of the government. To be sure, there is still a constitutional ceiling on the amount of debt which the government may incur at any given time.

But the irony is that Congress always gives in by raising the ceiling whenever a request is made by the chief executive. As a result, the public debt has taken on the nature of an open-end corporate mortgage to whet the appetite of mother inflation.

Second, the existence of a huge debt may make it difficult if not impossible for the Treasury to adopt a positive contracyclical debt management policy.

Pursuit by the Treasury of such a policy calls for the adoption of two important rules: (1) lengthening the debt structure near the peak of a business expansion by selling long-term bonds to nonbank investors for its refunding operations, and (2) shortening the debt structure near the trough of a business downturn by selling short-term securities to the commercial banks so as to increase the money stock and the liquidity of the economy.

BIASED

Under existing circumstances the hands of the Treasury is generally known to be extremely biased toward minimizing the interest cost of the debt. Since contracyclical debt management requires the Treasury to sell long-term bonds at a time when long-term rates are highest, it is doubtful that the Treasury will be willing to play the game according to the rules of the game. Even if it wished, its efforts would be thwarted by the 4¼ per cent interest ceiling on long-term bonds.

Second, high interest-rate patterns associated with rising business activity reflect large private demands for capital funds. For fear of putting a damper on the boom and thereby reducing tax revenue, the Treasury is always chary of competing aggressively at such times with the private sectors of the economy for the limited supply of long-term loanable funds.

REFUNDING

The alternative is to raise the funds from the short-end of the money market in order to carry on its refunding operations. However, by so doing the liquidity of the economy is increased precisely at a time when more of it is deemed undesirable.

Indeed, the choice faced by the Treasury is one between Scylla and Charybdis, and the lot of the Secretary of the Treasury in this respect can hardly be considered enviable at all.

Finally, a persistently rising debt may compound the ill effects on the redistribution of income. The "we owe it to ourselves" thesis has overlooked the fact that taxpayers and bondholders are often different groups of individuals, and when this is the case it will have the robbing-Peter-to-pay-Paul effect.

REGRESSIVE

Today public holdings of government securities are mostly concentrated in the hands of high-income groups, such as commercial banks and nonbank financial institutions, whereas taxes are more uniformly spaced among the various income categories. Consequently a large public debt does tend to be regressive in its effect, and the larger the debt the more telling will be this effect on the distribution of income.

Now that the two sides of the case have been heard, we must raise one final question: How big can the public debt be? Unfortunately, there is no simple answer to this question.

BLOUNT AND UNDERLING PENTZ DISREGARD THE LAW, THE CONSTITUTION, AND THE CONGRESS IN "CLARIFYING" JANUARY EDICT

The SPEAKER pro tempore (Mr. PATTEN). Under a previous order of the House the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 20 minutes.

Mr. SAYLOR. Mr. Speaker, I realize my comments on the Post Office Department which appeared in the RECORD on January 22 were considered "harsh" by some. Apparently they were not strong enough. If you will recall, at that time I addressed myself to the dictatorial edict laid down by the Postmaster General on January 12 which would have restricted contacts between postal employees and their elected representatives in the Congress. I termed the edict as "Fascist," and in the light of subsequent events, there is no reason to back away from that description.

After raising a hue and cry over the January edict—not by myself mind you—but in conjunction with the press, individual postal employees, and some postal unions, the Department issued a "clarification" in the Postal Bulletin of January 21 (No. 20798). In a section entitled "Employees Retain Right To Petition," the Department stated:

> In order to clarify the foregoing procedures on congressional contacts as they relate to individual postal employees and employee organizations, the attention of all postal employees is invited to the provisions of chapter 71 of title 5 of the United States Code.

Thereupon followed a recitation of the laws applying to contacts between postal employees and Members of the Congress. In summary, the bulletin section was intended to take the sting out of the policy laid down by the Postmaster General. I invite you to compare the following two statements to see if you believe the second "clarifies" the first.

The Postmaster General's edict said in part:

> Direct contacts with Members of Congress, their staffs, and congressional committees, on all matters involving the Postal Service, will be the exclusive responsibility of the Congresssional Liaison Office.

The law says in part:

> The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to a committee or Member thereof, may not be interfered with or denied.

The statements are in direct contradiction to each other. Plain and simple. How does one interpret the contradiction? Is the Department specifically telling its employees to disregard the law in favor of the policy established by the Blount edict?

To top this, I have in my possession another "clarification" which came out of the Post Office Department earlier this month in a memorandum to Postmasters from J. B. Pentz, the regional director of the Philadelphia, Pa., office. You may recall that Mr. Pentz has a long career with the Postal Service, having served since 1969. On February 1, the former Borden Milk Co. official issued a directive to the employees of his region. I will include its full text and accompanying documents at the end of my statement but first I want to give you the "flavor" of this particular "clarification" of the "clarification" of January 21 which was intended to "clarify" the Blount edict of January 12.

Pentz says to his employee:

> I consider this message one of the most important I will communicate to you as we convert to the Postal Service. I ask every postmaster to make certain that a copy reaches every supervisor on his staff.

He then goes on to say, regarding congressional contacts:

> Direct contacts with Members of Congress, their staffs and Congressional Committees, on all matters involving the Postal Service, will be the exclusive responsibility of the Congressional Liaison Office at Washington.

That sounds very much like the Postmaster General's edict does it not? The procedures outlined by Pentz are also in the same vein as the original and offensive January 12 edict. For example:

> 1. If you receive a written inquiry from a Congressional office, you are not to answer it directly, but will prepare, within three work days, a candid, forthright and responsive draft reply to the inquiry and forward it *directly* to: (the Congressional Liaison office).

Two more of Mr. Pentz' directions to his employees state:

> 5. The draft reply will be typed in final form by the appropriate Headquarters Department for the signature of a Congressional Liaison Officer. Two copies of the final letter will be sent to me; I will send you a copy. 6. If circumstances require that you make direct contact with a Congressional office please coordinate it with me in advance.

At least Mr. Pentz says "please" in that direction but the effect of that slip into courtesy is vitiated just before he signs off.

If there is any doubt that the Post Office Department and/or the Postal Service intends to deprive American postal employees of their constitutional rights, consider how Mr. Pentz ends his letter to postal employees:

> You must understand that these procedures in connection with Congressional contacts are mandatory, not optional. If you are still uncertain about your role in a given situation, call me and I will clarify it.

The only call Mr. Pentz should receive is one from the President asking for his resignation. However, I hope the President fires the Postmaster General who evidently has condoned this action.

Our postal employees are already restricted by the provisions of the Hatch Act. There is no reason for them to be further subjected to second-class citizenship status which the recent directives intend to convey.

What Congress has given in authority for postal reform it can equally take away. The Postmaster General and his subordinates had better go slow in not depriving rights that belong to all employees of the postal service, and they had better not tramp too heavily on the toes of Congress lest their temple be toppled. Already, several Members who voted for postal reform legislation have expressed misgivings and tell me they now wish second thoughts had been given to the proposal before voting for it.

Pages 1 and 2 of the January 21 issue of the "Postal Bulletin" are reproduced below in order that there be no misunderstanding about the full intent of the Postmaster General's edict. Following that, I have included the full text of the letter and directions of Mr. J. B. Pentz to his regional postal employees. The items follow:

Congressional Procedures for the U.S. Postal Service

BACKGROUND

Postal managers at all levels can share credit for the great progress that has been made to date in our goal to remove political considerations from the Postal Service's decision making process.

For postal managers and employees, this transition will provide expanded career and promotional opportunities that are based upon individual merit and work performance. For the many dedicated persons throughout the Postal Service, this transition will offer challenging opportunities for revitalizing and improving the services that we provide to our "customers"—the people of the United States.

Under the postal reorganization concept, it will be the responsibility of those of us who manage the Postal Service to encourage our "customers" to come directly to us for solutions to their mailing problems. In the past, the field offices of many Representatives and Senators have referred the day-to-day problems of their constituents directly to local postmasters and their staffs for solution.

Also in the past, there has been a hesitancy for anyone throughout the Postal Service to even begin trying to find a workable solution to the legitimate problems of our "customers" until a congressional office had intervened on behalf of their constituent.

The need for this type of reliance on the Congress must now be eliminated by prompt and strong management attention, especially by our local managers, to the legitimate needs of our "customers."

It is mandatory that postal employees immediately cease any direct or indirect contacts with congressional offices on matters involving the Postal Service. At stake is the public credibility of our goal and commitment to completely remove political factors from the decision making process of the Postal Service.

PROCEDURES

In order to achieve these objectives, I am directing that the following procedures, which are applicable to all postal employees, be immediately placed in effect:

1. Congressional contacts

Direct contacts with Members of Congress, their staffs, and congressional committees, on all matters involving the Postal Service, will be the exclusive responsibility of the Congressional Liaison Office.

In implementing these new procedures, Congressmen and Senators will be encouraged to send their postal communications directly to the Congressional Liaison Office. Undoubtedly, there may be an occasion when a congressional request, such as a letter, a telegram, a telephone call, or even a personal conversation is addressed directly to you or to one of your employees.

In accordance with the intent of this new procedure, the recipient is to forward, within 72 hours of its receipt (Sundays and holidays excluded), the draft of a candid, forthright, and fully responsive reply on a top priority basis, along with the incoming communications, directly to:

Congressional Liaison Office, U.S. Postal Service, Room 3408, 12th & Pennsylvania Ave. N.W., Washington, D.C. 20260.

Postmasters are encouraged to assist any of their employees who may receive a direct congressional communication in meeting this time schedule.

This centralization of all direct contacts, by the Postal Service, with congressional offices will make it unnecessary for individual postal employees to have direct contacts with congressional offices, including field offices which may be located within a local Post Office building.

In the event that a direct contact with a congressional office becomes necessary, it is to be coordinated in advance with the Congressional Liaison Office.

2. New postal facilities

The Postal Service will no longer hold the traditional formal dedication ceremony upon completion of a new postal facility.

Instead, local postmasters will be authorized to hold an informal open house ceremony and tour of the new facility for our "customers" and the families of our postal employees. The highly successful open house ceremony in Santa Ana, CA, which was featured in the November-December issue of "Postal Life," can serve as a model for this type of ceremony.

All open house ceremonies will be coordinated from Headquarters by the Office of Community Programs. When a new postal facility is ready for occupancy, the Office of Community Programs will automatically provide the local postmaster with a kit of information relating to the open house ceremony.

In the future, postmasters will be allowed a small fund to defray some of the incidental costs of activities related to the open house of a new postal facility.

The purpose of this highly visible change will be to highlight the role of our own postal employees in serving the residents of their community. For this reason, participation in any informal ribbon-cutting ceremonies will be limited to full-time employees of the U.S. Postal Service. Nonpostal participation on any informal program will not be authorized.

3. Pubic announcements

Public announcements of Postal Service activities will be made concurrently to the news media and to congressional offices, in a nonpartisan manner.

The traditional practice of providing congressional offices with a 24-hour advance notice of Postal Service activities is responsible for conveying the erroneous impression that political considerations play a role in every postal decision.

To eliminate the possibility for such an inference in the future, the Congressional Liaison Office will furnish congressional offices with a copy of the Postal Service's public announcements concurrently with their release to the news media. Under this policy, congressional notifications will be made in a nonpartisan manner.

Under these procedures, congressional matters will be the direct concern of the Congressional Liaison Office and the Postmaster General, who through the Board of Governors, will be accountable to the Congress for the activities of the Postal Service.

In implementing these new procedures, I want you to know that they do not affect the right of any employee to petition, as a private citizen, his U.S. Representative or Senators on his own behalf.

The leadership of individual postal managers in insuring that the intent of these procedures is fully implemented will be vital to the goal of removing political considerations from the Postal Service.

Employees Retain Right To Petition

In order to clarify the foregoing procedures on congressional contacts as they relate to individual postal employees and employee organizations, the attention of all postal employees is invited to the provisions of chapter 71 of title 5 of the United States Code.

5 U.S.C. section 7101 provides in pertinent part that:

"A postal employee may not be reduced in rank or pay or removed from the postal service because of——

* * * * *

"(2) presenting, individually or as a member of a group of postal employees, a grievance to Congress or a Member of Congress."

5 U.S.C. section 7102 provides that:

"The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied."

39 U.S.C. section 410(b), as contained in section 2 of the Postal Reorganization Act, makes the foregoing provisions applicable to the new Postal Service. In addition, 39 U.S.C. section 1002(g), as contained in the Postal Reorganization Act, states that the provisions of section 1002, dealing with political recommendations, shall not affect the right of an officer or employee of the Postal Service to petition Congress as authorized by section 7102 of title 5.

The new congressional procedures are designed to insure that when the Postal Service, as such, speaks to Congress or to individual Members of Congress, it will do so through the Congressional Liaison Office or other authorized channels. While postal employees, and organizations of postal employees, have a statutory right to communicate with Congress or Members of Congress, they may not speak for the Postal Service unless authorized to do so.—*Office of the Special Assistant to the Postmaster General, 1–21–71.*

Memorandum on Congressional Contacts

Enactment of the Postal Reorganization Act last August provided the mandate for the Postal Service to completely remove itself from the political process. This legislative mandate applies with equal force to postal employees at all levels.

While the Postal Reorganization Act has removed Congress from operational decision making in the Postal Service, we will remain a public service institution whose actions will be subject to a continuing review by both Houses of Congress. In order to avoid the possibility for incorrect information and misinterpretation, it is critical that the Postal Service speak to the Congress with only one voice.

Accordingly, I am directing that the Congressional Liaison Office be the sole voice of the Postal Service in communicating with the Congress.

Yours is a vital role in achieving this transition. For this reason, I have set forth detailed procedures which clarify our future relationships with the Congress. I suggest that you apprise your staff and employees of these new procedures at an early date.

I shall expect the personal commitment of every postal manager in removing political considerations, of any type, from the Postal Service.

Congressional Procedures for the United States Postal Service

POSTMASTERS

On January 15, 1971, I addressed a memorandum to you on the subject of Congressional procedures, a matter which continues to be of the utmost importance.

In order to speed the flow of Congressional correspondence into and out of the Congressional Liaison Office, the portion of the memorandum under the heading "Congressional Contacts" has been rewritten.

The attached memorandum revises and supersedes the memorandum of January 15. A copy of the revision should be distributed to every superviser.

J. B. Pentz,
Regional Director.

Congressional Procedures for the United States Postal Service

ALL POSTMASTERS AND SUPERVISERS OF THE PHILADELPHIA POSTAL SERVICE REGION

I consider this message one of the most important I will communicate to you as we convert to the Postal Service. I ask every postmaster to make certain that a copy reaches every superviser on his staff.

Postmasters have just received a memorandum from Postmaster General Winton M. Blount which states that the Postal Service is *now* removing itself from the political process and asks the personal commitment of every postal manager to accomplish that separation quickly and tactfully. The Postmaster General's memorandum tells you (1) how to deal with written, telephone or personal contacts by Members of Congress or their staffs, (2) how to introduce your new postal facility to the customers who will use it, and (3) that Congressional offices will no longer have advance information about the Postal Service's public announcements.

I want to be sure there is no misunderstanding of these procedures.

Congressional contacts

Direct contacts with Members of Congress, their staffs and Congressional Committees, on all matters involving the Postal Service, will be the exclusive responsibility of the Congressional Liason Office at Washington.

1. If you receive a written inquiry from a Congressional office, you are not to answer it directly, but will prepare, within three work days, a candid, forthright and responsive draft reply to the inquiry and forward it directly to:

Congressional Liaison Office, United States Postal Service, Room 3408, 12th and Pennsylvania Avenue NW., Washington, D.C. 20260.

At the same time, please send me a copy of the material you send to the Congressional Liaison Office.

If you require advice or assistance from this office with the preparation of your reply, you may call Mr. Michael J. DeSalis at 215-597-9777 or Mrs. Catherine Kelly at 215-597-9700.

You need not send an advance copy of the inquiry to me or to the Congressional Liaison Office before you prepare your reply.

2. If you receive a telephone or personal inquiry from a Congressional source, you will tactfully acknowledge it with a statement that the information requested will be given directly to the caller's Capitol Hill office by our Congressional Liaison Office. You will then prepare, within three days, a written summary of the telephone conversation or visit, including a recommended reply, and forward it directly to the Congressional Liaison Office. Simultaneously, send a copy of the information to me.

3. The materials that you prepare for the Congressional Liaison Office should be sent by direct pouch or mailed in a penalty envelope marked "air mail" where such service is appropriate.

4. The Congressional Liaison Office will refer these materials to the appropriate Headquarters Department for review and, if necessary, verification with the appropriate Regional officials of the information in the draft reply.

5. The draft reply will be typed in final form by the appropriate Headquarters Department for the signature of a Congressional Liaison Officer. Two copies of the final letter will be sent to me; I will send you a copy.

6. If circumstances require that you make direct contact with a Congressional office, please coordinate it with me in advance.

New facilities

Several postmasters have recently moved into new facilities—main offices, stations or branches—and have been awaiting instructions on how to formally present the new building to the community.

Formal dedication ceremonies will be replaced with an informal open-house and tour by customers and families of postal employees. If a ribbon-cutting ceremony is used to publicize the move, participation is limited to full-time employees of the Postal Service. An information kit and an allowance for expenses incidental to the affair will be available. For the present, the Special Assistant to the Regional Director will help you with your plans.

You must understand that these procedures in connection with Congressional contacts are mandatory, not optional. If you are still uncertain about your role in a given situation, call me and I will clarify it.

J. B. Pentz,
Regional Director.

THE VOLUNTARY MILITARY MANPOWER PROCUREMENT ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Hawaii (Mr. Matsunaga) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, yesterday I introduced, with Congressman Steiger of Wisconsin and 80 other cosponsors, legislation that would implement the recommendations of the President's Gates Commission on an all-volunteer Armed Force.

The object of the legislation is to establish an entirely voluntary U.S. military force.

I would venture to say that the bipartisan group of sponsors of the measure represent a wide range of ideological differences and an equally wide range of individual motivations.

Many of us view the draft as an unwarranted infringement on the basic liberty of our citizens, and are seeking a vehicle to accomplish its abolition.

Others see in the Selective Service System a device which permits the Executive to ignore congressional intentions, and are searching for a means to reestablish in the Congress its constitutional responsibility to "raise and support armies."

All of us deplore the plight of the low-ranking enlisted man and seek to lift him from the throes of poverty.

Whatever our preconceptions or original intentions may have been, I believe that each of us is now convinced of the fundamental reasonableness and basic equity of this proposed legislation.

Its main thrust is to make the military service attractive to the point that young men will volunteer in sufficient numbers to meet our national defense needs, so that resorting to conscription would become unnecessary.

We intend to accomplish this by providing a substantial pay raise for first term military personnel, averaging about 50 percent for enlisted men and 28 percent for officers. This proposal may seem overly generous until we realize that the present pay scale permits 50,000 servicemen to be eligible for Federal food stamps, and provides a gross compensation, to recruits which is $45 a month below the Federal minimum wage.

Pay, of course, is not the sole factor motivating a young man's decision to enter the military service. Simple patriotism motivates many of them. But a young man considering the military service today is forced to choose between performing what he sees as his patriotic duty, and feeding his family. The proposed legislation would eliminate the need for him to make that disturbing choice.

Whatever our preconceptions or original intentions may have been, I believe our first consideration is to improve the pay and living conditions of its first term servicemen. Our bill provides the vehicle to do this, and it is our strong belief that together with its other provisions the legislation when fully implemented will render forced service unnecessary. An all-voluntary armed force will then become a reality.

It can be flatly stated as a fact: No Member of Congress would associate himself with a piece of legislation if he felt that its enactment would endanger the national security of the United States. The legislation to move toward an all-voluntary armed force is no exception.

Mr. Speaker, one need only look at some of the bill's prominent proponents to debunk the notion that it somehow involves a compromise in our Nation's security. Former Secretary of Defense Thomas Gates, former NATO Commanders Alfred Gruenther and Lauris Norstad, Senator Barry Goldwater—all men with unquestionable commitment to a secure America, and with expertise to evaluate proposals that might affect it—enthusiastically support the all-volunteer force. President Nixon has proposed a similar, but more gradual, movement to an all-volunteer force.

A very important provision of the bill seeks to strengthen our Reserve forces. Our Reserve units have proven in the past to constitute our first line of defense in sudden manpower emergencies, to a far more dependable degree than the Selective Service System which requires weeks, even months, to move significant numbers of men through its pipeline. To those who say "It will never work; men volunteer for military service today only because they know the draft will get them otherwise," we say, "Let's try it, it may work."

In fact, the only evidence we have is that it will. The lottery system of induction gives us a means of estimating how many enlistees are draft-motivated. Most enlistees with high numbers, it is safe to say, would have volunteered without the pressure of the draft. According to Defense Department analyses, fully half of the enlisted volunteers were "true" volunteers.

We wish to remind the doubtful, too, that in previous periods of national emergency there were more volunteers than the services could use. During World War II, for example, when a call for 1,500 volunteers from Hawaii was issued by the War Department, within 10 days 10,000 had volunteered. The War Department then boosted the quota to 3,000, but was forced to refuse the service of 7,000 volunteers. Those 3,000 volunteers formed the core of the famous 442d Regimental Combat Team, whom Gen. Mark Clark described as "the most fightingest and most highly decorated unit in the entire military history of the United States." Who is to say that our young men of today are less patriotic?

Just in case the skeptics are right, however, we provide in our bill a simple mechanism to cope with an emergency. Upon request of the President, the Congress need simply pass a joint resolution to reinstate the draft. Certainly, no one can seriously believe that congressional approval would be withheld in a time of real emergency.

An all-voluntary force should be preferable to what we have now, for it is most likely to be more efficient. Simply stated, volunteers do better work than men forced to do the same work. Consequently, an all-volunteer force could be much smaller in size than a mixed volunteer-and-conscript force to perform the same assignment.

Ours is not a radical, or reactionary, or liberal or conservative proposal. Our proposal represents a serious effort toward strengthening America, in both a military and a moral sense.

Its enactment is a realistic goal, and we hope to achieve it in this session of the 92d Congress.

At this point, Mr. Speaker, I include a list of the cosponsors of the Voluntary Military Manpower Procurement Act of 1971.

VOLUNTARY MILITARY MANPOWER PROCUREMENT ACT OF 1971, FEBRUARY 17, 1971

LIST OF SPONSORS

Joseph P. Addabbo, William R. Anderson, Mark Andrews, Bill Archer, Herman Badillo, Charles E. Bennett, Edward G. Biester, Jr., Edward P. Boland, William S. Broomfield, Garry Brown of Michigan, and James T. Broyhill of North Carolina.

John Buchanan, Tim Lee Carter, Elford A. Cederberg, Shirley Chisholm, Don Clausen, William (Bill) Clay, James C. Cleveland, Silvio O. Conte, John Conyers, Jr., Philip M. Crane, and John H. Dent.

Harold D. Donohue, John G. Dow, John J. Duncan, Don Edwards, Paul Findley, Hamilton Fish, Jr., James Fulton of Pennsylvania., Barry Goldwater, Jr., Edith Green of Oregon, Charles S. Gubser, and Gilbert Gude.

Seymour Halpern, Lee H. Hamilton, Michael Harrington, James F. Hastings, Ken Hechler of West Virginia, Margaret M. Heckler of Massachusetts, Frank Horton, Harold T. Johnson of California, Edward I. Koch, Robert L. Leggett, and Robert McClory.

William S. Mailliard, Spark M. Matsunaga, Romano L. Mazzoli, Patsy T. Mink, Parren Mitchell, F. Bradford Morse, Charles A. Mosher, Morgan F. Murphy of Illinois, James G. O'Hara, Alvin E. O'Konski, and Walter E. Powell.

Jerry L. Pettis, Albert H. Quie, Tom Railsback, Ogden R. Reid, Donald W. Riegle, Jr., Howard W. Robison, Robert A. Roe, Benjamin S. Rosenthal, John H. Rousselot, William F. Ryan, and Fernand J. St Germain.

Charles W. Sandman, Jr., Paul S. Sarbanes, Fred Schwengel, Keith G. Sebelius, Garner E. Shriver, Henry P. Smith, III of New York, M. G. Snyder, Robert T. Stafford, J. Wm. Stanton, Louis Stokes, and William A. Steiger of Wisconsin.

Vernon W. Thomson of Wisconsin, Morris K. Udall, Guy Vander Jagt, Charles A. Vanik, William B. Widnall, and Gus Yatron.

AN ANNUAL STATE OF THE JUDICIARY ADDRESS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I have submitted a concurrent resolution to the House today requesting the Chief Justice of the United States to report annually to a joint session of Congress on the state of the Federal judiciary.

The idea for a "state of the judiciary" speech is not a new one, but Congress has never taken action on the matter. During this period of inaction, the problems of the judicial branch of our Government have multiplied and intensified: clogged calendars, crowded courts, jury selection, tenure of office, bail, preventive detention to name a few. If these problems are ever to be solved, Congress must have a clear statement of the problems as seen by participants in the process, and it must have comprehensive information as to their consequences for the system.

It is recognized that such speeches are not panaceas. Neither the constitutionally mandated state of the Union address, nor the state of the economy address, nor the state of the world address result in any immediate solutions.

Yet, what these speeches do accomplish is the setting down of some common ground for an extensive dialog on the problems at hand. They establish such ground in the arenas of the Government that have the responsibility and the authority to act. They offer information as to how they structure their priorities, and what ends and means are deemed relevant.

In his "state of the Federal judiciary" address before the American Bar Association in August 1970, Chief Justice Warren E. Burger stated:

> I am confident that if additional costs arise in the process of making needed changes and improvements in the management of the judicial system, Congress will support the Courts. But judges must demonstrate the needs clearly

I wish to concur with Chief Justice Burger's analysis: Congress will support the courts if it has adequate knowledge of the problems—and I believe these ideas and needs should be offered directly before the Congress so they can have a wide hearing.

The Judicial Conference and the Administrative Office of the U.S. Courts have recommended changes in the past, but these have failed to have sufficient impact on the Congress and on the public. Thus the separation of powers has progressed to a type of isolation of power on the matter of dialog between the judicial and legislative branches.

The Chief Justice in a yearly state of the judiciary address before Congress could bring the prestige and the authority of his office to bear on some of the problems mentioned. By providing Congress with some of the information it requires, the long-delayed dialog between the two branches could begin in earnest.

I urge the Congress to act on the concurrent resolution.

BALANCING THE BUDGET ON THE BACKS OF OUR ELDERLY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I am gravely concerned by recent reports that the Nixon administration is planning to ask for an increase in medicare costs coupled with a cut in program benefits.

I would like to ask Mr. Nixon how he can find limitless money to expand our wars in Vietnam, Cambodia and Laos but cannot find money in the budget to maintain the health of our senior citizens. Clearly, Mr. Nixon thinks the priorities of this country support balancing the budget on the backs of our elderly.

I, for one, cannot understand Mr. Nixon's reasoning—and I surely cannot agree with it. I contend that we do not owe our elderly less than they are now receiving but that we owe them more. Most of the 20 million citizens now participating in medicare have poured a lifetime of work into building the standard of living so many of us enjoy today. Yet once they enter well-earned retirement, many of them find their incomes—despite social security or other income sources—drop by one-half to two-thirds.

One in every five poor persons in the United States today is elderly. One-fourth of all elderly live in households which are below the poverty line. Somehow, Mr. Speaker, this does not seem a fitting thank you for what these citizens have contributed. Yet the President wants to squeeze these people's meager budgets even more. I cannot favor such a move.

Costs have already risen sharply under medicare. For instance, when the program was begun in 1966, premiums for the supplementary voluntary doctors' insurance was $3 a month—now they are $5.30 a month and due to go up to $5.60 a month in July. About 19 million elderly persons participate in this program. At the present a person receiving benefits under it must not only pay the $5.30 monthly but must also pay the first $60 of expenses—and it is strongly suspected that the administration is going to ask to raise this figure.

I could not support increasing costs while decreasing benefits. For years I have fought to help our elderly by expanding coverage under medicare. This is a relatively new medical program and as such there are many "bugs" in it which must be worked out. Many needs which are now unmet must be provided for. Some of us are trying to correct deficiencies that exist by providing better coverage.

One of the most critical shortcomings of this medicare program has been the lack of coverage for outpatient drug expense. At the present time, almost 80 percent of the drugs our medicare elderly use must be paid for out of their pockets—even though the drug may have been prescribed by a doctor as part of medicare treatment. We all know how expensive drugs are; for people living on fixed incomes in the midst of rampant inflation, the costs of drugs is felt even more deeply.

To meet this need, I have cosponsored a measure which would provide comprehensive outpatient prescription drug coverage under medicare. Financed under the payroll tax section of medicare with a minimum copayment by the purchaser for each prescription, the bill would cover prescription drugs and certain nonprescription drugs of special life-sustaining value. This bill is designed to assure that every medicare recipient benefits, without having to pay monthly premiums or keep records or file claims.

Furthermore, I proposed a bill which would remove the present limit on the number of days which benefits might be paid to an individual receiving posthospital extended care services. The present limit of 100 days is not sufficient, in many cases, to cover the treatment needed; and the extra expense of extended treatment can wipe out the savings an elderly person or couple may have been able to set aside.

I have also introduced legislation which would eliminate, in certain cases, the requirement that an insured individual must first be admitted to a hospital in order to qualify for extended care services. Furthermore, I have attempted to win passage of a measure which would include dental care, eye care, dentures, eyeglasses and hearing aids under medicare; this has long been recognized as a major shortcoming of medicare. Additionally, I have sponsored a bill to cover the transportation costs of an individual eligible for home health services of the type which may be provided away from his home, to and from the place where such services are provided.

As I said, Mr. Speaker, all of these measures have been introduced to meet specific failings in the current medicare program. All of them are vitally needed to make this program—which now covers only about 50 percent of the medical costs of participants—more comprehensive and beneficial to America's senior citizens who not only need but deserve such treatment. I am hopeful that Congress will look with increasing favor on the passage of such measures and will reject President Nixon's attempt to shortchange the elderly in America.

STUDY OF ELEMENTARY AND SECONDARY EDUCATION PROGRAMS AND NEEDS—PART III

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, on September 24 and on October 8, I inserted in the RECORD preliminary findings of a portion of the Study of Elementary and Secondary Education Programs and Needs which was conducted recently by the Committee on Education and Labor. Those reports dealt primarily with the operation of the programs instituted under the Elementary and Secondary Education Act and the Vocational Education Act. My colleagues who have had an opportunity to examine the results will recall that the more than 8,000 responding school superintendents expressed strong and virtually unanimous support and enthusiasm for existing Federal elementary and secondary school programs.

Today I will report on the results of those questions in the survey which inquired about the problems and needs of school districts in connection with federally aided programs. As before, the results are reported in terms of 5 enrollment categories, representing altogether an estimated 25,760,000 schoolchildren. The breakdown of the total by enrollment category is as follows:

Enrollment category 1: under 1,000 pupils; 3,132 respondents times average of 500 per district, equals 1,566,000 pupils.

Enrollment category 2: 1,000 to 4,999 pupils; 3,099 respondents times 1,000 equals 3,099,000 pupils.

Enrollment category 3: 5,000 to 34,999 pupils; 1,141 respondents times 10,000 equals 11,410,000 pupils.

Enrollment category 4: 35,000 to 99,999 pupils; 77 respondents times 60,000 equals 4,620,000 pupils.

Enrollment category 5: over 100,000 pupils; Actual count: 5,065,060 pupils.

Total estimated enrollment represented by respondents: 25,760,060.

The first question asked:

> If any of the following represented a serious problem during the 1969–70 school year, please indicate the severity of the problem by ranking from 1 to 3 those that were the most difficult for your district:
>
> A. Inadequate Federal funding;
> B. Late Federal funding;
> C. Restrictions on the use of Federal funds;
> D. Complexities in securing approvals;
> E. No serious problems;
> F. Other."

In the largest category of schools, those with over 100,000 students enrolled and altogether representing over 5 million children, two-thirds of the responding superintendents cited "inadequate funding" as the most serious problem. This was also the most frequently chosen response in the two categories of districts enrolling 1,000 to 5,000 students and representing over 6 million schoolchildren.

In the two categories of school districts enrolling 5,000 to 100,000 pupils, representing approximately 15 million schoolchildren, "late Federal funding" was most frequently listed as the number one problem.

"Late Federal funding" was the most frequently chosen response as the second most serious problem by all respondents in districts enrolling over one thousand pupils, collectively representing over 23 million children.

In each enrollment category, the most frequently cited problem as third most serious was "restrictions on the use of Federal funds."

The great majority of the responding superintendents listed "inadequate Federal funding" or "late Federal funding" as their first or second most serious problem, and the comments we received on this question confirm the statistical findings. The figure following the city and State represents the enrollment of the district.

Mercer Island, Wash.—5,612:

> Lack of Federal funding curtailed innovative thinking and programs. New, imaginative programs are impossible to implement without the aid of Federal funds and create a poor psychological climate for teachers who may have excellent ideas but find no means of putting them into practice.

Newark Valley, N.Y.—1,950:

> Late funding and unrealistic timetable for spending are almost as much of a problem as insufficient funds. More certainty would surely result in better planning.

Paola, Kans.—1,695:

> Good programs are the results of good planning. It is impossible to plan without knowledge of funds. We did not know until about April 1970 the amount we were to receive for 1969–70.

San Bernardino, Calif.—37,097:

> Inadequate funding levels are of paramount concern. However, the lateness of notification of funding and variation in funding levels from one fiscal year to the next make effective program planning difficult.

Lakehurst, N.J.—766:

> Late funding—leads to hasty planning which is not as productive as it should be.

Dearborn, Mich.—21,451:

> Although (b) [late Federal funding] is listed as the number 1 problem, (a) [inadequate Federal funding] is a close second. The lateness in Federal funding causes crash programs instead of well-planned programs.

Franklin, W. Va.—1,598:

> Knowing how much you are going to get and when is the greatest problem. Give us a sum of money for a year in advance to eliminate funding risks.

Mancos, Colo.—428:

> A. Staffing the project was a problem at the late date. B. Inadequate funds limited the program to a few students.

Farmingdale, N.J.—190:

> Notification of amounts of money district was eligible to apply for not received in sufficient time. Approvals not secured in enough time to assure Title I personnel of definite positions. Personnel had to be hired pending approval of programs.

Auburn, Ind.—4,332:

> Our funds were not available until November, two months after school started. Funding should be done in the spring prior to the school year in question. Such procedures would allow ample time to employ staff and plan for the program.

Jackson, N.J.—5,300:

> Year round program cannot be run to accommodate all eligible children due to lack of funding.

Palisades Park, N.J.—1,900:

> Inadequate funds cause scheduling problems and insufficient services.

Buhler, Kans.—1,870:

> Difficult to maintain good program for regular students when funds are cut back by Title I after starting an approved program. If it was worth starting it is worth continuing!

A second question asked:

Which of the following areas in your school district is in need of expanded programs and services? Please list according to priority.

A. Compensatory education;
B. Secondary vocational education;
C. Postsecondary vocational education;
D. Preschool education;
E. Special education;
F. Inservice education for teachers;
G. Library and textbooks;
H. Equipment;
I. Facilities;
J. Other.

The most common choices for the No. 1 priority were: secondary vocational education—cited by about a quarter of the respondents from districts enrolling fewer than 5,000 pupils, and compensatory education, which was chosen by 37 percent of the respondents from districts of over 35,000 enrollment. Another response which was frequently chosen as the No. 1 need was preschool education. Ten percent of those in the under 1,000 enrollment category, 20.8 percent in the 5,000 to 34,999 group, and 30.7 percent in the over 100,000 category identified preschool education as the program most in need of expansion.

Similar patterns hold as well for the responses listed as second priority. Compensatory education was chosen by one-fifth of the respondents from districts enrolling 35,000 to 99,999; and one-sixth of those from the over 100,000 group. Preschool education was chosen as second priority by a significant percentage in each enrollment category. In the districts enrolling 35,000 to 99,999, 36.6 percent of the respondents made this response, as did a quarter of those from the over 100,000 group.

When the percentages listing each possible response as first, second, or third priority are combined, a composite picture of the central concerns of the responding superintendents emerges. Again, compensatory education is seen to be of paramount importance particularly for the larger school districts. Thus, 71.5 percent of the respondents from the largest school districts—those of over 100,000 enrollment—chose it as first, second, or third priority. For all categories of responding districts, preschool education was of central importance. Over 70 percent of the respondents from districts enrolling at least 35,000 listed this as first, second, or third in importance. In the lower enrollment categories, expansion of secondary vocational education was listed as one of the three top priorities by close to half of the respondents. Inservice education for teachers was listed by over a third of all respondents as being of high priority as well. The charts showing this information appear at the end of today's report.

Comments received on this question, while revealing the wide diversity of needs felt by local school systems, clearly document the necessity for continued and increased Federal support.

Palisades Park, N.J.—1900:

Our experiences with pre-school programs has shown very definite, positive results. The children are more prepared when they enter the regular program and we know more about them and their problems.

Picher, Okla.—750:

Over a period of years a school falls behind due to economic problems. It takes longer for low tax based schools and with a high percent of disadvantaged children to catch up.

Jasper, Fla.—2,465:

There is a definite need in our school system to develop respect for vocational training from K1–12. There needs to exist a mutual respect and supplementary force between the representatives of the academic and vocational fields; neither is wholly successful without the other since both are essential in the education of all children.

Superior, Ariz.—1,060:

Our low evaluation has made growth near impossible. The valuation has been dropping markedly until very recently—now more stable, but about lowest in county in spite of fewness of low economic citizens. Need kindergarten to cut down on failures and dropouts and need vocational in high school, particularly for boys. None now.

Osceola, Wis.—1,156:

A lack of funds and facilities prevents this school district from providing educational opportunities for the mentally retarded (educable) of high school age.

Henrietta, N.Y.—10,200:

It is obvious that by providing improved and updated education for teachers result in better education for children. The NSF Institutes have proven this.

Pratt, Kans.—1,795:

I listed other as number one because learning difficulties need to be identified early and classrooms need to be set up to include specialists in learning difficulties to work with staff in correcting these problems so that children may progress at their own rate. I think that Continuous education by levels or phases that will let children work at their own rate will assist the first priority.

Dekalb, Miss.—2,500:

If adequate facilities are made available we can provide education that fits the needs of the children.

Van Homesville, N.Y.—355:

Compensatory education is a must. We must secure and develop a skilled diagnostician, fund the position, evaluate carefully our failures, and prescribe correction to be carried out by assistants and regular classroom staff under diagnosticians' supervision.

Falls Village, Conn.—2,748:

Students from this district attend a State Vocational School for technical education. There is a need for work-study programs, evening training and educational programs for dropouts, out of school youth, and updating skills for youth working at a trade.

Sunman, Ind.—2,353:

Sec. Vocational Ed in our new district area school is wonderful but it is about to fail because of inadequate financing at the State level and Federal level.

Kennebunk, Maine—2,200:

We badly need a building program that we are trying hard to get.

Phoenix, Ariz.—2,689:

More than anything else, classrooms and funds for kindergarten and pre-school are needed.

Marcellus, N.Y.—2,725:

The problem lies in the fact that we do not have large numbers of children of similar age with similar problems. Therefore to meet the needs of the students in our district who require a compensatory instructional program of some kind calls for a program that is diverse in nature and age levels.

Superior, Ariz.—1,060:

We could develop this to be of more use to those entering school and pre-school if we had more space, but we have to use our auditorium for special education classes, the stage for part of this, a basement store-room for our reading special teacher who helps direct this and one boiler room for our physical education change room.

A related question about operational difficulties asked:

If your program is hampered by operational deficiencies, please respond to the following by ranking from 1 to 3 the following problems according to their severity in your district:

A. Inadequate funds for regular programs;
B. Inadequate facilities and materials;
C. Unavailability of qualified professional personnel;
D. Need for greater parental support of program;
E. Need for technical assistance;
F. No operational deficiencies;
G. Other.

Without exception, the most frequently chosen response as the most severe problem in each enrollment category was "Inadequate funds for regular programs." Over 88 percent of the responding superintendents in the group of schools enrolling over 100,000 chose this response. The percentage of those answering "no operational deficiencies" declined considerably in the upper two categories of enrollment, to 15 percent of those in the districts enrolling between 35,000 and 99,999; and 5.9 percent of those in the districts of over 100,000.

In each enrollment category, the most frequently chosen response as the second most pressing problem was "inadequate facilities and materials." Three-quarters of the respondents in the largest enrollment group—those school systems enrolling over 100,000 pupils—so responded.

The response most frequently cited as the third most serious problem was the "unavailability of qualified professional personnel." Thus, 50 percent of the respondents identified this as their third most serious problem.

The last question in this series asked school superintendents how they feel schools may best be served in the future with regard to Federal education programs. The results here as well confirm the findings of the rest of the survey—that programed Federal aid is of prime necessity to school districts of all sorts:

What do you feel should be the next step in Federal assistance to education? Please list in order of your preference from 1 to 8:

A. Federal aid for teacher salaries;
B. Federal aid for construction;
C. Full funding for existing Federal programs;
D. General Federal aid in addition to existing programs;
E. General Federal aid in lieu of existing programs;
F. Revenue sharing;
G. Federal aid for comprehensive preschool programs;
H. No further Federal assistance.

The response not frequently identified as first priority in districts enrolling over

35,000 pupils, a group representing nearly 10 million schoolchildren, was "full funding for Federal programs." Responding superintendents from the enrollment category of between 5,000 and 34,999 pupils, selected "Federal aid for construction" and "Full funding for existing Federal programs" responses with equal frequency.

The responses chosen most frequently as second priority in all school districts of up to 100,000 enrollment was "General Federal aid in addition to existing programs." The respondents from schools with over 100,000 enrollment ranked "Federal aid for comprehensive pre-school programs" with greatest frequency as second priority.

Respondents from the smallest enrollment categories, those districts enrolling fewer than 5,000 pupils, and from the largest school districts, those of over 100,000 pupils, picked most often as third priority Federal aid in addition to existing programs."

The response most commonly identified as third priority by respondents in the enrollment category of 5,000 to 34,999 was "Federal aid for school construction." Respondents from enrollment schools with 35,000 to 100,000 chose "full funding for existing Federal programs" and "Federal aid for comprehensive preschool programs" as third priority with equal frequency.

Taking into account the wide selection of possible alternatives suggested in the question, it was expected that there would be great diversity in responses. However, in every enrollment category a majority of the superintendents listed both "Full funding for existing programs" and General Federal aid in addition to existing programs in their first, second, or third preference as to the next step in Federal aid to education. Such unanimity occurred in only two other instances. A majority of the superintendents in the enrollment category 5,000 to 34,999 recommended as either the first, second, or third step "Federal aid for construction"; and in the largest enrollment category—over 100,000—a majority of the respondents recommended "Federal aid for comprehensive preschool programs" as a next step.

The comments on this question provide further guidance as to what further steps should be taken.

Berne, Ind.—1870:

Inadequate facilities are due to increased enrollments, consolidation of school districts, and antiquated buildings. . . . They do hamper in the operation of Federal as well as local programs.

Buffalo, N.Y.—6700:

Most important will be a Federal commitment of funding which will be a dependable funding source. It is very difficult to make a local commitment of staffing and resources when the Federal program remains so chancy.

Dearborn, Mich.—21,451:

We have learned, especially with mid-Eastern ethnic groups, we must reach the children very early. Pre-natal programs should be considered seriously especially in the area of first generation Americans.

Princeton, W. Va.—14,583:

In West Virginia, cost of the materials and equipment used in the schools have been purchased with NDEA III and ESEA II funds. Also, Vocational Education money is almost totally responsible for the vocational program which has developed in the last five or six years.

New Rochelle, N.Y.—18,000:

Our school district has reached the limit of its taxing power and, because of increasing salaries, has been forced to go on an austerity budget. Funding for regular school programs must be shifted from local responsibility to the state and federal government.

Denver, Colo.—13,200:

By far our greatest need is school buildings. 1 Sr. High School and a Sr. H.S. Vocational building.

Hutchinson, Kans.—8,428:

Federal aid to education is urgently needed in less densely populated areas as well as the ghetto areas of cities.

Picher, Okla.—750:

Education is our front line defense for the perpetuation of the American way of life. People here do not tear down facilities but wish more opportunity to build and use.

Marcellus, N.Y.—2,725:

Public education is the most important bulwark to the democratic system. With the tremendous increase in knowledge in the area of the behavioral sciences coupled with the advances in the technology of communications, it becomes possible for the schools to help students to reach performance levels never before dreamed of.

Los Angeles, Calif.—692,930:

The schools of this country need massive funding in order to succeed. We need a nationwide commitment and goal, such as the recent ten year program to reach the moon. We need to draw upon all our national resources to solve our educational ills or else we shall have difficult years ahead.

PERCENT OF RESPONSES BY ENROLLMENT CATEGORY—"IF ANY OF THE FOLLOWING REPRESENT A SERIOUS PROBLEM DURING THE 1969-70 SCHOOL YEAR, PLEASE INDICATE THE SEVERITY OF THE PROBLEM BY RANKING FROM 1 TO 3 THOSE THAT WERE THE MOST DIFFICULT FOR YOUR DISTRICT"

[In percent]

Enrollment category	Under 1,000 (1)	1-4,999 (2)	5,000-34,999 (3)	35,000-99,999 (4)	Over 100,000 (5)
1st priority:					
(A) Inadequate Federal funding	34	38	36	40	66.7
(B) Late Federal funding	24	32	39	43	27.7
(C) Restrictions on the use of Federal funds	19	17	14	10	5.5
(D) Complexities in securing approvals	6	5	3	1	0
(E) No serious problems	14	9	7	5	0
(F) Other	2	1	1	0	0
2d priority:					
(A) Inadequate Federal funding	19	22	28	25	10.5
(B) Late Federal funding	31	32	37	39	73.7
(C) Restrictions on the use of Federal funds	32	31	25	13	15.8
(D) Complexities in securing approvals	16	13	9	8	0
(E) No serious problems	2	1	.7	2	0
(F) Other	.5	.6	.7	3	0
3d priority:					
(A) Inadequate Federal funding	20	22	20	14	13.3
(B) Late Federal funding	19	20	15	12	0
(C) Restrictions on the use of Federal funds	29	30	38	64	46.6
(D) Complexities in securing approvals	26	23	21	4	20.0
(E) No serious problems	4	3	3	2	6.7
(F) Other	2	2	3	4	13.3

PERCENT OF RESPONSES BY ENROLLMENT CATEGORY—"IF YOUR PROGRAM IS HAMPERED BY OPERATIONAL DEFICIENCIES, PLEASE RESPOND TO THE FOLLOWING BY RANKING FROM 1 TO 3 THE FOLLOWING PROBLEMS ACCORDING TO THEIR SEVERITY IN YOUR DISTRICT"

[In percent]

Enrollment category	Under 1,000 (1)	1-4,999 (2)	5,000-34,999 (3)	35,000-99,999 (4)	Over 100,000 (5)
1st priority:					
(A) Inadequate funds for regular programs	45	49	52	72	88.2
(B) Inadequate facilities and materials	14	13	10	4	5.9
(C) Unavailability of qualified professional personnel	9	7	8	6	0
(D) Need for greater parental support of program	5	3	3	1	0
(E) Need for technical assistance	3	2	2	0	0
(F) No operational deficiencies	22	24	22	15	5.9
(G) Other	2	2	3	1	0

Enrollment category	Under 1,000 (1)	1-4,999 (2)	5,000-34,999 (3)	35,000-99,999 (4)	Over 100,000 (5)
2d priority:					
(A) Inadequate funds for regular programs	12	17	17	4	6.3
(B) Inadequate facilities and materials	45	48	48	63	75.0
(C) Unavailability of qualified professional personnel	17	1	16	12	6.3
(D) Need for greater parental support of program	10	9	11	8	6.3
(E) Need for technical assistance	8	7	5	4	6.3
(F) No operational deficiencies	2	1	2	0	0
(G) Other	1	1	1	10	0
3d priority:					
(A) Inadequate funds for regular programs	20	22	20	14	0
(B) Inadequate facilities and materials	19	20	15	12	16.7
(C) Unavailability of qualified professional personnel	29	30	38	64	50.0
(D) Need for greater parental support of program	26	23	21	4	16.7
(E) Need for technical assistance	4	3	3	2	0
(F) No operational deficiencies	2	2	3	4	8.3
(G) Other	0	0	0	0	8.3

PERCENT OF RESPONSES BY ENROLLMENT CATEGORY—"WHICH OF THE FOLLOWING AREAS IN YOUR SCHOOL DISTRICT IS IN NEED OF EXPANDED PROGRAMS AND SERVICES? PLEASE LIST ACCORDING TO PRIORITY"

Enrollment category	Under 1,000 (1)	1-4,999 (2)	5,000-34,999 (3)	35,000-99,999 (4)	Over 100,000 (5)
Percent ranking each response as 1st priority:					
(A) Compensatory education	13.5	15.5	20.9	36.3	38.4
(B) Secondary vocational education	24.8	25.1	17.6	10.6	3.8
(C) Postsecondary vocational education	1.7	1.6	1.6	3.3	3.8
(D) Preschool education	10.5	12.7	20.8	22.7	30.7
(E) Special education	19.4	11.5	5.6	1.5	11.5
(F) Inservice education for teachers	6.1	8.5	12.2	13.6	7.6
(G) Library and textbooks	8.6	3.3	3.3	0	0
(H) Equipment	4.3	2.8	2.0	0	3.8
(I) Facilities	9.5	17.5	12.6	3.0	0
(J) Other	1.1	1.1	2.9	9.0	0
Percent ranking each response as 2d priority:					
(A) Compensatory education	6.3	10.0	12.4	20.0	16.6
(B) Secondary vocational education	12.7	15.8	16.4	11.6	3.8
(C) Postsecondary vocational education	6.6	5.7	3.6	3.3	3.8
(D) Preschool education	11.8	12.3	18.0	36.6	25.0
(E) Special education	15.7	15.0	15.7	8.3	12.5
(F) Inservice education for teachers	13.6	12.5	13.9	15.0	25.0
(G) Library and textbooks	12.4	9.4	5.2	0	3.8
(H) Equipment	11.7	9.5	5.3	0	3.8
(I) Facilities	8.6	8.9	8.3	1.6	0
(J) Other	.2	.5	.7	3.3	3.8
Percent ranking each response as 3d priority:					
(A) Compensatory education	7.0	9.7	13.2	11.1	16.6
(B) Secondary vocational education	7.6	10.7	11.7	23.8	4.1
(C) Postsecondary vocational education	4.4	5.1	5.0	4.7	0
(D) Preschool education	9.3	11.8	15.0	17.4	25.0
(E) Special education	13.1	14.9	14.6	12.6	20.8
(F) Inservice education for teachers	15.9	13.5	15.1	19.0	4.1
(G) Library and textbooks	19.3	13.0	8.8	1.5	8.3
(H) Equipment	14.3	11.7	7.9	3.1	0
(I) Facilities	8.5	8.6	7.5	6.3	12.5
(J) Other	.1	.5	.9	0	8.3
Percent by enrollment category ranking each response as 1st, 2d, or 3d priority:					
(A) Compensatory education	26.8	31.2	46.5	67.4	71.5
(B) Secondary vocational education	45.1	51.6	44.7	45.0	11.7
(C) Postsecondary vocational education	12.7	12.4	10.3	11.3	7.6
(D) Preschool education	31.6	36.8	40.6	76.7	68.2
(F) Inservice Education or teachers	35.6	34.5	39.6	48.6	36.7
(E) Special education	48.2	41.4	35.2	22.4	44.8
(G) Library and textbooks	40.3	25.7	21.5	1.5	12.1
(H) Equipment	30.3	23.0	18.0	3.1	7.1
(I) Facilities	26.6	35.0	28.4	10.9	12.6
(J) Other	1.4	1.1	4.3	12.3	12.5

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Haley, for 20 minutes today, and to revise and extend his remarks and include extraneous matter.

Mr. Hechler of West Virginia, for 15 minutes today, and to revise and extend his remarks and include extraneous matter.

The following Member (at the request of Mr. Baker), to revise and extend his remarks and include extraneous matter:

Mr. Miller of Ohio, for 5 minutes, February 18.

Mr. Randall, for 45 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Schmitz, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Saylor (at the request of Mr. Baker), for 20 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Matsunaga (at the request of Mr. Roncalio), for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

The following Members (at the request of Mr. Bergland), to revise and extend their remarks and include extraneous matter:

Mr. Patman, for 20 minutes, today.

Mr. Rarick, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden and to include extraneous matter.

(The following Members (at the request of Mr. Baker) and to include extraneous matter:)

Mr. Shoup.

Mr. Kemp in four instances.

Mr. Gude.

Mr. Broomfield.

Mr. Price of Texas in two instances.

Mr. Springer in two instances.

Mr. Stafford.

Mr. McClure.

Mr. Conable in two instances.

Mr. Hastings.

Mr. Vander Jagt.

Mr. Erlenborn.

Mr. Railsback.

Mr. Landgrebe.

Mr. Devine.

Mr. Michel.

Mr. Zwach.

Mr. Baker.
Mr. Bob Wilson in four instances.
Mr. Hunt.
Mr. Anderson of Illinois.
Mr. Reid of New York.
Mr. Miller of Ohio in two instances.
Mr. Smith of California.
Mr. Carter.
Mr. Bray in three instances.
Mr. Sandman in two instances.
Mr. Ashbrook in three instances.
Mr. Edwards of Alabama.
Mr. Brotzman.
Mr. Thone.
Mr. Schmitz in three instances.
Mr. Schwengel in three instances.
Mr. Collins of Texas in five instances.
Mr. Whalen.

(The following Members (at the request of Mr. Bergland) and to include extraneous matter:)

Mr. Carey.
Mr. Eilberg.
Mr. Green of Pennsylvania in four instances.
Mr. Drinan in two instances.
Mr. Griffin in two instances.
Mr. William D. Ford in three instances.
Mr. Badillo in three instances.
Mr. Giaimo in 10 instances.
Mr. Waldie in five instances.
Mr. Symington.
Mr. Patman.
Mr. Cotter.
Mr. Dorn in two instances.
Mr. Hanna in five instances.
Mr. Thompson of New Jersey.
Mr. Carney.
Mr. Danielson.
Mr. Scheuer in two instances.
Mr. Ullman in two instances.
Mr. Minish.
Mrs. Griffiths.
Mr. Rarick in three instances.
Mr. Nichols.
Mr. Vanik in two instances.
Mr. Bingham in two instances.
Mr. Stokes in two instances.
Mr. Howard in two instances.
Mr. Montgomery.
Mr. Monagan in six instances.
Mr. Obey in eight instances.
Mr. Jones of North Carolina.
Mr. Bevill.
Mr. Wright.
Mr. Anderson of California in three instances.
Mr. Mollohan in three instances.
Mr. Rangel.
Mr. Gallagher.
Mr. Leggett in two instances.
Mr. Fascell in three instances.

(The following Members (at the request of Mr. Roncalio) and to include extraneous matter:)

Mr. Koch.
Mr. Kyros in two instances.
Mr. St Germain in two instances.
Mr. Boland in three instances.
Mr. Burleson of Texas.
Mr. Roncalio in two instances.

SENATE JOINT RESOLUTION REFERRED

A Joint Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 31. Joint Resolution extending the date for transmission to the Congress of the Report of the Joint Economic Committee; to the Committee on Government Operations.

ADJOURNMENT

Mr. RONCALIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, February 22, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

294. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Food Stamp Program," Food and Nutrition Service for fiscal year 1971 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

295. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes; to the Committee on Interior and Insular Affairs.

296. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of December 31, 1970, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

297. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Public Law 91–514; to the Committee on Merchant Marine and Fisheries.

Received From the Comptroller General

298. A letter from the Comptroller General of the United States, transmitting a report on applying a uniform policy with respect to rental charges for credit unions; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 4503. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. BELL (for himself and Mr. Hawkins):

H.R. 4504. A bill to establish a Criminal Justice Reform Administration in order to provide assistance to encourage States and localities to undertake comprehensive criminal justice reform in order to strengthen police protection, improve the prosecution of offenders, expedite overcrowded court criminal calendars, and strengthen correctional systems, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 4505. A bill to amend section 620 of the Foreign Assistance Act of 1961, to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4506. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4507. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina:

H.R. 4508. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax for a portion of amounts paid for certain educational expenses incurred at an institution of higher learning or vocational training; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 4509. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 4510. A bill to amend section 48 of the Bankruptcy Act (11 U.S.C. 76) to increase the maximum compensation allowable to receivers and trustees; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 4511. A bill to prohibit the use of interstate facilities, including the mails, for the transportation if salacious advertising; to the Committee on the Judiciary.

H.R. 4512. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 4513. A bill to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the United States aboard certain foreign vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4514. A bill to amend the Internal Revenue Code of 1954 to provide that certain tuition payments be treated as charitable contributions; to the Committee on Ways and Means.

H.R. 4515. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 4516. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 4517. A bill to amend the National

Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 4518. A bill to amend the Fish and Wildlife Act of 1956 in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. COTTER:

H.R. 4519. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 4520. A bill to amend title XVIII of the Social Security Act to fix at $5 the monthly premium which an individual is required to pay for coverage under the supplementary medical insurance program; to the Committee on Ways and Means.

H.R. 4521. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in benefits thereunder, with a $100 minimum primary benefit and subsequent benefit increases based on the cost of living, and to raise to $2,500 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. DORN (by request):

H.R. 4522. A bill to amend section 312 of title 38, United States Code, by providing a 5-year presumptive period of service connection for malignant tumors (cancer) which develop within 5 years from the date of separation from active service; to the Committee on Veterans' Affairs.

H.R. 4523. A bill to amend title 38 of the United States Code to provide that veterans with disability rated less than 50 percent shall receive additional compensation for dependents; to the Committee on Veterans' Affairs.

H.R. 4524. A bill to amend title 38, United States Code, to enable certain permanently and totally disabled veterans to receive the full rate of disability compensation payable for service-connected disabilities, and also a proportionate amount of disability pension under a specified formula; to the Committee on Veterans' Affairs.

H.R. 4525. A bill to amend section 312 of title 38, United States Code, by providing a 5-year presumptive period of service connection for a chronic disease becoming manifest to a degree of 10 percent or more within 5 years from the date of separation from service of certain prisoners of war; to the Committee on Veterans' Affairs.

H.R. 4526. A bill to provide for the payment of aid and attendance benefits to certain totally disabled veterans; to the Committee on Veterans' Affairs.

H.R. 4527. A bill to amend section 415 of title 38, United States Code, to standardize the computation of income of dependent parents; to the Committee on Veterans' Affairs.

H.R. 4528. A bill to amend section 410(a) of title 38, United States Code, to provide for the payment of dependency and indemnity compensation to certain survivors of deceased veterans who were rated 100 percent disabled by reason of service-connected disabilities for 20 or more years; to the Committee on Veterans' Affairs.

H.R. 4529. A bill to amend chapter 11 of title 38, United States Code, to provide full wartime benefits for extrahazardous duty; to the Committee on Veterans' Affairs.

H.R. 4530. A bill to amend section 312 of title 38, United States Code, by providing a 2-year presumptive period of service connection for the psychosis which develop within 2 years from the date of separation from active service; to the Committee on Veterans' Affairs.

H.R. 4531. A bill to liberalize the criteria governing the grant of assistance toward the purchase of specially equipped automobiles for certain veterans disabled as the result of service during the Vietnam era; to the Committee on Veterans' Affairs.

H.R. 4532. A bill to amend title 38 of the United States Code to provide that certain veterans who were prisoners of war shall be deemed to have a service-connected disability of 50 percent; to the Committee on Veterans' Affairs.

H.R. 4533. A bill to amend section 314(k) of title 38, United States Code, to provide for a statutory payment of $47 per month to a veteran who has lost the use of a lung or kidney as the result of a service-connected disability; to the Committee on Veterans' Affairs.

H.R. 4534. A bill to amend section 1901(a) of title 38, United States Code, to make certain veterans of World War I eligible for the automobile assistance allowance provided for certain veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 4535. A bill to amend title 38, United States Code, to increase the statutory rates for anatomical loss or loss of use; to the Committee on Veterans' Affairs.

H.R. 4536. A bill to provide for the payment of an aid and attendance allowance to certain seriously disabled veterans; to the Committee on Veterans' Affairs.

H.R. 4537. A bill to amend title 38 of the United States Code so as to increase the period of presumption of service connection for certain cases of multiple sclerosis from 7 to 10 years; to the Committee on Veterans' Affairs.

By Mr. DOW:

H.R. 4538. A bill; the Vietnam Disengagement Act of 1971; to the Committee on Foreign Affairs.

By Mr. DOWNING:

H.R. 4539. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of Alabama:

H.R. 4540. A bill to amend title 5 of the United States Code to provide that full credit be given for all active military services by retired Armed Forces members for determining retention and annual leave in the civil service; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself, Mr. Brown of Ohio, Mr. Broyhill of North Carolina, Mr. Cleveland, Mr. Conable, Mr. Frenzel, Mr. Goodling, Mr. Hansen of Idaho, Mr. Hawkins, Mr. Hosmer, Mr. Kemp, Mr. Kuykendall, Mr. Latta, Mr. Michel, Mr. Schwengel, Mr. Slack, Mr. Steiger of Wisconsin, and Mr. Talcott):

H.R. 4541. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Bureau of Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. FASCELL:

H.R. 4542. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 4543. A bill to amend the Department of Defense Overseas Teachers Pay and Personnel Practices Act with respect to the giving of credit to new teachers for prior experience; to the Committee on Post Office and Civil Service.

H.R. 4544. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to regulate the mailing of certain drugs and other controlled substances covered by title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FREY (for himself, Mr. Sikes, Mr. Fuqua, Mr. Rogers, Mr. Pepper, Mr. Fascell, Mr. Haley, Mr. Young of Florida, and Mr. Bennett):

H.R. 4545. A bill to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.; to the Committee on Science and Astronautics.

By Mr. FULTON of Pennsylvania:

H.R. 4546. A bill to retain November 11 as Veterans Day; to the Committee on the Judiciary.

H.R. 4547. A bill to retain May 30 as Memorial Day and November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 4548. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ:

H.R. 4549. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIAIMO:

H.R. 4550. A bill to amend title XVIII of the Social Security Act so as to include chiropractors' services among the benefits provided by the insurance program established by part B of such title; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 4551. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

H.R. 4552. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 4553. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HALEY:

H.R. 4554. A bill to amend section 111(a) of title 38, United States Code, to increase the rate of reimbursement of travel authorized Veterans' Administration beneficiaries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARSHA (for himself, Mr. Fish, Mr. Mizell, and Mr. Carter):

H.R. 4555. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

By Mr. HECHLER of West Virginia (for himself, Mr. Roush, Mr. Sand-

MAN, Mr. SARBANES, Mr. SEIBERLING, Mr. VANDER JAGT, Mr. VANIK, Mr. WILLIAMS, and Mr. MIKVA):

H.R. 4556. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HECHLER of West Virginia (for himself, Mrs. ABZUG, Mr. BINGHAM, Mr. BURTON, Mr. DINGELL, Mr. DOW, Mr. ECKHARDT, Mr. WILLIAM D. FORD, Mr. GALLAGHER, Mr. GONZALEZ, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HAWKINS, Mr. HELSTOSKI, Mr. LEGGETT, Mr. LONG of Maryland, Mrs. MINK, Mr. MITCHELL, Mr. MORSE, Mr. MOSS, Mr. PIKE, and Mr. REID of New York):

H.R. 4557. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HUNT:

H.R. 4558. A bill to provide for the construction of a new Veterans' Administration hospital in southern New Jersey; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of California (for himself and Mr. BOB WILSON):

H.R. 4559. A bill to preserve and stabilize the domestic gold mining industry and to increase the domestic production of gold to meet the needs of national defense; to the Committee on Armed Services.

By Mr. JONES of North Carolina:

H.R. 4560. A bill to provide for the equalization of the retired pay of members of the uniformed services of equal grade and years of services; to the Committee on Armed Services.

By Mr. JONES of Tennessee:

H.R. 4561. A bill to provide for small-farm participation in the feed grain program; to the Committee on Agriculture.

H.R. 4562. A bill to preserve feed grain history on farms with feed grain bases; to the Committee on Agriculture.

H.R. 4563. A bill to amend section 123(3) of title 28 of United States Code, so as to transfer Obion County and Lake County from the eastern to the western division of the western district of Tennessee; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 4564. A bill to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970; to the Committee on the Judiciary.

By Mr. KEE (for himself and Mr. CLARK):

H.R. 4565. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

By Mr. KEITH:

H.R. 4566. A bill to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4567. A bill to create the Cape Cod National Marine Sanctuary; to the Committee on Merchant Marine and Fisheries.

H.R. 4568. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, Outer Continental Shelf, seaward areas, and Great Lakes of the United States as marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KEMP:

H.R. 4569. A bill to establish a national land-use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land-use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4570. A bill to amend the Rail Passenger Service Act of 1970 to require the Secretary of Transportation to include a route from New York City to Chicago, Ill., via Buffalo, N.Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 4571. A bill to establish a transportation trust fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. ABOUREZK, Mrs. ABZUG, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ASHLEY, Mr. BELL, Mr. BIAGGI, Mr. BRASCO, Mr. BURKE of Massachusetts, Mr. CORMAN, Mr. DONOHUE, Mr. DRINAN, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. GOLDWATER, and Mrs. GRASSO):

H.R. 4572. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives, and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HUNGATE, Mr. MATSUNAGA, Mr. MIKVA, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. STOKES, and Mr. WOLFF):

H.R. 4573. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives, and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS:

H.R. 4574. A bill; Vietnam Disengagement Act of 1971; to the Committee on Foreign Affairs.

By Mr. LATTA:

H.R. 4575. A bill to provide for small farm participation in the feed grain program; to the Committee on Agriculture.

H.R. 4576. A bill to insure pay equalization for ASC county commissioners; to the Committee on Post Office and Civil Service.

By Mr. LEGGETT:

H.R. 4577. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel; to the Committee on Merchant Marine and Fisheries.

H.R. 4578. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966, to require that the method of straight baselines shall be employed for the purpose of determining the boundaries of such fishery zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4579. A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 4580. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4581. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. LENNON:

H.R. 4582. A bill making appropriations to the Secretary of Commerce for the fiscal year 1972 to carry out the provisions of the National Sea Grant College and Program Act of 1966; to the Committee on Appropriations.

H.R. 4583. A bill to amend section 403(b) of the Federal Aviation Act of 1958 to require reduced-rate transportation for certain disabled veterans of the Armed Forces of the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 4584. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military or waste material without a certification by the Environmental Protection Agency and the National Oceanic and Atmospheric Administration approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. McCLURE:

H.R. 4585. A bill to encourage States to establish motor vehicle disposal programs and to provide for federally guaranteed loans and tax incentives for the acquisition of automobile scrap processing equipment; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 4586. A bill to authorize the Secretary of Agriculture to establish corn feed grain bases for certain growers whose sugar beets were formerly processed at Hardin, Mont.; to the Committee on Agriculture.

H.R. 4587. A bill to grant all minerals, including coal, oil and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. METCALFE:

H.R. 4588. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. MIKVA (for himself, Mrs. ABZUG, Mr. BADILLO, and Mr. FRASER):

H.R. 4589. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLS:

H.R. 4590. A bill relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BURTON, Mrs. CHISHOLM, Mr. DOW, Mr. WILLIAM D. FORD, Mrs. GRASSO, Mr. HECHLER of West Virginia, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MIKVA, Mr. REES, Mr. TIERNAN, Mr. VAN DEERLIN, and Mr. YATES):

H.R. 4591. A bill to amend the Military Procurement Act of 1970 to prohibit the future transportation, deployment, storage, or disposal, of chemical and biological warfare munitions outside of the United States; to the Committee on Armed Services.

By Mr. MOLLOHAN:

H.R. 4592. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 4593. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 4594. A bill to provide for the conveyance of certain lands of the United States to the city of New York, N.Y.; to the Committee on Government Operations.

H.R. 4595. A bill to provide for the conveyance of certain lands of the United States to the city of New York, N.Y.; to the Committee on Government Operations.

By Mr. OBEY:

H.R. 4596. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture.

By Mr. OBEY (for himself, Mr. COTTER, Mr. SARBANES, and Mr. NIX):

H.R. 4597. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 4598. A bill to provide for the free mailing of absentee ballots, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'NEILL:

H.R. 4599. A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

H.R. 4600. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

H.R. 4601. A bill to amend section 702 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

H.R. 4602. A bill to impose an additional excise tax on cigarettes, with the proceeds being used for cancer research programs through a newly established Cancer Research Fund; to the Committee on Ways and Means.

H.R. 4603. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 4604. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. PICKLE:

H.R. 4605. A bill to change the fiscal year of the U.S. Government; to the Committee on Government Operations.

By Mr. PIRNIE:

H.R. 4606. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

By Mr. PRICE of Illinois:

H.R. 4607. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 4608. A bill to provide for increased international control of the production of, and traffic in, opium, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4609. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RARICK:

H.R. 4610. A bill to amend the Internal Revenue Code of 1954 to provide that retired individuals having annual gross income of $10,000 or less will not have to file Federal income tax returns; to the Committee on Ways and Means.

H.R. 4611. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mrs. REID of Illinois:

H.R. 4612. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 4613. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 4614. A bill to amend title II of the Social Security Act to provide for automatic annual cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 4615. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,600 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

H.R. 4616. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. ADDABBO, Mr. CARNEY, Mr. DRINAN, Mr. DULSKI, Mr. EDWARDS of California, Mr. EILBERG, Mr. FRASER, Mr. HARRINGTON, Mr. HAMILTON, Mr. HAWKINS, Mr. MIKVA, Mr. NEDZI, Mr. OBEY, Mr. PODELL, Mr. REES, Mr. TIERNAN, and Mr. YATRON):

H.R. 4617. A bill to improve intergovernmental relationships, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities where is a demonstration of State intention to modernize State and local government; to the Committee on Government Operations.

By Mr. ROGERS (for himself, Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. CARTER, and Mr. HASTINGS):

H.R. 4618. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS:

H.R. 4619. A bill to amend section 4171 of the Revised Statutes to allow the endorsement on certificates of registry of alternate masters; to the Committee on Merchant Marine and Fisheries.

By Mr. RONCALIO:

H.R. 4620. A bill to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO (for himself, Mr. SAYLOR, and Mr. EDMONDSON):

H.R. 4621. A bill to designate the Gros Ventre Wilderness, Teton National Forest, in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. ROSTENKOWSKI (for himself and Mr. YATES):

H.R. 4622. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHNEEBELI:

H.R. 4623. A bill to amend the Internal Revenue Code of 1954 to provide for the amortization of facilities used for the recycling, reprocessing, or reclamation of ferrous metal; to the Committee on Ways and Means.

By Mr. SCOTT:

H.R. 4624. A bill to transfer to the Attorney General jurisdiction over the District of Columbia penal facilities at Lorton, and for other purposes; to the Committee on the District of Columbia.

By Mr. TEAGUE of California:

H.R. 4625. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4626. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4627. A bill to provide that certain time spent by Federal employees assigned to the California offshore islands shall be considered as hours of employment; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of California (for himself, Mr. HALEY, Mr. HOLIFIELD, Mr. GALLAGHER, Mr. MYERS, and Mr. SANDMAN):

H.R. 4628. A bill to provide for a Federal ecological preserve in a portion of the Outer Continental Shelf in the Santa Barbara Channel and to provide for a moratorium on drilling operations pending the ability to control and prevent pollution by oil discharges and to improve the state of the art with respect to oil production from the submerged lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of Georgia:

H.R. 4629. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ULLMAN:

H.R. 4630. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. VIGORITO:

H.R. 4631. A bill to amend the Federal Water Pollution Control Act to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. BOB WILSON (for himself, Mr. Byrne of Pennsylvania, and Mr. Steele):

H.R. 4632. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

By Mr. WOLFF:

H.R. 4633. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. WYATT:

H.R. 4634. A bill to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway; to the Committee on Armed Services.

By Mr. WYLIE:

H.R. 4635. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the annuities and pensions (and lump-sum payments) which are payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 4636. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, dependency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

H.R. 4637. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 4638. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. YOUNG of Texas:

H.R. 4639. A bill to authorize a survey of the Chiltipin Creek at and in the vicinity of Sinton, Tex., in the interest of flood control and allied purposes; to the Committee on Public Works.

By Mrs. ABZUG:

H.J. Res. 345. Joint resolution repealing the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. CONABLE:

H.J. Res. 346. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. CORMAN:

H.J. Res. 347. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Adams, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Aspin, Mr. Badillo, Mr. Barrett, Mr. Begich, Mr. Biaggi, Mr. Byrne of Pennsylvania, Mr. Carney, Mr. Carter, Mr. Clark, Mr. Don H. Clausen, Mr. Collins of Illinois, Mr. Corman, Mr. Cotter, Mr. Coughlin, Mr. Drinan, Mr. Edwards of California, Mr. Esch, Mr. Evans of Colorado, and Mr. Forsythe):

H.J. Res. 348. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. Frenzel, Mr. Gallagher, Mr. Gaydos, Mr. Goodling, Mrs. Grasso, Mrs. Green of Oregon, Mr. Green of Pennsylvania, Mrs. Griffiths, Mr. Gubser, Mr. Gude, Mrs. Hansen of Washington, Mr. Hawkins, Mr. Hicks of Washington, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Hosmer, Mr. Jones of North Carolina, Mr. Keith, Mr. King, Mr. Kluczynski, Mr. Kuykendall, Mr. Lent, Mr. Link, and Mr. Long of Maryland):

H.J. Res. 349. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. McCloskey, Mr. McDonald of Michigan, Mr. Mayne, Mr. Minshall, Mr. Murphy of Illinois, Mr. Nichols, Mr. Nix, Mr. Pettis, Mr. Peyser, Mr. Pirnie, Mr. Preyer of North Carolina, Mr. Rees, Mr. Reid of New York, Mr. Riegle, Mr. Robinson of Virginia, Mr. Rosenthal, Mr. Roush, Mr. Runnels, Mr. St Germain, Mr. Sarbanes, Mr. Schneebeli, Mr. Schwengel, Mr. Shipley, and Mr. Shoup):

H.J. Res. 350. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. Steiger of Wisconsin, Mr. Thone, Mr. Vander Jagt, Mr. Waggonner, Mr. Watts, Mr. Whalley, Mr. Charles H. Wilson, Mr. Wolff, Mr. Wylie, Mr. Zablocki, and Mr. Skubitz:

H.J. Res. 351. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. Pelly, Mr. Lennon, Mr. Byrne of Pennsylvania, Mr. Rogers, Mr. Murphy of New York, Mr. Jones of North Carolina, Mr. Leggett, Mr. Biaggi, Mr. Anderson of California, Mr. Kyros, and Mr. Steele):

H.J. Res. 352. Joint resolution amending the Fishermen's Protective Act of 1967 to insure the safety of U.S. commercial fishing vessels, crews, and equipment against illegal harassment and seizure; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNING:

H.J. Res. 353. Joint resolution designating June 3 of each year as National Navy Wives Clubs of America Day; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 354. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 355. Joint resolution providing for a White House Conference on Human Public Relations; to the Committee on the Judiciary.

By Mr. McCLOSKEY (for himself, Mr. Brown of Ohio, Mr. Link, Mr. Metcalfe, and Mr. Roush):

H.J. Res. 356. Joint resolution designation of third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 357. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H.J. Res. 358. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public schools and other public buildings; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.J. Res. 359. Joint resolution proposing an amendment to the Constitution of the United States respecting the right of persons who have attained the age of 18 to vote in State and local elections; to the Committee on the Judiciary.

By Mr. PICKLE:

H.J. Res. 360. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 361. Joint resolution to establish a temporary commission to study the relationship between drug addiction and crime and make recommendations for the control of such addiction; to the Committee on the Judiciary.

By Mrs. REID of Illinois:

H.J. Res. 362. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 363. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. Springer) (by request):

H.J. Res. 364. Joint resolution to provide alternate procedures to facilitate the settlement of the labor dispute between certain carriers by railroad and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. WAMPLER:

H.J. Res. 365. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971; to the Committee on Agriculture.

By Mr. GALLAGHER (for himself and Mr. Dow):

H. Con. Res. 168. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT:

H. Con. Res. 169. Concurrent resolution that the President of the United States be urged to bring the force of world opinion to bear on behalf of the restoration of self determination for the peoples of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. MOLLOHAN:

H. Con. Res. 170. Concurrent resolution to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse"; to the Committee on the Judiciary.

By Mr. PODELL:

H. Con. Res. 171. Concurrent resolution to request the Chief Justice of the United States to appear annually before a joint session of the Congress to report on the state of the Federal judiciary; to the Committee on the Judiciary.

By Mr. RARICK:

H. Con. Res. 172. Concurrent resolution expressing the sense of Congress that officers and employees of the Federal Government residing and working in the District of

Columbia should send their children to the public schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROBISON of New York:

H. Con. Res. 173. Concurrent resolution expressing the sense of Congress that the Secretary of the Interior prescribe and implement regulations for the harvesting of Northern fur seals to insure quick and painless death before skinning; to the Committee on Merchant Marine and Fisheries.

By Mr. WOLFF:

H. Con. Res. 174. Concurrent resolution providing for the appointment of a study team to observe the elections in Vietnam in October 1971; to the Committee on Foreign Affairs.

By Mrs. ABZUG:

H. Res. 235. Resolution to provide for an investigation by the Committee on Government Operations of the activities of ground combat forces of the armed services of the United States operating in Laos; to the Committee on Rules.

By Mr. PRICE of Illinois:

H. Res. 236. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct; to the Committee on House Administration.

By Mr. SANDMAN:

H. Res. 237. Resolution: Continued U.S. control of Panama Canal indispensable; to the Committee on Foreign Affairs.

By Mr. SCOTT:

H. Res. 238. Resolution: Continued U.S. control of Panama Canal indispensable; to the Committee on Foreign Affairs.

By Mr. WHALLEY:

H. Res. 239. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 4640. A bill for the relief of Felipe Martin De Abia; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 4641. A bill for the relief of Emanuel Hadji Rahim Torbati; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 4642. A bill for the relief of Francesco Chimienti; to the Committee on the Judiciary.

H.R. 4643. A bill for the relief of Fausto D'Angelo; to the Committee on the Judiciary.

H.R. 4644. A bill for the relief of Teresa Rosa Mirijello; to the Committee on the Judiciary.

H.R. 4645. A bill for the relief of Luisa Pietrangelo; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 4646. A bill for the relief of Mrs. Gavina A. Palacy; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 4647. A bill for the relief of Mario Milloz; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 4648. A bill for the relief of Mrs. Carelena K. Goodman; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 4649. A bill for the relief of Carmela Giordano; to the Committee on the Judiciary.

By Mr. HICKS of Washington:

H.R. 4650. A bill for the relief of Mrs. Hui Cha Lockridge; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 4651. A bill to authorize the Secretary of the Interior to rectify a public land transaction; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 4652. A bill for the relief of Rufino Tomas; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 4653. A bill for the relief of Manuel Gines Potencion; to the Committee on the Judiciary.

H.R. 4654. A bill for the relief of Abran (Amar) Singh; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 4655. A bill for the relief of Mr. Leulumoega Suesue Lutu; to the Committee on the Judiciary.

H.R. 4656. A bill for the relief of Mrs. Corazon Evangeline Quimino; to the Committee on the Judiciary.

By Mr. O'HARA:

H.R. 4657. A bill for the relief of Amprobe Instrument Division of Soss Manufacturing Co.; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 4658. A bill for the relief of PIETRO ADDAMO; to the Committee on the Judiciary.

H.R. 4659. A bill for the relief of Giuseppe Barile; to the Committee on the Judiciary.

H.R. 4660. A bill for the relief of Miss Giuseppa Bulla; to the Committee on the Judiciary.

H.R. 4661. A bill for the relief of Natale J. Colosi; to the Committee on the Judiciary.

H.R. 4662. A bill for the relief of Mr. and Mrs. Alberto Furelli, and their children, Franca and Concesione; to the Committee on the Judiciary.

H.R. 4663. A bill for the relief of Mrs. Maria Gigante; to the Committee on the Judiciary.

H.R. 4664. A bill for the relief of Anthony Hsieh; to the Committee on the Judiciary.

H.R. 4665. A bill for the relief of Mrs. Caridad G. Lorenzana and her two children, Elizabeth and Gerardo; to the Committee on the Judiciary.

H.R. 4666. A bill for the relief of Fausto Lucignani; to the Committee on the Judiciary.

H.R. 4667. A bill for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra; to the Committee on the Judiciary.

H.R. 4668. A bill for the relief of Giuseppe Pecora; to the Committee on the Judiciary.

H.R. 4669. A bill for the relief of Mr. and Mrs. Haim Ribak, and their children, Dvora and Sara; to the Committee on the Judiciary.

H.R. 4670. A bill for the relief of Mrs. Irma Ruggeri; to the Committee on the Judiciary.

H.R. 4671. A bill for the relief of Miss Margherita Russo; to the Committee on the Judiciary.

H.R. 4672. A bill for the relief of Aurelio Tortora; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 4673. A bill for the relief of Albana Parisi; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 4674. A bill for the relief of Angelo Ciro, Benedetta Ciro, and Francesca Ciro; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 4675. A bill for the relief of Miss Loreta Pulzoni; to the Committee on the Judiciary.

H.R. 4676. A bill for the relief of Andrea Sciumbata; to the Committee on the Judiciary.

By Mr. SMITH of California:

H.R. 4677. A bill for the relief of Karnig Vosgueritchian and Sara Vosgueritchian; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 4678. A bill to provide for the free entry of a carillon for the use of the University of California at Santa Barbara; to the Committee on Ways and Means.

By Mr. VAN DEERLIN:

H.R. 4679. A bill for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena; to the Committee on the Judiciary.

H.R. 4680. A bill for the relief of Parvin Gohari; to the Committee on the Judiciary.

H.R. 4681. A bill for the relief of Gloria Harkness; to the Committee on the Judiciary.

H.R. 4682. A bill for the relief of Julita Hepolo; to the Committee on the Judiciary.

H.R. 4683. A bill for the relief of Tam Wai King; to the Committee on the Judiciary.

H.R. 4684. A bill for the relief of Mihalj Mesaros, his wife, Rozalija, his daughter, Lioija, and his son, Robert; to the Committee on the Judiciary.

H.R. 4685. A bill for the relief of Muriel Bertha Reed; to the Committee on the Judiciary.

H.R. 4686. A bill for the relief of Victoria B. Toia and her two minor children, Caterina Toia (age 8) and Antonio Toia (age 6); to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 4687. A bill for the relief of Sister Elisa (Antonietta Frongia) and Sister Maria Claudina (Luciana Cancedda); to the Committee on the Judiciary.

H.R. 4688. A bill for the relief of Morad Rashti; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 4689. A bill for the relief of Yohko Suzuki Reifenberg; to the Committee on the Judiciary.

By Mr. BOGGS:

H. Res. 240. Resolution to refer the bill, H.R. 4473, entitled "A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

22. By the SPEAKER: A memorial of the Legislature of the State of Delaware, relative to calling a convention to propose a constitutional amendment providing for a return of tax moneys from the Federal Government to the several States; to the Committee on the Judiciary.

23. Also, a memorial of the House of Representatives of the State of Washington, relative to the restoration of funds for the Hansford diversification project, Washington; to the Joint Committee on Atomic Energy.

PETITIONS, ETC.

Under clause 1 of rule XXII,

30. The SPEAKER presented a petition of the City Assembly, Ishikawa, Okinawa, relative to the removal of chemical munition from the Ryukyu Islands, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

SUSAN B. ANTHONY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mrs. GRASSO. Mr. Speaker, February is the month in which we commemorate the birthdays of great Americans. On February 15 we honored the birthday of a gallant patriot and crusader, Susan B. Anthony, who was a great leader in the movement for equal rights for women which early in this century culminated in the passage of the 19th amendment to the Constitution granting women the vote.

Armed with great intellectual capabilities, stanch principals, and a solid education, Susan Anthony ventured into early reform activities through the temperance movement. However, on September 8, 1852, she attended her first convention on women's rights which promised to determine her course of action for the remainder of her life. In accordance with her highly moralistic outlook of life, she was an ardent abolitionist who believed in immediate and unconditional emancipation of black people and worked toward that end during the Civil War.

With the end of the war, Susan Anthony began to campaign in earnest for the women's suffrage. Her courage and devotion to the cause soon placed her in the leading ranks of those who dreamed of the day when "the rights of the United States to vote shall not be abridged by the United States or by any State on account of sex."

Though often attacked and derided for her "radical" views, she was regarded by those who knew her best as a woman of great honesty, high moral standards, quick wit, and a hearty sense of humor. Her actions were often dramatic and militant in nature; however, until her death in 1906, she retained a positive outlook toward the future decisionmaking role women would make in our Nation. She felt that women were increasing in strength, self-reliance, independence, perception, and energy.

> The day will come when men will recognize women as their peers, not only at the fireside, but in the councils of the nation. Then, and not until then, will there be the perfect comradeship, the ideal union between the sexes, that shall result in the highest development of the—human—race.

The contributions of Susan B. Anthony to equal rights for all our people are immeasurable. Her final goal was not women's suffrage; but she hoped the franchise would serve as a catalyst toward the time when women, and all other people in our society, obtain complete equality. That time has not yet come. Those of us today who are concerned with social, economic, and personal equality will do well to be mindful of Susan B. Anthony's fearless dedication and strong will as we embark on a future course filled with anxiety but laden with promise.

CONSUMER PROTECTION AGENCY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ROSENTHAL. Mr. Speaker, I have reintroduced today, with 133 Democratic cosponsors, my bill to establish an independent Consumer Protection Agency.

Today's bills are identical with H.R. 14, H.R. 15, and H.R. 16 introduced on January 21, 1971, by me, Mrs. FLORENCE DWYER, of New Jersey, and Mr. HOLIFIELD, of California, respectively. These bills, in turn, are identical to the version considered late last Congress by the House Rules Committee.

I expect the Government Operations Committee, of which I am a member, to act positively once again on this legislation early in this session. I am confident that the committee will approve this bill very rapidly and send it to the floor of the House for final action.

The needs of the American consumer have been delayed too long, Mr. Speaker. Yet until he has proper representation in Washington, the consumer will never receive the fair treatment by Government agencies which he merits. The testimony today of a majority of House Democrats who cosponsor this bill confirms my own judgment that the time has arrived with the 92d Congress for decisive action on the consumer's behalf.

Mrs. DWYER, ranking minority member of the Government Operations Committee, is seeking Republican support for this bill also. Our bipartisan effort of the last Congress will be carried forward in this session of the 92d Congress.

I include below a summary of this legislation, a background paper on its development, and a list of today's cosponsors:

SUMMARY OF THE CONSUMER PROTECTION ORGANIZATION ACT OF 1971, H.R. 18214 IN THE 91ST CONGRESS

To establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency, in order to secure within the federal government effective protection and representation of the interests of consumers.

[H.R. 18214 was a clean bill ordered reported by the House Committee on Government Operations in the second session of the 91st Congress. It was introduced by Representatives Benjamin S. Rosenthal and Florence P. Dwyer and co-sponsored by 31 members of the Committee. Hearings were held by the Subcommittee on Executive and Legislative Reorganization in September and November 1969 and in April 1970 and published under the title "Organizing Federal Consumer Activities" (Parts I and II).]

STATEMENT OF FINDINGS

The Congress finds that the interests of the American consumer are inadequately represented and protected within the federal government; and that vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free market economy.

Title I—Office of Consumer Affairs

An Office of Consumer Affairs, headed by a Director appointed by the President and confirmed by the Senate, is established in the Executive Office of the President.

Functions:

Coordinate the consumer programs and activities of all federal agencies in order to achieve effectiveness and avoid duplication;

Advise the President and assist in the development of consumer programs;

Assure that the interests of consumers are taken into consideration by federal agencies in the formulation of policies and in the operation of programs;

Submit recommendations to the Congress and the President on improvement of consumer programs and activities;

Conduct conferences and studies concerning the needs of consumers;

Encourage and coordinate consumer education programs;

Publish information of value to consumers;

Publish a Consumer Federal Register in advance of federal agency actions of importance to the consuming public.

Title II—Consumer Protection Agency

An independent Consumer Protection Agency, headed by an Administrator appointed by the President and confirmed by the Senate, is established in the Executive Branch.

Functions:

Formally represent the interest of consumers in proceedings before federal agencies and courts;

Encourage and support research, studies and testing leading to a better public understanding of consumer products and consumer information;

Submit recommendations to the Congress and the President on improving the operation of federal consumer programs;

Conduct surveys and investigations concerning the needs and problems of consumers which do not duplicate activities of other federal agencies;

Continue the work of the National Commission on Product Safety.

Representation of Consumers: Before federal agencies, the Consumer Protection Agency is authorized to represent consumers as a party on matters which do not involve an adjudication solely for the purpose of imposing a fine, penalty or forfeiture for an alleged violation of any statute of the United States. On matters which do involve an adjudication for such a sole purpose, the Agency may certify evidence and information, but not as a party to the proceedings.

Before federal courts, the Agency may only certify evidence and information, but not intervene as a party. But the Agency may initiate a judicial review of an agency proceeding to which it was a party, when a right of review is otherwise accorded by statute.

The Agency is authorized to request a federal agency to initiate an investigation, hearing or other proceeding as may be authorized by law with respect to such agency.

Consumer Complaints: When consumer complaints are received or developed by the Office or Agency, such action may be taken as is within the authority of each. If the complaint is referred to another federal agency, the nature of the action taken thereon shall be ascertained. Duplication by the Agency and the Office in the handling of complaints is specifically prohibited.

A public document room will be maintained by the Agency alone for public inspection of complaints. The Agency shall promptly notify producers and vendors of all complaints concerning them received or developed. A complaint can only be made available for public inspection with the permission of the complainant and after the party complained against has had a reasonable time, but not less than 60 days, to comment.

Consumer Information and Testing: The Agency and the Office shall develop on their own initiative, gather from other sources and disseminate to the public, information of general value to consumers.

The Agency shall have primary responsibility for disseminating to the public, consumer information in the possession of other federal agencies, including the results of relevant tests performed by those agencies on consumer products.

The Agency alone can request other federal agencies with testing capabilities to test consumer products for performance, but only when the results of those tests relate (1) to matters of product safety and (2) to data needed by the Agency for purposes of representing the interests of consumers before other federal agencies.

The Agency may not declare one product to be better, or a better buy than any other product. In the dissemination of any test results which disclose product names, it shall be made clear, if such is the case, that not all products of a competitive nature have been tested and that there is no intent or purpose to rate products tested over those not tested or to imply that those tested are superior or preferable in quality over those not tested.

Consumer Safety: The Agency alone is directed to carry out on a continuing basis the functions and duties exercised by the now-defunct National Commission on Product Safety.

Consumer Advisory Council: A 15-member Council composed of private citizens, knowledgeable and experienced in the area of consumer affairs, is established. Members appointed shall be paid on a per diem basis only for those days on which they actively serve.

The Council will assure citizen participation in the federal consumer protection apparatus and will advise the Agency and Office on consumer matters.

BACKGROUND OF THE CONSUMER PROTECTION ACT OF 1971

I. HISTORY OF THE BILL

A. In the early 1960's, Senator Estes Kefauver proposed the establishment of a cabinet-level Department of Consumer Affairs which would have assumed, under one roof, many of the major consumer programs now administered elsewhere. Kefauver's proposal enjoyed the support of Senator Hubert Humphrey and Speaker John McCormack.

In the 88th Congress, Congressman Benjamin S. Rosenthal introduced a Department of Consumer Affairs Bill with approximately a dozen cosponsors. By the 91st Congress, close to 100 members had cosponsored the legislation. Extensive hearings were held in September and October 1969 and April 1970.

B. After hearings were concluded in the 91st Congress, Congressman Rosenthal created, together with a substantial number of outside experts, a new bill to establish an independent Consumer Protection Agency and a White House Consumer Office. The cabinet-level department approach was abandoned because of convincing evidence that such a department would focus the activities of industry and special-interest lobbyists on the single agency and would generate needless opposition by other federal agencies who would oppose transfer of some of their functions to the new department.

Also, a cabinet Department with regulatory functions could not *advocate* the consumer's interest; instead, it would, like other regulatory consumer agencies, be required to balance consumers" interests with those of other groups. Advocacy before all agencies is now the heart of the new proposal.

II. HOW THE CONSUMER AGENCY AND OFFICE WILL HELP THE AMERICAN CONSUMER

Establishing both an independent Consumer Protection Agency and a White House Consumer Office (but with explicit provisions against duplication and overlap) recognizes the need for a different institutional response to the two major weaknesses of federal consumer protection—

First, the almost total absence of spokesmen for the consumer before federal agencies and courts when decisions are made affecting the consumer interest (An example: AT&T's lawyers, economists, and statisticians presented the request to the FCC for an increase in long distance telephone rates. Consumers had no such representation when FCC approved a $250 annual increase);

Second, the incredible lack of coordination and overview of the 500 fragmented consumer programs administered by 36 federal departments and agencies.

Only an independent Consumer Protection Agency, insulated from the political pressures and considerations found inside the White House, can successfully intervene before federal agencies on controversial matters. Only an independent Agency could successfully release product test information to the public and continue the vital work of the National Commission on Product Safety.

On the other hand, only a White House Office, speaking for the President and his managers, could successfully coordinate programs administered by cabinet officers and agency heads.

III. WHO IS FOR THE CONSUMER PROTECTION ACT OF 1971?

This bill has the support of educators, State and local consumer officials, of Ralph Nader, Betty Furness, Esther Peterson, Bess Meyerson Grant, and of progressive corporate leaders. Consumers Union, publisher of *Consumer Reports*, Consumer Federation of America, and many other consumer groups support the measure.

IV. EDITORIAL SUPPORT FOR THE CPA BILL

"The Washington Post, 10/30/70: The President blamed certain unnamed congressmen for blocking consumer legislation. Actually, the two most important pieces of consumer help now in the works are the Rosenthal-Dwyer bill and one on class action suits; the administration has been working against both."

"Editorial, 'Consumer Crossroads,' the New York Times, 6/29/70: "The failure for many years . . . to turn out safe products, and the inability of traditional Government Agencies to protect the public from resultant accidents and deaths, are leading to a legislative crossroad."

* * * *

"Sponsored by Representatives Rosenthal of New York and Dwyer of New Jersey, the House bill would create an independent Consumer Protection Agency, encompassing product safety and other aspects of consumer affairs . . . Now there is a chance for Congress to establish an independent Agency with full powers to represent all Americans in their year-round role, regardless of income or station, as consumers."

"Editorial, 'Consumer Victory,' St. Louis (Mo.) Post Dispatch, 7/29/70: "After a nine month deadlock, a House subcommittee has finally reported out a consumer protection bill that ranks as one of the most promising pieces of legislation in the field . . . The Nixon Administration is opposed to the measure, which is not surprising; its consumer advocacy has been pretty well confined to rhetoric."

DEMOCRATIC COSPONSORS OF CONSUMER PROTECTION ACT OF 1971, FEBRUARY 17, 1971

REPRESENTATIVES

Abourezk of South Dakota, Abzug of New York, Adams of Washington, Addabbo of New York, Anderson of California, Anderson of Tennessee, Annunzio of Illinois, Ashley of Ohio, Aspin of Wisconsin, Badillo of New York, Barrett of Pennsylvania, Begich of Alaska, Bergland of Minnesota, Biaggi of New York, and Bingham of New York.

Blatnik of Minnesota, Boland of Massachusetts, Brademas of Indiana, Brasco of New York, Brooks of Texas, Burke of Massachusetts, Burton of California, Carey of New York, Carney of Ohio, Celler of New York, Chisholm of New York, Clark of Pennsylvania, Clay of Missouri, Collins of Illinois, and Conyers of Michigan.

Corman of California, Cotter of Connecticut, Culver of Iowa, Daniels of New Jersey, Danielson of California, Denholm of South Dakota, Dellums of California, Dent of Pennsylvania, Diggs of Michigan, Dingell of Michigan, Donohue of Massachusetts, Dow of New York, Drinan of Massachusetts, Dulski of New York, and Eckhardt of Texas.

Edwards of California, Eilberg of Pennsylvania, Fascell of Florida, Flood of Pennsylvania, Ford of Michigan, Fraser of Minnesota, Fulton of Tennessee, Gallagher of New Jersey, Garmatz of Maryland, Gaydos of Pennsylvania, Gibbons of Florida, Gonzalez of Texas, Grasso of Connecticut, Gray of Illinois, and Green of Pennsylvania.

Hanley of New York, Hansen of Washington, Harrington of Massachusetts, Hathaway of Maine, Hawkins of California, Hechler of West Virginia, Helstoski of New Jersey, Hicks of Massachusetts, Holifield of California, Howard of New Jersey, Jacobs of Indiana, Johnson of California, Karth of Minnesota, Kastenmeier of Wisconsin, and Kluczynski of Illinois.

Koch of New York, Leggett of California, Link of North Dakota, Long of Maryland, Macdonald of Massachusetts, Madden of Indiana, Matsunaga of Hawaii, Mazzoli of Kentucky, McFall of California, McCormack of Washington, Meeds of Washington, Mikva of Illinois, Minish of New Jersey, and Mink of Hawaii.

Mitchell of Maryland, Moorhead of Pennsylvania, Morgan of Pennsylvania, Moss of California, Murphy of New York, Murphy of Illinois, Nedzi of Michigan, Nix of Pennsylvania, O'Neill of Massachusetts, Patten of New Jersey, Pepper of Florida, Perkins of Kentucky, Pike of New York, Podell of New York, and Price of Illinois.

Pucinski of Illinois, Rangel of New York, Rees of California, Reuss of Wisconsin, Rodino of New Jersey, Roe of New Jersey, Roncalio of Wyoming, Rooney of Pennsylvania, Rosenthal of New York, Rostenkowski of Illinois, Roybal of California, Ryan of New York, Sarbanes of Maryland, Scheuer of New York, and Seiberling of Ohio.

Smith of Iowa, Stanton of Ohio, Stokes of Ohio, Symington of Missouri, Thompson of New Jersey, Tiernan of Rhode Island, Udall of Arizona, Van Deerlin of California, Vanik of Ohio, Waldie of California, Charles Wilson of California, Wolff of New York, Yates of Illinois, Yatron of Pennsylvania, and Zablocki of Wisconsin.

U.S. ARMY SURRENDERING TO INFILTRATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. RARICK. Mr. Speaker, the way things are going, President Nixon may not only be the first President in the history of the United States to lose a war, but he will be the first President in our history to lose an army.

The Army has already lost its mission. Its primary function now appears to be a sensitivity training exercise to bring about the new American revolution of racial equality, brotherhood, and tolerance. Afro-American haircuts, Communist clench-fist salutes, human relations staff officers, and guidelines for dissent, even servicemen's unions are all sought as justified under the permissive philosophy of making the Army more acceptable to the derelicts of our society.

From the Secretary of Defense and the Chief of Staff on down through the Judge Advocate General, the wars in Vietnam and Korea take second place to the new race wars caused by a handful of undisciplined soldiers who not only are ineffective as fighting men but who damage the entire morale of our military force. Yet our commanders, if they are still in command, seem only determined to further reduce the effectiveness of our troops by appearing and surrendering to this motley minority. The more control they surrender and the more insubordination they tolerate, the less effective the Army becomes. Yet those in command who should know better, in their dedicated efforts for change, must now share in the responsibility of destroying the morale and acceptability of military life to the dedicated soldier. They cannot suppress all the reports. Nor can they correct a situation when thus far every retreat from discipline but provokes new problems rather than offer solutions.

The Army now announces that, because of the lack of control over its command, it is going to spend $3 million defense dollars in network television time. Yet, at the same time the Continental Army Command—Conarc—last month issued a message to all departments that, first, consider leadership in operating successful equal opportunity programs as a criterion in the evaluation for promotion of military and civilian officials: and, second, impose effective sanctions for noncompliance against officials who fail to produce satisfactory results, that good performance or bad performance in the equal opportunity area is a basis for promotion or nonpromotion of the individual.

Integrated housing, including off-base and integrated public facilities, also seem to be the order of the day. Even when the soldier is off duty he is to be denied his constitutional right of freedom of association.

While this stringent deprivation of the constitutional rights of service personnel is being imposed under the veneer of equal employment opportunity, in the Army, the white-led NAACP shows up in Germany demanding that grievances of black enlisted men in the U.S. Army must be redressed if the United States is going to maintain an effective force in Europe. This is being done with full knowledge that there has been no effective force in Europe since the services were integrated and the men's cultural differences thrown into conflict by close contact.

A more thorough understanding of the background of the race problem confronting every unit commander must necessarily entail a study of the infamous report compiled by Abe Fortas, once a Federal judge, and by Chairman Gesell, still a Federal judge in Washington, D.C., for the then Secretary of Defense Robert Strange McNamara—(see E9749 Nov. 18, 1969)—and the ridiculous military order of the Secretary of the Army, Stanley Resor. Mr. Resor's philosophy on how to destroy a competent military force must be shared by both the present and preceding Presidents since he remains in power. Yet, the guidelines of dissent and new freedoms, a young southerner, Capt. Jerry Lane Finley, discovered does not extend the privilege of freedom of association secured under the U.S. Constitution which a soldier must swear to uphold and defend.

The present policies and practices being undertaken by the Defense Department and Chief of Staff down through and including his Judge Advocate General, Kenneth J. Hodson, may well recruit them a new Army if they only seek numbers of bodies, but it will not be an Army of soldiers interested in defending the United States and continuing the individual liberties secured by the Constitution. It is fast deteriorating into an ineffective mass, composed of pinks, perverts, panty waists, and punks.

It is a sad day for the American people who are faced with the greatest external and internal enemies in our history, when those in leadership positions would surrender their own army by allowing themselves to become infiltrated, thus losing their capability.

A volunteer army? What thinking, decent, patriotic American would want to freely join such a degenerate organization?

I include newsclippings and related documents, as follows:

ARMY BUYS TV TIME TO ATTRACT ENLISTEES

NEW YORK, February 12.—The U.S. Army is making heavy and unprecedented purchases of network commercial time for a recruiting campaign aimed at this spring's graduates.

The purchases at ABC, CBS and NBC are estimated to exceed $3 million.

No network or advertising source could recall the Army ever before buying network time. In the past the Army had relied upon public service donations of time by local stations.

The Army purchased over $1 million in time at CBS for commercials on the air from March 9 through the end of May. The shows include "Mannix," "Mission: Impossible," "Gunsmoke," "Hee Haw," the Thursday and Friday Night Movies and various sports coverage.

At ABC, an estimated $750,000 in time includes the Sunday and Monday night movies, the Movie of the Week, "Room 222," "Love American Style" and sports.

The purchases at NBC were said to be comparable to the other networks, but the only confirmed show was "The Bold Ones" for 30 seconds May 23.

[From the San Francisco Chronicle, Jan. 9, 1971]

EQUALITY MOVE ON GI PROMOTIONS

BONN.—The U.S. Army in Europe said yesterday it has issued an order insuring racial balance on boards deciding whether enlisted men are promoted.

The order was issued to meet black GIs' complaints they find it hard to get noncommissioned officer rank.

An Army spokesman said that 14 percent of the 185,000 troops in the command are black and that minority representation on promotion review boards was ordered to equalize the system.

A team led by Frank W. Render, deputy assistant defense secretary for equal opportunity, made a tour of army bases in Germany, Britain, Spain and Italy last year and reported black GIs were dissatisfied with their rate of promotion.

"Statistics indicate there are some obvious discrepancies in numbers and percentages of blacks and their distribution at various levels even when comparing individuals with similar records and equal time in service," Render reported.

The boards affected are those selecting men for promotion to grades E-5 and E-6—sergeant and staff sergeant. Men proposed for promotion appear in person before such boards, which are made up of both officers and noncommissioned officers.

[From the Washington Post, Feb. 13, 1971]

NAACP DECRIES DISCRIMINATION IN W. GERMANY

FRANKFURT, WEST GERMANY, February 12.—An investigating team of the National Association for the Advancement of Colored People reported today that the grievances of black enlisted men in the U.S. Army "must be redressed if the United States is going to maintain an effective force in Europe."

It had harsh words for the racial attitude of many Germans and the discrimination suffered by black soldiers here. It also reported favorably about the attitudes of many senior U.S. officers.

The three-man panel released preliminary conclusions at the end of a 2½ week tour of nearly a dozen Army and Air Force installations throughout West Germany and in West Berlin.

Nathaniel Jones, general counsel for the NAACP and the leader of the group, told a news conference a more comprehensive statement and recommendations would be released later by the association's executive director, Roy Wilkins.

DEPARTMENT OF THE ARMY,
Fort Sheridan, Ill., January 13, 1971.

Subject: Department of Defense Policy on Equal Opportunity.

CONARC message, DTG 052215Z, January 1971, is quoted, in part, for information and compliance.

"A new Department of Defense directive now gives authority to commanders at military installations in the Continental United States to initiate action to oppose and overcome discriminatory practices and impose appropriate restrictions in housing discrimination cases. They can also impose the off-limits sanction in other discrimination cases including clubs or retail establishments that cater to service personnel. The Department of Defense directive (1100.15. dated December 14, 1970). reinforces the strong feeling of Secretary of Defense Melvin R. Laird on the subject of equal opportunity and makes clear where the responsibility lies, as well as those who are accountable for results. Assistant Secretary of Defense for Manpower and Reserve Affairs, Roger T. Kelley, and Deputy Assistant Secretary of Defense for Equal Opportunity, Frank Render II, explained the new directive at a Pentagon news conference about two weeks ago (December 17, 1970).

"The first question asked was: In regards to base housing . . . 'Does that mean that commanders in the overseas areas, for example, Germany, would be able to declare housing in a German community off-limits?' Secretary Kelley's answer was, 'No, it does not. This pertains to CONUS.' He added, 'It is a significant problem and it is a problem that has to be dealt with, with a great deal of consciousness to national mores and customs which are not always compatible with ours in the United States. The base commander, in the case of overseas commander, would be expected to consult with his superiors before taking any such action.'

"Mr. Kelly said he was directed to examine defense policies in the field of equal opportunity and minority employment and to make recommendations and such changes as were needed to make equal opportunity a reality and not just an ideal in the Defense Department. He said he found several things in need of correction. 'For one, I found the need to develop in a single statement the policy positions of the Department relative to the various dimensions of equal opportunity: equal opportunity in the military membership of the armed forces; equal opportunity in the civilian employment and, finally, the standards of equal opportunity relative to contracts compliance, those contractors—over 10,000—employing over 15 million people who do business with the Department. We found also a need to establish, with a directive, the requirement that both within the military and the civilian organization there should be strong, positive, affirmative action programs, and that a special feature of those affirmative action programs would be the utilization of numerical goals and timetables. We believe that to be effective managers in the area of equal opportunity we have to qualify our goals relative to minority employment in areas that we find ourselves to be deficient, that is to say, areas in which we under-employ minorities. We believe, we don't drift aimlessly from one year to the next without accomplishing things and without making clear progress. A third and very important need that I found in the examination of our policies was to hold the service secretaries and the directors of the principal agencies of defense responsible for results and accountable for results . . . Finally, the new directive incorporates an authority which enables base commanders to act on their own authority to declare off-limits any housing unit, any club or retail establishment that caters to service personnel which is found to discriminate on racial grounds against any military members. Under previous authorities it was necessary for base commanders to refer such problems to the Secretary of Defense. This caused unnecessary delays in acting, it was explained, and it clearly weakened the authority and the clout that the base commander would otherwise have in dealing with these matters. The new directive contains two new policies:

" '1. Consider leadership in operating successful equal opportunity programs as a criterion in the evaluation for promotion of military and civilian officials.

" '2. Impose effective sanctions for noncompliance against officials who fail to produce satisfactory results, and for similar failures by business firms, recommend the imposition of sanctions as prescribed by existing directives. Secretary Kelley noted . . . they were incorporated in the directive to make it perfectly clear that good performance or bad performance in the equal opportunity area is a basis for promotion or non-promotion of the individual. And to make it additionally clear that failure to step up to the responsibilities that are defined in this directive (1100.15) would be cause for taking appropriate action against the individual. Appropriate action could mean removal of the individual from his command post. Regarding the equal opportunity situation overseas, a report by Mr. Render to the Secretary of Defense explained what a task group had found during a visit to European military installation between September 12-October 7.

" 'The visit was termed successful and its purpose was to chronicle the facts concerning US Military race relations in Europe. More than 5,600 military personnel and dependents were involved in seminars, open discussion groups, and personal conversations during the visit, the report states. In the report, Mr. Render said a dramatic turnaround of behavior and attitudes in the area of race relations is imperative in the military services if we are to maintain highly effective combat and support-oriented units that are prepared for their primary mission. At another point in his letter to the Secretary of Defense, Mr. Render noted the situation as critical and said at this point in time the problems that we do find among our service personnel related to human rights, equal opportunity, and race relations are critical and must be addressed with unusual expedience. We recognize the fact that our personnel, to a great degree, reflect the attitudes and mores of our civilian society.

" 'However, with the type of control and the structure of the military establishment, we should again take the lead in providing for the rest of the country the methodology and performance in this area which will result in the obliteration of the problems. . . . Mr. Render made two suggestions—one a long range plan and the other short-range. Long range—an all-service educational program in race relations should go into effect sometime in 1971. Instruction should be provided for all military personnel from generals to recruits in this very sensitive area. There is general agreement on the need for such a massive program. Time would be required to work out such a program jointly with the services. Short range—there is an immediate requirement for direction in no uncertain terms in all of the services to provide for an aggressive, affirmative operation in the area of equal opportunity which will affect all personnel in a postive way. There is an immediate requirement to eliminate known discrepancies in promotions of personnel, in the administration of military justice, in job assignments, and to eliminate discrimination in housing and public accommodations and in other areas of keen sensitivity. There is also an immediate requirement to open and strengthen communications in all directions.' "

BLOUNT J. HALL.

[From the CONGRESSIONAL RECORD, Oct. 2, 1970]

GUIDANCE ON DISSENT

1. In the past few weeks there have been press reports suggesting a growth in dissent among military personnel. Questions have been raised concerning the proper treatment of manifestations of soldier dissent when they occur. The purpose of this letter is to provide general guidance on this matter. Specific dissent problems can, of course, be resolved only on the basis of the particular facts of the situation and in accordance with provisions of applicable Army regulations.

2. It is important to recognize that the question of "soldier dissent" is linked with the Constitutional right of free speech and that the Army's reaction to such dissent will—quite properly—continue to receive much attention in the news media. Any action taken at any level may therefore reflect—either favorably or adversely—on the image and standing of the Army with the American public. Many cases involve difficult legal questions, requiring careful development of the factual situation and application of various constitutional, statutory, and regulatory provisions (See Appendix A). Consequently, commanders should consult with their Staff Judge Advocates and may in appropriate cases confer with higher authority before initiating any disciplinary or administrative action in response to manifestations of dissent. The maintenance of good order and discipline and the performance of military missions remains, of course, the responsibility of commanders.

3. "Dissent," in the literal sense of disagreement with policies of the Government, is a right of every citizen. In our system of government, we do not ask that every citizen or every soldier agree with every policy of the Government. Indeed, the First Amendment to the Constitution requires that one be permitted to believe what he will. Nevertheless, the Government and our citizens are entitled to expect that, regardless of disagreement, every citizen and every soldier will obey the law of the land.

4. The right to express opinions on matters of public and personal concern is secured to soldier and civilian alike by the Constitution and laws of the United States. This right, however, is not absolute for either soldier or civilian. Other functions and interests of the Government and the public, which are also sanctioned and protected by the Constitution, and are also important to a free, democratic and lawful society, may require reasonable limitations on the exercise of the right of expression in certain circumstances. In particular, the interest of the Government and the public in the maintenance of an effective and disciplined Army for the purpose of National defense justifies certain restraints upon the activities of military personnel which need not be imposed on similar activities by civilians.

5. The following general guidelines are provided to cover some of the manifestations of dissent which the Army has encountered.

(a) *Possession and distribution of political materials*.—(1) In the case of publications distributed through official outlets such as Post Exchanges and Post Libraries, a commander is authorized to delay distribution of a specific issue of a publication in accordance with the provisions of para. 5-5 of AR 210-10. Concurrently with the delay, a commander must submit a report to the Department of the Army, ATTN: CINFO. A commander may delay distribution only if he determines that the specific publication presents a clear danger to the loyalty, discipline, or morale of his troops.

(2) In the case of distribution of publications through other than official outlets, a commander may require that prior approval be obtained for any distribution on post. Distribution without prior approval may be prohibited. A commander's denial of authority to distribute a publication on post is subject to the procedures of para. 5-5, AR 210-10, discussed above.

(3) A commander may not prevent distribution of a publication simply because he does not like its contents. All denials of permission for distribution must be in accordance with the provisions of para. 5-5, AR 210-10. For example, a commander may prohibit distribution of publications which are obscene or otherwise unlawful (e.g., counselling disloyalty, mutiny, or refusal of duty). A commander may also prohibit distribution if the manner of accomplishing the distribution materially interferes with the accomplishment of a military mission (e.g., interference with training or troop formation).

In any event, a commander must have cogent reasons, with supporting evidence, for any denial of distribution privileges. The fact that a publication is critical—even unfairly critical—of government policies or officials is not in itself, a grounds for denial.

(4) Mere possession of a publication may not be prohibited; however, possession of an unauthorized publication coupled with an attempt to distribute in violation of post regulations may constitute on offense. Accordingly, cases involving the possession of several copies of an unauthorized publication or other circumstances indicating an intent to distribute should be investigated.

(b) *Coffee Houses.*—The Army should not use its off-limits power to restrict soldiers in the exercise of their Constitutional rights of freedom of speech and freedom of association by barring attendance at coffee houses, unless it can be shown, for example, that activities taking place in the coffee houses include counselling soldiers to refuse to perform duty or to desert, or otherwise involve illegal acts with a significant adverse effect on soldier health, morale or welfare. In such circumstances, commanders have the authority to place such establishments "off limits" in accordance with the standards and procedures of AR 15-3. As indicated, such action should be taken only on the basis of cogent reasons, supported by evidence.

(c) *"Servicemen's Union".*—Commanders are not authorized to recognize or to bargain with a "servicemen's union." In view of the constitutional right to freedom of association, it is unlikely that mere membership in a "servicemen's union" can constitutionally be prohibited, and current regulations do not prohibit such membership. However, specific actions by individual members of a "servicemen's union" which in themselves constitute offenses under the Uniform Code of Military Justice or Army regulations may be dealt with appropriately. Collective or individual refusals to obey orders are one example of conduct which may constitute an offense under the Uniform Code.

(d) *Publication of "Underground Newspapers".*—Army regulations provide that personal literary efforts may not be pursued during duty hours or accomplished by the use of Army property. However, the publication of "underground newspapers" by soldiers off-post, on their own time, and with their own money and equipment is generally protected under the First Amendment's guarantees of freedom of speech and freedom of the press. Unless such a newspaper contains language, the utterance of which is punishable under Federal law (e.g., 10 U.S.C. Sec. 2387 or the Uniform Code of Military Justice), authors of an "underground newspaper" may not be disciplined for mere publication. Distribution of such newspapers on post is governed by para. 5-5, AR 210-10, discussed in para. 5a above.

(e) *On-Post Demonstrations by Civilians.*—A commander may legally bar individuals from entry on a military reservation for any purpose prohibited by law or lawful regulation, and it is a crime for any person who has been removed and barred from a post by order of the commander to re-enter. However, a specific request for a permit to conduct an on-post demonstration in an area to which the public has generally been granted access should not be denied on an arbitrary basis. Such a permit may be denied on a reasonable basis such as a showing that the demonstration may result in a clear interference with or prevention of orderly accomplishment of the mission of the post, or present a clear danger to loyalty, discipline, and morale of the troops.

(f) *On-Post Demonstrations by Soldiers.*—AR 600-20 and 600-21 prohibit all on-post demonstrations by members of the Army. The validity of these provisions is currently being litigated. Commanders will be advised of the results of this litigation.

(g) *Off-Post Demonstrations by Soldiers.*—AR 600-20 and 600-21 prohibit members of the Army from participating in off-post demonstrations when they are in uniform, or on duty, or in a foreign country, or when their activities constitute a breach of law and order, or when violence is likely to result.

(h) *Grievances.*—The right of members to complain and request redress of grievances against actions of their superiors is protected by the Inspector General system (AR 20-1) and Article 138, UCMJ. In addition, a soldier may petition or present any grievance to any member of Congress (10 U.S.C. Sec. 1034). An open door policy for complaints is a basic principle of good leadership, and commanders should personally assure themselves that adequate procedure exist for identifying valid complaints and taking corrective action. Complaining personnel must not be treated as "enemies of the system." Even when complaints are unfounded, the fact that one was made may signal a misunderstanding, or a lack of communication, which should be corrected. In any system as large as the Army, it is inevitable that situations will occur giving rise to valid complaints, and over the years such complaints have helped to make the Army stronger while assuring compliance with proper policies and procedures.

6. It is the policy of the Department of the Army to safeguard the service member's right of expression to the maximum extent possible, and to impose only such minimum restraints as are necessary to enable the Army to perform its mission, in the interest of National defense. The statutes and regulations referred to above (as well as some other provisions of law and regulations) are concerned with these permissible restraints and authorize a commander to impose restrictions on the military members right of expression and dissent, under certain circumstances. However, in applying any such statutes and regulations in particular situations, it is important to remember that freedom of expression is a fundamental right secured by the Constitution. Furthermore, it is important to remember that the Commander's responsibility is for the good order, loyalty and discipline of all his men, Severe disciplinary action in response to a relatively insignificant manifestation of dissent can have a counter productive effect on other members of the Command, because the reaction appears out of proportion to the threat which the dissent represents. Thus, rather than serving as a deterrent, such disproportionate actions may stimulate further breaches of discipline. On the other hand, no Commander should be indifferent to conduct which, if allowed to proceed unchecked, would destroy the effectiveness of his unit. In the final analysis no regulations or guidelines are an adequate substitute for the calm and prudent judgment of the responsible commander.

7. The mission of the Army is to execute faithfully, as ordered, policies and programs established in accordance with law by duly elected and appointed Government officials. Unquestionably, the vast majority of service members are prepared to do what is required of them to perform that mission, whether or not they agree in every instance with the policies the mission reflects.

By order of the Secretary of the Army.

KENNETH G. WICKHAM,
Major General, USA,
The Adjutant General.

(Sent to Commanders in Chief, U.S. Army, Europe, U.S. Army, Pacific; Commanding Generals, U.S. Continental Army Command, U.S. Army Materiel Command, U.S. Army Air Defense Command, U.S. Army, Alaska; Commander, U.S. Army Forces Southern Command; copies furnished to Commanding Generals, CONUS Armies, Military District of Washington, U.S. Army.)

UNIFORMED SERVICES RETIREMENT PAY EQUALIZATION ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ANDERSON of California. Mr. Speaker, in 1969, I introduced a bill in behalf of our military retirees which would amend title 10 of the United States Code to equalize the retirement pay of members of the uniform services of equal rank and years of service.

Today, I am introducing an identical bill, H.R. 4330, which would allow the armed services of the United States to honor a moral obligation to retired servicemen.

Equalization of retired pay would reinstate the pre-1958 system of basing retired pay on current active duty pay scales. Ever since 1958, when the system was switched, a serviceman who retires keeps getting the same pay as long as he lives, except for periodic cost-of-living adjustments.

As a consequence, a tremendous gap in retired pay has grown over the past 12 years between retirees of the same grade and years of service. In short, it has created a marked inequality among peers—an inequality that will continue to widen unless Congress restores the traditional system of computing retired pay on the basis of current active duty rates.

Until 1958, retired pay was tied directly to active duty pay and when active duty members received a pay increase, retired members did likewise. In 1958, Congress increased active duty pay by 10 percent, but retired pay by only 6 percent. Then in 1963, Congress tied future retired pay increases to a raise in the cost-of-living index as maintained by the Department of Labor.

Since each retired member's pay is based upon the pay scale at the time of his retirement, a situation arises whereby retirees at the same grade and years of service draw different rates of pay, depending upon the date of retirement.

The ironic twist to this situation is that these men and women enlisted over the years on the assurance of the pre-1958 retirement system. They were promised that, although active duty pay was low, a meaningful retired pay system would help offset the cleavage between civilian and military pay. These service veterans surely fulfilled their part of the bargain—they gave long years of faithful, devoted service in war and peace.

Last year, the late Chairman Mendel Rivers requested departmental reports on the bills which would reestablish a more liberal statutory formula for providing increases in military retired pay. Upon receiving the administration's negative response, Chairman Rivers stated that—

> The report of the Department has killed the last hope military retirees had for return to the recomputation principle.

Mr. Speaker, I, too, was disappointed in the administration's refusal to support reestablishment of the recomputation principle in military retired pay. However, this is a new year, and the President has presented a new budget. Thus, I am hopeful that the administration will change its position and endorse H.R. 4330 which is so necessary to remedy this injustice to our retired military personnel.

NATIONAL NEGRO HISTORY WEEK

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mrs. GRASSO. Mr. Speaker, to have a sense of identity, to take pride in that identity, and to help others understand the sources of that pride—these alone would justify the annual observance of National Negro History Week. This celebration each year of the significant achievements of black Americans occurs during the week surrounding February 14, the birthday of one of the great champions of the Negro in America, Frederick Douglass. Belatedly, Americans have come to recognize the vital part played not only in our own national history but in the history of the larger world community by the black man and woman, a part which deserves to be known and honored by all our people.

Nearly half a century has passed since Carter G. Woodson, an ex-coal miner and schoolteacher whose life was dedicated to the cause of black history, initiated Negro History Week in 1926. Its chief proponent has been the Association for the Study of Negro Life and History, which Woodson had founded as early as 1915.

In the years of struggle since the first celebration of Negro History Week, blacks in America have inched closer to the fulfillment of our national ideals of liberty and justice. There is still much more to be done. However, a significant element in this movement has been the growing recognition by all Americans of the achievements of black men and women from early human progress through modern civilization.

Negro History Week has emphasized both the tragic and hopeful aspects of the black experience in America—the role of blacks in the building of American society, a role long neglected and often ignored. We have seen the Negro as a presence in this land from the very beginning, in 1619 at Jamestown. We have become increasingly aware of black contributions to the arts and sciences and to every area of human life. Black pioneers, explorers, and scholars have taken their rightful, if belated, place in American legend and lore. A new respect, born of understanding, has marked our common awareness of the black American heritage in the rich cultural history of Africa.

The purpose of National Negro History Week, then, is not only to set the record straight, to redress past grievance, but also to inspire all Americans, black and white, with a new sense of the richness and diversity of America. The elements of abiding strength which black Americans—more secure in their rights, proud of their identity, informed of their heritage—persistently demonstrate, continue to contribute to the quality of life in our land.

FREEDOM—OUR HERITAGE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. SCHWENGEL. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a Voice of Democracy Contest. This year's theme was entitled, "Freedom—Our Heritage." The winner from the State of Iowa was a resident of my district, Miss Teresa Wozniak of Muscatine, Iowa. Miss Wozniak is a senior at Muscatine High School, and plans to attend Iowa State University.

After reading Miss Wozniak's excellent speech, which follows, one can readily see why she won the Iowa portion of the contest:

FREEDOM IS OUR HERITAGE

(By Teresa Wozniak)

I am very fortunate to live in America. Here I can live and grow . . . with very few restrictions. I can worship, or choose not to worship. I can learn or work, or do nothing. I have the opportunity to accept or reject. I have. Yet I must ask myself, how fortunate are the East Berliners who can't even cross their own city? And the Czechoslovakians? They lost their fight for freedom. How lucky are the little children of war torn Southeast Asia, whose eyes are filled not with smiles and children's games, but the game of war, hunger, and fear.

These people are different from me; they are not as fortunate. Yet there must be a link between us . . . a common bond to bind us as human beings. That bond must be the desire for freedom. Where did it begin? What does it mean to us? And more important, what does it mean to these other people.

Many people believe that freedom began in America. I don't. Many feel that as this is their home, and their life, that this is where freedom began, is, and the only place for it. I don't! I feel we cannot neglect the role people before our time and outside our country, have played in America's heritage. Some consider America a beginning, and some an end to democracy. I consider it a continuum.

Let's begin . . . of course at the beginning, and that's *not* when we fired the "shot heard 'round the world", or when Thomas Jefferson wrote the Declaration of Independence. Ideas of freedom began when the first stone age man was clunked in the head, forced to leave his home, and realized this wasn't fair. Freedom began when the English created the Magna Carta to protect a few basic rights. It began in the history before America, for it was this history and these ideas which were preserved, strengthened, and entrusted to our colonists to bring to these shores. It was these concepts that began our land, for together with the men a powerful idea was built—called freedom.

America's spark gained momentum from the heroic efforts put forth in the War for Independence, the Civil War, and other global wars. Freedom was led to a firm foundation and brilliantly inspired by such great men as Abraham Lincoln, the man who led us out of the Depression—Franklin Roosevelt, and John Kennedy who so recently sacrificed his life. Yet while we were growing and learning, other nations and individuals were changing and learning, also. We gained our heritage of freedom from people like Anne Frank, whose brave spirit said, "I am afraid, but I will not give up!" We grew because of the Royal Air Force who bravely withstood the German blitz of London. We drew strength from the French underground. Just as we have contributed to the freedom of others, they have given to help make America free.

Today we see communism in South America, Laos and Cambodia. We can feel the suppression of a people locked behind an iron curtain. Will we help? We must follow the examples of leaders, such as Tom Dooley, who didn't sit and stare at things. He fought for what he cared, and he cared to help. He went to Southeast Asia and built hospitals, and schools and a system by which to continue his actions. Our men in Southeast Asia, now, see freedom hanging in Balance and offer their lives to maintain that balance. Men such as these build ideas—ideas no less than those which formed our nation. I believe we can help to build such ideas everywhere! We must help replace eyes peering at us from bamboo walls of hunger and isolation, and replace them with the smile of freedom.

THE CONTINUING UNEMPLOYMENT CRISIS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. O'HARA. Mr. Speaker, last October 6, I inserted in the CONGRESSIONAL RECORD an analysis, undertaken by Common Cause, of unemployment statistics on a congressional district basis. That analysis showed the June 1970 unemployment rate in major labor market areas, and also showed smaller areas of persistent unemployment—at the 6 percent or higher rate.

That list was not an encouraging one, Mr. Speaker. But it may have been of some use in persuading this House to give its approval to legislation which could have made some contribution toward reducing the unemployment rate. That legislation, as we all know, was subsequently vetoed by the President.

Now, Mr. Speaker, Common Cause has produced another congressional district analysis of unemployment rates. A very small number of districts which were on the earlier list are not on this one. A much larger number of districts which were not on the earlier list have the dubious distinction of being on this new list. The new list indicates that there was a net gain of nine congressional districts "enjoying" serious unemployment between June and November of 1970. What today's congressional district figures are, we do not know, but we do know that the national unemployment figures have grown month by month since November.

Mr. Speaker, it is without much enthusiasm that I include the continuing bad news of the unemployment crisis at this point in the RECORD:

UNEMPLOYMENT BY CONGRESSIONAL DISTRICT

The following table lists Members of the House of Representatives who represent areas with high unemployment. The table is divided into major labor areas. It is compiled from figures gathered by the Department of Labor and published in the Department's "Area Trends in Employment and Unemployment, January 1971".

Major Labor Areas. The Department of Labor each month classifies 150 major employment centers according to their labor supply. The following table shows the unemployment rate in these areas for November 1970 (the most recent figures) and for a year earlier. (A few areas with unemployment rates below 3.0 percent have been omitted.)

Smaller Labor Areas. The right-hand column in the table lists smaller labor areas, as classified by the Department of Labor, which have experienced persistent or substantial unemployment. Persistent unemployment means unemployment has averaged 6 percent or more of the work force in the preceding calendar year and has exceeded the national average rate by 50 to 100 percent in the preceding two to four years. Substantial unemployment means unemployment of 6 percent or more of the work force plus the expectation that the rate will remain at 6 percent or more for the following two months. Classifications are effective for January 1971.

Note: The labor area designations are sometimes larger and sometimes smaller than Congressional districts. Thus, some areas will appear by the names of several Congressmen; in other areas, a single Congressman will be listed with numerous labor areas.

State and Representative	Major labor area	Unemployment rate (percent)		Smaller areas—Persistent unemployment 6 percent or more
		November 1970	November 1969	
Alabama.				
Buchanan	Birmingham	4.8	3.7	Centre (Cherokee County).
Bevill				Cullman (Cullman County), Gadsden (Etowah County).
Edwards	Mobile	5.2	4.3	
Flowers				Eutaw (Greene County), Pell City (St. Clair County).
Jones				Florence-Sheffield (Colbert, Franklin, Lauderdale Counties), Lawrence County.
Alaska: Begich				Aleutian Islands, Anchorage, Barrow, Bethel, Bristol Bay, Cordova-McCarthy, Fairbanks, Kenai-Cook Inlet, Ketchikan, Kobuk, Kodiak, Kuskokwim, Lynn Canal-Icy Straits, Nome, Palmer-Talkeetna, Prince of Wales, Seward, Sitka, Upper Yukon, Valdez-Whittier, Wade Hampton, Wrangell-Petersburg, Yokon-Koyukuk.
Arizona:				
Rhodes	Phoenix	4.7	2.7	
Steiger				McNary (Apache County), Winslow (Navajo County).
Arkansas:				
Alexander				Pocahontas (Randolph County), Walnut Ridge (Lawrence County).
Hammerschmidt				Berryville (Carroll County), Clarksville (Johnson County), Crawford County, Marshall (Searcy County), Miller County, Ozark (Franklin County), Paris (Logant County).
Mills	Little Rock/North Little Rock	3.6	2.6	Batesville (Independence County), Hardy (Sharp County), Melbourne (Izard County), Mountain View (Stone County), Searcy (White County).
Pryor				Camden (Calhoun, Ouachita Counties), Malvern (Hot Spring County).
California:				
Anderson	Los Angeles/Long Beach	6.6	4.1	
Bell	do	6.6	4.1	
Danielson	do	6.6	4.1	
Corman	do	6.6	4.1	
Goldwater, Jr	do	6.6	4.1	
Hawkins	do	6.6	4.1	
Hosmer	do	6.6	4.1	
Rousselot	do	6.6	4.1	
Rees	do	6.6	4.1	
Roybal	do	6.6	4.1	
Smith	do	6.6	4.1	
Wilson. C	do	6.6	4.1	
Hanna	do	6.6	4.1	
	Anaheim/Santa Ana/Garden Grove.	7.1	4.1	
Burton	San Francisco/Oakland	5.4	3.9	
Dellums	do	5.4	3.9	
Mailliard	do	5.4	3.9	
Miller	do	5.4	3.9	
Edwards	San Jose	6.2	4.1	
Gubser	do	6.2	4.1	Hollister (San Benito County). Lakeport (Lake County), Willows (Glenn County), Yuba City (Sutter, Yuba Counties).
Leggett	Sacramento	5.8	4.8	
Moss	do	5.8	5.2	
Schmitz	Anaheim/Santa Ana/ Garden Grove.	7.1	3.9	
	San Diego	6.4	3.9	
Van Deerlin	San Diego	6.4	3.9	
Wilson, B	do	6.4	3.9	
McFall	Stockton	8.9	8.1	Modesto (Stanislaus County).
Pettis	San Bernardino/Riverside/ Ontario.	6.7	4.8	
Sisk	Fresno	5.7	4.6	Merced (Merced County).
Clausen, Don				Crescent City (Del Norte County), Eureka (Humboldt County), Santa Rosa (Sonoma County), Ukiah (Mendocino County).
Johnson				Alturas (Modoc County), Chico-Oroville (Butte County), Grass Valley (Nevada County), Madera (Madera County), Mariposa (Mariposa County), Placer County, Placerville (Eldorado County), Quincy (Plumas County), Red Bluff (Tehama County), Redding (Shasta County), Sonora (Tuolumne County), Susanville (Lassen County), Weaverville (Trinity County), Yreka (Siskiyou County).
Talcott				Salinas-Moneterey (Monterey County), Santa Cruz (Santa Cruz County).
Teague				Oxnard (Ventura County).
Veysey				El Centro (Imperial County).
Mathias				Bakersfield (Kern County).
Colorado:				
Aspinall				Antonito (Conejos County), Center (Saguache County), Pagosa Springs (Archuleta County).
Evans				Blanca (Costilla County), Ordway (Crowley County), Trinidad (Las Animas County), Walsenburg (Huerfano County).
McKevitt	Denver	3.5	3.3	
Connecticut:				
Cotter	Hartford	4.6	3.0	
Giaimo	New Haven	5.5	3.5	
Monegan	Waterbury	10.0	4.8	Ansonia (towns of Ansonia, Derby, Oxford and Seymour, New Haven County).
Steele				Danielson (Brooklyn, Canterbury, Eastford, Killingley, Plainfield, Pomfret, Putnam, Sterling Thompson, Woodstock in Windham County).
Grasso	New Britain	8.9	4.6	Bristol/Plymouth/Torrington/Litchfield/Winchester.
McKinney	Bridgeport	8.2	3.9	
	Stamford	4.8	3.0	
Delaware: DuPont	Wilmington	4.1	2.7	
Florida:				
Fascel	Miami	5.1	3.4	
Pepper	do	5.1	3.4	
Fuqua				Apalachicola (Franklin County), Blountstown (Calhoun County).
Haley				Lakeland (Polk County).
Sikes				Bonifay (Holmes County).
Gibbons	Tampa/St. Petersburg	3.2	2.0	
Young	do	3.2	2.0	
Frey, Jr				Cocoa (Brevard County).

State and Representative	Major labor area	Unemployment rate (percent)		Smaller areas—Persistent unemployment 6 percent or more
		November 1970	November 1969	
Georgia:				
Brinkley	Columbus	5.4	4.0	Hawkinsville (Pulaski County).
Davis				Chatsworth (Murray County), Cedartown (Polk County), Dallas (Paulding County), Douglasville (Douglas County).
Flynt	Macon	4.1	3.1	Manchester (Meriwether County), Zebulon (Pike County).
Hagan	Savannah	4.7	4.0	Ludowici (Long County), Pembroke (Bryan County), Soperton (Treutlen County).
Landrum				Blairsville (Union County), Cleveland (White County), Cumming (Forsyth County), McCaysville (Fannin County), Young Harris (Towns County).
Mathis				Camilla (Mitchell County), Colquitt (Miller County), Fort Gaines (Clay County).
Stephens	Augusta	5.4	3.9	Gibson (Glascock County).
Stuckey				Blackshear (Pierce County), Eastman (Dodge County), Fitzgerald (Ben Hill County), Homerville (Clinch County), Lakeland (Lanier County), Nahunta (Brantley County).
Thompson	Atlanta	3.7	2.7	
Hawaii:				
Matsunaga	Honolulu	4.3	3.0	
Mink	do	4.3	3.0	
Idaho:				
Hansen				Driggs (Teton County), Jerome (Jerome County).
McClure				Council (Adams County), Grangeville (Idaho County), Horseshoe Bend (Boise County), McCall (Valley County), Orofino (Clearwater County), St. Maries (Benewah County), Sandpoint (Bonner County).
Illinois:				
Anderson	Rockford	5.5	3.4	
Annunzio	Chicago	3.7	2.7	
Collier	do	3.7	2.7	
Crane	do	3.7	2.7	
Metcalfe	do	3.7	2.7	
Derwinski	do	3.7	2.7	
Kluczynski	do	3.7	2.7	
Mikva	do	3.7	2.7	
Murphy Jr	do	3.7	2.7	
Pucinski	do	3.7	2.7	
Rostenkowski	do	3.7	2.7	
Yates	do	3.7	2.7	
Michel	Peoria	3.4	3.5	
Price				St. Clair County.
Railsback	Davenport/Rock Island/Moline [1]	5.7	4.3	
Findley				Hardin (Calhoun County), Jerseyville (Jersey County).
Gray				Anna (Union County), Cairo (Alexander, Pulaski Counties), Carmi (White County), DuQuoin (Perry County), Golconda (Pope County), Harrisburg-West Frankfort-Herrin (Franklin, Johnson, Saline, Williamson Counties), McLeansboro (Hamilton County), Rosiclare (Hardin County), Shawneetown (Gallatin County).
Indiana:				
Roush	Fort Wayne	4.8	2.2	
Brademas	South Bend	7.0	3.5	
Bray	Indianapolis	4.8	2.5	
Hamilton				Bedford (Lawrence County), Lawrenceburg (Dearborn, Ohio Counties), Scottsburg (Scott County)
Jacobs	Indianapolis	4.8	2.5	
Landgrebe				Knox (Starke County), Michigan City-La Porte (La Porte County).
Madden	Gary	4.7	2.8	
Myers	Terre Haute	5.1	2.6	Clay County, Linton (Greene County), Vermillion County.
Zion	Evansville	4.8	3.2	Marengo (Crawford County).
Iowa:				
Culver	Cedar Rapids	4.2	1.8	
Smith	Des Moines	3.0	2.4	
Schwengel	Davenport/Rock Island/Moline [1]	5.7	4.3	
Gross				Waterloo (Black Hawk County).
Kansas:				
Shriver	Wichita	10.1	4.0	
Skubitz				Coffeyville (Montgomery County), Parsons (Labette County), Wellington (Sumner County).
Kentucky:				
Carter				Albany (Clinton County), Barbourville (Knox County), Booneville (Owsley County), Harlan County), Hyden (Leslie County), Manchester (Clay County), Middlesboro (Bell County), Monticello (Wayne County), Russell Springs (Russell County), Stanford (Lincoln County), Whitley City (McCreary County).
Mazzoli	Louisville	4.3	2.8	
Natcher				Bardstown (Nelson County), Brownsville (Edmonson County), Hardinsburg (Breckinridge County) Hartford (Ohio County), Lebanon (Marion County), Leitchfield (Grayson County), Springfield (Washington County).
Perkins				Campton (Wolfe County), Flatwoods (Greenup County), Grayson (Carter, Elliot Counties), Hazard (Knott, Perry Counties), Inez (Martin County), Jackson (Breathitt County), Jenkins (Letcher County), Louisa (Lawrence County), Morehead (Bath, Menifee, Rowan Counties), Paintsville (Johnson County), Pikeville (Pike County), Prestonburg (Flogy County), Salyersville (Magoffin County), West Liberty (Morgan County).
Stubblefield				Bardwell (Carlisle County), Cadiz (Trigg County), Dixon (Webster County), Eddyville (Lyon County), Mayfield (Graves County), MacLean County, Morgantown (Butler County), Princeton (Caldwell County), Smithland (Livingston County), Fulton (Fulton & Hickman Counties).
Watts				Georgetown (Scott County), Lancaster (Garrard County), Nicholasville (Jessamin County), Richmond (Estill, Jackson, Madison, Rockcastle Counties), Stanton (Powell County).
Louisiana:				
Hébert	New Orleans	6 2	4 5	
Boggs	do	6.2	4.5	
Caffery				Napoleonville (Assumption Parish), Reserve (St. John the Baptist Parish), St. Martinville (St. Martin Parish).
Edwards				Abbeville (Vermilion Parish), Crowley (Acadia Parish), Jennings (Jefferson Davis Parish) Lake Charles (Calcasieu Parish), Opelousa (St. Landry Parish), Ville Platte (Evangeline Parish).
Long				Alexandria (Avoyelles, Grant, Rapides Parishes), DeRidder (Beauregard Parish), Leesville (Vernon Parish), Many (Sabine Parish), Natchitoches (Natchitoches Parish), New Roads (Pointe Coupee Parish), Oakdale (Allen Parish), Plaquemine (Iberville Parish).
Passman				Columbia (Caldwell Parish), Ferriday (Catahoula, Concordia Parishes), Greensburg (St. Helena Parish), Monroe (Ouachita Parish), Oak Grove (West Carroll Parish), Rayville (Richland Parish), St. Francisville (West Feliciana Parish), Winnsboro (Franklin Parish).
Rarick	Baton Rouge	6.6	5.5	Denham Springs (Livingston Parish), Donaldsonville (Ascension Parish), Hammond (Tangipahoa Parish).
Waggonner	Shreveport	5.7	3.7	Arcadia (Bienville Parish), Mansfield (DeSoto Parish), Minden (Webster Parish).
Maine:				
Hathaway				Calais-Eastport (Washington County), Ellsworth (Hancock County), Fort Kent, Madawaska-Van Buren, Greenville (Piscatagua County), Lewiston-Auburn.
Kyros	Portland	4.0	3.2	Biddeford-Sanford (York County), Rockland (Knox County), Waldoboro (Lincoln County).

Footnotes at end of table.

State and Representative	Major labor area	Unemployment rate (percent) November 1970	Unemployment rate (percent) November 1969	Smaller areas—Persistent unemployment 6 percent or more
Maryland:				
Byron				Hagerstown (Washington County), Oakland (Garrett County).
Garmatz	Baltimore	4.1	2.5	
Sarbanes	do	4.1	2.5	
Mitchell	do	4.1	2.5	
Vacant				Cambridge (Dorchester County), Crisfield (Somerset County), Pocomoke City (Worcester County) Prince Frederick (Calvert County).
Massachusetts:				
Harrington	Lawrence-Haverhill	8.5	5.1	Gloucester/Essex/Rockport, Newburyport/Amesbury/Ipswich/Salisbury (Essex County).
Morse	do	8.5	5.1	
Do	Lowell	9.5	5.1	
Boland	Springfield-Holyoke	6.8	4.6	Ware/Belchertown (Hampshire County).
Drinan				Fitchburg-Leominster (Worcester County).
Conte	Springfield-Holyoke	6.8	4.6	Greenfield (Franklin County), North Adams (Franklin County).
Donohue	Worcester	5.6	4.6	Milford/Uxbridge (Worcester County).
Heckler	Fall River	6.4	5.2	Taunton (Plymouth County).
Keith	New Bedford	10.4	6.1	Bourne/Wareham (Barnstable, Plymouth Counties), Plymouth/Kingston/Plympton/Carver (Plymouth County), Provincetown/Truro (Barnstable County).
Hicks	Boston	4.9	3.2	
O'Neill	do	4.9	3.2	
Burke	do	4.9	3.2	
Do	Brockton	6.9	4.4	
Michigan:				
Conyers	Detroit	7.3	3.1	
Diggs	do	7.3	3.1	
Dingell	do	7.3	3.1	
Griffiths	do	7.3	3.1	
Nedzi	do	7.3	3.1	
O'Hara	do	7.3	3.1	
Brown	Battle Creek	7.7	3.6	Ionia/Belding/Greenville.
Do	Kalamazoo	7.1	2.9	
Cederberg				Alma (Gratiot County), Bay City (Bay County), Clare (Clare County), East Tawas (Alcona-Iosco Counties), Grayling (Crawford County), Ionia/Belding/Greenvilie, Mancelona (Antrim County), Mio (Oscoda County), Roscommon (Roscommon County), Standish (Arenac County), West Branch (Ogemaw County).
Chamberlain	Lansing	6.0	2.8	Jackson, Owosso (Shiawassee County).
Esch				Adrian (Lenawee County), Wayne County (part).
Ford G	Grand Rapids	6.8	4.0	Ionia/Belding/Greenville.
Ford, W				Wayne County (part).
Harvey	Saginaw	6.6	3.0	Bad Axe (Huron County), Caro (Tuscola County), Port Huron (St. Clair County), Sanilac (Sanilac County).
Hutchinson				Benton Harbor (Berrien County), Coldwater (Branch County), Hillsdale (Hillsdale County).
Riegle	Flint	10.4	3.9	
Ruppe				Alger County, Alpena (Alpena County), Boyne City (Charlevoix County), Cheboygan (Cheboygan County), Escanaba (Delta County), Gaylord (Otsego County), Hancock (Houghton, Keweenaw Counties), Hillman (Montmorency County), Iron Mountain (Dickinson County), Iron River (Iron County), Ironwood (Gogebic County), L'Anse (Baraga County), Manistique (Schoolcraft County), Marquette (Alger, Marquette Counties), Newberry (Luce County), Petoskey (Emmet County), Rogers City (Presque Isle County), St. Ignace (Mackinac County), Sault Ste. Marie (Chippewa County).
Vander Jagt	Muskegon	11.6	4.8	Baldwin (Lake County), Cadillac (Missaukee, Osceola, Wexford Counties), Elberta (Benzie County), Fremont (Newaygo County), Hart (Oceana County), Ludington (Mason County), Manistee (Manistee County), Traverse City (Grand Traverse, Kalkaska, Leelanau Counties).
Minnesota:				
Quie				Fairbault (Rice County).
Blatnik	Duluth-Superior	4.9	4.0	Aitkin (Aitkin County), Grand Rapids (Itaska County), Cambridge (Isanti County), Mora (Kanabec County), Pine City (Pine County), Rush City (Chisago County).
Fraser	Minneapolis-St. Paul	4.2	2.1	
Karth	do	4.2	2.1	
Frenzel	do	4.2	2.1	
Bergland				Bagley (Clearwater County), Baudette (Lake of the Woods County), Bemidji (Beltrami County), Crookston (Polk County), Detroit Lakes (Becker County), Hallock (Kittson County), Mahnomen County), Park Rapids (Hubbard County), Red Lake Falls (Red Lake County), Roseau (Roseau County), Walker (Cass County), Wadena (Wadena County), Warren (Marshall County), Buffalo (Wright County), Brainerd (Crow Wing County).
Zwach				Little Falls (Morrison County), Princeton (Mille Lacs County).
Mississippi:				
Abernethy				Kosciusko (Attala County).
Colmer				Columbia (Marion County), Leakesville (Greene County), Lucedale (George County), Lumberton (Lamar County), Waynesboro (Wayne County).
Griffin	Jackson	3.8	3.4	
Missouri:				
Bolling	Kansas City	5.7	3.6	
Burlison				Charleston (Mississippi County), Doniphan (Ripley County), Flat River (St. Francois County), Greenville (Wayne County).
Clay	St. Louis	5.6	3.4	
Hall				Branson (Taney County), Buffalo (Dallas County).
Ichord				Eldon (Miller County), Eminence (Shannon County), Potosi (Washington County).
Randall	Kansas City	5.7	3.6	
Sullivan	St. Louis	5.6	3.4	
Montana:				
Melcher				Glasgow (Valley County), Red Lodge (Carbon County), Roundup (Musselshell County).
Shoup				Butte (Silver Bow County), Livingston (Park County), Philipsburg (Granite County), Sheridan (Madison County), White Sulphur Springs (Meagher County).
Nebraska: McCollister	Omaha	3.6	2.5	
Nevada: Baring				Caliente (Lincoln County).
New Hampshire: Wyman	Manchester	3.4	2.7	
New Jersey:				
Sandman	Atlantic City	8.3	7.2	Ocean City/Wildwood/Cape May (Cape May County), Vineland (Cumberland County).
Daniels	Jersey City	7.0	4.6	
Gallagher	do	7.0	4.6	
Rodino	Newark	5.2	3.4	
Patten	New Brunswick/Perth Amboy	6.0	4.0	
Roe	Paterson/Clifton/Passaic	5.4	4.3	
Thompson	Trenton	4.6	2.9	
New Mexico:				
Lujan	Albuquerque	5.5	4.3	Bernalillo (Sandoval County), Las Vegas (San Miguel County), Espanola (Rio Arriba County), Mountainair (Torrance County), Raton (Colfax County), Santa Rosa (Guadalupe County), Taos (Taos County), Wagon Mound (Mora County).
Runnels				Carlsbad (Eddy County), Deming (Luna County), Farmington (San Juan County), Gallup (McKinley County), Grants (Valencia County), Alamagordo (Otero County), Socorro (Socorro County).

State and Representative	Major labor area	Unemployment rate (percent)		Smaller areas—Persistent unemployment 6 percent or more
		November 1970	November 1969	
New York:				
Scheuer	New York City	4.4	3.3	
Badillo	do	4.4	3.3	
Bingham	do	4.4	3.3	
Biaggi	do	4.4	3.3	
Celler	do	4.4	3.3	
Brasco	do	4.4	3.3	
Chisholm	do	4.4	3.3	
Podell	do	4.4	3.3	
Rooney	do	4.4	3.3	
Carey	do	4.4	3.3	
Murphy	do	4.4	3.3	
Koch	do	4.4	3.3	
Rangel	do	4.4	3.3	
Abzug	do	4.4	3.3	
Ryan	do	4.4	3.3	
Halpern	do	4.4	3.3	
Addabbo	do	4.4	3.3	
Rosenthal	do	4.4	3.3	
Delaney	do	4.4	3.3	
King	Albany/Schenectady/Troy	3.9	3.2	Gloversville (Fulton County), Speculator (Hamilton County), Ticonderoga (Essex County), Warren County.
Robison	Binghamton	5.7	3.7	
Dulski	Buffalo	5.0	3.8	
Kemp	do	5.0	3.8	
Smith	do	5.0	3.8	
Conable	Rochester	5.3	2.3	Orleans County, Perry (Wyoming County).
Hanley	Syracuse	5.9	3.6	
Horton	Rochester	5.3	2.3	
Pirnie	Utica/Rome	6.2	4.1	
Fish				Catskill (Greene County), Cobleskill (Schoharie County).
McEwen				Ogdensburg/Massena/Malone (Franklin, St. Lawrence Counties), Oswego County, Plattsburgh (Clinton County), Watertown (Jefferson County).
Dow				Sidney (Delaware County).
Stratton				Auburn (Cayuga County), Norwich (Chenango County), Oneonta (Otsego County).
North Carolina:				
Preyer	Greensboro/Winston-Salem/ High Point.	3.1	2.3	
Mizell	do	3.1	2.3	
Galifianakis	Durham	3.8	3.4	
Jonas	Charlotte	3.2	2.0	
Taylor	Asheville	3.8	2.5	Bryson City (Swain County), Hayesville (Clay County), Marshall (Madison County), Robbinsville (Graham County).
Fountain				Roxboro (Person County), Snow Hill (Greene County), Wilson (Wilson County).
Jones				Ahoskie (Hertford County), Camden County, Columbia (Tyrell County), Greenville (Pitt County), Manteo (Dare County), Moyock (Currituck County), Pamlico County, Windsor (Bertie County).
Lennon				Elizabethtown (Bladen County), Lumberton (Robeson County), Whiteville (Columbus County).
North Dakota: Andrews				Rolla (Rolete County).
Ohio:				
Stanton	Cleveland	4.6	3.1	
Stokes	do	4.6	3.1	
Vanik	do	4.6	3.1	
Minshall	do	4.6	3.1	
Ashley	Toledo	5.4	3.7	
Latta	do	5.4	3.7	
Bow	Canton	5.5	3.2	
Seiberling	Akron	4.4	3.3	
Keating	Cincinnati	4.3	3.6	
Clancy	do	4.3	3.6	
Carney	Youngstown/Warren	6.5	3.3	
Powell	Hamilton/Middletown	5.9	4.5	Warren County.
Mosher	Lorain/Elyria	5.5	2.9	
Hays	Steubenville/Weirton	3.4	3.1	Carrollton (Carroll County).
Harsha				Clermont (Lawrence County), Manchester (Adams County), Waverly (Pike County).
Miller				Gallipolis (Gallia County), Jackson (Jackson County), New Lexington (Perry County), Pomeroy (Meigs County).
Whalen	Dayton	4.6	4.3	
Devine	Columbus	3.3	2.9	
Wylie	do	3.3	2.9	
Oklahoma:				
Jarman	Oklahoma City	3.8	3.0	
Steed	do	3.8	3.0	Altus (Jackson County), Anadarko (Oaddo County), Cordel (Washita County), Purcell (McClain County), Shawnee (Pottawatomie County).
Belcher	Tulsa	4.9	3.6	
Edmondson	do	4.9	3.6	Claremore (Rogers County), Jay (Delaware County), Miami (Ottawa County), Muskogee (Muskogee County), Okemah (Okfuskee County), Okmulgee-Henryetta (Okmulgee County), Pawnee (Pawnee County), Pryor Creek (Mayes County), Sequoyah County, Stilwell (Adair County), Tahlequah (Cherokee County), Wagoner (Wagoner County), Ada (Pontotoc County).
Albert				Atoka (Atoka County), Coalgate (Coal County), Holdenville (Hughes County), Hugo (Choctaw County), Idabel (McCurtain County), LeFlore County, Marietta (Love County), McAlester Pittsburgh County), Stigler (Haskell County), Tishomingo (Johnston County), Wilburton (Latimer County).
Oregon:				
Green	Portland	5.8	4.2	
Wyatt	do	5.8	4.2	McMinnville (Yamhill County), Tillamook (Tillamook County), Toledo (Lincoln County).
Dellenback				Gold Beach (Curry County), Grants Pass (Josephine County), Medford (Jackson County), North Bend/Coos Bay (Coos Bay County), Roseburg (Douglas County).
Ullman				Condon (Gilliam County), Enterprise (Wallawa County), Fossil (Wheeler County), Hood River (Hood River County), Lakeview (Lake County), Madras (Jefferson County), Pendleton (Umatilla County), The Dallas (Sherman, Wasco Counties)
Pennsylvania:				
Barrett	Philadelphia	4.6	2.8	
Byrne	do	4.6	2.8	
Eilberg	do	4.6	2.8	
Green	do	4.6	2.8	
Nix	do	4.6	2.8	
Fulton	Pittsburgh	4.3	2.5	
Gaydos	do	4.3	2.5	
Moorhead	do	4.3	2.5	
Whalley	Altoona	5.0	3.6	Bedford (Bedford County).
Vigorito	Erie	4.3	2.3	
Saylor	Johnstown	7.3	4.1	Kittaning/Ford City (Armstrong County).
McDade	Scranton	5.6	3.6	Tunkhannock (Wyoming County), Sayre/Athens/ Towanda (Bradford County), Wellsboro (Tioga County).
Flood	Wilkes-Barre/Hazleton	4.7	3.9	
Morgan				Uniontown/Connellsville (Fayette County).

State and Representative	Major labor area	Unemployment rate (percent) November 1970	Unemployment rate (percent) November 1969	Smaller areas—Persistent unemployment 6 percent or more
Johnson				Bradford (McKean County), Clearfield/DuBois (Clearfield/Centre Counties), Coudersport (Potter County), Lock Haven/Renovo (Clinton County).
Rooney	Allenstown/Bethlehem/Easton	3.0	1.6	
Rhode Island:				
St Germain	Providence	6.0	3.5	
Tiernan	do	6.0	3.5	
South Carolina:				
Vacant	Charleston	5.7	4.3	Berkeley County.
Mann	Greenville	4.4	3.0	
Dorn				McCormick (McCormick County), Saluda (Saluda County).
Gettys				Winnsboro (Fairfield County), Cheraw (Chesterfield County), Union (Union County).
McMillan				Bennetsville (Marlboro County), Bishopville (Lee County), Georgetown (Georgetown County), Marion (Marion County).
Spence				Barnwell (Barnwell County), Orangeburg (Orangeburg County).
Tennessee:				
Kuykendall	Memphis	3.9	3.0	
Jones	do	3.9	3.0	Erin (Houston County).
Blaton	do	3.9	3.0	Hardin County, Lawrenceburg (Lawrence County).
Fulton	Nashville	3.6	2.4	
Baker	Chattanooga	4.0	2.8	Dayton (Rhea County), Decatur (Meigs County), Dunlap (Sequatchie County), Sweetwater (Monroe County).
Duncan	Knoxville	3.3	2.8	Maynardville (Union County), Rutledge (Grainger County).
Evans				LaFollette/Jellico (Campbell County), Morgan County, Oneida (Scott County), Sparta (White County).
Quillen				Greeneville (Greene County), Newport (Cocke County), Sevierville (Sevier County).
Texas:				
Cabell	Dallas	3.5	1.5	
Collins	do	3.5	1.5	
Purcell	Dallas	3.5	1.5	
Teague	do	3.5	1.5	
Do	Fort Worth	4.5	2.4	
Wright	do	4.5	2.4	
Gonzalez	San Antonio	5.4	4.1	
Fisher	do	5.4	4.1	Brackettville (Kinney County), Del Rio (Val Verde County), Uvalde (Uvalde County).
Kazen	do	5.4	4.1	Carrizo Springs (Dimmit County), Cotulla (La Salle County), Crystal City (Zavala County), Eagle Pass (Maverick County), Floresville (Wilson County), Hondo (Medina County), Laredo (Webb County), Pearsall (Frio County).
Brooks	Beaumont/Port Arthur	4.8	4.1	
Young	Corpus Christi	5.0	4.2	
White	El Paso	5.3	4.5	
De la Garza				Brownsville/Harlingen/San Benito (Cameron County), Hebbronville (Jim Hogg County), Raymondville (Willacy County), McAllen (Hidalgo County), Rio Grande City (Starr County), Zapata (Zapata County).
Dowdy				Newton (Newton County), San Augustine (San Augustine County).
Patman				Atlanta (Cass County), Texarkana (Bowie County).
Utah:				
Lloyd	Salt Lake City	5.3	4.2	Beaver (Beaver County), Nephi (Juab County), St. George (Washington County).
McKay				Brigham City (Box Elder County), Heber City (Wasatch County), Kanab (Kane County), Manti (Sanpete County), Moab (Gran, San Juan Counties), Ogden (Weber County), Panguitch (Garfield County), Park City (Summit County), Price (Carbon, Emery Counties), Provo-Orem (Utah County), Richfield (Sevier County), Roosevelt (Duchesne County).
Vermont: Stafford				Springfield (Windsor County).
Virginia:				
Downing	Newport News/Hampton	3.8	3.3	Chincoteague (Accomack, Northampton Counties).
Whitehurst	Norfolk/Portsmouth	3.9	3.4	
Scott				Colonial Beach (Lancaster, Northumberland, Richmond, Westmoreland Counties).
Wampler				Bristol (Washington County), Grundy (Buchanan County), Lebanon (Dickenson, Russell Counties), Norton/Big Stone Gap (Wise County), Richlands (Tazewell County).
Washington:				
Adams	Seattle	11.3	5.2	
Foley	Spokane	7.8	4.7	Colville (Stevens County), Newport (Pend Oreille County), Okanogan (Okanogan County), Republic (Ferry County), Wenatchee (Chelan, Douglas Counties).
Hansen				Aberdeen (Grays Harbor County), Centralia (Lewis County), Port Townsend (Jefferson County), Raymond (Pacific County), Stevenson (Skamania County).
Hicks McCormack	Tacoma	9.8	5.7	Bremerton (Kitsap County), Dayton (Columbia County), Ellensburgh (Kittitas County), Goldendale (Klickitat County), Moses Lake (Grant County), Tri-City (Benton, Franklin Counties), Yakima (Yakima County).
Meeds				Anacortas (Skagit County), Port Angeles (Clallam County).
Pelly	Seattle	11.3	5.2	
West Virginia:				
Hechler	Huntington-Ashland	6.3	5.2	Hamlin (Lincoln County), Pennsboro (Richie County), Logan-Madison (Boone, Logan Counties), Point Pleasant (Mason County), Wayne County.
Kee				Beckley (Raleigh County), Bluefield (Mercer County), Hinton (Summers County), Oak Hill-Montgomery (Fayette County), Welch (McDowell County) Williamson (Minco County).
Mollohan	Wheeling	4.8	3.6	Clarksburg (Doddridge, Harrison Counties), Glenville (Gilmer County), Grantsville (Calhoun County), New Martinsville (Wetzel County), Sistersville (Tyler County).
Slack	Charleston	4.5	4.5	Clay (Clay County), Gassaway (Braxton County), Logan Madison (Boone, Logan Counties), Richmond (Nicholas County), Spencer (Roane County).
Staggers				Berkeley Springs (Morgan County), Elkins (Randolph County), Franklin (Pendleton County), Grafton (Taylor County), Kingwood (Preston County), Marlinton (Pocahontas County), Martinsburg (Berkeley, Jefferson Counties), Mineral County, Moorefield (Hardy County), Parsons (Tucker County), Petersburg (Grant County), Romney (Hampshire County), Ronceverte-White Sulphur Springs (Greenbrier, Monroe Counties), Webster Springs (Webster County), Weston (Lewis County).
Wisconsin:				
Zablocki	Milwaukee	4.9	2.9	
Reuss	do	4.9	2.9	
Davis	do	4.9	2.9	
Kastenmeier	Madison	3.2	2.2	
Aspin	Kenosha	4.7	3.6	
Do	Racine	7.3	3.8	
Obey				Adams (Adams County). Antigo (Langlade County), Crandon (Forest County). Florence (Florence County). Medford (Taylor County). Neopit (Menominee County) Shawano (Shawano County).
O'Konski	Duluth, Minn./Superior, Wis	4.9	4.0	Ashland (Ashland County), Bayfield (Bayfield County), Douglas County, Eagle River (Vilas County) Grantsburg (Burnett County) Hayward (Sawyer County) Hurley (Iron County) Ladysmith (Rusk County) Spooner (Washburn County).
Byrnes				Oconto (Oconto County).
Thompson				Arcadia (Trempealeau County) Black River Falls (Jackson County) Dodgeville (Iowa County) La Crosse (La Crosse County) Mauston (Juno County) Prairie du Chien (Crawford County) Sparta (Monroe County) Viroqua (Vernon County).

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[1] Figures for Davenport/Rock Island/Moline are October figures.

RUSSIAN GENOCIDE IN UKRAINE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. DERWINSKI. Mr. Speaker, anyone who knows the history of Ukraine, understands full well the meaning of Russification as a form of cultural genocide. The current Russification policy and actions of Moscow are not new to the people of Ukraine. And, let it be stressed, that the use of them term "genocide" in this respect is its accurate use, which is strikingly contrary to its flagrant misuse by the fake revoluntionaries here and abroad. Moreover, as will be shown in the forthcoming book "U.S.A. and the Soviet Myth," authored by Dr. Lev E. Dobriansky of Georgetown University, it should be maturely noted that Russian genocide in Ukraine, the largest non-Russian nation in Eastern Europe, is also an instrument for Moscow's current imperial consolidation in preparation for its bolder aggressive moves in the future.

As shown in the communication below, the Jews in the Soviet Union are not the only ones being systematically subjected to Russian genocide. The non-Russian nations in the U.S.S.R. are under similar attack, particularly the strategically placed Urkaine. The current case of Valentyn Moroz is well described in this communication of the Ukrainian Congress Committee of America to both the General Secretary of the United Nations and our Secretary of State. It will be interesting to note their replies and courses of action. I commend the contents of this factually packed letter to the studied consideration of my colleagues and to all of our people who are concerned with present developments in the imperial domain of our chief enemy.

UKRANIAN CONGRESS COMMITTEE
OF AMERICA, INC.,
New York, N.Y., January 27, 1971.

Hon. U THANT,
General Secretary, United Nations,
United Nations, N.Y.

YOUR EXCELLENCY: The Ukrainian Congress Committee of America, an American organization of over 2 million American citizens of Ukrainian background and descent, brings again to your attention the tragic plight of Ukrainian intellectuals in Ukraine and their persecution and oppression by the Soviet government.

It is to be recalled that in 1968, when the entire world community observed the 20th anniversary of the Universal Declaration of Human Rights, a series of violations of human rights by the Soviet government in Ukraine was brought to the fore at various international conferences and the U.N. Commission on Human Rights as well.

In our Memorandum, submitted to the U.N. Conference on Human Rights. held between April 22 and May 13, 1968, in Teheran, Iran, we stressed that the Soviet government in Ukraine was engaged in a systematic genocidal campaign, inflicting severe and inhuman persecution upon Catholic, Orthodox, Jewish and Moslem religious believers. Above all, it was stressed that over 200 Ukrainian intellectuals in such cities as Kiev, Lviv, Odessa, Ivano-Frankivsk, Zhytomyr, Lutsk and Ternopil were arrested, tried secretly and condemned to long terms at hard labor. This was a veritable *pogrom*, which in scope and intensity far surpassed the trials of Russian intellectuals, such as Sinyavsky and Daniel or Andrey Amalrik, more recently.

This campaign of the Soviet government against the cultural life of the Ukrainian people is conducted by various means and under different guises and subterfuges: arrests and trials of Ukrainian intellectuals, burning and deliberate destruction of Ukrainian libraries and historical archives—for instance, the burning of the library of the Ukrainian Academy of Sciences in Kiev in 1964, the destruction by fire of the Ukrainian historical archives at the Vydubetsky Monastery in Kiev, the destruction by fire of the Ukrainian historical archives in the city of Ternopil on May 5, 1969. These are only the most outstanding instances and which were reported by the Soviet government.

This campaign of Moscow is part and parcel of the overall policy of Russification whereby the Soviet government intends to Russify over 100 million non-Russian peoples in the USSR and thus make the Soviet Union a "one and indivisible" Russian empire.

The persecution of the Ukrainian Catholic Church has been intensified, as indicated by the arrest and sentencing of Archbishop Vasyl Welychkovsky on January 23, 1969 in Lviv. Likewise, Baptists, Evangelics, Seventh Day Adventists and Jehovah's Witnesses are harassed and persecuted, as are Jewish communicants.

THE CASE OF VALENTYN MOROZ

We call your attention. Your Excellency, to the case of *Valentyn Moroz*, a young Ukrainian historian, who was resentenced last November in Ukraine for his writing.

V. Moroz is one of the prominent Ukrainian writers and intellectuals who have been and are being victimized by the Soviet government. His case is well described in *The Chornovil Papers*, pp. 150–151 (McGraw-Hill). Born in 1936, he attended the University of Lviv, from which he graduated in 1958; he taught history and geography in Lutsk and Ivano-Frankivsk, and did historical research. In August, 1965 he was arrested, and in January, 1966 he was tried and sentenced by the Regional Court of Volhynia to five years at hard labor on the charge of "anti-Soviet propaganda and agitation." While in the Mordovian slave labor camp (in Yavas), he met several other Ukrainian intellectuals incarcerated for the same "crime" as he was. There he allegedly wrote the *Report from the Beria Preserve*, which was an appeal to the Supreme Soviet of the Ukrainian SSR, describing the present-day concentration camp system in the USSR and the inhuman conditions and treatment of political prisoners in the Mordovian labor camp compound. This report was widely and clandestinely circulated in Ukraine and abroad. Furthermore, he had reportedly written another report, *A Chronicle of Resistance in Ukraine*, in which he described how the Russians were destroying Ukrainian historical monuments, artifacts and church icons in the Ukrainian village of Kosmach in the Carpathian Mountains.

For "good behavior" Moroz was released in August, 1969. But on June 1, 1970, he was arrested again and brought to trial in the city of Ivano-Frankivsk. In a secret trial, held on September 20, 1970, *Moroz was sentenced to 9 years at hard labor* on an unspecified charge, covered generally by the article on "anti-Soviet propaganda and agitation."

The Soviet Union and the Ukrainian SSR are signatories to the *Universal Declaration of Human Rights*, boasting loudly of this fact in massive propaganda drives outside the Soviet Union.

That Moroz's sentencing is a crass violation of the *Declaration* is beyond any doubt.

Article 18 of the *Declaration* reads:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

The Soviet government has unabashedly violated all these lofty principles whose observance it undertook to respect by signing the *Declaration*.

The sentencing of Valentyn Moroz for his writing is not only a violation of the *Universal Declaration of Human Rights*, but of the Soviet Constitution as well.

Chapter X, Art. 125 of the Soviet Constitution states expressly:

> In accordance with the workers interest and with the aim of strengthening the Socialist system, the citizens of the USSR are guaranteed by law: a) Freedom of speech; b) Freedom of the press; c) Freedom of assembly and d) Freedom of processions and demonstrations on the street.

Even more explicit is the provision in the *Declaration on Human Rights* on the same subject:

Article 19, for instance, states:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Moroz, as well as other Ukrainian intellectuals, were tried *in camera* and sentenced to long terms at hard labor under Art. 62 of the Penal Code of the Ukrainian SSR, which is a direct contradiction of both the Soviet Constitution and the *Universal Declaration on Human Rights*.

This article reads:

> Any agitation or propaganda with the intent to undermine or subvert the Soviet regime, the participation in certain specific and particularly dangerous crimes against the state, the dissemination with the same intent of slanderous inventions against the Soviet State and its social system, as well as distribution, preparation of possesion to the above end of literature with such content, are punishable by loss of freedom to terms from six months to seven years, or banishment for terms from two to five years . . .

In the case of Valentyn Moroz even this harsh Soviet Penal Code was violated, because he was sentenced to 9 years at hard labor, two years more than the maximum penalty specified in the Soviet Penal Code.

OTHER IMPRISONED UKRAINIAN INTELLECTUALS

Furthermore, it is known that there are at least 40 Ukrainian intellectuals serving long terms at hard labor, whose sole "crimes" were "anti-Soviet propaganda and agitation." Of course, there are hundreds and thousands of other Ukrainian political prisoners who were tried and sentenced secretly and whose names have never been revealed by the Soviet judicial authorities.

Among the best known Ukrainian political prisoners are:

Syatoslav Karavansky, journalist, sentenced in 1944 to 25 years, but amnestied in 1960; in 1965 he was sentenced to 9 years to complete the original sentence of 25 years;

Mykhailo Soroka, sentenced to 25 years for participation in the Ukrainian liberation movement; Mykhailo Horyn, psychologist—6 years; Mykhailo Masyutko, literary critic—6 years; Mykhailo Ozerny, teacher—6 years; Opanas Zalyvakha, painter—5 years; Volodymyr Leoniuk, sentenced to 25 years for participating in the Ukrainian liberation movement; Yaroslav Hasyuk and Maria Pelchan, sentenced 12 to 15 years, respectively, for "Ukrainian nationalism"; Halyna

Selynchok, sentenced in 1969 to 13 years at hard labor for trying to escape from Ukraine; Eugenia Kyslarchuk, sentenced to 10 years as a member of the "Jehovah's Witnesses" group in Ukraine; Kateryna Zarytska, Odarka Husiak and Halyna Didyk, all three sentenced to 25 years at hard labor for being members of the Ukrainian Red Cross (nationalist) during World War II.

There is also a group of members of the Ukrainian Workers' and Peasants' Union, which advocated more political and social freedom in Ukraine within the framework of the Soviet constitution: Lev Lukyanenko—15 years (sentenced originally to be shot); Ivan Kandyba, lawyer—15 years; Alexander Libovych, agriculturalist—10 years; Vasyl Lutskiv, cultural worker—10 years; S. Virun, Communist Party propagandist—11 years, and Yosyp Borovnytsky, lawyer—10 years.

Moreover, 13 members of the Ukrainian National Committee, which advocated the legal and legitimate secession of Ukraine from the USSR—as provided by the Soviet and Ukrainian constitutions—received heavy sentences ranging from 12 to 15 years at hard labor. Two of the group, Ivan Koval and Bohdan Hrytsyna, were executed.

"CRIMES" OF UKRAINIAN INTELLECTUALS

It is unquestionable that most of these and other Ukrainian intellectuals were tried and sentenced because they were Ukrainian patriots and saw injustices committed by the Soviet government upon the Ukrainian people. None of them was engaged in any violent and revolutionary act against the Soviet Union.

Their "crimes" were best defined by Edward Crankshaw, noted British expert on Soviet affairs, who wrote in *The Observer* of London, on February 11, 1968 on the secret trials in Ukraine:

> What have these men done? They had discussed among themselves and among their friends, ways and means of legally resisting the forcible Russification of Ukraine and the continued destruction of its culture. They possessed books dealing with this problem, some of them written in Czarist times. They possessed notebooks with quotations from the great Ukrainian patriots.
>
> No evidence whatsoever was produced to show that they agreed with these opinions or were contemplating subversive action. Unlike some who had gone before (and others still active) they were not advocating secession in any form and even had they done so, there would be no violation of the constitution. They were deeply concerned because the Moscow government was still persisting in its efforts to blot out Ukrainian consciousness, which even Stalin with his massive deportations and brutal killing had failed to do . . .

It is clear that the oppression of Ukrainian intellectuals by Moscow is directed by the overall policy of the Kremlin to stifle all opposition in Ukraine. This opposition stems not only from the desire of the Ukrainian people to have a greater measure of freedom and personal liberty. One of these intellectuals, Svyatoslav Karavansky, wrote well-documented petitions to the government of the Ukrainian SSR protesting the practices by the Russians not only against the Ukrainians, but against the Jews as well. He denounced the forcible deportations of the Crimean Tartars, Chechen-Ingushes, Kalmyks and Karachais; he assailed the uprooting of the peoples of the Balkan republics of Estonia, Latvia and Lithuania.

In describing the policy of Russification in Ukraine and in other non-Russian countries, John Kolasky, Canadian author of *Education in Soviet Ukraine,* states:

> The aim of Russian policy is to maintain a tight control over education in Ukraine and other national republics, to restrict Ukrainians and other nationals from progressing beyond the elementary and general secondary level . . . to denationalize them . . . to increase the continuous influx of Russians to occupy posts in government, education, science and other fields . . .

This, in essence, is the policy of Moscow against which Ukrainian intellectuals protest and for which they are being arrested, tried and sentenced at harsh prison and labor camp sentences.

YOUR EXCELLENCY!

This information is imparted to you for the purpose that you be fully acquainted with the suppression of human rights in Ukraine. We beg you, Sir, to forward this letter to the U.N. Commission on Human Rights so that it may study and examine it and make appropriate recommendations to the United Nations which, after all, was set to safeguard and protect human rights everywhere, including the USSR and its republics.

The recent trial of Jewish would-be plane highjackers in Leningrad, the workers' riots in Poland and the harassment of Russian intellectuals have aroused world public opinion and condemnation of Soviet practices, Soviet authorities, to be sure, are not entirely immune to what the world thinks or says about them.

Therefore, on behalf of our organization, which has been dedicated to the defense of human rights for over three decades of its existence, we kindly request you to take earnestly into consideration the violation of human rights in Ukraine.

The Ukrainian history teacher, Valentyn Moroz, who is being unjustly victimized by the Soviet government, is a symbol of the enslaved peoples in the USSR. In pleading for him, we also plead for the millions of peoples who are reduced to faceless and soulless robots of the communist regimes.

The United States stands to gain in prestige and recognition if it raises its voice in defense of the persecuted and the downtrodden.

Respectfully yours,
LEV E. DOBRIANSKY,
President.

RESOLUTION COMMEMORATING LITHUANIAN INDEPENDENCE

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. FORSYTHE. Mr. Speaker, elsewhere in the RECORD I have spoken about the meaning of the 53d anniversary of the independence of Lithuania.

A resolution adopted by the Lithuanian Council of New Jersey, meanwhile, has been brought to my attention. I insert the resolution at this point:

RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuana's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedom of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection,

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterates the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

LITHUANIAN INDEPENDENCE DAY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. PEYSER. Mr. Speaker, on February 16, 1918, a 20 member National council, proclaimed Lithanian Independence. On its first birthday, Lithuania, finding itself in juxtaposition with Nazi armies then in Poland, granted the U.S.S.R. garrison privileges. This proved to be but the first step towards Soviet domination. Following the war Lithuania was incorporated into the Soviet Union as its 14th "republic."

As we pause each year in solemn tribute to the silent and subjugated status of 3 million of our fellow human beings, we offer hope and not despair, faith, and not resignation.

The plight of the Lithuanian people must remind us of the growth and devices of totalitarian power in this century. Lithuania is not just a captive nation because I believe that "captive" is an inadequate description for the cruel and deceptive machinations of unprincipled, absolute power. Totalitarianism is a phenomenon which found its underpinnings in the Hitler and Stalin era of the 1930's, became a sophisticated tool in the 1940's, and left us in the 1950's and 1960's with tidy regimes which now accumulate their respectability and our acquiescence.

But our story, I regret to say, does not end here. The early development of totalitarianism in the 1930's, 1940's, and 1950's, horrible as it is, would be incomplete in its terrible significance were it not for its marriage to the terroristic guerrilla warfare of the 1950's and 1960's.

Lithuania is not merely a captive nation. It is a daily reminder of the fact that we are living in an epoch in which one evil leads inexorably to another. We cannot forget Lithuania, because to do so might allow us to fall victim to the other horrors which lie before us in this unhappy century.

To the proud Lithuanian-American while this day causes pause and empathy for his fellow countryman in his home country, he should also recall the glorious history and tradition of an independent Lithuanian State which can trace its history back to the 11th century, A.D.

REASONS FOR INVASIONS: CHEAPER BY THE DOZEN

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. HARRINGTON. Mr. Speaker, on Wednesday, February 10, 1971, Mr. Bud Collins, of the Boston Globe, presented as cogent a list of reasons for the invasions of Laos and Cambodia as I have read. I offer it for the enlightenment of the whole House:

Laos Excuses

(By Bud Collins)

For those of you who are puzzled, possibly even disturbed, here are one dozen good reasons for invading Laos and Cambodia:

1—To build the South Vietnamese army's confidence by giving them experience on the road. Sometimes an outfit that tries too hard when performing for home crowds, and loses consistently, can be straightened out by a road trip.

2—To strengthen the morale of South Vietnamese citizens by sending their army somewhere else.

3—To provide a wider range of foliage targets for the US Air Force, which has just about run out of them in South Vietnam.

4—To widen the scope and range of American journalists and other members of the world press corps, for whom Vietnam is written-out.

5—To broaden, the travel opportunities of American soldiers, who find that by this time Vietnam is too Americanized, and no longer has the aura of the exotic.

6—To spread US Post Exchange culture to Vientiane and Phnom Penh, and other areas that aren't Americanized enough.

7—To give the South Vietnamese a chance to shoot at Cambodians as well as North Vietnamese. Vietnamese dislike Cambodians because Cambodians have darker skin. (I suspect we could learn to dislike Cambodians, too, don't you?)

8—To keep the National Guard at home on their toes.

9—To introduce young Americans to perhaps the most diverting barroom, etc., in the Orient, the White Rose in Vientiane. After they've seen the White Rose, neither the Playboy Club nor Trader Vic's will hold any fascination.

10—To confuse the protesters by giving them more wars than they can possibly organize and demonstrate against.

11—To wipe out the memories of My Lai by providing the opportunities for bigger and better atrocities.

12—To keep Joe Alsop happy.

JACKSONVILLE CHAMBER OF COMMERCE AND JAYCEES SUPPORT CROSS-FLORIDA BARGE CANAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. BENNETT. Mr. Speaker, the Jacksonville Area Chamber of Commerce and the Jacksonville Junior Chamber of Commerce have recently issued statements supporting the continued construction of the Cross-Florida Barge Canal.

The statement presented by Jack W. Lucas, chairman of the Port and Waterways Development Committee of the Jacksonville Chamber of Commerce, has urged completion of the project halted by the President after the Congress had appropriated almost $60 million for its construction. It also calls for a congressional investigation of the constitutionality of the action by the President.

The Jacksonville Area Jaycees, of which I am a former president, has passed a resolution requesting that the President rescind his order stopping construction of the Cross-Florida Barge Canal, and that full public hearings be held on the project, which is one-third complete.

Mr. Speaker, the Cross-Florida Barge Canal was authorized for national defense reasons. It is also economically justified and would add greatly to outdoor recreation values. It would benefit millions of Americans and should be completed.

I enclose in the Congressional Record the statements by these two important civic-minded groups in Jacksonville, Fla.:

Statement by Jack W. Lucas

It has now become appallingly clear that President Nixon has been thoroughly insulated from the true facts in regard to the Cross-Florida Barge Canal and the chaos that will result from his edict to halt construction.

The President referred to two things adverse to the Canal route, endangering unique wildlife and destroying a region of beauty. Even a glance at the map of Florida and the tiny strip of land along the Canal route will show that the acreage involved cannot really protect wildlife. It requires 25 square miles of wild land to sustain the life of one panther, 5 square miles for a bobcat, 15 square miles for one black bear, all of these requirements being wild land removed from civilization. This fact, coupled with the realization that the nearby Ocala National Forest provides over 430,000 acres to sustain the space requirements of wildlife, conclusively shows the extreme degree of mis-information furnished to the President.

The other concern voiced by the President in regard to completion of the Canal was that it would destroy a region of beauty. Again, apparently the President was not advised of the fact that a large percentage of the perimeter of the Oklawaha River, as well as other lands involved, was acquired under orders of takings with reversionary rights to the land owners if the Canal was not built. Halting the Canal would only result in much of the beautiful riverfront property reverting to private ownership and exploitation. On both counts that the President relied upon for stopping the Canal he was obviously misadvised.

Completion of the Canal along an alternate route, avoiding the Oklawaha Valley, offers the best approach to preserving the ecology and natural beauty of the Oklawaha River. The Oklawaha Valley and the Ocala National Forest could constitute a new Oklawaha National Park. The new Canal route would not be subject to development because of the strip of public land separating the Waterway from private land. If the Canal is not built, massive lawsuits from affected parties will result and will be in the courts for many years to come. All sorts of new problems, such as flood control, stagnation, and other complications will emerge. The choice is not Canal versus Scenic River; the choice is Canal versus chaos.

The Cross-Florida Barge Canal once was considered a large federal project and its legendary size has long been controversial, but this is inconsistent with the realities of 1971 when we have no such controversy being raised concerning the needed 492 million dollar Central and South Florida Flood Control Project and the worthy 1.2 billion dollar Arkansas River (Tulsa) Navigation Project to be dedicated in June of this year.

The circumstances surrounding this matter, wherein a Congressionally enacted law providing for a public works project, in a contract with the people of a state, also duly enacted, was arbitrarily halted, wherein members of Congress from the affected state were denied an opportunity to confer about the matter, both before and after the edict, and wherein members of the three-man Council on Environmental Quality flatly refuse to provide members of Congress with the material upon which their recommendation was based, must give all thinking Americans chilling pause and apprehension.

The reasons cited in the edict to justify stoppage are fallacious as documented herein. To deny elected members of Congress the right to even discuss the matter, even though strenuous efforts were made to secure appointments, thus relying on three non-elected advisors who are apparently biased in the extreme, is most unfair. This is not the fair play that all good Americans deserve and expect.

For the President to, in effect, repeal a federal law properly enacted by the Congress without consulting Congress or even allowing Congress to consult with him is clearly unconstitutional. This matter is of such great national import to the democratic process of a representative form of government, as well as being a matter of vital importance to Florida and Jacksonville, we are hereby asking Congressman Charles E. Bennett and others in Congress to secure a congressional investigation of the constitutionality of this unprecedented action.

Resolution of the Jacksonville Area Jaycees—February 8, 1971

Whereas, there has been no conclusive evidence of the ecological dangers of the construction of the Florida Barge Canal and,

Whereas, there has never been a full public hearing where both the proponents and opponents of the canal could give all evidence in a public forum and,

Whereas, such a canal would open up vast spaces of interior Florida so our many residents could enjoy the beauty of the region as opposed to the current situation where only a privileged few have enjoyed access, and, Whereas, such a canal would make Jacksonville a port serving the Mississippi Valley and thus lower the cost of moving goods and be of great economic benefit to the citizens of Jacksonville, and,

Whereas, members of the Jacksonville Jaycees and others in the age group 21–35 could benefit the most by increased economic activity in Jacksonville and would participate in the leadership of this expansion, and,

Whereas, greater economic activity means more tax dollars to support social reform programs, pollution protection, and education, and,

Whereas, the expenditure of local and federal funds for the canal has been authorized and approved by the vote of our duly elected representatives locally, statewide, and federally, and,

Whereas, economic progress and environmental protection do not always prove a choice of either or, but maybe both can be achieved, and,

Whereas, water resource projects can contribute far more to a favorable environment than the harm done by the changes in the ecological balance; flood control programs reduce the erosion of soil, navigation improvements help keep the rivers from clogging up with sediment; the system of reservoirs conserved water for domestic and industrial use and provides more recreational facilities, and,

Whereas, the canal could prove to be a model for pollution control since it would be the first inland waterway built since environmental protection has been the concern of citizens and lawmakers, now, therefore be it, *Resolved:*

1. The Jacksonville Jaycees hereby request the President of the United States to rescind his permanent order stopping construction of the canal and replace it with a temporary halt.

2. A panel of experts be convened to hear all arguments for and against the canal in a full public forum in order that a final decision be made based on facts.

3. All parties interested in the outcome of the professional review would agree in advance to abide by the outcome without further pleas for consideration.

H.R. 4331, A PENSION FOR WORLD WAR I VETERANS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ANDERSON of California. Mr. Speaker nearly 5 million Americans served—and served valiantly—during World War I. Today, only 1.6 million are still alive and their average age is 74 years.

These men have contributed greatly to our country—not only during World War I, but also through the years as private citizens. We cannot thank them enough for their efforts in preserving our democracy and in sustaining our Nation.

Yet, an injustice exists. While these veterans receive disability compensation and death benefits similar to those provided for U.S. servicemen of other wars, the fact remains that World War I veterans do not qualify for a true pension. What we do have—incorrectly called a pension—is a special kind of welfare program.

Under current law, if a World War I veteran, who has no dependents, has an income exceeding $2,300 a year, he is ineligible for the pension.

There are now about 765,000 surviving World War I veterans receiving this pension—almost 50 percent of the 1.6 million who have survived—and the average annual income from all sources for these men is less than $2,500 per year. We should recall that some years ago the poverty level was established at $3,000.

Today, in order to correct this injustice, I am reintroducing a bill, H.R. 4331, to provide a $100 a month pension for our veterans of World War I. This would be paid without regard to the annual income of the recipient.

Mr. Speaker, the World War I veterans of this country deserve a pension; not as a matter of need, but as a matter of right. They fought to preserve our flag; they earned our respect and they earned our thanks. Now, we should give them what they have long deserved.

RECOGNIZE THE IMPOSSIBLE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. DERWINSKI. Mr. Speaker, a great deal of nonsense has been written on the subject of pollution. It was, therefore, a welcome relief to read an editorial that appeared in the February 6 issue of the Polish American.

The following editorial, which is entitled "Recognize the Impossible," is full of commonsense and deserving of republication in the RECORD:

RECOGNIZE THE IMPOSSIBLE

Landing a man on the moon capped a century or more of technological wonders that collectively have had an unfortunate psychological impact. We have reached the point where we take literally the observation that the U.S. can do anything it sets its mind to. Maybe it can, but there are some things that are obviously impracticable or impossible. A lot of them have to do with the irrational approach to various environmental problems.

As is well known, the automobile is a major polluter of the atmosphere, so there are those who would remove tens of millions of gasoline-engine driven vehicles and replace them with vehicles powered by some other form of energy. The executive of a large oil company brings the technological dreamers down to earth in a few words. He says, "To try to substitute electricity or natural gas for gasoline and diesel fuels in the quantities needed is manifestly beyond our capacities. In addition, any attempt to replace the internal combustion engine with an electric version would simply transfer the source of pollution to an off-highway location. By most reliable calculations, conventional generation of the needed amounts of additional electric power would add considerably more to the pollution of our atmosphere than do our present vehicles."

A century of technological wonders have evidently led to a tendency to confuse the scientifically possible with pure sorcery.

METHADONE DRUG TREATMENT

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. WYATT. Mr. Speaker, during the past several years I have been extremely interested in the methadone treatment for heroin addicts, and have followed it very carefully. I was particularly interested in the efforts made in the District of Columbia during the past months as a member of the Appropriations Subcommittee for the District of Columbia. It is apparent that there is some controversy over the use of this drug, but I have been encouraged by rather widespread reports of real progress in the heroin fight by the substitution of methadone.

In view of the fact that some controversy does exist, I was most interested in an article on the front page of the Los Angeles Times on last December 22, detailing the experience of one heroin addict with the methadone cure. I am submitting it herewith for whatever interest it may have for my colleagues:

ADDICT'S ROAD BACK PAVED IN METHADONE

(By David Lamb)

Al Wearing—washed up at 17, reborn at 33—talking about the warmth of sunshine and the faith of children and the sound of laughter, and "Holy Jesus" he said, wide-eyed, they're all so beautiful.

"Where've I been?" he asked, knowing exactly where he had been. "I mean it's like I just been sitting on a dark shelf all this time, just sitting there nodding, just waiting for time to pass.

"Then someone takes me down and they dust me off, and wow, I don't want to hide inside that little dark bubble anymore. I think of all those big black clouds that hung over me and I just shudder.

"That's why all this is so beautiful. Like I hear people complaining about the smog and I say what, I don't see nothing like that. I walk out on the street and the sun shines and I think it's so nice.

"There are kids playing together and I want to sit down with them and tell them how bad it really is. 'Cause I know in three, four, five years, if the wrong things happen in the right combination, they may go through all the misery I did.

LOOKING GOOD, THESE DAYS

"Sometimes, when I'm just feeling proud and want to show the guys I'm making it, I drive through the old neighborhoods—I just got my license—and the addicts come over and they say, 'Geez, Al, you're looking good. You're really clean.' "

And Al Wearing—retired burglar and con man, former robber, ex-heroin addict—laughed. It was a small, smug, happy laugh that, like his words, came with a sudden, uncontrolled rush of enthusiasm.

For six months now, ever since he started in the controversial methadone program, Wearing has been clean—free from the $50-a-day heroin habit that after 16 years made him feel "like my brain was going to blow up inside my head."

Methadone, a water-clear, slightly bitter-tasting liquid, is a synthetic naroctic developed by Germany in World War II as a pain killer. It also is a cheap, and as far as is known relatively harmless substitute for heroin.

THIMBLE-SIZED DOSAGE

So each morning promptly at 10, Wearing, instead of shooting heroin, gulps his thimble-sized dosage of methadone diluted in an orange drink. He feels no euphoria, no tranquilization, no heroin-like reponses.

Methadone is being used in at least seven states to treat about 9,000 hard-core addicts. Some areas, like New York City where the treatment was first used in 1963, report about 70% of their patients no longer use heroin. The normal "effective response" to most other heroin-control measures is about 1%, doctors say.

Frequently reported side effects of methadone include mild drowsiness, decreased sexual interest, nausea and constipation. Doctors, however, point out that the symptoms often were present before patients began the program and thus are not necessarily related to the drug.

Wearing's doctor at the Orange County Medical Center, E. M. Gherman, calls his work with the methadone program the "most exciting, gratifying" experience of his professional life. He says that as long as Wearing continues to use methadone, there is every reason to believe he will not need, want or use heroin again.

Not only does a dose of methadone block an addict's craving for up to 48 hours, it thwarts drug-produced responses from patients who "experiment" with heroin. Wearing said most of his addict friends have taken heroin once or twice since being on methadone, but they get no "high," and have stayed clean afterwards.

"I was scared to death when I first got into this program," Wearing said the other day after taking his dose at the County Medical Center. "I came in here the first time and I was raggedy and hurting and I needed a fix and I needed it bad right then.

"So I took the methadone, just like I have every day since, and there was no withdrawals, no high, no nothing. It was like I never had a habit. It killed my obsession. And for the first time in maybe 20 years, I'm a person again, a human being."

SEARCH FOR WORDS

Wearing, 33 and still gaunt from his years of self-torture, reached for another nonfilter cigaret. He is a lanky, pleasant man with sideburns and long black hair that curls over his collar. He still occasionally stutters and has to search for simple words and he knows that not all the hard times are behind him.

Therapists, he says, have told him he became an addict because his father did this to him or his mother did that.

"And that's crap," he snorts. "It was me who blew it. Me. I had my chances."

His uncle is a wealthy land developer and Wearing was raised in a normal middle-class family and environment.

But he started having trouble with the police at 13. He was popping uppers (amphetamines) at 15, smoking marijuana at 16 and using heroin at 17, although needles scared him so much that he had to turn his head while two friends injected the first dose.

By the time he was 23, he had been married three times and had fathered four children. His teeth were decaying, he didn't care that his clothes were always dirty and that a fix represented everything—money, sex, new shoes, strength, brains.

At 33, just before he started on methadone, he thought he was going insane. He slept fitfully, if at all. He ate little. He was often up at 2 a.m. "mainlining" the heroin he had set aside for the morning. Eight of his previous 10 years had been spent in jail for drug-related offenses.

Wearing first heard about methadone during a lecture at the California Rehabilitation Center at Norco. He was skeptical. He had reached for dreams before.

FOURTH WIFE URGES

But this time, the urging of his wife—his fourth wife, whom he married in 1967—Wearing applied for treatment at the Orange County Medical Center. Several Fridays later, a doctor called and said a patient space would be open the following Monday, June 20. Could he make it through the weekend? Wearing had enough dope on hand and said he could.

At first Wearing went to the center every day. Now he goes twice a week and is given enough methadone to carry him through his nonvisiting days. Eventually, as his rehabilitation progresses, his outpatient treatment will be weekly, because methadone, unlike heroin, does not increase one's tolerance level with constant use.

Wearing may, however, have to continue taking methadone, whose long-range effects are unknown, the rest of his life. If he stops, the chances are that he will again become a heroin addict, doctors say.

CALLED A CRUTCH

Some critics say this dependency proves men like Wearing have merely substituted one addiction for another. They say methadone is a crutch, not a miracle drug—to which Wearing says, so what?

For the first time in his adult life, he says, he is clean. His hangups are not gone, but his habit is. He's not robbing and he's not "using" and he's not marking time until his next prison sentence. He walks out his door every morning and his neighbors say good morning and "they don't know I'm any different than anyone else."

Supporters of the program counter their critics with state-provided estimates that California's 25,000 heroin addicts steal about $200 million annually to finance their habits.

METHADONE 9 CENTS

The figures are dramatic when stacked against the cost of a patient's daily methadone dosage—about 9 cents—and the consideration that most methadone patients no longer represent a law enforcement problem.

In California, where it is illegal for a physician to treat addicts with methadone unless he is an approved investigator in a research project, the program is being operated on a small scale. About 50 addicts are under treatment in Orange County, 15 in Los Angeles and there are other small groups in San Francisco, Santa Clara, Fresno, Tulare and San Diego counties.

PROGRAM EXPANSION

Oregon is treating more than half its estimated 300 to 400 addicts with methadone. Last February the state instituted a two-year residency requirement for participation in the program, to end the influx of Californians seeking treatment.

Three months ago, Gov. Reagan signed a bill expanding California's methadone pilot programs and permitting county officials to establish treatment facilities in local health centers.

THE WELSH IN AMERICA

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. REES. Mr. Speaker, the birth of St. David, the Welsh patron saint, will be commemorated on March 1 by Welsh Americans throughout America—nothing like the St. Patrick gatherings, though St. Patrick was born in Wales and grew up speaking Welsh, not Latin.

Very little has been written of what the Welsh have contributed in all walks of life in the shaping of American history.

Twenty percent of the Pilgrim Fathers were Welsh, as was the Captain of the Mayflower.

How many know that almost 50 percent of the signers of the American Declaration of Independence were Welsh or of Welsh descent—as were nine of the Presidents of the United States—and that many of the universities and colleges such as Yale, Princeton, Brown, William and Mary, Virginia, Johns Hopkins, and Andover, were founded by Welshmen.

The man who financed the War of Independence was Robert Morris, Pennsylvania was founded by William Penn, and Rhode Island by Roger Williams—all were Welsh. It is strange indeed that such a small country—as Wales, so many people are hardly aware of its existence—has contributed so much more in proportion to its size than any other nation, and stranger still that so little has been written of it. Oh yes. The next time you are in the Capitol and feel like climbing the Washington Monument stairway, about halfway up there is a stone inscribed:

"FY IAITH, FY NGWLAD, FY NGHENEDL WALES—CYMRU AM BYTH." [*]

Thomas Jefferson would have placed it where more people would see it, for he was very proud of his Welsh origin.

It would take many pages to name the great Welsh Americans since the Founding Fathers, who have helped build America—in government, industry, labor, finance, law, architecture, music, religion, literature.

Yes, the Welsh in America can be very proud of their heritage. And it is to be hoped that as each St. David Day comes around more people will remember how much good has come from so small a country, where the greatest honor each year is to be crowned "Poet of the Year."

THE WHITE HOUSE CONFERENCE ON CHILDREN

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mrs. MINK. Mr. Speaker, as a participant in the recent White House Conference on Children, I have that its recommendations result in many benefits to our children.

Mr. Leo Perlis, director of community services for the AFL–CIO, was interviewed on the radio program, "Labor News Conference," and expressed his views on the Conference. Members of the press taking part in this Mutual Broadcasting System program were Nan Robertson of the New York Times, and John Matthews of the Washington Evening Star. The moderator was Frank Harden and the program was broadcast on January 19, 1971.

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[*] My Language, My Country, My Race, Wales, Wales Forever,

Because of the wide interest in Mr. Perlis' remarks, I am inserting the interview at this point in the Record:

Harden. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Leo Perlis, director of the AFL–CIO's Department of Community Services.

To many observers, the 1970 White House Conference on Children, held last month in Washington, faced challenges far greater than those presented to any earlier Conference. Many of the delegates feel that the Conference was a failure. Mr. Perlis led the AFL–CIO delegation to the Conference. Here to question him about the 1970 White House Conference on Children, what it accomplished, what it failed to accomplish, and, how he views the upcoming White House Conference on Youth, are Nan Robertson, of the New York Times' Washington Bureau, and John Matthews, of the Washington Evening Star. Your moderator, Frank Harden.

And now, Miss Robertson, I believe you have the first question?

Robertson, Mr. Perlis, what do you think about the White House Conference on Children? Do you believe it was a success or a failure, and, why?

Perlis. Well, Miss Robertson, I think the White House Conference on Children was a failure.

I think it was a failure for two major reasons.

First, it didn't accomplish its mission. By that I mean, they didn't come through with any specific, concrete and tangible recommendations.

The second reason is equally important. The Conference's own procedures were so limited and so circumscribed that they did not allow participation of citizens in the formulation of the policies, and programs, and decisions of the Conference.

Robertson. I don't understand what you mean by "citizens."

Perlis. By "citizens" I mean people who have been working for many, many years in organizations devoted to children: those agencies, for example, which have been associated with the National Assembly on Social Policy and Development—agencies that have been associated with the Council of National Agencies.

Organizations that have offered their services, their brains and their hearts, have been rejected, time and time again, by the people who have been running the White House Conference on Children and Youth.

Matthews. President Nixon's chairman for the Conference, Stephen Hess—who is also a White House Aide—has argued that the format of this Conference was shaped so that the establishment in the social welfare field would not control the Conference. What do you say to that? And, who was in control of the Conference—who were these 4,000 people?

Perlis. The Conference, Mr. Matthews, was controlled—lock, stock and barrel—by Mr. Hess and his staff.

I am not sure what he means when he calls the Child Welfare League, or the Family Service Association, or the National Assembly, or even the AFL–CIO, "the establishment." I'm not so sure that "establishment", in this instance, is necessarily a bad term. I'm not so sure that he means what he's saying, because my impression is, the Conference was conceived in fear and concluded in futility.

I think that one reason, for example, for the division of the White House Conference into two separate sessions—one on children and one on youth—is the fear that Mr. Hess and his associates must have had, when they rejected the ideas of inviting young people to come to Washington for one, overall conference.

Let me point out, Mr. Matthews, that they have a National Technical Advisory Committee. I happen to be a member of it. The National Technical Advisory Committee consists of something like 100 citizens. Its purpose is exactly that—advisory. Yet, we have never been consulted on the size of the Conference, the site of the Conference, the time of the Conference, on the forum leaders, on the discussion leaders, on the format. We have never been officially and collectively consulted on any of the issues relating to either the White House Conference on Children or the White House Conference on Youth.

Matthews. Well, what—zeroing-back on the Children's Conference—what do you think the President and the Administration had to fear from the Conference? What do they have to fear from the Youth Conference?

Perlis. I really don't know—I wish I did.

But, it seems to me that we do face confrontations here and there—we do live in a period of turmoil and strife. I think that the experience of the White House Conference on Hunger, a year or so ago, must have persuaded some of the people running this Conference that they ought not risk confrontation—especially, confrontation by the young.

Now mind you, the separation of these two conferences—the hiding of the Conference on Youth on the ski slopes of Estes Park, Colorado—the attempt to spread it over a period of six weeks . . .

Robertson. That's not going to happen, by the way. It's going to be one event—one gathering.

Perlis. One gathering now—yes—but, still on the ski slopes of Estes Park, Colorado.

Robertson. That is correct.

Perlis. All of these things seem to suggest that there was a lack of courage to face up to the realities of the situation in this country, and to face up to the issues confronting the American people and a positive job of giving the people an opportunity to express themselves through plenary sessions—which was absent, incidentally, from the White House Conference on Children.

Robertson. There were two sessions to which everybody was invited, if they wished to come, as you well know, held in the headquarters hotel of the White House Conference on Children. They were finally allowed by Stephen Hess. The second one, as you also well know, was disrupted by, I believe, the leaders of those who formed the first one.

Perlis. Miss Robertson, as a matter of fact, there were three sessions; one on Sunday night, one on Wednesday night, and one on Thursday night. None of these three sessions were official plenary sessions of the White House Conference on Children. Mr. Hess ruled out all plenary sessions.

Robertson. All "official" plenary sessions.

Perlis. All "official" plenary sessions, yes. So, these "rump" plenary sessions had to be held in the absence of official plenary sessions.

Robertson. And what did they accomplish, do you think?

Perlis. Well, two of the rump plenary sessions were held by the Council of National Organizations. The third was held by the black caucus, the Spanish-speaking caucus, and the women's caucus.

Now, what the first rump session accomplished obviously, was very valid. It was not disrupted. It was a session to give the delegates the opportunity to express their concerns—their feelings about the way the White House Conference on Children was organized. It went off rather well. People had the opportunity to express themselves. There were over 1000 people there, resolutions were adopted, there were six speakers on the major clusters. Everything went off very well. It was an informative session—an effective session—a harmonious session.

Now, that kind of session, as a matter of fact, could have been held by Mr. Hess himself, but, that was not done. I did not attend the black caucus session, but I'm informed that there was an opportunity for many of the minority groups to express their feelings and concerns, in which they did rather well. It was not disrupted.

Robertson. That was harmonious also.

Perlis. Harmonious.

Robertson. I agree with you.

Perlis. Here again, I was told that if there were opportunities for the delegates to express themselves officially, there would have been no need, obviously, for these rump sessions.

Now, the Thursday night session—which I attended, and from which, we all walked out—was sponsored by the Council of National Organizations, but it was disrupted by the black caucus. This is nothing new. Similar disruptions have occurred elsewhere around the country.

If I had been in the chair, I would have either called the cops or adjourned the meeting. You simply don't permit—in a democratic society—black shirts, or brown shirts, or red shirts, or any other kind of shirts, to get control of a democratic meeting and convert it to their own use, for either political or other purposes.

Unfortunately, I was not in the chair. I happened to be on the platform, and I simply walked off in disgust.

But, the disruption was not the fault of the National Council, and it was certainly not the fault of the agencies associated with the Council. But, in the absence of a plenary session—an official session—this was made possible. The black caucus must bear full responsibility for disrupting this meeting. When I say black caucus, I really mean the extremists who were in control, because I know that many members of the black caucus didn't agree with the tactics of the extremists.

Matthews. There were a lot of charges floating around the Conference that the blacks had, in fact, been manipulated by Mr. Hess—that there was an agreement with Mr. Hess that they could have their own plenary session, to which Reverend Ralph Abernathy came—and that subsequently, there was some conspiracy to disrupt the second plenary rump session.

Perlis. I've heard these charges, Mr. Matthews, but I have no evidence, know nothing about them.

I have heard that Doctor Hurst had met with Mr. Hess, and that some agreement was reached. But, I have seen no evidence—and I have no personal knowledge of any such meeting.

I do know, however, that the only two people who came out after the Conference with "laud" comments about it were Mr. Hess, who said, "this is an unqualified success," and Dr. Hurst, who said "this is the best Conference ever."

Robertson. To get away, for a moment, from the politics of this Conference and into the results, to sort of paraphrase a very famous saying, how does this White House Conference on Children differ from all others? Senator Walter Mondale (D-Minn.), in a speech on the Senate floor a few days before the Conference began, reminded the delegates and the Senate that the White House Conference on Children and Youth held under President Herbert Hoover 40 years ago—and I quote—"produced a children's charter comprehensive enough, and still unfulfilled enough, to be a fine agenda for action today." These conferences, as you know, have been held every 10 years since President Theodore Roosevelt called the first one in 1909.

Perlis. The first Conference was held under Mr. Roosevelt. I have attended two, in 1950 and 1960, so I know a little bit about the White House Conference.

Personally, I have no strong feeling about the holiness of a White House Conference on Children and Youth. For all I know, a White House Conference on Children and Youth could be conceived in different ways. For example, some of us recommended in 1960, that it ought to be converted into a White House Conference on Family Life—that perhaps that is the way to do it.

But, in any event, it has been our feeling—in the AFL–CIO and in the organizations with which we are associated—that this is a conference which could produce some recommendations; it could focus attention on some of the problems facing our youth and our children; it could inspire Congress and the White House to act positively on some of the problems and some of the issues; it could encourage many of the voluntary organizations to exert greater effort in the direction of assisting children and youth—in many specific areas, such as health, education, welfare, day-care, and, values—and in many other areas.

It could also help our state organizations, state governments, and local governments, in doing a better job.

Certainly, many of the issues raised at the Conferences since 1909, have been implemented, in some fashion or another, in Executive Orders, in law, in specific local and national actions.

So, certain things could have been done.

Our job, as we saw it, was to offer our support, which we did offer, to Mr. Hess and to all the others.

We offered our cooperation and our support. We didn't conceive of it as a "Nixon Conference" or a "Hess Conference," but a Conference, sponsored by the White House, among all the people, for the children and youth—and all people would include young people—and, all colors and races.

We offered our cooperation. We offered our advice. We offered our support.

But at every turn, not only our cooperation went unsolicited, but our advice, as well—our advice was rejected almost at every turn—not only our advice, but that of many other agenices, too.

It seemed to us, at one point, that what they wanted was bodies—black and white, young and old—to come forward and to fill the halls in clusters—in forums, in workshops, in sensitivity courses, in play-acting, in film-watching—in all of these things.

I recall a delegate at one of our sessions referring to it as "the White House Festival of Films and Fun."

That was the impression that many of our delegates had.

Robertson. Mr. Perlis, the White House Conference on Children and Youth you attended in 1960, came up with 670 proposals to then-President Eisenhower. This one ended with 25 recommendations for President Nixon, topped by more than a dozen overriding concerns, which were overlapping, as you know, with many of the specific recommendations. I contend that perhaps this boiling down, as general as some of the recommenations were, might have had something to recommend it, in fact, they were more condensed—there were fewer. I don't know what's going to happen to these overriding concerns and recommendations. But, what came out of the 1960 Conference and its 670 proposals to President Eisenhower? What specific legislation, what specific results came out of that Conference?

Perlis. I don't recall, offhand, what specific results came out of Mr. Eisenhower's 1960 Conference.

I do know that the delegates had a chance to express themselves. I do know that the delegates had a chance to hear what happened at the whole Conference—the total Conference—in plenary sessions.

Also, those more than 600 recommendations or proposals were quite specific.

At this Conference, the recommendations were quite general. For example, the recommendations included such things as the "development of programs to eliminate the racism which cripples all children." Well, we're all for that. But, what about specific programs? What about, for example, the desegregation of our school system? What kind of legislation do we want, and what kind of orders do we want from our courts to do this kind of a job?

Another was for "a national priority of children and families first, at all levels of American life." Now—what does "children and families first, at all levels of American life" mean, for example, in terms of infant mortality rates and the need for a national health insurance program? We weren't really given an opportunity in this Conference to come up with something specific and concrete.

Matthews. Well, there were some specifics, weren't there—like a National Child Health Insurance program and the Child Advocate. approach?

Perlis. Yes, the major thing that was pushed at this Conference was the Child Advocate, and it was pushed in all of the workshops.

I'm not sure what that means, and I'm not sure that many of the delegates know what it really means.

Robertson. I think that day-care was obviously one of the most important and really relevant issues. Those forums were just packed with people aware of the need for more centers. There has been a dramatic increase in the number of working-mothers—from 10% in 1940, to 40%, as of last count. That is something really specific, and it was high on the agenda of priorities.

Perlis. Well, this is really nothing new—it's simply a repetition of things that many of the organizations and some of the previous White House Conferences have been saying about the need for day-care, since the Lanham Act of the 1930's. Much more has been done.

As a matter of fact, the national agency on day-care was extremely dissatisfied with this Conference, because it felt that the specific issues relative to day-care did not come forth, in terms of legislation, and appropriations, and things of that sort.

Matthews. If we could turn a minute to the Youth Conference, which is going to be held from April 18–22, as we said before, in Estes Park, Colorado—which is 70 miles outside Denver—how do you think the Conference could be improved—what do you think, Mr. Hess, the chairman, is planning for it?

Perlis. Well, I think the Conference should be called to Washington.

This is the place where the White House Conference on Youth should be held. This is where the political power is. This is where the resources of public relations are. This is where the focus needs is to be made.

I see no point in removing the White House Conference on Youth from Washington, D.C., to Colorado. I have no idea what Mr. Hess intends to do.

It is being planned right now. It seems to be going down the line of the White House Conference on children, which is not going to be a very successful approach.

Matthews. Well, there are some reports that the youths planning the Conference favored the idea of holding it away from Washington, too. In a way, disassociate themselves from the White House.

Robertson. And perhaps, from confrontation or disruption.

Perlis. Well, I don't know who picked the youth. Was it Mr. Hess?

Robertson. You got me, Mr. Perlis, I don't know either.

Matthews. So basically, you're not very hopeful for the Youth Conference?

Perlis. No, I'm not very hopeful, at this point.

Matthews. Besides moving the Youth Conference to Washington, Mr. Perlis, how else do you think it could be made into a more useful Conference?

Perlis. Well, I think the move to Washington is very essential.

Number two, one session, instead of dividing it up over a period of six weeks. I'm glad to see that Mr. Hess is doing just that now, after considerable toying with the idea of holding it over a period of six weeks.

Number three, there should be provision for plenary sessions—at least one or two—so that people have the opportunity to express themselves. Number four, invite citizen organizations to participate in the development of the format, and the speakers, and all the rest.

Number five, see to it that working youths be invited—and that labor organizations be invited—to participate in the development of this kind of arrangement.

Harden. Thank you, Miss Robertson, and thank you, Mr. Perlis and Mr. Matthews. Today's Labor News Conference guest was Leo Perlis, director of the AFL–CIO's Department of Community Services. Representing the press were John Matthews, of the Washington Evening Star, and Nan Robertson, of the New York Times. This is your moderator. Frank Harden, inviting you to listen again next week. Labor News Conference is a public affair production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

A SALUTE TO MR. SOL KEST

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. REES. Mr. Speaker, on Sunday evening, February 21, one of the great schools in Los Angeles, the Yeshivath Torath Emeth Academy, will honor its president, Mr. Sol Kest. Mr. Kest, a local prominent businessman in the construction industry, has been most active in the life of the Yeshivath Torath Emeth Academy since its inception, and has truly earned the honors that are being bestowed upon him.

In recognition of Mr. Kest's accomplishments and dedication to the school, I would like to call the following resolution to the attention of my colleagues. They will agree, I am sure, that Mr. Kest is certainly deserving of such commendation.

The resolution follows:

Resolution

Whereas Mr. Sol Kest came to this country as a poor refugee of the Nazi concentration camps,

Whereas Mr. Kest has become a prominent businessman and a dynamic force in the development of Southern California,

Whereas he is an outstanding example of American democracy and way of life,

Whereas he is donating much of his valuable time and energy to the service of his community vis-a-vis education,

Whereas he has served so nobly as president of the Yeshivath Torath Emeth Academy for many years,

Whereas Mr. Sol Kest is being honored for his outstanding devotion and self-sacrifice for the cause of Jewish and general education through Yeshivath Torath Emeth education at the Ambassador Hotel, Los Angeles, on Sunday, February 21, 1971,

Now therefore, be it resolved that Mr. Sol Kest be heartily commended upon his achievements and may he always set an example of the highest American ideals.

EARLY CHILDHOOD EDUCATION IN AMERICAN SAMOA

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mrs. HANSEN of Washington. Mr. Speaker, the education and related program developments in our territories, I know, are of continuing interest to the Members of this Congress. In Samoa, under the direction of Dr. Betty Johnson, director of the Early Childhood Division of the Samoan Department of Education, and her assistant, Iutita Savali, a fascinating program is underway and since there are few Americans who are not interested at this point in time in preschool and school learning centers, I am placing the text of her report in the RECORD:

Early Childhood Education in American Samoa Report for Years 1969 and 1970; the Initiation and Development of Educational Programs for 3-, 4-, and 5-Year-Old Children and Their Parents

(By Betty Johnston and Iutita Savali)

INTRODUCTION

The education of three, four and five-year-old children in village early childhood centers and the training of parents as their teachers is a unique and recent development in American Samoa and has grown from only a dream in January 1969 to the December 1970 reality of over 3000 children in 135 centers located in all of the villages on the Islands of American Samoa-Tutuila, Ofu, Olosega, Tau and Aunuu.

That attention should be paid to young children and their parents is in line with present knowledge of human development and the learning process, as well as the April 1970 request from the Office of the President of the United States urging that new approaches be found to work with parents in their homes, in order to better assist all children in their first five years. It is during this period that a child's development is most subject to modification; his feelings and attitudes are formed; his language and ways of communicating are developed; and his habits and ways of behaving and coping with life are learned. There is well documented evidence that early environment and experience do indeed effect emotional, social and physical growth and well-being and are most critical to language and intellectual development.

Benjamin Bloom's[1] classical summarization of over a thousand studies notes that between birth and four years of age nearly 50% of all growth in human intelligence takes place, with up to 80% in the next three or four years and concludes that one would expect variations in the environment to have a marked effect before the age of eight, with the greatest likely to take place between the age of one and five. McVicker Hunt[2], assessing the relationship between early experience and intelligence, emphasizes the importance of reaching children early for it is at this period that they acquire the abilities on which later abilities are based. Urie Bronfenbrenner[3] stresses that the most potent forces fostering the development of the child are the persons with whom he has developed intensive and enduring emotional relationships—namely his parents, relatives and other persons with whom he becomes closely involved on a one-to-one, day-to-day basis and that enduring improvement in the child's development can be effected only through appreciable and enduring change in the behavior of the persons intimately associated with him. He urges parent involvement not only in the home, but at children's centers and schools as well. Charles Silberman[4], discussing the relationship between active involvement and learning, emphasizes the power of play and how through it young children begin to discriminate, to make judgments, to gradually develop concepts of casual relationships and to begin to reconcile their inner lives with external reality—particularly when sensitive adults are nearby to maximize the occasion by response or intervention with appropriate "feedback" of language, gesture, or materials.

If what has happened to a child in his early years has set a pattern as well as a capacity for future learning, then it is upon this that all later learning builds. If the experiences have been marginal or damaging, one is confronted with a continuing remedial task. To be able to kindle a delight in learning during childrens most formative years is a challenge and an accomplishment that could return more knowledge for less dollars than at any subsequent age level.

GOALS AND RATIONALE FOR EARLY CHILDHOOD PROGRAM

What happens in an educational environment is the curriculum and it may be prescribed, emergent, or accidental and unidentified. A suitable curriculum for early childhood should not be rigid, or tightly prescribed by workbook, textbook, kit, or program guide; however, it cannot afford to be hit or miss, or unplanned—for the grouping of children in an uncontrolled environment, without teacher guidance and planning, is no assurance of reaching any of the educational goals sought.

The broad goals of the Early Childhood program are to promote as far as possible the physical, mental, emotional and social well-being of all the children under six. This requires the cooperative effort of teachers, village personnel and all related community agencies, public health in particular. The more specific goals of the Village Early Childhood Centers are to help each child grow in:

Personal autonomy.

Confidence in the self and the ability to learn.

Language and concept development.

Gradual symbolization of experience.

Creative thinking, decision making and problem finding/solving.

In order to achieve those goals these conditions should prevail:

A friendly, supportive teacher.

A classroom climate, free from fear, and conducive to positive social and emotional growth.

A regular pattern of daily program—stories, songs, activities, to build security and timing, but flexible enough for change when necessary.

Learning centers, carefully planned, with materials available to children with a minimum of teacher direction.

Enough space and time to move around, explore, try-out, discover create.

A variety of materials and equipment for sensory experiences, motor manipulation and aesthetic enjoyment, requiring a minimum of adult assistance.

Easy verbal interaction between children and between teacher and child, or children.

Introduction of new materials to meet growing needs of child.

Short directed activities planned by the teacher for specific learning purposes for one or a few children.

There would be particular emphasis upon:

The development of oral/aural language of the country.

The use of language in functional, natural conversation and discussion as children and teacher interact with the environment and with each other.

The opportunity to reproduce and talk about what has been experienced in a variety of ways: block building, drawing, sculpturing, doll play, dancing, telling stories.

Concrete, problem finding/solving experience to further sensory perception and development of concepts—number, measurement, special relationships, classification, order etc.

In summary, the program is built on the rationale that the most effective learning is that which proceeds on the basis of the child's own motivation and personal involvement; and the effective teacher is the one who provides the child with choices; enables him to consolidate his learning at his own rate and in his own style through play and exploration of materials and ideas. The teacher plans the environment for learning and acts as a actalyst, facilitator and resource person to extend the child's learning in a "caring" and encouraging manner.

BACKGROUND

In late November 1967, in response to reports of elementary school principals that children entering First Level were limited in their use of Samoan language, the Department of Education employed a stateside early childhood specialist with particular knowledge of children's language development to investigate and suggest a possible course of action. The need for a Samoan advisor was clear to the investigator and by good fortune a Samoan curriculum specialist with a college degree in early childhood education was discovered. She joined the staff in December 1967 and since then the two have worked closely together on all program plans and evaluations. A report was prepared suggesting various combinations of program designs, with each analyzed as to feasibility in light of relevant information gathered on child population; number, location and accessibility of villages; and professional personnel and education facilities.

The Director of Education chose to develop part of one plan—a brief educational program directed to the five-year-olds and to begin with a four-week orientation for the children just before entrance to First Level. (Children of American Samoa enter First Level of the Consolidated Elementary Schools in September, if six years of age by December 31.) The curriculum design, content and learning materials appropriate to Samoan children were planned and implemented; a Samoan teacher selected and trained for a projected fifteen-minute televised component to introduce the children to television, since it was the vehicle of teaching at First Level; a four-week pilot study held in May to test the program and materials with five-year-olds; a five-week education workshop in June and July for 111 Samoan assistant principals and teachers—directed observation of a master teacher, Iutita Savali, working with five-year-olds; and in August all of the children who would enter the First Level of the Consolidated Elementary Schools in September attended a four-week activity-centered, language-eliciting program in the schools they would attend.

Classroom desks were removed, or stacked to one side, permitting the arrangement of inviting learning centers that drew the children to self-selected activities of investigation and discovery, with the teacher, a catalyst-facilitator, freed to interact with children individually, or in groups. The children, teachers and parents responded enthusiastically to the program which did indeed elicit oral language, as well as good feelings about the self, zest for learning and going to school. Two statements, one by a bus driver and one by teacher are revealing. The bus driver took the trouble to go into the Principal's office to ask what was happening, saying, ". . . all the years before, when I took little children to school, they cried and didn't want to leave home, but now they don't cry at all and cannot wait to get to school." And the teacher, "I used to get mad and hit the children, but now I try to understand why they act like they do and I'm not mad any more and I don't hit. I'm glad."

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[1] Bloom, Benjamin S. *Stability and Change in Human Characteristics*. New York: John Wiley and Sons, Inc., 1964

[2] Hunt, J. McVicker *Intelligence and Experience*. New York: Ronald, 1961

[3] Bronfenbrenner, Urie *Two Worlds of Childhood—U.S. and U.S.S.R.* New York: Russell Sage Foundation, 1970.

[4] Silberman, Charles E. *Crisis in the Classroom. The Remarking of American Education*. New York: Random House, 1970

However, some questions were raised by elementary administrators as to how children and teachers would adapt to the tightly television-structured curriculum of the elementary school, beginning at First Level, after experiencing a lively activity-centered program. This, coupled with a severe curtailment of the budget for both personnel and building construction stopped plans for a full year program for the five-year-olds and left only another short orientation period for the following August 1969. Realizing that this span of time was too short and with no prospect of lengthening it, coupled with the fact that age five is too late to begin a program of child development for modification, new approaches to reaching the young children were studied.

Two new, but complementary programs emerged—one to place the three, four and five-year-old children in early childhood centers located in their own villages employing village men or women as teachers, after initial and then continuing training; the other, to make use of the existing educational television facilities to develop a televised program to be directed to the young children and their parents in their homes. Since television had been used as a small component of the Early Childhood summer program for five-year-olds in 1968, and, since major teacher education, as well as the making and assembling of learning materials, would need to precede any opening of village centers, it seemed expedient to shape the televised program first as a means of reaching a large number of children quickly. A description of the two programs follows.

THE TELEVISED PROGRAM

The televised program, *Talofa Tamaiti* (Hello Children), directed to the children below six, was inaugurated on January 2, 1969 and since that date has been viewed twice daily, morning and evening, on the two major channels in American Samoa. The program is taped by Toeaso Faatili, a native Samoan, who uses clearly enunciated Samoan speech. The content deals with familiar Samoan village life—people, animals, plants, activities—through which the children can relate their own experiences and grow in understanding and language power. The setting for *Talofa Tamaiti* is a Samoan "fale" (home) with a back drop of posts woven "pola" (blinds) and mats and the "Mother-Teacher" is identified by the children as a warm smiling family member. All the songs, rhymes and stories are written and composed, as there have been almost none for young Samoan children—to date 50 songs, 30 rhymes and innumerable stories. The songs are now heard being sung by both children and adults on all the Islands of American Samoa—Tutuila, Ofu, Olosega, Tau and Aunuu—as well as in Western Samoa. Toeaso has become a well-loved personality—little children walk up to touch her to see if she is real. This program has been successful as observed by the kinds of responses it has elicited from both children and adults and will be continued in 1971. A radio version of *Talofa Tamaiti*, for songs, stories and rhymes, will be added.

VILLAGE EARLY CHILDHOOD CENTERS

After launching the *Talofa Tamaiti* program, plans were immediately started to develop village centers for three, four and five-year-old children. The community was involved from the beginning, and the people of American Samoa were asked if they wished to have children's learning centers in their villages. This was done early in January over television and radio on a "Report to the People" by the Samoan and stateside administrators of the Early Childhood program in conjunction with Samoan District Governors, High Chiefs and the Department of Education Samoan advisor. The program envisioned for the children was described and the announcement made that mothers and fathers would be trained, then employed as teachers and the village would be asked to contribute the use of a "fale" (home) for three hours on each weekday morning as the center for the childern. Budget funds would permit beginning with only 40 groups on Tutuila, however, if successful and money were available, the program would be expanded to include the outer islands, as well as more villages on Tutuila. If these plans interested the people they were to come to the Early Childhood office to apply for teacher training. Over 200 applicants came, even some over 85 miles of rough sea. That they were interested was evident. The rationale for locating the early childhood centers in the villages and the selection of village mothers and fathers as teachers follows.

Location of early childhood centers in villages

Several factors entered into the decision to place the children's centers in the villages. It is often desirable to have schools for young children within walking distance of their homes, but in American Samoa it is almost imperative, for not only is transportation limited, but many villages are extremely isolated. Out of a total 66 villages on the Islands of Tutuila, Aunuu, Ofu, Olosega and Tau, 53 lie along the fringes between sea and mountain, twelve are more or less inland and one is on a mountain top. Even small villages only a few hundred feet apart can be completely separated by pounding surf on steep, jagged cliffs. While fifty of the villages are "fairly" accessible by car or jeep, sixteen can be reached only by boat or trail. Public transportation is meager, unscheduled, or non-existent.

Secondly, the location gives high visibility of the program to the total village, not only because of the open architecture of a "fale", but because parents, grandparents and others often walk to school with the children, carrying one or two younger children. They are invited to stay to watch, and do, sitting around the perimeter, holding the young ones on their laps—so not only the adults observe, but the infants and one- and two-year-olds enjoy stimulating auditory and visual experiences. The teacher's influence becomes an ever-expanding circle—from the children and parents at the center to village as a whole.

The donation of the use of a village "fale" for the children's center not only gives tangible evidence of interest, cooperation and participation, but in fact makes the program possible, as there are no funds for structures, set at a conservative estimate of over a million dollars.

Teaching personnel

The training of village mothers and fathers to be the teachers in the early childhood centers was advisable on several counts. In the first place, there simply were no professional personnel available—even in elementary schools many teachers were still working toward their high school equivalency diploma. Secondly, and even more important, these persons were village parents, so the training could serve a double purpose—knowledge about young children and how they grow and learn, which could be used not only with children in the village centers, but in their homes as well—with carry-over of ideas reaching downward to the two-year-olds, one-year-olds and infants. Recent research reports that young children who make the most gains are those whose parents are intensely involved in meaningful interaction with them—both in school and at home.

Criteria for selection of candidates

Qualities of humaneness, personality and behavior should be of high priority in the selection of teaching personnel for any age level, but are of top priority for those in contact with young children. The criteria for the selection of candidates for teachers of the Village Early Childhood Centers were: warmth of personality; clearly enunciated Samoan speech; desire to learn; interaction with children; respect of their village; and good health (medical clearance).

Description of the teacher education program

Over the two year period covered by this report, which marks the beginning of the plan to place three, four and five-year-old children in village centers, three separate early childhood teacher education training sessions have been held for a total of 375 village men and women. The first, for sixteen weeks from March through July, 1969 for 100 men and women, from whom 40 were selected as teachers for the opening of 40 Village Early Childhood Centers; the second, ten weeks from January through March, 1970 for another 100 for a selection of 45 teachers for 45 more Centers; and the third for ten weeks, October through December 1970 for 175. The large group of trainees for the last period reflected the budgetary possibility of adding teacher-aides to the centers, in addition to 50 new teachers for 50 new centers to open January 4, 1971. Many of the second and most of third group had the advantage of observing and/or assisting in the on-going centers. It might be well to note here why the number of trainees in each session has exceeded the number of centers to be opened. This was purposely done, to allow for better selection of teachers and to permit some substitutes, as maternity leave is frequent, as well as "malagas" (trips) to Hawaii, or the United States.

In addition to the pre-service program listed above, all of the village early childhood teachers attended a two-week training period prior to opening of the village centers in September 1970. During the school year, three-hour in-service meetings are held bi-weekly for all teachers and individual conferences the same day a supervisor visits the center. Teacher education, therefore, is continuing and on-going.

The training program has been designed to meet the specific needs of both the Samoan trainees and the children they expect to teach. The content, drawn from current findings in the field of human development, includes attention to maturity and behavioral characteristics of children and the conditions believed to augment feelings of self-worth and autonomy; language and concept development and progressive symbolization of experience. In addition, attention is directed to the inherence and integration of the discrete subject areas of science, mathematics, social studies and language arts in the self-selected activities planned for the children.

All the training is directly and practically related to actual village teaching. No materials or equipment are used that cannot be replicated or provided for in all centers. For example, tables and chairs are not used, as they are rarely used in the Samoan "fale". Woven mats are placed on the floor to sit upon and most work is done in this position. This becomes a "built-in" advantage for eye-level talking-with children. Plants, seeds, flowers, feathers, shells, rocks, etc. are used for sensory experiences of many kinds. Much attention is given to developing imagination and resourcefulness on the part of the teacher in the use of indigenous materials for children's learning—making balls from coconut fronds, musical instruments from coconut shells, ulas (stringing necklaces) from shells, seeds; using leaves, flowers, shells, etc. for discrimination of shape, size, color.

The major vehicle for teacher training is demonstration teaching, preceded and followed by discussion. The Samoan trainees could not profit from a lecture-type course, even if it were in the Samoan language, as there would be little understanding of abstract ideas presented. This was found to be equally true of the 111 Samoan elementary teachers and principals in the five-week workshop in 1968.

The training is conducted in several ways:

Observation of master teaching of a beginning group of young children, similar in composition and setting to a village group, over a period of several weeks with trainees acting as assistants after initial weeks of observation. Discussion preceding and following all demonstration teaching.

Observation of village teachers in actual village centers (Following opening of initial 40 groups).

Observation and discussion of prepared television tapes.

Assisting village early childhood teachers in village centers.

Workshops for making learning materials—dolls and manipulative toys and "games" for sensory preception and motor coordination; composing and telling stories; singing the *Talofa Tamaiti* songs and rhymes; practising manuscript writing; keeping of records—attendance anecdotal, etc.

Physical description of the Village Early Childhood Center

The Village Early Childhood Centers are located in "fales" provided by the villagers. For the most part these are the homes of the teachers and run the gamut of local architecture. One of the most pleasant is the typical Samoan "fale", an open structure with a thatched roof supported by round posts and well adapted to a warm humid climate, allowing all the breezes to blow through. Other homes may have supporting walls, with open space for windows, while a few look like conventional stateside cottages—some large, some small. However, the inside space for the children is better than one would find stateside, for there is no clutter of furniture and paraphernalia. A large woven mat covers the wooden, or white coral floor—sometimes there is a table, or chest to one side, sometimes not. That the space is clean and large enough and within walking distance for the children is the essential.

A wooden cabinet 4'x5'x20'', painted rosy red on the outside and sunshine yellow inside, is built to house the learning materials and equipment. There are never ceasing sounds of delight when the two wide doors swing open revealing the wonders inside: 50 building blocks stacked by size; small wooden animals and people of Samoa; Polynesian-like cloth dolls, dressed in Samoan "puletasi" and "lava lava"; sea shells for doll dishes; fau bark for stringing seeds, flowers and shells for "ula" (necklace); crayons, paste, scissors, paper; printed photograph books of animals, people and village activities; percussion instruments—coconut shells and "pate" (hollowed stick drum): balls, both rubber and made from coconut fronds, "bean" bags filled with small shells; plus a wide variety of teacher collected materials for creative invention.

The choice and procurement of learning materials

A number of factors entered into the choice of learning materials—suitability, availability and cost. Many things important to children's learning were not available in Samoa; many things available stateside were not suitable for Samoan children's use; while some things that were both suitable and available were too costly for a limited budget. It is our belief that learning materials of great value can and should be made, whenever possible, in order that they can be duplicated with little cost by parents in the homes. It was necessary to import some articles, for example—scissors and crayons, but many of the basic learning materials were planned and made locally, which proved to be well worth the effort, for not only were they "right" for Samoan children, but the total cost was cut by thousands of dollars. A brief description of what was made and why, follows:

Building Blocks—Blocks could be purchased stateside, but the cost added to freight charges prompted us to search out ways of having them made locally. Around 70,000 unit blocks—10'' and 5'' oblongs, 2½'' squares and triangles—were cut from 2x3 inch lumber. As funds permit, round columns will be doweling—particularly useful as posts in building child-size "fales".

Wooden Figures—Miniature figures add imaginative dimension to block building and story telling, however, there were no commercial ones available that resembled Polynesians, while sets of animals contained many not found in Samoa, i.e. sheep, goats and "zoo" groups. Templates of a Samoan family and the most prevalent animals were made and over 2000 "stand-up" figures, ranging in height from one to six inches, were cut from ¾ inch plywood. Each set consisted of a mother, father, brother, sister and baby and their animals—dogs, cats, pigs, chickens and an occasional horse.

Dolls—As dolls manufactured by stateside houses do not resemble Polynesian children, over 1000 fifteen inch washable dolls have been made from sturdy golden-tan colored cloth and stuffed with nylon stockings (factory rejects). Facial features were embroidered and hair was made from wool. A small group from the Samoan Women's Cultural Association sewed the first dolls and since then the teacher trainees have made their own. In this way, they can teach the village mother. The dolls are dressed in gay, removable cotton "lava lava" and "puletasi", the Samoan national dress.

Wooden Irons—To add to housekeeping play, some 200 wooden irons have been made.

Books—In order to talk about pictures in a book, children need to identify with the content and the illustrations. Since there were no Samoan picture books, six books have been printed on white index paper—a stock heavy enough to resist tearing. The photographs are of Samoan people, animals and village life. As funds permit, more books are planned. For example, boats, cars, airplanes and one of children in a Village Center.

Balls and Bean bags—In addition to a large rubber ball, balls are also woven from coconut fronds, and small pebbles or shells put in cloth bags for tossing (beans would sprout and are too valuable for food).

Beads for Stringing—Instead of buying wooden beads, indigenous materials were used—tifa and pua seeds, cowrie shells, flowers, discarded spools, etc.

Percussion Instruments—The Samoan people are full of rhythm and there is no problem in finding suitable local materials for instruments—half coconut shells; smoothed sticks, hollowed logs, metal cans, two stones, etc.

Paper—Some paper was purchased, but most of the paper is used mimeograph sheets, gathered from the various offices and trimmings from print shop.

Songs and Rhymes—These were all composed by the staff for the *Talofa Tamaiti* program.

Description of a morning in a village center

A typical morning begins with the teacher getting the fale ready for the children. Out of the cabinet come materials to be arranged in inviting learning centers—spaced over the mat covered floor: the doll area, with clothes, pieces of cloth, a wooden iron, clam shell dishes, plastic bottle, etc.; and stringing area—with baskets (Samoan made) of tifa seeds (large, flat seeds that look like chocolate mints), round pua seeds, cowrie shells—all with holes punched through for stringing on the fau bark strings nearby; and a large basket filled with hibiscus and frangipani flowers—all to be made into "ula (Samoan necklace, like lei); three more separated areas for drawing, crayons separated as to color, with a stack of paper, often held down by a smooth rock to keep from blowing away should the Trade Winds gust; baskets of scissors; of colorful discarded Christmas cards of "beautiful junk" (small shells, leaves, bottle caps, etc.); and round balls of molding clay—each area with a stack of work "boards", made from the ends of cardboard boxes. Separated from the "artists" is a book area—photograph books of Samoan people, animals and village activities, stacked according to cover picture. Inside the cabinet and stacked on the shelves according to size and shape are all the building blocks (oblongs, squares and triangles) with small size wooden animals and people, boats and cars nearby. Also in one side of the cupboard are balls and percussion "instruments", plus innumerable objects collected by the teacher for particular planned lessons on size, shape, color, feel, sound, taste, etc.

With the "fale" ready, the teacher greets the children and parents at the door—if there is one or by one of the posts of the fale. She knows each child by name and takes time to say something pleasant. The children run to the middle of the mat, with the parents sitting around the edge. Many children hold bunches of flowers, which they help arrange in a vase (usually the lower part of a gallon clorox bottle)—the teacher and children sit together on the mat talking about things they saw on the way from home or something that has happened, they sing a song or two. then usually engage in a special learning "game" the teacher has planned, and after this, the choice of "work activities"—blocks, dolls. etc.

After the children have made their choices, they scamper to the areas, knowing how to get what is needed and how to proceed. (This is demonstrated at the beginning of school, as each new material is introduced.) The teacher then moves quietly from group to group, or child to child, talking with them about what they are doing; listening to what they have to say about the buildings or designs they are making from blocks; the stories they may be telling using the wooden figure; or writing down on their drawings the words the children use in describing what they have drawn, or cut, or pasted. The child's name and the date goes on, with the child observing and the work is put up on the walls or posts for all to enjoy. These pictures are later assembled in "books" which are added to the book corner for all to look at and for that one child to know he has "also made a book." As a child finishes one activity and puts it away, he is free to move to another.

When the activity period has ended—and this lasts over an hour (the children are busy with self-selected/directed activities and their attention span is long) the teacher taps a "pate" (hollowed wooden drum) to let them know it is almost time to "put away". The children know where to put the materials but the teacher is there to assist when necessary—it becomes a pleasant cooperating activity. The putting away is not considered a chore, but rather as part of the learning and fun—to see that each size block is with the other of that size—that the same books are stacked together, with the pictures right side up. The "putting away" adds built-in learning of ordering, classification, number, size, special relationship. When all looks the way the teacher and group decide is good, they sit together—usually for a story; or for looking at a particular book with the teacher; or for some special "learning game" she has planned—perhaps rolling a ball to a particular place or tossing it into a basket; walking a rope line placed on the floor; or separating objects as to likenesses and differences, etc. Sometimes a child will tell a story that he has thought out, often using the wooden animals and people. The end of the morning is spent in singing songs and saying rhymes—these are the ones composed for the children and are about the animals, the plants and village life of Samoa. They are sung with gusto and much rhythmic beat, then, with the music of a ukulele or only the percussion "instruments" (sticks, shells, stone), the children and teacher "siva" (dance) gaily. It is time to say goodby to children reluctant to leave.

SUMMARY

The growth of the Early Childhood Centers from none in January 1969 to 135 by January 1971 for some 3200 three, four and five-year-old children, is objective evidence of the interest in the program. The staff has grown from the original two to twelve, with six more supervising teachers to be added. All the teachers and supervising teachers are Samoan and are drawn from non-professional ranks. The quality of their work is amazingly good and should give encouragement to other states or countries in considering the training of non-degree personnel. Possibly less than 5% have completed high school.

When the 40 centers opened in September 1969, it was necessary to schedule the older four and five-year-olds on Monday, Wednesday and Friday and the younger children on Tuesday and Thursday, in order to try to accommodate the number of children. Even so, the groups were too large for one teacher. When 45 more centers were added in March, 1970 to include more villages, it was still necessary to operate 45 of the 85 on a split week schedule. This is a very possible plan stateside, but difficult of operation in American Samoa. The parents are used to sending the children "to school" five days a week, and no matter what was said, the children came. It is also difficult to refuse a crying child entrance into an open "fale"—what is more, it denies what we were striving to achieve—to have children want to go to school. Because of a most appreciated teacher-training grant it has been possible to add 50 more teachers and groups, in addition to some teacher-aides, beginning January 4, 1971. Even so there will still need to be a few split-session groups in the crowded bay area of Pago Pago.

The televised program, *Talofa Tamaiti*, continues twice each weekday, with a Saturday telecast added recently. In January 1971, the songs, rhymes and stories of *Talofa Tamaiti* will be broadcast over radio. The televised program is seen in Western Samoa, as well as all the Islands of American Samoa and the radio will extend over the South Pacific.

The most urgent need as we approach 1971 is construction of a central Early Childhood Center, where continuing in-service teacher training can be held for some 200 persons; where large groups can observe a master teacher working with a group of children, or particular techniques demonstrated for teaching children with hearing, sight, or other impairment; where the administrative staff can be accommodated; where the supervising teachers can conference each afternoon with the village teachers they have been with in the morning; where learning materials can be made; where radio programs can be taped etc.

The present space of less than 1000 square feet is too small for implementation of the program. The teacher training for 175 persons has been held this last ten weeks in the public park of Pago Pago, under most trying conditions. With 135 centers in the homes of the teachers, scattered throughout the villages of American Samoa, a central meeting place is necessary not only for administration and teacher training, but for building and retaining espirit de corps and a sense of belonging to the total education plan. There will be need for continuing teacher education for years to come.

The program has remained viable to date only by exercising the most stringent economy. The cost per child now averages about $60 per year, as compared to over $1000 stateside. The amount of $100 per year would not be excessive and would permit a better wage for the teachers as well as more learning materials and equipment for the children.

Plans are underway to work cooperatively with the Public Health Division of the Department of Medical Services of American Samoa, to screen all the children in the centers for hearing, eyesight and all other areas where there might be some physical handicap.

In the long view ahead, the Village Early Childhood Centers could emerge as true Parent-Child and Community Centers, not only for the little children, but where all might come at scheduled times throughout the day for recreation, or continuing education in health, nutrition, arts, crafts, making of play equipment etc.

A last thought. If man can be sent to the moon, then surely someone can make a *nourishing, good tasting cookie, packed full of protein, calcium and vitamins and requiring no refrigeration.*

Our population needs it!

RESERVE FORCES WEEK

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. CARNEY. Mr. Speaker, I would like to take the opportunity to mention Reserve Forces Week. One week out of every year we take time to pay tribute to our spirited men who make up the U.S. Reserve Forces. Perhaps no finer tribute can be made then to point to the Reserve Force utilization in international crises. Indeed, this in itself is the most eloquent and definitive statement of their importance—for this importance has been proven and is grounded in U.S. history. Let us first consider post-World War II history; second, let us think of three major foreign crises which faced the United States in this period. The three crises that come to mind are the 1950 Korean conflict, 1961 Berlin crisis, and the October 1962 Cuban crisis. Of these three major crises, what was the United States' common response in terms of defense from the standpoint of strategic necessity? The answer is of course, that in all three cases there occurred reserve calls to active Federal service.

The time is December 16, 1950, and President Truman, in response to the Korean crisis, has just issued a Presidential proclamation proclaiming the existence of a national emergency. Under this proclamation reservists were called to active duty for a period of 24 months. No less than 938,379 reservists went on active duty, of which between 600,000 and 700,000 were veterans of World War II. Indeed by the end of the first year of the Korean war, reservists on active duty constituted 22 percent of our Armed Forces.

The time is August 1, 1961, and a joint resolution has just been passed by the Congress, in response to the Berlin crisis, authorizing the President to call ready reservists to active duty for 1 year. No less than 147,849 reservists went on active duty. Defense Secretary McNamara stated in an address in 1961:

> I think you should realize how extremely important this (call-up) has been. Chancellor Adenauer wrote President Kennedy that, in his opinion, the prime factor influencing Khrushchev in his showdown on Berlin was the swift decisive build-up of the American forces.

The time is October 3, 1962, and a joint resolution has just been passed by Congress, in response to the Cuban crisis, authorizing the President to call ready reservists for 12 months. No less than 14,025 reservists reported in 9 hours. Again, the importance of the reserve military forces was demonstrated.

Three major crises in two decades of turbulent history—and in each crisis Reserve Forces were utilized. The relevance, indeed, the paramount importance of these reserve military forces is, therefore, fundamental to any consideration of U.S. national security.

The importance of the reserve military forces to the national security of the United States is obvious. Indeed so obvious that there is a danger of our taking it for granted. If we are aware of its importance in American history, we will better understand both its relevance and its importance in the complex age in which we live. George Fielding Eliot, a noted military analyst has stated:

> For the first time in history (referring to the 1961 Berlin Crisis), a President of the United States found it possible to rely on trained citizen soldiers to support his foreign policy objectives—because for the first time in our history, citizen reserve forces had attained a level of peacetime readiness which enabled them to respond to the call of arms without extensive additional training and preparation.

May I say in conclusion that I consider it both an honor and a privilege to salute the Reserve Forces of the United States of America. It is not really I who should be so honored—but the men and the organization. Thank you for your dedicated and loyal service.

FREEDOM—OUR HERITAGE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. WYMAN. Mr. Speaker, all too often we hear of the irresponsible activity of our young people in this Nation: the burning of American flags; and

ROTC buildings; the incantations of SDS and the Black Panthers to violence; ad nauseam. Certainly, however, such actions are simply not representative of America's youth. Rather, they are the actions of a small, misguided faction who are encouraged in the belief tearing down is more progressive than building up.

Craig L. Staples of Derry, N.H., is evidence of the constructive attitude of the great majority of our future leaders. Craig is the New Hampshire State winner of the Veterans of Foreign Wars "Voice of Democracy Contest." Speaking on the theme "Freedom—Our Heritage," he asks that heated rhetoric be replaced by cooperation in the search for solutions to the problems confronting us. His is a commonsense approach that I believe merits a few moments reflection by all readers of the CONGRESSIONAL RECORD:

FREEDOM—OUR HERITAGE

(By Craig L. Staples)

So many words have been written about our heritage. So many phrases have been echoed about our freedoms. It is difficult to pay original tribute to a theme that has so often been honored in the past.

What then is the best way for one concerned about his country to pay it tribute? Does he best honor it by adding to the oft-repeated rhetoric of the past? No, today that is not enough. Our institutions are under attack. Often those institutions do not work as effectively as they should. Violence has become a part of life for many. Our country is on many fronts torn by hate and distrust and fear. Rhetoric alone will not solve these problems.

The best way to honor our American heritage is to tackle our problems, to face up to our fears. That a nation might recognize for itself where it is lacking and where it is not is perhaps the highest tribute that can be paid to those who fostered such a nation. Rather than speak of our forefathers' high minded idealism, we must employ that same idealism to meet the problems facing us today. Rather than defend our system blindly, we must analyze it coolly to recognize its faults so we can correct them.

It is not necessary that we always agree, for Democracy does not require consensus. On the contrary, Democracy demands dissent. But our dissent must be of the kind that builds rather than crumbles. We must not let our disagreements collapse into disunity.

We can best serve America by listening to every voice, harsh or subtle. For only when every opinion is aired can the best course be plotted.

It is just to criticize a man's idea if one feels that idea is wrong. But we must not attack *each other* because that is disunity not discourse. In the end, name calling hurts all of us. For one American to criticize another American's motives simply for personal or political gain is an affront to the basic concept of our Democracy. Jefferson and Hamilton attacked each other's politics vehemently. But their purpose was to serve America and not themselves. Our purpose must be the same.

Of course, it is only just for us to despise those who may desecrate our flag but we can best serve freedom by realizing that it is their flag too.

It is only human for us to be angered at demonstrations. They upset our sense of order and make us uncomfortable. But rather than hear just the demonstrator's shouts, we should honestly appraise their grievances. If we can do that, then perhaps the need for demonstrations will be lessened.

We can best honor our heritage and those men who conceived our Democracy by taking the same approach as they did close to 200 years ago.

Just as they did, we must develop a positive national attitude resolving to put aside our personal animosities in order to attack those problems that plague America today.

If we can do that, then this Nation, where the outspoken are not hushed and the soft spoken are still heard will continue to stand for generations to come. We owe our heritage and ourselves no less.

KISSINGER'S CREDIBILITY GAP—NO RED NAVAL BASE IN CUBA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. RARICK. Mr. Speaker, U.S. Naval Intelligence reports that the Russians now have a naval base at Cienfuegos, Cuba, capable of servicing a missile-firing nuclear submarine. The evidence reveals that the base is now operational and is being used to service Soviet submarines operating in the Caribbean and in the Atlantic Ocean.

This information was known prior to a nationwide TV appearance of the President. In his TV discussion of Cuba and Soviet naval activities in that area, the Commander in Chief affirmed that the Russians had no naval base in Cuba. The President assured the four network correspondents and the Nation that air surveillance provided certain proof that no Russian naval base exists in Cuba. The President added that the Russians had promised President Kennedy in 1962 that they would not place offensive missiles in Cuba and promised on October 11, 1970, that they would not establish a military naval base in Cuba. Moreover, the President expressed his belief that the Russians would keep their promise. In view of the fact that the Russians have broken almost every treaty they have ever made and that one Soviet leader stated that, "Promises are like pie crusts—made to be broken," one wonders why the President is so trustful of the word of the Russians—especially over the reports of his own naval experts.

The reason that the Commander in Chief and the U.S. Naval Intelligence hold opposite assessments concerning a Russian naval base in Cuba is a matter for speculation.

That concrete evidence gathered by Naval Intelligence is in error seems unlikely. The late Congressman L. Mendel Rivers clearly stated on the floor of the House of Representatives on October 8, 1970—see CONGRESSIONAL RECORD, volume 116, part 26, pages 35785–35792—that the Soviets at that time were building a nuclear submarine base in Cuba at Cienfuegos. Mr. Rivers challenged any official of the executive branch to issue an outright denial. There was only silence from the executive branch. Also, many Cubans in this country with firsthand personal information testify that the Russians have been building a naval base at Cienfuegos.

Could the variance of opinion between the Commander in Chief and U.S. Naval Intelligence as to their estimate of the situation in Cuba be due to the fact that a public acknowledgement by the President of the existence of a Russian naval base in Cuba might stir up public indignation to demand action to oust the Russians from Cuba?

This seems plausible since the Kissinger foreign policy calls for the United States to avoid any direct confrontation with the Soviets; for if we ever had it out with our enemy, the Soviet Union, we might lose the phoney "peace" between the two superpowers but win the confrontation with a victory. The Russians have always backed down when their bluff was called.

Those Americans interested in preserving this great Nation, if informed of the threat, will demand that their Congressmen and Senators reveal the full truth of Soviet activities in Cuba and that we help the Cuban exiles give back power to the people of Cuba. Restoration of Cuba once again to the status of a free nation is in the best interest of our national security.

I insert following my remarks a very informative Review of the News article entitled "The Coming Cuban Crisis" by the noted columnist Paul Scott, a news clipping, and a resolution by the New Orleans Chamber of Commerce:

[From the Review of the News, Jan. 27, 1971]

THE COMING CUBAN CRISIS

(By Paul Scott)

There is a difference as great as night and day between that highly reassuring public statement of President Nixon on Soviet naval activities in and around Cuba and the information gathered by U.S. Naval Intelligence.

While the President sees no Russian naval base in Cuba, our Navy is privately warning that for all intent and purpose the Soviets now have a base at Cienfuegos, Cuba, capable of handling missile-firing, nuclear submarines. The U.S. Navy also gathered hard evidence that the Cienfuegos base is partly operational and was used recently to service Russian submarines operating in the Caribbean.

This is the ominous conclusion of the latest Naval Intelligence estimate of Soviet naval capabilities and intentions in Cuba waters now being circulated at the highest levels of the Nixon Administration.

The highly classified document was prepared before President Nixon made his astonishing statement over nationwide TV while being interviewed by four network correspondents. In discussing Cuba and Soviet naval activities in the area, the President stated:

"Well, I can tell you everything our Intelligence tells us, and we think it's very good in that area because as you know, we have surveillance from air, which in this case is foolproof, we believe.

"First, let's look at what the understanding is. President Kennedy worked out an understanding in 1962 that the Russians would not put any offensive missiles into Cuba. That understanding was expanded on October 11, this year, by the Russians when they said that it would include a military base in Cuba and a military Naval base. They, in effect, said that they would not put a military Naval base into Cuba on October the 11th.

"Now in the event that nuclear submarines were serviced either in Cuba or from Cuba, that would be a violation of the understanding. That has not happened yet. We are watching the situation closely. The Soviet

Union is aware of the fact that we are watching closely. We expect them to abide by the understanding. I believe they will.

"I don't believe that they want a crisis in the Caribbean and I don't believe that one is going to occur, particularly since the understanding has been clearly laid out and has been so clearly relied on by us, as I stated here today."

In sharp contrast to this Presidential "fig leaf," the highly classified Naval Intelligence document reveals that late in December a Soviet submarine tender operating from Cienfuegos, Cuba, carried out "servicing exercises" with three Russian submarines. The operational rendezvous of the Soviet surface ship with the submarines, including one nuclear powered sub, was the first of its kind for the Russians in Cuba waters. The bold "servicing exercises," photographed by U.S. reconnaissance aircraft, took approximately two hours and included the loading of supplies from the Soviet tender to one of the three submarines.

At least a dozen members of the submarine crew were exchanged during the operation. Those leaving the submarine were taken to Cienfuegos for "rest and recreation" or flown from Cuba back to the Soviet Union. Several high-ranking Soviet naval officers who had been flown to Cuba from the Soviet Union took part in the exercise.

Naval submarine analysts who studied the Intelligence estimate say the "servicing exercises" definitely show that the Soviets can and are planning to use Cienfuegos as a submarine operating base.

Although the actual rendezvous took place outside of Cienfuegos Harbor, all supplies transferred to the submarine from the Russian tender were first picked up at the Cuban port. This clearly indicates that the Kremlin plans to use Cuba as a major supply base in the Western Hemisphere. Soviet naval crews housed in barracks at Cienfuegos Harbor were used to load the supplies on the Soviet submarine tender. Several members of the Soviet land-based crew went aboard the tender and took part in the "servicing exercises."

In addition to the carefully planned supply operation, the submarine tender and the submarines were in direct radio contact with a newly built naval communication center at Cienfuegos. Cuban refugees report that the center is completely manned by Russians. The high-powered radio at Cienfuegos is already being used to transmit weather and coded messages to Soviet missile-firing submarines now believed to be stationed off the Atlantic Coast as well as in the Caribbean and Gulf of Mexico.

The original copy of this Naval Intelligence estimate was forwarded to the White House during the recent holidays where Dr. Henry Kissinger, the President's National Security Advisor, indicated that it would be carefully used in the formation of any Cuban action deemed necessary. Yet, while the Intelligence finding leaves no doubt that the Russians are using the Port of Cienfuegos as a submarine base, there has been no official determination of this at the White House policy-making level. All Naval officials involved in the drafting of the estimate have been able to learn is that the estimate is now in the hands of Kissinger's foreign policy staff in the White House for "further analyzation and study." *No National Security Council meeting has been called to discuss its ominous implications.*

President Nixon's unexpected TV statement on Cuba not only surprised and shocked Naval Intelligence officials, but they had no inkling that the President would discount the Soviet naval activities in the Cuba area, nor could they fathom his reasons for doing so. The President's statement highlights the often frightening gap that exists at times between those who have responsibility for gathering the facts and those who interpret them for use in policy-making.

The position the President is taking has been interpreted by these Naval officials as an indication that President Nixon and his policy-makers haven't been able to agree on what to do about the new Soviet threat. If they accept the hard facts of the Naval Intelligence estimate, it is pointed out, the President and his advisors must conclude that the Russians have double-crossed them and violated the "understanding" not to use Cuban ports or bases for their submarines. That finding might trigger a new U.S.-Soviet "confrontation" over the use of Cuba as a base for offensive weapons—a "confrontation" that the Nixon Administration apparently is not willing or ready to face at this time, or which it wants delayed for reasons that are only known at the White House level.

Significantly, Mr. Kissinger recently asked Secretary of State Rogers again to sound out the Soviets on whether the submarine tender now operating in Cuba's waters will permanently use Cuban ports. Naval intelligence officials say the answer is clear by the fact that the submarine tender has been operating out of Cuban ports for the past three months and another is en route to replace it.

Two other parts of President Nixon's statement on Cuba also bother officials at Naval Intelligence. One was his pronouncement that he believed the Russians would keep the "understanding" not to put a naval military base in Cuba. In effect, the President by saying this publicly was accepting the private assurances of Soviet Foreign Minister Gromyko and Ambassador Dobrynin over the hard facts gathered by the Navy. Yet, Gromyko and Dobrynin are both known to have lied to the late President Kennedy during the 1962 Cuban missile crisis. At the time the Russians were sneaking I.R.B.M.s and medium-range bombers into Cuba, Gromyko and Dobrynin were assuring Kennedy that the Soviets had no intention of putting offensive weapons on the island.

To most military Intelligence experts it is a little frightening that President Nixon would even consider discussing Cuba with the two Soviet diplomats after their earlier deceptions. And to accept their word now, as the President says he has, is considered folly of the most dangerous kind. Especially in light of the Intelligence that the President has access to on Soviet activities in Cuba.

The other disturbing statement by the President was his contention that U.S. surveillance of Cuba from the air is foolproof. None of the Intelligence services have claimed that. For months, Defense Intelligence officials have been urging that more use be made of Cuban refugees so that the government wouldn't be caught "off guard" as it was before the 1962 Cuban crisis. Despite the high degree of accuracy of new U.S. reconnaissance cameras and devices, they still can't determine what is hidden under camouflage facilities and in storage areas. It is pointed out that daily reconnaissance flights would be needed over Cuban ports to determine if any Soviet submarines were using them. Now, if there are two reconnaissance flights a week this is considered high. And still unknown to U.S. officials is what the Russians have succeeded in hiding in the hundreds of caves being used as military storage areas on the island.

This lack of vital intelligence about Soviet activities in Cuba is privately admitted by rank and file American Intelligence officers. They claim it is the result of policy restrictions placed on the methods they can use to gather information on Cuba. An example of these restrictions is the White House bar against financing Cuban refugee operations to gather firsthand data on Soviet activities on the island. White House aides take the position that this type of intelligence gathering is prohibited by the 1962 "understanding" on Cuba reached by U.S. and Soviet officials.

The only sure way that the U.S. can learn the full Soviet capability in Cuba, these Intelligence officials say, is to use anti-Castro refugees to do the spying. "As long as the policy-makers have the preconceived idea that Russia has no plans to use Cuba as a military base," stated one military Intelligence officer, "it is impossible to convince them that a round-the-clock surveillance of Cuba is needed."

There are increasing signs that the President's handling of Cuba is closely tied to his strategy for the Strategic Arms Limitations Talks (S.A.L.T.) with the Russians. Drafted by Presidential Aide Kissinger, the S.A.L.T. strategy calls for the U.S. to avoid any direct confrontation with the Soviets until it can be determined if the Russians are serious about curbing defensive and offensive weapons delivery systems. Kissinger privately takes the position that a U.S. admission that the Russians now have an operational naval base in Cuba could trigger demands in Congress that immediate action be taken to force the Soviets out of Cuba.

Such a U.S.-Soviet confrontation in turn would force a complete breakdown of the S.A.L.T. negotiations, which have been given the Administration's highest foreign policy priority. President Nixon is counting on reaching a missile agreement with the Soviets before the 1972 Presidential campaign.

During the recent Helsinki round of the S.A.L.T. negotiations (November 2 to December 19), the Soviet delegation showed its diplomatic interest in Cuba. The Soviet negotiators noted that Russia had every right to put a military base in Cuba if she so desired. They contrasted a Soviet base in Cuba to U.S. bases in Europe or the Mediterranean. The inference was that the Russians would be willing to forego any Cuban base if the U.S. pulled its aircraft carriers out of the Mediterranean or gave up its air and naval bases in Spain. The Soviet negotiators' argument is in line with the main Russian S.A.L.T. demand. It states that the U.S. must include its aircraft bases in Europe and aircraft carriers in the Mediterranean in any over-all agreement covering both offensive and defensive weapons.

This use of Cuba as a S.A.L.T. bargaining weapon clearly highlights the importance that the Kremlin attaches to its navel activities on that strategic Caribbean island. In light of this use of Cuba, Intelligence officials would like to see President Nixon adopt a more realistic view of what the Russians are up to in the Caribbean. Unless the Preident acts quickly, they see the Kremlin using Cuba to blackmail this country into either pulling its Naval forces out of the Mediterranean area or forcing the U.S. to make other concessions.

The American Intelligence community sees the Soviet naval base in Cuba as part of a network of naval bases the Russians are now establishing around the world. These include Mersa Matruh, and Alexandria, in Eygpt; the Socotra Islands at the mouth of the Red Sea; and, a former French base in Algeria. The expanding Soviet navy also has acquired the right to use the Port of Modisio in Somaliland, Trincomalee in Ceylon, the Mauritius Islands in the Indian Ocean, and one or more ports in Nigeria.

The establishment of this network of bases by the Soviets is being cited by Intelligence officials as evidence that the Kremlin has adopted a forward military strategy designed to control the strategic waterways of the world. This forward strategy also will permit the Soviet's missile-firing nuclear submarines to remain on stations constantly within the defenses of the U.S. and other N.A.T.O. nations. Its potential for blackmail, alone, is enormous!

If viewed in this light, the construction of the Cienfuegos base in Cuba is an even more ominous development than the attempted deployment of Soviet nuclear missiles on Cuban bases in 1962.

The Cienfuegos base would be needed if really large numbers of nuclear submarines were to be continuously off the coast of the United States. That is the true threat of the base. Which suggests, in turn, that the Soviets are now planning continuous deployment of very large numbers of "Yankee" class and other nuclear submarines in the Caribbean and along the American coast. The Cienfuegos operation reveals an undoubted Soviet intention to gain a solid "capability" to knock out the Panama Canal and the entire land-based bomber component of the U.S. deterrent, plus the controls of the "Safeguard" A.B.M. system.

The most horrifying single aspect of the story of the Cienfuegos base is still the response with which the bad news was met at the White House and in Congress. Consider a simple comparison. In 1962, the Congress was in flames over reports of Soviet missiles in Cuba, even before the presence of those missiles was confirmed by U–2 reconnaissance photographs. Contrast this with the near Congressional silence that has engulfed the news from Cienfuegos ever since it first came out that the Russians were building a base there.

And then think of the Nixon Administration's response to *this* news, that is even more alarming! Consider President Nixon's reassuring statement that the Russians have no plans of doing what our Intelligence people say they are doing.

The obvious intent was, and is, to prevent the American public from growing alarmed, when we should be deeply alarmed. The question each of us should personally ask the White House and our Representatives in Congress is: Why is the full story of Soviet activities in Cuba being withheld from the public?

If enough of us raise our voices, we can force the Nixon Administration to take the necessary measures to dismantle the Soviet nuclear submarine base in Cuba before it is used as a serious *blackmail* threat!!

One wonders what the outcome of the first Cuban missile crisis would have been if the late president Kennedy had delayed the Naval blockade of Cuba and warning to the Russians until after the Soviets had their missiles operational. How serious would Soviet blackmail have become? Intelligence leaks, some of them by the same sources that provided information for this article, forced Kennedy to act sooner than he originally had planned. Many involved in the first Cuban missile crisis believed that had Mr. Kennedy delayed his blockade decision a week or ten days the outcome would have been different.

What *does* Mr. Nixon's procrastination mean? Certainly no answer comforting to those concerned about American security is possible!

[From the Washington Star, Feb. 5, 1971]

SOVIET NAVY SUB TENDER NEARS CUBA

A Soviet submarine tender is headed for Cuba, the Pentagon said today.

The tender, accompanied by a guided-missile cruiser and a tanker, is not the one that left Cuban waters late last year after provoking fears that the Russians intended to begin operating their new Yankee class submarines from a base at Cienfuegos, Cuba.

The Yankee class submarine is similar to the U.S. Polaris nuclear powered submarine. Both carry 16 long range nuclear missiles.

Pentagon press spokesman Jerry W. Friedheim declined to characterize the movement of the tender. The three vessels were south of Bermuda today, he said.

He was somewhat evasive when asked whether the small task force was accompanied by any submarines.

"I don't have any submarine reports we can discuss here this morning." he said.

The practice in the past has been to discuss Soviet submarines when they are seen on the surface, but not when they are detected when traveling submerged.

RESOLUTION ON NATIONAL DEFENSE PASSED BY THE CHAMBER OF COMMERCE OF THE NEW ORLEANS AREA ON DECEMBER 22, 1970

Whereas, the United States is today confronted with an extremely serious foreign crisis as a result of the aggressively expansionist policies and acts of the Soviet Union in several regional areas of the world, i.e., (1) Soivet forces constitute a major political and military presence in the Mediterranean Sea, the Middle East and the Indian Ocean; (2) Soviet submarines and warships, equipped with missiles, operate off the coasts of the United States, as well as in the Caribbean; and

Whereas, the dimensions of the Soviet challenge are scarcely realized by the American people and the ordinary citizen is unaware that the U.S. has lost world leadership in nuclear weapons and strategic arms since the Soviet Union in the space of five years—from 1965 to 1970—has virtually quadrupled the total megatonnage in its strategic offensive force while in that same period the United States has reduced its megatonnage by more than 40%; and

Whereas, the United States is a maritime nation in a world heavily dependent on the oceans from an economic standpoint and from the end of World War II until recent times, the capability of American seapower to control the seas was unchallenged; and

Whereas, Russian seapower, which includes the largest submarine force the world has ever known, now challenges our capability to control the seas, and Russian military power in general and Russian seapower in particular, continue to grow at a rapid rate and their expenditures on defense-related Research and Development, which will determine the weaponry of the future, exceed ours by 20 percent; and

Whereas, the Nixon Doctrine increases our dependence on American seapower to satisfy those treaty commitments vital to our national interests, and every plan for the defense of the Free World depends on control of the seas; and

Whereas, the U.S. Navy during the past two years has deactivated some 300 ships while our replacement program, based on the premise of providing fewer but more effective ships, is proceeding slowly, and the FY 71 budget provides less than $3 billion for shipbuilding, while it is estimated that $5 billion annually for five years is required; and

Whereas, the U.S. ballistic missile submarine force will very soon be inferior tc the Russian force in numbers and capability, and Russian submarine construction capability already exceeds ours by 300%; and

Whereas, the President's ABM program will, at best, give us a limited capability by about 1974, while an ABM system is in place and operational now around Moscow and it is anticipated that their anti-aircraft system, which protects the rest of the country, will soon have an anti-missile capability; and

Whereas, the Honorable L. Mendel Rivers, Chairman of the House Armed Services Committee, has stated: ". . . the future of this nation hangs by a thread. We are in a far more serious situation than many would have you believe. Our way of life is not only being challenged from within, it is being very definitely threatened from without . . . The issue, therefore is very simply how much money must we spend to insure our survival—since if we fail to demonstrate to the Soviet Union our determination to survive—the amount of money we spend for domestic programs will become merely an academic exercise."

Now, therefore, be it resolved, that the Chamber of Commerce of the New Orleans Area strongly urges that the 92nd Congress immediately undertake to provide the Defense Department with whatever monies, authority and guidance is deemed necessary to obtain the naval and military power required to guarantee our survival as a Free Nation in a Free World, and

Be it further resolved, that copies of this resolution be distributed to: the President of the United States, the Vice President, the Secretary of Defense, all Members of the United States Senate and the House of Representatives, the news media, and the Chamber of Commerce of the United States.

THE "TREND" IN GREECE

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Thursday, February 18, 1971

Mr. FULBRIGHT. Mr. President, recently the distinguished observer Clayton Fritchey wrote an article entitled "The 'Trend' in Greece." The article is worthy of the special attention of the Senate and the country. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE "TREND" IN GREECE

(By Clayton Fritchey)

WASHINGTON.—When if the tenuous truce in the Middle East breaks down—as it could in the near future—the Administration inevitably will have to review the security of the American position in the Mediterranean.

Presumably, the southern anchor of NATO is Greece, and if that is so, the United States is relying on a weak and unreliable reed. Why, it may be asked, should the Greek people support a nation (the U.S.A.) that is arming its oppressors. the Greek military junta?

Anyone who has been in Greece recently knows that the universal question is why America, supposedly fighting in Indochina to preserve democracy and the right of self-determination, is at the same time backing a military dictatorship in Athens.

The Truman Doctrine (to save Greece for democracy) is about to have its 24th birthday—and what a discouraging one it is. For over two decades the United States has poured billions of dollars into Greece for military and economic aid so that the people supposedly could enjoy the right to choose their own government. Yet the end result of all this effort is now one of the harshest dictatorships in the world.

Back in 1947, the great idea was to save Greece from the fate of countries like Yugoslavia and Romania, which had been taken over by Communist governments allied with Russia. Today, however, most Greeks would be only too happy to have as much freedom and security as the Romanians and the Yugoslavs presently enjoy.

No American President would presently dream of visiting Greece, but it is a noticeable fact that Nixon has gone out of his way to visit both Belgrade and Bucharest. Actually, these are among the few capitals in which Nixon has felt secure enough to ride in an open car.

Nevertheless, month by month the Administration steps up its backing of the Greek generals, regardless of their ever harsher suppression of democracy. It is all done, of course, in the name of NATO and saving Europe from the real or fancied threat of totalitarian aggression.

It is significant, though, that our partners in NATO—the free countries of Western Europe—do not seem to think the Greek militarists are essential to their security. The Council of Europe, comprising all the democratic countries of that continent, has not hesitated to denounce the junta for torturing its political prisoners. Rather than face expulsion from the council, the junta withdrew.

When the United States resumed full shipment of arms to Greece some months ago, a State Department spokesman tried to justify it by seeing what nobody else could see—a new "trend" toward constitutional government. The spokesman predicted implementation of the Greek constitution "by the end of this calendar year," meaning 1970.

Instead, the junta wound up the year with a rash of fresh arrests. It turned its back on an agreement which was to give the International Red Cross access to its political prisoners. It also was blasted by an International Labor Organization commission for suppressing 250 trade unions without cause.

Does the United States—the world's greatest power—really need to kowtow to these militarists? European opinion on this score has been well summed up by The Guardian of England. That distinguished paper called the American resumption of arms "a heavy setback to a return to a democratic form of government." And it added:

"It strengthens the generals in their illusion about just how vital they are to Europe and to NATO. They overrate their importance . . . The vital point is that Greece needs NATO far more than NATO needs Greece." It could hardly be better said.

THE SOVIET DESTRUCTION OF A NATION'S HERITAGE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. LANDGREBE. Mr. Speaker, in recent months we have heard protests about the treatment of the Jewish people in the Soviet Union. These protests are justified, by all means, but we would do well to remember that Soviet Jewry is not the only culture marked for extinction by the Soviet slavemasters.

The Soviet Union, as we all know, is not a single nation, but a grouping of various nationalities, only one of which is Russian. Even today, in the "enlightened" post-Stalin era, these nationalities and their cultures are being brutalized in the name of the almighty Soviet.

The Jewish people in the Soviet Union bear a double burden of a Communist hierarchy, a religious heritage. Organized religion is considered to be an outmoded nationality.

When we protest Soviet inhumanity to those of the Jewish faith living behind the Iron Curtain, let us expand our cries to include protests for the Catholic, Lutheran, and Orthodox faiths, together with the eviscerated nations of Latvia, Estonia, Lithuania, Ukraine, Georgia, Byelorussia, and Armenia.

Mr. Speaker, an excellent article on this subject was recently brought to my attention. It was written by Peter Worthington and appeared in the Toronto Telegram. I insert the article at this point in the RECORD:

HIJACK CASE TURNS SPOTLIGHT ON MANY SOVIET INJUSTICES

(By Peter Worthington)

The case of the Leningrad Jews has stirred the indignation of the world.

Individuals and governments ranging from Pope Paul to Prime Minister Trudeau protested against the death sentence given two Soviet Jews accused of plotting to hijack a plane to Israel.

Although the Soviets commuted the death sentences to 15 years imprisonment, protests around the world against Soviet anti-Semitism (and anti-Israel policies) have increased.

But the Soviets appear unimpressed and recalcitrant.

Whatever the merits of the world-reaction on behalf of Soviet Jewry, it is only part of the overall internal situation in the USSR. And not necessarily the most significant part at that.

There are other groups and individuals inside the Soviet Union who have suffered—and are enduring—far greater indignities and injustices than are Jews in Leningrad, or elsewhere.

Without denying the right, or moral duty, of Jews around the world to protest on behalf of their brethren, there has been an uncanny silence over the years by the rest of the world on the plight of other victims of Sovietism. And this excludes, for a moment, the fate of the "lost peoples"—the Chechen-Ingush, the Crimean Tartars, and Balts who were deported and annihilated in the past.

A deep and resounding silence greets the fate, say, of Yuri Shukhevych, a Ukrainian who was arrested in 1948 at age 15, because his father, General Roman Shukhevych, was commander-in-chief of the Ukrainian Insurgent Army until he was killed in 1950.

Yuri Shukhevych has been imprisoned ever since in Siberia, paying for the "crimes" of his father. His original 10-year sentence is being renewed every decade because, according to the Soviets, he "refuses to be reeducated." This means he refuses to acknowledge his guilt or to renounce his background. Yuri Shukhevych is doomed, it seems, to spend the rest of his life in custody. The 15-year-old boy is now a 37-year-old adult: More than half his life has been one of imprisonment, just for being his father's son.

But no world leader appeals for justice—or compassion—for him. Only his fellow prisoners, occasionally, write petitions on his behalf—and promptly wind up in solitary confinement for their efforts.

Still, Shukhevych's plight is not as cruel as that of Volodymyr Horbovy's, an old man today whose first visit to Soviet soil occurred when he was imprisoned for "betraying the homeland."

Horbovy used to be a judge in Czechoslovakia. He was imprisoned by the Nazis during the war. In 1947 he was extradited to Poland and put on trial for alleged war crimes. But the Warsaw court found him not guilty. Then the Polish secret police delivered him to the Russians who sentenced him to 25 years on an administrative decree. That was 23 years ago. He has been in the camps all this time, and still no suggestion of a formal trial.

Horbovy is now 73 and in frail health. Yet according to Gerald Brooke, the British teacher who was in Soviet custody and exchanged for Soviet spies Peter and Helen Kroger—and who is the last known Westerner to have seen Horbovy—the old man is possessed of such dignity, integrity and courage that even his captors respect and fear him. Horbovy has become a living symbol to other prisoners, and a legend throughout the Soviet camp network.

Horbovy's greatest (and only) sin against the USSR was that as a young lawyer he defended the Ukrainian nationalist leader, Stepan Bandera, at his trial in 1935. Bandera was subsequently assassinated in Germany by the KGB.

Again no one, except fellow prisoners and Ukrainians abroad, has ever protested the Soviet state's crimes against Volodymyr Horbovy.

Then there is a man named Andreyev, who could qualify as the most unjustly imprisoned man on earth today. Andreyev was a witness at an international commission that investigated the mass graves of Polish officers found at Katyn Forest in 1943.

The Germans claimed the Soviets had murdered some 15,000 Polish officers, and 4,000 of these were in the graves at Katyn, near Smolensk. The Soviets, when they recaptured the area, held their own investigation and counter-claimed that the Germans did the deed and that 15,000 Poles were buried there.

RUSSIANS RESPONSIBLE

Today with the exception of Soviet propaganda, the world accepts the fact that the NKVD executed the Poles.

Andreyev, who was a prisoner of the Germans and a witness to events at Katyn, was sentenced to a lifetime at solitary, confinement in Vladimir prison when the Russians got him back. Vladimir prison is infamous in that few of its inhabitants are ever seen again. It is almost inconceivable that Andreyev is still sane. But he's still alive, and still in solitary. That much is known.

The Ukrainian writer Vyacheslav Chornovil, who himself was imprisoned for chronicling the fate of others, has wondered wryly why such a harsh sentence was given for "false testimony."

"Is false testimony under duress really such a terrible 'war' crime to justify 25 years in a stone grave?" he asks.

Again there has never been international or U.N. protest on Andreyev's behalf.

There is also M. Soroka who was arrested in 1949 on a trumped up charge. On his release in 1949 he was rearrested for the original "crime," and sent into exile. In 1952 he was given 25 years for allegedly organizing Ukrainian nationalist groups in the camps.

In 1957, after the 20th Congress "exposed" some of Stalin's crimes, Soroka was rehabilitated with respect to the original frame-up in 1940—yet he was kept in custody. If he survives to the completion of his present sentence, he will have served 38 years imprisonment—all for committing no offense.

No international voice has ever been raised on his behalf.

A couple of years ago a large number of hitherto unpublished documents from Ukraine reached The Toronto Telegram and were duly published. They constituted extraordinary and irrefutable testimony to the policies of Russification and the repression of dissent under way in the USSR.

Now another of these documents has come to the West—this time a 15-page "chronicle of resistance" by Valentyn Moroz, a 34-year-old history teacher who was sentenced to five years of hard labor in 1966 for alleged anti-Soviet propaganda.

On his release for good behavior he wrote an impassioned story about the historic Ukrainian village of Kosmach, and the fate of that community's religious artifacts.

Apparently a Soviet film team "borrowed" about 100 icons from Dovbush church for the movie Shadows of Forgotten Ancestors. At the conclusion of filming the icons were not returned—were, in fact, confiscated by the state. Petitions, pleas, requests and demands by the village for their return were unanswered.

Moroz wrote an account of the events, replete with pithy observations about why the icons were "stolen." He noted that in today's Soviet lexicon anyone who speaks Ukrainian, or is concerned about cultural heritage, is regarded as a potential "nationalist"—the most damaging indictment under Sovietism.

THE "SABOTEUR" BLAMED

"In Western Ukraine 'nationalist' is a synonym for 'saboteur'," writes Moroz. "The 'saboteur' is officially responsible for all the obscenities of Stalin and Khrushchev. Whenever there is a bread shortage, or when cattle have disease—it is the 'saboteur' who is to blame. All evil in Western Urkraine is done by nationalist saboteurs. Even the flood in the Carpathian mountains in 1969 was the work of 'saboteurs!'"

Moroz, like others, is not pro-West, as such, or even anti-Communist. He is devoted to Ukrainian culture and traditions—a sin the Jews of Russia are also guilty of, and seemingly must be punished for. Says Moroz, with insight: "It is impossible to break a people or to make slaves of them until you destroy their traditions and trample their temples.

"Enlightenment, by Soviet terms, happens when a person is deprived of his traditions and heritage—and then given education. Enlightenment is when culture is not allowed to develop naturally from its core, but is stuffed into people under some five-year plan.

"The Ukrainian of our day is being made insensitive to his history, is being culturally devastated, and is being driven into a state of somnambulism: Apathy takes over the intelligentsia."

Moroz is speaking in universal terms. While he is referring specifically to Ukraine, Jews everywhere probably would not disagree. He writes: "The 'creation' of traditions is just as ridiculous as the promotion of 'cultural revolution.' They are incompatible and conflicting phenomena. Culture represents centuries of maturation, which is impossible to speed up. Any kind of revolutionary interference is destructive. You cannot 'create' traditions. They are created by themselves, through the centuries."

Valentyn Moroz wrote this assessment early in 1970.

Because of it, in November, he was put on trial and sentenced to nine years of hard labor for spreading anti-Soviet propaganda.

But no foreign government or international body is protesting today on his behalf.

Few people would disagree that the injustices being meted out to Jews in the Soviet Union should be protested. But it would be more constructive, perhaps, if the protests were carried out on behalf of all those being denied the basic tenets of the UN Declaration of Human Rights, common justice and individual dignity.

Sadly, to some, the impression is given that Soviet Jews are the only ones for whom the rest of the world is prepared to express its collective indignation.

And this, in its way, is an injustice too.

THE PROPOSED ALL-VOLUNTEER ARMY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 18, 1971

Mr. BYRD of Virginia. Mr. President, I invite the attention of the Senate to an article published in the Washington Post of February 14, 1971. The article deals with the problems of a proposed all-volunteer armed service and was written by Col. Donald F. Bletz, U.S. Army, and Capt. Robert J. Hanks, U.S. Navy.

The two authors thoughtfully pointed out the many problems entailed in the creation of a volunteer service. I feel that their remarks should be studied closely as we consider this proposal. I have had many reservations about the creation of a purely professional army, and I believe that a very searching study must be made.

The article notes the past contribution of the citizen-soldier in the past and wars against the dangers inherent in a purely professional service.

The authors point out the many values to the service by the inclusion of a broad base of the citizenry.

I ask unanimous consent that the article be printed in Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Pro" Army Can Create Military Caste

(By Col. Donald F. Bletz, USA and Capt. Robert J. Hanks, USN)

The idea of an all-volunteer armed force for the United States has rocketed into orbit atop the antidraft flames which continue to burn brightly across the land. Unfortunately, too few citizens are examining all of the concept's ramifications, caught up as many of them are in the euphoric prospect of a draft-free future.

Most reservations about an all-volunteer force have so far centered mainly on its prospective cost. But there are additional, and some potentially disastrous, consequences. Foremost among them is the danger that we will develop what we have never before seen in America: a large standing defense force composed entirely of career military men who are isolated, even alienated, from the people they have sworn to defend. It is possible that this kind of force would lose touch with and sympathy for the aspirations of the American people.

Only since World War II has it been necessary to maintain a huge military establishment to discharge the world-power responsibilities which America inherited and to protect her from the vastly expanded uncertainties of the nuclear-electronic age. To do this, it has been necessary to rely on a device which heretofore was called into operation solely to meet wartime needs—the draft.

Today we find the draft and its inherent inequities called into question. The resultant clamor has shoved the all-volunteer force to the forefront as the best solution to the problem. Before the American people opt for this answer, however, they would be well advised to ponder two basic considerations: the impact the all-volunteer concept would have on the enlisted ranks, particularly in the lower levels, and its more indirect effect on the officer corps.

Filling the ranks of a nation's armed forces is not a unique problem. For the last three decades, the United States has relied on conscription to do the job, and it has seen us through the greatest declared war in the history of mankind, an unprecedented cold war and two bitter but undeclared limited wars.

While the Army has perennially been the primary user of draftees and has thus taken the brunt of the criticism associated with conscription, the other services also have been affected by it. They have, of course, resorted at time to the direct use of draftees. But the draft's greatest effect on them has been manifested in the rise and fall of voluntary enlistment rates, geared directly as they are to the size of the draft call.

CAUSE AND EFFECT

For example, several months before the elections of 1964, President Johnson let it be known that he seriously hoped to eliminate the Selective Service program in the near future. Enlistments in all the services dropped off sharply when, as a result of the announcement, the probability of being drafted fell, or seemed about to fall. Many young men under threat of being drafted into the Army and sent to Vietnam had been "volunteering" for the Air Force or the Navy as a more desirable alternative.

This is in no way intended as criticism of those who chose that particular course of action. It was and continues to be a perfectly legitimate alternative, and its adoption was and is a legal prerogative of the individual.

These men brought with them to their respective services the same basic philosophical outlook as did the draftee, offering to their respective services the same individual strengths and weaknesses as the draftee. The Navy is used here as an example, but the same holds for the Air Force. The men who enlisted in the Marine Corps or the Special Forces or Airborne units in the Army are a bit different. Many of them, too, volunteered rather than being drafted, but they exercised their option to serve in the more adventurous organizations. They fall somewhere between the career man and the civilian-in-uniform in their outlook and, therefore, in their impact on the services.

Elimination of conscription would affect each of the services by removing the civilian soldier, sailor, airman and marine from the ranks. Whether this is a good thing is open to question.

If the armed forces of the United States are reduced to token or caretaker status, then we need not concern ourselves about the loss of the citizen soldier from the ranks, because the impact of the military profession on American society as a whole will be insignificant. If, on the other hand, the nation's armed forces are maintained at a level reasonably commensurate with great-power status, the loss of the citizen soldier is a quite different matter.

Past experience suggests that the citizen soldier would not necessarily bring to the armed forces significantly greater technical expertise or higher intelligence than would the volunteer we could "hire" if the price were right. What he has brought to the armed forces in the past is a bit of American liberal democratic philosophy which he has not been about to give up. In this respect, he has been a positive influence.

On the negative side, the citizen soldier has also brought along an ambivalent outlook toward his military obligation, in the sense that he sees it as a great inconvenience to him and a disruption of his life which he would much prefer to avoid.

In any event, this ambivalence places a burden on the military establishment, since the task of the career officer and noncommissioned officer is made infinitely more difficult by the citizen soldier who constantly questions and stretches the system to the breaking point. At times, especially in an operational combat environment, this ambivalence can have disastrous results—lives can be lost because of it.

This, however, is part of the price a democracy must pay. For the most part, the strains the citizen soldier places on the system are the most positive contribution he makes. While many of his questions and complaints are superficial and pointless, more valid ones do call attention to weaknesses and shortcomings in the military profession and the national military system. Thus the citizen soldier helps to ensure dynamism in the system.

Emphasis on the positive contributions of the citizen soldier is by no means intended to detract in any way from the many regulars who constitute the bulk of the noncommissioned officer corps in all the services. Their professional expertise and devotion to their respective services and to the nation are the strongest possible combination any democratic society could ask for. But the touch of the citizen soldier provides a balance.

A REFLECTION OF SOCIETY

Never in its 200-year history has the United States possessed a military officer caste. The officer corps, ashore and afloat, has been broadly representative of the national body politic from which it was drawn and with which it generally remained in touch. Whatever "militaristic" caste influences emerged were never cause for alarm, because of the small size of the services and the necessarily limited power base they constituted.

The greatly expanded officer corps of today has been fueled from sources which span the nation's regional and educational spectrum. This broad base of intellectual persuasion, coupled with the relatively large proportion of Reservists on active duty (and the concomitant turnover rates as they come and go), has discouraged formation of a military officer caste—even had the Regular structure shown any proclivity to develop one.

Thus, the officer corps, despite its huge size has remained basically a reflection of the society it serves. But the antidraft-antiwar influences now actively promoting the all-volunteer concept threaten to upset this inherent balance in two ways.

First, the demise of conscription would remove those pressures which now encourage many bright young men to seek a short-term commission rather than a shorter term as an enlisted draftee. This essentially skeptical, questioning young officer at once brings his own unique point of view into the officer corps and helps to prevent homogeneity—the first requisite of any caste system.

Secondly, the drive to eliminate ROTC units from the nation's campuses would eliminate this disparate source of officers which has promoted diversification, not only in the ethnic and regional background of the officer corps, but in its educational base as well.

So long as national security requirements dictate the maintenance of armed forces in the order of magnitude which prevails today, it will still be necessary to recruit college graduates via some form of officer candidate program. But as the all-volunteer officer corps takes shape, turnover rates can be expected to decrease dramatically, the size of this leavening input will shrink proportionately, and those who so elect a life in uniform will, quite likely, shed their differences rather quickly as they adapt to the military ethic.

If the United States is to remain a powerful and democratic nation it will require a military establishment well beyond the caretaker or token level. The armed forces can be expected, therefore, to continue to be a meaningful part of the American scene. Moreover, the armed forces of a democracy must be as representative of that democracy as is reasonably possible.

The citizen soldier is an ever-present force for dynamism, and he serves as the conscience of the nation in the services—a conscience that should not be removed. It is ironic that those who are opposed to the draft and all it stands for—particularly those of liberal persuasion—may very well foster the development of a militaristic defense system.

The ogre of militarism has haunted the United States from its birth, and the fear of it has been accentuated since World War II as the dictates of national security produced the largest standing military force in our history. That we have eluded the tyranny of militaristic control—be it civilian or uniformed—is due in no small measure to the way in which we have structured and manned the armed services.

Despite the siren call of the all-volunteer force, this neat solution carries inherent dangers which must not be ignored. And though professionalism and technical competence within the armed services will continue to suffer from the constant personnel instability, inevitably caused by the draft and reserve programs, in the long run they may very well be a far better bargain for the nation.

INTRODUCTION OF WAGERING TAX AMENDMENTS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. FASCELL. Mr. Speaker, slightly more than three years ago the Supreme Court of the United States ruled that persons accused of failure to comply with the requirements of the wagering tax law could invoke their constitutional, or fifth amendment, privilege against self-incrimination. The practical result of the Court's ruling on the constitutional infirmities in the wagering tax law was that the gambling enforcement activities of the Internal Revenue Service were brought to a virtual halt. As a consequence, organized crime continues to derive fantastically huge profits from its illegal gambling operations unimpeded by any Federal enforcement activities except for those instituted under the recently passed Organized Crime Control Act of 1970, especially title VIII which relates to syndicated gambling.

I recently indicated, and the record is convincing, that the previous Congress compiled an unequalled record in fashioning an all-out legislative attack on organized crime. While the Federal effort against organized crime is still burdened by certain operational deficiencies, namely the lack of operational guidelines from the Attorney General to other Federal agencies and a lack of optimum coordination and cooperation among Federal agencies. I have hope that with the new tools that have been provided by Congress, the Justice Department can lead a more effective and coordinated effort in the future.

Congress, however, has one unfinished legislative task if it is to optimize the participation of Federal investigative agencies in the overall Federal effort. I refer to the wagering tax amendments which I introduce today. The amendments remove the constitutional infirmities in the provisions which were struck down by the Supreme Court.

Specifically, this bill places statutory restrictions upon the disclosure and use of information obtained through taxpayer compliance with the wagering tax laws; it increases the occupational taxes under the wagering tax laws from $50 to $1,000 for principals and agents; it imposes a $100 occupational tax upon pickup men, employees, and punchboard operators; it provides a credit against both the tax on wagers and the occupational tax, in the case of those persons who pay similar taxes to State and local governments; and it increases the criminal penalties of the existing law.

Both in this and the preceding Congress, this proposal has received broad bipartisan support, and its enactment is recommended by both the Treasury Department and the Justice Department. I urge my colleagues to give this measure prompt and favorable consideration.

BOAZ WINS THIRD NATIONAL CLEAN-UP AWARD

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BEVILL. Mr. Speaker, for the third year in a row, Boaz, Ala., in my congressional district has been named a winner in the national clean-up, paint-up, fix-up contest. The city of Albertville received an honorable mention.

We are proud of these two outstanding Marshall County cities and at this time, Mr. Speaker, I would like to have placed in the RECORD, a newspaper article which tells of their recognition:

> For the third year in a row, Boaz has been named a winner in the National Clean-Up-Paint-Up-Fix Up Contest. Boaz Beautification Association president, Ray Holder, was notified Wednesday that Boaz has been named the winner of a distinguished achievement award in the 1970 National Clean-Up Contest. Albertville will receive a certificate of Honorable Mention.
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> Both cities are one of 10 in the nation, with populations of 25,000 and under, to receive commendations in their categories. Ten top trophy winners were named in three different population divisions. The Distinguished Achievement Award winners were ranked just below the trophy winners and the Certificates of Honorable Mention were next.
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> Each city which entered the Contest was required to submit a scrapbook showing evidence of all civic improvement activities undertaken during 1970, along with a written report outlining the specifics involved. For judging, the entries were divided into three population categories representing the total number of people covered by their programs: under 25,000; between 25,000 and 250,000; and over 250,000. Using a point system, the entries were graded by a panel of seven judges based on the degree of achievement and scope of participation in such areas as community-wide beautification . . . Based on the total number of points earned entries were chosen to receive national Trophies, Distinguished Achievement Awards, or Certificates of Honorable Mention.
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> Judges in this year's Contest were: William B. Pond (chairman), executive officer, National Recreation and Park Association; Mrs. Earle A. Brown, president, General Federation of Women's Clubs; Robert W. Maffin, executive director, National Association of Housing and Redevelopment Officials; Mrs. Donald E. Clusen, national director, League of Women Voters of the United States; Christopher Mould, director, Office of Volunteer Action, National Program for Voluntary Action; Roger L. Alley, director, Build America Better Program, National Association of Real Estate Boards; and Thomas P. Walsh, senior associate, Community and Regional Development Group, Chamber of Commerce of the United States.
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> The National Clean-Up Contest, which is the oldest and largest such competition of its kind in the nation, has been co-sponsored annually by the National Clean Up Paint Up-Fix Up Bureau, a non-profit foundation and Union Carbide Corporation. This year's distinguished panel of judges was most impressed by the scope and variety of the city's achievements and the close cooperation shown by various participating groups.
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> "The achievements of the people of this city are indicative of their deep concern about their community and their dedication to fighting the forces of filth and neglect which threaten our entire country," said Richard H. Hackendahl, director of the National Clean Up Bureau.

Albertville and Boaz plan to send representatives to Washington to accept awards on Tuesday, February 23, at the Statler Hilton Hotel. Mrs. Richard M. Nixon will present trophies to the 30 top national winners and announce the name of the one city selected as having the best overall program during 1970. The awards presentation will conclude a three-day Clean-Up Congress.

Boaz Beautification Association President Roy Holder said that three persons will attend from Boaz but he wasn't sure who they will be. Mrs. Charles Formby was chairman of the BBA scrapbook committee and other members were her daughter, Connie, Mrs. Edgar Amos, Mrs. Frank P. Mastin, Jr., and Mrs. H. H. Camp.

Albertville's Project Pride chairman, J. J. Benford said that he will not make the trip to Washington but will suggest that next year's Project Pride head (if selected by then) make the trip. He said he hopes that Mrs. Paul Bolt, who headed Albertville's scrapbook committee, will be able to make the trip. Other members of the scrapbook committee are Mrs. Trent Whitten and Mrs. Ed Corbin.

Albertville Mayor Norman Darden expressed his appreciation and congratulations to Benford and the Project Pride committee for their fine work. "We feel we have a cleaner and better city as a result of their efforts," the mayor said.

TRIBUTE TO SGT. EARL A. JOHANSEN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ANDERSON of California. Mr. Speaker, the honor which we pay tonight to Sgt. Earl A. Johansen tends to confirm a belief that I have long held—that police officers are a special breed of men who spend their working hours in service to the community and then often devote their precious off-duty hours to other community service projects.

Sergeant Johansen is well deserving of his selection as Man of the Year by the Lions Club of San Pedro and the San Pedro Sea Lions because of just this type of unselfish dedication to community service.

For 28 years he has been a member of the Los Angeles Police Department spending nearly all of his distinguished career assigned to the harbor division. He is currently a member of the juvenile division and is a member of the California Juvenile Officers Association, the Southern California Juvenile Officers' Association, Harbor Investigators, and South Bay Investigators.

During World War II, Earl served in the U.S. Army Transportation Corps and rose to the rank of first lieutenant while stationed in Brazil, Alaska, and the continental United States. He is a member of the American Legion Police Post.

An active member of his church, Sergeant Johansen has served for many years as a trustee of La Rambla Presbyterian Church and was cochairman of the building committee which supervised the construction of its educational facility. He is presently skipper of the La Rambla Mariners married couples' club.

Sergeant Johansen was elected to the board of directors of the Bay Harbor Hospital in Harbor City on April 4, 1964, and is now serving his second term as board president.

He is a member of the San Pedro Coordinating Council and other harbor area organizations devoted to improving conditions in San Pedro.

An example of his diligent approach to service in such organizations is the fact that within 6 months of having joined San Pedro Lodge No. 966 of the Benevolent and Protective Order of Elks, he was selected as Elk of the Month.

For more than 30 years he has been a member of San Pedro's Lodge Ulabrand, Sons of Norway. Although I have not had the opportunity to sample his dishes, I understand that he is also an excellent cook with a special flair for Scandanavian foods.

IS IT REALLY IMPORTANT?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ZWACH. Mr. Speaker, in all of the dialog we have been having on the protection of the environment, I have seen none containing more down-to-earth commonsense than a recent column by Margery Burns who writes for a number of our Minnesota Sixth Congressional District newspapers.

Here are words on this subject that all of us should keep in mind:

IS IT REALLY IMPORTANT?

All right, you're concerned about our environment, about pollution and about saving our world for future living. Everyone is talking about it; you are, your friends, all politicians, scientists, everyone.

Don't you wonder what will be done about it? We know that politicians will pass laws about it which will effect industry and a few others. But what about all the rest of us? It's easy to scream about industrial pollution. And all of us agree that something must be done about industrial pollution. About all pollution. Absolutely.

But what are you doing about it?

That's the sticker, isn't it? We're all worked up about everyone else helping stamp out pollution, but we aren't so sure what we should do ourselves or even if we want to.

For instance, we know that the power companies are having a bad time right now because of their coal burning plants which send up all that smoke and because of the government is cracking down on their atomic power plants. And yet we all want more and more electricity delivered to our homes. Are you willing to give up some of your electrical equipment in order to save on electricity? Your air conditioner? Your electric shaver? Or can opener? (I'm writing this on an electric typewriter!) Or do you think it's all up to the power companies to clean up the pollution?

What else can you do besides stop using your electric toothbrush for a while?

How about using the right kind of detergents, the ones that don't pollute the water? Or don't you like the other kinds? Have you ever tried using plain old soap? A good friend of mine, Edna Halling, has been making her own soap for years because she thinks it does a better job than any detergent.

Then we all wrestle with tons of paper every year. Is there anything you can do about that? One suggestion was to take products out of their boxes right at the stores instead of carting them all home with you. (Depends on the products, naturally!) How about taking your own shopping bag to carry your groceries and other things home instead of using paper sacks every time?

But still the junk would pile up in every town even if we cut down on paper and plastic containers. So, why can't towns hire trucks to haul all the loads of junk to the companies which are buying up this junk now? This would be a lot cheaper than finding new places around the countryside to bury all this stuff. And it would keep from polluting the country.

Why don't all the clubs and organizations in all the towns start their own pollution control committees to prod all of us into taking part in this necessary effort?

All right. These are a few suggestions. What can you come up with? Just how concerned are you about pollution?

CHARLES BLUM WINS NEW JERSEY VFW VOICE OF DEMOCRACY CONTEST

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. SANDMAN. Mr. Speaker, I am very proud that Charles Blum, a 17-year-old resident of my district, is this year's New Jersey State winner in the annual Voice of Democracy Contest sponsored by the Veterans of Foreign Wars.

Charles, who resides in Ventnor, N.J., and attends Atlantic City High School, started out as only one of some 400,000 students participating in this most worthwhile contest. Now, he is one of only 50 State winners.

His winning speech is an excellent example of some of the straight thinking of today's young people. The insight Charles shows in his brief speech is worthy of attention and praise.

Mr. Speaker, I want to commend the Veterans of Foreign Wars of the United States and its ladies auxiliary for conducting this excellent contest each year.

The full text of the New Jersey Voice of Democracy winning speech follows:

FREEDOM—OUR HERITAGE

Freedom is the excitement which comes to a man when he finds he can do something on his own. In its initial form it is the baby discovering his toes, the child exhilerated on finding he can ride a bike, the surfer, thrilled at racing down the face of his first really big wave. In noble conception, freedom is the vision of what man can do. It is a Martin Luther King spellbinding people with a dream. It is a George Washington Carver, believing a peanut can solve problems of poverty and purposelessness. It is a John Kennedy striving for a new frontier. Freedom is the dimension within each man in which he not only is, but in which he decides what he will become. So long as he desires it, man cannot be deprived of his freedom, for freedom is the chance a man has, regardless of circumstances, to live his highest.

Recently, at the speed of a rocket, man searches for new frontiers. On the campuses, many students and faculty are seeking freedom where it will not be found. Where the demand for liberty begins to destroy order;

the consequent demand for order may well destroy liberty. For liberty unguarded can be defeated by its own triumphs.

The movement of freedom is dangerous, but a civilization or society that gives all its energy to taking out the risks and reducing life to comfort and convenience cannot long remain free. For it bleaches from the human spirit the force that takes man forward.

When he sees a vision of the world as it could be, and sets out to do something about it, man knows that he is not the victim of mere chance—that he has a place in the pattern and perfection of the universe. Aspiration is the great emancipator. Franklin D. Roosevelt demonstrated that if he aspired to it, a polio victim could become President. A blind deaf-mute became a Helen Keller. The free man should look toward the unknown as if to become an explorer and adventurer. Mankind has as many faces as there are people, and the man who knows he is unique—that there is no one born like him and never will be—finds his purpose and freedom. A man is set free when he takes a chance—as America has always dreamed—of building something entirely new, every man with his task. So, he thrusts forward from his dream, testing and trying the new, falling and trying again. A man is set free when he sees opportunity everywhere—when he discovers he is surrounded by new frontiers. A man is set free when he looks upward and outward—outward to his fellow man for whom he must care—and like the astronauts, upward to the promise of space and a widening concept of Creation. With this newfound freedom, our heritage, man's role in the universe has scarcely begun.

You and I must realize that freedom is what we as individuals make it. In a world so powerfully governed by materialistic values, one cannot put a price on freedom, and as a result it is frequently overlooked. It cannot hold to be overlooked any longer.

CORRECT THE RECORD

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. MICHEL. Mr. Speaker, I deeply regret that one of our colleagues has chosen to attack President Nixon by completely misquoting him.

On January 29 in the Extensions of Remarks of the CONGRESSIONAL RECORD, Representative WILLIAM CLAY of Missouri referring to the recent "Conversation With the President"—which was televised live over all networks—said, and I quote:

> And then Mr. Nixon asserted that Mr. Moynihan was so committed to racial justice that he was called the White House Negro by fellow staff members.

Mr. Speaker, when I read Mr. CLAY's statement I simply could not believe that this or any President would use those words. So I checked the transcript of that program and found that the President said nothing of the sort.

What he did say and I am quoting from the transcript was—

> Dr. Moynihan is one of the most dedicated men to racial justice and to justice for all people that I have ever known. He was referred to when he was on the White House Staff as the White House liberal. Well, as a matter of fact, we have others who perhaps can also be so categorized. But he was enthusiastic.

The accusation that President Nixon would demean black Americans by referring to one of his advisers as the "White House Negro" cannot be allowed to stand unchallenged. I hope this will serve to correct the RECORD.

CONGRESSMAN RANGEL FIGHTS INTERNATIONAL NARCOTICS TRAFFIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. RANGEL. Mr. Speaker, today, I am introducing legislation whose aim is to take some affirmative action in dealing with this great Nation's No. 1 problem—the illegal importation and sale of narcotics.

The terrible and growing statistics of drug abuse in Harlem are well known:

It has been estimated that there are 35,000 addicts in Harlem.

Of the total number of addicts in Harlem, 12,000 are adolescents.

In the last 5 years, heroin addiction has claimed the lives of more than 2,000 people in Harlem. This is greater than another tragic statistic, the number of Harlem youth killed in Vietnam.

The statistics do not begin to reveal the true magnitude of the drug epidemic. According to Claude Brown, the gifted black writer:

> Heroin had just about taken over Harlem. Every time I went uptown, somebody else was hooked; somebody else was dead from overdose. . . . It seemed as though drugs had crawled into all the houses, the churches, the good schools and pulled some nice people right out. You couldn't close all of the doors and all the windows and keep it out. It was a plague. It was getting to everybody. Claude Brown, "Manchild in the Promised Land."

This passage was written 5 years ago. Today, the situation is even worse. Last April, Dr. Stanley Yolles, the then National Director of Mental Health, told a House appropriations subcommittee that a recent study found that 18,000 out of 58,000 people living in a 40-block area in central Harlem were addicted. Of this 18,000, approximately 6,000 were adolescents between the ages of 16 and 21 and 2,000 were children between the ages of 7 and 15.

Statistics do not reveal the destruction of the individual and his community:

Children who will never reach adulthood.

Men and women maimed just as surely as if they were the victims of an accident or crippling disease.

The sorrow and despair of parents who must witness the destruction of their children.

The devastation of the very civic fabric of the community.

The vast resources communities must spend to fight the spread of narcotics and the crime it produces.

The amount of crime directly attributable to narcotics addiction is staggering. In some communities nearly 70 percent of all reported crimes were committed by addicts.

The plight of Harlem is being repeated throughout the country in urban and rural communities and among both the affluent and poor alike. The monster is everywhere. We are all vulnerable to the results of drug addiction: Wasted lives, despair, and increase in crime.

For these reasons, I am asking this House to enact the International Opium Control Act, the Crime and Drug Commission resolution, and my proposed amendment to the Foreign Assistance Act of 1961.

The International Opium Control Act authorizes the President to enter into negotiations with foreign countries for the purpose of forming an international treaty and organization. This organization, under the guidance and leadership of the President, will work for the coordination of the investigative and law enforcement procedures of the member States for the control of opium production, processing, transportation, and sale. Member States can request, and the organization will expedite, the extradition of any person known to be engaged in the production, processing, transportation, or sale of opium.

In addition, the President is given the authority to give financial and other types of assistance to opium producing countries for the purpose of, first, developing alternative crops or commodities; second, improving employment opportunities for those who become unemployed as a result of the change in production; and, third, increasing the country's capacities for law enforcement.

If the country involved refuses to cooperate, the President is authorized to cut off all forms of assistance, both military and economic.

If the country further refuses to cooperate, the President is directed to seek United Nation's sanctions against such country.

The proposed amendment to the Foreign Assistance Act of 1961 authorizes the President to suspend in whole or in part economic or military assistance from any country engaging in the unlawful production or processing of opium and to any country who is felt not to be taking the appropriate steps to prevent narcotics from entering the United States. The President is further authorized to use the appropriate agencies and facilities of the Federal Government in assisting the country in preventing the unlawful entry of narcotics into this country.

Finally, the Crime and Drug Commission resolution provides for the formation of a commission to come up with specific recommendations for the control and treatment of drug addiction. The commission will be made up of physicians, law enforcement, and criminal justice officials and other experts. The Commission would work for a year to:

Identify exactly what kind of drug addiction leads to crime.

Reveal the nature and extent of that crime throughout the country.

Recommend a nationwide program to control that addiction and thus the crime that results from it.

The war against narcotics must be won. The time for a "holding action" or stand-off is past—action must be taken and taken now.

WHERE IS DADDY?

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. KEMP. Mr. Speaker, I recently had the opportunity to read an article which appeared in the Los Angeles Times of January 27, written by John Hall regarding the POW/MIA controversy. I would like this article inserted in the RECORD to share with my colleagues, since it deals with a matter which deeply concerns us all:

WHERE IS DADDY?

(By John Hall)

Flip Wilson was doing his thing the other night, cheering up the world on his weekly television show. It is the theory here that most of the ills of society could be permanently erased by just a few minutes' exposure to the unstoppable warmth and wit of the bubbling comic.

Muhammad Ali happened to be one of his guests on this particular show. "Muhammad, I got to ask you something," Flip bubbled to the fighter. "Everybody knows your high moral standards. You don't drink, you don't smoke and you don't fool around with wild women . . . When you go into training, what do you have to give up?"

It was a time for smiles, no troubles, a pleasant night at home. The outside world was just that, laid aside and locked out for the moment. The fire was going good just as it should, my daughter was stretched out on the floor in front of it attacking her homework, and I was slicing through the daily mail as Flip and Ali did the talking.

Ali was in one of his subdued moods, at his human best, and he's always very likable when he's that way. His charm can win 'most anybody when he chooses, and then, just as the thought was occurring that maybe society has been cruel to this man who rose from the slums of Louisville to the world heavyweight championship, one of those little ironies of the everyday came into play.

A letter postmarked "Irvine, Calif." popped upon top of the pile. It was signed by a woman named Janice Lyon. The words leaped out and pushed in alongside Ali on the screen.

"The inspiration of writing came to me as I was reading a clipping written by you two years ago," she began. "The column is entitled 'Was It Nothing?' and is about a friend of my husband's and mine, Bob Cameron. Bob had then been recently killed in Vietnam while taking off in his aircraft on a mission.

"My husband, Maj. Don Lyon, is also an Air Force pilot. I have been saving the column for my husband, who does not yet know of Bob's death.

"The reason Don does not know of this is that he has been missing in action in Vietnam for three years—hopefully a prisoner of war.

"Families of these men who are POWs have been heartened by the interest taken by the sports world in our men in such instances as the recent tributes to them at halftimes of the post-season bowl games.

"We can only mourn and honor men like Bob Cameron, but we can all do something to help men like my husband in captivity in Southeast Asia.

FOOTBALL CAPTAIN AT OXY

"Don grew up in Los Angeles. He was captain of the football team both at Hollywood High and Occidental College. He was all-conference fullback for the SCIAC in 1955 and since has been selected for the Oxy football Hall of Fame.

"Please understand that I am not looking for sympathy or personal publicity for Don. He wouldn't want that. I am only hoping to have the public become more aware of our guys who are POWs and missing in action and to encourage more public pressure to bear in their behalf.

"The recent list of prisoners released by the North Vietnamese is not a complete list as claimed by Hanoi.

"Don and I have three young children (Suzanne, 11; Scott, 8, and Donna, 6) who miss their dad very much. They ask me constantly for news of him. Just one letter from Don would mean so much to us.

"Like Bob Cameron, Don was shot down in an F-4 aircraft. This was in March of 1968, his first mission. His co-pilot is listed by our government as a prisoner of war . . . We are told by ex-POWs who have been released of the wretched treatment . . . The years of isolation is the hardest thing they have to bear.

IS THE WORLD TOO BUSY?

"We hope to put more pressure on their captors to allow these men to at least receive mail from us. Some of these men have been held in these conditions for over six years, longer than any other American has ever been held in any war before.

"The International Red Cross has never been allowed to inspect the POW camps, a violation of standards set by the Geneva Convention.

"Your readers could influence this situation by writing letters of concern to Washington, D.C., or Hanoi. Letters of this nature have definitely proved effective already and more letters now could possibly complete the job.

"We live in a busy world, but surely all of us can find a moment to write such a letter for a group of American brothers who have nothing but time on their hands . . ."

With admirable restraint and dignity, Janice Lyon said it all. A brochure entitled "Dear Hanoi—Is My Daddy Alive?" was enclosed. As it suggests, this POW situation does not involve politics or ideology or any part of the debate whether Vietnam is right or wrong.

Finishing the letter, I was ashamed of the trivia that clogs our brains.

How seldom we pause to count our blessings. How lucky Muhammad Ali is to live in a society where a convicted draft dodger can be a hero on television and be preparing for a $10 million prizefight while the men who have sacrificed most to keep it that way are almost forgotten.

I'm going to write and keep writing to Hanoi.

It's nothing.

But I'm not going to forget again and I'm going to keep reminding you of all the Scott Lyons. Where is Scott's daddy?

VFW VOICE OF DEMOCRACY CONTEST

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. JONES of North Carolina. Mr. Speaker, I am indeed proud and honored to call to the attention of the Members of the House the following essay, the title of which is "Freedom—Our Heritage." I am especially proud inasmuch as this was submitted by Mr. Daniel C. Grady of Kinston, N.C., a city which I have the honor of representing, and more important, I am convinced that he expresses the feelings of the majority of our young citizens. I am happy to further advise that Daniel received first prize in the State of North Carolina in the national contest by the Veterans of Foreign Wars, and will sometime in the near future, compete here in Washington, D.C., with winners from other States.

I hope that each Member will find the time to read carefully this inspiring article.

The essay follows:

FREEDOM—OUR HERITAGE

Freedom—it is our heritage, a right bequeathed to us by our God-inspired forefathers. Let's examine just what freedom is and how we can better preserve it in our troubled world of today.

The greatest outcry for freedom in our country's history occurred in Congress on July 4, 1776, in Philadelphia. There in Congress, fifty hardy, brave men signed their names to the Declaration of Independence and risked their lives for the freedom and rights they believed in—"certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."

However, the key to their feelings can be seen in the Preamble to the Constitution. Here our forefathers stated the aims of democracy: "to form a more perfect Union, to establish justice, to insure domestic tranquility, to provide for a common defense, to promote the general welfare, and to secure the blessings of liberty." If we study these aims, we can see that behind each of them is the basic idea of freedom and equal rights for all. Our forefathers valued their freedom because they had to fight for it.

In addition, in the first amendment to the Constitution, the basic freedoms of government are expressed. There shall be no restrictions on religion, nor any abridgment of the freedom of the press or freedom of speech. Indeed, these three basic rights amply deserve the title of the "cornerstone of democracy." They truly are the most important rights inspired by God for man.

Today Americans seem to often take these rights for granted which our ancestors had to fight for so hard. Our forefathers knew that freedom was not the right to do what they pleased, but it was the right to do what was right as long as it did not violate the lives and rights of their fellow man. They knew that freedom was a right granted to all men—the right to do what they pleased as long as it was within the law—and the right to peaceably challenge a law if they believed it wrong.

Today we need to be aware of the importance of maintaining our rights of freedom. As an individual, I must strive to exhibit a democratic fairness in all my thoughts and actions. In daily life, I must make others realize the importance of the democratic process. And we must all realize that freedom gives a man the right to choose his own life standard—to run his life as he sees fit as long as he does not interfere with the lives and rights of others; for freedom gives a man equal rights with his fellow brethren.

Under our democratic government today, an individual is free to develop his talents and abilities in the vocation and fields which he enjoys. He is free to live his own life, say and write what he wants to say and write, and worship God the way he wants to—the three freedoms of religion, speech, and the press. He is still guaranteed the "certain inalienable rights"—(1) freedom from the fear of repression of life; (2) the liberty which is basic to democracy; and (3) the pursuit of happiness in all his endeavors.

As long as each individual will respect these rights; as long as he will realize they are granted to all men—not only himself but to all; as long as he will stand up and fight for the protection of these rights from alien forces; as long as he himself will realize he does not have the right to do what he pleases, but that freedom gives him the right to do what is lawful—then freedom, our heritage, will continue to be the inspiring force today that it was 200 years ago, and it will never fail.

NATIONAL PRAYER BREAKFAST

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. NICHOLS. Mr. Speaker, as always, I was impressed with the National Prayer Breakfast held February 2. I feel this annual meeting is very important and points out that people in America do attach significance to religion. For my colleagues who may not have been able to attend, I would like to share the remarks made by Congressman MONTGOMERY in his capacity as chairman of the House Prayer Breakfast Group. He did a very commendable job in bringing greetings from this body.

The remarks of Congressman MONTGOMERY follow:

NATIONAL PRAYER BREAKFAST

(Remarks by Representative G. V. MONTGOMERY)

Good morning, Mr. President, Mrs. Nixon, my colleagues in the Congress and guests of the 1971 National Prayer Breakfast. It is my pleasure to bring you warm greetings from the House of Representatives Prayer Breakfast Group.

Our meetings each Thursday morning while the Congress is in session, which is most of the time, are quite informal, nondenominational and bipartisan. In fact, we do not even maintain a membership roster. The meetings are open to all Members of Congress, former members, and elected officials of foreign government. Seeing Mrs. Mendel Rivers in the audience brings to mind the contributions made to our prayer group by her late husband, Congressman Mendel Rivers of South Carolina, as well as the late Congressman Bob Watkins of Pennsylvania. Both of these Members are deeply missed by our group.

At each meeting, following our opening prayer, a fellow Member who has volunteered to do so delivers the remarks. A general discussion concerning the topic presented follows; and the meeting concludes with prayer. The remarks are always excellent. Some are thought-provoking and soul searching, some amusing and some sad, but they are all sincere. Topics range from personal testimonies, to politics and religion, to the subject that prayer and religion bring men together mentally and physically.

Messages from the members generally have a common factor. With a great deal of affection and feeling, each refers to the spiritual guidance provided him by his parents in his early years. One member recalls how his mother would go into the closet, close the door, and ask God for strength during family crises.

There are many benefits to be derived from the prayer breakfast group, and one of these is contact with people of good will in other parts of the Nation and other countries of the world. Our Capitol prayer groups have helped organize prayer groups among government leaders in well over 70 countries.

Because of the prayer breakfast, Thursday is always the best day of the week for me. I have a great feeling of personal renewal because I have been provided an opportunity to experience religious fellowship with my colleagues that would not be possible in any other situation, especially not on the House floor during some of our heated debates.

We who attend the prayer group know we are better Congressmen and individuals because of the meetings.

Congressman DAN KUYKENDALL of Tennessee has often remarked that the prayer breakfast is the only meeting in Washington for which he does not mind arriving 15 minutes early and remaining late. However, to our friends who are thinking of starting a prayer group in your area, we would certainly recommend beginning and ending the meetings on time.

We have some good laughs at our meetings and in fact, the prayer group is my best source of jokes suitable for telling at home.

Congressman WILMER MIZELL of North Carolina enjoys telling the story about his church during one of its regular meetings. The board of deacons had recommended that the church buy a chandelier. Everyone was in agreement but one man who stood up and said he was against buying a chandelier for three reasons. First, no one could spell the word. Secondly, no one could play it, and thirdly, what the church needed was more light.

(P-a-u-s-e)

There is a brighter light on Capitol Hill today because of our weekly prayer breakfast meetings.

REVENUE SHARING

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. CONABLE. Mr. Speaker, the President has submitted to Congress the first part of his revenue sharing plan to provide financial aid to the hard-pressed States and localities in a manner which will enable them to meet their problems with greater flexibility and effectiveness. There are arguments being raised here against the plan and alternatives being advanced as more appropriate to the needs.

Much has been written and said, but I believe none of the commentary has been more pertinent and balanced than that presented this week by Prof. Henry C. Wallich of Yale University, writing in Newsweek magazine of February 22. I hope all my colleagues concerned with the course of our system of Government will read Professor Wallich's article, and I include it in the RECORD for that purpose:

REVENUE SHARING

(By Henry C. Wallich)

We have come to the Moment of Truth. Everybody talks about local involvement and concern. Does anyone want to do something about it?

Giving the spending power back to the people amounts to an act of faith. If you believe in grass-roots democracy, you will be for revenue sharing. Sophisticated skepticism concerning the people's ability to deal with their own affairs argues against it. Other arguments are also used to question revenue sharing, but for the most part they do not survive close inspection.

Everybody knows that state and local governments are imperfect. Many are less than totally competent, some probably less than quite honest. The Federal government is competent and trustworthy and in any event well audited. Hence, it has been argued, the purse and the power should remain in Washington.

Unfortunately, to be competent and honest is not enough. To do full justice to the infinite variety of local needs, one must also be omniscient. Lacking this faculty, the Federal government finds itself making honest and efficient highway grants to states and localities that need parks, grants for school buildings to places that need teachers, for hospitals where medical training facilities should have priority. Do these misallocations induce the local recipients to look their gift horse in the mouth? Of course not. The local highway department argues that unless a highway is built, the Federal money will be lost. Obviously better to pour concrete over some local park or scenery than tolerate such frightful waste.

NO STRINGS

That is the nature of the categorical grants that Washington solicitude has now parlayed to about $30 billion annually. What would happen if the strings were united from any part of this money? Contrary to what the critics seem to think, it would take a good deal of incompetence or worse to get less use from the money by spending it according to local preferences. It is the matching-grant dollar, with its strings attached, that is at a discount, like any blocked currency. The untied dollar offers full value.

Fear that the money will be spent less carefully is equally misplaced. It is the money with strings that invites carelessness. "When you are operating with 10-cent dollars, because the Federal government gives you the other 90 cents, what can you lose?" That is the kind of fiscal wisdom of which revenue sharing is trying to cure the states.

President Nixon has shocked some people by suggesting that the untied grants might even be used to reduce the local tax load. Why shouldn't it? If the people prefer tax relief to a salary increase for the local bureaucracy, why shouldn't they have it? The failure of some critics to understand any use of money not masterminded from Washington is the best argument for giving the mastermind a rest.

CONGRESSIONAL OPPOSITION

At the bottom of the opposition to revenue sharing is the reluctance of many Washington legislators to take the onus of levying taxes without getting the political benefits of spending the revenues. Put more sympathetically, those who must decide about taxes feel a responsibility for the use of the money. Hence the attacks on the proposal as a form of "deficit sharing." Hence the prospect that Congressional reception of the legislation will amount to open hearings with a closed mind.

Opposition to revenue sharing has produced a number of alternative proposals. Tax credits for state income taxes might be given against the Federal tax, or the Federal government might collect state income taxes on behalf of the states. Or states might simply make their tax a percentage of the Federal tax.

Some alternative proposals contain ideas that are intrinsically good. Some differ rather drastically from the original revenue-sharing plan. But what is good in these alternative proposals is not really different. What is different is not very good.

The basic issue remains: how much of a chance do we want to take on people? As the population grows, so does the difficulty of managing its affairs from one single center. By trying to do ever more for this ever-growing number, Washington compounds its difficulties. Its administrative grasp increasingly falls short of its political reach. At some point in time, the mounting cost of centralization and the growing dissatisfaction of the reluctantly centralized citizenry demand decentralization. That point in time, I believe, is now.

VOICE OF DEMOCRACY

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ULLMAN. Mr. Speaker, the 1971 Voice of Democracy Contest finals are scheduled to be held in Washington, D.C., on March 2. The Veterans of Foreign Wars and its ladies auxiliary annually sponsors the event which brings the 50 State winners together to compete for college scholarships, including a $10,000 first prize. This year, the theme of the contest was "Freedom—Our Heritage" and over 400,000 senior high school students competed throughout the Nation.

Among the outstanding entries in this year's contest is the speech submitted by the State of Oregon winner, Miss Kathryn Ann Walling of Salem, Oreg. Miss Walling's speech follows:

VOICE OF DEMOCRACY

America—arsenal of democracy—and repository of freedom's heritage is a vast land of contrasts: from the industrial north, to the agrarial south, from the sophisticated east to the relaxed west—contrasts reign, possible only in this great land of ours.

One of the enduring phenomenons of our history has been this endless series of contrasts and repetitions of events. No country in the world has ever enjoyed so many economic benefits, yet no other country has ever had so much legislation dictated in order to curb abuses of these benefits. We are the indisputed leader of the western cultural world, and yet the government refuses to subsidize a national theater, musical conservatory or opera, or even elect a poet laureate. No other nation has ever seen a greater parade of brilliant young men since our country's founding, but no other country has ever seen so many of its important statesmen assassinated at the height of their prime. Contrast, both great and tragic is a part of our national heritage.

Charles Dickens, in *A Tale of Two Cities*, tells us of France in the days of their great revolution. But the most interesting thing about the manner in which he describes this chaotic situation is the fact that it is very much applicable to the times of today:

> "It was the best of times; it was the worst of times.
> It was the age of wisdom; it was the age of foolishness.
> It was the epoch of light; it was the season of darkness.
> It was the spring of hope; it was the winter of despair.
> We had everything before us; we had nothing before us."

We are a nation that continually leans on its contrasting history for inspiration, guidance, and precedent. Our heritage continually brings to mind well learned lessons of the past and forms a base of history to come.

In these days when we citizens are concerned about our problems at home and abroad—and there are many . . . we would do well to consider our blessings, opportunities and advantages—for there *are* many. The contrast of our national heritage gives us a firm base to consider both sides of each situation as it occurs and to determine our national course as prudence sees fit.

The great author and philosopher, Bernard Shaw, stated, "All truly rational men agree that we must not become too unreasonably bound to the traditions of the past, not too radical in our acceptance of the unseasoned future, but to pick the best of both dispensations."

In viewing our heritage, we must learn as our ancestors did: that *moderation in all things* is the prudent course. What is more, we must believe in our country and we must believe in ourselves and our abilities. For this prudent action can avoid many heartaches and mistakes in the future.

A dying man's last words:

> "To dream the impossible dream; to fight the unbeatable foe . . .
> To bear with unbearable sorrow; to run where the brave dare not go . . ."

These words, spoken on stage by Don Quixote, were not simple words of rhyme. To this man, they were a way of life. Even as he lay on his deathbed, he incessantly repeated these very lines—these contrasting lines—Quixote, like many of us did not achieve perfection—he did not even come close—but one may safely say that he tried. He tried with every breath and with availability resource and with every moment of time until the last hour of his life. He was a *believer*, and that, ladies and gentlemen, is what we may learn from our heritage; not to be afraid to believe . . . to learn from our contrasts . . . to learn from our strengths as well as our weaknesses. Freedom's heritage never ends—it sustains, it uplifts, it reaches even that—unreachable star . . .

A BILL TO AMEND THE NATURAL GAS ACT

HON. OMAR BURLESON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BURLESON of Texas. Mr. Speaker, on January 22 of this year, I introduced H.R. 616, a bill to amend the Natural Gas Act. Because the serious difficulties within the natural gas pipeline industry, which this proposal is designed to alleviate, have been of such long duration, I earlier introduced similar bills in the two previous Congresses. I have reintroduced this bill in the current session of the Congress because developments during the past 2 years have confirmed the chronic nature of these difficulties confronting the industry, with no adequate rectification yet forthcoming.

Before detailing my proposal, I would like to review the circumstances which make it, in my view, essential.

First of all, I want to emphasize that the difficulties which my proposal seeks to alleviate have not been, and are not now, peculiar to the natural gas pipeline industry. With relatively unimportant variations, these difficulties have confronted for a number of years, and still confront, the regulated public utilities in general, whether subject to Federal or state regulatory processes, and extend from initial production to ultimate distribution.

Nor have these difficulties confronting the regulated public utilities been hurtful to them alone. Far more importantly, they have already been hurtful to the entire consuming public. This damage is sure to augment greatly in the very near future, if a prompt and suitable remedy is not applied. One need not be an expert to know that power shortages in varying degrees, including dimouts, blackouts, and exhortations for voluntary reduction of power use, have already appeared in some important areas from coast to coast, including the more heavily populated metropolitan area in the Nation. Aside from quantitative and qualitative shortages of housing and medical care which extend to one-quarter or less of the total population, it is hard to think of a shortage, actual and prospective, more serious than a shortage of power. In addition, power shortages, unlike the others which I have mentioned, are all-pervasive in that they threaten practically every industry and every consumer, regardless of income. And further still, while extensive efforts have been made for many years to remedy these other shortages, with indications of added efforts in the President's recent state of the Union message, a nationwide and cogent attempt to deal with actual and prospective power shortages has lagged greatly, and is still hardly on the threshold of adequate action.

The damage which power shortages, induced largely by inadequate investment in plant and equipment, do to our total economic performance goes far beyond the importance of power as such. During recent years, investment by the utilities in plant and equipment has ranged between one-seventh and one-sixth of total nationwide private investment of this type. Thus, I do not see how we can get back to nationwide full employment and full production, unless such investment by the utilities is encouraged to expand at a sufficiently rapid rate. Indeed, practically all experts are in agreement that, due to technological factors, the changing nature of the industrial process itself, and shifts in the pattern of consumption as standards of living rise, investment by the utilities needs to grow even more rapidly than total private investment or the total economy, in order to underpin adequate economic growth in general. As I shall indicate shortly, recent trends and current performance among the public utilities offer no possibility of this development, without a remedy essentially the same in substance as that which I am now proposing for the third time.

For these reasons, I trust that the Congress will not regard my proposal as sectional in nature, nor as limited to the interests of any one industry or group. I trust that, in view of delay which has already been far too long, this session of the Congress will witness enactment of my bill in its current form, or in such altered form as may develop in the course of its consideration.

I shall not attempt here today to range over all the reasons for the difficulties confronting the regulated utilities in general, and the natural gas pipeline industry in particular. Some of them, as always, have been due to slowness of action and lack of adequate foresight on the part of fallible men, both within the industries directly involved and elsewhere. But there has been one dominant and increasingly clear central reason for these difficulties, and it is toward this that my proposal is addressed.

This dominant and central reason is that the changes in prices received by the regulated utilities in general, and also by the natural gas pipeline industry, have lagged far and increasingly behind the upward movement of prices in general, including money costs. The inevitable consequence has been that the dollars received by the utilities in general, and by the natural gas pipeline companies, have not kept pace with the rising costs for what they must pay for, in order to do business. This has put them in a seriously and increasingly disadvantageous competitive position when compared with key nonregulated industries. In contrast, it has always been the declared purpose of the regulatory process, affirmed by the courts, to maintain competitive equilibrium or equality between the regulated and nonregulated sectors. Far more important, the growing disparity between prices and dollars received by the utilities on the one hand, and those needed on the other hand to make the investments and to finance the many other business activities required for maintenance of optimum or even adequate service to the consuming public, points up the basic reason for the current and prospective power shortages.

In the factual data which I shall now detail in support of what I have thus far said, I shall limit myself to the natural gas pipeline industry in the main, although it should be borne in mind that similarly telling data could easily be set forth for the regulated public utilities in general.

Let me start with the disparities in prices and dollars received, as these have trended over the years, because, as I have already stated, this is clearly the dominant reason for the difficulties confronting the utilities, and threatening the entire public well-being.

From 1960 to 1969—comprehensive data for 1970 not available—the prices received by the natural gas pipeline companies declined at an average annual rate of 0.3 percent. Meanwhile, the Consumer Price Index, which is the best single measurement of the inflationary process in general, increased at an average annual rate of 2.4 percent. From December 1969 to December 1970, the consumer price advance was 5.5 percent, and from September 1970 to December 1970, it was 5.7 percent at a seasonally adjusted rate.

Large price advances have also been characteristic within the nonregulated industrial sectors. From 1960 to 1969, when, as I have stated, the prices received by A and B natural gas pipeline companies declined at an average annual rate of 0.3 percent, the average annual rate of price advance was 1.2 percent in all U.S. industries, and 1.1 percent in total manufacturing. Looking at specific industries, it was 1.1 percent in iron and steel, 0.5 percent in refined petroleum products, 2.3 percent in nonelectrical machinery, and 3.2 percent in nonferrous metals. It was 0.6 percent even in motor vehicles and equipment, despite the well-known profit leadership in this industry. And we all know that there have been substantial price increases during 1970 and early 1971, notoriously in iron and steel, and also in automobiles and chemicals.

The disparate and inequitable relative trends in prices received have naturally impacted upon profit trends. Comparing 1953–60 with 1960, third quarter 1970, the average annual rate of growth, among the major A and B natural gas pipelines, declined from 3.2 to 0.3 percent for per unit revenues; declined from 9.4 to 5.4 percent for income before taxes; and declined from 11.4 to 6.4 percent for income after taxes. From 1960 to 1969, the average annual increase of profits after taxes was 6 percent for the A and B natural gas pipelines, contrasted with 7.3 percent in all U.S. industries, 9.1 percent in total manufacturing, 6.1 percent in motor vehicles and equipment, 10.6 percent in refined petroleum products, 12.4 percent in nonferrous metals, and 13.5 percent in nonelectric machinery. These trends are all expressed in current dollars, which are satisfactory for comparative purposes. But the rates of growth would be shown to be very much less satisfactory, if translated into constant dollars by taking account of inflation and the declining purchasing power of the dollar—partial data for 1970 exceedingly erratic.

Due mainly if not entirely to these adverse profit trends, the process of investment in plant and equipment has been seriously affected. The average annual rate of investment in plant and equipment among the gas pipelines A and B, expressed in constant dollars, declined from 6.6 percent during 1953–60 to 4.1 percent during the longer period 1953–69, and was only 2.3 percent during 1960–69—1970 data not available. Expressed in current dollars, the average annual growth rate of investment in plant and equipment during 1960–69 was 4.5 percent for the gas pipelines, 8.3 percent for all U.S. industries, 8.6 percent for total manufacturing, 7.7 percent for refined petroleum products, 8.5 percent for motor vehicles and equipment, 9.5 percent for electrical machinery, 11.9 percent for nonelectrical machinery, and 14.8 percent for nonferrous metals.

Although it is difficult to appraise all causes and effects with precision, it must be manifest that the adverse trends in both income and investment have militated against optimum service to consumers, and the arrival of the shortage problem indicates that these trends have militated even against adequate service in many instances. Among the major A and B natural gas pipelines, the growth rate in physical sales declined from an average annual rate of 15.8 percent during 1947–53 to 8 percent during 1953–60, and 5.5 percent during 1960, third quarter 1970. The decline from the second to the third period mentioned is especially indicative, in that our total national product in real terms grew at an average annual rate of only 2.4 percent during 1953–60, but at 4 percent during 1960, third quarter 1970. Even more important is the very clear indication that the rate of sales expansion during 1960, third quarter 1970, inadequate though it appears to have been, cannot be maintained during the years immediately ahead, without quick and decisive reversal of the adverse trends in prices received, income, and investment in plant and equipment.

Another factor operating very adversely to the natural gas pipeline industry has been the rise in the cost of money. This is particularly true because the ratio of long-term debt to capitalization in 1969 was 58.4 percent for the gas pipelines, contrasted with only 27.2 percent in manufacturing, and 16.4 percent in motor vehicles and equipment. These ratios do not vary much from year to year.

The average interest rate on new bonds issued by natural gas companies—both pipeline and distribution—rose from 3.78 percent in 1952 to 5.36 percent in 1960, and 7.09 percent in 1968; the embedded debt cost of gas pipelines rose from 3.37 percent in 1953 to 4.35 percent in 1960, and then to 5.92 percent in 1969; and these trends imposed upon the gas pipelines an increased interest cost 1953–69 estimated at $932 million—later comprehensive data not available. The situation has become much worse since then, as indicated by trends among the utilities generally. The average interest rates on newly issued public utility corporate bonds rose from 3.45 percent in 1953 to 4.57 percent in 1961, 7.49 percent in 1969, and 8.77 percent in November 1970. From 1961 to November 1970, these interest rates rose 91.9 percent.

In this connection, we should not be misled by the salutary reductions in the prime rate and in some interest rates during recent months. Comparing 1969 with November 1970, the interest rates on newly issued public utility corporate bonds rose from 7.49 to 8.77 percent, as already indicated; for AAA corporate bonds, the rise was from 7.03 to 8.05 percent; and even for U.S. long-term bonds, there was a rise from 6.12 to 6.24 percent, compared with 3.90 percent in 1961 and 2.94 percent in 1953. We may all hope that the downward movement in some interest rates will proceed at an accelerated pace. But even if this should happen, of which there is as yet no guarantee, the embedded debt cost among the utilities in general, and the natural gas pipelines in particular, will continue to rise until the rate on new borrowings is as low as the embedded debt costs at such time. This prospect is not in the foreseeable future.

All of these adverse trends have had their impact upon the evaluation of common stocks by prudent and knowledgeable investors. Among seven natural gas pipelines from 1960 to November 1970, average common stock prices appreciated by 58.2 percent, compared with 65.9 percent for the stocks of nine New York City banks, and 73.9 percent for 181 consumer goods stocks. Because of the limited data available with respect to the natural gas pipelines, it should be noted that the common stock prices of 55 public utilities increased only 39.0 percent during this period.

As an indication of the adjustment

needed by the natural gas pipeline industry to reverse these adverse trends, and to put the industry in a position to render optimum service to the consumer in future, account should be taken of a comprehensive study issued by the Independent Natural Gas Association of America in May 1970, entitled The Natural Gas Pipeline Industry: A Study of Regulatory Policy in Terms of the Public Interest. This study indicated that compared with operating income of 814.4 million dollars in 1969, the industry will need operating income of 1,953.5 million dollars in 1977, assuming from 1969 to 1977 an average annual increase in the Consumer Price Index of only 4.0 percent—which by now we all know is a conservative assumption in the extreme. In contrast, it was estimated that operating income which would be yielded in 1977 at the 1969 level of prices received would be only 1,171 million dollars, or 782.5 million dollars below the level needed for optimum service.

Further, even if the formula contained in my current proposal had been in effect from 1969 forward, it was estimated that actual operating income in 1977 would come to only $1,602.6 million, or $350.9 million below the needed level, again assuming a 4.0 percent average annual increase in the Consumer Price Index. This reveals rather dramatically the conservative nature of my proposal. But it is anticipated that the practical application of this proposal would bring gains in plant, technology, and efficiency which would cover a substantial part, if not all, of the gap between actual and needed operating income which I have just stated.

Essentially then, my proposal is designed to yield to the natural gas pipelines industry a fair and reasonable participation in the progress of the U.S. economy generally, by bringing their prices received and incomes more into line with general trends. To be sure, this involves some increases in prices received in the short run. But never, not even during the period of absolute controls during World War II, did we fail to recognize the necessity for advancing those prices which were too low in terms of public need, even while seeking to maintain a generally stable price level, and forcing some prices downward.

This process, as my bill would apply it, is not only fair and necessary, but is also in accord with current thought and action in increasingly significant portions of the national economy. Insurance companies are moving more and more toward the practice of adjustable benefits, taking account of the inflationary process and the declining purchasing power of the dollar. Interest rates on Federal obligations have been lifted for the same reason, and despite some recent reductions are still enormously higher than they were some years ago. To illustrate, the interest rate on newly issued long-term Federal bonds rose from 2.94 percent in 1953 to 3.90 percent in 1961, 6.12 percent in 1969, and 6.24 percent in November 1970. Our social insurance systems, during the most recent years, have several times been adjusted specifically to reflect the declining purchasing power of the dollar. During 1970 alone, newly negotiated wage contracts have embodied increases running as high as 20 percent and more, most of these increases being designed to compensate for the declining purchasing power of the dollar as reflected in the rising cost of living. Public employees at all levels of government have similarly received wage increases for the same reason. This is also true of corporate executives.

While we of course recognize the desirability of policies to reduce, if not to hold steady, the general upward trend in prices, we have come to reject the inequitable and economically unsound proposition that the economy or people will benefit when the prices and incomes of some trend so far below those received by others that the necessary services rendered by those left far behind are seriously jeopardized. Moreover, it is inequitable and economically unsound for the regulatory process to deny to the utilities those sensible and essential price adjustments which nonregulated industries have the power—and exert the power—to attain through their own managerial decisions.

I recognize that enactment of my bill will require that the regulatory commission adjust upward the prices received by the pipelines, and that this will have some effect upon ultimate consumer prices. But this essential problem cannot be avoided by burying one's head in the sand. Even today, substantial price and rate adjustments are being granted by many regulatory commissions—although generally inadequate, and not sufficient to bring the remedy I propose and deem essential. In the long run, the consumer will be hurt if these adjustments are insufficient to spark the amount of growth in investment required for optimum or even adequate service. To neglect this obvious principle would lead to the conclusion that it would be good for consumers to reduce the prices received by the utilities gradually toward zero.

This principle has been very amply recognized by the extent to which tax legislation by the Congress during the past decade has granted great benefits to the investment processes. It is further illustrated by the very recent action of the Treasury, in enlarging depreciation allowances. Theoretically, a large portion of these tax benefits granted during the past decade or so have applied to the regulated utilities. But in their case, unlike the case of others, these tax benefits have been largely counteracted by the disparate trends in prices received, and by the almost unique burden imposed upon the utilities by truly fantastic increases in the cost of money.

The conservative nature of my proposal, from the viewpoint of the consumer, is further illustrated by the comparatively low cost of gas to the consumer. The comprehensive study to which I have already referred showed data for 1968, which can now be shown for 1969. In Brooklyn, N.Y., the cost of gas was exceeded by 35 percent for fuel oil, 48 percent for coal, and 133 percent for electricity. In Detroit, the cost of gas was exceeded by 69 percent for fuel oil, 34 percent for coal, and 266 percent for electricity. In Washington, D.C., the cost of gas was exceeded by 21 percent for fuel oil, and 116 percent for electricity, with coal data not available. In Seattle, the cost of gas was exceeded by 37 percent for fuel oil, 5 percent for coal, and 42 percent for electricity. In Memphis, the cost of gas was exceeded by 50 percent for electricity, with fuel oil and coal data not available. In Atlanta, the cost of gas was exceeded by 42 percent for fuel oil, and 233 percent for electricity, with coal data not available. Looking at fuels used for electrical generation in 1969, the cost of coal was 4 percent above the cost of gas, and the cost of oil was 32 percent above the cost of gas.

Further, the adoption and application of my bill would not interfere with maintenance of a very wide margin of cost advantage to the consumer through the use of gas, as compared with other fuels. On the assumption of an average annual increase of 4 percent in the Consumer Price Index from the base year 1969 through 1977—an assumption which may be, and we all hope it is, reasonable despite the higher average annual increase in the Consumer Price Index from 1968 to date—the average weekly cost to the consumer, spread over a period of 52 weeks, would rise from year to year by only approximately 2 to 4 cents, depending upon the city. Thus, in 1977, the average weekly cost would be only approximately 7 to 33 cents higher than in 1969. On this basis, it would take about 6 years for the prices received by the gas pipeline companies to return to the 1961 level. And by that time, consumer prices in general—assuming from 1969 forward an average annual increase of 4 percent in the Consumer Price Index—would be about 55 percent higher than they were in 1961.

The content of my bill, as introduced, has been indicated by what I have already said. Specifically, from the end of 1968 forward, the Federal Power Commission, in determining the rate base of a regulated public utility, shall use the actual legitimate cost of the utility plant existing as of December 31, 1968, less the accumulated reserve for depreciation as of such date, which net investment in utility plant shall be adjusted for any decline in the purchasing power of the dollar, as measured by the Consumer Price Index, from December 31, 1968, to the date as of which the rate base is determined.

The conservative nature of my proposal is strongly indicated by the fact that the process of adjustment which it embodies would be applied only from the end of 1968 forward. Actually, the serious lag in the prices received by the natural gas pipeline companies behind the inflationary process in general persisted for many years before the end of 1968, and this today has had a cumulative adverse effect upon natural gas pipeline companies. The limitation of my proposed adjustment to the period from the end of 1968 forward is therefore a compromise which really goes only a part of the way toward full remedial action.

When the so-called "historic" original cost method was enunciated by Mr. Justice Brandeis in Southwestern Bell Telephone almost 50 years ago—1923, he assumed a declining trend in prices in the U.S. economy. This forecast has become completely outmoded by developments since then. In December 1970, the price level, measured by the Consumer Price Index, was 133-percent higher than in 1923, and 138-percent higher than in 1930. The time is late for the regulatory processes to be brought into line with this reality. Therefore, I am proposing to modify somewhat the "historic" original cost method, in order to achieve a substantial although not complete remedy of the recent and current situation.

Mr. Speaker, my proposal is fair, essential, and long overdue. I trust that it will receive full and careful consideration by the appropriate committees of the Congress, and be enacted this year. A great service would thus be rendered to a vital industry, to the consumer, to the economy at large, and to the entire public interest.

CONGRESS MUST TAKE ACTION TO HELP OUR PARALYZED VETERANS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. MONTGOMERY. Mr. Speaker, last week members of the Paralyzed Veterans of America appeared before the House Committee on Veterans' Affairs. The testimony they presented was quite informative and pointed out the need for Congress to take action in several areas in order to help our paralyzed veterans to once again become productive members of society.

I recommend this testimony and the legislative program of the PVA for thoughtful consideration by my colleagues. I include the material at this point in the RECORD:

FEBRUARY 10, 1971.

Mr. Chairman and Distinguished Members of this Committee:

On behalf of the Paralyzed Veterans of America, its 7,000 members and 24 Chapters, I am both pleased and honored to appear before you today to present our annual legislative program.

We have many goals, which we would like to see become law, with regard to the severely disabled veteran—too many, in fact, to try to read into the record here today. So, with your permission, Mr. Chairman, I shall only refer to them, and I respectfully request that the full body of these recommendations be entered in the record.

Primarily through the efforts of this Committee, its Chairman and members, the 91st Congress compiled an impressive record in the field of veterans affairs. An increase in compensation and the amount awarded for the automobile grant, as well as a nonservice-connected pension raise, were all enacted into law. Laws providing for mobile home purchase, direct loans, and expanded outpatient treatment for veterans also were passed. The 91st Congress compiled one of the best records in veterans' legislation of any Congress in history.

Yet, as with every deliberative body, the Congress left some vital work undone. As I speak today, your able Chairman and other members of the Committee have already begun the process of reintroduction of these measures. For this we are grateful, since early introduction will hopefully mean early passage.

The Paralyzed Veterans of America have always concerned themselves with the basic areas of medical care and rehabilitation, the service-connected veteran survivors benefits, and the nonservice-connected veteran who has suffered this catastrophic injury or disease. I would like to speak on each of these areas today. Some of the things I may say will not fall into the specific province of this Committee. But you, as members of Congress, deserve to know of all our areas of concern. You, perhaps more than others, since your assignment to this Committee gives you the unique knowledge and experience necessary to deal with veterans' affairs in all aspects. Nearly 50% of the population is directly or indirectly affected by veterans' legislation. The distinguished members of this Committee are the Congressional watchdogs for that large segment of our society.

We have always maintained that nothing can ever replace the proper, total, and complete rehabilitation of the spinal cord injured. Nothing short of this can be accepted. Nothing less should ever be allowed. The Veterans Administration is not providing a dynamic rehabilitation program for the spinal cord injured. The reasons are many. Apathetic supervisory personnel who have grown too tired to care, or too old to learn, effectively block the way for those few vital elements who wish to expand and improve existing programs within the Spinal Cord Injury Centers. Because of salary restrictions placed upon the Veterans Administration's Department of Medicine and Surgery personnel, and the continued use of the GS ratings for paramedical personnel, the Veterans Administration cannot compete with the private sector hospitals. Nurses must be given shift differential if we ever expect to adequately staff our hospitals. Doctors' salary scales must be reviewed and upgraded. Nursing Assistants, who play such a vital role—a truly unique role—in the rehabilitation aspect of the spinal cord injured, must be given additional monetary consideration for working with these patients and for performing this unique care.

Medical care must be, unfortunately, a continuous process for a spinal cord injured veteran. It must be continuous and it must be effective if they are to retain a place in society and be productive taxpaying members of that society. This care and attention requires staff. But, sadly, staff is the largest deficiency now facing the Veterans Administration's hospitals and outpatient clinics. All the new drugs, all the new machinery, and all the new patient aid devices in the world can do *nothing* if there are no people there who are trained to use them. They will never replace *people* as the truly basic ingredient for the proper care and rehabilitation of the spinal cord injured.

The Veterans Administration has given a commitment to the PVA to reach a staffing ratio of 2 to 1. They allege to be mightly attempting to reach that goal. We would be willing to accept that if it were not for the haunting spectre of the field reports we receive indicating that the new faces cannot be found. Indeed, as retirement takes its toll among the dedicated personnel who have remained with us for so many years, they are not being replaced. Quite frankly, Mr. Chairman, we cannot find the people to back up the figures we see.

There are some truly progressive programs now in their initial stages which are constructive attempts to remedy some of the crisis situations that exist. The Administrator, his Chief Medical Director, and the Director of the Spinal Cord Injury Service are continuing to search for remedies. The National Consultants, a group of Veterans Administration and private sector physicians, continue to shape the directions that the Spinal Cord Injury program will take in the future. The Chief Medical Director, Dr. Musser, has appointed an Ad Hoc Advisory Committee to better explain the consumer point of view, and discuss the plans and problems of the Spinal Cord Injury Service. These and other achievements we of the PVA loudly applaud. It is a beginning in gaining the knowledge that must be learned in order to provide optimum care. *This* is our goal; to assist the Veterans Administration in reaching optimum performance in rehabilitation and continued medical care. But these national level programs and discussions must activate those who actually provide the services. They must be directed, not just allowed to filter down to the patient in the beds, on the wards, in the hospitals. For this is what it's all about. This is where it counts. All the rhetoric in Washington will not help that patient unless the valuable lessons learned here are translated into action at the very basic level in the field. It is the charge of the Veterans Administration to accomplish this, yet there are fears that it is not being accomplished. We hope at future subcommittee hearings we might expand on the reasons for these fears for they are with us, and they are very real.

Of equal importance to the spinal cord injured veteran is a dynamic program of educational and vocational training. Unless the United States Government wishes to assume custodial care of spinal cord injured veterans, every effort must be expended by the Veterans Administration to reintegrate these individuals into society. *They* must open the doors; *they* must provide the impetus and even the motivation where that is lacking. We realize that this is no mean feat. But it *must* be tried. It must be pursued vigorously and diligently. No one is unsalvageable. In everyone there is a key, and it must be found. If Congress will appropriate the funds and the Veterans Administration is willing to expend these funds and the effort, it can be done. We should not be satisfied with anything else.

Living is the most basic thing a person does in this world. It is difficult for the severely disabled, but not impossible.

If increased emphasis is placed on home and community environment training for *every* paraplegic veteran to physically cope with his environment, it becomes quite possible. But they must be required to undergo such training, and only through increased staffing can the Veterans Administration achieve such a requirement.

The PVA recognizes, also, that no medical program can long exist without the proper research facilities and expenditures. Those provided by the Veterans Administration for the cure of paraplegia and urinary and renal research now, we submit, are totally inadequate. Urinary and renal research is most vital, for kidney dysfunction is the prime killer of paraplegics today. The search for a cure for paraplegia is of equal importance for what we feel are the most obvious reasons.

What we have dealt with above merely outlines our attitudes regarding medical care. We sincerely hope that we will have the opportunity to testify to the subcommittees responsible when bills are brought to them for hearing on these subjects.

The 91st Congress was not generous in regard to the need of the service-connected veteran, as I have previously noted. It only serves to prove again that Congress cares about the veterans who were disabled in the service of their country. But there was some business left unfinished. A bill providing mortgage insurance for specially adapted housing reported favorably by this Committee and passed by the House of Representatives unanimously under a suspension of rules, was left to die at the end of the session in Committee by the other body. We regret, naturally, this valuable loss of time, but are indeed delighted by Chairman Teague's prompt reintroduction of this bill in this Congress. We fully support H.R. 464 and urge your prompt consideration and early passage of this measure.

There is an inequity which yet remains for the service-connected veteran. I refer to those so-called "peacetime" periods in which a veteran catastrophically disabled while in military service receives only 80% of the rate which a similarly disabled veteran in a "wartime" period is eligible for. We are in favor of the removal of such a distinction. The Veterans Administration has reported favorably upon the removal of it also. We petition you to consider such legislation as would be necessary to remove this inequity which is discriminating and unrealistic

In addition, due to the extreme complexity of the injury his body has suffered, and the dysfunction of vital organs caused by the resultant nerve damage, we urge that the death of any veteran, who has suffered spinal cord injury or disease as a result of his military service, be considered to be of service-connected origin.

The plight of a widow or surviving dependent of totally disabled veterans is not a pretty one. Where once their home and family environment were safe from peril because of their husband's compensation, his death brings a drastic reduction of income. So drastic, in fact, it may approach poverty level. They stand an excellent chance of losing their home and the integrity to the family it may provide. In the case of those veterans given medical discharge prior to the Career Compensation Act of 1949, all medical and commissary privileges are lost to the widow. Unless the widow is young and has a skill employment is difficult to find. To give them time to adjust, valuable time to reorganize their lives without the additional burden of financial worry, we propose that the survivors of a spinal cord injured service-connected veteran receive his full compensation for one full year following his death. This will give some small comfort for those who have for so long provided aid to their now deceased loved one.

The PVA is most grateful that H.R. 15911, which was reported favorably by this Committee and passed by the House of Representatives, has now become the law regarding veterans' pension. Most grateful are we that the other body had the wisdom to approve this bill over the alternative offered. However, gentlemen, I strongly feel that this pension law does not go far enough for the totally disabled nonservice-connected veteran. These are not old men who need basic support. More and more they are young, vital people who have served honorably in battle in Vietnam only to suffer the disaster of paraplegia or quadriplegia after they are discharged. These men, some not yet 21, are increasingly the ones who are admitted to our Veterans Administration hospitals. They need incentive, not welfare. They need training and a proper productive system of aid suited to their need not those of the aged and infirmed. Only you can provide such a system. *Only you* can turn these young people back into taxpaying members of our society. Exclusion of Social Security and a percentage of the rest of their income would be a step in the right direction, and I urge all of you to consider such a step. A rehabilitation allowance granted these men to help them live outside our hospitals and nursing homes would be a step in the right direction. I urge you also to consider taking that step.

Our present pension system is forcing young men, mentally vital and physically capable, to remain in the Veterans Administration hospitals or, worse yet, to be sent to nursing homes. I ask each of you to think of yourselves as a 24-year old quadriplegic whose mind and limited physical abilities are capable of wondrous contributions to our society being sent to live in the typical environment of a nursing home because you are without sufficient incentive-producing means of support. The prospect is a bleak one, one that should give all of us sleepless nights wondering how we can do it better. I believe it can be done better, and I firmly believe you do too. I urge you to consider an alternate pension plan for these catastrophically disabled individuals.

In order to achieve the goals I have mentioned, we need both the legislative action and administrative cooperation. The distinguished members of this Committee must assist in the initiation of this vital legislation and the Veterans Administration must provide the cooperation. I have no doubt that each of you will seriously study and weigh our proposals and then follow the course you feel will best protect and provide for the spinal cord injured. I would like to believe the Veterans Administration will do their part in attending to our needs. They are, I am sure honorable men who truly wish "to care for him who shall have borne the battle . . ." But it is our duty as well as yours to be watchful, ever vigilant, in aiding them in attaining the goal of providing the best hospitalization, benefits, and training for all of America's veterans.

Thank you very, very much for your time and kind consideration today. Thank you for giving the Paralyzed Veterans of America the chance to make our voices heard.

The Paralyzed Veterans of America Submit for the Record the Following Legislative Proposals Regarding Medical Care, The Service Connected Veteran, Survivors Benefits, and the Nonservice Connected Veteran

MEDICAL CARE AND REHABILITATION

1. We support fully the provisions of H.R. 813, which would provide shift differential for nurses in the Veterans Administration hospitals. We believe this is the only way the VA will ever be able to compete with private sector hospitals for able nurses.

2. Due to their unique contribution to the total rehabilitation program of the spinal cord injured, Patient Care Technicians assigned to the Spinal Cord Injury Service should be given pay incentive higher than the normal GS grade rating.

3. Appropriation of funds as necessary to provide the Spinal Cord Injury Centers in the Veterans Administration with a 2:1 staff to patient ratio held to be necessary for consistent quality care of this type of patient.

4. Appropriation of not less than one million dollars annually, as a line item in the Veterans Administration budget, to insure continued effective attempts to find a cure for paraplegia and provide the critically necessary medical maintenance research in urinary and renal dysfunction in paraplegics.

5. Uniform mandatory driver training courses at all Spinal Cord Injury Centers for all severely disabled deemed capable of benefiting from such training.

THE SERVICE-CONNECTED VETERAN

1. We support fully the provisions of H.R. 482 to amend section 802, title 38, United States Code, which would raise the Housing Grant to severely disabled eligible under P.L. 80–702 from $12,500 to $18,000.

2. We support fully the provisions of H.R. 464, which would provide mortgage insurance otherwise unavailable, to the severely disabled for homes built under Public Law 80–702. This bill would remove a serious financial burden from the families or widows of those severely disabled eligible and allow them to retain their home, despite the drastic reduction in income resultant on the death of the veteran.

3. Discontinuance of the differential in the rates of compensation between "peacetime" and "wartime" service-connected veterans who are totally disabled as a result of their military service.

4. Due to the complexity of the physical impairments caused by spinal cord injury, we submit that the death of any veteran who suffered spinal cord injury as a result of his military service be considered of service-connected origin.

5. We request immediate amendment of P.L. 91–666, the auto grant law, to remove the requirement that the disability must have occurred during the direct performance of duty for Vietnam-era veterans and substitution of the less restrictive line of duty requirements imposed upon the same category of veterans of World War II and the Korean Conflict.

SURVIVORS' BENEFITS

1. Enactment of legislation which would provide, upon the death of a veteran with a service-connected spinal cord injury or disease, that his widow or dependents shall continue to receive, for one full year, the total of all monetary benefits due to the veteran prior to his death.

THE NON-SERVICE CONNECTED VETERAN

1. The Paralyzed Veterans of America strongly urge the adoption of a separate pension program for the catastrophically disabled veteran, and that this program be extended to "peacetime" veterans in need of regular aid and attendance.

2. Until the above can be enacted or in lieu of it, a special rehabilitation allowance of $100 a month be adopted to enable these non-service connected individuals to maintain lives outside the Veterans Administration hospitals and nursing homes. This allowance would be paid over and above any other benefits to which the veteran might be entitled so long as they are not hospitalized at government expense.

3. An increase in the Aid and Attendance Allowance to $300 for non-service connected veterans should be enacted in lieu of number (1) above or until a new pension system can be devised.

4. That a spinal cord injured veteran without wife or child, shall continue to receive full pension benefits until the seventh month following admission to a Veterans Administration Hospital, and that any reduction that shall be made be limited to that portion received for aid and attendance.

5. That Social Security benefits and 10% of all other income received by non-service connected veterans be excluded from consideration as taxable income.

6. That an additional $600 income tax exclusion be given to all totally disabled who are paying income tax on wages earned or pensions received.

7. That legislation be enacted to enable the non-service connected veteran, who is otherwise eligible for outpatient care and medical supplies, to receive such medical supplies deemed necessary through the U.S. Consulate in any country where they may be temporarily residing.

CONSUMER PROTECTION ACT OF 1971

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ERLENBORN. Mr. Speaker, Mr. Brown of Ohio and I are today reintroducing a bill identical to H.R. 3809, which would make the Federal Trade Commission the Federal friend of the consumer. This time, we have 16 additional cosponsors: Mr. BROYHILL of North Carolina, Mr. CLEVELAND, Mr. CONABLE, Mr. FRENZEL, Mr. GOODLING, Mr. HANSEN of Idaho, Mr. HAWKINS, Mr. HOSMER, Mr. KEMP, Mr. KUYKENDALL, Mr. LATTA, Mr. MICHEL, Mr. SCHWENGEL, Mr. SLACK, Mr. STEIGER of Wisconsin, and Mr. TALCOTT.

During the 91st Congress, the Executive and Legislative Reorganization Subcommittee of the Government Operations Committee, on which the gentleman from Ohio and I serve, studied plans to turn some consumer affairs over to a new agency. We also joined in sponsorship of H.R. 18214, the proposal which our committee reported and which was rejected by a tie vote of the Rules Committee.

Through our work, we became concerned about creating a new agency, and ultimately were convinced that a new agency would mean duplication of authority invested in the Federal Trade Commission. Two agencies, we believe, would not necessarily do a better job than one, but we could be certain they would cost more.

In our initial contemplations, the FTC did not have a particularly favorable name. In fact, it had become almost an advocate for industry, rather than a protector of people.

Over the past year or so, however, the FTC has surprised us by its ability and willingness to become the protector of the consumer. As indicated below, first Caspar Weinberger and now Miles Kirkpatrick, as new and determined chairmen, have made the past year the year of the consumer at the FTC:

CONSUMER PROTECTION ACT OF 1971

I. STRUCTURAL AND ORGANIZATIONAL CHANGES

Case backlog

Some 450 cases, each on the docket for more than 18 months prior to January 1970, have been closed. Steps have been taken to assure that this case backlog problem will not crop up again.

Public information

Whereas the FTC previously was predisposed to withholding information on its action, virtually all actions are now spread on the public record, except for information which, by law, cannot be made public.

Field offices

The eleven field offices have been empowered to act on their own initiative, to carry out investigations, to issue investigative subpenas, and to prepare their own complaints—functions which previously had to be approved and usually were performed at Washington.

Consumer protection specialists

A new position, Consumer Protection Specialist, was established. Ten of these Specialists have been trained and assigned to each of the eleven Field Offices where they assist the legal staffs in detecting and correcting deceptive and unfair business practices in their incipiency.

Consumer protection committees

Joint Consumer Protection Committees are now in operation in six major cities—Chicago, Los Angeles, Detroit, San Francisco, Philadelphia, and Boston—and more are being set up. The major goals of these committees, which bring together consumer experts from the FTC and State and local consumer protection agencies, are to:

Bring to bear Federal, State, and city laws to stop fraudulent practices;

Pool information to establish priorities for efforts in both education and enforcement;

Give the city and metropolitan area consumers a one-stop complaint service in that an individual complaint filed with the committee will automatically be transferred to the appropriate and responsible agency for action without further effort by the consumer;

Determine the patterns of regional violations, if any; and

Avoid duplication of efforts among consumer protection agencies and develop a quick response liaison system among them.

Included in the data received and computerized by these committees are:

The specific business concerns that generate consumer complaints in these cities.

The nature of those most complained about businesses.

The most common deceptive practices in the area.

These deceptions which are in interstate commerce, and

The current status of disposition of each complaint filed by an individual consumer.

Consumer advisory boards

CAB's have been created in New Orleans and Chicago, and more are planned. These Boards consist of area representatives of private and public service. Their dual purpose is to advise the Commission on consumer problems and to suggest solutions for Commission consideration and action.

Office of policy planning and evaluation

To help the Commission to devote its resources and manpower in meaningful actions and thus eliminate the pursuit of the trivial, an Office of Policy Planning and Evaluation has been created.

Rules of practices and procedures

An Advisory Council has been appointed to recommend rules and practices that will expedite hearings, appeals, and other legal procedures while retaining all safeguards to the rights and interests of parties involved in FTC adjudication.

Intervention in proceedings

As an unprecedent experiment, the FTC will allow an organization representing consumer interests—Students Opposing Unfair Practices, Inc. (SOUP)—to intervene in its proceeding against a major tire manufacturer charged with misrepresenting the price and safety of its tires.

II. ENFORCEMENT OF STATUTES WITH INNOVATIVE CONSUMER PROTECTION WEAPONRY

With statutory power presently limited to issuing complaints and cease and desist orders, both of which generally result in long delays before decisions are reached, the Commission under Chairman Miles W. Kirkpatrick and his immediate predecessor, Caspar W. Weinberger, has nevertheless launched an aggressive consumer protection policy.

New weapons employed by the FTC that are being tested in the courts include:

Making an advertiser document its claims with adequate and well-controlled scientific studies.

Prohibiting alleged misrepresentations for a specified period unless certain conditions are met.

Prohibiting misleading claims of nutritional and environmental claims.

Requiring that past advertising deceptions be included in subsequent advertising of a product.

Banning products from the market place for adverse effects.

Preventing deception in promotional games.

Preventing advertising that deceives trusting children.

Enforcing anti-trust laws aimed at preventing collective actions that eliminate competition.

Rejecting voluntary assurances from companies that they will not pursue reciprocal dealings that say "we will buy from you if you buy from us."

Reviving a long-ignored FTC weapon of obtaining court injunctions to quash false advertisements of foods, drugs, devices, and cosmetics.

Among the FTC's actions during the past year—most of which are still wending their way through the adjudicatory process—are the following:

Issued complaint against Pfizer, Inc., involving advertising claim that its "Un-burn" sunburn treatment stops pain and anesthetizes nerves.

Filed complaint against Firestone Tire & Rubber Co. that challenges its claim that wide oval tires stop 25 per cent quicker than cars with conventional tires.

Filed complaints against Lever Brothers, Colgate-Palmolive Co., and Procter & Gamble Co. and their advertising agencies that charge them with misrepresenting in claiming that the enzymes in their products remove all types of stains from fabrics.

Issued cease and desist orders against the above that would prohibit the manufacturers from making stain removal claims for one year unless certain conditions are met.

Ordered the Chemway Corp. to stop claiming that mercury treated dental products kill germs and to stop using mercury in its dental products unless it conducts adequate and well-controlled studies to prove that the product is not dangerous to the consumer.

Ordered the Carnation Co. to stop making unwarranted nutritional claims for its Carnation Instant Breakfast.

Charged Mars, Inc., with misrepresenting the nutritional value of its Milky Way Chocolate bars.

Ordered Standard Oil of California to disclose in 25 per cent of its gasoline ads for one year that past claims that its Chevron F-310 significantly reduces air pollution were found by the FTC to be deceptive.

Barred Coca-Cola from making nutrient claims for any of its products for one year unless 25 per cent of the ads contained a statement that past claims that its Hi-C is a good buy because it is high in vitamins were found by the FTC to be false implications.

Filed a complaint against the DuPont Co. that would require DuPont to disclose possible adverse effects on automotive cooling systems from using Zerex Antileak Antifreeze and that may lead to a ban on sales of the product.

Issued a complaint charging that contestants in the Coca-Cola Co.'s "Big Name Bingo" were deceived by an undisclosed rule and, consequently, many were not awarded the $100 prize to which they are entitled.

Issued a complaint charging, among other things, that only $13,000 in prizes were actually awarded in the 1968 "McDonald's $500,000 Sweepstakes."

Filed a complaint alleging that commercials by Mattel Inc., for its "Hot Wheels" racing car sets unfairly exploit children and that its "Dancerina" doll does not walk by itself as advertised.

Issued a complaint against Topper, Corp., charging that its toy autos do not have doors and hoods that open as represented in their ads.

Charged that five tire manufacturing companies—Goodyear, Firestone, Uniroyal, Goodrich, and General—violated the law by following "parallel courses of business conduct constituting unfair methods of competition," and thus collectively acquired 99 per cent of the bus tire-leasing market.

Ordered the Bendix Corp. to sell the Fram Corp., which it acquired in 1967, because its acquisition may lessen competition in the replacement market for passenger car oil, air, and fuel filters, which are also produced by Bendix.

Ordered the OKC Corp. to sell the Jahncke

Service, Inc., which it bought in 1969, on similar grounds.

Charged seven soft-drink companies (Coca-Cola Co., Atlanta, Ga.; PepsiCo. Inc., Purchase, N.Y.; Royal Crown Cola Co., Columbus, Ga.; Seven-Up Co., St. Louis, Mo.; Crush International Ltd., a Canadian based firm with offices in Evanston, Ill.; National Industries Inc., Louisville, Ky.; and Dr. Pepper Co., Dallas, Tex.) with curbing competition among their licensed bottlers by restricting the bottlers' sales territories.

Filed complaints charging the use of deceptive practices to get long-term subscriptions and harassment of deceived subscribers against Cowles Communications and the Hearst Corp., along with two of its wholly owned subsidiary publishing sales services.

Sought—and obtained—a court injunction against Medi-Hair International which requires the firm to disclose potential dangers of its hair-replacing surgical treatment and would prohibit the surgery until 24 hours after the customer has been informed of the risks by an independent physician.

Issued a proposed consent order, prohibiting the Columbia Broadcasting System Inc. from making, or continuing, exclusive agreements for records or prerecorded tapes.

III. TRADE REGULATION RULEMAKING

The Commission also has the power to solve broad consumer problems by issuing trade regulation rules. The following is a listing of significant rules that have been proposed by the FTC during the past year:

To require that marketers of gasoline products post research octane ratings in a clear and concise manner on gasoline pumps.

To ban negative option sales plans, whereby an individual in effect agrees to a purchase because he does not indicate he does not wish to make such purchase.

To regulate billing and credit practices. (Note: Hearings on these proposed rules have been deferred in compliance with a request by Senator Proxmire of Wisconsin, who plans similar hearings.)

To enable new car buyers to obtain more complete and accurate information on prices.

To protect the right of consumers to press claims against unsatisfactory products or services purchased on installment contracts when such contracts are subsequently sold to a third party, such as a finance company.

To require that soap products carry a warning label which would allow the public, for the first time, to compare the phosphate content of detergents.

Thus we are convinced that all of us, as consumers, will best be served by strengthening the FTC. Our bill would empower this established agency, through a statutory Bureau of Consumer Protection, to act in behalf of consumers in disputes before other Federal agencies, intervening before such official bodies as the Federal Power Commission, the Interstate Commerce Commission, and the like.

A summary of our proposal follows:

CONSUMER PROTECTION ACT OF 1971

OFFICE OF CONSUMER AFFAIRS

The Consumer Protection Act of 1971 upgrades the Office of Consumer Affairs in the Executive Office of the President to statutory responsibilities. The Office, headed by a Director appointed by the President with the advice and consent of the Senate, has the primary responsibility for the oversight, coordination, and direction of consumer policy and operations among Federal agencies.

BUREAU OF CONSUMER PROTECTION AND REPRESENTATION OF CONSUMER INTERESTS

In addition, there is established by law within the Federal Trade Commission a Bureau of Consumer Protection, headed by a Consumer Counsel appointed by the President with the advice and consent of the Senate. The primary responsibility of the Bureau is to represent the interests of consumers before other Federal agencies and courts.

PRODUCT TESTING

In support of its representational functions, the Bureau shall have the right to contract with other Federal agencies and non-Federal sources to conduct product testing. Other than for this purpose, however, the Act does not authorize the Bureau or the Office directly or indirectly to engage in or support product testing.

CONSUMER COMPLAINTS

Additionally, the Bureau is authorized to receive, evaluate, develop, and act upon complaints from consumers. This authority includes transmission by the Bureau of such complaints to other Federal agencies and non-Federal sources for investigation and action.

As part of its responsibility in this area, the Bureau shall maintain a public document room where complaints may be made available to the public for inspection and copying. To safeguard against abuse, these complaints shall not be available to the public until three conditions have been met:

1. The complainant has given permission for his complaint to be made public.
2. The party complained against has been given at least 60 days in which to comment.
3. The governmental agency to which the complaint has been referred has indicated how it intends to handle the complaint.

CONSUMER INFORMATION

Both the Bureau and the Office are authorized to gather and disseminate to the public information of interest to consumers, including information concerning items purchased by the Federal Government for its own use.

As part of the consumer information authority, the Office is authorized to publish and distribute a Consumer Register designed to make available to consumers information which may be of interest to them, including that relating to government activities.

Under the Act, interested persons are given the right to comment before the release of such information pertaining to brand names, and Federal agencies are prohibited from declaring one product to be superior to another.

OTHER FEDERAL ACTION

The Act provides that every Federal agency, in taking action that substantially affects the interests of consumers, shall provide notice of such action to the Office and the Bureau and shall give due consideration to the valid interests of consumers.

THREE-YEAR AUTHORIZATION

The authorization for both the Bureau and the Office is limited to three years.

DEFINITION OF CONSUMER

A consumer is defined in the Act as "any person who is offered goods or services for personal, family, or household purposes."

JUNIOR CITIZENS VISIT WASHINGTON

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, today, my office had the opportunity to meet the 20 finalists in the Chicago Park District's junior citizens program. It was a pleasure to have these fine examples of American youth in our Nation's Capital.

The purpose of the junior citizens program is to recognize and honor outstanding young people who are active in our park program and prominent in school, civic, and church affairs. It seeks to encourage and help these young people who are destined to become our future leaders in the professions, in government, and in industry. I would, at this time, like to especially single out the three finalists who reside in my district; Joan Gorman, Reinaldo Reyes, and Betty Arendt, for special recognition.

I would also like to express my gratitude to the Honorable Dan Shannon, president of the Chicago Park District, and to Mr. Al Kumskis, the general chairman of the 1971 junior citizens program for the excellent job they have done in coordinating this effort.

FIFTY-THIRD ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. GIAIMO. Mr. Speaker, 53 years ago, on February 16, 1918, the people of Lithuania declared their nation to be a free and independent republic. Each year at this time, we pause to pay solemn tribute to these brave people who saw the freedom which they cherished ground into the dust before their eyes. More than 3 million of them now stand silent and subjugated behind the bastions of the Soviet colonial empire. They must not be forgotten.

Most of us are familiar with the tragedy which befell Lithuania in 1939 and 1940 when Russian troops occupied that peaceful land and, through so-called "elections," absorbed it as part of the Soviet Union. Most of us are aware of the subsequent invasion by the Nazis in 1941 and the reconquering of Lithuania by the Soviets in 1944. Few of us remember, however, that this year marks the 30th anniversary of a successful revolt by the Lithuanian people against their Soviet masters. In June 1941, the Communist regime was ousted and a free government was reestablished; this provisional government remained in existence for more than 6 weeks, only to be crushed when the Nazis overran the country later in that tragic summer. Between 1940 and 1952 alone, it is estimated that more than 30,000 Lithuanian freedom fighters died during organized resistance against the Nazi and Soviet invaders.

Armed resistance by the Lithuanian people ended nearly 20 years ago, Mr. Speaker, but the silent resistance in the minds and hearts of these brave people can never be stopped. It is up to us to echo this resistance, to speak for those unable to speak for themselves. These courageous people still cling to the hope of freedom and independence; we must keep their dreams alive.

For it would be tragic indeed if the flame of Lithuanian independence which has withstood the pounding of hobnail boots and the confinement of an Iron Curtain were to be extinguished by our indifference and apathy.

THE MASS MEDIA

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DORN. Mr. Speaker, I am pleased to commend to my colleagues' attention the following outstanding address delivered at Clemson University by the Honorable J. Kelly Sisk, president of Multimedia, Inc., and publisher of the Greenville News, one of the greatest newspapers in the Southeast. This timely address, which follows, deals with one of the most widely discussed topics of today, "The Mass Media—Its Place in Your World":

THE MASS MEDIA—ITS PLACE IN YOUR WORLD

(By J. Kelly Sisk)

This important-sounding title probably gives you the impression that my mission here today is to recruit as many of you as possible into our line of work. This is not true, although before proceeding, I do want to give you a few sales points on our businesses.

The mass media consists of many different activities. The most common are newspapers, television, radio and magazines.

There are always openings for bright young men and women in this field. They can be most rewarding. It is often said that when a person gets printer's ink in his veins it cannot be erased. The same kind of thing is true in broadcasting.

For those of you who are interested in technical careers, the mass media offer a variety of opportunities. In newspapers, only recently has the manufacturing aspect of business—press work, composing room, stereotype, engraving and the like—attracted college-trained men and women. Prior to this, these executive positions were filled by men who came up through the ranks often with little formal education.

As a result of this, printing methods invented by Mr. Gutenberg remained substantially the same until relatively recently. In our modern society, however, young men like you have come into the field and have revolutionized production processes.

Broadcasting—particularly telecasting—is a comparatively new invention. The technical leaders from the beginning have been primarily college-trained men. Change has been the rule rather than the exception, making a career in this field not only interesting but most challenging. One of the financial dangers in television management today is that equipment presently available, which costs huge sums of money, may well be antiquated long before it has served a life sufficient to warrant its cost.

The editorial end of all the mass media has always been dominated by fascinating personalities. Horace Greeley, Adolph Ochs and Joseph Pulitzer are among the names well-known to most people. The leadership of these men has played a large part in the development of our country.

All of that is good and my personal hope is that some of you could be persuaded to enter our field of endeavor and help us solve the problems of the future.

WHY IS THE MASS MEDIA IMPORTANT TO YOU?

Whether or not you choose to become directly involved in the news world, the mass media will be a part of our life. It is not possible for a person to go through life without communicating with his fellowman. It is said that 16 percent of a person's time is spent in reading, 30 percent in speaking, 9 percent in writing and 45 percent in listening. Perhaps men speak less and listen more than women.

All of you have been trained and will go into the world as leaders in your community. Some will become college professors, some textile executives, some electronic engineers, doctors, lawyers and many others, but all of you will be civic leaders and will spend a great deal of your time concerning yourself with the welfare of your community, country and the world. The mass media will be a great help to you in successfully performing this much-needed service.

In performing duties in your chosen field of enterprise, it is essential that you express to others your views, needs and desires. Without the mass media, you will have difficulty in reaching more than a comparatively few people at a time.

You no doubt recall the infamous remark of the famous industrialist, William H. Vanderbilt, when he said in answer to a question from a journalist concerning the public reaction to a business decision he had made: "The public be damned!" you recall how the public and governmental leaders reacted to this in disgust and much to the regret of many businessmen. It could be said it was the beginning of governmental regulation of business.

Businessmen and civic leaders have long since learned that the public does not want to be ignored and they consider the press as their servant to get for them the facts.

One of our illustrious South Carolinians, John E. Swearingen, Chairman of the Board of Standard Oil Company of Indiana, recently said in a speech to a group of news media leaders:

"Our industry has concluded there are three things we need to do to create a successful program of communications with the public. We must listen. We must take action. And we must explain that action. The industry's communications program recognizes that the public's concerns will not be allayed by study, research, or promises. People will be convinced only by clear evidence that solutions exist and are being applied.

"Once these actions take place, it is our responsibility to let the public know. The most important means is a welcome mat for the press, and we are going to try to provide one. Since the process does not end with a passive welcome mat, we are going to undertake some more active measures as well. We are going to continue to ask to be allowed to visit editorial offices to explain our position and practices regarding such matters as taxes, imports, prices, profits and pollution abatement. You are going to be invited to witness demonstrations of industry antipollution efforts. And we hope that meetings with groups such as this, at both national and regional levels, will become frequent practice.

"All we ask of the press is a fair hearing. We recognize our responsibility to keep you informed. We trust the press to continue its responsibility to keep the public informed, of all sides to any issue. Once the facts are adequately presented, the judgment on the issues is in the hands of the public."

To keep yourselves informed you will, no doubt, lean on the mass media. To take proper advantage of the mass media it is essential that you understand the problem as a whole and learn to appreciate the position the media is in and just what it can and, more important, what it cannot do for you.

The press is always the whipping boy. This is as it should be as the public must keep the press honest. In the buiness it is said—say nice things about us if you can, unkind things if you must, but please don't ignore us.

People involved in the news media have tough skins. A person who acts like Elijah when he suffered his defeat and went to the desert to sit under his juniper tree, cannot survive in this field. For this reason, don't hesitate to criticize.

My good friend, Wes Gallagher, General Manager of The Associated Press, made a statement concerning criticism of the news media which has become known as Gallagher's Law. It is "Criticism by the government rises in direct proportion to the amount of news printed or broadcast which reflects unfavorably on government policy. Criticism by the public rises in direct proportion to the amount of news read or heard that does not fit the reader's or listener's preconceived ideas of what the news should be".

This same truism applies to local subjects. We are constantly criticized by Furman graduates for overplaying Clemson news and vice versa and also Wofford, PC, Newberry alumni speak their piece, not to mention conversations that are received from the North Carolina, Georgia and other colleges.

This is good. Without it, no organization can keep awake to the problems and in a position to properly perform its services.

NOW, LET US EXAMINE OUR WORLD TODAY

With the hope that my remarks will not be morbid, I would like to take a few minutes to outline to you the position all of us find ourselves in today. By doing this it is my hope you will understand the problems facing the press as well as the country's leaders.

It is difficult to describe or characterize contemporary society in any terms that are not trite and still have claim to validity.

Even if we were able to comprehend all the facts intellectually, our emotions could not encompass all that we know. We can grieve, suffer and cry for the pain or misfortune of friends, neighbors and even strangers as individuals or small groups. But no one can comprehend the fact that more than ten thousand humans die every day of starvation on this planet. No decent person can remain unmoved at the starvation of another human being. But no man can magnify such emotion thousands of times and maintain such feelings day after day. Fortunately for individual survival, there is a limit beyond which one ceases to feel agony or horror. Contemporary social crises are too vast for full comprehension or for adequate emotional response by any individual.

The population explosion is a great source of difficulty. Social conflicts increase inevitably and disproportionately with any increase in number of individuals involved. To reduce the matter to simple, everyday terms, taking three children on a picnic is not three times as difficult as taking one, but nine times. As the numbers increase arithmetically, the possibilities, and probabilities, of conflicts, clashes and problems increase geometrically. The increase in the complexity of social problems is much greater than the increase in the number of persons involved. For example, if we take the complexity of social problems for a population of 1 billion people (in 1850) as represented by an index figure of 1, then the complexity for a population of 3 billion (in 1960) would be 18, and the index figure representing the complexity of social problems for a population of 6 billion (sometime within the next 30 years) would be 222.

As for social ills, until recent years the evils of society were fairly apparent and the presumed remedies seemed relatively simple. The greatest and most obvious evil was the economic exploitation of human beings. This was embodied in such practices as human slavery, racial discrimination, child labor, yellow dog contracts, sweatshops and other horrors of our economic and social history. The remedies clearly were to prohibit and abolish the evils. All of them were prohibited, and we went far toward their abolition in the century just ended.

But in the new era we have begun to see that these achievements which we hailed as blessings have brought new evils. Automobiles and airplanes are polluting the atmosphere so that we now choke and may soon be unable to breathe. Diseases, such as malaria, once thought conquered, are reappearing and increasing. Inflation threatens to destroy the foundation on which not only pension plans but all savings rest; and the economic quest today is not for savings or returns but for capital gains and get-rich-quick schemes. The welfare system has grown into a bureaucratic monstrosity that degrades the recipients as much as poverty did. Woman suffrage has changed nothing in politics. Our schools are not perfect in spite of all our efforts.

Further, the maintenance of a livable environment is a stark necessity for survival. Even if we could immediately and permanently halt all increase in population, our numbers and technology are already great enough to make the world uninhabitable by man within another generation or two—even without considering the possibility of nuclear war.

This may well be the basic reason for the widely touted generation gap. Most of the troubles and complaints of the young are essentially similar to problems faced by their parents. But the observant, analytical and articulate minority of all ages today realizes that we are living in an age when changes in scale have brought the world to problems that have become different in kind than any humanity has faced before. Dominating all else is the fact that our destructive powers, manifest particularly in nuclear bombs, threaten the existence of the human race itself. The discerning of all ages know this. The young really feel it. The present generation of youth is the first generation that has grown up knowing that it may be the last generation of man.

With these morbid thoughts put on the record, let us now think for a moment of the mass media in this complicated society. Also, let us get back to our original thought of what is its place in your world.

Just as modern man has created new machines in the textile and other industries, he has provided unprecedented methods of communication. By broadcasting we can communicate without significant limitations of time or space and to both the literate and the illiterate. Even the very poor have radio and often television receivers. At the same time newspapers and magazines have increased in both breadth and depth. Newspaper circulation is at an all-time high and the distinctions between newspapers, magazines and books are diminishing. Series of newspaper articles are published in book form; magazines supplement newspapers; and series of books are issued periodically on related subjects.

Think, if you will, of the position our world would be in today if our methods of communications were the same as they were a hundred years ago. Our society would come to a screeching halt if it were necessary to wait for information that is now available to us almost instantly.

This carries with it problems but it is mandatory that these problems be controlled, not eliminated.

Everywhere in the world human problems are now being created faster than human institutions can solve them. Even the smallest, most remote African societies are producing more history than can be domestically consumed. So we cannot really help it if much of the most important news tends to be news of violence.

It is true that people are so constituted that they will remember the news that has excited or enraged them long after forgetting all the rest of the day's report with its routine, moderate or constructive news.

To offset this, the media attempts to put these events into better perspective as they happen when possible. This is the job of editorials. Judgment on the information and explanation cannot run as fast as the information but an attempt is made not to let them lag far behind.

I shall be more specific.

A newsman's job is to tell the public what is going on in the world, to explain why it is going on and to put it into perspective. It is his job to sift through the millions of words in the self-serving press releases, the political statements, the congressional rhetoric and try to make sense of it all.

In any given situation, it is his job to present all sides, but never to take sides, to present the evidence to the citizens in a fair and impartial manner. It is the citizens' privilege to pass judgments, not his. It is his job to ensure that the people have all the evidence he can supply so the judgments they render—whatever those judgments may be—are based in unadulterated fact. A good newspaper is one that is so constituted that by reading it completely you need not go further to understand all points of view concerning the various major issues.

This is objective reporting. But objective reporting defined this way is coming under increasing attack. Much of that attack is coming from some newsmen themselves. There is a new vocal movement whose members call themselves "The New Journalists." Their basic argument is that the reporter has the right to render judgments from the facts he gathers. To do less, these newsmen say, reduces the reporter to the status of a moral eunuch. It is impossible, they say, to put simple unvarnished facts into perspective. It is necessary, they contend, to put their independent intelligence to work to wrest meaning from the torrent of events. Total objectivity is impossible, they say, because all men have opinions which get in the way of objectivity. What they apparently do not recognize is that there is considerable difference between having an opinion and imposing that opinion on someone else.

These new journalists are not content to be observers. They are determined to exert an influence, to be opinion makers. They are not content to express their opinions on editorial pages or during editorial air time. They insist they have a moral commitment to decide what is truth and present it as fact. Beware of the man who speaks of moral commitment. Inevitably he is the man who has bought a point of view. He is then no longer a reporter. He is a propagandist.

I don't think this is right. I don't think this is a newsman's job. I also don't think the bulk of the newsmen in this nation agree with the New Journalists' position. Most of them still prefer to think of objectivity as his goal. To be sure, it is harder to be objective than to be opinionated, but that difficulty goes with the job.

Unfortunately, the voices heard from the nation's news media most often are the voices of the New Journalists. And as they are the only ones heard, it is no wonder that some public officials have found most responsive audiences for their attacks on the media.

Even the best intentioned newsmen make errors due to the immensity of the problem. The Associated Press alone handles upwards of half a million words of copy a day. An editorially slanted word or phrase occasionally gets past their editors and onto the wires. These instances are exceptions and happen infrequently. They represent human failings.

One of the greatest problems facing all of us is to keep our press free.

This is often difficult even for those of us who are lovers of our country and our way of life. But let us not forget that a controlled press as in the Communist countries is far worse than ours.

There is constant pressure from governmental bodies, as well as many others, to regulate all the news media. This is in spite of the first amendment to the Constitution.

Freedom of the press is not simple to understand. Just as freedom of speech doesn't give a person the privilege of yelling fire in a crowded building, neither does freedom of the press carry with it the right to print slander, filth or blatant untruths.

It is often said freedom of the press is the freedom of the publisher to print what he pleases, and the broadcaster to express his views on the air.

To some extent this is true. The alternative is to give that privilege to a governmental power rather than to a large group of individuals and companies.

This is not a subject to be taken lightly. Those of you who enter this business must take this responsibility seriously and you other future business, civic and political leaders must do your part to keep the press free and honest. Do not expect your press to please you always—if they do, criticize them. Allow them to print the side you do not like—but if this happens all the time, criticize them.

In the final analysis, the role of the mass media in contemporary society is not to solve the problems of society—not even the problem of survival. The role of the media is to make it possible for an individual to communicate with the masses.

A person deeply involved in a problem can neither observe nor communicate with all the others involved in the same problem. The media has the responsibility of reporting to the individual what the actions of the mass are and to convey to all the people the feeling of the various individuals.

To gather its news, the American Press depends largely on The Associated Press, which is a cooperative organization owned by the newspapers, radio and television stations themselves; and United Press International, which is a private organization performing the same work. In addition, there are many other private news associations and syndicates which bring the news from all parts of the world.

The day of the "scoop" is substantially gone. Today all people involved in the press have a cooperative feeling. No newspaper can publish all the news that comes to its offices. As far as that is concerned, no paper can meet the motto of The New York Times and print "all the news that's fit to print". The problem is one of intelligent people attempting to determine what should be printed and how much should be said about each story.

Before closing, I must reiterate my sales pitch to you to enter the mass news media field. Many opportunities exist for imaginative people. I entered the business quite by accident but never regretted it.

Next, in your roles as civic leaders, business and professional executives and political leaders, give thought to the problems confronting the press in today's complicated world. Be understanding of the problems of the tremendous volume and diverse subject matter covered by today's press. This responsibility has never been greater and will get worse. Keep in mind that the media is working to keep up with its problems. If it fails, everyone loses.

Most important—do your part to keep the press honest and free.

MIRV: ANATOMY OF AN ENIGMA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. SCHMITZ. Mr. Speaker, although I do not agree with several of the assumptions made in the following article by Mr. Phillip Karber, currently at the Center for Strategic and International Studies, Georgetown University, and formerly a research assistant to the Hon. CRAIG HOSMER, it contains enough food for thought to be made available for the edification of my colleagues.

Particularly worthy of attention is Mr. Karber's suggestion that the U.S. deployment of an ABM system and the upgrading of our force structure to include a MIRV capability for both our Poseidon submarines and our Minuteman III ICBMs is stabilizing rather than destabilizing. Failure to respond to the growth of Soviet strategic offensive forces to the point where they have a first strike capability is clearly creating the most unstable situation imaginable. Stability is not compatible with Soviet superiority.

Adding increments of strength to the defense forces of the United States under practically any circumstances is highly stabilizing since our Nation is a stabilizer power which enjoys a position of economic dominance over any other nation. The nation which has the dominant economic base can best bring about a condition of stability in terms of absence of central war, maintenance of international boundaries, successful conflict management, and damping out the arms race, by striving for and maintaining unquestionable strategic superiority.

When a stabilizer power with a superior economic base, such as the United States, enjoys a position of clear strategic superiority no rational enemy inittiates a nuclear war—and irrational enemies swiftly lose one, escalation dominance is maintained at all possible levels of conflict—the higher the intensity of the war the greater advantage we enjoy, potential competition in the strategic weapons field sees that it cannot possibly win an arms race, and extended deterrence capabilities for areas such as Europe are really credible.

Stability in the nuclear age is synonymous with the superior power of the United States. To give our citizens the greatest possible margin of safety and security we must recognize this fact and order our priorities accordingly.

Mr. Karber's article which appeared in the February issue of Air Force Magazine follows:

MIRV: ANATOMY OF AN ENIGMA

(By Phillip A. Karber)

On September 22, 1970, Gen. John D. Ryan, USAF Chief of Staff, told the Air Force Association that the Minuteman III missile, "with a multiple, independently targetable, reentry vehicle, will be our best means of destroying time-urgent targets like the long-range weapons of the enemy." This was misinterpreted, first in the Senate and subsequently in the press, at a provocative "first-strike" policy that would lead the USSR to believe the US is attempting to threaten Soviet strategic forces. The resultant political uproar precipitated a disclaimer from Secretary of Defense Melvin R. Laird, who emphasized that the US does not have, and is not attempting to establish, a "first-strike option."

Yet General Ryan's comment on the counterforce advantage of the MIRVed Minuteman is neither mistaken nor contradictory to Administration policy. It merely fell victim to the unenlightened, emotional, and one-sided approach that has characterized recent public consideration of strategic issues. The purpose here is not to argue for or against MIRV but to discuss the logic upon which the Nixon Administration's MIRV policy and its implementation by the Defense Department is grounded.

MIRV AND STABILITY

When combined with high yields and great accuracy, a MIRVed missile potentially can destroy more than one of an opponent's missile silos. For example, the Soviet SS–9, with its tremendous throw-weight of twenty-five megatons, could, when MIRVed, provide the USSR with the ability to destroy ninety-five percent of our land-based missiles. Thus, with approximately 400 boosters, the Soviet Union could knock out nearly 1,000 Minuteman missiles in a surprise first strike.

Only our manned strategic bombers and sea-based Polaris force would survive. However, the B–52s are vulnerable to attack by Soviet submarine-launched missiles, as well as by the SCRAG orbital bombardment system, whose limited accuracy is offset by its advantage of short warning time and extremely high-yield warhead. Furthermore, the B–52s remaining would face the largest air defense system in the world, including more than 7,000 SAM launchers, which would be ready and waiting, unscathed, since the Minuteman missiles that could have disrupted the SAM defensive effort would have been destroyed in their silos.

While the portion of the Polaris force deployed at sea could survive a first strike, only about half are at sea and within range of their targets at any time. Also, since Polaris submarine-launched missiles cannot be fired in salvo, they would arrive over their targets at different times. This would leave the Polaris missiles vulnerable to the Soviet area-defense ABM system. Therefore, an American second strike would inflict less damage than the USSR received in World War II. And the Russians would still have more than 1,000 land-based missiles, mostly Minuteman-size but liquid-fueled SS–11s, plus their entire bomber force, remaining for countercity coercion or for mop-up operations.

The impending Soviet strategic posture is destabilizing because it threatens a first strike by the USSR and accelerates the nuclear arms race by its continued deployment of the SS–9.

To counter the threat of a Soviet first strike, the Nixon Administration has wisely begun development of the Safeguard ABM system to protect our land-based missiles and bombers. By deploying 500 Minuteman III missiles carrying three MIRV warheads each and the Poseidon submarine-launched missiles with ten to fourteen lower-yield MIRV warheads per booster, the President has also increased the penetration capability of our strategic retaliatory forces.

Unlike Soviet strategic developments, the American ABM and MIRV are *stabilizing* in that they counterbalance the SS–9 first-strike threat without posing a US first-strike threat to the Soviet strategic forces. Safeguard is not an area-defense ABM system and, therefore, does not impair the Soviet retaliatory capability; the Poseidon cannot be used in a first strike because of its limited accuracy, low MIRV payload, and limited range; and, while the MIRVed Minuteman force is capable of counterforce targeting, it does not constitute a preemptive threat to the Soviet Union.

If all the American Minutemen were MIRVed, they could destroy less than half of the Russian land-based missiles in a first strike. Even by the end of the decade, assuming that the current accuracy of our Minutemen is doubled, we would not have the means to launch a first strike against the Soviet Union.

POST-PREEMPTIVE COERCION

If we lack a preemptive capability, then why mention the counterforce role of our MIRVed Minutemen? Our land-based missile force was designed, through dispersion and hardening, to ride out any Soviet attack that has been feasible thus far. This posture not only decreases the possibility of a miscalculated launch but also provides the Commander in Chief with the flexibility of controlled retaliation. However, this prudent doctrine is weakened by the growth of the Soviet strategic arsenal. Should the Soviets attack our land-based retaliatory forces before Safeguard is fully operational, the President would have to decide whether or not to fire our surviving Polaris missiles against Soviet cities, in the full knowledge that the Russians then could wipe out American cities. The President expressed this worry in his State of the World message in February of last year.

"Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians, in the face of certainty that it would be followed by the mass slaughter of Americans? Should the concept of assured destruction be narrowly defined and should it be the only measure of our ability to deter the variety of threats we may face?"

Clearly, enough of our strategic forces to do unacceptable damage to an attacker must be able to ride out a surprise first strike. But why should we passively watch the destruction of our Minuteman force in its silos if, through infrared satellite detection and over-the-horizon radar, we have sufficient and unambiguous warning that a massive attack has been launched? A Soviet first strike would require all of their SS-9s and most of their submarine-launched missiles. The remaining Soviet land-based missiles would be reserved as a coercive option—as a deterrent to and retaliation against a US countercity response. Yet, with a half-hour's warning and the surveillance capability of infrared detection satellites to identify which Soviet missiles had not been fired, we could launch our Minutemen against the remaining Soviet missile force, thus foreclosing the Soviet coercive option. For every Russian missile destroyed, an American city would be spared and the Soviet SS-9s would have been wasted on empty silos.

MIRV increases the American deterrent, not only through the threat of assured destruction but also through the Minuteman potential of damage limitation. And, unlike the Soviet ABM system and MIRVed SS-9s, our damage-limitation capability is stabilizing, since it would threaten only the Soviet missiles held in reserve as a coercive force should the Russians launch a first strike.

MIRV AND ARMS CONTROL

Many popular and some professional commentators are now criticizing the Administration for not accepting recent congressional resolutions calling for a MIRV testing moratorium. They argue that the Administration failed to act when it could have halted the Soviet development of the MIRVed SS–9. This is spurious hindsight at best, for the moratorium arms-control method of the 1950s, which utilized primitive international bargaining, is not necessarily the most applicable, efficient, or secure technique of stabilization in the decade of the 1970s.

The Nuclear Test Moratorium, in effect from 1958 through 1961, provides an excellent case study of the ineffectiveness of the moratorium method of arms control. The

Nuclear Test Moratorium was the first arms-control measure to be effected in the postwar period. Because of political tensions and the lack of a successful bargaining precedent, this first nuclear arms limitation was more tacit and ambiguous than explicit. What success it had was due to the fact that nuclear weapons had been tested for thirteen years and because the technicians on both sides generally assumed that nuclear weapons technology had reached a plateau. The nuclear bomb of the late 1950s was not a new technological breakthrough but a weapon that had been extensively tested, the effects of which were catalogued in detail, and one with which both sides were closely matched in experience.

Yet, after three years of moratorium and after the USSR had achieved *theoretical* advances in large megatonnage and high-altitude detonation-effects technology, the Soviets unabashedly abrogated the Nuclear Test Moratorium without so much as an announcement. US intelligence failed to give warning of the Soviet preparations for testing; official political judgment erred in assessing Soviet intentions; and for unknown and unexplained reasons, a prudent US posture of readiness was not maintained despite the pleas and warnings of the military establishment and the Atomic Energy Commission.

It was the moratorium's potential for surprise abrogation, without even the moral or legal restraints of a negotiated treaty, that led President Kennedy to denounce the moratorium method as an ineffectual and destabilizing approach to arms control. His statement is just as relevant today as when it was made:

"We know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium.

"Some may urge us to try it again, keeping our preparation to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep topflight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the future, nor can large technical laboratories be kept fully alert on a standby basis, waiting for some other nations to break an agreement. This is not merely difficult or inconvenient. We have explored this alternative and found it impossible of execution."

The proposed MIRV testing moratorium resolutions introduced in the Congress have been extremely imprecise in defining MIRV, what type of testing would be allowed, the length of the abstention, whether it would automatically be terminated or extended, and through what means a suspected violation could be challenged without precipitating an international crisis. A tacit agreement cannot be expected to go into the detail that is necessary to achieve a successful moratorium on MIRV testing.

The wisdom of maintaining high arms-control standards was demonstrated by the recent examples of Soviet cheating along the Suez Canal. Here they blatantly violated a negotiated and easily verifiable agreement by moving in hundreds of missiles virtually overnight, thereby drastically altering the tactical military balance. This raises the question of whether *any* moratorium agreement to limit MIRV development or deployment can be depended on.

Both sides now have tested to such an extent that even a SALT agreement calling for a ban on all missile testing would not convince the Soviets of a reversal in our MIRV deployment or ensure us of their lack of operational confidence in the multiwarhead SS–9. A comprehensive deployment ban would require onsite inspection. which the Soviets have traditionally refused, and, according to the Nixon Administration's prestigious verification panel, no practicable amount of on-site inspection would add assurance to a MIRV deployment ban.

Yet, contrary to the prophets of doom, the destabilizing aspects of MIRV can be limited at the Strategic Arms Limitation Talks. The SS–9 is a threatening first-strike weapon because of its combination of multiple warheads, high accuracy, extremely large yield, and the extensive numbers being deployed. While we cannot ascertain the accuracy of a particular missile or verify, except through on-site inspection, whether it has been MIRVed, we can, through satellite observation, reliably estimate its yield and the extent of its deployment. As Dr. Harold Brown, former Secretary of the Air Force, suggested:

"It is possible that even without on-site inspection we can tell enough about each other's missiles to obtain reasonable assurance. This is so because the probable number of warheads per missile is proportionate to the payload of that missile, and payload, in turn, is directly related to the gross volume, which we may be able to determine unilaterally. Thus, a ceiling on numbers and sizes of missiles could also limit MIRVs to a number less than that needed for an effective first strike, and yet permit enough reentry vehicles to penetrate missile defenses—as required for deterrence. The size of the missile force and its general characteristics can probably be monitored satisfactorily without on-site inspection."

Thus, should the Soviets agree at SALT to limit the number of deployed SS–9s, in exchange for an American commitment to keep Safeguard from becoming an area-defense ABM, and should a mutual gross ceiling on all ICBMs be set, then the Minuteman, Poseidon, and the Soviet SS–11 missiles—even if MIRVed—would not have the numbers, accuracy, or yields to pose a first-strike threat on either side.

MIRV is destabilizing only to the extent that the Soviet Union is obstinate at SALT. If the Russians want strategic instability, as their continued deployment of the SS–9 has seemed to indicate, unilateral American abandonment of our MIRV option will furnish it.

MODERNIZING THE MAILS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. UDALL. Mr. Speaker, there has been a lot of talk recently about the state of the U.S. mails and the complaints have far outweighed the praise. As most of my colleagues will remember, during the last year we in the Congress debated all aspects of the problem of getting the mails through.

A historic step was taken last summer when we voted to remove the Post Office from congressional control and turn it over to a semi-independent authority, the U.S. Postal Service.

Since that time changes have begun and more are coming. Even at this early date we can see that the future will be much different from the past. The areas of politics, decisionmaking, problem-solving, and budgeting are among those where change has been needed, where it can now be found, and where more will be occurring.

In this morning's Wall Street Journal an article by Ken Bacon entitled, "New Postal Corporation Seeks to Become a Business Rather Than a Bureacuracy," appeared. Mr. Bacon has, on a number of occasions, done an excellent job of describing the weaknesses and strengths of the postal service. This latest article is another fine example of this journalist's work. I direct his article to the attention of my colleagues:

NEW POSTAL CORPORATION SEEKS TO BECOME A BUSINESS RATHER THAN A BUREAUCRACY

(By Kenneth H. Bacon)

BALTIMORE.—Warren M. Bloomberg doesn't call himself a businessman.

But his employer considers him a businessman, and is working hard to make Mr. Bloomberg and his colleagues better businessmen. Which is probably a good idea, because Mr. Bloomberg's employer is operating at a $2.3 billion annual deficit and selling a service that many customers deem unreliable—the U.S. mails.

Many efforts by the new government postal corporation to improve mail service focus on Mr. Bloomberg, the postmaster of Baltimore, and on the men like him who run the nation's 110 largest post offices. These facilities handle about 62% of the mail, with the rest divided among some 31,900 other post offices.

"I would define a postmaster as the general manager of a subsidiary of a large corporation," says Frank J. Nunlist, assistant postmaster general in charge of operations. In keeping with this concept, postmasters have recently been given more freedom to spend money, adjust local service and deal with their employes.

This is a dramatic change from the past, when postmasters were regarded as political operatives. Until a February 1969 presidential order ended the political-appointment practices, a man needed congressional backing to become a postmaster.

ABILITY, NOT POLITICS

Last November, for the first time in more than a century, the Post Office started appointing postmasters on the basis of ability rather than politics. Now postmasters are receiving training in management and business techniques to prepare them for an increasingly large role in running the mail service. The hope is that with a better background in budgeting, decision-making, and problem-solving, they will help the postal service cut its costs and improve mail service.

The old political-appointment process often meant that outsiders got the postmaster jobs. While most appointees performed competently, Mr. Nunlist explains charitably, some postmasterships went to "planter-philosophers" — men whose main aim was to "sit back and take a broad view of things."

As a result, a highly centralized management system developed. Rules for running post offices were laid down in a giant manual that tried to deal with every contingency from flying the flag at half staff to tracing missing mail.

"Decisions were made at the national level, mainly because of political considerations," says Carl C. Ulsaker, director of the Washington postal region, which includes the District of Columbia, Maryland, Virginia and West Virginia.

In 1968 a White House commission told President Johnson that the "Post Office's principal failure is one of management." The commission, headed by Frederick R. Kappel, retired chairman of American Telephone & Telegraph Co., recommended that the Post Office be dropped from the Cabinet and run as a business.

WILL A PROMISE BE DELIVERED?

In line with these recommendations, Congress voted last summer to remove the Post Office from congressional control and turn it over to a semi-independent corporation, the U.S. Postal Service. Now officials must deliver on their promise to make the mail service more efficient.

The new business stance of the Postal Service involves more than reshaping the job of postmaster, of course. Through a combination of boosting its rates by $1.45 billion a year and reducing costs, the service hopes to operate on a break-even basis. In addition, it's reviewing its building programs, revising its mail-processing system to channel more mail through offices with automated handling equipment, and studying a number of new mail services to meet the needs of business mailers willing to pay for premium service.

To diffuse the highly centralized management system, the Postal Service is delegating more responsibility to local postmasters. "What we are doing little by little is to give a postmaster a broad guidance reference along with resources in terms of manpower and dollar allocation then let him operate within that so that he won't have to refer every problem up to the regional level," explains Mr. Ulsaker, the regional director.

Postmaster Bloomberg sees the difference. "We don't have to call the region on a hell of a lot of things we had to call on before," he says. Washington officials now realize, he says, that "we know Baltimore better than anyone else and that we know where we have to expand service and otherwise adjust it." Until recently, he adds, "I had responsibility but no authority."

ELIMINATING PAPER WORK

The newly delegated powers have helped "eliminate the paper work and the time" previously required to secure regional approval of any change, says William A. Colbert, the assistant director of operations in Baltimore. Now, for example, he can institute mail service to recently constructed office buildings and extend service to new housing developments without regional approval.

The new authority also makes it easier to deal with the private truckers who carry mail in and out of Baltimore. The post office can contract with the carriers without the regional approval previously required, and it can discipline those who provide irregular or inadequate service.

"Before," Mr. Colbert says, "we had to say 'John Smith's truck leaks and the mail is getting wet' and wait for a reply" from Washington. Now the Baltimore office just tells the contractor either he gets the truck fixed immediately or another carrier will be substituted until it is fixed.

Until a year ago the Baltimore office could not pay its own utility bills either. The bills had to be certified and forwarded to a center in Atlanta for payment. Baltimore and other major post offices have also recently received authority to open small branch offices without higher approval and to make repairs and improvements costing up to $2,000.

Other recently delegated authority makes it easier for Postmaster Bloomberg to promote subordinates and adjust pickup and delivery service.

SHADES OF BEN FRANKLIN

Taken together, Mr. Bloomberg says, the changes make it easier to operate the Baltimore post office, the nation's 13th largest. Housed in a 40-year-old federal building in the center of Baltimore, the post office often seems to run on little more than patience and persistence.

As in most post offices, clerks still sort most of the mail by hand, throwing it into pigeonholed cases similar to those used in the time of Benjamin Franklin, the nation's first Postmaster General. The processing area is too small to handle the daily volume of four million pieces, so some of the 5,800 employees work at makeshift facilities in the hallways.

But next fall the Baltimore office will move into a spacious new building filled with modern mail-processing equipment. The budgeting basis will be different, too. For the fiscal year beginning July 1, Postmaster Bloomberg is asking for a budget of about $60 million. Previously postmasters in big cities had no budget; everything was decided by regional bosses.

The new budget system has "made everybody more cognizant of the need to watch his expenditures," says Mr. Bloomberg, who frequently jokes with his workers about the cost-watching. "It costs me 13 cents each time one of you guys rides this thing," he tells a group of employes in an exasperatingly slow elevator.

But the cost-slashing effort is a serious matter for the new Postal Service. The Kappel commission estimated that more efficient management could cut about 20% from postal operating costs, which will run about $10 billion this fiscal year.

The campaign has already begun. "We've actually established goals in all our post offices to realize savings by contacting all the big mailers and working out mutually beneficial ways to get mail into the system,' Mr. Ulsaker explains.

EXCEEDING A GOAL

The savings target for the Baltimore post office in the fiscal year ending June 30 is $168,000, and Mr. Bloomberg says he will do even better. Savings are realized by inducing big mailers to sort and bundle their mail in ways that will save processing in the post office. In return, the post office promises faster delivery and may send postal employes to the company to help get out the mail.

"There's a lot of money to be saved through good customer-relations representatives doing their jobs," observes the 56-year-old Mr. Bloomberg, who started as a clerk in 1931. He says his emissaries now are trying to work with businesses to eliminate Saturday delivery to firms open only five days a week.

In addition, Mr. Bloomberg and his men have been successful in getting banks, utilities and other big mailers to arrange local mail in such a way that it goes directly to the letter carrier who will deliver it, thus bypassing most processing steps.

To help convert postmasters from bureaucrats to businessmen, the Postal Service has more than doubled training outlays over the past two years. It's spending $41.9 million this fiscal year, up from $37.3 million last year and $18.4 million in the year ended June 30, 1969, with a large part of the boost going for postmaster training.

Postmasters now are given a two-week course in general management principles "from the point of view of a businessman," according to Harry D. Kolb, who runs the Postal Service management institute in Bethesda, Md. In addition, postmasters attend courses given by the American Management Association, and the Postal Service is also setting up courses for postmasters at such well-known business schools as Columbia and Stanford.

The training program aims to build a level of skilled managers that wasn't achievable in the past because of a rigid seniority system and the political appointment of postmasters.

"When I came into this business (29 years ago) there was an unwritten law that unless you had 20 years in the postal service you didn't even apply for a supervisor's job," recalls Boston Postmaster George K. Walker. "And by the time you'd been in 20 years, you didn't care anymore."

But even after years with the post office a qualified person wasn't likely to become a postmaster. The Kappel commission estimated that two-thirds of the postmasters appointed in the last decade were brought in from outside for political reasons.

Last November when the post office made its first postmaster appointments on the basis of merit, Boston's Mr. Walker won promotion into one of the 5,000 vacant postmasterships around the country. "By my promotion, six other promotions ensued down the line. Never in my career has the opportunity been greater" for postal employes, Mr. Walker asserts. "Morale has increased tremendously."

COTTER ON THE PROBLEMS OF ELDERLY CITIZENS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. COTTER. Mr. Speaker, this Nation has not devoted enough of its energy to insuring that life after 65 is happy, productive, and useful. We may not float the old folks out on an ice flow as was the practice in some cultures, but we accomplish virtually the same thing by incarcerating them in "homes," hardly an adequate euphemism, which encourages rapid physical and mental deterioration and creates total dependency.

This is not to say that there are no problems associated with aging. We all know there are problems, but this Congress must find new directions to solve or mitigate these problems. A constructive step in this direction is to establish a House committee to parallel the existing Senate committee to study the different aspects of aging and what the governmental response should be. I have introduced a bill to accomplish this goal.

The broad dimensions of the area are known. Our citizens are living longer. Their productive capacities do not end at 62 or 65, but their earning power at that age is critically reduced. Most citizens find themselves locked into fixed incomes which are pitifully inadequate to withstand varying economic forces.

It has been established that one fourth of citizens over 65 live on poverty level incomes—one fourth. These are men and women who worked hard during their lives only to be cruelly rewarded with pauperism when they are older. Between 1968 and 1969, over 200,000 older Americans found themselves in dire poverty.

What can be done about this travesty? For a start, this Congress can enact legislation to assure that the payments of the social security program are more realistic. For this reason, I am introducing a bill to raise social security benefits by 15 percent. This will insure that the senior citizen who has born the ravages of inflation by living on a fixed income will be placed in a more tenable financial position.

My bill will also establish a $100 minimum payment and will include a cost-of-living feature. For too many years our senior citizens have had to wait for Executive and congressional action long after inflation has taken its toll. Both branches of Government seem interminably slow to citizens on fixed incomes. By adopting a cost-of-living feature, our senior citizens will be able to plan on specified increases in a predictable manner.

There is yet another feature of the bill. It would raise from $1,680 to $2,500 the amount of outside earnings that a person can make without incurring a deduction in his social security benefits. The $1,680 figure deters many older citizens from working if they desire. The higher figure is an added incentive.

I am introducing another bill today. During my conversations with many citizens, I have been told over and over that the constantly escalating cost of part B medicare is a very difficult burden for those on fixed incomes. For example, when the part B supplementary health insurance began in 1966, the payment by the individual was $3 per month. The current cost is now $5.30, and in July the cost will be $5.60. This increase might look small to some people, but to citizens on fixed incomes these increases are especially burdensome. Therefore, today I am proposing that Congress freeze the part B premium at $5 and that shortfall be made up from general revenues. My bill would cause no diminution in benefits, but it would allow older citizens a better opportunity to plan for their costs.

I want to take this opportunity to mention that I am working on a proposal that would upgrade the health delivery system for all our citizens. My plan would increase benefits for everyone, including our senior citizens. I will have more to say on this at a later date.

There is still another area that affects our senior citizens—the high cost of prescription drugs. Although drugs are covered in hospital confinement under medicare, there is no coverage after release from the hospital. I seek to remedy this situation by proposing medicare coverage of approved drugs for outpatient use.

It is reasonable to extend prescription coverage to outpatients since, in almost all cases, these prescriptions are part of the therapy. Such a change will bring relief to those older citizens who, while 10 percent of our population, pay over 25 percent of the cost of outpatient prescription drugs. The per capita drug expenditure for the elderly is three times more than prescription drug costs for those under 65. When we realize that the elderly are more than likely to be living on fixed incomes, drug purchases eat up a very significant part of their limited financial resources.

There is another fact that must be considered. The availability of reasonably priced prescription drugs might lessen the need for inpatient hospital care.

This bill, then, would extend medicare to outpatient drug costs, covering approximately 19 million persons. The costs for this program would be financed out of part A, the wage tax, so that citizens will pay for it during their wage-earning years and not when their incomes are severely constricted. Each prescription would cost the recipient $1 and medicare would cover the additional cost. In order to save money on this program, there is ample provision in the bill to set maximum allowable costs, require use of generic drugs as opposed to more costly name brands, and establish a formula committee to select the drugs to be covered.

These bills are a beginning. They are designed to fill in some of the gaps in our Federal programs. They allow our senior citizens to live in dignity. More, much more, remains to be done, but these bills deserve early enactment.

RALPH B. WILSON WINS VOICE OF DEMOCRACY SPEECH PRIZE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mrs. GRASSO. Mr. Speaker, I am particularly proud of Ralph B. Wilson, a high school student in Litchfield, Conn. His essay was awarded first prize in the Voice of Democracy Contest which is sponsored by the Ladies Auxiliary of the Veterans of Foreign Wars of the United States.

I would like to acknowledge the splendid contribution of the Veterans of Foreign Wars in the area of education. Each year, the ladies auxiliary sponsors the Voice of Democracy Contest. This year over 400,000 students competed for a first prize of $10,000 in scholarship funds. The theme of the speeches was "Freedom—Our Heritage."

The continuing efforts of the Veterans of Foreign Wars to instill a sense of loyalty and pride among young people in our country have been most admirable. I look forward to their continuing efforts in this regard.

Ralph Wilson's speech should serve as an example of the fine quality of citizenship among our youth. I would like to call his speech to the attention of my colleagues.

I include the article as follows:

SCRIPT OF RALPH B. WILSON III—1971 VOICE OF DEMOCRACY WINNER

The American people have long been a race of pioneers, shaping a nation out of the wilderness of an unknown continent, and a laboratory out of an alien and unknown universe. Such pioneer spirit has led to some of the greatest technological achievements in history, but the American pioneer spirit has always meant something more than this. From our very conception as a nation, Americans have been pioneers of freedom.

In the nearly two hundred years of our nation's existence, Americans have died for freedom. At Lexington and at the Bulge, at Bunker Hill and at Porkchop Hill, Americans have fought against attacks upon freedom from without. Now, as we enter a new decade, we Americans face a challenge every bit as crucial and demanding, the challenge of living freedom and of fending off attacks upon our freedom from within.

It is a current fad to curse America, to burn our flag and our universities. Anyone who does not is considered to be "selling out" to that great, if somewhat unclearly defined monster, the "establishment." The thing we must all realize is that it is those who would incite violence who are selling out. These people are selling out our freedom, no matter what their ends.

There is a basic lack of logic in the arguments of people who would have us destroy our society in order to improve it, and give up our freedom in order to secure it. When anyone, regardless of their motivation or political persuasion, would ask us to take away the rights of others, he asks us to deny the existence of our own rights, for he ignores the basic responsibility of liberty as stated in the Declaration of Independence. Governments are instituted among men "to secure rights," and if any system of government is to be a valid defender of man's rights, it must defend every man's rights. This means that, just as every free man's first right is the security of his own freedom, his first responsibility is the security of every man's freedom.

If our freedom is to grow in strength and breadth, it must grow through education and understanding, and not through ignorance, revolution and destruction. There has never been freedom in chaos, there was none under the revolutionary governments in Russia, China or Paris, and, regardless of their good intentions and their high rhetoric, there is nothing to suggest that our own revolutionaries could offer us any more security for our freedom than these groups did.

But if resolution is not the answer to freedom's challenge, then what is? Certainly we cannot simply continue along present lines, with peace on earth, a clean environment and universal freedom seemingly further away than ever. I think the answer has to lie in some far too seldom used words—"cooperation" and "trust," for these are the challenge of our Heritage of Freedom. As we have drawn ever further away from the time when Americans had to die for their freedom, we have been lulled into a worship of security, and away from these words, and it is instinctive for us to search for an easy way to protect that security. Certainly, it would be easy to say, whether to the government or to a revolutionary, protect *my* interests, keep *me* secure, at any cost; but it would be a hollow security indeed if it meant the surrender of our freedom. In a time of so many challenges to our freedom, mutual trust is vital, and division would be disastrous. War and bigotry, ills which have been created through selfishness and mistrust, can only be destroyed through trust and understanding. We must begin to live our freedom. Every American must become a pioneer for freedom and take the hand of his brother and of God in building upon our Freedom's Heritage the freedoms of the future, freedom from fear, freedom from want, and freedom from ignorance.

CHRISTIAN SCIENCE MONITOR SUPPORTS EFFORTS OF BLACK CONGRESSMEN TO MEET WITH THE PRESIDENT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. CLAY. Mr. Speaker, a recent editorial which appeared in the Christian Science Monitor discusses the unreceptiveness on the part of the President to meet with the 12 black elected officials in Congress.

Some people feel that our action in boycotting the President's state of the Union address was abrasive and disrespectful. To those of us who feel this move was necessary, the editorial in the Monitor backs up our position by pointing up the fact of the administration's indifference to black feelings and the black search for broader participation in the good things of American society.

The editorial further states:

> It would be possible for the present administration to convey a feeling of greater warmth and more concern where black as-

pirations are involved . . . We feel that the administration would do well to make its concern for the blacks more visible.

The Monitor also supports periodic meetings between the President and the black congressional delegation.

I want to bring this editorial to the attention of my colleagues. The editorial follows:

PRESIDENT NIXON AND BLACKS

In the heavy concentration of attention paid President Nixon's State of the Union address, it was generally overlooked that 12 black members of Congress boycotted the event. They did so on the charge that the President had not been responsive to black needs, had refused to meet with black congressional delegations despite numerous requests, and that the address was unlikely to deal with the state of black affairs.

We doubt if it is possible to make a coldly intellectual judgment as to the justification for this action. The administration clearly feels that these charges against the President are untrue. Spokesmen claim that there has been as much material progress by blacks under this administration as under any since President Lincoln's day.

On the other hand, numerous blacks—many of them moderate in outlook—have accused the administration of being indifferent to black feelings and the black search for broader participation in the good things of American society.

Here, we think, is the crux of the matter. Still without seeking to make a judgment on the Nixon administration's success in advancing the blacks, we do believe that it would be possible for the present administration to convey a feeling of greater warmth and more concern where black aspirations are involved.

When a group—any group—is coming out of a long state of discrimination, neglect, enforced inferiority, it is bound to be particularly sensitive to the attitudes of those about it. Unlike those who have no doubt as to their acceptance by the larger society, a group such as the blacks feels a wholly understandable need for clear-cut recognition and appreciation. Under such circumstances, "benign neglect," however benign and helpful this may be, is not enough. It can too easily be interpreted as indifference or worse.

Thus we feel that the administration would do well to make its concern for the blacks more visible. We see much merit in the President's meeting periodically with the black congressional delegation and with spokesmen for constructive black movements. This is no more than is done for many other segments of the American population, which probably need such meetings and recognition less acutely than do the blacks.

All must be made to feel equally wanted and cherished within the great American family.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

KREMLIN AGAIN SHOWING INTEREST IN U.S. POLITICS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BOB WILSON. Mr. Speaker, Dumitru Danielopol of Copley News Service has made several thought-provoking observations with reference to the Soviet Union's concern over the outcome of our presidential elections, and I know my House colleagues will find his recent article in the San Diego Union of particular interest:

[From the San Diego Union, Feb. 1, 1971]

KREMLIN AGAIN SHOWING INTEREST IN U.S. POLITICS

The visit to Moscow by Sen. Edmund Muskie, Democrat of Maine, revives an old question:

Who is the Kremlin going to vote for in the American presidential elections in 1972?

This is no joke. Soviet rulers themselves admit they have been trying for years to interfere with and influence U.S. elections.

Former Soviet Premier Nikita Khrushchev boasted openly that his policies tipped the scales in favor of John F. Kennedy in 1960.

In his book "With Kennedy," Pierre Salinger, former White House press chief, says that Khrushchev refused the request of then Vice President Richard Nixon to release the crew members of the American RB-47 which had been shot down over the Soviet Union, so as not to help Mr. Nixon in his election campaign.

Khrushchev said he waited until Kennedy was elected.

"Now it is obvious we acted correctly," Khrushchev said.

One can only speculate, but was Khrushchev in 1960 thinking of Cuba? Would his moves have been different had Richard Nixon gone to the White House in 1961?

In the recently published memoirs credited to Khrushchev, is the admission that after the disaster of Bay of Pigs Khrushchev was sure "the Americans would never reconcile themselves to the existence of Castro's Cuba."

He wasn't far wrong. When questioned by President Kennedy, in the wake of the Bay of Pigs fiasco on what he would do, Richard Nixon replied he would find some legal basis to go into Cuba and oust Castro.

Kennedy rejected such a move, hesitated and thus set the stage for the 1962 Cuban missile crisis which brought the United States to the brink of a nuclear war.

Khrushchev says the Cuban confrontation was a Russian victory. All he wanted was to entrench communism in Cuba, he says.

"It was a great victory for us . . . that we had been able to extract from Kennedy a promise that neither America nor any of her Allies invade Cuba," he says.

In the 1968 elections once again the Kremlin made every effort to keep Mr. Nixon out of the White House.

"Mr. (Premier Alexei) Kosygin is voting early and he is voting for Hubert Humphrey," wrote London's Economist in July, 1968. His agreement to talk about nuclear arms limitations was interpreted by the London weekly as a gesture to help the Democrats.

It is fair to expect that in the future months the Kremlin will again make every effort to help those presidential candidates who might suit its purpose.

Let us hope that any Democrat hopefuls keep it in mind that American and Soviet interests do not coincide. What is good for the Kremlin is not necessarily good for the United States.

CHAIRMAN PATMAN INTRODUCES LEGISLATION INCREASING SMALL BUSINESS ADMINISTRATION LOAN CEILING

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. PATMAN. Mr. Speaker, today I am introducing legislation that would increase the amount of loans that can be outstanding under various programs of the Small Business Administration from $2.2 billion to $3.1 billion.

While I feel that it is important that this legislation be passed quickly so that no small businessman will be denied a loan, at the same time I must express my deep disappointment over the budgetary projections of the Small Business Administration. Last June then Small Business Administrator Hilary Sandoval wrote to me, explaining that the current loan limitation ceiling would be reached during the summer of 1971. However, only 2 months later, Mr. Sandoval appeared before the committee and announced that the ceiling would be reached by December 1 of 1970. Thus, the SBA had miscalculated by more than 6 months. This gross miscalculation jeopardized many loans to small businessmen and resulted in a cut off of loans for several months.

But to compound the situation, SBA during testimony on that ceiling increase stated that it would be adequate to meet the demands of the program through June 30 of 1972. But with the first ceiling increase less than 2 months old, SBA now says that it will reach the ceiling again by April 1, 1971, and points out:

> Thereafter, pending an increase as recommended, new loan approvals would be limited to increased availability within the statutory ceiling as represented by loan repayments, cancellations, and other credits.

Mr. Speaker, this latest budget miscalculation is totally inexcusable. In a period when SBA has virtually closed its doors on direct loans to small businessmen and has become virtually an agency to guarantee bank loans, there is no reason why it cannot produce better loan projections.

Much has been said about the shortcomings of SBA in the past few years and many ideas have been put forward as suggested solutions. There is a very simple solution to many of the problems. The administration must provide enough funds for the agency to make direct loans to small businessmen. During the last fiscal year, the agency made only 42 direct regular business loans and through December of 1970, the agency had made only 12 direct regular business loans totaling $600,000. All other lending programs were turned over to the banks, with SBA merely serving to guarantee the banks a profit.

Mr. Speaker, small business has suffered as much if not more than any other segment of our economy during the recent tight money period. It is time that the administration reversed this trend. The first step is to develop more meaningful loan projections and the second step is to provide enough money so that direct loans can be made to every deserving small businessman. Only when these two things are accomplished can the Small Business Administration claim that it is serving the needs of small businessmen in America.

GENERAL RYAN SPEAKS IN FORT WORTH ON STRATEGIC BALANCE OF POWER

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WRIGHT. Mr. Speaker, last month Fort Worth was honored to be host to Gen. John D. Ryan, Chief of Staff of the U.S. Air Force.

He was in our city to address a meeting sponsored jointly by the Fort Worth Chapter of the Air Force Association and the Fort Worth Air Power Council, in cooperation with the Military Affairs Committee of the Fort Worth Chamber of Commerce.

We consider Jack Ryan more than just a distinguished visitor. During his assignments in Texas—and particularly at Carswell Air Force Base—we learned to know him as a friend and neighbor. Someday we hope we can persuade him to return to Texas for keeps.

In the incisive speech he delivered in Fort Worth on January 26, 1971, General Ryan assessed the strategic strength of the Soviet Union today as compared with our own. His words are cause for sober reflection on the state of our defense posture today and in the years to come.

So that my colleagues can share the insights presented by General Ryan, I include the text of his speech in the RECORD.

REMARKS BY GEN. JOHN D. RYAN

Most of us in the Air Force who learned to fly before and during World War II did so in Texas. I am no exception. I was assigned to Randolph Field in San Antonio in 1938. And, of course, I retain many happy memories and good friends from my previous assignments at Carswell. It is always with a personal sense of pleasure that I return to your state. I have looked forward to making this talk because I have found residents of Texas to be a receptive and knowledgeable audience for discussions of the security of our country in general and airpower in particular.

Tonight I want to address the current strategic force of the Soviet Union, especially as manifested in the aerospace threat, and America's own aerospace power.

You are all aware of this country's pressing domestic problems in recent years. At the same time, there has been a rejection by many segments of our society of the very values and institutions that might enable us to solve these difficult issues.

The Soviet Union also faces domestic demands from its people, especially the young. Not surprisingly, these demands range all the way from more consumer goods to more individual and intellectual freedom, things that we have long taken for granted. However, unlike the United States, the Soviet Union is far less sensitive to such demands. This parallel between the two countries—similar problems but different solutions—extends into relations with the rest of the world.

Since we believe in the right of self-determination of all people, the United States has been willing to become allied with and give support to those countries which desire that right for themselves. This has been our major goal in Vietnam. When our allies have decided to alter the relationship, our adherence to the right of self-determination has made us willing to do so. Thus, the United States removed its NATO forces from France when requested to do so by the French Government. More recently, we withdrew from Wheelus AB because of a similar request from Libya. A close relationship with the Soviet Union, on the other hand, is usually one of subjugation rather than alliance. When a country in the Soviet orbit has attempted to alter that relationship, the typical Soviet approach has been to send in the Russian Army to forcefully tighten the bonds. The most recent example of this took place in Czechoslovakia. In the past, America's strategic power has contributed heavily to deterring the Soviets from dealing with much of the Free World in the same way.

A little more than eight years ago, in a confrontation with us during the Cuban missile crisis, the Soviet Union had to agree to a reasonable solution. The President was able to communicate to the Soviets our firm intentions and political will to employ our superior forces if need be. It is conceivable that during the 1970's the United States could be confronted with similar situations in areas which our national leaders consider critical to our national interests. Today the United States may not have the same strategic superiority, but should such confrontations occur, success or failure will be determined by America's total strategic posture as manifested in our strategic nuclear power and the complementary power of our tactical forces.

In 1962, the United States had 400 ballistic missiles that could have struck the Soviet Union—they had 38 Intercontinental Ballistic Missiles. However, since 1962, the Russians have systematically eliminated many of their disadvantages. They now have reached approximate strategic parity with the United States. Where five years ago the Soviets had about one-fourth the number of ICBM launchers we had, today they have some 40 per cent more than we have. Equally significant are the nearly three hundred SS-9 missiles they currently possess or have under construction. The SS-9 can carry up to a twenty-five megaton yield warhead. This is about 1,000 times more destructive than either of the bombs dropped on Hiroshima or Nagasaki.

We have recently learned that Soviet deployment of SS-9's has slowed. While some strategists feel this may indicate a leveling-off of Soviet ICBM construction, we have witnessed such slowdowns previously—only to be followed by increased activity. It is noteworthly that the past year has seen a step-up in their tests of multiple re-entry vehicles for the SS-9 and SS-11, and it is possible that the present slowdown means a retrofit program for the deployed missiles.

In the area of manned aircraft developments, the Soviet Union, on the average, has been introducing a new fighter every eighteen months. They now have in production a Mach 3 fighter-intercepter that is significantly faster than any we now have in operational use. They are modernizing their strategic bomber force by developing a new variable geometry wing bomber. In addition, the Soviets have built a modern and substantial air defense system; one that includes several generations of battle-tested surface-to-air (SAM) missiles. It is possible that some of their more than 10,000 SAMs can be converted to Anti-Ballistic (ABM) missiles. Obviously we are now faced with a growing and highly effective Soviet air and missile force.

Finally, many of their efforts in space are directly related to this discussion of aerospace power. They have developed the so-called FOBS (Fractional Orbital Bombardment System) to deliver nuclear weapons from low-earth orbit or from a depressed trajectory ICBM mode. I should mention that we have examined similar systems, but do not believe the additional capability warrants the cost of development at this time. Additionally, the Soviets have tested and deployed satellites for communications, navigation, surveillance and weather observation. These directly support their capability to use military power effectively.

Keep in mind that while the Soviet Union has been developing its aerospace power, they have also maintained a large modern army and developed a powerful navy. In short, the Soviets have insured that, once fully committed, they would never again be at the disadvantage they faced during the Cuban confrontation. The Soviets seem intent on expanding their influence and reducing ours. Against a background of advantages in contrast to their past strategic inferiority, the Soviets may feel much greater freedom to press any local military advantages when doing so contributes to their long range aims.

The size of the threat we face may well be mitigated somewhat as a result of the SALT talks. We'll have to await the outcome of these talks before we can speculate one way or the other. But, regardless of the results, we must be ready to meet all challenges to our national security.

For our own country's armed forces, the mission is clear. We must continue to support national objectives in the face of austere defense budgets and shrinking manpower.

While inflationary forces continue and military costs rise, future defense budgets, even if maintained at or near present dollar levels, will actually provide less buying power. Consequently, we are reducing our military manpower here at home and abroad. In the face of these reductions and withdrawals as well as the phasing out of some weapons systems, one might ask, "Can the U.S. continue to adequately deter war, keep our treaty commitments, and support the Nixon Doctrine and national military strategy?" In my judgment, the United States, today, possesses a credible deterrence to war; however, we must recognize the hard fact that as Soviet strategic power increases relative to ours, the deterrence process operates with a decreasing margin of assurance and increased risks of conflict. Our present programs may be adequate; however, in light of the momentum evident in the programs of the Soviet Union and the implications for the strategic balance in the future these same programs may not be adequate.

Less money and fewer weapons increase the difficulty of providing the National Command Authority with a range of options appropriate to crisis situations we may encounter. Smaller forces will require a greater degree of flexibility, yet smaller forces unavoidably increase the difficulty of providing this flexibility and hence, accentuate the threat of conflict and rapid escalation should deterrence fail.

Practically, there are limits as to how thin you can spread your forces.

Another important consideration is the risk of *quantitative compensation*. By that, I mean technical deficiencies in military forces can sometimes be overcome through sheer weight of numbers. A nation can be effective in the sense of winning a war or otherwise achieving its objectives; while being inefficient in the sense of taking disproportionately high losses in men and weapons. We can use our qualitative lead in certain areas to good advantage, yet sheer weight of numbers may threaten even technically advanced forces.

What then must be done to insure that our Air Force is sufficient and competent to accomplish our mission?

First, we must avoid obsolescence.

Second, we must insure quantitative adequacy.

Third, we must have top quality people with the know-how and leadership to best employ our forces.

To avoid obsolescence, we must provide variety in force composition. We must keep abreast of the technological evolution of potential aggressors. We must invest sufficient funds in our research and development programs. It might, at this point, be well to mention that the military research and development effort of the Soviet Union is estimated to be 20 per cent greater than ours and growing at a rate of 10 to 13 per cent annually.

As increasing costs and shrinking budgets move us toward lower force levels and smaller inventories, maintaining qualitative superiority in both our people and our weapons becomes a dominant consideration.

This requires a vigorous exploitation of our technology as the most effective means for maintaining an advantage over the enemy. Force modernization is essential to avoid obsolescence. This means continued introduction of new systems such as the FB–111, the MINUTEMAN III intercontinental missile, the B–1 strategic bomber, the F–15 air superiority fighter and the A–X close air support aircraft. These systems are expensive to develop, and require substantial investments in our present research and development programs, but their greater unit effectiveness will enable us to perform military tasks with a smaller number of highly trained, top quality people.

To insure quantitative adequacy, the Air Force will face increasingly difficult decisions. Force employment plans must be fully analyzed in relation to the threat and available money in order to decide whether—

To upgrade present weapons, or

To procure limited numbers of sophisticated but expensive weapons, or

To procure simpler, less costly weapons in greater quantity.

We must carefully weigh quantitative and qualitative factors and our decisions must be presented to our country's leaders with a clarity and conviction which will insure their full appreciation of the issues.

To have top quality people with the know-how and leadership needed to best employ our airpower, we are going to have to provide the incentives which will attract and retain them in our Air Force. I would like to mention some of the immediate issues confronting us in the "people" area.

We believe a significant increase in starting pay for both officers and airmen will be necessary to compete with industry in the job market. Starting pay is one of the few tangible bits of information a young person has in comparing jobs.

We would like to extend privileges for travel of dependents and household goods to the lowest ranking enlisted man. At present this is prohibited.

We would like to equalize compensation for married and unmarried airmen. At present, married airmen, through increased living allowances, are paid more for doing the same job than single airmen.

We want to improve on-base bachelor housing and allow bachelors to live off base, if they wish. The communal life of base barracks is an irritant that doesn't exist in any comparable civilian job.

We also want to expand the availability of family housing on base.

All of these things, and possibly more, will be required to continue to attract and retain the high quality personnel we have in the Air Force today.

One factor that could bear heavily on this situation is the attainment of an all-volunteer force, as recommended by the Gates Commission and endorsed by the President in his message to Congress last April. The Air Force, as you know, is already an all volunteer force and we support the President's all-volunteer force objective. However, we estimate that over half of our current volunteers are draft motivated—that is, they volunteered for the Air Force rather than be drafted. Putting a no-draft system into effect then would emphasize the need for improved incentives I just mentioned.

In my judgment, we should proceed step-by-step toward the all-volunteer force or zero-draft objective. This can be done by retaining the existing selective service system with gradually reducing draft calls. In this manner, we can phase into a zero-draft or all-volunteer force situation with a minimum of turbulence in personnel procurement and retention. An abrupt termination of the selective service system before the goal of an all-volunteer force has been attained could result, I believe, in a reduction in armed forces strength below that required for an adequate defense posture.

Before I close, I feel obligated to mention one of the gravest problems concerning our military people and the Nation. That is the plight of our Prisoners of War and Missing in Action personnel. The completely inhumane actions by the North Vietnamese to refuse to honor the provisions of the Geneva Convention, which it signed in 1957, has caused untold anguish to our men and their families. Some of our men have been missing or held in North Vietnamese prison camps for more than six years.

Our government is doing everything possible to obtain the release of these men and to have North Vietnam abide by the Geneva Convention. These men have earned and deserve our untiring efforts to seek their release—to let them know that we have not forgotten them. I wish all of them could know that a joint Air Force-Army team of highly trained military professionals undertook one of the most daring raids in military history to free them and return them home. I pray that somehow they *do* find out about this and other measures that are being pursued in their behalf. The efforts of your Fort Worth Chapter and Air Power Council to rally support and concern for these men have been most inspiring. It is of the utmost importance for us to assure them that they are *far* from being "The Forgotten Americans".

I have presented you an appraisal of one of the major threats confronting our nation during this decade and some of the problems all the military services will face in continuing to protect our national interests.

It is always a pleasure to speak to an audience with a realistic concern for the defense of our country. I want to thank you for your interest and for offering me the opportunity to speak to you.

GOOD FOUR-LETTER WORDS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. KEMP. Mr. Speaker, a constituent of mine and his classmates in the third grade at Cleveland Hill Primary School in Cheektowaga, N.Y., have written a poem entitled "Good Four-Letter Words." Marshall Berger has provided for us an inspiring message, which I know you will agree is very heartening, especially in times when many of our young people appear to have forgotten some of the virtues about which Marshall has written. I would like to share this poem with my colleagues:

Good Four-Letter Words

(By Marshall Berger and class)

A four-letter word
I like to use
Is love.

Love is for my God.
Love is my family.
Love is for my country.

A four-letter word
I like to think
Is obey.

Obey the Golden Rule
Obey our Parents
Obey the laws of our land.

A four-letter word
I like to live
Is know.

Know how to help
Know how to pray
Know how to give.

Able, baby, clam, deed,
Ease, free, good, rest.

These are words we like the best.

WEAK ENFORCEMENT OF GUN LAWS CAUSES RISE OF HOMICIDES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DINGELL. Mr. Speaker, I insert into the Congressional Record an article appearing in the Detroit (Mich.) News of Tuesday, January 19, 1971, indicating that a rise in killings and lax prosecution under existing gun laws are closely related. The comment was made by the head of the Detroit Police Officers Association, Mr. Carl Parsell, who pointed out in the article that Detroit is averaging one homicide every 12 hours this year as compared with one every 16 hours last year, but that although the Detroit Tactical Mobile Unit confiscated more than 500 guns last year, not a single person involved with those guns has been found guilty of carrying a concealed weapon. Indeed, Mr. Parsell pointed out that persons illegally carrying knives are getting stiffer sentences in traffic court as ordinance violators than gun carriers are getting in recorders court under prosecutions for violating firearms laws.

One must wonder how additional laws to control firearms will work when a felony, the crime of carrying concealed weapons, is receiving such light and easy handling at the bar of justice.

The article, which follows, merits careful consideration:

Rise in Killings, Lax Prosecution on Guns Linked

(By Robert M. Pavich)

Laxity in the prosecution and sentencing of persons caught carrying guns illegally was blamed by the head of the police union today for Detroit's soaring homicide rate.

The criticism, leveled at Recorder's Court and the Wayne County prosecutor's office, was voiced by Carl Parsell, president of the Detroit Police Officers Association (DPOA).

"The police are doing their jobs, but the court and the prosecutor's office are failing to do theirs," he said.

Informed of the laxity charge, Recorder's Executive Judge Robert E. DeMascio accused Parsell of making reckless statements and of "trying to usurp the court's functions."

Parsell, pointing to Detroit's record 550 homicides in 1970, said the system of justice is failing and "no one is doing anything to keep Detroit from gaining title as the murder capital of the world."

Detroit is averaging one homicide every 12 hours so far this year, Parsell said, compared with one every 16 hours last year.

Detroit's Tactical Mobile Unit (TMU) confiscated more than 500 guns last year, but to date not one of the persons arrested has been found guilty of carrying a concealed weapon, Parsell asserted.

Persons illegally carrying knives are getting stiffer sentences in Traffic Court as ordinance violators than gun carriers are, he said.

"The prosecutor's office says it is not at fault and Recorders Court pleads that it is too overcrowded and that it feels sorry for the gun carriers," Parsell said.

Carrying a concealed weapon is a felony, punishable by a maximum of five years in prison.

To get convictions, Parsell said, "I propose that we circumvent Recorder's Court and the prosecutor's office and use the ordinance that enables us to take people caught carrying illegal guns into Traffic Court. We will get quick action there.

"When we couldn't get convictions in Recorder's Court for knife carriers, we had an ordinance passed enabling us to take the offenders into Traffic Court."

To back his argument, Parsell said: "If a policeman stopped two suspects, one illegally carrying a pistol and the other illegally carrying a knife, the man with the knife would be brought into Traffic Court and get 30 days in jail.

"But the man with the illegal gun would go through the Traffic Court and then, maybe, on to Recorder's Court. There, maybe, he would be fined $50—a year later."

Under an ordinance violation, a policeman can bring a violator into court by writing a ticket, rather than having to obtain a warrant through the prosecutor's office.

Parsell said with sarcasm: "Next month, we will ask for a city ordinance covering felonious assault and maybe even for murder so we can take all cases into Traffic Court."

According to Parsell, of the first 175 cases last year in which TMU officers got warrants for carrying concealed weapons (guns), no convictions were returned for that specific offense. Twenty-six were acquitted.

Ten of the suspects were convicted of the lesser charge of attempting to carry a concealed weapon, he said. Of these, 10, Parsell said, five drew jail sentences ranging from six months to 2½ years. The other five were placed on probation.

The remaining 139 were fined on charges reduced even further, such as failure to present a pistol for safety inspection or transporting firearms without a license. Parsell said. The average fine was $80.

On the other hand, he said, the average fine in 1970 in Traffic Court for 43 persons convicted of violating the knife ordinance was $94.

Declaring Parsell was guilty of making "reckless statements" about Recorder's Court, Judge DeMascio said:

"Parsell is trying to usurp the court's function. We are required by law to judge each case on its merits. That's what this court does."

DeMascio said he would not send a man to jail for carrying a gun illegally if the man didn't have a criminal record and if it were shown that the man was afraid for his own or his family's well-being.

"The prosecutor's office screens these cases carefully, as it should," he said.

In the course of the screening, a spokesman for the prosecutor's office said, it has adopted guidelines so that persons without criminal records will not be prosecuted for carrying concealed weapons under the felony statute.

Instead, these persons are prosecuted for failure to present a firearm for safety inspection, a misdemeanor with a maximum penalty of 90 days in jail and a fine of $100, the prosecutor's spokesman said.

THE BRUTALITY OF AMERICAN INTERVENTION IN LAOS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DRINAN. Mr. Speaker, this morning we have heard the President of the United States threaten North Vietnam and Laos that there would be absolutely no diminution, and in fact a possible increase, of American bombings in Laos. The President indicated that the American air war against the neutral country of Laos would continue to escalate and that every element of America's fantastic power in the air would be utilized, with the one exception of nuclear missiles.

Mr. Speaker, I reflect not only the horror of my constituents in the Third Congressional District of Massachusetts but of the people in the United States when I lament and deplore President Nixon's threat and indeed his promise of further brutal and genocidal war against the Laotian and North Vietnamese people.

All of us are distressed to learn that the American soldiers who died last week in Vietnam doubled from the previous week and that another 51 American soldiers have died in this awful conflict.

It was 6 years ago this very month that President Johnson escalated this war and made it an American war. Under any construction of the SEATO Treaty all that the United States ever committed itself to do was to help the South Vietnamese people to help themselves. Long ago it was clear that the people of South Vietnam were unwilling or unable to carry on this war to a successful conclusion. We have long since finished anything that we had committed ourselves by treaty or contract to do in Southeast Asia.

It is sad to recall today that General Westmoreland, speaking in this very House in December 1967, told the Congress and the Nation that the war in Vietnam was going remarkably well and that within the not too distant future the United States would be able to disengage itself from Southeast Asia. President Johnson echoed the words of General Westmoreland in January 1968—just a few days before the apparently unforeseen Tet offensive which shattered American strategy and South Vietnamese forces in almost every part of South Vietnam.

Mr. Speaker, I would like to have printed here H.R. 4101, an act which may be cited as the "Vietnam Disengagement Act of 1971" and introduced by several Members of the House of Representatives:

H.R. 4101

A bill to amend the Foreign Assistance Act of 1961 as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Disengagement Act of 1971".

SEC. 2. Congress finds and declares that under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for, and concluding foreign military commitments; that the repeal of the Gulf of Tonkin resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam; that the conflict can best be resolved through a political settlement among the parties concerned; that, in light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States armed forces from Vietnam.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620. (a) In accordance with public statements of policy by the President, no funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty-four thousand armed forces of the United States in Vietnam after May 1, 1971.

"(b) After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended in connection with activities of American armed forces in and over Vietnam only to accomplish the following objectives:

"(1) To bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American armed forces by December 31, 1971;

"(2) To insure the release of prisoners of war;

"(3) To arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and

"(4) To provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

TRIBUTE TO J. C. PENNEY

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BROTZMAN. Mr. Speaker, I was saddened to learn, during the recent recess, of the death of James Cash Penney.

Although J. C. Penney will chiefly be remembered for the chain of department stores which bears his name, I will especially treasure my meeting with him on the occasion of the Golden Spike Centennial ceremonies in Utah in 1969.

Mr. Speaker, J. C. Penney started his illustrious business career in Longmont, Colo. late in the 19th century when he purchased a butcher shop with $300 he had managed to save while working for a dry goods merchant in Missouri. Despite the butcher shop's failure, Penney and Longmont both were to know prosperity. Longmont is now a bustling community of more than 23,000 persons in Northeast Boulder County.

Penney, meanwhile, opened his first dry goods store in 1902 in Wyoming. By 1912 he had built a chain of 34 stores serving Colorado and seven other Western States. Since that time his more than 1,700 stores have become familiar to all Americans and his entrepreneurial talents have set a standard to which all persons can aspire.

Mrs. Brotzman joins me in expressing sympathy to Mr. Penney's widow and children.

POW'S RELEASE

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ABOUREZK. Mr. Speaker, it is with a great deal of distress that I note in today's Washington Post that the President is quoted as saying:

> As long as the North Vietnamese have any Americans as prisoners of war there will be Americans in South Vietnam and enough Americans to give them an incentive to release the prisoners.

I stand second to no man in my concern for American prisoners of war. However, I feel this statement is a reflection of the old Vietnam policy of Mr. Nixon's predecessors of simply applying more and more force. Does the statement that there will be enough Americans to force the North Vietnamese to release the prisoners mean a reescalation of the war? Will the prisoners now be used as an excuse to bring troop levels back to the half-million mark or even more?

There are other ways to bring about the release of the American prisoners of war. Ways even compatible with Mr. Nixon's own Vietnamization program. I would remind Mr. Nixon of the letter signed by myself and 22 colleagues on January 4 of this year.

To that end I would call to your attention the following article from the January 6, 1971, issue of the Christian Science Monitor.

I include the article as follows:

House-Group Proposal—Tie Viet Withdrawal to U.S. POW Release

(By William C. Selover)

Washington.—The Nixon administration is under new pressure to do some hard bargaining with Hanoi to get the release of American prisoners held in Southeast Asia.

A bipartisan group of House members is asking the President to launch a planned withdrawal of troops tied directly to the release of Americans. The plan of "proportionate repatriation" calls upon the administration to withdraw a certain percentage of its troops every time Hanoi releases the same proportion of its prisoners.

So far the administration has resisted this kind of pressure—concerned that such an agreement would automatically set a final withdrawal date. This is plainly counter to overall Nixon policy.

Yet if Hanoi looked agreeably on such a plan, the administration would find it very difficult to ignore the opportunity to get the prisoners released.

REASON FOR PROPOSAL

Speaking for the 23 congressmen who signed the letter to the President, Rep. Robert L. Leggett of California explained that "the other side has repeatedly indicated it would bargain repatriation for withdrawal but not for anything else."

He urged the President to meet the Communists on their terms.

Until now, the administration has attempted, without success, to bargain on the basis of release of prisoners on both sides.

But Hanoi does not even acknowledge that there are North Vietnamese in the south to be taken prisoner. They have shown no interest whatsoever in the 6,000 or 7,000 North Vietnamese and Viet Cong prisoners held by the Saigon government.

Every attempt by the U.S. negotiators at the Paris peace talks to raise this kind of bargaining issue has met with stony silence or propaganda. In fact, even if Hanoi acknowledged the presence of North Vietnamese prisoners in the south, it is doubtful they would express much interest since, to Hanoi, the prisoners are disgraced.

NO INQUIRIES MADE

The Communists have never made inquiries about their names or numbers, even though, in accordance with the Geneva Convention, the International Red Cross has made this information available.

State Department officials have resisted bargaining for American prisoners on the basis of troop withdrawal because it amounts to "international blackmail." The holding of hostages in demand of a military and political solution of a conflict is unprecedented, according to officials. Never in history has this kind of deal been attempted.

But now, some members of Congress, desperately searching for a way out, seem to believe this idea is worth exploring.

"When we offer to exchange their POWs for our POWs, we're just wasting time," Representative Leggett insists.

Few here would doubt this statement. The question, however, according to officials, is not so simple.

ADDED DEMANDS POSSIBLE

Once political and military conditions are set for the release of prisoners, officials here are concerned that Hanoi might just as easily add more. There would be no end of demands, State Department officials believe, if such a plan were adopted.

Still, the subtleties of such thinking, and the nature of such official concern, is lost on many of those most directly affected by the situation of knowing a loved one is held prisoner half-way around the world—or not knowing if he is.

Interviews with a cross section of families of POWs conducted by this newspaper showed a wide concern that the President's Vietnamization program would result in the withdrawal of American troops, without having extracted anything in return.

One wife of a prisoner shot down over North Vietnam in 1966, Mrs. James Mulligan of Virginia Beach, Va., appeared with the congressman to endorse the plan. "At the present time," said Mrs. Mulligan, "there is no place for war prisoners in our Vietnamization program." Six other wives appeared with the congressman to endorse the plan.

IDENTICAL PLAN CITED

In recent weeks, this newspaper has been approached privately by concerned officials in the Pentagon with similar possibilities. A plan nearly identical to the congressmen's was proposed to this newspaper by two Defense Department officials who feared that the Nixon Vietnamization plan was giving the Communists "something for nothing."

At the moment, American troops are being withdrawn at the rate of about 10,000 a month. There is no current expression of willingness by Hanoi to release any of the 339 prisoners they publicly acknowledge to hold.

The congressmen believe that the rate could be accelerated to about 50,000 a month, with prisoners being released proportionately.

The proposal could be a way to break the deadlock at the Paris talks.

But it would require some profound rethinking by administration officials. But, as of now, the pressure is on.

FREEDOM—OUR HERITAGE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. SIKES. Mr. Speaker, I submit here for reprinting in the Record the Voice of Democracy speech by Miss Karen McGee, Bay County High School, Panama City, Fla. The Voice of Democracy Contest is sponsored by the Veterans of Foreign Wars. Miss McGee's speech won first place in Bay County; first place in District One; and second place in the State of Florida. I am confident my colleagues will derive pleasure from reading this speech on "Freedom—Our Heritage":

The Wings of an Eagle

High over the cliffs an almost invisible dot, the eagle soars towards the sun. In an effortless, perfectly curving dip, it returns, and then disappears out of sight. We are born into the world as eagles, able to take our lives and soar towards the sun. But unlike the eagle, nature does not provide the pathway to the sun for us. Our forefathers built our pathway stone by stone and gave to us, whole and unblemished, freedom, our most precious heritage—freedom, to use and to preserve for future Americans.

The road of freedom which our forefathers built for us is not like any other road. It needs constant repair to keep its stones from crumbling from beneath us; yet it is durable and sturdy. The maintenance of our road does not depend upon a few workers of a maintenance crew. The responsibility for upholding our freedom falls upon each individual. A sense of this responsibility must begin in youth, and be shouldered during early adulthood, after the youth has gained strength of conviction.

We must be convinced that we must uphold the right of ourselves and that of others to be individuals. Consider again the eagle. Each eagle plots his own flight, and can fly wherever he wants so long as he does not usurp another's flying space. It is upon this concept of the value of the individual's rights that our freedom is based. We must educate ourselves to the point where we understand the value of the individual, and when this concept is fully integrated within ourselves, allow nothing to clip the wings of an eagle.

Freedom and involvement are almost synonymous. Involvement educates people in the lessons life has to offer, and hence develops more fully the concept of and belief in freedom. One must support the education of others, take interest in and improve the educational system, and improve the natural and social environment so that the lessons life has to offer are more beneficial than adverse, more enriching than harmful. By involving oneself, one will automatically keep informed so that he will be educated in these lessons and so become an effective and strong member of his society. Thus, during the process of involving and educating himself, each person must also constantly take stock of his values and revise them to fit the present society. To do this would facilitate the best utilization of situations to make freedom more an actuality than an idea.

Thus far, it is necessary for a person to actively respect individuality, to involve and educate himself, and to revise his values in respect to the changing times. But there is one more quality we Americans must develop to further our heritage of freedom. After finally developing a deep-rooted belief in freedom, a person must then develop a will of iron so that he may become one more worker in the back-breaking task of keeping the pathway of freedom in repair. He must watch with an eagle's eye the activities outside his home—in his community, in his state, in his country, and in his world. He must not only think anti-corruption and anti-persecution, he must not corrupt and not persecute. Thus, a man must strive to be the epitome of freedom himself, as well as expect this in others.

Individuality, involvement, self-criticism and self-improvement, high ideals, openmindedness, a strong character, freedom. Once a man has these, he deserves the golden freedom he has inherited and will allow none to take it from him. He will also, by making of himself an example, instill these same characteristics in his descendants.

This man can stand alone, watching as the eagle soars towards the sun. Then he smiles, squares his shoulders, and walks in freedom.

LITHUANIANS CONTINUE FIGHT FOR FREEDOM

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. MADDEN. Mr. Speaker, on Sunday evening, February 21, the Lithuanian American Council of Lake County, Ind., will observe the 53d anniversary of the declaration of Lithuanian Independence in the city of Gary.

After centuries of subjection on the part of powerful neighbor nations, the Lithuanians demonstrated to the world during their periods of independence their outstanding capability to inaugurate self-government with freedom and independence for all Lithuanians. The Lithuanian Republic was established February 16, 1918. Lithuania as a nation has existed for over 8 centuries.

In the 14th century Lithuania enjoyed one of its greatest periods of power and independence after its great victory at Tannenberg. In the 16th century, Lithuania was compelled to fight a defensive war to maintain its defenses and freedom. Again in the 18th century, Lithuania was exposed to outside attack and brought under Russian domination. During the 120 years of Russian domination, the liberty-loving people of Lithuania revolted against the tyrants on five different occasions. Regardless of the brutalities and treatments inflicted on the Lithuanian people during these revolts of the 18th century, Lithuania continued its drive for freedom and national independence.

During World War I, the German armies overran the Lithuanians and remained there until the end of 1918. The Nazis failed to make Lithuania a German province. Lithuania's official proclamation of independence was issued on February 16, 1918, which was unanimously adopted by the Lithuanian Council and established Vilna as its capital. After the evacuation of the Germans, Soviet troops arrived at the borders of Lithuania. The Red army occupied Vilna in 1919. Again the Lithuanian patriots organized and instituted the Lithuanian army in a battle against the Reds and regained its freedom late in 1919. By a peace treaty, the Soviet Government recognized the sovereign rights of Lithuania over its people and territory.

Lithuania was admitted to the League of Nations on September 22, 1921, and became a full-fledged nation of international status. Lithuanian people instituted land reform, reestablished industry, set up transportation facilities, enacted social legislation, and expanded its educational institutions. No country made greater progress as a free and independent nation in so short a time as Lithuania did up to World War II.

I will not repeat the sordid history of the Soviet duplicity, infiltration, and aggression which again brought slavery and loss of independence. The fight for freedom in Lithuania continues and will continue as long as the Soviet despots inflict their despotism on Lithuania. As long as Lithuania and the peoples of other Soviet captive countries continue their fight for freedom, self-government will surely be reestablished within their borders.

The Soviets in 1940 enslaved Lithuania and other Baltic States by conducting mass deportations to slave labor camps in Siberia which resulted in the death of thousands of innocent people. During the recent Congresses I have sponsored resolutions urging that the United States exert every effort through the United Nations to win the right of self determination for Lithuania and other captive nations.

After 30 years of oppression and virtual slavery I do hope that by continuing the fight in the halls of Congress we will win world public opinion which will eventually bring about freedom for Lithuanians, Estonians, and Latvians as their continued enslavement will eventually bring about a blow to the rights and liberties of all mankind.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June 1940, in one of history's greatest election frauds, held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

At a time when the Western Powers have secured freedom and independence to many nations in Africa, Asia, and other parts of the world, we must insist that the Communist colonial empire likewise extend freedom and independence to the peoples of Lithuania, Latvia, Estonia, and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The U.S. Congress has made a step into the right direction by adopting House Concurrent Resolution 416 which demands freedom for Lithuania and the other two Baltic Republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world including the Soviet Union, is surely intolerable.

The last 10 years have revealed that the Communist policies and doctrines have brought economic collapse, poverty, and starvation to millions of its subjects. The history of nations over the centuries demonstrates that a government whose economy is a complete failure, cannot long survive. The Soviet and the Chinese Communist governments are doomed for extinction which will come about by famine and revolutions from within their borders. That day will arrive in the not-too-distant future. Its arrival will mean freedom and self-government for millions within their own borders and millions within the borders of captive nations including Lithuania.

CLEVELAND—A SAD CITY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. MINSHALL. Mr. Speaker, one of Cleveland's most incisive columnists is my friend Phil Porter whose weekly feature Sun-Day is looked forward to by his thousands of readers in the Com-Corp papers.

Absolute candor, combined with top-level writing ability, are Phil Porter's hallmarks. His February 11th column is a no-punches-pulled appraisal of the condition in which our city of Cleveland currently finds itself.

In making it a part of the CONGRESSIONAL RECORD, I want also to take the opportunity to salute Phil Porter, a fearless and farseeing newspaperman.

I include the article as follows:

CLEVELAND—A SAD CITY

Cleveland is really in a bad way, and it's time we quit kidding ourselves about being the best location in the nation. We're a middle-sized city, 10th in the nation, badly governed, fragmented, the regular butt of jokes on TV networks shows (when I was a kid the vaudeville comics used to make the same sort of cracks about Berea or Elyria). Polluted Lake Erie and the Cuyahoga River that catches fire have now pushed Cleveland ahead of Philadelphia as a dog town, a dead place, a joke city.

Downtown is dead at night, and half-dead in daytime. Women now do most of their shopping in the big suburban stores. People who eat dinner downtown do not like to drive home after 9 p.m. on main east side streets. They fear to stop at traffic lights.

No truly outstanding leadership for civil or political causes exists here any more. The old families which built Cleveland 75 years ago have died off, disintegrated or gone into trusts. It is a community run by salaried managers, not by owners. Were it not for heroic effort by utility and department store executives, many of whom were brought in from out of town, there would be no leadership at all. Even the two daily newspapers are now owned by outsiders. No outstanding wealthy family, totally devoted to the community (like the Mellons in Pittsburgh) now takes the lead. All the big stores, with one exception, are owned by outsiders, and three oldtime local stores have folded in the last 15 years.

Political leadership has degenerated, too. When Carl Stokes became mayor after the bumbling and indecision of Ralph Locher, there were high hopes he would bring the large black minority (40 percent) in the central city and the mostly white business community together. For a while this did happen and business raised three million bucks for Cleveland Now. Stokes had the warm endorsement of both Plain Dealer and Press in 1967. But he blew it when some of Cleveland Now funds when to Ahmed Evans to buy guns for black militants to shoot policemen, and he blew it completely when he appointed a police chief William P. Ellenburg of Detroit, who was charged with being in cahoots with the Mafia there. The funds are no longer coming into Cleveland Now, Stokes is blaming the newspapers for everything, and his former friends are numerous.

Stokes and the Democratic party are at odds, and there will be a serious attempt to join in a coalition with Republicans this year to beat him.

There are not enough hotel rooms to attract the really big conventions, despite our fine Public Hall facilities. Sunday liquor sale will help existing restaurants and hotels but it won't solve the basic problem.

Knowing all this, we used to console ourselves by saying Cleveland had the best orchestra, the best playhouse, the best art museum, some of the finest hospitals. But the orchestra has lost incomparable George Szell and cannot raise enough money to operate in the black, the Playhouse has lost its top executives and is rent with dissension, the art museum (though opening a new wing) is not the dynamic force it used to be under William Milliken. All these cultural assets, plus University Hospital, Mt. Sinai and the Cleveland Clinic, are handicapped by being surrounded by a growing slum. The university area has had to hire special police.

We boast of having the best football team, even though the baseball Indians were mediocre and struggling, the Barons were still minor league and the basketball Cavaliers hardly able to get started. But the Browns fell on their face this year, the Indians are torn with front-office dissension and are retrenching, and unless the new coach pulls a miracle, the Browns will next year discover what the Indians have: Cleveland fans are poor sports. They don't support losers. Real sports lovers go for the game. Clevelanders don't. They go, if at all, to bet and boo.

No longer can we boast of our concern for the less fortunate, either. The United Appeal has failed three years in a row, and the lesser fund drives meet with apathy. The newspapers urge support, but the middle-level executives do not contribute personally in the "fair share" range. Nor do college professors, who are by nature do-gooders and liberal reformers.

Public transportation is perennially in trouble. CTS, the Shaker rapid transit and numerous suburban bus lines should be merged in a single system (as in London or New York) but the boards and executives stall and haggle over detail of merger, and seem to be waiting for the federal-government to bail them out. Nobody takes the first active step. Meanwhile, the public becomes more disenchanted, goes more and more for private cars, which contribute to traffic jams, accidents and air pollution.

The suburbs are in better shape than Cleveland, but school levies there fail regularly, and nitpicking between mayors and councilmen is frequent. Everywhere citizens gripe that all taxes are too high, or reappraisals are unjust.

Cleveland itself is practically bankrupt, overcommitted on wages and expense, badly administered. The voters have twice voted no confidence in Mayor Stokes by turning down increases in city income taxes. The second time was last Tuesday.

The community which idealistic Mayor Tom L. Johnson once called the "city on a hill" has now become the city gone to hell. And no Moses appears in sight just now to lead it out of the wilderness.

NEVER A BAD WORD

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BROOMFIELD. Mr. Speaker, the choice between doing something because it is right and not doing it because the latest public opinion poll shows it may be unpopular is a daily challenge in public life. "Truth polarizes," the Rev. Thomas W. Kirkman, Jr., pastor of the First Presbyterian Church of Royal Oak notes in the following text. Reverend Kirkman has been my good friend and minister for a number of years, and I often rely on his wisdom and advice. This message, I believe, has a special significance for all of us who seek to serve others. I commend it to the attention of my colleagues.

I include the article as follows:

NEVER A BAD WORD

(By Rev. Thomas W. Kirkman, Jr.)

"Woe unto you, when all men shall speak well of you, for so did their fathers to the false prophets." Luke 6:26.

When it is published that I am to conduct a funeral, a friend of the deceased will often come to me and say something on this order about the deceased:

"Everybody liked him. He never had a single enemy. Everyone had a good word for him. I never heard a bad word spoken about him."

Some would question whether these and similar statements could ever really be true of any individual. But that is not my problem with these affirmations.

I am rather puzzled that people think that they are complimenting the deceased when they make such a statement.

Should a person be proud that he has made enemies in his lifetime. And that everyone loves him and has a good word for him?

Christ did not think that it was a positive virtue when everyone likes you, or when everybody speaks well of you.

In His Sermon on the Mount, which we read in our Scripture lesson, He said: "Woe to you, when all men speak well of you for so did their fathers of the false prophets."

In Jewish history, the sad fact was that the real prophets of Israel were more often than not hated, rejected, and scorned by their contemporaries.

On the other hand, the false prophets—Those who did not proclaim God's truth—were exceedingly popular with all of the people.

These words of Christ: "Woe to you when all men speak well of you" need to be heard in our day.

As individuals and as a nation we have been converted to the cult of popularity and have forgotten that truth often polarizes.

I. THE CULT OF POPULARITY

First, we live in a day and age in which many have been converted to the cult of popularity. Most people would like all men to speak well of them. Most people enjoy being popular. This is a normal, human characteristic.

Psychologists speak of this quality as "acceptance". By this they mean that a man wants to be accepted by his fellow men, and he experiences a psychological pain when he feels rejected. Some psychologists have suggested that this characteristic may have come from our animal heredity. Many of the animals travel in herds. They do this for their protection. The animal which is driven from the herd is likely to be destroyed.

Some have insisted that there is in mankind a "herd" instinct that makes us want to be accepted by our associates. Our young people feel today—as never before—what is called "peer pressure". Many find it very difficult to be different from their own social group. Some will go to any end in order to be accepted by their peers. They do not want to be driven out of the "herd".

The same can be said for the adults. They are equally subject to peer pressure, they do not want to be "too different".

Our politicians watch with the greatest interest the opinion polls. They believe that they are doing the best job when the greatest number of people approve of their actions. If ever they scored 100% approval by the polls they would feel that they had truly achieved their destiny. Their aim is to have all men speak well of them.

Now this is contrary to what Christ proclaimed in our text this morning. He said, "Woe when all men speak well of you for so did your fathers of the false prophets."

II. TRUTH POLARIZES

What Christ was saying is that truth polarized. Truth makes us take sides. Our loyalty to a particular truth can separate us from those who reject that truth. Christ insisted that truth was more important than popularity. And that for the sake of truth, as we believe it, we should be willing to accept the rejection of our fellow men.

You cannot expect that "organized crime" and the Mafia will have a good word for honest law enforcement.

You must not be surprised if the Klu Klux Klan hates those who are willing to stand for equal justice.

We must certainly expect that the man who loves war will be at odds against the man of peace.

Go through the whole category of virtues, and you will discover that those who reject those qualities will also reject those who defend and practice goodness.

Consequently, the only person for whom every one has a good word is the person who stand for nothing and support no truth. As soon as someone stands for something he will incur the anger and rejection of those who are opposed to that position and ideal.

This principle is seen in the life of our Lord. He pointed out the hypocrisy of the Pharisees, and they hated Him. He pointed out the indifference of the rich toward the poor and the rich hated Him. He pointed out the unwillingness of the religious leaders to hold to the truth of God as it was found in the Jewish religion, and the religious leaders hated Him.

The result was predictable as day following night. These groups took Him outside the city wall and crucified Him between two thieves.

Christ understood this aspect of human nature. He knew what was likely to come to Him. Before the crucifixion, the Jews had tried to, on at least three occasions, take His life.

Truth will always polarize people. It will separate those who love truth from those who hate truth. It was true with the ancient Hebrew prophets. It was true in the case of our Lord. And it will be true as long as men inhabit this planet.

Christ was calling upon His followers to be willing to accept rejection. He said: 'Woe unto you when all men speak well of you, for so did thier fathers of the false prophets".

In this same sermon on the Mount, Christ states this same principle in another way. He said: "Blessed are those who are persecuted for righteousness sake for theirs is the kingdom of heaven." Speaking directly to His Apostle, Christ continued: "Blessed are you when men revile you and persecute you, and utter all kind of evil against you falsely on my account". "Rejoice and be glad, for great is your reward in heaven. For so persecuted they the prophets who were before you".

Christ is saying that when we stand for God's truth and suffer persecution for that stand that we have God's promise of support and reward.

This morning's sermon is what I call a "dangerous sermon". It is dangerous because it is possible to misuse what is preached. There are those who are masochists—who enjoy suffering pain—who find a positive pleasure in experiencing persecution. The masochist will bring pain and persecution upon himself, not for righteousness sake, but for his own sick pleasure.

Christ was not speaking in support of this personality disorder when He said: "Woe unto you when all men speak well of you." There is no virtue in having a "persecution complex". Christ was not a masochist. He did not go to Calvary because He liked the crucifixion He was driven there by His stand for truth.

Many who lament that they are being persecuted for righteousness sake are really masochists doing their thing.

A second group to whom these words of Christ do not apply are the troublemakers. There are people in society who are so filled with hostility that they enjoy a good fight and will go to any end to provoke it. Some troublemakers have taken these words of our Lord as a patent and license to create trouble. Christ never intended that we should visit our hostilities on others in His Name.

The teaching of Christ is clear. Christ recognized that whenever anyone stands for truth that he will incur the anger and wrath of those who reject that truth. If all men are speaking well of you it indicates that you stand for nothing at all.

Christ calls us to stand for God's truth in spite of whatever persecution may come. When we do this; then, indeed, is fulfilled in us the beatitude "Blessed are those who are persecuted for righteousness sake for theirs is the kingdom of heaven".

RECOGNITION OF VFW SPEECH CONTEST WINNER, JAMES ROSS FROM OKINAWA

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. HASTINGS. Mr. Speaker, on February 12, 1971, I received a letter from the executive director of the Veterans of Foreign Wars organization, informing me that the son of a former constituent of the 38th District in New York, which I represent, was a winner in the annual VFW Voice of Democracy Contest.

This year over 400,000 school students participated in the contest competing for the five scholarships which are awarded as the top prizes. The first prize is a $10,000 scholarship, second prize is $5,000, third prize is $3,500, fourth prize is $2,500, and the fifth prize is $1,500. The contest theme was "Freedom-Our Heritage." The winning contestant from each State is brought to Washington for the final judging as guest of the Veterans of Foreign Wars.

I insert in the RECORD the winning speech as delivered by James A. Ross, of Naha, Okinawa, whose father, now deceased, was a resident of Franklinville, N.Y., located in my district:

FREEDOM—OUR HERITAGE

A farmer stands looking over his field of crops and he feels proud. This field is his; and the product of his hard labor.

A businessman stays up late in his office to do some extra work. He likes his job and he is efficient; he feels that this extra work will benefit him in the future. This businessman knows that his future success or failure will depend on him alone.

A soldier makes his rounds guarding a military post. He knows his job is necessary and that other people's safety depends on him.

These three men are individuals. They have different backgrounds—different ways of life. Is there anything that these men have in common? There is, these men are citizens of the same country, not just any country—a free country—the United States. These men may not look back on the same religious beliefs, they do not have to share the same cultural background, they do not necessarily have to belong to the same political party, but they believe that man should be free to do whatever he chooses as long as he doesn't interfere with another's freedom. They share the same heritage of freedom that started nearly 200 years ago.

With this belief the founders fostered the growth of a new nation which fast became a prototype for the principle of Democracy.

Our heritage is something to be proud of, a tradition—but one has to first fully realize the *meaning* of freedom, one has to clearly see that the heritage of freedom deserves honor and recognition, from which stems a special and well deserved pride.

Freedom was the legacy of our Revolutionary War Forefathers. It was handed down to us as a cherished heirloom; however, it is more than just an heirloom—more than a way of life—in fact it is *life* itself.

As the United States grew, there came the mutual acceptance of different cultures. There had to be a realization that a man with one set of customs had as much right as a man with another set of customs. Only in a free country could all these cultures blend together, only in a free country would people be able to voice their different beliefs and opinions, and only in a free country could there be a give-and-take of ideas and customs to make a society better for all. The United States is comprised of many different cultures, but only one free people.

Once more we view the farmer, businessman, and soldier. Each individual has his own duty and responsibility to preserve the nation's welfare. The farmer provides the resources and the backbone, the businessman represents progress in today's ever-changing world, and the soldier stands to guard and defend the freedom and the democratic principles of the U.S. Yes, everyone has his own role in protecting the principles and heritage of freedom.

Freedom unites us through independence and individualism. We do what we feel is best for ourselves. Through freedom we also recognize the rights of others and we treat them as we wish them to treat us. With all our differences and individual traits, freedom still brings us together. I feel that this idea is best summed up in the words of Walt Whitman, America is the "centre of equal daughters, equal sons, all, all alike, endear'd, grown, ungrown, young or old, strong, ample, fair, enduring, capable, rich, perennial with the Earth, with Freedom, Law and Love. . . ."

RECONSTITUTION OF HOUSE SELECT COMMITTEE ON CRIME

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. EILBERG. Mr. Speaker, I would like to commend the members of the Select Committee on Crime for their achievement in investigative work during the 20 months of the committee's existence. The chairman of this committee, Mr. PEPPER, has said:

> If there is one word that I hope will be attributed to the efforts of this commitee, it is "action."

I would submit that the hard-working chairman and his crime committee have generated a lot of thought-provoking action in only a short time. To make citizens keenly aware of the growing menace of crime and to seek their support for necessary measures to combat such crime, Mr. PEPPER has held 14 public hearings in 12 cities and towns in the United States. The hearings reviewed in depth the problems of crime in our country which demanded immediate attention, those of dangerous drugs, heroin abuse and juvenile justice and corrections. Other topics that were delved into include organized crime, marihuana, youth gang warfare, and street crime.

As a result of investigations and public hearings, members of the committee have filed a bill to establish a juvenile justice research and training center, which I cosponsored; a bill to control the production of amphetamines; and a bill to increase the appropriation for the Law Enforcement Assistance Administration.

Four comprehensive reports were undertaken, successfully completed, and made available for distribution to Congressmen and constituents: Marihuana, heroin, and heroin paraphernalia; juvenile justice and corrections; and amphetamines.

I would like to compliment the distinguished gentleman from Florida (Mr. PEPPER) for his inspiring and strong leadership as committee chairman.

I am wholeheartedly in support of the continuance of this committee. The quality of work done by the Select Committee on Crime is excellent. Yet crime, the No. 1 problem on the home front, is far from being solved. This committee's continuing existence will assure that we continue to give top priority to seeking the causes of and halting the rapid rise in the crime rate.

Indeed, as a cosponsor of the original legislation advocating the creation of a committee on crime, I have watched this committee with keen interest and have been pleased to witness its development as a central clearinghouse on crime capable of evaluating material and turning it into sound legislative proposals. I have also seen imaginative solutions to crime coming forth as a result of the work of this committee.

It would be unfortunate to halt the life of such a pertinent and timely attack on crime. In the past decade alone the population has risen only 14 percent while crime has soared 148 percent. In my opinion we cannot and must not abandon this concerted effort from within the Congress to solve this most serious problem and to halt its swift advancement in the statistical charts.

I urge my colleagues to join with me in supporting House Resolution 115, legislation which would reconstitute the Select Committee on Crime.

It should be a continuing committee because there is a continuing problem. Fragmentary efforts in the past have proved futile in halting the criminal. By placing the prestige of the U.S. Congress behind this committee, the 91st Congress began making a positive and united contribution in the fight on crime. Let us continue this affirmative action to undermine the criminals.

CONSUMER PROTECTION LEGISLATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, I urge the House of Representatives to give favorable consideration to the pending Consumer Protection Organization Act of 1971 (H.R. 14). The well-being and safety of each American is affected by the goods he buys. Congress must act to insure protection and representation in the marketplace for every consumer. The producers of goods and services have been given adequate representation at all levels of government, now it is time to give the consumer his due representation.

Upon establishment of an Office of Consumer Affairs, the consumer will receive top priority in one specialized office. The present situation leaves any matter up to an individual State, or local agency, if there is one, to answer the concerns and questions of the consumer. Not only does this situation place an unfair burden on the local levels, but it also creates unnecessary duplication and confusion because of the conflicting responsibilities and programs. As a result, the consumer comes out on the short end; the consumer suffers from a lack of information; and the consumer finds that the Federal Government does not have the means available—at present—to offer him effective assistance.

The second portion of the proposed legislation would correct that shortcoming is still another way. A Federal consumer protection agency could supply the consumer with impartial information of a general value to assist him in evaluating consumer products. The information gathered by the agency from its own resources and from other sources will be made readily available to the public for consideration. The agency will not, as opponents claim, destroy our free enterprise system by listing preferred or otherwise identified as "special" products. The agency is specifically prohibited from disclosing product names and is not concerned in any way with product rating.

What is needed is an agency which will coordinate the consumer oriented functions of the existing Federal departments and agencies and supplement them to insure to the consumer the most effective governmental service possible.

The merits of this legislation convince me that Congress can accomplish that end. I hope Congress will give prompt and favorable consideration to H.R. 14.

FREEDOM OUR AMERICAN HERITAGE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. OBEY. Mr. Speaker, each year thousands of students from throughout the country participate in voice of democracy contests sponsored by the Veterans of Foreign Wars. These exercises in articulating the spirit of democratic government are surely beneficial to those who participate and enlightening to those who hear and read these essays.

The winner of this year's Wisconsin Voice of Democracy Contest is David Burk of Merrill, Wis. I am pleased to commend Daniel's essay to the attention of my colleagues:

FREEDOM OUR AMERICAN HERITAGE

(By Dan Burk)

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peacefully to assemble, and to petition the Government for redress of grievances."

This is the first amendment to the Constitution of the United States of America which assures us of personal freedom under our government.

The founders of our country wrote the Constitution and its amendments to establish an "ordered freedom". A free society that would not become selfish or self-centered and one that would agree to maintain their individual freedom by recognizing an orderly way of life.

To preserve these freedoms granted to us, we, as citizens, must realize that to have freedom we must give up some freedom. In other words, our rights and our responsibilities march hand in hand. By this I mean, we have the responsibility to respect another's freedom. When we, by exercising our freedom, injure another person's freedom, life, property, or well-being, our freedom immediately ends.

If I, as an individual, would like to preserve freedom, or show that freedom means something to me, I must respect and uphold the freedom of others. If I decide to speak out in opposition to someone, or demonstrate my discontent to my country, I must be sure that by using my freedom I again do not harm those of the people around me.

If I would like to prepare myself to become a more effective citizen in our ordered society, I must strictly follow the idea of rights and responsibilities marching hand in hand. I must act, not only to benefit myself, but rather to work to benefit the majority. I must use my freedom in concert with others, whether this be through church, school or community organizations.

Freedom our American heritage—think about that statement for a few moments, then ask yourself—how can I be assured that freedom will remain our American heritage? When I thought about that question, I answered by saying we must follow some belief or creed. This is when I thought about a creed written by William Tyler Page, clerk of the United States House of Representatives in 1917, which was adopted and accepted by the House of Representatives on behalf of the American people.

Listen carefully, for I feel it expresses that freedom is our American heritage. The creed, itself, is called "The American Creed."

"I believe in the United States of America as a government of the people, by the people, for the people, whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.

"I therefore believe it is my duty to my country to love it; support its Constitution; to obey its laws, to respect its Flag; and to defend it against all enemies."

KEEPING VIRGINIA—AND AMERICA—BEAUTIFUL

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ROBINSON. Mr. Speaker, the President and the Congress have a high degree of concern about our environment and practical means of preserving it.

The abatement of various forms of pollution is going to involve complex technology and complex economics requiring the application of maximum ingenuity in both the governmental and private sectors.

There is one area of pollution, however, in which a dramatic measure of abatement could be achieved at little cost through concerted voluntary action by individual citizens. I refer to the littering of public and private places which, at least, creates an unnecessary unsightliness and, at worst, produces health hazards.

In this connection, Virginians took pride, several months ago, when the Commonwealth received the annual award for the finest anti-litter program in the Nation.

I should like to include at this time, Mr. Speaker, the text of the remarks made by Gov. Linwood Holton of Virginia in accepting the award at the Keep America Beautiful Awards luncheon in New York City on November 5, 1970, because they offer guidelines for an effective program for protecting the environment from this form of pollution.

I include the article as follows:

REMARKS OF GOVERNOR HOLTON

Mr. President, Distinguished Guests, Friends of Keep America Beautiful:

It is with great pride and humility that I accept this handsome silver bowl on behalf of all the citizens of the Commonwealth of Virginia.

As Chief Executive, naturally, it would be pleasing to accept the citation as a tribute to the official programs of our state government to cope with the problem of littering.

Government in Virginia—State, city and county—has done a truly magnificent job in this movement, and I take this occasion to commend them publicly for the part they played in bringing this high honor to our state.

But, Keep Virginia Beautiful is a private, voluntary association of concerned citizens, financed entirely by business, industry, organizations, and dedicated individuals, who have banded together in a statewide crusade to remove ugliness and keep Virginia beautiful. It's not a government undertaking. It's a people's program—"the butcher, the baker, the candlestick maker."

Credit should go to every organization, industry, individual and municipality that has participated in the litter-prevention movement in Virginia—from the tiniest tot who picked up a candy wrapper and put it in a trash can to the trade associations that have conducted vigorous and continuing crusades against the litter menace, and whose strong financial support has made the Keep Virginia Beautiful program possible.

The tremendous educational contribution of the mass media (press, TV, and radio) and the public school system at all levels deserves the plaudits of us all.

This accomplishment is an accumulation of the efforts of thousands of citizens working as a team in harmony with their government. And that's the way it should be. It is the Virginia way; it is the American system of free-enterprise in action. People create litter and only people can curb it.

The Virginia program has concentrated on the three big *"E's"* of litter prevention: *Education*, to acquaint the masses with the evils of litter; *Equipment*, getting litterbags into automobiles and boats, more trash cans in public places, and more sanitary landfills in the counties; *Enforcement*, better litter laws more adequately enforced.

While the three *"E's"* have worked wonders in our state, litter continues to plague us. Litter depresses property values, hurts business, and discourages the tourist trade, now a billion dollar business in the Old Dominion.

Virginia has been dubbed "Historyland U.S.A." Some 40 million tourists visit Virginia every year to view the majesty of our mountains, enjoy our historic shrines, and relax in the sunshine and sand of our seashore resorts. Tourists will not stay long or come back often if they find the landscape defiled with litter—boxes, bottles and tin cans, illegal dumps, junkyards, and abandoned automobiles.

Virginia is industrializing and urbanizing at a terrific clip, adding greatly to employment, payrolls, and the economic growth of our State. With all of its manifold blessings, the affluent society does breed litter.

The litter problem is a growing thing. It is real, it is genuine, and it will engulf us all unless countered with a constant crusade to combat it. Budgets of the future—both public and private—will include increasing amounts of money to stem the mounting tide of litter.

Litter cleanup of public areas in this country already costs an estimated $500 million annually. If you add to this the cost of litter removal from private property, the national litter bill approaches a billion dollars a year.

Young people, it seems to me, can play a major role in the American effort to clean up the environment, especially land pollution. And I commend Keep America Beautiful for its emphasis on youth programs at this annual meeting and the plans to expand greatly youth participation in the future.

We have the word in Holy Writ, "Your young men shall see visions, and your old men shall dream dreams." The movement for a cleaner environment today demands the "visions" of youth, mellowed with the rich experiences, the "dreams" of their elders.

America is the most beautiful and affluent nation on the face of the earth. If we can rally the enthusiasm of youth, the resources of business and industry, and the concern of the crusaders behind a nationwide program to remove ugliness, we can keep our country that way.

DIFFICULTIES OF MAJOR AIRLINES

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. MILLER of California. Mr. Speaker, on February 5, 1971, Aviation Daily carried a story pertaining to the supplemental air carriers that should be of interest to all who are concerned with air transportation.

A few days earlier, The New York Times included an article by Christopher Lydon, in which he reports an interview with Mr. Robert F. Six, president of Continental Airlines, that is very much to the point, and I commend the reading of these two articles to my colleagues:

DRISCOLL URGES BROADER RANGE OF SERVICES, MORE GOVERNMENT MUSCLE IN FOREIGN TALKS

The supplemental airline industry's top spokesman, Edward J. Driscoll, yesterday urged the Senate Aviation Subcommittee to support a program providing for the broadest possible range of services. Emphasizing that the supplemental industry, like the scheduled carriers, is "in deep financial trouble," Driscoll requested legislation and Congressional policy support in a variety of areas affecting both segments.

"Unless we face facts now," Driscoll testified, "it is only a matter of time before there is a bankruptcy." In a plea for cooperation that seemed real in some areas and strained in others, Driscoll said "we can reverse this trend only if we all—government agencies and airlines—work together to analyze the true causes of the present crisis and look for solutions designed to produce a balanced air transport industry."

Driscoll, president of the National Air Carrier Association, was accompanied by the presidents of NACA's ten member ailrines who sat in a row directly behind him. In perhaps pointed reference to differences existing among the scheduled lines, Driscoll told committee chairman Howard Cannon (D-Nev.) "that while we only have one statement for the supplemental industry, the views expressed are the views of NACA and of all of its members." Although the testimony is vital to one of the critical areas of committee and industry concern, the TV floodlights and cameras that added spectacularly to the earlier sessions were missing.

And what the supplementals appeared to lack in mass media attention, they are also lacking in government support in the foreign negotiating field, according to Driscoll. In an exchange with Senator Daniel Inouye (D-Hawaii), Driscoll agreed that there is no "muscle" in the U.S. government's efforts to gain more equitable landing privileges for supplementals in foreign countries.

"Unlike the scheduled carriers, whose operating rights are protected by international agreements, the supplementals are forced to deal with foreign governments on an ad hoc basis, and largely on their own. As a result, they must contend with a hodgepodge of restrictive and arbitrary charter landing rights policies."

In a point obviously making an impression on committee members, Driscoll noted the supplementals "have contracted for 94 charter flights to Japan in 1971 but as yet have no assurance that any of them will be allowed to operate." He said Japan wants Chicago for JAL and won't give away rights without obtaining benefits for its scheduled carrier. Driscoll further noted that supplementals have sold 118 ITC flights to the U.K. for the 1971 summer season "but the British authorities have at this point imposed a quota of 90 ITC flights for all U.S. supplementals in the April-September period. Germany will allow only 30 ITCs per year." He said supplemental charters are also "subject to a wide range of restrictive practices . . . which demonstrate the futility of the stated U.S. policy of dealing with scheduled and charter rights separately."

CAB's new charter rules, issued on the eve of the committee hearings this week, drew little attention from NACA other than a request for "equal time" to respond to an expected ATA statement later in the sessions. A request to make such a statement was made by ATA president Stuart G. Tipton at Tuesday's hearings.

Also, much of the broad area for future supplemental operations is outlined in new legislation introduced last week by Senators Moss of Utah and Tunney of California (S. 289).

But Driscoll did dispute scheduled air carrier contentions that supplementals were a major cause of the scheduled industry's financial plight. He said "most of the complaints of 'injury' to the scheduled carriers refer to the transatlantic market—the only market in which the supplementals have more than a minimal share of the traffic." But, he added, "the scheduled carriers have continued to show better financial results in the Atlantic than in any other markets."

The committee is in recess Friday and will resume at 10 a.m., Monday, Feb. 8 with Pan Am's Najeeb Halaby and Americans George Spater scheduled to appear.

Continental's Chief Derides "Hysteria" of Most Airlines

(By Christopher Lyndon)

Washington, Feb. 3.—Robert F. Six, the controversial but perennially successful president of Continental Airlines, told the Senate Commerce Committee this morning that the financial "hysteria" among his industry colleagues should be largely ignored.

The major airlines, though they lost more than $100-million last year, have few fundamental problems that efficiency cannot cure, said the leathery ex-stunt pilot, now in his 33d year as the head of Continental.

Congress and the Civil Aeronautics Board should be aware particularly, he said, that the "panic" about profits and assertions of "excessive competition" do not stampede approval of mergers that would only strengthen the domination of what he calls "the Big Four" domestic carriers—United, Trans World, American and Eastern Airlines.

FARE INCREASE ASKED

Continental has asked the C.A.B. for a general fare increase of 11 per cent this year, and Mr. Six thinks that at least 10 per cent will be approved.

But he says that Continental will make money in 1971 even if fares are unchanged, and in an interview this afternoon he said that both T.W.A. and United—much the heaviest losers in 1970—could heal many of their problems, without a rate increase, by aggressive cost cutting.

United, he said, is "a well-run company that was allowed to grow big and fat, but is already recovering under new executive management. T.W.A. could get rid of 21 of its 181 planes, he calculated, if it used its equipment as efficiently as Continental does.

But T.W.A. is also adopting some of his own marketing techniques, he observed with mixed satisfaction after flying T.W.A. from Los Angeles. "I think T.W.A. is on the way out of the doldrums," he said.

DOGMAS CHALLENGED

In a familiar posture of rugged individualist and industry scold, Mr. Six challenged a variety of his colleagues' dogmas:

Airline executives have only themselves to blame, he said, for their costly over-capacity at a time of recession and declining traffic growth. Charles C. Tillinghast, Jr., president of T.W.A., which introduced the wide-bodied Boeing 747 into domestic service, admitted to the Senate yesterday that the jumbo jet came "too early" and is "too large" for current demand. But Mr. Six, who said he was "lucky" in anticipating the recession and cutting his aircraft orders accordingly, said that passengers should not have to pay for other airlines' bad planning with higher fares.

"I do not believe that a regulatory agency should be expected to assure a guaranteed rate of return on an excessive investment base," he said.

Rather than "excessive competition," he said, "it is the inability or failure of the large carriers to compete in efficiency that is the culprit." Even after the new route awards of the last four or five years, there is still room for more competitive services—specifically in and out of Milwaukee and Philadelphia, he noted. The larger airlines have asked for a moratorium on further route awards.

The industry, Mr. Six suggested, should relax its "war against the supplementals"—or charter airlines. "As a result of their competition," he said, "the public now has the advantage of lower-cost vacation air travel. So long as I am permitted to compete with them on reasonably equal terms, I look upon them as a benefit because they have brought to air transportation many passengers who would not otherwise have flown."

Continental, which after a long courtship of Western Airlines was outbid by American Airlines in a merger offer, will continue to oppose the proposed American-Western merger before the C.A.B. It is no accident, Mr. Six said today, that the heavy losses in the industry last year were concentrated among the larger carriers, while the most of the smaller seven "trunk" lines were turning profits. Any merger involving one of the Big Four or Pan American World Airways "only means the prospect of greater inefficiency and increased losses."

NERVA IS NEEDED

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, I call to your attention the words of a recent editorial in the Sacramento Bee relating to the NERVA program. NERVA is an important integral part of our future space program.

I ask my colleagues to consider the ramifications NERVA will have in just a few short years as we define our new space goals. Certainly, the operational impact of NERVA will help our scientists explore the universe with greater economy and more utility.

We must look at all the aspects of such a wide ranging and beneficial program.

I insert the following editorial in the Record at this point:

Bipartisan Voices Urge Administration To Reconsider NERVA Cutbacks

Powerful, bipartisan voices are protesting cutbacks in development of the NERVA nuclear rocket program, giving rise to hope this unfortunate decision may be reconsidered by the administration.

US Sen. Clinton P. Anderson, D-New Mexico, chairman of the Senate Aeronautical and Space Sciences Committee, accurately appraises the likely impact of the drastic slashes in funds for NERVA as bringing the program "virtually to a standstill."

Anderson's statement follows a similar warning by US Rep. James G. Fulton of Pennsylvania, ranking Republican on the House Space Committee. Fulton sees the administration decision as throwing away the nation's $1.4 billion investment in the program.

Still another leading GOP figure trying to avert the cutbacks in NERVA is US Sen. Hugh Scott of Pennsylvania, Senate minority leader, who is said to have appealed directly to President Nixon to intervene and save the program.

Fast action to persuade the administration to reverse itself is needed if the NERVA contractors, such as the Aerojet-General Corp. plant in Sacramento, which has the chief responsibility for development of the NERVA engine, are not to dismantle their teams working on the project.

Sacramento and other areas in which the project is carried on admittedly have a great self interest in preserving it. But it nevertheless seems mighty foolish to halt the program when so much successful research is getting close to paying off in operational results.

Anderson is correct in describing the cutback decision "a gross error (which) . . . may cause great concern about the management capability of NASA."

As Anderson says, the National Aeronautics and Space Administration "would be in a position of having supported the expenditure of well over $1 billion in technology so as to proceed with an operational system, only to change its mind and decide to put funds into new programs which again would require the development of new technologies."

LITHUANIAN INDEPENDENCE

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. COLLIER. Mr. Speaker, Tuesday was the 53d anniversary of Lithuanian freedom. It was on Feb. 16, 1918, that the Taryba or National Council proclaimed the independence of this tiny Baltic Nation.

Long a part of Czarist Russia, Lithuania had been occupied during World War I by the forces of imperial Germany. Independence meant a great deal to people who had been subjugated first by the Romanoffs and then by the Hohenzollerns.

Unfortunately Lithuanian freedom was doomed to early extinction. Two new evils that sprang up from the ashes of the first world conflict made the rule of the czar and the kaiser seem benevolent by comparison.

Lithuania was invaded by Soviet forces on June 15, 1940, and became part of the Soviet empire on August 3d, soon after a parliamentary election in which voting was limited to Communist candidates. The National Socialists invaded and occupied Lithuania in 1941 and held the country until the end of World War II, when the Soviet Union once more absorbed it.

Although their tongue is the oldest living language in Europe, more than half of the people who live in Lithuania cannot speak it. This is because thousands of its people fled from the country after the Communist took it over and thousands of others were deported to Siberia and elsewhere and replaced by peoples from other parts of the vast Soviet Empire.

Despite Communist efforts to silence the Lithuanian language and obliterate Lithuanian culture, the story of this unhappy land will continue to be told. It will be told by such brave individuals as Simas Kudirka, who tried in vain to defect from Soviet tyranny. It will be related by refugees who have been dispersed all over the world. It will be repeated by the more than 1 million persons of Lithuanian descent who live in free America. Their new-found loyalty to the United States does not preclude them from speaking for the cause of freedom for Lithuania and other conquered nations.

Mr. Speaker, let us here in the Congress unite our prayers with those of the thousands of Lithuanians who have been driven from their homeland by Communist oppressors and ask the Ruler of the Nations to speed the day when all men will be free.

CRISIS CURE AT HOUSING'S DOOR

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BOB WILSON. Mr. Speaker, recently, 29 of my House colleagues joined me in introducing the Housing Rights Act of 1971 which is aimed at meeting the housing crisis that faces us in the seventies. It is our hope that the House will recognize the importance of this legislation by ordering early hearings on the bills, H.R. 3678 and H.R. 3679.

I am pleased that the concept outlined in our bills has received the support of the San Diego Union in its editorial of February 2. This editorial clearly notes that the construction industry needs freedom for inventiveness and flexibility, not the rigid iron hand of Federal domination and the deadweight of Government bureaucracy.

I include the following editorial in my extension of remarks:

CRISIS CURE AT HOUSING'S DOOR

Although the housing crisis has been diminished in the national consciousness by war, inflation, joblessness and pollution, it is no less urgent.

Lack of financing, outdated construction methods, inflation and rising labor costs have created perhaps the greatest housing shortage in recent years. Today, more than half of the American people are living in homes that are considered inadequate with little or no prospect for immediate relief.

The middle and lower income groups are hit. As President Nixon pointed out recently, approximately half of all American families cannot afford to invest more than $15,000 in a home. The median price of conventionally built new homes now is about $27,000 and is rising at $1,000 per year.

Fortunately, the situation is improving somewhat. A housing law enacted last year makes $2.75 billion available to assist moderate income families in financing new homes. Other federal administrative decisions have made more money available to underwrite construction. Builders now anticipate a good year in 1971 for house building and buying.

Additionally, there is a growing concentration on the need for prefabricated construction, modular housing and other modern techniques that employ more fully the American technology for building purposes and reduce the cost of homes for Americans.

Unfortunately, many of these efforts still may be cancelled by the soaring costs of construction labor. The President himself sounded the alarm in this respect in a recent speech when he said:

"When you have an industry in which one out of three negotiations has led to a strike; when construction wage settlements are more than double the national average for all manufacturing, then something is basically wrong with that industry's bargaining process."

The rising costs in the construction industry predictably coincide with a growing pressure for direct federal intervention in the wage mediation process, as well as renewed clamor for more federal subsidies.

This, however, would not provide a solution. The construction industry needs freedom for inventiveness and flexilibity, not the rigid iron hand of federal domination and the dead weight of government bureaucracy.

The competitiveness of free enterprise and the vigor of voluntary mediation are essential catalysts for the efficiency and modernization that the construction industry will need in the immediate years ahead to meet the current crisis.

The time is growing short for business and labor to step forward and undertake the task.

VOICE OF DEMOCRACY CONTEST

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. SCHEUER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a Voice of Democracy Contest. This year over 400,000 school students participated in the contest, competing for the five scholarships which are awarded as the top prizes. The contest theme was "Freedom—Our Heritage." One of my constituents, Mr. Brian McKernan, has been selected as the winning contestant from New York State and will be brought to Washington, D.C., for the final judging as a guest of the Veterans of Foreign Wars. His brief speech is a thoughtful analysis of current threats to freedom in the United States and how those threats can be deflated. It is a pleasure to read such a calm analysis of the proper role of dissent in our turbulent times:

FREEDOM—OUR HERITAGE

(By Brian McKernan)

The heritage of Freedom which we, as Americans, possess is not a static legacy. On the contrary, it is a dynamic legacy which has experienced change, redefinition and expansion in each succeeding period of our history. And so today, our heritage of Freedom is once more in this dynamic and often painful process of change—today this legacy is being tested in the white hot crucible of dissent.

My friends, the right of the individual to free self expression has deep roots in our history, and indeed the entire intent and purpose of the Constitution itself is the establishment of a free and democratic society. To the realization and operation of such a society, dissent is indispensable. For in a free society no opinion can be immune from challenge, and no opinion, no matter how false should be suppressed; for there is no way of suppressing the false without also suppressing the true.

The founding fathers recognizing these facts very wisely provided for the full and free expression of dissent in the 1st Amendment and established in our Constitution the means for orderly change through electoral, judicial, and legislative process.

However, there are those in our society today who claiming the right to dissent, seek violent change outside this constitutional process and outside the law. They feel that freedom can be fashioned with the tools of anarchy and they use their constitutional rights to deny the rights and privileges of their fellow citizens with a contemptuous disregard for our heritage of Freedom.

In recent months we have seen extremists in this country, in the name of dissent, vilify our national leaders, paralyze our universities and high schools, burn our flag, flaunt our laws, turn our streets into battlegrounds, urge to revolution and raise the flags of communism and anarchy in our public places.

This type of dissent is irrational and destructive and it plays upon the obvious social problems of our nation not seeking the improvement of our system, but the destruction of it through the spreading of hate and divisiveness amongst our people. As such, this destructive dissent presents a clear and present danger to the freedom of all our people.

If there are defects in our system, and God knows there are—if freedom is in any way limited or denied in its fullness to large segments of our people—it is not because of any defect in the Constitution or our heritage of Freedom, but rather it is due to the apathy, indifference, selfishness—and yes—even the hate and bias of so many within this nation today. They cannot seem to understand that in its ultimate sense, freedom is based upon respect—the respect of all for the rights of each and the respect of all for the Constitution—that body of law which guarantees those rights. They cannot understand that the freedom of every one in this country is endangered if that freedom can be denied to any person or group of persons within our society.

If our heritage of Freedom—if our nation is to survive we must preserve it from extremism—the extremism of revolution—the extremism of repression—the extremism of apathy, indifference and hate.

We must address ourselves honestly and diligently to those problems which dissent has pointed out. The problems of bias, inequality, economic stagnation, inadequate housing and needless starvation which afflicts so many in the midst of affluence.

All our people should resolve that through Constitutional process—social, economic and political freedom will be maximally extended so that all our people may equally share in this wonderful heritage of Freedom that constitutes the American dream.

LITHUANIAN ANNIVERSARY WEEK

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. VANIK. Mr. Speaker, this week marks two important anniversaries for the people of Lithuania, the 1 million Americans of Lithuanian descent—many of whom live in the greater Cleveland area—and for free people everywhere. February 16 marked the 53d anniversary of the establishment of the free Republic of Lithuania in 1918. In addition, this February marks the 720th anniversary of the formation of the Lithuanian state when, in 1251, Mindaugas the Great unified the various principalities of Lithuania into one nation.

The Lithuanian Republic existed as a free state for 21 years. Then, in the cross currents of World War II, her land was swept by plundering armies of Nazi Germany and Communist Russia. For 30 years now, she has been under the domination of the Soviet Union.

Yet the love of liberty and freedom lives on in the hearts of her people today. It is seen in acts of defection and defiance nearly everyday.

As one of the founders of our own country, Alexander Hamilton, said:

The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the divinity itself.

The feeling for sacred rights exists and lives in all of us. The Americans of Lithuanian descent have themselves done much to make our own Nation a land of the free, a home of the brave.

In this connection, while commemorating this week, we should remember that we, and free people everywhere, must always be on guard to protect established liberties and to do the just thing. The act of an arm of our Government in permitting the forcible removal of the Lithuanian seaman Simas Kudirka from an American vessel must be remembered as a mar on America's record as a nation of refuge. All Americans descend from either immigrants or refugees.

In remembering the anniversary of Lithuanian independence, let us all rededicate ourselves to the cause of liberty everywhere.

A GREAT AND GOOD MAN—JAMES CASH PENNEY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. HANNA. Mr. Speaker, more than just the friends and employees of the J. C. Penney Co. mourn this week over the passing of the firm's great founder, Mr. James Cash Penney. The Nation has lost perhaps its noblest embodiment of private entrepreneurship.

Mr. Penney will not only be remembered for founding and directing one of America's most successful retail businesses. He will also be remembered because of the way he did it.

Personal character and integrity were the foundations of Mr. Penney's greatness. And while his retailing acumen and dedication to work propelled his company into the ranks of the giants, it was his concern for people, employees and customers alike, that made the J. C. Penney Co. more than just a business.

For me, Mr. Penney's passing recalls some personal memories. I was born and, during my early childhood, raised in Kemmerer, Wyo., the site of Mr. Penney's first store.

My mother worked at the Golden Rule Store, the first store Mr. Penney opened. Kemmerer was a rugged mining town in those days. My grandmother operated a boarding house just a few doors beyond Mr. Penney's first emporium and she was a good and valued customer. Penney's then, as now, operated on the firm base of providing a good product at a fair price, offered in a friendly and cheerful shop. The owner and his employees were proud of their merchandise and active in and equally proud of their community.

The business policies and personal integrity so successfully evident in Kemmerer were to serve as the foundations of Mr. Penney's company. And these unshakable foundations today support 1,700 stores with annual sales exceeding $4 billion.

In an age when cynicism, especially in business, is prevalent, it is refreshing to remember the sincerity and warmth of James Cash Penney. His strength of character, his deserved success, and his personal sensitivity and understanding for his fellow human beings will be missed by all those who had the good fortune to know, respect, and love him.

LONG BRANCH, N.J., ACTS ON POLLUTION

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. HOWARD. Mr. Speaker, while we must continue to seek solutions to the pollution crisis at the Federal level, we must also encourage and commend the efforts made by the local communities to abate the various forms of environmental pollution. I believe that if we are to restore the environment the restoration must come from the local communities, as well as the State and Federal governments.

I am particularly proud of the action taken by Mayor Henry Cioffi and the city of Long Branch, N.J., in this regard, and I would like to share with my colleagues the city's project plan for the disposal and reclamation of solid waste:

CITY OF LONG BRANCH MUNICIPAL RECLAMATION CENTER PROJECT

OBJECTIVE

To demonstrate the feasibility of a system of home separation of solid wastes, separate municipal pickup of various solid waste components and the operation of a municipal reclamation center in a medium size city.

PROJECT NEED AND BACKGROUND

The City of Long Branch, with a 1970 preliminary census population of 31,108, is Monmouth County's largest city and its second most populous municipality. It is located in the more heavily populated area of the county and like every municipality in this region has had severe problems concerning solid waste disposal. The rising costs of private contract garbage collection have forced the City to turn to municipal collection as of February 1, 1971. Suitable landfill sites are increasingly hard to find and prospective sites under study by the Board of Freeholders for a regional landfill are suspect because of the likelihood of pollution of ground waters. In this setting the City of Long Branch has decided to experiment with methods of reclamation or recycling of various components of solid waste in an attempt to greatly reduce the bulk and tonnage of garbage sent to landfill sites.

The responsible city officials do not believe that the operation of reclamation centers alone will solve the solid waste problems of the United States; but together with state and federal legislation requiring and encouraging reuse by granting tax incentives and by regulatory devices, large scale reclamation would greatly reduce the bulk of wastes which have to be dealt with and in so doing partly solve our pressing solid waste problems.

PROCEDURES

1. The City of Long Beach will require by ordinance the home separation of garbage into the following components:

(a) newspapers
(b) bottles
(c) tin and aluminum cans
(d) all other

Other categories may be established for homes later and different categories may be established for particular industries and businesses. The city public works department will devise methods and schedules for the separate pickup of garbage, will store the separate components at its reclamation center and sell them in quantities to various scrap companies and industries.

2. The City will open the reclamation center every Saturday for 6–8 hours and receive materials brought in by Long Branch residents and will pay various prices for such scrap.

3. While implementing the above two programs the city will also be engaged in the following activities:

(a) Experimenting with various means of *educating the public* about the reasons for separation and reuse, securing compliance with the ordinance requiring separation, and instructing citizens in how to prepare their garbage for pick up.

(b) *Keeping detailed statistics* on the amounts of garbage and various components thereof that are generated by the City, how much is sold for scrap, and how much is sent to landfill. An attempt to assess the impact of educational and publicity campaigns by studying fluctuations in the percentage of separated garbage and the degree of thoroughness with which it has been prepared for separate pickup will be made.

(c) Making surveys, using accepted statistical methods, to ascertain the degree of *public compliance* with garbage separation regulations and testing various means of gaining compliance by further education, fines, and other methods.

(d) *Studying the operation of the weekly voluntary reclamation center* to determine if the cost of operating such a center is justified by a savings of municipal labor in pickup of garbage and in litter control on streets, beaches and vacant lots. Also survey the people who bring material in to determine their residence, socio-economic status, age, and other information to see if particular groups make greater use of the reclamation center than others and if so why.

(e) Develop and collect educational materials for use in local schools to teach children about the subject of reclamation and reuse of resources and develop courses of study and specific projects involving recycling in conjunction with the local school administration. This will be an attempt to indoctrinate youth with the basic concepts and broad ideas behind recycling and is a different educational program than that outlined at 3 (a) supra, (filmstrips, slides, films, booklets, etc. could be educational material developed).

The following January 25 news release gives some indication of the success of the project to that date. The enthusiasm which seems to be spreading to the various nearby communities is inspiring, and I would hope that it can be matched on a national scale.

LONG BRANCH, N.J.
January 25, 1971.

All records were smashed again as this City completed the ninth week of their escalating reclamation efforts.

19,735 pounds of reusable salvage was processed in five hours this past Saturday, to be recycled by various industrial plants.

Interested observers from surrounding areas, and those from the national scene, continued to probe the reasons why this national pilot program is succeeding so dramatically—and in the dead of winter—while similar efforts elsewhere have failed, even under much more favorable conditions.

Two representatives from Manasquan spent the day in noting procedures and getting informed instruction to guide them in launching an allied operation in their municipality, which Councilman Fred Lockenmeyer says will start "as soon as possible, perhaps in the next two weeks."

Groups from Shrewsbury, New Shrewsbury, Little Silver, West Long Branch and Colt's Neck are also being welcomed into the massive efforts being made by Long Beach to pioneer the first "practical, realistic and *economical* broad and permanent reclamation program on a municipal basis."

Quotes above are from Donald L. Read, whose duties as Public Relations Director of American Can Company's subsidiary M&T Chemicals require him to criss-cross the nation in promoting that firm's efforts to reduce litter and encourage every worth-while program designed to reduce solid-waste pollution and advance reclamation of, while thus preserving, natural resources.

On Wednesday of last week, Mayor Henry R. Cioffi and his steering committee advanced a bold new proposal in a joint meeting with other municipalities, suggesting "immediate joint action now on proven reclamation advantages—despite state disinterest and regardless of any possible federal grants."

Cioffi is pressing forward on seeking state and federal support for a regional reclamation program, designed for ultimate recycling of all solid waste and thus eliminating need for future landfill space, while eliminating eventually all pollution of land, air and water in solid waste disposal.

A number of area municipalities have been offered participation with Long Branch in all phases of their reclamation efforts.

POLITICAL CHAMELEONS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DEVINE. Mr. Speaker, I would suggest to my colleagues that we are witnessing this week one of the most fascinating—and potentially disastrous—political turncoat acts of this century.

In the decade past, and particularly the last few years, we have witnessed widespread dissatisfaction with Government by students, minorities, and many other groups of Americans. There were numbers of politicians, both within and without the Government, who supported this dissatisfaction. When accusations were made of repression, they agreed; when cries of power to the people were made, their fists, too, shot into the air.

Now the President of the United States has had the courage and wisdom to come before the Congress and the country and offer a plan for returning power to the people, not through armed revolt but through peaceful revolution.

The response of the political chameleons has been to march doubletime around the country deriding the President's proposals. They have not seen the details of the President's legislation. Indeed, they do not care to see those details. They only know, or think they know, that what is good for President Nixon cannot be good for them.

That is the tragedy of their defection, because they cannot rise above self-interest. Americans will be the lesser for their shameful performance.

EDITORIAL COMMENT ON THE SAFE SCHOOL ACT OF 1971

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BINGHAM. Mr. Speaker, on the 1st of this month I introduced in the House H.R. 3101, the Safe Schools Act of 1971. This legislation would, for the first time, make Federal funds available to local school districts to help deal with the serious problem of crime in the schools. No such funds are currently available under any existing Federal education or law-enforcement programs. As a result, school administrators around the country are being forced to divert increasing amounts of funds from direct educational purposes to protect students, teachers, and school facilities.

The Safe Schools Act contains a number of needed safeguards to insure appropriate use of the funds and to protect civil rights. Since its introduction, I am pleased to report it has been endorsed by a number of local and national educational and parent organizations, and has received considerable favorable comment in the press. WABC Television and WINS Radio in New York City, for example, editorialized on the proposal. Their comments follow:

SCHOOL GUARDS . . . ARE THEY JUST FOR STREET CROSSING?

(By Patrick Muldowney, Editorial Director of WABC-TV (N.Y.))

FEBRUARY 5, 6, 7, AND 8, 1971.

During the past few years, N.Y. City schools have been plagued with a variety of problems. If it wasn't a teachers' strike, it was decentralization with boycotts and picket lines and all-out fighting.

For one reason or another, trouble flairs. This generates fighting and the next thing we have is a building surrounded by police. Congressman Jonathan Bingham of the Bronx has come up with the "Safe Schools Act of 1971" and we think it deserves support. The bill would provide money for school guards . . . men and women who would patrol hallways . . . check entrances for non-students . . . and provide security for students and teachers. Money would be available to school districts that applied after making plans with local community and parent organizations.

The guards would not be police . . . they would carry no weapons or mace. They would act as a deterrent to trouble.

Crossing guards have already relieved many police for more important work. We think school guards would make classrooms and hallways safe again. We'd like to know how you feel about this.

VIOLENCE IN THE SCHOOLS

(By Robert W. Dickey, General Manager of WINS (N.Y.) Radio)

FEBRUARY 3, 1971.

Yesterday's brutal attack on Newark school teachers is an outrage. This kind of violence can only hamper attempts to resolve the issues involved in the teachers strike. A strike makes it difficult to look at the issues without passion, but violence makes reasonable discussion impossible.

Unfortunately, there's a growing pattern of violence in and around urban schools. Militants have found it all too easy to recruit discontented students for activities ranging from malicious mischief to mayhem. Badly overcrowded classrooms, lack of proper staffs and facilities and a cancerous drug problem have contributed to this climate of violence. These problems must be overcome before peace and progress return to our primary and secondary schools.

It will take time and money to solve these ills which are the root cause of the current crisis. But, something must be done immediately to eliminate the violence and vandalism that is a by-product of these conditions. Up to now, there has been a lack of funds to provide adequate security in and around the schools. Congressman Jonathan Bingham has introduced a safe schools bill which would make Federal funds available for this purpose. In the light of recent events, Congress should act swiftly and favorably on this legislation.

DEATH IN THE MINES

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. CARTER. Mr. Speaker, on December 30, 1970, 38 miners perished in the coal mine explosion near Hyden, Ky. The Louisville Courier-Journal has published an indepth analysis dealing with this disaster, and I now include it in the RECORD for your perusal:

FEDERAL INVOLVEMENT: HUNT FOR SAFETY ANSWERS GOES BEYOND LAWS

(By Ward Sinclair)

WASHINGTON.—Coal mine safety begins here and it ends here and once again, with the deaths of 38 men in a Kentucky mine still fresh, a nation turns to Washington for answers.

It has been ever thus. Large-scale mine disasters historically have stirred the fires of reform and provided the impetus for legislation to provide the miner with a safer working place.

The last time it happened was in 1968. In August of that year, nine men died in a West Kentucky mine disaster. Then in November the public conscience was jolted anew—78 men were killed in a fiery underground tomb at Farmington, W. Va.

As was the case in 1910, 1941, 1952 and 1966 when Congress reacted to disaster by passing or toughening mining laws, the stage again was set for reform.

Out of that uproar came the federal Coal Mine Health and Safety Act of 1969, a far-reaching document that elated reformers and promised a new day for the men in an industry that has claimed more than 100,000 lives since 1900 and in the last 40 years disabled some 1.5 million.

President Nixon, after rumbled White House threats of a veto, signed the act on Dec. 30, 1969. As he did so he warned that the act might cause problems of administration. He probably little realized the problems that would surface.

The first year of life of the mine-safety act was, to be charitable, a year of difficulty. Administration of the law was severely criticized by reformers and coal operators alike. The 255 fatalities in 1970 surpassed the previous year's total by 52, yet production and profits continued a dizzy upward spiral as demand for coal intensified.

Then came the cruelly ironic epilogue—the Hurricane Creek disaster. A year to the day after Mr. Nixon reluctantly signed the law, 38 Kentuckians were killed in a mine in which, investigators were to find, multiple violations of the safety law had taken place, not once, but various times during 1970.

And again the nation wanted answers. But this time it is different. Yesterday's stock response—that the law is inadequately weak—went out of style on the day that Mr. Nixon affixed his name to the stringent new legislation.

So the answers lie elsewhere. Some believe that the Department of Interior and its U.S. Bureau of Mines have petulantly resisted the mandate to make mining safer. The department defensively insists that too much was expected too soon. Many in Congress agree.

Still others blame President Nixon and the White House for not treating the mine safety situation as an emergency requiring a full-scale mobilization of effort. Moreover, the critics, say, political maneuvering by the White House, in the department and in the bureau has done irreparable harm to the cause of safety.

Criticism is aimed at the coal operators, as well: The men who for years enjoyed a hand-in-glove relationship with the Bureau of Mines have resisted—defiantly, in some instances—the Congressional preamble to the law which decrees that health and safety of the miner shall be "the first priority and concern" of all in the industry.

There is truth in every corner. But through it all runs a thread which suggests that, despite the legislation and despite the criticism, industry and government have not yet reconciled themselves to the basic meaning of the law—that the miner, as Congress put it, is the "most precious resource."

It is a difficult dilemma. Coal is one of our most essential commodities. It fuels the nation's industrial machine. Without it there would be little electricity, no steel. Dozens of industrial by-products come from coal. They range from chemicals to cosmetics.

Yet the cost of this progress comes high. Most devastating is the human cost, with thousands of men killed and disabled, women left widowed and destitute, children left fatherless.

Coal exacts a high toll in other ways. Vast expanses of land are torn asunder by surface mining. Acid drainage from mines contaminates our streams. Fires in abandoned mines burn for decades, continually polluting the air.

In places like Eastern Kentucky, overloaded trucks rushing coal to market leave the highways in ruin. In places like Pennsylvania, cities sink as abandoned mine workings far under the earth collapse. Electricity plants burning coal load the atmosphere with noxious sulfuric fumes, affecting health and property.

The dilemma of how to balance the welfare of the nation's 145,000 coal miners with the voracious demands of the profits-oriented industrial machine is heightened by the fact that the mine safety law is administered by politicians and bureaucrats schooled in the art of compromise, trained to respond to the greatest pressures. In the field, the law provides new problems for federal inspectors who, unaccustomed to having strong enforcement tools, have had to promote mine safety through compromise and cajole with the operators.

Inevitably, the pressures—some spoken, others not—are on the side of production. Even the United Mine Workers Union (UMW), the one hope of the working miner, has said and done little to counterbalance these pressures at work in government and industry.

But as West Virginia Rep. Ken Hechler, who became, after Farmington, Capitol Hill's most dogmatic mine-safety promoter, expresses it: "In this there can be no compromise. You cannot compromise men's lives and men's lungs. Congress has established this priority and it is very clear: It is the health and safety of the miner."

This is an examination of some of the ingredients that made 1970 a year of difficulty, a year of continued difficulty for the men who mine America's coal.

THE LAW

Even before the Farmington mine blew up in 1968, the push was on for a better mine safety law. Reformers pointed to the grim accident statistics; Ralph Nader and others had documented the "epidemic" proportions of black lung disease suffered by miners.

The Johnson Administration in the early fall of 1968 introduced a measure that would have dramatically strengthened the government's enforcement tools. But it went to Congress too late to achieve action. Then came Farmington and there were sudden new converts to the cause of mine safety.

The Nixon Administration revised the Johnson proposals of 1968—made them tougher in some respects—and sent its offering to Congress, accompanied by a tough message from the President himself.

Congress reacted favorably to the challenge. After some months, legislation evolved that in some ways was more than most people had bargained for. Departing from usual legislative practice, it directed the Interior secretary to do certain things, rather than permitting him to do them—a feature whose aim was to make sure that the act resulted in action.

The act was given other sharp teeth. For example, for the first time it established fines against violators. For the first time, it put directly into law many safety standards—electrical equipment requirements, escapeway provisions, roof control and ventilation plans and, after lengthy debate, eliminated so-called "non-gassy" mines from special legal exemptions.

The powers of the inspectors were broadened as well. For instance, the definition of an imminent danger—any condition likely to kill or injure a miner before it is corrected—was expanded, and the inspector was given the power to close a mine for inadequate dust control. As a bonus, the legislation included black-lung benefit payments to miners and their survivors not covered by state compensation programs and it required new controls to prevent excessive dust, which causes black lung.

But after the stirring reassurance from the White House the administration became less enthusiastic about what was occurring in Congress. The White House objected to the black-lung benefits features being proposed; evidence emerged that it was resisting other sections of the legislation.

But the law was passed. Some legislators met privately to celebrate with champagne. Ken Hechler called the law a "Magna Carta" for the coal miner.

THE WHITE HOUSE

A week or so before Christmas, somebody at the White House leaked the word: The President was not pleased with the result of the year-long debate in Congress. A veto of the act was threatened because it included unpalatable features.

Editorial writers around the country reacted bitterly. The UMW was angry. Congress was angry. Hechler brought seven Farmington widows ot Washington to personally lobby at the White House.

They didn't get to see the President, but they were told that Mr. Nixon would sign the act, which he did the next day in a private ceremony attended by none of the customary flourish. "It's a great day for all of us," said Sara Kaznoski, a brave widow who spoke for many in coal country.

The White House had nothing to say. In fact, between March of 1969 and Dec. 30, 1970—the day the Finley Coal Co. mine in Kentucky exploded—the White House made no official statements on coal mine safety.

Actions seemed to say more than words. A series of White House-sanctioned appointments and personnel changes in the Department of Interior and its Bureau of Mines, charged with enforcing the new law, had a good deal to do with mine safety.

THE ENFORCERS

Although the Department of Interior is a vast bureaucracy, often very set in its ways, there is a clear chain of command for coal mine safety enforcement and administration.

It is interesting to look at some of the personalities involved.

First was Secretary Walter Hickel, who finally was fired—not for mine safety, but for Cambodia. Bureau of Mines veterans who worked with Hickel complained that he had "a 5-minute attention span" on coal-mine problems. Those who tried couldn't get his ear.

The under secretary is Fred Russell, a wealthy real-estate developer and entrepreneur who was a leading fund-raiser during the Nixon presidential campaign in 1968. He has played a major role in mine-safety enforcement decisions. After Hickel left, Russell was the No. 1 man in the department.

The assistant secretary for mineral resources is Hollis Dole, a former Oregon state geologist who is thought of highly by the captains of the energy industries.

One of his deputies is Gene Morrell, who was an oil-industry lawyer. Another deputy is Lewis Helm, a publicist who worked in the Nixon campaign. Two other aides are Harry L. Moffett, a former lobbyist for the American Mining Congress, and John B. Rigg, onetime manager of the Colorado Mining Assn.

Next down the line is the Bureau of Mines director.

When the Nixon administration took over, the bureau was headed by John F. O'Leary, a Democrat who had a keen sense of public opinion. Farmington converted him into an aggressive force for better safety enforcement and, much to the displeasure of the coal industry, he acted firmly with the limited tools available to him.

In January of 1969, like other Democratic appointees, O'Leary submitted a pro forma resignation. It was not accepted by the White House for 11 months. When it came on Feb. 28, he had one day's notice to clear out. Word came at the worst possible time—when he was gearing the bureau to handle the new law, which would take effect within a month.

A mild-mannered professor, J. Richard Lucas, was formally nominated to replace O'Leary in May, but he withdrew his name from consideration in July when the Senate insisted that he relinquish his sizable portfolio of minerals stocks.

Meanwhile, the search for a director went on. In October—some seven months after O'Leary was fired—the White House nominated Dr. Elburt F. Osborn, a vice president for research at Pennsylvania State University. Osborn, a geologist by training, had no practical, technical or academic background in coal mining.

He was approved by the Senate and soon got an inkling of what really awaited him. At least four key officials in his bureau, having an effect on day-to-day activities, were either lobbyists or party faithful or fund-raisers who knew little about mining and its peculiar problems.

The latest and most controversial of the lot is Edward D. Failor, who was selected by Helm to be Osborn's troubleshooter in a newly created position. Failor will determine the amount of fines that safety-law violators are assessed. He is a former municipal judge in Iowa, a GOP campaign manager and fund-raiser, lobbyist for Iowa coin-laundry operators and member of the Iowa Young Republican Hall of Fame.

THE ENFORCEMENT

With this scene set, how is enforcement of the Coal Mine Health and Safety Act of 1970 going?

Said Hollis Dole in August to a Senate subcommittee that was meeting to consider the rash of criticism of the bureau: "The nation's coal mines are healthier and safer now than they have ever been before."

Said Sen. Harrison A. Williams, D-N.J.: "All the information available to me reads like an indictment of the worst order. I cannot begin, in one setting, to enumerate all the grievous charges of heinous conduct by the department."

Those are the two extremes. But even the bureau's warmest friends acknowledge that things did not go well with the mine safety act last year. Virtually every week a new criticism was raised against the bureau and the department.

Admittedly, the law gave the bureau a lot to do and not much time in which to do it. The law imposed 31 separate deadlines requiring regulatory action—most of it major—before the act would be fully operative.

Perhaps the clearest example of departmental confusion showed up in the handling of penalties that Congress decreed should be assessed against violators of the law. That was one of the new "teeth" Congress provided for the enforcers.

In fact, the Bureau of Mines didn't assess any fines at all, although inspectors—working in a limited way because of court injunction—cited operators for more than 35,000 violations.

Last March, Undersecretary Russell ordered the printing of safety regulations and a penalty system, to take effect immediately, even though Interior had not allowed the customary time period for public comment. Moreover, operators were being held responsible for regulations they had not seen.

A group of small operators from Virginia sought an injunction, which they won, in a federal district court. On Russell's orders, Interior did not fight the court action. And then having lost in Virginia, the department applied the court order nationally to be "fair" to all operators.

Russell then put through another penalty plan, to take effect when the injunction expired. But there was a catch—it wasn't actually to be enforced. Operators cited for violations were told they would be fined later.

The third attempt to finally apply fines was published last month—again, with no advance public notice—with Edward Failor to be the assessment official. That plan, which many expect to be challenged again in court by operators, incorporates another hooker known as an "absence of fault."

Under that concept, an operator may be excused from a fine if he can show that the violation took place in his mine despite his "diligence" or "due-care." Hechler, mincing no words, calls it "a clear sellout to the operators."

The critics' other central target of bureau activities has been its failure to conduct the legally required number of inspections—four a year in every mine in addition to spot checks at mines determined to be excessively hazardous.

The bureau estimates that it will need 1,000 inspectors to fully enforce the law, which Dr. Osborn says will be possible by the end of summer. How many inspectors it has aboard is not easily answered because of varying week-to-week figures, but the bureau appears to be about half-way toward its goal.

THE STATE'S ROLE: COAL INDUSTRY "TURMOIL" SWAMPS AGENCY

(By David V. Hawpe)

LEXINGTON, Ky.—The shudder of death that moved through the Finley Coal Co. mines on Dec. 30 is still being felt by the Kentucky Department of Mines and Minerals.

The Hurricane Creek disaster was a nightmarish end to a year of frustration for the department, which had to cope with upheaval caused by the federal Coal Mine Health and Safety Act of 1969 and with expansion caused by the booming coal market of 1970.

For a decade before 1970, the number of mines that had to be licensed and inspected had dwindled.

Suddenly last year almost 400 new mines requested licenses in Kentucky. The coal market was moving, and everybody wanted to take the quick ride to riches. Underground operators, unable or unwilling to comply with the 1969 federal law, began leaving their deep mines and opening strip mines.

"The industry was in turmoil," Commissioner of Mines and Minerals Harreld Kirkpatrick conceded. "It was a particularly difficult year for us. We were swamped with paper work."

And with a budget of only $660,000, he said, there was not enough money to do everything he and his staff wanted to do to meet the crisis. With 25 inspectors to watchdog 2,057 mines, there was not enough man power to expand the educational programs of the department.

With this circumstance as a backdrop, a Courier-Journal reporter studied records, questioned officials and reviewed procedures. The following facts were uncovered:

Inspections conducted by the department have fallen off almost 49 per cent since the peak inspection year of 1962, while closures of mines for violations of law have dropped almost 77 per cent. This compares with a decline of about 37 per cent in underground mines during the same period.

The department is so short-staffed that one inspector in the Hazard district office recorded 440 inspections last year.

The department is so short-staffed that follow-up checks are seldom possible, after operators are sent letters instructing them to correct violations found by inspectors. Many operators do not even answer the letters.

The department keeps no cumulative statistics on the kinds of violations found by inspectors, which would identify trends in the various districts and in the state as a whole.

The department has no formal, written plan for investigation of disaster such as the Hurricane Creek explosion. It follows procedures developed informally over the years.

The department is at a disadvantage in hiring inspectors, since the U.S. Bureau of Mines can start its beginning inspectors at a salary of $500 more than the state minimum. And the federal salary at the senior inspector level is more than $1,500 greater per year than Kentucky's.

The department operates under a 19-year-old law that is outdated in many respects but an agency effort to have that law revised extensively got nowhere during the last session of the General Assembly.

That revision would have brought the state mine-safety regulations more nearly into line with federal standards. And Kirkpatrick says he plans to offer a new bill to the 1972 General Assembly which would raise state rules to the federal level—and even go beyond U.S. proposals in some instances.

Although the 1969 federal laws is sweeping and overlaps state efforts somewhat, Kirkpatrick sees an expanded research and educational role for his agency, as well as improved enforcement of improved safety standards.

His intent is for the state and federal programs to supplement each other, with one providing a cross-check against the other.

The federal law provides specifically for cooperation with the states in the fields of miner health and safety. Federal grants are available to help state plan and execute programs in these areas, and Kentucky was first to apply for money for a comprehensive plan which would expand personnel and initiate a mine-safety instructional project.

Department spokesmen explained the decline in inspections by citing the movement toward larger mines in Kentucky. "The larger the mines, the longer it takes to do one inspection," one official noted.

Also, the department at some point determined that more miners are killed by their own actions or inaction, rather than by physical conditions inside the mines, so a new inspection technique was instituted. Now the inspectors watch operations in progress, as well as inspect the equipment and material.

Also, there was a time when two inspectors would visit the same mine to double-up on the inspection necessary, and both would claim an inspection for the statistical record. "We cut that out, and that caused a drop too," a department spokesman said.

The fact remains, however, that the number of mines increased by about 400 in 1970, and the number of inspections decreased by four. The number of closures rose from 122 in 1969 to 139 in 1970. The increase in mines from 1969 to 1970 includes a boost of more than 15 in the number of underground mines, which require most of the department's time in inspection.

When inspections do produce instances of violations, the department sends a letter to the operator ordering him to correct the offense. Some situations are corrected on the spot.

"We get a lot of answers to the letters," said a department official. "Some we never hear from, just like any other business. But if an operator is the kind that consistently does not let us know by letter that he corrected his violations, we're going to know he is a problem case anyway."

Of course, he says, the inspectors always check for corrections of past offenses when they make their next regular inspection of the mines in question. Each mine is supposed to be inspected four times a year, if the budget of the department will permit.

"If the taxpayers were willing to hire us up to 100 people to follow up on these letters, we could do it," the official concluded.

Kirkpatrick emphasized also that inspection would not have prevented the Hurricane Creek tragedy. The cause of the explosion that killed 38 men was illegal blasting practices, which would not have been conducted during a visit by an inspector.

When the reports on inspections come to the Lexington headquarters of the department each one is seen by Kirkpatrick's assistant, J. H. Mosgrove, who has been with the department for years.

"I try to review each one, and it is possible to spot the trends in the process," Mosgrove said. "When you have a good deal of experience in this, you see the patterns. And your men in the field notice the patterns, too."

Years of experience also has determined the department's plan of action in responding to a disaster such as that at Hurricane Creek near Hyden.

"The traditional investigating procedure, based on past experience, was carried out, but if a plan for disaster investigation appears warranted this department would certainly be amenable to the idea," Kirkpatrick said.

During the 1970 session of the legislature, Kirkpatrick proposed a major expansion of his department, including creation of two new categories of employees: mine safety instructor, with a salary of not less than $7,200, and electrical inspector, with a salary of not less than $11,400.

The commissioner hoped to hire an electrical inspector and mine safety instructor for each of the five Department of Mines and Minerals districts in the state.

Kirkpatrick also proposed a provision which would allow the commissioner to purchase vehicles, materials and equipment for the use of the department and mine rescue stations as he might deem necessary.

He said the cost of such an expansion would have been negotiated with the state's budgetary experts after passage of the enabling legislation.

"Education is the answer to something like the Hyden thing," Kirkpatrick said. "Most mine deaths are caused by attitudes and practices that can be changed only through a solid effort to educate the men who go into the mines."

Kentucky will initiate its program as soon as the Department of the Interior approves the $230,000 grant request submitted by the department, with the help of the Kentucky Program Development Office. And the hope is that the program will reach every man in the Kentucky coal mines, over a period of years.

"Instructional talent will be recruited from the coal industry because we feel it is of prime importance if we are to do an effective job that our inspectors have a measure of background in the industry with which they are to work," Kirkpatrick said.

With the money, seven instructors and two electrical experts and three responsible dust consultants will be hired. They should relieve the department's inspectors of part of the educational work they now do, and permit them to concentrate more time in inspection.

The inspectors, a crucial element in the state program, are chosen for their qualifications, which must include 10 years' experience in the coal mines, at least five years of which must be in this state.

They must pass tests on their knowledge of coal mines cases, coal mine ventilation, the Kentucky mining law, first aid, mine fires and explosions, mining electricty and blasting practices in coal mining. They must show ability to use ventilation measuring instruments, explosive and poison gas testing instruments and mine rescue apparatus.

They must show ability to course air through a simulated coal mine, and must demonstrate knowledge of methods to combat mine fires and complete recovery work.

"We feel it is safe to say that not more than 25 per cent of the applicants pass this test on their first effort," Kirkpatrick said.

This deep, professional knowledge required of the inspectors is one reason department spokesmen were taken back by a proposed retesting program for veteran inspectors that was submitted to the last session of the legislature.

"I was really hurt over that," one high official said. "I could not get to the bottom of why they wanted to do that. Can you imagine doctors being re-examined, or lawyers going twice before the bar? These are professional men who constantly improve their knowledge and skills."

The bill to institute the retesting program was sponsored by a group of Jefferson County legislators.

"I classed it as vicious . . . extremely vicious . . . without foundation," the department spokesman said.

The department did try to lower the inspectors' experience requirement from 10 to five years during the last legislative session, but the bill did not clear the House State Government Committee.

The bill involved a comprehensive revamping of the Kentucky mining law. It is outdated in many respects, and the department wants it to dovetail into the 1969 federal law.

Kirkpatrick explained that the department will propose an even more far-reaching bill to the 1972 legislature, and he hopes there will be more attention paid to this one than there was the last.

"We got it in late, and we were criticized for that," the commissioner said, "but we were waiting for the federal law to be finalized before we prepared our bill. That only made sense. Anyway, there was not a word in the papers about our bill when it was introduced and yet it was the most comprehensive effort to revamp our state mining law since it was written in 1952."

Kirkpatrick believes that even working under the present law, his inspectors do an effective job of enforcement.

"There is no politics in my department," he said. "The professional requirements for these employees are too strict for hiring to be political. We have dismissed no inspectors during this administration."

The department has given its men standing instructions to "take care of any situation which creates what in (their) judgment is an imminent danger to the safety of the workmen." By law the inspector has authority to close a mine, or any section of a mine, when imminent danger is observed.

"We feel that our closure record of mines substantiates that this action is taken when the inspector deems it necessary," he added.

The fines available to the department under Kentucky law are limited to $200 for each violation, and officials believe that closure is much more effective.

"When you shut down a mine, it costs the operator all the production he would have had, and his equipment is sitting idle," Kirkpatrick said.

Besides, the department does not believe that punitive action is the answer. It is rather in the educational role, which has been an expanding part of the department's activities.

In 1965 a new federal law required use of a flame safety lamp in mines employing 14 or fewer people, and it fell the lot of the Kentucky department to begin training men in the proper use and maintenance of the devices, which are used to detect the presence of explosive methane gas or the absence of life-giving oxygen.

Since 1966 the department has averaged giving more than 1,000 flame safety lamp certificates, and each applicant must be trained or tested. In 1970 alone, the department wrote 1,913 such certificates.

The department also gives classes in the fundamentals of practical coal mining, which enable prospective foremen to qualify for their licenses. In 1970 alone, 342 such licenses were granted after the applicants passed a battery of complicated tests.

The department also wrote 448 first aid certificates, and 70 mine rescue certificates.

"It is a little-known fact in this state that Kentucky is the leader in mine rescue," Mosgrove said. In the 20 years since the national mine rescue contests began, Kentucky teams have taken the top spot each year except one—that was the first year, 1951.

"And every year we have Kentucky teams that take several of the top spots," Mosgrove said. "We have taken as many as five of the top places in one year."

Critics cite the fact that the Department of Mines and Minerals is headed by "a wealthy coal operator who sees coal as a $400 million product." They say Kirkpatrick believes too much enforcement can be "economically destructive."

The critics note that Kirkpatrick reacted to the Congressional furor over strict dust standards in American mines by saying, "A German scientist says one cigarette is more harmful to the lungs than eight hours in a coal mine."

Kirkpatrick remains aloof from such criticism, and he sticks to his view that the department is doing an effective job with the resources it has.

And he believes he is making every effort to update the Kentucky mining law, to use available money for improvement in the Kentucky program, to emphasize those areas in which most mine fatalities occur, to support the conscientious inspectors in the field.

"We have tried our best to be aggressive, to do as much as we can," he concluded.

THE OPERATORS: THEY ATTACK NEW RULES, FEAR "FLY-BY-NIGHT" COMPETITORS

(By Ed Ryan)

WHITESBURG, KY.—Dan Quillen, coal dust on his gaunt face, sat among bankers and merchants in the Cardinal Restaurant and tried to explain to a reporter the problems a conscientious mine operator faces in complying with the federal Coal Mine Health and Safety Act of 1969.

"The thing is, we don't know what to do to comply in some cases," he said. "Somebody's got to tell us how to do it. . . . We're playing the game under a new set of rules."

Thirty-five years old, a business-administration graduate of Berea College, a school teacher at one time, a former purchasing agent for a large coal company—Dan Quillen's background may not be typical of the average coal mine operator in Eastern Kentucky.

But his frustrations in dealing with certain sections of the 1969 federal law at his underground mine near Sandlick Creek illustrate a pattern of confusion and consternation among many operators of both small and large-scale mines.

In numerous interviews with mine operators, criticisms such as these emerged:

"The law has reduced the safety in the small mines of Eastern Kentucky, rather than improve it."—B.F. Reed, a respected coal official of the Turner-Elkhorn Mining Co. at Drift.

"This law was designed to stop spectacular accidents such as happened at Hyden (where 38 men died in an explosion), but it hasn't got down to the real nitty-gritty matters of safety."—Harry LaViers Jr., vice president of operations of Southeast Coal Co. and a knowledgeable mine technologist.

"The law requires us to put up 100 per cent more capital for a new mine we open . . . and the customer pays the bill in the end."—Robert Gable, whose family owns and operates the mines at Stearns in McCreary County.

Some small mine operators, who have been successfully dodging compliance with many of the federal law's regulations, may now get what coal they can from their underground mines, anyway they can, until closed down by the inspector.—Another operator who asked not to be identified.

On that day in the Cardinal Restaurant, Dan Quillen was worrying, among other things, about how he was going to comply with the law's requirement on respirable dust at the face of coal seam.

"Respirable dust" is coal dust in the mine's atmosphere that is so fine that a person's natural respiratory organs can't remove it from the body. It lodges in a miner's lungs and eventually reduces the capacity of the lungs to such a degree that any type of exercise is very tiring and eventually becomes impossible.

Under the federal law, the atmosphere in the mine can contain a maximum of 3 milligrams of respirable dust per cubic meter of air.

"We didn't even know the right procedures to measure the dust," Quillen said, adding that he sent his mine foreman, Roy Jordan, to a three-day school at Norton, Va.

It was found that Quillen's small underground mine had an average of "better than 7 milligrams" of respirable dust. Just to find this, however, took some doing.

"Honestly, by ignorance, we messed up 20 samples. The Bureau of Mines rejected them, and we had to do them over."

Late last year, using water sprays at the face of the coal and diverting more ventilation to the face, Quillen was able to make progress—he had his dust down to 4.39 milligrams. The inspector, satisfied, gave Quillen an extension of time to reduce the dust.

But last week, the latest samples of dust were returned by the inspector with the discouraging news that the respirable dust was back up to 5.2 milligrams per cubic meter of air.

"I don't know what we can do, "commented Quillen. "Just keep trying I guess."

The real problem comes late in 1972 when the federal law will require respirable dust to be down to 2 milligrams.

The mine operators interviewed do not object to the intent of the law—better health and safety provisions for the miner. But they resent that the law has lumped East Kentucky mines in the same category as the deep-shaft "gassy" mines of West Virginia and Pennsylvania, considered to be potentially more dangerous.

Reed, the 73-year-old spry treasurer of the Turner-Elkhorn Mining Co., explained that "any part of the law that experienced, qualified underground mine personnel believe contributes to safety, we are ready to comply with.

"But there's a tremendous difference between the deep-shaft mines and the mines (in East Kentucky) above the water level—in the area of ventilation, for instance.

For instance, Reed explained, the "wing curtains" used near the mining face of the coal tends "to obstruct the view" of the miners and was put in the law "for imaginary dangers."

The wing curtains, made of heavy burlap-like material, direct air currents from the mine passageways onto the miners nearest the coal face.

LaViers said that the additional air circulation caused by the wing curtains is "colder than hell and dry—the humidity drops to zero. It's hellishly uncomfortable, and you end up trying to heat the air going into mine. . . . By trying to solve problems you present others."

Reed adds that "the miner himself doesn't want the wing curtain and unless there's someone there to hit them over the head they won't use it."

Talk to quiet-spoken Elmer Whitaker, head of the Whitaker Coal Co. in Hazard, and you find he's bothered by basically the same parts of the law—the ones dealing with respirable dust and ventilation.

But there's another hang-up for him—the great increase in paper work.

"You have to fill out so many reports that you don't do what you're supposed to be doing to protect the miners' safety," Whitaker complained.

"You've likely got some problem in the mine you need to be in there seeing about, rather than filling out reports for the government."

This dislike of "paper work" may be why many small mine operators have not bothered to seek Small Business Administration loans to pay for the cost of complying with the law.

"As a breed, the small operators and rugged individualists who are impatient with red tape," says Gable, a comparatively big mine operator. "Not many of them are willing—or sometimes able—to fill out a 58-page application for a government loan."

Even though Gable believes that basically the health and safety act is a "good law," he thinks it has "turned out to be a nightmare" in some respects.

The rigid regulations and a "grossly unrealistic" compliance timetable, caused many small underground miners to switch to surface and auger mining, he says.

There was some concern expressed that money-hungry, fly-by-night operators will—because of the stringent law—rush into the coal-wealthy mountains, "hog" what coal they can reach easily and leave the land destitute and the remaining minerals unreachable.

A number of small mine operators, who aren't as safety-conscious as others, are asking themselves whether "we simply continue (outside the law) as we always have been doing and wait until we are closed down?" Gable says.

"Most, if not all, small mines cannot afford to operate legally under the law," he commented. "When, then, do they get closed down?"

Another operator said that if the profit margin is not "significantly greater" for small mine operators, then 99 per cent of such mines, hiring 15 or less men, will eventually be closed for non-compliance with the law.

This, in turn, the operator said, will result in "poor conservation of mineral resources" in the Eastern Kentucky coal fields by some small operators who may seek out the "easy" coal before the strong arm of the federal inspector drops on them.

Others feel that the unscrupulous mine operators cast a bad reflection on mine operators striving to comply with the law.

"Those people who try to do right suffer at the expense of those who do wrong," LaViers said.

Union Activity: UMW Record of Miner Protection Damned and Defended

(By Bill Peterson)

Farmington, W. Va.—Mrs. Judy Henderson has many painful memories about the explosion two years ago at Consolidated Coal Company's Mountaineer Mine No. 9 which killed her husband Paul and 77 other miners.

But among the most vivid is one of the president of the United Mine Workers (UMW union W. A. "Tony" Boyle on the evening news.

While mourners still clung together outside the mine, Boyle told a press conference that Consolidated Coal was a "cooperative," safety-minded company.

"I know what it's like to be in an explosion," he said. "I've gone through several of them. There is always this inherent danger connected with mining coal."

Consolidated Coal, he emphasized "is one of the better companies to work with."

Then only 21, Judy Henderson had grown up in the coal fields and she knew of mine dangers. As children, she and her husband played on the grounds leading to Mountaineer No. 9, and they had watched when an earlier explosion took 16 lives in 1954.

Boyle's conciliatory statements about the coal company baffled her, particularly after she learned a few days later that the mine had been found in violation of federal rock-dusting regulations in all two dozen inspections that the U.S. Bureau of Mines had made since 1963.

"I hated Boyle right then," she recalls. "I couldn't believe someone could say that right there in front of the mine where all our husbands were buried alive."

Her 24-year-old husband, she said, had frequently complained "how the union hadn't done anything for coal miners in 20 years."

"He was mad at the union, even his father and the local union members for not speaking up about safety," she added. "Now I knew what he was talking about."

So did UMW critics like U.S. Rep. Ken Hechler, D-W. Va., and consumer crusader Ralph Nader. For months, they had charged that the union hierarchy's cozy relations with coal companies had made them more interested in coal production than safety.

A federal jury in Lexington, Ky., had given a measure of credibility to their accusations three weeks before when it found the UMW and Consolidated Coal guilty of conspiring since 1950 to create a monopoly in the soft coal industry and force small coal companies out of business.

Although the U.S. District Court jury had awarded $7.2 million in damages (a judgment later appealed) to South-East Coal Co., of Irvine, Ky., the case created little stir.

The Farmington disaster and Boyle's statements following it, however, became a bizarre milestone in both the history of mine safety and union politics.

Within a little more than a year, Congress had enacted the toughest mine safety law in the nation's history. And the UMW found itself entangled in a bitter power struggle in the course of which Joseph Yablonski, who had challenged Boyle's leadership, was shot to death and the U.S. Labor Department and a Senate Labor subcommittee had initiated investigations into union affairs.

Much of the controversy involved mine safety.

The slain Yablonski, according to his son Joseph, Jr., first considered opposing Boyle's re-election after the Farmington incident. The challenger's campaign was marked with frequent charges that the union was disinterested in mine safety.

The union's actual record is a mixed one. It has supported and lobbied for almost every tough mine safety measure ever presented to Congress. Yet only three times in recent times (1941, 1952 and 1969) has it succeeded in persuading national lawmakers to adopt major mine-safety bills.

Some critics have wondered how serious the union is about the subject. At the time of the Farmington disaster, for instance, it employed only one safety expert in its Washington headquarters and its district offices reported spending only $14 during the year on safety education in West Virginia.

The union's record on the issue of the miner-crippling black lung disease has also come under severe attack. Although England had recognized the disease as an occupational hazard for 26 years, UMW policy-makers did little about it until three West Virginia doctors began barnstorming the coal fields in 1969 warning miners of its dangers.

Then rather than joining the doctors Boyle condemned them, and his district officers threatened miners who joined the doctors with expulsion from the union. "We're not going to destroy the coal industry to satisfy the frantic rantings of self-appointed and ill-informed saviors of coal miners," Boyle said.

The UMW has little patience with critics. Its official newspaper, the UMW Journal, has labeled them "finks," "troublemakers," "spies" and "stool pigeons."

For decades, the union was the sole force to agitate for mine safety, UMW spokesmen say. And, they say, reformers—including Yablonski who sat on the union's elite executive board beginning in the 1940s—had little to say on the subject until after the Farmington disaster.

If progress has been slow in the past, the UMW spokesmen add, it is because the union has had to fight the opposition of coal operators and politicians controlled by coal operators.

"We've never been soft on safety," says UMW safety director Lewis E. Evans. "And I hope we never will be."

He maintains that the union has been particularly vigorous on mine safety during recent months. A year ago, for example, the UMW named a safety director for each of its district offices, of which there are three in Kentucky.

The explosion at Hurricane Creek, Ky., in which 38 men died, occurred in a non-union mine—Leslie and Clay counties have traditionally resisted most union organizing efforts—but the UMW has kept close tabs on it.

The union had osbervers on the scene and the UMW Journal devoted 17 of the 32 pages of its Jan. 15 issue to mine safety. President Boyle and assistant editor Rex Lauck took particular pains to point out that since the

Finley Coal Co. was a non-union operator its workers "could look only to the government for protection" and their survivors could count on receiving only meager government benefits.

The union placed the blame for the accident on the coal mine operator and the government's failure to enforce the federal Coal Mine Health and Safety Act. "Chances of a disaster of this nature are lessened at union coal mines where there are in existence active safety committees," said Safety Director Evans.

His point is a crucial one.

Since 1946, UMW collective bargaining contracts have included provisions for a safety committee in every mine with the authority to pull men from the mine if there is an "imminent danger" to their safety.

In theory, the committee are vigorious watchdogs and a valuable safety valve for miners.

In practice, their effectiveness varies from mine to mine depending on the persistence of individual committee members.

But one federal mine inspector noted:

"Committeemen have a dual allegiance. One is to the union, the other is to the company that hires them. It takes an unusual man to tell the company that is putting bread on his table that he's going to shut it down for a safety violation."

By contrast, John Huffman, who works the hoot-owl shift at Kentland-Elkhorn's Spruce Two mine not far from his home in Lower Pompey, Ky., is a soft-spoken, but adamant defender of the union safety committee system.

He's worked in both union and nonunion mines and feels union operations are much safer. "In a nonunion mine they can always find out a way to get rid of you if you raise too much fuss about safety," he says.

Huffman has been a mine safety committeeman for two years and believes "our mine is about as safe as you'll find." There hasn't been a fatality in those two years, and few serious accidents, he says.

"With a union mine you've got the organization behind you," Huffman says. "When we tell the mine superintendent that something's wrong, he'll usually get it fixed right quick. If he doesn't we call Squire Feltner (a Boyle loyalist and safety coordinator in the District 19 office in Pikeville). He's behind us 100 per cent. The district supports us all the way"

Landell Thornsberry, a miner for 33 years and a long-time UMW dissident from Wheelwright, Ky., disagrees.

"The union's let the safety fight drag," he says. "The district won't stand behind the safety committees, they won't back them up."

"Maybe a safety committee will find a violation and threaten to go out on strike," he continues. "The district officers, they'll come to the safety committee and say 'Boys let's get back to work. We'll straighten this out.' Then they won't. People lost confidence in them."

But even Thornsberry agrees that a miner is better off with a union than without.

"Without the union a miner's got nothing," he says.

The Survivors: Pride in Their Men Tempers Quiet Grief

(By Carol Sutton)

MANCHESTER, KY.—There are 34 widows—the youngest is 17; the eldest 64. 109 sons and daughers. Mothers and fathers. Sisters and brothers. Uncles and aunts and cousins.

All of them, with the exception of a few older children who have married and moved away, live along an approximately 35-mile stretch of Kentucky Highway 80 between Hyden and Manchester through Leslie and Clay counties and on the dirt hollows and black-top roads that lead to places called Granny's Branch and Bob's Fork, Ulysses Creek and Patch Branch.

For the survivors of the 38 men who died Dec. 30 in the mine explosion at Hurricane Creek, there is still pain. It shows in their eyes; all the tears have not been shed. It sounds in their soft and gentle voices, which catch sometimes and trail off.

The families of all 38 men were contacted; three refused to be interviewed. A few others were reluctant to talk to a reporter, but even if they didn't intend to tell much about their lives since the tragedy, their basic courtesy compelled them to extend a "Come in," in the way the mountain people have of making it an invitation and a friendly command.

How the families are responding to the tragedy that personally touched hundreds of lives in these two counties is as varied as the individuals who are affected. Some show great strength; others are still dazed. Some are resigned, accepting; others are angry. Most believe that there will be no changes in the way people live and work in these coal counties as a result of the Dec. 30 disaster; a few have hope that there will be changes that will make life better for all who live in the area.

But there are things these families have in common:

Pride in their men—men who died working, and working hard in a dangerous occupation, to support their families.

Determination that their sons will not work in the coal mines. They would prefer that the boys not have to leave their families and find work in another state, but many say they would rather they'd leave than go to the mines.

Hope that their daughters will not marry men who have to work in the mines, and, therefore, "not have to go through what I have been through."

Belief that education is what will keep their children out of the mines.

Mrs. Lonnie Collins, who lives in Leslie County, showed a photograph of her husband who was killed Young, curly-haired, horn-rimmed glasses, good-looking.

"He was to me . . . and a good man. Twenty-eight years old, and he had never had a taste of beer. What little time he had he spent with me and the baby. He was precious to me."

Mrs. Collins said that her husband spoiled their baby, Sandra Gail, 3½, but that when she would tell him that he shouldn't buy her something, "He'd say. 'Well, that's why I go under the mountain—to get her what she wants.'

"We made it well enough on what he made. We have a car, as much as poor people could. . . . We had plenty to eat, plenty to wear, a good warm house, a good bed to sleep on. And love. That meant it all."

A sense of quiet grief, hopeless loss is what first strikes you in these hushed houses. But pride soon surfaces, softly.

Mrs. Earl Phillips, 40, a mother of eight who lives on Elk Creek in Clay County and whose husband of 25 years died in the blast, said, "I wouldn't trade what life I had as a coal miner's wife for the richest man on earth. I'm proud that I was a coal miner's wife. . . . Just about everybody in this neighborhood except a few are living off the state. A coal miner lives better than anyone can live off the state."

Mrs. Stanley Roberts, 38, is proud that she and her husband, who worked in the mines most of his 44 years, paid their bills, didn't get welfare checks and reared their four sons to depend on themselves. It was difficult for her to accept the one-month's public assistance check, and at first she refused food stamps and gifts of food, but later accepted them.

"We didn't live that way before he died. We won't live that way now. The welfare check has put me back on my feet. Now it's up to me to stay on my feet," Mrs. Roberts said.

She worries, however, about how she's going to manage. She'll draw Social Security benefits only until her 12-year-old son reaches 18, and after the Workmen's Compensation checks stop her only income will be a $64 a month veteran's pension until she reaches 62.

Most of the families involved in the tragedy have lived in the same area for generations; it's their home, their families are close, and they like it.

"The people away from here, they look at us like we're stupid to want to live here," said Mrs. Lawrence Gray, a 26-year-old widow with two children who lives on Billy's Branch in Clay County. "Well, they look as stupid to us as we do to them."

Some of the widows have not been able to bear staying in their own homes since the tragedy and have gone to stay with their parents or grandparents. To Mrs. Arnold Sizemore a 26-year-old widow with three children who lives on Big Creek in Clay County, "You don't get away from it any place you go, so it don't matter much."

It has been of great comfort to most of the widows to have their families nearby, and they all say that "people have been real nice" and that no one has tried to take advantage of them. The one complaint they have about their area—and it's repeated over and over—is that "without an education, there's no place around here to work except in the mines."

Mrs. Frank Hoskins, the youngest widow, who is 17 and dropped out of high school in her junior year to get married, said, "There's nothing around here to work at, even if you finish high school."

"If you have anybody in under the mountain, you worry about them," said Mrs. Lonnie Collins. "You always expect something to happen to them. . . . at least, that's the way I was. I would kiss him 'bye' and tell him to be careful, two or three times. Then I'd pray to myself that he wouldn't get hurt."

Some of the men had worked at other jobs, or in other cities and states. But many of them liked working in the mines and they liked their fellow workers, according to their widows. And they wanted to be with their families. But even among those who liked the work, not one of them wanted his sons to follow him there.

"He took us in a mine one time, and when we came out he said that's the last time he ever wanted to see one of us in a mine," said William Thomas Roberts, 19, a senior at Clay County High School and the son of Mrs. Stanley Roberts.

Most of the parents had not finished high school, and the widows see better education than they had as the way their children can find jobs other than in a coal mine.

For her daughter, Mrs. Lonnie Collins said, "I would like to live to raise her up and educate her as much as I could. I would like her to go to college and like her to have things that I never did have. I know that's what he would want. That was always his plans—to give her as much education as we could give her."

For Edith Harris "It's Like a Dream"

CHOP BOTTOM, KY.—Edith Caudill Harris, whose 35-year-old husband, Lester, died in the mine explosion at Hurricane Creek, is one of the few miners' widows who have jobs. There aren't many jobs for women in Clay County, Mrs. Harris said, and she counts herself "just one of the lucky ones."

Mrs. Harris, who has three sons, ages 7, 10 and 13, has worked since 1967 as an aide in the Head Start program at nearby Paces Creek. She started as a volunteer and now is a teacher's aide. Her take-home pay is $264 a month.

Her house, a bright white frame, neat and clean and comfortably furnished, shows the care it has been given. It was Jan. 30, a month to the day since her husband and 37 other men were killed, but Mrs. Harris, shown above with her son Glenn, agreed to talk about her life as a coal miner's wife and her future as a widow. What she said reflects many of the experiences and concerns that the families share.

"He had worked in the mines for 18 years, since he was 17. We were married 15 years, the 21st day of December, but, seems like, we were newly married all over again, we got along so well. I'm 30 years old . . . that's half of my life.

"He didn't get very far in school, 6th or 7th grade. He seen where he made his mistake. He said he wanted his boys to get a good education so they would never have to go in the coal mines. He's taken them to the coal mines to show them where he works. It would frighten them to look at it. . . .

"He knew there was no other work in Clay County to do but the mines. I begged him to quit about a month ago. Every day I was frightened, afraid the phone would ring and someone would say he got killed. . . . It don't seem real to me. It's still like a dream. I look for him to come home every night. . . .

"His two sports was hunting and fishing. When I begged him to quit the mines and get another job somewhere else, he said he wanted to stay here so he could hunt and fish. He knew all the fishing places. It's going to be hard when summer comes. He took them (the boys) fishing. Now I'm the only one they have got to look to to do all these things boys do."

Mrs. Harris pointed to a new gold pickup truck in the driveway. "He'd been wanting a new truck for a long time. He came home one day and said he had found the truck he wanted, and he asked me could he buy it. I'm proud of what I answered him. I said, 'You work in the coal mines. You work your money out. You buy what you want to.' I'm proud of what I answered him."

A Lone Victim: Junior Was Typical of Many Ill-Fated Miners

(By David V. Hawpe)

Beech Fork, Ky.—When they came to the house to tell Annie Ward her son had been crushed under a 10-ton rock, she whispered, "Take him to the church."

Annie never saw her son, "Junior," again. The snow that started out powdering the tattered edges of the high cliffs finally began to move into the valley as they brought his body down from the mines.

And Annie could not make her way through the thick drifts in her wheelchair.

She sat inside her tiny house, where Junior was reared, and she looked through the window. A short distance down the road she saw the boxy Pentecostal church, wearing its gray shingles like a neatly tucked suit. Inside sat the closed coffin.

Grant Wilson Jr., a son of Mrs. Ward's first marriage, was another in the forlorn procession of miners who die each year, unattended by the quartz lights of the network television crews and the busy presence of state and federal mining officials that go with major disasters.

No White House official was there to help Annie reach into the jumble of bureaucratic cords and pull the right one for help.

For her son was one of 49 men who died unheralded in Kentucky mines last year. His life ended the day before the Finley Coal Co. mines exploded on Hurricane Creek. That blast caused a national uproar over coal mine safety for a few days and brought special state and federal action to speed help for survivors of those 38 men who died together.

It has been more than one month since Grant Wilson Jr. died, and his invalid mother has not received her lump-sum death benefit from the Social Security Administration.

The Department of Economic Security in Frankfort finally called the public assistance office in Hyden on Jan. 25 to find out from Annie's neighbors what was being done to help out.

The U.S. Bureau of Mines has assessed no penalty against the operators of the mine in which Grant Wilson Jr., died, even though the official investigation of the accident found that management was at fault. In fact, the bureau had not inspected the mine in which this young man died, before the accident.

The Kentucky Department of Mines and Minerals determined that Grant Wilson Jr. was killed while working in a section supposed to have been abandoned for years. A state inspector swore out a warrant for the operator of the mine some five weeks after the accident, charging violation of a section preventing persons from entering abandoned mines.

How does a young man like Grant Wilson Jr., come to an end such as this? What special circumstances drove him into the mines? What unique history moves him to ignore the obvious hazards of working in a small, hilltop mine?

He was born on the Middle Fork of the Kentucky River in Leslie County. Annie Ward had a sister, Flora Howard, who lived over the Middle Fork. So she went there to have the baby. It was her first.

He had red hair and fair skin, which would cause him the usual grief suffered by all red-headed boys in grade school.

"Oh yes, they teased him awful about the red hair and freckles. Maybe that had something to do with the way he was."

Annie sat in her wheelchair as she talked about her son. She occasionally would lace her left hand on the side of her head, near the bun of silver hair. It was a gesture of hurt, almost like a wince.

"His daddy was killed before he was born, so he never saw him."

Grant Wilson Sr. was shot on the Middle Fork, and they never caught the man who did it. But Annie married Roy Ward soon after Junior was born, and Ward was the only father the boy ever knew.

"He worked in the logwoods," Roy said. "But he first started in at Peter Branch School. He went to the seventh grade I think. After that he worked in the logwoods. Hard work."

Why did he quit school?

"Financial circumstances. I think that's what you would call it. Financial circumstances. He did good in sechool. It was financial circumstances."

By the time he was 18, Junior had passed through the stage when other teenagers teased him about the red hair and freckles. But he had become a loner. And he was not satisfied with the catch-as-catch-can existence of the coal field.

It was particularly difficult in Leslie County, since it was almost a colony of the Ford Motor Co.

When Henry Ford's agents bought up two-thirds of the county's mineral reserves and timber, the notion was that wood would be needed for spokes in the automobiles he was producing, and the coal would be needed for steelmaking to supply the car manufacturing plants.

But wooden spokes didn't last, and Henry Ford found other places to buy coal for steelmaking. So Leslie County never was developed. It never got a railroad. It never got a decent road, until U.S. 80 was driven in a tortuous path up the hollows and around the points. It remained, essentially, a dormant colony.

So Junior Wilson left, like thousands of others. He joined an exodus that poured 30 per cent of the county's population into the industrial centers of the Midwest between 1950 and 1960.

Junior Wilson found a place at the U.S. Steel plant in Lorain, Ohio. He was only 18 years old. The Korean War was on, but he had been turned down for service.

Like so many mountain people who gather in colonies inside the Midwestern industrial centers, he yearned to come home. Finally he did come back, to work for the telephone company. But that didn't last either.

"He worked at first one thing and then another," Annie said. "He went back to Lorain to work about four years ago, but he came back and I got sick."

A tall, handsome woman in her time, Annie now speaks most easily with the changing expressions of her large gray eyes. The stroke that put her in the wheelchair left the right side of her body paralyzed.

Public assistance allowed the family $40 for Junior to take care of his mother.

"He cooked breakfast the day he was killed," Annie said, her eyes bathed in a glisten. "He always left before daylight, and we had his water ready for him when he came home in the evening. They had no bathhouse, so he washed here."

Junior worked a total of five years in mining. He had been a general laborer in the Beech Fork Coal Co. Mine No. 1 for about one year, off and on, before he died there.

The mine's history is a strange one. It was operated by Roy Shotton, and local people call it the Shotton mine. It enters the coal seam just below the crest of the mountain, and the passageways are comparatively high, averaging 60 inches.

It had been operated intermittently for years, to produce house coal for sale in the immediate area. Sometimes 200 tons a year. Sometimes 300 tons. A mere runt-sprig in the orchard of the coal industry, and, because it was small and only operated during months when house coal was needed, it seemingly escaped the notice of the U.S. Bureau of Mines.

T. R. Mark, in charge of the bureau's Barbourville office, said as far as he knew there had been no inspection of the mine by bureau men. "They are supposed to get a license from the state . . . I don't know if they did or not."

The state did inspect the mine twice in 1970, and both times found major violations which were supposed to be corrected before work began. For example, on June 24 inspector Everett Bartlett found no fan installed, wiring poor, buildings only fair, wood tipple in disrepair.

On Sept. 22, another prework inspection was held by Bartlett. The fan still was not installed, and wiring and buildings were rated only fair. No map of the mine was available. No permit had been obtained to make the new openings. No substantial canopy was erected over the portal where men were required to travel into the mine.

Junior Wilson did not want to go into the diggings, according to his mother and stepfather. Other relatives also say he told them it was a dangerous place.

"But he had bought his used car from the Shottons, and he was workin' it out when he was killed," Roy Ward said. "He got $12 a day, and it was paid in cash at the end of each shift. Out of that he had to pay for the car they had sold him.

"He paid them the day before he got killed—paid them $10."

It was lunchtime on Dec. 29.

Junior Wilson was coming out of the mine to eat. In front of him was his friend Eugene Howard, driving a load of coal from a previously abandoned section where the state never had given permission to work. Barney Huff was walking about 10 feet behind Junior.

They were 200 feet from a waterway opening to the outside of the mountain when the roof began to move. Howard heard the roof break, jumped from the shuttle car, ran to the outside and called for Roy Shotton. Barney Huff ran toward the face of the coal, circled around in some old works and came back to the shuttle car.

He found Junior pinned beneath a slab of rock 30 feet long, 10 feet wide and between 8 and 24 inches thick. It was 12:10 p.m., and Junior was dead.

The Department of Mines and Minerals was notified at 3:30 p.m., and Bartlett came over to investigate the next day. He was joined by Bureau of Mines inspectors Gordon Coch and Kenneth Martin.

Shotton told the inspectors he had been outside the mine on the tipple when the accident happened. He showed them where they had timbered, then had pushed the rock up with a hydraulic jack to free Junior.

The remnants of the collapsed sandstone were still there.

Junior was buried in the snow and 100 came anyway.

"I don't know what we have to get by on," Annie said later, looking out toward the knoll where he was buried. "I draw $79 public assistance and $32 Social Security. Roy gets $72 Social Security. He can't work. He's under a doctor, too.

Roy said Shotton came by to give them $1,000 for burial expenses, "but he never came to the funeral . . . never came by except to give us the money."

The Kentucky Department of Labor has sent two letters to Shotton, to find out whether the mine had workmen's compensation coverage. No answer was received the first time, and the second letter prompted a return marked "Moved" with no forwarding address.

Fred Faust of the Department of Labor then called the Department of Mines and Minerals to see whether there had been a change of ownership. "They had not received word of any change in this operation," he said.

So Faust sent the information to the attorney general of Kentucky Jan. 12 for investigation into possible violation of the Workmen's Compensation Act, and that is the last that Annie and Roy have heard from that.

J. Keller Whitaker, of the Workmen's Compensation Board, had no employer's report of injury concerning Grant Wilson Jr.

Workmen's compensation is required under Kentucky law, for mines with three or more employees. The Shotton mine did have that many employees on the day Junior died.

Why did Junior work in such a mine? Annie answered, "Well, it was the only thing he could get, and stay here to help me."

The Social Security office at Corbin processed the application from Annie Ward, as quickly as possible. But there was no airplane trip to hand-carry her claim through the payments center and the check-writing office in Philadelphia. That's how the Social Security Administration gained two weeks over the normal delivery time for benefit checks when the 38 men died at Hurricane Creek.

Annie never was asked to come to the special center that was established Jan. 4 at Manchester for survivors of the mass tragedy. She heard about it on the radio, but she did not go.

The state and federal mine officials did close down the mine where Junior was killed. And the federal people said it cannot be opened until specific safety requirements are met.

The federal report concluded, "Failure of management to have the room adequately supported was the direct cause of the accident. Failure of management to adopt and use an approved system of roof support and properly evaluate the roof conditions along the haul ways were contributing factors."

Annie Ward is intimidated by the kind of dry language used by the report to explain her son's death. She is intimidated by her predicament as well: "I don't know how we can get along with the little we have got now. He was a big help to us. He was helping keep us going."

And outside, the noisy winter day slipped into afternoon. The wind blustered like March, and the river currents would circle down toward the Middle Fork, then move north toward the main Kentucky River. There the waters would ease through the lush Bluegrass country on their way to the Ohio River. And the Ohio would take them slowly past Louisville, Owensboro, Evansville and Paducah. Finally they would join the mighty rush of the Mississippi toward the place where inland America fans at the Gulf of Mexico.

"Sometimes I think we're so far back, people forget about us," Roy Ward said.

A MINING CAREER: DANGER'S JUST PART OF ANOTHER DAY'S WORK

(By Bill Peterson)

WOLFPIT, KY.—Ask a coal miner about safety, and he'll tell you he doesn't want his son to be a miner.

"I didn't bring 'em up for that," he'll say. Or, "I wouldn't let him near a mine. It ain't much of a life."

Miners seldom mention it without prodding, but what they're talking about is the danger and uncertainty of a career in the mines. For mining is the nation's most dangerous occupation.

It is an occupation four times as dangerous as trucking; two and a half times more perilous than lumbering. One miner in 12 who enters a mine in his early years can expect to be killed before he reaches retirement age. A 1965 U.S. surgeon general report said that more than 100,000 miners suffered from coal workers pneumoconiosis, or "black lung."

Translated into the experience of individual miners this means backs broken by slate falls, legs crushed between machines and death in varying forms. It also means individuals and their friends who have breathed in so much coal and rock dust that they can't walk up hillsides and who wake up in the morning spitting chunks of ugly black sputum.

Miners, however, learn to file away these things in the subconscious.

In the words of one union official who blames miners themselves for 90 per cent of the safety violations in the mine where he works, "They learn to look at danger as just a part of another day's work."

Many have little choice. They work in mines because there is little else to do in their home regions, particularly here in Eastern Kentucky. And it is the only thing they or their fathers know how to do.

But when it comes to their sons, most want something different.

For example, take Darwin Clevinger, who lives in this tiny coal town 20 miles south of Pikeville. He is among the elite of Kentucky miners—a union man who has worked without major layoffs or injury for all of his 28 years in the mines.

Mining has been good to him. He owns two cars and lives in a recently remodeled house halfway up Wolfpit hollow. His living-room walls are wood-paneled, and there is a lush carpet on the floor.

He works in what he calls a "safe mine" owned by Republic Steel and expects to earn up to $10,000 this year. In addition, the United Mine Workers Union's Health and Welfare Fund guarantees him free hospital and medical care and a monthly pension of $150 when he reaches age 55.

"I enjoy working in the mines," he said one evening. Scrubbed and shaven after a hard day's work, he looked more like a preacher than a coal miner.

"Miners are a jolly bunch of people," he continued. "You feel awful close together because it hurts real bad when one of your buddies gets killed.

"There's something about the mines. After a man works awhile in them he gets to like the work, and he doesn't want to do anything else. It grows on you."

Clevinger's two sons, however, may never see the inside of a mine.

"I educated them not to be miners," he says. The oldest, 28-year-old Gary, is a barber in Ohio. Terry, 21, is a senior majoring in business management at Morehead State University. Clevinger's daughter, Kitty, 17, is a senior at Millard High School, and he would prefer that she not marry a miner.

He is somewhat uncertain about just why. "I'd just druther they stayed away from the mines," he said.

The same kind of answer come up constantly in dozens of interviews in recent months with miners in Eastern Kentucky, West Virginia and Pennsylvania.

In an industry scorned by youth—the average coal miner is 55—most interviewed were middle-aged. All said they were concerned about safety.

Most thought that the mine where they work is safer—often despite federal inspection reports to the contrary—than other mines. Most felt that they are more careful than their co-workers, and thus safer and less accident-prone.

All agreed the federal Coal Mine Health and Safety Act of 1969 has made their work safer. But most admitted frequently breaking safety regulations, including some of the same violations found in the Dec. 30 explosion which killed 38 miners at Hurricane Creek near Hyden.

A recently retired miner in Wheelwright, Ky., for instance, said it was common practice in the mine where he worked to shoot boom holes—sites for loading the coal—with 100 boreholes filled with explosives and not evacuate miners from the areas. State inspectors have blamed these same two illegal practices along with the use of outlawed primer cord, a ropelike explosive fuse, for the Hyden disaster.

"I shot hundreds of times like that. Only thing we didn't use is that primer cord," he said. "I've done it. I'd do it again. Miners just take chances."

Few miners appear ready to do anything about safety on their own—particularly if it means a confrontation. Most simply have resigned themselves to the fact that they work in a dangerous business.

"Miners are like a lot of other people. They don't like to get involved," said J. B. Trout, a union-local president in Stone, Ky.

"Then in these nonunion mines lots are afraid to stand up in front of the company. They can always find out a way to get rid of you if you raise too much fuss about safety."

Walter Coleman, who has never worked in a union mine, agreed. "All the operator cares about is running a little coal—not the man," he said one Saturday morning. "If you don't watch out for yourself, no one else will."

Coleman is 27 and the father of three. He is one of the few young men left in Lower Pompey, another coal town a few miles from Wolfpit. "All the rest of the young fellas here went to the car factories up in Detroit," one neighbor explained.

Coleman plans to spend his life in the mines. He has tried working in Illinois but feels he can do better at home in Pike County.

"I own my own little house and everything in it," he said. "It's not much, but it's mine.

"Besides, you can get killed in that car of yours. It's all in watching what you do."

"My 2 Tons of Coal": A City Boy Operates Monster Machine Under Mountain

(By Ed Ryan)

MARLOWE, KY.—I mined two tons of coal the other day. It took me roughly three minutes.

Nothing to it, really. Just step up to that 30-ton, 30-inch high (that's right) monster of a machine, climb into the operator's seat, pull a throttle and feel a powerful sensation as the monster's teeth grinds into the face of the coal.

Of course, Henry Hatton was by my side to assist. He's the regular operator of the monster. He's also a kind and patient man.

While I pulled the throttle, Henry was adjusting about eight gears that gave the machine its direction. And he shouted instructions to me over the noise—"Give it gas," "now let up," "LET UP," "now gas," "GAS," "not too much," "too much."

Kind as he was, I got the feeling that Henry was glad when I had mined my two tons of coal.

All the fellows at the small Smith-Elkhorn Coal Co. mine in Letcher County were kind. They wanted to show a city boy that coal mining wasn't such a bad business, despite the tragedies of Farmington, W. Va., and Hurricane Creek, Ky.

Young Dan Quillen, the mine operator, talked about the business as he led me through the dark and low-ceiling passageways of his mine.

"Mothers tell their sons to get an education so they won't have to go in the coal mines," he said. "I really, honestly, don't understand that."

Quillen's mine isn't as bad a place as I had figured it would be. But his mine may not be typical—there are many that are worse and some that are better.

For one thing, the coal seam rises as high as 60 to 65 inches, meaning at times I could almost walk upright. At its lowest point, the roof, or ceiling, of the mine was about 40 inches high and I was squatting and grunting as I tried to keep up with Quillen. A rock seam between two seams of coal causes the high ceilings in this mine.

By contrast, the Hurricane Creek mine near Hyden, where 38 persons were killed in an explosion Dec. 30, has an average roof height of 30 inches.

We made our way to where the work was—about 3,500 feet from the entrance. We had been following a conveyor belt that takes the coal outside to a railroad coal car waiting under a chute. Also a 13,000 volt electrical line trailed along with us to the mining equipment.

The "monster" machine is impressive. It is called a "continuous miner," a term I once figured was a peripatetic man who never rested.

Its "oscillating head," which gets the job done at the face of the coal has huge rotor-like cutters that are spiked with 84 carbide bits. These rotating bits tear into the coal seam, first vertically, then horizontally.

Sitting in the operator's chair (the operator is called the "high-risk" man), you are 20 feet from the action. A tremendous amount of dust is generated when the monster bites into the coal seam.

"When you break the coal, you get dust," Jordan said.

You only go into the seam 20 feet at one place, for safety purposes. A roof-bolting machine then has to go where the coal has been mined and secure the mine roof from possible collapse at that point.

Because of the swift air current sweeping the face of coal—due to an apparently adequate ventilation system—I wasn't getting any of the dust that was being generated 20 feet from me, or so I thought at first.

But as the machine, under my non-expert guidance, moved deeper into the seam, I got my first good whiff of dust and my first feelings of claustrophobia. It didn't last long since Henry Hatton figured it was time for him to get back to serious work.

In simplified form, the continuous miner chews out the coal and throws it on a platform behind the oscillating head. "Gathering arms" sweep the small-sized coal to a conveyor belt on the machine, and the belt takes it to a boom-like apparatus that deposits the coal into a waiting trailer.

The low-slung trailer is pulled by a battery-operated vehicle. The coal is taken about 1,000 feet to a conveyor chain which connects with a conveyor belt that goes outside.

During two trips into Dan Quillen's mine, about six hours altogether, I found little which disturbed me. Instead, I enjoyed the experience and felt at times that it would be interesting to work as a miner—for a brief time.

Again, though, Quillen's mine may not be typical.

It wasn't the "dog-hole" that some had warned me about. Quillen doesn't use explosives. The seams are relatively high. Quillen, a Berea College graduate, is a sensitive, cordial man.

"That wasn't so bad," I thought to myself at the hotel room five hours later.

But there were some unpleasant aftereffects. When I blew my nose, my hankerchief was black; my spittle was black the rest of the day.

And I had been at the face of the coal about three minutes.

The Health Issue: Dust Standards Ignored; The Threat of Black Lung Grows

(By David Ross Stevens)

Kentucky miners are either healthier and hardier than those in other coal-producing states or there is a mix-up in the gaining of governmental medical benefits.

Less than one third of the Kentuckians whose applications for black lung compensation have been processed by the Social Security Administration have received them. By contrast, about three fourths of the coal miners in Pennsylvania are successful in gaining such benefits.

Black lung—known officially as coal workers pneumoconiosis—is, basically, a condition in which breathing passages become clogged with fine coal dust, too small to see with the naked eye. More than 100,000 Appalachian coal miners are suspected of being afflicted with some form of the ailment, which can cause death.

While veteran Kentucky coal miners seem to be having trouble getting compensation for their breathing difficulties, their younger fellow workers are facing the same coal dust problem in the future. Despite new federal laws designed to hold down airborne dust, the situation seems to be getting worse.

Some of the reasons for this are:

Bigger coal-digging machines are churning up more dust than the less-automated machines of years ago.

Most coal mine operators have not installed dust sampling devices in the mines as required by the law last June.

The U.S. Bureau of Mines has not applied any penalties for noncompliance to the dust standards.

As coal-mine disasters such as that at Hurricane Creek, Ky., fade from memory the public spotlight on the country's most dangerous occupation also grows dim. But meanwhile the biggest killer of miners—black lung—continues along its anonymous path as steady as the flow of coal out of the mine portals.

After 68 men were killed in the Farmington, W. Va., mine disaster in 1968, the demand for stricter mine-safety regulations brought a new federal law with a hotly contested miners' health section.

Basically, this section provides for restricted airborne coal dust levels, X-ray examinations of miners and money for disabled men. The dust control falls under the U.S. Bureau of Mines in the Interior Department, the X-rays under the U.S. Public Health Service, and the black lung compensation under the Social Security Administration.

The federal Coal Mine Health and Safety Act of 1969 was drafted without the participation of Social Security officials and this partially explains why miners have experienced delays—as long as 12 months—in receiving payments.

Upon passage of the law, Social Security offices were the target of thousands of miners and widows. Without forms of policy guidelines, officials tried to take down names addresses and what they thought would be pertinent information. But they had no idea what information was needed.

Everyone underestimated the black lung problem. Rather than the expected 100,000 applications, Social Security now has 250,000 cases. Of this number, 170,000 cases have been processed with 95,000 allowances and 75,000 denials.

The government has paid out $150 million for black lung compensation at the current rate of $17 million a month. Although Kentucky is the second largest coal-producing state in the nation, its share of this has been relatively small. So far, $11 million has been sent to Kentucky at a current rate of $1.3 million a month.

Of the 33,000 applications from Kentucky miners, 19,000 have been processed. However, only 6,000 Kentuckians have obtained black lung benefits.

One Social Security official who works in Kentucky surmised that the medical evidence presented by Kentucky miners was generally weak compared with that of more-successful Pennsylvanians because radiologists were untrained in black lung and therefore took bad films and read them incorrectly, or they and local doctors were oriented toward the mining companies.

William Rivers, a Social Security official in Washington, preferred to think that Pennsylvania had some factors peculiar to itself only.

For example, he said, the miners there were older as a group and had more exposure to coal dust. Also, the state has more anthracite (hard coal) mines, which result in the related lung disease of silicosis, and the state also had the country's best black lung program complete with medical files on most of the miners. These medical records were readily approved.

In the meantime, the taking of dust samples by mine owners and the medical examination of miners by the Public Health Service have lagged far behind their original June, 1970 deadlines.

"We're not at all satisfied," said Bedford Bird of the Occupational Health Division of the United Mine Workers union. "Fewer than half of the mines have complied on dust standards, and the taking of X-rays is just beginning."

The Public Health Service says it will have most of the 90,000 working miners X-rayed by next June.

Last September—three months after the effective date of the 1969 act—here was the degree of national compliance: of 2,800 mines, 240 sent in dust samples. Of the 240 mines, 145 did not have enough samplings to make a compliance decision. Of the 95 that did send in proper samplings, 45 mines had airborne dust levels within the law, 50 were in noncompliance.

Thus, less than two per cent of the country's coal mines were known to be following the new federal law.

Asked last week how the dust standards were being applied in Kentucky, federal inspector T. R. Mark, chief of the Barbourville subdistrict, replied:

"The December report from our Pittsburgh headquarters shows that 224 mines in this district were not sampling dust and 88 were."

Why aren't they all sampling?

"The manufacturers of dust sampling equipment, I understand, finally have enough ready, but we still have local supplier problems."

When will the 224 mines be in compliance?

"That's hard to tell."

The new law's health section also requires portable toilets, portable drinking water supplies and medical kits underground. Are the mines complying?

"Just a very small percentage," Mark said. "Not that we don't want compliance in this area, but we are concentrating our efforts on roof falls and ventilation plans. That's what kills miners. I've never heard of the lack of a toilet killing a miner."

The inspector said that he has 28 men in his Eastern Kentucky district compared with the 50 to 75 men needed to do "a thorough job."

The federal effort in the black lung field has its counterpart on the state level in the form of the Mines and Minerals Department inspectors and the medical benefits from the Workmen's Compensation Division of the Labor Department.

The state mine inspectors are concerned only with safety regulations. They have no jurisdiction under the federal dust control rules.

The only exception was an experimental dust sampling program undertaken by the Kentucky Health Department with the cooperation of the state inspectors. The resulting report showed the great potential for black lung in most Kentucky mines.

More than half of the state's underground mines have high amounts of coal dust harmful to the miners, the report said, and the more mechanized mines have an average of four times more dust than the new federal law allows.

The Health Department report—released last November—had been ready for at least nine months. However, it had been kept under wraps by the Administration during the passage of the state's black lung law last February.

It is weaker than the federal law in virtually every aspect. This must change if the state is to take over the black lung compensation duties in 1973 as the federal law stipulates.

At present, there is no strong movement toward amending the state law so that it will fall in line on time.

It is more difficult for a Kentucky miner to obtain state black lung benefits than Social Security benefits, and there is less state money available.

The federal benefits are scaled from $144 a month for a bachelor to $288 per month for a miner with three dependents. This payment is scheduled for life.

The state workmen's compensation benefits, on the other hand, set a maximum of $56 a week for 425 weeks. After a 20 per cent lawyer's fee, the flat limit is thus $19,040 spread over 6½ years.

But Kentucky will still have one legislative session, in 1972, in which to bring state law up to the federal level.

But even as Kentucky law now stands, compensation for respiratory diseases has increased steadily. In 1969 there were 257 benefit awards, but last year 454 miners gained lung disability compensation.

Probably the big reason why there were only 1,100 lung cases filed in Kentucky last year compared with the 32,000 cases filed by Kentuckians in Washington is the difference in medical evidence required for compensation.

Under state law, the eventual benefits are paid by employers through insurance companies. This has created the adversary process, which pits teams of lawyers and doctors against each other.

On the other hand, Social Security officials will consider any kind of medical evidence supplied by the miner-applicant. No "competing" medical evidence is obtained.

ECONOMIC IMPACT: MOUNTAIN BUSINESSMEN HAD BEST YEAR IN A LONG TIME

(By David V. Hawpe)

MANCHESTER, KY.—Stanley Finley stood under the canopy that covers the sidewalk in front of the V.F.W. post. He was watching the rain make the mud puddles into tiny maelstroms and didn't notice the widow until she was almost beside him.

"How are you, Stanley," she asked sympathetically.

"Fine. Just fine. Are you goin' in to sign up for the benefits with the others?"

"Yes, Lord, but I never thought it would come to this. When he came back from Ohio I told him not to go under the mountain. I wish you hadn't hired him. But he wouldn't have it any other way."

Finley ran a finger under his crisp, white collar. He shrugged nervously, like a chubby birthday boy trapped inside a new suit.

The widow was tall and gaunt, and wrapped in a nubby cloth coat, like a Paris model. Except for the lines that scored her face, she might have been handsome.

"I don't think they suffered any . . . any of them," Finley said. "It happened too quick."

It was an incredible conversation. Or at least some of the outsiders—the network newsmen and radical organizers and other hangers-on that follow things like the Hurricane Creek coal mine disaster—thought it was incredible. Here was one of the owners of the mine where 38 men died having a gentle discussion with a woman who lost her husband in the mine blast just five days earlier.

"I don't understand it," one of the television reporters said. "I thought they would want to lynch the man."

To understand the attitude of Eastern Kentuckians toward the coal industry and the personal and environmental dangers of mining, it is necessary to understand how nearly total the region's dependence on coal really is.

When coal is good, everything else is good.

Take bank deposits. That's where the health of the mountain economy can most easily be tested. And in the past year the growth of bank assets in the coal counties has been incredible.

"For 20 years we rocked along between $7 million and $8 million in assets," said L. D. Gorman of Peoples Bank in Hazard. "Then suddenly we jumped in 1969, from $8 million to $12 million."

And 1970 was a bigger year. With the rest of the country faltering in something approaching a recession, Peoples Bank recorded an increase in assets from $12.1 million to $18.8 million.

"It was phenomenal," bank officer C. Vernon Cooper said. "And 75 per cent of the increase is attributable to coal."

In Pikeville, the seat of the biggest coal-producing county in Eastern Kentucky, the three banks zoomed past the $100 million mark in total assets, the first time ever. Pikeville National, in its statement just released, recorded a 1970 jump from $29 million to $49 million. "And coal was the big part of it," said Pikeville National's Robert Johnson.

All over the coal fields the bank story was the same in 1970—assets up 28 per cent at the First National Bank in Manchester, up 33 per cent at the Bank of Harlan and up 35 percent at the Bank of Whitesburg.

Fortune magazine, in its latest issue, made the observation that this resurgence in the coal economy, "from the dirty dog holes in the Appalachian mountains to the vast strip mines in Illinois," has been so "unexpected and spectacular as to give the impression that coal is once more king."

For years, the king was presumed dead. The home fuel and railroad markets which the coal industry depended on had switched to gas and oil. Nuclear energy was hailed as the fuel of the future

But when nuclear energy failed to live up to expectations and couldn't meet the demands of generating plants, utility companies turned to coal. Today 53 per cent of the nation's electricity is produced by coal, and its demand for coal grows dramatically each year.

It was this increase. coupled with the entry of foreign coal buyers, chiefly Japanese industrialists, into the Kentucky coal fields, which caused the boom.

Prices zoomed from an average of $3 a ton a few years ago to $12, and the word went out that utility companies would buy "anything black."

The capacity of the coal industry will double by 1980, on the wake of a capital-spending program that embarrasses those who predicted the end of coal as an important fuel with the advent of the atomic reactor.

What a psychological impact on Eastern Kentucky towns that were built and maintained by the coal industry, for decades, and that were devastated when the coal industry slumped into its 20-year decline, beginning in the late 1940's.

Perhaps that is why Dill Finley, a general foreman at the Finley Coal Co. mines on Hurricane Creek, chose to complain about the federal Coal Mine Health and Safety Act of 1969 as he drove toward the recovery operations on the night of the blast rather than about the dangers of coal mining.

"This has been a hard luck mine from the start," the small, wiry young man said. "But the federal government's got you so tied up in knots with this new law, you can't operate. Now this has happened. You know what it will mean? They'll come down even harder on inspections. And we won't be able to operate. We won't have jobs. What do they want us to do, go on food stamps?"

To Dill Finley, the new federal law is a threat to his survival, not a boon to his chances inside the mine.

And the threat is not exaggerated by Dill Finley, under present circumstances.

The new federal law requires that, by late 1972 workers in underground mines should not be exposed to more than two milligrams of coal dust per cubic meter. And three-fourths of all mines in Kentucky now fail to meet that standard. In fact, Kentucky miners generally inhale 18 times the acceptable amount of coal dust.

Industry spokesmen say that 40 per cent of the nation's coal mines will be closed, if the new federal law is strictly enforced.

That is frightening talk in the coal fields, where every businessman feels the gains and losses of the coal industry on his ledger. It is particularly disturbing, right now, since mountain businessmen have just finished their best year in a long time.

Whitesburg newspaper editor Tom Gish noted that there still are thousands of families in the coal counties who are untouched by the 1970 resurrection of the coal economy.

But he added, "Closing down the truck mines would bring total depression to the mountains. If it is hard for Eastern Kentucky to live with the mines, it probably is true that the area couldn't live without them."

Besides recognizing that coal is an essential ingredient in their economy, many Eastern Kentuckians also believe the local coal operators are their only buffer against the powerful outside forces that control the coal industry.

An article in the most recent issue of "Mountain Life and Work," publication of the Council of the Southern Mountains at Berea College, noted that most small mine operators are dependent upon the larger companies "for leases, or money for equipment, or their coal sales facilities."

The extent of out-of-state control by a few great corporations is not well known, but it has been documented.

The same "Mountain Life and Work" article by Helen Lewis noted that in 11 Eastern Kentucky coal counties, 31 people and corporations control four-fifths of all the coal. And another study showed that seven firms account for one-third of all the coal produced in central Appalachia.

Stanley Finley was there when the widows filed into the V.F.W. post in Manchester, five days after the Hurricane Creek explosion. And he was a local man, who spoke their language. Up the hill from the V.F.W. post sits the home of Stanley's brother Charles, the operator of the mines where the fatal blast occurred.

"The Finleys, regardless of what is found in the investigation, are a lot closer to the people in Clay County and Leslie County than the boardrooms of the companies like Bethlehem Steel and U.S. Steel and International Harvester," one Knott County coal operator said.

"The decisions they made were made in Manchester, not in the offices of Falcon Oil, Penn-Virginia, Continental Oil, Occident Oil, or those other big names in New York and Philadelphia and Houston and Los Angeles."

He concluded, "The people at least know us. They can talk to us. They don't feel at a loss with us. Maybe some of us do run off to Florida when we make our money, but most don't."

A LABOR SHORTAGE: SAFER MINES CALLED KEY TO SOLVING OF MAN-POWER PROBLEMS

(By Bill Peterson)

PIKEVILLE, KY.—Last summer and fall, listeners to radio station WPKE here heard what a few years ago was considered the impossible—spot announcements advertising jobs in coal mines.

In themselves, the ads weren't spectacular, seldom lasting more than 10 seconds and containing bare essentials—the company's name, a job description and the official to contact.

Coal companies, they said, needed motormen, electricians, mechanics, augermen and sometimes, in effect, just plain workmen to keep Pike County's 500-some mines in operation.

But for the long-depressed region the ads were an important milestone.

On the plus side, they meant that the county and most of Eastern Kentucky was in the midst of the biggest coal boom in more than two decades. Also, the massive unemployment so long associated with the area was coming—at least temporarily—to a halt.

On the minus side, the ads were a grim warning that the huge manpower pool created when mechanization threw 50,000 Kentucky miners out of work between 1950 and 1965 had finally dried up. The development indicatd that much of the industry may face a critical labor shortage in decades to come.

The ads surprised even veteran observers like Harry Campbell, president of the Big Sandy-Elkhorn Coal Association. "I've been around this area for better than 20 years and I've never seen anything like it," he said.

The most crucial shortages were in the ranks of the highly skilled. "But some places had trouble just finding warm bodies," said Campbell. "Many hired totally inexperienced young boys. They took them out of service stations and tried to make them coal miners overnight."

In the months since, there has been a leveling off of the boom, which was spurred in large part by a rapid increase in the demand for coal by expanding utility companies. The miner shortage has become a "now you see it, now you don't" situation.

Its current status is a matter of dispute. No accurate statistics are kept. And even mine operators disagree on the labor-shortage severity.

Spokesmen for mine owners in Pike and Harlan counties, for instance, report that small mines are fighting an uphill battle to meet present man-power needs. However, larger unionized mines in the same area, have long lists of miners wanting jobs.

"If you're a top company with top conditions and top pay you can always attract the men you need," Campbell said.

But even some large companies are concerned about the future. "The big problem is that all the older men are getting out of the industry and not too many younger ones are getting in," said one coal executive.

In past generations when coal mining was a simpler craft this would have taken care of itself. In those days, a miner simply trained his sons in the few skills he knew and took him into the mines when he reached his 16th birthday.

The great coal slump of the early 1950s and the mechanization it brought with it changed that forever. In a decade, it put two of every three Kentucky miners out of work and replaced the pick-and-shovel miner of old with a new type of miner who depended more on his skills as a machine operator and mechanic than the strength of his back.

Those displaced swelled the unemployment rolls of Eastern Kentucky for more than a decade, providing a cheap source of labor for those mines able to survive the slump. Wages at times dropped as low as $3 or $4 a day in some small "dog hole" mines, and men were glad to get even that.

The picture today is a vastly different one. The surplus of miners has petered out. Production is at an all-time high—108,045,470 tons in 1969 compared with 73,951,266 tons in 1951. The Big Sandy Coal Field centered in Pike and adjoining counties has become the second largest soft-coal producing field in the nation. Wages have risen from the $12 to $16 a day common a few years ago to from $20 to $36 in larger mines.

But hundreds of former miners have left the coal fields and countless others are unqualified to run the complex new mining machines that have increased the output of the average coal miner to almost 20 tons a day, up from 6 tons in 1945.

Still others, some operators complain, have been "stolen" from them by federal anti-poverty programs and welfare programs.

Even more significant is the reluctance among young men to go into the mines and the high percentage of employed miners nearing retirement age. Nationally, the age of the average coal miner is 55. By contrast, the average Detroit auto worker is 38.

Scores of the top young men from high schools throughout the area leave home for greener industrial prospects to the north as soon as they are graduated.

Of those who remain, many are reluctant to stake their careers on a hazardous industry with such an unsteady past as coal mining; many others are unqualified.

"The shortage isn't so much in just people, it's in experienced people," explained one Floyd County operator. "You just can't put anyone on a piece of equipment that cost $75,000 or $100,000. Greenhorns, they'll tear it up."

Three years ago the Kentucky Coal Association was pinning most of its hopes in this area on increased vocational education. At that time, an association spokesman said: "Generally speaking, there isn't anything in our schools to prepare young men in the type of skills we need."

Dr. Carl Lamar, state director of vocational education, says the situation has improved somewhat since then. In addition to a long-standing, mine-related training program at the Mayo Vocational School in Paintsville, vocational mine training is being offered in Hazard, Harlan and Madisonville, he says.

A mine-training institute is being considered for Letcher County, and the Kentucky Program Development Office has an ambitious seven-state training proposal pending before the Appalachian Regional Commission.

In addition, the state Department of Economic Security has administered out-of-school training efforts under the federal Manpower, Development Training Act (MDTA) since 1963.

Vocational efforts, however, are fragmented at best. Few industry spokesmen are impressed with them.

"The vocational programs are making a lot of noise, but quantity-wise they aren't putting out many people to work in the mines," said Campbell, of the Big Sandy-Elkhorn Coal Association.

"The equipment and instructors all are good," said Harlan County's McDowell. "But government regulations and bureaucratic red tape limits programs until they're practically useless."

According to state Employment Service records, 177 men were enrolled in MDTA coal-mining programs between 1963 and 1967. Of these, only 73 took jobs in the coal industry. Fifty-one dropped out of the programs, 25 took non-training-related jobs and 28 were unemployed or unaccounted for.

Vocational director Lamar said he doesn't have statistics to show what percentage of those trained in other vocational programs go into mining, but he estimated that it isn't high.

Vocational school graduates are much-sought-after by industry in other states, Lamar said. "If the coal industry expects to hire them it will have to offer competitive salaries and working conditions"—something that many mines do not do.

"Part of the problem is that a lot of people just don't want to work in the mines," he said. "If they expect to get some of these people they've got to make the jobs attractive."

One of the most important elements in this is making mines safer to work in. As the Kentucky Program Development Office's man-power proposal says:

"It is clear that coal mining must be made a safe occupation if the man-power problems of the industry are to be solved."

THE CHALLENGE OF HURRICANE CREEK

The 38 miners who perished in one accident near Hyden joined 49 other miners who also died in Kentucky coal mines last year. Coal mining is a dangerous business. But must it claim that many lives—and cause countless serious injuries—when laws do exist that attempt to insure the safety of miners? Some conclusions can be reached, some questions can be asked, based on the foregoing analysis of the overall problem of safety in the mines.

These points, then, are the real challenge of Hurricane Creek:

Is a "crash" program necessary to implement on an emergency basis the full provisions of the year-old Coal Mine Health and Safety Act? Perhaps including placement of a federal inspector at every coal mine in the country until compliance with the new law is obtained and maintained?

The number of state and federal mine inspectors is inadequate for the task they face. Kentucky, for example, has only 25 state inspectors to watch over 2,057 mines. And the federal force of inspectors appears to be only half of the desired strength of 1,000.

Is the pay scale adequate to attract and keep competent inspectors? Federal inspectors' salaries are higher than for those working for Kentucky. And inspectors, state or federal, often earn less than the coal miners themselves.

Would special "flying squads" of federal inspectors, who would drop in unannounced on coal mines, improve compliance with safety regulations?

Many coal operators say they don't thoroughly understand the provisions of new mine-safety regulations. And much of the responsibility for mine safety rests with the miners themselves. A stepped-up educational program would be possible under a $230,000 federal grant being sought by Kentucky, but still pending in Washington. Isn't there a place, also, for increased educational efforts by the United Mine Workers union?

Are special loans necessary for those small-mine operators who cannot comply with new safety regulations because of increased operating costs?

And what of the "hit and run" operators who still can operate within a loophole in the federal law that permits a mine to be opened without first undergoing safety inspection?

The need for changes in the 19-year-old Kentucky mine-safety law appears obvious to bring it in line with stronger provisions in the new federal law. Plans are already under way to propose such changes to the 1972 General Assembly.

Would expansion of the Kentucky mine-safety program, as proposed last year by Commissioner Harreld Kirkpatrick, provide the men and equipment necessary to deal with mine safety?

Is Kentucky prepared to take over the black-lung compensation program in 1973 as required by the federal law?

Unless safer conditions in the mines are assured can the shortage of manpower in the booming coal industry be overcome?

VIETNAM DISENGAGEMENT ACT OF 1971

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. KYROS. Mr. Speaker, while I was attending a United Nations Conference on drug control, I missed the opportunity to cosponsor the Vietnam Disengagement Act of 1971 when it was introduced on February 10. Therefore, I am sponsoring the same bill today because I feel that it is of the utmost importance that as many Members of Congress as possible speak out on the disheartening recent turn of events in Southeast Asia. I want to add my name to the 55 Members of this body who have already supported this legislation—which is the McGovern-Hatfield amendment updated for 1971.

The American people are weary of our involvement in the war in Indochina. They want to withdraw our forces now and this bill provides a rational approach to accomplish this very desired goal. I for one do not believe that the road out of Vietnam leads through Cambodia and Laos—and neither do the American people. The President has had ample time to act and it is now left to Congress to insist on the May 1, 1971, reduction to a 284,000-troop level and a complete withdrawal of American forces by December 31, 1971. The Cooper-Church amendment was a significant first step, this must be a logical second one.

If the President's statements at his press conference yesterday were any indication for the future, it appears certain that the war is not scaling down, but instead, widening at an alarming rate. The President refused to limit U.S. air support and I fear that he has failed to learn from our bitter experience thus far. Expanded bombings are not a sign of deescalation. We seem to be regressing to where we started in Vietnam. Let us stop all the ambiguous and misleading statements on the war and act on this Vietnam Disengagement Act immediately.

CZECHOSLOVAKIA RECONSIDERS DUNNING SCHEME

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. RAILSBACK. Mr. Speaker, on February 10, I addressed my colleagues in the House to advise them of a scheme being followed by the Czechoslovakian Government to obtain money from free world residents by threatening their relatives and property in Czechoslovakia.

I received a warm letter of thanks from Mrs. Anna Faltus, secretary of the Czechoslovak National Council of America, which I insert at this point:

CZECHOSLOVAK NATIONAL
COUNCIL OF AMERICA,
Washington, D.C., February 16, 1971.

Hon. TOM RAILSBACK,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. RAILSBACK: Please accept our sincere thanks for taking such an interest in the plight of the Czech and Slovak refugees who have been harassed by the Communist Government of Czechoslovakia and for inserting all the pertinent material in the Congressional Record. We sincerely hope that public condemnation by members of Congress and such associations as the American Bar Association of the action of the Czechoslovak authorities will stop the harassment of those, who were granted asylum in this country.

Thank you once more, I remain,
Respectfully yours,
(MRS.) ANNA FALTUS,
Secretary.

Mr. Speaker, it is my pleasure to advise my colleagues that according to an article in the New York Times of February 17, 1971, and a dispatch from the Reuters News Service, the Communist Party leader of Czechoslovakia, Gustav Husak, has ordered an end to the practice which had been condemned by a resolution of the House of Delegates of the American Bar Association at the request of Adm. William C. Mott, U.S. Navy, retired, chairman of the ABA Standing Committee on Education About Communism and Its Contrast With Liberty Under Law.

I would direct the attention of my colleagues to pages 2356, et seq., of the CONGRESSIONAL RECORD for February 10, 1971, and the information there provided, and I include the New York Times article at this point in my remarks:

HUSAK INSTRUCTS CZECH LAWYERS TO HALT DUNNING OF 1968 EXILES

PRAGUE, February 16.—The Czechoslovak Communist party leader, Gustav Husak said today that lawyers had been ordered to stop sending refugees in the West demands for money to pay the defense costs at their trials in absentia.

Mr. Husak said in a speech at Pardubice that the dunning letters were unreasonable and that neither he nor Premier Lubomir Strougal had known they were being sent out.

The letters prompted an official complaint from Australia and charges in the United States and Canada that Czechoslovakia was trying to blackmail the 70,000 Czechoslovaks who fled to the West after the Soviet-led invasion in August, 1968.

In at least some cases, the lawyers said they would seek the $70 to $100 in legal fees from relatives in Czechoslovakia if the émigrés did not pay.

"I did not know anything about it and Comrade Strougal did not know anything about it, so I asked what's going on that has brought about nearly all of Western Europe to a boil," Mr. Husak told a gathering of party members.

"Well, whoever flees abroad without permission commits a felony, and they give everybody a lawyer, and the lawyers in their offices said to each other 'let's let the defendants know and make them pay for it.'

"In my opinion, it was not very reasonable because if somebody runs to the West, one would not think he would pay for legal representation.

"But the lawyers did not ask anybody. And now there is a big campaign and some governments even took action so that these letters would not be delivered and so on. So we put our heads together and told the lawyers: 'Comrades, don't do it, there's no sense in it anyway. Now, because of your foolish action, they are slandering the whole regime.'"

Mr. Husak, who devoted part of his hour-long speech to Western propaganda attacks against Czechoslovakia, denied that there were any splits in the party leadership and reiterated that political trials would not be held.

LITHUANIAN INDEPENDENCE DAY

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DANIELSON. Mr. Speaker, this week marks the observance of two very important anniversaries for the tiny Baltic nation of Lithuania. It will denote the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251, and the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

Regretfully, it will not be a week for joyful rejoicing by Lithuanians and the nearly 1 million Americans of Lithuanian descent. As you know, the Baltic States have been deprived of their independence since the Soviet Union occupation in 1940.

I want to take this opportunity, Mr. Speaker, to honor the determination and the strength of the Lithuanian people who continue to struggle against the deprivation of their rights to self-determination.

I would also like to urge that the Government of the United States take stronger action to bring the force of world opinion to bear on behalf of the restoration of these rights to the citizens of Lithuania, as well as to the neighboring Baltic States of Latvia and Estonia.

CAPT. LANE GUTHRIE'S EFFORTS TO REDUCE AIR POLLUTION

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. VANDER JAGT. Mr. Speaker, until very recently the history of conservation was largely the story of individual crusades which were launched by small numbers of far-sighted, dedicated Americans. Today the efforts of early day environmentalists such as Theodore Roosevelt, Gifford Pinchot, Horace Albright, and more recently Rachel Carson have been expanded by large-scale organizations and governmental agencies. Thankfully, the preservation of the environment is now a broadly based popular concern.

But in this day of organized attacks upon desecrators of the environment, the most exciting and heartening efforts continue to be those of individual Americans who are doing what they can through their own lives to make a cleaner and healthier country. The gifted writer for American Forests, Mr. Mike Frome, himself a leading environmentalist, has told the story of Eastern Airlines' Capt. Lane Guthrie's efforts to reduce air pollution by eliminating dumping of jet fuel. The story offers an example of how one man, acting with conviction and courage, even at the expense of his job, contributed to the well-being of his country. The fact that the airline has recently reinstated Mr. Guthrie as a pollution consultant is itself a testimony to the sensibility and power of his efforts.

In seeking to prevent the skies from becoming a dumping ground, Captain Guthrie has defended the sanctity of the air out of the same philosophy and spirit of those of us who are fighting to totally eliminate the discharge of pollutants into our waters. There can be no justification for permitting wastes, even though they may have been treated to remove major percentages of polluting materials, to enter our air, or our oceans, lakes, or streams. I am seeking the adoption of regulations which will permit no waste to be discharged in any form from boats into the Nation's waters. And I am vigorously pressing for further development and implementation of recycling processes for sewage and other wastes, both to curb pollution and to provide for the reuse of resources. A significant example of sewage recycling is the spray irrigation system currently being developed for Muskegon County, Mich., with the assistance of a major demonstration grant and research and development funds from the Federal Government.

Captain Guthrie's efforts should spur us all to a greater determination to clean up our environment—not in a half-hearted way, but through processes whereby our wastes will become resources, our pollutants restored to productive capabilities. I insert Mr. Frome's account of Captain Guthrie's efforts in the RECORD:

CAPT. LANE GUTHRIE'S EFFORTS TO REDUCE AIR POLLUTION

(By Mike Frome)

Each individual should realize the power of his own life and never sell it short. The great use of his or her life should then be spent for something that outlasts it.

This isn't easily done in the area of conservation (or any other area of social action, I suppose), where few have the courage to buck the tide of inertia and complacency with more than lip service. It takes an angry, or at least determined, man to develop a clear vision of some special phase of the environmental crisis, then to dig hard for the facts and present them to his fellow citizens. He must have faith that when they know the score Americans will respond. He must have abiding faith, above all, in himself and be unwilling to sacrifice his principle for expediency.

Just such a man is William Lane Guthrie, an Eastern Airlines pilot with thirty years experience who made the headlines last October. You may recall he was fired when he balked at directives to dump excess fuel into the air over Miami, Florida. The publicity man assigned to justify the company's untenable position was more defensive than the pilot. "I should be criticized if I did dump in the air," Captain Guthrie declared calmly. "I don't know why I didn't stop dumping earlier. Why should we dump muck on people's houses?"

Captain Guthrie's decisive action was not taken on the spur of the moment. He had earlier appeared at Air Quality Control hearings at Fort Lauderdale to urge a harder line against air pollution. No action resulted from those hearings, which Guthrie labeled "a clumsy attempt to accommodate a practice we know to be wrong." This is not really a surprising performance by the bureaucracy, whether in air quality or any other aspect of the deteriorating environment.

The airline claims Captain Guthrie was not dismissed for his stand on dumping fuel, but rather because his insistence on draining the fuel before leaving the ground caused delays in takeoffs. In an era when people everywhere are clamoring for a cleaner environment, Eastern might have made Guthrie's procedure a model for its entire fleet and received public approval in return. Such, unfortunately, was not the case.

The company did not deny that fuel is being dumped, but endeavored to peddle the idea the fuel vaporizes immediately. Actually, unburned carbons in jet fuel react with sunlight to form photochemical smog and add to poor visibility. The secondary defense was that each plane dumps just a "small amount." This, of course, is what polluters say everywhere. It's always a slight case of poison. But when you add the fuel dumped by 450 jets leaving Miami International Airport, the year's total is quite substantial, and it doesn't go away.

I first read about Lane Guthrie in April, 1969, when he testified at a public hearing in Alexandria, Virginia, which lies between my home and Washington National Airport. Appearing in behalf of the Florida Izaak Walton League, he told the hearing run by the Virginia Air Pollution Control Board that haze—or more properly smoke—created by pollution is a serious cause of midair crashes; then he accused federal agencies of neglecting this fact.

"Any citizen who rides in an airplane is placed in jeopardy by those who are supposed to protect him because the nation lacks sufficient air pollution controls," Captain Guthrie declared. He urged the Board to set the maximum legal ratio of pollutants to air at zero. But why zero? "Zero means no pollution at all," he explained. "If you do any other thing, you have legalized the sky as a national dump."

I thought here was a man I would like to know. We entered into correspondence and in due course he came for a visit. I found him an amazing fellow, one of the best I ever met, lean and leathery and well spoken, perhaps looking more like an executive than an airplane pilot, conducting a lone eagle campaign on his own time and with much of his own money in behalf of the public welfare.

He had heard John Kennedy's words about asking "what you can do for your country" and had taken them seriously. He had been moved by the death of a fellow pilot in a crash due to "poor visibility," very possibly traceable to man-caused smoke. He found his own horizons in the sky disappearing.

"Years ago, when I first flew to Florida," he told my family and me, "I could see the whole State spread out before me as soon as I reached southern Georgia. But now no longer. On a recent day I flew from Tampa to Atlanta to Philadelphia to Miami. From the vicinity of Tallahassee northward and then throughout the rest of the day, until arriving back around the sound end of Lake Okeechobee, the sky carried a heavy burden of 'private property' from the gronud up to an altitude of 26,000 feet in the South, increasing to around 30,000 or 31,000 feet in the northern portions of the flight.

"The smoke is getting so thick in areas that pilots not only can't see the horizon, but can't see other planes soon enough. The official accident reports simply quote the weather as haze.

"As pilots we learn there are no artificial boundaries, either horizontal or vertical, to prevent widespread degradation of our thin envelope of air by material abandoned in that envelope at any point whatsoever on this globe. As pilots, we experience the sky not as an ocean of blue threaded by discrete smoke streams, but as an ocean of brown or milky white in which visibility is sometimes so poor discrete smoke streams are not seen, even near the stacks."

He is right, of course. Smoke is being regurgitated into the skies over Los Angeles, Chicago, Washington, New York and the Pacific Northwest, from cars, buses, trucks, airplanes, from refineries, steel mills, power plants, and from forests, in the name of conservation. A brown foul sea lies over the land, contributing to lung cancer, emphysema, eye irritation and skin disease, damaging plants and wildlife.

Little wonder that young people are disenchanted with the national performance, critical of the rights and responsibilities of property. They see we have many cars and many jets, yet they are denied their birthright to the enjoyment of a clear, sparkling sky. And despite the conversation about the environment and "acceptable levels," conditions are growing worse rather than better.

Lane Guthrie is not the only pilot who is critical and apprehensive. I recall a statement by one of his colleagues at Eastern, O. M. Cockes, who declared:

"So-called air pollution experts seem to have the idea, to control pollution simply locate heavy industry on the prevailing downwind side of town. Down wind of what town? We can remember when we could expect the top of the smoke layer to be somewhere around 3,000 to 6,000 feet and in extreme cases 10,000 feet above ground level. Further, it was the false impression of many that smoke was a local problem. On a recent flight from Washington, D.C., to Houston, Texas, we entered the smoke just off the ground at Washington and remained in it at 31,000 feet until some seventy-miles southwest of Birmingham, Alabama. Talking to another Eastern captain in Houston, I found he had flown down at an altitude of 35,000 and had not topped the smoke. Smoke is not low level nor of a local nature."

This reminds me of a report issued by the Pacific Northwest Region of the Forest Service last summer concerning a gambit called "logging slash disposal." During 1969, approximately $4,400,000 of public funds was spent to dispose of immense quantities of wood which nature had nurtured over long periods of time in the national forests of Oregon and Washington. Most of it was piled in bonfires and sent up in smoke.

"All federal and state land management agencies in the Pacific Northwest," according to the report, "including state departments concerned with air and environmental quality, operate under a joint plan which provides that slash burning will be done only under weather conditions that will keep smoke out of specifically designated, heavily populated areas, and other areas particularly sensitive to smoke. We anticipate no serious air quality problems from slash burning under this system."

The same sort of procedure is in force on public lands in western Oregon administered by the Bureau of Land Management. "More than a knowledge of physics, meteorology or air circulation was needed to achieve successful smoke management," an official of that agency reported bravely to the recent annual convention of the Society of American Foresters. "It took a mixture of technical knowledge, political sensitivity and plain cooperation between various interests to succeed."

One may contrast these statements from federal agencies charged with conserving natural resources with those of the airplane pilots, who must overlook the ocean of smoke. As Captain Guthrie bespoke his own responsibility: "When I fly a big four-engine jet at cruising speed, it burns as much as 16,000 pounds of fuel an hour. The wastes go soaring out the back end into the public domain. There's no secret about it . . . I have no more right to throw this waste material up into the air than I have to dump it along the public highway as litter. There is no right to dump private wastes into the public domain."

At his own expense, Captain Guthrie has printed and widely distributed a clever little booklet entitled, "Pocket Dictionary of Words and Phrases on Private Property." It includes these definitions:

Smoke stack: A long acid and fume resistant tube vertically placed for dumping unwanted materials into the air.

Pollutant: (1) A misplaced material. (2) A wasted material.

Air pollution control: (1) A nonsense combination of words covering activities irrelevant to the control of fumes and other process materials. (2) Planned dumping.

The underlying themes of his message are constructive and fundamental to sound conservation, based upon the elimination of waste and the utilization of all materials by private interests, rather than dumping on the public air and water.

"Some operators like to claim that to properly manage their property would drive up the cost of their products," he declares. "This is just not so. Today most goods carry a fictitious price tag. No one knows, really, just what steel, or paper, or a kilowatt hour of electricity, or a seat mile on an airplane really costs. Let these producers manage all their property, then for the first time both the seller and buyer will know what something costs. . . . Once the federal government threatens to charge for dumped combustion products, every airline will be out shopping for new engines which waste less fuel and dump less waste. Every waste dumper in the country will be out shopping for such devices."

What lies in Lane Guthrie's future I do not know. It would be a bold stroke for Eastern Airlines to take him back and assign him to work as director of environmental quality, or for some other large corporation to seek his counsel and inspiration. Though I have had no touch with him recently, I gather he is unperturbed.

But why should he be otherwise? Certainly no remorse is in order when he can express himself as follows:

"They say if you dig down through the glaciers in Antarctica, you can count the years—the layers of snow—just as you can count the rings in trees. They say that if you dig down to the 18th century layers, those from before the Industrial Revolution, there's a noticeable whitening of the ice. This in Antarctica—thousands of miles from anywhere.

"I'd like to believe some future scientist, maybe one of my grandchildren, digging down through these layers, will find that somewhere around 1980 they turned whiter again. And I'd like to know that I was involved."

When Lane Guthrie was fired, I think people cheered for him. If a little of his spirit rubbed off, there is more courage and hopefulness abroad in the land.

ANDEAN COMMON MARKET

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BADILLO. Mr. Speaker, in recent weeks and months we have seen numerous articles on the problems and failures of the Alliance for Progress, the difficulties being experienced by Latin American nations in effectively meeting the rising expectations of their peoples and equally bleak pictures. The presence of a new form of government in one Latin republic has seemed to dominate any of the news from South America. Thus, it is heartening to see an item about the progress being made by our Latin neighbors, particularly without our interference.

Last month a very timely and, I believe, objective article appeared in the Washington Post on the Andean Common Market. Although rather new, this innovative economic arrangement appears to have considerable potential and seems to offer real hope for the 60 million people living in the five nations comprising the union. While this unit is no panacea and potential pitfalls exist, the Andean Common Market has the capability of being, as the author aptly notes, "one of the few real solutions to the problems of Latin American political stability and economic development."

Mr. Speaker, I believe our colleagues will find this article to be of interest and importance and I am pleased to insert it for inclusion in the RECORD:

INTEGRATED ECONOMIC UNIT FOR 60 MILLION PEOPLE: ANDEAN COMMON MARKET—NEW HOPE FOR LATIN AMERICA

(By Jon Basil Utley)

LIMA.—Among all the bleak problems besetting Latin America there has appeared almost unnoticed one of the most hopeful and promising developments of the last 20 years. The Andean Common Market has begun to take form. Composed of Colombia, Ecuador, Peru, Bolivia and Chile, with Venezuela looking wistfully on, its ambitious objective is to form an integrated economic unit of 60 million people.

Presided over by a 29-year-old Chilean and with an average age of only 37, the Common Market Commission represents the new and responsible force emerging in Latin America. These forces are composed of well educated technocrats, strongly nationalistic yet fundamentally realistic. Many of them tend to reflect the left-wing nationalism which is increasingly prevalent, but they also well understand the necessity for private initiative. Although some of their proposals will affect certain U.S. and European corporations adversely, they represent the best hope for creating a growing, economically solvent unit in one of the potentially most explosive parts of the underdeveloped world. Already their very quest for unity is modifying the extremist positions of some of their members, as has been shown in the final rules drawn up for the common treatment of foreign capital.

Even Chile, long the most socialistic country in Latin America, is still committed to the Common Market, a fact which should exert a solidifying influence on its theoretical Marxist leaders who must now accommodate their theories to the real world.

One of the most encouraging and promising factors in the Common Market negotiations is that they represent a completely Latin American undertaking without any U.S. presence or pressure. In the final analysis, only the Latin Americans can solve their own problems, and only projects of their own doing and initiative offer the assurance of long term support from their citizens. Indeed some of the Common Market's permanent staff show an almost unbelievable sensitivity to American interest in their meetings, rather as if they thought the United States was against them. During my interview with Alejandro Cabrera, the market's Chilean press secretary, he repeated three times that their desire to control and limit foreign investment did not mean that they were pro-Communist, as he must have believed most Americans would consequently assume.

At his final press conference on Dec. 31, Dr. Juan Somavia, president of the session, spoke glowingly of the "extraordinary goodwill" whereby so many conflicting points of view were compromised within the established deadline. To ensure their compliance, the signatory nations have obligated themselves to conform to the decisions of a simple majority vote of the commission composed of representatives of the five governments. Certain major policies, such as those involving the treatment of foreign capital, must be voted unanimously, although abstentions are allowed. The nations have also set up an obligatory time schedule for key decisions which must be adhered to.

The Andean Pact embraces three major objectives. First is that of establishing a viable internal market for large scale industrial production with certain heavy industries to be assigned exclusively to different nations. Second is that of limiting the power of large international corporations. Third is the unusual approach of offering special concessions to the less developed associates, Bolivia and Ecuador.

The major step toward a free internal market began last Jan. 1 when a uniform tariff structure went into effect on about 4,000 items traded within the market. This tariff is 10 per cent below the lowest prevailing rate of any member. For example, if Chile, Colombia and Peru had varying tariffs of 20, 30 and 50 per cent on the same product, then all commerce within the group on this item will have a uniform tax of 18 per cent (20 per cent less 10 per cent) with further 10 per cent reductions each year for 10 years. Bolivia and Ecuador are permitted to delay the start of their annual 10 per cent reductions for five years.

On Feb. 28, 1971, all internal customs duties will be eliminated on another large list of products currently not produced in any of the Andean countries. Next June 30 a minimum common external tariff will be put into effect in order to encourage the eventual manufacture of these products within the market.

A final major list of products is reserved for sectoral progress of industrial development. Product groups in this category will be subject to separate integration agreements with their own schedule of tariff reductions. Specified industries have been reserved for Bolivia and Ecuador and, as of Jan. 1, various groups of their products are allowed free import into Chile, Colombia and Peru.

Prime interest during the recent meetings centered around the proposals for limitations on foreign investors. On one side have been Chile, Bolivia and Peru calling for restrictions of varying tightens, while on the other has been Colombia urging more moderate action. This is somewhat ironic since Colombia was the first country to restrict yearly profit remittance of manufacturing industries to 14 per cent of invested capital, a policy since adopted unanimously by the Common Market, which also guarantees the 14 per cent in convertible currency. Ecuador sided with the more restrictive forces but in return received together with Bolivia a five-year exemption from the necessity of complying with many of the restrictions.

Companies which sell at least 80 per cent of their exports to non-member nations are exempted but foreign manufacturing industries are now subject to the following restrictions. They must convert into mixed enterprises with at least 51 per cent of their shares in local hands within a set time schedule over the next 15 years. Foreign corporations which do not comply can continue operating but may not benefit from the common tariff reductions although even they are exempt for the next three years by merely declaring their intent to sell at least 15 per cent of their shares to local investors. However, new foreign investment entering the Andean countries must commence with 15 per cent local shareholders.

Offers of shares for sale in a company's disinvestment program must give preference to the state or state enterprises in the respective countries. New foreign investment is not allowed in activities already served by local companies. Foreign investment destined to acquire control of existing national corporations is no longer permitted except to save a firm from bankruptcy as set forth in detailed conditions. Governments of member countries will abstain from giving any guarantees for any external credit operations of any foreign corporation unless the government is participating in the company.

Various restrictions are established on the conditions of contracts granting the use of foreign technology and patents. Bearer shares henceforth prohibited.

Another group of conditions has been adopted, however, with an escape clause for governments which do not wish to comply because of "special circumstances." These prohibit foreign companies from entering the sector of public services and prohibit any new investment in banking, insurance, and other financial institutions. Existing foreign banks shall not be allowed to receive current or saving accounts unless they transform themselves into national banks by selling 80 per cent of their shares to local investors within the next three years.

The various restrictions on foreign capital are not at all impossible to work with. The international corporations will always find their services in demand just as they are even able to negotiate profitable ventures with Communist countries. However, they will have to adapt themselves to the new rules. Years ago, when Colombia first imposed restrictions on profit remittances there were many complaints, but Colombia anyway became one of the preferred investment areas in Latin America, primarily because it appears to be politically stable.

If the Andean nations are really able to pull together, then foreign investment will eagerly seek admittance under almost any conditions. Their common market is one of the few real solutions to the problems of Latin American political stability and economic development. It has developed quietly perhaps because most people never thought it really possible for the different countries to agree on a mutual program. By the end of 1971 the course and success of the integration programs should already be apparent.

THE PROPOSED ALASKAN PIPELINE: NATIVE ALASKAN INTERESTS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. ASPIN. Mr. Speaker, yesterday I appeared as a witness before the Interior Department hearings on the proposed trans-Alaska pipeline. The following is the text of the statement I made at the hearings. The main concern of my testimony was how the proposed pipeline would affect the native Alaskans—ecologically, culturally, and economically. I believe that the effect the pipeline would have on the natives is one vital aspect of the whole pipeline question which to date has received scant attention from either the Interior Department or from Congress.

Following the statement I have included an appendix consisting of excerpts from Interior Department memos and reports which I quoted from in my statement. The statements and conclusions reached by these memos and reports often directly contradict the conclusions reached by the Department's draft impact statement—which is the subject of the Department's 2-day hearings.

Following the appendix I have included a report, written by one or more Interior officials who dissent from the Department's draft impact statement. There is some indication that the Interior Department at first tried to suppress the publication of this important report—even after it became the subject of a Jack Anderson article. After I introduced this report into the hearing's record the Interior Department announced that it would make the Jorgenson report public.

I include the material, as follows:

STATEMENT OF CONGRESSMAN LES ASPIN ON NATIVE ALASKAN CONCERNS MADE BEFORE THE INTERIOR DEPARTMENT HEARINGS ON THE TRANS-ALASKA PIPELINE

A few weeks ago, the Department of the Interior published a draft Impact Statement, pursuant to the requirements of the National Environmental Policy Act of 1969, for the Trans-Alaska Pipeline. The Department is now holding hearings, both here and in Alaska, on the draft Impact Statement.

This is the largest pipeline ever constructed in the United States. Each day, it will carry millions of gallons of oil across 800 miles of the most rugged terrain in the country. Climatic conditions in Alaska are the most severe in the United States. No one can accurately predict the consequences of this vast and unprecedented project or assure that it can be safely built and operated. Many of the technical problems of building a huge pipeline through the frozen Arctic environment have not yet been solved. Indeed, only last week, the President of Alyeska, the subsidiary of the seven oil companies which is actually going to build the pipeline, stated that the pipeline has not yet been designed, and that it will be designed "as we go along" (Journal of Commerce, 2/5/71).

I do not see how the Interior Department could discharge its primary obligation to the public, and at the same time, approve the pipeline "sight unseen".

The draft Statement fails to answer many important questions about the environmental impact of the pipeline. Until these questions are answered, I shall continue to have very strong reservations as to whether the pipeline should be built at all. Others have spoken and will speak to the broader ecological issues. I would like to address these remarks to one aspect which has received very little attention to date, and is practically ignored by the draft Impact Statement—the devastating impact of the pipeline on the people who live in its path, primarily the Indians and Eskimos whose main livelihood comes from the land. These are the people who will be most directly affected by the pipeline, and yet they are in danger of being totally forgotten. Surely the impact of this project on their lives and welfare deserves as much consideration and concern as the economic interests of the gigantic worldwide oil companies who are almost literally attempting to bulldoze this project through.

There can be no doubt that the pipeline will represent an enormous threat to the way of life of these Alaskan Natives. Hopefully, answers may eventually be found to some of the technical obstacles. But there is one hazard which can never be overcome—the risk of pipeline fracture resulting from an earthquake. As the draft Impact Statement points out, "the southern two-thirds of the proposed pipeline route is subject to the occurrence of large earthquakes, magnitude 7 or greater". (p. 18)[1] The segment of the pipeline route from Valdez (the southernmost point) to Willow Lake is subject to earthquakes of up to 8.5 magnitude, and from Paxon to Donnelly Dome up to 8.0. magnitude. (By way of comparison, the earthquake that had such tragic consequences in Los Angeles last week had a magnitude of 6.5.) In the 70-year period between 1899–1969, there were 23 earthquakes with Richter magnitudes greater than six within 62 miles of one or more of the proposed pumping stations. The previous Secretary of the Interior admitted to the chairman of the Senate Interior Committee that "we cannot provide assurance that large earthquakes will not rupture the pipeline".[2] He went on to state that the effects of such a break would be minimized by installing a series of cutoff valves.[3] The draft Impact Statement concedes that "There is a probability that some oil spills will occur even under the most stringent enforcement" (p. 193). Dames and Moore, Alyeska's seismic consultants, have stated "we believe the most effective provision for protection against the adverse effects of fault displacement would be appropriate spacing of shutoff valves" (op. cit. 22), thereby tacitly admitting that the pipeline cannot be guaranteed against fracture, and that the most that can be done is to attempt to cut down on the amout of oil that will be spilled.

I understand that Alyeska's present plans call for shutoff valves at approximately 50 mile intervals. This may sound like a reasonable solution to the problem, until one realizes that just one mile of the pipeline will contain 500,000 gallons of oil. This is almost

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Footnotes at end of article.

twice as much oil as was released during the Santa Barbara oil blowout in 1969.[4]

The prospect we appear to be facing, therefore, is that up to 100 times as much oil as was spilt at Santa Barbara may be loosed over the Arctic landscape.

This leads me to what I consider to be the major defect of the Impact Statement—its almost total failure to consider the impact of the pipeline on the people who actually live on or near the pipeline route, most of who make their living from the land. An oil spillage would be an ecological tragedy for the entire nation. But it would be more than this for the native Alaskans who live in the path of the pipeline—for their already tenuous livelihood and existence depends entirely on maintaining the delicate balance of their ecosystem.

Native Indians and Eskimos have for hundreds, if not thousands of years lived and hunted on the land and fished on the waters to be traversed by the pipeline. Recent archaeological surveys have uncovered prehistoric hunting and fishing campsites (up to 13,000 years old) on the very path that the pipeline is to take. Many of the present-day inhabitants depend on the land in a way that has changed little for centuries. Hunting and fishing are not sports for them, but essential means of survival in a harsh environment. For example, the 150-odd Indian inhabitants of the Native Village of Allakaket, which is about 50 miles from the pipeline route, harvested the following items in 1967: 230 caribou, 48 moose, 12 black and brown bear, 110 beaver, 100 muskrat, 10 red fox, 15 lynx, 15 porcupine, 10 land otter, 30 martin, 20 mink, 10 weasel, 5 wolf, 30 rabbit, 12,000 salmon, 7,800 whitefish, 1,000 grayling, 100 char-pike, 200 grouse, ptarmigan and spruce hen, 1,000 duck, 10 geese, and 550 pounds of wild berries.

This harvest was valued at approximately $97,000. As these figures show, fish represent a particularly important item. It has been estimated that the native Alaskans who live along the Yukon River catch about 450,000 fish a year for sustenance.

It is easy to imagine the impact of an oil spill on these people. But it is unnecessary to do so. The following statements, all by officials of the Interior Department and the Alaska State Department of Fish and Game, make graphically plain what will happen in the event of a pipeline break:

"There is no place on the pipeline site where an important watershed would not be threatened by a major spill. A spill along the small tributary of Koyukuk could infect the entire Yukon River drainage. Some areas, such as tributaries to the Minto Flats, are particularly sensitive. and a spill there would threaten one of Alaska's most productive waterfowl breeding habitats." (Pipeline Effects and Monitoring, p. 2)

"A major resource disaster could result from a major pipeline break in these particular areas (the Yukon River and its tributaries)." (Report, August 8, 1969, p. 1).

"With miles between shutoff valves, any rupture would be catastrophic, no matter where it occurred." (Memo, July 7, 1969, p. 2).

"A pipeline break at the wrong place at the wrong time could be devastating to a broad spectrum of the ecology of a significant area, affecting native food supplies." (Memo, April 25, 1969, p. 2)

"Pipeline breaks or leaks could cause pollution of lands and waters that would be indescribable." (Report, November 10, 1969, p. 4)

"Public concern for the aquatic resources in the Tanana and Yukon drainages is high. A major (pipeline) break could pollute the water in almost all of Central Alaska and the estuaries." (Memo, June 20, 1969, p. 4)

"Oil leaks occurring in the drainage of the Sagavanirktok, Koyukuk, Tanana, and Copper Rivers and Minto Flats pose serious threats to important waterfowl habitat."[5] (Report, September 30, 1969, p. 2)

Clearly, then, the people who live along the pipeline route, and depend on the land for their very livelihood, face the prospect of a catastrophic disruption of their way of life. Yet, the Impact Statement makes no reference to this fact whatever. Nor has the Interior Department included in its proposed stipulations governing the project any protection against catastrophe for the natives. Incredibly, flying in the fact of the statements of the Department's own officials, the Draft Impact Statement concludes that "The proposed pipeline system would not result in any significant adverse environmental effects that can be related to present or future cultural features of most Alaskans" (p. 140). The implicit assumption that the mere stating of such an unsupported conclusion can erase the evidence of hard facts is little short of remarkable.

It is clear to me that if the inhabitants of the pipeline route are to be subjected to the very real and constant threat of a major oil spill, in addition to the inevitable disruptive effects of the pipeline and haul road construction—the Interior Department (which is the legal guardian of the Indian inhabitants of the region) should make every effort to minimize the impact. There are three specific steps it must take at this point:

(1) As a condition of granting any further permits in connection with this project, require Alyeska to enter into a bond under which it will indemnify any person suffering economic loss as a result of an oil spill. The draft stipulations proposed by the Interior Department provide only for the indemnification of the U.S. Government, and then only for the cost of "cleaning up"—not for the economic loss, both present and future, incurred by the Indians. I can see no logical or equitable reason why the U.S. Government should be protected from the consequences of an oil spill, yet not the actual inhabitants, whose very way of life could be destroyed by a spill.

(2) Require Alyeska to enter into an agreement with native representatives giving them fair compensation for the rights to their land and for the intrusion into their way of life resulting from the construction and operation of the pipeline. Even without an oil spill, the mere construction of this mammoth pipeline, together with a 400 mile road north of the Yukon, will gravely disrupt their hunting and fishing activities. Whatever the legal technicalities, the land affected is their land; their ancestors have lived on it and gathered their livelihood from it for thousands of years.

(3) Must require Alyeska to agree to specific guarantees for providing training and jobs at fair wages for the people who live in the path of the pipeline. These three guarantees must be agreed to by the natives themselves before any further permits are granted. So far, Alyeska's and the Department's own statements on this have been less than specific.

Clearly, these Indians deserve fair compensation in all three areas. The oil companies have struck it rich in Alaska. The Interior Department must make specific and air-tight agreements with the companies for reasonable compensation for those people who would be most directly affected by the proposed pipeline.

I am of course deeply concerned about all the environmental aspects of the Alaska pipeline. If the pipeline is to be built, by all means, let us do everything in our power to protect the caribou, the trumpeter swan, and the chub salmon from its effects. But we cannot in good conscience overlook the impact of this massive undertaking upon the humans who live in its path.

I understand that at least one native Alaskan who lives close to the pipeline route is expected to testify at the current hearings in Washington. I shall look forward with interest to hearing what he has to say about the probable effect of the pipeline on the way of life of his people. We have heard plenty about the pipeline from the company which is going to build it. And we will hear more, no doubt. Alyeska is in the midst of a massive promotional campaign—including full page advertisements in the national dailies and in magazines such as Time, Life, and Newsweek—which is reported to be costing them at least three million dollars. Quite apart from the question of whether this money would have been better spent on compensating the native Alaskans for the disruption that the pipeline will cause them, instead of on a public relations campaign, it is time that we began to listen to and think about the other side—that is, the people who would have to live with the pipeline and the threat that it would represent to their way of life.

FOOTNOTES

[1] Alyeska's own seismic consultants, Dames and Moore, have stated that the entire region that the pipeline will cross south of the Yukon River must be considered as "extremely active". They have noted that "Major earthquakes and their associated aftershock could be centered almost anywhere in the region". ("Review of Earthquake Hazards from the Yukon River to the Valdez Terminal," p. 4).

[2] Letter dated November 20, 1969, from Secretary of Interior Hickel to Senator Jackson.

[3] Letter to Senator Jackson from Secretary of the Interior, Hickel, November 20, 1969.

[4] Federal Task Force on Alaskan Oil Development, A Preliminary Report to the President (September 15, 1969), p. 7.

[5] The documents containing these statements are all included in the Appendix to this statement.

APPENDIX: PIPELINE EFFECTS AND MONITORING—PROPOSED STUDIES

A. Monitoring of actual construction and operation of pipeline access roads and materials sites. Bureau personnel will coordinate with the Bureau of Land Management and assist the BCM in their monitoring of pipeline construction and operation. They will assist with biological problems and will attempt to anticipate and provide remedies for problems before they occur. They will assist also in developing new methods to alleviate damage from construction activities.

B. Monitoring of habitat changes resulting from construction and operation of pipeline. Many of the changes resulting from the project will take place gradually. Baselines must be established to provide yardsticks for measurement of changes. Some anticipated changes are:

(1) Effects of soil erosion on aquatic habitats. Not only will erosion result from actual construction activities, but there may also be long-term erosion from permafrost subsidence and unhealed slopes which will have varying effects on streams and lakes of different types. A monitoring program must be established to measure these effects.

(2) Changes in upland vegetation types. Effects of human activities, changes in distribution patterns of game animals, and even the heated oil itself will alter vegetation types and the habitats of game animals. Studies will be conducted to establish baselines from which such changes may be measured.

* * * * *

D. Monitoring effects of spilled oil on habitats and on fish and wildlife populations. Many new problems will arise as oil spills inevitably occur in arctic and subarctic environments at various seasons. Much needs to be learned about the behavior of spilled oil, its rate of degradation and its distribution under these conditions.

(1) The probable distribution of spilled oil

at various locations. There is no place on the pipeline route where an important watershed would not be threatened by a major spill. A spill along a small tributary of Koyukuk could infect the entire Yukon River drainage. Some areas, such as tributaries to the Minto Flats, are particularly sensitive, and a spill there would threaten one of Alaska's most productive waterfowl breeding habitats. Part of the pipeline route also passes among important sockeye salmon spawning tributaries of the Copper River. Studies must be conducted to determine the probable distribution of spills of various types among these habitats.

(2) The effects of spilled oil on these habitats. This will be effected by the season, the rate of biodegradation, rate of sinking in turbid waters. All of these factors will have an affect on the ultimate impact of a spill and will require studies.

(3) Direct effects of spilled oil on fish and wildlife population. The effects of crude oil on the feathers of a duck are well known. Its effects on salmon eggs in gravel, on the other hand, is poorly understood.

[From the Bureau of Commercial Fisheries, Aug. 8, 1969]

AREAS OF SPECIAL CONCERN

The Department is, of course, concerned with the entire North Slope project and its possible effect on the environment and fish and game populations. There are, however, a few areas which are of particular concern due to their special richness in fish and game values and susceptibility to damage either through construction efforts or from oil spills after production starts. A major resource disaster could result from a major pipeline break in these particular areas. A great deal of effort and research is being directed to ensure this does not happen.

These areas of particular concern are the two marine terminuses, the Yukon River and its tributaries, and the Copper River and tributaries. The wealth of the Yukon in fish, game, and waterfowl has been well documented. It is known as one of the major nesting areas for waterfowl through much of its watercourse and particularly the Rampart and the delta areas. The salmon of the Yukon are of tremendous value and also of unique biological interest because of the great distances several species travel from the ocean to their spawning grounds. Although a commercial fishery of considerable importance takes place on Yukon salmon, even of more significance is their value as a subsistence food for the people resident along the river who take an estimated 450,000 fish per year for this purpose. Both salmon and waterfowl are particularly susceptible to oil pollution.

The two marine terminuses present some unique problems in that production from a great number of wells will be at one end and the storage and distribution to oil tankers will take place at the other. Both of the situations are especially conducive to oil pollution.

The Arctic Ocean and Beaufort Sea have considerable populations of aquatic mammals and sea birds. The exact extent of these populations is not known. Neither is the effect of oil pollution in an Arctic environment. What effect will oil pollution on and under the ice have? At what rate will biological degradation of the oil take place? Probably at a much slower rate than in warmer climates.

The southern terminus, Valdez, is on one of the arms of Prince William Sound, which on the average produces 3.2 million salmon to a commercial fishery. The Sound is also an important producer of shellfish of several species, herring, char, and other important species.

PROPOSED PIPELINE STIPULATIONS

On July 1st at an interagency meeting, the proposed pipeline stipulations were considered. A number of changes were suggested at the meeting, and written comments will be submitted by July 9th. The following are my comments as to specific stipulations:

1. *General—Electronically Operated Devices.*—I believe the FCC, and possibly the Communications Division of the Alaska Department of Public Works, has regulations concerning interference with communications systems. You may wish to look into this, or suggest Washington do so.

2. *General—Sanitation and Waste Disposal.*— In first sentence, replace "equipment, employees or employees of contractors or their agents" with "the Permittee or his equipment." Permittee has been defined to be inclusive.

3. *General—Reporting of Oil Leakages or Spills, etc.*—The Coast Guard and the Alaska Department of Health and Welfare should be notified that they are considered the agencies to which pipeline leaks or spills will be reported. No doubt both agencies would want to make provisions for receiving such reports.

4. *General—Protection of Pump Stations, etc., Against Oil Spills.*—The Air Force major, who attended, referred to E. O. 11288 as a source of authority. This should be checked as it may refer only to such facilities on government reservations.

5. *General—Cleanup of Oil Spills.*—It was suggested that the contingency plan be submitted at least 60 days prior to pumping oil through the system. We should add that the plan must also have been approved prior to pumping.

6. *Legal and Regulatory—Authority for Inspection.*—This should be changed so as to eliminate reference to the Authorized Officer in the first paragraph. In the second paragraph we might start: "The Permittee shall, upon approval by the Authorized Officer, furnish etc." This should satisfy Joe Blum's objection, and would be more in keeping with the intent—to regulate the number of governmental visitors to a camp at any one time.

7. *Legal and Regulatory—Heliports.*—This should apply only to temporary heliports—those in use only during pipeline construction.

8. *Legal and Regulatory—Airstrips.*—This should include any permanent heliports (though I foresee none).

9. *Legal and Regulatory—Communication Stations, etc.*—Colonel Hardin suggested that we require these facilities be made available to the United States. Since we would use them, at best, only intermittently (say, during a fire or when surveying in the area), and TAPS would probably not be using them most of the time, this is a real possibility to be explored on either a free or reimbursable basis. Compatability of equipment would be necessary.

10. *Recommendation.*—In connection with the discussion concerning recommended route changes, 'Chuck' Evans, BCF, suggested a change. His suggestion was meant to further protect the Gulkana River, but would require use of poorer, less stable soils. If TAPS is required to build in poorer soil conditions, the chances of pipe failure are increased. I believe it preferable to do all possible to require the safest route, thus decreasing chance of failure. With miles between shutoff valves, any rupture would be nearly catastrophic, no matter where it occurred.

11. *Materials—Material Sites.*—Reword first sentence as follows: "The Permittee shall make application to purchase construction materials, consummate a materials sale contract with advance payment. . .

[From the U.S. Department of the Interior, Bureau of Land Management, Washington, D.C., Apr. 25, 1969]

MEMORANDUM

To: Director.

From: Assistant Director, Resources.

Subject: BLM in Alaska needs additional funds and manpower.

The Atlantic Richfield, Humble, and British Petroleum companies have announced the construction of a 48-inch, 800-mile, Trans-Alaska pipeline which will cost an estimated one billion dollars to build. Construction of the line will start in the fall of 1969. Target date for completion is 1972. It would require nearly 10 million barrels (or half a billion gallons) of oil to fill up the pipeline. This quantity of oil is approximately thirty times the 1967 Wyoming daily production rate of 373,000 barrels per day from 8,547 producing wells. Daily production through the pipeline is estimated as reported by the Alaska State Director to be 2,000,000 barrels a day.

The Fairbanks District has received a right-of-way application for a 450-mile truck road, apparently from the Prudhoe Bay area to Fairbanks and the office expects soon the filing of an application for a pipeline along the same route.

Actions presently in process on the Arctic Slope area:

1. The drilling of 17 wells were started in the fall of 1968.

2. Eleven airstrips approximately 6,000 feet long have been constructed.

3. Pipeline route location crews from three major pipeline construction companies are in the field.

4. A winter haul road has been constructed from Fairbanks to Umiat on the Arctic coast.

5. Sixteen geophysical operations are on public lands on the Arctic Slope.

The Alaska State Director reports the following information:

1. To bed the 48-inch pipeline with adjacent construction haul road it will require approximately 40 million cubic yards of gravel.

2. Each oil rig requires approximately 100,000 cubic yards of gravel.

3. Each oil rig requires 6,000 12-inch x 24-foot pilings.

4. The pipeline will traverse the range of the last two large caribou herds in the world. The East and West Arctic herds are both estimated to exceed two-hundred thousand animals.

5. Construction of pipeline unless preventive measures are taken could inhibit traditional migration routes with devastating results to habitat and even to both herds.

6. Without preventive measures being taken, there will be irreparable damage to watersheds, and stream pollution.

7. Every Arctic camp is a potential garbage dump. Back-up photos are in the Fairbanks District emergency impact study package.

OTHER IMPORTANT INFORMATION

1. Each mile of this pipeline will contain ½ million gallons of oil. A pipeline break at the wrong place at the wrong time could be devastating to a broad spectrum of the ecology of a significant area, affecting native food supplies.

2. Any pipeline failure resulting in pollution will focus attention on the stipulations BLM places in the permits and rights-of-ways involved, much as it happened with GS stipulations in the Santa Barbara disaster. BLM issues right-of-way permits and is responsible for seeing that adequate stipulations and safety precautions are imposed before construction commences.

3. The maximum safe unsupported span of this pipeline is about 45 feet, requiring suspension bridges at each gully crossing. These will have to rest on unusual types of

"floating" foundations on gravel pads over permafrost, the design for which has not yet been worked out or tested. The Government as an obligation to approve the safety of suspension structure designs, as well as reviewing the adequacy of precautions taken against washouts of gravel under the pipeline.

——

TRANS-ALASKA PIPELINE, SPECIFIC ECOLOGICAL CONSIDERATIONS AND IMPLICATIONS FOR GAME MANAGEMENT ALASKA DEPARTMENT OF FISH AND GAME, GAME DIVISION

INTRODUCTION

[Pages 2 and 3 not included.]

It is the purpose of this report to delineate wildlife considerations which are necessary for proper enforcement of the Trans-Alaska Pipeline Stipulations.

If the pipeline is constructed in strict compliance with the U.S. Department of Interior, Trans-Alaska Pipeline Stipulations (1969) there will be only limited adverse effects on Alaskan game species.

The proposed pipeline from Prudhoe Bay to Valdez will be an obvious ecological and environmental feature of Alaska. Building the line will require extensive soil disturbance and destruction of natural vegetation along the 100-foot right-of-way, at gravel pits, at airstrips, at camp sites, and along access roads. There will be potential local hazards to wildlife populations during construction operations. Migration and local movements of some animal species will be affected at places where the pipeline will be constructed above ground. Erosion, herbicide spraying for vegetation management, and accidental oil spills are other potentially important ecological problems.

Public recreational opportunity will be improved and human utilization of the wildlife resource will be accelerated by the presence of construction crews and attendant developments and by the creation of additional public access. A significant addition to the workload of resource agencies will result.

The pipeline will constitute a major landscape feature of the coutryside through which it passes. This will affect land management by locally eliminating the opportunity to establish natural or wilderness areas and other similar classifications.

* * * * *

FUTURE IMPACT

Perhaps the greatest impact to wildlife and wildlife habitat will occur after the Trans-Alaska Pipeline System has been installed. Current Arctic engineering technology requires above ground pipeline construction techniques on most terrestrial areas away from streamside alluvium deposits. Therefore, the feeder lines, which must be constructed between individual oil well sites and the TAPS pipeline, to make the latter line functional, may result in the loss of large areas of wildlife habitat on the North Slope, plus inhibiting animal movements.

At any time after crude oil starts flowing in the pipeline system there will be hundreds of thousands of gallons of potential pollutant available under tremendous pressure. Pipeline breaks or leaks could cause pollution of lands and water that would be indescribable.

At the pipeline terminus in Valdez, continuous transfer of crude oil from shore to ship will present a continuous oil pollution hazard. Subsequent movement of the crude oil by ship between Alaska and the continental United States will also be a continuing hazard to marine and coastal fauna of the United States and Canada.

SUMMARY

If the U.S. Department of Interior, Trans-Alaska Pipeline Stipulations are strictly enforced minimum hazards to wildlife populations are anticipated during the construction period.

Increased public access resulting from pipeline construction will improve recreational opportunity. Increasing input from resource agencies will be required to monitor growing resource utilization during the post construction period.

——

[U.S. Government Memorandum, June 20, 1969, in reply refer to 2234 (pipeline); your reference (902)]

POO Study Leader.

A detailed inspection of the pipeline from Valdez to Prudhoe Bay was made during the period, June 9 through June 14, 1969. The flight was made in an SD-58 helicopter to permit the party to stop at critical predetermined locations along the route.

Following is a list of personnel who were on the inspection.

Fred Lotspeich, FWPCA.
Jum Tanaka, USACE.
Chuck Evans, BCF.
Jay Bergstrand, ADFG.
Joe Neeper, TAPS.
Frank Therrell, TAPS.
Terry McGowan, BLM.
Jim Hagihara, BLM.
Glenn Lipscomb, BLM.
Sal DeLeonadris, BLM.
Wayne Boden, BLM.
Bob Borovicka, BLM.

Fairbanks to Prudhoe Bay and return-- same as above except George Schmidt replaced Wayne Boden and Al Thompson replaced Sal DeLeonardis.

The inspection was extremely helpful to all parties. The ability of the aircraft to stop at critical locations along the route where the problems could be discussed between agencies and with representatives of TAPS seemed to be very effective. Mr. Frank Therrell, TAPS representative, was particularly helpful in pointing out the exact route and also the need for a reduced number of stream crossings. The proposal for a route change in the Summit Lake area by BLM was discussed with TAPS on the ground.

The new route up the Sag River and across the Brooks Range to the Dietrich River was inspected in as much detail as possible. It appeared to be the thinking of the group that the Dietrich route is more acceptable than the John River-Anaktuvuk Pass route.

Special comments follow: Soils, Jim Hagihara; Conservation, Glenn Lipscomb; Wildlife, Terry McGowan; Fisheries, Bob Borovicka.

HAGIHARA

Tonsina

1. Soils derived from glacial deposits.

2. Side slopes and terraces are composed of silt textured soils that are very poor for construction. These soils erode very easily and will cause severe erosion problems on the cut and fill areas.

Summit Lake—Paxson area—Natural slides and slumps were observed on the steep slopes.

Tanana River—Existing Army pipeline is subsiding in several places along line indicating presence of ice masses and permafrost.

River Crossings—Provisions needed to restore river banks to natural condition before or simultaneously with breakup. Considerable trash and sediment added to rivers and streams at all crossing points.

Exploratory Route—Numerous trails were made by tracked vehicles which are still very evident. Erosion gullies were noted on some of the slopes where organic material was removed.

Winter Road—Excessive blading was done in construction. This road will not withstand summer use.

Pipeline Construction—I do not think it is possible to bury most of the pipeline as anticipated by TAPS.

LIPSCOMB

1. Major stream crossings—high water marks noted on several rivers (Yukon, etc.) indicate high velocities which will require armor (rip rap) protection on crossing slopes below high water lines. This also applies where pipe is located along streams at stream level.

2. Ice masses (glaciation) along the John River, in Anaktuvuk Pass and at the head of the Anaktuvuk River appear to make that route a poor one for the pipeline.

3. Hardrock and drained granular material over the Dietrich-Atigun route with some glaciation (much less than Anaktuvuk) makes this route the most desirable one.

4. The large number of excellent clear water streams which both pipeline and access road cross makes it absolutely necessary to provide adequate protection at all such crossings.

M'GOWAN

The major impact of the line from Copper Center south, is the ever present danger of an oil spill. The wildlife impact would be on waterfowl in the delta and on marine mammals (sea otter and seals). Frank Therrell indicated pipeline will be buried from Copper Center to Paxon Lake—if this is possible and I have some reservations—the problems to caribou would be season of construction and not a barrier to migration. A problem may arise in the Paxon Lake area if any appreciable part of the trench is left open in the late summer or early fall when moose move into the area.

The area between Glennallen and Sourdough involves some trumpeter swan habitat (one nesting swan was observed on the route here). Construction during the nesting season would be detrimental.

The route as presently set up does not intersect any major waterfowl breeding areas. The major potential problem is the fact that the line passes upstream of several major waterfowl producing areas.

Kanuti Flats, Yukon Delta, Minto Flats, Copper River Delta and other lesser areas.

These waterfowl nesting areas would be devastated by a "relatively small oil spill" since they are poorly drained and relatively flat.

There appears to be a conflict between the proposal to bury all but 40 miles of the line and discussions with University of Alaska personnel and Dr. Brewer. Stips will have to cover any change in plans on the part of TAPS.

Dietrich River-Atigun River route would harm esthetic quantities but would be better solution to caribou problem since more of the line could be buried. Also the multiple crossings of the John River could be avoided and the crossings on the North Slope of the Anaktuvuk, Itkillik and Kuparuk Rivers. Anaktuvuk Pass is generally considered a broad pass—not so on south side—many parts of the John River appear to be less than one half mile. John River runs from one bluff to the other bluff covering entire bottom.

Trails in head of Atigun, Chandalar and Dietrich River indicate this is a *major* caribou migration route.

The lichen stands on the caribou winter range in the Ray Mountains are very fragile—All off R/W travel by man or machine must be excluded if work is done during thawed period.

The route changes north of Black Rapids should eliminate any major conflict with bison calving areas may be some conflict with migration but should be minor.

Need additional information on rare peregrine nesting areas particularly good habitat in Isabel Pass, Atigun Pass and possible Franklin Bluff.

BOROVICKA

Potential problems to fish and the aquatic environment exist along the entire route if we consider possibilities of pipe leaks or breaks. The Copper River system including the Gulkana and some tributaries are all producers of king and Red salmon. (off site catch is a multi-million dollar industry).

Sport angling is heavy in the area from Valdez to Livengood. Public concern for the aquatic resources in the Tanana and Yukon drainages is high. A major break could pollute the water in almost all of Central Alaska and the estuaries. A spill at Valdez could be disastrous to the sport and commercial fisheries and estuarive environment in the harbor and arm.

The Dietrich route appears to be better than the John River route because of less encroachment on the stream system.

The inventory and knowledge of the aquatic environment and fish population in the area from Livengood to Prudhoe Bay is almost non-existent. Many small streams are crossed that are important spawning and rearing areas for grayling and other species. BLM needs more information on these streams. We can make only general recommendations for production.

The work road will be even a greater impact on the streams than the pipeline. Good bridges and crossings will be necessary to prevent disruption of normal migration. Timing of fish migrations will be very important if the resource is to be protected to the maximum.

There is now no control in river gravel operations in the Sag River. We cannot permit such operations in other streams.

ARCTIC SLOPE AND TRANS-ALASKA PIPELINE TASK FORCE REPORT: BIRD RESOURCES ALONG THE TRANS-ALASKA PIPELINE

(By James Bartonck, wildlife biologist, Northern Prairie Wildlife Research Center, Jamestown, N. Dak., Sept. 30, 1969)

The 48-inch diameter, 800-mile long Trans-Alaska Pipeline will carry Arctic Slope crude oil from Prudhoe Bay on Beaufort Sea to Port Valdez on Prince William Sound (Fig. 1). The real and possible effects of the pipeline upon the bird resources, particularly waterfowl, are discussed in this report and some general recommendations are given.

BIRD RESOURCES AND HABITAT

The pipeline and the accompanying road will traverse through much important and diverse wildlife habitat, and each type of habitat contains bird species that are especially suited to live there. The species composition and numbers of birds within habitats obviously change from season to season, but because of that, this report is lacking in that it does not appraise the value of habitats to birds in seasons other than summer.

Kessel, Weeden, and West (Appendix) have listed those species of birds that can be found on the seashore, freshwater marshes and lakes, coastal tide marshes, muskeg, streams, pastures, bluffs and rocky outcrops, shrublands, tundra, and forests—all of which are found along the pipeline route; and they also describe the birds along the Richardson Highway from Valdez to Fairbanks which parallels the route of the pipeline. In another report, I have summarized information on the birds of the Arctic Slope.

The waterfowl habitat along the pipeline route was categorized and subjectively appraised as to waterfowl densities (Table 1). Comments on particular sections of waterfowl habitat with respect to the pipeline are presented in Appendix; these comments are numbered and correspond to numbers appearing in Fig. 2a–g.

Although much of the waterfowl habitat traversed by the pipeline was considered to contain low and medium densities of waterfowl (Table 1), it is still important to those birds using it. Crystal clear water of fast-moving mountain streams contain few ducks, but this is usually the only habitat that harlequin ducks will use and, therefore is of importance to the species.

DISCUSSION

When the pipeline passes through large blocks of monotypic habitat, its effects upon local bird populations will be less than when it runs parallel through a small and narrow strip of habitat along stream or river. The pipeline and road right-of-ways and special-use areas will directly affect only about 25 square miles of habitat; however, this area includes much habitat that is situated along water courses and that is distinctly different from habitat found a few hundred yards up the slope. Additionally the pipeline may indirectly affect an area many hundred times the total area under permit, particularly if the pipeline breaks and oil damages downstream areas.

Oil leaks occurring in the drainages of the Sagavanirktok, Koyukuk, Tanana and Copper Rivers and Minto Flats pose serious threats to important waterfowl habitat. The magnitude of the losses will be dependent upon the volume of oil spilled, the water or ice conditions of the river, waterfowl numbers and distribution, and the persistence of oil in the polluted areas.

Oil spills occurring during a dry summer when water levels are low may remain largely within the confines of the stream or river channel. However during flood stage or when rivers are frozen, oil spills may spread over vast areas of low-lying waterfowl habitat adjacent to the rivers. Conceivably an oil-spill in almost any of the several drainages entering into Minto Flats could affect half of the wetlands during flooding.

Waterfowl numbers and distribution obviously change from season to season and place to place; and accordingly, the vulnerability of waterfowl to oil pollution changes. In early spring when most ponds and lakes are still frozen, waterfowl concentrate in any open water and, therefore, become particularly vulnerable to oil pollution. Rivers, deltas, and leads in sea-ice and lake-ice are areas where waterfowl frequently concentrate during spring migration and are likely to contain spilled oil. It is conceivable that waterfowl may even fatally mistake dark-colored oil on white ice for open water. This latter problem will probably occur too often in the area of the million eiders and hundreds of thousand oldsquaws migrating during spring along the open leads in the Beaufort Sea. During nesting and brood-rearing waterfowl become widely dispersed, and the population becomes less vulnerable to pollution. Concentrations of molting and fall-migrant waterfowl are generally more dispersed than spring-migrants and use areas that are less likely to become polluted, excepting the deltas.

Oiled feathers can result in death of birds from such proximate factors as drowning, exposure, and posioning. Oiling may insidiously cause reproductive failure through nonbreeding and embryonic mortality. Pollution can destroy or reduce the habitat by either directly affecting these plants and animals essential to waterfowl or indirectly affecting these essential organisms at some lower trophic level.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 20, 1969.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: Enclosed are the answers to the questions which you enclosed in your letter of October 23, 1969, in regard to my proposal to modify Public Land Order 4582 for the purpose of an 800-mile pipeline right-of-way from Prudhoe Bay to Valdez, Alaska.

You may be assured that we will keep the Committee fully informed on the project as it progresses. If circumstances arise during the planning, construction or operation of the pipeline that would make necessary significant alteration to the stipulations, the route or the authority under which the permit is administered, I will give the Committee the opportunity to comment and to indicate any objections it might have.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

ANSWERS TO THE QUESTIONS ASKED BY SENATOR HENRY M. JACKSON, CHAIRMAN, SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE, OF THE SECRETARY OF THE INTERIOR REGARDING THE TRANS-ALASKA PIPELINE PROJECT ON OCTOBER 23, 1969

GENERAL

1. Question: What are the plans for post-construction control of the pipeline? Will this be an exclusive Federal or an exclusive State responsibility? If it will be shared on a functional, as opposed to a geographical basis, please describe the division of functions.

Answer: Responsibility of Interior Department will be confined to environmental matters.

The State of Alaska is responsible for anadromous fish streams. The Federal Water Pollution Control Administration, and Alaska State Department of Health and Welfare and Department of Natural Resources will share responsibility for water pollution problems.

Questions concerned with safety will be the responsibility of the Department of Transportation.

The Trans-Alaska Pipeline will be unique for many reasons, therefore we invite this committee to recommend whatever other controls it might feel helpful.

2. *Question:* How wide is the right-of-way which would be granted? Would changes in routing require the issuance of new permits or would they be covered in the initial permit?

Answer: Section 28 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 449), as amended (30 U.S.C. 185), authorizes the granting of rights-of-way for oil or natural gas pipelines to the extent of the ground occupied by such pipelines and 25 feet on each side.

Changes in routing can be authorized in the original permit, by amending the original permit, or by granting new permits.

* * * * *

6. *Question:* Are the Departmental scientists satisfied that pipeline corrosion problems in the Arctic environment can be surmounted?

Answer: The Department's scientists are satisfied that a solution to corrosion problems in the Arctic environment are not beyond the scope of present capabilities.

7. *Question:* What Departmental studies have been made with respect to the probability of earthquakes of such magnitude that they could cause pipeline ruptures?

Answer: We cannot provide assurance that large earthquakes will not rupture the pipeline. We are doing everything possible to minimize the danger of such ruptures by requiring routing on stable ground and to minimize the effects of such a break through the installation of cutoff values at locations where ruptures might occur.

C. PUBLIC ACCESS

1. The stipulations require free and unrestricted public access on all roads and rights-of-way.

Comment: The stipulations require that after construction is completed, Permittee shall permit free and unrestricted public access to and upon the Pipeline and access road rights-of-way for all lawful and proper purposes except areas designated as restricted by Permittee with the consent of the Authorized Officer.

a. *Question:* Who will maintain these roads?

Answer: It is anticipated that most of the construction roads will be abandoned. Those roads that are not abandoned will be maintained by TAPS.

[Report by several Interior Department officials dissenting from the Department's draft impact statement]

DRAFT MEMORANDUM

To: Jack O. Horton, Assistant to the Secretary.

From: Harold T. Jorgenson, Bureau of Land Management.

Subject: Environmental Impact Statement for Trans-Alaska Pipelines.

In the following I am proposing a considerable number of modifications of the environmental impact statement which must be filed in connection with the Aleyeska Pipeline Service Company application for permission to use a right-of-way 54 feet wide and 773 miles long, which traverses federal public domain lands for some 600 miles, for construction and operation of a 48 inch pipeline and various supporting facilities.

After some general comment I shall present my proposals in the general sequence of the draft statement.

GENERAL COMMENTS

I find the environmental statement on the whole inadequate. The major shortcomings are: (1) it fails to set forth the overriding environmental consequences which would ensue from development of the Trans-Alaska Pipeline, and (2) it carries a strain of advocacy of the pipeline development which is unwarranted by evidence of its necessity and consequences. Thus it does not conform to the evaluative purposes and objective standards that are prescribed for a 102 statement.

The overriding environmental impact is the opening up of a major part of the North Slope, a vast region which embraces 56.5 million acres (more land than in all of New England or almost as much as in both Indiana and Illinois combined) to unplanned high-speed development which is certain to have a profound and uncertain effect on the future processes of human occupance and economic growth in what is now a generally pristine and fragile environment, and one in which there is still little modern development experience.

There are no indications even as best they may be perceived at this stage of what the installation of the pipeline will set in motion in development of the North Slope in such concrete terms, as number and size of oil fields, number of oil and gas wells, miles of tertiary and lesser grade service roads, extent of feeder pipeline networks, number and size of new communities, number and size of airfields, number and size of construction camps, etc. Without such indications of the chain of things let loose the environmental impact cannot be really assessed.

The impact of the pipeline is less than half the story. The pipeline is like the trunk of a tree—it's what takes place at the ends, at the roots (oilfield developments) and at the branches (marine transport) that make all the difference in the world. Without full consideration of these the statement is incomplete.

In nature nothing stands apart and ecologists have taught us to see it in all its complex wholeness. To the extent possible the process of development must be viewed in a similar manner. Otherwise there is a discontinuity. To deal with only the impact of a bit here and a piece there, and each in severality, is to two-bit the environment to death by the development process. Integrity demands a look at the whole consequence of the pipeline development. The Departmental Manual prescribes that both the primary and secondary consequences for the environment be included in the impact statement.

Whether the opening and development of the North Slope and all it implies as to environment should be done now, and, if it should, how it ought to be done, considering the state of the arts of settlement and development in the Arctic, the disruptive impact of large scale technologic intrusions upon the existing primitive human ecology involving perhaps several thousand Eskimos, the inevitable chronic damages and possible catastrophic damages to land and marine resources, and the increasing premium being placed on simply preserving the wilderness, wildlife, and environment in modern America are the major concerns involved in rendering a judgment about approving or disapproving the Trans-Alaska Pipeline application for a right-of-way permit.

In positing the justifications for exploiting the oil and gas resources of the Prudhoe Bay fields there are none which emerge as absolutely compelling reasons as contended in the statement.

It should be noted early in the statement that it may be folly to approve the right-of-way application without first developing a master plan for Northern Alaska which would provide a basis for the major land use policies and decisions needed to guide development there, especially in the more fragile ecology of the North Slope. Such a plan is expected to be fully developed in the next two years

The statement might well note that the orderless development that has been associated with the exploration and exploitation of oil and gas on the North Slope cannot be countenanced any longer. There are indications that Alaskans will not endure further wayward developments. The winter road pushed through in 1968/1969 from the northern extremity of the existing road system into the North Slope is now commonly regarded as a monument to ill conceived action and a potential source of serious ecologic trouble. The state legislature in view of this lesson withstood an intensive lobbying campaign by oil interests to approve the construction of a pipeline access road with state funds as a means of circumventing the Department of the Interior rights-of-way requirements. The tragic increase in oil pollution caused by tankers clearing out their fuel tanks and bilges and by accidental spills in loading and unloading petroleum cargos in territorial waters have stiffened public conservation attitudes.

The 1970 Alaska political campaigns were dominated by concerns about the quality of the environment. From this it is obvious that Alaskans have turned to considering Alaska as a place to live as well as a place to make a living. The objectives which Alaskans have seemingly set for future development of their state are "the creation of a political and social environment and protection and enhancement of a physical environment affording the maximum opportunity for living full and rich lives."[1] This all suggests that issuance of the pipeline permit should be delayed until there is greater certainty that no irreparable environmental consequences will follow from its construction.

SUMMARY

The summary notes that "the environmental impact of the proposed action would extend to almost every facet of the existing Alaskan environment." As to the effect of the action on human resources it notes the improved economic situation would attract a few more residents, involve all of the people in a more vigorous economy, and possibly enable improved state public services of benefit to the Natives. A glaring omission is the direct effect it would have on the way-of-life of the Eskimos on the North Slope and the interior Indians residing in or near the pipeline corridor. A former Secretary of the Interior has said "Human values must be given paramount attention, and all development problems must be considered in terms of their effects on people." Yet no mention is made of the direct effects upon them. The profound effects upon native land-based cultures in the broad regions traversed by the pipeline must be evaluated—the destructive as well as the beneficial. Certainly they should be taken seriously and considered as alternatives to that which might be introduced in connection with the oil industry's rapid technological developments.

In terms of land use, the summary indicates the major impacts include changes in land values and wilderness character along the pipeline and the initial dedication of some 38,000 acres to the right-of-way and roads, material sites, and other pipeline system components. True enough, but again these are not the major impacts. Not mentioned is the much more extensive subjugation of an ecologically fragile tundra biome to certainly one and probably to two or more major oil field developments. This means the installation over hundreds of thousands of acres in each of a complex containing all the appurtenances necessary to efficient oil field exploitation—exploration trails, seismic grids, access roads, construction camps, communication facilities, pumping stations, feeder pipelines, airstrips, etc.

In considering the impact on wilderness and semi-wilderness attributes it would be desirable to attempt in the summary to quantify the losses or impairment in hundreds of thousands of acres of each. Likewise it would be desirable to try to quantify the acreages subject to sufficient disturbance to drive out certain species of wildlife. Since the responses of different species of wildlife and fish to habitat disturbance depend on many factors, some of which are not well understood, it must suffice in some cases to indicate as best one can the probable effects on wildlife.

The summary should generally indicate by ranges of estimates in acreage how extensively the vegetation resources will be affected by oil field exploration and development activities and the trunk pipeline and road construction and then related to the overall degradation of permafrost conditions.

In the reference to air pollution which hardly seems worthy of mention in the summary compared with other matters not mentioned, note should be made of the particulates from oil and gas combustion for heating and electrification of service installations, pumping stations, and community centers and operation of the prime movers of the mainline pumps.

The summary notes that "some 80 million cubic yards of granular construction material would be required, which would seriously deplete, but not exhaust the available resources." There is no indication of how serious the depletion may be since no estimate is given of the total. But this is important as no doubt the 80 million cubic yard requirement is only for the pipeline project. Probably much greater magnitudes will be required for various oil field roadway, pipeline, and communications networks, and other appurtenances.

It is indicated that "some degree of permafrost degradation would result from the increased access, construction, and operational activities" and that "this degradation would lead to serious engineering problems in some unconsolidated superficial deposits, involving slope stability and drainage interference." This is pretty cool rhetoric for dealing with a pretty hot issue. It is so altogether disarming that it disservices the purpose of an environmental statement. Certainly it is incumbent in the summary to point out the extent of permafrost degradation that is likely to occur in terms such as probable acreage which will be affected by differential settlement and thermokarst development, both in relation to the pipeline and road corridor and the whole train of oil field developments which it will spur, and the implications of this in terms of ecologic injury and pipeline disruption and oil spillage damage.

The degree of degradation will of course vary with the moisture content of the surficial materials of the depositional slopes; extent of disturbances of the tundra vegetation from seismic operations, drilling of test wells and production wells, development of operating camps and service communities, construction of roads and bridges, and the building and operation of pipelines; exposure of the slopes; and the nature of the construction and operation of the oil development systems.

The summary notes that in permafrost areas the hot-oil pipeline could be buried safely only in bedrock and well drained gravel terraces. There is no mention of how much of the pipeline would traverse permafrost areas and hence of necessity must be constructed upon an insular pad or on piling, or how much can be buried in bedrock, well-drained gravel terraces, or permafrost free beds of deep streams. Such indications are essential to convey some appreciation of the degree of vulnerability of the pipeline and the extent of interference of the surface pipeline to the normal movements of animals.

No mention is made in the summary of the vital information that valves at presently unspecified intervals in the proposed pipeline system would provide a means to shut down the flow of oil in the event of a leak or rupture, nor of the fact that while the oil flow at pump stations could be shut down within minutes in response to radio signals, the shut-down times for unmanned valves away from the stations which must be operated manually by helicoptor personnel would vary from less than an hour under ideal conditions to several days, depending on valve locations and weather conditions.

The statement summary should note that spills at certain times could decimate a local population of fish or wildlife with a narrow range of ecological requirements, such as salmon, or the dusky Canada goose of the Cooper River delta, and in doing so, eliminate production of the species in the spill area for many years or perhaps permanently.

The dramatic consequences of disturbances of the tundra surface—quagmires, differential settlement, canal-like trench developments, soil slumps, drainage changes, thermo-karst terrain, roadside ice wedge melts, etc. ought to at least be acknowledged in the summary. No mention is made either as to the susceptibility of the pipeline to rupture damage or even severance in earthquake prone areas.

Further research undoubtedly would provide many answers to problems of arctic engineering and environmental management. For the Alaska oil industry research delay is so costly after its initial and continuing heavy investments that it wants development by trial and error while research is being conducted. The conservationists on the other hand urge no interference with the tundra biome until adequate research has assured an environmentally secure development. Industry claims of a stable, controlled, monitored, safe pipeline may be questioned, especially in view of the ecologic disasters the industry has incurred elsewhere. The statement that "the environmental and technical stipulations as well as applicable laws and regulations of both the Federal Government and the State of Alaska would prevent or mitigate most of the potential damage to the environment resulting from construction and operation of the pipeline" is a project serving palliative. There is no way of knowing what the potential damages would have been without them and hence no way of knowing whether they would prevent or mitigate *most* of them. The statement is akin to eradicating toads from imaginary gardens. In any event there has already been enough unprevented damage under the countenance of both State and Federal governments to make the record less than laudable. To the conclusion "there remains, however, a residue of unavoidable effects which must be acknowledged" there needs to be added "and some major environmental and engineering unknowns as well."

The ticking off of the environmental consequences of the construction of the pipeline and related oil field developments on page 4 are in order only if the impacts are quantified as suggested above, and some note is also taken of the potential serious oil spills which undoubtedly will occur in Prince William Sound. The frequency and volumes of spills cannot be predicted, but with the tremendous volume handled just the chronic spills would result in biologically—significant losses to the marine environment. The productive fisheries of the littoral and intertidal zones of the Sound would be particularly vulnerable, both to gradual deterioration resulting from low level pollution, and to the short and long-term effects of major spills. Significant spills in Prince William Sound could affect large numbers of waterfowl, other water birds, and fur seals that migrate across the Gulf of Alaska as well indigenous seals, sea otters, and other marine mammals throughout the Sound.

It is not an overstatement to say oil pollution is already calamitous in some ocean areas and hence the Department of the Interior should be particularly concerned about increasing it through inadequate regularization of the oil and gas developments. Some scientists are known to feel oil pollution may gradually upset the ocean's entire ecology and preclude its use as a major food source.

A brief notation is made that "although the potential for disaster would be always present, its actuality is considered remote." The potential for disasters needs to be spelled out, and their chances rigorously appraised. This is the crux of the matter. The Department and the Environmental Quality Council must satisfy themselves about this. All possible precautions may not be enough. The test is whether there is sufficient reason to take the risks.

The summary postulates "the unavoidable adverse effects are considered an acceptable cost to the environment in view of the benefits that would be obtained from the pipeline project." In view of the lack of quantification of the adverse effects upon physical and human resources, the uncritical appraisal of the possibilities of ecologic disaster, and the gaps in knowledge in construction engineering and ecologic management under Arctic conditions this is not creditable. For that matter the benefits are not too well defined either. In any event, this is a judgment that must be made by the Environmental Quality Council, the Congress, and the Government of Alaska, and most of all by the people in Alaska and the American public. It would seem appropriate for the statement summary to suggest that full-scale public hearings be held to provide an opportunity for environmental scientists, industry representatives, private conservation organizations and public agency officials to lay all the available facts before the people. Major national interests are involved in the development of Northern Alaska.

It is posited that "there is a compelling need for making the vast petroleum resources of the North Slope available to the United States markets at the earliest date." To back up this assertion it is indicated that (1) energy requirements are increasing at an annual rate of better than four percent present whereas domestic supply sources show little capability of fulfilling this demand and (2) timely construction of the pipeline would enable provision of at least 500,000 barrels of oil a day by 1975 and up to 2,000,000 a day by 1980.

Do we really need it and that fast? The oil industry contends we do as America now uses more than 14 million barrels of oil per day while we produce less than 10 million. But the special private view of the oil industry is not synonymous with a public interest view. From that view the need is far less compelling.

It is possible to make a rather convincing case that the United States needs to augment its domestic crude supply. The current demand for crude is increasing more than 3 percent a year and shows few signs of letting up. The pace of crude oil discoveries, aside from the North Slope find, have been declining (as have exploration and drilling activity) at about 3.5 percent a year. To put it another way, domestic crude production totaled 3.2 billion barrels in 1969 while the additions to reserves totaled only 2.1 billion barrels.

Similar arguments have raged for decades, but always just when the state of crude supply looked bleakest some huge new oil field was discovered. Now it is the North Slope discoveries which can help save the situation. But what about looking at some other alternatives too.

The Bureau of Land Management has just leased 543,897 acres on the Outer Continental Shelf. Crude oil from the Outer Continental Shelf is contributing an increasing proportion of total U.S. production. In 1968 it was over 8 percent, and in 1969 it was well over 9 percent. Recent analyses indicate, as in the following, that petroleum from the OCS may be expected to increase substantially.

United States petroleum product demand is projected to increase to 16.2 million barrels daily in 1975 and to approximately 21.3 million barrels daily in 1985. To supply this demand, and to maintain total imports in the same historical proportion as under the usual current mandatory control program, there is need for domestic crude oil production to increase to a level of 10.5 million barrels daily in 1975 and approximately 13.5 million barrels daily in 1985 (the balance being made up of imports, natural gas liquids, and refinery gain). By 1975 the volume of crude oil produced from the Outer Continental Shelf is expected to be 1.5 million barrels daily and by 1985 it is projected to range from 2.35 to 2.55 million barrels daily. Thus, the domestic crude oil needs by 1975 can be readily met while that for 1985 can almost be met from the OCS. (Data from Foster Associates, Inc. BLM contract study "The Demand for and Supply of Petroleum and Natural Gas from the OCS of the United States).

While proved OCS reserves are only 2.9 billion barrels of oil and there is no satisfactory basis for determining undiscovered recoverable amounts, best estimates suggest a range of 220 to 640 billion barrels.

In considering crude oil reserves for U.S. as a whole, however, it is calculated that without inclusion of the North Slope the reserve-production ratio will have declined by 1985 to 8.2 years, indicating the need for additional supplies from increased imports and/or synthetic liquids, whereas if the North Slope is included the national reserve-production ratio would be an adequate resource base of between 10–12 years (Foster Associates, Inc.). A brief look at some of the additional prospects is thus in order.

Some conservationists believe that new methods of secondary recovery of existing oil reservoirs will be developed in the near future. This is of major importance since at present often as much as 70 percent of it is not recovered with present technology. Another view that is widely held is that the internal combustion engine, gasoline for which takes about half of the Nation's refinery output, will within a few decades become largely replaced mainly because of public insistence that air pollution be abated.

A recent study of the development potential of oil shale deposits indicates that the one located in western Colorado is so "incredibly abundant that if even a small percentage were turned into shale oil, the supply would be sufficient to meet the nation's petroleum needs well beyond the year 2000—indeed probably until all fossil fuels become obsolete" and that "though this deposit has never been commercially exploited to any meaningful extent, the evidence is overwhelming that production of shale oil would be not only profitable but a good deal more profitable than exploration for and production of new domestic reserves of crude oil (Chris Welles, The Elusive Bonanza, Dutton & Company 1970).

In shorter range there is the possibility of relief of pressure to speed North Slope development through increasing oil import quotas. The President recently loosened the import quotas by 100,000 barrels a day in an effort to roll back recently increased gasoline prices. Most of it is to come from Canada since the existing tanker shortage inhibits lower price importations from the Middle East. If this much can be brought in to bring a downward pressure on gasoline prices, there seem to be no good reason why this amount and much more could not be brought in shortly to improve the supply situation.

The import quota system is set up ostensibly to safeguard the national security. The theory is that America must maintain a large and flourishing oil industry in order to encourage exploration, and to make certain that it has ample domestic supplies under its command in case of war. Many economists question this policy in the belief it serves more to exhaust our petroleum resources prematurely than to give assurance of a steady and ample supply. In any event the system should not be allowed to operate to the serious detriment of either consumers or the environment if there are other alternatives.

The important consideration from a strategic standpoint is not the matter of ample domestic supplies but ample supplies under a secure defense umbrella. This would seem to include large western hemisphere supplies in Canada and Venezuela. Certainly these are no more vulnerable to an enemy cut-off than supplies from the North Slope. It is hard to imagine anything more vulnerable to bombing attacks, guerrilla blasting, or internal sabotage than an oil pipeline strung out over about 800 miles of wilderness in Alaska. Thus it would seem the President should keep on expanding the oil import quotas until a reasonable relationship is created not only between prices but also supplies of domestic and foreign producers. And if this were done it might become uneconomical to develop the North Slope oils for the timebeing because of high extraction and transportation costs.

The contention is growing among economists, conservationists, and legislators that the petroleum industry with assistance from an intricate complex of governmental regulations has not only been quite effective in balancing supply to match demand, and thereby maintaining unnaturally high crude oil prices, but also in gaining access to and control over the flowage of oil resources and other energy sources in such a way as to make it the country's most favored and monopolistic industry. The way the TAPS right-way application is handled will be viewed by many in this context.

The suggestion is made that with the domestic production available from North Slope reserves dollar payments for oil imports would be substantially reduced. This may be true but there are other and better ways to deal with the balance of payments problem.

No mention is made in the summary of the fact that a large pipeline designed to transport hot oil has never been operated in the Arctic. Development of the technology on a lesser scale than the TAPS Project would be a more acceptable experiment.

The summary concludes upon evaluating the impacts and needs for the pipeline that:

1. Early development of North Slope petroleum reserves is essential to the strength, growth, and security of the United States. This is an overstatement the evidence doesn't support. The argument not only doesn't wash, but about as strong a strategic case can be made to the opposite effect. Moreover, it is gratuitous and inappropriate to an environmental statement.

2. The proposed pipeline system would provide the earliest and most practical oil delivery, and on balance with the fewest environmental problems.

There can be little doubt now it would provide for the earliest oil delivery. There is still doubt though whether it is the most practical since this argument has really not been fully developed. Whether on balance it would create the least environmental problem of all alternate means and routes cannot be deduced because inadequate attention has been given to a scientific examination of alternate possibilities.

3. Construction and operation of the proposed TAPS in accordance with the pipeline stipulations and all applicable laws and regulations relating to environmental protection would reduce foreseeable environmental costs to acceptable levels.

Such an all knowing judgment cannot be sustained. Partly it depends how the acceptable levels of environmental costs are measured—does it include only those in the pipeline corridor or all those incurred on the North Slope which in any way relates to it and all the marine ecologic damages as well. Partly it depends on what are acceptable environmental risks, and this is made all the more uncertain because of many basic gaps in knowledge. And it depends upon the eyes of the beholder—the Eskimos, the Alaskans, the Nation—the industry, Fairbanks businessmen, conservationists—each with their own value systems. It has been written—"If oil is a uniquely devastating ecological enemy, Alaska is also a uniquely vulnerable victim." This bids everyone to take special heed.

A more sustainable judgment would seem to be deferred construction of the pipeline until a master land use plan has been developed for Northern Alaska, a thorough going analysis has been made of all national policies affecting the petroleum industry and how North Slope oil development would then fit into the national interest, all alternatives means and routes for delivery of the oil to consuming centers have been adequately examined, and there is ample assurance that great ecological disasters will not occur.

The summary as it stands seems too much to assume that "what's good for the oil industry is good for the country."

INTRODUCTION

In the discussion on proposed action it is indicated that "of the approximately 586,000 square miles of land in Alaska, the project would utilize about one one-hundredth of one percent of the total," but that "its impact—would affect the environment over a much larger area." As indicated above in considering the direct impacts of the project it is necessary to view them in broader terms than just those in the pipeline and roadway corridor, and the secondary impacts in an altogether more quantitative manner.

The general justification statement II.B, which builds on the compelling necessity, reliableness, practicalness and comparative economy of delivering North Slope oil to U.S. markets, is subject, as noted above, to many doubts. The contention that the trans-Alaska pipeline is least likely to adversely affect the Alaskan environment is not demonstrated. The alternatives routes as means of delivery are hardly considered.

Exploratory activity for domestic natural gas is noted as being "at a ten year low" and without "visible indications of a recovery." There is the likelihood that this may no longer hold, however, since the large scale recent OCS oil and gas lease sale.

The recent Foster Associates study notes that all indications point to sufficient domestic supplies of natural gas to meet 95 percent of anticipated requirements to 1975. To achieve this result, however, it will be necessary to provide additional economic incentives to provide for a higher discovery level of new services. During the decade 1975–1985, it will be necessary to further supplement domestic gas supplies in order to maintain a national reserve-production ratio of 12 years which is considered to be the minimum national inventory level.

The role of coal in the supply of energy is cast in a non-dynamic light. This doesn't accord with the strip-mining boom in Virginia, West Virginia, Kentucky, and Tennessee. In the Southwest there are plans to strip coal from Black Mesa for new power plants. New power stations near sources of coal supplies may bring the stripping boom to states like North Dakota, Montana, and Wyoming, which have large reserves. Vast coal acreages are being sold, leased, or optioned to coal producers. The timing of development of stack emission control coincides very well with the probable peaking of production of strip coal mining. The new Secretary of the Interior is concerned about improving the balance in energy development from coal and petroleum sources.

The outlook on production of crude oil in the "lower 48" is in need of alteration in view of the Foster Associates findings noted above and the large OCS lease sale and its prospective effects on production and proved reserve additions.

The "synthetic" fuels picture seems in need of change in view of statements on the oil shale and coal mining development prospects given above. Moreover, national policies with respect to their development can materially change the supply time frame.

With respect to future crude oil supplies it is noted that the Cabinet Task Force on Oil Import Control agreed that Western Hemisphere sources of petroleum may be deemed reliable and that the principal analysis of their report projected 1980 production in Canada and Venezuela sufficient to provide enough oil to the U.S. to enable us to limit our dependence on Eastern Hemispheric oil to 10% of our consumption. Perhaps, as some of the Task Force apparently felt this is optimistic as it assumes development of new Canadian petroleum provinces, a change in Venezuela tax and royalty policies, and delivery of North Slope oil beginning by 1975 and in significant volume by 1985. As to new Canadian production, however, the outlook is optimistic (reserve/production ratio is keeping up and panarctic has made major gas discovery), and as to Venezuela oil supplies it is possible and perhaps worthwhile to encourage their development rather than incur great environmental risks in rushing North Slope oil development. Furthermore, the North Slope deliveries could be compensated for by increased OCS production or by other means considered above.

The table which presents U.S. petroleum demand and supply balances as they might develop through 1985 is based on various assumptions which appear to be questionable. There is little question that current demand for crude is increasing at more than 3 percent, that it shows little immediate sign of letting up. There is question though of whether it should. There could hardly be anything more beneficial to the health of environment or the order of cities than a reduction in the prolifigate use of gasoline with which to run private automobiles in the United States. Public policy may well require reductions in automobile transport. The gross additions to crude production capacity in the lower 48 may be well above the 1967–1969 average rate considering the recent heavy industry investment in OCS oil leasing and by implication the oil development. Also there is a growing probability that the volume of imports will not be conditioned only by the need to supplement U.S. production but also by the need to maintain a price level that is acceptable to consumers. There is increasing political pressure to break the hold the cartel-like oil industry has so long enjoyed on the production pricing system. These factors and other considerations noted above could have important effects on required supplies, domestic production less the North Slope, and the amounts attained from other sources. And substantially changes the projected dependence on Eastern Hemisphere sources.

As noted above the North Slope oil production effects on U.S. dollar drain may not be a simple linkage affair.

Thus the argument that "America's rapidly expanding requirements for energy demonstrates a compelling need for development of the Alaskan North Slope oil" on a pell-mell hurry up basis is really not sustained. This argument runs more like a project justification piece than as well supported evidence.

The recital of projected revenue benefits to the State of Alaska are interesting but there is no evaluation of its immediate need for them. It seems that the State can operate its current services without dipping much if any into the principal of the Prudhoe Bay lease sale bonanza it realized in 1968. This raises the question of whether considering state financial conditions, it is justifiable for revenue reasons to hazard the environmental risks involved in speedy North Slope oil development.

The projected increased employment in oil and gas industries and oil and gas related supportive industries appear reasonable and worth mentioning as an ancillary benefit. Mention should also be made of prospective employment losses, however, through disruptions of the traditional means of livelihood to the indigenous population on the North Slope. Equally important, Alaskans want future economic development to depart from past patterns of resource development at the cost of environmental damage. Trade-offs of employment and incomes for impairment of resources and environment are no longer regarded as necessary or justifiable.

It is noted that the projected road development north of the Yukon might provide access to the towns of Bettles and Wiseman. To be sure there is no illusion created here, it is desirable to call these settlements rather than towns and better still to bracket their present small populations to better suggest the true significance of the access being provided.

It is indicated that floating booms are to be used to retain and prevent the spread of oil spilled off ship or loading facilities in Prince William Sound. They will be positioned and moved, as required, by tugs and mooring boats. The oil so retained will then be picked up by floating skimming facilities, with final clean-up by use of materials capable of removing all oil traces. There needs to be an evaluation of the effectiveness of such oil spill recovery methods.

All seismic areas through which the pipeline would pass are said to have been identified. The major fault zone crossings are not quantified in any way, however, which would indicate their hazardousness, as by number. width, degree of instability. Most active creep locations and rates must still be more closely determined. Seismonitor and creep meter networks are to be installed along the proposed pipeline route.

DESCRIPTION OF EXISTING ENVIRONMENT

This section suffers from being overlong and overwritten. It seems desirable to substantially condense parts of it as much of the general Alaska detail is not needed in considering the environmental impact of the trans-Alaska pipeline project.

In the section on human resources it would be more useful to the purposes of the environmental impact statement to describe the human ecology on the North Slope and in the mainly Indian occupied areas South of the Brooks Range instead of dwelling at such length upon the general distribution, educational level, and state of health of all Alaskans. This would lay a better background for subsequent evaluation of the environmental impact upon native cultures and peoples of the proposed action in section III.

Description of the psysiography and geology of the environment through which the proposed pipeline would traverse is excellently done but in excess of the most practical considerations of an environmental impact statement. What is most desired is an evaluation of the vulnerability of the pipeline to disruptions from earthquakes, thermo-korst development, differential settlement, and solifluction. Quantifications of these geologic hazards in the closest manner possible by physiographic provinces along the pipeline route would be more serviceable. It is presumed a great deal of data to enable such evaluation is available from Aleyeska geologic and soil investigations.

The section on land use does not adequately portray the subsistence land utilization of the indigenous population—Eskimos and Indians—on either the North Slope or in the more wilderness sections south of the Brooks Range. The subsistence land-use dependencies of Eskimo and Indian cultures need further consideration as a basis for subsequent examinations of what will happen to them if the pipeline is constructed.

The description of fishing and wildlife resource conditions along the pipeline route and in the vicinal coastal portions of the Beaufort Sea and Prince William Sound is perhaps a bit long but excellent. Missing is a description of the present importance of fishing and wildlife resources to life support of the coastal and inland Eskimos of the North Slope and to various Indian groups in the more wilderness portions of the pipeline route south of the Brooks Range.

The decline of the commercial clam fishery at the mouth of the Copper River needs a better explanation. The razor clam had declined essentially because of economic reasons. The hardshell clams have been affected by a toxicity problem that traces back to certain conditions of the plankton which may in conditions of the plankton which may in turn be the consequences of increased eutrophication in the coastal waters.

The notation that the Arctic region caribou herd to the west and Porcupine caribou herd to the east "intermingle in the summer in the vicinity of the pipeline route, but have traditional calving areas which may be the focal point of the range of each herd" needs alteration, especially so it becomes explicit that many of the calving areas are in the Sagavanirktok Drainage in the vicinity of the proposed pipeline route or in the related oil field areas undergoing development. It is mentioned that Atigun Pass and Anaktuvuk Pass are among those used by caribou crossing the Brooks Range. Again it should be made explicit here that Atigun Pass is also the crossover of the pipeline.

EVALUATION OF ENVIRONMENTAL IMPACT

In the sections dealing with communities reference is made to a table which shows that within a corridor extending 10 miles on either side of the pipelines system there are only 6 villages and the city of Fairbanks. It would seem the settlements of Bettles, Wiseman, Livengood, and Gakoma and perhaps others should be included. Within a corridor extending 50 miles on either side the native villages of Alatwa and Allakaket.

Some mention should certainly be made of the impact upon the native communities of the North Slope. Probably within the area of influence of development of the Prudhoe Bay oil resources are the primary settlements of Barrow, Kaktovik, and Anaktuvuk and the two lesser settlements of Nouiksut and Atkasook along with the various seasonal places along the coast (Alaktak, Anakruak, Kogruagarok, Esook, Beechey Point, Pt. McIntyre, Brower Village, Tigvariak Island, Shinagru). The Nuunamiuts of Anaktuvuk Pass have become relatively sedentary people and as so their mobile subsistence harvest practice has become much more localized. Although the caribou are still basic, there is more dependence on localized hunts.

Under the section on culture the impacts on native land-based cultures is denigrated as follows: "The only identifiable negative cultural influences that would be associated with the implementation of the project would be the loss of fish and wildlife resources now utilized by the Natives on a subsistence basis and the broader question of the possible loss of the remnant hunting and fishing cultures that still characterize some Native groups." It is indicated above that these cultures must be taken seriously and the profound effects of the oil-field developments upon them carefully evaluated both positively and negatively. In general, the yearly cycle of native subsistence activities, especially on the North Slope, has been maintained right up to the present, and meat and fish whether of sea mammals. of the various ungulate species taken on land, or of fowl or fish, remains the basis of human life support. The unchanged importance of these resources to the indigenous people must be faced. That there will be impacts on fish and wildlife is acknowledged but no effort is made to translate them into effects upon the natives and their cultures. It's as though it is forgotten that the Eskimos and Indians are citizens too.

The section on Recreation notes that "opening up the Arctic wilderness near the proposed route to development and wide public use could damage as well as enhance the recreation potential of the affected areas." The negative effects will extend over more than just lands near the proposed route, they will spread over most if not all of the oil field areas which probably will encompass many hundreds of thousands of acres.

The indication in the section in land use patterns that the pipeline and haul road route south of the Yukon, although paralleling the present main road system, would be well beyond roadway sight should be incorporated in the preceding section on recreation.

The section dealing with the impact on land use pattern doesn't even mention what the effects of developing the pipeline, haul road, oil fields, and all other supporting or associated facilities would be on native land-based occupance. Such oversight is inexcusable. While not all aborigines depend upon resources of the land and waters for livelihood support to the same extent, subsistence hunting and fishing and plant product gathering remain a dominant and characteristic way of life for most of the native groups.

While it is recognized that information upon which to develop a comprehensive evaluation of probable impacts upon fish and wildlife resources is incomplete and the potential impacts upon the various ecosystems are not readily predictable, it would seem possible to quantify by estimation at least the amounts of land of various types which will be subject to various degrees of alteration by the pipeline and oil field developments and thus enable inferential judgments on wildlife resource disturbance or reduction.

It is noted in the section on effect of oil pollution of the Beaufort Sea and its coastal margin that widespread occurrence of oil losses over the North Slope fields would have cumulative impacts upon fish and wildlife of the coastal waters. Some indication of oil spill experience to date would be useful, as would the Kenai oil field loss experience, in providing inferential estimates of oil pollution in the developed oil fields and their effect through snowmelt runoff on the coastal waters.

In the references to wildlife disturbance along the pipeline route from alteration of habitat by pump stations, the pipeline, etc. the total development impact, including that from the oil field developments and all other attributes of technologic intrusion, needs assessment.

Among the various pipeline route alternatives, one is to change it so that most of it transits Canada rather than Alaska. A Canadian industry proposal to this effect has been made. There are in essence as pointed out three possible routes to the Canadian border: namely, along the coast through the Arctic National Wildlife Range, along the high terrain south of the Range, or along the continental shelf off the coast to the north of the Range. There are rather obvious reasons for discarding the latter two routes so they need not be considered further. If the route through Canada were politically and economically feasible, however, and these matters are not treated in the statement and the possibilities of ecologic disaster or severe impairment were greatly reduced or avoidance of detrimental impacts on wilderness, fisheries and wildlife, scenery, or other natural attributes or upon the native peoples and their cultures was worth it even at some substantial injury to the integrity of the Arctic National Wildlife Range, and here again these matters are not considered in the statement, then it would seem desirable to seriously consider this route. The coastal pipeline route seemingly at least would encounter less earthquake or solifluction rupture possibilities, and the impediment to the caribou migrations would seemingly be less. It is worthy of note although not of approval that the Kenai National Moose Range has oil production right in the midst of it.

Brief consideration is given to the pros-and-cons of a route in the Railroad Belt south from Fairbanks. It appears that inadequate study has been made of this possibility. It is acknowledged as probably having less permafrost problems, but on the other hand some ground instability problems in the Nenana Gorge. Overall there are no earthquake danger comparisons, or of specific other environmental hazards. It is indicated the railroad belt route would necessitate placing the southern terminal of the line at Whittier, Seward, or Anchorage, rather than at Valdez, each of which location is considered less favorable than Valdez. Whether this is actually so, and whether these ports are the only options, seems to have been inadequately examined. It is understood that the Aleyeska Pipeline Service Company believes the Valdez route is more suitable for its purposes. Apparently no one has challenged whether the Valdez route is the best route, or serves the public interest as well as the railbelt route. Although many complexities are involved, surely this matter deserves the most searching inquiry.

LITHUANIAN INDEPENDENCE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. MINISH. Mr. Speaker, February 16, 1971, marked the 53d anniversary of Lithuanian independence. All freedom-loving persons should observe this anniversary with profound respect and admiration for the courageous Lithuanian people.

After many years of struggle, Lithuania was reborn as a free and independent state in 1918. For 3 years thereafter Lithuanians fought to preserve their freedom against the onslaught of Russian armies. Finally in 1921, its borders secured, Lithuania entered the international community of nations. She established diplomatic relations with most major European countries and achieved domestic political stability.

Unfortunately, Lithuania's enjoyment of political independence was short lived. Both Russian and German armies occupied the country during World War II, with the Russians emerging as the conquering power at the conclusion of the war.

For the past 27 years, the people of Lithuania have valiantly held to their longing for liberty in the face of Communist repression and tyranny. I am proud today to join with the loyal Americans of Lithuanian descent to celebrate Lithuanian Independence Day and to pray with them for the speedy liberation of their homeland.

At this point, I insert in the RECORD resolutions adopted by the Knights of Lithuanian Council 29, of Newark, N.J., and the Lithuanian Council of New Jersey:

RESOLUTION BY KNIGHTS OF LITHUANIA, COUNCIL 29, NEWARK, N.J.

The following Resolution was unanimously adopted by the Knights of Lithuania, Council 29, at a meeting which was held on January 19th, 1971, at the Lithuanian Holy Trinity Church Hall, 207 Adam Street, Newark, N.J.

As February 16th, 1971, marks the 53rd Anniversary of Lithuania's Independence, all Lithuanians throughout the free world will commemorate this occasion.

Whereas, In the thirty years since the Baltic States were invaded, hundreds of thousands of Lithuanians, Estonians and Latvians have been deported to the remotest parts of Russia. In turn, ethnic Russians by the hundreds of thousands have been sent in to colonize and russify the Baltic States with the purpose of diluting and then finally destroying the character of the people and the culture in the area.

Whereas, The Soviet mass deportations, especially those of 1941 and 1945–50, have cost Lithuania about 400,000 inhabitants. A large part of these deportees have perished in the Soviet forced labor camps. Most of these deportees had not been charged with any specific "crime". They were uprooted in an effort to deprive Lithuania of its political and intellectual elite as well as to break the peasantry's resistance to forced collectivization. Large numbers of Russian settlers have been moved into Lithuania to replace the deportees.

Whereas, The forcible incorporation of Lithuania into the Soviet Union, agreed upon, by Stalin and Hitler in their pact of August 1939, has not been recognized by many Western powers, including the United States. Diplomatic representatives of free Lithuania continue functioning in Washington and other European and Latin American capitals. In the eyes of International Law, Lithuania today is not an organic part of Russia or the Soviet Union, but an occupied country by the Soviets; therefore be it:

Resolved, That we, Americans of Lithuania origin or descent, reaffirm our adherence to American democratic principles of Government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world, and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, Secretary of State William P. Rogers, U.S. Ambassador to the United Nations, United States Senators and Congressmen of New Jersey.

RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection,

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterates the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, N.J., February 13, 1971.

LITHUANIAN COUNCIL OF NEW JERSEY,
VALENTINAS MELINIS, *President*.
ALBIN S. TRECIOKAS, *Secretary*.

ACP HASSLE DID SOME GOOD

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. THONE. Mr. Speaker, the Nebraska Farmer, in an editorial dated February 1, 1971, points out the advantages of the new rural environmental assistance program—formerly the agricultural conservation program—as it relates to finding answers to one of our most serious domestic problems, pollution.

In light of the past success of this environmental-conservation program it was with regret that Nebraskans learned that our State's allotment has been cut by $974,000. The severity of this problem is such that sound programs that work should be fully funded. It is false economy indeed to save money on such a successful program, and it is certainly to be hoped that REAP will be more adequately funded in the future. I insert this editorial in the RECORD:

ACP HASSLE DID SOME GOOD

Perhaps all the hassle with the Office of Management and Budget over release of ACP funds has been worthwhile.

The "new" ACP has now been announced by Secretary Hardin. It's now REAP, believe it or not. That stands for Rural Environmental Assistance Program.

But what's important is that now, apparently, the real pollution-fighting virtues of this program, no matter what you call it, have been recognized and emphasized.

This can be important politically. Even city Congressmen can now see the worth of this program to the whole nation—to the people who vote for them in the city as well as to farmers.

As we said in an earlier editorial, this program is a real bargain for the nation. Through it, farmers are giving our country another bargain by sharing substantially in the cost of pollution control with their cost-sharing payments.

As the announcement by Secretary Hardin points out the emphasis of REAP will be on pollution control. This undoubtedly means priority items will be dams, waterways, terraces, grass seeding and similar practices designed especially to reduce silting. It remains to be seen how much cost-sharing there will be for control of pollution from animal wastes. However, it would seem this should be high on the list.

Nebraska authorities point out that at least 75% of ACP money spent in the state over recent years has been for practices that will be emphasized in REAP. It was hoped this would be taken into account when state allotments were made. However, these allotments have now been announced, and Nebraska was cut from $5,008,000 in 1970 to $4,034,000 for 1971.

MAX RAFFERTY: CALIFORNIA'S LOSS IS ALABAMA'S GAIN

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. LEGGETT. Mr. Speaker, it now appears that Dr. Max Rafferty, the defeated candidate for U.S. Senate, the defeated candidate for reelection as California superintendent of public instruction, and outspoken defender of all that is good and true but not blue, will become dean of the newly established school of education at Alabama's Troy State University.

Dr. Rafferty brings many assets to this post, which I am sure he will fill splendidly. In addition to his qualifications as an educator, Dr. Rafferty has a number of extracurricular talents which should not be underestimated. Not the least of these is his World War II experience, which should enable him to give top-quality professional advice to the Troy State draft counseling center. In these days when our country is in urgent need of reconciliation, perhaps we will find the superhawkish Dr. Rafferty helping to bridge the gap between the radical right and the draft-evading new left.

In any case, the 1968 and 1970 election results assure me I speak for the majority of Californians when I wish Dr. Rafferty a long and happy career in Alabama.

REVENUE-SHARING PLAN

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. FINDLEY. Mr. Speaker, no part of President Nixon's state of the Union message has caused as much public comment as his proposal for Federal revenue sharing. The President announced the new plans in the wake of repeated statements by Governors and mayors across the Nation that their governments were unable to cope with their financial burdens. It exceeds the scope of previous revenue-sharing proposals, including his own.

The new element in revenue sharing is that, instead of operating within the strict statutory limitations which govern most of the existing Federal aid programs, the States and local governments would be granted unrestricted sums of Federal money to spend as they see fit.

The plan calls for a sharing among the 50 States of 90 percent of $5 billion of general revenue according to the formula included in the President's original proposal. Illinois would receive $220 million during the first year of operation. In addition, a State which adopted a plan for local sharing which was ratified by a majority of local governments representing a majority of the poplation would become eligible for a share of the remaining 10 percent.

I have just received the enclosed text of a letter from the village board of Coatsburg, Ill., a small municipality in my district, to President Nixon concerning his proposed revenue sharing plan, and I want to share their thoughts with you.

Text of letter follows:

VILLAGE OF COATSBURG, ILL.,
Feb. 1, 1971.

Hon. RICHARD M. NIXON,
President of the United States,
White House
Washington, D.C.

DEAR PRESIDENT NIXON: We appreciate your strong desire for sharing federal revenue with the people at the "grass roots" level, and assure you we feel that this is desperately needed.

Our country has existed 195 years. Our community was settled in 1855, and our Village incorporated in 1870. For 94 years, or 48% of the entire life of these United States, our citizens have worked diligently to strengthen and support our great country; and to perfect a community in which patriotic people may live and enjoy the benefits of freedom.

Our task becomes increasingly difficult. The great State of Illinois gave us some hope with revenue sharing on the direct basis by allocating a portion of our state sales tax and a part of the state income tax to municipalities, large and small, on the basis of population. At the same time tax relief has been given on personal property and our senior citizens have received a sizeable tax credit on homes which they own and in which they reside. This compensates for their decreased earnings and dwindling resources further diminished by the inroads of inflation on the buying power of their life savings. However, our small communities are now faced with a reduction in bonding power at the very time when a public water supply and sewer system are of prime importance. We have tried to secure grants and loans for both of these necessities from the FHA only to have our applications refused for "lack of funds."

We are heartened by the hope that members of Congress will become aware of the fact that the rural areas are a source of much of the leadership in business, industry and government; and the greatest bulwark of patriotism, integrity and love of country to be found in these United States. We trust some plan will emerge from these deliberations at the highest levels which will result in a "one man, one dollar" direct distribution of a share in federal revenue to the smaller Villages, commensurate with the slogan of "one man, one vote." Should such a plan be implemented, and then distributed through state or federal bureaus, the funds may diminish to a trickle when they reach us, if they ever do so.

Surely, Mr. President, a nation which can put men on the moon can devise a way to allocate and return a small portion of the federal taxes we pay directly to the municipalities in this revenue sharing plan. If this is done, our village and hundreds like it, can utilize their part of these taxes to build the water systems and the sewer systems we need so much.

We congratulate you, President Nixon, for your desire for direct revenue sharing. The smaller needs of the little community are fully as important as the complex needs of the metropolis, and its citizens equally entitled to the means for meeting them.

If such sharing is done "one man, one dollar", Mr. President, small villages such as ours will be grateful for the opportunity to show our appreciation by using it wisely to build a better community, and thereby strengthen and enrich this great nation of ours, of which we are so proud to be a small part.

Sincerely,
Ray G. Gray, Albert Shanholtzer, Paul Conover, Lee Phillips, Keith Bliven, L. R. Brinkman, Keith L. Wilkey, Loyd W. Tenhouse.

REPORTING ON THE WAR GETS WORSE EVERY DAY

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, Crosby S. Noyes' column, entitled "Reporting on the War Get's Worse Every Day," which appeared in the Washington Evening Star on Tuesday, February 16, 1971, says a mouthful. I hope all Members will read it:

Reporting on the War Gets Worse Every Day

(By Crosby S. Noyes)

Since the invasion of Laos, reporting on the war has been getting worse every day. By this time, for all the reportorial talent on hand, the facts of what is happening are barely discernible for the sound of grinding axes.

Every journalist, it seems, is out to prove his own special point. And if this is not that the administration in Washington has reverted to its bad old ways of trying to win the war, then it is to prove that the Americans are sneakily trying to get themselves involved in the fighting despite congressional injunctions.

How often have we heard in recent days that we have returned to the "illusion" of winning a military victory instead of pursuing our quest for a negotiated settlement of the war. The fact that we are striking at an enemy who loudly proclaims military victory as his objective and who has steadfastly refused for three years to negotiate anything less than outright surrender never is mentioned.

What valiant efforts have been made to establish the impression that American ground forces have indeed become involved in the fighting in Laos. Every anonymous GI who is willing to say that he has been shot at across the border makes immediate headlines. Every rescue mission to pick up air crews or helicopters downed by enemy fire is seized on as proof that the will of Congress is being defied.

It is utterly astounding how many reporters have been struck simultaneously with the idea that the Laotian operation is really a sort of war by proxy, in which, the Americans are calling all the shots and supplying all the real muscle—in other words, that the South Vietnamese are inept stooges while the North Vietnamese are all "battle-tested veterans," even if many of them seem to be about 15 years old.

And then, of course, there is the "what if" school of journalism that conjures up all the most dire possibilities that could ensue from the expedition into Laos. What if, for instance, the Russians should decide to supply the North Vietnamese with long-range rockets and atom bombs? Man, it really makes you stop and think.

All this, of course, is merely an extension of what has long been accepted as the savvy journalistic attitudes in Vietnam, somewhat heightened by a greater-than-usual ignorance of what is really happening. No reporter has ever gone wrong in assuming the worst in every situation, by knocking the natives, extolling the qualities of the enemy and impugning the honesty and intelligence of anyone in authority. Indeed, this is the stuff that Pulitzer Prizes are made of.

Laos has simply added a new dimension to these standard attitudes. There is in this operation the inherent risk of calamity. And through much of the reporting shines a barely disguised hope that it will end in a disaster great enough to confirm the reporter's blackest misgivings.

The only real trouble with this kind of reporting is that it helps to obscure what is really a rather important change in the nature of the war in Indochina. Today, in Cambodia, Laos and in South Vietnam, the Communists for the first time have been thrown on the defensive. And their prospects for sustaining any effective long-term military pressure have undergone a most drastic revision.

For years, the North Vietnamese have freely occupied the territory of Laos and Cambodia while the government of these countries, in order to maintain the fiction of neutrality, have largely ignored their presence. Today their presence in these countries is being effectively contested by the South Vietnamese. And if the effort succeeds, the war in the south will be as good as over.

Again, to be sure, we are being warned from all sides against supposing that anything "decisive" has happened and in this case the warning may be justified. The effort could fail and the long agony could go on. But fortunately, the outcome will not be much affected by the chronic dyspepsia of the press corps in Saigon.

THE CONVERSION RESEARCH AND EDUCATION ACT OF 1971

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. SYMINGTON. Mr. Speaker, 1 week ago, I had the privilege of cosponsoring legislation, which represents a major first step toward the more effective utilization of our scientific and technical manpower—the Conversion Research and Education Act of 1971. This measure is designed to assist and prepare the country for conversion from heavily defense-related to civilian, socially oriented research and development activities. It focuses upon one especially critical aspect of conversion; our human resources.

As a member of the Committee on Science and Astronautics, a representative of an area highly dependent upon the contributions of scientists and engineers, I support this approach for several reasons:

First, the pool of highly trained and skilled scientific and technical manpower, carefully nurtured by the Federal Government over the last decade, represents an important national resource. This is a resource that cannot and should not be squandered through governmental negligence. It is a resource that has contributed to major advances in defense technology, aerospace research, and nuclear discovery and application. It is also a resource that has an even greater potential role to play in the resolution of our many national domestic problems.

For today, we are concerned not that members of one special group—those in the scientific and technical community—may suffer more hardships than those in another group during a period of low economic productivity and less than full employment. Indeed, members of this particular group may enjoy a competitive employment advantage over those in a less-skilled sector of the labor force.

Our concern, rather, is that we should take this opportunity presented by the on-going shift toward a civilian-based economy to redirect and redeploy these highly trained human resources to meet our domestic needs.

Second, this measure offers us the opportunity to exercise continued legislative leadership in the redirection of our national priorities. Moreover, this legislation could mark the beginning of a truly national science policy. This would be a policy rationally geared to our national needs—not solely to a defense industry, though defense we must have; nor to an aerospace community, though our universe we would explore; and nor to academic centers, though new knowledge we must nurture.

Third, this measure marks the first step to be taken if we are to diversify our talents and redirect them to the most pressing national needs. It authorizes the National Science Foundation and the Department of Commerce to sponsor research and conversion, to develop and administer retraining programs for scientists, engineers, and technicians, and to provide support to business firms and State and local governments for conversion and conversion planning.

However, this measure is no panacea. Much more will still have to be done, both in the development of expanded civilian markets for socially oriented products and services and in the removal of impediments to labor markets that inhibit the flow of technically skilled manpower. Nonetheless, it does provide the kind of focus and means needed for conservation, support, and redeployment of one of our most essential national assets, our scientific and technical human resources.

Finally, this measure represents a very modest investment compared to the high return that we can anticipate from these conversion efforts. The bill authorizes $450 million over a 3-year period, less than the cost of 2 weeks of our present involvement in Indochina. The "generation of peace" which the President forecasts will require scientific adjustments which this bill seeks to achieve.

Mr. Speaker, I am convinced that the kind of approach embodied in this bill is critically important to not only the future of this country, but to the strengthening of its capabilities to meet the present and future domestic challenges.

THE CONCORDE SST EMERGES AS A VIABLE AIRLINER AND A CLEAR THREAT TO U.S. INTERNATIONAL AVIATION SUPREMACY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WHALEN. Mr. Speaker, the eminent editor of the highly regarded Aviation Week & Space Technology magazine, Mr. Robert Hotz, analyzed the status of the British-French supersonic transport, the Concorde, in the February 8 issue of his publication.

Mr. Hotz' dispassionate recounting of the condition of the Concorde SST resulted in the logical conclusion that the European airplane already is the strongest challenger to American domination of the international transport market in history.

The editorial prompts me to observe, Mr. Speaker, that the SST is a fact. There already are several prototype flying today. Thus, the question is not the existence of the SST. It is, instead, whether the United States is to build its own prototype version of the plane and thereby stave off the economic and technological consequences that surely will ensue if we do not.

The entire issue has been clouded greatly by excessive emotion and regrettable demagoguery. Mr. Hotz' editorial illuminates the subject with frankness and fact that contrast sharply with much of the mindless invective the public and the Congress have had to endure.

Therefore, Mr. Speaker, I insert Mr. Hotz' editorial, "Concorde Is Coming," at this point in the RECORD:

CONCORDE IS COMING

(By Robert Hotz)

The Anglo-French Concorde supersonic transport has emerged in 1971 as a new factor in the international airline equation for the next decade. After more than a decade of technical development, it has flown through its crucial flight test envelope to prove that the concept of a supersonic transport is sound and its increased productivity offers an interesting profit potential.

The flight test program of the French prototype 001 and its British counterpart 002 during the winter of 1970–71 has proved that the production versions of the Concorde can deliver their guaranteed payloads over nonstop ranges including London and Paris to New York and key transpacific stage lengths. A solid technical base for Concorde production has been demonstrated by the initial flight test program. A variety of airline pilots and safety board examiners have flown the Concorde prototypes through the supersonic regime and found no special handling problems even with simulated double engine failure. The recent incident of an air intake ramp door tearing loose at Mach 2 and going through the Olympus engine without any further incident than an engine shutdown and a three-engine return to base is an example of both the Concorde's durability and docility.

Much detailed test flying remains to be done to isolate the many problems that develop only with experience in the air. When it enters airline service in the 1974–75 period, Concorde will be the most thoroughly tested transport in history. It will have amassed nearly 4,000 hr. of flight testing including certification to U.S., French and British standards and 1,000 hr. of actual route flying by airline pilots. BOAC, Air France and Pan American pilots will probably begin this route simulation this spring using the prototypes to get an early start on adapting Concorde's performance to airline patterns.

Next step will involve working out the detailed equation of fares, utilization and passenger appeal that are a necessary preliminary to the firm contract negotiations between the Concorde manufacturers, British Aircraft Corp. and France's Aerospatiale, and the key bellwether airlines, BOAC, Air France and Pan American for the Atlantic and Qantas and Japan Air Lines for the Pacific. This should begin by summertime.

Concorde was the first supersonic transport program to take shape more than ten years ago. It triggered both the Russian and American efforts to get into this market. This has been both an advantage and a problem for Concorde. By using basic, well-proved state-of-the-art aerodynamics, propulsion, avionics and materials, it built on a sound technical base. But in the decade of Concorde development, technology has advanced rapidly in all areas, opening wide possibilities of improvement for a second generation SST.

Similarly, Concorde's early start has given it a significant lead over its most potentially serious commercial competitor, the Boeing 2707. At the very time that U.S. political resolve to back its SST program is wavering, the Anglo-French governmental support for Concorde appears to be gathering strength.

The gap between Concorde's entry into airline service and the appearance of a U.S. supersonic transport on the market is an extremely significant factor in Anglo-French economics. For the longer the Concorde enjoys a western world monopoly on supersonic service on the Blue Ribbon high-density routes across the Atlantic and Pacific, the more aircraft its makers will sell and the more money its airline customers can harvest from its slender cabin. At the moment, a solid five-year gap is firming and any further slippage of the U.S. program would provide an additional bonus for Concorde.

Concorde technology was also pretty firmly committed long before the environmental issue arose and adapting to the operational temper of the times will pose some problems. The sonic boom is the least of these. Supersonic tests over a precisely instrumented range in western England have dispelled many of the boom superstitions with facts. The historic cathedrals are undisturbed by Concorde though the measuring instruments showed alarming vibrations from their local organ peals.

A cow may have been frightened by a Concorde boom into an unwarranted romp that aborted its calf, but thunderstorms, trains and a small boy throwing stones could have produced the same result.

Nor will Concorde emit a sonic boom over any land on its currently contemplated airline routes. Heavy smoke trails from the early Olympus engines are unacceptable and are being eliminated in the production aircraft. Less amenable to solution is the ground sideline noise from the afterburning Olympus. Palliatives applied to date leave Concorde ground noise somewhat above currently accepted standards.

Nevertheless, with all of its anticipated and unanticipated operational and economic problems, Concorde is now coming on strong as a contender for the Blue Ribbon traffic of the mid-1970s and already is the strongest challenger to American domination of the international transport market in history.

THE SHAW, MISS., CASE AND EQUALITY OF SERVICES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. RARICK. Mr. Speaker, a rather obscure court decision has now emerged as a blueprint for control over local and State governments.

A lawsuit against the officials of Shaw, Miss., population 2,500, has now been upheld by the maverick U.S. Fifth Circuit Court of Appeals holding that a municipality must equalize the services it gives to white and black neighborhoods.

While most who may have read of the decision pay little heed to its significance, if upheld, it will shortly affect every community and local government.

The court decision is monumental in that it now opens the door for Federal guidelines, Federal controls, and court supervision over every public non-Federal expenditure in our Nation. Every municipal, county, and State expenditure could now come under scrutiny of a Federal court.

"Equal services" is a cause celebre—a slogan without definition or rationale. Who will define "equal services"—a Federal judge or a Federal bureaucrat with more guidelines, more red tape and more centralized power?

Some will say that this is but a racial matter not realizing that the ruling will next be extended to poverty neighborhoods.

And so again we find race in the South being exploited as the catalyst for emotional justification to further erode constitutional government and to advance the class war.

We are shortly to experience the take over of all local governments by the judocrats.

Mr. Speaker, I insert a newsclipping in the RECORD, as follows:

[From the Washington Post, Feb. 16, 1971]

RULING ON EQUALIZING TOWN SERVICES IS MAJOR RIGHTS VICTORY

(By John P. MacKenzie)

Civil rights and poverty lawyers have won a major victory in a court ruling that a Mississippi town must equalize the services it gives to white and black neighborhoods.

The decision by the Fifth U.S. Circuit Court of Appeals is considered a launching platform for lawsuits that could bring better municipal services and living conditions for Negroes in cities all across the South.

Lawyers in the North have found encouragement in the court's broadly phrased opinion for their litigation campaigns aimed at combatting economic as well as racial discrimination.

For lawyers of the NAACP Legal Defense Fund the case marks a new era of official racial bias in which the federal courts will intervene and supervise its redress without requiring blacks to prove the elusive fact of specific discriminatory intent—provided the evidence is clear enough.

In the suit against officials of Shaw, Miss. (Pop. 2,500, 1,500 black and 1,000 white), the Legal Defense Fund amassed mountains of statistical evidence to show great disparities between white and black residential areas in the amount and quality of street paving, lighting, trash collection and sewers.

Teams of lawyers and assistants counted fire hydrants and light poles and pored over black residential areas in the sewer diagrams and this pattern emerged:

Nearly 98 per cent of the homes fronting on unpaved streets were occupied by blacks. Black neighborhoods in this Delta farming town of marked residential segregation contained 97 per cent of the homes not served by sanitary sewers. All of the improved street lighting was in the white districts.

Town officials did not seriously dispute the evidence, but they persuaded District Judge William C. Keady that no racial motive had been shown as the basis for the pattern.

"Until the recent past," said the judge, "the municipal policy might be characterized by some as conservative and unprogressive . . . The town, operating on a pay-as-you-go management, has simply not made improvements of the size and character that might be expected under more liberal-minded government. That was, apparently, the kind of local government preferred by Shaw's citizens. . . . Consequently, some needed facilities were not enjoyed by anyone; they simply did not exist . . ."

The court of appeals rejected every point in Keady's analysis. They found actual discrimination for which no justification was possible.

Judge Elbert P. Tuttle wrote the appellate opinion, joined by Judge Irving L. Goldberg. Judge J. Griffin Bell concurred but sought to emphasize the extent of discrimination proven in Shaw and thus limit the legal impact of the decision.

Bell stressed that the town had a cash budget surplus and no bonded indebtedness, indicating that improvements for black taxpayers and residents were within the town's power. He stressed also that the town paid for its services out of its general treasury—not by special homeowner assessments, a factor that would keep the ruling from involving discrimination based on individual private wealth.

All the judges agreed, however, that the town must come up with a plan subject to court approval for upgrading Negro neighborhoods. And they agreed that, at least in the hand-picked Shaw situation, courts could easily manage the job of supervision, since the recognized standard was the existing level of white neighborhood services.

Attorneys for the town, which is 10 miles west of the Doddsville, Miss., home of Sen. James O. Eastland (D), have decided to ask the full circuit court to reconsider the case. If that fails, they may petition the U.S. Supreme Court, a move that would implicate municipalities outside the circuit's jurisdiction of Alabama, Georgia, Louisiana, Mississippi, Texas and Florida.

Meanwhile, the high court is preparing to hear a case of alleged state discrimination against poor political subdivisions and their residents. Florida limits the percentage of property tax a county may levy even when the county wants to tax itself heavily for better schools.

A few years ago lawyers were pleading that the courts must order equalized state education allocations. They lost, partly because they demanded court-ordered payment formulas according to need, some lawyers say. More hope is advanced for a new approach in California and elsewhere in which courts are asked simply to require equal per capita expenditures.

In Washington, a court attack is under way on the official neglect that has worsened the blight of the Anacostia, say the area should be measured against the favored section. Neighborhood lawyers . . . Cleveland Park area, but unlike Shaw, Miss., they must contend with the fact that the nation's capital does contain some black neighborhoods that are adequately served.

GEORGE WASHINGTON UNIVERSITY'S SESQUICENTENNIAL

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. GUDE. Mr. Speaker, Dr. Julius Axelrod, the 1970 Nobel Prize winner in medicine and physiology, was awarded an honorary doctor of laws degree by George Washington University at a convocation marking its 150th anniversary on Monday, February 15. Dr. Axelrod is the chief of the pharmacology section of the clinical sciences laboratories at the National Institute of Mental Health, Bethesda, Md.

He spoke to the convocation on the nature of research. And he told his audience of work showing that amphetamines, commonly known as speed, penetrate the nerves of the brain and, with prolonged use, change the brain's chemistry so that the user develops a condition indistinguishable from paranoid schizophrenia.

He called the assumption that marihuana is harmless a common myth. New research quite unexpectedly indicates that the active chemical in marihuana persists in the brain for many days, Dr. Axelrod explained.

I was very pleased to hear Dr. Axelrod's views. He expresses himself with a humility appropriate to a great scientist who has unearthed much of value but, in doing so, has seen how much is left to be discovered. Dr. Axelrod's achievements—and his unpretentious manner—embellish both the Department of Health, Education, and Welfare and the field of medical research.

I include the text of Dr. Axelrod's speech:

LADIES AND GENTLEMEN: The reason that I am standing before you tonight is due to the persuasive powers of President Elliott and his timing. He asked me to give a commencement address at a time when I was in a state of euphoria and I couldn't say no. All my professional life has been spent at a laboratory bench and except for an occasional exchange with a fellow scientist, it is a lonely occupation. This type of work is hardly training for one to pontificate and impart words of wisdom to an audience of this kind. After a great deal of soul searching, I decided to talk about what I know best: What it is like to do research; what my work is all about; and what it means.

This occasion celebrates two birthdays, one is the 150th anniversary of George Washington University. I want to extend my best wishes and I am proud that both my son and I received degrees at this university. Another anniversary is a more personal one. Exactly 25 years ago in February, I began my research career. At that time I was a chemist, approaching middle age without a graduate degree and working in a commercial laboratory. I was given a problem as to why certain headache powders caused a blood disturbance. I was advised to seek the help of Dr. Bernard Brodie; he was then at Goldwater Memorial Hospital, a branch of the medical school at New York University. He asked me to work in his laboratory for a few days and I stayed 9 years. Just this chance opportunity opened a new life of research for me. By working at the interface of a number of scientific disciplines such as biochemistry, analytical and organic chemistry and pharmacology, we solved our problem in 4 months and laid down a new field of biochemical pharmacology.

Several things stand out in my mind of those days, in a few short months I learned a great deal as to what it takes to do creative and productive research. First, I had a stimulating, imaginative, and unorthodox mentor to teach me, Dr. Bernard Brodie. I learned that in order to do good research you don't have to be a genius or even a great brain. Outstanding scholarship or a PH.D. is not essential although it helps.

What is important is a high degree of motivation and a complete commitment to what you are engaged in at that time. It does not necessarily mean working in the laboratory day and night, but you think about the problems you are currently working with all the time, no matter what other activity you are engaged in. My wife occasionally complains that I give an inappropriate response to her question because my mind is elsewhere. I might add that some of the best ideas come not in the laboratory but as I am trying to go to sleep, listening to boring lectures or while shaving.

Another facility a research scientist must learn to develop is a capacity to tolerate ambiguity, frustration, and repeated failures. Once you feel that you are onto something you persist until an answer comes.

An important factor is the atmosphere of the laboratory one is working in. I was fortunate in working in laboratories in which my colleagues were bright, enthusiastic, and they created a sense of excitement. All kinds of ideas both sound and wild were bandied about. In such an environment one cannot help bringing out new concepts, experimental approaches and laboratory techniques.

Possibly one of the most critical qualities for success in research, or in almost any endeavor, is the ability to ask the right questions. The importance of selecting a good problem requires judgment, intuition and experience. I learned that it takes about the same amount of effort to work on an important problem as to work on a trivial and pedestrian one. Once a great discovery is made, many scientists tend to jump on the bandwagon. It is just as difficult to work on the details and improve the accuracy of a recent discovery as in working in a new area. There are many important problems that are untouched which can be solved with the tools that are available but the trick is to find them. New ideas and hypotheses however are worthless if they are untestable.

I would like to spend the next few minutes telling something about my work. The early investigations were concerned with what happened to drugs in the body. We found that the body has a remarkable capacity to transform drugs and other foreign compounds and dispose of them before they could interfere with the normal operation of the cellular machinery. This information made it possible to provide a means to get the best therapeutic effect of drugs and avoid damage to the body. It also led to the development of safer and more effective drugs and to the discovery of new enzymes. Enzymes are catalysts that make possible the transformation of body chemicals, and thus lead to energy, hormones, genetic material and body-building blocks. We found that ingestion of even therapeutically useful drugs repeatedly will influence the normal operation of the body machinery and also affect the activity of other drugs.

During the course of this work, I took a year off to obtain a Ph.D. at George Washington University. Although I had already published about 50 papers, I was told that I must fulfill the same requirements as any predoctoral candidate. A humbling experience for me was to learn that even in my own field of biochemistry and pharmacology there were always at least five or six medical students who did better than I in examinations. One particularly amusing incident was when I got a question based on my own work and gave the wrong answer. After I received a Ph.D., I joined the National Institute of Mental Health. There, the main thrust of my research was concerned with the chemistry of the nervous system. The brain and the organs of the body have nerves with long projections which can communicate with each other and with other cells. This is done mainly by liberation of certain chemicals; one of these is noradrenaline which is similar to adrenaline. As most of you already know, during fear, rage, and extreme emotion, adrenaline is discharged into the bloodstream. Noradrenaline is called a neurotransmitter and is involved in behavior, sleep, blood pressure regulation and many other functions. The noradrenaline-containing nervous system has a remarkable capacity to maintain a steady state in spite of marked changes in its activity. We have found that many drugs that affect behavior act by interfering with the disposition of the nerve chemical noradrenaline. Some drugs can interfere in such a way that they can be very useful—as in lowering blood pressure in hypertensive subjects and alleviating mental depression. The action of these drugs also tells us something about the defect causing the diseases that are being treated.

Drugs such as amphetamines, commonly known as speed, penetrate into the nerves of the brain and act like a fake noradrenaline. With prolonged use of amphetamine the chemistry of the brain becomes altered in such a way as to bring on behavior which is indistinguishable from paranoid schizophrenia. With the widespread use of marihuana we have undertaken studies with this drug in human subjects. The common myth is that marihuana is harmless. The reason that it is considered harmless is because it does not produce any immediate and obvious behavioral toxicity. The fact is that there is a great ignorance of the long-term effects of marihuana on the chemistry of the brain. The active principal in marihuana has been recently identified as a chemical called tetrahydrocannabinol. During the past few months we undertook a study on what happens to tetrahydrocannabinol in the human body. Quite unexpectedly we found that it persists in the brain for many days. Most young people are rightfully concerned with pollution of the environment—water and land. Yet, there is little concern about polluting the delicate machinery of the brain with mind-altering drugs such as amphetamines and marihuana.

There is a tendency among our young and those in power to question the value of science and relevance of basic research. It is commonly believed that science is responsible for pollution, defoliation, and is mainly concerned with the development of more lethal weapons. There are elements of truth in these claims but I believe that no tool is as powerful as science in improving the lot of man. Without the development of technology which scientific research has made possible, most of our lives would be short, brutish, and harsh. Without the studies in physics which made possible labor-saving devices, we would have to work long hours for a bare subsistence. Without the development of drugs, antibiotics, vaccines, which were made possible by biomedical research, large numbers of our children would die in the first year of their lives. Others would start to work at 7 years of age and most would not live beyond their 30th birthday.

The development of the tin can, frozen food, the refrigerator and the washing machine has done more for women's liberation than anything I know. Even such a villain as DDT has protected millions from the ravages of malaria. A particularly apt example illustrating the value of basic research is the care of the mentally ill in hospitals. Until 1957, the number of patients entering mental hospitals with dreaded diseases such as schizophrenia and profound depression increased each year. In 1957 drugs for the treatment of these terrible afflictions were introduced. As a consequence the number of patients entering insane asylums was markedly reduced. The money saved in hospital care alone over 10 years was 12 billion dollars. These former and prospective patients are now leading productive lives. The development of these drugs was possible due to basic research done in different disciplines. An organic chemist developed a novel synthesis of certain tricyclic compounds; a pharmacologist showed that these compounds had unique behavioral effects on rats and suggested that they might be clinically useful: and finally, research psychiatrists demonstrated that they were effective in the relief of depression and paranoia.

Despite the proven value of basic research in savings of large sums of money that go into the hospitalization of patients with polio, numerous infections and nutritional diseases, diabetes, mental depression, Parkinson's disease. it is astonishing that support for research is diminishing. In the past few years there has been a 30 percent decrease in real appropriations for biomedical research. Stipends for students training in research are sharply reduced. This shortsighted development will ultimately dry up our source of future investigators. This indicates a lack of confidence in the past accomplishments of biological sciences.

There is a tendency to earmark a large percentage of money for mission-oriented research. If the time is not right or the stage properly set, money invested in goal-oriented research will be wasted. This will tend to disappoint the public and turn them away from more meaningful support. Programmed research, no matter how much funds are invested, is no substitute for the freely chosen investigation of an astute scientist. He has the capacity to follow his nose and recognize the importance of an unpredictable and unexpected observation. Such findings have been shown repeatedly to be of critical importance in the solution of fundamental and practical problems.

Before I close. I would like to say that the rewards of scientific achievement are great in terms of prizes, honorary degrees, and prestige. One also pays a price for scientific achievement. As the sociologist Merton points out: "More and more is expected of them and this creates its own measure of motivation and stress."

FREEDOM—OUR HERITAGE

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. RONCALIO. Mr. Speaker, following is a speech, "Freedom—Our Heritage," written by Kim Adcock, Wyoming's winner of the Veterans of Foreign War's annual Voice of Democracy Contest.

Kim Adcock is the son of Mr. and Mrs. Robert G. Adcock of Cheyenne, Wyo., and is a senior at East High School.

I am pleased to include in the CONGRESSIONAL RECORD this excellent speech written by one of Wyoming's young, promising citizens:

FREEDOM—OUR HERITAGE

Across the vast expanse of this globe are scattered peoples of many nations. Some are steeped in traditions of monarch rule, loyalty to the state, or, perhaps, representative democracy. Other countries have backgrounds marked by bloody revolution and violent social turmoil. Still more have yet even to experience centralized government and exist under primitive tribal council or chieftain dominance. Many sovereign nations and many different histories.

One nation, however, does not look back on a past torn by conflict between an oppressed populace and a privileged aristocracy. One nation refused to be ruled by self-appointed king with god-like powers. And this nation of peoples who believe that no man should govern another with his consent possess a heritage so noble that over half a million men have given their lives to uphold its ideals . . . your blessings and mine.

Each of us in these United States has this heritage. Through almost two hundred years of change, freedom, our heritage, has remained a birthright to every American. The United States has a unique history, for it was and is, the only place where men's highest hopes and brightest anticipations develop freely.

Many think of freedom as only a hope or an ideal. It is, rather, a tangible thing, and being tangible, freedom, by nature, is fragile. The young revolutionary who riots and destroys, replacing democracy with anarchy dangerously threatens freedom. The fascist who seeks to overamplify national feeling and replace it with his own charisma violates the very basis of a democracy. Yes, there are those who have abused freedom, but generations of Americans have benefited from this heritage. They built thousands of high schools, trained thousands of teachers, and made education a very real possibility for millions, where once it was but the dream of a wealthy few. They made our high standard of living a reality for the common man. They have not yet found and alternative for war, nor for racial hatred—perhaps, this will be our contribution to continuing freedom. What is this freedom now? It is the ballot of selection for the leadership of local, state, and federal government. It is the peer group of twelve to whom one's guilt is not predetermined. It is the ability to think and say what is felt without fear of repression.

These rights and freedoms are a steadfast part of our American society. . . . Built on a foundation cemented by the blood of the dead and the sweat of the living, this heritage of freedom should remain the foremost treasure the United States has to offer.

There are those who predict the trend of lawlessness and revolution will make necessary the abolition of certain rights, but it will not be the lawbreaker who makes such restrictions necessary. If rights are taken away, it will be because the common man has taken for granted the most prized possession he has, and freedom, like an unused and neglected muscle will atrophy and wither away. Many young people my age are working to insure that an undercurrent of passive patriotism does threaten the hopes of so many through the actions of so few. Americans who will not tolerate the abuse of rights can strengthen the real character in our country's way of life.

It is the responsibility of everyone, both young and old to protect this heritage. . . . A personal commitment to honor it. . . . A dissolution of the apathy which threatens this heritage—our freedom.

DRUG ABUSE EDUCATION PROGRAMING FOR A RURAL STATE—ONE APPROACH

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. MOLLOHAN. Mr. Speaker, I would like to place into the RECORD an article detailing the efforts of a student pharmacist association at West Virginia University in trying to educate young people of the dangers of drug abuse. I do so with the hope that the example of this group could help others in developing approaches to this serious problem.

The article follows:

[From the Journal of the American Pharmaceutical Association, October 1970]

DRUG ABUSE EDUCATION PROGRAMING FOR A RURAL STATE—ONE APPROACH

(By Paul Zanowiak)

The state of West Virginia consists of 55 counties, stretching from Weirton (near Pittsburgh) in the north to Bluefield at the south (on a latitude similar to that of Roanoke, Virginia) and from Huntington near the Ohio River (our western boundary) to Martinsburg, a scant 70 miles from Washington, D.C. Although there are several areas of industry and urbanization—Wheeling, Huntington and Charleston, for example—we are, in the main, a rural state.

The Appalachian chain exerts a great influence on West Virginia, giving it much beauty and scenic splendor and one of its major resources and industries, coal; but it also makes road travel more difficult than in most states. For example, it is common to need seven hours to travel the 270 miles from Morgantown to Welch—even in good weather. Now, if one adds to this the fact that West Virginia has a population only of approximately two million, it becomes evident that any program, which involves delivery of information to the people without depersonalized, sophisticated and expensive electronic gadgetry but utilizing a people-to-people contact approach, is difficult to execute.

During the last 10 years, West Virginia University has brought continuing education programs to 15 local county pharmaceutical associations in the state, utilizing the traveling, speaker-group approach with success. The informal, personal atmosphere of pharmacy faculty meeting and discussing current topics and knowledge with the pharmacists of our state has been well received and has been a two-way learning process. It was within the scope of such continuing education programs that our drug abuse information program actually began.

As early as 1966, several of our faculty presented programs concerning contemporary drug abuse (hallucinogens, stimulants, depressants) at continuing education programs for local associations. In winter 1967–68, we were approached by several local schools to furnish programs on "drug abuse." Also, several pharmacists of the state expressed interest in sponsoring such programming for their areas.

At the time the university Student APhA chapter had been active in poison prevention programs, presenting slide-talks to Cub Scout and Brownie groups in Morgantown. At the same time we noticed that several pilot projects in drug abuse information programming were being developed by students at other schools of pharmacy. Recognizing an opportunity for further service and feeling that young people would be more receptive to informational programs delivered by young knowledgeable people—especially those within the health professions—the Student APhA developed its first drug abuse information program in spring 1968. Our approach was, and still is, a simple one—the delivery of factual information by young health professionals concerning the risks and dangers of abusive use of the mind-influencing drugs upon the body and mind avoiding as much as possible "scare" techniques, "preaching" and value or moral judgments, thus leaving the final decision of "doing drugs" to the individual. Our experience indicates that teenage audiences have received this approach well. They like the idea of instructive material followed by constructive dialogue ("rapping") with other young people, as well as the "here are the facts, you make the decision" concept. This fits nicely into their strong acceptance of peer attitudes.

The second part of our preventive program centers around the need for community awareness of the contemporary drug problem. This entails presentation of drug abuse information programs to concerned adult groups. Several of our faculty have developed appropriate presentations slanted toward adults' needs, especially parents', in understanding the current drug scene as well as the problems engendered by the all too casual acceptance and misuse of drugs today. (One teenager had indicated that ours is a "pill-popping" society with a cure for all ills from "minor tension to halitosis"; another has said that "tranquilizers are the popcorn of the suburbs.") Therefore, several of our faculty have developed presentations for adult audiences in response to many requests from PTA, church and civic groups.

ESTABLISHMENT AND IMPLEMENTATION

The personal approach—*i.e.,* of live presentations versus movies or canned-tapes—was selected for both adult and youth audiences as being more meaningful, for it was felt this would result in active question and answer sessions. This has proved to be so; the question and answer portions of the programs are generally very valuable contributions to the delivering of our message. However, it became evident quickly that some audio-visual aids were needed as "grabbers" to get and hold attention. Thus, the program format has evolved into a 40-minute slide presentation followed by a discussion or question and answer session. In the case of the adult programs one or two faculty members make the presentation, while our student program involves traveling teams of four members each. Currently the presentations are divided into several subtalks—depressants (narcotics, barbiturates, alcohol and the deleriant inhalants); stimulants (amphetamines and cocaine), and the hallucinogens, including marijuana. Our slide library now numbers well over 300 slides, so the talks can be altered to match audience requirements—grade school, junior high, senior high, college and adult. Recently we have decided, in the case of fifth and sixth graders, not to use slides and to shorten the presentation slightly. In place of the slides we have developed a short outline which is mimeographed and passed out to each student. This is supplemented with some pamphlets made available by a local Kiwanis Club and Blue Cross-Blue Shield agency.

The programs are arranged locally by the county pharmaceutical associations of the West Virginia Pharmaceutical Association and a pharmacist accompanies our teams to the schools in his area. The local pharmacists have generously supported the program by financial aid to cover travel, meals and lodging. As the need for more programs has increased, local clubs and organizations—Kiwanis, 4-H, YWCA, women's clubs, county mental health groups, etc.—have joined the pharmaceutical associations as co-sponsors.

Depending on the size of the school requesting the program and the administration's wishes, we have presented as many as seven programs in one day at a single school. This was done to minimize the audience size, for we have found that programs presented to small audiences result in more meaningful discussion periods. We also have given presentations before large school assemblies, although we do not prefer it.

Due to scholastic commitments and pressures, we have found the maximum time suitable for the student teams to be gone from classes to be three days. During such periods, the teams have spoken in as many as ten schools in a district. The itinerary must be well planned for maximum program exposure.

During the first period of concentrated effort of the Student APhA Chapter's program (September 1968–July 1969), the teams presented programs at 47 schools, reaching more than 25,000 students and traveling more than 3,000 miles. During summer 1969 the chapter decided to further its commitments to the program. With approximately $300 enrichment money from local clubs and organizations and a new slide projector donated by a pharmacist, they set about doing so. In late August they mailed brochures to each county superintendent of schools in West Virginia urging him to use our program through his local pharmaceutical association. They printed and distributed mailing cards to various organizations as further advertising, using the slogan—"Pot Is Not . . . The Answer." Thus, from July 1969–June 1970, our students traveled nearly 6,000 miles, presenting programs in 77 schools, contacting over 35,000 students.

This year for the first time, our student teams also were asked to provide evening programs for adult groups during their trips around the state. There were 12 such programs involving more than 1,000 adults. Since these programs have been termed successful by the student group and since the faculty is not able to cover all adult requests, especially beyond a 75-mile radius of Morgantown, we plan to continue this phase of the student programming.

Since September 1968, West Virginia University Student APhA Chapter has presented 136 programs. This represents over 62,000 people and more than 10,000 miles of travel. The programs have been in 36 of the 55 West Virginia counties. Several schools in bordering states have asked for the program during this period—Oakland and Cumberland, Maryland; Uniontown, Pennsylvania; Williamson, Kentucky, and Bluefield, Virginia. In this time period, we have not covered a school twice.

The faculty portion of our total program also has been very active, with requests outnumbering available manpower and travel capabilities. Although restricted mainly to evening presentations near Morgantown, the faculty has provided approximately 100 such programs since June 1969.

INVOLVEMENT WITH OTHER AGENCIES

Since we could not provide drug abuse information programs to all groups desiring them, we were happy to cooperate with the West Virginia 4–H, when it approached us in summer 1969 to develop a drug information program as its 1969–71 Health Program. The results were a manual slide-tape series, portfolio of literature for club leaders and a film library.

The manual was developed to deliver a message concerning drugs beyond that of drug abuse alone. Tailored to match the age groups within 4–H, the first section is geared to the theme of "Respect for Drugs"—what are drugs?, importance of product labeling, good drug use practices, etc. The second portion centers on poison prevention and the dangers involved in improper handling and storage of drugs and household chemicals in the home. The third section concerns contemporary drug abuse.

The 4–H program began in October 1969 and 4–H leaders reported satisfaction and wide acceptance. For the first six months of the program over 130 showings of the films were booked with many requests impossible to honor. The slide sets had been used 46 times during this period with some county 4–H offices reproducing their own sets. The manual has gone through two printings of 2,500 each. This summer, we presented five one-day seminars throughout the state to better acquaint 4–H and other youth leaders with the program.

Several other aspects of our total drug abuse information program are worthy of note—

1. The Monongalia County Drug Information Council

Recognizing that besides preventive programs there was a need locally for some group to offer assistance to young people already "on" drugs, a group of university and town young people and adults, including several pharmacy students and faculty members, formed the council. Besides offering preventive programs, the main thrust of the council is to offer a helping hand to drug users in trouble and looking for aid. This is done mainly by staffing an office at the ecumenical center on campus to provide drug information, maintaining a 24-hour "crisis" phone number and sponsoring weekly "rap" sessions. There apparently is a great distrust of established agencies by young drug users and such groups as the council serve to make the initial contact with the troubled individuals and steer them to available professional counseling and rehabilitation agencies.

2. Kiwanis

We have cooperated with a local Kiwanis club in developing a town-forum program on drugs in Morgantown, as part of Kiwanis International's Operation Drug Alert." We in turn have been sponsored in several other areas for school and adult programs by Kiwanis Clubs and have distributed booklets which they have made available.

3. School curricula

Recently, we have been approached by local and state primary and secondary school administrators concerning suggestions for implementing drug-health programs in school curricula. The emphasis placed on the need for schools to provide such units of study has come from both parent and teacher groups and has been reinforced by recent funding through the Department of Health, Education, and Welfare to train teachers in such presentations. Hopefully, we will be able to offer further assistance to our schools.

4. Provision of drug abuse literature

We maintain sets of various pamphlets and mimeographed handouts for mailing in response to requests from parents, students, teachers and pharmacists. An encouraging note here is the increasing number of requests from pharmacists who are being asked to give drug abuse education programs in areas where our teams have been previously.

EVALUATION OF PROGRAM

The success of programs such as ours is difficult to measure. Positive results in areas involving change or strengthening of attitudes, emotions and value judgments would take some time to develop. Also since accurate statistics are unavailable on how many people currently are "on" drugs, quantitating success for these programs is difficult.

To date our only measure of how we are doing comes from feedback. Locally, we have had parents comment favorably after their children have discussed at home our programs. Pharmacists around the state have commented that they receive good reports from parents and teachers in their areas after our presentations. The West Virginia Pharmaceutical Association has indicated to us that the response to our program from the local associations is great and the association looks forward to supporting our program next year on an expanding basis. Letters received from school administrators, pharmacists and teachers involved in our program have contained positive reactions to the presentations and the rapport our students are able to achieve with teenagers.

Occasionally, the question is raised concerning the fact that programs such as ours may arouse curiosity in teenagers to try drugs who would not otherwise do so. We realize that this is a distinct possibility. We debated for a while before starting the program that this might be the major reaction. However, with many indications that drugs were indeed in the schools already, we decided that the alternative to our programs, *i.e.*, avoidance of the issue, was more dangerous and, in reality, an ostrich-position—"If we don't recognize it, it will go away." Thus, we felt that an honest, factual, no scare, no-value-judgment presentation would best meet the need—especially when delivered by young people—to strip away the glamour that currently surrounds drug use and pressent the true dangers that youngsters would not hear "on the street." Our ultimate aim is to get teenagers to talk to each other and convince each other that the abusive use of drugs is dangerous and stupid and really not the "cool scene." We believe strongly that only by such peer-pressure will drug abuse fade as a problem in our society. Although our convictions were strong regarding this, we first tried our programs on several local church youth organizations. When we questioned the clergy involved about the risk of arousing dangerous curiosity, their response was the same as ours—young people know about drugs in our society today, often more than their parents, and programs aimed at factually showing the risks and implications of drug abuse are definitely needed. Armed with this encouragement, we developed our programs.

Probably the most encouraging aspect of the results of our program came during discussions with our student teams as they talked about their experiences. Their reports of active, stimulating question and answer sessions indicate that there is a need for such information and therefore some constructive results are occurring. The fact that schoolteachers and guidance counselors are requesting our program also justified and fortified such programming.

Results from faculty presentations also seem positive. Parents are very receptive. to this information, often are surprised that so much is involved and that teenagers know so much about drugs. They are pleased that programs of factual drug information are available to schools.

Infrequently, an adult with preconceived notions that all drugs are "dope" and all "junkies" should be jailed, etc., is encountered. Such an individual does not want to hear that teenage attitudes toward drugs can be molded by adult abuse of amphetamines, barbiturates, tranquilizers and alcohol. He initially becomes antagonistic. However, a reasonable dialogue usually can be achieved and, with help from others in the audience, a meaningful learning experience can result.

An important positive result of this program has been the personal gratification our students report they have received. Many say that for the first time they have been able to utilize their training to help people and it is a great feeling for them. It has happened several times that students who are reluctant to get in front of an audience and, when gently persuaded to do so, have come home raving about the experience, wanting to do more. Thus, interest has been keen on the part of our students toward this program, with 47 of the 108 students enrolled in our fourth and fifth-year classes having been voluntarily involved in the program during 1969–70. In its own way, we feel this could be viewed as a form of "clinical" pharmacy and is valuable in the training of what we all want our students to be—future drug information and service experts to their communities.

THE FUTURE

As long as requests for our program are received, the students, faculty and administration of our school as well as the pharmaceutical associations of our state feel committed to provide them. This summer the students examined the actual presentation for strengthening and expansion, using the slogan, "Blow Bubble Gum, Not Your Mind," for 1970–71; money is being solicited to prepare and publish a facts sheet booklet for distribution, and the local county prosecuting attorney's office has been approached to legally donate confiscated drug samples for use in a display unit. The Governor's Committee on Crime, Delinquency and Correction has approached us concerning financial support for the school year in terms of a stipend for students and faculty involved in the program as well as support for visual aids, printing, etc. The committee also has proposed the appointment of a faculty member as state director of drug education and prevention to supervise statewide program operations and development and provide technical advice and guidance to state and local agencies on matters of drug education summer was development of a display booth and prevention. Another project begun this concerning drug information for use at fairs, seminars, etc., and with this done we set up a display at the West Virginia State Fair this summer.

CONCLUSION

The main thrusts and bedrock of the West Virginia University school of pharmacy's Drug Abuse Information Program have come from—

1. The cooperation within our profession involving college administration, faculty and students, and state pharmacists and their organizations;

2. The tremendous acceptance of such programming as a professional obligation by our students and faculty; and

3. The students' enthusiasm to the cause on a 100 percent voluntary basis which proves, once again, that our profession will be in good and capable hands in the years to come.

EXPLORER'S RETURN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the entire Nation and the world cannot help but be impressed with the sterling performance of the astronauts of Apollo 14, the ground crews, and the personnel from the industries and universities which supported this highly successful lunar landing. Perhaps most important is the fact the long and difficult road to scientific exploration of the moon is now being traversed. The editorial in the New York Times of Wednesday, February 10, 1971, makes an accurate assessment of the Apollo 14 mission and its implications. I commend this editorial to the reading of my colleagues and the general public:

EXPLORER'S RETURN

The most successful manned space flight in history ended in brilliant style yesterday as the Apollo 14 crew landed on schedule in full television view of the world. The precision and speed of the Navy's recovery operation measured up to the extraordinary standards the astronauts themselves had set throughout the flight to the moon and back.

Psychologically and politically, of course, the superb outcome of Apollo 14's voyage was a lifesaver for the United States space program. Before astronauts Shepard, Mitchell and Roosa blasted off, predictions were general that failure for their effort would doom the Apollo program. Now, a week of historic achievements has erased much of the misfortunes of Apollo 13.

It is premature to try to assess precisely the scientific fruits of the Apollo 14 mission. Nevertheless, certain facts seem plain. There is a high probability that the astronauts brought back samples of the bedrock of the moon, material dating back almost five billion years to the creation of the solar system.

The instruments set up on the Fra Mauro terrain have already sent back useful data and will continue doing so for many months. Seismologists, particularly, are likely to gain much from the fact that there are now two moonquake recorders—rather than one—on the lunar surface. Finally, though this matter received little attention, important information may well have been gained from the experiments conducted during the return voyage, experiments aimed at ascertaining whether useful new industrial processes of various types can be advantageously conducted in the zero gravity conditions of space.

The bravery and skill of the astronauts played a large role in helping overcome the disturbing malfunctions encountered during the flight. Beginning with the docking difficulty in the first hours of the venture and ending with the minor problem posed by the parachute shrouds as the capsule rolled in the Pacific yesterday, a variety of unpleasant and troubling surprises were experienced. The number of these mishaps on the sixth flight to the moon and its environs rules out any atmosphere of complacent euphoria as NASA looks toward Apollo 15 next summer.

Nevertheless, the cheering fact is that Apollo 14 accomplished its mission in fashion. The fifth and sixth men to visit the moon's surface have returned to earth safely along with their comrade who kept the essential vigil in lunar orbit. There is good reason for all men to rejoice at this latest and longest step toward the exploration of the earth-moon system and of the larger solar system to which all known life belongs.

THE HEALTH SECURITY ACT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, amidst the many pressing problems, both foreign and domestic, which will challenge us in the months ahead, none is so far-reaching and important to us and the future of our Nation as the question of our national health.

It is no exaggeration to say that the United States faces a health-care crisis unparalleled in our history. The cost of health care and protection has risen at a fantastic rate in recent years, while the quality and quantity have both dropped in dismayingly reverse proportions. Far from being a world leader in this vital field, the United States ranks well below many other nations in key statistics—13th in infant mortality, 19th in male life expectancy, and seventh in women's death in childbirth.

A nation which has demonstrated the technological know-how to deliver men and machines to the moon in an almost routine manner cannot find moral justification for our failures in delivering health care to its people.

At the end of 1969, the average hospital expense per patient day was $69.93, up 132 percent in 10 years. Of the almost 20 million persons over age 65, private health insurance companies covered less than half with some form of medical expense insurance. While total medical care expenditures totaled $42 billion in 1969, health insurance benefits paid by private insuring organizations amounted to only one-third or $14 billion of the total medical care cost.

Medical care costs are increasing faster than any other major category of personal expense. The difference between medical care cost and insurance coverage is growing more severe. The cost of coverage, increasing over 150 percent in a decade, is making adequate insurance coverage impossible for many, many Americans.

The picture is clear to the point of obviousness: America is suffering from a health-care crisis.

The current "Source Book of Health Insurance Data" published by the Health Insurance Institute cautiously predicts "the difficult health care situation" is making "adequate health care inaccessible to many and expensive for all." Government studies indicate that the poor and the elderly are most adversely affected by the difficult health care situation. This is not just a recent occurrence, however; the poor and the elderly have always been least able to afford regular and comprehensive health care. But the enormous increase in health care cost, coupled with the critical economic situation in general, makes regular, preventive health care impossible for the poor and the elderly and difficult for all.

The Health Insurance Institute specifically identifies three factors as being primarily responsible for the present condition of the Nation's health care system: "First, shortages of physicians and other medical manpower; second, poorly distributed manpower and facilities; and third, duplicate health care facilities." Because of these problems and others, I have joined with over 75 of my colleagues to cosponsor a bill to create a national system of health security, entitled "The Health Security Act," H.R. 2162.

The health security program has two basic purposes: To create a national system of health security benefits which will make comprehensive personal health services available to all residents of the United States, and through the operation of the system, to effect major improvements in the organization and methods of developing personal health care services, so as to increase their availability, control rising costs, and safeguard their quality. This program will build for the residents of this country a rational system of national health security.

We, the cosponsors of H.R. 2162, believe it is the right of all Americans to receive proper health care. To make proper health care a reality for all Americans, I urge my colleagues to act favorably on the Health Security Act during the 92d Congress.

THE SS-9 "SIX PACK"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. SCHMITZ. Mr. Speaker, as we are all very concerned with maintaining the United States as a whole and sovereign nation the following information concerning Soviet upgrading of their SS-9 nuclear rocket weapon should be of great interest to all.

Investigative reporter Paul Scott informs us that the Soviets are retrofitting their SS-9 missiles with six multiple warheads rather than three. This is not good news for the United States since when this process is completed it would seem to give the Soviets a capability for assured destruction of our Minuteman missiles.

The original statement from the Department of Defense concerning the Soviet construction slowdown of SS-9's mentioned the fact that the pause might well be due to the Soviets' desire to make major modifications in the effectiveness of their existing SS-9 missiles by giving them a MIRV capability. Unfortunately the mass media did not dwell on this aspect of the situation.

The original statement from the Department of Defense made by Mr. Jerry W. Friedham on December 16, 1970, and the article by Mr. Paul Scott follow:

STATEMENT BY JERRY W. FRIEDHAM

Secretary Laird has authorized me to state that there are some preliminary indications that the Soviet Union may have recently started slowing somewhat the level of activity associated with SS-9 missile construction. As a consequence, we now believe that the Soviet Union could have somewhat fewer than 300 SS-9's operational or under construction. There are more than 250 SS-9's operational.

I want to point out that there have been previous years of low activity in the SS-9 construction program, followed by years of increased activity. We cannot yet tell exactly where the Soviet's SS-9 force level will come out after this year.

There has been some thought among some of our strategic weapons analysts that both the SS-9's and SS-11's are approaching what might be called levelling-off phases.

Also, it is most important to note that we have seen the Soviets conduct, during the past year, an accelerated test program of multiple reentry vehicles for both these strategic missiles. We cannot tell yet whether the current construction slow-down means that they intend to retrofit existing SS-9 and SS-11 missiles with multiple warheads. The Soviet Union, in addition to the SS-9, has more than 900 SS-11's operational or under construction.

By the time of Secretary Laird's Defense report early next year, it may be possible for us to make a better judgment about the significance of this year's Soviet ICBM effort, including construction and multiple reentry vehicle progress.

[From the Washington News-Intelligence Syndicate, Feb. 12, 1971]

THE SCOTT REPORT

(By Paul Scott)

WASHINGTON.—American military and intelligence authorities are having some second thoughts about Russia's apparent decision to slow down or halt temporarily at least the deployment of its huge SS-9 intercontinental missile.

Hailed as highly encouraging news when first detected last December, the SS-9 freeze is now taking on a very ominous meaning because of some very recent intelligence on new Russian nuclear warhead development.

Hard evidence has been gathered by the Central Intelligence Agency linking the SS-9 halt to a new Soviet breakthrough in the perfection of MIRVs, independently targeted warheads for missiles.

The CIA has learned that the Soviets have successfully fitted up to six MIRVs in a single SS-9 and test fired the warheads over a long range. This is double the target capacity that American officials believed the Russians would be able to achieve.

In other words, the Soviets now have an intercontinental missile which can carry six separate warheads with up to 2½ megatons of nuclear explosives to as many separate targets at the same time.

To fully grasp the magnitude of this military breakthrough, one should consider the recent frank report of John Foster, the Defense Department's chief scientist, to Congress.

In discussing the SS-9 development, Foster stated that the Russians would need approximately 420 missiles to seriously threaten the backbone of U.S. retaliatory force—the 1,000 Minuteman missiles.

This assumption was based on the Soviets being able to fit three MIRVs in their SS-9s as the U.S. is doing in our far less powerful Minuteman III missiles.

Foster revealed that the Russians now have approximately 300 SS–9s deployed and operational and that it would take from eighteen months to two years to obtain a force of 420 deployed missiles.

If the Russians now equip 210 of their presently deployed 300 SS–9s with their new "six pack" warheads Defense Department officials admit privately that the Minuteman retaliatory force will be seriously threatened for the first time in history.

THE DANGER PERIOD

Satellite reconnaissance photographs of several of the SS–9 installations indicate that the Russians are already at work fitting their huge 5,000 mile missiles with the six independently targeted warheads.

The estimate is that the Russians will be able to complete the change-over of warheads on 200-plus missiles within the next twelve to fourteen months depending on the production rate of the MIRVS.

This development would permit the Soviets to gain missile superiority over the U.S. without the deployment of any large number of additional costly SS–9s.

The SS–9s now have an immense single warhead containing an explosive power of from 25 to 30 megatons as against the Minuteman's one megaton. These super-warheads are believed to be designed to destroy all communications in large areas of the U.S. in addition to hardened missile sites.

While the Russians are expected to keep from 50 to 75 of their SS–9s loaded with these super-warheads, they will probably put their "six packs" on all the other missiles—giving them a first strike nuclear force unequal in the world.

THE CHANGING BALANCE

What all this would mean to the U.S. in another Cuban type confrontation with Russia is now being carefully studied by President Nixon and his military and intelligence advisers.

At the time of the 1962 Cuban crisis, the U.S. enjoyed a three to one advantage in ICBMs over the Soviets. We also had a spy, later caught and shot, in the Kremlin who kept the late President Kennedy informed that the Russians weren't prepared to go to war.

Now, the U.S. has neither. It is also why the President's intelligence advisers are urging him to take a new look at the continuing unproductive Strategic Arms Limitations Talks (SALT) with the Soviets. They want the President to make sure that he doesn't get trapped into making concessions to the Russians that might limit this country's capability of dealing with the growing Soviet missile threat.

The new Soviet MIRV development has caused both the military and intelligence community to recommend to the President that he reject the Soviet proposal for eliminating all anti-missile (ABM) defenses except those in the Moscow and Washington areas.

Acceptance of that proposal now, they warn, would leave the backbone of U.S. missile strike force completely naked to attack by the Russian SS–9 force.

MERCURY AS AN AIR POLLUTION PROBLEM

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. OBEY. Mr. Speaker, two thought-provoking articles on mercury pollution in our air appeared recently in the New York Times. Among other things, they reveal that the mercury which has been discovered in fish and animals may have come from the air rather than from mercury contaminated water.

That mercury gets into the air from the burning of paper. Mercury is heavily used in the production of caustic soda which is used in the pulp and bleaching process in the making of paper. Thus, the paper contains mercury.

What all this really means, Mr. Speaker, is that we never lose mercury as a contaminant. When we use this substance, we will ultimately have to deal with it as a residue in the air, or in the water, or in the soil. It reminds us once again that we are, indeed, living on the small, relatively contained spaceship earth, responsible for our environmental deeds and the ultimate victims of our environmental misdeeds.

The articles appear below:

CANADIANS WARY ON MERCURY RATE

(By David Bird)

OTTAWA, Oct. 16—Canadian officials who in 1969 set the world's strictest levels for mercury contamination permitted in fish said today that these levels might have to be made even more stringent.

The level set by the Canadians—0.5 parts per million—is the same level that was later adopted by the United States.

The new Canadian concern over mercury levels was expressed here today by Dr. Alex B. Morrison, deputy director general of the Food and Drug Directorate. He said the 0.5 level might not provide enough of a safety margin.

He said at the concluding session of a two-day international symposium on "Mercury in Man's Environment" that while the 0.5 level was many times lower than the 10 parts per million that had proved poisonous in Japan, there were still many questions about the 0.5 level. He noted, for example, that 0.5 was higher than the estimated average natural background level of 0.2.

OTHER LEVELS LOWER

Dr. Morrison, noting that mercury levels were much lower in other foods than in fish, said he would be highly concerned if levels of all food were at 0.5.

He added that he was especially concerned about the long-term dangers involved in the ingestion of small amounts of mercury. Attention has usually been focused on poisoning caused by large amounts of mercury ingested in a short time.

At least one American scientist, who has been studying the effects of mercury since 1936, scoffed at the idea of stricter mercury standards.

Dr. Leonard Goldwater of Duke University in Durham, N.C., said the standards were already too strict because higher amounts of mercury found in fish could be caused by a variation in natural concentrations of the element.

The scientist, who is a consultant to the National Fisheries Institute, said that enforcement of the 0.5 standard had badly harmed the swordfish industry. After levels of mercury over 0.5 were found in swordfish last December, virtually all swordfish were taken off the market in the United States.

ADMINISTRATION ACCUSED

Dr. Goldwater charged that the Nixon Administration had been trying to "out-Muskie Muskie" in adopting the Canadian standards on mercury.

He said that the Administration wanted to make sure that Senator Edmund S. Muskie, a leading Democratic contender for the Presidential nomination, would have no ammunition for charging that the Administration was soft on despoilers of the environment.

Swedish scientists at the symposium, which was sponsored by the Royal Society of Canada, said that they had to take social and economic factors into consideration in setting their permissible levels of mercury at one part per million, double the Canadian level.

Dr. Maths Berlin of the Royal University of Lund said that setting levels lower than one part per million could have led to the abandonment of all coastal and lake fishing in Sweden.

Swedes are advised instead to limit their eating of fish from contaminated waters.

"You can never make the risk zero," Dr. Berlin said.

MERCURY AS AN AIR-POLLUTION PROBLEM IS STIRRING THE CONCERN OF SCIENTISTS AT SYMPOSIUM IN OTTAWA

(By David Bird)

OTTAWA, February 15.—Mercury, which has gained attention up to now as a contaminant in tuna and swordfish, is now stirring concern among scientists as a pollution problem in the air.

That concern was evident today as a two-day international symposium on "Mercury and Man's Environment" opened here.

Some scientists at the symposium suggested that the air—still relatively untested for mercury—could be the source of much of the mercury that appears in fish and animals.

Other scientists suggested that this airborne mercury might be an even greater source of contamination than is the mercury from industrial and natural sources that is found in the oceans.

Dr. A. Honson of the Swedish Environment Protection Board said that Sweden, which has been a leader in detecting mercury pollution, has been able to trace only 60 to 70 per cent of her mercury contamination to waterborne discharges from factories and towns. He said that the air was now a prime suspect of mercury pollution.

Backing the Swedish suspicion is a study by the Center for the Biology of Natural Systems at Washington University in St. Louis.

MERCURY FOUND IN FUMES

In that study, according to Dr. Donald Selig, chairman of the center's heavy-metal task force, a helicopter with mercury detection apparatus was flown over large smoke stacks—especially of power plants and municipal refuse incinerators—in St. Louis and Chicago. It was found that the concentrations of mercury were substantially higher in the fumes from the stacks than in the general air.

The St. Louis scientists reasoned that mercury, which is often closely bound with sulphur compounds in the earth, was freed when coal or oil was burned in the power-plant boilers to create steam to turn generators.

The mercury was high in fumes from stacks of municipal incinerators, Dr. Selig said, because paper is a major part of municipal refuse and mercury is a key factory in the production of paper.

Dr. H. D. Paavila of the Canadian Pulp and Paper Association, another speaker at the symposium, said that efforts had been made to reduce the amount of mercury used in paper production. He said that its use as an agent to poison and destroy organisms that disrupt the paper-making process had been discontinued in Canada.

But he said mercury was still an important element in making caustic soda, which is used in the pulping and bleaching process in paper production.

Dr. Paavila also said cellulose in wood pulp acts as a strong absorber that concentrates mercury from the large amounts of water used in paper making.

In some cases, he said, levels of mercury in the paper pulp are 10 times that in the original wood raw material.

MERCURY FREED BY BURNING

When the paper is ultimately disposed of by burning this mercury apparently is released to the air.

Mercury has basically been thought of as a contaminant in water since the 1950's, when the deaths of those who ate fish caught in Minamata Bay, Japan, was traced to mercury discharge from an industrial plant.

In December Dr. Bruce McDuffie, a chemist at the State University of New York at Binghamton, found that there were high levels of mercury in some canned tuna and frozen swordfish.

Today, Dr. McDuffie said that the airborne mercury from burning oil and coal might be an even greater danger. He calculated that at least 15,000 to 20,000 tons of mercury a year were apparently released in the air through the consumption of fuel.

TRIBUTE TO THE LATE JOHN L. LEWIS

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. CARNEY. Mr. Speaker, at the turn of the century, a man might labor for 12 hours in a mine for as little as a dollar a day. Mining was a hard and, too often, short life.

John Lewellyn Lewis was born into this mining world on February 12, 1880, the son of a Welsh born coal miner. He knew firsthand the tragedies and deprivations that were the lot of a miner and his family. When John L. Lewis decried the coal miner's shanty and his child's haunting plea for a slim crust of bread he did not speak from hearsay knowledge.

John L. Lewis headed the United Mine Workers Union for 43 years. During that time, he was the voice of American miners and their fearsome prophet. Lewis himself has eloquently described his cause and theirs.

He said:

> I have never faltered or failed to present the cause or plead the case of the mine workers of this country . . . not in the quavering tones of a feeble mendicant asking alms, but in the thundering voice of the captain of a mighty host, demanding the rights to which free men are entitled.

Under Lewis' stewardship the Mine Workers of America jumped from a low pay of $2.50 a day to a more equitable $24 a day. This accomplishment was brought about, in large measure, by the undaunted courage and the untamed energy of one man—John L. Lewis.

His dedication to the cause of the workingman never wavered, and it extended beyond his devotion to the miners of his union. He very early saw the need for industrial unions, and the Committee for Industrial Organization came into being largely through his efforts. It has been said, in fact, that there might not have been the great unions in the steel, auto, and rubber industries had there been no John L. Lewis. Certainly, it is a fact that unions in these industries would not have caught on so quickly or as firmly had it not been for the organizational ability of this one man. In 1937, a scant 2 years after its founding, the CIO had a million-man membership. In his 5 short years of leadership, John L. Lewis used the CIO to change the economic face of the Nation.

During his lifetime, many tried to label John L. Lewis. He was not a man easily categorized. Some called him ruthless, and in some ways, perhaps, he was. But, then, such incidents as the 1937 Memorial Day massacre at Republic Steel's South Chicago plant where 10 union pickets lost their lives, could not be combated or endured by a man who had not learned to be strong.

John L. Lewis was, indeed, a man of great moral strength. He was one of the greatest labor leaders this country has produced. History will justly remember him in the words with which he often adjured his miners to be something of a man.

PORNOGRAPHY

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. MOLLOHAN. Mr. Speaker, in the last Congress, this body took substantial steps to safeguard the privacy of the home from the deluge of pornography that has invaded the American way of life. While there was legislation on the books at the time which allowed the individual to file a complaint with the Post Office Department and thereby stop one mailing house from sending its filth to a home, these laws were easily circumvented by establishing several business entities to produce the pornography.

The legislation we passed in the last Congress required the Post Office to establish a master list of companies who publish and distribute this filth and to give them notice of every person who did not wish to receive the materials. Once notified, the company was subject to both criminal and civil penalties if they violated the law by sending materials to any name on the list of people who had notified the Post Office that they did not wish to receive any mailings or advertisements.

There are also provisions in the law for a parent to insure that his children's names do not become the property of pornography mailers through the same procedure.

But what of the parents who are not aware of this legislation and therefore have not taken advantage of it? Shall we leave their children vulnerable to this sea of filth? I think this Congress has an obligation to take steps to plug this gap as well. And I am today introducing legislation to make it illegal to knowingly send or sell or loan or otherwise deliver through interstate commerce or through the mails pornography to anyone under the age of 18.

This legislation would impose fines of up to $5,000 for a first offender and $10,000 for a subsequent offender and would also impose prison sentences of up to 5 years for a first offender and 10 years for a subsequent offender.

These are stringent terms that may seem harsh to some, but the seriousness of the problem demands no less.

WORTHY REPORT ON FEDERAL ADVISORY COMMITTEES

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BOLAND. Mr. Speaker, I wish to bring to the attention of my colleagues the tribute paid by the Washington Monthly magazine to a report entitled "The Role and Effectiveness of Federal Advisory Committees," issued on December 11, 1970 by the House Committee on Government Operations.

The report was prepared by the Speical Studies Subcommittee chaired by my good and able friend from Connecticut, Congressman JOHN S. MONAGAN. This House report and a Senate report were chosen by the editors for the February magazine issue to initiate a new feature in Washington Monthly, in which the journal recommends and comments on Government reports of special interest and importance. I include the Washington Monthly article with my remarks in the RECORD:

THE ROLE AND EFFECTIVENESS OF FEDERAL ADVISORY COMMITTEES

(Forty-Third Report by the Committee on Government Operations, U.S. House of Representatives.)

(NOTE.—With these two reports—only one included in the RECORD—The Washington Monthly is initiating a new feature. From time to time, we will recommend and comment on other government reports of special interest or importance. We depend on our readers to help us identify materials that will make up this feature, as we do for the Memo of the Month.)

By publishing these two documents,[1] the Government Printing Office recently scored rare successes on at least three counts. The reports are brief—a combined total of 73 pages. They relieve the normal drone of government prose with some spritely comments. And, most importantly, both reports deal intelligently with little-known problems of major political importance.

"Security Agreements and Commitments Abroad" is the final report of Senator Stuart Symington's subcommittee on its two-year probe into American entanglements in foreign countries. The investigation involved extensive travel by the committee staff, often hostile negotiations with various agencies of a reticent executive branch—and 37 days of hearings, which produced 2,500 pages of testimony riddled with security deletions of controversial necessity. (The Taiwan hearings are the subject of James C. Thompson, Jr.'s "The Inscrutable Commitment," beginning on page 44 of this issue.)

The report begins with a country-by-country review of the shadowy operations uncovered, or at least partially uncovered, by the subcommittee. The only elements of this summary review which have been widely reported in the press are those involving secret U.S. "inducements" to Thailand, South Korea, and the Philippines for their support of the American effort in Vietnam. There are many other revelations, some of which evoke a kind of bittersweet absurdity. In the section on Japan, for example, the subcommittee found:

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[1] "Security Agreements and Commitments Abroad" is available from the Committee on Foreign Relations, U.S. Senate, Washington, D.C. 20510, and "The Role and Effectiveness of Federal Advisory Committees" from the Special Studies Subcommittee, Rayburn Building, Washington, D.C. 20515.

"Included in this military syndrome are four United States golf courses, a 450-acre ammunition dump which is used as a religious retreat and boy scout camp, and the Mito bombing range. At the latter facility, United States fighter-bombers engage in gunnery practice only 2.6 miles from the Japan Atomic Fuel Corporation laboratory and 2.2 miles from public beaches.

United States military officials, however, up to now have taken the position that these facilities will be returned to Japan when the Japanese provide alternate-equivalent facilities."

The report develops the "creeping commitment" theme, as in Ethiopia, where the executive branch agreed secretly in 1960 to support a 40,000-man Ethiopian army and keep military aid flowing in return for the continued use of Kagnew Station—a communications base which the subcommittee finds of dubious value. Somalia, Ethiopia's neighbor and opponent in frequent border disputes, then felt obliged to seek outside military assistance as a counterbalance to Ethiopia's new support, which built up over the decade. Somalia asked the United States for aid, which was denied partly because of Ethiopian opposition (an example of the tail-wagging-the-dog syndrome). After being rebuffed, Somalia went to the Soviet Union for assistance, and the Russians soon gained a foothold in Somalia. The Symington subcommittee found out about the agreements with Ethiopia after they had been in effect for 10 years, and the report concludes that "our policies, by proxy, have set up a miniature cold war situation in the eastern portion of Africa."

Spain, the report concludes, "is a good example of a commitment which has not only creeped but which has also in the process generated new justifications as old ones became obsolete." Rota Naval Base has repeatedly shifted the rationale for its existence under intermittent criticism since the 1950s. And for sheer uselessness, there is Moron Air Base, which housed some 3,000 U.S. military personnel and dependents in 1969, at a cost of $14 million. "Nevertheless," explains the report, "other than an Air Rescue squadron, there were no major aircraft units assigned to the base at the time." Rota and Moron have a significance far beyond their cost, however. For in probing to determine exactly what a U.S. military commitment is, the subcommittee found it necessary to cite the former chairman of the Joint Chiefs of Staff: "General Wheeler said, in a statement previously cleared by both the State and Defense Departments, that the presence of United States troops on Spanish soil represented a stronger security guarantee than anything written on paper."

The subcommittee discusses many other commitments that are creeping, invisible, de facto, hidden, or otherwise difficult to pin down. This summary alone makes the document worth reading. But there are other aspects to the report, such as the sections on the foreign deployment of tactical nuclear weapons and on the extent of U.S. intelligence activity. Finally, the report offers a pungent appraisal of the secrecy involved in all these critical matters, observing that even the Congress is kept often deliberately in the dark. The subcommittee's thoughtful discussion of the implications in the commitments tangle is not comforting, but the report itself is a very useful document and the product of an enormously valuable effort on the part of Senator Symington and his cohorts.

"The Role and Effectiveness of Federal Advisory Committees" is a report of the House Government Operations Committee on an investigation into the murky world of advisory bodies carried out by its Special Studies Subcommittee. The subject matter here is perhaps less explosive than foreign commitments, but the document is no less instructive of how government muddles on in confusion.

Actually, the Special Studies Subcommittee never really had an opportunity to pass judgment on the effectiveness of the myriad committees, commissions, task forces, and special coordinating teams which float in Washington, for it could not get past the elementary task of counting them. The group strode forth persistently in this effort, armed with Subcommittee Chairman John S. Monagan's (D-Conn.) description of the species to be tallied, as: "Sort of like satellites, I think of them in that way. . . . They go out into outer space but they keep circling around, you know, and no one really knows how many there are or what direction they are going in, or what duplication there is."

The subcommittee decided to begin with a relatively limited group of advisory bodies—those citizen panels and government interagency committees reporting directly to the President. The conclusion was discouraging: "It was discovered that it is impossible to find accurate and complete records on all Presidential committees. The definition, particular moment of time, and discovery play a large role in determining the number of Presidential committees in existence." Nevertheless, the subcommittee found, as of early 1970, "198 Presidential committees with annual estimated operating costs of nearly $50 million. . . ." The Office of Management and Budget, after some deliberation, countered by announcing in the March hearings that there were only 60 active presidential committees. The subcommittee, after pointing out some omissions in the OMB tally, found 171 presidential committees in a later study. The report also cites an April, 1970, survey of interagency committees alone, which "revealed a total of 73 interagency committees with two or more cabinet members and 117 interagency committees with one or more cabinet members, most of which were set up to advise the President. Even this reported number was incomplete because it was found that departments and agencies do not maintain accurate and complete records on all committees and subpanels."

This statistical fickleness on the part of departments and agencies hamstrung the subcommittee in its general survey of advisory committees within the executive branch. It led to the report's highly imprecise calculation that there are "at least 2,600 interagency and advisory committees and possibly as many as 3,200 existing presently." Obtaining information beyond the mere existence of these bodies was still another matter—and the subcommittee was given data sheets on only 1,519 of the group, which required more than $65 million to support a total committee membership of about 20,000 people and staff of about 4,400.

The report is not without its pitfalls. For one thing, there is evidence that dormant committees will be revived after being identified by the Monagan subcommittee. The report operates under the generous assumption that an advisory committee is doing its job if it has met within the last two years, as revealed in the discovery that "at least 51 of the 1,519 reported advisory committees were identified as inactive in that they had not met for two years or more. Another 368 advisory committees failed to answer whether they had met in the last two years." After reeling off a long list of committees which had failed to toe this line, the report notes, with apparent approval, that "since the hearing, the President has appointed members and activated all the above committees except for the Distinguished Civilian Service Award Board and the Economic Opportunity Council."

One of the tests put to committees is whether they can "maintain viability and carry out the statutory mission." It is unclear what this means, but there is speculation it involves payment of a staff.

The subcommittee report really gets into trouble when it abandons the toil of counting advisory commissions and moves on to recommendations for improvement. The report states that it would be a good idea to upgrade the performance of committee members with additional "education and training" and to improve the coordination of political information by erecting a "central repository" for all committee reports. Finally, the Monagan subcommittee recommends the establishment of a "Committee Secretariat"—a kind of superstar in the galaxy of committee "satellites," which "could plan and evaluate future needs of the committees."

BOTTLED WATER

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. MONAGAN. Mr. Speaker, a February 12 article in the Washington Post by Kirk Scharfenberg, entitled "Smelly, Bad-Tasting Water Leads to a Bottled-Water Boom," describes the sharp increase in demand for bottled drinking water by Montgomery County citizens due to the unpleasant odor and taste of their municipal water supply.

In light of this increased consumption, I find it distressing that Maryland has no specific regulations pertaining to bottled drinking water. While Maryland does include bottled water under the category of "soft drinks" for licensing purposes, this regulation states only in vague terms that a license may be denied if the source of the product is known to be dangerously polluted.

Maryland is not unique in this respect. Most State laws are equally vague concerning health and safety standards for bottled drinking water, and some States have no standards at all. Federal law also contains no specific or uniform standards for bottled water quality.

On February 10, I introduced legislation to remedy this lack of consumer protection. My bill, H.R. 4147, would authorize the Administrator of the Environmental Protection Agency to prescribe minimum health and safety standards for bottled water based on scientific investigation. These standards would apply to all bottled water products which the Administrator finds in need of regulation, and the bill would make illegal the interstate transportation of those products which failed to meet these standards.

Mr. Scharfenberg's article, which I should like to include here for the consideration of my colleagues, presents only one example of the sudden increase in demand for bottled drinking water. In fact, bottled water sales have expanded sharply in many sections of the country. The American Bottled Water Association reports that sales are growing at the rate of 15 to 20 percent a year. Pollution scares and the unpleasant odor and taste of much municipally suuplied water are creating a whole new market. The Congress should now provide protection for the consumers in this market. By providing uniform standards for the entire industry, my legislation will provide needed progress in the promotion of safety and health in this field.

I should also like to include at this point an excellent column by Miss Josephine Ripley in the Christian Science Monitor on February 1, 1971, entitled, "How Pure Is Our Water, Anyway?" Miss Ripley's column provides much-needed public information about bottled water consumption and the bottled water industry. As little is known about this subject, I recommend this column to all Members of the Congress.

Mr. Scharfenberg's and Miss Ripley's articles follow:

SMELLY, BAD-TASTING WATER LEADS TO A BOTTLED-WATER BOOM

(By Kirk Scharfenberg)

The only trouble with Montgomery County's drinking water yesterday, according to local officials, was that ammonia had combined with chlorine to form a compound known as chloramine plus hydrogen chloride. The result tasted and smelled—bad, or at least, different.

"The water is perfectly safe. It's just not palatable," said a representative of the Washington Suburban Sanitary Commission who spent most of the day answering calls from customers upset by the peculiar odor and taste of the tap water.

"It's got a medicinal taste or a chlorine taste," said Arthur P. Brigham, a spokesman for the WSSC. "We hope it will clear out in a few days, but we really don't know. We can't tell. There's just no way in the home to get rid of it."

Meanwhile, sales of bottled water boomed.

What apparently happened, according to Brigham, is that the rain of recent days was not able to seep into the frozen ground and ran over ground into the Potomac River, the source of drinking water in most of the Metropolian area.

Along the way, according to Brigham, the hydrogen in the water apparently combined with nitrogen in fertilizer and decaying plant life to form ammonia.

Then, at the WSSC's Potomac River Filtration Plant, the ammonia in the river combined with the chlorine (chemical symbol: C12), placed in the water to kill bacteria, to form chloramine. That's the stff that smelled and tasted bad and promoted hundreds of calls to the WSSC, according to Brigham.

Unlike the straight chlorine gas, much of which escapes from water before it reaches a customer's tap, the chloramine stays in the water, Brigham said.

The chemistry of the situation was confirmed yesterday by Dr. John Barker, an assistant professor of chemistry at the University of Maryland, who said he found a description of chloramine (the bad stuff) in a 1945 chemistry book.

Barker said the chemistry book said chloramine was preferable to straight chlorine gas for treating water because it "has a less disagreeable odor and taste."

Barker suggested that maybe the problem was that the water tasted and smelled "differently" rather than "badly."

"I wouldn't want to put my neck out," he said. "But I'd almost be tempted to suggest that it's all a beautiful case of overreaction."

Newspapers in Washington received scores of telephone calls yesterday from persons in Bethesda, Wheaton, Rockville, and other areas complaining about the taste of their water. Other calls came from Arlington, but officials there said they received no complaints yesterday.

Brigham said he received some calls from Prince George's County, but much of the water there comes from the Patuxent, not the Potomac.

The situation appeared to be a boom to distributors of bottled water.

Irving Miller, president of the Montgomery Ice Co., which distributes two brands of spring water, said he had three people manning telephones to handle a 20-fold increase in the demand for bottled water.

"Business is way up in the last two days," he said. He said he could not give a precise count of the number of bottles sold.

James Beard, a Hyattsville distributor of "famous health waters," also reported an increase in business.

HOW PURE IS OUR WATER, ANYWAY?

(By Josephine Ripley)

Washington.—The nation's drinking water is not always as pure as some Americans think.

Not that there is cause for alarm—yet.

But a recent spot check of drinking water systems, in various parts of the United States prompted this comment by the administrator of the Environmental Protection Agency of the United States Public Health Service, Charles C. Johnson Jr.:

"We are too complacent about the quality of the water we drink."

The study areas in the survey covered some 18 million people. Out of these, almost a million were being served "potentially hazardous water." Another 2 million were drinking water "of inferior quality."

Why doesn't someone do something? The federal government has no direct control over the situation. It can make surveys such as this. It can check the water carried in interstate commerce. That is, on planes, trains, and buses. And it can establish a national standard for water purity, to be adopted by states if they choose.

But the drinking water systems which spread across the U.S. are under local control—not federal.

And most of these systems were constructed more than 20 years ago, before the population explosion and the expansion of cities.

James H. McDermott, director of the Bureau of Hygiene, believes the survey "left no doubt that many systems are delivering drinking water of marginal quality on the average, and many are delivering poor quality in one or more areas of their water distribution system today.

"To add to this quality problem," he said, "the deficiencies identified with most water systems justify real concern over the ability of most systems to deliver adequate quantities of safe water in the future."

An interesting related development is the zooming sale of bottled water. It is estimated that more than $100 million of bottled, or so-called spring water, is being sold in the U.S. today, compared with $63 million in 1963.

The market is growing rapidly. Many soft drink companies are now entering the field. Canada Dry, Coca-Cola, Nestle Co., Pepsi, and Schweppes are reported to be test marketing bottled purified drinking water in various parts of the U.S..

Most people, it is thought, turn to bottled water because they prefer its taste to that which comes out of the faucet.

The chlorine which is used to kill any bacteria in the water system and purify water before it reaches the tap leaves a taste that is unpleasant and sometimes has an odor. And, although fluoride is naturally present in water, more is added in some parts of the U.S. to bring it up to a higher level which, it is claimed, prevents tooth decay.

But those who switch to bottled water may as well know that "spring water" does not come always from natural springs. Spring water is often a trade name. Most bottled water, it is said, actually comes from artesian wells. Not that this detracts from its quality or taste.

Some bottled water, according to authorities, comes from the tap and is "re-manufactured." That is, chlorinated or distilled to kill bacteria, then enriched with natural minerals for taste.

The American Bottled Water Association in California asks its members to designate spring water as that which issues from the ground naturally. Some states require that the label state how bottled water was purified and if minerals have been added.

Bottled water has become extremely popular in some areas where it is sold in supermarkets, in vending machines, and home delivered along with milk.

The Environmental Protection Agency pooh-poohs any health claims made by firms which sell bottled water.

Experts at the agency point out that there are simple ways to eliminate the taste of chlorine in tap water.

For instance, just fill a pitcher with tap water and let it stand for an hour or two until the chlorine evaporates. If it stands in the sunlight, the evaporation will take place within an hour. If it is left in the refrigerator, the process takes longer.

Or the chlorine may be removed by attaching a charcoal filter to the faucet. These cartridges may be obtained in most stores which carry accessories of this kind.

But for those who want to get behind efforts to make pure drinking water a national responsibility, they can express support for two bills in Congress. One, The National Water Hygiene Act of 1970 (which will be reintroduced in 1971) is by Rep. Paul G. Rogers (D) of Florida. Its purpose is to provide the public with an adequate supply of safe water for drinking, recreation, and other human uses.

The other, to establish health standards for all types of bottled water, was introduced by Rep. John S. Monagan (D) of Connecticut.

He points out that there are now no enforceable standards for such dangerous substances as arsenic, lead, mercury, cyanide, or organic carcinogens.

His bill would require states to meet federal standards, and include a testing and surveillance program.

THE ARMY'S INVOLVEMENT IN CIVILIAN SURVEILLANCE

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. REID of New York. Mr. Speaker, as a result of an article in the Washington Monthly last year concerning Army surveillance of civilian political activity, subsequent correspondence with the Army, and debate under Mr. Mikva's special order last December 18, I have pursued the Army's activities in this regard in some detail. This inquiry has culminated in a letter from Secretary of the Army Resor in response to a letter I wrote to him on December 21, 1970. The Secretary's letter sheds important light on the Army's involvement in civilian surveillance, and I am including both letters in the Record since I think they will be of interest to Members:

Department of the Army,
Washington, D.C., February 13, 1971.
Hon. Ogden R. Reid,
House of Representatives,
Washington, D.C.

Dear Mr. Reid: Your letter of December 21, 1970 concerning the recent allegations that Army intelligence personnel have gathered information on political figures mirrors a concern which the military leaders of the Department and I share. I also share your view that a full explanation of our prior activities in this area, which involves the collection of civil disturbance intelligence, "would help to clear the air" and would be of considerable assistance to you in discharging your duties.

As you know, an initial allegation in mid-December that the Army "spied" upon Senator Stevenson, Representative Mikva, and former Governor Kerner was followed by other allegations relating to Army intelligence activities. My public statement on December 17 was limited to Senator Stevenson, Representative Mikva, and former Governor Kerner and emphasized that, as best we can determine, none of these men is or ever has been the subject of military intelligence activities or investigations related to political activities. I am having a detailed inquiry made to determine all the relevant facts relating both to that allegation and to others which have appeared in the press.

As I have previously explained to you, the Army policy of June 9, 1970 completely restructured and drastically curtailed the Army's civil disturbance intelligence program. In order to understand fully what happened prior to June of last year, it is necessary to review briefly the situation with which the Army was confronted in 1967 and 1968. In that context, you can better understand the kinds of directives which were issued and the kinds of activities which may have taken place.

In the late summer of 1967, the President ordered active Army troops committed to restore order during the rioting in Detroit. This rioting lasted several days with substantial property destruction and the loss of 43 lives. Again, in April 1968, Army troops were committed and employed in Washington, Baltimore and Chicago following the assassination of Dr. Martin Luther King. In Washington, for example, extensive looting, property destruction, and arson took place before Federal troops could be effectively deployed. As a result of the arson about a dozen persons were burned to death. Sparked by the 1967 Detroit riots, concern spread throughout the country about the possibility of continued, serious violence in our cities, and as a result the Army began to prepare to respond should the President again order troops to be utilized.

While state and local law enforcement agencies and the National Guard hold initial responsibility for restoring order, it became clear that the only satisfactory way to deal with serious outbreaks exceeding the control capability of state and local forces was to keep large Federal resources available to act rapidly and decisively. The objective was to move as rapidly as possible to deploy a sufficient number of troops to control the situation with minimum force. Intelligence collection plans were devised in light of this need. Attempts were made to gather information which would allow us to predict when and where disturbances were going to occur. In addition, certain basic information about the areas in which troops might have to be deployed had to be gathered—for example, the locations of key facilities and the availability of communications had to be surveyed in high priority areas. It was feared that without this information sufficient forces could not be assembled rapidly enough and that unnecessary loss of life or property damage could result.

As part of this intelligence collection program, reports were to be submitted about violent incidents, about demonstrations and other activities which might lead to violence, and about groups and individuals who might participate in such activities. The intelligence collection plan issued in 1968 required submission of reports not only about violent or potentially violent activities, but also about peaceful activities of individuals or groups who might, in some fashion, become involved in disturbances. Attention was also to be given to activities within the community which might aggravate tensions and perhaps lead to disturbances, and to activities which might be exploited by those intent on creating civil disturbances. Information was also obtained in order to identify community leaders who might assist in restoring order. Almost all of this information was obtained from local or Federal law enforcement agencies or from the press media. A very small fraction of it was obtained by sending military intelligence personnel, who routinely are dressed in civilian clothes, to open, public meetings as observers. Even where such personnel were sent to meetings their basic assignment was only to observe what any other citizen could observe and report it. So-called "undercover" activities, such as having a person pose as a member of an organization to gather information about it, were seldom employed. Such operations had to be approved in advance by the Federal Bureau of Investigation and were resorted to only if all other collection methods were ineffective. Moreover, as you know from our discussion, covert operations in the civil disturbance area have required the personal advance approval of the Under Secretary of the Army since the spring of 1969. Since that limitation was imposed, there have been no requests for approval of such operations.

The civil disturbance intelligence program never included a requirement to develop files on the activities and beliefs of members of Congress. The same is generally true with respect to other prominent persons, although some such persons might have been of intelligence interest under this program if they were associated with groups who might become involved in disturbances. It is, of course, possible that some scattered reports of the public activities of prominent persons, and even of some elected officials, might have appeared in the files; if, for example, Army personnel were covering a public event at which such a person spoke, the report submitted might well contain the name of the speaker and a summary of his presentation The public event would have been covered not because the political figure was speaking, but because intelligence personnel felt that the meeting was relevant to the civil disturbance potential in the particular city in question. Thus, we believe that some reports submitted by intelligence personnel could have contained the names of political figures, such as Senator Stevenson, Representative Mikva or former Governor Kerner, even though they were not the subject of our military intelligence activities. It is also possible that some newspaper articles were clipped and filed which contained references to prominent figures. Our inquiries have indicated that there was no systematic attempt to go beyond this and gather "dossiers" or detailed files on prominent national officials. Although all civil disturbance files which were kept at the local level were ordered destroyed as a result of our new June policy directive, information from those familiar with the pre-June program supports the analysis set forth above.

Outside the civil disturbance field, the Army's intelligence functions in the United States are limited to two other narrowly defined missions. The personnel security program accounts for the vast majority of the man-hours expended by personnel of the U.S. Army Intelligence Command. The Army is responsible for conducting necessary investigations relating to the suitability of certain individuals for employment or for access to classified defense information; only military personnel and civilians affiliated with the Department of Defense are subject to such investigations. Second, the Army retains a legitimate need to know about actions which directly threaten its ability to perform its various missions. Examples include activities such as espionage and sabotage relating to the Army; theft of weapons or destruction of facilities, including ROTC facilities; and counselling soldiers to desert or individually or collectively to disobey the lawful orders of their superiors.

As our earlier correspondence to you indicates, we have been active for many months in devising new policies which will make certain that Army intelligence activities are strictly limited to our own narrow areas of interest, and that civilian law enforcement agencies will be left with the tasks which more properly belong to them. In addition to our restrictive policy on computer data banks issued in April and our general civil disturbance intelligence policy issued in June, we issued new orders on December 15, 1970 delimiting counterintelligence coverage of civilians not affiliated with the Department of Defense. The December 15 policy makes it clear that general antiwar or protest activities are not of interest to the Army under this program. In fact, the December 15 policy guidance specifically states that "individuals and organizations do not become of concern to the Department of the Army solely because they oppose Government policy."

The most drastic changes have been made in our civil disturbance intelligence collection program. For the past two years, this program has been under intensive review by the top civilian and military leaders of the Department of Defense and the Department of the Army. It became apparent that the nature of civil disturbances had changed since 1967. Large-scale violence and arson in large cities had given way to more general "grass-roots" peaceful demonstrations and rallies across the country. Even when many thousands gathered to protest in Boston, San Francisco, and Washington, D.C., the attendant violence was well within the control capabilities of local and state authorities. This reflected both a trend toward more peaceful protest of public grievances, and a decided improvement in the capabilities of local and state authorities to manage potentially violent and violent situations. We also concluded from our experience in collecting civil disturbance information for over two years that we could not predict, with any degree of assurance, which disturbances would be sufficiently severe to require the Army to assist state and local law enforcement agencies. In light of these conclusions, and in light of our basic belief that the Army's involvement in this sensitive area must be strictly limited to areas of legitimate need, on June 9, 1970, the Army formalized its new and extremely strict policy governing the collection of civil disturbance information.

Under our current policy the Department of the Army relies on the Department of Justice at the national level for the collection of civil disturbance threat information, and therefore collection of this information even by liaison between Army intelligence personnel and other agencies is *not* permitted. Such collection activities can only be undertaken upon specific order of the Department of the Army when it is determined in a particular situation that there is a distinct threat of a civil disturbance beyond the capability of local and state authorities to control. Retention of even this limited information is *not* permitted; upon the completion of a disturbance where collection of information was permitted, the information will either be destroyed or transferred to the Department of Justice. Covert agent operations, discussed above, are not permitted without the specific advance concurrence of the FBI and the advance, personal approval of the Under Secretary of the Army in each instance. We no longer maintain any computerized intelligence data banks in this area, and a previously maintained identification list was ordered destroyed. Intelligence files at local installations throughout the Army have been screened pursuant to our June policy letter in order to eliminate civil disturbance information, and significant reductions in the quantity and scope of the information retained have already been accomplished and further reductions are planned.

The Constitution of the United States imposes on the Federal Government an obligation to protect the states against "domestic violence." Within the Federal Government, the responsibility for discharging this Constitutional obligation falls principally upon the Army. We are taking every precaution to balance properly this Constitutional duty with the need to observe the Constitutional rights of citizens as we collect information.

The role of restoring order in our cities is not an attractive one for our military men, involving as it does conflict with our own citizens. But we are conscious—as we were especially conscious in 1967 and 1968—that the American people expect that the armed forces, when ordered by the President, will be ready to discharge this unattractive duty, which is imposed only when all the resources of state and local governments have been exhausted. The implications of inadequate preparedness in the face of multi-city disorders were and are clearly unacceptable.

It was this kind of concern which got us into the civil disturbance intelligence business. Aided by the clarity peculiar to hindsight, we can now perceive things we might have done differently or better. For one thing, not fully realizing the potential for overly-expansive efforts, we in the Pentagon—both civilians and military—did not provide sufficiently detailed limitations and controls. And some field personnel, perhaps out of an over-abundance of zeal, on some very limited occasions may have over-stepped the boundaries of good sense and the spirit of our policy. As we have identified areas requiring greater controls, we have developed restrictive policies governing: covert operations (February 1969); computer data banks (March 1970); civil disturbance information generally (June 1970); and information concerning threats to Army property or functions (December 1970). We will not hesitate to impose any additional controls which are required to assure that our collection activities do not over-step proper bounds.

Learning from experience, we found that certain kinds of detailed information were not sufficiently useful to require collection. But I do hope that you, the Congress and the American people can understand that we did not and do not have a program of spying on elected or appointed officials—or in fact on any civilians unless by their conduct they brought themselves to our attention by associating with disturbance-related activities or activities directed against the Army. To the extent we had information on demonstrations and the like, it was primarily material no more sinister than the average wire-service or local newspaper report of similar incidents. And, far from being eager to develop a role in this area, we have sought since early 1969 to find others to provide the information we need.

I hope that this explanation will place in context many of the allegations which have been receiving widespread publicity. We have, within the past two years, devised a series of new policies which should prevent the recurrence of the type of activities which are alleged to have occurred. We agree that military involvement in this sensitive area must be carefully circumscribed and closely supervised. In general, I think we can now say with assurance that our policies comply with the objective stated by Secretary Laird on December 23, 1970—that intelligence activities are "conducted in a manner which recognizes and preserves individual human rights." We will continue to monitor this area closely to make certain that our regulations are complied with and that Mr. Laird's concern, which we share, is reflected in the practices of units in the field.

I shall answer your specific, numbered questions as soon as the information is available. If I can be of further assistance, please do not hesitate to call upon me.

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 21, 1970.

Hon. STANLEY RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: Over the past several months, I have exchanged letters with Robert E. Jordan III, the General Counsel of the Army, with regard to alleged civilian surveillance activities by the Department of the Army.

His letters to me of February 25, 1970, April 16, 1970, and August 5, 1970 indicate that certain data which had been collected by the Army has been destroyed. In addition, paragraph 3 of page 3 of his letter to me of February 25; paragraphs 3(c), (d), and (e) of the June 9, 1970 letter of the Acting Adjutant General to other Army units; and the Delimitation Agreement, AR 381-115, updated to July 2, 1969, all seem to indicate that whatever "civil disturbance-related information" is required by the Army is to be obtained from the FBI and state and local police agencies.

The charges made last week by a former Army intelligence agent that he and others in the 113th Military Intelligence Group had under surveillance Senator Stevenson, Congressman Mikva, former Governor Kerner and about 800 other civilians in Illinois raise grave questions in my mind as to the Army's adherence to the policies outlined by Mr. Jordan to me in our previous correspondence.

While I have no reason to doubt your statement of December 17 that "had any such alleged activities been conducted, they would have been in violation of Army policies," there has not yet been a clear answer as to whether these activities did in fact take place, especially with regard to the 800 other civilians mentioned who are not public officials. The possibility of such surveillance threatens the basic liberties of all Americans, and the cloud of confusion hanging over the facts in this instance only raises further suspicions of Army involvement in such monitoring activities.

As Congressman Poff said on the floor of the House on December 18th, "If the military can spy upon the people's freely chosen representative, it can spy upon those who chose him. And then, no man's liberty is secure."

It seems to me that a full and frank statement by the Army on the Illinois matter and on any civilian surveillance generally would help to clear the air and would enable those of us charged with the public trust to take such actions as are necessary to insure that such monitoring and the suspicion of it are forever removed from our country.

Accordingly, I would appreciate your prompt answers to the following questions:

(1) Has the Army at any level monitored and collected information on the activities of Senator Adlai Stevenson, Congressman Abner Mikva, Judge Otto Kerner and some 800 other civilians in the State of Illinois, whether or not such collection of data was authorized by current Army policy? If so, what are the specifics of such data collected, including period of time involved, type of data collected, and methods employed to obtain and store it?

(2) At any time, was collection of such data authorized by Army policy? If so, by what authority and how is such authority consistent with AR 381-115 and the letter of the Acting Adjutant General of June 9, 1970?

(3) If such data was collected, are the files now in existence? If so, where are they located?

(4) Under the terms of Section 4 (f) and (g) of the letter of June 9, 1970 of the Acting Adjutant General, on how many occasions and for what purposes was approval given by the Department of the Army and the F.B.I., as the case may be, to "employ methods of collection other than liaison" (4f) and to utilize "covert agent operations"? (4g)

(5) If the three public officials named above and 800 other civilians were the subjects of Army surveillance, what criteria were used to determine which individuals would be the subjects of surveillance?

(6) Does a microfilm record of any files collected by the 113th MIG on civilians exist? If so, where is it?

(7) Does a microfilm record exist of an identification list (or blacklist) and a data bank, located at Fort Holabird, which Mr. Jordan's letter of February 25, 1970 said were destroyed? Does a microfilm record exist of data from a bank at Fort Hood which Mr. Jordan's letter of February 25, 1970 said were destroyed? Does a microfilm record exist of data from a bank at Fort Hood which Mr. Jordan's letter of August 5, 1970 said was destroyed? If so, where are such microfilms located?

(8) Were the following activities monitored by Army intelligence agents in order to gather data on the individuals involved: the 1968 Republican and Democratic National Conventions, the Poor Peoples March in 1968, the Vietnam Moratorium in Washington in October 1969? If so, under what authority did such monitoring take place?

As you may know, the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee, on which I am the ranking minority member, has a continuing oversight responsibility over collection and dissemination of information by the government. If any of the charges recently made are true, then our subcommittee has a clear duty to see that these practices are halted at once and appropriate records destroyed. I very much hope that the Army will set at rest the minds of all Americans by making a full and clear statement of all the facts concerning the alleged surveillance in Illinois and concerning the Army's civilian surveillance activities generally. The absence of explicit and complete statements by the Army only encourages the suspicion that these activities did in fact take place.

Except for a specific national security requirement authorized by the Secretary and the President, any generalized surveillance of civilians by the Army clearly would be repugnant and an intrusion by the military in an area reserved by Army regulations and interagency agreement to the FBI and civilian law enforcement agencies. It seems to me that the Army must be absolutely scrupulous not only in issuing appropriate regulations and orders, but in seeing to it that there is strict monitoring and accountability for all intelligence activities so that local initiative does not take place on a wide scale contrary to national policy.

With best regards.

Sincerely yours,

OGDEN R. REID.

SENATE—*Friday, February 19, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. Ellender).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our Heavenly Father, bless our country and make it a blessing to the world. Grant that our ideals and aspirations may accord with Thy will so that we may be an instrument for peace and justice among the nations. Grant us sound government, good education, a dependable press, simplicity and integrity in our relations one with another, and above all else the spirit of service motivated by love.

Bestow Thy divine approbation upon all who labor here. May each Member lay hold upon the spiritual verities that endure all time. May they have strength to labor, patience to endure, perseverance in the things that matter. Grant a spirit of mutual understanding and honest respect for one another that we may dwell together in unity and brotherhood, through Him who is one with Thee, even Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, February 18, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON RULES AND ADMINISTRATION TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate Committee on Rules and Administration be authorized to file reports together with minority, individual, or supplemental views until midnight tonight.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF COMMERCE

The assistant legislative clerk read the nomination of James H. Wakelin, Jr., of the District of Columbia, to be an Assistant Secretary of Commerce.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The assistant legislative clerk proceeded to read sundry nominations in the National Oceanic and Atmospheric Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the distinguished minority leader.

Mr. SCOTT. I would like to ask at this time what the distinguished majority leader has in mind for the schedule next week. I am aware that the cloture motion will be voted upon. I think it would be well for the Record to show the time for that, and whatever other matters the majority leader may have in mind bringing up.

Mr. MANSFIELD. Mr. President, in response to the questions raised by my distinguished colleague from Pennsylvania, the minority leader, as of now, the vote on the cloture motion will be held at 1 o'clock on Tuesday next. Of course, the cloture motion itself still has to be filed, but I understand that it is the intention of the Senator from Kansas (Mr. Pearson) and the Senator from Idaho (Mr. Church) to do that today.

At the conclusion of that vote, it would be the joint leadership's intention to meet with those two Senators, to find out what their wishes would be, as to when another cloture vote would take place, because I would anticipate that we would not get sufficient votes on the second attempt.

Then, of course, the calendar has been kept very clear. With the cooperation of the minority leader, we are up to date. The committees are working.

I will meet, as usual, with the distinguished minority leader from time to time, and lay out the schedule for the Senate.

Mr. SCOTT. I thank the distinguished majority leader. I am aware of the fact that the majority leader has met with the chairmen of the standing committees having to do with legislative business. I have met with the ranking members of the same committees. We have both joined in urging as early and expeditious action on legislative matters as can possibly be had.

Right here at the beginning of the session is a good time to point out that we are both very hopeful that legislation can be brought to the floor expeditiously and the Nation's business transacted in a way to avoid too much of a jam-up at the end of the session, if we can.

Mr. MANSFIELD. Mr. President, I am in full accord with the distinguished minority leader's statement and views. I would point out that the money resolutions for the committees will be available for consideration around the middle of next week, but it is my intention to discuss this matter with the distinguished Presiding Officer at this moment, the President pro tempore, the senior Senator from Louisiana (Mr. Ellender), before any action is taken on them.

Now, Mr. President, could I be recognized in my own right?

The PRESIDENT pro tempore. The Senator from Montana is recognized for 3 minutes.

LAOS: SOME QUESTIONS

Mr. MANSFIELD. Mr. President, at the moment, the situation in Southeast Asia shows clearly that for many months U.S. casualties have been held lower, that fewer Americans have been engaged in combat, and that the cost of the war has decreased. These are consequences of the withdrawal of more than 200,000 Americans, a decision which was made at the outset of this administration. The consequences are, of course, welcome.

On the other side of the coin, it is also obvious that the arena of the war in Vietnam has been enlarged into an Indochinese war and the executive branch has made us partners in that expansion. First came the invasion of Cambodia last spring with U.S. ground forces and the subsequent widespread devastation of what had been the stable economic and social life of that country. We are there now with hundreds of millions of dollars in aid and a mounting staff of American officials. Now there is the invasion of Laos by South Vietnamese ground forces supported by American firepower, airpower and logistical support and the likelihood of more intense participation by North Vietnamese forces in this area close to its border.

This recent thrust of all-out conflict into still another region of Southeast

Asia represents a gamble which may not be worth the risks involved. Rather than a shortening of the war and a further reduction of casualties, the consequences of this air-ground invasion may be to lengthen the war and increase the casualties. The outcome of this new military venture depends not only on the success of the South Vietnamese forces in Laos but on the reaction there and elsewhere of the North Vietnamese and perhaps other Asian nations.

The gamble in Laos is likely, in my opinion, to make it still more difficult to arrive at a negotiated settlement. Furthermore, it may well increase, again, the number of U.S. casualties and raise the number of American prisoners of war who have been taken in Southeast Asia.

With regard to the American prisoners, the North Vietnamese have stated that the issue would not even be discussed until it is evident that U.S. forces are to be withdrawn completely from Vietnam. In my opinion, these men are held as hostages to that end and this action is almost certain to delay their release. Threats are not likely to deter North Vietnam from that course.

Nor is it at all certain, as has been suggested, that—

> They—the North Vietnamese—have to fight there—in Laos—or give up the struggle.

The option is theirs as it has been from the outset. The fact is that they still have many cards in Cambodia, elsewhere in Laos, in South Vietnam, and in North Vietnam.

The PRESIDENT pro tempore. The time of the Senator from Montana has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I shall be glad to yield to the able majority leader my 3 minutes.

Mr. MANSFIELD. I thank the Senator from West Virginia.

The PRESIDENT pro tempore. The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, what if they opt not to fight at this time in Laos? What if they do stand and win against South Vietnamese forces in that remote area? What course is open to this Nation then?

What if they draw back now but return in May and resume use of the present Ho Chi Minh Trails or new trails on an accelerated basis?

What if the present penetration prompts them to move further west on the approaches to Thailand, even as the incursion into the Cambodian border areas last spring prompted them to move westward throughout Cambodia?

In short, we must ask ourselves whether a temporary invasion of Laos, and I emphasize the word temporary, will have any real effect on the capabilities of North Vietnam to wage a continuing war in Southeast Asia? According to North Vietnamese calculations, they have already been at war at least 25 years and an additional 25 years of conflict may well be anticipated.

These are questions which put in balance the military gamble which is now taking place in Laos. Is it worth the lives—American and others—which it already claims? Will it fulfill the objective of shortening the war, so that the U.S. military phaseout can be continued and accelerated? Will it hasten negotiations which will end this tragedy and thus permit a complete U.S. withdrawal?

Will it help the plight of our prisoners of war?

Indeed, has any previous escalation of the conflict since the Tonkin Gulf—the use of B–52 bombers, the massive air and naval war against North Vietnam, the secret air war in Laos, the incursion into Cambodia—have any one of these previous escalations fulfilled its promise to these ends?

In my opinion we may well be up against a stacked deck in Laos.

Mr. SCOTT. Mr. President, we all honor the distinguished majority leader's views here. I am bound to say that I cannot accept them as stated, for a number of reasons.

First, I think it ought to be pointed out that the incursion into Cambodia of last May was limited, that it worked, that it had the effect of cutting off 85 percent of the supplies being received by the enemy which were coming through Sihanoukville, that we know of, to all of the personnel, and 15 percent of the supplies were coming down the Ho Chi Minh Trail.

This incursion into Laos may or may not succeed. It is the judgment of our military authorities that it will succeed. If it does, it will severely cripple the enemy's ability to resist and will improve our chances in the talks at Paris and will greatly strengthen the ongoing Vietnamization of the South Vietnamese.

If this happens, then the enemy will be unable to mass forces for retaliation during the dry season. He certainly will not be able to do so during the monsoon or the wet season. This carries him on into November or December.

The purpose of these operations is to enable us to get our troops out of there, which we are doing. Our withdrawal from Indochina is continuing during the incursion of the South Vietnamese into Laos.

Indeed, I think this is why we can point to the cooling of America and to the challenges which other priorities are demanding, the greening of America and the growing of America.

I cannot join in the deploring of the successful operations, operations which so far at least, appear to be successful, when everything the President has done has been proven to be justified in ending the war.

The President has taken large numbers of troops out. And he will take more out. On May 1, or around that time, there will be other announcements.

It seems to me that this is not a heightening of the war but a constriction of the war. The war has always been in Laos. It has always been in Cambodia. The difference is that only one side was able to use these privileged sanctuaries, and now the other side, without the use of U.S. ground forces, have put an end to something that ought to have been put an end to 4 years or more ago, I respectfully submit.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled, "The Curious Liberal View of Southeast Asia," written by Crosby S. Noyes of February 7, 1971. This article does not relate to what the distinguished majority leader has had to say.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Curious Liberal View of Southeast Asia

(By Crosby S. Noyes)

The anger of the liberals over recent developments in Southeast Asia defies rational analysis.

What is it that they want? What do they really feel? What would they do if they were making the decisions about our policy in Asia?

The answers, I submit, are not nearly as simple as they seem. The fatal weakness of the liberal position at this point is that it is inherently a minority position, not because the government or the majority of the country is reactionary and warlike, but because what the liberals recommend could not be adopted by any American government.

The one consistent characteristic of liberal thinking today is that of dissent—not from any particular policy, but from any policy that has the slightest chance of success. When it comes to Southeast Asia, the failure of American policy has become a primary article of faith to practicing liberals.

The anger at the present course of events is real enough. There is little that happens in this country or abroad that does not fuel their sense of exasperation and dismay. Their capacity for dire prediction is limitless.

The liberals are even angry at each other. The peace movement, they complain, is dead, killed off by the machinations of a devious administration. Even the peace bloc in the Senate seems to be showing new signs of indecision and impotence.

And meanwhile, of course, everything is going to hell in a handbasket.

The Cambodians, despite all the predictions, are showing signs of determination in resisting the invasion of their country by North Vietnam. The South Vietnamese are said to be invading Laos with the object—just imagine it—of breaking up Communist supply lines into their country. And worst of all, the Americans are helping them, even while claiming that they intend to withdraw the bulk of their forces in Vietnam as quickly as possible.

Small wonder the liberals feel betrayed. This is hardly the scenario they had in mind when the Senate doves pushed through the Cooper-Church amendment last summer. And if, in the end, they were unable to limit the use of American air power in supporting actions in Laos and Cambodia, why surely the administration should have understood what they meant to do.

But what is it exactly that they did intend? The liberal lexicon is a bit murky when it comes to practical policy, but a few solid points show through the rhetoric.

They would, presumably, prohibit all help for Cambodia and Laos and for the South Vietnamese operating in these countries. They also would set a firm date for the end of the American involvement in Vietnam—including the withdrawal of all American troops and support for the Vietnamese army. And finally, they would pull the rug out from under the "unrepresentative and repressive" government in Saigon and set up in its place a coalition willing to come to terms with Hanoi.

Or would they?

The curious thing about the Senate liberals is that while they readily make ruinous suggestions about what others might do, they show little zest for putting such suggestions into effect. The chances, for instance, of extending the Cooper-Church amendment to cover the use of American air power in Cambodia and Laos are rated at practically zero.

If you ask them, furthermore, whether they really would prefer to see a Communist government in control in Cambodia or Laos, they will say of course not. If you ask them who would be served by a public timetable for an American departure from Vietnam, they change the subject. If you ask them whether they consider the government in Hanoi more representative and less repressive than the one in Saigon, they say it is beside the point.

More than anything else, one feels, there is an apprehension that it may all work out—that the disaster they have been predicting so relentlessly over the years may not actually come about. It is, quite obviously, a luxury which only the opposition can afford. And the liberals at this point seem devoutly attached to their opposition role.

Mr. BROCK. Mr. President, I rise to support what the distinguished Senator from Pennsylvania has had to say.

I am distressed by the continuing criticism of our actions in Southeast Asia, specifically our bombing of Laos and Cambodia. This running commentary in many instances is little more than "crying wolf."

I regret these attacks against the President, because they only hinder our efforts to withdraw American fighting men from this conflict and make it increasingly difficult to achieve a negotiated peace.

Is it not time to put aside partisan caterwauling and unite in commom purpose to end this tragic war? Is it not time to stop trying to use American POW's as political pawns?

No one wants to prolong any war. Instead of being "barbaric," our bombing missions in Laos and Cambodia were called to hit the enemies' last remaining supply route—to destroy their ammunition, supplies, and food—and, therefore, their ability to wage war.

The President has kept his word to the American people. Critics should note that we now have some 330,000 men in Vietnam, 200,000 less than were there 2 years ago. We continue to negotiate sincerely—without any response from the North Vietnamese other than the usual diatribe.

We continue to seek humane treatment and early release of American prisoners of war—without any response from North Vietnam; other than a continuation of the abuse of our men.

Is it America that is now at fault? I think not. Nor do I believe charges of political malfeasance assist the cause of peace or the hope for early return of our men.

Mr. MANSFIELD. Mr. President, when the distinguished Senator from Tennessee has had an opportunity to read in full the remarks which I made, he will understand that I was not attacking the President of the United States. I have never attacked any President of the United States. I realize the tremendous responsibilities which any President has. However, by the same token, I am aware of the responsibilities which we as individual Senators have.

In response to the remarks of my distinguished counterpart, the minority leader, may I say that I, too, am pleased that as far as the reactions of the United States are concerned, this represents a cooling-off period, to use his words. But the fact that there is such a period does not mean that these questions which I have raised in relation to Vietnam and Indochina, and which may well spread elsewhere, are not worthy of consideration by the Senate and the American people.

I believe that in the course of my remarks I gave the President full credit for the withdrawal of troops and the slowing down of the war up to this time. But it is pretty fair to say that under the present circumstances the war might well be increased and expanded, the casualties could be increased, the possibilities of the release of the POW's could be decreased, and our chances for success, which are not very good at the present, would not be bettered in the negotiations at Paris.

One thing I have not forgotten—and do not intend to forget—is the casualty lists that come in. I have not gotten an answer as to the latest casualties, for the last 3 weeks, from the Department of Defense.

As of January 9, 1971, however, 53,359 Americans have died; 44,268 in combat, and 9,091 in noncombat capacities. The number of men wounded is 293,612 and the total figure of casualties is 346,971. I daresay that figure has increased by several thousand in the past month, counting both dead and wounded.

So I rise on the floor of the Senate, as I always try to do with a proper understanding of the situation which confronts this Nation, of a deep appreciation of the responsibilities which are the President's, but not forgetting for a moment that we, as Senators, have a responsibility, and it is our duty and our obligation, to express our thoughts when we can in good conscience.

Mr. CHURCH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I wish to commend the distinguished majority leader for his excellent statement on the most recent developments in the war in Southeast Asia.

Any intimation to the effect that the majority leader expresses a partisan view with regard to the war is so completely and utterly refuted by the record that I hardly need stress it here. Nevertheless, the Senate will remember well that the majority leader began to express his misgivings concerning this war long ago during the tenure of the Democratic President. He has been consistent throughout the years in admonishing against expansion of that war and American participation in it. If his advice had been taken years ago, 53,000 Americans would not have died in Vietnam and a quarter of a million men would not have been maimed and wounded.

I, for one, am glad the distinguished majority leader continues to speak out. History bears out the accuracy of his forecasts in the past and the soundness of his misgivings.

Mr. BYRD of West Virginia. Mr. President, I wish to say most respectfully to the able Senator from Tennessee that I have read the statement by our distinguished majority leader and I listened with great care as he made that statement.

I recognize the fact that the Senator from Tennessee did not criticize the majority leader by name in his remarks, but coming on the heels of the remarks by the majority leader it can be appropriately inferred by readers of the RECORD and those who heard the remarks that some criticism might have been meant and directed to the majority leader for the statement he had just made.

In the majority leader's prepared statement there was no "criticism" of the President. There was no attack on the President. I am using now the words of the able Senator from Tennessee, as I recall them. He used the words "attacks against the President." There was no attack against the President by the majority leader in his statement. There was no "partisanship."

I have been in the Senate for 12 years, and I have seen less "partisanship" displayed by the majority leader than I have seen displayed by any other leader in my 12 years in the Senate, my 6 years in the House of Representatives, and my 6 years in both houses of the West Virginia Legislature. There is supposed to be a little partisanship in a party leader, but there was none in this speech by the distinguished majority leader.

The majority leader did not say anything that would indicate an attempt to "use American prisoners of war as political pawns." I think the record should be made clear that the majority leader raised legitimate questions—questions that should be raised. I salute him for raising those questons. I would have a few of my own. For example, I would like to see a more definitive announcement on how much this operation is costing the United States in men and materiel, the exact number of helicopters that have been downed, and the number of helicopters that could not be retrieved. I would like to know how many Americans have died as a result of this offensive. I do not necessarily criticize the efforts being made in Laos by raising these questions, but they are legitimate questions. Of course, North Vietnamese troops are being forced to fight. If they chose not to do so, the Ho Chi Minh Trail would be effectively cut and the threat to American forces in South Vietnam would be weakened. There are two sides to the issue, but the questions raised here today are reasonable and pertinent.

I hoped we would be very careful not to misinterpret as partisan that which was not partisan or as an attack upon the President that which was not. The statement by the majority leader was clear and ought not be misunderstood.

Mr. BROCK. Mr. President, may I say to the distinguished Senator from West Virginia and particularly to the distinguished majority leader that I appreciate their comments. I, too, regret that my remarks fell immediately following the remarks by the Senator from Montana.

I would point out for the record that my remarks were prepared prior to the session of the Senate this morning, and in response to comments I read in the newspaper last evening and this morning. Those statements stated that the President has given up on a political solution, and that he has given up on negotiations in Paris, and that he has given up on the release of our prisoners and is flirting with world war III. Those are statements with which I categorically disagree. Again I was responding to the press account I read in the morning newspapers.

I want to make the situation absolutely clear that I did not refer to the distinguished majority leader in my charges of partisanship or charges of playing with our American prisoners of war. I would not do so.

Mr. MANSFIELD. Mr. President, I express my thanks to the distinguished Senator from Tennessee for his most gracious remarks. I feel now that he had something else in mind at the time. It was an unfortunate coincidence that all of these remarks happen to come at the same time, and I think now the record will not be misinterpreted.

I thank the Senator.

WORLD WAR III

Mr. SCOTT. Mr. President, there is a good deal of rather irresponsible talk going around these days about the threat of world war III. A week or so ago a well-known commentator for the Columbia Broadcasting System's radio network made a gloomy prediction that world war III is standing in the wings waiting to move onto center stage in the Middle East. He somehow left the impression the United States was encouraging the new act.

Now my esteemed colleague the junior Senator from South Dakota (Mr. McGovern) comes to the fore with a prediction that the South Vietnamese attacks into Laos will bring on world war III. Again, the blame for this supposed grave and imminent danger is placed on the shoulders of the United States.

I cannot believe that the Senator from South Dakota really thinks we are in urgent danger of touching off world war III. It has become increasingly evident over the past 9 months that the efforts to wind down the war in Vietnam are succeeding and that in spite of small and occasional flareups, the danger of this limited war becoming a major conflagration are less now than they have been for a decade.

There are those outside the Senate who see some political advantage to be gained by this kind of gloom talk, raising a nonexistent threat of world war III and placing the supposed threat at the door of the White House. This effort to instill fear into the American people is a blatant effort to use war and the threat of war for partisan political advantage.

It is thus even more shocking to find this kind of partisan use of war and the supposed threat of bigger wars creeping into the Senate itself.

PAYMENTS TO CERTAIN EMPLOYEES OF SENATE COMMITTEES FROM THE CONTINGENT FUND OF THE SENATE

Mr. MANSFIELD. Mr. President, on behalf of the minority leader and myself, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The assistant legislative clerk read as follows:

S. Res. 51

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, the compensation of employees of Senate committees which would have been payable on February 19 if Senate resolutions referred to and under consideration by the Committee on Rules and Administration had been agreed to by that date, such payments to be charged to the aforesaid resolutions, if and when agreed to by the Senate. If any such resolution fails to be agreed to, payments made to the employees under this resolution shall be charged to this resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 51) was considered and agreed to.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE—CLOTURE MOTION

Mr. CHURCH. Mr. President, I send to the desk under the provision of paragraph 2 of rule XXII of the Standing Rules of the Senate a motion signed by myself and 22 other colleagues, a motion to bring to a close the debate on whether to proceed to consideration of Senate Resolution 9, and I ask that it be read.

The PRESIDENT pro tempore. Pursuant to the rule, the Chair directs the clerk to state the motion.

The assistant legislative clerk read the cloture motion, as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of the Resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Frank Church, Robert Griffin, Mike Mansfield, Hugh Scott, James B. Pearson, Adlai Stevenson, John Tunney, Walter F. Mondale, Joseph M. Montoya, Fred Harris, George McGovern, Thomas F. Eagleton, Lloyd Bentsen, Richard S. Schweiker, Charles Percy, Robert Taft, Claiborne Pell, Marlow Cook, Clifford P. Case, Jennings Randolph.

INATTENTION TO THE NEEDS OF THE PEOPLE OF IDAHO BY THE DEPARTMENT OF TRANSPORTATION

Mr. CHURCH. Mr. President, 19 days ago, I joined other members of the Idaho congressional delegation in protesting to the Secretary of Transportation the virtual isolation of the State of Idaho from the National Rail Passenger Network.

This is a matter of vital concern to thousands of my fellow Idahoans and I have anxiously awaited a reply from the Department of Transportation. To date, no reply has been received. I consider this delay unnecessary and unwarranted.

Today, I have sent a telegram to Secretary of Transportation John Volpe expressing my concern in this matter. I ask unanimous consent that the text of the letter sent by the Idaho congressional delegation to Secretary Volpe and the copy of my telegram to him appear at this point in the Record.

There being no objection, the letter and telegram were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., February 1, 1971.

Hon. John A. Volpe,
Secretary, Department of Transportation,
Washington, D.C.

Dear Secretary Volpe: Our understanding of the final report submitted to the Congress on the Basic National Rail Passenger System by the Department of Transportation is that no passenger service will be provided to our state of Idaho, either on a North-South or East-West basis.

Not only has the Department of Transportation refused to accept the recommendation of the Interstate Commerce Commission that trains 35 and 36 providing North-South service between Butte, Montana, and Salt Lake City be included in the system but, in addition, it appears that the Department has dropped from its final report the preliminary designation of a Chicago-Seattle route passing through the Southern portion of our state with possible stops at Pocatello and Boise. Our reading of this report indicates that the State of Idaho is left totally barren of any rail transportation facilities under the Department's plan.

This virtual isolation of our state under this final report we most vigorously protest. We fail to understand how an "Integrated National Rail Network" can be achieved by the blanket denial of such service to our state, and its major population centers.

Frankly, we are shocked not only at this action, but also by the arbitrary manner in which it was accomplished. At the time of the submission of the preliminary report, a distinct impression was made that this was the minimal basis of essential passenger service. Now, only eight weeks later, it has been determined that the possible Pocatello-Boise stops are no longer essential. We do not think it improper to insist that an adequate explanation be made as to why the Pocatello-Boise stops have now been deemed dispensable. And, further, why the subject was ignored in the final report, which spoke only of "additions" to the preliminary routes.

Your early attention to this oversight would be greatly appreciated.

Sincerely,

Len B. Jordon,
Frank Church,
James McClure,
Orval Hansen.

U.S. Senate,
February 18, 1971.

John A. Volpe,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.:

On February 1, 1971, I, along with other members of the Idaho Congressional Delegation, requested from you, in writing, your reasons for the isolation of the State of Idaho from the National Rail Passenger System. It is now the 19th of February and I have received no reply from you or your Department to that letter.

This is a matter vitally affecting thousands of Idahoans who have a direct interest in the actions of your Department and this administration in eliminating greatly needed rail passenger service in our State. This delay in failing to respond to our concern is not acceptable.

I respectfully request an immediate answer to our request.

FRANK CHURCH,
U.S. Senate.

THE PRESIDENTIAL CANDIDATES

Mr. CHURCH. Mr. President, between January 25 and January 30 there appeared in the Washington Evening Star a series of six articles on the leading Democratic contenders for the 1972 Presidential nomination.

Written by Star writers Paul Hope and James Doyle, the articles present an excellent series of profiles on several of our colleagues in the Senate.

Mr. President, I commend this series to my colleagues, and ask unanimous consent that these articles appear at this point in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MCGOVERN STARTS DOWN A LONG ROAD

(By Paul Hope)

"I recognize," said Sen. George S. McGovern, "that I don't have flash, status or favored position that might be desirable."

But the 48-year-old South Dakota liberal does lay claim to a large amount of tenacity, truthfulness and conviction and to being out front on the issues.

He expects to parlay that, hard work for the next year and a half, plus a bit of good luck, into the 1972 Democratic presidential nomination.

McGovern is the first man since Andrew Jackson 145 years ago to announce his candidacy so early.

He said he became the first out of the starting gate because he had to get in early to build a political base for the preferential primaries that begin next winter in the snows of New Hampshire.

Between now and then, he and the small staff working out of an old house a block from his Senate office have a mountain of work to do.

There is money to be raised—lots of it. There are thousands of contacts to be made with people who count in politics across the nation. There are speeches to be given, primary laws to be studied and issues to be researched.

Overlaying it all is the need for McGovern to cut into the formidable strength of Sen. Edmund S. Muskie, the front-runner from Maine.

McGovern recognizes that he is starting from a position pretty far back and that the woods may be full of hunters looking for the same prize.

One of the reasons for his early announcement obviously is to discourage some of the other candidates who would be competing for the same money and potential supporters. For instance, Sen. Harold Hughes of Iowa, who is testing the waters, would cut into McGovern's base.

On the other hand, McGovern probably would be quite happy to see someone like Sen. Harry M. Jackson of Washington get in because that could be very damaging to Muskie.

Regardless of who or how many decide to take the plunge, McGovern says he's in for the duration. The only thing that could make him back away from that pledge he has made to himself and his followers would be a series of devastating defeats in early primaries—a situation he does not anticipate.

McGovern has really been in the race ever since the 1968 convention where he was the leader of the disorganized followers of Robert F. Kennedy. After Kennedy was assassinated the night of the June California primary, McGovern waited a long time before trying to pull the remnants of the Kennedy organization together, and he wound up third in the convention balloting behind nominee Hubert H. Humphrey and Sen. Eugene J. McCarthy.

After Humphrey was defeated by President Nixon, McGovern made no secret of the fact he was interested in 1972. He is restive in the Senate, as Eugene McCarthy was, because he feels a senator can have only a limited impact on the course the nation will follow.

The presidency is where the action is and that's where McGovern wants to be.

OPENED OFFICE IN JULY

McGovern began his quest in earnest last July when he opened a political headquarters separate from his Senate office.

His political operation at 201 Maryland Ave. NE is being run by Gary Hart, a 32-year-old Denver lawyer who worked at the Justice Department under Robert F. Kennedy and was a Western regional coordinator for the 1968 Kennedy campaign.

Political research is being handled by Rick Stearns, 26-year-old Rhodes scholar who was a Midwest coordinator in the 1968 McCarthy campaign.

The paid staff numbers fewer than a half-dozen but it will be enlarged considerably now that McGovern's candidacy has been announced. In addition to the paid help, volunteers have been in plentiful supply and the quarters are cramped.

Already the staff has compiled a quarter-million names for a computer mailing announcing his candidacy.

Unlike Muskie, McGovern hasn't acquired a coterie of top-level advisers. For many months Muskie has been drawing on advice from a brain trust made up in large part of men who occupied high posts in past administrations. But so far McGovern has been relying pretty much on his own ingenuity and his own firm convictions in plotting his course on the issues.

He has just begun to organize a "citizens" committee and expects that before long there will be a lot of prominent names on it.

The citizens committee is being put together by John W. Douglas, son of former Illinois Sen. Paul Douglas; Jean Westwood, Democratic national committeewoman from Utah, and Blair Clark, 1968 campaign manager for McCarthy.

Fund raising is under the direction of Henry Kimelman, a Virgin Islands businessman, who has the title of financial chairman. Under him are two principal fund raisers for the Eastern and Western parts of the country.

Handling the West is Max Palevsky, chairman of the executive committee of Xerox Inc. For the East is James Kerr, president of AVCO, an aviation oriented conglomerate.

McGovern wants to raise $1 million in 1971. He expects to spend half of that this year and have the other half ready to begin the primaries in 1972. Assuming that he makes a substantial showing in the early primaries, he expects money will begin coming in greater abundance.

That list of a quarter of a million names is an important element in the fund-raising effort and many of the names got there because McGovern was looking ahead months ago when he was engaged in other successful money-raising ventures.

McGovern, along with Republican Sen. Mark O. Hatfield of Oregon, raised more than a half-million dollars to finance a publicity campaign for the McGovern-Hatfield bill last year which would have placed a time limit on withdrawing American troops from Vietnam. McGovern also led a drive that raised $1.2 million for liberal Democratic senators in last fall's elections.

KEPT NAME LISTS

McGovern got to keep the names on the lists from which this money was raised.

The McGovern forces also expect to get a good deal of seed money from some of the wealthy Democrats who have helped bankroll the peace movement for several years.

McGovern dislikes political labels but he acknowledges that many look upon Muskie as a centrist candidate and himself as more to the left.

"You can't any longer define center, left and right. What is important is how soon you come to grips with a problem," he said.

If a liberal is one who simply wants to spend more and more money then he would like to pass up being labeled a liberal, he said. "I'm skeptical of just shoveling out money for new programs."

But he said that being in the center "sometimes simply means you're sluggish."

McGovern scarcely disguises his criticism of Muskie's cautious approach. As the campaign progresses, this criticism no doubt will get more open and sharper.

"Muskie is less inclined to advocate new and far-reaching solutions. He is more inclined to move on a cautious basis," he said during an interview.

"To just be competing with Ed for the center of the road doesn't make sense. To win, I've got to do a better job of defining the problems and offering solutions. To some my solutions may seem rather radical."

One of McGovern's problems, according to many who are skeptical of his chances, is that he comes across more like a nice Sunday school teacher than a forceful politician. McGovern thinks he can change that image.

SEEKS COMMUNICATION

"I'm going to demonstrate that I do communicate effectively. I do come across with people in an auditorium. I recognize I don't have flash . . . and one reason for announcing early and getting in the primaries is to demonstrate that tenacity, truthfulness and conviction are more important than charisma.

"I think the country is a little tired of hard-sell image-making."

Discussing Muskie's image of coolness and calmness, McGovern said: "I can demonstrate those, plus I can show I have faced hard issues directly. I think a candidate has to be able to demonstrate that he stood on the issues."

McGovern's most prominent out-front stance has been on Vietnam. He was an early and consistent critic of policies of both the Johnson and Nixon administrations.

As chairman of the Senate's Select Committee on Nutrition and Human Needs, he has been in the forefront of the fight against hunger.

And he has been the most prominent leader since the 1968 convention of efforts to reform Democratic party procedures for selecting convention delegates. He resigned only a few weeks ago from the chairmanship of the Commission on Party Structure and Delegate Selection, popularly known as the McGovern Commission.

EMPHASIS ON PRIMARIES

McGovern said the new guidelines his commission has outlined for broader participation by Democratic voters in the nominating process will place a new emphasis on the presidential primaries.

But he thinks anyone who is interested in the nomination can't just sit back and wait for the primaries.

"Anyone who does that is not going to be in it. Things are moving too fast," he said.

That's why he announced so early and intends to concentrate the next 12 months on building a political base for the primary fights.

He hasn't decided yet exactly what primaries to go into, but he says it will be a "sizable number."

His inclination now is to go into the first one in New Hampshire, although he thinks that is Muskie territory.

"If I can get even 15 to 20 percent there, it will do two things: It will demonstrate that I have a hard core of followers and it will keep me in the national limelight."

He said he would expect to "do well" in such states as Wisconsin, Nebraska, Oregon and California.

McGovern expects to be active in the Senate, too. He plans to reintroduce the McGovern-Hatfield bill to end U.S. participation in the Vietnam war by the end of 1971.

ECONOMIC CONVERSION

He intends to push for "economic conversion" legislation which would require defense and space industries to set aside a percentage of income for conversion to peacetime production.

He will press for improvements in the food stamp program, which he considers the most effective method of combatting hunger. "I want to be able to say by the end of 1971 we have put an end to hunger in this country," he said.

He expects to play an active role in promoting legislation for national health insurance and for improving health facilities.

He said he will give strong support to President Nixon's welfare reform program and his legislation to share federal revenues with the states.

If the nationwide polls are any indication, McGovern has a long way to go. He has been drawing only 2 to 3 percent in those periodic popularity contests.

But he is inclined to discount the polls at this point. "All they do is give an indication of what your recognition factor is," he said.

He thinks support will begin firming up now that he has announced his candidacy. "What I'm told," he said, "is that if I'm serious about running, they'll be serious about supporting me."

The soft-spoken son of a minister, a former teacher, and World War II bomber pilot, has never been more serious.

Clearly and Uncomfortably Ahead

(By Paul Hope)

One of Sen. Edmund S. Muskie's favorite expressions goes like this: "I'm not going to twist myself out of joint for anyone."

But that doesn't mean that he won't do a powerful lot of stretching—on his own and under pressure—between now and Democratic convention eve 1972.

"Steady Ed" Muskie is the frontrunner for the presidential nomination by almost everyone's definition.

But there is an element that may be significant running through the comment about Muskie: Almost no one is willing to say with finality that he will be the nominee.

One of the "darkhorse" candidates, of which there are many, was talking the other day about Muskie's problems.

"Two things," he said. "First, Ed is not as clear cut, as though as he might be on the issues. The other is more tactical; he seems to be too much tied to the (Lyndon) Johnson people."

And on the other side of town, a Republican party official, perhaps with a strong element of wishful thinking, predicted that Muskie will not be the nominee.

The thinking now among Republican strategists seems to be that the 56-year-old Muskie would be the hardest for President Nixon to beat. They see him as the Democrat most attuned to the center—the place that Nixon tries to occupy—and they see him as the one who might bring the unity to the Democratic party that was lacking in 1968.

A survey by pollster Louis Harris in late November showed Muskie running ahead of Nixon 46 percent to 40.

But the cautious Maine senator is skeptical.

"It doesn't mean a thing," he says. "There are going to be ups and downs. I've been lucky. It hasn't been the result of deliberate planning."

But one thing he does know is that while it's nice to be out front, it's not necessarily comfortable.

As the front runner, he's going to be shot at from a lot of directions. But he can't afford to stay hunkered down from now until next year to escape the fire.

One of the things that Muskie people believe he has to avoid is getting pressured to move too far out on the left flank. That's where most of the flak is coming from now.

David Mixner, a young leader of the peace movement and a member of the Democratic party reform commission, expresses the opinion heard from many of the leftist, antiwar element. Says Mixner:

"I don't have hostility toward Muskie. But I have grave doubts.

"His position on the war has bothered me. He hasn't taken a major role on the issues. He just hasn't been out front. He's going to have to show a lot more before I would support him."

In the December issue of "the New Democrat," a new publication edited by a liberal group, an article by one of its Washington correspondents said that despite Muskie's front running position he "has hardly consolidated his position in the party."

"He had the good fortune of being compared to Humphrey, Nixon, Agnew, Wallace and LeMay in 1968," the article said. "Then there was Chappaquiddick . . . The final big boost . . . came (last) election eve when he was designated to speak for the Democrats (and) once again looked good in comparison to someone terrible."

ACKNOWLEDGES THE BREAKS

Muskie is among the first to admit that a lot of breaks have helped put him where he is.

"As I think back to the Ed Muskie of July 1968, would I have regarded him as a likely candidate for the presidency in 1972? Some lucky breaks . . . You look back upon it and you wonder, 'What does a man's reason and planning have to do with it?' "

Hubert Humphrey selected him for his vice presidential running mate and thereby provided the forum that brought Muskie to national prominence. In an election campaign that could hardly be considered the ultimate in shedding light and reasonableness, Muskie did, indeed, show up well by comparison.

FAVORED BY COMMITTEE

There is a strong feeling in the camp of Sen. George S. McGovern, the only announced candidate, that the Democratic National Committee is playing favorites with Muskie.

McGovern himself says that National Chairman Lawrence F. O'Brien has assured him he intends to maintain absolute neutrality and McGovern says he has seen no evidence to indicate otherwise.

But others in the McGovern entourage suspect there was collusion between the committee and some of the group that financed the election eve telecast to use it to promote Muskie. They also claim Muskie received favored treatment in a closed circuit telecast arranged by party officials earlier in the campaign and seen in several cities across the country.

PRIMARIES ARE THE TEST

The primaries will be Muskie's big test. One potential candidate observed that Muskie has never run in a primary.

McGovern thinks that much of Muskie's present support is soft. "I'm not sure all the people who appear to be committed now to Ed are committed for a year and a half," he said.

McGovern expects to cut Muskie down in the primaries. There are supporters of others who may not become active candidates working behind the scenes toward the same goal.

One anti-Muskie activist who said he is in frequent contact with the Kennedy camp said Kennedy's "people" have been making contacts. He did not know whether this was with Kennedys consent or even with his knowledge.

But he said the gist of the conversations has been to suggest that Kennedy might emerge as a candidate at the convention if the primaries produce a stalemate.

A stalemate is something that Muskie can hardly afford. To be beaten or even closely challenged might erode his support seriously and send the political pros in search of someone else.

RUNNING HARD

That's why Muskie is running so hard now and has been for some time, even though he is not expected to announce his candidacy for several months.

Muskie told an interviewer recently that so many people are anxious to get to work that "we risk alienating them if we tell them to sit tight."

Muskie himself hasn't been sitting tight by any means. The 1968 returns were hardly in before he was off on a formidable schedule of speeches to keep himself in the public eye.

He was the first to open a political headquarters separate from his Senate office. It started out last spring as a five-room suite in a downtown Washington office building at 1660 L St. N.W., but now occupies 10 rooms on two floors and is expected to be enlarged considerably in the coming weeks.

PAID VOLUNTEER STAFF

It has a staff of about 30 full-time professional and clerical workers and several paid part-time employes, plus volunteers.

Under the direction of Muskie's longtime administrative assistant, Don Nicoll, they are doing research on issues and state election laws, writing speeches, compiling lists of names for fund-raising purposes and political chores, and keeping in touch with politically influential people across the country.

Muskie has been advised by some supporters to hire a cadre of top-level people familiar with the intricate and sophisticated job of president making. Muskie is now seeking them out.

There has been some talk that Muskie is trying to sign on Bill Moyers, former White House press secretary and former publisher of Newsday on Long Island, as top political operative. But both sides have denied it.

"EDUCATION OF MUSKIE"

In addition to staff building, Muskie has gathered a rather large group of prominent men to serve in what is referred to at the political headquarters as "the education of Ed Muskie."

Many of them served in top jobs under President Johnson and this has led to criticism that he is surrounding himself with "Johnson people."

One of them is W. Averell Harriman, former ambassador to the Paris peace talks. Harriman, a central figure in raising the money to pay for Muskie's election eve telecast last November, joined Muskie in Moscow recently for his talks with Kremlin leaders.

Among others are former Defense Department officials Clark Clifford, Cyrus Vance and Paul Warnke, former White House economic advisers Walter Heller and Arthur Okun, former Johnson speechwriter Harry McPherson, former White House aide Jack Valenti, and former Civil Rights Commission director Berl Bernhard.

Muskie is boning up on everything from race relations to foreign policy. And while he may not twist himself out of joint, he certainly will be plowing new ground.

MORE FORCEFUL ON WAR

Partly because of "education" and probably partly because of pressure to get out front on the issues, Muskie has in the past several months spoken out much more forcefully against the war in Vietnam.

Criticism that he has not been identified closely enough with the fight for civil rights undoubtedly played a part in his rather dramatic flight to Mississippi last year to meet with members of the black community after two Negroes were slain at Jackson State College during a confrontation with police.

To improve his credentials on foreign affairs Muskie sought and won a seat on the Foreign Relations Committee. He has just returned from a quick trip to Europe, the Middle East and the Soviet Union.

During the next year, he is considering trips to Africa, South America and Southeast Asia.

He expects to be busy on the legislative front, too, particularly in his speciality—the environment. He plans to play a major role in developing legislation to expand and improve health care for all Americans.

FUND-RAISING

Meanwhile, the quest for money is proceeding apace. While budget figures haven't been released, there is talk of spending $1.5 million even before the primaries begin next year, a figure that is three times as much as the amount McGovern has said he expects to spend during the same period.

Muskie's chief fund-raiser is Arnold Picker, chairman of the executive committee of United Artists Corp. in New York City. He is associate of Arthur Krim who was Johnson's top money collector.

So far, Picker's operation is reported to have raised about $300,000 most of which was spent in 1970 on Muskie's Maine reelection campaign and his operations on the presidential front.

Muskie is well aware of the dangers of being the front runner and hopes to avoid the shoot-from-the-hip reactions that scuttled George Romney early in the race for the 1968 Republican nomination.

He got a taste in the Middle East of the kind of trouble a candidate can get into with an off-hand comment.

While visiting the Golan Heights area taken from Syria in the Six Day War of 1967, an Israeli asked Muskie what he could do about holding the heights if he were they. "If I were in your shoes I'd hold onto them," Muskie replied.

The comment was front page news the next day in newspapers in Egypt, which is demanding that Israel return all the land it occupied. News dispatches said Muskie's comment created a mild stir when he arrived in Cairo shortly thereafter for talks with Egyptian leaders.

Muskie would prefer a slower campaign pace but he recognizes that a front runner cannot let up when others are on his heels.

"If the result is to get you running faster than you want to be running, that's the price you have to pay," he says.

HUMPHREY PLAYS THE WAITING GAME

(By Paul Hope)

Hubert H. Humphrey figures that waiting is a game anyone can play and that for him it may be the best game in town.

While candidates and dark horses already are crowding the Democratic presidential track, Humphrey is sitting back in Gene McCarthy's old Senate office waiting to see how many are still around in the stretch.

Humphrey, now the junior senator from Minnesota, told a newsman in October that he had a lot of dreams left to fulfill, but realized he would never get a chance to fulfill them from the White House. Today he's having second thoughts.

His statements lately indicate a strong desire for another chance at the presidency. He says there's nothing like a few days in Washington to sharpen one's political appetite.

"When one gets back to Washington, he gets more sensitive to political developments. Politics here is in living color," he told an interviewer the other day.

He has no plans for now to actively seek the nomination; he doesn't have a political war chest; his staff is oriented toward Senate duties.

But listen to this: "I do not write myself off. I have a national following, a substantial one. I am not worn out, I'm not tired. I'm not an elder statesman. I'm not projecting myself into the presidential nomination race, but I'm not setting aside the possibility of some reassessment at a later date."

Bill Connell, a top political operative for Humphrey for many years, who now is in private business, does not discount the possibility that Humphrey could become an active candidate before the 1972 convention.

"A lot of people want him to do something. He has a strong cadre of people around the country. I expect many of them will wait and see what he does," he said.

"Events will determine it. Politics is 90 percent unpredictable," he added.

While Humphrey has no political staff, he acknowledges that many people associated with him in the past keep watch on things around the country and stay in touch. Humphrey supporters claim he could put together a strong organization in a short time if he decided to move.

Humphrey has several handicaps: He will be 61 by the time of the 1972 convention. He has lost once. He is not acceptable to many on the Democratic left because of his past association with former President Johnson's Vietnam war policies.

But he has some things going for him, too: He almost defeated Richard Nixon after his chances had been pretty well written off. He is liked personally by most Democrats. He has plenty of experience at political infighting.

He has been in the forefront of Democratic politics for more than 20 years. His reelection to the Senate has given him another national political forum.

Many Democratic leaders think that two developments would give Humphrey a chance at the presidential nomination again: A stalemate in the primaries among the several candidates expected to enter, and an upturn in President Nixon's fortunes that would make the Republican appear well nigh unbeatable in 1972.

M'GOVERN COMMENT

The feeling seems to be that the worse Nixon looks, the more likely the Democrats will want a fresh face to put up against him.

Sen. George S. McGovern of South Dakota, the first to announce his candidacy, said last week that a candidate will have to offer himself in the primaries if he expects to be nominated.

Another potential candidate said he doesn't buy the idea that either Humphrey or Sen. Edward M. Kennedy of Massachusetts "will be able to sit around at the convention and pick up the pieces."

Humphrey does not completely disagree with that, but he does say that primaries "are inaccurate tests of public opinion or of the political process."

BYPASS SUGGESTED

A couple of months ago, Humphrey made the suggestion that the Democrats consider bypassing the primaries because they are divisive and burn up tremendous amounts of money, energy and talent that might better be used to fight the Republicans.

His thought was that if there seemed to be a clear frontrunner a year from now, party leaders should get behind him.

Many party leaders, especially those who are leading the effort to broaden participation in the nominating process, jumped on Humphrey. Some suggested that Humphrey's idea was a move toward his 1968 running mate, Sen. Edmund S. Muskie of Maine.

Humphrey said during an interview that what he meant to suggest was the primaries should be put in their "proper perspective." He said there is no way to stop them but he hopes that the candidates won't spend millions upon millions of dollars in them.

Denying that his suggestion was intended to help Muskie, Humphrey said:

"I have a strict neutrality. I must preserve that."

Humphrey plans to focus his attention on the Senate rather than presidential maneuvering.

"I happen to think that is the best politics," he said. "People watch the Senate and what goes on here and who the participants are."

But he also plans to take an active role in party affairs. And he expects to do considerable speaking around the country trying to draw the issues for the party as a whole.

"I believe one of the weaknesses of the Democrats thus far is that we haven't carefully and meticulously drawn the difference between the Nixon administration's rhetoric and its performance," he said.

"PUBLIC FED UP"

"I do not mean to say that I think the Democrats will occupy the White House in 1972 simply by criticism. The public is really fed up with critics and bellyachers. We have to project alternatives. The people, particularly the new young voters, want to know what we have in mind."

One way Humphrey plans to push this is through the Democratic Policy Council that he heads. The council, appointed by former national Democratic chairman Fred R. Harris, operates something like the now-defunct Republican Coordinating Committee set up by the GOP after its defeat in 1964.

Humphrey expects to call a meeting of the council in early March. He said it will set a group of task forces to work on the issues, draft a series of programs to meet national problems and begin drafting proposals for the 1972 party platform.

In the Senate, he expects to concentrate on urban problems.

"The main concern in the country during the next couple of years is not going to be on foreign affairs but domestic problems," he said.

"The politics of 1972 will be overwhelmingly domestic. In 1968, the Democratic ticket suffered because of Vietnam. In 1970, the Republicans suffered from the economy. In 1972, the big issue is going to be improving the quality of life—the economy, the environment, health, the cities."

Humphrey said he expects to be very active in the area of health. He plans to joint with Sen. Kennedy and others to sponsor a national health insurance program, and he expects to push other legislation in this field.

FAVORS REVENUE SHARING

He said he is strongly in favor of the idea behind President Nixon's plan to share federal revenues with the states and cities, but that there "must not be any cutback in existing aid programs to do it."

He said any reshuffling of funds without adding any new money would be a "deception and a fraud" and would not help the hard-up states and localities. He and Rep. Henry S. Reuss, D-Wis., are drafting a bill that would provide $3 billion for revenue sharing the first year and rise to $10 billion in four year. He said all of this would be in addition to present aid programs.

Humphrey also supports the "general thrust" of Nixon's welfare reform proposal, but he thinks it has "some weak points." He thinks there may be some merit to suggestions to give it a trial run by establishing pilot projects in several areas for a year.

"TRIMMED MY OFFICE"

"I've trimmed my office to become involved in urban affairs," he said.

His new administrative assistant is Ken Gray, who has had considerable experience in urban problems and worked for former Sen. Joseph D. Tydings of Maryland. He is hiring an urban specialist from John Gardner's Common Cause, and his two legislative assistants are well versed in urban problems.

Humphrey said he does not intend to forget foreign affairs, though.

He is troubled by recent military activities in Cambodia and believes that Nixon may be listening too much to advice from the military.

"TRIED TO BE HELPFUL"

"I've tried to be helpful to the President on Vietnam and I've been criticized in my own party for it. I told him in October 1969 that a decision to get out had to be made. I told him that some advisers would always find reasons for saying we have to stay there.

"We have to have in mind a date, a timetable for withdrawal. We shouldn't let the government of South Vietnam or sporadic actions of the North determine the timetable Nixon started well, I thought, but he seems to be getting into trouble again."

He picked up a clipping that quoted former Ambassador W. Averell Harriman as saying that if Humphrey had been elected president, the U.S. would have been well on the way out now. "We would have, too," Humphrey said.

HOPE LINGERS

Although it may be a long shot, Humphrey obviously hasn't put aside the thought that he could still get a chance to do something about it from the vantage of the White House.

But he said all the presidential talk and maneuvering is really pretty early.

"The people right now are much more concerned about jobs than who is going to be the nominee. Things are moving maybe a little faster than they should.

"I think we ought to wait and see what happens, see how people perform. There will be a lot of tests—in the Senate and elsewhere. At the end of the year I'll take a look at the situation."

Harold Hughes: He Comes Across Sincere

(By James Doyle)

Down a side street near the Capitol, there's a gray townhouse that always seems to be filled with bell-bottomed young ladies and hirsute lads, rushing from room to room and playing presidential politics.

There's a little too much atmosphere of the cornfields for it to be a group of left-over kids from the McCarthy campaign. It isn't sleek enough to belong to Teddy Kennedy. It seems to be a mixture.

It belongs to Harold Hughes.

Harold Hughes? He is the junior senator from Iowa, a state with eight electoral votes. He has been in the Senate two years. Some of his friends, he admits, still don't get the name right. They call him "Howard Hughes."

So what is he doing running for president? Well, say his admirers, Harold Hughes is larger than life. He gives off vibrations of strength and wisdom, most of all, sincerity.

He is cool on the tube and warm in person. Men want to shake his hand and nod in appreciation of the speech he just gave. Women want to touch his arm, smile at him, have him speak to them.

A reformed drinker who works with him in Alcoholics Anonymous says of Harold Hughes, "He comes across with all the masculinity and all the sincerity in the world. He hits an audience like a fundamentalist preacher. Elmer Gantry comes to mind. Except Harold Hughes is sincere.

A young Washington lawyer who is working to make Hughes a candidate says of him, "He's the liberals' Billy Graham."

Hughes is not a candidate for president, although he is running hard and full time.

He is traveling across the country speaking to ladies' teas and hardhat conventions, college seminars and veterans' conditions.

During the last congressional race, he campaigned with Democratic candidates in 30 states, getting his picture in the local papers and being interviewed on television.

He also managed to collect the names of local politicians and potential convention delegates for the "Hughes committee" card file.

Hughes is one of a half dozen liberal Democratic senators who will spend most of 1971 preparing for the primary campaign of 1972.

The committee operates out of that townhouse at 41 Ivy St. SE and consists of a half dozen young men and women who are semi-attached to Hughes' Senate office, and a larger group of part-time volunteers. These workers spend a day or more each week helping with the correspondence, publicity efforts and the collection of information on state primary laws and delegate selection procedures in the nonprimary states.

EYE ON M'GOVERN

At some point, Harold Hughes must decide whether to seek the nomination. According to one Hughes man, that time will come after he sees how well Sen. George McGovern of South Dakota, who announced his candidacy Jan. 18, is doing in the polls.

Hughes and McGovern share the same views: The need to quickly end the U.S. involvement in Vietnam; a passionate commitment to expanding racial and social equality to all Americans; the need to reorder the priorities of the government and society from preparing and fighting wars to living in peace.

If McGovern catches on, Hughes' candidacy would seem futile. But some Hughes supporters are quick to say that, while they love George McGovern and would be happy to vote for him, he continually hovers in the one digit percentages in the popularity polls.

CHARISMATIC QUALITIES

Should McGovern fare poorly in the early 1972 Democratic primaries, Hughes will be ready to go. And, say his many ardent fans, it is at that point that the electricity of personal politics might take over.

For in the parlance of the image makers, Harold Hughes has many of the charismatic qualities that the other possible candidates are supposed to lack.

Charisma has been a political cliche since the campaigns of John F. Kennedy. It has become a catch word to explain how a candidate can be attractive to both American Legionnaires and Americans for Democratic Action.

A suburban Washington housewife, seeing Hughes on television for the first time, stated it in more understandable terms.

"My, he's a handsome hunk of manhood," she said. "That deep voice and the sexy sideburns and all that strength that oozes out of him, the reformed alcoholic and all of that . . ."

That indeed has been the key to Harold Hughes' success in politics. He was brought up a strict Methodist in the hill country of Eastern Kentucky and the farmlands of Ida Grove, Iowa.

In college he discovered the uses of liquor and, he says quickly became an alcoholic. It was many years before he realized that, and he was 32 before he conquered it. But from the beginning, he says, he was a bona fide alcoholic.

He quit college and slogged through the worst part of World War II as a front line infantryman in Italy, returning home to jobs as truck driver and steamfitter. For seven years he took his drinking very seriously, never quite failing to support his family and never quite disintegrating. But his life was a ruin before he stopped in 1953. He hasn't had a drink since.

He changed his voter registration from Republican to Democrat, and was elected governor three times in a largely Republican state. Then he came to the Senate.

Harold Hughes resembles actor Robert Preston, who played the part of Professor Harold Hill in "The Music Man." And his salesmanship, at a political convention or an Alcoholics Anonymous meeting, might convince you to buy 76 trombones from the man, if that's what he was selling.

Says an AA associate, "He's anybody's vision of a Methodist. To me, an Irishman, drinking was a silly spree that got the best of me and now I've gotten the best of it. But to him, it was a violation of his whole moral code; it was an assault on his vision of morality.

"As a reformed drunk he's a true believer. He'd go miles out of his way to rescue a boozer who asked for help. He's got a few of us in his office up there.

"I think of him as a throwback to a simpler day. He's Oliver Cromwell. He will smite his enemies hip and thigh. If he were president, he would pay more attention to the Bible than anyone we've had recently.

"He's a frontier man who had a wild youth and then go religion."

Not everyone who has worked with Harold Hughes is as admiring. Some of his colleagues in the Senate look upon him with some distaste and much distruct. "He's a fanatic," says one brutally. "He can scheme and dissemble, and convince himself it's a good thing for whatever might be his purpose."

But that is a minority view. The common statement is that Harold Hughes is a cornfield Bobby Kennedy who can unite the hardhats and convince the kids; a giant figure who could pull together the disparate forces of the Democratic party and go on to bring together all the voters who didn't vote for Richard Nixon last time, all 57 percent of them, and some who did.

His organization is fledgling. According to Eli Segal, a 28-year-old lawyer who joined the Hughes committee after working with the senator on reforming the process for selecting Democratic convention delegates, there are fewer Hughes operatives across the United States than there are for half a dozen other potential candidates.

There is also a lack of funds. "At this stage two kinds of money are available, smart money and earnest money," Segal says. "We aren't getting the smart money.

"But Harold Hughes hasn't told anybody whether he's running. I don't believe he knows himself. If he gets into it, the money will come."

His chief fund raiser is Robert Pirie, a Boston lawyer who is heir to a Chicago department store fortune (Carson, Pirie and Scott). He has said that the money coming in will be sufficient for the current small scale operation.

Harold Hughes remains a dark, dark horse in the presidential sweepstakes, waiting to see of Edmund Muskie and George McGovern falter; if Teddy Kennedy is really out of it, and what moves are made by the Hubert Humphreys and the Birch Bayhs.

He has no big names on his team and no big money to fund it. But it is amazing that he is mentioned at all. The fact that he is keeps all sides from discounting him.

And should he become no more than what he is at present, a vice presidential nomination is entirely possible, especially if Muskie is the candidate.

Harold Hughes has never said he would turn it down.

KENNEDY: WILL THE PARTY COME TO HIM?

(By James Doyle)

When Edward M. Kennedy was rejected as majority whip by his Democratic colleagues in the Senate, there was the immediate reaction that this might indeed be the end of his potential as a national political figure.

It was another Chappaquiddick, said one writer. The derailment of the Camelot Express, said another.

That was last week, but the refrain was reminiscent of earlier days.

In 1962, Kennedy admitted cheating on a college Spanish exam, and that was deemed a blow to his chances of being elected to the Senate.

In 1964, he almost died in a plane crash and there were those who said he never would return to the Senate.

In 1965, he lost a battle to make family friend Francis X. Morrissey a federal judge and supposedly wrecked his climb toward Senate leadership.

By 1969, he was No. 2 in the Senate Democratic leadership and a leading candidate for the Democratic presidential nomination for 1972. The death of Mary Jo Kopechne on Chappaquiddick then was said to have ended his chances.

But a year later, he again was high in the public opinion polls and his protestations that he would not seek the presidential nomination in 1972 were ignored.

Last week's defeat was at heart an intramural Senate squabble. It took on greater importance because the man defeated was Ted Kennedy. But there seemed litle justification to conclude that his situation was much different than it already had been as a result of Chappaquiddick and his own insistence that he was not a candidate for the Democratic presidential nomination.

On the night before his colleagues ousted him, Kennedy talked at length about Democratic presidential politics.

He anaylzed the candidates, their strengths and weaknesses, their sources of money and their problems. He has some very definite ideas about how things are going for each of them—Muskie, McGovern, Hughes, Jackson and all the others.

And he seemed, sincerely, not to be including himself in the contest, although he is part of the equation. He has said many times that he expects to play a role in shaping the issues in the Senate and in his party.

He will not sit by and do nothing if a Democrat not to his liking seems to be emerging as the candidate.

He sees the ambiguity in his position.

He is not preparing a candidacy and has no operations under way in either the primary or the non-primary states. This can be taken as a sign that he truly is not a potential candidate for the nomination in 1972.

PAINSTAKING IN PAST

The history of Kennedy politics has been to carefully prepare the field of battle, to spend and do what is necessary, to be ready for the day of contest.

If Edward Kennedy is to be considered this time, it cannot be as an active candidate. He must let Edmund Muskie have his run at it. And as long as Muskie remains the clear front-runner, Kennedy must remove his own name from any primary ballot.

The alternative is a party bloodletting that would revive the spectre of 1968, and almost certainly Edward Kennedy would be the loser, even if he won his party's nomination.

He can become a candidate in 1972 only if the party clearly comes to him because its other possible candidates have exhausted themselves or events have somehow eliminated them.

That is not very likely. Edward Kennedy says he does not expect it, that he foresees no circumstances in which he would be a candidate.

WILL KEEP HAND IN

But he will keep his hand in. He will be ready to shape policies or events, to do whatever he can and whatever is necessary when the times comes.

So the question remains, Is Ted Kennedy a candidate?

"I have heard him make irrevocable statements on many occasions that he is not," says Kennedy's closest aide, David Burke. "The presidency results out of work, not out of confusion. Either you campaign actively in the primaries or you work overtly in the non-primary states, or both.

"A person doesn't run for the presidency through this passive process of waiting for the pieces to fall together. It just doesn't happen that way."

That is the voice of hard political realities. The Kennedy men believe, along with almost everybody else in the party, that if Muskie wins the primaries, he will be the Democratic presidential nominee.

HE WAS BRED TO RUN

Says a perceptive Kennedy-watcher who served John and Robert: "Teddy is running in the sense that he is a Kennedy. He was bred to run and inside he has to be running. But that doesn't mean anything. He can't bring himself to go after it now, and I doubt very much that he will."

Richard Goodwin, the man who has written speeches for candidates from John Kennedy to Lyndon Johnson, Eugene McCarthy, Robert Kennedy and Edmund Muskie, says of Edward Kennedy:

"Charles de Gaulle is supposed to have told Bobby once, 'Don't get involved in Vietnam. When your country is ready, it will call you.' That was right for De Gaulle and exactly wrong for Bobby because of who he was and the circumstances of his public life. But I'm not sure that something like that advice isn't right for Teddy."

There were many signs that Edward Kennedy was not a candidate long before last week's defeat. One of his closest aides in Washington, former Illinois Sen. Paul H. Douglas' son John, is a leading member of the McGovern campaign.

"He very carefully and deliberately did not ask me what he should do, he told me what he was going to do," Kennedy says.

Perhaps the best signal is that David Burke, a 34-year-old economist who has been Kennedy's alter ego for five years, is leaving him for private industry.

Burke is not the normal version of a top political aide. His work for Kennedy has turned to the deepest of friendships. Last year, though, he decided he had to leave soon after Congress adjourned to make some money.

But will Burke be active at the 1972 convention, or available to work in primaries?

"I'm committed to Edward Kennedy. I'm not committed to any other man. In 1972, I will be nothing, not a convention delegate, not a speech writer, not an advance man."

But Burke will be at the other end of a phone line. Should the call come, he will return.

HYMAN WITH MUSKIE

Another person whose first loyalty has been to Edward Kennedy, always, is Lester Hyman, a Washington lawyer who once was Kennedy's appointee as chairman of the Massachusetts Democratic party. Hyman is now working for Muskie.

Hyman says he recently sent Kennedy a memo that made three points: One, if you run, you might well be killed in the emotional climate of America today; two, if you run and win the nomination, I'm not sure you can beat Nixon; three, beware of bad advice over the coming months.

Kennedy has been getting the same opinion from others around him. Most of the people who love him most are afraid for his life if he runs for president.

What keeps the Kennedy pot boiling is the reaction to the actions of the Douglases and Hymans. Their actions have been repeated by countless other political men, Kennedy supporters in the past who are now working actively with other candidates.

SUSPICIONS RAISED

The presence of Douglas in the McGovern campaign is one reason suspicious politicians accuse McGovern of being a stalking horse for the Kennedy candidacy.

Hyman says that when he started working with Muskie, he told the Maine senator: "My first loyalty is to Ted Kennedy. I don't think he'll be a candidate. But if he is, that's where I'll be."

That was months ago. Hyman is now convinced that Kennedy is not a candidate. But this kind of loyalty strikes fear into the hearts of politicians who cannot command it.

It is these politicians who fed the rumors of Kennedy preparations. Recently, a political column carried an item saying that James Flug of Kennedy's staff had been contacting labor leaders who are working for Muskie, telling them to stay loose and be prepared to jump ship if and when Kennedy makes his move.

FREQUENT JOKES

"That's laughable," Flug says. "The last time I talked to a labor leader was in the fall, on an equal employment opportunities bill. I fought with most of the ones I talked to."

Flug is a young lawyer who handles much of Kennedy's substantive legislative programs. In the Kennedy office, there are frequent jokes about his "radicalism," his failure to gain rapport with the party regulars who are the cement of politics. He seldom handles political chores in an office where others, especially Burke and Andrew Vitale, specialize.

It is hard to conceive of Kennedy agents spelling out their plans or dreams to labor leaders or anybody else. But stories of Kennedy preparations, of calls to agents to position themselves, have taken on a life of their own.

And that may be the real story of Kennedy's future. The world seems to divide between the Kennedy haters and the torch carriers, the holders of the dream. Not many people fall in between.

WHAT KEEPS IT GOING?

"Why do people refuse to believe he's not running?" a Kennedy man asks, then answers it himself. "Wish fulfillment in some cases. The deepest fear in others.

"What keeps it going year after year? People have to look in their hearts and ask themselves why. But I'll tell you one thing. Ted Kennedy is not going to have a long, dull career.

"The people who talk of stalking horses for a Kennedy believe it, either because the spectre of Kennedy fills them with fear or the vision of him thrills them.

"Some day he's going to be president, or get very hurt trying."

AND THEN THERE IS BAYH, JACKSON, ET CETERA

(By Paul Hope)

Almost anyone can come up with at least 15 potential candidates for the 1972 Democratic presidential nomination.

There are an acknowledged frontrunner, one announced candidate, several active "explorers," a couple of "sit back and wait" types and beyond that a group of darkhorses as long as your arm.

Previous articles have explored the activities of five possible nominees—Sens. Edmund S. Muskie of Maine, George S. McGovern of South Dakota, Hubert H. Humphrey of Minnesota, Harold E. Hughes of Iowa and Edward M. Kennedy of Massachusetts.

But there are many others who could become serious candidates. Some are exploring the possibility actively; some deny they have presidential ambitions. All, of course—including the top five—are also potential vice presidential nominees.

Sen. Birch Bayh of Indiana is one of the most active explorers.

He is the latest to open a Washington political headquarters apart from his Senate office. But he says he has not made up his mind yet whether to run.

To one degree or another, these men also have been involed in the speculation: Sen. Henry M. Jackson of Washington, Sen. Fred R. Harris of Oklahoma, former Sen. Eugene J. McCarthy, former Atty Gen. Ramsey Clark, Common Cause chairman John W. Gardner, Sen. William Proxmire of Wisconsin, former ambassador and poverty agency director R. Sargent Shriver, Sen. Walter Mondale of Minnesota and New York Mayor John V. Lindsay.

Bayh, at 43, one of the youngest of the potential contenders, has been interested in seeking the presidency since he gained national prominence through his leadership for electoral reform and the successful effort to reject President Nixon's nominations of two southerners to the Supreme Court.

Bayh declines to talk about finances, but he says he will have enough to pay for an exploration in depth during 1971. This probably would mean several hundred thousand dollars.

The Indiana senator has close ties to organized labor, but he denies that the main push for his effort is coming from that direction.

He acknowledges that Muskie is the front-runner at this point, but he is not ready to accept the idea that Muskie is unbeatable.

Bayh appears to be angling toward the position of being the second choice of supporters of several candidates. Under this strategy, if others fall by the wayside or if no candidate emerges as a clear front-runner by the time of the Democratic convention, he apparently thinks many Democrats would turn to him.

Bayh is trying to maneuver away from the left and more toward the middle of the Democratic party spectrum. He believes that it might be helpful to the party if a man from the Midwest heads the ticket.

LOSE IN THE CENTER

"One thing we have to do as a party is to have a candidate and a ticket that can draw support from the basic bedrock of the party but not lose the intellectuals and the liberals," he said. "We need policies and a platform and candidates to get them back on the reservation but if we appeal only to them, we lose too much in the center."

Bayh's political office, located at 1225 19th St., NW, will be headed by James M. Nicholson, 42-year-old lawyer from Indiana, who served as a Federal Trade Commission member under President Johnson.

Four other top full-time staffers are Verlan Nelson, an advance man for Eugene J. McCarthy's 1968 campaign; Clarence Martin, a coordinator in Humphrey's 1968 campaign; Jerry Udell, who has been running Bayh's Indiana office, and John Reuther, a nephew of the late United Auto Workers chief, Walter Reuther, and a former member of Edward Kennedy's Senate staff.

SMASHING VICTORY

His chief fund raiser is Milton Gilbert, chairman of the board of Gilbert Flexivan, Inc., a New York shipping container firm.

Speculation about Sen. Jackson's future arose after his smashing re-election victory last year, in which he got 87 percent of the vote against a former McCarthy supporter in the primary and 84 percent against the Republican candidate in the general election.

Jackson acknowledged recently that he is doing nothing to discourage those who are "prodding and pushing" him to get into the race. But he has not set up an outside political office as have Muskie, McGovern, Hughes and Bayh.

Neale Chaney, Democratic chairman in Washington, says that if Jackson is willing, a Jackson-for-President drive may begin in late spring through the state Democratic committee.

Jackson, 58, has a liberal record on domestic issues, but he has been on the hawkish side of the Vietnam issue, a strong supporter of the supersonic transport plane, and a vigorous proponent of maintaining strong U.S. defenses.

ACQUIRES ENEMIES

Vietnam, SST and support of the military have earned him many enemies among the anti-Vietnam segments in the Democratic party.

Some of them claim that the probability of a new party being organized on the political left would be much greater if Jackson becomes a serious possibility for the Democratic nomination.

Jackson has said he is not a candidate but he gives indications of being interested in becoming one. He expects to get around the country on a speaking tour in the next several months.

Jackson, a former chairman of the Democratic National Committee, could expect substantial support among southern Democrats because of his hard-line stand on national security and Vietnam.

Sen. Harris is another former party chairman who says he isn't a candidate but who seems to be pretty interested in the possibilities of becoming one.

Harris, 40, meets regularly with young political operatives with whom he has been associated in previous elections. He also keeps in touch with people who have been financial contributors to Democratic campaigns.

Harris was co-chairman with Sen. Mondale of Humphrey's pre-convention campaign in 1968 but his relationship with Humphrey was hurt when he pressed Humphrey to take a strong stand against the war in Vietnam at the convention and during the campaign.

The Oklahoma senator believes that voters want candidates to express a strong moral outrage against conditions of poverty, discrimination, bad housing, pollution and the war in Vietnam, and he believes that some candidates have not done that so far.

Mondale, 43, is one of the least visible potential candidates. But some party leaders think he would be one of the more attractive and articulate candidates if he could be persuaded to run.

NAMES KEY ISSUES

He has said, however, that he does not expect to become a candidate and that he plans to concentrate on Senate activities. He said recently that he believes that bringing the races together and correcting the failures of the school system are the key issues in the country.

Ramsey Clark has been coy about how seriously he is interested, but close associates say he has been bitten by the presidential bug.

One Democrat claimed that Clark has more than $1 million pledged or available for an "exploratory" operation. He said Clark may establish a political office in Washington within a couple of months.

Clark received extensive publicity recently when he got into a fight with FBI Director J. Edgar Hoover.

In a book published in November, Clark claimed that Hoover so dominated the FBI with a "self-centered concern for his reputation" that the agency sometimes sacrificed effective crime control in a pursuit of personal glory. Hoover responded by calling Clark a "jellyfish" when it came to law enforcement.

APPEAL TO LEFT

The 43-year-old Clark probably would find a substantial base of support among the anti-war, leftist side of the party.

Eugene McCarthy has given little indication of what role he plans to play in 1972 presidential politics, except to say that he expects to keep his hand in.

Some think the 54-year-old Minnesotan, who led the anti-Johnson forces in 1968, might again get involved in the Democratic primaries.

He gave some support to those who think he might head a new party when he said in a magazine article in June: "It is not unlikely or unreasonable to believe that there will be a liberal third-party movement by 1972."

But during a later interview he indicated he is not yet ready to give up on the Democratic party and expected to watch with interest where it appears to be headed going into 1972.

GARDNER MENTIONED

John Gardner, former secretary of Health, Education and Welfare in the Johnson administration and a nominal Republican, has been mentioned frequently as a possible Democratic candidate.

The 58-year-old Gardner has said he has no presidential ambitions but as head of Common Cause he appears to be reaching for a large share of political clout.

Common Cause grew out of Gardner's association with the National Urban Coalition. He wanted to establish an organization that could function more freely as a lobbying unit on national issues and on reform of the political processes.

Sen. Proxmire has hinted that he might enter the Wisconsin primary. But party leaders are not sure whether he is interested in seeking the presidency or in trying to tie up the state delegation until he decides whom to support.

SHRIVER MAKES NO MOVE

Shriver, 55, one-time ambassador to France and former director of the Peace Corps and the Office of Economic Opportunity, campaigned extensively last fall for Democratic congressional candidates. He is the husband of one of the Kennedy sisters.

Shriver headed a group called Congressional Leadership for the Future which had an office separate from the Democratic National Committee and the House Democratic Campaign Committee. That office closed after the campaign and Shriver has not made any public move toward the presidential nomination, but he continues to figure in the speculation.

Mayor Lindsay is the object of a great deal of speculation. He remains a registered Republican and keeps insisting he will stay in the party, but many leaders of both parties believe he is finished in the GOP because of his strong opposition to President Nixon's policies and his support last fall to Democrat Arthur A. Goldberg in the New York gubernatorial race.

Aides of the mayor reportedly are making a close study of the primary laws of all the states in preparation for a presidential drive.

Many people active in politics believe it is only a matter of time before he switches to the Democratic party. Some think the 49-year-old mayor may be thinking of trying to unite anti-war, liberal elements of both parties into a new party.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. ALLEN. Mr. President, on yesterday the Senate took historic action with respect to the effort to cut off debate on the matter of amending the Senate rules. The effort to apply cloture failed by a vote of 48 in favor and 37 against. The Vice President announced that, fewer than two-thirds of the Senators having voted in favor of the motion to apply cloture, the motion had not been agreed to.

That was indeed a significant statement on the part of the Vice President, because 2 years ago the then Vice President of the United States, the present junior Senator from Minnesota (Mr. HUMPHREY), when fewer than two-thirds of the Senators but yet a majority of the Senators voted to apply cloture, ruled that cloture had been applied because it was at the start of a session and the Senate at the start of a session, by majority vote, could amend the rules irrespective of the obstables that were in the way.

Now we have gone beyond the beginning of the session, and it would seem to the junior Senator from Alabama that the contention cannot be made on separate votes on a cloture motion that a majority of the Senate can apply cloture. So it was a significant vote. It was important to every citizen of the United States. It was important to those who wished to protect the rights of a minority of the Senate and a minority of this country from the acts of a ruthless and tyrannical majority.

It was encouraging to those who want to see the Senate remain and continue as a great deliberative body. It was encouraging to those who want to see careful and studious attention given to legislation pending before the Senate. So 2 years ago, Mr. President, the Senate itself ruled that a majority of the Senate cannot apply cloture in the face of rule XXII, requiring a two-thirds vote.

I hope, Mr. President, the distinguished Senator from Idaho having filed another cloture motion today requiring a vote on that question on next Tuesday, that if that vote results in the application of cloture being defeated or being denied, the majority leader will then set the matter aside.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of the Federal Crop Insurance Corporation

A letter from the Assistant Secretary, Department of Agriculture, transmitting, pursuant to law, a report for the 1970 crop year (with an accompanying report); to the Committee on Agriculture and Forestry.

Report Relating to Appropriations for Vietnamese and Other Free World Forces in Vietnam and Support for Local Forces in Laos and Thailand

A letter from the Secretary of Defense, transmitting, pursuant to law, a confidential report relative to appropriations for Vietnamese and other free world forces in Vietnam and support for local forces in Laos and Thailand (with accompanying report); to the Committee on Appropriations.

Report on Reapportionment of an Appropriation

A letter from the Director, Office of Management and Budget, Executive Office of the President reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Food stamp program," Food and Nutrition Service for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Proposed Legislation To Amend Public Law 91–514

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Public Law 91–514, section 2, by striking the words "of the Interior" and inserting in lieu thereof the words "of Commerce" (with accompanying papers); to the Committee on Commerce.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report on applying a uniform policy with respect to rental charges for Credit Unions (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to reevaluate packing specifications for cabinets, lockers, and wardrobes, General Services Administration, dated February 19, 1971 (with an accompanying report); to the Committee on Government Operations.

Judgment in Favor of the Pembina Band of Chippewa Indians

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes; to the Committee on Interior and Insular Affairs.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of the National Aeronautics and Space Administration

A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report with respect to certain civilian positions established pursuant to section 3104(a)(8), United States Code, during calendar year 1970; to the Committee on Post Office and Civil Service.

PETITION

The PRESIDENT pro tempore laid before the Senate the following resolutions of the Commonwealth of Massachusetts, which were referred to the Committee on the Judiciary:

Resolutions Memorializing the Congress of the United States To Amend the Federal Constitution To Permit Bible Verses and Prayer in Our Public Schools

Whereas, Our Forefathers came to this great land with a deep trust in God, with Bibles in their hands, and a prayer in their hearts, a pattern was set for our way of life; and

"Whereas, Forefathers monument in Plymouth has Faith in God as its main symbol, Faith stands with one foot on Forefathers rock, in her left hand a Bible, her right hand pointed toward Heaven. On a pedestal at the base of the monument, surrounding Faith, are the symbolic figures of Morality, Law, Education and Freedom. The story of Plymouth is that of America, showing the true inner strength of our great country; therefore be it

"*Resolved,* That the Massachusetts House of Representatives hereby urges the Congress of the United States to enact legislation to an end the Federal Constitution so that pupils whose parents do not object may listen to Bible verses and recite a prayer, while in our public schools; and be it further

"*Resolved,* That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with amendments:

S. Res. 35. Resolution to provide additional funds for the Committee on Labor and Public Welfare; referred to the Committee on Rules and Administration.

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 11. Resolution to provide additional funds for the Committee on Appropriations;

S. Res. 19. Resolution authorizing additional expenditures by the Select Committee on Small Business (Rept. No. 92–16);

S. Res. 21. Resolution to provide additional funds for the Committee on Post Office and Civil Service (Rept. No. 92–13);

S. Res. 22. Resolution authorizing additional expenditures by the Committee on Public Works for inquiries and investigations (Rept. No. 92–14);

S. Res. 23. Resolution continuing, and authorizing additional expenditures by, the Select Committee on Nutrition and Human Needs (Rept. No. 92–18);

S. Res. 24. Resolution authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations (Rept. No. 92–7);

S. Res. 26. Resolution to provide for a study of matters pertaining to foreign policy of the United States by the Committee on Foreign Relations (Rept. No. 92–8);

S. Res. 27. Resolution continuing, and authorizing additional expenditure by, the Special Committee on Aging (Rept. No. 92–19);

S. Res. 28. Resolution authorizing additional expenditures by the Committee on Rules and Administration for a study of matters relating to privileges and election (Rept. No. 92–15);

S. Res. 29. Resolution authorizing additional expenditures by the Committee on Banking, Housing and Urban Affairs for inquiries and investigations (Rept. No. 92–5);

S. Res. 30. Resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations (Rept. No. 92–4); and

S. Res. 34. Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations (Rept. No. 92–10).

By Mr. CANNON, from the Committee on Rules and Administration, with an additional amendment:

S. Res. 25. Resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations (Rept. No. 92–6).

By Mr. CANNON, from the Committee on Rules and Administration, without additional amendment:

S. Res. 31. Resolution authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations (Rept. No. 92-9); and

S. Res. 35. Resolution to provide additional funds for the Committee on Labor and Public Welfare (Rept. No. 92-12).

By Mr. CANNON, from the Committee on Rules and Administration, with an amendment:

S. Res. 49. Resolution authorizing expenditures by the Select Committee on Equal Educational Opportunity (Rept. No. 92-17).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 32. Resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations (Rept. No. 92-11).

SENATE RESOLUTION 52—ORIGINAL RESOLUTION REPORTED PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 52); which was placed on the calendar:

S. Res. 52

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Jordan of North Carolina, Mr. Allen of Alabama, and Mr. Griffin of Michigan.

Joint Committee of Congress on the Library: Mr. Jordan of North Carolina, Mr. Pell of Rhode Island, Mr. Cannon of Nevada, Mr. Cooper of Kentucky, and Mr. Scott of Pennsylvania.

SENATE RESOLUTION 53—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO FRANCES T. HOLLOMON

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 53); which was placed on the calendar:

S. Res. 53

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Frances T. Hollomon, sister of W. Lucille Thomas, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 54—ORIGINAL RESOLUTION TO PAY A GRATUITY TO JOHN H. ARTHUR

Mr. CANNON from the Committee on Rules and Administration, reported the following original resolution (S. Res. 54); which was placed on the calendar:

S. Res. 54

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to John H. Arthur, widower of W. Bertrue Arthur, an employee of the Senate at the time of her death, a sum equal to five months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. BYRD of West Virginia (for Mr. Randolph), from the Committee on Public Works:

Thomas F. Schweigert, of Michigan, to be Federal Cochairman of the Upper Great Lakes Regional Commission.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL:

S. 876. A bill for the relief of Adrian Sofjan; and

S. 877. A bill for the relief of Jocelyn Allison Abraham. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. Percy and Mr. Ribicoff):

S. 878. A bill to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government. Referred to the Committee on Government Operations.

Mr. JAVITS. Mr. President, on behalf of Senators Ribicoff, Percy, and myself, I introduce, at the request of the administration, a bill which would extend the period in which the President may transmit to the Congress plans for reorganization of agencies of the executive branch of the Government.

I introduce this bill as the ranking member of the Subcommittee on Executive Reorganization of the Committee on Government Operations. Senator Ribicoff and Senator Percy, who join with me, are the chairman of that subcommittee, and the acting ranking member of the Committee on Government Operations, respectively.

Under present law the President's authority to submit such reorganization plans expires April 1, 1971. This bill will extend his authority to April 1, 1973.

The Reorganization Act, now sections 901-913 of title 5 of the United States Code, has proved to be a most useful tool for allowing the President the opportunity to improve the effectiveness and efficiency of Government machinery. Yet, by offering Congress the opportunity to disapprove of any proposal submitted by the President, within 60 days of its transmittal to Congress, this law still gives Congress a handle on executive branch reorganization.

Last year the President submitted, among others, proposals to create the Domestic Council and the Office of Management and Budget, to set up the Environmental Protection Agency, and to establish the National Oceanic and Atmospheric Administration in the Department of Commerce. Only after careful examination and consideration did Congress agree to them.

Although important, plans such as those submitted last year are relatively minor when compared to the reorganization proposals the President announced in his state of the Union address in January. These proposals, I understand, will be submitted shortly in legislative form requiring the positive action of Congress for them to become operative. The Reorganization Act is not intended to be used as the vehicle to effectuate those proposals. Congress will not be asked merely to agree or disagree with whatever the President submits, but will have the opportunity, indeed will insist on the opportunity, to scrutinize them carefully.

While this law has proved to be useful and indeed needed, at times it must be reviewed to insure that it still meets the best interests of both the legislative and executive branches. Since this bill has not been reviewed in more than 10 years, the Government Operations Committee, to which this bill will be referred, likely will be conducting such a review.

Mr. President, I ask unanimous consent that a copy of the Reorganization Act, that is, sections 901-913 of title 5 of the United States Code, be printed in the Record at this point, with a letter from the Director of the Office of Management and Budget, George P. Shultz, to the President of the Senate, Mr. Agnew, urging that the reorganization authority be extended for 2 years. I also ask unanimous consent that the bill I have introduced be printed in the Record.

There being no objection, the bill and other material were ordered to be printed in the Record, as follows:

S. 878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 905 (b) of title 5, United States Code, is amended by striking out "April 1, 1971" and inserting in lieu thereof "April 1, 1973".

The material presented by Mr. Javits, is as follows:

Title 5 United States Code

Chapter 9—Executive Reorganization

Sec.
901. Purpose.
902. Definitions.
903. Reorganization plans.
904. Additional contents of reorganization plans.
905. Limitations on powers.
906. Effective date and publication of reorganization plans.
907. Effect on other laws, pending legal proceedings, and unexpended appropriations.
908. Rules of Senate and House of Representatives on reorganization plans.
909. Terms of resolution.
910. Reference of resolution to committee.
911. Discharge of committee considering resolution.
912. Procedure after report or discharge of committee; debate.
913. Decisions without debate on motion to postpone or proceed.

§ 901. Purpose

(a) The President shall from time to time examine the organization of all agencies and shall determine what changes therein are necessary to accomplish the following purposes:

(1) to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;

(2) to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government;

(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) to eliminate overlapping and duplication of effort.

(b) Congress declares that the public interest demands the carrying out of the purposes of subsection (a) of this section and that the purposes may be accomplished in great measure by proceeding under this chapter, and can be accomplished more speedily thereby than by the enactment of specific legislation. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 394.)

§ 902. Definitions

For the purpose of this chapter—

(1) "agency" means—

(A) an Executive agency or part thereof;

(B) an office or officer in the executive branch; and

(C) any and all parts of the government of the District of Columbia other than the courts thereof;

but does not include the General Accounting Office or the Comptroller General of the United States;

(2) "reorganization" means a transfer, consolidation, coordination, authorization, or abolition, referred to in section 903 of this title; and

(3) "officer" is not limited by section 2104 of this title. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 394, amended Pub. L. 90-83, § 1(98), Sept. 11, 1967, 81 Stat. 220.)

§ 903. Reorganization plans

(a) When the President, after investigation, finds that—

(1) the transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of another agency;

(2) the abolition of all or a part of the functions of an agency;

(3) the consolidation or coordination of the whole or a part of an agency, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof;

(4) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof;

(5) the authorization of an officer to delegate any of his functions; or

(6) the abolition of the whole or a part of an agency which agency or part does not have, or on the taking effect of the reorganization plan will not have, any functions;

is necessary to accomplish one or more of the purposes of section 901(a) of this title, he shall prepare a reorganization plan for the making of the reorganizations as to which he has made findings and which he includes in the plan, and transmit the plan (bearing an identification number) to Congress, together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to accomplish one or more of the purposes of section 901(a) of this title.

(b) The President shall have a reorganization plan delivered to both Houses on the same day and to each House while it is in session. In his message transmitting a reorganization plan, the President shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function and the reduction of expenditures (itemized so far as practicable) that it is is probably will be brought about by the taking effect of the reorganizations included in the plan. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 394, amended Pub. L. 90-83, § 1(99), Sept. 11, 1967, 81 Stat. 220.)

§ 904. Additional contents of reorganization plans

A reorganization plan transmitted by the President under section 903 of this title—

(1) may change, in such cases as the President considers necessary, the name of an agency affected by a reorganization and the title of its head; and shall designate the name of an agency resulting from a reorganization and the title of its head;

(2) may provide for the appointment and pay of the head and one or more officers of an agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary. The head so provided may be an individual or may be a commission or board with more than one member. In case of such an appointment, the term of office may not be fixed at more than 4 years, the pay may not be at a rate in excess of that found by the President to be applicable to comparable officers in the executive branch, and if the appointment is not to a position in the competitive service, it shall be by the President, by and with the advice and consent of the Senate, except that, in the case of an officer of the government of the District of Columbia, it may be by the Board of Commissioners or other body or officer of that government designated in the plan;

(3) shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

(4) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective. However, the unexpended balances so transferred may be used only for the purposes for which the appropriation was originally made; and

(5) shall provide for terminating the affairs of an agency abolished.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 395.)

§ 905. Limitations on powers

(a) A reorganization plan may not provide for, and a reorganization under this chapter may not have the effect of—

(1) creating a new Executive department, abolishing or transferring an Executive department or all the functions thereof, or consolidating two or more Executive departments or all the functions thereof;

(2) continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

(3) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(4) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress;

(5) increasing the term of an office beyond that provided by law for the office; or

(6) transferring to or consolidating with another agency the government of the District of Columbia or all the functions thereof which are subject to this chapter, or abolishing that government or all those functions.

(b) A provision contained in a reorganization plan may take effect only if the plan is transmitted to Congress before April 1, 1971. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 396, amended Pub. L. 91-5, Mar. 27, 1969, 83 Stat. 6.)

§ 906. Effective date and publication of reorganization plans

(a) Except as otherwise provided under subsection (c) of this section, a reorganization plan is effective at the end of the first period of 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 60-day period, either House passes a resolution stating in substance that that House does not favor the reorganization plan.

(b) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(c) Under provisions contained in a reorganization plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective.

(d) A reorganization plan which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 396.)

§ 907. Effect on other laws, pending legal proceedings, and unexpended appropriations

(a) A statute enacted, and a regulation or other action made, prescribed, issued, granted, or performed in respect of or by an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, has, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, the same effect as if the reorganization had not been made. However, if the statute, regulation, or other action has vested the functions in the agency from which it is removed under the reorganization plan, the function, insofar as it is to be exercised after the plan becomes effective, shall be deemed as vested in the agency under which the function is placed by the plan.

(b) For the purpose of subsection (a) of this section, "regulation or other action" means a regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(c) A suit, action, or other proceeding lawfully commenced by or against the head of an agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a reorganization plan under this chapter. On motion or supplemental petition filed at any time within 12 months after the reorganization plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the reorganization effected by the plan or, if there is no successor, against such agency or officer as the President designates.

(d) The appropriations or portions of appropriations unexpended by reason of the operation of this chapter may not be used for any purpose, but shall revert to the Treasury. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 396.)

§ 908. Rules of Senate and House of Representatives on reorganization plans

Sections 909-913 of this title are enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rule of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 909 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 397.)

§ 909. Terms of resolution

For the purpose of sections 908–913 of this title, "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the ——— does not favor the reorganization plan numbered ——— transmitted to Congress by the President on ———, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one reorganization plan. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 397.)

§ 910. Reference of resolution to committee

A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. (Pub. L. 89–554, Sept. 6, 1968, 80 Stat. 397.)

§ 911. Discharge of committee considering resolution

(a) If the committee to which a resolution with respect to a reorganization plan has been referred has not reported it at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the reorganization plan which has been referred to the committee.

(b) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 397.)

§ 912. Procedure after report or discharge of committee; debate

(a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 398.)

§ 913. Decisions without debate on motion to postpone or proceed

(a) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution with respect to a reorganization plan, and motions to proceed to the consideration of other business, shall be decided without debate.

(b) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 398.)

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 1, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On January 30, 1969, the President sent a special message to the Congress requesting an extension of his reorganization authority. At that time he said:

"New times call for new ideas and fresh approaches. To meet the needs of today and tomorrow, and to achieve a new level of efficiency, the Executive Branch requires flexibility in its organization. Government organization is created to serve, not to exist; as functions change, the organization must be ready to adapt itself to those changes."

That need continues today.

In one of its first actions, the 91st Congress did extend the President's authority until April 1, 1971. The President has made significant use of the power granted:

In 1969, he proposed a reorganization plan to strengthen the executive powers of the chairman of the Interstate Commerce Commission, thus improving the day-to-day operations of that important agency.

In 1970, he proposed the creation of a new Office of Telecommunications Policy in the Executive Office of the President through the transfer of certain functions from the Office of Emergency Preparedness, thus enhancing our ability to deal with problems in this vital area.

To further strengthen the Executive Office, he moved to create the Domestic Council to deal with the overall question of what we do, and the Office of Management and Budget to better deal with the question of how we do it.

He also used his authority to create the new separate Environmental Protection Agency bringing together key programs for setting environmental standards and abating pollution.

Finally, the National Oceanic and Atmospheric Administration was established in the Department of Commerce assembling major programs for measuring and dealing with important aspects of our environment.

The Congress allowed all of hese measures to become effective.

This cooperative and time-tested executive-legislative approach to reorganization has shown itself to be sensible and effective, regardless of party alignments. It works to curtain ineffective organizational arrangements and to enable good managers to manage well.

The reorganization authority expires on April 1, 1971. We urge that it be extended for two years to help the President continue with a neverending task of providing sound machinery to administer our laws.

Sincerely,

GEORGE P. SHULTZ,
Director.

Mr. RIBICOFF. Mr. President, I am pleased to join with Senator JAVITS, the ranking minority member of the Subcommittee on Executive Reorganization and Government Research, in introducing a bill to extend the authority of the President to submit reorganization plans to the Congress for 2 years, to April 1, 1973.

The Reorganization Act of 1949 has been used by succeeding Presidents to modernize and improve the structure of the executive branch. In most cases the Congress, which exercises a veto power, has agreed to the proposals. It traditionally grants the President broad discretion in reorganizing the departments and agencies.

President Nixon submitted four reorganization plans during 1970—all went into effect. These plans established the Office of Telecommunications, plan 1; the Domestic Council and the Office of Management and Budget, plan 2; the Environmental Protection Agency, plan 3; and the National Oceanographic and Atmospheric Administration, plan 4.

I have been advised that the President is considering transmitting additional reorganization plans to the Congress in 1971. Since the Reorganization Act expires on April 1, it is necessary that the Congress act soon to continue this important authority.

In view of the fact that there has not been a major examination of this act in more than a decade. I believe Congress should undertake a review of the law in order to determine if amendments are necessary to serve the interests of the Congress and the Executive in the 1970's.

I anticipate that the Subcommittee on Executive Reorganization and Government Research and the full Committee on Government Operations will give early attention to this legislation.

By Mr. HOLLINGS:

S. 879. A bill to amend chapter 7 of title 38, United States Code, to authorize the Veterans' Administration to provide hospital and domiciliary care to peacetime veterans who are unable to defray the expenses thereof. Referred to the Committee on Veterans' Affairs.

Mr. HOLLINGS. Mr. President, I am confident that all of us would agree that our Nation owes a continuing debt of gratitude to our citizens who have served with honor in the various branches of our Armed Forces. Obviously, this honor is no less in peacetime than it would be in a time of armed conflict. Unfortunately, there is an anomaly in our law whereby certain benefits to the veterans of this Nation are extended to those who have served in time of armed conflict but are denied those who served in the Armed Forces in times of peace. Under the law any veteran who served in the Armed Forces between World War I and World War II or between World War II and the Korean conflict and is under the age of 65 is denied hospital and domiciliary care by the Veterans' Administration even though they are unable to defray the expenses of such private care. The only exception to this is, of course, the case where the need for such care is directly attributable to a service-connected injury. All other veterans are entitled to such care.

There are presently 275,000 veterans now living who served in the Armed Forces between World War I and World War II. There are 245,000 veterans still living who were in the service between World War II and the Korean conflict. Obviously, some of these veterans have reached the age of 65 and many may have served in World War II or the Korean conflict but the fact remains, that there are many thousands who fall in the "peacetime" category who are under the age of 65. Unfortunately, many do not have the financial resources to seek proper medical and domiciliary care. This fact is underscored when we see that the high unemployment has put many of these citizens out of work, inflation has wiped out or prohibited substantial savings and age has placed them out of the job market.

Consequently, I am introducing a bill to amend chapter 17 of title 38, United States Code, which would authorize the Veterans' Administration to provide hospital and domiciliary care to peacetime veterans if they are unable to defray the expenses of such needed care.

Recently, a particular case was brought to my attention of a constituent of mine who was 62 years old, totally disabled, and whose total income was $68.90 monthly from the Social Security Administration. Although he does have one-half acre of land which is devoted to tobacco, it is so heavily mortgaged that it does not produce any income. He presently has in excess of $2,300 in hospital bills and, although he requires further medical treatment, he is unable to finance such care. He served honorably with the U.S. Army in the 1920's but is told by the Veterans' Administration that if he will just wait 3 more years, they will be able to assist him. I believe that the arbitrary condition illustrated by this case and supported by our law ought to be changed. If the need is there and the circumstances warrant it, such care ought to be provided to all veterans regardless of age and regardless of the time they served.

By Mr. RIBICOFF (for himself and Mr. BENTSEN):

S. 880. A bill to amend the Social Security Amendments of 1965 and title XVIII of the Social Security Act to permit individuals who are age 65 or over and who are not otherwise covered by the hospital insurance program established by part A of such title to enroll and become covered under such program upon payment of a monthly premium. Referred to the Committee on Finance.

Mr. RIBICOFF. Mr. President, I am introducing today a bill permitting voluntary enrollment in the medicare hospital insurance program of people reaching the age of 65 who are not under the social security system.

Similar legislation, which I introduced, passed both Houses in the last session of the 91st Congress. Unfortunately, time ran out before a conference agreement could be reached. I hope that this legislation can be enacted into law as soon as possible to allow all of our elderly citizens to take part in the medicare program.

In 1965, Congress enacted a medicare program for its elderly citizens to provide for them a sense of security when the fear of illness is greatest, incomes are the lowest, and savings are threatened by the very real possibility of prolonged and expensive illness.

Unfortunately, the hospital insurance program devised in 1965 was not perfect. To simplify its administration, medicare eligibility was predicated on eligibility for social security benefits; and while medicare benefits have now been extended to over 20 million Americans, there are still hundreds of thousands of elderly citizens who are unable to take advantage of this vital hospital program because they are not under social security.

Ironically, the persons most severely affected by exclusion from medicare are thousands of public servants who have worked over the years for the public. Medicare benefits are denied to State and local public servants in over a dozen States across the Nation, including Connecticut. Excluded from nationwide coverage are three-quarters of a million teachers, as well as policemen and firemen who are not part of the social security program, but belong to their own retirement program. In Connecticut, for example, State and local employees have an excellent retirement program, but they are not covered by medicare since eligibility is based primarily on the right of a retired person to receive cash benefits under social security.

As of January 1, 1970, more than 300,000 people over 65 were ineligible for medicare. Those ineligible include a number of people who are eligible for social security coverage, but who did not elect, or whose employers did not elect, to be covered. These include many employees of State and local governments, and several other groups:

First. Wives who have never worked under covered employment and whose husbands are eligible for hospital insurance under the transitional medicare provision;

Second. Women who are not insured on their own account and who cannot qualify for dependents benefits, such as dependent aged sisters of insured workers or dependents of uninsured workers; and

Third. Workers, such as agricultural and domestic workers whose earnings may have been so low or sporadic they are unable to acquire an insured status.

It has become difficult for these groups to obtain private hospital insurance comparable to coverage under medicare. Since the passage of the medicare law, private insurance companies have generally changed their hospital insurance plans available to people age 65 and over to make coverage complementary to medicare. While there is generally some type of hospital insurance available to persons age 65 and over, most of that which is offered is in the form of specified cash payment insurance, paying from $25 to $200 per week for limited periods of hospitalization. Few private health insurance companies offer their regular hospital expense plans to the aged.

This bill would provide an alternative means for these Americans to join the medicare program. It would remedy the defect which now keeps thousands from enjoying the security of adequate hospitalization insurance.

My legislation would allow Connecticut and other States in similar situations, as well as individuals, to make an agreement with the Department of Health, Education, and Welfare to purchase medicare coverage. The cost of this medicare insurance is estimated at $27 a month. State and public organizations, by agreement with HEW, will be permitted to purchase this needed protection for their members on a group basis.

It should be pointed out that enactment of this legislation will not create any new costs for the Federal Government. A State which elects to participate in this program will agree to reimburse the medicare trust fund for all benefits paid and the administrative costs incurred.

It is time we closed the present gap in the medicare program, especially since many of those prevented from receiving the benefits of medicare have dedicated their lives to teaching our young and serving the public. I urge my colleagues to join me in order to provide basic hospital insurance coverage to many thousands of elderly Americans.

I ask unanimous consent that Senator BENTSEN's statement concerning this bill be included at this point in the RECORD.

There being no objection, Mr. BENTSEN's statement was ordered to be printed in the RECORD, as follows:

Mr. BENTSEN. I am pleased to join my distinguished colleague, the senior Senator from Connecticut (Mr. Ribicoff) in introducing legislation to allow all persons reaching the age of 65 to participate in the Medicare program.

Medicare has provided a measure of protection to millions of Americans over the age of 65 who are frequently faced with the intolerable burden of hospital expense. Of the nearly $13.5 billion spent for the health care of older Americans in fiscal 1969, Medicare alone paid nearly one-half of the total.

The per capita health care expenditures incurred by persons 65 and older amounted to $692 during that year; out-of-pocket expenses for these same individuals averaged only $163. Medicare paid 66% of the total hospital bill for older citizens and 72% of their physicians' bills in fiscal year 1969. These are indeed impressive achievements in a relatively short period of time.

Yet there are gaps in our present Medicare coverage, and the present bill is directed to closing them.

Hundreds of thousands of local and state employees, for example, are not covered by Medicare benefits, because they are not enrolled in Social Security. State retirement systems, with all of their advantages, do not provide the hospital and health insurance similar to that available under Medicare Parts A and B.

This legislation would seek to remedy that situation by allowing the Secretary of Health, Education, and Welfare to enter into agreements with applicant states to include Medicare coverage under teacher and public employee retirement systems.

Other individuals who have not been eligible for Medicare would be able to enter into agreements with the Department of Health, Education and Welfare to pay the cost of their own coverage. This bill, then, stresses a voluntary approach as well as a state-by-state implementation.

States which elect to take the opportunity to provide Medicare coverage to public employees must work out a coverage agreement with the Secretary of Health, Education, and Welfare; members of local retirement systems must approve coverage by referendum.

Moreover, it should be emphasized that the proposed bill requires that the recipients of Medicare coverage must pay their own way through employer and employee contributions or through individual monthly payments. There would be no additional drain on the Federal treasury.

I believe this legislation offers a reasonable method of including thousands of elderly citizens, including teachers, state and local officials, agricultural and domestic workers and others under the Medicare program. Indeed, I am particularly mindful that upwards of 750,000 teachers, including approximately 75,000 in my own state of Texas, are not eligible for Medicare benefits. These individuals, many of whom are underpaid, must confront old age without the resources necessary to care for their needs.

I urge favorable action on this legislation.

By Mr. PACKWOOD:

S. 881. A bill to establish the Cascade Mountain Range Study Commission. Referred to the Committee on Interior and Insular Affairs.

Mr. PACKWOOD. Mr. President, I am today reintroducing legislation to provide for a 2-year, independent study of the Oregon Cascades. This proposal as I am introducing it today was also before the 91st Congress.

My bill would establish a Cascade Mountain Range Study Commission, composed of seven men, three appointed by each of the Secretaries of the Interior and of Agriculture, and one by the Governor of Oregon. In addition, $250,000 would be authorized for a 2-year independent study of the entire Cascade Range in Oregon, within the Mount Hood, Willamette, Umpqua, Deschutes, Winema, and Fremont National Forests, and lands of the Rogue River National Forest which lie within the Cascade Mountain Range.

The seven-man Commission as proposed by my bill will be free of domination by persons having a vested interest in the conclusions drawn in the study of these lands for scenic, scientific, recreational, educational, wildlife, wilderness, timber, and other resource values.

Members of the Commission would serve without compensation, except for reimbursement of travel expenses, and these members cannot be either present or former employees of the Interior or Agriculture Departments. The Commission would be allowed to hire an executive director and other staff personnel as might be necessary to the study, and private agencies, institutions and individuals would be allowed to assist in the study. Public hearings would be held by the Commission within the State of Oregon, and at the end of the study a written report would be filed with the Secretaries of the Interior and Agriculture, with the Governor of Oregon, and with the Congress, which would include the findings and recommendations of the Commission.

Mr. President, Americans have become alarmed at the rapid disappearance of our natural resources, and the subject of land-use is on the minds of many of our citizens. This study is especially vital in this day when society is so concrete-oriented that you literally cannot find a forest without a map in some parts of the country.

And, when we have an area as vast as the Oregon Cascades, certainly we should make every attempt to study it carefully to determine how this land, together with its many other natural resources should be used.

Mr. President, I ask at this point that the text of my proposal be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that (a) for the purpose of fully evaluating how the lands comprising Mount Hood, Willamette, Umpqua, Deschutes, Winema, and Fremont National Forests, and lands comprising Rogue River National Forest which are within the Cascade Mountain Range or contiguous thereto, can be managed in order to best serve the people of the Nation, there is hereby established the Cascade Mountain Range Study Commission (hereinafter referred to in this Act as the "Commission").

(b) The Commission shall be composed of seven members of whom three shall be appointed by the Secretary of the Interior, three by the Secretary of Agriculture, and one by the Governor of the State of Oregon. The initial meeting of the Commission shall be at such time and place as the Secretaries of the Interior and Agriculture, jointly, may determine. The Commission shall elect its own Chairman and Vice Chairman from among its members.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation, but they shall be reimbursed by the Commission for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties of the Commission.

(e) No officer or employee (or former officer or employee) of the Department of the Interior or the Department of Agriculture shall be appointed to the Commission.

(f) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to appoint and fix the compensation of such staff personnel as he deems necessary, including an Executive Director.

SEC. 2 (a). It shall be the duty of the Commission to conduct an investigation and study with a view to determining how those lands comprising Mount Hood, Willamette, Umpqua, Deschutes, Winema, and Fremont National Forests, and lands compromising Rogue River National Forest which are within the Cascade Mountain Range or contiguous thereto, can be managed in order to best serve the people of the Nation. In making such determination, the Commission shall conduct a comprehensive investigation and study of (1) the scenic, scientific, recreational, educational, wildlife, wilderness, timber, and other resource values of the aforementioned lands, (2) how the United States can best proceed with reforestation of the aforementioned lands which may have been logged but not properly reforested, and (3) which of the aforementioned lands are desirable for management changes with respect thereto.

(b) In carrying out its duties under this Act, the Commission shall, from time to time, hold public hearings at various points within the State of Oregon, including major population centers, in order that interested individuals and groups may express their views.

SEC. 3. On or before the expiration of two years following the date of the enactment of this Act, the Commission shall file a written report with the Secretary of the Interior, the Secretary of Agriculture, the Governor of the State of Oregon, and the Congress. Such report shall include the findings and recommendations of the Commission resulting from its investigation and study under this Act.

SEC. 4. The Commission is authorized to enter into agreements, by contract or otherwise, with any private agency, institution, or individual to assist the Commission in carrying out its duties under this Act.

SEC. 5. Upon the expiration of sixty days following the submission of its report, the Commission shall cease to exist.

SEC. 6. (a) There are hereby authorized to be appropriated such sums, not to exceed $250,000, as may be necessary to carry out the provisions of this Act.

(b) In carrying out its duties under this Act, the Commission is authorized to receive and expend gifts, contributions, or other donations.

By Mr. WILLIAMS:

S. 882. A bill authorizing payment under medicare for services performed by a household aide. Referred to the Committee on Finance.

Mr. WILLIAMS. Mr. President, I introduce for appropriate reference, a bill to authorize payment under Medicare for services furnished by a household aide at a patient's home.

According to the latest data available, the average health bill for persons 65 and older is $692—about 2½ times that for individuals in the 19 to 64 age category.

Today the average retired single worker receives approximately $1,400 in annual social security benefits, and an elderly couple nearly $2,400.

Even if medicare met all of their health care costs, their financial position would be serious enough. But valuable as medicare is, it covers less than one-half of the health care expenditures of the aged.

In the past, I have introduced several measures to strengthen medicare by:

Extending coverage to out-of-hospital prescription drugs;

Making the program available for disabled social security beneficiaries under age 65; and

Eliminating the $5.30 monthly premium charge for the elderly for part B supplementary medical insurance.

Today I introduce a bill to close another gap in coverage.

Under present law, medicare covers

home-health services under a plan established and reviewed by the patient's physician. To be eligible for these services, four conditions must be met:

The patient must have been hospitalized for at least 3 consecutive days.

He must be confined to his home.

His doctor must determine that additional care in the patient's home is necessary and he then establishes a home-health plan within 14 days after the patient is released from a hospital or nursing home.

The home-health care is for further treatment of the condition for which the patient was hospitalized.

Covered home-health services under medicare include occupational, speech or physical therapy; part-time nursing care; and medical social services. In addition, certain supportive services essential for the individual's care—such as bathing or feeding the patient—are available.

However, many other elderly persons—such as a cardiac patient or an individual with an arthritic condition—could remain in their homes if an aide could assist them with certain household chores which are too strenuous for them to perform.

But, as things stand now, large numbers of frail individuals are unnecessarily institutionalized, increasing medicare costs.

According to Dr. James Haughton, first deputy administrator for New York City's Health Services Administration, at least 10 percent of the nursing home residents in that city are unnecessarily institutionalized because suitable alternatives are not available.

My bill would help to meet this problem by extending medicare coverage for services performed by a household aide as part of a home health service plan.

Strongly supporting this measure, Dr. Haughton said:

> This is an important piece of legislation and should be supported because frequently an older person is under medical supervision at home and is unable to perform these services for himself, even though he may not need personal care. Frequently these persons are institutionalized at great expense because these services are not available to them as a medicare benefit.

With this alternative, many nursing home or hospital patients could be released much earlier.

Most older persons would also prefer to live in their home, rather than being institutionalized.

Additionally, living at home may be of important therapeutic value for the patient in improving his outlook and well-being.

And our Nation could also save tax dollars. For example, shaving one hospital day from the medicare national average could result in savings up to $400 million.

For these reasons, I urge prompt consideration of this legislation.

Mr. President, I also ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861(m)(4) of the Social Security Act is amended by inserting after "services of a home health aide" the following: "or a household aide or both".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to services furnished on or after the first day of the second month which begins after the date of the enactment of this Act.

By Mr. WILLIAMS:

S. 883. A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income. Referred to the Committee on Government Operations.

Mr. WILLIAMS. Mr. President, I introduce for appropriate reference, a bill to establish an Institute on Retirement Income.

Today, low income in retirement continues to be the No. 1 problem facing a majority of our 20 million older Americans. This crisis also threatens to engulf many more nearing retirement age.

Older persons are now suffering from an income gap in relation to younger individuals.

In 1969 the median income of families with an aged head was 47.6 percent of that for younger families. But in 1962 their median income was 50.6 percent compared with families with a head aged 14 to 64.

Quite clearly, low income in old age is not a transitional problem that given present trends will be resolved in the near future.

For families with a head 65 and older, 27.4 percent have annual incomes below $3,000. In sharp contrast, only 6.3 percent of younger families fall within this category.

For the elderly single person, the income picture is especially grim. Almost 55 percent of unrelated individuals 65 and older had incomes below $2,000 in 1969.

Private pensions, while providing valuable protection for millions of older Americans, still serve far fewer than commonly assumed.

There are now about 30 million workers covered under private pension plans—approximately 36 percent of the total civilian labor force.

But coverage tends to be concentrated among higher paid workers. Consequently those who will be in the greatest need in old age will be least likely to receive private pension benefits.

Projections for 1980 indicate that about half the couples and more than three-fourths of the unmarried retirees will receive $3,000 or less in pension income. And these projections use relatively liberal assumptions with regard to increases in private and public benefit levels.

Even under earlier projections, now known to be too optimistic, only a third to two-fifths of all aged persons are expected to have income from private group pensions.

It is for reasons like these that present inadequacies in retirement income—and the policies and trends that perpetuate them—are of immediate and direct concern for all Americans, the young as well as the old.

But we need a continuing mechanism for developing and implementing a national policy because the problems of income maintenance in old age are complicated and widespread.

New approaches are also needed because the traditional means of providing security in retirement have not kept pace with this critical problem.

The Institute on Retirement Income as proposed in my bill, would operate as a "think tank" agency for conducting intensive study and making concrete recommendations.

It would touch on all aspects of retirement income—social security, railroad retirement, military retirement programs, private pensions and other systems of retirement assistance—and would be concerned with improving these existing systems.

Finally it would propose innovative ways for meeting the overall demand for adequate income in retirement, but not necessarily confined to existing plans and programs.

Moreover, the Institute would help assure that the Nation's retirement policies and commitments for its older people are based on the soundest possible foundation.

This Institute on Retirement Income is proposed—not for the sake of "study" or because there is uncertainty about the need for comprehensive action—but because it can provide the information, which is not now available, to help the Congress and the executive branch to come to grips with these concrete economic issues.

In strongly urging the adoption of this legislation, the Senate Committee on Aging's report on the "Economics of Aging" listed seven specific areas which would be appropriate for investigation by the Institute:

> 1. Projections of coverage and benefits under private pension plans, essential to the development of public policy in the area of social security.
>
> 2. Analysis of proposals for expanding the coverage of private pension plans—three of which were proposed during Committee hearings—assessing their likenesses and differences with a view to developing a sound legislative proposal.
>
> 3. An objective assessment of the Social Security "retirement test", and various proposals for elimination and drastically changing its character, from the point of view of the effect of the test on employment opportunities for the aged as well as optimum use of social security funds, and with account taken of any offsets to costs which result through gains in income taxes and savings in welfare payments.
>
> 4. Lessons to be learned from foreign experience with public and private pension systems, especially in methods of adjustment to productivity.
>
> 5. Study of various methods of automatically adjusting social security benefits to rising costs and *standards* of living, including specifically an assessment of the appropriateness of using the Consumer Price Index for adjustment of benefits of an aged population.
>
> 6. Follow-up research on an attitudinal

study of a proposal for converting the equity in the owned home into a lifetime annuity and on the mechanism whereby such a proposal could be implemented.

7. Development of models indicating the cost of various alternative methods of achieving retirement income of adequate level and related to the growth of the economy, for use in establishing an order of priority.

Today millions of older Americans, as well as many nearing retirement, are awaiting a solution for their pressing economic problems.

They must plan or begin to prepare for a retirement period of undetermined length and uncertain needs. For today's workers, they must also attempt to allocate their earnings to meet their family responsibilities, yet still have something left over for old age.

But the longer we make them wait, the more intense their economic problems will become.

For these reasons, I urge prompt and favorable action on this legislation.

Mr. President, I also ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 883

A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Institute on Retirement Income Act".

Sec. 2. (a) In order to conduct studies, demonstrations, and research of the income needs of retired individuals with a view to devising and recommending methods by which such income needs may be met by such individuals, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to enter into an agreement with any public or nonprofit private agency or organization (either existing or organized expressly to enter into the agreement authorized by this Act) for the payment by the United States of all or part of the costs of the establishment and operation, including equipment but not construction, of an Institute on Retirement Income.

(b) Before entering into the agreement provided for in subsection (a), the Secretary shall consult with the Secretaries of Defense and Labor, the Administrator of the Veterans' Administration, the Chairman of the Civil Service Commission, the Director of the Office of Economic Opportunity, and with such other officers of the executive branch of the Government as he may choose who have a responsibility for retirement incomes, with reference to the terms to be included in such agreement and the effectiveness of the plan to establish and operate an Institute on Retirement Income.

(c) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals, the Secretary shall give preference to these proposals which give promise of ability to achieve the purposes of this Act with minimum expense and maximum effectiveness, including ability to attract and retain personnel who are well qualified to study problems and opportunities relating to retirement income and ability to find and recommend appropriate solutions to such problems independent of coercion from individuals outside the Institute.

(d) The agreement shall—

(1) provide that Federal funds paid to the agency or organization for the Institute will be used only for purposes for which paid and in accordance with the applicable provisions of this Act and the agreement made pursuant thereto;

(2) provide that the agency or organization making the agreement will make an annual report to the Secretary, which the Secretary in turn shall transmit to the Congress with such comments and recommendations as he may deem appropriate; and

(3) include such other conditions as the Secretary deems necessary to carry out the purposes of this Act.

Sec. 3. It shall be the duty and function of the Institute to study all aspects of the problems and opportunities relating to the attainment of adequate retirement income, including, but not limited to, the following:

(a) possible methods whereby increased retirement benefits may be paid on a fiscally sound basis by Federal retirement programs such as the social security retirement program, the railroad retirement program, the civil service retirement program, and the military retirement programs;

(b) means whereby the coverage of workers by private pension programs can be increased and means whereby such programs can be encouraged and assisted to provide more adequately retirement incomes for aged individuals;

(c) actions that might be taken by the Federal Government to assist State and local governments in paying increased retirement benefits to their employees, or in making such employees eligible for retirement and health insurance benefits under the Social Security Act;

(d) actions which might be taken by the Federal Government to encourage and assist young and middle-aged wage earners more adequately to meet their retirement needs through systematic savings;

(g) actions which the Federal Government might take to encourage and assist young and middle-aged persons to contribute to needy elderly relatives;

(f) actions that the Federal Government might take to increase opportunities for full-time or part-time employment for elderly individuals who desire to supplement inadequate retirement income by working;

(g) actions which the Federal Governnent might take to cause existing Federal programs combating poverty more adequately to meet the needs of aged persons for adequate retirement income; and

(h) actions the Federal Government might take to assist elderly individuals in establishing and operating small businesses to provide services in locations where such services otherwise would not be provided.

Sec. 4. There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this Act.

By Mr. JACKSON:

S. 884. A bill for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 885. A bill for the relief of Alfred Trevor Gallaher. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 886. A bill to amend section 5722 of title 5, United States Code, to provide for travel and transportation expenses for new Government appointees residing in Alaska. Referred to the Committee on Government Operations.

By Mr. EAGLETON (for himself, Mr. Bayh, Mr. Bible, Mr. Dole, Mr. Harris, Mr. Hart, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. McGovern, Mr. Montoya, Mr. Nelson, Mr. Pell, Mr. Spong, and Mr. Tunney):

S. 887. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology. Referred to the Committee on Labor and Public Welfare.

Mr. EAGLETON. Mr. President, I am today introducing a bill to provide for the establishment of a National Institute of Gerontology as a part of the National Institutes of Health. Joining with me as cosponsors are the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Kansas (Mr. Dole), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pell), the Senator from Virginia (Mr. Spong), and the Senator from California (Mr. Tunney).

I am pleased that so many distinguished Members of the Senate have joined with me in this bill for I know that the creation of a new institute is not, and should not be, a casual matter. The support that has already been engendered for this proposal is, I believe, an indicator of its merit.

The purpose of the proposed National Institute of Gerontology is to conduct and support biomedical, social, and behavioral research and training related to the aging process and the diseases and other special health problems and needs of the aged. It would fill a gap in our research efforts of long standing, for we are simply not supporting research and training in this area commensurate with the needs of our elderly population.

Today, about 10 percent of our population—20 million Americans—is over 65 years of age. Within the next 30 years an additional 45 to 50 million Americans will have passed their 65th birthday and this group will represent an even greater proportion of the population.

Yet the share of the NIH budget devoted to research in aging is incredibly small. Last year, only about seven-tenths of 1 percent of the total NIH research budget went for research specifically designed to alleviate the problems of our elderly citizens.

This allocation of resources is not only inequitable, it is shortsighted. Persons over 65 account for an inordinately large share of the total health care expenses in the United States; by some estimates, as much as two-thirds of our total expenditures for health care can be attributed to treating elderly persons. This tremendous expenditure of funds for the care of the aged is ironic when, according to recognized medical authorities, medical knowledge regarding aging and degenerative diseases has reached the point where a major breakthrough could be made.

The work done by the National Institute of Gerontology would have a very substantial effect on the quality of life of the aged. It could lead to an extension of the healthy middle years of life. The contribution each individual might make to society would be increased. And, by improving our knowledge of the aging process, we can hope to develop a greater proficiency in preventive medicine for the diseases of the aged, thus reducing the annual cost of health care now attributable to treatment of the aged.

By Mr. HANSEN:

S. 888. A bill for the relief of David J. Crumb. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 889. A bill to restore the Postal Service seniority of Elmer Erickson. Referred to the Committee on Post Office and Civil Service.

By Mr. CHILES:

S. 890. A bill to amend chapter 3 of title 18, United States Code, to prohibit the importation to the United States of certain noxious aquatic plants. Referred to the Committee on Agriculture and Forestry, by unanimous consent.

Mr. CHILES. Mr. President, I am pleased to introduce legislation which would prohibit anyone importing into the United States certain noxious aquatic plants which are damaging to the proper functioning and utilization of our waterways.

Millions of dollars are spent each year by local, State, and Federal agencies and by private interests in an effort to control noxoius aquatic weeds. Many thousands of dollars are being spent annually in research and experimentation to develop chemical means to control such weeds.

The aquatic plants that are causing our greatest problems are water hyacinths, alligator weed, and elodea. None of these are native to the United States but have been imported and introduced into our lakes, streams, and waterways. While it is realized that nothing can be done to restrict the noxious aquatic plant species already introduced into our waters, appropriate action should be taken to prevent importation of other such plants, as many of them are being imported by commercial and private interests and distributed throughout the country.

Experience has shown us that the unrestricted importation and distribution of exotic aquatic plants can only lead to increased problems for all agencies involved in water control, water supply, mosquito control, fish and wildlife management, recreation, and navigation.

Section 46 of Title 18, United States Code, presently makes it a crime to transport from one state to another certain types of water plants or their seeds. My bill would merely extend the existing law to prohibit the importation of such plants from a foreign country into the United States. If transportation of these plants across State boundaries is detrimental to the Nation's interest, a fact already recognized by the law, then certainly we should prohibit their importation.

With millions of dollars being spent by public and private interests in an effort to cope with this problem, it seems we in the Senate should give it our earnest attention and provide further means of helping them gain control.

Mr. BYRD of West Virginia subsequently said: Mr. President, the distinguished Senator from Florida (Mr. CHILES) has introduced a bill to amend chapter 3 of title 18 of the United States Code to prohibit the importation into the United States of certain noxious aquatic plants. At the request of Mr. CHILES, I ask unanimous consent that that bill be referred to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. ALLEN:

S.J. Res. 45. Joint resolution relating to the establishment of a museum to be used for the exhibition of works of art. Referred jointly to the Committees on Public Works and Government Operations, by unanimous consent.

Mr. ALLEN. Mr. President, I introduce a joint resolution, and ask unanimous consent that it be referred jointly to the Committee on Public Works and the Committee on Government Operations.

The PRESIDENT pro tempore. The joint resolution will be received, and, without objection, will be referred in accordance with the Senator's request.

The joint resolution (S.J. Res. 45), relating to the establishment of a museum to be used for the exhibition of works of art, introduced by Mr. ALLEN, was received, read twice by its title, and referred to the Committees on Public Works and Government Operations, by unanimous consent.

Mr. ALLEN. Mr. President, this Senate Joint Resolution, among other things, declares an agreement of May 17, 1966, by and between Joseph H. Hirshhorn; the Joseph H. Hirshhorn Foundation, Inc.; and the Smithsonian Institution to be null and void as contrary to public policy.

One effect of the proposed amendment is that the museum and sculpture garden contemplated by the above agreement will not have been consummated in accordance with the terms prescribed by the donor with the result that Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation, Inc., are by terms of the agreement relieved of any obligations under the agreement.

On the other hand, the proposed amendment leaves intact the congressional appropriations of certain described public lands to the Smithsonian Institution. Thus, these public lands will remain available to the Smithsonian Institution for the construction of an appropriate museum subject to plans approved by Congress and with the understanding that the Smithsonian Institution accepts the lands as an agency of Federal Government subject to control of Congress and not as a private corporation.

Mr. President, to reach the merits of this proposed amendment, it is necessary to discuss both the agreement, as modified, and the statute which consummates the agreement. In the first instance, we believe that it can be conclusively demonstrated that the agreement even as modified is null and void as contrary to public policy; in the second instance, that the implementing statute should be amended to strike from it certain provisions enacted pursuant to the agreement.

Mr. President, with the above object in mind, I ask unanimous consent that the preamble to the proposed amendment be printed at this point in the RECORD.

There being no objection, the preamble was ordered to be printed in the RECORD, as follows:

Whereas, the Act of November 7, 1966 (80 Stat. 1403), was enacted by Congress pursuant to an agreement dated the seventeenth day of May 1966, by and between Joseph H. Hirshhorn; the Joseph H. Hirshhorn Foundation and the Smithsonian Institution under which agreement the Smithsonian Institution might receive title to a certain collection of modern art and sculpture contingent on specified conditions, including the enactment and approval of implementing legislation within ten days after the close of the 90th Congress and the further condition that a museum and sculpture garden be constructed and completed within five years from the date of the legislation;

Whereas, one Congress may not irrevocably bind another and since the above agreement and contemplated gift of a collection of art is made contingent on the enactment of a statute the object of which is to bind all future Congresses in perpetuity, it follows that such agreement is defective as contrary to law and public policy;

Whereas, Congress may not properly assign nonjudicial functions and responsibilities to members of the United States Supreme Court and since the above agreement and contemplated gift is made contingent on enactment by Congress of a statute which would assign nonjudicial administrative and policy duties and responsibilities to present and future Chief Justices of such Court, it follows that such agreement is defective as contrary to law and public policy;

Whereas, the ancient doctrine of Mortmain by which lands became perpetually inherent in one dead hand, is contrary to the Constitution and laws of the United States; and since the above agreement contemplates a gift of art to the Smithsonian Institution contingent on the enactment by Congress of a statute which would appropriate certain described public lands in perpetuity to the Smithsonian Institution for the sole purpose of providing a permanent structure for such works of art, and seeks to pledge in perpetuity the full faith and credit of the United States to open ended appropriations of tax revenues for the purpose of maintaining such structure in perpetuity and further contemplates designation of the structure by the name of the proposed donor in perpetuity; and by reason of these terms in the agreement it follows that such agreement is contrary to the Constitution, laws, and public policy of the United States and cannot properly be implemented by an Act of Congress;

Whereas, the contemplated gift was made contingent on the appropriation by Congress of certain described lands which incorporate areas that impinge on the architectural and historic integrity of the Washington Mall which area is universally revered as the Nation's court of honor and heretofore dedicated to the purpose of memorializing the lives of great American heroes and appropriate works of the arts and sciences and outstanding national achievements and since serious questions have been raised concerning the dedication of such lands as condition precedent to the gift of a collection of modern art; and

Whereas, the Act of November 7, 1966, implements the above conditions and other conditions set forth in the agreement; and since substantial evidence indicates that the above statute has been criticized as having been enacted without adequate Congressional hearings; without public knowledge of alleged cronyism and with inordinate pressures brought to bear in the process of enactment; and without public knowledge of

> tax avoidance features involved in gifts to tax exempt foundations; now, therefore, be it

Mr. ALLEN. Mr. President, let us now take a look at terms and conditions in the agreement before it was modified which support the conclusions set out in the preamble.

The proposed gifts of a collection of art and a sum of money are contingent on the fulfillment of conditions which, among other things, require that Congress enact certain legislation containing the following provisions:

First. Certain described lands in the District of Columbia shall be appropriated to the Institution as the "permanent site of a museum and sculpture garden."

Second. The legislation must authorize the Board of Regents of the Smithsonian to remove an existing structure on the land appropriated.

Third. The legislation must provide that the museum and sculpture garden, "shall be designated and known in perpetuity as the Joseph H. Hirshhorn Museum and Sculpture Garden." In this connection, the precise language quoted above is contained in a separate provision of the agreement.

Fourth. The legislation must pledge the faith of the United States to "provide such funds as may be necessary for the upkeep, operation, and administration of the Joseph H. Hirshhorn Museum and Sculpture Garden."

Fifth. The legislation must provide that the Joseph H. Hirshhorn Museum and Sculpture Garden "shall be the permanent home" of the collections of art of Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation.

Sixth. The legislation must establish in the Smithsonian Institution a Board of Trustees to be known as "the Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden."

Seventh. The legislation must provide that "the Chief Justice of the United States shall serve as an ex officio member of the Board."

Eighth. The legislation must provide that four initial general members of the Board shall be appointed from among nominations submitted by Joseph H. Hirshhorn.

Ninth. The legislation must provide an authorization for "such sums as may be necessary, including all sums necessary for planning and constructing the museum of sculpture garden."

Then the agreement provides:

> In the event that legislation containing provisions substantially as set forth in Paragraph Second hereof is not duly enacted by the Congress of the United States and duly approved by the President no later than ten (10) days after the close of the 90th Congress, or in the event that said Museum and Sculpture Garden shall not have been constructed and completed as provided in Paragraph Third hereof within five years after such legislation shall have been enacted and approved, this Agreement shall be null and void and the proposed gifts by the Donor and the Hirshhorn Foundation shall not be consummated.

Mr. President, the above agreement was modified by letter of June 6, 1968. In order to make the original agreement, the modification and the statute readily accessible to those who may wish to compare the provisions of each, I ask unanimous consent that the agreement dated the 17th day of May 1966 and the modification by letter dated June 6, 1968 and the act of November 7, 1966—80 Stat. 1403—be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. ALLEN. It should be pointed out at this time the modification of the original agreement waives noncompliance by the Smithsonian Institution with certain time limitations imposed by the initial agreement. However, different time limitations are imposed. For example:

> 3. That by December 31, 1972, the Joseph H. Hirshhorn Museum and Sculpture Garden shall have been constructed and completed in accordance with the terms of Article Third of said Agreement.
>
> In the event that any of these conditions are not met, the waiver contained herein shall be null and void and our gifts shall not be consummated. No terms or conditions of our Agreement of May 17, 1966, shall be deemed to be waived except as expressly herein provided.

At this point, a brief summary of the major provisions of the statute will indicate how faithfully the terms of the original agreement are reflected in the statute. For example:

First. The specific lands described in the agreement are appropriated to the Smithsonian Institution "in perpetuity."

Second. The statute designates these lands as "permanent sites" for construction of a museum and sculpture garden.

Third. The museum and sculpture garden are "designated in perpetuity" as the Joseph H. Hirshhorn Museum and Sculpture Garden.

Fourth. "The faith of the United States is pledged" to provide open ended appropriations as may be necessary for the upkeep, operation, and administration of the museum and sculpture garden.

Fifth. The statute provides that the museum and sculpture garden shall be "the permanent" home of the collections of art of Joseph H. Hirshhorn, and the Joseph H. Hirshhorn Foundation, Inc.

Sixth. A private board of trustees is established which is vested with "sole authority with respect to certain aspects of administration and policy," and the Chief Justice of the United States is designated an ex officio member of the board of trustees.

Seventh. The statute authorizes appropriations not to exceed $15 million for planning and construction and such additional sums as may be necessary for the maintenance and operation of the museum and sculpture garden.

Mr. President, the reasons why the agreement and implementing statute are contrary to public policy should be evident. However, some may say that public policy is ephemeral and that the implementing statute is a determination of public policy in this instance. This argument, if valid, would compel us to accept the proposition that Congress may appropriate public properties in perpetuity to any private corporation and that such properties can be designated in perpetuity for the sole and exclusive use of one aspect of art and named to honor the memory of a particular donor in perpetuity and that one Congress may bind another in perpetuity to make appropriations in perpetuity for the upkeep, operation, and maintenance of such lands and improvements. In short, such an argument, if valid, would compel us to accept the ancient doctrine of Mortmain as being consistent with the Constitution and with public policy.

Mr. President, one cannot but be impressed by the irony revealed in the fact that a national monument, known as the Armed Forces Institute of Pathology, visited by millions, was removed and the building it occupied torn down under authority of Congress to clear the land sought to be appropriated in perpetuity to the Smithsonian Institution for the sole purpose of housing the Hirshhorn collection of modern art and sculpture. Had that land or any other public lands on the Mall been appropriated in perpetuity the end would be in sight for any future monuments on the Nation's hall of fame. Could this be public policy of the United States?

We respectfully submit that one Congress may not irrevocably bind another in this manner and that these provisions of the act are contrary to public policy and should be stricken by amendment.

Turning now to another aspect of public policy, it is an established fact that Congress may not properly assign nonjudicial functions and responsibilities to members of the U.S. Supreme Court. But, it will be said, in truth, that former Chief Justices of the Supreme Court in the past have accepted nonjudicial duties and responsibilities when requested to do so by the President. And it can be said in truth that the Chief Justice is a member of the Board of Regents of the Smithsonian Institution under authority of the law creating the Institution. However, such assignments have not been without critics and not without valid criticism as it relates to current public policy and the present Court. In the case at hand, it is not only the present Chief Justice who is designated by statute as an ex officio member of a private board of trustees but also all future Chief Justices are so designated. This private board of trustees is assigned both administrative and policy responsibilities. In this connection, some Chief Justices may be eminently qualified to serve in such a capacity. Some may not. If one is qualified and if he is conscientious in the performance of his duties, it would seem clear that less of his time and talents would be available to perform the important duties of Chief Justice. On the other hand, if a Chief Justice is not qualified the assumption under law of nonjudicial responsibilities is a mockery and more window dressing to lend prestige and legitimation to decisions of the board of trustees. In either event, we do insist that the provision of this statute which designates Chief Justice ex officio members of a private board of trustees is contrary to public policy and should be stricken from the statute.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask to be recognized.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD of West Virginia. I yield my 3 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the Senator from West Virginia.

Mr. President, it is not my purpose nor is it possible at this time to cover all of the reasons which recommend the proposed amendments to the act of November 7, 1966. However, substantial evidence is at hand to indicate that the statute has been severely criticized on grounds suggesting undue pressures and inadequate consideration by Congress of the implementing statute. For example, the Committee on House Administration in a report on the Smithsonian Institution dated December 30, 1970 states that despite the fact that the Subcommittee on Library and Memorials is a Standing Subcommittee on House Administration and has jurisdiction of the subject, it was bypassed when the Joseph H. Hirshhorn Museum and Sculpture Garden legislation was first presented to Congress. The report states:

> For a variety of reasons the Subcommittee on Library Memorials was circumvented and the matter referred to the Committee on Public Works.

The Committee report further states:

> During the course of its 1970 hearings, the Subcommittee on Library and Memorials heard testimony which raised questions about the propriety and wisdom of some of the terms involved in the Hirshhorn gift, and about actions taken giving effect to it. Some of these questions include: the location of the museum bearing the donor's name on the Mall; the propriety of appointing an architect to design the museum who at the time was a member of the Fine Arts Commission, which would have to approve the final design; the use of Federal funds to finance upkeep of the collection even though the agreement between Hirshhorn and the Smithsonian stipulates that he would be responsible for 'care of' the collection until the building was complete; the removal of $1 million cash he promised to give the museum as an endowment and its placing with Federally appropriated funds to cover the now increased cost of construction.

Mr. President, we urge all Members of the Senate to carefully evaluate the information in this short and informative report. In the meantime, again let me emphasize that one cannot, in remarks appropriate to the introduction of this proposed amendment, cover all the serious criticisms which have been raised to the act.

Much of such criticism has been widely publicized but none with more compelling effect than that contained in the reports of former presidential aide, Clark Mollenhoff, an eminent nationally syndicated columnist. Mr. President, Clark Mollenhoff earned national distinction by reason of his demonstrated talent in ferreting out wrongdoing in Government coupled with integrity and courage to report facts and let the chips fall where they may.

For this reason, I ask unanimous consent that Mr. Mollenhoff's syndicated column, "Watch on Washington" dated October 10, 1970, and his several columns on this subject which were subsequently published in the Salt Lake Register and Tribune be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 4, 5, 6, and 7.)

Mr. ALLEN. In conclusion, Mr. President, I admit that the proposed amendment will give rise to problems. For one thing, it will be necessary to determine in what capacity the Smithsonian Institution contracted to accept the conditional gifts proposed by the donor. It is a complex question. In one respect the Smithsonian Institution views itself as a private corporation chartered by Congress with substantive authority to accept and administer gifts. Then we must remember that the then President of the United States, President Johnson, directed the Smithsonian to contract with the donor to accept the gifts. These considerations imply authority in the President and the Smithsonian independent of the will of Congress. On the other hand, the Institution clearly performs responsibilities as an agency of Government under supervision of Congress. This is illustrated by the fact that Congress pays the bulk of its operating expenses, including salaries, and by the additional fact that GSA acts as the Institution administrator in matters of construction.

Some part of the confusion will be cleared up by this amendment. The amendment makes it clear that the Smithsonian accepts the appropriation of lands as an agency of the Federal Government, and as such the land will not be removed from further control of Congress.

Another problem is that private rights and obligations have been incurred under authority of this statute. This is true except as to the proposed donor. By terms of the agreement, he is relieved of an obligation to convey title or to make delivery of the proposed gifts should conditions of the agreement not be met.

Such is not the case with the Smithsonian. Although Congress did not come through in 1966 with the full appropriation for construction, it appears that in the budget for fiscal year 1969 a contract authorization was provided—known as a "contract authority," and that the GSA administrator, who is the Smithsonian agent for construction and negotiation with the architect, "was expressly authorized to enter into a contract in the full amount of $14,197,000."

In this connection, it is sufficient to say that any retrospective aspect of the proposed amendment is not intended to leave aggrieved parties without recourse to settlement by negotiation if possible or by legal proceedings on valid contracts as a recourse of last resort.

As the situation stands today, of the total authorization of $14,197,000 only $3,697,000 remains to be appropriated and such sum is requested in the present budget for fiscal year 1972.

Nevertheless, it is not too late to salvage for posterity this national heritage of priceless property. It is not too late to admit a mistake and make amends. I sincerely urge the Senate to take the lead in doing just that. An early consideration and enactment of this amendment would be a first step toward that end.

EXHIBIT 1

AGREEMENT BETWEEN JOSEPH H. HIRSHHORN, THE JOSEPH H. HIRSHHORN FOUNDATION, INC., AND THE SMITHSONIAN INSTITUTION, MAY 17, 1966

Agreement dated the 17th day of May, 1966 by and between Joseph H. Hirshhorn (hereinafter sometimes referred to as the "Donor"); The Joseph H. Hirshhorn Foundation, Inc., a membership corporation organized under the laws of the State of New York (hereinafter sometimes referred to as the "Hirshhorn Foundation"); and The Smithsonian Institution, an establishment created and existing under and by virtue of an Act of the Congress of the United States of America, approved August 10, 1846 (hereinafter referred to as the "Institution").

Whereas, the Donor has for many years been acquiring important paintings and sculpture, with particular emphasis upon the works of contemporary American artists, and is desirous of encouraging and developing a greater understanding and appreciation of modern art; and

Whereas, the President of the United States and the Institution believe that the establishment of a sculpture garden and a museum in Washington, D.C., where modern art could be exhibited and studied, would enrich the culture of the nation; and

Whereas, the Donor and the Trustees of the Hirshhorn Foundation have proposed to the President of the United States that the Donor and the Hirshhorn Foundation donate their collections of art to the Institution for the benefit of the people of the United States and the Donor has proposed to the President that the Donor contribute One Million Dollars ($1,000,000) to the Institution for the purpose of acquiring additional works of art of contemporary artists; and

Whereas, the President of the United States has directed the Secretary of the Institution to make appropriate arrangements whereby the proposed gifts by the Donor and the Hirshhorn Foundation of their collections of works of art and the Donor's proposed gift of One Million Dollars to the Institution, may be consummated; and

Whereas, agreement has now been reached between the Donor, the Institution and the Hirshhorn Foundation with respect to the terms and conditions upon which said gifts will be made by the Donor and the Hirshhorn Foundation, and accepted by the Institution;

Now Therefore, it is agreed by and between the undersigned as follows:

First. The Donor hereby agrees to transfer and deliver the collection of works of art listed in the inventory attached hereto and marked Exhibits A and A–1, and to pay the sum of One Million Dollars ($1,000,000), to the Institution, and the Hirshhorn Foundation agrees to transfer and deliver to the Institution the collection of works of art listed in the inventory attached hereto and marked Exhibits B and B–1, and the Institution hereby agrees to accept said gifts from the Donor and the Hirshhorn Foundation, in trust, however, for the uses and purposes and subject to the provisions and conditions hereinafter expressed.

Second. It is a condition of the gifts by the Donor and The Hirshhorn Foundation:

A. That the Congress of the United States shall have enacted, and the President of the United States shall have approved, no later than ten days after the close of the 90th Congress, legislation to the following effect:

(1) The area bounded by Seventh Street, Independence Avenue, Ninth Street and Madison Drive, in the District of Columbia, shall be appropriated to the Institution as the permanent site of a museum and sculpture garden to be used exclusively for the exhibition of works of art.

(2) The Board of Regents of the Institution shall be duly authorized to remove any existing structure, to prepare architectural and engineering designs, plans and specifica-

tions, and to construct a suitable museum and sculpture garden for the use of the Institution within the area designated in Subparagraph "(1)" hereof.

(3) The museum and sculpture garden hereinbefore provided for shall be designated and known in perpetuity as the Joseph H. Hirshhorn Museum and Sculpture Garden, and shall be a free public museum and sculpture garden under the administration of the Board of Regents of the Institution.

(4) The faith of the United States shall be pledged that the United States shall provide such funds as may be necessary for the upkeep, operation and administration of the Joseph H. Hirshhorn Museum and Sculpture Garden.

(5) The Joseph H. Hirshhorn Museum and Sculpture Garden shall be the permanent home of the collections of art of Joseph H. Hirshhorn and The Joseph H. Hirshhorn Foundation, and shall be used exclusively for the storage, exhibition and study of works of art, and for the administration of the affairs of The Joseph H. Hirshhorn Museum and Sculpture Garden.

(6) There shall be established in the Institution a Board of Trustees to be known as the Board of Trustees of Joseph H. Hirshhorn Museum and Sculpture Garden, which shall provide advice and assistance to the Board of Regents of the Institution on all matters relating to the administration, operation, maintenance and preservation of the Joseph H. Hirshhorn Museum and Sculpture Garden; and which shall have the sole authority (a) to purchase or otherwise acquire (whether by gift, exchange or other means) works of art for the Joseph H. Hirshhorn Museum and Sculpture Garden; (b) to loan, exchange, sell or otherwise dispose of said works of art; and (c) to determine policy as to the method of display of the works of art contained in the Joseph H. Hirshhorn Museum and Sculpture Garden.

(7) The Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be composed of ten members as follows: (a) The Chief Justice of the United States and the Secretary of the Institution, who shall serve as *ex-officio* members and (b) eight general members to be initially appointed by the President, four of whom shall be appointed from among nominations submitted by Joseph H. Hirshhorn and four of whom shall be appointed from among nominations submitted by the Board of Regents of the Institution. The general members so appointed by the President shall have terms expiring one each on July 1, 1968, 1969, 1970, 1971, 1972, 1973, 1974, and 1975, as designated by the President. Successor general members (who may be elected from among members whose terms have expired) shall serve for a term of six years, except that a successor chosen to fill a vacancy occurring prior to the expiration of the term of office of his predecessor, shall be chosen only for the remainder of such term. Vacancies occurring among general members of the Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be filled by a vote of not less than four-fifths of the then acting members of the Board of Trustees.

(8) The Board of Regents of the Institution may appoint and fix the compensation and duties of a director and subject to his supervision, an administrator and two curators of the Joseph H. Hirshhorn Museum and Sculpture Garden, none of whose appointment, compensation or duties shall be subject to the civil service laws or the Classification Act of 1949, as amended. The Board of Regents may employ such other officers and employees as may be necessary for the efficient administration, operation and maintenance of the Joseph H. Hirshhorn Museum and Sculpture Garden.

(9) There shall be authorized to be appropriated, and there shall be appropriated, such sums as may be necessary to carry out the purposes of such legislation, including all sums necessary for planning and constructing the Joseph H. Hirshhorn Museum and Sculpture Garden.

B. That the said Joseph H. Hirshhorn Museum and Sculpture Garden shall have been constructed and completed in accordance with the provisions of this Agreement.

Third. Upon receipt of appropriate authorization from the Congress and the appropriation of funds as provided in Paragraph Second hereof, the Institution shall, with all due dispatch, construct the Joseph H. Hirshhorn Museum and Sculpture Garden on the site described in Subparagraph A(1) of Paragraph Second hereof, and landscape said site, in accordance with plans to be prepared by a firm of architects jointly chosen by the Donor and the Secretary of the Institution, which plans shall have been specifically approved by both the Donor and the Secretary of the Institution.

Fourth. Immediately following the construction and completion of the said museum and sculpture garden as herein provided, and the taking of such other steps as counsel for the Donor and counsel for the Institution shall deem necessary to give effect to the gifts contemplated hereunder, the Donor shall pay the sum of One Million Dollars ($1,000,000) to the Institution and title to the collections of the works of art listed in Exhibits A and A–1 and Exhibits B and B–1 shall pass to and be vested in the Institution, and such collections shall be delivered to the Institution at the expense of the Donor and the Joseph H. Hirshhorn Foundation, respectively, and thereafter shall remain under the exclusive control of the Institution, subject to the provisions of this Agreement.

During the period between the date of this Agreement and the time when title to said collections of art shall pass to and be vested in the Institution, or when this Agreement shall terminate, whichever shall be earlier, the Donor and the Hirshhorn Foundation shall respectively care for the said works of art and shall keep the same insured against loss or damage by fire, theft or burglary, in such amounts and with such parties as the Donor and the Hirshhorn Foundation in their discretion may determine, if and to the extent that such insurance may be obtainable; it being understood, however, that in no event nor under any circumstances, shall the Donor or the Hirshhorn Foundation be liable for any loss or damage to any of the works of art, however caused, which is not compensated for by such insurance. The Donor and the Hirshhorn Foundation shall respectively pay all costs, premiums, and other charges incidental to such care and insurance.

Fifth. The gift of One Million Dollars by the Donor hereunder shall be used solely to acquire works of art for the Joseph H. Hirshhorn Museum and Sculpture Garden. Pending the use of said funds for such purpose, the Institution may invest such funds in such manner as it may determine from time to time, provided that such funds and/or investments, and the income derived therefrom, shall be segregated and maintained as a trust fund for the benefit of the said Museum and Sculpture Garden, separate and apart from the other funds and investments of the Institution.

Sixth. The Institution may accept, hold and administer gifts, bequests or devises of money, securities, or other property for the benefit of the Joseph H. Hirshhorn Museum and Sculpture Garden, provided that no works of art shall be accepted for such Museum and Sculpture Garden without the prior consent and approval of the Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden.

Seventh. The Institution covenants and agrees that:

A. It will, at all times, properly maintain the Joseph H. Hirshhorn Museum and Sculpture Garden, protect and care for all works of art therein, and regularly exhibit works of art contained therein with dignity to the general public free of charge.

B. In no event shall any sculpture of the Joseph H. Hirshhorn Museum and Sculpture Garden be loaned for periods longer than three hundred sixty (360) days.

C. The funds received from the sale of works of art of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be used solely for the purpose of acquiring works of art for said Museum and Sculpture Garden. Pending the use of said funds for such purpose, the Institution may invest such funds in such manner as it may determine from time to time, provided that such funds and/or investments, and the income derived therefrom, shall be segregated and maintained as a trust fund for the benefit of the said Museum and Sculpture Garden, separate and apart from the other funds and investments of the Institution.

D. The first director of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be designated by the Donor with the consent of the Secretary of the Institution.

E. The said sculpture garden and museum in the area bounded by Seventh Street, Independence Avenue, Ninth Street, and Madison Drive, in the District of Columbia, shall be known and designated in perpetuity as the Joseph H. Hirshhorn Museum and Sculpture Garden to which the entire public shall forever have access without charge, subject only to reasonable regulations from time to time established by the Institution.

Eighth. Anything herein contained to the contrary notwithstanding, from and after the date of this Agreement and until title to the collections of works of art shall pass to and be vested in the Institution, (a) the Donor may transfer any of the works of art listed in Exhibits A or A–1 to the Hirshhorn Foundation, and all works of art thus transferred shall remain subject to this agreement as if originally listed in Exhibits B or B–1 instead of Exhibits A or A–1 hereto; and (b) the Donor and the Hirshhorn Foundation may loan or sell (for such consideration as the Donor or the Hirshhorn Foundation, as the case may be, shall in his or its sole discretion deem appropriate) any of the works of art listed respectively in Exhibits A, A–1, B and B–1 hereto and may also exchange the same for other works of art. No loan of such works of art shall be made for a period in excess of 180 days. The Donor and the Hirshhorn Foundation respectively may invest and reinvest the net proceeds arising from any such sale of his or its works of art by acquiring additional works of art and/or purchasing obligations of the United States Government. All works of art so acquired by purchase or exchange shall become subject to the terms of this Agreement as if originally listed in Exhibits A, A–1, B or B–1 in the place and stead of the works of art sold or exchanged as aforesaid. After title to the collections of works of art shall pass to and be vested in the Institution, any obligations of the United States Government acquired as aforesaid and the balance, if any, of net proceeds not used for the acquisition of works of art or obligations of the United States Government shall be transferred and paid over to the Institution to be used solely for the purpose of acquiring works of art for the Joseph H. Hirshhorn Museum and Sculpture Garden, and pending such use, such funds and obligations shall be administered as provided in Paragraph Fifth hereof. Any insurance proceeds realized under policies carried by the Donor and the Hirshhorn Foundation in accordance with the provisions of Paragraph Fourth hereof shall be treated in the same manner as net proceeds arising from the sale of the works of art of the Donor and the Hirshhorn Foundation as provided in this Paragraph Eighth.

Ninth. In the event that legislation containing provisions substantially as set forth in Paragraph Second hereof is not duly enacted by the Congress of the United States and duly approved by the President no later than ten (10) days after the close of the 90th Congress, or in the event that said Museum and Sculpture Garden shall not have been constructed and completed as provided in Paragraph Third hereof within five years after such legislation shall have been enacted and approved, this Agreement shall be null and void and the proposed gifts by the Donor and the Hirshhorn Foundation shall not be consummated.

Tenth. This Agreement shall be binding upon the heirs, executors and administrators of the Donor.

IN WITNESS WHEREOF, Joseph H. Hirshhorn has caused this Agreement to be executed by his hand and seal; The Smithsonian Institution, pursuant to a resolution duly adopted by its Board of Regents, has caused this Agreement to be signed and its official seal to be hereunto affixed by its Secretary; and The Joesph H. Hirshhorn Foundation, Inc., pursuant to a resolution duly adopted by its Board of Directors, has caused this Agreement to be signed and its official seal to be hereunto affixed by its Secretary, all as of the day and year first above written.

THE SMITHSONIAN INSTITUTION,
JOSEPH H. HIRSHHORN.
By S. DILLON RIPLEY,
Secretary.
THE JOSEPH HIRSHHORN
FOUNDATION, INC.
By SAM HARRIS,
Secretary.

EXHIBIT 2

PUBLIC LAW 89-788, 89TH CONGRESS, S. 3389, Nov. 7. 1966

An act to provide for the establishment of the Joseph H. Hirshhorn Museum and Sculpture Garden, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. (a) The area bounded by Seventh Street, Independence Avenue, Ninth Street, and Jefferson Drive, in the District of Columbia, is hereby appropriated to the Smithsonian Institution as the permanent site of a museum and the area bounded by Seventh Street, Jefferson Drive, Ninth Street, and Madison Drive, in the District of Columbia is hereby made available to the Smithsonian Institution as the permanent site of a sculpture garden, both areas to be used for the exhibition of works of art.

(b) The Board of Regents of the Smithsonian Institution is authorized to remove any existing structure, to prepare architectural and engineering designs, plans, and specifications, and to construct a suitable museum within said area lying south of Jefferson Drive and to provide a sculpture garden for the use of the Smithsonian Institution within the areas designated in section 1(a) of this Act.

SEC. 2. (a) The museum and sculpture garden provided for by this Act shall be designated and known in perpetuity as the Joseph H. Hirshhorn Museum and Sculpture Garden, and shall be a free public museum and sculpture garden under the administration of the Board of Regents of the Smithsonian Institution. In administering the sculpture garden the Board shall cooperate with the Secretary of Interior so that the development and use of the Garden is consistent with the open-space concept of the Mall, for which the Secretary of Interior is responsible, and with related development regarding underground garages and street development.

(b) The faith of the United States is pledged that the United States shall provide such funds as may be necessary for the upkeep, operation, and administration of the Joseph H. Hirshhorn Museum and Sculpture Garden.

(c) The Joseph H. Hirshhorn Museum and Sculpture Garden shall be the permanent home of the collections of art of Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation, and shall be used for the storage, exhibition, and study of works of art, and for the administration of the affairs of the Joseph H. Hirshhorn Museum and Sculpture Garden.

SEC. 3. (a) There is established in the Smithsonian Institution a Board of Trustees to be known as the Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden, which shall provide advice and assistance to the Board of Regents of the Smithsonian Institution on all matters relating to the administration, operation, maintenance, and preservation of the Joseph H. Hirshhorn Museum and Sculpture Garden; and which shall have the sole authority (i) to purchase or otherwise acquire (whether by gift, exchange, or other means) works of art for the Joseph H. Hirshhorn Museum and Sculpture Garden, (ii) to loan, exchange, sell, or otherwise dispose of said works of art, and (iii) to determine policy as to the method of display of the works of art contained in said museum and sculpture garden.

(b) The Board of Trustees shall be composed of the Chief Justice of the United States and the Secretary of the Smithsonian Institution, who shall serve as ex officio members, and eight general members to be appointed as follows: Four of the general members first taking office shall be appointed by the President of the United States from among nominations submitted by Joseph H. Hirshhorn and four shall be appointed by the President from among nominations submitted by the Board of Regents of the Smithsonian Institution. The general members so appointed by the President shall have terms expiring one each on July 1, 1968, 1969, 1970, 1971, 1972, 1973, 1974, and 1975, as designated by the President. Successor general members (who may be elected from among members whose terms have expired) shall serve for a term of six years, except that a successor chosen to fill a vacancy occurring prior to the expiration of the term of office of his predecessor shall be chosen only for the remainder of such term. Vacancies occurring among general members of the Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be filled by a vote of not less than four-fifths of the then acting members of the Board of Trustees.

SEC. 4. The Board of Regents of the Smithsonian Institution may appoint and fix the compensation and duties of a director and, subject to his supervision, an administrator and two curators of the Joseph H. Hirshhorn Museum and Sculpture Garden, none of whose appointment, compensation, or duties shall be subject to the civil service laws or the Classification Act of 1949, as amended. The Board of Regents may employ such other officers and employees as may be necessary for the efficient administration, operation, and maintenance of the Joseph H. Hirshhorn Museum and Sculpture Garden.

SEC. 5. There is authorized to be appropriated not to exceed $15,000,000 for the planning and construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, and such additional sums as may be necessary for the maintenance and operation of such museum and sculpture garden.

EXHIBIT 3

CHANGES IN AGREEMENT BETWEEN HIRSHHORN AND THE SMITHSONIAN

JUNE 6, 1968.

The SMITHSONIAN INSTITUTION,
Washington, D.C.

GENTLEMEN: In our Agreement of May 17, 1966, we have made gifts to The Smithsonian Institution which are to be consummated upon conditions, certain of which have not been fulfilled. We appreciate that prevailing circumstances make difficult the timely fulfillment of all such conditions. We desire to cooperate in effecting the purposes of our Agreement consistent with the exigencies of the nation.

To this end, we hereby waive noncompliance with Subparagraph A.(9) and Paragraph B. of Article Second and with Article Ninth of our Agreement of May 17, 1966, on and subject to the following conditions:

1. That the Congress of the United States shall have enacted, and the President of the United States shall have approved, no later than ten days after the close of the 90th Congress, legislation appropriating not less than Two Million Dollars ($2,000,000) for planning and constructing the Joseph H. Hirshhorn Museum and Sculpture Garden.

2. That the Congress of the United States shall have enacted, and the President of the United States shall have approved, no later than ten days after the close of the first session of the 91st Congress, legislation appropriating, for the construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, such sums as shall, together with all sums previously appropriated for said purpose, equal Fifteen Million Dollars ($15,000,000), and such additional sums, as provided in our Agreement of May 17, 1966, as may be necessary for the maintenance and operation of the Joseph H. Hirshhorn Museum and Sculpture Garden.

3. That by December 31, 1972, the Joseph H. Hirshhorn Museum and Sculpture Garden shall have been constructed and completed in accordance with the terms of Article Third of said Agreement.

In the event that any of these conditions are not met, the waiver contained herein shall be null and void and our gifts shall not be consummated. No terms or conditions of our Agreement of May 17, 1966, shall be deemed to be waived except as expressly herein provided. This waiver shall be binding upon the heirs, executors, and administrators of Joseph H. Hirshhorn.

If the Smithsonian Institution is agreeable to proceeding under our Agreement of May 17, 1966, as modified by this waiver, please so indicate in the space provided below.

Very truly yours,
JOSEPH H. HIRSHHORN [L.S.].
THE JOSEPH H. HIRSHHORN
FOUNDATION, INC.,
By SAM HARRIS, *Secretary.*

Agreed:
THE SMITHSONIAN INSTITUTION,
By S. DILLON RIPLEY, *Secretary.*

JOSEPH H. HIRSHHORN,
New York, N.Y., March 23, 1970.

Hon. S. DILLON RIPLEY,
Secretary, The Smithsonian Institution,
Washington, D.C.

DEAR MR. SECRETARY: We refer to your letter of March 9, 1970, in which you requested on behalf of The Smithsonian Institution, that the Agreement between it, Joseph H. Hirshhorn and The Joseph H. Hirshhorn Foundation, Inc., dated May 17, 1966, be modified so as to permit the $1,000,000 cash gift which was to be used as an art acquisition fund to be used instead, to the extent necessary, to meet costs of completing the building.

The proposal as set forth in your letter of March 9, 1970, is acceptable to the undersigned; and the above-mentioned Agreement of May 17, 1966, shall be deemed amended accordingly.

Under the agreed amendment to the basic Agreement of May 17, 1966, the Joseph H. Hirshhorn Museum and Sculpture Garden will no longer begin its operations with an art acquisition fund of $1,000,000. The purpose of that fund was to augment the collection as described in the inventory of works of art which was set forth in the Agreement of

May 17, 1966. It is our hope that this purpose may be served by the contribution of additional works of art and to that end we wish to inform you of our intention to transfer to the Joseph H. Hirshhorn Museum and Sculpture Garden, upon its construction and completion, additional works of art having a total value of approximately $1,000,000.

We appreciate that the Institution has been doing its utmost to meet the letter and spirit of our Agreement and we are pleased to cooperate in a kindred manner to bring the project to fruition.

Sincerely yours,

JOSEPH H. HIRSHHORN,
SAM HARRIS, *Secretary*.

EXHIBIT 4

WATCH ON WASHINGTON

(By Clark Mollenhoff)

WASHINGTON, D.C.—Lyndon B. Johnson made the decision that Joe Hirshhorn was a proper person to be memoralized on the Washington Mall with a $15,000,000 monument—the Joseph H. Hirshhorn Museum and Sculpture Gardens.

S. Dillon Ripley, secretary to the Smithsonian Institution, told of the Johnson role recently in explaining why he did not know of Hirshhorn's two convictions for foreign exchange violations. He said he made no inquiry into Hirshhorn's background because he considered it "none of my business" once the White House had made the decision.

The issue of Hirshhorn's convictions and background as an international stock manipulator has been raised before the House subcommittee on library and memorials. It is now getting serious attention from Chairman Frank Thompson (Dem., N.J.) and Representative Fred Schwengel (Rep., Ia.)

A House committee was told earlier this year that Hirshhorn was convicted twice of violating the foreign exchange laws of Canada. Also, he has been involved in investigations both in Canada and New York State concerning gold and uranium mine stock-selling.

Ripley will concede now there may be some reason to question whether Hirshhorn is deserving a place of honor on the Mall with Washington and Lincoln, but he feels the decision has been made. The contracts have been awarded, and bulldozers and men are at work on the monument.

Also, the Smithsonian has spent about a million dollars in preparing some of the Hirshhorn art for an exhibit.

Ripley, eager to get the Hirshhorn art and sculpture for the Smithsonian, admits he was a willing and enthusiastic participant in anything that President Johnson or the White House staff suggested.

"The orders came from the White House," Ripley said. "I knew nothing of Hirshhorn's background and considered it none of my business. We did what the President asked."

Ripley said he only knew it was "a fantastic deal" to get the multi-million-dollar Hirshhorn collection as a gift. Hirshhorn himself is reputed to have a fortune of $150 million.

Ripley explains the Hirshhorn project was handled personally by President Johnson with a slight assist from Abe Fortas, a friend of Hirshhorn. Ripley says President Johnson asked Fortas if the Hirshhorn collection was really worth the demands that Hirshhorn was making on the government to acquire it. "Fortas agreed it was a fantastic collection," Ripley said. "It was indeed worth every dime the taxpayers would spend."

The House subcommittee is finding out it was also "a fantastic deal" for Joe Hirshhorn. Ripley said Hirshhorn paid only about $4 or $5 million for the art, but he will receive the following benefits:

1. A monument on the Mall characterized as "the most expensive federally financed memorial ever built." It will be one of the three major points of interest along with the Lincoln Memorial and the Washington Monument.

2. The tax benefits of a gift that Ripley says will be between $40 and $50 million. Only Hirshhorn and his tax lawyers can say what that bonanza will be worth.

3. Government paid upkeep for his collection, and pay his staff, to the tune of about 2 million a year in perpetuity.

Chairman Thompson says now there was negligence in Congress in 1966 in failing to make a deeper study when it was approved. Hirshhorn was not questioned, and the Public Works Committee did not go beyond the enthusiastic gushing of Dillon Ripley who was doing just what the White House wanted.

Senator John Sherman Cooper (Rep., Ky.) did raise some questions in the Senate Public Works Committee. He complained that Congress was not legislating on the Hirshhorn museum, but seemed to be simply approving a deal agreed upon between Hirshhorn and the Johnson administration.

Senator Barry Goldwater (Rep., Ariz.) is another who is distressed at the Hirshhorn museum. He questions how the Hirshhorn museum got precedence over the Air and Space Museum that was approved in the mid-1940s, but had been held up in the 1960s because of the cost of the Vietnam War.

If war costs made it impossible to construct a universally-approved Air and Space Museum, Goldwater asks, how is it possible for the Johnson administration to find money for a monument to someone who is not so universally approved?

Certainly Joe Hirshhorn should be called before the House subcommittee to give an accounting under oath of his background.

Also, Secretary Ripley should be questioned in detail about some questions of "conflicts of interest" that have been raised because Gordon Bunshaft, a member of the Washington Fine Arts Commission, was awarded the contract to design the Joseph H. Hirshhorn Museum and Sculpture Garden. The Washington Fine Arts Commission had to approve the design and approve the new modernistic structure that has been the subject of much critical comment.

It has been pointed out that pending further explanation there is at least some question as to whether Joe Hirshhorn's life would be universally saluted as one of those "sages and heroes" who were to be honored on the Mall so the youth of the nation might find inspiration and example to guide them.

EXHIBIT 5

WANT NAME OF HIRSHHORN OFF MUSEUM

(By Clark Mollenhoff)

WASHINGTON, D.C.—New impetus was developing Friday to remove the name of Joseph H. Hirshhorn from the $15 million museum and sculpture garden being constructed on the Washington Mall.

The House subcommittee on library and memorials, headed by Representative Frank Thompson (Dem., N.J.), has written a still-secret report that is highly critical of the manner in which President Lyndon Johnson and S. Dillon Ripley, secretary of the Smithsonian Institution, pushed the project through Congress in 1966.

The report said that the question still remains "whether Joseph H. Hirshhorn was worthy of being memorialized on the Mall of the nation's capital in a position of prominence perhaps equal to the memorials of George Washington and Abraham Lincoln."

It points out that there has been testimony that Hirshhorn, a wealthy international spectator and art collector, "had been arrested twice during World War II for violations of Canada's foreign exchange laws and had come close to being indicted in New York for attempted stock fraud in 1950." He was convicted on the two Canadian charges.

Chairman Thompson and Representative Fred Schwengel (Rep., Ia.) have been among those who have raised the question of whether the Hirshhorn museum was properly authorized, and whether Hirshhorn was a proper person to have been memorialized.

The still-secret report questions the whole manner in which the Hirshhorn project was handled so that it bypassed the subcommittee on memorials that would have had the responsibility of a most careful study into the background of anyone who was to be memorialized.

It was passed over to a subcommittee of the House Public Works Committee, headed by Representative Kenneth Gray (Dem., Ill.) and was given only the most superficial hearings before that committee because Gray believed that the Smithsonian had already taken the proper steps to assure that Hirshhorn was a proper person to be memorialized.

WANT HEARINGS

Although the subcommittee on library and memorials recognized that the "generosity" of Hirshhorn would greatly enhance the nation's collection of art, it questioned whether he should be honored with his name on the third of the three axes of the Mall.

The report stated that there are now two axes extending from the Mall, and each has a special significance. "The first extends from the Washington Monument to the White House, symbolically linking the first President of the United States to the present one," the report said.

"The second axis extends from the Washington Monument to the Lincoln Memorial—thus from the traditional father of the nation to its 'saviour' ruling [during] the Civil War," the report said.

The third axis is not complete, the report said but added: "Now, without fanfare and the careful consideration such a project traditionally receives, the axis is formed with the Joseph H. Hirshhorn Museum as the structure opposite the Archives Building . . ."

The House subcommittee indicated an interest in more hearings, presumably with Hirshhorn as a witness under oath, to explore his background. The report said that "in the absence of more information about Mr. Hirshhorn and the significance of the third axis," no final decision can be made.

Representative Phil Crane (Rep., Ill.) a member of the House subcommittee, said Thursday, that he believed that it will be essential to call Hirshhorn because "of the testimony given against him. It would seem to me to be the least we could do, and if we don't get better answers, we should consider eliminating his name," Crane said.

SHARE BLAME

The subcommittee report states that the blame must be shared by President Johnson, the Smithsonian's Ripley and by the Congress itself.

The report reviews the manner in which Mr. Johnson pushed for the approval, but does not make mention of the fact that former Supreme Court Justice Abe Fortas, a friend of Hirshhorn, was one of those who sold President and Mrs. Johnson on acceptance of the gift under the conditions set down by Hirshhorn.

Ripley has defended the procedure of going directly to the Public Works Committee of the House on grounds that the Hirshhorn museum was not a "memorial" to Hirshhorn requiring the approval through the House subcommittee on memorials. The House subcommittee report rejected the Smithsonian's reasoning that it is not a "memorial" and went into some detailed explanation of why it was in fact comparable to the Washington Monument and the Lincoln Memorial in the manner in which it is placed on the Mall.

Ripley had told the Register earlier that the cost of the art work in the Hirshhorn collection was probably about $4 to $5 million, but that Hirshhorn could have reason to believe it will be valued at $40 to $50 million as a gift to the government.

The House subcommittee report is critical of the agreement that put Hirshhorn in the position of bargaining for a memorial. The gift of art was to be made only if the Smithsonian agreed to these conditions:

That it would be housed in a building on the Mall.

That the museum would be named in perpetuity the Joseph H. Hirshhorn Museum and Sculpture Gardens.

That Congress would approve legislation to appropriate $15 million to construct a museum building and pledge to maintain the building (at a cost of about $2 million a year) in perpetuity.

In addition, Hirshhorn is given the authority to nominate persons to fill at least half of the positions on the board of trustees, and he and the secretary of the Smithsonian were authorized to jointly select both the architect and the director of the museum.

The report states that the subcommittee should have been "more diligent," and explains that the subcommittee headed by Gray did not understand its full responsibility.

"The legislation was written as if the Joseph H. Hirshhorn Museum and Sculpture Garden had already been established and the Smithsonian was merely seeking appropriations to construct a museum building for it," according to the report.

"The effect of this action was to severely limit public and congressional inquiry into the wisdom of accepting Hirshhorn's gift under the conditions he demanded," he said.

The House report said that "the hearings (en the museum) were a one-sided affair with the Smithsonian and the President providing all the 'expert' information about the Hirshhorn collection."

The only objection noted in the record was a letter to Mrs. Lyndon B. Johnson, from Sherman Lee, director of the Cleveland Museum of Modern Art. In his letter, Dr. Lee praised the collection, but warned about accepting it under the conditions Hirshhorn had stipulated because of the "disadvantage to the U.S. government and the unnecessary burden on the American taxpayers."

The report said Lee had argued against naming the museum after Hirshhorn because it would tend to discourage other contributions of art.

The report stated that rising building costs, the war in Vietnam, and other complications prevented construction on the Hirshhorn museum from getting underway until Mar. 23, 1970.

"During the intervening time, disturbing questions concerning the Hirshhorn gift, and about Hirshhorn himself began to surface, first through the inquiries of private citizens and finally in the press," it said.

"The principle of not imposing expenses on taxpayers without careful examination of all the facts by their elected representatives should have been more carefully followed," the report said. "The subcommittee recommends that no federally financed structure be named for any individuals without public disclosure of the person's background and character before final action is taken."

The subcommittee noted there are many reasons for memorials including valor in war, statesmanship, good deeds, and other acts, including generosity," but concluded:

". . . Never should a memorial be negotiated at federal expense as a prior condition to the act for which the memorial is intended."

When the report is released in a week or two, it is expected that there will be requests for Hirshhorn to appear and testify as to his background. Committee members have accepted the fact that they do not now have possession of the art, and that this effort to question him may result in Hirshhorn simply abandoning the agreement.

Exhibit 6

Schwengel Seeks Building Halt to Hirshhorn Museum

Washington, D.C.—Representative Fred Schwengel (Rep., Ia.) introduced legislation Tuesday to stop construction of the Hirshhorn Museum and Memorial Garden on the Mall between the Capitol and the Washington Monument.

The Iowa Republican was joined by Representative Frank Thompson (Dem., N.J.) in pushing to stop construction on the $15-million monument to Joseph Hirshhorn, who has given a large collection of modern art and sculpture to the Smithsonian Institution.

Schwengel said that he and Thompson, both members of a House subcommittee on memorials, are going "to stop construction until we can get some more answers to a lot of questions."

Schwengel said that this will include the questioning of Hirshhorn about his background, including complaints that he has been twice convicted in Canada on charges involving violation of the foreign exchange laws. Also, Schwengel said he will question Hirshhorn about reports on his involvement in a uranium stock manipulation in the early 1950s.

The Iowa Republican declared that the questions were not asked before the House passed legislation in 1966 to approve the Hirshhorn museum and sculpture garden.

The $15-million monument, promoted by former Supreme Court Justice Abe Fortas and pushed through by former President Lyndon Johnson, was to be one of three major monuments on the Mall the others are to President Washington and President Lincoln. Hirshhorn is a friend of Fortas.

Construction on the project has been under way for nearly a year, but Schwengel and Thompson hope to be able to stop construction and perhaps change the location of the museum and sculpture gardens.

The art and sculpture work initially had cost Hirshhorn about $4 or $5 million, but Smithsonian officials said that he would get a tax writeoff of about $40 to $50 million for the present value of the art works.

Schwengel said he and Thompson now are backed by a committee report in their efforts to get the construction stopped, and they will then leave it up to the board of regents and Smithsonian officials to work out some new agreement for a suitable location that is not on the Mall.

Exhibit 7

Ask Hirshhorn Plan Change

Washington, D.C.—The chairman of the House library and memorials subcommittee pushed legislation Thursday that could upset the whole plan for the $15 million memorial to Joseph H. Hirshhorn.

The legislation introduced by Chairman Frank Thompson, Jr., (Dem. N.J.), with the backing of four other subcommittee members would forbid construction of the Hirshhorn sculpture garden on the capital mall.

Smithsonian Institution Secretary J. Dillion Ripley has written to Thompson stating that he can stop work immediately on the sculpture garden, but that the garden is "an integral part" of the Hirshhorn memorial.

Representative Fred Schwengel (Rep., Ia.) and Thompson have joined together to oppose the Hirshhorn project unless they can get a full hearing on Hirshhorn, who has been in the subject of a critical report by the House subcommittee.

The House Public Works Committee has heard testimony that Hirshhorn was twice convicted in Canada on charges involving illegal money exchange, and was a key figure in international stock manipulation in the early 1950s.

Thompson said that Hirshhorn gave art and sculpture worth several million dollars to the government with the provision that his name was to be enshrined on the mall. Construction already has started on the project.

By Mr. EASTLAND:

S.J. Res. 46. Joint resolution to provide for a Columbus Day Committee. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S.J. Res. 47. Joint resolution to establish a temporary commission to study the relationship between drug addiction and crime and make recommendations for the control of such addiction. Referred to the Committee on Labor and Public Welfare.

Mr. MONDALE. Mr. President, I recently introduced legislation to bring down an international quarantine to stop the growth and processing of opium abroad.

This quarantine is one essential step to fight the vicious epidemic of drug addiction.

But that epidemic is already raging in this country, and taking its toll from each of us.

There are as many as a half million "hard drug" addicts in the United States. Their addiction is costing our society as much as $8 billion a year.

We can no more tolerate the horror of drug-related crime here at home than we can tolerate rampant heroin traffic coming into America from foreign countries.

Today, I am introducing legislation in the Senate—and Congressman Charles Rangel is introducing the same bill in the House—to reveal the nature and magnitude of crime brought on by drugs, and to tell us how to stop that crime.

The administration and the Congress have taken measures to combat domestic drug abuse. Over the past 3 years we have spent a half billion dollars on sorely needed treatment. We will spend hundreds of millions more in the next 3 years for medical facilities, education, and research. We have established stricter controls over drugs and harsher penalties for some narcotics offenses.

Yet drug addiction spreads relentlessly:

The number of new drug addicts nationwide doubled between 1968 and 1969. The total number now may be as high as a half million, and it grows by thousands every year.

In the last decade the increase in new addicts was 668 percent in Connecticut, 1,600 percent in Florida, 982 percent in Louisiana, 425 percent in Michigan, and 559 percent in Virginia.

From 1965 to 1969, there were 3,000 drug deaths in the United States, a tenfold increase over the 1960–65 period.

Every day in New York three people die because of drug addiction. In the last decade, less men from New York State died in Vietnam than those killed from narcotics in New York City alone. Heroin is now the greatest single cause of death for 18- to 35-year-olds in New York.

All this is terrible enough, with the anguish it brings to the addicts and their families.

But that suffering becomes the torment of the whole Nation when the addict is driven to crime.

The gathering evidence that drugs breed crime is appalling:

A Washington, D.C., study shows that 70 percent of those charged with armed robbery and 66 percent of those charged with murder are drug addicts.

A New York study shows that 70 percent of the inmates in the city's jail were heroin addicts who committed crimes directly or indirectly connected with their addiction.

A superior court judge in the District of Columbia has stated:

> Excluding family-related offenses . . . it is my experience that a minimum of 75 to 85% of the persons appearing before me for arraignment in criminal matters are users of narcotics.

We cannot measure the cost of this crime in human suffering and fear. There are initial estimates, however, of what drug-related crime is costing our economy:

On the basis of data gathered in New York and Washington on drug-inspired crime, it is estimated that addiction costs us $8 billion a year in theft, criminal justice proceedings, and related expenses.

Even if that $8 billion is reduced by half, drug-related crime would still cost us each year seven times what we now spend to fight air and water pollution, nearly four times our budget for health research, almost twice our investment in elementary and secondary education.

Drugs take hundreds of millions more from New York City each year than its citizens receive in welfare payments from all sources.

We are in a crisis. We must ask ourselves if we are facing the most critical questions and choices.

For example, recent legislation has provided a commission—which the President has now appointed—to report in a year on the problem of marihuana and within 2 years on "the causes of drug abuse and their relative significance."

There can be no doubt that the complex subject of marihuana requires special study.

But how relevant is one more report on the causes of drug addiction?

What we need to know—and we need it desperately—is how to control addiction and the crime it causes.

The sad truth is that we already know the underlying causes of addiction. Mountains of reports compiled by President Johnson's Crime Commission, the Kerner Commission, and the Violence Commission make these causes abundantly clear. If we do not know now, it is because we have failed to look and listen to what is happening in our midst.

Our crisis was ignited by poverty, bigotry, despair—by schools that mutilate a child's mind and spirit, by perverted priorities that elevate gadgets over human beings.

It is the disgrace of this generation that we have let it all go on.

The cure for those deeper causes of drug addiction is not in sight. The drug-crime crisis will not wait. Its victims should not have to wait 2 years for their government to deal with the problem directly.

New York City—losing $1.5 billion to drug-related crime every year—cannot wait.

Washington, D.C.—with more than 16,000 addicts—cannot wait.

Minnesota—with a fivefold increase in narcotics arrests—cannot wait.

Thousands of parents—whose children will become addict-criminals over the next 2 years—cannot wait.

Millions of ordinary citizens—who will pay in injury, fear, and money over the next 2 years—cannot wait.

The legislation I am proposing today would establish a Commission whose sole, specific and urgent task would be to draw together all we know to stop drug-related crime.

Made up of physicians, those experienced in law enforcement and criminal justice, and other experts, this Commission would work for 1 year:

First, to identify exactly what kind of drug addiction leads to crime, including the prospective impact of chemical synthetic drugs which could be the next great wave of addiction.

Second, to reveal the nature and extent of that crime throughout the country.

Third, and most important, to recommend a nationwide program to control that addiction and thus the crime that results from it.

It should be clearly understood that the ultimate purpose of this Commission is to reduce substantially the crime committed by addicts. Toward this goal, every legitimate method consistent with constitutional rights must be explored.

If the Commission's answer is a Government-run drug maintenance program, so be it. Such a recommendation would not necessarily eliminate drug addiction. But it could eliminate the need to steal in support of a $75 a day habit.

And a reduction in crime caused by addicts desperately trying to support their habit would inevitably make our streets and homes safer.

I would much prefer a society where there were no causes for drug addiction and where there were no drug addicts.

But to wait until such a society is a reality will do nothing for the drug addict; and it will do nothing for the innocent victims of his addiction.

In a very real sense, then, the need for this kind of Commission is an admission of our overwhelming failure.

We have failed to eradicate the shameful conditions in our society which breed drug addiction. No Commission is required to remind us of that haunting fact.

But if we do not yet have the national purpose and decency to eliminate poverty and despair, the very least we can do is contain and control the widespread crime caused by drug abuse.

If we cannot save the addict from the agony of drug dependence, we can at least do something about the agony he causes others in his community.

This is not a Commission, then, to produce still another disregarded blueprint for eliminating slums and wretched living conditions.

But for those in our urban ghettos—who bear the greatest burden of drug-related crime, in addition to everything else—this Commission would offer a realistic hope for lifting at least that burden.

And it would offer the same promise to the increasing number of victims of drug-related crime who live outside the ghetto.

I realize the difficulty of this task. Scientific evidence on the effectiveness of various programs to counter addiction—such as maintenance of addicts through methadone or other synthetic narcotics—is incomplete or disputed.

What works in one place may not be relevant to another. There are hopeful signs that a methadone program, for example, could be reducing drug-related crime in the District of Columbia. We do not know if it will also succeed in other cities.

And though a free narcotics maintenance program is apparently failing in Great Britain, we should ask why it failed and how it might have been effective.

Particularly, study must be given to the potential problems of chemical synthetic drugs. Such drugs are increasingly prevalent, and may lend themselves to the same spiral of addiction and crime as heroin. It would be a gruesome irony to win a fight against opium, only to find that the addict had turned to a chemical substitute just as deadly, but which we were unprepared to control.

We have few authoritative judgments on how to stop this disaster. But it is within our ability to come up with the answers.

One thing is clear. Unless we move faster and more firmly than we have—unless we mobilize our resources to treat this crisis for the peril it is—the drug-crime epidemic is going to engulf America.

We can leave no avenue unexplored, no solution untried, no political or scientific controversy unopened.

In New York's Harlem, which has known the horrors of drugs and crime longer and deeper than the rest of the country, deadly heroin is called "the horse."

The rest of the Nation is now learning what Harlem and other ghettos have long known—that "the horse" and the crime it carries can desolate a community—and that the way to reduce crime is to control addiction.

That lesson must now become the basis of an effective national policy.

Mr. President, I ask unanimous consent that the full text of the Joint Resolution be inserted at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 47

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Crime and Drug Commission Resolution."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of drug related

crime is drastically increasing and is a major concern of the American people; and

(2) that the underlying causes of the drug addiction leading to crime, such as poverty and racism, have been clearly documented by past studies and commissions; and

(3) that the determination of the most effective methods for controlling and treating such addiction deserves the highest priority.

(b) It is the purpose of this joint resolution to establish a national commission—

(1) to determine the type or types of drug addiction which cause crime, including the potential impact on the crime rate of synthetic drugs; and

(2) to make specific recommendations for the control and treatment of such addiction.

ESTABLISHMENT OF COMMISSION

Sec. 3. There is hereby established a commission to be known as the National Commission on Crime and Drugs, hereinafter referred to as the "Commission."

Sec. 4. (a) The Commission shall be composed of twelve members appointed without regard to political affiliation. Members shall be apopinted from among persons especially qualified to serve on such Commission by virtue of their education, training and experience. The members shall be appointed as follows:

(1) Four members by the President;

(2) Four members of the Majority Leader of the Senate; and

(3) Four members by the Speaker of the House of Representatives.

(b) The President shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman.

(c) Seven members of the Commission shall constitute a quorum.

FUNCTIONS

Sec. 5. (a) The Commission shall conduct a comprehensive study and investigation of—

(1) the relationship between drug addiction and crime, specifying as precisely as possible the present and potential impact of various types of drug addiction on the crime rate; and

(2) the methods of treating and controlling such addiction, including, without limitation, methadone and other drug maintenance and withdrawal programs.

(b) The Commission shall transmit to the President and to the Congress a final report not later than 1 year after the date of enactment of this Act. Such report shall contain a detailed statement of the findings and conclusions of the Commission together with such recommendations for legislation as it deems appropriate.

POWERS OF THE COMMISSION

Sec. 6. (a) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 57 and subchapter III of chapter 53 of such title, relating to the classification and General Schedule pay rates.

(b) The Commission may procure temporary or intermitten services of experts and consultants to the same extent as is authorized for the departments by section 3109 of title 5, United States Code, but at rates not to exceed $75 per day for individuals.

(c) The Commission is authorized to negotiate and enter into contracts with private business and nonprofit research organizations, including educational institutions, to conduct such studies and to prepare such reports as the Commission feels necessary in order to discharge its duties.

(d) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) may be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services; except that the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46d) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665 (g)) shall apply to appropriations of the Commission and that the Commission shall not be required to prescribe such regulations.

(e) The Commission, or any member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings and sit and act at such times and places and take such testimony, as the Commission or such member may deem advisable.

(f) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this joint resolution; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(g) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. The Commission, or any members of the Commission or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing.

(h) In case of contumacy or refusal to obey a subpena issued to any person under subsection (g), any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(i) Process and papers of the Commission, its members, agent, or agency, may be served either upon the witness in person or by registered mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(j) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture (except demotion or removal from office) for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(k) All process of any court to which application may be made under this Act may be served in the judicial district wherein the person required to be served resides or may be found.

COMPENSATION OF COMMISSION MEMBERS

Sec. 7. (a) Members of the Commission who are officers or employees of the Federal Government shall serve as members of the Commission without compensation in addition to that received in their regular public employment. Members of the Commission from private life shall each receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission.

(b) All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

Sec. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution.

TERMINATION OF COMMISSION

Sec. 9. The Commission shall cease to exist thirty days after submitting its final report, as required by this joint resolution.

ADDITIONAL COSPONSORS OF BILLS

S. 346

At the request of the Senator from Kansas (Mr. Pearson), the Senator from Arizona (Mr. Fannin) was added as a cosponsor of S. 346, the rural job development bill.

S. 350

At the request of the Senator from Kansas (Mr. Dole), on behalf of the Senator from Oregon (Mr. Hatfield), the Senator from South Carolina (Mr. Hollings), the Senator from Idaho (Mr. Jordan), the Senator from North Dakota (Mr. Young), the Senator from New Mexico (Mr. Montoya), the Senator from Hawaii (Mr. Fong), the Senator from Utah (Mr. Bennett), and the Senator from Florida (Mr. Gurney) were added as cosponsors of S. 350, the American Forestry Act.

S. 426

At the request of the Senator from West Virginia (Mr. Byrd), on behalf of the Senator from West Virginia (Mr. Randolph), the Senator from Wisconsin (Mr. Nelson) was added as a cosponsor of S. 426, the Radiation Health and Safety Act of 1971.

S. 683

Mr. MONDALE. Mr. President, on February 9, 1971, I introduced for myself and

Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. KENNEDY, Mr. McGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. TUNNEY, S. 683, the Quality Integrated Education Act of 1971.

It has come to my attention that through a technical error Senator HART was inadvertently not listed as a cosponsor of this bill in the RECORD or on the bill as printed.

I regret that this mistake occurred and ask unanimous consent that on future printings of the bill Senator HART's name appear as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 732

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. GURNEY), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 732, to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes.

S. 742

At the request of the Senator from Kansas (Mr. PEARSON), the Senator from Nevada (Mr. CANNON) was added as cosponsor of S. 742, the Rural Community Development Bank Act of 1971.

ADDITIONAL COSPONSORS OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 10

On request of the Senator from Tennessee (Mr. BROCK), the Senator from Maryland (Mr. MATHIAS), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Delaware (Mr. ROTH), the Senator from Delaware (Mr. BOGGS), the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. PEARSON), the Senator from Idaho (Mr. JORDAN), the Senator from New Jersey (Mr. CASE), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. HANSEN), and the Senator from Nebraska (Mr. CURTIS) were added as cosponsors of Senate Joint Resolution 10 to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action."

SENATE CONCURRENT RESOLUTION 8—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE CONTROL OF INTERNATIONAL DRUG TRAFFIC

Mr. PACKWOOD. Mr. President, last year I introduced legislation, S. 4233, aimed at encouraging a major international effort to eradicate the illegal traffic in hard narcotics. Since that time I am pleased to note that several important changes have taken place which reflect some of the measures advocated in S. 4233.

First of all, the international control of drugs has become a priority objective of American foreign policy. President Nixon has announced that the elimination of all illegal drug traffic is now a prime goal of the administration.

Second, the United States has called upon the United Nations to create a U.N. voluntary fund to finance an emergency program to fight the abuse of drugs and has pledged an initial contribution of $2 million.

Third, in January of this year, a special Plenipotentiary Conference convened in Vienna to consider ways to secure an international agreement on the control of production and international traffic in psychotropic substances. Hopefully, this conference will help to bring the manufacture, distribution, trade and use of such substances as LSD, amphetamines, and barbiturates under international control, as now exists for narcotics and dangerous drugs.

Although there have been some signs of progress in the creation of programs to check international drug traffic, it appears that in the United States the gravity of the situation has deepened. In 1970, almost without exception, there was a continuing increase in drug arrests in every State throughout the land. In Oregon drug abuse skyrocketed. During the year 1969 there were 1,181 drug arrests statewide. In 1970 the number of arrests almost doubled. According to the Oregon State police, 2,099 persons were arrested on drug charges last year. At this point the end to this growing menace is nowhere in sight.

In a 1970 survey in the District of Columbia the heroin addict population was estimated at 10,400 people. In this year's survey the estimated number has grown to 16,800—an alarming increase of more than 60 percent.

In New York City, which now has an estimated heroin addict population of well over 100,000, at least 1,154 persons died last year as a result of drug addiction. Half of these deaths occurred among young people less than 23 years old, and five were only 14. According to medical authorities, heroin addiction is now the leading cause of death in New Yorkers between the ages of 15 and 35.

Drugs are hitting more Americans at a younger age than could ever have been envisioned only a few years ago. The FBI reports that among young people under 20 years of age arrests for heroin violations alone have risen 120 percent in the last 4 years.

As recently as 5 years ago drug use and drug addiction were considered problems of the slums, the degenerates, the underworld, the criminals. But is this true today? Not hardly. In everincreasing numbers our children are becoming exposed to illegal narcotics. As the usage grows, so, too, does the list of names of the sons and daughters of numerous public figures from Hollywood movie stars to prominent political officials. Along with these, of course, are the hundreds of other families in the United States whose lives have been marred by drugs. Certainly the social and personal losses are tremendous.

No country seems to have remained immune from the epidemic in drug abuse. Other nations seem to share the fate of the United States. The Soviet Union has a drug problem as does Canada, Bolivia, West Germany, Italy, Pakistan, South Africa, Australia, the Netherlands, Israel, Yemen, Kenya, Argentina, Sweden, Venezuela—the list of countries with narcotic problems seems endless.

Great Britain, with its long history of free heroin to drug addicts, and long considered a model for drug control, is faced with a spectacular rise in addiction, and is sharply reducing and perhaps abandoning the free heroin to addicts program.

In attempting to combat this terrible scourge which is infecting our world, it becomes apparent that a global approach is essential for the ultimate elimination of illicit and uncontrolled production of narcotics raw material. For this reason, I believe we must do more to increase the involvement of the United Nations in the war against illegal narcotics. As U.N. Secretary General Thant has stated:

> At a time when men and women and especially the young desperately need the full use of their faculties to cope with the complex problems of our society, it is the duty of this organization to take the lead in controlling and eliminating the blight of narcotic addiction through all available means.

The United Nations has a unique role to play in curbing drug abuse and trafficking. And it has a unique convention to assist in demanding the cooperation of member nations. The Convention on Narcotic Drugs of 1961 was described in a report to the Congress by the Senate Foreign Relations Committee on May 3, 1967, as follows:

> The 1961 single convention is the culmination of more than 55 years of effort and progress in the field of international narcotics control. It embodies the fundamental principles of control which have evolved during this time; namely, that the production and use of narcotic drugs should be restricted to medical and scientific purposes, that their manufacture and import should be limited to quantities necessary for such purposes, and that every step from the cultivation of the basic raw materials to the final retail distribution of the manufactured drug should be carefully regulated and supervised. Mutual obligations among states based on these principles have been undertaken in the past and are evidenced by a series of separate multilateral agreements. These various agreements bind states to establish national control agencies, to license persons and establishments engaged in handling narcotic drugs, to submit periodic reports to international agencies, to control exports and imports by authorizations, and do many other things. The single convention, however, for the first time, brought these obligations together in one instrument commanding wide acceptance among states and this is a fundamental reason for accession.

While this international convention outlines the methods which ought to be followed in the production, exportation, importation, storage, and packaging of narcotics, its strength lies in the cooperation of the signatory powers. The United States and 79 other nations have ratified this convention. But ratification is not enough. Urgent action must be taken to stem the tide of this rising international crisis. Samuel De Palma, Assistant Secretary of State for International Organization Affairs, stated in an address before the Rochester chapter of the United Nations Association on September 25, 1970:

> The U.N. Commission on Narcotic Drugs will meet in a special session called at the request of the United States. This is part of a major effort being made at the direction of the President to curb the illegal traffic in narcotic drugs and the disastrous spread of drug addiction. . . . This is a problem requiring urgent action on a worldwide basis; we cannot deal with it by ourselves. We shall, therefore urge changes in the Convention on Narcotic Drugs of 1961 to make MANDATORY certain provisions to curb and eventually to eliminate the production of opium and similar narcotic drugs. We shall urge that a major effort be made to train police and customs officials in all countries in order to suppress the growing illegal traffic closer to the source. We shall urge that programs be developed to improve the treatment of addicts. And, finally, we shall state our readiness to contribute toward the establishment of a special U.N. Fund to Fight Drug Abuse.

Mr. President, I realize that many of us are aware of the number of bills and resolutions which have been introduced concerning the drug problem. Certainly more constructive and effective action in this area is urgently needed. However, I think we must consider that we are dealing with a difficult and complex problem which cannot be resolved by quick and easy solutions. According to the U.S. Department of State, the overall problem of illegal narcotics is essentially made up of three separate problems: demand, supply, and illegal traffic. This translates into drug addiction, low income farming, and governmental administration problems. In short, the drug addict creates the demand. The supply generally comes from underdeveloped countries where small low income farmers using primitive farming practices become dependent on their lucrative opium crop as a major source of income. Illegal traffic arises when the government administration — particularly law enforcement—is outdated and inefficient and is too weak to control the problem.

In an attempt to combat the overall problem of illegal narcotics, a number of actions have been proposed which would require the suspension of U.S. economic and military assistance to countries which have not succeeded in preventing narcotic drugs from entering the United States unlawfully. However, upon close examination, I think it is clear that these measures would not help to eliminate the problems of addiction, low income farming and inefficient governmental administration. In fact, in many cases they would no doubt serve to hinder programs which have been designed to assist in improving governmental administration and modernizing agriculture. In addition, such measures would not affect those countries which are also involved in the drug problem, but receive no U.S. economic or military assistance.

Mr. President, rather than threatening the mandatory suspension of U.S. assistance, I believe that we should direct our efforts at developing a more positive and constructive approach whereby aid is directed to those countries which have demonstrated a willingness to cooperate with the United States and the United Nations in attempting to solve the problem of illegal narcotics. In this way we would not cut off assistance to countries which, though trying to cooperate, have been unsuccessful due to a lack of sufficient strength and capacity to exert effective controls. By maintaining friendly bilateral relations with those countries most directly involved in fighting the illegal production and trafficking of narcotics; I believe the United States will assist in creating an atmosphere in which cooperative efforts can be developed at the international level to help resolve the drug problem. Clearly, this is an international problem which will require international action to resolve.

In support of this expanded international effort, today I am submitting a concurrent resolution which expresses congressional support for strengthening the existing U.N. machinery to curb illegal production and illegal international traffic in narcotics and dangerous drugs.

In summary, the four-point resolution recommends that the President take the following steps:

One. The President should direct all U.S. representatives to international organizations to support the development, under U.N. auspices, of an effective multinational program aimed at the eradication of illicit trading of narcotics and dangerous drugs.

Second. The President should instruct our Representative to the United Nations to urge that body to amend the 1961 Single Convention on Narcotic Drugs in order to empower the U.N. to collect, investigate, and publish information relating to illegal traffic in narcotics.

Third. The President should direct the U.S. delegation to the U.N. Conference on Psychotropics, currently meeting in Vienna, to call for the preparation of a treaty providing international controls over synthetic and semisynthetic drugs—LSD, amphetamines, and barbiturates.

Fourth. The President should give favorable consideration, in allocating foreign aid to those countries which cooperate with the U.S. Government and the U.N. in efforts to suppress illicit international production of and traffic in narcotics.

Mr. President, I am hopeful that this concurrent resolution will receive prompt and favorable action by the Senate Foreign Relations Committee. I have been informed that this approach has already gained considerable support in the House of Representatives. The administration has indicated that it would be most useful during the course of discussions on the drug problem within the United Nations and with individual governments.

In conclusion, Mr. President, I believe that this resolution will demonstrate the concern of Congress, and through it, the desire of the American people to find a solution to the problem of illegal narcotics.

The PRESIDING OFFICER (Mr. Chiles). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 8), which reads as follows, was referred to the Committee on Foreign Relations:

S. Con. Res. 8

Whereas the elimination of illegal traffic in narcotics is deemed to be a high priority objective of the foreign policy of the United States to be pursued through United States participation in the United Nations Organization and in related international agencies; and

Whereas the Congress has approved an initial United States contribution of $2 million to the Special United Nations Fund to expand United Nations efforts in the field of narcotics: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) The President, in carrying out his responsibilities with respect to United States participation in international organizations and programs, should direct United States representatives to such organizations and programs to support the development, under United Nations auspices, of effective multilateral undertakings aimed at the eradication of illegal production and illegal international traffic of narcotics and dangerous drugs.

(2) The President should direct the permanent United States Representative to the United Nations to urge that Organization to give prompt consideration to strengthening, by amendment, the 1961 Single Convention on Narcotic Drugs. Such an amendment should empower the United Nations to collect, investigate, and publish information relating to illegal traffic of narcotics, and should be submitted promptly to member States of the United Nations for ratification.

(3) The President should further direct the United States Delegation to the United Nations Conference on Psychotropics, convened in Vienna in January 1971, to exert every effort in support of the preparation of a draft treaty on control of synthetic and semi-synthetic drugs, known as psychotropics, which treaty should be submitted as early as possible to the member States of the United Nations for ratification in accordance with their respective constitutional provisions.

(4) Prior to furnishing development and technical assistance to a country under titles I and II of chapter 2 of part I of the Foreign Assistance Act of 1961, the President should consider the contribution, if any, that country is making toward the achievement of the objectives of this concurrent resolution in determining if, as provided in sections 201 (d) (7) and 211 (a) (7) of that Act, such country is making progress toward achieving respect for the rule of law. In particular, the President should give favorable consideration to that country if the country is cooperating with the Government of the United States and with the United Nations, its agencies and programs, in carrying out measures aimed at the suppression of illegal international traffic in narcotics.

SENATE RESOLUTION 51—SUBMISSION OF A RESOLUTION TO PROVIDE ADDITIONAL FUNDS FOR PAYMENT OF EMPLOYEES OF CERTAIN SENATE COMMITTEES

Mr. MANSFIELD (for himself and Mr. Scott) submitted a resolution (S. Res. 51) to provide additional funds for payment of employees of certain Senate Committees, which was considered and agreed to.

(The remarks of Mr. Mansfield when he submitted the resolution appear earlier in the Record under the appropriate heading.)

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 45

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Senate Resolution 45 to authorize the Committee on Interior and Insular Affairs to make a study of national fuels and energy policy.

NOTICE OF HEARINGS TO CONSIDER THE WORK OF THE U.S. BUREAU OF PRISONS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries I wish to announce hearings for the consideration of the work of the U.S. Bureau of Prisons. The hearings will be held March 2 and 3, 1971 at 10 a.m. each morning in the Judiciary Committee hearing room which is room 2226, New Senate Office Building.

In preparing for these hearings I am reminded of a speech which James V. Bennett, a pioneer correctional leader, made in 1939, about the paradox of what the public expects from prisons and correctional programs:

> On the one hand prisons are expected to punish, and on the other hand they are supposed to reform. They must discipline rigorously at the same time they teach self-reliance. They are built to be operated like vast impersonal machines, yet they are expected to fit men to live normal community lives. They operate in accordance with a fixed autocratic routine, yet they are expected to develop individual initiative. They force a man to be idle despite the fact that one of their primary objectives is to teach men how to earn an honest living. They refuse the prisoner any voice in his own governance, yet they expect him to become a thinking citizen in a democratic society.

Mr. Bennett, in his wisdom, has hit upon a crucial point. Society expects our correctional system to punish. But this same system is expected to return 99 percent of its inmates to society as law-abiding citizens.

Operating a correctional system is obviously not an easy job. But Mr. Bennett, over his years as Director of the U.S. Bureau of Prisons, shared with members of the Judiciary Committee and others, the dream that the Federal correctional system would be a model which State and local systems could follow in order to attempt to achieve the goal which all society agrees upon—the reduction of crime as a factor in our society.

These hearings which I am today announcing are for the purpose of reviewing the work of the Bureau of Prisons and their plans for the future, with particular emphasis on the Bureau's role as a model. Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

NOTICE OF HEARING ON POUNDAGE QUOTAS FOR BURLEY TOBACCO

Mr. ALLEN. Mr. President, on behalf of the Senator from Georgia (Mr. TALMADGE) I ask unanimous consent to have printed in the RECORD a notice of a hearing.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

ANNOUNCEMENT BY SENATOR TALMADGE

Mr. President, I wish to announce that the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices of the Committee on Agriculture and Forestry will hold a hearing on S. 789, to authorize poundage quotas for burley tobacco, on Tuesday, March 2. The hearing will be in Room 324, Old Senate Office Building, beginning at 10:00 a.m.

ADDITIONAL STATEMENTS

COURTROOM DISRUPTIONS

Mr. HOLLINGS. Mr. President, during the past few years, one of the greatest threats to our judicial system has been evidenced through courtroom disruptions which have undermined not only confidence in our legal system, but a proper working of our legal processes. The search for truth and justice through a fair trial is one of the most cherished possessions of a free society, and it must be preserved if we are to continue to protect the rights of our citizenry. In the January–February issue of Trial magazine the Honorable Bruce Littlejohn, associate justice, Supreme Court of South Carolina, authored an article entitled "Legal Vandalism" which explores this subject. I commend it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEGAL VANDALISM

A problem giving the bench and bar more concern than any other today is *courtroom disruptions*. The legal vandal—one who intentionally disrupts courtroom proceedings—doesn't want to do anything constructive or creative, his desire is to tear something up and waste it.

As a trial judge I have often thought that a vandal is worse than a thief. A thief reasons: "I want something without working for it." A vandal, in effect, says: "I don't want it for myself; I want to destroy it so that no one else can use it."

It is less difficult for me to understand the reasoning of a thief than the reasoning of a vandal.

The most egregious case of disruption was the recent Chicago Seven trial, presided over by Judge Hoffman. The malady has spread from New York to California, in varying degrees.

These happenings inspired Chief Justice Warren Burger to say at the American Bar Association convention in St. Louis, Missouri: "The outrageous episodes we have heard about in our courts are undermining the confidence of the entire system."

Only hours after the Chief Justice spoke, the ultimate in courtroom disruptions took place in California: The presiding judge was shot and killed after a man slipped a gun into the courtroom, seeking to free the defendant. He attempted to escape and touched off a gun battle that killed the judge, the intruder, the defendant, and a witness.

It has been my basic thinking that every man who assaults a police officer in the line of duty should serve time. I used to say facetiously, but perhaps with more meaning than was appreciated at the time, that if assaults against police officers were tolerated the judges and the lawyers would be assaulted next.

Disruptions of courtroom proceedings cannot be tolerated in any degree. Such is absolutely incompatible with a fair trial, and that is the only trial our system recognizes.

Substantive law may be changed from time to time; common law rules of procedure may be altered as the situation demands. Orderly changes can and will be brought about and the court system will continue to function.

But if the bench and bar ever waiver on the proposition that the trial judge must be in absolute control of his court, and on the proposition that order must prevail, our court system will be near an end. There can be no rights asserted or protected unless the judge is in complete command.

Only through fair trial can freedoms be preserved. Even as freedom of speech does not include the right of a patron at a theater to yell "fire" when there is none, freedom of speech does not include the right of a litigant or a spectator in court to speak with an unbridled tongue.

Plaintiffs' counsel has more to gain by an orderly trial than any other group. They know that a disorderly trial is not a fair trial, and that an unfair trial cannot stand on appeal. Normally, the judge has the assistance of all attorneys, and this is especially true of plaintiffs' attorneys.

A good attorney knows that it is to his interest to control his client and help the judge conduct an orderly trial. Every now and then, however, a lawyer creates confusion, very well content to disrupt the trial, or permit his client to do so. Fortunately this group is very small.

If a lawyer has a client he cannot control in the courtroom he should ask to be relieved. Granted, the judge may not always be able to grant the request because to relieve an attorney in the middle would normally bring a mistrial.

But, an attorney is never justified in attempting to bring about reform by unruly conduct in the courtroom. If an attorney's objective is other than fulfilling his duty to his client, he is obliged to withdraw.

When order in the court is gone, the court itself is gone. When the court is gone, the government is gone. When the government is gone, civilization is gone. Then man's rights are protected only by might.

Recently the U.S. Supreme Court, in the case of *Illinois v. Allen*, took a firm stand on the question of courtroom disruption. That case was of much comfort to judges who have to deal with similar problems.

In essence, the court said that a defendant should be given a trial as fair as he will permit the court to give. It said that in a proper case a defendant could be held in contempt or removed from the courtroom, or gagged. It held that a defendant who could not behave himself in court does, by improper conduct, waive his right to be present and does waive his constitutional right to confront those witnesses testifying against him.

The impact of the *Allen* case is to tell the trial judges to do whatever is necessary to control the courtroom.

In research I find considerable law to the same effect. There may not be, however, sufficient law in the books to cover every situation which may arise. In such case it will become the duty of the judge to use hard common sense and make some new common law rules. After all, every rule of common law has come into being because some judge somewhere, at some time, saw a need and had courage to do what he believed right to assure a fair trial.

The heart of the judicial process is in the trial courtroom. The trial judge must possess, and should exercise, all power necessary to prevent frustration of the purposes of the trial and to direct the proceedings to an impartial result.

Any lawyer who fails to take a firm stand against courtroom disruptions is doing himself and the judicial system a disservice. We work constantly at the chore of improving the administration of justice; it is an endless task. Under our system reform often-times comes slow, but we believe we get the best result in the last analysis. The time and effort devoted pay big dividends.

The reforms we need should be directed by the broad experiences which come out of the trial of cases and administration of justice. We must never leave reform to those who would pursue it by disrupting the court and defying constitutional authority.

THE FEDERAL CROP INSURANCE CORPORATION AND MONTANA

Mr. MANSFIELD. Mr. President, from time to time in the past several months I have heard rumors that the Department of Agriculture is about to enter into a vast reorganization of the Federal Crop Insurance Corporation. This concerns me a great deal because the Federal Crop Insurance Corporation's program has been most successful in Montana. In fact, we have an enviable record, and I would not like to see any action taken to alter the program and the services it is providing to the State. I believe that recent audits of the program indicate a high degree of efficiency in the State office and that these same recommendations extend to the field supervisors and program management.

The program in my State has been extremely sound over many years. A survey of premiums and indemnities over the period 1948–70 indicates that in Montana the premiums were over the indemnities by $18,895,139. This is a very fine record which has not been achieved in many other areas. My files indicate that the ratio of administrative costs to premiums are very good. In fact, the national ratio is 31.5 percent, while the Montana ratio is only 16.5 percent. I understand that the cost per contract and crop is slightly higher than the national figure, but this is due to the large farms and units we have in a State like Montana. There are fewer farms, but each is considerably larger than the average. Cost of loss adjustment work in Montana for inspections is $18.76, compared to the national figure of $22.69. Montana is near the top of the list of participation by farmers. I am pleased to report that, when active crop insurance States are ranked by 1948–69 premium positions together with loss ratio, Montana is second on the list. The State of North Dakota is the only State to have a better record. Montana has the lowest cancellation rate of all States for the year 1970. This figure is set at 9 percent, compared with the national average of 21.2 percent. In my State, during the years 1960–67, the crop insurance protection program grew by 181 percent.

The Federal Crop Insurance Corporation's program provides valuable assistance to farmers in this great agricultural State and has been an economic stabilizer in the face of spiraling costs and unnatural disasters. I would not like to see a dissipation or unnecessary change in such a valuable program. I believe the program has been generally successful throughout the Nation, and I see no reason to tamper with something that is working.

PRESIDENT'S HEALTH MESSAGE APPLAUDED

Mr. BEALL. Mr. President, I wish to compliment President Nixon for his most significant and comprehensive health message delivered to Congress yesterday, as a member of the Committee on Labor and Public Welfare, I am deeply concerned with this subject. Providing quality medical care to all of the citizens is an important national goal and the President has drawn for Congress a blueprint for moving us toward such a goal.

I am particularly pleased that the President addressed himself to two matters that have been of particular interest to me. While the President's approaches are not identical to mine, the President does give attention and proposes action in response to these problems. I am referring to the catastrophic illness problem and the medical manpower.

Earlier this year I cosponsored with the Senator from Delaware (Mr. BOGGS) S. 191 to establish a program to protect the public against catastrophic illnesses, and I am hopeful Congress will move expeditiously on this matter.

Second, on February 17, I introduced the Family Physicians Scholarship and Fellowship Program Act, S. 790, which is designed to deal with the physician shortage and maldistribution problems. The President responded to this problem by increasing the amount of loan forgiven in present law. My bill, which I still believe is in many ways superior, provides scholarships and fellowships, and also establishes a system of priorities which I believe enhances the probability of accomplishing the goal of placing physicians in areas where the need is the greatest. The President also calls for increased assistance for our medical schools, many of whom are in trouble financially. Incentives are also provided for new approaches by our medical schools as well as an effort to persuade medical schools to focus on the family doctor.

The President's health care message also contains some provisions that would encourage different types of health care organizations and new health care centers in scarcity areas. The President wisely spotlighted and called for a program for the conquest of cancer, which will strike one out of every four Americans living today. The conquest of cancer is an important national goal and one that will relieve tremendous amounts of human suffering and, of course, save large amounts of money for American families.

Two other provisions, which will be of great interest to the country and be very well received, are the proposals enabling the self-employed to secure group insurance by the establishment in each State of special insurance pools. The self-employed today often finds health insurance out of their reach.

I am sure most Members of the Congress received letters from senior citizens outlining the difficulties they are having coping with the rising cost of living. I applaud the President's decision to consolidate the financing of part A and part B of medicare under social security. This means that our senior citizens will not only be relieved of paying the proposed increase of part B which is scheduled to reach $5.60 in July of this year, but they will save a total of $1.3 billion annually and have greater access to preventive ambulatory services.

I am particularly pleased with the President's emphasis on the prevention of illnesses rather than treating sickness after it occurs. In addition, the President wisely has decided to build on the present health care system, which notwithstanding its defects, has provided Americans with a quality of care that in general is unsurpassed any place in the world. The President moves to correct present weaknesses but he would not tear down the good features of our health care structure. The President, as the saying goes, has been careful "of not throwing out the baby with the bathwater." I believe that this message should be exceedingly well received in Congress and in the country. It is probably the most comprehensive and significant Presidential health message ever sent to Congress.

I look forward to working on the actual legislation embodying these major proposals. Although I am sure improvements can be made, the President and the administration have done their part. Congress should now do its part, and if it does the beneficiaries will be the American public.

DEMOCRACY: CASUALTY OF WAR

Mr. MANSFIELD. Mr. President, I have just had the privilege of reading a well-thought-out letter to the editor of the New York Times by Dr. Richard W. Lyman, president of Stanford University, Stanford, Calif.

In his letter, Dr. Lyman presents far more lucidly than I a situation which has been on my mind for some time. With great cogency and with few words, he brings to our attention the reality of events as they are occurring on the campuses as he sees them, interprets them, and understands them.

I, too, have been concerned about the effect of this war and its implications upon the younger citizens of our country. It is my devout hope that the growth of cynicism and doubt can, in some fashion, be ameliorated, and that these younger citizens will participate in the exercise of the franchise, if 18 and above, and in that way make their presence felt, their words heard, their views known, and their feelings understood.

Mr. President, I ask unanimous consent that Dr. Lyman's letter, published in the New York Times of February 11, 1971, be printed in the RECORD. It gives all of us much to think about, not only today, but more important, in the years ahead.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Democracy: Casualty of War

To the Editor: If the war in Southeast Asia could be ended by the anguished cries of university presidents it would no doubt have been over long ago.

Most of us are neither Southeast Asia experts nor skilled global strategists nor (whatever might be wished of us by many of our students and faculty) full-time members of the movement. But we do know something, by hard experience, of what this faraway conflict is costing in terms of democratic values and the capacity for rational discourse on the campuses of this country.

In any war, a democratic polity incurs certain inescapable damage. War by its nature requires secrecy; democracy thrives on full disclosure. War causes people in authority not only to withhold the truth upon occasion; it tempts them to twist and distort it.

Democracy requires that disagreements be thrashed out in argument and resolved by voting. War requires that disagreements be minimized or obscured in the face of the enemy at the gates (no matter how far away those gates may be) and encourages appeals to emotion and to brute force.

It is therefore no cause for surprise that eight years of war abroad have produced a marked deterioration in the political life of our own country. This deterioration is nowhere more marked than on the leading campuses, where the argument that only force counts is heard from young people whose cynicism in this regard is a deadly threat to the future of a democratic polity.

In particular, students today are either disgusted by or themselves infected with the disease of prevarication and contempt for honest dealings. Ever since they became old enough for political consciousness, they have experienced an unending spate of misinformation and false prophecy with regard to Vietnam. The tortured elaborations of Pentagonese have brought palpably closer the notorious era of doublethink foreseen by George Orwell in "1984."

This comes about, not because of a unique villainy on the part of the protagonists in this particular war, but because war itself is antithetical to democratic values.

We have survived previous wars with democracy largely intact. But major involvement in war has often been followed by a political aftermath of reaction and repressiveness from the Alien and Sedition Acts of the 1790.'s through the Mitchell Palmer raids following World War I, to the era of Joe McCarthy after World War II.

The Vietnam war has doubtless been a limited one, for Americans if not for Vietnamese. But its duration now threatens us in deadly fashion.

If the growth of cynicism and doubt continues through another period of years, we will suffer further subtle but ineradicable wounds here at home that will make American democracy in the twentieth century as much a casualty of prolonged warfare as was Athenian democracy in the fifth century B.C.

That is part of the reason why slogans like "Vietnamization" mean so little on the campus today, and why hope is so rare a commodity there.

Richard W. Lyman,
President, Stanford University.
Stanford, Calif., Feb. 11, 1971.

THE PRESIDENT'S HEALTH MESSAGE

Mr. RIBICOFF. Mr. President, to meet the health care crisis in this country, President Nixon has offered a thoughtful, provocative, and striking set of proposals. For the first time, an administration has seriously proposed a program to improve the health care of all Americans whatever their income and wherever they live.

Serious inadequacies exist in the program outlined by the President. It needs improvement and I will have suggestions for making these improvements. But this proposal, as well as the numerous other plans available to us, offers this Congress a unique challenge and opportunity to set the health pattern of this country for the next generation.

Insuring adequate health care for all Americans is another idea "whose time has come." But we must not act precipitatiously, either to gain partisan advantage or out of a genuine desire to have "something" on the books as soon as possible to provide a cure. The problem is too serious for that.

Health, as Ralph Waldo Emerson once wrote, is the first wealth.

By that standard, America is an impoverished nation.

For despite the fact that we spend more money on medical care than any other country in the world—$63 billion and some $300 per person—we have done a poor job of guaranteeing our citizens the basic rights of medical care.

To begin with, there are the poor. An estimated 20 million Americans receive inadequate care or no care at all because they are poor. They live in urban slums where, if they are lucky, there is one doctor for every 10,000 people. Or in rural areas, where, again if they are lucky, they may even have a doctor. But thousands of small towns do not, and their number is increasing as older physicians retire and young men do not take their place.

Then there is the middle class. Whatever else the average American may have, he does not have medical security. His insurance often is inadequate, determined not by what he wants but by such accidental factors as where he works, lives, and how much he earns. He also fears he will not find a doctor when he desperately needs one. And he knows that a serious or prolonged illness will destroy him financially.

Our medical schools are another sign of the Nation's medical impoverishment. At a time when the United States needs more doctors, about 40 percent of its medical schools were on such shaky financial ground last year that they needed financial distress grants from the Government. Their condition has not improved.

Hospitals are in trouble. They have been unable to make much headway controlling costs and some, criticized for their charges, have insisted that they get back only 75 cents for every dollar they spend.

What it all adds up to is that the whole system of organizing, financing and delivering medical care—and not just one part of it—is in serious trouble.

In fact, if America's medical care system were to be given responsibility for the medical equivalent of landing a man on the moon and told to do the job with the tools at hand today, we would have to give serious thought to scrubbing the mission.

It is gratifying, therefore, that President Nixon has recognized the importance of revamping our health care system. And it is fitting that this issue be one of the "six great goals" he outlined in his state of the Union message earlier this year.

Presidential messages traditionally contain general statements of intent and policy which are difficult to interpret without specific details. This is true for President Nixon's health message as well.

For example, will the $50,000 in benefits that employers are required to make available to every member of a worker's family actually protect individuals against catastrophic illness? Many people have been destroyed financially not because they did not have enough insurance, but because they did not have the right kind. They had policies that did not cover drugs, private nurses, expensive therapy and new technology. Hopefully, the President has recognized this fact and his legislation will broaden existing insurance coverage. But we need more information before we can judge the value of the proposal.

Essentially, the President's program builds on the existing private health insurance industry. Some other plans would go so far as to eliminate the involvement of insurance companies in health care financing entirely. But the issue should not be an ideological one of whether or not to rely upon the private or the public sector. The question should be what will result in the best health care system for the consumer.

As much as we might like to believe that the needs of the providers of health care and the needs of the recipients are one and the same, the fact is they are not.

There are advantages to improving our present private health insurance system. It exists now with experienced personnel. Benefits are improving, and the companies are becoming more sensitive to the needs of the consumer.

But that is only one side of the picture. Before we grant private insurance companies the privilege of providing National health insurance, we must have guarantees that they will be fully accountable to the public. We must know how much more, if anything, it will cost the consumer in terms of company profit and overhead to buy his insurance through the private sector. We must establish auditing and reporting requirements. And we must insist upon adequate monitoring of both the cost and the quality of the care provided under private plans.

In short, if private health insurance is to survive, it must change its basic philosophy and act as an advocate on behalf of those in need of medical care and not as a neutral, independent conduit which simply distributes money throughout the system.

For many years, we have had an insurance system for hospitals and doctors. It is time to develop a system that insures the patient as well.

Unfortunately, the President seems to focus more on providing a system that is a plum for the insurance industry instead of a plum for the consumer. A disturbing principle that seems to permeate the message is that consumers of health care need to be more cost-conscious. I cannot think of anyone connected with health care who is more cost-conscious than the consumer. And nobody has less influence in controlling costs than the consumer. The distinguishing feature of our medical care systems is the extent to which providers make all the fundamental decisions and consumers simply take what is available to them.

In fact, the President appears to be promoting contradictory principles when, on the one hand, he emphasizes health maintenance and preventive care, and, on the other, he urges people to be more cost conscious and to use medical services efficiently. This may lead people to avoid preventive care and seek out doctors only when they are seriously ill and in need of the most expensive medical care.

And what about the poor and the principle of having some of them pay a portion of their medical costs? Isn't this a step backward? The purpose of reforming medical care services and delivery systems should be to remove barriers to obtaining medical care, not to create them.

The most encouraging aspect of the President's program is its emphasis on establishing more prepaid group practice plans as an alternative to the private fee-for-service medical practice. Group practice has been recognized for some time as a more efficient and inexpensive method of meeting the health care needs of the Nation.

The proposed "Health Maintenance Organizations" would consolidate a wide range of health care services into easily accessible organizations of physicians and allied health personnel. Physicians would be enabled to put economies of scale to use in the form of more and better services to a larger number of people. The consumer would be encouraged to utilize medical services by the presence of one-stop health care rather than fragmented specialized services from many different sources.

The President's message builds in incentives to adopt the HMO method of operation. One barrier to this goal may arise in the employer-employee insurance plans. Premiums for group practice plans often are more expensive than traditional ones. I hope that legislation setting standards for employer-employee insurance plans will provide strong incentives for the employer to provide group practice plans at no extra cost to employees.

Until the President submits his legislative proposals, any final judgment about his program will be premature. But it is not too soon to say that quick, patchwork solutions will not work. They will only aggravate existing problems, and the lessons of past Federal legislation prove the point.

To assist me in my consideration of the President's program, I have asked five distinguished experts in the health care field to serve as an advisory group. These men have had broad experience in the study, administration, and delivery of medical care.

They are:

Odin W. Anderson, professor and associate director, Center for Health Administration Studies, University of Chicago.

Douglas Coleman, president, Associated Hospital Service, Blue Cross of New York.

John Layne, M.D., Great Falls Clinic, Great Falls, Mont.

Philip Lee, M.D., chancellor, Medical Center, University of California, former Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs.

Theodore R. Marmor, associate dean for administrative affairs, University of Minnesota.

Our challenge, and that of the President as he prepares his legislative package, is to establish an enduring framework for our health care needs. We may not be able to provide the billions of dollars needed to implement a sound proposal at this time. But we can design a structure that makes adequate health care a right rather than a privilege.

ANNA NUGENT

Mr. MANSFIELD. Mr. President, since the fall of 1952, when I ran for my first term in the U.S. Senate, among my closest associates and supporters I have been proud to include Mrs. Anna Nugent and her late husband, Jim. The Nugents have lived in Miles City, Mont., since early 1900 and have been active participants in the development of their community and the State.

Just recently, a fascinating feature article appeared in the Miles City Star, discussing Anna Nugent's early experience as a child in eastern Montana. In fact, Anna Nugent's experiences include being kidnaped by Indians. The newspaper outlines the many different and varied experiences she and Jim encountered as some of eastern Montana's most active citizens. I wish to take this opportunity to extend Maureen's and my personal regards and good wishes to Anna Nugent during her 86th year and to state that we feel that Montana is a better place to live because of such fine people like Mrs. Nugent.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Miles City Star, (Mont.) Jan. 24, 1971]

ANNA NUGENT RECALLS—WHEN JUST A BABY SHE WAS STOLEN BY INDIANS

(By Jean Freese)

Anna Agnes Elgin Nugent, whose experiences in life have ranged from being kidnapped by Indians to attending a presidential inauguration, was born in Miles City 86 years ago today and although she has been a Miles City resident all that time she has managed to do considerable traveling around the country.

Anna was a baby when she made her first trip away from home. She was crawling around on the floor of the home of her parents, Matthew and Susana Elgin, when some Indians dropped in to visit. The Indians wanted food but most of all sugar and Mrs. Elgin had no sugar to give them. So they snatched Anna up off the floor and left.

The men were all away from town for races, Mrs. Nugent says, but fortunately one of them needed a pin to hold his belt and came back to the Elgin house to get it. Her mother explained what had happened but by the time he'd gathered up the other men and they could head out after the Indians they had lost too much time. They didn't find Anna and her captors until the next day and, as a person fascinated by history, the grown-up Anna now must regret that she can't remember the event. But she does know she was returned to her home.

"The men decided they'd stay home the next day because knowing those Indians they figured they'd be back and they were. Just as if nothing had happened. The Indians were pretty unruly. You've got to remember that this was a wilderness in those days," says Anna, who was born in 1885.

Indian troubles were nothing new in the Elgin family. In 1877 when Matt Elgin was a 19-year-old so fresh from Germany he could speak very little English, he had left Miles town with A. J. Maxwell and his family who were looking for a "cattle ranch in the west." There were five men in the party including Maxwell's step-son Jess Pruden, George Darling and a Mr. Boughton, when they were attacked by Indians. They had spotted them in advance and had managed to set up a "fort" using a combination of natural barriers and burlap sacks filled with sand. Young Matt was sent off to try to reach Ft. Keogh and help. The Indians fought for four days but suddenly disappeared.

Matt had met a troop of cavalry at the Yellowstone River and the people involved feel that the Indians had scouts who spotted the cavalry coming and decided the time had come to leave. Matt apparently had trouble persuading the cavalry to come to the rescue and the commanding officer had told him he'd be tried if the story wasn't true. But the Maxwell party had bloody moccasins and loin cloths they'd taken off the two Indians they'd killed and nine they'd wounded to prove they really had been attacked.

Mrs. Nugent knows the details of her father's Indian problems because she is one of those rare people who recognizes that "now" will become "history" and has a dresser full of that history. Among items in her collection is a clipping published in the Montana Standard in 1954 in which May Pruden Savage gave a complete account of the attack on the Maxwell party. The clipping was sent to Mrs. Nugent and she promptly began a correspondence with Mrs. Savage to learn more about her life in this area.

In the dresser are scrapbooks covering such activities as the Sacred Heart Altar Society which Mrs. Nugent founded and served as president for five years, the Rotary Club, of which her husband, James, was president, and the short-lived Rotary Anns to which she belonged, the Montana Motor Transport Assn. and other transport company activities associated with the Nugent Transfer and Storage Co., the Red Cross and the United Spanish War Veterans and auxiliary (in fact she has a big box and 8 or 9 scrapbooks on the USWV). Both the Rotary club here and the State Transport Assn. has used her material to prepare histories and right now the Altar Society has the scrapbook for the same reason.

Rev. E. W. J. Lindesmith, chaplain at Ft. Keogh, officiated at the wedding of Mrs. Nugent's parents and also baptized her and her brother John (who now lives in the same apartment house at 1603 Pearl).

The Elgins had started out as residents of old Miles town but when the cantonment moved to the Ft. Keogh location and the town followed, Elgin took up a preemption—now called a homestead—on what was then an island adjoining Miles City. The area, still referred to as The Island although it no longer is one, is marked on city maps as the Elgin Park addition and runs from Riverside to Edgewood on the south and north and about Ullman to Montana on the west and east.

But they got tired of having to move off the island every year when the floods came and bought the area where Safeway now stands. Here they built a house and a barn where Elgin kept the horses for his hauling business. The block was "full of trees which Poppa planted." Matthew Elgin was the first taxpayer in Custer county which then covered a good deal more land than it does now. Eventually the family moved to a house on Main Street where the Coffrin studio is now.

Anna started her schooling at the convent which then was in operation on the south side of town. However it burned and she switched to the public schools. Among the contents of The Dresser is a delightful picture of seven little girls (about 8-or-9-years-old) who did a Maypole drill wearing very full white dresses and black slippers with flowers on them. In the group with Anna are Daisy Haynes Lindeberg, Fay and Mabel Alderson, Myrtle Cato Williamson, Edna Moran and Jessie Gilmore.

When she was at the convent, Ella Strong and the Carter girls came in for the week from their ranch homes. The Ulio girls came from Ft. Keogh. There were also Dunnigan and Courtney girls. Many years later, James Ulio, then an adjutant general stationed in Washington, D.C., wrote a message to the girl his daughters had gone to school with to tell her that her son, Frank, had been killed on Wake Island.

After grade and high school in Miles City, Anna went to Montana State University (then Montana State College) where she graduated from the business department in 1903. She came back to Miles City to work for the Lakin Bros. (W. P. and Corwin) Mercantile store for five years.

Oct. 24, 1906, Anna married James W. Nugent who had come to this country with his parents from Templorum, County Kilkenny, Ireland in 1885, the year Anna was born. He had enlisted in the Army in Boston to go to the Spanish American War and became a member of Troop F of the First U.S. Cavalry which later was sent to Ft. Keogh and he also had had detached service at Camp Merritt on the Cheyenne Reservation at Lame Deer.

Jim had worked on ranches in the area after his discharge in 1902 but the year they were married he established Nugent's Transfer and Storage. The two had met at dances which were held, in of all places, the basement of the Carnegie Public Library. Later, Anna remembers, dances were held in the Leighton block above the liquor store.

Jim started out his company with "a beautiful big" flat-bottom wagon and a pair of Clydesdale horses. The company's first moving van, which also was pulled by horses, is still being cared for by their daughter, Mary, on her family ranch near Rosebud.

For a number of years, until 1916, in fact, Mrs. Nugent helped out at the Transfer company. "I don't know what you'd call it but I did all the books and answered the phone." A writeup on her in the 1967 issue of "Outstanding Civic Leaders of America" says she was office manager and bookkeeper. "Frank our son was born right after the first of July and there I was with all those bills to get out." She decided she'd had enough of business and retired.

Anna and Jim were married in the Sacred Heart church which stood where the courthouse Servicenter is now. When the present church was built the old one was kept for a parish hall.

"We really had some banquets in that old place," Anna says. "As young girls we did all the cleaning and kept up the linens in the beginning and later when we had dinners . . . we didn't have any dishes so we'd borrow them from stores like Arnold's. We had to haul in water to wash them before we used them and haul in more to wash them afterwards. And we would serve 300 people."

In about 1914 Dick Stuart built a house for the Nugent family at 519 Washington and Richard R. Clarke, father of Billie, put up the chimneys. At the time they paid their $1 deposit to get the city water hooked up to the house. In 1964 when Jim was gone and Anna moved into her apartment she went to get back her deposit—and got a check from the city for $50, which included her deposit and interest accumulated over the years.

During World War I, along with Mrs. Edith McShane, and Mrs. August Mundt, Mrs. Nugent was busy with the Red Cross. She was chapter chairman and became state commandant of the canteen service. "They didn't have diners on the troop trains then and whenever a train came through we met it and fed everybody on it." Somewhere in her collection she has a picture of her crew. When a later World War came along she was chairman of volunteer service and also production chairman.

The only old records available on the Red Cross are the ones Mrs. Nugent has because the official records had been in storage in a basement downtown and were destroyed.

Because Jim was a member of the United Spanish War Veterans, Anna joined the auxiliary which is how she happened to attend a presidential inauguration.

She served in all offices of the local auxiliary and the department (state) auxiliary and then "went national." In 1952–53 she served as president of the national auxiliary. As part of this position she attended the inauguration of President Eisenhower and on Armistice Day, 1953, placed a wreath on the Tomb of the Unknown Soldier at Arlington for the USWV auxiliary.

There is a scrapbook on these activities, too, but there is an even more unusual remnant of that important year. In a small box is another small box. The second box is a chest made of pine native to Montana, veneered with satinwood from Ceylon and decorated with a floral design inlayed with dark American walnut. Inside the chest is a gavel made from wood in the White House which was erected in Washington in 1814–1816 after the British Army had burned two capitol buildings in the War of 1812. According to the legend on the inner lid of the chest the wood in the gavel is "reported to be 250 years old and is from the joist above the kitchen and under Margaret Truman's bedroom."

On the gavel is a metal plate with the auxiliary symbol and the words "Anna Nugent—1952–53—National President." She received it at the 54th National Encampment of the USWV in Louisville, Ky., Aug. 28, 1954.

Among Mrs. Nugent's records of the USWV is the membership book for the local camp which has had about 300 names and now has only three which are not marked "deceased." Mrs. Nugent is adjutant for the camp and its three surviving members, Clifton McEldery, Dillon; Duncan M. Cooper, Billings, and Clayton Worst, Fairview. Last year she got on a plane in Billings and discovered Cooper was also making a trip. He's 94.

There were 10 children in the Nugent family. One, Michael, died at birth and Lt. Frank T. Nugent, died March 19, 1944. Four of the children, Mrs. J. Ross (Agnes) Calvin, Mrs. Merrill (Helen) Pearcy, William C. and Robert Nugent, all live in Miles City; Mary Nugent Bailey lives on a ranch near Rosebud; Dr. James J., the eldest child, lives in Miami and the other two, Ann Nugent Price and J. Patrick, live in Seattle. There are 11 grandchildren and 11 great-grandchildren.

Mrs. Nugent's only real nickname is Grannie and the only person who calls her that is a grandson, Merrill Pearcy Jr., who may be especially privileged since he and his grandmother share birthdays.

Mrs. Nugent is a member of a number of groups and in addition to the Altar Society organized two others here, the Catholic Daughters of America and the Gold Star Mothers.

"Maybe I did a lot," she smiles now, "but I was happy doing it and found lots of friends. People have been awfully nice all over the country."

At this stage, some people would be pausing to look over the scrapbooks and at 87 Mrs. Nugent has cut down on her activities. In fact, she says she doesn't do much of anything any more. Of course, she is chairman of the hospitalization committee and of the civic committee of the Miles City Woman's Club (which she joined in 1919), goes to meetings of the St. Francis Division of the Altar Society and plays bridge.

"I finally got it in my head I'd better quit," she says, and then mentions that she also is a part of Central Service at the Veterans Administration hospital and also goes to the hospital one night a week just to help run the Stamp Club. She's been a stamp collector for many years and enjoys helping others get started on the same hobby. And if she ever does decide to just stay home she could visit with her brothers, John and Matt, about the old days when they were all growing up in a wilderness town.

MEDICAL PROBLEMS

Mr. SAXBE. Mr. President, I ask unanimous consent to have printed in the RECORD what I regard as two important statements on medical problems from doctors whom I highly regard. The fact that one of the doctors happens to be my son does not, of course, detract in any way from what I believe to be the thoughtfulness and significance of the paper. The other statement is from a woman highly regarded in her field over the years. Dr. Baumgartner is the executive director of the tristate regional medical program and previously was the Health Commissioner for the city of New York.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

PROBLEMS OF THE DELIVERY OF MEDICAL CARE IN CITIES—POLITICAL ASPECTS

(By W. B. Saxbe, Jr., M.D.)

Many of the present problems of medical care in cities are results of changes in the nature and conditions of cities and city life which relate to changes in composition, political power, and altered attitudes and expectations. My plan is to look at some of these changes through study of their political causes and effects. While political conditions may be used as keys to the understanding of these problems, historical, social, economic, and scientific considerations will be inextricably intertwined.

My major thesis is that our cities are in decline; that their life is characterized by loss and disintegrative change; and that personal medical care and public health have deteriorated in direct proportion to the health of the body politic. I will delineate the general plight before describing the health problems.

First and foremost of the changes in the city has been the change in the sort of people who make it up. Until after the Second World War, Americans had steadily been moving from the country to the city. They had also been moving from the East to the West and from the South to the North. Immigrants in this century generally went to the cities and stayed there.

Many of those coming from country to city and South to North—especially those from the rural South to the urban North—came because the city offered greater economic opportunity. A great many more came because their places of origin offered none. As profitable agriculture came to require mechanization, and the market rewarded large-scale farming, fewer men were needed in the country. As war took workers from industries just as it asked for greater output, more were needed in the cities.

Each of the successive immigrant groups which came to the city found a home there, mastered or came to terms with its seats of power, and created a distinctive life for itself. To a large extent, the political history of our major cities in the past 100 years has been that of the use of various ethnic groups from disorganization and weakness to organization and power.

But there were also other forces at work which brought great changes to the city; other forces which threw the dynamic equilibrium of city life out of balance. Primary of these was technological advances.

With technology came prosperity, but not for all. Specific effects important to workers were a decrease in the need for unskilled labor and an increase in the proportion of service to manufacturing jobs. Of major importance was the tremendous development of private and—to a lesser extent—public transportation. This revolution obliterated the old geographical limits of the city, but the impact on the size of cities was less than the effect on their internal structure. In many ways, the city was transformed by the automobile *for the automobile;* large areas and sums of money went to appease man's "servant". The ability to go many places rapidly has in part been undercut by the disappearance of many of those places under and behind asphalt and concrete.

The transportation system made possible the flight from the city to the suburbs which has become the pre-dominant direction of movement of the population since the Second World War. The workingman's dream of a decent place for his children, rolling lawns, etc., seems to be answered by the suburb. As a result, many of our large cities have had net losses in population in the past 20 years despite constant growth of their metropolitan areas. In this emigration, there has been proportional underrepresentation of the old, the poor, and the black. These groups have consequently grown in relative size in the inner-city population. As service industries and manufacturers followed the workingmen and white-collar workers out of the city, tax revenues and property values have fallen. This has led to the vicious cycle of low revenues and low services which has been a further stimulus for emigration. Ironically, as progress made good municipal services and good schools both expected and essential, big-city governments found these goals further and further outside their financial scope. Cities such as Boston are faced with the dilemma of whether to drive people out of the city by raising property taxes or drive them out by cutting back on necessary services.

Two general political considerations apply here. The first is that the "bedroom" communities of the suburbs have come to be tax havens whose residents profit from the presence of the city without making appropriate recompensation. The political independence of these communities is becoming more and more unrealistic and unjust.

The second consideration is that there has always been a lag of years between the time that a new group in the city becomes numerically important and the time that it becomes politically so. Because of this, political machines characteristically outlive their original support, and political changes in response to changes in reality are characteristically overdue. State governments show a similar conservatism, and legislatures may represent fossilized survivals from times when the city was numerically subordinate to the country.

Other factors contributing to the decline of the inner city were the increase in number and size of tax-exempt institutions within its boundaries—schools, churches, etc.; the mounting cost of replacing deteriorating buildings and areas in the city; and the progressive inefficiencies of poorly-paid municipal bureaucracies.

As succeeding generations of immigrant origin became "Americanized," ethnic and family ties became attenuated; as the young become immobile and successful in the wider community, they moved away from the inner city, leaving the sick and the old behind. The once meaningful concept of "neighborhood" evaporated, leaving behind only individuals and strangers. The symptoms of social dislocation rapidly appeared as community spirit fell: anomie, mental illness, alcoholism, drug addiction, violence and crime.

The net result of all these changes is that many residential areas of large cities are no longer self-supporting; they are sinks for dollars, producing less in the way of income, sales, and property taxes than they cost for welfare, police, and medical costs. Many cities now face bankruptcy, and only massive State and Federal aid seem to offer any alternative to that fate.

Well-meant but poorly conceived attempts to "save" the cities have further compounded the problem. The facile equation of old buildings with social deterioration has led to inappropriate urban renewal projects which, as in Boston's West End, can destroy a living—if not affluent community, and replace it by sterile apartment buildings. Experience in New York City suggests that a 20 story building can be a slum just as readily as can a block of tenements.

In similar fashion a monstrous welfare system has emerged which appears to have perpetuated rather than arrested or alleviated poverty. The architects and administrators of these programs have increasingly been baffled by the embittered militancy of those they "serve", an attitude they find preverse. There are several important implications for medical care arising from the social and political changes in the city. The first is that inner cities can no longer produce or support M.D.'s. Economic, social, and professional considerations generally dictate that the present day physician will have a specialized practice in the prosperous suburbs rather than a general practice in a deteriorating central city. As a consequence, many poor city-dwellers must use municipal charity hospitals in place of the family doctor. Since people with money and access to political power (and the news media) do not use these facilities, (especially not as out-patients) their deficiencies are never apparent to those who can change them. Because these facilities are provided by the dominent unconcerned to the subordinate powerless, they are inadequate, underfinanced, and superannuated. They give second class medical care.

From a medical standpoint, this care is unsatisfactory because it is uncomprehensive and discontinuous. From the patients' point of view it is unsatisfactory because it also involves inflated prices, long waits, insufficient services, and personal degradation and humiliation.

I will shortly discuss some of the reactions of the community in this situation, but I will first point out some of the hurdles which the medical profession must face in confronting the problem. At the outset, the inner-city medical mess is different from the problems of medical supply in the past for several reasons, and must be dealt with in different ways. The laissez-faire method of getting doctors into communities and traditional one doctor-one patient practice have led to the present state of affairs and would not be expected to cure the problems they have caused. Artificial means to reintroduce solo practice, even with subsidies, are probably foredoomed.

Secondly, it would be proper to view many of the "medical" problems of the inner city as "social" diseases in the largest sense of the word: alcoholism, drug addiction, violence, mental illness, and even such diseases as lead poisoning and malnutrition are the manifestations of social dislocation, poverty, and ignorance. To treat only their medical aspects would be symptomatic rather than curative therapy in a situation where preventive measures would make the most sense.

Health professionals unfamiliar with the political decision-making process have at times in the past made self-righteously unrealistic demands for financial support from city governments, as if they were not one of many claimants on the cities resources (and certainly not the first). Administrators and mayors, often properly perceiving the manifold roots of municipal problems—even in issues of "health", may wisely decline the proposals of the medical profession to cure all of society's ills through medical means.

In general, it has been community rather than professional leaders who have successfully brought the health care question into the political arena. These concerns have typically and appropriately been linked with other community issues, and have enjoyed the same mixed success. The elusive promise of "maximum feasible participation" has confused the matter of consumer involvement in this area as it has in those others which followed in the wake of the Economic Opportunity Act of 1964. "Max feas", matching shaky Federal support to unexamined sociotherapy insensitive to the realities of local political power, yielded unrealistic expectations which have led with few exceptions to frustration and bitterness. However, even this setback has served to further the growing organization and morals of the affected groups, factors to be considered in the future.

The two major problems concerning the delivery of medical care in the cities are (1) the funding of care, and (2) the logistics of such care. Both of these problems, we can be certain, will be settled in the political arena. They will be approached from two different directions; first, as part of the health care system for the whole country, now under intense consideration in Washington; and secondly, as part of the general problem of the inner cities, similarly commanding great interest there. Funding is likely to come, in the next several years, through some form of National Health Insurance; for center-city facilities, this will very possibly involve prepaid care on a capitation basis. The logistics matter may turn out to be harder to settle. As mentioned before, it is unlikely that the solo general practitioner will ever reappear. Some form of comprehensive group practice seems most reasonable both from the doctor's and the patient's point of view, especially if it can be made accessible on a neighborhood basis. There are at present many experiments under way in delivering this kind of care. It also remains to be seen to what extent other health professionals can assume roles traditionally associated with physicians. The kind and amount of community direction in the delivery of services has yet to be settled.

A number of dramatic changes in attitudes and interests in the past several years suggest that deliberation and resolution of these problems are not far off. There has been rapid politicization of the groups in the inner city paralleling the politicization of the young, the poor, the blacks, and consumers in general. Secondly, there has been increasing discontent and impatience with the system per se, heightened by an upswing in participation and muck-raking. A great increase in interest in matters of health is taking place in the public and in the Congress. Within the health professions, there is much more interest in the delivery and the organization of medical care, especially among medical students and younger physicians. I believe all these changes are for the good.

Any changes in the medical problems typical of central cities which result from relief of underlying social conditions will be long and slow in coming. This is not to say that these changes should not be energetically pursued, but that these general salvage operations will take more time to achieve essential goals in health than we are willing to accept.

For the medical profession, there are several potential pitfalls as these matters are decided. The first will be a failure to identify the goals of their services with the desires of the served. The second will be misunderstanding of the political process by which the future of medical care in the central cities will be determined. The third, basic, and most important will be the difficulties of finding a pragmatic path between the Scylla of a narrow "medical" conception of the problem, and the Charybdis of utopian holistic planning too grand to be practical.

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MEDICINE AND SOCIETY—NEW ISSUES

(By Leona Baumgartner, M.D.)

In the past thirty years the effectiveness of medicine to diagnose, treat, and prevent disease has grown enormously. To give high quality care to his patient today, the doctor needs the backing of a team of experts in many fields and the output of a vastly sophisticated technology, as well as the "tender loving care" that characterized an earlier day. And the public is now demanding that kind of care as a right, not as a privilege to be enjoyed only by a few.

Health has not had a very high priority in our country in either the governmental or the private sector, but it has certainly become a matter of increasing public and individual concern and debate, particularly within the past five years. The inability to get a doctor, to find an empty bed in a hospital or nursing home, and the ever-increasing costs have resulted in what has become almost a cliche, named the "health crisis". Even President Nixon, widely accused of neglecting health during his administration, has openly admitted that we are facing a "crisis".

Is this term justified? What is the state of health of the people in the United States?

Certainly some people receive as good care as can be secured in the world. But, in poverty ridden areas care is negligible, and the state of health is no better than in some underdeveloped countries. For these persons, and they number in the tens of millions, the crisis is real.

Though measures for determining the state of health of a people are not well developed, it is surprising that among the highly industrialized countries the United States stands 17th in infant mortality rates (1968). We also rank disgracefully far down on the list of life expectancy for both males and females. Death rates for many specific diseases at various ages are much higher here and in recent years have been declining less rapidly in the United States than elsewhere. And our mortality rate is not entirely associated with the higher rates found among non-whites. The infant mortality rates for whites here, for example, in 1967 was higher than the overall rate for citizens of ten other countries.[1, 2]

All this is happening despite the wealth of our resources. We have, for example, more physicians for each 1,000 of the population than England, Wales, and Sweden. We admit more people to hospitals, make more visits to physicians, and spend a larger percent of the Gross National Product on health than they do. But do we get the benefits we should for the money we spend? [3]

Hospitals are often built where they are not needed or built without regard for shifts in population or new highways which change transportation patterns. Patients stay in them longer than their medical needs demand, sometimes because space in nursing homes or mental hospitals is not available or because no relatives are able to take them at home. Clinics operate at the convenience of staff, not their patients. Many physicians are "on the road" much of the day from their suburban homes to their urban hospitals, from one hospital to another, between home calls (if any) and the office. Patients are sent to stay in hospitals for tests that could be done on an outpatient basis; and doctors do tasks those with less training can do as well.

Every hospital feels it must provide the latest, most sophisticated treatments, despite cost or need and without regard to the expected return in terms of diseases prevented, detected or cured on each dollar invested.

Take a New England city of 175,000 with four hospitals. One already has the radiation therapy equipment and staff necessary to treat all the patients with cancer in the entire city and surrounding area. No patients go without treatment when needed. But the other three hospitals are scrambling to find personnel, space, and equipment so they, too, will have similar services. In the United States four-fifths of all cardiac operations in 1961 were done in 99 hospitals; whereas some 800 are staffed and equipped to do them. Certainly all are not necessary, especially since 270 hospitals reported no cases at all that year. The skills of a cardiac team of some 30 persons cannot be kept up unless there are 100 or 200 cases a year.[4] Certainly the case for regionalization of scarce and expensive sources is clear—or at least for better coordination of services.

The crisis is in the system through which health care is delivered to people. To understand it, one must understand the nature of the fragmented system by which civilians get their health care. Though about one-third of the money for it comes via the government, the care is largely provided by the private sector. And, incidentally, this fragmentation is not new. Herodotus was struck, when he visited Egypt a couple of thousand years ago, but the proliferation of specialists: "Every physician is for one disease and not for several", he noted, "and the whole country is full of physicians; those are physicians of the eyes, others of the head, others of the teeth, others of the belly, others of obscure disease."

The government owns or operates few health facilities and employs few physicians, dentists, and nurses, except for the benefit of veterans and members of the Armed Forces. Our medical care system is essentially a private enterprise system run by the hospital trustees, doctors, professional societies, and private companies which make up the medical-industrial complex. It is perhaps easier to understand if contrasted with a business, as Professor John Dunlop, the Harvard economist has pointed out.[5] [6] A business may be said to be based on three elements—the consumers, the entrepreneurs (manufacturers, wholesalers, retailers, etc.), and the institutions, such as banks, tax structures, the banking system, the system of taxation, the interest rate, schedules by which any business must abide.

The health care system can be divided into similar components. First are the patients or consumers. Next, entrepreneurs; physicians with all their super specialties, nurses, social workers, dentists with their sub-divisions, pharmacists, aides and technicians of many kinds, manufacturers of drugs, appliances and equipment with their advertisers, salesmen, chemists, etc. And, finally, the institutional elements—the places where care is given—hospitals, nursing and convalescent homes, doctors offices, neighborhood health centers.

In a business the three elements are constantly interacting. Market surveys tell the producers what the public wants. A retailer adjusts his hours, at least in part, so customers can be served, and he locates the outlets for his goods or secures where customers can shop conveniently. The housewife returns the gadget that doesn't work for a replacement or a refund. Both customer and producer react to the supply of money.

In contrast, there is little interaction in the health system. It has taken years to get clinics, used largely by working people, to open in the evening or on Saturdays. The mechanisms for customer complaints common in the business world are virtually unknown in the health world. The lofty institutions are slow to respond to changes in consumer needs. Hospitals expand but don't plan for patients who could be discharged earlier into simpler, less expensive facilities. They often disregard the building plans of neighboring hospitals, establishing units that are too small to operate efficiently. And even among the entrepreneurs there is far too little interaction. A specialist may take over one part of a patient's anatomy but not let a colleague, who assumed jurisdiction over another part, know his diagnosis or advice.

Both the economic and health care systems are obviously affected by changes in the society in which they operate. However, the former usually reacts more quickly than the latter. One example—the sudden post war rise in the birth rate led to an unprecedented number of infants—and later of teenagers. Clothes, toys, supplies for infants appeared everywhere, even in airports and corner drug stores. I was always amused that manufacturers of infant wear called me, as Commissioner of Health in New York City, each New Year for prediction of the probable change in numbers of births. Obstetricians, pediatricians, and hospitals never did. Teenage departments in stores and magazines for teens appeared long before clinics for adolescents in hospitals.

But enough of these comparisons. My main purpose is to emphasize that the social and economic facts of contemporary American society are very rapidly *forcing* change on the system through which medical care is delivered. I shall discuss five key developments. They are unrelated and overlapping.

1. *The raipd accumulation of scientific*

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knowledge—biomedical and technological is the first.

Experience in World War II produced evidence of the value of research and development. The development of the atom bomb gave an enormous impetus to so called R and D activities—and the launching of sputnik gave another push. Companies which had never had research divisions found them essential. Since the War, federal expenditures for biomedical research rose from $50 million to $1200 million a year. New facts and insights on how the body functions, on how various abnormalities occured, how disease develops, as well as new methods of prevention and new cures, come rolling in like the endless breakers on a vast beach.

Simultaneously, dramatic developments in other scientific-technological fields are available for adaptation in the health field—the transistor, computer, television, isotopes, new fibers and materials, etc. The social and behavioral scientists develop new approaches, better understanding of human and social behavior. Within the past two decades, the health care system has been faced with an unprecedented body of knowledge to adapt and to apply for the benefit of all.

The new knowledge, despite its great value in improving care of patients, serves in one sense to complicate the delivery of services. It led and continues to lead to greater and greater specialization. No one physician, surgeon, nurse can keep up. Thus, the fragmentation of care from the point of view of the patient becomes more frustrating.

2. *Rapidly rising costs.*

A second major force which is precipitating change in the delivery of health care is its rapidly rising cost. In 1929 the total bill for health in the United States accounted for 316 percent of the Gross National Product—in 1969 for 6.7 percent with actual figures rising from $3.6 to 60.3 billion. And if the National Health Insurance system becomes law, as many observers are not predicting, the estimate is that the proportion we spend for health will rise to 8 or 10 percent of GNP—or even more than 8 percent we now spend for defense purposes. Looking at these figures from the point of the individual, this has meant a rise on the average of from $29.64 in 1929 to $296.75 per year in 1969. Costs have been accelerating. Just between 1965 and 1969 our annual per capita expenditure for health rose 47 percent. Hospital costs are now rising by around 15 percent a year. Health has indeed become "Big Business",[7] [8] [9] both in terms of dollars budgeted and in terms of numbers of persons employed. It is also a rapidly growing business.

A large increase in federal spending for health came after 1963, when Medicaid and Medicare programs were inaugurated in response to the needs of the aged and the poor. Total federal expenditures rose from $3 to $12.7 billion. The new money went largely into paying for care—by doctors, hospitals, nursing homes. Very little, shockingly, was allocated specifically to improving the capacity of the already badly overloaded and fragmented system to cope with the new load. So we have demonstrated that increasing purchasing power by itself is not sufficient—the system simply cannot respond rapidly enough. There must be more concern for reorganizing the system and particularly for enlarging its capacity to give service. We must find more methods to pay for care preferably through a prepayment insurance mechanism and more group practices. At the same time, funds for research cannot be eliminated. New discoveries are important to improving patient care and to controlling costs. The discovery of an effective polio vaccine not only saved lives but millions of dollars as well in respirators and rehabilitation services no longer needed—not to mention the enormous human savings in terms of lifelong disability and dependency prevented. Suggestions that research be abandoned to pay for services are self-defeating. A better balance may be needed, but both are essential for both increasing the capacity of the system to give care.

3. *Shortages of personnel—physicians, dentists, nurses and many kinds of persons allied with them are a third major force pressing on the health system.*

To be sure, part of that problem is maldistribution—with the inner city and rural areas having only a handful of overworked and aging physicians. Blumberg, for example, found physicians working over a 60-hour week, struggling to keep up with the load.[10] Few young doctors are attracted to rural or ghetto areas and will not be until the system is changed. There is maldistribution, too, in the kinds of physicians in practice with the general practitioner absorbing the lion's share of the work load. Twenty-four percent of physicians are so-called general practitioners—yet 64 percent of all visits to physicians are made to the general practitioner. To be sure, internists, and pediatricians can and do give general care to their patients, but their numbers are increasing less rapidly than surgeons of whom there are probably already enough. Many studies indicate that if present trends continue, it will be increasingly difficult, if not impossible, to find a physician in the smaller towns and cities by 1980. In fact, there is evidence that people are already paying fewer visits to doctors.[11]

A few manpower experts have argued that the problem can be solved without more doctors if the system is altered, but the consensus is growing that this is not true. The Carnegie Commission on Higher Education has just issued a report on medical and dental education. It argues for a 50 percent increase in doctors and a 20 percent increase in dentists during the next decade.[12] In any event, the way we use physicians must change.[13]

Wider use of other health personnel, carefully trained assistants to do what the highly trained doctor, dentist, or nurse now do, of aides of various sorts is essential. Already there are an average of ten such persons for each physician [12]—and the ratio has risen steadily. Professional vested interests, licensing laws, increasing amounts paid in compensation cases, and the greater bulk of malpractice suits being filed are road blocks in the use of such people. But the larger numbers of educated young people, the growth of the community colleges, job training programs of all kinds, use of the medical corpsmen trained by the Armed Forces, extending the roles of nurses—all make an increase in the numbers of so-called allied health personnel seem more and more feasible.

4. *Changes in people.*

A fourth factor to be taken into consideration in improving health care are the changes in the way in which the people the system serves are changing. In this country we are growing younger faster than we are becoming older; half of us are now under age twenty-eight. And though the rate of population increase is now slowing down and may slow down even more, larger numbers still must be cared for, including those not now receiving care. There are also changes in the type of diseases people have. Medical science can not cope with an ever-increasing number of man's ills—from congenital defects to worn-out kidneys and hearts—and so the numbers of persons with chronic conditions in need of continuing surveillance is increasing. The dominant killers are still cancer and arteriosclerotic heart disease—but the major load of medical care lies in care of patients with arthritis, diabetes, allergies, chronic pulmonary disease, respiratory disease, psychosomatic and mental illness, care of the well child and a host of other conditions usually requiring the specialized care on a continuing basis—not just care during an episode of acute illness. Of course, such persons may still need expensive, highly sophisticated care in a hospital from time to time.

The people are better educated too. With guidance they can be taught to do much more about their own health—though it may take years for the health professionals to realize the change and accept the patient as potentially a key member of the health team, so to speak.

In still another way, patients and particularly the poor, the underprivileged are demanding to be on the health team. Their demands are rooted in anger and exasperation after years of waiting hours on hard benches in clinics while losing a precious day's pay, in being treated in a manner which is brusque, impersonal, and devoid of human dignity, and in going from one clinic to another. Not long ago a colleague described this scene in a large New York municipal hospital:

"Women with children underfoot and in arms stand waiting because there is no place for them to sit. Mobs mill about like so many lost cattle. Above the scene there is one constant cacophony of sound—sound rising, falling, swooping, circling—that rises to a din that is deafening . . ."[14]

Even the rich have grown weary of being shunted from one specialist to another and of waiting three weeks for an appointment to see any physician. All over the land, there is a feeling that "our health is too important to be left to the doctors"—of grave doubts about whether the professionals really know how to run the railroad. In the inner city, minority groups will no longer accept health services planned only by doctors and experts. They demand a part in making the decisions. This is a new development.

In a society that is becoming more and more depersonalized, the cry for individual care, for the human touch in medical care, as well as the latest and best science has to offer, is loud and clear from rich and poor.

Another facet on the opposite side of the coin is the great expectations people have of modern medicine. It can, it must, it should do everything. We take for granted an unending parade of new miracles, drugs, transplants, cures for all diseases—including social conditions of many kinds even though their causes are still far from being understood. Nothing is too difficult for modern science. This, despite a growing distrust of the scientist.

So the health care system is faced simultaneously with more people, young and old, more chronic disease which demands continuing surveillance, ever greater expectations of what can be done and ever-increasing disenchantment with the ability of the health care system to give high quality care to all.

5. *Changing professional attitudes*

A fifth new force is the changing attitude in some professional societies, in health professional schools, and, above all, among students in these schools. For example, the American Public Health Association, completely reorganized within the past two years, has opened its membership to consumers and is experimenting with giving them a greater voice in the affairs of the Association. An increasing percentage of medical students is interested in personally intervening to change the health care delivery system. They want to learn more than biochemistry and neurosurgery. They want to know about controversial matters and broad social problems, national health insurance, abortion, the environment, drug addiction, genetic manipulation, use of physicians' assistants. They take courses in public administration, computer technology, economics of medical care.

Footnotes at end of article.

They work along with dental and nursing students on their own time in ghetto clinics or in rural poverty areas. A few identify with activist citizen groups and represent points of view of such groups to the administration of the medical school. They demand a larger number of students of minority groups and help recruit them. Dr. Daniel Funkenstein, who has studied students at Harvard Medical School for many years noted a major shift from a scientific and research focus that characterized the 1950's and 1960's. He says of a recent class: Their personal characteristics and career plan can best be described as appropriate to the community era of medicine in which health care would be delivered to all segments of our society without regard to financial means, in which action would be taken on social factors that impede health and breed disease, leading to true preventive medicine, and larger numbers of students from minority groups would be provided with the opportunity of becoming physicians."[15]

And faculties are responding. Changing the curriculum is the name of the game in most medical schools and many dental and nursing schools. The schools are developing an interest in the communities around them. And they are certainly embarked on extensive programs of self-analysis, all of which auger well for the future.

It is perhaps significant to note in passing another complicating factor in the picture—a factor that probably will continue, as it has in the past, to impede change. The physician, like the judge, in taking responsibility for life and death of one individual comes to rely heavily on his own skill. There develops a kind of arrogance, an air that says, "I know what is good for you—I will take care of you". If we are acutely ill, this is very comforting. Perhaps this is why Americans who complain most bitterly about the state of health, affairs like their own personal physicians. But it makes change difficult for the physician. And he sees few patients who are not under his own care so he is unaware, for example, of the care the poor get or of those who get no care. The specialist is often interested in but one of the patient's complaints and loses interest in the patient as a person. The specialist gets paid more, and his brilliant technical skill receives wide acclaim. Being human, the physician resents being considered second class—and so the ambition of most students, until recently, has been to become a specialist. The attitude that doctors know and consumers don't has also been passed on to students, too. Hospitals don't wish to be second class either—and they believe they know what their communities need. Trustees and staffs consider having *all* the latest equipment and full complement and specialists—brain surgeons, transplant and cardiac surgeons—etc.—essential to being first class. Such staff knows, they believe, what the community needs. Do they? And they find change difficult.

Caring well for the 90 percent of man's ills—the more common complaints can make a doctor and hospital first-class too. The community hospital need not do everything if it has a working relationship with a hospital that has what it doesn't have. But changing these practices involves changes in the attitude of both physicians and hospitals.

These forces, the rapid accumulation of new knowledge, the rapidly rising costs, the shortages of health personnel, the differences in the people served, and the changing attitudes of professional groups—along with other forces (urbanization, changing patterns of family life, unionization of health workers, the psychological effects of our increasing complex society, for example) seem to make vast changes in health care inevitable.

What form will change take? There is little agreement—certainly not on any one overall scheme for the nation. This is fortunate, for it provides an opportunity to try different patterns—ones which may well fit the different problems found in different parts of this country.

It seems more probable that changes in the health care system will come bit by bit. Political problems are involved. Politics has been broadly defined as the art of the possible. So it may be with adapting the outdated health care system to today's needs. The vagaries of human nature, the vested interests and actions of many different human beings, the cross currents of our economic and social upheavals are involved. The bargaining will be prolonged.

There is a growing understanding in my opinion, on the importance of several points.

1. Finding better ways to deliver health care must become as prestigious and well supported a pursuit as research in molecular biology. Health services research, as it is being called, demands the attention of the best minds in the nation.

2. We must make much greater use of allied health professionals and new types must be developed.

3. The increasing collaboration of economist, engineer, behavioral scientist, and health worker will bring more automation, but, hopefully, without loss of the tender loving care side of medical practice that means so much to patients.

4. Regionalization of services is imperative. Isolated health facilities must be brought together to make the most effective use of scarce personnel and expensive facilities and equipment. The less sophisticated technologies should be made more accessible to those served—but decentralization and duplication of the more sophisticated must be avoided.

5. We must incorporate much more preventive, ambulatory and home care into our health system.

6. We must lower the economic barriers to quality health care so that good care really will be available to all.

We know, in sum, what must be done. And, difficult as the problems seem, they are not insoluble. If we invested no more energy, money and intellect in finding new ways and means than we now do in perpetuating the old ones—we might all surprise ourselves by achieving, to a very great extent, what must be achieved in the field of health care.

FOOTNOTES

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FAIR CREDIT BILLING DATE

Mr. PROXMIRE. Mr. President, on Monday, February 8, 1971, I introduced S. 652, the Fair Credit Billing Act. This act would protect consumers against unfair and careless billing practices. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 652

Be it enacted, etc., That this Act may be cited as the "Fair Credit Billing Act".

SEC. 2. Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended—

(1) by adding at the end of subsection (a) a new paragraph as follows:

"(8) The protection provided by section 161 to an obligor under any such account in the event of an erroneous billing.";

(2) by amending subsection (b) (2) to read as follows:

"(2) The amount and date of each extension of credit during the period, the vendors and/or creditors involved, and, if a purchase was involved, a brief identification of the goods or services purchased.";

(3) by adding at the end of subsection (b) new paragraphs as follows:

"(11) The right of the obligor and the obligations of the creditor under section 161 in the event the obligor believes there is an error in the statement of his account and gives written notice thereof to the creditor;

"(12) The address and telephone number to be used as a contact between the obligor and the creditor for the purpose of receiving requests by the obligor to correct mistakes or make adjustments to the obligor's billing statement.".

SEC. 3. The Truth in Lending Act (15 U.S.C. 1601–1655) is amended by adding at the end thereof a new chapter as follows:

"Chapter 4—CREDIT BILLING

"Sec.
"161. Correction of billing errors.
"162. Regulation of credit reports.
"163. Length of billing period.
"164. Credit for partial payments.
"165. Prohibition of minimum charges.
"166. Prohibition of offsets.
"167. Crediting payments on date of receipt.

"168. Crediting excess payments.
"169. Rights of credit card customers.
"170. Use of cash discounts.
"171. Civil penalties.

"§ 161. Correction of billing errors

"(a) If a creditor, having transmitted to an obligor a statement of the obligor's account in connection with an extension of consumer credit, receives a written notice from the obligor in which the obligor—

"(1) directs the attention of the creditor to an amount shown in the statement as owing from the obligor, which the obligor believes to be in error in whole or in part, or seeks additional clarification with respect to such statement.

"(2) indicates the amount (if any) by which the amount shown in the statement is greater or less than the sum believed to be owing to the creditor by the obligor, and

"(3) sets forth the reasons of the obligor for the belief that the bill is in error or requires additional clarification,

the creditor shall—

"(A) not later than ten days after the receipt of the notice, send a written acknowledgement thereof to the obligor, and

"(B) not later than thirty days after the receipt of the notice and prior to taking any action to collect the amount, or any part thereof, believed to be in error—

"(i) make appropriate corrections in the account of the obligor and transmit to the obligor a statement of his account which has been revised so as to show the corrections, or

(ii) send a written explanation to the obligor setting forth the reasons why the creditor believes the account of the obligor was correctly shown in the statement together with copies of documentary evidence of the obligor's indebtedness after having conducted an investigation in response to the obligor's written notice.

"(b) Any creditor, having received a notice from an obligor as provided in subsection (a), who fails to comply with the requirements of that subsection—

"(1) forfeits any right to collect from the obligor the amount shown in any statement of the obligor's account which the obligor believes to be in error and has specified in such notice in the manner prescribed in clause (2) of such subsection, including any finance charge or other charge imposed by the creditor in connection with the amount so specified; and

"(2) if such amount is in fact an error, is liable to the obligor in an amount equal to the sum of—

"(A) the actual damages sustained by the obligor as a result of the failure of the creditor to comply with such section;

"(B) $100 or three times the amount referred to in paragraph (1), whichever is the greater; and

"(C) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

"§ 162. Regulation of credit reports

"(a) After receiving a notice from an obligor as provided in section 161, a creditor may not directly or indirectly threaten the obligor with consequences adverse to his credit rating or credit standing until the creditor has met the requirements of section 161 and allowed the obligor thirty days thereafter to make payment.

"(b) Any creditor who reports adverse credit information concerning a disputed amount allegedly owed by the obligor in connection with a consumer credit transaction to a consumer reporting agency, as defined in section 603(f) of this Act, or to any other third party shall first notify the obligor of the name and address of the parties to whom such information is reported together with a copy of the report.

"(c) A creditor may not report as delinquent the account of an obligor to a consumer reporting agency after receiving a notice from the obligor as provided in section 161 without also reporting that the account is in dispute and furnishing a brief description of the obligor's contention. A creditor shall report any subsequent disposition of any such disputed account to any consumer reporting agency to whom it has previously reported the account as delinquent.

"§ 163. Length of billing period

"Where a creditor operates an open-end credit plan under the terms of which an obligor has the option of avoiding the payment of a finance charge by paying the outstanding balance in full within a specified period of time, a finance charge may not be imposed unless a statement of the outstanding balance upon which the finance charge for that period is based is mailed at least twenty-one days prior to the date by which payment must be made in order to avoid imposition of that finance charge.

"§ 164. Credit for partial payments

"Any creditor who operates an open-end credit plan under which the obligor has the option of avoiding the imposition of a finance charge by paying the opening balance in his account in full within a specified period of time shall compute the finance charge by applying a periodic rate or rates to the amount represented by the opening balance reduced by an amount equal to all payments and other adjustments received and credited to the obligor's account during such period.

"§ 165. Prohibition of minimum charges

"No creditor who operates an open-end credit plan shall impose a minimum finance charge on the periodic billing statement.

"§ 166. Prohibition of offsets

"Notwithstanding any agreement to the contrary, no credit card issuer shall offset a cardholder's indebtedness against funds of the cardholder held on deposit with the card issuer. This section does not annul the right under State law of a card issuer to attach funds of a cardholder held on deposit with the card issuer if that remedy is available to creditors generally.

"§ 167. Crediting payments on date of receipt

"Any creditor who operates an open-end credit plan shall credit payments to an obligor's account based on the date of actual receipt of such payment by the creditor or his agent.

"§ 168. Crediting excess payments

"Whenever an obligor transmits funds to a creditor in excess of the total balance due on an open-end credit account, the creditor shall promptly refund the amount of payment in excess of such balance or promptly credit such excess amount to the obligor's account. If an obligor has an outstanding credit balance at the close of any billing period, the creditor shall disclose, on the periodic billing statement immediately following such period, that the obligor is entitled upon request to a prompt refund of any credit balance. Any creditor receiving such a request shall promptly refund the amount of the credit balance requested by the obligor.

"§1169. Rights of credit customers

"A card issuer who has issued a credit card to a cardholder shall be subject to all claims and defenses arising out of any transaction in which the credit card is used as a method of payment or extension of credit.

"§ 170. Use of cash discounts

"(a) With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller may be a person other than the card issuer, the card issuer may not, by contract or otherwise, prohibit such sellers from offering a discount to a cardholder to induce payment in cash rather than the use of a credit card.

"(b) With respect to any sales transaction, any discount not in excess of 5 per centum offered by the seller for the purpose of inducing the payment of cash at the time of the transaction rather than the use of credit shall not constitute a finance charge as defined under section 106 provided such a discount is offered to all prospective buyers and its availability is disclosed to all prospective buyers clearly and conspicuously in accordance with regulations prescribed by the Board.

"§ 171. Civil penalties

"Any person who fails to comply with any requirement imposed under this chapter (except for section 161) with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) punitive damages of $100 or such greater amount as the court may allow; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court."

SEC. 4. This Act takes effect upon the expiration of one hundred and eighty days after the date of its enactment.

PRESIDENT NIXON'S HEALTH MESSAGE

Mr. DOLE. Mr. President, yesterday, President Nixon sent to Congress a comprehensive health message. This message recognizes the present health care crisis in our Nation, and proposes six broad areas through which the the administration believes present shortcomings can be minimized or eliminated.

President Nixon emphasizes both the necessity of preventive health and a reorganization of the present health system. And, of major importance is his renewed promise that "no American family will be prevented from obtaining basic medical care by inability to pay." In meeting this pledge, President Nixon proposes a health system built upon the strong points of the present health system. And he proposes a system whereby the private sector will have maximum opportunity for participation.

Mr. President, these proposals of President Nixon to solve our Nation's health crises are only one of several that have been advanced in recent days. President Nixon and members of his staff have spent thousands of hours in their consideration. And they have arrived at this approach as being most suitable for meeting our health needs, while still remaining manageable within our Federal resources.

In the near future, legislation deliniating these provisions will be sent to Congress. I hope that early hearings will be held so we can be fully aware of this proposal's ramifications. And so, as we judge its advantages or disadvantages in the light of other proposals, we may engage in open and honest debate.

Mr. President, it is my hope that the 92d Congress will be a landmark session of cooperation and success in the attempt to solve the Nation's health crisis. As recently implied by Secretary Richardson, our goal should be to allow the wealthiest Nation in the world to also be the healthiest.

THE WELFARE MYTHS

Mr. RIBICOFF. Mr. President, the existence of widespread and chronic poverty in the United States and the dismal failure of existing welfare programs are among the most critical domestic problems that we face. The Senate stalemate last session over the President's proposed welfare reform was itself a decision to maintain the present welfare system which is inadequate, inequitable, inhuman, and fiscally burdensome. Millions of Americans will continue to live wasted lives in the midst of the highest level of affluence and abundance ever known to man.

Much of the national debate about poverty and welfare reform has resolved around misconceptions, distortions, and oversimplifications. When those of us in the Congress rely upon myth rather than fact we fail in our duty to inform our constituents and to develop policies and programs which meet the needs of this country.

Certain basic facts are clear. Millions of Americans are virtually excluded from the opportunities and benefits of our economic and social systems. In 1968 there were 25 million impoverished Americans. Two-fifths were children, one-fifth were over 65, and one-third were living in families in which the family head worked throughout the year. Most were poor because they were born to impoverished parents, or never had the opportunity to become nonpoor, or because of some other circumstance over which they had no control.

It should also be clear by now that we will not end poverty in America with a reform of the system simply designed to limit the number of Americans we help. Last session, one of the amendments I submitted to the President's welfare reform proposal would have established a national goal of providing all Americans by 1976 with enough income to sustain a decent standard of life; in other words, a national goal to abolish poverty.

To reach this goal will require new programs and more money than we are now spending on welfare, and will make more Americans eligible for programs such as job training, job placement, medical treatment, child day-care centers, and public assistance.

We are deluding ourselves or attempting to delude the public if we suggest that poverty can be ended without such efforts.

Let us begin the debate this year on welfare reform recognizing the complexity of the issue. Let us conduct the debate not on the basis of myth but on the basis of the best intelligence we have about the problem.

To further this goal, I ask unanimous consent to have printed in the Record an article entitled "Welfare Myth, Fact Are Far Apart," written by Nick Katz and published in the Washington Post on February 7, 1971, and an editorial from the Post of February 14 which justly criticizes the conduct and content of last year's debate over welfare reform.

There being no objection, the items were ordered to be printed in the Record, as follows:

Welfare Myth, Fact Are Far Apart

Myth. They're getting rich on welfare.

Fact. Welfare benefits for AFDC families now average $185 monthly, 43 per cent below the federal poverty line.

Myth. They all come to the city to get welfare.

Fact. Seventy-two per cent of AFDC families now live in urban metropolitan areas, but the typical rural migrant lives in the city five years before applying for welfare.

Myth. Most AFDC families contain men who won't work.

Fact. Of nearly 10 million AFDC recipients, only 100,000 (1 per cent) are able-bodied, unemployed men. More than 95 per cent of recipients are women and children.

Myth. Most AFDC recipients are black.

Fact. 49.6 per cent are white, 46.3 per cent are black, 4.1 are other races.

Myth. Once on welfare, they never get off.

Fact. The typical AFDC family stays on welfare for slightly less than two years. Sixty per cent of present recipients are receiving welfare for the first time.

Myth. They cheat.

Fact. Some do. Fraudulent receipt of welfare is detected in less than 1 per cent of all cases, and detectable fraud has not been increasing.

Myth. They keep having more children to receive more benefits.

Fact. The size of the average AFDC family has declined slightly to a present level of three children.

Myth. AFDC is a problem because fathers desert and won't support their children.

Fact. Desertion is a major cause of AFDC dependency, but rising family breakups are a national phenomenon. Generally, the rich get divorces and alimony while the poor more often get separation or desertion with no available child support, and therefore go on welfare.

Myth. More and more welfare children are illegitimate, particularly blacks.

Fact. Out-of-wedlock parental responsibility is the cause of dependency in 27 per cent of AFDC cases, a percentage that is not rising. Nationally, illegitimacy is rising sharply among white women, but declining by 30 to 70 per cent among black women, depending on age.

The Revenue Sharing Debate

The Family Assistance Plan, which the Nixon administration began to promote in the summer and fall of 1969, represented a departure in government policy toward the poor sufficiently important and imaginative to merit a serious national discussion. Yet, from the beginning and throughout the public argument over the proposal, it has been, for the most part, rhetoric-as-usual. One heard (and read) relatively little about the real issues involved—the practical and/or theoretical desirability of establishing the principle of a guaranteed annual income; the potential effect of doing so on regional economies, on federal, state and local treasuries, and on the recipients themselves. Rather, argument focused on the all-purpose caricature of the poor, the sentimentalized victim of official penury and harassment on the one side, as against the shiftless, conniving welfare profiteer on the other. Which of these generic figures you conjured up depended on whether you were for expanded benefits and looser restrictions or for the reverse.

We bring all this up because 1) we do not think it particularly furthered the cause of anything useful—including that of welfare reform—from anyone's point of view and 2) we observe, with sinking heart and sagging spirit, that something quite similar is getting under way on the subject of revenue sharing. In this instance, the two competing caricatures are two elements of government (federal versus state-local), and it apparently is becoming increasingly difficult for a lot of people to a) make a claim for the one that does not rest on a total derogation of the other, b) encompass the thought that in some respects *both* may be a mess and c) comprehend that they are not always two readily distinguishable, discrete entities, but rather tend to represent an institutional mish-mash of personal, programmatic and financial relationships.

All federal intervention and direction is not bad (or good); all state and local governments are not incompetent (or efficient); in some cases and for some people homegrown government and its attendant bureaucracies are less accessible and responsive than is the federal establishment; in other cases and for other people the reverse may be true. These propositions should be self-evident, and so should the objective of revenue sharing which flows from them. It is not to change great one-way tides or to replace one set of inefficiencies with another or to return hot goods in the form of money and might to the local victims of some federally-inspired embezzlement of power. Rather, the objective is to redistribute the nation's revenue in a rational, equitable and productive way. And the fact is that no one has any but partial and imperfect ideas as to how this can best be done or what—for that matter—the result should look like when it has been done.

Political imperatives, not all of them frivolous or ill-considered, had a lot to do with the debasing of public debate over the welfare proposal. Congressional action and public support were known to depend, in that case, on overcoming a whole set of pieties and opinions on the subject that were strongly held, if weakly reasoned. In consequence, Mr. Nixon spent a great deal of time trying to persuade right-wing opponents of his enlightened, progressive proposal that it was in fact not a guaranteed income plan, but a surefire way of getting a lot of welfare loafers back to work. Like these other notorious troops, the administration may not have frightened the right-wing enemy in this respect, but it did manage to frighten some friends—those who had been relatively hospitable to the plan and who now had become increasingly susceptible to charges, made by the National Welfare Rights Organization and others, that the Family Assistance Plan was some malevolent, repressive scheme against the poor.

All this had mainly to do with the work and work-training provision of the welfare reform which, from the outset, had been oversold in its probable effect both by the administration and by those who were trying to do in the bill from the left. The perils of this approach are plain and so is their relevance to the revenue sharing debate now getting started. For it is possible to acknowledge the political bind Mr. Nixon found himself in so far as promoting his welfare program in Congress was concerned and yet to wonder whether the administration didn't enter, irrevocably, into a mugs game when it sought to appease prejudice and misconception on all sides—as distinct from trying to correct them.

In our view, there is a clear and present danger that the attractive concept of revenue sharing will be disfigured by comparable rhetorical excess and oversimplification and distortion to the point where we are arguing merely about myths and emblems. It seems plain that there is little likelihood of Congressional passage, in its original form, of the President's $5 billion "general" revenue sharing program (one contribution to realism and clarity would be to cease discussing his $11 billion consolidated grant program under the heading of "revenue sharing," which it is not). It also seems plain that the two current preferred alternatives—a federal takeover of welfare expenses and administration and a federal income tax credit for taxes paid to the states—have a lot of practical problems that would have to be worked out.

To these, we intend to return later; but in the meantime we would observe that, finally, it is also plain that some accommodation between these various techniques with their various prospective results will ultimately have to be arrived at. The likelihood of any of this happening can only be diminished by indulgence in a playful, point-missing dispute.

THE ARCHITECTURAL VISION OF PAOLO SOLERI

Mr. JAVITS. Mr. President, Paolo Soleri's thought-provoking exhibit, "The Architectural Vision of Paolo Soleri," has just completed a showing in Chicago, Ill., at the Museum of Contemporary Art. Last year I had the privilege and the unique pleasure of viewing this exhibit at the Whitney Museum of American Art in New York.

It has long been known that our cities and, in fact, our world, are drastically in need of a fresh new approach to cope with the mounting problems and challenges presented by our sprawling cities, by our everincreasing population, and by our youth who are demanding courageous, daring, and compassionate solutions to our social problems. It is frequently thought that genius goes unrecognized in its own lifetime, but the response of Mr. Soleri to these challenges is so bold and so provocative that he may well be judged by history as an architectural and philosophical genius, and at the very least he will have created an awesome and inspiring dream.

Mr. President, for the information of others who are concerned with these vital problems, I ask unanimous consent to have printed in the RECORD several reviews of Mr. Soleri's exhibit which include thoughtful insights into his philosophy.

There being no objection, the reviews were ordered to be printed in the RECORD, as follows:

PROPHET IN THE DESERT

(By Ada Louise Huxtable)

WASHINGTON.—This is an age that has only recently ceased to discredit its intellectuals, and still distrusts ideas. It is a society that has enshrined pragmatism and subjects every thought and action to the decisive test question, "Is it practical?"

Based on whether or not it is practical, we have built our world. One practical decision after the other has led to the brink of cosmic disaster. And there we sit, in pollution and chaos, courting the end of the earth. Just how practical can you get?

Take another hard look at that world that is causing so much concern today before you write off Paolo Soleri, visionary extraordinary, philosopher, artist, architect and seeker of "plumbing systems for cities." If you think we've done well, dismiss him. Just say he makes "pretty pictures." He does. His remarkable, hundred-foot-long scrolls of "urban continuums" are some of the most spectracular sensitive and superbly visionary drawings that any century has known. (Ledoux and Boullée, move over.)

But if you believe that the human spirit deserves and is capable of better than it has gotten environmentally, go to the Corcoran Gallery in Washington before April 6. If you believe in the human spirit at all, go to the Corcoran. You will meet a lot of other people who do, attending the first and only retrospective exhibition of Soleri's work, a sleeper of a show in this good, gray, bankers' gallery. "The Architectural Vision of Paolo Soleri" is an important and beautiful show. Grants from the United States Department of Housing and Urban Development, the Prudential Insurance Company, and assistance from the Corcoran have made it possible. The Soleri scrolls stretch along classical walls, and models in river slit or plastic expound the esthetic eloquence of his ideas. Nothing shown has been built. It is perhaps another sign of the times that this exhibition of ideas is being extremely well attended.

For the past 12 years Soleri has lived and worked in the Arizona desert with a group of students, in a kind of "urban research" project, something done with far more fanfare and infinitely less intellectual majesty in "think tanks," where everything must be computerized for credibility. A small, wiry man in his 50's, Soleri carries extraordinary tensions of intellectual and esthetic awareness in a slender, responsive body and an ascetic, poet's face.

It is customary, of course, to throw our geniuses away. At the best, they offer no immediate solutions; at the worst, they make us uncomfortable. How they enrich human history and consciousness is something the future usually finds out.

In Soleri's book just published by M.I.T., "The City in the Image of Man," his philosophical and environmental perceptions offer a sudden, stunning pertinence for today. He does not need the current bandwagon of despair He has been preaching environment and ecology for a long time. But his ecology deals with both the natural and man-made world, in a very special, mutual relationship. By his definition, architecture and ecology are two parts of the same thing, inseparable in their effect on man. He calls it "arcology."

The concept of arcology grows out of an impressive process of intellectual analysis. Nature, Soleri points out "is a constant coordination of disparate things into congruous patterns." Man himself is a perfect organism, "a marvel in complexity, compactness and congruence—a miniaturized universe," with, in addition, the power of reason. But the step beyond man, society, is still an imperfect organism, performing badly.

Technology, he continues, moves constantly toward miniaturization, the kind of complexity and compactness that exists in nature. The city, he says, must also move toward "miniaturization"— compact, multilayered and multidimensional, rather than wastefully scattered and sprawled. He advocates centralization far beyond conventional planners' nightmares of density. Hundreds of thousands of people would live in intense, orderly concentration in a few square miles, accommodated in an extremely complex and compact urban mechanism, leaving the surrounding natural land accessible to all.

Unlike the English Archigram group's "Plug-In City," meant for total expendability, Soleri's housing and facilities would plug into a permanent basic structure. The image is the exact opposite of Doxiadis's "ecumenapolis," the oozing urbanism relentlessly covering continents, held up by the Greek planner as the world of the future. This terrible destruction of the land should not be the future, says Soleri. Such computerized predictions are merely projections of the patterns and errors of the present and the past.

And so Soleri presents his "arcologies"— those "plumbing systems" for society— stratified containers for urban life. They are, he reminds us, his own peculiar "idiosyncratic" visions; only diagrams to express his theories. They range from the organic to the Euclidian, with wonderful names to match: Novanoah, Babel Canyon, Hexahedron. "What you see is a phantom," he says, "the beginning of a process."

These clustered mushrooms and snorkeled megastructures are not to be taken literally, and that is where the public usually loses him. The professional dismisses them as nonarchitecture. The lay observer sees them as pictures of cities, not as abstract schematics, and has one of two reactions. He either bolts in horror or he falls in love with the vision. Because Soleri's drawings and models, aside from their value as three-dimensional illustrations of his theories, are a strongly seductive kind of art. One can take them that way, if no other, and read his writings for an equally strong, poetic insight. He has been the prophet in the desert and we have not been listening.

For example: ". . . Man is eminently an environmental animal. If one adds that man is also a social animal, then one sees that environment comes close to being preponderantly the city. The city is the true concern of architecture. . . . Architecture redefined may open a door to the quest of the city for a new life. Architecture is the physical framework for the life of man. . . . The city is a human problem that has to find its answer within ecological awareness. Short of that there is no answer."

"Speculation can be instrumental to the city; it cannot be its aim. As the city cannot be speculative, so it cannot be a handout by 'authority.' The handout never cares. It is indifferent, just another aspect of the speculative exercise. Any care it may have had at its origin has been lost in bureaucratic meanders and their parasitic agents. Care is a first person undertaking. The care of the citizen is the sap of the city. But one can care only for that which one loves. . . ."

This summer, Soleri will begin a labor of love: a 10-acre demonstration of a town he hopes to build called Arcosanti. He has bought 800 acres of land 70 miles from Phoenix for Arcosanti, and must meet a partial payment of about $50,000 by June. He has no money. All that 12 years of work and study have earned are three foundation grants (from the excellent, small, Guggenheim and Graham Foundations, not the giants) totaling $25,000. To support his own Cosanti Foundation, the nonprofit arrangement that includes his school and studio, he makes and sells wind chimes and bells. To build Arcosanti, he now has six shovels, some rakes, a cement mixer, some stouthearted graduate students and a firm intellectual conviction. Arcosanti is to be a "self-testing" urban environment. If it is a dream, it is the very best kind.

[From the Wall Street Journal, Mar. 11, 1970]

ARCHITECT VIEWS A CROWDED SPACESHIP

(By John V. Conti)

WASHINGTON.—How will we all live in the years to come when there are so very, very many more of us? An exhibition of the work of Paolo Soleri is raising this question, and providing the somewhat startling realization that this architect's vision of giant on-structure cities may well be part of the answer.

These city-structures, Soleri believes, have to be understood and the ideas behind them accepted if the inhabitants of this crowded spaceship, earth, are going to stay alive.

The capital currently is host to the first exhibition of the little-known architect who has spent most of the past two decades in the Arizona desert, along with his family and a handful of apprentices, designing giant one-structure cities, some a mile wide and a mile high, some for more than a million people.

Soleri's ideas are being presented through April 15 at the Corcoran Gallery under the sponsorship of the gallery, the Prudential Insurance Co. of America and the Department of Housing and Urban Development. They're shown in his fanciful drawings, some of which stretch for 50 yards on great rolls of wrapping paper, and in his models— luminous plastic structures big enough to walk under, and incredibly complex arrangements of wood and cardboard. The show fills most of the exhibition space of the Corcoran, which is a block east of the White House.

Soleri calls his cities "arcologies." A word he devised some years back, it's a combination of architecture and ecology, reflecting his concern that men build in such a way that they don't disrupt the balance of life.

A CRUCIAL CONCERN

It's a crucial concern. According to some estimates, already about 1% of the land in the U.S. is built on or paved over. And the population is expected to grow by about 50% in the next 30 years to 300 million people. Imagine five New York metropolitan areas created whole in this country in the next 30 years, and some urgency might be applied to the concern. One of Soleri's darkest thoughts is that the entire U.S., with only a few unfilled spaces, will be covered by vast megalopolises.

What's worse, he says, the megalopis, however we build them, won't work. A megalopolis demands, he says, a complexity and an amount of physical and mental integration of people that it doesn't have the physical structure to support. It fragments and diffuses the time and energy of its inhabitants, he says. He regards as merely "sedatives" our attempts—such as mass transit and urban renewal—to make the megalopolis work.

Instead of these flat, two-dimentional megalopolises, sprawling endlessly, consuming the land, scattering the energies of their populations, Soleri proposes that we build vertically, compressing great numbers of persons and places into single giant structures.

Pictured here is an arcology called "Hexahedron." As one of the smaller arcologies it would be about 3,500 feet high (a scale drawing of the Empire State Building is on the left) and cover 140 acres. It would hold all the homes, offices, factories and stores and public facilities of a city of 170,000 people, about the size of present-day Youngstown, Ohio, a city that, as Soleri would view it, now squanders itself over 22,400 acres.

Homes would make up the outer walls of the pyramids. Offices, shops and public places would span various levels of the interior, much of which would be left open to sunlight and air. Highly automated and pollution-free factories would be buried beneath the structure. Transit would be by foot, on elevators and on moving walkways, with every part of the city, Soleri says, accessible in minutes from any other part.

Between the arcologies (which take many forms other than the one shown here) the countryside would be reserved for farming, recreation and conservation—free to function, Soleri says, as the "fantastic, disciplined machine" that the earth's ecological system is.

Soleri readily acknowledges that much new technology would have to develop before men could build anything quite like the structure pictured here. And construction alone on the scale he envisions (let alone living in an arcology) would require an amount of social and economic reorientation that most of us probably can't even imagine yet.

Still, Soleri quietly insists that these are real problems and he doesn't counsel hesitation: "I'm trying to suggest that some power structure should think about and get busy on it," he says of his work.

Soleri, of course, does not see these amazingly compact structures as inhospitable or inhumane. He believes increasing interdependence and increasing community are a natural part of our future and that men will therefore find it not only possible but desirable and necesary to live in such densely populated structures.

Beyond noting the evident beauty of Soleri's drawings and models at the Corcoran and the provocativeness of his ideas, it's hard to do more than guess at what the value of his labors may be. Architect Buckminster Fuller, who calls Soleri "one of the greatest of the dreaming strategists," thinks "he's liable to bring about an urban building extremely satisfactory to society."

There have been architectural dreamers before—Tony Garnier and Antonio Sant'elia are two—whose visions of "Cities of the Future" in the early 1900s anticipated and helped shape the cities we live in now.

Soleri may well be giving us, as they did for their time, a glimpse of what's ahead. He may also be finding forms for the kinds of increasingly complex structures we seem likely to build soon—though probably not so soon on the mega-scale Soleri proposes.

Soleri has already had some influence on avant-grade architects in Japan, where until recently his work received its widest publication (they're a bit more crowded there than we are here.) And it's worth noting that the John Hancock Center in Chicago is touted by its builders as our first large building built so that a man could live, work and shop within it.

Soleri, now 50 years old, is dark and wiry, of medium height, an intensely serious and seemingly gentle man. He came to the U.S. from his native Italy in 1947 as an apprentice to Frank Lloyd Wright, and he eventually settled in Paradise Valley, outside of Phoenix.

As an architect he has built only about a dozen buildings—all small and all but four of them for himself. He has supported his wife (the daughter of a prominent Pittsburgh family) and two daughters partly by making sets of ceramic and bronze bells that ring in the wind. Craft and gift shops, such as Georg Jensen's in New York, sell the bells in about 15 cities.

EXTENDING HIS REPUTATION

Until recently Soleri's work has been almost unknown outside his profession. The Corcoran exhibition and the publication last fall by the M.I.T. Press of his first book of drawings, "Arcology: The City in the Image of Man," have begun to change that.

He seems likely to attract further interest when he begins this summer to build a micro-arcology, a 150-foot high structure for 1,500 or more people called "Arcosanti." With the help of a gathering of students and apprentices he hopes to see a part of it rise this summer on a mesa near the Aqua Fria River 70 miles north of Phoenix. To Soleri it's urgent that just such experimentation with his arcological ideas begin.

While Soleri may be dreaming, he's been dreaming in detail. The arcologies are not loosely conceived. His ideas bear study and may well bear application, whether that application may be needed now or 10, 30 or 100 years from now.

POWERS OF THE PRESIDENT

Mr. DOLE. Mr. President, in the course of discussing the war powers of the President and Congress, several Senators, including myself, made the point that, unlike his critics, the President alone has the responsibility for the ultimate success or failure of his policies.

This same point was recently brought out in an editorial by Clyde M. Reed, of the Parsons, Kans., Sun. Mr. Reed has gained a longstanding and well-deserved reputation in his community and in his State as a knowledgeable and sensible observer of people and events. His evaluation of President Nixon's current situation and the expectations which may justifiably be held by the country and any President is worthwhile and stimulating. I ask unanimous consent that the editorial of February 8, 1971, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

All the Risks

Richard M. Nixon is engaged in what is doubtlessly the most difficult task faced by a modern American President.

He is extricating the nation from a 10-year war in an alien area under hostile circumstances, undoing a conflict and commitment which are not of his doing, and performing that delicate task with order, not panic.

For all of that, briefly stated, the least to be extended in return is an absence of heckling from the galleries, which is generally accorded him, and an exhibition of patience, if not understanding, from senatorial critics nestling comfortably in velvet-lined loge seats, which is not.

Should the chief executive zig when others think he should zag, including the lordly judges who solemnly declare they've seen this all before, there's a compensating thought.

He, not they, is assuming all the risks. He, not they, has set a timetable for his performance and is bound to carry it out. His political future, pride and reputation are on the line, not theirs.

So when Sen. J. William Fulbright speaks in gravely tones about the United States being plunged deeper into Indochina by actions with which he does not agree because he said the same thing in the Johnson-McNamara days and was right, let him not be so misguided by habit as to overlook one simple, basic fact.

Then the war and American participation were constantly accelerated behind a cloak of secrecy embroidered by roseate forecasts from on high. The demonstrable truth now is that President Nixon has reduced American forces in Asia drastically, cut casualties which had mounted with terrible regularity and is irrevocably committed to continue those moves.

What more do the President's critics want if they actually are as realistic as they demand, with calculated vagueness, that he be?

Mr. Nixon deserves, in short, an opportunity to carry out his proclaimed objectives without nagging distractions. He has to be right. He is without the luxury which margin for error provides chronic critics. Certainly that is not too much for the country to supply him or for him to reasonably expect of it.

THE WAR IN VIETNAM HAS BEEN WON

Mr. HART. Mr. President, an item to which the Washington Post of February 16 injudiciously devoted only a couple of paragraphs notes that Maj. Gen. George S. Eckhardt, commandant of the Army War College, has declared that "the Vietnam war has been won."

Why in the world should that news be way back on page 10? It is clearly an announcement of the greatest moment and we should waste no time in acting upon it.

The general is a qualified scholar of war. I am ready to accept him as an authority and I trust he will be likewise so accepted by the distinguished senior Senator from Vermont (Mr. Aiken), who suggested that the administration do last year what the general did yesterday—declare victory.

It is my suggestion that we now immediately set about organizing a victory parade up Pennsylvania Avenue, and I would nominate General Eckhardt as the grand marshal.

The parade should be several weeks distant because it would clearly be unfair to have a national victory celebration without the participation of every surviving American who helped effect that victory. Also, I realize that transportation problems would preclude getting everyone back from Indochina within days. As each line passes in review, I pray we will see those who, killed or maimed, are present in spirit only.

General Eckhardt further notes that our victory in Indochina has prevented the capitulation to communism of Indonesia, the Philippines, Malaysia, Australia, and New Zealand.

A victory parade in Washington, perhaps followed by a joint session of Congress, could give all these nations an appropriate forum in which to deliver their thanks. Certainly, they will all be fascinated to read that they were in the path of North Vietnam's march to Asian dominance.

Is this not the time, then, to declare the traditional victory holiday, with school classes dismissed and church bells rung in unison at noon?

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

La Jolla, Calif., February 17.—Maj. Gen. George S. Eckhardt, commandant of the Army War College, says the United States already has won a major strategic victory in Vietnam.

"The Vietnam war has been won," he said Tuesday in a speech. "Had it not, we would have lost Indonesia and Thailand and probably, I think, the Philippines, Malaysia, Australia, and New Zealand."

THE URBAN HOUSING EMERGENCY

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record the text of a vital bill which will enable us to meet better the urban housing emergency.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 609

A bill to assist the States and their localities in utilizing land resources more effectively and in providing housing to meet present and future needs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Urban Land Improvement and Housing Assistance Act of 1971".

DEFINITIONS

Sec. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of Housing and Urban Development.

(2) The term "locality" means any State, or any county, municipality, or other political subdivision of a State.

(3) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States.

ADMINISTRATIVE PROVISIONS

Sec. 3. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in section 402, except subsection (c)(2), of the Housing Act of 1950.

(b) The Secretary shall include in his annual report to the Congress a comprehensive and detailed review of his operations under this Act.

TITLE I—GRANTS TO ENCOURAGE IMPROVED LAND UTILIZATION AND EXPANDED HOUSING PROGRAMS

SUPPLEMENTARY GRANTS TO LOCALITIES

Sec. 101. (a) The Secretary is authorized to make grants to any locality for not to exceed 50 per centum of the aggregate amount of local contributions otherwise required to be made by such locality to all projects or activities assisted by Federal or State grant-in-aid programs which are carried out in connection with or related to a substantially improved program of land utilization and expanded housing assistance for persons of low or moderate income, subject to the following limitations:

(1) No such grant shall be made for the general administration of local governments.

(2) No such grant shall be made with respect to any project or activity carried out in connection with an approved comprehensive city demonstration program and for which assistance is available under section 105 of the Demonstration Cities and Metropolitan Development Act of 1966.

For purposes of this section, "a substantially improved program of land utilization and expanded housing assistance for persons of low or moderate income by a locality" (hereinafter referred to as the "program") may include (A) a restructuring of the real estate tax laws of the locality by granting tax abatements for low- and moderate-income housing, and by assessing and taxing real property so as to provide incentives for the improvement of property to increase the supply of housing; (B) the adoption of zoning ordinances which will effectively afford an opportunity for persons of all income levels to have decent, safe, and sanitary housing; (C) the adoption and enforcement of building codes conformable to nationally accepted standards and approved by the Secretary; or (D) the establishment of a program of research and demonstration for the development of new construction systems and materials for low cost housing.

(b) In the case of any locality the program of which includes a restructuring of local real estate tax laws in the manner described in clause (A) of subsection (a), the Secretary is authorized to make annual grants to the locality of sums equal to 50 per centum of the amount by which the real estate taxes received or receivable by the locality were reduced in any taxable year as a result of the implementation of that part of such program which involves the granting of tax abatements. Grants under this subsection to any locality shall be in addition to any grants as to which the locality is eligible under subsection (a). No grants shall be made under this subsection with respect to any such program unless—

(1) the tax abatements provided by the program apply only to real estate utilized solely for low- and moderate-income housing and such related facilities as may be necessary or desirable to serve the occupants;

(2) such abatements are provided only for so long as the real estate is used for such housing and related facilities;

(3) under the program there is an abatement of at least 90 per centum of the real estate taxes otherwise payable with respect to such housing and related facilities; and

(4) the benefits under the program are available to all persons, in accordance with such reasonable regulations as the locality may prescribe, who own or otherwise provide such housing and related facilities, and who are subject to real estate taxes imposed by the locality.

DENIAL OF CERTAIN BENEFITS

Sec. 102. Effective upon the expiration of six months after the date of enactment of this Act, no grant shall be made (except pursuant to a commitment made prior to such date) to any locality, or instrumentality thereof, under any programs administered by the Department of Housing and Urban Development, unless there exists under the zoning ordinances or other land use regulations in effect in, and as administered by, such locality a reasonable opportunity, as determined by the Secretary, for carrying out in such locality a program of publicly assisted housing for persons of low and moderate income.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 103. (a) There are authorized to be appropriated for grants under this title not to exceed $10,000,000 for the fiscal year ending June 30, 1971, not to exceed $50,000,000 for the fiscal year ending June 30, 1972, and not to exceed $100,000,000 for any fiscal year thereafter. Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year.

(b) The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, to make advance or progress payments on account of any grant made under this title.

TITLE II—MISCELLANEOUS

LOCATION OF FEDERAL OFFICES

Sec. 201. The President shall report to the Congress not later than January 1, 1972, setting forth recommendations with respect to the establishment of a national policy on the location of new Federal buildings and the leasing by the Government of space in privately owned structures for Federal purposes giving due consideration to social and community priorities, including the effect of such Government activities on patterns of urban growth and the stability or renewal of urban areas.

USE OF FEDERAL LANDS

Sec. 202. The Secretary shall, after consultation with the Secretary of Defense, report to the Congress not later than January 1, 1972, on the status of appropriate Federal military installations which are located in or near metropolitan areas and indicate whether (1) such installations are currently being utilized for national defense purposes, and (2) any installations which are no longer necessary for national defense purposes may appropriately be sold or otherwise transferred for use as housing and related educational, community, or industrial purposes for persons of low and moderate income.

MULTIUSE DEVELOPMENT

Sec. 203. The Secretary shall consult with all agencies of the Government which construct or assist in the construction of facilities in urban areas to determine the feasibility of the multidevelopment and use of such facilities for housing and related facilities for persons of low and moderate income. Whenever the Secretary determines, after such consultation, that such multidevelopment and use is feasible in the case of any such facilities, he shall notify the agency concerned and such agency shall cause the project site to be developed, by the provision of air rights, land in the right-of-way, or otherwise as may be appropriate, so as to provide housing and related facilities for persons of low and moderate income. Land and interests in land, including air rights sites, so developed for such purpose may be transferred by sale, lease, or otherwise by such agency to any State or local public agency, or any private nonprofit, limited dividend, or cooperative entity which agrees to develop and use the same only for such housing and related facilities. Any such transfer shall be made subject to a reversionary interest in the Government in the event the property or rights transferred are ever put to a use other than that for which the transfer was made.

PRISONERS OF WAR IN NORTH VIETNAM—RESOLUTION BY VIRGINIA GENERAL ASSEMBLY

Mr. SPONG. Mr. President, the General Assembly of Virginia has adopted a resolution expressing its grave concern for the health, welfare, and safety of American servicemen imprisoned in North Vietnam. The plight of our men who are prisoners in Southeast Asia is one of the most difficult and distressing problems this country has to face.

I ask unanimous consent that the resolution of the general assembly be printed in the RECORD, so that the position of Virginia legislators may be brought to the attention of the Members of Congress.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION No. 12

Joint resolution Condemning the treatment of American prisoners of war in certain countries

Whereas, the Government of North Vietnam, the National Liberation Front of South Vietnam and the Pathet Lao have consistently refused to release the names of prisoners of war, have declined to release immediately sick and wounded prisoners, have refused to permit impartial inspection of their prisoner of war camps, have not guaranteed the proper treatment of all prisoners and have not permitted a regular flow of mail between prisoners and their families; and

Whereas, all of such actions are in violation of the Geneva Convention and offend all sense of human decency; and

Whereas, several hundred American servicemen are believed to be prisoners of war in North Vietnamese, Viet Cong and Pathet Lao prison camps and some of these men have wives and children in Virginia; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia register its condemnation of the government of North Vietnam, the National Liberation Front of South Vietnam and the Pathet Lao for their failure to comply with the provisions of the Geneva Convention and for their inhumane treatment of American prisoners of war; that it express its grave concern for the health, safety and welfare of American servicemen imprisoned in North Vietnam, and that it urge such governments to be mindful of the nature of such conduct and to comply with the provisions of the Geneva Convention in the name of humanity.

Be it also resolved that a copy of this resolution be sent to the Secretary of State of the United States; to Senator Harry F. Byrd, Jr., and William B. Spong, Jr., of Virginia; to the members of the United States House of Representatives from Virginia; to the Office of the President of the Democratic Republic of Viet Nam, Hanoi; to Xuan Thuy, Viet Nam Delegation, Paris; to Madame Nguyen Thi Binh, Delegate from the National Liberation Front of South Vietnam, Paris; to H. S. Nguyen Van Hieu, Ambassador of the Provisional Revolutionary Government of the National Liberation Front, Phnom Penh, Cambodia; and to M. Sot Petras, Representative of the Pathet Lao, Vientienne, Laos.

EVENTS AND TRENDS DURING THE NIXON ADMINISTRATION

Mr. DOLE. Mr. President, it is increasingly difficult in our growing and complex society to accurately observe and understand many of today's important events, especially when these matters extend over a seemingly long period of time.

A popular substitute for real knowledge of a situation is to seize on the most current episode of a continuing story, apply one's own interpretation and then report the desired results. This practice contributes to the general confusion in an already difficult to understand world.

Therefore, whenever something is reported that clears the haze from the hard truth, it is, I think worthy of attention.

An article by James Reston, published today in the New York Times, does shed light on the truth. The article is a brief review of certain events and trends during the Nixon administration. It deals with the attempts and accomplishments of this administration and also dispels some of the unfounded criticisms of those opposing the President and his policies.

Mr. Reston is "on target" and his message is clear. I believe that the article is an example of the type of service the fourth estate can provide.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT OF THE DEMOCRATS?

(By James Reston)

WASHINGTON.—When President Nixon came into the White House he said, "We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century. . . . That is the watchword of this Administration: reform."

His new health program for the nation, sent to Congress this week, is only the latest evidence that he has kept his word. For more than a year now he has sent to Capitol Hill one innovative policy after another: on welfare reform, revenue-sharing reform, government reform, postal reform, manpower reform, Social Security reform, reform of the grant-in-aid system, and many others.

It is not necessary to agree with his proposals in order to concede that, taken together, they add up to a serious and impressive effort to transform the domestic laws of the nation, all the more remarkable coming from a Conservative Administration, and that they deserve a more serious and coherent response than they have got so far from the Democratic party and the Democratic majority in the Federal Congress.

What is the Democratic party's alternative? This we would like to know. There are alternatives from Democrats—a Kennedy alternative on health policy, the beginnings of a Wilbur Mills alternative to revenue sharing, a Muskie alternative to Vietnam policy—pick a date and get out—but as often as not the Democratic alternatives contradict one another, and the party as a whole seems to be settling for the old political rule that it is the business of the opposition party merely to oppose.

A party out of office, of course, always operates at a disadvantage. It lacks the authority and resources of the Presidency. It is usually leaderless and broke. Its power is dispersed among the committee chairmen, the rival candidates for Presidential nomination, the Governors, and the National Committee, the latter now meeting in Washington.

In the present case, the titular head of the Democratic party is Hubert Humphrey of Minnesota, a new boy in the back row of the Senate. When the National Committee meets, it usually concentrates on the party deficit and President Nixon, both of which they find disagreeable. But so far, about all they have been able to agree about is that they should not tear each other apart in public, which, come to think of it, is quite an achievement for Democrats.

Nevertheless, hard as it is to get an opposition party to agree on what it stands for, it would be reassuring to think that they got together once in a while and at least tried to define the broad outlines of a program for the future.

It is perfectly clear that many of the old Democratic programs of the fifties and sixties are no longer relevant to the problems of today, let alone tomorrow. In 1960 there were only 44 grant-in-aid programs for the states; now there are over 430; and even the Democratic Governors are bewildered by their complexity and inefficiency.

In the short time since President Nixon first came forward with his welfare reform bill, over 2 million people have been added to the welfare rolls, at an additional cost of $1.5 billion a year.

President Nixon has at least seen that this is dangerous nonsense and put forward a bold, if controversial, alternative that deserves to be voted up or down. As things now stand, the Democrats are demanding, and quite right too, that the scandal of campaign expenditure be corrected, but they cannot agree on how this should be done; and beyond that, they have not even managed to agree on how to pick their spokesmen if they do get free time on television.

The last time the Democrats were out of power, they at least recognized the problem and organized a kind of brain-trust outside the Congress to question their old assumptions and write position papers on the main subjects coming up for decision. It wasn't much, and Lyndon Johnson and Sam Rayburn resented the experiment, but it started the process of revision and even of thought within the party.

What the Democrats are doing now is merely sniping at the President's programs and often saying some damn silly things in the process. Here is George McGovern, for example, normally a sensible man, proclaiming that Mr. Nixon is "flirting with World War III in Asia." And Ed Muskie calling in Pittsburgh the other night for a "new coalition" cutting across lines of race, geography and economics.

But to do what? In support of what programs? President Nixon has been singularly successful in ignoring old Republican taboos and prejudices, and if you want to be cynical about it, he may be putting up programs he knows the Democrats will probably knock down; but at least he has a program on the home front, which is more than you can say for the Democrats.

GENOCIDE CONVENTION CONSORTIUM WITH AMERICAN LEGAL SYSTEM

Mr. PROXMIRE. Mr. President, from a legal point of view, international conventions such as the Genocide Convention for the control of criminal acts are not unusual. There are a number of them already in existence; the United States is a party to collective action involving the crimes of circulation of obscene literature, traffic in women and children, slave trade, traffic in opium and piracy.

Because of the prominent role played by members of the U.S. delegation in drafting the Genocide Convention, it is couched in terms of familiar Anglo-American legal theory and embraces traditional American common law concepts.

For example, the convention preserves the principle of territorial jurisdiction over criminal acts, although an earlier draft would have made genocide punishable as in piracy, where the criminal is apprehended, irrespective of the place where the offense has been committed. Conspiracy, attempt and complicity, all punishable under article III, are common law crimes familiar to American lawyers. Furthermore, the convention's definition of genocide presents the American approach to the concept of a criminal act. To constitute genocide, the act in question must be coupled with a specific intent to destroy a national, ethnic, racial, or religious group. It was the United States that insisted that intent must be proved, for any act to be considered genocide.

Many of the opponents of the Genocide Convention have argued that this country would be peculiarly vulnerable in adhering to the Genocide Convention since its provisions might become the law of the land before being implemented in other countries.

But the convention has been ratified by 75 nations of the world and its terms have already come into force. Far from being in advance of other states in acting on the convention, our country has inexcusably fallen behind government after government that has not only ratified the convention but has long since adopted the necessary enabling laws.

It should be noted that the Genocide Convention is not unique but stands in the same position as any convention ever undertaken by the United States. Up to the present time, no difficulties have ever been encountered because of our constitutional provision that international provisions become effective upon ratification. Finally, the Genocide Convention, by its own provision is not self-executing. Article V provides "the contracting parties undertake in accordance with their respective constitutions to enact legislation to give effect to the provisions of the present convention." Thus, specific legislation in addition to ratification is necessary to put the convention into effect.

I urgently hope that this body will judge the Genocide Convention on its merits. We have heard the same arguments voiced against similar conventions which we are party to. More importantly, there are pressing reasons for the United States to ratify this convention. We can implement law which is part of a much needed body of world law. We can assert our moral leadership in the world. And we can demonstrate that just as a bill of rights was so effective in this country, a universal bill of rights, enforced through an international body of law, can also be effective.

I urge the Senate to adopt the Convention on Genocide without further delay.

DR. CARLSON: AN OUTSTANDING MEMBER OF THE COAL MINE SAFETY RESEARCH ADVISORY COMMITTEE

Mr. HANSEN. Mr. President, the president of the University of Wyoming, Dr. William D. Carlson, recently was appointed to the Secretary of the Interior's Advisory Committee on Coal Mine Safety Research, for a 1-year term.

Dr. Carlson is uniquely qualified to serve as a member of this advisory committee. His background includes special training and extensive experience in the fields of biological research, with emphasis on the problem of radiation and its effect on miners.

The University of Wyoming, which he heads, has in recent years played an increasingly prominent role in the area of research and scientific investigations involving natural resource development. Dr. Carlson will be a valuable asset to this committee, as he will be able to contribute, not only from his own experiences, but through those experiences of the university's personnel involved in the continuing research at Laramie.

Coal production is increasing in Wyoming, and some 16 coal mines currently are active in the State. The university is in the vanguard as a participant in studies leading to new uses for coal, such as coal hydrogenation research.

In 1969, some 450 miners in Wyoming produced more than 4.6 million tons of coal. This is the most recent year for which the production figures currently are available, but production is believed up through use of the unit train concept, which is being employed to move Wyoming's coal to markets in the industrial midwest.

Through 1968, recorded coal production within Wyoming amounted to more than 400 million tons. The high point of production was 10 million tons in 1945, with a decline to less than 2 million tons in 1963, but the trend currently is upward.

The growing use of coal as fuel for large-capacity electric power generators will require more than 40 million tons annual production by 1980, and about 160 million tons by the year 2000, according to projections published by the Wyoming Department of Economic Planning and Development.

Wyoming coal, because of its low sulfur content, is felt to be ideal for adaptation to the development of the magnetohydrodynamics process of energy production. This process, through use of the sort of coal Wyoming has, will produce power with relatively little air pollution, which is an undesirable byproduct in a number of energy production fields.

With Wyoming's bright future in coal production, it is important that a man of Dr. Carlson's capabilities lend his experience and abilities as an administrator to the advisory committee.

Dr. Carlson is a native of Colorado and earned his doctorate in veterinary medicine at Colorado State University in 1952. He was awarded a master of science degree at the same university in 1956, and in 1958 received a Ph. D. in radiology from the University of Colorado.

He has been a consultant to the U.S. Public Health Service since 1962. He also is a senior veterinarian and a U.S. Public Health Service reserve officer.

Dr. Carlson has served on the National Advisory Council on Health Research Facilities of the National Institutes of Health since 1969. He has been a consultant on Veterans' Administration medical facilities since 1968, and is a consultant to the American Institute on Biological Sciences.

When Dr. Carlson was chairman of the Department of Radiology and Radiation Biology at Colorado State University, his department was granted one of the first radiological health training grants awarded by the U.S. Public Health Service. Dr. Carlson was project director, and when he left CSU in 1968 to become president of the University of Wyoming, the Colorado school had one of the largest radiological health training programs in the Nation.

Among the research programs with which the department of radiology and radiation biology concerned itself, was dealing with radon gas in uranium mines. This involved measuring levels within the mines, as well as using the whole body counter in measuring levels of radiation retained in the living bodies of miners.

Dr. Carlson's broad background in the medical and radiological field is a definite asset to the health advisory committee. He will serve our country well.

OIL SHALE RESEARCH PAPER POINTS THE WAY TO ENLIGHTENED DEVELOPMENT OF RESOURCE

Mr. PROXMIRE. Mr. President, the Northern Environmental Council recently sent to me a policy research paper on the development of this Nation's $300 billion-plus oil shale reserve. Most of this oil shale is located on Federal lands. It has been the subject of intense study over the past few years as attempts have been made to formulate a policy leading to its development.

In late 1967 I introduced legislation providing for a long-range development of the resource through research, a multiple land-use plan, clearance of disputes clouding title to much of the land, a Federal pilot project for oil shale production, the creation of environmental safeguards and, ultimately, full production through leasing or some alternate approach with substantial returns to the American taxpayer. Unfortunately my proposal received very scant consideration.

The Northern Environmental Council's paper concludes with seven recommendations that make a great deal of sense to me. Some of the recommendations are very similar to the proposals set forth in my earlier legislation. Others arise from the possibility that the Federal Government may take certain steps that could irretrievably compromise the public's interest in this precious shale resource.

For example, the Federal Government is apparently giving consideration to the granting of sodium leases in the heart of the richest oil shale land in the country. The previous administration refused to take this step without a hearing, to determine what the impact of such a venture would be on the value of the oil shale deposits, and to explore the legal validity of the claims.

It is also possible that the Federal Government will allow the State of Utah to select 121,000 acres in the heart of the Federal oil shale land. This land would probably be of great value if it were to be commercially developed.

Since the people of the United States own this land, and since the land is of great value, any decision to place it in private or State hands should receive the utmost scrutiny through the hearing process and, hopefully, in the press. Thus the environmental council's research paper recommends against these proposed giveaways. After all, we have a very inexact idea of the impact of such a move on the overall development of the resource.

I could discuss the other findings and recommendations in great detail. However, rather than take the time of Senators, I will place this valuable document in the Congressional Record so that they will have an opportunity to read it. I ask unanimous consent that the policy research paper prepared by the Northern Environmental Council on oil shale be printed in the Record.

There being no objection, the research paper was ordered to be printed in the Record, as follows:

Oil Shale Policy in the Public Interests

INTRODUCTION

Oil shale is North America's largest, richest still untapped energy resource. The richest body—The Piceance Basin—located in northwestern Colorado and lower grade deposits which occur in adjacent Utah and Wyoming areas are still largely owned by the U.S. Government. Except for limited governmental experimental work (main efforts halted in the 1950's through the work of oil company lobbyists) and limited experimental work by several oil companies on privately-owned oil shale lands, oil shale has not been developed. Since 1930, Federal oil shale lands have been "withdrawn" from leasing.

With the threatening shortages of other energy sources, this 300-plus Billion-dollar federal asset (equal to the national debt) is being sought after with increasing intensity by those who would convert this public resource to private gain. The basic issues are: when to develop? what kind of development? how to achieve the greatest public benefit with least environmental damage? and finally how to prevent a "land-grab, giveaway" scandal?

The recent report of the Public Land Law Review Commission proposed experimental commercial developed policies which would be premature and would not protect the public interest. Alternative policies are available but have not been clearly presented for the Congress to choose from. Therefore the Northern Environmental Council has consulted with several oil shale engineers and policy specialists in both government and private industry to propose this policy Research Paper. It frankly presents a position which favors the public (who, in the final analysis, owns this resource). Yet the policies suggested here would make oil shale available to industry and the consumer under rules and regulations encouraging private enterprise.

This policy paper presents an alternative set of proposals to those of the recently completed Public Land Law Review Commission. The PLLRC recommendations could lead to another "Teapot Dome" oil scandal since they would benefit a few large oil companies—not the public at large.

FACTUAL BACKGROUND

The Public Land Law Review Commission made two recommendations specifically concerned with oil shale which can be summarized as follows:

1. Provide a means for acquiring unpatented oil shale claims to allow for development (See recommendations (51))

2. Make some lands available for development (See recommendations 52)

As is typical in the PLLRC report [1] little or no analysis or factual material was provided, nor were many details provided. Therefore, to some extent, before one can make a judgment on these recommendations, a specific proposal is almost essential. Nevertheless, there are certain problems concerning oil shale which indicate that both these recommendations and leasing proposals by the Department of the Interior may be premature.

First, one should get some idea of what we are dealing with. Oil shale is a huge resource. Most solid mineral deposits being exploited cover at most one or two square miles. Oil shale covers thousands of square miles. The Piceance Creek deposit (the richest deposit) covers a roughly elliptical area about 30 miles by 25 miles and varies in thickness from 100 feet at the edge to over 2000 feet in the center of the deposit. Depending on cut-off grade used, estimates of reserves vary from 80 billion to 8 trillion barrels of shale oil in place.[2] In some places, each square mile overlies shale containing almost 2 billion barrels of shale oil in place.[3] Oil shale contains many times the total amount of petroleum we have used in the past or contained in known domestic reserves.

In addition to the shale oil locked in the solid oil shale, there are huge quantities of sodium and aluminum minerals. Up to 800 feet of the 2000 feet contains dawsonite (potentially valuable for alumina and soda ash) and nahcolite, a sodium mineral. Up to one *billion* tons of potential alumina ore underlies some square miles. Present bauxite imports are about 10 million tons per year.

Thus, small surface areas may involve staggering resources and, potentially at least, staggering values. One estimate of the potential in-place values involved in two 75-foot-thick mining levels covering 5000 acres was $4 billion in alumina and $3 billion in shale oil. This did not include any value for alumina, sodium, and oil shale in an additional 550 feet of saline zone and an additional 800 feet of oil shale alone.

Depending on method of extraction, the environmental problems could be equally staggering. Any type of mining and retorting would involve disposal of huge amounts of spent shale (residue after retorting). In addition, open pit mining would involve large amounts of overburden requiring disposal. *In situ* (in place) retorting would seem to eliminate some of these problems but is still experimental and might recover only a small part of the mineral values. Potential air and water pollution problems have only been scratched.

BASIC CONSIDERATIONS TO BE MET PRIOR TO DEVELOPMENT

Since at least 75% of these resources are on public lands, the requirement for responsible public action is unusually urgent. Because of these unique features, we should not automatically reject unusual or unique approaches. The following seem to be some of the facets of public policy which demand urgent consideration before development takes place:

1. Should oil shale development be used for other social goals? One author of a recent study on oil shale (Chris Wells, *The Elusive Bonanza*, 1970, Dutton & Co.) believes the oil companies are deliberately preventing the development of oil shale because it would have a depressing effect on petroleum price. Others have suggested development by a TVA-type Government Corporation or a COMSAT-type corporation because such "natural monopolies" as oil shale should be developed for the public good.[4] Senator William Proxmire a couple of years ago introduced a bill providing for development of a comprehensive oil shale program including Government demonstration plants. Given the huge resource involved, the huge, long-term investment required, the need to control development for conservation and environmental purposes (including conservation of mineral resources), the need to control monopoly in the energy industry, and the need to provide at least a yardstick on consumer prices for fuels, development of oil shale by the Federal Government deserves *serious* consideration. Reclamation of mined lands should be included in pre-planning prior to leasing or operating, and costs should be included as a part of the total production cost. In any case, full public discussion of *all* the alternatives should be made.

2. In view of the recent energy "crisis" (which is due more to poor planning than to lack of resources), there seems to be a concern developing as to the need for a National Energy Policy.[5] Accelerating use of energy resources reinforces this need. Where oil shale and other resources, particularly those controlled by the Federal Government, fits into the picture needs to be considered. Perhaps a National Energy Administration which would integrate Federal hydro-electric energy and production from huge federally-owned coal, oil shale, and conventional petroleum and natural gas (both on-shore and off-shore) deposits should be considered. A national energy policy seems like a first priority item before oil shale should be developed.

It should be emphasized that there is no emergency requiring a crash program of oil shale development or premature leasing of the resource. Sufficient resources of other energy minerals are readily available for the foreseeable future. The longer term may require oil shale development. Also sufficient reserves of good quality oil shale are already owned by private concerns so that industry could start an oil shale industry if it really desired to do so. Hence, a policy of deliberate consideration of potential problems seems indicated.

3. Another high priority problem is the need for comprehensive resource planning for oil shale development. Past efforts and present plans for leasing have not fully considered all resources in the area and possible environmental effects of oil shale development. In addition to full consideration of all surface resources, including serving as winter range for the largest migrating deer herd in North America, planning is essential for conservation of the mineral resource. We cannot allow the "normal" haphazard, unplanned leasing with the lessees possibly "highgrading" the deposit. For example, the logical development of the whole Piceance Creek deposit should be planned in advance to minimize environmental problems and conflicts with surface resources and to maximize recovery of the mineral resources. The Bureau of Land Management's planning system is capable of developing such methodology which considers not only resource needs and environmental problems but the views of the public, local and State Governments and other Federal agencies. However, additional inputs of funds and manpower are needed to develop plans, in time, prior to development of leasing programs.

4. If oil shale is to be developed, further alienation of the resource must be stopped and clouded titles cleared. We understand there are two proposals which constitute what we consider to be "give aways" of the oil shale resource:

a. In Utah, the State proposed that it

Footnotes at end of article.

be allowed to select some 121,000 acres in the heart of best oil shale in Utah. The values of these oil shale lands are highly disparate from that of the so-called mineral lands the State lost earlier. The State should not be allowed to select the heart of the publicly-owned shale lands in Utah most likely of value for commercial development—particularly where tremendous disparities in value are involved.

b. It is reported that sodium leases (overlying oil shales) are about to be issued covering about 10,000 acres in the heart of the richest oil shale in Colorado. The previous administration refused to issue these leases and called for a hearing to determine the facts.[6] This administration has determined that the leases should issue without a hearing. Under the same reasoning an additional 10,000 acres of leases will undoubtedly be issued. This 20,000 acres covers the thickest part of the rich oil shale where it is up to 2,000 feet thick and contains the saline zone of up to 800 feet thick. There are serious legal and factual questions as to the validity of these lease applications. Approval of these leases will give the lessees rights to mine sodium and sodium-aluminum minerals that are intimately intermixed with the oil shale and the right to waste lower grade oil shale. While presumably they would not get rights to the rich oil shale or shale oil, the oil shale will inevitably be destroyed or at least affected by the recovery of the sodium minerals. Also, the value of the oil shale lying above and below the saline zone would probably be lowered by the extraction of the sodium minerals (and possibly the oil shale) from the saline zone. The need for comprehensive planned development of the whole Piceance Creek deposit is evident.

While the determination of the validity of the unpatented mining claims covering oil shale is progressing, this work could be accelerated by funding this project at the level originally requested.

5. Another important aspect is acceleration of Federal research on oil shale. Some of the more obvious areas for accelerated research are:

a. *In-Situ* (in-place) retorting. This method has obvious environmental advantages. Whether the technical problems can be overcome or whether mineral conservation questions can be answered needs to be determined.

b. Development of plans for maximum recovery of the Piceance Creek deposit within the constraints imposed by environmental or other resource needs. This will involve consideration of new concepts for mining or extraction on a scale never before contemplated. Logical development of the deposit would probably involve hundreds of years. Naturally, plans should assure that development would take place with little or no pollution and that the lands should be rehabilitated to useful productivity and be esthetically pleasing in full compliance with the National Environmental Policy Act and the State mining reclamation law.

c. Environmental research concerning possible oil shale development is, of course, vital. Potential pollution problems need to be considered. Revegetation studies of spent shale and overburden need to be made. There is no excuse for not making the studies needed to assure development with little or no long-term adverse environment impact.

6. If, after full public discussion and consideration of the alternatives, the public through its representatives decides leasing is the appropriate means of disposal, a number of questions need to be considered:

a. What are appropriate terms—of royalty, rental, bonuses, terms of lease, etc.?

b. How should revenues be used? Presently 52½% goes to the Reclamation Fund, 37½% to the State and 10% to the Treasury.

c. What public goals should be considered in leasing?

While the above list of policy problems is not comprehensive, we believe they include the essential areas of concern. We have a tremendous opportunity in oil shale to avoid the environmental and social problems common with natural resource exploitations as exemplified by Appalachia. There is no emergency requiring immediate development or crash programs. There is no excuse for not undertaking a well thought-out program of research, planning and public discussion so that development without environmental degradation can proceed when needs and economics dictate.

CONCLUDING RECOMMENDATIONS

1. No granting of mining claims above oil shale.

2. Postponement of oil shale leasing until an in-situ (underground) method of recovery is developed by *government* research to protect environment from strip mining (watershed damage) and air pollution.

3. Federal leadership in defining an Emergency Resource Policy and Program.

4. Withholding of state selections (Utah) from oil shale resource areas.

5. Rejection of sodium leases in the Piceance Creek Basin by Department of Interior.

6. Economic research to determine proper royalty terms for oil shale leasing and surface rehabilitation.

7. Amendment by Congress of the Mineral Leasing Act of 1920 to allocate 90% of oil shale revenue to federal treasury and 10% to states (with a portion of the federal revenue to the Land and Water Conservation Fund).

SOURCE OF STUDY

This Policy Research Paper was prepared for the Council by a task group of consultants from industry, government, and universities who have strong backgrounds in oil shale problems and policy. Because of their connections and the sensitivity of the issue they have asked to remain unnamed. The Northern Enivornmental Council stands behind the information presented in this Policy Paper.

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This Policy Research Paper was prepared by the NOREC Land Use Planning subcommittee on Soil Conservation, chaired by Martin Hanson of the Wisconsin Resources Conservation Council.

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The Northern Environmental Council is composed of conservation and citizen groups joined into a common effort to prevent environmental deterioration of the northwoods, lakes, and prairie lands of Northern Wisconsin, Minnesota, Michigan's Upper Peninsula, North Dakota, and Indiana.

OFFICERS OF THE COUNCIL

Prof. Paul Lukens, Chairman, Biologist, Wisconsin State U., Superior.

Daniel Engstrom, Vice-Chairman, S.E.D., U. of Minnesota, Duluth, Minn.

Herbert Bergson, Secretary, Pres., Save Lake Superior Association.

James Buchanan, Treasurer, Audubon Society, Duluth.

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Officers of Council: Marvin Hanson, Milton Pelletier, Dr. Dale Olsen, Arnold Overby, Dr. Charles Carsen.

CONSULTANTS

Sigurd Olson, Ecologist, Ely, Minnesota.
Charles Stoddard, Minong, Wisconsin.

MEMBER ORGANIZATIONS OF THIS COUNCIL

Brule River Sportsmen, Inc.
Citizens Committee for the Voyageurs National Park.
Citizens to Save Superior Shoreline.
Conservation Committee of the Duluth Central Labor Body AFL–CIO.
Dakota Environmental Council.
Douglas County Fish and Game League.
Duluth Bird Club.
Duluth-Superior Sane.
Ecumenical Coordinating Council.
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First Unitarian Church of Duluth, Environmental Action Committee.
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Junior League of Duluth.
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Lake Superior North Shore Association.
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North Dakota Natural Science Society.
Save Lake Superior Association.
Students for Environmental Defense.
Students for Pollution Control.
Superior Clean Air Committee.
Superior Junior Woman's Club.
United Northern Sportsmen.
University of Wisconsin Forestry Club.
Wilderness Society.
Wilderness Watch, Inc.
Wisconsin Bowhunters Association.
Wisconsin Resource Conservation Council.

FOOTNOTES

[1] *One Third of the Nation's Land*. Report of the Public Land Law Review Commission, 1970, GPO.

[2] *Organic-Rich Shale of the U.S. and World Land Areas*. Circular 523, U.S. Geological Survey, 1966, GPO.

[3] *Oil Yield in Sections of Green River Oil Shale in Colorado*. Report of Investigation 7051, U.S. Bureau of Mines, 1967.

[4] Statement by Dr. Morris Garnsey, Dept. of Economics, Univ. of Colo., before the Subcommittee on Antitrust and Monopoly, Senate Committee on the Judiciary, April 18, 1967.

[5] S. 4092, 91st Congress introduced by Sen. Randolph and 62 other Senators. See also several related bills and the discussions thereon in the *Congressional Record*.

[6] *Wolf Joint Venture et al*. 75 Interior Decisions 137 (May 2, 1968).

ANNIVERSARY OF LITHUANIAN AND ESTONIAN INDEPENDENCE

Mr. CASE. Mr. President, at this time of the year, we are reminded of the proud history of the peoples of the Baltic States. It is now 53 years since the Republics of Lithuania and Estonia proclaimed their independence, but these once free people lost this independence more than 30 years ago. All Americans are saddened by this tragedy for the Baltic States, and all Americans understand the deep feelings of those whose sense of nationhood remains strong. The thoughts and aspirations of the Baltic people are expressed in resolutions that have been sent to me from my own State of New Jersey.

I ask unanimous consent that the resolutions of the Lithuanian Council of New Jersey, the Lithuanian-American Council of Linden, N.J., and the Knights of Lithuania of Newark, N.J., be printed in the Record, and I ask that there also be printed House Concurrent Resolution 416 which was agreed to unanimously in the 89th Congress and which supports self-determination for the Baltic States.

There being no objection, the items were ordered to be printed in the Record, as follows:

RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection,

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterates the longstanding United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international ocnferences.

Dated at Newark, New Jersey, Feb. 13, 1971.

LITHUANIAN COUNCIL OF NEW JERSEY,
VALENTINAS MELINIS, ***President.***
ALBIN S. TRECIOKAS, *Secretary.*

RESOLUTION

Unanimously adopted at a mass meeting of Americans of Lithuanian origin or descent and their friends, living in Linden, New Jersey, sponsored by the Lithuanian-American Council of the USA, Inc., Linden Division, held on Sunday, January 31, 1971, at 4 p.m. at the Lithuanian Liberty Park Hall in Linden, New Jersey, in commemorating the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 53rd anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

Whereas the Communist regime did not come to power in Lithuania by legal or democratic process; and

Whereas the Soviet Union took over Lithuania by force of arms in June of 1940; and

Whereas the Lithuanian people are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they rightly and deservedly enjoyed for more than seven centuries in the past; and

Whereas the Soviets have deported or killed over twenty-five percent of the Lithuanian population since June 15, 1940; and

Whereas the Government of the United States maintains diplomatic relations with the government of the free Republic of Lithuania and consistently has refused to recognize the seizure of Lithuania and forced incorporation of this freedom-loving country into the Soviet Union; and

Whereas the Committee of the House of Representatives, created by House Resolution 346 of the Eighty-third Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia, and Estonia was contrary to established principles of international law; and

Whereas the House of Representatives and the United States Senate (of the 89th Congress) unanimously passed *House Concurrent Resolution 416* urging the President of the United States to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Lithuania, Latvia, and Estonia, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples; now, therefore, be it

Resolved, That we, Americans of Lithuanian origin or descent, reaffirm our adherence to American democratic principles of government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world; and be it further

Resolved, That the President of the United States carries out the expression of the U.S. Congress contained in *House Concurrent Resolution 416* by bringing up the Baltic States question in the United Nations and demanding the Soviets to withdraw from Lithuania, Latvia, and Estonia; and be it finally

Resolved, That copies of this resolution be forwarded this day to the President of the United States, Secretary of State William P. Rogers, United States Ambassador to the United Nations George Bush, United States Senators from New Jersey, Harrison A. Williams and Clifford P. Case, Members of the U.S. Congress from New Jersey, Florence P. Dwyer and Cornelius E. Gallagher, and Governor of New Jersey, William T. Cahill.

VLADAS TURSA,
President.
ELENA SESTOKAS,
Secretary of Resolution Committee.

RESOLUTION OF KNIGHTS OF LITHUANIA, COUNCIL 29, NEWARK, N.J.

The following Resolution was unanimously adopted by the Knights of Lithuania, Council 29, at a meeting which was held on January 19th, 1971, at the Lithuanian Holy Trinity Church Hall, 207 Adam Street, Newark, N.J.

As February 16th, 1971, marks the 53rd Aniversary of Lithuania's Independence, all Lithuanians throughout the free world will commemorate this occasion.

Whereas, In the thirty years since the Baltic States were invaded, hundreds of thousands of Lithuanians, Estonians and Latvians have been deported to the remotest parts of Russia. In turn, ethnic Russians by the hundreds of thousands have been sent in to colonize and russify the Baltic States with the purpose of diluting and then finally destroying the character of the people and the culture in the area.

Whereas, The Soviet mass deportations, especially those of 1941 and 1945–50, have cost Lithuania about 400,000 inhabitants. A large part of these deportees have perished in the Sovet forced labor camps. Most of these deportees had not been charged with any specific "crime". They were uprooted in an effort to deprive Luithuania of its political and intellectual elite as well as to break the peasantry's resistance to forced collectivization. Large number of Russian settlers have been moved into Lithuania to replace the deportees.

Whereas, The forcible incorporation of Lithuania into the Soviet Union, agreed upon, by Stalin and Hitler in their pact of August 1939, has not been recognized by many Western powers, including the United States. Diplomatic representatives of free Lithuania continue functioning in Washington and other European and Latin American capitals. In the eyes of International Law, Lithuania today is not an organic part of Russia or the Soviet Union, but an occupied country by the Soviets: therefore be it:

Resolved, That we, Americans of Lithuania origin or descent, reaffirm our adherence to American democratic principles of Government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world, and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, Secretary of State William P. Rogers, U.S. Ambassador to the United Nations, United States Senators and Congressmen of New Jersey.

KNIGHTS OF LITHUANIA, COUNCIL 29.
KAZYS, SIPAILA, *President.*
HELEN RADICSH, *Secretary.*

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

CARELESS USE OF PESTICIDES

Mr. MONDALE. Mr. President, distinguished scientists the world over have warned with sobering repetition that the earth's delicate ecosystems and man himself have suffered needless harm due to the careless use of pesticides. The earth has been saturated with these chemicals, so much so that DDT residues are found in the flesh of Antarctica penguins hundreds and thousands of miles from where it was applied. Man has defied the laws of nature with his misuse of pesticides. But, sadly, he violates few laws of the country. The Federal Insecticide, Fungicide and Rodenticide Act has not undergone extensive reform since it became law 20 years ago, even though its inadequacies have been pointed out time and again.

The Senator from Wisconsin (Mr. Nelson) last week introduced the National Pesticide Control and Protection Act (S. 660), an excellent bill which would provide the kind of controls that are needed to overcome the environmental abuses wrought by pesticides. In a subsequent editorial, The New York Times gives Senator Nelson's bill the kind of recognition it deserves. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 12, 1971]

The Silent Dangers

Pesticides, atomic radiation, chemicals, mercury and other toxic metals—these are the silent dangers to man and nature. President Nixon's message on the environment makes several progressive recommendations to deal with these toxic substances.

More than a billion pounds of pesticides, including insecticides, herbicides, fungicides, rodenticides and fumigants, are produced every year in this country, about five pounds for each man, woman and child. These are all damaging to human beings or to animals or to the land and water. The suburban housewife who sprays too much insecticide on her rose bushes contributes to the problem, as does the big commercial farmer who hires an airplane to spray his crops. Rain carries these contaminants into lakes and rivers either directly or by way of storm sewers.

Ideally, pesticides should be dispensed as carefully as prescription medicines, but that would pose severe problems of administration and enforcement. As a practical solution, the President suggests grouping pesticides into distinct categories for general use, for restricted use and for use by permit only, with supervision growing progressively tighter.

Another useful reform would enable the new Environmental Protection Administrator to seize stocks of pesticides whose use has been deemed dangerous. The President also proposes to speed up the now almost interminable process of cancelling a pesticide's registration once it has been found to be dangerous, but the exact changes remain to be spelled out in a legislative draft.

Earlier this week Senator Nelson of Wisconsin introduced a model bill on pesticide control. He urges a sales tax on pesticides to make research and enforcement self-financing and sets forth a clear right by private citizens to sue the Federal Government or any other plaintiff if pesticides are misused. This is important if government agencies are to be impelled to abandon the pesticide malpractice of which they themselves are often guilty.

On one of the silent dangers to people and their environment the President decided to keep silent. That is the hazard to both health and safety from the radiation of nuclear power plants. Chairman Seaborg of the Atomic Energy Commission stoutly defends A.E.C. radiation standards, but his position has been attacked by scientists within his own agency. The Environmental Protection Agency and the A.E.C. now share responsibility ambiguously in this field.

Fixing sound lines of demarcation will require firm White House leadership. The power shortages that have become an unhappy way of life in New York City and impend in many other metropolitan centers make it plain that the potentialities of nuclear energy need fuller utilization. But the licensing authority can hardly be exercised in a disinterested manner by an agency like A.E.C., dedicated to the broadest possible application of atomic energy. A built-in balancing force for environmental considerations must be created if power needs are to be met without endless litigation and conflict over where and how to build new facilities.

TO FIND A CURE FOR CANCER

Mr. DOMINICK. Mr. President, President Nixon recently announced a proposal to significantly increase the Federal resources committed to our national effort to find a cure for cancer.

On February 13, in a speech before the Association of American Medical Colleges in Chicago, Dr. Edward E. David, Science Adviser to the President, articulated some of the basic principles underlying the President's proposal.

I think it is a very persuasive speech and merits consideration by all of us. I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Dr. Edward E. David, Jr.

I am here today to enlist your aid and advice in a totally revolutionary undertaking which President Nixon has proposed. He hopes that it will invigorate the best biomedical science to provide a major improvement in the health of our society. In his State of the Union speech the President said:

"I will also ask for an appropriation of an extra $100 million to launch an intensive campaign to find a cure for cancer, and I will ask later for whatever additional funds can effectively be used. The time has come in America when the same kind of concentrated effort that split the atom and took man to the moon should be turned toward conquering this dread disease. Let us make a total national commitment to achieve this goal."

The President clearly recognizes the subtleties behind this statement. Cancer is not a simple disease; it is probably many. There is likely not to be a single cure for cancer, but a series of steps which can lead to effective treatment and, hopefully, prevention. The cancer crusade, as it has been called, will call on very different talents from scientists, researchers and managers than Apollo and the Manhattan Project did.

Recognizing all of this, the President has issued his call for action by setting a clear goal for the biomedical research community. It is the form and substance of the enterprise aimed at that goal that I came to talk to you about today. Basically, I see the enterprise as being a logical, and yet imaginative, extension of today's biomedical enterprise. If we are to be successful, we must utilize imaginatively the research institutions which are the result of our past efforts. This base is the resource which I believe promises success for the exciting venture the President has proposed.

The building of this base began more than two decades ago when the Federal Government issued another invitation to life and medical scientists to join in a new venture. It was to expand and strengthen our national biomedical research with the purpose of mitigating the major human illnesses confronting mankind. At first this venture met with some hostility, and there was some alarm within the scientific community. Some predicted that the heavy hand of government would stifle rather than stimulate biomedical research. Others felt that the NIH intramural program would siphon off the cream of American life scientists and decimate departments at the universities. Others predicted that the allocation of federal funds would degenerate into a spoils system, with friends supporting friends to the exclusion of bright and promising scientific young people. Finally, others predicted that Washington bureaucrats would be dictating the choice of research subjects to the working scientists.

How different the results have been! The life sciences have flourished and grown to the point where this country leads the world in biomedical research. Moreover, the overflow from this initiative has been responsible for the development of the life sciences in other countries. The Swedes acknowledge without hesitation their debt to this country for the burgeoning of the life sciences in Sweden. The complex in Bethesda has indeed evolved into an institution of high quality from which significant research results flow daily. The quality of the work in Bethesda is attested to by the award of two Nobel prizes to intra-mural NIH scientists. Yet, despite the pre-eminence of the intramural program, the academic institutions have not suffered. On the contrary, I would venture to say that a significant portion of the chairmen of departments of biochemistry, medicine, physiology, and pharmacology throughout the country have at one time or another trained or worked at the Bethesda campus. The award of grants has not become a spoils system. The peer review system for the allocation of research support is a major achievement in the life sciences and is a model for other disciplines. Finally, the federal bureaucracy has stimulated, fostered, and strengthened basic research throughout the country. These judgments are not mine alone. You share them with me, and special committees to review our biomedical research programs have concurred.

The venture, then, was successful—not only in producing more knowledge, but also in changing significantly the patterns of disease in this country. Vaccines for poliomyelitis, German measles, mumps, and other infections are available to us all. Victims of Parkinsonism have been raised from the status of cripples to productive members of society. Children who would have been dead from leukemia are alive today and are regarded as cured in a surprising number of instances. I need not catalog the results further. You know them far better than I. I believe that when we look back 25 years from today, we will perceive a similar record of proud achievement starting with the President's cancer initiative as a take-off point for the biomedical enterprise.

The President's goal provides us with a unique opportunity. It is an opportunity to show that we can concentrate our fire effectively when a possibility for progress emerges from research. In Vince Lombardi's terms, can we "run to daylight"? The President recognized both the possibility for progress and the challenge to the research community early. Over a year ago, in his 1971 budget document, he said:

"New research leads, giving hope of conquering some of the most dreadful and prevalent diseases of mankind, will be pursued with greater intensity in 1971. A major effort to investigate viruses as a cause of cancer is proposed, with the goal of eliminating viral cancer at the earliest possible date."

In the year since that statement, the President has been joined by the Congress, the medical community, and the public in recognizing the possibilities. But it was the support and enthusiasms of the biomedical scientists themselves that convinced the President of the validity of his judgment last year. Accordingly, in his budget for 1972, he has allocated not only the so-called "additional" $100 million, but also $232 million for the National Cancer Institute. The President said in addition that his total national commitment would involve all pertinent institutions and agencies. We should not overlook the significance of this important policy decision. Running to daylight requires that we utilize the magnificent resources of the biomedical research community to which I referred earlier. In structuring the effort we must take account of the differences between this effort and the Apollo and Manhattan projects. When we embarked on those, Lisa Meitner's demonstration of fission and the launching of Sputnik had already been achieved. In cancer, we do not know whether the critical experiment has yet been done. Despite this uncertainty, I find in my discussions with biomedical scientists a quiet sense of confidence and sober recognition of the opportunity which stimulated the President to propose his campaign against cancer. Molecular biologists, cell biologists, and biochemists of world renown tell me that of all the medical problems facing us, they would choose cancer as the one in which to attempt a concerted effort of research. We must, of course, create no undue optimism. No one guarantees rapid progress. The final results may be 10, 20 or 50 years in the future. But the judgment seems widespread that the time has come to try. I do find one area on which there is room for considerable discussion. What is the most rational and effective way to undertake this effort, considering that Apollo and the Manhattan efforts don't provide any infallible blueprint?

It is the President's belief that having honed and sharpened our biomedical research mechanism, the National Institutes of Health, we should now use it and call upon it as we embark on this new adventure. To isolate the cancer effort would prejudice the very outcome we seek. The problem of cancer straddles virtually all the life sciences—molecular biology, biochemistry, virology, pharmacology, toxicology, genetics—any one of these, or all of them, will contribute to the final solution. No one is wise enough to pick and choose just those components of the total biomedical spectrum that will be vital. Who knows what new discovery will become vital even next year? This aspect presents a stark contrast with Apollo and nuclear energy. Indeed, we do not believe in an AEC or NASA for cancer.

However, the President does believe the cancer effort is a partnership between the public and scientists, and although laymen cannot program the scientific efforts, they are entitled to know the strategy, to know the short-term objectives, and to receive progress reports. One individual must be responsible. He must plan the effort, direct it, and report to the American people. That individual must be within and a part of our total effort in the life sciences and therefore a part of the National Institutes of Health. He must not be confined to a single institute; he must have the administrative freedom to approach the problem with daring and imagination, and to catalyze the transfer of results from scientific discipline to scientific discipline. Thus, the Administration feels that the instrument for our campaign against cancer must be forged from and within the National Institutes of Health to assure the greatest chance of success.

The President is in the process of considering the best design for the administration of this effort and will report his decision to the American people in the near future. But it is my judgment that he will certainly not elect to fragment the life sciences at a time when we need their unified efforts.

The President is also aware that this new venture must not be undertaken at the expense of the broad base of scientific research. We must maintain the vigor, diversity, and sparkle of biomedical research. New ideas must be able to flourish; new investigators must be able to grow in intellectual stature; new fields must be opened regardless of whether they appear to have immediate relevance to the problem of cancer or to the other diseases which society feels must be overcome in the near future. What we seek, then, is a balance between well-designed effort against cancer, and the self-starting research which has been so productive in producing new possibilities for medical science. In achieving this balance we need the benefit of the thinking in institutions you represent and, more important, your institutions must be healthy.

The President recognizes the importance of the medical schools, not only in the delivery of health care, but also as intellectual beehives which will yield new insights and concepts. Therefore, in his budget request for 1972, he has asked for an increase of $95 million to expand the nation's pool of biomedical personnel and to invigorate the teaching institutions upon which we depend for the development of this pool. The precise mechanisms by which this additional $95 million will be used will be announced at a later date by the President, but his intention is to give the schools the flexibility and stability they must have to serve the nation.

There will be debates on specific programs. I recognize your concern about the issue of fellowships and training grants in the field of biomedical research. The President does not take a dogmatic stance in this regard. His budget for 1972 in essence requests that support for fellowships and training grants remain constant until the NIH can complete a study that is designed to give us insights as to how best to support students and trainees in the life sciences. We welcome your voice in the debate over this issue; we will not move precipitously or capriciously, but we need courageous assessments on your part. By courageous, I mean assessments which can lead to change where it suits national objectives. The Carnegie Commission report and your Howard Report both advocate imaginative and fundamental changes in medical education. Yet these will be traumatic and will require strength of purpose. I urge you to give us your views and to take action to provide the nation with the medical manpower we need to achieve a higher level of national health.

In closing, let me assure you that the President is dedicated to improving the nation's health and particularly to the conquest of cancer. Success hinges on using our national biomedical research resources imaginatively and creatively. The finest of these resources are people. It is they and you who must rise to the occasion. Both the President and I have confidence that you will.

HEALTH AND WELFARE PROSPECTS

Mr. MONDALE. Mr. President, Wilbur J. Cohen, dean of the school of education at the University of Michigan and former Secretary of Health, Education, and Welfare, has written an interesting and provocative article entitled, "Revolutionary Changes in Health and Welfare," which appears in the Information Please Almanac of 1971.

In the article, Dean Cohen reflects on prospects for health and welfare improvements in the future. Since few men have worked harder or more effectively than Mr. Cohen for the cause of human welfare, and few share his ability to interpret current trends and predict future improvements, I commend the article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Information Please Almanac, 1971]

REVOLUTIONARY CHANGES IN HEALTH AND WELFARE

(By Wilbur J. Cohen)

The revolution of rising expectations which has been developing in recent years has reached a stage where it is now possible to predict radical changes in our allocation of national resources in the near future.

Increasing affluence made possible by increasing productivity, amid poverty and pollution, has had a deep and pervasive influence on many individuals in our country. As a result, widespread support has developed for the belief that major social needs can be met if there is a different allocation of the national product. Programs that were once advocated by a small minority of people are now supported by many.

Once education was considered a privilege; not a right. Good health was considered a responsibility of the individual, not a right secured by the community. And a minimum income was limited to those who worked and for those who couldn't work, welfare was considered a gratuity.

Today, education, good health, and the assurance of a minimum income for all individuals and families is considered by many to be a right to be guaranteed by law. Once this was discussed only in books dealing with Utopia. Today, the revolution in our ideas about rights and guarantees is fast crowding in on the long-held concepts of the differentiation between individual and community responsibility.

In the area of health, the idea of national health insurance has gained widespread acceptance. The passage of Medicare brought to an end one of the most bitterly fought ideological battles in the political history of this country. Today the emotional content is no longer present and the major issue is how to deliver access to health services for everyone. Even the American Medical Association, the most active adversary of publicly sponsored national health insurance legislation, has presented a legislative proposal which is designed to broaden and improve health insurance coverage.

KEYS TO HEALTH INSURANCE

National health insurance involves several key principles of significance:

1. Eligibility to services as a matter of legal right supported by statutory enforcement of such rights by administrative and legal procedures;

2. Financing the program in such a manner as to distribute the costs in a more equitable manner than voluntary insurance;

3. The assumption of major responsibility by the Federal rather than the state or local government;

4. The development of incentives for economical and efficient delivery of service.

Effective implementation of a national health insurance program requires increasing medical manpower and supporting staff, training of many additional individuals from black and other minority groups, expansion of services, hundreds of additional neighborhood health centers, universally accessible family planning units, and an effective health education program.

In addition to the implementation of the right to health services, the seventies undoubtedly will see the adoption of the universal right to a minimum income. This development will be accompanied by a vigorous and comprehensive program to reduce and abolish the root causes of poverty, to eliminate hunger and malnutrition, and to eliminate racial and all other forms of discrimination.

A national income supplement plan became financially and politically feasible during the decade of the nineteen sixties when the number of individuals with incomes below the poverty line began to fall below 20% of the total population.

The poverty level in 1969 according to

the Bureau of the Census ranged from $1,749 for one person age 65 and over to $6,034 for seven or more persons. The amount for four persons was $3,721. As shown in Table 1, the proportion of the population below the poverty line dropped between 1939 and 1969 from 22% to 12% and from 39 million to 24 million persons:

TABLE 1.—PERSONS BELOW THE POVERTY LEVEL, BY RACE 1959–69

Year	Number below poverty level (in millions)			Percent below poverty level		
	Total	White	Other	Total	White	Other
1959	39.5	28.5	11.0	22	18	56
1965	33.2	22.5	10.7	17	13	47
1969	24.3	16.7	7.6	12	10	31

Source: U.S. Department of Commerce, Bureau of the Census, Selected Characteristics of Persons and Families: March 1970. Series p. 20, No. 204, July 13, 1970.

The basic concept of a national guaranteed income is really not new. The payments to veterans and Social Security and Railroad Retirement beneficiaries embody the same principle as a national income guarantee. The payments under State welfare programs have been based on the principle of the residual responsibility of the public to provide income to individuals below a given level of income.

The new feature of more recent proposals has been to make payments universal to all individuals with incomes below a given level rather than limit such payments to certain categorical groups such as the aged, blind, disabled, or to children only in families where one parent is dead, disabled, unemployed or absent from the home.

The basic features of a new national income supplement are: (1) complete financing by the Federal government, (2) administration by a Federal agency, (3) eligibility determined by Federal law and administrative procedures with appeal to the Federal courts, (4) financial incentives for individuals who work, and (5) incentives to break the cycle of poverty such as training, employment, and appropriate child care services.

SOCIAL SECURITY INCREASE

A national income supplement program cannot do the whole job of meeting income deficiency by itself. Social Security benefits must be increased and benefits under private retirement and welfare plans must also be adjusted to meet current needs and rising expectations.

In addition, we must find the means of reducing and removing the great inequalities which exist between income levels in America. There are millions of people whose earnings fall in the lower middle-income brackets. Their wages are too high for them to receive assistance from government, but too low to fully partake in the full benefits and opportunities offered by the American economy.

As part of the solution to this problem, there must be a significant attempt made to remove the wide disparities which exist among states. Table 2 shows the range in income and services which exists between different parts of the country.

TABLE 2.—INEQUALITIES AMONG STATES IN INCOME HEALTH, EDUCATION, AND WELFARE

State	Per capita income 1968	Physicians per 100,000 population, 1967	Infant deaths per 1,000 live births, 1968	Per capita State and local expenditures for all education, 1967–68	Welfare aid per child, April 1970
Highest	$4,256	222	35	$348	$67
Average	3,421	158	22	206	46
Lowest	2,081	74	14	141	12

Source: Ranking of the States, 1970. National Education Association, Washington, D.C., 1970.

Finally, the elimination of racial and sex discrimination would increase incomes by some $30 billion a year and would aid in the reduction of poverty, the increase in productivity, and the enhancement of individual dignity, and self-reliance.

A RIGHT, NOT A PRIVILEGE

The programs outlined in this article will certainly aid in the reduction of inequities, yet, they cannot do the whole task. It will take the concerted effort of the private sector as well as the public to make this goal a reality.

The decade of the seventies is destined to be that period in this century when many long-emerging trends come to a convergence in institutional changes. Health services, education and income to all become a right, not a privilege; a right grounded in human and community responsibility and not a handout or gratuity—or part of a policy of "noblesse oblige."

The securing of these rights will not be an easy or inexpensive task. During the last two decades the proportion of the gross national product devoted to health, education, and welfare has risen from 13.5% to 20.2%. (See Table 3.) We may reasonably expect that before the decade closes approximately one-quarter of each year's gross national product will be devoted through public and private sources to health, education, and welfare as compared to 20% at the present time.

This is a considerable investment, yet one that we must and can make if we are to assure that the basic components of human dignity and well-being are to be provided to all citizens of our country.

TABLE 3.—PUBLIC AND PRIVATE EXPENDITURES FOR HEALTH, EDUCATION, AND WELFARE, PERCENT OF GROSS NATIONAL PRODUCT, 1950–69

Fiscal year	Total	Health	Education	Welfare
1950	13.5	4.6	4.1	4.8
1955	13.3	4.7	3.7	5.0
1960	16.0	5.3	4.4	6.6
1965	17.9	5.9	5.2	7.1
1966	18.3	5.9	5.5	7.3
1967	19.0	6.2	5.6	7.6
1968	19.6	6.5	5.7	7.6
1969	20.2	6.7	5.8	7.9

Source: Social Security Bulletin, December 1969, p. 17. Total expenditures adjusted to eliminate duplication resulting from use of cash payments received to purchase medical care and educational services.

ORDER OF BUSINESS

The PRESIDENT pro tempore. All time for the transaction of morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements limited to 3 minutes therein, be extended for 9 additional minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Mississippi is recognized.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR RICHARD B. RUSSELL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, notwithstanding paragraph 5 of rule VII, that a letter from the Chargé d'Affaires of the Embassy of the Republic of Korea, Washington, D.C., expressing condolences with regard to the recent passing of the late Senator Richard B. Russell, be received and be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBASSY OF THE REPUBLIC OF KOREA,
Washington, D.C., January 23, 1971.

THE HONORABLE THE VICE PRESIDENT OF THE UNITED STATES,
Executive Office Building,
Washington, D.C.

MY DEAR MR. VICE PRESIDENT: It is with great sadness that I transmit to you the following cable message from His Excellency Park Chung Hee, President of the Republic of Korea.

"I have learned with deep sorrow the passing of Senator Richard B. Russell and would like to extend my deepest sympathy to you, your colleagues and your people on the loss of this great statesman.

PARK CHUNG HEE,
President of the Republic of Korea."

And, may I join His Excellency in conveying my sincere sympathy to you in the loss of a great official and citizen.

Very truly yours,

HO EUL WHANG,
Minister, Chargé d'Affaires a.i.

ORDER FOR RECESS FROM MONDAY, FEBRUARY 22, TO 11:45 A.M. TUESDAY, FEBRUARY 23, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in recess until 11:45 a.m. on Tuesday next.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY ON TUESDAY, FEBRUARY 23

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the prayer and the approval of the Journal, if there is no objection, and the recognition of the majority and minority leaders under the standing order, the able Senator from Illinois (Mr. PERCY) be recognized for a period not to extend beyond 12 o'clock meridian.

The PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object—and I shall not object—I should like to inquire of the distinguished Senator from West Virginia whether, by moving to recess rather than to adjourn until next Monday, he does not rule out the possibility of a morning hour or a period for the transaction of morning business or for special allocations of time except by unanimous consent.

Mr. BYRD of West Virginia. Does the Senator have reference to Monday or Tuesday next?

Mr. ALLEN. With regard to Monday.

Mr. BYRD of West Virginia. I thank

the Senator. The answer is yes, but I will be very glad to ask unanimous consent that there be such a period for the transaction of routine morning business.

Mr. ALLEN. By adding the routine morning business, does not the Senator in effect make of the recess an adjournment?

Mr. BYRD of West Virginia. He does, in effect, only with regard to routine morning business; but he does not change the morning hour, which is the first 2 hours following an adjournment. It is just by sufferance of the Senate that the Senator from West Virginia would arrange for a period for the transaction of routine morning business following a recess.

Mr. ALLEN. The point the junior Senator from Alabama is making is that as long as we recess each day rather than adjourn, each Senator is limited to two speeches, and the recess session when it convenes would be part of the same legislative day. Therefore, if a Senator should make two speeches in 2 calendar days but the same legislative day, he would not be allowed to make still another speech until there is an adjournment.

Mr. BYRD of West Virginia. The distinguished Senator is correct in that regard. However, the able Senator, I am sure, with his usual great resourcefulness, would have no difficulty in finding a way to make a third speech if he so desired.

Mr. President, would the Chair recognize the Senator from Alabama, so that we may continue the colloquy?

The PRESIDENT pro tempore. The 3 minutes have expired.

The Chair recognizes the Senator from Alabama.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. BYRD of West Virginia. Mr. President, changing the program from that of an adjournment to a recess also prevents the death of the motion to proceed to the consideration of Senate Resolution 9, and eliminates the morning hour which is marked by the close of the first 2 hours following an adjournment.

Again I say that the Senator from Alabama will have no difficulty in finding a way to make a third or fourth speech, if he so wishes.

Mr. ALLEN. I thank the distinguished Senator from West Virginia, but he does insist on making a request for a recess rather than an adjournment. Is that correct?

Mr. BYRD of West Virginia. Yes.

Mr. ALLEN. I offer no objection.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, FEBRUARY 22

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the approval of the Journal, if there is no objection, and the recognition of the two leaders under the previous order, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, not to exceed 45 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR SUSPENSION OF RULE XXII ON TUESDAY, FEBRUARY 23, UNTIL 12 O'CLOCK MERIDIAN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the operation of rule XXII on Tuesday next be suspended until 12 o'clock meridian.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the standing rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, again this year the Senate is engaged in a long and thorough debate over its rule XXII, and the application of that rule in meeting and conducting the business of the people of the United States in the year 1971. Rule XXII has a long history of debate over the years. I would not attempt to count the number of times Members of this body have proposed that the rule be abandoned or altered in some way.

It is understandable that many Members at one time or another would desperately wish to see the rule changed to make it easier to invoke cloture. Many Senators have worked long and hard on legislation which they sincerely believe is in the best interests of this Nation and its people. They have done their homework and have worked behind the scenes to convince a majority of Senators that their favored legislation is good legislation. Then they are frustrated when this legislation on which they have worked so long and hard is met with extended debate on the floor. And because the sponsoring Senator or Senators are unable to convince two-thirds of his colleagues that the issue has had an opportunity to be thoroughly debated, and the Senate should be silenced, he sees a piece of legislation, to which he is thoroughly dedicated, die.

It is natural that in his disappointment over the failure of a piece of legislation he considers vital to this Nation he would seek to change the rules of the Senate to increase the possibility that he could successfully pursue the enactment of the legislation he favors.

However, rule XXII has an importance beyond the wishes of a majority or any arbitrary number of Senators to silence the Senate and enact into law legislation which they sincerely believe is in the best interests of the American people. Rule XXII goes to the very heart of the constitutional protections agreed upon by our Founding Fathers at the Constitutional Convention. These protections have become an integral part of our American democracy.

Mr. President, the founders of our Nation were determined to protect the rights of the minority as well as the majority of both the people and the States. While it may be argued that two-thirds was a fraction arbitrarily determined at that time, I submit that 200 years of history have made this fraction an important and successful tool in our Federal system. As I pointed out on the Senate floor several weeks ago, the Constitution requires that the Senate approve treaties by a two-thirds majority. A two-thirds majority is required to impeach a President or to expell a Member of Congress.

Changes in our Constitution require two-thirds or three-fourths agreement. Nowhere, did our Founding Fathers trust the protection of the minority or vital decisions to a three-fifths majority. Therefore, I strongly support the requirement that a two-thirds and not a three-fifths majority be required before any Senator is told that he will no longer be given the opportunity to express his views and those of the people and the State he represents on the floor of the U.S. Senate.

I sympathize with those Senators who feel that they have an idea whose time has come and that action should be taken. But I ask them to look at the broader picture before they fiddle with the rules of the U.S. Senate in an effort to grease the skids and speed the adoption of that idea and its application to all of the people of this land. I do not wish to be misunderstood, I would not wish to impugn the motives of my colleagues. I know that they are sincere in their beliefs and are eager to best serve the people of this great Nation. But I ask them to be tolerant of their colleagues and the views of other Senators. These men, too, are dedicated to the service of the United States. Patience is required if we are to exercise wisdom and enact good legislation. It is easy to be stampeded. We all are vulnerable to the passing moods of the country. But we must search for the depth of that mood. For the laws we adopt remain with us for a long time and often are difficult to change or to update.

If an idea's time has come and it is a good idea, it will be adopted under the present requirements of rule XXII. I know of no major piece of legislation which has been permanently frustrated because of rule XXII. Its course may have been made more difficult. That I would not deny. But that is good. It should be more difficult to enact legislation if there is a large group of Senators who have publicly expressed deep and concerned opposition to the adoption of that legislation.

Mr. President, in 1953, the U.S. Senate was also taking time to assess the need to make changes in rule XXII. At that time Senator Knowland of California, who gave great service in this body and is remembered for the able job he did as leader of its Republican Members, presented a paper entitled, "Senate Rules and the Senate as a Continuing Body." I would like to read from the opening of that paper which was printed as document 4 of the 83d Congress:

SENATE RULES AND THE SENATE AS A CONTINUING BODY

I

The right or privilege of extended debate in the United States Senate has been a subject of recurring controversy. Almost from the Senate's beginnings the numerous efforts to impose limitations have not been too effective. The most recent positive action to curb debate which was taken in 1949 permitted, for the first time, the invocation of cloture in all cases except that of a motion to take up a change in the Senate rules.

Critics of this 1949 amendment attack it on the grounds that (1) it may be invoked only by affirmative vote of not less than 64 Senators; and (2) that the rules themselves remain subject to amendment by simple majority vote of those present and voting, while a motion to take up an amendment to the rules can be filibustered indefinitely.

Many supporters of civil rights measures, such as FEPC, antilynch bills, anti-poll-tax bills, claim that such measures never can be passed in the Senate so long as rule XXII remains in its present form, because of the opportunities the rule still affords for filibuster by a minority. There have also been many other measures which have been successfully blocked, by extended debate of a minority, during the course of the Senate's history.

During the hearings in October 1951 before a subcommittee of the Senate Committee on Rules and Administration, various proposals were considered relative to limitation of debate in the Senate beyond that now provided in Senate Rule XXII. These included proposals to achieve cloture by vote of a constitutional majority of the Senate (S. Res. 52, by Ives and Lodge); by vote of two-thirds of the Senators present and voting (S. Res. 203, by Wherry); by majority vote of those present and voting (S. Res. 41, by Morse and Humphrey); by vote of two-thirds of the Senators present and voting to limit debate in 48 hours in case of "grave national emergency", and 15 days "on any question whatsoever," by vote of a majority of the Senators present and voting (S. Res. 105, by Lehman, Murray, Magnuson, Neely, Douglas, Humphrey, Green, Benton, Pastore, McMahon, and Kilgore).

A NOVEL ANGLE ON CHANGING SENATE RULES

At these hearings where many witnesses, including a number of Senators, testified, an interesting and somewhat different approach was suggested by Walter Reuther.

"It is our contention," he told the committee, "that the Senate is not a continuing body and therefore the Eighty-second, the Senate that sits as part of the Eighty-second Congress cannot adopt a set of rules which binds future Senate bodies, because if the Eighty-second Session of the Senate can adopt a set of rules that go on in perpetuity, it means that they are exercising an authority which they deny to a future Senate; and they can't do that." He further stated: "Now, when the Senate meets in January 1953, a Senator can stand up and say, 'Mr. Chairman, I would like to submit the following set of rules for adoption to govern the work and the proceedings of this body.' "

In a supplemental written statement Mr. Reuther spelled out his suggestion in detail, as follows:

"*Proposal No. 1.*—When the new Senate of the Eighty-third Congress convenes January 3, 1953, the following procedure can be adopted:

(1) After the credentials have been submitted and accepted, a Senator can rise and move the adoption of the Rules of the Senate of the Eighty-third Congress which he will then submit to the body. These rules may include a new rule XXII providing for limitation of debate by majority vote. He may state, in making his submission, that there are no existing rules of the Senate because the rules of one Senate cannot bind a succeeding Senate. Also, he may point out that, until adoption of rules, there is no committee to which his motion can be referred.

(2) It can be expected that a point of order will be made that the motion is out of order since, it will be contended, there are existing rules which can only be amended as provided through the present rules.

(3) The President of the Senate must rule on this point of order.

"(4) His ruling, if he rejects the point of order," is subject to an appeal. Under general parliamentary rules, which would be in effect during the period prior to the adoption of specific rules, the appeal can be debated, although most parliamentary authorities limit the debate to one speech by each person.

"Should the minority group attempt to turn the debate on the appeal from the ruling of the Chair into a filibuster, the debate can be cut off either by a motion to lay on the table or by moving the previous question. A majority vote in favor of the motion to table would operate to affirm the Chair's ruling. A majority vote in favor of the call for the previous question would permit an immediate vote on the appeal.

"(5) If the ruling of the Chair is sustained by a majority vote, the Senate will be able to adopt rules for the Senate of the Eighty-third Congress by regular parliamentary procedure of majority vote. If a filibuster should be attempted at this point, it can again be dealt with by the parliamentary device of moving the previous question outlined in step 4, above. It is significant that the Speaker of the House, at the time of an attempt to prevent the adoption of rules by repeated dilatory motions, ruled that he would refuse to recognize Members attempting these delaying tactics as they were interfering with the constitutional right of the House to determine its rules (Cannon, Precedents, vol. 5, secs. 5706, 5707)."

Mr. Reuther also submitted a brief in support of his claims that the Senate is not a continuing body, that its rules are not continuing and, therefore, new rules may be adopted (or old rules amended, rule XXII to the contrary notwithstanding) by a simple majority vote of the Senate.

Statements made by Senators Benton, Lehman, and Humphrey during the course of the hearings appear to be in agreement with these claims. In the Senate report to Senate Resolution 203 are found the views of Senator Benton and Senator Green, as follows:

"Subsection 3 of rule XXII should not be allowed to bind this Senate and all future Senates by perpetuating the right to filibuster against any motion to change any rule of the Senate. Such a right, written into the rules only in 1949 and in spite of the warning and protest of Vice President Barkley, violates the great tradition which the Senate has always followed. We deny the right of any past Senate so to tie the hands of this or any future Senate. The Senate by acquiescence accepts the rules of each previous Senate as the rules of the current Senate, but nowhere in such a procedure can there be found any excuse for the gag rule which subsection 3 imposes.

"Many compelling arguments were presented to the committee in support of majority cloture at any and all times. The hearings have been printed and we recommend their study to our colleagues in the Senate."

Various newspaper stories and articles have appeared in recent weeks stating the possibility that when the Eighty-third Congress assembles in January 1953, some Senator will rise on the Senate floor "almost as soon as the chamber is convened and move adoption of all the rules that governed the Senate of the preceding Congress except rule XXII."

This discussion deals with a consideration of the possibilities suggested from the foregoing that may thus be presented shortly after the Senate convenes in January. Could it mean, for example, an end to filibustering in the Senate by a simple majority vote, by vote of 25 Senators present and voting?

The issue of whether the Senate is a continuing body, or whether its rules are continuing, obviously is subject to being strongly colored by the issues involved in any consideration of the pros and cons of extended debate and efforts to curb it—the civil rights issue, the individual prerogatives of Senators, and the like. So far as practicable, however, this discussion will be limited to the constitutional and policy questions directed to the continuity of the Senate and of its rules, from Congress to Congress. These questions will be considered within the framework of the following issues:

I. Was the Senate established as or intended to be a continuing body? What does the Constitution provide? What did the founding fathers say?

II. Even if issue I is answered in the affirmative can the Senate, notwithstanding, determine it is not to have continuing rules?

III. Should the Senate so determine?

Preliminarily, this much can be stated: That precedent overwhelmingly is against the propositions (*a*) that the Senate is not a continuing body and (*b*) that its rules are not continuing.

Further in evidence of the support of this position, let me quote from some of the constitutional provisions:

(A) CONSTITUTIONAL PROVISIONS

Article I, section 3, provides for rotation of one-third of the Senate every 2 years. This provision has been compared with the requirement in the Constitution for biennial election of all House Members. Unlike the case of the House of Representatives, the plan of rotation every 2 years has resulted, ever since the Senate organized for the first time in 1789, in there always being more than a majority of sitting Senators. The Senate has thus always been able "to do business," since it always has had a quorum as required by the Constitution.

Other provisions of the Constitution cited to establish that the Senate is an always organized body include (a) those dealing with the office of the Vice President and the President pro tempore; (b) those establishing the Senate's executive functions, as distinguished from its legislative functions; (c) the power of the President "on extraordinary Occasions, [to] convene both Houses, or either of them * * *"; (d) the limiting proviso in article V (which deals with amending the Constitution), as follows: "* * * no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

(B) THE INTENT OF THE FOUNDING FATHERS

The Constitutional Convention of 1787 had before it various alternatives with respect to the powers, duties, and composition of the Senate, as well as the manner of selection and tenure of office of its members. The agreements which were finally reached on these alternatives appear in varying degrees to have a general bearing on the subject of this discussion. These details were expanded upon at length by the authors of The Federalist, Messrs. Hamilton, Madison, and Jay. Typical of their comments are the following:

In The Federalist, No. 62, James Madison (or Alexander Hamilton) wrote:

"The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies, to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions. Examples on this subject might be cited without number; and from proceedings within the United States, as well as from the history of other nations. But a position that will not be contradicted, need not be proved. All that need be remarked, is, that a body which is to correct this infirmity, ought itself to be free from it, and consequently ought to be less numerous. It ought, moreover, to possess great firmness, and consequently ought to hold its authority by a tenure of considerable duration. * * *

"The mutability in the public councils, arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the government. Every new election in the states, is found to change one half of the representatives. From this change of men must proceed a change of opinions; and from a change of opinions, a change of measures. But a continual change even of good measures is inconsistent with every rule of prudence, and every prospect of success. The remark is verified in private life, and becomes more just, as well as more important in national transactions. * * *

"To trace the mischievous effects of a mutable government, would fill a volume. I will hint a few only, each of which will be perceived to be a source of innumerable others.

"In the first place, it forfeits the respect and confidence of other nations, and all the advantages connected with national character. * * * The internal effects of a mutable policy are still more calamitous. It poisons the blessing of liberty itself. * * *"

Also, in The Federalist, No. 63, Madison or Hamilton wrote as follows:

"Yet however requisite a sense of national character may be, it is evident that it can never be sufficiently possessed by a numerous and changeable body. It can only be found in a number so small that a sensible degree of the praise and blame of public measures may be the portion of each individual; or in an assembly so durably invested with public trust, that the pride and consequence of its members may be sensibly incorporated with the reputation and prosperity of the community. The half-yearly representatives of Rhode Island, would probably have been little affected in their deliberations on the iniquitous measures of that state, by arguments drawn from the light in which such measures would be viewed by foreign nations, or even by the sister states; whilst it can scarcely be doubted that if the concurrence of a select and stable body had been necessary, a regard to national character alone would have prevented the calamities under which that misguided people is now laboring.

I add, as a sixth defect, the want in some important cases of a due responsibility in the government to the people, arising from that frequency of elections, which in other cases produces this responsibility. The remark will, perhaps, appear not only new, but paradoxical. It must nevertheless be acknowledged, when explained, to be as undeniable as it is important.

Responsibility, in order to be reasonable, must be limited to objects within the power of the responsible party; and in order to be effectual, must relate to operations of that power, of which a ready and proper judgment can be formed by the constituents. The objects of government may be divided into two general classes: the one depending on measures which have singly an immediate and sensible operation; the other depending on a succession of well-chosen and well-connected measures, which have a gradual and perhaps unobserved operation. The importance of the latter description to the collective and permanent welfare of every country, needs no explanation. And yet it is evident, that an assembly elected for so short a term as to be unable to provide more than one or two links in a chain of measures, on which the general welfare may essentially depend, ought not to be answerable for the final result any more than a steward or tenant, engaged for one year, could be justly made to answer for plans or improvements which could not be accomplished in less than half a dozen years. Nor is it possible for the people to estimate the share of influence which their annual assemblies may respectively have on events resulting from the mixed transactions of several years. It is sufficiently difficult, to preserve a personal responsibility in the members of a numerous body, for such acts of the body as have an immediate, detached, and palpable operation on its constituents.

The proper remedy for this defect must be an additional body in the legislative department, which having sufficient permanency to provide for such objects as require a continued attention, and a train of measures, may be justly and effectually answerable for the attainment of those objects."

The Federalist, No. 64, by John Jay, concerns itself with the Senate and treaty-making. The following, on the permanency of the Senate, is quoted from that paper:

"Although the absolute necessity of system, in the conduct of any business, is universally known and acknowledged, yet the high importance of it in national affairs, has not yet become sufficiently impressed on the public mind. They who wish to commit the power under consideration to a popular assembly, composed of members constantly coming and going in quick succession, seem not to recollect, thus such a body must necessarily be inadequate to the attainment of those great objects, which require to be steadily contemplated in all their relations and circumstances and which can only be approached and achieved by measures, which not only talents, but also exact information, and often much time, are necessary to concert and to execute. It was wise therefore, in convention to provide, not only that the power of making treaties should be committed to able and honest men, but also that they should continue in place a sufficient time to become perfectly acquainted with our national concerns, and to form and introduce a system for the management of them. The duration prescribed is such as will give them an oportunity of greatly extending their political information, and of rendering their accumulating experience more and more beneficial to their country. Nor has the convention discovered less prudence, in providing for the frequent elections of senators in such a way, as to obviate the inconvenience of periodically transferring those great affairs entirely to new men: for by leaving a considerable residue of the old ones in place, uniformity and order, as well as a constant succession of official information, will be preserved."

In The Federalist, No. 59, Alexander Hamilton commented on the regulation of elections of both Senators and Representatives. He stated:

"It may be easily discerned also, that the national government would run a much greater risk, from a power in the state legislatures over the elections of its house of representatives, than from their power of appointing the members of its senate. The senators are to be chosen for the period of six years; there is to be a rotation, by which the seats of a third part of them are to be vacated, and replenished every two years; and no state is to be entitled to more than two senators; a quorum of the body, is to consist of sixteen members. The joint result of these circumstances would be, that a temporary combination of a few states, to intermit the appointment of senators, could neither annul the existence, nor impair the activity of the body; and it is not from a general and permanent combination of the states, that we can have any thing to fear. The first might proceed from sinister designs in the leading members of a few of the state legislatures; the last would suppose a fixed and rooted disaffection in the great body of the people; which will either never exist at all or will, in all probability, proceed from an experience of the inaptitude of the general government to the advancement of their happiness in which event no good citizen could desire its continuance.

"But with regard to the federal house of representatives, there is intended to be a general election of members once in two years. If the state legislatures were to be invested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the union, if the leaders of a few of the most important states should have entered into a previous conspiracy to prevent an election."

It is clear that there was strong support for changing rule XXII in 1953. There was a serious effort to look into the question and make a proper resolution of the matter. The Senate Committee on Rules and Administration held hearings of the subject in October of 1951, and the passages I read previously indicate the broad participation in those hearings and the many alternatives which were proposed to the two-thirds requirement of rule XXII.

Many of the Senators who participated actively in the hearings and debate in 1951 and 1953 are still Members of the Senate and are participating in the debate in which we are presently engaged. They, I am sure, will appreciate how difficult it was to envision the legislation which would be adopted over the next 20 years in spite of the fact that rule XXII was not changed and a two-thirds majority would be required throughout that time to invoke cloture.

Senate document 4, prepared in 1953, stated:

> Many supporters of civil rights measures, such as FEPC, anti-lynch bills, anti-poll-tax bills, claim that such measures never can be passed in the Senate so long as Rule XXII remains in its form, because of the opportunities the rule still affords for filibuster by a minority. There have also been many other measures which have been successfully blocked, by extended debate of a minority, during the course of the Senate's history.

At that time it was proposed that the rule must be changed to permit cloture to be invoked by a two-thirds majority.

Now, I am sure that many Members of the Senate in 1953 sincerely believed that enactment of civil rights legislation would be impossible under the two-thirds requirement of rule XXII. But let us look at the history of the last 20 years. President Eisenhower proposed and Congress enacted the first major civil rights legislation since the reconstruction, during the second term of Eisenhower's Presidency. The 1960's saw the adoption of several civil rights laws covering housing, voting rights, and so forth. All of this was accomplished even though rule XXII of the Rules of the United States Senate required a two-thirds majority to invoke cloture.

Many may criticize the time it took for the enactment of these measures. But I submit that the time is well spent if it provides a check to prevent the enactment of repressive legislation spurred on by the heat of the public temper of the moment. There are times of public outrage. Many times one region of the country may be particularly upset. It may be a populous region. But when tempers have had a chance to cool, it is learned that solutions may be found; that we can work together as brothers; that we are one nation.

Rule XXII prevents the enactment of legislation without judicious consideration. It gives us the breathing space we need. It protects those who happen to be in the minority at the moment. It helps protect one region from domination by others. And this is what our forefathers were thinking about. A major concern of the States as they entered into the union was protection from the domination of the more populous States. This should not be of any less concern to us today.

We can look to Western Europe, which is taking the first painful steps toward cooperative union. A prime concern is the protection of the minority from domination by the majority. While this country has a sense of national identification which the European Common Market lacks, we must be just as careful to protect the minority view which exists within our Nation. This has been a cornerstone of the success of our democracy.

Let us remember that Senators are not unreasonable men. They can be counted on to act in the best interests of the people. While oftentimes it appears that the Senate could conduct the business of the Nation in a more efficient manner—and I am sure that in many ways that could be done—the protection provided to the people under rule XXII cannot be blamed for the inefficiencies of the Senate any more than bureaucratic inefficiencies can be blamed on the checks and balances provided by our bicameral legislative system or the division of powers between the legislative and the executive branches of the Government.

Rule XXII does not require a two-thirds majority to enact legislation before the Senate. Legislation is still enacted by a majority vote of the members. There is majority rule. Rule XXII simply requires that two-thirds of the Senate agree that the legislation has been debated thoroughly and sufficiently to present all of the information and views necessary to decide the question in a manner which is fair and equitable to all of the people in this Nation. The distinction often is lost in the shuffle when the debate on rule XXII is reported in the news media. A Senator who may be opposed to the certain piece of legislation will nevertheless vote to invoke cloture when he has determined that there has been sufficient debate to decide the question and therefore his colleagues who still wish to express their views on the subject should be silenced.

In this manner, rule XXII prevents the forces of extremism from grasping an opportune moment to mold the Government of the United States in their own extreme views. William S. White has said:

> And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon had more than one blade and that today's pleading minority could become tomorrow's arrogant majority.

We all are very sensitive to the manner in which Hitler was able to whip up the emotions of the people of Nazi Germany. We find it difficult that such a state of affairs could ever exist in our own country. And I personally have the faith in the American people to believe that they would never fall victim to such demagoguery.

But here, again, the protection afforded by rule XXII offers the comfort of knowing that it would be extremely difficult to override a dedicated and vocal minority opposing such extremism. And we must not be too smug in our own good fortune; for in the United States today we hear of words such as "backlash" to describe the deep emotions of some toward the actions of others. We would never want to find ourselves in the position of legislating by majority backlash rather than through the wisdom and counsel developed by open and free debate.

Mr. President (Mr. BROCK), much attention in recent years has been focused on the power of the mass media in our Nation. I do not believe that there is a Member of the Senate who does not acknowledge the importance of television in this day and age and the power which it has to reach the American people. The medium has been used by business and industry to sell their products to the consumer. It is used by schools and colleges to teach their students. It is used by the communications industry to inform the people of the world around them. It is used by politicians such as ourselves to explain our positions to the people.

Television is a vital political force in our Nation today. There is little doubt of this. Some have criticized the last several Presidents, saying that they have taken unfair advantage of their access to television to sell the views of their administrations to the public and to develop pressure to move these measures through Congress. Last year, we saw television commercials as cleverly devised as any cigarette commercial urging the public to support a particular measure then before the Senate on the subject of the war in Southeast Asia.

When television is used in this manner to communicate a particular side of a question to the public, it is possible that many members of the public will make up their minds on the questions without being fully aware of the arguments on the other side of the question. The advantage to rule XXII is that Senators who have an opportunity to fully inform themselves on a particular question are given the opportunity to express these views in an effort to inform the public of all of the issues involved and to sway their colleagues to their own views. After full debate of a question in the U.S. Senate, it is much more likely that the general public will be fully aware of all of the facts.

If an effort is made to invoke cloture in the Senate and that effort fails, it is usually a matter of national attention. The reporting of this event, often gives the Members of the Senate on both sides of the question an opportunity to express their views in a broader forum and it is possible to develop new public sentiment for one's particular position. This cannot be said to be a bad thing. It is one of the advantages of the two-thirds requirement of rule XXII. I would not want to see that advantage destroyed.

The enlightened and informed debate which takes place under rule XXII, as it is now written, prevents advertising and other such devices from playing an undue role in determining the policy and laws of the United States. It adds to the checks and balances we have developed and consider so important to our system. It aids the definition between the powers of the Presidency and those of the Congress. It is impossible for the House of Representatives, because of its size, to engage in the unlimited debate which is possible in the Senate. Therefore it is important for the Senate to preserve the opportunity which it has given to a minority of one-third to force government and the people to stop, listen, and take notice of their position and their views. Even the President must sit down and make his peace with such a minority.

This has not had a detrimental effect on the Nation. It has permitted us to follow a balanced course which has been acceptable to the great majority of the American people. For if legislation is enacted with the time and thoughtfulness which is afforded by rule XXII, then it has the understanding and support of a broad enough spectrum of the people of this Nation to permit the legislation to be implemented effectively. And, after all, this is what we seek to accomplish in our democracy.

Mr. President, in closing, I would like to read a column which appeared in the Washington Post on February 17, entitled "Shouting Back, Not Shutting Up." This commentary was written by Nicholas von Hoffman, with whom many of my colleagues are familiar.

Mr. von Hoffman has done a fine job of expressing many of the reasons why rule XXII should not be changed, and I find myself agreeing with those reasons. I must admit that I strongly disagree with the manner in which Mr. von Hoffman often chooses to express himself. For I find it very difficult to respect a person who often shows little respect or tolerance for other people and their views.

Mr. von Hoffman often leaves the impression of disdain for certain individuals and institutions in who I have great respect. Nevertheless, this particular commentary is notable for its recognition of the benefits resulting from the two-thirds majority requirement of rule XXII for invoking cloture. Therefore, I wish to read the commentary at this time:

> Tomorrow the Senate liberals will have another go at making it easier to kill off a filibuster. They've been trying for 20 years, but they may get it this time because the President is on their side, and that ought to make them wonder how good an idea knocking out the old filibuster is.
>
> The White House contends that without the filibuster the Senate can do its work "more promptly and expeditiously." Congress, and especially the Senate has of late been much taxed with being inefficient and old-fashioned, a thick-sapped institution in an age of speed and transistorized judgments.
>
> The Senate's job isn't speed or neat dispatch, but wisdom, and these elements don't always go together. In legislation part of wisdom is delay and procrastination, knowing how not to get swept off your feet, how to temporize because it's better to be late than sorry.
>
> Stalling around and pulling on its beard and not being hasty as an aspect of the Senate that pre-dates its coming into existence. During the Constitutional Convention of 1787, James Madison argued on the floor that the first purpose of the Senate was "to protect the people against their rulers; secondly to protect the people against the transient impressions into which they themselves might be led . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous counsels . . . How is the danger in all cases of interested coalitions to oppress the minority to be guarded against? Among other means by the establishment of a body in the government sufficiently respectable for its wisdom and virtue, to aid on such emergencies, the preponderance of justice by throwing its weight into that scale."
>
> The Senate hasn't often lived up to Madison's hopes for it, but it has sometimes, and one of the ways it does is through the filibuster. A lone, filibustering senator, if he's got the guts, may be able to make the whole country think twice before it's carried off by enthusiasm or hysteria.
>
> Because of the South's use of the device to fight down civil rights legislation the filibuster may now have too bad a name to save it. People forget that the filibuster didn't prevent the passage of the great civil rights acts legislation of the '60s. It delayed them. In this way it acted like the temporary veto in the English House of Lords; in effect the filibuster asked the country, "Hey, did you really mean it with this civil rights legislation?"
>
> That angered a lot of people who wanted the civil rights laws on the books immediately, people who had no patience with the Southern contention that much of this legislation was unconstitutional. Since then the courts have said they are constitutional, but even so they were a sharp departure from past practice . . . such things as taking away the freedom to refuse to rent, sell or service people because of their race or religion.
>
> These aren't the kind of laws that should be passed with a 51 per cent majority. They are too important to slip into passage by seven or eight votes. The Senate's famous rule XXII requires a two-thirds vote to break a filibuster, and that's the kind of numbers needed so ensure such important laws have a chance of being enforced. The Reconstruction Congress passed all kinds of civil rights legislation that was not only ignored but literally forgotten. There just wasn't enough steam behind them to do more than pass them so that they became a kind of legislative tokenism.
>
> But the filibuster and civil rights is history. Nixon certainly doesn't want to weaken the filibuster in order to pass a new civil rights act. He's concerned about such matters as the anti-ballistic missile, the draft and the SST. A Northern liberal can use the device as well as a Southern reactionary, and in the next couple of years the Northerners are going to need it more than the Southerners.
>
> The big winner in the cutting down of the filibuster will be the White House, which will need to twist fewer senatorial arms to get what it wants passed. That's why Nixon's for it, and it's why everyone who wants to see congressional power diminished should be for it.
>
> Killing the filibuster is presented as a reform measure. Words like modernize and expedite are used when talking about it. As if the Senate is old-fashioned because the senators talk too much. The problem is that half the time the senators don't know what they're talking about, and eliminating the filibuster isn't going to cure that. What might help, what might be a true modernization would be if the congressional research and information gathering facilities were significantly enlarged. The legislative branch is dangerously dependent on the executive for too much of what it knows.
>
> Minor mechanical adjustment in the rules isn't going to make a better Congress. This is so of the filibuster, and of the furor over the seniority system. Those old coots run things, not because of the rules, but because the good guys don't have enough votes. When they do have the votes seniority doesn't matter.
>
> You can see that in the case of Congressman John L. McMillan, the superannuatedly impossible gent from South Carolina who chairs the House District of Columbia Committee. The liberals had a chance to vote him out but they didn't have the numbers; then later, they were able to clip his power in the committee because they constitute a majority.
>
> The last 50 years ought to have schooled us to watch out for reforms that promise us business-like procedures by strengthening centralized power. The problem isn't to get Congress to shut up but to get them to shout back.

Mr. President, that concludes the commentary by Nicholas von Hoffman. I would like next to read, if I may, from quotations that have been put together by the distinguished Senator from North Carolina (Mr. ERVIN). I think they are particularly timely now.

The quotations are as follows:

> The filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and it is one of the very strongest practical guarantees we have for preserving the rights which are in the Constitution. (Walter Lippmann "The Essential Lippmann.")
>
> Of those who clamor against the Senate, and its methods of procedure, it may truly be said: "They know not what they do." In this chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words. (Adlai E. Stevenson, Vice President of the United States, speech upon leaving office).
>
> Unlimited debate is a rarity among national legislatures, and the glory of the United States Senate. (Prof. Raymond Wolfinger, "Readings on Congress").
>
> As the much vaunted separation of powers now exists, unrestricted debate in the Senate is the only check upon presidential and party autocracy. The devices that the framers of the Constitution so meticulously set up would be ineffective without the safeguard of senatorial minority action. . . . Abolish cloture and the Senate will gradually sink to the level of the House of Representatives where there is less deliberation and debate than in any other legislative assembly. (Prof. Lindsay Rodgers, "The American Senate".)
>
> Obviously, the Senators, who are 100 well-educated, well-informed, and rather 'liberal' men . . . see something exceedingly valuable to their corporate and individual status in the privilege of unrestrained debate. That value is the right to resist in a most public manner policies that a President desires. . . . (In the Senate) the notorious filibuster stands as an insufferable bar to presidential ambitions. (Prof. Alfred de Grazia, "Republic in Crisis.")
>
> The Senate's opportunity for open and unrestricted discussion and its simple comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision. (Woodrow Wilson, in his doctoral thesis "Congressional Government," written impartially before he was stricken by "presidential ambitions").
>
> And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority. (William S. White, "Citadel").
>
> If I were to teach again a course in government, I would say if you really want to know the kind of manners and rules of conduct that you ought to have to assure the meaning of the First Amendment, particularly, as it comes to free speech, and the rights to redress for your grievances, the freedom of the press, the freedom to assemble . . . the Senate of the United States represents that in its fullest measure. And in that alone, it's worthwhile. If nothing else, that would make it a very worthwhile American institution. (Hubert Humphrey, U.S. Senator and Former Vice President NBC–TV Interview, January, 1971).
>
> Many of the wise men who have served in the Senate have come to believe that it is important that there should be one place in the legislative journey where the opportunity for discussion is unfettered. They have found that this has not in the end prevented any decisions persistently wanted by the people, but on the other hand has stood in the way

> of much action that the country has come to conclude would have been unwise. (Hon. Robert Luce, "Congress: An Explanation").
>
> The ability of any Senator to speak for as long as he chooses is one of the most sacred of the institutions of the Senate and distinguishes it quite sharply from the House of Representatives, or, indeed, any other legislative body in the world. (Prof. Lewis Froman, Jr., "The Congressional Process").
>
> If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority. . . . Of all the political institutions, the legislature is the one that is most easily swayed by the will of the majority. . . . I am not so much alarmed at the excessive liberty which reigns in that country as at the inadequate securities which one finds there against tyranny. (Alexis De Tocqueville, "Democracy in America").

His book was written more than 100 years ago.

Mr. President, I have one additional quotation:

> The most significant difference . . . between the House of Representatives and the Senate is to be found in the provisions of limited debate in the House and unlimited debate in the Senate. (Prof. Ernst Fraenkel, Free University of Berlin "American System of Government.")

Mr. President, many persons have questioned the right or the wisdom of the right of the Senate to debate at length issues which come before it from time to time. I think one of the best summaries of the wisdom and the reasons for extended debate has been assembled by the Library of Congress. In the summary it is stated:

> ### Arguments for Filibustering
>
> 1. Minorities have rights which no majority should override. Government is constituted to protect minorities against majorities. Obstruction is justifiable as a means of preventing a majority from trampling upon minority rights until a broad political consensus has developed.
>
> 2. A Senate majority does not necessarily represent a consensus of the people or even of the states. Frequently popular opinion upon a question has not been formulated or, if it has been, it is often not effectively expressed. Prolonged debate may prevent hasty majority action which would be out of harmony with genuine popular consensus.
>
> 3. It is the special duty of the Senate, sitting in an appellate capacity carefully to inspect proposed legislation, a duty not readily performed without freedom of debate. In our system of government, where legislation can be gaveled through the House of Representatives at breakneck speed with only scanty debate under special rules framed by a partisan committee, it is essential that one place be left for thorough-going debate.
>
> 4. Filibusters really do not prevent needed legislation, because nearly every important measure defeated by filibuster has been enacted later. With rare exception no really meritorious measure has been permanently defeated and some vicious proposals have been killed. The filibuster has killed more bad bills than good ones.
>
> 5. It is the unique function of the Senate to act as a check upon the Executive, a responsibility it could not perform without full freedom of debate. Unrestricted debate in the Senate is the only check upon presidential and party autocracy. It is justified by the nature of our governmental system of separated powers.
>
> 6. The constitutional requirement for recording the yeas and nays is a protection of dilatory tactics. The provision of the Constitution which requires the yeas and nays to be recorded in the Journal at the desire of one-fifth of the Members present is an intentional safeguard allowing the minority to delay proceedings.
>
> 7. Majority cloture in the Senate would destroy its deliberative function and make it a mere annex of the House of Representatives.
>
> 8. Simple majority cloture would have brought many a decision which would have accorded ill with the sober second thought of the American people.
>
> 9. The Senate, without majority cloture, actually passes a larger percentage of bills introduced in that body than does the House of Representatives, with cloture.
>
> 10. To enforce cloture by vote of a chance majority in the Senate might bring greater loss than gain.
>
> 11. Filibusters are justifiable whenever a great, vital, fundamental, constitutional question is presented and a majority is trying to override the organic law of the United States. Under such circumstances, Senators as ambassadors of the states in Congress, have a duty to protect the rights of the states.

Mr. BYRD of Virginia. Mr. President, will the Senator yield without losing his right to the floor?

Mr. HANSEN. I yield to the Senator from Virginia with the understanding that I do not lose my right to the floor.

Mr. BYRD of Virginia. Mr. President, first I wish to express my admiration for the Senator from Wyoming. This admiration extends not only to the speech which he is delivering on the floor of the Senate today, but far more than that, it is my admiration for Clifford Hansen as a man. During the time that I have served in legislative bodies I have never served with an individual for whom I have a higher regard than I do for the distinguished former Governor of Wyoming who is now so ably serving that State as its U.S. Senator. Not being a citizen of Wyoming I cannot speak as a constituent of Senator Hansen, but as a citizen of the United States I express the hope on the floor of the Senate today that the people of his great State, the people of Wyoming, will keep Clifford Hansen in the Senate for many, many years.

Now, Mr. President, the distinguished and able Senator from Wyoming read an interesting commentary by Mr. Nicholas von Hoffman. I found the commentary, which the Senator from Wyoming has had printed in the Record, a most interesting one. I might say I feel Mr. von Hoffman, with whom I assume I am not in ideological agreement, sums up the situation very accurately as it affects changing the rules of the Senate.

Mr. von Hoffman, who I assume is a dedicated liberal, to use that term again, states that Mr. Nixon is "concerned about such matters as the antiballistic missile, the draft, and the SST." Then, he states:

> A northern liberal can use the device as well as a southern reactionary, and in the next couple of years the northerners are going to need it more than the southerners.

I am inclined to agree with that statement. I assume Mr. von Hoffman would consider the Senator from Virginia a southern reactionary. Well, I have been in public life for 23 years and during the course of nine elections I have been called many names worse than "southern reactionary" so I am not particularly concerned about that description. But I do believe it is correct that the northerners are going to need it more than the southerners in the next few years. By that statement Mr. von Hoffman means the right of extended debate on the floor of the Senate.

I think that is correct and I am willing to stand on the floor of the Senate and fight for the right of northern liberals to have the protection of rule XXII which permits extended debate on these matters affecting our Nation. I think Mr. von Hoffman is correct in his assertion that civil rights is history. There is not much more that can be done in the civil rights field. Every conceivable and imaginable piece of legislation having to do with civil rights has already been enacted. The great issues that will face the Senate in the next few years, as I see it, will deal with foreign policy, matters like the SST, or matters like the antiballistic missile system, and with military appropriations. I think in those great matters affecting our Nation, the war in Southeast Asia, for example, there should be procedures in the Government of the United States whereby these matters can be fully and adequately debated.

So I am willing—not only willing, but eager—to preserve for the northern liberals, as Mr. von Hoffman calls them, the right that Mr. von Hoffman foresees they will need as the years go by—the right of extended debate on matters which will be of particular concern and interest to those of that political philosophy.

Mr. President, I note that the distinguished Senator from Wyoming read a quotation from William S. White's book, the "Citadel." I happen to know Bill White very well. I know him as a newspaper colleague. I know him as one of the outstanding journalists of all time. I think he is an excellent columnist. Prior to that, he was a long-time reporter for the New York Times. Through the years, going back many, many years, William S. White has taken a keen interest in the Senate as an institution. I know of no particular individual, unless it be Jack Bell, former chief correspondent of the Associated Press, who is now with another news service, who has devoted the time to, and the study of, the Senate as an institution as has Bill White. I was impressed with the quotation which the Senator from Wyoming read, and if the Senator from Wyoming will permit me, I would like to read again that statement by William S. White. I begin the quotation now:

> And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority.

That is what concerns me, Mr. President, and I am sure what concerns the distinguished and able Senator from Wyoming—that, regardless of who might be in the minority—and no one of us knows from year to year what group or what cause may be in a minority position—the minority should have the right to be protected from the tyranny of the majority.

From listening to some of the debate on the floor, one would think that there is no provision for shutting off debate in the Senate. Mr. President, there is a provision for shutting off debate in the Senate. Whenever a sufficient number of Senators, whenever two-thirds of the Senators present and voting, want to bring a matter to a vote, there is a provision in rule XXII to do just that. If there were no provision in the Senate for shutting off debate, if there were no provision in the Senate rules to bring an extended debate or filibuster to a close, then I would favor writing such a provision in the rules. But in 1917 the Senate itself wrote into the rules the provision that two-thirds of the Senators can, at any time they so desire, bring debate to a close. I feel that is an appropriate rule. I believe to change that rule, to relax it, would be very unwise.

The proposal which is being currently considered would provide that, instead of a two-thirds vote being required to close debate, debate could be brought to a close by 60 percent of Senators present and voting—a three-fifths provision. I think that would merely lead, in time, to majority cloture.

The distinguished Senator from Wyoming quoted Prof. Ernst Fraenkel, of the Free University of Berlin, in his book "American System of Government." Professor Fraenkel points out that:

> The most significant difference . . . between the House of Representatives and the Senate is to be found in the provisions of limited debate in the House and unlimited debate in the Senate.

Mr. President, there must be some forum—there should be some forum—under the American system of government where there should be unlimited debate, until such time as two-thirds of the Senators feel that debate has gone on long enough and should be shut off.

I submit that the Senate already has in its rules such a provision. Any time two-thirds of the Senators present and voting wish to shut off debate, they may do so.

I may say that the Senate just yesterday voted on this question, and the motion to shut off debate failed by nine votes. The very fact that there was a vote held yesterday to shut off debate emphasizes that the rules of the Senate do provide that, when a sufficient number of Senators feel debate has gone on long enough, the debate can be brought to a close and a vote taken on the pending question.

Again I want to say that I think the Senator from Wyoming is rendering a very splendid service to the Senate in calling attention today, in the very provocative speech he is making on the floor of the Senate, to the importance of preserving rule XXII in its present form.

I thank the distinguished Senator from Wyoming for yielding.

Mr. HANSEN. I thank my distinguished colleague from Virginia for his very kind and generous remarks.

The ability, career, and experience of Senators exemplified by my colleague from Virginia certainly cause me to reflect on the great privileges of serving in this body. I think few accolades are given to individual Senators as the one that was evidenced by the people of the great State of Virginia last fall when they chose HARRY BYRD to continue to represent them in the U.S. Senate. The significance of that particular display of confidence, respect, and esteem, in the outpouring and regard shown throughout the entire State of Virginia, was exemplified by the fact that there was a rather unusual circumstance insofar as party affiliation was concerned. Nevertheless, HARRY BYRD is a Member of this very important body today because he has given the kind of representation to his great State and to the United States which fully accords with the views of the majority of the people whom he represents.

As a consequence, I take even greater satisfaction in the very kind remarks he has just made.

I would say, Mr. President, that I think the distinguished Senator from Virginia has touched on a number of points that are extremely important, that ought to be pondered by Members of this body. It seems to me that when we reflect upon the beginning of this country as a Nation, we are reminded of the fact that a good many of the people who migrated to America did so because they did not find an opportunity in those countries from which they came to do things, to believe, to express their thoughts, and to worship as they chose. They came here because, in most instances, they were part of minority groups. They came to the new world, to America, and they and their sons and daughters helped found this great country.

Implicit in their thoughts and in all of the great documents that form that great heritage which belongs to all Americans is the underlying idea that the opinions of those in the minority are important. The Constitution provides specifically, in the Bill of Rights, that there are certain things that the Government cannot do; that the right to freedom of speech shall not be abridged, nor of worship, nor of the press, with all the other rights that were very much in the minds of the framers of the Constitution, that were considered to be of such surpassing consequence and significance as to warrant their inclusion in that important document.

The presumption of innocence is another right that is not universally recognized at all, but it is a part of our system of jurisprudence in this country that we must prove beyond a reasonable doubt that the accused is guilty, otherwise he is presumed to be innocent.

I think of the civil rights legislation that has been passed during the few years I have been a Member of this body as a perfect example of the wisdom of unlimited debate. All of us, all Americans, were concerned with trying to extend certain rights, certain principles to all people; and yet there was a small majority, I do not know how many but at least a majority, who felt that the 1967 Civil Rights Act should be dedicated exclusively and solely to the principle that there were people in this country, and there were minority groups, whose rights were at times abridged. This majority, at that moment, was not concerned with the necessity for recognizing that while we want to accord every person an opportunity for the full exercise and enjoyment of his rights, there are at the same time certain responsibilities that must be assumed likewise; and because of the fact that there was unlimited debate in the U.S. Senate, that Civil Rights Act of 1967 was considered in greater depth than would otherwise have occurred, and there were important amendments made to it. I think those amendments make it a far better law than it would have been otherwise.

For instance, I am sure most of us would agree that for a person to go about the country encouraging people to burn down and destroy public buildings, to set fire to and bomb schools, or to drop bombs in theaters or in places where the public gathers, is certainly acting in a very unreasonable and unjustifiable manner; and yet there was nothing in the civil rights law of 1967 that said a word about this, as it was first perceived and discussed.

It was only after the persons who wanted to put this important landmark legislation on the books had permitted an attempt to make an accommodation with other equally persuaded and equally dedicated men and women in the Senate that we got some additions to the first draft of that bill that made it a far better bill.

I am pleased that it is not possible for a person to come from California and move into the State of New York, for example, and incite a riot and cause people to suffer personal injury and, indeed, be killed, or to set fire to a building, and do so with impunity. He cannot do so with impunity because on the books we have a provision in that law that makes such action a Federal crime. It is there only because of the fact that we had unlimited debate, the fact that the majority, who thought they knew all the answers immediately and who would have liked to push that bill right through, had to stop, sit down, and listen to what the minority said.

There are other examples. I think of some of the crime legislation we passed a year ago. When it was first proposed, again, some Senators had in mind a whole new body of law that sought to give protection from any number of acts by police officials and others, and from the population generally, to specific groups which are part of the minority; they sought to give certain rights, privileges, and immunities to those people without recognizing at the same time that the rights of the majority of Americans also need to be respected.

As a consequence, that bill, too, was amended, recognizing that crime is well organized, that decent people would not contemplate or try to practice for a moment some of the things that the criminally addicted would attempt to do. As a consequence, we have a better package of crime legislation than would otherwise have been passed, had it not been that the majority of the Members of this body had to stop and listen to what the minority was saying—those who felt that, in the interests of the protection of most of the decent people of this country, it might be all right, under certain procedures in certain instances, for peace officers to enter someone's home unannounced, in order that important evidence could not be destroyed, or that other actions might not be taken.

Obviously, it can be argued that these are intrusions into the rights of individuals, and I admit that they are. But I think what Congress did in adding these provisions as amendments to that package of crime legislation was to take cognizance of the fact that laws and governments are organized in order that all of the people can live together and can enter upon their pursuit of happiness with as much freedom as possible, and that they shall be given the protection of a body of laws that has the best chance of forwarding the laudable interests and concerns of the most people.

That is the sort of background, Mr. President, which inclines me to believe that there is great merit in rule XXII being left unchanged. Both the late great Senator Richard Russell of Georgia and the late great Senator Everett Dirksen of Illinois, one a Democrat, the other a Republican, stated on innumerable occasions that they knew of no instance in the history of this country, when the time had come for a piece of legislation to be passed, that rule XXII prevented its passage. But they said they could cite many, many examples of instances in which a law that was first proposed was amended and thereby became a better piece of legislation than would otherwise have been the case, precisely because of the existence of rule XXII, the rule that says that there shall be unlimited debate until at least two-thirds of the Members of the Senate decide to end debate.

What Senators Russell and Dirksen were saying was that no law, no idea, whose time has come has been denied because of the right to unlimited debate of an issue, on the one hand, and that, on the other hand, there are many, many cases wherein we have had better laws come into being which came into being only because the majority at a moment had to listen to the pleadings of a very earnest and a very concerned minority.

Mr. President, I want once more to thank my distinguished colleague, the Senator from Virginia (Mr. BYRD) for his perspective analysis of the issues that are at stake in this debate. I respect him as a man, I respect him as a legislator, I respect him as great American, and I thank him most sincerely for his kind remarks.

Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I should like to begin my remarks this afternoon by quoting a sentence from a book, "The American System of Government," which was written by Prof. Ernst Frankel, of the Free University of Berlin:

> The most significant difference between the House of Representatives and the Senate is to be found in the provisions of limited debate in the House and unlimited debate in the Senate.

The role of the Senate as an institution unique and diverse from the House of Representatives certainly was envisioned by the drafters of the Constitution. In creating the Senate, they went to great pains to assure that this body would fulfill a purpose separate and distinct from that of the House of Representatives, that this body would not be a body subject merely to the whim of the bare majority of the voters as a whole, but rather would represent the many and sundry points of view found throughout the 13 States.

In the Federalist Papers No. 62, James Madison, that great Virginian who authored so much of the Constitution, said:

> It is a misfortune incident to republican government, though in a less degree than to other governments, that those who administer it, may forget their obligations to their constituents, and prove unfaithful to their important trust. In this point of view, a senate, as a second branch of the legislative assembly, distinct from, and dividing the power with, a first, must be in all cases *a salutary check on the government*. It doubles the security to the people by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one, would otherwise be sufficient. . . . The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies, to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders, into intemperate and pernicious resolutions.

It is not surprising then that the Senate of the United States proceeded at its very first session to inaugurate rules of conduct and procedure different from that of the House of Representatives, and different from the legislatures of the several States.

Even prior to that first session of the first Senate, many people considered that unlimited debate would be an asset in the Senate. The great Virginian, George Mason, author of the Bill of Rights, and owner of Gunston Hall in Fairfax County—a splendid edifice often ignored by those who come to dwell in the Washington area—said in the debates on the Constitutional Convention in 1787, that many beneficial results might come from what he described as "systematic quorum breaking," as practiced by the legislatures of many States at the time.

As is known to the Members of this body, occasionally, during periods of extended discussion, the Senate, or any other legislative body, finds itself without a quorum, at which time the chance is given for an adjournment, and an opportunity to pause and reflect upon the issues of the hour. George Mason, the author of the first 10 amendments to the Constitution, noted that in Virginia, the general assembly at the time was possessed of the right of free debate, and that only recently an undesirable issue of paper money had been prevented by just such a tactic. He speculated as to the possible wisdom of allowing such a procedure to exist in the Senate of the United States.

There has been much misunderstanding over the history of rule XXII. In the early days of the Senate of the United States, in the view of many, there has never been a device by which debate could be throttled.

Some interpreters of the history of the Senate, have viewed the procedure described in Jefferson's Manual, section XXXIV, which allowed for the calling of the "previous question" as a form of cloture. Jefferson's Manual in that section, states:

> The proper occasion for the previous question is when a subject is brought forward of a delicate nature . . . the discussion of which may call forth observations which might be of injurious consequences . . . it's uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

The position that this rule was not a cloture device, as is claimed by some, was buttressed by Mr. Haynes in volume I of his book entitled "Debate in the Senate." Mr. Haynes stated:

> To one familiar with the day to day use of the previous question in the House of Representatives as an effective form of cloture, this rule gives an entirely erroneous impression of the Senate's original practice. For the Senators who framed that rule intended that the previous question should serve—as it had in the Parliament of Great Britain, and as they had themselves known it to serve in the Continental Congress—as "a device for removing from consideration a question which might seem to the majority undesirable to discuss further or act upon". Asher C. Hinds, author of the monumental Precedents of the House of Representatives, commented on the rule of 1784, on which the previous-question rules of the House and Senate were modeled five years later, "There was no intention of providing thereby a means of closing debate in order to bring the pending question to an immediate vote," and Senator Lodge declared: "It was that the power of closing debate in the modern sense has never existed in the Senate." The previous question was but rarely used in the Senate. In his farewell address to the Senate, Vice-President Aaron Burr recommended the discarding of the previous question, saying that in the preceding four years it has been taken but once, and then upon an amendment. He regarded this as proof that it could not be necessary, and in his opinion all its purposes were much better answered by the question of indefinite postponement. In the revision of the Senate Rules of March 26, 1806, the previous question was dropped, and has never been restored.

Thus it can be seen that from the very beginning, the Senate was envisioned as a body which might avail itself of full and free discussion.

By restricting the size of the Senate to a relatively small body of men, the founders of this Republic obviously intended that the Senate would be an institution wherein matters would be discussed and deliberated with caution and studied in detail.

That the Senate was intended to be insulated from the passions of the majority at any given moment is perfectly apparent.

In Federalist No. 63, Madison made this clear when he wrote:

> As the cool and deliberate sense of the community ought in all governments, and actually will in all free governments ultimately prevail over the views of its rulers; so there are particular moments in public affairs, when the people stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice and truth, can regain their authority over the public mind. What bitter anguish would not the people of Athens have often escaped, if their government had con-

> tained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escape the indelible reproach of decreeing to the same citizens, the hemlock on one day, and statues on the next . . .

What amazing clairvoyance is contained in this statement of Madison's, which I have just read. Not only did he correctly interpret the past, with regard to the advantages that could have accrued throughout history, had man paused to reflect upon his action; but consider the application of Madison's words to our own recent history—the history of the last 60 years, for instance.

What, if in the assembly of Austria-Hungary, had there been men who were willing to, or even had been able to pause and reflect, and discuss in full, their actions after that tragic assassination at Sarajevo in June of 1914. Suppose they could have discussed in a period of free and rational debate, the full implication of the measures they were pressing against the little Serbia.

And what would have been the course of history during those same few weeks in 1914, had the Russian assembly and the Russian czar been able to have paused and deliberated upon the effect of their mobilization order, which was to wreak such havoc upon Europe and begin Russia down the road to extinction.

Had the German Empire been possessed of some device allowing the free discussion of vital issues, could we not say that the kaiser and the Reichstag might have prevented the compounding of Europe's folly, and thus the compounding of the rashness inherent in all mankind.

If only some method had existed at that time, by which the legislatures of those nations might have paused to deliberate upon the long-range effect of their action, then Lord Gray might never have been called upon to make the statement that the lights were going out all over Europe, not to be lit again in his time.

Suppose just for a moment in the spring of 1917, that the Russian Duma, the legislature of that great and diverse empire, had been possessed of a device which would have allowed it to have discussed to the fullest extent the policies and decisions which were hurtling Russia toward its doom with breakneck speed. Can we say that, had the time for reflective thought been present, that Russia would have plunged toward the abyss of Marxist revolution? And later in the fall of 1917, could not the Russian Assembly, basking as it was for that brief and sunlit moment, in the warm glow of democracy, have not benefited from the right of unlimited debate, which might have alerted the country to the danger of Bolsheviks, and perhaps have prevented them from taking control of the entirety of the Russian Empire?

Revolutions, Mr. President, are not hatched in an atmosphere of free and unlimited debate; rather, they are foisted upon us in the tumult and shouting of precipitate action.

It was precisely instances such as these that Madison had in mind when he wrote the words in the Federalist Papers; it was to prevent rash and hasty action that our Constitution called for the establishment of a Senate that is unique in the annals of the governments of mankind.

The Senate is unique in many ways, not the least of which is the fact that the Senate endures as a continuing body.

Since the House of Representatives is reelected as a whole every 2 years, the founders of the Republic assured the continuity of thought and procedure by establishing that the Senate would elect only one-third of its Members every 2 years. Had the framers of the Constitution envisioned that the Senate of the United States would be simply another body created to react instantaneously to the whim of the electorate, they would hardly have guaranteed that certain Members of the Senate, two-thirds, to be precise, would hold over in their offices in order to give continuity to such a deliberative body.

The actions taken by the U.S. Senate decide the rights and liberties of all 205 million Americans. They determine what future course this Nation will take in the years and decades to come.

Those actions must be long and wisely deliberated. For with each major piece of legislation, we are presuming to add another chapter to that first chapter written in 1787. We cannot ask today's minority and future generations to commit themselves to this or any other chapter we write unless, in the process, they are given a meaningful voice. We give such a voice to all groups through Senate rule XXII by providing the right of unlimited debate on any issue in which they have vital interests.

Mr. President, I would say again that while Senate rule XXII provides the right of unlimited debate, it also provides a means by which debate can be shut off if and when two-thirds of the Members of the Senate reach the conclusion that debate should be brought to a close.

Future generations may amend laws they find unwise or unsuited to their time, including the Constitution itself. But always those rights are tempered by the continuing obligation to honor the right of dissenting voices to be heard.

Mr. President, I am not in agreement with many of the voices of dissent today. But I think it equally important that the right of dissent be protected.

The question, as I see it, is far bigger than any particular legislation. It involves the fundamental right of all sides to effective participation in the decisions of this body. All sides, all groups, each individual Senator is protected by rule XXII, and all sides have sought that protection at some time in the past.

For example, the so-called liberal bloc in the Senate utilized rule XXII in an attempt to defeat the trade bill and the international finance legislation in the past session of the Congress.

Changing rule XXII is not a civil rights issue, nor a liberal against conservative issue, nor a labor against capital issue. The issue, as I see it, is the preservation of our American form of government.

The right of extended debate has been used in this body on many occasions and in many causes. As I have said, it is not a liberal nor conservative weapon; it has been used by both groups alike. Possibly one of the most acrimonious instances ever to have occurred in this Chamber was in 1879 when the Democratic majority was attempting to enact legislation dealing with the Southern States, and was opposed by the liberal, or, as they were called then, radical Republicans.

I quote at length from the book by Mr. Burdette, written in 1940, called "Filibustering in the Senate." That volume is an excellent narration of the history of extended debate, and I highly recommend it, even though the author is of a different persuasion on the subject than I, and even though he persists in using the word "filibuster," when I think a more appropriate title would be "right of free debate" or "right of extended debate." I read from Mr. Burdette's account of the Senate action in 1879:

> Democratic majorities in Congress proposed to repeal federal election laws, particularly statutes allowing the use of federal troops in state elections. They contended that soldiers could be used to coerce elections in the South, and they called upon lovers of liberty to unite in opposing military interference with free expression at the polls. Republicans pointed out that troops had not recently been employed at election places and probably would not be again, but they argued that armed intervention might sometime be necessary in any part of the country to preserve honest elections. Were not repeal efforts in actuality attempts to undo the humanitarian gains of the Civil War? Against such repeal all the perfervid oratory of the Republicans was called forth. James G. Blaine with clarion voice strove dramatically to accept the challenge in the Senate: "All the war measures of Abraham Lincoln are to be wiped out say leading Democrats! The Bourbons of France busied themselves, I believe, after the restoration in removing every trace of Napoleon's power and grandeur, even chiseling the 'N' from public monuments raised to perpetuate his glory; but the dead man's hand from Saint Helena reached out and destroyed them in their pride and in their folly. And I tell the Senators on the other side of this Chamber—I tell the Democratic party North and South—South in the lead and North following—that the slow, unmoving finger of scorn from the tomb of the martyred President on the prairies of Illinois will wither and destroy them. 'Though dead he speaketh.' "
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> A Democratic rider to an army appropriation bill, providing that none of the money should be used to keep soldiers near polling places, caused President Hayes to veto the legislation; and the House failed to override the Presidential disapproval. But a new army appropriation bill passed by the House contained the rider in an ambiguous form, requiring that no money be used to maintain the army "as a police force to keep the peace at the polls"; and the measure became the unfinished business in the Senate on June 16, 1879. On the 17th the bill was debated, at times acrimoniously, and next day consideration was continued.
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> Republicans scathingly opposed even the mildly phrased rider preventing the use of the army in elections; and at about six in the evening of the 18th, organized filibustering was undertaken in earnest. Roscoe Conkling of New York, taking the lead in the fight, announced that the Republican minority would allow a vote the next day if they were given an opportunity to present their views on the bill, and moved an adjournment till the morrow. When that motion was defeated by 22 yeas to 25 nays, the session became and remained all night one of unprecedented parliamentary confusion. In reckless and undignified mood the minority relied, as never before, almost exclusively

upon dilatory motions, roll-call votes, and quorum breaking to accomplish their purpose. On every roll-call vote (requesting a quorum) the Republicans sat silent in their seats, refusing to answer their names and forcing the Senate to direct the sergeant at arms to bring in absent Senators willing to be counted as present. By the Senate precedents, a quorum consisted of a majority of the membership answering to roll call; if Senators refused to answer, they were not present—however loudly they might be clamoring over some point of order within the next minute.

Conkling, himself among the foremost of the Republican orators, pilloried the proposed legislation. "What is this Army bill?" he demanded. "It is a juggle, in my opinion a contemptible juggle and subterfuge. It is an attempt, by indirection, by stealth, by trick, by an act which is to operate as a fraud, to do that of which we had high-sounding proclamation at the end of the last session."

The withering answer of the Democrats was given by the scholarly Lucius Q. C. Lamar, Senator from Mississippi. Said he: "With reference to the charge of bad faith that the Senator from New York has intimated toward those of us who have been engaged in opposing these motions to adjourn, I have only to say that if I am not superior to such attacks from such a source, I have lived in vain. It is not my habit to indulge in personalities; but I desire to say here to the Senator that in intimating anything inconsistent, as he has done, with perfect good faith, I pronounce his statement a falsehood, which I repel with all the unmitigated contempt that I feel for the author of it."

Replied Conkling, after desultory bickering, "I understood the Senator from Mississippi to state in plain and unparliamentary language that the statement of mine to which he referred was a falsehood, if I caught his word aright. Mr. President, this not being the place to measure with any man the capacity to violate decency, to violate the rules of the Senate, or to commit any of the improprieties of life, I have only to say that if the Senator—the member, from Mississippi, did impute or intended to impute to me a falsehood, nothing except the fact that this is the Senate would prevent my denouncing him as a blackguard and a coward." [Applause in the galleries.]

The very title—"member," not "Senator"—which the New Yorker employed to describe his tormentor was a studied insult.

But Lamar would have the last word: "Mr. President, I have only to say that the Senator from New York understood me correctly. I did mean to say just precisely the words, and all that they imported. I beg pardon of the Senate for the unparliamentary language. It was very harsh; it was very severe; it was such as no good man would deserve and no brave man would wear." [Applause on the floor and in the galleries.]

It was a night of sleeplessness and commotion, of points of order and heated dissension over procedure, of bitter feelings and strong language. The President pro tempore, the venerable Allen G. Thurman of Ohio, said upon the floor: "This is a new idea which has been inaugurated tonight. . . . I have known bills talked to death . . . but the course of first a motion to adjourn and a call of the yeas and nays on that, and then a motion to dispense with the call of the Senate and then the yeas and nays on that, and then this dilatory motion and that dilatory motion, has never belonged to this end of the Capitol, according to my knowledge or information, until this night."

Under the leadership of Conkling, with the active cooperating generalship of James G. Blaine and others, the Republican filibuster continued unabated till an already exhausted Senate adjourned at 11:51 on the morning of June 19 to convene at noon, nine minutes later. Conkling immediately demanded that the journal be read, but obviously it had not been completed. The President pro tempore ruled that the Senate could not be prevented from transacting business because the journal had not been completed. Conkling appealed, Frank Hereford of West Virginia moved to lay the appeal on the table, and the yeas and nays revealed the Republicans silent and no quorum voting.

Roll calls were futile, and discussion arose whether the chair might not count a quorum if one were physically though silently present. The President pro tempore held that the chair could count the Senate to determine the actual presence of a quorum; but at the same time he believed that a quorum must actually vote to make effective a roll-call vote requiring the presence of a quorum. To decide that a quorum is present in the chamber would avoid the necessity of sending the sergeant at arms for more Senators, and would slightly ameliorate the paralyzing effects of the filibuster; but under the ruling of the chair, the necessity remained that a quorum of Senators actually vote if the body were to legislate. To count a quorum present to allow the Senate to proceed to business, and to count a quorum on a vote in order to declare a motion carried, are different things. The President pro tempore (Senator Thurman) was willing to uphold the former but not the latter. That his view would nearly thirty years thereafter be enlarged to include the second step, on the basis of his own ruling, he could not foresee; that was to be the work of another generation.

Routine matters having been disposed of after the reconvening on June 19, the chair laid before the Senate the unfinished business, the army appropriation bill with its rider. Conkling's appeal upon the issue of reading the journal resulted in no further action. The exhausted Senate adjourned within two hours. But on the 20th the Republicans resumed their dilatory tactics, this time by long speeches. Finally, however, they surrendered and the bill with its rider was passed 32 to 19 in the early hours of the 21st; at two o'clock in the morning the Senate adjourned. Many Republican Senators were doubtless glad that the bill had passed, particularly since its rider was really innocuous and virtually meaningless; and President Hayes evidently considered the rider a Democratic retreat from the earlier demand of absolute prohibition of the use of troops at the polls, for he promptly approved the measure. The filibuster, as a device to prevent passage of the rider, despite the intense stage which it reached and the elaborate tactics employed, was unsuccessful.

I mention this incident of 1879 because since then rule XXII has been enacted by the Senate and under rule XXII problems such as those which the Senate encountered in that very acrimonious debate do not arise in the present Senate, and mainly because of the adoption of rule XXII.

I might say that rule XXII was adopted in 1917. Prior to that time there was no way to shut off debate but since 1917, including the present day, there is means to bring debate to a close whenever a sufficient majority of the Senate desires to bring such debate to a close. Whenever two-thirds of the Members of the Senate present and voting feel that debate should be closed those Senators can register their vote and bring a recorded vote on the pending question.

It is particularly appropriate that the Senate should be the guardian of this basic American freedom. For it is the only elective body in our Government which has a continuing existence.

The torch is passed with deliberate care. It must not burn the hands that receive it. It must not be dropped.

The principles of continuity and consensus are protected in many other ways. Constitutional amendments must be ratified by a two-thirds vote of both Houses of Congress. Impeachment proceedings against the President require two-thirds vote by both Houses of Congress. Expulsion proceedings against any Member of the Senate requires a two-thirds vote. Foreign treaties require ratification by two-thirds of the Senate.

Time and time again under our constitutional concept we see where a two-thirds vote is required. The requirements do not represent regulations which are against democratic government; rather they represent the clear intent of the framers of the Constitution that before any major action is taken by the Legislature of the United States, by the Senate, full care and cautious deliberation be asserted.

The Constitution of the United States is a study not only in the art of compromise, but in the art of governing a diverse country, a country diverse in peoples and geography; diverse in philosophy and religions.

The Constitution itself, it is said with much authority, would never had been adopted, had not the Bill of Rights been appended to it at an early stage. Indeed, in my own State, the native sons of which did so much to give birth to the Constitution, tremendous opposition to the document was stirred by Gov. Patrick Henry, one of the earliest of those who pledged his life, his fortune and his sacred honor, for the future of this Republic. Henry and others in Virginia, and many others throughout the Thirteen Colonies, were disturbed lest a great super-state would be created by the Constitution. For this reason, to the guarantees already contained in the document as it left the Philadelphia convention, was added the 10th amendment, the amendment which specifically reserves to the States or to the people thereof, all rights not explicitly granted to the general government.

Mr. President, I wish to point out that Patrick Henry was one of only two men in the history of the Commonwealth of Virginia to serve more than one term as Governor. Virginia has a constitutional requirement that a Governor is elected for a 4-year period and cannot succeed himself.

It is possible to achieve reelection after an intervening Governor's term, but only Patrick Henry and one other individual have ever served more than once as Governor of Virginia. The purpose of this provision is to prevent a Governor from using the great power of his office to perpetuate himself in office.

Patrick Henry was a great Virginian. He was usually at odds with another great Virginian, Thomas Jefferson. Patrick Henry lived in numerous homes during the time of his tenure of this earth from 1736 to 1799, but the place where he last lived was called Red Hill, and is located in Charlotte County, Va. His home has been restored, and I want to invite any of my colleagues who have the desire to do so to visit that home. It is a very historic one. It has been restored mainly through the generosity and the many contributions to the Patrick Henry

Memorial Foundation by Mr. Eugene B. Casey, of Clarke County, Va.

In discussing Patrick Henry, for whom I have a very great admiration, I feel it appropriate to recognize here on the floor of the Senate the contribution which has been made toward the restoration of his last home by Mr. and Mrs. Casey, who are splendid citizens of the county of Clarke. Mr. Casey himself has many of the qualities of Patrick Henry, being a man of great independence and one who believes very deeply in the rights and liberties of the American people.

Mr. President, the hour is drawing late. There is other material which I want to incorporate in the Record in regard to my views concerning rule XXII. With the hour drawing late, I shall reserve this material until another time.

I now yield to the distinguished Senator from Kansas (Mr. Pearson).

LEGISLATIVE PROPOSALS BY SECRETARY OF TRANSPORTATION JOHN VOLPE

Mr. PEARSON. Mr. President, as a member of the Senate Commerce Committee, I have been impressed by the enthusiasm and determination of John Volpe, Secretary of Transportation. During recent hearings regarding Penn Central, I requested a list of legislation which the Secretary had proposed during his tenure in office, intending to insert that in the hearing record, which I have done. But it occurs to me that that record is particularly outstanding, and accordingly I think it appropriate that this list also appear in the Record for consideration by the full Senate.

Mr. President, I ask unanimous consent that this list of legislative proposals submitted by Secretary Volpe be printed in the Record at the conclusion of my remarks.

There being no objection, the list was ordered to be printed in the Record, as follows:

January 18, 1971.

Hon. James B. Pearson,
U.S. Senate,
Washington, D.C.

Dear Senator Pearson: Pursuant to your request, I am forwarding a partial list of the legislation submitted to the Congress since I took office as Secretary of Transportation. The list contains only those bills which were originated or substantially revised during my tenure. Numerous other pieces of legislation submitted to the 90th Congress by the previous Administration were also reviewed by me and, where concurred in, resubmitted in substantially the same form to the 91st Congress. I have not listed these items.

If I can supply any further information in this regard, please do not hesitate to call upon me.

Sincerely,

John A. Volpe.

Subject or short title of bill	Number	Public Law
1. Airport and Airway Development Act of 1970	S. 2437; H.R. 12374	91–258
2. Urban Mass Transportation Assistance Act of 1970	S. 2821; H.R. 13463	91–453
3. Federal Railroad Safety Act of 1970	S. 3061; H.R. 14419	91–458
4. Federal-Aid Highway Act of 1970, including the following related bills	S. 4055	91–605
Highway beautification authorizations		
Highway safety apportionment formula	S. 2399	
Highway trust fund extension		
Providing for bridge owner progress payments	S. 3107; H.R. 15752	
5. Emergency Transportation Assistance Act of 1970	S. 4011; H.R. 18125	(1)
6. Federal Boat Safety Act of 1970	S. 3199; H.R. 15041	
7. Ports and Waterways Safety Act of 1970	S. 3918; H.R. 17830	
8. Improving vessel documentation procedures	S. 4422; H.R. 19381	
9. Legislation implementing the load lines convention	S. 3839; H.R. 17011	
10. Omnibus amendments to improve Coast Guard operations	S. 3081; H.R. 13816	91–278
11. Amendments to improve Coast Guard Reserve promotion system	S. 3080; H.R. 13716	91–402
12. Interest forgiveness, St. Lawrence Seaway Development Corporation	H.R. 19387[2]	91–469
13. Air traffic controller benefits	S. 4478; H.R. 19415	
14. Providing guards aboard aircraft	S. 4383; H.R. 19225	
15. Extending the war risk insurance program	S. 3764; H.R. 17133	91–399
16. Extending the high-speed ground transportation program	S. 3730; H.R. 17538	91–444
17. Amendments to improve administration of Gas Pipeline Safety Act	S. 3763; H.R. 17335	
18. Codification of title 49, United States Code	H.R. 14028	
19. National traffic and motor vehicle safety authorizations	S. 1996; H.R. 10105	91–265
20. Coast Guard authorizations, fiscal year 1971	S. 3473; H.R. 15694	91–261
21. National Capital Transportation Act of 1969 authorization	S. 2185; H.R. 11193	91–143
22. Amendments to 1970 Military Construction Authorization Act re International Air Show.	S. 3588; H.R. 17604	91–511

[1] A more limited proposal was enacted as Public Law 91–663.
Incorporated by the Senate in an amendment to H.R. 15424

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON INDIAN LEGISLATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to submit a statement by the able Senator from South Dakota (Mr. McGovern) with respect to hearings on Indian legislation.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator McGovern on Hearings on Indian Legislation

Mr. President, I wish to announce to the members of the Senate that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs has scheduled open hearings on S. 285, relating to the mineral interest of the tribal members of the Fort Belknap Indian Reservation, Montana; and S. 671, relating to the distribution of funds of a judgment in favor of the tribal members of the Blackfeet Indian Reservation, Montana. The hearings will begin at 10:00 a.m. on February 24, 1971, in Room 3110 of the New Senate Office Building.

Department of the Interior and Tribal officials have been invited to present statements on the proposed legislation. The record will remain open for a reasonable period of time to permit other interested individuals and organizations to submit written statements.

ORDER FOR RECOGNITION OF SENATOR BEALL ON MONDAY TO READ WASHINGTON'S FAREWELL ADDRESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the prayer and the approval of the Journal, if there be no objection, the Senator from Maryland (Mr. Beall) be recognized to read Washington's Farewell Address. This will be prior to the period for the transaction of routine morning business, for which an order has already been entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR DIVISION AND CONTROL OF TIME DURING DEBATE ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the 1 hour debate under rule XXII on Tuesday next, the time be equally divided between the Senator from Idaho (Mr. Church) and the Senator from North Carolina (Mr. Ervin).

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday will be as follows:

The Senate will convene at 12 o'clock meridian, following a recess.

Following the approval of the Journal, if there is no objection, the Senator from Maryland (Mr. Beall) will read Washington's Farewell address. Then, following recognition of the majority and minority leaders under the previous standing order, and the call of any unobjected-to items on the legislative calendar, there will be a period for the transaction of routine morning business of not to exceed 45 minutes, with statements therein limited to 3 minutes.

Following the period for the transaction of routine morning business on Monday, the Senate will continue its consideration of the pending business.

Under the previous order, the Senate will recess at the completion of business on Monday next until 11:45 a.m. on Tuesday next.

RECESS UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 3 o'clock and 44 minutes p.m.) the Senate took a recess until Monday, February 22, 1971, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 19 (legislative day of February 17, 1971):

DEPARTMENT OF COMMERCE

James H. Wakelin, Jr., of the District of Columbia, to be an Assistant Secretary of Commerce.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Robert M. White, of Maryland, to be Administrator of the National Oceanic and Atmospheric Administration.

Howard W. Pollock, of Alaska, to be Deputy Administrator of the National Oceanic and Atmospheric Administration.

John W. Townsend, Jr., of Maryland, to be Associate Administrator of the National Oceanic and Atmospheric Administration.

Rear Adm. Don A. Jones to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration.

Rear Adm. Harley D. Nygren to be Director of the Commissioned Officer Corps, National Oceanic and Atmospheric Administration.

EXTENSIONS OF REMARKS

ABUSE OF STUDENT FUNDS CITED BY GRAND JURY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. KEMP. Mr. Speaker, I believe the attached editorial, "Abuse of Student Funds Must End," carried in the Buffalo Courier Express, points up the need for an accounting of student activity fees.

Students deserve more for their money than a handout to groups which do not represent their best interests.

As a member of the Committee on Education and Labor, I shall be most anxious to review the entire findings of the grand jury to determine if the committee should take action.

The editorial follows:

ABUSE OF STUDENT FUNDS MUST END

Another voice has been added to the stream of protests concerning abuse of student-activity fees at units of the State University of New York. The findings of a holdover Erie County grand jury should be enough to satisfy even the most stubborn skeptic that there has been flagrant misuse of fees which every student in the state system is obliged to pay.

The grand jury, according to its report, found, for instance that student funds at the University of Buffalo had been given to revolutionary groups such as the Black Panther party, to defense funds for the "Buffalo Nine" and the "Chicago Seven" and to provide bail money for both students and nonstudents charged with violating state or federal laws. The panel even suspects that some student funds were used to foment rioting on the UB campus and that some ringleaders benefited financially from such disorders.

It is no wonder that the grand jury has recommended that the board of trustees and the State University administration establish strict guidelines for the distribution and use of student funds and has urged that there be a ban on assisting with such funds any group whose avowed purpose is the destruction of American society.

It might even be desirable to go further and end the giving of student funds to any political group. If this were done, it would not only reduce the need for student fees on the present scale—about $500,000 is available each year for use; or abuse, on the UB campus—but it would leave to each student the decision as to whether or not to contribute to a specific political endeavor, surely a preferable solution in such a controversial area.

A few months ago, the Temporary State Commission to Study the Causes of Campus Unrest proposed that mandatory student fees be abolished and that students on all campuses of the State University system decide by referendum whether or not they wish to have a voluntary fee system. This proposal, which has much to commend it, is still under study.

As we have said before in these columns, the time is ripe for action. One way or another, by action of the State Legislature if this is necessary or by directive of the administration of the State University if this were sufficient, there needs to be effective control over the use of student funds and provisions for ensuring that the majority of students has a voice in how such monies are spent.

TOWARD A VOLUNTEER ARMY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. STOKES. Mr. Speaker, this week I have joined a large number of my colleagues in introducing the Volunteer Military Manpower Act of 1971. This bill, very similar to one many of us introduced last session, will give the armed services the necessary resources to begin a terminal phasing out of the draft.

There can be no doubt that involuntary conscription is a foreign concept to our heritage. During the first 150 years of our history, draft laws were on the books for only 4. The first comprehensive conscription act was not passed until 1863 when the Union forces were under great pressure during the Civil War. A $300 buy-out provision forced the brunt of that law upon the poor. They rebelled. The July 1863 Draft Riot led by poor Irish immigrants paralyzed New York City for 3 days and created similar chaos in other northern localities.

The draft instituted at the time of our entrance into World War I was met with similar displeasure. Over 50 percent of those called applied for exemptions and almost 300,000 men failed to answer draft calls and were never arrested. Medical disqualifications reached such proportions that the War Department was forced to warn dentists that they were liable for prosecution if they knowingly aided draft evasion by pulling a prospective draftee's teeth.

It is most beneficial for us to consider, Mr. Speaker, why conscription has traditionally been so unpopular throughout our history. I think a perspective of that history offers a clear answer.

From the very beginning of our constitutional form of government our country's leaders opposed the draft as irreconcilable with their idea of a free society. During the debates at the Constitutional Convention, even Edmund Randolph, leader of the Federalist group seeking strong powers for the Federal Government, stated that a conscription law would stretch the strings of government too violently to be adopted. When Presidents Washington, Jefferson, and Madison all offered limited draft proposals to the Congress, each was rejected. The reasons for these rejections were concisely summarized by Senator Daniel Webster, who while leading the opposition to President Madison's proposal during the War of 1812, remarked:

> Is this, Sir, consistent with the character of a free government?

Randolph, Webster, and the host of other early leaders who opposed mandatory military service recognized that such laws were not in accord with the new Nation's ideals of personal liberty. The great majority of Americans then were still far too proximate to the tyrannical exercise of power by military oriented European governments which they had so recently rejected. Two centuries have passed, yet our Nation's most recent experiences with the draft strongly indicate that this revulsion to impressed service still gnaws in the hearts and minds of our countrymen. More than 100 young Americans now leave their country each week rather than answer a draft call. The number of these expatriates residing in Canada alone is now conservatively estimated at 50,000. Hundreds of others have simply refused to serve and have been incarcerated in Federal prisons.

Of course, the antipathy of our youth for the war they are being asked to fight has contributed heavily to these recent problems. But the draft must share responsibility. Conscription operated successfully during World War II when the national will stood firmly behind the Government's efforts. The Korean experience was similar. But Vietnam has been different. Public support for intervention, never anything approaching unanimity, has dwindled to a pitiful 27 percent according to the latest Gallup survey. Backing by draft-aged men is even lower. No conscription law could—or should—operate in such a political mate.

We also must realize, Mr. Speaker, that the present draft, like that of the Civil War, has operated unfairly toward the poor and the minorities. The $300 buy out of the Civil War has been exchanged for the $300 per semester college tuition or a $300 medical bill. This economic inequity has particularly worked to the disadvantage of black Americans. A study of Selective Service operations during the war in Vietnam compiled by the Senate Subcommittee on Administrative Practice and Procedure reveals that while only 18 percent of white Americans found "qualified" for the draft were inducted, 30 percent of black Americans were. This resulted in a disproportionate 20 percent of blacks serving in combat units in Vietnam.

A few commentators have suggested that the racial inequality would only be accentuated by return to an all-volunteer force. I do not agree with this contention. It is well known that the President's Commission on an all volunteer force—the Gates Commission—studied this problem extensively and determined that such a force would differ little in racial composition from the present one. Even more impressive to me was an analysis of the Gates Commission report by an ad hoc committee of citizens. Included on this committee of 16 distinguished Americans were two of my dear colleagues in the House, the gentleman from Michigan (Mr. CONYERS), and the gentlelady from New York (Mrs. CHISHOLM), as well as Mrs. Martin Luther King and the Reverend Channing Phillips. I quote their findings.

> The (Gates) Commission Report deals at length with (racial) problems and indicates that the increase of blacks in an all-volunteer force, given present standards, would be negligible. . . . We concur in these findings and would add that recent changes in the black community may lead to a reduction of Negroes in the military.

This later prediction is already documented by the National Council To Repeal the Draft. In their May 1970 Newsletter they point out that in 1966 nonwhites composed 13 percent of all draftees and in 1967 made up 16 percent of that group. Yet for the same 2 years nonwhite volunteers totaled only 8 percent and 9.9 percent of those figures. This indicates that in the absence of a draft nonwhite participation in the Armed Forces may actually be substantially reduced.

In the last analysis, though, Mr. Speaker, mandatory conscription is an issue which supersedes racial questions. Continuance of the draft affects all Americans, the difference only being one of degree. It remains on the books in opposition to our heritage, in violation of the basic credo of a free society, and without, I am confident, the support of a majority of the American people. It must be eliminated. This bill is the intelligent way to accomplish elimination. I therefore respectfully urge my colleagues to afford it expeditious consideration and an early passage.

GREAT LAGUNA FIRE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BOB WILSON. Mr. Speaker, as you know the most disastrous fires ever in California struck the forest and brush lands of southern California last October and November. Only through the grueling and heroic efforts of thousands of forest firefighters were these fires brought under control. While these men were on the firelines, many others were working tirelessly backstage in offices such as the San Diego County Civil Defense Office, which did an outstanding job in coordinating many aspects of the firefighting effort and subsequent programs to help those whose homes were destroyed in the fires.

Under the fine supervision of San Diego County Civil Defense Director William B. Marty, this office also served as the single major communications center during the fire. A detailed report on the Great Laguna fire in San Diego County has been sent to me and I take this opportunity to share it with my colleagues because it demonstrates so well the value of a Federal-State-local investment in civil defense and disaster preparedness:

SAN DIEGO COUNTY'S GREAT LAGUNA FIRE, SEPTEMBER 25–OCTOBER 2, 1970

The Great Laguna Fire was the most disastrous fire in the records of San Diego County and perhaps in the State of California. Santana winds of 40 knots (gusting to 70), coupled with low humidity readings of about 5% drove the fire from Pine Valley in the middle of San Diego County right into the boundaries of the City of El Cajon and the communities of Spring Valley, Lemon Grove and Jamul; an area about 30 miles long and 18 miles wide. This fire was fast and hot (about 1,800 degrees F.). Fire brands from burning brush, carried down-wind, started structural fires. Whatever caught fire, burned to the ground. But, for every structure (or home) burned, about 4 were saved by the fire fighters. Community evacuations (about 5,300 people) were dramatic, fast and successful. Something more than luck, diminished the wind and raised the humidity that helped the fire fighters contain the fire front; otherwise, this fire could have gone on and caused an unbelievable fire in the large urban and city areas of south San Diego County and the evacuation of about 250,000 people. What follows is a profile, as only the exposed part of an iceberg.

Statistics indicate the scope of the fire: 382 homes burned completely ($5.7-million); 1,200 other structures ($3.5 million); 225,000 acres burned; 3,000 acres of prime forest land burned out ($30 million value); 10,000 acres of thick oak woodlands ($30 million value); 1,000 miles of fence; $1 million in public utility losses; projected loss in small dams damage—$3 million; bridges and roads loss—$600,000; and recovery costs for preventative flood measures will run the total dollar cost to about $100 million. But statistics miss the human side of the disaster.

Fire fighting forces turned in a magnificent performance. Forestry fire services were expanded to 1,350 state forestry personnel; within the county, 10 city and 22 special district fire departments joined in mutual aid assistance; the California Disaster Office provided a superb mutual aid coordination and brought in task forces and companies from as far away as Tulare. Law enforcement also carried out its emergency tasks with a clean cut mutual aid operation based on our California Master Mutual Aid Agreement and our countywide Operational Area Mutual Aid Plan (12 cities provided mutual aid to the county Sheriff).

The San Diego Chapter American National Red Cross, and its branches, provided instant response for the care of evacuees from the fire area (Pine Valley, Alpine, Crest, Harbison Canyon, Jamul, Japatul Valley.) The ANRC has expended about $75,000 in cash assistance for about 340 families. The Salvation Army was up on the line supporting fire fighting personnel.

The Emergency Operations Center (funded by OCD) was a key facility during the fire disaster. Coordination of emergency information, disaster situation analysis and control and direction where needed was the major task of the emergency center staff.

The California Disaster Office and the Office of Emergency Preparedness met with speed and ease the heavy workload for guidance and assistance to the County. Our State Regional Office (CDO-I) at Los Angeles has provided us with sound guidance and immediate help in the resolution of work problems. HUD (Housing and Urban Development) has provided long term emergency housing for about 200 families. SBA (Small Business Administration) has loan applications of about three million dollars from disaster victims, for rehabilitation and reconstruction. OEP/CDO financial assistance and resources administration are critical (and welcome) imperatives in the recovery operations (totaled about 1.5 million dollars).

There was an enormous pay-off from the long history of our joint federal-state-local investment in disaster preparedness. How?: by superior performance of city and county departments: in mutual aid; communications; experience; our Emergency Operations Center; training; cadre organization; operational organizations; drills; tests; situational exercises (the possibility of this fire disaster was "gamed" a month earlier by the county's civil defense staff during August); medical resources; community action groups; and some segments of all of OCD's big eight priority programs. This fire disaster was a classic in the intangible benefits of disaster preparedness turning suddenly into measurable benefits of practical consequence.

FACTS ABOUT THE SAN DIEGO COUNTY OPERATIONAL AREA

Area: 4,255 square miles. Extends 70 miles along the southwest Pacific Coast to the Mexican border and 80 miles inland. Topography varies from sea level to 6,500 feet in the mountains. With a population of 1,400,000 it is the third largest in California. There are 13 incorporated cities of 1,000,000 people with 400,000 in 16 populous areas of the unincorporated areas. Disaster preparedness is a countywide program with one program director-administrator and staff for the Unified San Diego County Civil Defense and Disaster Organization.

THE PURE DRINKING WATER ACT

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ROBISON of New York. Mr. Speaker, after extensive discussions with Leonard Dworsky, director of the Water Resources and Marine Sciences Center at Cornell University, in my congressional district, a bill entitled the "Pure Drinking Water Act" was drafted and last September, introduced as H.R. 19422 in the 91st Congress. The purpose of this legislation—as developed jointly by Dr. Dworsky and myself—was to improve both the quantity and the quality of the drinking water provided to this Nation's citizens. Its need was based, among other factors, on the result of a survey conducted by the Federal Bureau of Water Hygiene of some 1,000 drinking water systems throughout the country which indicated that, of the systems analyzed, 41 percent were delivering water of inferior or potentially dangerous quality and that, additionally, 79 percent of the systems had not been inspected by State or county authorities in the past year, and that, for 50 percent of the systems, the operators could not remember when, if ever, such an inspection had been made.

At the time of introducing H.R. 19422, I was careful to point out that no public crisis presently existed, and that there was no need for individual concern—as the study in question also forewarned against—but I attempted to make the point that, as a nation, we had become altogether too complacent about the quality of one thing we took for granted when we partook of the same several times every day: The drinking water that flows from the tap in our home, office, factory, or public place. To end that complacency, and to avoid the development of anything resembling a public health crisis, my bill provided, among other things, for the vesting in the Administrator of the new Environmental Protection Agency of authority to develop national drinking water standards, as well as new and badly needed authority to conduct and encourage research to improve methods and procedures of identifying, measuring, and removing potentially toxic materials heretofore present in our drinking water, along with training programs for upgrading the capabilities of the personnel of State and local inspection agencies, the personnel of the actual operators of the water systems, and, finally, to improve the detection, purification, and delivery mechanisms of all water systems needing such assistance.

Subsequently, to my pleasure and encouragement, I was joined in this effort by my able and influential colleague, the gentleman from Florida (Mr. Rogers) who introduced a substantially comparable bill in the last Congress. Neither such proposal reached the hearing stage, but I am extremely hopeful that either my now-modified proposal as introduced in this Congress—H.R. 437—or Mr. Rogers' version thereof, will not only reach that stage but will also realize enactment into law this year, for I truly believe that action in this area of environmental concern is urgently needed.

Support therefor, along with a general discussion of the background of the problem in hand, is now indicated by the following copy of remarks as recently delivered by Eric F. Johnson, executive director of the American Water Works Association, before the Soap and Detergent Association in New York City, and the same is well worth the consideration of all my colleagues:

WATER—THE FORGOTTEN DETERGENT

(By Eric F. Johnson)

Water, we, in the water utility field, like to point out, is a detergent. In fact, we are inclined to say, it is the best detergent, and one without which your products would not do very much. "Duz," one of your members once said, "does everything." "Duz," we pointed out, "does nothing without water." And that should qualify us to talk to you.

The idea that we are both in the detergent business, of course, immediately makes one wonder why we are so different. The difference is obvious. You market your detergents. We seem reluctantly to make ours available for as close to nothing as possible. Our soft sell is so soft that almost no one has ever felt it. And the remarkable accomplishment of almost always providing all the water the public needs when and where it needs it, safe and palatable, goes unnoticed—is taken for granted.

Mention public water supply these days, and the public says, as it does for your detergents, too: "Oh, yes, pollution." But pollution, or its control, is not what we are talking about. We are talking about more than $50 billion worth of facilities that collect, purify, and distribute water to 175,000,000 people in the United States through 30,000 different water systems. We are talking about the delivery of more than 26 billion gallons, almost 110,000,000 tons of a vital necessity every day to the homes, and commercial establishments, and industries that need it. And what seems incredible is that almost no one realizes that this biggest of all industries, in terms of product, even exists.

The major blame for this public unawareness of public water supply is ours. Historically, the industry has been its own worst enemy. It has preached reduction in use of its product, it has bragged about its low rates, it has resisted improvements in its quality of service. In good part, this unbusinesslike approach has stemmed from the fact that 75 percent or more of water utilities are politically controlled, and political control is normally concerned more with the shortsighted view of keeping rates down than with offering improved service. But even a major portion of the privately or investor owned utilities are small and concerned more with doing what has to be done rather than providing maximum service. Nevertheless, this is the industry that has, with the cooperation of state and federal regulatory agencies, developed the best public water supply service in the world.

The part of the state regulatory agencies in this effort has been to provide surveillance and technical assistance that has been particularly important because of the multiplicity of small, ill-manned systems. The part of the federal agencies has been to set minimum standards and to provide assistance in research and training to the overall effort to supply safe water to the public.

And the team has done its work so well that it has now faded almost into oblivion.

Not just the public, but its elected representatives are almost completely unaware of the public water supply industry. As recently as 1966 there was a unified water supply and water pollution control program in the Department of Health, Education, and Welfare. Then, by Reorganization Plan No. 2 of the Johnson administration, the water pollution control program was transferred to the Department of the Interior, leaving behind a minuscule water supply operation in a $50 billion HEW. Every year since the change, the water supply operation has had its budget reduced, until in FY 1971 the Administration had cut it back to $2,344,000, compared by then with a billion dollar water pollution control operation. It was at this point that AWWA began to get deeply involved in the process of protest, partly because its partners in the team that had developed safe water service were being wiped out and partly because those who sought to restore their effectiveness chose to do so by misrepresenting the facts to suggest a crisis that did not and does not exist.

In the past year or two, AWWA has been devoting a major part of its public information efforts to point out the imbalance between federal attention to water for fish and water for people, not with the idea of deemphasizing the water pollution control effort, but with the hope of giving the community water supply program the support it deserves.

In so saying, let us emphasize first that the water utility industry is not looking for the kind of money that is now being pumped into the water pollution control effort. It does not need nor want construction grants to build facilities. It believes that it can take care of itself in these matters through its revenues from rates. And it feels that the unasked for grants that have been made available to it by a confused Congress have done more to hinder than to help the cause of better water service.

Where the water utility industry is asking for help is in research and training. It is in these areas of preparation for future problems that an industry consisting principally of very small unit operations has difficulty in takiing care of itself. Basic research is not the forte of the six-employee utility, nor is the development of the basic technology of the field. Neither is the kind of training that is and will continue to be necessary to bring and keep personnel up to the levels of skill required to handle the increasingly sophisticated technology. In these respects federal participation is required, both through direct research and training activities and through grants to public and private institutions that must be enlisted in the effort if it is to be successful.

At the present time, we feel, the industry is capable of taking care of the known problems of water supply safety, but because of the hiatus in federal support over the past few years, the margin of safety has been significantly reduced. And we fear that in ten years, unless a program commensurate with the importance of the problem, is mounted, there will be a crisis in public water supply—a crisis that will call for a costly and inefficient crash program that will victimize the public both in health and in wealth.

The restoration of some kind of proper priority for water for people is now in the hands of the new Environmental Protection Agency, and AWWA expresses its concern to Administrator William Ruckelshaus even before he had been confirmed in his post, asking for a separate and identifiable unit in his organization which would deal with water for people and a budget for that organization big enough to do the job. In the first organization of EPA, the water supply program is indeed separate, if not equal. It has been established as a division under the water quality—that is, water pollution control—office, but at least it still does have identity and perhaps with some legislative support in the 92nd Congress it can achieve parity with pesticides, solid wastes, air pollution, radiological health, and even water pollution in EPA.

In the past month AWWA has met with Acting Commissioner David Dominick of EPA's Water Quality Office and with Dr. Edward David, Science Advisor to President Nixon in the effort to bring some awareness in the administration to its neglected $50 billion asset. Association representatives have met with Congressman Paul Rogers of Florida who is introducing a bill that will beef up the federal funding of water supply research and training and give assistance to the states in their water supply surveillance efforts. So there is some hope that the situation will improve. But the water supply industry will not really gain its proper status until the public understands what it is, what it does, and what it can do. And this, we recognize is going to take the kind of public information approach that your end of the detergent business can mount, but that ours has been unable to, principally because municipal ownership and political control make the expenditure of funds for public information always difficult and often impossible.

The situation, then, is this:

Over the first 60 years of the century, the water utility industry, working with the cooperation of the state health departments and the US Public Health Service, developed the best public water supply service in the world.

In 1966, with the transfer of the water pollution control program from the Department of Health, Education, and Welfare to the Department of the Interior, most of the trained personnel and most of the money for research and training that had constituted the Public Health Service contribution to the water supply effort was diverted into water pollution control, leaving in HEW only a minimal water supply program that has been reduced year by year.

The decimation of the federal part of the water supply team was paralleled in the state health departments, and, for lack of research and training assistance, in the state universities as well.

Water utilities are still doing the job of providing safe water to the public, but, because the research and training necessary to keep the technology and the technologists up to date has been lacking, the margin of safety has been greatly reduced.

To restore the water supply effort to its proper level, the Environmental Health Administration of the Department of Health, Education, and Welfare, motivated by the Bureau of the Budget, tried to scare the public into the belief that a crisis exists through a deceptive report on the current status of public water supplies.

Concerned that the scare technique could drive a frightened public into drinking from unsafe sources, AWWA tried to accomplish the same end through educating the legislators involved in providing the funds for the Bureau of Water Hygiene, the HEW agency that works with water utilities, and was able, no doubt with an assist from the fear instilled, to get a small addition to the Bureau's budget that reversed the trend.

Now the Environmental Protection Agency has a chance to give community water supply the status that it deserves in the total environmental effort and has, as a first step, maintained its separate identity, although it has kept it in a role subsidiary to water pollution control.

The funds proposed for water supply research and training, and for assistance to state surveillance efforts, in the bills to be reintroduced into the 92nd Congress by Congressman Robison of New York and Congressman Rogers of Florida promise to give to the water supply effort the kind of support required to establish its proper status, without burdening the industry with the problem of construction grants.

At the same time, AWWA is mounting an action program hoping to get water utilities involved in the burgeoning interest in the environmental effort to point out not only their accomplishmetns but the things that they can do, using present technology, to improve water service.

The basic element, though, is public understanding and in this, certainly, your industry can be helpful. And you can be, too. Join AWWA!

THE MYTH OF ASSURED DESTRUCTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. SCHMITZ. Mr. Speaker, assured destruction as a concept guiding our strategic force posture is more or less widely accepted not only as a preferred stance but also one which we can maintain without substantial improvements in our existing strategic forces. A renowned physicist and acknowledged expert on civil defense, Nobel prize winner Dr. Eugene P. Wigner of Princeton University, does not feel at all assured about our destructive capability in the light of continuing Soviet emphasis on massive civil defense procedures.

Dr. Wigner postulates a situation which may confront the United States in the not too distant future if massive Soviet city evacuation plans were actually carried out. Given what he calls the most unlikely case, that: (a), the Soviet first strike leaves our strategic offensive force unscathed; (b), the antimissile systems of the Soviet Union are inoperative, and; (c), that we aim everything we have only at evacuated civilians, Soviet losses to our second strike will total around 10.5 million people. Naturally should the Soviet strike damage our forces or their anti-ballistic-missile defenses work at all, or should we target some industrial or soft military targets, the Soviet population losses would be less.

To put this loss in perspective we should remember that Soviet losses during World War II were quite a bit higher than this, and, in fact, the Bolsheviks have executed a greater number than this in their periodic liquidation programs directed against their own people.

In any case this level of destruction is substantially less than the general criteria which have served in the past as the basis for a U.S. assured destruction capability. Assured destruction capability has generally been conceived as a U.S. capability to destroy 20–30 percent of the population of the U.S.S.R. and 50–70 percent of its industry with the forces remaining after a sneak attack. This assured destruction capability on the part of the United States is supposed to deter Soviet attack. Dr. Wigner's estimate comes up with only 5 percent of the population destroyed, period, assuming that the Soviet counterforce weapons, such as the SS–9, have no degrading effect on our forces whatsoever.

Doctor Wigner's calculations might possibly be called into question as estimates of this sort are likely to vary. But what if the Soviets are figuring it like Dr. Wigner? Or what if the Politboro figures it at 10 percent but decides that this is an acceptable price to pay for assured domination of the planet? In either of these cases we are likely to have a nuclear war take place on the North American continent.

You will note that Dr. Wigner's figures are based on successful Soviet evacuation of their cities. If we were to launch a preemptive strike the moment we become aware of the fact that the Soviets were evacuating their urban centers damage would be higher, possibly high enough to be termed unacceptable. But is the Commander in Chief going to launch an immediate strike on the Soviet Union the moment he becomes aware that this type of an evacuation is taking place?

The only other option he would seem to have, other than picking up the hot line and asking them what they are about, would be to delay and watch our target under the assured destruction doctrine disappear; to watch the basis of our deterrence evaporate. What have we then?

The United States does not have a counterforce capability with which to render inactive the Soviet strategic offensive force. Some people were of the opinion that the ability of the United States to destroy the Soviets offensive striking weapons was destabilizing. If stability has anything to do with the prevention of central nuclear war the situation postulated above shows the extremely destabilizing nature of not being able to severely degrade the Soviet strategic offensive forces through a combination of counterforce weapons and ballistic missile defense.

Doctor Wigner's article from the July-August 1970 issue of Survive magazine follows:

THE MYTH OF "ASSURED DESTRUCTION"

(By Eugene P. Wigner)

A large part of our public and much of our military consider civil defense preparations unnecessary because they believe we can rely on the "assured destruction" doctrine. This doctrine tells us that, even after being subjected to a first strike, our forces can inflict such damage on the assailant that his destruction as a nation is assured. Hence, no nation will ever attack us or ever threaten us with an attack. The purpose of this article is to expose this doctrine of "assured destruction" as a myth. It became a myth principally as a result of the elaborate preparations which were undertaken by the USSR to evacuate its cities. If such an evacuation were carried out before a confrontation is precipitated, our deterrent based on the threat to the Soviet urban population would have evaporated.

Underestimating the effectiveness of defense—in the present case the civil defense and city evacuation plans of the USSR—is almost as common a mistake as preparing defenses against the enemy tactics of the *preceding* war. Thus, before the First World War, it was taken as axiomatic that the outcome would be determined one way or the other within three weeks because the offensive power of at least one of the parties would overwhelm the defense of the other. Yet the trenches protected the troops of both sides and stalled the progress of the attacker for four years. As to the Second World War, psychologist Janis observes,[1] "prior to World War II, government circles in Britain believed that, if their cities were subjected to heavy air raids, a high percentage of the bombed civilian population would break down mentally and become chronically neurotic. This belief, based on predictions made by various specialists, proved to be a myth." Indeed, the stories of horror, the subject of a variety of books before the Second World War, depicting the utter hopelessness of people roaming the streets, their disorientation and helplessness, must have deeply affected every reader. Yet, when the attacks came, the air raid shelters proved to be very effective—effective not only emotionally by preventing the breakdown of morale anticipated by Janis' "specialists," but also physically by providing a remarkable degree of protection.

THE EFFECTIVENESS OF DEFENSE: U.S. DOUBTS VS. SOVIET CONFIDENCE

The situation now is somewhat similar to that before World War II. Both our military and our public give credence to statements by those who grossly exaggerate the power of offense over defense. They tell us that we can do little or nothing to protect the civilian population against the effects of nuclear weapons. In the USSR, on the other hand, civil defense has the wholehearted endorsement of the military, and belief in its effectiveness with which the Soviet government has developed protection for its people.[2]

The publications in the USSR do not conceal the terrible nature of nuclear weapons. Thus, the article of General Chuykov,[3] which forms one of the bases of this article, gives a fair and, in fact, unusually clear picture of the effects of these weapons. One can only wish that all our people were familiar with this article. However, it then goes on to say that "there is no poison for which

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Footnotes at end of article.

there cannot be an antidote, nor can there be a weapon against which there is no defense. Although the weapons we have examined are mass weapons . . . they will not affect masses but only those who neglect the study, mastery, and use of defense measures."

SOVIET SURVIVAL MEASURES

Indeed, as readers of *Survive* well know, the Soviet Union is well ahead of us in shelter construction. According to Podchufarov,[4] the length of their subway tunnels is by now 130 miles. Even though they surely exaggerate when claiming that all the subways in the USSR are "safe" in the case of nuclear attack, it is true that they have hardened subways and these provide not only fallout but also very good blast protection—much better than any of the public shelters in our country.

The public shelters in the cities of the USSR are, nevertheless, designed to protect only a small part of the total population—those whose services would remain indispensable even during a conflict. What then renders our theory of assured destruction truly a myth? The USSR's extensive plans for evacuation of cities. These are barely more than two years old, yet they extend to all details—often, it seems, to a ridiculous extent. However, their principal lines are simply and clearly formulated. The decision to evacuate "will be announced by radio, television, published in the press (note this), or brought to you at your place of work or residence." People are expected to take along only what is most necessary, not more than 110 lbs. per person. The evacuation plans, communicated to all city residents, specify the collection point where transportation will be provided for them. At the destination, food, lodging, shelter, work, medical services, will be available. Mail will be automatically redirected to reach people at the evacuation point rather than at their city residences. Plans are also formulated for the evacuation of sick and infirm persons—even for women who have just given birth to a child. Some of the plans appear to be too detailed.

EFFECTIVENESS OF EVACUATION

How effectively would the evacuation, if carried out completely, reduce the casualties and thus negate our "assured destruction"? It is difficult to give an exact figure for this because the total number of casualties depends on several factors. Chief among these are (a) the extent of the success of the USSR first strike in reducing our retaliatory capability, i.e., in destroying some of our missile sites,[5] (b) the effectiveness of the USSR ballistic missile defense in destroying the missiles which we can launch after absorbing a first strike, (c) our own targeting doctrine, whether, under the conditions outlined, we would aim at the remaining missile sites in the USSR, at their evacuated cities to cause industrial damage, or at the evacuated population.[6]

Clearly, the maximum number of casualties would be caused under the least likely assumption: that (a) the USSR first strike against our missile bases is without any effect, (b) that the ABM of the USSR is entirely inoperative and (c) that we aim only at the evacuated people, disregarding the cities and industries, the people sheltered there, as well as the remaining missile sites in the USSR. This last assumption is, of course, least credible.

Under the assumptions just made, the USSR hostage level is easily estimated. The evacuated people are immune to two of the most important effects of nuclear weapons: fire damage and fallout. The shelters protect them from the fallout radiation and no large fires can spread in the countryside. They are subject to the blast. Anyway, if fallout is to be caused the area subject to a certain blast damage is reduced to about one-half. The total area which we can cover with a blast wave of 15 psi overpressure is 19,000 square miles.[7] This overpressure, 15 psi, is far from the "mean lethal overpressure"[8] of about 50 psi, as established by extensive studies.[9] Hence, one might claim that the number of fatalities which the USSR leaders have to fear is considerably less than the number which we shall obtain, using the adverse assumptions (a), (b) and (c). To some extent this may be true. However, if one considers additional effects, such as initial radiation, flying objects, as well as damage to the eardrums which (though by no means lethal) occurs at much lower overpressures, the 15 psi may be a good estimate for a "practical mean lethal overpressure."

If evacuation has taken place, how many people will there be within the area of 19,000 square miles in which we may be able to create the "practical mean lethal overpressure"? This depends on the area into which the people of the cities will be dispersed. Chuykov's aforementioned article[3] gives an indication for this. He mentions a "city A," which we can assume to be Moscow, with a population density of 7000 per square kilometer (18,000 per square mile). After evacuation, the density would drop to one tenth of these figures. Since the population of Moscow is about 7.5 million, one obtains an evacuation area of 3900 square miles or a maximum evacuation distance of about 35 miles.[10] This area then can be destroyed by less than one half of our misslies even though the "area coverage" needed for this is, since circles do not cover an area without overlap, about 4700 square miles.

How to use the remaining missiles, with an area coverage of 19,000–4,700=14,300 square miles? The next largest city in the USSR is Leningrad and, since it lies on the sea, its population cannot be dispersed as well as that of Moscow. The dispersal area for its 4 million people is closer to 2000 square miles (again using the maximum dispersal radius of 35 miles), requiring an area coverage of about 2400 square miles, leaving an area coverage of 11,900 square miles for the other large cities. These—Kiev, Baku, Karkov, Gorky and Tashkent—have populations of about 1.4 milion each. The dispersal of these people into areas similar to that given by Chuykov for "city A," would give an average density of 1.4 million/3900 square miles, that is 360 per square mile. There would be no point in covering any of these dispersal areas with an overlapping pattern so that the remaining 11,900 square miles would place an additional 4.3 million people at risk. Together with the populations of Moscow and Leningrad, this gives 7.5+4+4.3=15.8 million people at risk. If we accept the official estimate that about two-thirds of our missiles function as expected, the total number of hostages we may have in the USSR becomes just about 10.5 million people.

This estimate is obtained under the unrealistic assumptions (a), (b), and (c), as explained above. Actually, the loss of some of our missiles to a first strike, the destruction of others by the missile defense of the USSR, and the fact that at least some of our own missiles would be aimed at industrial, and military installations, would reduce the number of "hostages"—would reduce it to perhaps one-half of the 10.5 million figure.[11] The total number of casualties suffered by the people of the USSR in World War II was about 11 million.

EVACUATION—A PRELUDE TO CONFRONTATION?

There is a question that must have arisen in the reader's mind concerning the real effectiveness of evacuation in negating our "assured destruction" capability. It concerns the time needed for evacuation as contrasted with the warning time of a missile attack. The flying time of the land-based missiles is about 20 minutes, that of submarine-based missiles may be shorter. Evacuation of cities takes at least a day—according to General Chuykov, the press is one of the means of communicating the order to evacuate. Hence, evacuation is not a valid defense measure[12] against a first strike, certainly not against an unanticipated first strike. Does this circumstance revalidate the doctrine of assured destruction, and is it reassuring in this sense?

The answer is, in this writer's opinion, rather the opposite. City evacuation may not be a valid defense measure but, should a first strike or a confrontation be planned, evacuation would give the initiator a tremendous advantage. While 5½ million lives lost is a terrible retribution, is it "assured destruction"? Is it sure to deter a nation that lost twice that many in World War II? Can a President of the United States bargain with this deterrent against the threat of a first strike which can kill many millions of Americans?

We are spending less than 35 cents per person per year for civil defense. We have hardly any blast shelters, no plans for evacuation, and most of our fallout shelters are located in cities exposed to destruction by blast. We have 5½ million Russian hostages; the USSR can threaten the destruction by blast. We have 5½ million Russian hostages; the USSR can threaten the destruction of more than 80 million American lives. In a confrontation, our President would be in a very, very inferior position.

Assured destruction has become a myth.

FOOTNOTES

[1] J. Janis, Bull. At. Scientists, VI, 256 (1950).

[2] See various articles in *Survive* by J. Levey, later J. Gailar.

[3] Marshall V. I. Chuykov, Nauka 1 Thizn (Science and Life) No. 1, p. 43 (1969), Marshall Chuykov may be known to the American public as a representative of the USSR at President Eisenhower's funeral.

[4] I. I. Podchufarov, Kommunist Vooruzhennykk Sil (Communist of the Armed Forces) No. 8 (April, 1968), p. 52.

[5] See "Last To Be Eaten," by Edward Teller, page 8, this issue of *Survive*.

[6] See "They Bet Your Life," by Arthur A. Broyles, page 6, this issue of *Survive*.

[7] See, for instance, this writer's article in *Survive*, Vol. 2, No. 4, p. 16.

[8] The "mean lethal overpressure" is the pressure of the blast wave which causes fatal injuries in 50 per cent of those exposed to it.

[9] See various publications of the Lovelace Foundation, in particular Report LF–1242–1 by Clayton S. White. See also DASA report 2113 by I. G. Bowen, E. R. Fletcher and D. R. Richmond of the same Foundation.

[10] This writer's estimate for the evacuation area, before the article of reference 3 became available, was 50 miles. The resulting estimate of the maximum casualty figure was then 7.5 million, instead of the 10.5 million to be arrived at here. Actually, the book of reference 11 supports the original, higher estimate of dispersal area (p. 63).

[11] The estimate given in the USSR textbook on Civil Defense (edited by N. I. Akimov) is about four times lower if I understand this passage correctly.

[12] According to the opinion of the authors of the Little Harbor Study, it is not a valid defense measure to be initiated by the U.S. See "The Threat" chapter of Civil Defense, Little Harbor Report, TID–24690, published by the Division of Technical Information, U.S. Atomic Energy Commission, 1969.

ARMY SERGEANT FROM SHORE KILLED IN ACTION IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. LONG of Maryland. Mr. Speaker, a fine young soldier from Maryland, Sgt. George L. Robertson, was recently killed in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the RECORD:

ARMY SERGEANT FROM SHORE KILLED IN ACTION IN VIETNAM

An Army sergeant from Salisbury has been killed in action in Vietnam, the Defense Department has announced yesterday.

He was identified as Staff Sgt. George L. Robertson, husband of Mrs. Dorothy Robertson, of Salisbury.

Sergeant Robertson was born in Virginia, but moved with his family to the Salisbury area as a boy. He attended schools there and was graduated from Salisbury High School in 1964.

After training at Army installations in South Carolina, Georgia and Missouri, Sergeant Robertson was stationed in Korea and, from 1968 to 1970, in Germany. He went to Vietnam in September.

According to a telegram received by his wife, Sergeant Robertson was killed by a booby trap explosion January 26 while on a combat mission. In letters to his home, Sergeant Robertson said he was assigned to front-line duty for the past several months.

In addition to his wife, the former Dorothy Jones, Sergeant Robertson is survived by a daughter, Angela Michelle Robertson; his mother, Mrs. Mildred Russell, of Hebron, Md.; a half-brother, John Russell, and a half-sister, Mrs. Wanda Hicks, both of Hebron, and his grandmother, Mrs. Viola Robertson, of Salisbury.

TAX-EXEMPT STATUS OF BONDS ISSUED BY THE STATE OF MONTANA

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. SHOUP. Mr. Speaker, the following resolution of the senate and the house of representatives of the State of Montana deals eloquently with the need for the continuation of the present tax-exempt status of bonds issued by the State of Montana or any political subdivision thereof. I believe it only fitting that this resolution be included in the RECORD:

A JOINT RESOLUTION OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA

To the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana, the Honorable Richard Shoup and the Honorable John Melcher, Representative from the State of Montana, and to the Congress of the United States asking that the present tax-exempt status of bonds issued by the State of Montana or any political subdivision thereof be maintained

Whereas, the present tax-exempt status on income from bonds issued by the state of Montana and the political subdivisions thereof is necessary to make them attractive to investors, and

Whereas, if any limitations or restrictions on the tax-exempt status on income from such bonds are enacted by the Congress of the United States, the marketability of such bonds will be greatly jeopardized if not totally destroyed.

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

That the Congress of the United States maintain the present tax-exempt status on income from state and municipal bonds, and

Be it further resolved, that copies of this resolution be sent by the Secretary of State of Montana to The Honorable Mike Mansfield and The Honorable Lee Metcalf, Senators from the state of Montana, The Honorable Richard Shoup and The Honorable John Melcher, Representatives from the state of Montana, and to the presiding officers of the Senate and the House of Representatives of the United States.

FEDERALLY GUARANTEED LOANS AND TAX INCENTIVES FOR AUTOMOBILE SCRAP PROCESSING EQUIPMENT

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. McCLURE. Mr. Speaker, I rise to introduce a bill today encouraging States to establish motor vehicle disposal programs and to provide for federally guaranteed loans and tax incentives for the acquisition of automobile scrap processing equipment. The large increase in the number of motor vehicles in our country has resulted in an esthetic problem of unsightly graveyards and abandoned rusty hulks scattered throughout the countryside and cities. Further, the junked vehicle represents a considerable amount of resources which should be recycled to help preserve our valuable and depletable resources. I feel that my bill provides avenues which will allow the Federal and State Governments along with private enterprise to reclaim and preserve our countryside and resources.

I include the bill at this point in the RECORD:

H.R. 4585

A bill to encourgae States to establish motor vehicle disposal programs and to provide for federally guaranteed loans and tax incentives for the acquisition of automobile scrap processing equipment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GRANTS TO STATES

SECTION 1. The Secretary is authorized to make grants to States which have State plans approved by him, to pay the Federal share of the cost of carrying out motor vehicle disposal plans approved under section 3(b).

ALLOTMENTS TO STATES

SEC. 2. (a) From the sums available for the purposes of section 1 for any fiscal year, the Secretary shall allot not more than 2 per centum among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Canal Zone. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of motor vehicles registered in such State bears to the number of such vehicles in all States. For the purposes of this subsection, the term "State" does not include Puerto Rico. Guam, American Samoa, the Virgin Islands, and the Canal Zone.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Secretary determines will not be required to carry out the State plan for that fiscal year shall be reallotted not later than the tenth month in such fiscal year, to other States in proportion to the original allotments to such States under subsection (a) for such other States being reduced to the extent it exceeds the sum which the Secretary estimates such State needs and will be able to use for such period for carrying out its State plan approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

STATE PROGRAMS

SEC. 3. (a) Any State desiring to receive its allotment of Federal funds under this Act shall submit a State plan consistent with such basic criteria as the Secretary may establish. Such plans shall—

(1) provide for the administration by a public agency in the State of a motor vehicle disposal plan designed to provide for the efficient removal to scrap processing facilities of junked motor vehicles;

(2) provide assurances that a State law substantially in accordance with requirements established by the Secretary, after consultation with the Attorney General, has been enacted or will promptly be enacted by such State to provide an efficient means of transferring title of junked motor vehicles (or other evidence of ownership of such vehicles in States not requiring title certification) to public agencies or private business concerns charged with the responsibility of processing such motor vehicles;

(3) provide assurances (A) that a State law substantially in accordance with requirements of section 4 with respect to control of automobile graveyards has been enacted or will promptly be enacted by such State, and (B) that the State will carry out such law:

(4) (i) provide assurances that a State law has been enacted or will promptly be enacted by such State to provide that automobile scrap processing equipment is exempt from any State ad valorem property tax;

(ii) for purposes of subsection (a)(4)(i), the term "scrap processing equipment" means automobile scrap shredders or other equipment used to upgrade the quality of automobile scrap, including car flatteners;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State agency (including such funds paid by the State agency to any agency of a political subdivision of such State) under this Act; and

(6) provide for making such reasonable reports in such form and containing such information as the Secretary may reasonably require to carry out his functions under this Act and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

(c) Criteria established under this section shall include, after consideration by the Secretary of the latest and best information available, a description of the most efficient means of processing junked motor vehicles, the average cost of such scrap processing, the requirements set forth in pargaraph (2) of subsection (a), and other information as the Secretary deems relevant and necessary.

CONTROL OF AUTOMOBILE GRAVEYARDS

SEC. 4. (a) A State law meets the requirements of this section with respect to control of automobile graveyards if it makes provision for effective control of the establishment and maintenance along all public streets and highways in such State of all outdoor automobile graveyards which are within one thousand feet of the nearest edge of the right-of-way and visible from the main traveled way of any such street or highway.

Effective control means that before two years after the date of enactment of this Act, such automobile graveyards shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the public street or highway, or shall be removed from sight.

(b) For purposes of this section, the term "automobile graveyard" means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(c) All public lands or reservations of the United States which are adjacent to public streets or highways shall be effectively controlled in accordance with the provisions of this section.

(d) Nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to outdoor automobile graveyards on public streets or highways than those established under this section.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In order to carry out the objectives of this Act, the Secretary is authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as he may deem advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor.

(b) Upon request by the Secretary each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics available to the greatest practical extent to the Secretary in the performance of his functions under this Act.

(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this Act.

PAYMENTS

SEC. 6. (a) Payments under this Act shall be made from a State's allotments to any such State agency which administers a plan approved under section 3(b). Payments under this Act from a State's allotment with respect to the cost of carrying out its State plan shall equal 100 per centum of such costs for any fiscal year. In determining the cost of carrying out a State's plan, there shall be excluded any cost (1) with respect to which payments were received under any other Federal program or (2) which is attributable to the relocation, removal, or disposal of an automobile graveyard.

(b) Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

WITHHOLDING OF GRANTS

SEC. 7. Whenever the Secretary, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Secretary shall notify such recipient of his findings and no further payments may be made to such recipient by the Secretary until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Secretary may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

FEDERAL GUARANTY OF AUTOMOBILE SCRAP PROCESSING EQUIPMENT LOANS

SEC. 8. (a) For purposes of this section:

(1) The term "automobile scrap processing equipment" means car flatteners, and trucks used in connection therewith, and automobile scrap shredders or other equipment used to upgrade the quality of automobile scrap.

(2) The term "equipment purchase loan" means any loan or equipment in connection therewith, made for the purchase of automobile scrap processing equipment.

(3) The term "automobile scrap processor" means a person who the Secretary determines is or will be in the business of processing automobile scrap.

(b) The Secretary may guarantee any lender against loss of principal and interest on any equipment purchase loan made by such lender to an automobile scrap processor. Such guaranty shall be made in such form, on such terms and conditions, and pursuant to such regulations, as the Secretary deems necessary and which are not inconsistent with the provisions of this section.

(c) No guaranty shall be made:

(1) Extending to more than the unpaid interest and 90 per centum of the unpaid principal of any loan.

(2) On any loan or combination of loans for more than 90 per centum of the purchase price of the automobile scrap processing equipment to be purchased therewith.

(3) On any loan whose terms permit full repayment more than ten years after the date thereof.

(4) Wherein the total face amount of such loan, and of any other loans to the same automobile scrap processor guaranteed and outstanding under the terms of this section exceed $1,500,000.

(5) Unless the Secretary finds that, without such guaranty, in the amount thereof, the automobile scrap processor would be unable to obtain necessary funds for the purchase of needed automobile scrap processing equipment on reasonable terms.

(d) The Secretary shall prescribe and collect from the lending institution a reasonable guaranty fee in connection with each loan guaranteed under this section.

(e) (1) To permit him to make use of such expert advice and services as he may require in carrying out the provisions of this section, the Secretary may use available services and facilities of other agencies and instrumentalities of the Federal Government with their consent and on a reimbursable basis.

(2) Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this section.

(3) The Secretary shall make available to the Comptroller General of the United States such information with respect to the loan guaranty program under this section as the Comptroller General may require to carry out his duties under the Budget and Accounting Act, 1921.

(f) (1) Receipts under this section shall be credited to miscellaneous receipts of the Treasury.

(2) Payments to lenders required as a consequence of any guaranty under this section may be made from funds which are hereby authorized to be appropriated to the Department of the Interior for that purpose.

(3) Administrative expenses under this section shall be paid from appropriations to the Department of the Interior for administrative expenses.

(g) The authority contained in subsection (b) of this section hereof shall expire ten years after the date of enactment of this Act.

AMORTIZATION DEDUCTION FOR AUTOMOBILE SCRAP PROCESSING EQUIPMENT

SEC. 9. (a) Section 169(d) of the Internal Revenue Code of 1954 (relating to definition of certified pollution control facility) is amended by—

(1) inserting below paragraph (1) (B) the following new sentence: "Such term also includes scrap processing equipment if such equipment constitutes a new identifiable treatment facility (within the meaning of paragraph (4)).";

(2) by inserting below paragraph (4) (B) the following new sentence: "For purposes of this paragraph scrap processing equipment shall be considered a treatment facility."; and

(3) by adding at the end thereof the following new paragraph:

"(5) SCRAP PROCESSING EQUIPMENT.—For purposes of this section, the term 'scrap processing equipment' means automobile scrap shredders or other equipment used to upgrade the quality of automobile scrap, including car flatteners."

(b) The amendments made by the first section of this Act shall apply with respect to taxable years ending after the date of enactment of this Act.

FINANCING

SEC. 10. (a) The portion of section 4061(a) of the Internal Revenue Code of 1954 (relating to excise tax on automobiles) which precedes paragraph (1) thereof is amended by striking out "equivalent to the specified percent" and inserting in lieu thereof "equal to $5.00 plus the specified percent."

(b) There is established a trust fund in the Treasury (to be known as the "Automobile Disposal Trust Fund") which shall consist of all additional taxes received by reason of the amendment made by subsection (a) of this section. Amounts in such fund shall be available, as provided in appropriation Acts, only for the purpose of making grants under section 1 of this Act.

DEFINITIONS

SEC. 11. As used in this Act—

(1) the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails. The Secretary may exclude classes of motor vehicles other than passenger automobiles from the definition of motor vehicle for the purpose of this Act upon a finding that to do so is in the public interest;

(2) the term "junked motor vehicle" means any motor vehicle which the owner desires to dispose of, including derelict motor vehicles;

(3) the term "derelict motor vehicle" means any obviously abandoned vehicle which has component parts missing, is inoperable, or is worth less than $100 in value;

(4) the term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa; and

(5) the term "Secretary" means the Secretary of the Interior.

SECTION 920 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. HANNA. Mr. Speaker, I just received some material which elucidates section 920 of the Housing and Urban Development Act of 1970. As one who participated in the dialog on that amendment, I think it appropriate to have a complete legislative history on the section. Accordingly, I request that there be printed at this point in the RECORD copies of letters by my distinguished colleague, Mr. BARRETT, chairman of the Housing Subcommittee, and by Mr. Bane, president of the Council of Savings and Loan Stock Co. The letters follow:

DEAR CONGRESSMAN HANNA: Once again let me express the sincere thanks of our organization for your leadership in the enactment of Section 920 of the Housing and Urban Development Act of 1970. This amendment remedied important shortcomings in the Savings and Loan Holding Company Act of 1967. For example, the amendment will—as Chairman Martin indicated to the Conferees—subject to prior approval of the Board, permit loans by an insured institution to third parties to facilitate the sale of property which was acquired by the institution's service corporation from the parent savings and loan holding company. Such constructive changes as this will, as you put it in your remarks in the *Congressional Record* of December 3, 1970, put all insured institutions on par by letting "any savings and loan association finance housing sold by its wholly-owned service corporation."

With all good wishes.

Sincerely,

TOM BANE,
President, Council of Savings and Loan Stock Co.

WASHINGTON, D.C.,
February 12, 1971.

Mr. TOM BANE,
Council of Savings and Loan Stock Cos., Sherman Oaks, Calif.

DEAR MR. BANE: Thank you for your letter of February 1, 1971. Your organization's interest in Section 920 of the Housing and Urban Development Act of 1970 is understandable.

Along with my good friends, Congressman Sisk and Hanna, I was involved in the development of the legislation and its history. You should be aware of the exchanges between us three relating to this provision which appeared in the Congressional Records of December 3rd and December 19th. Copies of those records appropriately marked are furnished for your information.

The Chairman of the Federal Home Loan Bank Board also contributed to the legislative history on Section 920. In a letter circulated to members of the Conference Committee and dated December 11, 1970, Mr. Martin said of the provision:

Sec. 821 of House version. Certain transactions by service corporations of subsidiary insured institutions. Section 821 would amend section 408(d) (4) of the National Housing Act to permit, with prior Board approval, certain loans, discounts, or extensions of credit by a savings and loan holding company subsidiary insured institution to third parties on the security of property acquired by such third parties from a wholly owned service corporation of such insured institution.

In the interests of substantial parity of treatment for service corporations, this amendment would have the effect of setting aside a restriction on the activities of holding-company affiliate service corporations which is not applicable to other service corporations. In the second sentence of section 821 there are two exclusions from this proposed relaxation of the now absolute ban imposed by section 408(d) (4):

First. Extensions of credit on the security of property acquired by third parties from an affiliate of the insured institutions other than a service corporation. This exclusion would prevent the type of so-called "bail-out" loan whereby a subsidiary insured institution in effect finances the speculations of its parent holding company or other affiliates. The elimination of this practice was one of the major purposes of the Savings and Loan Holding Company Act Amendments of 1967.

Second. Extensions of credit on the security of property heretofore held at any time by any savings and loan holding company or affiliate. This exclusion would prevent reciprocal loans by holding companies in an attempt to evade the prohibition on financing their own properties through their subsidiary insured institutions.

I hope this information will help you better understand the provisions of Section 920 as they relate to the authority of a savings and loan holding company and its savings and loan subsidiaries and their affiliates.

Sincerely yours,

WILLIAM A. BARRETT,
Member of Congress.

LITHUANIAN INDEPENDENCE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. HOWARD. Mr. Speaker, I would like to take this opportunity to insert in the CONGRESSIONAL RECORD a resolution which was passed on February 13, by the Lithuanian Council of New Jersey, as they met to commemorate the 53d anniversary of the restoration of Lithuanian independence.

I am sure that all of us share the distress of these people in watching their compatriots who continue their struggle for freedom. It is appropriate that we, who enjoy the bounties of freedom, should lend our support and encouragement to those who are striving to reach this goal.

The resolution of the Lithuanian Council of New Jersey follows:

RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersy, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection,

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterates the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

Dated at Newark, New Jersey—Feb. 13, 1971.

LITHUANIAN COUNCIL OF NEW JERSEY,
VALENTINAS MELINIS, *President.*

OUR FLAG SPEAKS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BAKER. Mr. Speaker, on Lincoln's birthday, February 12, I had the honor of presenting an American flag which had flown over the U.S. Capitol to the Riceville Elementary School, Riceville, Tenn.

This was not only a proud occasion for me, but for the students as well. They made an extra special event of the presentation and engaged in a contest to see who could write the most appropriate remarks about Old Glory.

The winner was Miss Vicky Decker of Riceville, whose poem "Our Flag Speaks," was judged the best. Vicky accepted the flag on behalf of her school and delivered her poem as a highlight of the presentation ceremony. It is a fine piece of writing and I am proud to bring it to the attention of my colleagues. Under leave to extend my remarks, I include Vicky Decker's poem, "Our Flag Speaks," at this point in the RECORD:

OUR FLAG SPEAKS

Our flag has many voices
 Speaking loud and clear.
Listen, youth of America,
 Come lend me your ear!

It's voice rings out for freedom,
 Not just for you and me,
But for ev-ry American.
 All people must be free!

The white calls out for purity
  In deeds and thoughts from you;
Red speaks out for valor.
  "Justice!" shouts the blue.
Listen, youth of America,
  The flag has something to say.
It speaks of the past and present;
  It sings of a brighter day.

AMERICAN LEGION SECURITY COMMISSION

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DORN. Mr. Speaker, the American Legion has since 1919 advocated a strong national defense, which I believe would have prevented World War II. Their program today is one which, if implemented, will prevent World War III. Mr. Speaker, may I emphasize that the Legion's program is for the prevention of war and for the maintenance of peace. Under the leadership of National Commander Chamie the American Legion is a dynamic force for peace. It was my great honor to give the following concluding remarks to the American Legion National Security Commission at the end of their 3-day conference on February 17, 1971:

ADDRESS BY CONGRESSMAN WM. JENNINGS BRYAN DORN

Since its first national convention in 1919 the American Legion has always advocated a strong national defense posture to preserve the peace. Had the Congress and the American people acted on the recommendations of the American Legion in the '20's and '30's we could have avoided World War II. We had scrapped our Navy, disbanded our Army and refused to develop the airplane and the tank as instruments of defense. General Billy Mitchell was court-martialed largely as a result of his advocacy of air power. With no air force and our fleet in mothballs the U.S. was no deterrent force to the warlords of Japan or to the raving Hitler. Had the Nation listened to the American Legion then we might have avoided the tremendous human suffering and material loss associated with World War II.

The American Legion has always recognized in addition that national security involves domestic as well as external considerations. The Legion has recognized that a strong military posture must be accompanied by a vigilant attitude towards those who would illegally and violently subvert our nation from within.

Today I am going to talk with you concerning the external, or foreign elements of our national security. First of all let me say that I believe we are on the right track in Indochina. Our national security demanded that we intervene in force in 1965, at a time when a blatant and open communist invasion from the north threatened to overwhelm South Vietnam's anticommunist government. Today we are gradually turning over to the South Vietnamese the main combat burden. There may be temporary setbacks for the Saigon forces, but they are increasingly able to carry the load for themselves. The significant fact with regard to our national security is that the United States has maintained its international credibility by maintaining its commitments to the people of South Vietnam.

We have thereby given the people of South Vietnam 6 years they would otherwise not have had to build their national defense effort and their national institutions.

While withdrawing Americans from Indochina, the President has moved boldly, as in Cambodia and Laos, to keep the enemy off-balance and to disrupt Communist rear supply areas.

Our national insistance on an honorable withdrawal has tremendous consequences for our future national security, for we have shown that despite fantastic domestic discord and division, the world's most powerful democracy can still stand firm to meet its obligations. We need only wonder what the Russians or the Chinese would have thought of us, or worse, what they would have done to us, had we made a hasty and dishonorable quick-exit from Indochina. The Communists understand military power; they understand the language of power as well as they understand the twisted doctrines of Marx and Lenin. It is because of their constant watching and testing of our military strength and our will to use it if necessary, that our national security demands an honorable solution in Indochina.

Looking farther into the post-Vietnam era we see other threats to our national security, and these involve the lagging development of our naval and air power. In just 5 years the Soviet navy has grown from a waterborne arm of their ground forces to a well rounded naval force. The Soviets now possess the largest submarine force in world history: 360 submarines—80 of them nuclear powered—as against our total of 147 of all types submarines. At the current capacity of US ship yards, our maximum annual submarine construction is 12, while the Soviets have one yard with a 3-shift capacity of 35 submarines a year.

When discussing the relative air and naval strengths of the United States and the Soviet Union we must always remember that the Soviet Union has a predominant land mass position, while the US is basically an island power dependent on freedom of the sea and air lanes. As an example, while the Soviets have land access to Southeast Asia, the US has used the sea to ship 97 percent of all materials sent to Vietnam.

In addition to the necessity of neutralizing the Soviet submarine threat to our sealanes, we must increase our nuclear strike potential by increasing the number of ICBM-firing submarines. While our fixed-site ICBM's may someday be knocked out by missiles fired from an orbital military satellite, our mobile subs would pose a much more elusive target—should the Russians or the Chinese gamble on a pre-emptive knock-out first strike.

I say today that we must have a crash program to make our country again supreme on the sea. It is essential to the survival of freedom that the United States control the sealanes of the world for peace. This can be done only with a nuclear navy.

Nothing I have said in support of a revitalized navy should be taken in neglect of our nations air power. With our superior technology and organization we can—if only we will—control the airlanes of the world and even space. And we can control it for peace. Weakness in keeping abreast of new developments in air technology could invite national disaster through continued aggression by the other side in countless brush-fire wars. Should the aggressor renounce nuclear warfare—as the Axis Powers did with respect to gas warfare in World War II—and move with their vast preponderance of land forces in Southeast Asia or Europe we could not win without superior air-power. We would invite aggression and be defeated.

Of course we need a highly mobile, trained Army that can be rushed as a deterrent to future aggression. But without command of the sea and the air it would be hopeless to try to stem the tide of aggression.

On September 28, 1970 and again on October 8, 1970, the late Chairman Mendel Rivers warned the Congress and the American people of the Soviet threat. Mr. Rivers quoted at length from a letter he had received from Vice Admiral Rickover, the father of the nuclear submarine. In connection with the rising strength of the Soviet navy the Admiral had written:

"If history teaches anything it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace loving nations—if the former is militarily strong and the latter are not."

Admiral Rickover also made the interesting observation that the only one of Stalin's treaties that the Soviets did not break was the notorious Nazi-Soviet treaty. Simply because the Soviets feared the strength of Hitler's armies. As we move into the "Era of Negotiations" proclaimed by the President in his Inaugural Address, it is useful to remember that the Soviets understand the arithmetic of power. They will honor their commitments to the extent that they fear to provoke a powerful America.

The only way to prevent World War III and the nuclear holocaust which would destroy civilization is for our country today to maintain superior military strength. We can prevent war and preserve the peace for a fraction of what it would cost to fight a nuclear war which no nation could win.

BIG CITIES NEED TO GET LARGER SHARE OF ANTIPOLLUTION FUNDS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. VANIK. Mr. Speaker, on February 9, in an effort to assist the cities and States of America finance their much-needed waste treatment facilities, I introduced legislation in the House which would provide for an increase in the Federal share of grants to States and cities for the construction of waste treatment facilities. The bill which I am sponsoring, H.R. 4010, would increase the Federal share in meeting construction costs from 30 or 50 percent to a full 70 percent.

The Sunday, February 14, Cleveland Plain Dealer carried an excellent article describing the need for increased pollution control assistance to America's major cities. The article follows.

At the conclusion of the article I would like to enter a table in the RECORD which provides, accurate through November 30, 1970, data on the distribution of Federal waste treatment facilities construction grants. The table clearly indicates that the money simply is not going to the areas of greatest need or to the areas where the greatest pollution exists:

BIG CITIES MAY GET LARGER SLICE OF ANTIPOLLUTION CAKE

(By Robert J. Havel)

WASHINGTON.—Antipollution dollars, which have been flowing rather freely of late, have been going down the wrong drains. There are stirrings in Congress to redirect that flow.

As late as 1969, the flow was only a trickle because Congress and presidents were long on promises but short on performance. But the spigot opened wider last year as concern for the environment and presidential politics grew.

Now, President Nixon is proposing $2 billion a year as the federal share of a three-year, $12-billion program for construction of waste-treatment facilities.

Sen. Edmund S. Muskie of Maine, the leading but unannounced frontrunner for the Democratic presidential nomination, wants the federal government to kick in $2.5 billion a year for a five-year, 25-billion program.

The main problem is the allocation formula.

Cities simply haven't been able to come up with the matching money—70% of the total cost of construction in Cleveland's case.

The federal money, therefore, has not gone to the big cities, where the people and the pollution are, but to smaller communities where the construction is often used for industrial development rather than pollution control.

From the start through Nov. 30, 1970, federal grants for water-pollution control for 10,916 projects have totaled $1,959,101,583, the Environmental Protection Agency reports.

The total cost of the 10,916 projects is estimated at more than $8 billion, which includes local money.

However, only 8.2% of this money has gone to cities with more than 250,000 population, although 22% of the people in the United States live in cities this size.

A staff member of Muskie's pollution subcommittee frankly admitted that neither the Nixon nor the Muskie proposals would greatly ease the cities' problems.

"The program has been underfunded and undermanned from the beginning," he said. "We started behind, and now we're farther behind."

Nixon's proposal would require the states and communities to pick up at least 50% of the cost of treatment facilities.

Muskie's plan would enlarge the federal share to as much as 60%, if the problem is approached on a river basin basis.

This simply isn't enough, the mayors of Atlanta and Detroit told Muskie last week. Those cities are under 180-day orders to stop pollution, as Cleveland is.

The cities can't clean up in 180 days, the mayors said, or even in 180 weeks.

They recited results of a study by the U.S. Conference of Mayors on the needs of 1,105 communities and sewer districts that serve 95 million people.

The total needs of these 1,105 units were estimated at $33 billion to $37 billion over the next few years.

Ohio's total needs were set at about $1.2 billion, Cleveland at $485 million.

The mayors recommended that the federal government pick up as much as 75% of the cost of the projects. The Muskie committee staffer said the senator was kicking the idea around.

In the House, Rep. Charles A. Vanik, D-22, Cleveland, introduced legislation asking that the federal government provide up to 70% of the cost of waste treatment facilities.

Citing Nixon's campaign for his $5-billion revenue-sharing plan, Vanik said:

"The demand for $6 billion in matching funds completely washes out the promise of $5 billion in revenue sharing."

Ohio is a revealing example of how the big cities have gotten short shrift under the present setup. From fiscal 1968 through fiscal 1971, which ends June 30, Ohio has been allocated $111.4 million for construction grants.

A report by the Muskie subcommittee says:

"In Ohio (through 1969), 58% of waste-treatment-facility funds have been distributed to serve one-quarter of the state's population, which lives in counties under 100,000 population."

Another gripe of the cities and states has been that the federal government has not put its money where its promise was.

Because for five years appropriations have fallen short of authorizations, many communities went ahead and built facilities on their own. They assumed the federal government would reimburse them for the federal share. They were wrong.

The Environmental Protection Agency estimates projects, now in various stages and worth $1.5 billion, will be eligible for reimbursement. Of this amount, $300 million is due communities and states for plants already in operation.

Ohio this year was allocated $51.5 million. Of this nearly $11 million was for reimbursements.

Under the current pollution-control program, which expires June 30, Cleveland has received reimbursements of $535,238 for planning and engineering.

Improvements now under way at the Cleveland's Easterly Treatment Plant will cost $6.6 million.

Of this amount, says Cleveland Utilities Director William S. Caskill, $600,000 has been allocated to Cleveland by the federal government through the Ohio Water Development Authority, which sets state priorities and handles the federal money.

The state has made a $6-million, 20-year loan for the remainder of the Cleveland need.

Ohio did get a break last week when William D. Ruckelshaus, head of EPA, ruled that the state's loan arrangement qualified as a matching-funds program.

This entitles the state to 50% matching money from the U.S. Treasury. Previously, because the loans did not qualify as a matching program, projects could receive only 30% in matching money.

What this means is that Ohio and its communities will now have to put up $51.5 million to take full advantage of the $51.5 million in federal funds allocated to the state.

Under the 30–70 setup the state and cities would have had to raise $119 million to get the $51.5 million in federal money.

TABLE 1[1]

Population	Number of projects	Percent of projects (cumulative)	Federal grants	Percent of grants (cumulative)
Less than 2,500	5,251	48.1	284,900,992	14.5
2,500 to 5,000	1,564	62.4	208,471,117	25.2
5.001 to 10,000	1,335	74.7	244,305,475	37.6
10,001 to 25,000	1,235	86.0	353,534,885	55.7
25.001 to 50,000	608	91.5	236,690,006	67.8
50,001 to 125,000	422	95.4	252,127,967	80.7
125,001 to 250,000	187	97.1	140,763,242	87.8
250,001 to 500,000	104	98.1	77,564,933	91.8
500,001 and over	210	100.0	160,743,236	100.0
Total	[2]10,916		[3]1,959,101,853	

[1] Status of grants as of Nov. 30, 1970.

[2] Estimated cost of 10,916 projects is $8,039,640,235.

[3] Includes approximately $170,000,000 supplemental funds from EDA and ARC.

Source: Records of Evaluation and Resource Control Branch, Division of Facilities Construction and Operation, EPA.

TRIBUTE TO WISCONSIN STATE REPRESENTATIVE JOSEPH SWEDA

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. OBEY. Mr. Speaker, as Members of the House will know, all too often in political life the most workmanlike of legislators receives the least amount of publicity.

That fact is no more true in the House than it is in the Wisconsin Legislature where I spent almost 7 years.

Occasionally a thoughtful and perceptive member of the journalistic profession will publicly note the behind the scenes influence of one of those quiet workers in the legislative vineyard. It gives me a great deal of pleasure to insert in the Record a portion of a recent column by the dean of Wisconsin State house capitol correspondents, John Wyngaard, noting the rise of influence of an old friend and fellow legislator who has contributed much to the welfare and progress of northern Wisconsin, State Representative Joseph Sweda.

The excerpt from this column appeared in the Green Bay Press-Gazette, and follows:

Inside the Capitol

(By John Wyngaard)

A young man to watch in the Democratic Assembly majority is Joseph Sweda, a rising figure in his caucus as the newly chosen speaker pro tempore, meaning that he is one of the top leadership circle.

At the age of 44, Sweda is starting his fifth term from the preponderantly rural district composed of Lincoln and Taylor Counties. Sweda is one of the comparatively few Democrats who is solidly entrenched according to consistent performance in a rural district, as shown by the fact that he is chairman of the Taylor County Board, an office representing higher prestige in local politics than membership in the legislature in most instances.

NIXON THE BOLD

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, one of the best analyses I have read of the President's state of the Union message, is that by Joseph Alsop entitled "Nixon the Bold."

As is Mr. Alsop's habit, he has dug beneath the surface and produced a truly thoughtful comment on the President's message to the Congress. I include the article at this point in the Record:

[From the Washington Post, Jan. 25, 1971]

Nixon the Bold

(By Joseph Alsop)

The President's message on the State of the Union was genuinely remarkable. In many rather fundamental ways, in fact, it was bolder and more innovating than anything heard from a President since the time, nearly 40 years ago, when Franklin D. Roosevelt was putting the country on a new course.

Before defense of this high claim for the President, a short history of the message and its ideas is in order. To begin with Richard M. Nixon knew enough about the subject to think the U.S. government had ceased to work very well, even before he took office. His experience in office strongly confirmed that conviction.

The first symptom of the root-and-branch character of the resulting Nixon approach was the Family Assistance Plan, intended to junk the whole ghastly welfare system. If FAP ever passes this will certainly prove to be a far more radical measure than most people suppose. The end result, in fact, will be public welfare mainly federally administered, on the pattern of the Social Security system.

This was, and is, a centralizing measure, therefore. It had to be, for no other solution seemed practical. But the President's real objection to the present system was to what may be called "governess government." Here was where he wanted the main restructuring; and he therefore set all sorts of people, notably George Shultz, Robert Finch and John Ehrlichman, to work out what should be done.

The really climactic moment was last June, when three critically important meetings were held at San Clemente on three successive days. At the first meeting, the President adopted the Keynesian theory of the so-called "full employment budget." He also decided on a thorough-going revision of the whole tax system, including adoption of the value-added tax. But this latter step will be attempted later.

At the second meeting, the President ruled that the rundown of national defense had gone far enough, and ordered a somewhat more generous defense budget. And at the third meeting, the President decided on very bold restructing of the federal government itself, plus equally bold restructuring of the dealings between the federal government and the states and local governments.

Under the headings, "reform" of the federal apparatus on functional lines, and "revenue-sharing" by the federal government with the state and local governments, the last two proposals above-listed were the main themes of the President's message on Friday. They are so much bolder and more innovating than anything offered since the early New Deal days, simply because these steps, if taken, will add up to really enormous, truly structural changes.

From the later years of Roosevelt to date, the great changes and reforms have always been conceived as though they were poultices—to be applied externally, and here and there as the need arose. It is not going too far to say that two-thirds of the existing federal apparatus is no more, at bottom, than an agglomeration of these poultices.

The reform—poultices, particularly, have also been designed, without exception, on the basic principle of "governess government." This is the principle that the federal bureaucracy always knows best, and bureaucrats must therefore have power—especially money power—to require the states, cities and other bodies to do things the proper way.

But let the scales drop from your eyes for a moment and look at the record. In the period in question, this country has repeatedly addressed itself to its vast social problems. In each case, the social problem being tackled cried out for attention. Literally hundreds of billions of dollars have been spent trying to solve, or at least to ameliorate, these social problems.

But with all this direly needed and well-intentioned effort, and after all these vast expenditures, the social problems being tackled have actually grown much worse, with almost no exceptions. Hence the gist of the President's message may be given as follows.

"Let us get rid of a lot of the poultices (as they are described above). Let us put the federal government together again, on strictly functional lines. Then let us get rid of the whole idea of governess government, as far as this is now possible.

"Let us give the states and local governments as much money as we can, to solve their own problems as best they know how. And let the main check on these state and local governments be the voters who elect them, instead of bureaucrats here in Washington."

The only trouble with this is that American liberals are deeply attached to governess government.

MASSACHUSETTS IS HONORED BY A PRESIDENT OF THE AMERICAN BAR ASSOCIATION

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DRINAN. Mr. Speaker, I am delighted and honored that a constituent of mine from the Third Congressional District of Massachusetts, Mr. Robert William Meserve, has been nominated as the president-elect of the American Bar Association.

Mr. Meserve has had a most distinguished career at the bar. Mr. Meserve received his A.B. degree from Tufts College in 1931 and the LL.B. degree from Harvard University Law School in 1934. From 1936 to 1941, Mr. Meserve was the assistant U.S. attorney in Boston. During that time he was also a lecturer at the Boston College Law School.

After his years of service as an assistant U.S. attorney, Mr. Meserve returned to his position as an associate, and subsequently a partner, in the distinguished Boston firm of Nutter, McClennan, and Fish.

During the Second World War, 1943–46, Mr. Meserve served as a lieutenant in the U.S. Naval Reserve.

The professional and academic attainments of Mr. Robert W. Meserve are extraordinary. From 1961, he has been a member of the Massachusetts Board of Bar Examiners and since 1964, has been secretary of that prestigious five-man group. Mr. Meserve has served for several years as a lecturer in trial practice at the Harvard Law School. In the years 1936–40, Mr. Meserve was a member of the School Committee in Medford, Mass. Subsequent to that time he was an alderman in the same city.

Mr. Meserve has served his alma mater, Tufts University, as a member and subsequently as chairman of the board of trustees. For a number of years he has been vice president of the New England Medical Center hospitals.

Mr. Meserve was a very distinguished and innovative president of the Boston Bar Association and a most devoted chairman of the Standing Committee on the Federal Judiciary of the American Bar Association.

Mr. Meserve, a member of Phi Beta Kappa, was elected as a member of the prestige-laden American Academy of Arts and Sciences and was the regent and subsequent president, 1968–69, of the American College of Trial Lawyers.

Robert William Meserve married Gladys E. Swenson in 1936. Their children, Roberta Ann, William George, Richard Andrew, John Eric, and Jeanne-Marthe, are all following in the path of distinguished and devoted service which their father has followed during his entire carrer.

I know that I speak for the entire congressional delegation of Massachusetts and indeed for all of the people of the Commonwealth of Massachusetts when I express particular delight in the election of Robert Meserve as the president of the Bar Association since Mr. Meserve is the first lawyer from Massachusetts to serve in this exalted capacity since 1898.

Mr. Meserve will take office as the president of the American Bar Association in August 1972. Mr. Meserve will follow Mr. Leon Jaworski of Houston, who will become president of the American Bar Association in August 1971.

The bar of Massachusetts, the people of Waltham, Mass., and the countless friends of Mr. Robert Meserve are proud of the new honors which he has brought to himself, his family, his profession, and his Commonwealth.

MAYOR RICHARD J. DALEY ADDRESSED CHICAGO ASSOCIATION OF COMMERCE AND INDUSTRY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, on February 11, 1971, in an address before the 67th annual meeting of the Chicago Association of Commerce and Industry, Mayor Richard J. Daley enumerated Chicago's 1970 accomplishments and outlined the city's goals for the coming decade. I feel that we in Chicago can be proud of the advancements that our city has made in recent years—years that have been extremely difficult ones for most of our Nation's urban areas. I also believe that we can look ahead to the next decade with optimism, for the program outlined by the mayor is indeed a plan for progress.

I am inserting a copy of the mayor's address in the RECORD to call it to the attention of my colleagues. I believe they will find it both interesting and informative:

REMARKS BY MAYOR RICHARD J. DALEY

The people of Chicago have demonstrated in their comparatively brief 134 years, that "I will" is more than a mere motto—it is the progressive spirit of the people of that city.

Certainly the men and women present here today represent a tradition of leadership that has been a prime factor in making Chicago a great urban metropolis.

Chicago is a great city because of the contributions of all its citizens.

There is no better evidence of this than the contribution the representatives of commerce and industry have made to the economy of this city down through the years.

For example, as John Gray has pointed out—our rate of unemployment is about half the national average—a genuine testimonial to the strength of the city's commercial and industrial enterprise.

Comparatively we are in an enviable position, but in Chicago that's not good enough. Earlier this week, with 15 other mayors—Democratic, Republican, and Independent, I appeared before a Senate Committee to urge passage of a bill that would provide Government financing for hiring thousands of the unemployed during a recession. These workers could be used to fill public service needs in such areas as environmental quality, health care, housing, neighborhood improvements, recreation and other programs. A similar bill was passed by the Houses of Congress in the last session, but vetoed.

This kind of public service employment should not be just stop-gap employment—make-work jobs in which the worker simply marks time until the economy improves. Public service employment should generate real jobs and real training where the worker can see advancement opportunities in permanent employment in private industry.

Next month, working with the national administration, we will launch a program in which commerce and industry will be asked to join to give jobs to returning veterans from Vietnam.

Employment is a first requisite for a thriving city.

But in order for a person to work, in order for business and commerce to prosper, there must be high standards for basic services.

To reach the goals that have been projected before you today, we must continually improve the basic services, such as police and fire.

The police department has received approval of an application for a $4 million Federal grant to construct new area headquarters on the near west side. Site studies are being conducted for a new area headquarters on the north side and a new police training academy.

During 1970 there were 3,500,000 calls to the police emergency number. This represents one call for service every eight seconds. To handle this tremendous volume, the police are expanding the number of radio channels and adding new equipment and more police dispatchers. This will speed up police assistance to all residents.

Completion in 1971 of a city-wide radio satellite system will permit the assignment of more motorized-foot patrols in every neighborhood. These receiver-transmitter stations will relay radio messages between the communications center at headquarters and officers in cars and on foot equipped with portable radios throughout the city.

Where other cities are having difficulty in recruiting, Chicago had approximately 4,700 young men taking the civil service examination for patrolmen a few months ago.

The department's seven-month recruit training program has been serving as a prototype for other cities and is being hailed as a major break-through in police training. In addition, more than two thousand members of the department are enrolled in the training extension program—leading to a professional certificate.

In 1971 another step in creating a career police force will be taken when executive development training will be provided for all command officers.

Morale in the Chicago Police Department is high. It is becoming the most professional police force in the Nation.

Last year, the Fire Department began providing ambulance service in the model cities areas. Eight new ambulances were added to the fire department's fleet and Model Area residents are being trained as ambulance attendants. A career in the fire department will be available to these model area residents.

This year the entire ambulance service has been expanded to provide removal service to all citizens.

Also this year the fire department is expanding its data processing systems so that inspections can be analyzed with reports of fires. This technique will make it possible to provide service where it is needed the most and to inspect those buildings which require immediate attention.

Meanwhile, eight sites for fire stations have been selected for submission to the city council. The multi-company stations are part of the recommendations being implemented in the Maatman report which is helping the department keep up to date.

Over the years the board of health role in meeting the needs of the community has vastly expanded. Where once the city health department was primarily concerned with preventing communicable disease, and enforcing ordinances, it is now providing to those who cannot afford private care the kind of health services that the family doctor provides.

For example, by April 1st, the Grand Boulevard community will have a well-staffed comprehensive health center which has been developed in cooperation with Provident hospital. In addition, ground is being broken this month of the first two of an eventual seven community health centers. These centers will cost a total of 11 million dollars. They will be located in Uptown, Woodlawn, North Kenwood, Pilsen-Lower West Side, the near Northwest Side, near North and Englewood.

The Board of Health is planning and developing these centers with maximum community involvement, seeking counsel from the people themselves as to the kind of service they want. In other health programs scheduled for this year, the board is inaugurating a new immunization program for preschool children at 15 urban progress centers which will be open during evening hours, when working parents will be able to take their children to the clinics.

A new program of decentralizing the treatment of lead poisoning has been launched and children are being examined at 14 neighborhood clinics. Previously such treatment was available only at the municipal contagious disease hospital.

In a few weeks, the Board of Health will announce the details of a comprehensive drug control program.

Using highly sophisticated laboratory techniques and equipment, the Board of Health is carrying on an intensive testing and control program designed to assure that the city's food and water supply is free of contamination from mercury and other polluting elements.

Already in 1970 we have established two new mental health outposts in Rogers Park and in Chatham. The Board of Health is considering their expansion into full mental health facilities. There are now sixteen neighborhood mental health clinics.

In recognition of its outstanding effectiveness, the city's rodent control program has just been given a grant of $1,636,000 from the Department of Health, Education and Welfare. The new grant will permit the continuation of a nationally-recognized health-educator aides program. In the past year health educator aides have given guidance and counsel on general health, housing hygiene and related problems to more than 38,000 inner city families.

Also contributing to the health and environment of the city is the quality of our sanitation program. This week, night time shuttling of refuse over our expressways to landfill sites in the southeast section of the city will be discontinued. We expect complete elimination of all landfill dumping in the next few weeks. This accomplishment is being made possible by the operation of the 1,600 ton northwest incinerator at Chicago and Kenton—the largest plant of this kind in the world. This plant features the most efficient air pollution control devices available.

In 1971 the Department expects to remove more than 100,000 abandoned vehicles from city streets. Under a new program in which derelict vehicles were towed directly to crushing machines, 93,000 vehicles were removed from the streets last year. The program will mean that the city will be able to keep up with the number of cars abandoned each year.

New reflectorized green and white street-name signs—designed for better visibility—will be installed on all boulevards and major arterial streets throughout the city in the next few months.

The Bureau of Forestry is placing special emphasis on the control of Dutch elm disease. During 1971, more than 60,000 diseased and damaged trees will be removed, and 35,000 new trees will be planted.

Tree removals will steadily decrease while plantings increase and a balance will be reached within the next five years. To speed up the removal of five thousand tree stumps, the city is initiating contracts with private firms to join the city crews.

Very shortly the department will begin its pedestrian loop mall study by closing certain loop streets to vehicular traffic. Tests will be made to determine the economic effect the air and noise pollution that will occur on those streets upon which the traffic is diverted.

This spring the Department will also begin marking streets for a comprehensive 18-mile system of bicycle routes.

As these programs indicate, we are actively concerned with the quality of our environment. In July, 1970, new laws became effective which greatly limited the surphur content of fuels, outlawed the burning of garbage and trash in boilers, prohibited leaf burning and set more stringent restrictions on the use of incinerators. By the end of the year the impact of the enforcement of these laws was evident. The yearly average of surphur dioxide for 1970 measured point 03 parts per million—a 50 percent reduction over the 1969 yearly average. Much has been written about the clean-up of London's air. The 1970 sulphur dioxide average for London stood at point 05 parts per million—67 percent higher than Chicago. Sulphur dioxide levels in the month of January of this year averaged point 023 parts per million. In January of last year the average was point 06 parts per million.

We can look forward to a further reduction in sulphur dioxide levels for Chicago as the sulphur content in fuels are reduced to a one percent limitation in 1972.

There also was a 12 percent reduction in particulate matter emissions in 1970 over 1969. The restrictions on incinerators which went into effect the first of this year, will help to lower the content of soot, ash, and other matter put into the air.

Last week we met with supermarket and independent grocery managers, and this week we met with the manufacturers of soaps and detergents and they assured us that very shortly now all packages in the stores will carry the proper labeling as required by our ordinance. And right now, the stores in Chicago carry low-phosphate detergents which meet the requirements of the ordinance and which will help reduce the pollution of our lake and streams. Many cities are following our example and we have urged the State and the Federal Congress to pass similar legislation designed to save and purify our water resources.

Significant steps have been taken in preserving our waterways A riverbank cleanup and beautification program was begun last summer with more than 50 Chicago river property owners making improvements by removing debris. The program will be expanded to include more property owners on the north and south branches of the river.

To further prevent pollution and flooding, the first deep tunnel system replacing combination sewers will be completed by the end of the year under Lawrence Avenue. The Metropolitan Sanitary District is carrying on similar projects.

Last Tuesday we submitted to the city council a recently completed study to be used as the basis for modernizing our current anti-noise ordinance. The study makes recommendations concerning levels of noises from vehicles, including cars, trucks, motorcycles and construction equipment. Also, noise from air conditioners and power mowers, as well as noise emanating from industrial zones bordering on residential areas.

The Department of Environmental Control will recommend an ordinance for the control of asbestos pollution.

Auto emissions will be further analyzed and uses of converters on city vehicles will be evaluated toward recommending legislation governing auto emissions. A joint study undertaken by the Departments of Streets and Sanitation and Public Works, to be completed in 1971, will outline solid waste disposal practices for the city up until the year 2000.

We are trying to make Chicago a model city and the rejuvenation of our inner city areas through the model cities program will help us achieve our goal. We are proud of the projects initiated in the first year of this program. Model cities has given employment to more than 3,500 persons—81 percent of whom live in the model cities neighborhoods. We have offered career opportunities for residents through service as health aides, educational aides and as subprofessionals in a wide range of service categories. The police department has hired 400 community aides who perform non-arrest functions. By accenting the service side of the police department, they are slowly building a better relationship between the community and the police.

Model cities has established a free breakfast program in 37 schools, serving more than 13,000 youngsters. In the first year, 14 day care centers have been established and 53 foster day care homes have been instituted which provide a variety of supplementary services.

To stimulate economic development, 67 model neighborhood businesses have been furnished with management assistance through a non-profit corporation.

The model cities efforts in education have been rewarding and are offering opportunities to the youngsters and their parents as the model area schools become closely identified with the community and its residents.

All of these programs were launched in the past year and their steady expansion in 1971 will contribute to the welfare of hundreds of thousands of citizens—which will contribute to the welfare of the entire city.

Further in the field of education, the public building commission will build twenty new schools including 8 new high schools. One elementary school is completed and seven of these new model educational facilities are now under construction. Most of the balance will be started this year. The new schools are not only good physical structures but they will contain facilities for the most modern concepts in education, including magnet and specialized schools. The commission also is building a skill center at 39th and Wabash which will be operated by the city college system for manpower training. This will be a unique institution training students for a specific occupation for which there is a demand.

The commission has also started construction of the Audy Homes—a modern juvenile facility urgently needed.

I would like to emphasize that all these programs have already been financed by bond issues, model cities, other Federal grants, and on-going programs by departments. With the exception of schools they will not represent any additional costs to the taxpayer.

The city has carried on far-reaching programs involving every aspect of local government and urban life without affecting its fiscal integrity. According to Dun and Bradstreet, the city's overall per capita debt as of August, 1970, amounted to $177.00 compared with an average of $326.48 for all cities of over 500,000 population. Chicago had a net debt of $91.12 per capita compared with the average of $206.40. The second lowest of all cities with a population of over 500,000. The ratio of Chicago's overall bonded debt to assessed and full valuation is the lowest of all cities of over 500,000 population.

It is interesting to note that in the past ten years Chicago's real estate taxes have been less than most of the suburbs around it. In 1970, out of 40 representative suburbs, Chicago ranked 36th in the amount of taxes paid. When one takes into account that many suburbs do not offer the extensive services the city does—the only conclusion is that Chicago property owners have one of the lowest tax burdens of any municipality. Every indication is that city property tax owners will continue to pay less taxes than most suburbs.

We have maintained that record because we have insisted that all departments utilize the most modern administrative practices and mechanized equipment. For example, our purchasing department won the national award by the American City magazine for introducing an outstanding new concept in purchasing management. This new concept is called guaranteed maintenance for life or life-cycle costing. This is a contract for equipment which covers the original cost of the item plus the total cost of maintenance during its lifetime. Under this new concept the city over the past six years has saved approximately $4 million dollars.

This system has been adopted by the Defense Department.

In 1971 the city will be totally computerized on all purchasing activities and inventories throughout our 34 warehouses.

In all departments the city has used computers to support their activities. For example, an optical scanner reads water bills. There is almost instant visual access to information stored in the data center in response to inquiries. In a similar fashion, video and remote terminal devices are used in the building department. In 1971, the use of such advanced computer techniques will be extended to appropriation-budgetary accounting. Through the use of present-day technology, we are meeting the demands of the citizenry for more and better services and we are providing those services with greater efficiency and economy than ever before.

One of the most difficult problems facing cities is the question of housing. In the past ten years local government agencies have been responsible for the construction of 133,000 new housing units. At the same time we have torn down 53,000 substandard dwellings. We need a far greater supply of new housing—especially for low and moderate income families. We are in a squeeze in a sense, because the Federal Government and this city administration believe in strict code enforcement to eliminate substandard buildings. On the other hand the Federal Government has not provided the resources to finance the very programs they have established to stimulate the increase of housing. For example, model cities asked for a thousand reservations from the F.H.A.—and was given twenty-five.

In one area of housing, however, we have made progress. Under the urban renewal program we have built homes, schools, health service facilities, shopping centers and have created recreational areas. In renewal activity in the last four years, 9,600 new homes and apartments were added to our housing inventory.

This year 1,100 housing units will be built in Hyde Park-Kenwood and 450 units of pre-fabricated * * * construction at 37th and Cottage Grove. In the past year the department of urban renewal conveyed 34 acres of renewal areas and approved sale for another 90 acres for a total return of $13,200,000.

We are awaiting favorable action by the Federal Government in providing the resources necessary to fill the urgent need for housing and we are prepared to launch a far-reaching program for housing in the history of Chicago.

And yes—we do anticipate the future which will see a new crosstown expressway which creates a new highway while refurbishing the communities along its path. We prepare for the removal of the blighting elevated structure and the extension of the loop subway system to the new McCormick Place—the Hancock Center and the expanded Chicago Circle Campus.

We are planning to build eight park and ride facilities to give the people of Chicago and the metropolitan area more economical and swifter mass transportation. I am happy to report that passenger volume on the Dan Ryan and Kennedy Expressways are passing expectations. They are not only saving riders money but are helping to reduce congestion. We look for further use of Midway Airport even as O'Hare Feld is being modernized to keep up with the rapid expansion and changes of aviation.

We also are going to build 1,500 new units of housing for senior citizens. We are going to construct seven junior college campuses . . . a new central library and eight neighborhood branch libraries. We are going to renovate Navy Pier as a port and recreational facility. And we are going to achieve our long dreamed of plan to consolidate the railroad terminals and open up hundreds of acres south of the Loop for redevelopment.

We also are looking forward to a new State constitution which we all worked to pass.

Because of the passage of the 1970 Illinois Constitution, we will enter a new era of local government authority and responsibility. The grant of home rule power to cities is a sharing of the State's sovereignty with that unit of government closest to the people—city government. It will mean greater authority to tailor-make solutions to local problems. It will give us the opportunity to develop a more equitable revenue system. The new intergovernmental cooperation section will permit several municipalities to join in bulk purchasing thus saving money and better serving citizens throughout the Chicago area. In short, home rule will mean better government, more responsive to the needs of the people. To that end we are preparing to implement these powers that will be available to us on July 1.

What we do in this coming year to implement the new constitution may directly affect our citizens and our economy for generations to come and and it will call for sound legislative and administrative judgment.

Our recommendations should be based on the recognition that we must bring Government closer to the people in their neighborhoods. This is not new. The city already has neighborhood community conservation boards, urban progress advisory councils, model cities councils, neighborhood cleanup committees, police community advisory committees, and corrections advisory committees.

For years we have sent our mobile office of inquiry and information into the various neighborhoods so that information and complaints could be taken on the spot.

We also have many city services with offices in neighborhoods. Under the model cities program we will be building four multi-service centers where all of the services are available in one location—right in the neighborhood.

All neighborhood organizations have had ready access to city departments—and to the mayor's office—to voice their views, their complaints and their suggestions.

There are many ways of measuring the vitality of a city. Chicago has more active neighborhood organizations than any major city in the United States. They have staffs, planning consultants, highly developed programs and loyal memberships. They are continually striving to make their neighborhoods better. This is the most positive evidence that the city has a future—for people do not organize in this way if they intend to leave the city—if they do not have pride in their neighborhoods—and in their city.

Show me a city where neighborhood organizations or individuals are not advocating and fighting for a greater share of city programs, for greater participation in local government—and I will show you a city without programs—without membership. When delegations stop coming to my office, to city council meetings, or to public hearings, that will be the signal that they lost confidence in the future of Chicago.

Like Mr. Gray, I will make a prediction. This will never happen—for our greatest resource is the people of Chicago and the future is theirs.

NEW ATTITUDE NEEDED TOWARD RUSSIA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BOB WILSON. Mr. Speaker, some interesting observations were made recently by Col. Irving Salomon, a distinguished Californian who is a student of communism and a former delegate to the United Nations. I am pleased to share with my House colleagues the following article from the San Diego Union written by Colonel Salomon:

NEW ATTITUDE NEEDED TOWARD RUSSIA

I am irritated at:

1. The members of the Congress and others who still think that all is sweetness and light in our relationship with the Soviet Union; who feel that the cold war is subsiding and that we should offer the Soviets the warm hand of friendship.

2. Our Department of State that continues its docile passiveness in the face of the obvious machinations of the Soviet Union. Why are they blandly accepting the constant pinpricks which are more like switchblade stabbings?

3. The Administration that is mercilessly paring our military requirements, blinding itself to the Soviet Union's vast escalation in nearly all phases of military readiness. Has it lost sight of one essential truism—diplomacy, to be successful, must be backed by military might?

The only element that the Kremlin fears is military strength, even if only psychological. Still our government feels we can argue with them from a weak position—an absurdity.

No one should lose sight of the fact that the cold war with Russia still exists. In fact, it is colder in some respects.

This is best attested to by Moscow using every conceivable device to belittle our international efforts, and at the same time building up its own prestige.

The examples are everywhere—Soviet strength in the Mediterranean, and, in the visible future, in the Indian Ocean. The Kremlin's all-out efforts in West Germany, where we were formerly entrenched; in Vietnam; the continued support to North Vietnam and categorical refusal to assist us in our peace efforts, and, perhaps, above all, in the Middle East.

If Russia can obtain the Suez Canal, she will continue to undercut our efforts for a peaceful settlement.

Actually, there is considerable doubt that Moscow wants peace, preferring to continue chaos in the Middle East to the disadvantage of the United States.

Russia is using the SALT talks as a delaying device and deliberately preventing any progress there by us.

There are suitable responses for these assaults.

Our government should be flexible and capable of meeting any issue.

It should change in its attitude on military spending. One of the best and most essential investments our government can make is to maintain our military supremacy. Americans are willing to pay more taxes because needed competing military expenditures is like insurance.

The State Department should cease being so docile and obliging. It should study ways to alter its policy and apply the same tactics of aggression that the Soviets do.

As a suggestion, almost none of Russia's satellites have any distinct warmth and loyalty toward the Soviet Union, so what would we lose by instructing our envoys to try to stir up a hornet's nest for them?

Would it be unwise to let Russia know that we would help China in the Sino-Soviet conflict? Would it hurt the U.S.S.R. if we were to sabotage the SALT meeting?

While these may not be wholly practical suggestions, the brains of the newly reorganized Department of State should be picked to find new ways and means of injecting into the Soviet Union some of her own medicine.

What can we lose under the current distressing circumstances? Among other things, our government would lessen the concern and wrath of its knowledgeable citizenry.

POSSIBLE CONFUSION IN ADMINISTRATION'S REVENUE-SHARING PROPOSALS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, the great gap of information that separates Mr. Nixon and his administration from the rest of the country concerning the proposed Federal revenue sharing is a particularly difficult obstacle for Congress to overcome.

Consideration of Mr. Nixon's proposal must be made on the basis of comprehensive and accurate information; information the administration has not supplied. As Mr. Nixon's supersalesmanship is being applied through the media to State and local officials trying to convince them of the merits of revenue sharing, Congress awaits the details of the proposal.

One of the privileged few who have been given information directly from an administration source—in this case the U.S. Commissioner of Education—found that Mr. Nixon's delay in revealing his proposal is the result of conflicting policies in the administration. Peter Milius, writing in the Monday, February 15, 1971, edition of the Washington Post, indicates that the administration is somewhat confused about revenue sharing. For while Mr. Nixon was proposing a relaxation of the regulations governing the distribution of Federal moneys, during its first 2 years in office, the Nixon administration "has sought not to relax, but rather to tighten regulations governing at least two major Federal education programs."

I include the article at this point in the RECORD:

NIXON AND EDUCATION: RECORD AND RHETORIC DON'T MATCH

(By Peter Milius)

President Nixon may be right in saying that the present "wide array of overlapping . . . contradictory" narrow-purpose federal programs in domestic fields is in great need of repair. At the very least, in proposing that these programs be consolidated into broader-purpose block grants to the states, with fewer strings attached, he has hold of a powerful political issue. A subtitle in last month's budget message put that issue succinctly, in big capital letters that no opponent could fail to see or understand. "Revenue Sharing," it proclaimed. "Returning Power to the People."

Yet at least in one domestic field, education, the President's call for reversal of the tide that has made power flow toward Washington contained some ironies. The President is saying now that federal regulations and guidelines ought to be relaxed, on the theory that state and local officials know best how to spend the money at their disposal. Thus he noted that, while current "statutes routinely purport to prohibit federal 'control' of education, they surely impede local control." Yet the Nixon administration, during its first two years in office, has sought not to relax, but rather to tighten regulations governing at least two major federal education programs. And its reasoning has been precisely the opposite of the reasoning advanced last month. Its view has been that, without tighter controls, state and local officials would continue to "waste" federal funds.

In his budget message the President said that, "more than any other federal activity, the school-aid programs of the Office of Education reflect the excesses of the categorical (narrow-purpose) grant system." He noted that the Office of Education now administers "over 100 separate grant programs," and said that "the maze of set-asides, special conditions, priorities, plans and approvals for these grants is bewildering to states and local school districts alike." Worse, he observed, "Federal aid is often provided for needs and purposes which have already been addressed by state legislation, yet the states are unable to transfer or convert the funds to other purposes that are going unserved."

As his answer to these problems Mr. Nixon announced that he will ask Congress to consolidate these myriad old programs into five new, simpler ones, providing funds for the disadvantaged, for the handicapped, for vocational education, for "schools in areas effected by federal activities" (impact aid), and for "general support" (textbooks, laboratory equipment, other miscellaneous items). This reform, the President said, would "provide support for educational activities in broad areas where the federal government has developed strong interests . . . over the years." However, he added at the same time "the states would have discretion as to how they would accomplish each of these major purposes." The implication was that they lack such discretion now.

The irony of all this is that the states *already* have great discretion—and that the Nixon administration has been saying for two years that in some fields at least, they ought to have less.

As one example, there is at least one old federal program that already seems exactly to fit Mr. Nixon's new specifications. It is Title I of the 1965 Elementary and Secondary Education Act, at $1.5 billion this year the largest of all OE programs, accounting alone for almost a third of the whole OE budget. The money is distributed to school districts according to how many disadvantaged children they serve. The only requirement is that they spend it only on these children, and as an extra, to help them catch up. All further decisions—as to whether they spend it on teachers or textbooks, reading or math for example—are theirs alone to make.

Title I, like so many of OE's other current programs, is a legacy of the Johnson administration, one of its proudest accomplishments from Great Society days. The trouble with it, as Mr. Nixon himself observed in his education message last March; is that it has "not measurably helped poor children catch up." Proponents say this is because state and local officials have misspent the money, used it in unimaginative ways, spread it too thin, and often spent it on all children rather than just on the poor. Thus for two years the Nixon administration has been doing something the Johnson administration—partly for fear of being accused of encroaching on local prerogatives—failed to do; it has tightened and warned that it will enforce Title I regulations.

One of these regulations (on "comparability") reaches down to the tiniest details of school management, further than the federal government has ever moved before. Its purpose is to make sure that Title I funds are indeed spent on extras for poor children. It requires that local school boards first spread all of their non-Title I money out evenly, local and state money as well as federal, so that services to all pupils in all schools in any one grade are "comparable." The boards may then add their Title I money on top just in poor schools. The comparability rule does not assume that state and local officials are somehow less fallible than federal officials. If anything, it assumes the reverse. The rule, if enforced, will require a major redistribution of resources in many local school districts.

The problem with Title I, and the problem posed by federal revenue-sharing generally is how to reconcile a federal purpose with local and state control. The Nixon administration has faced the same problem on a smaller scale in the field of vocational education. Federal appropriations for vocational programs used to be pretty much what Mr. Nixon now says he wants—lump-sum grants to the states to spend as they saw fit. In 1968, however, Congress changed that. Its finding was that the states were spending too little money on the segments of the population most in need of vocational training. Its response was to rewrite the law, divide the money up, and require that fixed shares be spent each year on such groups as the poor, the handicapped, and those who had left high school with few marketable skills.

The administration has not yet determined whether to keep or abandon these "set-asides" in the consolidation bill it will send to Congress. Its problem was clearly put in a memo last fall, from presidential assistant John D. Ehrlichman to Health, Education, and Welfare Secretary Elliot L. Richardson. The memo, intended to elicit policy proposals in the vocational field, contained six questions. One was, "How can federal vocational education programs best serve as a catalyst for reform in the often moribund state vocational educational agency without violating the principles of the New Federalism?"

Mr. Nixon declared once before, in his education message to Congress last March, that "I am determined to see to it that the flow of power in education goes toward, and not away from, the local community. The diversity and freedom of education in this nation, founded on local administration and state responsibility, must prevail." Yet the President also said, in that same message, that he was not going to seek "major new expenditures" for education until, as he put it, "we gain a new confidence that our education dollars are being wisely invested to bring back their highest return in social benefits, and . . . provide some assurance that those funds contribute toward fundamental reform."

How to reform and not interfere? That is the question.

Mr. Nixon said in his state of the Union message last month that "I reject the patronizing idea that government in Washington is inevitably more wise, more honest and more efficient than government at the local or state level . . . The idea that a bureaucratic elite in Washington knows best what is best for people everywhere and that you cannot trust local government is really a contention that you cannot trust people to govern themselves." That is the politics of his proposal. It is also an oversimplification.

When the President's bill is sent to Congress, it will have strings attached to funds; his own Commissioner of Education said as much last week. Meanwhile, it is enough to say that the President's rhetoric and his record do not match.

MARY A. WOODFORD, VERMONT'S VOICE OF DEMOCRACY WINNER

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. STAFFORD. Mr. Speaker, it is with a great deal of pride that I place in the Record for today an outstanding speech by a fine young lady from Vermont, Mary A. Woodford of Springfield, who is the Vermont winner in the annual Veterans of Foreign Wars voice of democracy contest.

Freedom—Our Heritage

The word freedom seems to have become almost as hackneyed as the words relevant, meaningful, viable and other such cliches which abound in the modern American vernacular. However, freedom must not be shrugged off lightly nor bandied about until it becomes worthless. Throughout history, men have fought to conserve freedom; in the twentieth century we also must see that it is preserved.

Rather like the snake devouring its own tail, the cry for freedom is too often the rallying point of extremist causes, both right and left. In the last several years, we have witnessed the misuse of this term by both ends of the political spectrum. In 1967, while visiting Canada, General Charles de Gaulle voiced the idea of a free and independent Quebec. In the past few months, this cry has been taken up by radical separatists, who after kidnapping and murder, made extortionate demands on the Canadian government for the freedom of political prisoners. For several years, the demands of leftists in America have been listened to politely by their more moderate counterparts. However, those attempting to propound more conservative views are heckled by these same radicals who so urgently espouse unbridled freedom.

Over the millions of years that have passed since man appeared on this planet, he has made the transition from a primitive caveman to the civilized being we know today. Man has steadily evolved a civilization which has consistently improved the lot of the individual. Learning from the mistakes of governments, leaders have risen to initiate improvements. Due to their efforts, men were delivered from the bondage of serfdom and the rule of tyrants. Gradually, the common man became educated toward the idea of freedom.

From its earliest years, this nation has cherished the concept of freedom. Looking back today, we can say the American has monumentally succeeded in producing a free society. Not surprisingly, the system has had its faults; but no humanly-devised institution could be perfect. All we can do is strive for constant improvement. The nation's faults have been steadily corrected by due process of law, and, hopefully, Americans will continue to erase the flaws that exist.

It is through the democratic process that reform can be successfully carried out. In this manner, tremendous strides have been made in the realms of universal suffrage, public education, social security and civil rights to mention a few. We must not give in to hysterical nihilists who, while purporting to carry the banner of freedom, would destroy everything that we have achieved thus far.

One of the inalienable rights of an American citizen is the right to dissent. He has the opportunity and responsibility to work within the system to eradicate the wrongs he believes to exist. We have seen too much of this peaceful dissent turn into riots; we have witnessed the very people who preach peace, love and equality bombing buildings and destroying property that does not belong to them. Examples of this destruction are rampant in many of our universities and colleges, as, for instance, Columbia, Kent State, and some universities in California.

In the Wall Street Journal of August 3, 1970, S. I. Hayakawa, President of San Francisco State College, stated, "From the age of 15 on, our young people, whether or not they have a bent for the intellectual life, are pushed and prodded by parents and teachers—and even more by community expectations—to go to college." Hayakawa goes on to say that many of those students who join protests and demonstrations never wanted to go to college in the first place; that they should exercise their right not to go.

Thus Americans must not allow the destruction of their heritage of freedom by extremists from the right or left. Rather we should rely on the nonextremists, that human ballast in the ship of state, to keep this country on an even keel.

PERSONAL EXPLANATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WALDIE. Mr. Speaker, on December 21, 1970, when the vote on H.R. 14233 to exempt sales of .22 caliber ammunition from the 1968 Gun Control Act was taken, had I been present, I would have voted for H.R. 14233.

The Record mistakenly has me "paired" against the measure. I support H.R. 14233.

RECIPE FOR CHARACTER: HEAD, HANDS, AND HEART

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Friday, February 19, 1971

Mr. BEALL. Mr. President, I noted with great pleasure an article published in the Baltimore News American of December 20, 1970, which was devoted to an interesting and an outstanding American, Mrs. William Reick. Mrs. Reick exemplifies the type of solid, dedicated, hardworking citizen who has, through the years, built this Nation. Mrs. Reick's late husband was a veteran of World War I and a career military officer. Mrs. Reick was a registered nurse and a teacher of Red Cross classes. Her interests range from history to current affairs. Mrs. Reick now helps to support herself by selling a variety of home baked goods. Her reputation as a cook continues to spread through Southern Maryland.

Mrs. Reick's self-reliance and determination to make her own way in life are, I think, truly commendable characteristics.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RECIPE FOR CHARACTER: HEAD, HANDS, AND HEART

(By Corinne F. Hammett)

The old, black country kitchen coal stove still works. The date on the metal plate says 1931.

The little white farm house, like the stove inside, has a very distant past. The yard, just off a narrow, black-top road is rutted and topped with brown-grey tufts and twigs. An old, white station wagon is parked on the dirt, next to neatly spaced brick enclosed circles where summer flowers bloom.

A small, plain, white sign, jutting from the corner of the house says "Patti Reick's Country Kitchen."

And, strange as it may seem—there is a country kitchen in the house—and more often than not, Patti Reick will be in it.

This time, however, Mrs. William Reick, in a spotless pink, white and green print, her white hair in soft short curls, glasses perched on her nose, was bending over a dining room table putting tiny labels on boxes of rich, dark brown fruit cakes.

There were about a half dozen of the boxes on the table, ready to be wrapped and mailed. Hundreds, maybe thousands (Mrs. Reick wasn't sure) had already been sent on their way, across the country and across the ocean.

"Oh, my yes, honey, I do everything myself. Help? Where would I put them?"

Where, indeed?

The orderly little kitchen, heated by the coal stove has just enough room for the stove, another range a few years younger, two floor-to-ceiling ovens, a tiny sink, some cupboards, a table with a nut grinder on one end, a professional bakery pastry blender and a cement mixer.

And, of course, Mrs. Reick, who admits to being "in my 60s," and adds, "I never did learn to work sitting down."

But, the cement mixer? "Oh, my yes, it doesn't crush the nuts, candies and fruits. And it will efficiently mix up a 50 pound batch of Mrs. Reick's fruit cake—these recipes are all my own, I wouldn't tell a soul how to do it."

Making 3,000 pounds of fruit cake (in five different varieties) by Dec. 1 isn't unusual for Mrs. Reick—I don't know how much I've made this year, I don't have time to add up all the orders."

Once the cakes are baked, and decorated, she personally packs them, wraps the boxes and loads them into her station wagon for the trip to the post office.

Along with the cakes, which she says are "mostly fruit, nuts, butter and eggs and candies. . . . I don't advise freezing them because there is so little flour they get too moist" . . . she also makes, using old family recipes, plum pudding, mince meat, hot chutney, sweet onion rings, and peanut and cashew butters.

The telephone rings frequently in the house in which she lives alone—her husband died tragically in April, 1969.

"There goes that phone again . . . you enjoy your mince pie while I get it," she commented. This time it wasn't an order, it was a woman doing some of her own baking who needed some expert advice.

"Oh, my yes, that happens all the time honey, why not long ago I answered the phone and a young girl was in tears. She'd made a lemon pie for her husband and the meringue just laid there she said. So, after I asked her how she'd made it (too little sugar), I told her to let the meringue lay there and make some more and put it on top."

But Mrs. Reick isn't only interested in cakes, puddings and pies. Just inside the hallway near her front door is a small stack of Congressional Records.

"I subscribe to the Record. Right now I can't keep up with it, but I will read them. I think everyone should read the Congressional Record and become aware of what is happening in the country.

"All these people shouting their heads off. They should read and know what they're talking about first. Like Vietnam, you can't just turn a switch and turn it off . . . I hate any war . . . but you've got to do things the right way. Not running up and down the streets, shouting their heads off.

"Where were all these people when the agreements were made?

"Oh, yes, I'm very interested in history. I think everything is a jigsaw puzzle, and it all fits in. You have to know the before and after."

Recently she spoke to an officers' wives club about her kitchen. "They said I deserved a lot of credit for what I'm doing. I told them no, not me, my parents and grandparents deserve the credit. They gave the heritage, to go on, this is the kind of thing that has to be taught in childhood.

"The three R's are O.K., but I was taught the three H's. First, how to use my head, then to learn to use my hands. Hands aren't just for powdering your nose and feeding your face, they are to serve others as well. Then, to whatever endeavor you set yourself, you must add heart. You can't do things just with the idea of just getting by . . .

"And there are some other R's that are important too. But parents aren't teaching their children these today. The kids are demanding their rights, but before rights, there is this: reason, responsibility and how to remember others. Then comes your rights and rewards."

While her kitchen is in the country, Mrs. Reick doesn't intend to stay "way back off the main highway . . . what I'd really like is to have some businessmen back me so I could open a small plant and diversify . . . and sell my things right there.

"The trouble now is that my business is really only word-of-mouth and it's seasonal . . . I wish people would think of ordering things for other holidays, like Easter, or even give me my orders in July. Big companies usually know then what they're going to spend for Christmas." . . . among her regular customers are several companies who send her fruit cakes and puddings to their employees and to those in the service overseas . . . "one of them is a very exclusive New York store."

Can she "diversify?" "Oh, my yes, honey, I make seven kinds of chicken dinners, from foreign recipes and I can beat the socks off that Colonel with my fried chicken, but I just don't have the time and the storage facilities now to do it.

"My mother told me when I was a girl that I might never get to travel around the world but I could learn something about all the peoples of the world if I tried their way of cooking.

"I've been interested in foreign cooking ever since. I have a lot of cook books but I usually make my own changes, nine times out of ten I'll improvise."

Mrs. Reick says she cooked her first meal when she was 10 years old . . . "it was steak, on an old iron grill on the coal stove, mashed potatoes and salad" . . . but she's done a lot of things that took her out of the kitchen too.

"I've done more things in my life, honey, than I care to tell about . . . I was an R.N. for a long time . . . during the Second World War I taught Red Cross classes in Washington, D.C. and one year I was in charge of their whole campaign. I formed a political club once and ran it . . . no, I won't tell you where it was or which side it was on. I worked for the Philadelphia Record for a while inside and then I ran to all the fires.

"My husband was an architect, but he was also an artist, I used to pose for him a lot . . . that's my portrait over there. I told him at the time that I looked like an old sourpuss, but he had started to paint it from a passport picture."

In the 1940s the Reicks were frequently guests of Congressmen and foreign ambassadors—her husband was the chief architect to the superintendent of the Memorial Division, Army Quartermaster Corps—"we had a real coterie of friends then, but most of them are dead now."

In a quiet, pleasant voice Mrs. Reick related how her country kitchen in Calvert County came about.

"In 1946 Bill, he was a World War I veteran, had so much trouble with his ulcer that he had to resign. He was too proud to go to Veterans' Administration and ask for money, so for nine years we lived on our savings. Then it was gone and I went to the VA and said, look you've got to save this man's life. They did, but took half his stomach away and wired him back together. We couldn't stay in D.C. on $66.15 a month so we began to look for a country house.

"In 1955 we found this house, it was run down but we knew we could fix it up . . . so with his knowledge and my strong arms we did it.

"We always had given my dark fruit cake for Christmas gifts, even to Congressman . . . so I said, if they like it so much, why not sell it?

"That's how it began, friends told friends . . .

"We went to the FHA for a loan to buy some equipment and then we went to the Small Business Administration for another loan to put in a cold storage room. On April 8 we got the money and the next day, we were working under the corner of the living room . . . the man who had built the house hadn't done a proper job with reinforcement, but we didn't know that. Bill walked under the floor and the cinder blocks came apart and fell on him and he had a massive heart attack . . . with all those wires they couldn't give him a heart massage.

"No, I'm not bitter. It's not healthy to be bitter, that's how resentments grow into catastrophes. I feel a great loss, Lord how I miss him . . . but I don't feel any bitterness . . ."

And she smiled and said, "let's go down to the cold storage room . . . I can make cakes all year and keep them indefinitely down there."

The room is reached via a narrow stairway from the kitchen. Inside the temperature is maintained at 40 degrees—and the pleasant aroma of fruit cakes liberally doused in rum, brandy and bourbon fills the room.

"I don't use any artificial preservatives or additives in any of my cooking . . . I use rum, brandy and bourbon on the cakes and if I don't sell them all, I go back down in the summer and give them all another good spray."

Shelves, covered in bright foil, rise to the ceiling—they were loaded with fruit cakes, each tiny package carefully wrapped, "they all weigh a pound."

Jars of nuts stood on other shelves along with some freshly made peanut butter, some canned tomatoes and peaches.

"Those are just for my own use."

Stacks of supplies were on other shelves . . . several boxes of dates from Iran stood in a corner . . . "I use the best, those are only allowed in the country once a year so you can imagine the trouble that is."

Back up the stairs again . . . "You've got to watch your head, the ceiling is low" . . . she talked about the future: "I would like to sell these all year around, there's plenty of room in the cold storage room . . . the trouble is not many people even know there is a Lower Marlboro."

Year around sales would aid Mrs. Reick in paying back the loans she and her husband obtained . . ."Oh, my, honey, one has six years to go yet."

She adds, "my things really ought to go over, people are so fed up with the ersatz and the artificial . . . you'd be surprised what's in some of the food you buy. But nothing beats good honest home cooking. I learned as a child to cook that way, I can even make wine if I have to . . . I'd love to have that plant, I'd give some of the men coming home from Vietnam jobs.

"Someone came here awhile ago and wanted me to convert to health foods. They bought some organic dates, at $1.15 a pound. I think this is really just a fad, and it's much too expensive for me. But you don't have to cook that way.

"If people would learn how to cook it would be a happier world . . . I believe a lot of Americans go to bed hungry, they eat junk, soft drinks, hot dogs, french fries . . . no wonder our digestion is going in this country!"

When she has a spare moment, Mrs. Reick likes to watch television . . . "I go to sleep watching it" or enjoying the Calvert County countryside. "It's really very lovely around here, and the moonlight, we have the prettiest moonlit nights in the state.

"A few months ago I was crabbing on our little pier down the road . . . this used to be a famous port you know, a long time ago. It was around midnight and the new moon was very low, it reflected in the water and then I turned and looked back at the trees . . . they were ablaze with millions of lights like flickering fireflies. It was a gorgeous sight!"

As she walked to the door, she pointed to two framed certificates in the dining room——"I'm real proud of them. We won two awards, in 1967, the 17th annual International Paper Box Manufacture's Association. There were over 4,000 entries and only eight people won two awards . . . for the box as well as the contents."

She opened the door and commented "I'll have to start early tomorrow and make some more plum pudding.

"Oh, my, yes honey, it'll take me all day . . . well come back again . . . you know, I put this plastic on the door myself this year, think I did a good job too."

The door was closed and she went back to her kitchen heated by the old coal stove . . . she'd been a little embarrassed by that stove, she apologized for not having it polished, "but you can't buy the good Vulcan polish anymore . . ."

HOUSE CONCURRENT RESOLUTION 172—A BILL URGING HEW COMPLIANCE IN THE DISTRICT SCHOOLS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. RARICK. Mr. Speaker, yesterday, I introduced House Concurrent Resolution 172, a resolution expressing the sense of Congress that Federal officers and employees residing and working in the District of Columbia should send their children to the public schools of the District of Columbia.

The resolution has been referred to the Committee on the District of Columbia. I am hopeful, since so many members on the committee are interested in racial balance, equality of education, and the future of the District, that early hearings will be held and the resolution unanimously adopted.

The District of Columbia Superintendent of Public Schools, Hugh J. Scott, has reportedly warned that a state of anarchy exists in the District's 190 schools, 51 of which do not have any "other"—non-Negro—students in attendance. At present, of the total student enrollment of 143,763 there are 136,364 Negroes; 60.3 percent of the "other"—non-Negro—are enrolled in 14 schools, at which schools the "other"—non-Negro—students constitute at least 50 percent of the enrollment.

If the present Health, Education, and Welfare guidelines and court rulings under which public education in my district must operate were to be equally applied to the District of Columbia school system, all Federal funds would be immediately cut off.

Since many of the HEW bureaucrats, legislators, staffs, and members of the judiciary responsible for the crisis in public education live or work in our Nation's Capital, I feel that they should participate in the war for egalitarianism for themselves. Adoption of this resolution would help pave the way to HEW compliance as well as forced racial balance in the District. The entire country would profit—at least by experience gained firsthand.

In this way, Washington, D.C., schools might better serve our Nation as a model in experimentation and laboratory education.

The text of my concurrent resolution follows my remarks:

HOUSE CONCURRENT RESOLUTION 172

Resolved by the House of Representatives (*the Senate concurring*), That it is the sense of Congress that each officer or employee of the Federal Government who is residing and working in the District of Columbia and who has a child qualified to attend an elementary or secondary school should send such child to an elementary or secondary school in the public school system of the District of Columbia.

ADVICE TO THE PEACENIKS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WYMAN. Mr. Speaker, restraint is needed in balancing public interest in military operations in Southeast Asia with risk to fighting men in the field from having the enemy know too much in advance about our plans and objectives. Some of the news stories of late have virtually been a blueprint of the tactics, strategy, and objectives. This presents a very real danger to our fighting men.

The following remarks by the able columnist, Ralph De Toledano, appearing in the Manchester Union-Leader on February 16, 1971, are of interest in this connection:

ADVICE TO THE PEACENIKS

(By Ralph De Toledano)

Truly, the American people are long-suffering. Or else something has atrophied in our moral character. At another time, much of the country would be up in arms over what has been going on in Washington and on the front pages. I refer to the frightening display of irresponsibility which led Senators overcome by a sense of their importance, the electronic press, and some newspapers to risk the lives of Americans and their allies by focusing attention on Indochinese operations which for standard—and correct—military reasons were being kept secret.

One scene I will never forget is that of a TV newsman shoving a mike at Defense Secretary Melvin Laird and demanding to know the details of plans on which there had been a blackout in South Vietnam. If I were running the Communist world's Intelligence network, I'd fire most of my staff and rely on what I could read in the American press or see on American television. Enough could be read between the lines of what our press and the Fulbright clique-claque were spouting to fill in the picture. Espionage, let it be noted, is no longer a job for Mata Hari. It consists of fitting small pieces of a jigsaw puzzle together—and Hanoi's Intelligence corps must have had a ball as it picked up every little shenanigan of those who wanted to "expose" the Nixon Administration.

It seems to me that even the most dedicated peacenik would realize that this washing of military plans in public can only lead to the deaths of Americans and American allies. It's as simple as that, especially since the peaceniks assure us every hour on the hour that they are fighting for surrender in Vietnam to save American lives. No one will know how many people are being killed today because the enemy was forewarned by the brouhaha in this country.

Were it not being said in and out of print by some of Washington's most respected columnists and newsmen, I would hesitate to make the point. But it has become obvious that the old rules of political and journalistic behavior no longer apply.

Those who brought President Johnson low and are hoping to do the same to President Nixon have one thing in mind. They truly want to see terrible American defeats in Indochina so that they can leap to their feet in righteous indignation and chant, "We told you so." Few of them know and none of them care that the most difficult military operation is one of planned withdrawal. If the Nixon Administration's program for pulling our combat troops out of Vietnam is badly handled, many thousands of American boys will die.

There is only one way to achieve a safe pullback and that is to keep the enemy off balance. So far Mr. Nixon has been able to accomplish this, but certain elements in the press and the Congress are inexplicably determined to force him to tip his hand. The President may have faults, but lack of courage is not one of them. And so he will push ahead to get us out of a war which would have long since been won had not the peaceniks imposed impossible conditions on its conduct.

I suspect that Richard Nixon must look back with nostalgia to the day when a Republican Senator, Arthur Vandenberg, put aside his isolationism and his partisanship to support a Democratic President faced by tremendous foreign policy problems. There are no Vandenbergs in the Senate today, only Fulbrights and Kennedys, and McGoverns. Once upon a time, politics stopped at the water's edge—but no longer. And so Mr. Nixon must cope with a highly complex situation overseas and a highly nasty one at home. If he tries to explain to the American people what is going on, he is accused of playing politics. If he remains silent, then he is accused of trying to keep the American people in the dark.

There are enough adult Americans today who served in the armed forces to understand just what the Roman holiday of press speculations did to us. But these Americans have remained silent. I wonder why. Many of them have sons in Vietnam—sons who may be killed because of what has been happening here. I would like to know why they have not bombarded the Senate and their local press with indignant denunciations.

"CONTRA COSTA COMMUNITY FORUM ON LOCAL NEEDS AND NATIONAL PRIORITIES"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WALDIE. Mr. Speaker, recently a forum was held in my district to discuss the issue of national priorities and the need to reevaluate our present system of priorities to better serve their community and their Nation.

The forum's sponsors recently sent me a report of the proceedings which I feel may be of interest.

The report follows:

On October 3, 1970, the Contra Costa Community Forum on Local Needs and National Priorities was held at Diablo Valley College, Pleasant Hill, California. The purpose of this Forum was to stress the need for a review and re-ordering of national priorities. The goal of the Forum was to establish a positive response between government and citizens as to our mutual needs.

Significant statistics were revealed regarding expenditures for the year ending June 30, 1970; i.e., for each of the 160,000 families in Contra Costa County, the Dept. of Defense spent $625 for defense purchases and $215 for defense payrolls. The total expenditures of health, education and welfare (including Social Security) came to only $345 per family. Thus, we spend $840 for war and only $345 for local social needs.

The Forum consisted of six workshops whose objective it was to examine in depth the unmet needs of Contra Costa County. They were: 1) BUSINESS, chaired by specialist Fortney Stark, president of Security National Bank and prominent civic leader. "Business slowdown in the county is due to the anti-inflation squeeze (higher unemployment, hence less buying). The underlying cause for the business recession is the Indochina War. Expenditures in Vietnam last year were 30 times more than federal grants for urban renewal;" 2) LABOR, chaired by specialists Jack McCormick, labor representative with Western Graphic Arts, Local #4, and Laurence P. Corbett, attorney and labor negotiator representing management. "Employment in the broadest sense is the challenge of the 70's to labor and management in answering national and local needs. No longer can the unions strive only for high wages and improved working conditions for the employed union members.

Labor and management must demonstrate responsibility to the public by developing new jobs for an expanding work force, by providing new job training for workers displaced by automation or cutbacks in military expenditures, and by opening without discrimination equal job opportunities to minorities, including acceptance in apprentice and training programs as well as promotion to executive and administrative positions. It is time for labor and management and the government, where appropriate, to prove that employment problems can be more effectively resolved in a peacetime economy than in times of war"; 3) EDUCATION, chaired by specialist Paul Phillips, instructor in Economics and History at Contra Costa College. "There is a need for individualized education and for changing the present system of public education to provide students with alternatives. Two or more public systems should be open to choice of each student, and such systems should differ widely in curricula, methods, and organization of facilities. This will cost money, but perhaps our survival depends upon these changes"; 4) LAW AND ORDER, chaired by specialist Eugene Swann, Executive Director of Legal Services Foundation, Instructor of Economics at San Francisco City College, University of California at Berkeley, and Contra Costa College. "The American system of justice is under tremendous strain to provide a means of orderly change and progress. Dispute as to the proper and future role of law enforcement and justice is reflective of the dispute between our local needs and national priorities. Thus, resolution of 'law and order' problems can only be made within the large context of resolution of our national goals and purposes"; 5) ECOLOGY, chaired by specialist Cliff Humphrey, founder of Ecology Action which has some 200 chapters across the nation. Mr. Humphrey is the author of several articles and the Campolindo High School text book entitled "What's Ecology" "Discussion of some of the major environmental problems in the County with particular emphasis on the County's master plan, the relationships between taxes and growth, the institutionalized growth bias as characterized by the Baldwin Channel Project—a publicly financed project serving special interests which represents a major environmental threat to both the Bay and Delta regions. Some effort will be made to suggest the tremendous positive potential for county government to act immediately in solving the environmental crisis"; 6) SOCIAL PROBLEMS, chaired by specialist William O. Smith, Minister of Valley United Church, past Chairman of Economics Opportunities Council, recipient of Contra Costa County's "Citizen of the Year" Award 1969. "Bring low income families up to a living standard that allows them to live decently. This will require an expenditure of over $44 million for some 26,000 low income families in the County. The County needs at least 15 'Discovery Houses' at a cost of $500,000. A new Juvenile Hall is urgently needed as well as a reception center for youth who are having problems living in their present families—at a cost of $2.5 million. None of the above figures includes the needs of mental and physical health programs, recreation and open space, penal rehabilitation, etc., but with $70 million—the cost for conducting the war in Vietnam for one day—we could deal creatively with the social problems that confront us."

The keynote speaker, Alvin Duskin, local dress designer and manufacturer and well-known for his involvement with the plight of the Alcatraz Indians and the Peripheral Canal project, made the following significant remarks: "The United States, which has long possessed the military power to destroy the societies of any combination of potential enemies—continues to spend about $80 billion a year on 'defense'. Despite the first serious effort by Congress since World War II to review and reduce defense expenditures, the largest single slice of the federal budget continues to go for the military establishment rather than to meet human needs. The concept of re-ordered priorities may have growing support, but it does not yet have the political muscle to overcome formidable resistance. The militray-industrial complex, an unsympathetic Administration, and a public which is largely satisfied with the status quo (except for resentment against high taxes and high prices)—all combine to create serious resistance to change. The need now is to develop throughout the country a broadened base of political support for the concept of re-ordered priorities. Until this broadening takes place, the forces of change will probably not prevail."

The CONTRA COSTA COMMUNITY FORUM ON LOCAL NEEDS AND NATIONAL PRIORITIES was one of 90 such town hall-type meetings held throughout the country as part of a project started by the Coalition of National Priorities and Military Policy headquartered in Washington, D.C.

VOLPE WARNS HEARNES ON BILLBOARD STATUTE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. SPRINGER. Mr. Speaker, I attach herewith an excellent article by Mr. Louis J. Rose, Jefferson City correspondent of the St. Louis Post Dispatch of February 14, 1971.

The Secretary has certainly taken a firm position on this matter and in this he is backed up by the law. Any State has the right to do whatever it wishes. However, if it refuses to stand by the billboard provisions of the present law then the Secretary is forced to deduct the 10 percent from that State's allotment.

Many of my colleagues may not be familiar with this law and I am inserting this article with the purpose of enlightening many Members of Congress as to what has to be done:

VOLPE WARNS HEARNES ON BILLBOARD STATUTE

(By Louis J. Rose)

JEFFERSON CITY, February 13.—Secretary of Transportation John Volpe has warned that Missouri will lose nearly $12,000,000 in federal road aid if the state fails to strengthen its billboard control law this year.

Volpe, in a letter this week to Gov. Warren E. Hearnes, said that if the present state statute was not revised to conform to federal standards he would have no choice but to reduce the regular federal road apportionment to the state by 10 per cent.

He indicated that Missouri would have until next Jan. 1 to enter an agreement with the Federal Government regulating the size, spacing and lighting of roadside billboards.

"I intend to take a strong and personal interest in the highway beautification program, particularly as it relates to billboards," Volpe told Hearnes. He said it would be necessary for Missouri to revise its billboard control legislation to be eligible to execute an agreement with federal officials.

Under federal law, states such as Missouri that have failed to conform have been subject since 1968 to a possible 10 per cent reduction annually in federal road aid.

Volpe and his predecessors, however, have never imposed the penalty on delinquent states because of the failure of Congress to provide adequate funds for the Federal Government to carry out its part of the regulation agreements.

Volpe, however, made it clear that no further delays would be allowed.

"I am lifting the moratorium which has been in effect for about three years," he declared in his letter to Hearnes.

Missouri's present billboard law was enacted in 1966. It failed to win the approval of Washington officials because of a provision that sought to give county courts, which are administrative bodies, the power to allow billboards along Missouri highways in unzoned areas.

Federal officials reportedly wanted changes in provisions on spacing of billboards, but this was not viewed as a major hurdle.

An attempt was made in the 1967 Legislature to bring the Missouri statute into line. A bill to achieve this was offered by Senator Robert A. Young (Dem.), St. Ann. It cleared the Senate, but was killed by the House Committee on Roads and Highways, which was headed at the time by Representative Ruben A. Schapeler (Dem.), Butler.

Schapeler, an opponent of tight billboard controls, was defeated when he ran for reelection in 1968. The committee is now headed by Representative Walter L. Meyer (Dem.), Bellefontaine-Neighbors.

At the request of Robert L. Hyder, chief counsel for the State Highway Commission, Representative Meyer has introduced a bill to revise the 1966 measure.

Meyer's bill would delete the provision authorizing county courts to exercise zoning authority and would set the minimum space between billboards at 300 feet, rather than the 150 feet under the present law.

"By far the great majority of all billboards and signs along our primary and interstate highways in Missouri are unlawful," Ryder told the Post-Dispatch. "We can't enforce the law because we can't use state road funds for enforcement."

Hyder estimated that there were 10,000 roadside billboards and signs for which no state permits had been issued or that otherwise violated the state statute. In the vast majority of the cases, Hyder said, the signs could not be licensed under provisions of the law and would have to be taken down.

When the 1966 bill was passed, the plan was to use revenue from the permit fees, together with special federal funds, to compensate owners for removal of billboards that had been lawfully in existence before the bill was passed.

But the federal funds, which had been expected to pay about 75 per cent of the cost of the program, were not forthcoming in the amounts indicated. The Federal Government then was forced to put a moratorium on its plan to impose a 10 per cent penalty on states that failed to comply.

Opponents of strong billboard controls have testified at legislative hearings that the state would lose millions of dollars more by such control than it would lose by noncompliance. This point has been made repeatedly by spokesmen for the billboard industry and operators of restaurants and other businesses dependent on outdoor advertising.

Some opponents have cited a report in which two Washington University professors estimated in 1967 that full compliance with federal billboard removal rules throughout Missouri could mean an economic loss of $42,000,000 to $100,000,000. The two professors, Martin L. Bell and Richard F. Wendel, concluded that the economic costs to the state would exceed the benefits.

U.S. LATIN AMERICAN POLICY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WYMAN. Mr. Speaker, the time-honored Monroe Doctrine is being observed more in the breach than the observance. As pointed out in the following article, after a decade spent quietly watching the Communists steadily increase their influence in the Western Hemisphere, public officials are now rushing to express outrage over the harassment of 17 commercial fishing boats by Ecuador.

I agree we should not take lightly the seizure and fining of American boats for fishing in waters generally recognized as the high seas. I believe it to be tantamount to an act of piracy and intolerable.

But for the past 10 years this Nation has tolerated the Soviet Union arming Cuba—a scant 90 miles from our shores. We are now witnessing the completion of a Russian nuclear submarine base on that island which will effectively double the size of Russia's submarine fleet operating in the Atlantic.

Mr. Speaker, I ask, as does Virginia Prewett in the following article that recently appeared in the Washington Daily News, is this the commonsense policy that has protected this Nation from the threat of foreign intervention for the past 150 years?

Congress Could Worsen Problem: Tuna Obscures Bigger Issues

(By Virginia Prewett)

Storm signals warn that it is high time for the U.S. press, our Congress and the White House to take a hard look at the way our hemisphere relations are drifting.

From the excitement it generated, you would think the biggest thing happening in Latin America is that Ecuador has seized and fined U.S. tuna boats. Yet Russia is moving into Cuba with increasing military strength. And for the first time, Russia's allied political organization has entree—thru Chile's government—into ruling a South American mainland country.

The implications of the latter developments completely dwarf the fishing dispute. Yet the California State Senate has called on our Navy to protect U.S. tuna boats. And two measures have been rushed into the legislative hopper on Capitol Hill that can escalate the fishing dispute into a major hemisphere brawl.

REPRISAL MEASURES

One bill says the U.S. should take back from a country that seizes our fishing boats any naval vessels we may have lent to it. Peru and Ecuador have several small work vessels on loan, and Chile has two.

The second proposes that when a country seizes a U.S. fishing boat, the U.S. should deny its fishery products entry into our market. If this law is passed and applied to Peru, it will hurt that country badly.

The introduction of bills into Congress does not mean they will actually become law. But these two proposals reveal a toughening attitude toward Latin American problems.

The tuna fishing controversy involves the law of the sea. Its ramifications are far too broad for Congress to attempt to legislate details. If our diplomats are to keep the whole issue—and our Latin American relations—out of a damaging tangle, Congress must leave them room to maneuver and not pass laws inflaming the situation.

I am not arguing that the U.S. should give in on every Latin American problem. But if we start to get tough, we must single out the key problem to get tough on—and not let tremendous hemisphere interests go down the drain on an issue far from the heart of the matter.

To start, we should review our whole Latin American policy in light of 1971's realities. Late in 1970, our National Security Council leaked that since Russia now has either parity or superiority to us in nuclear arms, we must envisage that they may one day decide to roll over Western Europe with conventional weapons.

NATO nations were pressured to promise $5 billion for conventional arms in coming years on this basis.

Now if Russia may or can roll over Western Europe with conventional weapons—and if this is not a possibility, then our National Security Council should be fired—this would catch us with Russia in Cuba riding our sea communications between our West and East coasts and between our industrial plant and important Latin American sources of supply.

And we propose to get tough in Latin America because Ecuador fines 17 fishing boats?

EMERGING NEW BLACK POLITICS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. CLAY. Mr. Speaker, in the most recent days since the President's state of the Union address there has been considerable discussion, speculation, and dialog over the motivation, the wisdom, and the impact of the 12 black Members' of the House decision not to attend the address. Unfortunately, for the Nation—the division has been primarily along racial lines. Mr. Speaker, it has become quite apparent to black America that a new black politics has emerged. The Nation as a whole does not have the slightest concept or understanding that a black political revolution has reached fruition.

Mr. Speaker, for the benefit of my fellow colleagues who are reputed to be the most knowledgeable, most astute political analysts in the country, perhaps my discussion of this matter might give them more insight and more appreciation of the actions some black Members of this body may take during this session of Congress.

EVENTS LEADING TO PRESENT STATE OF MIND IN BLACK AMERICA

The plight of the black man in America has been to endure one crisis after another. The killing of black students at Orangeburg, S.C., and at Jackson State College in Mississippi, the murders of Medgar Evers and Dr. Martin Luther

King, the dismissals of black teachers and principals in school districts forced to integrate by court orders, the jailings, and persecutions of Malcolm X, H. Rap Brown, Stokely Carmichael, the national plot to annihilate the Black Panthers, the scheme by the FBI to embarrass and disgrace Dr. Martin Luther King are by no means isolated and unrelated incidents. They are an integral part of American past, present, and perhaps its future unless blacks themselves decide certain basic options and alternatives to the traditional reign of terror under which we have lived.

It is crystal clear in the minds of most black Americans that the aforecited realities are inherently a substantive part of the racism that has always existed in the United States. All of the mentioned racial atrocities are a continuation of the eras of mass lynchings, bombings of black churches, intimidation of black voters, police brutality against black citizens, and the exploitation of black labor.

The pent up feelings under which we as black Americans have lived for so many years can no longer be tolerated. We no longer feel compelled to nurture these frustrations in silent obedience or to accept this unjust state of affairs.

Black Americans today are in the business of relating small instances to the whole picture. Underpaid black garbage workers in Memphis and Atlanta and black tobacco workers in South Carolina and North Carolina who are forced to labor under the most unsanitary, inhumane conditions imaginable are now projected into the overall black conclusions about life expectancy for our race and reasons for our low-median income. A bank which employs 25 black people but refused to finance black businesses and homes is viewed exactly in that light. If a TV or radio station hires a black newscaster but is selective about the news he can cover, the black community readily sees the inequity.

As responsible elected black officials with a mandate to articulate the needs of our constituencies, we would be derelict in our duties to do otherwise. We cannot join the voices of those in America insisting upon social order on the one hand without insisting on social justice on the other. Until social order rests on the reality of social justice—order will always rest on very tenuous grounds. If this Republican administration and this Democratic Congress do not address themselves to the urgent, critical problems of black and poor Americans and respond adequately and with dispatch—the explosive mixture of circumstance, tension, and hopelessness which lays bare our Nation to spontaneous combustions will continue to exist.

THE NEW BLACK POLITICS

Mr. Speaker, at one time the politics of blacks was based on the theory of appeasement of the white majority. Today, I inform my colleagues that the old black politics of accommodation has been replaced by the new black politics of confrontation. Those providing the leadership for the new black politics must possess three fundamental qualities.

They must have a deep sense of personal commitment to the concept of justice and equality at any cost; a relative degree of political independence and equally important the attribute of political integrity.

The new black politics demands a reevaluation of the old concept that "what is good for the Nation is good for minorities." Those who embrace the new black politics must couch their thinking in the fundamental concept that "what is good for minorities is good for the Nation." This position out of necessity requires the development of a new political philosophy for blacks. That philosophy must be practical and selfish—the same as all others that presently exist in this country. Black politics must start on the premise that we have no permanent friends, no permanent enemies, just permanent interests. In matters strictly of a political nature, we must be determined to "take what we can, give up what we must." Those in politics who disagree with this approach should first analyze the composition of their own philosophy and if it does not parallel ours—they are qualified to disagree.

Mr. Speaker, the second qualification for the new black politics is a relative degree of political independence. Those black politicians who are subservient to white controlled political machines cannot possibly stand the kinds of pressures which will come when the new black politics launches the campaign for total black equality in all areas of American life. This is not to say that blacks in politics cannot have a reasonable, legitimate coalition with white politics. To think otherwise would be absolute folly. But the kinds of techniques necessary to employ at this stage in black politics must be abrasive, retaliatory, obstructionist—all of which may be offensive to whites, even white liberals. Without political independence or a deep sense of commitment the pressures will be too great and some "colored" politicians may not be able to stay in the kitchen.

The new black politics will cast the traditional white liberal in a new and perhaps uncomfortable role. For many years now the white liberal has planned, strategized, organized the fight for racial justice in this country. He has determined the priorities, the issues, the battle plan, and the time of execution. He has skillfully involved many forces into the fight and has provided dedicated leadership in helping to create the national climate for racial change. But now he is confronted with the possibility that blacks will be planning, directing, and leading the onslaught. The question is—can the white liberal follow the lead of blacks who have followed them for so many years? This question should be answered in the 92d Congress.

Mr. Speaker, I hope that this brief explanation has helped to enlighten my colleagues and perhaps provide some basis for them to understand certain actions on the part of black Members of this House. I am enclosing three articles—two of which appeared in the Chicago Sun on January 27 by Charles Bartlett and Ed Williams and the third dated February 6 by Howard Woods in the St. Louis Sentinel—which might further elaborate on the subject.

The articles follow:

THE BOYCOTT OF THE PRESIDENT

(By Howard B. Woods)

I have had many conversations with many of my friends, black and white, regarding the boycott of President Nixon's State of the Union address by the twelve black congressmen. It has had a lot of debate here principally because the idea was conceived by Missouri's Bill Clay, the Democrat from the First Congressional District. Some of my more activist black friends argue that the boycott would have been much more effective if the twelve would have walked out on the speech instead of the previously announced snub. To this one would have to disagree. This was the Congress of the United States and the President. Regardless of the cause, no brownie points could have been earned for a rash act of disrespect. Actually, the twelve discussed all aspects of what form the protest should take.

There are those, black and white, who felt even the snub was totally disrespectful. Many whites especially say that Clay now has an opportunity to "rise to statesmanship" but that he is muffing the opportunity.

Perhaps to place the act in better focus, I can quote from syndicated columnist Charles Bartlett, not one given to liberal views. Bartlett, a most respected and conservative pundit, wrote in his column of January 28, that the boycott was "a piece of political theatre by actors more anxious to shock than to enlarge the public's warmth for their cause."

"The script was not written for the white majority," Bartlett said. "Few enjoy seeing the President snubbed. It was not a totally honest script in that negotiations had been underway to produce a meeting between the President and the black bloc legislators. They are all Democrats and there is no tradition requiring the President to sit down with a militant band of opponents."

Bartlett goes on to point out that the boycott "although rude and unprecedented, plainly struck a responsive chord in black communities. Telephone checks around the country indicate that thoughtful Negroes usually adverse to such tactics were heartened by this one. They hailed it as a proper use of access to the headlines to register the widespread disillusionment with Richard Nixon."

The writer then says that the White House tried hard to get some significant blacks to speak out against the discourtesy, but could find no one. Bartlett said Whitney Young had some private criticism, but that entrepreneurs "like Philadelphia's Rev. Leon Sullivan, gilded beneficiaries of the black capitalism program, kept their silence."

With this, Bartlett goes on to explain some of the more positive approaches the President has taken and is taking to "abandon the ambiguous diffidence on minority problems which marked his first two years in office." These programs, Bartlett wrote "is shadowy stuff against the grim realities and deepening gloom in the ghettos. The usual pressures are compounded by two evils which eat at the social structure—unemployment and drugs. The victims," the writer said, "feel they are injured by a crime that is not evoking sufficient concern from the President."

Bartlett says pointedly to his white readership that the black legislative bloc is "far from foolish in their instincts." He pointed to the majority backing they gave Rep. Hale Boggs, Louisiana Democrat for majority leader.

This is the kind of maneuvering necessary on Capitol Hill if a legislator is to survive and still remain effective enough to serve his constituency at home.

THE PRESIDENT AND THE BLACKS

(By Eddie N. Williams)

It is a shocking revelation that for at least the last 11 months the President of the United States has refused to meet with the 12 black members of the House of Representatives about "the pleas and concerns" of their constituents.

According to a Capitol Hill source, the White House reply to the congressmen's request for an audience has been: "Can't fit you in our calendar. Will get back to you soon." Since the President didn't get back to them, they told him last week they would not attend the joint session of Congress to hear his State of the Union message. So they boycotted.

Now they are petitioning four national television networks and the Federal Communications Commission to provide equal time for them to respond to the President's speech. They charge that the President does not know the state of blacks within the American union and therefore cannot articulate their concerns, let alone respond to them. If their petition is denied, they will consider bringing a law suit against the networks under the fairness doctrine or staging their own state of the union presentation on the floor of the House.

The boycott and the lack of communication—even social—which it unearthed are most unfortunate because the President desperately needs reliable lines of communication into the black community. As the conflict itself suggests, blacks need greater access to the White House. Who's to blame? Blacks, because they have treated the President as a political leper? The President, because his style and programs do not excite their interest?

Perhaps it is politically naive for any group to think that its opposition to the election and programs of a President will be lost either on the man or his supporters. Yet the President, no matter who opposes him, is the President of all the people and his job is indeed to "bring us together," as Mr. Nixon promised to do in his inaugural. It does not seem reasonable that he can do this by refusing to meet with elected officials who say they speak for 25 million Americans. Nor can he do it by refusing to give national vent to their pleas and concerns.

One might argue that his dramatic State of the Union proposals respond in part to some of the major issues troubling the black community—health, employment and welfare, in particular. This would be true only superficially even if the proposals could get enacted into law.

By and large the President's message was an "institutional" message rather than a "humanitarian" message. His major concern was to make the systems work better. For many citizens, this would only mean a more efficient administration of present injustices and inequities.

It is certainly true that efforts toward efficiency as well as toward "power to the people," whatever that means, are worth pursuing, and they no doubt will help to improve the general lot of most Americans. In themselves, however, the President's proposals are pale substitutes for the moral and humanitarian leadership the President of all the people is expected to exert. This is the pointed reminder of the 12 black congressmen whose frustrations and bitterness stem not only from their inability to get on the White House grounds, but from their first-hand witness of the President's unhelpful actions in other areas, including voting rights, legal aid, health, education, and manpower programs.

Given the intensity of their feelings, it would appear that at the very time the President is trying to position his administration in a favorable stance with respect to Congress, he will have to contend with an aggressive flanking attack by the black members of the House of Representatives.

BLACK BLOC EMERGES AS NEW CHALLENGE TO NIXON

(By Charles Bartlett)

WASHINGTON.—The boycott of the President's address to Congress by 12 black lawmakers was a piece of political theater by actors more eager to shock than to enlarge the public's warmth for their cause.

The script was not written for the white majority. Few enjoy seeing the President snubbed. It was not a totally honest script in that negotiations had been under way to produce a meeting between the President and the black bloc legislators. They are all Democrats, and there is no tradition requiring the President to sit down with a militant band of his opponents.

But the boycott, although rude and unprecedented, plainly struck a responsive chord in black communities. Telephone checks around the country indicate that thoughtful Negroes usually adverse to such tactics were heartened by this one. They hailed it as a proper use of access to the headlines to register the widespread disillusionment with Mr. Nixon.

It was ominous that the White House, trying hard to get some significant blacks to speak out against this discourtesy to the President, could find no one. Whitney Young, highly controversial since he met with Mr. Nixon, delivered some private criticism. But entrepreneurs like the Rev. Leon Sullivan of Philadelphia, gilded beneficiaries of the black capitalism program, kept their silence.

All this took place despite solid signs Mr. Nixon means to abandon the ambiguous diffidence on minority problems that marked his first two years in office. His racial rhetoric has grown more positive. He noted the birthday of Dr. Martin Luther King Jr. this January and sent Spiro T. Agnew to talk with the black officials of Newark, N.J.

In addition, a paragraph calling for a national campaign to eradicate sickle cell anemia, a disease that afflicts 7 per cent of all blacks, survived eight drafts of the State of the Union message. It was edited out in the ninth draft because it seemed gimmicky to Mr. Nixon to make so much of a program that will concern a minority of a minority. But the campaign will go forward.

The new mood is displayed more significantly in expanded allocations to the programs that affect ghettos. The expansion is far short of the needs, but Mr. Nixon intends that his shared revenues will have a "scrambled eggs" effect in restricting discriminations against blacks by state and local governments. If it becomes impossible to distinguish federal funds from state funds after the two are mixed, the injunction that the President proposes against discriminatory use of federal funds will become applicable to all the money that a state spends.

But that is shadowy stuff against the grim realities and deepening gloom in the ghettos. The usual pressures are compounded by two evils that eat at the social structures, unemployment and drugs. The victims feel they are victims of a crisis that is not evoking enough concern from the President.

The black theater was calculated to make this point, and this is a technique the younger black legislators know well. Rep. William Clay (D.-Mo.), who conceived the boycott, won his political start by staging a sit-in at a bank. Rep. Ronald Dellums (D-Calif.) has the showmanship of a Billy Sunday. These men, less reserved than the others, may set the pace for the new black bloc.

They are far from foolish in the instincts. All but a few of the black lawmakers backed the successful race of Rep. Hale Boggs (D.-La.) for majority leader. Afterward a white liberal came up to Rep. Shirley Chisholm (D.-N.Y.) and said, "How do you feel, Aunt Jemima?" But she and the others had taken a prudent step toward enlarging their influence.

The black bloc is going to try to fill the black leadership vacuum. It will play to the black constituencies and it will often seem abrasive to the white majority. It has suddenly emerged as a new challenge to Mr. Nixon's leadership.

BOY SCOUTS OF AMERICA BUILDS CHARACTER THROUGH BROTHERHOOD

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mrs. GRASSO. Mr. Speaker, the Boy Scouts of America, which celebrated its 61st anniversary on February 8, is comprised of a noble group of young men who have made an early commitment to life through their brotherhood and scout troop activities.

The following letter from LeRoy Curry, scoutmaster of Troop 263, in Windsor Locks, Conn., reflects the scope and influence of these activities. The varied endeavors of the troops provide the town with valuable services. Their willingness to serve the community as scouts has been appreciated by all those around them:

BOY SCOUTS OF AMERICA—TROOP 263,
Windsor Locks, Conn.

DEAR MRS. GRASSO: This occasion, the 61st anniversary of the Boy Scouts of America, seems an appropriate time to examine the principal ideals of the Scouting program and focus on the way in which a typical Troop strives to attain these ideals. What are these Scouting ideals?

They are: Development of Character, Training in Citizenship, Building of Physical Fitness.

What is a typical Troop and how does it strive to attain these ideals?

I will use Troop 263 as an example because it has just been selected as the outstanding Troop among the twenty-five Troops in the towns of Bloomfield, East Granby, Suffield, Windsor and Windsor Locks. This award indicates that our Troop most nearly meets the standards of the Boy Scouts of America as established by the National Office in New Brunswick, New Jersey.

Troop 263 is sponsored by the Knights of Columbus, Riverside Council No. 26 in Windsor Locks, Connecticut. The Troop is open to boys of any race, creed, or color. The Troop Committee consists of 14 registered adults who solidly endorse and actively support the Troop program. Direct leadership is provided by the Scoutmaster and five Assistant Scoutmasters. Thirty-two boys are currently active in the Troop, ranging from 11 to 17 years of age and representing all ranks from Tenderfoot to Eagle Scout. The boys are organized into four groups or Patrols with a boy leader, the Patrol Leader, at the head of each patrol. A Senior Patrol Leader and his Assistant complete the boy leadership in the Troop. It is to the Senior Patrol Leader that the boys look for their most direct leadership. The boy leaders have been trained to run the Troop, receiving this leadership training locally as well as at the Charter Oak Council Courses at Lake of Isles Scout Reservation in North Stonington, Conn. In addition, the Assistant Senior Patrol Leader attended a Junior Leader Training Course at the SCHIFF National Scout Reservation in New Jersey last year.

How does Troop 263 strive to attain the Scouting ideals?

Character—Each boy in the Troop is expected to take the Scout Oath and Law as his own and to make every effort to live up to these ideals. He continues to build his character in meeting the challenges put before him in reaching his advancement goals. The boy learns to do his share in the Patrol, to get along with others and to accept responsibility. The following is an example of character development: "A Scouting family lost their mother recently. The Troop expressed its sympathy and each prayed for her in his own way. One boy, however, did not think this was enough so he arranged to help the family by visiting them once per week to talk with them and bring them some form of dessert baked by the mothers of other boys in the Troop. This young man received a tremendous satisfaction from helping this family adapt to their new way of life and vividly demonstrated the character development encouraged by Scouting. This young man is now an Eagle Scout, the highest award a Scout can earn."

Citizenship—The boys in the Troop have participated in numerous citizenship events through their community service projects and shows. For example, the Scouts have helped at the pools on election days, have helped community churches with cleanup and renovation and have helped the elderly and disadvantaged in the community. They have visited with the elderly, provided flowers to the elderly, contributed to food baskets for the needy at Easter and helped to teach the mentally retarded. As an emergency community service, the Scouts in the Troop cleared snow from fire hydrants in the Southwest area of the town after the hydrants had been completely buried by a series of snowstorms. For an Eagle service project, one of the boys led the Troop in collecting, packaging and forwarding foods to town servicemen serving in South Vietnam at Christmas. Another Eagle service project involved a renovation of the town Civil Defense Headquarters.

At present the Troop has four Eagle Scouts, each showing promise of responsible civic leadership. The first, Richard Dakin, is now in his third year at West Point Military Academy. The second, Dennis Gragnolati, is a Junior at Farmington College in Maine, an education major, and a nominee for "Who's Who". The third, Paul Olszewski, is a high school senior, largely responsible for the development of a youth center in town. The fourth, James Parry, is also a high school senior with an active interest in sports. Jim was an active member of the state championship soccer team and is currently president of the high school ski club. He plans to attend college to prepare for a career in forestry and ecology.

Physical Fitness—Physical fitness is a natural outgrowth of the program provided by the Troop. This program provides rigorous outdoor camping, hiking, backpacking, mountain climbing, skiing and whitewater canoe trips. More than 10 nights of camping are provided annually along with numerous hikes and other special events. Some of the camping highlights are related in the attached Troop newspaper. In addition, the boys in the Troop often backpack on the Appalachian Trail in Connecticut and Vermont. Many attended the week long wilderness canoe trip in which the Troop canoed the 97 miles of the Allagash Wilderness Waterway in Northern Maine, then climbed to the 5,267 foot summit of Mt. Katahdin, Maine, the northern terminus of the Appalachian trail.

This then, is an indication of the way in which one Troop reaches for the ideals of Scouting, as established by the Boy Scouts of America, sixty one years ago.

Yours very truly,

LEROY R. CURRY.

THE 50TH ANNIVERSARY OF MANCHESTER KIWANIS CLUB

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WYMAN. Mr. Speaker, the Kiwanis International is a federation of some 5,600 local clubs throughout the world dedicated to serving the needs of their respective communities. The attitude with which problems—both large and small—are met is summed up in the Kiwanis motto: "We Build." The activities vary from scholarship programs, to hospital additions, to assisting the elderly. But the end result is the same on community enrichment.

Founded 50 years ago this month, the Machester, N.H., Kiwanis Club has more than lived up to the expectations of its founders. New Hampshire's "Queen City' has benefited greatly from this outstanding service organization. It was Kiwanians who were responsible for building the "Kiwanis Auditorium" at the Manchester Girls Club. In addition, the Boy Scouts, the YMCA, the New Hampshire Industrial School, and the Salvation Army are but a few of the activities which have received financial assistance from the local club. The Manchester Kiwanis Club is known for much more than this, however. Its members are noted for their plain, old-fashioned neighborliness that offers a helping hand when and where needed.

This year the Manchester club has singled out two areas for community improvement. "Operation Drug Alert" has been mounted to stem the increasing misuse and abuse of drugs, and the club is also emphasizing the quality of the environment in an effort to protect New Hampshire's abundant natural beauty by curbing pollution and improving methods of waste disposal.

Kiwanis offers a community answer to the all too prevalent attitude of "let George do it." Thank goodness we have a "George" in the Kiwanis International who strives to build.

In light of the 50th anniversary of the Manchaster Kiwanis Club, I believe the following Reader's Digest article on the Kiwanis International is of interest:

THEIR MOTTO IS "WE BUILD"

(By Clarence W. Hall)

One scorching day in 1919, a sharp-eyed promoter named Allen S. Browne sat in an angry meeting and watched the features of his brainchild being altered beyond recognition. Four years before, in Detroit, Browne had put together a men's luncheon club called "Kiwanis," an Indian word meaning "To make oneself known." Dedicated to fraternal jollity and mutual profit gained from members' favoring each other's interests, the rapidly expanding club had paid its founder well: he owned it lock, stock and barrel.

But now, in this convention at Birmingham, Ala., delegates representing 138 clubs were in open revolt, demand radical change in the Kiwanis character. With community and national problems demanding attention everywhere, they reasoned, the "you-scratch-my-back - and - I'll - scratch - yours" motive for association had become repugnant. The club should devote itself to good rather than greed, to service rather than selfishness.

To Browne, such a notion was arrant nonsense, and he resisted manfully. Cried down, he settled for $17,500 for his rights of ownership, pocketed the members' personal checks for that amount and thereby relinquished all control. The victorious delegates promptly wrote a new Kiwanis constitution pledged to giving "primacy to the human and spiritual rather than to the material values of life." As a symbol of this pledge, they made the club slogan "We Build." Today, a half-century later, Kiwanis International is spread around the globe. 275,000 members in 5600 clubs in 29 countries, each member charged with being a VIP—Kiwanis parlance for a "very involved person."

Optimistic by nature, Kiwanians believe that this is a good world, but it can be made better by voluntary action. Thus, facing a need, they spend little time decrying it or calling for government action. They simply ask, "What can we do about it?" And then they do it.

For example, at one of the weekly Kiwanis luncheons in Phoenix, Ariz., three years ago, Juvenile Judge Jack D. H. Hays told of the tragic lack of effective correctional facilities for youths. Convicted of minor crimes, youngsters were either being sent to tough prisons among hardened criminals or being released in parents' custody with only a reprimand. Either measure, said the judge, only encouraged more crime. Needed was a special disciplinary facility where erring youths could be given a correctional jolt without taking them out of school or totally away from family. The trouble was: Maricopa County had no funds for such a project.

Phoenix Kiwanians scooped up the gauntlet, enlisting nearby clubs to help. Result: a fine new $60,000 detention center where the erring young spend after-school evenings and weekends, subject to skilled counseling plus work assignments related to the problems that got them in trouble in the first place. For example, reckless drivers do hospital work with traffic-accident victims, and vandals make improvements in local parks and playgrounds. The unique institution has attracted nationwide notice.

Of paramount interest to Kiwanians is the encouragement of responsible citizenship—in themselves and others. Mindful that good government begins on the local level, more than 96,000 Kiwanians in the United States and Canada serve without pay on governmental boards of their own communities.

Kiwanians also believe that good citizenship requires quick response to human needs. Commanding many clubs' attention now is the plight of elderly people caught in the squeeze between meager pensions and constantly rising living costs. To meet this need, Kiwanians in Sandusky Bay, Ohio, set up Sandusky Bay Senior Citizens, Inc., a nonprofit corporation, in 1966. This done, they obtained a long-term federal loan of $2,075,000 and erected a ten-story building including 153 living units, plus an activities center for the entire community. Similar projects have been pushed by Kiwanis clubs in such places as Hamilton, Ontario; Charlotte, Mich.; and Tiffin and Dayton, Ohio.

Crippled children have always moved the Kiwanis heart. One of the most ambitious efforts is a foundation established in 1951 by Kiwanis' Illinois-Eastern Iowa District to underwrite research aimed at uncovering the hereditary causes of spastic paralysis. Originally backed by Kiwanis pledges of $190,000, and now maintained by annual donations, the foundation works with Chicago's Children's Memorial Hospital and the University of Illinois College of Medicine in developing techniques to prevent spasticity.

Not all Kiwanis projects relate to sizable groups. Consider the case of Mary Tomlin, a housewife in Rockmart, Ga., who suffered third-degree burns over a large part of her body when a bottle of solvent exploded. Although her life was saved, her recovery depended upon months of intensive care and many costly skin grafts. The family savings account was soon exhausted by hospital bills running to $1700 a week. Rockmart Kiwanians organized the "Mary Tomlin Fund," employed such fund-raising schemes as band concerts, rummage sales, paper drives and community barbecues. By late September 1968, total proceeds reached $11,000—with Mary Tomlin recovering and every bill paid.

Of all Kiwanis concerns, none has been stressed by more clubs than work with youngsters. Nine years ago, for example, Kiwanian Clifford Rothrock, a school administrator in Anaheim, Calif., took the problem of troublemaking students—many of them underachievers, most of them potential dropouts—to his club. "I know these boys," he said. "In their defiance of teachers and police they are simply grandstanding, trying to get recognition that their grades can't give them."

Heads together, Rothrock and his Kiwanian colleagues came up with a program called "Service Gents." Recruiting the troublemakers was difficult at first, but a number finally responded. Their first project was to design and build a recreational area for their school. Once started, the Gents gradually grew enthusiastic, doing all the sodding, seeding and cement-laying themselves.

From there, the Gents dreamed up their own projects: ushering at school plays, painting litter containers, planting trees and shrubs on school grounds, repairing school property, cutting lawns for the elderly, painting houses for the infirm. Their Kiwanis sponsors counseled them on personal and home problems, tutored them in their studies, invited them into their homes. The Gents program proved so successful that it was adopted on nine campuses of the sprawling Anaheim Union High School District. It has contributed significantly to the district's lower dropout rate, which averages ten percent—well below the national average of 24 percent. Moreover, since its founding in 1960, many of the Gents have gone on to college or into responsible careers.

Seeking to motivate high-school students toward academic excellence and future leadership, the Kiwanis club at Quincy, Ill., in 1959 formed the "Society for Academic Achievement," designed to be the high-school equivalent of Phi Beta Kappa. The society has since spread to 12 states, involving more than 9000 students and 600 faculty members.

Many other clubs have established college scholarships—more than 18,000 of them in a single recent year. And when the Kiwanian principal of a high school in Pittsburgh, Pa., pointed out that "there are many young people whose inclinations and qualifications indicate a need for education other than college," his Kiwanis colleagues in 1964 set up a loan program to give scholarships at technical training institutes. The result, according to one prominent educator, was that "scores of young people have been turned from a bleak future as manual laborers toward lucrative and satisfying careers as skilled industrial technicians."

Out of its preoccupation with the young sprang Kiwanis' two lively youth organizations: Key Club International, for high-school students, and Circle K International, a college men's organization. Through them Kiwanis is raising a whole new generation of the concerned.

Key Club today has 92,000 members in 3500 clubs across the United States, Canada and the Bahamas. A sample project: In 1965, Key Clubbers at the Earl Warren High School in Downey, Calif., expanded a school project into a beautification campaign aimed at making Downey "the most attractive community in California." After 4200 man-hours, they had cultivated, weeded and trimmed flowering trees along a main boulevard; painted and landscaped welcome-to-the-city signs; repainted 270 bus-stop benches; cleaned, waxed and polished 42 city police cars; dug trenches for water lines and planted 800 shrubs in Golden Park; refinished 75 city trash receptacles.

Circle K now has 850 clubs on as many college and university campuses, with a total membership of 15,000. It is described as "a new type of fraternity for college men, devoted strictly to service to school and community."

At the University of Pennsylvania, for example, Circle K men have rounded up a small army of students to work with underprivileged and homeless boys. Several others were set to tutoring prospective civil-service employes desiring to enter government work but unable to meet the qualifications.

Whatever the need or issue, the Kiwanis way for a half-century has been to meet it head-on, with person-to-person directness, without bureaucratic fussiness or political entanglement. Today more than ever, such volunteer service is as invaluable as it is irreplaceable.

PRESIDENT NIXON EARNS THE SUPPORT OF GOVERNOR REAGAN FOR 1972

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 19, 1971

Mr. WALDIE. Mr. Speaker, the rural poor of California, caught between two gigantically powerful, and opposing politicians, the Governor of California and the President of the United States, lost an important struggle for their future when one of those powerful contenders, the President, bowed to the political threats to his 1972 reelection chances posed by the other, the Governor of California.

The failure of the President to override the politically motivated veto of the Governor of the federally funded California rural legal assistance program was a clear signal to the poor of California that they have become "too uppity" in their successful legal attacks on the Reagan administration and its powerful supporters.

CRLA is anathema to the Governor and his financially powerful political supporters, the agricultural interests who have long exploited the rural poor. That "exploitation" had been lessened by a series of successful legal actions against the Governor and his powerful grower allies.

The Governor quickly responded to the cries of anguish from those grower defendants who the courts found had been unfairly treating the powerless rural fieldworker. The instrument causing their anguish was the effective legal representation given the heretofore voiceless poor by the CRLA.

The President's concern, of and expressed, that the poor and alienated in our society should not take to the streets, but should utilize the system to redress their grievances, fell before his greater concern with the political threat to this administration that the conservative idol, Governor Reagan, presents.

He has now "saved the face" of Governor Reagan. He has now greatly disillusioned the poor of California in their recently encouraged belief that redress of grievances can be found within the system.

It was good of the Governor to announce to the California Republican State Convention the long awaited decision of the President to uphold his veto of CRLA. It was understandable that he coupled that "good news" with his first public announcement of support of President Nixon in 1972.

The rural poor of California who did not share in the enthusiasm with which the Republican delegates received that information might be further cautioned that being "uppity" is not reward by politicians.

POLLUTION: WHAT YOU CAN DO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ANDERSON of California. Mr. Speaker, of the volume of mail reaching my office from concerned citizens in my district, there is no subject which exceeds that related to the problem of pollution and the preservation of our environment. Typical comments are: "almost every day our eyes smart from smog;" our ears throb from noise about us;" "we are assailed by rubbish;" "our waters are dirty, aquatic life is disappearing." It is apparent that people are "fed-up" with the situation and want to see corrective action.

It is very gratifying to receive many inquiries from constituents who ask: "What part can I play in the fight against pollution?" I believe the great majority of citizens do wish to become involved in working for a better environment.

I submit for the RECORD a very timely article from the February 18, 1971, issue of The Christian Science Monitor entitled "Pollution, What You Can Do."

The essay outlines many ways in which the citizen who is concerned with the quality of the environment can better define his role and participate in the antipollution effort.

POLLUTION—WHAT YOU CAN DO

(By Peter C. Stuart)

WASHINGTON.—By day, Dr. Ellis L. Yochelson pokes through paleontology collections in the silent depths of the Smithsonian Institution. His specialty; fossilized snails.

But evenings and weekends, on the rostrums and doorsteps of the suburban community where he lives, he is making environmental history.

His town, Bowie, Md., is believed to be the first in the country to ban the sale of soft drinks and beer in non-returnable containers. And Dr. Yochelson, more than anyone else, is responsible.

"It was one thing that we could do," he says simply.

Until about a year ago, the soft-spoken scientist was no more concerned about environmental protection than millions of his fellow American commuters.

Then came Earth Day, and he was asked to speak to a group of students in a 12th-grade "Problems of Democracy" course at Bowie Senior High School. Choosing a subject came easily.

"NATURAL INTEREST" HELPS

"I have a natural interest in solid waste," he explained, with a paleontologist's fascination for life's leftovers. "An aluminum can is going to stay around as long as a billion years. A glass bottle, for all practical purposes, forever."

He talked to the students—classmates of his own son—about the need for recycling containers.

"It's one thing to talk about a problem, but quite another to do something about it," he said, fixing the visitor with dark, gentle eyes in a face framed by great clumps of black-gray-white beard.

What Dr. Yochelson and schoolteacher friend Don Murphy "did about it" was to mobilize students to poll the community on the idea of banning one-way beverage containers . . . collect 1,400 signatures on petitions . . . distribute leaflets door to door . . . enlist support from interested groups such as the Parent-Teachers Association . . . and buttonhole each city councilman before the vote.

CITY ORDINANCE RESULTS

The result: a city ordinance prohibiting the sale of no-deposit, no-return containers for soft drinks and beer in this city of 45,000 beginning April 1, under penalty of $100 a day.

Since then, a handful of communities have followed. Scores of cities and several states (including Maryland) are considering doing so. And Congress has been asked by Rep. Joseph P. Vigorito (D) of Pennsylvania to impose a nationwide ban.

What sets Bowie's Dr. Yochelson apart from millions of other Americans interested in the quality of their natural environment?

Simply this: He wasn't content with a private environmental gesture. He didn't merely avoid littering his own nonreturnable bottles and cans, or refuse to buy them for his own household.

There are plenty of such symbolic contributions available for a concerned individual:

Cutting waste

Select products wrapped in minimum packaging.

Particularly avoid packaging or disposable containers of plastic, metal, or wax that are nonbiodegradable (don't break down in water or the natural environment).

Substitute cloth for paper in toweling, napkins, handkerchiefs, diapers.

Buy milk in returnable glass bottles.

Carry reusable shopping bags, and reject brown paper bags and wrappings.

Save newspapers and deposit them with commercial dealers, paper mills, or recycling centers.

Share magazine subscriptions with friends.

Install and use a litter bag in the car.

Cleaning and saving water

Buy no color-dyed tissue.

Clean laundry, dishes, and kitchen with low- or no-phosphate detergents, or soap products.

Avoid using DDT and other pesticides, herbicides, and insecticides. Try a fly swatter or flypaper, and pull garden weeds by hand.

Convert to organic gardening. Compost garbage, leaves, grass cuttings.

Sprinkle sand, instead of salt, on icy sidewalks and driveways.

Don't over-water lawn or garden. Take briefer showers.

Adjust float valve in tank of bathroom commode, or pile bricks inside to reduce flushed water.

Cleaning air

Burn low- or no-lead gasoline in car. Keep car engine tuned and antipollution device working. If you need a car, consider trading for a smaller one (four- or six-cylinder engine). Travel on mass transit, if available. Organize a car pool. Ride a bicycle, jog, or **walk.**

Use fireplaces sparingly.

Miscellaneous

Eliminate unnecessary electrical appliances. Generating electricity can pollute both air and water.

Shun a powerboat for a canoe or sailboat.

Operate radio, television, phonograph at respectfully low volume. Check car muffler and consider soundproofing garage. Exchange power lawn mower for manual model. Noise, too, pollutes.

Don't buy animal fur or leather.

Thoughtfully plan family size.

A conscientious citizen who practices some—or even all—of these suggestions will achieve a warm heart and a clear conscience. But the pity of it is, for all his good intentions, he will achieve a negligible impact on the environmental ills of his country.

Even in the unlikely event that every individual American did so, the United States would still be left with serious ecological problems.

Why? Because the nation's environmental troubles (with the possible exception of the litter problem and over-population) are not produced by the life-styles of individuals—and cannot be solved by changing life-styles.

"These things are good for a psychological reason—people think they really can do something. And for a philosophical reason—if everyone did them, it could have some effect," said Ed Chaney, information director of the National Wildlife Federation, one of the liveliest of the conservation "establishment."

"But these things can be bad if they lead people to think this is all they need to do to clean up the environment. It just won't happen, because it's not that simple," he declared.

His explanation: The public lacks "environmentally sane alternatives." Many individuals, for example, simply don't have the choice of traveling by mass transit instead of driving a car, because there isn't any mass transit for them. Neither can they buy a pollution-free car, because the auto industry manufactures none.

The lion's share of electric power is generated for industry, and some 60 percent of water pollution is produced by industry—corporate giants over which the individual citizen has little control.

IMPORTANT ROLE REMAINS

There remains, however, an important role for the concerned individual: social action. Environmentalists increasingly recognize it as the course of the future—and their brightest hope.

"We call it Phase 2," explained Sam Love, a leader of brash Environmental Action, Inc., the youth-run group that got its start by coordinating Earth Day last April.

"It's a step beyond individual actions. It's people working in groups to develop social solutions to what are basically social problems."

Here are some ways a citizen can participate:

Join an active environmental group. Or form one yourself. The polluters and despoilers are organized—you should be, too. If you have a special skill (law, sanitary engineering, public speaking), put it to work for your group.

Generalized environmental organizations are fine, but sometimes groups focusing on a single issue can better target their fire. "You can't solve the whole [environmental] problem," advised Dr. Yochelson. "So you break it into components, then take the smallest possible component and work on that."

Inject yourself into public decisions affecting the environment. Local public hearings and city council meetings are rarely attended except by persons having a private or corporate interest in the pending decision. Show up and speak out. At the state and national level, write your state legislators, congressmen, and the President.

Make environmental protection an election issue. Officeholders who make environmental policy must stand for reelection. Study their records. For congressmen, the League of Conservation Voters in Washington publishes charts plotting the environmental voting record of each member.

Then campaign actively. It works. In the last congressional elections, Environmental Action targeted for defeat a "dirty dozen" congressmen with poor environmental records. Seven lost, and an eighth fell within one percentage point of losing.

Report polluters to the authorities. Most pollution is outlawed by laws already on the books but rarely enforced. If you suspect pollution, check the law (local, state, or federal). If the law is being violated, notify the government. Be willing to lodge an official complaint, if necessary.

REFUSE ACT REDISCOVERED

One of the most useful antipollution tools is the newly rediscovered Refuse Act of 1899, which bans most dumping into navigable waters without a permit from the Army Corps of Engineers. It specifically encourages citizen complaints, even entitling informants to one-half of any resulting fine set by a court.

Do-it-yourself kits on this law can be obtained from the conservation and natural resources subcommittee of the House of Representatives' Committee on Government Operations (Rayburn House Office Building, Washington, D.C. 20515) or Rep. Edward I. Koch (D) of New York (Longworth House Office Building, Washington, D.C. 20515).

Support for such citizen watchdogging comes directly from the nation's new antipollution chief, William D. Ruckelshaus, administrator of the Environmental Protection Agency: "I am heartily in favor of responsible citizen court actions against polluters—of citizen pressure against government at every level, including the federal government and my own agency."

Pressure corporations to heed environmental dangers. If you're a stockholder in a polluting industry, raise the issue at the annual meeting. If an officer, spearhead corrective action from within. If an employee, try to persuade your employees' association or labor union to bargain for reform (as the United Automobile Workers has begun to do). If a customer, organize a boycott of the firm's products—and tell the firm why.

Participate in responsible, legal, peaceful demonstrations, boycotts, or other mass actions against environmental apathy. Sometimes such tactics serve as the most effective way to dramatize a situation needing correction. That's precisely what Earth Day accomplished.

COLORADANS ORGANIZED

The strongest case to be made for individual social action is simply that it gets results:

Two housewives, Mrs. Janet Adams and Mrs. Claire Dedrich, formed a group called Conservation Coordinators which last year rescued the tidelands of San Francisco Bay from commercial development.

A chemistry professor in Denver, Dr. Ruth Weiner, organized the Colorado Citizens for Clean Air which last year helped rewrite tougher state air-pollution standards.

A woman in Louisville, Ky., Mrs. John Greenbaum, persuaded television station WHAS–TV to donate a five-minute spot twice a week so she could discuss environmental issues.

Dorothy Buell formed the Save the Dunes Council and kept it going until the federal government allocated parkland funds for many of the sand dunes along Indiana's Lake Michigan shoreline, preserving them from industrial development.

Dr. Yochelson doesn't march alone.

ORGANIZATIONS TO CONTACT

Common Cause, 2100 M St. N.W., Washington, D.C. 20037.

Environmental Action, Inc., 1346 Connecticut Ave. N.W., Room 731, Washington, D.C. 20036.

Friends of the Earth, 30 E. 42nd St., New York, N.Y. 10017.

Izaak Walton League of America 1326 Waukegan Road, Glenview, Ill. 60025.

National Audubon Society, 1130 Fifth Ave., New York, N.Y. 10028.

National Wildlife Federation, 1412 16th St., N.W., Washington, D.C. 20036.

Sierra Club, 1050 Mills Tower, San Francisco, Calif. 94104.

The Wilderness Society, 729 15th St., N.W., Washington, D.C. 20005.

BOOKS TO READ

Conservation Directory 1970. National Wildlife Federation, $1.50.

Earth Tool Kit, compiled by Environmental Action, Inc., Pocket Books (scheduled for release in April).

Ecotactics, edited by John G. Mitchell. Pocket Books, $.95.

Environmental Handbook, edited by Garrett de Bell. Ballantine, $.95.

Environmental Quality: First annual report of the Council on Environmental Quality, U.S. Government Printing Office, $1.75.

User's Guide to the Protection of the Environment, by Paul Swatek. Ballantine, $1.25.

Voter's Guide to Environmental Politics, edited by Garrett de Bell. Ballantine, $1.25.

Your Right to Clean Air: A Manual for Citizen Action, the Conservation Foundation, 1717 Massachusetts Ave. NW., Washington, D.C. 20036. Free.

A WORD FOR SCIENCE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 19, 1971

Mr. MILLER of California. Mr. Speaker, on February 15, 1971 the New York Times carried what I believe to be a very timely and perceptive article dealing with modern needs for technology entitled "A Word for Science." The article was written by Robert Bendiner and points up the fact that regardless of any damages which have resulted from man's application of technology, the cures for our environmental and social ills will not be found without new scientific assistance.

The text of the article follows:

A WORLD FOR SCIENCE

(By Robert Bendiner)

Until recently rich and revered as the great American faith, science has fallen on lean and hungry days. Some 50,000 assorted scientists and engineers are now walking the streets, driving taxis or running gas stations. Where industry recruiters once stood in line to snag fledgling physicists before they could even shed their commencement robes, nearly half the 1967 crop of Ph.D's in physics still had not found full-time work in their field two years after graduation.

Research projects once welcomed by university presidents for the lush finances they attracted to their institutions are so thinned out by now that the president of the National Academy of Sciences talks grimly of the whole national research structure approaching a "shambles." Government money, long since become the secret ingredient of scientific progress, has in some cases shrunk in absolute terms and in others failed sadly to keep up with inflated costs. And among students themselves the linking of research with defense, of progress with pollution, has so discredited science that it has a hard time competing with Taro cards and enlightenment by way of the Zodiac.

In this age of radical romanticism a certain denigration of science is probably inevitable. An electronic rock musician rates ahead of a physicist, rationalism is equated with insensitivity and science is blamed for all the sour products of materialism, instead of materialism being blamed for the misuses of science. Yet to all who want to right the wrongs supposedly fostered by science, particularly to those who want to clean the air, water and earth of this planet, it should be plain that there has never been greater need of the scientist, the engineer and the technician or less sense in their being unemployed for so much as an hour.

We need them, to start with a modest example, to develop efficient machinery for recycling waste. Here would be a triple boon to society: It would dispose cleanly of the rubbish that threatens to bury whole populations alive, it would yield materials better than many ores now being mined to the detriment of the earth above them, and it would preserve those same resources against the day when they might be desperately in demand.

We need scientists, engineers and technicians to develop fuels that can generate more electric power without fouling earth, sea and sky in the process. But why more electric power? Indeed, why not cut back on power and return to a simpler, less demanding, way of life? If only waffle irons and electric toothbrushes were at stake, the argument would be unanswerable.

But the fact is, we need more power to do the very recycling of waste that is so desirable. We need it to operate the vastly expanded sewage treatment plants that a growing population demands. We need it for that immeasurably developed system of mass transportation that our metropolitan areas must have if the automobile is not to make the human lung outmoded. We need it for the herculean clean-up of the nation's lakes and rivers. And, not least, we need it if all who are just emerging from dire poverty are to enjoy a standard of living we have so come to take for granted that many now hold it in scorn (or pretend to). Those who have yet to enjoy it understandably prefer not to knock it till they've tried it.

To achieve these ends—and we are concerned here with keeping the planet livable—we are going to require sources of power that do not themselves add to the world's pollution. And here is opportunity for all the technique we can muster.

European cities, particularly Vienna, have made considerable progress in producing electricity as well as heat from solid waste. We are still not sure about picking the stuff up. Coal is the greatest power source we have, but it is dangerously dirty. Ultimately it will be converted to clean efficient gas—but when? Nuclear fuel promises equally clean and even cheaper power, but atomic plants are still in the Model-T stage. If time, talent and money were concentrated on the breeder reactor, the results could be enormously rewarding.

So it goes. Unlimited cheap fuel with no pollution whatever is the promise of controlled hydrogen fusion, which is thought to be some thirty years off. But need it be? Likewise off in the distance are such other great potentials as oil from shale and geothermal power.

The importance of all these sources lies in the fact that electricity itself is totally clean and nonpolluting. Let it at last be cleanly produced and cleanliness will follow in space-heating, in industry, in transportation, in everything. The world will be so sanitized that we might almost miss the dirt.

On all these fronts—not to mention fields like biology, medicine and oceanography, which not even the most romantic rebel deplores—there is such great good to be done that funds, far from being begrudged, should be poured out as though our lives depended on it. They do.

ALASKAN NATIVE CONCERNS—II

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ASPIN. Mr. Speaker, yesterday I included in the RECORD a statement I made before the trans-Alaska pipeline hearings, along with excerpts from some Interior Department memos and letters. Much of the material in these documents contradicted the conclusion of the Interior Department's draft environmental impact statement that:

> The proposed pipeline system would not result in any significant adverse environmental effects that can be related to past or future cultural features of most Alaskans.

On Wednesday, Chief Richard Frank of the Native village of Minto, Alaska—population 160—testified at the trans-Alaska pipeline hearings. Chief Frank's statement is an interesting one and an important one. He talks in fascinating detail of his village's way of life, of how the pipeline could affect and possibly destroy that way of life, and of the almost disastrous effects that the Alaska gold mining of the 1930's had on his village. Chief Frank's statement offers a rare opportunity for us, as Congressmen, to obtain a very real and honest insight into how a policy of the Federal Government could affect in a most direct way the activity of human beings—their culture, their economy, their very way of life.

While Chief Frank was in Washington I had the opportunity to meet and talk with him on several occasions. I think by reading his testimony—which is included below—you will see that he is a gentle, articulate man, totally dedicated to the welfare and concerns of his people. It is a privilege for me to call Chief Frank my friend, and I sincerely urge you to read his statement.

After Chief Frank's statement I have included the statement of David Wolf, an Alaska legal services attorney who is representing five native villages in Alaska, including Chief Frank's village of Minto. I think Mr. Wolf's statement offers some real insight into native concerns from the perspective of an Alaskan attorney who has worked closely with his native clients for over 2 years, and who genuinely shares their concerns and fears about the proposed pipeline. I urge you to also read his statement with care.

The items follow:

Statement of Chief Richard Frank

My name is Richard Frank, born in 1923 and raised at Minto, Alaska. I am married and have four children, married in the year 1955. I have been the past Chief of Minto and presently am the Vice President of Minto, which we say is the "Second Chief." I've got all my education at Minto.

Chief Peter John, who is presently the Chief of Minto, was originally supposed to appear at this hearing. Chief Peter John is 71 years old and he has a heart condition. He really wanted to make the trip, but he asked the Board of Directors to send a substitute and an alternate, which was myself, and the Board of Directors of Minto approved the trip. He dictated a letter, which was written by his daughter, and we're going to submit it as the written statement for the hearing.

The people of Minto, Alaska, consist mostly of Alaskan Indians in the Tribe of Athabaskan Indians. The population of Minto is 161. We have lived there for many, many years, we can say since time immemorial. Minto, Alaska, is approximately 60 miles northwest of Fairbanks, about 20 minutes flight by small airplane. It is situated on the Minto Flats, which consists of lakes and streams, the major rivers and streams consist of six, run into the Minto Flats, and the pipeline will cross all of them. There's only two people as of now that has steady work, jobs at Minto. One is sort of a seasonal work. One person is a postmaster and then this other person, the school janitor, which would be under the category of a seasonal worker, works only during the school periods so he's unemployed for three months of the year. The rest of the people are unempolyed.

The people of Minto depend on the food that we hunt and trap and fish. We have moose and rabbit, ptarmigans, and we have the wild berries, blue berries, cranberries, and what we call high bush berries. These are the food that we eat and we have fish, for a change of diet.

Hunger still exists in the United States, one of the strongest nations on the earth, and Alaska comes into this category when it comes to hungry children and I have experienced some hungry children, in the small community of Minto, Alaska. We have to hunt moose for food, that is, for meat, a diet of meat, and to go out and hunt, we have to prepare for it, and our children know when we're going out to hunt—they sense it—they know we're going to hunt when they're hungry. To prepare for hunting, we get up in the morning about 5:00 a.m., we're on the trail out there in the sticks about 6:00 on snowshoes looking for fresh moose tracks. We try to get the moose while it's standing, between 6:00 a.m. and 10:00 o'clock, that is, when it's standing up to feed breaking the brush. When they're standing and feeding, they make more noise therefore you can creep up on a moose much easier. Between 10:00 and 2:00 in the afternoon, the moose is lying down and resting and then he's more alert therefore you can't creep up on him. So tradition that we share and share alike. Everybody gets the same amount as your neighbor. This is the way we divide the moose, among our people.

Every year in the months of February and March, the beaver season is open. This is a fur-bearing animal and the fur can be used for selling to the fur buyer for U.S. currency or it can be used for fur hats, mittens, jackets, and parkas. The carcass is used for human consumption, to eat. We trap these animals in a way that we sort of preserve them also. For instance, we take an A area this year. We'll trap it one year and move to B area the next year and not trap in A area so these animals can grow back up in A area while you're trapping in B area. Also we set traps in a way that we can get the larger beaver and let the smaller ones grow up. I've explained that we put these sets out far from the beaver areas where the larger beavers will go further from his beaver house than the smaller ones will go. Like this we will get the larger beaver and leave the small ones for the next year. We would say that in going at these methods, we are preserving the animals and in comparison we're putting money in the bank. This is what we do when we trap in A area this year and then in B area the next year, this is where we're something like putting money in the bank for next year. And also we don't try to get the little ones. Again this is like saving money in the bank for the next year.

In the 1930s the mining interests moved with dredges, such as the gold dredges, that dug up streams for gold in the headwaters of Minto Flats. After the gold industry moved into Alaska and started digging up a large amount of land to dig for gold and began to move in these great big dredges that did the digging with deep dredges, they sluiced the land. By sluicing the land, they had high pressure water that washed away the soil and let topsoil run down the streams and creeks and rivers. One particular creek, which is the Gold Stream, was being worked near Fairbanks, I would say about ten miles north of Fairbanks, and this stream ran directly in the middle of the Minto Flats which at that time was nice, beautiful, green country with plenty of game and fish. After all the silt came into the Minto Flats, it filled it up with sand and mud and filth.

Before the gold mining came in, it was very easy to live off the land. We did not get anything out of the gold. All it did was make it harder to live off the land.

You may ask why we want our land since we are poor? The land is the only thing we own, it is our way of life, it is the only thing we have to fall back on when nothing else works. Nothing has yet happened on the pipeline which makes us believe the pipeline in the long run will benefit us.

We have been fighting to protect our land for a long time. Eight years ago when I was the Chief of Minto I appeared at a hearing in Fairbanks. The Tanana Valley Sportsmen's Association was going into the Minto Flats with a road for the sole purpose of sports fishing and sports hunting and this road was going directly into the hunting region of the Minto people.

We finally got the opportunity to appear and state our purpose of not giving this road into the Minto Flats. We thought at that time that the influx of hunters would disrupt the hunting and the way of living that would affect the people of Minto, so we decided to stop it. The road was not built. In comparison with today's proposed pipeline, we are faced with something a thousand times or many more times serious, something that would affect our way of living in the sense of hunting, trapping, and fishing.

Recently there was a large earthquake in Los Angeles, California. This earthquake did a lot of damage, to buildings, roads. These buildings and roads and all the damage that was done by the earthquake can be rebuilt by the people in the immediate area. This is their economy, this is their way of living, of rebuilding and of getting paid for it. In comparison if the pipeline was built, and we had a spill in the pipeline, it would pollute the waters and the lakes and therefore it would hurt the animals that live on these lakes and waterways. If you kill off all the animals, they cannot be rebuilt. The land that's been damaged by oil, cannot be rebuilt. These are the things that we fear would be lost forever.

The pipeline will cross six rivers and streams that feed their water into the Minto Flats. The six streams and rivers are the Tovanna River, the Tatalina River, the Globe Creek, Washington Creek, the Chatouika and the Gold Stream. These are the six rivers and streams that feed their waters into Minto Flats.

If we have a break, if there's a break in the pipeline, it will not only pollute the water and the lakes and the Minto Flats area, it will kill off the waterfowls and the beaver and what animals are existing in the area now. Therefore, our main livelihood of food will not exist any more.

In Canada the Canadian Government not only requires the oil companies to put up a bond to protect the Indians, they also require that there be an Indian inspector on oil jobs. This Indian is chosen by the Indians and he can close down the job if the oil companies start hurting the land.

There should be Indian inspectors on the pipeline to make sure it is done right.

The Federal government has required the oil companies to pay the government in case the pipeline breaks but this only protects the government, not the people who live on the land. If the pipeline is built, we want the oil company to pay us if it breaks and kills the animals and fish that we need to live. We want this for all the people in Alaska; we do not want this bond written by government bureaucrats, with a lot of loopholes, legal loopholes; we want it in writing by our lawyers and approved on the local level by our own people. When I say on the local level, I mean all the native villages would have to approve with the oil companies and I don't think they should have the right of writing any kind of agreement with the United States Government. My testimony so far as hunting and trapping and fishing is the way the majority of native people in the outlying areas in the State of Alaska still live today.

The oil companies shouldn't object to this if they are really interested in building a safe pipeline.

Statement of David Wolf

My name is David Wolf. I live in Fairbanks, Alaska. I am an attorney, and am employed by Alaska Legal Services Corporation which is a state-wide and non-profit corporation which represents citizens who are too poor to employ private counsel. I am the supervising attorney for the Fairbanks office and with five other lawyers am responsible for covering all of Alaska north of Anchorage except the Bethel area.

Over a year ago, we were asked by five interior Athabascan Indian villages to represent them in their growing concern about the pipeline. One of these villages is the Village of Minto. The Village of Minto sent their second chief, Richard Frank, to Washington to testify at these hearings. Mr. Frank is scheduled to testify later today. The other four villages are the Villages of Allakaket, Bettles, Stevens Village and Rampart.

Because the villages are so poor, it was impossible for any members of the other four villages to send anyone to Washington.

For this reason, I would invite you, Mr. Hearing Examiner, to travel to each of these four villages so that the residents of these villages could testify in person about the environmental problems—indeed the problems of survival that the proposed pipeline will bring to the people in its path.

The Department of the Interior's Impact Statement has ignored the needs of one-fifth of Alaska's population—the first Alaskans. This is a rather serious oversight since the Department is supposed to be the trustee responsible for looking after the best interests of the Indian citizens of the United States. The Indians in Alaska do not live on reservations—they live on the land their ancestors used. They have fought in our wars and are an important part of the National Guard—known as the Alaskan Scouts.

Later today, Richard Frank will testify as to how he and his people use the land to survive. I would like to mention some of the things I have seen in my various trips to the other four villages which we represent. These are obvious to any Alaskan who has travelled to the villages.

The inhabitants of these four villages live in log cabins and burn wood for cooking and heating. The foods that I have been served on my visits have been game or fish taken from the land. I have had to help one person clean a moose before we could talk about his legal problems since the moose must be cleaned very quickly after it has been killed or it will spoil.

I have stood on the banks of the Koyukuk River in Allakeket and discussed the pipeline with an elderly resident of this village. He was very concerned about the problem of oil spills for he had been hearing a great deal in the news about the various disasters around the world. During our discussion, he pointed to the river and he said, "That is our life."

In all four of these villages, the people get their drinking water from the river. In all four of these villages, the people catch a large number of fish from these rivers. Yesterday, Congressman Aspin referred to a Department of Interior Report listing the large number of fish caught by the Village of Allakaket during the year 1967. I do not need to refer to the Department of Interior reports because I have seen the rows and rows of fish hanging on drying racks during the summer.

Later today, when Richard Frank of Minto testifies, he will tell you about the Minto Flats area, which has sustained his village ever since the people can remember. The Village of Allakaket also has a flats area near the village which is very similar to the Minto Flats. This is called the Kanuti Flats. The Kanuti Flats are as important to the people in Allakaket as the Minto Flats are to the people of Minto. The Kanuti Flats, like the Minto Flats, are fed by rivers which will be crossed by the pipeline. The pipeline will be upstream of the Kanuti Flats and any damage caused during construction will flow down into the Kanuti Flats. After the pipeline is built and the oil is onstream, these flats will be subjected to the risk of rupture or slow chronic leaks of oil. Such risks threaten trapping, the hunting of water fowl, and the availability of drinking water for the people of Allakaket. The Kanuti Flats are referred to in the Environmental Impact Statement on page 64 as a very good water fowl habitat. This statement in the Impact Report on page 64 also refers to the Ray River as a very good water fowl habitat. The pipeline will cross the Yukon River at the point where the Ray River comes into the Yukon. The people of Stevens Village trap and hunt in the Ray River area and have traplines up the Ray River. The people of Rampart come up to the Ray River at the point of the crossing to hunt moose and to gather firewood. Two residents of Stevens Village have fishwheel sites in close proximity to the point of the pipeline crossing on the Yukon River. These are threatened by the mere construction of this pipeline.

The Environmental Impact Statement on pages 110, 144, and 194 refer to the fact that the proposed road north of the Yukon will open the country up in such a way to increase the demand for hunting and fishing. This increased demand by people who do not live in the immediate area will compete with the very people who must hunt and fish in order to make a living. On page 144 the Environmental Statement says that these problems could be controlled by proper regulation of hunting and fishing by state authorities. In Alaska, we have a very conscientious and diligent Fish and Game Department. They do their best under the circumstances. However, Alaska is a large place and it is impossible for Fish and Game to adequately enforce their own regulations. It is quite easy for anyone to go out into the wilderness and do anything they want with respect to fish and game and the odds are that they will probably not get caught. To expect the Fish and Game Department to protect my clients after the road is built is a pleasant but unrealistic dream.

The Draft Impact Statement concludes that the pipeline poses great, unavoidable dangers to the land, water, and fish and wildlife of the area it crosses, but that national security demands that the pipeline proceed nevertheless.

In many ways, the Draft Statement confirms the worst fears of the villages I represent. They are in the way of "progress"; and they are to be bulldozed aside, ignored, in the rush for black gold.

The Draft concedes that even under the best of circumstances the pipeline will have a fundamental and serious adverse impact upon their rivers, fish and wildlife.

Should the pipeline break, and it is conceded that no stipulation can prevent this threat to a 800-mile pipeline in Alaska, the effects on rivers and streams, and wildlife, will be catastrophic.

Despite these recognized dangers and others, which so clearly threaten the very lives of my clients, it is astonishing and shocking that the Draft blandly ignores these people directly in the pipeline's path.

At page 110, the Draft discusses the impact of the pipeline on the "Culture" of Alaska. It finds that:

"The only identifiable negative cultural influences that could be associated with the implementation of the project would be a reduction in remnant hunting and fishing cultures that still characterize some Native groups."

And again at page 140:

"The proposed pipeline system would not result in any significant adverse environmental effects that can be related to present or future cultural features of most Alaskans."

Do these statements in the Impact Draft mean that the Department of the Interior does not recognize the still existing and viable Indian culture which survives because of the abundance of the land and the ability of the Indians to use it in order to live? I cannot believe that employees in the Department of the Interior are unaware of these problems. It is certainly common knowledge in Alaska.

Fortunately, the Impact Statement we are considering today is still only a Draft. It is not too late for the Department of Interior, supposedly, after all, the guardian of the villages we represent, to take the following important steps in the Indians' interest.

1. Follow the example of Canada in the Northwest Territories and require not only a bond to protect the Indians, but also Indian inspectors chosen by the Indians during construction and after.

2. The Native inhabitants of the pipeline route should actively participate in decisions to be made about their own lives and lands.

(a) Environmental Briefings are required of Alyeska by Stipulation 12 for "Federal employees." Why not for the Native inhabitants, too?

(b) Alyeska is required to "enter into an agreement" with the Secretary of the Interior regarding "recruitment, testing, training, placement and job counseling of Alaska Natives." Why is there no provision for input from the Natives themselves? Is such an agreement already drafted?

(c) Alyeska is required to train an unspecified number of Alaska Natives, and to "do everything within its power" to secure the employment of those it trains. Why the assumption that all Natives require such training? They do not. Many are capable of any work that the pipeline will require.

Why are Alyeska's obligations to employ Natives described in such vague terms? The obligations should be specific and the village Indians should participate in writing these obligations.

3. Condition the permit so that Alyeska is required to compensate the villages for the value to them of the land that the pipeline, road and appurtenant structures will cause the villages to lose.

4. Broaden the Bonding and Liabilities provisions of Stipulations 5 and 6 so that they protect the Native peoples most likely to need their protection. At present these provisions serve only to protect the United States Government from loss. They should also require Alyeska to compensate the villages along the pipeline route should the construction or operation of the pipeline and road cause damage to the villagers' only assets—the land and rivers. If the oil companies really believe they can build a safe pipeline, then they should not object to this.

POISON ROAMS OUR COASTAL SEAS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WALDIE. Mr. Speaker, we in the Congress and the American public are now acutely aware of the mercury content found in some of the commercial and sport fish in our rivers, lakes, and seas.

One of the first revelations of this dangerous occurrence was in the outstanding magazine Sports Illustrated. In October, Author Robert H. Boyle detailed the scope of the mercury problem and alerted the American people to the very real hazards to health that mercury poisoning poses.

The article had particular impact upon me because of the fact that my congressional district involves the magnificent delta waters that were included within the study made of the effects of mercury on our fishery.

The striped bass is a particularly precious resource to our area having been imported from the east coast in the latter part of the 19th century. The stripers have thrived to the point where they are now the most important game fish to be found in the area.

Mr. Speaker, the people of my district and sportsmen throughout the Nation are deeply concerned about the mercury content of sports and commercial fisheries.

We all owe Sports Illustrated and Mr. Boyle a great deal of thanks for bringing this serious situation to our attention so that remedial steps can be taken to insure the continuance of our Nation's vital fishery resources.

Mr. Speaker, I take this opportunity to place Mr. Boyle's article in the Record:

Poison Roams Our Coastal Seas

(By Robert H. Boyle)

In the past few years there has been considerable scientific concern about chemical residues in fish, but almost all investigations have been limited to freshwater lakes and streams. Yet some species of coastal fish have gone into what John R. Clark, curator of the New York Aquarium, describes as "a disastrous crime, a virtual wipeout. The total commercial catch on the Middle Atlantic in 1969 was down to about one-tenth of the 1960 catch. The multimillion-dollar menhaden fishery was nearly eliminated in the late '60s, and weakfish, croaker, spot, porgy and fluke are close to disappearing in the Northeast. Pollution is a major cause. Coastal waters are infested with pesticides, metals and other toxic pollutants, and these poisons can kill fish, their young and the organisms they feed on."

It is also possible that this pollution, unless checked, may kill people. A study sponsored by Sports Illustrated reveals that poisonous chemical compounds in the flesh and eggs of some of the most popular American saltwater sport fishes have reached levels that are alarming to health authorities and fishery biologists. The study, the first ever to involve fishes from the Atlantic, Gulf and Pacific coasts of the U.S., was conducted for this magazine by WARF Institute, Inc. in Madison, Wis., a highly respected laboratory that has done research for the Federal Government, various states and private industry.

Specifically, the study shows that the flesh of spotted seatrout from Louisiana, striped bass from California and Spanish mackerel from South Carolina contains more mercury than allowed by the U.S. Food and Drug Administration in fish sold for human consumption.

Other tests disclose that the reproductive process of at least four different fish populations may be threatened by high residue levels of chlorinated hydrocarbon pesticides in the eggs. High levels of DDT residues (a combination of DDT, DDD and DDE) are in the eggs of striped bass from California, from the Hudson River, New York, from the Rappahannock River, Virginia, and in the eggs of bluefish caught off the coast of South Carolina. Moreover, the eggs of the California and New York bass have high PCB residues, an industrial compound that has escaped into the environment by accident.

The fish studied were all females close to spawning and were collected last spring and summer by fishermen, biologists and two state fish-and-game departments. The sampling of each species from a given location generally included from five to 15 individual fish. All samples were wrapped in aluminum foil, frozen and shipped by air in containers with dry ice to WARF in Madison where Francis Coon, head of the chemical department, supervised the analyses. A complete list of fish species, location taken, residue data and analytical methods employed in the study is shown below.

In recent months there has been public clamor about mercury residues in fish, residues sufficiently high to close or restrict fishing from such famous bodies of freshwater as Lake Champlain between Vermont and New York; the Lake St. Francis section of the St. Lawrence River between Quebec and Ontario; the Niagara and Oswego rivers and lakes Onondaga and Ontario in New York; the Connecticut River in New Hampshire; the Savannah River and Brunswick Estuary in Georgia; Mobile Bay and the lower Mobile River, the Tombigbee River and the Pickwick Lake section of the Tennessee River in Alabama; the Detroit River and Lake St. Clair in Michigan; and the Wisconsin River from its juncture with the Mississippi River to Rhinelander, Wis. In fact, mercury pollution is a problem in at least 33 states and eight Canadian provinces.

Mercury pollution of fish, shellfish and birds was first discovered in Japan and Sweden in the 1960s. The pollution came from pulp mills, plastic and chlor-alkali plants and mercury-coated seeds. Despite warnings of mercury contamination elsewhere in the world, nothing was done in North America until last year when Norvald Fimreite, a Norwegian graduate student at the University of Western Ontario, tested pheasants from Alberta. The residues were so high that Alberta closed the hunting season. Still Canadian and U.S. authorities did nothing to try to halt the poisoning. Fimreite then found high mercury residues in fish from Lake St. Clair. The major source of the contamination was a Dow Chemical Company plant at Sarnia, Ontario, which was dumping as much as 200 pounds of mercury a day into the St. Clair River. Subsequent investigations elsewhere have uncovered other polluters. One reason that authorities were slow to act was that everyone apparently believed mercury was too valuable to be thrown away. Another reason was that most authorities mistakenly believed that any mercury released to a waterway would sink to the bottom and be inert. However, Swedish scientists discovered that no matter what form of mercury is discharged to the environment, be it inorganic divalent mercury, phenyl mercury or alkoxy-alkyl mercury, it can be eventually converted by either microorganisms or fish into the most toxic form—methyl mercury.

As a trace element, mercury is found naturally in minute amounts in man. According to Dr. Henry A. Schroeder of the Trace Element Laboratory of the Dartmouth Medical School, the human body contains about 0.2 parts per million of mercury. (Chemical residues are measured by scientists on parts per billion and parts per million basis; in layman's language, one part per million, 1.0 ppm, is the equivalent of one ounce of vermouth in 7,812 gallons of gin—the ultimate dry martini.) The danger to man from eating mercury-contaminated fish or birds comes from raising levels in the body. The World Health Organization has recommended that no human food contain any trace whatsoever of mercury, while Japan and Sweden, both countries with strong commercial fishing interests, have set a standard of 1.0 ppm. In Sweden scientists have criticized this maximum as excessive, and one prominent toxicologist has said that the maximum should be lowered to 0.2 ppm. The Swedish government has stuck by the 1.0-ppm standard but recommended that consumption of fish be limited to one meal a week. In the U.S. the Food and Drug Administration maximum in fish is 0.5 ppm.

The human tolerance level of mercury is not precisely known. From 1953 to 1960, 121 persons in Minamata, Japan were killed or severely disabled as the result of eating mercury-contaminated shellfish from Minamata Bay. The mercury levels in the shellfish averaged 20 to 30 ppm. The mercury had been discharged into the bay over a period of years by a plastics plant. In the U.S. three members of the Huckleby family in Alamogordo, N. Mex. suffered severe brain damage after eating a hog that had been fed grain treated with mercury.

Symptoms of mercury poisoning may occur weeks to months after exposure. The symptoms include a numbness and tingling sensation in the hands and feet, disturbed speech, inability to coordinate muscle movement, impaired vision and hearing and emotional disturbances. The 19th century expression "as mad as a hatter" came from cases of insanity suffered by hatters who inhaled vapors of mercury that was used to cure felt. In severe cases the symptoms of mercury poisoning are irreversible. A report submitted by an international committee in Stockholm last year stated: "In infants born to mothers with large amounts of methyl mercury, the symptoms are somewhat different. Most children had mental retardation and also cerebral palsy with convulsions."

The highest mercury residues found in the SI study were in the flesh of spotted seatrout from Hackberry, Cameron Parish, La. The initial analysis by WARF Institute revealed 2.2 ppm of mercury, four times more than the FDA maximum of 0.5. In a repeat analysis by WARF, the level was 1.8 ppm. The seatrout were procured from a commercial fish company in Hackberry, and they had been caught in adjacent Lake Calcasieu, a brackish body of water connected to the Gulf of Mexico. On the Gulf coast, seatrout are generally not migratory but localized in one estuary. Last July after SI obtained the fish, the FDA, in an entirely unrelated move, halted interstate shipments of crabs, spotted seatrout, redfish and flounder from Lake Calcasieu because of high mercury levels.

The flesh of striped bass from California also surpassed the FDA limit on mercury. The California Department of Fish and Game took the flesh and eggs from 15 different females caught in the Delta near Antioch, composited flesh and egg samples separately and forwarded them to WARF Institute. The department retained the remainder of the flesh and eggs for testing on its own. At WARF Institute initial flesh analysis was 0.70 ppm; the repeat analysis was 0.68. In order to obtain California striped bass for testing, SI agreed to allow the California Department of Fish and Game to review the results before publication and then to comment upon the significance. After reviewing the data, L. H. Cloyd, deputy director of the department, says that the WARF finding "for the level of mercury was consistent with one of our state laboratory reports." Cloyd also points out "the levels of mercury in stripers, as well as in some catfish, sturgeon—and pheasants—have prompted our governor to assemble a special task force of state agencies and cooperating federal agencies to investigate mercury pollution in California."

Mercury in excess of the FDA limit of 0.5 was also found in the flesh of Spanish mackerel caught four miles off Charleston, S.C. Initial analysis by WARF Institute was 0.57 in the flesh; the repeat analysis was 0.56. The Spanish mackerel is a pelagic fish, one that spends its life near the surface of the ocean and is not known to frequent shallow water. The fish ranges off the coasts of the Carolinas and Florida, and it may migrate into the Gulf of Mexico.

Other species had mercury levels close to the FDA maximum. False albacore from South Carolina, another pelagic fish, had residues of 0.40 in the flesh; spotted seatrout from Shell Point Reef on the panhandle of the Florida Gulf coast had 0.40; striped bass from the Hudson River, 0.34; bluefish from South Carolina, 0.31; and white perch from the James River, Virginia, 0.31. Little is known about the natural or normal mercury level in the flesh of fish, but it is probably not more than 300 parts per billion. The lowest level discovered by WARF Institute was 0.10 parts per million found in the flesh of Atlantic mackerel from Long Island Sound, American shad from the James River and spotted seatrout from South Carolina. SI did not ask WARF Institute to analyze eggs for mercury residues.

The WARF Institute analyzed the egg and flesh samples for DDT residues, dieldrin and BHC, all chlorinated hydrocarbon pesticides. These synthetic compounds have several factors in common. They do not readily break down in nature; indeed, it takes at least a decade for them to lose their toxicity. They are also highly poisonous to a broad spectrum of living organisms. They are used to attack insect pests because they can penetrate the external shell of chitin, a thin layer of hard fatty material that covers an insect body. Once applied, be it on insects, on the ground, on vegetation or in the air, these long-living pesticides are spread by wind and water. Aerial applications of DDT can enter the atmosphere and circle the earth in only two weeks. Last year Drs. Eugene F. Corcoran and Douglas B. Seba of the University of Miami reported surface slicks containing pesticides washing into Biscayne Bay after heavy rains. These areas were several miles long and from five to 300 feet wide, and they contained 10,000 times more chlorinated hydrocarbon pesticides than the water surrounding them.

Once introduced into the food web, chlorinated hydrocarbons are able to move up from phytoplankton to zoo-plankton to fish to bird or mammal, and they become more and more concentrated as they are retained by a higher level of animals. The chlorinated hydrocarbons tend to center in the body fats, such as those in the reproductive organs, and it is generally agreed that these chemicals are to blame for the current decline in North America of the brown pelican, the peregrine falcon and the bald eagle, our national symbol. All have fish in their food web.

In the past two years the FDA has seized shipments of coho salmon from Lake Michigan and jack mackerel from the Pacific near Los Angeles for exceeding 5.0 ppm of DDT residues, and the U.S. Bureau of Sport Fisheries and Wildlife has noted DDT levels of from 31 to 45 ppm in the flesh of white perch taken from the Delaware River at Camden, N.J. Last month John MacGregor of the U.S. Bureau of Commercial Fisheries announced that a federal study of fish from Santa Monica Bay contained new research information. The study showed DDT residues in those fish to be astronomically high, ranging from 63 ppm in the lever of Dover sole to 1,026 ppm in the liver of starry rockfish. A major source of the residues was two sewage plants emptying into the bay. The City of Los Angeles plant at Hyperion was releasing one to seven pounds of DDT components per day, while the Los Angeles County White Point plant was daily discharging from 200 to 400 pounds of DDT residues. However, none of the flesh samples tested for SI by WARF Institute approached the federal maximum. DDT residues were detected in the flesh of every species submitted, but the closest to the FDA maximum were the Hudson River striped bass that had DDT residues totaling 2.42 ppm.

The WARF Institute also tested all eggs for chlorinated hydrocarbon residues. Inasmuch as these pesticides have an affinity for fat, it came as no surprise that there were higher residues in the eggs than in the flesh. DDT residues in the eggs can affect reproduction or the survival of young fish. In Jasper National Park, Canada there was a 70% mortality of brook-trout fry hatched from eggs with 0.46 ppm of DDT residues. In Michigan 700,000 coho salmon fry died in hatcheries in 1968. They had been hatched from eggs with DDT residues of 1.5 to 3 ppm. When the larval salmon were three weeks old and absorbed their yolk sac during the so-called "button up" stage they died. DDT residues were in the yolk, and quickly made contact with the central nervous system. Dr. Philip A. Butler of the Bureau of Commercial Fisheries Laboratory in Gulf Breeze, Fla. reports that in a joint study with the Texas Department of Parks and Wildlife virtually no young spotted seatrout were observed in the Laguna Madre in 1968 and 1969. The gonads of females had DDT residues up to 8.0 ppm.

Different species of fish seem to have different levels of tolerance to DDT residues in the eggs. Precise levels are simply not known for most marine fish, but based on the above 0.5 ppm seems to be cause for concern and 1.5 ppm serious cause for concern about survival of the young. According to WARF Institute results, the highest DDT residues in eggs were in the California striped bass, 9.05 ppm. Commenting upon DDT residues in California stripers, L. H. Cloyd of the Department of Fish and Game notes: "Numerous studies conducted by our department of the levels of recruitment of striped bass demonstrate no adverse effects from the levels of DDT and its metabolites in striper eggs and larvae. We are, however, continuing to investigate this aspect."

Striped bass from the Hudson, which migrate to New Jersey, New York and Connecticut coastal waters, had 7.40 ppm of DDT residues in the eggs. They also had 0.33 ppm of dieldrin. By FDA standards, the eggs of these striped bass should not be eaten. Dieldrin is more toxic than DDT, and the FDA has imposed a maximum of 0.30 ppm of dieldrin on fish products.

The eggs of bluefish caught off South Carolina contain 4.11 ppm of DDT residues. According to Dr. Lionel A. Walford, director of the U.S. Bureau of Sport Fisheries laboratory at Sandy Hook, N.J., where most of the research on Atlantic coast bluefish has been done, these South Carolina bluefish were probably migrating north from Florida when caught. Baby bluefish spawned in Carolina offshore waters in the spring eventually grow up to supply an important sport fishery as far north as southern New England. Striped bass from the Rappahannock River have 2.03 ppm of DDT residues in the eggs. Striped bass from this river and others tributary to Chesapeake Bay, the single most important striper spawning ground on the Atlantic coast, migrate from Virginia to Massachusetts. The majority of fish tested also had traces of BHC, another chlorinated hydrocarbon, in the flesh and eggs. The effect of BHC on fish reproduction is unknown, and the Food and Drug Administration has set no maximum on BHC in fish. As Taylor Quinn of the FDA remarked as this article was being prepared, "It's unusual, to say the least, to find BHC in fish."

WARF Institute also tested all egg and flesh samples for residues of PCBs, the abbreviated name given to the polychlorinated biphenyls, a synthetic chemical compound used by various industries. PCBs are heat resistant and are widely used in the electrical industry as insulating fluids for transformers and capacitors. They are also used in plastics and adhesives.

PCBs have been made in the U.S. since 1929, but they were not identified as such in fish and birds until a few years ago. Chemically similar to DDT, they baffled investigators who reported finding "unknown but chlorine-containing compounds." In 1966 Dr. Soren Jensen, a Swedish scientist, was able to separate the compounds from DDT and identify them as PCBs in a sea eagle and in the bodies of more than 200 fish taken from different parts of Sweden. Dr. Jensen then analyzed eagle feathers in a museum collection. Some of the feathers were collected as far back as 1880, but Dr. Jensen first found PCB residues in feathers collected in 1944. After Dr. Jensen published a paper on his findings, Dr. Robert Risebrough of the Institute of Marine Resources at the University of California at Berkeley found PCBs in a number of Californian, Mexican and Arctic sea birds. He noted that the highest levels of PCBs in birds were from those closest to industrialized areas. In a later investigation he also found PCBs in samples of mother's milk from women in San Francisco and Los Angeles. In a paper in *Environment* early this year he called for the establishment of tolerance limits of the compound in human food. Thus far, the FDA has set no standard.

Another scientist, Robert Huggett of the Virginia Institute of Marine Science, says the toxicity of PCBs to marine animals seems to be about the same as that of DDT. At present, the Virginia Institute of Marine Science is conducting studies to determine the levels of PCBs in estuarine sediments, oysters, fish and crabs in the Chesapeake. The institute is also trying to locate the origins of the PCBs. At the Bureau of Commercial Fisheries lab in Gulf Breeze, Dr. Thomas Duke and associates have found that only 1.0 part per billion of PCBs in water will adversely affect the growth of oysters.

The precise significance of the WARF findings of PCB residues in the eggs and flesh of the fish submitted by SI has yet to be determined. However, PCBs are present in the flesh and eggs of all samples. The WARF findings, it should be noted, are estimates based on one peak on a gas chromatogram, but scientists who have reviewed the data for SI and who have experience in the field say the estimates are valid. The highest PCB residues in flesh are in the Hudson River striped bass, 4.01 ppm. The California striped bass had the highest PCB residues in eggs, 17.0 ppm. Other egg residues of possible significance were Hudson stripers, 11.4 ppm; South Carolina bluefish, 2.81; and Rappahannock stripers, 2.31.

In assessing the WARF findings for SI, Dr. Robert Smolker, an ecologist at the State University of New York at Stony Brook, said, "I'm horrified by some of the data. I am quite surprised to find such residues in fish from the ocean, but I certainly don't think people should panic." What, then, should the public do or demand? There are a number of steps that can be taken.

For one, the study is merely a first effort, and nationwide monitoring programs of more samples are needed to determine the presence and levels of contaminants in wildlife. Moreover, considerable research needs to be done on the ecological side effects of new pesticides coming on the market. This research is very expensive. It now costs as much as $10 million to clear a new pesticide for federal registration. As of this year, however, the Department of the Interior has a ceiling of $3 million in appropriations for all pesticide research, and of that less than $700,000 is allotted to the Bureau of Sport Fisheries and Wildlife for fish research. Several scientists have proposed that the additional needed money come not from Government funds but be raised instead by imposing a small excise tax, based on volume sold, on pesticide manufacturers. No scientist queried doubted the need for pesticides; the only question was which pesticides will not damage the environment. At present, problems remain considerable and seemingly insoluble. There has been a great deal of talk about phasing out DDT, but DDT continues to be used on a substantial basis, and the same is true of other persistant chlorinated hydrocarbons. For instance, there has been a rapid increase in the use of two chlorinated hydrocarbons, chlordane and toxaphene, as substitutes for DDT, and both these compounds, which can be discerned in animals only after very involved laboratory testing, are starting to turn up in all sorts of places.

Not long ago Drs. Richard Schoettger and David Stalling of the U.S. Bureau of Sport Fisheries and Wildlife pesticide laboratory in Columbia, Mo. began a study of still another chlorinated hydrocarbon, endrin, in fish. They planned to feed the fish food containing endrin residues of 0.1 to 0.5 ppm. They ordered their test fish, channel catfish brood stock from national hatcheries and, as a routine check, they analyzed some of these fish for endrin. To their dismay, they discovered that the catfish already contained 0.5 to 0.88 ppm of endrin, more than was to be given them in the test food. This should not be surprising. Schoettger has yet to find a commercial dry fish food for sale in the U.S. that is not contaminated by chlorinated hydrocarbons.

Besides establishing a constant monitoring program of contaminants in fish and wildlife, efforts should be made to determine harmful levels to various species. Although worrisome, DDT residues in eggs are meaningless until we know that 5.0 ppm of DDT residues in conjunction with 8.0 ppm of PCBs, or whatever the figures may be, kill off a certain percentage of the hatch, be it none, a third or 90%. Then, of course, we need to know what levels may be harmful to humans.

Writing in *Pesticides*, Dr. Robert van den

Bosch of the University of California at Berkeley points out that the public good requires that salesmen for pesticide manufacturers be brought under control. "The salesman is the key to the system, for he serves as the diagnostician, therapist and pill dispenser," van den Bosch says, "and what is particularly disturbing is that he need not demonstrate technical competence to perform in this multiple capacity. In other words, the man who analyzes pest problems, recommends the chemicals to be used and effects their sale is neither required by law to demonstrate (by examination) his professional qualifications (as do medical doctors, dentists, lawyers, veterinarians, barbers, beauticians, realtors, etc.) nor is he licensed. Yet this person deals with extremely complex ecological problems and utilizes some of the most deadly and ecologically disruptive chemicals devised by science."

Instead of permitting salesmen stimulated by commissions and bonuses to sell pesticides to the ultimate user, van den Bosch proposes that they be replaced by professional pest-control advisers who would be subject to examination, licensing and a code of conduct similar to physicians. This done, van den Bosch says, "The company-affiliated salesman, with his built-in conflict of interest and sales motivation, can be phased out of pest-control advisement. Direct contact between the salesman and the lay user of insecticides can be eliminated. Just as the drug salesman deals only with the physician, not with the patient, the salesman of toxic pesticides can be required to deal only with the pest-control adviser."

Sources of harmful pollution—mercury, PCBs or pesticides—must be identified and stopped. Monitoring and source identification must also be conducted on other probable contaminants, including heat from power plants, radioactive wastes or heavy metals. Testifying last August before the U.S. Senate subcommittee on environmental pollution, Dr. Henry Schroeder of Dartmouth dealt with mercury, cadmium, lead, nickel, beryllium and antimony. "I must emphasize that environmental pollution by toxic metals is a much more serious and much more insidious problem than is pollution by organic substances, such as pesticides, weed killers, sulphur dioxide, oxides of nitrogen, carbon monoxide and other gross contaminants of air and water. . . . Most organic substances are degradable by natural processes. Once we control their use, they will leave little or no residue, but no metal is degradable. Once dug from the earth, metals stay with us and what we are now accumulating will be around as long as we are."

Government officials must enforce anti-pollution laws and be on guard against the spread of possible contaminants. There have been all too many instances of cover-up. Last month there was a ruckus when the Canadian government banned woodcock hunting in the province of New Brunswick because the birds were saturated with DDT. The fact is that this danger was known five years ago when Bruce Wright, director of the Northeastern Wildlife Station in Frederickton, published a paper about DDT and woodcock. Wright says he was told then that publication of his study was "not in the best interests of the province." Wright says government funds for support of the station were later cut. Last year the provincial government finally abandoned using DDT, but New Brunswick will have the legacy for years to come. Soil scientists report that DDT is at least eight inches deep in the forest floor.

Much indiscriminate pollution of U.S. waters could be stopped by enforcement of the Federal Refuse Act passed back in 1899 by Congress. This act, in part, makes it illegal "to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment or mill, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the U.S."

Laws may be passed and laws may be broken. In the end, the enforcement and abatement depend upon public opinion. If one lesson is to be learned it is that we cannot release wide-ranging persistent poisons into the air or water. As Ovid wrote 2,000 years ago: "Ill habits gather by unseen degrees. As brooks make rivers, rivers run to seas."

COUNTDOWN ON CONTAMINANTS

Species and location where caught	Mercury flesh FDA limit 0.5	PCB's flesh (estimated)	PCB's eggs (estimated)	Chlorinated hydrocarbons, flesh FDA limit, 5.0 DDT, DDE, DDD; 0.3 Dieldrin					Chlorinated hydrocarbons, eggs				
				DDE	DDD	DDT	Dieldrin	BHC	DDE	DDD	DDT	Dieldrin	BHC
Atlantic mackerel (Scomber scombrus) Long Island Sound, Rowayton, Conn	0.10	0.58	1.16	0.11	0.14	0.24	0.032	0.007	0.23	0.47	0.063	0.039	0.018
Striped bass (Morone saxatillis) Hudson River, Montrose, N.Y	.34	4.01	11.4	.81	.86	.75	.17	.048	2.11	3.20	2.09	.33	.061
Striped bass (M. saxatilis) Rappahannock River, Tappahannock, Va	.20	.56	2.31	.16	.19	.13	.018	.006	.60	.78	.65	.053	.045
American shad (Alosa sapidissima) James River Estuary, Va	[2].10	.37	.056	.16	.16	.20	.059	.037	.025	.022	.022	.005	.005
White Perch (Morone americana) James River Estuary, Va	.31	.77	1.59	.26	.29	.16	.15	.028	.39	.47	.31	.39	.031
Spotted seatrout (Cynoscion nebulosus) in the surf off Charleston, S.C	.10	.12	.19	.024	.020	.024	.012	---------	.063	.036	.054	.009	[2].005
Spanish mackerel (Scomberomorus maculatus) 4 miles offshore, Charleston	[3].57	.10	.56	.020	.008	.016	[2].005	---------	.17	.12	.13	.011	[2].005
Bluefish (Pomatomus saltatrix) 4 miles offshore, Charleston	.31	.19	2.81	.045	.022	.038	[2].005	[2].005	2.47	.103	.61	.017	.006
Whiting (Menticirrhus sp.) 2 miles offshore, Charleston	.15	.13	.11	.026	.022	.026	.006	---------	.029	.023	.031	.006	---------
Dolphin (Coryphaena hippurus) 30 miles offshore, Charleston	.20	.06	.18	.021	.010	.025	[2].005	---------	.079	.024	.086	.008	---------
False albacore (Euthynnus alletteratus) 30 miles offshore, Charleston	.40	.56	.66	.22	.067	.17	[2].005	---------	.39	.23	.18	.008	---------
Spotted seatrout (C. nebulosus) Lake Calcasieu, Hackberry, La	[4]2.2	.31	.72	.077	.41	.11	.034	.054	.11	.54	.22	.011	.083
Spotted seatrout (C. nebulosus) Shell Point Reef, Wakulla County, Fla	.40	.096	.12	.041	.021	.026	[2].005	---------	.19	.11	.047	[2].005	[2].005
Silver perch (Bairdiella chrysura) Alligator Harbor, Franklin County, Fla	.15	.10	.10	.023	.018	.022	[2].005	---------	.16	.087	.047	.006	---------
Striped bass (M. saxatilis) the Delta, Antioch, Calif	[5].70	.99	17.0	.45	.21	.23	.021	.006	3.66	2.47	2.92	.18	.10
Steelhead trout (Salmo gairdneri) Cowlitz River, Toledo, Wash	.12	.12	.08	.011	.016	.028	[2].005	[2].005	.009	.011	.023	[2].005	.005

[1] Information about the tests: All the figures shown on the chart are parts per million. WARF Institute's procedures for determining chlorinated hydrocarbon residues are in the "FDA Pesticide Analytical Manual," vol. 1, January 1968, secs. 212 and 311. The mercury analysis follows "The Analyst," vol. 86, p. 608, 1961, modified by Atomic Absorption Spectrophotometry with boat technique.

[2] Below noted level.

[3] Repeat analysis 0.56.

[4] Repeat analysis 1.8.

[5] Repeat analysis 0.68.

Note: DDT residues are a combination of DDT, DDE, and DDD. The U.S. Food and Drug Administration has set no tolerance standards for BHC or PCB residues in human food.

ANGELA DAVIS FOR SIMAS KUDIRKA?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. RARICK. Mr. Speaker, the way things have shaped up, a United States-Soviet prisoner exchange would appear to be in the best interests of international justice—Angela Davis for Simas Kudirka.

Angela Davis, an avowed, native-born Communist, has enjoyed every benefit afforded one in a free country. She has had the privilege of being educated, has held a position of trust as a college instructor, and yet she has abused her constitutionally secured freedoms by speaking out against her country. She has provoked violence and anarchy knowing full well that if the racial war she has helped incite were to come about, it would be the people of her own race who would suffer most.

Angela Davis continues to be exploited by the Soviet Communists who obviously desire to use their comrade as a pawn to continue their mission to overthrow our Government and colonize our country.

On the other hand, Simas Kudirka, a Lithuanian who has lived as a Communist slave, risked his life attempting to reach the United States in an effort to escape the totalitarian Soviet system for the same individual liberties and opportunities that Angela Davis is dedicated to destroy. Simas Kudirka, like millions of foreign-born Americans, has not known the many freedoms taken for granted by Angela Davis; but he does know from firsthand experience what "communism" in the Soviet Union is all about.

And since the Soviets are so interested in obtaining justice for Angela—which in this instance means treason without punishment—and Angela is an advocate of Communist totalitarianism, it seems only fitting that the two deserve each other.

I feel that most Americans would gladly offer to trade Angela Davis for Simas Kudirka, who has only asked for the same chance at freedom that Angela Davis has spurned.

If this exchange works out it may set an international precedent for similar trades with the Soviets. Whom could the British get from the Russians for Bernadette?

Several newsclippings follow my remarks:

[From the Chicago Tribune, Feb. 17, 1971]

Slavery—Nations or Individuals?

(By Walter Trohan)

Washington, February 16.—Slavery was abolished in the United States more than a century ago, but it still exists in the Soviet Union and no American should forget it. Of course, vestiges of slavery continued in fact in America, but efforts have been and are being made to weed them out, while slavery is being made a way of life in Russia.

Slavery was abolished by the constitution of Vermont in 1777, before Vermont became a state in 1791. In 1780 Massachusetts ended slavery and Pennsylvania launched a gradual program of emancipation in the same year. Other northern states followed.

On Jan. 1, 1863, Abraham Lincoln issued the Emancipation Proclamation which freed some 4,300,000 Negroes in the South. It was not until the passage of the 13th Amendment to the Constitution that slavery was abolished throughout the U.S.

Russia has held peoples in slavery under the czars and under communism. This month two captive nations celebrate their independence days in chains—Lithuania today and Estonia on Feb. 24. Also this month, the Captive Nations Committee has issued its own commemorative stamps to remind Americans of the many peoples under Communist domination by conquest rather than inclination.

The civil rights movements, which so many regard as a praiseworthy manifestation of the American conscience, has prompted wide demands for black studies in our schools and colleges, even tho most blacks have been on these shores longer than their fellow white citizens and few can, like their fellow white citizens, spot the towns, areas or even the countries from which they came and where they were seized by black masters and sold to white slavery.

However, most of us have no quarrel with learning of any kind. All of it has value. So we say let us have black studies, but let us also know the history of our fellow whites.

How many of us can name the captive nations? They include Albania, Armenia, Azerbaijan, Byelorussia, Bulgaria, China, Croatia, Cuba, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, North Korea, North Viet Nam, Poland, Romania, Serbia, Slovakia, the Ukraine and others.

Estonia, Latvia and Lithuania were seized by Russia in 1940 almost without protest from those fighting the Rome-Berlin Axis or by neutrals like the United States.

Others were seized after the war, but the Ukraine, Byelorussia and Azerbiajan are among territories and peoples conquered by the czars. The Outer Mongolia Republic came after World War II and remains a bone of contention with Red China.

Some blacks are agitating for the release of Angela Davis, the former California Communist college instructor, merely because she is a black. She is awaiting trial for her part in supplying arms and direction of a courtroom outrage, in which several convicts seized a judge and attempted to escape with him as a hostage. They and the judge were killed.

Last December Simas Kudirka, a Lithuanian radio operator, who sought asylum aboard an American Coast Guard cutter, was returned to Soviet captivity in a shameful and callous disregard for humanity and American sovereignty. Responsible Coast Guard officers were forced to retire, but the part of Washington officials, especially in the State Department, was not made clear.

Signs calling for the release of Angela are found across the country, but there are none for the release of Kudirka. It is strange that the State Department did not suggest a trade of Davis for Kudirka. It would serve to demonstrate that we have Angela, while we have only a Communist report that Kudirka is alive and well and has not been punished.

[From the Washington Post, Dec. 26, 1970]

Soviet Scientists Support Angela Davis

Moscow, December 25.—Fourteen Soviet scientists with stature in America's scientific community appealed to President Nixon today to safeguard the life of Angela Davis, the black militant Communist accused of complicity in murder.

Signatories of the appeal included Pyotr L. Kapitsa, one of the biggest names in Soviet nuclear physics, and Mikhail Millionshckikov, another prominent physicist.

The appeal, which identified all 14 as members of either the U.S. Academy of Sciences or the American Academy of Arts and Sciences, said in part:

"We Soviet scientists see in Angela Davis a selfless fighter for progressive social ideas, both in science and in social matters, who has always come up against the resistance of conservative forces . . .

"We feel it our duty to safeguard the right of the individual to fight for progress, therefore we appeal to you as the President of the United States to . . . safeguard the life of Angela Davis and give her an opportunity of continuing her scientific work."

Miss Davis was this week extradited from New York City to California to stand trial on charges of furnishing weapons to black militants who fought a gun battle with police at a courthouse in which a judge and three others were killed. She is a former philosophy instructor at UCLA.

Kapitsa was one of several prominent scientists who successfully pressured authorities earlier this year for the release of geneticist Zhores Medvedev from a mental hospital.

Medvedev, who had continued outspoken criticism of Stalin-era repressions although anti-Stalinism is being muted in the Soviet Union was confined for a period even though he was never found insane.

[From the New York Times, Jan. 4, 1971]

Russians Invited to the Davis Trial—Nixon Authorizes Offer in Black Militant's Case

(By Tad Szulc)

Washington, January 3.—The United States Government has proposed to 14 leading Soviet scientists that they attend as "observers" the forthcoming murder trial of Angela Davis, the black Communist militant and philosophy teacher, to assure themselves of the fairness of the proceedings.

The offer, authorized personally by President Nixon, was contained in a letter to the 14 men from the Assistant Secretary of State for European Affairs, Martin J. Hillenbrand.

It was an immediate response to a cablegram sent to Mr. Nixon on Dec. 25 by the Soviet group, which included Pyotr L. Kapitsa, the dean of Soviet physicists, and Mikhail D. Millionshchikov, another prominent physicist, appealing "to safeguard the life of Angela Davis and give her an opportunity of continuing her scientific work."

Officials here said today that the speed of the reply—Mr. Hillenbrand's letter went out on Dec. 27—resulted from the high professional regard in which the 14 Russians are held in the United States.

All of them are members of the Academy of Sciences of the U.S.S.R. and members of either the United States Academy of Sciences or the American Academy of Arts and Sciences. All are winners of the highest Soviet scientific awards. One, Igor Y. Tamm, a physicist, won the Nobel Prize in 1958.

Another consideration in the move by the United States was believed to be that Mr. Kapitsa and several others have also been active in protesting repression in the Soviet Union against liberal-minded scientists and intellectuals.

The Nixon Administration had apparently not planned to disclose Mr. Hillenbrand's letter at once but State Department officials confirmed today reports from authoritative quarters that it had been sent and that the decision to do so had been made by Mr. Nixon.

They said that the letter also expressed the hope that, in turn, the Soviet Government would allow "foreign observers" to be present at trials in the Soviet Union. It did not mention any specific trials, but officials said that the State Department had in mind future trials of accused Jewish hijackers and liberal dissenters.

A CHALLENGE TO SOVIET

The move by the United States was viewed as a challenge to the Soviet authorities to accept the concept that trials in the Soviet Union should be as open as those in the United States are.

State Department officials said that they could not recall a precedent for an invitation to Soviet personalities to observe judicial proceedings in this country.

Miss Davis, a 26-year-old former philosophy instructor at the University of California in Los Angeles, was arrested in New York last Oct. 13. Previously, she had been charged with murder, kidnapping and conspiracy in the escape attempt at a courthouse in San Rafael, Calif., last Aug. 7, in which four persons died.

The escape attempt involved three black prisoners at Soledad Prison, 100 miles from San Rafael, who had been indicted for allegedly killing a white guard.

California authorities charge that Miss Davis was part of a conspiracy to smuggle weapons into the courthouse. Although she was not present during the shooting, California law holds accessories to such crimes equally guilty with the participants.

On Dec. 3, a New York State Supreme Court justice upheld an order to extradite Miss Davis to California. She was secretly flown to San Rafael aboard a military aircraft on Dec. 22, but her arraignment was postponed until Jan. 6.

SCIENTISTS CABLED NIXON

Miss Davis is a member of the Communist party of the United States and a leading black militant.

Within three days of her arrival in San Rafael, the Soviet scientists cabled President

Nixon: "We . . . see in Angela Davis a selfless fighter for progressive social ideas both in science and in social matters.

"We feel it our duty to safeguard the right of the individual to fight for progress. Therefore, we appeal to you as the President of the United States to . . . safeguard the life of Angela Davis and give her an opportunity of continuing her scientific work."

It was noted here that Dr. Kapitsa, who is 77 years old, and Vladimir A. Engelgardt, a biochemist—both of whom signed the appeal to President Nixon—were also among the four prominent Soviet scientists who protested last June the arrest of Zhores A. Medvedev, a biologist who had written a book, published in the West, criticizing genetic theories prevalent in the Soviet Union in the Stalin era.

The two other scientists who acted on Mr. Medvedev's behalf were Andrei D. Sakharov, a physicist, and Boris L. Astaurov, a geneticist. The protest sent by the four to the authorities in the Soviet city of Kaluga reportedly resulted in Mr. Medvedev's examination by a group of phychiatrists from Moscow who declared him normal.

He had been arrested and taken to a mental hospital in Kaluga.

In 1969, Dr. Kapitsa, who won four times the Order of Lenin and is a member of the Presidium of the Soviet Academy of Science, joined Dr. Sakharov in his thesis that the Soviet and American systems of Government must ultimately converge. He did so at a news conference in Washington.

LIST OF SIGNERS

Last autumn, Dr. Sakharov formed a committee of scientists and intellectuals designed to examine openly new scientific and political ideas. The group is considered a forum for those in the Soviet Union favoring intellectual dissent, and Dr. Kapitsa is believed to be aligned with it.

The signers of the appeal to Mr. Nixon, in addition to Drs. Kapitsa, Engelgardt, Millionshchikov and Tamm were:

Viktor A. Ambartsumyan, astrophysicist, full member of the Academy of Science, recipient of two Orders of Lenin.

Lev A. Artsimovich, a physicist, full member of the Academy of Science, specialist in nuclear physics, two Orders of Lenin.

Aleksandr Y. Braunsteyn, a biochemist, full member of the Academy of Science, Stalin Prize.

Nikolai P. Dubinin, biologist, a corresponding member of the Academy of Science, Darwin Medal.

Andrei N. Kolmogrov, a mathematician, full member of the Academy of Science, Order of Lenin, Stalin Prize.

Andrei L. Kursanov, a biochemist, presidium member of the Academy of Science, Order of Lenin.

Aleksandr N. Nesmeyanov, an organic chemist, presidium member of the Academy of Science, three Orders of Lenin, Stalin Prize, Lenin Prize.

Leonid I. Sedov, a specialist in mechanics, full member of the Academy of Science, Order of Lenin, Stalin Prize.

Nikolai N. Semenov, a physicist and physical chemist, full member of the Academy of Science, four Orders of Lenin, two Stalin Prizes.

Aleksandr N. Frumkin, a physiochemist, full member of the Academy of Science, Order of Lenin, Stalin Prize, Lenin Prize.

[From the New York Times, Jan. 7, 1971]

MORE RUSSIANS SEND PLEA TO NIXON ON ANGELA DAVIS

(By Frank J. Prial)

Ten Soviet intellectuals, including the composers Dmitri Shostakovich and Aram Khachaturian and the ballerina Maya Plisetskaya, have written to President Nixon, asking clemency for Angela Davis, the black Communist militant and philosophy teacher.

The letter from the intellectuals, all of them winners of high Soviet awards, was signed Dec. 30, five days after a similar message was sent to Mr. Nixon by 14 Soviet scientists.

In that case, the President responded promptly by inviting the 14 to attend the trial as observers. However, it appears that there may be no space for them in the courtroom now planned for the trial.

No White House response to the second message, which was made public yesterday, has been disclosed. The message was made available to The New York Times by the Novosti Press Agency, the Soviet feature syndicate.

FBI IS CRITICIZED

Contending that before Miss Davis's trial, the Federal Bureau of Investigation "rode roughshod over the young philosopher's presumption of innocence," the intellectuals urged Mr. Nixon "to weld all your influence as chief executive and finally as a lawyer to have justice triumph and the shadow of the gas chamber not obscure the U.S.A. today."

The other signers of the letter were: Ivan I. Artobolevsky, automation specialist, Kirill P. Kondrashin, orchestra conductor, Lyudmila Savelyeva, film actress; Boris A. Rybakov, archeologist; Konstantin A. Fedin, writer; Igor Moiseyev, folk-dange director, and Yevgeny M. Zhukov, historian.

Miss Davis is charged with having supplied the guns that were used in a shootout last August at the Marin County, Calif., Courthouse in San Rafael during which four persons were killed, including a judge. She was scheduled to be arraigned today on charges of murder, kidnapping and criminal conspiracy.

In their letter, the Soviet intellectuals reminded Mr. Nixon of a speech last year in which he quoted Thomas Jefferson to the effect that Americans acted not for themselves alone but for the entire human race.

"Today, Mr. President," the Soviet group said, "the human race is convinced that Angela Davis is about to be tried in effect for the stand she takes in political and racial problems.

The Davis case, the Soviet group charges, "is only the latest link in the chain that starts from the lynching of the Molly Maguire trade union leaders," a secret workers group active in the Pennsylvania anthracite district about 1870. Other links in that chain according to the group's letter were "the frame-ups of Tom Mooney, Sacco and Vanzetti and other heroes and martyrs in the struggle for a democratic America."

In what appeared to be an official Soviet campaign in support of Miss Davis, the government press agency, Tass, yesterday issued a long commentary on her case. Describing her as a young Communist and "courageous fighter for freedom," Tass said the charges against her were groundless.

Her trial, the Soviet agency said, come against the background of a campaign of hounding and intimidation of those who press for social changes.

MEETINGS HELD IN SOVIET

According to Tass, there have been meetings in the Soviet Union protesting Miss Davis's trial and demanding her release.

In California, Douglas J. Maloney, Marin County Counsel, said it was unlikely that the courtroom scheduled for Miss Davis' trial could accommodate the 14 Soviet scientists invited by the State Department.

In a letter to the State Department, Mr. Maloney said that 60 of the room's 104 seats had been assigned to newsmen and 40 to the public. He said "extensive and detailed security measures are in effect and they do not allow for substantial, last-minute changes" that would involve the 14 observers, interpreters, State Department representatives and United States and Soviet security personnel.

If a motion by counsel for Miss Davis is successful, the Marin County courthouse may not be used. Howard Moore Jr., head of the five-member defense team, said he would try to have the trial moved to San Francisco or Los Angeles where, he said, she would have a better chance to be tried by a "jury of her peers."

[From the Christian Science Monitor, Jan. 8, 1971]

NIXON INVITES RUSSIANS TO SEE ANGELA DAVIS TRIAL

WASHINGTON.—President Nixon has turned to his advantage what could be viewed as a deliberate attempt by a group of Soviet intellectuals to embarrass him.

By approving a State Department invitation to 14 Soviet scientists and intellectuals to "observe" the California conspiracy and murder trial of black Communist Party member Angela Davis, the President has underscored the openness of American legal proceedings.

At the same time, by suggesting that Americans be allowed to view certain controversial Soviet trials, Mr. Nixon, in effect, nettled the Soviets for the recent, emotion-charged hijacking trials of Soviet Jews.

HIJACK TRIALS IN U.S.S.R.

Even though the Soviet courts commuted the death sentences of two accused hijackers, more such trials are expected.

By indirectly raising the hijack issue in the State Department note, the President stressed official concern here at the harshness of the sentences and the Soviet treatment of Jews in general.

The cable, sent to the President on Christmas Day, signed by 14 leading Soviet citizens, referred to Miss Davis as "a selfless fighter for progressive social ideas both in science and in social matters."

Two days later, Assistant Secretary of State Martin J. Hillenbrand invited the 14 Russians to witness the California trial. The President personally approved the invitation, according to the State Department.

The Soviet signatories are eminent men in their fields, and the State Department regarded their appeal to the President as sincere, though misguided. Included in the Soviet group are those who have openly protested the arrest of Soviet intellectuals for independent thinking.

SERIOUS CONSIDERATION

The State Department believed that the protest should be treated seriously. One of the signers, Pyotr L. Kapitsa, dean of Soviet physicists, had earlier been among four Soviet intellectuals protesting the arrest of biologist Zhores A. Medvedev, who had published a critical essay in the West. He was soon freed.

Should such an invitation be accepted, it would be regarded as something of a propaganda coup by the administration—though there is no precedent for such an acceptance. No one here remembers a similar invitation being proferred or accepted.

"We feel it our duty to safeguard the right of the individual to fight for progress," the Russians wrote. They appealed to the President to "safeguard the life of Angela Davis and give her an opportunity of continuing her scientific work."

ACCUSATIONS NOTED

Miss Davis, accused by California authorities of conspiring to smuggle weapons into the courthouse where a judge was abducted and killed, is a former philosophy instructor at the University of California at Los Angeles.

Administration officials say that should the delegation of Soviet scientists agree to attend the trial as "observers," they would see for themselves that the trial was conducted in a fair and unprejudicial manner.

Concern that black militants could not receive a fair trial in America was dispelled following a scrupulously conducted trial of Black Panther militants in New Haven, Conn.

BREWSTER COMMENT CITED

Earlier, Kingman Brewster, president of Yale University, expressed reservations over the possibility that black militants could receive a fair trial in America today. Officials here have no concern that Miss Davis would not be afforded the same judicial care given in the New Haven trial.

In addition to Dr. Kapitsa, several others in the Soviet group are believed to have publicly aligned themselves with liberal causes in the Soviet Union. All belong to the Academy of Sciences of the U.S.S.R. and are winners of high Soviet scientific awards. Physicist Igor Y. Tamm is a winner of a Nobel prize for his work. All are honorary members of American scientific academies—either the U.S. Academy of Sciences or the American Academy of Arts and Sciences.

[From the Washington Post, Feb. 16, 1971]

Miss Devlin Scores Variety of Targets

(By David R. Boldt)

Bernadette Devlin, 23-year-old Irish revolutionary and member of the British Parliament, raked Queen Elizabeth II, President Nixon, the British and American armies, Soviet Russia and American capitalism last night at the University of Maryland.

Asked during questioning from the audience if she advocated the overthrow of the U.S. government, she said, "I congratulate the gentleman on his astuteness of mind . . . the answer is yes."

She added, however, that her principal concern was to bring about socialist revolution in northern Ireland.

Miss Devlin's principal message was the one she has reiterated during her current speaking tour of American campuses: the conflict in northern Ireland is a working-class struggle and not the religious warfare it is being portrayed in the world press.

She drew a link between the efforts of poor Catholics in Ireland, poor blacks in the United States and poor Vietnamese in Southeast Asia to break free from a capitalistic system that she says robs them of the value of what they create.

The audience crowded the ballroom of the student union, well beyond its posted limit of 600 and hundreds of students sat in lobbies and corridors to listen to a public address system. Many people in the audience gave Miss Devlin an ovation when she finished.

She drew applause after telling the audience that President Nixon would never go on trial as an accessory to "the murder of the Vietnamese people" because "he's not black and he's not a Socialist."

Queen Elizabeth II is "a squatter in Buckingham Palace," which should, instead of being a royal residence, be used to house "100 working-class families," she told a questioner.

The British Army in northern Ireland and the American Army in Vietnam are both seeking, she said, to protect the interests of capitalistic society.

Asked why socialistic governments such as those she defends have to keep citizens in with barbed wire, while captialistic countries have to curb immigration, she said, "I have great criticisms of the Russian system," and described it as not socialism, but "state capitalism."

America had halted Irish immigration, she claimed, when American capitalists discovered they could send their industries to Ireland and exploit the Irish there "without having to pay their fares over."

She received her largest crowd reactions in handling hostile questioners. When some in the audience tried to shout down one of her antagonists, she cautioned, "You ought to let the gentleman make a fool of himself."

WELFARE OR WASTE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WYMAN. Mr. Speaker, neither State nor Federal welfare payments ought to come anywhere near being the equivalent of what a man can earn by an honest day's work. To the extent that people are sick, disabled, or mothers with little children are in need, financial assistance is needed but it must not be permitted to get out of hand to the point of encouraging people to stay on welfare and not go to work.

In this connection a recent letter written to the editor of the Manchester, N.H., Union Leader makes the point very well. The letter follows:

Welfare Versus Working Man

To the Editors: My sister-in-law receives $252 per month from welfare plus $140 per month from her husband giving her a total of $392 per month for a family of five.

The total for a year is $4,804 tax free plus medicaid and furniture allowance.

I work 40 hours a week and my year's salary is $4,922. Out of this I pay $254 for S.S., $204 for taxes, $75 for union dues, $125 for Blue Cross, so it gives $4,254 to support my family of five.

Welfare pays all medical expenses; Blue Cross half. Glasses and dental work are paid by medicaid, while Blue Cross pays for none. Now please tell us whose better off. The one whose on welfare or the working man.

If the Nixon administration's family assistance program can stop this sort of thing and meaningfully encourage people to go to work, it will be a significant accomplishment.

HOUSE OF REPRESENTATIVES—*Monday, February 22, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Preserve me, O God, for in Thee do I put my trust. Psalm 16: 1

Our father's God, we come to Thee with the sacred remembrance that on this day was born the one we call the Father of Our Country. We think of the moral fiber of his mind, his courage when confronted with hardship, his willingness to adventure, his skill in leading men and his attitude in helping to found this our beloved Nation and we are grateful.

Above all we thank Thee for his humble faith which time and again sent him to his knees in prayer as he sought to find Thy way and to walk in it.

May the memory of this great life strengthen our souls and sustain our spirits as we labor to preserve liberty in our land and to proclaim freedom to all the world.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 670. An act to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 86–417, appointed Mr. Bible as a member, on the part of the Senate, of the James Madison Memorial Commission.

The message also announced that the President pro tempore, pursuant to Public Law 91–510, appointed Mr. Case and Mr. Schweiker as members, on the part of the Senate, of the Joint Committee on Congressional Operations.

GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. Pursuant to the order of the House of February 8, 1971, the Chair recognizes the gentleman from Virginia (Mr. Robinson) to read George Washington's Farewell Address.

Mr. ROBINSON of Virginia read the Farewell Address as follows:

To the people of the United States:

Friends and Fellow Citizens: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the ardous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the Government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety: of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighted by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progessive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strengths; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of persons and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transcient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinions should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest; in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base of foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign

influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1773, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

HIGHER EDUCATION—A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. N. 92–50)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

Nearly a year ago, in my first special message on higher education, I asked the Congress to join me in expanding higher education opportunities across the nation. First, I proposed to reform and increase aid to students. Second, I proposed a National Foundation for Higher Education designed to reform and strengthen post secondary education.

Neither house of Congress acted on these proposals. Now the time for action is growing short. Existing legislative authority for the basic Federal higher education programs expires at the end of the current fiscal year.

1971 can be a year of national debate on the goals and potentials of our system of higher education. It can be a time of opportunity to discover new concepts of mission and purpose, which are responsive to the diverse needs of the people of our country. I therefore again urge the Congress to join with me in expanding opportunities in two major ways:

To help equalize individual opportunities for higher education, I am proposing the Higher Education Opportunity Act of 1971.

To broaden opportunities through renewal, reform and innovation in higher education, I am proposing a separate act establishing the National Foundation for Higher Education.

EQUALIZING INDIVIDUAL OPPORTUNITIES FOR HIGHER EDUCATION

At the present time, a young person whose family earns more than $15,000 a year is almost five times more likely to attend college than a young person whose family earns less than $3,000.

At the present time, Federal student assistance programs do not always reach those who need them most.

At the present time, there are just not enough funds to go around to all deserving students. Needy students often do not have access to grants. Higher-income students are frequently unable to borrow for their education, even when loans are guaranteed by the Federal Government.

I repeat the commitment which I made in my message of last year: that no qualified student who wants to go to college should be barred by lack of money. The program which I am again submitting this year would benefit approximately one million *more* students than are currently receiving aid. It would assure that Federal funds go first, and in the largest amounts, to the neediest students, in order to place them on an equal footing with students from higher-income families. Abundant resources for loans would also be available to students from higher-income families. The budget I submitted in January provides funds for these reforms and stands behind the commitments of this administration. Failure to pass this program would not only deny these benefits to many students, but also would limit their opportunity to make major choices about their lives.

A major element of my higher education proposal to the last Congress is the creation of a National Student Loan Association. For too long, the volume of funds available to students for federally insured loans has been arbitrarily restricted by the lack of a secondary market in which lenders could sell paper in order to replenish their supply of loan capital.

Establishment of the National Student Loan Association would relieve this squeeze on liquidity by making available an additional $1 billion for student loan funds. The Association would be authorized to buy student loans made by qualified lenders—universities as well as commercial lending institutions. This secondary market would enable universities and commercial lenders to make loans to students in far greater quantity than they have in the past.

It is important to be clear on what this reform would mean. It would mean that higher education would be open to all the people of this country as never before. It would mean that students still in high school would know that their efforts to qualify for college need not be compromised by doubts about whether they can afford college. It would mean that their choice of a college would be based on their educational goals rather than upon their family's financial circumstances.

RENEWAL, REFORM AND INNOVATION

If we are to make higher education financially accessible to all who are qualified, then our colleges must be prepared both for the diversity of their goals and the seriousness of their intent. While colleges and universities have made exceptional efforts to serve unprecedented numbers of students over the last decade, they must find additional ways to respond to a new set of challenges:

- All too often we have fallen prey to the myth that there is only one way to learn—by sitting in class, reading books, and listening to teachers. Those who learn best in other ways are rejected by the system.
- While the diversity of individuals seeking higher education has expanded in nearly every social dimension—age, class, ethnic background—higher education institutions have become increasingly uniform and less diverse.
- Increasingly, many colleges, and particularly universities, have become large, complex institutions which have lost their way. The servants of many masters and the managers of many enterprises, they are less and less able to perform their essential tasks well.
- At the present time, thousands of individuals of all ages and circumstances are excluded from higher education for no other reason than that the system is designed primarily for 18–22-year-olds who can afford to go away to college.
- At the present time, institutional and social barriers discourage students from having sustained experiences before or during their college years which would help them get more out of college and plan for their future lives.

The relationship between the Federal Government and the universities has contributed little to meeting these needs because it has not been a genuine partnership. In many cases the Federal Government has hired universities to do work which has borne little natural relationship to the central functions of the institution. Too often, the Federal Government has been part of the problem rather than part of the solution.

Certain Federal agencies promote excellence, innovation, and reform in particular areas. The National Science Foundation has played a magnificent role in the public interest for science, and the National Institutes of Health have played a similar role for health.

The National Foundation for Higher Education would fulfill a new role in the Federal Government. It would have as its mandate a review of the overall needs of the American people for postsecondary education. It would have as its operating premises, the principles of selectivity and flexibility. Its constituency would include people as well as institutions—and not only the usual secondary student entering college, but also others—such as the person who wants to combine higher education with active work experience, or the one who has left school and wants to return.

The Foundation can do much to develop new approaches to higher education:

- New ways of "going to college." I am impressed with the need for new and innovative means of providing higher education to individuals of all ages and circumstances (Britain and Japan, for example, have already taken significant steps in the use of television for this purpose).
- New patterns of attending college. A theme of several recent reports is that students are isolated too long in school, and that breaking the educational "lockstep" would enable them to be better and more serious students (as were the GI's after World War II). If so, student bodies would reflect a greater mix of ages and experience, and colleges would be places for integrating rather than separating the generations.
- New approaches to diversify institutional missions. Colleges and universities increasingly have aspired to become complex and "well rounded" institutions providing a wide spectrum of general and specialized education. The Foundation could help institutions to strengthen their individuality and to focus on particular missions by encouraging and supporting excellence in specific areas—be it a field of research, professional training, minority education, or whatever.

SPECIAL HELP FOR BLACK INSTITUTIONS

Colleges and universities founded for black Americans are an indispensable national resource. Despite great handicaps they educate substantial numbers of black Americans, thereby helping to bring about a more rapid transition to an integrated society.

Black institutions are faced with an historic inadequacy of resources. To help these institutions compete for students and faculty with other colleges and universities, the combined help of government at all levels, other institutions of higher learning, and the private sector must be summoned.

This administration has taken a series of actions to assist these institutions:

- The proposed reform of student aid programs, with its concentration of funds on the neediest students, would significantly aid students at black institutions.

- —The National Foundation for Higher Education will direct special efforts toward meeting the needs of black colleges.
- —Additional funds for black colleges have been requested for fiscal year 1972 in programs administered by the U.S. Office of Education, the National Science Foundation, and the Department of Agriculture.

CONCLUSION

These are but some of the new approaches to higher education which need to be pursued. A theme common to all of them is a new kind of engagement between all the citizens of our society and our system of higher education. All of us can make a contribution to bringing about such a engagement by taking part in a thoughtful national discussion about our priorities for higher education. Students and faculties can make a contribution by reexamining their goals and the means they choose to achieve them. The Federal Government can do its part by supporting access to higher education for all of our people and by providing the resources needed to help develop new forms of higher education which would be responsive to all of their needs.

RICHARD NIXON.

THE WHITE HOUSE, *February 22, 1971.*

DIFFICULTY YOUNG PEOPLE ARE HAVING THROUGHOUT NATION IN FINANCING HIGHER EDUCATION

Mr. GERALD R. FORD. Mr. Speaker, the President has again urged action on a problem that cries out for attention—the difficulty young people are having throughout the Nation in financing their higher education.

No qualified student should fail to go to college for lack of funds. If we accept that statement—and I think every Member of Congress does—then the Congress should not fail to act this year on proposals to expand funding opportunities for prospective college students.

The President's proposals in this area of difficulty make great good sense. Under his program, Federal funds would go first and in the largest amounts to the neediest students. But loan money would be readily available to students from higher income families.

The creation of a National Student Loan Association has been delayed far too long. All of us know that in many communities it is virtually impossible for a prospective college student to get a loan from a bank. This situation must be remedied, and the proposed National Student Loan Association appears to be the obvious answer.

We must open higher education to all of our qualified young people. America must truly be the land of opportunity.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 4690, PUBLIC DEBT LIMIT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight to file a report on the bill, H.R. 4690, to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes, along with any separate and/or additional views.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON HOUSE BEAUTY SHOP

The SPEAKER. Pursuant to the provisions of Public Law 91-145, the Chair appoints as members of the Select Committee on the House Beauty Shop the following Members of the House: Mrs. GRIFFITHS, chairman, Mrs. GREEN of Oregon, and Mrs. HECKLER of Massachusetts.

RIGERMANS IN UNITED STATES

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, last Saturday night, February 20, Leonid Rigerman and his mother, Mrs. Esther Rigerman, arrived in the United States. It was a thrilling experience for me to greet and welcome them at John F. Kennedy Airport. This was an historic moment, marking the culmination of efforts to secure the confirmation of their U.S. citizenship and their emigration from the Soviet Union.

On December 19, I reported to the House that the U.S. citizenship of Leonid Rigerman and his mother, Mrs. Esther Rigerman, had been confirmed by the U.S. Government. Prior to that time, Leonid Rigerman had made several attempts to enter the U.S. Embassy in Moscow in order to prove his American citizenship. Each time Soviet Government personnel forcibly prevented his entrance, and in November he was jailed for a week.

The confirmation of the citizenship of the Rigermans constituted a commendable action on the part of the State Department, with which I worked on this matter, and I should like to express my appreciation for the efforts of the State Department personnel involved. It also was a tribute to the persistence of Daniel Greer, deputy commissioner of the New York City Department of Ports and Terminals, who voluntarily represented the Rigermans before the State Department. Commissioner Greer's efforts deserve the highest accolade.

The Rigermans received exit visas from the Soviet Union on February 15, and U.S. passports were issued to them by the U.S. consul in Moscow on February 16.

Tomorrow Leonid Rigerman will be in Washington where he will speak at a press conference, which I will sponsor, along with my distinguished colleague from New York (Mr. SCHEUER), for members of the House and Senate who joined us last November in urging the State Department to act affirmatively to confirm the Rigermans' citizenship.

My pleasure regarding the arrival of the Rigermans must be tempered, however, by the plight facing the Jews of the Soviet Union who do not possess U.S. citizenship and are unable to emigrate.

Yesterday at the Lincoln Square Synagogue in New York City, Rabbi Steven Riskin, who was deeply involved in assisting the Rigermans, introduced Leonid Rigerman, who movingly described conditions facing Soviet Jews. Leonid Rigerman said:

> A Jew cannot be a Jew in Russia. We are deprived of all forms of Jewish culture; you cannot study the language; Jewish religion is forbidden.

Members of the Jewish faith have been barred from emigrating from the Soviet Union, even though they face concerted efforts to stifle their Jewish identity so long as they remain there. Their plight was most vividly evidenced only weeks ago, when nine Jewish citizens of the Soviet Union who were allegedly involved in an attempt to highjack a Soviet plane received harsh sentences. World opinion was aroused at the time, and the Soviet authorities commuted the death sentences which had been imposed upon two.

In the Congress on December 31, we passed House Resolution 1336, conveying the "grave concern of the people of the United States" regarding these sentences, and urging "fair and equitable justice for—the Soviet Union's—Jewish citizens." Passage of this resolution followed soon after my introduction of House Resolution 1320, which urged the free exercises of religion and pursuit of culture by the Soviet Jews, and urged that the Soviet Union allow those citizens who wished to emigrate to do so.

Despite passage of House Resolution 1336, even the relaxed sentences imposed upon the Soviet nine are still harsh. Moreover, the plight of the Soviet Jews persists—they still suffer religious and cultural persecution. Their emigration is severely restricted.

Congress should demonstrate to the Soviet Union, which is sensitive to world opinion, its disapproval of the systematic efforts to stifle Soviet Jewry. To this end I have introduced in this Congress House Resolution 43 which provides:

> *Resolved*, That the House of Representatives condemns the persecution of any persons because of their religion by the Soviet Union, urges that the Soviet Union in the name of decency and humanity fully permit the free exercise of religion and the pursuit of culture by all Jews and all others within its borders, and urges that the Soviet Union allow those citizens who wish to emigrate to do so.

I am sure that we are all gratified that Esther Rigerman, and her son, Leonid, have now finally reached the United States. Hopefully, the day will soon come when the Jews of the Soviet Union may express their Jewish identity in security and freedom, as the Rigermans can now do. Hopefully, too, the Jews of the Soviet Union who wish to emigrate will soon be able to do so freely. Common decency and morality demand the speedy inception of these events, in order that the Jews of the Soviet Union may live as Jews, proudly and openly.

At this point, I should like to include

a story which appeared in the February 22, 1971, edition of the New York Daily News, entitled "World Opinion Getting to Soviets: Rigerman" and written by Peter Coutros, which quotes Leonid Rigerman. The article follows:

> ### WORLD OPINION GETTING TO SOVIETS: RIGERMAN
>
> (By Peter Coutros)
>
> The political behavior of Russian politicians is being increasingly influenced by world opinion, according to Leonid Rigerman, who, with his Brooklyn-born mother arrived here late Saturday to end a long struggle to emigrate from the Soviet Union.
>
> "In Stalin's time, it would have been inconceivable that anyone should try to do what we did," Rigerman, a 30-year-old physicist born in Russia, told a press conference at the Lincoln Square Synagogue.
>
> #### CONTINUOUS WEAKENING
>
> "But people started to think about the possibility of emigration during Khrushchev's administration. And since then, there has been a continuous weakening of the regime there. Public opinion is being considered, and where Stalin once purged millions, now there are only a few thousand in jails."
>
> Speaking excellent English in subdued tones and choosing his words carefully, the slight, bearded Rigerman detailed the rigors he was subjected to by Soviet police when he applied at the United States Embassy in Moscow for applications to migrate. Only after eight months of intensive effort and several arrests was Rigerman granted passports for himself and his mother, Mrs. Esther Rigerman, who went to Russia in 1931 with her husband.
>
> The Soviets regarded Leonid and his parents as Soviet citizens (his father died in 1967). The older Rigerman was born in Russia and his wife became a naturalized Soviet citizen in 1937, a citizenship characterized by U.S. authorities as "involuntary."
>
> #### CONGRESSMEN HELPED
>
> Through the intercession of Reps. James Scheuer (D.-Bronx) and William F. Ryan, (D.-Manhattan), the case was given a high priority by the State Department. The matter was called to their attention by Daniel Greer, the city's deputy commissioner of ports and terminals.
>
> Rigerman was flanked by Ryan and Scheuer yesterday as he described his first day in America. "I can't get rid of the feeling that it is only a picture of New York that I'm looking at and that it will all disappear," he said, apprehensively.
>
> Pressed for comment on the militant Jewish Defense League, which has been charged with harassment of Soviet officials here in protest against the treatment of Jews in Russia, Rigerman conceded "the JDL gets a lot of publicity in the Soviet press, all of it bad, so some Jews there think the JDL must be doing something good. But I am not an advocate of JDL methods. When Jews resort to violence, it must be their last resort."
>
> #### CANNOT BE A JEW
>
> Why did the Rigermans emigrate?
>
> "A Jew cannot be a Jew in Russia," he explained, "We are deprived of all forms of Jewish culture, you cannot study the language, Jewish religious literature is forbidden.
>
> Why do the Russians make emigration so difficult?
>
> "Historically," said Rigerman, "there has been a strong connection between Jews and the Soviet. Jews represent an intellectual part of that society."
>
> At this point, Rigerman paused. Then, he concluded: "Because they want the slaves to work."
>
> Rigerman rejected a suggestion that the Soviet repression of Jews may be linked to pro-Arab sentiments, but conceded that there are many Soviet Jews who see a strong connection. "But Jews rarely can agree on any single issue," he smiled.
>
> "I was raised in the American spirit by my parents, so my migration here is an irreversible thing," he said, refusing to speculate on what his fate might have been had the State Department not exercised pressure to effect his release.
>
> Referring again to the resistance of Jews to Communist edicts, Rigerman called it "the only people's movement that is alive there."

BILINGUAL EDUCATION PROGRAM NEEDS FUNDS

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, in light of the persisting underfunding of Federal programs directed at meeting the basic needs of our people, it should be no surprise that the Federal bilingual education program's allocation of funds is so paltry. But to perpetuate this situation is to sanction more than just "business as usual;" it is to continue the injustice of the past.

For this fiscal year, which ends on June 30, $80 million has been authorized for the bilingual education program—title VII of the Elementary and Secondary Education Act. Even if this entire amount were in fact available, it would still not meet the need for educational assistance which exists among the more than 3 million non-English speaking school age children in this country. After all, $80 million divided by 3 million breaks down to a meager $27 per child.

In New York State alone, there are approximately 300,000 Spanish-surnamed children in prekindergarten through 12th grade. New York City accounts for almost all of these. They constitute more than 22 percent of the children in school in New York City. And their percentage has been steadily increasing.

The insupportable fact of the matter is that $80 million is not available for these children. The Congress has once again engaged in the familiar process of authorizing one amount of money for a program, and then appropriating a much smaller amount. In the case of the bilingual education program, it is $25 million which has been appropriated for this fiscal year. In terms of the children who need this program, this comes to the miserly sum of $8 per child.

The gap between authorization and appropriation—or between rhetoric and reality—is a full $55 million. Actually, the Congress has only responded to the administration's own perception of priorities. The administration has consistently sought inadequate funding for this program, and this pattern continues for the next year. The authorization for fiscal year 1972, which begins on July 1, 1971, is $100 million. The administration has requested only one-quarter of that amount—$25 million.

In light of this continued misperception by the administration of the bilingual education program's importance, it is clear that Congress must take the lead and appropriate the funds which, no matter the administration's posture, are in fact urgently needed. To this end, I have introduced H.R. 1589, which provides for a supplemental appropriation for fiscal year 1971 of $55 million for bilingual education. This bill thereby brings the funding of the program up to its fully authorized level.

Of course, even $55 million more is not going to meet adequately the needs of our non-English-speaking population. Much more must be done, including passing increased authorizations for the bilingual education program, followed by full funding. But the $55 million is extremely important, because the bilingual education program, created by the Bilingual Education Act, of which I was an original cosponsor, is so important.

This is a program which does not aim at destroying the child's mother tongue. To the contrary—properly conducted, it should encourage the child to respect and enjoy his proud cultural heritage, including his family's and community's language, which is so integral a component of that heritage. As Prof. Francesco Cordasco, of Montclair State College, at Upper Montclair, N.J., wrote in the May 1970, issue of the Teachers College Record of Columbia University:

> What the legislation has really proposed (no matter how awkwardly, and with full cognizance of all the progamming intricacies which will have to be worked out) is that the social institution which is the school and which serves the children of an open society must build on the cultural strengths which the child brings to the classroom: to cultivate in this child ancestral pride; to reinforce (not destroy) the language he natively speaks; to cultivate his inherent strengths; and to give this child the sense of personal identification so essential to his social maturation.

The importance of the bilingual education program was also recently examined in a two-volume study, entitled "Bilingual Schooling in the United States," by Theodore Andersson and Mildred Boyer, of the Southwest Educational Development Laboratory. In this study, published in January 1970, the authors wrote, at pages 48–49 of volume 1:

> Bilingual education can provide one important means of building out of varied ethnic elements a harmonious and creative community. It is not enough for educators to understand the principles on which a solid bilingul program must be built; they must also create understanding throughout the community concerning the important connection between one's mother tongue, one's self-image, and one's heritage (both individual and group-cultural). One can hardly despise or depreciate any people's language without depreciating the people themselves. . . .
>
> Wherever the vicious circle begins, it is the community as a whole or the nation as a whole that suffers the consequences. Both those responsible for the administration of the schools and those who exert leadership in the community must search their consciences before deciding what kind of education to provide. The non-English-speaking child who at the beginning of school is unable to acquire literacy in English in competition with his English-speaking classmates and who is not permitted to acquire it in his own language makes a poor beginning that he may never be able to overcome. Frustrated and discouraged, he seeks the first opportunity to drop out of school; and if he finds a job at all it will be the lowest

> paying job. He will be laid off first, will remain unemployed longest, and is least able to adapt to changing occupational requirements. . . .

To summarize, a rationale for bilingual schooling in the United States rests on the following propositions:

> 1. American schooling has not met the needs of children coming from homes where non-English languages are spoken; a radical improvement is therefore urgently needed.
> 2. Such improvement must first of all maintain and strengthen the sense of identity of children entering the school from such homes.
> 3. The self-image and sense of dignity of families that speak other languages must also be preserved and strengthened.
> 4. The child's mother tongue is not only an essential part of his identity; it is also his best instrument for learning, especially in the early stages.
> 5. Preliminary evidence indicates that initial learning through a child's non-English home language does not hinder learning in English or other school subjects;
> 6. Differences among first, second, and foreign languages need to be understood if learning through them is to be sequenced effectively.
> 7. The best order of the learning of basic skills in a language—whether first or second—needs to be understood and respected if best results are to be obtained; this order is normally, especially for children: listening comprehension, speaking, reading, and writing.
> 8. Young children have an impressive learning capacity; especially in the case of language learning, the young child learns more easily and better than adolescents or adults the sound system, the basic structure, and vocabulary of a language.
> 9. Closely related to bilingualism is biculturalism, which should be an integral part of bilingual instruction.
> 10. Bilingual education holds the promise of helping to harmonize various ethnic elements in a community into a mutually respectful and creative pluralistic society.

Ours is a nation two of whose premises are first, the stress on education as a means for every child to learn and to advance himself, and second, the stress on maintaining each cultural group's heritages and traditions. The bilingual education program—of particular importance in New York City to our Spanish-speaking citizens—combines both these premises. It seeks to facilitate the educational opportunities of our children for whom English is a second language, while maintaining their pride in the language of their birthright.

Consequently, this program must receive adequate funding. That is why passage of my bill, H.R. 1589, providing an additional $55 million for fiscal year 1971 for the bilingual education program, is so essential.

LEGISLATION TO REQUIRE ALL DRUGS BE REGISTERED

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS. Mr. Speaker, I am sure that all Americans who take drugs assume that these have been tested by the Food and Drug Administration for safety and effectiveness. And this is particularly true. FDA does in fact test new drugs when a manufacturer applies for a new drug application.

But in a quirk of law quite like the "lock the barn door after the horse is gone" scenario we find that manufacturers are not required to notify FDA before placing a new drug on the market. In other words, manufacturers can, if they wish, put any type of drug on the market without notice to the Federal agency responsible for insuring the safety and effectiveness of drugs.

I would make the point that drugs in the sense which I am referring to includes a wide variety of products ranging from aspirins to cold remedies to prescription items.

The loophole in the law has allowed new products which should be tested and regulated via prescription to be marketed for months without FDA's knowledge.

I, along with my colleagues, Kyros, Carter, and Hastings am today introducing legislation to correct this situation by requiring all drugs be registered. This will give us a catalog of all the drugs on the shelves which we now assume to be safe and effective. The end result of this law will be that FDA at least knows what is being sold throughout the Nation and can, if it then wishes, inquire further of the manufacturer as to whether or not the product should be the subject to testing. I would add that this legislation would carry out the recommendation of the Task Force on Drug Research and Regulatory Affairs.

In order to point out some of the recent examples, I have inquired of FDA and would like to enclose in the Record at this time, some specific cases which add emphasis to the need for new legislation.

> 1. Aminopyrine and dipyrone preparations which after many years of marketing were brought under the new drug procedures; we lacked a reliable method of determining what drugs were being marketed and were subject to the new policy.
> 2. Coronary vasodilators, some of which were recently brought into the new drug area, and all of which were required to conform to prescribed labeling; again we could not be sure that all distributors of these drugs learned about the change in policy published in the *Federal Register* because our search undoubtedly did not reveal all suppliers of such drugs.
> 3. Cobalt-containing drugs; we called over 20 firms listed as suppliers to request that marketing be stopped. Since the registration requirements of Section 510 of the Federal Act does not require drug manufacturers and distributors to list all of the drugs they market, it could not be determined for certain that all suppliers of cobalt-containing drugs had been contacted. In addition, we do not know whether the *Federal Register* publication regarding our policy on these drugs has reached all suppliers because we do not have complete information on who supplies these drugs.
> 4. FDA implementation of the National Academy of Science-National Research Council (NAS/NRC) review findings on the effectiveness of pre-1962 drugs would be much more effective if we knew the identity of every such product on the market. As it now stands, the firm and product specifically identified in the *Federal Register* Announcement must either take corrective action voluntarily or contest the matter in court, whereas it may be years before FDA can determine the identity of all of the "me too" drug products on the market. This inability to act across the board leads to justifiable criticism of the Agency and, in fact, at times allows others to profit from our action or inaction against the products of specific firms.

IMPROVEMENT IN THE TEACHING OF THE RETARDED

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, the field of education is often a frustrating one, especially if your students are retarded. The attention span of retarded children tends to be very short, thus making it difficult to teach them.

I am extremely pleased to hear that a small Rhode Island company has produced a new desk system which offers hope for the improved teaching of the retarded. The Higgins Teledesk, produced by Instructive Devices, Inc., of Pawtucket, R.I., is presently being used in the Nathaniel Green School, also located in Pawtucket.

To date, the desk has been extremely successful. Miss Sara J. Hagan, a special education teacher at the school, said:

> One of the major advantages, especially for brain damaged children, is that it holds their attention . . . I've had not one child who hasn't liked the machine.

I hope that all of my colleagues will take a moment to read the following article from the February 17 edition of the Providence Evening Bulletin. The Higgins Teledesk deserves a chance to be used throughout the country.

Rhode Island Desk Will Aid Retarded

(By S. Robert Chiappinelli)

A small Rhode Island company is producing a new desk system that appears to offer hope for improved teaching of the retarded and possibly of other children as well.

"One of the major advantages, especially for brain damaged children, is that it holds their attention," said Miss Sara J. Hagan, a special education teacher at the Nathanael Greene School in Pawtucket where the desk is getting its first public school testing in the state.

Called the Higgins Teledesk and produced by Instructive Devices, Inc., of Pawtucket, the desk is the product of almost a decade of research and development by Dr. Conwell Higgins, chief psychologist of the Albany, N.Y., Board of Education, and the firm.

"They love this," Miss Hagan said of the approximately 15 youngsters who have used the machine which flashes pictures on a small screen in its center. "They're really geared to the machine. I've had not one child who hasn't liked the machine."

"A lot of kids we just can't communicate with," explained Edward W. Riccio, founder of the firm. "The only way that we can communicate with them is with pictures."

Miss Hagan explained that the attention span of a retarded child is generally quite short, which makes it difficult to teach them. However, with the desk and its pictures the youngsters appear totally involved, locked into the subject.

The device consists of a screen, earphones, tape set, program cartridge and numerous small plastic objects with pictures of pears, children and silverware used to match pictures that appear on the screen.

Thes children can start the desk by pushing in the cartridge containing one of the 32 mathematical concept programs that come with the desk. The programs and the desk cost a total of $2,400.

"It makes the child independent," Miss Hagan said. "They can do this on their own." The inserted cartridge starts the images flashing on the screen.

If that particular program concentrates on the concept of two, for instance, the sequence begins by representing pairs of objects and builds to the numeral itself.

The youngsters do not have to be able to read and the teacher can adjust the desk beforehand to give them as much time as needed to answer before the machine moves on to the next picture.

The youngsters' answers are recorded on a tape cassette in case the teacher is not present. The students sometimes are asked to match the artifacts to pictures on the screen or to circle groups on the screen. The markings are easily erased.

"This is basically what education is trying to get back to—the person," Miss Hagan said. "This provides for the child to be at his own pace. They have as many chances as they want. If they don't get it the first time they can go back."

Some children take 10 or 15 minutes, others 30 or 35 but their interest does not wander. The concentration of two children with severe brain damage has been "unbelievable" the special education teacher said. She believes the desk has potential for teaching language arts and children with hearing problems. "You can do this with anything," she said of the concept.

George Quinlan, New England sales representative of the company and a former member of the audio-visual department in the Pawtucket system, interested Miss Hagan a friend, and the special education department in the machine.

"We have several different categories of special education," said Frank Kleniewski, principal. "I felt if it didn't suit one group it would suit another."

The machine is just one of several educational devices being produced at the company, which was founded by Mr. Riccio, who left a profitable position at the age of 50 to start his own company and patent a testing device.

The device, called Testmate, is a frame into which a sheet containing multiple choice questions is inserted. The students press a pencil point on their choice.

If it is correct the pencil punctures the paper. If not it leaves a dot. The student continues pressing until he gets the correct answer. The dots indicate how many incorrect guesses he made.

That device is being used in a driver education program the company has developed in connection with Ford Motor Company's traffic safety and highway improvement department.

The program was used in about 50 Massachusetts schools last year and is scheduled for about 100 schools there this year. The company also is doing audiovisual work for the state Division of Unemployment Compensation and has a series of programs on current problems such as drugs, smoking and alcohol.

Donald H. Gray, director of the company which began in Mr. Riccio's house in Barrington, said it showed a profit for the first time last year and is ready now for full scale production of its teaching desk.

Mr. Riccio sees international possibilities for the desk, which centers on pictures. "The language of pictures is universal," he said. "We just have to put in the different language."

TRIBUTE TO DR. BARNBY KEENEY OF BROWN UNIVERSITY

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, there are not many men who would say: "I'm an arrogant, effete, Eastern intellectual—and a WASP to boot. I'm also a snob. I think it's a fine thing." But then, there is only one Barnaby Keeney.

He is, as Haynes Johnson of Washington Post tabbed him, "a resident wise man." He is a former president of Brown University and President Johnson appointed him the first Chairman of the National Endowment for the Humanities. Presently, Dr. Keeney is the chief executive officer of a consortium of five major universities here in Washington.

Dr. Keeney's distinguished service to the humanities is unparalleled. I urge my colleagues to take the time to read the following article which appeared in the Washington Post. Their time will be well spent.

[From the Washington Post, Jan. 14, 1971]

A Resident Wise Man

(By Haynes Johnson)

Barnaby Keeney is an irreverent iconoclast who, at tea one afternoon, slouches over his desk, peers over his glasses, offers an apple to his guests, and says, disarmingly, "I'm an arrogant, effete, Eastern intellectual—and a WASP to boot. I'm also a snob. I think it's a fine thing."

Although he would cringe at the term, Keeney is also one of the resident wise men of Washington. If there are any dissenters to that claim, Keeney even has a new citation to prove it (but, of course, he would never show it or refer to it).

When the scholars of Phi Beta Kappa looked around for an American deserving of their first award for distinguished service to the humanities, they went no farther than Keeney. He was, they said, a man "whose qualifications were so far above dispute as to make him the sole and unanimous choice." They went on to say, superfluously and effusively, that he was a man of "incisiveness" with "the breadth of understanding that characterizes the true humanist," a person of "earthy common sense and unerring capacity to get to the issues and close with it . . ." Kenney, they concluded, certainly would establish a "worthy line of descent for his successors."

Such accolades would either sink—or swell—most men, Keeney takes it all in stride. He has that rare capacity to refuse to be impressed with honors.

Some years ago, when Lyndon Johnson appointed him the first chairman of the National Endowment for the Humanities, an effort aimed at attracting to the humanities some of the attention and money that was being poured into science, Keeney reacted with characteristic wry self-depreciation.

"I'm not a bit brighter today than when I was flunking third grade," he said, To further disabuse anyone of the idea that Keeney, a former president of Brown University and distinguished Renaissance scholar, was some ivory-tower savant, he added: "If I met with intellectuals on weekends, I would perhaps have more ideas on Monday. But when you are with intellectuals all week, you should go fishing on weekends."

Time has not tempered Keeney's tongue, nor altered his habit of poking fun at himself and his surroundings. He is now the new chief executive officer of a consortium of five of Washington, D.C.'s major universities. When asked what he was doing, he shrugged his shoulders and said, "This is where the elephants go to die, and a lot of them are dying here."

Keeney was no less sharp in his remarks about the two presidents who have given the leadership to the move to support greater funds for the humanities. It was Johnson who had endorsed the first bill, and things were proceeding well until "he got himself in his God-damned war," Keeney says. Then, on Richard Nixon: "Nixon, of course, has no reputation at all as an artist or humanist—but, for one reason or another, he's supported this very generously."

Keeney still expresses the same kind of concern about the support of the humanities that led him to accept Johnson's appointment five years ago. "I'm more concerned about the humanities," he said, "because that's what's lacking in our society—the disinclination to ask why, or to ask where are we going. That's where we've always had trouble. We've always had a lack of understanding of the past."

Actually, Keeney can take considerable satisfaction in the change in attitudes toward supporting the humanities. When the program was first introduced in 1966, many congressmen opposed even the barest federal endowment of the arts.

One fear dominated the debate: the old bugaboo of government control of the arts. As an indication of how views have changed, in the last Congress many of the same congressmen who initially had opposed the idea voted to support President Nixon's recommendation and double the authorized funding of the National Foundation of the Arts and Humanities. H. R. Gross of Iowa, as staunch a supporter of free enterprise and foe of big-government spending as can be found in the Congress, remarked then that there hadn't been so many converts in a long time.

A major reason for the change lay in the demonstrated effectiveness of the program. Under Keeney's leadership, the foundation led to a flowering of support for the arts in America, with the federal grants generating three times as much private financing.

But if this gives Keeney justifiable satisfaction, there is much in American life today that causes him deep concern. Musing aloud about the shape of the future, he spoke of spiraling population, increasing pollution, lowering standards and greater tensions affecting nearly every one's life.

"I got thinking so hard this morning about these things," Keeney said, with another puckish smile, "that I almost drove in front of a big car—and then, while walking, I almost walked right into a school bus. I think that would have been inconsiderate to all those school kids."

Then, more seriously, he said:

"I think we're a self-liquidating proposition unless we make some really hard choices. And we—I mean, America—can't make them alone. It's a worldwide problem.

"We've got to stop fouling up the environment and we've got to stop fouling up the people with low-grade education, and we've got to stop letting large numbers of people breed themselves into inadequate and hopeless lives."

Already, he went on, the damage to the environment was irreparable in some areas. "You may not be able to unpollute what is polluted entirely, but in 50 to 100 years you can reduce the pollution to a tolerable level.

"You know, there's serious consideration being given by some scientists to increasing the length of human life. I think that's the most stupid thing you can do. If people live longer. They're going to stay fertile longer. I'm one person who doesn't want to see life prolonged."

Did that mean Barnaby Keeney, the humanist, had become a pessimist?

Keeney peered over his glasses again and paused a moment.

"No," he said, with a short laugh. "I'm just discouraged."

SELECTION OF MISS KATHLEEN CZAR, OF WARWICK, R.I., AS 1971 RHODE ISLAND VOICE OF DEMOCRACY CONTEST WINNER

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy Contest. This year over 400,000 school students participated in the contest competing for the five scholarships which are awarded as the top prizes. The contest theme was "Freedom—Our Heritage."

The winning contestant from Rhode Island this year is Miss Kathleen Czar from Warwick. Miss Czar is presently a student at Pilgrim High School and is the editor of the school paper. In addition, she is vice president of the German club and secretary of the ecology club.

At this point in the RECORD I would like to include a copy of Miss Czar's winning speech. It is an extremely well written speech and I congratulate her for her fine work.

FREEDOM—OUR HERITAGE

Freedom is an important word to Americans, a term that has always played a key role in the history of the United States. For the freedom to practice their religion, the first colonists faced almost insurmountable hardships in coming to settle in the New World. To "secure the blessings of liberty", a new nation was carved out of wilderness by brave men with a dream, a vision of a country where all men could be free. To make this dream reality, to make all men free, the United States fought a civil war, discovering that a nation so conceived could endure. And to protect this liberty, Americans fought and died in two world wars, risking their lives to preserve the freedom that had come to mean so much to them.

Today we have a responsibility. A challenge has been set before us by the Americans who strove throughout history to protect liberty. They have challenged us to carry on the democratic tradition. Our responsibility is great. We must face the challenge, and work to keep freedom from becoming nothing more than a hollow, meaningless word, tossed about casually.

In order to accomplish this difficult task, we must first dispel the illusion that freedom is guaranteed to every man merely by the fact of his birth. Freedom is not a static quantity to be passed from one generation to the next like a tarnished antique watch. We, as citizens of the United States, are not automatically the heirs of liberty. We are given the heritage of freedom, but it is the task of each generation to win once again the right to exercise its independence; it is the duty of every American to earn his liberty.

In the seventies, we can at least begin to merit our heritage by the wise, judicious use of our power. On a large scale, the United States can use her strength and wealth to aid weaker nations, countries with the same desire for life, liberty and happiness that sparked the American battle for independence. Closer to home, the citizen himself can make responsible use of the power of democracy. By keeping abreast of the major issues and problems that confront America today and by working within the system to implement the necessary changes, he can in his own way protect his freedom.

Part of the responsibility inherent in democracy is the respect for the rights of others. Many of the problems facing the country today stem from the misconception that freedom can be taken for granted, that it can be accepted as no more than one's due. Democracy itself is threatened when rights taken for granted are abused, when liberty is mistaken for license, and freedom is confused with "anything goes".

It is not liberty that has been handed down to us, but rather the challenge to preserve and further the cause of freedom. We must take it upon ourselves to earn our liberty, to merit our priceless heritage, and, perhaps equally as important, to dispel the illusion that freedom is ours by birth.

THE CONGRESS CAN STOP THE VIETNAM WAR

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. TIERNAN. Mr. Speaker, the war in Southeast Asia is like an old song that we cannot get out of our mind. The verses change, but it is the same tune that haunts us. At the beginning we did not know how to react to this persistent humming. After a while it began to aggravate us and we protested, but not too loudly. Then the noise got louder and we erupted into loud shouting and banging our head to try to get rid of this ubiquitous sound. With this response, the degree of the humming leveled off. For awhile we truly though it would leave us.

Then, with little warning, the loudness returned. We probably thought all along that it would, but we refused to admit it. This time we lack the energy to fight it. Maybe if we just ignore it, we say, it will go away. No such luck. We may try to dress it up and cover it over with make up, but it is still there. And unfortunately, it will remain until we find the correct antidote.

The President could apply this antidote, but unfortunately he feels his pride is involved. He says he too wants to end the war, but only if we come marching out with flags waving, bands playing, and wreaths being placed upon our heads. He refuses to admit that we have made a grievous mistake in Southeast Asia, a mistake that has been perpetuated for 10 long years.

Therefore, the only way to bring this war to an end once and for all is through an act of Congress. In a letter to James Madison in 1789, Thomas Jefferson wrote:

> We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the legislative body, from those who are to spend to those who are to pay.

It is time for the Congress to reclaim this "effectual check"; the "dog of war" has had it too long.

In a speech before the American Legion here in Washington on February 16, President Nixon stated:

> The United States has not started a war anywhere.

He may claim that we did not initiate the Vietnam war, but he must accept the blame for expanding it.

There is no doubt that the Nixon administration violated the intent of the Congress as stated in the Church-Cooper amendment with their planned invasion of Laos. The Congress had prohibited the use of American ground troops in that country. In doing this, we forgot we were dealing with a President who disguises our soldiers in civilian clothing and places an embargo on news so that the American people were the last to learn of our invasion of Laos. We cannot help but recall that the Russian people were the last to learn about the invasion of Czechoslovakia.

Even some of the military are finding all of this hard to swallow. A ranking military information officer told the Saigon correspondent of the Baltimore Sun:

> When an Administration replaces prompt and full disclosure—as much as is allowed by military security—with a policy of duplicity, well, you have to recall a few civic lessons and, if you're a good soldier, swallow hard.

This should not and cannot be tolerated.

Let us look at the explanation of the Defense Department for our expanded role in Southeast Asia. Actually, "expanded" may be the wrong word. Back in June of 1964, U.S. jet planes attacked Pathet Lao positions in north-central Laos. This was the first direct involvement of the U.S. military in Laos. In February of 1968, U.S. planes bombed communist forces in Laos in close support of Laotian troops, thus becoming the first time American planes had given direct support to Laotian ground forces. In the latter part of 1969, U.S. B–52's were flying as many as 200 sorties a day from bases in Thailand and South Vietnam, bombing the Ho Chi Minh Trail in Laos. It is my understanding that between 1966 and 1969, Laos suffered the highest per capita casualty rate in the world and endured the heaviest per square mile bombing in history.

But let us get back to the record. First it was going to be the bombing of the north that was going to be "decisive." Then it was the search-and-destroy missions, then American airpower, then American air support. After that it was the destruction of the enemy's forces in the Tet offensive that was supposed to have broken the back of the opposition. And only last spring it was the invasion of Cambodia that was going to destroy the enemy's sanctuaries and let us go home. Now we are being told once more that our latest adventure into Laos will surely put an end to our long agony. But the weekend news is replete with stories that the North Vietnamese are now digging in hard to protect the Ho Chi Minh Trail, and that the South Vietnamese Army had not, as we had previously been led to believe, taken over much of the trail. And so the possibility of American ground troops entering Laos to protect the South Vietnamese looms larger.

In the name of getting out, we are getting in deeper. Our policy is based on the million-man South Vietnamese Army. In the end, I am afraid that we will find this policy is built on sand. They are not what the administration builds them up to be, or our support would no longer be necessary. How can we really continue to withdraw our forces when the Saigon regime could collapse after we are gone? This is the basis of the Nixon administration's thinking. Thus, our tactics are not protecting our withdrawal, they are preventing it.

And since the military tactics and the President's dependency on the military are unlikely to change, it is our policy and our tactics which must change. First of all, we must rid ourselves of the belief that we are the policemen of the world. I do not like communism anymore than Mr. Nixon does, but we cannot be the saviors of the world. We forget that Americans are only 6 percent of the world's population, and that there cannot be an American solution to every problem.

Second, we must recognize, as Alexis de Tocqueville said:

> No protracted war can fail to endanger the freedom of a democratic country.

President Nixon stated last spring as a defense of our involvement in Cambodia, that "doing too little for an ally can induce a sense of despair." What he and many others do not realize is that a people lacking jobs, lacking adequate housing and health care, a people who are threatened on all sides by a polluted environment, are much more vulnerable to hostile powers than a people whose domestic life is built around respect for human values. We should have learned long ago that we cannot build confidence or credibility by stubbornly persisting in a futile venture. There can be no credibility unless the original cause is sound.

And, third, it is up to the people of this Nation not to retreat into despondency and frustration. The invasion of Laos was greeted with apathy in this country. Do we truly believe that it is somehow clean and fair to kill from the air, but it is an atrocity when it is done at Mylai?

This war will end only by an act of Congress. Unfortunately, Congress often does not act on its own, but instead reacts to citizen pressure. Last spring there was a tremendous response by the people of this country to the invasion of Cambodia. Largely as a result of this public outcry, the Church-Cooper amendment was passed by Congress. The President responded by saying he would not use ground troops, but he has used air and seapower, advisers, and medical aides. We could now enact legislation to prevent the use of these additional men in Laos and Cambodia, but the President would, I fear, only change their titles or even pick a different country to invade.

There is only one choice we have, and that is to cut off all military funds for Southeast Asia and set a date by which all American military personnel must be removed. To require the removal of only ground troops is to invite continued involvement for another decade.

Congress must act and we must act now. But we need the help of the people of this country. We need your letters and your calls and your visits. We need your pressure. We are in a far more favorable position this year to pass legislation than we were in last year. Listen to this statement made last month by Senator JOHN STENNIS, chairman of the Armed Services Committee, who has long been an outspoken exponent of giving free reign to the President as Commander in Chief. Senator STENNIS states that he now "totally rejects the concept advocated from time to time that the President has certain inherent powers as Commander in Chief which enable him to extensively commit major forces to combat without congressional consent."

Congress must act now to prevent future Vietnams. Senator JACOB JAVITS of New York has introduced a bill which would give the President the authority to initiate hostilities to meet emergencies, such as an attack on the United States or an attack on American troops abroad, to protect the lives and property of Americans abroad and to comply with a treaty obligation. However, the President could not continue the hostilities for more than 30 days unless he obtains congressional authorization. This bill seems to have broad support and I am today introducing it here in the House.

We must end this war and begin the task of rebuilding this country. We need the help of the people of this Nation. Not the shouting of obscene slogans, or the waving of Vietcong flags, or the bombing of buildings. You cannot merely complain or demonstrate or use violence to impose your will. This does as much to destroy this country as does the continuation of the war, and I abhor it just as much. What we need is your energy and your support. Do not mellow in despondency, for a senseless war tolerated in frustration or misunderstanding is no less senseless.

We may not be able to pressure the President to end this war, but we can get the Congress to stop it. Let us hear the voices of the people of America once again.

President Kennedy once said:

> The men who create power make an indispensable contribution to the nation's greatness, but the men who question power make a contribution just as indispensable.

It is this latter role that we seek.

SELECTION OF MISS MEREDITH ROLLINS, OF BILLINGS, MONT., AS 1971 MONTANA VOICE OF DEMOCRACY CONTEST WINNER

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the Montana members of the Veterans of Foreign Wars of the United States and its auxiliary have selected Miss Meredith Rollins of Billings, Mont., as their 1971 Voice of Democracy Contest winner.

Miss Rollins, a Billings West High School student, makes an eloquent presentation of a strong, free America able to withstand close examination and continually dedicated to the "responsibility to bring men, worldwide, closer to realizing the ideal of freedom." I am pleased to draw this good work to the attention of my colleagues, as follows:

FREEDOM—OUR HERITAGE

(By Meredith Rollins)

My generation is inheriting America—the whole America. We are inheriting a history filled with Thomas Jeffersons, Abraham Lincolns, and Martin Luther Kings; a history nurtured by the Constitution and the Declaration of Independence; and dedicated to ideals of peace and freedom. Yet we are also inheriting a nation where the sick, the poor, and the hungry are often ignored; a nation where there are rumors of civil war and of revolution; a nation where Americans are labelled not as brothers, but as factions: black Americans, white Americans, ultraconservative Americans, radical Americans, militant Americans, ugly Americans.

America personified is perhaps the greatest living paradox: it is the greatest nation ever on the face of the earth, yet it faces the most complex problems ever known to man. When I was very small, America seemed like a great red, white, and blue eagle in the distance—unblemished and untouchable. Yet as I come closer, as I grow older, to the actual substance of the eagle, I realize that the eagle's paint is chipped, the red, white, and blue colors somewhat faded, and the eagle itself is scratched and scarred. Realizing these faults is not necessarily bad. It is up to my generation not only to realize the faults in America, but to avoid whitewashing them—not merely to repaint America in the red, white, and blue, but to check the foundations of freedom for which the colors, and the nation, stand.

The best way to reaffirm the principles of freedom is through knowledge. In our highly technological state, we often mistake facts and formula for timeless truths. We must instead study the lessons of history and aim at wisdom, a knowledge of abstract, human variables. Americans living today are the best-educated people the world has ever known, but we are still all too often ignorant of the human side of freedom. Ignorance forces us into corners. Young people today, following often limited perspectives, are often forced into two camps—those who are blindly patriotic to America, or those who are totally critical of the American system. Neither group furthers the cause of freedom.

As Americans, we need to broaden ourselves and to broaden our definition of freedom. A great American once said, "No man is free until every man is free." With our heritage of freedom comes the responsibility to bring all men, world-wide, closer to realizing the ideal of freedom. We can strengthen our definition of freedom by studying both the advocates and the critics of the American system. If that system is not strong enough to stand such close inspection, then it needs redirection. However, in the past, America has always been able to withstand, and has often profited from, the harshest criticisms and the closest examinations.

It was once said that "America is great because America is good, and when America ceases to be good, then it will also cease to be great." My generation inherits a great, and, for the most part, a good America. It is up to us, in appreciation for our heritage of freedom, to strive to strengthen and maintain America's goodness, and in this way to find the true meaning of patriotism.

THE INCREASE IN PRICE OF PLYWOOD AND LUMBER

(Mr. MARTIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN. Mr. Speaker, 2 years ago I addressed the House on several occasions in regard to the rapidly accelerating prices of both plywood and lumber. At that time both lumber and plywood had increased in price over 100 percent in a matter of less than 6 months.

At the time I introduced a resolution calling for the investigation of the situation by the Banking and Currency Committee. The resolution promptly cleared the Rules Committee and was unanimously approved on the floor of the House. Such a hearing took place in a very short period of time.

Mr. Speaker, it is interesting to note that within that 2½-week period of time after the Banking and Currency Committee began their hearings that prices of both plywood and lumber began to drop. They continued that decrease in price, and went down to prices that had been in effect 4 and 5 years ago. They remained at that point until recently.

Now, this price spiral is once again taking place. The mills again are becoming most greedy through price increases. Let me give you some figures.

Dimension lumber since the first of December has increased from $75 per thousand to $87, an increase of 16 percent.

Plywood, from the first of December, has increased from $64 to $86, a 35-percent increase.

It is time that the lumber manufacturers stop this practice of gouging the American homebuilder simply because there is currently an increased demand for lumber and plywood. If these price increases continue, I intend to again introduce a resolution calling for a congressional investigation in far greater depth than the hearings of 2 years ago.

All of the blame, however, cannot be placed on the lumber manufacturers for the increase in building costs. I cite below figures in regard to increases in wages in the construction industry versus all industry:

In 1965 construction industry workers received an average wage increase of 17.5 cents per hour; all industry 8.5 cents. In 1968 construction workers received an average increase of 49.6 cents per hour; all industry 18.5 cents. In 1969, construction workers 70.2 cents per hour increase; all industry 22.1 cents per hour. In 1970, the average increase for all construction workers amounted to 90.5 cents per hour versus 27.7 cents for all of industry.

The pay increases which the workers in the construction industry have received over the last few years are almost unbelievable. Irresponsible leadership of local craft construction unions have been responsible for this astronomical increase in construction workers' wages and the subsequent increase in the cost of housing.

The average family cannot afford to construct a new home today, because of the tremendously high labor costs.

As a result of recent increases in the cost of lumber and plywood, and of construction workers' wage rates, an immediate freeze should be ordered on both wages and prices in the construction industry for a period of at least 12 months. I urge President Nixon to take immediate action.

PLEDGE FOR VIGOROUS CONSUMER PROTECTION

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, House Democrats, under your able leadership, are today reaffirming our commitment to the passage of strong, effective legislation to protect the American consumer. Recent Democratic Congresses have enacted landmark legislation in the field of consumer affairs, including the truth-in-lending, fair packaging, flammable fabrics, and wholesome meats laws.

We intend to improve on that record. Chairman Holifield has today announced that his Government Operations Committee will begin hearings next week on the proposal to establish a Consumer Protection Agency. The American consumer is the keystone of our economy.

In recent years, however, as our economy has grown and diversified, the consumer has found himself increasingly removed from manufacturers and increasingly the helpless prey of unscrupulous vendors. We believe he deserves a better deal. We think he is entitled to fair treatment in the marketplace. An independent consumer protection agency which will vigorously and effectively represent the interests of the consumer is a step in the right direction. We pledge our allout efforts to achieve that goal in the 92d Congress.

PASSPORT OFFICE

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, last week I called to the attention of Members of the House an excellent article in the New Yorker magazine by Edward Jay Epstein in which he exposed the disgraceful reporting by certain elements of the press concerning an alleged, but nonexistent, national police conspiracy to eradicate the Black Panther organization.

Two of the country's self-proclaimed leading newpapers, the New York Times and the Washington Post, took the forefront in spreading this totally unfounded story, and their completely unprofessional actions—as detailed by Mr. Epstein—are shocking to the point of disbelief.

Never let it be said that the New York Times is inconsistent. Even before the ink was dry on Mr. Epstein's exemplary article the Times came out with a lengthy story purporting to "reveal" a "secret" file of names kept by the Passport Office for use in surveillance of passport applicants.

Mr. Speaker, shocked by this latest assault on credibility I asked the director of the Passport Office, Miss Frances G. Knight, for her comments, and I am sure the Members of the House and the American public will find them interesting.

I find it intriguing to learn that the existence of this "file" was apparently a secret to the great and august New York Times when it has been a matter of public information for over a decade.

But, then, I found it intriguing to watch the New York Times unearth a land deal involving Spiro T. Agnew and try to smear him, on election eve in 1968, with a story which had been widely printed and dismissed many months earlier by every newspaper in the area.

I find it interesting that the reporter assigned to the Agnew story is also the author of the current hatchet job on the Passport Office. It would also be interesting to learn whether the same New York based editor, who ordered the Agnew stories, is behind the "discovery" of this one.

It must be admitted that the Times is busy forging a solid reputation as a leading exponent of yellow journalism.

Mr. Speaker, I include for insertion in the Record at this point a letter to me from Miss Knight, the New York Times story in question, an excerpt from the Warren Commission report and a copy of a State Department press release of April 5, 1966, consisting of a letter signed by Dean Rusk:

Department of State,
Washington, D.C., February 21, 1971.

Hon. H. R. Gross,
House of Representatives,
Washington, D.C.

Dear Congressman Gross: This is in answer to your urgent telephone request this morning for information regarding newspaper stories on the "look-out file" maintained in the Passport Office. The news items you referred to were carried in the New York Times and I believe the Washington Evening Star has contracted to carry the New York Times News Service, which would explain why a local paper carried the same story. The file in question is too complicated a matter to explain over the telephone. I hope that this letter will be helpful to you.

I have had a number of inquiries regarding the scare headlines carried by the New York Times on February 11 and February 16, 1971. The first headline reads: "Passport Office has Secret File" and the sub-head reads: "243,135 Names in Computer—Applications Screened." The second article was headlined "Raw Material for Snoopers." The average reader would surmise from these scare-heads that the Passport Office is engaged in the surveillance of U.S. citizen travellers—a totally false accusation previously made by the New York Times and officially denied by former Secretary of State Dean Rusk.

Inaccurate reporting was recently dramatized in a recent issue of The New Yorker Magazine which exposed sloppy, misleading reporting on the Black Panther-Police cases. On February 19, 1971, the Washington Post engaged in some editorial introspection and slapped its own wrists lightly for its contribution to the inaccuracies. Today, the Sunday Star also editorialized on "The Panthers, the Police and the Press." The important thing to remember, however, is that the misinformation has spread like a poison and the damage, whether by inadvertence or not, has been accomplished. Explanations and retractions never catch up with the original false accusations or implications.

You may be interested in the following background of the New York Times' preoccupation with the contents of the Passport Office files and the operation of the Passport Office. On March 8, 1966, the Passport Office sent a routine classified message to the American Embassies in Moscow and Paris concerning the travel abroad of Henry Stuart Hughes, a Harvard University professor on sabbatical leave. This message requested these embassies to notify the Department of State of any information received by them concerning Professor Hughes' activities abroad.

This classified message was "leaked" to the New York Times and was virtually quoted verbatim by that newspaper. In its issue of March 23, 1966, the New York Times touched off its ever-ready panic button and alleged the State Department was conducting a "surveillance" of U.S. citizens during their travel abroad. The article further stated that Miss Frances G. Knight, Director of the Passport Office, *"had been reproved by her superiors" for sending the message.* Both statements were lies.

In a letter of March 23, 1966, Senator Edward M. Kennedy asked the then Secretary of State, Dean Rusk, to comment on the New York Times' article. The Department of State by Press Release, No. 74, dated April 5, 1966, set out the Secretary's reply to the Senator's letter. The Secretary stated in part:

"You inquired first as to 'the relationship between the Passport Office and the investigatory agencies of government, both in the granting of passports and in the surveillance of those who have received passports'. *First of all, I wish to emphasize most strongly that no question of surveillance or investigation by the Department of State or any American diplomatic post abroad is involved.* The Department of State has traditionally been the agency of the Government to which other Departments turn for cooperation and assistance in aspects of their responsibilities relating to areas outside the United States. *These have included requests for information the Department may receive concerning individuals travelling abroad. Requests of this kind have been sent routinely to the Passport Office in the Department. Also routinely, such requests have been passed on to our diplomatic missions abroad, with a request that the mission should forward to the Department any information that it may receive in normal course of business during the travel of an American citizen. The diplomatic missions have not been asked to conduct any surveillance or to engage in any investigative process.* They have merely been asked to transmit certain information they may receive which, in the absence of a request from the Department, they might have no occasion to report." (Emphasis added.)

The Passport Office was merely following a routine practice established by the Department of State in cooperation with other areas of the Federal Government. Former Secretary of State Rusk answered this Congressional inquiry in a forthright manner which even the New York Times should be able to comprehend.

The current misrepresentation in the New York Times was occasioned by a speech made by Senator Sam J. Ervin, Jr., on February 9, 1971, in Carlisle, Pennsylvania, expressing his legitimate concern with violations of the First Amendment Rights of free speech and freedom to associate. The Senator's speech has not been made available to me. No Passport Office representative was present when a spokesman for the Department of State briefed a member of the Senator's staff concerning Passport Office procedures. Therefore, I have no firsthand knowledge of what was said.

With specific reference to the New York Times article of February 11, 1971, it should be made clear that the Passport Office has statutory and regulatory authority for the maintenance of records of persons who for one reason or another, mainly citizenship, should not be issued a passport.

This authority is: 22 USC 211(a) and 212; 8 USC 1105; 8 USC 1185; Presidential Proclamation 3004; Executive Order 11295; and the Passport Regulations 22 CFR Parts 50, 51 and 53. In addition, the Passport Office is bound by the conclusion of the Warren Commission arising from its report on transactions between Lee Harvey Oswald and the State Department. The New York Times is aware of this fact in view of the ample lineage it gave the Warren Commission Report.

The New York Times article dated February 11, 1971 is captioned "Passport Office has Secret File." The fact that the Passport Office has such a file is not a secret; it was published in 1964 in the hearings of the Warren Commission; the categories of persons listed in the Passport Office "lookout file" have been discussed in various Congressional hearings available to the New York Times as well as to the public. Particular reference is made to a report of April 4, 1957 issued by the Subcommittee on Constitutional Rights of the Senate Judiciary Committee. This report sets forth, at length, an exhaustive study of the passport procedures and was based on oral testimony before the Committee citing numerous studies. Further, so far as I am aware, Senator Ervin did not characterize the Passport Office lookout list as a "secret" file.

The New York Times article states:

"A spokesman for Senator Ervin, however, said today that the State Department had reported to him in writing that the largest group of names on the list was in the 'known or suspected Communists or subversives' category and that the number of names under 'doubtful citizenship' ranked second."

I do not know the identity of the unnamed "spokesman" referred to in the article. However, the facts which the Passport Office furnished to the upper echelons in the Department of State handling all the contacts with Senator Ervin's office specifically indicated that the *great majority* of names contained in the lookout file relate to loss of citizenship, questionable citizenship or insufficient evidence of citizenship. Information to this effect was also furnished by me to Mr. Ben Franklin of the New York Times on February 10, 1971 in an interview requested by that reporter.

As reported by the New York Times, Senator Ervin is alleged to have said that while there might be legitimate reasons for maintaining portions of the Passport Office file, many of the justifications for it given to his subcommittee by the State Department were beyond any reason whatsoever.

Insofar as the Passport Office is aware, the Department of State was not asked and made no effort to justify the various categories in the lookout file. The New York Times listing of some of the categories deliberately impugns the necessity for and reasonableness of the lookout file and gives rise to some very pertinent questions:

1. Does the New York Times advocate the issuance of U.S. passports to persons who are not citizens of the United States in violation of law (22 USC 212)?

2. Does the New York Times advocate the facilitation of travel of arms smugglers, persons engaged in revolutionary activities or those who have a record of criminal activity abroad? These are examples of the persons whose "actions do not reflect to the credit of the U.S. abroad (1,040 persons)."

3. Does the New York Times advocate noncompliance with the conclusions of the Warren Commission and Presidential directives that all agencies cooperate with the Secret Service and other law enforcement agencies in reporting defectors, expatriates and repatriates who are considered to be a class potentially dangerous to the life of the President of the United States? Persons in this category meet the criterion established by Federal security agencies responsible for the program of protecting the life of the President of the United States and other Federal officials.

4. Does the New York Times advocate the issuance of passports to persons who are the subject of criminal warrants of arrest issued by competent legal authorities? This question is particularly pertinent in the light of current domestic crime problems. In other words, does the Times advocate that the Passport Office refuse to cooperate with law enforcement agencies of the Federal and State governments?

5. Does the New York Times advocate a refusal to respect court orders granting the custody of children to one of the parents, thereby permitting through the issuance of a passport the other parent to illegally take children out of the country?

6. Does the New York Times advocate travel assistance to military deserters or selective service delinquents who are subjects of warrants of arrest?

7. Does the New York Times advocate noncooperation and non-compliance with the security/intelligence agencies of the Federal Government in advising them of the travel or contemplated travel of known or suspected espionage agents, revolutionaries, communists and subversives who advocate the violent overthrow of the United States Government?

8. Does the New York Times advocate the removal of the names of airplane hijackers and potential hijackers so that police authorities would not be appropriately advised of the prospective travel of such persons?

In its article of February 16, 1971, the New York Times also reports that the State Department had *acknowledged maintaining a secret surveillance file of passport applicants.*

The Passport Office has no information that the State Department or anyone connected with it *"acknowledged maintaining a secret surveillance file of passport applicants"*. But I reiterate I do not know who the New York Times confers with in the Department of State. Nevertheless, the New York Times has available to it public information to the effect that the State Department has, in the past, denied emphatically that it maintains surveillance of passport applicants. As previously stated in this communication, Secretary Rusk in Press Release #74 of April 5, 1966, denied categorically any question of surveillance or investigation of passport bearers by the Department of State or any American diplomatic post abroad. That the State Department would now acknowledge maintaining a "secret surveillance file" is astounding. I am not aware of any such file.

As stated repeatedly, the lookout file maintained in the Passport Office is no secret. Its existence has been the subject of publication by the Warren Commission and others.

There is *no* surveillance, watch, observation, or other type of spying on passport applicants by the Passport Office, or by the Department of State.

At the conclusion of its article of February 11, 1971, the New York Times states: "Miss Knight said she would not necessarily notify anyone that he was included in the file even if the 'adverse action' were taken in her own office, through the denial of a passport."

This statement is misleading. I specifically stated to Mr. Ben Franklin of the New York Times, during the interview on February 10, 1971, that, *if no adverse passport action was taken, the person would not be notified of the fact that his name was contained in the lookout file.* Some names in the lookout file are not based on the contemplation of passport denial. They are there merely for the purpose of informing law enforcement agencies with a legitimate interest that a person is traveling abroad. *If adverse passport action is taken, the Passport Regulations,* which are distributed publicly and were handed to Mr. Ben Franklin by me personally, *specifically require that the person affected be notified of the reasons for the action, of the evidence* *upon which it was based, and of his right to a hearing.*

The New York Times article, either deliberately or through misinformation received from sources outside the Passport Office, has created a totally erroneous impression of the Passport Office lookout file and has, as a result, completely distorted Senator Ervin's inquiry into an area of legitimate concern to him. The New York Times, it would appear, has either infected itself or is deliberately attempting to infect its readers with an Orwellian Syndrome.

It is abundantly evident that the New York Times could not control its phobia on the subject because three days later, on February 14, 1971, it published a picture of the New York Passport Agency and capioned it thus:

"Nearly 2 million Americans apply for passports every year. Last week another Passport Office service was revealed—a secret computerized file of 243,135 names that may be 'of interest' to Government law enforcement Agencies. The file is said to include 'suspected Communists and subversives' and those of 'questionable citizenship' ".

Thus the New York Times published another calculated falsification. The 243,135 names are not related to "law enforcement agencies", as the caption indicates. A few are, but only a small fraction of the whole and the questions arise again—questions as to the persistent and extraordinary concern of the New York Times with protection of wanted criminals, espionage agents, individuals known to have engaged in passport fraud, child custody cases and so forth.

Finally, by February 16, 1971, the New York Times obviously worked itself up to such a mental sweat over the situation, that quasi-editorial by one Tom Wicker appeared and stated:

"Senator Ervin already has disclosed that the Dragon Lady of the State Department, Director Frances Knight of the Passport Office, has at her disposal a computer bank of 243,135 names of persons considered—not necessarily proven—to be subversive or to fail to 'reflect credit' on the United States."

Mr. Wicker is located with the New York Times staff in Washington and thus close to the source of primary information, but he did not choose to check his facts. Indeed, Mr. Wicker's statement is not a misunderstanding nor a typographical error nor a misquote. It is a deliberate and calculated lie and as such neither he nor the New York Times reflect any credit or honor on what was once upon a time regarded as a distinguished and respectable profession—namely, responsible newspaper reporting.

Sincerely,

FRANCES G. KNIGHT,
Director, Passport Office.

[From the New York Times, Feb. 11, 1971]

Passport Office Has Secret File; 243,135 Names in Computer—Applications Screened

(By Ben A. Franklin)

WASHINGTON, February 10.—The United States Passport Office acknowledged today that it keeps a secret, computerized file of 243,135 Americans whose applications for passports may be of interest to it or to Government law enforcement agencies. Persons listed in the file may never be aware of it.

The existence of the file was disclosed by Senator Sam J. Ervin Jr., the chairman of the Senate Subcommittee on Constitutional Rights, who is a persistent critic of what he considers Government surveillance and file-keeping abuses.

In a speech last night before a symposium at Dickinson College in Carlisle, Pa., Senator Ervin said he had discovered the Passport Office file through a reply to his subcommittee's questionnaires. He called it more proof that uncontrolled and undercover Government surveillance was a serious threat to the exercise of the First Amendment rights of free speech and freedom to associate.

FILE IS DEFENDED

In an interview today Miss Frances Knight, the Passport Office director since 1955, said, "A passport is a United States document addressed to foreign Governments in which we are saying, 'This person is an American citizen.' "

She said that "a vast majority"—perhaps 90 per cent—of those listed in the file were persons of "questionable citizenship" about whom it was her obligation to be curious and cautious in issuing an official document.

A spokesman for Senator Ervin, however, said today that the State Department had reported to him in writing that the largest group of names on the list was in the "known or suspected Communists or subversives" category and that the number of names under "doubtful citizenship" ranked second. The number in each of these categories was not immediately available.

"We are guarding the integrity of the passport by verifying United States citizenship," Miss Knight said. But she expressed surprise at the large number of names on the list.

Miss Knight said she had been ill for the last three weeks and away from her desk. Until she summoned aides to her office this afternoon, she said, she was unaware that Senator Ervin had made official inquiries about the file or that it was a matter of controversy. The State Department's reply to Mr. Ervin's questionnaire was dated Jan. 4.

HEARINGS START FEBRUARY 23

Senator Ervin has scheduled nine days of public hearings before his subcommittee starting Feb. 23 on what he has called the growth of "police state" surveillance and dossier-keeping on perhaps 50 million Americans, most of them accused of breaking no laws.

The North Carolina Democrat, a former judge on his state's Supreme Court, said last night that while there might be legitimate reasons for maintaining portions of the Passport Office file, many of the justifications for it given to his subcommittee by the State Department were "beyond any reason whatsoever."

He said a State Department reply to a subcommittee questionnaire listed these categories:

¶"Individual's actions do not reflect to the credit of the U.S. abroad (1,040 persons)."

¶Defectors, expatriates and repatriates whose background demands further inquiry prior to issuance of a passport.

¶Persons wanted by a law enforcement agency for criminal activity.

¶Individuals involved in a child custody or desertion case.

¶Delinquents or suspected delinquents in military service.

¶"Known or suspected Communists or subversives."

"ORANGE CARD"

Senator Ervin said other categories included simply "orange card" and "miscellaneous."

"I don't know what 'orange card' means, and I don't think they know either," he told the Dickinson College gathering.

Asked if he thought the Central Intelligence Agency had inserted names in the file, Mr. Ervin said, "I can't prove it but I suspect the C.I.A. gets just about anything it wants."

He said the State Department had acknowledged maintaining a secret surveillance file of passport applicants in which "the individual is not told that he is in the file" until and unless "adverse action" is taken. It was not clear today how this would operate in actual practice.

Miss Knight said her office would merely report quietly to "the interested agency"—the Federal Bureau of Investigation or a state law enforcement agency with a fugitive warrant, for example—that a person listed in the file had applied for a passport.

Whether "adverse action" would ensue was none of her interest, she said, and she would not notify the subject of his listing in the file.

Miss Knight said she would not necessarily notify anyone that he was included in the file even if the "adverse action" were taken in her own office, through the denial of a passport.

Conclusion of the Warren Commission From Its Investigation of Transactions Between Lee Harvey Oswald and the Department of State

Investigation of Oswald's complete dealings with the Department of State and the Immigration and Naturalization Service reveals no irregularity suggesting any illegal actions or impropriety on the part of government officials. The Commission believes, however, that in applying its own regulations the Department should in all cases exercise great care in the return to this country of defectors such as Oswald who have evidenced disloyalty or hostility to this country or who have expressed a desire to renounce their U.S. citizenship and that, when such persons are returned, procedures should be adopted for the better dissemination of information concerning them to the intelligence agencies of the Government. The operation of the "lookout card" system in the Department of State was obviously deficient, but since these deficiencies did not affect Oswald or reflect any favoritism or impropriety, the Commission considers them beyond the scope of its inquiry.

Especially while he was in the Soviet Union, Oswald's manner to Government personnel was frequently insulting and offensive. As one 1962 communication between the Embassy and the Department of State observed, "It is not that our hearts are breaking for Oswald. His impertinence knows no bounds." Nonetheless, the officials of the U.S. Government respected Oswald as a troubled American citizen and extended to him the services and assistance for which the agencies of government have been created. Though Oswald was known to be "an unstable character, whose actions are highly unpredictable," there was no reasonable basis in 1961 and 1962 for suspecting that upon his readmittance to the country he would resort to violence against its public officials. The officers of the Department of State and the Immigration and Naturalization Service, acting within the proper limits of their discretion, concluded that Oswald's return to the United States was in the best interests of the country; it is only from the vantage of the present that the tragic irony of their conclusion emerges.

Letter From Secretary Rusk to Senator Edward M. Kennedy

DEPARTMENT OF STATE,
April 5, 1966.

Hon. EDWARD M. KENNEDY,
U.S. Senate.

DEAR SENATOR KENNEDY: I appreciate your thoughtful letter of March 23 concerning a New York Times article on that day discussing the proposed travel abroad of Professor H. Stuart Hughes. I share your concern for the freedom of Americans to travel abroad without any surveillance on the part of American diplomatic missions. I am, of course, deeply disturbed that reports reflecting adversely on Professor Hughes came into the area of public discussion. I have caused a thorough inquiry to be made into this matter and have given a good deal of personal attention to it.

Your letter posed a series of questions which I will now undertake to answer.

You inquired first as to "the relationship between the Passport Office and the investigatory agencies of government, both in the granting of passports and in the surveillance of those who have received passports". First of all, I wish to emphasize most strongly that no question of surveillance or investigation by the Department of State or any American diplomatic post abroad is involved. The Department of State has traditionally been the agency of the Government to which other departments turn for cooperation and assistance in aspects of their responsibilities relating to areas outside the United States. These have included requests for information the Department may receive concerning individuals travelling abroad. Requests of this kind have been sent routinely to the Passport Office in the Department. Also routinely, such requests have been passed on to our diplomatic missions abroad, with a request that the mission should forward to the Department any information that it may receive in normal course of business during the travel of an American citizen. The diplomatic missions have not been asked to conduct any surveillance or to engage in any investigative process. They have merely been asked to transmit certain information they may receive which, in the absence of a request from the Department, they might have no occasion to report.

The second question contained in your letter inquired as to the authority for requests to Embassies to transmit information concerning private U.S. citizens travelling abroad. This authority derives fundamentally from the statutes creating the Department of State and providing for the exercise of responsibilities by the heads of Executive Departments. These statutes are to be found in U.S.C. Title 5, sections 22 and 151. There is a further provision of law dealing expressly with action by American diplomatic posts abroad to comply with requests coming from agencies of the government other than the Department of State. That provision is contained in U.S.C. Title 22, section 846, which reads as follows:

> "The officers and employees of the Service shall, under such regulations as the President may prescribe, perform duties and functions in behalf of any Government agency or any other establishment of the Government requiring their services, including those in the legislative and judicial branches, but the absence of such regulations shall not preclude officers and employees of the Service from acting for and on behalf of any such Government agency or establishment whenever it shall, through the Department, request their services."

The third question in your letter inquired as to "who is assigned the responsibility in our Embassies to survey the activities of American citizens abroad, and how is such information gathered?" As I have emphasized earlier, no question of surveillance of Americans is involved. Nor do our diplomatic posts make special efforts to secure or ferret out information in response to requests from the Department that have been made on behalf of the other government agencies. Instead, the diplomatic post simply forwards any information it may receive from items appearing in the local press, reports that may come to the attention of the post, or other routine receipt of information.

The fourth question in your letter inquired as to the number of instances during the last year in which requests were sent to diplomatic missions for reporting on the travel of Americans abroad. The records of the Department show that there were approximately 150 such requests.

During the last week the Attorney General and I have reviewed with care the procedures of the Departments of State and Justice. We appreciate having the benefit of discussion with you on this whole matter. The following guidelines will govern henceforth the actions of our two Departments regarding requests for the transmission of information concerning American citizens travelling abroad: (1) such requests will be made by the Department of Justice only in cases where an important national interest would be served by the transmission of information that may be received; (2) as in the past, American diplomatic missions will engage in no surveillance; a mission will, on appropriate instructions from the Department of State, simply forward relevant information that may come to its attention; (3) requests for information will be initiated in the Department of Justice by a responsible officer, and the dispatch of a requesting message from the Department of State to a diplomatic mission will be handled by a responsible officer of this Department; (4) any such requesting message will be limited strictly to what is required for fulfilling the reporting function; (5) requests for information and any reports received in response will be handled on a restricted basis both at origin and destination, with distribution closely controlled to assure appropriate protection.

I believe these are sound guidelines that will advance the objectives we have in mind, to meet the legitimate needs of the government for information and to protect the rights of American citizens.

Sincerely yours,

DEAN RUSK.

RECKLESS CHARGES AGAINST THE PRESIDENT

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I noted with considerable resentment that over the weekend one of the self-proclaimed presidential aspirants of the opposition party spoke on national television and in effect called the President of the United States a liar. He said that the American people were not being told the truth about the war in Vietnam.

These are very serious charges. This has been an open administration. Our President has announced his overall aims, and he has kept his word. He is bringing the troops home on schedule. He has explained the purposes of his military moves to protect the lives of American fighting men still in Vietnam.

I would suggest that the member of the other body, who has leveled these reckless charges, do some leveling himself. He should document what he says. If he has any proof that what is going on in Southeast Asia differs from what the President has told the people, he has the obligation and the responsibility to come forth with it. Otherwise, he will have established early in the game a record of irresponsibility that can hardly create anything but distrust by the people.

Questioning a policy is one thing, but calling our President a prevaricator is gutter politics, unworthy and I am sure unacceptable to the American public.

LITHUANIAN INDEPENDENCE DAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, once again I rise in this Chamber to salute the people of Lithuania, as well as those Americans who trace their heritage to Lithuania, on the special and sacred occasion of the 53d anniversary of the establishment of the modern Republic of Lithuania—the day universally and popularly known as Lithuanian Independence Day. Last Tuesday, February 16, was the official occasion; but because of the fact that the House was in recess on that date, I am taking this opportunity today to commemorate the event.

Mr. Speaker, for 23 years, beginning on February 16, 1918, the proud people of the Republic of Lithuania maintained their free and democratic Republic. Its elected leaders brought about land reform, created and expanded industry, established an adequate transportation system, and enacted far-reaching modern social and education programs.

All this came to a sudden and tragic halt, of course, in 1940, when the Soviet troops moved into that thriving democracy and forcefully annexed it to the Soviet Union. The Communists crushed the Lithuanian Government and then began a typical Communist reign of terror, deporting an estimated 30,000 members of the intelligentsia to Siberia in a single night, and executing thousands of political prisoners. The brave Lithuanians continued their fight for freedom, however, and successfully overthrew their Soviet oppressors in 1941, only to have their new independence crushed once again by the advancing armies of Hitlerite Germany.

After the war Russia again annexed Lithuania and resumed their terrorism and their previous attempts to destroy the Lithuanian culture. But the strong national feeling and pride of the Lithuanian people were too strong. Geographically Lithuania may still be behind the Iron Curtain, but the historic Lithuanian culture has never died. It continues to be kept, both in Lithuania and here at home.

The desire for freedom is still very much alive too, and American-Lithuanians continue to proclaim the unspoken desire of their countrymen behind the Iron Curtain, that one day the curtain will be lifted, and Lithuanians once again will be allowed those rights and freedoms which Americans regard as belonging to all human beings from the moment of their birth.

I know Americans everywhere join today in support of the principles of the legislation which Congress enacted back in 1966. I strongly supported that legislation, too, House Concurrent Resolution 416. It passed both Houses of Congress unanimously. It is well for us to recall its wording now:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia,

Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. Speaker, I call on the President of the United States to implement this resolution immediately and direct the attention of the United Nations to the denial of the rights of self-determination for the people of Lithuania. I urge him to rally the force of world opinion on behalf of the restoration of these rights. We must not let the world forget the plight of the Lithuanian people.

Americans were reminded of that plight very dramatically in recent months, in the incident involving the Lithuanian sailor who tried to defect to America aboard a U.S. Coast Guard cutter. Instead he was denied asylum by top Coast Guard authorities more interested in fish than in human freedom, and he was beaten and dragged off the American vessel by Soviet sailors. I have loudly protested that action, and most recently joined in introducing legislation to change the name of that Coast Guard cutter from the *Vigilant* to *Simas Kudirka* in honor of the Lithuanian sailor.

Of course, renaming the *Vigilant* will not save Mr. Kudirka from the wrath of his Soviet oppressors, if he is still alive, nor will it bring him back to freedom. The tragic incident is past, and the damage to America's longstanding reputation as a haven for fugitives from tyrants has been done. The officer who gave the order to return the Lithuanian sailor to the Soviets has been disciplined, although that punishment was not nearly as severe as his actions warranted.

But, at least we can show our sorrow and chagrin by renaming the cutter in honor of the man who sought freedom so desperately and so unsuccessfully. And in so doing we may perhaps restore a measure of our self-respect and reaffirm for the whole world our contempt for forced repatriation and our continuing pledge to help those, wherever they may be, who seek asylum from Communist tyranny.

And so, Mr. Speaker, on this 53d observance of Lithuanian Independence Day, I hope the American people will again pledge to continue to work for the day that the Iron Curtain will be lifted and Simas Kudirka and all other Lithuanians will be free to exercise their natural and unalienable rights as human beings and free men and women.

HEW SECRETARY RICHARDSON CONFIRMS THAT MEDICARE IS NOT PAYING 80 PERCENT OF DOCTORS' BILLS, AS REQUIRED BY LAW

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, on January 26, I took this floor to call the attention of my colleagues to the fact that the Department of Health, Education, and Welfare has for some months now been shortchanging millions of medicare clients by paying only 50 percent of their medical bills instead of the 80 percent legally mandated in the medicare law. At that time, I noted that I had written Secretary Richardson on January 5, 3 weeks earlier, to ask for a full explanation of what was going on, and had still not received a reply.

Two days later, on January 28, I received a reply from the Secretary enclosing a detailed memorandum on the issue written by Social Security Commissioner Robert Ball. Under leave to extend my remarks, I include at this point, Mr. Speaker, the text of my original letter to the Secretary and his full reply to me:

Congress of the United States,
House of Representatives,
Washington, D.C., January 5, 1971.

Hon. Elliot L. Richardson,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: There came to my attention the other day a rather startling report included in a letter to the editor of the Washington Post with respect to current operations of Medicare, which I am bringing to your attention and which I believe requires immediate and much fuller clarification.

According to this letter, a copy of which is enclosed, the Social Security Administration has ordered its regional offices to repay Medicare accounts, beginning July 1970, at 50 percent of the total bill rather than 80 percent.

Such action would appear to me to be not only contrary to the law but will obviously place very severe hardships on thousands of needy older citizens.

I would appreciate it if you could tell me whether this account is true, and if so why this order was issued.

Furthermore, I would like to know who issued the order, under what rules or regulations or legal authority it was issued, and in particular I would like to know whether, as the enclosed letter suggests, a deliberate effort has been made by the Social Security Administration, to keep this change of policy secret from the American public.

I would also like to know, in view of the recent announcement that Medicare premiums will rise effective July 1971, just what the significance of this action will be for the future operation of the Medicare system. I will be interested in your reply.

Sincerely yours,
Samuel S. Stratton,
Member of Congress.

The Secretary of Health,
Education, and Welfare,
Washington, D.C., January 26, 1971.

Hon. Samuel S. Stratton,
House of Representatives,
Washington, D.C.

Dear Mr. Stratton: This is in further response to your inquiry about a letter printed in the Washington Post on the subject of Medicare payment for physician fees.

I am glad to be able to reassure you that there is no rule or instruction for Medicare carriers to calculate the amount due a beneficiary as 50 percent of the amount of his physician's bill. The law provides for Medicare payment of 80 percent of the "reasonable charge" for the physician's services (after the $50 yearly deductible is met) and that is the percentage that is paid.

Robert M. Ball, Commissioner of Social Security, explains in the accompanying report the detailed application of the "reasonable charge" provision to individual cases.

With best regards,
Sincerely,
Elliot L. Richardson,
Secretary.

Report to Secretary Elliot L. Richardson Regarding an Inquiry From Representative Samuel S. Stratton

Department of Health,
Education, and Welfare,
Social Security Administration,
Baltimore, Md.

The underlying question behind the letter to the Washington Post was that of how the reasonable charge is set. Under the law, the essential criteria are the individual physician's customary charge for the given service and the prevailing rate among physicians generally in the area for that service. Before a fee can be treated as customary it must be in effect for a reasonable period. Determination of what fees are prevailing for any given period, of course, requires a statistical analysis of fees for that period, so that this determination alone involves some lag between fee changes and their recognition under Medicare. Were Medicare to accept at once increases in charges as they are made, there would be room for rapid escalation of the rates on the basis of which the program makes payment.

The rates now in use by Medicare carriers are derived from 1969 experience on physicians' fees. Beginning July 1, 1971, the 1970 figures are to be used, with a similar progression at the beginning of each fiscal year thereafter. This, of course, means that where a physician has made recent increases in his level of charges, Medicare payment for his services may be less than 80 percent of his current billings. The data indicate that fees are rising on the average about 6 percent per year, but our information is that about one-third of fees are raised in a given year.

Medicare's reasonable charge may be less than the billed charge, not only because the program does not respond immediately to an individual physician's increase in his charges, but also because the physician's charge was above that charged by most other physicians in the area. The "prevailing" or limit at which a physician's full charge is recognized as reimbursable is set at the 75th percentile of the range of charges for a particular service in a locality. This does not mean, of course, that there is a 25 percent "cut" in the doctor's bill. His charge may be only 5 or 10 percent above the prevailing charge in the community and Medicare would recognize all but this amount as the "reasonable charge" for purposes of calculating its 80 percent reimbursement. Thus, in effect, Medicare recognizes the full customary charges for 75 percent of the services provided by physicians in an area. Where the patient goes to a physician whose fees are higher than prevailing, he will be reimbursed as if the service had been provided at the prevailing rate.

Medicare's payment based on a figure lower than the billed amount does not necessarily mean that the patient makes up the difference. If the physician accepts assignment of the claim and sends his bill direct to Medicare, as he does nationally in three out of five cases (and in Representative Stratton's area the ratio is even better), he must as part of the arrangement agree to accept as his full charge the amount set as the reasonable charge for Medicare purposes. In the other cases, where the physician bills the patient and looks to him for payment, with the latter making claim to Medicare, the patient may be asked to pay any difference between the reasonable charge set for Medicare purposes and the amount of the physician's bill. In practice, in some of these cases the physician does not actually ask the patient to pay the difference.

We realize that any result that causes beneficiaries to be liable for more than the 20 percent coinsurance amount, which Medicare does not cover, will have its detractors and can be difficult for an individual beneficiary to cope with. The alternatives, however—recognizing increased rates of charges very quickly as they are made, or even paying fully customary charges regardless of how high—would greatly increase the cost of the program by failing to offer discouragement to increases in charges.

The problem you note here illustrates the difficulty of dealing with the major and general problem of how to cope with continued rises in the costs of health care. As you of course know, the Department is working on the problem from many directions and will need broad cooperation from the health care community and from the users of their services.

Robert M. Ball,
Commissioner of Social Security.

Now, Mr. Speaker, the upshot of the Secretary's letter and the enclosed memorandum from Administrator Ball is that they have admitted, openly and publicly—and for the first time, I believe—that the payment schedule for doctors' fees under Medicare is: first, based on figures which are at least 18 months out of date, and second, regards fees charged by 25 percent of doctors in any area as automatically excessive and hence not subject to full 80 percent reimbursement as required by law.

It is, of course, quite obvious, Mr. Speaker, that the Secretary's letter, along with the enclosure, does not answer all the questions which I raised initially. And it also raises a number of other questions which make me wonder very seriously whether HEW is really carrying out the intent of Congress in providing help to our retired citizens.

For example, we are told that "reasonable" charges are now based on 1969 rates. But we are not told when that 1969 standard went into effect. My information is that until my complaint was aired publicly, the standard was 1968, and that this base was set—without any public notice—in the middle of 1970.

Second, the arbitrary basing of so-called prevailing rates on what 75 percent of doctors charge means that even without the 18 months time lag, 25 percent of all medicare patients will be cheated out of the 80 percent reimbursement they have been promised and to which they are entitled under law.

Third, under the Department's procedures medicare clients have not the slightest way of knowing whether any particular doctor is or is not within the 75 percentile group. Surely, if these people run the risk of being denied the funds to which they are entitled, then HEW ought to tell them where to go to get the full funds which Congress told them they had a right to expect.

Frankly, the Ball memorandum strikes me as an unconvincing ex post facto apologia. Social Security was caught with their hand in the cookie jar, and this is their excuse. But they do not say anything—except too bad—about the millions of elderly recipients who are today having to pay for the results of a general price inflation out of their own hides.

I have very reliable information that the elaborate policy set forth in this memorandum has not been followed since the inception of medicare but only went into effect last summer, and without any advance notice or warning. Fees that had not been raised at all since 1966, and that had been properly reimbursed at 80 percent during all those 4 years, were suddenly cut back by 25 to 40 percent last summer, I am told. Commissioner Ball and Secretary Richardson are completely mum on this point.

I do not intend to let this matter rest. I believe that the Nation's retired citizens are entitled to fair treatment and to open, honest, and understandable explanations of what is going on. I intend to press for more information from HEW and for corrective legislation in the Congress to prevent these outrageous evasions of the law, and this unfair and discriminatory treatment of our senior citizens.

SAM RAYBURN COMMEMORATIVE COIN

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, last year due to a parliamentary situation the Sam Rayburn commemorative coin amendment was not passed.

More than 50 Members of the House have joined in the sponsorship of this legislation which is being introduced today. The chairman of the Committee on Banking and Currency which will handle the legislation, the gentleman from Texas (Mr. Patman) is the sponsor of one measure with 25 Members, and I am introducing two other similar bills.

Mr. Speaker, no man deserves a commemorative coin more than Speaker Sam Rayburn, and I am pleased that the cosponsors of these bills come from both sides of the aisle, people who knew and loved Speaker Rayburn.

I trust this legislation will receive swift and favorable action by the Congress.

APPOINTMENT AS MEMBERS OF COMMISSION ON MARIHUANA AND DRUG ABUSE

The SPEAKER. Pursuant to the provisions of section 601(a), Public Law 91–513, the Chair appoints as members of the Commission on Marihuana and Drug Abuse the following members on the part of the House: Mr. Rogers and Mr. Carter.

CONGRESS MUST END RUSSIAN MONOPOLY OF WORLD CHROME MARKET

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Collins) is recognized for 30 minutes.

Mr. COLLINS of Texas. Mr. Speaker, I have introduced a bill today that gives Congress the opportunity to stop a gross mistake in our country's foreign policy. The cries of protest that this error should provoke have been muffled in stacks of bureaucratic papers and reports. Yet when this issue is brought into focus, the glaring error in judgment is magnified and we must demand a return to practical commonsense in this phase of our foreign policy.

First. Are you aware that the United States is cutting itself off from a vital strategic material, chromium, through its economic sanctions against Rhodesia?

Second. Are you aware that we are dependent on Russia for 60 percent of our supply of this strategic material?

Third. And are you aware that the Office of Emergency Preparedness is preparing to ask you, in this session of Congress to release 30 percent of our chromium from the Nation's strategic material stockpile in order to meet the demand for this vital metal? At this rate our stockpile will be completely depleted in just 3 years.

You may wonder why chrome ore is so important. Chromium is essential in the production of our military jet aircraft, missiles, and satellites. Commercially, chromium is the ingredient that makes stainless steel "stainless." Therefore, it is essential in the production of everything from industrial tools, to automobiles, to home construction, to kitchen items, and to multiple other areas.

Let us compare the statistics on chrome ore before the embargo went into effect. According to the U.S. Bureau of Mines, Rhodesia supplied us with 37 percent of our total chromium import prior to the sanctions. At the same time Russia was supplying us with 27 percent of our chromium at a healthy competitive price of about $30 to $33 a ton. At this time, there was no shortage of this strategic metal. Russia had bought her way into our market by the good capitalistic method of pricing her chrome at slightly below Rhodesia's price.

But when the United Nations, with the compliance of our Government, put economic sanctions against Rhodesia, look at what happened in the free market. American-owned chrome-producing mines in Rhodesia became semidormant. I was interested to discover that the two largest chrome mines in Rhodesia were owned by American companies. Any profits were accruing to Americans. But with the economic sanctions we began channeling the same money that had gone to these American firms into the hands of the Russians. We do business with the Russians who are the major material support for our enemies in Vietnam. Hence, the United States is in the uncomfortable position of having to rely upon the Soviet Union for more than 60 percent of its chrome requirements.

What is more, the Soviets, taking advantage of the stranglehold they have on us, have skyrocketed the price of the ore to almost three times the presanction costs. Russia's presanction prices were lower than Rhodesia's. Today we pay Russia approximately $28,000,000 a year when we could be receiving the same amount from American firms in Rhodesia for approximately $17,000,000. One American company which buys from Russia reports that it has been forced to accept 1 ton of substandard ore for every ton of high-grade ore purchased.

Understandably enough, the State Department has realized this embarrassing situation and has now quietly recommended to Congress that we supply the deficit in our need for chromium from our emergency stockpile instead of becoming more dependent on Russia. If our rate of dependency on Russian sources continues to increase as it has so far, in a few short years we would be 95 percent dependent on Russia for this strategic material.

To become this dependent on Russia is bad enough but let us take a look at the alternative offered by the OEP. We retain our 60-percent dependence on Russia without increasing it. At the same time we take 30 percent chromium ore out of our stockpile on an annual basis. In 3 short years our stockpile is depleted and if the Russians cut off our supply, we are left with extremely inadequate sources of import, with no reserves in our stockpile, and with no more stainless steel. I am assuming that this is in time of peace. In the case of a national emergency, I do not need to tell you how crucial this would be.

To bring the issue more sharply into focus, let us listen to the warning of a past Deputy Director of the Office of Emergency Preparedness, Mr. Fred Russell, in his testimony before the Digg's committee on October 31, 1969. Mr. Russell said:

> Further sales from the stockpile would only serve the need for the relatively short time it would take to exhaust the stockpile excess. Assuming that the U.S.S.R. would continue to ship chrome ore to the United States at the present level indefinitely, realizing that the other known amounts of chromium ore elsewhere in the world gradually are becoming exhausted, and knowing that the U.S. chrome ore needs are increasing each year, there is no way to see chromium ore needs of the United States being met without chromium ore from Rhodesia.

Let us review a few other curious facts. Communist China imports no chromium ore from the U.S.S.R. I quote from a London Times article entitled, "Who Buys Rhodesia's Chrome?":

> It has been going to Communist China. Because she is not a member of the U.N., China is not bound by the resolution. Peking Radio calls the Rhodesians 'fascist aggressors' but Peking buys Rhodesia's chromium. China uses it in her defense industries and it may well have accelerated her progress towards becoming a nuclear power.

Another curious incident is to be found in the case of the Japanese, who, like the United States, support the U.N. trade sanctions against Rhodesia. Japan has substantially reduced her chrome imports from Russia but has moved ahead of the United States in her production of stainless steel. Is Japan buying Rhodesian chrome?

Our last startling fact is that the U.S.S.R. is self-sufficient in 29 major industrial raw materials whereas the United States is only self-sufficient in 10. The more dependent we become on Russia for our resources, the more vulnerable becomes our national security. We must not be blind to the fact that this fits right into the Russian General Logarskij's theory in his book, "Strategy and Economics," in which he expounds his "weak link commodity" theory. This theory explicitly calls for Russia to develop strategic material markets until other countries slowly develop a weak link in their own supply line, thus becoming completely dependent on Russia. We are doing just this and handing Russia a powerful weapon.

Congress is the only governmental body that can change this state of affairs. It is obvious that the State Department must place the needs of the United States uppermost, and no longer continue to weaken our national security. Why we should try to hurt the small country of Rhodesia and help Russia is beyond my comprehension. And at the same time we are seriously impairing our own national economy.

Gentlemen, the issue is quite clear. Will the United States buy chrome so as to profit Russia, or will we buy chrome so as to build national security for the United States?

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Frenchman Jean-Jacques Servan-Schreiber made some rather profound observations about American know-how in his best seller, The American Challenge:

> During the past ten years, from the end of the cold war and the launching of the first Sputnik, American power has made an unprecedented leap forward. It has undergone a violent and productive internal revolution. Technological innovation has now become the basic objective of economic policy. In America today the government official, industrial manager, the economics professor, the engineer, and the scientist have joined forces to develop coordinated techniques for integrating factors of production . . .
>
> America today still resembles Europe—with a 15-year head start. She belongs to the same industrial society. But in 1980 the United States will have entered another world, and if we fail to catch up, the Americas will have a monopoly on know-how, science, and power.

DEATH OF REPRESENTATIVE MENDEL RIVERS STILL PRODUCING SHOCK WAVES THROUGHOUT THIS NATION AND THE FREE WORLD

The SPEAKER. Under a previous order of the House the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the death last month of Congressman Mendel Rivers is still producing shock waves throughout this Nation and the free world. Many of us might be inclined at this late date to merely pay lipservice to the event of his sad death as simply the loss of another noble statesman.

To those of us who knew Mendel Rivers, his stature as a noble statesman was beyond the ordinary. He was a giant among legislators in his day and the alertness and concise logic of his oratory will, to be sure, echo through the Halls of Congress for years to come.

That Mendel Rivers was a champion in the cause for a strong, secure America is an understatement. His stand against those who would rather see America's defense posture reduced to the gutless shambles of the pre-World War II broomstick Army era, will not soon be forgotten. Mendel Rivers knew and saw the enemy within and without for every diabolical capability that enemy represented. And he never once considered lowering the storm warning flag to effect a compromise on the question of exactly how strong America should remain. He plotted his course to this end early in life and never wavered from it.

Across the pages of history, the name of Mendel Rivers will stand tall alongside those of the world's greatest prophetic thinkers. He was a spirited inspiration to free men everywhere.

OIL PRICE STATEMENT

The SPEAKER. Under a previous order of the House the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 30 minutes.

Mrs. GRASSO. Mr. Speaker, for too long now the American people have been enduring a terrible inflation that has brought despair and discouragement and financial disaster to many. In these times our people look to the Congress to provide the leadership, vision, and determination to help bring about the national climate required to ease these burdens of our citizens, so as to renew the faith and trust of all Americans who seek economic security.

Today, I would like to discuss one area deeply affected by inflation and a source of great anxiety to all of us.

It is particularly distressing to me that the people of New England and of my State of Connecticut have been for many years now required to pay excessively high fuel oil prices. The startling and disappointing fact is that the combination of artificially high oil prices and serious fuel oil shortages in New England result not from a lack of available oil resources, but from a failure to properly distribute those resources which we are blessed with in this country and which are available from distant lands for use in the United States.

Presently, we are faced with a drastic increase in energy use in this Nation which has risen at a rate of approximately 5 percent per year since 1965, compared to an average of less than 3 percent during the previous 20 years. In 1969, Connecticut consumers used over 22,673,000 barrels of fuel oil, according to the U.S. Bureau of Mines. Also, the cost to consumers of No. 2 oil in my State has risen sharply to nearly 20 cents per gallon from 15.2 cents per gallon in 1965. Connecticut homes are paying 28 percent more for No. 2 fuel oil per year than consumers in Montreal who are not under an import quota system. The costs of residual oil for heating schools, factories, and other similar establishments have nearly doubled for the month of January 1971 from January 1969.

There are two major reasons why we in the northeast and throughout the country are experiencing this fuel oil crisis. One is the problem of inequitable but mandatory oil import quotas, instituted in 1959, which have drastically limited the supply of oil entering the country. Of course, it must be quickly pointed out how undesirable it woulld be for the United States to be in a position of heavy reliance on oil sources from outside this country, particularly from politically volatile areas such as the Middle East. However, in February of 1970, President Nixon's Cabinet Task Force on Oil Import Control reported that these quotas cost American consumers over $5 billion annually in artificially high prices. The Task Force further stated that the present quotas are not justified on grounds of national security, which had been the chief reason for their original implementation. Mr. Speaker, I would favor the abolishment of the import quota system in favor of a tariff to permit greater imports of oil at lower prices. This too was a recommendation contained in the President's Task Force; however, no action has been taken as yet to apply these recommendations.

The present tight fuel supply dilemma, coupled with the exorbitant prices should provide sufficient proof that the oil quotas have not been able to guarantee the adequate supplies of fuel oil needed by our people.

Another more troubling situation exists in the form of the Connally "Hot Oil" Act. This act prohibits interstate movement of oil not produced in conformity with State prorationing laws, and provides the legal justification for the States' restraints on free commerce in oil. In the name of conservation, this act enables major oil producing States to fix a production quota for each well in cooperation with the oil industry in order to insure that supply will never exceed demand and that prices can be maintained at continually high levels. The conservation theme lost its credibility when foreign oil became a strong influence and threatened the prorationing system—thereby opening the way for import quotas which now form a vital part of the scheme to control fuel resources and prevent price competition in the oil industry. At the opening of his subcommittee hearing on pollution and alleged price-fixing in the oil industry during the last session of Congress, Senate PHILIP A. HART suggested that if States stopped curbing off-shore production, existing wells in Federal waters would increase their output by some 500,000 barrels a day. That fuel source, Senator HART predicted, would drop the prices of domestic crude by 30 cents a day and save consumers up to 10 percent in gas bills. Mr. Speaker, I would strongly support the repeal of the Connally Act.

In my view the proper way to deal with our present fuel oil difficulties is to divorce ourselves from the piecemeal policies which have greatly distorted the national perspective on oil and to plan out immediate and far-ranging steps by which we can insure the future fuel oil security that American consumers desperately need and rightly deserve.

Among immediate areas to consider is insuring a substantial increase in domestic production of residual oil. Also, we must encourage the building of low-sulfur, low-pollution residual fuel oil refining capacity on the east coast. In addition, import controls on No. 2 home heating oil should be eliminated, particularly because the pressure on No. 2 has increased so much as a result of its growing use as a substitute for residual oil. Quotas on crude oil from Canada, imposed last March, should be lifted since it is estimated that Canada can add 150,000 barrels a day to present pipeline oil shipments.

In addition, the President should insure that an emergency allocation system is devised to assist areas when acute heating oil crises develop during the winter months. Such a system could help prevent fuel oil shortages in areas of high consumption, including my own Sixth District in northwestern Connecticut.

As we look to the future, basic oil policy for our people must provide an effective free enterprise economy through competition in this area of fuel oil resources. Too often one energy-producing company overlaps in its interest in or control of other fuel companies.

In addition, tax incentives for overseas production of petroleum should be limited so that the incentive to explore for new oil reserves at home would be greater. Considering that a large part of our oil investment abroad lies in the politically unstable Middle East, we still allow the same depletion allowance for overseas production of petroleum as for domestic. The practice of allowing companies to credit income taxes paid to a foreign country as a direct setoff against U.S. taxes ought to be reviewed.

Also, I believe that we need a basic review of our national energy policies to determine their adequacy and their economy, now and in the future. The idea mentioned by some experts in the field, calling for the creation of a single, independent agency to oversee our energy minerals is certainly an idea to which the Congress should give its full consideration. With respect to this agency, the Nation would be in a position to considerably increase the amount and quality of energy research toward seeking new ways of producing energy with greater efficiency, and thereby conserving fuel.

There is certainly no excuse for wasting energy, and up to now all of us as consumers can take responsibility for the lack of proper controls and proper education as to the need and importance of conserving our energy base.

Not too long ago, crude oil prices jumped by 25 cents per barrel. This action which is presently under investigation was the fourth effort since February 1969 to raise gasoline prices nationally. These developments forced President Nixon on December 4, 1970, to increase allowable imports from Canada and to end the practice of limiting Federal off-shore oil production in voluntary compliance with State production controls.

These actions of the President were desirable and timely; however, it is disappointing that the administration decided in January to cut back by one-third the amount of fuel oil imports to the northeast. Also, it is essential that the Congress take further steps to broaden and strengthen efforts to ease our fuel oil problems. Mr. Speaker, this whole subject of American fuel oil policy has been explored repeatedly by many oil experts during the course of countless hearings, reports, and commission studies. However, one need not be an oil expert to know that the present policies are having a decidedly dreadful impact on the day-to-day lives of millions of Americans. Many of my constituents have informed me of their hardships under the present inflationary cycle, often including copies of their fuel oil bills over a period of months as vivid proof of the great burdens they now endure. It is my firm belief that we can and must ease these burdens and I pledge my efforts in this direction.

HOW TO HELP THE STATES AND CITIES

Mr. REUSS. Mr. Speaker, in testimony before the Joint Economic Committee today, the Senator from Minnesota, Mr. HUMPHREY, and I set forth our views on general revenue sharing. We made three basic points:

First. If the Federal Government wants to initiate revenue sharing, it had better make sure that it has enough revenues to share.

Second. Unless incentives are given to States to reform their own and particularly their local governments, and to move in the direction of modernized, fiscally equitable, and humanized local government, Federal revenue sharing will simply act as a crutch to perpetuate obsolete State-local governmental systems, instead of as a catalyst to induce modernization. The Humphrey-Reuss revenue-sharing bill (S. 241 and H.R. 4617) provides incentives to reform.

Third. An economically and socially desirable package combining a phased

Federal takeover of the welfare system, and revenue sharing with reform, could prove politically feasible in this Congress.

The text of our joint testimony follows:

We appreciate this opportunity to present our point of view on how the Federal government can most effectively come to the rescue of the beleaguered state and local governments. This issue is central to the President's Budget and Economic Report. We would hope that it would also be central to this year's report of the Joint Economic Committee.

Last month a number of the nation's governors and mayors came before this committee and testified eloquently to the fiscal plight of their states and cities. No one on this committee, we are confident, doubts either the reality of state-local governments' plight, or the need to effect large scale reorganization of our federal-state-local governmental system.

We make today three points:

I. If the Federal government wants to initiate revenue-sharing, it had better make sure that it has enough revenues to share.

II. Unless incentives are given to states to reform their own and particularly their local governments, and to move in the direction of modernized, fiscally equitable, and humanized local govenment, federal revenue-sharing simply act as a crutch to perpetuate obsolete state-local governmental systems, instead of as a catalyst to induce modernization.

III. An *economically and socially desirable* package combining a phased federal takeover of the welfare system, and revenue-sharing-with-reform could prove *politically feasible* in this Congress.

I. WHAT REVENUES?

He who would share revenues must first answer the question: Where *are* we to get the revenues to share?

These revenues were supposed to come from the peace-and-growth dividend. But there is no peace, and there is no growth. Instead, there is a widened war in Cambodia and now in Laos. Instead, the defense budget, after having headed downward for a couple of years, is now on the way up again, with an increase in outlays of $1.5 billion for the next fiscal year, and a whopping $6.9 billion increase in spending authority, which will mortgage budgets for years to come.

Instead of non-inflationary, revenue-producing growth, we have 6 percent unemployment, 6 percent cost-of-living inflation, and for the first time in many years, zero economic growth in 1970.

The Administration has come forward with an expansionary "full-employment" budget which proposes to reverse these trends virtually overnight. Even if we accept the Administration's $1,065 billion estimate for GNP for FY '72, and its 9 percent growth prediction, our fear is that most of the 9 percent will be in inflation rather than in real growth. For the Administration refuses to use the tools the Congress has given it to keep inflation from eating up growth.

Slow growth, eroded by inflation, does not and will not provide the revenues needed for adequate revenue-sharing—or adequate anything else, for that matter. Moreover, slow growth will intensify the plight of states and cities, which have already seen their revenues sharply reduced and the cost of services in their communities sharply increased as a result of inflation combined with recession.

So, for the sake of both direct and indirect relief for our cities, an adequate rate of non-inflationary growth must be restored to this country.

There is an additional way in which to attain some of the revenues that are needed—and a way that will add to the progressivity of an overall Federal state-local tax system which has grown increasingly less progressive in recent years.

That way is to finish the job of plugging loopholes in the Federal tax system which was timidly begun in the Tax Reform Act of 1969.

The Administration should immediately prepare, and forward for action to the tax-writing committees of the Congress, a Round II of tax reform designed to close those loopholes which have enabled wealthy individuals to escape billions of dollars in Federal taxes each year for decades past.

But the Administration has indicated that there will be no message on tax reform. Instead, the Administration has punched another loophole in the Federal income tax structure by easing depreciation rules across the board, thus depriving the federal government of some $2–3 billion in annual revenues. The revenues lost by this new loophole could surely have been more productively used by state and local governments.

If the Administration will not do the job of tax reform, Congress must.

More real economic growth to produce additional revenues from the existing tax system, coupled with a program of loophole plugging to augment these revenues, is a necessary answer to those who now oppose revenue-sharing on the ground that there is precious little revenue to share.

II. REVENUE-SHARING WITH REFORM

Money alone, however, is not the answer to the problems of our states and cities. State and local governments face not just a fiscal crisis; they also face an organizational crisis.

The great defect in the Administration's general revenue-sharing proposal is that it responds to the first crisis but not to the second. The risk in this approach to revenue-sharing is that the money sent back to the states and localities may not do much good for those most in need, and may do harm by giving out-of-date structures and practices a new lease on life.

The President has said he aims to give greater responsibility to State and local government. The question should be asked: "To which governments?" To the 600 towns, cities and villages in the state of Wisconsin each with less than 500 in population? To the 299 separate but overlapping governmental units in the Minneapolis-St. Paul area, each with taxing jurisdiction? To the several states which have not yet taken steps to increase their revenues by adopting the progressive income tax? To the states which have denied to their cities adequate taxing and borrowing powers?

HUD Secretary Romney said in his testimony before the Joint Economic Committee on February 17: "The community development this nation has experienced to date has fragmented and balkanized our metropolitan areas into so many political jurisdictions that it is difficult if not impossible to mount an effective attack on current problems." The President's revenue sharing proposal permits continued fragmentation of responsibility, inefficiency and paralysis.

The President has also said he aims to rationalize federal aid programs for states and localities. What is the point, we ask, in streamlining the federal grant process if state and local governments remain mired in their own red tape, archaic fiscal practices and overlapping jurisdictions?

We have joined to put forward an alternative approach to revenue-sharing which we believe responds to both crises of state and local government—H.R. 1091 and S. 241. We see these advantages in the Humphrey-Reuss proposal:

First. Revenue-sharing and state and local government modernization are linked. In order to qualify for shared revenues in the second and subsequent years of a revenue-sharing program, the governor of a state must come forward with a modernization plan for his state and local governments.

For those who oppose "stringless" revenue-sharing, here is a string with a constructive purpose. At the same time, the string is not onerous. The flow of funds to a state is tied neither to the contents of the plan nor to progress made in fulfilling it. The governors can draw from a suggested check-list of reforms in the Humphrey-Reuss bill. The recommendations of numerous bodies stand ready at hand—the Committee for Economic Development, the Advisory Commission on Intergovernmental Relations and the Citizens Conference on State Legislatures, to mention just three.

Moreover, in many states, existing task force reports or studies under way could provide a good first step toward development of the governor's modernization plan required by the Humphrey-Reuss bill. In the state of Minnesota, for example, the legislature is considering authorization of full-scale studies of the metropolitan regions in the state—the goal, governmental reform. In the state of Wisconsin, the 1969 Report of the Task Force on Local Government Finance and Organization awaits implementation.

Second. States lacking state income taxes are given a specific incentive to adopt them. (States at present without income taxes are Connecticut, Florida, Nevada, Ohio, Pennsylvania, South Dakota, Texas, Washington and Wyoming.) After July 1, 1974, a state's income tax revenues are counted twice in the formula that apportions funds among states on the basis of population and revenues raised in relation to total personal income in the state.

Third. Our procedures for allocation of shared revenues to localities provide the flexibility needed to encourage consolidation of inefficient units, and to take account of the relative fiscal needs of localities.

If a state does not choose to negotiate an allocation agreement with a representative number of its cities and counties, we would require that the state set aside an amount for its localities that will average over 50 percent nation-wide. To this point we and the Administration both travel the path recommended by the national organization of cities, mayors, governors and counties.

But then—if the negotiation does not come off—the Administration requires a mandatory distribution to all 63,000 local governments, whether rich or poor, archaic or efficient.

We instead allow distribution among localities pursuant to a state law which may "favor localities that are relatively more populous, contain relatively more low-income families, or have high local tax burdens in relation to individual income." We thus provide room for the fairest possible local distribution.

Fourth. We propose a four-year authorization and annual appropriations for revenue-sharing, rather than a permanent appropriation, as a percentage of the personal income tax base. We are sensitive to the need of state and local governments for some predictability in the revenues they will be receiving from the Federal government. But we are equally sensitive to the prerogative of the Congress, along with the President, to decide spending priorities in any given year. This prerogative has already been eroded by existing trust funds. We do not believe that it should be further eroded by what amounts to another trust fund for revenue-sharing.

Annual appropriations will, for example, permit the Congress to allot more or less for welfare assistance and revenue-sharing, depending on year-by-year needs, particularly if these two major forms of assistance to state-local government are linked in one package. At this point, if any priority is to be established among the programs proposing additional aid for states and localities, we believe welfare would have to be at the top of the list.

Further, a four-year authorization will give Congress an opportunity to review the use of revenue-sharing funds, and progress in the modernization of state-local government, before approving another multi-year authorization.

III. PACKAGE OF WELFARE TAKE-OVER AND REVENUE-SHARING

Finally, we must ask whether the annual sums suggested to be spent on revenue-sharing by the revenue-sharing purists—$5 billion or $10 billion or more—are best spent strictly on revenue-sharing (either of the Administration variety, or of the Humphrey-Reuss revenue-sharing with reform variety), or should instead be split in some fashion between revenue-sharing and a substantial (and ultimately total) federal take-over of the financial cost and administration of welfare.

We conclude that such a split package is not only *more desirable* from the economic and social standpoint, but *more feasible* from the political standpoint.

First. From the economic and social standpoint, the costs of welfare require additional federal support. The nation's welfare system is approaching a crisis. The federal government now pays about $7 billion of an estimated $14 billion annual welfare cost. Astronomic increases are in sight. Putting, say, one-half of a generous revenue-sharing pot into a substantial initial federal take-over of financing welfare could provide a better welfare system, reduce the interstate competition which now plagues states seeking to have adequate welfare systems of their own, and channel the "local share" just where help is most needed—to those states and communities with the greatest welfare cost.

To the extent that funds are channeled to the states and cities by a federal welfare take-over, rather than by federal revenue-sharing, the agonies of apportioning the "local share" are avoided.

By an increased federal responsibility for welfare costs, many local communities would be protected against endless increases in the extremely regressive property tax, which falls largely on the homeowner. Instead, they could anticipate more adequate funds with which to pay their policemen, collect their trash, and perform all the other manifold daily tasks of local government.

If the idea of a federal welfare take-over is so good, one may ask, why have revenue-sharing at all?

There are two answers. The revenue-sharing concept permits, as we have said, the provision of incentives to state and local governments to modernize and reform themselves; it would be difficult or impossible to attach such reform conditions to a welfare take-over program.

Moreover, in some states revenue-sharing permits a surer distribution to hard-pressed localities than a welfare take-over, since in these states the local welfare contribution (and hence the prospect of relief from a federal take-over) is comparatively small.

Accordingly, there is a strong case for a welfare-revenue-sharing package, with a generous pot split in two portions of a size that will provide meaningful relief under both programs.

Second. From the political standpoint, if the revenue-sharing purists insist on all for revenue-sharing, and if the welfare purists insist on all for welfare take-over, the end result is likely to be a political impasse, with the states and localities consigned to outer darkness.

A fair number of leading Congressional Democrats are digging in their heels against revenue-sharing.

Equally, the Administration is freezing itself into a position of opposition to a federal take-over of welfare. The Secretary of HEW recently decried the proposal as too costly.

So the Congress may not act on revenue-sharing, and the Administration may veto a welfare take-over. This would be tragic for the states and cities.

But this need not be. A combination of Republican and Democratic ideas now floating around may prove politically feasible.

Let the Administration start to work out with the House Ways and Means Committee a proposal for a complete federal take-over of welfare, phased over several years. Let the Administration at the same time express interest in revenue-sharing-with-reform supported by annual appropriations. The Government Operations Committees in both houses may then be encouraged to get to work on the Humphrey-Reuss proposal and related proposals which have been referred to these committees.

Saving the states and cities from insolvency and obsolescence is too important a task to let it founder on the rock of political partisanship.

COMPENSATORY EDUCATION—AN UNEXPECTED BONUS

The SPEAKER. Under a previous order of the House the gentleman from Kentucky (Mr. PERKINS) is recognized for 10 minutes.

Mr. PERKINS. Mr. Speaker, I would like to share with my colleagues a newspaper article appearing in the San Francisco Chronicle on January 12, 1971, and an abstract of a report by Dr. Ruth Love Holloway under date of August 1970, dealing with a study made of the impact on education of title I of the Elementary and Secondary Education Act of 1965. I think that this study reflects very accurately what is happening in school systems throughout the country. Federal dollars under title I are not only enhancing learning opportunities in most schools with large concentrations of educational and disadvantaged children but also is having a favorable influence on improving the quality of education in all elementary and secondary schools.

Items referred to follow:

COMPENSATORY EDUCATION—AN UNEXPECTED BONUS

(By Ron Moskowitz)

Compensatory education programs in California have proved so helpful for disadvantaged children that they have been used for other children as well.

A study released yesterday shows that the methods used in the programs benefit average white middle-class children as well as children from the ghettos.

Since their inception in the early 1960s, the United States Office of Education's compensatory education programs have provided for smaller classes, individual tutoring, new teaching methods and staffing patterns and special books and other learning materials for the poor.

The programs, which have cost the federal government millions of dollars, do help children from deprived families achieve better in school, many studies have shown.

IMPACT

But until yesterday there were no research findings available on what impact the programs have had on the average child in a regular school program.

A year ago, Dr. Ruth Love Holloway, who is in charge of program development in the State Department of Education's Compensatory Education Division, set out to answer that question.

She surveyed 11 school districts and one county board of education in California, which runs the biggest compensatory education business in the nation. A few of the 11 had no compensatory education programs, as such.

SURPRISE

"I knew there must have been some impact on the regular school program," she said. "But I was surprised to learn just how great it was."

"Compensatory education has had a greater impact on the regular education than on the disadvantaged," her report concludes.

The school districts surveyed, she found, have all adopted many of the new instructional materials and teaching strategies for their regular classes patterned after programs created initially for the poor.

Moreover, while they require state or federal funds to implement the programs for the poor, they have made the innovations for the other children using their own local school district funds, Dr. Holloway discovered.

USES

Local district funds are now being used for a variety of compensatory-initiated programs for entire school districts, including individualized instruction, teacher aides, reading specialists, advisory committees, multi-cultural instructional materials, new equipment and teaching aids.

The process of involving parents, teachers and administrators together in school program planning was first used in compensatory education programs and "established a trend in education," the report notes.

The use of both professional and nonprofessional auxiliary personnel in the schools was also, to a large degree, initiated by compensatory education programs.

GREATEST

The study found that compensatory education's greatest impact in the area of instruction "is in the impetus given to individualized instruction," the report stated.

Compensatory education programs have also led the way in teaching school districts how to systematically plan, evaluate and modify programs—introducing for the first time the idea of assessment or accountability.

They have also revolutionized teacher education programs. Before compensatory education programs started, the idea of pulling teachers out of their classrooms for in-service training was almost unheard of. Now it is common practice.

THE IMPACT OF COMPENSATORY EDUCATION ON THE FURTHER DEVELOPMENT OF GENERAL EDUCATION

(By Ruth Love Holloway)

Scope and method of study: The purpose of this Study was to determine the extent to which programs and the process of compensatory education activities were approximated in non-target area schools or non-funded programs in selected school districts in California. It is not the purpose of the study to evaluate the results of compensatory education, but rather to *assess its impact on education generally.*

The type of research implemented was survey research. The principle instruments employed for obtaining data were the questionnaire and personal interview. The comprehensive questionnaire provided data in response to three major questions:

Are the comprehensive compensatory education program components being replicated in non-target schools or non-funded programs?

Has the process of involving parents, teachers and administrators influenced methods of project planning in regular educational programs?

Has the employment of specialized personnel, i.e., teacher aides, instructional specialists, tutors, home-school coordinators affected employment practices in non-compensatory programs?

To determine whether or not compensatory education had a significant effect upon regular school programs, the questionnaire developed by the writer contained five topical areas:

(1) Pre-compensatory education perceptions of disadvantaged children and general educational practices.

(2) Impact of compensatory education components and activities.

(3) Instructional changes and staffing patterns.

(4) Effects of process of involving parents, teachers, administrators in program planning.

(5) System of dissemination of information.

The personal interview was held with a total of six administrators who are involved in compensatory education programs, four project directors and two superintendents.

There were six different types of schools surveyed in eleven districts and one county office of education. The types of schools were:

Type A—Entire school totally saturated with compensatory education services.

Type B—Demonstration projects in reading and mathematics in one, junior high school grade level.

Type C—A laboratory project within a school providing compensatory education to selected children from multiple grade levels.

Type D—A school outside the target area with no federal funds.

Type E—A school outside the target area with limited federal funds.

Type F—A school in which compensatory education funds have been reduced or eliminated.

In each type of school surveyed, a team of three individuals was asked to respond; the principal, a teacher and a community representative (teacher aide, parent, etc.). The project director completed a questionnaire for district point of view.

Results of data were analyzed and presented in tabular forms, first in terms of total group respondent indices, secondly in terms of impact by type of school, and thirdly in terms of impact reported by respondent category. Most of the tabulations were in frequencies and percentages and a lesser number in rank order distribution.

SUMMARY OF RESULTS

This study has been concerned with investigating the impact of compensatory education programs on education generally. Four aspects of compensatory education were studied: (1) perceptions about disadvantaged children; (2) the components and activities relating to instruction, curriclum materials and teaching strategies; (3) the process of involving parents and personnel in planning school programs; and (4) the employment of specialized staff.

A review of literature indicated that no known study existed which researched the relative effects on compensatory education on regular education. Much of the literature related to the need for educational reform and interventions which may assist in bringing about needed changes. Compensatory education had its beginning in the early 60's with its major peak in the mid-60's. It was one of vehicles envisioned to equalize educational opportunities and break the cycle of poverty. Questions were raised about the program's validity in the latter 60's. On the one hand, Clark and others were concerned about fragmentation and remediation as opposed to a revitalization of the total education institution. Jensen questioned the program's reliability as a mechanism for improving education for "this segment" of the school population due to their "inherent limitation" in intellectual capacity.

Research illustrates, however, that compensatory education, when administered properly, holds the potential for substantially improving the quality of education for the disadvantaged as well as influencing education for all children.

The major results of this study indicate the approximation of specific variables in compensatory education in non-funded programs and schools. Each of the four areas studied shows a positive impact on education—change in perceptions of individual differences in children, the replications of programs of reading, bilingual education, mathematics and minority history, the increased emphasis on techniques of individualizing instructions, the initiation of advisory committees and local school planning teams, and the employment of aides and specialists outside the target area schools.

In terms of program impact as observed by types of respondents, community representatives indicated the most significant effect in parent involvement in classroom as aides, etc. and their participation on local advisory committees in helping to plan school programs. Project directors, principals and teachers tended to agree that the most significant impact was in the areas of:

1. Reading and language development;
2. Individualized instruction;
3. The use of teacher aides;
4. Local staff involvement in program planning;
5. Staff development techniques;
6. Advisory committees;
7. Use of instructional specialist;
8. Minority culture and history; and
9. Pre-school and early childhood emphasis.

It should be pointed out that the replication of activities and elements beyond the funded programs relates to several variables other than priority for children. Observations during this study as well as personal interviews indicates that the following factors frequently influence whether and which activity will be maintained or introduced:

(a) The cost or resource necessary to implement activity.

(b) The degree of community and/or staff pressure.

(c) The ability of district to obtain additional funding.

(d) Flexibility and willingness of district staff to alter practices and procedures.

There were six types of schools included in eleven districts and one county office. Each type reflected different categories of projects. The types of schools surveyed were:

Type A School (Saturated School Project)—A school located in an intensive poverty impacted urban area which is saturated for total program service. Such schools include entire school populations in compensatory education and both regular and added staff are involved in the program.

Type B School (Single Grade Level Project)—Demonstration projects in reading and mathematics operate in selected school districts (14). All such programs are funded at the junior high level exclusively. It is a longitudinal program beginning with the 7th grade, with students in entire grade levels participating in the project.

Type C School (Laboratory Project)—The laboratory projects operate in schools in which multiple grade levels are served. Selected children are taken from regular classrooms for short periods of time in order to receive special instruction in a laboratory or "pull-out" situation. It is a common organizational approach in compensatory education.

Type D School (Non-Federal Resources Project)—A school located outside the designated target area which has no federal funds but has altered aspects of the school program.

Type E School (Limited Federal Funds Project)—A school located outside the target area in which additional federal funds are being used (other than compensatory education funds). The school program has been altered to some extent.

Type F School (Program with reduced or eliminated resources)—It is a school in which compensatory education funds were reduced or eliminated and specific aspects of the previous project is still in operation.

The types of schools showing the greatest impact were Types A. B, and F. It is noteworthy that Type C schools, those most representative of compensatory education programs in California, did not reveal the greatest impact on education generally. Both schools with saturated services by entire school or grade levels illustrated significant impact. As mentioned earlier, schools in which funds were reduced or eliminated tended to assume certain practices and procedures.

It should be pointed out that the school sample surveyed is populated by low-income, underachieving children, many of whom are ethnic minorities. The sample respondents did not, however, reflect a high percentage of ethnic minorities in any one of the categories of respondents.

Generally, then, the results of the study show a range of impact of compensatory education, depending upon sets of circumstances. The program, while designed to improve education for poor children, has had a significant impact on education of non-poor middle-class children.

CONCLUSIONS

The results of this study suggest that compensatory education in California made a significant impact on regular education. Foremost, as a result of innovative features of programs for the disadvantaged, education of middle class children has benefited.

The primary goal of compensatory education is to close the achievement gap between poor and non-poor children. Historically, children from poverty families achieve at a rate of .7 months per month of instruction. The evaluation findings in California indicate that on the average, participants in compensatory education are making month per month gains as is the pattern in middle-class schools. Even at an equitable rate of achievement between the two socioeconomic groups, lower-class children remain below district norms, because they began behind their counterparts who are not poor.

This fact, coupled with the replication of compensatory education concepts and practices outside the target schools, leads to the conclusion that compensatory education has had a greater impact on regular education than on the disadvantaged. Moreover, this conclusion is further supported by the use of regular district resources for initiation of activities such as individualized instruction, teacher aides, reading specialists, advisory committees, multi-cultural instructional materials, new equipment and teaching aids, and release time for inservice education. For disadvantaged children, such interventions are added with special federal or state resources.

The process of involving parents, teachers and administrators in program planning established a trend in education. This emerging practice of localized participation by client and practitioner has been aided by both the advocates for local control as well as educators, especially teachers who want a voice in the decision-making. The institution of advisory committees and school program task forces outside of compensatory education supports the assertion that compensatory education is a leading innovation in the education arena.

Another area of significant impact is the employment of a variety of specialized personnel in non-target area school or in other specially-funded projects. It is concluded, therefore, that a major contribution of compensatory education is in the fresh nexus of school staff:

Professional

Instructional specialist (reading and mathematics).

Multi-media specialist.

Home school coordinator.

Paraprofessional

Teacher Aide.

Community Aide.

Counselor Aide.

Health Aide.

Tutors.

Such individuals, by a variation of titles, have found their way into the mainstream of American education.

This study suggests that compensatory education's greatest impact in the area of instruction is in the impetus given to individualized instruction. Diagnosing and prescribing for needs and strengths was not heretofore a systematic part of the educational program.

The final conclusions relate to trends which have been established by compensatory education endeavors. One is the emphasis on early childhood education; pre-school and primary levels. The thrust of Headstart led to a new focus on kindergarten and the first three grades, in terms of curricular, teaching methodology, parent participation evaluation.

The data suggests also a recognition of the value of children's native language. This recognition and current social pressure had generated programs of bilingual instruction for children whose native language is one other than English. The bilingual education programs are broader in scope than mere language, but include a focus on culture and coupled with ethnic identity movements have given rise to increased appreciation for cultural diversity and individual differences The present study supports the finding of impact in the area of individual differences and perceptional attitudes toward children classified as "different". The results support the conclusion that this area of personalizing education has made a substantial imprint in the regular program of instruction.

In recent years, a great deal of dialogue occurred about the need for a systematic approach to education. Without using the term for all of compensatory education, in California a systematic plan has evolved. Results of the study showed an impact on education in terms of planning, evaluating and modifying programs. The following perhaps best illustrates the cycling and recycling process: Program planning—Implementation—Evaluation—Modification of Program—and so on.

Compensatory education offered the opportunity to test hypothesis, to explore and experiment. It came into focus when the protest against education was emerging. The program was on the cutting edge of issues in this post-Sputnik era. A review of its contributions to education is indeed appropriate as compensatory education stands as a potential for general aid to all children. To capitalize upon its assets will perhaps help not only to salvage the limping program, but more importantly will aid the torturous process of updating regular education.

A historical analysis indicates that compensatory education antennaes have veered in four directions; they initiated trends, they served as models, they changed perceptions, and they highlighted institutional needs and weaknesses.

Many of the emerging trends are reflection of pedagological dialogue of earlier eras, and represent reaffirmation of other trends ascribed to compensatory education programs in this research, which include:

Multiple approaches to reading and mathematics using audio-visual aids.

Using relevant instructional materials reflecting multisocial society.

Involving industry in teaching curricular development.

Needs assessment.

Performance criteria (objectives).

Compensatory education has forged a new, more intrinsic, definition of equality of educational opportunity. The new, albeit, definition involves not only improving performance of disadvantaged children but is functionally linked to breaking the cycle of poverty.

The program initiated and established models for replication in teacher education, thereby challenging colleges and universities to re-assess their training practicism and develop more realistic programs. It also is credited with developing evaluation models which transcend programs for the poor; and focuses on performance accountability and modification of program based upon objective data. The patterns of utilizing teacher aides and other para-professionals illustrated multiple methods of providing additional services to each child.

The belief that parents generally are concerned about their children's education and have a right to be involved in decisions which influence their destiny, created new and viable roles for parents of the poor. Removing stereotypes regarding the abilities of disadvantaged children and their families has served to change perceptions and expectations.

The program, broadly defined, changed power relationships with the schools and community. It aided the school in more accurately reflecting the society and gives recognition to the dignity and value of the contribution of all citizens. In essence, compensatory education pointed up the strength and weakness of the school and challenged other social institutions to relate to the needs of their clients. This research opinionates that these claims which rest with an infantile program can only be interpreted as a meager beginning toward the immense journey of transformation and reformation of public education.

REPRESENTATIVE JOE L. EVINS TO SERVE AS CHAIRMAN OF SUBCOMMITTEE ON PUBLIC WORKS OF HOUSE APPROPRIATIONS COMMITTEE

The SPEAKER. Under a previous order of the House the gentleman from Tennessee (Mr. Fulton) is recognized for 10 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, recently, it was announced by the distinguished chairman of our Appropriations Committee, Mr. Mahon, that our colleague and the dean of the Tennessee delegation, Congressman Joe L. Evins, will serve as chairman of the Subcommittee on Public Works of the House Appropriations Committee.

This is a tremendous responsibility and undertaking. Mr. Evins is certainly equivalent to the task. I join with my other colleagues in extending my congratulations to him and I include in the Record, at this point, editorials from the Nashville Banner and the Nashville Tennesseean noting this new responsibility undertaken by Mr. Evins:

[From the Nashville Banner, Feb. 12, 1971]

Congratulations, Joe Evins

Committee responsibilities constitute an important part of a Congressman's work—assigned on merit indeed where the stewardship is treated in the spirit of the trust it conveys. And on that basis of merit those who know him applaud the choice of Rep. Joe L. Evins for chairmanship of the House Subcommittee on Public Works Appropriations.

He long has been a member of the Appropriations Committee, a key agency in the vital business of screening governmental expenditures; a powerful body indeed, and the subcommittee a unit far from subordinate in the efficient handling of that responsibility.

Representative Evins has been a hard-working Congressman in behalf of his Fourth District constituency—and absorbed no less in the long-range interests of his state and nation. In party identification a staunch Democrat, his concept of duty and service is not limited by any partisan boundary.

He has earned the committee post assigned—and it is a responsibility in good hands. It reflects honor on the state, and Tennessee extends congratulations.

[From the Nashville Tennessean,
Feb. 12, 1971]

Mr. Evins Good Man for Job

Rep. Joe L. Evins of Tennessee's Fourth District has been named chairman of the House subcommittee on public works, succeeding the late Rep. Mike Kirwan, D-Ohio.

Mr. Evins was appointed to the chairmanship, at his own request, by Rep. George H. Mahon, D-Texas, chairman of the full Appropriations Committee. Mr. Evins had been a member of the subcommittee since it was formed in 1955, and thus had seniority. But it appears that his keen interest in public works appropriations and his skill in finances played an important role in his selection as chairman.

As a member of the subcommittee, Mr. Evins has been of tremendous influence in looking out after the interests of TVA, the AEC, the U.S. Engineers, the Appalachian Regional Development Commission and other agencies of importance to the mid-South.

As chairman of the committee, Mr. Evins will be in even stronger position to see that public works projects vital to the economic development of this region will get equal consideration with those of other regions of the nation.

While it is true that a congressman, especially the chairman of a strong subcommittee, should not adopt a provincial attitude, this principle has not always been applied in the past when the voters of this region had no strong voice in appropriations.

Mr. Evins can be expected to treat all sections of the country alike—and that is the reason the people of this state and region should be happy and proud to have him heading the public works subcommittee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Jones of Tennessee (at the request of Mr. Boggs) for Monday, February 22, and Tuesday, February 23, on account of a death in the family.

Mr. Latta (at the request of Mr. Gerald R. Ford) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. du Pont) and to revise and extend their remarks and include extraneous matter:)

Mr. Collins of Texas, for 30 minutes, today.

Mr. Sebelius, for 60 minutes, on March 1.

Mr. Edwards of Alabama, for 5 minutes, today.

(The following Members (at the request of Mr. Waggonner), to revise and extend their remarks and include extraneous matter:)

Mrs. Grasso, for 30 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Reuss, for 30 minutes, today.

Mr. Perkins, for 10 minutes, today.

Mr. Fulton of Tennessee, for 10 minutes, today.

Mr. Dorn, for 60 minutes, on March 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gerald R. Ford to extend his remarks following the message from the President of the United States.

(The following Members (at the request of Mr. Du Pont) and to include extraneous matter:)

Mr. Lent.

Mr. Blackburn.

Mr. Hillis.

Mr. Brotzman.

Mr. Arends.

Mr. Zwach.

Mr. Sebelius.

Mr. Lujan.

Mr. Harvey.

Mr. Schmitz.

Mr. McCloskey in two instances.

Mr. Schwengel in two instances.

Mr. McEwen.

Mr. McClory in two instances.

(The following Members (at the request of Mr. Waggonner) and to include extraneous matter.)

Mr. William D. Ford.

Mr. Stuckey in two instances.

Mr. Hamilton in two instances.

Mr. Burton.

Mr. Begich.

Mr. Griffin in three instances.

Mr. Sisk.

Mr. Dingell.

Mr. James V. Stanton in two instances.

Mr. Sikes in 10 instances.

Mr. Baring in two instances.

Mr. Clay in six instances.

Mr. Rarick in four instances.

Mr. Evins of Tennessee in six instances.

Mr. Stokes in three instances.

Mr. Gonzalez in two instances.

Mr. Fuqua in three instances.

Mr. Kastenmeier in two instances.

Mr. Patten in two instances.

Mr. Fountain.

Mr. Kluczynski in two instances.

Mr. Rosenthal in five instances.

Mr. Fascell.

Mr. Ichord in two instances.

Mr. O'Neill of Massachusetts in three instances.

Mr. Ryan in four instances.

Mr. Anderson of California in two instances.

Mr. Pickle in five instances.

Mr. Nedzi in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 670. An act to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes; to the Committee on Banking and Currency.

ADJOURNMENT

Mr. RUNNELS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 7 minutes p.m.) the House adjourned until tomorrow Tuesday, February 23, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

300. A letter from the Assistant Secretary of Agriculture, transmitting a report of the Federal Crop Insurance Corporation for the 1970 crop year, pursuant to the Federal Crop Insurance Act; to the Committee on Agriculture.

301. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report for the month of December 1970, on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, establishing a limitation on budget outlays in fiscal year 1971; to the Committee on Appropriations.

302. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans' Administration for "Compensation and pensions" for fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

303. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans' Administration for "Readjustment benefits" for fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

304. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, on December 31, 1970, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

305. A letter from the Secretary of the Interior, transmitting the sixth annual report of program activities and accomplishments of the Office of Water Resources Research, pursuant to the Water Resources Research Act of 1964, as amended; to the Committee on Interior and Insular Affairs.

306. A letter from the Under Secretary of the Interior, transmitting a copy of a proposed amendment to a concession contract authorizing the continuance of the operation of golf courses and the provision of related facilities and services for the public in the Washington, D.C. metrolopitan area, pursuant to 67 Statutes 271 and 70 Statutes 543; to the Committee on Interior and Insular Affairs.

307. A letter from the Commissioner, Immigration and Nationality Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

308. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report for calendar year 1970 on civilian positions established in NASA under 5 U.S.C. 3104(a)(8), pursuant to section 3104(c); to the Committee on Post Office and Civil Service.

Received from the Comptroller General

299. A letter from the Comptroller General of the United States, transmitting a report of the audit of the Federal Deposit Insurance Corporation for the year ended June 30, 1970, pursuant to 12 U.S.C. 1827 (H. Doc. 92-51); to the Committee on Government Operations and ordered to be printed.

309. A letter from the Comptroller General of the United States transmitting a report on the need to reevaluate packing specifications for cabinets, lockers, and wardrobes, General Services Administration; to the Committee on Government Operations.

310. A letter from the Acting Comptroller General of the United States transmitting a report and recommendation concerning the claim of the Ferris Corp. against the United States, pursuant to 31 U.S.C. 236; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 7. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; with amendments (Rept. No. 92-12). Referred the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 4690. A bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes (Rept. No. 92-13). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H.R. 4690. A bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 4691. A bill to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4692. A bill to declare that the United States holds in trust for the Reno-Sparks Indian Colony certain lands in Washoe County, Nev.; to the Committee on Interior and Insular Affairs.

H.R. 4693. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to regulate the mailing of advertisements of, and offers for the sale of, merchandise and products manufactured outside the United States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4694. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income allowances paid under section 5942 of title 5, United States Code; to the Committee on Ways and Means.

By Mr. BRASCO (for himself, Mr. Addabbo, and Mr. Wolff):

H.R. 4695. A bill relating to the use of the Naval Air Station, Brooklyn, N.Y.; to the Committee on Armed Services.

By Mr. BRASCO:

H.R. 4696. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractor's services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 4697. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 4698. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 4699. A bill to amend the Legislative Reorganization Act of 1946 to provide that the Congress may not adjourn sine die in any session of Congress or recess after December 31 of each year until all appropriation measures for the fiscal year concerned have been considered and disposed of, and for other purposes; to the Committee on Rules.

By Mr. PATMAN (for himself, Mr. Brooks, Mr. Burleson of Texas, Mr. Archer, Mr. Cabell, Mr. Casey of Texas, Mr. Collins of Texas, Mr. de la Garza, Mr. Dowdy, Mr. Eckhardt, Mr. Fisher, Mr. Gonzalez, Mr. Kazen, Mr. Mahon, Mr. Pickle, Mr. Poage, Mr. Price of Texas, Mr. Purcell, Mr. Roberts, Mr. Teague of Texas, Mr. White, Mr. Wright, and Mr. Young of Texas):

H.R. 4700. A bill to authorize the coinage of 50-cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

By Mr. ROBERTS (for himself, Mr. Abourezk, Mr. Aspinall, Mr. Baring, Mr. Bevill, Mr. Blanton, Mr. Boggs, Mr. Bolling, Mr. Brademas, Mr. Clark, Mr. Dorn, Mr. Duncan, Mr. Edmondson, Mr. Flood, Mr. William D. Ford, Mr. Fraser, Mr. Fulton of Pennsylvania, Mr. Garmatz, Mr. Haley, Mrs. Hansen of Washington, Mr. Hansen of Idaho, Mr. Hathaway, Mr. Hays, Mrs. Hicks of Massachusetts, and Mr. Holifield):

H.R. 4701. A bill to authorize the coinage of 50-cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

By Mr. ROBERTS (for himself, Mr. Hungate, Mr. Johnson of Pennsylvania, Mr. Johnson of California, Mr. Landrum, Mr. McMillan, Mr. Matsunaga, Mr. Mazzoli, Mr. Miller of California, Mrs. Mink, Mr. Monagan, Mr. Nichols, Mr. Nix, Mr. O'Hara, Mr. Pepper, Mr. Rosenthal, Mr. Schwengel, Mr. Sikes, Mr. Sisk, Mr. Steed, and Mr. Waggonner):

H.R. 4702: A bill to authorize the coinage of 50-cent pieces to commemorate the life of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

By Mr. BROOMFIELD:

H.R. 4703. A bill to establish a national land use policy; to the Committee on Interior and Insular Affairs.

H.R. 4704. A bill to provide for the cooperation between the Federal Government and the States with respect to environment regulations for mining operations; to the Committee on Interior and Insular Affairs.

H.R. 4705. A bill to amend the Land and Water Conservation Fund Act of 1965; to the Committee on Interior and Insular Affairs.

By Mr. BUCHANAN:

H.R. 4706. A bill to amend title 10, United States Code to restore the system of recomputation of retired pay for certain members and former members of the armed forces; to the Committee on Armed Services.

H.R. 4707. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. CASEY of Texas:

H.R. 4708. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mrs. Chisholm, Mr. Conable, Mr. Delaney, Mr. Dow, Mr. Dulski, Mr. Grover, Mr. Halpern, Mr. Hanley, and Mr. Hastings):

H.R. 4709. A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law, certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

By Mr. CELLER (for himself, Mr. Kemp, Mr. King, Mr. Koch, Mr. Lent, Mr. McEwen, Mr. Murphy of New York, Mr. Rangel, Mr. Reid of New York, Mr. Rosenthal, Mr. Ryan, Mr. Smith of New York, Mr. Scheuer, Mr. Stratton, and Mr. Terry):

H.R. 4710. A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law, certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

By Mr. CHAMBERLAIN:

H.R. 4711. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or di- Act of 1964, as amended; to the Committee on Ways and Means.

By Mr. COLLINS of Texas:

H.R. 4712. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any metal-bearing ore from any free world country for so long as the importation of like ore from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. COLMER (for himself, Mr. Smith of California, and Mr. Sisk):

H.R. 4713. A bill to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies; to the Committee on Rules.

By Mr. DINGELL:

H.R. 4714. A bill to provide standby authority for wage and salary control; to the Committee on Banking and Currency.

H.R. 4715. A bill to provide standby authority for price control; to the Committee on Banking and Currency.

By Mrs. DWYER (for herself, Mr. Reid of New York, Mr. Wydler, Mr. McCloskey, Mr. Powell, Mr. Lent, Mr. Minshall, Mr. Morse, Mr. Halpern, Mr. Stafford, Mr. Duncan, Mr. Conte, Mrs. Heckler of Massachusetts, Mr. McKinney, Mr. Forsythe, Mr. Fulton of Pennsylvania, Mr. Sandman, Mr. Cleveland, Mr. Robison of New York, Mr. Saylor, Mr. Widnall, and Mr. O'Konski):

H.R. 4716. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. FASCELL:

H.R. 4717. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. Casey of Texas, Mr. Ryan, Mrs. Abzug, Mr. Hanna, Mrs. Grasso, Mr. Dow, Mr. Hathaway, and Mr. Steele):

H.R. 4718. A bill to require the Department of Defense to determine disposal dates and methods of disposing of certain military material; to the Committee on Armed Services.

By Mr. FASCELL (for himself, Mr. Casey of Texas, Mr. Ryan, Mrs. Abzug, Mr. Hanna, Mrs. Grasso, Mr. Dow, Mr. Hathaway, Mr. Steele, Mr. Pike, Mr. Frenzel, and Mr. Horton):

H.R. 4719. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material or other refuse without a certification by the Environmental Protection Agency approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. WILLIAM D. FORD:

H.R. 4720. A bill to adjust the pay of employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Tennessee:

H.R. 4721. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. GALLAGHER (for himself, Mr. Rosenthal, Mr. Horton, Mr. Hechler of West Virginia, Mr. Pike, Mr. St Germain, Mr. Byrne of Pennsylvania, Mr. Rooney of Pennsylvania, Mr. Aspin, Mr. Dow, Mr. Hastings, Mr. Don H. Clausen, Mr. Nedzi, and Mr. Moss):

H.R. 4722. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, to provide for the removal of names from mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GARMATZ:

H.R. 4723. A bill to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself and Mr. Pelly):

H.R. 4724. A bill to authorize appropriations for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. GONZALEZ:

H.R. 4725. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the armed forces; to the Committee on Armed Services.

H.R. 4726. A bill to amend title 18, United

States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

H.R. 4727. A bill to amend title II of the Social Security Act to provide that an individual who has a service-connected disability incurred or aggravated while on active duty in a combat zone and rated by the Veterans' Administration at 50 percent or higher, or who dies as a result of disease or injury incurred or aggravated while on such duty, shall be considered to be fully insured, and to be insured for disability benefits, under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 4728. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT (for himself and Mr. ARENDS) (by request):

H.R. 4729. A bill to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force; to the Committee on Armed Services.

By Mr. ICHORD:

H.R. 4730. A bill to clarify the coverage status under the old-age, survivors and disability insurance program of certain service performed after 1950 and before 1969 by the auto license agents of the Department of Motor Vehicles of the State of Missouri; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 4731. A bill to amend the Clayton Act to preserve competition among corporations engaged in the production of oil, coal and uranium; to the Committee on the Judiciary.

By Mr. LENNON:

H.R. 4732. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H.R. 4733. A bill to amend the Fur Seal Act of 1966 by prohibiting the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals on the Pribilof Islands or any other land and water under the jurisdiction of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. LUJAN:

H.R. 4734. A bill to amend titles 10 and 37 of the United States Code to provide that members of the armed forces captured by hostile forces may accumulate leave without limitation during the period of their capture and receive payment for such leave, and for other purposes; to the Committee on Armed Services.

H.R. 4735. A bill to amend the act of August 9, 1955, to authorize longer term leases of land in the Pueblo of Nambe; to the Committee on Interior and Insular Affairs.

H.R. 4736. A bill to declare that the United States holds in trust for the Pueblo of Cochiti approximately 3.308 acres of land; to the Committee on Interior and Insular Affairs.

H.R. 4737. A bill to declare that the United States holds in trust for the Pueblo of Santa Ana certain public domain lands; to the Committee on Interior and Insular Affairs.

H.R. 4738. A bill to amend the act entitled "An act granting land to the city of Albuquerque for public purposes," approved June 9, 1906; to the Committee on Interior and Insular Affairs.

H.R. 4739. A bill to authorize the Secretary of Health, Education, and Welfare to make Indian hospital facilities available to non-Indians under certain conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 4740. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4741. A bill to amend the Internal Revenue Code of 1954 with respect to the estate tax treatment of community property interests in employees' trusts and retirement annuity contracts; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 4742. A bill to designate Route 74 of the National System of Interstate and Defense Highways in the State of Illinois as the Everett McKinley Dirksen Highway; to the Committee on Public Works.

By Mr. MILLER of California:

H.R. 4743. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MILLER of Ohio:

H.R. 4744. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

By Mr. NICHOLS:

H.R. 4745. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'KONSKI:

H.R. 4746. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture.

H.R. 4747. A bill to authorize the District of Columbia to compensate holders of class A retailers' licenses issued under the District of Columbia Alcoholic Beverage Control Act who return such licenses to the District of Columbia for cancellation; to the Committee on the District of Columbia.

By Mr. PERKINS:

H.R. 4748. A bill to amend title II of the Social Security Act to increase all benefits thereunder by 20 percent, and to provide that full benefits (when based on attainment of retirement age) will be payable to both men or women at age 60; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. KYROS, Mr. CARTER, and Mr. HASTINGS):

H.R. 4749. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHMITZ:

H.R. 4750. A bill to establish the Rancho Guajome National Historic Site in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. SCHWENGEL:

H.R. 4751. A bill to equalize civil service retirement annuities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHRIVER:

H.R. 4752. A bill to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5 million to $10 million; to the Committee on Ways and Means.

By Mr. STEIGER of Arizona:

H.R. 4753. A bill to authorize the partition of the surface rights of the Hopi and Navajo Indian Tribes in undivided trust lands, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4754. A bill to authorize the partition of the 1934 Navajo Reservation and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STEIGER of Wisconsin:

H.R. 4755. A bill to amend the Internal Revenue Code of 1954 to increase the personal income tax exemptions to $800 for 1974, to $900 for 1975, and to $1,000 for 1976 and subsequent years; to the Committee on Ways and Means.

By Mrs. SULLIVAN:

H.R. 4756. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 4757. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 4758. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 4759. A bill to amend title 38 of the United States Code to provide that the Administrator of Veterans' Affairs may furnish medical services for nonservice-connected disability to any war veteran who has a total disability resulting from a service-connected disability; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 4760. A bill to amend title 38, United States Code, to increase the rates of disability compensation payable for injury or disease incurred in or aggravated by peacetime service; to the Committee on Veterans' Affairs.

H.R. 4761. A bill to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation and death compensation payable to certain parents of veterans; to the Committee on Veterans Affairs.

H.R. 4762. A bill to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans Affairs to establish and carry out a program of exchange of medical information; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 4763. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Foreign Affairs.

By Mr. WATTS:

H.R. 4764. A bill to amend certain provisions of the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. WIGGINS:

H.R. 4765. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if the father or a brother or sister of such member dies, is in missing status, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

H.R. 4766. A bill to designate the stadium constructed in the District of Columbia under authority of the District of Columbia Stadium Act of 1957 as the "Dwight D. Eisenhower Memorial Stadium"; to the Committee on the District of Columbia.

H.R. 4767. A bill to authorize the Secretary of the Interior to establish the Richard M. Nixon National Historic Site in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4768. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 4769. A bill to amend the Bankruptcy Act and the civil service retirement law with respect to the tenure and retirement of referees in bankruptcy; to the Committee on the Judiciary.

H.R. 4770. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

H.R. 4771. A bill for the establishment of a Commission on Revision of the Antitrust Laws of the United States; to the Committee on the Judiciary.

H.R. 4772. A bill to prohibit the dissemination through interstate commerce or the mails of material harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

H.R. 4773. A bill to amend title 28, United States Code, to change the age and service requirements with respect to the retirement of justices and judges of the United States; to the Committee on the Judiciary.

H.R. 4774. A bill to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes; to the Committee on the Judiciary.

By Mr. WIGGINS (for himself, Mr. Hanna, Mr. Hosmer, Mr. McCloskey, Mr. Rousselot, and Mr. Schmitz):

H.R. 4775. A bill to provide for the U.S. District Court for the Central District of California to hold court at Santa Ana, Calif.; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 4776. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

H.R. 4777. A bill to amend section 351 of title 38, United States Code, relating to benefits for veterans disabled by treatment or vocational rehabilitation; to the Committee on Veterans' Affairs.

By Mr. ANDREWS of Alabama:

H.J. Res. 366. Joint resolution proposing an amendment to the Constitution of the United States permitting the right to read from the Holy Bible and to offer nonsectarian prayers in the public schools or other public places if participation therein is not compulsory; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 367. Joint resolution authorizing the President to declare 1 week each September as "National S.S. *Hope* Week"; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. Annunzio, Mr. Bell, Mr. Bergland, Mr. Blackburn, Mr. Boland, Mr. Dent, Mr. Eckhardt, Mr. Karth, Mr. McKay, Mr. Mann, Mr. Patten, Mr. Steele, and Mr. Stubblefield):

H.J. Res. 368. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. HATHAWAY:

H.J. Res. 369. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. MELCHER:

H.J. Res. 370. Joint resolution to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT:

H.J. Res. 371. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 372. Joint resolution authorizing the President to proclaim the period April 19 through April 24, 1971, as "School Bus Safety Week"; to the Committee on the Judiciary.

H.J. Res. 373. Joint resolution to authorize the President to issue a proclamation designating the week of May 16, 1971, through May 22, 1971, as "D for Decency Week"; to the Committee on the Judiciary.

H.J. Res. 374. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the House of Representatives; to the Committee on the Judiciary.

By Mr. BLANTON (for himself, Mr. Belcher, Mr. Byrne of Pennsylvania, Mr. Mazzoli, Mr. McCormack, Mr. Roush, and Mr. Roybal):

H. Con. Res. 175. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. Casey of Texas, Mr. Ryan, Mrs. Abzug, Mr. Hanna, Mrs. Grasso, Mr. Dow, Mr. Hathaway, Mr. Steele, Mr. Pike, Mr. Frenzel, and Mr. Horton):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. FOLEY (for himself, Mr. Córdova, Mr. Shipley, Mr. Aspin, Mrs. Abzug, Mr. O'Konski, Mr. Hastings, Mr. Green of Pennsylvania, Mr. Forsythe, Mr. Reid of New York, Mrs. Heckler of Massachusetts, Mr. McCormack, and Mr. Flowers):

H. Con. Res. 177. Concurrent resolution expressing the sense of Congress in opposition to the closing of Public Health Service hospitals and clinics; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Pennsylvania:

H. Con. Res. 178. Concurrent resolution expressing the sense of Congress that U.S. Route 219 should be designated as part of the Interstate System; to the Committee on Public Works.

By Mr. MINISH:

H. Con. Res. 179. Concurrent resolution to curb illegal production and illegal international traffic in narcotics and dangerous drugs; to the Committee on Foreign Affairs.

By Mr. TALCOTT:

H. Con. Res. 180. Concurrent resolution for the control of international drug traffic; to the Committee on Foreign Affairs.

By Mr. BROTZMAN:

H. Res. 241. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

By Mr. KLUCZYNSKI:

H. Res. 242. Resolution creating a select committee to be known as the "Committee on the House Restaurant"; to the Committee on Rules.

By Mr. MILLER of California:

H. Res. 243. Resolution to authorize the Committee on Science and Astronautics to conduct studies and investigations and make inquiries with respect to aeronautical and other scientific research and development and outer space; to the Committee on Rules.

By Mr. ROSENTHAL:

H. Res. 244. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

24. By Mr. BRASCO: Memorial of the Legislature of the State of New York memorializing the Congress to use all means to persuade the Soviet Union to change its oppressive policies toward Soviet Jewry; to the Committee on Foreign Affairs.

25. By Mr. LENT: Memorial of the Legislature of the State of New York in the form of a concurrent resolution memorializing the Congress to use all means to persuade the Soviet Union to change its oppressive policies toward Soviet Jewry; to the Committee on Foreign Affairs.

26. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to amending the Constitution of the United States to allow Bible verses and prayer in public schools; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 4778. A bill for the relief of Sister Giditta Coccia; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 4779. A bill for the relief of Nina Daniels; to the Committee on the Judiciary.

H.R. 4780. A bill for the relief of Keoklis Alkiviades Meimaris; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 4781. A bill for the relief of Sahera Saka, Wahidollah Saka, and Wajma Saka; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 4782. A bill for the relief of Pietro Binaggia; to the Committee on the Judiciary.

H.R. 4783. A bill for the relief of Salvatore, Giovanna, and Mary Lou Calandra; to the Committee on the Judiciary.

H.R. 4784. A bill for the relief of Mrs. Rosaria A. Cappadona and daughter, Graziella Cappadona; to the Committee on the Judiciary.

H.R. 4785. A bill for the relief of Guiseppe Castellano; to the Committee on the Judiciary.

H.R. 4786. A bill for the relief of Maria David; to the Committee on the Judiciary.

H.R. 4787. A bill for the relief of Maria Drag; to the Committtee on the Judiciary.

H.R. 4788. A bill for the relief of Antonio Ferraiuolo; to the Committee on the Judiciary.

H.R. 4789. A bill for the relief of Bruno Gaglioti; to the Committee on the Judiciary.

H.R. 4790. A bill for the relief of Lusaper Kalenderaglu; to the Committee on the Judiciary.

H.R. 4791. A bill for the relief of Yasuo Kayaba; to the Committee on the Judiciary.

H.R. 4792. A bill for the relief of Edna Leers; to the Committee on the Judiciary.

H.R. 4793. A bill for the relief of Maria Librizzi; to the Committee on the Judiciary.

H.R. 4794. A bill for the relief of Mr. and Mrs. Onofrio Milazzo and their children, Angela and Antonio; to the Committee on the Judiciary.

H.R. 4795. A bill for the relief of Bozena and Irena Milewska (Aka Gryglelko); to the Committee on the Judiciary.

H.R. 4796. A bill for the relief of Reuben A. Moreira; to the Committee on the Judiciary.

H.R. 4797. A bill for the relief of Mrs. Ottavia Olante; to the Committee on the Judiciary.

H.R. 4798. A bill for the relief of Salvatore Pernice; to the Committee on the Judiciary.

H.R. 4799. A bill for the relief of Alfio Quaceci, his wife, Antonina, and their minor children; to the Committee on the Judiciary.

H.R. 4800. A bill for the relief of Rita Swann; to the Committee on the Judiciary.

H.R. 4801. A bill for the relief of Andrea Vitrano; to the Committee on the Judiciary.

H.R. 4802. A bill for the relief of Helena Wilk; to the Committee on the Judiciary.

H.R. 4803. A bill for the relief of Takayuki Yoshida; to the Committee on the Judiciary.

H.R. 4804. A bill for the relief of Joseph Zippetelli; to the Committee on the Judiciary.

By Mr. HELSTOSKI (by request):

H.R. 4805. A bill for the relief of Graziella and Libora Spinnato; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 4806. A bill for the relief of Roland S. Uyboco; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 4807. A bill for the relief of David J. Powell, his wife Janet Powell, and their children Robert S. Powell and Stuart S. Powell; to the Committee on the Judiciary.

By Mr. YOUNG of Florida (by request):

H.R. 4808. A bill for the relief of Francesco Giuliani; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

31. The SPEAKER presented petition of Barbara Grafton, Windham, Ohio, et al., relative to appointments to the U.S. Supreme Court, which was referred to the Committee on the Judiciary.

SENATE—*Monday, February 22, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We shall pray today in the words of President George Washington's prayer for his country.

Let us pray:

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord." Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

HIGHER EDUCATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 50)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Nearly a year ago, in my first special message on higher education, I asked the Congress to join me in expanding higher education opportunities across the nation. First, I proposed to reform and increase aid to students. Second, I proposed a National Foundation for Higher Education designed to reform and strengthen post secondary education.

Neither house of Congress acted on these proposals. Now the time for action is growing short. Existing legislative authority for the basic Federal higher education programs expires at the end of the current fiscal year.

1971 can be a year of national debate on the goals and potentials of our system of higher education. It can be a time of opportunity to discover new concepts of mission and purpose, which are responsive to the diverse needs of the people of our country. I therefore again urge the Congress to join with me in expanding opportunities in two major ways:

To help equalize individual opportunities for higher education, I am proposing the Higher Education Opportunity Act of 1971.

To broaden opportunities through renewal, reform and innovation in higher education, I am proposing a separate act establishing the National Foundation for Higher Education.

EQUALIZING INDIVIDUAL OPPORTUNITIES FOR HIGHER EDUCATION

At the present time, a young person whose family earns more than $15,000 a year is almost five times more likely to attend college than a young person whose family earns less than $3,000.

At the present time, Federal student assistance programs do not always reach those who need them most.

At the present time, there are just not enough funds to go around to all deserving students. Needy students often do not have access to grants. Higher-income students are frequently unable to borrow for their education, even when loans are guaranteed by the Federal Government.

I repeat the commitment which I made in my message of last year: that no qualified student who wants to go to college should be barred by lack of money. The program which I am again submitting this year would benefit approximately one million *more* students than are currently receiving aid. It would assure that Federal funds go first, and in the largest amounts, to the neediest students, in order to place them on an equal footing with students from higher-income families. Abundant resources for loans would also be available to students from higher-income families. The budget I submitted in January provides funds for these reforms and stands behind the commitments of this administration. Failure to pass this program would not only deny these benefits to many students, but also would limit their opportunity to make major choices about their lives.

A major element of my higher education proposal to the last Congress is the creation of a National Student Loan Association. For too long, the volume of funds available to students for federally insured loans has been arbitrarily restricted by the lack of a secondary market in which lenders could sell paper in order to replenish their supply of loan capital.

Establishment of the National Student Loan Association would relieve this squeeze on liquidity by making available an additional $1 billion for student loan funds. The Association would be authorized to buy student loans made by qualified lenders—universities as well as commercial lending institutions. This secondary market would enable universities and commercial lenders to make loans to students in far greater quantity than they have in the past.

It is important to be clear on what this reform would mean. It would mean that higher education would be open to all the people of this country as never before. It would mean that students still in high school would know that their efforts to qualify for college need not be compromised by doubts about whether they can afford college. It would mean that their choice of a college would be based on their educational goals rather than upon their family's financial circumstances.

RENEWAL, REFORM AND INNOVATION

If we are to make higher education financially accessible to all who are qualified, then our colleges must be prepared both for the diversity of their goals and the seriousness of their intent. While colleges and universities have made exceptional efforts to serve unprecedented numbers of students over the last decade, they must find additional ways to respond to a new set of challenges:

—All too often we have fallen prey to the myth that there is only one way to learn—by sitting in class, reading books, and listening to teachers. Those who learn best in other ways are rejected by the system.

—While the diversity of individuals seeking higher education has expanded in nearly every social dimension—age, class, ethnic background—higher education institutions have become increasingly uniform and less diverse.

—Increasingly, many colleges, and particularly universities, have become large, complex institutions which have lost their way. The servants of many masters and the managers of many enterprises, they are less and less able to perform their essential tasks well.

—At the present time, thousands of individuals of all ages and circumstances are excluded from higher education for no other reason than that the system is designed primarily for 18–22 year olds who can afford to go away to college.

—At the present time, institutional and social barriers discourage students from having sustained experiences before or during their college years which would help them get more out of college and plan for their future lives.

The relationship between the Federal Government and the universities has contributed little to meeting these needs because it has not been a genuine partnership. In many cases the Federal Government has hired universities to do work which has borne little natural relationship to the central functions of the institution. Too often, the Federal Government has been part of the problem rather than part of the solution.

Certain Federal agencies promote excellence, innovation, and reform in particular areas. The National Science Foundation has played a magnificent role in the public interest for science, and the National Institutes of Health have played a similar role for health.

The National Foundation for Higher Education would fulfill a new role in the Federal Government. It would have as its mandate a review of the overall needs of the American people for postsecondary education. It would have as its operating premises, the principles of selectivity and flexibility. Its constituency would include people as well as institutions—and not only the usual secondary student entering college, but also others—such as the person who wants to combine higher education with active work experience, or the one who has left school and wants to return.

The Foundation can do much to develop new approaches to higher education:

—New ways of "going to college." I am impressed with the need for new and innovative means of providing higher education to individuals of all ages and circumstances (Britain and Japan, for example, have already taken significant steps in the use of television for this purpose).

—New patterns of attending college. A theme of several recent reports is that students are isolated too long in school, and that breaking the educational "lockstep" would enable them to be better and more serious students (as were the GI's after World War II). If so, student bodies would reflect a greater mix of ages and experience, and colleges would be places for integrating rather than separating the generations.

—New approaches to diversify institutional missions. Colleges and universities increasingly have aspired to become complex and "well rounded" institutions providing a wide spectrum of general and specialized education. The Foundation could help institutions to strengthen their individuality and to focus on particular missions by encouraging and supporting excellence in specific areas—be it a field of research, professional training, minority education, or whatever.

SPECIAL HELP FOR BLACK INSTITUTIONS

Colleges and universities founded for black Americans are an indispensable national resource. Despite great handicaps they educate substantial numbers of black Americans, thereby helping to bring about a more rapid transition to an integrated society.

Black institutions are faced with an historic inadequacy of resources. To help these institutions compete for students and faculty with other colleges and universities, the combined help of government at all levels, other institutions of higher learning, and the private sector must be summoned.

This administration has taken a series of actions to assist these institutions:

—The proposed reform of student aid programs, with its concentration of funds on the neediest students, would significantly aid students at black institutions.

—The National Foundation for Higher Education will direct special efforts toward meeting the needs of black colleges.

—Additional funds for black colleges have been requested for fiscal year 1972 in programs administered by the U.S. Office of Education, the National Science Foundation, and the Department of Agriculture.

CONCLUSION

These are but some of the new approaches to higher education which need to be pursued. A theme common to all of them is a new kind of engagement between all the citizens of our society and our system of higher education. All of us can make a contribution to bringing about such an engagement by taking part in a thoughtful national discussion about our priorities for higher education. Students and faculties can make a contribution by reexamining their goals and the means they choose to achieve them. The Federal Government can do its part by supporting access to higher education for all of our people and by providing the resources needed to help develop new forms of higher education which would be responsive to all of their needs.

RICHARD NIXON.

THE WHITE HOUSE, *February 22, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, February 19, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW, AND ORDER FOR RECOGNITION OF SENATOR MATHIAS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11:30 a.m. tomorrow and that, at that time, the distinguished Senator from Maryland (Mr. MATHIAS) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the Senate to convene at 11:30 a.m. tomorrow be vitiated, and that the Senate convene at 11 o'clock tomorrow morning; and that the distinguished Senator from Arkansas (Mr. MCCLELLAN) be recognized after the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) have each been recognized for a period not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order of January 24, 1901, Washington's Farewell Address will now be read.

The reading will be by the distinguished Senator from Maryland (Mr. BEALL), who has heretofore been designated for that purpose by the Vice President of the United States.

Mr. BEALL, at the desk of the Secretary of the Senate, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion, of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinions should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest; in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base of foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of any administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the Senate will now proceed to the transaction of routine morning business for a period not to exceed 45 minutes, with a time limitation of 3 minutes on statements therein.

EMERGENCY WARNING SYSTEM

Mr. GRIFFIN. Mr. President, last Saturday morning the pulse of the Nation was suspended for some 40 minutes while our supposedly sophisticated civil defense warning system cried: "Wolf."

Fortunately, there was no wolf. But one is left to wonder what might happen if a real emergency arose. Hopefully, we would not get a routine test announcement during a real nuclear attack—but who knows?

Mr. President, it is human to err. And it is true that there have been only two or three slipups in the thousands of tests that have been conducted over the last 10 years.

It can also be said that there have been no mistakes under actual emergency conditions—only because there have been no emergencies. Obviously, the real problem is that the only true test—a real emergency—would be the first and last opportunity for the success of such a warning system.

Though not excusable, human error is understandable. But a system which apparently makes it easy to err is not so understandable.

One wrong message is bad enough. But when it takes 40 minutes and three tries to correct the error, certainly, that is not understandable. And to follow that up with still another foul-up less than 40 hours later hardly requires additional comment.

I am pleased that President Nixon and Secretary Laird have already taken steps to initiate an investigation within the executive branch. But I believe Congress has a responsibility as well.

A spokesman for the Office of Civil Defense, when asked if the warning system would really work in an emergency was quoted by the New York Times as saying:

> That's one of the things I've always wondered about.

I believe the public is entitled to more certainty than that.

Consequently, I wish to go on record as urging the Armed Services Committee to conduct a thorough investigation of the civil defense warning procedures in particular—and furthermore I believe it is time to review the whole civil defense structure and operation in general.

As a member of the Communications Subcommittee of the Commerce Committee, I believe it would be appropriate for that subcommittee, in cooperation with the Armed Services Committee, to investigate the link-up of the system with broadcast stations, a link-up that is supposed to facilitate public notice of an emergency.

It would be useful, I believe, for the Communications Subcommittee to give the broadcasters, who volunteer their facilities and services, an opportunity to comment on the present arrangement and to suggest ways to improve it.

Needless to say, the incidents of the last few days have not served to build public confidence in our defense system, which is subsidized so heavily by the taxpayer and to which he looks for protection against potential enemies.

In another respect, however, such a failure can serve a very useful purpose if we seize the opportunity it signals to closely scrutinize the system that has failed, and if we move to perfect it.

This we must do.

Mr. DOMINICK. Mr. President, will the Senator yield under his 3 minutes?

Mr. GRIFFIN. I yield.

Mr. DOMINICK. I just want to congratulate the Senator on his statement, and tell him, as a member of the Committee on Armed Services, that I shall certainly call this matter to the attention of the chairman and the ranking member, and certainly hope we can get into it as soon as possible.

Mr. BYRD of West Virginia. Mr. President, I rise to express my compliments to the Senator from Michigan (Mr. GRIFFIN) for his suggestion with respect to the necessity for an investigation of what happened over the weekend and looking to the correction of the faults, errors, mistakes, and shortcomings, wherever they are to be found.

The New York Times said editorially today:

> If a fiction writer had written a story depicting in advance the actual sequence of events, most readers would have rejected the account as preposterous. Nevertheless, it all happened.

Some very grave questions as to the reliability of the system are raised by this inexcusable blunder. Could similar "human error" cause either the Soviet Union or the United States to set off nuclear weapons? Forty minutes went by between the beginning and the end of this incredible series of errors—which would have given an enemy all of the time he needed to devastate this country. A complete and thorough investigation is needed to determine what needs to be done so that a repetition will not occur. In retrospect, it is probably a good thing that this false emergency occurred, because it revealed carelessness and ineptness all along the line. The country should have been made painfully aware that not only the military blundered, but also that many radio and television stations are obviously not prepared to play the role expected of them in any warning system. It is urgent that the warning system be revamped in whatever way is necessary to make it fail-safe.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination on the Executive Calendar will be stated.

UPPER GREAT LAKES REGIONAL COMMISSION

The legislative clerk read the nomination of Thomas F. Schweigert, of Michigan, to be Federal Cochairman of the Upper Great Lakes Regional Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the approval of the Journal, if there is no objection, and the recognition of the majority and minority leaders under the standing order, there be a period not to exceed 15 minutes for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, at the close of the 15-minute period for the transaction of routine morning business, the Senator from Arkansas (Mr. MCCLELLAN) be recognized for not to exceed 15 minutes; that he be followed by the able Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes; and that Mr. MATHIAS be followed, under the order of last Friday, by the Senator from Illinois (Mr. PERCY), who will not speak beyond 12 o'clock meridian.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Section 501, Public Law 91–305

A letter from the Director, Office of Management and Budget, reporting, pursuant to law, on the operation of section 501 of Public Law 91–305, the Second Supplemental Appropriations Act, 1970; to the Committee on Appropriations.

Proposed Transfer of USS Portage to an American Legion Post

A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting, pursuant to law, notice of the proposed transfer of the escort ship U.S.S. *Portage* (PCE–902) to the Nunan-Slook Post 338, American Legion, Havertown, Pa.; to the Committee on Armed Services.

Proposed Legislation Increasing the Authorizations for Comprehensive Planning Grants and Open-Space Land Grants

A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation authorizing $50 million for the comprehensive planning grant program and an additional $100 million for the open space land program (with an accompanying paper); to the Committee on Banking, Housing and Urban Affairs.

Proposed Amendment to Concession Contract

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to the concession contract under which the S. G. Leoffler Co. will be authorized to continue to operate golf courses and provide related facilities and services for the public within the Washington, D.C., metropolitan area (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report on Recommendation on Claim of Ferris Corp.

A letter from the Acting Comptroller General of the United States, reporting, pursuant to law, the recommendation concerning the claim of the Ferris Corp. against the United States (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions and memorials were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the 11th Guam Legislature; to the Committee on Armed Services:

"Resolution No. 59

"Resolution relative to requesting the President and Congress of the United States to consider the establishment of a National Guard unit for the territory of Guam

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the old Guam militia, so active in Pre-World War II days, has been dormant for the last decade; and

"Whereas, the Governor's authority with respect to calling upon the Armed Forces of the United States in the event of an emergency causes a certain disquiet in that it is limited to requesting assistance, which assistance 'may be given' at the discretion of such Armed Forces; and

"Whereas, there is thus available to the Governor no immediate military force in the event of emergencies requiring such a force; and

"Whereas, every state of the union and most of the territories have at their disposal National Guard units which serve as state militia in the event of emergencies, and which provide an opportunity for the men composing the various National Guard units to participate in military training and to prepare for their nation's defense in times of need; and

"Whereas, the Legislature has determined that it is in the best interest of this territory that a National Guard unit be established; now therefore be it

"Resolved, that the President and Congress of the United States be and they are hereby respectfully requested to consider the establishment of a National Guard unit in the territory of Guam; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Chairmen, Committees on Interior and Insular Affairs, U.S. Senate and House, to Guam's Washington Representative, to the Secretary of the Interior, to the Secretary of Defense, to the Secretary of the Army, to the Secretary of the Navy, and to the Governor of Guam."

Resolutions of the Commonwealth of Massachusetts to the Committee on Foreign Relations:

"Resolutions Memorializing the Congress of the United States To Protest to North Vietnam the Mistreatment of American Prisoners of War

"*Whereas,* There are over sixteen hundred members of the armed forces of the United States listed as prisoners of war or missing in action and many missing in action may be in prison camps, and more than two hundred of them have been held more than three and one half years, longer than any United States serviceman was held prisoner in World War II; and

"*Whereas,* North Vietnam has shown itself to be very sensitive to public opinion in the United States. It would be very useful to let North Vietnam see something of the unity and the impatience of the American people over the long standing proven mistreatment of said servicemen in North Vietnam prison camps; therefore be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to protest to North Vietnam the mistreatment of United States prisoners of war held in North Vietnam; and be it further

"*Resolved,* That a copy of these resolutions be sent forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

A concurrent resolution of the Legislature of the State of New York; to the Committee on Foreign Relations:

"Resolution No. 27

"Concurrent resolution of the Legislature of the State of New York memorializing Congress to use all means to persuade the Soviet Union to change its oppressive policies towards Soviet Jewry

"Whereas, persons of Jewish faith residing in the Soviet Union have long suffered persecution, oppression, and discrimination in their daily lives at the hands of the government of that country; and

"Whereas, the authorities in the Soviet Union have suppressed, discouraged and prevented the free expression of Jewish education and culture, and have deprived Soviet Jews of the opportunity of worshipping freely and in accordance with the traditions of their age-old faith; and

"Whereas, the Soviet Union has consistently denied the right of Jewish people to emigrate from that country to Israel, the beloved country of their forefathers, or to any country of their choosing, and in fact the Soviet Union has continuously prohibited and blocked each and every attempt made by Jewish persons to so emigrate; and

"Whereas, recently eleven persons, nine of whom were Jewish, were convicted and sentenced to extremely harsh punishment for allegedly making plans to hijack a Soviet airliner in an effort to emigrate from the Soviet Union;

"Resolved (if the Assembly concur), that the Legislature of the State of New York respectfully, yet firmly, urge and memorialize the Ninety-Second Congress of the United States to manifest our country's position as the guardian of the traditions of liberty and justice for all, the dignity of all mankind, and the freedom of worship, by taking such affirmative action as will tend to persuade the Soviet Union to revise its official policies in the following manner:

"(a) to terminate its practice of denying Soviet Jewry of the opportunity of worshiping in a free manner and in accordance with age-old Jewish traditions;

"(b) to permit Jewish persons to emigrate freely from the Soviet Union to Israel or to any country of their choice without restriction or limitation; and

"(c) to reexamine and reconsider the harshness of the penalties recently imposed on the eleven persons sentenced in a Leningrad court for allegedly making plans to hijack a Soviet airliner, and to consider the possibility of permitting such persons to emigrate to Israel; and be it further

"Resolved (if the Assembly concur), that a copy of this resolution be spread upon the journal, and that the Secretary of the Senate transmit properly authenticated copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives, to the two United States Senators from New York State, and to each member of the House of Representatives from New York State."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on Interior and Insular Affairs:

"House Concurrent Resolution No. 69

"A concurrent resolution memorializing the Congress of the United States to enact appropriate legislation providing for the early completion of the Natchez Trace National Parkway

"Whereas, the Natchez Trace National Parkway is among the major scenic, tourist and historical attractions of the State of Mississippi; and

"Whereas, although some 311 miles of the Natchez Trace have been completed, there remains some 133 miles to be constructed; and

"Whereas, in the year 1970, the Natchez Trace attracted some 10,451,011 visitors and was utilized by some 3,732,503 motor vehicles; and

"Whereas, the timely completion of construction of the Natchez Trace National Parkway project by the United States Department of Interior will redound to the economic, recreational and educational benefit of the State of Mississippi and of surrounding states:

"Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That we do hereby memorialize the Congress of the United States to take immediate and purposeful action in enacting such appropriate legislation which would insure the early completion of the Natchez Trace National Parkway from Natchez, Mississippi, to Nashville, Tennessee.

"Be it further resolved, That copies of this resolution be forwarded by the Clerk of the House of Representatives to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Mississippi Congressional Delegation."

A resolution of the Legislature of the State of Washington; to the Committee on the Judiciary:

"RESOLUTION NO. 71-11

"Whereas, The American's Creed, drafted by William Tyler Page in 1917, condenses into one hundred words the concepts which have made America great, and for which America stands; and

"Whereas, During 1970 the Governor of the State of Washington and the Mayor of the City of Seattle, respectively, proclaimed periods during which the American's Creed should be recognized and studied; and

"Whereas, It is fitting that the attention of all Americans be focused on the American Creed, and that all Americans be urged to study it;

"Now, therefore, be it resolved, That the House of Representatives requests that the President and the Congress of the United States of America declare an American Creed Week, during which all citizens may be encouraged to examine, study and abide by the tenets of the American Creed.

"Be it further resolved, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

A resolution of the Legislature of the State of South Carolina; to the Committee on Public Works:

"HOUSE RESOLUTION

"A House resolution memorializing Congress to enact suitable legislation directing the United States Army Corps of Engineers to cease blasting stumps in Lake Hartwell and Clark's Hill reservoir located in the northwest portion of South Carolina

"Whereas, the United States Army Corps of Engineers has been blasting stumps in Lake Hartwell and Clark's Hill Reservoir which are located in the northwest portion of South Carolina; and

"Whereas, these stumps are located in the coves and channels of the lakes and are situated in the habitat and feeding grounds for many of the fish in the lakes; and

"Whereas, such areas furnish the most desirable fishing on the lakes; and

"Whereas, the tremendous explosions are not only destroying the habitat of these fish which was engineered into the plans of the lakes to provide desirable fishing during all months of the year for one of South Carolina's largest sporting industries; and

"Whereas, we are at a time in our history where there is great interest in preserving our fish and game; and

"Whereas, it is inconceivable that the Corps of Engineers would deliberately commit acts which are not only destroying the habitat and feeding grounds, and killing large numbers of existing fish in the lake, but render no benefit whatsoever to the great majority of the people of South Carolina: Now, therefore,

"Be it resolved by the House of Representatives of the State of South Carolina: That Congress be memorialized to enact suitable legislation directing the United States Corps of Engineers to cease blasting stumps in Lake Hartwell and Clark's Hill Reservoir which are located in the northwest portion of South Carolina."

A resolution adopted by the Lithuanian Council of Miami, Miami, Fla., demonstrating against the continued colonization and oppression of Lithuania, Latvia and Estonia; to the Committee on Foreign Relations.

A petition, signed by sundry citizens of the State of Ohio, praying for a reversal of certain Supreme Court decisions; to the Committee on the Judiciary.

BILLS INTRODUCED

The following bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. DOMINICK:

S. 891. A bill to amend the Federal Employees Health Benefits Act so as to put individual practice prepayment plans on an equal basis with other types of Federal employees health benefits plans. Referred to the Committee on Post Office and Civil Service.

Mr. DOMINICK. Mr. President, I introduce for appropriate reference a bill to amend section 4 of the Federal Employees Health Benefits Act, Public Law 89-544. Section 4 of the Federal Employees Health Benefits Act describes four basic types of health benefit plan for which the Civil Service Commission may contract to provide medical coverage for Federal employees: One, service benefit plans; two, indemnity benefit plans; three, employee organization plans; and four, comprehensive medical plans. Two types of "comprehensive medical plans" are authorized—group practice prepayment plans and individual practice prepayment plans.

With respect to individual practice prepayment plans, the act limits the organizations which may contract with the Civil Service Commission to those which have successfully operated similar plans. The portion of the act dealing with comprehensive medical plans provides:

(4) COMPREHENSIVE MEDICAL PLANS.—

(A) GROUP-PRACTICE PREPAYMENT PLANS.—Group-practice prepayment plans which offer health benefits of the types referred to by section 8904(4) of this title, in whole or in substantial part on a prepaid basis, with professional services thereunder provided by physicians practicing as a group in a common center or centers. The group shall include physicians representing at least three major medical specialties who receive all or a substantial part of their professional income from the prepaid funds.

(B) INDIVIDUAL-PRACTICE PREPAYMENT PLANS.—Individual-practice prepayment plans which offer health services in whole or substantial part on a prepaid basis, with professional services thereunder provided by individual physicians who agree, under certain conditions approved by the Commission, to accept the payments provided by the plans as full payment for covered services given by them including, in addition to in-hospital services, general care given in their offices and the patients' homes, out-of-hospital diagnostic procedures, and preventive care, and which plans are offered by organizations which have successfully operated similar plans before approval by the Commission of the plan in which employees may enroll.

The Civil Service Commission has construed the "successful experience" requirement to require 1 year of prior experience with a plan where: First, individual physicians agree to accept payments on a prepaid basis as full payment for covered services, and second, the individual physicians bear the risk in the event that the costs of providing covered medical services exceed the prepayments. Thus, organizations with experience operating plans underwritten by insurance companies have been ruled ineligible by the Commission on the ground that this second criterion was not met. To my knowledge, only the Government requires that the participating physicians themselves bear the risk that costs of medical services covered by an individual-practice prepayment plan may exceed prepayments. For that reason, most non-government, individual-practice, prepayment-type plans are underwritten by insurance companies, so that the individual physicians do not bear this risk. The result is that few organizations are able to meet the experience requirement of the statute as construed by the Civil Service Commission.

This situation is well illustrated by the unsuccessful efforts of a medical foundation in Colorado to qualify to provide medical services to Federal employees in the Denver area through an individual-practice prepayment plan. The Metropolitan Denver Foundation for Medical Care was formed in 1968 by local county medical societies covering the Metropolitan Denver area. The foundation was formed to provide a means for controlling the rapidly increasing cost of medical care.

The basic method used by the foundation is to obtain commitments from physicians to accept as their full fee for services rendered that amount paid to them by the foundation. Thus, a subscriber to a foundation-sponsored plan is assured that his monthly premium payment will in fact, take care of all his medical expenses. The foundation controls the cost of medical care by reviewing all statements sent to it by member physicians to see if they have provided any unnecessary care, or have duplicated any services. Member physicians will not be paid for services determined by the foundation to be unnecessary.

The foundation will also pay the bills of nonmember physicians who do not subject themselves to the review procedures of the foundation, but will be paid on a scale which is somewhat less than the maximum available to member physicians, and the patient who goes to a nonmember physician will have no guarantee that the physician's bill will not be in excess of the amount received from the foundation. Therefore, the subscribing patient has the freedom to go to any physician he chooses, whether or not the physician is a member of the foundation, provided that he is willing to bear the additional cost which he may incur by choosing a non-foundation physician. This type of plan has worked well in California, and is succeeding in holding down medical costs, while providing medical care without interfering with the physician-patient relationship.

Another approach to the problem of medical costs has been the closed panel or group practice. Here, a relatively small number of physicians practice together and offer to provide all of a subscriber's medical needs for a fixed monthly payment. In this situation, the subscriber can only go to those physicians who are members of the group.

Of course, the number of physicians in such a group is much smaller than those in an individual-practice type plan similar to the Metropolitan Denver Foundation's. Group practices also discourage unnecessary or duplicative medical treatment, and have also been successful in reducing the cost of medical care in California. The Kaiser Foundation is, of course, the best known of these.

In 1969, Kaiser organized a new nonprofit corporation in Denver, and within a few months applied for and received the approval of the Civil Service Commission to provide prepaid health care to Federal employees in the Denver area. This nonprofit corporation was an entirely separate entity from the Kaiser plans in California, and had no experience operating in Colorado prior to the approval.

The Metropolitan Denver Foundation was organized, as I stated earlier, in 1968. Since that time, the foundation had sponsored prepaid health care plans. Those plans were similar to an individual-practice prepayment plan which would be provided to Federal employees under the Federal Employees Health Benefits Act. The difference was that the risk of actual medical costs exceeding prepayments was borne by a private insurance carrier. Under the act, the foundation would contract with the Government directly, and the individual physicians would bear the risk. But the foundation was exercising the same cost-control function it would exercise under a contract with the Government, and its member physicians were providing their services in the same fashion.

The foundation also applied to the Civil Service Commission for approval to provide an individual-practice prepaid health care plan to Federal employees in the Denver area. Its application was rejected on the ground that the "successful experience" requirement of the statute had not been satisfied. The Commission felt that the foundation's experience in sponsoring prepaid plans did not apply because the individual physicians did not bear the risk in the event that actual medical costs exceeded the prepayments.

The successful experience requirement applies only to individual-practice-prepayment plans. There is no such requirement with respect to group-practice prepayment plans. This bill would put individual practice plans on an equal basis with group-practice plans by eliminating the experience requirement. There are several reasons why this should be done.

First, I do not think Congress intended to discriminate in favor of group-practice plans. The Congressional Research Service has prepared an excellent memorandum on the legislative history of the Federal Employees Health Benefits Act, and I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMINICK. As indicated in that memorandum, when the bill which was later enacted as the Federal Employees Health Benefits Act was reported out of the House Post Office and Civil Service Committee—House Report 86–957—it required both group- and individual-practice prepayment plans to have 5 years of prior successful experience. Before the bill was taken up in the House, it was changed. The experience requirement was eliminated as to group plans. The section dealing with individual-practice plans was revised to delete the 5-year requirement, but the experience requirement presently in the statute was retained.

Mr. President, nothing in the hearings, committee reports, or floor debate on the bill reveals why it contained an experience requirement for individual-practice plans but not for group plans.

There was no indication that any of the specified types of plans was favored over another. In fact, the point was made in the hearings that competition among the various types of plans would result in better employee benefits and lower medical costs.

Apart from whether the unequal treatment of group- and individual-practice plans in the statute was intended or inadvertent, I think they should now be put on equal footing in competing to provide medical benefits to Federal employees. From the standpoint of guaranteeing good health benefits to Federal employees, there is no apparent reason why an experience requirement should be necessary for individual-practice plans, but not for group-practice plans. Individual-practice prepayment plans have many of the advantages of group-practice plans without the disadvantage of restricting the subscribing patients' choice of physicians. Many prefer to have the freedom of choosing individual physicians for their medical care rather than being confined to a group of specialists practicing together.

In fact, a majority of the medical profession objects to group practices because they limit the patient's choice of a physician, and because they feel that the physicians in this case are really employed by the corporation rather than by the patient, and that this is an interference with the doctor-patient relationship. Under either type of plan, a subscribing patient is assured that his prepayment will cover the full cost of medical services provided by a member physician. Both types of plans contain strong incentives for keeping medical costs down through emphasis on preventive care and curtailment of unnecessary hospitalization.

Mr. President, in my opinion, it makes sense to increase the availability of these kinds of health benefits to Federal employees. This is particularly true at a time when medical costs are rising and we are looking for innovative methods of improving our Nation's health care.

EXHIBIT 1

THE LIBRARY OF CONGRESS,
Washington, D.C.

To Hon. PETER H. DOMINICK.
From Education and Public Welfare Division.
Subject: Legislative history of a provision pertaining to the contract authority of the Federal Government with respect to individual practice prepayment health insurance plans administering the Federal Employees Health Benefits programs

This is in reply to a request from your staff for a review of the legislative history of a provision found in 5 U.S.C. 8903, which defines which health benefits plans are qualified to enter into contracts with the Civil Service Commission to administer a portion of the Federal Employees Health Benefits program.

Reference is made to your letter of October 9, 1969 and the attachments from the Civil Service Commission and a representative of the Metropolitan Denver Foundation for Medical Care. Your letter and the attachments note that under 5 U.S.C. 8903, the Civil Service Commission may contract with or approve four type of health benefit plans for purposes of administering the Federal Employees Health Benefits Act. Among the four categories of approved plans are (1) service benefit plans, (2) indemnity benefit plans, (3) employee organization plans, and (4) comprehensive medical plans. The last group—comprehensive medical plans may include either (a) group practice prepayment plans or (b) individual-practice prepayment plans. However, with respect to individual-practice prepayment plans, the Civil Service Commission may enter into contracts only if such plans "have successfully operated similar plans before approval by the Commission of the plan in which employees may enroll."

The Metropolitan Denver Foundation for Medical Care, which was specifically incorporated for purposes of administering such a program, has not had such experience and the Foundation's application to the Civil Service Commission has been turned down on the grounds that this provision found in 5 U.S.C. 8903 prevents the Commission from making such a contract, even though it does not appear the Commission questions the capability and resources of the Foundation to meet proposed contract responsibilities.

BACKGROUND

As you know, throughout much of the 1950's, several efforts were made to establish a health insurance program for Federal workers. A number of hearings on specific proposals as well as studies were made on the pros and cons of different programs. In 1959, legislation in the form of S. 94, introduced by Senator Richard Neuberger and others, would establish such a Federal employees health insurance program.

SENATE ACTION

Hearings on S. 94 were held on April 15, 16, 21, 23, 28 and 30, 1959. As introduced, the measure would have permitted the Government to contribute toward the cost of health insurance of an employee who enrolls for himself or for his dependents in one of four basic health insurance plans, including group practice prepayment programs. However, no reference was made to individual practice prepayment programs (see *Hearings* before the Senate Committee on Post Office and Civil Service; pages 10–20). Both the employee groups and the group-practice organizations strongly supported measures which would enable them to participate in any Federal employee program.

On June 12, 1959, a revised proposal, S. 2162 (known as the Johnston-Neuberger bill) was introduced and ultimately reported favorably with amendments by the Senate Committee on Post Office and Civil Service (see Senate Report No. 468; 86th Congress, 1st Session; July 2, 1959). The legislation, as sent to the entire Senate, retained the "freedom of choice of plans" provision permitting employees to elect from among a service type of program at least National in scope, a National cash indemnity plan, group practice plans where they existed, and employee organization plans. Once again, no reference was made to the individual practice prepayment programs. Plans interested in participating, of course, had to satisfy the other requirements set out in the bill as reported.

On July 16, 1959, the Senate approved the bill by a vote of 81 to 4 and sent it to the House of Representatives. As passed by the Senate, the measure contained the following definition of "group practice prepayment plans:"

"Group practice prepayment plans which offer health services in whole or in substantial part on a prepaid basis, with professional services thereunder provided by physicians practicing as a group in a common center or centers. Such a group shall include physicians qualified in at least three major medical specialties and receive all or a substantial part of its income from prepaid funds."

No reference to individual practice plans was made in the measure.

HOUSE ACTION

S. 2162, as passed by the Senate was referred to the House Committee on Post Office and Civil Service on July 20, 1959. This Committee immediately began hearings on the bill and other similar measures, with testimony taken on July 21, 23, 28 and 30 and August 4, 5, 6, 7, 11, 12, 13 and 14, 1959.

The first indication that a change in the kinds of plans which could participate would be made was offered in the testimony of Arthur H. Harlow, Jr., President of Group Health Insurance of New York (see *Hearings* before the House Committee on Post Office and Civil Service; pages 181–85). G.H.I., as an individual-practice plan, Mr. Harlow noted, could not provide coverage for Federal workers under provisions of the Senate-passed bill:

"I believe GHI offers the kind of insurance the Federal Government wants to give its employees a chance to choose. . . . The bill as drawn, however, limits choices for Federal employees to one Government-wide service benefit plan, one Government-wide indemnity plan, employee organization plans, and local group practice prepayment plans. It thus leaves out GHI, which is not a group practice plan."

Although Mr. Harlow had appeared before the Senate Committee on S. 94, the distinctions in the plans had not been made at that time. Therefore, no opposition to the listing of types of plans was made before the House began its examination.

The Chairman of the Committee, after asking for clarification of Mr. Harlow's point asked: Why can you not qualify under the bill? Mr. Harlow answered:

"Because we are not a group practice plan. Group practice plans require that you go to a group of doctors operating from some local, common office. We do not make any such requirement. We are a free choice plan."

The Chairman then asked if GHI had an amendment to offer to permit the organization to participate under the proposed program. Mr. Harlow said he did and suggested that a fifth category of plans be added—local or area service benefit plans. The definition is significantly different from the definitions of the other plans in that GHI proposed that local or area service benefit plans be permitted to participate *"Provided,* That the carrier offering the plan must have provided health services under a health benefits plan for a period of at least five years."

The first direct proposal to add two parts to the prepayment type of plans was offered by the Chairman of the Civil Rights Commission, Roger Jones, in testimony before the Committee on August 12, 1959 (see Hearings: beginning on 394). Mr. Jones informed the Committee that the Commission proposed to add the following amendment:

"(b) Individual Practice Prepayment Plan—Individual practice prepayment plan which offer health services in whole or in substantial part on a prepaid basis, with professional services thereunder provided by individual physicians who agree that under certain conditions to accept the payments provided by the plan as full payment for covered services rendered by them, including in addition to in-hospital services general care rendered in their offices and the patient's homes, out of hospital diagnostic procedures and preventive care, *and which plan shall have been in operation at least five years."* (Emphasis not in original.)

One of the members of the Committee asked: "What group would that cover . . . Who are you aiming at with that language?" The Civil Service Commission Chairman answered:

"Well, the big one that we are aiming at is the organization which has already testified before the committee, the so-called Group Hospitalization, Inc. of New York, which is a very large plan . . . We are informed that there are other individual practice plans of this type. There is the . . ."

The Commission Chairman thereupon listed a number of other individual practice plans which might wish to participate in the program. One member asked whether such plans would meet the existing definitions, and the Chairman replied that they would not unless this change were incorporated.

In short, it seems that the requirement that individual practice plans have some experience with health benefit programs came originally from the largest of such plans itself and from Mr. Harlow of GHL. The Administration, although modifying the amendment somewhat, went along with the five-year requirement. Neither Mr. Harlow, nor the Government witnesses explained why the experience requirement was deemed necessary in the first place (although Government witnesses were concerned about the proliferation of participants which would increase administrative problems for the Civil Service Commission).

On August 20, 1959, the House Committee reported the bill favorably to the House (*Report No. 957*, 86th Congress, 1st Session). The new version of S. 2162 struck all after the enabling clause of the Senate bill, substituting the Committee's revision. In the revision, the language defining individual-practice prepayment plans is nearly identical to the language proposed by the Chairman of the Civil Service Commission, the last clause now reading:

. . . and which plans are offered by organizations which have operated such plans for at least five years immediately preceding approval by the Commission of the plan in which employees may enroll.

It is significant to note, however, that the House Committee bill now also contained the same five-year requirement for group practice plans as for individual-practice plans. In other words, as reported, the measure applied a specific experience requirement to *both* classes of comprehensive medical plans.

Between the time the bill was reported and the time it was taken up by the House, changes were made in Sec. 4 of the bill which defined the types of plans with which the Commission might enter into contracts. We can find no record of when such changes were made, or under what circumstances. We are, however, looking into the parliamentary circumstance under which such a change might be made.

In any event, the measure was brought up in the House on September 1, 1959 (see Congressional Record; Part 14, Vol. 105; page 17549 and following) with two significant changes from the standpoint of Mr. Spelts' request. First, the definition for group-practice prepayment plans had been revised by deleting the language requiring any experience (see previous paragraph). The definition for individual-practice also was revised to eliminate the 5-year requirement, but retained a prior experience requirement as indicated below:

. . . and which plans are offered by organizations which have successfully *operated such plans prior to approval* by the Commission of the plan in which employees may enroll. (*italics* not in original)

No discussion was offered to account for the changes, nor was any question asked during House consideration of the measure which passed by a vote of 383 to 4. The Senate reconsidered the measure and concurred with amendments on September 10, 1959, although the amendments did not pertain to the plans definitions section of the bill. The House accepted the Senate changes in the legislation, and the legislation became Public Law 86–382, the Federal Employees Health Benefits Act of 1959 on September 26, 1959.

In the absence of public statements as to why the House bill was modified to change the plans definitions section of the Act, we can not document the rationale of the sponsors to support the need for an experience requirement for individual-practice plans or to justify the omission of such a requirement in the case of group practice plans.

SUMMARY—1959 DEVELOPMENTS

It can be argued that 5 U.S.C. 8903(4) (B) discriminates unjustly in favor of group-practice plans which, though lacking in any "successful operations" prior to Commission approval may otherwise enter into contracts, if qualified in all other respects.

From the previous discussion, it appears that the House Committee intended, in the bill as reported, that the experience requirement apply to both prepaid types of plans. However, as described, although the specificity of 5-years was dropped, the successful experience requirement was retained in the case of individual-practice plans. Nevertheless, it also appears that the experience requirement itself was first suggested by the spokesman of the largest of such plans and agreed to by the Commission when it proposed the division of the comprehensive plans into two sub-groups.

By way of background, it should be noted that throughout the hearings process two major administrative concerns were constantly discussed. First, Committee members, employee groups, and of course the group-practice, individual-practice, and employee-plan representatives argued for broad involvement by all kinds of plans. The argument was frequently made that this would assure competition among the plans proposing to administer the program with better employee benefits and lower costs. Second, however, the Commission expressed great concern about plan proliferation, indicating that by permitting too many plans to become involved would create an administrative "nightmare" and most likely increase costs of operating the program. By expanding the list of the types of plans which could qualify for participation, it might be argued that the first objective was met. By placing an experience requirement, some might argue that the second objective was satisfied.

CONGRESSIONAL PRECEDENT FOR CHANGING THE EXPERIENCE REQUIREMENT

As you will recall from the preceding discussion, the original 1959 Act provided that four types of plans could be eligible for participation in the health benefits program. The third class was the "employee organization plan." As enacted, the 1959 law established the following definition for such plans:

Employee organization plans which offer benefits of the types referred to in section 5(3) which are sponsored or underwritten, and are administered, in whole or in substantial part, by employee organizations, which are available only to persons (and members of their families) who at the time of enrollment are members of the organization, and which on July 1, 1959, provided health benefits to members of the organization.

The effect of this provision was to require that only employee plans which had been in operation for at least one year before the effective date of the program could qualify for participation. In 1963, the Congress moved to eliminate this provision which prevented plans which did not exist or did not apply within the prescribed time limits imposed by Public Law 86–382. Public Law 88–59 (H.R. 1819), July 6, 1963, struck the words: "and which on July 1, 1959, provided health benefits to members of the organization."

The language of one of the Committee reports on H.R. 1819 may be helpful to you, in the event you propose to modify the current restrictions imposed on new individual-practice prepayment plans as proposed by the Denver medical group. Senate Report No. 251, 88th Congress, 1st Session, notes that:

> The restrictive language of the original measure was never intended, in the view of the committee, to provide any employee group with a membership recruitment and retention advantage over any other. This bill would eliminate the requirement that employee organization plans have been in operation on July 1, 1959, and it would permit any employee organization to apply for approval of its health-benefit plans between the date of enactment and December 31, 1963 . . . It is the Committee's view that any inequity resulting, however unintentionally, as between various employee organizations, ought to be remedied.

In short, the Congress authorized plans which had since come into existence, or otherwise sought to apply for participation, to apply to the Commission without the requirement of experience prior to the date set out in the legislation for filing of such applications (prior to January 1, 1964). As you will note, the filing deadline requirement is still contained in 5 U.S.C. 8901(8) for employee organizations, while 5 U.S.C. 8903(3) contains no experience requirement on employee organization plans, which satisfied that filing date. It may be that a similar appeal to the Congress for eliminating the experience requirement would be appropriate for individual-practice plans which have a desire to apply for Commission approval and meet all other requirements established by the Commission for such plans, except that required by the last clause found in 5 U.S.C. 8903(4)(B).

We hope this information is helpful, and if we can be of further assistance, please let us know.

Glenn Markus.

By Mr. SAXBE:

S. 892. A bill to provide for the development and conduct of a program designed to determine the proficiency of individuals to perform health-care services for which payment may be made under the insurance program established by title XVIII of the Social Security Act and under State programs established pursuant to title XIX of such act. Referred to the Committee on Finance.

Mr. SAXBE. Mr. President, today I am introducing a proposal which will set up a testing program for determining the proficiency of health-care personnel who have been disqualified under current Federal regulations.

Under the present ruling, skilled nursing homes participating in medicaid, must use as charge nurses on all shifts either a registered nurse or a licensed practical nurse with formal degrees. Because of an acute shortage of nursing personnel, many nursing homes have been covering some shifts with "waivered" practical nurses. These are nurses who do not have formal training but have been licensed by the State on a waivered basis. Most of these nurses have years of experience and are competent; others are not.

The proposal I am offering would provide a testing mechanism within HEW to determine which of these "waivered" nurses are competent to serve as charge nurses. In my State of Ohio alone, there are 10,000 waivered practical nurses; half of whom have even passed the State board. And there are at least 200 nursing homes in the State who are unable to find enough qualified nurses to serve on all shifts. In this day of extreme medical manpower shortage, we must not discriminate against a valuable and competent resource. Therefore, I ask that the bill be printed in the Record and be referred to the Committee on Finance.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 892

A bill to provide for the development and conduct of a program designed to determine the proficiency of individuals to perform health care services for which payment may be made under the insurance program established by title XVIII of the Social Security Act and under State programs established pursuant to title XIX of such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title XI of the Social Security Act is amended by adding after section 1121 the following new section:

"PROGRAM FOR DETERMINING QUALIFICATIONS FOR CERTAIN HEALTH CARE PERSONNEL

"Sec. 1122. (a) The Secretary, in carrying out his functions relating to the qualifications for health care personnel under title XVIII, shall develop (in consultation with appropriate professional health organizations and State health and licensure agencies) and conduct (in conjunction with State health and licensure agencies) until December 31, 1975, a program designed to determine the proficiency of individuals (who do not otherwise meet the formal educational, professional membership, or other specific criteria established for determining the qualifications of practical nurses, therapists, laboratory technicians, X-ray technicians, psychiatric technicians or other health care technicians and technologists) to perform the duties and functions of practical nurses, therapists, laboratory technicians, X-ray technicians, psychiatric technicians, or other health care technicians or technologists. Such program shall include (but not be limited to) the employment of procedures for the formal testing of the proficiency of individuals. In the conduct of such program, no individual who otherwise meets the proficiency requirements for any health care specialty shall be denied a satisfactory proficiency rating solely because of his failure to meet formal educational or professional membership requirements.

"(b) If any individual has been determined, under the program established pursuant to subsection (a), to be qualified to perform the duties and functions of any health care specialty, no person or provider utilizing the services of such individual to perform such duties and functions shall be denied payment, under title XVIII or under any State plan approved under title XIX for any health care services provided by such person on the grounds that such individual is not qualified to perform such duties and functions.".

By Mr. RIBICOFF:

S. 893. A bill for the relief of Candida Augusto Baptista De Albuqueque. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 894. A bill for the relief of Sang Yol Hwang. Referred to the Committee on the Judiciary.

By Mr. ERVIN (for himself, Mr. Hart, Mr. Bayh, Mr. Bible, Mr. Burdick, Mr. Cannon, Mr. Curtis, Mr. Eagleton, Mr. Fong, Mr. Gurney, Mr. Hughes, Mr. Hruska, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Mathias, Mr. McClellan, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Packwood, Mr. Pell, Mr. Talmadge, and Mr. Thurmond):

S. 895. A bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes. Referred to the Committee on the Judiciary.

TO GIVE EFFECT TO THE SIXTH AMENDMENT RIGHT TO SPEEDY TRIAL

Mr. ERVIN. Mr. President, on behalf of the senior Senator from Michigan, (Mr. Hart), and Senators Bayh, Bible, Burdick, Cannon, Curtis, Eagleton, Fong, Gurney, Hughes, Hruska, Inouye, Javits, Kennedy, Mathias, McClellan, McIntyre, Mondale, Moss, Muskie, Packwood, Pell, Talmadge, Thurmond, and myself, I introduce for appropriate reference a bill to give effect to the sixth amendment right to speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes.

This bill is virtually identical to a bill, S. 3936, which Senators Hart, Bayh, Hughes, and former Senator Young, and I introduced on June 9, 1970. Soon after we introduced the bill, we were joined by 20 additional Senators who also saw S. 3936 as a significant attempt to solve one of the most pressing problems of our time. The bill was unique in that it constituted a concrete and viable proposal for breathing life into the sixth amendment speedy trial guarantee. It was not just another echo of a tired, empty slogan about that long-neglected constitutional right.

That bill was widely circulated during the last half of 1970 among judges, bar associations, law school professors, and others with special knowledge and experience in the field of criminal justice. As a direct result of that solicitation, we have gathered a broad range of very valuable opinion and comment which will enable us to hold hearings early in the session. If the hearings demonstrate that changes in the bill are necessary, as well they might, those changes must be made with dispatch so that the bill may then receive careful but prompt consideration by the Judiciary Committee and the Senate. In my view, enactment of this bill or one similar to it is vital if those noble words atop the pillars of our Supreme Court building—"equal justice under law"—are to be more than a hollow shibboleth in our society.

It is indeed a pathetic commentary on the criminal justice system in our country that more than half of the inmates in city and county jails across the Nation are imprisoned without having been convicted of a crime. That startling fact was released just a few weeks ago after a study done for the Law Enforcement Assistance Administration to determine the present jail population of our country.

It does not speak well of our criminal court processes when inmates of an institution in New York City, universally and sardonically known as "The Tombs," have to seize control of their prison in order to proclaim their desire for speedy trials.

Clearly, justice delayed is justice denied when a felony case in the District of Columbia takes an average of 10 months to come to trial and when, as was shown at our preventive detention hearings last year, some 56 percent of the 1,406 inmates then awaiting trial in the District of Columbia Jail had waited 2 months or more, with 24 having waited over 2 years without trial.

Mr. President, one way we can effectively begin the difficult and urgent task of correctional reform which now faces the country is to accord the vast number of inmates who have been imprisoned without conviction their constitutional right to a speedy trial. I fear that there is more truth than fiction in the observation that tall prison walls better serve to keep outsiders from seeing the injustice within than to prevent the individuals within from fleeing or harming society. I believe that society itself commits a disgraceful crime when it stands idly by as a mute witness while the sixth amendment speedy trial guarantee is rendered meaningless for thousands languishing without trial in overcrowded prisons.

When Oscar Wilde poetically depicted prison life in "The Ballad of Reading Gaol," he was recording existing conditions in Berkshire some 75 years ago. In retrospect we can see that he not only gave us a poetic and historically interesting description of an English jail but also enunciated what has become a universal truth about American prisons when he said:

> The vilest deeds like poison weeds
> Bloom well in prison air;
> It is only what is good in man
> That wastes and withers there.
> Pale Anguish keeps the heavy gate,
> And the warder is Despair.

Those of us who offer this bill today propose to reduce the number of persons awaiting trial in that foul atmosphere by giving them their constitutional right to a speedy trial.

Mr. President, last year there was a storm of controversy over an effort to enact preventive detention legislation to place allegedly "dangerous" defendants in prison without trial by denying them their constitutional right to reasonable bail. I hope all such proposals to imprison persons without trial for suspected criminal tendencies have been forever laid to rest. I hope we can instead focus our attention and energy on the clearly constitutional alternative to preventive detention—speedy trial.

My objection to preventive detention has rested primarily on constitutional grounds. I have also opposed it, however, for three very practical reasons which relate to speedy trial legislation. First, the preventive detention procedures would only further burden a court system presently near the breaking point. Second, preventive detention would swell the jail population with individuals not convicted and not tried. And, third, it would merely paper over the decay within our court system and lead to further unwise and harmful delay in seeking real solutions to the crime problem.

How much more sensible and effective it would be to begin by providing speedy trials for all criminal suspects and swift, effective punishment for those actually found guilty. While reasonable men might well differ on the efficacy and constitutionality of preventive detention, I believe that all of us can unite with force and common purpose behind a carefully drawn proposal to give renewed vitality and meaning to the sixth amendment speedy trial guarantee. Together, we can change a laudable but unattained ideal into a living, practical reality.

Our problem is age old. Many centuries ago Ecclesiastes, the preacher, said:

> Because sentence against an evil deed is not executed speedily, the heart of the sons of men is fully set to do evil.

Yet, in stating the problem, Ecclesiastes also revealed the answer—try those accused of evil deeds speedily and then punish with dispatch those who are actually found to have committed evil deeds. I am confident that we can achieve this objective if we but devote a small measure of our energy, ingenuity, and resources to the job.

Mr. President, as we approach this task, I see a number of encouraging signs on the horizon. They lead me to believe that the time is at hand when we shall overcome the obstacle of trial delay which has been exacting an unduly high price from accused and society alike.

One hopeful sign is the tremendous unsolicited response from private individuals, groups, and newspapers across the land to the introduction last session of S. 3936, the predecessor of the bill we introduced today. That response shows that the people of our country have long been counting the cost to society of unreasonable delay. It demonstrates that they recognize the need for a major overhaul of our judicial machinery and that they are looking to us for the imaginative leadership necessary to achieve the task. Perhaps most important of all, it shows that they share our commitment to attain the goal of speedy trial.

Another encouraging signal lies in the overwhelmingly favorable response the Constitutional Rights Subcommittee received to its solicitation of views from a wide variety of experienced people in the criminal justice field. Endorsement of the objectives and principles embodied in the bill has been accompanied by constructive suggestions for its improvement. For example, we have had several recommendations that a provision be included in the bill to eliminate unnecessary delay in criminal appeals and also that sanctions for unreasonably dilatory defense counsel be incorporated in some manner. The subcommittee has welcomed such comments and suggestions and will give them close and careful attention during the course of the forthcoming hearings. Dates for the hearings will soon be announced.

Furthermore, I have been heartened by the commitment of Chief Justice Warren Burger of the U.S. Supreme Court to the principle we are striving to attain through this bill. In his remarks to the American Bar Association on the state of the federal judiciary, on August 10, 1970, he said:

> If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.
>
> Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial.

In declaring that criminal trials within 60 days would sharply reduce the crime rate and that both the accused and the public have a fundamental right to speedy trial, the Chief Justice plainly enunicated two consummate truths which neither the legislature nor the judiciary can ignore any longer.

Concern about speedy trial here in the District of Columbia has been brought sharply into focus within the past few weeks by a General Sessions Court judge's order for release on recognizance of a defendant formerly incarcerated without trial in the District of Columbia jail for 2 months. The judge said that "simple justice" demanded release even though he had some misgivings about the defendant's inclination to return for trial. He made it clear that the accused should not pay for the sins of others. The judge pointed an accusing finger for dilatory tactics in the direction of Government prosecutors, the Bureau of Narcotics and Dangerous Drugs and the court-appointed defense counsel. This action should serve as fair notice to all that the District of Columbia Superior Court, formerly the General Sessions Court, intends to speed up the wheels of justice. With the increased number of judges provided by the recent District of Columbia court reorganization, the public and the Congress should tolerate nothing short of trials within 60 days.

In the U.S. District Court for the District of Columbia, we are fortunate to have as Chief Judge, Edward M. Curran, a stanch believer in the need for speedy trials. As a witness at Constitutional Rights Subcommittee hearings in February of 1969 and again in a letter to me on October 7, 1970, he said:

> There is no more effective deterrent to crime than a speedy trial and swift punishment for the guilty.

In his letter, he also advised me that he fully expected the Federal district courts here to meet a 60-day limit, without additional manpower, upon completion of local court reorganization.

Another encouraging step, which reflects serious concern on the part of the Federal judiciary to set its own house in order, has been the recent promulgation of speedy trial rules by the Judicial Council of the Second Circuit Court of Appeals. The rules require that the U.S. attorney must be ready for trial of an unconvicted, detained defendant within 90 days of detention. If not, the defendant is to be released, unless exceptional circumstances appear. The rules also require the Government to be ready for trial in all cases within 6 months from the date of arrest, service of summons, detention, or filing of a complaint or a formal charge, whichever is earliest. Otherwise, the case shall be dismissed upon motion of the defendant or the district court. The rules give a clear priority generally to criminal cases and particularly to detained defendants and defendants believed to present unusual risks. In announcing the rules, the circuit council stated:

> The deterrence of crime by prompt prosecution of charges is frustrated whenever there is a delay in the disposition of a case which is not required for some good reason. The general observance of law rests largely upon a respect for the process of law enforcement. When the process is slowed down by repeated delays in the disposition of charges for which there is no good reason, public confidence is seriously eroded.

The sort of initiative displayed by the second circuit will serve as a useful adjunct to legislative efforts by the Congress.

Mr. President, I believe that all of these encouraging signs which I have just mentioned show that the time for action is at hand. The public confidence must be restored. We in the Congress can do much to restore it by enacting a bill like the one my colleagues and I offer today. In so doing we can not only provide speedy trials for all Federal criminal suspects but also establish a model worthy of emulation by States experiencing similar problems.

It is in this spirit I introduce in the Senate today a proposed "Speedy Trial Act of 1971." This bill attacks the problem of delayed trials and pretrial recidivism from two directions which I should like to explain.

First, it requires each Federal district court to set trials within 60 days of the date of an indictment or information. It establishes a limited opportunity for delays in trial—only those required by other proceedings involving the defendant, or those absolutely necessary for the holding of a fair trial. It bars delays caused by inadequate judicial resources and seeks strongly to discourage procrastinations by counsel.

The speedy trial provisions of this part of the bill apply in four stages: first, to those persons accused of serious felonies and not released prior to trial; second, to those accused of serious felonies and released prior to trial; third, to those accused of other felonies and not released; and finally, to all other persons accused of nonpetty offenses.

The bill requires each district court to establish plans for the implementation of the speedy trial requirements of the legislation and the sixth amendment. It also provides for the report to Congress of the funds and personnel needed to implement the speedy trial requirements.

This is possibly the most important part of the bill. It will for the first time require the executive and judicial branches to make a comprehensive assessment of their resources and their requirements for an efficiently functioning criminal justice system. They will then present to Congress their evaluation of the resources which they find lacking. Congress then will make its own comprehensive assessment of the resources necessary to assure speedy and fair administration of the criminal law. The choice then will be clear. If we desire a modern, efficient, and well-run judicial system—one which will truly and effectively perform its function of punishing and rehabilitating lawbreakers and deterring crime—we will know what it will cost and how much of an effort is required. If the Nation truly wants law and order, and not merely a panacea, it will pay that cost.

Second, the bill authorizes the creation of demonstration "Pretrial Services Agencies" in 5 Federal districts, including the District of Columbia. The agencies will be responsible for making bail recommendations, for supervising and controlling persons released on bail, for assisting in the providing of medical, employment, and other services to these persons, and for performing other functions designed to insure the reduction of pretrial crime, nonappearance for trial, and unnecessary pretrial detention. These agencies are designed to put into operation the recommendations of the many committees which have surveyed the operation of the Bail Reform Act and pointed out our persistent failure to make that act work as it was intended and as it should. The District of Columbia Bail Agency, with its recent expansion in scope and resources, might well serve as a model "Pretrial Services Agency" under the new bill.

When we truly reform our bail machinery and make the Bail Reform Act work, I am confident that we will then be in a position to take a step that has long been needed—the complete prohibition of money bail in amounts beyond the ability of a defendant to pay. We can then eliminate what has been properly called the "hypocrisy" of extralegal preventive detention through the use of high money bail.

The only difference in the bill which I now introduce and S. 3936 which was introduced last year is that the new bill does not provide for specific additional penalties for crimes committed while a defendant was released awaiting trial. That provision, title II of S. 3936, received sufficient unfavorable comment last year from some of my colleagues in the Senate and from the experts whose comments we solicited to warrant its removal for separate study by the Constitutional Rights Subcommittee. In all other respects the bill remains unchanged.

I ask unanimous consent that the text of the bill and a sectional analysis of it be printed in full in the RECORD at this point.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 895

A bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Speedy Trial Act of 1971".

TITLE I—SPEEDY TRIALS

SEC. 101. Title 18, United States Code, is amended by adding immediately after chapter 207 a new chapter 208, as follows:

"Chapter 208—SPEEDY TRIALS

"Sec.
"3161. Time limits and exclusions.
"3162. Sanctions.
"3163. Effective dates.
"3164. District plans.

"§ 3161. Time limits and exclusions

"(a) When a defendant charged with an offense against the United States first appears before the court for the setting of release conditions under section 3146 the judge shall, after consultation with the counsel for the defendant and the United States attorney, set a day certain for the trial.

"(b) The trial of a defendant charged with an offense against the United States shall be commenced as follows:

"(1) Within sixty days from the date the defendant is arrested or a summons is issued, except that if an information or indictment is filed, then within sixty days from the date of such filing;

"(2) If the indictment or information is dismissed upon motion of the defendant and thereafter the defendant is charged with the same crime or a crime based on the same conduct or arising from the same criminal episode, within sixty days from the date the defendant is so charged; or

"(3) If the defendant is to be tried again following a mistrial, an order for a new trial, or an appeal or collateral attack, within sixty days from the date of the mistrial, order granting a new trial, or remand.

"(c) The following periods of delay shall be excluded in computing the time within which the trial of any such offense must commence:

"(1) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to, an examination and hearing on competency, any period of delay resulting from the fact that he is incompetent to stand trial, or resulting from an examination and treatment pursuant to section 2902 of title 28, United States Code, and any period of delay resulting from hearings on pretrial motions, interlocutory appeals, or trials with respect to other charges.

"(2) Any period of delay during which prosecution is deferred by the United States attorney pursuant to written agreement with the defendant for the purpose of allowing the defendant to demonstrate his good conduct.

"(3) Any period of delay resulting from the absence or unavailability of the defendant.

"(4) If the information or indictment is dismissed upon motion of the United States attorney and thereafter a charge is filed against the defendant for the same offense or any offense required to be joined with that offense, any period of delay from the date the charge was dismissed to the date the time limitation would commence to run as to the subsequent charge had there been no previous charge.

"(5) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and there is good cause for not granting a severance. In all other cases the defendant shall be granted a severance so that he may be tried within the time limit applicable to him.

"(6) Any period of delay resulting from a continuance granted at the request of the defendant or his counsel upon a showing of good cause, if such request is made more than fifteen days prior to the date set for trial, but in no event shall any such period of delay be excludable for any period in excess of seven days.

"(7) Any period of delay resulting from a continuance granted at the request of the United States attorney upon a showing of good cause, if such request is made more than fifteen days prior to the date set for trial, but in no event shall any such period of delay be excludable for any period in excess of seven days.

"(8) Any other period of delay resulting from a continuance granted at the request of the defendant or his counsel or the United States attorney upon a finding by the judge that, unless such a continuance is granted the ends of justice cannot be met. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court, after first having considered the right of the defendant to a speedy trial and the public interest in a prompt disposition of the case, sets forth in writing in the record of the case its reason for granting such continuance.

"§ 3162. Sanctions

If a defendant, through no fault of his own or his counsel, is not brought to trial as required by section 3161, the information or indictment shall be dismissed on motion of the defendant. Such dismissal shall forever bar prosecution for the offense charged and for any other offense required to be joined with the offense. Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty shall constitute a waiver of the right to dismissal.

"§ 3163. Effective dates

"(a) The time limitations in section 3161 shall apply—

"(1) to defendants charged with any of the following offenses in informations or indictments filed more than ninety days after the effective date of this chapter, and continuously held in custody on such charge:

"(A) murder;

"(B) voluntary manslaughter;

"(C) rape;

"(D) carnal knowledge of a female under the age of sixteen, or taking immoral, improper, or indecent liberties with a child under the age of sixteen years;

"(E) robbery;

"(F) burglary;

"(G) kidnapping;

"(H) arson;

"(I) assault with a dangerous weapon;

"(J) assault with intent to commit any offense;

"(K) mayhem;

"(L) unlawful sale or distribution of a narcotic, depressant, or stimulant drug (as defined by any Act of Congress), if the offense is punishable by imprisonment for more than one year;

"(M) threatening, injuring, or intimidating any prospective witness or juror for the purpose of obstructing or attempting to obstruct justice;

"(N) extortion or blackmail accompanied by threats of violence; or

"(O) an attempt or conspiracy to commit any of the foregoing offenses, as defined by any Act of Congress, if the offense is punishable by imprisonment for more than one year; and

"(2) to defendants charged with any offense referred to in paragraph (1) of this subsection, in informations or indictments filed more than one hundred and twenty days after the effective date of this chapter, and not continuously held in custody on such charge.

"(3) to defendants charged with any offense, other than an offense referred to in paragraph (1) of this subsection, in informations or indictments filed more than one hundred and eighty days after the effective date of this chapter, and continuously held in custody in such charge.

"(b) Except as extended under section 3164, the time limitation in section 3161 shall apply to all other offenses (other than offenses within the purview of paragraph (1) or (2) or (3) of subsection (a)) charged in informations or indictments filed more than eighteen months after the effective date of this chapter; except that section 3161 shall not apply to the trial of offenses filed under the antitrust, securities, or tax laws of the United States.

"§ 3164. District plans

"(a) Each United States district court, with the approval of the judicial council of the circuit, shall, within ninety days of the effective date of this chapter, prepare a plan for the trial or other disposition of offenses under section 3163. Each such plan shall be formulated after considering the recommendations of the Federal Judicial Center, the United States attorney, and attorneys experienced in the defense of criminal cases in the district, and shall be filed with the Administrative Office of the United States Courts. Each such plan shall include a description of the procedural techniques, innovations, systems, and other methods by which the district court has expedited or intends to expedite the trial or other disposition of criminal cases. The plan shall make special provision for the speedy trial of cases at places of holding court where there is no judge continuously resident.

"(b) In the event a district court is unable because of limitations of manpower or resources to implement its plan for the trial or other disposition of criminal cases as provided in section 3163(b), its plan shall, with the approval of the judicial council of the circuit, be submitted to the Judicial Conference of the United States, with a copy to the Attorney General, and shall request an extension of the effective date specified in section 3163(b). In addition to the information required under subsection (a) of this section, each such plan in which an extension is requested shall specify the necessary authorizations and appropriations for additional judges, prosecutors, probation officers, full-time defense counsel, supporting personnel, and other resources without which full compliance with section 3163(b) cannot be achieved.

"(c) On or before fifteen months from the effective date of this chapter, the Judical Conference shall determine whether and to what extent section 3163(b) is to be extended as to each district.

"(d) Within eighteen months after such effective date, the Judicial Conference shall submit a report to Congress detailing the district plans submitted to it under subsections (a) and (b) of this section, the action taken by the Judicial Conference under subsection (c) of this section, and the legislative proposals and appropriations necessary to achieve compliance with the time limitations provided in section 3161.

"(e) In the event that a district court with respect to which section 3163(b) has become effective is subsequently unable to meet the time limitations prescribed by section 3161, the chief judge of such district may seek and the Judicial Conference may grant suspension of such limitations as provided in subsection (b) of this section.".

TITLE II—PRETRIAL SERVICES AGENCIES

SEC. 201. Chapter 207 of title 18, United States Code, is amended by striking section 3152 and adding the following new sections:

"§ 3152. Establishment of pretrial services agencies

"There shall be established, on a demonstration basis, in each of five judicial districts, one of which shall be the District of Columbia, a pretrial services agency authorized to maintain effective supervision and control over, and to provide supportive services to, defendants released under this chapter. The districts, other than the District of Columbia, in which such agencies are to be established shall be designated by the Chief Justice of the United States after consultation with the Attorney General, on the basis of such considerations as the number of criminal cases prosecuted annually in the district, the percentage of defendants in the district presently detained prior to trial, the incidence of crime charged against persons released pending trial under this chapter, and the availability of community resources to implement the conditions of release which may be imposed under this chapter.

"§ 3153. Organization of pretrial services agencies

"The Director of the Administrative Office of the United States Courts shall establish a pretrial services agency in each of the designated districts. After reviewing recommendations of the judges of the district court to be served by the agency, the chief judge of the court shall appoint, subject to the provisions of part III of title 5, United States Code, a chief pretrial services officer who shall receive compensation at a rate to be established by the chief judge of the court but not in excess of the rate prescribed for GS–16 by section 5332 of title 5, United States Code. The chief pretrial services officer shall be responsible for the direction and supervision of the agency and may appoint and fix the compensation, subject to the provisions of part III of title 5, United States Code, of such other personnel as may be necessary to staff each agency and may appoint such experts and consultants as may be necessary, pursuant to section 3109 of title 5, United States Code.

"§ 3154. Functions and powers of pretrial services agencies

"Each pretrial services agency shall perform such of the following functions as the district court to be served may specify:

"(1) collect, verify, and report promptly to the judicial officer information pertaining to the pretrial release of each person charged with an offense, and recommend appropriate release conditions for each such person;

"(2) review and modify the reports and recommendations specified in paragraph (1) for persons seeking release pursuant to section 3146(e) or section 3147;

"(3) supervise persons released into its custody under this chapter;

"(4) with the approval of the Administrative Office of the United States Courts, operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including, but not limited to, residential halfway houses, addict and alcoholic treatment centers, and counseling services;

"(5) inform the court of all apparent violations of pretrial release conditions or arrests of persons released to its custody or under its supervision and recommended appropriate modifications or release conditions;

"(6) serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies;

"(7) assist persons released under this chapter in securing any necessary employment, medical, or social services;

"(8) prepare, in cooperation with the United States marshal and the United States attorney such pretrial detention reports as are required by rule 46(h) of the Federal Rules of Criminal Procedure; and

"(9) perform such other functions as the court may, from time to time, assign.

"§ 3155. Report to Congress

"The Director of the Administrative Office of the United States Courts shall annually report to Congress on the accomplishments of the pretrial services agencies, with particular attention to (1) their effectiveness in reducing crime committed by persons released under this chapter; (2) their effectiveness in reducing the volume and cost of unnecessary pretrial detention; and (3) their effectiveness in improving the operation of this chapter. The Director shall include in his fourth annual report recommendations for any necessary modification of this chapter or expansion to other districts.

"§ 3156. Definitions

"As used in sections 3146 through 3155 of this chapter—

"(1) The term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the District of Columbia Court of General Sessions or Superior Court, and

"(2) The term 'offense' means any criminal offense, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of any Act of Congress and is triable by any court established by Act of Congress."

SEC. 302. The analysis of chapter 207 of title 18, United States Code, is amended by striking out the last two items and inserting in lieu thereof the following:

"3150A. Penalty for Crime Committed While on Release.
"3151. Contempt.
"3152. Establishment of Pretrial Services Agencies.
"3153. Organization of Pretrial Services Agencies.
"3154. Functions and Powers of Pretrial Services Agencies.
"3155. Report to Congress.
"3156. Definitions."

SEC. 303. For the purpose of carrying out the provisions of this title, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each fiscal year thereafter, the sum of $1,500,000.

SEC. 304. Section 604 of title 28, United States Code, is amended by striking paragraphs (9) through (12) of subsection (a) and substituting in lieu thereof:

"(9) Establish pretrial services agencies pursuant to section 3153 of title 18, United States Code;

"(10) Purchase, exchange, transfer, distribute, and assign the custody of lawbooks, equipment, and supplies needed for the maintenance and operation of the courts, the Federal Judicial Center, the Administrative Office of the United States Courts, the offices of the United States magistrates and commissioners, and the offices of pretrial services agencies;

"(11) Audit vouchers and accounts of the courts, the Federal Judicial Center, the pretrial services agencies; and their clerical and administrative personnel;

"(12) Provide accommodations for the courts, the Federal Judicial Center, the pretrial services agencies, and their clerical and administrative personnel;

"(13) Perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference of the United States."

ANALYSIS OF S. 895, PROPOSED "SPEEDY TRIAL ACT OF 1971"

TITLE I: SPEEDY TRIALS

SECTION 101. Adds a new chapter 208, to title 18, USC, as follows:

Section 3161 time limits and exclusions

Subsection (a) requires the judge to set a date certain for trial when the defendant first appears before him for the purpose of setting bail. The date is set upon consultation with the prosecutor and defense counsel.

Subsection (b) requires that the date set for trial be within 60 days of arrest or issuance of summons, unless an information or indictment is filed, in which case trial must be within 60 days of that date. If charges are dropped, or a mistrial is declared, the 60 days runs from the date of new charges, or the date of mistrial.

Subsection (c) excepts from the 60 day period the following periods of delay:

(1) Proceedings relating to the defendant such as examination and hearing on competency, the period of incompetency, hearings on pretrial motions, trials on other charges, and interlocutory appeals;

(2) Delays caused by deferred prosecution upon agreement of defense counsel and prosecutor for the purpose of demonstrating the defendant's good conduct;

(3) Delays caused by absence of defendant;

(4) Delays between the dropping of a charge and the filing of a new charge for the same or related offense;

(5) Reasonable periods of delay when the defendant is joined for trial with a codefendant, and good cause exists not to grant severance;

(6) Any delay up to 7 days resulting from a continuance granted at the request of the defense counsel or the prosecutor upon good cause shown, if made more than 15 days before the date set for trial;

(7) Any other delay resulting from a continuance granted at the request of defense or prosecution, upon a finding of the judge that the ends of justice cannot be met unless the continuance is granted. The Judge must consider the right of the defendant and the interest of the public in speedy trial, and set forth in the record his reasons for granting the continuance.

Section 3162 sanctions

This section declares that if the case is not brought to trial within the prescribed period through no fault of defendant or his counsel, the charges shall be dropped with jeopardy.

Section 3163 effective dates

Subsection (a) makes the time limits of Section 3161 effective—

(1) 90 days after the effective date of the title for persons held in custody on certain defined charges. The charges include capital offenses, robbery, burglary, arson, crimes involving bodily harm, felony drug offenses, intimidation of witnesses, extortion or blackmail accompanied by threats of violence, and attempts and conspiracies to commit these offenses.

(2) 120 days after the effective date of the title for persons charged with above offenses and released on bail.

(3) 180 days after the effective date of the title for persons charged with other felonies and not released on bail.

Subsection (b) makes the time limits of Section 3161 apply to all other felony cases not covered by subsection (a) 18 months after the effective date of the title. Section 3161 does not apply, however, to offenses under the antitrust, tax, or securities laws.

Section 3164 district plans

Subsection (a) requires each district court, upon approval of the judicial counsel of the circuit, to submit a plan for the trial of cases under section 3164 within 90 days of the effective date of the title. The plan is to be formulated after consultations with the Federal Judicial Center, the U.S. Attorney, and the local bar. It is to be filed with the Administrative Office of the U.S. Courts.

Subsection (b) permits the district court to request an extension of the time required for implementing its plan if unable to do so because of limitations in manpower or resources. The request, if approved by the judicial council of the circuit, shall be submitted to the Judicial Conference, with a copy to the Attorney General. The request shall contain a list of the appropriations and personnel required to implement the plan.

Subsection (c) requires the Judicial Conference to determine whether and to what extent, the extensions requested shall be granted.

Subsection (d) requires a report by the Judicial Conference to the Congress 18 months after the effective date of this title detailing the action taken to comply with this title, the extensions granted, and the legislation and appropriations necessary to comply fully with the time limitations of Section 3161.

Subsection (e) provides that if a district is subsequently unable to meet the time limitations of this title, the Chief Judge of the district court may request a temporary suspension as provided in subsection (b).

TITLE II: PRETRIAL SERVICES AGENCIES

Section 201 amends chapter 207, title 18, U.S. Code by striking Section 3152 and adding the following:

Section 3152 establishment of pretrial services agencies

This section creates on a demonstration basis in the District of Columbia and four other judicial districts, pretrial services agencies to supervise and control defendants released on bail. The other four districts are to be selected by the Chief Justice, upon consultation with the Attorney General, on the basis of the number of criminal cases in the district, the percentage of defendants detained before trial, the incidence of crime charged to persons released prior to trial, and the resources available.

Section 3153 organization of pretrial services agencies

This section authorizes the Director of the Administrative Office of the U.S. Courts to create a pretrial services agency in the designated districts. The chief judge of the district court appoints a chief Pretrial Services Officer who is responsible for the operation of the agency, and may appoint other personnel to staff the agency.

Section 3154 functions and powers of pretrial services agencies

Each agency is to perform various functions, as the court shall direct, including: collection and verification of information pertaining to eligibility of defendants for release, and recommendations for conditions of release; supervision and control of released persons; operation or contraction for operating of facilities for custody or care of released persons, such as halfway houses, narcotics and alcohol treatment centers, and counseling centers; coordination of other agencies to serve as custodians of released persons; and affording medical, social, and employment assistance to released persons.

Section 3155 report to congress

The Director of the Administrative Office of the U.S. Courts shall make an annual report on the operation of the Pretrial Services Agencies, including their effectiveness in reducing pretrial crime and the volume and cost of pretrial detention. In his fourth annual report, the Director shall recommend any modifications of this chapter, or its expansion to other districts.

Section 3156 definitions

This section contains the definitions of former Section 3152.

Section 302 amends the analysis of chapter 207 to reflect the amendments made by this title.

Section 303 authorizes the appropriation of $1,500,000 for each fiscal year to carry out the provisions of this title.

Section 304 amends Section 604, title 28, U.S. Code, relating to the functions of the Director of the Administrative Office of the U.S. Courts, to reflect the new duties imposed by the creation of pretrial services agencies under this title.

By Mr. PROXMIRE (for himself, Mr. MANSFIELD, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 896. A bill to repeal certain provisions of law relating to the expenditure for military purposes in foreign countries of foreign currencies accuring to the United States under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended. Referred to the Committee on Agriculture and Forestry.

Mr. PROXMIRE. Mr. President, on behalf of myself, the Senator from Montana (Mr. Mansfield), the Senator from South Dakota (Mr. McGovern), and the Senator from Minnesota (Mr. Humphrey), I introduce two bills which would prohibit the use of food-for-peace funds for military purposes.

The bills are the result of information and testimony we received in hearings of the Subcommittee on Economy in Government of the Joint Economic Committee into a variety of aspects of the foreign military aid program.

Food for peace was designed to use funds from the sale of American surplus farm commodities abroad for humanitarian programs. It was a marriage of commonsense and idealism. Great good has come from it in programs to feed the hungry, improve conditions in the developing nations, and to train and educate thousands of men and women in modern techniques and skills.

But in 1970, some $108 million of these funds were used for military purposes. In some years the amount has been as much as $150 million. Yet the official description of the program in the U.S. budget contains not one word about the use of food-for-peace funds for military purposes. It states merely that:

> This program combats hunger and malnutrition, promotes economic growth in developing nations, and develops and expands export markets for U.S. commodities.

The use of these funds for military purposes is a corruption of the idea. It should be a "Food for Peace," not a "Food for War" program.

There are other things wrong with doing this as well. To use funds generated by the sale of American food surpluses abroad for military purposes puts the funds for military purposes outside the appropriations process. It limits congressional control over them. It also fractionalizes the military assistance program by placing management over it not only under the State Department and the Defense Department, but under the Agriculture Department as well. Finally, it poses a potential danger that the several billions now on deposit in Food for Peace funds abroad might be used to make future military commitments without the specific consent of Congress.

Food for Peace should be a humanitarian program. It should combat hunger and malnutrition. It should not support the military even under the guise of benevolent self-interest.

This program must be rescued from the Orwellian double-speak where funds generated for peace are used to purchase the weapons, uniforms, and accoutrements of war, and where the idealistic and humanitarian urges of mankind are corrupted for military purposes.

The bills would also bar the use of funds generated under the Food for Peace program for internal security purposes.

I ask unanimous consent that the bills be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), is repealed.

(b) Subsection (b) of section 106 of such Act is amended by adding at the end thereof the following: "No agreement entered into under this Act with any foreign country shall provide or require that foreign currencies accruing to the United States under this Act be used for the purpose of procuring for such country any equipment, materials, facilities, or services for any military or defense purposes (including internal security purposes)."

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subsection (e) of section 505 of the Foreign Assistance Act of 1961, as amended, is repealed.

By Mr. BURDICK:

S. 897. A bill to amend section 205 of the Flood Control Act of 1948. Referred to the Committee on Public Works.

By Mr. BAYH:

S. 898. A bill for the relief of Angelo DiStefano;

S. 899. A bill for the relief of Andres Benavente Escalante;

S. 900. A bill for the relief of Carmen Miranda Barrera; and

S. 901. A bill for the relief of Jong-Im Lee. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. Humphrey):

S. 902. A bill to incorporate the Gold Star Wives of America. Referred to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to incorporate the Gold Star Wives of America. This national organization, which now holds a charter issued by the State of New York, was established by the widows of members of the Armed Forces who died while in the active service of their country. It is a growing, active group which in February 1971 has members in every State except one and has active chapters in more than half of the States. Its total membership is comprised of more than 2,000 women, a number which its officers expect to increase at a steady pace in the future.

The objects and purposes of the Gold Star Wives of America are most commendable. In addition to honoring the memory of loved ones who paid the supreme sacrifice while serving in the Armed Forces of the United States, it is committed to assisting their widows and children, both materially and spiritually. One of its stated goals, for example, is to "provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country." Another aim is to "promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage." Direct aid to the widows and children of former servicemen is likewise an obligation which this organization has assumed. I am pleased to note also that the Gold Star Wives of America have dedicated themselves to the noble cause of safeguarding and transmitting to posterity "the principles of justice, freedom, and democracy for which members of our armed services fought and died," and that they have pledged themselves to "assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation."

Mr. President, I know of no other group more deserving of national incorporation than the Gold Star Wives of America. Its membership is composed of women who have experienced the great anguish of losing their husbands because of active duty with the military forces of the United States. They have a common bond of grief that few of us can fully comprehend, and which none of us can forget. Their objectives are both praiseworthy and significant; what more valuable contribution to society can be made than to bolster the fortitude and uplift the spirits, as well as to aid materially, the widows and children of those who paid the supreme sacrifice in the interest of their fellow citizens? Similar to the noteworthy accomplishments made by our various veterans and adjunct organizations which have been granted national charters, the Gold Star Wives of America has a role to play that is nationwide in scope and is worthy of national recognition.

I have been informed by the officers of this organization that its goals could be more effectively and easily attained if it were incorporated at the national level. The scope of its membership and business now transcends any one State or group of States. its declared purposes and activities extend to the widows and children of servicemen killed in action who live in every section of the country. Its officers and board members reside in such scattered States, among others, as Massachusetts, Washington, California, Colorado, Kansas, Minnesota, Virginia, Georgia, Missouri, Louisiana, Kentucky, New Jersey, Illinois, Arkansas, Florida, and Indiana. In every sense of the term and in all aspects of its operations this is truly a national organization dedicated to significant national purposes.

Mr. President, I have carefully examined the criteria set forth in 1969 in the standards for the granting of Federal charters by subcommittees of the Senate and House Committees on the Judiciary. In every aspect it appears to me that the Gold Star Wives of America, Inc., more than measures up to those required standards. It is clearly a national, permanent organization operating in the public interest; its character is such that a national charter is clearly the most appropriate type of organization to carry on its activities effectively; it is solely a patriotic, nonprofit, nonpartisan organization devoted to civic and membership betterment; and it is operated to conduct activities national in scope and which cannot be adequately achieved without a nationally granted charter. In all these respects this organization deserves the treatment which Congress has previously accorded other similar national groups.

Mr. President, I strongly urge that prompt consideration be given to the adoption of this bill for incorporation of the Gold Star Wives of America in order that it could have the national stature and corporate structure so essential to implement achievement of its very desirable purposes.

Mr. President, I ask unaimous consent that the text of this bill be printed in full in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 902

A bill to incorporate the Gold Star Wives of America

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-named persons, to wit:

Mrs. Franc F. Gray, 5019 13th Avenue, So. Minneapolis, Minnesota 55417;

Mrs. Edith V. Knowles, P.O. Box 1381, Albany, Georgia 31702;

Mrs. Crystal Thrash, 62 Cimarron Road, Lake Elmo, Minnesota 55042;

Mrs. Bernice E. Doge, 4431 W. Colorado Avenue, Denver, Colorado 80219;

Mrs. Jeannette Sanford, 554 Fair Oaks Drive, Columbus, Georgia 31906;

Mrs. Marie Palmer, 4294 Nimons Street, Orlando, Florida 32805;

Mrs. Mildred Lindebaum, 321 W. 19th Street, Covington, Kentucky 41014;

Mrs. Joy Dove, 4224 Chowen Avenue, So., Minneapolis, Minnesota 55410;

Mrs. Eva Anderson, 4528 Bryant Avenue, So., Minneapolis, Minnesota 55409;

Mrs. Pauline T. Bartsch, 9 E. Narberth Terrace, Collingswood, New Jersey 08108;

Mrs. Stella Burket, 1025 Jamaica Court, Aurora, Colorado 80010;

Mrs. Geraldine B. Chittick, 254 S. Young Street, Frankfort, Indiana 46041;

Mrs. Luella M. Daggy, 7707 E. Lincoln, Wichita, Kansas 67207;

Mrs. Dreama S. Ferguson, 131 Riverpoint Cres., Portsmouth, Virginia 23707;

Mrs. Chris Kinnard, 303 Santa Clara Drive, Vista, California 92083;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, Colorado 80220;

Mrs. Maryellen McDonough, 1903 W. Summerdale Avenue, Chicago, Illinois 60640;

Mrs. Jane B. Payne, 2929 Emory Street, Columbus, Georgia 31903;

Mrs. Mary A. Ondrey, P.O. Box 101, Eatontown, New Jersey 07724;

Mrs. Karen Sigurdson, Upper Residence, Seattle Pacific College, Seattle, Washington 98119;

Mrs. Karen T. Sintic, 2244 W. Taylor Street, Chicago, Illinois 60612;

Mrs. Joyce Tremayne, 1905 Dee Avenue, Columbus, Georgia 31903; and

Mrs. Carrie E. Young, 1001 N. Compton, Apt. 1502, St. Louis, Missouri 63106.

and their successors are hereby created and declared to be a body corporate by the name of Gold Star Wives of America (hereinafter called the corporation), and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act is authorized to complete the organization of the corporation by the election of officers and employees, the adoption of a constitution and bylaws not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation;

(2) to honor the memory of those who made the supreme sacrifice in the service of our country;

(3) to safeguard and transmit to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died;

(4) to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country;

(5) to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage; and

(6) to aid, whenever necessary, widows and children of persons who died in the service of our country.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may determine; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation and, for such purpose, the corporation shall also have, in addition to the foregoing in this section and subsection, the rights, powers, duties, and liabilities of the existing corporation referred to in section 17 as far as they are not modified or superseded by this Act.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Minneapolis, Minnesota, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States and possessions of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to vote in accordance with the constitution and bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall consist of the following persons—

Mrs. Eva Anderson, 4528 Bryant Avenue, Minneapolis, Minnesota 55409;

Mrs. Pauline T. Bartsch, 9 E. Narberth Terrace, Collingswood, New Jersey 08108;

Mrs. Stella Burket, 1025 Jamaica Court, Aurora, Colorado 80010;

Mrs. Geraldine B. Chittick, 254 S. Young Street, Frankfort, Indiana 46041;

Mrs. Luella M. Daggy, 7707 E. Lincoln, Wichita, Kansas 67207;

Mrs. Dreama S. Ferguson, 131 Riverpoint Cres., Portsmouth, Virginia 23707;

Mrs. Chris Kinnard, 303 Santa Clara Drive, Vista, California 92083;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, Colorado 80220;

Mrs. Maryellen McDonough, 1903 W. Summerdale Avenue, Chicago, Illinois 60640.

Mrs. Mary A. Ondrey, P.O. Box 101, Eatontown, New Jersey 07724;

Mrs. Jane B. Bayne, 2929 Emory Street, Columbus, Georgia 31903;

Mrs. Karen Sigurdson, Upper Residence, Seattle Pacific College, Seattle, Washington 98119;

Mrs. Karen T. Sintic, 2244 W. Taylor Street, Chicago, Illinois 60612;

Mrs. Joyce Tremayne, 1905 Dee Avenue, Columbus, Georgia 31903; and

Mrs. Carrie E. Young, 1001 N. Compton, Apt. 1502, St. Louis, Missouri 63106.

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finance.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board of directors, a president, a vice president, and a secretary-treasurer. The duties of the officers shall be as prescribed in the constitution and bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 15 of this Act. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The accounts of the corporation shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year in which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The reports shall not be printed as a public document.

LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHTS TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 16. The corporation shall have the sole and exclusive right to use the name Gold Star Wives of America. The corporation shall have the exclusive and sole right to use, or to allow to refuse the use of, such emblems, seals, and badges as have heretofore been used by the corporation referred to in section 17 in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 17. The corporation may acquire the assets of the Gold Star Wives of America, Incorporated, chartered as a nonprofit organization in the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is hereby expressly reserved.

By Mr. BAYH (for himself, Mr. CRANSTON, and Mr. TUNNEY):

S. 903. A bill to provide for a national program of disaster insurance. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to provide a system of insurance for compensating property losses suffered in disasters. For more than 20 years Congress has enacted legislation designed to assist those who have incurred severe financial losses and endured personal hardships caused by catastrophic acts of nature. The role of the National Government has become increasingly significant in trying to alleviate suffering and restore a semblance of normalcy in such areas.

Since 1965 I have been directly involved with others in seeking improved and expanded methods of bringing relief to the unfortunate victims of major disasters. As a result of these efforts disaster assistance acts were adopted in 1966—Public Law 89-769—in 1969—Public Law 91-79—and in 1970—Public Law 91-606. Last year following extensive hearings by a special subcommittee established by the Public Works Committee to explore all facets of the problem, nearly 30 Senators joined me in proposing a comprehensive new measure, S. 3619, which codified and enlarged Federal disaster relief activities. This bill was reported favorably by the Special Subcommittee on Disaster Relief and the Public Works Committee and in a somewhat modified form was adopted by the Senate and the House of Representatives and signed into law by the President on December 31, 1970.

The insurance proposal which I am introducing today, Mr. President, is similar to title IV of the omnibus disaster assistance bill I submitted on March 20, 1970. In reporting the bill to the Senate, the Committee on Public Works decided to delete title IV in order to avoid any possible delay that might have resulted because it would have to receive thorough consideration also by the Committee on Banking and Currency. Because of the limited time remaining in the 91st Congress, it was necessary to move quickly to reenact several significant provisions of the 1969 law which were scheduled to expire at the end of 1970.

Although I fully concurred in the need to set aside title IV in order to expedite passage of the other basic provisions of the 1970 disaster assistance act, this did not imply any diminution of my interest in or convictions about the need for a thorough study of the advantages which might be gained from a nationwide disaster insurance program. To the contrary, much as I support extending the helping hand of government to those incurring losses in major disasters, I am convinced that it is necessary to determine the feasibility of a contributory system of insurance which would enable potential recipients to assume at least part of this ever-increasing burden.

In the statement made when introducing S. 3619 on March 20, I pointed out the fact that major disasters in the United States have been taking a heavy toll in recent decades. Tornadoes, hurricanes, floods, earthquakes, and other catastrophes have occurred in large numbers and have wreaked great havoc. Since 1950 the President has declared nearly 300 areas to be eligible for national disaster assistance, with an average of more than 14 occurring each year. An all-time high of 29 such declarations was reached in 1969, and in several other years there have been more than 20 major disasters.

A very important aspect of this situation which cannot be ignored is the fact that property losses attributed to major disasters have increased many fold through the years, whereas loss of life and limb appears to have decreased. Improved weather forecasting, the ability to track carefully the course of storms and to predict accurately their future paths, better warning devices, improved rescue equipment and techniques, and the greater mobility of the population, all have combined to permit large-scale evacuations of people in disaster-threatened or damaged areas. At the same time increased concentrations of expensive residential, commercial and industrial buildings in small areas, along with highly escalated property values, have resulted in the infliction of huge losses by many recent major disasters. Although statistics are not always comparable and sometimes may be misleading, the contrast between the Galveston flood at the turn of the century, which cost 6,000 lives with an estimated property loss of only some $30 million, and the 1969 Hurricane Camille, which caused around 250 deaths and perhaps as much as $1.5 billion in damages to property, provides starting evidence of the shift from human to property loss. Similarly, property loss in the recent California earthquake may well total upwards of $300 million with some 60 deaths.

The fact that economic damage attributed to unexpected natural catastrophes has soared so dramtically underscores the need to search for new ways to alleviate the problem. While it may not be possible to match the curtailed loss of life and diminished personal injuries with a similar reduction in property losses caused by major disasters, the economic cost has risen to the point where attention must be paid to determining how best the burden can be managed. In recent years the Federal Government has vastly increased public contributions for direct assistance to disaster victims through such means as long-term and low-interest-rate loans, emergency housing, special unemployment compensation, food stamps, forgiveness of up to $2,500 of disaster loans, restoration of public facilities, direct subsidies, and other programs.

As valuable and commendable as these various kinds of disaster assistance are, their total cost to the National Government has grown tremendously and is likely to increase rather than decrease. While the American public has not begrudged using tax revenues for this purpose and has always generously responded whenever a group of their fellows or those in other lands have been stricken by disaster, I am convinced that most persons would prefer to purchase in advance at reasonable cost adequate protection for their property against possible disaster loss than to depend on either governmental subsidies or private relief if such a tragedy should occur.

This belief was fortified by the testimony of many witnesses who appeared last year before the Special Subcommittee on Disaster Relief during hearings held in Mississippi, Virginia, and Washington, D.C., which I was privileged to chair. Most public officials, representatives from industry and private groups, and individual property owners who testified seemed to agree that insurance coverage against catastrophic damages would be most beneficial. Likewise, one of the most common demands resulting from the tragic earthquake in the Los Angeles area was for the establishment of a practicable insurance program to help meet such catastrophic losses.

Despite the fact that certain spokesmen for the insurance industry have questioned the wisdom or usefulness of such a program, and others have voiced the opinion that it may be premature, I believe that it is time for Congress to investigate carefully all aspects of this proposal. Let us first encourage the private sector to establish a workable disaster insurance system. If that quest should fail, however, then let us authorize a Government-sponsored program which would enable property owners to secure at least a minimum amount of protection against losses from disasters.

Comprehensive casualty insurance covering damages from a variety of losses, such as fire, windstorm, hail, and other causes, has been available for many years, but this has not in the past generally included floods, mud slides, high waves, and wind-driven waters. Through extended coverage or special endorsements regular fire insurance policies may be broadened to include losses caused by windstorm, hail, explosion, aircraft, smoke, water from ruptured pipes, and—in some instances—earthquakes, strikes, riots or civil commotions. In recent years also the FAIR—fair access to insurance requirements—plan, the beach plan, and the national flood insurance program have made additional coverage available for certain property losses which were previously difficult if not impossible to insure.

Although a number of companies have offered earthquake insurance for many years, evidence indicates that relatively few property owners have purchased such policies. It is my understanding that such earthquake protection is provided on the basis of 80-percent coinsurance and with an average of 5-percent deductible. This means, of course, that the owner would have to bear the loss entirely up to the point where insurance coverage would begin. Thus it would be of great help when major havoc is wrought but would not assist smaller losses.

Moreover, the rate charged for earthquake and volcanic eruption insurance varies widely in the United States. Testimony presented to the Senate Subcommittee on Disaster Assistance last year indicated that the annual rate for frame dwellings varied from nealy 22 cents per $100 in southern California to only 2 cents per $100 in some Midwestern and Southern States. In at least 10 States the rate was over 10 cents per $100; 12 States—or parts of States—had a 6-cent rate, 23 States—or parts of States—had a 4-cent rate, and 20 States—or parts of States—had a 2-cent rate.

Despite the fact that earthquake protection could be purchased by homeowners throughout the United States, most of them have neglected to do so. In a 1969 study entitled "Toward Reduction of Losses From Earthquakes," the National Academy of Sciences reported that "only 5 percent of California property insured against fire is also protected against earthquake hazards." Perhaps more important, the study pointed out that if such protection were "to come suddenly into wide demand, earthquake insurance probably would be largely withdrawn from the market because of limitations of the capacity of insurance companies to stand concentrated losses." My own investigation leads me to agree with the conclusions made by the National Academy that such insurance "is not widely used because of lack of awareness of the hazard, because its sale is not encouraged by insurance companies, because it has a percentage-deductible feature, and because it is relatively costly."

Although information on the recent earthquake in California is far from complete, it has been reported that insurance will cover only a small portion of the property losses incurred, especially dwellings. One estimate projected that total insured losses may approximate $50 million, most of it for commercial and industrial properties. Best's Weekly News Digest stated that earthquake insurance coverage was "spotty" and that "Californians are reluctant to purchase such policies," which include deductibles from 2 to 15 percent. With the exception of one company, the leading earthquake insurance writers in the State estimated their losses at less than half a million dollars each. A number of commercial properties, including warehouses, stores, and other buildings, suffered substantial losses, while others had shattered glass, broken sprinkler damage, as well as other flooding. An interesting comment was that eastern interests owned much of the insured commercial property, and that in general "west coast money does not purchase earthquake cover."

In view of the apparent reluctance of many property owners to invest in adequate earthquake insurance coverage, certain inducements and even requirements may be necessary to secure widespread adoption of such protection. They might take the form of reinsurance, subsidies, forced coverage, or some combination of these. While I was pleased to join as a cosponsor of a bill introduced by Senator TUNNEY on February 18 which is designed to provide practicable earthquake insurance, I have always believed that a more comprehensive program covering all disasters would be preferable.

Commendable progress has been made in recent months by the national flood insurance program. Nearly 450 communities in 37 States have now been declared eligible for flood insurance coverage under the emergency program, and over 56,000 policies totaling about $900 million in coverage have been sold.

Nevertheless, certain serious problems still remain. Mandatory establishment under the regular program of actuarial premium rates requiring evaluation of property risks on a community-by-community basis delayed its widespread adoption. Only a few cities had become eligible for protection until Congress in 1969 authorized the 2-year emergency program. The latter permitted the Federal Insurance Administration to provide flood insurance until December 31, 1971, without first determining actuarial premium rates. Even now only 88 areas in some 15 States have become eligible for the regular flood insurance program.

The emergency program permitted the Federal Insurance Administration to provide flood insurance until December 31, 1971, without first determining actuarial premium rates. Unless this emergency program is extended by Congress, however, areas in which such rates have not been established by the end of the year will not be eligible for additional coverage beyond that date. Also, unless adequate land use and control measures for flood plain management are adopted by participating communities during this current year, they will not be eligible for new policies or renewal of existing ones. Moreover, because new structures built in special flood areas must pay full actuarial rates, such new construction is not qualified under the emergency program and can obtain insurance only in these relatively few places where the regular program is operating.

To be successful a disaster insurance system should have both national application and widespread adoption. Hit and miss coverage of communities or purchase of policies by comparatively few homeowners will not solve the problem. For instance, it is tragic to note that, while eight of the 28 cities and parts of three counties in the Corpus Christi area became eligible for the emergency national flood insurance program 6 weeks before Hurrican Celia struck last summer, only 300 property owners had purchased policies. This was only a small fraction of those who incurred heavy damages.

What is needed, it seems to me, is a comprehensive all-disaster risk-type insurance which could be made available in a comparatively short time to property owners in all parts of the country. To be effective, actuarily sound, and purchasable at rates which the ordinary householder could afford, any disaster insurance program must have a broad base of policyholders; losses from disasters are such that the burden of funding relief costs should be shared throughout the Nation. This, of course, can be done, as it has many times in the past, through public revenues raised by taxation.

Using public funds to assist those who have incurred sizable losses in disasters may in one sense resemble a system of enforced public insurance. Probably there always will be many disaster costs which all members of society will be called upon to absorb through small contributions in the forms of national taxes. With respect to private property damages, however, there is no reason why owners should not be required to subscribe through advance payments to a system which would provide them at least minimum protection against possible future disaster losses.

It would be preferable, of course, if satisfactory, sensibly priced insurance coverage against damages to private property caused by disasters could be established by the insurance industry. In view of the nature and size of the risk involved, some kind of national reinsurance or subsidy might be necessary to induce private insurance companies to embark on such a venture. Any reasonable proposal which insurance representatives might make for a joint approach involving Government participation in an industry-managed disaster insurance system would be welcome. I believe that Congress would give serious attention to such a plan.

My bill provides a period of more than 2 years in which the insurance industry could develop an acceptable program. However, unless the Secretary of Housing and Urban Development should determine and certify to the President and Congress not later than June 30, 1973, that private insurance companies have made available on reasonable terms disaster insurance with coverage equal to or more extensive than that proposed in the bill, the Secretary would be directed to establish a national disaster insurance program. Although delays in the legislative process might make the above date unrealistic, it could be extended easily if chances appeared to be good that such a program would indeed become a reality. Without such a deadline, however, little progress might be made; in any event it may well be necessary to institute an all-Federal program.

To be successful, disaster insurance must have widespread application and must be offered at premium rates which are not inordinately expensive. With these premises in mind, the bill—section 15—would blanket in to the proposed new national disaster insurance system all residential or other structures encumbered by loans or mortgages which have been guaranteed or insured by the Federal Housing Administration, the Veteran's Administration, or any other Federal agency. This would provide a sizable base upon which the program could be founded from the beginning. Second, as will be explained, the rate structure would be devised so as to attract into the system homeowners who would not be included automatically under the above provision. Third, further additional impetus to join would be provided by the outright denial—section 13—of any other Federal financial assistance to any owner of real property for damage to his property in a disaster to the extent the loss could have been covered by a valid claim under disaster insurance made available at least 1 year prior to the disaster. It is believed that these three factors—mandatory inclusion of federally insured mortgagors, minimal rates, and advance warning to nonparticipants of ineligibility for other Federal aid—would be sufficient to assure that within a reasonable period of time most homeowners throughout the Nation would be encompassed by the program.

To explain the specific features in more detail, the Secretary of Housing and Urban Development would be authorized—section 4—to establish and carry out the national disaster insurance system. He would be directed, to the maximum extent possible, to encourage and arrange for the financial participation and risk sharing in the program by private insurance companies or other insurers. It should be noted also that the Secretary would be empowered to define a disaster for purpose of insurance, which would permit the inclusion of damages wrought by catastrophes which were lesser in scope than those declared to be "major disasters" by the President.

Priority would have to be given—section 5—to the coverage of residential properties housing from one to four families, but, if appropriate studies and investigations demonstrated that it would be feasible, the Secretary could extend disaster insurance to other residential, business, agricultural, nonprofit, or public properties.

The Secretary would provide by regulation for the general terms and conditions of insurability which would apply to disaster insurance. These would include such matters as the types, classes, and locations of properties, the nature and limits of loss to be covered, the classification, limitation and rejection of risks, minimum premiums, loss-deductibles and any other necessary terms of conditions.

Coverage provided by the bill would be divided into two categories: First, a basic minimum amount, the premiums for which could be fixed by the Secretary at a rate below established costs; second, amounts above the basic minimum, which would be charged at rates not less than those estimated to be needed for all costs of providing that protection.

The basic coverage for residential properties housing up to four families would be $15,000 aggregate liability for any single dwelling unit, $30,000 for any structure containing more than one dwelling, and $5,000 aggregate liability for the contents of any dwelling unit. If the Secretary should declare other types of property to be eligible for disaster insurance, any single structure in those specified categories would have an aggregate liability of $30,000.

The Secretary would be authorized—section 7—to make studies and investigations which would enable him to estimate what the risk premium rates would be for various areas based on actuarial principles, operating costs, and administrative expenses. He would also be directed to estimate what level of rates would be reasonable, would encourage prospective insurers to purchase disaster insurance, and would be consistent with the purposes of the act.

Based on the above information, and after consultation with the Director, the Secretary would—section 8—from time to time prescribe by regulation the chargeable premium rates for all types and classes of property for which disaster insurance is made available. He could if necessary fix the premium rates for the basic property values covered—noted above—at less than the estimated risk premium rates. Otherwise, the rates would have to be based, insofar as practicable, on the respective risks involved and would have to be adequate to provide reserves for anticipated losses. If the rates were fixed at a lower amount, they would have to be consistent with the objective of making disaster insurance available at reasonable rates in order to encourage its purchase by homeowners and others.

To provide working capital for the national disaster insurance program, the Secretary would be authorized—section 9—with the approval of the Secretary of the Treasury, to issues notes or other obligations in an amount not exceeding $500 million. The Secretary of the Treasury would determine the rate of interest for these notes or obligations, and would be authorized to purchase or sell them as public debt transactions.

The Secretary would also be authorized—section 10—to establish in the Treasury of the United States the national disaster insurance fund from which would be paid all claims, expenses, administrative costs, and debt redemption of the disaster insurance programs. The fund would be the repository for all funds which might be borrowed, appropriated by Congress, earned as interest on investments, derived from premiums, or received from other operations. If the Secretary should determine that the fund total would be in excess of current needs, he could request the Secretary of the Treasury to invest the amounts which the latter deemed advisable in obligations issued or guaranteed by the United States.

Claims for losses would be adjusted and paid for according to rules which the Secretary would be authorized—section 11—to prescribe. It would also be his duty—section 12—to inform the general public and any State or local official about the extent, objectives, and premium rates of the national disaster insurance system, including the basis for and the differences between the rates for the two categories of coverage.

As pointed out previously, the bill would prohibit—section 13—Federal disaster assistance to any eligible property owner for a real property loss to the extent that such loss would be either covered by a valid claim or could have been covered by a valid claim under disaster insurance which had been made available in his area at least 1 year prior to the occurrence of the damage. On the surface this may appear to be a harsh provision, but it seems to me that it is essential if the program is to be made workable on a national basis without exorbitant rates for participants. If disaster insurance is provided for any area, an eligible property owner would have a grace period of 1 full year in which to secure protection; subsequently, he would have to absorb any loss caused by a disaster unless he had taken advantage of the insurance opportunity provided him. It should be noted that this caveat applies only to owners of real property, and does not exclude other types of Federal assistance such as loans for any amount of loss not recovered by disaster insurance or for the loss of personal property.

To prevent structures being rebuilt in areas which have proven to be disaster prone, the bill would prohibit—section 14—issuing new disaster insurance coverage for any property which the Secretary finds has been declared by a State or local government to be in violation of State or local laws, regulations, and ordinances intended to prevent land development or occupancy in those areas. In order that the disaster insurance system would be coordinated with other programs, the Secretary and the Director would be instructed—section 15(a)—to coordinate the administration of disaster insurance with the authority conferred on him by the National Flood Insurance Act of 1968.

He also would be directed—section 15(b)—to consult with other Federal, State, and local government departments and agencies having responsibility for disaster assistance. If any controversy should arise over the validity of any order issued under the act, provision is made for judicial review at the request of a petitioner within 60 days after the order would be made.

In general, the national disaster insurance system would be designed to provide basic, minimum protection against disaster losses to most homeowners and possibly to other property holders as well. It would enable them to contract in advance at reasonable cost for coverage not now widely available which would assure at least partial compensation for dwellings, other structures, and personal property damaged or destroyed by disasters. I believe that the American people on the whole would support a program whereby they could through a contributory system help share in the heavy burden which inevitably will fall on those unfortunate enough to be caught in the maelstrom of a natural catastrophe. Although the insurance plan may have certain unknown defects or omissions which will have to be corrected, it should provide a pattern for further discussion and the basis for a perfected program.

Mr. President, I ask unanimous consent that the full text of the bill and a section-by-section synopsis be printed in the Record at the conclusion of my remarks.

There being no objection, the bill and synopsis were ordered to be printed in the Record, as follows:

S. 903

A bill to provide for a national program of disaster insurance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Disaster Insurance Act of 1971".

PURPOSE

Sec. 2. It is the purpose of this Act to provide for a Federal insurance program covering property loss or damage resulting from a disaster if such insurance is not made available to the public at reasonable rates by the insurance industry.

DEFINITIONS

Sec. 3. As used in this Act—

(1) "disaster" means any flood, high waters, wind-driven waters, tidal waves, drought, hurricane, tornado, earthquake, storm, or other catastrophe as defined by the Secretary in regulations issued pursuant to this Act;

(2) "United States" means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Canal Zone.

(3) "State" means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Canal Zone;

(4) "Governor" means the chief executive of any State; and

(5) "Secretary" means the Secretary of Housing and Urban Development.

BASIC AUTHORITY

Sec. 4. (a) The Secretary is authorized to establish and carry out a disaster insurance program which will enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real property and personal property related thereto arising from any disaster occurring in the United States.

(b) In carrying out the disaster insurance program the Secretary shall, to the maximum extent practicable, encourage and arrange for—

(1) appropriate financial participation and risk-sharing in the program by insurance companies or other insurers; and

(2) other appropriate participation on other than a risk-sharing basis by insurance companies or other insurers, insurance agents and brokers, and insurance adjustment organizations.

SCOPE OF PROGRAM

Sec. 5. (a) In carrying out the disaster insurance program the Secretary shall initially make disaster insurance available to cover residential properties which are designed for the occupancy of from one to four families.

(b) If on the basis of—

(1) studies and investigations undertaken and carried out and information received or exchanged under section 7, and

(2) such other information as may be necessary, the Secretary determines that it would be feasible to extend the disaster insurance program to cover other properties, he may take such action under this Act as may be necessary in order to make disaster insurance available to cover, on such basis as may be feasible, any types and classes of—

(A) other residential properties;

(B) business properties;

(C) agricultural properties;

(D) properties occupied by private nonprofit organizations; and

(E) properties owned by State and local governments and agencies thereof.

Any such extensions of the program to any types and classes of such properties shall be established by order.

NATURE AND LIMITATION OF INSURANCE COVERAGE

Sec. 6. (a) The Secretary shall, after consultation with appropriate representatives of the insurance authorities of the respective States, provide by order for general terms and conditions of insurability which shall be applicable to properties eligible for disaster insurance coverage under section 5, including—

(1) the types, classes, and locations of any such properties which shall be eligible for disaster insurance;

(2) the nature of and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such insurance;

(3) the classification, limitation, and rejection of any risks which may be necessary;

(4) appropriate minimum premiums;

(5) appropriate loss-deductibles; and

(6) any other terms and conditions relating to insurance coverage or exclusion which may be necessary to carry out the provisions of this Act.

(b) In addition to any other terms and conditions under subsection (a), such orders shall provide that—

(1) any disaster insurance coverage based on chargeable premium rates (under section 8) which are less than estimated premium rates (under section 7(a)(1)), shall not exceed—

(A) in the case of residential properties which are designed for the occupancy of from one to four families;

(i) $15,000 aggregate liability for any dwelling unit, and $30,000 for any single dwelling structure containing more than one dwelling unit, and

(ii) $5,000 aggregate liability per dwelling unit for any personal property related thereto; and (B) in the case of any other properties which may become eligible for disaster insurance coverage under section 5, $30,000 aggregate liability for any single structure; and

(2) any disaster insurance coverage which may be made available in excess of any of the limits specified in subparagraphs (1) (A) and (B) of this subsection shall be based only on chargeable premium rates (under section 8) which are not less than estimated premium rates (under section 7(a)(1)).

ESTIMATES OF PREMIUM RATES

Sec. 7. (a) The Secretary is authorized to undertake and carry out such studies and investigations and to receive or exchange such information as may be necessary to estimate on an area, subdivision, or other appropriate basis—

(1) the risk premium rates for disaster insurance which—

(A) based on consideration of the risk involved and accepted actuarial principles, and (B) including—

(i) applicable operating costs and allowances which, in his discretion, should properly be rejected in such rates, and

(ii) any administrative expenses (or portion of such expenses) of carrying out the disaster insurance program which, in his discretion, should property be reflected in such rates,

would be required in order to make such insurance available on an actuarial basis for any types and classes of properties for which insurance coverage shall be available under section 5, and

(2) the rates, if less than the rates estimated under paragraph (1) which would encourage prospective insureds to purchase disaster insurance, and would be consistent with the purposes of this Act.

(b) In carrying out subsection (a), the Secretary shall, to the maximum extent feasible and on a reimbursement basis, utilize the services of the Department of the Army, the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Tennessee Valley Authority, and, as appropriate, other Federal departments or agencies, and for such purposes, may enter into contracts or other appropriate arrangements with any person.

ESTABLISHMENT OF CHARGEABLE PREMIUM RATES

SEC. 8. (a) On the basis of estimates made under section 7 and such other information as may be necessary, the Secretary from time to time shall, after consultation with appropriate representatives of the insurance authorities of the respective States, by order prescribe—

(1) chargeable premium rates for any types and classes of properties for which insurance coverage shall be available under section 5 (at less than the estimated risk premium rates under section 7(a) (1), if necessary), and

(2) the terms and conditions under which and areas (including subdivisions thereof) within which such rates shall apply.

(b) Such rates shall, insofar as practicable, be—

(1) based on a consideration of the respective risks involved,

(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or, if less than such amount, consistent with the objective of making disaster insurance available, where necessary, at reasonable rates so as to encourage prospective insureds to purchase such insurance, and

(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates under paragraph (1) of section 7(a), and the estimated rates under paragraph (2) of such section. (c) If any chargeable premium rate prescribed under this section—

(1) is at a rate which is not less than the estimated risk premium rate under section 7(a) (1), and

(2) includes any amount for administrative expenses of carrying out the disaster insurance programs which have been estimated under clause (ii) of section 7(a) (1) (B),

a sum equal to such amount shall be paid to the Secretary, and he shall deposit such sum in the fund authorized under section 10.

TREASURY BORROWING AUTHORITY

SEC. 9. (a) The Secretary is authorized to issue to the Secretary of the Treasury from time to time and have outstanding at any one time, in an amount not exceeding $500,000,000 (or such greater amount as may be approved by the President), notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Administrator, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on the outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued under this subsection, and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations.

The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(b) Any funds borrowed by the Secretary under this authority shall, from time to time, be deposited in the Disaster Insurance Fund established under section 10.

DISASTER INSURANCE FUND

SEC. 10. (a) To carry out the disaster insurance program authorized by this Act, the Secretary is authorized to establish in the Treasury of the United States a Disaster Insurance Fund which shall be available, without fiscal year limitation—

(1) to repay to the Secretary of the Treasury such sums as may be borrowed from him (together with interest) in accordance with the authority provided in section 9 of this title; and

(2) to pay such administrative expenses (or portion of such expenses) of carrying out the disaster insurance program as he may deem necessary; and

(3) to pay claims and other expenses and costs of the disaster insurance program, as the Secretary deems necessary. (b) The fund shall be credited with—

(1) such funds borrowed in accordance with the authority provided in section 9 of this Act as may from time to time be deposited in the fund;

(2) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities;

(3) interest which may be earned on investments of the fund pursuant to subsection (c);

(4) such sums as are required to be paid to the Secretary under section 8 (c); and

(5) receipts from any other operations under this Act which may be credited to the fund (including premiums and salvage proceeds, if any, resulting from reinsurance coverage).

(c) If, after all outstanding obligations have been liquidated, the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

PAYMENT OF CLAIMS

SEC. 11. The Secretary is authorized to issue orders establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for any damage to or loss of property which is covered by disaster insurance made available under the provisions of this Act.

DISSEMINATION OF DISASTER INSURANCE INFORMATION

SEC. 12. The Secretary shall take such action as may be necessary in order to make information and data available to the public and to any State or local agency or official, with regard to—

(1) the disaster insurance program, its coverage and objectives, and

(2) estimated and chargeable disaster insurance premium rates, including the basis for and differences between such rates in accordance with the provisions of section 8.

PROHIBITION AGAINST CERTAIN DUPLICATIONS OF BENEFITS

SEC. 13. (a) Notwithstanding the provisions of any other law, no Federal disaster assistance shall be made available to any owner of real property for the physical loss, destruction, or damage of such property, to the extent that such loss, destruction, or damage—

(1) is covered by a valid claim which may be adjusted and paid under disaster insurance made available under the authority of this Act, or

(2) could have been covered by a valid claim under disaster insurance which had been made available under the authority of this Act, if—

(A) such loss, destruction, or damage occurred subsequent to one year following the date disaster insurance was made available in the area (or subdivision thereof) in which such property or the major part thereof was located, and

(B) such property was eligible for disaster insurance under this Act at that date,

and in such circumstances the extent that such loss, destruction, or damage could have been covered shall be presumed (for purposes of this subsection) to be an amount not less than the maximum limit of insurable loss or damage applicable to such property in such area (or subdivision thereof) at the time insurance was made available in such area (or subdivision thereof).

(b) For purposes of this section "Federal disaster assistance" shall include any Federal financial assistance which may be made available to any person as a result of—

(1) a major disaster proclaimed by the President,

(2) a natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), and

(3) a disaster with respect to which loans may be made under section 7 (b) of the Small Business Act, as amended (15 U.S.C. 636 (b)).

PROPERTIES IN VIOLATION OF STATE AND LOCAL LAW

SEC. 14. No new disaster insurance coverage shall be provided under this Act for any property which the Secretary finds has been declared by a duly constituted State or local zoning authority, or other authorized public body, to be in violation of State or local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in disaster-prone areas.

COORDINATION WITH OTHER PROGRAMS

SEC. 15. (a) The Secretary shall coordinate the administration of this Act with the authority conferred on him by the National Flood Insurance Act of 1968.

(b) In carrying out this Act, the Secretary shall consult with other departments and agencies of the Federal Government, and interstate, State, and local agencies having responsibilities for disaster assistance in order to assure that the programs of such agencies and the disaster insurance program authorized under this Act are mutually consistent.

(c) The Veterans' Administration, the Federal Housing Administration, and any other Federal agency administering a program under which loans or mortgages on residential or other structures are guaranteed or insured by the Federal Government, shall, by regulation, require that any such structure be insured under the disaster insurance program administered by the Secretary.

TERMINATION OF AUTHORITY

SEC. 16. The Secretary shall not establish or carry out the disaster insurance program authorized by this Act if he finds and certifies to the President and the Congress not later than June 30, 1973, that disaster insurance with coverage equal to or more extensive than that which would be provided under this Act has been made available on reasonable terms by private insurance companies. The provisions of this Act shall have no effect from and after such certification by the Secretary.

JUDICIAL REVIEW

SEC. 17. Orders under this Act shall be established and issued in accordance with the provisions of section 553 of title 5, United States Code. In case of controversy as to the validity of any such order, a person who is adversely affected thereby may, at any time prior to the sixtieth day after such order is issued, file a petition with the United States District Court for the District of Columbia for judicial review of such order in accordance with the provisions of chapter 7 of such title.

IMPLEMENTATION

SEC. 18. After such consultation with representatives of the insurance industry as may be necessary, the Secretary shall implement the disaster insurance program unless he has certified to the President under section 16 that such program is unnecessary. In implementing such program, the Secretary is authorized, to the extent not inconsistent with this Act, to establish an industry program for disaster insurance with Federal financial assistance or a Government program for disaster insurance with industry assistance in the same manner and under the same terms and conditions as he is authorized to establish programs under chapter II of the National Flood Insurance Act of 1968.

PAYMENTS

SEC. 19. Any payments under this Act may be made (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

GOVERNMENT CORPORATION CONTROL ACT

SEC. 20. The provisions of the Government Corporation Control Act shall apply to the program authorized under this Act to the same extent as they apply to wholly owned Government corporations.

FINALITY OF CERTAIN FINANCIAL TRANSACTIONS

SEC. 21. Notwithstanding the provisions of any other law—

(1) any financial transaction authorized to be carried out under this Act, and

(2) any payment authorized to be made or to be received in connection with any such financial transaction,

shall be final and conclusive upon all officers of the Government.

ADMINISTRATIVE EXPENSES

SEC. 22. Any administrative expenses which may be sustained by the Federal Government in carrying out the disaster insurance program authorized under this Act may be paid out of appropriated funds.

AUTHORIZATION OF APPROPRIATIONS

SEC. 23. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, including sums—

(1) to cover administrative expenses of carrying out the disaster insurance program;

(2) to cover reimbursement of premium equalization payments made from the disaster insurance fund and reinsurance claims paid under excess loss reinsurance coverage; and

(3) to make such other payments as may be necessary to carry out the purposes of this Act.

(b) All such sums shall be available without fiscal year limitation.

SECTION-BY-SECTION ANALYSIS

SECTION 1—TITLE

The act could be cited as the Federal Disaster Insurance Act of 1971.

SECTION 2—PURPOSE

The purpose would be to provide for a Federal insurance program for disaster losses unless comparable coverage at reasonable rates is established by the insurance industry.

SECTION 3—DEFINITIONS

For the purposes of the Act, the Secretary of Housing and Urban Development would be empowered to define the damages which would be included for insurance coverage, including that caused by floods, high waters, wind-driven waters, tidal waves, droughts, hurricanes, tornadoes, earthquakes, storms and other catastrophes.

All States, Territories and possessions of the United States would be subject to the provisions of the act.

SECTION 4—BASIC AUTHORITY

Unless a suitable program is established by the private insurance industry by June 30, 1973, the Secretary of HUD would be authorized to establish a national disaster insurance program to enable the property owners to buy comprehensive disaster insurance.

SECTION 5—SCOPE OF PROGRAM

Dwellings in which are housed one to four families would be given priority for insurance. The Secretary would be authorized, however, to make disaster insurance available to other residential, business, agricultural, nonprofit, and publicly owned properties if studies have deemed such insurance would be feasible.

SECTION 6—NATURE AND LIMITATION OF INSURANCE COVERAGE

The Secretary, after consultation with appropriate State insurance authorities, would issue regulations for disaster insurance pertaining to the classes of property, damage covered, classification of risks, premium amounts, loss-deductibles, and other matters. Coverage provided by the bill would be divided into two categories: first, a basic minimum amount, the premiums for which could be fixed by the Secretary at a rate below established costs; second, amounts above the basic minimum, which would be charged at rates not less than those estimated to be needed for all costs of providing that protection.

The basic coverage for residential properties housing up to four families would be $15,000 aggregate liability for any single dwelling unit, $30,000 for any structure containing more than one dwelling, and $5,000 aggregate liability for the contents of any dwelling unit. If the Secretary should declare other types of property to be eligible for disaster insurance, any single structure in those specified categories would have an aggregate liability of $30,000.

SECTION 7—ESTIMATES OF PREMIUM RATES

The Secretary would be authorized to make studies and investigations which would enable him to estimate what the risk premium rates would be for various areas based on actuarial principles, operating costs and administrative expenses. He would also be directed to estimate what level of rates would be reasonable, would encourage prospective insurers to purchase disaster insurance, and would be consistent with the purposes of the act.

SECTION 8—ESTABLISHMENT OF CHARGEABLE PREMIUM RATES

The Secretary would from time to time prescribe by regulation the chargeable premium rates for all types and classes of property for which disaster insurance is made available. He could if necessary fix the premium rate for the basic property values covered (noted above) at less than the estimated risk premium rates. Otherwise, the rates would have to be based, insofar as practicable, on the respective risks involved and would have to be adequate to provide reserves for anticipated losses. If the rates were fixed at a lower amount, they would have to be consistent with the objective of making major disaster insurance available at reasonable rates in order to encourage its purchase by homeowners and others.

SECTION 9—TREASURY BORROWING AUTHORITY

The Secretary would be authorized with the approval of the Secretary of the Treasury, to issue notes or other obligations in an amount not exceeding $500 million. The Secretary of the Treasury would determine the rate of interest for these notes or obligations, and would be authorized to purchase or sell them as public debt transactions.

SECTION 10—DISASTER INSURANCE FUND

The Secretary would also be authorized to establish in the Treasury of the United States the Disaster Insurance Fund from which would be paid all claims, expenses, administrative costs and debt redemption of the disaster insurance programs. The Fund would be the repository for all funds which might be borrowed, appropriated by Congress, earned as interest on investments, derived from premiums or received from other operations. If the Secretary should determine that the Fund would be in excess of current needs, he could request the Secretary of the Treasury to invest the amounts which the latter deemed advisable in obligations issued or guaranteed by the United States.

SECTION 11—PAYMENT OF CLAIMS

The Secretary would be authorized to establish regulations for adjustment and payment of claims.

SECTION 12—DISSEMINATION OF DISASTER INSURANCE INFORMATION

The Secretary could make available to state and local agencies data and information with regard to the coverage, objectives and premium rates for disaster insurance programs.

SECTION 13—PROHIBITION AGAINST CERTAIN DUPLICATIONS OF BENEFITS

No property-owner would be eligible for disaster relief assistance if a person or business is covered for losses by insurance or could have been covered by disaster insurance which had been made available in his area at least one year prior to the occurrence of the damage.

SECTION 14—PROPERTIES IN VIOLATION OF STATE AND LOCAL LAW

No new disaster insurance would be provided for properties which the Secretary found to be in violation of State and local zoning laws and ordinances.

SECTION 15—COORDINATION WITH OTHER PROGRAMS

The Secretary would coordinate the new insurance program with the National Flood Insurance Act of 1968 and would consult with other departments and agencies of the federal, state and local agencies in order to coordinate the insurance program with their activities. Veterans Administration, Federal Housing Administration, and other federal agencies which guarantee or insure loans and mortgages would have to require that any such structures must be insured under the major disaster insurance program administered by the Secretary.

SECTION 16—TERMINATION OF AUTHORITY

The disaster insurance program would not be established if the Secretary determined that by June 30, 1973, private insurance companies have provided equivalent coverage on reasonable terms.

SECTION 17—JUDICIAL REVIEW

Standard provision would be made for judicial review of orders issued under the act.

SECTION 18—IMPLEMENTATION

Unless he determined such a program to be unnecessary, the Secretary would be directed to implement the act by establishing an industry disaster insurance program with Federal assistance or a Government disaster insurance program similar to that authorized by the National Flood Insurance Act of 1968.

SECTION 19—PAYMENTS

The Secretary would be authorized to make payments under the Act either in advance, as installments, or as reimbursements, and to fix conditions for those payments.

SECTION 20—GOVERNMENT CORPORATION CONTROL ACT

The provisions of the Government Corporation Control Act would be made applicable to the Disaster Insurance Act.

SECTION 21—FINALITY OF CERTAIN FINANCIAL TRANSACTIONS

Payments and financial transactions made under the Act would be final and conclusive on all Government officers.

SECTION 22—ADMINISTRATIVE EXPENSES

Authority would be made for payment from appropriated funds of any administrative expenses incurred in carrying out the disaster insurance program.

SECTION 23—AUTHORIZATION OF APPROPRIATIONS

Authorization would be made to appropriate funds needed for administrative expenses, premium equalization payments, reinsurance claims and other necessary costs of the disaster insurance program.

By Mr. BAYH (for himself and Mr. HARTKE):

S. 904. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases. Referred to the Committee on Commerce.

Mr. BAYH. Mr. President, on behalf of myself and the senior Senator from Indiana (Mr. HARTKE), I am introducing today for appropriate reference a bill to amend the Uniform Time Act of 1966. The purpose of this measure is to permit those States which are divided into two or more time zones to exempt one or more such parts from the advanced time provisions of the act.

Let me emphasize at the outset that this proposed change would not in any way be counter to the basic goals and principles of the 1966 act. To the contrary, it seeks only to remedy unfair and difficult circumstances which may result from the application of the act in those few States which do not lie entirely within one time zone.

When I introduced a similar bill in 1967 there were 13 States which were cut into parts by time line zones. My own State of Indiana then was bisected almost in half. Since then, however, the time zone lines in Indiana have been moved westward so that only two pockets of six counties each, one in the northwest corner and the other in the southwest corner of the State are located within the central standard time area. All of the other 80 counties of the State are now within the eastern time zone.

Two years ago the Indiana General Assembly, acting under authority conferred by the 1966 Uniform Time Act, adopted a bill which would exempt the entire State of Indiana from observing daylight savings time from the last Sunday in April to the last Sunday in October. Because the Governor vetoed the bill, it did not become effective at that time. However, very recently the 1971 session of the legislature voted to override the gubernatorial veto, with the result that the bill has now become law.

This means, Mr. President, that the 12 counties located in the northwest and southwest sections of the State, which are officially on central time, will not be able to advance their clocks 1 hour during the summer months when the surrounding communities in the States of Illinois and Kentucky take that action and while the remainder of Indiana will also be 1 hour ahead on eastern standard time. This will cause great confusion and chaos in such cities as Hammond, East Chicago, Whiting, Gary, and Evansville, all of which have very close commercial, cultural, and other ties with near-by communities in adjacent States.

Consider for a moment the problems which will confront the inhabitants on these borders of my State during 6 months of the year. Late in April the neighboring States of Illinois and Kentucky will both switch to central daylight time and Michigan and the rest of the State of Indiana will remain on eastern standard time. The result will be an almost intolerable situation for these two pockets of six counties each in the northwest and southwest corners of Indiana. They will be completely isolated in time, being forced to operate 1 hour behind not only the other 30 counties of Indiana but also behind the other three adjacent States. They will be islands unto themselves, out of step with the economic, commercial, cultural, and social life of the people living in surrounding areas.

Mr. President, it is not difficult to imagine what is likely to happen unless the law is changed to permit uniformity in these two instances. Faced with impossible legal demands, many people in these areas will be forced to resort to the practice of advancing their own personal schedules 1 hour while retaining central standard time as the official clock time. Although all official functions will have to be scheduled according to CST, conditions will be such that many will have to carry on their everyday activities on central daylight time in order to accommodate to the prevailing time in nearby areas. Others may try to get along as best they can on official central standard time, with resulting confusion and mixups in family, business, social, and other schedules.

Mr. President, my proposed bill would simply permit States which have divided time zones to exempt one or more of the parts which are in different time zones from observing the same time year round when that State has decided not to adopt daylight savings time in the summer months. It would in the case of Indiana permit the 12 counties in northwest and southwest corners of my State to advance their clocks officially from late April until late October so that they could be in accord with the time observed then by all contiguous areas. It seems to me only sensible that the basic act should be amended to allow this exemption, and I hope that the issue can be considered promptly and resolved before chaotic time conditions ensue.

Mr. President, I ask unanimous consent that the text of this bill be printed in full in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable under this Act, during that period and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone;".

By Mr. PROXMIRE (for himself, Mr. MANSFIELD, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 905. A bill to repeal certain provisions of law relating to the expenditure for military purposes in foreign countries of foreign currencies accruing to the United States under subsection (e) of section 505 of the Foreign Assistance Act of 1961, as amended. Referred to the Committee on Foreign Relations.

(The remarks of Mr. PROXMIRE when he introduced the bill and the text of the bill appear in conjunction with his remarks on S. 896.)

By Mr. HARTKE:

S. 906. A bill to amend the Social Security Act. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, I introduce at this time, for appropriate reference, the Omnibus Social Security Amendments of 1971, which are intended as a modernization of the Social Security Act.

The social security system today covers almost all workers, including those who are self-employed. Last year, 75 million people contributed to social security; some $200 billion has been paid to beneficiaries since its inception. Every month, more than 26 million social security benefit checks are issued. Ninety to 95 percent of all those reaching retirement age now are eligible for benefits. Presently, there are approximately 20 million Americans over the age of 65.

Despite the number of Americans and the amount of money involved, there has never been a full review of the social security system and its impact on the Nation. Not surprisingly, many anomalies, inequities, and injustices exist in the present law.

Today, Mr. President, I introduce a bill encouraging such a full-scale review of the entire social security and welfare system, and correcting some of the existing inequities.

The most urgent concern in any revision of the Social Security Act is to increase the benefits to meet the existing need. Inflation is rapidly eroding the gains of every American. In an inflation, the elder American living on social security is like a prisoner living in an ever-contracting cell. He paid his fair share, only to discover that his return frequently assigns him to a life of poverty.

As a distinguished task force reported to the Finance Committee:

> The Social Security System has failed to keep up with the rising income needs of the aged.

To remedy this situation, my bill raises the minimum income benefit to at least $100, provides for a 20-percent increase in existing benefits, and ties future increases to increases in the cost of living as determined by the Department of Labor.

The need for higher benefit levels is clearly revealed in the fact that the average social security payment to retired workers is now $98 a month, to aged widows $86, and to disabled workers $112. Of course, this means that many people receive lower amounts and about 2.8 million beneficiaries receive the minimum benefit. The minimum for a worker at age 65 or later is only $64. This was raised only last year from the minimum of $55. These meager amounts hardly mean a happy retirement.

I might point out to the Senate that when I introduced the $100 minimum in the Committee on Finance last year, we were not even able to receive enough votes to provide for $1,200 a year for a person on social security.

Providing a 20-percent increase in benefits and a minimum benefit of at least $100 a month as proposed by my bill will be an important step in assuring retired Americans an adequate income.

There is now, I believe, very widespread acceptance of the idea that social security benefits should be increased automatically as the cost of living rises. In 1968, both the Republican and Democratic Parties included proposals to do this in their platform. Since both parties would seem to be in agreement, there is little reason for not having tied benefit increase to cost of living by the time of adjournment of this Congress.

Our older people on social security have had $4 billion in purchasing power taken away by inflation from their pensions alone since 1965. These people should not have to wait 1, 2, or 5 years until Congress provides some form of relief. To give some indication of the urgency of the problem it is indicated that at the 1970 rate, price rises would wipe out the administration's proposed 6-percent increase even before it reaches social security beneficiaries.

By tying benefits to the cost of living, Congress can insure that older Americans' investment in their retirement is inflation proof.

Mr. President, my proposed bill also revises the funding formula for social security so that the employer, employee, and the Federal Government all would contribute a one-third share.

The probability that a contribution from general revenue would be required to finance the social security system has been acknowledged from the beginning. In 1935, the Committee on Economic Security which recommended the adoption of the social security system also recommended that the Federal Government make contributions. The 1938 and 1948 Advisory Councils on Social Security also supported a Federal contribution from general revenues. A Government contribution was enacted in the Social Security Act in 1943 but was eliminated in 1950.

I believe that a Government contribution to the social security system is necessary because:

First, any more increase in the payroll tax, which is essentially a regressive tax, would create an oppressive burden for the low-paid workers, the young workers, and the small businessmen;

Second, adequate benefits cannot be provided by raising payroll taxes;

Third, contribution by the Federal Government to the social security system should reduce the cost of other welfare programs.

One of the most self-defeating provisions of the present social security law is the limitation on earnings. It is indeed a bizarre paradox in America that a desire to work penalizes a man after a certain age. At the present time, a beneficiary who earns more than $1,680 a year receives a reduced social security benefit. I propose that Congress immediately increase the earnings limitation to $2,400 and over a period of 7 years eliminate it entirely. Older Americans should not be penalized for investing their retirement or discouraged from participating in our society. At the present time, 26 percent over the age of 65 are participating in either part-time or full-time employment.

The law in the medieval age treated woman as an inferior creature. They were denied many rights granted to men. Most of these feudalistic laws have been eliminated from our legal system but the concept of a woman's inferiority is alive and well in our social security system. Under present law, a man can draw 150 percent of his monthly benefits if he is married. If he is a widower, he receives his full benefits. But, if he leaves a widow, she can receive only 82½ percent of his total allotment. A widow's expenses are not less costly than a man's. A woman faces the prospect of not only losing her husband but almost half of her income. My legislation would eliminate this discrimination and allow a surviving spouse of a primary beneficiary to receive 100 percent of the social security benefits.

Mr. President, my bill would also provide the supplementary medical insurance program for the aged in the areas of eye, hearing, and dental care. It will include the provision of eyeglasses, hearing aids, dentures where they are needed, as well as the necessary attendant examinations and treatment of other conditions related to these. Studies reveal that the elderly have the greatest need for dental care and the least ability to pay.

In the area of eye care the basic facts are the same: it is the elderly who are in the greatest need because they have the greatest sight impairment, but because of their limited income they are far more likely to live with their disability rather than have it properly cared for to make their latter years as enjoyable as they might be.

I would imagine that a person like myself, who goes to the eye doctor for an annual examination, has to adjust his lenses every once in a while, so that it really means something to him personally when he receives that final examination for a special sight device.

This bill also removes the present exclusion in the area of hearing impairment.

The amount of hearing impairment is considerably greater than that of visual impairment, although I venture that most people, seeing so many more eyeglasses than hearing aids in use, would be surprised to know that fact. Whereas there are an estimated 5,390,000 persons in the Nation with eye problems at least severe enough to make them unable even with glasses to recognize a friend walking on the other side of the street, more than 8½ million have—by their own or family member's account in answering the health survey questions—deafness or serious trouble hearing with one or both ears.

Although I believe the greatest legislative accomplishment of the 89th Congress was the establishment of the social security-based health insurance program for persons over the age of 65, I also believe that this program must not remain limited only to elderly persons.

Rather, I believe this program must be changed and so expanded that beneficiaries of social security-provided disability insurance payments may share in its benefits, may be included in the Federal health insurance program.

To achieve this most worthwhile purpose, Mr. President, I am introducing a bill to provide that individuals entitled to disability insurance benefits—or child's benefits based on disability—shall be eligible for health insurance benefits under title XVIII of the Social Security Act.

Mr. President, just as the men and women who are elderly and retired on social security payments must live and manage on very limited income and have a great need that their health care costs be met by the social security method, so, too, it is most necessary that the health care costs of those who must live and manage on limited income because they are disabled, because they are beneficiaries of the disability insurance program, be met by the very same concept of social insurance enacted into Federal law.

REFUND OF THE PAYROLL TAX

With the steady increase in the taxable wage base, the social security payment is becoming increasingly regressive. The poor pay proportionately higher percentages of their income. Presently the payroll tax of the Social Security Act annually consumes $1.5 billion of the incomes of those families whose income falls below the poverty line. This collection of $1.5 billion a year from families below the poverty level conflicts with the avowed national policy of eliminating poverty.

Because the payroll tax is inequitable, the income tax law should be amended to provide a partial refund of social security taxes. I propose a formula in the bill today by which 90 percent of the payroll tax paid by workers in the lowest income groups would be refunded.

CONCLUSION

Mr. President, I have discussed briefly some of the major provisions of the bill I am introducing today. It is not my claim that the proposals contained in this bill are perfect, but I believe they represent a concern for the welfare of our elder citizens, a concern that should be, and I trust will be, shared by Congress. I conclude my remarks by asking that the text of the entire bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 906

A bill to amend the Social Security Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Omnibus Social Security Amendments of 1971".

TITLE I—OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

INCREASE IN BENEFIT AMOUNTS

SEC. 101. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
....	$23.76	$80.80 or less	....	$99	$100.00	$150.00
$23.77	24.20	82.30	$100	101	100.00	150.00
24.21	24.60	83.50	102	102	100.00	150.00
24.61	25.00	84.90	103	104	100.00	150.00
25.01	25.48	86.40	105	106	100.00	150.00
25.49	25.92	87.80	107	107	100.00	150.00
25.93	26.40	89.20	108	109	100.00	150.00
26.41	26.94	90.60	110	113	100.00	150.00
26.95	27.46	91.90	114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.68	94.70	123	127	104.20	156.30
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.36	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	43.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	213.80
44.45	44.88	130.80	245	249	143.90	215.90
44.89	45.60	132.30	250	253	145.60	218.40
		133.70	254	258	147.10	220.70
		134.90	259	263	148.40	222.60
		136.40	264	267	150.10	225.20
		137.80	268	272	151.60	227.40
		139.20	273	277	153.20	229.80
		140.60	278	281	154.70	232.10
		142.00	282	286	156.20	234.30
		143.50	287	291	157.90	236.90
		144.70	292	295	159.20	238.80
		146.20	296	300	160.90	241.40
		147.60	301	305	162.40	244.00
		148.90	306	309	163.80	247.20
		150.40	310	314	165.50	251.20
		151.70	315	319	166.90	255.20
		153.00	320	323	168.30	258.40
		154.50	324	328	170.00	262.40
		155.90	329	333	171.50	266.40
		157.40	334	337	173.20	269.60
		158.60	338	342	174.50	273.60
		160.00	343	347	176.00	277.60
		161.50	348	351	177.70	280.80
		162.80	352	356	179.10	284.80
		164.30	357	361	180.80	288.80
		165.60	362	365	182.20	292.00
		166.90	366	370	183.60	296.00
		168.40	371	375	185.30	300.00
		169.80	376	379	186.80	303.20
		171.30	380	384	188.50	307.20
		172.50	385	389	189.80	311.20
		173.90	390	393	191.30	314.40
		175.40	394	398	193.00	318.40
		176.70	399	403	194.40	322.40
		178.20	404	407	196.10	325.60
		179.40	408	412	197.40	329.60
		180.70	413	417	198.80	333.60
		182.00	418	421	200.20	336.80
		183.40	422	426	201.80	340.80
		$184.60	$427	$431	$203.10	$344.80
		185.90	432	431	204.50	348.80
		187.30	437	440	206.10	350.40
		188.50	441	445	207.40	352.40
		189.80	446	450	208.80	354.40
		191.20	451	454	210.40	356.00
		192.40	455	459	211.70	358.00
		193.70	460	464	213.10	360.00
		195.00	465	468	214.50	361.60
		196.40	469	473	216.10	363.60
		197.60	474	478	217.40	365.60
		198.90	479	482	218.80	367.20
		200.30	483	387	220.40	369.20
		201.50	488	492	221.70	371.20
		202.80	493	496	223.10	372.80
		204.20	497	501	224.70	374.80
		205.40	502	506	226.00	376.80
		206.70	507	510	227.40	378.40
		208.00	511	515	228.80	380.40
		209.30	516	520	230.30	382.40
		210.60	521	524	231.70	384.00
		211.90	525	529	233.10	386.00
		213.30	530	534	234.70	388.60
		214.50	535	538	236.00	389.60
		215.80	539	543	237.40	391.60
		217.20	544	548	239.00	393.60
		218.40	549	553	240.30	395.60
		219.70	554	556	241.70	396.80
		220.80	557	560	242.90	398.40
		222.00	561	563	244.20	399.60
		223.10	564	567	245.50	401.20
		224.30	568	570	246.80	402.40
		225.40	571	574	248.00	404.00
		226.60	575	577	249.30	405.20
		227.70	578	581	250.50	406.80
		228.90	582	584	251.80	408.00
		230.00	585	588	253.00	409.60
		231.20	589	591	254.40	410.80
		232.30	592	595	255.60	412.40
		233.50	596	598	256.90	413.60
		234.60	599	602	258.10	415.20
		235.80	603	605	259.40	416.40
		236.90	606	609	260.60	418.00
		238.10	610	612	262.00	319.20
		239.20	613	616	263.20	420.80
		240.40	617	620	264.50	422.40
		241.50	621	623	265.70	423.60
		242.70	624	627	267.00	425.20
		243.80	628	630	268.20	426.40
		245.00	631	634	269.50	428.00
		246.10	635	637	270.80	429.20
		247.30	638	641	272.10	430.80
		248.40	642	644	273.30	432.00
		249.60	645	648	274.60	433.60
		250.70	649	653	275.80	435.60
			654	658	277.00	437.60
			659	663	278.00	439.60
			664	668	279.00	441.60
			669	673	280.00	443.60
			674	678	281.00	445.60
			679	683	282.00	447.60
			684	688	283.00	449.60
			689	693	284.00	451.60
			694	698	285.00	453.60
			699	703	286.00	455.60
			704	708	287.00	457.60
			709	713	288.00	459.60
			714	718	289.00	461.60
			719	723	290.00	463.60
			724	728	291.00	465.60
			729	733	292.00	467.60
			734	738	293.00	469.60
			739	743	294.00	471.60
			744	748	295.00	473.60
			749	750	296.00	474.40"

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for the month of January 1971 on the basis of the wages and self-employment income of such insured individual, such total of benefits for such month or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to January 1971, for each such person for January 1971, by 110 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for the month of January 1971, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1971, or".

(c) Section 215(b)(4) of such Act is amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled, after December 1970, to benefits under section 202(a) or section 223; or

"(B) who dies after December 1970 without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2)."

(d) Section 215(c) of such Act is amended to read as follows:

"PRIMARY INSURANCE AMOUNT UNDER 1967 ACT

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the enactment of the Social Security Amendments of 1971.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before the month of January 1971, or who died before such month."

(e) The amendments made by the preceding provisions of this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1970.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for the month of December 1970 and became entitled to old-age insurance benefits under section 202(a) of such Act for the month of January 1971, or who died in such month, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable) the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

(g)(1) Section 227(a) of the Social Security Act is amended by striking out "$40" and inserting in lieu thereof "$75", and by striking out "$20" and inserting in lieu thereof "$37.50".

(2) Section 227(b) of such Act is amended by striking out in the second sentence "$40" and inserting in lieu thereof "$75".

(3) Section 228(b)(1) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75".

(4) Section 228(b)(2) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75", and by striking out "$20" and inserting in lieu thereof "$37.50".

(5) Section 228(c)(2) of such Act is amended by striking out "$20" and inserting in lieu thereof "$37.50".

(6) Section 228(c)(3)(A) of such Act is amended by striking out "$40" and inserting in lieu thereof "$75".

(7) Section 228(c)(3)(B) of such Act is amended by striking out "$20" and inserting in lieu thereof "$37.50".

(8) The amendments made by this subsection shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970.

COST-OF-LIVING INCREASES IN BENEFITS

SEC. 102. Section 202 of the Social Security Act is amended by adding at the end the following new subsection:

"COST-OF-LIVING INCREASES IN BENEFITS

"(w)(1) For purposes of this subsection—

"(A) the term 'price index' means the annual average over a calendar year of the Consumer Price Index (all items—United city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year 1970, or if later, the calendar year preceding the year in which the most recent cost-of-living adjustment has been made in monthly benefits under this title by reason of the provisions of this subsection.

"(2) As soon after January 1, 1972, and as soon after January 1, of each succeeding year as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary shall determine the per centum of increase (if any) in the price index for the calendar year ending with the close of the preceding December over the price index for the base period. If the increase occurring in the price index for the latest calendar year with respect to which a determination is made in accordance with this paragraph over the price index for the base period is equal to at least 2 percent, there shall be made, in accordance with the succeeding provisions of this subsection, an increase in the monthly insurance benefits payable under this title equal to the percent rise in the price index adjusted to the nearest one-tenth of 1 percent.

"(3) Increases in such insurance benefits shall be effective for benefits payable with respect to months beginning on or after April 1 of the year in which the most recent determination pursuant to paragraph (2) is made.

"(4) In determining the amount of any individual's monthly insurance benefit for purposes of applying the provisions of section 203(a) (relating to reductions of benefits when necessary to prevent certain maximum benefits from being exceeded), amounts payable by reason of this subsection shall not be regarded as part of the monthly benefit of such individual.

"(5) Any increase to be made in the monthly benefits payable to or with respect to any individual shall be applied after all other provisions of this title relating to the amount of such benefit have been applied. If the amount of any increase payable by reason of the provisions of this subsection is not a multiple of $0.10, it shall be reduced to the next lower multiple of $0.10."

LOWERING OF AGE AT WHICH OTHERWISE UNINSURED INDIVIDUALS MAY BECOME ENTITLED TO BENEFITS

SEC. 103. (a) Section 228(a) of the Social Security Act is amended to read as follows:

"(a) Every individual who—

"(1) has attained the age of 65,

"(2) is a resident of the United States (as defined in subsection (3)), and is (A) a citizen of the United States, or (B) an alien lawfully admitted for permanent residence in the United States (as defined in section 210 (i)) continuously during the 5 years immediately preceding the month in which he files application under this section, and

"(3) has filed application for benefits under this section,

shall (subject to the limitations in this section) be entitled to a benefit under this section for each month beginning with the first month after September 1966 in which he becomes so entitled to such benefits and ending with the month preceding the month in which he dies. No application under this section which is filed by an individual more than 3 months before the first month in which he meets the requirements of paragraphs (1) and (2) shall be accepted as an application for purposes of this section."

(b) Section 228(c)(1) of such Act is amended by striking out "The" and inserting in lieu thereof "Except as otherwise provided in subsection (i), the".

(c) Section 228 of such Act is further amended by adding at the end thereof the following new subsection:

"INDIVIDUALS EXEMPT FROM REDUCTION ON ACCOUNT OF GOVERNMENTAL PENSION SYSTEM BENEFITS

"(i) Notwithstanding the provisions of subsection (c), if at the beginning of any month an individual has not less than 4 quarters of coverage (whenever acquired), the benefit amount of such individual for such month under this section shall not be reduced on account of any periodic benefit under a governmental pension system for which he or his spouse is eligible for such month."

(d) The amendments made by this section shall be applicable with respect to benefits payable under section 228 of the Social Security Act for months after the month following the month in which this Act is enacted, but only on the basis of applications for such benefits filed in or after the month in which this Act is enacted.

LOWERING OF AGE AT WHICH ACTUARIALLY REDUCED BENEFITS MAY BE PAID

SEC. 104. (a)(1) Section 202(a)(2) of the Social Security Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(2) Section 202(b)(1) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(3) Section 202(c)(1) and (2) of such Act is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(4)(A) Section 202(f)(1)(B), (2), (5), and (6) is amended by striking out "62" wherever it appears therein and inserting in lieu thereof "60".

(B) Section 202(f)(1)(C) of such Act is amended by striking out "or was entitled" and inserting in lieu thereof "or was entitled, after attainment of age 62,".

(5)(A) Section 202(h)(1)(A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(B) Section 202(h)(2)(A) of such Act is amended by inserting "subsection (q) and" after "Except as provided in".

(C) Section 202(h)(2)(B) of such Act is

amended by inserting "subsection (q) and" after "except as provided in".

(D) Section 202(h) (2) (C) of such Act is amended by—

(i) striking out "shall be equal" and inserting in lieu thereof "shall, except as provided in subsection (q), be equal"; and

(ii) inserting "and section 202(q)" after "section 203(a)".

(b) (1) The first sentence of section 202 (q) (1) of such Act is amended (A) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (B) by striking out, in subparagraph (A) thereof, "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(2) (A) Section 202(q) (3) (A) of such Act is amended (i) by striking out "husband's, widow's, or widower's" each place it appears therein and inserting in lieu thereof "husband's, widow's, widower's, or parent's", (ii) by striking out "age 62" and inserting in lieu thereof "age 60", and (iii) by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husband's, or parent's".

(B) Section 202(q) (3) (B) of such Act is amended by striking out "or husband's" each place it appears therein and inserting in lieu thereof ", husband's, widow's, widower's, or parent's".

(C) Section 202(q) (3) (C) is amended by striking out "or widower's" each place it appears therein and inserting in lieu thereof "widower's, or parent's".

(D) Section 202(q) (3) (D) of such Act is amended by striking out "or widower's" and inserting in lieu thereof "widower's, or parent's".

(E) Section 202(q) (3) (E) of such Act is amended (i) by striking out "(or would, but for subsection (e) (1) in the case of a widow or surviving divorced wife or subsection (f) (1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e) (1), (f) (1), or (h) (1), be) entitled to a widow's, widower's, or parent's insurance benefit to which such individual was first entitled for a month before such individual", (ii) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's, widower's, or parent's insurance benefit", (iii) by striking out "over such widow's or widower's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent's insurance benefit" and, (iv) by striking out "attained retirement age" each place it appears therein and inserting in lieu thereof "attained age 60 (in the case of a widow or widower) or attained retirement age (in the case of a parent)".

(F) Section 202(q) (3) (F) of such Act is amended (i) by striking out "(or would, but for subsection (e) (1) in the case of a widow or surviving divorced wife or subsection (f) (1) in the case of a widower, be) entitled to a widow's or widower's insurance benefit to which such individual was first entitled for a month before she or he" and inserting in lieu thereof "(or would, but for subsection (e) (1), (f) (1), or (h) (1), be) entitled to a widow's, widower's, or parent's insurance benefit for which such individual was first entitled for a month before such individual", (ii) by striking out "the amount by which such widow's or widower's insurance benefit" and inserting in lieu thereof "the amount by which such widow's, widower's, or parent's insurance benefit", (iii) by striking out "over such widow's insurance benefit" and inserting in lieu thereof "over such widow's, widower's, or parent's insurance benefit", (iv) by striking out "62" and inserting in lieu thereof "60", and (v) by striking out "attained retirement age" each place it appears therein and inserting in lieu thereof "attained age 60 (in the case of a widow or widower) or attained retirement age (in the case of a parent)".

(G) Section 202(q) (3) (G) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(3) Section 202(q) (5) (B) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(4) Section 202(q) (6) of such Act is amended (i) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's", and (ii) by striking out, in clause (III), "widow's, or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(5) Section 202(q) (7) of such Act is amended—

(A) by striking out "husband's, widow's, or widower's" and inserting in lieu thereof "husband's, widow's, widower's, or parent's"; and

(B) by striking out, in subparagraph (E), "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(6) Section 202(q) (9) of such Act is amended by striking out "widow's or widower's" and inserting in lieu thereof "widow's, widower's, or parent's".

(c) (1) The heading to section 202(r) of such Act is amended by striking out "Wife's or Husband's" and inserting in lieu thereof "Wife's, Husband's, Widow's, Widower's, or Parent's".

(2) (A) Section 202(r) (1) of such Act is amended (i) by striking out "wife's or husband's" the first place it appears therein and inserting in lieu thereof "wife's, husband's, widow's, widower's, or parent's", and (ii) by inserting immediately before the period at the end thereof the following: ", or for widow's, widower's, or parent's insurance benefits but only if such first month occurred before such individual attained age 62".

(B) Section 202(r) (2) of such Act is amended by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husbands, widow's, widower's, or parent's".

(d) Section 214(a) (1) of such Act is amended by striking out subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting the following new subparagraphs (A) and (B):

"(A) in the case of a woman who has died, the year in which she died or (if earlier) the year in which she attained age 62,

"(B) in the case of a woman who has not died, the year in which she attained (or would attain) age 62,".

(e) (1) Section 215(b) (3) of such Act is amended by striking out subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting the following new subparagraphs (A) and (B):

"(A) in the case of a woman who has died, the year in which she died or, if it occurred earlier but after 1960, the year in which she attained age 62,

"(B) in the case of a woman who has not died, the year occurring after 1960 in which she attained (or would attain) age 62,".

(2) Section 215(f) (5) of such Act is amended (A) by inserting after "attained age 65", the following: "or in the case of a woman who became entitled to such benefits and died before the month in which she attained age 62,"; (B) by striking out "his" each place it appears herein and inserting in lieu thereof "his or her"; and (C) by striking out "he" each place after the first place it appears therein and inserting in lieu thereof "he or she".

(f) (1) Section 216(b) (3) (A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(2) Section 216(c) (6) (A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(3) Section 216(f) (3) (A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(4) Section 216 (g) (6) (A) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(g) (1) Section 202(q) (5) (A) of such Act is amended by striking out "No wife's insurance benefit" and inserting in lieu thereof "No wife's insurance benefit to which a wife is entitled".

(2) Section 202(q) (5) (C) of such Act is amended by striking out "woman" and inserting in lieu thereof "wife".

(3) Section 202(q) (6) (A) (i) (II) of such Act is amended (A) by striking out "wife's insurance benefit" and inserting in lieu thereof "wife's insurance benefit to which a wife is entitled", and (B) by striking out "or" at the end and inserting in lieu thereof the following: "or in the case of a wife's insurance benefit to which a divorced wife is entitled, with the first day of the first month for which such individual is entitled to such benefit, or".

(4) Section 202(q) (7) (B) of such Act is amended by striking out "wife's insurance benefits" and inserting in lieu thereof "wife's insurance benefits to which a wife is entitled".

(h) Section 224(a) of such Act is amended by striking out "62" and inserting in lieu thereof "60".

(i) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970, but only on the basis of applications for such benefits filed after September 1970.

LIBERALIZATION OF EARNINGS TEST

SEC. 105. (a) (1) (A) Paragraphs (1), (3), and (4) (B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$200".

(B) The first sentence of paragraph (3) of such subsection (f) is amended by striking out ", except that of the first $1,200 of such excess (or all of such excess if it is less than $1,200), an amount equal to one-half thereof shall not be included".

(2) Paragraph (1) (A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$200".

(3) The amendments made by this subsection (other than the amendment made by paragraph (1) (B)) shall be effective only with respect to taxable years ending after December 31, 1970, and before January 1, 1973. The amendment made by paragraph (1) (B) of this subsection shall be effective with respect to taxable years ending after December 31, 1970.

(b) (1) Paragraphs (1), (3), and (4) (B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$250".

(2) Paragraph (1) (A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$250".

(3) The amendments made by this subsection shall be effective only with respect to taxable years ending after December 31, 1972, and before January 1, 1975.

(c) (1) Paragraphs (1), (3), and (4) (B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$300".

(2) Paragraph (1) (A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$300".

(3) The amendments made by this subsection shall be effective only with respect to taxable years ending after December 31, 1973 and before January 1, 1976.

SEC. 2. (a) Subsections (b), (d), (f), (h), (j), and (k) of section 203 of the Social Security Act are repealed.

(b) Subsection (c) of such section 203 is amended (1) by striking out "Noncovered Work Outside the United States or" in the heading, and (2) by striking out paragraph (1) thereof.

(c) Subsection (e) of such section 203 is amended by striking out "subsections (c) and (d)" and inserting in lieu thereof "subsection (c)".

(d) Subsection (i) of such section 203 is amended by striking out "subsection (b), (c), (g), or (h)" and inserting in lieu thereof "subsection (c) or (g)".

(e) Subsection (l) of such section 203 is amended by striking out "or (h)(1)(A)".

(f) The second sentence of paragraph (1) of subsection (n) of section 202 of the Social Security Act is amended by striking out "Section 203 (b), (c), and (d)" and inserting in lieu thereof "Section 203(c)".

(g) Paragraph (7) of subsection (t) of section 202 of the Social Security Act is amended by striking out "Subsections (b), (c), and (d)" and inserting in lieu thereof "Subsection (c)".

(h) Paragraph (3) of section 208(a) of the Social Security Act is repealed.

(i) The amendments made by this section (other than subsection (h)) shall apply only with respect to benefits payable for months beginning after December 31, 1975, and the amendment made by subsection (h) shall become effective on January 1, 1976.

CHILD'S BENEFITS FOR STUDENTS

SEC. 106. (a)(1) Section 202(d)(1)(B)(i) of the Social Security Act is amended by striking out "full-time student and had not attained the age of 22" and inserting in lieu thereof "qualified student and had not attained the age of 26".

(e) Section 202(d)(1)(E) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(3)(A) Section 202(d)(1)(F)(i) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(B) Section 202(d)(1)(F)(ii) of such Act is amended by striking out "22" and inserting in lieu thereof "26".

(4)(A) Section 202(d)(1)(G)(i) of such Act is amended by striking out "full-time student" and inserting in lieu thereof "qualified student".

(B) Section 202(d)(1)(G)(ii) of such Act is amended by striking out "22" and inserting in lieu thereof "26".

(b) Section 202(d)(6) of such Act is amended (1) by striking out "22" each place it appears therein and inserting in lieu thereof "26", and (2) by striking out "full-time student" each place it appears therein and by inserting in lieu thereof "qualified student".

(c)(A)(i) The first sentence of section 202(d)(7)(B) of such Act is amended (I) by striking out "full-time student" and inserting in lieu thereof "full-time student, or part-time student, as the case may be," and (II) by striking out "full-time attendance" each place it appears therein and inserting in lieu thereof "full-time or part-time attendance, as the case may be,".

(ii) The second sentence of section 202(d)(7)(B) of such Act is amended by striking out "full-time attendance" and inserting in lieu thereof "full-time or part-time attendance, as the case may be,".

(B) Section 202(d)(7) of such Act is further amended by adding after subparagraph (C) thereof the following new subparagraphs:

"(D) A 'qualified student' is an individual who—

"(i) is a full-time student or a part-time student, and

"(ii) is determined by the Secretary (in accordance with regulations prescribed by him) to be making satisfactory progress in the courses of study pursued by him in the educational institution in which he is enrolled;

except that no individual who has attained age 22 shall be a qualified student after the date he first becomes eligible for a baccalaureate degree from an educational institution in which he is or has been enrolled.

"(E) A 'part-time student' is an individual who is in attendance at an educational institution (as defined in subparagraph (C)) and is carrying a course load as determined by the Secretary (in accordance with regulations prescribed by him) which, in light of the standards and practices of the institution involved, is not less than one-half the course load which would be carried by a full-time student in such institution, except that no individual be considered as a 'part-time student' if he is paid by his employer while attending an educational institution at the request, or pursuant to a requirement of his employer."

(d) Section 203 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"DEDUCTIONS FROM CHILD'S BENEFITS OF PART-TIME STUDENTS

"(m)(1) Deductions, at such time or times as the Secretary shall determine, shall be made from any child's insurance benefit (under section 202(d)) to which an individual is entitled for any month in which such individual is a part-time student (as defined in section 202(d)(7)(E)), if such individual would not have been entitled, under section 202(d), to such a benefit for such month except for the fact that he was a qualified student (as defined in section 202(d)(7)(D)) during such month. For any month in which such individual is a part-time student carrying a course load in the educational institution in which he is enrolled of not less than three-fourths of a full course load (as determined by the Secretary under regulations prescribed by him), the deduction from the child's benefit of such individual shall be equal to one-fourth of the amount of such child's benefit, and, for any other month, the deduction from the child's benefit of such individual shall be equal to one-half of the amount of such child's benefit.

"(2) An individual referred to in paragraph (1) shall report to the Secretary such information as the Secretary shall by regulations prescribe to enable the Secretary to make deductions from such individual's benefits in accordance with such paragraph.

"(3) Whenever any individual, without good cause, fails or refuses to make any report required pursuant to paragraph (2), the Secretary may (in accordance with regulations prescribed by him for such purpose) make penalty deductions from the child's insurance benefits to which such individual is entitled. Any such penalty deduction shall not exceed the amount of the child's insurance benefit to which such individual is entitled for one month, and not more than one such penalty deduction shall be made for any one such failure or refusal."

(e) Section 222(b) of the Social Security Act is amended (1) by striking out "22" and inserting in lieu thereof "26", and (2) by striking out "full-time student" and inserting in lieu thereof "qualified student".

(f) The last sentence of section 225 of the Social Security Act is amended (1) by striking out "22" and inserting in lieu thereof "26", and (2) by striking out "full-time student" and inserting in lieu thereof "qualified student".

(g) The amendments made by the preceding provisions of this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act for months after the month which follows the month in which this Act is enacted; except that, in the case of an individual who was not entitled to a child's insurance benefit under subsection (d) of such section for the month in which this Act is enacted, such amendments shall apply only on the basis of an application filed in or after the month in which this Act is enacted.

(h) Section 205 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"NOTIFICATION OF RECIPIENTS OF CHILD'S INSURANCE BENEFITS OF PROVISIONS RELATING TO STUDENTS

"(r) The Secretary shall establish and put into effect procedures designed to provide notification to individuals receiving child's insurance benefits under section 202(d) of the provisions of such section relating to eligibility for such benefits in the case of individuals who have attained age 18 and are qualified students. In the case of individuals who are receiving child's insurance benefits for the month in which they attain the age of 14, such notification shall be provided in such month, or, if that is not feasible, at the earliest time thereafter that is feasible. In the case of individuals who first become entitled to child's insurance benefits for a month after the month in which they attain the age of 14, such notification shall be provided in the month in which they first become entitled to such benefits, or, if that is not feasible, at the earliest time thereafter that is feasible."

DEFINITION OF DISABILITY

SEC. 107. (a) Section 223(d) of the Social Security Act is amended (1) by striking out paragraphs (2) through (4) thereof and (2) by redesignating paragraph (5) thereof as paragraph (2).

(b) The third sentence of section 216(i)(1) of such Act is amended by striking out "paragraphs (2)(A), (3), (4), and (5)" and inserting in lieu thereof "paragraph (2)".

(c) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed—

(1) in or after the month in which this Act is enacted, or

(2) before the month in which this Act is enacted if the applicant has not died before such month and if—

(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month.

USE OF COMBINED EARNINGS IN COMPUTATION OF BENEFITS FOR MARRIED COUPLES

SEC. 108. (a) Section 202(a) of the Social Security Act as amended by section 104 of this Act is further amended to read as follows:

"(a)(1) Every individual who—

"(A) is a fully insured individual (as defined in section 214(a)),

"(B) has attained age 60, and

"(C) has filed application for old-age insurance benefits or was entitled to disability insurance benefits for the month preceding the month in which he attained age 65,

shall be entitled to an old-age insurance benefit for each month beginning with the first month in which such individual becomes so entitled to such insurance benefits and ending with the month preceding the month in which he dies.

"(2) Except as provided in subsection (q), such individual's old-age insurance benefit for any month shall be equal to his primary insurance amount for such month as determined under section 215(a), or as determined under paragraph (3) of this subsection if such paragraph is applicable and its application increases the total of the monthly insurance benefits payable for such month to such individual and his spouse. If the primary insurance amount of an individual for any month is determined under paragraph (3), the primary insurance amount of his spouse for such month shall, notwithstanding the preceding sentence, be determined only under paragraph (3).

"(3) If both an individual and his spouse are entitled to benefits under this subsection (or section 223), or one of them is so entitled and the other would upon satisfying subparagraphs (A) and (C) of paragraph (1) be entitled to benefits under this subsection, then (subject to paragraph (4)) the primary insurance amount of such individual, and the primary insurance amount of such spouse (who shall be deemed to be entitled to benefits under this subsection, whether or not satisfying such subparagraphs, beginning with the later of the month in which such spouse attains age 60 or the month in which such individual became entitled to benefits under this subsection), for any month, shall each be equal to the amount derived by—

"(A) adding together such individual's average monthly wage and such spouse's average monthly wage, as determined under section 215(b),

"(B) applying section 215(a)(1) to their combined average monthly wage determined under subparagraph (A) (subject to the next sentence) as though such combined average monthly wage were such individual's average monthly wage determined under section 215(b), and

"(C) multiplying the amount determined under subparagraph (B) by 75 percent.

If the combined average monthly wage resulting under subparagraph (A) exceeds the average monthly wage (hereinafter referred to as the 'maximum individual average monthly wage') that would result under section 215(b) with respect to a person who became entitled to benefits under this subsection (without having established a period of disability) in the calendar year in which the primary insurance amounts of such individual and spouse are determined under this paragraph, and who had the maximum wages and self-employment income that can be counted, pursuant to section 215(e), in all his benefit computation years, then the determination under subparagraph (B) shall take into account only that part of such combined average monthly wage which is equal to the maximum individual average monthly wage but the amount determined under such subparagraph shall be increased by 25.88 per centum of the difference between such combined average monthly wage (or so much thereof as does not exceed 150 per centum of the maximum individual average monthly wage) and such maximum individual average monthly wage before applying subparagraph (C). The primary insurance amount of an individual and his spouse determined under this paragraph shall not be increased unless there is an increase in the primary insurance amount of either of them pursuant to provisions of this title other than this paragraph.

"(4) Paragraph (3) shall not apply—

"(A) with respect to any individual for any month unless, prior to such month, such individual and his spouse shall have each acquired, after attainment of age 50, not less than 20 quarters of coverage (counting as a quarter of coverage for purposes of this subparagraph any quarter all of which was included in a period of disability, as defined in section 216(i)),

"(B) with respect to any individual for any month unless there is in effect with respect to such month a request filed (in such form and manner as the Secretary shall by regulations prescribe) by such individual and his spouse that their primary insurance amounts be determined under paragraph (3),

"(C) with respect to any individual or his spouse for any month if such individual or his spouse shall have indicated, in such manner and form as the Secretary shall by regulations prescribe, that he or she does not desire a request filed pursuant to subparagraph (B) to be effective with respect to such month, or

"(D) for purposes of determining the amount of any monthly benefits which (without regard to section 203(a)) are payable under the provisions of this section other than this subsection on the basis of the wages and self-employment income of an individual or his spouse."

(b)(1) Section 202(e)(2) of the Social Security Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of such deceased individual" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of such deceased individual for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of such individual as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which he died".

(2) Section 202(f)(3) of such Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of his deceased wife" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of his deceased wife for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of his deceased wife as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which she died".

(c) Section 203(a) of the Social Security Act is amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or ", and by inserting after paragraph (3) the following new paragraph:

"(4) when the primary insurance amount of the insured individual is determined under section 202(a)(3), such total of benefits for any month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B)(i) the amount appearing in column V of the table in section 215(a) on the line on which appears in column IV the amount determined under subparagraph (B) of such section 202(a)(3) for such individual and his spouse, or

"(ii) if the amount so determined under such subparagraph (B) does not appear in column IV—

"(I) the amount appearing in column V on the line which appears in column IV the next higher amount, if the amount so determined under such subparagraph (B) is less than the last figure in column IV, or

"(II) an amount which bears the same ratio to the amount appearing on the last line of column V as the amount determined under such subparagraph (B) bears to the amount appearing on the last line of column IV, if the amount so determined under such subparagraph (B) is greater than the last figure in column IV."

(d)(1) Section 215(f)(1) of the Social Security Act is amended by inserting "(or section 202(a)(3))" after "determined under this section".

(2) The second sentence of section 215(f)(2) of such Act is amended by inserting before the period at the end thereof the following: ", or as provided in paragraph (3) of section 202(a) if such paragraph is applicable (but disregarding any increase which might result under the second sentence of such paragraph solely from changes in the maximum wages and self-employment income than can be counted in the years involved)".

(e) Section 223(a)(2) of the Social Security Act is amended by inserting after "section 215" the following: "or under section 202(a)(3)".

(f)(1) The amendments made by subsections (a), (b), and (c) of this section shall apply only with respect to monthly insurance benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

(2) In the case of an individual or his spouse who became entitled to benefits under section 202(a) or section 223 of the Social Security Act prior to the second month following the month in which this Act is enacted (but without regard to section 202(j)(1) or section 223(b)(2) of the Social Security Act), the average monthly wage of such individual or spouse, as the case may be, for purposes of section 202(a)(3)(A) of the Social Security Act, shall be the figure in the column headed "But not more than" in column III of the table in section 215(a)(1) of the Social Security Act in effect immediately prior to the enactment of this Act on the line on which in column IV of such table appears the primary insurance amount of such individual or spouse, as the case may be, for the month in which this Act is enacted, unless the average monthly wage of such individual or such spouse, as the case may be, is, after the enactment of this Act, redetermined under section 215(b) of the Social Security Act.

INCREASE IN BENEFITS FOR WIDOWS AND WIDOWERS

SEC. 109. (a) Section 202(e)(1) and (2) of the Social Security Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

(b) Section 202(b)(1) and (2) of such Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

(c) The amendments made by this section shall apply with respect to monthly benefits under section 202 of the Social Security Act for months after the month following the month in which this Act is enacted.

ELIMINATION OF REMARRIAGE AS DISQUALIFYING EVENT FOR ENTITLEMENT TO WIDOW'S OR WIDOWER'S BENEFITS

SEC. 110. (a)(1) Section 202(e)(1)(A) of the Social Security Act is repealed.

(2) Section 202(e)(1) of such Act is amended by striking out "she remarries, dies, becomes entitled to an old-age insurance benefit" and inserting in lieu thereof "she dies, becomes entitled to an old-age insurance benefit".

(3) Section 202(e)(2) of such Act is amended by striking out "and paragraph (4) of this subsection".

(4) Section 202(e) of such Act is further amended by striking out paragraphs (3) and (4) thereof.

(b) (1) Section 202(f) (1) (A) of such Act is repealed.

(2) Section 202(f) (1) of such Act is amended by striking out "he remarries, dies, or becomes entitled to an old-age insurance benefit" and inserting in lieu thereof "he dies, becomes entitled to an old-age insurance benefit".

(3) Section 202(f) (3) of such Act is amended by striking out "and paragraph (5)".

(4) Section 202(f) of such Act is further amended by striking out paragraphs (4) and (5) thereof.

(c) (1) Section 202(s) (2) of such Act is amended by striking out "Subsection (f) (4), and so much of subsections (b) (3), (d) (5), (e) (3)" and inserting in lieu thereof "So much of subsections (b) (3), (d) (5)".

(2) Section 202(s) (3) of such Act is amended by striking out "(e) (3),".

(3) Section 202(k) (2) (B) of such Act is amended (A) by striking out "(other than an individual to whom subsections (e) (4) or (f) (5) applies)", in the first sentence, and (B) by striking out the second sentence thereof.

(4) Section 202(k) (3) of such Act is amended (A) by striking out the "(A)" at the beginning of paragraph (A) thereof, and (B) by striking out paragraph (B) thereof.

(d) The amendments made by this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act beginning with the second month following the month in which this Act is enacted; but, in the case of an individual who was not entitled to a monthly insurance benefit under section 202 (e) or (f) of such Act for the first month following the month in which this Act is enacted, only on the basis of an application filed in or after the month in which this Act is enacted.

MINIMUM CHILD'S INSURANCE BENEFIT

SEC. 111. (a) The first and second sentences of section 202(d) (2) of the Social Security Act are each amended by inserting immediately before the period the following: ", or, if greater, $30".

(b) The last sentence of section 203(a) (3) of the Social Security Act is amended by adding immediately before the period the following: "; and except that if the total of benefits for such month includes any benefit payable to any individual under section 202(d) which is reduced below $30, then the benefit to which such individual is entitled under section 202(d), notwithstanding any other provision of this subsection, be increased to $30".

(c) The amendments made by this section shall be effective for months after the month following the month in which this Act is enacted.

ELIMINATION OF REDUCTION IN DISABILITY BENEFITS ON ACCOUNT OF RECEIPT OF WORKMEN'S COMPENSATION BENEFITS

SEC. 112. Effective with respect to benefits under title II of the Social Security Act for months after January 1971, section 224 of the Social Security Act is repealed.

CONTRIBUTIONS FROM GENERAL REVENUES TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND FEDERAL DISABILITY INSURANCE TRUST FUND

SEC. 113. In addition to the funds appropriated for each fiscal year to the Federal Old-Age and Survivors Insurance Trust Fund and to the Federal Disability Insurance Trust Fund, under section 201 of the Social Security Act, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year which ends June 30, 1972, an amount to each such fund which is equal to 50 per centum of the amount appropriated to such fund pursuant to such section.

TITLE II—HEALTH INSURANCE

INCLUSION OF CHIROPRACTORS, SERVICES

SEC. 201. (a) Section 1861(r) of the Social Security Act is amended (1) by striking out "or" at the end of clause (2), and (2) by inserting immediately before the period at the end of clause (3) the following: ", or (4) a chiropractor licensed as such by the State, but only for purposes of section 1861(s) (1) and 1861(s) (2) (A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them".

(b) The amendments made by this section shall be effective with respect to services furnished after the month following the month in which this Act is enacted.

ENTITLEMENT OF DISABLED TO HOSPITAL INSURANCE BENEFITS

SEC. 202. (a) (1) Section 226(a) of the Social Security Act is amended to read as follows:

"(a) Every individual who—

"(1) has attained the age of 65 and is entitled to monthly insurance benefits under section 202,

"(2) is entitled to disability insurance benefits under section 223,

"(3) is entitled to child's insurance benefits under section 202(d) and is under a disability (as defined in section 223(c)) which began before he attained the age of 18, or

"(4) is a qualified railroad retirement beneficiary, shall be entitled to hospital insurance benefits under part A of title XVIII for each month for which he meets the condition specified in paragraph (1), (2), (6), or (4), whichever is applicable, beginning with the first month after June 1966 for which he meets such condition."

(b) Section 226(b) of such Act is amended—

(1) by striking out "after June 30, 1966, or on or after the first day of the month in which he attains age 65, whichever is later" in paragraph (1) and inserting in lieu thereof "on or after the later of (i) July 1, 1966, or (ii) the first day of the month in which he attained age 65 or the month in which his disability began, whichever is applicable"; and

(2) by striking out "under section 202" in paragraph (2) and inserting in lieu thereof "under section 202 or 223".

SEC. 2. (a) The heading of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(b) The heading of part A of title XVIII of such Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(c) Section 1811 of such Act is amended by inserting before the period at the end thereof the following: ", and for individuals who are under a disability and are entitled to benefits under section 223 or 202(d) of this Act or under section 2(a)5 or 5(c) of the Railroad Retirement Act of 1937".

(d) (1) The heading of part B of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED" and inserting in lieu thereof "FOR THE AGED OR DISABLED".

(2) (A) Section 1831 of such Act is amended by striking out "individuals 65 years of age or over who" and inserting in lieu thereof the following: "individuals who are 65 years of age or over or are entitled to hospital insurance benefits on the basis of disability and who".

(B) The heading of section 1831 of such Act is amended by striking out "FOR THE AGED" and inserting lieu thereof "FOR THE AGED OR DISABLED".

(e) Section 1836 of such Act is amended to read as follows:

"ELIGIBLE INDIVIDUALS

"SEC. 1836. Every individual who—

"(1) is entitled to hospital insurance benefits under part A, or

"(2) has attained the age of 65 and is a resident of the United States, and is either (A) a citizen or (B) an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment under this part,

is eligible to enroll in the insurance program established by this part."

(f) (1) The first sentence of section 1837 (c) of such Act is amended by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1) or (2)".

(2) The second sentence of section 1837 (c) of such Act is amended to read as follows: "For purposes of this subsection and subsection (d), an individual who satisfies paragraph (1) of section 1836 but not paragraph (2) of such section shall be treated as satisfying such paragraph (1) on the first day on which he is (or on filing application would have been) entitled to hospital insurance benefits under part A."

(3) Section 1837(d) of such Act is amended—

(A) by striking out "paragraphs (1) and (2)", and inserting in lieu thereof "paragraph (1) or (2)", and

(B) striking out "such paragraphs" and inserting in lieu thereof "such paragraph".

(4) Section 1837 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) For purposes of subsections (b), (c), and (d) of this section (and for purposes of sections 1838(a) and 1839(c)), any enrollment under this part which terminates in the manner described in section 1838(c) shall thereafter be deemed not to have existed."

(g) (1) Section 1838(a) of such Act is amended—

(A) by striking out "paragraphs (1) and (2)" in paragraph (2) (A) and inserting in lieu thereof "paragraph (1) or (2)";

(B) by striking out "such paragraphs" in paragraph (2) (B) and inserting in lieu thereof "such paragraph";

(C) by striking out "such paragraphs" in paragraph (2) (C) and inserting in lieu thereof "such paragraph"; and

(D) by striking out "such paragraphs" in paragraph (2) (D) and inserting in lieu thereof "such paragraph".

(2) Section 1838 of such Act is further amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) In the case of an individual satisfying paragraph (1) of section 1836 whose entitlement to hospital insurance benefits under part A is based on disability rather than on age, and who ceases to be entitled to such benefits due to the ending of such disability (and the consequent termination of his entitlement to benefits under title II of this Act or the Railroad Retirement Act of 1937) before he attains 65 years of age, his coverage period (and his enrollment under this part) shall be terminated. The termination of a coverage period under the preceding sentence shall take effect on a date determined under regulations, which may be determined so as to provide a grace period (not in excess of 90 days) in which coverage may be continued."

(h) (1) Section 1840(a) (1) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(2) Section 1840(a) (2) of such Act is

amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(3) Section 1840(c) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(i) The Railroad Retirement Act of 1937 is amended by adding after section 21 the following new section:

"HOSPITAL INSURANCE BENEFITS FOR THE DISABLED

"SEC. 22. Individuals who are entitled to annuities under paragraph 5 of section 2 (a), and individuals who are entitled to annuities under section 5(c) and have a disability described in section 5(l) (1) (ii), shall be certified by the Board under section 21 in the same manner, for the same purposes, and subject to the same conditions, restrictions, and other provisions as individuals specifically described in such section 21; and for the purposes of this Act and title XVIII of the Social Security Act individuals certified as provided in this section shall be considered individuals described in and certified under such section 21."

ENTITLEMENT TO HEALTH INSURANCE BENEFITS FOR THE AGE OF 62 FOR WOMEN

SEC. 203. (a) (1) Section 226(a) (1) of the Social Security Act (as amended by section 202 of this Act) is further amended to read as follows:

"(1) has attained (i) in the case of a woman, the age of 62, or (ii) in the case of a man, the age of 65, and".

(2) Section 226(b) (1) of such Act is amended by inserting "(in the case of a man) or age 62 (in the case of a woman)" immediately after "65".

(b) Section 1831 of such Act is amended by inserting "(in the case of men), or 62 years of age or over (in the case of women)," immediately after "65 years of age or over".

(c) Section 1836(1) of such Act is amended to read as follows:

"(1) has attained (i) in the case of a woman, the age of 62, or (ii) in the case of a man of the age of 65, and".

(d) (1) Section 21 of the Railroad Retirement Act of 1937 (as added by section 105 of the Social Security Amendments of 1965) is amended by inserting "(in case of a man), or age 62 (in case of a woman)," after "age 65".

(2) Section 21(b) (1) of section 21 of such Act (as added by section 111(b) of the Social Security Amendments of 1965) is amended by inserting "(in case of a man), or age 62 (in case of a woman)" after "age 65".

(e) Section 103(a) (1) of the Social Security Amendments of 1965 is amended by inserting "(in the case of a man), or age 62 (in the case of a woman)" after "age 65".

(f) (1) Subject to paragraph (2) of this subsection, the amendments made by the preceding provisions of this section shall take effect on the first day of the second month following the month in which this Act is enacted.

(2) For purposes of section 1837 of the Social Security Act a woman, who, on the effective date of the amendments made by this section, has not attained age 65 but has attained age 62, shall be deemed to first have satisfied paragraph (1) of section 1836 of the Social Security Act on such effective date. No woman shall, by reason of the amendments made by this section, be entitled to any benefits provided under title XVIII of the Social Security Act or section 21 of the Railroad Retirement Act of 1937 for any period prior to such effective date.

COVERAGE OF PRESCRIBED DRUGS

SEC. 204. (a) Section 1832(a) (1) of the Social Security Act is amended to read as follows:

"(1) entitlement to have payment made to him or on his behalf (subject to the provisions of this part) for—

"(A) medical and other health services; and

"(B) prescribed drugs, except those described in paragraph (2) (B); and".

(b) Section 1932(a) (2) (B) of such Act is amended by inserting immediately before "furnished by a provider" the following: ", and prescribed drugs,".

(c) Section 1832(a) or such Act is further amended by adding at the end thereof (after and below paragraph (2) (B)) the following new sentence: "As used in this part (and in part C to the extent that it relates to this part), the term 'services', unless the context indicates, includes prescribed drugs.".

(d) Section 1833(b) of the Social Security Act is amended by striking out "$50" and inserting in lieu thereof "$75."

(e) (1) Section 1835(a) (2) (B) of the Social Security Act is amended by striking out ", such services" and inserting in lieu thereof "or prescribed drugs, the services".

(2) Section 1835(a) of such Act is further amended by adding at the end thereof the following new sentence: "In the case of prescribed drugs, the certification requirement of paragraph (2) (B) shall be satisfied by the physician's prescription.".

(f) Section 1861(m) (5) of the Social Security Act is amended by striking out "(other than drugs and biologicals)" and inserting in lieu thereof "(including prescribed drugs, but not including any other drugs and biologicals)".

(g) Section 1861(s) (2) of the Social Security Act is amended by striking out "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" each place it appears and inserting in lieu thereof "(including drugs and biologicals)".

(h) (1) Section 1865(t) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The term 'prescribed drugs' means drugs and biologicals which require a prescription of a physician for the use of an individual.".

(2) The heading of such section 1861(t) is amended to read as follows: "DRUGS AND BIOLOGICALS; PRESCRIBED DRUGS".

POSTHOSPITAL EXTENDED CARE SERVICES

SEC. 205. (a) Section 1814(a) (2) (D) of the Social Security Act is amended to read as follows:

"(D) in the case of posthospital extended care services, such services are or were required to be given on an inpatient basis because the individual needs or needed skilled nursing care on a continuing basis for—

"(i) any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs (6) and (8) of section 1861(e)) prior to transfer to the extended care facility or for a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of the condition or conditions for which he was receiving such inpatient hospital services, or

"(ii) any condition requiring such extended care services and the existence of which was discovered or confirmed as a result of findings made while the individual was receiving outpatient diagnostic services, or, in the case of an individual who has been admitted to an extended care facility for such a condition, any other condition arising while he is in such facility;".

(b) The first sentence of section 1861(i) of such Act is amended to read as follows: "The term 'posthospital extended care services' means extended care services furnished an individual (A) after transfer from a hospital in which he was an inpatient for not less than three consecutive days before his discharge from the hospital in connection with such transfer, or (B) after he has received outpatient hospital diagnostic services, if, after reviewing the findings revealed by such services, his physician and the hospital from which he received such services certify (not later than seven days after the termination of such services) that he is in immediate need of extended care services, and if he is admitted to an extended care facility within fourteen days after the date on which his need for extended care services was so certified."

COVERAGE OF DENTAL CARE, EYE CARE, DENTURES, EYEGLASSES, AND HEARING AIDS

SEC. 206. (a) Section 1861(r) (2) of the Social Security Act is amended by striking out "but only with respect to (A) surgery related to the jaw or any structure contiguous to the jaw or (B) the reduction of any fracture of the jaw or any facial bone".

(b) Section 1861(s) (8) of such Act is amended (1) by inserting "(A)" immediately after "(8)", and (2) by striking out "(other than dental)", and (3) by adding thereunder the following new subparagraph:

"(B) dentures, eyeglasses, hearing aids, and other prosthetic devices relating to the oral cavity, jaw, eyes, or ears, including replacement thereof; and".

(c) (1) Section 1862(a) (7) of such Act is amended to read as follows:

"(7) where such expenses are for routine physical checkups, or immunizations;".

(2) Section 1862(a) of such Act is further amended (A) by inserting "or" at the end of paragraph (11) thereof, (B) by striking out paragraph (12) thereof, and (C) by redesignating paragraph (13) thereof as paragraph (12).

(d) The amendments made by the preceding provisions of this section shall apply with respect to services furnished after the month which follows the month in which this Act is enacted.

(e) (1) The first sentence of section 1839 (a) (2) of the Social Security Act is amended by striking out "one-half" and inserting in lieu thereof "one-third"

(2) Section 1844(a) (1) of such Act is amended by inserting "two times" after "equal to".

(3) The amendments made by this subsection shall be effective in the case of insurance premiums payable under the supplementary medical insurance program established by part B of title XVIII of the Social Security Act for months after June 1970.

(b) (1) Section 1861(r) of the Social Security Act is amended (A) by striking out "or" at the end of clause (2), and (B) by inserting immediately before the period at the end thereof the following: ", or (4) a doctor of optometry, but only for purposes of sections 1861(s) (1) and 1861(s) (2) (A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them.

(2) Section 1862(a) of such Act (as amended by subsection (b) of the first section of this Act) is further amended (A) by striking out the period at the end of paragraph (12) (as redesignated by paragraph (2) of such subsection (b)) and inserting in lieu of such period "; or", and (B) by adding after such paragraph (12) the following new paragraph:

"(13) where such expenses constitute charges with respect to the referral of an individual to a physician (as defined in section 1861(r) (1)) by a doctor of optometry arising out of a procedure in connection with the diagnosis or detection of eye diseases."

(3) The amendments made by this subsection shall apply with respect to services furnished after the month which follows the month in which this Act is enacted.

AMENDMENT TO TITLE XIX OF THE SOCIAL SECURITY ACT

SEC. 207. (a) Section 1902(a)(17)(D) of the Social Security Act is amended by striking out "or is blind or permanently and totally disabled".

(b) The amendment made by this section shall apply to calendar quarters commencing after December 31, 1971.

CONTRIBUTIONS FROM GENERAL REVENUES TO FEDERAL HOSPITAL INSURANCE TRUST FUND

SEC. 208. In addition to the funds appropriated for each fiscal year to the Federal hospital insurance trust fund, under section 1817 of the Social Security Act, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year which ends with June 30, 1972, an amount to such fund which is equal to 50 per centum of the amount appropriated to such fund pursuant to such section.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE

CREDIT FOR SOCIAL SECURITY TAXES

SEC. 301. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. SPECIAL CREDIT FOR SOCIAL SECURITY TAXES PAID BY LOW-INCOME INDIVIDUALS.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to his low-income credit for the taxable year as determined under subsection (b).

"(b) AMOUNT OF LOW-INCOME CREDIT.—

"(1) MARRIED INDIVIDUALS.—In the case of a husband and wife, the low-income credit for the taxable year is an amount equal to—

"(A) 90 percent of the social security taxes of such husband and wife for such taxable year, reduced (but not below zero) by

"(B) the amount (if any) by which the combined total adjusted incomes of such husband and wife exceed $1,600.

If a husband and wife each file a separate return for the taxable year, their low-income credit shall be apportioned between them in such manner as the Secretary or his delegate prescribes by regulations.

"(2) OTHER INDIVIDUALS.—In the case of any other individual, the low-income credit for the taxable year is an amount equal to—

"(A) 90 percent of the social security taxes of such individual for the taxable year, reduced (but not below zero) by

"(B) the amount (if any) by which the total adjusted income of such individual for the taxable year exceeds $1,600.

"(c) DEFINITIONS.—

"(1) TOTAL ADJUSTED INCOME.—For purposes of subsection (b), the total adjusted income of an individual (or of a husband and wife who file a joint return) for any taxable year is the adjusted gross income minus the deduction for personal exemptions provided in section 151.

"(2) SOCIAL SECURITY TAXES.—For purpose of subsection (b), the social security taxes of an individual for any taxable year is—

"(A) the sum of—

"(i) the tax imposed by section 3101 which is deducted and withheld from the wages paid to such individual during the taxable year, and

"(ii) the tax imposed by section 1401 on the self-employment income of such individual for the taxable year, reduced by

"(B) the amount allowable under section 6413 (c) as special refund of tax imposed on wages.

"(d) TREATMENT AS OVERPAYMENT OF TAX.—For treatment of the credit allowed by this section as an overpayment of tax, see section 6401(b)."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Special credit for social security taxes paid by low-income individuals.

"Sec. 41. Overpayments of tax."

(c) Section 6401(b) of the Internal Revenue Code of 1954 (relating to excessive credits) is amended to read as follows:

"(b) EXCESSIVE CREDITS UNDER SECTIONS 31, 39, AND 40.—If the amount allowable as credits under sections 31 (relating to tax withheld on wages), 39 (relating to certain uses of gasoline and lubricating oil), and 40 (relating to special credit for social security taxes paid by low-income individuals) exceeds the tax imposed by subtitle A (reduced by the credits allowable under subpart A of part IV of subchapter A of chapter 1, other than the credits allowable under sections 31, 39, and 40), the amount of such excess shall be considered an overpayment."

(d) The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 41

At the request of the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. ALLOTT), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from South Dakota (Mr. McGOVERN), the Senator from Iowa (Mr. MILLER), the Senator from Minnesota (Mr. MONDALE), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 41, to establish a National Information and Resource Center for the Handicapped.

S. 142 AND S. 144

Mr. BYRD of West Virginia. Mr. President, at the request of my colleague from Wyoming (Mr. McGEE), who is absent from this body on official business for the Appropriations Committee, I ask unanimous consent that the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor of the bill to amend the Gun Control Act of 1968 to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competitions (S. 142) and that the names of the Senator from Kentucky (Mr. COOK) and the Senator from Oklahoma (Mr. BELLMON) be added as cosponsors of the bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements (S. 144).

S. 674

At the request of the Senator from Missouri (Mr. EAGLETON), the Senator from Florida (Mr. CHILES) and the Senator from Kentucky (Mr. COOK) be added as cosponsors of S. 674, a bill to tighten controls over amphetamine and amphetamine-like subtances.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. EAGLETON). The Senator from Wisconsin will state it.

Mr. PROXMIRE. Are we still in the morning hour?

The PRESIDING OFFICER. We are still in the period for transaction of morning business.

Mr. PROXMIRE. I have already spoken once. Do I have the right to proceed again?

The PRESIDING OFFICER. Yes. The Senator has the right to proceed since no one else is seeking recognition.

Mr. PROXMIRE. I thank the Chair.

FARMERS DOWN—AGRICULTURE EMPLOYEES UP

Mr. PROXMIRE. Mr. President, every year there are complaints from taxpayers' groups and others that the Federal Government is growing too fast, that they are hiring too many employees, that we are imposing too much of a burden on the American taxpayer.

Some of these complaints are very well founded indeed. Of course, some of them are simply generalized complaints.

This year, however, I think we have good reason to be deeply concerned over the continued increase in the number of employees working for the Department of Agriculture.

For many years now, the farm population in this country has been declining. Since 1952, it has declined from more than 9 million to less than 4½ million.

A logical consequence of this decline should be diminution in the number of employees in the Department of Agriculture.

But what is the fact?

Almost every year as the farm population dwindles and the number of farms diminishes, the number of employees in the Department of Agriculture increases.

Back in 1952, there were some 64,000 employees in the Department of Agriculture. In the 1972 budget, we are asked to increase the number of employees in the Department of Agriculture to 87,000. This is an increase of about 3,000 over the number employed by the Department of Agriculture in 1971.

Mr. President, consider how ridiculous this has become.

In 1952 we had 140 farmers for every one Department of Agriculture employee. Now, in 1972, we are asked to provide a budget that will permit one Department of Agriculture employee for every 30 farmers.

My question is, when are we going to get to the point when we have more employees in the Department of Agriculture than we have farmers? It may well be that even in this administration that sad goal will be achieved.

When the Secretary of Agriculture, Mr. Hardin, came before the Joint Economic Committee a few days ago, I asked him about this matter and he excused the increase in the number of employees in his Department by saying that it deals mostly with the food programs, food stamp, and food distribution programs which are not part of the farm program at all. He also said that part of the increase is in the regulatory areas for meat and poultry inspection.

I asked the Secretary what would happen if Congress simply put a limit on the number of employees in the Department of Agriculture or reduced the number by 10 percent. He argued that a sharp cut could have adverse effects on farm income. He said that he would not say that some cuts could not be made.

Mr. President, here is an example—and I am sure there are others—of clear, conspicuous waste in our Federal Government. There can be no reason why it should take five times as many employees in the Department of Agriculture for every farm this year as it took in 1952. It is true that there have been a number of agriculture programs, food programs, and other programs—some of which are good and some of which cannot be justified—but there can be no reason for this overwhelming, irresistible increase in the bureaucracy.

The only way to stop it is to stop it.

Therefore I intend to take what legislative action I can this year to limit the number of employees in the Department of Agriculture and I would hope that the Congress will set a long-term goal of a steadily reduced number of employees that will at least roughly approximate the reduction in the number of persons who are in the agricultural sector of our economy.

In addition, in view of the alibi by the Secretary of Agriculture that the requirement for additional personnel comes from new food and inspection programs, the Congress should insist that any authorization for new programs should indicate not only the cost of the program but the number of additional personnel who would have to be hired by the Government to implement it.

Finally, Mr. President, I do hope that the reorganization of our Government proposed by President Nixon will not obscure the desirability of holding the executive branch to account for the number of persons employed in each department and for each function in relationship to the size of the job which is within their responsibility.

There can be all kinds of arguments, alibis, excuses for spending more money in any program or for any purpose but it simply makes no sense at all to this Senator that every year the number of farmers diminishes and diminishes sharply by tens of thousands, yet every year the number of employees in the Department of Agriculture increases by thousands. It makes no sense. It is time to stop it.

ADDITIONAL STATEMENTS

A CASE AGAINST AN ALL-VOLUNTEER ARMY

Mr. EAGLETON. Mr. President, I invite the attention of the Senate to an article entitled "The Case Against an All-Volunteer Army," written by Joseph A. Califano, Jr., and published in the Washington Post of Sunday, February 21, 1971.

In his article, Mr. Califano, a distinguished Washington attorney, a former Special Assistant to the Secretary of Defense, and later Special Assistant to President Johnson, spells out his objections to the creation of an all-volunteer army.

I found Mr. Califano's presentation to be most interesting and challenging and ask unanimous consent that it be printed in the Record.

Mr. SAXBE. Mr. President, the subject of an all-volunteer army is one of increasing debate, not only here in Washington, but across the land, as well. Those of us who are interested in our military forces and their future know there are many arguments on both sides of the issue.

In Sunday's Washington Post, Joseph A. Califano, Jr., offers a case against an all-volunteer army. I thought Mr. Califano's article was thoughtful and provocative and I agree with many of its points. I join the Senator from Missouri (Mr. Eagleton) in asking unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Case Against an All-Volunteer Army

(By Joseph A. Califano, Jr.)

The decision to wage war is usually the most serious that any national leader makes during his public career. True as this has been throughout history, in the age of nuclear weapons any such decision is fraught with catastrophic undertones. It is thus important that every reasonable inhibition be placed on those who have the power to make the decisions of war and peace. There should be no cheap and easy way to decide to go to war in the 1970's.

The greatest inhibition on the decision of a democratically elected leader to wage war is the need to have the people's support. It took Roosevelt years of persuasion and the Japanese sneak attack at Pearl Harbor to bring the nation to a point where they were willing to wage war in the South Pacific, North Africa and Europe. Truman's decision to fight in Korea was one he had to make with the knowledge that as the war progressed, it would likely be unpopular and costly to the political fortunes of a party that depended upon the support of the American people in order to retain control of the White House.

The concept of a volunteer army—paid at a rate just high enough to attract those at the lower economic levels of our society and ending a draft which exposes every economic and social level to possible military service—lifts from the President the most potent inhibition on a decision to wage war. It is likely to produce a poor man's army fighting for decisions made by affluent leaders. It is unlikely that many of the senators, congressmen, presidents, cabinet officials and national security advisers who, in the first instance make the decision to wage war, will have sons who will choose a military career because it pays more. The economic incentives put forth by proponents of the volunteer army proposal are unlikely to attract many, if any, middle and upper class Americans with higher paying, less dangerous career alternatives.

It is remarkable to me that so many doves on both sides of the aisle have joined in support of President Nixon's proposal for a volunteer army. Indeed, some wish to put it into effect even faster than the President suggests. The broad base of support against the Vietnam war has come from those college students and their middle and upper-middle class American parents who are personally affected by the cold fact that the draft is color blind as far as economic and social status are concerned. These Americans simply will not permit their sons to die waging a war in which they do not believe.

Moreover, any President or national leader must constantly reassess his position today on the Vietnam war and any future adventures in armed conflict to make certain he can continue to make his case to the American people. He must have some hope that they will be with him, as President Lyndon Johnson used to say, on the landing as well as on the take-off.

This is the critical defect in the proposal for the volunter army: It could make it too cheap and easy for national leaders to make the initial decision to wage war. It is from that initial decision of one or a few men that it is so difficult for subsequent leaders and an entire nation to retreat, as we have seen through the administrations of four presidents who have struggled with the problem of Southeast Asia.

Much of the attitude of supporters of the voluntary army is similar to the thinking that has degraded the original concept of foreign aid. Our AID programs were begun as an act of magnificent humanity after World War II, when former enemies were accorded dignified treatment as human beings and given the assistance to rebuild their societies, preserve their national integrity and live in human decency. Piece by piece and chip by chip, foreign aid finally reached the point epitomized by Senate Minority Leader Hugh Scott's statement late last year in support of President Nixon's $255 million request for aid to Cambodia: "The choice here is between dollars and blood." Put another way, we can buy a war that others will fight for us; in Scott's case, the Cambodians. In short, let's make it *their* blood and *our* money.

It is largely this attitude which has permitted the Russians to be so adventurous since the end of World War II with few internal repercussions. The Chinese and North Koreans fought, with Russian financing, in the early 1950's. The North Vietnamese fight with Russian and Chinese aid in Southeast Asia. The Egyptians and Arabs fight with Russian arms in the Middle East. The Soviets in effect buy mercenary "volunteer" armies of citizens of other countries, just as our AID program has often been used to buy foreign mercenaries for us.

There are other problems with the volunteer army, not the least of which are the enormous financial costs and the dangers to a society of harboring 2 or 3 million men dependent solely for their livelihood on the most powerful military establishment in the history of mankind.

According to the report of the President's Commission on an All-Volunteer Force, chaired by former Defense Secretary Thomas Gates, to attract a volunteer force of 2 million men, the nation would have to pay $1.5 billion per year in addition to what it is now paying. To support a volunteer force of 2.5 million men, the nation would have to pay $2.1 billion per year in additional pay and allowances. To add an additional 500,000 men and support a volunteer force of 3 million men, the taxpayers would have to put up an additional $4.6 billion per year. That 20 per cent increase in manpower from 2.5 to 3 million men requires a staggering 100 per cent plus increase in the cost to the nation, from $2.1 billion to $4.6 billion each year.

In an age of urgent domestic needs, I would prefer to spend that $4.6 billion (or the lesser amounts) on any number of needs at home—

improving the delivery of medical services, housing, job training, anti-pollution efforts, education.

There also should be some concern in any democratic society at putting 2 or 3 million men throughout the most productive years of their lives in professional military careers. Several military officials have expressed precisely that concern to me. At the policymaking level, civilian control of the military is no easier than civilian control of the civilian bureaucracy or mayoral control of a local police force. As powerful and well connected as the military establishment is in the business community and in the Congress, there is at least the continuing check of a turnover in both the officer and enlisted corps of scores of thousands of men who enter and leave the military each year and make their careers in a variety of civilian professions. To take an extreme but actual case, what would the chances have been of exposing the Mylai massacre if the only Americans present had been soldiers who were totally dependent on the Army for their career and their retirement?

This is not meant as a commentary *a la* Eisenhower on the military-industrial complex. For the dangers of parochialism and stagnation from having the same people in the same jobs too long are apparent throughout our society: in the steel industry, the seniority system in the Congress, some labor unions and even on automobile assembly lines. Moreover, the learning process goes both ways. If any good can be said to come out of war, it is from the survivors (in and out of the military) whose experience tempers their willingness to wage war again and makes them reluctant to permit their sons to wage war. Finally, there is more truth than most people would like to admit in the affirmative aspects of discipline and training that a military organization provides not only for many enlisted men, but for a significant number of relatively affluent college graduates from middle America.

The arguments propounded for an all-volunteer army are not convincing to me. True, as the Gates Commission points out, we have had voluteer armies for the greater part of our history except during major wars and since 1948. But those volunteer forces were substantially smaller than they are today. The power and logistic capability of Presidents to station them in any part of the world and intervene in any war is markedly greater today. And hydrogen bombs were not an integral part of the military establishment before World War II.

True, as Senator Goldwater contends, it is increasingly difficult to make deferment determinations in conscientious objector cases since the Supreme Court decision last June. But judgments concerning a man's intent are made every day in the courts of our land and there is nothing so special about judging the sincerity of a man's intention in the context of the draft.

True, as so many liberal supporters of the volunteer army argue, this proposal would relieve the burden of military service from young men who prefer not to have their careers interrupted by even a few years service in the military. But I, for one, do not wish to lift from the President and the Congress the substantial irritant and inhibition of young men who do not want to be drafted to fight in a war unless they are convinced the cause is just. Most presidents are both lions and foxes and their decisions to make war, while founded in conscience for the good of the nation, are not taken without significant measures of shrewd calculation.

What are we to say of a society that can no longer inspire its young men to fight for its national security policies? Not simply (I hope) that it's fortunate that we have enough money to buy mercenary volunteers.

The very concept of a highly paid volunteer army reflects the continuing erosion of the will to sacrifice, particularly on the part of our affluent citizens. The prosperity of the 1960's certainly must increase our concern with the impact of affluence on the fiber of our society. Along with its vast benefits, the economic prosperity of the 60's brought self-centered cries of more and better and a greater reluctance on the part of the affluent to sacrifice for public purposes and the needs of our disadvantaged citizens. The wealthy have been able to leave the center city or to live there in such protected cocoons that they are immune to the dangers of crime and the human indignities of congestion and filth. The more affluent are able to hire the talent to avoid payment of fair shares of income taxes; indeed, many pay no taxes at all. To say to them that now we will lift from you any concern that your sons might have to fight a war is further to pander to the more selfish, baser instincts of their human nature.

What is of profound concern is that so many of our leaders eagerly support any move to ease the burdens of the affluent and make it easier politically to engage in military adventures abroad at a time when the nation desperately needs a real measure of sacrifice at home and the strictest kind of inhibitions on further military adventures in far-off lands.

FOOD ADDITIVES AND THE FDA

Mr. RIBICOFF. Mr. President, today's Washington Post article entitled "Food Firms Bar Curb of Additives" written by William B. Mead, is fresh evidence of just how wide is the protection gap for food safety. The use of chemical additives has increased 50 percent in the past decade. But only where the law requires a test of cancer-causing potential—as in new drug applications—does the Food and Drug Administration have any foundation for uniform testing and enforcement.

It is widely assumed that the existing mix of private sector activities and the status of Federal laws add up to practical and effective protection against chemical danger in food. The American people have generally assumed that new food additives have been tested by the Government and licensed as safe. This proves to be anything but the case.

As today's Washington Post article makes apparent, nothing is more damaging in the food safety area than the continued confusion over FDA's "Generally Recognized as Safe"—GRAS—list. The puzzle has become so complex not even the experts can settle it and the time has come for a major legislative review of food safety and testing. There is no doubt in my mind that the GRAS list, as concocted by the 1958 food additives amendment, has been the biggest contributor to the present bewilderment.

Under the present law, substances qualifying for GRAS status are those "generally recognized among experts qualified by scientific training and experience to evaluate safety." The question that has never been answered is, Which experts does the law intend? The food industry's or FDA's?

It has become imperative that Congress further examine the current system for evaluating risks of new chemicals and new uses and consider the need to develop and strengthen the present Food, Drug, and Cosmetic Act.

The Subcommittee on Executive Reorganization and Government Research plans to examine the question of "Chemicals and the Future of Man" just as soon as current Permanent Investigations Subcommittee hearings on the Armed Forces Clubs system are completed. It is apparent that priority must be assigned to the adequacy of food additive regulations and heath safeguards for the American people.

I ask unanimous consent that Mr. Mead's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOOD FIRMS BAR CURB OF ADDITIVES

(By William B. Mead)

Food industry leaders have bluntly told the Food and Drug Administration that they reserve the right to add chemicals and other substances to foods without even advising the government.

One group, the Food and Drug Law Institute, used the word "myth" to describe the public impression that the FDA's list of safe food substances includes all the chemicals added to the American food supply.

Fritzsche Dodge & Olcott, of New York, a manufacturer of food chemicals and flavorings, told the FDA:

"It should be clear that industry has the right to make its own decisions on the status of any substance whether or not the FDA has listed it, and that it is under no obligation to request the FDA to express an opinion on unlisted materials."

Similar comments were made by the National Canners Association, the Grocery Manufacturers of America, the Manufacturing Chemists Association, the Flavor and Extract Manufacturers Association, Procter & Gamble Co., R. T. French and other leading food firms and associations.

The industry comments were submitted in connection with the FDA's current consideration of tighter rules for determination of what food additives are "generally recognized as safe," or GRAS.

The FDA's current "GRAS list" includes more than 600 additives ranging alphabetically from aluminum calcium silicate to zinc fluoride.

The theme of the industry comments is that this list is merely partial and advisory. The law governing GRAS substances says approval is based on a favorable ruling by "experts qualified by scientific training and experience." If Congress meant FDA scientists, it would have said so, the industry contends.

James S. Turner, a Ralph Nader associate who wrote "The Chemical Feast," a book critical of FDA food additive regulations, told United Press International that the industry's comments "demonstrate conclusively how ineffective the food additive amendments are in practice."

"There may be many chemicals in our food which even the FDA is unaware of," he said.

Alan T. Spiher, Jr., project manager for the FDA's current GRAS list review, said food companies in practice do advise the FDA of new additives for which GRAS status is claimed.

"I don't have any reason to think there might be very many, if any, additives they've put in without telling us," Spiher told UPI.

BOB FEGAN, AIDE TO SECRETARY OF THE ARMY FOR KANSAS

Mr. PEARSON. Mr. President, Mr. Robert J. Fegan of Junction City, Kans., has recently been named as civilian aide to the Secretary of the Army for Kansas.

Bob Fegan is certainly an excellent choice for this position, and I know that he will carry out the duties of that position with distinction. Given his past efforts on behalf of civilian-Army relations, this is a most deserving recognition. Bob will have the full support of his local community as indicated by an editorial published recently in the Junction City Daily Union.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOB FEGAN AN EXCELLENT CHOICE

The appointment of Robert J. Fegan as civilian aide to the Secretary of the Army for Kansas is a choice which should be applauded by everyone in this community.

Incidentally, it is a recognition of assistance to the Army which extends over more than half a century. Mr. Fegan's father, R. B. Fegan, was a close friend of many in both military and political service. He was a member of the Chamber of Commerce committee which went to Washington some 40 years ago to secure Congressional approval of the fine brick quarters built on Pershing avenue in Fort Riley. How unfortunate it is that they could not have secured more buildings of this type when construction costs were at rock bottom!

Bob Fegan thus grew in an atmosphere marked by cordial relations between the military and their civilian friends. It has continued throughout his life and in his military service. As president and general manager of the Junction City Telephone company he had the particularly hard task of maintaining telephone facilities when service was difficult to maintain and replacement parts almost impossible to secure.

Working in the interests of Fort Riley and this area, Bob Fegan has made many trips to Washington to maintain close friendships and work for the good of the community, Fort Riley, and the Defense department.

It is reassuring to know that his services will continue and that his abilities have been fully recognized.

HUMAN RIGHTS IN INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, since the founding of the United Nations there has been a marked increase in concern about effective guarantees of human rights through a system of international treaties and covenants. This concern has raised a fundamental question for the United States: Are the rights of the individual inside his own country within the scope of the treatymaking power of the United States?

One of the most profound developments in 20th-century international law is the increasing recognition of the human rights of the individual in international law. Traditional international law dealt with human rights only indirectly, seeing mistreatment of the national of another state as an affront only to that state; the latter then could object to such mistreatment of its nationals as denying them "justice" or violated rights specifically promised for them by treaty.

As late as 1948, a standard text on international law asserted that—

> There is general agreement that, by virtue of its personal and territorial supremacy, a state can treat its nationals according to its discretion. (L. Oppenheim, International Law 279, 7th ed. H. Lauterpacht 1948).

However, the Berlin Treaty of 1878, for example, imposed on Turkey and the Balkan countries an obligation not to discriminate against religious minorities in their lands. Yet, the recognition of human rights as an international concern was slow in evolving.

The beginning of the contemporary concern for human rights began with the Allied Powers' treaty of peace with Poland. The first significant departure from traditional international law was the provision that the substantive obligations undertaken by Poland—the protection of racial, religious, and linguistic minorities—were "obligations of international concern." The second innovation was the formation of an international body, the Council of the League of Nations, which was given the responsibility of enforcement.

The pattern of the Polish convention was followed in other peace treaties formally concluding the First World War and in several collateral declarations and conventions. The responsibilities for implementing the minorities treaties was lodged with the Council of the League of Nations. Japan proposed that the covenant creating the League should itself contain provisions prohibiting discrimination on the basis of nationality, race, or religion, but the proposal was rejected. Nonetheless, the work of the League of Nations system in the administration of minorities' treaties, as well as the League's concern for humane treatment of the inhabitants of mandated territories, were important steps in the evolution of individual rights in international law.

As we all know, the atrocities committed by the Nazi's and the holocaust of two World Wars, led to the creation of the United Nations. The origins of U.N. concern for human rights lie not only in the human rights activities of the League of Nations systems, but also in the concerns of the allied powers during the course of the Second World War. These concerns were articulated in the Atlantic Charter, issued on August 14, 1941, which asserted the guarantee of human rights as one of the peace aims of the Allies.

Among the member nations of the United Nations, there was a consensus that a priority task of the new United Nations would be the formulation of an International Bill of Human Rights. The Charter of the United Nations was written to include among the organizations purposes and principles:

> To achieve international cooperation in solving international problems of an economic, social, cultural or humanitariam character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

The Charter of the United Nations directly led to the formulation of the Universal Declaration of Human Rights. And from this declaration, international conventions or treaties on human rights have been promulgated, including those on genocide, slavery, refugees, political rights of women, marriage, discrimination in education, elimination of all forms of racial discrimination, and the two definitive human rights covenants adopted by the U.N. General Assembly in 1966.

I again urge this body to act favorably on the Genocide Convention. Its ratification will continue the evolution of concern for human rights in international law. It will hasten the day when peace and the guarantee of fundamental human rights become a reality in the world.

RESOLUTION OF NEBRASKA LEGISLATURE RELATING TO AGRICULTURE

Mr. CURTIS. Mr. President, on February 9, 1971, the Legislature of Nebraska passed Legislative Resolution No. 20. It was introduced by Senator Terry Carpenter, of the 48th district and relates to Nebraska's basic industry, agriculture. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

LEGISLATURE OF NEBRASKA, EIGHTY-SECOND LEGISLATURE, FIRST SESSION

LEGISLATIVE RESOLUTION 20

Introduced by Terry Carpenter, 48th District

Whereas, the agricultural middle west was basically responsible for the election of this Administration, it does not necessarily mean that we will forever be that way when the Secretary of Agriculture is being used to harm, in whole or in part, the very programs necessary for our nationwide prosperity; and

Whereas, the farm population is gradually and consistently diminishing for the reason that, under the present programs and the present Secretary of Agriculture, this exodus can only be continued. If people are going to be taken off welfare and re-established on the farms, a sympathetic change must be effective immediately in order to reverse the trend; and

Whereas, abundant food production and maintenance of an efficient and prosperous agricultural economy are basic elements in the preservation of our domestic security and free world defense; and

Whereas, the dimensions of world food and population problems are unprecedented in the history of man; and

Whereas, this country has the capacity to feed the world.

Now, therefore, be it resolved by the members of the Eighty-second Legislature of Nebraska, first session:

1. That the proposed dismantling of the United States Department of Agriculture is contrary to the national interest and would deny agriculture its rightful rank as a basic cabinet level participant in Federal government councils.

2. That the President has the power, with the stroke of the pen, to make mandatory 90 per cent of 1910–14 parity on farm products under the act and we recommend that he does just that.

3. That the President direct the Secretary of Agriculture to establish for the 1971 crop season at 20 per cent on the feed grain program which is now stalled in the Administration.

FRANK MARSH,
President of the legislature.

I, Vincent D. Brown, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 20, which was passed by the Legislature of Nebraska in Eighty-second Legislature, First Session, on the ninth day of February, 1971.

Vincent D. Brown,
Clerk of the legislature.

DEATH OF NEW YORK STATE SENATOR EDWARD J. SPENO

Mr. HART. Mr. President, last Wednesday, February 17, 1971, 112 million American motorists lost a champion, friend and expert advocate. Edward J. Speno, of East Meadow, L.I., a Republican member of the New York State Senate, died of a heart attack.

I have known of and admired the excellent efforts of this man in automotive safety, one particular area of the many significant interests pursued by Senator Speno.

Sometimes it appears to those of us in Washington that the Nation's problems can be more effectively dealt with at the national or Federal level. One may point to the successful activities of Mr. Speno at the local and State level and feel reassured that many of our common objectives can be accomplished there.

However, Senator Speno had a unique interest in and concern for the millions of motorists in New York State. He also was aware that these problems, frustrations, economic burdens, and unwanted social implications springing from our use and misuse of our private transportation system could not be dealt with solely within the boundaries of New York State. He had a real understanding of the great mobility of our Nation's primary mode of transportation—the private vehicle. He used this knowledge and his vigorous personal commitment to explore sensible and meaningful ways to assist all the motorists in the Nation. In the early 1960's Senator Speno was one of the few but effective spokesmen for automotive safety. He charted new thoughts and approaches toward securing the safety of the vehicle occupant. He was to a large degree responsible for the widespread industry acknowledgement and voluntary installation of seat lap belts. This safety device, the collapsible steering column, and other federally required safety standards have in large measure been responsible for the net decline in vehicle-accident-caused deaths during this past year.

I feel a personal loss in the passing of Senator Speno. He was a moving factor actively supporting, guiding, and inspiring the efforts of the National Motor Vehicle Safety Advisory Council. The final measure of Senator Speno's leadership in this valuable bipartisan council probably can never be measured. However, I do feel confident in saying that for countless millions of American motorists—now and for all our future—they will have safer, more economical and environmentally compatible motor vehicles due to the inspiration and personal dedication of Edward J. Speno.

I ask unanimous consent that an article relating to Senator Speno, published in the New York Times, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator Edward J. Speno Dies; Favored Parochial School Aid

POWERFUL FIGURE IN ALBANY AN AUTO SAFETY CRUSADER—ACCUSED OVER LAND

Albany, Feb. 17.—Senator Edward J. Speno of East Meadow, L.I., one of the Republican leaders of the Legislature, died of a heart attack this morning at St. Peter's Hospital here. The 50-year-old Senator was taken to the hospital from the DeWitt Clinton Hotel, where he was staying for the legislative session.

Chairman of the Republican Conference of the Senate, he had represented the Fourth Senatorial District since its creation in 1954. He was serving his 10th consecutive term, having been re-elected last November in a campaign that featured his vote for abortion liberalization in 1970 and his real estate dealing in Nassau County.

In a tribute to the Senator, Governor Rockefeller spoke of his widespread humanitarian interests. These, the Governor said, "ranged from automobile and traffic safety, in which he was an acknowledged national pioneer, to cancer research and control."

Senator Earl W. Brydges, the Senate Majority Leader, mentioned in his statement that Mr. Speno had overcome cancer of the throat, and that he was active in anticancer legislation and antismoking campaigns.

His unexpired term will be filled in a special election.

CHAMPION OF SAFETY

In his 16 years in the Legislature, Senator Speno was known for his advocacy of state assistance to parents of nonpublic school children, and for championing automobile safety legislation.

At his death he was cosponsoring, with Assemblyman Alfred H. Lerner, a Queens Republican, the Speno-Lerner bill which would provide state aid of up to $250 annually a pupil to parents of parochial school children. The money was to go for tuition.

The bill, which had the backing of many powerful Roman Catholics, would have the effect of helping church schools in their present troubled condition. Many of these schools are hard-pressed financially. The controversial bill was strongly attacked a week ago by the Governor, who argued that it would undermine the public school system. Its legislative chances were believed in doubt at this session.

Senator Speno's interest in the parochial schools was also supported by Jewish groups in the state. These groups had worked with him in previous legislative sessions for bills that would allot money for textbook purchases.

Although the Senator, a Catholic, was identified with his church on school aid, he broke with the hierarchy last year and voted for abortion liberalization. He explained his stand by saying that he did not want to impose his personal beliefs on others.

Virtually from the outset of his Albany career, Mr. Speno battled for automobile safety laws. One result of his efforts was an agreement by car manufacturers in 1965 to install seat belts as standard equipment. This became a matter of law on the Senator's initiative. He was also responsible for legislation setting minimum standards for tires and for establishing periodic visual acuity examination for all motorists.

WON SAMARITAN LAW

Of the more than 300 laws attributed to him Mr. Speno guided more than 45 dealing with auto or traffic safety through the Legislature. One was the Good Samaritan Law, which frees physicians from liability suits, except for gross negligence, when they stop to render first aid at the scene of an accident.

Because of his knowledge of highway problems, Senator Speno was chairman of the Joint Legislative Committee on Transportation and Motor Vehicles. He was also chairman of the powerful Senate Codes Committee.

As chairman of the Republican Conference of the Senate, he was an ex-officio member of all joint legislative committees. Moreover, he was one of the insiders who ran the Senate. He was, in addition, leader of the Long Island delegation to the Legislature, an informal but nonetheless influential position.

In Albany and throughout the state Mr. Speno conducted a personal anti-cigarette campaign. He believed that cigarettes had caused his own cancer in 1959, and he often lectured aides and fellow lawmakers on the perils of smoking. At his own expense he conducted an annual Stop Smoking Clinic for state workers and reporters in the Capitol.

Outgoing and friendly, Mr. Speno was generally well liked in Albany, where he was considered an excellent speaker. Somewhat chunky in appearance, he was a careful dresser who favored youthful, sporty suits and shirts. Because of his six-foot height he was called "Big Ed." He seemed never to be without a tan.

Born in Syracuse on Sept. 23, 1920, Mr. Speno attended public and parochial schools in Auburn, N.Y. He was graduated from Niagara University and received his law degree from Cornell Law School. From 1947 to 1952 he was with the New York law firm of Donovan, Leisure, Newton, Lumbard & Irvine.

INTERNATIONAL PANCAKE DAY

Mr. PEARSON. Mr. President, Shrove Tuesday, February 23, 1971, marks the 22d Annual International Pancake Day celebrated by the communities of Liberal, Kans., and Olney, England. This annual event which features a pancake race between the housewives of Liberal and Olney has come to symbolize local initiative and good will and international friendship. The Kansas Legislature has, quite properly, commended the two sponsoring communities. I ask unanimous consent that Kansas House Resolution 1029 be printed in the Record.

Mr. DOLE. Mr. President, tomorrow is Shrove Tuesday, the day before Ash Wednesday and the beginning of Lent. It is also a traditional holiday in England, where in the town of Olney over 500 years ago the tradition of pancake racing began. This unique tradition was noted in the United States, and 22 years ago the city of Liberal, Kans., instituted its own pancake races and challenged the women of Olney to an international competition.

Over the past two decades the International Pancake Day races have themselves become a tradition and tomorrow they will be held again. The women of Liberal will be seeking a second victory in a row and an even 11–11 record in the series.

To mark the activities in Liberal and Olney, the Kansas congressional delegation has itself established a Shrove Tuesday tradition, the annual pancake breakfast. This year my colleague, the senior Senator from Kansas (Mr. Pearson), is the host, and I would like to extend at this time an invitation on behalf of him and the entire delegation to the Senate, Members of the House of Representatives, and all other connoisseurs of delicious gems of the griddle to the annual Kansas pancake breakfast starting at 8 a.m. in the visitors cafeteria of the New Senate Office Building. Kansas hospitality will be served with the pancakes and we hope everyone will be able to join us in this celebration.

I am pleased to join my senior colleague from Kansas in asking unanimous consent that Kansas House Resolution 1029 be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION NO. 1029

A resolution commending the city of Liberal, Kansas and citizens of Olney, England on their observance of the Traditional Pancake Day, and urging members of the Legislature and public officials and employees of Kansas to attend the 22nd annual observance of this International Pancake Day Race on February 23, 1971; recommending that the annual event be continued.

Whereas, The 22nd Annual International Pancake Day Race will be held at Liberal, Kansas, on Shrove Tuesday, February 23, 1971; and

Whereas, This event marks another milestone in promoting good will between the people of England and the State of Kansas and indeed, the whole United States; and

Whereas, The residents of Olney, England, will also observe Shrove Tuesday as a part of their pre-Lenten activities; and

Whereas, This International Pancake Day Race between the housewives of Olney, England, and the housewives of Liberal, was originated and sponsored by the Liberal Junior Chamber of Commerce, beginning in 1950, has been held annually since, and receives world wide publicity, promotes better understanding between the people of this country and other countries and cemented friendships which have existed for years; and

Whereas, It is fitting that this Legislature should commend the City of Liberal, and in particular, the various Junior Chambers of Commerce who have worked so diligently to promote, sponsor and assure the annual success of this fine event, and further recommend that this International Pancake Day be continued as an annual affair; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to:

The Honorable Richard M. Nixon, President of the United States, Washington, D.C.

Her Majesty, Queen Elizabeth, United Kingdom of Great Britain and Northern Ireland, London, England.

Members of the Kansas Congressional Delegation in Washington, D.C.

Hon. Robert B. Docking, Governor of Kansas

Hon. Merle Staats, Mayor, Liberal, Kansas

Canon Ronald B. Collins, Vicar of Olney, Bucks, England

Mr. John Elliott, President, Chamber of Commerce, Liberal, Kansas and to

Mr. Larry Swan, President, Junior Chamber of Commerce, Liberal, Kansas.

LITHUANIAN INDEPENDENCE DAY

Mr. BAYH. Mr. President, February 16, 1971, marked the 53d year since the Lithuanian people declared their independence from foreign rule and forged a separate Lithuanian state. For two decades and 2 years after that day of independence on February 16, 1918, the proud people of Lithuania were able to savor the reality of political self-determination before the clash of Nazi and Soviet armies turned Lithuania's dream of national emancipation into the nightmare of totalitarian occupation.

Despite this tragedy, the chronicle of Lithuania's historical achievements prior to the infamous date of annexation on August 3, 1940, is a source of inspiration not only for Lithuanians but for all of Western civilization as well. Without her valiant performance in the Middle Ages by checking the Teutonic drive to the west and thwarting the way of the "Golden Hordes" from the east it is unlikely that European civilization would have experienced the Renaissance so soon. To this end we owe the people of Lithuania an outstanding cultural debt.

On this day the United States can proudly claim more than 1 million citizens of Lithuanian descent. Sharing the American dream of human dignity, equality, and liberty, these American Lithuanians have helped sustain this Nation's vision of political freedom and social justice. This history gives us pause to realize that the struggle for these ideals is never easy. Lithuanian independence required a rich mixture of human spirit and personal sacrifice. We could well afford to take a lesson in dedication from the magnificent endeavor that culminated on February 16, 1918.

However, there is one aspect of this day which does not call for accolades. This is the chilling memory of Simas Kudirka's bid for freedom. Were it not for a ponderous and unresponsive bureaucracy, Simas Kudirka would be a free man today. No man who cherishes freedom can remain unmoved by the accounts of that desperate sailor doggedly resisting his Soviet captors, his desire for liberty rendering to inconsequence his physical well-being. His resistance was symbolic of the commitment to freedom which his ancestors made on their road to independence 53 years ago. For a brief but incandescent moment, on the decks of the *Vigilant* against insurmountable odds, the courage and determination which had sparked Lithuanian national liberation revealed a flame which the world has scarcely seen so vividly in the past 30 years of Soviet occupation. The bitter lesson which we learned from this affair is that indifference is not the fuel for freedom. It is a lesson which this Nation must not fail to learn again.

So on this day of solemnity and inspiration let us once more express our faith in the Lithuanian people and wish them well. Their history of achievement, love of human freedom, and commitment to human dignity makes them truly a people of destiny. Let us renew our pledge in support of their cause until the peoples of all the captive nations can again live in freedom.

ENMESHMENT OF THE UNITED STATES IN SOUTHEAST ASIA

Mr. PELL. Mr. President, the Washington Post of February 15, 1971, contains an excellent article by Nicholas Von Hoffman.

What he does is to compile a history of the enmeshment of our Nation in Southeast Asia over the last decade. And, when one assesses our long-time record there rather than being diverted by individual events, one can find even less justification or sense for what we are doing there or for our ever being there. For the interest of Senators, I ask unanimous consent that Mr. Von Hoffmann's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMY "PRIDE" JUST WILL NOT SELL

(By Nicholas Von Hoffman)

WASHINGTON.—The Army is spending $3 million on prime-time TV spots to sell young men on joining up. This may be the ultimate test of Madison Avenue's efficacy. Who knows, maybe they can do it. If they could sell lung cancer why shouldn't they be able to merchandise a bullet in the head or loss of a leg?

What might these ads contain? They could have General Westmoreland doing a voice-over about pride in the military uniform while the video shows us reruns of those American soldiers disguised as civilians sneaking into Cambodia. Then they might cut to Melvin Laird snickering about the incident at a press conference.

If it exists, there's another piece of film footage that would go nicely with the pride in the uniform spiel: shots of the dead American soldier stuffed into a South Vietnamese uniform being bootlegged back across the border from Laos.

When the Russians invaded Czechslovakia it was some days before the Russian people were let in on it; the same holds for us. We had a better chance of learning what was going on by tuning in on a shortwave radio and dialing Hanoi or Peking than Washington. The Pentagon had embargoed its shame.

With Laos it had done so for many years. The lying, the misrepresenting, the playing cute with words and technical expressions have been going on for 15 years. In the spring of 1959, when we'd already been in Laos for four years, Walter S. Robertson, Eisenhower's assistant secretary of State for Far Eastern affairs, told a House subcommittee that we were subsidizing the entire cost of the Royal Laotian army "for one sole reason, and that is to try to keep this little country from being taken over by the Communists."

Ten years later William H. Sullivan, Nixon's deputy assistant secretary of state for East Asian and Pacific affairs, told the Senate we were secretly bombing Laos in order to re-establish operation of the 1962 Geneva agreement concerning that country's neutrality. This week's line is that we're doing it to save our boys' lives.

The impression Nixon seeks to give is we've only started bombing and sending in our horde of armed South Vietnamese houseboys after years of patiently watching the other side violate Laos neutrality. This is so much twaddle.

In all likelihood we violated Laos' neutrality long before Hanoi did. We can't be absolutely sure because most of the halfway reliable information we have about what goes on in that country comes from the other side. Washington has never come clean about the allegations that the CIA has pulled two coups d'etat there and has twice given out completely fraudulent stories that Laos was being invaded by North Vietnam when it wasn't. That was in 1959 and in 1961.

What is beyond dispute is that in 1964—seven years ago—the United States began aerial heavy bombardment of Laos. The best estimates hold that we've dropped more tonnage on this poor country than on either North or South Vietnam. By 1968 we had a radar base at Pa Thi in northern Laos for the purpose of guiding our bombers on their runs into North Vietnam. The current South Vietnamese invasion represents the third mercenary army we've had in there, the first being a large force of Meo tribesmen and the second the Thai army.

Trampled on and invaded by Vietnam, North and South, Thailand, China and the United States, this innocent country has been turned into the Belgium of the Far East, decimated and ruined because it had the misfortune to sit on strategically interesting terrain. Decimated isn't too strong a word. The best figures we have say that 600,000 people or one quarter of the Laotian population have been turned into refugees by our bombardment. One hundred and fifty thousand were turned into wandering, homeless wretches in 1969 alone. (See "The Indo China Story," by the Committee of Concerned Asian Scholars, Bantam, 1970, $1.25.)

Here is a description of what's been done to a part of the country that's nowhere near the Ho Chi Minh Trail and North Vietnam's line of military supplies southward:

"It is an agony difficult for an outsider to imagine. American and Laotian officials estimate that over the last 10 years 20 per cent of the people of Northeastern Laos have died in these refugees marches. The verdant limestone mountains that seem to have been lifted from a delicate Chinese scroll are a cemetery for 100,000 peasants! Random air strikes are always a threat; countless unexploded bombs lie scattered half-buried in the hills; exhaustion claims the weaker marchers; epidemics, especially of measles, are common. And, of course, there is never enough food." ("The Laotian Tragedy; The Long March" by Carl Strock, originally printed in the New Republic, quoted here from "Conflict in Indochina" compiled by Marvin and Susan Gettleman and Lawrence and Carol Kaplan, Random House, 1970, $8.95.)

This is the reason for the mystery. Shame. This is the reason for embargoes on the news, for trying to keep reporters and TV cameramen out. Shame. They're ashamed and they don't want the world to know what they've done. They try to hide it, order our soldiers not to talk, put them in civilian clothes and wrap their dead bodies in foreign insignias.

But the truth will out and the truth is that our men are being ordered to commit acts too awful to be seen done in the uniform of our country.

SHORTAGE OF QUALIFIED DOCTORS

Mr. SAXBE. Mr. President, I have long been concerned about the Nation's health care system. One of the failures in this system is a shortage of qualified doctors. The Association of American Medical Colleges, in Washington, has estimated that 75 percent of those who apply are academically qualified by grades and test scores to get through the rigors of medical school. However, this year American medical schools will accept only 45 percent of those who apply. Lawrence Altman has graphically illustrated the crisis in medical education in an excellent article published in the New York Times of Sunday, February 21, 1971.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICAL SCHOOL APPLICATIONS UP DESPITE LAG IN FUNDS AND SPACE

(By Lawrence K. Altman)

American medical schools in the last 10 years have rejected nearly 100,000 applicants—twice what Federal officials say is the current national shortage of doctors—though admissions committees considered many of those who were turned down to be "eminently qualified" to be physicians.

A record number of college seniors are seeking admission to medical schools next fall. At the same time, doctors on admissions committees are seeing an unusually high number of new faces—those of Ph.D.'s and engineers displaced from other fields, socially conscious students and members of minority groups.

Because there are too few places available, medical school officials say, they are turning away more than half of all applicants at a time when competition is becoming increasingly intense for thousands of students whose grades and medical test scores are at peak levels.

In his health message to Congress Thursday, President Nixon tried to come to grips with the difficulties of adequately funding medical schools to train a sufficient number of doctors and of giving financial support to low-income students.

"The greatest barrier to admission is the lack of places available in medical schools," Dr. John M. Neff, a dean at Johns Hopkins Medical School, said in his office in Baltimore.

Dr. Neff, like other medical school officials, said that the $6,000 grant that President Nixon recommended be given each medical school for each doctor it graduated was not enough to help medical schools out of their financial plight. Further, he said, such aid would not be forthcoming for some time, even if Congress enacted the proposal.

During the last decade, the pattern of acceptance and rejection of applicants to medical schools has reversed. Whereas 10 years ago American medical schools accepted 60 per cent of those who applies to get an M.D., this year they will accept 45 per cent. Medical schools traditionally have rejected as many applicants as they have accepted.

BIDS TO MEDICAL SCHOOLS

Year	Total applicants	Average number of applications per individual	Accepted applicants	Accepted percent of applicants	Total medical school enrollment
1949–1950	24,434	3.6	7,150	29.3	25,103
1951–1952	19,920	3.5	7,663	38.5	27,076
1953–1954	14,678	3.3	7,756	52.8	28,227
1955–1956	14,937	3.6	7,969	53.3	28,639
1957–1958	15,791	3.9	8,302	52.6	29,473
1958–1959	15,170	3.9	8,366	55.1	29,614
1959–1960	14,952	3.9	8,512	56.9	30,084
1960–1961	14,397	3.8	8,550	59.4	30,288
1961–1962	14,381	3.7	8,682	60.4	31,078
1962–1963	15,847	3.7	8,959	56.5	31,491
1963–1964	17,668	4.0	9,063	51.3	32,001
1964–1965	19,168	4.4	9,043	47.2	32,428
1965–1966	18,703	4.7	9,012	48.2	32,835
1966–1967	18,250	4.8	9,123	50.0	44,423
1967–1968	18,724	5.0	9,702	51.8	34,538
1968–1969	21,118	5.3	10,010	47.9	35,828
1969–1970	24,465	5.6	10,547	43.1	37,756
1970–1971	[1] 26,000		[1] 11,800	[1] 45.3	

[1] Estimated.

Sources: Association of American Medical Colleges and American Medical Association.

The Association of American Medical Colleges in Washington has estimated that 75 per cent of those who apply are academically qualified by grades and test scores to get through the rigors of medical school. Thus, of the 14,200 who will be denied admission for next fall's class, perhaps 7,500 are probably qualified to enter.

In other words, just the cream of the qualified crop will get into medical school this year.

No one knows the fate of the qualified rejects, Dr. Henry Seidel of Johns Hopkins said. Upwards of 1,000 Americans each year are going to foreign medical schools such as those in Guadalajara, Mexico, or Bologna, Italy, to get their M.D.s. Some transfer later to American medical schools. A few gain admission by reapplying a year later. Many go into allied health professions such as psychology. But the vast majority never become physicians.

HAMPERED BY LACK OF FUNDS

In recent years, medical schools have made an effort to respond to demands that they develop better ways to deliver health care to the community, rather than to the individual patient. Such attempts, however, have been handicapped by declining Federal funds to medical schools are generally given for research projects, not for teaching medicine to students.

As a result, many medical schools are in financial trouble—some nearly bankrupt and just barely able to educate those students already enrolled.

Tuition covers just a small fraction of a medical student's increasingly costlier education. Some medical educators estimate the cost to be $60,000 for each student. Tuitions amount at most to $12,000 for the four-year course.

According to officials of one-quarter of American medical schools, applications are coming from the most representative cross-section of American society ever to have sought to become physicians.

And due to fiercer competition, students are applying to more medical schools—about seven on the average—than their predecessors did.

A new computer-assisted system, which the Association of American Medical Colleges administers in Washington, allows a prospective medical student to fill out one application form and thereby petition as many as 56 participating schools for an entering place. The total cost is $600—$10 a school plus a few extra expenses.

APPLICATIONS SHARPLY UP

This approach has sharply increased applications for next fall's classes at the participating schools. Harvard, for example, has received more than 3,000 applications for the M.D., nearly double the record 1,600 last year, according to Dr. Perry Culver. The 5,000 applications that Georgetown in Washington has received for 205 places is the most for any American medical school.

Though many students are applying to many medical schools, the total number of applicants is a record.

The medical college association estimates that 26,000 applicants, up from the record 24,465 last year, will compete for the 11,800 places available next fall in the 108 medical schools in this country. The schools are admitting about 3,000 more students each class than they did 10 years ago.

Why do so many seek to become physicians?

An increased social awareness among younger Americans and their desire for a measure of control over their destiny seem to be among the important factors. Further, medicine offers new opportunities for people with widely different educational and social backgrounds.

Specific motivations for choosing the life of a doctor are not easy to determine. Because medical schools consider applications confidential, interviews with a representative group of rejectees are difficult to obtain.

One successful applicant to the University of Indiana Medical School, Glen A. Brunk of Kokomo, for example, is taking five years to graduate from the Massachusetts Institute of Technology instead of four because he needed premedical courses. Mr. Brunk expects to receive a degree—in electrical engineering—this spring.

After spending a summer working for General Motors, where he felt he was "underutilized," Mr. Brunk said, "I decided that medicine had quite a bit more to offer than engineering. I could make money and help people, too, and it would be a lot more personal a sort of thing."

School officials said that some reasons for the popularity of medicine could be found in the fact that medicine provides a physician with a personal autonomy to pursue a career in a wide variety of intellectually stimulating fields from pure research to pure practice without necessarily becoming part of a large impersonal organization.

"It's a chance to become their own boss," Dr. Ralph Cazort of Meharry Medical College in Nashville said.

A growing number of clergymen are also applying to medical schools. "Seminarians are saying their field isn't scientific enough for them, and the engineers say theirs isn't people-oriented enough," said Dr. W. Albert Sullivan Jr. of the University of Minnesota Medical School.

As the frontiers of medicine expand scientifically and socially, and as doctors rely more on sophisticated instruments, a variety of fields open up for individuals with different backgrounds. Electronics engineers can apply computers to medicine, for example, and social scientists can study medical problems of the ghetto.

A LUCRATIVE LIFE

For some, practicing medicine can offer a lucrative, prestigious life.

"In spite of the fact kids deny it is their reason, medicine provides a very fine living," said Milton R. Geerdes of the Chicago University Medical School. "You don't see many physicians hurting these days."

Still, many physicians chose to practice, teach or do research in medical schools, where their incomes are generally one-half to one-fifth less than what they could be in private practice.

Intellectual dissatisfaction can also be a strong factor in a career change, particularly, for scientists who see federal support for science declining and who do not feel at home in private industry.

"Jobs they have now, or the ones that are theirs for the asking, do not meet their standards for achieving their scientific or personal potential," said Dr. David Tormey of the University of Vermont Medical School in Burlington. "They want something more than the fast buck and they no longer believe it's critical to their self-importance that they rise to industrial or business heights."

In universities, too, career switching is occurring among Ph.D.'s, including those with faculty appointments.

Several medical schools such as Albert Einstein, Harvard and the University of Southern California could more than fill next year's class just with Ph.D.'s.

At the University of Southern California Medical School in Los Angeles, for example, officials said that 5 percent of the 2,712 applicants for the 96 places there next fall were Ph.D.'s or Ph.D. candidates. Yet some schools have received no applications from Ph.D.'s.

Often Ph.D.'s, like other older students, get a cool reception from admissions committees, in part because not all Ph.D.'s have applied to medical schools with the idea of marrying their two specialties. Most schools said that they planned to accept just a few Ph.D.'s. At Columbia, for example, Dr. Frederick G. Hofmann said that less than 10 per cent of the incoming class of 137 students would consist of Ph. D.'s.

Many medical school faculty members said privately they believed that younger college students, with longer professional lives ahead of them, should not be deprived of a place in medical school to give older students a second career choice. Members of admissions committees said that they screened older applicants such as Ph.D.'s more strictly for economic motivations.

In the past, many Ph. D.'s have done poorly after entering medical school, in part because they have had difficulty in readjusting to the role of a student memorizing thousands of facts and in caring for patients through the long hours of many nights.

One Ph. D. dropped out of Chicago Medical School, an official said, "saying he could not take the amount of course work."

With the best of the highly qualified students being accepted, the drop-out rate from medical school is very low.

The cross-over of Ph. D.'s is not limited to those in science. Students with backgrounds in the humanities are also turning to medicine.

"You get very strongly the feeling that they are individuals who want to act out the helping of other people," Dr. Hofmann of Columbia said. "They want direct personal contact."

SOCIAL CONCERN RISES

Undergraduates are very sensitive to the difficulties that young engineers and Ph.D.'s are facing with declining Federal support and bleak job opportunities. As a result, Dr. Daniel Funkenstein, a psychiatrist at Harvard, said he had noticed that more undergraduates were changing career plans and considering medicine.

Students feel they cannot rely on Federal funds for career support, Dr. Bernard J. Fogel of the University of Miami Medical School said, and some fear that when they become scientists or engineers they will have to take any job available—not the one they would like to have.

For more and more students, doing what interests them means applying their medical knowledge to improve society.

"In the culture of today, many have discarded the old middle-class ethic of entering medicine as a means of moving upward in society," said Dr. LeRoy A. Pesch of the University of Buffalo.

"Students are making their own assessments of where the problems of today's society are," he said, "and in most cases, these problems come back to medicine. Population control, the squandering of natural resources, pollution—all of these are related to medicine. Health is involved in many social problems—poverty and malnutrition, for example." The change in the students is widespread.

At the University of Vermont, in Burlington, the contrast between the "far more liberal" freshman and their senior class colleagues "is almost a generation gap within the student society itself," Dr. Tormey said.

"Knowing that doctors are at the top of the social heap," he said, "they [students] believe that as doctors they can have an even greater impact on changing society."

At Einstein, Dr. Bertram A. Lowy noted that "if the students who come in now for interviews stick to what they claim they will do 10 years from now, then [many of] our problems about the delivery of health services may be solved because the majority are interested in community health. They're not concerned with a private lucrative practice. They just want to go into the poor areas of the country and help people who need the help and not worry about the financial reward."

Medical schools have become socially aware of their need to increase enrollment of students from minority groups, and the student bodies are reflecting this change.

Nationally, the percentage of black students enrolled is increasing. Whereas just 2 per cent of medical students were black until about 1968, now 4 per cent of the sophomore medical class and 6 per cent of the freshman medical school class is black. In 1968–69 the nation's medical schools had 783 black students. There are now 1,509 black students enrolled.

Similarly, in recent years the number of female medical students has increased. Women made up 11 per cent of the class that entered American medical schools last fall, compared to 9 per cent two years ago.

But the lack of "adequate financial support for scholarship funds to aid needy students," Dr. Neff of Johns Hopkins said, has hampered medical schools' attempts to enroll more students from minority groups and low income families.

PROBLEMS FACING MANKIND

Mr. PELL. Mr. President, the New York Times of February 18 there contains Dr. Aurelio Peccei's excellent summary of the problems facing mankind, of the quantum jump in technology which challenges the survival of our civilization. To survive, we must take the quantum jump and behave as human beings guided by ration rather than by emotion. We must stand up and subordinate technology to mankind rather than vice versa. Otherwise, whether it be because of weaponry, pollution, or other man-made developments, technology will swallow us.

In this regard, I am proud to be a member of the Club of Rome, founded by Dr. Peccei, which seeks solutions to our problems. For this reason I am particularly glad to request that Dr. Peccei's column be inserted into the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The Threat to Man Is Man Himself

(By Aurelio Peccei)

Rome.—The disorders of our age affect all societies, irrespective of their culture, political regime, social and economic philosophy and degree of affluence or paucity.

Everywhere the structures and modes of human organization are in a state of crisis and unable to handle the ever larger and more complex problems of the contemporary world. Government, the city, the school and the university, the church, the economy, our environment, science and technology, national and international life, we discover, can no longer be managed by the methods and techniques we have used so far.

Little constructive thinking is given to the reasons why this state of disarray exists precisely when our knowledge and information have reached an apex heretofore unimaginable, and we possess astounding capacity to accomplish exceptional feats. This is a crucial question. The future hinges on the answers we can give to it. And our answers depend on our capacity to understand the organic changes that have occurred in the human condition.

These are changes of scale and kind. And they have materialized in rapid succession, thoroughly upsetting the reference base on which centuries and millennia of past generations founded their intuition and behavior, built up their values and experience and tested their judgment and wisdom.

The most often quoted of such metamorphic changes is the tremendous nuclear energies man can now release at will, with pushbutton suddenness. Egocentrism and age-long discriminations between kin and foe prompted this fantastic development, only to be made worthless in the process—for nowadays everybody can be wiped out by the same stroke. Before this colossal investment in genocide starts paying off, our sphere of solidarity must acquire global dimensions and our political processes be radically reformed.

However, it is not enough to survive our own weapons. It is equally important to understand man's changed situation on his planet. Human evolution has been dominated by a growth syndrome—compounded and combined growths in numbers, expectations, land occupancy, production, consumption, wealth, speed, mobility, learning, etc.

In order to grow, the human species has overexploited and polluted its environment and outbred and decimated all other forms of life. But its terresterial domain is finite And disproportionate and disorderly human presence in this small world is utterly inconsistent with human fulfillment and happiness. Gone forever are the inexhaustible availability of pure air and water, and unclaimed green expanses, the wildernesses and the "new frontiers." Delicate balances in the biosphere have been subverted. Man has thus created a world so new and so intrinsically different that the reasoning and principles that guided him in the past are impotent to cope with it.

Our present predicament is thus rooted in those tendencies which have underpinned our ascent; and it is but a foretaste of tomorrow's truly desperate conditions should the customary trends continue. This will be the case of a world society of five, six or seven billion unrestrained and intolerant people, possessing ever more technologies and armaments than they can control, demanding ever more from each other and from nature, and ever more unable to comprehend the transformation they themselves bring about.

The earth is a closed system, which can accommodate this humanity if it behaves civilly and accepts a Spartan existence, without any profound gaps between the different peoples but which can support only a far smaller population if it wants to enjoy a high quality and standard of life, freedom of movement and opportunity.

A critical turning point has been reached. We and mankind generally must invent anew the modes by which to survive and progress on our changed planet, where we can no longer afford to grow exponentially, but must strive to reach a state of healthy, dynamic stability through continually adjusted balances between man, society and environment

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THE CASE FOR 18-YEAR-OLDS VOTING

Mr. BAYH. Mr. President, I support Senate Joint Resolution 7, the proposed amendment to the Constitution which would lower the voting age to 18 for all elections. In recent years, we have achieved a nationwide political consensus favoring such a change in the voting age. In the extensive hearings conducted by my Subcommittee on Constitutional Amendments in the 91st Congress, the objective was agreed to by the Senator from Arizona (Mr. GOLDWATER) and the Senator from Massachusetts (Mr. KENNEDY), by Deputy Attorney General Richard Kleindienst, and by former Attorney General Ramsey Clark. This consensus has emerged from a solid series of arguments supporting an extension of the franchise to younger voters.

First, these younger citizens are fully mature enough to vote. There is no magic to the age of 21. The 21-year age of maturity is derived only from historical accident. In the 11th century 21 was the age at which most males were physically capable of carrying armor. But the physical ability to carry armor in the 11th century clearly has no relation to the intellectual and emotional qualifications to vote in 20th century America. And even if physical maturity were the crucial determinant of the right to vote, 18-year-olds would deserve that right: Dr. Margaret Mead and others have shown that the age of physical maturity of American youth has dropped more than 3 years since the 18th century. As Vice President AGNEW said recently in endorsing a lowered voting age:

> Young people today are better educated and they mature physically much sooner than they did even 50 years ago.

The simple fact is that our younger citizens today are mentally and emotionally capable of full participation in our democratic form of government. Today more than half of the 18- to 21-year-olds are receiving some type of higher education. Today nearly 80 percent of these young people are high school graduates. It is interesting to compare these recent statistics with some from 1920, when less than 10 percent went on to college and less than 20 percent of our youngsters actually graduated from high school.

Second, our 18-year-old citizens have earned the right to vote because they bear all or most of an adult citizen's responsibilities. Of the nearly 11 million 18- to 21-year-olds today, about half are married and more than 1 million of them are responsible for raising families. Another 1,400,000 are serving their country—serving all of us—in the Armed Forces. And tens of thousands of young people have paid the supreme sacrifice in the Indochina war over the past 5 years.

Today more than 3 million young people, ages 18 to 21, are full-time employees and taxpayers. As former Attorney General Ramsey Clark has pointed out:

> We subject 10–12 million young citizens between 17 and 21 years of age to taxation without representation. This is four times the population of the Colonies the night the tea was dumped in Boston harbor. . . . It exceeds the population of all but several of the States of the Union.

In 26 States, persons at the age of 18 can make wills. In 49 States, they are treated as adults in criminal courts of law. Can we justify holding a person to be legally responsible for his or her actions in a criminal court of law when we continue to refuse to consider that same person responsible enough to take action in a polling booth? Surely a citizen's rights in our society ought to be commensurate with his responsibilities. Our younger citizens have willingly shouldered the responsibilities we have put on them, and it is morally wrong to deprive these citizens of the vote. By their actions, they clearly have earned the right to vote.

Third, these younger voters should be given the right to full participation in our political system because they will contribute a great deal to our society. Although some of the student unrest of recent years has led to deplorable violence and intolerance, much of this unrest is healthy. It reflects the interest and concern of today's youth over the important issues of our day. The deep commitment of those 18- to 21-years-old is often the idealism which Senator BARRY GOLDWATER has said "is exactly what we need more of in the country—more citizens who are concerned enough to pose his social and moral goals for the Nation." As Prof. Paul Freund of the Harvard Law School recently wrote:

> I believe that the student movement around the world is nothing less than the herald of an intellectual and moral revolution, which can portend a new enlightenment and a wider fraternity, or if repulsed and repressed can lead to a new cynicism and even deeper cleavages. The student generation, disillusioned with absolutist slogans and utopian dogmas, has long since marked the end of ideology: wars of competing isms are as intolerable to them as wars of religion became centuries ago. Youth turned to pragmatism, to the setting of specific manageable tasks and getting them done. But that has proved altogether too uninspiring, and youth has been restless for a new vision, a new set of deals to supplant the discarded ideologies.

We must channel these energies into our political system and give young people the real opportunity to influence our society in a peaceful and constructive manner. The President's Commission on the Causes and Prevention of Violence explored the relationships between campus unrest and the ability of our younger citizens to take a constructive part in the political process:

> The nation cannot afford to ignore lawlessness . . . It is no less permissible for our

> nation to ignore the legitimate needs and desires of the young . . .
>
> . . . We have seen the dedication and conviction they have brought to the Civil Rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.
>
> The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation.

I believe that the time has come to extend the vote to 18-year-olds in all elections; because they are mature enough in every way to exercise the franchise; because they have earned the right to vote by bearing the responsibilities of citizenship; and because our society has so much to gain by bringing the force of their idealism and concern and energy into the constructive mechanism of elective government.

HEARINGS

The testimony presented at recent hearings of the Senate Subcommittee on Constitutional Amendments also provides strong and persuasive support for lowering the voting age. The subcommittee held a series of comprehensive hearings on May 14, 15, and 16 of 1968 in the 90th Congress, and on February 16 and 17 and March 9 and 10 of 1970, in the 91st Congress. At both sets of hearings we heard support for a lowered voting age from witnesses representing all parts of the political spectrum, as well as from representatives of a great variety of organizations.

Senator RANDOLPH was the first witness at the hearings in the 91st Congress. He described his efforts since 1943 on behalf of granting 18-year-olds the vote. He said that allowing participation by these younger voters would have the beneficial results of forcing us all to take a "fresh look" at our political system. He pointed out that the history of this country has to a great extent been a history of efforts to expand the franchise and to expand the political base of our democratic processes. He said:

> We should extend our base by giving to young people not only the opportunity, but I repeat again and again, the responsibility for this active, this full participation. The future in large part belongs to young people. It is imperative that they have the opportunity to help set the course of that future.

Former Presidential Assistant Theodore Sorensen brought to the subcommittee's attention the conclusion of the Cox Commission which studied the student disruptions at Columbia University. That Commission called the present generation "the most intelligent," the "most idealistic," the "most sensitive to public issues," and with a "higher level of social conscience than preceding generations." Sorensen described the question of whether to lower the voting age as raising a "moral issue." He said:

> For the very essence of democracy requires that its electoral base be as broad as the standards of fairness and logic permit.

Dr. W. Walter Menninger testified in support of lowering the voting age as a representative of the National Commission on the Causes and Prevention of Violence. He pointed out that the Commission in its final report had recommended a constitutional amendment to lower the voting age to 18. Dr. Menninger also reminded us about the statement Senator MANSFIELD had made during the subcommittee's 1968 hearings:

> The age of 21 is not simply the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot.

He went on to point out that it is at 18 that young people traditionally "try it on their own," and "become responsible for themselves and others." It is at 18 that "the citizen has fresher knowledge and a more enthusiastic interest in government processes."

Dr. Menninger explored the experiences other jurisdictions have had with lowering the voting age. He said:

> Nothing in the recent history of states which allow those under 21 to vote has indicated that the college-age vote is irresponsible or "radical."

And he pointed out that, according to the studies of the 1963 Commission on Voting:

> Where 18-year-olds were allowed to vote, they voted in larger proportions than the remainder of the population.

He believed that this evidence supported his thesis that lowering the voting age would allow the younger voters to take an active part in the system when they are still subject to the stimulation of courses in citizenship and American history and reverse the presently poor turnout of voters in the 21-to-30 category.

Dr. S. I. Hayakawa, the president of San Francisco State University, stated:

> Lowering of the voting age is just one of many measures that are necessary to involve young men and women from 18 years onward more and more into the life of government, of business, of the world of work in general, so that they have decisions to make that count in the world.

He said that the vote, aside from its role in the democratic process, had a symbolic meaning. For the young citizen, voting is like an initiation rite, acknowledging adulthood.

Deputy Attorney General Richard Kleindienst conveyed President Nixon's views about the wisdom of lowering the voting age. He said:

> America's 10 million young people between the ages of 18 and 21 are better equipped today than ever in the past to be entrusted with all of the responsibilities and privileges of citizenship. Their well-informed intelligence, enthusiastic interest, and desire to participate in public affairs at all levels exemplifies the highest qualities of mature citizenship.

Kleindienst also pointed out to the subcommittee that those States that have had experience with voting at 18 have found that "their experience with young voters has been constructive and positive."

Former Attorney General Ramsey Clark urged speedy enactment of a constitutional amendment to lower the voting age. He pointed out that while the United States has allowed more citizens to participate in the democratic process over the years, it has done so only slowly, ineffectively, and begrudgingly. He thought that the amendment should be passed in the name of fairness and justice. And he added:

> But there is a more urgent reason. That reason is need, and that need is to involve the young people in our processes and to learn the message that they have to tell us.

Mr. Clark believes that by letting young people vote soon after high school we can involve them in our system and keep them in meaningful participation in the system.

Senator GOLDWATER appeared and told us that as a result of his repeated travels to universities in every part of the country over the past few years, he is convinced:

> This generation of young people is the finest generation that has ever come along.

He said:

> To give a direct answer, I see no reason, from the point of judgment, why our young people should not be allowed to vote, and I am talking about 18-year-olds, in State as well as Presidential elections . . . I have confidence in these people.

Senator EDWARD M. KENNEDY said in his testimony that—

> I believe the time has come to lower the voting age in the United States, and thereby to bring American youth into the mainstream of our political process. To me, this is the most important single principle we can pursue as a nation if we are to succeed in bringing our youth into full and lasting participation in our institutions of democratic government.

Dr. Margaret Mead, the noted anthropologist, appeared before the subcommittee and particularly emphasized the fact that today's young people "are not only the best educated generation that we have ever had, and the segment of the population that is better educated than any other group, but also they are more mature than young people in the past."

Testimony was heard and statements were received from individuals representing countless organizations, including: Youth Franchise Coalition; National Education Association; American Federation of Teachers; National Association for the Advancement of Colored People; American Civil Liberties Union; the American Jewish Committee; and the Association of the Bar of the City of New York.

OREGON AGAINST MITCHELL

On March 13, 1970, 3 days after the hearings were conducted, the Senate passed the Voting Rights Act of 1970, which contained a provision lowering the voting age to 18 in all elections by statute. In its meeting of July 28, 1970, the subcommittee reported the 18-year-old vote constitutional proposals to the full Judiciary Committee, with the understanding that they would remain in the full committee pending the outcome of the Supreme Court test.

Although the constitutionality of lowering the voting age by statue had been explored at length in hearings before the Senate Subcommittee on Constitutional Amendments and on the floor of both Houses, some substantial doubt remained, and the Act provided for a rapid determination by the Supreme Court. On December 21, 1970, the Supreme Court ruled in Oregon against Mitchell that title III of the Voting Rights Act of 1970 is constitutional insofar as it applies to Federal elections, but that the Congress lacks power under the Constitution to lower the voting age by Federal statute in State and local elections. The Supreme Court's decision came too late in the Congress to allow action by either House before the end of the session.

The results of the Court's decision were immediately criticized by election officials and others, not merely because of the apparent inconsistency, but because it would require a dual-age system of registration and voting said to be expensive, confusing, and subject to other serious problems.

In response to these comments, I started preparing a report which would explore the scope and magnitude of these criticisms, collect and summarize the background material on the effort to lower the voting age, and survey the problems arising across the country as a result of Oregon against Mitchell. I sent telegrams to the chief election officials of each of the 50 States and election officials from some 35 major cities and counties, asking them to estimate the cost, confusion, and other problems they anticipated as a result of the dual-age voting. Newspaper reports of responses to the Court's decision were surveyed from across the country. The possibility of prompt State action to lower the voting age was analyzed for every State, and compared to the possibility of prompt ratification of a Federal constitutional amendment.

THE REPORT

In preparing that report I found that a a result of the decision in Oregon against Mitchell, 47 States face the possibility of having to administer the 1972 election under a system of dual-age voting—voting at age 18 in Federal elections and at a greater age in State and local elections. It is my belief that such a system of dual-age voting is morally indefensible and patently illogical; how can we deny younger voters a voice in local affairs when we allow them the right to participate in the selection of the Nation's highest officials? Moreover, according to the election officials I corresponded with, dual-age voting may also be dangerously complicated and inordinately expensive as well. These officials estimated costs amounting to at least $10 to $20 million. Last year Congress declared that every American over the age of 18 should be entitled to vote in all elections. It is my hope that the fact that dual-age voting is devoid of principle, and the fear that it may be unworkable in practice, will encourage the Congress to reaffirm that fundamental policy judgment by prompt passage of a Federal constitutional amendment for ratification by the States.

There is no basis whatsoever, in logic, in policy or in practice, for denying 18-year-olds the right to vote in State and local elections when they may vote in Federal elections. All of the arguments advanced in favor of lowering the voting age apply with equal force to State and local elections and to Federal elections. Indeed, many of the areas in which young people have expressed the greatest interest—for example, the quality of education and the state of the environment—are primarily matters of local concern. In a time of increasing interest in the decentralization of government programs and resources, there is simply no justification whatsoever for excluding young people from participation in State and local elective politics when we permit them full participation on the Federal level.

The administrative problems of creating and maintaining a system of dual-age voting have led election officials to raise the danger of profound confusion and delay in the election process. In the 47 States which have not yet extended the franchise to 18-year-olds, separate systems of registration and voting must be established for nearly 10 percent of the previous voting age population—more than 10 million young people. The attorney general of Oregon has characterized the result as "an intolerable administrative burden on the States." John D. Rockefeller IV, secretary of state of West Virginia, has said that the situation at the polling places on election day may amount to "a jumble of confusion." Louisiana State Attorney General Jack Gremillion fears "chaos and confusion" in the next general election. And a memorandum prepared for the secretary of state of Minnesota predicts "a nightmare at best" in the process of instructing voters in the 1972 elections.

I found that some jurisdictions expect to meet the problem primarily by the purchase of new voting machines. However, such a solution can create what one election official referred to as a "suffocating expense." And there is substantial doubt as to whether a sufficient number of machines could be ordered, financed, and delivered in time for the 1972 elections. Other jurisdictions expect to resolve the problem by the use of "lockout" devices on voting machines—where feasible—or the use of separate paper ballots. Both of these approaches will require a substantial increase in manpower, either to perform and supervise the lockout function or to administer the paper ballots. Moreover, the use of paper ballots—a possibility being considered by many jurisdictions, including the States of Michigan, Montana, and North Dakota and the city of Chicago—raise the possibility and the temptation of vote fraud often associated with the use of paper ballots.

Whatever approach individual jurisdictions take to meet the problem, many election officials fear that the confusion and complications of dual-age voting will lead to delay at the polls. James C. Kirkpatrick, the secretary of state of Missouri, has suggested that "probably most important of all" the consequences of dual-age voting is the possibility that "the confusion may well result in long lines at the polling places on election day," causing voters "to decide against voting rather than be forced to stand in line for a long time—especially in bad weather." It would be ironic indeed if in this manner the Voting Rights Act discouraged the exercise of the franchise.

Based on the estimates of election officials, the total cost of implementing a system of dual-age voting appears to be no less than $10 to $20 million—and may amount to substantially more. Such estimates vary widely among jurisdictions. Moreover, some State and local officials are just beginning to analyze the problems involved in depth and to canvass the possible solutions. In jurisdictions contemplating the use of separate voting machines, at a cost of approximately $2,000 apiece, the initial cost would be staggering—$1.3 million in Connecticut, $3.5 million in New York City. In jurisdictions choosing to use voting machine "lockout" where possible, or paper ballots, the costs are harder to estimate because they involve primarily the use of additional personnel; but election officials are nevertheless concerned about the magnitude of the expense required. A few examples of responses from election officials follow:

Paul Marston, recorder of Maricopa County—including Phoenix, Ariz., predicted a possible expense on the order of $60,000 resulting from dual-age voting.

California State Assemblyman John Briggs reported that, according to the California secretary of state, it would cost more than $1.5 million to implement dual-age voting in California. The registrar-recorder of Los Angeles County has estimated that "dual-age voting will cost approximately $400,000 to $500,000 additional" in the county.

Mrs. Gloria Schaffer, the secretary of state of Connecticut, has estimated that the State may have to spend $1,300,000 on voting machines alone to implement dual-age voting.

In Illinois, Secretary of State John W. Lewis estimated that there would be a 40- to 50-percent increase in election costs because of the need to keep two sets of registration books, two sets of ballots, and the like. The chairman of the Chicago Board of Election Commissioners puts the extra cost for his city alone at between $150,000 and $200,000.

The Indiana State Election Board has predicted that it will cost $170,000 for separate registration facilities, and for the printing and costing of paper ballots.

In Iowa, dual-age voting could cost $125,000 to $150,000, but Secretary of State Melvin D. Synhorst added that if voting machines had to be purchased, this figure "could rise considerably higher."

According to Allen J. Beerman, the secretary of state of Nebraska the implementation of Oregon against Mitchell could easily result in a 30-percent increase in election costs—an additional $300,000.

New Mexico Secretary of State Betty Fiorina expects the cost of implementing dual-age voting to total approximately $200,000.

Maurice J. O'Rourke, the president of the New York City Board of Elections has stated that such a dual-age voting procedure "would cost the city $5,000,000 minimally. We would need 1,500 new voting machines, which cost $2,000 each, and we would have to spend at least $2,000,000 for additional permanent personnel to set up and maintain the two sets of registration books necessary for two categories of voters."

Ward Fowler, of Oklahoma's State Election Board, has predicted extra costs arising from dual-age voting of $50,000 to $150,000 per election year.

Rhode Island relies heavily on voting machines, and as a result Secretary of State August P. LaFrance expects that additional expenses could total nearly $2 million.

Director of Elections Jack M. Perry of Shelby County, Tenn., which includes Memphis, has made a rough estimate that the extra expenses of dual-age voting would amount to around $800,000.

A. Ludlow Kramer, Washington's secretary of state, gave a careful estimate of all the expenses that dual-age voting would entail and concluded that it would cost the State $425,000, a suffocating expense, especially when his State is desperately struggling to avoid bankruptcy.

The difficulty of determining just what constitutes a Federal election may lead to substantial disruption of State political party organization and prolonged confusion and delay in the courts. Oregon against Mitchell grants the right to vote in all Federal primary elections to all 18-year-old voters. However, in many States the selection of nominees for Federal office is not performed in a primary but by delegates elected to State conventions. Unless young voters are able to vote for these delegates, they will have no voice in the selection of the Federal nominees who will represent their party. However, many of these elected delegates also choose nominees for statewide office and perform other State functions, and 18-year-olds are precluded by law in 47 of the 50 States from voting for State officials. If excluded from party elections which affect—directly or indirectly—the choice of Federal officials, 18-year-old voters are certain to challenge their exclusion in court, and very substantial disruption and delay may result before the numerous separate and differing problems across the country are resolved.

POSSIBILITY OF LOWERING THE VOTING AGE

A Federal constitutional amendment offers the only realistic hope in most States for 18-year-old voting before the 1972 elections. Of the 47 States having voting age in excess of 18, only eight have reported that it would be possible to lower their voting age by State action before the 1972 general election without resorting to some extraordinary procedure, such as a special statewide election. Most of the remaining States face delays that would preclude final action lowering the voting age before that date. Ratification of a Federal constitutional amendment, on the other hand, appears to be a realistic possibility by 1972. At the present time it seems likely that at least 40 State legislatures will be meeting in 1972 alone, in the absence of any special sessions, and the reapportionment required by the 1970 census is likely to make the fall of 1971 and the spring of 1972 an active period for special sessions. The three amendments proposed by Congress in the 1960's—the 23d, 24th, and 25th—were ratified in an average time of approximately 15 months; an amendment lowering the voting age to 18 would stand an excellent chance of ratification within a similar period.

CONCLUSION

I have long been concerned with the need to extend the franchise to include our younger citizens. After chairing two sets of subcommittee hearings on this issue and after preparing this report, I am now convinced—more firmly than ever before—that the time has come to lower the voting age to 18 in every election across the land—because it is right. And if the many problems of dual-age voting force us to confront the question more promptly, so much the better. Lowering the voting age is sound principle, sound policy and sound practice. The Congress should complete its action at the earliest possible date, and send the amendment to the States for ratification.

FAR-REACHING SIGNIFICANCE OF NIXON PROGRAMS

Mr. COOPER. Mr. President, I ask unanimous consent that an article written by James Reston and published in the New York Times of Friday, February 12, 1971, be printed in the RECORD. The title of the article is "What of the Democrats?" The thrust of the article is expressed in its first two paragraphs, which I quote:

> When President Nixon came into the White House he said, "We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century. . . . That is the watchword of this Administration: reform."
>
> His new health program for the nation, sent to Congress this week, is only the latest evidence that he has kept his word. For more than a year now he has sent to Capitol Hill one innovative policy after another: on welfare reform, revenue-sharing reform, government reform, postal reform, manpower reform, Social Security reform, reform of the grant-in-aid system, and many others.

The programs which President Nixon has submitted to Congress are comprehensive, have far-reaching significance, and if enacted will make the Government of the United States responsive to the needs of our country and of our people. These proposals of the President must be made known to the people throughout the country. If they are I am sure he will have the support of the people of the country as he battles for them.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT OF THE DEMOCRATS?

(By James Reston)

WASHINGTON, February 18—When President Nixon came into the White House he said, "We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century. . . . That is the watchword of this Administration: reform."

His new health program for the nation, sent to Congress this week, is only the latest evidence that he has kept his word. For more than a year now he has sent to Capitol Hill one innovative policy after another: on welfare reform, revenue-sharing reform, government reform, postal reform, manpower reform, Social Security reform, reform of the grant-in-aid system, and many others.

It is not necessary to agree with his proposals in order to concede that, taken together, they add up to a serious and impressive effort to transform the domestic laws of the nation, all the more remarkable coming from a Conservative Administration, and that they deserve a more serious and coherent response than they have got so far from the Democratic party and the Democratic majority in the Federal Congress.

What is the Democratic party's alternative? This we would like to know. There are alternatives from Democrats—a Kennedy alternative on health policy, the beginnings of a Wilbur Mills alternative to revenue sharing, a Muskie alternative to Vietnam policy—pick a date and get out—but as often as not the Democratic alternatives contradict one another, and the party as a whole seems to be settling for the old political rule that it is the business of the opposition party merely to oppose.

A party out of office, of course, always operates at a disadvantage. It lacks the authority and resources of the Presidency. It is usually leaderless and broke. Its power is dispersed among the committee chairmen, the rival candidates for Presidential nomination, the Governors, and the National Committee, the latter now meeting in Washington.

In the present case, the titular head of the Democratic party is Hubert Humphrey of Minnesota, a new boy in the back row of the Senate. When the National Committee meets, it usually concentrates on the party deficit and President Nixon, both of which they find disagreeable. But so far, about all they have been able to agree about is that they should not tear each other apart in public, which, come to think of it, is quite an achievement for Democrats.

Nevertheless, hard as it is to get an opposition party to agree on what it stands for, it would be reassuring to think that they got together once in a while and at least tried to define the broad outlines of a program for the future.

It is perfectly clear that many of the old Democratic programs of the fifties and sixties are no longer relevant to the problems of today, let alone tomorrow. In 1960 there were only 44 grant-in-aid programs for the states; now there are over 430; and even the Democratic Governors are bewildered by their complexity and inefficiency.

In the short time since President Nixon first came forward with his welfare reform bill, over 2 million people have been added to the welfare rolls, at an additional cost of $1.5 billion a year.

President Nixon has at least seen that this is dangerous nonsense and put forward a bold, if controversial, alternative that deserves to be voted up or down. As things now stand, the Democrats are demanding, and quite right too, that the scandal of campaign expenditure be corrected, but they cannot agree on how this should be done; and beyond that, they have not even managed to agree on how to pick their spokesmen if they do get free time on television.

The last time the Democrats were out of power, they at least recognized the problem and organized a kind of brain-trust outside the Congress to question their old assumptions and write position papers on the main subjects coming up for decision. It wasn't much, and Lyndon Johnson and Sam Rayburn resented the experiment, but it started the process of revision and even of thought within the party.

What the Democrats are doing now is merely sniping at the President's programs and often saying some damn silly things in the process. Here is George McGovern, for example, normally a sensible man, proclaiming that Mr. Nixon is "flirting with World War III in Asia," and Ed Muskie calling in Pittsburgh the other night for a "new coalition" cutting across lines of race, geography and economics.

But to do what? In support of what programs? President Nixon has been singularly successful in ignoring old Republican taboos and prejudices, and if you want to be cynical about it, he may be putting up programs he knows the Democrats will probably knock down; but at least he has a program on the home front, which is more than you can say for the Democrats.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TUNNEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. TUNNEY). Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 601 (a), Public Law 91-513, the Speaker had appointed Mr. ROGERS and Mr. CARTER as members of the Commission on Marihuana and Drug Abuse, on the part of the House.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. TUNNEY). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Pennsylvania (Mr. SCOTT) to proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I thank the Presiding Officer.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I am unalterably opposed to any liberalization of rule XXII of the Senate which would increase the power of the majority to gag a minority. This year there is again a proposal designed to simplify placing restrictions upon free and open debate in the Senate. In my opinion, if any change needs to be accomplished in the area of cloture, it is that cloture should be made more difficult to obtain or be completely done away with. Although many of the advocates of limited debate and close restrictions upon the right of free speech in the Senate argue to the contrary, for many years this body operated completely free of any debate limitations. Regardless of protestations to the contrary the "previous question rule" did not operate as a limit to free and open debate.

In the short period of slightly more than 178 years, the United States has grown and prospered from a group of scattered provincial settlements along the eastern seaboard into the foremost nation of the world. The population in this period increased from less than 4 million to over 200 million. Our people enjoy greater material abundance than any other people on earth and the highest standard of living in the world. Even more important, the individuals who comprise our Nation have throughout the period enjoyed freedom of thought, speech, and action, and it is this very individualism in which lies the secret of our national success.

The existence of individualism in the United States is no accident, but is a direct result accomplished by the system of government inaugurated through the Constitution. It would seem logical that all of us who share in the unsurpassed benefits of our governmental system would be both informed on the mechanics of its operation and jealous protectors of both the word and the spirit of its structure.

It is indeed a disillusioning experience to be confronted with such ignorance of the spirit of the Constitution, or disdain for its accomplishments, as that with which we are confronted in the U.S. Senate by this proposal to alter the Senate rules with regard to limitation on debate. We are confronted with arguments based on Rousseau's treacherous theory of "democracy"—a doctrine as alien to our system of government as any of the foreign "isms" which we find so repugnant. Rousseau's philosophy is no more or less than rule by the unbridled will of the majority, whether the majority be large or small, temporary or continuing. In essence it is the rule of emotion, providing neither protection for individual rights nor orderly conduct of society, which is the only reason for government's existence. Our Government is not "democratic," but is a federated constitutional Republic, and under the explicit terms of the U.S. Constitution, the National Government is charged with the responsibility of insuring to the people of each State a republican form of government, and thereby, charged with preventing the institution of a "democracy" in any State.

Individual rights cannot exist where the emotional will of the majority is absolute, and our governmental system rejects "democracy" for that reason. Throughout our entire structure of government there are checks instituted on the will of the majority. While these checks do not provide an aggressive weapon for the individual, or the individuals within a minority, they do insure the existence of a negative weapon by which individuals may defend their basic rights against assaults from even the majority.

One of the many of such checks on the will of the majority is embodied in the relative freedom of debate in the U.S. Senate. This check would be even more consistent with the purpose of our governmental structure were it to permit no cloture, whatsoever. The present rule provides a minimum protection, and a forum for those individuals who find themselves temporarily in a minority insofar as representation in the Senate is concerned, if not among the populace as a whole.

The design of the Senate as an institution was intended to provide a degree of stability through deliberation, which, in its absence, would have been missing from the governmental structure. No less an authority than the Father of our Country, himself, attested to this fact. It is related that shortly after adoption of the Constitution, Thomas Jefferson upon his return from France, breakfasted with George Washington, and their conversation centered on various aspects of the Constitution. During the course of the conversation, Jefferson protested to George Washington against the establishment of two Houses in the Congress. Washington asked: "Why did you pour that coffee into your saucer?" "To cool it," Jefferson replied. "Even so," said Washington, "we pour legislation into the senatorial saucer to cool it." Unfortunately, in the last few decades the Senate has abdicated its intended function as a damper on hasty, impetuous, and extreme actions by the Congress. There remains, however, by virtue of the relatively free debate permitted under rule XXII, a forum for those who cherish individualism and individual rights, even for those individuals represented by a minority in the U.S. Senate; and quite possibly, this remaining check serves as a mitigant against the excesses of the majority.

The impetuosity which underlies the current effort to emasculate rule XXII constitutes more than an assault on the procedure of the Senate. This impetuosity is the embodiment of a completely radical, political philosophy, which is un-American to its very roots. Its immediate manifestation is in the form of an attack on a mode of procedure that is only one element—albeit an essential element—of the machinery by which individualism is protected in this country. It is the initial step in an effort to substitute conformity as a national characteristic for individualism, the very factor responsible for our Nation's success. It is the desire of the adherents of this new radical political philosophy to achieve absolute control of the National Government, and through its massive and numerous instrumentalities, to design a pattern of conduct for all Americans and enforce their conformity.

As novel as may be their approach, and despite their protests to the contrary, there is nothing new about the aim the conformists seek to achieve. It is as old as the writings of Lenin and Marx and is best known as "state socialism." Nothing could be more indicative of "state socialism" than the intolerance which is exhibited by the proponents of majority cloture in the U.S. Senate toward the expression of views by Senators opposed to the welfare state measures and to the destruction of federalism. I am optimist enough to believe that the Senate has not yet degenerated to a point at which it will renounce its intended purpose and responsibility, and abjectly surrender to the autocratic forces of state socialism, who implore us to sacrifice the protection of individualism on the treacherous and alien altar of majority rule.

There is no solace in the fact that those attempting to limit debate by a majority vote in the Senate are satisfied to do so by stages. At the beginning of the session in 1959, they succeeded in returning to a provision for cloture by the smallest number of Senators who have ever in the history of this body held such power and it is under that rule that the Senate now operates. Just as the Senate is a continuing body, the attempts to provide a cloture rule by a majority vote of Senators is a continuing effort. This effort has already been too successful and even were concessions made to the proponents of change at this session, they would be right back in January 1972, making the same fight. They will not be satisfied until the Senate can be controlled by a bare majority of Senators.

It is my firm opinion that the rule by which two-thirds of the membership can limit debate is as restrictive of free discussion as it can be, at the present time, without seriously infringing on the right of the minority to be heard, the right of the States to equal representation, and the preservation of the Senate as a great and unique institution.

The Senate is the last forum on earth where men can discuss matters of vital importance without severe restrictions on debate. This circumstance is one reason, perhaps the major reason, why the Senate has become known as the world's greatest deliberative body and why the great English statesman, Gladstone, described the Senate as "that remarkable body, the most remarkable of all inventions of politics."

I willingly accept the fact, so frequently pointed out by those who would impose gag rule on the Senate, that the rules of this body are unusual. Indeed, the Senate is unique among parliamentary bodies. It is a great legislative body, and all the greater because it has not been constrained to bend to any popular notion of what rules a parliamentary body should follow.

The roots of the Senate rules are founded in history. At the time our Constitution was being framed, there was a great reluctance, on the part of the individual States, to surrender any of their cherished liberties to a Federal Government.

At that time, there were some unusual laws and customs in most of the individual States. The people within these States were wary of surrendering State sovereignty to a Federal Government which might arbitrarily and hastily nullify State laws. They had recently freed themselves from tyranny and secured for themselves individual liberty in a great fight for independence. Consequently, numerous safeguards to protect the rights of the States were built into the Constitution. Before they would assent to the ratification of this supreme law, however, they won assurance of early approval of the first 10 amendments to the Constitution. These amendments, commonly referred to as the Bill of Rights, constitute the greatest set of civil and individual rights to be found anywhere.

In order to illustrate the value the people placed upon preserving their individual liberties and the rights of the States, I will briefly read to this body the Bill of Rights:

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner prescribed by law.

ARTICLE IV

The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witness in his favor, and to have the Assistance of Counsel for his defence.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

One of the principal safeguards built into the original Constitution was the formation of a Senate in which every State was given equal representation. The Senate was envisioned, by the Founding Fathers, as a body where the rights of States, and the views of minorities, would be given unusual consideration. During the course of the debates of the Philadelphia Constitutional Convention of 1787, the delegates reached agreement upon a House of Representatives to be elected by the people every two years and based upon a population ratio divided into congressional districts. After this action was taken, the smaller of the participating 13 States wondered how their minorities could be adequately protected from the capricious whims of a majority in the House.

After long debate—I repeat, long debate—which was at times most acrimonious and which actually threatened to break up the Convention, the solution was offered by the wise and venerable Benjamin Franklin; namely, equal representation in the Senate for every State. And, to make sure that that representation would be of a character that would calmly consider and patriotically and unselfishly act on laws under which all the people would have to live, it was provided in the original instrument that

Members of the Senate should be elected by State legislators and not by popular vote and given a term of 6 years.

The Founding Fathers also wrote into the original Constitution other safeguards against what the advocates of a rules change term "majority rule." They provided in certain instances for votes requiring a majority of two-thirds. Here are some of these provisions as found in the Constitution:

Section 3 of article I of the Constitution provides that no person shall be convicted on a charge of impeachment without the concurrence of two-thirds of the members of the Senate present.

Section 5 of article I provides for a two-thirds vote for either House to expel a member of their body.

Section 7 of article I provides for the overriding of a Presidential veto of any legislation by a two-thirds vote of each body.

Section 2 of article II of the Constitution states that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

Article V of the Constitution empowers the Congress to propose amendments to the Constitution whenever two-thirds of both Houses deem it necessary.

Article V of the Constitution also authorizes the calling of a convention for proposing amendments on the application of the legislatures of two-thirds of the several States.

Article V provides that three-fourths of the several States are necessary to ratify a proposed amendment to the Constitution either in convention or by the legislatures thereof.

The 12th amendment of the Constitution provides that, when the choice of a President of the United States devolves upon the House of Representatives, a quorum of that body for the purpose of choosing a President shall consist of a member or members from two-thirds of the States.

Likewise, when the choice of a Vice President devolves upon the Senate, a quorum for the purpose consists of two-thirds of the whole number of Senators to be in accord with the 12th amendment.

It is easy to see from these numerous illustrations found in the Constitution that a simple majority was not held by our Founding Fathers to be sufficient in many instances to protect the populace and provide for the common good.

We can see from a glance back into history how concerned our forefathers were for protecting the rights of individuals, minorities, and the States in drafting the fundamental principles of our Government. From the start, too, our forefathers recognized that these rights could only be secured if adequate protection was provided by established rules of procedure. They had the wisdom to realize that substantive rights contained in the supreme law might be later mutilated or trammeled if procedural safeguards were not provided to insure long and careful deliberation of the legislative issues which, if approved, might restrict the rights of the individuals, minorities, and the States.

Thus we find the great statesman and political philosopher, Thomas Jefferson, saying in the preface to his Manual, which he deposited with the Senate and which became the recognized guide for all our legislative bodies:

> Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measure proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.
>
> And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

On a subsequent occasion, Mr. Jefferson had this to say concerning the protection of minority interests:

> Bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression.

In accordance with the advice of Jefferson, the rules of the Senate were framed to provide for a check on the tyranny of the majority. The tradition has been preserved to the present day, although the rules of the Senate have been altered on some few occasions. Perhaps one of the best commentaries on how well the Senate rules have served their purpose in preserving minority rights without adversely affecting the rights of the majority was written by Mr. William S. White, distinguished journalist and author of the book, "Citadel—The Story of the U.S. Senate." It is appropriate that his conclusions be presented to the Senate at this time:

> Conscious though one is of the abuse of Senatorial power, one glories nevertheless in the circumstances that there is such a place, where Big Senators may rise and flourish from small States.
>
> For the Institution protects and expresses that last, true heart of democratic theory, the triumphant distinction and oneness of the individual and of the little State, the infinite variety in each of which is the juice of national life.
>
> It is perhaps often forgotten that the democratic ideal is not all majority; that, indeed, at its most exquisite moments the ideal is not for the majority of all but actually for the minority of one.
>
> The Senate, therefore, may be seen as a uniquely Constitutional place in that it is here, and here alone, outside the courts—to which access is not always easy—that the minority will again and again be defended against the majority's most passionate will.
>
> This is a large part of the whole meaning of the Institution. Deliberately it puts Rhode Island in terms of power, on equal footing with Illinois. Deliberately by its tradition and practice of substantially unlimited debate, it rarely closes the door to any idea, however wrong, until all that can possibly be said has been said, and said again. The price sometimes is high. The time killing, sometimes, seems intolerable and dangerous. The license, sometimes, seems endless; but he who silences the cruel and irresponsible man today must first recall that the brave and lonely man may in the same way be silenced tomorrow.
>
> For illustration, those who denounce the filibuster against, say, the compulsory civil rights program, might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority. They might recall, too, that the techniques of communication, and with them the drenching power of propaganda, have vastly risen in our time when the gaunt aerials thrust upward all across the land. They might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. . . .
>
> It is, in the very nature of the Senate, absolutely necessary for the small States to maintain the concept of the minority's veto power, having in mind that it is only within the Institution that his power can be asserted or maintained. . . .
>
> Where a powerful majority really wants a bill it will find means to have its way, cloture or no cloture.

Throughout the history of our country, majorities have assailed the rules of the Senate, because the rules of the Senate act as a brake on the will of the majority, especially a radical majority.

I shall not assign base motives to the various majorities who, down through the years, have attempted to change the rules of the Senate. Fortunately for the United States, there have been relatively few cases in which a group of Senators, pressing for legislation, was not motivated by a sincere desire to benefit the country. We can take it as a general rule that the majority always thinks it is right.

Believing themselves to be right, the majority side, in any issue, is naturally vexed and even angry when it finds its will frustrated by a minority. It resents seeing a group which it believes to be in the wrong obstructing and delaying the enactment of legislation it believes to be useful.

This is a frustration which can cause a great mind to go astray and fall into error.

I think of Woodrow Wilson, for example. Wilson was one of the great students of our Government long before his election to the Presidency. Writing in

1881, in his "Congressional Government," he observed:

> The Senate's opportunities for open and unrestricted discussion, and its simple, comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with every considerable success its high functions as a chamber of revision.

In further expressing his views on free debate in the Senate, Mr. Wilson made this statement:

> It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.
>
> The informing function of Congress should be preferred even to its legislative function.

Mr. President, I repeat that—

> The informing function of Congress should be preferred even to its legislative function.

Continuing the quotation:

> The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is that people which discusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of there being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion.

Long afterward, a minority of the Senate killed President Wilson's armed neutrality ship bill. We all remember, I am sure, his classic excoriation of the Senate:

> The Senate of the United States is the only legislative body in the world which cannot act when the majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible.

This is one example, a classic one. There have been many cases of Senators who have argued for greater restrictions on debate while pressing for a majority point of view, who changed their opinions when the heat of debate had cooled.

This point was deeply impressed on my mind when I recently made a thorough study of the issue of free debate in the Senate. I am sure that many others have come to this same conclusion after their research efforts on this subject. The late Senator from Georgia, Mr. Russell, one of the Senate's most able parliamentary experts of all time, made a very similar observation when testifying before the Senate Rules Committee in 1952. Here is what he had to say:

> I have studied this question of the proposal to institute a more restrictive gag rule in the Senate. I once spent a couple of weeks in going back over the various occasions in the history of the Senate when these motions, these efforts, have been made to change the rules. I was interested to note two things: That almost always those who sought to change the rules to gag his adversary of the minority when he was in power became a great advocate of freedom of debate when he was translated from the majority to the minority. Further, almost invariably men who came to the Senate determined to change the Rules of the Senate, if they stayed there long enough, came to defend the rules.

Perhaps the best so-called "proof of the pudding" on this point lies in a statement made by a former President of the United States while serving as a member of this distinguished body during the period of 1915–20. Listen to these words of the late Warren G. Harding:

> I have been hearing about the reformation of the Senate since I first entered politics; and it was rather an ironical thing the other day that one of the most emphatic speeches made in favor of the adoption of this rule was uttered by the very latest arrival in this body.
>
> But the reformation of the Senate has long been a fad. I came here myself under the impression that there ought to be cloture and limitations on debate; and the longer I sit in this body, the more convinced do I become that the freedom of debate in the United States Senate is one of the highest guaranties we have of our American institutions.
>
> Mr. President, before I take my seat I wish to say that the length of a speech is not the measure of its merit.
>
> While the Senate may not listen, because the Senate does not listen very attentively to anybody, I discover, though Congress may not be apparently concerned and though the galleries of this body may not be filled to add their inspiring attention, I charge you now, Mr. President, that the people of the United States of America will be listening. This is the one central point, the one open forum, the one place in America where there is freedom of debate, which is essential to an enlightened and dependable public sentiment, the guide of the American Republic.

I repeat, those are the words of Warren G. Harding, former Senator and former President.

More than a half century ago, Senator Hoar, of Massachusetts, made this point on how experience can change minds:

> There was a time in my legislative career when I believed that the absence of a cloture in the Senate was criminal neglect, and that we should adopt a system of rules by which business could be conducted; but the logic of my long service has now convinced me that I was wrong in that contention. There is a virtue in unlimited debate, the philosophy of which cannot be detected upon a surface consideration.

I believe that I understand the desire of some of my colleagues to change the rules of the Senate. They are anxious to rush into law certain proposals which they believe to be right and for which they believe they can count on the support of a majority of the Senate.

The most recent cloture vote, which was taken in 1962, and in which almost all of us participated, provides much food for thought. The Communications Satellite Act of 1962, which was the measure under consideration when cloture was invoked, was one of the few major proposals in recent years which met with almost unanimous bipartisan support. I am certain that none of us who played a part in considering this legislation were of the opinion that it was a perfect bill. Certainly there were areas in which the bill could have been improved even after it had undergone long and tedious hearings before three major committees of the Senate. All of these committees approved of the legislation which attests to the fact that it was basically sound and responsible. Yet this bill was subjected to extended debate on the floor of the Senate by a group of Senators, a distinct minority, who favored the basically different approach of public ownership rather than the private ownership of the communications satellite corporation which the bill established. After consuming some 500 pages of the Congressional Record with floor debate on this legislation, rule XXII, as it presently reads, was successfully resorted to to prevent dilatory tactics by the opponents of this measure.

Many lessons can be learned from this incident. First and foremost, the success of this attempt at cloture proves that the present rule XXII is operable and provides sufficient protection when the measure under consideration is thoroughly worthwhile. It also proves that an erstwhile majority can become completely vexed and thwarted in their efforts by a rule against which they continually inveigh when they are suddenly transformed into a vocal minority. It also proves that the cloture rule is indeed a two-edged sword and the prospects of its implementation are not so endearing to the liberal block when they must bear the brunt of its enforcement. In simple and colloquial terminology things are not quite so nice when the shoe is on the other foot.

Although this was the first successful attempt at cloture since February 28, 1927, and only the fifth time in the history of rule XXII that cloture has been invoked, it is by no means the only attempt to invoke cloture. Altogether there were four separate attempts to limit an open debate in the Senate during the 87th Congress. By way of attempting to arrive at some conclusion as to why cloture was successfully invoked on this one occasion I would like to briefly discuss the other attempts at cloture during the 87th Congress. This comparison might provide some insight as to the reasons behind the success of this particular attempt.

The first attempt to invoke cloture during the 87th Congress was on September 19, 1961. The majority leader and the minority leader and 19 other Senators offered a cloture motion to close debate on the motion to take up Senate Resolution 4, which was a resolution to amend the cloture rule by providing for adoption by a three-fifths vote of those present and voting rather than the present two-thirds vote. On this particular occasion the motion was rejected by a vote of 37 in favor and 43 against, 20 Senators not having voted. On the Democratic side of the aisle 48 percent of those voting or 26 Senators voted in the affirmative and on the Republican side of the aisle 42 percent of those voting or 11 Senators voted in the affirmative. Fifty-two percent of the Democratic Senators who voted, or 28 Senators in all, voted in the negative while 58 percent of the Republicans voting, or 15 Senators in all, voted "no." Of the 20 Senators who did not vote the total was equally divided between Democrats and Republicans.

A somewhat cursory glance at the voting records indicates that on a regional basis the Northeastern and North Central States provided the most support for the cloture motion while the Southern and Western States were the primary regions whose Senators voted in the negative.

The issue on that occasion was one on which the administration had taken no official or announced stand.

The next occasion on which cloture was attempted was May 9, 1962. The issue under discussion at that time was the patently unconstitutional literacy test proposal. Once again the cloture motion was offered by the majority and minority leaders and on this occasion 29 other Senators joined them in signing the motion.

In addition to the unquestionable lack of constitutional authority for this proposal, the procedure followed in bringing this matter before the Senate and was most unusual and completely out of accord with the normal procedures of the Senate. This measure, which was offered as an amendment to a noncontroversial bill, was at that time being considered by a duly constituted subcommittee of the Judiciary Committee and the hearings were not yet completed.

The attempt at cloture failed of passage on this occasion by a vote of 43 years and 53 nays, four Senators not having voted. Fifty percent of the Democrats voting, 30 in number, joined with 36 percent of the Republicans voting, 13 in number, in voting affirmatively.

Fifty percent of the Democrats voting, 30 in all, joined with 64 percent of the Republicans voting, 23 in all, in casting negative votes on this cloture petition. Of the four Senators not voting all were Democrats.

This measure had been recommended by the administration and therefore their position was in favor of cloture.

Five days later on May 14 a second attempt to obtain cloture failed by a vote of 42 yeas to 52 nays, six Senators not being recorded. On this occasion 31 Democrats or 51 percent of those Democrats voting joined with 11 Republicans or 33 percent of those Republicans voting in casting affirmative ballots in favor of closing debate on the subject. Thirty Democrats or 49 percent of those voting joined with 22 Republicans or 67 percent of those voting in defeating this second cloture motion on the literacy test proposal. The six Senators not voting were equally divided between Republicans and Democrats.

While it is true that based on regional considerations the southern and western Senators provided the major opposition to cloture, there were a number of Senators from other regions who joined with them in voting against cloture on this patently unconstitutional legislation. Likewise, while those who supported the cloture motion represented States in the Northeast and North Central States, a number of Senators from other areas joined with them in seeking to limit free debate on this subject.

There have been many attempts by Senators who seek to place restrictions upon free and open debate in the Senate to categorize supporters or opponents of cloture on a regional basis. However, a careful study of previous attempts at cloture, including the successful one of the last session of Congress, reveals that regional considerations are not the primary factor involved. It should be evident to anyone that the overriding factor which ultimately determines the success or failure of a cloture motion hinges upon the subject being debated. The communications satellite legislation was one in which the country as a whole had a great stake. It was constructive legislation and not pointed at any one section of the country in an attitude of vindictiveness or reprisal. On the occasions when the attempts at cloture were unsuccessful the vindictive nature of the proposals under discussion can hardly be questioned.

Mr. President, I believe that the attitude of the Senate with regard to cloture was best summed up last year following the successful cloture vote by the senior Senator from New York (Mr. JAVITS). On that occasion, he said:

> Let the country take note that when the Senate wants to vote cloture, it votes cloture.

I commend the Senator from New York for expressing in clear and concise terms the true attitude of the Senate of the United States.

With this expression in mind, perhaps it would be beneficial to mention the four other occasions in the history of rule XXII in which cloture has been successfully invoked. On November 15, 1919, the Senate invoked cloture by a vote of 78 yeas and 16 nays during the discussion of the Treaty of Versailles. On January 25, 1926, the Senate invoked cloture by a vote of 68 yeas to 26 nays during a discussion of the U.S. adherence to the World Court. The third issue on which cloture was successfully invoked was on a bill concerning branch banking. On this question a cloture was invoked on February 15, 1927, by a vote of 65 yeas to 18 nays.

The fourth instance on which cloture was invoked was on the subject of the Bureau of Customs and Prohibitions. This vote took place on February 28, 1927, and cloture was invoked successfully by a vote of 55 yeas to 27 nays.

It will be noted that on the five occasions on which cloture has been successfully invoked since the adoption of rule XXII, the measure under discussion was one of general overall interest and had no particular application to any one section of the country. The Senate has declined on all occasions to invoke cloture on any measure which runs counter to the interests and longstanding traditions of any area or group of States. Therefore, I believe that the statement by the senior Senator from New York that—

> Let the country take note that when the Senate wants to vote cloture, it votes cloture.

Is particularly astute.

Mr. President, much has been spoken and written concerning the procedures of the Senate, and in particular, procedures invoking cloture since the founding of our Nation. Particularly interesting is a column written by one of the most well-known of all liberal columnists, Mr. Walter Lippmann. Mr. Lippmann is considered by many to be the dean of American liberal commentators. In 1944 during an earlier attempt to modify rule XXII, Mr. Lippmann wrote a particularly astute column which I would like to read at this time:

> Although the question before the Senate is whether to amend the rules, the issue is not one of parliamentary procedure. It is whether there shall be a profound and far-reaching constitutional change in the character of the American Government. The proposed amendment to rule XXII would enable two-thirds of the Senate to close the debate and force any measure, motion, or other matter to a vote. If the amendment is carried, the existing power of a minority of the States to stop legislation will have been abolished.
>
> "Stripped of all mumbo-jumbo and flag waving," says the New York Times, "the issue is whether the country's highest legislative body will permit important measures to be kept from a vote through the activities of a few leather-throated, iron-legged Members who don't want democratic decision."
>
> This is an unduly scornful and superficial way to dispose of a great constitutional problem. For the real issue is whether any majority, even a two-thirds majority, shall now assume the power to override the opposition of a large minority of the States.
>
> In the American system of government the right of democratic decision has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of democratic decision.
>
> The American idea of a democratic decision has always been that important minorities must not be coerced . . .
>
> When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision . . . to respect the opposition and then to accept the burden of trying to persuade it . . .
>
> For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce.
>
> The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision . . .
>
> For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been ob-

> tained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.
>
> This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device . . . to prevent large and determined communities from being coerced.
>
> The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.
>
> The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.
>
> For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it is now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Mr. President, I believe that in this article Mr. Lippmann has hit upon the crux of the matter at issue. The Senate of the United States was designed to be and still remains as the last stronghold of the beleaguered minority. While I am not one of those who believes that the Senate rules in and of themselves are sacred, I do believe that these recurrent attempts to enforce rule by a transient majority in the Senate violates the cardinal principle upon which the Senate itself is founded.

There inevitably come times when the majority is dead wrong, and these are times when the will of the majority, if unchecked, can destroy our American Government. Some of the best examples of majority mistakes and wrongs were best summed up by former Senator James A. Reed of Missouri during the 1917 debate over rule XXII with these words:

> Majority rule! Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 vote for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ. The majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.
>
> Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government! The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared to advocate the liberty of the press.

Many other such examples could be cited down through the years of history. Since Senator Reed made his great fight to preserve free debate in the Senate, an outstanding example of majority action has cost the world the most devastating war of all times. I refer to the action of the majority in placing Hitler in power. Soon after this occurred he had a 100-percent majority in the German Parliament, but even this did not make Hitler's policies right. Nor does the alleged 99-percent votes of the people of Soviet Russia in support of the Communist Party—together with the unanimous approval of the Supreme Soviet Presidium—make the policies of the Kremlin leaders best for the people or right, in sense of the word.

There is no worse form of tyranny than the tyranny imposed by 51 percent of the people on the other 49 percent.

The Senate rules, as they stand, are an important safeguard to individual liberty.

It is also obvious to anyone who calmly appraises the actions of the U.S. Senate, without merely attempting to reach a predetermined conclusion, that the Senate operates very well within the framework of the rules now in existence.

The Senate rules operate as a safeguard not only to the many diverse minority groups and small States of this Union, but they operate also as a safeguard to the rights of each individual Senator. Any Senator has the opportunity as well as the right to champion an unpopular cause on the Senate floor if he remains within the bounds of the Senate rules and specifically rule XIX.

If the idea of majority rule should prevail in this instance, who or what is to prevent it from prevailing over the rights of an individual Senator? If this improbable but possible circumstance comes about, who then would feel the freedom to champion any cause which he felt to be unpopular at the moment and risk retaliatory action by the majority?

There is no escaping the fact that proposals for further limiting debate in the Senate would have the effect of negating the power and the prestige of the Senator as an individual officeholder. Perhaps even more important than this, however, is the effect which it would have on the Senate as a whole. The Senate would be relegated to a position akin to, if not inferior, to, that of the House of Representatives and would no longer maintain its position as a protective instrumentality within the framework of the National Government. During the last quarter of a century, there has been an unending encroachment on the powers of Congress by both the executive and judicial branches of the Government. One by one the powers of Congress have been dissipated both by delegation and by acquiescence. Congressional power over the purse strings has been challenged. Just last year Congress completely abdicated its constitutionally delegated responsibility to regulate trade with foreign countries. Many other powers and phases of Government operation have slipped away or have been greatly reduced.

If we of the Senate knowingly limit the right of free and open debate, we shall be party to the further diminution to the powers and prerogatives of the Senate. Rather than see this trend continue unabated, we should stand firm and refuse to surrender the right of freedom of speech on the floor of the Senate.

Mr. President, much has been said in debate as to whether the Senate is or is not a continuing body.

Mr. CURTIS. Mr. President, will the distinguished Senator yield, with the unanimous-consent arrangement that he not lose the floor?

Mr. THURMOND. Mr. President, I shall be pleased to yield to the able and distinguished Senator from Nebraska with the understanding that I do not lose my right to the floor, and that upon resuming it shall not be counted as a second speech on this legislative day. Under those conditions, I would be pleased to yield.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CURTIS. I thank the distinguished Senator.

I think it should be stated for the RECORD that the distinguished Senator from South Carolina, now speaking, is also an experienced and distinguished judge. I ask him, is there any jurisdiction within the United States where a jury can bring in a vote by merely a majority of the jurors agreeing?

Mr. THURMOND. In response to the distinguished Senator's question, Mr. President, I would say that I know of no jurisdiction where the situation exists as propounded by the Senator from Nebraska. When a man is charged with a crime, he goes before a panel of his fellow countrymen, generally 12 in number, and there must be a unanimous verdict to send that man to prison. It is not the majority. And I think our form of government is most wise in providing for that protection. The majority might hastily go in and reach a verdict one way or the other, whereas, if it takes all of the jury to agree, one juror might be able, through his arguments, after several days, to convince that majority that they are wrong. That has happened, and we are proud that in this country minorities are so protected.

Mr. CURTIS. I ask the distinguished Senator, is that not also true in reference to a minor offense, a misdemeanor? I will direct my question as to the distinguished Senator's own State of South Carolina. Can a majority of a jury bring in a verdict in a case other than a felony, a misdemeanor?

Mr. THURMOND. Mr. President, in response to the question propounded by the distinguished Senator from Nebraska, the Senator from South Carolina would answer and say that there is no such provision under the law of his State, or in its constitution, that he knows about, that would permit that to happen. Even for a minor offense, even in a municipal court, with a jurisdiction within my State runs $100 or 10 days, or a magistrate's court, with a similar jurisdiction, there must be complete concurrence of the entire jury. Every member of that jury in my State, which in the magistrate's court generally has six members and in the municipal court varies in number, must agree. If any one member of the jury does not concur with the majority, there is no verdict. The minorities are protected, and that protection is embodied not only in the judicial system, but, as I have stated earlier in my speech today, in many places in the Constitution, where two-thirds is required to take action rather than a simple majority.

Mr. CURTIS. I ask the distinguished Senator concerning a jury trial in a civil matter, where no one is charged with a crime: Can a bare majority of a jury bring in a verdict in the Senator's State?

Mr. THURMOND. Mr. President, in response to that inquiry, the Senator from South Carolina would answer that the same rule applies with regard to cases tried in the court of common pleas, as we call it in our State, or in civil court, as it is commonly known.

Mr. CURTIS. I might say to the distinguished Senator that in the State of Nebraska there is a provision whereby five-sixths of the jury can bring in a verdict in a civil case, but even that is far from majority action.

I ask the distinguished Senator, about this practice of requiring unanimous decisions of juries, or nearly so, if that were abolished it would probably save time for the courts, would it not?

Mr. THURMOND. In response to the distinguished Senator's question, Mr. President, I would answer "Yes," it probably would save time.

Mr. CURTIS. And if we measured efficiency, not on the scales of justice, but merely on how quickly we could dispose of public matters, then in that sense it might be said that that would make for more efficient court procedure; is that right?

Mr. THURMOND. I would agree with the Senator from Nebraska that that could be argued, yes, that it would save time. But in the end, the question is, Does it promote justice? And that is the point that the Senator from Nebraska is making so ably.

Mr. CURTIS. In other words, it is not true that the rule of the Senate requiring a two-thirds majority to bring debate to a close stands out like a sore thumb and is contrary to everything in our American tradition, is it?

Mr. THURMOND. In response to the distinguished Senator's question, I would say that the rules of the Senate protecting a minority by not allowing a majority to run roughshod over them is in consonance with our entire form of government. It is at the very bedrock and grassroots of our Government. As I said a few minutes ago, the Constitution repeats time after time instances where a majority cannot act. For instance, to expel a Member, to pass legislation over a Presidential veto, and I could go on and repeat those I have mentioned earlier in my address today.

The idea, as I have concluded from studying the history of this Government, was to set up a form of government in which the majority would not run roughshod over a minority. Otherwise, it would be a pure democracy, which to me is abhorrent. Therefore, our forefathers established a republican form of government, where minorities could be protected, not only in the passage of legislation by Congress, but also in the judicial system and the courts of this country.

Mr. CURTIS. I ask the distinguished Senator if a majority of U.S. Senators can ratify a treaty.

Mr. THURMOND. In response to the question of the able Senator from Nebraska, I would answer no, a majority of the Members sitting in this body cannot ratify a treaty. Two-thirds of those present and voting are required to ratify a treaty, showing again that a majority is not permitted to act in certain cases, and this is one of those cases, outlined in the Constitution, where it specifies that there must be two-thirds of those present and voting to act favorably on a treaty.

Mr. CURTIS. I ask my distinguished friend if a majority of the States of the Union, by their act of ratification of an amendment to the Constitution—can they ratify an amendment to the Constitution submitted to them?

Mr. THURMOND. Mr. President, in response to the question of the able and distinguished Senator from Nebraska, the Senator from South Carolina will say that not only can a majority not submit a constitutional amendment, but also, a majority of the States cannot ratify a constitutional amendment. Two-thirds of not one body of Congress but both bodies of Congress are required to propose an amendment to the States. If two-thirds of both bodies propose an amendment to the States, three-fourths of the States are required then to ratify such an amendment, showing again the importance of not allowing a majority to control a situation.

When the forefathers wrote the Constitution, they wanted to be sure that the rights of the individual were protected. They wanted to be sure that the rights of the States were protected.

Therefore, when anyone offers a constitutional amendment in the Congress of the United States, he knows that he must get two-thirds of those voting in the House to adopt it and two-thirds of those voting in the Senate to adopt it, before this amendment can even be proposed to the States. Once it goes to the States, three-fourths—not a majority, not even two-thirds can do it, but three-fourths—of the States are required to ratify a constitutional amendment.

Mr. CURTIS. I should like to ask the distinguished Senator this question: If we were to have a system whereby a majority of each of the two Houses could submit to the States a constitutional amendment and the States could cause that amendment to be a part of our Constitution upon ratification by a majority of the States, would that speed up the progress of amending the Constitution? I am directing my question just to the time element.

Mr. THURMOND. Mr. President, in response to the question of the able Senator from Nebraska, the Senator from South Carolina will say that if a mere majority could propose a constitutional amendment in Congress, and a mere majority of the States could ratify such an amendment of Congress, undoubtedly it would speed up the process of getting the Constitution amended.

Mr. CURTIS. Does the distinguished Senator believe, then, that the mere saving of time is or should be the primary objective in reference to actions that vitally affect our form of government and vitally affect the rights of our citizens?

Mr. THURMOND. Mr. President, in response to the question of the able Senator from Nebraska, the Senator from South Carolina would say that even though time might sometimes be saved in allowing a majority to pass legislation through Congress or a majority of the States to ratify amendments, it is his opinion that this would practically nullify and destroy the safeguards which our forefathers attempted to imbed in the Constitution as some of the most cardinal principles contained in the Constitution.

Yes, save a little time. And, frequently, people who are for legislation here or for amendments and have a noble purpose in mind do not want to take the time that a constitutional amendment would require; because in order to get a constitutional amendment passed, by having to get two-thirds of both bodies of Congress to approve and three-fourths of the States to act favorably, it makes the individual proposing the legislation and those who are acting upon the legislation stop, look, and listen.

I think that was the purpose of our forefathers, who embodied these principles in the Constitution, to say, "We have thought over this Constitution well; we have spent weeks and weeks working on this Constitution; we have endeavored here to come up with an instrument to protect the rights of the individual—the people, so to speak—and the rights of the States; and now we are not going to allow it to be amended lightly, in a very quick manner, even though it does save time." The purpose there is to take time. The very purpose was to do the opposite from saving time. The purpose was to take time, so that the great issues of the day, the issue of amending the Constitution, which is so important a document in our form of government, should take time.

To take away the right of Senators to debate and to set down a large segment of the Senate and stop them from debating the issues of the day and informing the public, bringing facts to the attention of the public, so that public opinion could crystallize and form on these issues, would destroy the very bedrock of the Constitution.

Mr. CURTIS. I should like to ask the distinguished Senator another question. Is it impossible for the Senate to vote to end debate under the present cloture rule?

Mr. THURMOND. Mr. President, in response to the question of the able Senator from Nebraska, the Senator from South Carolina would respond by saying that, in his opinion, no important piece of legislation has ever been stopped in Congress because of the cloture rule.

As I quoted the Senator from New York (Mr. JAVITS) a few moments ago, he has said that when the Senate is ready to act, the Senate will act, in spite of cloture. So if there is enough sentiment in the Senate to pass a piece of legislation—and there certainly will be and ought to be enough if the legislation is important enough—the Senate will act, and it has the power to act. But it should not act unless at least two-thirds of the Members of this body are in favor of that point of view. Otherwise, a large segment of the country could be cut off and not allowed to be heard until all the facts are presented to the Senate and to the Nation.

Mr. CURTIS. As a matter of fact, has not cloture been voted on several occasions in recent years?

Mr. THURMOND. Mr. President, in response to the question of the able Senator from Nebraska, the Senator from South Carolina would say that cloture has been voted time and again. In my speech, I have given instances and years in which it was acted upon favorably. There is no question that cloture can be applied if the Senate is of the mind to do it, under the present rule. If the Senate is not of the mind to do it under the present rule, in the humble judgment of the Senator from South Carolina, it would be a mistake to do it, because we cannot afford to go back to majority rule.

I feel that the effort now is to bring us to majority rule, which would be similar to the situation in the House of Representatives. Then we would destroy the Senate as a great deliberative body. Effort after effort is made to chip off, chip off, and weaken this great deliberative body. If the Senate should now apply cloture and we should amend the rule and allow three-fifths of the Senators to stop debate, the next step would be to weaken it still more, until finally we get to majority rule, which would be a great mistake.

Mr. CURTIS. I should like to ask the distinguished Senator from South Carolina if, in his opinion, even though ultimately the Senate may have invoked cloture, the existence of the unlimited debate practice in the Senate, unlimited as near as it is, if this has resulted in preventing the Senate from passing unwise legislation?

Mr. THURMOND. In answer to the distinguished Senator from Nebraska, the Senator from South Carolina feels that the present rule we now call unlimited debate, which is really not unlimited, because two-thirds of Senators can stop debate at any time, is a safe procedure to follow, is a safe course to follow. But when we begin to chip off the rule and finally come to majority rule—that is what the effort now is—to go to three-fifths now, another day we will go still further, and another day we will go to a majority.

I repeat, the Senator from South Carolina asserts that no important piece of legislation has ever failed to pass the Senate because of the present cloture rule. In my opinion, no important piece of legislation will fail to pass the Senate in the future because of the present rule. But we must allow the Nation to be heard and to be heard through its representatives here in the Senate. We must allow the minority to express itself and to express itself fully and then, if the Senate wishes to stop debate, it can do so by two-thirds of Senators applying the cloture rule, as has been done in many instances in the past.

Mr. CURTIS. Would the distinguished Senator agree with me that if it had not been for the right of extended debate in the last Congress, very likely there would have been submitted to the States a constitutional amendment that would have permitted the election of a President by as small as a 40-percent majority vote of the people.

Mr. THURMOND. In response to the distinguished Senator's question, the Senator from South Carolina would say that probably that would and could have happened there.

Mr. CURTIS. Would the distinguished Senator agree with me that had it not been for the right of extended debate in the last Congress, it could well have happened that there would have been submitted to the States for ratification a constitutional amendment that would have required, in the absence of a candidate for President, getting the required number of votes, and that there be held a second national election in order to choose a President. Is that not right?

Mr. THURMOND. In response to the question of the distinguished Senator from Nebraska, the Senator from South Carolina agrees with the statement the Senator has made, and feels that such a proposal which could have been submitted to the people of this Nation, in his opinion, would have been a very unwise proposal.

Mr. CURTIS. I thank the distinguished Senator for yielding to me. I feel so strongly about this. Under the guise of electoral reform, a provision was advanced and might have passed which could have produced chaos not only in this country but also in the world. We might have had a situation where we would have have to go through a costly second national election, taking months and months, while the people of this country and around the world wondered who would head our Government.

We were saved from that error because it was debated until that error was exposed.

Again I thank the distinguished Senate for yielding to me and I commend him on his very knowledgeable speech, one that does credit to the Senate.

Mr. THURMOND. Mr. President, I wish to thank the able and distinguished Senator from Nebraska—who is one of the most knowledgeable men in this body on the Constitution of the United States, who has served here for many long years, faithfully and ably, and is a credit to his State—for bringing out the points he has today in this debate.

Now, Mr. President, although I intend to discuss this particular point at more length later, there is one aspect of the problem which I feel needs discussing at this time.

I hardly see how intelligent men can study the rules, procedures and precedents of the Senate without arriving at the conclusion that the Senate was intended to be and is a continuing body and that its rules carry over from one session to the next. In recent days the proponents of majority cloture have taken obviously inconsistent positions on this question. Insofar as they have deemed it to be to their own benefit they have decided that certain rules of the Senate are in effect but that the rules with which they disagree have yet to be adopted under the pertinent provision of the Constitution. This absurd proposal must not go unchallenged.

Article 1, section 3, of the Constitution provides for election of one-third of the Senate every 2 years. This provision is in direct contrast to that in the Constitution which requires biennial election of all House Members. Ever since the Senate organized for the first time in 1789, there has always been more than a majority of sitting Senators. Article 1, section 5, of the Constitution provides that—

> A majority of each shall constitute a quorum to do business.

Thus the Senate has always been able to carry on the business of the Senate since it has always had a quorum as required under the Constitution. The Senate also has responsibility for certain executive functions, as well as legislative functions. This attests to the fact that the Senate is a continuing body.

The Federalist Papers, which are the most authoritative interpretation of the Constitution, bear out this conclusion. In discussing the role of the Senate, the Federalist No. 62 says:

> It ought, moreover, to possess great firmness, and consequently ought to hold its authority by a tenure of considerable duration.

In the Federalist No. 63 the author states that—

> It is sufficiently difficult, to preserve personal responsibility in the members of a numerous body, for such acts of the body as have an immediate, detached and palpable operation on its constituents.
>
> The proper remedy for this defect must be an additional body in the legislative department, which having sufficient permanency to provide for such objects as require a con-

tinued attention, and a train of measures, may be justly and effectually answerable for the attainment of those objects.

The Senate, as an institution, settled all questions as to its continuing status when it adopted rule XXXII. The proponents of majority cloture will have to accept the existence of this and all other rules of the Senate if they will accept any portion of the rules. It is impossible for them to point to selective parts of the Senate rules and say "These we will accept, but to these others we deny any essence of validity." I believe that by their very actions they have evidenced their belief in the continuing nature of the Senate and in the fact that the Senate rules do carry over from session to session, thereby guaranteeing orderly procedure.

This is a proposition not unlike that which would arise if an individuality, upon being appointed or elected to an important position, decided to accept the perquisites of the office but to reject the attendant responsibilities. This just cannot be done, Mr. President, as all Members of the Senate well know. The opponents of free debate cannot establish their own set of rules and expect undeviating adherence to them by the Members of this body. By attempting to do so they cast a reflection upon themselves and upon the Senate. The ground rules of this encounter are already well established and it is imperative that they be strictly adhered to, not just in part, but in toto.

If the Senate were not operating under rules at the present time, the confusion which would exist is beyond the imagination of ordinary men. The emergencies of the country, both domestic and foreign, would have to run their course while we of the Senate wrangled in an attempt to extricate ourselves from a self-made jungle of parliamentry confusion.

Nor would that be the end. Should we so abandon order for confusion, a precedent would be set for future Congresses, many of which would then want to assert their independence and draft their own rules. Each group could flex its muscles and determine its gain or loss of strength among new Members. It is conceivable to me that eventually the first year of each session would have to be set aside for the Senate to make its rules under which to act on substantive matters during the second year of the session. It may be said that this is the wildest sort of speculation—and it is. That is just the point. We are asked to sacrifice the traditionally orderly procedure of the Senate for something as to the nature of which we can only speculate; and I may add that the only guide that is offered to limit our speculation is our individual imagination.

I sincerely hope and trust that the Senate has not degenerated to the point at which it will, at one grand sweep, shatter the cornerstone of its existence. It deserves a better fate than strangulation in a pariamentary jungle of its own making.

TEN SUGGESTIONS TO SENATORS

Mr. BYRD of West Virginia. Mr. President, the leadership has prepared a memorandum entitled "Ten Suggestions to Senators."

I ask unanimous consent that these suggestions be printed in the Record.

There being no objection, the suggestions were ordered to be printed in the Record, as follows:

Ten Suggestions to Senators

1. Please do not seek unanimous consent for additional time beyond the 3 minutes allotted during morning business.

2. Speeches up to 15 minutes in length may be arranged for the first part of the day if Leadership is notified during the previous day's session. The Senate will come in early to accommodate a Senator who wants to make such a speech. The Senate will come in early for colloquies of longer duration than 15 minutes if the Leadership is notified during previous day's session. Please contact the Leadership on the Floor or have your staff call Extension 53735 for an allocation of time. Please keep length of speeches and colloquies within the time requested by you.

3. Speeches of more than 15 minutes duration should be made toward the late afternoon.

4. Please observe the Pastore Rule concerning germaneness. It runs for 3 hours following "the conclusion of the morning hour or after the unfinished business or pending business has first been laid before the Senate on any calendar day." (Rule VIII.)

5. Please use your microphone. This will help the visitors in the galleries to better understand what is being said.

6. In debate, the rules prohibit addressing another Senator in the second person. He must be addressed in the third person.

7. No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the Senate galleries.

8. When presiding, remember that it shall be the "duty of the chair to enforce order on his own initiative and without any point of order being made by a Senator." (Rule XIX.)

9. Clerks to Senators are allowed the privilege of the Floor only "when in the actual discharge of their official duties." (Rule XXXIII.) A special gallery is set aside to accommodate Senators' staff members.

10. Twenty minutes is the maximum allotted for a yea and nay vote. A warning bell will ring at the end of 15 minutes to indicate that the vote will be announced 5 minutes hence.

With appreciation from the Leadership.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 o'clock a.m., following a recess.

Following the approval of the Journal, if there is no objection, and the recognition of the two leaders under the standing order previously entered, there will be a period for the transaction of routine morning business not to exceed 15 minutes, with statements limited therein to 3 minutes.

Immediately thereafter, the able Senator from Arkansas (Mr. McClellan) will be recognized for not to exceed 15 minutes; to be followed by the able Senator from Maryland (Mr. Mathias) for not to exceed 15 minutes; to be followed by the able Senator from Illinois (Mr. Percy) who will be recognized for a period not to extend beyond 12 o'clock meridian.

The operation of rule XXII, under the previous order, will be suspended until 12 o'clock meridian on tomorrow. The 1 hour for debate under the rule, on tomorrow, beginning at 12 o'clock meridian, and ending at 1 o'clock p.m., will be equally divided between the able Senator from Idaho (Mr. Church) and the equally able Senator from North Carolina (Mr. Ervin).

Under rule XXII, at the close of the hour a quorum call is mandatory. When the Chair has ascertained the presence of a quorum then, under the rule, a yea-and-nay vote on the motion to invoke cloture is mandatory. Therefore, a vote by rollcall on the motion to invoke cloture will occur at circa 1:15 p.m. tomorrow.

RECESS UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 8 minutes p.m.) the Senate recessed until tomorrow, Tuesday, February 23, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate, February 22 (legislative day of February 17), 1971:

National Transportation Safety Board

John H. Reed, of Maine, to be a member of the National Transportation Safety Board for the term expiring December 31, 1975 (reappointment).

U.S. Patent Office

Rene Desloge Tegtmeyer, of Virginia, to be an Assistant Commissioner of Patents, vice John Henry Schneider.

Subversive Activities Control Board

Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board for the term expiring August 9, 1975 (reappointment).

CONFIRMATION

Executive nomination confirmed by the Senate February 22 (legislative day of February 17), 1971:

Upper Great Lakes Regional Commission

Thomas F. Schweigert, of Michigan, to be Federal Cochairman of the Upper Great Lakes Regional Commission.

EXTENSIONS OF REMARKS

THE ADMINISTRATION'S EDUCATION PROPOSALS FOR FISCAL YEAR 1972

HON. PHILIP A. HART

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Friday, February 19, 1971

Mr. HART. Mr. President, the state of the Union address, with respect to changes ahead desired by the administration in the location and operation of the Office of Education and the rewriting of the ground rules governing the allocation and use of Federal money for educational purposes, leaves many questions, as yet, unanswered.

The budget documents, however, and an analysis prepared by HEW of the detail of the administration's request, help to bring into focus the reality of budgetary cutbacks hidden under the glittering overall totals which seem to promise an increase in financial relief and aid to hard-pressed publicly and privately supported educational institutions at all levels.

Many increases, I fear, may be but phantoms, beautiful to contemplate, but singularly ineffectual in meeting the real fiscal thirst of a parched educational system.

Mr. President, I ask unanimous consent that a comparison chart prepared by the Office of Education under date of January 29, 1971, be printed in the RECORD as Appendix I following my remarks. I have had added to it columns setting forth, both in dollars and by percentage, the changes proposed to be made for fiscal year 1972, as compared to the moneys actually appropriated by the Congress for the equivalent educational programs in fiscal year 1971.

SCHOOL COSTS RISE ANNUALLY

Mr. President, in reviewing the figures on the chart, we must start out with this premise:

The cost of educational goods and services rose 9 percent in fiscal year 1971, even though average daily membership increased by only 0.7 percent. The authority for these statements is a study prepared by the statisticians of the National Education Association and released for publication January 11, 1971, under the title of "Research Report 1970, R–15, Estimates of School Statistics 1970–71." Because of the importance of the data contained in it for evaluating the current fiscal problems of education, I ask unanimous consent that certain tables from it be printed in the RECORD as appendix II to my remarks.

Mr. President, when costs have gone up by 9 percent, while the population served, rose by less than 1 percent, it is readily apparent that to provide the same dollar amount for a program for fiscal year 1972, as was given in fiscal year 1971, will represent an actual decline in support levels. Yet, this is what is proposed in the budget estimates for title I of the Elementary and Secondary Education Act of 1965, the program which is aimed at providing compensatory educational programs and services to meet the special educational needs of educationally deprived children.

I find no compelling evidence to support the contention that a rollback in school costs is likely in the year ahead. It is very doubtful that a sound case can even be made that costs will remain static in this area. Certainly we are all aware of discussions now taking place, in area after area, with respect to salary structures for professional and other personnel employed in our schools whose outcome will govern educational costs in fiscal year 1972.

Yet, according to the figures presented by the administration, for all of education at the elementary and secondary level, some $60 million less are to be provided than was given in the Federal contribution of fiscal year 1971. It is difficult to understand how this kind of "an expansionary budget" will be very helpful to local school systems and their taxpayers.

There are, of course, some areas of educational support which will be hit harder than others. For example, Public Law 874, the impacted aid grant program payments, is to be cut by almost $111 million under the fiscal year 1971 figure of $536 million.

LIQUIDATION OF EISENHOWER PROGRAMS UNDER NDEA

The budget for the Office of Education as presented, can be viewed in a number of ways. While in some quarters, it is hailed as a dismantling of the Kennedy-Johnson programs of effective financial concern for the well-being of students, teachers, and educational institutions, overlooked is the repudiation, in area after area, of the constructive educational legislation which was the product of the Eisenhower administration. Evidence of this unarticulated consequence of the budget recommendations is found in the funding proposed for the various provisions of the National Defense Education Act of 1958.

Title II of NDEA provides low cost, repayable with interest, direct loans to students through the institutions they attend. The loan fund capital is derived from annual appropriations which are matched by an institution on a 90–10 basis and from repayments made on former advances to students.

The program has operated and is operating with complete acceptance on the part of the Congress. Authorization and appropriations for this purpose have been regularly increased each time the program has come under congressional review. Last year, for example, $243 million was appropriated as against a budget request of $179 million.

This year, the administration is asking only $5 million to offset cancellation of loans because of death, military service or teaching service. No money is provided for new direct loans. Instead, we are advised that, through new legislation, an "NDEA" type program on an insured basis will be submitted to replace and restructure the current program. It seems to me that the Congress, while certainly willing to give careful study and full consideration to proposal changes in existing laws recommended by the executive branch, nevertheless must, until such changes as are viable have been enacted, continue to operate within existing statutory authority.

First of all is the time element. Sweeping changes over a wide field—and NDEA title II revision is but one of many proposed—cannot and should not, in the public interest, occur overnight. Without prejudice to any proposal submitted by the executive, I submit that the effective date of any change made might very well be such that the fiscal effect would be reflected in the fiscal year 1973 budget, rather than the fiscal year commencing July 1, next. Timing is important for the students and the financial aid officers of the institutions serving them. They need to know what resources will be available as early in the year as possible for sound planning. To delay a legitimate appropriation for an approved purpose until action has been completed upon a proposed restructuring of a working program is not evidence of high responsibility. It would be far better to fund a program, such as this, at a reasonable level in light of the factual evidence presented as to the existing need.

TITLE III NDEA CUTS

Title III of NDEA, the matching grant program for the purchase of educational technology and materials used in classrooms, is also under attack in this budget.

The recommendations of the President to the contrary notwithstanding, $50 million was provided in fiscal year 1970. Despite the fact that the program has achieved much grassroot support, and that after repeated legislative review by congressional oversight bodies, the program has been expanded, the budget asks no money for this program.

GUIDANCE COUNSELING AND TESTING

Of course, some of the NDEA provisions of 1958 have already been merged, for example, the joining together of ESEA III and the guidance counseling and testing provisions of title V NDEA by the 91st Congress. This should not mean, however, that the functions have disappeared or have been repealed. The budget no longer expressly highlights those most helpful programs, but I hope that most careful consideration will be given by the substantive congressional committees when the revenue-sharing proposals of the administration surface, to assure that those areas of activity continue to be effective tools for the location and evaluation of our human resources.

Key to the acceptance of much of the Eisenhower-Kennedy-Johnson education legislation was provision for direct action on the part of the Office of Education authorities in contracting for services for non-public school children in those States whose own constitutions precluded the State school officials from acting.

The testing provisions of the old title V NDEA now incorporated in title III ESEA are a case in point.

How this type of child benefit can be maintained, if it can, under the administration revenue-sharing proposals will be just one of the questions which should be asked and answered before revenue-sharing proposals are enacted.

TITLE IV: NDEA COLLEGE TEACHER TRAINING

One of the little-noticed provisions in the proposed budget concerns title IV of the National Defense Education Act of 1958, which provides supports for graduate students preparing for teaching careers at the post-secondary level. A proposed cut of $20 million under the amounts provided in fiscal year 1971 would stop all new starts and provide only grants for those now enrolled. Apparently, the rationale of this slash is that there is an oversupply of Ph. D. teachers and that this type of training should no longer be subsidized.

I hope that in hearings before the Senate Education Subcommittee on extension of higher education legislation, the administration will be prepared to document the basis of its decisions in this area. At present, it appears to be inconsistent to increase one component of higher education assistance, as the President proposes to do for undergraduate student assistance, while decreasing support for other essential components needed to accommodate its one area of increase, namely, assistance for those who want to teach undergraduates.

More students with fewer teachers in more crowded quarters seem to be less than a prescription for healthy development. To say we have enough Ph. D.'s now leads me to wonder what proportion of the academic faculty of our junior and community systems now is qualified at the Ph. D. level. One might also ask if the "Ph. D. surplus" is not so much a lack of demand but rather a reflection of cutbacks in support for basic research and the inability of higher education to finance the salaries and expenses of needed professionals.

Have we really and truly reached the millenium, to choose but one example, to find that there is no need for teacher trainers who can prepare students for work with our exceptional children, those physically and mentally handicapped, the emotionally disturbed and the very gifted? If this is the case, it will be news, I am sure, to the many dedicated parents and professionals who have expressed concerns in this area.

LIBRARY PROGRAMS HALVED

The Library Services Act was passed under President Eisenhower in 1956 and expanded to include construction assistance as a last act of the Kennedy administration.

Under the Nixon budget for fiscal year 1972, grants for public libraries—LSCA, title I—total $15,719,000, a cut of $19,281,000—more than 50 percent—from last year's appropriation.

Due to the minimum $200,000 amount each State must receive, the proposed cuts will hit some areas harder than others. For example:

California drops from $2.278 million in fiscal year 1971 to $689,000 in fiscal year 1972;

Florida would drop from $973,530 to $360,845;

Michigan would get less than a third, dropping from $1,442,717 to $420,560;

New York would fall from $2,906,000 in fiscal year 1971 to $659,095 in fiscal year 1972.

I ask unanimous consent that a State-by-State table, prepared by the Office of Education, showing grants for library services, be printed as appendix III, following my remarks.

Mr. President, not only are basic grants cut drastically, but whole programs of library services to the physically handicapped—LSCA, title IV (B)—and State institutional library services—LSCA, title IV (A)—are absorbed into the financially shrunken title I, LSCA. We are informed further, that not only is librarian training under title II (B) of the Higher Education Act to be trimmed from $3.9 million to $1.9 million, but, to add insult to injury, legislation is to be proposed to eliminate this program by consolidation with EPDA part D, with no additional money being provided under that authority.

Finally, in this area, the $7 million of last year in construction money for matched grants evidently has evaporated.

WHERE ARE THE INCREASES?

Mr. President, I have detailed several area specific cuts in established educational programs proposed in the budget for fiscal year 1972. Let me emphasize my listings are not complete, but I have tried to indicate some of the problems I have in reconciling the words and claims of the administration with the budgetary actions in the field of education.

Yet, overall, the Office of Education budget, we are told, contains a $1.5 million increase from $4.9 billion to $6.1 billion. To see how this actuarial conclusion is accomplished, look first at the fine print and the footnotes to charts. There we find the budget includes emergency school assistance, $1 billion for fiscal year 1972 and $425 million for fiscal year 1971—in a proposed supplemental. However, the authorization for this program is yet to be approved.

The same is true for some $471 million of the proposed $971.3 million for student assistance; for $100 million sought for the National Foundation for Higher Education; for $3 million for the National Institute of Education. Also, converting a direct loan to student programs funded last year at $243 million to an insured loan program—if the Congress approves—would result in an outlay of only $5 million. However, other student insured loan program changes to be proposed in legislation involve another $500 million which must await authorization. The Office of Education funding totals for fiscal year 1972 then levels at $4.1 billion.

In short, the Office of Education budget proposes actual decreases in existing programs and only proposals for increases in other areas. In order to better understand the impact the proposed budget will have on education assistance programs, I ask unanimous consent that a State-by-State breakdown of the funding of each educational program, comparing fiscal years 1970, 1971, and the proposed fiscal year 1972, as prepared by the Office of Education, be printed as appendix IV, at the conclusion of my remarks.

We have seen detailed in the foregoing tables the findings of the Office of Education as to what each State may expect from the budget proposals. I ask unanimous consent that a table showing State totals be printed in the RECORD as appendix V at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX I.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET

					Increase or decrease in appropriations in fiscal year 1971 versus fiscal year 1972			
	Fiscal year 1971		Fiscal year 1972			Percent of authorization		
Appropriation	Authorization [1]	Appropriation	Authorization [1]	President's budget	± dollars	Fiscal year 1971	Fiscal year 1972	Difference
Elementary and secondary education	$4,590,396,213	$1,915,968,000	$4,712,884,886	$1,855,218,000	−$60,750,000	41.73	39.36	−2.37
School assistance in federally affected areas	1,018,295,000	550,657,000	1,129,690,000	440,000,000	−110,657,000	54.07	38.85	−15.22
Emergency school assistance	Indefinite	74,853,000				NA	NA	NA
Proposed legislation	500,000,000	[2] 425,000,000	1,000,000,000	1,000,000,000	575,000,000	85.00	100.00	15.00
Education for the handicapped	371,500,000	105,000,000	436,300,000	110,000,000	5,000,000	28.20	25.21	−3.05
Vocational and adult education	1,152,311,455	501,357,455	1,238,561,455	476,073,455	25,284,000	43.51	38.44	−5.07
Higher education	3.390,220,000	970,239,000	1,027,720,000	1,816,711,000	846,472,000	28.62	176.77	148.41
Proposed legislation			Indefinite	100,000,000	100,000,000	NA	NA	NA
Education professions development	550,000,000	135,800,000	45,000,000	135,800,000		24.69	301.78	277.09
Libraries and educational communications	346,100,000	85,280,000	222,000,000	29,400,000	−55,880,000	24.64	13.24	−11.40
Research and development	15,000,000	98,077,000	35,000,000	105,000,000	6,923,000	653.85	300.00	−353.85
Proposed legislation			Indefinite	3,000,000	3,000,000	NA	NA	NA
Educational activities overseas (special foreign currency program)	Indefinite	3,000,000	Indefinite	3,000,000		NA	NA	NA
Salaries and expenses	Indefinite	44,800,000	Indefinite	48,979,000	4,179,000	NA	NA	NA
Civil rights education	Indefinite	19,151,000	Indefinite		19,151,000	NA	NA	NA

APPENDIX I.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET—Continued

Appropriation	Fiscal year 1971		Fiscal year 1972		Increase or decrease in appropriations in fiscal year 1971 versus fiscal year 1972			
						Percent of authorization		
	Authorization [1]	Appropriation	Authorization [1]	President's budget	± dollars	Fiscal year 1971	Fiscal year 1972	Difference
Student loan insurance fund	Indefinite	$18,000,000	Indefinite		NA	NA	NA	NA
Higher education facilities loan fund	Indefinite	4,685,000	Indefinite	$4,610,000	−75,000	NA	NA	NA
Total, Office of Education	$11,933,822,668	4,951,867,455	$9,847,156,341	6,127,791,455	1,175,924	41.49	62.23	20.74
Less: Permanent appropriations and civil rights education	−9,761,455	−30,645,455	−9,761,455	−11,410,455	−19,235,000	313.94	116.89	−197.05
Total, Labor-HEW Appropriations Committee	11,924,061,213	4,921,222,000	9,837,394,886	6,116,381,000	1,195,159,000	41.27	62.17	20.90
Elementary and secondary education:								
Aid to school districts:								
Educationally deprived children (ESEA I)	3,457,396,213	1,500,000,000	3,642,834,886	1,500,000,000		43.39	41.18	−2.21
Local educational agencies	2,869,181,800	1,339,738,748			NA	NA	NA	NA
Handicapped children	46,129,772	46,129,772			NA	NA	NA	NA
Juvenile delinquents in institutions	16,429,824	16,429,824			NA	NA	NA	NA
Dependent and neglected children in institutions	1,758,458	1,758,458			NA	NA	NA	NA
Migratory children	57,608,680	57,608,680			NA	NA	NA	NA
State administration	31,026,326	16,579,312			NA	NA	NA	NA
Incentive grants	126,198,171	7,530,469	126,198,171		NA	NA	NA	NA
Grants for high concentrations of poor	309,063,182	14,224,737	309,063,182		NA	NA	NA	NA
Supplementary services (ESEA III)	566,500,000	143,393,000	592,250,000	143,393,000		25.31	24.21	−1.10
Library resources (ESEA II)	206,000,000	80,000,000	216,300,000	80,000,000		38.84	36.99	−1.85
Equipment and minor remodeling (NDEA III)	140,500,000	50,000,000			NA	NA	NA	NA
Grants to States	114,840,000	47,500,000			NA	NA	NA	NA
Loans to nonprofit private schools	15,660,000	500,000			NA	NA	NA	NA
State administration	10,000,000	2,000,000			NA	NA	NA	NA
Dropout prevention (ESEA VIII)	30,000,000	10,000,000	31,500,000	10,000,000		33.33	31.75	−1.58
Bilingual education (ESEA VII)	80,000,000	25,000,000	100,000,000	25,000,000		31.25	25.00	−6.25
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	Indefinite	69,000,000	Indefinite	60,000,000	−9,000,000	NA	NA	NA
Program	Indefinite	67,981,000	Indefinite	58,700,000	−9,281,000	NA	NA	NA
Administration	Indefinite	1,019,000	Indefinite	1,300,000	281,000	NA	NA	NA
Strengthening State departments of education (ESEA V)	110,000,000	29,750,000	130,000,000	33,000,000	3,250,000	27.05	25.39	−1.66
Grants to States (pt. A)	76,000,000	28,262,500	80,750,000	31,350,000	3,087,500	37.19	38.82	1.63
Grants for special projects (pt. A)	4,000,000	1,487,500	4,250,000	1,650,000	1,322,500	37.19	38.82	1.63
Local educational agencies (pt. B)	20,000,000		30,000,000		NA	NA	NA	NA
Comprehensive educational planning and evaluation (pt. C)	10,000,000		15,000,000		NA	NA	NA	NA
Planning and evaluation (Gen. Ed. Prov. Act sec. 402)	(3)	8,825,000	(3)	3,825,000	NA	NA	NA	NA
Total	4,590,396,213	1,915,968,000	4,712,884,886	1,855,218,000	−69,750,000	41.74	39.37	−2.73
School assistance in federally affected areas:								
Maintenance and operations (Public Law 874)	935,295,000	536,068,000	1,038,440,00	425,000,000	−111,680,000	57.31	40.93	−16.38
Payments to local educational agencies	632,422,000	501,518,000	700,740,000	387,300,000	−114,218,000	79.30	55.27	−24,03
Payments to other Federal agencies	34,550,000	34,550,000	37,700,000	37,700,000	3,150,000	100.00	100.00	00.00
Low-income housing	268,323,000		300,000,000		NA	NA	NA	NA
Construction (Public Law 815)	83,000,000	14,589,000	91,250,000	15,000,000	411,000	17.58	16.44	−1.14
Assistance to local educational agencies	65,000,000	3,000,000	73,250,000	9,300,000	6,300,000	4.62	12.70	8.08
Assistance for school construction on Federal property	18,000,000	10,900,000	18,000,000	5,000,000	−5,900,000	60.56	27.78	−32.78
Technical services	Indefinite	[4] 689,000	Indefinite	700,000	NA	NA	NA	NA
Total	1,018,295,000	550,657,000	1,129,690,000	440,000,000	−110,657,000	54.08	38.95	−15.13
Emergency school assistance:								
Special educational personnel and programs	Indefinite	57,500,000	1,000,000,000	1,000,000,000	NA	NA	NA	NA
Community participation programs	Indefinite	7,500,000			NA	NA	NA	NA
Equipment and minor remodeling	Indefinite	7,900,000			NA	NA	NA	NA
Federal administration and technical assistance	Indefinite	[5] 1,953,000	Indefinite		NA	NA	NA	NA
Total	Indefinite	74,853,000			NA	NA	NA	NA
Proposed legislation	500,000,000	[2] 425,000,000	1,000,000,000	1,000,000,000	575,000,000	85.00	100.00	15.00
Education for the handicapped:								
State grant programs (EHA pt B)	206,000,000	34,000,000	216,300,000	35,000,000	1,000,000	16.50	16.18	−00.32
Early childhood projects (EHA pt C, sec. 623)	(6)	7,000,000	(6)	7,500,000	NA	NA	NA	NA
Teacher education and recruitment	69,500,000	33,100,000	87,000,000	35,145,000	2,045,000	47.63	40.40	−7.23
Teacher education (EHA pt. D, secs. 631 and 632)	69,500,000	31,900,000	87,000,000	33,945,000	2,045,000	NA	NA	NA
Physical education and recreation (EHA pt. D, sec. 634)		700,000		700,000		NA	NA	NA
Recruitment and information (EHA pt. D, sec. 633)		500,000		500,000		NA	NA	NA
Research and innovation	96,000,000	30,350,000	133,000,000	31,805,000	1,455,000	NA	NA	NA
Research and demonstration (EHA pt. E, sec. 641)	27,000,000	15,000,000	35,500,000	15,455,000	455,000	NA	NA	NA
Physical education and recreation (EHA pt. E, sec. 642)		300,000		300,000	NA	NA	NA	NA
Regional resource centers (EHA pt. C, sec. 621)	36,500,000	3,550,000	51,500,000	3,550,000		NA	NA	NA
Innovation programs (deaf-blind centers) (EHA pt. C, sec. 622)		4,500,000		5,000,000	NA 500,000	NA	NA	NA
Media services and captioned films (EHA pt. F)	12,500,000	6,000,000	15,000,000	6,000,000		48.00	40.00	−8.00
Special learning disabilities (EHA pt. G)	20,000,000	1,000,000	31,000,000	1,500,000	500,000	05.00	04.84	−.16
Planning and evaluation (Gen. Ed. Prov. Act, sec. 402)	(3)	550,000	(3)	550,000		NA	NA	NA
Total	371,500,000	105,000,000	436,300,000	110,000,000	5,000,000	28.26	25.21	−3.05
Vocational and adult education:								
Grants to States for vocational education	789,595,310	389,707,710	849,595,310	384,173,455	−5,534,255	49.35	45.22	−4.13
Basic vocational education programs	609,595,310	322,077,710	609,595,310	381,793,455	59,715,745	55.83	62.63	6.80
Annual (VEA, pt. B)	(603,000,000)	(315,302,400)	(603,000,000)	(374,302,000)	58,999,600	52.29	62.07	9.78
Permanent (Smith-Hughes Act)	(6,445,310)	(6,445,310)	[7] (6,445,310)	[7] (7,161,455)	716,145	100.00	111.11	11.11
National advisory council (VEA, pt. A)	[8] (150,000)	(330,000)	[8] (150,000)	(330,000)		220.00	220.00	0
Programs for students with special needs (VEA, pt. B)	50,000,000	20,000,000	60,000,000	(9)	−20,000,000	NA	NA	NA
Consumer and homemaking education (VEA, pt. F)	35,000,000	21,250,000	50,000,000	(9)	−21,250,000	NA	NA	NA
Work-study (VEA, pt. H)	45,000,000	5,500,000	55,000,000	(9)	−5,500,000	NA	NA	NA
Cooperative education (VEA, pt. G)	50,000,000	18,500,000	75,000,000	(9)	−18,500,000	NA	NA	NA
State advisory councils (VEA, pt. A)	Indefinite	2,380,000	Indefinite	2,380,000		NA	NA	NA
Vocational research	152,716,145	55,749,745	152,716,145	36,000,000	−19,749,745	36.50	23.57	−12.93
Innovation (VEA, pt. D)	75,000,000	16,000,000	75,000,000	(9)	NA	NA	NA	NA
Curriculum development (VEA, pt. I)	10,000,000	4,000,000	10,000,000		NA	NA	NA	NA
Research	67,716,145	35,749,745	67,716,145	36,000,000	250,255	52.79	53.16	.37
Annual (VEA, pt. C)	(67,000,000)	(35,033,600)	[10] (67,000,000)	[10] (36,000,000)	966,400	52.29	53.73	1.44
Permanent (Smith-Hughes Act)	(716,145)	(716,145)	(716,145)		NA	NA	NA	NA

Footnotes at end of table.

Appropriation	Fiscal year 1971		Fiscal year 1972		Increase or decrease in appropriations in fiscal year 1971 versus fiscal year 1972			
						Percent of authorization		
	Authorization [1]	Appropriation	Authorization [1]	President's budget	± dollars	Fiscal year 1971	Fiscal year 1972	Difference
Vocational and adult education—Continued								
Adult education (Adult Education Act)	$210,000,000	$55,000,000	$236,250,000	$55,000,000		26.19	23.28	−2.91
Grants to States	210,000,000	45,000,000	236,250,000	45,000,000		NA	NA	NA
Special projects		7,000,000		7,000,000		−3.33	2.96	−0.37
Teacher education		3,000,000		3,000,000		NA	NA	NA
Planning and evaluation (Gen. Ed. Prov. Act, sec. 402)	(3)	900,000	(3)	900,000		NA	NA	NA
Total	1,152,311,455	501,357,455	1,238,561,455	476,073,455	−25,284,000	43.51	38.44	−5.07
Higher education:								
Student assistance:								
Grants and work-study payments	500,750,000	327,700,000	Indefinite	917,300,000	643,600,000	65.44	NA	NA
Educational opportunity grants (HEA IV–A)	170,000,000	167,700,000	Indefinite	971,300,000	NA	NA	NA	NA
1st-year awards	(170,000,000)	(65,496,000)	[11] (Indefinite)		NA	NA	NA	NA
Continuations and administration	(Indefinite)	(102,204,000)	(Indefinite)		NA	NA	NA	NA
Work-Study	330,750,000	160,000,000	[11] Indefinite		NA	NA	NA	NA
Work-study program (HEA IV–C)	(320,000,000)	(158,400,000)	[11] (Indefinite)		NA	NA	NA	NA
Cooperative education (HEA IV–D)	(10,750,000)	(1,600,000)	[11] (Indefinite)		NA	NA	NA	NA
Subsidized insured loans	40,000,000	147,800,000	Indefinite	651,800,000	504,000,000	369.50	NA	NA
Interest on basic NDEA-type loans (proposed legislation)			[11] Indefinite	[11] 65,000,000	NA	NA	NA	NA
Interest on special NDEA-type cost-of-education loans (proposed legislation)			[11] Indefinite	[11] 20,000,000	NA	NA	NA	NA
Purchases of loan paper (including advances) (proposed legislation)			[11] Indefinite	[11] 400,000,000	NA	NA	NA	NA
Proceeds of sales of loan paper (proposed legislation)			[11] Indefinite	[11] (−400,000,000)	NA	NA	NA	NA
Interest on prior year loans (HEA IV–B)	[12] 40,000,000	143,200,000	Indefinite	[11] 160,000,000	16,800,000	NA	NA	NA
Program administration	Indefinite	4,600,000	Indefinite	6,800,000	2,200,000	NA	NA	NA
Administration	(Indefinite)	(2,400,000)	(Indefinite)	(3,400,000)	1,000,000	NA	NA	NA
Computer services	(Indefinite)	(2,200,000)	(Indefinite)	(3,400,000)	(1,200,000)	NA	NA	NA
Direct loans (NDEA II)	375,000,000	243,000,000	[11] Indefinite	5,000,000	−238,000,000	NA	NA	NA
Contributions to funds	375,000,000	236,500,000	(1)	(1)	NA	NA	NA	NA
Loans to institutions	(13)	2,000,000	(1)	(1)	NA	NA	NA	NA
Teacher cancellations	Indefinite	4,500,000	Indefinite	5,000,000	500,000	NA	NA	NA
Special programs for disadvantaged students (HEA sec. 408)	96,000,000	50,035,000	Indefinite	50,100,000		NA	NA	NA
Talent search	96,000,000	5,000,000	[11] Indefinite	5,000,000		NA	NA	NA
Special services in college		15,000 000		15,000,000	65,000	NA	NA	NA
Upward bound		30,035,000		30,100,000		NA	NA	NA
Program		(28,500,000)		(28,500,000)	65,000	NA	NA	NA
Administration	(Indefinite)	[14] (1,535,000)	(Indefinite)	(1,600,000)	65,000	NA	NA	NA
Institutional assistance:								
Strengthening developing institutions (HEA III)	91,000,000	33,850,000	[11] Indefinite	38,850,000	5,000,000	NA	NA	NA
Construction	2,068,250,000	72,424,000	1,013,000,000	34,407,000	−38,017,000	3.50	3.40	−.10
Subsidized loans (HEFA III)	25,250,000	21,000,000	[11] Indefinite	29,010,000	8,010,000	NA	NA	NA
Grants	2,036,000,000	43,000,000	1,013,000,000		NA	NA	NA	NA
Public community colleges and technical institutes (HEFA I)	[15] (431,040,000)	(43,000,000)	[16] (214,320,000)		NA	9.98	NA	NA
Other undergraduate facilities (HEFA I)	[17] (1,364,960,000)		[16] (678,680,000)		NA	NA	NA	NA
Graduate facilities (HEFA II)	[18] (240,000,000)		[16] (120,000,000)		NA	NA	NA	NA
State administration and planning (HEFA I)	$7,000,000	$6,000,000	[11] Indefinite	$3,000,000	NA	NA	NA	NA
State administration	(3,000,000)	(3,000,000)	[11] (Indefinite)	(3,000,000)	NA	NA	NA	NA
State planning	(4,000,000)	(3,000,000)	[11] (Indefinite)		NA	NA	NA	NA
Federal administration	Indefinite	[19] 2,424,000	Indefinite	2,397,000	−$27,000	NA	NA	NA
Language training and area studies	38,500,000	8,000,000	Indefinite	15,300,000	7,300,000	NA	NA	NA
Centers, fellowships, and research (NDEA VI)	38,500,000	6,930,000	[11] Indefinite	14,470,000	7,540,000	NA	NA	NA
Training grants (Fulbright-Hays Act)	Indefinite	1,070,000	Indefinite	830,000	240,000	NA	NA	NA
University community services (HEA I)	6,0000,000	9,500,000	[11] Indefinite	9,500,000		NA	NA	NA
Aid to land-grant colleges	14,720,000	12,680,000	14,720,000	2,600,000	−10,080,000	86.14	17.66	−68.48
Annual (Bankhead-Jones Act)	12,120,000	10,080,000	12,120,000		NA	NA	NA	NA
Permanent (Second Morrill Act)	2,600,000	2,600,000	2,600,000	2,600,000	NA	NA	NA	NA
Undergraduate instructional equipment (HEA VI)	70,000,000	7,000,000	(1)		NA	NA	NA	NA
Television equipment	10,000,000	1,000,000	(1)		NA	NA	NA	NA
Other equipment	60,000,000	6,000,000	(1)		NA	NA	NA	NA
College personnel development	36,000,000	57,350,000	[20] Indefinite	36,954,000	20,396,000	NA	NA	NA
College teacher fellowships (NDEA IV)	Indefinite	47,350,000	(20)	26,910,000	−20,440,000	NA	NA	NA
Training programs (EPDA, pt. E)	36,000,000	10,000,000	[20] Indefinite	10,044,000	44,000	NA	NA	NA
Planning and evaluation (Gen. Ed. Prov. Act, sec. 402)	(3)	900,000	(3)	900,000		NA	NA	NA
Total	3,390,220,000	970,239,000	1,027,720,000	1,816,711,000	846,472,000	28.62	176.77	148.15
Proposed legislation (National Foundation for Higher Education)			[11] Indefinite	100,000,000	NA	NA	NA	NA
Education professions development:								
Personnel training and development	450,000,000	67,900,000	45,000,000	59,700,000	−8,200,000	15.09	132.67	117.58
Training of teacher trainers (EPDA, pt. D)	[21] 340,000,000	12,200,000	[11] Indefinite	12,200,000		NA	NA	NA
Meeting critical qualitative and quantitative shortages of school personnel	110,000,000	52,100,000	45,000,000	44,500,000	7,600,000	47.36	98.89	51.53
Vocational education (EPDA, pt. F)	(40,000,000)	(6,900,000)	(45,000,000)	(7,400,000)	500,000	17.25	16.44	−0.81
State grants for attracting and qualifying teachers (EPDA, pt. B–2)	(65,000,000)	(15,000,000)	[11] Indefinite	(7,000,000)	−8,000,000	NA	NA	NA
Attracting qualified persons (EPDA, sec. 504)	(5,000,000)	(500,000)	[11] Indefinite	(300,000)	200,000	NA	NA	NA
Other (EPDA, pt. D)	(21)	(29,700,000)	[11] Indefinite	(29,800,000)	100,000	NA	NA	NA
Meeting special needs for educational personnel (EPDA, pt. D)	(21)	3,600,000	[11] Indefinite	3,000,000	−600,000	NA	NA	NA
Special programs serving schools in low-income areas	100,000,000	65,900,000	[11] Indefinite	74,100,000	8,200,000	NA	NA	NA
Teacher Corps (EPDA, pt. B–1)	100,000,000	30,800,000	[11] Indefinite	37,435,000	6,635,000	NA	NA	NA
Career opportunities and urban/rural school programs (EPDA, pt. D)	(21)	35,100,000	[11] Indefinite	36,665,000	1,565,000	NA	NA	NA
Planning and evaluation	Indefinite	$2,000,000	Indefinite	$2,000,000		NA	NA	NA
Manpower data collection (EPDA. sec. 503)	Indefinite	1,000,000	[11] Indefinite	1,000,000		NA	NA	NA
Planning and evaluation (Gen. Ed. Prov. Act. sec. 402)	(3)	1,000,000	(3)	1,000,000		NA	NA	NA
Total	550,000,000	135,800,000	45,000,000	135,800,000		24.69	301.78	277.09

APPENDIX I.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET—Continued

Appropriation	Fiscal year 1971		Fiscal year 1972		Increase or decrease in appropriations in fiscal year 1971 versus fiscal year 1972			
						Percent of authorization		
	Authorization[1]	Appropriation	Authorization[1]	President's budget	± dollars	Fiscal year 1971	Fiscal year 1972	Difference
Libraries and educational communications:								
Public libraries:								
Services	$112, 000, 000	$40, 709, 000	$127, 000, 000	$18, 000, 000	−$22, 709, 000	36. 35	14. 17	−22. 18
Grants for public libraries (LSCA I)	75, 000, 000	35, 000, 000	112, 000, 000	15, 719, 000	19, 281, 000	46. 67	14. 03	−32. 64
Interlibrary cooperation (LSCA III)	15, 000, 000	2, 281, 000	15, 000, 000	2, 281, 000		15, 21	15. 21	
State institutional library services (LSCA IV–A)	15, 000, 000	2, 094, 000	(22)	(22)	NA	NA	NA	NA
Library services to physically handicapped (LSCA IV–B)	7, 000, 000	1, 334, 000	(22)	(22)	NA	NA	NA	NA
Construction (LSCA II)	80, 000, 000	7, 092, 500	80, 000, 000		NA	NA	NA	NA
College library resources (HEA II–A)	90, 000, 000	15, 325, 000	[11] Indefinite	5, 000, 000	−10, 325, 000	MA	NA	NA
Librarian training (HEA II–B)	38, 000, 000	3, 900, 000	(23)	2, 000, 000	−1, 900, 000	NA	NA	NA
Cataloging by the Library of Congress (HEA II–C)	11, 100, 000	[24] 6, 853, 500	[11] Indefinite		NA	NA	NA	NA
Educational broadcasting facilities (Communication Act of 1934, title III)	15, 000, 000	11, 000, 000	15, 000, 000	4, 000, 000	—7, 000, 000	73. 33	26. 67	—46. 66
Planning and evaluation (Gen. Ed. Prov. Act, sec. 402)	(3)	400, 000	(2)	400, 000		NA	NA	NA
Total	346, 100, 000	85, 280, 000	222, 000, 000	29, 400, 000	—55, 880, 000	24. 64	13. 24	—11. 40
Research and development:								
Educational research and development	15, 000, 000	60, 577, 000	35, 000, 000	62, 000, 000	1, 423, 000	403. 85	177. 14	226. 71
Early childhood (Coop. Res. Act)	Indefinite	21, 500, 000	Indefinite	21, 500, 000		NA	NA	NA
(Sesame Street) (Coop. Res. Act)	Indefinite	(2, 000, 000)	Indefinite	(5, 000, 000)	3, 000, 000	NA	NA	NA
Reading (Coop. Res. Act)	Indefinite	5, 800, 000	Indefinite	7, 500, 000	1, 700, 000	NA	NA	NA
Organization and administration (Coop. Res. Act)	Indefinite	6, 600, 000	Indefinite	7, 500, 000	900, 000	NA	NA	NA
Higher education (Coop. Res. Act)	Indefinite	2, 500, 000	Indefinite	3, 000, 000	500, 000	NA	NA	NA
Drug abuse education (Drug Abuse Education Act)	10, 000, 000	6, 000, 000	20, 000, 000	6, 000, 000		60. 00	30. 00	−30. 00
Program	(10, 000, 000)	(5, 500, 000)	(20, 000, 000)	(5, 268, 000)	232, 000	55. 00	26. 34	−20. 84
Program administration	Indefinite	(500, 000)	Indefinite	(732, 000)	232, 000	NA	NA	NA
Environmental education	5, 000, 000	[25] 2, 500, 000	15, 000, 000	2, 000, 000	−500, 000	50. 00	13. 33	−36. 67
Program	(5, 000, 000)	[25] (2, 250, 000)	(15, 000, 000)	(1, 680, 000)	−570, 000	45. 00	11. 20	33. 80
Program administration	Indefinite	(250, 000)	Indefinite	(320, 000)	700, 000	NA	NA	NA
Libraries and educational technology (Coop. Res. Act)	Indefinite	2, 171, 000	Indefinite	3, 000, 000	829, 000	NA	NA	NA
Nutrition and health (Coop. Res. Act)	Indefinite	2, 000, 000	Indefinite	500, 000	1, 500, 000	NA	NA	NA
Other educational R. & D. (Coop. Res. Act)	Indefinite	11, 506, 000	Indefinite	11, 000, 000	−506, 000	NA	NA	NA
Experimental schools (Coop. Res. Act)	Indefinite	12, 000, 000	Indefinite	15, 000, 000	3, 000, 000	NA	NA	NA
National achievement study (Coop. Res. Act)	Indefinite	4, 500, 000	Indefinite	6, 000, 000	1, 500, 000	NA	NA	NA
Demonstrations (Coop. Res. Act)	Indefinite	2, 250, 000	Indefinite	2, 250, 000		NA	NA	NA
Evaluations (Gen. Ed. Prov. Act, sec. 402)	(3)	4, 000, 000	(3)	4, 000, 000		NA	NA	NA
Dissemination (Gen. Ed. Prov. Act, sec. 412)	Indefinite	8, 500, 000	Indefinite	8, 500, 000		NA	NA	NA
Spread of exemplary practices	Indefinite	2, 200, 000	Indefinite	2, 200, 000		NA	NA	NA
Strengthening State and local dissemination capabilities	Indefinite	650, 000	Indefinite	650, 000		NA	NA	NA
Educational resources information centers	Indefinite	4, 000, 000	Indefinite	4, 000, 000		NA	NA	NA
Interpretive summaries	Indefinite	600, 000	Indefinite	600, 000		NA	NA	NA
Applied R. & D. in improving dissemination	Indefinite	550, 000	Indefinite	550, 000		NA	NA	NA
General program dissemination	Indefinite	500, 000	Indefinite	500, 000		NA	NA	NA
Training (Cooperative Research Act)	Indefinite	3, 250, 000	Indefinite	4, 000, 000	750, 000	NA	NA	NA
Statistics (Cooperative Research Act)	Indefinite	3, 000, 000	Indefinite	3, 250, 000	250, 000	NA	NA	NA
Total	15, 000, 000	98, 077, 000	35, 000, 000	105, 000, 000	6, 923, 000	653. 85	300. 00	−353. 85
Proposed legislation (National Institute of Education)			[11] Indefinite	3, 000, 000	NA	NA	NA	NA
Educational activities overseas (special foreign currency program) (Public Law 480):								
Grants to American institutions	Indefinite	3, 000, 000	Indefinite	3, 000, 000		NA	NA	NA
Salaries and expenses	Indefinite	[26] 44, 800, 000	Indefinite	48, 979, 000	179, 000	NA	NA	NA
Civil rights education (title IV, Civil Rights Act of 1964):								
Training for school personnel and grants to school boards	Indefinite	16, 000, 000	Indefinite		NA	NA	NA	NA
Technical services and administration	Indefinite	[27] 3, 151, 000	Indefinite		NA	NA	NA	NA
Total	Indefinite	19, 151, 000	Indefinite		NA	NA	NA	NA
Student loan insurance fund (HEA IV–B)	Indefinite	18, 000, 000	Indefinite		NA	NA	NA	NA
Higher education facilities loan fund (HEFA III):								
Participation sales insufficiencies	Indefinite	4, 685, 000	Indefinite	4, 610, 000	−75, 000	NA	NA	NA
Annual	Indefinite	2, 952, 000	Indefinite	2, 961, 000	9, 000	NA	NA	NA
Permanent	Indefinite	1, 733, 000	Indefinite	1, 649, 000	−84, 000	NA	NA	NA
Total	Indefinite	4, 685, 000	Indefinite	4, 610, 000	−75, 000	NA	NA	NA

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[1] Amounts include specific authorizations only.

[2] Proposed supplemental.

[3] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.

[4] Excludes $447,000 transferred to Office of Secretary for Facilities Engineering and Construction Agency; and includes $36,000 unobligated balance transferred from other accounts for pay raise.

[5] Excludes $147,000 transferred to General Services Administration for rental of space.

[6] Included in authorization for regional resource centers and innovation programs.

[7] Authorization sets aside 10 percent of State grants for pt. C research; President's budget provides no funding for research under pt. C.

[8] Specific authorization represents amounts only for technical assistance to carry out functions of National Advisory Council.

[9] States would be permitted to use funds under pt. B for purposes previously funded under this activity.

[10] Funds requested under authority of Cooperative Research Act, for which authorization is indefinite.

[11] Based on proposed legislation.

[12] Amount represents specific authorization for incentive payments; indefinite amount authorized for interest payments.

[13] Total of $25,000,000 authorized from fiscal year 1959 through duration of act.

[14] Includes $35,000 unobligated balance transferred from other accounts for pay raise.

[15] Includes $206,400,000 unappropriated authorization from 1970 and $224,640,000 authorized for 1971.

[16] Represents unappropriated authorization from 1971; proposed legislation would provide indefinite authorization for 1972.

[17] Includes $653,600,000 unappropriated authorization from 1970 and $711,360,000 authorized for 1971.

[18] Includes $120,000,000 unappropriated authorization from 1970 and $120,000,000 authorized for 1971.

[19] Excludes $2,792,000 transferred to Office of Secretary for Facilities Engineering and Construction Agency; and includes $116,000 unobligated balance transferred from other accounts for pay raise.

[20] Proposed legislation would consolidate authorization for fellowships (NDEA IV) with training programs (EPDA, pt. E).

[21] Included in $340,000,000 total authorization for EPDA, pts. C and D.

[22] Activity has been consolidated into public library services (LSCA I).

[23] Proposed legislation would consolidate authorization for librarian training (HEA II–B) with training programs under EPDA, pt. D.

[24] Includes $240,000 unobligated balance transferred from other accounts for pay raise.

[25] Includes $500,000 under authority of Cooperative Research Act.

[26] Includes transfers of $2,007,000 unobligated balance from other accounts for pay raise, and $65,000 from Office of Citizen Participation; excludes transfers of $2,400,000 to Higher Education Insured Loan Program for administrative costs, $15,000 to Secretary's Advisory Committee, and $21,000 to Career Service Board.

[27] Includes $151,000 unobligated balance transferred from other accounts for pay raise.

APPENDIX II

Excerpts taken from Research Report 1970–R15 "Estimates of School Statistics, 1970–71 a publication of the Research Division-National Education Association.

EXPENDITURES

The total expenditures of the public schools, including current expense, capital outlay, and interest, increased from $39,090,792,000 in 1969–70 to an estimated $42,379,987,000 in 1970–71. The increase of $3.3 billion includes expected expenditures from federal appropriations, rising state appropriations, and increasing local tax revenues. Increased expenditures are estimated for all major categories of expenditure, i.e., current expenditures for elementary and secondary day schools, current expenditures for other programs (community services, community colleges, adult education, etc., when operated by local school districts), capital outlay, and interest on school debt. Repayment of principal on bonded indebtedness is not included.

Total expenditures

The total amount to be spent during 1970–71 for current expense, capital outlay, and interest on school debt represents a 8.4 percent increase over comparable expenditures estimated for 1969–70 and a 152.1 percent increase over 1960–61.

The total expenditures from 1960–61 to 1970–71, as reported by the U.S. Office of Education and by the NEA Research Division, are as follows (NEA Research Division estimates are starred):

TOTAL EXPENDITURES

School year	Amount (in thousands)	Percent increase over 1960-61	Percent increase over previous year
1970-61	$16,807,934		
1961-62	18,373,339	9.3	9.3
1962-63	19,735,070	17.4	7.4
1963-64	21,324,993	26.9	8.1
1964-65	23,029,742	37.0	8.0
1965-66	26,248,026	56.2	14.0
1966-67	28,352,330	68.7	8.0
1967-68	31,917,850	89.9	12.6
1968-69	35,782,262	112.9	12.1
1969-70	39,090,792	132.6	9.2
1970-71	42,379,987	152.1	8.4

CURRENT EXPENDITURES

Current expenditure of elementary and secondary day schools includes amounts paid for general control, instructional service, operation, maintenance, fixed charges, and other school services at all levels of administration—state, intermediate, and basic local. Current expenditure comprises all governmental contributions to the retirement fund and expenditure for school services, including attendance, health services, transportation, food services, and other. This figure does not include payments for capital outlay and interest on school debt or, except when otherwise, noted, amounts spent for community colleges, adult education, summer school, community services, and services to nonpublic-school pupils.

The estimated current expenditure increased from $32,683,265,000 in 1969–70 to $35,851,383,000 in 1970–71. The following figures show the increases in current expenditure as reported by the U.S. Office of Education and the NEA Research Division (NEA Research Division estimates are starred):

CURRENT EXPENDITURES FOR PUBLIC ELEMENTARY AND SECONDARY DAY SCHOOLS

School year	Amount (in thousands)	Percent increase over 1960-61	Percent increase over previous year
1960-61	$13,147,075		
1961-62[1]	14,729,270	12.0	12.0
1962-63	15,606,328	18.7	6.0
1963-64	17,218,446	31.0	10.3
1964-65	18,548,925	41.1	7.7
1965-66	21,053,280	60.1	13.5
1966-67	22,854,760	73.8	8.6
1967-68	25,769,474	96.0	12.8
1968-69	29,043,410	120.9	12.7
1969-70	32,683,265	148.6	12.5
1970-71	35,851,383	172.7	9.7

[1] Includes expenditures for community colleges, adult education, and summer school programs in California.

Annual increases over the past 10 years have averaged 10.6 percent. In the 10 years since 1960–61, current expenditures for public elementary and secondary day schools have increased 172.7 percent.

Current expenditure per pupil in ADA

The current expenditure per pupil in average daily attendance (ADA) for elementary and secondary day schools for 1970–71 is estimated at $839, an increase of $66 over the revised figure of $773 for 1969–70.

The following figures show the average cost per pupil in ADA for each year since 1960–61 and the percent increases in cost per pupil in ADA (NEA Research Division estimates are starred):

CURRENT EXPENDITURE PER PUPIL IN ADA FOR ELEMENTARY AND SECONDARY DAY SCHOOLS

School year	Amount	Percent increase over 1960-61	Percent increase over previous year
1960-61	$393		
1961-62	419	6.6	6.6
1962-63	433	10.2	3.3
1963-64	460	17.0	6.2
1964-65	484	23.2	5.2
1965-66	537	36.6	11.0
1966-67	573	45.8	6.7
1967-68	634	61.3	10.6
1968-69	702	78.6	11.1
1969-70	773	96.7	10.1
1970-71	839	113.5	8.5

Current expenditure per pupil in ADA increased from $393 in 1960–61 to an estimated $839 in 1970–71, a rise of 113.5 percent. Variations among the states in expenditures per pupil are great. Estimated expenditure per pupil in ADA for 1970–71 varies form a low of $489 to a high of $1,429. Expenditures per pupil in ADA in the 50 states are distributed as follows:

Current expenditure per pupil in ADA for elementary and secondary day schools

	Number of States
$450 to $499	1
$500 to $549	1
$550 to $599	3
$600 to $649	6
$650 to $699	5
$700 to $749	4
$750 to $799	7
$800 to $849	4
$850 to $899	4
$900 to $949	4
$950 and over	11

Current expenditure per pupil in ADM

Average daily membership (ADM) is recommended as a better measure than ADA for use in computing per-pupil expenditure. It represents an average of the pupils belonging—those attending (ADA) plus those absent—and provides a measure of the actual number of pupils for whom the expenditures were made. Because some states have not adopted this method of pupil reporting, figures on expenditures per pupil in ADM are incomplete.

Column 4 of Tables 11 and 12 gives the expenditure per pupil in ADM for 1969–70 (revised) and for 1970–71 for each of the states and the District of Columbia reporting average daily membership. From this incomplete return, the NEA Research Division has estimated that for the 50 states and the District of Columbia the expenditure per pupil in ADM is $722 for 1969–70 and $787 for 1970–71, or about 94 percent of the expenditure per pupil in ADA for each of these years.

The following figures show the average cost per pupil in ADM starting with 1960–61. The percent increases in cost per pupil in ADM are also shown (NEA Research Division estimates are starred):

CURRENT EXPENDITURE PER PUPIL IN ADM FOR ELEMENTARY AND SECONDARY DAY SCHOOLS

School year	Amount	Percent increase over 1960-61	Percent increase over previous year
1960-61	$369		
1961-62	394	6.8	6.8
1962-63	404	9.5	2.5
1963-64	434	17.6	7.4
1964-65	454	23.0	4.6
1965-66	507	37.4	11.7
1966-67	538	45.8	6.1
1967-68	594	61.0	10.4
1968-69	655	77.5	10.3
1969-70	722	95.7	10.2
1970-71	787	113.3	9.0

Current expenditures for other programs

Current expenditures for programs other than elementary and secondary day school programs include expenditures for summer schools, community colleges, adult education, and for community services (public libraries, community centers, recreational programs, etc.) when operated by local school districts.

Current expenditures for other programs amount to $1,030,063,000 in 1969–70 and to $1,079,487,000 in 1970–71, an increase of 4.8

APPENDIX II—Continued

percent. This increase reflects the addition of community college programs in some states, increased funds for vocational and adult education and the many new and expanded community services being administered by local school systems.

HIGHLIGHTS: 1970-71 AND 1969-70 ESTIMATES—STATISTICS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL SYSTEMS

	School year		Change	
	1970-71	1969-70	Amount	Percent
Basic administrative units:				
Total school districts	17,896	18,977	−1,081	−5.7
Operating school districts	17,153	18,076	−923	−5.1
Nonoperating school districts	743	901	−158	−17.5
Pupil enrollment:				
Fall, total	45,880,950	45,495,681	385,269	.8
Elementary	28,154,794	28,063,665	91,129	.3
Secondary	17,726,156	17,432,016	294,140	1.7
Cumulative, total	47,625,835	47,173,236	452,599	1.0
Elementary	29,379,159	29,203,080	176,079	.6
Secondary	18,246,676	17,970,156	276,520	1.5
Average daily membership	45,573,161	45,248,568	324,593	.7
Average daily attendance	42,723,202	42,262,925	460,277	1.1
Number of high school graduates	2,685,676	2,622,550	63,126	2.4
Instructional staff	2,269,046	2,233,776	35,270	1.6
Classroom teachers:				
Total	2,039,981	2,008,432	31,459	1.6
Elementary school	1,124,816	1,109,302	15,414	1.4
Secondary school	915,075	899,130	15,945	1.8
Men teachers	667,332	652,586	14,746	2.3
Women teachers	1,372,559	1,355,846	16,713	1.2
Average annual salaries:				
Instructional staff	9,689	9,047	642	7.1
All classroom teachers	9,265	8,635	630	7.3
Elementary school teachers	9,025	8,412	613	7.3
Secondary school teachers	9,540	8,891	649	7.3
Receipts (in thousands):				
Total revenue and nonrevenue receipts	45,268,215	41,620,934	3,647,281	8.8
Revenue receipts by source:				
Total	41,936,556	38,192,011	3,744,545	9.8
Federal	2,892,957	2,767,045	125,912	4.6
State	17,226,776	15,627,751	1,599,025	10.2
Local, intermediate, and other	21,816,823	19,797,215	2,019,608	10.2
Nonrevenue receipts	3,331,659	3,428,923	−97,264	−2.8
Expenditures (in thousands):				
Total expenditures	42,379,987	39,090,792	3,289,195	8.4
Current expenditures for elementary and secondary day schools	35,851,383	32,683,265	3,168,118	9.7
Current expendtures for other programs (community services, community colleges, adult education, etc.) when operated by local school districts	1,079,487	1,030,063	49,424	4.8
Capital outlay	4,140,031	4,158,412	−18,381	−.4
Interest on school debt	1,309,086	1,219,052	90,034	7.4
Current expenditure for elementary and secondary day schools per pupil:				
In average daily membership	787	722	65	9.0
In average daily attendance	839	773	66	8.5

APPENDIX III.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION—Continued

LIBRARIES AND EDUCATIONAL COMMUNICATIONS—LSCA, TITLE I, GRANTS FOR LIBRARY SERVICES

State and outlying areas	1970 actual	1971 estimate [1]		1972 estimate [2]	
		Federal allotment [3]	State and local matching	Federal allotment [3]	State and local matching
Total	32,967,611	38,428,000	39,147,380	15,719,000	15,164,347
Alabama	603,947	698,252	368,270	288,869	152,894
Alaska	141,689	201,461	283,287	207,225	308,902
Arizona	339,674	377,265	286,816	243,276	196,088
Arkansas	404,797	456,363	235,096	250,552	129,072
California	2,278,774	2,732,497	3,845,496	689,432	965,470
Colorado	400,448	451,081	438,800	253,095	238,638
Connecticut	505,546	578,733	971,583	274,922	465,708
Delaware	224,543	237,427	338,992	213,418	271,622
Florida	830,588	973,530	785,648	360,845	316,671
Georgia	694,934	808,764	534,698	317,191	220,877
Hawaii	249,629	267,896	293,849	219,460	240,238
Idaho	254,259	273,519	194,515	218,227	143,975
Illinios	1,520,618	1,811,640	2,671,499	476,172	669,574
Indiana	791,704	926,301	971,079	328,570	328,176
Iowa	535,450	615,055	611,376	271,699	253 425
Kansas	457,574	520,466	488,776	258,608	235,768
Kentucky	573,199	660,904	401,301	281,870	175,563
Louisiana	602,641	696,664	432,818	293,954	183,089
Maine	294,894	322,875	233,231	224,521	157,382
Maryland	581,611	671,122	800,637	294,483	358,763
Massachusetts	857,091	1,005,720	1,260,945	337,004	438,431
Michigan	1,216,878	1,442,717	1,738,582	420,560	493,105
Minnesota	623,739	722,290	691,195	293,501	281,765
Mississippi	457,511	520,389	268,080	259,414	133,637
Missouri	745,607	870,311	789,321	317,845	286,653
Montana	255,278	274,757	218,258	217,371	162,117
Nebraska	354,360	395,102	375,680	236,605	218,667
Nevada	174,710	211,120	296,746	211,681	300,864
New Hampshire	246,152	263,672	239,712	218,076	197,466
New Jersey	980,608	1,155,743	1,621,817	380,179	522,216
New Mexico	292,440	319,894	211,491	225,603	144,177
New York	2,422,050	2,906,520	4,252,397	659,095	1,002,768
North Carolina	777,399	908,926	558,029	330,257	209,820
North Dakota	249,585	267,843	182,313	215,684	143,430
Ohio	1,470,205	1,750,408	1,852,736	468,570	482,648
Oklahoma	477,707	544,920	388,323	264,726	187,720
Oregon	402,431	453,489	439,910	251,836	238,690
Pennsylvania	1,687,181	2,013,947	2,031,752	495,507	490,381
Rhode Island	280,126	304,938	327,714	222,909	247,066
South Carolina	485,013	553,794	290,533	267,923	144,013
South Dakota	256,051	275,696	190,636	216,742	150,867
Tennessee	644,351	747,326	449,352	300,273	182,093
Texas	1,453,159	1,729,704	1,306,997	485,890	381,616
Utah	284,316	310,026	224,595	226,358	156,716
Vermont	216,955	228,210	180,184	210,976	167,660
Virginia	698,139	812,657	640,332	317,266	256,452
Washington	548,321	630,688	756,049	284,841	324,184
West Virginia	414,771	468,477	271,847	245,492	136,716
Wisconsin	696,098	810,178	806,299	306,693	297,986
Wyoming	208,909	218,437	193,088	208,257	173,865
District of Columbia	202,708	289,330	550,524	219,813	396,082
American Samoa	27,696	43,160	22,235	40,775	21,005
Guam	43,897	50,837	26,189	42,520	21,904
Puerto Rico	441,059	548,394	282,506	268,552	138,345
Trust Territory	44,391	51,438		42,417	
Virgin Islands	44,200	45,127	23,247	41,400	21,327

[1] Estimated distribution of funds for LSCA I: Grants for public libraries, with a basic amount of $100,000 to the 50 States, the District of Columbia, and Puerto Rico and $25,000 to the other outlying areas; for LSCA IV–A: State institutional library services, a basic amount of $40,000 to the 50 States, the District of Columbia, and Puerto Rico, and $10,000 to the other outlying areas, ratably reduced to the appropriated amount; and for LSCA IV–B: Library services to the physically handicapped, a basic amount of $25,000 to the 50 States, the District of Columbia, and Puerto Rico and $5,000 to the other outlying areas; then for titles I and IV–B, the remainder of the funds are distributed on the basis of total population Apr. 1, 1960 (except trust territory, 1958). Matching expenditures computed on the basis of fiscal year 1970–71 "Federal share" percentages.

[2] Estimated distribution of funds with a minimum allotment of $200,000 to the 50 States, the District of Columbia, and Puerto Rico, and $40,000 to the other outlying areas; the remainder distributed on the basis of estimated total population, July 1, 1969 (except outlying areas, July 1, 1968). Required matching expenditures computed on the basis of fiscal year 1972–73 "Federal share" percentages.

[3] Subtract title IV–A and B funds from amounts shown under Federal allotments in both fiscal year 1971 and fiscal year 1972; this will show what amount remains for title I activities. In other words, an amount of $65,000 ($40,000 and $25,000) should be deducted from the grants for "Library services."

LIBRARIES AND EDUCATIONAL COMMUNICATIONS—LSCA, TITLE II, CONSTRUCTION OF PUBLIC LIBRARIES

State and outlying areas	1970 actual	1971 estimate [1]		1972 estimated allotment
		Federal allotment	State and local matching	
Total	[2] $5, 094, 809	$7, 092, 500	$2, 977, 271	
Alabama	11, 392	131, 239	27, 024	
Alaska	86, 150	83, 547	4, 988	
Arizona	104, 542	100, 424	15, 527	
Arkansas	115, 038	108, 018	14, 434	
California	262, 652	326, 523	346, 936	
Colorado		107, 511	26, 762	
Connecticut	130, 280	119, 765	66, 758	
Delaware	92, 135	87, 000	9, 994	
Florida	153, 302	157, 665	62, 677	
Georgia	161, 699	141, 847	40, 889	
Hawaii	69, 586	89, 925	10, 886	
Idaho	32, 527	90, 465	7, 442	
Illinois	277, 743	238, 122	233, 172	
Indiana		153, 131	76, 666	
Iowa	134, 050	123, 252	42, 993	
Kansas	122, 734	114, 171	32, 090	
Kentucky	141, 289	127, 653	28, 935	
Louisiana	101, 300	131, 086	31, 738	
Maine		95, 203	10, 982	
Maryland	136, 517	128, 634	58, 020	
Massachusetts	192, 785	160, 755	101, 249	
Michigan		202, 706	147, 870	
Minnesota		133, 546	51, 241	
Mississippi	122, 724	114, 164	17, 600	
Missouri		147, 756	61, 451	
Montana	103, 236	90, 584	8, 408	
Nebraska		102, 137	21, 049	
Nevada	100, 000	84, 475	6, 290	
New Hampshire	75, 000	89, 520	8, 655	
New Jersey	199, 000	175, 157	133, 531	
New Mexico	42, 328	94, 917	9, 862	
New York	405, 911	343, 229	385, 118	
North Carolina	195, 319	151, 463	43, 874	
North Dakota		89, 920	6, 752	
Ohio	187, 033	232, 244	161, 144	
Oklahoma		116, 519	26, 024	
Oregon	120, 000	107, 742	26, 911	
Pennsylvania	134, 428	257, 543	179, 112	
Rhode Island	90, 693	93, 481	14, 488	
South Carolina	103, 226	117, 371	19, 607	
South Dakota	362	90, 674	7, 381	
Tennessee	91, 400	135, 949	33, 641	
Texas		230, 256	113, 536	
Utah	97, 470	93, 969	10, 120	
Vermont	96, 436	86, 115	4, 828	
Virginia	125, 243	142, 221	49, 027	
Washington	54, 296	124, 752	53, 647	
West Virginia	95, 217	109, 181	16, 933	
Wisconsin		141, 983	61, 686	
Wyoming	86, 474	85, 177	4, 576	
District of Columbia		91, 983	22, 801	
American Samoa	20, 393	20, 314	162	
Guam		21, 052	542	
Puerto Rico	77, 220	116, 852	18, 984	
Trust Territory	43, 310	21, 109		
Virgin Islands	41, 503	20, 503	259	

[1] Estimated distribution of funds with a basic amount of $80,000 to the 50 States, the District of Columbia, and Puerto Rico, and $20,000 to the other outlying areas; the remainder distributed on the basis of total population, Apr. 1, 1960 (except trust territory, 1958). Required matching expenditures computed on the basis of fiscal year 1970–71 "Federal share" percentages.

[2] Includes $60,866 for adjustments in fiscal year 1970.

LIBRARIES AND EDUCATIONAL COMMUNICATIONS—LSCA, TITLE III, INTERLIBRARY COOPERATION

State and outlying areas	1970 actual	1971 estimate [1]		1972 estimated allotment [2]
		Federal allotment	State and local matching	
Total	$2, 079, 126	$2, 281, 000	$2, 270, 937	$2, 281, 000
Alabama		42, 892	42, 892	42, 773
Alaska	11, 345	40, 200	40, 200	40, 225
Arizona	41, 153	41, 153	41, 153	41, 351
Arkansas	41, 581	41, 581	41, 581	41, 578
California	53, 915	53, 915	53, 915	55, 273
Colorado	41, 553	41, 553	41, 553	41, 657
Connecticut	42, 244	42, 244	42, 244	42, 338
Delaware	40, 395	40, 395	40, 395	40, 419
Florida	44, 384	44, 384	44, 384	45, 020
Georgia	43, 491	43, 491	43, 491	43, 657
Hawaii	40, 560	40, 560	40, 560	40, 607
Idaho	40, 591	40, 591	40, 591	40, 569
Illinois	48, 925	48, 925	48, 925	48, 619
Indiana	44, 128	44, 128	44, 128	44, 012
Iowa	42, 441	42, 441	42, 441	42, 238
Kansas	41, 929	41, 929	41, 929	41, 829
Kentucky	16, 324	42, 690	42, 690	42, 555
Louisiana	42, 883	42, 883	42, 883	42, 932
Maine	40, 858	40, 858	40, 858	40, 765
Maryland	42, 745	42, 745	42, 745	42, 949
Massachusetts	44, 558	44, 558	44, 558	44, 276
Michigan	46, 926	46, 926	46, 926	46, 883
Minnesota	43, 022	43, 022	43, 022	42, 918
Mississippi	41, 928	41, 928	41, 928	41, 854
Missouri	43, 824	43, 824	43, 824	43, 678
Montana	40, 597	40, 597	40, 597	40, 542
Nebraska	41, 249	41, 249	41, 249	41, 142
Nevada	40, 253	40, 253	40, 253	40, 365
New Hampshire	40, 537	40, 537	40, 537	40, 564
New Jersey	45, 371	45, 371	45, 371	45, 623
New Mexico	40, 842	40, 842	40, 842	40, 799
New York	54, 858	54, 858	54, 858	54, 327
North Carolina	44, 033	44, 033	44, 033	44, 065
North Dakota	40, 560	40, 560	40, 560	40, 489
Ohio	48, 593	48, 593	48, 593	48, 381
Oklahoma	42, 061	42, 061	42, 061	42, 020
Oregon	30, 591	41, 566	41, 566	41, 618
Pennsylvania	50, 021	50, 021	50, 021	49, 222
Rhode Island	40, 761	40, 761	40, 761	40, 715
South Carolina	42, 109	42, 109	42, 109	42, 120
South Dakota	40, 602	40, 602	40, 602	40, 522
Tennessee	43, 158	43, 158	43, 158	43, 129
Texas	48, 481	48, 481	48, 481	48, 921
Utah	40, 788	40, 788	40, 788	40, 823
Vermont	40, 345	40, 345	40, 345	40, 343
Virginia	43, 500	43, 512	43, 512	43, 660
Washington	42, 526	42, 526	42, 526	42, 648
West Virginia	41, 647	41, 647	41, 647	41, 420
Wisconsin	43, 498	43, 498	43, 498	43, 330
Wyoming	40, 292	40, 292	40, 292	40, 258
District of Columbia		40, 676	40, 676	40, 618
American Samoa		10, 018	10, 018	10, 024
Guam	10, 059	10, 059	10, 059	10, 079
Puerto Rico		42, 080	42, 080	42, 139
Trust Territory	10, 063	10, 063		10, 075
Virgin Islands	10, 028	10, 028	10, 028	10, 044

[1] Estimated distribution of funds with a basic amount of $40,000 to the 50 States, the District of Columbia, and Puerto Rico, and $10,000 to the outlying areas, and the balance distributed on the basis of total resident population, Apr. 1, 1960. The "Federal share" is 50 percent, except for Trust Territory of the Pacific Islands for which it is 100 percent.

[2] Estimated distribution of funds with a minimum allotment of $40,000 to the 50 States, the District of Columbia, and Puerto Rico, and $10,000 to the other outlying areas; the remainder distributed on the basis of estimated total population, July 1, 1969 (except outlying areas, July 1, 1968). The "Federal share" is 100 percent.

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES

OBLIGATIONS IN THE STATE OF ALABAMA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$40,184,201	$41,441,904	$41,441,904
State administrative expenses	401,842	414,419	414,419
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		624,835	624,835
Supplementary services (ESEA III)	2,303,851	2,478,544	2,456,331
Grants to States for school library materials (ESEA II)	702,195	1,321,780	1,298,421
Strengthening State departments of education (ESEA V):			
Grants to States	524,625	524,625	574,835
Grants for special projects	85,333		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	851,705	1,143,999	
Loans to nonprofit private schools			
State administration	34,770	34,103	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,125,000		
Subtotal, elementary and secondary education	46,213,522	47,984,209	46,810,745
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	9,572,484	9,535,000	7,110,000
Construction (Public Law 81-815)	310,396		600,000
Subtotal, school assistance in federally affected areas	9,882,880	9,535,000	7,710,000
Emergency school assistance		5,661,120	
Education for the handicapped:			
State grant programs (EHA, pt. B)	571,028	642,117	662,940
Early childhood projects (EHA, pt. C, sec. 623)	115,000		
Teacher education and recruitment	457,898		
Research and innovation	202,000		
Subtotal, education for the handicapped	1,345,926	642,117	662,940
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	6,850,464	7,168,270	8,354,691
Programs for students with special needs (VEA, pt. B)	378,489	445,393	
Consumer and homemaking education (VEA, pt. F)	333,881	473,257	
Work-study (VEA, pt. H)	80,368	104,006	
Cooperative education (VEA, pt. G)	265,122	349,223	
State advisory councils (VEA, pt. B)	42,566	42,566	47,378
Vocational research:			
Innovation (VEA, pt. D)	234,286	302,500	
Curriculum development (VEA, pt. I)			
Research	17,228	796,474	
Adult education (Adult Education Act):			
Grants to States	1,199,378	1,353,404	896,172
Special projects and teacher education	65,000		
Subtotal, vocational and adult education	9,466,782	11,035,093	9,298,241
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	$3,123,600	[1] $940,931	(2)
Work-study	4,000,457	3,888,436	(2)
Direct loans (NEDA II)	2,723,200	3,580,485	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	118,865		
Special services in college	609,339		
Upward Bound	173,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	2,628,348		
Construction:			
Subsidized loans (HEFA III)	79,191		
Grants:			
Public community colleges and technical institutes (HEFA I)	994,972	1,037,770	
Other undergraduate facilities (HEFA I)	491,250		
State administration and planning (HEFA I)	86,977	85,252	$50,543
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	174,707	174,707	174,707
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	227,680	190,998	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		16,365	
Other equipment		114,555	
College personnel development	758,800		
Subtotal, higher education	16,240,385	10,079,499	275,250
Education professions development:			
Personnel training and development	1,204,241	260,039	128,115
Special programs serving schools in low-income areas:			
Teacher Corps	391,429		
Career opportunities and urban/rural school programs			
Subtotal, education professions development	1,595,670	260,039	128,115
Libraries and educational communications:			
Public libraries:			
Services	603,947	741,144	331,642
Construction (LSCA II)	11,392	131,239	
College library resources (HEA II-A)	132,144		
Librarian training (HEA II-B)	25,277		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	772,760	872,383	331,642
Resarch and development	147,705		
Civil rights education (title IV, Civil Rights Act of 1964)	1,591,395		
Total, Office of Education	87,257,025	86,069,460	65,216,933

OBLIGATIONS IN THE STATE OF ALASKA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$1,874,230	$1,928,163	$1,928,163
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		18,709	
Pt. C: Special grants for urban and rural schools		16,005	16,005
Supplementary services (ESEA III)	533,700	526,496	535,160
Grants to States for school library materials (ESEA II)	60,232	113,378	120,191
Strengthening State departments of education (ESEA V):			
Grants to States	243,565	243,649	272,009
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	$52,995	$75,996	
Loans to nonprofit private schools			
State administrative	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	158,121		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	80,250		
Subtotal, elementary and secondary education	3,166,426	3,085,729	$3,021,528
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	14,828,313	18,744,000	19,155,000
Construction (Public Law 81-815)	283,624	800,000	
Subtotal, school assistance in federally affected areas	15,111,937	19,544,000	19,155,000
Emergency school assistance			

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Education for the handicapped:			
State grant programs (EHA, pt. B)	$100,000	$200,000	$200,000
Early childhood projects (EHA, pt. C, sec. 623)	95,000		
Teacher education and recruitment	63,390		
Research and innovation			
Subtotal, education for the handicapped	258,390	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	403,555	422,312	510,274
Programs for students with special needs (VEA, pt. B)	22,295	26,240	
Consumer and homemaking education (VEA, pt. F)	19,668	27,882	
Work-study (VEA, pt. H)	7,022	9,088	
Cooperative education (VEA, pt. G)	205,240	212,006	
State advisory councils (VEA, pt. B)	42,566	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	101,868	208,247	
Curriculum development (VEA, pt. I)			
Research	15,000	46,924	
Adult education (Adult Education Act):			
Grants to States	136,550	141,671	184,592
Special projects and teacher education			
Subtotal, vocational and adult education	953,764	1,125,438	723,220
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	83,500	[1] 34,977	(2)
Work-study	141,039	144,182	(2)
Direct loans (NDEA II)	82,030	118,265	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	45,000		
Special services in college	197,049		
Upward Bound	50,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	57,800		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)		$50,000	
Other undergraduate facilities (HEFA I)	$100,000		
State administration and planning (HEFA I)	28,354	47,491	$26,625
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	105,854	105,854	105,854
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	155,388	152,838	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		627	
Other equipment		4,384	
College personnel development	31,800		
Subtotal, higher education	1,127,800	708,618	182,479
Education professions development:			
Personnel training and development	157,892	113,728	102,603
Special programs serving schools in low-income areas:			
Teacher Corps	161,000		
Career opportunities and urban/rural school programs	115,000		
Subtotal, education professions development	433,892	113,728	102,603
Libraries and educational communications:			
Public libraries:			
Services	153,034	241,661	247,450
Construction (LSCA II)	86,150	83,547	
College library resources (HEA II–A)	27,253		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)	58,307		
Subtotal, libraries and educational communications	324,744	325,208	247,450
Research and development			
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	21,376,953	25,102,721	23,632,280

OBLIGATIONS IN THE STATE OF ARIZONA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$9,600,568	$10,537,286	$10,537,286
State administrative expenses	150,000	150,000	15,0000
Pt. B: Special incentive grants		216,602	216,602
Pt. C: Special grants for urban and rural schools		103,802	103,802
Supplementary services (ESEA III)	1,269,737	1,365,872	1,390,735
Grants to States for school library materials (ESEA II)	361,721	680,887	683,279
Strengthening State departments of education (ESEA V):			
Grants to States	369,169	369,169	409,900
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	366,659	507,399	
Loans to nonprofit private schools			
State administration	16,610	16,785	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	791,845		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	702,100		
Subtotal, elementary and secondary education	13,628,409	13,947,802	13,491,604
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	9,843,042	11,366,000	10,556,000
Construction (Public Law 81-815)	2,245,747	3,100,000	5,000,000
Subtotal, school assistance in federally affected areas	12,088,789	14,466,000	15,566,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	$224,757	$252,738	$260,934
Early childhood projects (EHA, pt. C, sec. 623)	27,378		
Teacher education and recruitment	604,684		
Research and innovation	610		
Subtotal, education for the handicapped	857,492	252,738	260,934
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	2,947,567	3,084,298	3,620,545
Programs for students with special needs (VEA, pt. B)	162,854	191,640	
Consumer and homemaking education (VEA, pt. F)	143,660	203,630	
Work-study (VEA, pt. H)	36,283	46,954	
Cooperative education (VEA, pt. G)	229,193	266,893	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	216,260	245,948	
Curriculum development (VEA, pt. I)			
Research	15,000	342,700	
Adult education (Adult Education Act):			
Grants to States	379,898	419,113	387,056
Special projects and teacher education	150,000		
Subtotal, vocational and adult education	4,311,783	4,832,244	4,035,955
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	1,613,800	[1] 679,041	(2)
Work-study	1,459,803	1,393,728	(2)
Direct loans (NDEA II)	2,162,167	2,502,228	

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF ARIZONA—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	$35,000		
Special services in college	462,892		
Upward Bound	232,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)			
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	338,282	$415,830	
Other undergraduate facilities (HEFA I)	275,087		
State administration and planning (HEFA I)	70,858	69,534	$41,157
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	99,110		
Training grants (Fulbright-Hays Act)	9,005		
University community services (HEA I)	135,360	135,360	
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	180,964	166,342	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		11,936	
Other equipment		83,552	
College personnel development	$1,013,200		
Subtotal, higher education	8,137,528	$5,507,551	$91,157
Education professions development:			
Personnel training and development	915,019	182,441	114,795
Special programs serving schools in low-income areas:			
Teacher Corps	253,129		
Career opportunities and urban/rural school programs	279,573		
Subtotal, education professions development	1,447,721	182,441	114,795
Libraries and educational communications:			
Public libraries:			
Services	380,827	418,418	284,627
Construction (LSCA II)	104,542	100,424	
College library resources (HEA II–A)	91,920		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)	16.864		
Subtotal, libraries and educational communications	594,153	518,842	284,627
Research and development	44,100		
Civil rights education (title IV, Civil Rights Act of 1964)	119,083		
Total, Office of Education	41,228,995	39,707,618	33,835,072

OBLIGATIONS IN THE STATE OF ARKANSAS

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$24,750,018	$25,585,789	$25,585,789
State administrative expenses	247,500	255,858	255,858
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		361,444	361,444
Supplementary services (ESEA III)	1,405,549	1,505,599	1,512,247
Grants to States for school library materials (ESEA II)	380,294	715,848	718,177
Strengthening State departments of education (ESEA V):			
Grants to States	384,783	384,783	426,890
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	448,166	610,488	
Loans to nonprofit private schools			
State administration	18,376	18,278	
Dropout prevention (ESEA VIII)	281,000		
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity A t, sec. 222(a)(2))	814,719		
Subtotal, elementary and secondary education	28,730,405	29,438,087	28,860,405
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	2,694,616	2,824,000	2,225,000
Construction (Public Law 81–815)	7,209		
Subtotal, school assistance in federally affected areas	2,701,825	2,824,000	2,225,000
Emergency school assistance		2,186,088	
Education for the handicapped:			
State grant programs (EHA, pt. B)	297,836	334,914	345,775
Early childhood projects (EHA, pt. C, sec. 623)	110,000		
Teacher education and recruitment	191,087		
Research and innovation			
Subtotal, education for the handicapped	598,923	334,914	345,775
V ocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	3,693,674	3,864,985	4,517,358
Programs for students with special needs (VEA, pt. B)	204,075	240,145	
Consumer and homemaking education (VEA, pt. F)	180,024	255,170	
Work-study (VEA, pt. H)	42,330	54,780	
Cooperative education (VEA, pt. G)	234,433	278,899	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	$112,276	$254,196	
Curriculum development (VEA, pt. I)			
Research	15,000	429,443	
Adult education (Adult Education Act):			
Grants to States	701,583	785,866	$577,596
Special projects and teacher education	171,000		
Subtotal, vocational and adult education	5,385,463	6,194,552	5,123,308
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	1,542,800	[1] 528,973	(2)
Work-study	2,559,171	2,260,605	(2)
Direct loans (NDEA II)	1,821,555	2,032,510	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	85,131		
Special services in college	546,025		
Upward Bound	169,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	695,924		
Construction:			
Subsidized loans (HEF III)	84,717		
Grants:			
Public community colleges and technical institutes (HEFA I)	459,141	557,980	
Other undergraduate facilities (HEFA I)	313,893		
State administration and planning (HEFA I)	57,328	66,679	39,671
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	142,062	142,062	142,062
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	192,476	172,418	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		9,106	
Other equipment		63,741	
College personnel development	252,400		
Subtotal, higher education	8,971,623	5,884,074	231,733
Education professions development:			
Personnel training and development	793,478	186,674	115,551
Special programs serving schools in low-income areas:			
Teacher Corps	313,531		
Career opportunities and urban/rural school programs	386,600		
Subtotal, education professions development	1,493,609	186,674	115,551

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Libraries and educational communications:			
Public libraries:			
Services	$446,378	$497,944	$292,130
Construction (LSCA II)	115,038	108,018	
College library resources (HEA II–A)	83,984		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	$645,400	$605,962	$292,130
Research and development	19,850		
Civil rights education (title IV, Civil Rights Act of 1964)	814,091		
Total, Office of Education	49,361,189	47,654,351	37,193,902

OBLIGATIONS IN THE STATE OF CALIFORNIA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$96,934,750	$113,934,749	$113,934,749
State administrative expenses	969,574	1,139,347	1,139,347
Pt. B: Special incentive grants		133,907	133,907
Pt. C: Special grants for urban and rural schools		1,231,803	1,231,803
Supplementary services (ESEA III)	11,008,765	12,194,651	12,231,974
Grants to States for school library materials (ESEA II)	4,081,360	7,682,559	7,612,705
Strengthening State departments of education (ESEA V):			
Grants to States	1,910,647	1,910,647	2,098,831
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	2,580,066	3,535,998	
Loans to nonprofit private schools	86,700		
State administration	175,073	175,210	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	7,291,886		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	4,848,350		
Subtotal, elementary and secondary education	129,887,171	141,938,871	138,383,316
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	71,447,365	76,697,000	59,668,000
Construction (Public Law 81–815)	452,413		
Subtotal, school assistance in federally affected areas	71,899,778	76,697,000	59,668,000
Emergency school assistance		536,604	
Education for the handicapped:			
State grant programs (EHA, pt. B)	2,397,629	2,696,116	2,783,546
Early childhood projects (EHA, pt. C, sec. 623)	159,922		
Teacher education and recruitment	1,952,026		
Research and innovation	2,285,851		
Subtotal, education for the handicapped	6,795,428	2,696,116	2,783,546
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	23,903,359	25,010,506	29,905,391
Programs for students with special needs (VEA, pt. B)	1,320,663	1,554,000	
Consumer and homemaking education (VEA, pt. F)	1,165,014	1,651,219	
Work-study (VEA, pt. H)	390,527	505,388	
Cooperative education (VEA, pt. G)	512,513	916,098	
State advisory councils (VEA, pt. B)	93,203	93,203	85,061
Vocational research:			
Innovation (VEA, pt. D)	211,413	691,883	
Curriculum development (VEA, pt. I)	23,548		
Research	60,113	2,778,945	
Adult education (Adult Education Act):			
Grants to States	2,137,446	2,422,896	2,853,833
Special projects and teacher education	432,004		
Subtotal, vocational and adult education	30,249,803	35,624,138	32,844,285
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$15,797,196	[1] $7,050,028	(2)
Work-study	12,826,286	12,874,714	(3)
Direct loans (NDEA II)	19,240,987	25,604,260	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	550,335		
Special services in college	1,712,288		
Upward Bound	1,043,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	356,500		
Construction:			
Subsidized loans (HEFA III)	113,244		
Grants:			
Public community colleges and technical institutes (HEFA I)	3,211,049	3,453,412	
Other undergraduate facilities (HEFA I)	3,112,252		
State administration and planning (HEFA I)	415,649	306,486	$194,553
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	1,693,827		
Training grants (Fulbright-Hays Act)	394,321		
University community services (HEA I)	506,816	506,816	506,816
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	523,740	347,252	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment			
Other equipment		794,436	
College personnel development	5,333,956		
Subtotal, higher education	66,881,446	50,987,404	751,369
Education professions development:			
Personnel training and development	7,262,570	1,030,190	264,839
Special programs serving schools in low-income areas:			
Teacher Corps	3,084,997		
Career opportunities and urban/rural school programs	1,754,081		
Subtotal, education professions development	12,101,648	1,030,190	264,839
Libraries and educational communications:			
Public libraries:			
Services	2,932,689	2,786,412	744,705
Construction (LSCA II)	262,652	326,523	
College library resources (HEA II–A)	927,436		
Librarian training (HEA II–B)	441,948		
Educational broadcasting facilities (Communication Act of 1934, title III)	313,885		
Subtotal, libraries and educational communications	4,278,610	6,112,935	744,705
Research and development	17,020,629		
Civil rights education (title IV, Civil Rights Act of 1964)	1,227,391		
Total, Office of Education	340,341,932	315,623,258	235,440,060

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF COLORADO

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$9,283,738	$10,270,402	$10,270,402
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		109,941	109,941
Pt. C: Special grants for urban and rural schools		53,532	53,532
Supplementary services (ESEA III)	1,457,074	1,581,788	1,594,774
Grants to States for school library materials (ESEA II)	462,359	870,323	880,849
Strengthening State departments of education (ESEA V):			
Grants to States	411,038	411,038	458,433
Grants for special projects	430,161		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	383,233	531,257	
Loans to nonprofit private schools	3,450		
State administration	19,673	19,914	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	389,290		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	553,500		
Subtotal, elementary and secondary education	13,543,516	13,998,195	13,517,931
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	11,923,927	12,611,000	9,225,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	11,923,927	12,611,000	9,225,000
Emergency school assistance		719,298	
Education for the handicapped:			
State grant programs (EHA, pt. B)	285,258	320,771	331,173
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	634,167		
Research and innovation	520,852		
Subtotal, education for the handicapped	1,440,277	320,771	331,173
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	3,293,775	3,446,489	4,195,213
Programs for students with special needs (VEA, pt. B)	181,980	214,143	
Consumer and homemaking education (VEA, pt. F)	160,534	227,541	
Work-study (VEA, pt. H)	45,451	58,819	
Cooperative education (VEA, pt. G)	236,304	283,187	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	219,113	257,141	
Curriculum development (VEA, pt. I)	11,103		
Research	15,000	382,943	
Adult education (Adult Education Act):			
Grants to States	275,835	300,470	438,133
Special projects and teacher education	406,802		
Subtotal, vocational and adult education	4,876,965	5,201,801	4,661,700
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$2,183,800	[1]$993,255	(2)
Work-study	1,998,802	1,757,356	(2)
Direct loans (NDEA II)	2,803,959	3,442,659	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	63,000		
Special services in college	254,836		
Upward Bound	143,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	250,000		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	493,581	483,869	
Other undergraduate facilities (HEFA I)	351,983		
State administration and planning (HEFA I)	186,299	79,881	$48,064
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	71,518		
Training grants (Fulbright-Hays Act)	10,985		
University community services (HEA I)	143,844	143,844	143,844
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	191,707	172,012	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		14,430	
Other equipment		101,014	
College personnel development	1,162,336		
Subtotal, higher education	10,358,650	7,238,320	241,908
Education professions development:			
Personnel training and development	1,473,474	205,377	119,073
Special programs serving schools in low-income areas:			
Teacher Corps	304,188		
Career opportunities and urban/rural school programs	355,788		
Subtotal, education professions development	2,133,450	205,377	119,073
Libraries and educational communications:			
Public libraries:			
Services	442,001	492,634	294,752
Construction (LSCA II)		107,511	
College library resources (HEA II–A)	154,536		
Librarian training (HEA II–B)	46,697		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	643,234	600,145	295,752
Research and development	3,531,306		
Civil rights education (title IV, Civil Rights Act of 1964)	89,620		
Total, Office of Education	48,537,945	40,894,907	28,390,937

OBLIGATIONS IN THE STATE OF CONNECTICUT

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$11,409,297	$12,868,720	$12,925,611
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		129,400	129,400
Supplementary services (ESEA III)	1,887,006	2,054,631	2,045,046
Grants to States for school library materials (ESEA II)	610,790	1,149,723	1,156,153
Strengthening State departments of education (ESEA V):			
Grants to States	450,905	450,905	502,162
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	336,161	464,283	
Loans to nonprofit private schools			
State administration	26,375	26,600	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	$94,852		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	239,500		
Subtotal, elementary and secondary education	15,204,886	$17,294,262	$16,908,372
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	3,458,763	4,262,000	3,439,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	3,458,763	4,262,000	3,439,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	369,463	415,549	428,931
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	534,889		
Research and innovation	211,659		
Subtotal, education for the handicapped	1,116,011	415,459	428,931

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$3,402,846	$3,560,314	$4,205,720
Programs for students with special needs (VEA, pt. B)	188,007	221,216	
Consumer and homemaking education (VEA, pt. F)	165,851	235,055	
Work-study (VEA, pt. H)	56,570	73,208	
Cooperative education (VEA, pt. G)	246,035	305,485	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	116,412	272,457	
Curriculum development (VEA, pt. I)			
Research	15,000	295,590	
Adult education (Adult Education Act):			
Grants to States	503,143	559,625	654,018
Special projects and teacher education	188,000		
Subtotal, vocational and adult education	4,912,932	5,654,018	4,888,092
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	1,915,000	[1]902,021	(2)
Work-study	1,553,229	1,663,197	(3)
Direct loans (NDEA II)	2,390,823	3,134,483	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	98,630		
Special services in college	653,611		
Upward bound	100,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	43,066		
Construction:			
Subsidized loans (HEFA III)	196,494		
Grants:			
Public community colleges and technical institutes (HEFA I)	436,967	452,481	
Other undergraduate facilities (HEFA I)	385,934		
State administration and planning (HEFA I)	$86,606	$79,519	$44,714
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	458,060		
Training grants (Fulbright-Hays Act)	72,678		
University community services (HEA I)	162,807	162,807	162,807
Aid to land-grant colleges:			
Annual (Bankhed-Jones Act)	210,285	181,817	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		11,915	
Other equipment		83,405	
College personnel development	1,235,300		
Subtotal, higher education	10,049,490	6,721,645	257,521
Education professions development:			
Personnel training and development	1,439,382	239,206	125,034
Special programs serving schools in low-income areas:			
Teacher Corps	492,687		
Career opportunities and urban/rural school programs	188,100		
Subtotal, education professions development	2,120,169	239,206	125,034
Libraries and educational communications:			
Public libraries:			
Services	547,790	620,977	317,260
Construction (LSCA II)	130,280	119,765	
College library resources (HEA II-A)	167,165		
Librarian training (HEA II-B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	845,235	740,742	317,260
Research and development	3,531,306		
Civil rights education (title IV, Civil Rights Act of 1964)	83,384		
Total, Office of Education	41,322,176	35,327,332	26,364,210

OBLIGATIONS IN THE STATE OF DELAWARE

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$2,606,706	$2,825,067	$2,825,067
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		22,497	22,497
Supplementary services (ESEA III)	647,711	669,101	669,714
Grants to States for school library materials (ESEA II)	117,339	220,873	226,869
Strengthening State departments of education (ESEA V):			
Grants to States	263,311	263,311	293,686
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	82,557	114,705	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	670,251		
Subtotal, elementary and secondary education	4,551,208	4,278,887	4,187,833
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	1,811,627	1,919,000	1,876,000
Construction (Public Law 81-815)			
Subtotal, school assistance in federally affected areas	1,811,627	1,919,000	1,876,000
Emergency School Assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	100,000	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	95,535		
Research and innovation			
Subtotal, education for the handicapped	195,535	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$653,224	$683,489	$853,759
Programs for students with special needs (VEA, pt. B)	36,090	42,468	
Consumer and homemaking education (VEA, pt. F)	31,837	45,124	
Work-study (VEA, pt. H)	10,924	14,137	
Cooperative education (VEA, pt. G)	208,795	220,154	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	103,136	213,843	
Curriculum development (VEA, pt. I)			
Research	15,000	75,943	
Adult education (Adult Education Act):			
Grants to States	162,892	171,704	236,372
Special projects and teacher education	113,000		
Subtotal, vocational and adult education	1,365,966	1,497,930	1,118,485
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	367,700	[1]166,689	(2)
Work-study	320,153	345,598	(2)
Direct loans (NDEA II)	359,374	548,637	
Special programs for disadvantaged students (HEA sec. 408):			
Talent search			
Special services in college	64,895		
Upward Bound	45,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	95,662		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)			
Other undergraduate facilities (HEFA I)		84,324	
State administration and planning	162,348		
(HEFA I)	44,218	52,017	29,724

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF DELAWARE—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	$111,306	$111,306	$111,306
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	160,612	155,601	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		2,232	
Other equipment		15,623	
College personnel development	165,942		
Subtotal, higher education	1,947,210	1,532,027	191,030
Education professions development:			
Personnel training and development	306,094	126,743	104,912
Special programs serving schools in low-income areas:			
Teacher Corps	47,212		
Career opportunities and urban/rurai school programs	$83,350		
Subtotal, education professions development	436,656	$126,743	$104,912
Libraries and educational communications:			
Public libraries:			
Services	264,938	277,822	253,837
Construction (LSCA II)	92,135	87,000	
College library resources (HEA II–A)	28,845		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	385,918	364,822	253,837
Research and development	280,222		
Civil rights education (title IV, Civil Rights Act of 1964)	144,916		
Total, Office of Education	11,119,258	9,919,409	7,932,097

OBLIGATIONS IN THE STATE OF FLORIDA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$33,005,253	$36,253,182	$36,253,182
State administrative expenses	330,053	362,532	362,532
Pt. B: Special incentive grants		12,924	12,924
Pt. C: Special grants for urban and rural schools		290,264	290,264
Supplementary services (ESEA III)	3,592,837	4,037,886	4,107,058
Grants to States for school library materials (ESEA II)	1,178,032	2,217,472	2,270,496
Strengthening State departments of education (ESEA V):			
Grants to States	718,370	718,370	809,956
Grants for special projects	364,245		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	1,059,430	1,475,713	
Loans to nonprofit private schools			
State administration	54,190	55,120	
Dropout prevention (ESEA VIII)	680,998		
Bilingual education (ESEA VII)	609,787		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	2,389,000		
Subtotal, elementary and secondary education	43,982,195	45,423,463	44,106,412
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	17,317,913	17,763,000	13,602,000
Construction (Public Law 81–815)	59,730		
Subtotal, school assistance in federally affected areas	17,376,923	17,763,000	13,602,000
Emergency school assistance		8,140,628	
Education for the handicapped:			
State grant programs (EHA, pt. B)	736,246	827,903	854,750
Early childhood projects (EHA, pt. C, sec. 623)	209,661		
Teacher education and recruitment	913,567		
Research and innovation	117,874		
Subtotal, education for the handicapped	1,977,348	827,903	854,750
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	9,767,350	10,219,726	11,891,347
Programs for students with special needs (VEA, pt. B)	539,646	634,989	
Consumer and homemaking education (VEA, pt. F)	476,047	674,717	
Work-study (VEA, pt. H)	118,602	153,485	
Cooperative education (VEA, pt. G)	295,999	419,975	
State advisory councils (VEA, pt. B)	60,636	60,690	67,433
Vocational research:			
Innovation (VEA, pt. D)	205,542	351,100	
Curriculum development (VEA, pt. I)	60,636		
Research	24,563	1,135,525	
Adult education (Adult Education Act):			
Grants to States	1,519,832	1,308,317	1,168,846
Special projects and teacher education	123,000		
Subtotal, vocational and adult education	13,191,907	14,958,524	13,127,626
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$4,199,600	[1] $1,830,478	(2)
Work-study	4,025,307	4,581,945	(2)
Direct loans (NDEA II)	4,549,558	6,510,103	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	97,262		
Special services in college	791,059		
Upward Bound	235,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	857,294		
Construction:			
Subsidized loans (HEFA III)	246,997		
Grants:			
Public community colleges and technical institutes (HEFA I)	1,293,421	1,193,372	
Other undergraduate facilities (HEFA I)	1,348,031		
State administration and planning (HEFA I)	230,583	111,270	$67,425
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	177,025		
Training grants (Fulbright-Hays Act)	31,155		
University community services (HEA I)	231,724	231,724	231,724
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	267,743	212,142	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		28,461	
Other equipment		199,228	
College personnel development	1,666,900		
Subtotal, higher education	20,298,659	14,948,723	349,149
Education professions development:			
Personnel training and development	2,351,941	368,487	149,163
Special programs serving schools in low-income areas:			
Teacher Corps	568,253		
Career opportunities and urban/rural school programs	820,635		
Subtotal, education professions development	3,740,829	368,487	149,163
Libraries and educational communications:			
Public libraries:			
Services	874,972	1,017,914	405.865
Construction (LSCA II)	153,302	157,665	
College library resources (HEA II–A)	277,905		
Librarian training (HEA II–B)	142,060		
Educational broadcasting facilities (Communication Act of 1934, title III)	272,102		
Subtotal, libraries and educational communications	1,720,341	1,175,579	405,865
Research and development	504,900		
Civil rights education (title IV, Civil Rights Act of 1964)	1,245,658		
Total, Office of Education	104,038,760	103,606,307	72,594,965

Footnotes at end of table.

OBLIGATIONS IN THE STATE OF GEORGIA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$39,816,759	$41,065,464	$41,065,464
State administrative expenses	398,168	410,655	410,655
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		530,056	530,056
Supplementary services (ESEA III)	2,852,282	3,150,285	3,169,488
Grants to States for school library materials (ESEA II)	923,415	1,738,192	1,732,597
Strengthening State departments of education (ESEA V):			
Grants to States	625,028	625,028	690,476
Grants for special projects	25,000		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	999,405	1,372,931	
Loans to nonprofit private schools			
State administration	43,958	44,096	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,276,142		
Subtotal, elementary and secondary education	46,960,157	48,936,707	47,598,736
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	16,990,076	16,969,000	13,191,000
Construction (Public Law 81–815)	211,057		
Subtotal, school assistance in federally affected areas	17,201,133	16,969,000	13,191,000
Emergency school assistance		$7,595,447	
Education for the handicapped:			
State grant programs (EHA, pt. B)	682,447	767,400	792,292
Early childhood projects (EHA, pt. C, sec. 623)	68,258		
Teacher education and recruitment	668,016		
Research and innovation	391,906		
Subtotal, education for the handicapped	1,810,627	767,400	792,292
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	8,907,572	9,320,803	10,843,359
Programs for students with special needs (VEA, pt. B)	492,145	579,137	
Consumer and homemaking education (VEA, pt. F)	434,142	615,370	
Work-study (VEA, pt. H)	103,581	134,047	
Cooperative education (VEA, pt. G)	282,526	389,101	
State advisory councils (VEA, pt. B)	55,348	55,348	61,491
Vocational research:			
Innovation (VEA, pt. D)	243,448	329,893	
Curriculum development (VEA, pt. I)			
Research	22,401	1,035,645	
Adult education (Adult Education Act):			
Grants to States	1,515,610	1,713,940	1,035,815
Special projects and teacher education	730,000		
Subtotal, vocational and adult education	12,786,773	14,173,284	11,940,665
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$3,193,100	[1] $1,104,222	(1)
Work-study	3,354,360	4,387,199	(2)
Direct loans (NDEA II)	3,240,508	4,068,453	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	94,991		
Special services in college	1,006,259		
Upward Bound	300,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	2,626,653		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	1,095,526	1,063,460	
Other undergraduate facilities (HEFA I)	523,006	523,006	$523,006
State administration and planning (HEFA I)	87,001	98,744	60,613
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	197,128	197,128	197,128
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	243,763	199,486	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		17,678	
Other equipment		121,745	
College personnel development	1,450,109		
Subtotal, higher education	17,462,404	11,833,121	830,747
Education professions development:			
Personnel training and development	1,684,441	310,457	137,516
Special programs serving schools in low-income areas:			
Teacher Corps	531,596		
Career opportunities and urban/rural school programs	572,009		
Subtotal, education professions development	2,788,046	310,457	137,516
Libraries and educational communications:			
Public libraries:			
Services	738,425	852,255	360,848
Construction (LSCA II)	161,699	141,847	
College library resources (HEA II–A)	176,811		
Librarian training (HEA II–B)	66,572		
Educational broadcasting facilities (Communication Act of 1934, title III)	36,572		
Subtotal, libraries and educational communications	1,180,079	994,102	360,848
Research and development	1,333,800		
Civil rights education (title IV, Civil Rights Act of 1964)	978,408		
Total, Office of Education	102,501,427	101,579,518	74,851,804

OBLIGATIONS IN THE STATE OF HAWAII

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$2,756,538	$3,325,444	$3,378,683
State administrative expenses	150,000	150,000	150,000
Pt. B—Special incentive grants			
Pt. C—Special grants for urban and rural schools		32,379	32,379
Supplementary services (ESEA III)	775,158	821,878	818,058
Grants to States for school library materials (ESEA II)	163,537	307,834	313,372
Strengthening State departments of education (ESEA V):			
Grants to States	280,891	280,891	313,072
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	148,958	206,976	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	$244,355		
Subtotal, elementary and secondary education	4,532,770	$5,138,735	$5,005,564
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	9,237,488	10,015,000	8,867,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	9,237,488	10,015,000	8,867,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	113,023	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	129,988		
Research and innovation			
Subtotal, education for the handicapped	243,011	200,000	200,000

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF HAWAII—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$1,281,603	$1,341,119	$1,570,678
Programs for students with special needs (VEA, pt. B)	70,809	83,328	
Consumer and homemaking education (VEA, pt. F)	62,464	88,542	
Work-study (VEA, pt. H)	18,922	24,487	
Cooperative education (VEA, pt. G)	214,409	233,018	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	207,586	222,680	
Curriculum development (VEA, pt. I)			
Research	15,000	149,013	
Adult education (Adult Education Act):			
Grants to States	251,540	272,771	259,916
Special projects and teacher education	190,000		
Subtotal, vocational and adult education	2,343,401	2,446,026	1,858,948
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	322,400	[1]318,123	(2)
Work-study	601,709	548,694	(2)
Direct loans (NDEA II)	400,396	940,250	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	77,479		
Special services in college	94,667		
Upward Bound	90,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	200,000		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	171,585	169,240	
Other undergraduate facilities (HEFA I)	108,157		
State administration and planning (HEFA I)	3,350	54,451	31,074
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	$294,132		
Training grants (Fulbright-Hays Act)	21,710		
University community services (HEA I)	116,439	$116,439	$116,439
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	165,047	157,941	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		3,691	
Other equipment		25,839	
College personnel development	372,700		
Subtotal, higher education	3,089,771	2,384,668	197,513
Education professions development:			
Personnel training and development	327,033	137,272	106,785
Special programs serving schools in low-income areas:			
Teacher Corps	231,775		
Career opportunities and urban/rural school programs	115,000		
Subtotal, education professions development	673,808	137,272	106,785
Libraries and educational communications:			
Public libraries:			
Services	290,189	308,456	219,460
Construction (LSCA II)	69,586	89,925	
College library resources (HEA II–A)	58,624		
Librarian training (HEA II–B)	59,028		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	477,427	398,381	219,460
Research and development	140,052		
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	20,737,728	20,720,082	16,455,270

OBLIGATIONS IN THE STATE OF IDAHO

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$3,032,174	$3,332,125	$3,332,125
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		61,747	61,747
Pt. C: Special grants for urban and rural schools			
Supplementary services (ESEA III)	743,778	781,230	783,885
Grants to States for school library materials (ESEA II)	153,059	288,111	286,186
Strengthening State departments of education (ESEA V):			
Grants to States	283,357	283,357	313,648
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	163,334	222,979	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	75,900		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	81,336		
Subtotal, elementary and secondary education	4,696,271	5,132,882	4,927,591
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	2,794,439	3,106,000	2,465,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	2,794,439	3,106,000	2,465,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	116,982	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)	25,000		
Teacher education and recruitment	108,278		
Research and innovation			
Subtotal, education for the handicapped	250,260	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$1,348,046	$1,410,598	$1,729,463
Programs for students with special needs (VEA, pt. B)	74,479	87,644	
Consumer and homemaking education (VEA, pt. F)	65,703	93,129	
Work-study (VEA, pt. H)	16,581	21,458	
Cooperative education (VEA, pt. G)	213,474	230,874	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	104,804	221,207	
Curriculum development (VEA, pt. I)			
Research	15,000	156,733	
Adult education (Adult Education Act):			
Grants to States	153,041	160,473	264,507
Special projects and teacher education			
Subtotal, vocational and adult education	2,022,196	2,413,184	2,022,324
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	578,400	[1]293,197	(2)
Work-study	648,557	607,099	(2)
Direct loans (NDEA II)	797,527	1,009,547	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	63,000		
Special services in college	163,004		
Upward Bound	70,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)			
Construction:			
Subsidized loans (HEFA III)	17,885		
Grants:			
Public community colleges and technical institutes (HEFA I)	210,209	206,857	
Other undergraduate facilities (HEFA I)	112,507		
State administration and planning (HEFA I)	55,990	55,978	32,292
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Higher education—Continued			
Institutional assistance—Continued			
Language training and area studies—Continued			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	$115,039	$115,039	$115,039
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	165,865	158,373	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		4,461	
Other equipment		31,226	
College personnel development	153,300		
Subtotal, higher education	3,201,283	2,531,777	197,331
Education professions development:			
Personnel training and development	308,810	134,884	106,190
Special programs serving schools in low-income areas:			
Teacher Corps			
Career opportunities and urban/rural school programs	$115,000		
Subtotal, education professions development	423,810	$134,884	$106,190
Libraries and educational communications:			
Public libraries:			
Services	294,850	314,110	258,790
Construction (LSCA II)	32,527	90,465	
College library resources (HEA II–A)	36,263		
Librarian training (HEA II–B)	24,771		
Educational broadcasting facilities (Communication Act of 1934, title III)	339,627		
Subtotal, libraries and educational communications	728,038	404,575	258,790
Research and development			
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	14,116,297	13,923,302	10,177,230

OBLIGATIONS IN THE STATE OF ILLINOIS

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$53,256,753	$58,140,427	$58,140,427
State administrative expenses	532,568	581,404	581,404
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		539,483	539,483
Supplementary services (ESEA III)	6,414,033	7,087,572	7,029,053
Grants to States for school library materials (ESEA II)	2,271,614	4,275,978	4,293,435
Strengthening State departments of education (ESEA V):			
Grants to States	1,057,244	1,057,552	1,180,269
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	1,445,776	1,984,149	
Loans to nonprofit private schools			
State administration	100,742	100,958	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	194,957		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	2,802,497		
Subtotal, elementary and secondary education	68,076,184	73,767,523	71,764,071
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	13,367,548	14,261,000	11,031,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	13,367,548	14,261,000	11,031,000
Emergency school assistance		57,590	
Education for the handicapped:			
State grant programs (EHA, pt. B)	1,488,885	1,674,241	1,728,534
Early childhood projects (EHA, pt. C, sec. 623)	97,104		
Teacher education and recruitment	1,653,507		
Research and innovation	998,895		
Subtotal, education for the handicapped	4,238,391	1,674,241	1,728,534
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	12,769,779	13,360,897	16,224,490
Programs for students with special needs (VEA, pt. B)	705,533	830,164	
Consumer and homemaking education (VEA, pt. F)	622,382	882,100	
Work-study (VEA, pt. H)	215,941	279,453	
Cooperative education (VEA, pt. G)	376,654	604,788	
State advisory councils (VEA, pt. B)	79,345	79,345	85,062
Vocational research:			
Innovation (VEA, pt. D)	162,978	478,047	
Curriculum development (VEA, pt. I)	314,355		
Research	32,114	1,484,544	
Adult education (Adult Education Act):			
Grants to States	1,633,780	1,848,667	2,244,096
Special projects and teacher education			
Subtotal, vocational and adult education	16,912,861	19,848,005	18,553,648
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$8,217,200	[1] $3,305,408	(2)
Work-study	6,123,321	6,904,502	(2)
Direct loans (NDEA II)	9,409,954	11,795,497	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	213,000		
Special services in college	932,822		
Upward Bound	341,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	499,648		
Construction:			
Subsidized loans (HEFA III)	65,867		
Grants:			
Public community colleges and technical institutes (HEFA I)	1,694,867	1,706,263	
Other undergraduate facilities (HEFA I)	1,433,544		
State administration and planning (HEFA I)	252,236	175,796	$108,263
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	937,775		
Training grants (Fulbright-Hays Act)	144,620		
University community services (HEA I)	332,436	332,436	332,436
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	389,721	276,519	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		46,246	
Other equipment		323,725	
College personnel development	2,832,439		
Subtotal, higher education	33,870,450	24,916,392	490,699
Education professions development:			
Personnel training and development	3,092,785	617,727	192,966
Special programs serving schools in low-income areas:			
Teacher Corps	741,224		
Career opportunities and urban/rural school programs	841,095		
Subtotal, education professions development	4,675,104	617,727	192,966
Libraries and educational communications:			
Public libraries:			
Services	1,569,543	1,860,565	524,791
Construction (LSCA II)	277,743	238,122	
College library resources (HEA II–A)	36,263		
Librarian training (HEA II–B)	404,694		
Educational broadcasting facilities (Communication Act of 1934, title III)	341,250		
Subtotal, libraries and educational communications	2,629,493	2,098,687	524,791
Research and development	2,693,451		
Civil rights education (title IV, Civil Rights Act of 1964)	235,062		
Total, Office of Education	146,698,544	137,241,165	104,285,709

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF INDIANA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$17,081,476	$18,507,013	$18,507,013
State administrative expenses	170,815	185,070	185,070
Pt. B: Special incentive grants		15,170	15,170
Pt. C: Special grants for urban and rural schools		70,455	70,455
Supplementary services (ESEA III)	3,132,269	3,455,650	3,436,774
Grants to States for school library materials (ESEA II)	1,090,524	2,052,751	2,055,068
Strengthening State departments of education (ESEA V):			
Grants to States	662,709	662,709	735,463
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	889,093	1,217,833	
Loans to nonprofit private schools			
State administration	48,281	48,292	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	100,000		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	544,509		
Subtotal, elementary and secondary education	23,719,676	26,214,943	25,005,013
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	3,388,081	4,000,000	2,911,000
Construction (Public Law 81-815)			
Subtotal, school assistance in federally affected areas	3,388,081	4,000,000	2,911,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	745,215	837,989	865,164
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	589,308		
Research and innovation			
Subtotal, education for the handicapped	1,334,523	837,989	865,164
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	7,431,298	7,775,608	9,452,731
Programs for students with special needs (VEA, pt. B)	410,579	483,127	
Consumer and homemaking education (VEA, pt. F)	362,189	513,354	
Work-study (VEA, pt. H)	105,922	137,076	
Cooperative education (VEA, pt. G)	287,204	399,821	
State advisory councils (VEA, pt. B)	46,175	46,175	53,604
Vocational research:			
Innovation (VEA, pt. D)	131,089	337,256	
Curriculum development (VEA, pt. I)			
Research	18,688	863,956	
Adult education (Adult Education Act):			
Grants to States	630,936	705,322	1,070,247
Special projects and teacher education	250,000		
Subtotal, vocational and adult education	9,674,080	11,261,695	10,576,582
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	$4,578,100	[2] $1,666,343	(2)
Work-study	3,180,690	3,564,667	(3)
Direct loans (NDEA II)	5,326,714	6,198,675	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	45,442		
Special services in college	558,657		
Upward Bound	170,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	210,232		
Construction:			
Subsidized loans (HEFA III)	290,821		
Grants:			
Public community colleges and technical institutes (HEFA I)	1,051,311	1,050,631	
Other undergraduate facilities (HEFA I)	717,108		
State administration and planning (HEFA I)	84,740	109,742	$70,796
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	546,853		
Training grants (Fulbright-Hays Act)	44,138		
University community services (HEA I)	207,436	207,436	207,436
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	260,870	208,515	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		25,003	
Other equipment		175,020	
College personnel development	1,963,225		
Subtotal, higher education	19,205,337	13,256,032	328,232
Education professions development:			
Personnel training and development	2,226,477	348,543	144,499
Special programs serving schools in low-income areas:			
Teacher Corps	213,149		
Career opportunities and urban/rural school programs	432,321		
Subtotal, education professions development	2,871,947	348,543	144,499
Libraries and educational communications:			
Public libraries:			
Services	835,832	970,429	372,582
Construction (LSCA II)		153,131	
College library resources (HEA II-A)	225,572		
Librarian training (HEA II-B)	217,934		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	1,279,338	1,123,560	372,582
Research and development	803,901		
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	62,276,883	57,029,762	40,203,072

OBLIGATIONS IN THE STATE OF IOWA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$15,057,157	$16,149,666	$16,149,666
State administrative expenses	150,572	161,497	161,497
Pt. B: Special incentive grants		435,002	435,002
Pt. C: Special grants for urban and rural schools		72,857	72,857
Supplementary services (ESEA III)	1,846,969	1,978,800	2,002,056
Grants to States for school library materials (ESEA II)	612,734	1,153,382	1,142,459
Strengthening State departments of education (ESEA V):			
Grants to States	460,360	460,360	507,818
Grants for special projects	118,600		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	486,312	659,104	
Loans to nonprofit private schools			
State administration	26,194	25,924	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	$412,635		
Subtotal, elementary and secondary education	19,171,533	$21,096,592	$20,471,355
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	1,768,360	1,952,000	1,243,000
Construction (Public Law 81-815)	114,099		
Subtotal, school assistance in federally affected areas	1,882,459	1,952,000	1,243,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	432,885	486,776	502,561
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	344,841		
Research and innovation	414,361		
Subtotal, education for the handicapped	1,192,087	486,776	502,561

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$4,198,015	$4,392,605	$5,465,011
Programs for students with special needs (VEA, pt. B)	231,941	272,930	
Consumer and homemaking education (VEA, pt. F)	204,606	290,005	
Work-study (VEA, pt. H)	59,496	76,995	
Cooperative education (VEA, pt. G)	249,029	312,346	
State advisory councils (VEA, pt. B)	31,068	31,068	30,991
Vocational research:			
Innovation (VEA, pt. D)	117,479	277,170	
Curriculum development (VEA, pt. I)	29,970		
Research	15,000	488,067	
Adult education (Adult Education Act):			
Grants to States	309,838	339,237	654,168
Special projects and teacher education			
Subtotal, vocational and adult education	5,446,442	6,480,423	6,150,170
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	3,272,100	[1] 1,082,647	(2)
Work-study	2,320,126	2,602,150	(2)
Direct loans (NDEA II)	3,722,939	4,197,154	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	40,000		
Special services in college	656,118		
Upward Bound	110,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	484,425		
Construction:			
Subsidized loans (HEFA III)	48,727		
Grants:			
Public community colleges and technical institutes (HEFA I)	734,682	712,803	
Other undergraduate facilities (HEFA I)	439,125		
State administration and planning (HEFA I)	$134,337	$91,903	$55,515
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	43,270		
Training grants (Fulbright-Hays Act)	70,776		
University community services (HEA I)	158,862	158,862	158,862
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	215,572	184,607	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		16,353	
Other equipment		114,471	
College personnel development	1,031,634		
Subtotal, higher education	13,532,693	9,210,950	264,377
Education professions development:			
Personnel training and development	507,064	239,649	124,738
Special programs serving schools in low-income areas:			
Teacher Corps	301,344		
Career opportunities and urban/rural school programs	449,450		
Subtotal, education professions development	1,257,858	239,649	124,738
Libraries and educational communications:			
Public libraries:			
Services	577,891	657,496	313,937
Construction (LSCA II)	134,050	123,252	
College library resources (HEA II–A)	183,891		
Librarian training (HEA II–B)	12,480		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	908,312	780,748	313,937
Research and development	392,083		
Civil rights education (title IV, Civil Rights Act of 1964)	70,005		
Total, Office of Education	43,853,472	40,247,138	29,070,138

OBLIGATIONS IN THE STATE OF KANSAS

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$10,497,614	$10,838,944	$10,383,944
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		13,378	13,378
Pt. C: Special grants for urban and rural schools		47,651	47,651
Supplementary services (ESEA III)	1,586,903	1,699,025	1,701,535
Grants to States for school library materials (ESEA II)	465,110	875,502	858,763
Strengthening State departments of education (ESEA V):			
Grants to States	410,248	410,248	450,383
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	415,179	563,945	
Loans to nonprofit private schools			
State administration	21,727	21,550	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	733,952		
Subtotal, elementary and secondary education	14,280,633	14,620,243	14,060,654
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	8,125,786	9,267,000	7,547,000
Construction (Public Law 81–815)	33,918		
Subtotal, school assistance in federally affected areas	8,159,704	9,267,000	7,547,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	338,673	380,835	393,185
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	783,658		
Research and innovation	307,497		
Subtotal, education for the handicapped	1,429,828	380,835	393,185
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$3,598,952	$3,765,756	$4,620,536
Programs for students with special needs (VEA, pt. B)	198,841	233,980	
Consumer and homemaking education (VEA, pt. F)	175,408	248,620	
Work-study (VEA, pt. H)	48,767	63,110	
Cooperative education (VEA, pt. G)	239,672	290,906	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	220,887	262,443	
Curriculum development (VEA, pt. I)			
Research	15,000	418,417	
Adult education (Adult Education Act):			
Grants to States	282,224	307,754	538,235
Special projects and teacher education			
Subtotal, vocational and adult education	4,810,819	5,622,054	5,187,125
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	2,740,400	[1] 962,151	(2)
Work-study	1,803,151	1,912,450	(2)
Direct loans (NDEA II)	3,256,717	3,411,760	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	34,000		
Special services in college	190,723		
Upward Bound	100,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	735,622		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	562,089	531,076	
Other undergraduate facilities (HEFA I)	350,022		
State administration and planning (HEFA I)	134,791	88,673	52,769
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	247,741		

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF KANSAS—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Training grants (Fulbright-Hays Act)	$7, 125		
University community services (HEA I)	148, 596	$148, 596	$148, 596
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	201, 805	177, 342	
Permanent (Second Morrill Act)	50, 000	50, 000	50, 000
Undergraduate instructional equipment (HEA VI):			
Television equipment		13, 827	
Other equipment		96, 786	
College personnel development	1, 019, 075		
Subtotal, higher education	11, 581, 857	7, 392, 661	251, 365
Education professions development:			
Personnel training and development	609, 613	206, 004	118, 595
Special programs serving schools in low-income areas:			
Teacher Corps			
Career opportunities and urban/rural school programs	$20, 000		
Subtotal, education professions development	629, 613	$206, 004	$118, 595
Libraries and educational communications:			
Public libraries:			
Services	499, 503	562, 395	300, 437
Construction (LSCA II)	122, 734	114, 171	
College library resources (HEA II–A)	181, 550		
Librarian training (HEA II–B)	18, 720		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	822, 507	676, 566	300, 437
Research and development	117, 587		
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	41, 832, 548	38, 165, 363	27, 858, 361

OBLIGATIONS IN THE STATE OF KENTUCKY

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$35, 976, 081	$37, 468, 749	$37, 464, 223
State administrative expenses	359, 761	374, 687	374, 642
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		498, 833	498, 833
Supplementary services (ESEA III)	2, 078, 567	2, 246, 048	2, 245, 669
Grants to States for school library materials (ESEA II)	641, 127	1, 206, 827	1, 199, 083
Strengthening State departments of education (ESEA V):			
Grants to States	475, 514	475, 514	525, 328
Grants for special projects	25, 600		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	697, 959	948, 977	
Loans to nonprofit private schools			
State administration	30, 230	30, 014	
Dropout prevention (ESEA VIII)	447, 000		
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1, 366, 874		
Subtotal, elementary and secondary education	42, 098, 713	43, 249, 649	42, 307, 778
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	7, 901, 881	8, 739, 006	7, 793, 000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	7, 901, 881	8, 739, 006	7, 793, 000
Emergency school assistance		311, 174	
Education for the handicapped:			
State grant programs (EHA, pt. B)	509, 972	573, 460	592, 056
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	415, 770		
Research and innovation	533, 211		
Subtotal, education for the handicapped	1, 458, 953	573, 460	592, 056
Vocational and adult education:			
Grants to States for vocational education:			
Basic vocational education programs:			
State grants	6, 212, 161	6, 500, 330	7, 575, 842
Programs for students with special needs (VEA, pt. B)	343, 223	403, 891	
Consumer and homemaking education (VEA, pt. F)	302, 771	429, 159	
Work-study (VEA, pt. H)	72, 761	94, 161	
Cooperative education (VEA, pt. G)	258, 198	333, 357	
State advisory councils (VEA, pt. B)	38, 600	38, 600	42, 961
Vocational research:			
Innovation (VEA, pt. D)	230, 640	291, 602	
Curriculum development (VEA, pt. I)			
Research	15, 623	722, 259	
Adult education (Adult Education Act):			
Grants to States	1, 019, 688	1, 148, 538	884, 693
Special projects and teacher education	477, 000		
Subtotal, vocational and adult education	8, 970, 665	9, 961, 897	8, 503, 496
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$2, 699, 300	[1]$909, 364	(2)
Work-study	3, 089, 132	3, 191, 908	(2)
Direct loans (NDEA II)	2, 985, 847	3, 405, 119	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	54, 000		
Special services in college	907, 348		
Upward Bound	174, 000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	604, 250		
Construction:			
Subsidized loans (HEFA III)	139, 735		
Grants:			
Public community colleges and technical institutes (HEFA I)	584, 841	927, 912	
Other undergraduate facilities (HEFA I)	577, 846		
State administration and planning (HEFA I)	23, 380	81, 498	$49, 106
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	168, 386	168, 386	168, 386
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	222, 244	188, 129	
Permanent (Second Morrill Act)	50, 000	50, 000	50, 000
Undergraduate instructional equipment (HEA VI):			
Television equipment		15, 255	
Other equipment		106, 780	
College personnel development	667, 360		
Subtotal, higher education	12, 947, 669	9, 044, 351	267, 492
Education professions development:			
Personnel training and development	904, 349	246, 120	125, 964
Special programs serving schools in low-income areas:			
Teacher Corps	893, 124		
Career opportunities and urban/rural school programs	686, 418		
Subtotal, education professions development	2, 483, 391	246, 120	125, 964
Libraries and educational communications:			
Public libraries:			
Services	589, 523	703, 594	324, 425
Construction (LSCA II)	141, 289	127, 653	
College library resources (HEA II–A)	126, 455		
Librarian training (HEA II–B)	43, 935		
Educational broadcasting facilities (Communication Act of 1934, title III)	64, 000		
Subtotal, libraries and educational communications	965, 202	831, 247	324, 245
Research and development	81, 626		
Civil rights education (title IV, Civil Rights Act of 1964)	188, 743		
Total, Office of Educa.ion	77, 097, 343	72, 956, 904	59, 914, 211

Footnotes at end of table.

OBLIGATIONS IN THE STATE OF LOUISIANA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$34,326,959	$36,776,942	$36,776,942
State administrative expenses	343,270	367,769	367,769
Pt. B: Special incentive grants		256,240	256,240
Pt. C: Special grants for urban and rural schools		463,400	463,400
Supplementary services (ESEA III)	2,438,565	2,666,731	2,657,611
Grants to States for school library materials (ESEA II)	813,574	1,531,433	1,494,657
Strengthening State departments of education (ESEA V):			
Grants to States	536,860	536,860	585,959
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	912,117	1,246,845	
Loans to nonprofit private schools	24,500		
State administration	37,976	37,908	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	214,250		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,226,100		
Subtotal, elementary and secondary education	40,874,171	43,884,128	42,602,578
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	4,467,735	3,522,000	2,619,000
Construction (Public Law 81-815)	4,715,446	900,000	
Subtotal, school assistance in federally affected areas	9,183,181	4,422,000	2,619,000
Emergency school assistance		7,017,825	
Education for the handicapped:			
State grant programs (EHA, pt. B)	570,824	641,887	662,703
Early childhood projects (EHA, pt. C, sec. 623)	100,000		
Teacher education and recruitment	334,173		
Research and innovation	75,000		
Subtotal, education for the handicapped	1,079,997	641,887	662,703
Vocational and adult education: Grants to States for vocat ional education:			
Basic vocational education programs:			
State grants	7,152,052	7,483,934	8,817,824
Programs for students with special needs (VEA, pt. B)	395,150	465,005	
Consumer and homemaking education (VEA, pt. F)	348,579	494,097	
Work-study (VEA, pt. H)	84,660	109,560	
Cooperative education (VEA, pt. G)	268,678	357,370	
State advisory councils (VEA, pt. B)	44,440	44,440	50,004
Vocational research:			
Innovation (VEA, pt. D)	236,157	308,097	
Curriculum development (VEA, pt. I)			
Research	17,986	831,548	
Adult education (Adult Education Act):			
Grants to States	1,414,980	1,599,212	858,403
Special projects and teacher education			
Subtotal, vocational and adult education	9,962,682	11,693,263	9,726,231
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	$2,686,600	[1] $1,077,003	(2)
Work-study	3,592,706	3,772,197	(2)
Direct loans (NDEA II)	3,587,871	4,021,743	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	128,337		
Special services in college	559,326		
Upward Bound	367,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	1,122,005		
Construction:			
Subsidized loans (HEFA III)	144,441		
Grants:			
Public community colleges and technical institutes (HEFA I)	905,989	939,932	
Other undergraduate facilities (HEFA I)	479,452		
State administration and planning (HEFA I)	170,599	79,935	$48,602
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	122,685		
Training grants (Fulbright-Hays Act)	14,620		
University community services (HEA I)	178,695	178,695	178,695
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	227,449	190,876	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		18,275	
Other equipment		127,929	
College personnel development	1,034,711		
Subtotal, higher education	15,372,486	10,456,585	277,297
Education professions development:			
Personnel training and development	816,614	285,423	132,364
Special programs serving schools in low-income areas:			
Teacher Corps	230,268		
Career opportunities and urban/rural school programs	532,745		
Subtotal, education professions development	1,579,627	285,423	132,364
Libraries and educational communications:			
Public libraries:			
Services	645,524	739,547	336,886
Construction (LSCA II)	201,300	131,086	
College library resources (HEA II-A)	121,541		
Librarian training (HEA II-B)	54,530		
Educational broadcasting facilities (Communication Act of 1934, title III)	256,431		
Subtotal, libraries and educational communications	1,279,326	870,633	336,886
Research and development	37,541		
Civil rights education (title IV, Civil Rights Act of 1964)	1,374,232		
Total, Office of Education	80,743,243	79,271,744	56,357,059

OBLIGATIONS IN THE STATE OF MAINE

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$3,884,709	$6,005,938	$6,005,938
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		84,765	84,765
Pt. C: Special grants for urban and rural schools		4,333	4,333
Supplementary services (ESEA III)	873,976	921,749	915,163
Grants to States for school library materials (ESEA II)	213,526	401,930	409,218
Strengthening State departments of education (ESEA V):			
Grants to States	303,030	303,030	338,013
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	194,993	265,625	
Loans to nonprofit private schools			
State administration	, 13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	$257,317		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	163,567		
Subtotal, elementary and secondary education	6,054,451	$8,150,703	$7,907,430
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	2,492,527	3,456,000	3,073,000
Construction (Public Law 81-815)			
Subtotal, school assistance in federally affected areas	2,492,527	3,456,000	3,073,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	153,967	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	160,493		
Research and innovation	99,550		
Subtotal, education for the handicapped	414,010	200,000	200,000

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF MAINE—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$1,714,714	$1,794,206	$2,103,384
Programs for students with special needs (VEA, pt. B)	94,738	111,481	
Consumer and homemaking education (VEA, pt. F)	83,572	118,455	
Work-study (VEA, pt. H)	20,677	26,759	
Cooperative education (VEA, pt. G)	216,842	238,592	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	106,005	226,509	
Curriculum development (VEA, pt. I)			
Research	15,000	199,356	
Adult education (Adult Education Act):			
Grants to States	204,502	219,144	342,887
Special projects and teacher education	249,000		
Subtotal, vocational and adult education	2,736,118	2,965,570	2,474,625
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	735,600	[1] 266,607	(2)
Work-study	728,863	778,637	(2)
Direct loans (NDEA II)	771,868	971,872	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search			
Special services in college	249,782		
Upward Bound	50,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	50,000		
Construction:			
Subsidized loans (HEFA III)	20,925		
Grants:			
Public community colleges and technical institutes (HEFA I)		283,459	
Other undergraduate facilities (HEFA I)	418,652		
State administration and planning (HEFA I)	59,833	58,383	33,699
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	$120,745	$120,745	$120,745
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	173,048	162,164	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		4,269	
Other equipment		29,883	
College personnel development	118,500		
Subtotal, Higher Education	3,547,816	2,726,019	204,444
Education professions development:			
Personnel training and development	341,107	148,665	108,861
Special programs serving schools in low-income areas:			
Teacher Corps			
Career opportunities and urban/rural school programs	110,318		
Subtotal, education professions development	451,425	148,665	108,861
Libraries and educational communications:			
Public libraries:			
Services	335,752	363,733	265,286
Construction (LSCA II)		95,203	
College library resources (HEA II–A)	69,947		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	405,699	458,936	265,286
Research and development	9,485		
Civil rights educajion (title IV, Civil Rights Act of 1964)			
Total, Office of Education	16,111,531	18,105,893	14,233,646

OBLIGATIONS IN THE STATE OF MARYLAND

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$18,207,980	$20,770,840	$20,862,349
State administrative expenses	182,080	207,708	208,624
Pt. B: Special incentive grants		7,730	7,730
Pt. C: Special grants for urban and rural schools		211,188	211,188
Supplementary services (ESEA III)	2,355,833	2,580,658	2,585,462
Grants to States for school library materials (ESEA II)	805,571	1,516,369	1,547,150
Strengthening State departments of education (ESEA V):			
Grants to States	534,643	534,643	601,401
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	607,549	832,052	
Loans to nonprofit private schools			
State administration	35,310	35,312	
Dropout prevention (ESEA VIII)	665,819		
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,075,300		
Subtotal, elementary and secondary education	24,470,085	26,696,500	26,023,904
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	25,308,248	24,942,000	16,757,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	25,308,248	24,942,000	16,757,000
Emergency school assistance		900,044	
Education for the handicapped:			
State grant programs (EHA, pt. B)	493,874	555,357	573,367
Early childhood projects (EHA, pt. C, sec. 623)	40,000		
Teacher education and recruitment	414,051		
Research and innovation	256,751		
Subtotal, education for the handicapped	1,204,676	555,357	573,367
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$5,241,683	$5,484,600	$6,413,756
Programs for students with special needs (VEA, pt. B)	289,602	340,780	
Consumer and homemaking education (VEA, pt. F)	255,472	362,099	
Work-study (VEA, pt. H)	78,808	101,986	
Cooperative education (VEA, pt. G)	263,064	344,506	
State advisory councils (VEA, pt. B)	32,570	32,570	36,371
Vocational research:			
Innovation (VEA, pt. D)	233,202	299,260	
Curriculum development (VEA, pt. I)	26,799		
Research	15,000	609,400	
Adult education (Adult Education Act):			
Grants to States	682,321	763,906	782,469
Special projects and teacher education	73,998		
Subtotal, vocational and adult education	7,192,519	8,339,107	7,232,596
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	2,013,970	[1] 1,040,030	(2)
Work-study	1,886,300	2,394,110	(1)
Direct loans (NDEA II)	2,749,077	3,682,442	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	63,000		
Special services in college	281,483		
Upward bound	175,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	702,138		
Construction:			
Subsidized loans (HEFA III)	152,423		
Grants:			
Public community colleges and technical institutes (HEFA I)	691,630	693,653	
Other undergraduate facilities (HEFA I)	480,057		
State administration and planning (HEFA I)	82,320	88,217	52,183
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	8,999		

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Higher education—Continued			
Institutional assistance—Continued			
Language training and area studies—Continued			
Training grants (Fulbright-Hays Act)	$9, 375		
University community services (HEA I)	178, 822	$178, 822	$178, 822
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	223, 731	188, 914	
Permanent (Second Morrill Act)	50, 000	50, 000	50, 000
Undergraduate instructional equipment (HEA VI):			
Television equipment		15, 346	
Other equipment		107, 422	
College personnel development	1, 098, 100		
Subtotal, higher education	10, 846, 425	8, 438, 956	281, 005
Education professions development:			
Personnel training and development	992, 154	283, 599	133, 501
Special programs serving schools in low-income areas:			
Teacher Corps	45, 000		
Career opportunities and urban/rural school programs	$302, 150		
Subtotal, education professions development	1, 339, 304	$283, 599	$133, 501
Libraries and educational communications:			
Public libraries:			
Services	624, 356	713, 867	337, 432
Construction (LSCA II)	136, 517	128, 634	
College library resources (HEA II-A)	178, 319		
Librarian training (HEA II-B)	89, 140		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	1, 028, 332	842, 501	337, 432
Research and development	2, 157, 341		
Civil rights education (title IV, Civil Rights Act of 1964)	297, 525		
Total, Office of Education	73, 844, 455	70, 998, 064	51, 338, 805

OBLIGATIONS IN THE STATE OF MASSACHUSETTS

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$21, 630, 141	$26, 211, 805	$26, 211, 805
State administrative expenses	216, 301	262, 118	262, 118
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		277, 115	277, 115
Supplementary services (ESEA III)	3, 232, 286	3, 554, 778	3, 528, 082
Grants to States for school library materials (ESEA II)	1, 103, 113	2, 076, 448	2, 101, 628
Strengthening State departments of education (ESEA V):			
Grants to States	628, 412	628, 412	704, 678
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	722, 123	987, 713	
Loans to nonprofit private schools			
State administration	48, 101	48, 043	
Dropout prevention (ESEA VIII)	228, 005		
Bilingual education (ESEA VII)	378, 508		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1, 328, 603		
Subtotal, elementary and secondary education	29, 515, 593	34, 046, 432	33, 085, 426
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	13, 302, 806	15, 005, 000	12, 305, 000
Construction (Public Law 81-815)	45, 005		
Subtotal, school assistance in federally affected areas	13, 347, 811	15, 005, 000	12, 305, 000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	750, 780	844, 247	871, 624
Early childhood projects (EHA, pt. C, sec. 623)	133, 153		
Teacher education and recruitment	1, 149, 264		
Research and innovation	1, 049, 777		
Subtotal, education for the handicapped	3, 082, 974	844, 247	871, 624
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	6, 866, 845	7, 184, 686	8, 227, 727
Programs for students with special needs (VEA, pt. B)	379, 393	446, 412	
Consumer and homemaking education (VEA, pt. F)	334, 679	474, 341	
Work-study (VEA, pt. H)	104, 947	135, 814	
Cooperative education (VEA, pt. G)	285, 146	395, 104	
State advisory councils (VEA, pt. B)	42, 667	42, 667	46, 658
Vocational research:			
Innovation (VEA, pt. D)	244, 827	334, 016	
Curriculum development (VEA, pt. I)			
Research	17, 269	798, 299	
Adult education (Adult Education Act):			
Grants to States	835, 242	938, 251	1, 119, 805
Special projects and teacher education	75, 000		
Subtotal, vocational and adult education	9, 186, 015	10, 749, 590	9, 394, 190
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	$5, 917, 000	[1] $2, 382, 262	(2)
Work-study	5, 358, 854	4, 007, 058	(2)
Direct loans (NDEA II)	7, 061, 036	8, 691, 191	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	124, 000		
Special services in college	1, 228, 018		
Upward Bound	245, 000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	79, 643		
Construction:			
Subsidized loans (HEFA III)	132, 014		
Grants:			
Public community colleges and technical institutes (HEFA I)	1, 076, 094	1, 114, 870	
Other undergraduate facilities (HEFA I)	463, 068		
State administration and planning (HEFA I)	192, 303	142, 216	$85, 397
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	706, 435		
Training grants (Fulbright-Hays Act)	79, 837		
University community services (HEA I)	215, 348	215, 348	215, 348
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	272, 428	214, 615	
Permanent (2d Morrill Act)	50, 000	50, 000	50, 000
Undergraduate instructional equipment (HEA VI):			
Television equipment		34, 381	
Other equipment		240, 666	
College personnel development	2, 749. 549		
Subtotal, higher education	25, 950, 627	17, 029, 607	350, 745
Education professions development:			
Personnel training and development	2, 443, 758	351, 412	145, 507
Special programs serving schools in low-income areas:			
Teacher Corps	430, 387		
Career opportunities and urban/rural school programs	428, 500		
Subtotal, education professions development	3, 302, 645	351, 412	145, 507
Libraries and educational communications:			
Public libraries:			
Services	901, 649	1, 050, 278	381, 280
Construction (LSCA II)	192, 785	160, 755	
College library resources (HEA II-A)	402, 687		
Librarian training (HEA II-B)	92, 020		
Educational broadcasting facilities (Communication Act of 1934, title III)	358, 239		
Subtotal, libraries and educational communications	1, 947, 380	1, 211, 033	381, 280
Research and development	2, 959, 387		
Civil rights education (title IV, Civil Rights Act of 1964)	139, 342		
Total, Office of Education	89, 431, 774	79, 300, 321	56, 533, 772

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF MICHIGAN

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$42, 339, 833	$47, 052, 229	$47, 486, 093
State administrative expenses	423, 398	470, 522	474, 861
Pt. B—Special incentive grants		945, 696	945, 696
Pt. C—Special grants for urban and rural schools		392, 756	392, 756
Supplementary services (ESEA III)	5, 346, 325	5, 857, 683	5, 837, 297
Grants to States for school library materials (ESEA II)	2, 000, 378	3, 765, 418	3, 780, 218
Strengthening State departments of education (ESEA V):			
Grants to States	1, 002, 131	1, 002, 131	1, 116, 121
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	1, 553, 289	2, 116, 053	
Loans to nonprofit private schools			
State administration	86, 366	85, 916	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	256, 450		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1, 802, 333		
Subtotal, elementary and secondary education	54, 810, 503	61, 688, 404	60, 033, 042
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	4, 690, 071	5, 523, 000	4, 983, 000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	4, 690, 071	5, 523, 000	4, 983, 000
Emergency school assistance		11, 332	
Education for the handicapped:			
State grant programs (EHA, pt. B)	1, 268, 699	1, 426, 642	1, 472, 906
Early childhood projects (EHA, pt. C, sec. 623)	100, 000		
Teacher education and recruitment	1, 479, 273		
Research and innovation	737, 563		
Subtotal, education for the handicapped	3, 585, 535	1, 426, 642	1, 472, 906
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	12, 038, 767	12, 596, 706	15, 217, 985
Programs for students with special needs (VEA, pt. B)	665, 143	782, 682	
Consumer and homemaking education (VEA, pt. F)	586, 753	831, 649	
Work-study (VEA, pt. H)	186, 486	241, 334	
Cooperative education (VEA, pt. G)	353, 636	552, 045	
State advisory councils (VEA, pt. B)	74, 803	74, 803	85, 062
Vocational research:			
Innovation (VEA, pt. D)	280, 886	441, 818	
Curriculum development (VEA, pt. I)			
Research	30, 275	1, 399, 634	
Adult education (Adult Education Act):			
Grants to States	1, 106, 931	1, 248, 005	1, 686, 848
Special projects and teacher education	141, 999		
Subtotal, vocational and adult education	15, 465, 679	18, 168, 676	16, 989, 895
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	$6, 815, 400	[1] $2, 894, 032	(2)
Work-study	4, 773, 268	6, 082, 702	(2)
Direct loans (NDEA II)	8, 690, 339	10, 522, 089	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	171, 000		
Special services in college	984, 309		
Upward Bound	240, 000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	50, 000		
Construction:			
Subsidized loans (HEFA III)	21, 940		
Grants:			
Public community colleges and technical institutes (HEFA I)	1, 733, 216	1, 701, 935	
Other undergraduate facilities (HEFA I)	1, 247, 385		
State administration and planning (HEFA I)	219, 606	156, 601	$99, 817
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	1, 157, 950		
Training grants (Fulbright-Hays Act)	113, 638		
University community services (HEA I)	283, 968	283, 968	283, 968
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	336, 028	248, 182	
Permanent (Second Morrill Act)	50, 000	50, 000	50, 000
Undergraduate instructional equipment (HEA VI):			
Television equipment		43, 207	
Other equipment		302, 450	
College personnel development	1, 837, 925		
Subtotal, higher education	28, 725, 972	22, 285, 166	433, 785
Education professions development:			
Personnel training and development	3, 015, 609	555, 910	181, 854
Special programs serving schools in low-income areas:			
Teacher Corps	798, 719		
Career opportunities and urban/rural school programs	877, 245		
Subtotal, education professions development	4, 691, 573	555, 910	181, 854
Libraries and educational communications:			
Public libraries:			
Services	1, 263, 804	1, 489, 643	467, 4
Construction (LSCA II)		202, 706	
College library resources (HEA II–A)	344, 588		
Librarian training (HEA II–B)	266, 901		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	1, 875, 293	1, 692, 349	467, 440
Research and development	1, 561, 240		
Civil rights education (title IV, Civil Rights Act of 1964)	432, 977		
Total, Office of Education	115, 838, 843	111, 351, 479	84, 561, 922

OBLIGATIONS IN THE STATE OF MINNESOTA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$20, 127, 632	$22, 388, 099	$22, 388, 099
State administrative expenses	201, 276	223, 881	223, 881
Pt. B: Special incentive grants		945, 696	945, 696
Pt. C: Special grants for urban and rural schools		177, 484	177, 484
Supplementary services (ESEA III)	2, 372, 233	2, 597, 693	2, 601, 921
Grants to States for school library materials (ESEA II)	853, 429	1, 606, 455	1, 613, 207
Strengthening State departments of education (ESEA V):			
Grants to States	548, 158	548, 158	610, 264
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	719, 373	987, 778	
Loans to nonprofit private schools			
State administration	36, 211	36, 308	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	$539, 097		
Subtotal, elementary and secondary education	25, 397, 409	$29, 511, 552	$28, 560, 552
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	3, 293, 977	3, 486, 000	2, 614, 000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	3, 293, 977	3, 486, 000	2, 614, 000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	552, 633	621, 431	641, 583
Early childhood projects (EHA, pt. C, sec. 623)	96, 821		
Teacher education and recruitment	630, 964		
Research and innovation	378, 043		
Subtotal, education for the handicapped	1, 658, 461	621, 431	641, 583

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$5,683,713	$5,947,246	$7,094,864
Programs for students with special needs (VEA, pt. B)	314,026	369,525	
Consumer and homemaking education (VEA, pt. F)	277,015	392,643	
Work-study (VEA, pt. H)	78,808	101,986	
Cooperative education (VEA, pt. G)	265,309	349,651	
State advisory councils (VEA, pt. B)	35,316	35,316	40,234
Vocational research:			
Innovation (VEA, pt. D)	123,283	302,795	
Curriculum development (VEA, pt. I)			
Research	15,000	660,805	
Adult education (Adult Education Act):			
Grants to States	393,947	435,130,	778,938
Special projects and teacher education	385,000		
Subtotal, vocational and adult education	7,571,417	8,595,097	7,914,036
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	4,139,700	[1] 1,447,877	(2)
Work-study	2,843,426	3,173,001	(2)
Direct loans (NDEA II)	4,548,774	5,242,794	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	137,728		
Special services in college	433,766		
Upward Bound	327,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	100,000		
Construction:			
Subsidized loans (HEFA III)	23,377		
Grants:			
Public community colleges and technical institutes (HEFA I)	983,409	951,515	
Other undergraduate facilities (HEFA I)	640,946		
State administration and planning (HEFA I)	$98,614	$101,060	$61,259
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	287,905		
Training grants (Fulbright-Hays Act)	33,816		
University community services (HEA I)	177,698	177,698	177,698
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	231,178	192,844	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		21,491	
Other equipment		150,434	
College personnel development	677,550		
Subtotal, higher education	15,734,887	11,508,714	288,957
Education professions development:			
Personnel training and development	1,165,892	294,507	134,931
Special programs serving schools in low-income areas:			
Teacher Corps	567,443		
Career opportunities and urban/rural school programs	388,450		
Subtotal, education professions development	2,121,785	294,507	134,931
Libraries and educational communications:			
Public libraries:			
Services	666,761	765,312	336,419
Construction (LSCA II)		133,546	
College library resources (HEA II–A)	183,718		
Librarian training (HEA II–B)	53,790		
Educational broadcasting facilities (Communication Act of 1934, title III)	35,120		
Subtotal, libraries and educational communications	939,389	898,858	336,419
Research and development	1,374,774		
Civil rights education (title IV, Civil Rights Act of 1964)	72,929		
Total, Office of Education	58,165,028	54,916,159	40,490,478

OBLIGATIONS IN THE STATE OF MISSISSIPPI

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$41,909,589	$43,194,908	$43,194,908
State administrative expenses	419,096	431,949	431,949
Pt. B: Special incentive grants		141,626	141,626
Pt. C: Special grants for urban and rural schools		653,400	653,400
Supplementary services (ESEA III)	1,687,041	1,796,735	1,788,456
Grants to States for school library materials (ESEA II)	491,458	925,097	904,740
Strengthening State departments of education (ESEA V):			
Grants to States	432,249	432,249	473,438
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	596,634	808,793	
Loans to nonprofit private schools			
State administration	24,357	24,110	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,606,652		
Subtotal, elementary and secondary education	47,166,986	48,408,867	47,588,507
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	5,804,330	2,639,000	2,106,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	5,804,330	2,639,000	2,106,000
Emergency school assistance		5,684,694	
Education for the handicapped:			
State grant programs (EHA, pt. B)	399,693	449,452	464,027
Early childhood projects (EHA, pt. C, sec. 623)	22,291		
Teacher education and recruitment	235,037		
Research and innovation			
Subtotal, education for the handicapped	657,021	449,452	464,027
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$4,712,410	$4,931,282	$5,768,192
Programs for students with special needs (VEA, pt. B)	260,361	306,400	
Consumer and homemaking education (VEA, pt. F)	229,675	325,568	
Work-study (VEA, pt. H)	56,375	72,956	
Cooperative education (VEA, pt. G)	245,661	304,627	
State advisory councils (VEA, pt. B)	31,068	31,068	32,710
Vocational research:			
Innovation (VEA, pt. D)	224,039	271,868	
Curriculum development (VEA, pt. I)			
Research	15,000	547,920	
Adult education (Adult Education Act):			
Grants to States	936,895	1,054,146	639,208
Special projects and teacher education	490,000		
Subtotal, vocational and adult education	7,201,484	7,845,835	6,440,110
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HE IV–A)	2,363,200	[1] 705,084	(2)
Work-study	3,420,657	3,268,911	(2)
Direct loans (NDEA II)	2,297,922	2,722,316	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	83,389		
Special services in college	330,374		
Upward Bound	204,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	2,628,786		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	653,093	640,997	
Other undergraduate facilities (HEFA I)	304,004		
State administration and planning (HEFA I)	81,120	79,743	47,456
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF MISSISSIPPI—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
University community services (HEA I)	$149,826	$149,826	$149,826
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	201,794	177,336	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		12,325	
Other equipment		86,275	
College personnel development	488,066		
Subtotal, higher education	13,256,231	7,892,813	247,282
Education professions development:			
Personnel training and development	617,399	212,009	119,590
Special programs serving schools in low-income areas:			
Teacher Corps	344,394		
Career opportunities and urban/rural school programs	459,841		
Subtotal, education professions development	$1,421,634	$212,009	$119,590
Libraries and educational communications:			
Public libraries:			
Services	499,439	562,317	301,268
Construction (LSCA II)	122,724	114,164	
College library resources (HEA II-A)	118,247		
Librarian training (HEA II-B)	14,736		
Educational broadcasting facilities (Communication Act of 1934, title III)	357,630		
Subtotal, libraries and educational communications	1,112,776	676,481	301,268
Research and development	10,000		
Civil rights education (title IV, Civil Rights Act of 1964)	809,784		
Total, Office of Education	77,440,246	73,809,151	57,266,784

OBLIGATIONS IN THE STATE OF MISSOURI

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$26,049,684	$27,760,020	$27,760,020
State administrative expenses	260,497	277,600	277,600
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		270,207	270,207
Supplementary services (ESEA III)	2,797,435	3,072,094	3,091,742
Grants to States for school library materials (ESEA II)	994,943	1,872,834	1,880,383
Strengthening State departments of education (ESEA V):			
Grants to States	607,581	607,581	676,281
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	772,977	1,054,691	
Loans to nonprofit private schools			
State administration	41,652	41,500	
Dropout prevention (ESEA VIII)	718,285		
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,232,380		
Subtotal, elementary and secondary education	33,475,434	34,956,527	33,956,233
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	7,797,561	8,443,000	6,206,000
Construction (Public Law 81-815)	71,736		
Subtotal, school assistance in federally affected areas	7,869,297	8,443,000	6,206,000
Emergency school assistance		150,584	
Education for the handicapped:			
State grant programs (EHA, pt. B)	641,800	721,700	745,143
Early childhood projects (EHA, pt. C, sec. 623)	35,000		
Teacher education and recruitment	809,625		
Research and innovation	279,970		
Subtotal, education for the handicapped	1,766,395	721,700	745,143
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	7,028,458	7,353,941	8,786,255
Programs for students with special needs (VEA, pt. B)	388,323	456,929	
Consumer and homemaking education (VEA, pt. F)	342,557	485,515	
Work-study (VEA, pt. H)	91,487	118,395	
Cooperative education (VEA, pt. G)	274,666	371,092	
State advisory councils (VEA, pt. B)	43,672	43,672	49,825
Vocational research:			
Innovation (VEA, pt. D)	126,619	317,522	
Curriculum development (VEA, pt. I)	29,424		
Research	17,675	817,105	
Adult education (Adult Education Act):			
Grants to States	824,641	926,165	1,100,170
Special projects and teacher education	176,000		
Subtotal, vocational and adult education	9,343,522	10,890,336	9,936,250
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	$3,824,000	[1] $1,495,472	(2)
Work-study	3,520,380	3,640,765	(2)
Direct loans (NEDA II)	4,901,774	5,529,152	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	134,000		
Special services in college	516,441		
Upward Bound	157,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	796,537		
Construction:			
Subsidized loans (HEFA III)	136,789		
Grants:			
Public community colleges and technical institutes (HEFA I)	945,265	1,017,094	
Other undergraduate facilities (HEFA I)	621,752		
State administration and planning (HEFA I)	100,870	106,624	$63,848
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	171,887		
Training grants (Fulbright-Hays Act)	79,576		
University community services (HEA I)	197,785	197,785	197,785
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	252,721	204,214	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		23,391	
Other equipment		163,734	
College personnel development	1,717,569		
Subtotal, higher education	18,124,346	12,428,231	311,633
Education professions development:			
Personnel training and development	924,138	326,759	140,716
Special programs serving schools in low-income areas:			
Teacher Corps	460,335		
Career opportunities and urban/rural school programs	619,207		
Subtotal, education professions development	2,003,680	326,759	140,716
Libraries and educational communications:			
Public libraries:			
Services	789,431	914,135	361,553
Construction (LSCA II)		147,756	
College library resources (HEA II-A)	233,518		
Librarian training (HEA II-B)	31,200		
Educational broadcasting facilities (Communication Act of 1934, title III)	277,113		
Subtotal, libraries and educational communications	1,331,262	1,061,891	361,553
Research and development	8,129,424		
Civil rights education (title IV, Civil Rights Act of 1964)	135,579		
Total, Office of Education	82,178,938	68,979,028	51,657,528

Footnotes at end of table.

OBLIGATIONS IN THE STATE OF MONTANA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$3,576,190	$3,944,321	$3,944,321
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		150,332	150,332
Pt. C: Special grants for urban and rural schools		9,274	9,274
Supplementary services (ESEA III)	739,798	772,936	766,262
Grants to States for school library materials (ESEA II)	155,462	292,635	292,134
Strengthening State departments of education (ESEA V):			
Grants to States	281,090	281,090	311,592
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	152,595	207,298	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	172,496		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	391,025		
Subtotal, elementary and secondary education	5,631,989	5,821,219	5,623,915
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	4,274,608	5,030,000	4,804,000
Construction (Public Law 81-815)	274,428	100,000	200,000
Subtotal, school assistance in federally affected areas	4,549,036	5,130,000	5,004,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	112,296	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	124,529		
Research and innovation			
Subtotal, education for the handicapped	236,825	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	1,233,991	1,291,234	1,544,461
Programs for students with special needs (VEA, pt. B)	68,178	80,231	
Consumer and homemaking education (VEA, pt. F)	60,144	85,248	
Work-study (VEA, pt. H)	15,801	20,448	
Cooperative education (VEA, pt. G)	213,099	230,016	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	104,670	220,218	
Curriculum development (VEA, pt. I)			
Research	15,000	143,471	
Adult education (Adult Education Act):			
Grants to States	164,109	173,091	268,018
Special projects and teacher education	136,000		
Subtotal, vocational and adult education	2,042,060	2,275,025	1,840,833
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	$803,000	[1] $295,442	(2)
Work-study	2,318,975	628,051	(2)
Direct loans (NDEA II)	864,228	1,019,666	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	50,000		
Special services in college	275,124		
Upward Bound	97,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	50,000		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)		189,170	
Other undergraduate facilities (HEFA I)	349,524		
State administration and planning (HEFA I)	77,187	56,877	$32,812
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)	10,755		
University community services (HEA I)	114,763	114,763	114,763
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	166,045	158,468	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		4,192	
Other equipment		29,345	
College personnel development	201,122		
Subtotal, higher education	5,427,723	2,545,974	197,575
Education professions development:			
Personnel training and development	242,159	135,432	106,326
Special programs serving schools in low-income areas:			
Teacher Corps	81,340		
Career opportunities and urban/rural school programs	155,000		
Subtotal, education professions development	478,499	135,432	106,326
Libraries and educational communications:			
Public libraries:			
Services	295,873	315,354	257,943
Construction (LSCA II)	103,236	90,584	
College library resources (HEA II-A)	53,005		
Librarian training (HEA II-B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	452,114,	405,938	257,943
Research and development			
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	18,818,246	16,513,588	13,230,592

OBLIGATIONS IN THE STATE OF NEBRASKA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$7,491,253	$8,002,458	$8,002,458
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		122,403	122,403
Pt. C: Special grants for urban and rural schools		53,198	53,198
Supplementary services (ESEA III)	1,128,290	1,205,611	1,200,758
Grants to States for school library materials (ESEA II)	313,078	589,323	585,063
Strengthening State departments of education (ESEA V):			
Grants to States	338,712	338,719	374,712
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	258,291	354,630	
Loans to nonprofit private schools			
State administration	13,656	13,691	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	$3,578		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	280,000		
Subtotal, elementary and secondary education	9,976,853	$10,830,003	$10,488,592
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	5,279,657	5,461,000	4,741,000
Construction (Public Law 81-815)		1,800,000	
Subtotal, school assistance in federally affected areas	5,279,657	7,261,000	4,741,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	217,458	244,530	252,460
Early childhood projects (EHA, pt. C, sec. 623)	115,000		
Teacher education and recruitment	187,271		
Research and innovation	269,188		
Subtotal, education for the handicapped	788,917	244,530	252,460

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF NEBRASKA—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$2,227,091	$2,330,328	$2,767,668
Programs for students with special needs (VEA, pt. B)	123,046	144,792	
Consumer and homemaking education (VEA, pt. F)	108,546	153,851	
Work-study (VEA, pt. H)	30,821	39,886	
Cooperative education (VEA, pt. G)	225,076	257,459	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	108,940	239,468	
Curriculum development (VEA, pt. I)	11,996		
Research	15,000	258,925	
Adult education (Adult Education Act):			
Grants to States	221,891	238,968	401,923
Special projects and teacher education			
Subtotal, vocational and adult education	3,103,475	3,694,745	3,197,945
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	1,476,600	[1]609,585	(-)
Work-study	1,142,874	1,349,246	(2)
Direct loans (NDEA II)	1,846,632	2,248,848	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	55,000		
Special services in college	136,555		
Upward Bound	100,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	290,000		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	356,265	359,064	
Other undergraduate facilities (HEFA I)	234,347		
State administration and planning (HEFA I)	69,254	68,941	40,173
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	$130,820	$130,820	$130,820
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	183,560	167,712	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		9,108	
Other equipment		63,757	
College personnel development	360,704		
Subtotal, higher education	6,432,611	5,057,081	220,993
Education professions development:			
Personnel training and development	667,433	171,354	112,668
Special programs serving schools in low-income areas:			
Teacher Corps	290,349		
Career opportunities and urban/rural school programs	385,875		
Subtotal, education professions development	1,343,657	171,354	112,668
Libraries and educational communications:			
Public libraries:			
Services	395,609	436,351	277,747
Construction (LSCA II)		102,137	
College library resources (HEA II–A)	98,909		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	494,518	538,488	277,747
Research and development	6,830		
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	27,426,523	27,797,201	19,291,450

OBLIGATIONS IN THE STATE OF NEVADA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$932,847	$1,061,267	$1,061,267
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		704	704
Supplementary services (ESEA III)	601,066	613,086	623,087
Grants to States for school library materials (ESEA II)	100,155	188,572	194,615
Strengthening State departments of education (ESEA V):			
Grants to States	260,934	260,934	290,935
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	61,619	86,937	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	167,806		
Subtotal, elementary and secondary education	2,287,760	2,374,788	2,320,608
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	3,234,652	3,408,000	2,748,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	3,234,652	3,408,000	2,748,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	100,000	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	121,767		
Research and innovation			
Subtotal, education for the handicapped	221,767	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$1,058,551	$553,955	$671,804
Programs for students with special needs (VEA, pt. B)	58,485	34,420	
Consumer and homemaking education (VEA, pt. F)	51,592	36,572	
Work-study (VEA, pt. H)	13,850	10,855	
Cooperative education (VEA, pt. G)	211,228	215,008	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	203,448	210,309	
Curriculum development (VEA, pt. I)			
Research	15,000	61,551	
Adult education (Adult Education Act):			
Grants to States	123,829	127,168	198,117
Special projects and teacher education			
Subtotal, vocational and adult education	1,767,051	1,280,906	898,275
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	213,200	[1]97,031	(3)
Work-study	340,408	219,258	(2)
Direct loans (NEDA II)	233,905	366,857	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	50,000		
Special services in college	163,976		
Upward Bound	90,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)			
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)		61,219	
Other undergraduate facilities (HEFA I)	115,796		
State administration and planning (HEFA I)	27,827	49,153	27,751
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Higher education—Continued			
Institutional assistance—Continued			
Language training and area studies—Continued			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	$109,524	$109,524	$109,524
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	156,784	153,580	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		1,355	
Other equipment		63,757	
College personnel development	90,600		
Subtotal, higher education	1,642,020	1,171,734	187,275
Education professions development:			
Personnel training and development	343,436	122,827	104,214
Special programs serving schools in low-income areas:			
Teacher Corps			
Career opportunities and urban/rural school programs	$115,000		
Subtotal, education professions development	458,436	$122,827	$104,214
Libraries and educational communications:			
Public libraries:			
Services	214,963	251,373	252,046
Construction (LSCA II)	100,000	84,475	
College library resources (HEA II–A)	14,782		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	329,745	335,848	252,046
Research and development	150,400		
Civil rights education (title IV, Civil Rights Act of 1964)	96,211		
Total, Office of Education	10,188,042	8,894,103	6,710,418

OBLIGATIONS IN THE STATE OF NEW HAMPSHIRE

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$1,627,712	$1,822,638	$1,822,638
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools			
Supplementary services (ESEA III)	715,545	755,932	762,180
Grants to States for school library materials (ESEA II)	146,053	274,924	281,038
Strengthening State departments of education (ESEA V):			
Grants to States	271,088	271,088	302,461
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	118,824	165,189	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	110,000		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	152,000		
Subtotal, elementary and secondary education	3,304,555	3,453,104	3,318,317
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	1,975,593	2,157,000	1,731,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	1,975,593	2,157,000	1,731,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	100,000	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	73,550		
Research and innovation			
Subtotal, education for the handicapped	173,550	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	1,058,551	1,107,570	1,324,207
Programs for students with special needs (VEA, pt. B)	58,485	68,817	
Consumer and homemaking education (VEA, pt F)	51,592	73,124	
Work-study (VEA, pt. H)	13,850	17,923	
Cooperative education (VEA, pt. G)	211,228	225,728	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	205,911	217,672	
Curriculum development (VEA, pt. I)			
Research	15,000	123,063	
Adult education (Adult Education Act):			
Grants to States	160,283	168,729	270,636
Special projects and teacher education			
Subtotal, vocational and adult education	1,805,968	2,033,694	1,623,197
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$745,100	[1] $278,144	(2)
Work-study	740,084	508,982	(2)
Direct loans (NDEA II)	799,685	1,015,645	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	50,000		
Special services in college	117,598		
Upward Bound	15,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	170,000		
Construction:			
Subsidized loans (HEFA III)	20,493		
Grants:			
Public community colleges and technical institutes (HEFA I)	76,419	168,618	
Other undergraduate facilities (HEFA I)	199,326		
State administration and planning (HEFA I)	82,249	59,707	$34,282
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	28,690		
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	114,912	114,912	114,912
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	164,432	157,617	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (EA VI):			
Television equipment		4,112	
Other equipment		28,784	
College personnel development	278,500		
Subtotal, higher education	3,652,488	2,386,521	199,194
Education professions development:			
Personnel training and development	314,699	133,287	106,085
Special programs serving schools in low-income areas:			
Teacher Corps			
Career opportunities and urban/rural school programs	115,000		
Subtotal, education professions development	429,699	133,287	106,085
Libraries and educational communications:			
Public libraries:			
Services	286,689	304,109	258,640
Construction (LSCA II)	75,000	89,520	
College library resources (HEA II–A)	48,130		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	409,819	393,729	258,640
Research and development	104,198		
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	11,855,870	10,757,335	7,436,433

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF NEW JERSEY

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$33,310,467	$44,287,837	$44,287,837
State administrative expenses	333,105	442,878	442,878
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		339,349	339,349
Supplementary services (ESEA III)	4,095,949	4,548,731	4,561,080
Grants to States for school library materials (ESEA II)	1,406,778	2,648,053	2,661,181
Strengthening State departments of education (ESEA V):			
Grants to States	742,620	742,620	828,658
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	863,566	1,188,248	
Loans to nonprofit private schools			
State administration	61,901	62,196	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	1,003,288		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,283,607		
Subtotal, elementary and secondary education	43,101,281	54,259,912	53,120,983
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	12,130,865	12,765,000	9,805,000
Construction (Public Law 81–815)	30,897		
Subtotal, school assistance in federally affected areas	12,161,762	12,765,000	9,805,000
Emergency school assistance		456,972	
Education for the handicapped:			
State grant programs (EHA, pt. B)	866,823	974,736	1,006,346
Early childhood projects (EHA, pt. C, sec. 623)	100,000		
Teacher education and recruitment	559,863		
Research and innovation			
Subtotal, education for the handicapped	1,526,686	974,736	1,006,346
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	8,543,798	8,939,174	10,770,595
Programs for students with special needs (VEA, pt. B)	472,044	555,425	
Consumer and homemaking education (VEA, pt. F)	416,411	596,174	
Work-study (VEA, pt. H)	136,743	176,962	
Cooperative education (VEA, pt. G)	310,034	452,135	
State advisory councils (VEA, pt. B)	53,087	53,087	61,078
Vocational research:			
Innovation (VEA, pt. D)	257,931	373,190	
Curriculum development (VEA, pt. I)			
Research	21,486	993,242	
Adult education (Adult Education Act):			
Grants to States	1,177,851	1,328,860	1,429,901
Special projects and teacher education	226,000		
Subtotal, vocational and adult education	11,615,385	13,462,249	12,261,574
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$3,292,800	[1] $1,264,329	(2)
Work-study	3,076,858	3,385,651	(2)
Direct loans (NDEA II)	3,391,489	4,164,854	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	110,000		
Special services in college	991,557		
Upward Bound	220,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)			
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	1,193,927	1,162,358	
Other undergraduate facilities (HEFA I)	725,600		
State administration and planning (HEFA I)	100,536	98,206	$58,034
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	297,387		
Training grants (Fulbright-Hays Act)	58,620		
University community services (HEA I)	249,966	249,966	249,966
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	294,262	226,138	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		18,141	
Other equipment		126,991	
College personnel development	1,689,348		
Subtotal, higher education	15,742,350	10,746,634	358,000
Education professions development:			
Personnel training and development	1,698,498	420,612	157,623
Special programs serving schools in low-income areas:			
Teacher Corps	604,930		
Career opportunities and urban/rural school programs	795,947		
Subtotal, education professions development	3,099,375	420,621	157,623
Libraries and educational communications:			
Public libraries:			
Services	1,025,979	1,201,114	425,802
Construction (LSCA II)	199,000	175,157	
College library resources (HEA II–A)	200,606		
Librarian training (HEA II–B)	165,363		
Educational broadcasting facilities (Communication Act of 1934, title III)	370,706		
Subtotal, libraries and educational communications	1,961,654	1,376,271	425,802
Research and development	1,044,945		
Civil rights education (title IV, Civil Rights Act of 1964)	133,608		
Total, Office of Education	90,387,046	94,462,395	77,135,328

OBLIGATIONS IN THE STATE OF NEW MEXICO

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$9,888,110	$10,756,421	$10,756,421
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		380,506	380,506
Pt. C: Special grants for urban and rural schools		90,512	90,512
Supplementary services (ESEA III)	945,409	989,211	998,619
Grants to States for school library materials (ESEA II)	241,076	453,791	453,958
Strengthening State departments of education (ESEA V):			
Grants to States	317,977	317,977	352,607
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	273,046	370,233	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	$992,607		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,142,162		
Subtotal, elementary and secondary education	13,963,720	$13,521,984	$13,182,623
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	10,814,878	12,627,000	11,403,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	10,814,878	12,627,000	11,403,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	175,883	200,000	204,192
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	299,882		
Research and innovation	835,244		
Subtotal, education for the handicapped	1,311,009	200,000	204,192

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$1,947,460	$2,037,894	$2,452,032
Programs for students with special needs (VEA, pt. B)	107,597	126,621	
Consumer and homemaking education (VEA, pt. F)	94,917	134,544	
Work-study (VEA, pt. H)	23,993	31,050	
Cooperative education (VEA, pt. G)	219,649	245,024	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	107,005	230,927	
Curriculum development (VEA, pt. I)			
Research	15,000	226,433	
Adult education (Adult Education Act):			
Grants to States	164,109	173,091	315,198
Special projects and teacher education	190,000		
Subtotal, vocational and adult education	2,900,798	3,236,652	2,795,584
Higher education:			
Sutdent assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	1,100,795	[1]361,464	(2)
Work-study	1,319,269	1,036,676	(2)
Direct loans (NEDA II)	1,025,496	1,298,931	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	108,695		
Special services in college	320,856		
Upward Bound	100,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	150,000		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	132,300	307,654	
Other undergraduate facilities (HEFA I)	362,462		
State administration and planning (HEGA I)	$59,653	$58,706	$34,241
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	97,598		
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	121,084	121,084	121,084
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	172,614	161,935	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		5,933	
Other equipment		41,531	
College personnel development	481,950		
Subtotal, higher education	5,602,772	3,443,914	205,325
Education professions development:			
Personnel training and development	867,418	154,944	109,830
Special programs serving schools in low-income areas:			
Teacher Corps	382,477		
Career opportunities and urban/rural school programs	351,100		
Subtotal, education professions development	1,600,995	154,944	109,830
Libraries and educational communications:			
Public libraries:			
Services	333,282	360,736	266,402
Construction (LSCA II)	42,328	94,917	
College library resources (HEA II-A)	61,893		
Librarian training (HEA II-B)	24,516		
Educational broadcasting facilities (Communication Act of 1934, title III)	85,205		
Subtotal, libraries and educational communications	547,224	455,653	266,402
Research and development	1,240,668		
Civil rights education (title IV, Civil Rights Act of 1964)	628,743		
Total, Office of Education	38,610,807	33,640,147	28,166,956

OBLIGATIONS IN THE STATE OF NEW YORK

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$178,348,472	$200,981,256	$201,076,537
State administrative expenses	1,783,485	2,009,813	2,010,765
Pt. B: Special incentive grants		945,696	945,696
Pt. C: Special grants for urban and rural schools		2,049,980	2,049,980
Supplementary services (ESEA III)	10,035,452	11,192,431	11,131,403
Grants to States for school library materials (ESEA II)	3,465,109	6,522,557	6,585,407
Strengthening State departments of education (ESEA V):			
Grants to States	1,477,979	1,477,979	1,660,694
Grants for special projects	49,750		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	1,928,151	2,657,948	
Loans to nonprofit private schools	76,400		
State administration	153,851	154,869	
Dropout prevention (ESEA VIII)	400,000		
Bilingual education (ESEA VII)	1,494,060		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	2,966,463		
Subtotal, elementary and secondary education	202,197,172	227,392,529	225,460,482
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	17,030,747	18,121,000	14,206,000
Construction (Public Law 81-815)	354,029	3,100,000	
Subtotal, school assistance in federally affected areas	17,384,776	21,221,000	14,206,000
Emergency school assistance		208,236	
Education for the handicapped:			
State grant programs (EHA, pt. B)	2,331,331	2,621,564	2,706,577
Early childhood projects (EHA, pt. C, sec. 623)	289,068		
Teacher education and recruitment	2,296,111		
Research and innovation	3,859,112		
Subtotal, education for the handicapped	8,775,662	2,621,564	2,706,577
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$20,730,525	$21,689,304	$25,065,549
Programs for students with special needs (VEA, pt. B)	1,145,363	1,347,641	
Consumer and homemaking education (VEA, pt. F)	1,010,377	1,431,949	
Work-study (VEA, pt. H)	339,615	439,501	
Cooperative education (VEA, pt. G)	476,396	833,339	
State advisory councils (VEA, pt. B)	93,203	93,203	85,061
Vocational research:			
Innovation (VEA, pt. D)	198,538	635,037	
Curriculum development (VEA, pt. I)	88,416		
Research	52,134	2,409,923	
Adult education (Adult Education Act):			
Grants to States	3,299,893	3,748,204	3,722,647
Special projects and teacher education	1,123,674		
Subtotal, vocational and adult education	28,558,134	32,628,101	28,873,257
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	[1]14,807,096	5,493,904	(2)
Work-study	11,523,975	11,297,260	(2)
Direct loans (NDEA II)	15,023,262	19,643,969	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	314,901		
Special services in college	1,902,593		
Upward Bound	571,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	84,600		
Construction:			
Subsidized loans (HEFA III)	340,172		
Grants:			
Public community colleges and technical institutes (HEFA I)	2,957,027	2,623,120	
Other undergraduate facilities (HEFA I)	3,866,623		
State administration and planning (HEFA I)	373,210	256,588	157,020
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	2,052,201		

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF NEW YORK—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Training grants (Fulbright-Hays Act)	$299,828		
University community services (HEA I)	485,753	$485,753	$485,753
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	549,067	360,619	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		78,813	
Other equipment		551,692	
College personnel development	6,068,943		
Subtotal, higher education	61,270,251	40,841,718	692,773
Education professions development:			
Personnel training and development	5,734,681	889,739	242,595
Special programs serving schools in low-income areas:			
Teacher Corps	1,529,251		
Career opportunities and urban/rural school programs	1,277,049		
Subtotal, education professions development	$8,540,981	$889,739	$242,595
Libraries and educational communications:			
Public libraries:			
Services	2,476,908	2,961,378	713,422
Construction (LSCA II)	405,911	343,229	
College library resources (HEA II-A)	815,863		
Librarian training (HEA II-B)	360,486		
Educational broadcasting facilities (Communication Act of 1934, title III)	185,506		
Subtotal, libraries and educational communications	4,244,674	3,304,607	713,422
Research and development	10,681,800		
Civil rights education (title IV, Civil Rights Act of 1964)	304,214		
Total, Office of Education	341,939,624	329,307,494	272,665,106

OBLIGATIONS IN THE STATE OF NORTH CAROLINA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$57,588,036	$59,592,789	$59,592,789
State administrative expenses	575,880	595,928	595,928
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		756,205	756,205
Supplementary services (ESEA III)	3,156,483	3,472,478	3,460,043
Grants to States for school library materials (ESEA II)	993,278	1,869,699	1,834,155
Strengthening State departments of education (ESEA V):			
Grants to States	659,015	659,015	720,045
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	1,130,562	1,542,773	
Loans to nonprofit private schools			
State administration	48,642	48,470	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,099,346		
Subtotal, elementary and secondary education	65,251,242	68,537,357	66,959,165
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	12,001,820	13,117,000	11,819,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	12,001,820	13,117,000	11,819,000
Emergency school assistance		7,690,720	
Education for the handicapped:			
State grant programs (EHA, pt. B)	805,195	905,436	934,798
Early childhood projects (EHA, pt. C, sec. 623)	115,000		
Teacher education and recruitment	506,903		
Research and innovation	50,000		
Subtotal, education for the handicapped	1,477,098	905,436	934,798
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	10,190,085	10,662,796	12,490,939
Programs for students with special needs (VEA, pt. B)	563,004	662,519	
Consumer and homemaking education (VEA, pt. F)	496,651	703,970	
Work-study (VEA, pt. H)	118,212	152,980	
Cooperative education (VEA, pt. G)	293,941	415,258	
State advisory councils (VEA, pt. B)	63,317	63,317	70,833
Vocational research:			
Innovation (VEA, pt. D)	249,458	347,860	
Curriculum development (VEA, pt. I)			
Research	25,626	1,184,755	1,165,732
Adult education (Adult Education Act):			
Grants to States	1,677,851	1,898,912	
Special projects and teacher education	395,000		
Subtotal, vocational and adult education	14,073,145	16,092,367	13,727,504
Higher education:			
Sutdent assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	$4,293,400	[1] $1,562,635	(2)
Work-study	5,270,033	5,462,654	(2)
Direct loans (NDEA II)	4,547,013	5,620,177	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	72,565		
Special services in college	550,847		
Upward Bound	390,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	3,344,778		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	1,301,786	1,368,374	
Other undergraduate facilities (HEFA I)	884,270		
State administration and planning (HEFA I)	177,684	120,512	$72,968
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	86,924		
Training grants (Fulbright-Hays Act)	14,196		
University community services (HEA I)	208,836	208,836	208,836
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	258,341	207,180	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		24,631	
Other equipment		172,419	
College personnel development	1,586,039		
Subtotal, higher education	23,036,712	14,797,418	331,804
Education professions development:			
Personnel training and development	1,971,910	326,380	139,715
Special programs serving schools in low-income areas:			
Teacher Corps	381,373		
Career opportunities and urban/rural school programs	804,090		
Subtotal, education professions development	3,157,373	326,380	139,715
Libraries and educational communications:			
Public libraries:			
Services	821,432	952,959	374,32
Construction (LSCA II)	195,319	151,463	
College library resources (HEA II-A)	342,974		
Librarian training (HEA II-B)	103,876		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	1,463,601	1,104,422	374,322
Research and development	1,698,699		
Civil rights education (title IV, Civil Rights Act of 1964)	620,859		
Total, Office of Education	122,780,549	122,571,100	94,286,308

Footnotes at end of table.

OBLIGATIONS IN THE STATE OF NORTH DAKOTA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$4,703,614	$4,970,186	$4,970,186
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		115,841	115,841
Pt. C: Special grants for urban and		34,149	34,149
rural schools	703,528	728,287	725,759
Supplementary services (ESEA III)	136,301	256,567	251,524
Grants to States for school library materials (ESEA II)	272,292	272,292	300,681
Strengthening State departments of education (ESEA V):			
Grants to States			
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):	146,026	196,253	
Grants to States			
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	184,500		
Subtotal, elementary and secondary education	6,309,594	6,736,908	6,548,140
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	3,566,458	3,864,000	4,014,000
Construction (Public Law 81–815)	74,367	700,000	700,000
Subtotal, school assistance in federally affected areas	3,640,825	4,564,000	4,714,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	109,151	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	164,679		
Research and innovation	30,478		
Subtotal, education for the handicapped	304,308	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	1,207,190	1,263,226	1,493,168
Programs for students with special needs (VEA, pt. B)	66,697	78,490	
Consumer and homemaking education (VEA, pt. F)	58,837	83,400	
Work-study (VEA, pt. H)	14,630	18,933	
Cooperative education (VEA, pt. G)	211,977	227,443	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	206,305	218,851	
Curriculum development (VEA, pt. I)			
Research	15,000	140,358	
Adult education (Adult Education Act):			
Grants to States	177,469	188,322	273,705
Special projects and teacher education			
Subtotal, vocational and adult education	1,989,173	2,250,091	1,795,227
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$890,600	[1] $312,266	(2)
Work-study	780,361	711,769	(2)
Direct loans (NDEA II)	943,419	1,107,775	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	40,000		
Special services in college	172,381		
Upward Bound	15,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	353,700		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	46,800	200,784	
Other undergraduate facilities (HEFA I)	265,145		
State administration and planning (HEFA I)	87,276	56,993	$32,851
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	113,236	113,236	113,236
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	165,039	157,937	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		4,702	
Other equipment		32,912	
College personnel development	262,300		
Subtotal, higher education	4,185,257	2,748,354	196,087
Education professions development:			
Personnel training and development	468,571	131,065	105,446
Special programs serving schools in low-income areas:			
Teacher Corps	115,500		
Career opportunities and urban/rural school programs	178,396		
Subtotal, education professions development	762,467	131,065	105,446
Libraries and educational communications:			
Public libraries:			
Services	290,145	308,403	256,173
Construction (LSCA II)		89,920	
College library resources (HEA II–A)	51,437		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	341,582	398,323	256,173
Research and development	25,549		
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	17,558,755	17,028,741	13,815,073

OBLIGATIONS IN THE STATE OF OHIO

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$40,363,720	$43,378,050	$43,378,050
State administrative expenses	403,637	433,780	433,780
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		404,801	404,801
Supplementary services (ESEA III)	6,339,620	6,993,555	6,944,454
Grants to States for school library materials (ESEA II)	2,234,209	4,205,569	4,211,026
Strengthening State departments of education (ESEA V):			
Grants to States	1,098,447	1,098,447	1,220,401
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	1,807,951	2,560,178	
Loans to nonprofit private schools			
State administration	101,499	101,420	
Dropout prevention (ESEA VIII)	436,075		
Bilingual education (ESEA VII)	$88,984		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,201,890		
Subtotal, elementary and secondary education	54,139,032	$59,175,800	*$56,592,512
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	10,530,777	10,520,000	7,149,000
Construction (Public Law 81–815)	39,595		
Subtotal, school assistance in federally	10,570,372	10,520,000	7,149,000
affected areas		392,960	
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	1,519,923	1,709,142	1,764,567
Early childhood projects (EHA, pt. C, sec. 623)	25,000		
Teacher education and recruitment	988,067		
Research and innovation	119,467		
Subtotal, education for the handicapped	2,652,457	1,709,142	1,764,567

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF OHIO—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$15,503,686	$16,221,862	$19,484,174
Programs for students with special needs (VEA, pt. B)	856,581	1,007,925	
Consumer and homemaking education (VEA, pt. F)	755,628	1,070,983	
Work-study (VEA, pt. H)	222,768	288,289	
Cooperative education (VEA, pt. G)	382,829	618,938	
State advisory councils (VEA, pt. B)	93,203	93,203	85,062
Vocational research:			
Innovation (VEA, pt. D)	165,180	487,767	
Curriculum development (VEA, pt. I)	29,959		
Research	38,989	1,802,429	
Adult education (Adult Education Act):			
Grants to States	1,351,381	1,526,703	2,070,825
Special projects and teacher education	95,000		
Subtotal, vocational and adult education	19,495,204	23,118,099	21,604,061
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	7,617,048	[1] 3,079,326	(2)
Work-study	5,571,175	7,000,938	(2)
Direct loans (NDEA II)	9,315,873	11,245,324	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	124,112		
Special services in college	1,339,374		
Upward Bound	457,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	754,032		
Construction:			
Subsidized loans (HEFA III)	191,867		
Grants:			
Public community colleges and technical institutes (HEFA I)	2,219,197	2,208,535	
Other undergraduate facilities (HEFA I)	1,401,955		
State administration and planning (HEFA I)	$189,038	$155,487	$98,370
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	509,013		
Training grants (Fulbright-Hays Act)	34,485		
University community services (HEA I)	325,054	325,054	325,054
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	380,809	271,816	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		45,880	
Other equipment		321,162	
College personnel development	2,173,946		
Subtotal, higher education	32,653,978	24,703,522	473,424
Education professions development:			
Personnel training and development	3,544,765	609,202	191,182
Special programs serving schools in low-income areas:			
Teacher Corps	624,206		
Career opportunities and urban/rural school programs	990,070		
Subtotal, education professions development	5,159,041	609,202	191,182
Libraries and educational communications:			
Public libraries:			
Services	1,518,798	1,799,001	516,951
Construction (LSCA II)	187,033	232,244	
College library resources (HEA II-A)	428,345		
Librarian training (HEA II-B)	208,527		
Educational broadcasting facilities (Communication Act of 1934, title III)	177,379		
Subtotal, libraries and educational communications	2,520,082	2,031,245	516,951
Research and development	2,154,310		
Civil rights education (title IV, Civil Rights Act of 1964)	168,306		
Total, Office of Education	129,212,782	122,259,970	88,327,697

OBLIGATIONS IN THE STATE OF OKLAHOMA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$18,736,899	$19,485,325	$19,485,326
State administrative expenses	187,369	194,853	194,853
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		239,579	239,579
Supplementary services (ESEA III)	1,666,414	1,804,001	1,805,272
Grants to States for school library materials (ESEA II)	507,271	954,862	956,738
Strengthening State departments of education (ESEA V):			
Grants to States	440,485	440,485	488,416
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	466,563	640,709	
Loans to nonprofit private schools			
State administration	22,483	22,546	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	188,701		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	703,433		
Subtotal, elementary and secondary education	22,919,618	23,782,361	23,170,184
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	11,591,736	12,298,000	9,352,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	11,519,736	12,298,000	9,352,000
Emergency school assistance		296,486	
Education for the handicapped:			
State grant programs (EHA, pt. B)	366,917	412,596	425,976
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	355,085		
Research and innovation	65,809		
Subtotal, education for the handicapped	787,811	412,596	425,976
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$4,541,401	$4,751,840	$5,617,020
Programs for students with special needs (VEA, pt. B)	250,912	295,249	
Consumer and homemaking education (VEA, pt. F)	221,341	313,722	
Work-study (VEA, pt. H)	52,864	68,412	
Cooperative education (VEA, pt. G)	242,666	297,767	
State advisory councils (VEA, pt. B)	31,068	31,068	41,853
Vocational research:			
Innovation (VEA, pt. D)	115,211	267,155	
Curriculum development (VEA, pt. I)	29,735		
Research	15,000	527,982	
Adult education (Adult Education Act):			
Grants to States	531,447	591,894	628,610
Special projects and teacher education			
Subtotal, vocational and adult education	6,031,645	7,145,089	6,277,483
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	2,505,600	[1] 994,003	(2)
Work-study	2,570,138	2,394,519	(2)
Direct loans (NDEA II)	3,275,618	3,712,844	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	68,162		
Special services in college	651,364		
Upward Bound	170,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	989,145		
Construction:			
Subsidized loans (HEFA III)	29,482		
Grants:			
Public community colleges and technical institutes (HEFA I)	677,728	652,830	
Other undergraduate facilities (HEFA I)	357,431		
State administration and planning (HEFA I)	86,359	81,125	48,203
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)	39,000		

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Higher education—Continued			
Institutional assistance—Continued			
University community services (HEA I)	$153,920	$153,920	$153,920
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	205,364	179,220	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		16,311	
Other equipment		114,174	
College personnel development	621,800		
Subtotal, higher education	12,451,111	8,348,946	252,123
Education professions development:			
Personnel training and development	1,119,354	215,613	120,716
Special programs serving schools in low-income areas:			
Teacher Corps	410,910		
Career opportunities and urban/rural school programs	$30,000		
Subtotal, education professions development	1,560,264	$215,613	$102,716
Libraries and educational communications:			
Public libraries:			
Services	519,768	586,981	306,787
Construction (LSCA II)		116,519	
College library resources (HEA II–A)	122,604		
Librarian training (HEA II–B)	105,542		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	747,914	703,500	306,787
Research and development	35,742		
Civil rights education (title IV, Civil Rights Act of 1964)	709,098		
Total, Office of Education	56,762,939	53,202,591	39,905,269

OBLIGATIONS IN THE STATE OF OREGON

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$8,256,688	$10,432,750	$10,432,750
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		265,434	265,434
Pt. C: Special grants for urban and rural schools		32,688	32,688
Supplementary services (ESEA III)	1,406,486	1,508,393	1,521,491
Grants to States for school library materials (ESEA II)	426,653	803,112	776,894
Strengthening State departments of education (ESEA V):			
Grants to States	398,278	398,278	434,490
Grants for special projects	34,573		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	338,665	459,537	
Loans to nonprofit private schools			
State administration	18,340	18,172	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	90,000		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	882,200		
Subtotal, elementary and secondary education	12,001,883	14,068,364	13,613,747
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	3,341,829	3,566,000	2,741,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	3,341,829	3,566,000	2,741,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	279,058	313,799	323,975
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	804,338		
Research and innovation	881,657		
Subtotal, education for the handicapped	1,965,053	313,799	323,975
Vocational and adult education: Grants to States for vocationa education:			
Basic vocational education programs:			
State grants	3,138,872	3,284,314	4,004,976
Programs for students with special needs (VEA, pt. B)	173,422	204,067	
Consumer and homemaking education (VEA, pt. F)	152,985	216,834	
Work-study (VEA, pt. H)	42,525	55,032	
Cooperative education (VEA, pt. G)	234,994	280,186	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	218,424	255,079	
Curriculum development (VEA, pt. I)	167,074		
Research	15,000	364,924	
Adult education (Adult Education Act):			
Grants to States	241,935	261,821	468,300
Special projects and teacher education	274,998		
Subtotal, vocational and adult education	4,691,297	4,953,325	4,501,630
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$2,235,100	[1] $898,730	(2)
Work-study	2,777,747	1,618,077	(2)
Direct loans (NDEA II)	2,531,864	3,261,421	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	59,000		
Special services in college	343,739		
Upward Bound	175,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	129,000		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	512,143	502,615	
Other undergraduate facilities (HEFA I)	345,766		
State administration and planning (HEFA I)	81,283	82,334	$49,285
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	69,605		
Training grants (Fulbright-Hays Act)	27,760		
University community services (HEA I)	142,508	142,508	142,508
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	192,058	172,197	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		13,526	
Other equipment		94,680	
College personnel development	947,500		
Subtotal, higher education	10,620,073	6,836,088	241,793
Education professions development:			
Personnel training and development	1,946,116	197,239	116,822
Special programs serving schools in low-income areas:			
Teacher Corps	382,992		
Career opportunities and urban/rural school programs	133,996		
Subtotal, education professions development	2,463,104	197,239	116,822
Libraries and educational communications:			
Public libraries:			
Services	433,022	495,055	293,402
Construction (LSCA II)	120,000	107,742	
College library resources (HEA II–A)	139,754		
Librarian training (HEA II–B)	39,015		
Educational broadcasting facilities (Communication Act of 1934, title III)	16,842		
Subtotal, libraries and educational communications	748,633	602,797	293,402
Research and development	3,995,669		
Civil rights education (title IV, Civil Rights Act of 1964)	163,349		
Total, Office of Education	39,790,890	30,537,612	21,832,369

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF PENNSYLVANIA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$56,549,804	$65,892,973	$65,892,973
State administrative expenses	565,498	668,930	658,930
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		545,934	545,934
Supplementary services (ESEA III)	6,714,389	7,413,108	7,320,915
Grants to States for school library materials (ESEA II)	2,338,965	4,402,757	4,352,420
Strengthening State departments of education (ESEA V):			
Grants to States	1,070,926	1,070,926	1,177,434
Grants for special projects	132,456		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	1,796,266	2,447,213	
Loans to nonprofit private schools			
State administration	103,732	103,199	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	499,806		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	6,816,050		
Subtotal, elementary and secondary education	76,587,892	82,535,040	79,948,606
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	8,260,330	8,283,000	5,415,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	8,260,330	8,283,000 528,836	5,415,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	1,672,090	1,880,253	1,941,227
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	1,411,419		
Research and innovation	522,983		
Subtotal, education for the handicapped	3,606,492	1,880,253	1,941,227
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	17,080,756	17,871,250	21,112,893
Programs for students with special needs (VEA, pt. B)	943,714	1,110,411	
Consumer and homemaking education (VEA, pt. F)	832,492	1,179,879	
Work-study (VEA, pt. H)	233,107	301,668	
Cooperative education (VEA, pt. G)	390,876	637,377	
State advisory councils (VEA, pt. B)	93,203	93,203	85,061
Vocational research:			
Innovation (VEA, pt. D)	300,494	500,432	
Curriculum development (VEA, pt. I)			
Research	42,956	1,985,695	
Adult education (Adult Education Act):			
Grants to States	1,967,553	2,229,201	2,599,408
Special projects and teacher education	450,000		
Subtotal, vocational and adult education	22,335,151	25,909,126	23,797,362
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$7,746,700	[1] $3,341,014	(3)
Work-study	6,300,466	8,059,934	(2)
Direct loans (NDEA II)	9,644,385	11,819,936	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	160,000		
Special services in college	1,450,842		
Upward Bound	415,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	593,252		
Construction:			
Subsidized loans (HEFA III)	372,762		
Grants:			
Public community colleges and technical institutes (HEFA I)	2,701,853	2,754,310	
Other undergraduate facilities (HEFA I)	1,519,807		
State administration and planning (HEFA I)	326,251	181,481	$112,658
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	619,400		
Training grants (Fulbright-Hays Act)	103,358		
University community services (HEA I)	349,235	349,235	349,235
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	419,164	292,059	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		49,785	
Other equipment		348,488	
College personnel development	2,820,577		
Subtotal, higher education	35,593,052	27,246,242	511,893
Education professions development:			
Personnel training and development	3,911,948	633,078	194,243
Special programs serving schools in low-income areas:			
Teacher Corps	1,063,556		
Career opportunities and urban/rural school programs	735,300		
Subtotal, education professions development	5,710,804	633,078	194,243
Libraries and educational communications:			
Public libraries:			
Services	1,739,202	2,063,968	545,528
Construction (LSCA II)	134,428	257,543	
College library resources (HEA II–A)	515,754		
Librarian training (HEA II–B)	213,980		
Educational broadcasting facilities (Communication Act of 1934, title III)	284,013		
Subtotal, libraries and educational communications	2,887,377	2,321,511	545,528
Research and development	7,854,142		
Civil rights education (title IV, Civil Rights Act of 1964)	139,630		
Total, Office of Education	162,974,870	149,337,086	112,353,859

OBLIGATIONS IN THE STATE OF RHODE ISLAND

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$4,261,172	$4,877,419	$4,877,419
State administrative expenses	150,000	15,000	150,000
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		46,320	46,320
Supplementary services (ESEA III)	810,511	858,630	858,894
Grants to States for school library materials (ESEA II)	179,825	338,494	343,998
Strengthening State departments of education (ESEA V):			
Grants to States	281,321	281,321	313,815
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	125,274	170,886	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	$189,959		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	436,136		
Subtotal, elementary and secondary education	6,447,531	$6,736,403	$6,590,446
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	3,493,429	3,895,000	3,286,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	3,493,429	3,895,000	3,286,000
Emergency school assistance		88,291	
Education for the handicapped:			
State grant programs (EHA, pt. B)	127,696	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)	115,758,		
Teacher education and recruitment	147,266		
Research and innovation			
Subtotal, education for the handicapped	390,720	200,000	200,000

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$1,294,166	$1,354,098	$1,550,573
Programs for students with special needs (VEA, pt. B)	71,503	84,135	
Consumer and homemaking education (VEA, pt. F)	63,076	89,399	
Work-study (VEA, pt. H)	18,141	23,477	
Cooperative education (VEA, pt. G)	214,409	233,018	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, p. D)	105,137	222,680	
Curriculum development (VEA, pt. I)			
Research	15,000	150,455	
Adult education (Adult Education Act):			
Grants to States	244,389	264,619	345,876
Special projects and teacher education			
Subtotal, vocational and adult education	2,056,889	2,452,949	1,924,803
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	893,300	[1] 352,922	(2)
Work-study	583,283	658,598	(2)
Direct loans (NDEA II)	1,088,038	1,241,470	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	34,900		
Special services in college	84,975		
Upward Bound	60,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)			
Construction:			
Subsidized loans (HEFA III)	213,061		
Grants:			
Public community colleges and technical institutes (HEFA I)	180,445	189,606	
Other undergraduate facilities (HEFA I)	137,870		
State administration and planning (HEFA I)	$73,658	$59,750	$34,624
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	80,912		
Training grants (Fulbright-Hays Act)	11,000		
University community services (HEA I)	119,260	119,260	119,260
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	170,438	160,787	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		5,387	
Other equipment		37,708	
College personnel development	557,289		
Subtotal, higher education	4,338,429	2,875,488	203,884
Education professions development:			
Personnel training and development	337,940	140,984	107,449
Special programs serving schools in low-income areas:			
Teacher Corps			
Career opportunities and urban/rural school programs	110,018		
Subtotal, education professions development	447,958	140,984	107,449
Libraries and educational communications:			
Public libraries:			
Services	320,887	345,699	263,670
Construction (LSCA II)	90,693	93,481	
College library resources (HEA II-A)	69,728		
Librarian training (HEA II-B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	481,308	439,180	263,670
Research and development	135,400		
Civil rights education (title IV, Civil Rights Act of 1964)	59,950		
Total, Office of Education	17,851,614	16,828,295	12,576,252

OBLIGATIONS IN THE STATE OF SOUTH CAROLINA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$34,304,985	$35,786,808	$35,786,808
State administrative expenses	343,050	357,868	357,868
Pt. B—Special incentive grants			
Pt. C—Special grants for urban and rural schools		531,281	531,281
Supplementary services (ESEA III)	1,837,849	1,971,261	1,972,981
Grants to States for school library materials (ESEA II)	542,285	1,020,771	1,008,460
Strengthening State departments of education (ESEA V):			
Grants to States	456,998	456,998	502,885
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	658,416	894,682	
Loans to nonprofit private schools			
State administration	26,879	26,671	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,314,388		
Subtotal, elementary and secondary education	39,484,850	41,046,340	40,160,283
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	8,634,413	8,916,000	7,454,000
Construction (Public Law 81-815)			1,000,000
Subtotal, school assistance in federally affected areas	8,634,413	8,916,000	8,454,000
Emergency school assistance		5,439,667	
Education for the handicapped:			
State grant programs (EHA, pt. B)	448,822	504,698	521,064
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	151,663		
Research and innovation			
Subtotal, education for the handicapped	600,485	504,698	521,064
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$5,581,203	$5,840,401	$6,849,938
Programs for students with special needs (VEA, pt. B)	308,362	362,886	
Consumer and homemaking education (VEA, pt. F)	272,021	385,590	
Work-study (VEA, pt. H)	66,128	85,578	
Cooperative education (VEA, pt. G)	252,397	320,064	
State advisory councils (VEA, pt. B)	34,679	34,679	38,844
Vocational research:			
Innovation (VEA, pt. D)	227,586	282,471	
Curriculum development (VEA, pt. I)			
Research	15,000	648,933	
Adult education (Adult Education Act):			
Grants to States	1,056,859	1,190,918	678,703
Special projects and teacher education	170,000		
Subtotal, vocational and adult education	7,984,235	9,151,520	7,567,485
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	1,578,400	[1] 634,131	(2)
Work-study	1,797,651	2,994,499	(2)
Direct loans (NDEA II)	1,817,735	2,175,711	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	43,860		
Special services in college	262,926		
Upward Bound	245,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	1,227,613		
Construction:			
Subsidized loans (HEFA III)	22,183		
Grants:			
Public community colleges and technical institutes (HEFA I)	750,494	758,609	
Other undergraduate facilities (HEFA I)	294,365		
State administration and planning (HEFA I)	64,594	78,163	46,079

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF SOUTH CAROLINA—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	$156,614	$156,614	$156,614
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	206,656	179,902	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		9,791	
Other equipment		68,539	
College personnel development	414,400		
Subtotal, higher education	8,932,491	7,105,959	252,690
Education professions development:			
Personnel training and development	542,719	223,593	121,836
Special programs serving schools in low-income areas:			
Teacher Corps	191,361		
Career opportunities and urban/rural school programs	$788,832		
Subtotal, education professions development	1,522,912	$223,593	$121,836
Libraries and educational communications:			
Public libraries:			
Services	527,122	595,903	310,032
Construction (LSCA II)	103,226	117,371	
College library resources (HEA II–A)	149,863		
Librarian training (HEA II–B)	29,052		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	809,263	713,274	310,032
Research and development	245,240		
Civil rights education (title IV, Civil Rights Act of 1964)	858,351		
Total, Office of Education	69,072,240	73,101,051	57,387,390

OBLIGATIONS IN THE STATE OF SOUTH DAKOTA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$6,138,638	$6,484,106	$6,484,106
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		107,563	107,563
Pt. C: Special grants for urban and rural schools		64,882	64,882
Supplementary services (ESEA III)	720,828	742,638	751,248
Grants to States for school library materials (ESEA II)	150,552	283,393	279,069
Strengthening State departments of education (ESEA V):			
Grants to States	279,034	279,034	308,322
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	151,605	206,010	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)	220,000		
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	652,856		
Subtotal, elementary and secondary education	8,476,846	8,340,959	8,145,190
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	3,899,252	4,410,000	4,198,000
Construction (Public Law 81–815)	77,035		
Subtotal, school assistance in federally affected areas	3,976,287	4,410,000	4,198,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	113,577	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	139,212		
Research and innovation			
Subtotal, education for the handicapped	252,789	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	1,228,372	1,285,372	1,508,620
Programs for students with special needs (VEA, pt. B)	67,867	79,865	
Consumer and homemaking education (VEA, pt. F)	59,870	84,862	
Work-study (VEA, pt. H)	15,215	19,690	
Cooperative education (VEA, pt. G)	212,538	228,730	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	104,470	219,734	
Curriculum development (VEA, pt. I)			
Research	15,000	142,819	
Adult education (Adult Education Act):			
Grants to States	165,279	174,424	279,434
Special projects and teacher education			
Subtotal, vocational and adult education	1,899,679	2,266,564	1,816,408
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$940,400	[1] $298,163	(2)
Work-study	777,246	804,128	(2)
Direct loans (NDEA II)	922,164	1,093,570	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	59,000		
Special services in college	160,626		
Upward Bound	75,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	100,000		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)		219,374	
Other undergraduate facilities (HEFA I)	352,469		
State administration and planning (HEFA I)	59,166	58,641	$33,607
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	114,106	114,106	114,106
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	166,182	158,540	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		4,684	
Other equipment		32,790	
College personnel development	223,532		
Subtotal, higher education	3,999,891	2,833,996	197,713
Education professions development:			
Personnel training and development	364,176	134,313	106,043
Special programs serving schools in low-income areas:			
Teacher Corps	85,559		
Career opportunities and urban/rural school programs	126,215		
Subtotal, education professions development	575,950	134,313	106,043
Libraries and educational communications:			
Public libraries:			
Services	296,653	316,298	257,344
Construction (LSCA II)	362	90,674	
College library resources (HEA II–A)	57,410		
Librarian training (HEA II–B)	17,294		
Educational broadcasting facilities (Communication Act of 1934, title III)	324,219		
Subtotal, libraries and educational communications	695,938	406,972	257,344
Research and development	13,612		
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	19,890,992	18,592,804	14,920,698

Footnotes at end of table.

OBLIGATIONS IN THE STATE OF TENNESSEE

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$36,662,972	$37,706,969	$37,706,969
State administrative expenses	366,630	377,070	377,070
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		520,601	520,601
Supplementary services (ESEA III)	2,456,498	2,681,550	2,676,233
Grants to States for school library materials (ESEA II)	748,560	1,409,054	1,405,151
Strengthening State departments of education (ESEA V):			
Grants to States	543,785	543,785	601,172
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	837,746	1,134,525	
Loans to nonprofit private schools			
State administration	36,499	36,095	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	822,500		
Subtotal, elementary and secondary education	42,475,190	44,409,649	43,287,196
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	6,877,912	6,746,000	4,485,000
Construction (Public Law 81–815)	79,453		
Subtotal, school assistance in federally affected areas	6,957,365	6,746,000	4,485,000
Emergency school assistance		3,616,294	
Education for the handicapped:			
State grant programs (EHA, pt. B)	592,555	666,324	687,932
Early childhood projects (EHA, pt. C, sec. 623)	157,505		
Teacher education and recruitment	792,024		
Research and innovation	483,012		
Subtotal, education for the handicapped	2,025,096	666,324	687,932
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	7,399,834	7,742,788	9,036,929
Programs for students with special needs (VEA, pt. B)	408,841	481,089	
Consumer and homemaking education (VEA, pt. F)	360,657	511,188	
Work-study (VEA, pt. H)	84,660	109,560	
Cooperative education (VEA, pt. G)	268,304	356,572	
State advisory councils (VEA, pt. B)	45,979	45,979	51,246
Vocational research:			
Innovation (VEA, pt. D)	235,960	307,507	
Curriculum development (VEA, pt. I)			
Research	18,609	860,310	
Adult education (Adult Education Act):			
Grants to States	1,243,389	1,403,582	987,182
Special projects and teacher education	435,000		
Subtotal, vocational and adult education	10,501,233	11,818,575	10,075,357
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$3,628,700	[1] $1,196,620	(2)
Work-study	3,687,842	3,978,431	(2)
Direct loans (NDEA II)	3,923,537	4,407,664	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	147,000		
Special services in college	731,199		
Upward Bound	196,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	1,497,165		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	960,522	991,560	
Other undergraduate facilities (HEFA I)	493,293		
State administration and planning (HEFA I)	85,297	96,459	$58,723
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	77,670		
Training grants (Fulbright-Hays Act)	40,984		
University community services (HEA I)	183,828	183,828	183,828
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	234,822	194,767	
Permanent (second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		19,925	
Other equipment		139,471	
College personnel development	1,360,090		
Subtotal, higher education	17,297,949	11,258,725	292,551
Education professions development:			
Personnel training and development	1,120,827	270,606	130,426
Special programs serving schools in low-income areas:			
Teacher Corps	773,881		
Career opportunities and urban/rural school programs	605,099		
Subtotal, education professions development	2,499,807	270,606	130,426
Libraries and educational communications:			
Public libraries:			
Services	687,509	790,484	343,431
Construction (LSCA II)	91,400	135,949	
College library resources (HEA II–A)	202,927		
Librarian training (HEA II–B)	101,164		
Educational broadcasting facilities (Communication Act of 1934, title III)	305,019		
Subtotal, libraries and educational communications	1,388,019	926,433	343,431
Research and development	169,240		
Civil rights education (title IV, Civil Rights Act of 1964)	354,000		
Total, Office of Education	83,667,899	79,712,606	59,301,893

OBLIGATIONS IN THE STATE OF TEXAS

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$74,853,133	$82,642,526	$82,642,526
State administrative expenses	748,531	826,425	826,425
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		873,080	873,080
Supplementary services (ESEA III)	6,630,890	7,332,648	7,470,120
Grants to States for school library materials (ESEA II)	2,328,984	4,383,968	4,409,301
Strengthening State departments of education (ESEA V):			
Grants to States	1,216,664	1,216,664	1,354,060
Grants for special projects	65,851		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	2,326,392	3,198,198	
Loans to nonprofit private schools			
State administration	107,263	107,680	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	$4,876,981		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	3,023,484		
Subtotal, elementary and secondary education	96,178,173	$100,581,189	$97,575,512
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	30,835,949	31,539,000	32,523,000
Construction (Public Law 81–815)	134,005		
Subtotal, school assistance in federally affected areas	30,969,954	31,539,000	23,523,000
Emergency school assistance		8,918,750	
Education for the handicapped:			
State grant programs (EHA pt. B)	1,598,917	1,797,971	1,856,276
Early childhood projects (EHA, pt. C, sec. 623)	149,992		
Teacher education and recruitment	1,600,477		
Research and innovation	813,708		
Subtotal, education for the handicapped	4,163,094	1,797,971	1,856,276

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF TEXAS—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$19,648,794	$20,559,899	$24,509,736
Programs for students with special needs (VEA, pt. B)	1,085,598	1,277,466	
Consumer and homemaking education (VEA, pt. F)	957,654	1,357,386	
Work-study (VEA, pt. H)	240,910	311,766	
Cooperative education (VEA, pt. G)	394,806	646,382	
State advisory councils (VEA, pt. B)	93,203	93,203	85,061
Vocational research:			
Innovation (VEA, pt. D)	169,450	506,617	
Curriculum development (VEA, pt. I)	21,161		
Research	49,414	2,284,433	
Adult education (Adult Education Act):			
Grants to States	2,823,537	3,205,110	2,091,353
Special projects and teacher education	385,000		
Subtotal, vocational and adult education	25,869,527	30,242,262	26,686,150
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	8,180,595	[1] 3,557,912	(2)
Work-study	8,202,251	9,372,313	(2)
Direct loans (NDEA II)	8,734,437	12,725,222	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	374,302		
Special services in college	1,155,949		
Upward Bound	341,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	2,176,100		
Construction:			
Subsidized loans (HEFA III)	482,202		
Grants:			
Public community colleges and technical institutes (HEFA I)	2,278,572	2,284,545	
Other undergraduate facilities (HEFA I)	1,538,272		
State administration and planning (HEFA I)	$223,296	$178,762	$111,974
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	268,906		
Training grants (Fulbright-Hays Act)	117,880		
University community services (HEA I)	333,605	333,605	333,605
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	377,795	270,226	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		55,827	
Other equipment		390,794	
College personnel development	2,277,822		
Subtotal, higher education	37,112,984	29,219,206	495,579
Education professions development:			
Personnel training and development	3,889,867	630,803	195,475
Special programs serving schools in low-income areas:			
Teacher Corps	1,134,720		
Career opportunities and urban/rural school programs	966,283		
Subtotal, education professions development	5,990,870	630,803	195,475
Libraries and educational communications:			
Public libraries:			
Services	1,501,640	1,778,185	534,371
Construction (LSCA II)		230,256	
College library resources (HEA II–A)	422,093		
Librarian training (HEA II–B)	104,210		
Educational broadcasting facilities (Communication Act of 1934, title III)	201,193		
Subtotal, libraries and educational communications	2,229,136	2,008,441	534,371
Research and development	7,546,737		
Civil rights education (title IV, Civil Rights Act of 1964)	1,477,352		
Total, Office of Education	211,537,827	204,937,622	150,866,363

OBLIGATIONS IN THE STATE OF UTAH

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$3,507,573	$3,923,445	$3,923,445
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		163,959	163,959
Pt. C: Special grants for urban and rural schools		26,004	26,004
Supplementary services (ESEA III)	852,435	1,004,543	1,008,427
Grants to States for school library materials (ESEA II)	250,725	471,954	468,570
Strengthening State departments of education (ESEA V):			
Grants to States	328,529	328,529	363,157
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	266,267	363,334	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	107,047		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	253,967		
Subtotal, elementary and secondary education	5,829,876	6,445,101	6,103,562
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	7,256,991	7,266,000	5,045,000
Construction (Public Law 81–815)	118,135		
Subtotal, school assistance in federally affected areas	7,375,126	7,266,000	5,045,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	165,614	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	531,937		
Research and innovation	125,381		
Subtotal, education for the handicapped	822,932	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$1,926,943	$2,015,921	$2,442,510
Programs for students with special needs (VEA, pt. B)	106,439	125,257	
Consumer and homemaking education (VEA, pt. F)	93,895	133,093	
Work-study (VEA, pt. H)	23,993	31,050	
Cooperative education (VEA, pt. G)	219,649	245,024	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	210,345	230,927	
Curriculum development (VEA, pt. I)			
Research	15,000	223,991	
Adult education (Adult Education Act):			
Grants to States	152,742	160,132	275,648
Special projects and teacher education	70,000		
Subtotal, vocational and adult education	2,849,624	3,196,463	2,746,512
Higher education			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	1,460,700	[1] 714,945	(2)
Work-study	1,168,191	1,017,115	(2)
Direct loans (NDEA II)	1,367,227	2,461,346	
Special programs for disadvantaged students (HEA, Sec. 408):			
Talent search	66,307		
Special services in college	278,176		
Upward Bound	70,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	50,000		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	305,928	313,134	
Other undergraduate facilities (HEFA I)	224,368		
State administration and planning (HEFA I)	57,047	70,070	42,879

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Higher education—Continued			
Institutional assistance—Continued			
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	$81,735		
Training grants (Fulbright-Hays Act)	56,275		
University community services (HEA I)	121,869	$121,869	$121,869
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	171,178	161,177	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		10,851	
Other equipment		75,961	
College personnel development	689,000		
Subtotal, higher education	6,218,001	4,996,468	214,748
Education professions development:			
Personnel training and development	465,016	157,143	110,146
Special programs serving schools in low-income areas:			
Teacher Corps			
Career opportunities and urban/rural programs	$114,715		
Subtotal, education professions development	579,731	$157,143	$110,146
Libraries and educational communications:			
Public libraries:			
Services	325,104	350,814	267,146
Construction (LSCA II)	97,470	93,969	
College library resources (HEA II–A)	70,634		
Librarian training (HEA II–B)	24,425		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	517,633	444,783	267,146
Research and development	367,595		
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	24,560,518	22,705,958	14,687,114

OBLIGATIONS IN THE STATE OF VERMONT

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$2,018,201	$2,103,845	$2,103,845
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		58,099	58,099
Pt. C: Special grants for urban and rural schools		415	415
Supplementary services (ESEA III)	593,728	600,498	602,767
Grants to States for school library materials (ESEA II)	94,392	177,680	175,899
Strengthening State departments of education (ESEA V):			
Grants to States	254,064	254,064	281,355
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	82,130	114,034	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	60,403		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	334,000		
Subtotal, elementary and secondary education	3,600,251	3,471,968	3,372,380
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	144,000	133,000	85,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	144,000	133,000	85,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	100,000	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)	87,500		
Teacher education and recruitment	114,660		
Research and innovation	12,500		
Subtotal, education for the handicapped	314,660	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	713,373	751,664	880,788
Programs for students with special needs (VEA, pt. B)	39,691	46,704	
Consumer and homemaking education (VEA, pt. F)	35,012	49,626	
Work-study (VEA, pt. H)	8,973	11,612	
Cooperative education (VEA, pt. G)	207,298	216,723	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	102,602	211,487	
Curriculum development (VEA, pt. I)			
Research	15,000	83,518	
Adult education (Adult Education Act):			
Grants to States	135,709	140,712	225,840
Special projects and teacher education			
Subtotal, vocational and adult education	1,288,726	1,543,114	1,134,982
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$551,000	[1] $210,815	(2)
Work-study	452,381	414,601	(2)
Direct loans (NDEA II)	608,630	745,324	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	19,050		
Special services in college	19,997		
Upward Bound	15,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	50,000		
Construction:			
Subsidized loans (HEFA III)	90,428		
Grants:			
Public community colleges and technical institutes (HEFA I)		112,256	
Other undergraduate facilities (HEFA I)	210,097		
State administration and planning (HEFA I)	25,818	56,486	$32,025
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	39,737		
Training grants (Fulbright-Hays Act)	20,675		
University community services (HEA I)	109,100	109,100	109,100
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	159,271	154,893	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		2,983	
Other equipment		20,882	
College personnel development	121,900		
Subtotal, higher education	2,543,184	1,877,340	191,125
Education professions development:			
Personnel training and development	274,525	121,513	103,809
Special programs serving schools in low-income areas:			
Teacher Corps	61,196		
Career opportunities and urban/rural school programs	40,000		
Subtotal, education professions development	375,721	121,513	103,809
Libraries and educational communications:			
Public libraries:			
Services	257,300	268,555	251,321
Construction (LSCA II)	96,436	86,115	
College library resources (HEA II–A)	51,932		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	405,668	354,670	251,321
Research and development			
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	8,672,210	7,701,605	5,338,617

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF VIRGINIA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$31,452,550	$35,464,477	$35,464,477
State administrative expenses	314,526	354,645	354,645
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		353,230	353,230
Supplementary services (ESEA III)	2,821,771	3,118,402	3,120,344
Grants to States for school library materials (ESEA II)	909,967	1,712,879	1,725,043
Strengthening State departments of education (ESEA V):			
Grants to States	607,398	607,398	676,063
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	882,413	1,214,806	
Loans to nonprofit private schools			
State administration	42,696	42,922	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow through (Economic Opportunity Act, sec. 222(a)(2))	697,132		
Subtotal, elementary and secondary education	37,728,453	42,868,759	41,693,802
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	36,666,908	36,308,000	25,732,000
Construction (Public Law 81–815)	808,277		
Subtotal, school assistance in federally affected areas	37,475,185	36,308,000 4,731,245	25,732,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	660,289	742,491	766,569
Early childhood projects (EHA, pt. C, sec. 623)	25,000		
Teacher education and recruitment	728,321		
Research and innovation	41,949		
Subtotal, education for the handicapped	1,455,559	742,491	766,569
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	8,325,655	8,711,735	10,247,692
Programs for students with special needs (VEA, pt. B)	459,992	541,293	
Consumer and homemaking education (VEA, pt. F)	405,780	575,159	
Work-study (VEA, pt. H)	102,996	133,289	
Cooperative education (VEA, pt. G)	280,654	384,813	
State advisory councils (VEA, pt. B)	51,732	51,732	58,113
Vocational research:			
Innovation (VEA, pt. D)	242,463	326,947	
Curriculum development (VEA, pt. I)			
Research	20,938	967,971	
Adult education (Adult Education Act):			
Grants to States	1,272,206	1,436,435	986,086
Special projects and teacher education			
Subtotal, vocational and adult education	11,162,416	13,129,374	11,291,891
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$2,670,700	[1] $1,125,952	(2)
Work-study	2,364,088	3,764,934	(2)
Direct loans (NEDA II)	3,118,465	4,075,365	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	45,686		
Special services in college	699,150		
Upward Bound	163,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	1,145,018		
Construction:			
Subsidized loans (HEFA III)	8,403		
Grants:			
Public community colleges and technical institutes (HEFA I)	1,019,960	987,014	
Other undergraduate facilities (HEFA I)	534,828		
State administration and planning (HEFA I)	125,643	98,553	$59,083
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	58,588		
Training grants (Fulbright-Hays Act)	20,150		
University community services (HEA I)	197,653	197,658	197,653
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	244,330	199,785	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		18,110	
Other equipment		126,769	
College personnel development	1,040,300		
Subtotal, higher education	13,505,962	10,644,140	306,736
Education professions development:			
Personnel training and development	1,566,702	307,392	137,353
Special programs serving schools in low-income areas:			
Teacher Corps	205,268		
Career opportunities and urban/rural school programs	138,750		
Subtotal, education professions development	1,910,720	307,392	137,353
Libraries and educational communications:			
Public libraries:			
Services	741,639	856,169	360,778
Construction (LSCA II)	125,243	142,221	
College library resources (HEA II–A)	211,623		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)	401,188		
Subtotal, libraries and educational communications	1,479,693	998,390	360,778
Research and development	383,339		
Civil rights education (title IV, Civil Rights Act of 1964)	875,307		
Total, Office of Education	105,976,634	109,729,791	80,289,129

OBLIGATIONS IN THE STATE OF WASHINGTON

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$12,691,030	$15,172,522	$15,172,522
State administrative expenses	150,000	151,725	151,725
Pt. B: Special incentive grants		138,665	138,665
Pt. C: Special grants for urban and rural schools		97,069	97,069
Supplementary services (ESEA III)	2,084,890	2,291,635	2,302,721
Grants to States for school library materials (ESEA II)	701,488	1,320,448	1,329,515
Strengthening State departments of education (ESEA V):			
Grants to States	514,477	514,477	572,509
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	520,831	720,652	
Loans to nonprofit private schools			
State administrative	30,374	30,689	
Dropout prevention (ESEA VIII)	$900,000		
Bilingual education (ESEA VII)	140,658		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,172,432		
Subtotal, elementary and secondary education	18,906,180	$20,437,882	$19,764,726
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	12,854,835	13,849,000	11,020,000
Construction (Public Law 81–815)	12,621	400,000	300,000
Subtotal, school assistance in federally affected areas	12,867,456	14,249,000	11,320,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	451,985	508,254	524,736
Early childhood projects (EHA, pt. C, sec. 623)	112,822		
Teacher education and recruitment	375,668		
Research and innovation	431,709		
Subtotal, education for the handicapped	1,372,184	508,254	524,736

Footnotes at end of table.

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION—Continued			
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$4,779,695	$5,001,295	$6,174,641
Programs for students with special needs (VEA, pt. B)	264,079	310,748	
Consumer and homemaking education (VEA, pt. F)	232,956	330,191	
Work-study (VEA, pt. H)	72,370	93,656	
Cooperative education (VEA, pt. G)	258,011	332,928	
State advisory councils (VEA, pt. B)	31,068	31,068	35,015
Vocational research:			
Innovation (VEA, pt. D)	120,681	291,308	
Curriculum development (VEA, pt. I)			
Research	15,000	555,699	
Adult education (Adult Education Act):			
Grants to States	333,131	365,793	632,732
Special projects and teacher education			
Subtotal, vocational and adult education	6,106,991	7,312,686	6,842,388
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	2,984,000	[1]1,321,286	(2)
Work-study	2,584,301	2,460,216,	(2)
Direct loans (NEDA II)	3,995,625	4,805,737	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	110,000		
Special services in college	396,443		
Upward Bound	186,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	180,000		
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)	719,018	709,565	
Other undergraduate facilities (HEFA I)	534,104		
State administration and planning (HEFA I)	$95,494	$94,766	$58,092
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	492,917		
Training grants (Fulbright-Hays Act)	91,264		
University community services (HEA I)	169,913	169,913	169,913
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	217,847	185,808	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		19,539	
Other equipment		136,773	
College personnel development	1,250,900		
Subtotal, higher education	14,021,826	9,953,603	278,005
Education professions development:			
Personnel training and development	1,185,599	259,877	128,788
Special programs serving schools in low-income areas:			
Teacher Corps	738,277		
Career opportunities and urban/rural school programs	230,866		
Subtotal, education professions development	2,154,742	259,877	128,788
Libraries and educational communications:			
Public libraries:			
Services	590,847	673,214	327,367
Construction (LSCA II)	54,296	124,752	
College library resources (HEA II–A)	177,248		
Librarian training (HEA II–B)	108,264		
Educational broadcasting facilities (Communication Act of 1934, title III)	32,969		
Subtotal, libraries and educational communications	963,624	797,966	327,367
Research and development	317,356		
Civil rights education (title IV, Civil Rights Act of 1964)	87,459		
Total, Office of Education	56,797,818	53,519,268	39,186,010

OBLIGATIONS IN THE STATE OF WEST VIRGINIA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$19,517,670	$21,101,305	$21,101,305
State administrative expenses	195,177	211,013	211,013
Pt. B: Special incentive grants		60,538	60,538
Pt. C: Special grants for urban and rural schools		278,998	278,998
Supplementary services (ESEA III)	1,313,050	1,399,228	1,376,322
Grants to States for school library materials (ESEA II)	345,700	650,730	630,804
Strengthening State departments of education (ESEA V):			
Grants to States	368,640	368,640	403,150
Grants for special projects	29,000		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	389,684	524,424	
Loans to nonprofit private schools			
State administration	16,718	16,429	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	775,100		
Subtotal, elementary and secondary education	22,950,739	24,611,305	24,062,130
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	577,833	531,000	336,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	577,833	531,000	336,000
Emergency school assistance		9,115	
Education for the handicapped:			
State grant programs (EHA, pt. B)	314,074	353,174	364,627
Early childhood projects (EHA, pt. C, sec. 623)			
Teacher education and recruitment	222,797		
Research and innovation			
Subtotal, education for the handicapped	536,871	353,174	364,627
Vocational and adult education Grants to States for vocational education:			
Basic vocational education programs:			
State grants	$3,544,340	$3,708,689	$4,251,337
Programs for students with special needs (VEA, pt. B)	195,824	230,436	
Consumer and homemaking education (VEA, pt. F)	172,745	244,851	
Work-study (VEA, pt. H)	41,745	54,023	
Cooperative education (VEA, pt. G)	234,245	278,471	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	112,209	253,901	
Curriculum development (VEA, pt. I)			
Research	15,000	412,077	
Adult education (Adult Education Act):			
Grants to States	550,582	613,710	582,735
Special projects and teacher education			
Subtotal, vocational and adult education	4,897,758	5,827,226	4,862,426
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	1,533,800	[1]576,497	(2)
Work-study	1,938,919	1,992,155	(2)
Direct loans (NDEA II)	1,820,335	2,228,836	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	57,870		
Special services in college	661,032		
Upward Bound	155,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	577,162		
Construction:			
Subsidized loans (HEFA III)	61,736		
Grants:			
Public community colleges and technical institutes (HEFA I)	96,676	608,986	
Other undergraduate facilities (HEFA I)	764,430		
State administration and planning (HEFA I)	64,279	65,642	37,839

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE STATE OF WEST VIRGINIA—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)	$41,494		
University community services (HEA I)	138,584	$138,584	$138,584
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	194,239	173,348	
Permanent (second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		10,011	
Other equipment		70,079	
College personnel development	121,900		
Subtotal, higher education	8,277,456	5,914,138	226,423
Education professions development:			
Personnel training and development	506,395	178,789	113,659
Special programs serving schools in low-income areas:			
Teacher Corps	324,531		
Career opportunities and urban/rural school programs	$319,250		
Subtotal, education professions development	1,150,176	$178,789	$113,659
Libraries and educational communications:			
Public libraries:			
Services	456,418	510,124	287,139
Construction (LSCA II)	95,217	10,981	
College library resources (HEA II-A)	93,775		
Librarian training (HEA II-B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	645,410	521,105	287,139
Research and development	1,133,893		
Civil rights education (title IV, Civil Rights Act of 1964)	63,500		
Total, Office of Education	40,233,636	37,945,852	30,252,404

OBLIGATIONS IN THE STATE OF WISCONSIN

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$17,432,234	$17,919,429	$17,919,429
State administrative expenses	174,322	179,194	179,194
Pt. B: Special incentive grants		310,421	310,421
Pt. C: Special grants for urban and rural schools		70,120	70,120
Supplementary services (ESEA III)	2,674,997	2,918,623	2,908,343
Grants to States for school library materials (ESEA II)	982,463	1,849,342	1,861,488
Strengthening State departments of education (ESEA V):			
Grants to States	569,933	569,933	636,994
Grants for special projects	126,931		
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	781,646	1,062,970	
Loans to nonprofit private schools			
State administration	40,967	40,682	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	203,470		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	832,032		
Subtotal, elementary and secondary education	23,818,995	24,920,714	23,885,989
School assistance in federally affected areas:			
Maintenance (Public Law 81-874)	2,214,087	2,272,000	1,667,000
Construction (Public Law 81-815)			
Subtotal, school assistance in federally affected areas	2,214,087	2,272,000	1,667,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	625,438	703,300	726,107
Early childhood projects (EHA, pt. C, sec. 623)	152,680		
Teacher education and recruitment	848,040		
Research and innovation	307,046		
Subtotal, education for the handicapped	1,933,204	703,300	726,107
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	6,327,757	6,621,049	7,916,388
Programs for students with special needs (VEA, pt. B)	349,608	411,391	
Consumer and homemaking education (VEA, pt. F)	308,406	437,129	
Work-study (VEA, pt. H)	88,951	115,113	
Cooperative education (VEA, pt. G)	273,356	368,090	
State advisory councils (VEA, pt. B)	39,318	39,318	44,892
Vocational research:			
Innovation (VEA, pt. D)	126,152	315,460	
Curriculum development (VEA, pt. I)			
Research	15,913	735,672	
Adult education (Adult Education Act):			
Grants to States	600,765	670,924	919,143
Special projects and teacher education	483,000		
Subtotal, vocational and adult education	8,613,226	9,714,146	8,880,423
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	$4,619,000	[1] $1,725,664	(2)
Work-study	3,127,576	3,346,154	(2)
Direct loans (NDEA II)	4,807,500	6,037,358	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	71,000		
Special services in college	329,201		
Upward Bound	150,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	178,400		
Construction:			
Subsidized loans (HEFA III)	77,385		
Grants:			
Public community colleges and technical institutes (HEFA I)	1,075,884	1,032,197	
Other undergraduate facilities (HEFA I)	673,709		
State administration and planning (HEFA I)	143,157	113,409	$70,216
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	664,246		
Training grants (Fulbright-Hays Act)	55,762		
University community services (HEA I)	189,322	189,322	189,322
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	243,969	199,595	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		24,623	
Other equipment		172,363	
College personnel development	996,512		
Subtotal, higher education	17,452,623	12,890,685	309,538
Education professions development:			
Personnel training and development	1,583,426	323,915	140,307
Special programs serving schools in low-income areas:			
Teacher Corps	282,458		
Career opportunities and urban/rural school programs	347,667		
Subtotal, education professions development	2,213,551	323,915	140,307
Libraries and educational communications:			
Public libraries:			
Services	739,596	853,676	350,191
Construction (LSCA II)		141,983	
College library resources (HEA II-A)	250,326		
Librarian training (HEA II-B)	178,619		
Educational broadcasting facilities (Communication Act of 1934, title III)	56,597		
Subtotal, libraries and educational communications	1,225,138	995,659	350,191
Research and development	2,069,893		
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	59,540,717	51,820,419	35,959,555

Footnotes at end of table.

OBLIGATIONS IN THE STATE OF WYOMING

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$1,401,274	$1,573,281	$1,573,281
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants		85,957	85,957
Pt. C: Special grants for urban and rural schools			
Supplementary services (ESEA III)	551,223	543,345	545,939
Grants to States for school library materials (ESEA II)	73,280	137,939	136,939
Strengthening State departments of education (ESEA V):			
Grants to States	249,024	249,024	275,893
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	66,403	90,759	
Loans to nonprofit private schools			
State administrative	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	323,325		
Subtotal, elementary and secondary education	2,827,862	2,843,638	2,768,009
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	1,885,899	2,165,000	1,996,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	1,885,899	2,165,000	1,996,000
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	100,000	200,000	200,000
Early childhood projects (EHA, pt. C, sec. 623)	20,087		
Teacher education and recruitment	76,589		
Research and innovation			
Subtotal, education for the handicapped	196,676	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	544,453	569,704	696,802
Programs for students with special needs (VEA, pt. B)	30,081	35,398	
Consumer and homemaking education (VEA, pt. F)	26,535	37,612	
Work-study (VEA, pt. H)	7,413	9,593	
Cooperative education (VEA, pt. G)	206,175	214,150	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	102,202	209,720	
Curriculum development (VEA, pt. I)			
Research	15,000	63,300	
Adult education (Adult Education Act):			
Grants to States	127,831	131,730	204,458
Special projects and teacher education			
Subtotal, vocational and adult education	1,090,758	1,302,275	929,614
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	$398,700	[1] $125,141	(2)
Work-study	504,302	283,758	(2)
Direct loans (NDEA II)	409,857	478,437	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search			
Special services in college	73,278		
Upward Bound	15,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)			
Construction:			
Subsidized loans (HEFA III)			
Grants:			
Public community colleges and technical institutes (HEFA I)		87,843	
Other undergraduate facilities (HEFA I)	149,403		
State administration and planning (HEFA I)	51,493	51,087	$28,986
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)			
Training grants (Fulbright-Hays Act)			
University community services (HEA I)	106,830	106,830	106,830
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	157,849	154,142	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		2,022	
Other equipment		14,153	
College personnel development	183,600		
Subtotal, higher education	2,100,312	1,353,413	185,816
Education professions development:			
Personnel training and development	295,672	116,701	102,965
Special programs serving schools in low-income areas:			
Teacher Corps			
Career opportunities and urban/rural school programs	63,980		
Subtotal, education professions development	359,652	116,701	102,965
Libraries and educational communications:			
Public libraries:			
Services	249,201	258,729	248,549
Construction (LSCA II)	86,474	85,177	
College library resources (HEA II–A)	26,723		
Librarian training (HEA II–B)			
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	362,398	343,906	248,549
Research and development			
Civil rights education (title IV, Civil Rights Act of 1964)			
Total, Office of Education	8,823,557	8,324,933	6,430,953

OBLIGATIONS IN THE DISTRICT OF COLUMBIA

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
OFFICE OF EDUCATION			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$6,110,433	$7,356,512	$7,451,155
State administrative expenses	150,000	150,000	150,000
Pt. B: Special incentive grants			
Pt. C: Special grants for urban and rural schools		88,015	88,015
Supplementary services (ESEA III)	757,118	801,772	796,607
Grants to States for school library materials (ESEA II)	139,372	262,348	259,086
Strengthening State departments of education (ESEA V):			
Grants to States	272,313	272,313	301,195
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	$83,393	$116,292	
Loans to nonprofit private schools			
State administration	13,333	13,333	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)			
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	405,500		
Subtotal, elementary and secondary education	7,931,462	9,060,585	$9,046,058
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	5,506,724	5,345,000	3,399,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	5,506,724	5,345,000	3,399,000

APPENDIX IV.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES—Continued

OBLIGATIONS IN THE DISTRICT OF COLUMBIA—Continued

	Fiscal year 1970 actual	Fiscal year 1971 appropriation	Fiscal year 1972 budget request
Emergency school assistance			
Education for the handicapped:			
State grant programs (EHA, pt. B)	$100,397	$200,000	$200,000
Early childhood projects (EHA, pt. C, sec. 623)	100,000		
Teacher education and recruitment	1,065,715		
Research and innovation	3,800,929		
Subtotal, education for the handicapped	5,067,041	200,000	200,000
Vocational and adult education: Grants to States for vocational education:			
Basic vocational education programs:			
State grants	826,189	864,342	1,004,495
Programs for students with special needs (VEA, pt. B)	45,648	53,705	
Consumer and homemaking education (VEA, pt. F)	40,267	57,065	
Work-study (VEA, pt. H)	13,655	17,671	
Cooperative education (VEA, pt. G)	211,041	225,299	
State advisory councils (VEA, pt. B)	31,068	31,068	28,354
Vocational research:			
Innovation (VEA, pt. D)	205,813	217,378	
Curriculum development (VEA, pt. I)	29,838		
Research	15,000	96,038	
Adult education (Adult Education Act):			
Grants to States	231,310	249,708	298,339
Special projects and teacher education	460,000		
Subtotal, vocational and adult education	2,109,829	1,812,274	1,331,188
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV–A)	1,172,800	[1] 485,881	(2)
Work-study	1,084,741	726,272	(2)
Direct loans (NDEA II)	1,621,846	1,792,501	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent search	86,000		
Special services in college	223,800		
Upward Bound	160,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	75,592		
Construction:			
Subsidized loans (HEFA III)	$48,138		
Grants:			
Public community colleges and technical institutes (HEFA I)		$74,111	
Other undergraduate facilities (HEFA I)	230,786		
State administration and planning (HEFA I)	88,629	67,385	$39,628
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	447,264		
Training grants (Fulbright-Hays Act)	64,891		
University community services (HEA I)	117,012	117,012	117,012
Aid to land-grant colleges:			
Annual (Bankhed-Jones Act)	168,166	159,588	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		7,067	
Other equipment		49,469	
College personnel development	1,037,280		
Subtotal, higher education	6,676,945	3,529,286	206,640
Education professions development:			
Personnel training and development	1,004,026	131,765	105,610
Special programs serving schools in low-income areas:			
Teacher Corps	613,833		
Career opportunities and urban/rural school programs	429,829		
Subtotal, education professions development	2,047,688	131,765	105,610
Libraries and educational communications:			
Public libraries:			
Services	242,217	330,006	260,489
Construction (LSCA II)		91,983	
College library resources (HEA II–A)	75,244		
Librarian training (HEA II–B)	56,200		
Educational broadcasting facilities (Communication Act of 1934, title III)	84,678		
Subtotal, libraries and educational communications	458,339	421,989	260,489
Research and development	6,842,549		
Civil rights education (title IV, Civil Rights Act of 1964)	184,975		
Total, Office of Education	36,825,552	20,500,899	14,548,985

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[1] Initial year awards only.

[2] New program does not have a State formula.

APPENDIX V

COMPARISON CHART OF THE DIFFERENCE BETWEEN FISCAL YEAR 1971 APPROPRIATIONS AND FISCAL YEAR 1972 BUDGET REQUESTS, BY STATE

State	Fiscal year 1971 OE appropriations	Fiscal year 1972 budget request	Difference
Alabama	$86,069,460	$65,216,933	−$20,852,527
Alaska	25,102,721	23,632,280	−1,370,441
Arizona	39,707,618	33,835,072	−5,872,546
Arkansas	47,654,351	37,193,902	−10,460,449
California	315,673,258	235,440,060	−80,183,198
Colorado	40,894,907	28,390,937	−12,503,970
Connecticut	35,327,332	26,364,210	−8,963,122
Delaware	9,919,409	7,932,097	−1,987,312
Florida	103,606,307	72,594,965	−31,001,342
Georgia	101,579,518	74,851,804	−26,727,714
Hawaii	20,720,082	16,455,270	−4,264,812
Idaho	13,923,302	10,177,230	−3,746,072
Illinois	137,241,165	104,285,709	−32,956,456
Indiana	57,029,762	40,203,072	−16,826,690
Iowa	40,247,138	29,070,138	−11,177,000
Kansas	38,165,363	27,858,361	−10,307,000
Kentucky	72,956,904	59,914,211	−13,042,693
Louisiana	79,271,744	56,357,059	−22,914,685
Maine	18,105,893	14,233,646	−3,872,247
Maryland	70,998,064	51,338,805	−19,659,259
Massachusetts	79,300,321	56,533,772	−22,766,549
Michigan	111,351,479	84,561,922	−26,789,557
Minnesota	54,916,159	40,490,478	−14,425,681
Mississippi	73,809,151	57,266,784	−16,542,364
Missouri	68,979,028	51,657,528	−17,323,500
Montana	16,513,588	13,230,592	−3,282,996
Nebraska	27,797,201	19,291,405	−8,505,716
Nevada	8,894,103	6,710,418	−2,184,685
New Hampshire	10,757,335	7,436,433	−3,320,902
New Jersey	94,462,395	77,135,328	−17,327,067
New Mexico	33,640,147	28,166,956	−5,473,191
New York	329,307,494	272,665,106	−56,642,388
North Carolina	122,571,100	94,286,308	−28,284,792
North Dakota	17,028,741	13,815,073	−3,213,668
Ohio	$122,259,970	$88,327,697	−$33,932,273
Oklahoma	53,202,591	39,905,269	−13,297,322
Oregon	30,537,612	21,832,369	−8,705,243
Pennsylvania	149,337,086	112,353,859	−36,983,227
Rhode Island	16,828,295	12,576,252	−4,252,043
South Carolina	73,101,051	57,387,390	−15,713,661
South Dakota	18,592,804	14,920,698	−3,672,106
Tennessee	79,712,606	59,301,893	−20,410,713
Texas	204,937,622	150,866,363	−54,071,259
Utah	22,705,958	14,687,114	−8,018,844
Vermont	7,701,605	5,338,617	−2,362,988
Virginia	109,729,791	80,289,129	−29,440,662
Washington	53,519,268	39,186,010	−14,333,258
West Virginia	37,945,852	30,252,404	−7,693,448
Wisconsin	51,820,419	35,959,555	−15,860,804
Wyoming	8,324,933	6,430,953	−1,893,980
District of Columbia	20,500,899	14,548,985	−5,951,914

THE TRAGEDY OF SIMAS KUDIRKA

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. O'NEILL. Mr. Speaker, the recent and tragic incident concerning a Lithuanian seaman named Simas Kudirka compels many Americans to stop and reconsider the principles upon which our country is founded. America has always welcomed peoples from all over the world. Our Nation has afforded them an opportunity to escape a life of hardship and misery under intolerable tyranny and pursue a free life in America. Under this most cherished ideal generations of Americans have achieved security and respectibility, in turn welcoming millions of Americans in less fortunate positions than themselves and inviting them to share the bounty of the land.

Simas Kudirka was responding to that implicit invitation. He was seeking only the same opportunity to enjoy freedom that all Americans hold as a sacred privilege and to which all men are entitled. The brutal and inhuman treatment which Simas Kudirka received at the hands of his countrymen is indicative of the extremely oppressive conditions which exist in the captive nations.

The United States shares some of the guilt for this atrocity. Our Nation cannot proclaim its leadership in the free world until we willingly accept people who are merely looking for the right to live under freedom and democracy. I urge the President and the Department of State to act immediately and emphatically on behalf of Simas Kudirka. I also urge the Department of State to prevent future incidents of this nature by adhering to principles of American democracy.

LEGAL SERVICES PROGRAM UNDER FIRE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. RYAN. Mr. Speaker, today's edition of the Washington Post carried an excellent article by David S. Broder entitled "The Battle Over California Legal Assistance." I am including this article in the Congressional Record, because I believe it so well portrays the activities of the California Rural Legal Assistance Agency, a legal services program funded by the Office of Economic Opportunity, and the political pressures which have been exerted to destroy that program.

It is ironic that the administration has spoken so much of law and order, yet it rejects the utilization of the legal process when that process is serving the poor. Since its inception the legal services program of the Office of Economic Opportunity has been acknowledged to be one of the most successful efforts by the Federal Government to help the poor and the disadvantaged. Because of that very success, the program has been strongly criticized by those who do not like to see the so-called "system" shaken.

Yet it is that very system which has made the poor victims of the welfare system, of landlord-oriented landlord-tenant laws, of unscrupulous business practices and exorbitant interest rates. The California Rural Legal Assistance Agency, along with many other of the legal service programs, has been in the vanguard in vindicating the rights of the disadvantaged. That is its "vice" in the eyes of some; it is its "virtue" in the eyes of many others of us.

I commend David Broder's article to my colleagues:

The Battle Over California Legal Assistance

(By David S. Broder)

The President of the United States has never heard of Denny Powell, but Powell listens to the President, listens with the skill of a good attorney—which is what President Nixon prides himself on being—and with the intensity of a man who is accustomed to testing his own convictions by action.

On Jan. 14 of this year, in an address that was praised as one of the noblest of his presidency, Mr. Nixon told a University of Nebraska audience of his hopes for the youth of America.

"Young people," he said, "need something positive to respond to, some high enterprise in which they can test themselves, fulfill themselves . . . . And we do have such great goals at home in America."

The President said, "I believe one of America's most priceless assets is the idealism which motivates the young people of America . . . I believe that government has a responsibility to insure that the idealism and willingness to contribute to our dedicated young people can be put to constructive use." And because of those beliefs, the President said, he was going to recommend coordination and expansion of all the government-sponsored volunteer programs for public service projects involving young people.

It was a generous and noble speech, and it sat well with Denny Powell, who at 33, married and the father of three children, may no longer think of himself as young, but who knew from his own experience the rewards of the kind of service of which the President spoke.

In 1964, Powell, a graduate of Notre Dame law school, was working for the Internal Revenue Service and looking forward to a comfortable and prosperous career as a tax lawyer.

He and his wife were members of the Christian Family Movement in Alexandria, and when a fire swept through the nearby black community of Gum Springs, they were among the volunteers who went in to help. "I'd never seen anything like it," Powell recalled the other day "A black lady with five quote illegitimate unquote children was living in a one-room shack. There was a pot-bellied stove and the windows were covered with rags to keep the wind out. Seeing that—it was almost like a religious experience. It was kind of hard to keep doing tax law after that."

Denny Powell quit his job, put aside his plans for a career and moved his family to California to join a just-starting federal program to provide legal services to the poor. He was one of the first men hired by the California Rural Legal Assistance (CRLA) Agency, and of all the attorneys who were involved in launching it, he is the only one still serving in a field office. He is working in Salinas as head of a five-man staff that includes a Mexican-American lawyer from New Mexico and the son of a DuPont executive who is a graduate of Exeter Academy, Yale and the Harvard Law School. He prefers to remain in Salinas, Powell said, "because the people are here and working with the people is the real compensation."

CRLA has turned out to be the flagship of the national legal services program. In its first four years, it provided services to some 72,000 clients, but its greater fame rests on class-action suits which have obtained government food, housing, welfare and health benefits and services for needy persons who were previously denied them in many parts of California.

The program has aroused opposition from some local governing boards and, most notably, from California Gov. Ronald Reagan (R). It has been investigated repeatedly. The most recent study, in 1970, by a 14-man Office of Economic Opportunity advisory group headed by retired Supreme Court Justice Tom Clark, concluded that "while not perfect, CRLA is an exemplary legal services program, providing a balanced approach between orthodox legal services and highly successful impact litigation."

On the basis of that finding, OEO director Donald Rumsfield approved a 12 per cent increase in CRLA's funds in a new one-year grant, announced late last year just before Rumsfeld moved to the White House as a counselor to the President.

Last Dec. 26, invoking authority given governors by the federal anti-poverty act, Reagan vetoed the CRLA grant. He acted on the basis of a memorandum from Lewis K. Uhler, a former John Birch Society member who is the director of the California state office of economic opportunity, charging CRLA with assorted "gross and deliberate" violations of regulations, including "use of legal processes to harass public and private organizations."

Facing a confirmation hearing and under heavy pressure from Democratic Senators to override the veto, acting federal anti-poverty director Frank Carlucci decided to keep Denny Powell and his colleagues in business for 30 days while he made a new investigation of Reagan's charges.

There then occurred some mystifying events, not all of which have yet made their way into the public record.

For unexplained reasons, Carlucci's Washington office had great difficulty obtaining the bill of specifications supporting the Reagan veto.

After several days of wasted phone calls between Washington and Sacramento, an 8,000-page dossier from Uhler arrived, air express collect, in Washington. OEO attorneys reduced the maze of allegations to some 120 specific charges. Investigators sent to California had time to check out about 30 of them—all but five or six of which they "threw out of court," as one OEO official put it, for lack of any shred of supporting evidence. The other five or six, they said would require further checking. None were immediately verifiable.

With the 30-day temporary extension running out, Carlucci made his recommendation. It was for OEO to override Reagan's veto and reinstate the original CRLA grant, with two minor provisos. CRLA lawyers would not be allowed to accept criminal cases in their own free time, as some had done previously, and all class-action suits would need the personal approval of CRLA's director.

At this point, the record of events is further clouded by some vehement denials of what apparently took place. White House press secretary Ronald Ziegler has insisted that the CRLA decision was made not by the President but by Carlucci, who merely "kept the White House informed" on what he was going to do.

Some facts on the public record indicate the White House involvement was considerably more substantial than that. During a visit to Washington a week after Mr. Nixon's University of Nebraska speech, Reagan called on the President, the Vice President and the Attorney General. He discussed with them both the CRLA veto and the disposition of the California delegation at the 1972 convention, emphasizing, he told a subsequent press conference, "why we had taken the steps we had taken" on CRLA and also his willingness to guarantee California's support for Mr. Nixon's renomination.

Members of Reagan's staff sent the same message to White House aides in blunter terms—saying they hoped Mr. Nixon knew how strongly the governor felt about the veto and remembered Reagan would be leading the California delegation.

Meantime, in the White House, Rumsfeld and John Erlichman were marshalling arguments for alternative courses of action on the veto. There was heavy lobbying from congressmen and lawyers on both sides of the question. During the final days before the decision was reached, Reagan sent Uhler to Washington and someone sent Assistant Attorney General Patrick Gray to Sacramento to help along the negotiations between Reagan and the White House.

Gray's role in the case is particularly intriguing, because it was kept shielded from many of those involved. A newcomer to his Justice Department job, Gray had served previously as an aide to Robert H. Finch, when Finch was Secretary of Health, Education and Welfare. As a former lieutenant governor of California and a frequent political antagonist of Reagan, Finch reportedly stayed out of the CRLA case in the White House, where he is now a counselor to the President.

Gray says he was called into the matter by OEO officials who feared the dispute might end in litigation. As head of the Justice Department's civil division, he would have had the responsibility of defending Carlucci against a suit brought by either CRLA or Reagan. He acknowledges participating in discussions on the CRLA grant but replies with a flat "no comment" when asked to explain why he went to California just before the decision was reached. "I was there in an attorney-client relationship," he says, "and I may very well end up myself in court on this thing." Others say, however, that Gray was the key man in the negotiations between Reagan and the administration.

On Thursday, Jan. 28, Carlucci met privately with leaders of the organized bar who were urging him to override the veto. He was quoted as saying, "I sure as heck would hate to sustain a veto based on this report" (the OEO investigation of the Uhler charges).

That same day, the Los Angeles Times and other papers reported that the administration "will override" Reagan's veto. That was Carlucci's original recommendation, leaking into print. But by the time the story had appeared, the decision apparently had been reversed, and Reagan appeared to know it, whether Carlucci did or not.

Asked at a Jan. 28 press conference about that morning's Los Angeles Times story, Reagan said, "I still have to say I'm confident that they won't (override) . . . To do this, they'd have to be rather dishonest . . ."

"You look for a compromise?" a reporter asked.

"I'm quite sure it would not be simply to override . . ." Reagan replied.

Reagan was right. Two days later Carlucci issued a statement saying he would "not override at this time Governor Reagan's veto" of the CRLA program.

Instead, he said he would give CRLA a new grant, of six months duration, which would keep the program alive while it underwent yet more investigations—one by "a high-level commission" he would name, one by the Justice Department and one by the Civil Service Commission.

Reagan immediately issued a statement saying he was "very pleased and gratified" that his veto had been upheld. The governor said he had agreed to a short-term extension only to "permit a smooth transition" to a new and "more responsible" legal services program he said Uhler would set up with the help of local bar associations before "CRLA is phased out next July."

Carlucci then issued a second statement, denying this was "a phaseout or transition grant" and adding that "if the commission finds that CRLA is conducting its activities in compliance with the OEO statutes and guidelines, I will, of course, refund it in full." The White House said nothing officially, but presidential assistants called lawyers who had supported CRLA to offer private assurances that the agency was not under sentence of death.

Reagan, pleased with the outcome, went before the California Republican convention that night and publicly pledged to lead a pro-Nixon delegation to the 1972 convention.

All these events, of course, were being closely watched by Denny Powell and his colleagues in the CRLA office in Salinas. Their work is continuing and Powell said the other day, "we haven't slowed down or backed off a bit."

"In a way," he added, "I think the whole incident has been good for the program. It has forced us to go out into the community to explain to middle-class people why law reform is necessary, why we should take problems of the poor into the courts, rather than let them fester.

"On the other hand," he said, "what's happening is pretty frustrating for us. We think we're doing our level best to contribute to a reasonable solution of social problems which everybody knows exist. We've been audited, investigated and interrogated until we're blue in the face and every time the finding is that, not only are we not doing anything wrong, we're doing a lot of things right that no one else is bothering to do. And then, all of a sudden, some political fix is on, and we're on the defensive again."

There is a practical problem as well, which Mickey Bennett, a CRLA administrator, mentioned. "We can't hire any of the 1971 law school graduates we've been recruiting," he said, "because we can't tell them with any confidence we'll have a program for them to work in."

This is something that worries Denny Powell. "Young people getting out of law school now are really concerned about these social problems," he said. "In our little county, alone, the legal defender's office has had 80 job applications in the past year. Now if CRLA and programs like it are killed, I don't know where these young lawyers will go. I'm afraid they will become totally alienated from the legal system, and I think we need them to make the system work."

UGLY HATE FOR MAYOR STOKES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. STOKES. Mr. Speaker, last Thursday Congressman Minshall read into the Record a newspaper article by Mr. Phil Porter entitled "Cleveland—a Sad City." Mr. Porter, himself a suburbanite, concluded his article which maligned Mayor Carl B. Stokes and the city of Cleveland with the assertion that Cleveland is "the city gone to hell." Congressman Minshall's inclusion subsequently received further publicity in a Saturday article in the Cleveland Press.

Ironically, the same day the press story appeared, Cleveland Plain Dealer columnist Thomas Andrzejewski penned an article revealing the basis for many of Cleveland's current problems. He noted that community pride and responsibility in our city were being poisoned by the vicious racial hatred much of the majority white community holds for Mayor Carl B. Stokes. Andrzejewski points out the intense level of venom being directed against Mayor Stokes and his administration by white people and particularly suburban whites who have never taken any interest in city affairs. He describes for us both the volume and surreptitious nature of the hatred and accusations which he attributes to hearsay, fifth hand assumptions and unfortunately, pure racism.

Mr. Speaker, no one in Cleveland, least of all Mayor Stokes, is naive enough not to recognize that the city has problems other than racial hatred. Yet as Mr. Andrzejewski has perceived, no progress can be made in other areas until the civic paralysis white racism has engendered is eliminated. Mr. Speaker, Cleveland, Ohio, has the potential of being America's greatest city. Unfortunately racism has clouded the effectiveness, dedication, and achievements of the first black mayor of a major American city. This full potential will never be realized until Cleveland white residents and their suburban counterparts divest themselves of the last vestiges of racism. Thomas Andrzejewski has done our community a major service by giving public attention to this simple truth. It would have been easy for Mr. Andrzejewski to have remained a "silent majority reporter." His perceptive analysis of the cancerous racial climate in Cleveland could have been left unsaid. This courage in choosing not to be silent, which is to be commended, is a great service to his community. I sincerely hope that his fellow citizens in Cleveland and in suburbia were listening.

Mr. Speaker, I request that the aforementioned article here be made a part of the Record. I include the article as follows:

Ugly Hate for Mayor Stokes

(By Thomas S. Andrzejewski)

About six years ago, there was a great concern here over a still timely topic, the "hate" for police. Now there is similarly prevasive "hate" which is more widespread and unfounded, and rooted not in black or young minorities, but in allegedly respectable circles: The "hate" for Mayor Carl B. Stokes.

The venom that flows daily against the man is unique in two ways—in its volume and by its surreptitious nature. It is also partly a racial hatred.

The mayor, who is only a man and not faultless, is blamed for more wrongdoing than he could possibly accomplish in a lifetime (the argument being that he is that sinister).

Accusations range from his being arrogant to his being a thief; from faulting him for the snow Monday to suspecting an inordinate amount of political deals.

It is naive, of course, to believe that a man whose instincts are basically political never made any political promises and has no particular allegiance to certain men and machines.

But the accusations from whites, in back rooms and out of earshot of even the most token blacks, are more than naive. They are based on hearsay, on fifth-hand assumptions and, unfortunately, on pure racism.

Why? There has been a great changeover in city jobs. Some posts, long held by Irish and Polish and Italian political hacks have gone to black political hacks. Key positions likewise are now held by blacks in the city administration, whereas whites had held them under previous administrations.

Said simply, white folk don't like their City Hall being run by black folk. And even white suburbanites have been equally vocal in their allegations against the mayor.

After the defeat, this month and in November, of proposals to increase the city income tax there was talk about "reprisals" by the mayor. White city residents talk about how their wards went unplowed and unsalted during the snowfall. Even side streets in black neighborhoods were cleared, they say.

(As I recall, the largest traffic jams on the night of Feb. 8 were in fact in black areas on the East Side, caused by suburbanites going home.)

Then there are the complaints about garbage collections. My councilman, Joseph M. Kowalski, D–14, was fuming the same night that garbage had not been collected for two weeks in our ward. He should have been aware that garbage on my street was picked up about 10 hours before he decided to complain. And that was only three working days after the weekly Wednesday collection had been missed.

Four years ago, before Stokes was elected, I can recall doing a story about how the twice-monthly garbage pickups in the Hough area were inadequate. In the face of massive spending cutbacks by the city administration, a little tardiness might be tolerated by whites who have had excellent weekly service for years.

The snow and garbage complaints from average white city residents are minor compared to the allegations of corruption from some suburban whites. These self-proclaimed congnoscenti have never taken interest in city affairs (except perhaps because their officers have been downtown) until Stokes became mayor. The complaints increased when Stokes became a black mayor.

Corruption in city government should not be tolerated. It should be pinpointed and prosecuted. By the same token, effectiveness in government should not be overlooked.

White city residents and suburbanites should abandon their racist vendettas.

THE CULTURAL VOID RESULTING FROM FEDERALIZED EDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. RARICK. Mr. Speaker, self-preservation is a fundamental principle in the life of a nation as well as in the life of an individual. The American system of education consisting of free public schools available to all citizens supplemented by private schools has from one generation to the next been a vital force in the preservation of the heritage of the Founding Fathers.

In the schools, the minds of the youth who will in a few years be directing the affairs of our country are being shaped. The schools are a most important factor of influence in fashioning the kind of society we will have in the future.

For over three centuries, the American system of education reflected and preserved the basic traditions upon which this Nation was founded—with special emphasis on the ideological principles which have always been basic to our constitutional Republic. Until the second quarter of the present century, education had traditionally been directed toward imparting the skills, knowledge, and ideals accessary to our free enterprise way—and not to socialistic collectivism.

Since the 1930's, there has been a tendency to exploit the schools as an instrument for socializing America and destroying such time-honored attributes and virtues as patriotism, thrift, honor, duty, hard work, and individual responsibility.

Almost every day, we hear of new strange happenings in the Nation's schools which are destructive and evil—sex education, sensitivity training, biochemical experiments with drugs on innocent children, to mention a few.

The values of private ownership of property, understanding profit under the free enterprise system, the theory of constitutional government as well as the virtues of self-restraint and discipline are as if strangers to many children in the classrooms today.

The solution to this grave situation in the schools is for the Federal Government to abort themselves from officious intermeddling with the affairs of local schools and let people at the local level control their own schools.

The newsclippings and reports which follow my remarks point out some recent occurrences in the Government schools and what can be done to restore our schools to sanity again.

The material follows:

[From the Houston (Tex.) Tribune, Oct. 22, 1970]

UNIVERSITY OF THOUGHT

The University of Thought, sponsored by VISTA workers which in turn are sponsored by the ultra-leftist Houston Council on Human Relations, opened Monday, Oct. 5.

The University of Thought is an extension of the Free Universities being held by leftist "turn-on" groups all over the nation . . . except the local project is aimed at high school students. Last spring when it opened parents throughout the city showed concern over the anarchistic type of sessions being held.

There are no grades, no specific texts, students plot their own way usually, and most sessions meet one night a week for 10 weeks, primarily at the University of Houston. Instructors are volunteers, according to the official brochure, "who have something to share with other human beings."

As Dr. Garver pointed out, the University of Thought also has such courses as photography, poetry, drama, leathercrafts, a session on Hemingway, and even conservative philosophy.

SAMPLES

Here's a sample of courses as described in the official brochure:

A practical experiment in media—experiment with ways of manipulating the media to your ends.

Current black literature in the U.S.—Selected reading includes Leroi Jones, Ossie Davis, James Baldwin, Eldridge Cleaver, and others . . . the scope will be determined largely by the students.

Survival ethics—Libertarians and Randists welcome. Also anyone who question current society's morals. U.S. Survival Society.

CHRIST

The Radical Christ—The majority of beliefs commonly held about Jesus are not remotely connected with "what he taught or how he styled his life." The course will be a dialogue about these misconceptions and a hard look at what this victim of Israel's "piety" and Rome's "justice" really did and said. A. E. Greer.

Socio-Psychological Studies of the Black Experience—A reading and discussion course using the works of black social scientists . . . Cleaver, Malcolm X, Carmichael and Hamilton.

Women's Liberation— These discussions, led by different members of a radical women's liberation group, will cover such topics as abortion, sexual attitudes, . . . emphasis will be put on the need for a new social system beneficial to all people. Harriet Tubman Brigade.

Afro-American History—Current black political ideology. Eugene Locke.

Chicano Studies—Taught by Pete Vasquez, a member of the militant Mexican American Youth Organization (MAYO).

Anarchy—Study of classic anarchists . . . from the IWW to contemporary anti-state thinkers.

Group Dynamics—This course has been described as not being sensitivity training because it does not employ the "touch" phase. It is being taught, according to the brochure, by "SIPOD."

There's Got To Be A Better Way—Takes a close look at what helps or hinders the learning process.

Creativity and Freakout—Class based on the principle of the Free U. Leathercrafts, kite construction, paper and/or liquid flowers—Taught by Susan and Cindy.

NO GRADES

The University of Thought features no grades and the theory that students should develop their own "thing" or procedure in class.

A top ranking educator in the HISD commented, "Not giving grades can be equated to sharing the wealth, including the wealth of knowledge, without putting out effort to obtain it on your own.

"If you've noticed, every school which achieves the rank of quality in education which we are hearing so much about these days presents a challenge in the form of making grades. A student still does not obtain a National Merit Scholarship without grades."

IMMATURE

This educator said that there are still those in the profession who feel that students do not have the maturity to recommend what they will be taught in class.

"If you are going to let them direct themselves, why tag them children or teen-agers, why not tag them adults from birth?

"We are seeing the results today of the lack of self discipline without authority due to this permissive attitude in education every time we experience student militant revolt. Yet many educators still cannot comprehend that the very students who are revolting never had discipline direction in a classroom.

[From the Houston (Tex.) Tribune, Sept. 10, 1970]

COLLEGE ORIENTATION MAY SHOCK PARENTS

According to Dick West of the Dallas Morning News, this textbook—called "Phase Blue"—has been assigned to at least some of the freshmen at North Texas State University in Denton.

A woman who reported the matter to West said also that a few moments after her daughter sat down in a small auditorium for an orientation lecture, a militant student dropped a leaflet in her lap.

On the front of the leaflet was a clenched fist and the question: "What part are you going to play in a world in revolution?"

LEAFLET

The leaflet went on to advise freshmen that they would be educated at North Texas State to play certain roles, including:

"Sucker—paying high tuition while the fat cats get fatter."

"Whore—selling your soul for a grade or degree."

"Ostrich—spending time with your head in a book learning irrelevant garbage while the whole world is erupting."

"Smack freak—addicted to the heroin of white, middle-class values."

TRASH

What the next Legislature could well decide is "irrelevant" are the school administrators who permit distribution of such trash at orientation lectures and the assigning of such textbooks as "Phase Blue."

It is, to say the least, a most unusual English text. The headings of its 10 chapters include these: Violence in America, The Black Rage, Dialogue Between Generations, Religion and Philosophy.

Guest writers are included in each chapter. Among those in The Black Rage are Cleaver, with an article entitled "The Fire Now," and Malcolm X, who wrote something called "Message to the Grass Roots."

OTHERS

Other articles in the book include "Why Students Seize Power," by Louis Levine; "I Am the New Black," by Thee Smith, and "God is Dead in Georgia," by Anthony Towne.

As if that were not enough, there also are articles in this so-called "English textbook" entitled "The Pill and the Modern Woman," "The Decline of Religion" and "Should God Die?"

Some legislators report that they are beginning to get the word from taxpayers that if the colleges intend to tear down our society, they don't want to help finance the demolition.

Thus, the legislators seem likely to ask some piercing, probing questions of college administrators who appear before them seeking increased budgets.

[From the Houston (Tex.) Tribune, Sept. 3, 1970]

SHOWDOWN WITH TEACHER FEDERATION IS ESSENTIAL

(By Alice Widener)

NEW YORK CITY.—According to the 200,000-member big labor organization, the American Federation of Teachers, "anything goes" concerning teachers' political membership and "anything goes" concerning students' dress and political activity. As a result of AFT voting at a national convention in Pittsburgh, recently, there no longer is any political restriction on teachers' qualifications for membership in the AFT. An applicant may be an avowed communist, Nazi, Ku Kluxer or Black Panther—name it! The AFT also voted to give students—even secondary and high school pupils—total freedom of the press, including the right to publish or distribute literature on school grounds, and total freedom of association, that is, the right to join and to urge others to join any organization or group.

Okay, parents and civic authorities, now you know what the deal is for the school year 1970–1971. The deal is that anything goes. If you object to violence, pornography, firearms, arson, false fire alarms and sexual license on any campus—all of which are advocated by various radical student organizations—you won't be backed up by the teachers' union. So you can take it from there, and it doesn't require any imagination to foresee what will happen.

EVIL PROGRAM

The American Federation of Teachers describes its irresponsible and evil program as "democratization of the schools." According to it, there can be no bar to communist revolutionary Students for a Democratic Society distributing on campus the criminal pamphlet "High School Reform: Towards a Student Movement," which advocates arson and false fire alarms. (In New York City, since 1960, false alarms have risen by 400 percent, nearly all since 1968.)

In the name of "democratization of the schools," all professional political hate groups can now enter schools and enjoy teachers' consent to the kind of lawless terrorism advocated by the W.E.B. DuBois Clubs, Black Panthers, SDS Weatherman, and other radical activist terrorist groups.

In the name of "democratization of the schools," all manner of vile language, spoken and written, may now be poured forth in the classrooms and on school grounds.

And so, as Professor Robert Nisbet of the University of California at Hillside puts it, "the life of reason is made insecure at best."

SOCIAL DYNAMITE

The American Federation of Teachers is resting all its arguments for "anything goes" on our First Amendment. Its words are being transformed, by means of satanic interpretation, into sticks of social dynamite.

Are we going to permit our First Amendment to blow our society to hell? I cannot believe we have become so degenerate as to allow it to happen. Certainly, the authors of our Bill of Rights never intended, when it was adopted in 1791, that it become an instrument for corruption of the young.

It is hard to believe that the majority of American Federation of Teachers members will go along with what their delegates did in Pittsburgh. If they do, then there ought to be a showdown in every community where the AFT functions. Parents, taxpayers and civic authorities ought to line up together against the AFT and force a showdown. Otherwise, our schools will become sites of infection for epidemic anarchy and terrorism, places to keep children out of, not to send them into.

[From Human Events Magazine]

MARYLAND'S READING LIST

Want to know why some of those college students turn into radicals? The University of Maryland provides a possible clue. Freshmen preparing to enter the university were recently furnished a booklet regarding Orientation and Registration which stated:

"Only three steps are necessary to arrange for attending Orientation and Registration,

"A. Fill out the four enclosed cards.

"B. Enclose a check . . . $13 . . . to the University of Maryland. . . .

"C. Read at least one of the following books.

"*The Autobiography of Malcolm X,* by Malcolm Little.

"*Black Power, the Politics of Liberation in America,* by Stokely Carmichael and Charles V. Hamilton

"*Concerning Civil Disobedience,* by Abe Fortas

"*Crisis in Black and White,* by Charles Silberman

"*Excellence: Can We Be Equal and Excellent Too?* by John W. Gardner

"*Invisible Man,* by Ralph Ellison

"*The Other American,* by Michael Harrington

"During Orientation you will informally discuss the issues raised in the book which you read."

How's that for objectivity? Not one of these authors is a conservative, nor even "middle of the road."

[From the Los Angeles Times, Oct. 19, 1968]

GUNS, DARTS AND BEATINGS IN 4TH GRADE BOOK

ORANGE.—The fourth-grader opened his remedial reading workbook and looked at the words illustrated by pictures showing what they mean:

To teach "slap," the picture showed a women slapping a man, five times on one page. For "jaw," one man strikes another on same. And for "dart," one boy sticks a dart into another boy's hand. The victim runs off, warning:

"If Ned starts to toss more darts, I'll have to get a gun."

Not for our kids, you don't, Mr. and Mrs. Jack Hawbaker told the Orange Unified School District System this week, complaining that the workbook, used throughout the system, contained a pattern of violence.

The workbooks have been in use since 1967.

Dr. Allen Calvin, president of Behavioral Research Laboratories of Palo Alto, publishers of the workbook, said the book is less violent or anti-authoritarian than the Bible, Grimm's Fairy Tales or Tom Sawyer.

Calvin estimated that 5 million of the workbooks are now in use around the country, and the only similar complaint was resolved in Florida with a small amount of revision.

[From the Phoenix Republican Women's Club, September 1970]

AMERICANISM REPORT

On August 22, '70 the Arizona Republic carried a short review by columnist Paul Schatt of what he calls "possibly the most important book of the decade," Future Shock, by Alvin Toffler. The gist of the book according to the reviewer, is that "with all the uncontrolled technological, scientific, and social changes" (emphasis added) which will bombard our minds and lives in the future, we are in for "massive mental breakdown" because these changes are bound to "subvert the power of the individual to make sensible, competent *Decisions About His Own Destiny*". (Emphasis added). Fortunately for us, the smarties who envision this state of "future shock" know exactly how to handle the situation—and us. Just leave everything to them; they will manage change via "social futurism", defined as "the subjection of the process of evolution itself to conscious human guidance". Before that day comes when humanists believe they have convinced enough people that they have made God move over, individualists had better heed author Toffler's words.

This is not the first warning we have had concerning what the Orwellian People Planners have in mind for the rest of us. To avoid future shock, Americans had better face up to some of the present shock already wired to short circuit any plans they might have for their own futures. Roderick Seidenberg's two books, Anatomy of the Future, and Post-Historic Man spell out their "Forward to the ant hill!" plans. Think-Tank Know-It-Alls have it all worked out by a genetic program to eliminate all those unwilling to adjust to the insect level of a "pure intelligence" Socialist society. (Theirs the "intelligence", yours "but to do or die".) Long range mongrelization should weed out the remnant of freedom-loving individuals who might rise against their betters. (Have you read the United Nations Declaration of Human Rights recently? No private property for anyone—but the bosses.) Sheer numbers of fast breeders (subsidized by government Welfare) can overwhelm the more intelligent level of population, who can be penalized with extra taxes if they have more than one child. (Anyway, you wouldn't want to add to the population explosion, would you? Oh, well—there is legal abortion!) Eventually all can be trained to perform routine tasks by mere automatic reflex. Conscious thought, deemed an impediment in this Socialist heaven, will have been bred out. Global society will be the ant hill run by the experts; man will have long since replaced Pavlov's dogs in the labs. (See Luria's Nature of Human Conflict for inducing nervous breakdown in pre-school children.)

Because this world is envisioned as having no past (having been erased from memory via textbooks) and no future (Who needs it?) it requires no art, religion, literature, philosophy, or science, and certainly no capitalistic free enterprize. Actually you will not even have to know you exist. What ant does? (Should you not want to contribute to author or publisher, University of North Carolina Press, you can get a good rundown on Seidenberg in Sara Watson Emery's Blood on the Old Well.)

It is natural that the "It can't happen here" die-hards will pooh-pooh: "How could all this be brought off?" The January '69 issue of the National Education Association's magazine, Today's Education contains a clue: Forecast for the 70's, by Harold and Jane Shane.

"Educators will assume a formal responsibility for children when they reach the age of two". Biochemical experiments (drugs) will be used on these tots, who can be whisked away from protesting parents and placed in mandatory boarding schools and foster homes. (Just as in Russia) "Cultural analysts" are to arrive at an "international consensus as to what is desirable in family life, art, recreation, education, diet, economic policies, and government".

Hawaii is already implementing this slave order education. Parents are already battling school administrators in California, who use such innocuous terms as Quest or Taxonomy for a system of indoctrination which will eventually remove all right of personal decision from our lives.

Taxonomy merely means classifying according to a system, but Dr. Bloom adds new dimensions in his text on the new Taxonomy. "What we are classifying is the intended behavior of students—the ways in which individuals are to Act, Think or Feel as a result of participating in some unit of instruction". Skills or knowledge are not important but the stages of Think-Act-Feel have a purpose. First, children are classified according to what Think-Act-Feel standards they acquired in the home, and tested for depth of belief and commitment. After each course of indoctrination, they will be reclassified according to how well they have been brainwashed of the old, and programmed for the new. Eventually they should be sufficiently reoriented to Think-Act-Feel as Masters have ordained. In addition to experiments with "learning" drugs Sensitivity Training (also called group encounter, human relations, sociometry etc.) will destroy free will and the faculty of critical analysis, unnecessary in a robot society. All this will simplify detection and removal of obsolete material and people. Maximum, even universal, conformity of thought and beliefs, hence of behavior, is the goal of the totalitarian mind benders. Teachers become "clinicians," the instruments of Big Brother's programing for the future. (Do you begin to understand why NEA president, George Fischer, advocates control of teacher training, with "closed shop" unions?)

This process can go in indefinitely, depending on how quickly mind erasures progress. As New Think-Act-Feel takes over, children will be tested regularly to discover how dedicated they are to the new concepts. When they are considered "safe" they are transplanted to the "activist" category, where depth of commitment can be tested. This kind of brainwashing is expected to provide almost an unending supply of mindless bodies to man the activist mobs necessary for the overthrow of our government and society—a sort of Nihilist-while-you-wait goal requiring only patience from the world totalitarians above the U.N.

There is no element of chance in any of this. The Sixteenth Report of the California Senate Investigating Committee on Education ('58) devoted 100 pages to subversion in the schools via the so-called Mental Health Programs. (Sex Ed and Family Living sound modern today.) A good part of this investigation concerned Dr. Jacob Levy Moreno, "father of sociometry," meaning he hatched the techniques of "social doctoring" necessary for creating the one world collectivist society. Tied in with UNESCO, it is preoccupied with "social consciousness" and "human relations," which Moreno claims can be used to indoctrinate small groups with any ideology deemed useful, including Communism.

In his book Who Shall Survive? (Yes, the title is a question) he envisages the world as one vast psychiatric empire. And guess who God is. "The psychiatrist in charge"!

In the late Bertrand Russell's Impact of Science on Society ('52) he fortells, ". . . Advances in physiology and psychology will give governments much more control over individual mentality than they now have in totalitarian countries. (Fichte laid it down) that education should aim at destroying free will, so that, after pupils have left school, they shall be incapable throughout the rest of their lives of thinking or acting otherwise than their schoolmasters would have wished. . . . Diet injunctions and injections will combine from an early age to produce the sort of character and sort of believes that the authorities consider desirable, and any serious criticism of the powers that be will become psychologically impossible. Even if all are miserable, all will believe themselves happy, because the government will tell them that they are so. . . . Gradually, by selective breeding, the congenital differences between rulers and ruled will increase until they become almost different species. A revolt of the plebs would become unthinkable as an organized insurrection of sheep against the practice of eating mutton. . . . I do not see how any internal movement of revolt can ever bring freedom to the oppressed in a modern scientific dictatorship . . . I do not believe that dictatorship is a lasting form of scientific society unless it can become worldwide." (Who ever heard of a revolt among ants?)

Dr. Bella Dodd, once the most powerful, resourceful and indefatiguable commissar of Communist Party USA, later defected and testified before the Senate Internal Security Subcommittee in 1952. She told how the Party worked for "progressive education" which was "eagerly championed by the Comintern as an ideal system for limiting the ability of children in capitalistic societies to read, write and *think* or *act* for themselves, and so to cause them to depend upon the state for a guaranteed livelihood and for protection against the hazards caused by their inadequate training for the battle of life." The Welfare Rights groups are direct outgrowths of this deliberate short-changing in education. According to Guzenko, USSR's director of all this was Zarubin, U.S. Ambassador Julian Huxley, first Secretary General of UNESCO, in his Evolution in Action wrote of the need for a "psychosocial evolution" to gain control of all nations of the free world for totalitarian dictators of the U.N. Toffler writes of the "subjection of the process of evolution to conscious human guidance."

There is more than one degree of slavery. That of the soul is meant to be total. With such sophisticated techniques as Sensitivity Training and New Taxonomy, Future Shock is close to being Present Shock, right now. Just what do Americans need to wake them up? Who controls your thinking? Where do You stand?

[From the Dan Smoot Report, Feb. 15, 1971]

REPORTS ON EDUCATION

We have a supply of 17 *Reports* dealing with various aspects of public education in the United States. Together, they give a comprehensive picture of what has happened to our schools, and some concrete suggestions about what should be done.

Below are titles of these education *Reports* and brief synopses of each one.

TAMPERING WITH THE MINDS OF OUR CHILDREN

Ritalin is officially classified as a control drug, which is potentially habituating or addictive, and which can produce dangerous side effects. Psychologists discovered that Ritalin, advertised as a pep pill for adults, works on the central nervous system in children, with a tranquilizing effect. By the late 1960's, Ritalin was being used widely as a personality-changing, mind-controlling drug on small school children who were problems in classrooms. The drug makes these children feel happy, and thus makes them easier to handle. When you teach a child to seek self-confidence by taking happy pills, how can you keep him from seeking it later on by using marijuana, LSD, heroin?

TOWARD A ROBOT SOCIETY

Despite the fact that no one knows what mind-control drugs do to children, many recommend their use to calm problem children in school. The National Education Association magazine has published an article predicting that the results of brain-research on animals will be extensively applied for use on children within the next decade. A new Master Plan for Public Education in Hawaii predicts the same thing. Are the public schools to become clinics, or animal farms for producing a robot society?

NATIONALIZING EDUCATION

While saying federal aid does not mean federal control, proponents say federal aid to education is needed to create uniform national standards. Federally-imposed uniformity eliminates healthy rivalry among school districts for excellence: they become rivals chiefly for federal funds—sacrificing quality for ostentatious physical facilities and misleading statistics on mass accomplishments. The quality of education seems to decrease, as public spending increases. Once our educational system is totally controlled by a federal agency, that agency can surrender control to international authorities. A UNESCO Treaty providing for international control already exists. To stop the scheme, we must first stop federal aid.

UNLAWFUL LAW OF THE LAND

The Supreme Court desegregation decision of 1954 was called the "law of the land"—though no court has authority to make law—and was forced upon southern states, in some cases at gun point. Ten years after the Supreme Court decision—in 1964—Congress enacted a real "law of the land" dealing with segregation in public schools. The law is unconstitutional, but southern states complied by adopting freedom-of-choice plans. Federal judges and officials approved freedom of choice, until they perceived that students and parents were not choosing to please Washington officialdom. Now, the federal government—in contradiction of Nixon's clear promises of 1968, and what he still promises—is violating the Civil Rights Act and the Supreme Court decision, to force racial quotas upon schools.

EQUAL TYRANNY IS STILL TYRANNY

On "Civil Rights" matters, the south has been treated like a conquered province, as in the days of reconstruction. Many southerners think that if other areas feel the iron fist the south has felt, others will understand and join resistance against federal tyranny. But one cannot eliminate evil by spreading it around, or abolish tyranny by imposing it on others. Instead of wrangling about sectional enforcement of illegal federal guidelines, Congress should stop federal aid to education, and reduce federal taxes accordingly. As long as the federal government illegally finances schools, it will illegally dictate school policies.

VIOLENCE AND CRIME IN PUBLIC SCHOOLS

Officials anticipate far greater disorders ahead in the public schools than we have ever seen in colleges. A report of the Senate Juvenile Delinquency subcommittee reveals that serious assaults on teachers in public schools occur daily throughout the country, and this is only one type of crime rampant in public schools. Most of the violence and turmoil are caused by forced racial mixing. Yet the Nixon administration and the federal courts are using the power of the federal government to force more and more integration, faster and faster. And, in doing so, they are violating the Constitution and the laws of Congress.

REAPING THE HARVEST OF FORCED INTEGRATION

Racial tensions, resulting from forced integration, have converted public schools into the most violent battlegrounds of American society. In many school systems, teachers carry guns to school and in class to protect themselves. During 13 weeks of one school year, in only 100 school districts, there were 250 injuries to students, teachers, and police; 900 arrests, on charges including murder, assault on police, arson. The Wichita Falls, Texas, high schools provide a rather typical example. When students had freedom of choice there, all was well. Forced integration has caused violence and turmoil. The situation is much more dangerous in many school systems, which have become lawless jungles. Instead of using their constitutional power to stop the senseless tyranny by federal officials and courts, Members of Congress appropriate our money to pay for it.

THE YORK CASE

A federal court ordered implementation of an HEW-school-board plan for busing in the Oklahoma City public schools, to achieve racial balance. Mr. and Mrs. Raymond York would not permit their son Ray to be bused, but continued sending him to the junior high school in his neighborhood. The school board confiscated the boy's books. The federal court issued an injunction against his parents. A U.S. marshal arrested 14-year-old Ray York for attending his neighborhood school. The federal court fined his parents and sentenced each to serve 30 days in jail, suspending sentences pending final appeal. Ray was sent to a private school, pending outcome of his case. The federal Congress should stop such senseless tyranny, by prohibiting federal courts (including the Supreme Court) from exercising jurisdiction in any case involving public schools.

DISTRICT OF COLUMBIA JUNGLES

Seventeen years ago, the District of Columbia had a dual school system: one division for whites, one for Negroes. There was no discrimination in the financing and operation of the schools. The enrollment was about two-thirds white, one-third Negro. The system was rated academically among the best in the nation. In 1954, President Eisenhower urged instant integration of the District school system, to make it a model for the nation. Whites left; more Negroes moved in. Today, Washington schools are almost wholly segregated again, 92 percent of total enrollment being Negro. Congress has spent huge amounts to improve and expand facilities. Much more is spent on school operations than in 1954. Yet, today the District schools are rated academically among the worst in the nation. Many of them are stews of crime and violence, where the educational process is virtually non-existent.

A GREAT TRAGEDY OF OUR TIME

Scholars have presented impressive evidence that the learning ability of white and Negro children is unequal, and that forced unnatural mixing in schools, far from helping Negroes, can have a most damaging effect upon them. Yet(the federal bureaucracy—cruelly indifferent to the basic welfare of the people, white or black, but greedy for the political support of organized Negro groups—is forcing upon school systems the most harmful kind of unnatural integration. Washington bureaucrats, in violation of law and with the threat of withholding all federal aid, force school systems to shuffle children around to achieve an undefined racial balance. We, the people, cannot control the Washington bureaucrats directly; but Congress and the President could control them—if we would elect men of sense and courage to Congress and the White House.

NEA'S MALIGN INFLUENCE

Since the mid-1930's, the National Education Association has worked to create an education program for a socialist America. The NEA now has a strangle-hold on public education. It also exerts a powerful and baneful influence on the White House, on Congress, and on the Supreme Court. Currently, NEA is lobbying for legislation to give itself a virtual monopoly to represent teachers in collective bargaining with school boards, and to legalize teacher strikes that NEA calls. The federal government should revoke the tax exemption of the NEA. This would so reduce NEA power that teachers could dare not to join and pay dues. We must restore traditional American education, which stressed discipline, hard work, honor, and duty. This cannot be done in an NEA-dominated school system.

BILLIONS FOR WHAT?

Education lobbyists claim that Americans are stingy about spending tax money on education. The truth is that more than half of our property taxes go to schools, in addition to the billions we pay in state and federal taxes. Spending of tax money on education in the past 20 years has increased more than tax spending for any other purpose. With only six per cent of the world's population, the U.S. now invests annually in education almost as much as all other nations on earth. What have we bought with these gigantic outlays? Thanks, in large part, to the education lobby—principally the National Education Association—our public education system has left a generation of Americans generally ignorant of the basic economic and political principles on which our nation was built, and has done a dismal job in teaching the basic skills of learning.

THE EDUCATION LOBBY

The power of the education lobby has become almost irresistible. But this is to be expected. Any amount of federal aid to education is illegal, because the Constitution does not authorize it. Having abandoned this principle, we have lawless federal government. The dykes are down, and the only checkrein on the pillaging of taxpayers to buy political support for the pillagers is the uncertain balance of power between groups lobbying for their own self-interest. The illegal federal aid programs are always sold to the people as the only means of solving critical problems, but they always make the problems worse.

COMMUNISM AND THE COURTS HAVE WRECKED THE SCHOOLS

The so-called civil rights movement, spawned and led by communists, caused the drive for forced racial integration in public schools, which, in turn, is responsible for violence and turmoil in the schools. Communist subversion, through the SDS, is also responsible, in a more direct way, for much of the disruption in public schools. SDS strives to prepare high school students for communist revolution by corrupting them. One of its means of corruption is circulation of filthy underground newspapers; another is inducing students to adopt hippie hair and clothing styles. Local laws and school regulations could give adequate protection, if it were not for federal courts. Congress has constitutional power to control the federal courts, but will not use it.

MINDLESS POLITICS AND MINDLESS VIOLENCE

Local school districts and state courts—controlled by the same kind of mentality that oversees the federal establishment—have given non-southern communities a taste of what the south has gagged on. And in recent years, federal courts and bureaucrats have begun to do the same. Consequently, people throughout the nation have had enough of forced racial-integration to savor the chaos that results. The mindless violence in and against the public schools is a product of the mindless political agitation which has substituted sociological experimentation for education.

IF M'GUFFEY'S READERS WERE IN OUR SCHOOLS

More than $40 billion a year are spent on public schools, many of which are graduating children who cannot even read. The essentials for educating children are good teachers, comfortable rooms, and good textbooks. These are within the private means of the people, and would produce better education at less cost than expensive equipment and costly frills now produce in politically controlled government schools. The old McGuffey Readers point the way. A sixth-grade child, having been thoroughly drilled in all the work required in McGuffey's primer and six readers, would be better educated than most college graduates today. Throughout the country, people are building private schools that educate their young. We can and must give children the education necessary to preserve our heritage and save our civilization.

LET'S HAVE FREE SCHOOLS

We have the costliest, most elaborate educational system in the history of civilization; yet, it graduates young people who cannot spell, write a correct sentence, work simple arithmetic problems, or read with understanding. The reason is that the public schools, under influence of John Dewey's progressivism and now virtually controlled by federal courts and bureaucrats, have abandoned scholastic excellence and academic discipline, and have adjusted school standards to the lowest common denominator. What we call *free public schools* are *costly government schools,* which are using our children for social experimentation. Government schools are not answerable to parents, but to the dispensers of tax money. The remedy is to abolish government schools, leaving the billions they now cost in the hands of the people, who then have enough money to provide real education for children.

ORVAL L. DuBOIS MADE MARK AS CIVIL SERVANT AT SEC

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. DULSKI. Mr. Speaker, last Friday, a career public servant closed his desk and completed some 40 years of service to the Federal Government.

Orval L. DuBois, secretary, joined the Securities and Exchange Commission upon its creation and has served in exemplary fashion throughout the years as the agency's role developed.

He had started in Government as a clerk-typist and was on the staff of the Federal Trade Commission which was handling securities affairs before the SEC was established in 1934.

Mr. DuBois left the FTC to become secretary to the late James M. Landis who helped write the Securities Act and was one of the original SEC commissioners.

Mr. DuBois soon was named secretary of the Commission and has served in that position for 36 years. Additionally, for the last 28 years he has had the responsibility of serving also as press officer.

HELD IN HIGH ESTEEM

The esteem in which Mr. DuBois is held by present and former members of the Commission is pointed out in the article by Manuel F. Cohen, former SEC Chairman, in the February 21 edition of the Washington Post.

While I have not had direct association with Mr. DuBois, I am informed by many who have worked with him of his great devotion and efficiency at the Commission.

It is interesting to note that he combined the job of Commission secretary with that of press officer to the complete satisfaction of both the Commission members and the press—a feat in itself.

Mr. Speaker, as a part of my remarks I include an article by Sterling F. Green of the Associated Press, as well as the article by Mr. Cohen, both having appeared in the February 21 edition of the Washington Post.

I extend my personal congratulations and appreciation to Mr. DuBois for his long and devoted service to the Federal Government.

The articles follow:

MR. SEC STEPS DOWN AFTER 40 YEARS; ORVAL DuBOIS—CIVIL SERVANT'S CIVIL SERVANT

(By Sterling F. Green)

Orval L. DuBois left the Securities and Exchange Commission Friday. He joined it the day it was created—in fact, even before that—and some people claim he has held it together.

DuBois started in the government 40 years ago as a clerk-typist. He got $120 a month and felt he was lucky. Then President Herbert Hoover cut his pay to $100 a month in a government-wide retrenchment intended to help cure the Great Depression.

But the federal workweek soon was cut to 5½ days. The bright, discreet and hardworking farm boy from Agra, Kan., could hardly believe his good fortune at getting Saturday afternoon off with no further pay cut.

Still bright, discreet and hardworking, Du-

Bois is retiring at age 60 to close one of the most unusual records in the federal career service.

FIRST AT TRADE COMMISSION

A 90-words-a-minute typist and a graduate of the two-year "commercial training course at Grand Island (Neb.) Business College, DuBois passed a civil service exam and came to work in Washington for the Federal Trade Commission.

When the Securities act of 1933 was passed to protect investors—and to protect the securities market itself from any repetition of its own excesses, after the 1929 crash—the New Deal law was administered for a time by the FTC.

Then the SEC set up shop on July 2, 1934. DuBois was there, as secretary to the late James M. Landis, who helped write the securities act and was one of the original SEC commissioners.

He has been the SEC's secretary for 36 years and its press officer for 28. In the latter job he replaced three public relations men. During many of those years he also was the agency's acting chief trial examiner and its liaison officer with Congress. DuBois managed all four jobs with a staff of two—a secretary and a typist.

Along the way he has earned such tribute as the Washington Post's citation: "A civil servant's civil servant."

PLAYED WAR RULE WELL

Yet he never "leaked" or planted stories. Never a word-waster, DuBois could handle telephone calls from reporters while sitting in meetings of the five-man commission, keeping the official minutes. In whispered conversation he would take the inquiry and promise to call back. Then he would dial one of the SEC professional staffers who knew the answer; more whispering; then finally a whispered return call to the newsman.

Misuse of information could mean the gain or loss of fortunes, the sinking or survival of business corporations.

Looking about a decade younger than his real years, DuBois plans a complete retirement. He and his wife Vera, whom he met at Grand Island Business College, will keep the family home in near by Arlington. But they plan much travel and a lot of fishing at a cottage they are building on the Shenandoah River near Luray.

It has been suggested that DuBois could make a handsome income as a business consultant. "Forget it," he says. "I won't have the time."

MODERN-DAY HORATIO ALGER STORY IS RELATED BY GRATEFUL STUDENT

(By Manuel F. Cohen)

Monday night, almost every living present and former member of the Securities and Exchange Commission will be on hand to pay homage to Orval Lee DuBois on the occasion of his retirement as Secretary.

In a sense the saga of Orval DuBois is a modern-day Horatio Alger story, not in the sense of rags to riches but rather the rise from humble position to one of the highest levels of government.

In February of 1931, in the depths of a depression brought on in part by excesses in the securities market, Orval DuBois went to work for the Federal Trade Commission. At a time when male stenographers were the rule rather than the exception, Orval joined the stenographic pool at FTC. He went to work for Baldwin Buckner Bane, director of the newly organized security division of the FTC, to which had been assigned administration of the first federal securities act of general application, the Securities Act of 1933. Not long thereafter, he was assigned to work for another man whose name became a legend in administrative law and in securities law, James Landis, then a commissioner of the Federal Trade Commission.

ON STAFF OF MR. LANDIS

When administration of the securities act was transferred to the newly-created SEC in 1934, Mr. Landis was named a member of that commission and he took Orval with him as his secretary.

It probably is not known to many that the selection of the person as the first chairman of the SEC was the result of some heated discussions among three gentlemen each of whom was persuaded that he should be and was intended to be the chairman of the SEC. (At that time and until 1950 the commission elected its chairman.) Orval has told me that upon the creation of the commission a stormy discussion took place among Joseph Kennedy, Ferdinand Pecora and James Landis. Eventually, Kennedy became the first chairman.

Orval has never told me what went on behind those closed doors or whether the President intervened. But that was not the last time there was a hassle within the Commission concerning selection of the Chairman.

A similar incident occurred during the Truman administration. At that time the argument raged for at least two days. The President's advice was sought. My understanding is that he indicated it was the decision of the Commission to choose the chairman.

WAS SIXTH COMMISSIONER

But this story is supposed to be about Orval. As one who learned the lore as well as the law at the feet of Orval L. DuBois, I can only describe his role at the Commission as that of a sixth Commissioner, a Commissioner who brought continuity to the work of the Commission and perhaps more important the dedication of a civil servant devoted to his colleagues; to the public policies which were behind the statutes administered by the commission; and to his colleagues on the staff and on the commission itself.

His memory was always phenomenal. He prevented many including me on many occasions from committing grievous error. He was the greatest advocate of the Commission. In many ways he was the SEC's most important enforcement person because he established a relationship with the press which was warm and trusting on both sides.

It is fitting, therefore, that the party honoring. Orval L. DuBois Monday night will take place at the Press Club to which he has belonged for many years.

In my opinion, the American investing public owes Orval Lee DuBois a great vote of thanks and on behalf of that public I hereby express our gratitude for his great devotion and untiring efforts over a 40-year period.

NEW VOLUME ON JUSTICE HOLMES

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. McEWEN. Mr. Speaker, I bring to your attention a recently published book about one of our Nation's greatest jurists, Justice Oliver Wendell Holmes.

The title of the book is "What Gusto," and it contains stories and anecdotes about this most distinguished American. The author of the volume is Harry C. Shriver, former General Counsel to the St. Lawrence Seaway Development Corporation, and now a trial examiner for the Federal Power Commission. Mr. Shriver was the Seaway Corporation's chief legal officer from 1958 to 1962 during the closing period of construction and the beginning of seaway operations.

This book, published by the Fox Hills Press, of Potomac, Md., is the author's third on Justice Holmes.

Stories in the book represent examples of the learning, wit, and wisdom and many facets of the character of Justice Holmes.

REPUBLICAN SPONSORSHIP OF THE CONSUMER PROTECTION ACT OF 1971

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mrs. DWYER. Mr. Speaker, on the opening day of Congress, I introduced H.R. 15, the Consumer Protection Act of 1971. On the same day, Congressman HOLIFIELD, chairman of the Government Operations Committee, and Congressman ROSENTHAL introduced identical bills. This was done in the same spirit of bipartisanship that existed in the last Congress when a similar bill was reported by the Government Operations Committee by a vote of 31 to 4.

Today, I have reintroduced the bill and I am pleased to announce that, to date, I have been joined by an additional 21 of our Republican colleagues. I anticipate having more Republican cosponsors shortly, and I invite our colleagues to consider joining with us in a legislative endeavor which will mean so much to more than 200 million American consumers.

Mr. Speaker, I include herewith the names of the cosponsors: The gentleman from New York (Mr. REID), the gentleman from New York (Mr. WYDLER), the gentleman from California (Mr. MCCLOSKEY), the gentleman from Ohio (Mr. POWELL), the gentleman from New York (Mr. LENT), the gentleman from Ohio (Mr. MINSHALL), the gentleman from Massachusetts (Mr. MORSE), the gentleman from New York (Mr. HALPERN), the gentleman from Vermont (Mr. STAFFORD), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Massachusetts (Mr. CONTE), the gentlewoman from Massachusetts (Mrs. HECKLER), the gentleman from Connecticut (Mr. MCKINNEY), the gentleman from New Jersey (Mr. FORSYTHE), the gentleman from Pennsylvania (Mr. FULTON), the gentleman from New Jersey (Mr. SANDMAN), the gentleman from New Hampshire (Mr. CLEVELAND), the gentleman from New York (Mr. ROBISON), the gentleman from Pennsylvania (Mr. SAYLOR), the gentleman from New Jersey (Mr. WIDNALL), and the gentleman from Wisconsin (Mr. O'KONSKI).

As our colleagues will recall, through an unfortunate set of circumstances, a tie vote in the Rules Committee precluded a rule from being granted on this bill during the closing days of the last Congress. A possible factor in this failure was that a series of amendments worked out by the sponsors of the legislation designed to clarify the committee's intention to safeguard business interests, after the bill was reported, had not been formally incorporated into the bill at the time of its consideration by the Rules

Committee. This has now been corrected through the incorporation of such amendments into H.R. 15.

I am convinced today, as I was in the last Congress, that H.R. 15 is the most effective, reasonable and fair piece of legislation to protect consumers' interests, while safeguarding business interests, that can be enacted into law. Beyond a doubt, it is the most advanced consumer legislative proposal ever reported to the House and there is a compelling need to make it law.

Items currently in the news should convince us of that fact. The very life, health and well-being of the wives, children and relatives of all of us depend upon the sale of safe and reliable products under conditions of economic competition. Yet, in too many cases these conditions are not being met.

Inadequately inspected food products, unsafe and worthless drugs, faulty automobiles and tires, inflammable children's clothes and toys, and dangerous products of all types—these are just a few current examples of products that can impair our health and safety. I need not even discuss the times each of us has been bamboozled or defrauded in our purchases.

The Consumer Protection Act will help to remedy this unfortunate situation. This bill upgrades the consumer office in the White House to a statutory body for the purpose of providing a central, coordinating direction over existing consumer activities in the Federal executive agencies. By this means, Federal consumer policy will be effectively implemented, consumer education advanced, consumer information expanded, and consumer protection made a reality.

The bill also establishes an independent Consumer Protection Agency to provide objective and expert representation of consumers before Federal agencies making decisions which affect their interest; and to assume the duties of the National Commission on Product Safety which did more to get unsafe consumer products off the market than any other unit of Government.

It has been charged in some quarters that this legislation provides unnecessary duplication and unduly burdens the business community. Neither charge is true.

The new agency established by this bill and the present office upgraded by it perform separate, distinct, and unique functions. The only areas where they could possibly duplicate operations would be in the receipt and disposition of consumer complaints, the dissemination of consumer information to the public, and the submission of reports to Congress and the President. In each of these areas, the bill with its amendments restricts these functions to the carefully defined role of each organization.

As for charges that the bill is unfair to business, let me first say that in my 14 years in the House I have seldom seen legislation which is the product of more complete, careful, thorough, and bipartisan consideration than that given to the present bill. Extensive hearings were held. All points of view were considered. Administration officials, representatives of consumer groups and labor organizations, and representatives of business and trade associations were consulted. Every suggestion and every witness was carefully considered and every reasonable effort was made to accommodate the views of all parties, consistent with the objective of protecting consumers.

Second, many provisions were especially included in the bill to safeguard legitimate business interests. In addition, a number of amendments are now incorporated in the bill, as indicated above, which were designed to clarify the committee's intention to protect business interests. Beyond this we must not go, however, or the means to protect consumers would be seriously undermined. It should also be stressed, I believe, that this bill can contribute significantly to safeguarding the interests of reputable businesses and can especially provide a means for enhancing the competitive stature of the small businessman.

I note with interest, Mr. Speaker, that Congressmen ERLENBORN and BROWN of Ohio have also introduced a consumer protection bill. In examining this proposal I was pleased to discover that the sponsors adopted most of the provisions of H.R. 15. Regretfully, however, they did not incorporate certain key features which I believe to be essential if consumer protection is to be a meaningful reality. The most important difference involves the location of the representational functions. While H.R. 15 creates a separate Consumer Protection Agency to represent the interests of consumers before Federal agencies and the courts, the Erlenborn-Brown bill only confers such authority upon a bureau located within the Federal Trade Commission.

Representation is the heart of consumer protection. Time and again, we have witnessed Federal agencies—charged with the duty of safeguarding the consumer's interests in such areas as drugs, food, transportation, cars, toys, clothing, and so forth—failing and failing miserably at times to assume their responsibilities. As a result, H.R. 15 establishes a Consumer Protection Agency—independent of all other Government agencies—to devote its complete, undivided attention to appearing before Federal agencies to speak for the consumer.

By way of contrast, the Erlenborn-Brown bill places this duty upon a bureau which is to be located within and under the direction of the Federal Trade Commission. This would have the effect of downgrading this vital responsibility by placing it within an agency which has many other duties, including some which could pose conflict of interest considerations. The FTC is charged with administering a number of consumer-related programs. It is difficult to see how an effective consumer oversight can be maintained over this agency when the one charged with oversight is placed under the one to be overseen.

In addition, new information has just come to light which supports the provisions of H.R. 15 over the Erlenborn-Brown bill. The President's Council on Executive Reorganization—the Ash Council—has recently announced the results of a comprehensive study it has made of Federal regulatory agencies. The Council has recommended to the President and the President now has under active consideration the proposal to reorganize the FTC by dividing it into two separate units. One would become an antitrust board. The other would be established as an independent Consumer Protection Agency. This point should be emphasized: the President's chief expert advisory body on government organization has recommended the establishment of exactly the same type of consumer protection organization that is created by H.R. 15.

The Erlenborn-Brown bill has also failed to provide other important consumer protection provisions which are contained in H.R. 15. Among these are the apparent failure to confer specific complaint authority upon the Office of Consumer Affairs, the failure to continue the safety functions of the National Commission on Product Safety, the elimination of the requirements that Federal agencies must indicate publicly how their actions are being administered in the public interest, and the elimination of the Consumer Advisory Council which provided the one key means for private citizen participation in consumer protection activities.

Many significant safeguards have been incorporated into H.R. 15, as indicated above, to protect legitimate business interests. Beyond these we must go only with the greatest caution so that the interests of consumers will not be undermined.

Mr. Speaker, the principal responsibility of a legislative body is to exercise sound leadership on the basis of reasoned judgment in tune with the needs and aspirations of our constituents and our society as a whole. While it is self-defeating, even destructive, to act contrary to or in ignorance of these needs and aspirations, it is equally wrong and harmful to fail to act when a clear, compelling need and desire exist among a majority of society to do so. Such is the case today in the area of consumer protection. The consumers of the Nation are becoming increasingly fed up over a failure to be adequately and fairly represented and protected. The time to act is now. I urge every Member to cosponsor this legislation. I ask for early consideration and enactment of the Consumer Protection Act of 1971.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on ever 1,500 American prisoners of war and their families.

How long?

PRESIDENT HAS AMPLE AUTHORITY TO HALT CROSS-FLORIDA BARGE CANAL

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. YOUNG of Florida. Mr. Speaker, the Congress has been barraged in the past 2 weeks with accusations and statements triggered by President Nixon's decision to halt construction of the Cross-Florida Barge Canal, one of the most glaring boondoggles in our recent history.

The assault is part of a slick, high-priced public relations effort aimed at convincing the Congress and the public that the canal will not harm the environment too badly, and the President did not have the power to stop it anyway.

It is time, I believe, that the other side—the side of those who would preserve our great natural resources for this and future generations of Americans—be heard.

First, let me answer the oft-repeated charge that President Nixon usurped his constitutional powers and trod on the rights of Congress in halting the Cross-Florida Barge Canal.

My research reveals that there is ample legal authority for the President's action—not only in opinion by the U.S. Attorney General but in case law as well.

Quite simply, the Congress over the years has appropriated funds to continue construction of the barge canal. Neither the appropriations acts nor the legislation authorizing the canal can be interpreted as directing the executive branch to continue construction.

The appropriations were permissive; they did not mandate that the project be completed. So when faced with the evidence that the project would do irreparable damage to the environment, the President exercised his constitutional power and, acting in the public interest halted the canal.

I feel this was not only his prerogative but also his duty as our Chief Executive.

As we are all aware, it is far from unusual that projects are funded and later either modified or simply allowed to die on executive authority. The Congress must be ever watchful of efforts to erode its powers and authorities—and must be equally alert to preserve executive authority as well if we are to protect the essential separation of powers which has helped make our Nation great.

The Congress has been besieged with dire warnings from some of our colleagues in support of the canal that if the President can do this in Florida, he can cut off public works projects in any State.

So be it.

If a project cannot stand the test of review, if it cannot stand on its merits, if it is definitely adverse to the public good—then it should be discontinued, no matter where it is.

Canal supporters argue that the project must be continued because $50 million in Federal funds already have been spent. Must we continue to throw good money after bad? Must we run in the wrong direction simply because we started off that way? The answers are self evident.

I am delighted to note that the President's action in halting the canal has had one favorable effect on canal supporters—it has finally made conservationists of them. Canal proponents now agree that the Oklawaha River Valley, through which the canal would go, must be preserved for its unique natural beauty and wildlife. Instead, they are pushing for a new route taking the canal away from the Oklawaha.

However, the Council on Environmental Quality, in its interim report on the canal, also recommended against any of the alternative routes suggested by the Corps of Engineers on environmental grounds. There is simply no way to move the canal without severe damage to the environment.

The Council on Environmental Quality also challenged the canal's 1 to 1.4 cost-benefit ratio, noting that 25 percent of the alleged benefits are for reported recreational gains that will not result if the canal is constructed.

The Florida Game and Fresh Water Fish Commission, for example, stated that the previously assumed benefits from fishing and hunting will not be realized throughout the project life of the Cross-Florida Barge Canal.

What, then, are the benefits from a canal stretching 107 miles across the middle of Florida?

The Nation as a whole will not benefit. The canal will not reduce the price of groceries anywhere in America. No one suggests any longer that the canal is needed to protect American shipping from Nazi submarines.

The residents of Florida will not benefit. Nor will the State's coffers since the canal will not generate substantial tax revenues for Florida.

There can be no greater economic benefit to Florida and the Nation than the preservation of my home State's great natural resources.

These bounties are enjoyed by about 6½ million residents, as well as millions of visitors each year.

We owe it to all Americans to support President Nixon in stopping the Cross-Florida Barge Canal. We owe it, ultimately, to ourselves.

BLUNDER AT CHEYENNE MOUNTAIN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. CRANE. Mr. Speaker, many Americans may be familiar with a certain amount of misinformation involving this Nation's nuclear defense system. Some proponents of unilateral disarmament, for instance, are quick to point to some sort of doomsday destruction system which they have seen dramatized in such movies as "Failsafe" or "Dr. Strangelove"—movies in which American nuclear forces were erroneously and irrevocably dispatched against Russia.

When these particular movies hit the screen, and despite governmental reassurances that the sort of disasters they depicted could not occur, there was an outcry that we guard against systems which could trigger automatically an unintended nuclear holocaust.

What disturbs me at present is the response by many persons who regard last weekend's NORAD—North American Air Defense Command—civil defense broadcast error as little more than a humorous and bureaucratic blunder.

The error at Cheyenne Mountain, Colo., where a tape announcing a Presidentially declared state of national emergency was broadcast to television and radio stations across the land, may actually have been a blessing. For the incident underscores the importance of this system's proper functioning as a vital link in America's national defense. The wrong tape alert indicated that our system which warns of a nuclear attack on the United States works fine so long as it is not needed. That is, if the sort of danger for which the warning alert and civil defense radio bands were initiated does not occur, the routine nonfunctioning of the system continues to operate like clockwork.

I am certain that our enemies are busy evaluating all aspects of the blunder at Cheyenne Mountain, and we cannot afford to be less inquisitive. We must guarantee that the civil defense warning system operates properly at all times. For if we do not take the proper corrective measures, our national survival may well be the stakes with which we are gambling.

CLAY RESPONDS TO CRITICISMS ON BLACK BOYCOTT OF THE STATE OF THE UNION ADDRESS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. CLAY. Mr. Speaker, as one of those who participated in the "boycott" of the President's state of the Union address, I feel compelled to rebut the editorial criticisms by segments of the news media. Some newspapers and TV stations mildly disagreed—calling the boycott "immature," "short-sighted" and "negative." Others were more inflammatory in their attacks—calling it "racism in reverse," "ignorant" and "irresponsible."

Editorials of this type, whether willful or not, have the effect of emasculating the black leadership, even for some blacks. And the impressions created in the minds of whites are too frightening to ponder although their best interest would be served by justice and equality for all citizens.

The news media would be well advised to discontinue its calculated policy of trying to create black leaders it approves of—while emasculating black leaders who attack gut issues. Black leaders are determined by the following they generate, not by appeasing the news media. In a frantic almost paranoic attempt to conceal racist attitudes, any black man who agrees with the views of the news media is immediately labeled a "Negro leader." The editorial response of many newspapers and TV stations suggested the black Congressmen bring changes through the legislative process—with 12 votes out of 435. Perhaps, if those same papers and TV stations would dedicate their facilities in an effort to create a climate which would make racism unpopular—black Congressmen might be successful in their efforts to achieve total equality for all. To my knowledge, not one of the mentioned media editorialized against President Nixon for refusing to discuss the grave problems of black America with us. Why?

I am certain that President Nixon knew for a fact that America's news media would not criticize him for refusing us an audience for the purpose of laying the common concerns of black Americans before him from the perspective of black elected officials. It is apparent that his legislative programs thus far indicate he needs such consultation. Block grants, revenue sharing, voting rights revisions are cases in point. How then can our elected representatives be heard?

If we must become "irritants" in order to prick the consciences of all Americans—then "irritants" we must become.

Had the news media reexamined the plight of black Americans, and the frustrations of the hopelessly outnumbered black leaders it would have realized that the "negative act" engaged in by the 12 black Congressmen was the most "positive" step forward taken by any Members thus far in this new Congress.

THE CHOICE IN SOUTHEAST ASIA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. STOKES. Mr. Speaker, I once again rise to express my serious doubts concerning our national policies in Southeast Asia.

These reservations stem initially from what seems unquestionably to be an escalation of U.S. military involvement in Indochina. Within the past 9 months we have invaded the Cambodian sanctuaries, increased our bombing in North Vietnam, and afforded total combat air support to ARVN troops operating in both Cambodia and Laos. Whether these latter actions do or do not violate the Cooper-Church amendment can be argued endlessly. What the Congress must do is amend that law and eliminate disagreement. This is why I have sponsored amendments to Cooper-Church which would specifically prohibit U.S. activity outside Vietnam.

But we should recognize that the most serious aspect of these escalations is the underlying policy which they represent. It is now perfectly clear that while the President may be interested in withdrawing from Indochina, he is more concerned with the political destinies of pro-American governments in that area of the world. We have encouraged and heavily supported South Vietnamese operations aimed, at least in major part, at shoring up friendly regimes in both Phnom Penh and Vientiane.

This is a policy of confusion and failure. If the 1 million man ARVN cannot now protect our withdrawal, they will certainly not be strengthened by forcing major battles and taking heavy casualties throughout Southeast Asia. The President will soon face a choice. We must abandon either our withdrawal plans or our dreams of leaving Indochina firmly in the hands of our supporters. Time is waning. The facade of accomplishing both of these aims cannot last much longer. We must get out soon or confront another interminable and intolerable involvement. That decision should be an easy one.

LETTER FROM CAPTAIN CLACK

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. BLACKBURN. Mr. Speaker, I know that you and the other Members of this body recently received a copy of a letter from John Thomas Clack, captain, U.S. Army, retired. When so many in our land are crying out for peace at the price of surrender, the courage of this young man comes through with a refreshing reassurance that there are some among us who still take great pride in our country and in her endeavors.

As you know from his letter, Captain Clack is a triple amputee having lost both legs and his right arm in Vietnam. I met him at the Veterans' Administration Hospital in Atlanta last fall where he is receiving treatment for his wounds, and I truly believe that there are few people who display the courage in the face of physical handicaps that is displayed by Captain Clack.

In his letter, he makes some pertinent observations regarding current trends in our country as to medical care for our veterans as well as the treatment of some of our military men who have served in Vietnam. I commend his letter to your reading, and I am inserting it in the Congressional Record so that everyone in our country will have the privilege of seeing it. Long after Vietnam has ceased to be a political issue, our country, if it is to survive, will be dependent upon young men of the courage and ideals of Captain Clack.

The letter follows:

Atlanta, Ga., *January 20, 1971.*

Dear Sir: I am writing this letter to you because I care, and I am concerned about what is happening today and feel something needs to be done. I hope to bring several points to your attention, which you may or may not already be aware of.

First, let me explain my situation. I am 23 years old and have been fortunate enough to see a lot in those 23 years. I was wounded May 29, 1969, in Viet Nam, fighting for a just cause. I lost both legs and all of my right arm. I feel no remorse about what I did in Viet Nam, nor do I feel sorry for myself or others in similar situations. I have been in the hospital recovering since that day, and have met some of the greatest people in the world. But it is what is happening outside that needs to be acted upon.

I am very pro-military. In fact, I'm probably "Hawkish" in my ideals; but the military has made a grave mistake. Lt. Calley and his men should not be tried for what they did in Viet Nam. True, Viet Nam is an undeclared war, but our men are being killed over there; and we all know, as long as man exists, fighting will exist; and as long as fighting exists, people are going to be killed. It is a shame that a country as great and resourceful as the United States, has to stoop so low to charge one man with an event in history. Did the United States charge the two men in World War II for dropping atom bombs on Hiroshima and Nagasaki, and killing 66,000 and 39,000 respectively? No!!! So, why single out one man? Why not charge everyone who has fought and killed? The sixth commandment says, "Thou shalt not kill." I sincerely hope more people will speak up and support Lt. Calley and his men.

Another area more people need to be aware of is the Veterans Administrattion Hospitals and other veterans affairs. I have been in the Atlanta VA Hospital for 17 months, and have seen it go from good to better; then drop downward because of deteriorating budget support. Congress passes very beneficial bills which will assist in the recovery of our veterans. However, the money to support these bills is not always made available at the time these bills are passed; therefore, this makes it necessary for the stations to absorb these expenditures from the Primary Fund Allocation. How can a hospital, with money dwindling, but workloads and patient loads increasing, function properly and give the best care. It cannot do this!!!

While the United States keeps building and spreading, it is ignoring those who fight to keep it free. I am not worried about myself, but what about those who are waiting to come to a Veterans Administration Hospital, or those who will be wounded in the future? America's greatest resource is her veterans, so why not give them the best medical care in the best hospital system? It could be that if more influential people cared.

Along that same line, the military is getting short-changed. Earlier, it may have sounded as if I were cutting down the military system, but I was not. True, the military has its faults, but so do all large organizations. It seems as if every year the military gets less and less money for operation and to progress toward the future. Our military has made us what we are. It has defended freedom worldwide, and it is about time the people quit being anti-military and anti-involvement, especially when a people's freedom is at stake. So let us go all out for victory and stay ahead of our foes.

I do hope this letter does not cause any ill-feeling. I do not mean to be disrespectful and accusing to any one person. I am just very "American". My motto is "America, Love It OR Leave It", which I proudly display on both sides of my wheelchair. If I could grow two legs and an arm, I would go back to Viet Nam to fight for freedom; but since I cannot, I will settle for saying what I think and feel.

I do hope this will reach some. Please pass it on down the line. I have sent out 915 copies of this letter in hope that others will speak up. I sent the following number of copies:

President Nixon and Staff	14
United States Senators	100
United States Representatives	438
State Governors	50
State Lieutenant Governors	50
State Service Officers	50
Veterans Administration Facilities	166
Commanding Officers of Military Installations	36
Regional Medical Directors, Veterans Administration	5
WSB, WAGA, WQXI, Atlanta TV Stations	3
The Atlanta Journal and The Atlanta Constitution—Newspapers	2

So, please excuse the duplicated letter! Thank you!

Your truly,

JOHNNY THOMAS CLACK,
Captain USA (Retired.)

FASCELL OCEAN-DUMPING BILLS GAIN SUPPORT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. FASCELL. Mr. Speaker, on Wednesday, February 10, I introduced three bills designed to promote a national and international policy and regulation of ocean dumping. This legislative package includes:

First. A concurrent resolution calling for an international agreement, under the auspices of the 1972 United Nations Conference on the Human Environment, to prohibit dumping in the waters of the world.

Second. A bill requiring an immediate inventory by the Department of Defense of all munitions and chemicals on hand whose retention or ultimate disposal present a potential hazard to mankind or the environment, for the purpose of determining a date and means of disposal to be certified by the Administrator of the Environmental Protection Agency.

Third. A bill providing the Administrator of the Environmental Protection Agency with the final authority within the executive branch for approval of any plan to discharge military or waste material in international waters.

I was very pleased that more than 50 Members joined me in cosponsoring this vital legislation. Today I am introducing all three of the measures with additional cosponsors.

Mr. CASEY of Texas, Mr. RYAN of New York, Mrs. ABZUG of New York, Mr. HANNA of California, Mrs. GRASSO of Connecticut, Mr. DOW of New York, Mr. HATHAWAY of Maine, and Mr. STEELE of Connecticut, are cosponsoring all three of the bills. In addition, Mr. PIKE of New York, Mr. FRENZEL of Minnesota, and Mr. HORTON of New York, are cosponsoring the first and third parts of this legislative package.

Mr. Speaker, I urge our other colleagues to join with the more than 60 Members backing this important attempt to stop the pollution of our oceans.

THE ROLE OF THE LAW AND THE NEW CONSUMERISM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. ROSENTHAL. Mr. Speaker, I was recently privileged to address the Queens County Bar Association on the topic "The Role of the Law and the New Consumerism." As a longtime member of that association, I was honored to respond to the invitation of its President Bernard M. Eiber, Esquire, and its program chairman, Jules J. Haskel, Esquire, to discuss some significant trends in legal education and practice which respond to the growing evidence that our legal system has too long and too exclusively served the interests of those corporate and affluent interests of society and too little and too seldom those of the individual citizen and the poor.

My address, which follows, also cites some specific evidence of this healthy development which is visible in Washington:

THE ROLE OF THE LAWYER AND THE NEW CONSUMERISM

(By Benjamin S. Rosenthal)

In the fall of 1970, 15 law students associated with Ralph Nader, picketed one of the nation's most prestigious law firms, Wilmer, Cutler and Pickering, in Washington, D.C. The students' signs protested that firm's handling of a Los Angeles auto pollution case on behalf of the Automobile Manufacturers Association; their actions suggested the words of Supreme Court Justice Louis Brandeis, 65 years ago. In a speech at Harvard University, Justice Brandeis said: "The leading lawyers of the United States . . . have, to a large extent, allowed themselves to become adjuncts of great corporations and have neglected their obligation to use their powers for protection of the people."

Former Chief Justice, Harlan Fiske Stone, sounded a similar theme when he said: "Before the Bar can function at all as a guardian of the public interests committeed to its care, there must be appraisal and comprehension of the new conditions, and the changed realtionship of the lawyer to his clients, to his professional brethern and to the public. That appraisal must pass largely beyond the petty details of form and manners which have been so largely the subject of our Codes of Ethics, to more fundamental considerations of the way in which our professional activities affect the welfare of a society as a whole."

That quotation, which is printed in the preface to the American Bar Association's "Code of Professional Responsibility and Cannons of Judicial Ethics," is especially relevant at a time when our institutions and political processes are under persistent attack.

Those who criticize our system sound a common theme: the blacks, the feminists, the dissident students, the migratory workers, the angry consumers, and others, give evidence to the determination of people to participate meaningfully in the decisions that affect their lives. The day is over when public policy is established by a handful of Government officials who receive a vague mandate at the polls every two or four or six years; or by Government bureaucrats and corporation managers who receive no mandate at all. The freedom marches and peaceful sit-ins in the early 1960's, the deliberate destruction of food products by militant farmers, the grape workers' strike in California, the supermarket boycotts of the late 60's, all testify to the growing frustrations of citizens over the dehumanization of our political processes and institutions.

THE SIGNS ABOUT US

My purpose tonight is to examine with you the "state of the legal profession" and the role of lawyer as social architect, particularly as that role affects the right of consumers to justice in the marketplace. Quite frankly, there is urgency to my message. For the reality of life as I have seen it, both as a lawyer and a United States Congressman, is that the political and corporate institutions in our Nation—and the public policy they create—have exhausted the patience of great masses of Americans.

The signs are all around us, in the anguish of low income Americans, the frustration of middle Americans, the desperation of elderly Americans, and in the alienation of young Americans. The consequences can also be seen in the decay of our cities, the desolation of our rural areas, the break-down of our medical care programs and in the callous gamesmanship which too often characterizes our free enterprise marketplace.

But I see hopeful signs, too, that the malady is creating its own antibodies. I speak chiefly of young lawyers and law students—the promising new generation of our profession.

Last fall, 40 students from Harvard Law School picketed recruiters from the Wall Street firm of Cravath, Swaine and Moore, on the grounds that the firm defends the apartheid practices of its South African clients; Harvard law students also picketed the University's own law firm, alleging that one of its clients is a West Virginia coal mining company which ignores the health and safety conditions under which its miners work.

The University of Michigan Law School has reported that 26 of its graduates entered Wall Street law firms in 1969 as compared with an average of 75 in preceeding years. Harvard Law School reported that the percentage of its graduates entering private law practice declined from 54% in 1964 to 41% in 1968, with a more significant decline expected. Moreover, one out of every 16 law school graduates in 1969 applied for the VISTA lawyers program and hundreds of law students and recent law graduates have applied to Ralph Nader's Center for the Study of Responsive Law.

I think I understand what these young lawyers are saying. They see that our institutions are failing because the legal profession has not taken seriously its responsibility to serve all segments of society. They are failing because the public and private persons who make the decisions that create public policy must deal in competing ideas—and we, as lawyers, are not representing competing ideas evenhandedly. Our profession, traditionally, has served the "have" and ignored the "have-nots"; and those representing the "have-nots" frequently do so in an inferior fashion.

CORPORATE REPRESENTATION

Public policy is determined like decisions made in a court of law: in an adversary setting—and one set of adversaries is not getting a fair shake. Let's look at whose interests are represented before the three branches of government and in the private sector dominated by corporate America.

What we see, of course, is that with certain rare exceptions, narrow special interests are well represented—and the public interest is not.

If we wish to understand why only these special interests are represented, we need only look to the typical lawyers conception of his role in society. That conception begins with the proposition that the interests of a private client are paramount and only incidentally related to the interests of the public-at-large. Some lawyers may believe that because the adversary system, like the Tango, requires two parties, the other party will necessarily represent the public interest. Others may believe that the public interest is inevitably served by the outcome of any fair legal proceeding. Neither belief is valid.

Given this narrow orientation, "justice" is nothing more or less than success on behalf of a client's cause, even though that cause leads to the perpetuation of bad law or bad public policy.

Whatever their rationale, lawyers for years have salved their consciences with the belief that the defense of indigent criminals fulfills all the requirements one may owe to the public interest. Much progress has indeed been made in securing proper representation for indigent defendants in criminal matters and even, through contingency fee procedures, for private litigants in certain civil matters. But the need to represent the rights of private parties in commercial law has not been similarly recognized. And, in a very real sense, public policy in this country—the totality of the programs and policies of our most important governmental, social and political institutions—is influenced far more by civil than by criminal proceedings.

It is disturbing to me that lawyers have failed to recognize the relationship between these single-minded services to their private clients and the breakdown of our court system, of the marketplace, and of our governmental institutions.

What we have, according to Ralph Nader, is "lawyers who labor for polluters not antipolluters; for sellers, not consumers; for corporations, not citizens; for labor leaders, not rank and file; for, not against, rate increases or weak standards before government agencies; for highway builders, not displaced residents; for agricultural subsidies to the rich but not food stamps for the poor; for preferential business access to government and against equal citizen access to the same government."

BASIC CHANGES NEEDED

To this sad bill of particulars we here could quickly add: For landlords' and not tenants' rights; for "holders-in-due course" and not those who cannot get performance on their contracts; for tax loopholes for business and not tax uses for the public; for "sewer service", not due process of law.

The important question for us tonight, then, is what changes you and I can make in the rules of the game and how we can achieve them.

I respectfully suggest that two basic changes are needed:

First, lawyers themselves must recognize that their activities have a rippling social effect which extend far beyond an individual client's cause;

Second, the institutions which make public policy must be restructured to encourage and take account of public-interest considerations.

I think we are very close to achieving the first change. We are very far away from achieving the second.

One striking example of this heightened social consciousness is the growth of public interest law firms. There is mounting evidence that public interest lawyers are beginning to neutralize the monopoly of private interest firms in Washington, D.C. By my latest count, there are 14 public interest law firms or standing law groups now active in the nation's capital.

There is, for example, the Center for Law and Social Policy which recently obtained a preliminary injunction from the U.S. District Court for the District of Columbia to prevent the Department of the Interior from issuing right-of-way and special-use permits for construction of an 800-mile pipeline across Alaska.

The Center for the Study of Responsive Law successfully petitioned the U.S. Court of Appeals for the District of Columbia for the immediate suspension of registrations for all pesticides containing 2,4,5–T. The Center also successfully petitioned the U.S. District Court for an order requiring the National Highway Safety Bureau of the Department of Transportation to reopen hearings on allegedly defective wheels installed on 200,000 General Motors trucks; last November, DOT ordered General Motors to issue notices of defect for these trucks.

A group of law students working under the direction of a George Washington University Law professor successfully petitioned the Federal Communications Commission to require that free anti-smoking commercials be broadcast by stations that carried cigarette commercials. This group has also convinced the Federal Trade Commission to open most of their proceedings to public interest groups.

The public interest law firm of Boasberg, Granat and Kass filed in court an action which ultimately resulted in a lowering of Interstate Commerce Commission tariff rates for shipments of vegetables and melons from the West coast to the East coast.

PUBLIC INTEREST PROGRAMS

Another Washington public interest law firm, Berlin, Roisman and Kessler, played a major role in getting the Department of Agriculture to lower the fat limitation in hot dogs from 33% to 30%.

In addition, many of the major corporate law firms across the country have now authorized *pro bono* ventures. Arnold and Porter, Washington, D.C.'s second largest law firm, recently launched a public interest program under which all of their lawyers can spend up to 15% of their time on public interest cases.

Hogan and Hartson, the third largest D.C. firm, is getting up a "Community Services Department." Piper and Marbury, a Baltimore, Maryland firm, has announced that it will establish a branch office in ghetto areas to serve the needs of the poor.

We can only hope that this trend toward public interest representation will be continued and even accelerated across the country.

The second major change mentioned earlier—the need to restructure our institutions to accommodate public interest views—is hardly underway.

In the private sector, a few corporations have become more tolerant of consumer legislation which has been proposed in Congress, but opposition is still the normal response of most. My own bill to establish an independent Consumer Protection Agency at the federal level was violently attacked by the chief business groups, as were bills to provide for consumer civil class actions in federal courts in cases of fraudulent or deceptive practices.

It is my judgment that the single most divisive influence in corporate and consumer relations is the Washington-based trade association. It has been my experience during the past four years as Chairman of the Special Consumer Subcommittee of the House Committee on Government Operations that trade associations, particularly those identified as part of the "food lobby", are highly antagonistic to consumer reforms because they service their most conservative and reactionary members. The Chamber of Commerce of the United States, for example, reported to its thousands of members throughout the country that enactment of the Consumer Protection Agency bill would "destroy the free enterprise system." I think that the democratizing of Washington's many trade associations and business group would go a long way toward normalizing relationships between consumer interests and producer interests.

But Congress must also participate in enacting reforms. The first priority, as I see it, is to amend the tax laws which now prevent most public interest groups from substantial lobbying activities. The right to lobby Congress, which is grounded in the First Amendment's guarantees of free speech and right to petition for the redress of grievances, should be extended to representatives of all points of view in our society, including those who represent the public interest.

Section 501(c) of the Internal Revenue Code exempts from federal income taxation organizations which are operated exclusively for religious, charitable, scientific, literary or educational purposes. If the net earnings of such an organization do not benefit any private individual and if "no substantial part of the activities" involve "attempts to influence legislation," then it acquires not only tax exempt status but also the status of an organization to which tax deductible contributions can be made. Suffice it to say, that almost all the public interest groups operating in Washington are dependent on tax deductible contributions and would be loath, therefore, to violate the proscription against substantial lobbying.

On the other hand, a 1962 amendment to the Code allows corporations a deduction, as "ordinary and necessary" business expenses, on the cost of preparing and presenting testimony, statements, or communications before Congress or other legislative bodies on legislation of direct interest to the taxpayer.

INFLUENCING LEGISLATION

What this means, is that the representatives of private enterprise in Washington are permitted to lobby the Congress and deduct the cost of that lobbying on federal tax returns. The inequity is obvious. The special interest representatives of the oil, steel and automobile industries, for example, are permitted to influence legislation where it counts—not at public hearings, but in the back rooms of committees and in Members' offices—with the public footing the bill. But those who lobby for the public are prohibited from this type of activity if they wish to maintain their tax exempt status.

Congress somehow must also regulate—perhaps by public disclosure—the frequent *ex parte* communications between groups interested in influencing legislation and the Members of Congress who pass on that legislation. While the substance of *ex parte* communications should be held confidential, there is no reason to prevent disclosure of the fact that a contact or a communication for the purpose of influencing legislation has been made.

In addition, in order to insure that the consumer's voice is heard before federal agencies which make countless decisions affecting health, safety and economic well-being, I have urged the establishment of a Consumer Protection Agency. Its responsibility would be to serve as a sophisticated advocate for the consumer in Washington—something consumers do not have now.

In fiscal years 1969 and 1970, for example, three federal regulatory agencies—the Federal Power Commission, the Civil Aeronautics Board and the Federal Communications Commission—approved increases in rates and tariffs to private industry in excess of $4 billion. In almost every instance these approvals were rendered without consumers being represented.

I would also urge the enactment of federal class action legislation to permit persons similarly involved in deception and fraud to combine their resources for a single suit. Present federal law gives private citizens no real standing to sue for fraudulent or deceptive marketplace practices, and state laws are often inadequate. But even if private citizens could sue, the damage suffered by any one consumer would not ordinarily be great enough to warrant a costly judicial proceeding. By consolidating numerous claims of consumers injured in substantially the same manner, actions can be economically brought and sound judicial administration promoted.

Finally, let me address myself to reforms needed within the American Bar Association itself.

Last April, I wrote to the President of the American Bar Association regarding a report to Congress critical of a major consumer bill, and submitted by the Special Committee on Consumer Legislation of the ABA's Section on Antitrust Law. This critical report was drafted by a committee composed of members who did not represent the interest of consumers. Moreover, the report was not submitted for approval to the members of the Section, the Board of Governors, the House of Delegates, or other sections of the Association which might have had an interest in the legislation. While I understood that the report did not formally represent a position of the full Association, the impression generally created was that this was the presigious ABA itself speaking.

CORPORATE EXAMPLES

I have since learned that members of that Special Consumer Committee and units of other American Bar Association Sections frequently represent special interest clients who have a substantial economic stake in the reports and recommendations of those Sections. Let me note the 1970 affiliations of the members of ABA's division of Food, Drug and Cosmetic Law of the Section on Corporation, Banking and Business law:

At that time, the Vice-Chairman of the division was General Counsel and Vice President of the manufacturer of Hellman's Mayonnaise, Mazola Corn Oil and other food products; the secretary was Vice President and General Counsel for a major drug manufacturer; the Chairman of the Standing Committee on Food Additives was employed by a manufacturer of food additives and pharmaceuticals; the Chairman of the Food Law Committee was employed by Coca-Cola; the Chairman of the Drug Law Committee was employed by the Pharmaceutical Manufacturers Association; the Chairman of the Committee on Beverage Law was in the legal department of Coca-Cola.

A few additional examples are in order:

The Chairman of the Subcommittee on Regulations Affecting Advertising of the Antitrust Law Section was a partner in a law firm whose clients included the Association of National Advertisers, the Advertising Research Foundation and the Direct Mail Advertising Association.

The Chairman of the Subcommittee on Public Utility and Holding Companies was Executive Vice President of the American Electric Power Service Corporation.

The Chairman of the Aviation Law Committee of the Section on Insurance, Negligence and Compensation was a member of the law firm whose clients included Trans World Airlines.

The Chairman of the Environmental Quality Committee of the same section was in the legal department of Continental Oil Company.

The Chairman of the Communications Committee for that Section was Vice President and General Counsel for the Bell Telephone Company.

It is my judgment that where lawyers serving on Sections of the American Bar Association represent, for profit, special interest groups, groups which might have a stake in decisions and recommendations made by those Sections, an "appearance of impropriety" is inescapable. This is especially true if the fact and nature of a possible conflict of interest are undisclosed.

Moreover, in appointing members to serve on committees, the ABA should take far greater cognizance of the existence of public interest lawyers and legal experts from the academic community. Of the 410 lawyers who were members of consumer-related ABA committees in 1970, only five derived their principal income from the academic community and none, to the best of my knowledge, were members of public interest law firms. Certainly, it would seem to be desirable to utilize the considerable talents of academicians and public interest lawyers whose economic interests are unlikely to be in conflict with the public interest responsibilities of the Bar Association.

Professor Charles Reich of the Yale Law School comes very close to expressing my vision of what the emerging lawyer should be like: "It is important to recognize explicitly that whether he is engaged publicly or privately, the lawyer will no longer be serving merely as the spokesman for others. As the law becomes more and more a determinative force in public and private affairs, the lawyer must carry the responsibilities of his specialized knowledge, and formulate ideas as well as advocate them. In a society where law is a primary force, the lawyer must be a primary, not a secondary, being."

We can be assured that the public interest is being served only when public policy reflects a balance between the wants of the few and the needs of the many. But in the final analysis, individuals control institutions and individuals make public policy. It is individuals, therefore—and, in this society of laws that we have created, lawyers especially—who must ultimately take a private oath to maintain that vital balance between private gain and public good. What we must do, and quickly, is to get "people to the power."

LITHUANIAN INDEPENDENCE DAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WOLFF. Mr. Speaker, earlier this month, Americans of Lithuanian origin and descent—more than 1 million of them—commemorated two very important anniversaries. February 16 marked the 53d anniversary of the establishment of the modern Republic of Lithuania in 1918, and this month also marks the 720th anniversary of the formation of the Lithuanian State, when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

Unlike our own Fourth of July, however, these anniversaries were not occasions for celebration or joy. Rather, they were observed solemnly in recognition of the tragic fact that Lithuania has lost its independence and today survives only as a captive nation behind the Iron Curtain.

During 30 years of Soviet occupation, the Lithuanians have waged an intensive fight for freedom. Despite the fact that the U.S. Government has each year reaffirmed its policy of nonrecognition of Lithuania's forcible incorporation of Lithuania into the Soviet Union, many members of the American public are unaware of the plight of the Lithuanians, and of our Government's official policy.

I therefore hope that the President and the Department of State will take advantage of the observances this month to make a public statement of policy toward the Baltic States. This would do much to increase public awareness of the plight of these captive peoples, and would hopefully lead to increased pressure by the nations of the free world on the Soviet Union. If the pressure of world opinion became strong enough, the day might even come when we could once again truly celebrate the independence of Lithuania and the other captive nations.

REPORT TO NINTH DISTRICT RESIDENTS—FEBRUARY 22, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. HAMILTON. Mr. Speaker, I include the following: The first three reports on the Nation's growing welfare crisis.

WASHINGTON REPORT

(By Congressman Lee Hamilton)

EDITOR'S NOTE: This is the first of three reports on the Nation's growing welfare crisis.

Recent issues of three national news magazines carried lengthy descriptions of the country's growing welfare crisis under ominous headlines which read: "Welfare—The Shame of a Nation." "Welfare: Trying to End the Nightmare," and "Welfare Out of Control."

The welfare system was created by the Congress in 1935 to provide assistance to the "deserving" poor—the aged, blind, disabled and the dependent children of fathers who were dead, absent or disabled. For 35 years, the Nation has limped along with this system. Why—all of a sudden—has it gone out of control and become the shame of the Nation? The answer, in a word, is the exploding numbers of welfare recipients and the staggering cost.

Today, there are some 13.5 million Americans—more than 6 percent of the population—on welfare. Ten years ago, only 6.8 million were on relief. While our population increased by about 13 percent in the last decade, our welfare rolls increased by 94 percent. There are now more persons on relief than at any time since the Great Depression. Equally distressing is the fact that only about half the number of needy Americans who are eligible are on welfare rolls today.

The Nation spent nearly $15 billion on welfare last year, roughly half coming from the Federal government and the remainder from State and local governments. Ten years ago, the Nation's welfare bill was $4 billion. Looking to the future, many experts anticipate that nearly 8 percent of our population will be on welfare by 1975, pushing the total annual expenditure to $25 billion.

Under the present system, welfare funds are earmarked for six basic programs: Medicaid, Old Age Assistance, Aid to the Blind, Aid to the Permanent and Totally Disabled, and General Assistance, a locally-allocated catch-all category. At the heart of the welfare crisis today, however, is the Aid for Dependent Children (AFDC) program, which has literally exploded while the other categories of assistance have remained relatively stable within our population growth.

In the last 10 years, the number of people on AFDC has risen from slightly more than 3 million to 9.5 million. The cost has skyrocketed from slightly more than $1 billion to nearly $5 billion—about a third of all welfare expenditures. Seven out of every 10 welfare cases are now AFDC cases, and they are increasing at an accelerating rate. Four out of every five families receiving AFDC benefits are fatherless through death, divorce, desertion, or illegitimacy.

The reasons for the burgeoning AFDC rolls are many and varied, but the major causes seem to be:

1. Eligibility Rules Have Been Liberalized. Recent Federal court decisions have abolished the one-year residency requirements for welfare, ruled that a stepfather no longer is responsible for his stepchildren unless they have been adopted, refused to allow assistance to be cut off because of a non-related male in the house, invalidated the "unsuitable home" provision for shutting off benefits.

2. Change in Economic Conditions. Rising unemployment rates have caused many formerly employed persons to go on welfare rolls because of layoffs.

3. Changes in Values. Welfare is losing its stigma and being considered a "right" of the poor. Increased divorce rates among all classes has been a fact in putting many mothers on welfare rolls. Changing attitudes toward religion, sex and illegitimacy also have had an effect.

4. New Activist Programs. Increased efforts by welfare rights groups have made growing numbers aware of the availability of welfare and have helped to form an increasing vocal force for benefit improvements.

5. New Regulations. New regulations by the Department of Health, Education, and Welfare now permit AFDC mothers to disregard the first $30, plus work-related expenses and one-third of the balance of net income without benefit reductions. Other regulations have increased benefits to reflect cost-of-living increases, and require action on welfare applicants within 30 days of the date of application, which has added to administrative costs.

NEXT: Facts and myths about the welfare system.

ANOTHER FIRST FOR JULIA

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. SIKES. Mr. Speaker, one of the ablest and most admired Members of the House is our distinguished colleague from Washington, Mrs. JULIA BUTLER HANSEN. As a member of the House Appropriations Committee and a subcommittee chairman, she has added significantly to her laurels as a Congresswoman. I take pride in the fact that Mrs. HANSEN has been named a member of the Military Construction Subcommittee, of which I have the honor to be chairman. This subcommittee, with its great impact on the future and permanence of America's military base complex, has a singular opportunity to bring modernization to the country's military installations. In particular are we interested in military housing with its important bearing on morale and retention in the services. The Bremerton Sun, published in Mrs. HANSEN's home State, has commented effectively on the subject of Mrs. HANSEN's service. I am pleased to insert it in the CONGRESSIONAL RECORD:

ANOTHER FIRST FOR JULIA

Washington's Congresswoman Julia Butler Hansen has added another first to her impressive legislative record: She has been named the first woman to serve on the Military Construction Subcommittee of the House Appropriations Committee.

The appointment was announced yesterday in Washington, D.C., and Mrs. Hansen said she was "Delighted to be named to a subcommittee with such important bearing on the affairs of western Washington and especially Kitsap County."

The committee concerns itself with all kinds of military construction including: ships, shore installations and housing for the Navy.

Rep. Hansen said she "always has one eye on Kitsap County and I'm always interested in the Navy. One of my major efforts now will be to get our sea defenses into proper order."

Mrs. Hansen is the second woman ever to be appointed to the House Appropriations Committee and she was the first woman to be named chairman of an Appropriations subcommittee, that of Interior and Related Agencies. To be named to the Military Construction Subcommittee, she relinquished her membership on the Foreign Operations Subcommittee.

Mrs. Hansen was elected to the Congress 10 years ago after service of more than 20 years in the Washington House of Representatives.

APOLLO 14

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. TEAGUE of Texas. Mr. Speaker, a recent editorial in Aviation Week by Mr. Robert Hotz, reviews the outstanding accomplishments of the Apollo 14 mission and compares it with the recent Soviet space efforts. As the Congress and the Nation prepares to review the future of our national space program, I believe that Mr. Hotz' editorial provides insight into the significance of our space effort and the need for an aggressive and productive program in the 1970's. The editorial follows:

APOLLO 14

(By Robert Hotz)

The successful manned lunar landing mission of Apollo 14 accomplished many things. Among them are:

Validation of the Apollo system hardware which now has logged six out of seven successful missions on its lunar explorations. The relatively minor glitches that developed during Apollo 14 did not prevent any essential achievement of the mission. With the background of the major crisis and long emergency return to earth of Apollo 13, everybody's heart naturally skipped a bit when each new glitch appeared during the Apollo 14 mission.

Further evidence of the superiority of manned space exploration over remotely controlled robots. The three Apollo 14 astronauts produced more useful data on the lunar environment than all of the U.S. and USSR robots that have landed on the moon.

Heartening evidence that stout-hearted middleaged men can still do more than hold their own in strenuous activity. The performance of 47-year-old Alan B. Shepard, Jr., on Apollo 14 combined with the heroics of 43-year-old George Blanda on the professional football guidirons, the rugged play of 42-year-old Gordie Howe, the National Hockey League's all-time leading scorer who is still denting the net regularly, and the knuckleball relief pitching of 41-year-old Hoyt Wilhelm provided a fine spiritual lift for those hard-pressed breadwinners in that age group that have had a little more than their fill lately of crass youth.

The national space program, and, indeed, the whole U.S. aerospace complex, badly needed another demonstration of its basic technical competence that Apollo 14 provided in contrast to the steady spate of sad management news that has monopolized the headlines for so many months. It should again remind all Americans and particularly their political leaders that this nation has a unique and vital asset in its aerospace technology as solid and valuable as coal, oil, gold or any other natural resource. It should remind them that continuation of the poor management of this vital resource from the top down will produce economic disaster and national infirmity.

We emphasize again that Apollo cost just half of its original estimates principally because it was pushed hard with adequate funding forthcoming to support the maximum technical pace. It was not stretched, delayed and finally canceled as so many other programs of great technical promise have suffered. It is axiomatic in technical development that every dollar cut by program stretch-outs at key development stages simply adds three dollars farther down the line. This is how false economy has inflated so many technical development programs to a fiscal bloat that has invited cancellation as the only cure.

Apollo 14 also demonstrated the steadily expanding capabilities for scientific exploration available from its now thoroughly flight-tested spacecraft and equipment. The scientific achievements of the Apollo 14 mission—both on the lunar surface and in weightless experiments on the return voyage to earth—probably will exceed the accomplishments of both previous lunar landings combined. This is simply because once the feasibility of the lunar landing was demonstrated and the reliability of its equipment proven, the emphasis could be shifted from flight testing to scientific accomplishment.

It was hard for anybody long familiar with the flight test cycle of new aircraft to understand the spoiled-child petulance of so many otherwise mature scientists over the character of the early Apollo missions. We hope that they now understand that the flight hardware has to be proved first before it can be adequately utilized for its primary mission of scientific exploration.

The Soviets were also a bit miffed over the success of Apollo 14. Their propaganda mill dropped all pretense of the spirit of international goodwill that was the official party line on Apollo 11. The fact that the United States has now landed three crews of astronauts on the moon, where they performed incredible scientific research and planted equipment to continue these experiments, has scaled the Soviet lunar robot program down to its proper perspective. The simple fact is the Soviets are forced to conduct their lunar exploration with these remotely controlled, minimal-data-yielding devices because they do not yet have the capability of putting men and equipment on the moon and returning them to earth. The Moscow press commentary on the Apollo 14 mission was sour and denigrating and once again emphasized that neither accuracy nor the human spirit have much value in the Soviet system.

Apollo 14 also demonstrated that man still has much to learn about the moon. Even with the ability to land in relatively rough areas and to extend useful working time on the moon, the experience of the Apollo 14 duo in the Fra Mauro area indicates that better new equipment is needed to extend the range and accuracy of their explorations. And once the various typical areas of the lunar surface are reached it is obvious that vehicles with payloads much larger than Apollo will be required to haul the equipment needed to establish permanent scientific working stations on the lunar surface. For not until that is accomplished will man really begin to reap the full harvest of knowledge from his lunar capabilities.

CONGRESS MUST END RUSSIAN MONOPOLY OF WORLD CHROME MARKET

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. COLLINS of Texas. Mr. Speaker, I have introduced a bill today that gives Congress the opportunity to stop a gross mistake in our country's foreign policy. The cries of protest that this error should provoke have been muffled in stacks of bureaucratic papers and reports. Yet, when this issue is brought into focus, the glaring error in judgment is magnified and we must demand a return to practical commonsense in this phase of our foreign policy:

First. Are you aware that the United States is cutting itself off from a vital strategic material, chromium, through its economic sanctions against Rhodesia?

Second. Are you aware that we are dependent on Russia for 60 percent of our supply of this strategic material?

Third. Are you aware that the Office of Emergency Preparedness is preparing to ask you, in this session of Congress to release 30 percent of our chromium for the Nation's strategic material stockpile in order to meet the demand for this vital metal? At this rate our stockpile will be completely depleted in just 3 years.

You may wonder why chrome ore is so important. Chromium is essential in the production of our military jet aircraft, missiles, and satellites. Commercially, chromium is the ingredient that makes stainless steel "stainless." Therefore, it is essential in the production of everything from industrial tools, to automobiles, to home construction, to kitchen items, and to multiple other areas.

Let us compare the statistics on chrome ore before the embargo went into effect. According to the U.S. Bureau of Mines, Rhodesia supplied us with 37 percent of our total chromium import prior to the sanctions. At the same time Russia was supplying us with 27 percent of our chromium at a healthy competitive price of about $30 to $33 a ton. At this time, there was no shortage of this strategic metal. Russia had bought her way into our market by the good capitalistic method of pricing her chrome at slightly below Rhodesia's price.

But when the United Nations, with the compliance of our Government, put economic sanctions against Rhodesia, look at what happened in the free market. American-owned chrome-producing mines in Rhodesia became semidormant. I was interested to discover that the two largest chrome mines in Rhodesia were owned by American companies. Any profits were accruing to Americans. But with the economic sanctions we began channeling the same money that had gone to these American firms into the hands of the Russians. We do business with the Russians who are the major material support for our enemies in Vietnam. Hence, the United States is in the uncomfortable position of having to rely upon the Soviet Union for more than 60 percent of its chrome requirements.

What is more, the Soviets, taking advantage of the stranglehold they have on us, have skyrocketed the price of the ore to almost three times the presanction costs. Russia's presanction prices were lower than Rhodesia's. Today, we pay Russia approximately $28,000,000 a year when we could be receiving the same amount from American firms in Rhodesia for approximately $17,000,000. One American company which buys from Russia reports that it has been forced to accept 1 ton of substandard ore for every ton of high-grade ore purchased.

Understandably enough, the State Department has realized this embarrassing situation and has now quietly recommended to Congress that we supply the deficit in our need for chromium from our emergency stockpile instead of becoming more dependent on Russia. If our rate of dependency on Russian sources continues to increase as it has so far, in a few short years we would be 95 percent dependent on Russia for this strategic material.

To become this dependent on Russia is bad enough but let us take a look at the alternative offered by the OEP. We retain our 60 percent dependence on Russia without increasing it. At the same time we take 30 percent chromium ore out of our stockpile on an annual basis. In 3 short years our stockpile is depleted and if the Russians cut off our supply, we are left with extremely inadequate sources of import, with no reserves in our stockpile, and with no more stainless steel. I am assuming that this is in time of peace. In the case of a national emergency, I do not need to tell you how crucial this would be.

To bring the issue more sharply into focus, let us listen to the warning of a past Deputy Director of the Office of Emergency Preparedness, Mr. Fred Fussell, in his testimony before the Digg's committee on October 31, 1969. Mr. Russell said:

> Further sales from the stockpile would only serve the need for the relatively short time it would take to exhaust the stockpile excess. Assuming that the U.S.S.R. would continue to ship chrome ore to the United States at the present level indefinitely, realizing that the other known amounts of chromium ore elsewhere in the world gradually are becoming exhausted, and knowing that the United States chrome ore needs are increasing each year, there is no way to see the chromium ore needs of the United States being met without chromium ore from Rhodesia.

Let us review a few other curious facts. Communist China imports no chromium ore from the U.S.S.R. I quote from a London Times article entitled, "Who Buys Rhodesia's Chrome?":

> It has been going to Communist China. Because she is not a member of the U.N., China is not bound by the resolution. Peking Radio calls Rhodesians "fascists aggressors" but Peking buys Rhodesia's chromium. China uses it in her defense industries and it may well have accelerated her progress towards becoming a nuclear power.

Another curious incident is to be found in the case of the Japanese, who, like the United States, support the U.N. trade sanctions against Rhodesia. Japan has substantially reduced her chrome imports from Russia but has moved ahead of the United States in her production of stainless steel. Is Japan buying Rhodesian chrome?

Our last startling fact is that the U.S.S.R. is self-sufficient in 29 major industrial raw materials whereas the United States is only self-sufficient in 10. The more dependent we become on Russia for our resources, the more vulnerable becomes our national security. We must not be blind to the fact that this fits right into the Russian General Logarskij's theory in his book, "Strategy and Economics," in which he expounds his "weak-link commodity" theory. This theory explicitly calls for Russia to develop strategic material markets until other countries slowly develop a weak link in their own supply line thus becoming completely dependent on Russia. We are doing just this and handing Russia a powerful weapon.

Congress is the only governmental body that can change this state of affairs. It is obvious that the State Department must place the needs of the United States uppermost, and no longer continue to weaken our national security. Why we should try to hurt the small country of Rhodesia and help Russia is beyond my comprehension. And at the same time we are seriously impairing our national economy.

Gentlemen, the issue is quite clear. Will the United States buy chrome so as to profit Russia, or will we buy chrome so as to build national security for the United States?

POSTAL REFORM

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. MOLLOHAN. Mr. Speaker, when the Postal Reform and Reorganization Act was passed last year, there were many of use who shared some hope that this would give the Post Office the flexibility and opportunity to improve the mail service.

Unfortunately, there is little appearance that this is being done. Before the reorganization, the northern panhandle of West Virginia was plagued by a practice in selecting a city in every State to which mail was directed as a center point. In the case of West Virginia, the mail was sent to Charleston, and then redirected to Wheeling from there rather than being sent directly to Pittsburgh which had been previously done. Wheeling and Weirton, W. Va., are much closer to Pittsburgh and our roads between these cities are better than the transportation between Wheeling and Weirton and Charleston.

This has accounted for a rather uniform 1-day delay on all mail coming from the East. The other problem that has plagued us is the very slow service in the large city centers of the East, particularly New York City.

Combined, these two practices, the slow and inefficient work in the East, and the insistence on using State rather than regional distribution points, have had substantial impact on mail service in northern West Virginia.

It is my hope that the Post Office will reexamine these practices. It is my hope that in this reexamination, they will be willing to institute new methods where they will serve to deliver the mail more efficiently.

For, Mr. Speaker, this was the purpose of reorganizing the Post Office. The people of the United States have grown weary of paying more and receiving less from the post office, and justifiably so, for there is no doubt that they are not receiving the quality of service they had received in the past.

I will, at this point, insert a news article and an editorial from the Wheeling News Register which document the case I have just presented. The news article appeared in the February 15 edition of the paper, and the editorial appeared 2 days later on February 17:

Mail Late? Don't Blame City Post Office

(By Charles Callaway)

It can happen to anybody.

You are in your home or your place of business when the postman delivers your mail.

The first letter, sent by first class mail, that you open may be dated as having been written four, five, even six days ago.

The first reaction you may have is: "Has the post office gone back to the days of the Pony Express?"

Or: "What have the boys been doing down at our post office? Are they playing chess instead of sorting mail?"

Before you fly off the handle the next time this happens to you, take a look at the postmark on the letter.

The chances are it has been on its way from New York or some other city for three, four or even five days.

A News-Register investigation shows the fault does not lie in the Wheeling Post Office.

First class mail coming into the Wheeling Post Office today is delivered no later than tomorrow. That's a requirement of law and it is lived up to.

The trouble is a breakdown in service somewhere along the line before your letter reaches Wheeling. More about that later.

First, the News-Register made a random survey to hear what heavy mail-users think about the postal service. The answers varied.

At Horne's, Fred Horne said the service "hasn't been what it used to be. It takes us much longer to get mail from other cities into Wheeling."

He said his firm has found it takes from three to six days to receive mail from New York. "You pay more and you get less and they still want to raise the rates," he said. "It's ridiculous!" he exclaimed.

On the other hand, Frank Cerutti, manager of King's Jewelry, said "we really haven't had too many problems."

He said the store receives two deliveries a day as do other business houses in the business district. "The New York mail is all right. We order things and get them in two or three days. I think that is pretty good. Only in a rare case is there a delay."

He left the interview for a moment to find the store's copy of the previous day's Wall Street Journal. It had arrived at 10:30 a.m. that day. "I would say we have no complaints," the manager said.

Rudy Roth, who is in charge of the mailing department at Wheeling-Pittsburgh Steel Corp.'s Wheeling office said that, while he believes the federal setup of having mail from Pittsburgh go to Charleston and then sent back to Wheeling causes some delays, "we have what I consider normal service. We have got used to it. If something comes up that is out of line we make a call and it is straightened out quickly."

Roth, who is chairman of the Upper Ohio Valley Mail Users Council, says few complaints about service have been received from the members representing business and industry.

"I'm really amazed sometimes when I hear people tell how long it takes them to receive mail. I don't know what the story is."

He sorted through mail received that day and found out that letters mailed two days before had been received from such places as New York, Atlanta, Houston, Kansas City, Indianapolis, Richmond, South Hampton, Buffalo, Dayton and Chicago. "And all of them had been mailed in the evening after the close of the business day," he said. He even found mail that had been delivered in one day from Louisville and Columbus. "There is such a thing as overnight service," he commented.

Robert Levenson, president of Reichart's Furniture Co., said slow mail service is being encountered "all over the country."

"Some times we get very good service, while at other times it is bad," he said.

Levenson said he believes part of the trouble lies in other cities where "hard core" unemployed are being employed in post offices.

"I don't think our problem is the local post office," he said. "I think we have one of the best post offices in America."

Minter Bliss, head of the sales and merchandising department of Stone & Thomas said, "We don't have any more problems than in years past with first class mail." He said it takes about three days to receive a letter from New York.

"It has been that way for some time," he said.

Bliss said the handling of promotional mail by the post office "has been generally good. We have a feeling that the post office staff are very desirous of pleasing us if we have problems. They are very cooperative."

Bliss said Stone & Thomas would be happier if there were air freight service coming into Wheeling. He said the lack of fast air service in delivering special orders from New York and other cities hampers the store in giving top service to its customers at times.

At the Post Office, the last stop in the investigation, it didn't take Postmaster George Fahey long to reach the subject of Wheeling's lack of air service.

He winced when he said "we have air mail letters received here all day long and they don't go out of here until 9 o'clock at night." That's when a contract truck takes the day's receipt of airmail to Pittsburgh. When it leaves that city is questionable—probably some time the following day.

Fahey quickly pointed out that the Post Office Department is not responsible for the delay in air mail letters leaving here, or arriving here. There is no longer airline mail service coming into the Wheeling-Ohio County Airport.

But other than that, the Wheeling Post Office is a well-coordinated team effort to sort the mail quickly and get it on its way not only to residents in the city but to all other post offices in the Northern Panhandle.

Wheeling's Post Office is one of 15 sectional centers in West Virginia.

It is fed incoming mail primarily from the Charleston Post Office, a National Transportation Center.

It serves West Virginia and recently was rated the top center in the Washington-Baltimore Region.

Wheeling's Post Office is buzzing with activity early in the morning while the city sleeps.

About 2:30 a.m. a load of mail comes in from Pittsburgh carrying mail from points in Pennsylvania and contiguous states.

But somewhat later the "big load" comes in on a tractor-trailer carrying Panhadle mail received in Charleston and processed there at the rate of 360 first class letters a minute through a bank of machines that can outdistance human hands by many minutes—and minutes are what count in this profession.

When the big loads of mail are dumped out on sorting tables at the post office the "unknown" men hidden in the rear reaches of the building quickly go into action. They are the clerks who with sure hands and almost infallible memories begin putting the letters exactly where they should go. This is done at the top possible human speed because trucks are waiting at the docks.

Those trucks are driven up or down the Valley, their drivers seeing to it that the mail is delivered on time at post offices from Newell in the northern tip of the Panhandle to Proctor, just south of the Mason-Dixon line.

But, as Fahey and Superintendent of Mails Virgil Thompson admit, there are letters coming in here that were postmarked in some other city four, even five days earlier.

"There had to be a breakdown in service somewhere," said Fahey, and Thompson nodded in agreement.

Thompson put his finger on several possible causes.

"Some of the bigger offices haven't had the space or the money with which to expand to take care of the heavier volume of mail that has come about over the years. He pointed to the outmoded conditions in Chicago where mail is handled in a building about 12 stories high. The mail often has to be kept running back and forth between floors before it is finally processed.

"We don't have that problem," said Thompson, a 25-year veteran. Wheeling's modern post office at Twenty-fifth and Chapline streets is on one floor and is laid out for top efficiency.

Jammed-up traffic in New York plus a terrific turnover in personnel are contributory factors to slow mail in that city, the local officials believe.

The manpower problem in New York where postal workers receive less pay than garbage men is complicated by an average of 300 absentees a day for one reason or another.

New York is not alone. Postal workers don't last long on temporary jobs in California. They leave for greener pastures at a high rate—and the mail lies unattended. The turnover is 40 per cent a year in California.

Fahey doesn't have that problem. The turnover here is about three persons per year.

"These people are dedicated," the postmaster said of the workers who sort the mail and deliver it. "It's a team, all right. When one does the job right it is a pat on the back for all of us."

Then he added, "When a goofup occurs, it's a black eye for all of us."

Why the Slow Mail Service?

Trying to find the reason for slow mail service here is not the easiest assignment a newsman can draw. News-Register Reporter Charles Callaway was the latest newsman to get this frustrating assignment and he turned up the usual reasons given to explain why it sometimes takes five days to get a letter from New York or Chicago to Wheeling.

For example, much of the mail coming into Pittsburgh for our area first is sent to Charleston where the post office has been designated a National Transportation Center. Then it is hauled into Wheeling on a tractor-trailer where it is sorted for distribution to other post offices throughout the Northern Panhandle. Postal officials may argue that this is a more efficient operation but the trip from Pittsburgh to Charleston and back to Wheeling from our experience hasn't worked satisfactorily.

Other reasons for the breakdown in mail delivery service here as learned by Reporter Callaway include traffic jams in New York, outmoded post office conditions in Chicago and other cities, terrific turnover in personnel in the big city post office and high rates of absenteeism among postal employees in the larger cities.

Reporter Callaway did agree that his investigation showed that Wheeling's post office is not to blame for tardy mail delivery. He watched the postal employees at work here and reported they were very efficient in moving the mail out quickly. He noted also that in Wheeling the turnover of postal employees runs about three persons per year, thus we have the advantage of skilled workers on the job.

If it is any comfort to know, others around the country also are at wits' end trying to figure out what is happening to the mail service. The St. Louis Post-Dispatch bemoaned the other day that it took six days to deliver a letter from St. Louis to Pittsburgh. The newspaper said it is a base canard that mail between that city and Pittsburgh is carried by a little old man on a bicycle.

"We are confident," the Post-Dispatch said, "that Postmaster Blount put our letter aboard a towboat as it passed under the Popular Street Bridge and sped it up the Ohio at 10 miles an hour."

Taking note of the expected rise in postal rates this spring the newspaper said that once Mr. Blount starts getting eight cents instead of six cents for a letter, he is going to investigate reports that faster means of transportation have been developed. We certainly hope so.

REVENUE SHARING ON SHAKY LEGS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, sometimes we in Washington think that we are the only ones who are concerned with complicated national issues, and that our constituents back home do not give much thought to such things as revenue sharing, budget deficits, and similar topics.

Recently, a reporter in my district, in a weekly newspaper column, commented with great insight and perception on the philosophical and financial fallacies in President Nixon's so-called revenue-sharing proposals.

Writing in the weekly Observer Newspaper, reporter Tim Richard analyzed the revenue-sharing idea and concluded that it "rests on a pair of fundamentally shaky legs."

I include a copy of the article in the RECORD at this point, and recommend it to the attention of my colleagues:

REVENUE SHARING ON SHAKY LEGS

The notion behind revenue sharing is a laudable one. The idea is to get more money into the coffers of state and local governments, which after all are closer to the people and satisfy most of our domestic needs.

The case for revenue sharing, however, rests on a pair of fundamentally shaky legs.

First, there's the false theory that the federal government has "pre-empted" the most productive tax of all, the graduated-rate income tax, and that the state-local units are doomed to fall behind because they have less productive sources of revenue.

The truth is that there's nothing in the U.S. Constitution restricting the graduated-rate income tax to federal use. The states and to some extent local units, are perfectly free to adopt it as their legislatures and voters see fit. If they fail to do so, that's not Washington's fault, and Washington shouldn't be accused of hogging all the money.

While this observer shares with the Nixons, the Millikens, the Rockefellers and that crowd that hopes that the state-local units be invigorated and strengthened, I don't think their getting a share of federal revenues is the way to do it.

Indeed, that would be an admission of failure. Revenue sharing would make our states not vigorous solvers of problems, but hollow shells, through which the juices of fiscal life would pass on the way from Capitol Hill.

The states should—and can—put their own houses in order. Michigan got halfway there financially under the 1963 constitution that has enabled us to multiply the aid to universities and local school districts, take many giant steps in mental health, do an impressive job of improving our recreational sources, and even begin granting aid to urban centers and public transportation. The job should be completed.

The second fault with revenue sharing is that it puts the responsibility of collecting the money at one level (the federal) and the fun of spending it at another (the state-local units).

The most fundamental law of economics is that our needs always outstrip our resources, that we never have enough money to do all we need to do, let alone want to do. Imagine the spectacle of state and local officials constantly concocting new schemes for spending it and hollering to Washington to put the squeeze on the taxpayer.

One thinks inevitably of the hippie who has rejected work and capitalism but is always hitting mom and pop for some "bread" so that he can travel across the country to a peace demonstration.

Our state and local units aren't like the unfortunates on ADC. If the state-local units want more tax money, let 'em face the voters themselves.

Those are the big arguments against revenue sharing. There are all sorts of little ones—e.g., it will perpetuate regressive state-local tax patterns, it will probably discriminate against some states (those things always do), and current federal controls on how aid is spent aren't all bad, and so on.

If, when our Vietnam adventure is over, we begin running surpluses at the federal level, we should do what Eisenhower did following the Korean war: cut federal taxes and let the state-local units raise theirs. It's a proven idea, and it won't subvert our entire federal-state-local system of government.

PERU, IND., CIRCUS CITY, U.S.A.

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. HILLIS. Mr. Speaker, a city in my district, Peru, Ind., has long been known as the circus city of our Nation. For years all the major circuses used Peru as their off-season quarters.

Many of the circus performers have become valued residents of this community and add a great deal of useful color to the Miami County town. The arts of acrobatics, juggling, high wire walking, and other skills are commonplace among Peru residents.

This Saturday, at 11 a.m., the National Broadcasting Co., will feature an hour long special on Peru. It is my hope that every Member of Congress will find time to watch this program.

I want to include a letter from John R. Nixon, president of the Peru, Ind., circus city festival and the request that my colleagues take the time to read this letter:

NIXON NEWSPAPERS, INC.,
WASBASH, IND., *February 19, 1971.*

Representative ELWOOD H. HILLIS,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE HILLIS: I write you, Senator Hartke and Senator Bayh as Executive Vice-President of the Peru, Indiana Circus City Festival and as a newspaper man who competes in the normal sense with television.

I am aware of the criticism given to the television industry for some of the industry's shortcomings.

By the same token I am aware of much of the fine work that television does.

I most urgently request that you and your congressional associates take the time to view the NBC program, Circus Town, at 11 a.m. EST, Saturday, February 27. We of Peru and Miami County consider this as television at its very finest.

It is an hour-long story about the amateur Circus City Festival and circus which we stage here each year.

I don't ask you to watch this because it is about Peru or its festival, necessarily, but because it is an extraordinary and extremely accurate capture by NBC of a unique effort undertaken annually by a small community.

I hope this letter might be included in the Congressional Record if it will be a means of encouraging people to see this most constructive effort by NBC.

Sincerely,

JOHN R. NIXON.

TRIUMPH: MANNED SPACE FLIGHTS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. FUQUA. Mr. Speaker, Americans have become somewhat cosmopolitan about their space program. The launchings of our Apollo missions have been fantastic achievements in technology and mark the highest scientific accomplishments in the history of man.

The Evening Star of Washington, D.C., published an editorial on February 10, 1971, which points out most vividly my personal feelings about the value of the manned space flights.

Apollo 13 and Apollo 14 were triumphs of man's ingenuity and his ability to cope with technical problems which would have ended unmanned flights in utter failure.

The editorial follows:

Triumph—The Hard Way

The Apollo 14 moon mission, which ended yesterday with a fiery plunge through the atmosphere and a gentle drop into the South Pacific, will go into the record book as a triumphant vindication of manned space exploration.

Surely it was a triumph. The observations of the moon-workers during their two long lunar outings, the bags of moon matter they collected, the battery of scientific experiments they left in place, will contribute more to man's knowledge about the moon and the earth than all the centuries of theorizing have produced. But it was a triumph made the hard way.

Apollo 14 was a succession of technological failures and mechanical problems adding up to a spectacular man-made success. There was the docking problem on the way to the moon. There was the indication of an electrical problem in the lunar lander, the brief failure of the landing radar, the problem with Alan Shepard's portable radio, the evidence of a slow leak in Edgar Mitchell's moon suit. And there was the final, disappointing pullback short of the Cone Crater rim after a two-hour struggle up the boulder-strewn slopes.

All of those problems, including the turnback from Cone Crater necessitated by the limited oxygen supply, were caused by technological hitches. In every case, disaster was averted and the mission salvaged by human ingenuity, guesswork and luck. The result was the successful completion of the first major scientific exploration of the moon.

The flight of Apollo 14 is certain to rekindle the debate over manned versus unmanned space exploration and over the relative merits of the Russian and the American routes into space. The Soviet Union and the United States seem determined to argue, even when no valid argument exists. The Apollo program has demonstrated, beyond any reasonable doubt, the value of putting man's flexible intelligence on the spot. The small sample of lunar material returned to earth by Lunar 16 and the sporadic automated wanderings of the Lunar 17 vehicle cannot be compared to the wealth of information, material and continuing data gained from a single Apollo landing. The landing by the Soviets of an instrument package on Venus, on the other hand, has provided the only direct knowledge man possesses about the forbidding planets that share the sun with us.

The resolution of the argument is obvious: Both methods are valid. For the present, only the moon is within man's grasp and should be explored for the information it can reveal about the origin of the solar system. The Soviets have demonstrated the practicality of instrumented landings on those regions that still lie beyond man's physical reach. Both countries should continue their work in space. And both should move to end the pointless and expensive rivalry, to begin an era of cooperation so that all knowledge can be hailed in the name of all mankind, to whom it belongs.

SHOE IMPORTS CONTINUE TO INCREASE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. WYMAN. Mr. Speaker, for still another year footwear imports have increased at an alarming rate. The American Footwear Manufacturers Association reports in the following tables that during 1970 shoe imports increased 27.8 percent over the 1969 level.

This unregulated dumping of foreign imports continues to cost American workers their jobs. In my State of New Hampshire first quarter 1970 employment in the shoe and textile industries was down some 4,000, representing a wage loss of over $2 million. And that is just one small State. The loss to the entire country is staggering.

We cannot continue to subsidize dollar-a-day wages abroad at the expense of the livelihood of thousands of American workers and their families. I urge prompt consideration of orderly marketing legislation, such as my bill, H.R. 4276, which passed the House and is similar to the Mills bill of last year but without disc or oil import concessions. The time is approaching when we will have no shoe or textile industries left to protect without reasonable restrictions on imports.

American Footwear Manufacturers Association,
New York, N.Y., February 5, 1971.

Imports: January–December 1970 Nonrubber Footwear Totaled 235 Million Pairs

With 19,730,800 pairs of nonrubber footwear imported into this country in December, the year of 1970 totaled 235,583,600 pairs—a 20.4% increase over 1969. The f.o.b. value of this footwear amounted to $549,140,500 for the year representing a 27.8% increase over last year. At the wholesale level the value was estimated to be worth $889,607,610 which ultimately means that at the retail level the American market absorbed more than $1,779,200,000 worth of nonrubber imported footwear in 1970.

Following is a summary by major types and by principal sources comparing 1970 with 1969.

TYPE OF FOOTWEAR

	1970 (thousand pairs)	1969 (thousand pairs)	Percent change, 1970/1969
Men's, boys' leather	33,463	28,974	+15.5
Men's, boys' vinyl	16,264	9,744	+66.9
Women's, misses' leather	75,941	59,658	+27.3
Women's, misses' vinyl	77,288	70,777	+9.2
Children's, infants' leather	6,743	5,151	+30.9
Children's, infants' vinyl	8,347	8,111	+2.9

MAJOR SOURCES (10 LARGEST)

Italy	80,035	60,535	+32.2
Japan	57,630	63,463	−9.2
Taiwan	40,414	24,320	+66.2
Spain	21,130	20,690	+2.1
Hong Kong	4,562	3,356	+35.9
Mexico	3,836	2,396	+60.1
France	3,061	2,509	+22.0
India	2,921	2,096	+39.4
United Kingdom	2,759	3,117	−11.5
West Germany	2,744	1,923	+42.7

IMPORTS BULLETIN—TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

Type of footwear	December 1970 pairs (thousands)	1970/1969 (percent)	12 months, 1970: Pairs (thousands)	12 months, 1970: Value (thousands)	12 months, 1970: Average value per pair	Percent change, 1970/1969: Pairs	Percent change, 1970/1969: Value
Leather and vinyl, total	18,856.1	+26.2	223,437.4	$531,643.5	$2.38	+19.2	+26.6
Leather, excluding slippers	10,711.2	+45.0	119,640.0	427,535.4	3.57	+24.0	+24.2
Men's, youths', boys'	2,966.5	+34.8	33,463.1	151,493.9	4.53	+15.6	+19.1
Women's, misses'	6,786.5	+46.5	75,941.2	252,661.1	3.33	+27.3	+29.5
Children's, infants'	639.7	+61.9	6,743.1	10,202.8	1.51	+30.9	+24.4
Moccasins	38.4	+11.3	535.9	616.5	1.15	−14.1	−18.1
Other leather (including work and athletic)	280.1	+125.3	2,956.7	12,561.1	4.25	+39.3	−3.1
Slippers	34.1	+107.9	312.7	808.3	2.58	−12.4	+5.3
Vinyl supported uppers	8,110.8	+7.6	103,484.7	103,299.8	1.00	+14.3	+38.1
Men's and boys'	1,330.3	+55.6	16,264.4	21,589.7	1.33	+66.9	+75.6
Women's and misses'	6,109.5	+2.9	77,288.2	73,756.5	.95	+8.9	+32.1
Children's and infants'	596.9	−11.1	8,346.9	6,835.4	.82	+2.9	+18.8
Soft soles	74.1	−0.1	1,585.2	1,118.2	.71	−7.7	+22.3
Other nonrubber types, total	874.7	−0.9	12,146.2	17,497.0	1.44	+46.7	+80.6
Wood	203.9	−36.3	3,891.7	9,958.3	2.56	+155.3	+162.7
Fabric uppers	605.9	+15.4	7,255.6	6,073.3	.84	+23.2	+28.8
Other, not elsewhere specified	64.9	+75.4	998.9	1,465.4	1.47	+15.0	+24.3
Nonrubber footwear, total	19,730.8	+24.7	235,583.6	549,140.5	2.33	+20.4	+27.8
Rubber soled fabric uppers	4,495.2	+35.1	47,806.8	45,097.9	.94	+7.4	+35.8
Grand total, all types	24,226.0	+26.5	283,390.4	591,819.1	2.09	+18.0	+27.9

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquiries to the association, room 302, 342 Madison Avenue, New York, N.Y.

"HUCK" BOYD RECEIVES W. A. WHITE AWARD

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. SEBELIUS. Mr. Speaker, in rural and smalltown America, we are especially aware of the vital role our community newspapers play in providing community leadership, informing the people, and perhaps most important in being the conscience of a community. I am proud to say that in the "Big First" District of Kansas, our editors and news directors not only report the news but are actually a vital part of the community.

Kansas enjoys this kind of "grassroots" journalism at its best. For years, Kansas has had a proud tradition of newspaper editors second to none and exemplified by the famous William Allen White. Mr. White, the editor of the Emporia Gazette, was a smalltown newspaperman whose commonsense and down-to-earth editorials received worldwide attention.

This year, McDill "Huck" Boyd, editor and publisher of the Phillips County Review of Phillipsburg, Kans., received the William Allen White Foundation's Kansas Award for Journalistic Merit. This is an honor held in high esteem by every newspaperman. Huck Boyd is more than worthy of this honor. Like most outstanding newspaper editors, Huck's contributions to his community, his State, and Nation cannot be measured only in newspaper terms. His record of selfless public service stands as an example for the "William Allen Whites" of the future.

As Huck Boyd's friend and admirer, I am most proud to commend the following Associated Press article from the February 10 edition of the Salina Journal to the attention of my colleagues and that it be printed in the Extensions of Remarks:

"HUCK" BOYD RECEIVES W. A. WHITE AWARD

LAWRENCE, KANS.—McDill "Huck" Boyd of Phillipsburg received the William Allen White Foundation's Kansas Award for Journalistic Merit today and was lauded as a man who is "living proof that everyone does not have to go to the city to become successful."

The presentation, at the foundation's meeting held each year on the birthday of the late William Allen White, editor of the Emporia Gazette, was made by Henry B. Jameson, editor and publisher of the Abilene Reflector-Chronicle.

Boyd's mother, Mrs. Mamie Boyd of Mankato, received the foundation's award in 1967.

Boyd is editor and publisher of the Phillips County Review and a member of a family that operates newspapers at eight places in Kansas. He is a Republican national committeeman from Kansas and is a former member and chairman of the Kansas Board of Regents.

Jameson referred to Boyd's "many and varied accomplishments" and described him as a man who is "indeed a credit to the profession of journalism."

"Our citee today is a past president of the Kansas Press Association, has received other newspaper honors and held numerous other high offices," he said.

Jameson recalled that Boyd was named by the Republican national committee to be in charge of the Midwest regional GOP conference at Des Moines a year ago, and added:

"Just last summer, he brought great credit and honor to the United States, and to Kansas, as a lay member delegate to the United Nations Economic and Social Council. This was a presidential appointment, the same chair once held by Mrs. Franklin D. Roosevelt. The council met in Geneva, Switzerland, for a month or more."

Jameson said that while at the meeting, Boyd "did not forget he is a newspaperman, first" and wrote a series of articles on the conference.

"Officials thought they were so good they were then compiled into pamphlet form for further distribution," Jameson said.

Accepting the award, Boyd said he learned a simple creed from his parents—"You worked hard, you paid your bills and you never forget that your newspaper was a show window for your community."

"I have enjoyed my political experience—the disappointments, the failures, the successes," he said. "I am proud of the friends I have made, and do not begrudge one minute of my affliction.

"But in retrospect, I am not too sure that a newspaperman should become this closely involved in politics. It becomes most difficult to remain objective. I can easily see the good points of a Bob Dole or a Jim Pearson (Republican senators) but (Democratic Gov.) Bob Docking's admirable traits are more obscure. I can find many fine things to write about our senators, but acknowledge some difficulty in accepting at face value the Docking version of an inflated state budget.

"I am careful, however, to editorialize on the editorial page, and to treat both parties equally in our news columns."

RESOLUTION OF SAN FRANCISCO LABOR COUNCIL

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. BURTON. Mr. Speaker, recently the San Francisco Labor Council passed a resolution directed to the Congress and I feel that it is important that it be inserted in our RECORD so all Members may be aware of it.

I include the article as follows:

RESOLUTION

Whereas, the time has come for the Labor Movement and all working people to denounce prejudiced conduct and penalties imposed by the courts and by the National Labor Relations Board, and

Whereas, in such situations as the present Independent-Journal labor dispute in San Rafael, the institutions and courts of this country are increasingly being used as partners of management against laboring men and women, their organizations and representatives, and

Whereas, we charge the Superior Court in San Rafael, at the instigation of a reactionary National Labor Relations Board, with interfering with Labor's rights to engage in free speech and to picket and to protest against an evil employer who refuses to accept Labor's offer to mediate or arbitrate an amicable solution to a lengthly dispute, and

Whereas, decent and responsible labor leaders with long records of participation in mediation, conciliation and other means of promoting industrial peace in this San Francisco Bay Area have been sent to jail in an unprecedented demonstration of pro-management bias, and

Whereas, a review of the facts in this case indicate a reprehensible viewpoint on the part of the Judge and the NLRB that we can only believe constitutes anti-labor conducts which must have been militated by conflict of interest

Be it therefore resolved, that the San Francisco Labor Council, in session assembled this 8th day of February, 1971, does call upon the State Bar of California and upon our legislative delegates in the Congress and in the State Legislature to thoroughly examine and evaluate the actions and motives of these purported public servants in their reprehensible activities and demonstrations of anti-labor bias and to initiate needed and necessary corrections.

Adopted by the San Francisco Labor Council at meeting of February 8, 1971.

THE PANTHERS, THE POLICE, AND THE PRESS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. McCLORY. Mr. Speaker, no area of legislation has received more thoughtful and more soul-searching consideration than that affecting civil rights. The tensions which have developed from time to time resulting in militant and sometimes violent action evidence the deep-seated nature of this problem.

Straightforward and honest delineation of the problem is essential. In addition, progress (a) in reducing prejudice and (b) in expanding educational and job opportunities deserves public notice and appropriate coverage by the news media.

The inexcusable disservice to the entire cause of civil rights by the leveling false charges against our Nation's police—and the irresponsible and inflammatory repetition of the false claim that our Nation's police "had shot to death 28 members of the Black Panther Party" require both a full airing and an appropriate repudiation by both the news media and those prominent individuals who have echoed this vicious and false charge.

The informative and responsible editorial which appeared in the Sunday, February 21, issue of the Washington Sunday Star elaborates on this subject and represents the kind of journalistic and leadership soul-searching which must be carried on if true and honest civil rights progress is to be achieved.

I congratulate the editors of the Sunday Star, and I commend to my colleagues and to the people of the Nation this thoughtful and illuminating article which suggests the strong need for responsible and factually accurate reporting. Only in this way can the wounds inflicted during our centuries of racial prejudice be assuaged—and genuine progress toward brotherhood, mutual understanding, and racial equality be achieved.

The editorial follows:

THE PANTHERS, THE POLICE, AND THE PRESS

Rumors are to the newspaperman what weeds are to the farmer.

Unwanted seeds, falling on the fertile soil of preconditioned public opinion, take hold, spread and threaten to choke out the truth. It is the duty of the newsman to identify the falsehood and to uproot it before it becomes firmly implanted. It is a duty that is not always fulfilled. There is, for example, the matter of the Black Panthers and the police vendetta.

On December 4, 1969, the Chicago police staged a pre-dawn raid on the Illinois headquarters of the Black Panther Party in a search, according to their warrant, for illegal weapons. The Panthers' state chairman, Fred Hampton, and a party member, Mark Clark, were shot to death. Four of the seven other Panthers present and one member of the 13-man police raiding party were wounded. Less than a week later, three Panthers were seriously wounded in a similar raid on the Los Angeles headquarters.

The press dutifully reported the facts and quite properly started asking some questions. Was the similarity between the raids a coincidence, or did it indicate a federally orchestrated assault on an organization that preaches race hatred and revolution? Was the gunfire a justified response, or was it an inexcusable use of police power? Had the Panthers, in fact, been marked for extermination?

In the prolonged journalistic debate that followed, one very specific item of information was repeated time and again. The police, it was said, had shot to death 28 members of the Black Panther party. The figure appeared in news stories, columns and editorials, sometimes qualified by attribution to Panther sources, sometimes stated simply as a fact. But, in effect, the press accepted the figure as a fact, contributing to the growing suspicion that the Panthers were the victims of police persecution.

Now we know that the debate was unnecessary, that the figure was a phoney, and that the press as a whole failed in an important part of its job. We know because of an article in The New Yorker, a magazine noted for its wit and its literary quality, written by Edward Jay Epstein, who is teaching fellow at Harvard working for a Ph.D. in political science.

The original source of the figure was readily identifiable. Charles R. Garry, the chief lawyer and frequent spokesman for the Black Panthers, was interviewed shortly after the Chicago and Los Angeles raids. Hampton and Clark, he announced were "in fact the 27th and 28th Panthers murdered by the police" within the year. There was, he said, "a national scheme by various agencies of the government to destroy and commit genocide upon members of the Black Panther Party."

That quotation, Epstein notes, was widely reported. So it should have been. The statements and opinions of a recognized spokesman for the Panthers constituted a legitimate part of a major news story. But within the week, Epstein discovered, two journalistic giants—the New York Times and the Washington Post—had reported that figure as a fact, without attribution or qualification. The first assertion that 28 Panthers had been killed by police during 1969 was, Epstein said, sent by those two newspapers to hundreds of clients of their wire services. Civil rights leaders, on the basis of the stories, took up the cry: Roy Innes of the Congress of Racial Equality demanded an investigation into "the death of 28 Black Panther members"; Whitney Young of the National Urban League spoke of the "nearly 30 Panthers . . . murdered by law-enforcement officials"; Ralph Abernathy of the Southern Christian Leadership Conference talked about "a calculated design of genocide"; Julian Bond of the Georgia State Legislature said that the Panthers "are being decimated by political assassination."

The rumor—or, more properly, the flat misstatement of fact—began to fatten on itself. The newspapers now could quote those civil rights leaders (who were commenting on the press statements), lending still more credence to the picture of wanton police murder and widespread guerrilla warfare in the streets of the inner cities.

There were some attempts to verify the facts and some questioning of the Garry figures, primarily by individual columnists. James J. Kilpatrick, in a column that appeared eight months ago, challenged the Garry figure and suggested that a top investigative reporter should be assigned to digging out the truth.

But no major newspaper, it seems, did what Epstein did. None of us asked Garry just who those 28 victims were. And so none of us found out, as Epstein did, that the Garry indictment was a work of fiction.

When Epstein asked for the names, Garry amended the total number of victims to 20. Of these, 19 were actually members of the Black Panther Party. Nine of these were killed by non-policemen: One by a store owner during a holdup, one by his wife, one died in a shootout with an acquaintance, four were killed by a rival black-militant organization, one—according to three confessions—was tortured and killed by fellow Panthers, one was shot by an unknown gunman using a foreign-made pistol that was not a police weapon.

That leaves 10 Panthers who were, in fact, shot to death by police. Six of these, Epstein's investigation disclosed, were killed by policemen who had been seriously wounded by those they subsequently killed, or by an accomplice. Two were shot after threatening the police with a gun. One was shot while running from the scene of a gun battle in which three policemen were wounded. One—Fred Hampton—was killed in what must, on the basis of the official inquiries into the case, be termed unnecessary, uncontrolled and unjustified police gunfire.

A reading of Epstein's documented indictment of the press led, as might be expected, to a quick check of The Star files. We had, it developed, avoided the obvious trap. The figure of 28 police killings was, in observance of the first law of cautious journalism, always attributed to Garry or to a Panther spokesman. Our first instinct was to congratulate ourselves for being less embarrassed than our competitors on the Post, who ran a forthright editorial last Friday confessing their error. We were technically clean.

But, in this case, technical cleanliness is not enough. The ritual handwashing of attribution may suffice the first time a statement is reported. But when the statement is repeated, as it was in The Star, more than a dozen times over the course of a year, the covering phrases just won't do. The failure to check a statement so shocking in its implications from so obviously biased a source was a cardinal sin of omission. Indeed our own measure of blame is increased by the fact that Kilpatrick, in his column of June 18, had cited many of the facts later verified by Epstein's research—including the conclusion that the Chicago shootout was the only case of suspect police action. Kilpatrick's column appears in The Star, and is distributed by The Star syndicate.

But we failed to take the hint and went on repeating the lie. And the repetition, even with the qualifying cliches, must be counted as a contribution to the climate of uncertainty and fear in a society that was already dangerously divided. It fed the myth that the Panthers are the targets of a police vendetta—a myth that has, with the passage of time, become a fixed part of American thinking, and that has contributed to the distorted picture of the police in the minds of much of this country's youth, both black and white.

Garry has been frank about his role in the affair. He picked the figure 28, he said, because "it seemed to be a safe number." He was, he said, justified in using any figure, however inflated, if it focused attention on even one improper killing of a Panther by police.

Epstein tends to clear Garry of blame for the fiasco. "I think a lawyer has a license to exaggerate," he said. "It's the press that should be suspect of Garry."

Epstein is correct—at least in his condemnation of the press. We should have learned to suspect the casual statistic from the bitter history of Senator Joseph McCarthy, who transformed the numbers game into an impure art.

The charge is justified. The plea is guilty. The pledge is to resharpen the instinct for skepticism that is the first requirement of responsible journalism.

NEW MEXICO'S WINNING ESSAY IN THE VOICE OF DEMOCRACY CONTEST

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. LUJAN. Mr. Speaker, the following is the winning essay in the State of New Mexico in the Voice of Democracy contest sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. It was written by Miss Arlene Brown, a student at Los Alamos High School and I think her essay represents the true spirit of America. We can all be proud of Arlene.

The essay follows:

VOICE OF DEMOCRACY CONTEST BY MISS ARLENE BROWN

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

If you happened to come upon a person, standing on a street corner and holding a petition containing these words, would you sign it? This is exactly what happened in a recent poll taken by a prominent magazine. The results were startling. Of the hundreds of people questioned in the poll, one in fifty agreed to sign the petition. Nineteen called it a Communist plot, three threatened to call the police, four refused to sign, and the rest simply didn't have the time to even read it. I say the results were startling because the so-called petition was, of course, the preamble to our own Declaration of Independence.

Two hundred years ago our "Founding Fathers" fought a war in order to establish a new form of government based on the principles of freedom of speech, freedom of religion, and freedom of the press. In order that this might truly be a government of the people, by the people, and for the people, they laid the foundation for a free education for all citizens. Their philosophy was, in the words of Thomas Jefferson, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." Today, thanks to our universal, free educational system, the United States has one of the highest literacy rates in the world. But just because our citizens can read and write does not necessarily mean that we are educated. The magazine poll shows that.

We here in the United States have inherited the greatest gift of all—freedom. We are free to formulate and express our own opinions about anything and everything. We are also free to express our ignorance, as the magazine poll also shows. Unfortunately, too many of us are perfectly contented with our ignorance and never stop to ask questions. We are like the Scotty in James Thurber's fable, "The Scotty who Knew too Much."

"Several summers ago there was a Scotty who went to the country for a visit. He decided that all the farm dogs were cowards, because they were afraid of a certain animal that had a white stripe down its back. 'I can lick the little animal with the white stripe,' he boasted. 'Show him to me.' 'Don't you want to ask any questions about him?' said the farm dog. 'Naw,' said the Scotty. '*You* ask the questions.'

"So the farm dog took the Scotty into the woods and showed him the white-striped animal and the Scotty closed in on him, growling and slashing. It was all over in a moment and the Scotty lay on his back. When he came to, the Scotty said, 'He threw vitriol, but he never laid a glove on me.'

"A few days later the farm dog told the Scotty there was another animal all the farm dogs were afraid of. 'Lead me to him,' said the Scotty. 'Don't you want to ask any questions about him?' said the farm dog. 'Naw,' said the Scotty . . . and he closed in, leading with his left and exhibiting some mighty fancy footwork. In less than a second the Scotty was flat on his back, and when he woke up the farm dog was pulling quills out of him. 'He pulled a knife on me,' said the Scotty, 'but at least I have learned how you fight out here in the country, and now I am going to beat *you* up.' So he closed in on the farm dog, holding his nose with one front paw to ward off the vitriol and covering his eyes with the other front paw to keep out the knives. The Scotty couldn't see his opponent and he couldn't smell his opponent and he was so badly beaten that he had to be taken back to the city and put in a nursing home.

"Moral: It is better to ask some of the questions than to know all the answers."

We need to apply the same moral to ourselves. We need to ask ourselves a few questions. Why is it that we Americans claim to be educated, but so few of us know anything about our heritage of freedom?

Why is it that of us educated Americans only one in fifty would agree to sign the Declaration of Independence—one of the three documents which guarantees us our heritage of freedom?

Why is it that fewer than one in fifty of us even recognizes the Declaration of Independence when we read it?

And most importantly, what can we Americans, as a nation, do to correct the situation?

Because if we don't correct the situation we'll find ourselves in the same situation as the scotty. That is, we'll be fighting to preserve our heritage of freedom with one hand covering our nose and the other hand covering our eyes. As the scotty found out, it can't be done. Thomas Jefferson's words keep echoing back from the past. "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

VITAL HO TRAIL RIVALS THAT OF GREAT HANNIBAL

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. MINSHALL. Mr. Speaker, Plain Dealer readers are indebted to that outstanding journalist, George J. Barmann, for his consistently excellent reporting, most recently a concise and excellent description of the Ho Chi Minh Trail. He has written one of the best articles I have seen in the public news media on this critical supply artery and I want to share it not only with my colleagues in the Congress but with the widespread readership the RECORD enjoys:

VITAL HO TRAIL RIVALS THAT OF GREAT HANNIBAL

(By George J. Barmann)

In the Second Punic War (218–201 B.C.), between Rome and Carthage, the great general of antiquity, Hannibal, marched his forces up through Spain and crossed the Alps "to arrest the destiny of Rome."

The Romans controlled the sea, and Hannibal decided on the overland route, taking battle elephants across incredibly rough terrain. Imagine the astonishment of the Romans as he suddenly appeared on the plains of northern Italy!

In the war in Indochina (1946 —), the longest war of the 20th century, which involved first France and then, after 1954, America, the North Vietnamese have managed to build a series of amazing jungle routes to supply the fighting in the south.

The United States controlled the sea, and the enemy, who first used a water route, had to abandon it. So the jungle line grew in savage mountain country. When U.S. pilots first discovered it and saw whole columns of trucks rolling south, they were as astounded as those Romans.

"None of the American generals believed the Reds could build this kind of highway undetected in the jungle," a Frenchman said some time ago in Vientieane, the dusty administrative capital of the kingdom of Laos.

"No one knows to this day how they did it," he said. "But there it is."

This is the Ho Chi Minh Trail.

In World War II, there was the Burma Road, over which Allied supplies flowed to China.

Now, in this endless war in Indochina in the panhandle of Laos, a gentle little landlocked country—but a tremendously important little country in Southeast Asia—there is the Ho Chi Minh Trail.

South Vietnamese soldiers, backed by American aircraft, have moved into Laos and, according to reports from Washington and Saigon, have blocked a section of the trail network, cutting off some of the flow of enemy troops and supplies to the south.

It is said that the operation, known as Lam Son 719—the name of an area where the Vietnamese won a decisive victory over the Chinese in the 17th century—involved an estimated 15,000 combat troops from South Vietnam.

The operation in South Vietnam—until it reached the Laos border—involved 9,000 American troops. But Americans have been forbidden to cross that border—the help to Saigon comes from furious U.S. bombing of the trail. By agreement, no foreign troops can cross.

What is this Ho Chi Minh Trail?

First of all, it is not a trail.

It is a network.

It's a trail in the same sense that Lake Erie is a river.

It is a series of roads of mostly dirt, jungle paths, river crossings, bridges, streams, pipelines and tunnels. Some of the roads are gravel surfaced with timber corduroy topping. Width is generally about 10 feet.

A U.S. Air Force officer once described it this way: "It is a spider web and another spider web lying on top of it and another and another."

On a detailed map of this area in Laos, the road network, in the last three years or so, has grown to resemble the Los Angeles freeway system. Except that you don't have signs saying, "Glendale. Next five exits," and it is not so comfortable to ride.

One military man said the trail had absorbed more bombing from the air than Nazi Germany did in World War II.

Still, it's there. In the thick jungle shrouding the red earth. In trackless barely explored country. In mountains that go as high as 6,000 feet. In the rain forests. Under a maze of natural vegetation and clever camouflage.

A few days ago, after troops cut across the trail, the South Vietnamese opened about a mile of it for inspection to western correspondents. It turned out to have painted traffic signs and a lattice work roof covered with camouflaging vegetation.

In places, the newsmen said, the concealment gave the impression of a roof garden.

Part of the system they saw led into three circular supply depots. A sign in red paint on a rough wooden board said, "Dong Ra," an exit. Another sign warned workers not to loiter, but to unload quickly and move on. Another directed them to food and rest.

In one of the searched areas, military spokesmen said, South Vietnamese troops found 2,000 chickens, ducks and cooking pots.

How long the Ho Chi Minh Trail is depends upon who measures it. And measuring it is difficult.

One source said the trail runs 200 to 300 miles and is 30 or more miles wide.

Another put the serviceable network at 1,500 miles, including at least three north-south routes and connecting links.

Still another totals the jungle arteries at 6,000 miles.

An Austrian writer, Kuno Knoebl, in a book called "Victor Charlie," said, without qualification: "The total length of the paths, trails and roads, collectively described as the Ho Chi Minh Trail is greater than 12,500 miles."

He said the trail "runs through a territory that stretches from the Chinese frontier to Cambodia." Of course, the trail was not used nearly so much in the days when the French were fighting there because that war was going on largely in the north.

"It is impossible to control this enormous, almost unpopulated area for long with ground troops," he wrote, "unless whole armies are deployed.

"Paratroopers could seize sections of the trail, destroy them or control them for a while. Yet, a few miles from their area of operations, behind the next mountain ridge or through the next ravine, there is possibly another trail running south, and patrolling forces may not even know of its existence.

"It is impossible to make combat contact with Communist troops on the trail; an attack force could wander for weeks through the jungle without actually coming across a single enemy soldier."

The full extent of this system—which, like the war itself, is constantly shifting—may not be known for some time.

Hanoi operates freely in this mountainous panhandle area of the kingdom of Laos. This area is controlled by the Pathet Lao, which means "Free Laos." The Pathet Lao has been mainly interested in keeping the troops of the Laotian government in check, but the Pathet Lao is a Communist regime and, therefore, works closely with the North Vietnamese.

Laos is in the heart of Southeast Asia. It is the keystone of the entire peninsula.

Laos was carved out of the French Indochina empire. It is small, having a population (there never has been a census) of about 2.5 million. North Vietnam's population is 19 million. South Vietnam is 17 million.

If you look at the map of Southeast Asia you see at once the strategic position of Laos—it borders on every nation of the area:

Burma, China, North Vietnam, Cambodia, South Vietnam and Thailand.

In this country, which is about the size of Britain, the principal cash crop is opium, legal opium. The airlines there, such as they are, have been known collectively, because of their cargo, as "Air Opium." Vientiane has become a bit of a hippie haven recently.

A strange country it is—it doesn't have a single mile of railroad track, but they used gunpowder rockets 300 years before Cape Kennedy. And in Vientiane you can buy French wine in flip-top aluminum cans.

The Ho Chi Minh Trail was named by the French, back in those days when they were still unaware that, figuratively, it was going to take them right back where they came from, Paris.

Ho Chi Minh became the president of North Vietnam. Sometimes he was known as "Uncle Ho." He died in September 1969.

In North Vietnam, the name for the trail is Duong Tuyen Dau, which means "the road to the front."

But whatever they call it, the Ho trail does not show up on standard U.S. military maps of eastern Laos, the Associated Press finds.

Scattered throughout the maze of alternate routes are uncounted depots and transfer points where weapons, ammunition, food and other supplies are unloaded and redistributed for shipment toward the Vietnam border or reloaded for the continuing trip south.

There are also hospitals along the route.

And the North Vietnamese have also built a pipeline of undisclosed length through the mountains from their country into Laos. The line carries oil. About a dozen waterways are used to float barrels and waterproof bags south. Sometimes pilots have fired bursts at these barrels and bags.

At one place, a river crossing, the Reds built a bridge with the roadway a few inches below the surface of the water, making it almost impossible to detect from the air.

Even bomb craters are often utilized by the ingenious North Vietnamese. Supplies are sometimes put into the craters and covered with netting and a thin layer of soil and foliage, another indication of the enemy's masterful use of concealment.

Until recently, according to the AP, major enemy ground units were not needed to defend the mountain trail system. The North Vietnamese positioned hundreds of sophisticated antiaircraft weapons along the ridges, along with radar, and built bunkers as much as 10 feet thick to protect the gunners from U.S. bombs and rockets.

U.S. fighter-bombers roam over the trail and the B52 strategic bombers hammer the entry points from North Vietnam day and night. Supersecret B57 bombers and C119 and C130 gunships, with special electronic equipment to peer through the night skies, range across the trails at night.

A type of sensor device, which is dropped by parachute, registers and records sounds of the movement of people and vehicles—a voice or one footstep. The data are stored and planes fly over and collect the information by electronics and send it to computers in Thailand, which then report on the locations of convoys and troops.

Penetration bombs are dropped on underground fuel lines. Combat aircraft drop mines into the numberous navigable waterways.

Between 300 and 400 combat aircraft have been in action over the trail every day—probably many more now that the South Vietnamese offensive against the trail is under way.

Intelligence sources say North Vietnam has a fleet of about 5,000 trucks. Most of them are Zils, which are Russian; they are similar to the American Ford truck. A single truck rarely makes the full run on the trail. Instead, there is a system of transfers from point to point, with these gray-green trucks, bicycles, oxcarts and human backs all bearing the burdens of war. Even elephants, reminders of Hannibal, are often used.

As many as 20 transfers may take place on the trail. For instance, a box of ammunition may move on one truck at night. It goes eight miles. Then it pulls into one of the camouflaged parks and unloads. The next day another truck takes the box over, moving it on to another point, and so on. Because of the bombings, most of this driving is done at night.

One source said there are about 1,500 of these truck parks and storage areas along the trail. And there are also dummy trucks to fool pilots.

The first transports from the north started as far back as 1959. They used old colonial routes and paths through the mountains and the jungles. As noted, the trail played a lesser role back in those days; it grew to increasing importance as the fighting in the South became more intense.

Maintaining the Ho Chi Minh Trail is a back-breaking job any time of the year.

When a portion of the road is knocked out by bombs, an army of "ants," workers with shovels, hoes and picks and wicker baskets and small wheelbarrows, work frantically and silently to make the repairs.

An estimate some time ago said that about 75,000 persons work on the network, including a coolie force of Laotian tribesmen and villagers. During the wet season, which is May to October, rains wash out roads and floods them. Again the coolies and the tribesmen, called the montagnards, who build their bamboo huts in a circle to ward off evil spirits, go to work.

Now, with the South Vietnamese cutting into Laos and swarming astride the Ho Chi Minh Trail, watching from the dark palms and the blue-green elephant grass, a decisive moment of the war may be at hand.

The premier of Laos, Prince Souvanna Phouma, has said: "If Hanoi loses the Ho Chi Minh Trail, they would lose the war in a few weeks."

But then, Gen. William C. Westmoreland, who is now army chief of staff in Washington, once was quoted as saying: "There is very little, almost nothing, we can do about the Ho Chi Minh Trail."

A curious war in a strange setting, with elephants completing the bizarre scene—and the guns never tiring.

CONGRESSMAN McCLORY REPRESENTS PRESIDENT NIXON AT LINCOLN MEMORIAL

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. ARENDS. Mr. Speaker, our colleague from Illinois, Mr. McClory, represented the President of the United States on February 12 at the Lincoln Day ceremony at the Lincoln Memorial. To select Congressman McClory, a native son of the State of Illinois—the "Land of Lincoln"—and the president of the Illinois State Society, was a logical choice, and his assignment was carried out with poise and dignity.

Accompanied by Maj. Gen. Roland Gleszer, commanding officer of the Military District of Washington, Mr. McClory laid a wreath—on behalf of the President—at the foot of the Lincoln statue.

Following an introduction by Mr. Fred Hunt, president of the Military Order of the Loyal Legion—descendants of Civil War veterans—Mr. McClory spoke briefly in these words:

Remarks of Congressman McClory

On this occasion of calm reflection in respect to the memory and the unique greatness of Abraham Lincoln, it is entirely appropriate that we should gather here together at this historic shrine and pay tribute not alone to Abraham Lincoln's memory but also the principles which he courageously embraced in holding our turbulent and restless Nation together, and in directing our path toward understanding and compassion, one for the other, to the end that we might achieve both material and spiritual greatness.

President Nixon, whom I have the privilege to represent, declared in his Lincoln's birthday message:

"As we observe the anniversary of his birth . . . we think again about the principles he observed and how they can be implemented in our time.

"Lincoln knew that free people and open opportunities were the driving force of America: Today we must protect individual freedom and expand individual opportunity . . ."

On an earlier occasion, President Nixon declared:

"I believe that a nation, like a person, has a spirit.

"I believe that a national spirit comes to the fore in times of national crisis.

"I believe that each time a national spirit makes itself felt, it speaks to its own time with a different message directed to the problems of that time."

President Nixon now occupies the same Executive Mansion where Lincoln lived during his final years and where the deep thoughts and wise decisions were formulated resulting in both preserving the Union and in mapping its growth.

Today, we humbly pray that that same spirit which directed Lincoln as he appealed on bended knee for guidance from above may guide and direct the spiritually minded man who now occupies the White House—and that this great inspiration of Lincoln may cause Americans throughout the Nation to be motivated by those words we heard just a few moments ago—and that we may "be here dedicated to the great task remaining before us . . . and that this nation under God, shall have a new birth of freedom, and government of the people, by the people, for the people shall not perish from the earth."

Also participating in the impressive wreath-laying ceremony were the new Secretary of the Interior, Rogers C. B. Morton, and the "dean of the diplomatic corps," Ambassador Guillermo Sevilla-Sacasa, of Nicaragua, and representatives of the District of Columbia government, and the National Park Service.

Mr. Speaker, I congratulate all who participated in the celebration at Lincoln Memorial in the city of Washington—and particularly our colleague from Illinois, Mr. McClory.

POOR MAN'S ARMY

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. HATHAWAY. Mr. Speaker, I would like to bring to my colleagues' attention an excellent article which appeared on the editorial page of the February 21 Washington Post, pointing up, as the "critical defect in the proposal for the volunteer army," the relative ease the proposal would afford national leaders in making the initial decision to wage war.

This valuable essay is entitled "The Case Against an All-Volunteer Army," and is the product of the most impressive mind of Joseph A. Califano, Jr., former Special Assistant to the Secretary and Deputy Secretary of Defense and Special Assistant to President Johnson.

The article follows:

THE CASE AGAINST AN ALL-VOLUNTEER ARMY

The decision to wage war is usually the most serious that any national leader makes during his public career. True as this has been throughout history, in the age of nuclear weapons any such decision is fraught with catastrophic undertones. It is thus important that every reasonable inhibition be placed on those who have the power to make the decisions of war and peace. There should be no cheap and easy way to decide to go to war in the 1970's.

The greatest inhibition on the decision of a democratically elected leader to wage war is the need to have the people's support. It took Roosevelt years of persuasion and the Japanese sneak attack at Pearl Harbor to bring the nation to a point where they were willing to wage war in the South Pacific, North Africa and Europe. Truman's decision to fight in Korea was one he had to make with the knowledge that as the war progressed, it would likely be unpopular and costly to the political fortunes of a party that depended upon the support of the American people in order to retain control of the White House.

The concept of a volunteer army—paid at a rate just high enough to attract those at the lower economic levels of our society and ending a draft which exposes every economic and social level to possible military service—lifts from the President the most inhibition on a decision to wage war. It is likely to produce a poor man's army fighting for decisions made by affluent leaders. It is unlikely that many of the senators, congressmen, presidents, cabinet officials and national security advisers who, in the first instance make the decision to wage war, will have sons who will choose a military career because it pays more. The economic incentives put forth by proponents of the volunteer army proposal are unlikely to attract many, if any, middle and upper class Americans with higher paying, less dangerous career alternatives.

It is remarkable to me that so many doves on both sides of the aisle have joined in support of President Nixon's proposal for a volunteer army. Indeed, some wish to put it into effect even faster than the President suggests. The broad base of support against the Vietnam war has come from those college students and their middle and upper-middle class American parents who are personally affected by the cold fact that the draft is color blind as far as economic and social status are concerned. These Americans simply will not permit their sons to die waging a war in which they do not believe.

Moreover, any President or national leader must constantly reassess his position today on the Vietnam war and any future adventures in armed conflict to make certain he can continue to make his case to the American people. He must have some hope that they will be with him, as President Lyndon Johnson used to say, on the landing as well as on the take-off.

This is the critical defect in the proposal for the volunteer army: It could make it too cheap and easy for national leaders to make the initial decision to wage war. It is from that initial decision of one or a few men that it is so difficult for subsequent leaders and an entire nation to retreat, as we have seen through the administrations of four presidents who have struggled with the problem of Southeast Asia.

Much of the attitude of supporters of the voluntary army is similar to the thinking that has degraded the original concept of foreign aid. Our AID programs were begun as an act of magnificent humanity after World War II, when former enemies were accorded dignified treatment as human beings and given the assistance to rebuild their societies, preserve their national integrity and live in human decency. Piece by piece and chip by chip, foreign aid finally reached the point epitomized by Senate Minority Leader Hugh Scott's statement late last year in support of President Nixon's $255 million request for aid to Cambodia: "The choice here is between dollars and blood." Put another way, we can buy a war that others will fight for us; in Scott's case, the Cambodians. In short, let's make it *their* blood and *our* money.

It is largely this attitude which has permitted the Russians to be so adventurous since the end of World War II with few internal repercussions. The Chinese and North Koreans fought, with Russian financing, in the early 1950's. The North Vietnamese fight with Russian and Chinese aid in Southeast Asia. The Egyptians and Arabs fight with Russian arms in the Middle East. The Soviets in effect buy mercenary "volunteer" armies of citizens of other countries, just as our AID program has often been used to buy foreign mercenaries for us.

There are other problems with the volunteer army, not the least of which are the enormous financial costs and the dangers to a society of harboring 2 or 3 million men dependent solely for their livelihood on the most powerful military establishment in the history of mankind.

According to the report of the President's Commission on an All-Volunteer Force, chaired by former Defense Secretary Thomas Gates, to attract a volunteer force of 2 million men, the nation would have to pay $1.5 billion per year in addition to what it is now paying. To support a volunteer force of 2.5 million men, the nation would have to pay $2.1 billion per year in additional pay and allowances. To add an additional 500,000 men and support a volunteer force of 3 million men, the taxpayers would have to put up an additional $4.6 billion per year. That 20 per cent increase in manpower from 2.5 to 3 million men requires a staggering 100 per cent plus increase in the cost to the nation, from $2.1 billion to $4.6 billion each year.

In an age of urgent domestic needs, I would prefer to spend that $4.6 billion (or the lesser amounts) on any number of needs at home—improving the delivery of medical services, housing, job training, anti-pollution efforts, education.

There also should be some concern in any democratic society at putting 2 or 3 million men throughout the most productive years of their lives in professional military careers. Several military officials have expressed precisely that concern to me. At the policymaking level, civilian control of the military is no easier than civilian control of the civilian bureaucracy or mayoral control of a local police force. As powerful and well connected as the military establishment is in the business community and in the Congress, there is at least the continuing check of a turnover in both the officer and enlisted corps of scores of thousands of men who enter and leave the military each year and make their careers in a variety of civilian professions. To take an extreme but actual case, what would the chances have been of exposing the Mylai massacre if the only Americans present had been soldiers who were totally dependent on the Army for their career and their retirement?

This is not meant as a commentary *a la* Eisenhower on the military-industrial complex. For the dangers of parochialism and stagnation from having the same people in the same job too long are apparent throughout our society: in the steel industry, the seniority system in the Congress, some labor unions and even an automobile assembly lines. Moreover, the learning process goes both ways. If any good can be said to come out of war, it is from the survivors (in and out of the military) whose experience tempers their willingness to wage war again and makes them reluctant to permit their sons to wage war. Finally, there is more truth than most people would like to admit in the affirmative aspects of discipline and training that a military organization provides not only for many enlisted men, but for a significant number of relatively affluent college graduates from middle America.

The arguments propounded for an all-volunteer army are not convincing to me. True, as the Gates Commission points out, we have had volunteer armies for the greater part of our history except during major wars and since 1948. But those volunteer forces were substantially smaller than they are today. The power and longistic capability of Presidents to station them in any part of the world and intervene in any war is markedly greater today. And hydrogen bombs were not an integral part of the military establishment before World War II.

True, as Senator Goldwater contends, it is increasingly difficult to make deferment determinations in conscientious objector cases since the Supreme Court decision last June. But judgments concerning a man's intent are made every day in the courts of our land and there is nothing so special about judging the sincerity of a man's intention in the context of the draft.

True, as so many liberal supporters of the volunteer army argue, this proposal would relieve the burden of military service from young men who prefer not to have their careers interrupted by even a few years service in the military. But I, for one, do not wish to lift from the President and the Congress the substantial irritant and inhibition of young men who do not want to be drafted to fight in a war unless they are convinced the cause is just. Most presidents are both lions and foxes and their decisions to make war, while founded in conscience for the good of the nation, are not taken without significant measures of shrewd calculation.

What are we to say of a society that can no longer inspire its young men to fight for its national security policies? Not simply (I hope) that it's fortunate that we have enough money to buy mercenary volunteers.

The very concept of a high paid volunteer army reflects the continuing erosion of the will to sacrifice, particularly on the part of our affluent citizens. The prosperity of the 1960's certainly must increase our concern with the impact of affluence on the fiber of our society. Along with its vast benefits, the economic prosperity of the 60's brought self-centered cries of more and better and a greater reluctance on the part of the affluent to sacrifice for public purposes and the needs of our disadvantaged citizens. The wealthy have been able to leave the center city or to live there in such protected cocoons that they are immune to the dangers of crime and the human indignities of congestion and filth. The more affluent are able to hire the talent to avoid payment of fair shares of income taxes; indeed, many pay no taxes at all. To say to them that now we will lift from you any concern that your sons might have to fight a war is further to pander to the more selfish, baser instincts of their human nature.

What is of profound concern is that so many of our leaders eagerly support any move to ease the burdens of the affluent and make it easier politically to engage in military adventures abroad at a time when the nation desperately needs a real measure of sacrifice at home and the strictest kind of inhibitions on further military adventures in far-off lands.

PROJECT MAST—MILITARY ASSISTANCE TO SAFETY AND TRAFFIC

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. GONZALEZ. Mr. Speaker, Project MAST—Military Assistance to Safety and Traffic—is a test program, initiated through the efforts of the Secretary of Defense and Department of Transportation, designed to test the feasibility of a helicopter ambulance rescue service for use in rural and isolated areas. Secretary Laird deserves to be congratulated on this achievement.

Originally scheduled to end on December 31, 1970, the program was extended until March or April of this year.

The first MAST program was initiated at Fort Sam Houston, Tex., to serve San Antonio and the 10 surrounding counties which make up the Alamo Area Council of Governments. Since that time, MAST programs have been put into operation at four additional sites: Mountain Home Air Force Base, Idaho; Fort Carson, Colorado; Luke Air Force Base, Ariz.; and Fort Lewis, Wash.

Since the inception of the program on July 15, 1970, MAST crews at Fort Sam Houston have responded to 135 calls for assistance—as of February 8—71 missions during the day and 64 night missions.

Of these 135 missions, only one was aborted due to weather conditions. An additional seven were canceled while the helicopter was en route due to death of the patient or arrival of ground ambulance.

On the 135 missions, 159 patients were transported to medical facilities. Thirty-four were taken to military hospitals and the remaining 125 to civilian hospitals. One mission transported medical personnel and supplies from Santa Rosa Medical Center in San Antonio to a local Air Force base to be flown to the disaster area caused by Hurricane Celia.

Twenty-five of the missions involved onsite pickup of patients and subsequent transport to a medical facility. The remaining 110 missions were interhospital transfers.

The majority of the patients transported were suffering from fractures and/or lacerations incurred in various types of accidents—mostly automobile accidents. Other types of injuries and illnesses represented include heart attacks and cardiac strokes; severe burns; gunshot wounds; and coral snakebite. Several newborn infants were taken to San Antonio hospitals for intensive medical care. Only four patients were dead on arrival at the receiving medical facility.

Medical personnel and equipment, including portable incubators, were present on many of the flights.

The average mission took 49 minutes from the time the call was received at MAST operations until the patient was delivered to a medical facility. Patients were transported from distances ranging up to 100 miles.

Total flying time to date on missions is 126 hours and 45 minutes.

Emergency resuscitative care administered enroute by the medics includes bandaging of wounds, applying splints to fractures, and administering oxygen, intravenous fluids and antishock treatment.

Of the 18 hospitals within the Alamo Area Council of Governments which are participating in the project, all have utilized the services of the MAST rescue team. An additional 9 hospitals in adjoining communities have requested and received assistance from a MAST unit.

The rescue missions have aided persons of all ages, both military and civilian, suffering from a great variety of injuries and ailments. MAST has brought the extensive and sophisticated medical facilities of a large urban area within reach of injured and ill persons in rural, outlying areas where only severely limited medical care is available—when it is available at all.

The speed and efficiency of the MAST personnel have saved lives and prevented much unnecessary suffering on the part of many persons.

CHAIRMAN HAMPTON OF THE CIVIL SERVICE COMMISSION AIMS FOR EXCELLENCE IN CAREER FEDERAL SERVICE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Chairman Robert Hampton of the Federal Civil Service Commission is a man of action—and an article in the current issue of Government Executive points out that "things are really happening over there" in this Commission which he heads.

Bob Hampton is able, genial and innovative. His leadership has carried forward the progress in improving the quality of the Federal civil service employee.

Because of the interest of my colleagues and the American people in the work of this most important Commission, I place the article from the Government Executive in the Record herewith.

The article follows:

CIVIL SERVICE COMMISSION'S HAMPTON AIMS AT ACHIEVING AGENCY "RESPONSIVENESS"

(By Samuel Stafford)

Over the years, the U.S. Civil Service Commission (CSC) has drawn as much criticism for its real or imagined failings as any Federal agency and probably has been the target of more brickbats than most.

It still has its detractors on Capitol Hill and in Government agencies, Federal employee unions and the media since modern personnel management still is an inexact and controversial science, but the critics seem—perhaps it is only the imagination—both less numerous and less belligerent than in former years.

As one longtime critic told *Government Executive*: "I hate to admit it, but things are really happening over there."

"Things" have been happening, of course, ever since the first three commissioners and their entire staff of four aides opened for business in a $3-a-day room in Washington, D.C., in 1883, for the essentially negative purpose of curbing rampant political patronage and corruption in public service.

Beginning in the 1930's, the CSC's role—paralleling the rapid growth and increasing complexity of the Federal Government—slowly began shifting in the positive direction of building an effective modern personnel administration system for the Federal establishment.

During the last decade—and particularly during the Johnson and Nixon Administration under the leadership of former CSC Chairman John Macy and present Chairman Robert E. Hampton—the commission has, say the veteran CSC-watchers, made impressive gains in meeting tough new Federal personnel challenges. Significantly, the spurt of activity in an agency with a longtime musty image of a paper-shuffling, foot-dragging bureaucratic bottleneck has paralleled the rapid growth of Federal employee unionization and general social and technological ferment in this country.

Among the solid advances made in fairly recent years: liberal revision of the Federal Merit Promotion system, extension of the Federal Employee Health Benefits program, firm establishment of the principle of pay comparability with the private sector, growing sophistication in dealing with labor-management and equal employment opportunity problems, establishment of new programs to recruit and train Federal executives and broad Federal involvement for the first time in inter-governmental programs to upgrade the quality of state and local personnel.

To CSC Chairman Hampton, 48, who was a Civil Service commissioner for eight years before assuming his present post in 1969, the "new look" in his agency is here to stay, and, with continuing White House and Congressional support and policy-making involvement, however amiable, of employee unions, the prospects for future innovative personnel management advances are bright.

"The first thing I initiated after becoming chairman was a review of every operating program of the commission—rules, regulations, laws and so forth—in the light of contemporary problems," Hampton said.

"I always got the impression that here was a great big piece of granite . . . that everything revolved around it and had to adapt itself to the system.

"So one of the points stressed in our review was to make the system responsive to the needs of today—the idea that merit principles do not have to equate with rigidity—that they can be flexible principles. We didn't lose sight of the main idea which is that the hiring and promotion of employees should be done on the basis of their qualifications and their contributions.

"Looking at the system in this light, we asked ourselves: 'Is it responsive to the needs of management and the needs and interests of employees and the public? And in general, what is the environment around us in which personnel policies are made?' "

"So our reviews indicated that there were a number of items that required new legislation or changes in Executive Orders and we placed these in an order of internal priority, realizing that it was impossible to achieve major reform in one great big package in a program that had been modified by law and Executive Order for nearly 90 years. Actually, we came up with some 44 requirements for changes in the law and 77 indicated Executive Order changes.

"These are basic reforms. Some are breadbasket issues and some are aimed at setting up a methodology and a machinery whereby we get where we want to go."

Hampton said: "The second thing we did of significance, I believe—and something that ties into the idea of agency responsiveness—concerned a reexamination of our institutional attitudes.

"You know, we don't really need somebody always telling us how and where we went wrong. Our attitude should be that we are our own severest critics . . . that we have the machinery available to us to collect the views of the users of the system and to learn about and correct flaws rather than saying there are no deficiencies or lamely trying to defend them. In other words, we have to recognize our problems and move boldly toward really solving them.

"In this connection, we have no information in the commission that is classified or otherwise to be kept from the public except for internal working papers such as inspection reports, medical records, investigative files on individuals and documents submitted to the President on which he has not yet acted.

"We approached the problems of making reforms on an open basis. We established methods of consultation with most of the Government unions and before policy matters become issues we go to the unions and give them a draft of what we have in mind and say: 'Here it is, now take a shot at it—let's have your views, what's right and what's wrong about it?'

"The unions have responded very well and their criticism of documents we've given them for consultation has been constructive. Of course, they don't lose sight of their objectives and there are some tough struggles on various points, but this is to be expected."

Following his first year as chairman Hampton listed these gains, among others, in areas of CSC activities:

Institution of new or substantially changed programs, Government-wide, in equal opportunity, labor-management relations and merit promotion.

Adoption of new recruiting methods affecting college graduates, worker-trainees and others.

Opening of new Federal information centers with the General Services Administration, expansion of Federal executive boards, and establishment of the first "listening posts" in large cities in line with the CSC aim of becoming more "responsive."

Takeover of the entire Post Office examining system.

Among other accomplishments last year, Hampton said, was the setting up of a framework of the labor-management system called for by Presidential Executive Order, retirement system improvements, a beefed-up employee health benefits program with the Government's contribution raised to 40 percent and assured automatic adjustments each year, an overhaul in grievance and appeals procedures, passage of the Intergovernmental Personnel Act providing for aid to states and localities, and passage of the Federal Pay Comparability Act of 1970.

Of these, several have been hailed as "landmark" advances by many.

One of the most far-reaching is the pay comparability legislation which takes classified pay setting out of both Congressional politics and Presidential politics.

Under the new system, data on private enterprise pay will be related to Federal salaries. There will be consultation with union officials and any differences will be resolved by an objective third party committee.

If the President agrees with the findings, he will order the adjustments into effect immediately. This is seen as eliminating a customary lag of a year or more in effecting such pay adjustments.

Should the President propose smaller or later raises as during "national emergencies," he must send his plan to Congress, which may veto it by a simple majority vote.

Passage of the legislation, which gives employee unions a larger voice in pay recommendations, tells much about both Robert Hampton's stewardship at the CSC and about the prevailing Federal labor-management climate.

Many, if not all, of those who have worked with Hampton in hammering out legislation see him as more candid and open than the usual bureaucrat and a man who is flexible enough to work toward a meaningful compromise if this is indicated as the best solution.

The pay act in which Hampton engaged in the final give and take with John Griner, president of the AFL–CIO American Federation of Government Employees, Rep. Morris Udall (D-Ariz.) and others, was such a compromise.

Hampton told Government Executive: "I think this legislation will go a long way toward establishing a more professional pay-setting methodology free of the political process and the pressures that can either escalate or de-escalate or otherwise dictate what the pay should be."

A task force meanwhile is conducting a two-year study of job evaluation and pay practices in Government, with a preliminary report of findings due this Spring and a legislative proposal expected to be ready next year.

Of the task force's work, Hampton said: "One of the things I think is essential is that we have a coordinated system within the total Federal picture of how you price a job and there are a variety of systems for doing this in both industry and the Government.

"What our task force is trying to do is to find the best methodology they are able to find for evaluating job classifications in the Federal Government."

Hampton sees the continual assessment of labor relations problems as "something that will be with us for a long time."

As part of the general review of CSC operations early in the Nixon Administration, a review was made of a former Executive Order bearing on labor relations. An earlier review had been made at the end of the Johnson Administration and rather than rehold hearings, Hampton's aides reviewed findings from those hearings and "added in problems that had come up in the intervening period." Following the review, they wrote another Executive Order which was approved and issued by the President.

"About that time," Hampton said, "there was a postal strike and a sickout by air traffic controllers and many critics were quick to say that the Executive Order was obsolete, but we could not agree with this assessment."

He said: "Labor relations in the public sector is an evolving situation similar in many ways to that which evolved in the private sector, but also quite different.

"I personally don't believe that the Federal Government at this time can interpose an across-the-board collective bargaining system. Management in the Federal Government isn't ready for it and the unions aren't really ready for it.

We have extreme difficulty in arriving at appropriate bargaining units—who does the bargaining and how do you go for a quid pro quo.

"But we had to have a beginning framework and I think the Executive Order gives us that. It's difficult even to administer this Executive Order because it sets up new relationships—new give and take—on both sides.

"Leadership of the program is vested in a Federal labor relations council rather than the commission, but the commission, Labor Department, Federal Mediation and Conciliation Service and others, including an impasse panel have specific responsibilities.

"The head of an agency lost some of his autonomy for one thing. And we do have third-party involvement . . . we're beginning to have third-party precedents established in labor-management situations. I think people are beginning to realize the benefits of being able to go to an impasse panel as they now can do as well as having the Assistant Secretary of Labor involved in elections, determining bargaining units, things like that."

Hampton thinks it is "possible" that there will be Government-wide collective bargaining some day, though not in the near future.

"But looking at it pragmatically," he said, "you'd still have labor tensions even with collective bargaining."

"I think you have to look at the long record of relative labor peace in the Government. Look at the pay increases, changes in fringe benefits—retirement and so on that have been obtained by Federal employee unions. And the pay act which gives labor a greater voice than ever before. So there is something in the system that has given it some stability.

"What I'm saying is that this is an evolving situation. We're learning and the labor unions are learning."

He added: "There are differences in the motivations of people toward public service today than was true formerly. I'm not saying employees are less public service minded today, but I do think they are much more aware of the necessity of being treated similar in terms of pay and working conditions to people in the private sector these days.

"I think that in many cases the Government was remiss in not recognizing this and moving faster to do something about it."

The CSC has a central staff dealing exclusively with agency labor-management problems and 10 labor relations experts in regional offices ("our eyes and ears").

"But we haven't really developed a model in labor relations," Hampton said: "We really need to do more pioneering thinking. In the near future we will probably have formulated a labor relations policy in terms of our goals and possible methods of achieving them."

The Executive Assignment System, drawn up and established over the past two Administrations, envisioned a data bank or inventory of 25,000 or more high-level Federal executives from which agencies could draw as the need for specialized talent arose.

Other programs aimed at upgarding and making the best possible use of the Federal executive manpower pool include a university fellowship program for young executives, executive seminar courses at Kings Point, L.I., and Berkeley, Calif. (with a future seminar program slated for Oak Ridge, Tenn.), and a Federal Executive Institute.

How has the Executive Assignment System talent bank operation been working? Has it fostered mobility among the executive force? And have agency managers tended to draw too heavily from those in their agencies on the list to the detriment of outsiders?

"Agencies have been using the talent bank," said Hampton, "but I think it's been minimal. As for managers drawing heavily from their won agencies, I think it's difficult to say categorically that this is detrimental to the program.

"I personally think there should be more mobility, more movement across agency lines but mobility seems to be something that is highly personal with an executive.

"All in all, the agencies are coming to us more than they did formerly.

"We have a staff proposal on this that hopefully will be part of the Administration's legislative package. Essentially, it moves from a position-oriented system to more of an individual rank-in-the-man system and would provide for greater freedom of movement in the use of these (executive) resources within the system. And it also faces up to the controversial issue of tenure—there has been some feeling that there might be abuses in terms of job transitions—that people might be moved out of jobs because of political reasons or cronyism. This is not our purpose."

He added: "The whole area of executive development needs some real attention—not only in terms of who is coming into the system but also who is already in the system. There has to be a more orderly development of executives, recognizing the need. In Government, you have a multi-billion dollar operation—one of the biggest in the world—and you simply must have people who are well qualified and up to date if the Government is to function properly."

Among other points made by Hampton:

The CSC's first-time involvement in a grant-in-aid program under intergovernmental personnel legislation providing for grants to states and localities to upgrade public service there "is in line with the President's concept of federalism because if this concept is to work, it has to be underpinned by a first-class personnel system at the grassroots."

Under the program, he said, the CSC will take over from the Labor and Health, Education and Welfare departments merit system functions they have been performing in connection with other grant programs.

His aim, he said, is "a minimum of red tape and a maximum amount of the available money for the actual grant part of the program."

Revisions of Hatch Act provisions regarding political activity by Government employees probably will be forthcoming.

"Sex discrimination issues are very difficult to deal with. There is discrimination by managers, of course, but I don't think there are as many instances of it as the critics would have us believe.

"Regarding public service in general, if you were to include state and local government, I'm not sure that our educational system is producing enough talent with the right skills."

Does Hampton believe that the old stereotype of Government service as a refugee for shiftless paper shufflers is dying out?

"It's hard to say," he said, "I think our image is better, but we'll always draw criticism. It's ingrained in Americans to continually reexamine their governmental institutions.

"I don't want to seem callous about this, but while image is something we constantly try to improve, it's not necessarily a good measure of whether you're accomplishing your purposes."

Summing up his feelings about his two years as top man at the CSC, Hampton, a native Tennessean who likes to golf and hunt, said: "I'm particularly pleased at the progress we've made in moving basic reforms along. And I'm proud of the way our staff has taken up the challenge to make the agency more responsive—to leave no doubt that we are what we should be—the servant of the people."

FREEDOM—OUR HERITAGE

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. BARING. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a voice of democracy contest.

It is my pleasure to insert the speech by the winner of that contest from the State of Nevada, Miss Debbie Austin, of Sparks High School, Nev. Miss Austin is the daughter of Mr. and Mrs. Martin Austin of Sparks.

For the benefit of my colleagues, I insert Miss Austin's speech at this point in the RECORD:

FREEDOM—OUR HERITAGE

(By Debbie Austin)

When my eyes first rested upon it, my breath was suddenly cut short—a chill shot down my spine trying to sting a tear from my eye. There, way above the trees, was a flag, furling proudly. A huge, brilliant American flag, adorning the sky and bringing warmth to my heart. It inspired me. I was moved by a sense of pride like I have never felt before. No, it was not flying over a state capital or adding grace to an old courthouse. That flag was hoisted by a new service station. Yes, just an ordinary service station, on an ordinary day—but it was no ordinary flag. The American flag is a constant reminder of our heritage—man's greatest desire—man's greatest need—freedom. Our founding fathers based this country on the fundamentals of liberty, equality, and justice—a perfect foundation. However, man is not a perfect being, so free men (men who have fought for their own freedom) have ironically denied liberty to other men causing ever constant struggles for freedom within a free society. Is this not the most beneficial way, though? Men who fight for their freedom to worship hold it so much more dearly than if they could take it for granted. A Negro's strife for equality makes him more aware of his potential—more intent upon self-improvement—a drive many "free whites" forsake. A woman demanding her rights, her recognition as an equal, can never be called a totally unworthy cause. Good or bad—they have a right to crusade for their grievances. Student dissenters demanding their freedom of expression, their right to be heard. Their need to see action.

Many may regard these struggles for freedom as paradox to the basic concepts of our society, but aren't they the very things upon which our country is based? If within your heart you feel something with enough conviction to earnestly strive towards obtaining it—or perhaps even to lay your life down for it—then it is certainly well worth considering.

Of course, when these demonstrations come to the point of innocent manslaughter and infringing upon other people's freedoms, they can't be tolerated, but by the same token they can't be ignored—or hushed. Ours is a country born from rebellion and strong from change and acceptance of new universal ideas. If we are to maintain our strength, we have no choice but to keep changing—keep re-evaluating. But that doesn't mean we should protest every concept laid down by the establishment just for the sake of protest, or just to buck the establishment. Those who rebel and dissent should only feel qualified to do so if they have a feasible replacement or alternate plan for what they are disputing.

Throughout the years, since the first settlers landed in America, millions of immigrants have flocked to our shores for relief and the free enterprise system. There surely must be something worth preserving if so many have fled to it for one promise of a better life—of hope!

We have taken our freedom for granted—too many have forgotten what it means to be free—too many can't conceive of what the alternatives are. Our nation provides more freedoms than have ever before been seen on the face of the earth and surely will not be found existing anywhere else in this troubled modern world. Women have cried for it. Men have died for it. This ambiguous term, freedom. We are all so involved in freedom, we cannot even recognize it. It is here—it is now—we are free. Let's not lose the thing upon which men thrive. Let's not lose this thing—freedom.

THREE BILLS TO PASS APPROPRIATIONS MEASURES ON TIME

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. BROTZMAN. Mr. Speaker, I am today introducing three pieces of legislation which should collectively result in Congress passing the regular appropriations bills on time each year.

The first bill provides that the fiscal year of the U.S. Government coincide with the calendar year. The second requires continuous sessions of the House whenever an appropriations measure has not passed by the beginning of the fiscal year. The third is a resolution which would permit appropriations measures to be considered 30 days prior to the commencement of the next fiscal year even if authorizing legislation has not been passed by that time.

Conversing the fiscal year to the calendar year should generally result in the timely passage of appropriations bills. However, it would not necessarily do so and that is why I have introduced the other two parts of this legislative package. The specter of continuous sessions should serve as a sufficient incentive to pass the appropriations bills on time. Allowing the consideration of appropriations during the last month of the fiscal year, irrespective of the passage of authorizing legislation, would make consideration by the end of the year practicable.

Mr. Speaker, the idea of coinciding the Government's fiscal year with the calendar year is not a new one. As a matter of fact, the two did coincide until 1842 when the present fiscal year was adopted. In 1842 it made good sense to utilize a July 1 to June 30 fiscal year because Congress was then a part-time body which finished its legislative business early in the year. It was extremely difficult to project the monetary requirements of the Government many months in advance, and Congress decided that by commencing the fiscal year in July, expenditures and revenues could be anticipated on a more accurate basis. It was never a problem to pass the appropriations bills on time in the 19th century because Congress invariably finished all of its business and adjourned sine die prior to the first of July.

Even as there were good reasons to adopt our present fiscal year in 1842, there are good reasons to now establish the calendar year as the fiscal year. As we well know, Congress now stays in session most, if not all, of the year. The Federal budget has grown enormously in both scope and size. Appropriations bills require more study and preparation. Six months would probably not be enough time to enact all of the appropriations measures under the most favorable of conditions. In the 91st Congress, for example, not one single regular appropriations bill had been signed into law by the beginning of the fiscal years involved. The past four Congresses have considered 102 regular appropriations bills. Only eight of those had become public law by the beginning of the fiscal year to which they pertained.

It is unfortunate, from a number of standpoints, whenever an appropriations bill is not passed on time, but it is a critical national problem when, as it has over the past 8 years, Congress passes 92 percent of the appropriations bills after the beginning of the new year.

Mr. Speaker, I do not think we can overestimate the importance of having regular appropriations made by the beginning of each fiscal year. Two separate types of governmental waste occur when continuing appropriations resolutions, providing for a continuation of programs at the previous year's levels, are passed pending enactment of the new regular appropriations bill.

The first type of waste comes about when Congress ultimately increases a program's funding over the level of the previous year. In this case, the administrators of the program are forced to operate at the lower level for part of the year. Suddenly they find themselves fully funded. Of course, the administrators are anxious to at last commence programs which had been authorized by Congress. But, all too often, the money cannot be spent efficiently during the balance of the year. Nevertheless, the decision will be made to spend all of the money because of a fear that Congress will be reluctant to refund a program which did not consume its full appropriation in the previous year.

The second type of waste occurs when Congress ultimately decides an appropriation cut is in order. Here, the department or agency will have to cut back on programs which had been funded on the basis of a continuing appropriation resolution. One result in this type of situation could be the discontinuance of much work already under way and thus, the wasting of the money already spent. Another possible result, and one which is just as bad, could be that Congress would be hesitant to kill genuinely wasteful programs simply because they had been allowed to go into the new fiscal year under a continuing resolution.

Few areas of endeavor have felt the havoc wrought by operating the Government on the basis of continuing resolutions more than education. In fiscal year 1970, appropriations for the Office of Education were not signed into law until March 5, 1970, more than 8 months late. In the interim school districts were using guesswork to determine budgets and mill levies. Although educators have been able to cope with this situation remarkably well, a haphazard situation has nevertheless resulted. After all of the sophisticated analysis and planning is completed, school officials are required to complete their budgets on the basis of their best guess as to how much Federal assistance Congress will provide. The waste of the taxpayers' money under these circumstances is inevitable.

I introduced an identical legislative package in the 91st Congress, Mr. Speaker. Following the introduction I asked a number of school officials in Colorado to advise me of their reaction. A number of responses follow:

COLORADO FEDERAL LIAISON OFFICE,
Washington, D.C.

Hon. DONALD G. BROTZMAN,
House of Representatives,
Washington, D.C.

DEAR DON: I have read with interest your remarks relative to the bills and the resolution through which you propose to bring appropriations action in the Congress into a more reasonable relationship with the fiscal year in which funds are to be spent.

As I have said to you when we discussed this matter, it is my judgment that the problem you have attacked is the most serious problem we face in terms of establishing an efficient system for planning, both from the viewpoint of the Congress and from the viewpoint of the administrative departments.

It would seem to me that the greatest single obstacle to be overcome would be the need to appropriate actually for an eighteen month period in the initial appropriation.

You are to be commended for moving to resolve a very serious and a very basic problem.

Sincerely,
WILLIAM C. HINKLEY,
Executive Director.

ADAMS COUNTY/SCHOOL DISTRICT 14,
Commerce City, Colo.

Hon. DONALD G. BROTZMAN,
House of Representatives,
Washington, D.C.

MY DEAR MR. BROTZMAN: I feel that the education of children should be the nation's number one priority, not only in name but in fact. Quality education is predicated upon enlightened educational planning, committed implementation, sound evaluation, and the necessary financial resources to accomplish the task. The local district, the state, and the nation ultimately benefit from such an educational program. However, when any step of the process is disrupted, all suffer.

I have reviewed your proposals and concur that, if adopted, they would greatly alleviate some of the problems that occur when federal funds are not appropriated in sufficient time to derive maximum benefit from dollars spent. If the schools could know the amount of funding available for the next school year, planning could begin immediately, the best teachers recruited, and sound evaluation techniques devised to the betterment of all. I feel it would offer stability to American education.

If I personally could be of assistance to you in your effort to correct the present funding situation or help with the concept of forward funding please feel free to call on me.

Sincerely yours,
JAMES E. WIGGINS,
Director of Federal/State Relations.

BOULDER VALLEY PUBLIC SCHOOLS,
Boulder, Colo.

Mr. DONALD G. BROTZMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Thank you for your letter concerning the legislative package you have introduced into the House of Representatives.

The resolution and legislation are, as you stated in your remarks, desperately needed. Ever since the advent of significant federal funds for public school use, the problem of late appropriations has been a nightmare. Efficient and effective use of funds demands careful planning, and planning is almost impossible when we have to estimate what our federal revenues will be.

A case in point, of course, is the matter of PL 874 money for this year. In our district this amounts to over $500,000 of a $17 million budget. This is a significant amount and has a direct bearing on the mill levy which the Board of Education must set in the district. It would have been most helpful to the Boulder Valley Board of Education if we had known exactly what we could count on before having to have our budget certified.

You are to be commended for your concern in this area, and if there's anything that we can do at the local level in getting action on your package, please do not hesitate to let us know.

Sincerely yours,
PAUL E. SMITH,
Superintendent of Schools.

JEFFERSON COUNTY
SCHOOL DISTRICT R-1,
Lakewood, Colo.

Hon. DONALD G. BROTZMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BROTZMAN: Thank you for your letter. I am certainly happy to see that you understand the problem. We have budgeted our 874 money and still have no assurance we will receive it. The same is true of ESEA and other federal funds.

It really appears to me that the federal government should attempt to do their planning a little bit ahead so that they don't make us all break the law, as we are now having to do to live within their actions.

Thanks again, Don, for your efforts. I hope something comes of it.

Sincerely,
W. DEL WALKER,
Superintendent.

ST. VRAIN VALLEY PUBLIC SCHOOLS,
Longmont, Colo.

Mr. DONALD G. BROTZMAN,
House of Representatives,
Washington, D.C.

DEAR MR. BROTZMAN: I would urge you to pursue with determination your position on the legislative package you presented concerning the fact that educational assistance be designated and passed into law for the beginning of each fiscal year.

As a school administrator I want to thank you for your efforts in our behalf.

Sincerely,
JACK O. POPE,
Assistant Superintendent For Instruction.

DENVER PUBLIC SCHOOLS,
Denver, Colo.

Hon. DONALD G. BROTZMAN,
Member of Congress,
Washington, D.C.

DEAR DON: The educators in the greater metropolitan area are most appreciative of your many fine efforts in behalf of the education of our youth.

I heartily concur with you that there is a great need to get the matter of the federally impacted school area decided to give an opportunity to revise the formulas that are of great concern to all of us.

Very truly yours,
HOWARD L. JOHNSON,
Deputy Superintendent.

THOMPSON SCHOOL DISTRICT R2-J,
Loveland, Colo.

Hon. DONALD G. BROTZMAN,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN BROTZMAN: Thank you very much for writing to me in regard to your proposed legislation concerning Congress' failure to enact the appropriations bill for educational assistance by the beginning of the fiscal year.

I am certain that a definite date for making appropriations would be most helpful to schools in planning the budgets for the next year. I realize that it is difficult to have such a date definitely established, but the advantages far outweight the problems, in my opinion. At best, predicting revenues for budget building is a risky business. We must use estimated increases in assessed valuation, estimated enrollments, and estimated revenue from non-tax sources throughout our planning. This leads to inconsistencies with the actual picture when the final budget is determined. Many times programs are planned and must be cut drastically when the revenue to finance them is not forthcoming.

The proposal for having the Federal funding on a calendar year basis would certainly be helpful to Colorado School Districts, since it would then coincide with the calendar fiscal year in such Districts. However, I feel it important to point out that Colorado is only one of several States that does have a calendar fiscal year, and there are many States which still operate on the July 1st through June 30th fiscal year. I am not certain as to the appropriateness of this proposal to such districts. So long as the appropriations were made for the calendar year, it would at least give even these districts the advantage of knowing what their revenue would be from July through December of the budget year which they are building. This is certainly an improvement over the present situation where they are more than six months into their budget year, and the appropriations have not yet been determined.

It appears to me that the change of House rules to allow consideration of appropriation measures, irrespective of authorizations, would be a necessary procedure to establish a definite date for appropriations. In addition, it appears to me that this would provide a stimulus to the passage of authorization measures well in advance of the established appropriation date.

I would certainly encourage you to continue in your efforts to see such legislation enacted.

Sincerely,

C. E. STANSBERRY,
Superintendent.

Mr. Speaker, I believe the statements from the Colorado educators which I have just included point out the importance of passing appropriations bills on time. Hearings should be held at an early date so that legislation can be passed in time to prevent the experiences of the past few years from recurring indefinitely into the future.

PRESERVE COMPETITION IN FUELS INDUSTRIES

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. KASTENMEIER. Mr. Speaker, in recent years, a growing number of oil companies have acquired substantial financial interests of one sort or another in the coal and uranium industries, a trend that could all but end effective competition between the oil, coal, and uranium industries. The traditional interfuel competition, which has been the most effective weapon for business and consumer protection in the energy field, is seriously threatened by this design toward economic concentration which could, eventually, lead to the complete domination of the fuels industries by the vast oil corporations.

A 1970 study by a Washington, D.C., research firm revealed how alarming the penetration is by the oil companies into the other fuels industries. Of the 25 largest oil corporations, 11 have holdings in coal and 18 have uranium interests. These acquisitions have taken various forms, such as the purchase of reserve holdings, the buying of existing companies in the other fuels industries and the establishment of new ventures either alone or jointly with other companies within or outside the petroleum industry.

In the coal industry, four of the Nation's largest 11 coal operations now are oil company subsidiaries, and oil-owned coal production by these four firms, in 1969, accounted for approximately 20 percent of the country's total bituminous coal output. The four controlling oil corporations, with their percentage of the total bituminous coal production, are Continental Oil with 9.6 percent, Gulf Oil with 1.4 percent, Occidental Petroleum with 5.7 percent, and Standard Oil of Ohio with 2.2 percent. Other petroleum companies with coal holdings are Standard Oil of New Jersey, Texaco, Shell, Atlantic Richfield, Sun Oil, Ashland, and Kerr-McGee. The Nation's largest oil company, Standard Oil of New Jersey, through its major domestic affiliate, Humble, owns substantial portions of coal reserves which reportedly make it one of the two largest owners of coal reserves in the Nation.

In the uranium industry, the oil companies already have a large stake in the mining and milling stages and are expanding rapidly into the other areas of the uranium fuel cycle. The petroleum corporations account for one-sixth of the uranium production, hold about 45 percent of all known uranium reserves and make more than half the new discoveries. Kerr-McGee is the single largest producer in the uranium industry, accounting for 23 percent of the total uranium milling capacity directly and another 4 percent through half ownership. Humble is planning a mill equivalent to another 8 percent of current total U.S. capacity, for full operation in 1973. Kerr-McGee is one of two companies in the business of converting uranium oxide into uranium hexafluoride—UF_6—a compound used in the uranium enrichment process. Atlantic Richfield will be one of two companies with capacity to convert slightly enriched recovered uranium to UF_6 and has the only present capacity for converting highly enriched recovered uranium to UF_6. In the reprocessing field which involves taking spent nuclear fuel and preparing it for further use, five plants are in existence or under construction. Oil companies own four of them. In addition to Kerr-McGee, Standard Oil of New Jersey, and Atlantic Richfield, other large petroleum companies with uranium interests include Texaco, Gulf, Mobil, Standard Oil of Indiana, Shell, Phillips Petroleum, Continental Oil, Sun Oil, Union Oil of California, Cities Service, Getty, Standard Oil of Ohio, Pennzoil United, Inc., Amerada-Hess, and Ashland.

Mr. Speaker, the oil industry has long held a privileged economic position in this country, and it has benefited and prospered from such Government policies as the oil import quota and the 22 percent depletion allowance. Now, the oil industry, unimpeded, is consolidating its grip on the other fuels, which will give the petroleum companies a strangle hold on all segments of the economy that depend upon the various fuels for their sources of energy and that traditionally relied upon competition within the fuels industry, particularly between oil and coal. Despite legitimate antitrust questions that arise from these oil ventures into the other fuels, the Department of Justice has remained strangely silent. However, we know from past history that economic concentration can lead to collusion, agreements for price fixing and sharing of the market. This must not be allowed to happen in the fuels energy market, nor must this critical sector of our economy be dominated by one force—oil. In order to preserve competition among corporations engaged in the production of oil, coal, and uranium, I am introducing, today, legislation to declare it unlawful for any oil company to acquire any coal or uranium asset, and to require the divestiture by the oil companies of all coal or uranium assets within 1 year following enactment of this measure.

LESSONS OF THE CONFERENCE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. SCHMITZ. Mr. Speaker, the following article which appeared in the New York Times of February 20, 1971, gives us some interesting insights into the Soviet system of government. Mr. Eugen Loebl, former Minister of Foreign Trade in Czechoslovakia and now an instructor at an American university, points out that the "de-Stalinization" carried out under Khrushchev was simply a change within the system advancing the security of the individual members of the Politburo. A one-man dictatorship was replaced by a dictatorship of a handful of men.

Mr. Loebl also points out that the renewed courtship of the Soviet Union by free world politicians will again result in free world losses.

The article follows:

THE LESSON OF "THE CONFESSION"

(By Eugen Loebl)

When my American friends saw the film, "The Confession," they asked only one question: Were the real prisoners of the Slansky trials treated as brutally as the characters are treated in this film? I was disturbed to learn that they were surprised by the brutality that exists in the Soviet bloc.

I answered their question by saying that the real torture and sufferings were far worse than those depicted in the film. Arthur London, the author of "The Confession" and the film's hero, told me that although he had been in many capitalist and fascist prisons and had been tortured many times, he had never confessed. But a "socialist" prison broke his resistance.

London's personal tragedy is similar to the tradegy of thousands of revolutionaries who were forced to "confess" in Soviet Hungarian, Bulgarian, Polish and Czechoslovak prisons. All of these confessions and trials bore the signature of Soviet intelligence interrogators who applied the methods used in the famous Moscow trials in the nineteen-thirties to the satellite countries after the war. This, in itself, indicates that torture and imprisonment are a fundamental part of the Soviet system.

I expected Americans to ask: why were innocent revolutionaries and devoted members of the Communist parties imprisoned, tortured and forced to confess treason? And, why were the victims then rehabilitated by the same party and the very same system?

I will try to answer these questions from my own knowledge about the Slansky trials. I was the first of the defendants in the Slansky trials to be imprisoned (I was imprisoned in November, 1949, and London at the beginning of 1951).

After the Czechoslovak Communist party came to power in 1948, its leadership decided to bow to Soviet pressure and accepted the Soviet "offer" to "detect" Yugoslav and Anglo-American agents in its rank and file. It allowed the creation of a special Soviet security group which took control of the Czechoslovak Ministry of Interior. Within a few months every member of the Government and party leadership became dependent on these "advisers."

In this way Czechoslovakia fell under Soviet rule. Any political action that was not in line with Soviet policy was condemned as high treason. Thus in essence the trials were a condemnation of the policy of an independent road for Czechoslovak socialism.

Under Soviet pressure, the party leadership betrayed their own political program, then betrayed the independence of their country, and finally, threw overboard those who had carried out their orders. Although the Slansky trials had fourteen formal defendants, in truth, Czechoslovakia was on trial. After the trials, those in charge of the Communist party became the tools of the Soviets.

Stalin's one-man dictatorship of the Soviet Union created a situation where no one, even in the highest echelons of power, could be certain that he would not be purged. The book, "Khrushchev Remembers," explicitly describes the feeling of permanent danger that accompanied the purges. When Stalin died, the party leadership took steps to prevent the concentration of power in the hands of one man. Beria (head of the secret police and the most powerful man in Russia after Stalin's death) was murdered by the majority of the Politburo in order to forestall the rise of a new Stalin. To justify his murder and prove their "innocence," the new leadership declared that the crimes perpetrated by the Soviet system were, in fact, the crimes of Stalin, Beria, and their followers. Naturally at least some of the victims of their excesses had to be rehabilitated.

The reform that followed Stalin's death, "Khrushchevism," is widely misunderstood in the West as a liberalization of the Soviet system. In reality, Khrushchevism was little more than the distribution of power among the members of the Politburo so that it could not be turned against any of those in power. The activities of the State Security organs and their arbitrariness were also curtailed. But, these changes represented reform within the system, not a change of the system. The arbitrary rule of one man was replaced by the arbitrary rule of a handful of men. The restriction of the rights of the Soviet citizens and the crushing of the Hungarian revolt under Khrushchev were consistent with the worst aspects of Stalinism.

Stalin justified the purges with the philosophical claim that class struggle becomes more intensive after the realization of socialism. On Nov. 18, 1970, at a meeting in Prague, Mr. Starikov, secretary of the Soviet Embassy there, repeated Stalin's claim and stated that the last 14 years had proven that Stalin was right. Mr. Starikov said that he expects that the next Party Congress in Moscow will confirm this thesis.

This system still exists; the changes have been peripheral. The prospect of the humanistic regime in Czechoslovakia became a threat to the Soviet Union, and despite solemn promises to respect Czechoslovakia's sovereign rights, the Red Army led the invasion that occupied Czechoslovakia.

Despite its crimes and repressive activities the Soviet Union remains a highly respected world power, courted even by American politicians. Despite his rise to power at the height of the purges, Khrushchev is described as a man "good for his country and the world."

History teaches us that those who are not able to learn from the past will have to learn in the future. It also teaches us that as time goes on the price of these lessons is higher and higher.

THE DEBUNKING OF A MYTH

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. ICHORD. Mr. Speaker, I would like to bring to the attention of this House the lead editorial in the Washington Post of February 19. It begins:

> It is with mixed emotions (chiefly envy and chagrin) that we call your attention to an article by Edward Jay Epstein in the February 13 issue of the New Yorker—envy because it is a work of debunking we wish we had undertaken ourselves, and chagrin because, For Your Information, we are among those newspapers whose careless perpetuation of an untrue statement Mr. Epstein has rightly seen fit to criticize.

The editorial, Mr. Speaker, then goes on to acknowledge that the Post and other news media—including the New York Times, AP, and UPI—have for some time been accepting at face value the statement of Charles R. Garry, an attorney for the Black Panther Party, that 28 of his Panther clients have been deliberately murdered by police.

The New Yorker article to which the Post Editorial refers examines in depth each of these 28 cases and the author concludes that:

> There are two cases in which Black Panthers were killed by policemen whose lives were not being directly threatened by those men—The Panthers.

Mr. Speaker, the House Committee on Internal Security, which I have the duty to chair, held an extensive series of hearings on the Black Panther Party during the 91st Congress. We concluded long ago that the Panthers were not the innocent victims of police brutality but rather that they were a group of armed terrorist thugs.

Mr. Epstein's New Yorker article is a thoughtful, well-researched analysis of those deaths referred to by Garry as "police murders." We owe him and the magazine a debt of gratitude for the revelation. As to the article itself, I refer you to the Congressional Record of February 18, where it was inserted by the Honorable H. R. Gross of Iowa.

However, I would direct the attention of the press to a speech made by Assistant Director of the FBI, William C. Sullivan, on October 12, 1970, which I placed in the Congressional Record on November 30, 1970, wherein Sullivan laid down the facts of the alleged panther killings. This information has been available to the press for months. Apparently the press did not lend any credibility to the speech of Mr. Sullivan.

I would now like to enter the Washington Post editorial confessing its role in perpetuation of this myth that police have been hunting down and deliberately slaying Black Panthers:

> F.Y.I.
>
> It is with mixed emotion (chiefly envy and chagrin) that we call your attention to an article by Edward Jay Epstein in the February 13 issue of the New Yorker—envy because it is a work of debunking we wish we had undertaken ourselves, and chagrin because, For Your Information, we are among those newspapers whose careless perpetuation of an untrue statement Mr. Epstein has rightly seen fit to criticize. The statement in question was apparently made in December of 1969 by Charles R. Garry, counsel for the Black Panther Party. In a week which saw struggles between police and Panthers in Chicago and Los Angeles, Mr. Garry was reported to have claimed that the two Panthers who had died in the Chicago gunfire—Fred Hampton and Mark Clark—were the "twenty-seventh and twenty-eighth Panthers" to have been "murdered by the police." The assertion (with a more neutral formulation, such as "killed by" or "died in clashes with") was picked up by the press and by a number of public figures in their comments. Attribution to Mr. Garry—or anyone else—tended to vanish. Thus, it soon became part of the "factual" background of stories and expressions of opinion concerning the Panthers and the police that "twenty-eight" Panthers had died as a result of armed conflict with the police. Mr. Epstein demonstrates this assertion to have been extravagantly untrue.
>
> The Washington Post's role in reinforcing this misconception was twofold, involving first a sin of commission and then a sin of omission. On the first count we did in fact fail to provide any attribution or qualifying "reportedly" or similar conditioner in a news story of December 9, 1969. Three days before, on the 6th of December, we had reported:
>
> "Jay A. Miller, executive director of the ACLU in Illinois, said it is 'absolutely imperative' that the facts be explored promptly [concerning the Chicago deaths] and that the public be given a complete report . . . He said 28 Panthers have died in police shootings since January, 1968."
>
> The next day, on the 7th, we reported:
>
> "Twenty-eight Panthers have died in police shootings since January, 1968, according to Charles Garry, San Francisco attorney and general counsel for the Panthers."
>
> On the 9th, in a story put together from news dispatches and added on to another such story dealing with the Los Angeles raid that had just occurred, direct attribution was dropped. Thus:
>
> "Jay Miller, Illinois director of the American Civil Liberties Union, asked for an inquiry into a whole range of reported Panther slayings. A total of 28 Panther members have

died in clashes with police since Jan. 1, 1968."

The source—or one of them anyway—was lurking right up there a sentence away—but the statement, inexcusably, was asserted as a bald fact.

So far as our inkstained plunge into the clips has been able to indicate (and so far as Mr. Epstein charged), that the one occasion on which The Post presented the allegation as fact, rather than as someone's version of the fact. With attribution, however, the figure darts in and out of subsequent material in The Post, and that brings us to our sin of omission, which seems to us, at the very least, to be as grave: in the weeks and months that followed, albeit with attribution, we reprinted this charge without ever subjecting it to scrutiny, without—in short—doing what Mr. Epstein, to his great credit, now has done.

You will have wondered at what point, summoning our endless resources of self-pity and understanding of the difficulties of our trade and sensitivity to even slightly unfair criticism of our performance, we would choose to sob a little in our own behalf. The answer is, Now. So as not to be too embarrassing about it, we will run through the case for the defense quickly. We note first the fact that we deal each day with a new torrent of conflicting and/or suspect assertions (the front page on the day of this writing, for example, presents a Calley version, a Stans version, a Udall version, and a presidential version of various facts and events under challenge). And in this connection we note that, by Mr. Epstein's own account, some six to eight months were required to produce his attempt to straighten out the faulty record and that even with time, checking and rechecking, his article is not wholly free of misimpressions as to who said what when. Again, we suspect that Mr. Epstein is somewhat too dismissive in his attitude toward police-Panther encounters that have not ended in Panther deaths or any deaths, but which nonetheless have occurred and make an important part of the background that caused so much anxiety over the Chicago and Los Angeles encounters and their meaning and effect. Borrowing a page from the Vice President's book, we go on to observe that many of the quotations from The Post were cited in a way that made them sound more culpable than they were. Finally, we would invoke the ease with which a busy, pressured deskman could have produced that unattributed quotation in an amalgam of dispatches on December 9th.

Having thus functioned as counsel for the prosecution and the defense in our own case, we might as well complete the process by weighing in as jury. The verdict takes no time to reach. It is that the press of business, a slip of the hand, and the difficulty of getting to the bottom of a complicated assertion represent an insufficient defense on all counts. There is no adequate excuse for making this kind of error in the first place and none for failing to pursue the truth behind the phony "facts." In short, we find ourselves guilty and—with some reservations concerning Mr. Epstein's presentation of his case and his manner of quoting—we commend him for his effort to set the record straight.

FISH FARMING ACT ENDORSED

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. GRIFFIN. Mr. Speaker, the current issue of the American Fish Farmer contains an impressive editorial in support of the Fish Farming Act of 1971 jointly sponsored by the gentleman from Texas, Mr. PICKLE, and myself.

With clarity and eloquence, editor James T. White discusses the need for consolidation of Federal assistance to the fish farming industry. I would like to underscore Mr. White's assertion that the Griffin-Pickle proposal in no way contains criticism of Federal personnel who have worked in this field so efficiently and effectively. They have rendered great public service, but we feel that it is best for efforts and activities in this area to be placed in one Government agency.

I am pleased to call to the attention of my colleagues Mr. White's comments, which follow:

COMMENTS ON THE NEWS—VIEWPOINT

It is likely that in a philosophical argument among anthropologists about the relative importance of the invention of the wheel and the invention of the fence, the wheel would win. The wheel has received more publicity, for one thing. However, if the argument was over the importance of the fence and the bow and arrow, we think that the vote should go to the fence as being more important to mankind. As long as man depended on the bow and arrow to secure his food, he had to look forward to a long and arduous chase with an uncertain outcome at its end. But when some prehistoric genius figured out that building a fence around a cow might make it easier to catch her, the human race made progress. After that, it didn't take too much of an intellectual leap to conceive of building the enclosure and then putting the animal inside where it could be fed, bred, fattened, and easily caught.

The invention of agriculture has, in fact, made modern civilization possible. Our present social structure could not exist without it. In view of this, it is truly amazing that it has taken man so many thousands of years to begin to apply these same principles to the aquatic environment. It is only in the recent past that we have "built the enclosure and put the animal inside" when the animal was a fish or crustacean. And even in our more or less enlightened age, most people still think that fish either come from the capture of supposedly limitless ocean stocks or from the leisure-time efforts of folks who enjoy dangling a baited hook in a lake or stream.

The fact is, however, that there is just as much difference between the "long and arduous chase" of wild fish in streams or oceans and the controlled farming of fish as there is between depending on the capture of wild animals for meat and the controlled farming of cattle. And the analogy between the two is precisely the same. Aquaculture is farming in every sense of the word.

In view of this, it is indeed gratifying to learn that two Southern Congressmen, J. J. Pickle of Texas, and Charles Griffin of Mississippi, have proposed legislation that will treat all forms of fish farming as a specialized branch of the nation's agricultural complex.

If this proposed legislation is passed and effectively implemented, it will provide a much-needed consolidation of the research and development efforts that are presently scattered in several governmental departments. This is not, of course, to sell short the splendid efforts that have been made by personnel of the National Marine Fisheries Service, the Bureau of Sport Fisheries and Wildlife, the USDA's Soil Conservation Service, the Environmental Protection Agency and others. The services that these groups have rendered to aquaculture have, to a very large extent, made possible the present state of the fish farming art. Furthermore, there has existed an atmosphere of cooperation between these diverse agencies and bureaus that is seldom found in the ordinary functioning of our government.

The point is that none of these agencies have the advancement of aquaculture as their basic goal. Their missions are aimed toward other areas, and therefore programs to assist, promote or develop aquaculture have all too often been accorded the status usually given an unwanted and somewhat embarrassing stepchild. Drawing aquaculture programs together into a Farm Fisheries Bureau in the Department of Agriculture is a proposal that makes sense from the standpoint of efficiency; but more importantly, it is a proposal which will advance aquaculture to the status given the other bona fide contributors to our nation's farm productivity.

The Fish Farming Assistance Act will bring about two much-needed results. First, it will consolidate and add significantly to the impact of the research that is being done in aquaculture by channeling the results of that research through the department that is directly responsible for the conduct of agriculture. Second, the bill will bring greater financial stability to the industry by making it possible for fish farmers to receive the same financial assistance that is presently extended to other farmers.

The fish farming legislation proposed by Congressmen Griffin and Pickle makes good administrative sense. And, it is also a far-sighted proposal in that it is wisely structured to cover all phases of aquaculture. The farming of several useful and potentially profitable aquatic species is now beginning, and as it is worded, the Fish Farming Assistance Act will provide the climate for rapid development of these areas of aquaculture.

The Fish Farming Assistance Act is a vital proposal for all who are engaged in aquaculture in any way, and it deserves the vigorous support of all who are thus engaged. It is, in fact, a legislative proposal which provides the means by which fish farming can come of age.

HOW DO YOU SHIFT GEARS?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. ZWACH. Mr. Speaker, it is universally agreed that countryside America is in need of help and that has been my top priority since I have been in Congress.

Sometimes it is hard to make people understand what needs to be done, what can be done, for the countryside.

A recent editorial in the Wheaton, Minn., Gazette explained the condition of the countryside and offered some commonsense solutions.

Mr. Speaker, I insert this editorial in the CONGRESSIONAL RECORD and I urge all of my colleagues to read it:

HOW DO YOU SHIFT GEARS?

Finding the ways and means to bring new life to rural communities really isn't such a major problem. There are two basic means for getting the job done, as we see it. Perhaps there are more.

Basically, all people need is an opportunity for employment. With a job in a rural community, most of the other problems like housing and pollution will take care of themselves.

Rural areas need two things—more industry and better conditions for agriculture.

Let's talk about industry. With transportation as it is today, industry can operate very effectively and very profitably in small towns. What added costs may develop for transportation can readily be more than offset by better and cheaper labor than that found in the cities. All overhead, as a matter of fact, will come down.

So how do you get industry to rural towns? The surest way the government can help is to provide an incentive—and incentive starts with a dollar sign. We're talking about a tax benefit. If a real tax benefit were offered for industry to locate in a town of say 5,000 or under 10,000, you would see new life in this field. People would start moving back out of the cities to the rural towns. The economy of rural areas would be bolstered. Pollution, if not cured, would at least be spread.

And then there's agriculture. This, in an area such as ours, is so much more important than industrial development you almost hate to talk of the two at the same time. As the populations statistics indicate, the loss of people in outstate areas such as our own is totally due to the loss in farm population. People are leaving the land. As they do, fewer people can find opportunities in the services communities of the rural areas. So some of them must leave. As agriculture goes down the drain, so also does the entire rural community. It's that simple.

How can the government play a part here? That's nothing particularly difficult to figure out either. They've already shown how the job can be done—by doing directly the reverse.

The federal government has been concerned for many years now with keeping the cost of food down for the people of this country. There was a time, not very many years ago, when Americans paid about 25 percent of their income for food—the cheapest in the world. But as farm prices dropped the inflation soared, bigger paychecks for other segments of the economy brought a decrease in this percentage. Soon the American working man was paying about 20 percent of his check for food. Then it dropped to below 18 percent, crept down below 17 percent. And now the latest figures we've heard indicate that in 1970 Americans dished out only about 15 percent of their money for food.

This type of thing is unheard of anywhere else in the world. To add to the wonder of it all, you must consider that while the economy of the nation as a whole has been in an upward whirlwind, a multitude of industries directly involved in the provision of food have also been affected. A great number of firms in allied industries, such as processors, transporters and the like have kept in step with the times. Their costs have gone up—but at the same time, the proportionate cost of food has not. This means that the whole load has come right back down on the initial producer, the farmer. He has carried the burden of the nation's cheap food all by himself.

The government has controlled it, let there be no question about that. Support prices have been established not to control production but to control food costs. And right now we see yet another drop in the support prices. Imagine that! Yet another drop in support prices when costs of everything else skyrockets upward.

Well, this is the way the government has controlled income for farmers. They can very simply reverse the trend and provide reasonable support prices. The added cost for the finished food product would be virtually unnoticeable. At the same time, the economy of the rural area would benefit like no industry could ever make it benefit.

Quite frankly, we're sick of hearing about all the problems of the city. We think the rural area, with the slightest bit of help from the governmental bodies, provides an answer to a multitude of problems in our nation at a cost that would look like a weak candle beside the beacon light of city rebuilding costs.

A POSSIBLE SOLUTION TO THE PROBLEMS OF THE URBAN AREAS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. LENT. Mr. Speaker, the problems of the urban areas of our Nation have already reached the critical stage, a fact that is well known to all of us in the Congress. The expectation, moreover, that our population will increase by as much as 75 million in the next 30 years, with most of that increase being absorbed by the cities and suburbs, makes it all the more urgent that we find practical solutions.

One possibility that has been widely discussed is the creation of new cities, in varying sizes, in parts of the country remote from the most heavily populated areas. In a recent speech to the Regional Plan Association in New York, Mr. David Rockefeller, chairman of the board of the Chase Manhattan Bank, outlined a proposal to finance the development of 110 such new cities. He suggested bringing the resources of the private sector into a cooperative effort with Government in order to raise the necessary $10 billion, acquire the land and implement this long-range plan.

I believe that Mr. Rockefeller's proposals merit the serious attention and consideration of this Congress, and I therefore include the text of his speech in the RECORD:

ADDRESS BY DAVID ROCKEFELLER

I appreciate enormously the generous recognition that has been given this evening to the things I've tried to do toward improving this city that we all love so much. Even though it causes us anxiety.

To be singled out for acclaim by the Regional Plan Association is a heartening tribute, indeed, and I am most grateful to you, Rusty Crawford, and all your fine associates.

I should warn you, though, that you may be establishing a dangerous precedent at these annual dinners. My brother Nelson was the speaker at last year's affair, and I myself have that honor tonight. I just wonder whether you are aware that there are three more Rockefeller brothers!

Actually, father was a strong supporter of this Association. At one time, he stipulated that funds he provided for land acquisition and an extension of the Palisades Interstate Park System in the area north of the George Washington bridge be used in accordance with the First Regional Plan of 1929.

When Nelson originally ran for Governor, I suspect he had occasion to feel sorry that father was so self-effacing. He found to his dismay that the name most frequently associated with Palisades Park was Harriman!

Seeing David Frost here this evening as Master-of-Ceremonies reminded me that my place on the program this evening had improved considerably since we last met. On that occasion, David invited me to appear on his TV show, and of course I was happy to accept. I didn't mind so much waiting in the wings while he interviewed two famous Hollywood actors—but I did think David carried the "upstaging" bit a little too far when he then brought on the Prime Minister of Sweden!

As Rusty Crawford can testify, it is particularly reassuring these days for a banker to hear anybody say nice things about him becasue, frankly, in these inflationary times, we have been getting far more brickbats than bouquets.

From time to time, I am asked what I think about inflation, and I've never been able to improve upon Milton Berle's definition. Inflation, he said, is when people's money won't buy what it did during the Depression when they didn't have much of it anyway!

Bankers have been forcefully reminded of inflation's impact by several recent developments, including the soaring cost of building and outfitting new branches—and you know how many of those are opening up all the time. One survey showed recently that our Avenue of the Americas now has more banks than bars!

Some people, I'm afraid, would not look upon that as a forward step in regional planning!

Some friends and I were discussing urban planning recently while watching the television coverage of Apollo 14. One of the group raised the question why, since we can put men on the moon, we cannot solve our urban problems which are so much closer at hand. "The explanation is simple," said another. "We know where the moon is!"

In reflecting on this comment, I couldn't help feeling that it pretty well summed up the difficulty we have in coming to grips with that tangled complex of problems we call "the urban crisis."

As the Regional Plan Association found out early in its very useful life, the urban crisis is not just a single problem. Rather it is a kind of witches' brew blended from all the major ills of our time—inadequate educational systems, hard-core unemployment, poverty in the midst of plenty antiquated transportation, shameful housing, insufficient public facilities, and all the rest.

This evening I'd like to touch briefly on some of the problems we face—problems that have been starkly delineated in the association's recent and the comprehensive Second Regional Plan. Then I'd like to explore a concept of development and financing that seems to me to have application not only to our urban areas but also to the exciting development of "new towns" and "satellite cities."

I should tell you at the outset that I personally am not a devotee of the new fashion of urban pessimism. This is the dispirited and disillusioned cult that never ceases to predict an early end to all our cities. Such an attitude, in my judgment, does much less than justice to the thousands of dedicated civil servants, determined businessmen and concerned citizens who have opted for enterprise and ingenuity as their response to a troubled era. To me, it would be both impractical and unthinkable to surrender to frustration at a time when there is so much constructive work to be done.

I spoke earlier of how difficult it is for the average citizen to see the urban crisis in perspective. Perhaps it helps if we think of the United States as two broad geographical areas.

One is rural America, a region so huge that, if it were a separate country, it would rank in area as the world's ninth largest. Yet, at the same time, a region so low in income that, by itself, it would be the world's sixth largest underdeveloped nation.

This Rural America contains the highest proportion of our poverty, the lowest average per capita income, the most inequitable distribution of educational opportunity, and the bulk of America's inadequate housing.

The second geographical element consists of six large urban-and-suburban sprawls: The Boston-Washington corridor down the Atlantic seaboard; from Buffalo along the Great Lakes beyond Chicago; the spill-out of Los Angeles engulfing over half the California Pacific; the Florida spread; the Atlanta-Piedmont crescent; and the Fort Worth-Dallas-Houston complex.

Statistics confirm the pattern that this Nation's urban areas accomodate 70 per cent of all Americans on about 10 per cent of the land.

Thus, in our rural areas, we have more room than people—more than enough space to expand, together with a need for the advantages that business and industry can provide.

On the other hand, we have the urban areas with far more people than room. In these areas, we have seen haphazard growth in which social ills tend to multiply.

Given these disparities, it is only natural to ask: Why don't we get people to move from congested metropolitan centers to sparsely settled rural areas?

In a regimented society that might be a good way to do it, but it is hardly the American way.

Though romantics may still dream of the glories of small-town life, thousands of Americans continue by preference to pour into our great urban regions to take advantage of the unparalleled opportunities they do, in fact, offer. To the country lover it may seem surprising that nearly all the increase in our national population, over the past decade, took place in metropolitan areas—in the central cities and suburbs.

In view of this trend, and because of the huge investment we have in our existing cities, it is the height of folly to think—as some do—that we can ignore the refurbishing of our present metropolitan areas in favor of creating new cities away from the congested corridors. Realistically, we have no choice but to do both.

Today we have a population of some 206 million. Projections show that we are likely to add as many as 75 million more people by the end of this century—less than 30 years away. While this represents a lower rate of population growth for the U.S. than in the past—and is substantially lower than that of the developing nations—it still means that we must assimilate vast additional numbers of people in our country. In short, our urban problems will grow, not diminish, in the remaining decades of the 20th Century.

Seldom does a day pass that we don't hear the question: "What's the solution?"

But I wonder if a more realistic query wouldn't be: "What's the best approach to these problems?"

Experiences I have had in relation to Morningside Heights, Lower Manhattan and urban activities of our own Bank in recent years suggest that the right approach is all-important.

I might add, parenthetically, that this lesson on the proper approach was reinforced at least in my own mind, when I tried to convince some of my associates, at our friendly little loan company, to decorate their offices with contemporary art! That's a job that definitely calls for the right approach.

At any rate, in approaching urban problems, it is absolutely vital to gain the co-operation of three elements: private business, Government, and the local citizenry. Unless these three can reach a broad consensus, even the finest plan will become nothing more than a blueprint for failure.

I believe that the basic task of urban rehabilitation is one for private enterprise. But it must be a co-operative venture. Government must lend support through zoning, through supplying essential services, and through tax incentives. Furthermore, the goodwill of the local residents and their concurrence in the program is an indispensable ingredient.

Clearly, the business and financial community has a growing stake in the economic health of our cities. Good zoning, traffic control and adequate water supply are essential to the entire community, but they also bear directly on the successes of business located there. To attract and retain top talent willing to live and work in our cities, business needs progressive community leadership that is alert to the problems which exist and is prepared to do something about them.

Conversely, cities need the help of business if they are to expand job opportunities and generate an adequate tax base. During this decade of the Seventies, we must create jobs in the United States for about a million-and-a-half men and women who will be entering the labor force every year. Since most of these jobs must be in metropolitan areas where the population is concentrated, a basic function of any city must be to encourage and support the business and commercial activities that provide its economic base.

It goes without saying that in performing its primary role of producing goods and services efficiently, business is accomplishing a vital function of great public importance. Beyond this, however, more and more businesses are coming to recognize that they have a responsibility to assume a larger share of the social burden as well, hand-in-hand with Government. A notable recent example of business initiative which went beyond the conventional role of a strictly profit-oriented project was the case of nine commercial banks which are cooperating with the city in providing nearly $75 million for the construction of the Waterside Housing Development, to accommodate some 1,500 low- and moderate-income families, on a novel six-acre platform over the East River.

This is just one example of an expanding corporate trend toward direct participation in community improvement that is becoming nationwide in scope. I am not suggesting, of course, that business singlehandedly—without Government assistance—can solve the problems of our cities. However, it can take—and is taking—a livelier interest and is playing a larger role. And I believe it will do even more as it becomes convinced that its efforts will receive encouragement and support from Government and the community.

One promising area for future collaboration between public and private sectors is in the exciting planning and development of "new towns" and "satellite cities."

I say exciting because this represents a dramatically new concept of urban building. Look at any of our present towns and cities and you can see unmistakable reflections of the way they were built—piecemeal.

How much better it would be to have an overall concept of the community which can shape the development right from the outset. That, in essence, is the new town idea. An imaginative builder comes in with a comprehensive plan and works out the details in cooperation with local government.

The location of the community center is carefully selected. You don't have the situation many of us are familiar with today where one municipality waits for its neighbor to provide the shopping and community facilities for both. Housing is planned to meet the needs of all those who will be working in the community. You don't run into situations where one municipality drags its feet, hoping the next town will provide the low- and middle-income housing, while it accommodates only the well-to-do.

In recent years, there have been about a dozen communities started which can be classified as "new towns"—that is politically new and independent units with a wide range of options for housing, employment, worship, education and recreation. Perhaps the outstanding example of a new town in this country is Columbia, Maryland, halfway between Baltimore and Washington. Because Chase Manhattan participated in its construction financing, I have followed this particular "new town" with special interest.

Columbia was started in 1963 and is expected to be completed in 1980. By that time the population—now about 10,000—should reach 110,000. Of its 14,000 acres, about half are for residential use. A quarter of the land is for open space, while another quarter is for commercial and industrial purposes.

A core community is surrounded by what ultimately will be a dozen tree-shaded villages. Each village has been subdivided into racially integrated neighborhoods of about 1,000 families, with homes in a variety of styles and prices, clustered around churches, shops and schools. There are transportation loops around the villages that connect with Columbia's central core. Industrial sites are situated on the outskirts but with easy access routes to residential and shopping areas. The city is designed to be a balanced community with recreational and social facilities to satisfy the human needs of urban living, in addition to the businesses which provide employment and the economic base.

Seeing Columbia evolve, one can readily understand the growing support for new towns which is springing up all across the country.

As an example, The National Committee on Urban Growth Policy has recommended the creation of 100 new communities the size of Columbia and, in addition, ten new cities of at least one million people each.

The Housing and Urban Development Act of 1970 set up a Community Development Corporation to handle the financing of new communities, and provided some of the funds to get them started. These steps are very much in the right direction, but the funding presently available is still far below the waterline of adequacy to get the job done.

I have been giving considerable thought as to how the process of promoting new towns can be expedited. I have come to the conclusion that additional legislation will be required as well as added financial support. Specifically, it seems to me that two steps are needed.

One is a mechanism to help in acquiring land so that sufficiently large and contiguous tracts can be put together. In the case of Columbia, a few parcels could not be acquired and in the end the planners just had to design the city around them. If more parcels had been held out, or if they had been in more critical locations, this could have undercut the whole project. The chanciness related to land acquisition is much too great as things now stand.

The other need is for new sources of financing to provide the enormous sums required before new towns get underway and begin collecting revenue on their own.

To take care of both these needs, I would suggest the creation of two corporations nationwide in scope—one public, the other private or quasi-public.

To deal with the problem of land acquisition—and perhaps provide guidance in terms of national land use planning—we need either a new Federal agency or an existing agency supplied with special additional powers for planning and obtaining sites for new towns.

Such an agency might well require the power of eminent domain. But sufficient flexibility and safeguards should be built in so that the rights and desires of those already living in proposed sites would be protected and so that there would be no improper infringement on states' rights. Whether it be an Executive Branch mechanism or a creation of Congress should be a matter for sober reflection. But the plan would call for a Federal agency with the ability to determine sites and projects in a manner consistent with the economic needs and goals of the communities involved as well as those of the Nation. Thus a single agency would handle land acquisition and site location.

The second agency, either private or quasi-public, would be organized to provide the financing. Possibly a new kind of bank could be devised which would seek its capital from commercial banks, insurance companies, industry and other sources. To do so, the new bank would need to offer long-term investment opportunities in the form of equity or debentures that would make possible full development of a new town, and be sufficiently remunerative so as to assure a continuing flow of capital for other new towns. If the new communities are well conceived, there is no reason why the bulk of the capital should not come from private sources.

The two agencies would need to work in close cooperation to see that the site locations of new towns not only meet the public standards desired for national growth but also to make sure that they would be attractive to residents and to industry.

Working together, these two agencies could create a whole series of new independent communities, providing adequate housing at reasonable cost and bringing together both the white and blue-collar work force required for industrial expansion.

Aside from the building of new towns, the plan I have outlined could readily direct investment into existing core cities where our national growth policy determined that programs of redevelopment or rehabilitation were desirable.

Perhaps the greatest benefit would be the harnessing of private financing sources, which up to now have not been attracted by urban investment, and directing them into responsible urban developments that are not only profitable but that enhance the environment as well.

Obviously, the building of new towns is an expensive venture. One recent study estimates that a community the size of Columbia might cost as much as $50 million in predevelopment charges alone—in land acquisition, planning and management, and infrastructure such as streets and utilities.

These start-up costs are the very ones that the developer finds so burdensome under present conditions and the ones that the proposed new financing agency would be designed to handle. As a new town project moves ahead, it can obtain funds in the conventional money market or—in case of lower income housing—from various government programs or the new National Corporation for Housing Partnerships. But the predevelopment costs are the big road blocks.

If we use this $50 million as a base figure, then the recommendation of the National Committee on Urban Growth Policy for 100 communities of Columbia's size, and ten of one million people each could cut cost in the neighborhood of $10 billion.

Standing by itself, this is an imposing figure, indeed. Yet it is less than half of what we have already spent on the man-in-space program. And as great as the benefits from that program have been, I believe that the advantages of new town development—certainly in human terms—could be incalculably greater.

In conclusion I would like to suggest that in tackling urban problems, we should keep five points in mind:

First, that because these problems are so closely interrelated, they call for the establishment of overall national goals and guidance.

Second, that federal and state assistance must be closely coordinated to stimulate responsible local action and serve the best long-run interests of the overall community.

Third, that the amount of state and local building and rebuilding required is so vast that it will make necessary the expenditure of a steadily increasing share of our total national income. Both private and public funds will be required. Since states and municipalities are already straining their taxing powers, I believe the federal government will have to bear a larger share than in the past. That is why I personally applaud President Nixon's proposal for what he calls "general revenue sharing." The idea of giving local governments greater flexibility in spending a larger portion of federal tax revenues on urban development is eminently sound, and I would hope that the President's approach would eventually find the broadly-based support it deserves on Capitol Hill.

Fourth, that it is imperative for any new town or redevelopment project to include enough profitable activities whether in housing, commercial development or industry to generate tax revenues sufficient to make the project viable with a minimum of public subsidy.

Fifth and finally, that the task of refurbishing our existing core cities and building new towns can best be accomplished if public and private efforts are creatively combined in such a way as to win the support of the community.

In shaping our cities of the future, we are limited only by the intensity of our concern, the reach of our inquiring minds, and the strength of our determination to provide a better life for all our citizens.

CANCER: A CURE WITHIN REACH THIS DECADE

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. HARVEY. Mr. Speaker, I am pleased to have joined as a cosponsor in introducing legislation, House Concurrent Resolution 27 on January 22, 1971, calling for a national commitment to be immediately undertaken in hopes of achieving a cure and control of cancer within this decade.

Not that the mere introduction of this legislation will result in an instant or magical cure, but the fact that President Nixon, the administration, and the Congress are committed to conquering this dreadful disease and are willing to put themselves on record by supporting this legislation providing adequate funding cannot but help in the battle to save lives.

Each year cancer is among the leading causes of death in the United States—ranking second only to heart disease. There are few families within our Nation who have not lost some relative or close friend as a result of cancer.

Sixteen percent of all deaths in the United States, representing some 329,000 persons, were caused from cancer in 1970. This year the American Cancer Society estimates the cancer death toll will climb even higher to 335,000. This is about 920 persons dying a day from cancer—or more than one every 2 minutes.

As far as cancer fatalities are related to population, the U.S. ranks 18th among the 40 nations reporting mortality statistics, according to the American Cancer Society.

More than 52 million Americans now living will eventually have cancer. This is about 1 in 4 persons, according to present population. Over the years cancer will strike 2 of 3 families.

In the 1970's alone, it is estimated there will be 3.5 million cancer deaths, 6.5 million new cancer cases and 10 million under treatment for the disease.

It has been projected that in the State of Michigan alone, there will be 13,800 deaths from cancer this year, and 26,000 new cases reported.

As shocking as all these figures are, some progress has been made in the fight against cancer. In 1960, 267,000 people were victims—representing more than 17 percent of the death rate.

Back in 1930, the hope of survival for a person who was stricken with cancer was less than 1 in 5. Today the odds have risen to 1 in 3.

However, despite today's odds—which are still heavily weighed against the victim—the success that has been achieved lies primarily in the early detection of the disease, as opposed to any strikingly new "cure" treatment or breakthrough discovery. True, there have been some wonder drugs and therapy treatment that have prolonged the life of those sufferers.

But early detection, which has to a great extent been made possible through the public and private educational programs of various interested groups, has been primarily responsible for today's 1 in 3 odds of survival.

It has been unfortunate, indeed, that there has been a lack of what could be termed an actual major medical breakthrough toward a cure in combating and controlling cancer.

But, funds for research have been limited in past years. Congress appropriated for fiscal year 1969 some $185.2 million for the National Cancer Institute. The American Cancer Institute had a 1968–69 budget of about $61.5 million—about $20 million which went for research. A large remainder went to public and professional education.

Therefore, I think it important that we increase the amount appropriated for cancer research. Our Nation's leading medical authorities have almost all agreed that we probably can, through proper research, control cancer within this decade—provided we provide the funding.

This bill will not only provide the type of vital funding, it will also establish a new national agency for centralizing the administration of cancer research funds. It furthermore provides for the construction of five new critically needed research institutes in the United States during the first 2 years of appropriations.

SMALL OIL SLICKS RISE, POSE A WORSE THREAT THAN MAJOR BLOWOUTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. DINGELL. Mr. Speaker, in the February 10, 1971, issue of the Wall

Street Journal, Mr. James C. Tanner wrote a very thought-provoking article regarding the fact that it is the small and often unnoticed oil spill that eventually results in the most far-reaching damage to our environment. These spills, when taken together, are a far more serious threat to the environment than the occasional spectacular incident.

It is estimated that over 3 billion gallons of oil a year are presently released into the oceans of the world, and Mr. Tanner's article points out that many pollution experts feel the problems may be even more serious.

Mr. Speaker, it is requested that Mr. Tanner's article appear in the Record at this point.

I include the article as follows:

Small Oil Slicks Rise, Pose a Worse Threat Than Major Blowouts—Daily Spills, Drips and Leaks by Pipes, Boats and Barges Seen Causing Big Damage—Sick Birds and Soiled Beaches

(By James C. Tanner)

New Orleans.—It is a sunny, cloudless day in this delta city as A. L. Prechac Jr. and a pilot take off in a Cessna plane. As the small craft climbs toward the southwest, a lush carpet of green marshes laced with bayous and spotted with lakes opens up below. The waters of beautiful Lake Salvador gleam in the distance.

But those gleaming waters bother Mr. Prechac, who is head of the antipollution-enforcement section of the Louisiana Wild Life and Fisheries Commission. He points out to a passenger that part of the gleam is caused by the sun's bouncing off a spreading oil slick. A few miles further, over some marshes and waterways, brilliantly colored rainbows reflect off oil creeping along the surface of canals. Beyond that, an oil slick oozes over part of an inlet.

Before the Cessna returns to New Orleans, Mr. Prechac will have observed, and duly notated, enough violations of the state's antipollution laws to warrant issuing 18 or 20 citations to companies and individuals. Few, if any, of these violations will receive any widespread publicity, however. For unlike dramatic tanker collisions and massive oil-well blowouts, the slicks here, when considered individually, are far too minor to arouse public indignation.

A SERIOUS THREAT

Yet, taken together, these small slicks are a far more serious threat to the environment than are the occasional spectacular blowouts, conservationists say. "It's the small but chronic discharges that are the most debilitating," says Kenneth E. Biglane, a marine biologist who directs the division of oil and hazardous materials of the Environmental Protection Agency, the new federal antipollution agency.

The smaller spills can be blamed on a number of factors, including minor leaks in wells, deliberate dumping by ships, routine transfers of oil and minor accidents at sea. But whatever the cause, the small spills are difficult to detect; and despite new laws and harsher penalties, they are often impossible to prevent.

The amount of oil going into the seas around the world now is estimated at three billion gallons a year. Some authorities say that during the past five years more than one million gallons of oil have been accidentally leaked into the waters off the Texas coast. This figure is more than twice the amount spilled in California's Santa Barbara Channel in January 1969—an accident that provoked a major ecological uproar.

But many pollution experts maintain that petroleum problems are even more serious inland. They say oil in increasing amounts is being leaked, dripped, spilled and poured into lakes, streams, marshes, bayous and bays. "Soon there will be oil all over the water, and that will be that," one pollution fighter glumly predicts.

CHASING PETROLEUM POLLUTERS

Recognizing the problem of small spills, Clark M. Hoffpauer, director of the Louisiana Wild Life and Fisheries Commission, in mid-1969 established a special pollution inspection force made up of game wardens. About 30 agents for the commission now spend much of their time chasing petroleum polluters, rather than game poachers.

Mr. Hoffpauer's inspection force, armed with Polaroid cameras, photograph whatever pollution violations they find. There's no lack of subjects. Mr. Hoffpauer suggests, in fact, that the oil companies should consider mining some of Louisiana's lake bottoms. "There is more oil in that mud than in oil shale," he says.

Mr. Prechac's recent flight over Lake Salvador illustrates the magnitude of Louisiana's problems with "small" spillage. After commission pilot Leo Rodriguez has flown a few miles beyond the apparently faulty rig operated by Texaco in Lake Salvador, Mr. Prechac spots five wells and one crude-oil waste pit that seem to be leaking into the marshes and waterways of Texaco's Lafitte field.

The plane heads south toward the Gulf Coast. About 10 miles offshore, a 22-well Shell Oil Co. platform has been blazing out of control since last Dec. 1, and a silvery sheen of oil is seen stretching along five miles of the beach front. As the Cessna turns to trace the sheen, however, it's seen that the source of pollution isn't the burning platform at all. Rather, it seems to be a tugboat pumping its bilge into the water.

TAGGING A TUG

The pilot swoops low over the tug, and its name is jotted down by Mr. Prechac. Regaining altitude, the plane passes over Port Sulfur, on the Mississippi River, and the captain spots on oil barge dripping petroleum into the waters of nearby Lake Washington.

Across the river in the Black Bay oil field, small slicks are spreading away from three producing platforms and oily rainbows fan out from several rigs. Mr. Prechac, busily taking notes, says most of the offending installations are operated by Gulf Oil Corp.

After his flights, Mr. Prechac usually radios his agents responsible for the aerially surveyed territories. The agents then go out in boats to collect additional evidence. More often than not they find what they're looking for; citations have been averaging about 100 a month. On this day, however, rather than issuing citations Mr. Prechac calls the oil companies and tells them what he has seen and warns them to clean up the situation.

The citations, however, carry an initial penalty of only $100. Furthermore, few oil polluters are fined. Louisiana courts appear reluctant to prosecute petroleum producers, some observers say, since oil is the state's major producer of revenue.

This isn't to say that the oil companies don't respond to Mr. Prechac's citations. Most major producers, increasingly concerned about outcries from ecologists, attempt to avoid adverse publicity by quickly correcting pollution offenses. "If we can get with an oil spill right away and get it cleaned up, it doesn't get into the newspapers," says an official of one large oil company.

"There is no way, when you're working over an old well or a new one, not to spill a little oil," says a spokesman for Gulf. "We contract for people to work over the wells, and it's awfully hard to get good workover crews."

A Texaco spokesman says his company is "concerned as much as anyone, maybe more than most, about situations like this. We do everything we can to prevent even the smallest sheen. We work very closely with the Louisiana authorities and the little mishap is taken care of on the spot."

The Texaco spokesman doesn't deny that Texaco gets a lot of citations in Louisiana, but he insists that the oil spotted by Mr. Prechac should be called "sheens," rather than "slicks." "There is a big difference between a slick and a sheen," he says. "Sheens can be caused by outboard motors."

Over and above bad publicity, the companies are becoming concerned by the increasingly tough stance of federal regulators regarding spills in coastal or navigable waters. Early last year, following a big spill in the Gulf of Mexico by Chevron Oil Co., a Standard Oil Co. of California subsidiary, the federal government charged nine companies with failing to follow proper safety precautions in offshore drilling. Thus far, eight of the offenders have paid fines totaling more than $2 million.

The Chevron spill is also credited for speedy congressional enactment last year of legislation providing stiff penalties for petroleum pollution. The penalties, which reach a maximum $10,000 fine for each violation, are imposed on any concern that knowingly discharges oil into the water or that fails to report accidental spills.

But those U.S. agencies charged with enforcing the new federal restrictions aren't yet sufficiently geared up to be fully effective. "We cannot control the (spills) situation," says an official of the Environmental Protection Agency, "but perhaps we can mitigate the damages."

The extent of such damages isn't yet known. Gulf Coast resort operators have been increasingly grumbling about globs of oil they claim are spoiling their beaches. And environmentalists note with despair that pelicans and other coastal birds from Florida to Louisiana are often found dying from oil soakings.

Conservationists, however, believe the harm done to the birds and beaches is but a small segment of the total pollution picture in Louisiana. Throughout the state, they say, formerly beautiful and fertile woodlands have been laid waste by the seepage of oil and brine from nearby petroleum fields. They add that some swamps and water bodies have become almost devoid of marine life because of oil runoffs.

Oil is important to Louisiana's economy, but the state's waters—sustaining vast fish, oyster and shrimp industries—are also major producers of revenue, some Louisianians note. Hardy oysters usually purge themselves of oil within a few weeks, but some species of fish continue to carry an oily taste long after contact with spills. And some shrimpers are complaining their catches are down because of the oil leakage problem.

The oil companies reply that the industry's antipollution spending has reached $1.5 million a day—more than double the figure of five years ago. In addition, they say, the American Petroleum Institute has a 1971 budget of $3.5 million for its drive against air and water pollution. The largest single item in this budget is $1.3 million to study the best means for cleaning up oil spills.

The oil companies, in fact, are currently financing extensive research in the control and prevention of petroleum pollution. Shell's research laboratory in Houston is so highly regarded that Mr. Prechac plans to enroll some of his agents there for courses.

For Louisiana's waterways, however, the immediate future is clouded. Research aside, executives of the oil companies say they can't operate without a certain amount of spillage if they are to meet rising petroleum demands. "Railroads can't operate without derailing some cars," says one philosophical oilman. But that argument doesn't soothe a lot of people.

THE VOICE HAS NOT DIED WITH THE MAN

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. BEGICH. Mr. Speaker, on February 3, 1971, Lawrence S. Fanning, one of Alaska's most outstanding citizens and one of the Nation's finest journalists died. His death was a shock and a great loss to the people he loved and for the people he worked with.

Tributes to Mr. Fanning have come from the people who have had the good fortune to work with him and from people whose lives he so deeply touched. Journalists across the Nation, in numerous articles, have expressed their admiration and respect for Lawrence Fanning. Perhaps one of the most moving of those articles was written by the staff who served with him at the Anchorage Daily News. I would like to insert this editorial into the Record as a tribute to Mr. Fanning and to demonstrate in the most eloquent words his profound influence on his friends and staff:

The Voice Has Not Died With the Man

Larry Fanning is gone, but he left a legacy that will live on in this newspaper and its employes.

His was a resonant, compassionate voice for the liberal, progressive ideals which to him epitomized the best in our nation and state. He championed the poor, the weak and the oppressed; he had an abiding faith in the young ("Most of my generation has spent too damn much time talking and not enough time listening."); he abhored social injustice, corruption and bigotry.

When he acquired control of The Daily News in 1967, Larry Fanning let the community know right away what it could expect. "The Anchorage Daily News will be a politically independent newspaper," he wrote in an editorial in the first edition of the paper under his ownership. "We expect to be outspoken on issues and candidates. As a consequence, no political organization or power structure is likely to applaud our efforts consistently. Our purpose is to serve the interests of all the people and to provide a forum for dissent as well as consensus."

And that is the way he ran the newspaper—to the delight of some and the chagrin of others.

As time passed, many residents came to know Larry Fanning well, for his door was open to all, and readers of the paper became familiar with his philosophy through scores of punchy editorials.

Two subjects in particular cropped up time and again in his editorials: the need for a generous and honorable settlement, with state participation, of the century-old Native land claims; the necessity of protecting the spectacular Alaskan environment as development proceeds. Neither subject has been particularly popular with a majority of Alaskans. But both fired Fanning's imagination. And when aroused, his displeasure could sting.

Following the Prudhoe Bay oil lease sale, when many Alaskans were deploring the interest the rest of the country was showing in Alaska, he wrote:

"Most Alaskans welcome the boom and look forward to the benefits that prudent and concerned development of our natural reesources will bring. But some members of our community want it both ways. They're all for development, but they're becoming increasingly sensitive over the loss of privacy.

"In response to the awakening national interest in the Great Land, they trot out the shop-worn shibboleth of 'Alaska for Alaskans, Outsiders go home' to do battle against visiting, frequently critical journalists . . .

"This type of attack may have been good form when the only outsiders who cared about our state were high school geography students or desk men at the Department of the Interior. It won't do now . . .

"It is all too easy to lapse into a false sense of security based on reading or seeing only that which pleases. The list of those who have paid the price for self-delusion is too long to print here."

After three and a half decades of devotion to a demanding craft, whose pressures and constant contact with the seamy side of life have turned many a flaming young idealist into a cynic by middle age, Larry Fanning retained an undiminished faith in people and the democratic process.

"He was the only man I ever met who, after talking to him, always made me feel better," one friend said this week.

An editorial from the fall of 1969 shows why.

"The great lesson of last year's national election was that participatory democracy still worked," Fanning wrote. "Even in this age of computers, faceless cities and a burgeoning population, individuals made themselves heard. Eugene McCarthy's campaign showed that the hard questions could be asked of our leaders and fair answers demanded as the price of their re-election . . .

"The lessons of the past year have not been lost on some Alaskans. Last spring saw the inspiring Biafra walk as well as the formation of Democrats for Issues and Answers, a group determined to bring rational investigation to partisan issues. The Alaska Citizens Concerned about the Deployment of the ABM proved that not all Alaskans welcomed a poorly rationalized, questionably conceived weapons system.

"More recently the League of Women Voters has turned its not inconsiderable talents with wit, charm and energy to the structure of Anchorage area government. And the Save our State Committee performed a valuable service by focusing attention on the Amchitka nuclear test shot.

"These people are concerned Alaskans, newcomers and pioneers alike, who at considerable personal expense and time are helping to ventilate the key issues of the day . . .

"Free discussion cannot hurt Alaska. The state is already subject to pressures which tax the intellectual and physical resources of our small population and relatively short modern political history. Yet our ability to deal imaginatively and progressively with the challenges of rapid development depends on Alaskans being involved in everything that's going on.

"The simple fact is that the government that governs best does not govern least, but rather governs with the greatest participation of its citizens. Abuse and corruption are the companions of disinterest. Participation, relevance, involvement are the keys to a healthy democratic society."

People were always the key.

And to the young people of Anchorage, many of them distressed by the direction of society, there was this bit of advice in a 1968 editorial:

"Remember always, the struggle is half won, not half lost; the glass is not half empty, it's half full."

And when his long-time friend Ralph McGill, editor of the Atlanta Constitution, died in 1969, Larry Fanning penned a tribute that in many respects could apply as well to himself:

"An extraordinary man died . . .

"A man who left an indelible mark on the land he loved;

"A man who wrote the kind of passionate prose that produced miracles of change and reform;

"A man of courage, integrity, wit and compassion.

"(He) was a newspaper writer and an editor. (He was also a publisher, but he had no appetite for that title. It made him uncomfortable.) . . .

"As a writer, and as a man, (he) answered to his own instincts. And because he did, a generation of writers found their voices.

". . . loved by his friends, respected by his enemies, (he) spoke out in a time when 'it took guts to have guts.'

"Let those words be his epitaph."

There is no way to fill the void that Larry Fanning left at this newspaper. Gone will be the special grace that illuminated everything he touched. But his concerns—social equality and justice in a Democratic society—remain with us as an enduring legacy. We will continue to espouse them.

The voice has not died with the man.

PITTSBURGH SITE OF FIFTH INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, the city of Pittsburgh has had the honor of hosting the first four International Conferences on Urban Transportation beginning in 1966.

This coming September 8 to 10, 1971, Pittsburgh will again be the meeting place of some of the most knowledgeable men in the field of mass transportation, as the fifth international conference convenes.

The participants will seek out the problems and search for the solutions necessary to the safe and comfortable mass movement of people. It will be a unique international confrontation, which we hope will lead to breakthroughs in transportation advancement. Innovative plans and ideas in mobility will keynote the conference.

As a time when all of us in Congress, as well as many other concerned citizens are seeking solutions to the urban transportation crisis, the International Conference to be held in Pittsburgh can bring concrete programs to view for all the world to see.

It is a pleasure to place in the Congressional Record the following formal announcement of this conference:

E. D. Brockett, Chairman of the Board of Gulf Oil Corporation, will head the Fifth International Conference on Urban Transportation, to be held in Pittsburgh, September 8–10, 1971.

The Pittsburgh Urban Transit Council (PUTC) will sponsor the conference. Mr. Brockett was recently elected chairman of this organization. The Transportation Research Institute (TRI) of Carnegie-Mellon University and the Gulf Oil Corporation will act as co-sponsors to this year's conference.

Conferees will include transit system designers and builders from all over the world as well as government and civic leaders interested in mass transportation.

The conference will focus attention on mass and rapid transit problems and generate ideas for the future, with emphasis on the economic, ecological and social benefits good transportation can provide.

"Efficient urban transportation is one of the most important goals our society should be seeking in the 1970's," Mr. Brockett said. "If cities are to remain important as centers of commerce, culture, medicine, education, religion—the fundamental elements of our society—they must be both beautiful and accessible.

"I don't believe we can make cities attractive to people merely by filling new super highways with more and more cars and by leveling more downtown areas for parking lots.

"Because we are involved in the business of moving people, I and the oil company I work for, believe we have a social responsibility to work for the best total transportation programs to benefit all, to keep our cities viable, to free people to move about, which I feel is one of our principal freedoms."

He said the PUTC, TRI and various Pittsburgh companies in the transit business have established Pittsburgh as "the international transit center."

"Generally, Pittsburgh's transit technology is five to eight years ahead of any other concentration in the industry. The area has the techniques, skills, people and money to build transportation systems on a big scale," Mr. Brockett said.

"The Fifth International will give us the chance to share our knowledge with others, as well as receive guidance on future applications and developments of that technology."

Past conferences, which began in 1966, have attracted transportation officials and experts from all over the world, including Russia. Attendance has exceeded 1000 each year as participation has continued to grow.

Other speakers have included Secretary of Transportation John A. Volpe, 1969; New York Governor Nelson Rockefeller, 1968; Vice President Hubert H. Humphrey, 1967; and Alan S. Boyd, Department of Commerce Undersecretary for Transportation, 1966.

BRAINWARPING IN THE NEW AMERICAN REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. RARICK. Mr. Speaker, well educated and conscientious people—many holding top positions in our National Government—are being forced to submit themselves for psychological reeducation because they are too human and individualistic for roles in the new American revolution.

The Department of Health, Education, and Welfare, on January 13 notified some 200 employees of the National Center for Health Statistics—NCHS—that:

> They must attend intensive training and working conferences designed to develop the racial and cultural awareness and skills necessary in applying EEO policies, goals, and practices to their own immediate circumstances.

These conferences, billed as equal employment opportunity but obviously designed to give preferential treatment to one minority, are scheduled for 3-day sessions to be held the weeks of February 22 and March 1 in Fredericksburg, Va. The EEO Organizational Development Conferences are to be conducted by Curber Associates, Inc., which had earlier handled the similar sensitivity training conferences at Gaithersburg, Md., and Harper's Ferry, Va.

The Acting Director of the National Center for Health Statistics in his memorandum states that these conferences are not "sensitivity-type," yet the announced goals and the reports of past EEO conferences tend to indicate otherwise. Perhaps the Acting Director is confused as to what sensitivity training is.

The cost of these two conferences is reported to be high: $75,000 to the U.S. taxpayers and denial of individual freedoms to the Federal employees.

Thus far, the sensitivity training craze has been restricted to the civilian area of Government employees, but the program is being readied for the Army, Navy, Marines, and Air Force with meetings apparently to sensitize our officers so that they will associate guilt and immorality with any thought of winning wars or victory.

Sensitivity training has advanced a long way from the prisons of Red China, North Korea, and Russia to where it is now devised as a process to control and manipulate our Nation's public servants by breaking down their motivations, desires, and initiatives.

Only those nations which are free suffer prejudices. Those nations which do not tolerate individuality are totalitarian. Egalitarianism, and absence of discrimination, however desirable or idealistic they may be made to appear, can never be fully attained in any society—be it totalitarian or free. Even in Communist countries, supposedly set up to achieve these theoretical goals, discrimination and inequality are still rampant. Note the persecution of Jews and other minorities in Russia. The only difference in this regard is that in Communist countries the people have lost all individual freedom. If all values of individual superiority, cultural differences, and natural prejudices are ever eliminated in our country, it can only be done by denying liberty to all of our people.

The so-called equal employment opportunity is a political appeal by the President, who has written that:

> Equal employment opportunity must become an integral part of the day-to-day management of Federal agencies and be interwoven with every action which has an effect on employees.

The unanswered question remains: Does the President intend equal employment opportunity as an appealing slogan rather than the destructive program being forcefully administered as if sanctioned by his orders.

Apparently, under the New American Revolution, the bureaucrats of the elite category have decided that training subemployees for promotion is too slow and emotional; so, they have devised a faster method for downgrading the superior employee—psychological training to bring on guilt neurosis. And if one of the more superior employees objects, he is to be regarded as being a troublemaker, uncooperative, and as standing in the way of the New American Revolution. He must be purged. This is one way to create a vacancy to be filled by the subemployee. This is the way equal employment opportunity is being carried out.

It is strange that one never hears of a sensitivity training seminar to indoctrinate the minority so that it understands the problems of the majority.

The sensitivity method being pushed by the NCHS for the promotion and demotion of Government employees as groups rather than individuals employees is endemic to a collectivist form of government and is foreign to the government of a free country. It can but lead to a deterioration in services rendered to the public. Government jobs should be filled on the basis of the education, training, competency, and suitability of the individual applicant and not on the basis of a consensus of persons having undergone a brain-warping conference.

I include the memorandum from HEW, related newsclippings, and a report on a report on a previous sensitivity training seminar as reported in the HSMHA World, the publication for the employees of the Health Services and Mental Health Administration of Health, Education, and Welfare:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION,

January 13, 1971.

Subject: EEO organization development conferences.

To: All employees, NCHS.

As I have previously informed you the HSMHA Administrator had directed that "all headquarters, regional and field program managers and supervisors shall participate in intensive training and working conferences designed to develop the racial and cultural awareness and skills necessary in applying EEO policies, goals and practices to their own immediate circumstances." These conferences, now being organized by HSMHA programs, are known as EEO Organizational Development Conferences.

NCHS is now arranging for its conference under the direction of an ad hoc planning committee chaired by the NCHS Executive Officer. Two separate sessions will be held for NCHS since the Center is too large for a single effective training session. The conferences will be three-day sessions held the weeks of February 22 and March 1 and will be held in Fredericksburg, Virginia.

All employees GS-12 and above and all supervisors (with three or more employees under their direction) will be expected to attend. In addition, certain other minority and non-minority employees not in these categories will be expected to attend.

The EEO Organizational Development Conferences will be conducted by Curber Associates, Inc., the firm which handled the previous HSMHA EEO conferences at Gaithersburg and Harpers Ferry. This group is working with a NCHS planning group which has representation throughout the Center. This group consists of Edward Minty, Chairman, James Baird, Marshall Evans, Eugene Jackson, William Jenkins, Robert Israel, Taloria Stevenson, Lacola Washington, Elijah White. Questions you have concerning the conferences may be directed to members of this committee.

In order to give you some idea of the flavor of the conferences a list of the goals of the conferences as prepared by Curber Associates follows:

"The overall goal of the conferences is to effect the necessary changes that would result in true equal employment opportunity within the National Center for Health Statistics.

Within the framework of the overall goal, it is Curber's intent to assist participants in the conference to grow both as individuals and as group members within NCHS. Specially, the Curber training staff would focus upon the following areas:

1. The instilling in all conference participants of:

a. Greater understanding of and support for the EEO program;

b. The willingness to accept cultural differences without bias;

c. The understanding that EEO will benefit all employees, rather than only members of minority groups; and

d. The desire to change behavior and become an advocate of equality within the EEO Guidelines.

2. Development of an agency commitment to eliminate discrimination and create a workable environment of mutual trust and acceptance.

3. Creation of an atmosphere which will enable the conference participants to freely and honestly discuss racism and EEO problems.

4. Increased personal awareness of and sensitivity to instances of unequal employment practices and existence of unwritten policies of unequal opportunity.

5. Greater realization of the individual's potential to take effective action steps and greater willingness to risk taking action.

6. Greater ability to explore and develop alternative styles of organizational and personal behavior to replace traditional win/lose behavioral styles.

7. Development of productive individual and group processes leading to action alternatives through shared ideas, shared decision-making, and shared problem-solving.

8. Broadening of channels of communication between individuals, thus increasing the ability to win others' trust and to trust others.

9. Development of the ability to diagnose problems, suggest strategies, set goals, and implement action-steps—individually and as a team.

10. Development of greater ability to reduce tensions and to utilize conflict and confrontation constructively.

11. Identification and analysis of existing interpersonal and organizational support structures, and discovery of ways to build new supports.

The overall objective of these conferences is to effect the necessary changes that will result in true equal employment and opportunity within NCHS. Achievement of this objective cannot help but prove to be of benefit to all of us. Within this context, it should be noted that these conferences are not "sensitivity-type."

As planning progresses we will be forwarding conference details to participants.

Both Mr. Woolsey and I want all of you to cooperate fully in making these Conferences a great success.

PHILIP S. LAWRENCE, Sc. D.,
Acting Director, NCHS.

[From the New Orleans Times-Picayune, Dec. 20, 1970]

U.S. GOVERNMENT FLIRTING WITH SENSITIVITY TRAINING—SOME DEPARTMENTS HAVE STAFF TAKE COURSE

(By Paula Dranov)

WASHINGTON—The federal government is flirting with the far-out field of sensitivity training.

Several departments are running employes through short-term courses in an effort to make them more sympathetic to people than paper work.

A few advocates of the movement see it as a tool that could humanize the faceless governmental machine. They've been calling in sensitivity coaches for problems ranging from racism to slow-moving memos.

But the government's approach so far has been pretty tame. None of the bureaucrats are crawling around under blankets, taking off their clothes or baring their souls. Mostly, they just talk.

The existence of sensitivity programs came to light recently when a Health, Education and Welfare worker sued the National Training Laboratories for $500,000, claiming she was injured when she was flung to the floor in a demonstration of aggression and hostility during a government-sponsored program.

SUIT NOT MENTIONED

NTL, the pioneer of the movement in the United States and an affiliate of the prestigious National Education Association, doesn't talk about the suit or sensitivity training and the government in the same breath. "It's equivalent to a swear word," says trainer Cyril Mill.

The phrase itself conjures up images of California's controversial Esalen Institutes' experiments with "sensory awareness," often in the nude. But these days, sensitivity training encompasses a whole range of activities from Esalen's flamboyance to NTL's staid "participatory learning."

All of it is an outgrowth of the "human potentials" movement which focuses on the idea that man's latent resouces can be tapped through exploring his relationships with others.

The government latched on to the idea in its own cautious way as a means of sharpening the awareness of its officials, particularly those in personnel and management work.

STREAMLINING

The State Department was one of the first to call in NTL—to help streamline administrative procedures and find out why it took a memo three months to move from one official to another down the chain of command.

NTL also worked with a group of junior Foreign Service Officers to find out why so many young people abandoned State Department careers. It turned out the junior officers were upset at getting so little responsibility in policy-making.

The Office of Economic Opportunity has used some sensitivity training techniques on equal employment opportunity counselors. And the departments of Labor; Health, Education and Welfare; Housing and Urban Development; Peace Corps; the Army, and even the Internal Revenue Service have called in sensitivity training consultants to help solve management, personnel and human relations problems.

Understandably, the agencies are rather sensitive about their ventures into this controversial field. "At the Internal Revenue Service, they were always a little fearful about what would happen if their superiors found out what was going on," one coach recalls.

BRAINWASHING

Right wing groups have labeled sensitivity sessions "Communist brainwashing" and contend they promote sexual promiscuity.

Indeed, one HUD official started a minor bureaucratic fuss when he came back from a training program in Atlanta and announced he had been subjected to "Communist brainwashing."

He had spent two weeks at Project Cornerstone, a program designed to let government employes know what it is like to live in a black ghetto. Participants spend two weeks in a rundown house, eating what their neighbors eat, living under uncomfortable conditions and surveying the impact, if any, of government aid to poor people.

The HUD official complained about the discomfort, the language of the Cornerstone staff, the bad food and the availability of only one bathroom for 12 participants.

Most government sensitivity activities far more structured than Cornerstone are aimed at resolving a single problem through such techniques as encounter sessions of workshops using some sensitivity training methods.

OEO took 100 new Equal Improvement Opportunity counselors to Fredericksburg, Va., last month for a week-long encounter.

"We felt that anyone who was going to counsel others should be aware of himself—who he is, why he reacts certain ways, why he, like all Americans, is a victim of racism," says Frank Kent, director of OEO's human rights division.

CONFLICTS

OEO also has used the encounter technique to resolve conflicts among the poor. It recently sponsored a three-day workshops in Paterson, N.J., aimed at reconciling differences between black and Puerto Rican groups which were feuding over available antipoverty money.

Sensitivity training techniques aren't restricted to the civilian area of government. Amid charges that racism has been institutionalized in the Army and fostered by commanding officers, chaplains decided to tackle the problem and called in NTL to help.

NTL's Cyril Mill conducted one session and recalls that his first job was getting the participants to trust one another. "They were worried about whether anything they said in the program would later be used against them by other officers," he explained.

"At one session," he said, "they had to send for a black chaplain to review their list and help them decide if they were on the right track. They were amazed at some of his experiences with racism in the Army."

While the chaplains are described as "receptive" to this type of training, the reverse is more common in the government, some NTL officials feel.

One trainer found an "incredible resistance and highly developed defense mechanism" among state department employees.

"Look," he adds, "These people are used to defending themselves against (   ). If they can resist him, just think how they can resist me."

The same trainer sees the federal government as an unlikely market for even the tamest brand of sensitivity training.

Adds another trainer: "Basically, what we are about is change. But government people know the system is bigger than they are and pretty much resistant to change.

"Most of all, they just don't want to rock the boat."

[From the Washington Star, Feb. 11, 1971]

PSYCHOLOGICAL SESSIONS BETWEEN RACES SCORED

(By Joseph Young)

Another invasion of government employee rights—psychological confrontation sessions between blacks and whites—is charged by Sen. Sam Ervin, D–N.C., chairman of the Senate Constitutional Rights subcommittee.

Ervin says that outside psychologists are being used to stir up conflict and confrontation between federal top-management officials and their minority group employees.

The ostensible purpose of these sessions, says Ervin, is to promote equal employment opportunity practices in federal agencies by laying bare the resentments and suspensions between the races and trying to solve them through psychology.

"But it is tyranny over the mind of the grossest sort to subject employes to a probe of their psyches, to provoke and indeed require disclosure of their intimate attitudes and beliefs during emotionally charged situations which are deliberately set up by psychologists for the manipulation of human emotions," Ervin said.

Ervin added that when some officials and employes have protested such sessions, they have been accused of insubordination and the information has been computerized in their personnel data files.

Participants have been told that the confrontation sessions are intended to change management and supervisors' attitudes toward blacks and also their attitudes toward "cultural" differences between the races, according to the Senate subcommittee data.

Those participating in the program are federal managers in grades GS–12 and above and supervisors with three or more subordinates, plus a selected number of minority group employes in the lower grades.

The extent of the program throughout government is not yet known by the Senate group which now is engaged in determining how widespread it is. One department involved is Health, Education, and Welfare, Senate Committee sources said.

Civil Service Commission officials said they, too, are investigating.

As described by Senate subcommittee sources, a typical confrontation session seeks to bring out the resentments of whites against blacks and vice versa and then to reconcile the differences.

One had a white "agitator," rehearsed in advance for his role, say, "I live in Chevy Chase and don't want any black bastard living next door to me."

This provoked heated retorts from blacks and intensified the conflict.

In another instance, one black after another would drink out of a Coca-Cola bottle and then pass it to whites to see if they too would drink out of it, Senate subcommittee investigators report.

NEW PROGRAM

The Civil Service Commission has started a new program to facilitate voluntary service by federal employes in community projects.

The program will be nationwide and is based on a model program recently developed for federal employes in the Washington metropolitan area.

The CSC said the program here has been very successful. In a three-month period, more than 300 federal employes here have accepted volunteer assignments from 109 different voluntary agencies. These were in urban service centers, community schools, hospitals, and playgrounds, and included, among other things, tutoring, teaching arts and drama, community action, service to the handicapped, sports and recreation, and services to children.

In cooperation with the local Health and Welfare Council, the CSC has opened a small office which maintains lists of volunteer opportunities.

EEO TRAINING SEMINARS

(By Irving Weinstein)

It was Sunday and it was hot and humid outside the Washingtonian Motel in Gaithersburg, Maryland. Inside, a wedding reception was in progress and there was much festivity. Elegantly dressed men and women were dancing to music supplied by a five-piece band. Others were conversing, laughing, drinking, or consuming hors d'oeuvers.

In the adjoining room persons from HSMHA were participating in the first of three Equal Employment Opportunity Training Seminars. It was the first day of the meeting and the HSMHA people had gathered in general session to report on what they accomplished in small work groups.

The spokesman for a group which had been discussing the subtleties of discrimination had the floor. He was saying his work group had been distracted and inconvenienced "by the noise from the Jewish wedding next door," when he was abruptly interrupted by a Seminar participant who asked why he had prefaced the word wedding with the adjective Jewish.

The spokesman laughed and said, "Who else can afford such a wedding?"

He was shocked, as were many others, when a person who knew the bride stood up and said, "But it is not a Jewish wedding. The bridge and groom are not Jewish. They are Polish. This is a Polish wedding."

The spokesman learned something that day about attitudes, perceptions, and about himself. He learned he had arrived at an erroneous conclusion because his premise was not based upon fact but upon a stereotyped image of a minority group and his caricatured conception of that group.

Each of the nearly 400 HSMHA employees who attended the three separate but interlocking EEO Training Seminars learned things. They learned things about themselves about other persons, and about Equal Employment Opportunty. They learned whether they were dealing with or failing with their attitudes, preceptions, and life styles as they relate to minorities and to the EEO program.

Participating in the Seminars were persons from the HSMHA Personnel offices, both field and headquarters, and Deputy EEO Officers and EEO Counsellors from each Center, Service, Institute, Regional Office, Hospital, and Indian Health Area. The Seminars were sponsored by HSMHA's Office of Equal Employment Opportunity together with the Office of Personnel.

The goals, enumerated in materials distributed to each Seminar participant, were:

To develop and increase the commitment of Equal Employment Opportunity and Personnel staffs to an assertive Equal Employment Opportunity Program.

To develop good rapport between the Office of Equal Employment Opportunity and the Office of Personnel.

To increase the skills of Deputy Equal Employment Opportunity Officers and Counsellors.

To develop cohesion within the entire HSMHA Equal Employment Opportunity structure.

To identify EEO and Personnel policy and procedural issues requiring followup action at HSMHA and Program levels.

Three Seminars were called instead of one by the Seminar co-hosts, Lonis Ballard, HSMHA Equal Employment Opportunity Officer, and Ralph Reeder, Acting Director, Office of Personnel, because lodgings were not available with sufficient "break-out" rooms to accommodate an extremely important ingredient in the Seminar planning—small work groups.

Although each Seminar was different, with its own highlights, each was a highly emotional and remarkable learning experience. In addition to the small work groups and general sessions, participants met in agency groupings, separate Personnel and EEO groupings, and, at one point during the second Seminar, in a separate black-white grouping.

Each small group contained a professional facilitator who assisted in moving the discussions along. Among the many subjects discussed in the work groups were the objectives of EEO, the role of Personnel and its image, the role of EEO Counsellors and Deputy EEO's, procedures, risk-taking, racism, Personnel actions, the Merit Promotion System, commitment, and recommendations to help make equal employment opportunity a reality throughout HSMHA.

Participants were kept informed throughout the Seminars on what everyone was doing, thinking, and saying through a daily newsletter, printed reports, and verbal reports at the general sessions. These communications helped each person present to deal better with personal problems and problems affecting the full development of the EEO Program.

The first Seminar was attended by all HSMHA Deputy EEO Officers from headquarters and top level staff from the Office of Personnel. It lasted two days and served as a prototype and prelude to Seminars 2 and 3. Participants in Seminar 1 also participated in one or the other of the latter Seminars.

Prior to the conclusion of Seminar 1, Personnel staff and the EEO group met in separate meetings. The Personnel group returned from its caucus, according to Ralph Reeder, "as a united body cemented together by a new and inspiring feeling of mutual trust."

The Personnel group reported it would and could now become more effective in relation to EEO. It indicated its people would aggressively take the initiative and go to EEO Program offices in order for the EEO Program to become more effective.

Among the highlights of Seminars 2 and 3 was a visit from Dr. Vernon E. Wilson, HSMHA Administrator. Dr. Wilson told participants that Equal Employment Opportunity is a matter of highest priority both for him personally and for all persons in HSMHA. He assured Mr. Ballard of his full support.

"The task you are addressing here," Dr. Wilson said, "is essential to the accomplishment of HMSHA's purpose. Our mission is to improve the physical and mental health of all the American people. We can carry out this mission successfully only if our staff reflects the racial and ethnic composition of the population we seek to serve, and only when all our staff members are able to use their skills and fulfill their potential to the utmost."

Dr. Wilson told the seminar participants that HSMHA's top management had recognized and declared, during the Airlie House EEO Conference in February, the need for change in our policies and practices and had begun the process of change. These training seminars, he said, constitute one important step along the road we must travel.

"I consider it one of my fundamental responsibilities as your new Administrator," he said, "to make the policy of equal employment opportunity a reality throughout HSMHA."

Dr. Wilson said HSMHA program directors are similarly committed to the same goal and that the seminar participants had a vital role to perform in assisting them and him in making EEO a reality.

He concluded by saying, "I look forward to the recommendations from these seminars and to the effective performance of your EEO duties, which should be their most important outcome."

Seven HSMHA agency directors and one deputy director also visited the seminars, as did Dr. Robert Laur, consultant to the Administrator and Mr. Samuel Hoston, Director, Equal Opportunity Staff, HEW.

Mr. Hoston sparked one of the general sessions, telling the participants that although each President since Franklin D. Roosevelt had issued an Executive Order dealing with Equal Employment Opportunity, "the problem still exists and we still have discrimination."

He stressed the need for understanding and rapport between EEO people and Personnel people and the importance of their attitudes in dealing with others. He spoke of commitment and concluded by describing a conversation between a chicken and a pig.

"The chicken and the pig," he said, "were looking at a platter of ham and eggs. The chicken said to the pig, 'Look at the magnificent contribution we have made. Doesn't it make you proud? Doesn't it make you happy?' The pig looked at the chicken and said, 'No, not really. You see, yours is a contribution; mine is a total commitment.' "

During Seminar 2, the blacks walked out of a general meeting to caucus in an attempt, as one of the leaders later said, "to find our own wave length." The remainder of the participants were left to ponder the reason for the walkout in a white caucus.

After dinner that evening, partially as a result of the walkout, the blacks and whites reconvened and went on to participate in the most fruitful activities of the meeting.

On the following day, Mr. Ballard told the counsellors and Deputy Equal Employment Opportunity Officers that if they couldn't cry over the plight of minorities in this country, if they had no awareness of what it meant to be a black or a Chicano they could be of no use to HSMHA as EEO Counsellors or Deputy EEO Officers.

"I want the kind of people," he said, "who are sensitive and daring . . . the kind of people who know the job that needs to be done and who will do the job. They will be humble when needed, aggressive when needed, and will beg if needed . . . but they will always be cognizant of EEO and what it means. I want the kind of people who know they are in the business of keeping our nation alive because without them, I don't know how long we can endure as a nation."

In addressing the Personnel staff, Mr. Reeder said. "We in Personnel have been the scapegoat for a great deal of anger and frustration both here at the Seminar and wherever it is we work."

He told the group it could either accept this image employees have of Personnel or change it. In order to change it, he said, "employees must know we are working for them as well as for management."

"We have a responsibility to the EEO Program," Mr. Reeder said, "and we can contribute a strong input to help make it succeed."

He reminded his staff that he had told them on two separate occasions during the Seminar exactly where he stood in his commitment to the EEO Program and that he expected each of them to fully support the Program both at headquarters and in the field.

He informed them that the Personnel Office had received approval for its recommendation that employees and supervisors be rated on their performance in relation to EEO. "I expect to apply this to my employees in headquarters and I expect every Personnel Officer in field stations to do the same."

Mr. Reeder said, "We need to expand our sensitivities and awareness and learn to know persons in minority groups better than we do."

"We are in the business," he said, "of delivering health and mental health services to the American people and HSMHA cannot succeed in its mission without the input of minorities."

He concluded by saying that Personnel had the resources to help get minority input into HSMHA and to see that the HSMHA programs do succeed in their mission.

At Seminar 3 the issue of race, which was not quickly dealt with in the preceding Seminars, was brought out into the open immediately.

Dick Shapiro and Bert Phillips, the Conference coordinators, asked the participants to deal with the way they really feel and to be honest with themselves and others. "These days together," they said, "are not to be used solely for ingesting information. They are also to be used for giving information and for giving of yourselves. This is a participatory conference."

They told the conferees that although an agenda has been prepared, it was flexible and open to change if the participants wanted change. Participants were told that this Seminar offered an opportunity for honesty. It offered an opportunity for them to sit and talk together as human beings about problems existing in HSMHA and in this country and to logically determine what could be done to resolve them.

This Seminar featured a panel discussion dealing with racism; a question and answer session with Mr. Ballard and Mr. Reeder responding to questions from the floor; and input from Indians, who comprised about 25 percent of the participants.

For one full day, the EEO group subdivided into three separate groupings, Lon Ballard met with the Deputy Equal Employment Opportunity Officers; Mary V. Geisbert, Mr. Ballard's Deputy, met with EEO Counsellors who had received formal training as counsellors; and Isaiah Russell, EEO Specialist on Mr. Ballard's staff, met with the counsellors who had received no formal training.

When the question of risk came up, tied to the issue of racism, Mr. Ballard said he would utilize the full power of his office to discipline and possibly even remove persons intimidating or threatening EEO Counsellors in the performance of their duty. He said the nation could no longer tolerate bigots and racists and neither could HSMHA and he received a thunderous ovation.

At the same time Ralph Reeder and the Personnel group discussed the image of the Personnel Office, methods of communicating Civil Service rules and regulations to EEO staff, and the kinds of information EEO personnel need in order to better do their jobs.

On the morning of the third day representatives from the Indian Health Service requested time in the afternoon so that they could meet separately as an agency to seek solutions to their own problems.

One of the problems voiced by the Indians throughout the Seminar was "the need to be able to keep our own culture, without accepting the white man's ways."

Several Indians had also indicated they were sick and tired of being studied by anthropologists and of being told how to live by whites of other professional disciplines.

As a result of the Indian Health Service's request to meet separately, other Seminar participants indicated by a show of hands a strong desire to convene that afternoon in agency groupings. They, too, wanted to discuss problems unique to individual agencies and to develop recommendations that would help move the EEO program forward. And they did.

The next day, during the last session of Seminar 3, spokesmen from each HSMHA constituency present presented their agency's recommendations. Some of the finest recommendations were submitted by the Office of Personnel and drew tremendous applaus from the floor.

Among the recommendations proposed by all agencies were the following:

HSMHA should request of the Department that a job preference act for all minorities—similar to the Veterans Preference Act and the Indian Preference Act—be introduced in Congress.

Specialized recruitment efforts should be undertaken to include provision of selection authority to joint EEO-Personnel recruitment teams.

The job descriptions of all managers and supervisors should contain a section dealing with EEO responsibilities.

A day care center should be established at the Parklawn Building.

Deputy Equal Employment Opportunity Officers should be considered as part of the executive management staff of each agency and should report to the Director and participate in all staff meetings.

Program directors should report regularly to the Administrator concerning the status of their affirmative action plans.

A pool of positions should be established within the Office of the Administrator and headquarters of each Service, Center, and Institute to be used to reward programs which recruit and upgrade minority staffs.

In addition to these recommendations, many more were proposed in both Seminars 2 and 3 and at the time of this writing Mr. Ballard and Mr. Reeder were reviewing the proposals and preparing them for presentation to Dr. Wilson.

The participants in Seminar 3 reacted spontaneously and dramatically to each proposal. Some recommendations received standing ovations.

The last spokesman, a young black woman, delivered her agency's recommendations and then looked at her audience and said extemporaneously, "I want to thank you. I came to this meeting with despair. All my life I have been exposed to racism and I had lost all hope. But you have given me some here. I think some of you were sincere in what you said."

Her voice quivered as she said, "I have been let down so many times. I have heard so many promises. Please . . ."

The young woman's plea evoked tear from many in the audience, and the emotion that pervaded the room created a sense of unity that had not existed when the seminars began.

Mr. Ballard sensed the cohesiveness of the group as he closed the meeting. "I think history has been made here," he said. "People are concerned. They're moved. They are moved to tears."

JAMES RESTON QUESTIONS THE PHILOSOPHY OF EXPANDING THE WAR

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. EVINS of Tennessee. Mr. Speaker, in a recent article, Mr. James Reston, the distinguished columnist for the New York Times, questions the wisdom of extending and expanding wars even when some objectives appear to be justifiable.

Reston's thesis is that the chain of events which such expansions may cause, often leads to consequences that cannot be predicted or foreseen.

Because of the interest of my colleagues and the American people in this most important subject, I insert Mr. Reston's column in the Record.

[From the Miami News, Feb. 11, 1971]

The War To End War—When Will We Ever Learn?

(By James Reston)

Washington.—In this latest crisis in the Indochina War, when we are being told once more that the latest adventure into Laos will surely put an end to the long agony, it may be prudent to look back at the record.

Last time, only last spring, it was the invasion of Cambodia that was going to destroy the enemy's sanctuaries and let us go home. Before that, it was destruction of the enemy's forces in the Tet offensive that was supposed to have broken the back of the opposition. And before that, it was American air support, then American air power itself, then the U.S. search-and-destroy missions, then the bombing of the North, each in its own turn, that was going to be "decisive."

It is a very old story, underscoring a long forgotten lesson, Herbert Butterfield pointed it out long ago. "However hard we have tried in the 20th Century to make allowances in advance for the unpredictable consequences of war," he wrote, "we have always discovered that the most terrible of these had been omitted from our calculations or only imperfectly foreseen. One of the examples of the fact is the loss of liberty in Eastern Europe and the Balkans—the very regions whose freedom was the primary issue for which we were supposed to have undertaken two world wars."

The First World War was probably the most tragic example of this kind of miscalculation. Believing that there could never be an aggressor so monstrous as Germany under the Kaiser. The Allies fought that ghastly war in the West to the point of "total victory." And in the process created two much more formidable menaces for ourselves, Nazi Germany and Communist Russia.

There is, of course, a certain military logic to the invasion of Laos, and even a moral justification for attacking an enemy sheltering and gathering in a neutral country for an attack on South Vietnam. The Administration's policy is that it will use air power anywhere in Indochina where enemy forces may "ultimately" threaten the security of our own troops.

There was a certain logic, too, in all those other moves, as seen from the Pentagon. Who could logically suppose that a small enemy country, operating over long lines of supply and without air power, could stand against half a million Americans, equipped with all the modern weapons of war, and in complete control of the air and sea? Yet events did not quite work out as the Pentagon planned.

Now the assumption here is that Hanoi is down to its last supply route along the Ho Chi Minh trails (and that if these are cut, the enemy will be crippled at least long enough to let us get out, and the South Vietnamese, by that time, will be able to fend for themselves.

It is a reasonable assumption if you also assume that the Soviets and the Chinese will not give Hanoi new weapons to match the mounting fire power of the Allies. Maybe the enemy will accommodate us this time, stand and fight and be destroyed, while Moscow and Peking watch patiently on the side. But this is no sure thing, and time and geography are on their side.

What happens if the enemy merely retreats into the jungle and regroups later in North Vietnam. Do we then resume the bombing of the North on the ground that troops there might "ultimately" threaten our command? And if we do cut the supply trails to the north and get out in a year or 18 months, what is "decisive" about that?

The theory of "a war to end war" went out with Woodrow Wilson. When we finally leave, if we do, it will be said that General Giap in Hanoi expelled the French from Indochina and fought the Americans to a compromise settlement. This cannot hurt or depress Giap in what will then be a struggle with Saigon.

Accordingly, the war may very well go on being as unpredictable as before. The President has clearly won the battle of public opinion in the United States. He didn't even feel obliged to talk to the American people about his aerial invasion of Laos, and the reaction of the people was comparatively mild.

NBC took a poll the other day and found that 46 per cent of the people were convinced, despite the Administration's statements to the contrary, that there actually were American ground troops fighting in Laos. In short, even when the Administration was telling the truth, it wasn't believed by almost half of those polled.

The popular view seems to be that it is all right to attack a neutral country occupied by the enemy so long as our casualties are not too high, that if the enemy invades a neutral country, it is reasonable for us to do the same.

This is the logic of our latest adventure, but what if the Russians or the Chinese assumed that since we were giving air support to Saigon, they would give air power to Hanoi? Or new longer range rockets? What then would happen to our logic and our assumptions?

"I wonder," said Butterfield, "if it could not be formulated as a law that no state can ever achieve the security it desires without so tipping the balance that it becomes a menace to its neighbors . . . and this gives us one of the patterns of those terrible dilemmas which seem always to be confronting us in international affairs."

SLAUGHTER OF INNOCENTS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. RYAN. Mr. Speaker, the President announced on February 17, that he is "not going to place any limitations upon the use of airpower," save for the use of nuclear weapons, in Southeast Asia. Now the rhetoric matches the actions of the administration—all of Indochina is the battlefield. On the ground, Asian troops, funded, supplied, and supported by the United States, will fight. In the air, U.S. planes will fly, wreaking devastation.

It is apparent that the administration really has no plan for bringing this tragic war to an end. An illusive military solution is still being pursued, while there is no serious attempt at a political solution.

Tom Wicker, in a column which appeared in the February 21 edition of the New York Times, expresses, to my mind, the outrage so many Americans feel regarding the President's action. As Mr. Wicker says of the administration's policy:

> It is a policy of indiscriminate aerial warfare and blind firepower on the ground that means death and destruction wholesale, not just body counts of enemy dead, but a slaughter of innocents—women and children and old people—villages destroyed, the earth revaged, refugees in their miserable thousands wandering homeless and hungry. For the people of Indochina, it is a wanton lie that this Administration is "winding down" the war; it is spreading the war like a holocaust.

The administration must not be allowed to continue the death and destruction which afflict the people of Southeast Asia. The Congress must act. It must act to cut off funds for the war; it must act to pass legislation, of which I am a sponsor, to bring this war to an immediate end.

I commend Tom Wicker's column to my colleagues:

A SLAUGHTER OF INNOCENTS

(By Tom Wicker)

WASHINGTON.—President Nixon's news conference of Feb. 17 made clear what skeptics have long believed. His Vietnam policy is by no means one of steadily withdrawing Americans from South Vietnam, then letting the people of Indochina work out or fight out their own affairs. It is instead a policy of escalation by American air power and South Vietnamese manpower, with the aim of military victory.

"I am not going to place any limitations upon the use of air power," Mr. Nixon said, excepting only the use of nuclear weapons. And if South Vietnam invades North Vietnam across the demilitarized zone—"to defend their national security," in the President's Orwellian lingo—Mr. Nixon openly left standing the possibility of sending American air power to support the invasion.

Mr. Nixon was careful at every turn to lay down, as a basis for an unlimited air war, the doctrine that he would be acting only to protect the lives of American ground troops. This blatant deception was used to justify the Cambodian invasion and is being used to justify the current extension of the ground war into the Laotian panhandle. But it was exposed as a fraud by Mr. Nixon himself, who claimed that the fighting in Cambodia had cut one North Vietnamese "lifeline" and then said of the march into Laos:

"This action would either cut or seriously disrupt the other pipeline or lifeline . . . the Ho Chi Minh Trail into the north half of South Vietnam. Therefore, we expected the North Vietnamese to fight here. They have to fight here or give up the struggle to conquer South Vietnam, Cambodia, and their influence extending through other parts of Southeast Asia."

Those are the words of a man seeking a showdown. The clear threat to turn loose the South Vietnamese to invade North Vietnam, under a protective umbrella of American planes and behind a destructive barrage of American bombs, may be in part psychological warfare. But if the President cannot get his victory in Laos, as he could not get it in South Vietnam or in Cambodia, there is only one other place to seek it, and every reason to believe that Mr. Nixon will do just that.

It should be noted well that this President, who was elected promising to end—not win—the war, has effectively jettisoned the Paris negotiations. Not only did he say that American representatives would continue to participate only in hopes of making an arrangement concerning prisoners of war—not the war itself—but he also said flatly that "we are not going to make any more concessions."

Not content with this demotion, Mr. Nixon went further and reiterated the fact that he has also abrogated the only fruitful results of those talks—the October, 1968 "understanding" by which the bombing of North Vietnam was ended.

That understanding was entered in good faith by the previous Administration and by Hanoi. Now Mr. Nixon has asserted without convincing supporting evidence that attacks on American reconnaissance planes over Hanoi constitute a North Vietnamese violation of the understanding that releases him from it; further, Mr. Nixon insists that he will bomb North Vietnam any time he decides anything happening in that country threatens American lives.

So the talks are dead, interred by a President who charges the other side with making no concessions despite having made none himself on any point that matters; and the important understanding those talks produced is also dead, broken by the second American President who failed to honor an arrangement with Hanoi; and the war has been carried by air and invasion to two more countries, with the threat poised of the invasion and aerial devastation of a third.

This is a policy calculated to bludgeon North Vietnam to its knees, without appalling American casualty lists, it is also a policy that risks retaliation elsewhere—in northern Laos or in Thailand—and might bring Chinese entry into the war. But above all, every American, every citizen who loves his country, every man who honors humanity should understand the cost of this policy in life and suffering.

It is a policy of indiscriminate aerial warfare and blind firepower on the ground that means death and destruction wholesale, not just body counts of enemy dead, but a slaughter of innocents—women and children and old people—villages destroyed, the earth ravaged, refugees in their miserable thousands wandering homeless and hungry. For the people of Indochina, it is a wanton lie that this Administration is "winding down" the war; it is spreading the war like a holocaust.

In a forthcoming article in The New York Review of Brooks, Daniel Ellsberg cites Senate reports showing that more than a million Cambodian refugees have been "generated" in the last nine months; that in Mr. Nixon's first year in office about 50,000 civilians were killed, and in his second, more than 70,000. No one knows how many there will be in his third, or what number of innocents will die in Laos, or how many more will be made refugees.

But they will be many, and every one an ineradicable stain upon the once-proud name of the United States of America.

ABOLISHING HISC

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. ROSENTHAL. Mr. Speaker, since 1938 there has been an un-American activity in Congress, a threat to the Nation's real security—the security based in the fundamental precepts of democratic philosophy of free speech and free political thought. The House Internal Security Committee continues to subvert these American ideals as did its predecessor, the House Un-American Activities Committee. I have introduced today a resolution to abolish this unjustifiable squandering of Congress' resources.

Today few fear the HISC subpena. An investigation by the committee is often greeted with scorn. Have the students who dissent from mainstream American political opinion been cowed since the HISC spent thousands of tax dollars hearing testimony on the Students for a Democratic Society? Is there any less likelihood that blacks may organize to express disapproval of political and economic subjugation since the HISC spent weeks collecting evidence about black panthers?

In the last Congress the HISC performed no responsible functions which could not be better carried out by legitimate law enforcement agencies or by regular committees of the Congress. Any legitimate legislative or investigative functions of the HISC should be transferred to the proper jurisdiction of the Judiciary Committee. In my judgment, conducting politically motivated investigations of controversial organizations is not a worthwhile function for a congressional committee. If these groups do engage in subversive and illegal activities we already have adequate laws and agencies to deal with them.

Meanwhile this anachronistic committee is one of the largest congressional committees with 38 staff employees. It received $850,000 in the last Congress. That is more than three times greater than the authorization for the Veterans' Affairs Committee. The 91st Congress allocated three times more funds to the committee which harasses those who oppose the inhuman war in Vietnam than it allocated to the committee concerned with the veterans who have fought in that tragic conflict. These veterans face new and urgent problems—an unemployment rate double the national average, readjustment, and a frightening unswing in drug addiction. The Veterans' Affairs Committee has a staff of merely 18 and a budget of $195,000 in the last Congress.

Equally ludicrous is the comparison you can make with authorizations and staff between HISC and the Interior and Insular Affairs Committee. That committee, with 16 employees and a budget in the last Congress of $185,000, is charged with major conservation and environmental responsibilities.

Can Congress give due attention to the problems of the Indian, to the problems of pollution, when the appropriate committee is hobbled in deference to a committee that pollutes the very democratic process? Is not our congressional attention—attention which goes where the money goes—grossly misdirected?

The House Internal Security Committee is a frivolous and harmful hindrance to a Congress increasingly concerned about the proper and economical organization of its work.

YOUTH'S ROLE IN THE ENVIRONMENTAL CRISIS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a speech by Stephen Echsner, a perspicacious young man whom I am proud to claim as one of my constituents. Mr. Echsner resides in Columbus, Ind.

The speech follows:

YOUTH'S ROLE IN THE ENVIRONMENTAL CRISIS

(By Stephen H. Echsner)

Pollution is everywhere. People are everywhere. People are polluters. People are responsible for the pollution of our land, air and water. People are the ones who make ghetto areas, who lay waste the land with strip mines, and automobile junkyards. People build our giant plants of industry that belch "bad breath" into the air. People are responsible for the dumping of garbage and sewage into our rivers and streams.

The situation is growing worse. We must search out the reason why people are doing these things. Certainly it is not natural for people to pollute. Even a cat buries his own dirt.

Our material environment is discussed a great deal today in almost every newspaper and magazine. Equal concern should be given to our nonmaterial environment—to the spiritual pollution that is taking place in our great country. Herein lies the problem—the crisis of the environment—and youth must be able to do something about it.

People aren't inherently bad. Many times they don't think, they forget, they adopt the idea of "let George do it," they shirk personal responsibility. People adopt the idea that if they don't get caught, it's O.K., they take the *easy* way out. But there is no easy way to develop respect for nature, and the answer to our environmental problems ultimately will be *respect*. Respect for the rights of other men and the laws of nature.

Some aboriginals and other uncivilized tribes consider the time when a male reaches adolescence as one of the most important occasions of his life. After passing arduous tests and suffering intense pain, the young man receives new privileges and responsibilities. What these people recognize is the need for youth to grow up and to become mature, independent human beings. We have no counterpart in our society today and to a large extent, the extreme behavior of some of our young people is witness to the lack of this kind of initiation. For example, the papers have been full of publicity recently about the killings at Kent State, and the bombings on the campus of the University of Wisconsin. Why are people doing these things? What morality do they have, what goals have they set for themselves and others? Where is their sincerity, their honesty, their reasoning?

To the degree that the great majority of youth are successful today in achieving maturity, there are present numerous corollaries or substitutes corresponding to these primitive customs alluded to previously, such as, a well-formed conscience, a social awareness, a moral responsibility and a set of norms. By this, I mean a conscience that is right and just and full of self-identity, a social awareness that dictates an involvement in social issues, moral responsibility that means doing right and avoiding wrong, and lastly, norms that we are all familiar with—individual code of ethics, civil guidelines and laws, and religious directives. These things one doesn't get by accident. The responsibility for the preparation of youth for a better tomorrow lies with parents, schools, churches, organizations such as the Boy Scouts of America, and society as a whole. Youth looks to *these* sources for knowledge of society as it is today. They should be able to identify the problems of poverty, racism, bigotry, environmental pollution, totalitarianism, class distinction and crime. Once these areas are defined, reasonable, practical and human goals must be initiated. The realities must be faced and the difficult steps must be taken to solve these problems. Coping with the pollution of our air, land, and water for instance, will necessitate cooperation with others, personal sacrifice, and above all, a commitment to its solution.

But solutions just don't happen. One doesn't get to his destination by just any old road. The directions that lead to human betterment have existed for ages. They have been found since ancient times, in our own conscience, in the natural laws, the Decalogue—God's own laws, in the Magna Charta, the English Common Law, the Constitution of the United States and the Bill of Rights.

The truth inherent in these directives will insure justice for all men; food, clothing and shelter for everyone; racial equality; religious cooperation; an unpolluted world; free societies; and a society relatively devoid of crime.

Paul Tillach, noted Protestant theologian, said that it takes more than the Ten Commandments and the Golden Rule to cover concrete situations. It takes a lot of hard thinking and right feeling to cope with the problems youth face today—in other words, a right conscience.

The job for a better tomorrow to produce a better world cannot be solved by demonstrations, demands, and violence that have no substantial directive force for progress. Youths' awareness of its' role in the coming generation plus an adherence to the principles of respect for others and respect for nature and the law, will produce a future world free of material and spiritual contaminants.

All of our shortcomings, our failures, all of our progress, our achievements, will be measured by our habits—our way of acting. And so it behooves the youth of our country to act in such a way as to bring out the *best* in them. For a better youth today, makes way for a better environment tomorrow.

RELIEF SOUGHT FOR NONSMOKERS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. YOUNG of Florida. Mr. Speaker, I have introduced a bill requiring that airliners, trains, and buses provide a protected area for nonsmoking passengers. I strongly urge my colleagues to support this legislation, aimed not at attacking the rights of the smoker but at protecting the rights of the nonsmoker.

My bill would require that the Secretary of Transportation establish regulations for protected nonsmoking areas in public carriers operating in interstate commerce.

The bill places no burdens at all on the smoker, but does provide relief for the person who prefers not to be exposed to exhaled smoke or smoke from the burning end of a fellow passenger's cigarette. The nonsmoker is entitled to an area where he can escape for relief and protection.

I am not going as far as U.S. Surgeon General Jesse L. Steinfield, who recently called for an outright ban on smoking in confined public places. For those determined to smoke—fine. That is their business. But I am saying that nonsmokers should not be forced to breathe the noxious fumes as well.

The buildup of smoke in a confined atmosphere is extremely distressing to the nonsmoker, and dangerous to his health.

Health officials list eye and nose irritation, headache, cough, wheeze, sore throat, nausea, and dizziness among the effects of secondary smoke inhalation.

Studies at Texas A. & M. University, reported by the American Cancer Society, revealed that only 30 minutes in a smoking environment caused measurable effects on a group of children age 6 through 13. These effects, the report said, included increased heart rate, adverse blood pressure, and increased amount of carbon monoxide in the blood. In fact, the report concluded, except for the reduced scale, the effects were the same as on smokers themselves.

Each person must make his own decision on whether to smoke in the face of growing evidence of damage to the smoker's health. However, I am sure the smoker does not want to discomfort others and endanger their health.

It is absurd that one branch of our Government is trying to discourage the habit by labeling cigarette packages and banning TV advertising, while other branches do nothing to deter the practice in spaces under their regulation.

The nonsmoker on trains used to be able to stay out of the smoking car. But this is no longer possible on today's planes and buses. Enactment of my bill will make relief available for those who seek it.

FLORIDA JAYCEES ADOPT RODEHEAVER BOYS RANCH

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. FUQUA. Mr. Speaker, the Rodeheaver Boys Ranch near Palatka, Fla., is truly a great institution.

Today, some 30 boys call the ranch "home" and they follow all of those who have since its founding in 1950.

Today, its future looks even brighter for service to lost and needy boys—giving them a new chance for hope and happiness.

The Florida Jaycees have voted to adopt the Rodeheaver Boys Ranch as a statewide project. This means that every Florida Jaycee organization will be encouraged to establish programs of support—either financially or materially—for the further development of the ranch.

As my good friend, Putnam County Sheriff Walt Pelicer, stated:

> The greatest benefit from the Jaycee support will be the attention which can be focused on the Ranch by these young men of action.

The ranch was founded in 1950 in the latter years of the long career of Evangelist Homer Rodeheaver. A nonprofit corporation—deriving nearly 90 percent of its operating funds from friends and supporters—the boys who come to the ranch to make a home get a chance at life.

Ed MacClellan is the new director of the ranch and this dynamic young man is doing a tremendous job. It was he who spoke to the Gainesville Jaycees about 6 months ago about the opportunity for service that exists at the ranch. The drive to pass the resolution was spearheaded by the Gainesville club under the direction of Don Petricci.

Palatka and Gainesville Jaycees took on a group project in January—a barn raising project to replace an old barn that burned last summer.

It is an interest in projects like this, as well as financial support, that the sponsoring jaycees hope to generate throughout the State.

Another workday, for example, at the ranch's new cottage has been set for March 13. St. Augustine and Crescent City Jaycees will join the first two groups.

The ranch will be working with the executive committee to work out plans for future projects.

The Jaycees do a tremendous job in public service. I feel very strongly that their taking on the Rodeheaver Boys Ranch as a project will be such an opportunity and that the jaycees will be effective in further developing what has become a truly outstanding program of service.

As a director of Rodeheaver Boys Ranch, I express my personal appreciation to them. Young men in years to come will find their lives changed because of this service—homeless and destitute youngsters will receive a new lease on life.

It is a tremendous tribute to the jaycees and to those who worked so diligently and unselfishly in behalf of the ranch.

HILLTOPPERS LIST CAMPER WAYS TO FIGHT POLLUTION

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. MINSHALL. Mr. Speaker, while the formidable array of Federal, State, and local legal guns are being zeroed in on environmental pollution, Plain Dealer Outdoor Editor Lou Gale has given us a timely reminder that the battle must also be fought, if it is to be won, on an individual basis. In the following article, Mr. Gale reports a list of suggestions put forth by the Hilltoppers Chapter of the National Campers and Hikers Association which all of us who wish to clean up our air, water, and land would do well to heed:

ALL OUTDOORS: HILLTOPPERS LIST CAMPER WAYS TO FIGHT POLLUTION

(By Lou Gale)

In their small way, campers, hikers and other outdoor enthusiasts can do something about fighting pollution of the air, water and land around them.

Hilltoppers Chapter of the National Campers and Hikers Association offers this list of no-nos if you care to start saving your little corner of the world.

Don't use colored facial tissues, paper towels, or toilet paper. The paper dissolves in water, but the dye forms a residue.

Use containers which disintegrate easily. Glass containers do not. Bottles made of polyvinyl chloride (PVC) give off lethal hydrochloric acid when they are incinerated. PVC is the soft plastic used to bottle many liquid cleaners, shampoos and mouthwashes.

Do not confuse these PVC containers with the heavier, stiffer polystyrene plastic used mainly for powders.

Use decomposable containers, such as pasteboard, cardboard or paper whenever possible.

Don't buy non-returnable containers.

Don't smoke. But if you do, don't flush filter tips down the toilet. They are proving indestructible.

If you are a gardener, make certain the fertilizer you use goes deep into the soil instead of running off with the first rainfall.

Phosphates cause lake and river algae. Use low or non-phosphate soaps or detergents for the same reason. Use as little detergent as possible.

Avoid buying any DDT, DDD or any other chlorinated hydrocarbon pesticides. Substitute recommended natural pesticides such as nicotine sulfate, rotenone or pyrethrum.

For one of the most effective brakes on air pollution, switch your thinking and use of automobiles. Walk to work or ride a bike or motorcycle. If that is too radical a change, drive to work daily in a low-powered vehicle. Use your high-powered polluting muscle-cars only for high-speed highway travel.

You can begin conserving our diminishing supply of fresh water with a few changes of home habits. Start shunning the use of your garbage disposal unit. Never flush away garbage you can put into containers collected by the city. You can use coffee grounds and tea levels in your garden. Give kitchen fats to the birds.

And then there is that new personal anti-pollution tip being offered by most conservation organizations. Stop over-shopping—and producing the world's largest garbage pile and highest rubbish pile.

This could be a start in improving our surroundings.

LITHUANIAN INDEPENDENCE DAY—53 YEARS OF RESISTANCE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DULSKI. Mr. Speaker, it is a pleasure for me to join in this observation of the 53d anniversary of the declaration of independence of the Lithuanian people.

Regretably, for too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Communist regime did not come to power in Lithuania by legal or democratic process.

The Soviets invaded and occupied Lithuania in June 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

This year more than a million Americans of Lithuanian origin or descent, as well as their many friends, are marking two very important anniversaries:

First, they will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

Second, they are marking the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

This occasion is not one of joy, of course, for Lithuania has lost its independence and today survives only as a captive nation behind the Iron Curtain.

Americans of Lithuanian heritage are proud of their people who have lived peacefully on the shores of the Baltic from time immemorial. The nation has suffered from the accident of geography which saw the country invaded from the west by the Teutonic Knights and from the east by the Russians.

The U.S. Government has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics.

Six administrations have stated and restated our Nation's nonrecognition policy, although the Congress took an important step in 1966 by adopting House Concurrent Resolution 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia.

Unfortunately, this legislation has not been implemented notwithstanding the continuing appeals from people throughout our Nation.

BLACK PANTHERS FUNDRAISING

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. ICHORD. Mr. Speaker, a few months ago a great uproar from certain segments of our society was heard throughout the land when it became known that the House Committee on Internal Security, which I have the honor to chair, was publishing the results of a limited survey on honoraria paid to speakers on our Nation's campuses.

The survey contained considerable interesting and objective information concerning honoraria money earned by radicals through speaking engagements. It has opened the eyes of some civil libertarians and sincere liberals about the plans of revolutionaries in this country to finance their activities by just such speaking engagements before young people.

I refer to the column page in the January 25 issue of the Washington Post by Rowland Evans and Robert Novak that describes their version of how the Black Panther Party is proceeding to finance its Marxist-Maoist revolutionary movement.

How are the Panthers doing it? According to Evans-Novak they are doing it—I quote the column—through "two dramatically different fundraising techniques: the big-time college lecture circuit and a swelling campaign of burglaries by the party's new underground organizations."

The column describes at some length how the Panthers are conducting fundraising "through the barrel of a gun."

That the Panthers engage in armed depredations to raise funds has long been known to the Internal Security Committee. Our hearings last year into Panther activities on a national level and locally in Kansas City, Seattle, Detroit, Indianapolis, Philadelphia, Des Moines, and Omaha are replete with instances of Panther criminal activity.

After confirming what has already been reported by our committee and in press coverage of its hearings, the Evans-Novak column goes on to delineate how the Panthers, principally their chief mouthpiece, Huey P. Newton, have in the past and plan in the future to earn a not inconsiderable income from campus speaking engagements.

The report of the House Committee on Internal Security in December 1970, on honoraria paid to campus speakers over a period of 2 school years—1968–69 and 1969–70—reveals Panther speakers earned in excess of $14,000 from 13 individuals making 21 appearances. Panther speakers on campuses were actually far in excess of that and they earned much more money than that revealed by the limited survey made by the House Internal Security Committee.

The survey encompassed only 179 colleges and universities, of which 138 responded. Since the 1970 World Almanac lists some 2,500 colleges and universities, our committee report reflected only about 3 percent of the total.

Now let us, from Messrs. Evans and Novak, look at plans for the future. Newton, the Panthers' so-called minister of defense, intends to make a speaking tour on what the column calls "the lucrative college lecture circuit." Arrangements for the tour, according to Evans and Novak, are being arranged by a Panther front group in New York called Stronghold Consolidated Productions, Inc.

By operating through this front, Newton and his fellow Panthers can receive their pay but still not embarrass a sponsoring group or school by being paid directly from student activity fund checks.

According to the column, Stronghold Consolidated's headquarters is the law firm of Lubell, Lubell, Fine, & Schaap in New York City. Also according to the article, Stronghold Consolidated's key figure is Lawyer David G. Lubell who was identified in sworn 1958 congressional testimony as a Communist Party organizer.

Newton, who is not particularly articulate and whose lectures consist mainly of four-letter obscenities spiced with advice to "off the pigs"—murder authorities—and rally to the banner of Mao Tse-tung, does not come cheap.

He and two other Panthers available for speaking engagements seek $2,500 plus expenses for a single engagement.

The column alleges that speaking engagements are already booked at Cuyahoga Community College in Cleveland; Princeton, Columbia, and Syracuse Universities and one is likely to be arranged at Yale University.

If there is no objection, I will insert the entire article in the RECORD for the edification of my colleagues in the House, both those who supported and those who opposed my committee's limited survey, I think all will find it most interesting.

The article follows:

BLACK PANTHER FUND RAISING

(By Rowland Evans and Robert Novak)

The Black Panther Party, its treasury no longer filled by conscience-stricken white liberals, is now turning to two dramatically different fund-raising techniques: the big-time college lecture circuit and a swelling campaign of burglaries by the party's new underground organization.

Although Black Panther leaders have publicly denounced criminal activity, Panther-watchers are convinced of the party's recidivism toward its former policy of "expropriating" funds through burglary in the old Bolshevik tradition. The new Panther underground, not regular party chapters, has been given this task.

While in overall command of these underground activities, Panther Leader Huey P. Newton is also launching a new lecture tour aimed at radical white students at prestigious colleges and universities. The Panthers, not very impressive in organizing such activities, have taken on an old-line communist with experience in student-organizing to run Newton's tour.

These two wildly opposed methods of fund-raising reflect the two faces of Black Pantherism. Although at heart a revolutionary organization of 1,000 armed black militants with tremendous appeal among jobless and nihilistic Negro slum youth, the Panthers have always relied for support from well-meaning but gullible white liberals, a trend that reached its peak late in 1969 in the ludicrous session with Black Panthers in Leonard Bernstein's Manhattan apartment.

In fact, the decline in white liberal support that followed the Bernstein fiasco has coincided with the party's return to violent rhetoric, "We have to begin to draw pictures that will make people go out and kill pigs (police)," says Emory Douglas, Panther minister of culture, in a recent edition of the party newspaper.

Nor is this mere rhetoric. Panther lawlessness has been rising, both in attacks on police and with the Panther underground resorting to crime to support its financial requirements. In the past four months, party members have been arrested and charged with 15 separte robberies and burglaries across the country—in Charlotte, N.C., Cleveland, Memphis, Buffalo, Winston-Salem, N.C., Dallas, Philadelphia, San Francisco, Seattle and Toledo.

But those 15 occasions may only be the tip of the iceberg. Nobody knows how many Panther crimes in the same period have not resulted in arrests or how many other arrested suspects are in fact covert Panthers. That's because the Panthers, since Newton's release from prison six months ago, have been perfecting an underground organization functioning in isolated units of two's and three's.

In sharp counterpoint to this is Newton's new plan to cash in on the lucrative college lecture circuit after an unsuccessful tour last fall. Arrangements for the new tour are being handled by a new Black Panther front incorporated under New York law in September as Stronghold Consolidated Productions, Inc. Thus, a university can write a check for a Newton lecture to a seemingly respectable front without the onus of a canceled check transferring student activity funds to the Black Panthers.

Stronghold Consolidated's corporate headquarters is the law firm of Lubell, Lubell, Fine & Schaap at 103 Park Ave. in New York. Running the show is lawyer David G. Lubell, identified in sworn 1958 congressional testimony as a Communist Party organizer at Boston area colleges and since then active in the National Lawyers Guild, often cited as a Communist front.

The present road show that Lubell is trying to book does not come cheap: a standard lecture fee for Newton of $2,500 plus expenses for Newton and two Black Panther traveling companions, David Hilliard and Connie Matthews.

Apart from a date at Cuyahoga Community College in Cleveland, Newton's winter bookings are predominantly at white eastern colleges: Princeton, Columbia and Syracuse. In addition, he will engage in a discussion early next month at Yale, where he also hopes to land a lecture. Surprisingly, Newton's ersatz Marxism and incoherent delivery in last fall's lectures have not greatly diminished his popularity on fashionable college campuses.

Yet, the $2,500 lecture fee amid the halls of ivy looks like the last vestige of the radical chic phenomenon which brightly blazed until the Leonard Bernstein affair. The lecture tour, therefore, may be only a temporary expedient. The future of the Panthers lies in its new underground organization in the inner city, where fund-raising is conducted through the barrel of a gun.

CONGRESSMAN GONZALEZ REINTRODUCES THE MILITARY RETIREE'S RECOMPUTATION BILL

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. GONZALEZ. Mr. Speaker, in reintroducing today legislation to reestablish the recomputation principle in the payment of military retirement benefits, I am asking the Congress to rectify an injustice imposed on our career military personnel in 1958.

Before 1958, increases in retired pay for commissioned and noncommissioned officers corresponded to active duty increases. But that system was suspended and replaced in 1963 by cost-of-living increases that have proven so clumsy and inequitable as to create eight different pay rates for servicemen with identical ranks and years of service who simply retired on different dates.

President Nixon's campaign promise to reestablish the recomputation method was forgotten in the last Congress when the administration announced that retirement increases were out of the question because of a rockbottom Department of Defense budget.

There is no doubt we have betrayed a trust to many of our military men. The career servicemen we have retired to date served in the Armed Forces at pay rates inferior to comparable civilian jobs. They did so out of love and dedication to their country, because of the several unique aspects of military life, and also because they expected decent retired pay. They joined the service at a time when retirement programs in private industry were generally nonexistent and when social security benefits were small, and now, it seems, they are being punished for their foresight.

The legislation I originally sponsored provided for recomputation of retired pay on the traditional formula for all members of the Armed Forces. After consulting with the Retired Officers Association, however, I amended my original proposal to include only military personnel who joined the service prior to 1958 Although I would have preferred the recomputation formula for all servicemen, the limitation on eligibility seems more feasible in light of the administration's contention that the cost of my original proposal would be prohibitively high.

It would benefit all servicemen, who, upon joining the Armed Forces, expected to receive retired pay on the basis of current active duty rates.

I hope and trust that Congress will act on this matter in a way that will keep faith with our Nation's servicemen who served in the belief that they would receive equitable treatment when they retired from service to their country.

CARLISLE FLOYD'S OWN "HIT PARADE"

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. FUQUA. Mr. Speaker, Floridians are proud of the tremendous achievements of Carlisle Floyd, professor of music at the Florida State University in Tallahassee, Fla.

There are very few American-born opera composers, and Carlisle Floyd is, in my opinion, the best.

The Florida Times-Union of Jacksonville, Fla., denoted his achievements in an editorial on February 9, 1971. I commend their comments to the Members of the Congress as a fitting tribute to an outstanding American:

CARLISLE FLOYD'S OWN "HIT PARADE"

Carlisle Floyd, professor of music and composer in residence at Florida State University, last week set a record roughly comparable to a baseball pitcher turning in two consecutive no-hit games, a playwright having two simultaneous hits on Broadway, or a novelist having two works on the best seller list.

Floyd, one of the most successful and prolific of American-born opera composers, was so busy in Tallahassee supervising the Eastern premiere of his latest work, "Of Mice and Men," based on the Steinbeck novel, that he could not find time to go to Sarasota to attend a performance at the Asolo Theatre of an earlier work, "Susannah," already rated as a solid hit on the grand opera charts.

The number of active American-born opera composers is extremely small. The number that has even a single work produced is even smaller. The odds against having two produced in the same week in the same vicinity are incalculable.

In addiiton to these two, Floyd has several other performed operas, as well as compositions in other fields, to his credit.

The week's record is not only a tremendous personal achievement for the composer, but a testimonial to the level of fine arts appreciation in Florida.

SENATE—*Tuesday, February 23, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Great God, we thank Thee for this land so fair and free, for its worthy aims and generous charities. We are grateful for people who have come to our shores, with varied customs and accents to enrich our lives. As Thou hast led us in the past and covered our sins with Thy forgiveness, so lead us now and in the time to come. Give us a voice to praise Thy name in the land of living men under the divine dispensation of freedom.

Almighty God, Judge of Nations, forgive the pride that overlooks national wrong or justifies injustice. Forgive divisions caused by prejudice or greed. Make us brave to seek Thy will in the land Thou hast given us, lest in our actions we neglect those things which belong to Thy glory, through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, February 22, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Sergeant at Arms be instructed to clear the floor and the lobby of all clerks to Senators when the yea-and-nay vote begins today on the motion to invoke cloture, throughout the vote, and until the vote is announced.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MINORITY MEMBERSHIP ASSIGNMENTS TO SELECT COMMITTEE ON SMALL BUSINESS

Mr. SCOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution.

The legislative clerk read, as follows:

S. RES. 55

Resolved, that the following Senators shall constitute the Minority Party's membership on the Select Committee on Small Business for the 92d Congress: Senator Jacob Javits, Senator Peter Dominick, Senator Mark Hatfield, Senator Robert Dole, Senator Edward J. Gurney, Senator William B. Saxbe, Senator J. Glenn Beall, Jr., Senator Robert Taft, Jr.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period, not to exceed 15 minutes, for the transaction of routine morning business, with speeches limited to 3 minutes therein.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MASSACHUSETTS RESOLUTION ON PRISONERS OF WAR

Mr. BROOKE. Mr. President, all Americans share a deep concern over the continued imprisonment, under uncertain conditions, of American fighting men in Southeast Asia.

Repeated attempts to secure their release, and to insure humane treatment including adequate communication with families and loved ones, have met with little if any real success.

Recently, the General Court of the Commonwealth of Massachusetts passed a resolution calling upon the Congress of the United States to protest to North Vietnam the treatment of American prisoners of war who are now being held by that country.

I fully concur in the findings and recommendations of the Massachusetts Legislature, and ask unanimous consent that the full text of this resolution be printed at this point in the RECORD.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROTEST TO NORTH VIETNAM THE MISTREATMENT OF AMERICAN PRISONERS OF WAR

Whereas, There are over sixteen hundred members of the armed forces of the United States listed as prisoners of war or missing in action and many missing in action may be in prison camps, and more than two hundred of them have been held more than three and one half years, longer than any United States serviceman was held prisoner in World War II; and

Whereas, North Vietnam has shown itself to be very sensitive to public opinion in the United States. It would be very useful to let North Vietnam see something of the unity and the impatience of the American people over the long standing proven mistreatment of said servicemen in North Vietnamese prison camps; therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to protest to North Vietnam the mistreatment of United States prisoners of war held in North Vietnam; and be it further

Resolved, That a copy of these resolutions be sent forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. McCLELLAN (for himself, Mr. ALLEN, Mr. BELLMON, Mr. BENNETT, Mr. BIBLE, Mr. BROCK, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CRANSTON, Mr. CHILES, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. ELLENDER, Mr. ERVIN, Mr. GAMBRELL, Mr. GOLDWATER, Mr. HARRIS, Mr. INOUYE, Mr. JACKSON, Mr. MCGEE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STENNIS, Mr. STEVENS, Mr. TOWER, and Mr. YOUNG):

S. 907. A bill to consent to the interstate environment compact. Referred to the Committee on the Judiciary and subsequently to the Committee on Public Works for not to exceed 45 days.

Mr. McCLELLAN. Mr. President, many of us were born and spent our early life in a rural America where the natural environment might today be regarded by a city dweller as an earthly paradise. There was little pollution—the air and water were clean and pure. In my region most of the people were too poor to accumulate much litter. We had few worldly possessions and the thought never occurred to us that such a thing as large-scale waste of resources would someday be a problem. Our concerns largely were with making the land produce sufficient food and fiber to feed and clothe the family.

Today we have built a greater America. We have built a society which each year consumes something approaching 60 percent of the resources used by the world. We have only recently awakened to the fact that our greater America carries with it dirty air, dirty water, and mountains of waste. We have further discovered that our environmental pollution is not only unsightly and odiferous, it also is injuring us.

Our Nation has acted over the years to combat its environmental problems. Theodore Roosevelt's most lasting contribution to his country may well have been his commitment to conservation of our wildlife and natural resources. For many years following the depression the Congress has done much to prevent erosion and damaging floods through public works and soil conservation services. Recently, preservation and enhancement of natural wildlife habitat and other environmental considerations have played an increasing role in the manner in which these public works have been constructed. For example, last year Congress authorized the acquisition of some 35,000 additional acres above the originally proposed 15,000 in conjunction with the Felsanthal project on the Ouachita River in Arkansas. The great majority of these additional acres will be operated by the U.S. Bureau of Sport Fisheries and Wildlife and the State of Arkansas as a wildlife refuge and sport fishery subject to periodic flooding which will inure to the benefit of waterfowl and provide an outstanding sports fishery while preserving forests of bottom land hardwoods and cyprus for future generations.

A series of recent efforts directly combating our polluted environment have been made at the Federal level.

First, in 1964 Congress passed the Water Resources Research Act which authorized Federal assistance in the establishment of State water resources research centers.

Second, in 1965 the Water Resources Planning Act was adopted, which set up the Water Resources Council to help establish river basin commissions.

Third, a solid waste disposal program was enacted in 1965, along with a Water Quality Act. And, in 1966, the Clean Water Restoration Act was passed, establishing a national policy of improved water quality, requiring the development of State water quality standards, and authorizing a multibillion-dollar grant program for municipal sewage treatment plant construction.

Fourth, the Clean Air Act of 1965 and the Air Quality Act of 1966 required the establishment of State air quality standards and Federal automobile emission standards.

Fifth, the Highway Beautification Act of 1965 and the Highway Act of 1968, controlling junkyards, requiring that social and environmental factors be considered in public hearings on locations and designs in Federal-aid highway projects.

Sixth, the National Environmental Policy Act of 1969, declared as a national policy, the use of all practicable means to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans. This act also established a Presidential Council on Environmental Quality.

Seventh, Public Law 91-604 established a legal deadline for the reduction of certain hazardous automobile emissions, established primary air quality standards, which affect public health, to be administered by the States.

Eighth, the Water Quality Improvement Act of 1970 established liability for cleanup costs for oil spills, and authorized extensive research on water pollution questions.

Ninth, the Resource Recovery Act of 1970 increased emphasis on recycling and recovery of materials and energy from solid waste.

Tenth, the Environmental Protection Agency and the National Oceanic and Atmospheric Administration came into existence during 1970, combining pollution programs which had been scattered throughout existing agencies.

This year, on February 8, 1971, the President sent a message on pollution control to the U.S. Senate. This program contained an enlargement of scope of activity by the Federal Government as well as higher standards and penalties for polluters of the environment.

The States also have been active in the environmental field, both in complying with Federal requirements and in independent efforts to protect their own environment. However, to this day, States cannot effectively combat pollution problems that cross State lines.

The interstate environment compact bill which I introduce today, is the product of almost a year's work by the groups of States associated as the Southern Governors' Conference, which also includes Puerto Rico and the Virgin Islands. They began their efforts under the leadership of Gov. Winthrop Rockefeller of Arkansas shortly after the President's environmental message to Congress in February 1970. I became aware of their efforts during the summer of 1970, was interested in their proposal, and followed their progress by sending a representative to meetings and attempting to be helpful when asked as to methods of proceeding.

Recently I was asked by the Southern Governors' Conference to introduce this measure. It, of course, like any other proposal is doubtless open to possible improvements. However, I do wish for this body to be aware that this is not a haphazard, nor hastily prepared proposal. Activities leading up to the introduction of this bill included coordinated 2½-hour hearings for each of the States and Puerto Rico and the Virgin Islands presenting for the record each State's extensive research of its pollution problems.

These hearings were held for the purpose of establishing the needs of each State with regard to action against pollutants. On the basis of these hearing records and their personal expertise, various subcommittees of the Southern Regional Environmental Conservation Council—SRECC—produced reports on air quality control, land use, solid waste disposal, recreation, interstate fresh water, and interstate salt water. These subcommittees pooled their experience and findings, and recommended a regional compact with supplementary agreements. Further study led to the determination that the best policy would be to make such a compact national in scope in order that its benefits would be available to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

This bill represents the collective views of the chief executives composing the Southern Governors' Conference that States must play a vital role in environmental control and improvement. The compact approach recognizes that environmental problems do not respect State boundaries. Ordinarily, problems which cross State boundaries are subject to exclusive Federal control and jurisdiction. However, the problems of a polluted river which only affect Missouri and Arkansas, for example, would not logically appear to be the major responsibility of the Federal Government. It is primarily one for the two States to solve, possibly with supplemental Federal assistance. Similarly, many pollution problems are regional in scope. The several States in a region have the initial obligation to control their own environment. A hallmark of Federal regulations is that they are uniform throughout the United States.

There are areas in our country which of necessity will have to tolerate higher pollution levels than presently exist in many parts of the Nation. I personally will be very displeased if the pollution levels in Arkansas rivers are ever allowed to be as high as those of our present industrial regions. Numerous recent Federal antipollution enactments have encouraged States to form compacts on a reigonal level and recognize the fact that the primary enforcement effort must be made at the State level. I want Arkansas to work directly and cooperatively with other States which share with her air quality control reigons, rivers, and land areas which should be controlled and developed as a single unit and develop them in the best possible manner. This compact bill will authorize such State cooperation.

There is no intention that the Federal Government be in any way preempted by State action under these proposed agreements. However, in the traditional pattern of the last 40 years the Federal Government is ever increasing its jurisdiction and preempting State action because the States are unable or unwilling to act in a concerted fashion.

President Nixon's message to the Senate of February 8 contemplates Federal permits for industrial discharges into navigable waters. My State, and many other States already have discharge permits. It makes no sense to require a user to secure two permits. Certainly the Federal Government can set standards in any event. However, we do not need duplication of enforcement procedures. Either the Federal Government or the States should issue permits—but both should not issue permits for the same purpose. Unfortunately, however, it appears that the general thrust in pollution matters is toward greater Federal control, in spite of lipservice paid to State efforts.

There are several bills in the Senate at the present time dealing with development of seashore and estuarine areas. These bills would also encourage the States to act individually and in conjunction with each other to solve common environmental problems. However, without the authority such as proposed in this measure there is no way that States can effectively coordinate their efforts. With a compact they can solve these problems pursuant to agreements between and among the States, without the necessity of involving a jurisdictional body unaffected by the proposal.

One of President Nixon's proposals contemplates a "national land-use policy" in which States would be encouraged to plan for the development of "critical land areas." Without a compact the States cannot agree with each other on pollution abating land-use policies that are enforceable throughout the region affected.

If we do not enact a measure such as this, and thus fail to empower States to cooperatively develop and provide pollution control by compact agreements, then we have before us the real specter of Washington officials completely determining pollution-related land-use policy; that is, on the Connecticut-Massachusetts border—an area which should be controlled by the two States involved if possible.

Big government in the United States yearly increases its cost—both to the taxpayer and in the alienation of the decisionmaking individual from the affected portions of our population. Pollution control and pollution-related land-use planning can be most effectively done at a State level. Everyone talks about this principle, yet at the present time there is no provision allowing States to cooperate in the manner envisioned by this compact. Some may say that if we give this power to the States it may be that they will default in the responsibilities given them. I personally do not think that they will refuse or fail to act. The compelling need and the demand for action by our citizens are too great. If they do fail to act then the blame for increasingly inefficient, bureaucratic, big government will be fairly placed on those States who default in this responsibility.

This is not a partisan issue nor is it ideological. The compact principle, I am advised, is enthusiastically endorsed by the Honorable Dale Bumpers, the present Democratic Governor from Arkansas, and I expect a State bill to be introduced in the Arkansas legislature this week. This proposal was originally sponsored under the chairmanship of Republican ex-Governor Rockefeller of Arkansas, and he has continued his active support of this legislation.

The present chairman of the Southern Governors Conference, the Honorable John Bell Williams of Mississippi, a Democrat, is an ardent proponent. A reading of the list of cosponsors further demonstrates the bipartisan nature of this measure. As to ideology, the only ideological separation on the issue is a separation between those who are concerned over the quality of the air they breathe, and those who are not.

Mr. President, at my request, Gene Mooney, counsel for the Southern Regional Environmental Conservation Council prepared a position paper summarizing events leading up to formation of the Southern Regional Environmental Council, their efforts to examine environmental problems in the South, the formation of a proposal for an interstate compact, an analysis of the proposed compact, and a legal justification for its various provisions. Mr. President, I ask unanimous consent that this position paper be printed in the Record, immediately following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, I am delighted to announce that 23 Senators, representing all quarters of the country, have requested to cosponsor this measure with me. They are Senators Allen, Bennett, Bellmon, Bible, Brock, Byrd of Virginia, Byrd of West Virginia, Cranston, Chiles, Curtis, Dole, Dominick, Eastland, Ervin, Gambrell, Goldwater, Harris, Inouye, Jackson, McGee, Randolph, Ribicoff, Stennis, Stevens, Tower, and Young, and the distinguished senior Senator from Louisiana, the President pro tempore of the Senate (Mr. Ellender), who is now presiding.

Mr. President, I ask unanimous consent that this compact be referred to the Committee on the Judiciary, and when it is reported from that committee that it be immediately referred to the Committee on Public Works for a period not to exceed 45 days. This unanimous consent request has been discussed with and has the approval of the chairman of the Public Works Committee the Senator from West Virginia (Mr. Randolph).

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered. The bill will be received and referred as requested.

Mr. McCLELLAN. Mr. President, I believe that possibly every Member of this body could cosponsor this bill. While the idea may have originated with the Southern Governors' Conference, I am sure others have had such a proposal in mind and that the conference will activate their interest. At the request of the Southern Governors I have introduced the bill. I believe when each Senator has examined the measure, all will want each State to have the right to participate and to work cooperatively with its neighboring States by supplemental agreements to the end that we may present an all-out effort in the fight against pollution.

EXHIBIT 1

THE INTERSTATE ENVIRONMENT COMPACT LEGISLATION: A POSITION PAPER

(Prepared for the Southern Regional Environmental Conservation Council of the Southern Governors Conference by Eugene F. Mooney, Chief Counsel, SRECC, for submission to Senator John L. McClellan)

THE NATIONAL PROBLEM

INTRODUCTION

The full magnitude of the national environment problem is only now beginning to be documented. Publication last August of The First Annual Report of the Council on Environmental Quality in compliance with the National Environmental Policy Act of 1970 brought together in one summary an overview of the known elements of the present national environmental pollution situation. That report by the President to the Congress noted:

"This first report to the Congress on the state of the Nation's environment is an historic milestone. It represents the first time in the history of nations that a people has paused, consciously and systematically, to take comprehensive stock of the quality of its surroundings.

"It comes not a moment too soon. The recent upsurge of public concern over environmental questions reflects a belated recognition that man has been too cavalier in his relations with nature. Unless we arrest the depredations that have been inflicted so carelessly on our natural systems—which exist in an intricate set of balances—we face the prospect of ecological disaster."

The accompanying report by the Council on Environmental Quality describes the present conditions of our national environment, and identifies major trends, growing problems, and opportunities for the future. The President noted that in many respects the Report is incomplete because our systems for measuring, monitoring and predicting environmental changes are inadequate. Nevertheless, he stated:

"However, the report will, I think, be of great value to the Congress (and also to the Executive Branch) by assembling in one comprehensive document a wealth of facts, analyses and recommendations concerning a wide range of our most pressing environmental challenges. It should also serve a major educational purpose, by clarifying for a broad public what those challenges are and where the principal dangers and opportunities lie."

The Report itself described in general terms the nature, scope and diversity of current and foreseeable environmental pollution problems. A stark and sometimes terrifying picture emerges from the welter of detail, the known problems and the unknowns and the dimensions of the task confronting us.

Surveying the major parameters of our national environmental situation the Report addressed the following pollution problems:

Water Pollution
Air Pollution
Inadvertent Weather and Climate Modification
Solid Wastes
Noise, Pesticides and Radiation
Population Growth
Land Use

A brief review of some portions of that Report directly relevant to the matters addressed by this proposed legislation reveals much about the nature and need for the legislation being proposed here. Essentially, this legislation is addressed to water pollution, air pollution and solid waste management.

Major water pollution problems are caused by wastes arising from industrial, municipal and agricultural sources. The Report measures water pollution in terms of water volume in gallons and biological oxygen demand materials (BOD) and suspended solids in pounds. The totals are awesome:

TABLE 1.—ESTIMATED VOLUME OF INDUSTRIAL WASTES BEFORE TREATMENT, 1964[1]

Industry	Waste-water volume (billion gallons)	Process water intake (billion gallons)	BOD (million pounds)	Suspended solids (million pounds)
Food and kindred products	690	260	4,300	6,600
Meat products	99	52	640	640
Dairy products	58	13	400	230
Canned and frozen food	87	51	1,200	600
Sugar refining	220	110	1,400	5,000
All other	220	43	670	110
Textile mill products	140	110	890	N.E.
Paper and allied products	1,900	1,300	5,900	3,000
Chemical and allied products	3,700	560	9,700	1,900
Petroleum and coal	1,300	88	500	460
Rubber and plastics	160	19	40	50
Primary metals	4,300	1,000	480	4,700
Blast furnaces and steel mills	3,600	870	160	4,300
All other	740	130	320	430
Machinery	150	23	60	50
Electrical machinery	91	28	70	20
Transportation equipment	240	58	120	N.E.
All other manufacturing	450	190	390	930
All manufacturing	13,100	3,700	22,000	18,000
For comparison: Sewered population of United States	[2] 5,300		[3] 7,300	[4] 8,800

[1] Columns may not add, due to rounding.
[2] 120,000,000 persons times 120 gallons times 365 days.
[3] 120,000,000 persons times 1/6 pound times 365 days.
[4] 120,000,000 persons times 0.2 pound times 365 days.

Source: Data derived from T. J. Powers, National Industrial Waste Assessment, 1967.

The Report noted:

"The more than 300,000 water using factories in the United States discharge three to four times as much oxygen-demanding wastes as all the sewered population of the United States. Moreover, many of the wastes discharged by industry are toxic" ["Environmental Quality," The First Annual Report of the Council on Environmental Quality, August 1970, page 32].

Considering waste heat as an industrial water pollutant, in September 1968 a total 50 billion gallons of water was being used for cooling purposes primarily by the electric power industry. Electric power demand is rising and the Report noted: "It is estimated that by 1980, cooling operations by the electric power industry will require the equivalent of one-fifth of the total fresh water runoff of the United States." (Id. p. 34.)

The second ranking source of water pollution is municipal waste water discharges. The Report estimated that about 5,300 billion gallons of water are utilized by municipalities to carry some 16 billion pounds of wastes. Yet we are also woefully deficient in sewer systems for the nation:

"Less than one-third of the Nation's population is served by a system of sewers and an adequate treatment plant. About one-third is not served by a sewer system at all. About five percent is served by sewers which discharge their wastes without any treatment. And the remaining thirty-two percent have sewers but inadequate treatment plants. Of the total sewered population, about sixty percent have adequate treatment systems." [Id. p. 32.]

Municipal systems waste loads are expected to quadruple during the next half-century. A recent report to the National Governors Conference by the Citizens Advisory Committee on Environmental Quality observes that our present procedures for handling liquid wastes result in thousands of small, inefficient plants. Proposing an alternative national system based on statewide water treatment systems, the Committee notes:

"It would require that disposal programs be planned insofar as possible on a regional or river basin basis in order to achieve maximum economies and at the same time give maximum protection to streams and shorelines." ["A New Approach to the Disposal of Liquid Waste," Citizens Advisory Committee on Environmental Quality, page 12]

Other sources of water pollution include agricultural wastes, land erosion sediment, mine drainage and water craft wastes and oil spillages—the most newsworthy of which seems to be accidental oil spillages.

These figures and trends become ominous in light of the truism that the total fresh water supply of the continental United States (excluding Hawaii and Alaska) is substantially static—neither materially increasing nor decreasing in volume annually. That total volume is 1201 billion gallons per day. In 1965 the nation used 270 billion gallons daily for all purposes, including waste disposal. By 1980 it will be using 443 billion gallons daily, and by the year 2000 it will be utilizing 805 billion gallons daily 2/3rds of the finite total. Almost 700 billion gallons will be employed daily for non-consumptive use to carry wastes and will thus be "polluted" water which must be cleaned and re-used. (Id. pp. 162–163)

Daily over 1200 billion gallons of fresh water runs through the continental network of streams and rivers into the surrounding coastal waters and the Great Lakes. Virtually every gallon at numerous points in its journey to the sea is a portion of interstate waters directly affecting two or more states. Equally significant is the fact that direct, immediate authoritative control over the most predominant sources of pollution of these waters—industrial plants and municipalities—rests traditionally with the States of the Union.

Air pollution is measured in tons of pollutants emitted into the air annually. This complex and rapidly growing environmental problem is most apparent and alarming in the urban areas of this nation. The Report noted:

Five main classes of pollutants are pumped into the air over the United States, totaling more than 200 million tons per year . . . Transportation — particularly the automobile—is the greatest source of air pollution. It accounts for 42 percent of all pollutants by weight . . . An accompanying table presents an analysis of total air pollution in terms of sources and pollutants:

ESTIMATED NATIONWIDE EMISSIONS, 1968

[In millions of tons per year]

Source	Carbon-monoxide	Particulates	Sulfur oxides	Hydrocarbons	Nitrogen oxides	Total
Transportation	63.8	1.2	0.8	16.6	8.1	90.5
Fuel combustion in stationary sources	1.9	8.9	24.4	.7	10.0	45.9
Industrial processes	9.7	7.5	7.3	4.6	.2	29.3
Solid waste disposal	7.8	1.1	.1	1.6	.6	11.2
Miscellaneous [1]	16.9	9.6	.6	8.5	1.7	37.3
Total	100.1	28.3	33.2	32.0	20.6	214.2

[1] Primarily forest fires, agricultural burning, coal waste fires.

Source: NAPCA Inventory of Air Pollutant Emissions, 1970. [Id. pp. 62–63.]

The nation is just beginning to learn the dimensions of its air pollution menace. Aerial contaminants already identified are a serious threat to human health, to vegetation, visibility and climate. The Report states that current trends in air pollution promise a more dangerous future.

Carbon monoxide emissions by motor vehicles are projected to trend downward from a peak in 1965 until about 1985 and then begin to rise again (pg. 79)

Sulfur oxides from coal and oil fueled steam electric generating plants will continue to rise dramatically for the remainder of this century. (pp. 80–81)

As in the case of contaminated water, polluted air does not respect state boundaries and so called "ambient air" is an interstate phenomenon. State control over stationary emission sources of air pollution—primarily industrial plants—is virtually plenary. The Report notes:

"With one major exception—new motor vehicles—whose control the Clean Air Act preempts to thet Federal Government—primary responsibility for the control of the sources of air pollution is assigned to State and local governments." [Id. pg. 83]

Solid waste generated by the increasing populace increases by geometrical proportions due to growing technology and affluence. Garbage collected in urban areas has increased from less than 3 pounds per person in 1920 to approximately 5 pounds per person today and will reach 8 pounds per person by 1980. [Id. p. 106]

The Report summarizes:

"The total solid wastes produced in the United States in 1969 reached 4.3 billion tons as shown in the following table:

	Million tons
"Residential, commercial and institutional wastes	250
Collected	(190)
Uncollected	(60)
Industrial wastes	110
Mineral wastes	1,700
Agricultural wastes	2,280
Total	4,340

Sources: Bureau of Solid Waste Management, Department of Health, Education, and Welfare; Division of Solid Wastes, Bureau of Mines, Department of the Interior.

"Most of it originated from agriculture and livestock. Other large amounts arose from mining and industrial processes. A little under 6 percent, or 250 million tons, was classified as residential, commercial, and institutional solid wastes. And only three-fourths of this was collected. . . . The final disposal point for an estimated 77 percent of all collected solid wastes is 14,000 open dumps in the country. Thirteen percent is deposited into properly operated sanitary landfills, where wastes are adequately covered each day with earth of the proper type. Nearly all of the remaining 10 percent is burned. Incinerators are used primarily in large cities, where the volume of refuse and the high cost of land make incineration an attractive disposal method. Small quantities of solid wastes are turned into nutrient rich soil conditioners by composting operations. And a small but troublesome percentage is dumped at sea." (pp. 107, 110)

The composition of total solid waste collected annually in this country consists of—

30 million tons of paper
4 million tons of plastics
100 million automobile tires
30 billion bottles
60 billion cans

Unknown millions of cars and major appliances (Id. p. 108).

The recommended strategy for much of our growing solid waste problem is recycling a maximum amount of these materials back into our economic system. However, before that can be done, or, as an integral part of that process, solid waste must be collected, processed and non-recyclable materials disposed of by the same agencies which have traditionally performed these chores—local governments. Although solid waste disposal is traditionally a purely local concern, the Report notes:

"Regional solid waste management is evolving as the only rational approach in many urban areas, even though local officials often balk at turning over control of any aspect of solid waste management to a metropolitan-wide authority. Consolidation jeopardizes vested interests. Patronage, position, and status of individual employees and the degree of control over solid waste management within the community's own boundaries (including location of disposal sites) militate against intermunicipal cooperation. To mitigate these factors, higher levels of government must devise ways to encourage coordination on a regional basis." [Id. p. 120]

The concept of regional solid waste collection, disposal and recycling "sheds" surrounding large metropolitan areas is a rational approach. Long-distance transportation of solid wastes from urban complexes generating them to rural disposal areas is already being contemplated by our hardest-pressed cities.

A casual glance at a map of the United States with these water, air and solid waste problems in mind reveals the strategic significance of legislation relating to interstate pollution. Many large industrial and urban complexes not only generate much of our environmental pollutants but they also tend to be located near state borders and on or near the environmental media which transmit pollutants to other states. Thus they often inflict pollution miseries on more than one state, sometimes affecting entire geographic regions.

A national strategy for addressing environmental problems of the magnitude revealed in the 1970 report must realistically be grounded firmly on pollution control structures designed to address interstate pollution.

I. THE FEDERAL CHALLENGE

The Congress has challenged the several States to clean up their air, land and water and thus clean up our national environment.

Congress began in earnest during the past decade to fashion a national evironmental pollution control program. Its early efforts took the form of basic legislation in the fields of water pollution, air pollution and solid waste disposal. From these basic pieces of legislation the federal government has now begun to assemble an administrative apparatus appropriate to our developing understanding of the nature, scope and diversity of the task. From the basic legislation and newly created federal executive branch agencies national antipollution programs designed to master our environment problems are beginning to issue. The future will see intensification and amplifications of our current approach.

A major premise of this approach is that the national government and the States have definite and differentiated roles to play in our national environment control program. Specifically, the States have the primary responsibility for cleaning up our air, land and water, while the national government is to prescribe national criteria and assist the States in implementing their control and abatement programs.

A summary history of recent Congressional and executive actions in the field of environment protection marks the dimensions of this major federal challenge to the States.

The Federal Water Pollution Control Act, the Clean Air Act and the Solid Waste Disposal Act are the key statutes in our national program to control environmental pollution. These acts initiated in the early 1960's and were broadened and strengthened in 1965, 1967 and again in 1970. They provide a firm legislative base for federal agency programs.

Additional legislation in 1969 and 1970 augmented our basic program legislation by expressing national policy on the matter. Thus the Congress enacted the National Environmental Policy Act in 1969, stating "that it is the continuing policy of the Federal Government, in cooperation with State and local governments . . . to use all practicable means . . . to create and maintain conditions under which man and nature can exist in productive harmony. . . ." [P.L. 91–190, Section 101(a)], and creating the Council on Environmental Quality. The Environment Improvement Act of 1970 stated a national policy "for the enhancement of environmental quality" and further found that "the primary responsibility for implementing this policy rests with State and local governments." [Title II of HR 4148, 91st Cong., Apr. 3, 1970, Section 202(1)]

The Executive Branch has duly implemented the policies and programs established by the Congress. The President in his Environment Message to the Congress on February 10, 1970, devoted a major section of it to proposals designed to organize the Executive Branch of the federal government for action against pollution. Subsequently, the President issued Executive Orders 11507 and 11514 during 1970 to implement the National Environmental Policy Acts and ordered federal agencies themselves to avoid polluting our land. Then late last year through Reorganization Plans 3 and 4 of 1970 the President and Congress extensively reorganized the federal agency structure to create the Environmental Protection Agency and the National Oceanographic and Atmospheric Administration bringing together widely scattered federal environmental protection and study departments. Recently, on December 23, 1970, the President issued executive order 11574 authorizing the United States Army Corps of Engineers to establish a pollution permit system under the Refuse Act of 1899 applicable to industries using the navigable waters of the United States. Regulations for implementing this new federal water pollution control system are now being promulgated.

Simply stated, the national government has adopted the role of defining the criteria by which the state of the national environment shall be evaluated, establishing certain national standards and assisting in control efforts. The States, on the other hand, have the role of promulgating local standards and control measures compatible to national standards and enforcing these control measures. The assigned role of each level of government is thus based on its strengths: the national government has the revenues, the overview and scientific capability to perform its task; the States have their existing local control apparatus, experience and capabilities to enforce against polluters control measures devised jointly by the State and national government. The national government stands back of the States in their control efforts. The States implement national minimum standards. This approach, in addition to being traditional, rational and appropriate, promises to produce the environmental cleanup results our people demand.

Federal-State relations

National policy on the delicate matter of federal-state relations in the national pollution control program was firmly established at the beginning of the federal effort and has continued unchanged. That policy is most succinctly stated in the Federal Water Pollution Control Act of 1965 (33 U.S.C. 466 et. seq.). The Congressional declaration of policy states:

"Section 1(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

"(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution.

"(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

Another formulation of the same essential policy appears in section 101 of the Clean Air Act (42 U.S.C. 1857–18571). That language, framed in terms of Congressional findings and purposes, states as follows:

"Sec. 101. (a) The Congress Finds—

"(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdiction and often extend into two or more States;

"(2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;

"(3) that the prevention and control of air pollution at its source is the primary responsibility of States and local governments; and

"(4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

"(b) The purposes of this title are—

"(1) to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;

"(2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

"(3) to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and

"(4) to encourage and assist the development and operation of regional air pollution control programs."

This same national policy also underlies the Solid Waste Disposal Act of 1965 (P.L. 89–272). Section 202 of that act states that the Congress finds—

"(a)(3) that the continuing concentration of our population in expanding metropolitan and other urban areas has presented these communities with serious financial, management, intergovernmental, and technical problems in the disposal of solid wastes resulting from the industrial, commercial, domestic, and other activities carried on in such areas; . . .

"(6) that while the collection and disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies, the problems of waste disposal as set forth above have become a matter national in scope in concern and necessitate Federal action through financial and technical assistance and leadership in the development, demonstration, and application of new and improved methods and processes to reduce the amount of waste and unsalvageable materials and to provide for proper and economical solid-waste disposal practices.

"(b) The purposes of this Act therefore are—

"(1) to initiate and accelerate a national research and development program for new and improved methods of proper and economic solid-waste disposal, including studies directed toward the conservation of natural resources by reducing the amount of waste and unsalvageable materials and by recovery and utilization of potential resources in solid wastes; and

"(2) to provide technical and financial assistance to State and local governments and interstate agencies in the planning, development and conduct of solid-waste disposal programs."

These statements manifest that it is national policy in the entire field of environmental pollution that States will be responsible for cleaning up our air, land and water.

Federal spending for environmental control

This federal legislative and executive activity in the field of environment has been strongly supported by increased appropriations to finance federal agency programs and matching grants to the States.

No detailed accounting of the total federal funds directly invested in environment control programs over the past decade is needed. However, some indication of the magnitude of commitment is revealed by the following summary of federal funding for pollution control and abatement programs for 1969–71:

[In millions of dollars]

Budget authority			Obligations			Outlays		
1969	1970	1971	1969	1970	1971	1969	1970	1971
852	1,520	4,813	916	1,291	2,100	763	885	1,380

Source: "Environmental Quality," The First Annual Report of the Council on Environmental Quality, August 1970, p. 319.

Pursuant to diverse and sometimes complicated matching funds formulae, these federal expenditures are designed to generate State expenditures approximately three times as great.

The President's most recent proposal to the Congress on February 8, 1970, asked for an increase of federal grants for construction of municipal waste-treatment facilities, from the present level of $1 billion in fiscal 1971 to $2 billion annually, to be matched with State and local funds of $6 billion annually, proposing a three-year program costing a total $12 billion. (Congressional Record, February 8, 1971, page 2071.) Whether this particular increase will be granted by the Congress rests with the wisdom of the Congress. However, the clear indication is that federal appropriations for environmental programs will continue to rise dramatically over the ensuing years of this decade as the national environment program is implemented.

National policy on interstate pollution

Yet the matter of how interstate pollution problems are to be controlled by the States is not answered by these general policy statements, although they clearly contemplate that much of our effort will be aimed at interstate pollution. That answer is provided by separate and distinct policy statements unequivocably establishing the interstate compact as the preferred instrument for effecting the national program.

In identical language, Section 4 of the Federal Water Pollution Control Act, covering both salt and fresh water, and Section 102 of the Clean Air Act provide:

"The Secretary shall encourage cooperative activities by the States for the prevention and control of water and air pollution; encourage the enactment of improved and, so far as practicable, uniform state laws relating to the prevention and control of (water) (air) pollution; and encourage compacts between States for the prevention and control of (water) (air) pollution"

And—

"The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of (water) (air) pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements or compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by Congress."

Section 205 of the Solid Waste Disposal Act provides:

"The Secretary shall encourage cooperative activities by the States and local governments in connection with solid-waste disposal programs; encourage, where practicable, interstate, interlocal, and regional planning for, and the conduct of interstate, interlocal and regional solid-waste disposal programs; and encourage the enactment of improved and, so far as practicable uniform State and local laws governing solid-waste disposal."

These acts also establish grant programs for planning, research, training construction and demonstration projects for which interstate agencies may qualify, and in a variety of ways acknowledge the fundamental national policy to encourage interstate environment compacts.

To underscore this policy and guard against inadvertent preemption the Congress was careful to preserve the States' concurrent jurisdiction over interstate media when federal pollution abatement authority was given. Section 10 of the Federal Water Pollution Control Act provides:

"Section 10. (a) The pollution of interstate of navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

"(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not except as otherwise provided by or pursuant to court under Subsection (h) be displaced by Federal enforcement action."

And section 108 of the Clean Air Act similarly states:

"Section 108. (a) The pollution of the air in any State or States which endangers the health or welfare of any persons, shall be subject to abatement as provided in this section.

"(b) Consistent with the policy declaration of this title, municipal State, and interstate action to abate air pollution shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a court order under subsection (c), (h), or (k)."

The Solid Waste Disposal Act does not provide for any form of federal abatement action and thus no such express reiteration of this national policy is required in it. However, it is significant that in administering the grant program under the Act the federal agency has funded urban area solid waste programs crossing State boundaries by means of inter-local agreements.

The legislative program established by the Federal Water Pollution Control Act of 1965 (P.L. 89–234) is aimed almost exclusively at interstate pollution. Pursuant to it the individual States file pollution control plans covering their interstate waters for approval by the administering federal agency (F.W.Q.A. originally, now E.P.A.). "Interstate waters" under the Act covers all waters that flow across or form a part of State boundaries, and

. . . "is not limited to only those portions of these water bodies at the point at which they flow across or form a part of State boundaries. In effect, therefore, water quality standards are to be established for and made applicable to the entire stretch of the interstate waters within a State."

The agency has advised the States:

"10. State standards will be reviewed in terms of their consistency and compatibility with those for affected waters of downstream or adjacent States. Coordination is encouraged among States to assure such consistency."

Federal Guidelines on water Quality Standards, 31 BNA Environment Reporter 5122–23 (1970).

All fifty States have filed plans covering their interstate waters with the federal administering agency, and all have been approved subject to certain express conditions. [18 C.F.R., chap. V Part 620] Enforcement of interstate stream standards is the responsibility of the several states:

Q. Once standards for the interstate waters of a particular State have been approved or established by the Secretary, how are the standards enforced?

A. Standards submitted by a State and approved by the Secretary (or issued by the Secretary) become, in effect, federal standards for the waters involved and are therefore subject to federal enforcement action. This, however, is a last resort. The initial responsibility for enforcement of standards rests with the States. Development of State plans for implementation and enforcement of the criteria is an integral part of the standard-setting process.

Questions and Answers on Water Quality Standards (issued by FWPCA June 1967), 31 BNA Environment Reporter 5151 (1970)

Similarly, the Clean Air Act empowers the federal administering agency to designate interstate air quality control regions in order to establish ambient air quality standards. [Section 107(a) (I)] Federal guidelines issued May 1969 provide:

"2.25 . . . within each region, then, whether it be interstate or intrastate, air quality standards applicable to all portions of the region must (see 1.51) be mutually compatible.

"In air quality control regions that include parts of two or more States, the establishment and implementation of air quality standards obviously will require a high degree of cooperation and coordination among the States involved.

"It is expected (see 1.51) that State governments will assume responsibility for achieving such coordination. They are not required, under the Air Quality Act, to enter into interstate compacts for this purpose, but if they do, such compacts must be approved by the Congress. Other means of coordination can be employed."

NAPCA Guidelines for the Development of Air Quality Standards and Implementation Plans, 31 BNA Environment Reporter 1121 (1970).

Pursuant to this program the federal administering agency (originally NAPCA now EPA) has described nine "Atmospheric Areas" which cover the continental United States and has listed 104 Air Quality Control Regions to be formally designated. Forty-six of these regions will be interstate in scope, covering portions of two or more States.

More recently, on February 6, 1971, transmitting extensive reorganization plans to the Congress, the President released the text of a portion of the Ash Report on reorganization of the Executive Branch relating to multistate arrangements which recommended as a general policy "the federal government should encourage the negotiation of interstate compacts and interstate arrangements where they appear desirable." [The Lexington Herald-Leader, February 7, 1971, page 9]. Two days later on February 8, 1971, as a part of his environmental program for 1971, the President proposed the coordinated state-federal regional control program on electric power plant siting proposed in the Report by the Energy Policy Staff, Office of Science and Technology, entitled "Electric Power and the Environment." [Congressional Record, February 8, 1971, page 2073] Interstate Compacts will be required to create these regional programs at the state level.

All this legislation, federal spending, agency reorganization and program activity at the national level adds up to a formidable federal challenge to the States. That challenge is that with federal assistance and support the States should clean up our national air, land and water by exercise of their police powers and through the instrumentality of the interstate agreement.

II. THE STATES' RESPONSE

The several states have responded affirmatively to this massive federal challenge in a variety of ways. They have undertaken to comply with the filing requirements of the federal air and water quality acts. Comprehensive and wide-ranging state legislation in the fields of environmental protection has now been enacted by virtually every state, most of it during the past two years.

All fifty states have filed their required interstate water pollution control plans. The accelerated pace at which the states have adopted air pollution control regulations is summarized by the Council on Environmental Quality:

"Prior to passage of the Clean Air Act in 1963, only nine states had adopted air pollution control regulations. By 1967–68, 30 had. By the end of 1970 it is expected that all states will have established the legal basis for controlling the sources of air pollution . . . local agencies set up to deal with the problem have proliferated from 85 agencies in 1962 to more than 200 today."

["Environmental Quality," The First Annual Report of the Council on Environmental Quality, August 1970, page 83.]

A general movement among the states is underway toward reorganization of state executive branches to consolidate state environmental protection agencies similar to the recent federal environmental agency reorganization. Concerning but one field of environmental protection—water pollution—the Council on Environmental Quality has observed:

"State legislatures themselves are looking hard at the organizational structure for administering state water pollution control programs. At least 16 states have acted in this area [water pollution control] . . . most of those States have . . . created water quality boards . . or combined water quality responsibilities with natural resource activities. Some states—for example, New Jersey and New York—have combined their air and water pollution activities in an even more comprehensive approach to environmental management. Perhaps the most exciting organizational innovation has been the statewide treatment authority. Ohio has authorized an Ohio Water Development Authority, with power to construct, operate, and assess charges for treatment plants in that State. Maryland has recently created Waste Acceptance Service with similar functions.

["Environmental Quality," Id. p. 50.]

Nor have the states been niggardly in their spending for basic environment control programs. Again to take the clearest example, the Council on Environmental Quality has noted:

"Since 1957, the Federal Government has paid out $1.5 billion to help build and expand over 10,000 municipally owned and operated sewage treatment plants. With this money States and cities have constructed $6.4 billion in treatment works. In 13 years of such grants, the population served by some degree of waste treatment has jumped by more than 51 million people. . . . Overall, state spending for pollution control programs in fiscal year 1970 wil more than triple spending in 1965, increasing from about $11.2 million to an estimated $36 million.

["Environmental Quality," Id. pp. 46, 50.]

Yet the magnitude of the ecological systems involved and the fact that this nation consists of relatively distinct multistate regions with different pollution problems, suggests there is something lacking in an approach to national problems through state-by-state compliance with categorical assistance federal programs. Governmental jurisdictions are the structures through which environment control programs must be implemented. But air and water pollution do not respect jurisdictional boundaries nor observe our constitutional federalism. A necessary aspect of any truly effective environment control program is conspicuously absent.

That missing ingredient is regional overview. National overview may be provided by our newly organized federal environment protection agencies and state overview accomplished by the several states. But there is a need to coordinate environmental protection on a multistate basis. The obvious ecological differences between the industrial Northeast, the mountainous and forested Northwest, the dry and windswept Southwest and the lush, semitropical Southeast should not be ignored.

Thirty-five years ago two distinguished scholars of American federalism in a passage strikingly pertinent today, observed:

"Legislation is the answer, and legislation must be coterminous with the region requiring control. We are dealing with regions, like the Southwest clustering about the Colorado River, or the States dependent upon the Delaware for water, which are organic units in the light of a common human need like water-supply. The regions are less than the nation and are greater than any one State. The mechanism of legislation must therefore be greater than that at the disposal of a single State. National action is the ready alternative. But national action is either unavailable or excessive. For a number of interstate situations Federal control is wholly outside the present ambit of Federal power, wholly unlikely to be conferred upon the Federal government by constitution amendment and, in the practical tasks of government, wholly unsuited to Federal action even if constitutional power were obtained. With all our unifying processes nothing is clearer than that in the United States there are being built up regional interests, regional problems calling for regional solutions. Control by the nation would be ill-conceived and intrusive. A gratuitious burden would thereby be cast upon Congress and the national administration, both of which need to husband their energies for the discharge of unequivocally national responsibilities. As to these regional problems Congress could not legislate effectively. Regional interests, regional wisdom and regional pride must be looked to for solutions.

The regional economic areas demand continuity of administrative control in so far as control is to be exercised through law. The central problem of law, it is becoming clearer every day, is enforcement. Experience overwhelmingly demonstrates that the demands of law upon economic enterprises, like the modern utilities, cannot be realized through the occasional explosions of lawsuits but call for the continuity of study, the slow building-up of knowledge, the stimulation of experiments, the initiative in enforcement which can only be secured through a permanent, professional administrative agency. The inventive power exacted from modern State legislatures must grapple with problems whose stage is an interstate region. Collective legislative action through the instrumentality of compact by States constituting a region furnishes the answer."

[Frankfurter and Landis, "The Compact Clause of the Constitution—A Study in Interstate Adjustment," 34 *Yale Law Journal* 685, 707–708 (1925).]

A regional study of the geographic South

The territories of the States of the Geographic South together with the northern portion of the Gulf of Mexico and the famous Gulfstream approximately constitute what the science of ecology calls a *biome*. This cosmic view is concisely stated by the Council on Environmental Quality:

Ecology is the science of the intricate web of relationships between living organisms and their living and nonliving surroundings. These interdependent living and nonliving parts make up *ecosystems*. Forests, lakes, and estuaries. Larger ecosystems or combinations of ecosystems, which occur in similar climates and share a similar character and arrangement of vegetation, are *biomes*. The Arctic tundra, prairie grasslands, and the desert are examples. The earth, its surroundings envelope of life-giving water and air, and all its living things comprise the *biosphere*.

["Environmental Quality," The First Annual Report of the Council on Environmental Quality, August 1970, pages 6–7.]

A glance at a map of the United States reveals the validity of this ecological concept of the region. In general terms, the Mississippi River system, with its great tributaries—the Missouri, Arkansas, Ohio, Tennessee and Red rivers—is the primary fresh water input to the Gulf of Mexico.

This prototype ocean issues the Gulfstream around the Florida peninsula which flows northward along our Southeastern coast before splitting into its northern and southern currents out in the Atlantic Oceans.

For both environmental study and control purposes, this region of the United States is sufficiently homogeneous to be recognized by our federal agencies. The National Water Resources Council in its 1968 report on "The Nation's Water Resources" designated for its study purposes seventeen "water resources regions" which were used in its national assessment. Many of these regions are based on single large river systems. Five of these water regions are located within the Geographic South—

The Texas-Gulf region.

The Lower Mississippi region.

The South Atlantic Gulf region.

The Tennessee region.

The Puerto Rico region and significant portions of four others are also encompassed:

The eastern four-fifths of the Rio Grande region.

The eastern two-thirds of the Arkansas-White-Red region.

The southern half of the Ohio region.

The southern one-third of the North Atlantic region.

Significantly, twelve of the total seventeen water systems flow into the Gulf of Mexico or the coastal waters adjoining the Gulfstream. ("The Nation's Water Resources," United States Water Resources Council, 1968, pages 1–23 to 1–28.)

The Secretary of Health, Education and Welfare, acting pursuant to the Clean Air Act, in 1968 designated 14 atmospheric areas for the entire United States. These atmospheric areas are based on common meteorological and climatological characteristics as established by long-range data. Nine of these cover the continental United States (excluding Hawaii and Alaska). Substantially all of three of these areas and a significant portion of a fourth one are encompassed by the Geographic South—

The Southern three-fourths of the Appalachian Area.

The Southern half of the Mid-Atlantic coastal area.

The South Florida area.

The Southern Florida-Caribbean area.

The southeastern portion of the Great Plains area.

These atmospheric areas are defined "on the basis of those conditions which affect the interchange and diffusion of pollutants in the atmosphere," and establish the basic zones for national air pollution control purposes. ("Atmospheric Areas Designated Under the Clean Air Act," Department of H.E.W., January 16, 1968, and November 13, 1968, 31 BNA Environment Reporter 1191 (1971))

Finally, major portions of three of the six multistate regional economic development commissions are located in the Geographic South

The southern two-thirds of the Appalachian Regional Commission.

Over three-fourths of the Ozark Regional Commission.

All of the Coastal Plains Regional Commission.

These regional commission areas are predominantly rural in character and are thus attended by mining and agricultural pollution problems and represent likely areas for future industrialization with its attendant pollution problems. In addition, these rural areas contain likely future sites for the large solid waste disposal landfills required not only by the region's own cities but also by the urban-industrial complex north of the Ohio River.

The essential environmental unity of the southeastern quadrant of this country has been summarized in this succinct passage:

The states in this area have considerable similarity of distribution of population—we are a mixture of urban and rural people spread more evenly across the land than is the case in urbanized portions of the North and Northeast, the less densely populated great plains and mountains, or the urbanizing west coast. We have broad similarities in climate, being relatively well watered compared to the dry states to the West; and our unprotected lands can erode virtually all year round compared to the states to the north where land is stabilized by freezing for a part of the year. We have similarities in the growing threat of pollution as our population increases and our industrial complex grows, but we have by no means reached the crisis stages such as are encountered in the Los Angeles smog or the so-called "death" of Lake Erie.

["Expediting Cooperation Among The States," Statement by Harold V. Miller, Executive Director, Tennessee State Planning Commission, SRECC Hearing, Nashville, Tennessee, July 20, 1970.]

Against this background a group representing the States of the Geographic South undertook to study an entire region to gain the regional overview provided neither by the national government nor by any individual state. The study was conceived to focus on interstate environment problems common to the states of the region and directed toward remedial action for those problems.

The Southern Regional Environmental Conservation Council

The Southern Governors Conference is composed of the chief executives of Arkansas, Alabama, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, Virgin Islands, West Virginia, and is considered by many to be the most active of the governors' conferences. This conference of governors represent a region of the United States it calls the Geographic South. That region encompasses about one-fourth to one-third of this nation in terms of geophysical characteristics and population.

Meeting annually, this Conference of chief executives directs its attention to a wide variety of governmental concerns of importance to its region. Frequently it imitates permanent governmental structures to address matters of common interest to the region. A variety of approaches are used among which is the interstate compact. For example, the Southern Regional Education Board and the Southern Interstate Nuclear Board, both are based on interstate compacts initiated by the Southern Governors Conference.

The 1970 Southern Governors Conference turned its attention specifically to environmental problems and in a remarkable and creative manner initiated the legislation here being introduced. Because of the thorough and highly competent manner in which this was done, a summary of the project history will indicate the force and logic behind its proposal.

Shortly, after the President's environment Message to Congress in February 1970, the Chairman of the 1970 Southern Governors' Conference Governor Winthrop Rockefeller, suggested to Mr. Russell Train, Chairman of the Council on Environmental Quality, that the two organizations cooperate in a unique study venture. Governor Rockefeller proposed that they consider the environmental problems of the entire Geographic South on a regional basis with a view to devising appropriate governmental strategies for coping with environmental problems common to the States. Receiving an encouraging response, Chairman Rockefeller referred the matter to the appropriate Conference committee for recommendations how to proceed.

The Committee on Natural Resources and Environmental Management on April 16, 1970, recommended "that the Southern Governors' Conference take immediate steps to form a broadbased Southern Regional Environmental Conservation Council" to conduct a regionwide study and report to the 1970 Annual Meeting of the Conference on September 21, 1970. The objective of the study was to devise a "coordinated solution for the myriad of environmental problems of a large geographic region."

Chairman Rockefeller moved rapidly and enthusiastically to implement this recommendation. He called upon the chief executives of the Conference each to name a representative member of SRECC and they responded dramatically. By means of parallel executive action simultaneously on May 8, 1970, the nineteen chief executives appointed their representatives and Chairman Rockefeller created the SRECC. The Council was asked to study the problem and in a report to the 1970 Southern Governors Conference in September 1970 to "provide policy guidance" to the nineteen chief executives concerning regional environmental protection.

This action underscored a remarkable show of unity which would prevail throughout the entire project and to the present date. Further, the persons chosen by the several governors to conduct the study were their top environment technicians, officials with long experience with the problem and a firm understanding of its complexities. A list of these men and their official titles indicates the level of competence enjoyed by SRECC:

SRECC Representative: Mr. Glenn Jermstad, Assistant to Chairman Rockefeller.

Arkansas: Mr. Don Smith, Public Service Commission.

Alabama: Arthur Beck, Director, Bureau of Environmental Health.

Delaware: Austin Heller, Secretary, Dept. of Natural Resources and Environmental Control.

Florida: Nathaniel Reed, Chairman of Board of Air and Water Pollution Control.

Georgia: Oliver Welch, Director, Georgia State Planning Commission.

Kentucky: Ralph Pickard, Director, Bureau of Environmental Health, Executive Director, Kentucky Water Pollution Control Commission.

Louisiana: Lyles St. Amant, Assistant Director, Louisiana Wildlife and Fishing Commission.

Maryland: James Coulter, Secretary of Natural Resources.

Mississippi: Paul Fugate, State Agriculture & Industrial Board.

Missouri: Phillip A. Clark, Director of Planning, Dept. of Community Affairs.

North Carolina: Dr. Leigh Hammond, State Field Director, Coastal Plains Regional Commission.

Oklahoma: Mr. Calvin T. Grant, Deputy Assistant, Dept. of Health.

Puerto Rico: Cruz Matos, Assistant Secretary of Public Works.

South Carolina: Clair P. Guess, Jr., Executive Director, S.C. Water Resources Commission.

Tennessee: Jim Church, Director, Bureau of Environmental Health.

Texas: James Goodwin, Coordinator of Natural Resources.

Virginia: Fitzgerald Bemiss, Assistant to Governor Holton.

Virgin Islands: Pedrito Francois, Director, Environmental Sanitation.

West Virginia: William H. Loy, Chairman of SRECC, Administrative Assistant to Governor Moore.

The SRECC held its organizational meeting at the headquarters of the Council of State Governments in Lexington, Kentucky, on June 8, 1970, and devised a remarkable study project designed to accomplish their specified objective. SRECC determined to survey the entire region by means of a public hearing in each participating state at which the Governor, his chief of state environment officials and other interested persons would testify regarding the following matters:

The varied interstate pollution problems of the entire region.

The environment problems each particular state has in common with its adjoining sister state.

The relationship of each state with the various federal environment protection agencies.

Their reaction to the concept of an interstate compact, approved by Congress, permitting the party states freely to enter into supplementary agreements with sister states regarding their particular common environmental problems.

These hearings would culminate with a colloquium among SRECC members and representatives of the several federal environment protection agencies. A permanent record would be made of these hearings and exhibits would be received.

The hearings would provide the basis for subcommittee reports in the subject matter areas of Air Pollution, Solid Waste Disposal, Land Use, Fresh Water Pollution and Salt Water Pollution. These subcommittee reports, in turn, would provide the basis for the SRECC Report to the Committee on Natural Resources and Environmental Management for presentation to the Southern Governors Conference in September.

Federal-state cooperation was present from the beginning. Mr. Timothy Atkeson, Chief Counsel, Council on Environmental Quality, served as the "federal presence" at the initial meeting and SRECC requested that a "federal presence" attend every stage of the project if possible. The Council on Environmental Quality agreed to provide a federal representative to serve as a member of the hearing panels for liaison purposes, and to provide a federal representative to assist the subject-matter subcommittees. Subsequently, Mr. Bryan F. LaPlante, Associate Commissioner, Federal Water Quality Administration, served as a member of all four hearing panels, and, together with Professor Eugene F. Mooney, Chief Counsel of SRECC, attended all eighteen public hearings. Mr. David Schuenke of the Federal Water Quality Administration, assisted the subject-matter subcommittees in preparing their reports.

Accordingly, SRECC organized five subject matter subcommittees to prepare work papers on the subject matters, and formed four separate hearing panels to conduct the eighteen public hearings and colloquium.

Hearings would be held in July, subcommittee papers completed in August and the final report prepared in early September for presentation to the 1970 Annual Conference on September 21, 1970. A small grant of money from the American Conservation Foundation provided certain necessary travel funds for the hearing panels and each participating state contributed the services of its SRECC member and bore the cost of its public hearing.

This rigorous timetable was not only met and the study and report completed on schedule but, even more remarkably, as additional dimensions of the matter were discovered during conduct of the project they were incorporated into the study, explored and included in the final report.

During the week July 6–10 public hearings of 2½ hours duration each were held at the rate of two each day in the following cities:

Baltimore, Maryland, Wilmington, Delaware, Charleston, West Virginia, Frankfort, Kentucky, Columbia, Missouri, Little Rock, Arkansas, Austin, Texas, Baton Rouge, Louisiana, Jackson, Mississippi, by two of the SRECC hearing panels. Resuming the hearing schedule during the third week in July, during the period July 20–24 hearings were held by two other SRECC panels in:

Nashville, Tennessee, Atlanta, Georgia, Montgomery, Alabama, Tallahassee, Florida, Columbia, South Carolina, Raleigh, North Carolina, Richmond, Virginia.

Washington, D.C. for Puerto Rico & Virgin Islands and the survey concluded with a colloquium among SRECC representatives and the following federal agency officials:

Mr. Timothy Atkeson, Council on Environmental Quality.

Mr. Richard H. Broun, Department of Housing and Urban Development.

Mr. John Callahan, Advisory Commission on Intergovernmental Relations.

Mr. Bryan F. LaPlante, Federal Water Quality Administration.

Mr. Leander B. Lovell, Bureau of Solid Waste Management.

Mr. Hugh Miller, National Air Pollution Control Administration.

Mr. Ramon Powell, Water Resources Council.

Mr. David A. Schuenke, Federal Water Quality Administration.

Mr. Harry A. Sellery, Department of Justice.

Mr. Nicholas D. Thomas, Department of Housing and Urban Development.

These hearings produced statements from eleven Governors—eight delivered in person—and over one hundred state environmental officials, together with numerous statements by academic and professional people as well as concerned citizens. The several transcripts number approximately 2000 pages augmented by several thousand pages of technical exhibits. This unique "record," the only one of its kind, contains innumerable examples of interstate environment problems described by those public officials having intimate knowledge of them. It covers not only the propositions and subject-matter areas defined by the SRECC but also ranges into a broad spectrum of closely-related matters. The record includes not only the pollution problems of the states of the region but also their entire spectrum of concern over environmental management in its broadest dimensions.

A film record of these hearings was also made by SRECC. Almost 20,000 feet of movie film was taken during the course of the public hearings. These film clips were combined with appropriate illustrative footage and a unique documentary movie entitled "A Time To Act" was created and presented as a part of the SRECC Report to the Southern Governors Conference in Biloxi on September 22, 1970.

As the hearings progressed the panel members became aware of the great variety of scientific research activities relating to environmental pollution being performed by state universities and colleges, scientific institutes and federal agencies operating throughout the region. Even more importantly, the hearings revealed the potential for much more highly coordinated scientific research which could be generated, and the need for an effective intergovernmental link between federal scientific research activities, expertise and installations and the state environmental pollution control agencies charged with the responsibility for abating interstate pollution. Specifically, the hearings revealed the existence of federally-funded or operated research and development programs and installations which could be effectively utilized by the States of the region in cooperation with sister states. As these exciting scientific and technological possibilities appeared the SRECC members began visualizing appropriate governmental and private institutions to realize the incalculable benefits which might be derived from federal-state environment control efforts conducted on a regionwide basis. These prospects were incorporated into the study and ultimately reflected in the SRECC report.

The hearing record was assembled and the subject-matter subcommittees met in Lexington where their reports were drafted during the week of August 2–7. These work papers exceeded a hundred pages and were the distilled observations, conclusions and recommendations of the SRECC members who conducted the hearings and read the record, combined with their own experience as state environment protection agency officials. A summary of these conclusions follows:

Air quality control summary

National policy is set forth in the Air Quality Act of 1967. Congress declared that the prevention and control of air pollution at its source is the primary responsibility of state and local governments; that Federal financial assistance and leadership is essential for the development of cooperative Federal, state, regional and local program to prevent and control air pollution; and that a major purpose of the Act is to encourage and assist the development of regional control programs.

To implement those policies, Congress authorized the Secretary, H.E.W., to define national atmospheric areas; designate specific air quality control regions; establish and publish air quality criteria; approve standards and plans adopted by the States; and in event of failure by a State, to initiate adoption of standards and criteria.

Recognizing that problems of coordination and consistency are multiplied when more than one state is involved, the Air Quality Act provides for interstate agreements or compacts. The Act is written in such a manner as to effectively require a separate set of agreements for each interstate air quality control region. Neither the standards nor the plan will be approved for one state in an interstate region in the absence of consistent and compatible standards and plans from the other state or states involved.

Thus, the effect of interstate control regions is to force states into agreements which, although not legally binding in the absence of Congressional approval are mandated by the administrative and financial sanctions exercised by the national air pollution control administration.

While the air quality control region strategy of the Federal Act provides a systematic basis for the reduction and prevention of harmful emissions, there is great danger of a bureaucratic snarl if the act is not administered skillfully.

That a bureaucratic snarl is developing is a major recurrent theme in the statements presented to the Council by responsible state agencies. Regions are proposed and designated by H.E.W. without due regard to the internal program priorities of the states involved. A major share of the scarce technical resources available to the states is committed to the administrative details forced on them by the simultaneous designation of a large number of control regions. The non-productive workload is greatly increased by Federal inclusion of non-essential counties in control regions. Regions are proposed and established before criteria are developed and published, the involved standard setting-plan of compliance procedure must be repeated for each previously established region.

Willy-nilly response to the rapid random designation of Federal control regions and the continual stream of new criteria is a major obstacle to effective pollution control activities within the States. Air pollution is prevented and controlled at the existing and potential sources of emissions. That is a primary responsibility of the States, and a goal to be obtained. Yet the states cannot plan, budget and establish priority schedules for abatement activities as long as the present pattern for establishment of air quality control regions prevails.

In part the trouble stems from the role assumed by Federal officials. Several statements made note of the fact that the Federal government was preoccupied with methodology and minute details of state activities. Rather than accepting the responsibilities of the "Board of Directors," Federal leadership seems to be aimed at the level of the "shop foremen."

Recommendations

It is recommended that:

1. Each state air pollution control agency prepare a program plan which among other things will designate the areas for inclusion in air quality control regions, the number of regions, counties to be included in each region, and priority of development should be set forth.

2. State plans be submitted to the Federal air pollution control administration for review and acceptance after mutual consultation and desirable adjustments;

3. Federal officials adopt the state plans as the basis for identifying and establishing air quality control regions;

4. Federal officials use the state plans to establish a national timetable for designating air quality control regions; and

5. The Southern Governors Conference enter into a blanket compact for the purpose of making the operational arrangements and other interstate agreements promoted in the spirit of the Air Quality Act of 1967 under binding agreements subject to the conditions and stipulations that Congress may wish to impose.

Land committee

State, regional and national land use policies must be adopted at an early date and utilized in the development of Land Use Plans of the local, state and national level. Land has been both a producer of agricultural and mineral wealth, and its beauty has been a comfort and a solace in time of trouble. Many times a look at the unspoiled landscape has been enough to enable us to return to our work with renewed energy. The preservation of productive land and the location and distribution of our population are essential factors in preserving a reasonable balance of nature and maintaining acceptable environmental quality. Today, 70% of the population of the United States resides on 10% of the land.

Sediment resulting from the erosion of land has been related nationally as the greatest contributor to pollution of surface waters. It is a carrier of many pollutant materials and causes its damage where it comes to rest in the forms of filling valuable bodies of water and the impairment of the quality of water for essential uses. There are many contributors to the estimated 4 billion tons of sediment per year in America, including agriculture, road construction, subdivision development, cut-over forest land, surface mining, unattended lands, combined with other natural phenomena such as floods.

The critical need for an orderly program of reclamation of surface mining areas is reflected in the testimony of the representatives of the several states in which such mining is practiced. The need for regional standards and policies is likewise expressed. A typical philosophy was expressed by a West Virginia representative who stated:

"Reclamation requirements for all states with common problems should be universally applied, with the economic consideration for reclamation to be uniform to maintain the competitive position in our mineral market."

Another state representative expressed it as follows:

"The Interstate Mine Compact would provide our respective administrative agencies more effective tools with which to cope with the mined-land programs; essentially, the knowledge and experience gained by a group confronted with identical problems. The advantages of group efforts as against the independent operation of a single state agency are obvious. Even the mine operators would benefit from standard reclamation programs as against the confusion of individual state codes, frequently in conflict and certainly to the dismay of an operator trying to please everybody."

The thought is woven through the testimony from the Interstate Hearings that each state must proceed with some degree of urgency to develop a broad land use policy and plan which would accommodate the regional concept. This must include criteria to meet the needs of transportation, recreation, industrial development, agriculture, power and other utilities. This was very well expressed by one state representative who states, "We need these guidelines. They are necessary in order for us to achieve our goal of a prosperous and pretty state, a state that is not only a good place to live, but also a good place in which to make a living."

* * * * *

Solid Waste Disposal Subcommittee

A statement by a representative of West Virginia crystallizes the prevailing thought on a regional approach to solid waste problems. He said:

"It is quite evident that the solid waste disposal problem can no longer be considered local excepting in centers of small population. It is further evident that the solution of domestic, industrial and agricultural solid waste problems could be accelerated considerably beyond stop-gap measures by subregional and/or regional efforts."

He suggested the following as goals to be attained under regional concept:

1. Reduction of the quantity of wastes.
2. Development of waste sheds and subwaste sheds that are equipped to accept all types of waste and prepare reusable portions for shipment to salvage centers for cycling into raw material markets or as usable end products.
3. Coordination of research and development.
4. Establishment of regional training programs for personnel who manage and operate solid waste systems.
5. Development of standard criteria with region-wide application.

* * * * *

Recreation subcommittee

The subcommittee can conclude that all the supporting evidence points to the need for planning and managing of the environment beyond geographical state boundaries. It also concludes that to effectively solve the environmental problems of today, governmental entities must become more flexible and be positioned to effectively unite as the need arises for reaching common goals to meet the needs and wishes of its citizens.

In final analysis the subcommittee would offer two strong quotes from representatives of Kentucky and West Virginia as they appeared in the testimony.

From West Virginia—

"One fact stands out—the needs and desires of our society place demands on environmental quality that extend beyond the borders of one state. Clearly, we must take action to insure that multistate cooperation can be provided swiftly from a well-grounded and responsive base. The Southern Regional Environmental Conservation Council can serve as this base."

From Kentucky—

"Regional concepts have been fostered and indeed created at the local government level by Federal agencies. It would, therefore, appear pertinent to provide a mechanism that could be recognized by the Federal Government, that will enable States to solve common problems transcending geographical and political boundaries without the associated red tape and cumbersome formation of a compact for solving each separate problem that may arise between the various states."

* * * * *

Interstate waters—Fresh water subcommittee

1. Executive and Congressional pronouncements explicitly and repeatedly set out a national policy of encouraging and promoting cooperative arrangements between the several states for investigation, planning developing criteria, and enforcing quality standards for interstate waters.

2. Federal procedures and objectives are far from static. No consistent input from the states is being sought or produced at present. Hence, the Federal decision-making process currently fails to include a consideration of the capacity and commitment of the states to Water Quality, while at the same time substantial enforcement responsibility is being thrust on state regulatory agencies.

3. National Water Quality objectives can be better achieved by a permissive mechanism whereby states can pool their expertise and powers to confront common-interest problems. The present cumbersome procedure for such cooperative efforts is a material factor in inhibiting rapid and rational governmental action to achieve environmental quality.

4. Responsible agencies of the SRECC member states can more effectively act cooperatively with sister state agencies if agreements could be expeditiously reached in the following subject matter areas:

(a) Planning and environment management on a river-basin or watershed basis
(b) Stream preservation projects
(c) State-line metropolitan area water use problems
(d) Legalization of existing informal agreements
(e) Proprietary rights
(f) Thermal powerplant siting and utility corridors

* * * * *

Interstate Waters—Salt Water Subcommittee

The coastal states of the Southeast agree that their immensely valuable marine resources are threatened by the consequences of population and industrial growth and by the absence of policy and governmental structure required for effective action against these threats among themselves and in relation to the Federal Government.

It is recognized that while there is much that individual states can and should do toward the conservation and wise use of their wetlands and estuarine areas, and much that the Federal Government can and should do, coastal research and management are perhaps most in need of orderly and purposeful regional attention.

States frequently share rivers and estuaries and therefore share use and management. Differing standards and purposes cause misuse, neglect, and confusion. There are various interstate compacts and commissions, but the best of these attend only to fragmentation of the total problem and the worst do nothing. In either case the important problems of the sensitive and complex marine environment go unattended.

On a larger scale, major river basins (involving inland as well as coastal states) drain vast population and industry centers. The inshore marine environment is called upon to accommodate not simply marine resources, but industrial cooling, pollution dilution, solid waste dispersion, recreation, and a great many unnatural functions. The coastal zone is a battered but persistent continuum of tides and currents, interrelated food systems and migrating fisheries, and mixtures of temperatures and waters, fresh and salt. These can only be properly understood and managed by a strong National Coastal Zone Management program in which the states, regionally aligned, are active managing partners.

Lateral boundaries present another problem; that of fixing the lines between states out across the coastal zone. It is not merely a matter of ownership but of management responsibility, involving the fisheries and minerals of these areas, and waste disposal in them. And the matter of state and Federal sovereignty is far from settled.

Then there is the problem of the fishery resources that migrate along the coast. Despite various wholesome efforts there are still conflicting fishery regulations and laws in coastal states. And there are the different worlds of commercial and sports fisheries. The survival of significant fishery resources will require coordinated management of wetlands, spawning, nursery, and foraging areas for a uniformly satisfactory marine environment. The Southern States, working as a region on clearly regional resources, have here a great opportunity for constructive cooperation with the Federal Government's Coastal Zone Management System.

Finally, there is the matter of responsibility for management of the high seas fisheries of the "contiguous fisheries zone." This must be undertaken first by a region of concerned states with the Federal Government and then together with foreign fisheries interests.

The Southern Coastal States recognize that a resource of incalculable value to themselves, the Region, and the Nation is threatened. They are presented with not just a problem but an opportunity of exciting proportions.

In summary it is recommended, in the interest of more effective action among themselves and between themselves and the Federal Government, that an interstate governmental device be created to:

(1) Enable states to develop uniform purposes and standards for research, policy, and management of rivers and estuaries they share for more comprehensive attention to the marine environment.

(2) Enable states of the entire region to develop coordinated policy relating to the impact of industrial and population growth on the coastal zone in cooperation with the National Coastal Zone Management Program.

(3) Settle questions of lateral boundaries and management responsibility between states.

(4) Make appropriate uniform fishery regulations and laws governing migrating fishery and their environment.

(5) Band together for more effective dealings with the Federal Government and foreign fisheries concerning the high seas fisheries and the "contiguous fisheries zone."

Perhaps the most significant discovery of the SRECC Survey of the region relates to the sheer number and diversity of interstate pollution control arrangements either mandated or suggested by existing federal anti-pollution programs.

Thus the Air Pollution subcommittee reported:

"Of the total 91 control areas designated and planned for the entire nation, 39 involve one or more of the jurisdictions of the Southern Governors' Conference. Because many of the control areas include parties of two or more states, there will be more than 60 involvements of individual state control agencies of the Southern Governors' Conference including Puerto Rico and the Virgin Islands." (SRECC Air Committee Report, Aug. 7, 1970, page 3)

Each of the 30-odd interstate air quality control regions already designated in the Geographic South are appropriate—perhaps necessary—situations for a separate interstate agreement relating to control efforts.

The Salt Water Subcommittee reported that 13 of the 19 jurisdictions surveyed have salt water shoreline of 2,970 miles which is approximately 42% of our continental coast. Further—

"The five Gulf states alone . . . (have) . . . 6,721,000 acres of estuaries (U.S. total 26,620,000) and 5,219 miles of recreation shoreline (U.S. total 21,724)." (SRECC Salt Water Subcommittee Report, August 7, 1970, page 1)

This stretch of our national shoreline includes at least thirteen major interstate estuaries connected to twenty-eight interstate rivers and involving sixteen states (thirteen in the Southern Governors Conference and three non-conference states), plus the District of Columbia and four Mexican States (Tampaulipas, Muero Leon, Coahuila and Chihuahua.) Each of these interstate estuaries and their associated rivers is an appropriate—perhaps necessary—situation for an interstate agreement for pollution control purposes. (SRECC Salt Water Subcommittee Report August 7, 1970, page 7, 8). Coastal Zone management programs, oil spill contingency plan structures and the definition of seaward state boundary lines present other occasions for interstate agreements.

The region contains literally hundreds of interstate streams, varying in size from the Mississippi River to small, scenic sport fishing streams. Numerous large interstate lakes are located there. The Fresh Water Subcommittee noted:

"A number of member states have or are developing stream preservation legislation and programs. A procedure whereby states with common streams can cooperatively designate, develop, and perhaps finance such streams is mandatory. . . . A number of metropolitan areas in the member states sprawl across state boundaries. . . . Six regional (electric) power pools lie in whole or in part within the SRECC membership region. The supply of electric energy within a power pool is interconnected and interdependent, hence siting of plants involves the interest of several states. . . . For the same reasons, the location of routes for transmission lines should be done on a cooperative basis. . . . Both nuclear and fossil fueled powerplants demand enormous amounts of water for stream generation and cooling. The ecological impact of siting, as illustrated by the Chesapeake Bay cases, extends to several states." (SRECC Fresh Water Subcommittee Report, August 7, 1970, pages 2, 4–5)

Each of these interstate stream situations presents an appropriate—perhaps necessary—situation for interstate agreement on pollution control programs.

A number of large metropolitan areas located within the region are situated on or near state boundaries, thus automatically involving interstate solid waste collection, disposal and recycling districts. Some examples are Washington, Louisville, Cincinnati, St. Louis, Memphis, Kansas City and New Orleans in addition to dozens of smaller cities.

The SRECC Report estimates that three to four dozen interstate situations involving air pollution, water pollution and solid waste disposal, amenable to or necessitating immediate interest agreements currently exist in the Geographic South.

Final report and recommendations

The SRECC mandate had been to provide "policy guidance" to the Southern Governors Conference and thus a series of policy alternatives were examined in light of the Study. These various alternatives were summarily described in the Report as follows:

Policy alternatives

The position was stated to the Council over and over by witnesses that the States of the region are wholly committed to the management of their environment in exercise of their traditional police powers within the federal framework to further the goals of their people. State after State voiced its determination that its social and economic development continue unabated within the context of a clean, high quality physical environment. Further, these officials declared that it is imperative that the relatively high quality of the regional environment must be preserved, as a minimum requirement and further enhanced if possible. All states affirmed the necessity for a strong federal antipollution program; and acknowledged that federal funds, technical facilities and research are essential to the states in their implementation programs.

In summary, the states of the region desire higher environment quality standards than those which would be acceptable to some sections of the United States in order to preserve an already cleaner environment, differentiated antipollution control structures in order to accommodate the diversity of situations, and arrangements flexible enough to respond to changing knowledge, technologies and pollutants.

Given these facts and desires three basic policy positions were explored for suitability in achieving the common regional goals concerning interstate environment problems:

1. Federal Agency Programs Implemented By The Individual States. The present governmental structure is essentially an adaptation of the categorical assistance approach whereby a state "plan" must be promulgated and formally approved by the federal agency, and localities apply individually to the agency for matching funds for antipollution projects. Compatibility of state plans and local projects with national goals is effected by the federal granting agency under national criteria and enforcement of these "state" laws is by state environment agencies.

Individual states may promulgate higher standards for themselves than the federal minimums. Absent voluntary, unofficial coordination of plans by adjoining states, no systematic regionalized criteria, standards or implementation activities arise naturally from this arrangement. Interstate environment problems are directly addressed only by the federal agency under this approach and the hiatus is bridged by creation of federally designated interstate zones or by informal federal coordination of the implementation plans of adjoining states. Further, this federal-individual state structure does not permit higher regional environmental standards because the federal agency cannot legally promulgate them and the states of the region have no authority to do so.

2. Separate Agreements For Individual Situations. No less than forty multistate environment arrangements must be effected in some fashion within the next few years in order to address pending pollution problems in the region. The present structure, discussed above, leads to pseudo-agreements by and among states affected by a particular problem under the device of federal designation of an interstate zone and compliance by the affected individual states with federal wishes under threat of direct federal regulation upon failure by the adjoining states to respond satisfactorily. This structure permits little choice of plans, programs or partners by affected states concerning interstate pollution problems yet commits them to programs they otherwise might not choose.

The Council discovered that a partial subsystem of informal interstate "agreements" has subsisted for many years among some of the region states concerning some aspects of environment control. Many state fish and wildlife and water pollution control agencies cooperate closely with each other concerning common problems, and exchange data, experience and information relating to their respective jobs These informal "agreements" tend to exist and flourish as a result of personal relationships and are often enhanced by lifelong professional associations. However, these arrangements may not survive political shifts inside a state, the stresses of state competition for industry, or interlocal conflicts. Further they cannot form a secure basis for long range research, planning, funding, construction and program development by the party states regarding interstate resources. The Council feels these productive, cooperative arrangements would be strengthened by a legal cloak of firm and constitutional authority.

Individual interstate compacts formed around each present or potential interstate environmental problem offers a possible approach which combines the best features of the two previously discussed alternatives—genuine agreement and stable, long-term structure. Thus, the region states could proceed to form some three dozen interstate compacts immediately to accommodate the thirty interstate air quality control zones already designated by H.E.W. plus some five or six interstate river and estuary commissions and—perhaps—some other compacts relating to solid waste, recreation, coastal zone management, oil spill and electric power generation and transmission. However, the Council learned that at the present rate formal compacts are normally approved by Congress "It would be the year 2000" before anything effective is done.

Finally, none of the three possible arrangements the benefits of *regional* environment data generation, research, policy-planning and program coordination. Witnesses stated repeatedly the need for more and better data concerning the region's environmental pollutants, land and water use practices and research oriented toward development of preventive and corrective measures to protect the ecology of the region. The magnitude and application of expenditures required to generate the new data, research and technology required for each of these separate arrangements is uncalculated.

3. A Regional Compact With Supplementary Agreements. The Council asked each state to comment on the desirability of an open-ended interstate compact executed by the States of the region which permitted supplementary agreements by party states regarding their particular interstate environment concerns. The regional compact would have to be formally approved by Congress and might have a "federal presence," the individual supplementary agreements would be drawn and administered by the party states and would not have to be approved by Congress. The regional compact could be administered by a commission with a technical staff to operate in close conjunction with federal agency environmental programs and perform regional data-gathering, coordinating and advisory functions. Its program would be jointly funded by the party states and the federal government.

Each state affirmed that such an agreement would facilitate development and administration of interstate environment programs at the rate and on the scale made necessary by the present situation. Each expressed belief that such an approach could succeed with a minimum of additional "bureaucratic fat" and without sacrificing essential state prerogatives. Further, to the extent the regional compact could coordinate and expedite transfer of federal technology, expertise and funds to the program implementation level in the field it would be commensurately more useful to the states. The states surveyed perceived that regionalization of environmental planning and implementation efforts in this fashion would complement existing multigovernmental organizations such as river and air compact commissions, federal-state economic development commissions and developing interlocal arrangements throughout the region. Additionally, this approach is a genuine federal-state partnership structure. Finally, in a larger context, a number of witnesses noted the compatibility of this approch to our traditional federalism, potential federal revenue-sharing and a decentralization of governmental responsibility.

The Council believes this third alternative embodies the most desirable features of the others discussed, and contains the potential for an added dimension of effective intergovernmental relationships in this country.

The SRECC Report culminated in the following conclusions and recommendations derived from the study:

Conclusions by the committee

The Southern Governors must determine the role of the states of the geographic south in the national environment program.

A study of regional environment problems indicates that the nineteen jurisdictions should organize themselves as a single entity and associate with the national government in a regionwide environment management program in order effectively to implement federal and state environmental control measures. An open-ended federal-state compact should be promulgated by the nineteen jurisdictions and approved by Congress permitting the participating states freely to enter into supplementary agreements concerning interstate environment matters. States would continue their interstate environment control programs enhanced by a regional coordination system and with integrated efforts concerning their particular interstate environment problems. The value of this regional alliance arises from physical characteristics common to these jurisdictions, their responsibilities under federal and state laws and the need for close integration of private and federal, state and local government environment study and control activities.

An organizational structure appropriate to the varied needs of this approach is required. Generally, the regional federal-state compact must be drafted, and formally approved by the states and Congress, numerous supplementary agreements dealing with environment control among states must be negotiated, a region-wide environmental data-gathering system must be devised and operated, and continuing theoretical and technological research efforts initiated and coordinated. An immediate task is to initiate liaison and planning activities with federal agencies currently involved in environment programs and planning the Earth Resources Survey programs to be carried out over the upcoming decade.

To initiate and carry forward these difficult formative tasks it will be necessary to continue and strengthen the Southern Regional Environmental Conservation Council as the agency charged with three key responsibilities:

1. Drafting a federal-state compact designed to address the common environmental problems of the entire region by means of multistate supplementary agreements.

2. Designing an interstate agency and program to promote intergovernmental and interagency coordination of environmental study and control efforts for maximum effectiveness and efficiency; and

3. Conception and development of a regionwide interstate environment data-gathering system for use by the participating states in their environmental management programs, utilizing the technological capabilities of federal, state and private agencies.

Summary analysis indicates that an estimated $250,000 will be required for the initial program year (October 1970–October 1971). Services to SRECC valued at $100,000 were contributed by the 18 participating states during the period May–September, 1970. For planning purposes it was anticipated these states would continue this type and level of support during 1971. Thus, an estimated $150,000 in additional funds should be sought from other funding sources.

Recommendations by the committee

We recommend that a regional environmental management operation be designed immediately. Specifically, regarding this program, we further recommend:

1. The Southern Governors Conference should:

a. Adopt the Resolution—previously circulated—which has been proposed by the Council.

b. Communicate this policy determination directly to the President of the United States expeditiously and seek his support for the principle.

c. Seek interim financing of $150,000 from federal environment agencies and private foundations and develop long term funding plans.

d. Formally request the Council of State Governments to serve as interim fiscal agent, furnish in house administrative service and afford technical assistance to the Southern Regional Environmental Conservation Council.

e. Develop a program systematically to inform congressional delegations of the policy position here adopted.

2. The Southern Regional Environmental Conservation Council should proceed immediately to:

a. Prepare a draft of the Southern Regional Environmental Compact in the form of proposed state legislation and congressional legislation for introduction on or before January 1, 1971.

b. Create a skeleton technical planning staff of member state personnel with expertise in air, land, fresh and salt water, legal and administrative fields with staff support to assist the Council in formulating regional interstate environmental control, data-gathering, criteria and implementation systems; effecting coordination of state environment programs relative to interstate matters; and initiating liaison and engage in program planning activities with relevant federal environment agencies, if funds be available.

c. Initiate preparation of a comprehensive regional environmental enhancement plan for presentation by the second program year.

d. Assist preliminary drafting and negotiations by and among the participating states of supplementary agreements regarding interstate river and estuary quality, interstate solid waste programs, interstate recreation developments and multistate coastal zone management programs.

e. Coordinate a program designed to inform Congress of the policy positions and views of the compacting states on proposed federal environment legislation as it comes before that body for action; relate to federal environment agencies concerning matters of common interest; and systematically inform the compacting states of the progress and activities of the Council.

f. Develop recommended regional environmental quality criteria designed for the geographic South, more stringent than the national minimums to be established by the federal government and appropriately differentiated to reflect the social, environmental, economic and aesthetic needs and desires of the people of the region."

This Report was presented to the Southern Governors Conference in Biloxi, Mississippi, on September 2, 1970, and the recommended Resolution was adopted by the Conference without dissent. The text of that Resolution follows:

"Biloxi Resolution

Whereas, the Southern Governors recognize their responsibilities for protecting, enhancing and managing the environment of their States and region and propose to discharge these obligations in an effective manner; and

Whereas, the Southern Governors have created the Southern Regional Environmental Conservation Council to assist them in this endeavor; and

Whereas, it is clear from the testimony of the many officials and other witnesses who have appeared before the Council in hearings throughout our region during the month of July, 1970, that many of the environmental problems which face and will continue to face us in the future, transcend political and geographical boundaries and require common working relationships and interstate mechanisms; and

Whereas, we concur with the Southern Regional Environmental Conservation Council's conclusion that we should seek to achieve an effective, constitutionally valid, and practical working basis which will enable our jurisdictions to cooperate between and among themselves and with the federal government in identifying and handling specific problems of environmental quality and the management of natural resources which cross state lines.

1. To be effective—such efforts must be enforcable

2. To be constitutionally valid—the program must have the status and sanction of the interstate compact;

3. To be workable—it must be: (a) flexible in enabling only those States concerned with an environmental problem to negotiate and enter into a specific agreement to handle that problem; (b) capable of being entered into without the inordinate delays encountered in going through a separate interstate compact procedure for each specific agreement; and (c) be related responsibly to the specific States affected and to the federal government.

Now, therefore, be it resolved the Thirty-Sixth Annual Meeting of the Southern Governor's Conference recommends that the program of the Southern Regional Environmental Conservation Council be strengthened and enlarged and that it be continued for two years to advise the Southern Governors' Conference on policies and program relating to environmental problems;

That SRECC be instructed to proceed with the development of a compact dealing with the environmental and ecological responsibilities of the States in regard to the quality and control thereof, and further to:

1. Determine the full scope of this compact.

2. Submit the compact to the committee of three Governors for approval and forwarding to the Governors of the nineteen member jurisdictions so that those which can do so may take action concerning the compact in their 1971 legislative sessions.

And be it further resolved that beginning on the 1st day of October, 1970, and until the proposed compact can be organized to assume this function the Council of State Governments be requested to serve as the fiscal agent of SRECC."

* * * * *

Armed with a new mandate from the Southern Governors Conference Biloxi Resolution, SRECC immediately proceeded with the "development of a compact dealing with the environmental and ecological responsibilities of the States" by preparing successive drafts of such a compact. The legislation here proposed embodies such a compact and is considered by the sponsoring states to be appropriate for all States having immediate interstate environment pollution problems. In the words of Governor Arch A. Moore, Jr. of West Virginia and Chairman of the Committee on Natural Resources and Environmental Management:

"Basically what is proposed is an umbrella type interstate compact agreement—all member states included—broad enough in character to permit the states to attack interstate pollution problems in the Southern Region.

"The practice of interstate cooperation is not unique to any of our states or to the South. Throughout the nation there is a recognition of the need for strong support for a legal framework within which two or more states could enter into binding agreements for the purpose of protecting the environmental area that they share. The constitution expressly permits it and the new federal pollution legislation encourages it.

"This novel approach envisions an initial compact that would require congressional approval. Under the compact, participating states could enter into supplementary agreements relating to the particular interstate environment problems of common concern to them and their sister states. It would not require the endless repetitions of formal compact ratification by Congress.

"When we take into account, that in order to respond to our obligations under the new federal legislation through a compact approach, the Southern States would have to create several dozen new interstate compacts, the wisdom and necessity for this type of regionwide approach becomes readily apparent."

A copy of the Biloxi Resolution was delivered to President Nixon on October 15, 1970, and the entire matter discussed with him by Governor Winthrop Rockefeller in a White House conference. The President expressed keen interest in the concept.

III. THE PROPOSED COMPACT

The proposed legislation, so-called "consent in advance" legislation, is in the mainstream of Twentieth Century American federalism. Solid precedent of long standing underlies this approach for authorizing a meaningful and effective role for the States in the National environmental protection program. It is logical in conception. It is legal in construction. It is limited to the program addressed.

Interstate agreements antedate the Constitution. They have a long, proud and honorable record in the history of this country. Each historic era has seen the nation employ the interstate compact to meet the needs of the day. This history—too long and too well known to recount here—has been exhaustively documented by some of our most respected students of law and government. Frankfurter and Landis, "The Compact Clause of the Constitution—A Study in Interstate Adjustments," 34 *Yale Law Journal* 685 (1925); Zimmermann and Wendell. "The Interstate Compact Since 1925", *The Council of State Governments* (1951); Note, "Interstate Compact—A Survey." 27 *Temple Law Quarterly* 230 (1954); Navjoks, "Compacts and Agreements Between States and Between States and a Foreign Power," 36 *Marquette Law Review* 219 (1952–53); Ferguson, "Interstate Agreements," 39 *Kentucky Law Journal* 31 (1950). Other articles related to the subject include: Ely, "Free Trade, American Style," 56 *American Bar Association Journal* 470 (1970) and LaRue, "Interstate Judiciary," 27 *Washington and Lee Law Review* (1970).

These scholars note that over the course of the nation's history interstate compacts have been utilized for a wide variety of purposes—

Settlement of state boundary disputes.

Construction of interstate transportation facilities.

Interstate coordination of panel matters.

Facilitation of uniformity of State legislation.

Regularizing and coordinating interstate tax collection and regulation.

Conservation of natural resources.

Federal-state water regulation.

Indeed, the interstate compact has evolved over the years since the first one—the Connecticut and New Netherlands Boundary Agreements of 1656—from a simple dispute-settlement instrument to a highly innovative intergovernmental device. One authority has summarized this developmental history thus:

"In the United States, the leading role in the development of intergovernmental regional organizations has been played by an institutional device that provides a superior legal instrument for that purpose—namely, the interstate compact. Compacts are authorized by Article 1, Section 10 of the United States Constitution which reads: "No State shall without the Consent of Congress . . . enter into any Agreement of compact with another State, or with a foreign Power . . ." Descended from colonial procedure in the settlement of boundary disputes (i.e., agreement between jurisdictions with the approval of the monarch), the clause continued to be used for the settlement of interstate boundary disputes after the Constituion was adopted. It was not until the 1920s, however, that it was applied in other areas. The initiative in these new applications came from the States, which turned the device of interstate compacts into a means for securing effective intergovernmental regional cooperation in a variety of problem areas, a prominent one being river basin management, particularly for the allocation of water. Through the compact device, the States have not only pioneered in the creation and acceptance of intergovernmental regional agencies, but also have progressed much further along these lines than the federal government, which has come to accept the intergovernmental regional agency concept only recently, very reluctantly, and in a biased form.

"Employing the authorization of the compact clause of the Constitution, the States initiated two interstate compacts in the 1920s. One, a compact between New York and New Jersey, was a regional agreement designed to meet a problem of that metropolitan area. It established the first intergovernmental agency in our history, the New York Port Authority, with power to finance, build and operate public works. The other agreement, the Colorado River Compact, was designed to meet a river basin problem. It provided for allocation of water between the States of the river's upper and lower basins. This was the first interstate compact in our history to include a number of States.

"The 1930s saw further development of intergovernmental regional bodies for two additional purposes. One was their use as consultative communication channels for advice and recommendation to the participating States with respect to particular functions. The first agency of this type the successful Inter-state Oil Compact Commission was functional rather than regional, since it was open to oil-producing States without regard to region. It has been followed by a number of inter-governmental advisory commissions, both regional (e.g., the Interstate Commission on the Potomac River Basin, and the Atlantic, Gulf, and Pacific interstate marine fisheries commissions) and functional (e.g., the recently established Education Commission of the States). The second development in the 1930s was a remarkable breakthrough, namely, the delegation of regulatory powers by the compacting States to two interstate regional water pollution abatement commissions: the Interstate Sanitation Commission (New York harbor and adjacent waters) and the Ohio River Valley Sanitation Commission (ORSANCO). Growth in the use of interstate agencies with delegated powers has understandably progressed very slowly. American Legislatures normally hesitate to delegate powers, and their hesitation is even greater when the delegation is to agencies in which other jurisdictions are involved. Nevertheless, the modern trend among the States is towards intergovernmental regional agencies with such powers.

"By the 1960s the interstate compact had been established as one of the most versatile devices of American federalism. States were steadily increasing their use of the instrument in terms of both numbers and purposes. State governments, particularly those in the Northeast, were effectively employing intergovernmental regional agencies established by interstate compact."

Zimmerman, "Intergovernmental Commissions: The Interstate-Federal Approach," *State Government,* Spring 1969 (Council of State Governments). Evolutionary development of the compact has continued over the past decade—spurred by Title II of the Federal Water Resources Planning Act of 1965. Professor Zimmerman notes in a recent article discussing the Delaware Basin Compact that "The development of the interstate-federal compact is the latest stage in a story of state innovation in the use of the interstate compact—that binding agreement between States authorized by Article I, Section 10, Clause 3 of the Constitution." Zimmerman, "The Role of the Compact in the New Federalism," *State Government,* Spring 1970. In the words of the late Justice Frankfurter:

"A compact is more than a supple device for dealing with interests confined within a region. That it is also a means of safeguarding the national interest is well illustrated in the Compact now under review. Not only was Congressional consent required, direct participation by the Federal Government was provided by the President's appointment of three members of the Compact Commission."

West Virginia ex rel. Dyer v. Sims, 341 U.S. 22, 28 (1951). The compact there under consideration was, curiously enough, an early—and highly successful—environmental pollution control compact, the Ohio River Valley Water Sanitation Compact (OR SANCO).

This "supple device" has been employed nearly two hundred times over the period 1783–1966. According to the latest known compilation, in 1966 there were 144 active interstate compacts. Twenty-five proposed compacts had not become operative at that time, and ten had become inoperative for a variety of reasons. "Interstate Compacts 1783–1966," The Council of State Governments 1966. The Water Resources Council in 1968 reported:

"There are some 40 interstate compacts relating to water resources which have been consented to by Congress pursuant to Article I, section 10, clause 3, of the Constitution, and 15 more are under negotiation. These arrangements are largely a twentieth century phenomenon, developed as the result of mutual recognition that a single State no longer could ignore the conflicting interests of other States in shared interstate waters."

[*The Nation's Water Resources,* U.S. Water Resources Council, 1968, page 5–9–5.] However, only 13 of these compacts relate directly to water pollution control. [Keyser, "Interstate Compacts containing References to Water Pollution Control," The Library of Congress Legislative Reference Service, November 8, 1968, TC 147 NR 108.]

National compacting practice

There is solid precedent in our national compact history for the legislation proposed here. Innumerable examples can be cited in support of the primary features of this type of national interstate compact implemented by means of so-called "consent in advance" legislation by Congress.

There are a large number of open-ended compacts. Eligible to enter these compacts are all states, United States territories and possessions. A partial listing of them follows:

1. Bus Taxation Proration and Reciprocity Agreement.
2. Civil Defense and Disaster Compact.
3. Agreement on Detainers.
4. Driver License Compact.
5. Compact for Education.
6. Interpleader Compact.
7. Interstate Compact on Juveniles.
8. Interstate Library Compact.
9. Interstate Compact on Mental Health.
10. Military Aid Compact.
11. Interstate Compact for Supervision of Parolees and Probationers.
12. Interstate Compact to Conserve Oil and Gas.
13. Interstate Compact on Placement of Children.
14. Interstate School District Compact.
15. Compact on Taxation of Motor Fuels Consumed by Interstate Buses.
16. Uniform Motor Vehicle Registration Proration and Reciprocity Agreement.
17. Vehicle Equipment Safety Compact.
18. Interstate Compact on Welfare Services.

In addition, proposed but as yet inoperative compacts open to all states include: the Traffic Violations Compact, the Unclaimed Property Compact, the Pest Control Compact and the Interstate Mining Compact.

Many of these open-ended compacts are also open to Canadian provinces and the states of Mexico, and in this respect they could fairly be called "international interstate compacts."

Consent-in-advance legislation by the Congress has given impetus to a large number of interstate compacts, both national in scope and some relating only to particular states. Some conspicuous examples are:

1. The Interstate Civil Defense and Disaster Compact (Federal Civil Defense Act of 1950, Title II, § 201(g)).
2. Colorado River Compact (see Boulder Canyon Project Act of 1928).
3. Delaware Valley Urban Area Compact (National Housing Act of 1961, 75 Stat. 1970).
4. Agreement on Detainers (Federal Crime Control Act of 1934).
5. Driver License Compact (Federal Highway Safety Act of 1958).

6. Illinois-Missouri and Jefferson-Monroe Bridge Compact (Federal General Bridge Act of 1946).

7. New England Interstate Corrections Compact (Federal Crime Control Act of 1934).

8. Interstate Compact for Supervision of Parolees and Probationers (Federal Crime Control Act of 1934).

9. South Central Corrections Compact (Federal Crime Control Act of 1934).

10. Vehicle Equipment Safety Compact (Federal Highway Safety Act of 1958).

11. Western Interstate Corrections Compact (Federal Crime Control Act of 1934).

Proposed but as yet inoperative compacts consented to in advance by Congress include: the Illinois-Indiana Bridge Compact (Federal General Bridge Act of 1946); the Illinois-Missouri Bridge Compact (Federal General Bridge Act of 1946); the New England Police Compact (Federal Crime Control Act of 1934); and the Traffic Violations Compact (Federal Highway Safety Act of 1958).

All American states, territories and possessions are signatories to one or more interstate compacts. The SRECC study noted that in 1966 there were in operation throughout the entire United States a total 13 compacts relating to conservation matters (including fisheries and forest protection), 24 compacts relating to water use, 7 compacts relating to planning and development, and 4 compacts relating to recreational parks. Yet there were but 8 compacts expressly regulating interstate pollution matters.

Since 1966 a few additional compacts relating to interstate water pollution have been created, the most recent example being the Great Lakes Basin Compact (Public Law 90-419, July 24, 1968). In addition, a few new water pollution control compacts have been proposed but are not yet operative—the best known of which are the proposed Potomac River and Susquehanna River compacts. A small number of interstate compacts relating to air pollution have been proposed, but it is believed that none are presently operative. One interstate air pollution compact in which a Southern Governors Conference state is involved is the proposed Ohio-West Virginia Air Pollution Control Compact which was first proposed in 1965, adopted by the two state legislatures that year, subsequently modified by the Congress which attached elaborate "conditions" to its formal consent, re-adopted by the two state legislatures and sent to Congress again for its consent where it languishes yet. [Interstate Compact on Air Pollution Between The States of Ohio and West Virginia, S. 2707, 91st Congress, 1st Session.]

The SRECC survey revealed the following list of 27 interstate compacts relating to interstate environment matters ratified by members of the Southern Governors Conference:

Air Pollution, Interstate Compact on: Kentucky.

Arkansas River Compact of 1965: Oklahoma.

Atlantic States Marine Fisheries Compact: Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia.

Breaks Interstate Park Compact: Kentucky, Virginia.

Canadian River Compact, Oklahoma, Texas.

Cumberland Gap National Park Compact, Kentucky, Tennessee, Virginia.

Delaware River Basin Compact: Delaware.

Gulf States Marine Fisheries Compact: Alabama, Florida, Louisiana, Mississippi. Texas.

Kansas-Missouri Air Quality Compact: Missouri.

Middle Atlantic Interstate Forest Fire Protection Compact: Delaware, Maryland, West Virginia.

Mining Compact, Interstate: Kentucky, North Carolina, Oklahoma.

Ohio River Valley Water Sanitation Compact: Kentucky, Tennessee, Virginia, West Virginia.

Oil and Gas, Interstate Compact to Conserve: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, Tennessee, Texas, West Virginia.

Ohio-West Virginia Interstate Compact on Air Pollution: West Virginia.

Pest Control Compact: Delaware, Missouri, Tennessee, West Virginia.

Pecos River Compact: Texas.

Potomac River Compact of 1958: (Fishing Resources) Maryland, Virginia.

Potomac Valley Pollution and Conservation Compact (Water Pollution): Maryland, Virginia, West Virginia.

Potomac River Basin Compact: Virginia.

Sabine River Compact: Louisiana, Texas.

South Central Interstate Forest Fire Protection Compact: Arkansas, Louisiana, Mississippi, Oklahoma, Texas.

Southeastern Interstate Forest Fire Protection Compact: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia.

Southern Interstate Nuclear Compact: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia.

Tombigbee-Tennessee Waterway Development Compact: Alabama, Kentucky, Mississippi, Tennessee, Florida.

Tennessee River Basin Water Pollution Control Compact: Kentucky, Mississippi, Tennessee.

Some of these have not received congressional consent or have not been adopted by the requisite number of states to bring the compact into effect.

More significantly, SRECC found that only the Delaware River Basin Compact and the Ohio River Valley Water Sanitation Compact (ORSANCO) had substantial regulatory powers over pollution sources. The remainder of these environment-related compacts created mere advisory and communication channels at best.

Interstate environment compact

The compact embodied in the proposed legislation is designed to permit the signatory states freely to enter into so-called "supplementary agreements" regarding defined interstate pollution problems without obtaining the formal consent of Congress for each such technical agreement.

There is a growing body of precedent for Congress conferring on compacting states the power to execute supplementary agreements within the scope of the master compact. As the matters covered by interstate compacts have grown more technical, programmatic and scientific in nature, correspondingly the need for flexibility and "suppleness" has led to the extensive use of the supplementary agreement power. Several examples can be given:

1. The Interstate Compact on Juveniles (open to all states) contemplates both a high degree of official programmatic cooperation among signatories and the application of professional services and facilities on behalf of the runaway juveniles. Article X appropriately provides:

"That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. . . ."

Such agreements must regulate rates, court hearings, state responsibility and jurisdiction, inspection rights and consent of parents and may embody any other necessary matters.

2. The Tennessee River Basin Water Pollution Control Compact (open to Kentucky, Tennessee, Mississippi, Alabama, Georgia, North Carolina, and Virginia) provides for control and reduction of pollution in the Tennessee River Basin area and establishes a regulatory commission to administer the compact. Article XI provides:

"Any two or more of the party states by legislative action may enter into supplementary agreements for further regulation and abatement of water pollution in other areas within the party states and for the establishment of common or joint services or facilities for such purposes and designate the commission to act as their joint agency in regard thereto."

The article further provides that such supplementary agreements cannot conflict with the purposes of the compact nor adversely affect a member state's compact rights or obligations.

3. The Interstate Compact on Mental Health (open to all states) is designed to permit interstate cooperation in furnishing institutionalized mental health care and treatment. Article XI provides:

"The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency . . ."

The article further provides that such supplementary agreements cannot relieve a party state of its compact obligations.

4. The Southern Interstate Nuclear Compact (open to Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia) is designed to permit party states cooperatively to employ nuclear energy, facilities, materials and products, and an administrative Board is created to carry out programs related to the compact purpose. Article VI provides:

"(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project."

The article provides that the Board shall see that supplementary agreements are not inconsistent with the compact or the programs or activities of the Board, and such agreements cannot relieve a party of its compact obligations.

The proposed Interstate Environment Compact is carefully designed to permit States freely, flexibly and pragmatically to address the control and abatement problems presented to them by interstate pollution all its diverse forms. One of the predominant themes of this compact is voluntariness. States may or may not become signatories and those who do may exercise their supplementary agreement powers under the compact extensively or sparingly.

The draftsmen have fashioned the compact to permit a nationwide substructure of interstate pollution control agencies to be created by the States through voluntary exercise of the broad supplementary agreement power. States perceiving their common pollution problems with sister states can precisely embody those interests and those interests alone in agreements with sister states. These supplementary agreements may relate to interstate air pollution, water pollution, solid waste disposal or to various combinations of these depending upon geophysical characteristics, federal pollution control agency actions and the location of pollution sources of various kinds.

Agreements may range in complexity from simple declarations of agreement concerning minimum water quality characteristics to be maintained in a shared river to complex interstate air—water—solid waste disposal agreements covering large metropolitan areas administered jointly by the party states or through an independent agency they establish. Essentially, these will be technical pollution control agreements. As scientific understanding, pollution control technology or given environment problems change these agreements can be more easily modified than would be possible with a formal interstate compact.

An elaborate section-by-section analysis of this proposed compact is both unnecessary and inappropriate. The terms of the compact are concisely stated and the purpose straightforward. However, a few comments pointing out its major legislative parameters seems in order.

First. The compact is drawn in order to fill a distinct need in the national environment control program by permitting states to meet their federal responsibilities. States have ample police power authority to control *intrastate* pollution. This compact is designed to give signatories clear authority to work together on specified *interstate* pollution problems, namely interstate air, water and solid waste problems. [Section 2.02(b)] The supplementary agreement power is limited to the overall scope of the compact and thus cannot be used for matters other than interstate pollution problems as defined.

Many of these problems areas have already been defined by the States themselves or federal agency officials acting under the Federal Water Quality Act and the Clean Air Act. However, signatories are not limited exclusively to federal determination of interstate pollution problems, except in the case of interstate air quality control regions. They may, for example, define for themselves and jointly treat interstate water pollution problems regarding small, scenic or recreational streams which are beneath notice by the federal agency. They are completely free to define for themselves and treat interstate solid waste disposal problems.

Second. Signatories are not empowered by this compact to ignore or evade national environmental quality standards as promulgated by federal environment agencies. Nothing in the compact relieves a signatory of its individual federal responsibilities regarding interstate water quality or ambient air quality as embodied in its state air pollution or interstate water pollution plans promulgated pursuant to federal law. [Section 4.01] On the other hand, signatories could decide to impose more stringent standards than national standards, and the compact would permit them voluntarily to adopt and enforce *higher* standards for given interstate areas. Indeed, signatories making up an entire region of the country could so decide and thereby establish higher standards than federal minimums.

Third. The compact is both supplementary and complementary to existing state and federal pollution organizations and does not affect other multistate organizations. [Sections 4.02–4.05]

Existing interstate compacts relating to environmental matters are expressly excluded from the coverage of this compact and are not affected in any manner. Nor is this compact exclusive or preemptive of the subject and signatories may freely enter into other environment compacts, create new ones or modify existing ones.

Other existing multistate organizations similarly are expressly unaffected by this compact. Specifically, the federal-state regional development commissions—Appalachian Regional Commission, Ozark Regional Commission, Great Lakes Regional Commission, New England Regional Commission, Coastal Plains Regional Commission, and Four Corner Regional Commission—are expressly exempted from coverage and signatories may freely enter into new such arrangements without hindrance.

Fourth. The constitutional authority of both the States and the federal government is carefully preserved. [Sections 1.03 and 1.04]

Section 2 of this legislation reserves to Congress the right of future amendment. Internally, the Compact expressly reserves the rights of the federal government. Although supplementary agreements do not require advance approval by Congress, given supplementary agreements may be disapproved by the Congress should they prove unacceptable. [Section 4.07(b)] Finally, the authority of Congress to approve special supplementary agreements between signatories and foreign governments and with the District of Columbia is expressly provided in Section 4.08.

States may become signatories only through State legislative enactment. The supplementary agreement power under the compact is conferred on the governor of a signatory. However, the legislative branches of signatories are expressly empowered subsequently to alter, amend, condition or terminate their obligations under supplementary agreements executed by the governor. [Section 4.07(a)]

Fifth. Interstate pollution agencies created by supplementary agreement are empowered to participate with the federal government, its agencies or other interstate entities in cooperative or joint undertakings to protect the environment. They can similarly act jointly with each other to provide subregional and regional environmental protection. This permits supplementary agreement entities to pool information, resources, facilities and expertise, and to utilize federal environment protection expertise and facilities. [Article III]

Sixth. Existing or future state environment laws are unaffected by the Compact or any supplementary agreement made thereunder. [Sections 1.04, 4.09, 4.10, 4.11 and 5.01]

In summary, the compact is designed to work together with both the national environment program and the individual antipollution programs of the states. In this respect it is fairly described as enabling legislation.

One final—somewhat legalistic—point should be made regarding the primary thrust of this compact, namely, the power of the governor of a signatory to execute supplementary agreements with other signatories without seeking prior congressional approval. The constitutionality of this feature would seem to be undoubted.

Article I Section 10 of the Constitution provides that "No State shall without the consent of Congress, enter into any Agreement or Compact with another State, or with a foreign power." No particular distinction in legal meaning has been drawn between the terms "agreement" and "compact" in this clause. *Virginia* v. *Tennessee,* 148 U.S. 503 (1893). It was thought by Chief Justice Taney in *Holmes* v. *Jennison,* 14 Pet. 540 (1840), that all interstate agreements formal or informal, must have congressional consent. But no such literal view prevails today.

Only those agreements which affect the political balance within the federal system must be approved by Congress. *Virginia* v. *Tennessee,* 148 U.S. 503 (1893); *Dixie Wholesale Grocery, Inc.* v. *Morton,* 129 S.W. 2nd 184 (Ky. 1939); *Roberts Tobacco Co.* v. *Michigan Department of Revenue,* 34 N.W. 2d 54 (Mich. 1948); Note, "Some Legal and Practical Problems of the Interstate Compact," 45 *Yale Law Journal* 324 (1935); Ferguson, "The Legal Basis for a Southern University Interstate Agreement Without Congressional Consent," 39 *Kentucky Law Journal* 31 (1950). Many of our existing interstate compacts came into effect without congressional consent because none was required (the Compact for Education, Great Lakes Basin Compact, the Interpleader Compact, the Interstate Library Compact, the Interstate Compact on Mental Health, the Minnesota-Wisconsin Boundary Area Compact, the New England Health Services and Facilities Compact, the New England Welfare Compact, the Northern New England Medical Needs Compact, the Interstate Compact on Placement of Children, the Southern Regional Education Compact, the Uniform Motor Vehicle Registration Proration and Reciprocity Agreement and the Interstate Compact on Welfare services).

On the other hand, the protective feature of the compact which permits Congress *subsequently* to disapprove a particular supplementary agreement which did not require prior congressional approval is similarly lawful. Congress can bar any interstate agreement by positive action even though the agreement was a type not requiring prior congressional consent. *St. Louis and San Francisco R.R.* v. *James,* 161 U.S. 545 (1896); *Rhode Island* v. *Massachusetts,* 12 Pet. 657 (1838).

Finally, this compact—as with other interstate compacts—is enforcible in state or federal court and ultimately by the United States Supreme Court. *Delaware River Commission v. Colburn,* 310 U.S. 419, 427 (1940). Mr. Justice Frankfurter, speaking for the Court, made this abundantly clear in the following passage:

"But a compact is after all a legal document. Though the circumstances of its drafting are likely to assure great care and deliberation, all avoidance of disputes as to scope and meaning is not within human gift. Just as this Court has power to settle disputes between States where there is no compact, it must have final power to pass upon the meaning and validity of compacts . . . To determine the nature and scope of obligations as between States, whether they arise through the legislative means of compact or the "federal common law" governing interstate controversies (*Hinderlider v. La Plata Co.,* 304 U.S. 92, 110), is the function and duty of the Supreme Court of the Nation."

West Virginia ex. rel. Dyer et. al. v. Sims, State Auditor, 341 U.S. 22, 28 (1951). See also: *Kentucky v. Indiana,* 281 U.S. 163 and *Indiana ex. rel. Anderson v. Brand,* 303 U.S. 95, 100. This language similarly indicates that supplementary agreements under this compact, embodying "obligations as between States" are enforcible in the same fashion.

Nothing in the compact proposed in this legislation would authorize supplementary agreements which would conceivably affect "the political balance" of our federalism. To the contrary, the compact is designed to enhance the federal-state balance by authorizing states more effectively and expeditiously to perform their federal responsibilities cooperatively.

CONCLUSION

The states sponsoring this legislation have demonstrated genuine initiative by their efforts culminating in this proposal. A speaker in the film documentary "A Time To Act" notes that the actions of the Southern Governors Conference provides "a wonderful example for the rest of the states." In short, they have not only risen to the federal challenge but have surpassed it and now point the direction for the federal government to travel. Institutionalization of federal and state environment control programs through interstate agreements is a logical, necessary next step in our national effort.

The most immediate benefits to be derived from this legislation are obvious: states would be empowered to act cooperatively with sister states in implementing federal and state antipollution programs in interstate situations. Flexible, responsive and effective joint interstate programs could be planned, constructed and implemented for long range performance from the solid, legal base of a supplementary agreement under this compact. Duplication of state effort in complying with federal requirements could be minimized. Costs would be reduced.

Looking further into the future, organization of a network of interstate pollution control agencies would fill the interstices in our present national structure. The benefits which conceivably could flow from such a governmental substructure are incalculable. Conversion of certain unneeded federal facilities from space and military missions to environment control functions has already begun and likely will continue in the future. Further, the nation will likely construct new types of scientific facilities as it learns more about its problems. These federal environment control facilities can be made available for use by the States most appropriately in their interstate pollution control activities. Indeed, the most fruitful relationship imaginable could arise from combination of federal scientific knowledge regarding pollutants and State pollution control enforcement programs coordinated over entire regions of the United States through interstate arrangements.

Finally, this legislation supports a pervading principle of pragmatic American federalism, namely, that governmental control mechanisms should be tailored to the problem. Traditionally this means that governmental authority is situated at the lowest governmental level which can exercise effective control over the particular problem. For interstate pollution control problems this means a governmental structure less than national in scope and greater than a single State. Under the Constitution and in accordance with national policy formulated by the Congress this means interstate organizations based on compact.

Respectfully Submitted,

EUGENE F. MOONEY,

Chief Counsel, Southern Region Environmental Conservation Council.

By Mr. PACKWOOD:

S. 908. A bill to amend section 6(o) of the Military Selective Service Act of 1967 to exempt from induction and training under such act the surviving sons of a family which has lost two or more members of such family as the result of military service. Referred to the Committee on Armed Services.

Mr. PACKWOOD. Mr. President, thousands of brave Americans have died while serving in the Armed Forces of this Nation. Many of these courageous young men have been from my home State of Oregon. I am proud of these men and we all owe them an enormous debt of gratitude. Those of us fortunate enough to serve in this distinguished body are saddened when we learn of a serviceman who has died while serving his country. For parents and other loved ones who survive, it marks a tragic crossroad in life.

It is bad enough for one son to die in the service of his country. But for a second son to also lose his life while on active duty is more than any American family should be asked to give. However, this is what has happened to a family in my home State of Oregon, Mr. and Mrs. Lewis Johnson of 8629 North Hartman in Portland.

The Johnsons have had not one—but two sons killed while serving in the Armed Forces. Both, unfortunately, have died either in or as the result of injuries sustained in Vietnam. The latest son died December 26, 1970. Another son, the oldest of four sons, was honorably discharged after having served 4 years in the Marine Corps.

I believe we can all agree that the Johnsons have given more than any American family should be asked to give. And yet, the Johnsons have a 17-year-old son who will have to register next October as part of the existing selective service process.

The Johnson family does not shirk its responsibility. That has been clearly demonstrated. Three sons have served in the Armed Forces. Two have been killed and another has been honorably discharged after having served. This is enough for any family to give and the fact that Mr. and Mrs. Johnson do not feel they can allow their remaining son to enter the service should be easily understood by all of us.

I do not believe Mr. and Mrs. Johnson are asking too much. In fact, I feel their request should be honored and the 17-year-old son should be exempted from having to serve in the military.

This can be accomplished by passing legislation automatically exempting surviving members of any American family from having to serve in the Armed Forces where two or more members of that family have died while serving on active duty. This legislation would apply to all existing situations and would be effective in the future.

Mr. President, along with providing for an exemption, this bill will serve to insure that each serviceman is fully informed of his rights concerning the performance of duty in a hostile fire zone. In my mind, the current means of informing eligible servicemen of this matter is most inadequate.

Existing service regulations clearly state that the second member of a family is not required to serve in Vietnam or any area designated as a hostile fire zone, if another member of the family has been killed while serving on active duty with the Armed Forces. However, I am informed by the Department of Defense that the serviceman is made aware of this option orally or the information is simply posted on a bulletin board. The individual does not sign anything saying that the regulation does not apply or if it does that he is waiving his right under that regulation. What this legislation would do is require the service to obtain, in some appropriate manner, written proof that the serviceman has been informed of the regulation.

Mr. President, time is of the essence in the case of the Johnson family of Portland, Oreg. The destiny of an American family hangs in the balance.

Therefore, on behalf of the Johnson family of my home State and other families of this Nation who find themselves in similar distraught circumstances, I am today introducing a bill which would amend the Military Selective Service Act of 1967. It would specifically exempt from induction and training the surviving sons of a family which has lost two or more members as the result of military service. Mr. President, I am hopeful that this bill will receive prompt and favorable action by the Senate Armed Services Committee.

By Mr. PACKWOOD:

S. 909. A bill for the relief of John C. Rogers;

S. 910. A bill for the relief of Dennis Keith Stanley; and

S. 911. A bill for the relief of David E. Baumann. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 912. A bill for the relief of Mr. Kwok Jaw Ng. Referred to the Committee on the Judiciary.

By Mrs. SMITH:

S. 913. A bill to incorporate the Navy Wives Clubs of America, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BENNETT:

S. 914. A bill for the relief of Pamela Hayes. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 915. A bill to amend the Internal Revenue Code of 1954 to permit the deduction without limitations of medical expenses paid for certain dependents suffering from physical or mental impairment or defect. Referred to the Committee on Finance.

Mr. HOLLINGS. Mr. President, one of the most tragic circumstances in our society is the illness that strikes children with lingering, painful, and possibly terminal results. In this age of technological advancement tremendous strides have been made in combatting these conditions; however, the tragic fact remains that millions of children are born each year who must struggle to stay alive. The tragic byproduct of such circumstance is, of course, the plight of the parent, not only emotionally, but financially. In addition to the heartbreak, they many times face intolerable financial burdens in striving to provide the best medical care they can afford to combat the illness. Obviously, such illness knows no social or economic boundaries, and expense strikes both rich and poor. Ironically, those most tragically hit are the middle income families. Many of our social programs on the State and Federal levels provide financial assistance and treatment to the poor. The rich have the financial wherewithal to meet the problem. Middle class Americans, however, are faced many times with thousands of dollars worth of hospital, doctor, and drug bills. Savings accounts are wiped out or prohibited because of the continuing expense. Borrowing power at high interest rates can only go so far. Homes can be mortgaged and cars can be sold, and extra work by wife and husband can be obtained, but in many cases this is still insufficient.

Mr. President, it is estimated that there are 450,000 under the age of 20 who suffer from epilepsy, 406,000 with cerebral palsy, 12 million who have eye conditions requiring specialists' care, 2,500,000 with orthopedic deficiencies, 3 million with speech disorders, and nearly 5,500,000 with emotional disturbances. These are only sample statistics, but the list of such crippling illnesses is long and costs are staggering. Unfortunately, such costs are rising, not only in medical care, but by whatever indices one might use, the dollar is worth less and the cost is more. Health care costs have risen from $26 billion in 1960 to $60 billion in 1969. In the 3-year period between 1966 and 1969, all consumer prices rose 12.9 percent, but hospital service charges rose 52.4 percent, doctors' fees rose 20.9 percent, and medical care costs rose 21.4 percent. The problem is further aggravated by the high unemployment rates, high interest rates, and tight money.

Today I am proposing that we take a step in assisting families in facing these problems. I am introducing a bill that would permit unlimited deductions for moneys spent for medical care of a dependent under 19 years of age. Deductions would include money spent for hospital, doctor, and drug bills for a dependent who suffers from a physical or mental impairment which has been in existence more than 3 months and results in a substantial loss, or loss of use in a normal manner of any substantial portion of the musculoskeletal system or results in a substantial loss of vision, hearing, or speech.

This is an extremely modest step which I feel is not inconsistent with the concern that this Congress and our Government should exhibit relative to our economy and to the financial crisis we have presently in our country. It is true that this step would decrease the amount of revenue received by our Federal Government, but I somehow feel that a nation that spends billions sending men to the moon, to construct obsolete armaments, and offers a variety of tax breaks to businesses cannot afford to do less.

By Mr. HOLLINGS:

S. 916. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States, Code, relating to the retirement of Government employees engaged in certain hazardous occupations. Referred to the Committee on Post Office and Civil Service.

Mr. HOLLINGS. Mr. President, once again I am introducing a bill which has twice passed the Senate and last session passed the House only to be vetoed by the President on January 4, 1971—S. 578. This bill would enable Federal firefighters to retire earlier than other Federal employees on the justification that their duties are hazardous and, therefore, should be included within Federal retirement programs which cover other occupations which are hazardous in their nature. Under section 8336(c) of title 5 of the United States Code, early retirement privileges are granted to Federal employees serving in positions which are considered hazardous in nature. Presently, employees covered under this section have duties that primarily involve the investigation, apprehension, or detention of persons suspected or convicted of criminal offenses. Such recognition is given on the basis that their responsibilities are hazardous in nature. After the attainment of age 50 and after 20 years, the employee may retire upon the recommendation of the agency head and upon the approval of the Civil Service Commission. Presently, the law covers some 844 U.S. marshals, 2,811 Federal policemen, 14,230 guards, 2,642 correctional officers, 14,610 criminal investigators, 91 custom enforcement officers, and 1,412 in the border patrol, for a total of 36,640 people. There are, however, over 11,000 Federal firemen who are not accorded the same benefits, who, by the very nature of their work, risk their lives daily in carrying out their duties. I can see no justification for excluding these employees.

The job death rate for firefighters is now some five times that of all other industries. More firefighters have been killed or injured during the civil disturbances of recent years than police. Death and injury continue to plague firefighters in all parts of the United States and Canada as the tragic toll of those killed in the line of duty rose to an alltime record high in 1969. The 11th Annual International Association of Fire Fighters Death and Injury Survey shows 104 firefighters died in the line of duty last year.

For several years mining and quarrying workers had the most deaths of any group with 100 reported for each 100,000 workers in 1959. The figure is still 100 for each 100,000 workers. Now this dreadful distinction is held by firefighters.

The International Association of Fire Fighters Survey also reports that 37 out of every 100 firefighters were injured last year. These injuries included those sustained from overexertion, sprains, and strains, accounting for 32 percent of the total, as well as burns, falls, cuts, toxic gas, and building collapse. Burns, toxic gas, heat exhaustion and overexertion are the principal sources of injury. But there are yet other dangers.

In 1969, 162 active firefighters died from occupational diseases while on duty—113 from heart disease, 22 from lung disease. A total of 544 firefighters left the service in 1969 because of physical impairment due to occupational disease or because of injuries received in the line of duty.

In the face of these statistics, the President stated that he did not "believe that this preferential legislation is wise or justifiable." Further, the President indicated that "there is no demonstrated need for permitting the Federal firefighters to retire at an earlier than normal age."

Just prior to the President's veto, he signed a bill that provided for 50 percent pensions for Washington, D.C., firefighters after 20 years of service, regardless of age. In the President's veto message, he stated that this bill would provide "an unwarranted extension of an undesirable and inequitable practice by providing preferential treatment." However, the same pension arrangement provided in this bill is contained in the retirement programs of 14 Federal agencies whose employees, like firefighters, are engaged in activities which are particularly demanding or hazardous.

The President further commented that Federal firefighters "already receive compensation for the hazards of their work." That statement is totally inaccurate. Federal firefighters receive up to 25 percent for additional pay, but for reasons which have absolutely nothing to do with the nature of their duties; rather, the pay differential is because their work requires a 24-hour, 7-day a week, 365 day a year duty schedule.

The President also stated that Federal firefighters "do not face the degree of hazard of municipal fire departments." This completely ignores the various types of potential fire hazards that are peculiar to Federal installations, such as nuclear power, missiles, reactors, liquid oxygen, radiation material, ammunition, to name a few. In my own city of Charleston, the naval base, known as the Polaris Missile Center, is under the command of five admirals and has approximately 80 ships in port each day. The degrees of fire expectancy and fire severity is rated high and obviously faces potential fire hazards that have absolutely no parallel to municipal fire departments. In general, the municipal firefighters retire at 50 years of age and 20 years of service at 50 percent of salary at time of retirement. The bill that I plan to introduce would only give a Federal firefighter retiring at 50 years of age and 20 years of service 40 percent of his high 3 years. In short, I do not believe that facts upon which the President based his veto are accurate.

Although the President did not mention this fact, the cost of this legislation clearly is in the savings category as opposed to the costing category. Using the GS-5 firefighter at the top of his grade, his average salary for a 3-year high would be $10,000 per year. Under the present retirement formula, a firefighter with 20 years of service and 50 years of age would receive $3,625 per year pension. Under the proposed formula of a straight 2 percent per year, the same firefighter would receive $4,000 per year pension. That is an increase of $375 per year per man. It is estimated that 200 firefighters would retire per year. This would effect an increased cost for the first year of $75,000.

To fill these vacancies, the Government would appoint 200 GS-4 firefighters at a salary of $5,853 plus 25 percent, using only 72-hour per week firefighters who are the only ones to receive the 25 percent or $7,316 per year. Ten thousand dollars per year of those retiring, minus $7,316 per year for their replacements, effects a savings of $2,684 per year per man. Two thousand six hundred and eighty-four dollars times 200 equals $536,800 savings in salaries for the first year.

Mr. President, I plan to once again press for passage of this legislation and bring before members of Congress in hearings appropriate administration officials to comment on the specific points mentioned in the President's veto message. Because I feel that much of the information and reasoning of the President is in error, I believe we can specifically demonstrate that this legislation is needed and justified.

By Mr. BROOKE:

S. 917. A bill for the relief of Bernard Kissoon. Referred to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 918. A bill to amend title II of the Social Security Act to provide for the making of supplementary payments to certain low-income recipients of monthly insurance benefits thereunder. Referred to the Committee on Finance.

Mr. McINTYRE. Mr. President, I introduce for appropriate reference the Social Security Minimum Standard-of-Living Act, which I announced I would introduce last year. My measure would provide all those on social security with a minimum income of $150 a month for one person; $225 a month for two persons and $300 a month for families of three or more on social security.

My purpose in introducing this legislation is simple and clear: it is to assure that no one on social security will be forced to live on an income which is less than what is considered to be the minimum above poverty; namely $1,800 a year for an individual, $2,400 a year for two perons and $3,000 a year for three or more persons.

My bill has the additional feature of providing an automatic adjustment in this minimum benefit to reflect rises in the cost of living as determined by the Department of Labor; the official cost-of-living figures for the Federal Government.

I think that too many are unaware of the income crisis facing our senior citizens. Too many still have the mistaken notion of the adequacy of social security benefits and private pension plans, when, in actuality, retired people are getting less thin 20 percent of their preretirement income.

This reduced income comes at a time when needs are as great, and in some cases greater, than before retirement. We have, only recently in this time of rampant inflation, begun to realize that senior citizens face many difficult problems, such as inaccessible transportation, high costs of special housing and diets for the elderly, and other problems peculiar to advancing age, all of which compound the fact that they are forced to live on a fixed income and are therefore the first to suffer the brunt of rising prices.

For too many of our senior citizens, retirement is an economic catastrophe. One out of every four Ameriacns 65 or over is forced to live on a bare poverty level income or below. Furthermore, this crisis seems to be worsening. Let me cite the following statistics which were reported by the Select Committee on the Aging, under the direction of the distinguished Senator from New Jersey (Mr. WILLIAMS).

First. Two years ago, approximately 4.6 million people aged 65 or over lived below poverty levels. In December 1969, the latest date for which statistics are available, that number had increased by 200,000—and the number from ages 60-64 had also increased by 12,000; it was only among these older Americans that the number of people living on poverty rose.

Second. Of the couples receiving social security benefits, more than one-fifth (22 percent) had total incomes of less than $2,020 and would therefore have been classified as poor on the basis of the 1967 income threshold developed by the Social Security Administration. Nearly three out of every five nonmarried beneficiaries had income below the poverty threshold of $1,600.

I do not see how in good conscience we can ignore this group of aged poor any longer. To me, it is unthinkable that some of our aged citizens must get along on the current social security minimum of $64 a month when the poverty line for a single person is over $150 a month.

This is why I feel so strongly about the importance of my proposal to provide a minimum income through social security of at least $150 for a single person and $225 for a couple. Nearly every responsible expert agrees that this income is on the brink of poverty in the United States. I do not see how we can in all honesty say that $1,800 is the basic minimum for the general population and then deny this amount to our senior citizens who have contributed so much to the wealth of our country.

I believe that the best approach—at least for the present—to guaranteeing our senior citizens a minimum income is through social security. Social security benefits remain the major source of income for most retirees. The social security system has proven to be a fast and effective way to deliver income assistance at retirement. In support of the social security approach to income maintenance, Nelson Cruikshank, president of the National Council on Senior Citizens, Inc., in recent testimony before Senator WILLIAMS' subcommittee said:

> Of all persons 65 or older, nine in ten now receive, or are eligible to receive Social Security benefits. This fact, in combination with the urgent need for action documented by the findings above, clearly indicates that the fastest and most direct way of improving the income situation of the total aged population is through an increase in the benefits of the Social Security system.

My choice of the social security system as the means for providing immediate help for senior citizens is not meant to preclude careful consideration of alternative measures for income guarantee for our aged; for example, proposals for a negative income tax or a guaranteed annual income. But I feel strongly that the severity of the situation facing our elderly today demands immediate action. We cannot afford to wait until alternate approaches have been tested.

I realize that it will be said that many senior citizens have outside sources of retirement income which would preclude the necessity of a $1,800 or $2,700 a year minimum. My bill would take this condition into account. Without causing anyone to suffer a reduction in payments, my bill would provide that the minimum payments by payable only in the absence of outside income or as a supplement to this income wherever it is less than the income considered at the poverty threshold. In this way, we will be able to reach the thousands of senior citizens who, because they have worked in low-paid or seasonal jobs, are forced to live on incomes below $150 a month. I think all would agree that this is woefully inadequate. The only way of providing them relief through social security is by assuring them a minimum benefit level.

I must admit, very frankly, that I have considered other approaches to reaching these people but have found them to be inadequate. One alternative I considered was an across-the-board increase in social security payments beyond the 10 percent the Senate voted on last year. However, when we increase social security benefits on a percentage basis, we are, in effect, intensifying the inequality of income among the aged. A person receiving $64 a month at the present time, for example, is not going to be helped very much if we give him a 15 percent increase, thereby bringing his $60 a month to $69.

I also considered the proposal for removing the income limitation which would have the effect of allowing senior citizens to earn outside income without suffering any loss in their social security benefits. But again, this would have the effect of granting benefits only to the working elderly, leaving less funds for the nonworking elderly, whose incomes are lower.

I would like to emphasize that my proposal for increasing the minimum income of those receiving social security benefits has considerable acceptance among senior citizen groups and various task forces which have studied the problem. Last year, the President's Task Force on the Aging reported as its first recommendation raising the incomes of all older Americans above the poverty line. William C. Fitch, the Executive Director of the National Council on Aging, in his testimony before Senator WILLIAM's subcommittee, stated that raising the minimum standard of benefits for the elderly under social security should be the first step taken toward meeting the economic needs of the elderly. His recommendation was endorsed by 400 representatives of public and voluntary agencies who were called together by NCOA for the purpose of establishing priorities for the 1970's.

I know that this proposal will be costly to finance, and I realize that we have a responsibility for insuring the cost of these additional benefits be borne in the most equitable and fair way. Recently, there has been a great deal of discussion about the possibility of financing any increases in minimum payments through the general revenues. Most notably, the Presidents' Task Force on Aging, in its report "Toward a Brighter Future for the Elderly," suggested that the Federal Government bear 100 percent of the cost of bringing the incomes of the elderly up to the poverty line and that these benefits be distributed through social security.

I think there are a number of apparent advantages to this method of financing. First of all, it would eliminate the necessity of asking those who have invested a great deal in social security to finance the payments of those who have contributed very little. Second, by restricting use of general revenues to only the financing of the minimum payments differential, we would know the limits of our costs and we would not run the risk of completely open-ended appropriations for social security.

But I know that many of my colleagues would suggest alternate methods of financing, and I do not want to foreclose discussion of these alternatives. For instance, I believe it is possible to finance additional payments in an equitable fashion by increasing the wage base. The Senate Finance Committee last year recommended to us a raise in the wage base from $7,800 to $9,000. I believe the base could be further extended to absorb the cost of providing a minimum income level of $1,800 to all those on social security.

Let us not forget that old age is not a far-out issue. It is a here-and-now issue and the solution of the problems of the elderly rests heavily upon our shoulders. Old age is as sure as tomorrow's sunrise and the only way to escape old age and its perplexities is to die young—and who of us would choose this escape?

By Mr. BEALL:

S. 919. A bill for the relief of Maria Ayala. Referred to the **Committee on the Judiciary.**

By Mr. BYRD of West Virginia:

S. 920. A bill to repeal the provisions of title II of the Social Security Act which provide for reduction of disability benefits on account of receipt of workmen's compensation. Referred to the Committee on **Finance.**

By Mr. JACKSON (**for himself,** Mr. ANDERSON, Mr. CRANSTON, Mr. HART, Mr. HUMPHREY, Mr. MAGNUSON, Mr. METCALF, and Mr. NELSON):

S. 921. **A bill to provide for the protection, development, and enhancement of the public lands; to provide for the development of federally owned minerals and for other purposes. Referred to the Committee on Interior and Insular Affairs.**

Mr. JACKSON. Mr. President, I introduce, for **myself** and several of my colleagues, the "**Public Domain Lands Organic Act of 1971.**"

Mr. President, one of the important responsibilities assigned to the Public Land Law Review Commission involved a careful survey of the so-called "public domain" lands in Federal ownership. These vast publicly owned land resources are administered by the Secretary of the Interior through the Bureau of Land Management. The report of the commission was submitted to the President and the Congress last June. The report also covers other categories of our Nation's public land assets which are not the subject of this bill. I served on the commission as did several of my colleagues on the Committee on Interior and Insular Affairs.

I have concluded, Mr. President, that the Government has long overlooked a valuable resource. This neglect of our largest single block of Federally-owned lands must come to an immediate halt. The Congress must share the blame for the lack of proper attention given these lands. Over the years we have legislated rather extensively concerning other categories of public lands such as national forests, parks and recreation and wilderness areas, but in my judgment, we have not placed the proper emphasis on the public domain lands that the public interest deserves.

During the past several months I have discussed with many interested citizens the need for an "organic" act for the lands under the jurisdiction of the Bureau of Land Management. This need has been demonstrated in hearings before our Subcommittee on Public Lands time after time. Such an act is imperative to instill or at least enhance a sense of environmental concern over the approach to the management of these lands.

The President of the United States called attention to this problem in his February 8 environmental message to Congress in a section on "Public Lands Management." I would like to quote two very pertinent paragraphs from his message:

> The Federal public lands comprise approximately one-third of the Nation's land area. This vast domain contains land with spectacular scenery, mineral and timber resources, major wildlife habitat, ecological significance, and tremendous recreation importance. In a sense, it is the 'breathing space' of the Nation.
>
> The public lands belong to all Americans. They are part of the heritage and the birthright of every citizen. It is important, therefore, that these lands be managed wisely, that their environmental values be carefully safeguarded, and that we deal with these lands as trustees for the future. They have an important place in national land use consideration.

I am pleased that President Nixon has recognized the need for the type of management tools and guidelines that the proposed legislation will give our public land managers. Now we must get on with the job of providing the authority.

However, it was felt, and properly so, that we should await the report of the Public Land Law Review Commission before introducing legislation. The report has been published for more than 7 months, and my colleagues and I have decided to introduce a bill now. I am not wedded to all of the specific provisions in it, but I am committed to the proposition that this kind of legislation must be enacted if we are to meet our responsibilities in properly husbanding a great public resource.

The public lands of the United States have always provided the arena where we Americans have fought for our dreams. Even today many dreams of wealth, home adventure, and escape are still being acted out on these farflung lands. They are a part of our national destiny. They belong to all U.S. citizens.

What we do with the public lands of the United States tells a great deal about what we are—what we care for—and what is to become of us as a Nation.

Until now our public domain lands—for the most part—have been neglected lands. They were carved from the leftovers that no one wanted for homesteading, parks, forests, or other uses considered more important. They have not even been properly named. But if this bill is enacted, they shall be known as "national resource lands." This is in keeping with other designations for Federal lands such as national parks, national forests, and national seashores, and hopefully will afford these lands the proper measure of respect which has been lacking.

The origin of the lands we are dealing with in this bill goes back 159 years to the establishment of the General Land Office in 1812. Under the Taylor Grazing Act of 1934, the Grazing Service was established. Then, in 1946 the Grazing Service and the General Land Office were combined to form the Bureau of Land Management in the Department of the Interior.

In 1964, Congress passed the Classification and Multiple Use Act, a temporary authority providing the Bureau of Land Management with criteria to conduct a systematic effort to classify lands either for retention or for disposal. Some 150 million acres were classified, with strong participation by the public in the decisionmaking process. But that authority has now expired. The bill I am introducing today would continue this classification process, but the emphasis will be on retention and management. Without proper classification, land use planning and efficient management are virtually impossible.

The legislation directs that these national resource lands henceforth shall be administered on the principles of multiple use and sustained yield of the different values contained therein. The 6-year temporary authority to so manage these lands also expired last year, and the sponsors feel that such management principles should form the permanent philosophy of those charged with responsibility of caring for this national asset.

The bill would repeal many of the confused, obsolete land laws that now clutter up the statutes. For example, some of the acts earmarked for repeal include sections dealing with homesteading, desert land entries, townsites, parts of the Taylor Grazing Act, abandoned military reservations, patents for private claims in Missouri, townsites in Alaska, sale of public domain in Alaska, sale of isolated tracts, and related problems. By providing basic guidelines for the administration of these lands, the isolated, single purpose type of statute is unnecessary.

Other provisions of title I of the bill would impose fines of not more than $1,000 and/or imprisonment for violation of public land laws, grant the power of arrest to authorized Bureau of Land Management officials, authorize advisory boards, and in other ways enhance and streamline the work of BLM.

One of the major beneficial effects of the bill will be an expanded use of the public domain lands for recreation purposes. These lands offer a largely untapped resource for meeting the burgeoning demands for outdoor recreation, particularly near some of our southwestern population centers. The bill also would require that wilderness values will be protected under the national wilderness system if qualified areas are submitted to Congress and approved.

Also, under the provisions of this Act, the Director of the Bureau of Land Management would be appointed by the President of the United States, with the advice and consent of the Senate. The language further specifies that:

> The Director shall have a broad background and experience in public land and natural resource management, be selected from the Federal civil service, and be subject to removal only for cause or disability.

Formerly, the heads of the Central Land Office and the Grazing Service were both subject to confirmation. The importance of the office will be upgraded, and at the same time this will provide an opportunity for public examination of the views of the Director.

Title II of the bill also changes the provisions of law concerning the way federally-owned mineral values are managed.

In short, it places the so-called "hard rock" minerals on a leasable basis which has been the method of disposal of oil and gas values since 1920.

No one is satisfied with the present system of exploration and exploitation of the Federal mineral values on our public lands whereby under the "location" system of the mining law of 1872 even the title to the surface of the land can pass for nothing. No environmental safeguards are now required. Our public officials have no real control or in some cases even knowledge of certain mining activity and the development which accompanies it. Roads may be constructed to get to a deposit without regard to a master plan for a forest or public domain area. Furthermore, exploration by heavy machinery can destroy fragile ecology without any requirement for restoration or rehabilitation.

Abandoned mining claims dot the public domain, casting clouds upon the title to property which belongs to all the people.

In short, Mr. President, 99 years is enough. There may have been good reason a century ago to provide for disposal of a young Nation's resources in such a manner to encourage settlement and growth, but no longer. Just as we have moved out of the era of the old, solitary prospector with pick and shovel into a highly sophisticated mining technology, we need also to modernize our method of administering our Nation's mineral resources. I believe a mineral leasing system is the most practical way of achieving the proper balance. We must assure access to these lands that are available under existing law for mining, but we must provide for the protection of the land and for the other values at the same time. It is not the purpose of the authors to prohibit mineral activity. Indeed the forecast is for more minerals for the Nation's economy, not less. However, we must update and provide sensible laws for the administration of the land and minerals.

Therefore, the goals and objectives which the Federal leasing program will seek to meet include preserving the environment while also providing a supply of minerals for the Nation to satisfy its economic requirements. The public will have an opportunity to participate in the program, and the Government will receive fair market value for the public resources in a competitive environment. Provision is made for permitting adequate time for the leasees to secure a fair return for their investment.

The bill also has a very detailed list of provisions which leases should include in order that the public interest be protected but at the same time gives the Secretary sufficient leeway to permit leasing in individual cases that reflects the greatly varying conditions found in various Federal mineral deposits.

Mr. President, I recognize that the implications of this bill are important, and many special interests may feel that they will be adversely affected. I do not believe so. I think the bill prescribes a fair, reasonable, and modern approach to the administration of a large segment of our public resources. It serves the national interest, and it is a job that should be done. Indeed, it is past due. Upon leaving office as Secretary of the Interior two years ago, Stewart Udall remarked:

> After eight years in this office, I have come to the conclusion that the most important piece of unfinished business on the Nation's natural resource agenda is the complete replacement of the mining law of 1872. Put simply, this obsolete and outdated statute inhibits the best kind of multiple-use management. It operates as an outright give away of vital natural resources.

Now is the time to proceed to consideration of this item on our national agenda. The committee will hold careful and thorough public hearings on this measure. All viewpoints are encouraged and will be examined by the committee. In view of the President's statement, we hope to have the full cooperation and support of the executive branch as we consider the bill.

Mr. President, I ask unanimous consent that the text of this legislation be printed at this point in the RECORD, and that following this a statement in support of the bill by Senator METCALF, one of the cosponsors, be printed.

There being no objection, the bill and statement, together with insertions, were ordered to be printed in the RECORD, as follows:

S. 921

A bill to provide for the protection, development, and enhancement of the public lands; to provide for the development of federally owned minerals; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Domain Lands Organic Act of 1971".

TITLE I—PUBLIC LAND ADMINISTRATION

SEC. 101. The Congress recognizes that (1) the public lands administered by the Secretary of the Interior (hereinafter referred to in this title as the "Secretary"), through the Bureau of Land Management, are vital national assets that contain a wide variety of natural resource values including soil, minerals, water, air, plants, and animals, and (2) these lands should be administered, used, restored, improved, and protected for multiple use and sustained yield of these resources for the maximum long-term benefit of the general public, and (3) sound ecological management of these lands is vital to maintenance of a livable environment and essential to the well-being of the American people. Therefore, the Congress directs that these lands and resources shall be managed for tangible and intangible uses, including but not limited to (1) food and habitat for domestic and wild animals, (2) minerals and materials, (3) timber products, (4) various forms of outdoor recreation, (5) human occupancy and use, (6) the preservation of natural wilderness values, (7) watershed protection, and (8) other public values.

SEC. 102. As used in this title—

(1) "public lands" means all lands or interests in lands administered by the Secretary through the Bureau of Land Managemen, which shall be known after enactment of this Act as "national resource lands".

(2) "multiple use" means the management of the various surface and subsurface resources so that they are utilized in the combination that will best meet the present and future needs of the American people; the most judicious use of land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment to the environment or the productivity of the land, with consideration being given to the relative values of the various resources and to the ecological relationships involved, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output;

(3) "sustained yield" means the achievement and maintenance of a high-level annual or regular periodic output of the various renewable resources of land without impairment of the quality of the land and its environmental values;

(4) "qualified governmental agency" means any of the following, including their lawful agents and instrumentalities—

(A) the State, county, municipality, or other local government subdivision within which the land is located; and

(B) any municipality within convenient access to the lands if the lands are within the same State as the municipality.

(5) "qualified individual" means—

(A) any individual who is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged twenty-one years or more;

(B) any partnership or association, each of the members of which is a qualified individual as defined in subparagraph (A); and

(C) any corporation organized under the laws of the United States or of any State thereof and authorized to hold title to real property in the State in which the land is located.

SEC. 103. The Secretary is authorized and directed to permit the use of the nonmineral resources of the public lands to the maximum extent and under such terms and conditions as the Secretary finds consistent with the principles of section 101 of this Act and with the following goals and objectives:

(1) Provision of an adequate supply of resources to meet national, regional, and local requirements at reasonable market prices in a timely fashion.

(2) Protection, development, and enhancement of their outdoor recreational values for the maximum use and benefit of the general public, within the basic framework of multiple-use management, in a manner consistent with the Act of May 28, 1963 (77 Stat. 49; 16 U.S.C. 4601—4601-3), and in conformity with the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 901; 16 U.S.C. 4601-4, 4601-11).

(3) Preservation of a quality environment for present and future generations of Americans.

(4) Management of Federal lands and resources under principles of multiple use and sustained yield.

(5) Preparation, maintenance, and preservation of the integrity of comprehensive and coordinated national, State, and local land use plans.

(6) Maintenance of an interdisciplinary approach to natural resources programs.

(7) Opportunity for the public to participate fully in the conduct of the public business.

(8) Payment by users of public lands and resources of fair market value.

(9) Adequate tenure and opportunity for

resource users to plan and develop use and development operations and to secure a fair return for their risk and investment.

(10) Maintenance of competition in the allocation and development of public resources.

(11) Prevention of undue concentration of ownership of rights to public land resources.

(12) Encouragement of efficiency in resource use and development and in protection and rehabilitation of the environment.

Sec. 104. (a) The Secretary shall develop and promulgate regulations containing criteria by which he will determine and classify which of the public lands under certain conditions and consistent with the goals and objectives of this Act may be disposed of because they are more valuable for residential, commercial, agricultural, industrial, or other public uses or development in non-Federal ownership than for management in Federal ownership. The criteria shall give due consideration to all pertinent factors, including, but not limited to, environmental quality, ecology, priorities of use, and the relative values of the various resources in particular areas.

(b) No such regulation or any amendment thereto promulgated pursuant to this section shall become effective until the expiration of at least thirty days after the Secretary or his designee has held a public hearing thereon. A notice of such hearing shall be given at least thirty days in advance through publication in the Federal Register.

(c) The Secretary or his designee shall give appropriate public notice of any proposed classification of lands for disposal, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected lands at least sixty days in advance of the proposed disposal. No such classification for disposal shall become effective until the expiration of at least thirty days after the Secretary or his designee has held a public hearing thereon if the Secretary determines that a timely and responsible request for such a hearing is received.

Sec. 105. Any classification of public lands in effect on the date of enactment of this Act is subject to review for possible reclassification in accordance with the authority granted by this Act.

Sec. 106. The Secretary of the Interior shall review every roadless area of five thousand acres or more on national resource lands under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or nonsuitability of each such area for preservation as wilderness, in accordance with the Wilderness Act of 1964 (78 Stat. 890).

Sec. 107. The Secretary shall as soon as possible establish boundaries for units of the national resource lands and shall provide adequate and appropriate means of public identification, including signs and maps.

Sec. 108. The Secretary is authorized to sell public lands that have been classified for disposal in accordance with this title. Such sales shall be in tracts not exceeding five thousand one hundred and twenty acres each to qualified governmental agencies at the appraised fair market value thereof as determined by the Secretary or to qualified individuals through competitive bidding at not less than the appraised fair market values as determined by the Secretary.

Sec. 109. At least ninety days prior to offering lands for sale in accordance with this title, the Secretary shall notify the head of the governing body of the political subdivision of the State having jurisdiction over zoning in the geographic area within which the lands are located or, in the absence of such political subdivision, the Governor of the State, in order to afford the appropriate body with the opportunity of zoning for the use of the land in accordance with local planning and development. All sales shall be consistent with State and local land use plans and zoning.

Sec. 110. All patents or other evidences of title issued under this title shall contain a reservation to the United States of all mineral deposits. Patents and other evidences of title may contain such reservations and reasonable restrictions as are necessary to achieve the goals and objectives of this Act.

Sec. 111. (a) The Secretary is hereby authorized to acquire by purchase, donation, exchange, or otherwise such lands or interests therein as he deems necessary to provide access or otherwise facilitate the administration of the public lands.

(b) Notwithstanding any other provision of law, in exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal property or interests therein and in exchange therefor he may convey to the grantor of such property or interest any public lands or interests therein under his jurisdiction and which he classifies as suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired. The values of the land so exchanged either shall be approximately equal, or if they are not approximately equal, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The proceeds received from any conveyance under this section shall be credited to the Land and Water Conservation Fund in the Treasury of the United States.

Sec. 112. Violations of the public land laws and regulations of the Secretary relating to protection of the public lands and the uses thereof shall be punishable by a fine of not more than $1,000 or imprisonment for not more than six months, or both. Any person charged with the violation of such laws and regulations may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18, United States Code.

Sec. 113. The Secretary may authorize such persons who are employed in the Bureau of Land Management as he may designate to make arrests for the violation of the laws and regulations referred to in sections 114 and 116 of this Act. Upon sworn information by any competent person, any United States commissioner or magistrate in the proper jurisdiction shall issue a warrant for the arrest of any person charged with the violation of said laws and regulations, but nothing herein shall be construed as preventing the arrest by any officer of the United States, without warrant, of any person taken in the act of violating such laws and regulations.

Sec. 114. The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this title.

Sec. 115. In order that the Secretary shall have the benefit of the advice and assistance of others knowledgeable with respect to matters within the purview of this title, he may establish such multiple use, special use, or ad hoc advisory boards or groups as he deems necessary.

Sec. 116. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title. Any funds so appropriated shall remain available until expended.

Sec. 117. (a) Subject to valid rights and liabilities existing at the date of approval of this title, the following Acts or parts thereof are repealed:

(1) Chapter 7 of title 43, United States Code, sections 161–302, homesteads generally.

(2) Chapter 8 of title 43, United States Code, sections 315f and 315g, Taylor Grazing Act.

(3) Chapter 9 of title 43, United States Code, sections 321–338, desert land entries.

(4) Chapter 16 of title 43, United States Code sections 671–700, sale and disposal of public lands.

(5) Chapter 17 of title 43, United States Code, sections 711–731, reservation and sale of townsites on public lands.

(6) Chapter 24 of title 43, United States Code, sections 1021–1048, under State laws, Minnesota and Arkansas.

(7) Chapter 26 of title 43, United States Code, sections 1071–1080, abandoned military reservations.

(8) Chapter 27 of title 43, United States Code, sections 1091–1134, public lands in Oklahoma.

(9) Chapter 28 of title 43, United States Code, sections 1153–1156, patents for private claims, Missouri.

(10) Chapter 28 of title 43, United States Code, sections 1171–1177, sale of isolated tracts.

(11) Chapter 28 of title 43, United States Code, sections 1191–1193, evidence of title.

(12) Sections 11 and 16 of the Act of March 3, 1891 (26 Stat. 1099, 1101; 48 U.S.C. 355, 43 U.S.C. 728), townsites, Alaska.

(13) The fourth paragraph of section 1 of the Act of March 12, 1914 (38 Stat. 307; 48 U.S.C. 303), townsites, Alaska.

(14) Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355d), townsites, Alaska.

(15) Act of February 26, 1948 (62 Stat. 35; 48 U.S.C. 355e), townsites, Alaska.

(16) Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–364e), sale of public domain, Alaska.

(17) Act of July 24, 1947 (61 Stat. 414; 48 U.S.C. 364), zoning of land, Alaska.

(b) The provisions of this title shall prevail over any existing law not consistent with it and such laws or portions thereof are hereby repealed.

Sec. 118. Appointments made on and after the date of the enactment of this Act to the office of the Director of the Bureau of Land Management, within the Department of the Interior, shall be made by the President, by and with the advice and consent of the Senate. The Director shall (1) have a broad background and experience in public land and natural resource management, (2) be selected from the Federal civil service, and (3) be subject to removal only for cause or disability.

TITLE II—MINERAL LEASING

Sec. 201. This title may be cited as the "Federal Land Mineral Leasing Act of 1971".

Sec. 202. As used in this title—

(1) "Secretary" means the Secretary of the Interior;

(2) "Head of department or agency" means the head of an agency or the Secretary of a department other than the Secretary of the Interior;

(3) "Federal lands" means all federally owned lands except lands—

(A) Held in trust for Indians;

(B) Owned by Indians with Federal restrictions on the title;

(C) Within units of the national park system; or

(D) Administered pursuant to the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331);

(4) "Federal mineral interests" means mineral deposits in Federal lands and federally owned mineral interests in non-Federal lands;

(5) "Person" means any of the following, including their lawful agents and instrumentalities:

(A) any State, county, municipality, or other local governmental subdivision within which the land is located;

(B) any municipality within convenient

access to the lands if the lands are within the same State as the municipality;

(C) any individual who is authorized to enter into a contract for acquisition of title in real property in the United States by himself or through his guardian or trustee;

(D) any partnership or association, each of the members of which is an individual as defined in subparagraph (C); and

(E) any corporation organized under the laws of the United States or of any State thereof, and authorized to hold title to real property in the State in which the land is located;

(6) "Mineral lease" means an exclusive right to explore for and develop a mineral deposit or deposits in specified lands under this title;

(7) "Mineral license" is a right to mine and remove a specified amount of minerals from specified public lands; and

(8) "Mineral" is a substance that—

(A) is recognized as mineral, according to its chemical composition, by the standard authorities on the subject, or

(B) is classified as mineral produce in trade or commerce except that helium, water, and geothermal steam are not minerals under this title.

Sec. 203. The Secretary is authorized and directed to permit by the issuance of mineral leases and licenses under this title, any person to prospect for, mine, and develop Federal mineral interests to the maximum extent and under such terms and conditions as the Secretary finds consistent with the following goals and objectives:

(1) Provision of an adequate supply of minerals to meet national, regional, and local requirements at reasonable market prices in a timely fashion.

(2) Preservation of a quality environment for present and future generations of Americans.

(3) Management of Federal lands and resources under principles of multiple use and sustained yield.

(4) Preparation, maintenance, and preservation of the integrity of comprehensive and coordinated national, State, and local land use plans.

(5) Maintenance of an interdisciplinary approach to natural resources programs.

(6) Opportunity for the public to participate fully in the conduct of the public business.

(7) Payment by users of public lands and resources of fair market value.

(8) Adequate tenure and opportunity for mineral prospectors and mining operations to plan and develop prospecting and mining operations and to secure a fair return for their risk and investment.

(9) Maintenance of a competitive environment in the allocation and development of public resources.

(10) Prevention of undue concentration of ownership of rights to Federal mineral interests.

(11) Encouragement of efficiency in prospecting and production of minerals and in protection and rehabilitation of the environment.

Sec. 204. (a) The Secretary may dispose of Federal mineral interests in Federal lands which are not under his jurisdiction only if the head of the department or agency which administers the lands concurs with the proposal to dispose of the Federal mineral interests and in the proposed terms and conditions of disposal insofar as such terms and conditions would affect such head's exercise of his administrative responsibilities.

(b) The Secretary may dispose of Federal mineral interests in non-Federal lands only after he has given the non-Federal landowner an opportunity to review and comment on the planned terms and conditions of the proposed disposal. Insofar as they relate to conservation of natural resources, the protection of the environment, and protection of and compensation for private improvements on the land, the Secretary shall, to the extent he deems feasible, include in the proposed disposal the same terms and conditions that he would include if the lands were Federal.

Sec. 205. The Secretary shall consult with the Federal, State, and local governments, advisory boards and committees, and the general public to the extent he deems necessary to secure full public participation in decisions related to the disposal of Federal mineral interests. The head of any department or agency may render, without transfer of funds, technical assistance to the Secretary in connection with the Secretary's activities under this title.

Sec. 206. The Secretary shall publicize all proposals to dispose of Federal mineral interests under this title to the extent and by those means which he deems necessary to comply with the goals, objectives, and other provisions of this title. Notices of such proposals shall describe by incorporation or by reference the terms and conditions of disposals so that the general public may knowledgeably comment on the proposal and potential lessees and licensees will be fully informed what their rights and obligations would be under the proposal.

Sec. 207. (a) The Secretary may dispose of Federal mineral interests by mineral lease and license under this title in any manner which in his judgment will meet the goals, objectives, and other provisions of this title. He may utilize competitive means of disposal whenever he finds that competitive interest exists and competition would otherwise be consistent with the requirements and goals and objectives of this title. In competitive disposals, he may reserve the right to reject any and all bids where he finds that acceptance would be inconsistent with the goals and objectives of this title. Where he finds that any person is dependent upon continued access to Federal mineral interests by virtue of the location of their mining and mineral recovery facilities he may accord such person a preference right to meet the terms and conditions of a proposal to issue a mineral lease or license. Such preference right may include, in the discretion of the Secretary, the right to match the highest bid for contract when Federal mineral interests are disposed of competitively.

(b) Whenever Federal lands are being drained of oil and gas by wells drilled on adjacent lands, the Secretary may negotiate contract agreements with the owners of those wells and of the oil and gas in the adjacent lands to compensate the United States for such drainage.

Sec. 208. The Secretary shall reserve to the United States the ownership of and right to extract helium from all gas produced under this title, and in the extraction of such helium, he shall cause no substantial delay in the delivery of the gas produced from the well to the purchaser thereof.

Sec. 209. In leases, licenses, and other contracts issued under this title, the Secretary shall incorporate such terms and conditions that he deems necessary or desirable to promote good business practices; to promote the conservation of lands and other natural resources; to preserve and enhance the environment; to maintain ecological balances; to protect the public health, safety, and welfare; to enable the proper use of the lands; and otherwise to promote or be consistent with the goals and objectives and other terms of this title, including, but not limited to, provisions for—

(1) cancellation and forfeitures for cause;

(2) relinquishment of rights and privileges;

(3) bonds, deposits, or other good faith security;

(4) assignments and subleases, in whole or in part;

(5) renewals and extensions;

(6) removal of improvements;

(7) rentals and royalties;

(8) penalties for noncompliance;

(9) reinstatements;

(10) nondiscrimination;

(11) protection of health and safety of workers;

(12) protection and rehabilitation of natural resources;

(13) prevention of air, water, and land pollution;

(14) adjustment of disputes;

(15) payments in kind;

(16) inspection of premises by Federal and State officials;

(17) inspection of business records;

(18) joint enterprises;

(19) suspension, waiver, and reduction of rentals or royalties in order to promote conservation of resources;

(20) reasonable diligence;

(21) workmanlike performance;

(22) disposal of surface estate;

(23) uses of the lands and resources thereon by third parties;

(24) uses of the lands and resources by the contracting parties, including rentals to be paid by the lessee or licensee;

(25) unitization, operating, and other cooperative agreements; and

(26) submittal of plans of exploration, mining, and rehabilitation operations for approval by the Secretary.

Sec. 210. The Secretary is authorized to issue such regulations as he finds necessary or desirable to carry out the goals, objectives, and other purposes of this title, including. but not limited to, regulations to etabslish—

(1) the area or volume or kind of mineral rights that may be held by any one qualified applicant, and

(2) the area or volume or kind of mineral rights that may be acquired by any one person in any area or at any sale.

Sec. 211. (a) All prior laws which relate to the disposition of Federal mineral deposits covered by this title are hereby repealed except to the extent noted in subsection (c) of this section. These laws include, but are not limited, to—

(1) The Mining Law of 1872, as amended (30 U.S.C. 21–77).

(2) The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181–286).

(3) The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359).

(4) The Act of July 31, 1947, as amended, and the Act of July 23, 1955, as amended (30 U.S.C. 601–615).

(5) The Right-of-Way Leasing Act of 1930 (30 U.S.C. 301–306).

(b) Any valid mining claim, lease, contract, or other right acquired under any laws repealed by this title which existed on the date of enactment of this title shall not be affected by this title but shall remain subject to the provisions of the law under which such rights were derived. The Secretary is authorized in his discretion and upon application to him by the owner of the right to issue a lease or license under this title in exchange for a valid mining claim or valid mineral lease, license, or permit issued under the authorities repealed by subsection (a) of this section.

(c) The following provisions of law shall remain in force and effect:

(1) Section 29 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).

(2) Section 35 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 191).

(3) The distribution of receipts provisions of section 3 of the Act of September 1, 1949 (30 U.S.C. 192c).

(4) The distribution of receipts provisions of the Act of June 1, 1948 (30 U.S.C. 286).

(5) The distribution of receipts provisions of the Act of June 12, 1926 (44 Stat. 740).

Statement of Senator Metcalf

Mr. Metcalf. Mr. President, I am proud to join with my distinguished colleague from the State of Washington, Mr. Jackson, in cosponsoring the "Public Domain Lands Organic Act of 1971."

We are all becoming keenly aware of the abuses that have been inflicted upon our lands due, in many ways, to our past policies concerning public holdings. For too long this nation has been locked into a psychology of exploitation of the environment. Now, Mr. President, those days must be put behind us. We must recognize that our public lands are vital and precious national assets. It is imperative that we treat them as such. We must move to protect and preserve them. The Public Domain Lands Organic Act of 1971 is a long step in that direction.

There is a portion of this bill, Mr. President, that is sorely needed to help solve some serious environmental problems. Although the examples I have are in Montana, I assume the problem is general in the mining areas. Recently, mining exploration activities have increased drastically in some of the mountainous areas of Montana. Some of this exploration has been on private land. Most of it has been on public land, particularly that administered by the Forest Service. During the recent period of exploration there have been reports of extensive damage to our National Forests. These reports came from many concerned Montanans, and the problem has received widespread coverage in the Montana press.

One example of exploration damage to public lands is reported on the Custer National Forest in south central Montana. Here peaks rise to more than 12,000 feet, thick forests abound with wildlife, and mountain streams run unspoiled. Part of this area had been under consideration for designation as a Wilderness Area. But now, a large part of this area has been scarred, some of it permanently, by mining company exploration.

A recent article in the Billings, Montana, Gazette described clearly what has happened in this wild mountain area. I ask unanimous consent that this article be printed at this point in the Record.

There being no objection the article is ordered printed.

"Mine Exploration Threatens Fish

(By Tom Brown)

"Mining exploration near Goose Lake in the Beartooth Mountains is a threat to fish in the Stillwater, Clark-Fork and West Rosebud Rivers, according to Custer National Forest Deputy Supervisor Rovert Miller.

"He said Wednesday that 'considerable' bulldozing of exploratory pits had occurred this summer in the area around Goose Lake and near the headwaters of the three rivers.

"These pits will cause siltation in the rivers which drain them during the spring runoff," Miller said, "and siltation means dead fish.

"The Goose Lake mining activity will not wipe out the fish in the affected rivers, but it will contribute to their degradation, he continued.

"The deputy supervisor said Kennecott Mining Co. was the only company known to be working in the area but there could be others.

"We really have no way to know other than rumor since the companies are under no obligation to keep us informed of their activities and have not done so voluntarily.

"We are, however, monitoring the area and plan to do a complete study of everything from soils to water pollution next year.

"Miller said the study would enable them to develop a management plan describing the best way to conduct any mining in the area with respect to its effect on the environment.

"But, he admits that a mining company would be under no obligation to follow such a plan should one be developed.

"They are operating under the general mining law of 1872 which gives them a right to mine the public domains," Miller said.

"Meanwhile, not only are the fish in danger, but the open pits are leaving scars," Miller says, "that can never be removed."

"They are working in alpine country at or above timberline at an elevation of 9,000 to 10,000 feet," he said. "At that height it is impossible to restore the vegetation.

"These scars will stay the way they are left."

Mr. Metcalf. Such exploration damage is not confined to the Beartooth Mountains area. Neal Peterson, and Noel Rosetta, Forest Service officials on the Helena National Forest, are among those who have focused public attention on the Lincoln area in western Montana. A Billings Gazette article of 5 October 1970 told of Peterson's alarm. I ask unanimous consent that a portion of this article be printed in the Record at this point.

There being no objection the article is ordered printed as follows:

"Peterson calculated that about 20,000 acres in the 326,000-acre district have been disturbed by the exploratory work of four large exploratory companies.

"They are the Anaconda Co., Kennecott (which is no longer believed to be actively exploring), Roberts Mining and New Park Mining, both California-based.

"The Lincoln district is heavily mineralized with copper, zinc, molybdenum, iron, gold, silver and other valuable metals.

"Mineral exploration and road construction have been so extensive in the area," Peterson said, "that there are few places, from Lincoln to Butte, that haven't been staked out."

"In the Heddleston district near the headwaters of the Big Blackfoot River, Anaconda has gouged roads up steep grades through lodgepole pine stands to bring in heavy core drilling rigs. Roads branch every 100 yards or so and there is extensive erosion.

"Rosetta said that the failure of mining companies to file an application for a special use permit with the Forest Service before building a road prevents the service from helping them lay out a route to prevent erosion and other problems.

"The Forest Service can't deny a miner the right of entry to a valid claim," he said.

"Adding to the erosion problem made worse by poorly-designed roads, recreationists drive the fragile high country with their four-wheel-drive rigs," Rosetta said.

"Rosetta's suggestion that companies post land restoration bonds would," he said, "no longer leave the Forest Service 'holding the hack after the companies move.'

"We expect erosion problems from all this activity," Peterson concluded. "Someday, if we get mud three feet deep in the Blackfoot River at least someone will credit us with surveying to determine the causes."

Mr. Metcalf. As you can see, Mr. President, the Forest Service is painfully aware of the problem of exploration damage, but its hands are tied. The mining industry activity, while certainly not socially responsible, apparently has been legal.

The primary law governing mineral activity on public lands is the Mining Law of 1872, enacted as a means of promoting the development of the mining resources of the United States. At that time, the exploration process consisted of one or two prospectors packing into the back-country on horseback, probing about as they went with their picks and shovels. These men caused no concern about the destruction of the public lands because they were responsible for none. And understandably so for the technology existing in 1872 in no way compares with that of today.

Modern exploratory processes utilize four-wheel-drive vehicles, bulldozers and other earth-moving equipment and core-drilling rigs. In this new process of exploration, irreparable scars and damaged streams are often left as by-products. Clearly, Mr. President, mining laws designed for a single purpose for the nineteenth century cannot be expected to meet the demonstrated needs on the public lands in the latter third of the twentieth century. The Public Land Law Review Commission, in its recent report, has recognized this problem of the protection of environmental quality during exploration for minerals. On page 127 of the Report, in the section entitled "Protecting the Environment," the Commission recommends:

"Upon receipt of the required notice of location a permit should be issued to the locator, subject to administrative discretion exercised within strict limits of congressional guidelines, for the protection of surface values. While an administrator should have no discretion to withhold a permit, he should have the authority to vary these restrictions to meet local conditions. It is our view that protection of environmental values must cover all phases of mineral activity from exploration, through development and production . . ."

The bill introduced today attempts to deal with the problem along the lines of the Public Land Law Review Commission's Report. The bill would give the administrators of our public lands full authority to regulate exploration in addition to mining activities on public lands.

Specifically, this Act will enable the administrators of our public lands to require, among other things:

1. Advance submission of exploration and operation plans by mining companies, including proposals for the protection of the environment.
2. Leasing before exploration can be pursued.
3. Restoration and rehabilitation of disturbed surface areas.
4. Posting of performance bonds.
5. Penalties for noncompliance.

Mr. President, Montanan's have always been very close to the land. They love it and they demand that it be protected. A substantial majority of the people of Montana and those charged with managing our public lands will welcome these new provisions.

By Mr. RIBICOFF (for himself,
Mr. Bayh, Mr. Case, Mr. Javits,
Mr. Magnuson, Mr. McIntyre,
Mr. Muskie, and Mr. Pell):

S. 922. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards. Referred to the Committee on Labor and Public Welfare.

Mr. RIBICOFF. Mr. President, I introduce today a bill to establish a Federal leadership program to promote youth camp safety.

The camping industry in the United States is growing at an ever-increasing rate; 10,000 to 12,000 camps are now operated in this country. Resident camps alone have tripled in the last decade.

Each year more than 7 million youngsters go off to residential, day, or travel camps. While some camp activity takes place during the school year, camping is primarily a summertime activity. However, while a parent can be relatively confident of his child's safety while at school, millions of parents across the Nation send their offspring to camps with little or no knowledge whether the institution meets basic minimum safety standards. The sad fact is that too often many of them do not.

In 19 States there are absolutely no regulations governing camping at all; and, in many of the other States only isolated aspects of camping are governed by law or regulation. And yet camp personnel virtually take the place of parents for several weeks of the year, especially in travel and residential camps.

For instance, only 40 States have training requirements for counselors who supervise aquatic activities.

Forty-six States have no regulation regarding the condition of vehicles used for transportation or the qualifications of drivers. An equal number of States have no regulations restricting the age of counselors. Twenty-nine States fail to even require annual camp inspections.

The absence of State regulations has meant that private camping organizations have had to establish and police appropriate standards. The American Camping Association with over 3,400 member camps, the Scouting organizations, the Association of Private Camps and church oriented groups have all made a substantial contribution to better camping. These organizations are to be commended for taking the initiative where the Government has failed.

Too many camps across the Nation, however, do not belong to any of these organizations and do not follow their advice. And in any event, even if a camp does belong to one of the organizations, there is little that the organization can do to enforce its standards.

In 1967, representatives of the American Camping Association surveyed a representative group of their member camps to see whether ACA safety standards were being adhered to. These camps are generally recognized as some of the best in the Nation and yet one out of every eight failed to meet minimum standards.

The failure to establish adequate standards for many of our camps has had tragic consequences across the Nation. Ever since I became active in this field, I have heard enough horror stories to convince me that governmental protection for our youngsters is an absolute necessity.

Two years ago in California four children were killed and 68 others were injured when a flatbed truck driven by a camp counselor overturned on an expressway. Just last summer a schoolbus carrying day campers from Long Island overturned in western Pennsylvania killing seven and seriously injuring 51 others. The truck was driven by a man who did not even have a valid driver's license.

Far and away the greatest cause of death at camp is drowning, in spite of the fact that the waterfront of the average camp is often the best supervised area.

One man who knows, and can never forget, how what began as a pleasant summer for their son turned out to be a nightmare is Mitch Kurman, a constituent of mine from Westport, Conn. Mr. Kurman chose a camp in upstate New York which offered canoe trips into Maine, New Hampshire, and Ontario. Like every other parent, he simply assumed the camp was safe.

One night he received word that his son had drowned in a canoeing accident on a branch of the Penobscot River in Maine. On checking into what was first considered to be an unfortunate accident, he learned from other campers on the trip and from Ontario and Maine police that the young counselor guarding the boys had previously had a narrow escape on a river he had been warned against and that a Forest Ranger had specifically warned the same counselor not to challenge the Penobscot. The counselor ignored all these warnings and led his charges down a stretch of river which has been described as "wilder than the Niagara gorge" in canoes that lacked fast water safety equipment such as life preservers or ropes.

Since that time Mr. Kurman has become a crusader for greater camp safety. He has been a vigorous supporter of the bill I introduce today as part of his unceasing efforts to insure that no more parents have to face the agony he experienced.

One of the greatest problems in regard to camp safety is that no one really knows how many campers there are, how many suffer injuries or how these injuries are treated. In most cases, it is simply a matter of the camp reporting to the parents that young John bruised his knee or broke his arm. Too often, no records are kept of injuries or illnesses, no matter how serious.

The only real camp safety survey took place 40 years ago when a group of distinguished youth leaders and camping enthusiasts met in New York to discuss camping in general. It was the consensus of this group that the time had come to establish a minimum standard for camp health and safety. The group commissioned a nationwide camp safety study which remains today the only full report of the situation. They concluded that 65 percent of all camp accidents could have been prevented by better supervision or higher standards of camp maintenance and administration. Only one-quarter of the accidents could be attributed to the camper's negligence and half of these could have been prevented with more rigorous supervision by counselors. A shockingly high percentage of the injuries covered were due to faulty structures, dangerous pathways and often the very location of the camp itself.

This report was released in 1929. Forty-two years have passed and little progress has been seen in this area. The time for action is now. We can no longer play Russian roulette with the health and safety of our children and grandchildren. The camping industry has done its utmost to police itself, but has found it to be an impossible task. The camping industry supports the bill, concerned parents support the bill and there is no reason why the U.S. Senate should not support the bill.

This bill would instruct the Secretary of Health, Education, and Welfare, in consultation with camping and safety experts, to establish camp safety standards. After the publication of these standards, each State would be encouraged to establish a program to insure compliance. The bill provides for incentive grants to the States to pay up to half the cost of administering the inspection and compliance program. Camps which meet the Federal standards will be urged to display this fact to assist parents in their choice.

The bill would also establish an Advisory Council on Youth Camp Safety to consult with the Secretary on the promulgation of safety standards. Members of the Council would come from all areas of the camping industry.

Before establishing safety standards, the bill provides that the Secretary shall survey existing safety standards published by State and private organizations and the effects of these standards.

My proposal will not affect the finest camps and there are many across the land. It is aimed rather at fly-by-night operations and those camps which are unaffiliated and unaccredited by responsible camping organizations.

I have no desire to take the adventure out of camping. But I see no reason why the benefits of camping cannot be rendered in a safe and healthy atmosphere. Many camps already measure up to the highest safety standards. Others will be given the incentive to improve. Those that fail to provide a safe environment do not belong in the business and should not be allowed to continue.

Camping at its best can provide unmatched opportunities for recreation and close contact with our natural environment.

For most children it is an experience that is remembered throughout their whole lifetime. It should not be a nightmare that children or parents can never forget.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 922

A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Youth Camp Safety Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to protect and safeguard the health and well-being of the youth of the Nation attending day camps, resident camps, and travel camps, by providing for establishment of Federal standards for safe operation of youth camps, and to provide Federal assistance and leadership to the States in developing programs for implementing safety standards for youth camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "youth camp" means:

(1) any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating for profit or under philanthropic or charitable auspices five or more children under eighteen years of age, living apart from their relatives, parents, or legal guardians for a period of,

or portions of, five days or more, and includes a site that is operated as a day camp or as a resident camp; and

(2) any travel camp which for profit or under philanthropic or charitable auspices, sponsors or conducts group tours within the United States, or foreign group tours originating or terminating within the United States, for educational or recreational purposes, accommodating within the group five or more children under eighteen years of age living apart from their relatives, parents, or legal guardians for a period of five days or more.

(b) The term "person" means any individual partnership, corporation, association, or other form of business enterprises.

(e) The term "safety standards" means criteria directed toward safe operation of youth camps, in such areas as—but not limited to—personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health; personal health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply and waste disposal; water safety including use of lakes and rivers, swimming and boating equipment and practices; vehicle condition and operation; building and site design; equipment; and condition and density of use.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "State" includes each of the several States and the District of Columbia.

GRANTS TO STATES FOR YOUTH CAMP SAFETY STANDARDS

SEC. 4. From sums appropriated pursuant to section 11 of this Act, but not to exceed $2,500,000 of such appropriation for any fiscal year, the Secretary is authorized to make grants to States which have State plans approved by him under section 6 to pay up to 50 per centum of the cost of developing and administering State programs for youth camp safety standards.

SEC. 5. In developing Federal standards for youth camps, the Secretary shall—

(a) undertake a study of existing State and local regulations and standards, and standards developed by private organizations, applicable to youth camp safety, including the enforcement of such State, local, and private regulations and standards;

(b) establish and publish youth camp safety standards within one year after enactment of the Act, after consultation with State officials and with representatives of appropriate private and public organizations after opportunity for hearings and notification published in the Federal Register; and

(c) authorize and encourage camps certified by the States as complying with the published Federal youth camp standards to advertise their compliance with minimum safety standards.

STATE PLANS

SEC. 6. (a) Any State desiring to participate in the grant program under this Act shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency, a State plan which shall—

(1) set forth a program for State supervised annual inspection of, and certification of compliance with, minimum safety standards developed under the provisions of sections 5 and 9(a) of this Act, at youth camps located in such State;

(2) provide assurances that the State will accept and apply such minimum youth camp safety standards as the Secretary shall by regulations prescribe;

(3) provide for the administration of such plan by such State agency;

(4) provide for an advisory committee, to advise the State agency on the general policy involved in inspection and certification procedures under the State plan, which committee shall include among its members representatives of other State agencies concerned with camping or programs related thereto and persons representative of professional or civic or other public or nonprofit private agencies, organizations, or groups concerned with organized camping;

(5) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require;

(6) provide assurance that the State will pay from non-Federal sources the remaining cost of such program; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this Act.

(b) Any State desiring to enable youth camps in the State to advertise compliance with Federal youth camp standards, but which does not wish to participate in the grant programs under this Act, shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency a State plan which shall accomplish the steps specified in (a) (1) through (3) of this section, and which provides for availability of information so that the Secretary may be assured of compliance with the standards.

(c) The Secretary shall not finally disapprove any State plan submitted under this Act or any modification thereof, without first affording such State agency reasonable notice and opportunity for a hearing.

DETERMINATION OF FEDERAL SHARE; PAYMENTS

SEC. 7. (a) The Secretary shall determine the amount of the Federal share of the cost of programs approved by him under section 6 based upon the funds appropriated therefor pursuant to section 10 for that fiscal year and upon the number of participating States; except that no State may receive a grant under this Act for any fiscal year in excess of $50,000.

(b) Payments to a State under this Act may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 8. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 6, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments will be made to the State under this Act (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this Act (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 6 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but, until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADVISORY COUNCIL ON YOUTH CAMP SAFETY

SEC. 9. (a) The Secretary shall establish in the Department of Health, Education, and Welfare an Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp safety standards. The Council shall consist of the Secretary, who shall be Chairman, and eighteen members appointed by him, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service. Prior to making such appointments, the Secretary shall consult with appropriate associations representing organized camping.

(b) The Secretary may appoint such special advisory and technical experts and consultants as may be necessary in carrying out the functions of the Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ADMINISTRATION

SEC. 10. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress at least once in each fiscal year a comprehensive and detailed report on the administration of this Act.

(b) The Secretary is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this Act; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

(c) Nothing in this Act or regulations issued hereunder shall authorize the Secretary, a State agency, or any official acting under this law to restrict, determine, or influence the curriculum, program, or ministry of any youth camp.

AUTHORIZATION

SEC. 11. There are authorized to be appropriated to carry out the provisions of this Act the sum of $3,000,000 for the fiscal year ending June 30, 1972, and for each of the five succeeding fiscal years.

By Mr. WILLIAMS (for himself, Mr. CHURCH, Mr. EAGLETON, Mr. MOSS, and Mr. MONDALE):

S. 323. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes. Referred to the Committee on Finance.

Mr. WILLIAMS. Mr. President, I introduce, for appropriate reference, a bill to authorize increases in social security benefits and to make other comprehensive reforms in the social security and medicare programs.

A few days ago, the Senate Committee on Aging issued a far-reaching and hard-hitting report—based on 2 years of study and more than 2,000 pages of testimony—on the "Economics of Aging: Toward a Full Share in Abundance."

What has emerged is a compelling call for immediate and long range action.

This report also forcefully points out that millions of older Americans are experiencing a retirement income crisis. And their situation is worsening, rather than improving.

Nearly 5 million elderly persons live in poverty. Medicare, valuable as it is, still covers less than half of their health care expenditures.

For the typical retired worker, the average social security benefit is only about $1,400 a year. For the average retired couple, social security provides approximately $2,400 in annual benefits.

And for the first time since poverty statistics were tabulated, the elderly poor population is growing instead of decreasing. In the past their aggregate numbers have declined, although at a slower rate than for younger persons. But since 1968, nearly 200,000 older Americans have been added to the poverty rolls. In sharp contrast, the number of persons under 65 in poverty declined by approximately 1.2 million.

Today older Americans are twice as likely to be poor as younger persons. One out of every four individuals 65 and older—in contrast to 1 in 9 for younger persons—lives in poverty.

These statistics clearly show that piecemeal, stopgap legislation is just not going to solve the retirement income problems of the aged. Adding a few dollars every 2 years to social security will not get the job done either. And timid tinkering with medicare is not the answer.

What is needed—and needed now—is a comprehensive, overall approach for their pressing problems.

The bill I introduce today can be helpful in providing an important foundation for this needed reform. This measure—enthusiastically supported by the AFL–CIO and the National Council of Senior Citizens—is patterned after similar legislation I sponsored in the last Congress.

Several of these provisions were approved in identical or modified form in the House- and Senate-passed social security bills last year.

However, no final action was taken because a conference committee could not be held to resolve the differences in the two bills.

But now there is strong sentiment in both Houses of Congress that social security legislation should be promptly enacted this year. And there is equally strong support that the benefit increases should be retroactive to January 1, 1971, the same effective date as in the proposed 1970 Social Security Amendments.

We owe this pledge to our 20 million senior citizens, who have worked most of their lives for the progress we now enjoy.

And we owe this commitment for today's workers, the retirees of tomorrow. Because, unless major policy changes are made, they, too, will be poor when they become old.

BENEFIT INCREASES

First, my bill would provide a 15 percent across-the-board increase in benefits retroactive to January 1, 1971. Another 15-percent raise would be authorized for 1972.

With this approach, social security benefits can be brought up to a more realistic level for the wealthiest Nation in history—with a gross national product exceeding $1 trillion.

AUTOMATIC ADJUSTMENTS

Thereafter, benefits would be adjusted on an annual basis for each 3-percent rise in the cost of living. However, any proposal would stress the role of Congress in setting benefit levels. This automatic escalator would be employed only if Congress failed to act on social security legislation.

In addition, my bill would authorize a study by the Secretary of HEW to consider methods of adjusting benefits based on increases in productivity and the standard of living.

MINIMUM MONTHLY BENEFITS

One crucial area for reform is that of minimum benefits, now $64 per month for a single person. This represents about $770 a year—less than one-half of the $1,749 poverty threshold for an aged person.

Substantial increases in minimum benefits are needed now because of the prevalence and persistence of poverty among older Americans.

My bill would raise the minimum in two steps, to $100 this year and then to $120 in 1972.

With this approach and the 15-percent boost in social security benefits, large numbers of elderly persons could be lifted out of poverty.

EARNINGS TEST

Today only about 1 out of every 6 persons 65 and over is employed—usually part time and in lower paying work.

But many older persons need to work to supplement their retirement income. However, large numbers of individuals under 72 are now deterred because of the existing $1,680 earnings limitation before social security benefits are reduced. For earnings in excess of $1,680 but not greater than $2,880, $1 in benefits is withheld for each $2 of earnings. Thereafter, benefits are reduced dollar for dollar for earnings above $2,880.

My proposal would raise this exempt amount to a more realistic level, to $2,100. For older persons who must work or would prefer to work part time, this measure can provide welcome relief.

100-PERCENT BENEFITS FOR WIDOWS

Another area for reform concerns the treatment of widows. At present they receive 82½ percent of the primary benefits of their deceased spouses.

Yet there are many pressing reasons for allowing widows to receive the full amount of their deceased husband's benefits, instead of only a fraction.

About 6 out of every 10 widows living alone have incomes below the poverty line. Equally disadvantaged are the Nation's older women.

Another compelling argument has been advanced by Dr. Joseph Pechman of the Brookings Institute. He told the Committee on Aging:

> . . . an increase in the widow's benefits to a full 100 percent of P/A (the primary benefit amount that had been payable to the husband) would more effectively aid the poor, per dollar of added cost, than any other change in the system, including a minimum benefit.

AGE-62 COMPUTATION POINT FOR MEN

Social security benefits for men are now figured differently and less advantageously than for women. In computing benefits for men, earnings up to age 65 must be taken into account. But for women, only years up to age 62 are considered.

Under my proposal, men and women would be treated alike in computing their benefits.

ELIMINATING PART B PREMIUM COST

One major drain for the fixed incomes of the elderly is the cost of the part B supplementary medical insurance premiums—now $5.30 per month, but scheduled to rise to $5.60 in July.

When the new rate is in effect, the cost of part B insurance for an aged couple will be about $135 per year.

For the great majority of older Americans living on limited incomes, this expenditure represents a heavy financial burden.

My amendment would eliminate this premium charge. Instead, financing for part B—like part A hospital insurance—would be provided from payroll taxes and a matching contribution from the Federal Government.

COVERAGE OF DRUGS

Today the threat of costly and catastrophic illness is all too real for millions of senior citizens.

One major gap in coverage is out-of-hospital prescription drugs. Too often older Americans are confronted with this dilemma: Shall we buy food for the table or drugs to maintain our health? And too often, both needs are not adequately met.

Drug expenditures for persons 65 and older average about 3 times higher than those for younger individuals.

And for aged persons with severe chronic conditions—about 15 percent of all elderly individuals—prescription expenditures are six times as great as for younger people.

To provide relief for this major expense, my bill would extend medicare coverage to out-of-hospital prescription drugs.

MEDICARE FOR DISABLED

Another essential change is medicare coverage for disabled social security beneficiaries under age 65. These individuals need medicare as much, if not more, as persons 65 and older.

We know this need exists because that need has been documented. Therefore, I urge extension of medicare coverage for the disabled.

GENERAL REVENUE FINANCING

Social security and medicare are now financed largely by a payroll tax levied on employees and employers. This method, however, leaves much to be desired.

It places a regressive tax on today's workers. Individuals with low earnings pay much larger shares of their total wages than do higher paid persons.

It also lacks the built-in flexibility of the more progressive individual income tax.

Well-timed and well-conceived use of general revenues—as urged in my bill—could help to correct these existing deficiencies.

In addition, general revenues would provide a more equitable basis for financing part of the costs of medicare and social security.

And it would not result in burdensome taxes imposed upon lower paid workers.

NEED FOR FAST ACTION

In 1935 this Nation made a commitment to enable the elderly to live in dignity and self respect in retirement with the enactment of the landmark Social Security Act.

Today social security protects workers and their families from loss of earnings because of retirement, death, or disability.

But there is still a great need for improving this imperfect, essential system.

Mr. President, I urge prompt and favorable action to make these necessary and comprehensive reforms in social security and medicare.

By Mr. GRAVEL:

S. 924. A bill for the relief of Jaime Interior Capule. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 925. A bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing. Referred to the Committee on Veterans' Affairs.

Mr. BENTSEN. Mr. President, the current mortgage protection life insurance for service-connected disabled veterans in special adapted housing is inadequate.

Public Law 91–22 provides for a maximum mortgage insurance of $12,500. The average cost of special adapted housing is approximately $30,000. Quadraplegics and paraplegics are the principal users of housing of this type. Upon their death, if the mortgage is $30,000, the widow is left with a $17,500 mortgage burden. The life expectancy of many of the veterans of the group concerned has been shortened by their service-connected disabilities, and following their death, the income of their widow or other survivors generally is substantially reduced. It is time to update the mortgage protection life insurance benefits for our disabled veterans.

The bill I introduce today is similar to the bill H.R. 943 that was introduced to the House by Congressman Montgomery.

I introduce S. 925, a bill to provide mortgage protection life insurance not to exceed $30,000 for service-connected disabled veterans who have received grants for specially adapted housing.

I believe it is the responsibility of the Congress to give full consideration to mortgage protection life insurance to our disabled veterans.

By Mr. BENTSEN:

S. 926. A bill to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States. Referred to the Committee on Veterans' Affairs.

Mr. BENTSEN. Mr. President, our current program of extended nursing care for veterans is clearly inadequate. The present program provides that once a non-service-connected disabled veteran has used his maximum Veterans' Administration hospital benefits—which is normally 60 days—he must be transferred to a community nursing home for a period not to exceed 6 months, and the Veterans' Administration pays 40 percent of the nursing home cost. Many of these disabled patients have suffered strokes and have severe heart conditions and need longer than 6 months to convalesce.

To rectify this inequity seems only a matter of simple justice. I doubt if there is any Member of this body who would deny the need to extend the current nursing care program for veterans. Present programs fail to meet the needs of our veterans. Therefore, we must extend the helping hand that is necessary.

The bill I introduce today is identical to the bill which was introduced in the House this session by Congressman Olin Teague.

Today I introduce S. 926, a bill to amend subsection (A) of section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States from 6 months to 9 months.

I believe it is the responsibility of the Congress to give full consideration to the extended nursing care needs of our veterans.

By Mr. SPONG (for himself, Mr. Baker, Mr. Bayh, Mr. Dole, Mr. Muskie, and Mr. Randolph):

S. 927. A bill to amend the Clean Air Act and the Federal Water Pollution Control Act in order to prevent false and deceptive advertising with respect to products and services to prevent and control air and water pollution. Referred to the Committee on Public Works.

Mr. SPONG. Mr. President, last May I suggested during hearings before the Senate Subcommittee on Air and Water Pollution that criminal sanctions be imposed upon industries which engage in grandiose advertising about the beneficial environmental effect of new products which in reality are doing as much harm as good in terms of both the environment and public health.

The subcommittee was in the midst of receiving testimony from representatives of the detergent industry, and I predicted that while everyone was committed to cleaning up the environment, Madison Avenue would overextend itself with pie-in-the sky advertising.

At the time, the chemical known as NTA was being advocated by a segment of the industry as a substitute for phosphates in detergents. Phosphates, of course, are considered as a contributor to accelerated algal growth in some lakes and bodies of water.

Since the hearings, and as a consequence of studies by the Surgeon General, the Environmental Protection Agency has warned the industry and the public that new research indicates that NTA is a potential threat to health. The industry has agreed to discontinue its use.

The American public is being subjected to a flood of advertising on a wide range of products that are being introduced on the market with little—if any—consideration to their impact upon man or his surroundings.

Moreover, many industries apparently are placing more emphasis on advertising their abatement activities than they are on abatement itself. And the advertisements in some cases are worse than misleading—they are not even truthful.

Mr. President, in an effort to stop such practices, I introduced for myself, the Senator from Tennessee (Mr. Baker), the Senator from Indiana (Mr. Bayh), the Senator from Kansas (Mr. Dole), the Senator from Maine (Mr. Muskie), and the Senator from West Virginia (Mr. Randolph) a bill to carry out the proposal I made during the hearings last year.

The bill I send to the desk for appropriate reference provides for fines of not more than $10,000 or imprisonment of not more than 6 months, or both, upon conviction for knowingly making false or deceptive statements, representations or claims in advertising products, services, systems or devices of any kind or description which will control or prevent, or aid in controlling or preventing, the emission of pollution agents.

Two articles discussing the extent of environmental hucksterism have come to my attention. They were published December 28, 1970, in Newsweek, and January 7, 1971, in the Wall Street Journal. In a moment, I intend to ask unanimous consent that they be inserted in the Record.

Before doing that, I wish to make clear that it is not my wish to embarrass any of the industries mentioned in the articles, or to prejudge their particular situation. My purpose is to buttress my opinion that this is a growing problem which must be resolved.

Mr. President, I now ask unanimous consent that the full text of the bill and the articles be printed in the Record.

There being no objection, the bill and articles ordered to be printed in the Record, as follows:

S. 927

A bill to amend the Clean Air Act and the Federal Water Pollution Control Act in order to prevent false and deceptive advertising with respect to products and services to prevent and control air and water pollution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clean Air Act is amended by redesignating sections 310 through 317 as sections 311 through 318, respectively, and by inserting after section 309 a new section as follows:

"FALSE OR DECEPTIVE ADVERTISING IN AIR POLLUTION PREVENTION OR CONTROL PRODUCTS OR SERVICES

"SEC. 310. (a) In order to protect the nation's consumers and industries, any person who knowingly makes any false or deceptive statement, representation, or claim in advertising a product, service, system, or device of any kind or description with respect to the ability of the product, service, system or device to prevent or control air pollution, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment of not more than six months, or by both.

"(b) The Administrator, in consultation with the Federal Trade Commission, shall issue regulations designed to prevent the making of such statements, representations, or claims by anyone, including provisions for the Commission to receive and investigate complaints concerning such statements, representations, or claims.

"(c) The several district courts of the United States shall have jurisdiction to prevent and restrain violations of this section upon the application of such Administrator or Commission."

SEC. 2. The Federal Water Pollution Control Act is amended by redesignating sections 20 through 27 as sections 21 through 28, respectively, and by inserting after section 19 a new section as follows:

"FALSE OR DECEPTIVE ADVERTISING IN WATER POLLUTION PREVENTION OR CONTROL PRODUCTS OR SERVICES

"SEC. 20. (a) In order to protect the nation's consumers and industries, any person who knowingly makes any false or deceptive statement, representation, or claim in advertising a product, service, system, or device of any kind or description with respect to the ability of the product, service, system or device to prevent or control water pollution, shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment of not more than six months, or by both.

"(b) The Aministrator of the Environmental Protection Agency, in consultation with the Federal Trade Commission, shall issue regulations designed to prevent the making of such statements, representations, or claims by anyone, including provisions for the Commission to receive and investigate complaints concerning such statements, representations, or claims.

"(c) The several district courts of the United States shall have jurisdiction to prevent and restrain violations of this subsection upon the application of such Administrator or Commission."

[From the Newsweek magazine, Dec. 28, 1970]

POLLUTION: PUFFERY OR PROGRESS?

"It cost us a bundle but the Clearwater River still runs clear," read the headline beneath the picture. And sure enough, it was a scene of breath-taking natural beauty—hills, shaggy with evergreens, framing a stretch of clear, blue water flecked with white foam where it raced over hidden rocks. But what Potlatch Forests, Inc., neglected to mention in its national ad campaign was that the picture had been snapped some 50 miles upstream from the company's pulp and paper plant in Lewiston, Idaho. What is more, Potlatch pumps its fresh water from the Clearwater—but dumps up to 40 tons of suspended organic wastes back into the Clearwater and the nearby Snake River every day.

Aside from the filth that spews into the river, Potlatch concedes, some 2.5 million tons of sulphur gases and 1.8 million pounds of particulates billowed from the plant stacks last year; in fact, the Lewiston plant enjoys the dubious distinction of being the only industrial mill in the U.S. to have been the subject of separate air- and water-pollution abatement hearings before Federal authorities. Each day, on leaving the plant's parking lot, employees sluice down their autos with a company-installed car wash to protect the car's paint from the corrosive sodium sulphate that sifts from the air. When an enterprising local college newspaper editor pointed out the discrepancy between ad copy and reality, the company responded by canceling all corporate advertising. As Potlatch president Benton R. Cancell explained it: "We tried out best. You just can't say anything right any more—so to hell with it."

FISHING

The Potlatch incident is certainly not the whole story of industry's role in pollution. U.S. companies will have spent some $1 billion in 1970 alone to clean up the nation's fouled air and water, according to the President's Council on Environmental Quality (CEQ). Indeed, under pressure from Federal agencies, Potlatch itself has announced plans to spend $9.6 million on pollution-abatement equipment for the Lewiston plant. And some companies have gone all-out to prove their good intentions. Armco Steel won the highest award of the American Society of Civil Engineers this year for its virtually pollution-free steel mill in Middletown, Ohio, where even the pickling pond, usually a cauldron of acid and water, is so pure that it has been stocked for fishing. Campbell Soup Co. solved a tough problem in Paris, Texas, by using water laced with food scraps to irrigate 500 acres of pastureland.

Still, there is growing concern among Washington officials, conservationists and even some industrialists that too many companies are declaring war on pollution mainly with TV commercials, lavish brochures, press releases and ads in newspapers and magazines—without doing enough actual spending to wage the war effectively. "I think there has been widespread acceptance by industry of the reality of the environmental problem but at this point, I don't feel they have a now-or-never attitude," CEQ chairman Russell E. Train told Newsweek's James Bishop Jr.

Beyond doubt there are some publicists who have seized on the pollution issue as what Advertising Age called "today's bonanza." In San Francisco, liberal adman Jerry Mander—who has crusaded for the Sierra Club and lost an auto account because of his ecological zeal—says many corporate ads are merely "eco-pornography." No less an industrialist than Willard Rockwell Jr., chairman of North American Rockwell, has warned the Association of National Advertisers: "We should never be accused of surfing on a wave of public concern with little more than commercial gain as our goal. But this is what is happening in pollution control." And now the Federal Trade Commission has launched an investigation to find out for itself whether the advertised claims are founded on fact. Staffers are in the field gathering evidence that FTC aides expect will result in a series of actions charging deceptive advertising. As one aide said, "Many advertising campaigns are capitalizing on the new ecological concern, and our purpose is simply to make sure they are not misleading anyone."

Misleading may turn out to be an understatement in some cases; in at least two recent ads, companies have been as careless with details as Potlatch. To counter ecological criticism of its nuclear generating plant at San Onofre, Calif., Southern California Edison ran an ad showing a healthy lobster over the caption, "He likes our nuclear plant." As it turned out, a local marine biologist, Rimon Fay, said the company's ad agency had borrowed a lobster from his tanks to photograph—and Fay hotly disputes the company's claim that the plant is not harmful. Similarly, Standard Oil of California plugged its effort to reduce auto smog with an ad featuring an impressive building and a sign that read: "Chevron Research Center." The building proved to be the Palm Springs County Courthouse, with a new sign.

SNAPPY NAME

A bigger problem, because it's harder to prove, is exaggeration in anti-pollution claims. Chevron is also under FTC fire for its claims that an additive—F-310—makes its gasoline cleaner than the competition's. As far as the FTC is concerned, the F-310 label is nothing more than a snappy name for a common chemical similar to the detergents used by most oil companies. Moreover, the agency charges that Chevron stacked the deck by matching its own blend against a specially concocted "dirty gas" that caused black exhaust fumes. "There has been far too much emotionalism by the government," said one Chevron executive when asked about the charges. Now the oil company has retaliated with another salvo of ads rebutting the charges, and is passing out leaflets to its customers.

Even without bending the facts, companies may inflate their ecological contributions with half-truths. FMC Corp. recently took out double-page spreads in national publications to boast of its participation in the $3.8 million Santee, Calif., water-reclamation project, which converts sewage into water fit for swimming and boating. Conveniently omitted was the fact that FMC did no more than sell the project some $76,000 worth of pumps and other equipment.

* * * * *

One state official looked at I–P's recent ad campaign and snapped: "It would cost them less to clean up the mess than they are paying for the ads." Yet, International Paper's competitors were doing the same thing in their own neighborhoods during the 88 years when the old mill was operating, and all the communities were benefiting from the payrolls, profits and peripheral operations of the mills. Should the cleanup be paid for only by the company, or at least in part by a tax assessment? "Until this came up," says the chairman of another company faced with a similar situation, "I never fully understood how complicated the pollution issue is."

One way or another, of course, the public will pay—either in higher prices for industry's products or in some form of taxes. Given the choice, most businessmen would probably prefer to be subsidized for their pollution control out of the public purse rather than their customers' pockets—and until the issues are clearer, to spend as little as possible. "If I were a company president right now," concedes general counsel Edward L. Rogers of the Environmental Defense Fund, "I wouldn't do any more than I had to on the pollution front, because that would hurt my company more than its competitors." But businessmen also try to stall off the uniform codes that would make enforcement of the laws more equitable. When President Nixon this year proposed a 37-point program to straighten out the chaotic patchwork of laws, he touched off a fusillade of lobbying that all but killed the package.

TRUST

Unfortunately, such foot dragging does no good at all in terms of convincing the public that the industrial community can be trusted. "What right do companies have to inflict enormous social costs on people?" demands a White House aide. "After all, the technology is available now to control most pollutants considered dangerous—except for sulphur and nitrogen oxides, and that is coming."

The fault lies not merely in compliance but in enforcement. A New York Times survey recently disclosed that a majority of state pollution boards are heavily weighted with representatives of the polluters themselves: business, agriculture and local government. In one instance, the Times reported. a Colorado brewery was called on the carpet before a pollution board and the meeting was presided over by the brewery's own pollution-control director. Ruckelshaus, for one, was dismayed by this potential conflict of interest. "It's not a good idea to have the regulated controlling the regulators," he said. "I would hope we can see the trend reversed."

In the long run, it seems clear that uniform enforcement codes must be enforced—and that industry will have to be offered some form of economic incentive to clean up a mess that to some extent is the fault of society at large. Meantime, Washington officials are adopting a tough new stance toward polluters. The Environmental Protection Agency intends to institute a system of pollution permits within weeks; to get one, a company would have to show that it was complying with state and Federal effluent standards, or risk being hauled into court. And the Justice Department has made it clear that it has no qualms about doing just that. "I predict intensified action in the whole environmental quality area," says Attorney General John Mitchell. Last week, pollution suits were brought against both General Motors and Jones & Laughlin Steel Corp., and the Attorney General announced the creation of a new Pollution Control Section.

Perhaps most encouraging, Congress last week finally passed a remarkably tough version of Sen. Edmund Muskie's clean-air bill—a measure setting uniform standards for industrial plants and ordering a 90 per cent reduction in auto emissions by 1975. Whatever specific rules are set, however, it is obvious that industry can count on closer scrutiny of its operations—and of what it tells the public from now on.

[From the Wall Street Journal, June 7, 1970]

CHEVRON'S F-310 GAS: A LESSON IN HOW NOT TO PROMOTE A PRODUCT

(By Herbert G. Lawson)

SAN FRANCISCO.—Standard Oil Co. of California, as the biggest industrial company based here and the fifth largest oil company in the country, isn't accustomed to attacks by its local Better Business Bureau.

Early in 1970, however, Charles R. Thurber, BBB executive vice president in San Francisco, wrote a private letter to the company chiding it for its promotion of F-310, a gasoline additive. Mr. Thurber recalls that he warned Standard that the additive "seemed to promise a miracle" in reducing air pollution—particularly in a now-famous television commercial featuring astronaut Scott Carpenter.

In the ad, Mr. Carpenter shows how a plastic bag attached to a car's exhaust pipe fills with black smoke before using F-310. The car's gas tank is subsequently filled six times with Standard's Chevron gasoline, containing F-310, and the bag appears to be crystal clear.

"We suggested that Standard play down the black bag bit," Mr. Thurber says. He adds that the company politely agreed to consider the idea and gave him a tour of its Chevron Research Co. laboratories. Following the tour, Mr. Thurber says, he was convinced California Standard could "substantiate its ad claims."

But a number of persons are not convinced. In the 13 months since Standard began its televised trumpeting of F-310's virtues, a succession of news stories has noted critical response from powerful quarters, including, among others, the Federal Trade Commission.

FIRM VOWS TO FIGHT

The FTC has charged in a proposed complaint that F-310 advertising is deceptive and fraudulent. Moreover, the commission has made it clear it considers the case a key one in which it will seek to establish a novel penalty: An order requiring that all Chevron ads for one year devote 25% of their print space or 25% of their air time to proclaiming the falsity of original F-310 ads.

Perhaps even more significant for Standard—and for industry in general—is the fact that a number of conservationists consider the promotion of F-130 to be corporate exploitation of public concern about the environment. At least two private suits—as class actions on behalf of the public—have been filed against the company seeking to halt F-310 advertising. And the Sierra Club, a prominent and powerful conservationist organization, hints it may also file a legal action.

"Misrepresentation (of F-310) serves the ulterior purpose of taking advantage of legitimate public concern over air pollution," asserts Phillip Berry, the Sierra Club's president. Mr. Berry also accused Standard in a letter of having a "dismal record" in pollution matters and has dubbed the company "the number-one polluter in the San Francisco Bay area."

California Standard has responded by intensifying its advertising and vowing to fight the FTC charges. Chairman Otto Miller, in fact, told San Francisco security analysts recently that F-310 is "an exceptional breakthrough in gasoline technology," and has been "an outstanding success in the market." Standard, Mr. Miller said, has "extensive, documented evidence" of F-310's effectiveness, which it will use "in court, if necessary."

HOW NOT TO PROMOTE A PRODUCT

The case against F-130, of course, is far from proven. Indeed, many sources agree that the additive does appear to work, albeit to a modest degree, in reducing emissions of two key pollutants: Unburned hydrocarbons and carbon monoxide. While Standard's most extensive test to demonstrate this reduction has been called flawed, most scientists familiar with the experiment say it was more careful than similar research by other oil companies.

Nevertheless, an examination of F-130's evolution and history to date suggests that California Standard may be hard-pressed to defend every aspect of its additive. And while much of the controversy clouding the substance's introduction and promotion has been previously aired, a careful study of the F-130 saga seems to illustrate how not to promote a new product.

The story of F-130 begins in 1968, when Chevron Research came up with a gummy substance described as a polybutene amine. The new substance, Chevron scientists say, seemed to have an unusual ability to dissolve or prevent deposits that clog carburetors, intake systems and certain automotive valves. The additive was then given to Scott Research Laboratories Inc., an independent auto-testing concern, for further experimentation.

Scott ran 13 cars—all containing Chevron with polybutene amine, which the company had dubbed F-310—on a 17-mile city-and-country driving course. The results were impressive: After less than 2,000 miles of driving, each car was said to have shown a dramatic decline in exhaust emissions.

Armed with the Scott results, along with additional observations of certain taxi fleets using F-310, California Standard on Dec. 18, 1969, unveiled what it termed a "revolutionary" new product. The Scott tests, a press release declared, demonstrated how F-310, under "typical city driving conditions," could reduce unburned hydrocarbons by "more than 50%."

California Standard's announcement was considered newsworthy by many, and the 50% figure was picked up prominently by a number of newspapers, including The Wall Street Journal and the New York Times. On the heels of this publicity, the company began a series of advertisements with such messages as "Proof: Chevron Gasolines with F-310 Turn Dirty Exhaust Into Good Clean Mileage."

THE CRITICISM BEGINS

So far, so good. California Standard, however, neglected to inform newsmen and prospective consumers that cars used in its F-310 tests had been artificially "dirtied up" by using a specially formulated low-quality gasoline supplied by Chevron. Furthermore, it was soon noted by critics that Scott Research didn't compare Chevron with F-310 with competitive gasolines.

By March 1970, less than three months after F-310's introduction, California Standard had become a target for conservationists and government agencies. An official of the Los Angeles Clean Air Council called F-310 promotion "misrepresentative" and "a false advertising campaign." And the Federal Trade Commission, among others, began studying California Standard's claims.

Particularly enraging some television viewers were props used in F-310's ads. "They purposely confused what air pollution is all about," says the Sierra Club's Mr. Berry, citing the "black bag" commercial. The bag, Mr. Berry asserts, is black because it's full of carbon particles from an abnormally dirty car. But these particles are a minor part of air pollution, he says, and the "clean" bag is full of invisible pollutants—including hydrocarbons and carbon monoxide.

Another advertising prop that soon came under fire was an "air-pollution meter" that registered "90" for Brand X and swung back to "20" for Chevron with F-310. Critics noted the numbers on the dial weren't explained and therefore meant nothing. Moreover, they said reduction from 90 to 20 was nearly 80%—far more than the emission reduction indicated by published F-310 tests.

Criticism shortly became more concrete. In May, the California Air Resources Board issued research findings that cast doubt on the value of F-310. Use of the additive, the state agency said, didn't result in any "significant changes in the emission of pollutants." In fact, one of the board's studies found that cars using F-310 released slightly more unburned hydrocarbons than cars using other brands. The F-310 cars, however, released less carbon monoxide.

THE ROSE BOWL TEST

California Standard's rebuttal was lengthy and well published. The state tests, the company said, didn't use F-310 for a sufficient period of time. The company's big barrage, however, came in August when it released the results of experimentation subsequently christened the "Rose Bowl Test."

The Rose Bowl Test began and ended in Pasadena's famed stadium and was duly chronicled in the press Regulatory officials, FTC representatives and newsmen were informed that California Standard and an independent testing laboratory had experimented with 455 cars of all ages and makes. Each car's driver left the Rose Bowl with a Chevron credit card and returned 2,000 miles later. And when they returned, the company said, the cars were averaging 13.9% less hydrocarbons and 11.6% carbon monoxide than when they started.

The Rose Bowl Test was also criticized. For one thing, some researchers said, California Standard didn't use a control group of test cars with other gasoline brands. And the Air Resources Board subsequently said that almost one-third of the cars tested emitted more rather than less, pollutants after using F-310. "There are so many loose ends," complains Frank Bonamassa, a board official.

Whom can one believe? A state senate committee in Hawaii has chosen not to believe California Standard, and last year, after bitter public hearings, criticized the company's ad claims for F-310. The FTC, meanwhile, isn't commenting on its investigation, but it's believed the agency is focusing on anti-pollution claims of all kinds from all companies.

California Standard, however, is the only company yet named by the FTC for making possibly misleading clean-air claims.

SOME EMBARASSMENT

California Standard, in the face of such consistently heavy criticism, hasn't remained entirely unmoved. "They've backed off in some of their claims," says an Air Resources Board official. And the company was clearly embarrassed when the FTC complained a building labeled "Chevron Research Center" in an F–310 ad was, in fact, the Palm Springs courthouse.

California Standard has also modified some of its original television commercials with superimposed messages, such as "Very Dirty Engines Purposely Used to Provide Severe Test . . . Degree of Improvement in Your Car Depends on Condition of Engine."

At least one top researcher who worked with F–310 says the company "went too far with sketchy data" in its advertising based on the Scott tests. But California Standard, at least outwardly, continues to uphold its initial evaluation of the additive. While Chevron scientists in general seem uncomfortable about the ad campaign, J. H. MacPherson, a research vice president, says, "In the total picture, I guess it is accurate."

"This is an important test case for the FTC in broadening their powers," claims Eugene Spitler, manager of Chevron Research Co.'s fuels division. "I think we'd all walk out of Chevron Research if the company had to advertise that F–310 doesn't work."

Whatever the outcome, the year-long brouhaha will undoubtedly leave its mark. Even granting that F–310 is beneficial, California Standard's promotion of the additive—with early factual omissions and later corrections—has if nothing else, served to confuse the public.

But Frank Fenton, assistant advertising manager for California Standard, is philosophical. "We don't think the public is misled by F–310 advertising," he says. "In our professional judgment, we think the public understands no product is a cure-all for everything. Obviously, no one really thinks the guy using a certain advertised deodorant is going to get all those pretty girls because of the deodorant."

By Mr. PEARSON:

S. 928. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of consumer commodities, and for other purposes. Referred to the Committee on Commerce.

Mr. PEARSON. Mr. President, I introduce today legislation to require food commodities within the purview of the Fair Packaging and Labeling Act of 1966, often referred to as the Truth in Packaging Act, to be marked or be in close proximity to information listing the unit price of that commodity. In so doing, I wish to emphasize the remarks that I made here last year when I first directed the attention of the Senate to my proposal.

Mr. President, the Fair Packaging and Labeling Act of 1966 really has not worked. It was enacted into law to reduce confusion in the marketplace. Its stated purpose was to facilitate value comparisons for the average consumer. Yet, proliferation in package sizes and diverting promotional practices from coupons to "cents off" arrangements to "giant economy" sizes, have made the consumer's task of finding the best buy for his money an unnecessary difficult exercise.

The bill I am introducing today would provide for direct comparison of values by requiring packaged consumer commodities within the purview of the Fair Packaging and Labeling Act to be priced on a per unit basis. For example, an 89 cent commodity would also be marked as 14 cents per pound or per ounce, pint, or other common unit of measure.

This bill, Mr. President, is the result of hearings by the Consumer Subcommittee of the Commerce Committee, where we heard testimony indicating that even after passage of the act, a group of college educated shoppers, under testing conditions, were unable to select the best per unit buy roughly 40 percent of the time. We can only guess what the percentage might be for those less educated consumers who face a critical need to stretch their food dollars.

The approach of this bill, Mr. President, differs from the one we adopted in 1966, and to which I dissented in committee. The thought then adopted was that value comparison could be facilitated by reducing the proliferating numbers of package sizes. However, despite the efforts of the various agencies during two administrations, this proliferation exists today in many product categories. In other words, facilitating value comparisons by reducing proliferation in package sizes through voluntary agreements tinged with antitrust implications has proved to be not only contrary to open and innovative marketing, but plainly unworkable. Accordingly, this bill, based on our experience, would more effectively implement our original policy by providing, in a simple and direct manner, what has been thus far available to the consumer only indirectly and after complex and tedious calculations.

Mr. President, price is obviously not the only factor involved in purchasing. People buy for a variety of complex and unknown reasons. Unit pricing would only make clearer one of those factors. Selection on the basis of quality or convenience will continue to be important, perhaps more important than before. But with unit pricing, with a forthright statement as to how much one is buying for what price, the factor of price could at least be dealt with easily and with confidence.

This bill, Mr. President, recognizes the problem of the small retail grocer. The "mom" and "pop" stores, understandably, would face an administrative burden in implementing unit pricing. Moreover, the importance of familiar and convenient neighborhood grocery stores is evident to all of us. Accordingly, they are exempt from the operation of this bill.

Also, this bill provides that the unit price may be displayed either on the package of the commodity or, alternately, in close proximity to it—on the shelf, for example. This language was adopted, Mr. President, to allow retail grocers some measure of flexibility in administering unit pricing. While computerized labeling and fully automated handling may be commonplace in the future, at this particular time it is important, in my opinion, to offer the retail chain outlets the opportunity to freely develop competitive methods of unit pricing.

Mr. President, unit pricing is both timely and inevitable. It has, for years, been stamped on meat and poultry products. It is presently being used to varying degrees by several large retail chains, such as Giant, Safeway, Kroger, Jewel, and others. It was recently recommended in a national chamber of commerce report. And, in all likelihood, it soon will be required in several States.

Moreover, Mr. President, in this inflationary period, it is most timely to recognize not only the economic hardships of individual consumers of all income classes, but also to recognize that consumers account for two-thirds of all spending in the United States. Our annual food budget approaches $120 billion. The importance of unit pricing—which, according to estimates, could result in increased savings of up to 10 percent of our annual food budget—should be especially recognized.

Mr. President, other provisions of this bill would clarify various aspects of existing law. It provides that the accurate statement of identity will apply to pictures or vignettes which often appear on labels. It indicates that coupons are also to be covered by the "cents off" regulations under section 5(c)(2) of the act. Further, it broadens the definition of "consumer commodity" to include those commodities customarily used in or around the household with the exception of durable goods not normally consumed during the first year of use.

Finally, Mr. President, I wish to indicate the surprisingly broad support which has been expressed for unit pricing. Editorials have endorsed this concept; 82.6 percent of all those Kansans who responded to my questionnaire favored it. Even the food chains' own figures show favorable response, varying from 80 to 90 percent of those questions.

But, the most accurate measurement of support for this idea, in my judgment, is the obvious enthusiasm with which private industry has embraced unit pricing—an eloquent expression, it seems to me, of the workability of free enterprise principles. It is this voluntary effort which I wish to encourage through this legislation. My bill would only insure the permanence and fairness of such laudable steps taken by businessmen to better serve the consumers of this Nation.

Mr. President, the February 1971 issue of Consumer Reports contains an article entitled "Progress Report on Unit Pricing" which describes the recent boom in voluntary unit pricing programs. I invite the attention of this body to this discussion of these very commendable efforts by private industry as well as the article's summary statement that calls for action "more dependable than consumerism promotional sales campaigns, welcome though they are. What it calls for, CU thinks, is a Federal law."

Mr. President, I ask unanimous consent to have the article printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Progress Report on Unit Pricing

Leafing through their Sunday papers last fall, Washington and Baltimore residents came upon a familiar face in an unfamiliar place. It was the face of Esther Peterson, formerly the Special Assistant to the President for Consumer Affairs and a life-long champion of consumer causes, and it appeared in, of all places, a supermarket advertisement. Mrs. Peterson, now the consumer adviser to Giant Food supermarkets, was announcing a new commitment by her company to a consumer "bill of rights." As a first step, Giant Food proclaimed, "Goodbye slide rule . . . welcome unit pricing!" It said more than 7000 items would be labeled with both their package price and their price per pound, pint, quart or 100-count.

Giant Food is not alone in embarking on a "consumerism" program. Catering to the rising demand for clear and complete information, many supermarkets are trying to outdo one another promotionally with consumer-oriented campaigns. Some chains have started putting freshness dates on meat, bread, cottage cheese and other perishables, or have posted lists of laundry detergents with their phosphate levels, or have handed out Government leaflets on food buying, or have run educational ads about nutrition.

The biggest swing has been to unit pricing, something CU proposed (we were hardly first with the idea) after giving a shopping test to college-educated housewives (CONSUMER REPORTS, January 1969). Asked to buy the package of 14 everyday items offering the largest amount for the lowest price, they succeeded in only about half their purchases. They did no better than others like them had done in an identical test in 1962, before the Federal Fair Packaging and Labeling Act forced packagers to display net contents clearly and conspicuously on the front of the package. Without unit prices, there are still simply too many different package sizes and too many cents-off labels, calling for too many arithmetic problems, to allow a shopper to make consistently accurate price comparisons.

GROCERS FOUGHT BACK

One aroused reader of CU's report was Bess Myerson Grant, commissioner of the New York City Department of Consumer Affairs. She issued a departmental regulation to require unit-price labeling of several groups of supermarket items. But most supermarkets would have none of it. Through the New York State Food Merhcants Association, they fought the regulation in hearings, and when that failed they fought it in court. And they won. A state judge ruled that Mrs. Grant had exceeded her authority. Unit pricing was desirable, he said, but it would have to be legislated.

While New York grocers fought the idea in court, a number of supermarket chains voluntarily posted the unit prices of many, and in some cases all, packaged products. One of the first big chains to try unit pricing was Safeway. Persuaded by U.S. Representative Benjamin S. Rosenthal, a sponsor of unit-pricing legislation, Safeway experimented in two markets in the Washington, D.C., area. The Kroger Co. soon began a similar experiment in several Toledo, Ohio, stores; Jewel Food Stores tried unit pricing in Chicago.

By last December, according to the National Association of Food Chains, unit pricing had spread to about 35 supermarket chains; moreover, the New York State Food Merchants Association, apparently seeing the handwriting on the wall, had begun supporting a state unit-pricing law.

Instead of experimenting on relatively few products, several chains have begun chainwide, store-wide programs; those include King Soopers in Denver, Benner Tea Co. in Iowa, Red Owl stores in Minnesota, and Chatham Food Centers in Michigan. The Safeway chain announced in Washington, a year after its first two-store experiment, the expansion of unit pricing to several hundred products in 255 supermarkets in the District of Columbia, Virginia, Maryland and Delaware, probably as a prelude to chainwide use. Safeway, second in size only to A&P, has 2200 stores. "In two years," predicted Representative Rosenthal, "every chain in the U.S. will fall in line."

WILL THIS, TOO, PASS

Promotional tactics in the supermarkets come and go. The sweepstakes and games of the 1960's have all but disappeared, and trading stamps have faded from many stores. The same might happen a few years hence to unit pricing.

In its infancy, however, unit pricing is being studied intensely for consumer appeal. Kroger's Toledo experiment became the subject of an industry-financed doctoral dissertation. Safeway and the National Association of Food Chains financed a scholarly study of its Washington test. Jewel Food Stores conducted hundreds of interviews.

Those studies leave no doubt about consumers' desire for unit pricing once they catch on to what it is. Researchers asked the following questions, in roughly similar form, and received the following replies:

[In percent]

	Jewel	Safeway	Kroger
Have you noticed the new price labels?			
Customers answering yes	63	56	65.5
If you noticed the new price labels, did you try to use them?			
Customers answering yes	71.5	56	64
If you tried to use them, did you find them worthwhile?			
Customers answering yes	91	88	(1)

Not asked.

As you would expect, well-educated and affluent people were most likely to have noticed and used unit pricing. But it needn't be a tool for only the middle-aged, middle-income middle class. Among those people who saw and understood the information in the Kroger stores, black shoppers and shoppers for families with young children made the most use of the labels. A certain amount of advertising seemed to have helped call attention to the new information. Jewel Food Stores ran full-page newspaper spreads. Kroger stuffed explanations into shopping bags at the checkout counter.

More people actually used the unit-price information in Jewel Food Stores than in the other two chains. The reason almost certainly was that Jewel put the information in by far the easiest and most conspicuous form—a large green cardboard display label clipped to the shelf. Safeway and Kroger printed small, inconspicuous and unclear gummed labels on their computers and pasted the labels to shelf edges under product displays.

These early unit-price experiments didn't revolutionize buying habits. The stores didn't detect significantly heavier demand for low-priced products when people could actually compare prices. There as no sudden boom in sales of relatively low-priced supermarket brands or honest-to-goodness economy-size packages.

That was probably because shopping habits are slow to change, especially after you've discipined yourself to life as it's lived amid 7000 or 8000 different products and package sizes in the typical supermarket. To their credit, a few stores have helped stimulate price-consciousness by advertising complete lists of unit prices of a given commodity.

PERFECTING THE SHOPPING LIST

In self-defense against the unplanned confusion and the well-laid impulse-buying traps in the supermarket maze, thrifty shoppers learn to make as many buying decisions as possible *before* entering the store. Unit pricing opens the opportunity for better-prepared shopping trips. Perhaps it is too much to hope that newspapers will perform the service of publishing comparative-price lists as a regular feature for consumers—just as they publish lists of stock prices for investors. But local consumer groups could monitor prices in local markets and circulate price lists of at least the basic food and housekeeping items. With that kind of advance information available, personal shopping lists can be expanded to include the desired brands and sizes. Decisions can be made beforehand on the basis of preference and price.

As the supermarkets often point out in their ads, price isn't everything. To quote Jewel Food Stores, "Quality, taste, style and variety must all be taken into consideration in making a wise buying decision. Ease and time of preparation may also be important if time is short. Only you can make the decision."

Ah, yes, quality. If only you could detect it by reading the label. Packaged food in the supermarket, like food traded in the great commodities exchanges of New York and Chicago, is bought and sold sight unseen. Commodity traders do it by means of standardized quality grades and price per standard unit. Packagers of food and other goods for consumers know what quality goes into a package. They should be required to reveal quality, in terms of standardized grading, on the label.

Knowing only unit prices but not grades is far better, though, than knowing neither. In the long run, the Kroger study says, increased consumer sensitivity to food prices will make the market work better. It will eliminate needless package sizes and do away with the giant economy size that costs more per pound or pint than a smaller size, and thus make room on the supermarket shelves for more real variety. CU thinks it will also stiffen resistance to price increases.

MOM-AND-POP STORES

The biggest objection raised against unit pricing when it was first proposed was its cost to the supermarket. The past year's experiments have proved those costs to be negligible. Kroger Co. estimated $2500 per store per year, Jewel Foods about $1000, other chains as low as $300. But what about the burden on small neighborhood groceries and delicatessens, the so-called mom-and-pop stores owned and operated by one person or family? At present, they do not usually stamp *any* price on the package. Yet their prices are ordinarily higher than supermarket prices, and in many poor neighborhoods they are the only food stores.

In Massachusetts, where the nation's first unit-pricing law went into effect January 1, individually owned one-store operations are exempt. While small food stores must not be driven out of business, CU believes inexpensive methods can be developed for putting both the price per package and the price per unit on every self-service item.

Price labeling should not be left to chance. Every self-service store should be required to post unit prices. A uniform set of rules should determine, nationwide, whether a package should be priced by the pound or the ounce, by the quart, the pint or the gallon, by the square foot, the square yard or the square inch, by the 10-count, the 50-count, or the 100-count. And a standard should be laid down for the size, the conspicuousness, and the location of the price tag. All that calls for something more dependable than consumerism promotional sales campaigns, welcome though they are. What it calls for, CU thinks, is a Federal law.

JOINT RESOLUTIONS

By Mr. CHURCH (for himself and Mr. MATHIAS):

S.J. Res. 48. Joint resolution to repeal authorization for the employment of armed forces for the protection of Formosa and the Pescadores. Referred to the Committee on Foreign Relations.

(The remarks of Mr. Church when he introduced the joint resolution and the ensuing debate appear later in the Record under the appropriate heading.)

By Mr. PERCY:

S.J. Res. 49. Joint resolution authorizing the President to issue a proclamation designating the period from April 17, 1971, through April 25, 1971, as "National Photography Week." Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, the photography industry with which I had an association for a quarter century, continues to be one of the most exciting, challenging, and fastest growing industries in the United States, and virtually every one of us has an interest in, or is affected by, the latest developments in photography. It is not just the filmmaker, the artist, or the professional photographer who has a stake in the innovations of the photographic industry, but the classroom teacher, the scientist, and the amateur photographer as well.

To focus attention on the size, scope, and innovations of the photography industry, the National Association of Photographic Manufacturers is planning an exhibition for the week of April 17–25 in the new McCormick Place in Chicago. On display will be the latest in cameras, film, projectors, and electronic equipment as developed by over 400 manufacturers in the United States and 11 other countries. I think this exposition, to be called the Universe of Photography, will be a show well worth attending and I urge anyone who can to attend.

At this time I would like to introduce a Senate joint resolution which recognizes the importance and accomplishments of the photography industry.

By Mrs. SMITH:

S.J. Res. 50. Joint resolution authorizing the President to issue annually a proclamation designating June 3 of each year as "National Navy Wives Clubs of America Day." Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S.J. Res. 51. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States. Referred to the Committee on the Judiciary.

Mr. BROOKE. Mr. President, I am introducing today a constitutional amendment to provide for direct popular election of the President. The proposal sets forth a procedure of presidential selection by the voters, unencumbered by the will of either the Congress or some variation of the electoral college.

The bill establishes that a clear majority—50 percent or more—of the popular vote figure would be required to elect a President. In the event that no candidate receives a majority of the vote, then the contest shall be decided by use of a modified district plan. Under this contingency mechanism, each candidate would be awarded one electoral unit for each electoral district in the United States in which he received the greatest number of votes. Each of the electoral districts shall conform to a congressional district. Should no candidate receive a majority of the electoral units, then the candidate in this count with the fewest units, as well as any candidate with less than 10 percent of the total units, will be eliminated, and each of his units shall be transferred and credited to the eligible candidate who received the next largest number of votes in that district. This process shall continue until one candidate has received a majority of the electoral units.

This plan has three distinct advantages.

First, it provides that the man selected President will have majority support from the Nation which he will govern for the succeeding 4 years. Its effect will be to insure that the selection of the candidate who has proven the broadest nationwide voter support.

Second, the winner will be determined solely on the basis of the popular vote. There will be no separate voting procedure by an independent body, not necessarily acting in accord with the popular vote.

Finally, each candidate would have an influence in the outcome of the election only in direct relation to the number of popular votes which he received.

I am hopeful that a linkage of an automatic district plan with a 50-percent requirement can become the basis of the workable compromise for which many Senators have been searching for several years. In view of the national concern over the present method of selecting a President, and in view of the principle that majoritarianism lies at the basis of the American system of government, I urge that the Senate give thorough and prompt consideration to this bill.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 51

Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article —

"Section 1. The people of the several States and the District constituting the seat of government of the United States shall be the electors of the President and Vice President. In such elections, each elector shall cast a single vote for two persons who shall have consented to the joining of their names on the ballot for the offices of President and Vice President. No persons shall consent to their name being joined with that of more than one other person.

"Sec. 2. The electors in each State shall have the qualifications requisite for the electors of Members of the Congress from that State, except that any State may adopt less restrictive residence requirements for voting for President and Vice President than for Members of Congress and Congress may adopt uniform residence and age requirements for voting in such elections. The Congress shall prescribe the qualifications for electors from the District of Columbia.

"Sec. 3. The pair of persons joined as candidates for President and Vice President who receive the greatest number of votes cast in all States and the District of Columbia shall be President and Vice President if that number is at least 50 per centum of the total number of such votes certified. If no pair of such persons receives at least 50 per centum of the total number of such votes certified the pair of such persons credited with a majority of the electoral units of the United States shall be President and Vice President.

"Each pair of persons joined as candidates for President and Vice President shall be credited with one electoral unit for each electoral district of a State, from which a Member of the House of Representatives may be elected, in which they received the greatest number of votes cast for President and Vice President; and one electoral unit for each electoral district of the District of Columbia in which they received the greatest number of votes cast for President and Vice President. Such electoral districts within the District of Columbia shall be established by the Congress in number equal to the number of Representatives in Congress to which the District would be entitled if it were a State.

"If no pair of such persons is credited under the preceding paragraph with a majority of the electoral units of the United States, the pair credited with the smallest number of such units, and each pair credited with less than 10 per centum of the total number of electoral units of the United States, shall be eliminated from further consideration. When a pair of persons joined as candidates is eliminated from further consideration, each electoral unit credited to them, for their receipt of the greatest number of votes cast for President and Vice President in an electoral district of a State or the District of Columbia, shall be transferred and credited to the pair of candidates, among those pairs remaining under consideration, who received the next largest number of votes cast for President and Vice President in that electoral district. If, after such transfer of electoral units, no pair of candidates is credited with a majority of the electoral units of the United States, the pair of candidates then credited with the smallest number of such units shall be eliminated from further consideration, and each electoral unit credited to the pair of candidates so eliminated shall be transferred and credited to another pair of candidates in the manner prescribed by the preceding sentence. The elimination of pairs of candidates from consideration and the transfer and crediting of electoral units to other pairs of candidates shall continue in the manner prescribed by this paragraph until a pair of candidates is credited with a majority of the electoral units of the United States.

"Sec. 4. The days for such elections shall be determined by Congress and shall be the same throughout the United States. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by the Congress for such elections in the District of Columbia.

"Sec. 5. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"Sec. 6. If, at the time fixed for declaring the results of such elections, the presidential candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress may by law provide for the case of the death or withdrawal of any candidate or candidates for President and Vice President and for the case of the death of both the President-elect and Vice-President-elect and, further, the Congress may by law provide for the case of a tie.

"SEC. 7. The Congress shall have power to enforce this article by apppropriate legislation.

"SEC. 8. This article shall take effect on the 1st day of May following its ratification."

By Mr. SPARKMAN (for himself and Mr. TOWER):

S.J. Res. 52. Joint resolution increasing the authorizations for comprehensive planning grants and open-space land grants. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JAVITS:

S.J. Res. 53. Joint resolution to authorize and request the President to proclaim the period April 18, 1971, through April 25, 1971, as "Occupational Health Nurses Week." Referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, I introduce a joint resolution to authorize and request the President to proclaim the period of April 18 through April 25, 1971, as Occupational Health Nurses Week.

This period will coincide with the annual joint meeting of the American Association of Industrial Nurses and the Industrial Medical Association, known as the American Industrial Health Conference. This year's meeting will be of particular significance in light of the recent passage of the Occupational Safety and Health Act of 1970, a landmark bill which will be of direct and immediate benefit to the bulk of our Nation's 80 million workers. The Senator from New Jersey (Mr. WILLIAMS) and I had the honor of obtaining passage of the Occupational Health and Safety Act of 1970.

I think it is critical, at a time when the services of nurses are so highly required, that we signalize their participation by setting aside a time when they may be suitably recognized.

The annual American Industrial Health Conference is evidence of the great concern of the American Association of Health Nurses for the right of American workers to employment free of health hazards, and the designation of an Occupational Health Nurses Week would be a fitting tribute to their willingness to perform their essential function as part of the medical profession in guaranteeing this right.

Mr. President, I ask unanimous consent that the joint resolution, together with a copy of a letter from the American Association of Industrial Nurses, may be made a part of my remarks.

There being no objection, the joint resolution and letter were ordered to be printed in the RECORD, as follows:

S. J. RES. 53

Joint resolution to authorize and request the President to proclaim the period April 18, 1971, through April 25, 1971, as "Occupational Health Nurses Week"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, since (1) occupational health nursing is the application of nursing principles in conserving the health of workers in all occupations, involving prevention, recognition and treatment of illness and injury and requiring special skills and knowledge in the fields of health education and counseling, environmental health, rehabilitation and human relations, and (2) the American Association of Industrial Nurses and the Industrial Medical Association will hold its annual joint meeting known as the American Industrial Health Conference during the week of April 18, 1971, to provide an opportunity for members of the two groups to exchange ideas and experience, and to discuss new methods of practice in their profession important to the health and safety of the American working force, the President is authorized and requested to issue a proclamation designating the period April 18, 1971, through April 25, 1971, as "Occupational Health Nurses Week", and calling upon the people of the United States to observe such with appropriate ceremonies and activities.

AMERICAN ASSOCIATION OF
INDUSTRIAL NURSES, INC.,
New York, N.Y., January 29, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: The American Association of Industrial Nurses is the professional organization of registered nurses engaged in the specialty field of occupational health nursing.

By definition occupational health nursing is the application of nursing principles in conserving the health of workers in all occupations. It involves prevention, recognition and treatment of illness and injury and requires special skills and knowledge in the fields of health education and counseling, environmental health, rehabilitation and human relations.

Each year the American Association of Industrial Nurses and the Industrial Medical Association hold a joint meeting which is known as the American Industrial Health Conference. This meeting provides an opportunity for members of the two groups to exchange ideas and experience, and to discuss new methods of practice in their profession so important to the health and safety of the working force which is vital to the continued growth and prosperity of our nation. Their untiring effort effects tremendous benefit to both industry and the employee.

The occupational health nurse makes an outstanding contribution to the health and well-being of the worker. It is with this in mind and an awareness of the esteem in which the nurse is held that we ask you to take the necessary steps to implement the issuance of a Congressional resolution authorizing President Nixon to honor all nurses in this field by proclaiming the week of April 18, 1971 Occupational Health Nurses Week. The American Industrial Health Conference will be held during that week in Atlanta, Georgia.

We will be pleased to supply additional information about the American Association of Industrial Nurses and the nursing specialty, if necessary.

Sincerely yours,
DOROTHY M. SALLER, R.N.,
Executive Director.

By Mr. JAVITS (for himself, Mr. BUCKLEY, Mr. CASE, and Mr. WILLIAMS):

S.J. Res. 54. Joint resolution granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for entering into the Airport Commission Compact, and for other purposes. Referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, on behalf of Senators BUCKLEY, CASE, WILLIAMS, and myself, and for the States of New York and New Jersey, I introduce a joint resolution authorizing the States of New York and New Jersey to enter into an airport commission compact and to make certain amendments to the existing Waterfront Commission Compact.

The same legislation is being introduced simultaneously in the House of Representatives under the auspices of the steering committee of the New York congressional delegation by the senior member of the New York congressional delegation, Congressman CELLER, and 24 other Representatives from New York, as well as by Congressman RODINO and the 14 other New Jersey Congressmen for the New Jersey delegation.

In July of last year the same joint resolution was referred to the Committee on the Judiciary and rereferred for a limited time to the Commerce Committee on Commerce for substantive review. After hearing testimony in September of 1970 in favor and in opposition to the joint resolution, the Commerce Committee favorably reported the joint resolution to the Senate, recommending that it pass. Pursuant to previous agreements it was again referred to the Judiciary Committee which unfortunately did not act on it before the session was over. Except for 2 days of hearing, the House did not have the opportunity to act upon it at all. The problem is extremely serious and it has been looked into by the Select Committee on Small Business and other committees of the Senate.

Mr. President, the intent of this Airport Commission Compact is to help prevent air cargo thefts at the major airports in the New York City metropolitan area by authorizing the existing Waterfront Commission of New York and New Jersey to regulate the air freight industry in this area. The Commission would be renamed the "Waterfront and Airport Commission of New York and New Jersey." The Commission's primary functions at the airports would include the promulgation of regulations to provide physical security for air freight; the licensing of trucking firms which transport air cargo, their truck personnel, the operators of air freight terminals, the airport employees handling air freight, and the labor relations consultants in the air freight industry; and the designation and protection of air freight security areas at which access would be granted only to those with Commission approval. Under the provisions of the compact the program would be financed by assessments levied upon the air freight industry—the immediate beneficiary of improved conditions at the airports—rather than from Federal or New York or New Jersey State taxes.

This compact admittedly grants significant powers to the Commission. It would be given discretion to determine who is and who is not permitted to handle freight. Ordinarily, I would be loathe to grant any Government agency such life and death power over the jobs of workers. But, I feel Congress should give its consent to this agreement; first, because the deplorable problem of cargo theft at the

New York area facilities has so far not been resolved by the best efforts of Government and private business using the ordinary tools afforded by the law; and second, because this compact represents the will of two sovereign States and, as such, deserves our consent—unless we have something better to offer in the way of Federal law. We do not have such a substitute now—perhaps we may later. Under the circumstances, we cannot, in good conscience, repudiate the expressed will of two State legislatures, and the request of Governors Rockefeller and Cahill.

The Waterfront Commission, after which the Airport Commission has been modeled has been substantially successful insofar as it was called upon to put an end to racketeering on the docks. All evidence points to the fact that it has not abused its discretion to license people to work. It has been trustworthy in exercising its discretion properly and there is no reason to believe that extension of its authority to the airports would produce different results. The Waterfront Comission, however, was not designed to combat theft per se, as is this Airport Commission extension.

As I stated on the floor in introducing the joint resolution at the last session of Congress and in testimony before the Committee on Commerce, evidence submitted to the States of New York and New Jersey and at hearings before the Senate's Small Business Committee, on which I serve as ranking minority member, makes it clear that legislation such as this is urgently needed.

Witnesses describing the extensiveness of this theft and citing the pervasive existence of criminals and corrupt practices in the handling of aircargo, especially in the New York-New Jersey metropolitan area, have pleaded for governmental intervention and assistance, but until now little has been done. Reported airfreight thefts at Kennedy Airport in 1963, for example, amounted approximately to $45,000. In 1967, these known and reported thefts soared to $2,000,000 and in 1969 to $3,300,000. The airlines have reported thefts of $1,834,000 for 1970. The 1969 estimate for the Nation's aircargo theft was somewhere between $50 million and $100 million, I am told.

It should be emphasized, however, that these theft figures represent only known losses as reported by the airlines. They do not represent the extent of airfreight thievery. They do not include the estimated $65,000,000 in postal thefts from 1967 through 1969 at Kennedy Airport, for example, nor do they represent losses that are unreported as thefts merely because the place or the cause of the loss cannot be determined. One witness told the Small Business Committee, to cite a releated example, that the identified thefts in 1968 on the New York waterfront amounted to $1,451,000 but that the more realistic amount should be closer to $20 million.

The problem is growing tremendously, not only at our Nation's airports. Our piers, truck routes, and, as we now discover, our railroads have been struck by this thievery. Both the petty thief and the organized syndicates find cargo easy pickings. The lead story in Life magazine's February 12, 1971, issue described this presence of organized crime and labor racketeers at the airports, for example, and the concomitant rise in air cargo thefts. Indeed, the problem having grown so acute, the Committee on Commerce is about to launch a major investigation into the impact of organized crime on the various modes of transportation as well as on other aspects of commerce. The total estimated cargo loss for the Nation in 1969 reportedly reached $1,200,000,000.

In 1969 Kennedy Airport handled more than $9½ billion worth of cargo, 22 percent more than in 1968, and with the coming of the mammoth cargo aircraft, air cargo traffic is expected to quadruple during this decade. Certainly some regulatory control is needed. This cargo pilferage in the New York-New Jersey area must be stopped. Because shipments from throughout the country, and indeed throughout the world filter through the New York-New Jersey center, businessmen worldwide are affected and, ultimately, it is the consumer who pays the crime inflated price of this unchecked pilferage.

Other efforts are being made to curb the problems of cargo theft, not at all inconsistent with this joint resolution I am introducing. Largely as a result of hearings on cargo theft conducted by the Small Business Committee, the senior Senator from Nevada (Mr. Bible) introduced last year S. 3595, which I cosponsored. Shortly, Senator Bible will again introduce this bill. It embodies the imaginative concept of bringing together the resources of the private sector and the expertise of the Federal Government, establishes a commission to investigate over 2 years the problem of thefts in all modes of transportation—air, truck, rail and water—and to make legislative recommendations to end cargo theft.

The joint resolution I am introducing today is entirely consistent with Senator BIBLE's bill for that bill specifically provides:

> The Congress further finds that State and local governments, through exercise of their regulatory powers, have an equal responsibility in stimulating measures to enhance the safety and security of cargo storage and transport.

The Treasury Department is actively moving to regulate air cargo theft, too. The Department has announced revised regulations to go into effect April 1, 1971, which will require strict cargo accountability and theft reporting, improved standards for the handling and storage of international cargo, a better authentication of pickup orders and verification of delivered quantities, and authorization for the district directors of customs to require bonded warehouse operators, customhouse brokers, and carriers to submit lists of their employees. Still under review is a proposed regulation which would require the issuance and display of photo-identification cards within areas where there is a high incidence of theft and pilferage, and legislation that would authorize the Secretary of the Treasury to set comprehensive national standards for storage and handling of international cargo is being processed within the executive branch.

Unfortunately, Treasury's jurisdiction does not extend to domestic trade, not even interstate domestic trade, nor is it likely that any legislation Treasury might recommend could become operative within a year's time.

The Commission, however, would have jurisdiction to safeguard not only international cargo but also domestic cargo flowing through the New York-New Jersey metropolitan airports and its program could become operative almost immediately.

It should be noted also that the Commission's authority is intended to be entirely consistent with the Treasury Department's efforts in this area. Of course, to the extent any valid Federal regulation of law subsequently were found to be inconsistent, the Federal initiative would prevail.

Mr. President, there is no question that we need a national program, one which can be marshalled whenever and wherever we are faced with a high incidence of cargo theft and I am most hopeful that the Congress will enact some legislation that will help stem this criminal threat at our airports as soon as possible. It appears that industry and business have been unable to cope with this problem alone. In the meantime, however, the problem is too acute in the New York-New Jersey area to wait even another year for a national program. The States of New York and New Jersey have agreed upon and enacted a program which can be put into effect immediately if the Federal Government gives the plan its consent.

The Committee on Commerce recognizing the need and support for a national program for cargo security, specifically stated when favorably reporting the joint resolution to the Senate last year:

> Nevertheless, with respect to the present legislation (the joint resolution) there is a presumption in favor of State action, unless it can be shown. conclusively that the interstate compact is in conflict with existing Federal law; or that it would be detrimental to interstate and foreign commerce; or that there is imminent Federal legislation which would conflict with the interstate compact. On the basis of the hearing record, such a showing has not been made.

To the best of my knowledge this is still the case.

Mr. President, this is an excellent initiative taken by two States in the best tradition of our federal structure. I urge that the Congress consider it expeditiously in order to permit the States of New York and New Jersey to deal quickly with this extremely serious condition at the New York-New Jersey metropolitan area airports.

We are not seeking at this time a reference successively to the Committee on the Judiciary and the Committee on Commerce because the Committee on Commerce has already passed on the matter and the compact is the same as the one we submitted in the last Congress. We are acting here at the request of the two States and the Governors of the two States and I hope the measure receives expeditious action. As I had mentioned if there is Federal action or if Federal law of any character covers the situation, naturally, to the extent that would be inconsistent with this compact, that would preempt the respective bi-State regulation.

Mr. President, I ask unanimous consent that a brief summary of the joint resolution and the resolution may be printed in the RECORD.

There being no objection, the joint resolution and summary were ordered to be printed in the RECORD, as follows:

S.J. RES. 54

Joint resolution granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for entering into the Airport Commission Compact, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a. The consent of Congress is hereby given to the States of New Jersey and New York for entering into certain amendments to the Waterfront Commission Compact between the States of New Jersey and New York for which compact the consent of Congress was given by the Act of August 12, 1953 (67 Stat. 541), which amendments result in articles II and III of said Waterfront Commission Compact reading substantially as follows:

ARTICLES II AND III OF WATERFRONT COMMISSION COMPACT AS AMENDED

"ARTICLE II

"DEFINITIONS

"As used in this compact:

" 'The Port of New York district' shall mean the district created by Article II of the compact dated April 30, 1921, between the States of New York and New Jersey, authorized by chapter 154 of the laws of New York of 1921 and chapter 151 of the laws of New Jersey of 1921.

" 'Commission' shall mean the waterfront and airport commission of New York and New Jersey established by Article III hereof.

" 'Pier' shall include any wharf, pier, dock or quay.

" 'Other waterfront terminal' shall include any warehouse, depot or other terminal (other than a pier) which is located within 1,000 yards of any pier in the Port of New York district and which is used for waterborne freight in whole or substantial part.

" 'Person' shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity but shall not include the United States, any State or territory thereof or any department, division, board, commission or authority of one or more of the foregoing.

" 'Carrier of freight by water' shall mean any person who may be engaged or who may hold himself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise (except for carriage of liquid cargoes in bulk in tank vessels designed for use exclusively in such service or carriage by barge of bulk cargoes consisting of only a single commodity loaded or carried without wrappers or containers and delivered by the carrier without transportation mark or count) in the carriage of freight by water between any point in the Port of New York district and a point outside said district.

" 'Waterborne freight' shall mean freight carried by or consigned for carriage by carriers of freight by water.

" 'Longshoreman' shall mean a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal, either by a carrier of freight by water or by a stevedore.

"(a) physically to move waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, or

"(b) to engage in direct and immediate checking of any such freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores, or

"(c) to supervise directly and immediately others who are employed as in subdivision (a) of this definition.

" 'Pier superintendent' shall mean any natural person other than a longshoreman who is employed for work at a pier or other waterfront terminal by a carrier of freight by water or a stevedore and whose work at such pier or other waterfront terminal includes the supervision, directly or indirectly, of the work of longshoremen.

" 'Port watchman' shall include any watchman, gateman, roundsman, detective, guard, guardian or protector of property employed by the operator of any pier or other waterfront terminal or by a carrier of freight by water to perform services in such capacity on any pier or other waterfront terminal.

" 'Longshoremen's register' shall mean the register of eligible longshoremen compiled and maintained by the commission pursuant to Article VIII.

" 'Stevedore' shall mean a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with a carrier of freight by water, in moving waterborne freight carried or consigned for carriage by such carrier on vessels of such carrier berthed at piers, on piers at which such vessels are berthed or at other waterfront terminals.

" 'Hiring agent' shall mean any natural person, who on behalf of a carrier of freight by water or a stevedore shall select any longshoreman for employment.

" 'Compact' shall mean this compact and rules or regulations lawfully promulgated thereunder.

"ARTICLE III

"WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND NEW JERSEY

"1. There is hereby created the waterfront and airport commission of New York and New Jersey, which shall be a body corporate and politic, an instrumentality of the States of New York and New Jersey.

"2. The commission shall consist of four members, two to be chosen by the State of New Jersey and two to be chosen by the State of New York. The members representing each State shall be appointed by the Governor of such State with the advice and consent of the Senate thereof, without regard to the State of residence of such members, and shall receive compensation to be fixed by the Governor of such State. The term of office of each member shall be for 4 years; provided, however, that the two present members of the commission heretofore appointed shall continue to serve as members until the expiration of the respective terms for which they were appointed, that the term of the two new members shall expire on June 30, 1973, and that the term of the successors to the present members shall expire on June 30, 1975. Each member shall hold office until his successor has been appointed and qualified. Vacancies in office shall be filled for the balance of the unexpired term in the same manner as original appointments.

"3. Three members of the commission shall constitute a quorum; but the commission shall act only by a majority vote of all its members. Any member may, by written instrument filed in the office of the commission, designate any officer or employee of the commission to act in his place as a member whenever he shall be unable to attend a meeting of the commission. A vacancy in the office of a member shall not impair such designation until the vacancy shall have been filled. The commission shall elect one of its members to serve as chairman for a term of 1 year; provided, however, that the term of the first chairman shall expire on June 30, 1971. The chairman shall represent a State other than the State represented by the immediately preceding chairman."

b. The consent of Congress is further given to the States of New Jersey and New York for entering into the Airport Commission Compact as authorized by chapter 951 of the laws of the State of New York of 1970, and by chapter 58 of the laws of the State of New Jersey of 1970, and reading substantially as follows:

AIRPORT COMMISSION COMPACT

"ARTICLE I

"FINDINGS AND DECLARATIONS

"1. The States of New York and New Jersey hereby find and declare that the movement of freight through the two States is vital to their economies and prosperity; that ever increasing amounts of such freight are being carried by the air freight industry; that said air freight industry in the two States constitutes an inseparable and integral unit of the commerce of the two States; that criminal and racketeer elements have infiltrated the air freight industry; that such criminal infiltration is threatening the growth of said air freight industry: that one of the means by which such criminal and racketeer elements infiltrate the air freight industry is by posing as labor relations consultants and that firms handling air freight are often forced to employ or engage such persons; that the air freight industry is suffering an alarming rise in the amount of pilferage and theft of air freight; and that it is imperative to the continued growth and economic well-being of the States of New York and New Jersey that every possible effective measure be taken to prevent the pilferage and theft of air freight and the criminal infiltration of the air freight industry.

"2. The States of New York and New Jersey hereby find and declare that many of the evils existing in the air freight industry result not only from the causes above described but from the lack of regulation of the air freight industry in and about the Port of New York district; that the air freight industry is affected with a public interest requiring regulation, just as the States of New York and New Jersey have heretofore found and declared in respect to the shipping industry; and that such regulation of the air freight industry shall be deemed an exercise of the police power of the two States for the protection of the public safety, welfare, prosperity, health, peace and living conditions of the people of the States.

"ARTICLE II

"DEFINITIONS

"As used in this compact:

"1. 'Commission' shall mean the waterfront and airport commission of New York and New Jersey established by part I, article III, of this act.

"2. 'Airport' shall mean any area on land, water or building or any other facility located within the States of New York and New Jersey (except a military installation of the United States Government) (a) which is located within one hundred miles of any point in the Port of New York district, (b) which is used, or intended for use, for the landing and take-off of aircraft operated by an air carrier, and any appurtenant areas which are used or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings, equipment, aircraft, and facilities located thereon, and (c) where the total tonnage of air freight in a calandar year loaded and unloaded on and from aircraft exceeds twenty thousand tons.

"3. 'Air carrier' shall mean any person who may be engaged or who may hold himself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise, in the carriage of freight by air.

"4. 'Air freight' shall mean freight (including baggage, aircraft stores and mail) which is, has been, or will be carried by or consigned for carriage by an air carrier.

"5. 'Air freight terminal' shall include any warehouse, depot or other terminal (other than an airport) (a) any part of which is located within an airport and any part of which is used for the storage of air freight, or (b) which is operated by an air carrier or a contractor of an air carrier and any part of which is used for the storage of air freight and any part of which is located within the Port of New York district.

"6. 'Air freight terminal operator' shall mean the owner, lessee, or contractor or such person (other than an employee) who is in direct and immediate charge and control of an air freight terminal, or any portion thereof.

"7. 'Air freight truck carrier' shall mean a contractor (other than an employee) engaged for compensation pursuant to a contract or arrangement, directly or indirectly, with an air carrier or air carriers or with an air freight terminal operator or operators in the moving of freight to or from an airport or air freight terminal by a truck or other motor vehicle used primarily for the transportation of property.

"8. 'Air freight security area' shall mean any area located within the airport to which the commission determines that limited ingress and egress is required for the protection and security of any air freight located within the airport.

"9. 'Airfreightman' shall mean a natural person who is employed

"(a) by any person to physically move or to perform services incidental to the movement of air freight at an airport or in an air freight terminal or

"(b) by an air carrier or an air freight terminal operator or an air freight truck carrier to transport or to assist in the transportation of air freight to or from an airport or air freight terminal; or

"(c) by any person to engage in direct and immediate checking of any air freight located in an airport or in an air freight terminal or of the custodial accounting therefor.

"10. 'Airfreightman supervisor' shall mean a natural person who is employed to supervise directly and immediately the work of an airfreightman at an airport or at an air freight terminal.

"11. 'Airfreightman labor relations consultant' shall mean any person who, pursuant to any contract or arrangement, advises or represents an air carrier, an air freight terminal operator, or an air freight truck carrier, or an organization of such employers (whether or not incorporated), or a labor organization representing any airfreightman or airfreightman supervisors, concerning the organization or collective bargaining activities of airfreightmen or airfreightman supervisors, but shall not include any person designated by any government official or body to so act or any person duly licensed to practice law as an attorney in any jurisdiction. As used in this paragraph, the term 'labor organization' shall mean and include any labor organization to which section eleven of part V of this act is applicable.

"12. 'Person' shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity but shall not include the United States, any State or territory thereof or any department, division, board, commission or authority of one or more of the foregoing or any officer or employee thereof while engaged in the performance of his official duties.

"13. 'The Port of New York district' shall mean the district created by article II of the compact dated April thirtieth, nineteen hundred twenty-one, between the States of New York and New Jersey, authorized by chapter one hundred fifty-four of the laws of New York of nineteen hundred twenty-one and chapter one hundred fifty-one of the laws of New Jersey of nineteen hundred twenty-one, and any amendments thereto.

"14. 'Court of the United States' shall mean all courts enumerated in section four hundred fifty-one of title twenty-eight of the United States code and the courts-martial of the armed forces of the United States.

"15. 'Witness' shall mean any person whose testimony is desired in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this act.

"16. 'Compact' shall mean this compact and rules and regulations lawfully promulgated thereunder and shall also include any amendments or supplements to this compact to implement the purposes thereof adopted by the action of the legislature of either the State of New York or the State of New Jersey concurred in by the legislature of the other.

"ARTICLE III

"GENERAL POWERS OF THE COMMISSION

"In addition to the powers and duties of the commission elsewhere conferred in parts I, II, III, and V of this act, the commission shall have the power:

"1. To administer and enforce the provisions of this compact;

"2. To establish such divisions and departments within the commission as the commission may deem necessary and to appoint such officers, agents and employees as it may deem necessary, prescribe their powers, duties and qualifications and fix their compensation and retain and employ counsel and private consultants on a contract basis or otherwise;

"3. To make and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this compact or to prevent the circumvention or evasion thereof including, but not limited to, rules and regulations (which shall be applicable to any person licensed by the commission, his employer, or any other person within an airport) to provide for the maximum protection of air freight, such as checking and custodial accounting, guarding, storing, fencing, gatehouses, access to air freight, air freight loss reports, and any other requirements which the commission in its discretion may deem to be necessary and appropriate to provide such maximum protection. The rules and regulations of the commission shall be effective upon publication in the manner which the commission shall prescribe and upon filing in the office of the secretary of state of each State. A certified copy of any such rules and regulations, attested as true and correct by the commission, shall be presumptive evidence of the regular making, adoption, approval and publication thereof;

"4. To have for its members and its properly dessignated officers, agents and employees, full and free access, ingress and egress to and from all airports, air freight terminals, all aircraft traveling to or from an airport and all trucks or other motor vehicles or equipment which are carrying air freight to or from any airport or air freight terminal for the purposes of conducting investigations, making inspections or enforcing the provisions of this compact; and no person shall obstruct or in any way interfere with any such member, officer, employee or agent in the making of such investigation or inspection or in the enforcement of the provisions of this compact or in the performance of any other power or duty under this compact;

"5. To make investigations, collect and compile information concerning airport practices generally, and upon all matters relating to the accomplishment of the objectives of this compact;

"6. To advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of this compact, upon all matters which the commission may desire, including but not limited to the form and substance of rules and regulations and the administration of the compact and the expeditious handling and efficient movement of air freight consistent with the security of such air freight;

"7. To make annual and other reports to the governors and legislatures of both States containing recommendations for the effectuation of the purposes of this compact;

"8. To issue temporary licenses and temporary permits under such terms and conditions as the commission may prescribe;

"9. In any case in which the commission has the power to revoke or suspend any license or permit the commission shall also have the power to impose as an alternative to such revocation or suspension, a penalty, which the licensee or permittee may elect to pay the commission in lieu of the revocation or suspension. The maximum penalty shall be five thousand dollars for each separate offense. The commission may, for good cause shown, abate all or part of such penalty;

"10. To determine the location, size and suitability of field and administrative offices and any other accommodations necessary and desirable for the performance of the commission's duties under this compact;

"11. To acquire, hold and dispose of real and personal property, by gift, purchase, lease, license or other similar manner, for its corporate purposes, and in connection therewith to borrow money;

"12. To recover possession of any card or other means of identification issued by the commission as evidence of a license or permit in the event that the holder thereof no longer is a licensee or permittee;

"13. To require any licensee or permittee to exhibit upon demand the license or permit issued to him by the commission or to wear such license or permit.

"The powers and duties of the commission may be exercised by officers, employees and agents designated by them, except the power to make rules and regulations. The commission shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either State concurred in by the legislature of the other.

"ARTICLE IV

"AIRFREIGHTMEN AND AIRFREIGHTMAN SUPERVISORS

"1. On and after the ninetieth day after the effective date of this compact, no person shall act as an airfreightman or an airfreightman supervisor within the State of New York or the State of New Jersey without having first obtained from the commissions a license to act as such air freightman or airfreightman supervisor, as the case may be, and no person shall employ another person to act as an airfreightman or airfreightman supervisor who is not so licensed.

"2. A license to act as an airfreightman or airfreightman supervisor shall be issued only upon the written application, under oath, of the person proposing to employ or engage another person to act as such airfreightman or airfreightman supervisor, verified by the prospective licensee as to the matters concerning him, and shall set forth the prospective licensee's full name, residence address, social security number, and such further facts and evidence as may be required by the commission to determine the identity, the existence of a criminal record, if any, and the eligibility of the prospective licensee for a license.

"3. The commission may in its discretion deny the application for such license submitted on behalf of a prospective licensee for any of the following causes:

"(a) Conviction by a court of the United States or any State or territory thereof, without subsequent pardon, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter, coercion or any felony or high misdemeanor or any of the following misdemeanors or offenses (excluding, however, any conviction for a misdemeanor or lesser offense arising out of physical misconduct committed during the course of lawful organizational or collective bargaining activities of any labor organization): illegally using, carrying or possessing a pistol or other dangerous weapon; making manufacturing or possessing burglar's instruments; buying or receiving stolen property; criminal possession of stolen property; unlawful entry of a building; criminal trespass; aiding an escape from prison; and unlawfully possessing, selling or distributing a dangerous drug;

"(b) Conviction by any such court, after having been previously convicted by any such court of any crime or of the offenses hereinafter set forth, of a misdemeanor or any of the following offenses (excluding, however, any conviction for a misdemeanor or lesser offenses arising out of physical misconduct committed during the course of lawful organizational or collective bargaining activities of any labor organization): assault, malicious injury to property, criminal mischief, malicious mischief, criminal tampering, unlawful use or taking of a motor vehicle, corruption of employees, promoting gambling, possession of gambling records or devices, or possession of lottery or number slips;

"(c) Fraud, deceit or misrepresentation in connection with any application or petition submitted to, or any interview, hearing or proceeding conducted by the commission;

"(d) Violation of any provision of this act or the commission of any offense thereunder;

"(e) Refusal on the part of the applicant, or prospective licensee, to answer any material question or produce any material evidence in connection with the application;

"(f) As to an airfreightman, his presence at the airports or airfreight terminals is found by the commission on the basis of the facts and evidence before it to constitute a danger to the public peace or safety;

"(g) As to an airfreightman supervisor, failure to satisfy the commission that the prospective licensee possesses good character and integrity;

"(h) Conviction of a crime or other cause which would permit reprimand of such prospective licensee or the suspension or revocation of his license if such person were already licensed.

"4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the prospective licensee possesses the qualifications and requirements prescribed in this article, the commission shall issue and deliver to the prospective licensee a license to act as an airfreightman or as an airfreightman supervisor, as the case may be, and shall inform the applicant of its action.

"5. The commission shall have the power to reprimand any airfreightman or airfreightman supervisor licensed under this article or to revoke or suspend his license for such period as the commission deems in the public interest for any of the following causes:

"(a) Conviction of a crime or other cause which would permit the denial of a license upon original application;

"(b) Fraud, deceit or misrepresentation in securing the license, or in the conduct of the licensed activity;

"(c) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the commission as evidence of a license, without satisfactory explanation;

"(d) False impersonation of another person who is a licensee or permittee of the commission under this compact;

"(e) Wilful commission of, or wilful attempt to commit at an airport or at an air freight terminal or adjacent highway any act of physical injury to any other person or of wilful damage to or misappropriation of any other person's property, unless justified or excused by law;

"(f) Violation of any of the provisions of this act or including or otherwise aiding or abetting any person to violate the terms of this act;

"(g) Addiction to the use of, or unlawful possession, sale or distribution of a dangerous drug;

"(h) Paying, giving, causing to be paid or giving or offering to pay or give to any person any valid consideration to induce such other person to violate any provision of this act or to induce any public officer, agent or employee to fail to perform his duty under this act;

"(i) Consorting with known criminals for unlawful purposes;

"(j) Receipt or solicitation of anything of value from any person other than the licensee's or permittee's employer as consideration for the selection or retention for employment of any person who is a licensee or permittee of the commission under this compact;

"(k) Coercion of any person who is a licensee or permittee of the commission under this compact by threat of discrimination or violence or economic reprisal to make purchases from or to utilize the services of any person;

"(l) Lending any money to or borrowing any money from any person who is a licensee or permittee of the commission under this compact for which there is a charge of interest or other consideration which is usurious;

"(m) Conviction of any criminal offense in relation to gambling, bookmaking, pool selling, lotteries or similar crimes or offenses if the crime or offense was committed at an airport or air freight terminal or within five hundred feet thereof;

"(n) Refusal to answer any material question or produce any material evidence lawfully required to be answered or produced at any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this act, or, if such refusal is accompanied by a valid plea of privilege against self-incrimination, refusal to obey an order to answer such question or produce such evidence made by the commission pursuant to the power of the commission under this act to grant immunity from prosecution;

"(o) Refusal to exhibit his license or permit upon the demand of any officer, agent or employee of the commission or failure to wear such license or permit when required;

"6. A license granted pursuant to this article shall expire on the expiration date (which shall be at least one year from the date of its issuance) set forth by the commission on the card or other means of identification issued by the commission as evidence of a license or upon the termination of employment with the employer who applied for the license. Upon expiration thereof, a license may be renewed by the commission upon fulfilling the same requirements as are set forth in this article for an original application.

"ARTICLE V

"AIR FREIGHT TERMINAL OPERATORS, AIR FREIGHT TRUCK CARRIERS, AND AIRFREIGHTMAN LABOR RELATIONS CONSULTANTS

"1. On and after the ninetieth day after the effective date of this compact, no person, except an air carrier, shall act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant within the State of New York or the State of New Jersey without having first obtained a license from the commission to act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant, as the case may be, and no person shall employ or engage another person to perform services as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant who is not so licensed.

"2. Any person intending to act as an air freight terminal operator or as an air freight truck carrier or as an air freightman labor relations consultant within the State of New York or the State of New Jersey shall file in the office of the commission a written application for a license to engage in such occupation duly signed and verified as follows:

"(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address (if any), present and previous occupations of each natural person so signing the same, and any other facts and evidence as may be required by the commission to ascertain the character, integrity, identity and criminal record, if any, of each natural person so signing such application.

"(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business, the names and addresses of, and the amount of the stock held by stockholders owning ten per cent or more of any of the stock thereof, and of all the officers (including all members of the board of directors). The requirements of subdivision (a) of this section as to a natural person who is a member of a partnership, and such requirements as may be specified in rules and regulations promulgated by the commission, shall apply to each such officer or stockholder and their successors in office or interest as the case may be.

"In the event of the death, resignation or removal of any officer, and in the event of any change in the list of stockholders who shall own ten per cent or more of the stock of the corporation, the secretary of such corporation shall forthwith give notice of the fact in writing to the commission, certified by said secretary.

"3. No such license shall be granted

"(a) If any person whose signature or name appears in the application is not the real party in interest required by section two of this article to sign or to be identified in the application or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest or if any such real party in interest does not sign the application;

"(b) Unless the commission shall be satisfied that the applicant and all members, officers and stockholders required by section two of this article to sign or be identified in the application for license possess good character and integrity;

"(c) If the applicant or any member, officer or stockholder required by section two of this article to sign or be identified in the application for license has, without subsequent pardon, been convicted by a court of the United States or any State or territory thereof of the commission of, or the attempt or conspiracy to commit any crime or offense described in subdivision (a) of section three of article IV of this compact. Any applicant ineligible for a license by reason of any such conviction may submit satisfactory evidence to the commission that the person whose conviction was the basis of ineligibility has for a period of not less than five years, measured as hereinafter provided and up to the time of application, so conducted himself as to warrant the grant of such license, in which event the commission may, in its discretion issue an order removing such ineligibility. The aforesaid period of five years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of his unrevoked release from custody by parole, commutation or termination of his sentence. Such petition may be made to the commission before or after the hearing on the application;

"(d) If, on or after the effective date of this compact, the applicant has paid, given, caused to have been paid or given or offered to pay or give to any officer or employee of any other person employing or engaging him in his licensed activity any valuable consideration for an improper or unlawful purpose or to unduce such officer or employee to procure the employment of the applicant in his licensed activity by such other person;

"(e) If, on or after the effective date of this compact, the applicant has paid, given, caused to have been paid, or given or offered to pay or give to any officer or representative of a labor organization any valuable consideration for an improper or unlawful purpose or to induce such officer or representative to subordinate the interest of such labor organization or its members in the management of the affairs of such labor organization to the interests of the applicant or any other person;

"(f) If, on or after the effective date of this compact, the applicant has paid, given, caused to have been paid or given or offered to pay or give to any agent or any other person any valuable consideration for an improper or unlawful purpose, or, without the knowledge and consent of such other person, to induce such agent to procure the employment of the applicant in his licensed activity by such other person.

"4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed in this article, the commission shall issue and deliver a license to the applicant.

"5. The commission shall have the power to reprimand any person licensed under this article or to revoke or suspend his license for such period as the commission deems in the public interest for any of the following causes on the part of the licensee or of any person required by section two of this article to sign or be identified in an original application for a license:

"(a) Any cause set forth in section five of article IV of this compact;

"(b) Failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of his licensed activities;

"(c) Failure to keep said books and records available during business hours for inspection by the commission and its duly designated representatives until the expiration of the fifth calendar year following the calendar year during which occurred the transactions recorded therein;

"(d) Failure to pay any assessment or fee payable to the commission under this compact when due.

"6. A license granted pursuant to this article shall expire on the expiration date (which shall be at least one year from the date of its issuance) set forth by the commission on the cards or other means of identification issued by the commission as evidence of a license. Upon expiration thereof, a license may be renewed by the commission upon fulfilling the same requirements as are set forth in this article for an original application.

"ARTICLE VI

"AIR FREIGHT SECURITY AREA

"1. On or after the effective date of this compact, the commission shall have the power to designate any area located within an airport as an air freight security area. No person who is not licensed by the commission pursuant to this compact shall have ingress to an air freight security area unless issued a permit by the commission.

"2. Any person who is not licensed by the commission pursuant to this compact and who desires upon any occasion ingress to an air freight security area shall apply at the entrance to such area for a permit for ingress for that particular occasion. In order to secure a permit, a prospective permittee must show identification establishing his name and address and he may be required by the commission to sign a consent to the surrender of his permit upon egress from such area and, if he is driving a motor vehicle, to an inspection of his motor vehicle upon egress from such area. Any person desiring a permit to enter an air freight security area may be denied such permit by the commission in its discretion if the commission determines that the presence of such person in such area would constitute a danger to the public peace or safety.

"3. Any person whose business, employment or occupation requires him to have ingress upon a regular basis to an air freight security area shall be required, in order to obtain ingress to such area, to apply to the commission for a permit for a fixed period of duration to be determined by the commission. Such applicant for a permit of a fixed period of duration shall fulfill the same requirements as the prospective licensee for an airfreightman's license. The commission may in the exercise of its discretion suspend or revoke such permit of a fixed period of duration for the same causes which would permit the commission to revoke the license of an airfreightman.

"4. The commission shall have the power to inspect any truck or any other motor vehicle within an air freight security area.

"5. The provisions of this article shall not be applicable to any person who is a member of the flight crew or flight personnel of an aircraft which is operated by an air carrier and which is located within an air freight security area upon a showing of such identification as may be required by the commission.

"ARTICLE VII

"HEARINGS, DETERMINATIONS AND REVIEW

"1. The commission shall not deny any application for a license or permit without giving the applicant or prospective licensee or permittee reasonable prior notice and an opportunity to be heard.

"2. Any application for a license or permit, and any license or permit issued, may be denied, revoked, or suspended, as the case may be, only in the manner prescribed in this article.

"3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke or suspend any license or permit after a hearing at which the licensee or permittee and any person making such complaint shall be given an opportunity to be heard: *Provided*, That any order of the commission revoking or suspending any license or permit shall not become effective until fifteen days subsequent to the serving of notice thereof upon the licensee or permittee unless in the opinion of the commission the continuance of the license or permit for such period would be inimical to the public peace or safety. Such hearings shall be held in such manner and upon such notice as may be prescribed by the rules of the commission, but such notice shall be of not less than ten days and shall state the nature of the complaint.

"4. Pending the determination of such hearing pursuant to section three the commission may temporarily suspend a license or permit if in the opinion of the commission the continuance of the license or permit for such period is inimical to the public peace or safety.

"5. The commission, or such member, officer, employee or agent of the commission as may be designated by the commission for such purpose, shall have the power to issue subpoenas throughout both States to compel the attendance of witnesses and the giving of testimony or production of other evidence and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of any such member, officer, employee or agent of the commission designated by the commission for such purpose to issue subpoenas at the request of and upon behalf of the licensee permittee or applicant. The commission or such person conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules or procedure in the conduct of such hearing.

"6. Upon the conclusion of the hearing, the commission shall take such action upon such findings and determinations as it deems proper and shall execute an order carrying such findings into effect. The action in the case of an application for a license or permit shall be the granting or denial thereof. The action in the case of a licensee or permittee shall be revocation of the license or permit or suspension thereof for a fixed period or reprimand or a dismissal of the charges.

"7. The action of the commission in denying any application for a license or permit or in suspending or revoking such license or permit or in reprimanding a licensee or permittee shall be subject to judicial review by a proceeding instituted in either State at the instance of the applicant, licensee or permittee in the manner provided by the law of such State for review of the final decision or action of administrative agencies of such State: *Provided, however*, that notwithstanding any other provision of law the court shall have power to stay for not more than thirty days an order of the commission suspending or revoking a license or permit.

"8. At hearings conducted by the commission pursuant to this article, applicants, prospective licensees and permittees, licensees and permittees shall have the right to be accompanied and represented by counsel.

"9. After the conclusion of a hearing but prior to the making of an order by the commission, a hearing may, upon petition and in the discretion of the hearing officer, be reopened for the presentation of additional evidence. Such petition to reopen the hearing shall state in detail the nature of the additional evidence together with the reasons for the failure to submit such evidence prior to the conclusion of the hearing. The commission may upon its own motion and upon reasonable notice reopen a hearing for the presentation of additional evidence. Upon petition, after the making of an order of the commission, rehearing may be granted in the discretion of the commission. Such a petition for rehearing shall state in detail the grounds upon which the petition is based and shall separately set forth each error of law and fact alleged to have been made by the commission in its determination, together with the facts and arguments in support thereof. Such petition shall be filed with the commission not later than thirty days after service of such order unless the commission for good cause shown shall otherwise direct. The commission may upon its own motion grant a rehearing after the making of an order.

"ARTICLE VIII

"EXPENSES OF ADMINISTRATION

"1. In addition to the budget of its expenses under the waterfront commission compact, the commission shall annually adopt a budget of its expenses under this compact for each year. The annual budget shall be submitted to the governors of the two States and shall take effect as submitted provided that either governor may within thirty days disapprove or reduce any item or items, and the budget shall be adjusted accordingly.

"2. After taking into account such funds as may be available to it from reserves in excess of ten percent of such budget under this compact, federal grants, or otherwise, the balance of the commission's budgeted expenses shall be obtained by fees payable under this article and by assessments upon employers of persons licensed under this compact as provided in this article.

"3. With respect to airfreightmen and airfreightman supervisors who are employed by an air freight truck carrier regularly to move freight to or from an airport, the employers shall pay to the commission for each such airfreightman and airfreightman supervisor a license fee to be determined by the commission, not in excess of one hundred dollars for each year, commencing with the first day of April. The employer of every person who is issued a permit of fixed duration by the commission for ingress to an air freight security area, or the permittee himself if he is self-employed, shall pay to the commission a fee to be determined by the commission, not in excess of seventy-five dollars for each year, commencing with the first day of April. The commission shall reduce the maximum fees payable under this section proportionately with any reduction in the maximum assessment rate of two per cent provided for by this article.

"4. Every employer of airfreightmen and airfreightman supervisors licensed by the commission, except as otherwise provided in section three of this article, shall pay to the commission an assessment computed upon the gross payroll payments made by such employer to airfreightmen and airfreightman supervisors for work performed as such, at a rate, not in excess of two percent, computed by the commission, in the following manner: the commission shall annually estimate the fees payable under this article and the gross payroll payments to be made by employers subject to assessment and shall compute the fees and a rate of assessment which will yield revenues sufficient to finance the balance of the commission's budget for each year as provided in section two of this article. The commission may hold in reserve an amount not to exceed ten per cent of its total budgeted expenses for the year, which reserve shall not be included as part of the budget. Such reserve shall be held for the stabilization of annual assessments, the payment of operating deficits and for the repayment of any advances made by the two States.

"5. The amount required to balance the commission's budget in excess of the estimated yield of the maximum fees and assessment, shall be certified by the commission, with the approval of the respective governors, to the legislatures of the two States, in proportion to the respective totals of the assessments and fees paid to the commission by persons in each of the two States. The legislatures shall annually appropriate to the commission the amount so certified.

"6. The assessments and fees hereunder shall be in lieu of any other charge for the issuance of licenses or permits by the commission pursuant to this compact.

"7. In addition to any other sanction provided by law, the commission may revoke or suspend any license or permit held by any employer under this compact and/or the license or permit held under this compact by any employees of such employer, or the permit held under this compact by any employees of such employer, or the permit held under this compact by any permittee who is self-employed, and, and in addition to the commission may deny ingress to such employers, employees or permittees to air freight security areas, for nonpayment of assessment or fee when due.

"8. Every person subject to the payment of any assessment under this compact shall file on or before the twentieth day of the first month of each calendar quarter-year a separate return, together with the payment of the assessment due, for the preceding calendar quarter-year during which any payroll payments were made to licensed persons for whom assessments are payable for work performed as such. Returns covering the amount of assessment payable shall be filed with the commission on forms to be furnished for such purpose and shall contain such data, information or matter as the commission may require to be included therein. The commission may grant a reasonable extension of time for filing returns, or for payment of assessment, whenever good cause exists. Every return shall have annexed thereto a certification to the effect that the statements contained therein are true.

"9. Every person subject to the payment of assessment hereunder shall keep an accurate record of his employment of licensed persons for whom assessments are payable, which shall show the amount of compensation paid and such other information as the commission may require. Such records shall be preserved for a period of three years and be open for inspection at reasonable times. The commission may consent to the destruction of any such records at any time after said period or may require that they be kept longer but not in excess of six years.

"10. (a) The commission shall audit and determine the amount of assessment due from the return filed and such other information as is available to it. Whenever a deficiency in payment of the assessment is determined the commission shall give notice of any such determination to the person liable therefor. Such determination shall finally and conclusively fix the amount due, unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply in writing to the commission for a hearing, or unless the commission on its own motion shall reduce the same. After such hearing, the commission shall give notice of its decision to the person liable therefor. A determination of the commission under this section shall be subject to judicial review, if application for such review is made within thirty days after the giving of notice of such decision. Any determination under this article shall be made within five years from the time the return was filed and if no return was filed such determination may be made at any time.

"(b) Any notice authorized or required under this article may be given by mailing the same to the person for whom it is intended at the last address given by him to the commission, or in the last return filed by him with the commission under this article, or if no return has been filed then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of same by the person to whom addressed. Any period of time, which is determined according to the provision of this section, for the giving of notice shall commence to run from the date of mailing of such notice.

"11. Every person required to pay a fee for a license or a permit under this article shall pay the same upon filing of the application with the commission for such license or permit. The fee for such license or permit shall be prorated for the fiscal year for which the same is payable as of the date the application for such license or permit is filed with the commission. The commission shall prorate and make a refund of such fee for the period between the date of application and the date of the issuance of such license or permit. Upon surrender of such license or permit or upon the revocation of any such license or permit issued to an employee before the expiration of the fiscal year, the commission shall make a refund prorated for the unexpired portion of the year, less ten percent of such refund. In the event of denial of any application for a license or permit, the commission shall refund the fee paid upon application, less ten percent of such refund.

"12. Whenever any person shall fail to pay, within the time limited herein, any assessment or fee which he is required to pay to the commission under the provisions of this article the commission may enforce payment of such assessment or fee by civil action for the amount of such assessment or fee with interest and penalties.

"13. The employment by a nonresident of a licensed person or permittee for whom assessments or fees are payable in either State or the designation by a nonresident of a licensed person or permittee to perform work in such State shall be deemed equivalent to an appointment by such nonresident of the secretary of state of such State to be his true and lawful attorney upon whom may be served the process in any action or proceeding against him growing out of any liability for assessments or fees, penalties or interest, and a consent that any such process against him which is so served shall be of the same legal force and validity as if served on him personally within such State and within the territorial jurisdiction of the court from which the process issues. Service of process within either State shall be made by either (1) personally delivering to and leaving with the secretary of state or a deputy secretary of state of such State duplicate copies thereof at the office of the department of state in the capital city of such State, in which event such secretary of state shall forthwith send by registered mail one of such copies to the person at the last address designated by him to the commission for any purpose under this article or in the last return filed by him under this article with the commission or as shown on the records of the commission, or if no return has been filed, at his last known office address within or without such State, or (2) personally delivering to and leaving with the secretary of state or a deputy secretary of state of such State a copy thereof at the office of the department of state in the capital city of such State and by delivering a copy thereof to the person, personally without such State. Proof of such personal service without such State shall be filed with the clerk of the court in which the process is pending within thirty days after such service and such service shall be complete ten days after proof thereof is filed.

"14. Whenever the commission shall determine that any moneys received as assessments or fees were paid in error, it may cause the same to be refunded, provided an application therefor is filed with the commission within two years from the time the erroneous payment was made.

"15. In addition to any other powers authorized hereunder, the commission shall have power to make reasonable rules and regulations to effectuate the purposes of this article.

"16. When any person shall wilfully fail to pay any assessment or fee due hereunder he shall be assessed interest at a rate of one percent per month on the amount due and unpaid and penalties of five percent of the amount due for each thirty days or part thereof that the assessment remains unpaid. The commission may, for good cause shown, abate all or part of such penalty.

"17. Any person who shall willfully furnish false or fraudulent information or shall willfully fail to furnish pertinent information as required with respect to the amount of any assessment or fee due, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000, or imprisonment for not more than one year, or both.

"18. All funds of the commission shall be deposited with such responsible banks or trust companies as may be designated by the commission. The commission may require that all such deposits be secured by obligations of the United States or of the States of New York or New Jersey of a market value equal at all times to the amount of the deposits, and all banks and trust companies are authorized to give such security for such deposits. The moneys so deposited shall be withdrawn only by check signed by two members of the commission or by such other officers or employees of the commission as it may from time to time designate.

"19. The accounts, books and records of the commission, including its receipts, disbursements, contracts, leases, investments and any other matters relating to its financial standing shall be examined and audited annually by independent auditors to be retained for such purpose by the commission.

"20. The commission shall reimburse each State for any funds advanced to the commission exclusive of sums appropriated pursuant to section 5 of this article.

"ARTICLE IX

"General Violations; Prosecutions; Penalties

"1. The failure of any witness, when duly subpenaed to attend, to give testimony or produce other evidence in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this Act, shall be punishable by the superior court in New Jersey and the supreme court in New York in the same manner as said failure is punishable by such court in a case therein pending.

"2. Any person who, having been duly sworn or affirmed as a witness in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this Act, shall willfully give false testimony shall be guilty of a misdemeanor punishable by a fine of not more than $1,000 or imprisonment for not more than one year or both.

"3. Any person who interferes with or impedes the orderly licensing of or orderly granting of any permits to any other person pursuant to this compact, or who attempts, conspires, or threatens so to do, shall be guilty of a misdemeanor punishable by a fine of not more than $1,000 or imprisonment for not more than one year or both.

"4. Any person who directly or indirectly inflicts or threatens to inflict any injury, damage, harm or loss or in any other manner practices intimidation upon or against any person in order to induce or compel such person or any other person to refrain from obtaining a license or permit pursuant to this compact shall be guilty of a misdemeanor punishable by a fine of not more than $1,000 or imprisonment for not more than one year or both.

"5. Any person who, without justification or excuse in law, directly or indirectly, intimidates or inflicts any injury, damage, harm, loss or economic reprisal upon any person who holds a license or permit issued by the commission pursuant to this compact, or any other person, or attempts, conspires or threatens to do, in order to interfere with, impede or influence such licensee or permittee in the performance or discharge of his duties or obligations shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or imprisonment of not more than one year or both.

"6. Any person who shall violate any of the provisions of this compact, for which no other penalty is prescribed, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year or both.

"7. In any prosecution under this compact, it shall be sufficient to prove only a single act (or a single holding out or attempt) prohibited by law without having to prove a general course of conduct, in order to prove a violation.

"ARTICLE X

"Amendments; Construction; Short Title

"1. Amendments and supplements to this compact to implement the purposes thereof may be adopted by the action of the legislature of either State concurred in by the legislature of the other.

"2. If any part or provision of this compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances and the two States hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

"3. In accordance with the ordinary rules for construction of interstate compacts this compact shall be liberally construed to eliminate the evils described therein and to effectuate the purposes thereof.

"4. This compact shall be known and may be cited as the 'Airport Commission Compact'."

Sec. 2. The consent herein granted does not constitute consent in advance for amendments or supplements to the Airport Commission Compact made pursuant to article X, paragraph 1 of said compact.

Sec. 3. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning the Waterfront and Airport Commission in its operations as is deemed appropriate by Congress or such committee.

Sec. 4. The right to alter, amend, or repeal this Act is expressly reserved.

Summary of Joint Resolution—New York-New Jersey Compact Amending the Waterfront Commission Act To Provide for the Waterfront and Airport Commission of New York and New Jersey

PURPOSE OF THE JOINT RESOLUTION

To grant congressional consent to the compact between New York and New Jersey designed to combat organized crime and to prevent air cargo thefts by providing for regulation of the air freight industry at the major New York-New Jersey airports.

SUMMARY OF PROVISIONS OF THE JOINT RESOLUTION

This Compact would authorize the Waterfront Commission of New York Harbor (to be known as the "Waterfront and Airport Commission of New York and New Jersey") to exercise regulatory powers at airports at New York and New Jersey similar to those powers now exercised by the Commission along the waterfront of New York harbor.

The Commission will, under the new compact, in addition to its function relating to the waterfront:

License employees engaged in the movement of air freight or performing services incidental to the movement of air freight;

License trucking firms that contract to haul air freight to and from the airport;

License owners or operators of air freight terminals; and

License persons who are consultants to or advisors and represent air carriers, owners or operators of air freight terminals, airline contract trucking firms hauling air freight; or a labor organization representing employers licensed by the Commission or an organization of such person or persons.

The Commission is empowered to promulgate regulations for the security of air cargo and designate air freight security areas within airports in order to limit access to air cargo to authorized personnel for the protection of the cargo.

The compact is supported by an appropriation of $750,000 to pay for New York State's share of the initial start-up costs to be incurred by the expanded Commission in discharging its new responsibilities. New Jersey has appropriated $250,000 as its share. These monies will be repaid from assessment to be levied upon the air freight industry. A payroll assessment of up to 2% would be levied upon employers of persons licensed by the Commission. Air freight truck carriers, however, who employ persons licensed by the Commission, would pay an annual license fee of $100 for each employee so licensed.

The Waterfront and Airport Commission Act (New York), which contains the compact, also prevents persons who have been convicted of a felony or a serious misdemeanor from serving as officers or employees of (1) labor unions which receive 20% or more of their funds from licensees under the supervision of the Commission, or (2) any employer organization, 20% or more of whose members employ persons belonging to a union which is subject to the act.

ADDITIONAL COSPONSORS OF BILLS

S. 10

At the request of the Senator from Arkansas (Mr. McClellan), the Senator from Utah (Mr. Bennett), the Senator from Idaho (Mr. Church), the Senator from New Hampshire (Mr. Cotton), the Senator from Kansas (Mr. Dole), the Senator from Wyoming (Mr. Hansen), the Senator from Oklahoma (Mr. Harris), the Senator from Nebraska (Mr. Hruska), the Senator from Mississippi (Mr. Stennis), and the Senator from Texas (Mr. Tower) were added as cosponsors to S. 10 to establish a national policy relative to the revitalization of rural and other economically distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity and developing manpower training programs to meet the needs of industry, and for other purposes.

S. 41

At the request of the Senator from Kansas (Mr. Dole), the Senator from California (Mr. Tunney) was added as a cosponsor of S. 41, to establish a National Information and Resource Center for the Handicapped.

S. 120

At the request of the Senator from Pennsylvania (Mr. Schweiker), the Senator from Maryland (Mr. Beall), the Senator from Florida (Mr. Chiles), the Senator from Wyoming (Mr. Hansen), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 120, to prohibit assaults on State and local law enforcement officers, firemen, and judicial officials.

S 376

At the request of the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 376, the Vietnam Disengagement Act of 1971.

S. 424

At the request of the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Maine (Mr. MUSKIE), the Senator from Michigan (Mr. HART), the Senator from Rhode Island (Mr. PELL), the Senator from Minnesota (Mr. MONDALE), the Senator from Alaska (Mr. GRAVEL), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 424, to require that certain articles of wearing apparel be permanently labeled with laundering and dry cleaning instructions.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 32

At the request of the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. ALLOTT), the Senator from Maryland (Mr. BEALL), the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mr. BENTSEN), the Senator from New York (Mr. BUCKLEY), the Senator from Nevada (Mr. CANNON), the Senator from Colorado (Mr. DOMINICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. FANNIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from Arizona (Mr. MCCLELLAN), the Senator from Kansas (Mr. PEARSON), the Senator from Vermont (Mr. PROUTY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 32, proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

SENATE RESOLUTION 55—ASSIGNMENTS TO THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. SCOTT submitted a resolution (S. Res. 55) to make committee assignments to the Select Committee on Small Business, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution appear in the RECORD at the beginning of the session under the appropriate heading.)

SENATE RESOLUTION 56—SUBMISSION OF RESOLUTION AUTHORIZING PRINTING OF "OUTER CONTINENTAL SHELF"

Mr. JACKSON submitted the following resolution (S. Res. 56); which was referred to the Committee on Rules and Administration:

S. RES. 56

Resolved, That there be printed for the use of the Committee on Interior and Insular Affairs three thousand three hundred additional copies of its committee print of the current session entitled "Outer Continental Shelf", a report by its Special Subcommittee on Continental Shelf.

NOTICE OF HEARING ON HOUSING AND URBAN DEVELOPMENT PROGRAMS

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs, will hold hearings on March 3 and 4, 1971, on the administration's withholding of funds for the remainder of fiscal year 1971 for certain housing and urban development programs, including the FHA sections 235 and 236 programs, public housing, urban renewal, model cities, water and sewer, and mass transit programs.

The hearings will be held in room 5302, New Senate Office Building, on Wednesday, March 3, and Thursday, March 4, 1971, commencing at 10:00 A.M.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from Maryland (Mr. MATHIAS) is recognized for 15 minutes.

AMERICAN TROOP WITHDRAWAL FROM THE VIETNAM WAR

Mr. MATHIAS. Mr. President, for over 2 years now President Nixon has been working diligently, with great sincerity and great effort, to bring an end to the war in Indochina. He has been attempting to erect a structure of American foreign policy which will bring the war to an end and which will permit us to withdraw our troops from Indochina. But I believe, Mr. President, that the time has now come when we in Congress should contribute some congressional building blocks to the effort, and that we in Congress should take some specific steps to augment what the President is now doing and has been doing for these 2 years past to bring the war to a close. I would like to discuss these steps very briefly this morning.

Those steps are:

Establishment of a timetable for the orderly withdrawal of all U.S. forces from Indochina;

Revocation of long-outdated special emergency resolutions by which Congress conferred part of its constitutional war powers upon the Executive;

Enactment of specified conditions and restraints under which American military forces may act in the absence of a declaration of war; and

Termination of the state of national emergency declared during the Korean war and reexamination of the 170 national emergency statutes which grant various emergency powers to the President, and which have been in effect since they were proclaimed as emergency powers by President Truman in the Korean war.

I have watched with increasing unease and disquiet the events of the last few weeks in Southeast Asia as they unfolded before me. With deep foreboding, I viewed the expedition into Laos, which risked widening a war we are trying to leave, and the news embargo which shrouded what was happening from the view of the American public. Yet despite profound concern, I have hoped that all would be well and end happily. I chose to keep my counsel and remain silent. I remained silent because I believe that the time for rhetoric has passed. It has all been said by many people in many places, many times over. For my own part, I have spoken repeatedly and at length, as have most of the distinguished Members of the Senate, in seeking some solution to our bitter predicament in this corner of the world.

But now it is time to act. Now it is time for Congress finally to marshal its resolve and enact the legislation necessary to accelerate our withdrawal from the tragic conflict in Southeast Asia. It is time for Congress to rescind outdated emergency powers granted to prior Presidents, and to restore to the Congress its constitutional responsibilities in the field of foreign relations.

If we fail to do so, we shall have failed in our sacred trust to the people. To the extent that we fail this trust, we shall also have rendered a grievous disservice to the President. For with all the criticism and verbal sniping directed at him here and in the press, the President has sadly received little in the way of real, binding congressional guidance for his policies in Southeast Asia. And it is we in Congress, not the President, who must redress this error, which is our error, and restore the balance.

On assuming office 2 years ago, President Nixon inherited problems of monstrous proportions—I have often said, and I believe, probably of greater magnitude and difficulty than at any time since the Civil War.

Through the program of Vietnamization, and the gradual withdrawal of our troops, he has reduced the number of American forces in Vietnam by 200,000, cut in half the massive costs of our involvement, and reduced American casualties from over 500 to averages of less than 50 per week. And his program continues to reduce American forces, expenditures, and casualties in Vietnam and to move toward the ultimate goal of ending our involvement altogether. These are monumental accomplishments and the objectives are extremely valuable and worthy, and I am sure that these objectives are shared by many Members of the Senate, as they are by me.

I have never proposed nor do I now propose that we withdraw precipitously, abandoning the ally we had helped create and fleeing a conflict we had helped to escalate. But I continue to believe that we must get out much faster than we are now doing. It is perfectly clear what Congress must do to achieve this end: We must establish a realistic timetable by which the President can complete withdrawal, hopefully, by the end of 1971. I supported the Hatfield-McGovern amendment in this vein last summer, for, without such enactment by Congress, how can we criticize the pace of the President's program? Without it, we leave the President at the mercy of friend and foe alike who may seek to keep us mired in a conflict whose character and significance are no longer the ones for which we entered it. It is no longer the same war. For, along with the high intentions, the vast material aid, the sacrifice of American lives, we have also brought misery and destruction and catastrophe to the people we sought to defend. And in increasing number they view us not with gratitude and comradeship but with resentment and hatred.

Last December, in the closing days of the 91st Congress, after considerable vicissitude throughout the summer, the Cooper-Church amendment finally achieved passage and was signed by the President. Amended to the Special Foreign Assistance Act, it prohibited the use of American ground combat troops and advisers in Cambodia. Earlier legislation, adopted in December 1969, had prohibited the use of ground combat troops in Laos and Thailand.

Recently there has been widespread contention that, in supporting the expedition into Laos and committing to it American air assistance, President Nixon has violated the spirit, if not the letter, of the Cooper-Church amendments. I do not support this argument. On the contrary, I believe the President has stayed well within the intent and language of the Cooper-Church amendments, as they were finally approved. And in viewing the vast inroads which North Vietnamese troops have for years made in Laos, I fully appreciate the agony of the decisions which the President had before him. Yet the existence of the Cooper-Church constraints, I believe, made his decisions simpler, and I hope easier. Two significant lessons are to be learned from this.

First, without the Cooper-Church guidelines, the pressures on him to commit American troops into Laos might have been too strong to resist. Second, the denial of American ground troops for this mission necessitated—if it was to be launched at all—the commitment of South Vietnamese troops. It has, in effect, forced the pace of Vietnamization. To carry this lesson one step further, I believe that enactment of a timetable for complete withdrawal by the end of the year, would further accelerate the process of Vietnamization. It is a human and natural tendency to delay such a process if delay is possible. When delay is ruled out, however, I am convinced that South Vietnam's forces will rise to the occasion. Indeed, there is a convincing body of argument which holds that by our overcommitment in Vietnam in the 1960's, we have robbed the South Vietnamese of the initiative and opportunity to carry the burden of the fight themselves—a burden which they are now increasingly assuming.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 7 minutes remaining.

Mr. MATHIAS. I thank the Chair.

But beyond the Cooper-Church amendments now passed, and the enactment of a timetable for orderly withdrawal, there are three other measures which Congress must adopt if it is to exercise its solemn responsibilities for questions of war and peace.

The first is S. 731, a bill to regulate undeclared war. This draft bill was introduced on February 10 by Senator JAVITS of New York. This bill sets forth in precise details the conditions and restraints under which American military forces may act in the absence of a declaration of war. It would require a President in such a situation to report the circumstances promptly to the Congress and to obtain congressional approval within 30 days or terminate the action.

The second essential measure is legislation I intend to introduce very shortly to revoke a number of grants of special power to the Executive—grants which are no longer appropriate. The legislation in its cumulative effect will be similar to Senate Joint Resolution 166 which the distinguished majority leader and I introduced in December 1969. It will provide for repealing the Formosa resolution of 1955, the Middle East resolution of 1957, and the Cuba resolution of 1962. The Gulf of Tonkin resolution of 1964 was, of course, repealed last year. These outdated resolutions gave the President authority to meet particular crisis situations which have long passed into the limbo of history.

The third essential measure is legislation I shall introduce which will seek to end the state of national emergency proclaimed by President Truman in December 1950, thereby re-examining some 170 statutes made operative by this proclamation and clarifying for the future situations of national emergency.

The purpose of these bills is to restore to Congress the constitutional responsibilities conferred upon us by the Founding Fathers in the field of foreign relations. In this regard, I was delighted to note that the distinguished chairman of the Armed Services Committee, Senator JOHN C. STENNIS, declared in an address on January 11 before the National Security Seminar:

> The first lesson (from the Vietnam War) is that in the future there must be a declaration of war by the Congress with respect to these engagements unless, of course, there is some major Pearl Harbor-type attack on the country.

As he noted, decisions of war and peace—decisions committing this peace-loving Nation to a course of war—are a congressional responsibility which we have too long abdicated. As the public debate of our policy in Southeast Asia continues, it would be well for us to reexamine where the responsibility lies. I believe it is we in Congress, and not the President, who have neglected our duty and ignored our public trust.

It is in our power to adopt a timetable for orderly withdrawal of all of our troops from Vietnam by the end of the year. A recent poll indicates that 73 percent of the American public support this proposal. Yet we have thus far not taken this initiative.

It is in our power to reassert our constitutional responsibility in foreign relations, rescinding presidential emergency powers no longer appropriate and setting forth precise responsibilities and constraints for the event of an undeclared war.

It is in our power to restore to Congress its full constitutional role over war and peace and in the field of foreign relations.

These measures are intended not to attack the President's policies but to support them. They are in furtherance of the principles of the Nixon doctrine whose foresight and prudence are more evident today than ever before. For, while furnishing aid and economic assistance to countries who are victims of aggression, it is clear that we must look to the country threatened to assume the primary responsibility of providing the manpower for its own defense. The measures I propose will hasten to put this cardinal principle into effect. Moreover, their enactment will create a clearer, more effective and more unified foreign policy for the United States; they will provide the President a specific timetable for complete withdrawal from Vietnam; and they will give him precise guidelines relating to involvements outside of Vietnam. But if we fail to adopt these measures, we can hardly blame the President—only ourselves.

Mr. President, in the Indochina war, where large and small tragedies abound, perhaps the most tragic circumstance is that the country we sought to defend has suffered grievously from our help. The overwhelming strength and vigor of our embrace came close to squeezing the breath out of that country, leaving it scarred and ravaged in the name of defense. To be sure, we helped defend against very real aggression from the North and from acts of terror, destruction, and brutality that cannot be dismissed. But, sadly, our defense against brutality and destruction and terror did not turn out as we had hoped. The noble motives with which we came to the aid of South Vietnam have long since been transformed by black markets and brothels, defoilants, and My Lai's. The people for whom we spilled American blood, incurred vast debts, and sacrificed our own domestic program, have grown understandably resentful of the destruction that attended our efforts to defend them. They have begun increasingly to look on our boys as their enemy. Little children and old women have been throwing handgrenades, not at the invaders from the north, but at the defenders from America. And our boys, unable to determine which little children and old women might throw the next handgrenades, soon despaired of distinguishing and simply killed before being killed.

This is the tragedy we must end. This is the reason we must accelerate our withdrawal and return the defense responsibility to the Vietnamese themselves with all possible speed. Let us therefore close ranks, put aside party distinctions and proceed to enact the legislation that will bring about these objectives—not only for Indochina, but for America and for the future.

In assuming the responsibility on the part of the Congress to which I have previously referred, I think we have to exempt from that responsibility the distinguished Senator from Idaho (Mr. CHURCH), who has attempted to lead us into the path of responsibility in action.

Mr. CHURCH. Mr. President, I thank the Senator from Maryland very much for yielding to me the remainder of his time in order that I may introduce a joint resolution, which certainly is offered in the spirit of the remarks he has made this morning for which I give him much credit.

Mr. President, how much time remains?

The PRESIDENT pro tempore. There remains an additional 3 minutes of the time allotted to the Senator from Maryland.

Mr. CHURCH. I thank the Chair.

SENATE JOINT RESOLUTION 48—INTRODUCTION OF A JOINT RESOLUTION TO REPEAL THE FORMOSA RESOLUTION

Mr. CHURCH. Mr. President, on behalf of the distinguished senior Senator from Maryland (Mr. MATHIAS), and myself, I introduce today a joint resolution repealing the Formosa resolution.

Sixteen years ago—January 29, 1955—the Congress authorized the President to use the Armed Forces of the United States to protect Formosa, the Pescadores, and related positions and territories against armed attack. Congress gave the President that authority completely and fully. Strange as it may now seem, Congress did not reserve the right to withdraw that authority from the President. The Congress agreed that the authority it conveyed to the President should "expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions." Presumably, that grant of authority can now be repealed only by a law which requires the President's signature, or must be passed over his veto.

Within days of the passage of the Formosa resolution, the Senate gave its advice and consent to the Southeast Asian Treaty—signed by the President on February 4, 1955—and to the Mutual Security Treaty—signed by the President on February 11, 1955—with the Republic of China, Chiang Kai-shek's government on Formosa.

According to their terms, neither of those treaties may be terminated by the Senate. While the Senate may advise the President that the treaties should be changed or terminated, the initiative for changing them must come from the President.

I cite these facts to illustrate in one significant area of our international relations how far the Congress went in giving the President untrammeled, unilateral authority to involve the Nation in military ventures abroad. How far we have gone in the surrender of power is illustrated by the statement of our Ambassador to the Republic of China when he testified last year before the Symington subcommittee—November 24, 1969, page 950 of hearings. Ambassador McConaughy said, in referring to the Formosa resolution, that:

> The authority vested by Congress in the President was to determine unilaterally whether an attack on the offshore islands relates to the defense of Taiwan and the Pescadores and, if so, what action is appropriate to meet that threat.

In 1955, there was concern that Communist China might invade Formosa.

But conditions have changed.

First. The monolithic Communist power represented by the close alliance between Russia and China has cracked.

Second. The threat of Communist invasion of Formosa has dwindled to the point where last year our Ambassador to the Republic of China testified that over the past 5 years the Government of the Republic of China has been much more active than the Communist Chinese in conducting low-level or small-scale military actions against mainland China for both military and political reasons—Hearings, page 951.

Third. Mainland China seems likely to be admitted to the United Nations within the next year or two.

Fourth. Our Government is talking with the Peking government at regular intervals in Warsaw and we are trying to encourage exchanges of newsmen and scholars.

Fifth. Canada has recognized Peking as have some 50 other nations.

Sixth. The fear that Mao Tse-tung might order a rampage throughout Asia is being tempered with the hope that, by small steps, the outside world may begin to influence that third of mankind that has been living in relative isolation.

There is a chance to create a reopening to the East, an initiative which I believe would be advantageous to both the United States and Asian nations. I believe that it also might mean the difference between peace and war in Asia, the latter being the norm on that great continent since 1931.

What have we to fear unless we have lost confidence in our own society?

In short, the time has come to welcome and encourage changed relations between mainland China and the United States.

Accordingly, I believe the Formosa resolution should be repealed and I send to the desk a joint resolution for that purpose. I ask unanimous consent that it be printed at this point in the RECORD, and that it be appropriately referred.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, will be printed in the RECORD in accordance with the Senator's request.

The joint resolution (S.J. Res. 48) is as follows:

S.J. RES 48

Joint resolution to repeal authorization for the employment of armed forces for the protection of Formosa and the Pescadores

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, The joint resolution entitled "Joint resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related positions and territories of that area", approved January 29, 1955 (69 Stat. 7; Public Law 84–4), is repealed effective upon the date of adjournment sine die of the first session of the Ninety-second Congress.

Mr. CHURCH. Mr. President, for those who may fear that repeal of the Formosa Resolution would be a withdrawal of American support for the Republic of China, I hasten to note two things.

First, repeal of the Formosa Resolution leaves intact not only the SEATO Treaty, but more important in the case of Formosa, it leaves intact our Mutual Security Treaty with the Republic of China. That treaty contains an unequivocal promise that an attack on Formosa would be considered dangerous to U.S. peace and security, and states that each party to the treaty would act to meet an armed attack in the West Pacific . . . in accordance with its constitutional processes.

The second point is that the present administration, on March 12, 1970, informed the Committee on Foreign Relations that:

> Repeal of the Resolution would not affect our commitment to the defense of the treaty area or our ability to meet it.

The administration stated that the resolution is now 15 years old and:

> In the event of a new crisis in the Formosa Strait, this Administration would not view the continued existence of the Formosa Resolution as a source of Congressional authority.

Mr. President, constitutionally it is important that the Congress reclaim the carte blanche authority we delegated to the President in 1955 to unilaterally commit American Armed Forces to war in defense of another nation and related territories.

Constitutionally it is essential that national commitments to other nations be embodied in formal treaties and not be undertaken on the basis of sweeping and imprecise congressional resolutions.

Practically and factually, it is important to recognize the world as it exists in 1971, and not to continue basing our policies on the world of 1955.

Politically, it is important that we move toward an opening to the East, which hopefully will replace armed confrontation with more normal relationships.

And finally, from the point of view of our total foreign policy, it is essential to our security that future involvement in combat abroad of American Armed Forces be in accord with our constitutional processes—a phrase whose essence is that—except for events which require instant reaction—the President and the Congress must act together if this Nation is to be involved in war.

The resolution I have sent to the desk is a move in these several directions.

Mr. CHURCH subsequently said: Mr. President, I ask unanimous consent, in connection with the joint resolution I introduced a few minutes ago, having to do with the repeal of the Formosa resolution, that the resolution lie on the desk for a period of 10 days, for additional cosponsorship.

Mr. PACKWOOD. Mr. President, reserving the right to object—

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHURCH later said: Mr. President, I ask unanimous consent that the joint resolution I earlier introduced, relating to the repeal of the Formosa resolution, be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I want to make known my very deep interest in the presentation of the Senator from Maryland (Mr. MATHIAS). He has articulated, in terms of utmost cooperation with the President, points which he feels very deeply about. His main point is that the weight of the evidence is strongly in favor of a congressional declaration on the withdrawal of our troops from Vietnam and that this will work in the interests of our country.

I thoroughly agree, and that is the reason why I have supported the so-called McGovern-Hatfield approach. Also, I agree with the Senator from Maryland (Mr. MATHIAS) about examining with scrupulous care the whole congeries of resolutions which we have passed dealing with special emergencies in which the Congress, in effect, conferred what are our constitutional powers to declare war upon the President.

For too long this has grown into the American system through the action of vigorous Executives and through the fact that Congress has shrunk from its proper responsibility.

I am, myself, the author of a bill proposing by law to clarify the division of the war powers, for the first time in our history in a statutory way, between the President and the Congress. The Senator from Maryland (Mr. MATHIAS) referred approvingly to that bill, for which I am very grateful to him.

I wish to state that it is expected that hearings before the Foreign Relations Committee, of which I am a member, will open on March 8, 2 weeks from yesterday, on the bill to regulate undeclared war, designated as S. 731.

I wish to commend the Senator from Maryland (Mr. MATHIAS) on the studied and fine presentation that he made, following up his long initiative taken with the majority leader, of which I also had the honor to be a part, in the last Congress. I think this is the right way to go, and show we can learn from our mistakes.

There can be much argument as to whether or not we should have gone into Vietnam, whether or not there was a moral commitment, but of one thing we are sure. The Gulf of Tonkin resolution was a blank check, the likes of which Congress should not give away. The only way, in modern times, to have some control over the life and treasure of this country, in which the Congress has as much—no more, but as much—interest and responsibility as the President of the United States is to intelligently legislate on precisely how emergencies may be met. It is important that the wording of such legislation establish that the concurrence of the Congress is required in a dynamic and continuing way respecting any commitment of the United States to war.

I hope very much that the Senator from Maryland (Mr. MATHIAS)—the Senator from Mississippi (Mr. STENNIS) has expressed his interest in the matter—and other Senators will see fit to give their views.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ALLEN). The Senator will state it.

Mr. HUMPHREY. Under the rule of germaneness, would it be appropriate for the Senator from Minnesota at this time to introduce material not pertinent to the pending question?

The PRESIDING OFFICER. Yes, by unanimous consent that may be done.

Mr. HUMPHREY. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEDICATION OF THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Mr. HUMPHREY. Mr. President, an important step in closing the gap between the world of learning and the world of public affairs was taken last week with the dedication of the Woodrow Wilson International Center for Scholars.

As Chairman of the Center's Board of Trustees, I was proud to have been able to preside over those ceremonies, which were held at the Smithsonian Institution.

It also was my honor and privilege to have been able to introduce the President of the United States, who shares my high esteem for Woodrow Wilson.

Although this dedication marks the fruition of nearly a decade of work, it also signals the birth of a unique living memorial to a very unique human being, Woodrow Wilson.

In response to a joint resolution of the Congress, President John F. Kennedy appointed the Woodrow Wilson Memorial Commission in October 1961 to plan the national memorial to our 28th President. In its final report, the Commission recommended that the Wilson memorial include a center for scholars in downtown Washington.

Legislation to create the Center was introduced in the 90th Congress. The Woodrow Wilson International Center for Scholars was established by act of Congress approved October 24, 1968.

Mr. President, I ask unanimous consent that my remarks and those of the President of the United States at the dedication ceremonies be printed in the RECORD, along with other pertinent data on the Wilson Center.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY HONORABLE HUBERT H. HUMPHREY, OFFICIAL DEDICATION OF WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS, FEBRUARY 18, 1971

Mr. President, Secretary Ripley, Dean Sayre and other members of the Wilson family, ladies and gentlemen—my colleagues on the Board of Trustees and I and the Center staff and scholars are honored by your presence at the official dedication of the Woodrow Wilson International Center for Scholars.

The President and I share bonds in common other than the election contest in which we were joined in 1968 and service in the Senate and in the Vice Presidency. One such bond is our life-long admiration for Woodrow Wilson, whose presidency ended fifty years ago next month.

To my own father, no other public figure approached Wilson in stature. The fight for the League of Nations and the achievements of the New Freedom were an intimate part of my early heritage.

Many persons have helped make this occasion possible:

Dean Sayre, Chairman of the Woodrow Wilson Memorial Commission and his colleagues, who recommended the creation of an international center for scholars as the nation's first presidential "living memorial" institution;

Secretary Ripley and the Regents of the Smithsonian Institution who have provided the Center with its superb interim quarters above this Great Hall, which we hope you will visit during the reception to follow.

Time prevents mentioning all those—some present today—who had essential roles in the planning and development of the Center: Congresswoman Hansen and Congressmen Brademas, Frelinghuysen and Thompson: Senators Bible, Cooper, Pell and Williams, and to all Members of Congress; Mr. Peter McColough, President of the Xerox Corporation and Chairman of the Center's Advisory Committee; Mr. McGeorge Bundy of the Ford Foundation, and many others. But to each I would like to express the Board's appreciation.

Let me turn now to the Center's beginnings and objectives:

The wise and generous Congressional charter contained but two general guidelines, declaring that the Center should be a living institution: first "expressing the ideals and concerns of Woodrow Wilson", and, second, "symbolizing and strengthening the fruitful relation between the world of learning and the world of public affairs."

After seeking advice and counsel in many quarters in this country and elsewhere, we planned fellowship and guest scholar programs for the Center designed to accentuate those aspects of Wilson's "ideals and concerns" for which he is perhaps best known a half century after his presidency—his search for international peace and the imaginative, new governmental approaches he used to meet major contemporary problems.

These fundamental tenets of Woodrow Wilson's beliefs are reflected in two brief excerpts from the few recordings of his voice which exist today.

Listen now to his words of faith in democracy and its ability to meet with justice and wisdom the nation's problems, spoken in his address accepting the presidential nomination in 1912:

"Nor was the country ever more susceptible to unselfish appeals or to the high arguments of sincere justice. These are the unmistakable symptoms of an awakening. There is the more need of wise counsel because the people are ready to heed counsel if it be given honestly and in their interest. It is in the broad light of this new day that we stand face to face . . . with great questions of right and of justice, questions of national development, of the development of character and of standards of action . . . practical to live under, tolerable to work under . . ."

And hear also a sentence from his final public utterance, a radio broadcast (in which an announcer's voice echoes the text) given on the eve of Armistice Day in 1923, within three months of his death. The words lament United States refusal to join the League of Nations but show clearly, despite the audible inroads of age and illness, Wilson's indomitable trust in America's future fulfillment of its highest international obligations and ideals of honor and freedom:

"This must always be a source of deep mortification to us and we shall inevitably be forced by the moral obligations of freedom and honor to retrieve that fatal error and assume once more the role of courage, self-respect, and helpfulness which every true American must wish to regard as our natural part in the affairs of the world."

And so, under the Center's general Wilsonian theme, a wide variety of studies of significant, contemporary and emerging international, governmental and social problems are being undertaken. In addition, we have selected two subjects on which we are sponsoring substantial studies during the opening period.

(1) the development of international understanding, law and cooperation in the uses of the oceans and the protection of the marine environment;

(2) man's overall relations with his deteriorating environment with special attention to new forms of international cooperation needed to overcome environmental problems that transcend national boundaries.

We are exceedingly proud of the high caliber of the thirty scholars chosen in the Center's programs to date. Let me describe briefly their makeup and the philosophy that led to their choice:

First, they are strongly international in makeup because the perspectives we wish to foster here are world perspectives. Half of the first Woodrow Wilson fellows appointed come from the U.S.; half from ten other countries—Australia, France, India, Israel, Japan, Switzerland, U.K., USSR and Yugoslavia.

Second, they are selected from many nonacademic professions and occupations—government, law, business, journalism, diplomacy—as well as from a variety of the traditional academic disciplines including the social sciences, humanities and natural sciences. We felt strongly that no one discipline or field has a monopoly on "the world of learning" and that persons of intelligence drawn from many occupations are essential to find solutions to today's complex and interrelated problems.

Third, they are given short as well as long terms of appointment—varying from 3 weeks to 18 months in the first group—to facilitate participation by busy professional people as well as traditional scholars with well developed study projects.

Fourth, the scholars are chosen without consideration of arbitrary age limits. The first fellows range in age from 27 to 62, but I am glad to report that the Center is a community in which the span of generations has not given rise to a problem of communication between generations.

Fifth, Center scholars work both individually as well as in groups in approaching their subjects.

And, finally, the scholars are appointed to the Center primarily for what they can contribute, to borrow from the memorable phrase in James Smithson's will, "to the increase and diffusion of knowledge among men"—specifically in the case of the Center to the better understanding and solution of significant contemporary, international, governmental and social problems.

From my own recent experience in the academic world, as well as from past and present vantage points in the Executive and Legislative Branches of federal and local government, I have observed with increasing concern the widening gap between the world of learning and the world of public affairs. All too frequently people in public life are unaware of the best products of the academic world or believe that such products have little relevance to their public responsibilities and to the making of public policy and decisions. I now know the reverse to be true, and have seen how futile and removed government seems to all too many persons in the university community.

There are many reasons for this gap, but one reason has been the lack of institutional meeting grounds on which people in public affairs and people drawn from the academic world and from other learned professions can come together in an atmosphere of complete freedom of inquiry and equality to work on significant problems of common concern.

So, Mr. President, in dedicating the Woodrow Wilson International Center for Scholars today, we have set our sights high indeed. We ask no less today of the scholars and staff of the Center and those who will follow them than that they dedicate their experience, creativity and insights to the solutions of man's primary problems and the need for change to meet those problems. We hope that the scholars who labor here will always be willing to break new ground in search of essential truths; to attempt reasoned answers to vital questions based on known facts even though precedents may be lacking and solutions only imperfectly seen.

Woodrow Wilson stated well in a speech to the American Political Science Association almost sixty years ago a theme that could well stand today as the goal of the Center named in his honor:

". . . the man who has the time, the discrimination, and the sagacity to collect and comprehend the principal facts and the man who must act upon them must draw near to one another and feel that they are engaged in a common enterprise. The scholar must look upon his studies more like a human being and man of action, and the man of action must approach his conclusions more like a scholar."

The Wilson Center has no better friend than President Wilson's current successor, who stated a similar theme in a Message to the Congress in April of 1969 that "The District has long sought and long needed a center for both men of letters and men of affairs." It is my great privilege and honor to introduce the President of the United States.

Remarks of the President, at the Dedication of the Woodrow Wilson International Center for Scholars

Senator Humphrey, Dean Sayre, Dr. Ripley, and all of the distinguished guests present here today:

I, first, express my deep appreciation to Senator Humphrey for his gracious introduction and also my commendation for his eloquent remarks.

And I would like to point out that in my opinion, had it not been for him, for his devotion, his dedication and his tenacity, we would not be meeting here today with this project now reaching its culmination. And to him and all the others who worked with him, certainly the thanks of the nation and the thanks of the people around the world go for seeing to it that the living memorial to one of America's greatest men is now coming into being.

And it, of course, is an historic occasion for all of us. For me, too, it is the first time that I have heard the voice of Woodrow Wilson, although I have read, as most of you have, most of what he has written.

And it brings a special meaning to this occasion that one of the distinguished religious leaders of this city and of this nation is here today, and that he is the grandson of Woodrow Wilson.

I am honored to celebrate this occasion and the dedication of this new international study to the memory of one of America's greatest Presidents.

Along with most Presidents of the past half century, I have long been a student of Woodrow Wilson. He was a man born ahead of his time. We have reason to hope that he was not born ahead of our time.

Ironically, this man, who used the English language to uplift and inspire, and who so enriched the lexicon of democracy is remembered most for one phrase he did not coin, a phrase that was twisted into a slogan of cynicism. He took that phrase from H. G. Wells' book, "The War That Will End War." Using that phrase as their center piece, there are some who class Woodrow Wilson as a colossal failure.

He won re-election in 1916 on the slogan. "He kept us out of war." But America went to war. That election, interestingly enough, was the background for my own interest in Woodrow Wilson and the inspiration he has provided for me, as he did for Senator Humphrey, the former Vice President of the United States.

My mother and father were both Republicans. California was the State, as you recall, that decided the election of 1916. The reason was that a number of Republicans voted for Wilson. My mother was one of them. She was a devout Quaker, a deeply dedicated pacifist.

I was only three years old in 1916, but for years afterwards, in a friendly way, my mother and father sometimes spoke of that election of 1916 in which my father had voted for Hughes.

But my mother, despite the fact that America did get into war after 1916, always had her faith in Woodrow Wilson. She used to say to me, "He was a good man. He was a man who deeply believed in peace." And she believed that the United States made an error in not following his advice after World War I.

He inspired her with his idealism and she in turn passed on that inspiration to me.

We all recall how Woodrow Wilson rallied the hopes of mankind that World War I would be a war that could end wars. We all remember, too, that wars followed, tragically.

He tried to lead the United States in the community of nations, but he failed to stem the tide of post-war isolationism. He died a broken man.

But now, with a half century's perspective, we can see the success of Woodrow Wilson begin to emerge. He identified the United States of America with the principle of the self-determination of all nations, weak and strong.

He lit a spark that merged this nation with the cause of generosity and idealism.

Every war-time President since Woodrow Wilson has been tempted to describe the current war as the war to end wars. But they have not done so because of the derision that the phrase evoked, a reminder of lost dreams, of lights that failed, of hopes that were raised and dashed.

What I am striving for above all else, what this nation is striving for in all that we do is something that America has never experienced in this century, a full generation of peace.

I believe that right now is the time for us to learn to walk in peace. The first step, of course, is to still the sound of war around the world.

We are moving in that direction. We have taken the first steps toward walking in peace. But we must first break the terrible world habit of war and only then can we learn the wonderous habit of peace.

That is why today I do not speak of the war to end wars. Instead, I hope to focus on something that men alive today can achieve for themselves and their children, on a dream that we can realize here and now, a genuine beginning toward our ultimate goal.

That is why I have set our sights on a span of time that men in positions of power today can cope with, just one generation, but one long step on the path away from perennial war.

That, too, is why it is more important now than ever before to summon up the spirit of Woodrow Wilson. For we can only establish the habit of peace by answering the call for human brotherhood, his inspiration for an understanding between men and nations.

Some of Woodrow Wilson's most eloquent speeches were made on the trip that he took to Europe immediately after World War I. On that trip, crusading for a League of Nations, he made the point vividly in the Mansion House in London.

He told the story of a great Englishman of letters, Charles Lamb, who once casually said about another man, "I hate that fellow." And one of Lamb's friends replied, "I didn't know that you knew him." And Lamb said, "I don't. I can't hate a man I know."

And that is how Wilson made his point. He said, "When we know one another, we cannot hate one another."

Knowing one another in its deepest sense means far more than becoming acquainted or improving the atmosphere in relations between nations. It means that we must recognize our differences and come to grips with reality of conflicting national interests.

History has taught us that we do not know one another better by glossing over the substance of disagreements. We know one another better when we understand why nations disagree.

Then, and only then, can we act together to harmonize our differences. When we truly know one another we can have differences without hating one another.

I suggest that the greatest single achievement of Woodrow Wilson was in opening the heart of America for the world to see.

Since Wilson, the world better understands that America does stand for self-determination of all nations, that Americans fervently believe in a world living in freedom and peace.

Wilson died convinced he was a failure. He was wrong. The Wilsonian vision, the American passion for peace and freedom did not die. Through all the years of war, through all the setbacks of isolationism and weakness toward aggression, that vision has persevered—until now it is on the verge of triumph.

When we know one another, we cannot hate one another. In this still imperfect world, I am convinced that realistic understanding is on the rise and mindless hatred is on the decline.

The strong likelihood exists that there will be no need for a war to end wars, that instead by taking one careful step at a time, by making peace for one full generation, we will get this world into the habit of peace.

The time will come when Woodrow Wilson will be remembered not as a man who tried and failed, but as one of those Americans who saw the truth before his time and whose vision became the reality of the generation he inspired.

By his example, Woodrow Wilson helped make the world safe for idealism.

By following that example, by not fearing to be idealists ourselves, we shall make the world safe for free men to live in peace.

FACTS ABOUT THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

1. *What is the WWICS?*

It is a new international center for advanced contemporary studies in Washington, D.C., created by Congress as the nation's "living memorial" institution in honor of Woodrow Wilson. The Center is a place where men of letters and men of affairs from many nations can work together for brief or sustained periods on some of the major issues confronting man in the last third of the century.

2. *Where is it located?*

The Center is located in the newly-renovated, original Smithsonian Institution "castle" on the mall, where the Smithsonian has generously made more than forty rooms available for the Center's interim use in the central part of the building, including offices for scholars and staff, meeting rooms, library, commons rooms and a dining area.

Under the legislative history of the Act creating the Center, it will eventually have a building of its own, located, according to the recommendations of the Woodrow Wilson Memorial Commission and the President's Temporary Commission on Pennsylvania Avenue, in downtown Washington in the area north of the Avenue between the National Archives and the National Portrait Gallery—National Collection of Fine Arts Buildings.

3. *Who runs the Center?*

Placed by Congress in the Smithsonian Institution for administrative purposes, the Center operates under the direction of its own fifteen-man Board of Trustees, appointed by President Johnson and President Nixon—eight from private life and seven from federal positions, including the Secretaries of State, HEW and the Smithsonian Institution (list attached). Former Vice President Humphrey is the designated Chairman of the Board. Ex-Presidents Truman and Johnson are honorary members.

The Center is also aided by a strong bipartisan national and international Advisory Committee, headed by Mr. C. Peter McColough, president of the Xerox Corporation. (List Attached). Its members include persons prominent in public life, the universities, industries and the professions. Serving on the Advisory Committee as honorary members are the chief of state, head of government and/or foreign minister of Canada, France, Germany, Iran, Japan, the Netherlands and the United Kingdom.

The Center staff is under the direction of Mr. Benjamin H. Read, an attorney from Pennsylvania who was the Executive Secretary of the State Department from 1963 to 1969. Mr. Albert Meisel, previously with the Office of Economic Opportunity, Peace Corps and Council on Leaders and Specialists serves as deputy director.

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(c) *Center Staff*

Benjamin H. Read, Director.

Albert Meisel, Deputy Director.

William M. Dunn, Administrative Officer.

Mary Anglemyer, Librarian.

Michael J. Lacey, Information Center Officer.

5. *How does the Center's fellowship program differ from other advanced studies programs?*

Scholars in the fellowship program of the Woodrow Wilson International Center are:

Strongly international in makeup (half of the first WWICS fellows appointed come from the U.S.; half from ten other countries: Australia, France, India, Israel, Japan, Korea, Switzerland, U.K. and Yugoslavia);

Selected from many non-academic professions and occupations (government, law, business, journalism, diplomacy, etc.) as well as a variety of academic disciplines (social sciences, humanities and natural sciences);

Given short as well as long terms of appointment (3 weeks to 18 months in the first group) to facilitate participation by busy executives as well as traditional scholars with well developed study projects;

Chosen without consideration of arbitrary age limits (fellows in their twenties, thirties, forties, fifties and sixties constitute the first Center community);

Work individually as well as in groups in approaching their subjects of study;

Appointed primarily for what they can contribute to the increase and diffusion of knowledge about significant international, governmental and social policy problems and their solutions.

The Wilson Center is *not* an educational institution; it is *not* a cultural exchange program—although both educational and cultural exchange benefits will exist. It *is* primarily a center for the encouragement of scholarship on vital current problems by persons of outstanding intellectual qualifications, experience and dedication.

6. *General and Specific themes of studies—Oceans and Environment*

(a) *General Theme*—The general theme of the Center's fellowship program is designed to accentuate those aspects of Wilson's ideals and concerns for which he is perhaps best known a half century after his presidency—his search for international peace and the imaginative new approaches he used to meet pressing current issues. Thus the statement of policy adopted by the Board states:

"Emphasis will be placed on studies designed to increase man's understanding of significant international, governmental and social problems, and to improve the organization of society at all levels to meet such problems. The focus will be on the public policy aspects of contemporary and emerging issues which confront many peoples and, where applicable, on comparative analyses of different cultural, regional and other approaches to such issues."

(b) *Specific Themes: Oceans and Environment Studies*—More than half of the charter members of the Center's scholarly community are working on two areas of study selected by the Trustees for special analysis during the opening year(s):

Oceans—The first relates to the development of international law and cooperation in the uses of the oceans. Given the fact that the oceans cover 70 per cent of the earth's surface and contain a large proportion of the planet's mineral and food resources, including four-fifths of all known animal life, the extension of existing laws has become an urgent necessity to avoid conflict and to safeguard marine environment in the face of advancing population and technology. New and growing pollution hazards, exploitation capabilities, military uses, scientific research, depletion of certain fish stocks, supertanker developments, unresolved legal issues and claims, differences between the few states with advanced marine use capabilities and those without such means—all call for sustained study to extend existing understanding, law and cooperative practices.

Environment—The other area designated for special encouragement involves studies of twentieth-century man in perspective, including consideration of the philosophical, social, political and economic implications of various environmental problems. Many research centers are well equipped to study man as a machine, and technical environmental studies are relatively plentiful. The Center's studies relate to the kinds of attitudinal and institutional changes that are called for if environmental deterioration is to be halted, and on ways in which such changes as are indicated may be brought about. Particular attention is given to new forms of international cooperation needed if those problems that transcend boundaries are to be addressed effectively.

7. *How is the Center financed?*

From its inception the Congress has intended that the Wilson Center be a joint public-private enterprise with financial support coming from both sectors. This in fact has been the case.

The Center was able to organize and start its operations in the spring of 1969 by virtue of a grant from the Ford Foundation. As of December 1, 1970 a total of $220,000 had been raised from private sources to help meet initial development and fellowship costs.

In the fall of 1970 the Congress appropriated $100,000 for the use of the Center in fiscal year 1971. In its first operating year the Congress has provided an appropriation of $750,000 to equip and administer the Center and to finance twenty of the forty fellowships (at an estimated average cost of $23,000 per fellowship) for which facilities are provided in the interium quarters. For the fiscal year 1972 the Board of Trustees has requested funds which would again permit payment of administrative costs and half of the intended forty fellowships from public sources.

In order to bring the Center to full capacity in its first year of operations the Board of Trustees must raise approximately $250,000 additional fellowship funds from private sources—foundations, corporations and individuals—in the United States and in other countries.

Some extremely strong fellowship applications have been received from the United States and other countries, and more are coming in each week.

8. *How are fellowship stipends determined?*

Financial support in the form of stipends are available from the Center to meet the fellow's previous year's salary rate up to a stipulated ceiling with cost of living adjustments for scholars from other countries, based on the principle that the fellowship should not involve financial loss or gain to the recipient. Each fellow, however, is asked in the first instance to seek any possible financial support from his own institution, government, foundations, or other sources. Funds are also available to cover certain travel expenses for the fellow and his immediate family to and from Washington, if warranted by the length of the appointment in question.

9. *What is the scholar selection system?*

Nominations and application forms are available by writing to the Center and completed forms are processed on receipt. The normal selection schedule calls for the issuance of invitations three times each year—March 1 (January 1 deadline for applications); July 1 (May 1 deadline); and December 1 (October 1 deadline). Appointments may start at any time after the issuance of invitations and the completion of arrangements. Ordinarily applications should be received well in advance of the period of appointment sought, but no fixed lead time is required.

In processing nominations and applications the Center staff obtains the advice of expert outside advisory panels. Panel members to date have included such academic and professional luminaries as: Marver Bernstein, Dean of the Woodrow Wilson School at Princeton; O. B. Hardison, Jr., Director of the Folger Shakespeare Library; Margaret Mead, anthropologist; Henry Riecken, President of the Social Science Research Council; Max Frankel, Washington bureau chief of the New York Times; and Daniel Boorstin, Director of the Museum of History and Technology.

In extending and passing on applications the Board has determined that the following criteria will be used: (1) scholarly capabilities and promise in areas of primary interest to the Center; (2) likelihood of contributing the complementary experience and knowledge needed for a lively and productive intellectual community; (3) relevance of Washington area intellectual resources or people to proposed area of study; and (4) thorough speaking and writing knowledge of English.

The Board of Trustees has reserved to itself the final review and approval of all invitations of appointment.

10. *What is the Center's relationship to Washington area and other institutions?*

The WWICS is an independent institution under the direction of its own Board of Trustees and located for administrative purposes in the Smithsonian Institution complex.

It is not related in any formal way to any of the many schools and programs named in honor of Woodrow Wilson—all of which are sponsored and financed by private or state means—although informal ties are close and friendly with these institutions.

The same is true of the universities and colleges in the Washington area. Close, informal ties exist, but there is no formal relationship, since the Center is clearly intended as a national and international institution and not the affiliate or associate of any one private institution.

11. *What are its relations with the capital area community?*

One of the basic objectives of the Center is the creation of an intellectual community in the Washington area which can help strengthen the relations between "the world of learning and the world of public affairs." Each fellow in accepting an appointment has agreed to participate regularly in dinners and other discussion groups with his colleagues and invited guests and to take a turn at leading such discussions or presenting a paper for discussion on such occasions. By this means the Center board hopes that the scholars will establish close and significant ties with the official, diplomatic and private intellectual communities of the area and nationally.

This process is aided by the many resources of the Washington area, which bring increasing numbers of scholars to the city in search of the rich and growing library, program and manpower assets of the area. The Center has established a small information center service to assist scholars to locate most efficiently the resources needed in their work.

In addition, the Center's board has hosted a series of community leader luncheons and other informal get-togethers to create close and enduring ties with the Washington community.

Location in the Smithsonian Institution complex will provide a valuable resource and relationship on which to draw and the social scientists and humanists at the Center will benefit greatly from close relations with the Smithsonian scientific community.

12. *Independent nature of studies and scholars at Center.*

Although the Wilson Center is partially financed from public appropriations and a minority of its Board of Trustees are ex-officio federal officials, the legislative history of the Center and the decisions of the first Board of Trustees make it unmistakably clear that there will be a spirit of complete freedom of inquiry in all scholarly work done at the Center.

To help insure this end the Board determined unanimously that government research contracts will not be sought or accepted at the Center.

The high caliber of first scholars appointed attests to the genuine and complete independence of the Center from government control.

13. *Woodrow Wilson Quotes and Statements about the Center by President Nixon, former Presidents and Chairman Humphrey.*

WOODROW WILSON

"The man who has the time, the discrimination, and the sagacity to collect and comprehend the principal facts and the man who must act upon them must draw near to one another and feel that they are engaged in a common enterprise. The scholar must look upon his studies more like a human being and a man of action, and the man of action must approach his conclusions more like a scholar."

(Address to American Political Science Assn. Annual Meeting 1911)

"Democratic institutions are never done; they are, like the living tissues, always 'amaking' ".

HARRY S. TRUMAN

"Woodrow Wilson was one of the greatest of our Presidents and he brought to that office his deep scholarship, a profound sense of history—and maturity of our democratic purpose. My best wishes to the Board of Trustees of the Woodrow Wilson International Center for Scholars on this very important undertaking."

(President Truman's Letter to Chairman Humphrey, May 5, 1969)

JOHN F. KENNEDY

"We have a continuing commitment, in the words of President Wilson, to the service of humanity. His life, his actions, and his ideals serve as an inspiration today to the achievement of the goals that he articulated so well . . . I hope the Commission will plan a memorial that expresses the faith in democracy, vision of peace and dedication to international understanding that President Wilson himself did so much to advance."

(Statement at Signing of Bill Creating Woodrow Wilson Memorial Commission October 4, 1961)

LYNDON B. JOHNSON

"The dream of a great scholarly center in our Nation's Capital is as old as the Republic itself. There could be no more fitting monument to the memory of Woodrow Wilson than an institution devoted to the highest ideals of scholarship and international understanding."

(Message to Congress, March 13, 1968)

The Congress of the United States:

"The Congress hereby finds and declares . . . that a living institution expressing the ideals and concerns of Woodrow Wilson would be an appropriate memorial to his accomplishments as the 28th President of the United States, a distinguished scholar, an outstanding university president, and a brilliant advocate of international understanding; . . . that (an international center for scholars), symbolizing and strengthening the fruitful relation between the world of learning and the world of public affairs, would be a suitable memorial to the spirit of Woodrow Wilson."

(Woodrow Wilson Memorial Act of 1968 (PL—90–637)).

RICHARD M. NIXON

"My greetings to the first scholars and to all responsible for the opening today of the Woodrow Wilson International Center for Scholars. As a long time admirer of the twenty-eighth President, who combined a devotion to scholarship with a passion for peace, I can think of no more fitting tribute to his memory than this new international center where men of letters and men of affairs from many nations will dedicate their scholarship to gaining new understanding of the pressing problems confronting men now and in the years ahead. It is my hope that the Center will prove to be, as it was first proposed, 'an institution of learning that the 22nd century will regard as having influenced the 21st'."

(Message to Center, October 19, 1970).

"And to [Senator Humphrey] and all the others who worked with him, certainly the thanks of the nation and the thanks of the people around the world go for seeing to it that the living memorial to one of America's greatest men is now coming into being."

(Remarks at Dedication of Center, February 18, 1971)

HUBERT H. HUMPHREY

"One of the reasons we have labored so hard to launch the Center is the belief that there is an urgent need for an institutional meeting ground where men and women from many nations whose lives are devoted to public service and outstanding persons from the academic world and other learned professions can come together to work on common problems of major importance which cut across the boundaries of disciplines, professions and nationalities alike in an atmosphere of complete freedom of inquiry and equality.

(Message to Center, October 19, 1970)

"So, Mr. President, in dedicating the Woodrow Wilson International Center for Scholars today, we have set our sights high indeed. We ask no less today of the scholars and staff of the Center and those that will follow them than that they dedicate their experience, creativity and insights to the solutions of man's primary problems and the need for change to meet those problems."

(Remarks at Dedication of Center, February 18, 1971)

February 22, 1971.

Fellows and Guest Scholars of Woodrow Wilson International Center for Scholars

A. Fellows

(1) *Environment Studies*

Stephen V. Boyden, 45, Australia, Head of Urban Biology Group at Australian National University. Writer and lecturer on broad biological consequences of advancing technology in advanced societies. Writing book on "The Biology of Civilization" which will be an attempt to describe aspects of the contemporary human situation in biological perspective, and to discuss interaction between natural and cultural processes as they relate to problems of modern man. (October 1970–February 1971.)

Douglas M. Costle, 31, attorney and government official. Graduate of Harvard University and University of Chicago Law School. As a senior staff associate on the Environment and Natural Resources Panel of the President's Advisory Council on Executive Organization under Roy Ash, Costle and one other have been given principal credit for formulation of President Nixon's reorganization plan and message on the new Environmental Protection Agency (EPA). Will concentrate at the Center on related basic values issues of the quest for a better environment and the international institutional and political questions which will call for sustained attention.

Elizabeth Haskell, 28, formerly on research staff of the Urban Institute in Washington, D.C.; previously a legislative aide to U.S. Senator Jackson; and policy analyst for the Assistant Secretary of the Interior for water pollution control; is heading small task force project funded largely by the Ford Foundation to analyze state environmental institutions. The study will formulate general guidelines based on legal and public administration research, to assist state legislatures in developing comprehensive, environmental institutional arrangements. Currently also coauthoring book on thermal pollution, she has in past year compiled two-volume compendium and evaluation of federal programs involved in urban waste management and regulation of quality of urban environment.

Paul G. Kuntz, 55, Professor of Philosophy, Emory University, Atlanta. A Ph. D. from Harvard, Kuntz has also taught at Smith and Grinnell Colleges. He is the author of several books on philosophy and numerous articles covering a wide range of humanist concerns. Is working at the Center on various writings stemming from *The Concept of Order* (1968) such as order in individual experience, the ordering of societies, and concepts of the order of nature crucial in discussions of the environment.

Athelstan Spilhaus, 59, meteorologist, oceanographer, environmentalist; American Association for the Advancement of Science, president 1970–71; Chairman of the Board 1971–72. Self-employed as writer and consultant in Florida during last year, Spilhaus has been president of the Franklin Institute in Philadelphia 1967–69; dean of the Institute of Technology at the University of Minnesota 1949–66; and has held a succession of teaching, consulting and board positions in the fields of meteorology, oceanography and other natural sciences. He has held presidential appointments—UNESCO, Seattle World's Fair and National Science Board—under Presidents Eisenhower, Kennedy and Johnson. His executive writings have concentrated recently on environmental issues, particularly new town issues.

Robert E. Stein, 32, Attorney Adviser, Legal Adviser's Office, Department of State; served as attorney for U.S. Section of International Joint Commission (U.S. & Canada); previously attorney, U.S. Arms Control and Disarmament Agency; honor graduate, Brandeis University and Columbia Law School. His project deals with methods of organizing transnationally for environmental control with special emphasis on the role that can be played by regional institutions.

(2) *Ocean studies*

R. P. Anand, 37, Professor and Head of the Department of International Law, School of International Studies, Jawaharlal Nehru University in New Delhi; author of several books and numerous articles on international courts, arbitration, conflict settlement, developing role of the newly-independent Asian-African countries in the present international legal order, and several other aspects of international law. Is writing a book on "Legal Regime of the Seabed and the Developing Countries."

Edward Duncan Brown, 36, Senior Lecturer in International Law at University College, London; Master of Laws with Distinction and Ph. D., University of London (Ph.D. thesis on legal regime of submarine areas); author of *The Legal Regime of Hydrospace,* 1971, and a number of articles and papers on ocean issues, particularly legal regime of deep sea mineral exploitation, freedom of scientific research and pollution problems. Is completing a study on Arms Control in Hydrospace and undertaking a comparative study in depth of institutional models for a legal regime for the sea-bed beyond national jurisdiction.

Lucius C. Caflisch, 34, Assistant Professor of International Law, Graduate Institute of International Studies at Geneva, Switzerland. Holds law degrees (*License en droit* and *Docteur en droit*) from the University of Geneva and a Master of Arts Degree from Columbia. Has published a book and articles on international law in various periodicals. Is doing research and writing on international legal questions relating to the pollution of the seas.

Moritaka Hayashi 32, member of study group of ocean exploitation law at Japanese Institute of International Business Law in Tokyo; Lecturer at Hosei University in Tokyo; previous assignments with legislative reference bureau of the Japanese Diet. Has law degrees from both Waseda University in Tokyo and Tulane University in New Orleans, and has done advanced graduate study work at the University of Pennsylvania. Author of several articles and a book on various aspects of the law of the sea, particularly on continental shelf problems. Will do systematic research on Soviet attitudes toward ocean space, deep seabed and ocean floor problems, and the prospects for international cooperation with the West in this area. (Coming March, 1971.)

E. W. Seabrook Hull, 47, marine affairs publicist. President Nautilus Press, and editor, *Ocean Science News, Coastal Zone Management,* and *World Ecology 2000;* previous editor, *Underseas Technology;* editor with McGraw-Hill, Whaley-Eaton Service; authors of books and articles on oceans; Master of Marine Affairs, University of Rhode Island. Is working on model international regime for prevention, control and clean-up of ocean pollution.

Vladimir Ibler, 57, Professor of Public International Law, University of Zagreb, Yugoslavia. Author of a number of publications on international law, in particular on the law of the seas. Is studying problems arising in connection with the proposed conference on the law of the sea in 1973, especially those of preservation of freedom of the seas.

Gerard J. Mangone, 52, former Vice President for Academic Affairs and Professor of

Political Science at Temple University, Philadelphia, is the author, co-author, or editor of some twenty books on international relations. He is Senior Fellow and Coordinator of Ocean Studies at the Woodrow Wilson International Center for Scholars.

P. S. Rao, 27, a graduate of Andhra University, Waltair, India, Rao has just received his doctorate in international law from Yale University. His thesis was on "Legal Regulation of the Exploitation of the Deep Seabed". Is doing research on the international issues involved in offshore natural resources exploitation and world public order.

George E. Reedy, Jr., 52, writer; previously press secretary to President Johnson 1964–65; special assistant to the Vice President 1961–63; staff director, Senate Majority Policy Committee, 1955–60; member of (Stratton) Commission on Marine Science Engineering and Resources (1967–69). Based on his experience on the Stratton Commission and extensive subsequent research, Reedy is writing a book on marine policy problems.

Hideo Takabayashi, 43, Professor of International Law, Ryukoku University, Kyoto, Japan; author of numerous articles and book on maritime and ocean law problems, particularly questions concerning the territorial sea. Is doing study of future regime of the deep seabed and the exploitation of its resources, with special emphasis on the needs of developing countries. (October 1970–March 1971.)

(3) *General Studies*

R. C. Anderson, 51, Associate Director, Brookhaven National Laboratory; specialist in chemistry and American Literature; studied role of science in modern society by an interview process with officials in the Executive and Legislative Branches. (October–November 1970.)

Shlomo Avineri, 37, political scientist and historian; chairman of the Political Science Department of Hebrew University in Jerusalem; Ph.D. from London School of Economics (1964). Author of recent works on Marx and Hegel, Avineri wishes to pursue his studies of possible options for the resolution of the Arab-Israeli conflict, with special attention to the role of the Palestinians on whom he is an acknowledged expert. (Coming Sept. 1971.)

Rajeshwar Dayal, 61, former senior fellow at Woodrow Wilson School, Princeton; previously Foreign Secretary and Head of Indian Foreign Service; Special Representative of U.N. Secretary General in Congo and head of U.N. Mission; Indian Permanent Representative to U.N.; High Commissioner to Pakistan; Ambassador to France, Yugoslavia, Bulgaria, Romania and Greece; Minister in Moscow. Is writing book on international peacekeeping, conciliation and mediation.

Alton Frye, 33, on leave as Administrative Assistant to Senator Edward W. Brooke; political scientist; writer; Ph.D. from Yale; former staff member of the Rand Corporation. Is writing book on "A Responsible Congress: The Legislative Context of American Foreign Policy", for which he has received a grant from the Council on Foreign Relations.

Jackson Giddens, 35, Assistant Professor of Political Science at MIT; Ph.D. from Fletcher School of Law and Diplomacy. He is studying the origins and effects of Wilson's approach to communications with other nations, particularly the idea of open diplomacy and its implications for American propaganda overseas.

Jules Gueron, 62, Professor, Science Faculty, Sorbonne; specialist in physical chemistry; former Director, French Atomic Energy Commission; former Director General, European Atomic Energy Community. Wants to study (1) process by which U.S. Government science policy is developed; and (2) relevance of U.S. interstate regulating system for European Community. An internationally known physical chemist and science administrator as well as a philosopher and student of comparative political developments. (Coming June 1971.)

Donald L. Horowitz, 31, attorney, U.S. Department of Justice. Law degrees from Syracuse and Harvard Law Schools; Ph.D. in government. Harvard University. Author of several articles on race and ethnic problems. Horowitz plans to undertake research and comparative study at the Center on the politics of ethnic and racial relations in developing countries. The study will center on (1) the sources of ethnic conflict, (2) the patterns of ethnic politics, and (3) the strategies of ethnic accommodations in divided societies. Horowitz holds a joint appointment from the Woodrow Wilson Center and the Council on Foreign Relations.

Robert E. Lane, 53, Political Science Department. Yale University; formerly, chairman of department; President, 1970–71, of American Political Science Association; author of several books and numerous articles on American government and political life; is studying ways in which political science research can become more useful and better known to top Executive and Legislative Branch officials.

Yves-Henri Nouailhat, 35, French historian, writer; Assistant Professor of History at the University of Nantes; is studying relations between France and U.S. between 1914 and 1917 for which he has received a grant from the American Council of Learned Societies.

H. J. Rosenbaum, 29, Assistant Professor of Political Science, Wellesley College, and specialist in Latin American politics and comparative foreign policy. A Ph. D. from the Fletcher School of Law and Diplomacy and author of numerous articles on Latin American Affairs, Rosenbaum is studying recent Latin American security developments and writing a book on Brazilian economic and political development.

Harold I. Sharlin, 45, Professor of History, Iowa State University. Teaches history of science and technology and their influence on American culture; author of numerous articles and of *The Making of the Electrical Age* (1963), *The Convergent Century: The Unification of the Sciences in the Nineteenth Century* (1966), forthcoming work on Lord Kelvin. Is working on the role of 19th century science and technology in the formation of American attitudes and beliefs.

Kurt R. Spillmann, 33, Switzerland, specialist in American History at University of Zurich; holder of research fellowship at Yale University, 1969–70; author of several publications, including articles on Wilson and Roosevelt. Studying "motives and goals of the peace concepts of Woodrow Wilson and Franklin D. Roosevelt: a case study of the gap between long-range objectives on foreign policy and the realities of making peace."

David Wise. 40, author and journalist, Washington, D.C.; formerly Washington Bureau Chief, *New York Herald Tribune;* coauthor of *The U–2 Affairs* (1962), *The Invisible Government* (1964). *The Espionage Establishment* (1967); and *Democracy Under Pressure* (1971), a college textbook on the American political system; numerous articles in leading newspapers and magazines. Studying processes through which government-decision making and action, especially in the field of foreign policy are—or are not—translated into public information and public support.

B. *Guest Scholars*

Lynton K. Caldwell, 57, political scientist; professor of government at Indiana University; author of a number of books and publications on biopolitics, science, ethics and public policy and articles over several years on environmental questions. Now working on book on "Protecting the Biosphere: International Organization for Environmental Control" for publication in 1972 prior to U.N. Environmental Conference. Based on considerable travels books will concentrate on international understanding, cooperation and arrangements necessary for combatting environmental problems on international scale, influence of international business, science and technology and limitations of present international structure. Will conduct and participate in planned series of seminars at Center in 1971 on international environmental issues.

Aaron L. Danzig, 57, attorney, senior partner in law offices of Nemeroff, Jelline, Danzig, Paley and Kaufman, New York City; A. B. and LLB Columbia; LLM New York University; President, U.S. Financial Co., Inc., New York City; charter member World Peace through Law Center; chairman of U.N. Charter Commission; member Commission to Study Organization of Peace. Author of books and articles, including draft legal regimes on seabeds, U.N., etc. Plans to spend three weeks at Center developing treaty proposal on ocean pollution matters.

Wilton S. Dillon, 47, anthropologist and educator, Smithsonian Institution, former director of seminars, now attached to Office of Environmental Sciences. A former university teacher and foundation executive, Dr. Dillon spent six years at the National Academy of Sciences, Washington, D.C., helping to organize international cooperation on science and technology in developing countries. He is author of *Gifts and Nations,* and co-editor, *Man and Beast: Comparative Social Behavior*. He is presently working on an essay about the management of science diplomacy, and a book on intellectual life in Africa.

Rene Jules Dubos, 69, micro-biologist and leading environmentalist; professor at Rockefeller University in New York City; first to demonstrate feasibility of obtaining germ-fighting drugs from microbes more than twenty years ago. Noted author of fourteen books, including Pulitzer Prize in 1969 for "So Humane an Animal". Dubos has been concerned with the effects and environmental forces—physio-chemical, biological and social—exerted on human life. His interest in the biological and mental effects of the total environment has involved him in the sociomedical problems of the underprivileged communities as well as the developed areas of the world. Dubos has indicated he will devote "ample time to participate in the activities of the Woodrow Wilson International Center" in defining environmental study objectives and in helping to find and select the scholars who would like to work on these problems at the Center in its opening year.

V. A. Fedorovich, 46, U.S.S.R., has higher degrees in both engineering and economics and has taught political economy at the University of Moscow. Currently a research fellow at Institute of U.S.A. in Moscow, Fedorovich is a specialist in science policy and is gathering data on U.S. government system of research and development contracting in science. (January-February 1971.)

Edward Wenk, Jr., 50, professor of engineering and public affairs, University of Washington; Chairman, Committee on Public Engineering Policy, National Academy of Engineering; formerly executive secretary (1966–70), National Council on Marine Resources and Engineering Development; leading authority on multiple policy aspects of ocean uses; first advisor on science and technology, Legislative Reference Service, Library of Congress; Executive Secretary of Federal Council for Science and Technology; Director of Engineering in civil engineering, Johns Hopkins. Dr. Wenk is spending regularly two days a month on ocean studies at the Center.

The PRESIDING OFFICER. At this time, under the previous order, the Chair recognizes the Senator from Illinois (Mr.

PERCY) for a period not to extend beyond 12 o'clock noon.

THE ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. PERCY. Mr. President, on the 53d anniversary of Lithuanian independence, we look across the years of contemporary history and remember the millions of men, women, and children of many nations and cultures who have been oppressed and denied their rightful destinies.

We rise in tribute today to the people of Lithuania who—under the most difficult circumstances—have, somehow, some way, maintained their historical, cultural, and religious traditions.

But we think also of the Poles, the Czechs, the Slovaks, the Hungarians, the East Germans, the Albanians, the Latvians, the Estonians, the Ukrainians, the Armenians, the Georgians, the Cubans, and the Asians who live under Communist rule.

For millions of people on three continents live in these conditions. They must not be forgotten. And I am certain that I speak for all my colleagues in the Senate of the United States when I say that they will not be forgotten.

The Lithuanian people, together with their sister nations of the Baltic area, have suffered such oppression since 1918, before most of today's living Americans were born. Think of it: For two and a half generations, Lithuanians have been denied their freedom and self-determination.

This year the plight of the Lithuanian people has been dramatized before the entire world by the attempted defection of the Lithuanian sailor, Simas Kudirka, and by the efforts of Pranas and Algirdas Brazinskas and of Vytautas Simokaitis to gain freedom. By their acts they have reminded the world that Lithuania yearns to be free.

Today Mr. Eugene A. Bartkus, immediate past president of the Lithuanian American Council, who has been exceedingly active in Lithuanian affairs, is in Washington to talk with Members of the Senate about what can be done to achieve a degree of freedom for the people of Lithuania.

The members of the council are among the many Americans of Lithuanian heritage whose good work helps keep alive the hope of freedom for Lithuania. On the occasion of the anniversary of Lithuania's indepedence, we salute them and their dedicated coworkers across this land.

We pray that freedom such as ours here in America will one day be enjoyed by the people of Lithuania and of all the world.

Mr. BEALL. Mr. President, February 16 marked the 53d anniversary of the proclamation of independence by the gallant people of Lithuania. On that day the centuries-long struggle of the Lithuanian people to be free of foreign domination was at last realized.

History and geography have been brutal to the proud freedom loving people of Lithuania. Throughout most of their history they have been subjected to the humiliation of foreign rule. During the 18th and 19th centuries, Czarist Russia not only ruled the Lithuanians but also attempted, via a policy of Russification, to destroy the cultural heritage of the national minorities that lived within their imperial empire. The chaos that followed the collapse of the Romanov dynasty during World War I enabled the Lithuanians to proclaim their independence. Two more years of warfare ensued before peace and international recognition confirmed their fragile independence.

We mark this occasion, not with the joy that accompanies our own independence day celebrations, but with the grim realization that the freedom and independence of these proud, long suffering, Baltic peoples was to last but 22 years. Tyranny would once again replace liberty, by mid June 1940, when the Soviet Union occupied Lithuania and installed a puppet regime that requested annexation to the U.S.S.R. War, devastation, and alternating waves of German and Russian invaders would mark Lithuania's fate during World War II. Deportation and continued subjugation were the order of the day as the Soviet Union reasserted its control following the collapse of Nazi Germany in 1945.

This anniversary is an opportune time for us to remember the heroic efforts to the Lithuanian people to be free. We who have always lived in a land of democracy and freedom often take these treasures for granted. It is appropriate for us to remember that there are other peoples longing to be free. We can only hope that some day the dream embodied in the Atlantic Charter, "to see sovereign rights and self-government restored to those who have been forcibly deprived of them," can at last be realized by the freedom-loving people of Lithuania.

Mr. MATHIAS. Mr. President, I am proud to add my voice to the excellent statement of the Senator from Illinois (Mr. PERCY) in commemoration of Lithuanian Independence Day. Buffetted by invasion and domination by powerful neighbors, for close to 1,000 years, Lithuania has nevertheless kept alive its spirit and its ethos. In 1939 Lithuania received the dubious "protection" of the Red Army, and in 1940, after a rigged election, she was forced to request incorporation into the Soviet Union. Her people were deported in large numbers, her inteligentsia was systematically decimated, and her treasures were ravaged first by the Soviets in 1940, then by the Germans in 1941, and again by the Soviets in 1944. It is indeed extraordinary that the flame of Lithuanian culture, however, tenuous it may appear, continues to survive today. And it is fitting that this flame is strongest today in the United States.

At the same time it is particularly sad that our most recent reminder of the plight of Lithuania was reenacted last November in the events that resulted in the return of the would-be defector, Simas Kudirka, to Soviet captivity. The tragedy of human life and liberty that was reflected in this act filled all America with shock, disbelief, and a sense of profound shame. This act cannot be undone. But we can seek to learn from this grievous mistake and to rededicate ourselves to the principle for which America has traditionally been a symbol throughout the world: The principle of the sanctity and inviolability of the individual. Let us therefore in the name of Simas Kudirka direct our respect and honor to the spirit of Lithuania, which remains unextinguished, on this day of commemoration of Lithuanian Independence Day.

Mr. BUCKLEY. Mr. President, I am pleased to join my colleagues today in paying tribute to the Lithuanian people on the 53d anniversary of Lithuanian independence, celebrated February 16.

The story of the Lithuanian people is a chronicle of continued domination. The Lithuanians were dominated by Russia from 1795 to 1915, then occupied by the Germans. The Lithuanians did experience two decades of independence prior to being declared a constituent republic of the U.S.S.R. on August 3, 1940. Lithuania was occupied by the Nazis following Germany's attack on the Soviet Union in 1941. Then, beginning in 1944, the Soviet Army again reoccupied Lithuania.

The United States has never recognized the Soviet incorporation of Lithuania or of the other two Baltic States, Estonia and Latvia. I applaud such a policy because the United States should not, even symbolically, acquiesce to Soviet domination of these nations. The eventual freedom and independence of Lithuania, as well as Estonia and Latvia, must be an objective of American policy.

The media of the Communist nations continue to polemicize about "Western colonialist powers." Yet, the continued subjugation of Lithuania, and the other Baltic States, eloquently testifies to the nature of the world's colonial power, the Soviet Union.

All of us are aware of the tragedy last November 23 of Simas Kudirka, the Lithuanian seaman who attempted to defect to the United States. Americans were outraged and saddened by the succession of events that day which, in effect, denied asylum to this young man. Although President Nixon has taken action to prevent the recurrence of such an incident, Americans will long remember this contradiction of a traditional policy of welcoming those who seek freedom.

Simas Kudirka focused attention once again on the plight of the Lithuanian people. Kudirka reminded Americans, who in their own security had forgotten, that too many people still live under the domination of foreign powers. I am optimistic enough to believe that someday the Lithuanian people will be free, because of the will to freedom which has characterized the Lithuanian people.

There are about 1 million Americans of Lithuanian descent, including many in my own State of New York. I join these Americans in their prayer for the early restoration of freedom and independence for Lithuania.

Mr. SAXBE. Mr. President, I would like to associate myself with the remarks of the senior Senator from Illinois (Mr. PERCY), in commemorating the Declaration of Independence of the State of Lithuania.

Even though this most significant event in Lithuanian history took place

53 years ago, the right to freedom for Lithuania is just as real now as it was then.

At this time I can only add my hope to that of many, that this inalienable right to sovereignty be restored to Lithuania and all the captive nations of the world.

Mr. JAVITS. Mr. President, today marks the 53d year since the Lithuanian nation declared its independence. I believe it appropriate that we pause to pay tribute to the brave spirit and striving for freedom which has characterized the history of the Lithuanian people.

Lithuania's love of liberty is rooted in traditions of humanism that go back to the Middle Ages. As one eminent scholar, Clarence Manning, noted, Lithuania "protected Europe against the Mongols and the Tatars. They furnished a power and a government behind which the Eastern Slavs could live in peace and safety with a freedom that was unknown in Moscovite Russia. They blessed their subjects with more human freedoms than in the neighboring countries. They encouraged education and toleration, and they played their part in the general development of European civilization."

It is not surprising that a country rooted in such traditions should resist encroachments upon her freedom. In 1795 Lithuania was annexed by Czarist Russia, and from that moment until 1915, when she was overrun by German armies the Lithuanians made numerous attempts to throw off the imperial Russian yoke. What they were not able to accomplish by force in those they did achieve by sheer determination, for despite their subjugation, the Lithuanians successfully resisted Russian attempts to expunge their language and culture and replace it with that of their oppressor's.

The spirit of independence has never deserted the Lithuanian people: The reality of independence was achieved in 1918. That after two decades of freedom this brave people should have fallen once again under Russian dominance is tragic. That the United States has never recognized the Soviet incorporation of Lithuania is only an appropriate testimony to the indomitable love of freedom which still animates that brave nation.

Mr. DOLE. Mr. President, in the month of February, freedom-loving people everywhere, and particularly Americans of Lithuanian heritage, mark two important dates—the formation of the Lithuanian state in 1251 and the establishment of modern Republic of Lithuania in 1918. This year, as we have in the past, the Senate is participating in the observation of these anniversaries. It is especially important that we do pause to pay tribute to the accomplishments and traditions of Lithuanian Americans and their ancestral homeland, because no people have more firmly rooted dedication to the ideals of freedom and independence. Throughout their history this dedication of the Lithuanian people has shone forth through oppression, subjugation, and occupation of their homeland and in their accomplishments and service to the cause of peace and freedom in their adopted countries. America, especially, has been enriched by the contributions of Lithuanian refugees and immigrants and their descendants.

Recently, I received an essay from the Lithuanian-American Community of the United States of America, Inc. This essay capsulizes the history of Lithuania, and the U.S. support for the restoration of freedom to that nation and other captive states behind the Iron Curtain.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the vote today on the motion to invoke cloture, the Senator from Idaho be permitted to have one staff assistant on the floor to assist him, he being the leader in the forces to invoke cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. The name of the staff member is Mr. Wes Barthelmes.

ORDER FOR RECESS FROM TUESDAY, MARCH 2, TO 11 A.M. WEDNESDAY, MARCH 3, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next, March 2, it stand in recess until 11 a.m. on Wednesday, March 3, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLLOQUY ON DISABLED AMERICAN VETERANS ON WEDNESDAY, MARCH 3

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the approval of the Journal on Wednesday, March 3, if there is no objection, and the recognition of the two leaders under the prevous standing order, there be a period of 45 minutes, under the charge of the able Senator from Minnesota (Mr. Humphrey), for a colloquy with respect to the 50th anniversary of the Disabled American Veterans.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. As I understand, the Senator from Kansas (Mr. Dole) will cosponsor the colloquy.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, so that I may make a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a renewed period for the transaction of routine morning business, with statements therein limited in this instance, to 2 minutes, not to extend beyond 12 o'clock meridian.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CAMPAIGN REFORM

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the Record, today's New York Times column entitled "Controlling the Cost of 1972," written by Tom Wicker. Mr. Wicker discusses the approach of the campaign reform bill I expect to introduce on Thursday of this week. I feel his comments deserve the Senate's fullest attention.

There being no objection, the article was ordered to be printed in the Record, as follows:

CONTROLLING THE COST OF 1972

(By Tom Wicker)

WASHINGTON, February 22.—Senator Hugh Scott of Pennsylvania, the minority leader, is circulating a campaign finance bill that is apparently not an official Nixon Administration proposal, and which does not provide for limitations on what candidates may spend to win election.

This suggests that Mr. Nixon, despite having vetoed a campaign spending bill passed last year by the Democratic Congress, does not plan to put forward an Administration alternative this year. Since Mr. Scott and his cosponsor, Senator Charles Mathias of Maryland, prepared their bill in cooperation with the White House, it also suggests that Mr. Nixon will not support a limitation on spending.

Because the measure Mr. Nixon vetoed would have put stiff and self-enforcing limits on the biggest item of campaign spending—television—it may seem that the Scott-Mathias bill is little more than a pale imitation, designed to prepetuate the Republican financial advantages.

But Democratic leaders ought to think twice before they insist on a measure that limits spending. In the first place, Mr. Nixon possesses not only the veto power but the political muscle to drum up needed Republican support for a campaign finance bill. It seems reasonably clear that he is likely to use the former, as he did last year, and forget the latter if the Democrats insist on a ceiling on political spending.

In the second place, if the Scott-Mathias bill represents a package Mr. Nixon would accept, there is much to be said for getting it into the law before 1972, rather than suffering another veto of a more stringent measure. The draft was developed with the aid of the National Committee for an Effective Congress, a main sponsor of last year's bill, and contains these useful provisions:

A new Federal commission to enforce strict reporting of all campaign contributions and expenditures; feasible limits on individual and committee contributions; subsidization of some campaign postage costs; tax credits and deductions to encourage small contributions; permanent repeal of Federal laws that now bar televised Presidential debates, and a rule that all advertising media must extend their lowest rates to political candidates.

One important provision in the section on contributions would prevent candidates from contributing to their own campaigns more than $50,000 (if running for President or Vice President), $35,000 (if running for the Senate) or $25,000 (if running for the House). Contributions from members of their families would also be limited, thus largely preventing wealthy persons from overwhelming less wealthy opponents.

Finally, there is a substantial case to be made *against* imposing limits on campaign spending. The most important point against such a ceiling is that it would limit a challenger to the same amount an entrenched incumbent could spend.

A non-incumbent in many cases needs to spend more money just to "start even" either in a primary against an incumbent with strong organization support or in an election against a well-known incumbent. Thus, a spending limit would often work to the advantage of the "ins" of both parties and the political status quo.

There may also be a constitutional problem, since some authorities believe that an expenditure for speech is essentially the same thing under the First Amendment as speech itself. If a candidate already had spent whatever amount the law permitted, would it be constitutional to prevent some individual or group from spending their own money to express support for him, or opposition to his opponent?

Again, it would be difficult to enforce over-all spending ceilings if a candidate himself was not responsible for controlling all expenditures in his behalf. Yet it seems a dubious proposition indeed that a citizen may not, if he wishes, takes out an ad to express his personal political convictions. Effective enforcement would appear to limit constitutional rights; but protecting constitutional rights would make enforcement of over-all spending ceilings next to impossible.

If some way could be found to limit television spending, particularly for advertising, without limiting over-all expenditures, that might answer the constitutional problem as well as bring the cost of campaigning down to a level more accessible to all potential candidates. For the moment, and taking Mr. Nixon's veto powers into account, the Scott-Mathias bill looks like the best bet to apply some practical regulation to the cost of politicking in 1972.

THE IMPORTANCE OF BITUMINOUS COAL

Mr. BYRD of West Virginia. Mr. President, the Nation is coming to realize more and more the importance of bituminous coal, which is the most abundant fuel reserve in our land and must be our principal source of energy in the future.

Carl E. Bagge, the new president of the National Coal Association, made an address to the Gas Men's Round Table in Washington, February 2, in which he pointed out the need for a national energy and environmental policy to allow the Nation to make the fullest use of domestic energy fuels and to reconcile the use of coal with the increasing demands for an improved environment.

Mr. Bagge brings authoritative knowledge to the subject, and his words deserve a careful hearing. Before becoming president of the National Coal Association on January 1, he served nearly 6 years as a member of the Federal Power Commission, including a term as vice chairman. In his service with the Commission, he dealt daily with the problems of national energy supply, and in his new post as president of the coal industry's national trade association, he is the voice in Washington for an increasingly important segment of the energy supply.

Mr. Bagge pointed out some imperatives concerning the coal industry which I commend to the attention of all Members of the Senate. He called attention, for example, to the need for increased Government support for accelerated research in means of converting coal to sulfur-free gas in order to supplement our declining reserves of natural gas. He showed the need for more Federal sponsorship of research in processes to remove sulfur oxides from the stack gases of powerplants consuming coal—and for that matter, oil.

I am concerned that America make the best possible use of her coal reserves, not only because coal is the leading industry in West Virginia, but also because coal represents the future so far as the Nation's principal energy supply is concerned.

I have successfully fought to increase funds for coal research in the past, and I assure the Senate that I will examine the administration's new proposals carefully to make sure they are adequate to the needs of the national energy supply. I have also been privileged to join my colleague from West Virginia, Mr. RANDOLPH, in sponsoring a proposal for a study of a national energy policy, and I am pleased that such a study is planned this year by the Senate Committee on Interior and Insular Affairs under the chairmanship of the Senator from Washington, Mr. JACKSON.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

COAL'S NEW ROLE IN THE DECADE OF THE 1970'S

(By Carl E. Bagge)

The appearance of a coal spokesman before the Gas Men's Round Table at the beginning of the decade of the 1970's is symbolic. Before this decade closes, the coal industry will have moved from its old position as a competitor of the gas industry to a new status as a principal supplier of gas.

This, the era of the 1970's, will be the decade in which the coal industry, after a proud but checkered history, finally attains its natural birthright as the principal future source of energy for the nation. Coal's birthright has always been secure. Its inevitability has been based upon the fact that no other domestic fuel possesses the reserves which even approach those of coal in meeting the nation's nearly insatiable appetite for energy in the decades which stretch beyond the 70's—within the limits of existing technology. All that has been lacking in the attainment of coal's proper position has been its acknowledgment by government policy makers. Today, enlightened government policy is finally acknowledging coal's birthright.

Our nation's projected energy requirements underscore the need for achieving an adequate and reliable fuel supply. The realities of the present and the vagaries of the future dictate that our reliance must now be directed toward our domestic energy supplies. The hazards of heavy dependence on foreign sources are obvious and even familiar to the public by now. We are already painfully experiencing some of the results of subjecting our petroleum supplies to the uncertainties of international politics. Our nation cannot safely make a crucial and increasing share of our life-sustaining energy the hostage of unstable and perhaps hostile foreign governments. Furthermore, to allow a major part of our nation's energy bill to become a constant drain on our balance of payments would ultimately cripple our economy.

The Senate Public Works Committee staff only recently estimated the U.S. energy consumption will increase 41.5 percent from 1968 to 1980, and 171 percent to the year 2000. The staff repeated the now-familiar statement that demand for natural gas and crude petroleum are outstripping current additions to proved reserves, "and the time will soon arrive when the production of these fuels will be at a maximum."

Since it is increasingly clear that U.S. reserves of uranium constitute an inadequate energy source until it can be used in fast-breeder reactors—which the Senate Public Works Committee's recent publication says may be 1990 or later—the job of keeping the nation warm, lighted, running and hinged together is clearly up to the fossil fuels. This, in the final analysis, is to say it is up to domestic supplies, which in large measure is up to coal.

But if the nation's coal industry is to be able to meet the future demands upon it—which means if the nation is to have adequate, dependable supplies of energy—certain hard decisions must be made and made now, and certain crucial steps taken, by the coal and related industries, by the consumers of coal, by the government and by the public. These decisions constitute the present imperatives facing the coal industry and the public in the decade of the 70's.

Take the immediate problem of consuming coal within the ever-stricter regulations for air pollution control. The national interest requires a speedy solution if we are to avoid power blackouts, for coal furnishes 60 percent of the heat used to generate electric power for the nation.

One answer to air pollution is not to require "clean" fuel, but to burn fuel cleanly. Continuing the policy of limiting the sulfur content of fuel for electric utilities is self-defeating. It discourages use of the most abundant fuel. Low-sulfur coal is of premium quality and cost; its supplies, at least in the East, are limited; and it is impossible to remove enough of the sulfur from ordinary coal. Consequently, a company with reserves of high-sulfur coal has had no incentive to open a major mine if its product is likely to be regulated out of the market by government fiat in a few months or years. Adequate pollution control methods could restore that incentive. A decision by the federal government to push research on sulfur oxide emission control would settle some of the uncertainty which air pollution control regulations have caused in the coal industry.

One solution is to utilize high-sulfur coal and to remove sulfur oxides from the stack gases. A wide variety of processes are in bench-scale, pilot plant and even demonstration plant stage. Intensive government aid to build and test full-scale units will speed the day when the most effective processes are widely installed and operating. Until that day arrives, government regulators at all levels must realize that edicts and enforcement, no matter how stringent or well-meant, do not generate electricity. Only coal can do that, in the quantity the nation needs.

There is another way to reconcile coal consumption with the need for cleaner air, and at the same time assure the nation of an adequate supply of gas. This is through accelerated research in making sulfur-free synthetic pipeline gas from coal. In fact, the next big gas strike is likely to be not from a well but from a pilot plant. Several processes are in advanced stages of development. Two pilot plants are operating: The Institute of Gas Technology's HYGAS project in Chicago, and FMC Corp's COED project at Princeton, New Jersey. A pilot plant for Consolidation Coal Co.'s CO_2 Acceptor process is being built at Rapid City, S.D., and the National Coal Association's research affiliate, Bituminous Coal Research, Inc., is negotiating with the Office of Coal Research for construction of a pilot plant to test a fourth process.

The American Gas Association has sponsored an engineering study of potential sites which has already delineated enough uncommitted coal, and enough available water, to support 176 coal gasification plants, each producing 250 million cubic feet of gas daily.

Still another approach to burning coal cleanly lies in conversion to a low-ash, low-sulfur liquid or solid. The Office of Coal Research of the Department of the Interior recently announced plans to utilize the pilot-plant facilities erected under its contract with Consolidation Coal Company for "Project Gasoline" to investigate the production of low sulfur, synthetic fuel oil from coal. Another project sponsored by the same office and being researched by The Pittsburgh & Midway Mining Coal Company involves solvent refining of coal to remove inert minerals and produce a non-polluting solid.

The Office of Coal Research has supported gasification and other coal conversion research to the limit of its funds, but that limit has been alarmingly low in view of the need for speedy perfection of one or more of such processes. The need for adequate energy and pollution control makes accelerated research on coal conversion a national imperative which deserves full government support.

The Department of the Interior underscored this in saying of the OCR section of the budget which President Nixon presented to Congress last week:

"The development of improved methods for utilizing coal, the nation's most abundant energy reserve, is of critical national importance if we are to meet the rapidly expanding demands for clean and convenient low-sulfur fuels to be converted to the desired forms of heat, mechanical power and electricity upon which our entire economy is dependent."

Specifically, the budget proposals include $3,420,000 for the CO_2 Acceptor process plant in South Dakota and $3.5 milion for the IGT HYGAS process.

These are included in the $21 million budget for the Office of Coal Research, which also includes $3,035,000 for the FMC process which envisions synthetic petroleum as well as gas. The budget also proposes $2.2 million in federal funds for the Bituminous Coal Research, Inc., plant. However, under a new stipulation this year from the Office of Management and Budget, the contractor is required to put up one-third of the total money for new pilot plants, and this would require BCR to furnish $1.1 million.

In addition, the budget contains $600,000 for BCR to continue its process development unit in gasification preparation technology to pilot plant testing.

The new concern for the environment touches the coal industry in another way. More than one-third of the nation's coal output is produced by strip mining. Responsible coal operators have faced up to their obligation to reclaim the land they disturb. In nearly every area where coal is strip-mined, stringent state laws now make certain that any laggards also reclaim the land. The coal industry has written a remarkable record—in recent years it has reclaimed more land annually than it mined, not only staying current with its work but reducing the backlog of land disturbed years ago.

Furthermore, coal companies and their associations, working closely with state and federal agencies, are steadily improving reclamation techniques, finding new plant species to revegetate the land and new ways to return it to productive use—and by this method are creating social values.

Yet in several states, environmentalists are pushing movements to ban strip mining entirely, or to write new regulations so strict they would have precisely the same practical effect. And we have again this year the prospect of bills in the new Congress for federal regulation of strip mining.

Unless we're willing to give up one-third of our coal production, and even more than one-third of the coal used for electric power, it is time to slow this drive long enough to give state laws a chance to work. The coal industry is doing a good job of reclamation now, but it takes time for results to show. There are no instant forests or overnight vegetation, whether the land is disturbed by strip mining, highway construction, or the cutting of forests to produce newsprint for indignant editorials about strip mining. If we remove some of the emotional heat from the issue, we will find that responsible operators are reaping a crop of coal from the land, and then turning it to other crops, such as pulpwood, pastures or farm products.

There are other imperatives connected with coal which affect the national energy supply. For example, part of the 1970 coal shortage was in reality a shortage of railroad coal cars. Many railroads, strapped for funds, cannot buy enough cars. Some form of government aid (loan guarantees or tax concessions) is needed, not with the purpose of helping the railroads but of assuring coal delivery and adequate fuel for the nation.

There are additional imperatives which bear directly on the coal industry. The coal industry will need thousands of new miners to replace present workers reaching retirement age, and to staff new mines. These men must be trained to a high level of skill and of safety. Though the coal industry has tripled its output per man-day since 1946, producers and equipment makers must look for more efficient mining methods, new health and safety measures, and new ways to reduce production costs.

There is another imperative for the coal industry: it must make a reasonable profit. This seems a modest enough goal. It has been missed however in many recent years. It is a crucial one however if the coal industry is to attract the capital necessary for expansion. There is risk in any investment. The prospect of return must be great enough to compensate for it. Depletion must therefore be critically analyzed by this Congress and related to the present imperatives.

But above all, the central imperative for the coal industry and for the industries which serve it and are served by it, is a sound national energy policy based upon domestic fuels as the "keystone" of our nation's energy. From this will flow policies of reconciling energy supply with environmental goals, of adequate government research in fossil fuels to balance heavy spending on atomic energy, of assuring adequate transportation to move coal to market. From a rational energy policy also will flow some assurance of the future, so that consumers will sign long-term contracts, thus allowing coal producers to plan, finance and install new mines to meet future needs.

Coal constitutes 88 percent of the nation's proved reserves of energy fuels, and 74 percent of its estimated ultimate reserves. Full use of these reserves can assure the nation abundant energy for many years—if we make the right policy decisions now.

We need an energy policy which takes account of one paradoxical reality—though the future of the coal industry looks bright, there are factors at work today which could cripple the industry before these prospects are realized in the public interest.

For example, if the nation is to benefit from a successful process to make gas from coal, it is essential that the coal industry stay healthy until the process is ready. One way to achieve this is to get the process on line as quickly as possible, by supporting accelerated research, as I have suggested. But meanwhile, it is also important that the coal industry not be retarded by such things as environmental demands which outrun technology—to the ultimate disadvantage of the public.

When the national energy shortage threatened to become acute in the second half of 1970, the coal industry was able to overcome many difficulties and meet the demands placed upon it. It produced 590 million tons, the highest bituminous coal production in 22 years. The coal industry was able to accomplish this because the market mechanism permitted the inexorable laws of supply and demand to operate for the benefit of the consuming public.

In contrast, the regulation of the field price of natural gas by the Federal Power Commission prevented the development of additional supplies of gas to fill the increasing energy needs. The gas industry simply could not respond to the increased national demand in large part because of the cumbersome pricing mechanism required by the field price regulation of gas produced at the wellhead.

Therefore, I suggest a negative imperative, from my six years as a regulator of the natural gas industry. National energy policy should not include the imposition of either end-use controls or price regulations on the coal industry. Regulation has its place with public utilities, but it is not as flexible or responsive as the force of the free market.

This has now been recognized by the Council of Economic Advisers in its annual report to the President, which was released only yesterday. In that report the Council states:

"There appears to be a shortage of one major energy fuel, natural gas; that is, its production is clearly falling short of desired consumption at current prices. Current prices for interstate sales have been kept low by the Federal Power Commission, which sets these prices under law. Not only have prices been too low for desired consumption to be met, but they appear also to have retarded development of new gas supplies. The only satisfactory solution of this problem is to allow the price, at least of new gas not previously committed, to approach the market-clearing level."

The implications of this statement after two frustrating decades of field price regulation of gas must now be clear as to all energy forms.

In particular, I fear that if we still have federal regulation of the wellhead price of natural gas at the time when commercial gasification of coal becomes a reality, some one will suggest that the price of coal used in a gasification plant should be controlled. This could appeal to no one but a connoisseur of chaos. What coal producer would want to sell his coal to a gas plant at a regulated price when he has the prospect of selling it in unregulated markets? It is time to regain our faith in the law of supply and demand.

The nation can have ample supplies of energy in the 1970's and the decades which lie beyond if it will only adopt a rational energy and environmental policy. If we put our trust in domestic supplies and encourage their conversion and use, we have at our command the world's largest coal reserves—energy enough for centuries.

I invite your support for accelerated government research to speed the day when the gasification of coal becomes a reality. I invite research toward this goal by the gas industry itself. There are increasing signs of activity in this field by gas companies. Only last week, the Columbia Gas System announced that its new subsidiary, Columbia Coal Gasification Corporation, is launching a long-range program to identify coal reserves and possible sites for gasification plants in the Appalachian area. There are reports from the West of other firms interested in gasification, and of gas companies acquiring coal reserves.

The coal industry has supported research to the limit of its own ability, but this limit has been low because of the fragmented nature of the coal industry and its low profit margin. We now seek help from the government, not in our own interest but in the interest of the nation.

As long as nuclear energy research and

development is concentrated in a single agency, i.e., the Atomic Energy Commission, and continuing Congressional concern is reposed in the Joint Committee on Atomic Energy, and the nation's industrial complex is involved in nuclear development through the Atomic Industrial Forum, while fossil fuel production, transportation, utilization and conversion is divided among a dozen agencies of government, fossil fuels will inevitably be disadvantaged in the competition not only for the federal R&D dollars but in the public mind as well.

Only an energy policy which seeks to "put it all together," in the current vernacular, will even begin to meet the need to relate our energy policies to our current environmental goals. "Putting it all together" is thus coal's plea to the American public and its final imperative. This can best be achieved by the establishment of an agency comparable to the Atomic Energy Commission to promote and fund clean fossil fuels, a joint committee of Congress on fuels similar to the Joint Committee on Atomic Energy to establish a balanced emphasis on nuclear and fossil fuels and a forum involving the private sector similar in scope to the Atomic Industrial Forum.

Coal's birthright as the nation's primary source of fuel will be attained in this decade despite a host of formidable obstacles. It is our obligation to demonstrate that coal's birthright and the national interest coincide, and that policies relevant to its attainment must be evolved now in the national interest. This is not only the coal industry's but the nation's imperative in this decade of the 1970's.

HUMPHREY CALLS FOR ERA OF PARTNERSHIP

Mr. HUMPHREY. Mr. President, U.S. withdrawal from Vietnam should not signal a new era of American isolationism, but lead to a new age of a constructive, working partnership among the community of nations.

We cannot alone make over the world, nor should we want to. We should not seek to dominate but rather to cooperate. This troubled world needs the moral, political, and economic partnership of America.

The time has come to take off the policeman's badge, lay down the warrior's rifle, and extend the hand of friendship and cooperation.

Let everyone know that we do not want to impose our will or our way of life on anyone, that we do not want to be God or policeman.

What America needs today is a sense of partnership, not power—a sense of worth, not wealth.

We must set the example for this partnership at home. The National Government has a responsibility of partnership with State and local governments, and they in turn must be partners among themselves.

And Government at all levels must have a working partnership and relationship of trust with the people.

Viable, living, functioning partnerships such as these are essential if we are going to provide for the educational and health needs of our children today and a decade from now; if we are going to overcome the ravages of racism and poverty; if we are going to protect and rescue our environment; if we are going to build and expand our economy; if we are going to provide jobs for the jobless and a growing population; if we are going to have any hope of peace in our lifetime and in the years to come.

If we are to accomplish all this, then a working partnership at the international level, at the Federal, State, and local levels, and in communities must be forged and applied in trust and mutual respect.

The formula for the better life in freedom and security is not to be found in massive power or incredible wealth, but in a working partnership—a partnership of people and their government, a partnership of communities, a partnership of nations.

RESERVE OFFICERS ASSOCIATION AWARD TO SENATOR THURMOND

Mrs. SMITH. Mr. President, it was my privilege to attend the midwinter banquest of the Reserve Officers Association this past Friday night when one of our distinguished Members received ROA's highest award, the 1971 Minuteman Award.

The man so appropriately recognized and honored was the senior Senator from South Carolina (Mr. THURMOND). He gave a most eloquent and inspirational address which I feel is worthy of study by every Member of the Senate. I ask unanimous consent that his outstanding speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE EMERGING CRISIS

(Remarks by Senator STROM THURMOND)

Mr. Speaker, Admiral Carpenter, Past Presidents and Members of the ROA, Mrs. Gove and Members of the ROAL, Distinguished guests and my Fellow Americans:

I am filled with humility and pride to be the recipient of the 1971 Reserve Officers Association "Minute Man Award." I believe this is my greatest achievement since I persuaded Nancy to say "yes."

SPEAKER ALBERT

It is especially meaningful to me to have this award presented by Speaker Carl Albert, whom all of us in Congress respect and admire. This dedicated American, I predict, will give the House of Representatives powerful and history-shaping leadership in the critical days ahead. I knew many years ago that Carl, affectionately known as "The Little Giant", was going places—not only because of his own talents, but also because he selected as his bride Mary Harmon, a lovely lady from South Carolina.

While speaking of our fine State, permit me to acknowledge and thank the many South Carolinians who are present here tonight. Will they please stand? (Floyd Spence—Sherry Shealy)

MINUTE MAN AWARD

My friends, it is a unique honor for me to receive this award, and I extend to each of the ROA Members here tonight my heartfelt appreciation for this high honor. I am particularly grateful for the award because of those who have stood here before me: Great Americans like the late Richard Russell and my devoted friend and colleague the late Mendel Rivers; John Stennis, Eddie Hébert and Bob Sikes; Margaret Chase Smith, Speaker John McCormack, and Melvin Laird; Bryce Harlow and Carl Vinson, and other distinguished citizens.

As you know, Margaret Chase Smith is the only lady to grace the Floor of the Senate. She is pretty and she is smart. She outranks all of us. Mrs. Smith has been frequently mentioned as a potential presidential candidate. A reporter asked her what she would do if she woke up one morning and found herself in the White House. Mrs. Smith rose to the occasion by answering, "I would go straight to Mrs. Nixon and apologize—and get out of there."

ROA

Being a member of the ROA means a great deal to me because I deeply admire all of you for supporting the security of our country over the years. Any organization headed by such able and dedicated men as Admiral Carpenter and Jake Carlton is bound to be at the top—and that is where ROA stands. The ROA helps the active Armed Forces in many ways. The Association represents grass roots opinion and draws its strength from sound-thinking, dedicated members from all over the land. With this strength and backing, ROA officials are able to speak with authority to the Members of Congress and to the leaders of our Armed Forces. No organization in the United States has done more to help keep this Country prepared and to support a strong national defense than the ROA. The people of the United States appreciate your devotion to your Country and the dedication that prompts you to serve it so well.

RESPECT FOR THE MILITARY

It hurts me today when I see attempts made to besmirch or downgrade our citizens in uniform. If it were not for the man in uniform, we would not have freedom in America today. He deserves the utmost respect, consideration and admiration of all our citizens. Tonight, I am pleased to report to you that things are looking up for the man in uniform.

As I look over this vast audience this evening, I see a number of General and Flag Officers, and I feel certain they will be interested to know of the word I just received about a General who died and went to Heaven. He was received quite warmly and accorded what we know in the trade as "VIP" treatment. The General was housed in a mansion of gold and given full rights to enjoy all of the benefits of Heaven.

At the same time a Priest arrived in Heaven, and he was given only modest quarters and very routine treatment. The Priest observed with some dismay the fine gold house occupied by the General and the VIP treatment he received. Finally, the Priest became so annoyed that he went to St. Peter and complained. He said that he had spent a life in service to the church, and he could not understand why a General, who had spent a lifetime making war, should be given better treatment. To this complaint, St. Peter replied, "Well, we have had thousands of Priests in Heaven, but this is the one and only General we've ever had."

ROTC

In looking about this handsome audience, I see fine young men and women who represent the ROTC program. This program is one of the most important elements of our defense structure. ROTC is the chief source of officers serving on active duty today; 50 percent of our officers come from the ROTC program, exceeding by far the total output of our military, air force and naval academies. I commend our young men and women in ROTC, and urge them to be proud of their service and to wear their uniforms with pride.

Ladies and Gentlemen, our youth today are better educated, more intelligent and more knowledgeable than ever before. Our young people assure a strong future for America. We adults should spend more time talking with our youth about the issues of the day. Their contributions can be tremendous. The future of our Nation rests in their hands.

I am vitally interested in our youth and feel deeply that the hope of our Nation rests with the younger generation. I feel very close to our young people; in fact, I married one. Incidentally, Nancy is about to bring another youngster into the world, so I am doing my part to bridge the generation gap.

POW

As we reflect on our young people, let us not forget the real heroes of the Vietnam War . . . those brave young men who are either Prisoners of Hanoi or Missing in Action. We do not know exactly how many are Prisoners of War, but we do know that those in the prison camps are denied *basic* humanitarian rights. We are all proud of Ross Perot and what he is doing in this cause. I am glad his sister could be here tonight. The North Vietnamese are inhumane in their treatment of POWs and do not comply with the Geneva Convention. I believe it is our sacred trust to see that these men are accorded proper treatment and brought home to their loved ones.

DISSENT

Ladies and Gentlemen, our Nation is approaching one of the watersheds of history. Each Nation at times faces critical moments when its decisions will affect the course of history for its own people and for generations to come.

These crises may be internal conflicts or they may be the result of external aggression.

In the War for Independence and in the War Between the States, we faced great crises with a minimum of dissent on each side. In the American Revolution, the dynamic leadership of our Founding Fathers prevailed over those who were potential dissenters. In the War Between the States, both sides faced internal division and dissension. However, this dissent did not materially affect the outcome on either side.

Similarly, in World War I and World War II, our Nation was so strongly united that dissent did not emerge. Today, the apostles of dissent are given free lip service by the liberal media. Every incident of rebellion against America receives prime time on national TV. We see these misfit, self-righteous anarchists burning their draft cards, but you will never see them burn their social security cards. They derive their tactics from Castro and their money comes straight from Daddy. I say to these modern "revolutionaries" that in the wars past, united we stood and united we won.

CRISIS OF WILL

Today's crisis is different from our conflicts of the past. We no longer seem to have the will to win. We have been engaged in a cold war, a protracted struggle with Communism, for more than 20 years. Our problems in Indo-China today are merely the continuation of the stalemate in Korea. Our seeming inability to achieve a military victory has left the Communists hopeful that if they hold out, they will dominate Asia and ultimately the whole world. We must not permit this to happen.

However, I emphasize the words "seeming inability." Our military planners and armed forces have always had the capability and capacity to produce victory if the military were allowed to achieve that victory in 1962, the Senate Armed Services Committee counseled as follows: "If war should come, it can be conducted successfully only by military professionals in that art; and if strategy or tactics come under the direction of unskilled amateurs, sacrifice in blood is inevitable and victory is in doubt." This sage counsel was ignored.

We know, however, that our problem has not been strictly a military one, but a psychological one. We have seen a dominance of civilian planners over the military—men like Robert McNamara, whose TFX did as much for our security as the Edsel did for transportation. Issues have been exploited by certain political and ideological forces which seem determined to assure that the United States must compromise, thus losing the war and losing the peace. The climate of public opinion has been so badly eroded that it has been exceedingly difficult for our Commander-in-Chief to take the necessary steps in Cambodia and Laos to enable us to withdraw our troops honorably and safely, and turn the fighting over to the South Vietnamese.

If the necessary steps had been taken in 1965, the Communists would never have been able to support the war in South Vietnam. I am pleased to report that the South Vietnamese Laotian campaign has been remarkably successful. Many of the supply lines have been cut, forcing the North Vietnamese out into the open. Our military leaders have finally been allowed to do in Laos and Cambodia what they should have been allowed to do 6 years ago.

CRISIS OF WEAPONS

Today, another crisis is the alarming failure to understand the consequences of the Soviet military build-up in strategic weapons, conventional weapons and naval might. We must stop hiding the threat of the Soviet Union under the bed. It is here that you as Members of the ROA have a special duty. As citizen-soldiers, you have the contacts, the means and the dedication to awaken our Nation to the threat of the Soviet Union. The American people must be informed that what this country needs in weapons is not parity, not sufficiency, but superiority.

In the past five years, the U.S. has moved from a clear strategic nuclear superiority over the Soviet Union to a point where the Soviets have surpassed us in numbers of ICBMs and megatonnage-carrying capability. The Soviets are also making dramatic strides in missile technology.

With this sharp increase in USSR strategic forces, we have concurrently witnessed a buildup in the Soviet Navy of great proportions. Soviet Admiral Gorshkov in April, 1970, declared: "The United States will have to understand it no longer has mastery of the seas."

Concurrent with the rise in Soviet naval strength, we noted at the last Moscow air show that the Soviets flew in one day more new tactical aircraft designs than the U.S. had flown in ten years.

Our Army is undergoing a period of sweeping change. We are now reducing our ground forces from the 19⅔ divisions we had at the peak of the Vietnam War to 13⅔ divisions in the months ahead.

We must remember that as we decrease the size of our regular forces, we must strengthen and increase the size of our Reserves.

Despite the warnings from our military men, the Halls of Congress and the editorial pages of some large metropolitan newspapers resound with cries of "Cut the Military", "Cut Defense", and "Peace now." "Peace now" is not the solution—it would produce a total bloodbath. We must not allow our freedom to be diluted by these false peacemakers who are playing politics with the survival of our Nation. I, like you, am not ready to run up a white flag for the United States of America.

NATIONAL PRIORITIES

Much is being said about the reordering of national priorities. Little note is taken of the fact that such a reordering is not only well underway, but far advanced. Our priorities have already been reordered; but, unfortunately, reordered *away* from military preparedness.

Consider only these *three* facts:

1. The present defense budget represents the lowest percent of our Gross National Product since 1951 and the lowest percent of our Federal Budget since 1950. Few talk about that fact.

2. Since 1964, *non-defense* spending has risen 230 percent, while defense spending has increased only 50 percent, despite the Vietnam War costs. Few talk about that fact.

3. Today defense takes only 21.3 percent of total public spending, while in 1953 the defense share was just under 50 percent. Fewer still talk about that fact.

At present, we are in a period of transition. We are moving from a period of war to a period of peace, from confrontation to negotiation, and perhaps, from conscription to volunteers. This is a period filled with hope, but one from which despair may suddenly spring.

NATIONAL GOALS

Ladies and Gentlemen, we face great problems in the months and years ahead. None is more important than the security and safety of our homeland. We have men and women in the Congress who *do* understand these problems. Many of them are here tonight; working together, and with your help, we can meet this challenge.

Let this message be heard throughout the land: A Communist country does not develop massive military power without the intention of using it. It does not develop power to *defend*, but rather to *coerce* or *destroy*. For these reasons, we *cannot* withdraw from the world arena.

Let this goal be our crusade: To expound the cause of national defense with every resource at our command. We must speak from the lectern, use the printed page, talk with neighbor, friend, stranger and doubter.

In making these efforts:

Let us rekindle the spirit of our forefathers.

Let us re-dedicate ourselves to this Nation we love and cherish.

Let us stand against the tide of isolationist pressures sweeping our country.

Let us enunciate a clear call for military superiority.

Let us demand respect for our men and women in uniform.

Let us stake our lives, our property, and our sacred honor, so our Flag will continue to fly, and our freedom will continue to live.

In short, let us *all* be Minute Men for America.

JOURNALISM AND PUBLIC RELATIONS COURSES AT UNIVERSITY OF MARYLAND

Mr. MATHIAS. Mr. President, in this complex age in which effective communications are becoming increasingly more vital, there is a corresponding need to provide more extensive training to those who have chosen the communications field for their careers.

The University of Maryland has recognized this need, and with this semester is enlarging its curriculum with graduate level courses in journalism and public relations to reflect the growing demand for professionals in these areas.

A lecture delivered recently to the students of the University's Department of Journalism by Washington public relations practitioner James N. Sites emphasizes the relevance of this expanding field to our modern society.

I ask unanimous consent that Mr. Sites' remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Activist Explosion: Leadership Challenges on a New Public Battleground

(By James N. Sites)

On every side in today's tumultuous world is a startling, portentous growth of activism in public and political life. Much of this is gradually being directed against business, posing wholly new demands on management for effective responses—and unprecedented challenges to its public relations.

It is a privilege to speak to a university group on this subject since it gives both of us a chance to examine some of the directions our profession is taking—you as people whose careers will be wholly devoted to coping with the public relations future, I from the vantage point of relating Washington and the expanding influence of the Federal government to Byoir clients in particular and to PR practice in general.

Now, as all of you know, the future is a notoriously slippery subject to get a grip on. Most of us have a hard time telling what's going on today, not to mention over the next decade. Yet I know these unknowns concern you deeply for you must prepare your minds and skills to handle tomorrow's challenges, however vague these seem right now.

Actually, after spending 23 years in public relations and political and economic reporting—the bulk of that in Washington—I've come to feel it really isn't that hard to discern basic trendlines that point generally toward where we're heading in certain fields. And even though such projections often go awry, I will try to unearth some of the more meaningful ones here today.

To get right to my ultimate point, I believe public relations practice in America is becoming an entirely new ball game.

And you, the future players, are going to have to cope with an entirely new set of contest rules.

These rules are being shaped right now by your intense questioning about our society's standards and institutions, by the rising volatility of national issues, by the activist groups' growing clamor for organization effectiveness, responsiveness and public accountability. Under particular attack for several reasons is the so-called Establishment—the centers of national political and economic power.

In this climate, public relations people and methods are not only being put squarely on the spot—effective PR help is also *needed* as never before. We thus face untold new opportunities.

Forced out onto the public stage, leaders in every field must increasingly turn to you for your broad understanding of the nature of public opinion, your professional counseling on the factors shaping it and your communications expertise.

Businessmen especially are being impelled toward a much greater involvement in all those areas where business touches the community and people. This, in turn, is compelling broadened executive grasp of social forces and much more skill in dealing with these forces. And that's where you as professional public relations practitioners come in. Business must rely directly on PR counseling to help develop policies that accord with the public interest; to communicate clearly the positive actions a company is taking; to clear up misunderstandings on the part of the activists; to explain the company's position and to ensure that all sides in a controversy get a fair hearing.

The need grows daily. Washington is fairly bursting with warning signals of ballooning demands on business in the broad social-economic area. To cite the major drives:

Environmental enthusists are daily gaining strength and expertise in harassing polluters of the air, water and landscape.

Consumerism advoactes are launching new attacks for better and safer products, meaningful warranties and a fuller, franker flow of information to the public.

Race organizations continue their demands for political justice, employment equality, minority business aid and a greater share of the economic system's benefits.

The woman's liberation movement is also getting attention, pushing similar demands for "equal jobs at equal pay."

Anti-war groups are mounting wider forays against defense contractors and, joining with liberals, are stepping up pressures for a "reordering of national priorities"—the shifting of national resources from military uses into solving domestic problems.

Meanwhile, extremists of all stripes are accelerating their use and threatened use of bombing and violence to disrupt both business and national life.

Now, let's underscore right here that few of the new activist groups this talk deals with are bomb throwers. Most are zealous advocates of particular interests or points of view. As one expert puts it, "they won't hijack the company airplane and hold your president hostage but they *will* keep your law department up all night."

Most protest groups like "Nader's Raiders" have some common characteristics: They are of recent vintage, are fairly weak financially, draw their main support from the young of the affluent classes, and are led by forceful individuals like Ralph Nader himself.

So what does a typical business do about any of these activist demands? Let's look closer for answers at specific pressure points:

On the pollution front, it is becoming obvious that the public will shortly no longer tolerate any organization's damaging the environment in which it operates. Or if it is allowed to do so, this will be for overriding public-interest reasons. As population and production mount into the '70s and beyond—and wastes pyramid—we can fully expect tighter government requirements on all to curb pollution (and perhaps pay for the ultimate disposal of their products).

This, in turn, will force business managements to develop intimate knowledge of pollution control requirements—and to know the public opinion implications both for doing an acceptable job and for not doing so.

Above all, a new premium will be placed on "preventive public relations". To restate an old Byoir PR rule, you can't whitewash a garbage dump. Any organization must be able, in affect, to go into the court of public opinion with clean plants. It is therefore only common sense for a firm to analyze and inventory where it now stands on air, water, noise and even "visual" pollution—and either clean up, or be able to convince the public it is pursuing a program of determined action aimed at doing so.

In fact, an important new principle seems to be shaping up in the pollution field, focusing on this question: Does the presence of a facility make positive contributions to society in the environmental area—or does society suffer because of its presence? It is no longer enough simply to prove we need a particular company's products or services. Managements are being held responsible for their organization's *total impact* on the community. If this cannot be positive in all respects, it should be at least neutral.

Anyone who thinks the environment pressures now being brought to bear on managements are a passing phenomena should examine the burgeoning groups of activists in this field. There's the Sierra Club, the Izaak Walton League, the Conservation Foundation, the Environmental Defense Fund, the Earth Day backers.

These groups are not only stirring up public opinion against polluters everywhere but, equally important, they are getting a clear track in Washington in forcing government action on what they see as a clear and present danger. They are also bringing the awesome power of litigation in the courts to bear to end pollution—and many think this may prove the most effective clean-up weapon of all.

On the consumerism front, a wave of public demand has been stirred up to make managements adhere to more stringent customer expectations in product quality, servicing, safety, warranties, etc. So bad has this become that many in Washington now wonder if growing public skepticism over quality in the market place may indeed be affecting product sales and expressing itself in the pronounced listlessness of the overall economy.

This disenchantment has certainly expressed itself in tidal demands for new laws on this subject. Some 27 major consumerism bills have been enacted by Congress over the past 8 years—and, as a foremost business leader was recently moved to declare, "some of the most potentially sweeping bills have yet to be passed."

He went on to say there is no question but that a new federal consumer office will be created—that only the form and powers of the new agency are still in doubt.

He said there is no question that warranties and guaranties will be more closely regulated—that only the extent of such regulation is still to be determined.

He said there is no question that consumers will be given new forms of private recovery of damages for business deception or fraud—that only the means of redress is still being debated.

Product safety is also coming in for new government controls. So is truth-in-packaging, truth-in-lending, truth-in-advertising, etc.

Meanwhile, consumer champion Ralph Nader is getting a growing audience—and growing government response—for the revelations being developed by his so-called Raiders. These young lawyers now number over 100 and are busily investigating more and more large national corporations. At the same time, Nader's Center for the Study of Responsive Law is moving deeper into some basic analyses of government regulatory commissions, demanding more effective agency action to insure the public against wrongdoing.

The impact of this one man is amazing to behold. In addition to the Responsive Law Center, Nader recently formed a Center for Auto Safety, which is funded by the Consumers Union and which monitors activities of the National Highway Safety Bureau. Another new off-shoot is the Public Interest Research Group, funded and directed by Nader, and interested in what it considers misleading advertising, packaging, labeling and similar consumer protection matters.

As in the environment area, product design, production control and marketing strategy will hereafter have to respond to more insistent public expectations—even the over-expectations now rising on every side.

Public relations personnel, assuming they have their ear to the grounds well of public opinion in this area, will move into decisive position to help get the organizations they serve more in tune with the times.

Who else can perform this function?

If people are going to demand that business become more responsive to public needs, managements will have to rely increasingly on public relations as the key channels for both measuring the pulse of public attitudes and for implementing and communicating the sound action programs needed to generate favorable public opinions.

As for minority group pressures, even though these have been less explosive since the riots and burnings following Martin Luther King's assassination, a broadening base is being laid for progress toward race equality on all fronts. John Gardner's new organization, "Common Cause," is right now enlisting the support of concerned citizens throughout the country in backing government action to attack poverty, ignorance and the deterioration of our cities. Meanwhile, steady force is being applied to businesses and others not only to step up employment ratio of Negroes and other minority groups but also to upgrade more rapidly and move them on into positions of more responsibility and higher pay. Quality, not quantity, is their overriding job goal.

Indeed, these latter objectives are almost identical to those of the women's liberation movement, which can no longer be dismissed as a joke or passing fad. For example, picture the public relations implications for a firm accused of discrimination against women: Women are not only a big part of the employee work force; they also dominate in buying consumer products and services. Nor should we forget that women are major owners of the nation's wealth of stocks and bonds. Clearly, poor PR in this area could have severe impact.

The anti-war movement also appears to be gathering strength, as you students know better than I. The Washington-based Council for Economic Priorities has just been set up to study what businesses are doing in such social-action areas as pollution control and the creation of equal employment opportunities—as contrasted with government contracting and military production. But this is just one of many groups, like Common Cause and the Businessmen's Educational Fund, which are dedicated to curbing the so-called Military-Industrial Complex and getting government to plow more money into priority domestic programs.

If you think this clamor isn't having effect, note the recent uproar in Congress over voting more funds for the supersonic transport plane. Or note Opinion Research's new poll showing that 83 per cent of manufacturing executives are no longer interested in seeking additional defense contracts. Think of the implications of this to national and Free World security . . .

Strangely, managements are also taking an increased buffeting from an unexpected source—their own stockholders, many of whom have become activists in shareholder clothing. These purchase a few shares in order to apply direct ownership pressure on the economic Establishment. One need only look at the campaign pushed against General Motors by Ralph Nader and others under the Project on Corporate Responsibility to see what intense turbulence is developing in this area, even when most stockholders do not support the movement.

Indeed, such pressures are essentially a public relations problem rather than an investor problem. Managements must fight this new kind of battle out in the open, in the public arena—and, believe me, they need professional public relations aid. But again, as those in the middle of these fights warn, effective business response cannot lie in gimmicks. Achievement of sound public opinion impact has to be backed up by positive action on the part of management. And this must be based on those areas where management can take forceful action—curbing its own pollution; giving quality performance in the market place; hiring, training and promoting minority employees, etc.

As you look across the broad, booming range of today's activist challenges to business, you finally conclude that many political action groups have turned their guns on corporate enterprise because government itself has failed to come to grips with nagging national problems. Since the political process has proved unresponsive, in their viewpoint, the disillusioned seek to force the economic power structure to take the desired action—or else to bring added pressure on government to take such action.

It is important to note that most new activists, unlike the Old Left, consider government as much a target as private business. To quote one of their number in Washington:

"Public interest advocates contend that the fundamental problem is how to make all our institutions, public and private, *accountable and responsive;* to do that, we need what Nader calls a 'new kind of citizenship,' under which citizens take it upon themselves to expose abuse and stop it, rather than delegate their citizenship to others, like public officials, whereupon it may be lost. So while poverty lawyers tend to see government programs as the problem, and vastly better ones as the solution to help the poor, public interest lawyers see both government and private institutions working together as the problem—and sweeping changes in both as the solution for the whole society."

It is obvious that much of the clamor for business action on social problems has an anti-business tone, and this holds some serious danger. As a recent White House report on national goals emphasized, solutions for America's pressing problems will inevitably take the creation of huge new levels of wealth. So it urged that we set goals and shape programs that will yield quantity WITH quality. How else, for example, are we going to rebuild our decaying cities? Indeed, herein lies a gargantuan task which offers the real doers of our society challenges enough, and glory enough, for an entire generation.

It's not necessary in this connection to wax eloquent about killing geese that lay golden eggs. The essential point I'm sure you perceive better than most is that America can solve almost any of its pressing problems IF it can preserve in good working order, and keep improving, its immensely productive economic system. But overload, cripple or damage this wondrous machine, and we're *really* in trouble. . . .

Public relations practise in final analysis must relate to the human spirit, and the American spirit has taken some rough blows lately. We're living through a time of trial, rocked by such shocks as the nightmare of Vietnam and Mylai, the tragedies of Kent and Jackson State, the eruption of campus riots, the ghetto burnings, the lethal spread of narcotics and the sharp rise of crime and violence.

We've discovered with considerable shock some gaping holes in the fabric of our civilization—widespread poverty in the midst of affluence, ignorance in the midst of advanced education, discrimination in the midst of all our inspiring constitutional promises. And, finally, we're facing up to the fact that these must be mended or the whole piece will be rent asunder.

In this awakening lies our greatest strength and hope. At the same time, let's avoid making hard judgments in terms of present condition. America is not, never has been, nor ever will be a finished product. It is a process. Here is one of the world's great peoples, a vast continent in transition, in dynamic movement, struggling with the distressing problems that beset all humanity—and, despite all the crashing sound and fury, making unprecedented progress in coping with these. And now we must get on with this historic task.

Yet, as we get rid of our illusions—the old conventional wisdom that refused to acknowledge or take seriously those holes in the civilization our forefathers fashioned—let's not also throw out our ideals. Truly, the best hope for building a bright new era in America and the world lies in recognizing—and honoring—the inherent greatness in the American beliefs.

Viewed in the best light, the new challenges hurled at our institutions revolve around the central demand that this nation, its leaders and its people live up to their ideals. The young, the activists seem to be saying that the old contradictions are no longer tolerable. Nor is the hypocrisy that goes along with them.

As a distinguished U.S. Senator recently put it, the younger and better educated see more clearly than others the gap in this wealthy, powerful land between things as they are and things as they could be—and insist on creating a new reality nearer to the nation's ideals.

A more aware, more informed, more sophisticated public is plainly getting tired of rhetoric as a cover-up for reality, or promises in the place of performance. People want it told like it is. And they are saying in no uncertain terms that deeds speak louder than words.

This is the vital counsel that the best public relations practitioners have always offered. Even more so in the future will all of us be charged with getting this message across to employers, associates, clients. We are finally getting an open chance to practice the kind of public-interest PR we've always talked about.

As you look ahead to serving on this expanding PR battleground, you can see coming the most stringent new demands on your talents. You can also be sure there will be a wholly new pay-off for performance from those managements beset by mounting activist, government and marketplace pressures. The art of relating a key organization to the public will require far more knowledge of all the factors motivating people and making our civilization tick, including those sensitive governmental processes which increasingly influence the ways we live and work. And, of course, you will need to know and be able to apply communications skills of an ingenuity and diversity far exceeding those at our command today.

Activism on the political front, in conclusion, can only lead to greater activism all across the public relations front.

LITHUANIAN INDEPENDENCE DAY

Mr. TUNNEY. Mr. President, the history of mankind contains countless stories of supreme courage against tremendous odds. The struggle of the Lithuanian people should be added to this list.

During the last 176 years, Lithuania has experienced only 22 years of freedom from foreign domination. War brought freedom to Lithuania as well as conquest. World War I saw the establishment of a democratic government, free from foreign domination. World War II saw the destruction of this tiny nation's efforts as it became a military bridge for the armies of Germany and the Soviet Union, trampling across this small but valiant nation, crushing the structure, but not the spirit of freedom.

Throughout World War II the people of Lithuania prayed for the return of peace and the re-establishment of their independence. For during the 22 years in which the Lithuanian people attempted to build a viable democracy they learned what freedom was all about. They learned of the value of individual liberty. They learned of the chances for personal fulfillment which democracy fosters. Only foreign intervention prevented them from succeeding. In 1945 while free peoples everywhere celebrated the defeat of fascism, the world momentarily forgot about the struggling Lithuania—all except the Soviet Union. Stalin entered the void, making felt his iron boot of tyranny. Not only did these proud people lose their liberty, they lost their nation as well, and were forced at gunpoint to become a colony of the Soviet Union.

These gallant people still cling to the desire for freedom and independence. I join with Lithuanians throughout the world in saluting not the dying memory of a conquered nation, but the living dream for rebirth of liberty.

TRIBUTE TO PFC. THOMAS J. PARKS

Mr. GRIFFIN. Mr. President, I wish to join with the editors of the Saginaw News in paying tribute to a young soldier, Pfc. Thomas J. Parks, who has sacrificed more for his country than most of us.

I ask unanimous consent that an editorial dated February 2, 1971, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Soldier's Resolve

There has never been anything heroic about nations starting wars, getting involved in wars—or in men dying in them. We call it heroic mostly because man hasn't figured out the more truly heroic means of avoiding them.

But the histories of wars are filled with the brave way in which countless numbers of good men have stoically accepted adversity frequently visited upon them in the line of duty while performing unpleasant tasks.

One such is Pfc. Thomas J. Parks of Saginaw who at 18 is now learning to walk on artificial legs at Valley Forge General Hospital in Phoenixville, Pa. Parks, a member of the 173d Airborne Division serving in Vietnam, lost both legs when he stepped on a land mine Jan. 3.

It is not simply Pfc. Parks' great personal sacrifice which draws our attention—though, heaven knows, that of itself is enough to feel great sense of compassion for this young man, husband and father. What grips us is the manner in which paratrooper Parks has accepted his rotten luck. For many, that could have been the end of everything. For many, maybe, but not for Mr. Parks.

Already stateside, Parks is reported up and about and making first strides on his artificial limbs. He vows he'll be home soon and out skiing again. His mother reports he is most grateful for the interest shown by his friends in the Saginaw area. Skiing again!

Pfc. Parks may have left part of himself in Vietnam—but the man has come back. His attitude is at least enough to silence complaints about the weather and a few other personal discomforts which, from time to time, seem a bit too much to bear.

Hurry home Pfc. Parks.

MUNICH—AN INTEGRATED TRANSPORT SYSTEM

Mr. ALLOTT. Mr. President, the January 1971 edition of the International Nickel magazine contains a splendid article entitled "Munich: An Integrated Transport System," written by Klaus Zimniok.

The article indicated the steps taken by Munich to improve its transportation network. The first stages of this development will be ready in connection with the 1972 Olympics to be held in Munich.

Since Denver, Colo., is in much the same position looking ahead toward 1976, the article underscores the necessity for taking action as swiftly as possible.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Munich: An Integrated Transport System

(By Klaus Zimniok)

(Note.—Munich's problems are typical; its solutions are not. All over the Western world, urban complexes—and especially the older cities—are facing strangulation. To spend an hour in a traffic jam—or to cross the Atlantic in six hours and then to spend another hour (or more) in moving the few miles between airport and city center—may lead one to despair. Munich, however, did not despair, coming up instead with solutions interesting to harassed travelers and commuters all over the world. Dr. Klaus Zimniok, who has had much to do with these solutions, speaks at firsthand.)

"No, thanks, I'm in a hurry; I'd rather walk." An unusual answer—from a pedestrian to a friend who had offered him a lift in his car? Not in most large cities in Europe and North America today. And it is certainly true in Munich.

Of all the German cities with over 500,000 inhabitants, Munich, capital of Bavaria, has experienced the greatest increase in population. Between 1950 and 1960 the population increased by almost one-third, from 850,000 to 1,000,000; from 1956 to 1960 there was an increase of 3.7 per cent or about 35,000–40,000 persons; and in 1968 the population increase reached a new record of 48,000. Now the population of Munich is approaching the 1.4-million mark.

Munich's favorable geographical position, together with its excellent recreational facilities, the concentration of cultural, scientific, and economic institutions in the area, and excellent opportunities for the individual, brought about this "population avalanche." The number of jobs has increased even more sharply, mainly as a result of changes in the structure of the secondary and tertiary economic sectors.

Despite all efforts, traffic conditions have deteriorated rapidly. By the end of 1969 there were about 365,500 motor vehicles on Munich's roads, not including postal, railway, and military vehicles. For years, private and public transport have been causing each other increasing difficulties. The speed of tramcars at times amounts to only 13 kilometers (8 miles) per hour, and in the city center, during rush-hour periods, it drops to between 4 and 6 kilometers (2 and 3 miles) per hour! Motor vehicles run at speeds one would associate with the age of the horse and carriage.

Studies indicate that the population of the entire Munich area will increase to 2 million by 1975 and to between 2.8 and 3 million by 1990. About half of these people will live in the city itself. The number of jobs in the city should by then amount to about one million and to another 470,000 in the surrounding area. By 1990 the number of motor vehicles will have risen to between 290 and 340 per thousand inhabitants, so there will be one vehicle for every three inhabitants. At the end of 1969 the ratio was one vehicle to every 3.8 persons.

This concentration means that the individual will experience major changes in his environment. Apart from the ever-increasing distance between his home and place of work, and the increased time taken to cover that distance, the problems of noise-nuisance and air and water pollution in a densely populated area such as Munich can no longer be disregarded. For decades and centuries our towns expanded without being planned; they "overspilled;" and often people failed to see that the time had come for such uncontrolled "natural" growth to be checked.

ORGANIZATION AND INTEGRATION

A dynamic city like Munich must check such uncontrolled development by means of clear plans for reorganization. After exhaustive study by municipal officials, and advice from noted city planners and traffic experts, a development plan was devised and, in 1963, was accepted by the Munich Town Council. Primary was the decision that the basic structure of the city and the surrounding area will be preserved. Working on the basis of this structure and taking into account predicted future developments, the city and region are to be arranged into a series of units—areas immediately bordering the city and outer areas—grouped in segments around the city center but separated by open spaces. Each resulting complex should carry out the everyday functions of a town; it should have its own economic and cultural center while at the same time being related to the city center. Plans have been made to intensify building in the outer areas, spreading outwards along the public transport routes in star formation to avoid merging with the surrounding countryside.

The distances that have to be covered between home and work demand that specific arrangements be made for the various forms of transport in and around the town. Pedestrians are to have their own zones. In addition, it is considered essential that recreation areas in the form of open spaces be provided within the city, which would at the same time be an integrating factor in the organization of the individual complexes.

A vital part of the reorganization is the integrated transport plan, which is to coordinate travel by air, rail, local public services, and private transport. It will thus help to maintain the vitality of the "city organism."

Munich is surrounded by six airfields, only one of which, Munich-Riem, handles civil air traffic. Although near the city center, this airport has two main disadvantages: The height of buildings along the flying lanes is severely limited, and the noise-nuisance to residents is increasing with today's larger airplanes. The decision to build a new airport at Erdinger Moos, some 35 kilometers (22 miles) north of Munich, has been doubly welcome; it will be at a reasonable distance from the city yet have relatively easy access to road and rail transport, and will release a large area in the southeast for the development of an overspill town, "Neu-Perlach," in which 80,000 people will live.

PUBLIC TRANSPORT VERSUS PRIVATE TRANSPORT

Essential to the integrated transport plan is the immediate establishment of an efficient public transport system, with the aim of redressing the balance between public and private transport. In 1968, only 44 per cent of the population traveled on public transport, the remainder using private vehicles. But by 1990 the ratio should be 65 per cent to 35 per cent. Our roads will then be clearer, thanks to more efficient public transport facilities. For example, a subway train with six coaches will carry an average load of 1,000 people. Four trolleys or twelve to fifteen buses can transport the same load. But to carry the same number of people, 700 private cars would have to be on the road and if each moving car requires, on average, about 40 square meters (430 square feet) of space, then 28,000 square meters (300,000 square feet) of our precious roads are being occupied. It is the aim of the plan to concentrate public transport mainly in the built-up areas, while in the open, less built-up areas private transport can be used more freely.

The suburban railway lines, which converge radially on the city, will be connected by a 4.2-kilometer (2½-mile) tunnel between the Hauptbahnhof, in the center, and the Ostbahnhof, and the public transport network within the city has been designed to coordinate with this. Thus the suburban network of the German Federal Railways, which will become the Metropolitan Line, will be drawn into Munich's local transport system. By their coordination with the city's north-south public transport facilities, an efficient interchange of traffic will rapidly be achieved.

In 1963, after extensive study, Munich decided that, for the part of the public transport network which came under municipal control, a completely separate underground railway should be developed, independent of all forms of transport on other levels. After the completion in 1972 of the first stage of the subway network, the remaining tram routes will be retained and divided into four groups, enclosing the city center in the form of a rectangle. When the entire subway network has been completed, some of these tram routes will still be retained. This, however, does not rule out the possibility of building an underground circle line later on. The system of bus routes will be kept flexible and, according to building progress, will be connected to the present termini and intersection points of the underground railway and the Metropolitan railway routes.

The capacity of the city's public transport network when complete will be about 300,000 passengers per hour, as against 100,000 at the present time. The combined underground tunnel system will comprise about 40 kilometers (25 miles) of tunnel.

ROAD DEVELOPMENT

By the end of the planned period a system of three ring roads will be available to private transport, supplemented by tangential roads and overlapped by interconnecting urban expressways, which will link up directly with the four existing autobahns (to and from Stuttgart, Nuremberg, Salzburg, and Lindau).

The old city ringway is intended to keep private transport away from the inner city area to a great extent and to carry traffic from the Federal highways. A rectangle of tangential routes, supporting the old city ringway, will carry out the same functions over a larger area, and will link up neighboring districts. The middle ringway is a series of tangents linking the outer districts; at the moment it also has to serve as an inner link for the autobahns.

Finally there is the outer trunk road ringway which will run partly outside the town. As yet it can only be regarded as a suggested system. Later on it will provide an effective by-pass around the town for the increasing long-distance traffic. The Federal highways and State highways, which run radially through the town, supplement as necessary the ringways and tangential routes.

REDUCED PARKING

Stationary vehicles are also taken into consideration in the integrated transport plan. As a result of a traffic survey in 1961, it has been decided that the number of available parking spaces should be adjusted to the capacity of the road system, and should not exceed 70,000 for the whole of the city area. Many spaces are to be restricted to short-period parking, which will spread private traffic out evenly over the day, and reduce the problems caused by long-term parking at peak traffic times.

Within the old city ringway a system of pedestrian zones will help preserve the character of the city center. The Neuhauser-Kaufingerstrasse roadway between Karlsplatz (Stachus) and Marienplatz is also to be used exclusively by pedestrians. A city-planning competition produced some good suggestions for these pedestrian areas.

ATTRACTIVE PUBLIC TRANSPORT

Concurrent with the development of the integrated traffic system, considerable effort is being made to make public transport more attractive to the local population. Emphasis is being laid on speed and safety, wide and comfortable cars, and well-equipped, attractive stations with widespread use of escalators. To facilitate easy changing from one form of transport to another, the passenger should be given the opportunity to use the same ticket for all transport. However, there are several problems, particularly concerning the cost, which can only be solved by means of a traffic and fares association similar to the one in Hamburg. A Munich traffic association, consisting of representatives of the State of Bavaria, the German Federal Railways, and the City of Munich, is being organized to solve this problem. It has already been proved that the German Federal Railways and the City of Munich alone cannot, for financial reasons, form an association to operate outside the city boundaries as well. The participation of the State of Bavaria and the German Federal Republic is therefore essential.

The various public transport facilities are to be linked together at focal points. This is essential for the construction of the combined system and also contributes to its overall attractiveness. Trolley routes and bus routes, supplying the underground and metropolitan railway network, will be linked to the "park-and-ride" facilities on this network. Examples of this are the underground stations *Olympiastadion, Scheideplatz, Munchener Freiheit, Sendinger-Tor-Platz,* and *Am-Harras,* and the metropolitan railway stops *Pasing* and *Ostbahnhof,* where the traveler can park his car and continue the journey by public transport. In addition, underground intersection points—such as the underground and metropolitan station at Marienplatz, in the heart of Munich, the Stachus development under the busiest traffic area in Europe, and the interchange of the underground and metropolitan railways at the Hauptbahnhof—will help alleviate congestion. Car parks along the old ringway around the city center are also included in the integrated transport plan. Parking space for 800 cars will be available at the Stachus development on the third and fourth levels underground.

THE IMMEDIATE AIM: OLYMPIAD

With the 1972 Olympics now less than a year away, great effort is being made to complete several miles of new underground railway before the expected arrival of thousands of visitors. A new 16-kilometer (10-mile) line will run from the north to the south of Munich; a 4.2-kilometer (2½-mile) tunnel running east to west will join up the suburban railways, and the new "Olympic" line will transport visitors to the stadium from the city center. The two new stretches of underground railway will require an expenditure of about 850,000,000 DM ($230,000,000).

In order to carry out this vast building program efficiently, the municipal development plan has been divided into a series of short projects with limited time periods, which can be supervised more easily. This leads to the "Mehresjahres" investment programs, in which money is invested in the individual building projects in order of importance for three or four years. To date, the following important projects have been undertaken: the further development of a network of efficient public transport facilities connected by railways, the completion of the middle ringway and the old city ringway roads, and the building of parking facilities on the outskirts of the old city.

We in Munich hope that we have done, and are doing, everything humanly possible to aid the efficient flow of traffic in our city. This problem is the cause of many headaches, here and all over the world. Only the future will show whether we have succeeded.

SOCIAL SECURITY

Mr. PERCY. Mr. President, several weeks ago, the Senate Special Committee on Aging issued a report on the Economics of Aging. This report revealed a number of startling facts. For example:

Americans over age 65 have only half the median income of Americans below age 65;

During the past 2 years, the number of aged Americans living below the poverty level increased by 200,000, and it was only among the aged that the percentage of poor individuals rose;

As many as one-quarter of the elderly citizens in this country live in abject poverty;

Medical care costs, as reflected in the Consumer Price Index, rose from 147.4 in October 1968 to 167.19 at the end of 1970;

The average health bill for a person 65 and over during 1969 was $692, or 2½ times that for a person aged from 19 to 64;

Medicare, in the meantime, covered only one-half of the health care expenses incurred by the elderly.

In short, the report of the Committee on Aging focused attention on what can only be termed a national disgrace. We have allowed what used to be a retirement income problem to become a retirement income crisis. Americans over 65 are not only the most neglected group in this country; they are the worst off in financial terms.

Largely dependent upon fixed incomes such as social security for a living, the elderly are hit hardest by inflation. Indeed, the inflationary impact is almost calculatingly cruel for the elderly in that price increases are most rapid in the areas of critical importance to them—hospital and medical care, housing, and transportation. Property taxes, which the elderly must pay if they wish to continue living in their own homes, have skyrocketed. And older Americans sometimes face the pathetic choice of buying a loaf of bread or taking a bus ride to see a friend.

Passage of the pending social security bill, H.R. 1, is vitally important to the 20 million Americans over 65. In its present form, this legislation contains a 10-percent increase in social security benefits, retroactive to January 1, 1971. It also includes one proposal of my own; namely:

Full benefits for widows—100 percent instead of 82½ percent of the deceased husband's primary insurance amount.

When H.R. 1 reaches the Senate, I plan to work again for the passage of four additional proposals, all of which were accepted by the Senate last December, but which died because time ran out before differences between the House and Senate versions of the social security amendments could be resolved. These four proposals are:

One, automatic benefit increases to correspond with rises in the cost of living, so that recipients will have some measure of protection against inflation;

Two, an increase from $1,680 to $2,400 in the earnings limitation, so that a social security recipient, struggling to improve a meager income by working, will not be so harshly penalized;

Three, benefits for grandchildren unadopted by, but dependent upon, their grandparents with whom they are living; and

Four, a removal of the present language in titles X, XVI, and XIX of the Social Security Act, which declares that a blind or permanently disabled person is still primarily the financial responsibility of his parents after the age of 21.

It seems to me that we should enact these social security amendments as quickly as possible, for our elderly citizens have waited long enough. My constituents cannot understand how Congress can fail to complete action on a 10 percent social security benefit increase, while it easily manages to slip through a $35,000 increase in the pensions of ex-Presidents and their widows, and a generous office allowance for the former Speaker of the House of Representatives. Indeed, my constituents raise a valid question when they ask: "Why can't Congress pass a social security increase? It quickly enough approved an increase in Members' salaries."

Our older citizens have no high-powered lobby to push legislation through Congress for them. In fact, they are so proud and so unwilling to make demands that they suffer quietly and patiently, hoping that Congress will show a minimum amount of concern for their problems. There is something wrong when literally hundreds of thousands of older citizens, who have worked all their lives to contribute toward a better country, must spend their retirement years in poverty, loneliness, and despair—and this is exactly what is happening.

I think it is time for us to help restore some dignity to the lives of our senior citizens, and we can do this by quickly passing the pending social security amendments. Again, I urge the House of Representatives to approve H.R. 1 as soon as possible so that the Senate can follow with quick action as well.

NEW DOUBTS ABOUT THE ANGLO-FRENCH SUPERSONIC PLANE

Mr. PROXMIRE. Mr. President, Sunday's Washington Post contains a dispatch from the London Observer which raises serious new doubts about the economic viability of the Concorde, the British-French supersonic airliner.

According to the dispatch, BOAC has told the British Government that it sees no way of operating the Concorde economically. BOAC has calculated that it will cost twice as much per seat mile to operate the Concorde as it costs to run the much larger Boeing 747 subsonic jet.

Even with the most favorable seating and fare structure, BOAC expects that operating losses would occur. Such a structure would involve two classes of seating, with first-class passengers paying a surcharge of 20 to 30 percent. In the draft contracts sent to BOAC, Air France, and Qantas, a price of 28 million was quoted for the Concorde. This price was based on a production run of between 50 and 100 aircraft. However, because of the very substantial drop-off in airline traffic growth, the market researchers for BOAC now believe that sales of the Concorde probably would number about 30, instead of the hoped-for 72. If this happens, the sale price of the Concorde would have to be increased about 60 percent—which, according to the London Observer dispatch, "would almost certainly put the plane out of the market."

A companion study to the BOAC study was apparently done by Air France, and given recently to French transport minister Jean Chamant. The dispatch indicates that the Air France valuation of the Concorde is even worse than BOAC's.

Mr. President, it may be that if the British and French Governments expect to subsidize Concorde operations, as well as production, then national airlines such as BOAC and Air France may be able to operate the Concorde on a competitive basis. But it is patently absurd to expect private airlines in other countries—particularly U.S. airlines—to buy the Concorde and run it at twice the seat-mile cost of the 747.

As of this date, no airline has yet converted its option to a firm order. And given the present financial status of our airlines, and the economic loss that such a purchase would almost certainly represent, it seems highly unlikely that the airlines will be in any rush to sign binding contracts to purchase the Concorde.

Mr. President, we can hardly ignore the impact of these findings on our own SST program. The price of the American SST will be at least $40 million per copy; and if present traffic demands prevail, the cost could well rise to $50 or $60 million per plane. Any airline attempting to amortize such an investment, and at the same time coping with seat-mile-operating costs that are double the 747's, will have an enormous headache on its hands.

The conclusion is all too clear: the marketplace simply is not ready for a commercial supersonic jetliner. When it is, and when the numerous environmental problems have been solved, private capital should be eager to invest in an American SST. But the Federal Government has no business doing so now.

Mr. President, yesterday the New York Times published a column by Anthony Lewis on this subject also. Mr. Lewis' column makes a point which often has been overlooked when the SST proponents tell us we have to have an SST to keep up with the British-French competition; namely, that:

> Concorde is sold here (in Britain) as necessary to fight the Americans, the Boeing plane over there as essential to compete with the Concorde.

In other words, Mr. President, we are on a vicious merry-go-round. Each program is being used to prop up the other, because neither one can properly be justified on its own merits. Mr. Lewis hopes that Congress ought to be able to penetrate that sham when it votes again soon on the American SST. I hope so, too.

Mr. President, I ask unanimous consent that the Washington Post article entitled "Concorde Too Costly, BOAC Says" and the New York Times article entitled "People and Machines" be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Concorde Too Costly, BOAC Says

(By Andrew Wilson)

London.—The British Overseas Airways Corporation (BOAC) has told the British government that BOAC sees no way of operating the Anglo-French supersonic airliner Concorde economically.

The BOAC verdict is bound to affect the government's imminent decision on the $2.4 billion project, cancellation of which would cause an industrial crisis in Britain more serious than the collapse of Rolls-Royce earlier this month.

BOAC's finding was known to Frederick Corfield, England's minister of aviation supplies, before he flew to Paris for talks with his French opposite number last Thursday.

In Paris, French transport minister Jean Chamant is believed to have given Corfield the results of a study by the French national airline, Air France, which showed that the French valuation of the Concorde has come out even worse than BOAC's. Both airlines calculate that it will cost twice as much to operate per seat mile as the subsonic Boeing 747.

[BOAC declined to confirm or deny the Observer report officially, but a spokesman said, "All we can say is that BOAC continues to want to operate the Concorde, and in conjunction with the manufacturers and the government we are looking for the best ways of doing so," AP reported.]

BOAC's figures are based on a detailed analysis of nine months' subsonic and supersonic flight tests by two Concorde prototypes which are being test flown, direct and indirect operating costs and the expected demand for supersonic travel on 1974–80, the likely first six years of Concorde's operation.

The flight results were encouraging in that that they demonstrated that the Concorde is capable of flying from Paris to New York with its promised payload of 25,000 pounds, equivalent to 125 passengers and their luggage.

But these technical results are only a small part of the whole picture.

It was when BOAC and Air France began to calculate the running costs and overheads—fuel, crew pay, maintenance and so on—that the alarming disparity between the Concorde and the "jumbos" began to emerge.

According to those who have analyzed its performance, operating losses are expected even with the most favorable seating and fare structure—a two-class aircraft in which both first and economy class passengers would pay a surcharge of between 20 and 30 per cent.

In practice this arrangement might be difficult to apply, because members of the International Air Transport Association would veto any Concorde economy fare that threatened to steal their first class business traffic.

Already potential airline customers for Concorde are having grave doubts about securing enough passengers to justify services before 1980—a reflection, in part, of the general fall in airline traffic growth estimates since the palmy mid-1960s when BOAC, like Air France and Pan American, increased its purchasing options from six Concordes to eight.

For BOAC, the diminished market means that even if the government subsidized its operation of the Concorde, only four or five aircraft would be needed instead of the original eight.

A similar reduction could be expected in the requirements of other customers—a move which is bound to be reflected in a spiraling selling price of Concorde.

The price quoted in draft contracts sent to BOAC, Air France and Qantas earlier this month is believed to be $28 million. But this was almost certainly based on the hope of breaking even with a production run of between 50 and 100 aircraft.

If, as seems likely, the hoped for sales figure should drop from 72 aircraft (the present number of options) to about 30, the figure indicated by BOAC's market researches, the price would have to be substantially increased, perhaps by 60 per cent.

Such an increase would almost certainly put the plane out of the market.

According to the communique issued after last week's Paris meeting, the decision of the British and French governments on Concorde's future will be made when Corfield meets Chamant again at the end of next month.

Before then three things can happen:

The French government could order Air France to buy Concorde, in the belief (which remains to be tested) that BOAC and U.S. airlines would feel bound to follow suit.

An American airline could place the first order, despite increasing economic difficulties and a proposal by Pan American for a five-year trial period before introducing full-scale operations.

The British government could offer BOAC a subsidy to fly the plane, although BOAC dislikes this solution and argues that it would not improve the plane prospects.

REACTIONS DIFFER ON EFFECT ON SST

BOAC's conclusion that the Concorde would be a commercially uneconomic aircraft provoked widely divergent reactions in Washington from those who favor and oppose development of an American supersonic plane.

Sen. William Proxmire (D-Wisc.), leader of the anti-SST forces in the Senate, called the report "a very telling point against our proceeding with the SST."

He noted that the plane's supporters repeatedly have argued that the United States risks loss of commercial air supremacy if it does not have a competitive supersonic plane. "That's their one strong argument," Proxmire said, "and it seems to me this goes a long way toward undermining that argument."

However, William M. Magruder, director of the SST program in the Department of Transportation, said the report doesn't change his opinion "a bit."

Magruder said BOAC's analysis probably represented the airline's jockeying for a better price on the plane as it enters final negotiations for the initial purchases.

"It always happens—airlines will say nothing kind about a plane while they are negotiating for the sale," he said.

PEOPLE AND MACHINES

(By Anthony Lewis)

LONDON.—Boeing and British Aircraft Corporation officials held a joint press conference here the other day to promote their proposed supersonic transports, the American SST and the British-French Concorde. They aimed to show that SST's would not harm the environment, but they did not stop there.

Jet planes in general, they said, are "the cleanest means of transportation we know . . . Busy airports are cleaner than the cities they serve . . . The more that people use jets instead of surface transport, the cleaner the world's atmosphere." And the Concorde itself would be "a spectacular way of defending the environment."

Listening to that, one felt like Yossarian—trapped in a lunatic world where the inhabitants talk sage nonsense to one another.

Just imagine what the world would be like if we followed aerospace logic and all the people who now travel by train or car or bus used jet planes instead. In that "cleaner" world the sky would be darkened by jets, the air filled with maddening noise; the planet would have to be paved over for runways.

How can intelligent men live by such mad logic? It is not just money or corporate loyalty that moves them. It is a burning belief in the cause of airplanes and, more broadly, technology.

With all respect for sincerity, their cause is our enemy. It is the cause of the machine, oblivious to the human values that we must restore and nourish if our civilization is to endure.

There is no clearer test of the opposing values, human and technological, than the supersonic transport. As a machine, it has a powerful appeal. Even the skeptical environmentalist might find himself drawn to the brute beauty of the Concorde prototype as it roars overhead on its test flights. But by this time we surely know that there are other considerations. In terms of both economics and human tranquillity, these weigh overwhelmingly against the SST.

Concorde has already cost the British and French Governments $1.2 billion for development, and that figure will probably double before the end—little of it likely to be recovered even if production models are sold. The plane will carry 108 to 126 passengers across the Atlantic, one-third the capacity of a 747. The seat-per-mile cost to the airline using Concorde will be double that of a 747, and the passengers would therefore have to pay much higher fares. Crossing the Atlantic would take seven hours instead of ten, door to door, if there are no landing or ground delays.

At supersonic speeds, Concorde causes a boom whose devastating impact even the SST promoters do not deny. They say that the plane will not be allowed to fly over populated places. But given the economic yearning for more routes, Charles Lindberg was inevitably correct when he said recently that he did not believe such promises could be "practical or lasting."

In any case, the noise made by Concorde as it lands and takes off will be substantially more painful than the maximum now permitted by London airport authorities or the Federal Aviation Agency for new subsonic planes. The position of Concorde's promoters is that it should be allowed to make more noise. Why? Because otherwise their machine cannot work: machines before men.

A Briton who symbolizes the ideology of the machine is visiting the United States this week to argue against noise limits that would affect Concorde. He is Anthony Wedgwood Benn, who as Minister of Technology in the late Labor Government became a cartoonists' figure of fun with his earnest manner of saving souls by technology. It was Benn who applauded and supported, as a superb example of British technology, the RB-211 engine contract that has just sunk Rolls-Royce.

While Benn is in America, the voices opposed to Concorde are growing stronger in Britain. A leading opponent, Richard Wiggs, has just published a compelling book, "Concorde: The Case Against Supersonic Transport." One important point he makes is the way backers of SST's have used the fear of trans-Atlantic competition: Concorde is sold here as necessary to fight the Americans, the Boeing plane over there as essential to compete with Concorde.

Congress ought to be able to penetrate that sham when it votes again soon on the American SST. For the truth is that the British Treasury would dearly love to be relieved of Concorde, and more and more independent analysts are coming to agree with the view of Concorde taken by the Spectator, a conservative weekly:

"The non-flying majority is not only subsidizing the rich flying minority with its cash. It is also putting up with the very great nuisance created by the rich flying minority. Seldom can a majority have been more strenuously taxed to benefit a minority and at the same time to deafen and to poison itself."

CHANGES IN NATIONAL RAIL PASSENGER CORPORATION SYSTEM

Mr. ALLOTT. Mr. President, recently Secretary Volpe designated the final National Rail Passenger Corporation System for the United States. The changes he made in his original plan are sound and realistic. He is to be commended for developing a workable system which will provide adequate service and which is not burdened with unnecessary and useless service.

A letter to Secretary Volpe, a copy of which was made available to me by Dr. Richard L. Day, associate professor of geography at the University of Idaho, expresses my sentiments completely.

So that all Senators might share this excellent expression, I ask unanimous consent that Dr. Day's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF IDAHO,
Moscow, Idaho, January 30, 1971.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
U.S. Department of Transportation,
Washington, D.C.

DEAR MR. VOLPE: I wish to express my appreciation for the additional Western routes you designated in the final National Rail Passenger Corporation system which you announced on January 28, 1971. I am referring to the Seattle to San Diego route along the West Coast, the Los Angeles to New Orleans route, and the routing via Denver of the Chicago to San Francisco trains.

It will be especially desirable if the Los Angeles-New Orleans trains are operated via Phoenix, El Paso and Houston; and the Chicago-Denver-San Francisco trains via the highly scenic "California Zephyr" route.

I hope it will still be possible for responsible groups to charter special trains after the National Rail Passenger Corporation takes over on May 1, 1971. This has been one of the most effective means of attracting both business and attention to the railroads' passenger operations in the past. Not infrequently, as many as 1,000 persons have been attracted to such trips and additional potential riders have been turned away.

I wish to especially commend you for your highly inspirational statement when you announced the final system last Thursday. Your words, "This lays the foundation for what in my opinion is destined to become the all-time comeback in the history of American transportation" indicate that the new system of passenger trains will operate in a most favorable psychological atmosphere. This is vitally important to the success of the undertaking.

Thank you very much, Secretary Volpe, for the excellent approach you are making in setting up the National Rail Passenger Corporation system.

Sincerely yours,
DR. RICHARD L. DAY,
Associate Professor of Geography.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. CURTIS. Mr. President, in this world of power politics a small nation can retain its freedom only if geography permits. If nature does not provide barriers behind which the smaller land may protect itself, its people inevitably are victims of greedy neighbors.

This is the tragic history of the tiny little country of Lithuania living in the shadow of the great powers which have struggled for centuries to control eastern Europe. The giants have used Lithuania as a prize for their political maneuvers since the 13th century.

The Lithuanians are a fiercely proud people, and although overshadowed by their bigger neighbors, have always fought bravely to maintain their freedom. But it has been a long and bitter struggle against great and overwhelming odds.

As most tragedies of history demonstrate, bravery, intellect, and a burning love for freedom are not in themselves enough to guarantee that freedom if others, bigger and more ruthless, are willing to smash your freedom for political or territorial gain.

Lithuanian has suffered just that fate. Her lands have been the battleground where great armies have fought. Her people have been the victims of wanton aggression. Her freedom has been sacrificed by the great nations around her.

From the 13th century on the Lithuanian people were the pawns of the greater powers. But on February 16, 1918, some 53 years ago, all this seemed to have changed. It was on that date, and with the backing of the Germans, then engaged in the great World War, that the Lithuanian people declared their independence and a new era opened for the long-oppressed people.

During the following year the Lithuanian people battled to maintain that independence against invading armies of the newly created Soviet Union. They won. Their independence was firmly established and their freedom guaranteed.

For the next 20 years Lithuania developed as a free and independent nation, enjoying the fruits of liberty and holding dear the rights their people had won with their blood and toil.

But history was against this tiny, brave land. The dogs of war were on a loose leash in Europe during the waning days of the 1930's, and Lithuania was once again being bartered over by two giants, Nazi Germany and Soviet Union.

In the infamous Treaty of Non-Aggression of August 23, 1939, there was a secret protocol which gave Lithuania to the Nazis, or, in the delicate but deadly wording of such power politics, included Lithuania in the sphere of influence of the Germans. During the German invasion of Poland the Nazis desperately tried to draw Lithuania into the war on their side so as to provide them with protection.

The Lithuanians declined the honor and chose instead to remain neutral. But even this was not long permitted. In the treaty of September 18, 1939, Lithuania was again up for barter between the Soviets and the Germans. This time the Soviet Union won the figurative toss of the coin and the freedom of the Lithuanian people was placed in the bloody hands of the Russians. On December 10 of that year the Russians forced the Lithuanians to accept a treaty of occupation, and from that moment on the flame of liberty flickered low.

During the Second World War the Lithuanian plains were the battleground of the Soviet and German Armies and the people of Lithuania suffered for it. They were occupied first by the Soviets, then by the Nazis, and, finally, by the Soviets once again.

This time the occupation was complete, the domination was total. The Lithuanian people became not only the vassals of the greater power to the north and east, but also the slaves of the Soviet Union.

Since the end of the war Lithuania has ceased to exist, insofar as the Russians are concerned. The small island of liberty has been wiped out and has become merely a part of the Soviet Union itself. There is not even the pretense of a national state such as those allowed by the Soviets in their larger satellite colonies.

Although the country is no longer on the maps, and tyranny again seems to loom triumphant, Lithuania still is a nation and a country in the hearts and minds of the Lithuanian people, both in the Baltic States and those who live abroad.

For many centuries the Lithuanian people have lived in adversity and their land has been ravaged and pillaged by invaders. Always they have survived. They know they will survive again.

They are a patient people. They are a brave people. And they are a people loyal to their traditions and to the tradition of freedom.

They will outwait their conquerors. They will suffer through this present time of slavery.

And always, in their hearts, the tiny flickering flame of freedom will burn. Some day that flame will burst into full and fiery glory. Lithuania will again be a proudly free nation.

Until then, those of us who love freedom and cherish it must help where we can, must give sustenance where we can, must share with them their hopes and their ambitions.

For our people, too, have known adversity and oppression. And our people have in the past thrown off the yoke of imperial might. And we have maintained that freedom.

But geography was on our side. There were vast miles of water between us and those who would have oppressed us. And so we were able during our years of formation to build our strength to withstand the threats from abroad.

The Lithuanians have not had that advantage. They make up for it with the depth and intensity of their love of homeland and freedom.

PRESIDENT NIXON'S MESSAGE ON HIGHER EDUCATION

Mr. DOLE. Mr. President, yesterday Congress received an important and far-reaching message on higher education from President Nixon. I would urge its careful and immediate consideration by Members of Congress. With the present legislative authority in higher education expiring this June, the time for action is short. But equally important, the President's proposals could greatly increase the amount of financial aid available to students of all income levels who desire to enter college next fall.

In his message, the President emphasizes two major goals: Expansion and reform of student financial assistance programs, and reform and revitalization of our institutions of higher education.

To accomplish expansion and reform of student financial assistance programs, the President proposes the Higher Education Act of 1971. This act would require that Federal higher education student aid be distributed in such a way as to guarantee that students from low-income families would be assured of a certain level of support, based on the ability of their families to contribute to the cost of their education. The aim of this provision is that students from low-income families will have financial resources which will enable them to pursue a higher education on the same basis as students from middle-income families. And most significantly, as the President has emphasized, that no qualified student who wants to go to college should be barred by lack of funds.

To increase the availability of federally guaranteed loan funds for all students, the President has proposed the establishment of the National Student Loan Association. This association NSLA, would be a secondary market modeled after the Federal National Mortgage Association. It would buy student loan paper from colleges and commercial lenders, thus providing new capital for more students. With the establishment of the NSLA, the President estimates that an additional $1 billion would be available for student loan funds.

Mr. President, I am impressed with the extent to which the President's program would improve access for students to higher education, both in my own State of Kansas and across the Nation. Nationwide, it is designed to assist 1 million more students this year than last. But most important, by a reordering of priorities in the allocating and financing of educational resources, it would help support students from all income levels and give each an equal chance to the advantages of a higher education. In addition, the President's budget submitted this January has provided for these funds.

Also, the President quite properly recognizes that making higher education accessible to more students is only part of an overall strategy for higher education. In addition, there must be an improvement of our institutions of higher education so that their programs can more effectively meet the needs of the public. To this end, the President has proposed the establishment of the National Foundation for Higher Education.

This Foundation would provide support for new and innovative programs on our college campuses. These programs would provide greater access to higher education for our citizens, young and old; increase the number of educational courses available to include learning which is useful in the world of work; and explore the uses of educational technology as a device for bringing the benefits of continuing education to the American people.

Mr. President, I commend President Nixon for the balanced approach and the new directions he has introduced in this message. He has placed emphasis at the points of greatest needs: enhancing the opportunity of higher education, and making higher education more responsive to the needs of the people. I feel that his ideas will be particularly valuable as we respond to our inherited task of enhancing the quality and scope of higher education.

THE 25TH ANNIVERSARY SESSION OF THE UNITED NATIONS

Mr. BROOKE. Mr. President it has now been 25 years since the free nations of the world first affixed their signatures to the Charter of the United Nations. That document, signed in great hope even before the dreadful conflict of the 1940's had been brought to an end, was designed to enable the nations of the world to focus their attention on peaceful pursuits. Its first aim was simply "to save succeeding generations from the scourge of war"; this we are still trying to do. But in its other aims, it has realized greater progress: the nations of the world have cooperated, to a great extent, "to reaffirm our faith in fundamental human rights," "to establish conditions of justice and respect," "to promote social progress and better standards of life" for all mankind. What is more, the fact that a world body has continued to press for these ends has made all the nations and peoples of the world, individually, more conscious of the rights of other men.

Recently, the U.S. mission to the United Nations issued a summary of the accomplishments and concerns of this historic anniversary session just concluded:

The 127th nation was admitted to the world body.

A treaty prohibiting the use of nuclear weapons in the seabeds of the world was adopted by the General Assembly.

U.N. peacekeeping responsibilities in Cyprus and Korea were considered and extended.

The nations of the world once again expressed their profound distress over the continuing remnants of colonialism and racial injustice in Southern Africa.

A new strategy for development in the U.N.'s second development decade was adopted, encompassing new approaches to world trade and transfer of financial resources.

A U.N. volunteer corps, similar to the Peace Corps, was established, and plans were made for the creation of an international university.

Narcotics control and airline hijacking were major concerns of the U.N. and progress was made in reaching international agreements on both troubling issues.

Mr. President, the United Nations is an important and constructive arm of American and world foreign policy. Its accomplishments should be recognized and applauded.

In the belief that the summary prepared by the U.S. mission will be of interest to all Senators, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE 25TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

INTRODUCTION

Twenty-fifth Anniversary of the United Nations

The 25th anniversary commemorative session, held from October 19 through October 24 as part of the 25th General Assembly, included addresses by representatives of 87 member states, the Secretary General, and Assembly President Hambro.

The commemorative session culminated on October 24, the 25th anniversary of the charter's entry into force, with the adoption by acclamaion of three declarations:

Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

An International Development Strategy for the Second United Nations Development Decade;

Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations.

The Friendly Relations Declaration has been widely acclaimed as an important statement of international law, elaborating and clarifying seven of the most basic principles of international law contained in the United Nations Charter.

The development strategy is a comprehensive statement of essentials for national and international action during the Second Development Decade, 1971–80. Despite reservations by the United States and other countries on various point, the document is a major step toward a systematic and more rational approach to economic and social development.

The 25th anniversary declaration embodies the Assembly's consensus on common purposes, reflecting basic aims of the chapter with particular emphasis on development, disarmament, and the abolition of racism and colonialism.

President Nixon, who made a major address on October 23, was one of 45 heads of state and heads of government to speak either at the commemorative session or at other times during the 25th Assembly. Participating also were three vice presidents, three deputy heads of government, 91 foreign ministers, and 12 other ministers of Cabinet rank.

The President's speech reaffirmed continuing United States support for the United Nations and discussed several areas where he felt international action through the United Nations was necessary. These areas are:

Furthering economic development in the spirit of the Second Development Decade;

Strengthening the U.N.'s capacity to make and to keep the peace;

Coordinating worldwide protection and restoration of the environment;

Devising means to insure that the resources of the sea are developed for the benefit of all mankind;

Supporting national efforts to control the population explosion;

Curbing international traffic in narcotics;

Putting an end to the practices of sky piracy and the kidnaping and murder of diplomats;

Insuring that the human rights of prisoners of war are not violated.

On October 24 President Nixon was host at the White House for a dinner in honor of the 25th anniversary of the United Nations. Heads of state and government from 29 nations attended the dinner, along with members of the President's Cabinet and other U.S. Government officials.

Secretary Rogers, who was in New York for the bulk of the period from October 15 through October 24, met with 41 Presidents, Prime Ministers, and foreign ministers in an extended series of bilateral meetings. He also attended a dinner given by the Secretary General for the foreign ministers of the four permanent members of the Security Council on October 23. Following the dinner a statement dealing with the Middle East was issued in which the ministers agreed to exert efforts to enable Ambassador Jarring to resume his mission, to search for possibilities to extend the cease-fire, to find a peaceful solution based on Security Council Resolution 242.

SECURITY COUNCIL

First periodic council meeting

Secretary Rogers represented the United States in the first periodic meeting of the Security Council, convened under article 28, paragraph 2, of the charter. The meeting took place *in camera* on October 21, and the foreign ministers of all but four of the 15 Security Council members were present. The members of the Security Council were unanimous in agreeing that the holding of such periodic meetings constituted an important step toward strengthening the Council's ability to act effectively for the maintenance of international peace and security.

Council elections

Five countries were elected to 2-year terms on the Security Council on October 26. They were: Argentina, Belgium, Italy, Japan, and Somalia. As is its usual practice, the United States cast its vote in the General Assembly for those countries running for the Security Council who had received the endorsement of their respective regional groups.

Admission of Fiji

Fiji was admitted as the 127th member of the United Nations by the General Assembly on October 13 on the unanimous recommendation by the Security Council.

During the discussion of Fiji's application for membership in the Security Council, the United States proposed that the application be referred to the Council's admissions committee, as provided for in rule 59 of the provisional rules of procedure of the Security Council.

The United States held that return to such a procedure, which has not been observed in recent years, would better enable the Council to determine whether an applicant is willing and able to bear the burdens and obligations of membership. The United States stated that Fiji clearly met the qualifications for membership and therefore felt that the time was particularly appropriate to reestablish use of the admissions committee.

The United States also made clear that it considered that provisions in rule 59 calling for an application to be submitted to the General Assembly at least 35 days before a regular session and 14 before a special session did not apply to applications received during a session of the General Assembly. Nevertheless, opposition led by the U.S.S.R. and Zambia defeated the U.S. proposal. Although the U.S. effort was defeated this time, we believe that in the future the proposal to use the admissions committee will be more favorably received. Both the United Kingdom and France have stated that they believe the rule should be followed in the future, and we hope that such procedure will prevail at the time of consideration of any new application for membership in the U.N. by any state.

Guinea complained

The Security Council on November 22 convened on an urgent basis at the request of Guinea concerning an armed attack against the Government of Guinea by external forces. The United States took the position that it would be more expeditious for the Security Council to have the Secretary General send out a special representative to examine the facts of the situation and to report back to the Council. However, since this approach proved difficult to achieve, it was decided that a five-man investigating mission of the Security Council be sent to Guinea.

Upon the return of the mission, and after carefully examining the report of the mission, the Council agreed that the action against Guinea was one which should be condemned as contrary to the charter's injunction that states should refrain from the use or threat of force directed against the territorial integrity or political independence of any state. While the United States was unable to support the resolution adopted by the Council, the United States abstained in the belief that the resolution did not constitute a finding under chapter VII of the United Nations Charter and that it committed the Council to taking action under chapter VII in the future.

Question of Cyprus

On December 10 the Security Council met to consider the question of Cyprus and the renewal of the Council's mandate to maintain the United Nations Peacekeeping Force in Cyprus (UNFICYP). After hearing statements by representatives of Cyprus, Turkey, and Greece, the Security Council voted unanimously to extend UNFICYP's mandate for another 6 months, to June 15, 1971.

In a statement in explanation of vote, Ambassador Phillips expressed his appreciation of the skill and efficiency of UNFICYP. He went on, however, to express his disappointment that the intercommunal talks on Cyprus had lost their momentum and both sides had stiffened their positions. Ambassador Phillips said that the purpose of this extension of UNFICYP's mandate, like previous extensions, was not intended to give UNFICYP a permanent status and reminded members that peacekeeping was not a substitute for peacemaking.

GENERAL ASSEMBLY

Middle East

The Middle East was the dominant political concern of the 25th General Assembly. The general problem of a peaceful settlement was debated in plenary, while the Special Political Committee dealt with the problems of the Palestinians and the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which is in serious financial straits. The question of human rights in the occupied territories was considered in both the Special Political Committee and the Third Committee.

Behind the scenes there were discussions between the foreign ministers and the permanent representatives of the Arab countries, Israel, and the four permanent members of the Security Council directly concerned with the Middle East conflict. Secretary Rogers met bilaterally several times with the foreign ministers of Israel, the U.A.R., and the U.S.S.R.; and following a dinner given by the Secretary General on October 23 there was issued a statement that the foreign ministers of the four continued to support Security Council Resolution 242 as the basis for a peaceful settlement and pledged their countries to do their utmost to enable discussions for this purpose between the parties under the auspices of Ambassador Jarring to resume as soon as possible.

The diplomatic discussions and the plenary debate focused on how to bring about a resumption of discussions under Ambassador Gunnar Jarring's auspices and how to preserve the advances toward a peaceful settlement achieved through the U.S. initiative of June 19–20, 1970. These advances included:

(a) An explicit, categoric commitment by Israel, the U.A.R., and Jordan to carry out Security Council Resolution 242 in all its parts;

(b) Agreement by Israel to negotiate indirectly, at least in the first instance;

(c) Strict observance of the cease-fire, at least for a limited period.

There was a related military standstill provision of the agreement, whose violation caused the interruption of talks under Ambassador Jarring's auspices. However, the other elements remained intact, and prospects for a resumption of discussions are improved. The relative moderation displayed by the U.A.R., Jordan, and Israel during U.N. consideration of Middle East questions is one reason prospects for a peaceful settlement are better than might have been expected.

The Assembly voted on two draft resolutions, both of which called for the implementation of Security Council Resolution 242 as the basis for a peaceful settlement in the Middle East, called for the resumption by the parties of contact with Ambassador Jarring and called for a 3-month extension of the cease-fire. However, the Latin American draft (which lost 45 (U.S.) to 49, with 27 abstentions) maintained the balance of Security Council Resolution 242 and noted that violations of the standstill cease-fire were responsible for the interruption of talks under Jarring's auspices pursuant to the U.S. initiative. The draft resolution which was adopted as General Assembly Resolution 2628 by 57 votes to 16 (U.S.), with 39 abstentions, did not refer to the U.S. initiative nor to the standstill cease-fire violations, and it was unbalanced in favor of one side of the conflict. The most notable aspect of the voting was the split between the U.A.R., Jordan, five other Arab states, and the Soviet bloc, who supported General Assembly Resolution 2628 (and Security Council Resolution 242), and seven Arab states (Algeria, Syria, Iraq, the two Yemens, Saudi Arabia, Kuwait), who refused to participate in the voting because they objected to Security Council Resolution 242.

Chinese representation

The General Assembly again reaffirmed its 1961 decision that any proposal to change the representation of China in the United Nations is an important question requiring a two-thirds vote for adoption. This resolution was adopted 66 in favor (U.S.), 52 against, with 7 abstentions.

A resolution, sponsored by Albania and 17 other countries, to expel the Republic of China and to seat representatives of the People's Republic of China in the United Nations obtained a simple majority (51 in favor, 49 against (U.S.), with 25 abstentions) but failed to obtain the required two-thirds votes for passage.

While the Albanian resolution gained a majority for the first time, there is nevertheless a growing and strong sentiment in the Assembly that the People's Republic of China should not be admitted at the price of expelling the Republic of China, which effectively governs 14 million people and has always faithfully carried out its obligations under the charter.

This feeling was perhaps strengthened by the realization by many countries after the vote on the Albanian resolution that had it not been for the two-thirds rule, the Republic of China would have been expelled from the General Assembly.

Even some of the sponsors of the Albanian resolution have reluctantly noted the growing unwillingness on the part of many supporters of the admission of the People's Republic of China to take this action if it means the expulsion of the Republic of China.

Rationalization of General Assembly procedures

On November 9 the General Assembly adopted by 88 votes to 0, with 12 abstentions, a resolution sponsored by Canada and 24 other members to deal with the question of rationalizing procedures and organization in the General Assembly. By virtue of the resolution the President of the Assembly will appoint, on the basis of equitable geographic distribution, a 31-member committee which will study and report on the question at the 26th General Assembly.

The United States strongly supported this resolution. The United States has long believed that the procedures and organization of the General Assembly are in need of reform. The United States is particularly concerned at the length of time taken to complete the work of the General Assembly, which often has gone beyond the appointed 3 months. Ambassador Finger, in his statement to the General Assembly on this matter, stressed the absolute necessity of completing Assembly work within the agreed time. He furthermore suggested that with more careful planning and organization and with the session attended by more senior government officials, who can make policy decisions, the essential work of the Assembly might be completed within a considerably shorter period than the present 3-month session. The United States expects to be a member of the committee and will participate actively in its deliberations.

COMMITTEE I

Disarmament

The most important disarmament issue before the Assembly, the seabed disarmament treaty, was commended by an overwhelming majority. The United States strongly supported the treaty and, as Cochairman of the Conference of the Committee on Disarmament, the principal forum for the development of the treaty, played a major role in its drafting and negotiation. The First Committee and the Assembly accepted the draft treaty from the CCD without any amendments, and the vote puts the U.N. Assembly unequivocally on record as favoring the opening of this significant new disarmament agreement for signature. When ratified, the treaty will prohibit the emplacement of nuclear weapons or other weapons of mass destruction on the seabed, ocean floor, and in the subsoil thereof.

Chemical and biological warfare was again the subject of much discussion. The tenor of the debate was generally restrained, and the Assembly adopted a resolution requesting the Conference of the Committee on Disarmament to carry out further work on the problem and to consider, without prejudice, the various proposals made. These include:

The revised United Kingdom draft Convention on Chemical and Biological Warfare (submitted to the CCD on August 25, 1970), which is supported by the United States;

The revised draft Convention on Chemical and Biological Warfare (submitted to the CCD on August 25, 1970), which is supported by the United States;

The revised draft Convention on Chemical and Biological Weapons submitted to the Assembly on October 23, 1970;

The Joint Memorandum on the Question of Chemical and Biological Warfare submitted to the CCD on August 25, 1970, by 12 of its nonaligned members.

The November 2 resumption of the SALT talks (Strategic Arms Limitation Talks between the United States and the U.S.S.R.) was widely welcomed by U.N. members, a number of whom recognized that the task before the talks was both delicate and demanding. However, a number of countries pressed the adoption of a resolution which noted with satisfaction the continuation of the SALT talks but called upon the nuclear powers to accept a moratorium on the testing and deployment of nuclear weapon systems. The United States abstained on this vote while the Soviet Union and its allies voted for it. The United States informed the U.N. that it sympathized with the general objectives of the resolution. Nevertheless, the issues involved in the SALT talks are extremely complex, and the resolution, laudable though its purposes may be, could not in reality contribute to progress.

Eight other resolutions dealing with disarmament and disarmament-related problems, all supported by the United States, were also approved by the First Committee and adopted by the Assembly with large majorities.

Korea

The Assembly again adopted by a large majority a resolution reaffirming the objectives and responsibilities of the United Nations in Korea. The resolution, cosponsored by the United States and 19 other countries, was approved by a vote of 67 (U.S.) in favor, 28 against, with 22 abstentions. As in 1969, the resolution called for cooperation in easing tensions in the area and for the avoidance of incidents and activities in violation of the 1953 armistice agreement.

As in previous years, resolutions were introduced by the supporters of the North Korean regime calling for: (a) the dissolution of the United Nations Commission for the Unification and Rehabilitation of Korea and (b) the withdrawal of all United Nations forces from Korea. Both resolutions were decisively rejected in the First Committee.

Outer space

The General Assembly adopted four constructive resolutions on outer space on December 16.

One resolution, which deals with the work of the Outer Space Committee on the scientific and technical side, carries forward the President's initiative in 1969 when he undertook to associate the United Nations with experimentation with earth resources satellites. As a part of this cooperative effort, scientific panels and other activities are being planned for 1971.

A second resolution calls for urgent action to complete the outer space liability convention, which the United States strongly supports.

A third resolution, a joint Philippine-U.S.-Madagascar-Thai initiative, calls on the World Meteorological Organization to intensify the effort to develop typhoon prediction technology and to take action to minimize the destructive effect of such ocean-generated storms as the recent (November 1970) disaster that struck East Pakistan.

The fourth resolution summarizes the agreed results of an Outer Space Committee study on direct broadcast satellites and notes the potential of this infant technology for improving the telecommunications infrastructure of developing countries; for economic, social, and cultural development in education, agriculture, health, and family planning; and for better understanding among peoples through expanded exchange of information, knowledge, and culture.

The work of the United Nations concerning outer space and space-related activities continues to be extremely positive. We are proud of the leadership of the United States in contributing to and stimulating this work.

Strengthening international security

The United States is pleased at the outcome of the lengthy negotiations on the Declaration on Strengthening International Security, but as Ambassador Yost stated in his general debate speech on September 30, and in First Committee on December 14, we do not believe that is is worthwhile to devote so much of the time and effort of the United States to producing such sweeping hortatory declarations. This is especially so when declarations restate charter provisions or paraphrose previous declarations and resolutions.

"Strengthening international security" was an item introduced by the Soviet Union at the last General Assembly and carried over to this one. It represents the main Soviet initiative in the 24th and 25th sessions. The main Soviet goal was to improve their image as "peacemakers" in the U.N. At the same time they wanted a U.N. "endorsement" of the Brezhnev doctrine of limited sovereignty and to produce a document underlining certain provisions of the U.N. Security Council Resolution 242 on the Middle East as a point of departure for propaganda attacks on Israel and the United States.

Attempts to secure General Assembly approval for such a one-sided declaration bogged down last year, and this year competing drafts submitted by Western European, Latin American, and nonaligned countries were submitted. In our view the Western draft, which was the product of much hard work, was clearly preferable to the others. The United States followed closely the intensive negotiations leading to the introduction of the compromise draft approved by the Assembly. As the Soviet Representative himself admitted, the compromise declaration contained less of the Soviet language than that of any of the other groups of cosponsors. The Brezhnev doctrine is laid to rest in operative paragraph 1 of the declaration, which establishes the sovereign equality of states as an absolute principle of international relations. One-sided references to the Middle East have been eliminated or carefully balanced. Several references to peaceful settlement of disputes, peacekeeping operations, and development have been inserted which the Soviet Government strongly opposes. On the whole, the declaration is a good one.

Whatever the merits of the text itself, however, we must consider its cost. Had the efforts expended in producing this document been devoted to solving the real problems of the world community this would have been a more successful session and international peace and security would have been strengthened.

Seabeds and the law of the sea

The Assembly gave broad support to a proposal for a new law-of-the-sea conference to be convened in 1973. The conference is expected to conclude treaties establishing a seabed regime and on certain longstanding law-of-the-sea issues related to the breadth of territorial waters, international straits, and fisheries questions

The Assembly, with U.S. leadership, approved the resolution for the conference on seabeds and law of the sea, a declaration of principles to insure seabed resources are exploited peacefully and for the benefit of all mankind, and resolutions to study the economic impact of exploiting underocean resources and the problem of landlocked states.

Thus it is hoped to achieve agreed means to regulate the seabed and its resources for the common benefit of mankind before developing technology triggers a race among states to extend unilateral claims far into the marine environment, threatening conflict situations and new underwater colonial empires.

President Nixon told the General Assembly on October 23:

"It is in the world interest for the resources of the sea to be used for the benefit of all—and not to become a source of international conflict, pollution, and unbridled commercial rivalry.

"Technology is ready to tap the vast, largely virgin resources of the oceans. At this moment, we have the opportunity to set up rules and institutions to insure that these resources are developed for the benefit of all mankind and that the resources derived from them are shared equitably. But this moment is fleeting. If we fail to seize it, storm and strife could become the future of the oceans."

In May the President announced a U.S. ocean policy in which he called for a new international regime for the seabeds beneath the high seas beyond a depth of 200 meters and called upon other nations to join the United States in assuring that licensing of exploitation during the interim period would be subject to the international regime upon its establishment. In August the United States tabled in the United Nations Seabed Committee at Geneva a draft convention proposing creation of an international seabed resource authority, through the United Nations, to provide for orderly exploitation of seabed resources and to provide a vast new source of revenue for international development purposes. Senator Claiborne Pell, speaking in support of the proposal, envisaged a substantial flow of funds for development within the decade, with greatly expanded potential.

The United States argued that all these questions, including the related law-of-the-sea issues such as the breadth of the territorial sea and transit through international straits, demand urgent attention by the international community if agreements are to be reached which can lessen the risk of conflict in the marine environment. The need for action is particularly compelling with regard to such seabed issues as creation of the international regime, appropriate international machinery, and definition of the international area. Man's demands for deep sea resources are steadily driving the technology of exploitation deeper in the seas and further out from coastlines.

The work of the proposed 1973 conference will be prepared by an enlarged United Nations Seabed Committee, which will report its progress to the 26th and 27th General Assemblies.

SPECIAL POLITICAL COMMITTEE

Peacekeeping

In delivering the U.S. opening statement in debate on this item Ambassador Yost expressed his deep disappointment that the Special Committee on Peacekeeping and its working group were not able to show progress on questions of substance which would have made possible an agreement on how U.N. peacekeeping efforts should be authorized, established, and carried out. He expressed pleasure at the many statements made by distinguished leaders from all parts of the world in both the general debate and the commemorative session in which they urged that steps be taken now to improve U.N. peacekeeping capabilities. Although virtually all subsequent speakers in the debate in the Special Committee shared Ambassador Yost's concern at lack of progress on guidelines for peacekeeping, no support for seeking even limited agreements was forthcoming. Instead the committee was content to pass unanimously a resolution which instructs the Special Committee on Peacekeeping to intensify its further efforts with a view to completing its report on U.N. military observer missions by May 1, 1971, and to submit a completed report to the 26th session of the General Assembly in September 1971.

In a closing statement Ambassador Yost again expressed U.S. regret that this session had been unable to take any concrete actions to strengthen U.N. peacekeeping. He recalled that he had hoped frankly for an initiative that might have resulted in insuring the readiness and availability of men and facilities for peacekeeping emergencies.

The above resolution was unanimously

adopted by the General Assembly on December 8.

United Nations Relief and Works Agency for Palestine refugees in the Near East

Five resolutions were adopted on this subject. One urged UNRWA to continue its efforts. Another created a working group to try to resolve the serious UNRWA financial crisis. Two resolutions reaffirmed the right of those persons displaced as a result of the 1967 conflict to return to their homes in the occupied territories, and another affirmed that the "people of Palestine" have the right to self-determination and declared that their "inalienable rights" are "an indispensable element in the establishment of a just and lasting peace in the Middle East."

The only controversial resolution was the last, and its most ardent supporters gave to it the interpretation that the "people of Palestine" were entitled to self-determination without any regard for the sovereign rights of Israel or Jordan or any other state in the area, despite the fact that they are members of the United Nations and entitled to full rights under the United Nations Charter. The United States opposed this resolution on grounds that it was intended to call into question Israel's right of existence and to distort Security Council Resolution 242. The advocates of this resolution were those who had refused to participate in the voting on General Assembly Resolution 2628, alleging that Security Council Resolution 242 was antithetical to the rights of the Palestinian people. The Special Political Committee resolution on "inalienable rights" was adopted in plenary by a slim vote of 47 to 22, with 50 abstentions. The vote on a similar resolution at the 24th session of the United Nations General Assembly had been 48 to 22, with 47 abstentions.

Human rights in occupied territories

Debate on this item focused on the report by a three-member committee established by a General Assembly resolution (A/RES/2443) of December 19, 1968. The committee was unable to visit the occupied territories but did visit adjacent countries. It reported violations of the 1949 Geneva Convention dealing with this subject, a convention to which Israel, Jordan, Syria, and the U.A.R. are party but whose provisions (such as the appointment of a protecting power) have never been actualy invoked by the Arab states whose territories are occupied. The United States opposed the establishment of this committee on grounds that its mandate should have covered human rights violations in the entire Middle East. The United States supports the invocation of the 1949 Geneva Convention as the only effective means of dealing with this problem in the occupied territories.

Apartheid

The General Assembly adopted seven resolutions dealing with apartheid. The first resolution dealt with the reaffirmation of Security Council Resolution 282 concerning the application of an arms embargo against South Africa. The United States had to abstain on the General Assembly resolution for the same reasons that it expressed in the Security Council when Resolution 282 was adopted. These reasons were that the United States believed that Resolution 282 contained sweeping provisions to which the United States could not commit itself.

Regarding the resolution concerning the decision to expand the membership of the Apartheid Committee, the United States, because it had not supported the original resolution establishing the committee, was unable to support its expansion.

The United States was pleased after modifications were made by the cosponsors to vote in favor of the resolution calling for assistance in the economic, social, and humanitarian fields to oppressed people of South Africa.

With respect to the resolutions on dissemination of information on apartheid and on convening of a seminar on apartheid by the trade unions, the United States was unable to support these resolutions because of some of the provisions contained in them.

As in previous years, the United States voted in favor of the resolution dealing with the South Africa Trust Fund.

On the general question of apartheid, the United States found it necessary to vote against this resolution because it gave much stronger emphasis to sanctions under chapter VII of the charter. The position of the United States with regard to apartheid in general is well known in that it continues to unequivocally oppose the practice of apartheid in South Africa.

COMMITTEE II

International Development Strategy for the Second U.N. Development Decade

Undoubtedly one of the major achievements of the 25th anniversary session was the adoption on October 24 of the International Development Strategy for the Second United Nations Development Decade, to begin January 1, 1971. This culmination of nearly 2 years of intensive negotiations in a 54-member preparatory committee, in the Economic and Social Council, and in the Second Committee of the General Assembly was the unanimous adoption of an 84-paragraph comprehensive strategy document.

This covers goals and objectives; policy measures in international trade, financial resource transfers, invisibles including shipping, special measures in favor of the least developed among the developing countries and also for landlocked countries, the transfer of science and technology, human development, expansion and diversification of production, and plan formulation and implementation; review and appraisal machinery of both objectives and policies; and the mobilization of public opinion.

One of the key provisions of the document was the recommendation that each economically advanced country should endeavor to provide to developing countries, by 1972 and not later than 1975, financial resource transfers of a minimum net amount equivalent to 1 percent of its gross national product. Although the United States participated actively in the negotiations, gave its approval to the document in general, and joined in international reaffirmation of the aid target, it was unable to say when it might meet the 1-percent objective.

The most immediate task ahead is seen as the establishment of a comprehensive and viable system for the review and appraisal of the objectives and policies of the strategy.

United Nations volunteers

Another major accomplishment of the Second Committee was the adoption of the resolution recommended by the 49th session of the Economic and Social Council which established the U.N. volunteers effective January 1, 1971. The resolution requested the Secretary General to designate the administrator of the U.N. Development Program as administrator of an International Volunteer Corps and to appoint a coordinator of these volunteers. The Secretary General is also requested to invite governments and interested organizations to contribute to a special voluntary fund for the support of the activities of the volunteers.

By adopting this resolution, the General Assembly completed the necessary legislative action within the U.N. system to authorize the setting up of a practical and viable solution for creating "a legion of volunteers in the service of mankind" as proposed 2 years ago by the Shah of Iran. This initiative has had the strong support of the U.S. Government.

United Nations development program

An important sequel to the strategy for the Second Development Decade as a milestone in the history of U.N. activity in the economic and social development field was the adoption by the Second Committee of ECOSOC Resolution 1530 (XLIX) on the capacity of the U.N. development system.

This resolution incorporated the comprehensive "consensus" which had been carefully worked out at the 10th session of the Governing Council of the UNDP as a result of the recommendations contained in the Jackson capacity study. The major features of the consensus were the formulation of the UNDP country programing procedures based on indicative planning figures, the elimination of remaining distinctions between Special Fund and technical assistance resources, provisions for overall disposition of resources, and the strengthening and reorganization of the program at the country and at headquarters level.

Although there were some aspects of the consensus which the United States believed could stand improvement, we considered it to be the best compromise that could be achieved at this time, and as a consequence we were successful in our efforts to see the statement adopted without change by the General Assembly.

International university

Further significant progress on the question of the establishment of an international university was made in the Second Committee as a result of the adoption of a resolution inviting UNESCO to prepare studies of the educational, financial, and organizational aspects of such a university. It also authorized the Secretary General to establish, in due course, a panel of 10 government-sponsored and 5 U.N.-sponsored experts for the purpose of assisting him in his further consultations and studies concerning the establishment of all international university. A possible jurisdictional conflict between the Secretary General and UNESCO was averted by the careful wording of the resolution, which received wide support.

World Population Year

The Second Committee held an extended debate in connection with the consideration of a resolution recommended for adoption by ECOSOC designating the year 1974 as World Population Year and requesting the Secretary General to prepare a detailed program of activities in this connection. The final version of the resolution adopted by the committee with an unusually high number of abstentions, had been revised by qualified statements in several paragraphs to reflect the concern of many developing countries over the trend toward considering population as a key factor to economic and social development. Statements made in the committee by Latin Americans, Francophone Africans, and the Soviet bloc revealed that the attitudes of these countries were hardening in opposition to the need for U.N. activities in the field of population control.

U.N. Conference on the Human Environment

The debate in the Second Committee on the U.N. Conference on the Human Environment to be held in Stockholm in June 1972 was somewhat overshadowed by the holding of a 2-day informal meeting of the preparatory committee for the conference just 2 weeks previously. Nevertheless, as the result of Second Committee action, the General Assembly adopted a resolution requesting the Secretary General to convene the second and third sessions of the preparatory committee February 8–19, 1971, and September 13–24, 1971, at Geneva and New York, respectively. At the insistence of the developing countries, led by Brazil and Chile, what was to be essentially a procedural resolution was amended to include paragraphs recommending the inclusion in the agenda of the forthcoming sessions of the preparatory committee of items relating to economic and social aspects as they affect the environmental policies and development plans of developing countries. It also recommended that the preparatory committee consider in its preparations for the conference the financing of possible activities for the protection of the human environment in developing countries.

Most developed countries, including the United States, voted for the resolution despite their opposition to the financing provision. Opposition to this controversial paragraph was based to a large extent on the confrontation tactics used by the developing countries to secure their views. As a result of this clash of views, it was clearly evident that much remained to be done to persuade the developing countries that their concern that environmental activities would detract from development objectives was unfounded.

COMMITTEE III

High Commissioner for Human Rights

Establishment of the post of High Commissioner for Human Rights was given highest priority last year by the 24th General Assembly, when the question was deferred to this year's General Assembly. Actual debate on the issue in this Assembly, however, was prevented by a manifest filibuster by its opponents throughout the Third Committee debates. Thus, although the High Commissioner item was fourth on the agenda of 15 items, the committee did not commence the debate until the last week of the session. It began only after several confusing and delaying sessions during which the committee decided to allot only five of the remaining meetings to the High Commissioner item.

The debate was marked by long and tendentious speeches by opponents of the establishment of the Office of High Commissioner. The United States was unable to speak because of lack of time. Canada moved to close the debate in order to permit a vote on a resolution agreeing in principle to the creation of the post. A motion by Ceylon to adjourn the debate without voting on any resolution was adopted, however, by a vote of 54 to 38 (U.S.), with 15 abstentions. Thus, action was deferred for at least a year.

The United States will continue to support the proposal to establish a High Commissioner for Human Rights, and we hope that it will be adopted at the 26th General Assembly.

We attach special importance to this proposal since we believe it is an important step to further respect for human rights everywhere in keeping with the human rights provisions of the charter.

Humane treatment of prisoners of war

During consideration of an agenda item on human rights in armed conflict, Senator Claiborne Pell, speaking for the United States, made a major statement calling for humane treatment of all prisoners, and in particular of American captives held prisoners of war in North Viet-Nam and Southeast Asia. The Senator stressed the importance of strict compliance with the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. He said mere assertions of humane treatment of captive U.S. citizens by North Viet-Nam could be no substitute for inspection of places of detention of the prisoners by the International Committee of the Red Cross or by a neutral government or humanitarian organization. The Senator cited provisions of the Geneva Convention requiring the application of internationally agreed minimum standards of humane treatment to all prisoners of war. He said that humane treatment was not a political issue but a human rights question, one behind which all segments of opinion could unite.

In addition, a specific resolution sponsored by the United States, along with Belgium, Dahomey, the Dominican Republic, Greece, Haiti, Italy, Madagascar, New Zealand, the Philippines, Thailand, and Togo called for strict compliance with the Geneva Convention. The resolution was adopted by the General Assembly on December 9 by a vote of 67 (U.S.) to 30, with 20 abstentions. Key provisions stress the obligations to permit inspections of all places of detention and to repatriate seriously sick and wounded prisoners. In addition, the resolution endorses the continuing efforts of the International Committee of the Red Cross to secure effective application of the Convention, urges the Secretary General to exert all efforts to obtain humane treatment of prisoners of war, urges humane treatment for those captives who do not meet all the requirements of the definition of prisoners of war, and in general urges compliance with international humanitarian instruments applicable to armed conflict.

The United States also supported other human rights in time of armed conflict resolutions calling for humane treatment of civilians and of journalists, a resolution put forward by France, as well as a procedural resolution asking among other things, for governments to comment on the Secretary General's reports on human rights in armed conflict and for the 26th General Assembly to consider the reports and the comments.

Narcotics control

President Nixon, in his address to the commemorative session, stressed the need for international cooperation to curb narcotics traffic and abuse. In keeping with this initiative the General Assembly adopted two strong resolutions on this question.

One resolution strongly endorses the decision of ECOSOC for the establishment of a program of action on drug abuse including the creation of a United Nations Fund for Drug Abuse Control. The other resolution calls on members of the U.N. and appeals to nonmembers to "consider seriously the possibility of enacting adequate legislation providing severe penalties for those engaged in illicit trade and trafficking of narcotic drugs."

The United States expressed its pleasure at this constructive action toward a problem which affects many nations.

COMMITTEE IV

Colonial and racial issues

The problems of Southern Africa, Rhodesia, the Portuguese territories, and Namibia commanded more than two-thirds of the Fourth Committee's time.

As in recent years, most of the Assembly's resolutions dealing with colonial problems contained provisions calling for measures which prevented the United States from fully supporting them. Regarding the resolutions on Namibia, the United States was able to vote for the creation of a Namibia fund to aid Namibians, and it was pleased that the cosponsors made certain modifications to that resolution so that the United States could vote affirmatively. Unfortunately, on the general resolution on Namibia, the United States was unable to support it because of its failure to recognize the actions of the Security Council and its call for the invoking of chapter VII of the U.N. Charter. Other resolutions, on Southern Rhodesia, for example, called for condemnatory measures which under the charter are clearly within the competence of the Security Council. As such they were unacceptable to the United States, and we were compelled to vote against them.

Resolutions against activities of foreign economic and other interests said to be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and calling for implementation of that declaration by the specialized agencies were likewise unacceptable to the United States. The first resolution was based on false assumptions regarding private foreign investment. The second called upon the specialized agencies and international institutions to take actions which in many cases are inconsistent with their own statutes and with their agreements with the U.N.

The United States continued to make clear its unswerving opposition to colonialism and racial discrimination in all of its forms. We remain convinced, however, that the U.N. can best contribute to progress against these evils by actions which are intrinsically sound, widely supported, and within the capacity of the U.N. to carry out.

COMMITTEE V

1971 budget and scale of assessments

Responsive to the wishes of member governments concerned with the issue of economy, the Secretary General in introducing his budget estimates for 1971 announced that he had decided to review his estimates with the objective of reducing the total requirements from an estimated $200 million projected for 1971 to the level of $193 million. This saving of $7 million would represent a reduction in the percentage increase of the 1971 budget over 1970 from 18.8 percent to 14.8 percent.

In projecting a level of $193 million, the Secretary General took into account an 8-percent salary increase effective January 1 for professional and hired staff which had been recommended by the International Civil Service Advisory Board, amounting to $8.8 million, and an estimated $3 million for new construction costs in 1971. During the course of the Assembly, the salary increase was reduced through deferment of the effective date of the increase from January 1 to July 1, 1971, with a savings to the budget of $4.4 million. The cost of new construction, however, was increased from $3 million to $4 million, and additional appropriations unforeseen in the Secretary General's initial estimates and resulting from decisions reached by the General Assembly resulted in a total budget for 1971 of $192.1 million, an increase of 14 percent over the budget for 1970.

Believing that this rate of growth was excessive and that the 8-percent salary increase was not fully justified, the United States for the first time in 25 years did not vote in favor of the U.N. budget, but instead abstained. The United States abstention was designed to emphasize the urgent need for certain measures of reform in United Nations fiscal, budgetary, and programing policies and procedures.

The General Assembly approved a new scale of assessments for contributions from member states to the regular budget for the 3-year period 1971–73. The U.S. assessment rate under this new scale was reduced from its previous level of 31.57 percent to 31.52 percent.

COMMITTEE VI

International court of justice

The United States joined with 11 other delegations in requesting inscription of this item on the agenda. The cosponsors requested inscription of this item in the belief that the International Court of Justice has not been used as fully as it might be and that it would be useful to focus international attention at the 25th anniversary session on the principal judicial organ of the U.N. We believe the court has a greater contribution to make to the peaceful settlement of disputes than it has been enabled to do so far.

Speaking for the United States, Senator Jacob Javits, a member of this year's U.S.

delegation, said he was pleased that the General Assembly discussed this matter in a serious and positive manner and decided to commence a review of the role of the International Court of Justice. We believe the comments which will be received from governments and from the International Court itself, if it deems it advisable, will be a further positive contribution and will enable the General Assembly at its next session to take further steps in the review process, including the establishment of an ad hoc committee to explore the matter in depth.

Declaration on friendly relations

One of the highlights of the 25th General Assembly and in particular the anniversary celebration was the adoption by the General Assembly of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

The declaration, which is the product of 6 years of work, represents the contemporary view of states on the following vital charter principles of international law: the prohibition of the threat or use of force, the obligation to settle disputes by peaceful means, the duty not to intervene in matters within the domestic jurisdiction of any state, the duty to cooperate, the principle of equal rights and self-determination of peoples, good faith in fulfillment of obligations, and the sovereign equality of states.

The declaration represents a positive and balanced legal clarification of the rights and duties of states contained in the charter. We believe the long search for agreement on the definition of these principles was an important contribution to the vigor and health of the United Nations organization and the charter upon which it is based.

Interference With Civil Aviation (Hijacking)

The General Assembly by a vote of 105 to 0, with 8 abstentions, adopted a strong resolution condemning all forms of interference with civil aviation. The resolution, in addition to condemning such acts, calls upon states to punish or extradite those who perpetrate such acts, to adhere to the Tokyo Convention, and to take other steps to deter such acts.

While the resolution did not include everything the United States proposed and supported, it is a strong and useful resolution which complements the current efforts of the International Civil Aviation Organization in this field.

We regard the overwhelming adoption of this resolution as one of the most positive developments of this General Assembly.

Charter Review

The General Assembly discussed the question of charter review, which had been carried over from last year. Several delegations, in particular the Philippines, made concrete proposals for charter revision. Other delegations, particularly the Soviet Union, strongly opposed any consideration of the matter.

The United States is not opposed to the principle of charter review. We suggested in the course of the debate that charter review is not the sole means of enhancing the capacity of the United Nations and urged that states not be distracted by the less immediate goal of charter review from the work of existing committees on such matters as peacekeeping and the functioning of the General Assembly.

The United States believes the decision to seek government comments and to inscribe the item on the agenda of the 27th General Assembly was an appropriate method of handling the matter at this time.

We shall examine with interest the comments governments will be submitting on this important matter between now and 1972.

RETURN OF MAIL TO LONG-DISTANCE PASSENGER TRAINS

Mr. ALLOTT. Mr. President, for many years now I have advocated a return of mail to long-distance rail passenger trains. I am somewhat encouraged by recent statements by Transportation Secretary Volpe to the effect that the new Railpax Corporation has negotiated with the Post Office Department for increased usage of high-speed trains for mail transportation.

I shall not repeat again the sorry tale of how William J. Hartigan, Assistant Postmaster General for Transportation under the Kennedy and Johnson administrations, converted hundreds of railway post office routes to air service.

I would, however, like to invite the attention of the Senate to the views of E. George Siedle, who served as Assistant Postmaster General for Transportation during the Eisenhower administration for 5 years.

Mr. Siedle, who speaks from direct experience in the field and who presently is a transportation consultant, makes some excellent points. I ask unanimous consent that his recent letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LANCASTER, PA.,
February 2, 1971.

HON. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Having read of your remarks advocating the return of mail to passenger trains, I am tempted not only to write complimenting you but also to say that it can be and should have been done years ago.

My convictions are based on knowledge stemming from the five years I served as Assistant Postmaster General, Bureau of Transportation, during President Eisenhower's Administration. Arranging for the transportation of all mail—domestic and international—was one of my responsibilities.

Losing the mail was largely the fault of the railroads. By the same token they could have recovered much of that lost and prevented further erosion had they been amenable to suggestions and change. They likewise could have resumed the handling of less carload freight which, latter, today is moving mainly via Highway Carriers, and at charges which impose a severe burden on commerce—particularly that of the small business firms. Today's widespread practice of holding inventories to a minimum, purchases are made more frequently and shipped in small lots ranging in weight well under 5,000 pounds. Because of the need for repeated rehandling under their present methods, the Motor Carriers find their costs are substantial and, consequently, try through high freight charges and poor service to discourage such small shipments or have shippers reconcile themselves to constant increases in freight charges.

I continue to believe that the solutions we suggested to the railroads back in the late nineteen fifties have merit, are workable and would prove beneficial to all concerned. The need for better and less costly mail service goes hand and hand with a like need for small shipments of freight. You could not champion a more meaningful cause.

Respectively yours,
E. GEORGE SIEDLE.

COMMEMORATION OF LITHUANIAN INDEPENDENCE

Mr. PROXMIRE. Mr. President, today we celebrate the 53d anniversary of the independence of Lithuania. On February 15, 1918, the people of Lithuania regained their independence after two centuries of subjugation. Lithuanian history records many instances when these brave people battled for their freedom. During the 16th century, these people battled the same Russian tyranny that would later, in 1940, engulf them again.

For 22 years after 1918, the people of Lithuania thrived in the light of freedom and independence which we as Americans look upon as a man's birthright. After Russian troops were allowed to enter Lithuania in 1939, Russia then annexed her in 1940. The German Nazis then drove out the Russians, replacing one cruel totalitarianism for another. The country was reconquered in 1944 by the Soviet Union.

For these people of Lithuania there is little opportunity for freedom—culturally, politically, individually. These people are subject to relentless pressure to give up their culture, their religion, their language.

The people of Lithuania will not be subdued by the Soviet Union. The spirit of independence still lives in these people for they have tasted it before.

In this connection, I urge the Senate to give its advice and consent to the Convention on the Prevention and Punishment of Genocide. I strongly feel that this action would give strength to the Lithuanian people and persuade the Soviet Union, in part, that their callous and brutal disregard for the spirit of life in mankind is condemned by all nations of the world. The Genocide Convention should be acted upon now.

THE PRESIDENT'S MESSAGE ON THE ENVIRONMENT

Mr. BEALL. Mr. President, on February 8, President Nixon sent to Congress his environmental message. I have examined this message, and I congratulate the President for his comprehensive and forward-looking proposals on the environment.

I believe that future historians may record that 1970 was the turning point of the Nation's fight to preserve, enhance, and restore our environment. This national awakening and sense of urgency with respect to our environment was overdue and did not come a moment to soon. For as President Nixon has stated it is now or never insofar as our environment is concerned.

The very first act of President Nixon in this new decade of the 1970's was the signing of the National Environmental Protection Act. Last year, he submitted to Congress a 37-point environmental program. Congress responded by enacting important legislation to deal with the problems of air and water pollution and the most difficult problem of solid waste disposal. I strongly support these measures and I am confident that they will substantially improve the quality of our environment. In addition, the President established a new Environmental Protection Agency to coordinate and accelerate the Nation's antipollution efforts.

Building on these substantial accomplishments, the President's environmental message continues that momentum. Just a reading of the President's summary makes one aware of the sweep and significance of this new legislation.

In the words of the President this includes:

MEASURES TO STRENGTHEN POLLUTION CONTROL PROGRAMS

Charges on sulfur oxides and a tax on lead in gasoline to supplement regulatory controls on air pollution.

More effective control of water pollution through a $12 billion national program and strengthened standard-setting and enforcement authorities.

Comprehensive improvement in pesticide control authority.

A Federal procurement program to encourage recycling of paper.

MEASURES TO CONTROL EMERGING PROBLEMS

Regulation of toxic substances.

Regulation of noise pollution.

Controls on ocean dumping.

MEASURES TO PROMOTE ENVIRONMENTAL QUALITY IN LAND USE DECISIONS

A national land use policy.

A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas.

Preservation of historic buildings through tax policy and other incentives.

Substantial expansion of the wilderness areas preservation system.

Advance public agency approval of power plant sites and transmission line routes.

Regulation of environmental effects of surface and underground mining.

FURTHER INSTITUTIONAL IMPROVEMENTS

Establishment of an Environmental Institute to conduct studies and recommend policy alternatives.

TOWARD A BETTER WORLD ENVIRONMENT

Expanded international cooperation.

A World Heritage Trust to preserve parks and areas of unique cultural value throughout the world.

We are aware that pollution problems that were years in the making cannot be solved overnight. We also recognize that all of us—private citizens, State and local governments, private industry and the Federal Government—are part of the problem and therefore, must be part of the answer. Each of us in our communities across the country can in a small way contribute and make the country a better and cleaner place to live. We should begin that undertaking immediately.

To preserve and restore the quality of our environment is rightly one of our Nation's priorities. The President in his state of the Union address listed the environment as one of the six "great goals." Not since President Theodore Roosevelt has a President of the United States taken such a great interest and expressed such determination to make certain that future generations will indeed inherit a beautiful America with clean air and water.

Indeed, on examining the President's proposal for the environment over these past 2 years, I doubt whether any President has ever submitted more far reaching and comprehensive legislation on environmental problems.

Only recently, I was appointed to the Committee on Public Works and I am very grateful that I was named to the important Subcommittee on Air and Water Pollution, which will have jurisdiction over many of the President's environmental proposals. I am looking forward to working with the President and the committee in fashioning legislation that will advance our antipollution efforts and bring to the American public the quality of the environment which they rightfully demand and deserve.

I ask unanimous consent that a summary of the President's environmental proposals be printed in the Record.

There being no objection, the proposals were ordered to be printed in the Record, as follows:

The 1971 Environmental Package

The Administration is committed to a vigorous program of cleaning up air and water pollution, preventing new environmental problems, and improving our ability to deal with land use problems. To control water pollution, the Administration is proposing a 3-year $6 billion financing program and greatly strengthened and streamlined enforcement procedures. To control harmful emissions of sulfur oxide pollution, the Administration is proposing a tax on sulfur emissions. The proceeds from this tax will be used in an Environmental Trust Fund, providing money for new environmental and conservation programs. The Administration is also proposing a comprehensive pesticide control bill and new authority to control noise.

It is not enough to clean up existing pollution. It is also important to prevent problems from becoming serious in the future. Legislation will be proposed to provide controls over new toxic substances being introduced into the environment. Also legislation, based on the recommendations of the Council on Environmental Quality's report on ocean dumping, will be submitted to control disposal of wastes in the marine environment.

Of special importance will be a proposed land use policy to encourage States to plan for development in key areas. To supplement this national policy, a number of tax incentives to use our land more wisely and to preserve buildings of historical significance will be submitted. This, coupled with increased funds for open spaces and parks and new legislation to provide advanced clearance for power plant sitting and to control strip mining, will provide Government with the tools to deal effectively with land use problems.

NATIONAL LAND USE POLICY

Land use is currently influenced by a welter of competing, overlapping government institutions and programs, private and public attitudes and bases, and distorted economic incentives. The National Land Use Policy proposal will call upon the States to bring some order to land use by identifying and developing methods for exercising State control over (1) areas of critical environmental concern (e.g., the coastal lands, lands fronting on rivers and lakes of Statewide importance); (2) large scale development and areas impacted by major growth-inducing facilities (e.g., major airports and highway interchanges, major recreational facilities); and (3) development needed in the regional interest which local regulations may otherwise exclude or unreasonably restrict (e.g., charitable institutions such as hospitals and universities, waste treatment facilities, multi-family housing). Much discretion will be left to the States to evolve their own methods for implementing it. The program would begin at about $20 million and rise to $45 million in Federal grants over four years.

COASTAL WETLANDS

Coastal wetlands are being lost at an alarming rate due to dredging, draining, and filling activities. Wetlands serve as sources of food and breeding grounds for over two-thirds of all marine species in the waters surrounding the United States. They provide needed habitat for migratory waterfowl, shore birds, and other wildlife. Proposed tax code changes will tend to shift the burden of full costs to the developer by limiting depreciation deductions, deductability of carrying charges and related tax benefits. By removing tax benefits, an incentive would be created to divert constuction away from the ecologically valuable wetlands to other sites.

OPEN SPACES AND PARKS

The major thrust of the President's open space program is to bring parks to the people. The open space grant program of HUD is being completely redesigned to give special emphasis to center city acquisitions and to neighborhood-sized parks. Funding will be at the $200 million level, compared with $75 million under the old program. Additional changes are being proposed for the open space grant programs of the Land and Water Conservation Fund. These, too, will require States to give more careful consideration to the location of recreation facilities nearer to or within urban areas. Full funding for programs under the Fund will result in an appropriation of $380 million for acquisition and development of recreation lands, the largest amount in history for parks.

POWERPLANT SITING

The power shortage in late summer highlighted the need for power producers to project needs and plan for facilities further in advance and to get clearance of the environmental aspects of these facilities. Under the proposal, a single agency with responsibility for the certification of specific power plant sites and transmission line routes would be established in each State or region. Utilities would be required to identify for the appropriate agency needed electric energy generation and transmission needs ten years in advance of the commencement of construction of required facilities. These requirements would be reported annually with rolling projection figures. Utilities would identify the range of sites under consideration for power plants five years before construction is planned to begin. And they would need to apply for certification for specific sites, facilities, and transmission line routes two years in advance.

HISTORIC PRESERVATION AND REHABILITATION

Changes in the tax code are proposed to minimize the difference in tax settlement between demolition and rehabilitation of buildings. Present preferred treatment for demolition results in the destruction of many older buildings of architectural character that could have been renovated and saved. By providing accelerated depreciation benefits to owners who substantially rehabilitate their structures, it is hoped that a wider variety and appeal in urban structures will result. Additional new provisions are being proposed to benefit the owners of buildings on the National Register of historic buildings. These would allow 5 year write-off of renovation expenditures and would invoke tax penalties for the demolition and substantial alteration of such historic structures.

WATER POLLUTION LEGISLATION

The 1970 proposal to authorize $4 billion in Federal grants for construction of waste treatment facilities over a 4-year period (a $10 billion program when other funding sources are counted in) has been expanded. The Administration will now propose a $6 billion Federal grant program over the next three years (in all, a $12 billion program). The Congressional appropriation of $1 billion for FY 1971 in effect adopted the President's 1970 proposal on a one-year basis.

The President will resubmit his proposal to create in the Federal Government an Environmental Financing Authority to purchase waste treatment plant construction bonds from any municipality otherwise unable to see them on reasonable terms.

The legislation will again provide for extension of the Federal-State water quality program to all navigable waters. (At present it covers only interstate waters.) It will also provide again that water quality standards should include specific effluent standards for each individual source and that Federal enforcement authority be streamlined and expanded to include both intrastate and interstate violations. It will provide statutory deadlines for achievement or water quality standards. Federal standards for hazardous substances, special standards for new industrial facilities to insure that available technology is fully utilized to protect water quality, authorization for legal actions by private citizens against violators of standards, and authority for the Administrator of EPA to require periodic reports on the nature and amount of effluent from those discharging into waterways.

PESTICIDES

A comprehensive revision of our laws on pesticides has been developed. Use of the more dangerous pesticides will be controlled by requiring that they be applied only by qualified personnel and in some cases that written permission be obtained for each application of the pesticide. The bill will also provide for experimental registration and temporary suspension of pesticides and will allow tolerance levels to be set for the amount of particular pesticides in the environment.

NOISE REGULATION

Excessive noise from airplanes, vehicles, construction equipment, and machines is at the threshold of becoming a major environmental problem. Noise produces annoyance and stress and can damage hearing and cause other adverse health effects. We propose that basic noise control authority be given to the Environmental Protection Agency. That proposal would authorize EPA to establish noise generation standards for vehicles, machinery, and other products; to approve noise standards set by the Federal Aviation Administration for aircraft; to approve the noise configuration of federally aided airports; and to require the labeling of noise characteristics of certain products. The Environmental Protection Agency will also perform noise research and provide assistance to other Federal and State agencies.

OCEAN DUMPING

A report by the Council on Environmental Quality last year indicated the potential adverse impacts from ocean dumping. The President endorsed the Council's recommendations for a national policy to protect our oceans. In particular he endorsed the recommendations to phase out harmful practices and encourage land-based recycling and reuse of waste materials. The report called for, and the President is now submitting, legislation that would ban unregulated dumping of materials in the oceans and strictly limit or prohibit the dumping of harmful substances. A permit from the Environmental Protection Agency would be required before dumping could proceed and issuance of the permit would be based upon the materials involved, their potential damage and the area of proposed dumping.

STRANGE NATURE OF AMERICAN JOURNALISM TODAY

Mr. ALLOTT. Mr. President, today's Washington Post contains a spirited column by a distinguished journalist. The journalist is Kenneth Crawford, and his subject is the strange nature of American journalism today.

He begins his column with a humorous note, but he uses humor to make a very serious point about the distortions involved in some current journalistic practices.

So that all Senators can profit from Mr. Crawford's intelligent words, I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HO CHI MINH AS HERO: ON PRESS COVERAGE OF THE VIETNAM WAR

(By Kenneth Crawford)

How would the modern media have reported George Washington's crossing of the Delaware at McKonkey's Ferry on Christmas, 1776? J. Russell Wiggins, former editor of The Washington Post, asked this important question—and answered it—in a speech to the Washington Association of New Jersey on Washington's arbitrary new birthday, February 15.

Television camera men would have focused their zoom lenses on the rag-wrapped feet of Washington's troopers. When it was over, microphones would have been thrust under the noses of stripling recruits to catch their answers to the question: "How do you feel about some of your buddies being lost in this sneaky operation?" The writing war correspondents would have salted their dispatches with suggestions that the whole bloody venture was ill-conceived by an incompetent commander, ill-excused by a badly trained and equipped army and predestined to fail.

New York editorial writers would have followed up with lamentations about the plight of Trenton's civilian population, driven from its snug houses into the cold on a sacred holiday, caught in the crossfire between Hessian defenders and attacking colonials, and forced into a fight against its will over a questionable cause: something about taxation without representation. Washington, instead of attacking, should have been negotiating. His occupation of Trenton and quick withdrawal showed that he was still engaged in search-and-destroy operations—"following the will-o-the-wisp of military victory," as Wiggins thought the editorial writers would have put it.

Wiggins' fantasy was, of course, a wry comment on the way the media of the 60s and the start of the 70s have dealt with the war in Vietnam. This war is the first in which American media, measured by weight of viewership, readership and influence, have been kinder to the nation's enemies than to its friendlies. This has been partly inadvertent, partly not. In any case, Ho Chi Minh has come off as this war's greatest hero, the Vietcong as its most admired fighters, American and South Vietnamese leaders as its most mistrusted participants, American GIs as its least appreciated warriors, especially since My Lai, which has been made the basis for unjust generalization, and South Vietnamese soldiers as invariably unreliable, also unjust.

All this is something new for Americans. They have always before tended to be home-team rooters. In British pubs Rommel may have been the favorite hero of the second world war but Americans stood by their own even when correspondents on the scene in North Africa intimated, insofar as intimation could be slipped through the censorship, that the "Darlan deal" and mistreatment of De Gaulle were compromising the morality of the allied war effort.

Wars have never been pretty but their ugliness has never before been conveyed to American households in living color, as it has this time, and always from our side because the other side is out of reach of cameras and correspondents. But it is more than that. War correspondents have often been instant experts and critics and they seem even more so this time. They have to be youthful to stand the physical rigors and brave to take the chances they must run in Vietnam. More than 30 of them have been killed. They are admirable in action but sometimes wrong in their strategic and tactical judgments and simplistic in their politics.

Prize committees, Pulitzer included, have rewarded the most captious. The self-styled "cowboys" who constituted themselves a sort of get-rid-of-Diem committee in the early days of the war made a point of being on hand for every bonze immolation and of representing the Saigon disorders as a sort of holy war between the ruling Catholics and the subject Buddhists. Reputations were forged in the bonze fires.

Here in Washington, too, there has been a lively journalistic contest to be first with the worst. One of its high points was The New York Times revelation in the aftermath of the Tet attacks that the military was asking for 206,000 more troops to take advantage of the enemy's overextension. Coming, as it did, two days before the New Hampshire primary, the Times report had enormous political impact. It almost certainly contributed to the big McCarthy vote and, in turn, to President Johnson's subsequent decision not to run again.

The genesis of the expose, if that is what it was, has just been publicly revealed for the first time by Philip Potter, Washington Bureau Chief of the Baltimore Sun. It was leaked to the Times by Townsend Hoopes, then a Pentagon official of dovish persuasion. Actually, the plan Hoopes made available to the Times was one of the alternatives under consideration and one which had little chance for Presidential approval in the Washington atmosphere of post-Tet distress. Hoopes had to violate a specific presidential order of secrecy pending decision to spring the leak.

Things haven't changed much, as the suspicious reporting of the South Vietnamese effort to cut the Ho Chi Minh trails in Laos demonstrates. By part of the press it is treated as a cunning scheme to inject Americans into an expanded war rather than what it is, a bold attempt to prepare for continued evacuation of American forces. Reporters and editors keep telling themselves and others that they have been more perceptive about this war than have military and political leaders. They may be right. But they have enjoyed the advantage of ultimate irresponsibility. In President Nixon's place, they would probably be doing about what he is doing. And history may be more approving of him than of them.

THE VICE PRESIDENT'S GOLF TROUBLES

Mr. COTTON. Mr. President, on behalf of the millions of duffers across the country who slice a golf ball as badly as Vice President SPIRO AGNEW sometimes does, I rise today to speak their collective conscience.

I suspect that across this Nation there is a vast segment of the golfing population—I hesitate to call it a silent majority—which secretly relates to the Vice President and endures his golfing agonies with him. These persons themselves have sliced, hooked, topped, or otherwise dubbed their respective ways around golf courses for years. They do not attract audiences of 25,000 or 30,000, as

SPIRO AGNEW does, but among them are those who also have had the misfortune to hit someone.

The Vice President's golfing deficiencies make fine political fodder for those who enjoy his discomfiture. But the jibes at Mr. AGNEW's golf game make him the champion of every other golfer who can not hit a golf ball consistently either. These people are lined up shoulder to shoulder in his defense.

Unfortunately, in the deluge of column space lampooning the Vice President over his latest golfing episode, the comments of his playing partners have been dismissed.

Said golf pro Doug Sanders, who has missed a few shots in front of TV cameras himself:

> He's a man's man. I was pleased and honored to play with him. He showed me something the way he came back.

Said baseball's Willie Mays, who knows considerable about crowd pressure:

> He's a pretty nice guy. He showed a lot of courage. It's not easy to come back the way he did.

Tribute is paid by men like that only when it is deserved.

I do, indeed, hope that Mr. AGNEW's golfing fortunes improve. But in the meanwhile, I join with those millions of other amateurs who identify sympathetically with the Vice President's golf troubles. He makes us feel better.

LIGHTWEIGHT, ELECTRIC INTRACITY TRANSIT SYSTEMS

Mr. ALLOTT. Mr. President, as we all grapple with the problems of making urban living more commodious, and with the problems of reducing the environment hazards that result from excessive reliance on the automobile, we should give ample attention to the wide variety of options available in the field of urban mass transportation.

Miss Helene C. Monberg, who covers Washington for a number of fortunate Colorado papers, recently wrote an interesting report on a neglected topic—lightweight electric intracity transit systems.

Her report makes clear that many cities have the necessary conditions for a successful development of such systems. One hopes that all such cities will give due consideration to them.

Mr. President, so that all Senators may profit from Miss Monberg's informative story, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT BY HELENE C. MONBERG

S. F. Taylor, urban traffic expert, *Traffic Quarterly*, 10–70: "In spite of obvious improvements there is almost universal dissatisfaction with today's urban transportation."

Washington—Today's medium-sized city need not rely solely on buses or expensive heavy urban mass transit; it may use lightweight electric trains or trams for public intra-city transportation.

About 30 European cities already are using lightweight intra-urban trains to serve the core downtown areas and portions of suburban areas where there is a railroad track and/or a rail right-of-way, according to Stewart F. Taylor, an urban traffic expert writing in *Traffic Quarterly* in October 1970. And five other European cities are presently installing rapid tramways, Taylor said.

In this country San Francisco plans to order 78 light rail cars which will operate on five lines underground from Market Street to the Twin Peaks tunnel in the core area of the city. Three lines will operate for six miles underground and two lines will operate for three miles underground. San Francisco has applied to the Urban Mass Transportation Administration for $28 million in a federal capital grant to help finance the cost of this new fleet of light rail trains. Under this UMTA grant-in-aid program, the federal government will put up two-thirds of the funds and the local government must put up a matching one-third to improve public urban mass transit. So San Francisco will have to match the federal grant—if it gets it—with $14 million of its own funds, according to Robert L. Abrams, who has been handling the San Francisco application within the technical studies section of the UMTA grant program.

Meanwhile, the Department of Transportation is putting up $2 million during this fiscal year and hopes to put up $6 million into urban light rail vehicles and systems for public use, according to Joseph S. Silien, who works on research and development programs for UMTA.

With the construction of the San Francisco light rail cars going on simultaneously with DOT R&D—the San Francisco fleet's first deliveries are scheduled for 1973—American transportation experts will soon learn a lot about the use of lightweight trains to meet our urban needs.

CONTRACT TO BE LET

Silien said here on Feb. 16 UMTA plans to let a systems management contract between now and June 30 to have the contractor study the use of light rail vehicles and systems in Europe and the likely application of light rail transit in urban areas in this country. Last September interested firms were invited by UMTA to submit proposals for this purpose and as of the Feb. 16 deadline 12 did. They include AVCO Corp. of Wilmington, Mass.; Aerojet, the Southern California areospace firm; Boeing of Seattle; Booz Allen and Hamilton, Inc., of New York City; Budd Co., of Fort Washington, Pa.; Consad Research Corp. of Pittsburgh; Coverdale and Culpitts Corp. of New York City; Institute of Public Administration of Washington, D.C.; Louis T. Klauder and Associates of Philadelphia; Planning Research Corp. of McLean, Va.; Renssalaer Research of Troy, N.Y., and Wilbur Smith and Associates of Washington, D.C.

Silien said the firm selected will study, in particular, the costs of the lightweight electric trains being used in European cities and the density of demand for public transit necessary to make installation of such a system feasible. UMTA is considering having its contractor import several European light trains for use in American cities on a demonstration basis and to test at the DOT new test facility near Pueblo, Colo. Or an American light train may be built for demonstration purposes and to test at Pueblo. Or both.

Silien, Abrams and Jerry A. Fisher, all urban transportation experts with UMTA, Paul Weyrich, a transportation expert on the staff of Sen. Gordon Allott, R–Colo., Taylor and Henry D. Quinby, a transportation engineer who worked on the new San Francisco Bay Area Rapid Transit System (BART) due to start operating this year, all think light rail public transit has a real potential particularly for medium-sized cities in this country.

Weyrich and Abrams singled out Denver, Salt Lake City, Portland, Seattle, El Paso and Omaha as Western and Midwestern cities where traffic patterns have developed along rail lines, hence probably would find light rail transit feasible for public use. Traffic patterns in Los Angeles, San Diego, Phoenix and Albuquerque would make them less likely candidates.

Other cities mentioned as likely candidates for light rail urban transit include Boston, the Cleveland-Shaker Heights area, Pittsburgh, Philadelphia, Newark, Dayton, Ohio, New Orleans and Fort Worth, according to these experts.

Despite all of the screams about urban traffic problems, Cleveland is the only city to put in a new urban transit system since World War II, and San Francisco-and-the-Bay area and the Washington, D.C., area are the only cities with big heavy-duty urban subway lines under construction. In recent years, according to Taylor, Seattle, San Francisco, Los Angeles and Atlanta voters have rejected proposed mass transit bond issues. And Washington's Metro subway construction is in a financial hang-up.

RIGHT-OF-WAY NEEDED: ASSETS

All of the above transportaion experts agree that a rail right-of-way into the center of a city is a basic must for a light rail urban transit system. They also generally agree that there should be a well-developed pattern of public use of the present transit system, which is now almost exclusively a bus system in this country's urban areas. Using these two basic criteria tends to rule out—or make very marginal as possibilities—Los Angeles, Phoenix and Albuquerque. Their urban bus systems are not well patronized by the public, in comparison with other cities. And Los Angeles took up 1100 miles of rail trackage in the mid-50's, so it is without the necessary rail right-of-way, according to Abrams and Weyrich.

Cities with the necessary rail rights-of-way and a pattern of use of public transportation will almost certainly take a hard look at light urban rail transit in the near future because of its many advantages. First, it is from three-to-five times less costly than the big heavy-duty subways. San Francisco's BART line is now estimated to cost $1.3 billion for 75 miles of line, and Washington's Metro subway is currently estimated to cost $3 billion for 98 miles of line, according to Abrams Taylor, who noted in his recent Traffic Quarterly article that the San Francisco Municipal Railway turned to its light rail trains after a bond issue for a full-fledged subway to serve the inner city had been rejected by the voters in 1966. The 78 light rail cars on order will cost about $200,000 a car, according to Abrams. The San Francisco intra-city subway would have cost a half billion dollars, at 1965 estimates.

The light rail trains are as comfortable as the best of the old trolley cars, and they can hold more passengers. And they have a key advantage over the old trolleys in that they run on a rail track segregated from the rest of the traffic. The light rail cars that will be running under San Francisco's Market Street in 1973 will be underground at one level. The BART subway will be underground at a lower level. In Europe most of the light rail trains run underground in the core areas of cities. Most urban trolley lines in this country were laid down the center of urban streets and contributed to urban traffic congestion and fought for space with the auto; hence there are very few urban trolley lines left in this country.

The light rail trains are nearly always electrified, so they do not contribute to air pollution as does a fleet of buses. With air pollution a problem in so many Western cities, the pollution-free quality of the light rail train is nearly always mentioned as its prime asset. And the light rail trains can hold more passengers than buses.

Cities with several million inhabitants really need a big heavy-duty subway system for most efficient channeling of traffic on the main arteries of travel and in the core inner-city, according to most urban mass transit experts. Even here the light rail urban train can fill a number of roles. Its system can be built so that it can be heavied up to become a full-fledged subway in the future if needed, both Taylor and Quinby have observed in separate articles in Traffic Quarterly. This has been and is being done in a number of European cities. Light rail systems can also be used as intermediate lines laid partially above ground to serve suburban areas and partially underground to serve the inner city; they connect with both the big subway systems within the downtown areas of large cities and with feeder bus lines on the outskirts of large urban areas and in the suburbs. Also the light rail systems can be built in stages. Weyrich, for instance, believes that the city of San Diego may someday need a big subway system. It could start out with a light rail system and heavy it up later, if needed.

GO OR NO GO

Taylor has said the light rail urban transit system "can spell the difference between realizing a broadly attractive mode" of public transportation "or no effective mass transit at all." His breakdown of the European light rail or rapid tram systems reveals their versatility. They are serving six cities of more than a million inhabitants and also a half dozen cities of 300,000 or less. Most European trains are large three-section articuled or partitioned transit vehicles. The new San Francisco light trains will be two-section units about 72 feet long, according to present specifications.

Taylor and Quinby, in separate articles in *Traffic Quarterly* in 1970 and 1962 respectively, made some comparisons of the relative carrying capacity of each type of transportation. Quinby said the three-unit European rapid light train or tram car can carry up to 330 passengers sitting and standing, while the trolley car can carry 125 and the average bus 85. The Rotterdam rapid tramway system in the Netherlands can carry 35,000 passengers an hour in one direction, Taylor said. In contrast the big heavy-duty urban subways in this country carry between 45,000 and 55,000 passengers an hour in one direction, he said. Quinby said the per-hour carrying capacity of trolley systems was 11,000 passengers; of bus systems was 7,000 passengers and of individually-driven automobiles 800–1200 passengers, all in one direction. Taylor said the big urban subway systems have a maximum speed of 75 miles an hour, while the top speed of a light rail system is about 50 miles an hour. Taylor and Quinby agreed the light rail train accelerates and decelerates faster than the heavier subway train. Other characteristics of the light rail train listed by the experts are high speed, close spacing or frequency, convenience, economy, safety, reliability, little or no vibration, comfort, attractiveness, little disturbance of environment, relatively low maintenance, and adaptability to later technology.

WITHDRAWAL FROM VIETNAM

Mr. MILLER. Mr. President, in his column published in Life magazine for February 12, Hugh Sidey had some pertinent observations on Vietnam. Several bear repeating:

It is symptomatic of the country's attitude toward Richard Nixon that despite his pledges and despite his performance so far, almost every maneuver made to cover the Vietnam withdrawal touches off in Congress the bizarre argument that Nixon somehow wants to spread massive land war all over Southeast Asia and come home with that "coon skin" which Lyndon Johnson desired. It is palpable nonsense. Richard Nixon is conducting a steady march to the boats, using every device he can—verbal, diplomatic and military—to stave off disaster until the troops are off the beaches. One can argue the tactical value of each separate action, but the strategy is clear.

There are two levels of awareness in this city. One has to do with what is really on the President's mind. Anyone who watches closely knows the President seriously intends to get out of the war. The other involves rhetoric, so superficial and misleading, and all those day-to-day battlefield errors which, while deeply unfortunate, are a part of any war. Thus, grown men who know better argue for days that a few men sent across a border to bring home damaged helicopters constitute some kind of invasion, or that Defense Secretary Melvin Laird's tortured syntax hints at a profound change in policy.

I ask unanimous consent that the column entitled "Don't They Know We're Getting Out?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"DON'T THEY KNOW WE'RE GETTING OUT?"

(By Hugh Sidey)

A few days ago 11 college editors filed silently and politely into the Oval Office and ringed the President's desk, expecting only a perfunctory handshake.

Nixon greeted them one by one and for each he had a word or two. Colgate: the Secretary of State went there. Indiana: a fine school for radio and TV. Tulane: ah, the "Green Wave."

A few of them thought back on the night less than a year ago when Nixon had visited the Lincoln Memorial at dawn, talking about football after sending the troops into Cambodia. The President introduced Aidc John Ehrlichman, his expert on revenue sharing. One of the young men thought Ehrlichman reminded him of his gym teacher. Then Nixon launched into a discussion of revenue sharing. All of them listened politely, but restlessly. Suddenly Carl Nelson, of the College Press Service, raised his pencil for recognition. Was not the activity in Cambodia a violation of the congressional prohibition against using American troops? Ehrlichman answered quickly with a forceful "No." But the young editors would not be turned off. Princeton's Luther Munford asked again, and the President proceeded to talk for 15 minutes.

He had, he said, "no intention of placing ground troops in Cambodia," and "air support will be used only as I determine." His intention to wind down the war was clearly demonstrated, he continued. He had stated his position no fewer than eight times. "The previous administration was continuously making decisions that were getting us in. We are continuously making decisions that are getting us out."

Nixon stood there, intent and serious, once again reiterating his course of retreat in that unfortunate war. "Of the more than 200,000 troops in Vietnam in May, only 40,000 will be ground combat troops," he said flatly. It was another commitment in a long series which Nioxn has made—and has kept.

Then the young people filed out. They had heard the pledge, but they seemed undecided whether to believe it or to be skeptical. As a young man left, he muttered his hope that the withdrawal would be complete by the time he was drafted and through basic training.

It is symptomatic of the country's attitude toward Richard Nixon that despite his pledges and despite his performance so far, almost every maneuver made to cover the Vietnam withdrawal touches off in Congress the bizarre argument that Nixon somehow wants to spread massive land war all over Southeast Asia and come home with that "coon skin" which Lyndon Johnson desired. It is palpable nonsense. Richard Nixon is conducting a steady march to the boats, using every device he can—verbal, diplomatic and military—to stave off disaster until the troops are off the beaches. One can argue the tactical value of each separate action, but the strategy is clear.

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"Don't they know we are getting out?" asks an anguished Secretary of State William Rogers in private. His energy is given to the futile oral sparring, as if, having exhausted every other argument, he wonders why the critics don't understand "the political imperatives" are such that the Administration has to get out. He thinks ahead to 1972 as Nixon does.

Some of the pundits write about how the military juggernaut only wants to be loosed. Maybe in a time gone by. Not now. In the Pentagon, General William Westmoreland, who designed that war, long ago shrugged and admitted to himself and to those around him that with the restrictions now imposed on us, there was only one place to go; home. From the Joint Chiefs' staff came the voice of one expert: "Get your dinghy out of there now with as few holes as possible." It is part of current military lore that Admiral Elmo Zumwalt, the Navy chief who earlier commanded the naval forces in Vietnam, said way back in 1968, "Let's get this over . . . . Vietnam has taken great amounts of our treasures." Zumwalt urged his men to turn to the job of building up the U.S. Navy for that greater threat—Russia.

The men who are conducting our withdrawal use B–52s and tanks and paratroopers, but there isn't much difference between their tactics and those of Jeb Stuart back in the Civil War when the fight went bad. The "cavalry" jabs and feints and blusters and fakes, and all the time the Army is drifting back.

When Nixon looked back on the Cambodian incursion, he decided about the only mistake was having publicly built up the operation to be something like D-Day of World War II, thus alarming a great many people. For the operation last week in Laos he was sequestered in the Virgin Islands, the battlefield news blanked out. There was still domestic outcry, the price that must be paid in these nervous days. But the operation was at least kept in perspective.

Nixon's critics would do better to argue about whether or not he should set an early deadline for total withdrawal and meet it. There's where Nixon still flirts with danger, believing that his "cavalry" will somehow protect him from the enemy, that the Vietnamese will fill the American boots in time. The notion that retreat need not be defeat is rooted in him. While he was in the Virgin Islands, he summoned his valet Manolo Sanchez and asked him to serve up the books he had brought along, including a biography of Queen Victoria's great Prime Minister Benjamin Disraeli. It was Disraeli who implanted in modern diplomacy the phrase "peace with honor," a watchword that Nixon has never discarded in his inexorable march toward the boats.

REVIEW OF "CRIME IN AMERICA," BOOK BY RAMSEY CLARK

Mr. ALLOTT. Mr. President, Fortune magazine for February 1971 contains a book review which deserves thoughtful reading by every Member of the Senate. The review is by one of America's most distinguished philosophers, Prof. Sidney Hook, of New York University. The book he is reviewing is "Crime in America," written by former Attorney General Ramsey Clark.

Both the book and the review are important, because each gives lucid expression to important points of view. Mr. Clark's point of view is one which Professor Hook—correctly, in my judgment—calls "a sentimental view of crime." Professor Hook's view is what I would call a sober view of crime. The different thinking of the two men is most clear when it comes to assigning blame for criminal behavior. The crucial question is the extent to which the individual—including the law-breaking individual—can be considered responsible for his actions.

Mr. Clark feels that most people—or at least most law-breaking people—are not responsible for their actions, and society is responsible. Professor Hook vigorously disagrees and in the process makes some important points.

So that all Senators may consider these points, I ask unanimous consent that Professor Hook's lucid review be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

A SENTIMENTAL VIEW OF CRIME

(By Sidney Hook)

There can hardly be many adult Americans, no matter how remote from the highways of life, who are not by now aware that crime is a major national problem. Accordingly, it was to be expected that a book on crime by a former Attorney General of the U.S. would attract a lot of attention, and such has indeed been the case with Ramsey Clark's *Crime in America* (Simon & Schuster). It is an extraordinary book—in content, in style, and in the uncritical plaudits it has so far received. Were a reader to pick it up unaware of the author's identity, he would regard it as the effusions of a naive and sentimental social worker rather than the sober reflections of a man who for a time was the nation's principal law-enforcement officer.

The basic theme of the book is that responsibility for most crime lies not with the criminals but with society, and more specifically that poverty is the main cause of crime. The basic solution of the crime problem is therefore economic. We must reform society. We must "contain our acquisitive instinct" and relegate "selfishness" to the past. Our failure to do all this is attributed to deficiencies of our will. But the American character in which the American will is rooted has been as much determined by its social and physical environment as the character of criminals by *their* environment. The criminal, it nevertheless appears, is not morally responsible for his actions, while society—an abstraction that stands for the rest of us—*is* responsible.

The old and overly simple thesis that most crime is caused by economic deprivation is difficult to prove. First of all, it is based on statistical correlations that cannot by themselves establish causal connections. Second, as economic conditions have improved, crime rates have increased instead of decreasing. Third, at any economic level, the behavior of most individuals is not criminal. There must, therefore, be some other factors at work.

The prevention and control of crime, although guided of course by what we think we know, do not have to wait upon full elucidation of the multiple causes of crime, anymore than the control of population has to wait upon full elucidation of, and agreement upon, all the causes that make for overpopulation. Those who, in either matter, keep insisting that we devote all attention to the "real" or "true" or "underlying" causes perform a double disservice. They not only oversimplify complex and subtle questions of causation, but also impede and undermine imperfect but nonetheless worthwhile efforts to reduce the amount of actual harm being done.

Ramsey Clark ranges over the entire field of crime including the methods of detection and the procedures of arrest, parole, and corrections. At every point he displays a heartwarming and commendable interest in the human rights of criminals—but alas, little concern for the human rights of their victims. The fundamental weakness of his analysis is his failure to realize that there are conflicts of human rights, and that the requirements of wise decision making impose an order of priority. In the long run, were crime totally abolished in Clark's utopia, the human rights of all would be safeguarded; but in the succession of short runs that constitute the continuing present, we must often chose between the rights of the potential criminal and the rights of his potential victims. In a period when the number of violent crimes is rising rapidly, when in almost every large city citizens fear to leave their homes at night, it is psychologically unrealistic as well as morally unjustifiable to expect the potential victims of criminal behavior to give priority to the human rights of criminals if these conflict with their own rights.

Clark's failure to face up to the necessity for hard choices in the prevention and control of crime results in a shocking absence of common sense. "There is no conflict between liberty and safety," he declares. "We will have both, or neither." This is sheer balderdash. In many situations, liberty and safety are inversely related. If plane passengers were free to carry anything they please in their baggage and enjoy freedom from search, the safety of passengers in this age of hijacking would be correspondingly reduced. The safety of a traffic system depends upon restriction of motorists' freedom to drive in any lane or at any speed they please. Clark himself, with characteristic inconsistency, urges that, in the interest of safety and crime prevention, we severely abridge the freedom to acquire handguns and other lethal weapons.

The uncritical use of large abstractions leads Clark to positions that are little short of bizarre. He reiterates again and again that the end of law is justice. But surely this is not the only end of law, or always the most important. Most philosophers of law consider other ends to be at least as important: security (or reliability) and the ordered regulation of human affairs, so that human beings, knowing what to expect, can arrange their lives and business accordingly.

If justice were the sole end of law, then many of the procedural safeguards that shield the criminal from prosecution—and in defense of which Clark is rightly vehement—would have to be abandoned. For example, if conclusive evidence of a defendant's guilt has been acquired without a proper search warrant, justice in the case would certainly require that the evidence be admitted. And the privilege against self-discrimination, it has often been pointed out, has nothing to do with the ends of justice, for it is more often a shelter for the guilty than a shield for innocent. One may of course say, as Blackstone did, "It is better that ten guilty persons escape than one innocent suffer." But no one can say this in the name of *justice*.

Clark's prejudices and one-sidedness are also manifest in his case against creation of a national police force in this country. (The F.B.I. is primarily an investigative agency.) The idea deserves fairer treatment than he gives it. He contends that concentration of police power would pose a threat to liberty. He believes in the dominance of local law enforcement, although in some areas of our country it is local law enforcement that has violated the basic rights of citizens, especially minorities. Nor is citizen participation in local law enforcement the unmixed blessing Clark apparently thinks it is. The lynch mobs and vigilante parties of yesteryear were made up of local citizens insisting on participation in law enforcement. And it certainly cannot be argued that in recent years local law enforcement has adequately protected the citizenry against criminal outrage.

It seems at least possible that a federal police force could be coordinated with local police in such a way as to avoid the danger of concenration of power and at the same time afford all citizens greater protection of the laws. But Clark disregards the possibility. He does not even ask, much less examine, the central question of whether, granting all the difficulties, dangers, and potential corruption in both local and federal police authorities, it would be easier to cope with them if we had a central police agency.

Clark makes some sound points, to be sure. He is certainly right in contending that we should put more effort and resources into rehabilitation of imprisoned criminals. And he is certainly right that speedier trials would be more effective than harsher punishments in reducing the incidence of crime. The book's merits, however, are outbalanced by faulty thinking and ritualistic rhetoric. Clark speaks eloquently of justice, of human dignity, and of reverence for life, but his words have a hollow ring because they are combined with judgments, exhortations, and sometimes insinuations that are incompatible with elementary fairness. It is possible, for example, to criticize the arguments for preventive detention of repeated offenders or for limitations upon abuse of the Fifth Amendment, without smearing those who hold such views as demagogues. (In a contrasting spirit, Clark refers to the Black Panthers and the Weathermen as "poor and unpopular groups and individuals" who might suffer from preventive-detention laws.)

THE IMAGINARY SHUDDER

On the whole, *Crime in America* holds the police up to obloquy. One gets the impression, indeed, that the country has more to fear from its police (who, of course, are not undeserving of criticism) than from its criminals. "A major portion of the American public, for a variety of reasons," Clark tells us, "feels a little shudder when a squad car goes by."

On the basis of my own experience—as one born and raised in a big-city slum, a lifelong city dweller, and a visitor to many of the nation's large metropolitan centers—I doubt that Ramsey Clark knows what a "major portion of the American public" feels. There have been times in the past, to be sure, when activist radicals were harried by municipal ordinances. But today the police squad car is usually welcomed as a sign of safety. The most common complaint about the police I have recently heard from people who live in cities (as opposed to people who write books about city problems) is that there are not enough policemen around.

Typical of Clark's book as a whole is the final sentence (final, that is, if we disregard a hectic, italicized Epilogue). "Our greatest need," it runs, "is reverence for life—mere life, all life—life as an end in itself." Like many other dubious assertions in *Crime in America*, this seems vaguely appealing on a first, hurried reading. But on scrutiny, it is a dangerously muddled sentiment. Devotion to life as an end in itself is incompatible with, among many other things, the passionate devotion to justice that Clark also urges upon us. Whoever glorifies "mere life, all life" is evading the necessity for making the distinctions that are required for a life worthy of man.

PHILADELPHIA POLICEMAN KILLED

Mr. SCHWEIKER. Mr. President, over the weekend a shocking and distressing killing of a Philadelphia police officer occurred. At approximately 10 o'clock Saturday night, Officer John McEntee, 25, was shot in the back of his head as he was sitting in his patrol car in North Philadelphia, writing a report. Press reports indicated that Officer McEntee was shot at such close range that there were powder burns on the back of his head. Philadelphia Police Commissioner O'Neill has termed the slaying an "execution."

Over this weekend, five other policemen were also killed. Although early reports on the other incidents do not indicate that they were execution-type slayings, nevertheless these tragic and useless incidents continue to occur across this Nation.

During the last Congress I introduced a bill, S. 4348, to make assaults and killings of State and local law enforcement officers, firemen, and judicial officials a Federal crime. Hearings were held on that bill, along with other similar bills, by the Senate Internal Securities Subcommittee last fall. At that time, convincing evidence was presented by eminent police and law enforcement officials that the killing of these officers is a national problem and that there is substantial justification for Federal legislative action. Regrettably, because of the lateness of the session, no action was taken on that legislation last year.

I have reintroduced the bill this year, slightly redrafted, as S. 120. The bill would make it a Federal crime to assault or kill a State or local law enforcement officer, fireman, or judicial officer because of his official position. Let me emphasize that I am talking about situations where a policeman, for example, is intentionally killed simply because he is a policeman.

While it is too early to pass judgment on whether or not the brutal and senseless killing of the Philadelphia police officer would fall under the specific terms of my proposed legislation, I believe that the mounting number of incidents of this nature makes it imperative that the Senate act at the earliest possible opportunity on the bill which I have introduced.

CONSTITUTIONAL TIES OF BERLIN TO WEST GERMAN GOVERNMENT

Mr. ALLOTT. Mr. President, today's New York Times contains a most lucid letter from a distinguished student of German affairs. The author of the letter is Prof. Jean Edward Smith, and he is alarmed about the recent suggestions that it is now time to weaken Berlin's constitutional ties with the West German Government.

Professor Smith suggests that weakening such ties will reduce the authority of the occupation power and will reduce West Berlin to a status resembling that of Danzig in the 1930's. It will be recalled that that status was a threat to the freedom of Danzig and, ultimately, to world peace.

Professor Smith believes that the current situation in West Berlin is awkward but livable, and he wonders why we have allowed ourselves to become preoccupied with it to the extent that, in a seriously troubled world, we invest so much energy in tampering with a relatively stable situation. Professor Smith suggests an answer to that question:

> Obviously the U.S. State Department has too many people with too little to do. The result is to continually dredge up livable but nevertheless awkward problems for refinement. In the case of Berlin, such efforts can only be self-defeating. Gradually, points that were non-negotiable prove negotiable, and gradually positions of strength become hostages to doubt. In the case of Berlin, let sleeping dogs lie.

Mr. President, so that all Senators can profit from Professor Smith's reasoning, I ask unanimous consent that his important letter to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IN BERLIN: LET SLEEPING DOGS LIE

To the Editor:

Recent Times articles suggesting reduced ties between Bonn and West Berlin indicate that the consequences of Chancellor Willy Brandt's Eastern policy now must be reckoned with. Since the beginning of Brandt-Soviet discussions last year, the Western public has been assured that Moscow would bring East Germany to heel, that the Kremlin's eagerness for better relations with Bonn would compel Walter Ulbricht to yield unaccustomed concessions on West Berlin.

When senior U.S. statesmen with decades of experience in German matters—Dean Acheson, Lucius D. Clay and John McCloy—sounded a note of caution, The Times was among the first to condemn them [editorial Jan. 3]. The sad fact is they were all too correct. Rather than Moscow forcing Ulbricht to submit (a perennial illusion of Western planners), Brandt's urgent need to show results brings the West, not the East, to the brink of dangerous concessions on Berlin.

This sorry turn of events caps a decade of muddle-headed policy on Germany. Current difficulties in Berlin—if there are such—derive not so much from Berlin's exposed location as from bureaucratic penchant to tidyness. The disease is congenital. Its outbreak in 1961 saw Washington escalate a largely internal East German crisis to the very threshold of thermonuclear war. The result was the construction of the Berlin Wall and a dangerous erosion of West Berlin morale.

Paradoxically, the U.S. Government has refused to recognize the results of the Wall, namely, a stable and resurgent East Germany. An agreement with East Germany guaranteeing West Berlin's status in return for full diplomatic recognition—perhaps an agreement formalizing the entire situation in Central Europe—now would appear logical, yet, strangely, it proves unacceptable to the U.S.

The result is a continued, piecemeal decay in the status of West Berlin with no offsetting advantage. Rather than consummate the natural, Washington delves for the peculiar, for the gimmick. Consider the matter of access. The right of occupation implies the right of access. This system has prevailed 25 years. An entire common law has developed around it. It is enforced, as ultimately any written accord must be, by the determination of Western powers.

In such case it is difficult to see what benefits a purely written accord would bring. Especially one which weakened Berlin's already tenuous ties with the Federal Republic of Germany. Do we really need another Danzig?

Obviously, the U.S. State Department has too many people with too little to do. The result is to continually dredge up livable but nevertheless awkward problems for refinement. In the case of Berlin, such efforts can only be self-defeating. Gradually, points that were nonnegotiable prove negotiable, and gradually positions of strength become hostages to doubt. In the case of Berlin, let sleeping dogs lie.

JEAN EDWARD SMITH.

ACCELERATED INFLATION—STATEMENTS BY FEDERAL RESERVE BOARD CHAIRMAN ARTHUR F. BURNS

Mr. BYRD of Virginia. Mr. President, Dr. Arthur F. Burns, the Chairman of the Board of Governors of the Federal Reserve Board, has made two public statements of great importance in recent weeks.

On January 31, Dr. Burns was interviewed on the National Broadcasting Co., network by Deena Clark. And on February 19, he appeared before the Joint Economic Committee of the Congress.

Dr. Burns is an economist of great ability. It has been my privilege to know him, and to have served with him as a trustee of the Tax Foundation for many years. I hold him in high regard.

As Chairman of the Board of Governors of the Federal Reserve System, Dr. Burns is in a position to play a key role in the economic future of the United States and in the daily lives of its citizens.

Much will depend on his judgment, on his independence, on his willingness to say "no" when high officials want him to say "yes."

President Nixon has proposed what the President calls an "expansionary budget."

This is another way of saying that Mr. Nixon has chosen the route of deficit financing, and in so doing, has completely reversed the course he charted only a year ago.

It was then that the President emphasized the need for the Government to put its financial house in order, and stated, "We must balance our Federal budget so that American familiies will have a better chance to balance their family budgets."

Of course the President is concerned about unemployment, as are all thoughtful Americans. He feels that if the Government embarks on a course of heavy deficit spending, that unemployment will be reduced.

Possibly so.

But I submit that many Presidents, beginning with Franklin D. Roosevelt nearly 40 years ago, have tried to solve the Nation's problems with more and more Federal spending, more and more Federal deficits.

The interest on the debt—just the interest—costs taxpayers $20 billion annually. This means that 17 cents of every dollar of income taxes paid to Government goes to pay the interest on the public debt, which now stands at $388 billion.

In 40 years, the Government's budget has been balanced only a few times.

During this period, the value of the dollar has decreased sharply.

I am convinced—and during the 1968 campaign, Republican candidates for the Congress and for the Presidency proclaimed again and again—that the huge deficit spending of Lyndon Johnson played a major part in bringing about the recent sharp inflationary spiral.

In studying the President's state of the Union address, and his budget message, it seems clear that Richard Nixon will give the American people more red ink Government than did Lyndon Johnson.

Does that mean more inflation? I think it does.

To me, it seems clear that the huge spending bills must be paid for in one of two ways—either increased taxes or increased inflation, and increased inflation is the cruelest tax of all. It is a hidden tax, and it hits hardest those on fixed incomes, and those least able to pay.

The degree of inflation that this country will have, as a result of the President's expansionary budget, will depend to a considerable extent on the attitude of the Board of Governors of the Federal Reserve System.

The Federal Reserve System was designed to be, and should be, independent of political pressures.

It was designed to be, and should be, independent of the President and of the Congress.

Whether it is in fact independent depends a great deal on the judgment, the ability, the strength and the courage of its members, particularly its Chairman.

In the interview with Deena Clark, Dr. Burns gives one the impression of realizing he is in a difficult position, torn between a desire to work closely with the President and a feeling that the expansionary budget concept of the President is a dangerous one.

The passage in the exchange with Deena Clark which gives me the greatest encouragement, is this assertion by Dr. Burns:

> Now as for Federal Reserve Policy, I think we have met our obligation very fully, and we shall continue to do so. There was great alarm in the country, particularly in financial circles about a shortage of liquidity in May and June. Well, we dealt with that problem, we dealt with the problem that was posed after Penn Central failed, and we have moved promptly—we have been expanding the money supply, but we have done it at a moderate pace, recognizing that while the needs for expansion must be met, we at the Federal Reserve also must not become the architects of a new wave of inflation.
>
> We owe that obligation to the President, we owe it to the Congress, and above everything else, we owe it to the American people.

As Dr. Burns indicated, I think it would be terribly unfortunate if the Federal Reserve System should become the "architects of a new wave of inflation." For that reason, the Board must be very careful about the length to which it goes in assisting the deficit spending views of the President.

In his appearance before the Joint Economic Committee on February 19, Dr. Burns repeated his assertion about inflation. This was the context:

> I can assure this Committee that the Federal Reserve will continue to supply the money and credit needed for healthy economic expansion. But I also wish to re-affirm the assurance that I gave to this Committee and the nation a year ago—namely, "that the Federal Reserve will not become the architects of a new wave of inflation."
>
> We know that the effects of monetary policy on aggregate demand and on prices are spread over relatively long periods of time. We are aware, therefore, that an excessive rate of monetary expansion now could destroy our nation's chances of bringing about a gradual but lasting control over inflationary forces.

The overall thrust of Dr. Burns' testimony before the Joint Economic Committee seemed to be that while he supports what he calls moderate monetary expansion, he will resist pressures for a rapid rate of expansion.

I have reservations about the overall fiscal and monetary policies of the Government. But I recognize the difficult position of the Chairman of the Federal Reserve Board, and I commend Dr. Burns for his expressed concern about the dangers of inflation.

I have confidence in Dr. Burns. As Deena Clark stated after researching his record, "there is one word used more often than any other" to describe Dr. Burns, and that is "independent." This is fortunate.

It is vitally important, I feel, that the Federal Reserve System remain independent. The Nation needs a financial balance wheel, one that responds to sound economics rather than to the vacillations and variations of politics.

The disciples of deficit spending are riding high. The Republican Party, which, through the years, sharply, and in my judgment justifiably, condemned the deficit financing of Democratic administrations, seems to be embarking on programs which will out-deficit the Democrats—and I must say, that is hard to do.

The senior Senator from Virginia is alarmed and discouraged by the fact that our President has deliberately embarked on a deficit spending program that will increase the national debt by $40 billion during the next 15 months.

Dr. Burns and his colleagues on the Board of Governors of the Federal Reserve System have the opportunity to apply some braking to an accelerated inflation.

Because of the importance of Dr. Burns' position, I ask unanimous consent that the text of the colloquy between Deena Clark and Dr. Burns and the text of Dr. Burns' statement before the Joint Economic Committee be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY ARTHUR F. BURNS, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, BEFORE THE JOINT ECONOMIC COMMITTEE, FEBRUARY 19, 1971

I appreciate the opportunity to meet with this Committee once again to present the views of the Board of Governors on the condition of our national economy.

Our overall economic performance during the past year has left much to be desired. Unemployment rose more than 6 percent of the civilian labor force by year end. Idle industrial capacity increased. Business profits deteriorated further. The price level continued to rise sharply. Our balance of payments remained in an unsatisfactory condition. These frustrations and disappointments cannot be overlooked; but they also must not be allowed to blind us to the progress that our nation has been making toward the restoration of its economic health.

Underneath the surface of aggregate economic activity, major changes took place during 1970, and they have been—on the whole—in harmony with the aspirations of the Congress and the American people. Thus, the defense sector of our economy has continued to shrink, with employment in this sector—when the reduction of the armed forces is counted in—declining three-quarters of a million during the past year. Also, the protracted investment boom in business fixed capital—whose continuance would have necessitated a major retrenchment later on—has tapered off. Meanwhile, the homebuilding industry has in recent months been experiencing a great upsurge of activity. And our trade surplus—which had plummeted from 1965 to 1969—began to recover as our exports rose relative to imports. These several developments have imparted better balance to our national use of resources, and thereby promise to contribute to economic and social progress.

Another highly significant development of the past year was a dramatic change in business attitudes toward the control of costs. As production markets become more competitive and costs continued to mount, business managers in increasing numbers finally recognized that their profit margins, which had been gradually eroding since 1965, would drop sharply further unless ways were found to improve efficiency substantially. Vigorous efforts to eliminate loose and wasteful practices resulted by the second quarter of 1970 in a renewed increase of output per manhour, ending a stagnation which had lasted nearly two years. The rate of advance in unit labor costs therefore moderated last year, even though wage rates continued to rise at an undiminished pace.

The new attitude toward cost controls had its counterpart in business financing. The speculative mood of the latter years of the 1960's had given rise to loose financing practices that posed a threat to financial stability. This became abundantly evident last summer, when conditions approaching crisis prevailed for a time in some of our financial markets, notably in the commercial paper market.

These developments served as a pointed reminder to the business and financial community that canons of sound finance are still relevant in our times. Chastened by experience, many firms have of late been reducing their exposure to risk by funding short-term debt or by enlarging equity cushions. In turn, many lenders have been screening loan applications with greater care and upgrading their investment portfolios. Households, too, have been placing greater emphasis on liquidity and safety in the management of their financial assets. The prospects for maintaining order and stability in financial markets during the years immediately ahead have thus been enhanced.

The processes at work in our financial markets during the past year have strengthened the prospects for recovery in economic activity this year. The liquidity of commercial banks and of other financial institutions has improved markedly. Credit has become more readily available to prospective homebuyers, State and local governments, and small businesses, as well as to the larger industrial and commercial enterprises. Interest rates have tumbled.

Indeed, the decline in long-term interest rates since the middle of 1970 has been the largest and most rapid of the postwar period. Even interest rates on consumer loans and mortgage interest rates—which often display downward inflexibility—have declined during the past several months. And the decline of interest rates brought, of course, welcome relief to a badly depressed bond market.

As bond prices rose and cost-cutting by business firms continued, investors began to look forward expectantly to renewed expansion in business activity and earnings. Interest in common stocks therefore revived, and share prices—particularly of "blue chips"—have staged a spirited recovery. With the financial underpinnings of the economy improved, housing starts have already risen briskly and State and local construction projects—delayed earlier by tightness in credit markets—are being financed more readily and at much lower cost.

Thus, when we look beneath the surface of aggregative measures of economic behavior, we find that a large part of the foundation needed for an enduring prosperity was rebuilt during the past year. Let me turn next, therefore, to the role that monetary policies played in fostering this achievement.

Monetary policies during 1970 at first sought to create an environment in which progress could be made in unwinding from the inflationary excesses of the past, while providing sufficient stimulus to prevent economic weaknesses from cumulating. As the year advanced, the Federal Reserve gave increasing attention to liquidity problems and to the need for establishing the financial basis for a resumption of economic growth.

At the beginning of 1970, as this Committee knows, monetary restraint reached its peak of intensity. The monetary policy pursued during the preceding year had become increasingly restrictive because of the urgent need to curb inflation. During the latter half of 1969, the narrowly defined money supply—that is, currency plus demand deposits—had grown by an annual rate of only 1 per cent, while time deposits of commercial banks actually declined sharply. Bank liquidity was at a very low level; heavy deposit withdrawals were draining funds from mutual savings banks and savings and loan associations; the supply of mortgage credit had shrunk severely; many State and local governments were unable to arrange financing of their construction projects; even some of the largest business enterprises were having difficulty in satisfying their financing needs; interest rates were at or soaring toward historic peaks; and confidence in financial markets was waning.

As I have already indicated, conditions in our money and capital markets have since then changed dramatically. Confidence in financial markets and institutions has been restored; liquidity positions have improved; credit has become both cheaper and more readily available to a broad spectrum of borrowers; and all this was accomplished with a moderate—and I believe a prudent—rate of monetary expansion.

Last year, the narrowly defined money supply rose by 5½ per cent. This is by no means a low rate of growth by historical standards. Indeed, it was exceeded in only four years during the postwar period—1946, 1951, 1967, and 1968, each a year of intense inflation. However, when the economy is sluggish, and when very unusual demands for liquidity are encountered, as they were in 1970, a rate of monetary expansion that is appreciably above the historical average is not inappropriate.

Broader measures of the money supply indicate even more clearly the rather expansive course of monetary policy during 1970. For example, if the concept of the money supply is broadened to include commercial bank time deposits other than large-denomination certificates of deposit (CD's), we find that growth in money balances during 1970 was at an 8 per cent rate—accelerating from 6 per cent in the first half to more than 10 per cent in the second.

An assessment of recent monetary policy requires, of course, attention to numerous financial variables besides the money supply, whether defined narrowly or broadly. By the second half of 1970, the increase in total funds available for lending and investing by commercial banks had risen to an annual rate of 10 per cent. Of course, this high rate of expansion partly reflected some rechanneling of borrowing from financial markets to banks after the ceiling rates of interest that banks could pay on short-term CD's were suspended. Allowing for this factor, the increase in available bank funds was still far above the growth of demand for bank loans. Consequently, banks added substantially to their holdings of short-term Treasury securities, and became aggressive buyers of State and local government bonds. They also took steps to encourage additional borrowing by bank customers. Commitments of funds to the mortgage market rose, and growth in real estate loans picked up towards the close of the year. The prime rate of interest on bank loans was reduced to a series of steps from 8½ per cent at the beginning of last year to 5¾ per cent presently. Other lending policies too were relaxed, as banks began actively to seek out prospective loan customers.

The effects of these easier monetary policies gradually spread from the banking system to financial institutions at large. At life insurance companies, the drain of investable funds through policy loans decreased over the course of the year, encouraging larger commitments to corporate borrowers. At nonbank thrift institutions, the rate of inflow of deposits rose by the final quarter of last year to levels not seen since the early 1960's—except for a brief period in 1967. Exceptionally high rates of deposit inflow have continued in recent weeks. Indeed, with the supply of mortgage money temporarily outrunning the demand, some institutions find themselves unable to acquire the volume of real estate loans they desire.

These are the indications, I believe, that the monetary policies pursued last year have created the financial conditions needed for a sustained expansion of production and employment. Underlying economic trends have been obscured in recent months by the effects of the prolonged auto strike. Nevertheless, some major economic series suggest that a general recovery of business activity may already be under way. For example, stock prices have been rising briskly for a number of months, as I noted earlier. The increase in residential building activity that began last spring has gathered momentum. New orders for durable goods rose in December, and the ratio of inventories to unfilled orders for durable goods declined for the first time since April 1969. In January, initial claims for unemployment insurance fell somewhat further; the length of the factory workweek increased for the third time in four months; industrial production rose again; and the demand for business loans at commercial banks strengthened measurably.

These indicators suggest that either a real recovery in production and employment is actually under way or that such a development is likely to occur in the near future. A review of trends in several of the major categories of spending points to the same general conclusion.

Let us consider first the principal economic sectors that may display weakness in 1971. Defense spending is one of these. Judging by the January budget message, the outlook is for little change in outlays for defense in the year ahead, which would imply some decline after allowance for price increases. Other Federal expenditures, however, will be rising substantially in the course of the year, thereby adding to the disposable income of consumers and strengthening the financial position of State and local governments.

Business capital spending is also likely to remain sluggish, at least during the early months of this year. Thus far, the recovery since last spring in new orders for capital equipment has been modest, and surveys of business investment plans do not suggest an early upswing in outlays for plant and equipment. Nevertheless, it would not be surprising to see some strengthening in business spending for equipment as 1971 progresses—the encouragement coming in part from the recent liberalization of depreciation allowances.

In contrast to the relative weakness in the defense and business capital sectors, outlays for State and local construction and for residential building should rise vigorously this year. With housing vacancies at a very low level, the decline of mortgage interest rates spreading, and the liklihood of overall economic recovery high and rising, the expansion in the home-building industry should continue; housing starts in the fourth quarter were at the highest level since the early 1950's. We can be reasonably confident also that a substantial revival in State and local government capital outlays will occur this year, although—as this Committee well knows—many municipalities are facing serious shortages of funds. These financial difficulties may be relieved by Federal grants, and in any event they are much less likely to limit capital spending than the operating programs of State and local governments.

Changes in the rate of inventory investment typically play a strategic role in the course of a business recovery. At present, ratios of factory stocks to sales and to unfilled orders are still quite high in many durable goods lines. This, however, is characteristic of the early stages of recovery. A pickup in the tempo of economic activity in the months ahead would encourage businesses to increase inventories in anticipation of a rising trend of sales. I would not rule out the possibility that a rise in the rate of inventory accumulation will contribute materially to increased production and employment this year.

Ultimately, the shape of business conditions during 1971 will depend on what happens to spending in the largest sector of our economy—the consumer sector. For many months, the mood of the average consumer has been cautious, if not pessimistic. The personal savings rate has remained high, and consumer liquid assets have been built up at an unusually rapid rate. No one can foretell how soon this mood will change.

The caution of the American consumer is due in part to greater awareness of the hazards of unemployment. But a more important factor may well be the steady erosion of the real value of his income and his savings through inflation. Since he sees no effective way to hedge against inflation, the consumer seems to respond to rising prices by increasing his current rate of savings in an effort to stretch the paycheck far enough to cover tomorrow's higher living costs. The consumer's lack of confidence is thereby communicated to the business community. For when consumer buying patterns are weak, businessmen often lack the confidence to undertake new ventures to expand markets, introduce new products, or increase productive facilities.

The strength of economic expansion during and beyond 1971 will depend, in my judgment, principally upon our success in restoring the confidence of consumers and businesses in their own and the nation's economic future. Restoration of confidence must be a central objective of economic stabilization policies in 1971.

In the present economic environment, there can be no doubt that monetary and fiscal policies must for a time remain stimulative, as they have been recently. The degree of stimulus coming from the budgetary policy announced by the President is, it seems to me, broadly consonant with the needs of an economy operating well below full employment.

However, if past experience is any guide, actual expenditures might run above those currently projected, and we must therefore be extremely careful not to let Federal expenditures again get out of control. To do so would seriously undermine confidence at a time when we need to do everything in our power to increase confidence.

An appropriate monetary policy for the months ahead probably would require sufficient growth in the reserves of the commercial banking system to foster continued expansion in monetary and credit aggregates at rates above their long-term averages.

Let me assure you, in this regard, that the slowdown of the past few months in the growth rate of the narrowly defined money supply does not reflect a change in Federal Reserve policy. Provision of bank reserves through open market operations during this period has, in fact, been quite generous. The public, however, has chosen to hold additions to its deposit balances in the form of time accounts rather than demand deposits. Most recently, in fact, growth of a more broadly defined money supply—that is, currency plus demand deposits plus commercial bank time deposits other than large CD's—has actually accelerated to an average annual rate of over 12 per cent during the months of December and January. Short-term variations of this kind in the public's preferences for demand and time deposits are not uncommon.

We do not understand them fully, but we should not let them distort judgment of the course of monetary policy.

Continuation of a monetary policy that is consistent with economic recovery will enlarge the supply of available funds, and borrowers should therefore find it easier to obtain credit. Later this year we might perhaps see interest rates somewhat lower than they are now—particularly on mortgages and longer-term securities. In areas where monetary policy affects credit conditions with a rather long lag—for example, in the nation's smaller communities and in the credit terms available to smaller businesses and consumers—we could look forward to seeing more evidence of the effects of monetary stimulation as the year progresses. And as easier monetary and credit conditions work their way through the financial system, we could anticipate cumulative effects on spending, on production, and on employment.

Financial developments of this kind might have adverse effects, in the short run, on our balance of payments—in the form, particularly, of a net outflow of interest-sensitive funds. The extent of this outflow may be limited, however, by measures such as those taken recently. These involved discouraging the repayment of Euro-dollar borrowings by our banks to their branches abroad, or the recapture of these funds through the sale of special securities to the foreign branches.

More fundamentally, I am convinced that policies which promise a healthy and prosperous domestic economy are essential to long-run improvement in our international payments position. To be competitive in international markets, our economy must operate with a maximum of efficiency and a minimum of inflation. A prosperous domestic economy will encourage American citizens to invest more at home rather than abroad. Moreover, some forms of capital inflow will be stimulated by economic recovery. Thus, the rate at which foreigners invest here by buying corporate securities or establishing affiliates has risen since the middle of last year, and might well increase further this year.

In view of the interest rate differentials that have recently emerged between the United States and other countries, as well as because of the persistence of inflation, closer attention will need to be given by our government to the balance of payments. I do not expect, however, that these considerations will prevent us from pursuing the course of monetary policy needed to achieve a good recovery in employment and production in 1971, especially if further progress is made in moderating inflationary pressures.

Past experience supplies some broad indications of what the appropriate course of monetary policy might be. We know, for example, that while a high rate of growth of the narrowly defined money supply may well be appropriate for brief periods, rates of increase above the 5 to 6 per cent range—if continued for a long period of time—have typically intensified inflationary pressures. We also know that periods of strong cyclical recovery in production and employment in the postwar period have typically been financed with relatively modest increases in the money supply. In such periods, the income velocity of money—that is, the ratio of GNP to the money stock—has risen substantially, reflecting the more intensive use of cash balances by the public. Following each of the past three postwar recessions, for example, the income velocity of money rose during the first four quarters of recovery by amounts ranging from 5½ per cent to nearly 7 per cent.

We cannot, of course, be confident that history will repeat itself. If the income velocity of money does not rise in 1971 in line with past cyclical patterns, then relatively larger supplies of money and credit may be needed. One of the great virtues of monetary policy is its flexibility, so that adjustments can be made rapidly to unexpected developments. The Federal Reserve will not stand idly by and let the American economy stagnate for want of money and credit. But we also intend to guard against the confusion, which sometimes exists even in intellectual circles, between a shortage of confidence to use abundantly available money and credit, on the one hand, and an actual shortage of money and credit, on the other.

I can assure this Committee that the Federal Reserve will continue to supply the money and credit needed for health economic expansion. But I also wish to reaffirm the assurance that I gave to this Committee and the nation a year ago—namely, that the Federal Reserve will not become the architects of a new wave of inflation. We know that the effects of monetary policy on aggregate demand and on prices are spread over relatively long periods of time. We are well aware, therefore, that an excessive rate of monetary expansion now could destroy our nation's chances of bringing about a gradual but lasting control over inflationary forces.

We recognize also, as do an increasing number of students around the world, that the problems of economic stabilization policy currently plaguing us cannot be solved by monetary policy alone, nor by a combination of monetary and fiscal policies. Monetary and fiscal tools can cope readily with inflation arising from excess aggregate demand. But they are ill suited to dealing with a rising price level that stems from rising costs at a time of rising unemployment and excess capacity.

During the past year, despite an increase in unemployment of 2 million persons, we have once again witnessed advances in wage rates substantially above the growth of productivity. In industries such as retail trade and finance, wage rate increases have slowed somewhat. In others, such as manufacturing and construction, the rate of advance in average hourly earnings has not diminished. Wage settlements granted in major collective bargaining agreements during 1970 were, in fact, considerably larger on the average than in the previous year. For the first year of the new contracts, they averaged 8 per cent in manufacturing and 18 per cent in the construction industry.

There have been earlier instances in our history when price increases have continued for a time despite weakness in business activity. But, as far as I know, we have never before experienced a rate of inflation of 5 per cent or higher while the unemployment rate was rising to recession levels. Continuation of this situation much longer would, I am afraid, sap the confidence of the American people in the capacity of our government and in the viability of our market system.

We are thus confronted with what is, practically speaking, a new problem. A recovery in economic activity appears to be getting under way at a time when the rate of inflation is still exceptionally high.

The stimulative thrust of present monetary and fiscal policies is needed to assure the resumption of economic growth and a reduction of unemployment. But unless we find ways to curb the advance of costs and prices, policies that stimulate aggregate demand run the grave risk of releasing fresh forces of inflation.

In view of this new problem, it is the considered judgment of the Federal Reserve Board that, under present conditions, monetary and fiscal policies need to be supplemented with an incomes policy—that is to say, with measures that aim to improve the workings of our labor and product markets so that upward pressures on costs and prices will be reduced.

The Administration has already taken significant steps in this direction. Public attention has been called pointedly to areas in which wage and price changes are threatening the success of our battle against inflation. Restrictions on the supply of oil have been relaxed. Part of the recent increase in prices of structural steel has been rolled back as a result of governmental intervention. And the President has clearly conveyed to the construction industry that the government will no longer tolerate the runaway labor costs that are destroying construction jobs and depriving so many of our families of the opportunity to buy a home at a price they can afford to pay.

These steps have put our nation's business and labor leaders on notice that the government recognizes the character of the present inflationary problem, and that it is serious in its intent to find a cure. If I read the national mood correctly, widespread public support now exists for vigorous efforts to bring wage settlements and prices in our major industries within more reasonable bounds. Such efforts should bolster consumer and business confidence, and thus contribute materially to getting our economy to move forward once again.

"Deena Clark's Moment With . . ." Dr. Arthur F. Burns, Chairman of the Board of Governors, Federal Reserve System

Deena Clark. This is Deena Clark inviting you to spend "A Moment With . . ."

the Nation's number one money manager—the Honorable Dr. Arthur F. Burns, Chairman of the Board of Governors of the Federal Reserve System.

One of President Nixon's first acts as chief executive was appointing Dr. Burns to a position without peer or precedent on the White House staff. He named the distinguished economic analyst "Counselor" to the President. As such, he was the only Nixon staffer with cabinet rank. Now, as Chairman of "The Fed" Dr. Burns is, according to the Wall Street Journal, "The Free World's leading central banker."

A brilliant scholar, Austrian-born Arthur Burns spent his boyhood in New Jersey and graduated from Columbia University with a Phi Beta Kappa Key and a dean's scholarship. Making a smooth transition from taking economics to teaching it, immediately upon receiving his degree, he joined his alma mater's faculty.

He continued his distinguished professorial career at Rutgers and Stanford, interspersing campus life with positions of economic responsibility in both business and government. These included the presidency of the prestigious National Bureau of Economic Research, and the chairmanship of President Eisenhower's Council of Economic Advisers.

When he took over as head of the Federal Reserve System, fellow economist Milton Friedman said in Newsweek: "My close friend and former teacher, Arthur Burns, is not just another chairman. He is the right man in the right place at the right time." Unquote.

In Wall Street terms, Chairman Burns would be considered a blue chip, high performance stock, one which, through the years, has demonstrated a remarkably steady growth rate.

It is an honor to welcome him now, Dr. Arthur Burns.

Dr. ARTHUR BURNS. Well thank you so much Deena.

DEENA CLARK. Well it is very nice of you to come and talk to us today. I don't pretend at all to be an economist. I may not even understand the answers that you give me, but I listen and I learn.

Dr. Burns, I want to begin by saying that one of the six goals that President Nixon emphasized in his revolutionary State of the Union message, of all the six, he called "welfare reform" the most important—characterizing it as a "monstrous consuming outrage." His new welfare reform plan, calls for taking employable people off welfare and putting them to work. Monetary policy, which you control, has a great deal to do with how much employment opportunity exists. What if, when welfare reform is enacted, there are not enough jobs to take the employables off the welfare list? Will you then be forced to pump more money into the economy to create more jobs to make the welfare system work?

Dr. BURNS. Well, I think, Deena, if I may say so, you overemphasize the role of the Federal Reserve System. The—I think many people do nowadays. We do control the Nation's money supply, and the Nation's money supply is of great importance. But at the present moment, for example, the chief retarding factor in the economy is not the money supply—there's ample money around, ample liquidity. We had a problem back in May and June but we have solved that quite satisfactorily, we have been expanding the money supply, the banks are now looking for customers. The S & L's are now looking for customers—"S&L's" are savings and loan associations as you know. I think the confidence is far more important, and what we need in our country more than anything else, is a regaining of confidence—regaining of confidence in government, regaining of confidence in economic policy. And I think the President's "State of the Union" address, if I may say so, is contributing to the rebuilding of confidence that we need.

DEENA CLARK. Dr. Burns, you bring up the question of confidence which enables me to ask a question now that I intended to ask a little later. It's a question concerning the administration's optimistic "upturn" claims—subtitle: "Is there any light at the end of the tunnel?"

The Harris Survey, results appearing nationwide on Christmas Day, asked the question: "Do you have a great deal of confidence that the Nixon administration will keep the cost of living under control, and will reduce unemployment in 1971?" Only 18% had a great deal of confidence in President Nixon's assurances. Thirty-eight percent had hardly any confidence. What about yourself? Do you have any crisis of confidence or can you confidently predict a definite dated upturn in the nation's economy?

Dr. BURNS. Oh, I am not a prophet. I can't date the upturn precisely. For all that you and I know, a recovery may already be underway. I sometimes think so, but I do want more evidence before I say so definitely.

As for the Nation's state of confidence, I don't think we have been a happy country during the past year—two, three, four, five—and during the past year we had too much unemployment, and also an uncomfortable increase in the price level. Now—but I think that psychology is beginning to change, and I think it will change more as the year progresses. I think the President's new depreciation policy, as far as business is concerned, is helping to restore confidence in the business community.

I think that what the President did in the case of Bethlehem Steel price increase helped to build confidence on the part of the general public—consumers—that the government will not stand by and let prices continue to rise and rise indefinitely.

DEENA CLARK: Do you feel Dr. Burns that Mr. Harris and the Harris Poll just asked the wrong people the question?

Dr. BURNS: No. I think they probably got the right answers at the time they asked the question, but I think the sentiment is in process of changing. Now I may be too optimistic, but I think I will be proved right on this point.

DEENA CLARK: Now Dr. Burns, continuing with the unemployment problem, may I take just one industry as an example? With the de-emphasis on the space program, both borders of our country are in trouble. At Cape Kennedy, there are 14,500 jobs which disappeared, and on the West Coast, there are 125-foot towers that were built to assemble the rockets that put the man on the moon—they are all outdated and nobody knows what to do with them. The question being asked in the aerospace industry is, "convert to what?"

Do you feel the government is obligated to provide the contracts that will enable the specialized aerospace technology to profitably transfer from—transfer into commercial production, and as a tail to the question, are you "for" or "against" the controversial SST?

Dr. BURNS: Well if we take the first part of your question, I don't think it is the government's obligation to shore up any and every industry that finds itself in difficulty. If the government tried to do that, the initiative, the imagination, the boldness, the enterprise, of the American people would be lost, and I think we would be a weak country.

Now I do think that there is an adjustment problem and I think the government should provide some assistance but industry must do its own thinking and its own planning, and individuals who are affected must not look entirely to the government for a solution to their problems.

Now as for the SST, Deena, in all candor, you are so kind and gentle always,—I wish you hadn't asked that question—I have struggled with it over the years.

I wrote a report for the President, recommending that he scrap the SST on economic grounds. But later on, as I thought about the role of the U.S. in the entire world, of the importance of not stopping advances in science and technology—in fact promoting them—the destiny of this country in the field of science—I changed my mind, and I became a proponent of the SST. And of late, I am examining my position once again.

DEENA CLARK. Well you are so kind to say I am so kind, I withdraw the question about the SST. (Laughter)

Now Dr. Burns, to continue with unemployment which stands at a nine-year high of 6%. The President expects to fight it—quote—"With an expansionary budget" and for this he calls for—quite—"the commitment of the independent Federal Reserve System to provide fully for the monetary needs of a growing economy." Unquote.

Reporter Lee Cohn in the WASHINGTON STAR stated that "full cooperation from the 'Fed' before committing itself fully to stimulating the economy through expansionary budget policies would come only if President Nixon moves effectively against wage-price increases."

Is Mr. Cohn correct? Do you feel that a wage-price freeze would be in the best interest of the nation's economy?

Dr. BURNS. I am not in favor of a wage and price freeze at the present time—no. I think if we had such a freeze we would need an army of inspectors to enforce the freeze and I think that the flow of resources would be impeded and we would be less efficient in the economic sphere. The time may come when even a wage and price freeze may seem to me to be desirable or unavoidable but that time hasn't yet come.

Now as for Federal Reserve Policy, I think we have met our obligation very fully, and we shall continue to do so. There was great alarm in the country, particularly in financial circles about a shortage of liquidity in May and June. Well we dealt with that problem, we dealt with the problem that was posed after Penn Central failed, and we have moved promptly—we have been expanding the money supply, but we have done it at a moderate pace, recognizing that while the needs for expansion must be met, we at the Federal Reserve also must not become the architects of a new wave of inflation.

We owe that obligation to the President, we owe it to the Congress, and above everything else, we owe it to the American people.

DEENA CLARK. Now Dr. Burns, everyone of those proposals made in the President's "State of the Union" message will cost money. The Family Assistance Plan, the Crusade against Cancer—all six goals——

Dr. BURNS. Well the reorganization may possibly save money—I hope so.

DEENA CLARK. Well we will hope so, but there will be a lot of money required actually, and the White House says that the revenue-sharing plan money will not come from raising taxes, or from cutting existing programs, but from general tax revenue.

Now of this sixteen billion dollars—five billion plus one billion is new money. If we aren't going to raise taxes, where is that money coming from?

Dr. BURNS. Well at the present, the governmental finances are in a state of deficit, and that is due largely, not entirely, due largely to the fact that we have had a sluggish economy, and when the economy is sluggish, tax revenues fall off.

Now while tax revenues have been falling off, the need for governmental expenditures has not diminished. We have a crisis in our cities—and that's why the President has proposed the revenue-sharing program. The—to raise taxes at a time like this, would mean a sluggish economy would probably become more sluggish still. So while the present deficit is—makes me quite unhappy, I think we better put up with it for a little while, but let's still be prudent on the side of spending. I support the revenue-sharing program. I had a good deal to do with it in starting it in the first place, and I think it is a bold program. I think it should be examined very carefully by the Congress—and needless to say it will be.

Deena Clark. I am sure it will be.

Dr. Burns. But, by and large, I think, the President is on the right track.

Deena Clark. Do you—do you have any idea where he is going to get the money to pay for it?

Dr. Burns. Well at the present time—the government being unable to meet all of its expenditures from tax revenue, we will have to borrow, but in another year or two, I hope that this condition will be corrected. And I just read in the press,—this is all that I know—that, that Mr. Connally is going to undertake a complete new study of our tax system and perhaps he will find some new tax sources.

Deena Clark (Laughs). You are rubbing your hands with glee!

Now Dr. Burns, they say "figures don't lie," but with your fine economic mind, I would like to ask you to listen to the burden of a recent cartoon I clipped from the DAILY NEWS.

A wife is pictured just returned from a shopping spree, and she is loaded down with hat boxes and parcels, and she says happily to her panic-stricken husband, "The money I withdrew from the bank was only making 5%. By shopping at the 20% discount, I made a 15% profit for us."

Now those figures lie, don't they? At least they seem to stand for different things which brings me to a question about different things meaning different things to different people.

The President's proposed revenue-sharing plan: Chairman Wilbur Mills of the House Ways and Means Committee strongly opposes the proposal, maintaining that states and cities will receive less money under revenue-sharing than under present conditions. And Dr. John Erlich—or Mr. John Erlichman, Assistant to the President for Domestic Affairs, sharply disagrees with Chairman Mills. They both work with the same figures. Who is right?

Dr. Burns. Well I would not want to get into a debate with Congressman Mills on fiscal matters. He's a great authority and indeed, he's one of the great assets of this country.

Now, Mr. John Erlichman is not a fiscal specialist. Offhand, without examining what Wilbur Mills said explicitly, or what John Erlichman said explicitly, I have the impression most tentatively that John Erlichman may possibly be right.

But I never take Congressman Mills lightly.

Deena Clark. I see. Now, Dr. Burns, in the reading I have done to prepare for this interview, there is one word used more often than any other to describe you—can you guess what it is?

Dr. Burns. No—I haven't the slightest idea.

Deena Clark. Don't have the slightest idea? Well it is "independent."

Dr. Burns. Oh.

Deena Clark. President Nixon commented back in May on the controversial speech that you made at Hot Springs to the American Bankers Association, telling Treasury Secretary David Kennedy "Arthur's independent you know." And—

Dr. Burns. Well he has gone beyond that. I heard him say once, I am the most independent man he knows.

We've had an independent Federal Reserve System—we have insulated the monetary authority from politics, and as a result, our record in the financial sphere, while not a very good one, is very much better than the record of practically any country in the world. And I attribute this reasonably good—in an imperfect world—financial record in large part to the independence of our monetary authority.

Now the Congress in its wisdom set up the Federal Reserve System in a way that would protect it from political pressures, and I think particularly at a time like this, when political pressures are multiplying, it is especially important not to violate the tradition that has served our nation well.

Deena Clark. Well, you have proved you're independent Dr. Burns and we know you are not only independent but you are industrious. The Wall Street Journal says that "you work 11 hours a day at your office and then go home and work more." Is that true?

Dr. Burns. Not every night—no.

Deena Clark. Quite often?

Dr. Burns. Quite often. Yes.

Deena Clark. Well "independent" is the word. Now it crops up again in the President's "State of the Union" message when he used the phrase "with the commitment of the independent Federal Reserve System to provide fully for the monetary needs of a growing economy."

In view of the legislation recently introduced by Congressman Wright Patman, Chairman of the House Banking and Currency Committee, which legislation would have the Federal Reserve Chairman serve "at the pleasure of the President" rather than for the present set term of four years; and the Governors—it would reduce their term from fourteen, to five years. Do you feel (a) a threat to your personal independence? And (b), a threat to the traditional independence of the Fed?

Dr. Burns. Oh I am not concerned about any threat to my personal independence. I think I can manage. Now—if nothing else, I can go back and teach a class at the university and I might find usefulness elsewhere besides. And then again, if Congressman Patman's proposal were adopted, I don't think it will be—I hope it won't be—I might still stay on, and the President might have "pleasure" in having me stay on.

Now I—I think it's a bad proposal, and I am going to try to convince Congressman Patman—who is a very reasonable and very knowledgeable man—that he may be on the wrong track.

Deena Clark. Now this brings us into the personal part of our interview. May I ask you something about the "man behind the money man?"

Dr. Burns. Well let's see.

Deena Clark (Laughs). Let's see whether it is dangerous. Well, this I thought was incredible.

Time Magazine, October 24, 1967 reported "Burns—an earnest scholar was able to translate the Talmud into Polish and German by the time he was six." Is that true?

Dr. Burns. Well it wasn't the Talmud, it was the Bible.

Deena Clark. It was?

Dr. Burns. A good part of it—yes.

Deena Clark. That is incredible—most people can't even read at the age of six.

Dr. Burns. Oh I guess, I learned how to read at the age of five, and then I enjoyed reading—that's all it means.

Deena Clark. It must have taken you your whole sixth year to do that translating. Or even more?

Dr. Burns. Oh no—just an hour or so in the afternoon. I still played.

Deena Clark (Laughs). Just an hour or so in the afternoon. Well—to use a current phrase, you really got your "smarts" early. That's incredible, absolutely.

Dr. Burns. Now that doesn't mean I understood everything I read—I don't even understand it now. (Laughter) Much of it.

Deena Clark. Do you read it often?

Dr. Burns. Yes.

Deena Clark. I have heard it said that in speaking of monetary procedures, you have sometimes said that "prayer might be better than what we are doing now." (Laughter)

Is that a true quote?

Dr. Burns. It is a true quote.

Deena Clark. A true quote. Dr. Burns, your family emigrated here when you were about nine, I believe. What did your father do?

Dr. Burns. My father was a house painter, merchant abroad, a house painter here.

Deena Clark. Did he teach you his trade?

Dr. Burns. Yes—the—though he didn't have much time teaching, I would accompany him to his jobs and I watched what he was doing—yes, I learned by observation—or by imitation.

Deena Clark. Well that's very interesting. Well if Congressman Patman has his way that's another avenue you might explore. (Laughter)

Dr. Burns. Well it's still interesting work for me—yes.

Deena Clark. You worked yourself—worked your way through college. What did you do? What jobs did you have?

Dr. Burns. Oh well, almost an occupational dictionary. The—I worked as a salesman, I worked as a seaman, I worked as a stock clerk in a department store, I worked in a canning factory—and I can just go on and on—I worked in the post office.

Deena Clark. When did you know that you wanted to be an economist. I think you wanted to be a—to follow another trade—another profession first.

Dr. Burns. Yes, yes. I wanted to be—oh I have changed my profession and I just kept on dreaming but when I started college, I intended to enroll in the school of architecture. I had worked as an architect's assistant, and loved it, loved drawing plans and drawing up specifications, and that was what I was going to do—but I changed my mind.

Deena Clark. But I think you still work at your architecture some—Mary Brooks, the Director of the Mint told me that you had a special way of deciding where a study should be put on your place in Vermont.

Dr. Burns. Oh well I just took down an old barn and drew plans for a new one. This time—this time it was to be a garage, but you can use it as a garage, you can use it as a studio, and you can use it as a living room, and you can use it as a workroom, and my wife calls it "Arthur's folly." (Laughter)

Deena Clark. I understand that you went as far away from the main house as you could get where you wouldn't hear any noise and put your study there?

Dr. Burns. Yes we did that when we bought our farm back in 1946—yes, I—I had to have a place all my own where I could work quietly and not have the children interfere with me and I also didn't want to tyrannize over them—or not "tyrannize" any more than I had to. (Laughter)

Deena Clark. So you achieved your goal.

Dr. Burns. I did—yes—I had my wife on the lawn and I kept on marching and she and the kids and the dog yelling and when I was no longer sure whether I heard them or not, I stopped and that's where I built my study.

Deena Clark. Mrs. Burns, who is very interested in poetry herself, tells me that you are quite a country artist. Does that mean you paint in the country, or paint scenes of the country?

Dr. Burns. Oh I just—I just take brush in hand and use by imagination and she exaggerated I am sure. (Laughter)

Deena Clark. She did? Well Dr. Burns, we will go back to a serious question about foreign trade, which is being challenged around the world.

Are you concerned that a disastrous protectionist trade war is in the making between United States and our overseas trading partners?

Dr. Burns. No I am not. I don't think—I don't think that we are going to deviate very far from the free trade policy.

Deena Clark. You are not worried?

Dr. Burns. Not—well I am concerned, yes, but I think there is enough good sense in our country and certainly in the Congress to prevent that from happening.

Deena Clark. Now, Dr. Burns, we have a

final question here. From what we have been talking about today, it is obvious there are no uncomplicated answers. If you spend, you cause inflation; if you don't spend you cause unemployment. But you certainly stay calm and collected. How do you keep cool in an overheated economy?

Dr. Burns. Well the—number one, I learned years ago that when everybody else is excited, it helps to stay cool.

Second, the economy has not been overheated of late—so it has been a little easier, but we have had inflation in the midst of a serious economic slump, and one reason why I keep cool is, that I expect this country will move into a vigorous price-wage policy. We have been moving in that direction. I think we need it. So I am very confident that while we may have been a bit slow, we will do the right thing in the economics sphere in the end.

Deena Clark. Thank you very much Dr. Burns for being with us.

Dr. Burns. Thank you.

Deena Clark. We have been talking with Dr. Arthur F. Burns, Chairman of the Board of Governors of the Federal Reserve System. In describing him, the magazine BUSINESS WEEK quotes an associate as saying "He's a tough boss; 'perfect' is OK!"

In striving for that "perfect" Chairman Burns has set his sights for America on zero inflation, full employment, reduced taxes, free and flourishing economic health, and confidence in the Nation's future.

This is Deena Clark. Thank you for spending this moment with us.

LITHUANIAN INDEPENDENCE

Mr. ALLOTT. Mr. President, last week Americans of Lithuanian origin and descent commemorated the 720th anniversary of the formation of the Lithuanian state and the 53d anniversary of the establishment of the modern Republic of Lithuania.

Every year all Americans extend their sympathy for the plight of all the brave peoples whose desire for freedom is temporarily frustrated by Soviet tyranny. But this year we Americans must feel a special sympathy. Only a few months ago we were horrified by the story of a Lithuanian sailor, Simas Kudirka, whose bold and desperate jump to freedom board a U.S. Coast Guard cutter was frustrated by the bungling of American officials.

We can no longer help Simas. But he has helped all Americans by reminding us of the fierce love of freedom which remains in all those who are trapped behind the Iron Curtain. That is why this year I am especially glad to join with other Americans in honoring Lithuania and pledging renewed dedictation to the freedom which is owned her.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Mathias). Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. Mathias). The hour of 12 o'clock having arrived and pursuant to the previous order, the time between now and the hour of 1 o'clock will be under the control of the Senator from North Carolina (Mr. Ervin) and the Senator from Idaho (Mr. Church), to be equally divided between them.

Mr. CHURCH. Mr. President, I yield myself such time as I may require for this opening statement.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the debate on Senate Resolution 9 began with its introduction in the Senate on January 25, 1971. It is now February 23—30 days later. I believe it can be justly said that every opportunity has been extended to the proponents and opponents of this resolution to express their views, pro and con, concerning it. Indeed, as one Senator put it a few days ago, even God in His infinite wisdom could devise no new argument for or against a change in the cloture machinery as embodied in Senate rule XXII.

The reason the debate for the past 30 days has not been better attended is that all the arguments have long since grown stale. We have heard them recited again and again with the opening of each new session of Congress.

With all deference to those who have participated in this debate, nothing new has been suggested, nothing that the Senate has not already heard 100 times over.

The issue presented by Senate Resolution 9 is perfectly plain and wholly understandable. It contains no new or unanalyzed facets that could possibly catch any Senator unaware. It is a straightforward resolution to reduce from two-thirds to three-fifths the number of Senators present and voting required under rule XXII to impose a limitation on debate.

The proposal has the endorsement of a constitutional majority of the Senate, 51 Senators having affixed their names to it.

The purpose of this prolonged discussion is not really to enlighten or instruct the Senate, nor even, in a broader sense, to educate the public at large.

The purpose is, as we all know, to prevent a vote. The purpose is to block the Senate from passing judgment on the merits of Senate Resolution 9, even though a substantial majority of the Senate may favor its adoption.

This is the second effort, Mr. President, to invoke cloture. If we cannot succeed today, even though 30 days of debate have transpired, then we shall try again. Another cloture petition will be filed on Friday of this week, so that the third vote on cloture will come on next Tuesday, if we do not succeed today.

I stress this, to put the Senate on notice that the vote next Tuesday will be crucial. Even the vote today takes on added importance, since it represents the second effort to bring this debate to a close. There comes a time when the Senate should be permitted to work its will on what most of us regard as a prudent modification of Senate rule XXII.

Next week's vote could well spell the difference between the prospect of success or failure for the lengthy effort we have made.

Thus, I plead with all Senators to be present on next Tuesday.

Last week, we were plagued with absences. This week, there are still nearly as many Senators who, for one reason or another, will not be present to respond to the rollcall.

It is altogether fitting that absent Senators should be given adequate notice—a full-week's notice—that if today's vote falls short of two-thirds, as I anticipate it will, a third and very crucial vote will occur a week from today, at which time I earnestly solicit the attendance of all Members of this body.

Having said that, Mr. President, I would close by merely reiterating that the rule modification contemplated by Senate Resolution 9 would not in any way alter the essential character of the Senate. It would not curtail the right of extended debate. It certainly would not change the traditional disposition in this Chamber to permit debate to continue at great length even before any attempt is made to bring it to a close.

If Senate Resolution 9 were adopted, the unique role of the Senate will be preserved intact, but we will have a better basis for anticipating that when an issue comes before us of great moment to the Republic, and when it has been debated exhaustively in this body, so that every Senator has had a full and fair opportunity to speak his mind, there will come a time when, in the interests of the country and of the Senate itself, the matter can be resolved by a vote on its merits.

Under rule XXII as presently constituted, in 49 attempts to limit debate over the past 54 years, only 8 have proved successful. That demonstrates, Mr. President, that the barrier in rule XXII, as it now stands, is practically insurmountable.

So, I plead the case for Senate Resolution 9 as one who believes in the Senate, who would never knowingly contribute to weakening it, nor intentionally undertake to alter the unique role that the Senate plays in our political life.

Rather, I feel, as do the majority in this Chamber, that a prudent modification of the filibuster rule, taken in a timely way, is really a step calculated to preserve the Senate, to protect its prerogatives against the uncertainties of the future. This resolution is the best insurance we can devise for safeguarding the Senate as a viable institution of government, as we look ahead.

It is in that spirit, Mr. President, that I urge the Senate to proceed to a limitation of debate so that it will be possible, after 30 days of familiar argument, 30 days of a refrain all of us already know so well, to move on to a vote on the merits of this proposition so that the majority may work its will.

If we cannot accomplish that objective in this vote today, I do hope that the attendance in the Senate next week will enable us to secure a vote that will open the way for resolving this issue.

Mr. President, how much time remains to the proponents of the resolution?

The PRESIDING OFFICER. Sixteen minutes remain to the proponents.

Mr. CHURCH. Mr. President, I thank the Presiding Officer.

Mr. ALLEN. Mr. President, acting on behalf of the distinguished Senator from North Carolina (Mr. Ervin), I yield 3 minutes to the distinguished Senator from Virginia (Mr. Byrd).

Mr. BYRD of Virginia. Mr. President, it is indeed unwise in the judgment of the Senator from Virginia to change rule XXII. Rule XXII provides that whenever two-thirds of those Senators present and voting decide that the time has come to shut off debate, debate shall then be limited.

Mr. President, it seems to me that this is a fair rule and an important one. If it were not possible under the rules of the Senate for a substantial majority of Senators to bring debate to a close when they so desired, the Senator from Virginia would support the adoption of such a rule change. However, the fact is that under rule XXII debate can be brought to a close and has many times under this rule been brought to a close when a substantial majority of the Senate, namely two-thirds of those present and voting, deemed it advisable.

Mr. President, I might say that rule XXII which provides for a limitation of debate goes back to 1917. The then Senator from Virginia, Thomas S. Martin, was the majority leader of the U.S. Senate. It was just prior to World War I. At the request of President Wilson, the Senate incorporated in its rules a proposal that debate be brought to a close whenever two-thirds of the Senators so desired. This rule was approved in March 1917.

In April of the same year the United States went to war. In June of the following year, 1918, with the Nation still at war, a second vote was taken to further restrict the rules. This attempt was voted down.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. ALLEN. Mr. President, I yield 2 additional minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, even in a time when our Nation was at war, the membership of the Senate refused to further liberalize this rule whereby debate might be shut off with a fewer number of Senators agreeing.

Mr. President, I hope the cloture motion today will be defeated. If it is not defeated, it will lead in time to the bringing about, in my judgment, of majority cloture. That, I think, would be extremely unwise. While the present proposal is for a three-fifths vote to obtain cloture, once that figure is obtained, the drive then will be on for majority cloture.

I believe in the best interests of our Nation and in the best interests of the Senate that it will be well to leave rule XXII as it is.

Mr. ALLEN. Mr. President, I yield 10 minutes to the Senator from Wyoming (Mr. Hansen).

Mr. HANSEN. Mr. President, down through the long course of history the purpose of government has been to enable people to live together peacefully, to protect and defend the rights of weaker members against the stronger.

Governments have tried to substitute reason and law—which is an extension of reason—for brute force or overpowering numbers of a majority.

Some of the greatest tragedies of history are the records of minorities being trampled upon, enslaved, and indeed exterminated by a majority, certain of its superiority and the righteousness of its position.

The gas chambers of Germany during World War II and the salt mines of Siberia are vivid reminders to us all that the majority is not always right nor is its cause always just. Jefferson, who contributed more significantly than any other one American to the structure and form of our government, knew the value of the importance of adhering to rules.

As a part of his "Manual of Parliamentary Practice," Jefferson stated:

> JEFFERSON'S MANUAL OF PARLIAMENTARY PRACTICE
>
> IMPORTANCE OF RULES
>
> SEC. 1. Importance of Adhering to Rules: Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are to become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

It should surprise no one that Jefferson should reflect a deep concern for the rights of minorities. After all many of the persons who were among those first coming to America came here because of their desire to escape the oppression that they knew in the old country. America continues to be a nation made up of many diverse elements. We have often been referred to as the "melting pot of the world." People from all other countries proudly call themselves Americans.

In order to be able to achieve the union which did not come about easily, it was necessary to incorporate certain specific guarantees that addressed themselves to the rights of people to be different. Our Founding Fathers insisted upon the right to worship as they believed, the right to free speech; to a free press; to assemble. These guarantees and others became part of the Bill of Rights. They form part of the Constitution of the United States, a most unusual document, a document that has successfully provided the framework of action enabling this country to govern, protect and control itself for nearly 200 years. At the same time, this Constitution with only a few changes that were brought about within the guidelines for change laid by the Founding Fathers has brought a greater measure of freedom to Americans than people in any other country have ever known.

The question facing the Senate today is: Should this important rule of the Senate, a rule which sets this body apart as the greatest deliberative body to be found any where throughout the world, be modified to permit fewer than two-thirds of its Members by their action to terminate debate. Some who believe that we should take this action say that the Senate is denied the opportunity of working its will, usually those who some identify as the more liberal Members of this body are in the forefront in this movement, but simply because we have had this rule since the days of World War I does not necessarily mean it no longer serves our country well. As a matter of fact, both Senators Richard Russell, that great and beloved colleague of ours who left us only weeks ago and the late and dearly loved, greatly respected and admired minority leader, Senator Everett Dirksen of Illinois agreed on many things. With respect to rule XXII, they were in complete agreement. No legislation whose time had come, no idea that had been given wide acceptance by the people of this country has failed to become law because of rule XXII.

Conversely, they each called attention to innumerable occasions wherein we have had better laws, more reasoned laws, laws that reflect a wider spectrum of support throughout our country than would otherwise have been the case, simply because through the operations of the rules of the Senate it was necessary that a majority had to listen to the oftentimes more wise observations of those in the minority. As a consequence, I think we have better laws today than we otherwise would have had.

I know there were many people in the early 1950's who said it would be impossible with the operation of rule XXII ever to pass any civil rights legislation. They said a willful and dedicated group of Southern Senators could make impossible a vote on the important civil rights measures then pending. We know today, as we look back from the vantage point of time, that that was not the case.

More important than those questions raised at that time was the fact that through rule XXII this body, the greatest deliberative legislative body in the world, had to listen to those with whom a majority did not agree, and as a consequence some ideas that had validity, that have made our laws better, were accepted because of the fact that the minority were able to speak out and their ideas were incorporated within the framework of that body of law.

I recall that when the Civil Rights Act of 1967 was before us, most of the thrust of that legislation did not have within it protection for a majority of the people of this country.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. HANSEN. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. ALLEN. I yield 1 minute to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the concern of many Members of the Senate was, How can we take action best to protect the rights of the minority? We recognize, now, that it was important, with the passage of that law and some of the anticrime legislation passed recently, that the people who are willing to obey the law have consideration given to their rights, also. As a consequence, because of the operation of rule XXII, it is now a Federal crime to go from one State to another to incite riots, to destroy and burn public buildings, and to deny others their constitutional rights. This, in my opinion, represents the good that comes from the continuing application of rule XXII unchanged.

Mr. CHURCH. Mr. President, I yield to the distinguished Senator from Kansas (Mr. PEARSON), cosponsor of the resolution.

The PRESIDING OFFICER. How much time?

Mr. CHURCH. Such time as he may require.

Mr. PEARSON. Mr. President, although I have not spoken often during the last few days—indeed, weeks—in support of Senate Resolution 9, that which I now recite is repetitious of all the arguments that have gone on heretofore.

With respect to the sponsors of the resolution, it is most significant that 51 Senators of the United States joined together and said, "We want to make a change." They want to change the legislative complexion, so to speak, the procedures, the rules that protect all, and a change in a reasonable and modest and balanced way; to seek some balance between the protection of the rights of the minority and the right so that, some day, the majority can govern in this body; to find some balance between the right of full and complete debate and of some day having the Senate have the right to vote at some time.

There is no magic in two-thirds; there is no magic in three-fifths, except as it applies to the business of the Senate and the issues that come before us.

My colleague in his statement has recited the legislative history of rule XXII. It is not a sacred formula. It has been changed many times, in many ways, both as to substantive legislation and as to procedures that have been made applicable to it and as to the formula itself.

I cannot believe that we have forgotten so quickly those last harried days in the 91st Congress, when I think most of us were just a little embarrassed about several filibusters going on at the same time. It is no longer the property of given ideological groups. It is no longer the property of Senators from a given section of the counrty. It is now the instrument of many, both liberals and conservatives, who feel that, in a matter of great conviction, to try, as hard as they can, in extended debate, to hold their convictions is the proper course. I make no objection to that. I simply think we should have a right to consider the issues that surge around us today—not in sequence. We do not have any choice any longer to make a determination to consider a given issue at a certain time. They come to us all at once, from all different directions. It seems to me the Senate, in the shadows of the last days of the last Congress, should now be prepared to move forward and make some changes.

May I remind my colleagues that this has been a contest of no cute tricks, of no legislative maneuvering, of no parliamentary maneuvering, by either side, but of going forward, reserving our rights under the Constitution and under the Senate rules, and proceeding to seek to cut off this debate under the rules and in accordance with the procedures that the opponents of the resolution would insist upon.

Mr. President, I would like to emphasize and to underscore the comments made by the distinguished Senator from Idaho in reference to the next cloture motion, and that is a defensive reference. We hope we will prevail today, but there is no use in going through mental gymnastics. We know what the will of the Senate will be today. We know who the absentees are. We know the attitude of many Senators. Many of them may support us a week from today, but feel deeply about running the course, making sure that everyone has had his full say. Today is important, of course. No vote in the Senate is without its significance. But indeed I do want to emphasize what the Senator from Idaho said. Next week is terribly important. The leadership has been tolerant to both sides in this debate. Bills and other measures will be coming before the Senate and will be upon us. So indeed the cloture motion that will be filed Friday and will be voted on next Tuesday is of great importance. It may be the last chance in this Congress to do what some of us who have put our signatures on Senate Resolution 9 believe is in the best interests not only of the Senate, but of the country.

Mr. ALLEN. Mr. President, I yield to the distinguished and illustrious Senator from Kentucky (Mr. COOPER) such of the remainder of my time as he may require.

Mr. COOPER. Mr. President, on last Thursday I spoke for a few minutes against cloture. Senator ERVIN and some others have suggested that I elaborate the reasons which lead me to oppose cloture.

I oppose cloture because I support rule XXII, not its entire wording, but the principle that it shall take a two-thirds vote of Members present and voting to secure cloture.

I noted in my short statement last Thursday, that this has not always been my position. Years ago, I joined with the senior Senator from New Mexico (Mr. ANDERSON) and with my then colleague from Kentucky, Mr. Morton, in supporting a resolution to change rule XXII, and to reduce the number of Senators required to secure cloture from two-thirds to three-fifths. I have had doubts about my earlier position since that time, but the events of the last session of the Senate, particularly in its later days in 1970, convinced me that the maintenance of the present rule is essential if there is to be, in critical periods of the Senate and the country, a reasoned debate upon issues of great importance for our country.

I call attention particularly to the resolution which would amend the Constitution to provide for the election of the President by popular vote and by its wording confirm as constitutional the election of the President by 40 percent of those voting. It had large support and strong opposition, and I do not say that the question should not be brought to a vote. But it must be recognized that if adopted it would change the Federal structure of our country. Certainly all questions which center around this issue deserve the most thoughtful consideration by the Senate and by the people.

I submit that in the situation the Senate faced in the closing days last year, when amendments were tied hurriedly to bills in committee, or offered on the floor of the Senate, it was impossible for Members, and particularly those who were not members of the committees which had original jurisdiction to inform themselves, to learn the details and the implications of these measures. If for no other reason, there was not time for the Senate to reasonably consider what was wise and best for the future of our country. This situation could occur again and again.

My friend, Senator JACKSON, in the debate of last Thursday, said:

> We can no longer afford the luxury of an unlimited resort to unlimited debate. The work of the Senate has increased enormously—both in volume and complexity—over the last decade. There is every indication that this trend will continue in the 1970's. To handle this workload effectively we must update Senate rules and procedures.

I agree that the workload has increased and will increase and that procedures, particularly in the organization of the Senate's work, should be updated. For example, several years ago I suggested that written speeches be eliminated except for those who have charge of legislation or are in charge of the opposition. But I do not reach Senator JACKSON's conclusion that rule XXII should be changed. The very fact that the volume of bills and resolutions has increased makes it more likely that in the closing days of a session, or at any other time, the legislation of the greatest importance to the country could be rushed to a vote without information, judgment, and the approval of the country.

It is also interesting to recall that the use of the filibuster, so-called, during the closing days of the last session was not confined to Members of one party or to those of any particular section, persuasion or philosophy, as has often been charged. I do not believe that the action of those Senators was necessarily capricious, obstinate, arbitrary or evil. It pointed up the truth that Senators of all persuasions know that at times legislation comes before the Senate, controversial in nature and of such importance that it must be fully debated if great harm to our country is to be avoided and beneficial legislation assured.

Like many others, I supported a three-fifth vote before in my earlier service because I felt that a great body of our fellow citizens—black citizens and other minority citizens—were being deprived of their constitutional rights, of their human rights, and I felt it morally as well as constitutionally wrong. But all of us know that reason finally prevailed, that the Senate was able to vote upon these questions and between 1964 and 1968, it approved legislation to secure as far as the Congress could insure to all our fellow citizens their constitutional rights of nondiscrimination and the equal protection of the law. In addition, legislation to secure economic and social justice has been enacted although it is not fully realized. Similarly, other controversial problems which will come before this body can be enacted as the moral and just opinion of the country bears upon the Congress. It is interesting to remember that during the long debate in 1964, the late Senator Everett Dirksen changed his opinion upon some sections of the civil rights bill and was able to throw his great influence in favor of the bill and, perhaps more than any other Member, secure its approval by the Senate.

Mr. President, many great speeches have been made on this question during the debate—scholarly and practical. Without derogation of any of the arguments that have been made, I hope that Members and particularly new Members who did not hear on last Thursday the speech of the Senator from Arkansas (Mr. FULBRIGHT), will read his statement. He pointed out very clearly that the maintenance of rule XXII is important in securing the position of the Senate in relation to the executive and the judiciary, in being able to bring to bear its views upon the Congress, the other branches of our Government and the people. The war in Vietnam is much with us, and the Senate has been struggling to present its views and to protect our country from ill-advised interventions in the future. Debate and extended debate is essential to this process.

Senator FULBRIGHT stated with great force the importance of debate to democratic procedures and the maintenance of democratic institutions. It is rather chilling to reflect that there are only a few countries in the world which are not authoritarian, which work to maintain democratic values. We believe that those values are expressed in our Constitution, particularly in the bill of rights, and in the ceaseless striving of the majority of our people for their fulfillment and protection. Democracy is a tenuous institution, one that could fall apart by arbitrary and ill-considered action by the executive or—and this is what we are discussing today—by the Congress. It depends at last upon a measure of trust between the branches of our Government and trust in the processes of the institution itself. This trust, as far as the Congress is concerned, may depend upon its reasoned action, proceeding from thorough consideration of ideas proposed by the people and the Congress. I mentioned last Thursday that the founders of our country's system of government were men who were children of the enlightenment, men who believed that reason could and would prevail. I believe this continues to be true that the Members of our body believe it to be true.

I submit that the long story of our history, particularly our political history, shows that rule XXII is one means of assuring its truth.

Mr. STENNIS. Mr. President, will the Senator from Kentucky yield to me briefly for a question?

Mr. COOPER. I yield.

Mr. STENNIS. First, Mr. President, let me commend the Senator from Kentucky for his very fine words here with reference to the proposed changes in Presidential elections of last year, and the turmoil—and it was turmoil—that we were having in the closing days of the session, for a month or 6 weeks at least, that caused so many problems. I think that is certainly a matter far removed from any sectionalism. It is not a partisan matter in any way. It goes to the structure, as the Senator from Kentucky says, the very fundamental structure of our entire system of government.

I remember at the time I thought we were debating about the problem we had rather than debating the remedy that was proposed, and many became excited about the problem. We have somewhat of a problem in this area, but certainly time has shown that it will require more deliberation, more minds working on the subject, and more penetrating analyses of the problem as well as the prospective solution.

So I think the Senator has pointed out something here which is borne out by experience.

The Senator and I have both been here a long time. We heard the argument, in the old days, that we have to destroy rule XXII, otherwise the President, faced with defending the Nation, might not be able to overcome a filibuster.

Mr. COOPER. Yes.

Mr. STENNIS. We found out, when we got into a war here, it takes years trying to get out of it, without any resolution declaring war or anything else. We just got in.

So the matter has worked the very opposite way that the proponents of repealing rule XXII 15 years ago, as I am sure the Senator will remember, argued. Our experience has been totally the other way.

This just shows that it is a monstrous problem, really, to try to find the exact depth of the meaning of the rule and its application. I commend the Senator highly.

Mr. COOPER. I think, as I have said before, that these last 20 years have shown that if there is an issue before this body, one which has been reasoned out and is believed in this body and in the country, it will prevail, and that to me is much better than the idea that because speed is needed, some people say action is needed, and that whether it is good action or bad action, we have to take it.

Mr. STENNIS. I commend the Senator highly for his fine reasoning.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. ALLEN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I had expected that the Senator from Indiana (Mr. BAYH) would make some remarks prior to the vote, and I am informed that he is coming to the Chamber for that purpose. But in the time remaining, until he appears, I should like to say a word or two about the expressed misgiving that is constantly surfacing in this debate to the effect that any move by the Senate to reduce from two-thirds to three-fifths the number of Senators required to limit debate is but the first step, the opening wedge, toward majority cloture.

The history of the last 50 years demonstrates that altering the rule from two-thirds to three-fifths would work only a modest change. If three-fifths had applied during that long period instead of two-thirds, cloture would have been invoked 15 times in the 49 attempts, rather than eight. So there is no reason of record for those who champion the present rule to fear that so modest an alteration would have any drastic impact on the Senate.

In fact, implicit in the arguments of the opposition is the recognition that a three-fifths rule would, in itself, do no grievous mischief. But it is said that this is the first step, this is the opening wedge, this is the first slice of a salami tactic, the eventual objective of which is to achieve majority cloture rule in the Senate. Mr. President, I deny that. Both the Senator from Kansas and I, as the two original sponsors of this resolution, are against a majority cloture rule. Many other Senators who support this resolution are against majority cloture. If a count were to be taken in the Chamber today, an overwhelming majority of the Senators would oppose any such drastic revision of rule XXII.

Still, it is said that lowering the barrier to three-fifths could pave the way for some subsequent change in the rule, once it becomes easier to obtain a limitation on debate, and that, in this way, Senate Resolution 9 could contribute to the prospects for majority cloture in the future. Mr. President, I deny that, also. If this is the real concern of the opponents of this resolution, there are ways of addressing ourselves to that problem. There are ways by which we could make certain that, in the future, there would be no enhanced possibility of reaching majority cloture through the enactment of a three-fifths rule. There are ways it could be done, if this is what really bothers the opponents of this very temperate change.

If this is the problem, we can look into it, and consider how it could be resolved.

But surely, after 30 days of debate, a month of reiteration of arguments so familiar to us all, there comes a time when the Senate ought to be permitted to vote. I think that time has come. If we do not invoke cloture today, then I earnestly solicit the attendance of all Senators for the vote next Tuesday. Let the absent Senators come back to their desks. Let them return to the trenches, where this fight must be fought and where a decision must be made.

I would hope that next Tuesday's vote would be a decisive vote, that it would break this deadlock and enable us then to proceed to a settlement of this issue in a way that will meet the legitimate concerns that have been expressed in the course of this debate. That can be done, I am certain, and I hope we can move in that direction.

Mr. McCLELLAN. Mr. President,, will the Senator yield?

Mr. CHURCH. I yield.

Mr. McCLELLAN. By "breaking the deadlock," does the Senator mean that his side wins? I thought we had broken the deadlock two or three times.

Mr. CHURCH. By "breaking the deadlock," I mean that the Senate be permitted to vote, so that Senators may work their will upon rule XXII.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. CHURCH. I yield the remainder of my time to the distinguished Senator from Indiana.

Mr. BAYH. Mr. President, I want to salute the Senator from Idaho for the tenacious leadership he has provided for one of the most critical problems that confront us today.

An increasing number of Americans have begun to ask rather critical questions about the vitality of our system, about the ability of the democratic proccess to meet the problems of our Nation as a whole. This is the most dangerous and damning type of feeling that can exist in the hearts and minds of a people. We must restore the faith of the people in the vitality of their institutions. I think we are asking for trouble if we do not recognize that this feeling exists and take the steps necessary to do something about it.

The effort to amend our dangerously archaic cloture rule, now being led by the Senator from Idaho and the Senator from Kansas, in my judgment is one of the most salutary steps we can possibly take toward making our institutions, the very foundation of our society, more responsive. By making our institutions more responsive, we can, together, see that they come to bear in a responsible way on the problems that confront this Nation.

Mr. President, I was not in the Chamber earlier, so I will not try to respond to the earlier statements of some Senators. But I must say that I do not think we should point to last year's filibuster against electoral reform as evidence of the value of the filibuster. I say this with all deference and respect to those who may have used this argument, but I think that argument is very poorly founded. This subject had been studied by a thorough five long years through thousands of pages of hearings. The joint resolution which we debated passed the House overwhelmingly. This body debated that measure for 4 weeks. And of course final passage would have required a two-thirds vote in both Houses—not just the Senate, but a two-thirds vote in both Houses—followed by ratification by three-fourths of the State legislatures. So yet because of the filibuster mounted by our opponents, the Senate never had a chance to vote on the merits of this proposal. The use of the filibuster in this manner was arbitrary, in my judgment, dilatory, and certainly not in the best interests of our country.

Mr. President, we must protect and we must encourage the right of any minority to exercise its ultimate moral power. But if we go beyond that, if we allow a minority position to dominate and control, to undo by inaction the most careful and thorough efforts at legislative solutions, than we abdicate our responsibility and we encourage those who say that America's problems have gotten beyond the reach of her institutions. I reject that view, and I urge the Senate to reject it. There is no better place to begin than by invoking cloture now, and proceeding to passage of the Church-Pearson resolution.

Mr. CHURCH. Mr. President, how much time remains?

The PRESIDENT pro tempore. Less than 1 minute.

Mr. CHURCH. Mr. President, I express my appreciation to the distinguished Senator from Indiana. I think he has reminded us that government by deliberation is a good and virtuous thing, but government by paralysis can be a very dangerous thing. That is why I hope we can move on and close debate, so that the Senate may work its will.

The PRESIDENT pro tempore. (Mr. Ellender). All time has now expired.

Pursuant to rule XXII and the hour of 1 o'clock having arrived, the Chair lays before the Senate the pending cloture motion, which the Chair directs the clerk to state.

The assistant legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of the Resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Frank Church, Robert Griffin, Mike Mansfield, Hugh Scott, James B. Pearson, Adlai Stevenson, John Tunney, Walter F. Mondale, Joseph M. Montoya, Fred Harris, George McGovern, Thomas F. Eagleton, Lloyd Bentsen, Richard S. Schweiker, Charles Percy, Robert Taft, Claiborne Pell, Marlow Cook, Clifford P. Case, Jennings Randolph.

The PRESIDENT pro tempore. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 7 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. Cranston) and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), the Senator from Utah (Mr. Moss), and the Senator from Arkansas (Mr. Fulbright) are absent on official business. I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. Cook), the Senator from Hawaii (Mr. Fong), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The PRESIDENT pro tempore. A quorum is present.

The question is, Is it the sense of the Senate that debate shall be brought to a close? The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (when his name was called). On this vote my distinguished colleague, the junior Senator from Montana (Mr. Metcalf), and I have a pair with the distinguished Senator from Arkansas (Mr. Fulbright), who is absent on official business. If he were present and voting, he would vote "nay." If Senator Metcalf and I were permitted to vote, we would vote "yea." We withhold our votes.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. Cranston) and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), the Senator from Utah (Mr. Moss), and the Senator from Arkansas (Mr. Fulbright) are absent on official business. I also announce that the Senator from North

Carolina (Mr. JORDAN) is absent because of illness.

On this vote, the Senator from Wyoming (Mr. MCGEE) is paired with the Senators from Utah (Mr. MOSS) and Hawaii (Mr. FONG). If they were present, the Senator from Wyoming would vote "nay" and the Senators from Utah and Hawaii would each vote "yea."

Also, the Senator from North Carolina (Mr. JORDAN) has a pair with the Senators from California (Mr. CRANSTON) and Oregon (Mr. HATFIELD). If they were present, the Senator from North Carolina would vote "nay" and the Senators from California and Oregon would each vote "yea."

Finally, as just announced by the majority leader, the junior Senator from Montana (Mr. METCALF) has contributed toward a pair with the Senator from Arkansas (Mr. FULBRIGHT). If present, the junior Senator from Montana would vote "yea" and the Senator from Arkansas would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote the Senator from Hawaii (Mr. FONG) and the Senator from Utah (Mr. MOSS) are paired with the Senator from Wyoming (Mr. MCGEE). If present and voting, the Senator from Hawaii and the Senator from Utah would each vote "yea" and the Senator from Wyoming would vote "nay."

On this vote the Senator from Kentucky (Mr. COOK) and the Senator from Alaska (Mr. STEVENS) are paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Kentucky and the Senator from Alaska would each vote "yea" and the Senator from Texas would vote "nay."

If present and voting, the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

On this vote the Senator from Oregon (Mr. HATFIELD) and the Senator from California (Mr. CRANSTON) are paired with the Senator from North Carolina (Mr. JORDAN). If present and voting, the Senator from Oregon and the Senator from California would each vote "yea" and the Senator from North Carolina would vote "nay."

The yeas and nays resulted—yeas 50, nays 36, as follows:

[No. 8 Leg.]

YEAS—50

Aiken
Allott
Anderson
Bayh
Beall
Bellmon
Bentsen
Boggs
Brooke
Burdick
Case
Church
Dominick
Eagleton
Griffin
Harris
Hart
Hartke
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McGovern
McIntyre
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stevenson
Symington
Taft
Tunney
Williams

NAYS—36

Allen
Baker
Bennett
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Gambrell
Gravel
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
Long
McClellan
Miller
Roth
Sparkman
Spong
Stennis
Talmadge
Thurmond
Weicker
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—13

Cook
Cranston
Fong
Fulbright
Goldwater
Hatfield
Jordan, N.C.
McGee
Metcalf
Moss
Mundt
Stevens
Tower

The PRESIDENT pro tempore. On this vote the yeas are 50, the nays are 36. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

Mr. JAVITS and Mr. CHURCH addressed the Chair.

The PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I wish to make the reservation of record that, as one of the sponsors of this measure, I do not feel bound by any determination made, but reserve the right to contend for myself, and others have the same right, that by virtue of the constitutional situation, debate has nonetheless ended, a majority having voted to end debate.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I wish to announce for the information of the Senate that another cloture motion will be filed Friday of this week, so that the vote will come at 1 o'clock on Tuesday next. That gives the Senate notice of 1 full week. I am assured by the majority leader that telegrams will go out today to all absentees so that every opportunity will be afforded for all Senators to be present for the vote next Tuesday. This matter is most crucial and I hope the leadership on both sides of the aisle will make every effort to have all Senators present.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. MANSFIELD. I wish to corroborate what the Senator said. The majority leader intends to send out telegrams tonight to all Democratic Senators urgently requesting that they be here on Tuesday next for the third vote on cloture.

Mr. SCOTT. The minority leader also intends to send out telegrams to all Senators on the minority side, urgently requesting their presence on Tuesday.

Several Senators addressed the Chair.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber and in the galleries?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. McCLELLAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, can someone, either those in charge of the motion and the debate on this issue, or the leaders on either side, give us some indication of when this is going to end? Can they give us some indication whether this is going to be repeated continously?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. I would say that there will be a total of at least three votes on cloture, as the Senator is well aware, and very likely four—a possibility of two more after today.

Mr. McCLELLAN. Four.

Mr. MANSFIELD. Total.

Mr. McCLELLAN. Four votes on cloture.

Mr. MANSFIELD. That is correct. There have been two already.

Mr. McCLELLAN. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. McCLELLAN. Mr. President, on February 5, 1971, I had the privilege to direct some remarks on the proposed change of rule XXII. On that occasion I was limited by time to discuss, in full measure, my reasons for opposing the proposal before us and by unanimous consent I was granted permission to continue my remarks at a later date and that together they would be considered as one speech. I now request that the statement I make today be a continuation of the one I made on February 5, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, we have just witnessed the second cloture vote on the pending proposal to change the rules of the Senate, to take up the motion and the resolution that would make the change.

We first voted on the cloture motion to close debate on this issue on, I believe, last Thursday, February 18, 1971. At that time, the vote was 48 yeas and 37 nays. Today, after 5 days having elapsed, 3 of them in which, I believe, the Senate engaged in further debate on this proposal, we had another cloture vote. I believe it to be significant that, after further debate and further deliberations by this body, there has been no significant change in the sentiment of its Members.

Today the vote was 50 to 36—50 Members for cloture and 36 Members against. That would indicate a gain of two votes on the part of those favoring the proposal and a loss of one on the part of those opposing. However, I believe this vote simply indicates the absence of one and possibly the presence of two who were not here on the earlier vote. As far as I can observe, that is the significance of the vote. In other words, there has been no real change in the sentiment of Members of this body. Of the 14 Senators who are absent today, at least four of them are known to oppose cloture. So if those were added to the 36 who were present and were recorded, there would still be 40 Members of this body opposed to cloture, which is quite a significant margin for the opposition.

In other words, Mr. President, there is still a lot of convincing to do and a lot of changing to take place if ultimately cloture is to be invoked on this proposal.

Since the vote on this issue was announced today, Mr. President, the sponsor of the motion to change the rule, together with the leadership, I believe, immediately announced that another cloture motion would be filed and that another vote will be taken next Tuesday. That will be the third vote, Mr. President.

I was interested, and I requested that the distinguished Senator from Idaho (Mr. CHURCH), who is in charge of this measure for the proponents of the rule change, to yield to me, and he did. At that time, Mr. President, I asked the distinguished Senator from Idaho, or the leadership, to advise us how many more votes would be scheduled, and how long this debate was going to be allowed to continue.

Previous to my inquiry, the Senator from Idaho announced that another cloture motion would be filed and that we would have another vote next Tuesday, in the hope that we could "break the deadlock."

The only rational interpretation of the Senator's words "breaking the deadlock" is for his side to win. That is what prompted me, Mr. President, to ask the question as to how long this debate will continue, because it might be a very long time. I hope it will be indefinitely before a "deadlock" is broken in that fashion, Mr. President.

I do not know how the situation can be referred to as a "deadlock" on the basis of the rules of the Senate, a two-thirds vote being required to bring this motion up for consideration. I do not consider the issue a deadlock when those who propose the change lose, especially after losing twice without making any gain. From my viewpoint that is a new interpretation of "deadlock." When I lose, I know I have lost. If it were a situation where the vote was tied, or even close, that would be a deadlock; but there is not a deadlock here, except that the proponents are determined to carry on this filibuster in the hope that they will wear out the opposition and in that fashion succeed.

I doubt, Mr. President, that those tactics will succeed. I doubt that those who conscientiously oppose this proposal will be worn out or will be overpowered and compelled to yield this great principle that has been a bulwark of our democracy and of our legislative system of government since the founding of our Republic. I do not believe, Mr. President, they will make many more gains, if any, because in all honesty there are many among their own who have some reservations about changing this rule. If time permits before I conclude I shall quote from some articles written by men known to be strong liberals, warning their colleagues of the pitfall in which they are about to fall, warning them that what they are attempting to do would be of great disservice to the cause of liberalism, which they advocate so profoundly and so earnestly.

Yes, Mr. President, I do not think they really know what they are doing because this rule requiring a two-thirds vote to end debate serves minorities. It is designed to prevent the suppression of minorities, and if I correctly understand the great principles of liberalism—the doctrine of liberalism as advocated today: It is to protect minorities.

We have as a body passed many civil rights laws to protect minorities. I did not vote for some of them, because I thought they went too far. But let that be as it may; they have been enacted. They have been enacted notwithstanding that this rule has prevailed. When the country was ready for those laws to be passed, or when Congress thought the country was prepared to accept them, those laws were enacted; cloture or no cloture, they were able to bring about the enactment of those laws.

We witnessed, in the closing days of the last session of Congress, the liberal faction in this body invoking these rules for unlimited debate. They were in the minority. Had they not been, Mr. President, they would have let some of those issues come to a vote. But they were in the minority at the time, for the moment at least, and they exercised their right under this rule, which they now condemn and want to destroy. They used it, Mr. President, because it protected them.

There are those who follow the liberal philosophy in this country who recognize what would happen and what is about to be done if we revoke the two-thirds rule and a mere majority of this body is given the power to invoke its will. Mr. President, the purpose of the majority in extending this debate is to try to persuade a number of Senators who voted with the minority today to change their votes, and to vote with them to change this cloture rule.

Mr. President, I understand that we are going to have at least a fourth cloture vote. I do not know when that will come—perhaps 10 days or 2 weeks from now—but I would urge those who are advocating this to reexamine the merits of their proposal and to weigh it in the light of what they, too, will have to confront from time to time in this body. When they are in a minority and, by simply invoking cloture, the majority will be able to force its will upon them.

While they are preaching to others they have some thinking to do. While they are advocating that some Members in the minority should change our position, they might well reexamine their own position. I think that when they do that, if they can do it impartially, without any bias or prejudice, many of them may well come to the conclusion that they are in error and that wisdom dictates that what they are about to do they should not do. That would be my hope. But if that does not prevail, if they are defeated at the time a cloture motion comes up and there is a deadlock, we may stay deadlocked from now to eternity.

Returning for a moment to my February 5 statement, I entered into a colloquy with the distinguished Senator from North Carolina (Mr. ERVIN) and suggested that a survey should be made of the time that has been wasted on this subject during the past quarter of a century. We are all keenly aware of the criticism that has been made, due to the lengthy discussion of this issue and that it was my sincere hope that when a vote might be taken on this measure, the matter would be considered settled and that then we immediately proceed with other pending business before us.

Well, Mr. President, a vote has been taken twice, and the proponents of the rule change have not been able to muster—in fact, they have been able to make no gains—under the rules, a significant number of Senators to agree with their position. A significant number of Senators whom they had hoped would agree with them in their position have not agreed, and the Senate stands recorded today at about the same division as when we voted last week. We are already told that we have to wait for two more cloture votes. But I would hope that, after reconsideration, the leadership and those sponsoring this resolution would be willing to let the next cloture vote next Tuesday end this matter, so that we might get down to business, so that we might return to the many other tasks before us, many of which directly affect the people of this Nation.

Mr. President, at the conclusion of my previous remarks, we were discussing the tremendous importance of full and free debate in the Senate. This tradition, for the most part, has been vital in keeping the American people fully informed with respect to the pending issues of the day. Many legislative proposals involve highly complex issues, as well as the expenditure of large amounts of public money.

Mr. President, I recall that the liberal element, who are here today insisting on changing this rule, were the primary forces that were opposing the expenditure of certain funds during the closing days of the last session, and they continued a filibuster here for day after day. Finally, a compromise was reached that postponed that issue until some time later this year. I wonder whether they would have appreciated cloture then, because they would have lost. It works both ways.

This is not, as has often been said, just an issue in which the South alone should be made a target. Today finds more filibustering by the liberal element on issues that come before this body than by the conservative forces. We witness it all the time. They know not what they do, Mr. President. That is the problem.

Although a cursory study of these proposed programs might appear to be in the public interest, when subject to close scrutiny, aspects are revealed which demonstrate that they are either not in the best interest of the people or that, as an end result, they would hamper rather than facilitate the administration of our previous efforts. On the other hand, many legislative programs which have been transmitted to Congress by the Chief Executive, although deemed objectional in part, were subsequently enacted, after serious debate, in far better form and substance than when they were introduced.

We can take the record of filibustering in the Senate and add the pluses and the minuses, the instances in which good has come from it and the instances in which harm has been done, and the plus side will have a decided advantage. The balance is on the plus side.

Why do they want to change it? I ask this sincerely. I know that many of my colleagues are very sincere. They believe the Senate ought to expedite its business. Mr. President, the purpose of the rule, one of the fundamental reasons for it, one of the justifications for it, is that the Senate cannot be swayed into hasty and ill-advised action.

I recall when Senator Taft stood on the floor of the Senate—I was here—at the time when the President had sent down an urgent message in connection with labor legislation during the period of a strike. Had we not had the cloture rule then, hasty legislation would have been enacted that would have caused great harm. The fact that we had unlimited debate saved the day and prevented the Senate from acting unwisely and hastily and doing something it would regret and would later have to retract.

Mr. President, reiterating what I said in my opening remarks on this issue when I previously addressed the Senate: Some Presidential proposals have much merit; others have some merit; and still others have little or no merit at all. So it is in the legislative process that these proposals that come from the President prepared by his advisers should be carefully considered and analyzed.

Yes, Mr. President, we will all give great weight to any message or bills the President sends down here to be introduced as an administration bill, but yet, every Member of this body knows what possibly a large segment of the public does not know; namely, that these bills are prepared by staff personnel and not by those elected by the constituencies. The President of the United States, with the great burden of responsibility resting on him, and the exacting demands upon his time and attention, cannot possibly analyze all the bills and proposals and weigh them. None of his recommendations should be accepted by us without careful analysis, examination, and debate—and sometimes long debate. When both Houses of the Congress have considered and acted upon such proposals, they may, and often do, emerge in a form quite different from the original submission, or, in some instances, they may not be acted upon at all.

That is the way it should be, and we should do nothing here that would seriously impair that process. Or they may be acted upon and rejected by affirmative vote of either House or both Houses of Congress. Action in the other body is relatively rapid due, in part, to strict limitations on debate and the party machinery through which it functions.

Yes, Mr. President, those who want speedy action, those who want immediate action, those who insist that everything be expedited can have it expedited in the other House. That is the House of expedition. I do not intend to criticize. The rules are that way and maybe rightly so, but there should be some place where a halt is called, where a sign or a signal of "stop, look, and listen before you go further" is raised—a warning that there may be danger present or imminent, to look and to see before we proceed.

Where is it going to be if it is not going to be in the Senate? Take that away and I say that a mere majority, at their whim, can bring a bill to a vote in the Senate. I realize the proponents say that this proposal does not do that. Of course it does not but it is, as I said before, a whittling away process. Give them today the present modification and tomorrow they will want more changes and more changes and, finally, if they have their way about it, those who are the most extreme in advocating this revision will seek to make mere majority will controlling in the Senate.

Mr. President, I just spoke of the actions in the other body and how relatively rapidly they work. The Senate, however, with its tradition of full and free debate, is in a position to devote more time to legislative proposals, and to keep the American people fully informed with respect to vital pending issues.

Without any reflection upon the other body—and certainly I would not do that, Mr. President—and I had the honor to serve in the other body—this is no reflection, Mr. President, they just do not have the time over there to give full debate to any issue.

If it cannot be debated over there, where is full debate to take place? Take away this rule and it may be nowhere, because majorities in this body are sometimes moved by passion and emotion and will demand speed and evaluating something as an emergency will exaggerate the urgency of the moment. If we are not going to have any brakes, if there are to be no brakes, but if we are to proceed full speed ahead, pell mell, in the enactment of legislation, at the mere whim of a majority, then we are giving up one of our basic responsibilities. From which body is it that the country keeps best informed on the issues of our time?

Is it the Senate? It is the Senate. Not because those in the House are not just as able, patriotic, or as dedicated as we are, but because their numbers are so great and time is of the essence so that they can and must often act hastily and without adequate debate.

And often without necessary information. Whereas, Mr. President, this is the only place where there can be adequate debate and where that debate can be carried through the news media to the people of this Nation. The people have the right to know, they are the ultimate judges, who should be informed, so as to weigh and make the judgments upon which they will exercise their franchise at the next election.

Do we want to stop that?

I do not count the gains or count the losses. I have a minus column and a plus column as to evaluating this issue and as to passing judgment on it.

Mr. President, I spoke of that a few minutes ago. Any candid, fair, thorough, impartial examination of the record on filibusters, evaluating those that did harm and those that prevented harm, any fair and impartial evaluation of that record, any full assessment of it, in my judgment, will show a large margin on the plus side.

For that is the way we often determine the course we should pursue. There is some good and some bad in most legislation that comes before us. I have voted—as does every other Member of this body sometimes—for a bill that has something in it I do not like and I wish it were not in the bill, but I vote for it because I evaluate, make an assessment, and strike a balance between that which is good and that which is bad as best I can. I balance it all out, and that which outweighs the other is the course that I pursue in voting for legislation.

That is the course I am sure that every colleague of mine pursues in this body. That is the course we are pursuing on the pending issue. It is a question of whose judgment is correct, who has made the correct assessment. It is not a personal matter.

We are all dedicated to our country and trying to do what we honestly believe is right for it.

There are those who conscientiously believe that we need to speed up action in the Senate. I would like to see us expedite matters sometimes, too. But if we let speed and haste predominate, if that is to take precedence over merit and quality, then we are traveling a dangerous road.

I think that course is imperative. There is no other way. So why, Mr. President, shall we not be able here to evaluate this proposal on the basis of what we are going to lose and the potential evil consequences if we change the rule, as against what we know the record is now with the experience we have already had? We know. We do not have to guess. We have had 50-odd years of experience with it.

Mr. President, each Senator can evaluate a matter for himself. What legislation is there today, what issue is before the people that this rule prevents the Senate from acting on?

We had an issue up for consideration at the close of the last session of Congress on which those who want to change the rule were on the other side and were making use of the rule to prevent a vote on the issue.

Mr. President, that issue ultimately is going to be resolved. In the meantime the people will be better informed about it, whichever way it is resolved. The delay in my judgment will not have any fatal consequences to the country. It ought to be resolved, but I would not vote for cloture to resolve it immediately. I would want the other side, with whom I may disagree, to have their chance to debate the matter.

Only eight times has cloture been successful out of 51 times it has been invoked by the Senate. Well, there has not been much lost by that, as in most instances the proponents did not even get a majority. On 15 occasions, they were incapable of finding a simple majority of those present and voting to vote for cloture.

Mr. President, it is imperative that there be a majority on any vote. Even a majority did not want what the cloture advocates wanted.

Mr. President, this liberty of debate, enjoyed only by the U.S. Senate during the course of its deliberations, has served and continues to serve as a salutory check on the administration, affords the minority full and adequate opportunity to present its position, and assures at least one open forum in the Nation for the free consideration of issues which might otherwise be obscured or smothered completely.

Mr. President, we now have a President who is not of my political persuasion. During the 32 years I have served in Congress, I have served under both Republican and Democrat Presidents. I have, I suppose maybe not quite as often, but I am not sure, possibly as often, opposed what some Democratic Presidents have recommended as I have what some Republican Presidents have recommended. I am sure that is true, particularly with reference to issues where cloture became involved.

Mr. President, I do not want a Democratic President, with all of the power that is reposed in the Office of the Presidency, to have the power to force legislation through this body by majority vote, to force cloture by a majority vote and cut off debate. It will be a national tragedy if that happens.

I have noticed that some Members here, more liberal in their views and philosophy than I, who have tried to warn their colleagues that they are putting in the hands of the President of the United States, by reducing the number required for cloture, more and more power.

I do not think we want to do that. These are troublesome times. Maybe they are perilous times. Who knows? But I do not think we are ready for any form of dictatorship.

Instead of liberalizing and increasing the concentration of power, we would do well to hold the reins where we now have them and not fall victim to our prejudices or to our enthusiasm for haste and decision.

Mr. President, those of us who, on occasion, engage in extended debate, do not do so lightly, or for the primary purpose of impeding the transaction of the Nation's business. We utilize this shield of democracy to keep the American people informed and to present facts and information to our colleagues which have resulted in major improvements in pending legislation or in decisions which result in considerable benefit to the Nation. Many instances, known to almost all of those present, may be cited in which extended debate has resulted in the adoption of vital amendments to pending legislation, refusal to consent to the President's ratification of a treaty or refusal to consent to the confirmation of a Presidential nominee for high office. It was only through the medium of free and full extended debate that this protective action has been possible. Can such actions, in honesty, and good conscience, be said to hinder and impede the Nation's business? Can the exercise of care, prudence and responsibility be characterized as dereliction of duty? I submit, Mr. President, that the contrary is true. The absence of careful deliberation and the failure to scrutinize Presidential legislative proposals, treaties and nominations would constitute dereliction of duty. For it was for this very purpose that the Senate of the United States was established by the Founding Fathers.

I think it has already been cited in this debate, but I do not think it can be repeated too often, that a concrete example, and one of recent vintage, is the action of the Senate on the nomination of Mr. Justice Fortas to be Chief Justice of the United States. That instance, Mr. President, serves to illustrate the vital importance and the benefits to the Nation of full and free debate in this body.

I do not recall the vote, but there was a cloture effort made to close debate. I am not sure whether a majority voted to invoke cloture. If so, it was a very small majority. Had there been a vote on that nomination at that time, Mr. President, a majority of the Members of this body no doubt would have voted for confirmation. But fortunately for this rule in the Senate, and by exercising this rule, we were given time, those of us who felt that it was an unwise and imprudent nomination, to develop the facts and to influence the country, and to prevent that confirmation. And, Mr. President, I do not know of any tears that have been shed by the public because those who wanted to invoke cloture lost in that effort. I do think there has been rejoicing in many quarters because the facts at that time, as represented here, and perhaps some that have developed since, clearly sustained, I believe, the judgment of those who opposed that nomination. Several important issues concerning this nomination had been raised, making it clear that extensive committee hearings would be required. Those issues and related facts were further developed during committee hearings. Thereafter, they were fully aired and debated on the floor of the Senate where the public could be and was kept fully informed relative to various pertinent facts. Because it was felt by some Members that further debate and discussion was necessary, they insisted upon exercising their right and continuing the debate. As I recall an attempt to cut off debate by invoking cloture failed by a vote of 45–43, as I recall—a very narrow margin, as I have pointed out—and debate continued until the President withdrew the nomination at the request of the nominee.

Mr. President, the ultimate goal of this effort—and there are some who are supporting this cloture who do not fully appreciate what I now suggest—is cloture by majority vote. That will not come immediately, but if we keep whittling at this rule, it is inevitable.

Mr. President, if not for the tradition of full, open, and unlimited debate in this body, his nomination might have been pushed through in routine fashion and the American people might never have been fully informed concerning the basic issues involved, or why so many of us in this body opposed that confirmation. Intense pressure was used by the White House at that time to try to persuade Members of this body to abandon debate and permit a confirmation vote to be taken. Proponents of this nomination required 59 votes to invoke cloture. The fact that they were able to muster only 45 votes in favor of cutting off debate is ample evidence that a substantial number of Senators did not consider this nomination to be in the public interest. Yet, if cloture could have been invoked by a simple majority vote, the nominee would have been confirmed. It might not have been disastrous to the Nation had that occurred, Mr. President, but it certainly would not have served the public interest.

I do not wish to belabor the point. I use it only as an illustration. I use it only to sound a warning, Mr. President, of what we are about to do. A power is reposed in this body which we are now requested to surrender—a power which, as I have pointed out, on balance serves the interest of the country.

With further reference to the charge that unlimited debate impedes the transaction of the Nation's business, a study made by the late Dr. George B. Galloway, then senior specialist in American Government of the Legislative Reference Service of the Library of Congress, clearly refutes this contention. Prepared for use at the 1957 hearings of the Senate Committee on Rules and Administration on proposed amendments to rule XXII, it shows that of 36 bills which had been delayed or defeated by the use of a so-called filibuster, between 1865 and 1950, 25 were later enacted. Subsequent research reveals that of the remaining 11, legislation has since been enacted covering the substance and objectives of nine of those measures. See Table I, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—LATER ACTION ON 36 FILIBUSTERED BILLS

Bills	Filibustered	Passed	Not passed
Reconstruction of Louisiana	1865	1868	
Election laws	1879	1909 (repealed)	
Force bill	1800-91		×
River and harbor bills (3)	1901, 1903, 1914	At intervals	
Tristate bill	1903	1907, 1912	
Colombian treaty	1903	1903 [1]	
Ship subsidy bills (2)	1907, 1922–23	1936	
Canadian reciprocity bill	1911	1911 [1]	
Arizona-New Mexico Statehood	1911	1912 (admitted)	
Ship purchase bill	1915	1916	
Armed ship bill	1917		×
Mineral lands leasing bill	1919	1920	
Antilynch bills (3) [2]	1922, 1935, 1937		×
Migratory bird conservation bill	1926	1929	
Campaign investigation resolution	1927	1927 [1]	
Colorado river bills (2)	1927, 1928	1928 [1]	
Emergency officers retirement bill	1927	1928	
Washington public buildings bill	1927	1928	
Resolution to postpone national origins provisions of immigration laws.	1929	1929	
Oil industry investigation	1931	1935	
Supplemental deficiency bill	1935	1936	
Prevailing wage amendment to work relief bill.	1935	1936	
Flood control bill	1935	1936	
Coal conservation bill	1936	1937	
Anti poll-tax bills (4) [2]	1942, 1944, 1946, 1948.		×
FEPC bill [2]	1946		×
FEPC bill [2]	1950		×

[1] In special or subsequent sessions.

[2] Subsequent enactment in some form.

Mr. McCLELLAN. Mr. President, there can be no doubt that all of these measures, before they were finally enacted, were not only thoroughly debated, but many of them were revised, amended, and improved in the public interest.

In a later study, covering the period between 1950 through 1970, of 27 bills, or other measures, which were delayed or defeated because of extensive debate, 14 were subsequently enacted, and the objectives of a number of others have been or probably will be, accomplished at a later date.

See table II, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Bills	Filibustered	Passed	Not passed
Slot machine bill	1950	1950	
Tide lands oil bill	1953	1953	
Atomic Energy Act amendment	1954	1954	
Civil rights bill	1957	1957	
Civil rights bill	1960	1960	
Senate rules, adoption of	1961		×
Literacy test for voting	1962	1965–1970	
Communications satellite bill	1962	1962	
Amendment to rule 22	1963		×
Civil rights bill	1964	1964	
Reapportionment amendment	1964		×
Voting rights	1965	1965	
Right to work	1965–1966		×
Civil Rights (open housing)	1966	1968	
District of Columbia home rule	1966		×
Amendment to rule 22	1967		×
Campaign fund financing	1967		×
Open housing	1968	1968	
Fortas nomination	1968		×
Amendment to rule 22	1969		×
Haynesworth nomination	1969		×
Carswell nomination	1970		×
Cooper-Church amendment	1970	1970	
Abolishment of electoral college	1970		×
Family assistance plan	1970		×
Shoe, textile import quota	1970		×
Funds for supersonic transport	1970	1970	

Mr. McCLELLAN. Mr. President, I point out again that many of these bills were subsequently amended, revised or improved in the public interest. So the charge that rule XXII, in its present form, places undue power in the hands of a minority simply cannot be supported for reasons already noted.

The very civil rights legislation, Mr. President, advocated by those who now propose to change this rule, was enacted to protect, as they claim, a minority. Now, conversely, they seek not the protection of the minority in the Senate but they seek to impose a rule that would be oppressive to the minority.

Although a minority can, by means of extended debate, delay final action on a pending measure, or even cause its defeat, as a matter of fact, the majority can always override the minority if it truly desires to do so. The fact that during the period 1865-1970, 39 out of 63 bills which had been delayed or defeated by a filibuster, were ultimately enacted, demonstrates this fact and serves further to refute the charge. Furthermore, there is no indication that the measures so delayed were defeated solely because of the filibuster. It is more likely that, as a result of free and unlimited debate, facts, previously unknown, were brought to light which resulted in unfavorable action on the measures. Finally, it is quite likely that some of the recently-defeated measures may be enacted in the 92d Congress.

That is quite true with respect to some measures or issues that were filibustered by those of liberal persuasion in this body during the last session of Congress.

Mr. President, over the years, unlimited debate in the Senate of the United States has been characterized by some as a heinous device, designed as they claim, for the sole purpose of enabling "a willful minority" to prevent the enactment of civil rights legislation.

I submit that this contention is completely without merit and is abundantly refuted by the record. First, unlimited debate has been resorted to in more measures having no connection with civil rights than with respect to civil rights measures; and, second, unlimited debate has not prevented the enactment of a very large number of so-called civil rights measures. In fact, the civil rights advocates have had passed almost every bill they wanted. I think some of them have been improved. Some of them, by reason of delay and by reason of debate, have been modified so that they are not as harsh and unjust in some of their provisions as they were when originally introduced and as they would have been had they been enacted hastily and had there been no delay and had there not been adequate debate on them.

With respect to the first matter, an examination of the record reveals that, between 1917, when the first cloture rule was adopted, and 1970—a period of 53 years—out of 49 attempts to invoke cloture, civil rights measures were involved on only 19 occasions. The remaining 30 motions to invoke cloture involved a variety of measures, including treaties, foreign loans, labor and labor disputes, communications, banking, atomic energy, public buildings, nominations, and other matters.

With respect to the use of unlimited debate to prevent the enactment of civil rights measures, we find that during the 51-year period under discussion, cloture was invoked 19 times in connection with such measures, broken down as follows: two, antilynching; three, antipoll tax; three, FEPC; two, literacy tests; one, voting rights; four, open housing; and four, other various aspects of civil rights.

Furthermore, three of these measures—the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Civil Rights Act of 1968—involving primarily open housing and other related civil rights matters—were enacted in the Senate following cloture votes in which the minority was successfully deprived of its right of free and full debate.

Looking further at the contention that rule XXII, in its present form, has successfully prevented the enactment of civil rights legislation, we find that, between 1957 and 1958, five comprehensive civil rights measures were enacted, many of the provisions of which are, in my judgment, of doubtful constitutionality. But they have been enacted into law by Congress. However, in the case of the three major enactments, the warnings and outcries of those of us who are concerned with the preservation of constitutional government went unheeded once cloture was voted and gag rule was applied. In any case, rule XXII certainly did not prevent the enactment of these measures; it did result in a brief delay during which an opportunity was afforded to those of us who are concerned with the constitutional rights of the American people, to pinpoint the legal and constitutional weaknesses and depredations which were involved.

Mr. President, I have just been informed that I cannot complete my remarks this afternoon which I had prepared for my first speech on this vital issue. Since it has been announced that there will be two more attempts at cloture, I feel that for today I have spoken as long as I should, since other Senators wish to speak.

So I ask unanimous consent, as I conclude, that my remarks today be considered a continuation of my first speech

and that I be permitted to conclude my first speech on this issue on some other day during the course of this long, protracted cloture motion.

Mr. PACKWOOD. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection? The Senator from Oregon reserves the right to object.

Mr. PACKWOOD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PANTHERS, THE POLICE AND THE PRESS

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, an editorial published in the Washington Star of Sunday, February 21, 1971, entitled "The Panthers, the Police and the Press."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, I will no take time to comment at length upon this editorial. I wish to commend and congratulate the Star for having published this editorial, which is somewhat of a confession of its error in the past. I note that it calls attention to an editorial published a few days earlier in the Washington Post—which I observed—regarding misinformation that had been disseminated by the press and by the news media throughout the country regarding the number of Panthers who had been killed by policemen during the period of time referred to in the article.

These editorials, and what they refer to, are an indication of how often the press can and does, without searching out the facts, take some rumor and publish it as truth. A rumor that is calculated to mislead, a rumor that does mislead, a rumor that may reflect unjustly upon the innocent.

Sometime early last year, that questionable report came from an attorney in California, who had been representing the Panthers. The attorney had obviously just picked a number out of the air. He said that during the year 28 Panthers had already been killed by policemen, giving the impression or trying to convey the impression that there was a crusade by the police to exterminate the Panther organization and those who were members of it.

That statement caught fire and was carried all over the country. It was not only a great injustice to the police but also a national tragedy that such false information should be conveyed to the public.

I appreciate, and I believe that every Member of this body appreciates, as well as the public at large, the courage of the newspapers, the Evening Star and the Washington Post—I do not have the Washington Post's editorial, and their fairness in retracting what they had heretofore published as fact. I commend them for letting the public know that they were in error, that they were careless in not searching out the facts before publishing information that was calculated to do such a great disservice to the police forces of our country, those upon whom we must depend, those who are in the frontlines, giving the people of this country protection, providing safety for their lives, and their properties.

Mr. President, I will not say more about this editorial, but I have had some experience with the Panther group and other militant groups in this country, in the course of conducting investigations on the Permanent Subcommittee on Investigations. I am glad that the newspapers are now retracting and telling the truth rather than continuing to disseminate false information that slanders the policemen of our country.

EXHIBIT 1

[From the Sunday Star, Feb. 21, 1971]

THE PANTHERS, THE POLICE, AND THE PRESS

Rumors are to the newspaperman what weeds are to the farmer.

Unwanted seeds, falling on the fertile soil of preconditioned public opinion, take hold, spread and threaten to choke out the truth. It is the duty of the newsman to identify the falsehood and to uproot it before it becomes firmly implanted. It is a duty that is not always fulfilled. There is, for example, the matter of the Black Panthers and the police vendetta.

On December 4, 1969, the Chicago police staged a pre-dawn raid on the Illinois headquarters of the Black Panther Party in a search, according to their warrant, for illegal weapons. The Panthers' state chairman, Fred Hampton, and a party member, Mark Clark, were shot to death. Four of the seven other Panthers present and one member of the 13-man police raiding party were wounded. Less than a week later, three Panthers were seriously wounded in a similar raid on the Los Angeles headquarters.

The press dutifully reported the facts and quite properly started asking some questions. Was the similarity between the raids a coincidence, or did it indicate a federally orchestrated assault on an organization that preaches race hatred and revolution? Was the gunfire a justified response, or was it an inexcusable use of police power? Had the Panthers, in fact, been marked for extermination?

In the prolonged journalistic debate that followed, one very specific item of information was repeated time and again. The police, it was said, had shot to death 28 members of the Black Panther party. The figure appeared in news stories, columns and editorials, sometimes qualified by attribution to Panther sources, sometimes stated simply as a fact. But, in effect, the press accepted the figure as a fact, contributing to the growing suspicion that the Panthers were the victims of police persecution.

Now we know that the debate was unnecessary, that the figure was a phoney, and that the press as a whole failed in an important part of its job. We know because of an article in The New Yorker, a magazine noted for its wit and its literary quality, written by Edward Jay Epstein, who is a teaching fellow at Harvard working for a Ph. D. in political science.

The original source of the figure was readily identifiable. Charles R. Gary, the chief lawyer and frequent spokesman for the Black Panthers, was interviewed shortly after the Chicago and Los Angeles raids. Hampton and Clark, he announced, were "in fact the 27th and 28th Panthers murdered by the police" within the year. There was, he said, "a national scheme by various agencies of the government to destroy and commit genocide upon members of the Black Panther Party."

That quotation, Epstein notes, was widely reported. So it should have been. The statements and opinions of a recognized spokesman for the Panthers constituted a legitimate part of a major news story. But within the week, Epstein discovered, two journalistic giants—the New York Times and the Washington Post—had reported that figure as a fact, without attribution or qualification. The flat assertion that 28 Panthers had been killed by police during 1969 was, Epstein said, sent by those two newspapers to hundreds of clients of their wire services. Civil rights leaders, on the basis of the stories, took up the cry: Roy Innes of the Congress of Racial Equality demanded an investigation into "the death of 28 Black Panther members"; Whitney Young of the National Urban League spoke of the "nearly 30 Panthers . . . murdered by law-enforcement officials"; Ralph Abernathy of the Southern Christian Leadership Conference talked about "a calculated design of genocide"; Julian Bond of the Georgia State Legislature said that the Panthers "are being decimated by political assassination."

The rumor—or, more properly, the flat misstatement of fact—began to fatten on itself. The newspapers now could quote those civil rights leaders (who were commenting on the press statements), lending still more credence to the picture of wanton police murder and widespread querrilla warfare in the streets of the inner cities.

There were some attempts to verify the facts and some questioning of the Gary figures, primarily by individual columnists. James J. Kilpatrick, in a column that appeared eight months ago, challenged the Garry figure and suggested that a top investigative reporter should be assigned to digging out the truth.

But no major newspaper, it seems, did what Epstein did. None of us asked Garry just who those 28 victims were. And so none of us found out, as Epstein did, that the Garry indictment was a work of fiction.

When Epstein asked for the names, Garry amended the total number of victims to 20. Of these, 19 were actually members of the Black Panther Party. Nine of these were killed by non-policemen: One by a store owner during a holdup, one by his wife, one died in a shootout with an acquaintance, four were killed by a rival black-militant organization, one—according to three confessions—was tortured and killed by fellow Panthers, one was shot by an unknown gunman using a foreign-made pistol that was not a police weapon.

That leaves 10 Panthers who were, in fact, shot to death by police. Six of these, Epstein's investigation disclosed, were killed by policemen who had been seriously wounded by those they subsequently killed, or by an accomplice. Two were shot after threatening the police with a gun. One was shot while running from the scene of a gun battle in which three policemen were wounded. One—Fred Hampton—was killed in what must, on the basis of the official inquiries into the case, be termed unnecessary, uncontrolled and unjustified police gunfire.

A reading of Epstein's documented indictment of the press led, as might be expected, to a quick check of The Star files. We had, it developed, avoided the obvious trap. The figure of 28 police killings was, in observance of the first law of cautious journalism, always attribued to Garry or to a Panther spokesman. Our first instinct was to congratulate ourselves for being less embarrassed than our competitors on the Post, who ran a forthright editorial last Friday confessing their error. We were technically clean.

But, in this case, technical cleanliness is not enough. The ritual handwashing of attribution may suffice the first time a statement is reported. But when the statement is repeated, as it was in The Star, more than a dozen times over the course of a year, the covering phrases just won't do. The failure to check a statement so shocking in its implications from so obviously biased a source was a cardinal sin of omission. Indeed our own measure of blame is increased by the fact that Kilpatrick, in his column of June 18, had cited many of the facts later verified by Epstein's research—including the conclusion that the Chicago shootout was the only case of suspect police action. Kilpatrick's column appears in The Star, and is distributed by The Star syndicate.

But we failed to take the hint and went on repeating the lie. And the repetition, even with the qualifying cliches, must be counted as a contribution to the climate of uncertainty and fear in a society that was already dangerously divided. It fed the myth that the Panthers are the targets of a police vendetta—a myth that has, with the passage of time, become a fixed part of American thinking, and that has contributed to the distorted picture of the police in the minds of much of this country's youth, both black and white.

Garry has been frank about his role in the affair. He picked the figure 28, he said, because "it seemed to be a safe number." He was, he said, justified in using any figure, however inflated, if it focused attention on even one improper killing of a Panther by police.

Epstein tends to clear Garry of blame for the fiasco. "I think a lawyer has a license to exaggerate," he said. "It's the press that should be suspect of Garry."

Epstein is correct—at least in his condemnation of the press. We should have learned to suspect the casual statistic from the bitter history of Senator Joseph McCarthy, who transformed the numbers game into an impure art.

The charge is justified. The plea is guilty. The pledge is to resharpen the instinct for skepticism that is the first requirement of responsible journalism.

ORDER FOR RECESS TO 11:45 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 11:45 a.m. tomorrow.

The PRESIDING OFFICER (Mr. Taft). Without objection, it is so ordered.

(This order was subsequently changed to provide for the Senate to convene at 11:30 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR SPONG TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, following the approval of the Journal, if there is no objection, and the recognition of the two leaders under the standing order, the able Senator from Virginia (Mr. Spong) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the Senator from Virginia (Mr. Spong) tomorrow, there be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 10(a), Public Law 474, 81st Congress, the Speaker had appointed Mr. Haley, Mr. Udall, and Mr. Steiger of Arizona as members of the Joint Committee on Navajo-Hopi Indian Administration, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 2(a), Public Law 91-474, the Speaker had appointed Mr. Donohue, Mr. Burke of Massachusetts, Mr. Keith, and Mr. Conte as members of the Plymouth-Provincetown Celebration Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 15 United States Code 1024(a), the Speaker had appointed Mr. Patman, Mr. Bolling, Mr. Boggs, Mr. Reuss, Mrs. Griffiths, Mr. Moorhead, Mr. Widnall, Mr. Conable, Mr. Brown of Ohio, and Mr. Blackburn as members of the Joint Economic Committee, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 3(a), Public Law 86-380, the Speaker had appointed Mr. Fountain, Mr. Ullman, and Mrs. Dwyer as members of the Advisory Commission on Intergovernmental Relations, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 16 United States Code 715a, as amended, the Speaker had appointed Mr. Dingell and Mr. Conte as members of the Migratory Bird Conservation Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provision of section 2(a), Public Law 85-874, as amended, the Speaker had appointed Mr. Roncalio and Mr. Frelinghuysen as members ex-officio of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 2(b), Public Law 89-491, as amended, the Speaker had appointed Mr. Donohue, Mrs. Hansen of Washington, Mr. Saylor, and Mr. Whitehurst as members of the American Revolution Bicentennial Commission, on the part of the House.

PRESIDENT'S POLICY PROCEEDS

Mr. DOLE. Mr. President, this morning my Democrat colleagues in the Senate adopted a policy resolution "to end the involvement in Indochina and to bring about the withdrawal of all U.S. forces and the release of all prisoners in a time certain."

In their announced aim of withdrawing American forces and securing the release of all American prisoners, my colleagues are supporting the long-declared goals of the Nixon administration—goals which are shared by all responsible Americans.

To the extent that the Senate Democrats' action signifies a sincere endorsement of President Nixon's strategy for peace, I am for it. Each day is bringing fresh evidence that the President is on the right track. By May 1 of this year, some 265,000 Americans out of a high of more than 540,000 will have been withdrawn from Vietnam. This includes, for the most part, the great majority of our combat troops.

Just this morning, it was reported the number of American fighting men in South Vietnam is at the lowest point since the fall of 1966. Casualty figures have decreased by as much as 60 and 70 percent.

The President has kept his word in Southeast Asia, and American troops continue to come home. The war is winding down after the steady escalation of the 1960's.

The questionable portion of the Democrat resolution is that part containing the words "in a time certain." If this is an effort to tie the President's hands and limit his options, then it is totally unacceptable. The President has a plan—his plan is working—the troop withdrawals are on schedule and to second-guess the President on the terminal date only weakens our position in the field and at the negotiating table.

President Nixon inherited this war and, thankfully, he is ending it. Since the resolution admittedly is not specific, I would urge my Democrat colleagues to spell out their plan for withdrawal and their plan for obtaining release for American prisoners of war.

In my opinion, President Nixon's greatest single achievement has been ending the war he inherited—and a recognition of this fact by the Democrat Senators speaks for itself.

LETTER FROM GEN. AGHA KHAN, PRESIDENT OF PAKISTAN, TO VICE PRESIDENT OF THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, a letter has been addressed to the President of the Senate by the Administrator of Pakistan, with which a letter was forwarded from Gen. Agha Muhammad Yahya Khan, the President of Pakistan, expressing gratitude to the Senate for the resolution of November 19, 1970, adopted by the Senate following the catastrophic cyclone in East Pakistan.

Notwithstanding paragraph 5 of rule VII of the standing rules of the Senate, Mr. President, I ask unanimous consent that both letters be received and printed in the Record.

There being no objection, the letters were ordered to be printed in the Record as follows:

Embassy of Pakistan,
Washington, D.C., February 17, 1971.

Hon. Spiro T. Agnew,
The Vice President of the United States and President of the Senate, Washington, D.C.

Dear Mr. Vice President: I have the honour to forward herewith a letter dated January 31, 1971, from General Agha Muhammad Yahya Khan, the President of Pakistan, expressing gratitude to you and through you to the Senate, the Majority Leader and the Minority Leader for the resolution of November 19, 1970, adopted by the Senate following the catastrophic cyclone in East Pakistan.

May I take this opportunity of expressing my best personal regards to you.

Yours sincerely,

A. HILALY.

PRESIDENT'S HOUSE,
Rawalpindi, January 31, 1971.

From: General Agha Muhammad Yahya Khan, H. Pk., H.J., President of Pakistan

Hon. Mr. SPIRO T. AGNEW,
Vice President of the United States and President of the Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: I am deeply moved by the Resolution of November 19, 1970, adopted by the Senate of the United States of America following the catastrophic cyclone and tidal wave that overtook my country on November 13, 1970. I wish to express to you, Mr. Vice President, and through you to the Senate of the United States of America, the profound gratitude, on my own behalf and on behalf of the Government and the people of Pakistan, for this spontaneous expression of deep sympathy. I also wish to express our sincere appreciation for the initiative which the Majority Leader Mansfield and Minority Leader Scott had taken in introducing the Resolution as also for the unanimous response with which it was approved by the members of the Senate.

The feelings expressed in the Resolution and the prompt and generous assistance extended to us by the Government and the people of the United States of America, in support of our own efforts, to bring relief and succour to the victims of this disaster of November 13, 1970, reaffirm the close bonds of friendship and goodwill which exist between Pakistan and the United States.

With the renewed expression of my sincere thanks to you and to the President of the United States as well as to the Government and the people of the United States of America.

Yours sincerely,

M. YAHYA KHAN.

AMERICAN JOBS AND THE FREE TRADE POLICY

Mr. FANNIN. Mr. President, week after week we stand witness to the wholesale exportation of American jobs to low-wage foreign countries. I refer, of course, to the inundation of our marketplace by products manufactured abroad.

The jobs I refer to are not those associated with nominal or marginal American producers. On the contrary, these are the rank-and-file jobs associated with such basic U.S. manufacturing industries as steel, electronics, footwear, flat glass, automobiles, bicycles, and many more.

This import penetration of the U.S. markets for these industries has now reached critical proportions. It is critical in terms of the capability of these industries to play any positive role in the attainment of our national employment goals; it is critical in terms of the questionable continued economic viability of major portions of our basic American industrial complex; it is of critical significance to each U.S. wage earner who has been forced onto the unemployment rolls as a result of these imports.

This continued erosion of our Nation's economic vitality can be laid at the doorstep of an international trade policy based on blind adherence to the doctrinaire slogan "free trade."

As you are aware, Mr. President, I have risen before in this Chamber on many past occasions to advocate my sincere belief that this country must move forward to freer trade. However, you will recall, that on each of these occasions I stressed that the only road to truly free trade was through the multilateral implementation of fair trade policies. In short, for the past 34 years, we have systematically laid the American market open to low cost imported products while at the same time abjectly failing to secure reciprocal access to those foreign markets for American manufactured products.

With the implementation of the final Kennedy round cuts next January, we will have exhausted all of our negotiating currency. We have nothing more to exchange for the dismantling of the tariff and nontariff barriers now effectively excluding our manufactured goods from participating in foreign markets.

Japan and the EEC member countries in blatant violation of their commitments under the General Agreement of Trade and Tariff have systematically erected roadblocks for the sole purpose of impeding, and to this date effectively precluding, U.S. participation in their marketplaces. These are the same countries that, with a great sense of self-righteous indignation, loudly protest any efforts taken by this country, feeble as they may be, to protect our Nation's workers against this onslaught of foreign produced goods. As a matter of national policy, the concept of free trade to these countries is that of a one-way street: free access to our markets for their manufacturers without reciprocal access to their markets for our goods.

Our fault lies not in the pursuit of free trade but in our failure to temper this pursuit with a reciprocal commitment of fair trade.

A dramatic case in point is our domestic steel industry. In 1969 our unfavorable balance of trade in steel exceeded $843 million. Further, in 1969, U.S. imports of steel accounted for 13.3 percent of U.S. consumption. Against this backdrop of foreign participation in our U.S. market, the question is asked whether we can expect to offset this market loss through participation in foreign steel markets. The answer is a stark "No." As a result of our rather one-sided Kennedy round concessions, the average post-Kennedy round U.S. tariff for steel products is 6.9 percent compared to 7.2 percent for the EEC and 9.6 percent for Japan. The 7.2 percent EEC tariff is somewhat misleading. In addition to the duty which is impressed upon the CIF landed value (in contrast to U.S. duties which are impressed on the FOB port of origin value of the steel) a border tax is superimposed upon the CIF duty paid landed value which effectively raises the aggregate of duties and border taxes to 19.4 percent.

Under the impact of the import rise of steel products, employment in our steel industry declined from an average of 583,900 workers in 1965 to 544,000 in 1969. During the first 9 months of 1970, this average dropped to 537,000. I submit that this absolute loss of 47,000 jobs is a price that should not be paid for the sole purpose of enhancing our foreign relations.

In 1968, under the threat of mandatory quota legislation to curb the foreign appetite for our steel market, Japanese and Common Market steel producers "voluntarily" agreed to limit steel exports to the United States. It can be said that this "voluntary" limitation has provided the industry with a brief respite. But this approach is akin to treating the symptoms rather than the cause. The long-range answer lies elsewhere—possibly in the reevaluation of our basic trade policies and the establishment of an order of priorities different than those heretofore followed in U.S. trade relations.

Even as to this "symptomatic" approach there has been an interesting question raised as to what the actual effect of such restraints has been on the foreign steel producers marketing policies in the United States. In this respect, an article appearing in a January 23, 1971, issue of Business Week magazine offered an incisive evaluation of how foreign steel producers have actually fared under the "voluntary" agreement.

Mr. President, I ask unanimous consent to have this article printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IRONY OF QUOTAS THAT PROJECT IMPORTS

The latest boosts in steel prices and President Nixon's attempt to jawbone the industry have focused attention on some curious side-effects of the "voluntary" import quotas protecting U.S. steelmakers. Oddly enough, Japanese and European steel producers are garnering a price windfall from the quotas.

Foreign steel producers have discovered that the import curbs, limiting their sales volume in the U.S., also serve as a price umbrella for them in this market. The quotas mean that none of the Japanese and European steelmakers can better their market share by price competition.

As a result, they now price their products just a shade below U.S. domestic levels. The practices adopted by some foreign producers have led Hendrick Houthakker, a member of the President's Council of Economic Advisers, to complain that pricing of foreign steel exports to the U.S. smacks of a "full-fledged cartel."

Nippon Steel Corp., the world's biggest producer, reportedly has a 35% share of Japan's annual export quota of 5.7-million tons to the U.S. And, though Nippon denies the charge, Japanese steel sources say that, for cold-rolled sheets, Nippon is using a "sliding scale" of prices about 10% below U.S. prices. Japanese steelmen acknowledge that their export prices to the U.S. have crept upward in the last two years, at least partly because of the quotas.

European steelmakers are also taking advantage of the quota agreement to sustain prices on their U.S. exports. Belgian sources say that representatives of European steel mills, meeting recently in Paris, fixed minimum prices for the industry. As a result, for the first time in years, export prices from the Common Market to the U.S. are higher than to third countries such as Britain and Africa. Merchant bars shipped FOB Antwerp, for example, are quoted at $109 per metric ton compared to $108 for third countries.

Exceptions. Though the quota system ended most price competition among steel imports, it has actually spurred competition in some products, particularly high-priced specialty steels. The reason is that while the

> quotas limit the total tonnage that foreign mills may sell to the U.S., no restrictions are placed on the types of steel that make up this total. As a result, each producer strives to "enrich" his share of this total by filling it with higher-profit items, such as the specialty steels.
>
> The expansion-minded Japanese, in particular, have shifted their export emphasis to stainless and other specialty steels. So eager are they to capture a bigger market share that now U.S. producers accuse the Japanese of dumping some products in the U.S. Roger S. Ahlbrandt, president of Allegheny Ludlum Industries, Inc., charges that Japanese stainless steel sheets, for example, are selling between $903 and $917 a ton in the U.S., compared with $1,236 in Japan. "In the last year," he says, "the U.S. has become more of a dumping ground than ever."

Mr. FANNIN. Mr. President, this article is both extremely enlightening and educational in a number of respects:

First, it appears that the brief respite afforded the domestic industry by virtue of the voluntary restraints has also provided the foreign producers with a vehicle for increasing prices while at the same time maintaining U.S. market share. The result is "a price windfall."

Second, it is interesting that although the foreign producers participating in the "voluntary" restraint program have more or less adhered to the overall tonnage limitations imposed by the agreement, there has been a dramatic shift to higher priced specialty steels. The article notes that since no restrictions are imposed upon the types of steel that make up the total tonnage limitation, foreign producers are striving to "enrich" their share of the market by filling it with higher priced, higher profit, specialty steels. I would like to clarify this point. The foreign steel producers did make a commitment to maintain historical product mix under the voluntary agreement. This commitment was spelled out in a memorandum to the Secretary of State from the Japan Iron & Steel Exporter's Association dated January 23, 1968, and a letter to the Secretary from the steel producers of the European Coal and Steel Community dated December 18, 1968.

Finally, it is noted that the United States has become a "dumping" ground for foreign steel producers. As a result, three major specialty-steel producers filed a formal dumping charge with the Treasury Department earlier this month. This dumping is not only a violation of our own fair trade laws, but a violation of the General Agreement on Trade and Tariff to which these countries are signatories.

Mr. President at this time we must reevaluate our priorities in the area of international trade. We can no longer stand idly by and watch the erosion of the basic underpinnings of our domestic economy under the onslaught of low wage imports from countries who blatantly refuse to afford us reciprocal access to their markets.

ORDER FOR RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the recognition of the majority and minority leaders under the standing order, the able Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 tomorrow morning following a recess.

Immediately following the approval of the Journal, if there is no objection, and the recognition of the two leaders under the standing order previously entered, the able Senator from Iowa (Mr. HUGHES) will be recognized for not to exceed 15 minutes, to be followed by the able Senator from Virginia (Mr. SPONG), who will be recognized for not to exceed 15 minutes.

Upon the conclusion of the remarks of the Senator from Virginia (Mr. SPONG), there will be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes.

At the conclusion of the routine morning business, the Senate will proceed to the further consideration of the pending business.

RECESS UNTIL 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:30 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 19 minutes p.m.) the Senate recessed until tomorrow, Wednesday, February 24, 1971, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 23 (legislative day of February 17), 1971:

IN THE COAST GUARD

The following-named graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard in the grade of ensign:

Charles Stuart Allen
Thad William Allen
Robert Donald Alling, Jr.
James Thaddeus Armstrong
Paul David Barlow
Peter Allen Barrett
Charles Curtis Beck
Kenneth Wesley Bicknell
Charles Edward Bills
Hallie Dennis Bohan
Kenneth Richard Borden
Anthony Bordieri, Jr.
James Alan Brokenik
Don Erol Bumps
Robert Michael Bush
Kelly Scott Callison
Robert James Camuccio
Philip James Cappel
James Thomas Clarke
Dennis Wayne Cleaveland
Kenneth Martin Coffland
Michael Allen Conway
Gregory Steven Cope
Steven Joseph Cornell
Roger Warren Coursey
Richard Ernest Cox
Ray Warren Coye
Stephen Joseph De Cesare
Norman Joseph Dufour, Jr.
Alan Richard Dujenski
David Lance Edwards
Craig Donald Eide
Richard Xavier Engdahl
Donald Edward Estes
Timothy Joseph Flanagan
Robert Charles Foley
Fred Sutter Fox
Ronald Howell Frazier
William John Gamble
Robert Alan Gau
Thomas Morton Gemmell, III
Donald Charles Gerber
Larry Harold Gibson
Donald Booth Gilbert
Robert Francis Gonor
Alan Stephen Gracewski
Robert Walter Gulick
Richard Vincent Harding
Wynn Orion Harper
Charles Shepherd Harris
Tony Edward Hart
David Edward Henrickson
John Gregory Hersh
Laurence Hobart Howell
William Joseph Inmon
David John Isbell
Albert Alan Joens
Bo Christian Josephson
Daniel Edward Kalletta
Robert Anthony Kasper
Charles Harold King
James Albert Kinghorn, Jr.
Brian Thomas Kingsbury
Frank Jack Kline
Alan Lee Klingensmith
Gerald George Kokos
Charles Douglas Kroll
Michael Mark Krystkiewicz
Joseph Terrance Kuchin
Bruce Earl Lee
Michael Anthony Leone, Jr.
Robert Marcel Letourneau
Ralph Duane Lewis
Henry Paul Libuda
Paul Waldemar Ljunggren
Roland Harry Loomis
Rand "D" Lymangrover
Thomas John Marhevko
Gordon Dean Marsh
Stewart Iden Marsh, Jr.
Kenneth Richard Mass
Thomas Stephen Mawhinney
Gary Robert McCaffrey
James Rogers McGuiness, Jr.
William Marshall Miller, Jr.
Paul Henry Millewich
Joseph Gasperine Milo
Robert Paige Moore
Gregory Deane Mucci

Edward Francis Murphy
Richard Anthony Myszka
Bryant Marsh Nodine
Stanley Jay Norman
Robert Kenneth Oja
John Thomas Orchard
Richard Douglas Phillips, III
William Robert Phillips, Jr.
Charles Dean Pike
Donald Erich Plake
Bruce William Platz, II
Stephen Charles Ploszaj
Henry Ray Przelomski
David James Ramsey, Jr.
James Ryland Riesz
John Kenneth Roberts
Terry Alan Robertson
Jon Ewart Rosselle
Kenneth Paul Rothhaar
Thomas Alan Rummel
Richard Charles Sasse, Jr.
Carl Robert Schramm, Jr.
Norman Lennard Sealander
Albert Francis Sganga, Jr.
Walter Bennett Sherwin
Daniel Fletcher Shotwell
Charles Edwin Sibre
Ronald Frank Silva
Robert William Patrick Slack
John Malcolm Roderick Smith
Carl Albert Swedberg
James Andrew Sylvester
Robert Novy Tabor
Jay Evan Taylor
Peter Anthony Tebeau
Robert Hamlin Trainor
Bradley Rex Troth
Patrick Arthur Turlo
Wayne Earl Verry
Philip Charles Volk
Jonathan Kent Waldron
David Franklin Wallace
Steven Andrew Wallace
John Richard Walters
Robin Alan Wendt
Donald Terry Wetters
Daniel Ray Whicker
John Patrick Wiese
James Bryan Willis
William Emerson Willis
Larry Mark Wilson
Tom Russell Wilson, Jr.
John Phillip Wood, Jr.
Charles Devine Wurster

The following licensed officer of the U.S. merchant marine to be a permanent commissioned officer in the Regular Coast Guard in the grade of lieutenant (junior grade):

Robert S. Varanko.

The following-named Reserve officer to be a permanent commissioned officer of the Coast Guard in the grade of lieutenant:

James W. Szymanski

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, Title 10, United States Code, with a view to designation under the provisions of section 8067, Title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

DENTAL CORPS

To be major

Ingari, John S., [redacted].

MEDICAL CORPS

To be captain

Blattman, John E. [redacted].
Goodson, John P., [redacted].
Martindale, Richard E., Jr. [redacted].
Reaves, Charles E., [redacted].
Stetten, Maynard L., [redacted].
Wunder, James F., [redacted].

NURSES CORPS

To be captain

Coombs, Marilyn R., [redacted].

CHAPLAIN CORPS

To be captain

O'Keefe, Francis J., [redacted].

JUDGE ADVOCATE CORPS

To be first lieutenant

Rakowsky, Ronald J., [redacted].

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, Title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be major

Mohon, Robert W., Jr., [redacted].
Williams, Robert D., [redacted].

To be captain

Allen, Verne K., [redacted].
Andrews, David W., [redacted].
Andry, Ernest E., Jr., [redacted].
Applegate, Edward T., [redacted].
Arena, Joseph A., [redacted].
Arnold, Terry A., [redacted].
Austin, Maxwell K., [redacted].
Baker, John J., III [redacted].
Banford, Robert B., [redacted].
Barrett, Thomas J. [redacted].
Bauer, John G., Jr. [redacted].
Bauser, Philip A., [redacted].
Bautsch, Norman D. [redacted].
Baynor, Gene C., [redacted].
Begg, Mary J., [redacted].
Belina, John L., [redacted].
Beyer, Jon N., [redacted].
Birmingham, James E. [redacted].
Bosley, William H., [redacted].
Brewer, James D., [redacted].
Brewer, Marcus A., [redacted].
Bridger, Barry B., [redacted].
Brown, Robert C., [redacted].
Buck, Joseph A., Jr., [redacted].
Budesheim, Stephen C. [redacted].
Bullock, Ronald J., [redacted].
Burger, Norman A., [redacted].
Burnett, James D. [redacted].
Callahan, Hubert J. [redacted].
Carpenter, Thomas E. [redacted].
Carter, Charles O. [redacted].
Chiarello, Vincent A., [redacted].
Chwan, Michael D., [redacted].
Clabaugh, Carroll A., [redacted].
Clancy, Roger E., [redacted].
Clark, Darrell L., [redacted].
Clearman, Jerry D., [redacted].
Clopton, William F., [redacted].
Colsch, Gary P., [redacted].
Compton, Raymond C., [redacted].
Culler, Donald E., [redacted].
Cummings, Paul A., Jr., [redacted].
Cunningham, David K. [redacted].
Cunningham, James F. [redacted].
Cunningham, Thomas J. [redacted].
Daly, George M., [redacted].
Darnall, Charles T., [redacted].
Davis, Robert E., [redacted].
Davis, Stephen H., [redacted].
Deady, Ronald F., [redacted].
Deariso, Edward H., [redacted].
Dennes, Rodger W., [redacted].
Denny, William A., Jr., [redacted].
Dilley, Harvey L., [redacted].
Ditommaso, Robert J. [redacted].
Dougharty, Marvin E., Jr. [redacted].
Douglas, David K., [redacted].
Dreyer, William E., [redacted].
Edwards, Harold B., [redacted].
Ellis, Ronald D., [redacted].
Endlich, Robert W., [redacted].
Ericksen, Eric N., [redacted].
Estes, Robert L., [redacted].
Evans, Lorin S., [redacted].
Evatt, Bobbie B. [redacted].
Fagerberg, Gary E., [redacted].
Farless, Irvin L., [redacted].
Ferguson, James A., [redacted].
Finan, John L. [redacted].
Flynn, David L., [redacted].
Fox, Charles E., Jr., [redacted].
Fujishige, Kenneth T. [redacted].
Garvin, William L., [redacted].
Gauthier, Paul E. [redacted].
Geiger, William H., [redacted].
Georgeson, Gary C., [redacted].
Gerth, Paul G., [redacted].
Gleichman, Gerald A., [redacted].
Golden, Lee E., [redacted].
Gorman, Robert F., [redacted].
Grimes, Harold J., Jr. [redacted].
Hagen, Antone W., [redacted].
Hager, Ronald L., [redacted].
Hall, Ronald E., [redacted].
Hanes, Jimmie W., Jr. [redacted].
Hargett, Erskine W., [redacted].
Harrop, Jerry N., [redacted].
Hartman, Robert F. [redacted].
Hayes, William L., [redacted].
Heck, Richard W., [redacted].
Hebert, Herman N., [redacted].
Helmuth, Dwight H., [redacted].
Hensley, Thomas T., [redacted].
Herrold, Ned R., [redacted].
Hill, Wesley R., [redacted].
Hinckley, Robert B., [redacted].
Holdenbach, Warren M., [redacted].
Holland, James T., [redacted].
Holmes, Aubrey N., Jr., [redacted].
Hooper, Lee P., [redacted].
Houlgate, Jack L., [redacted].
Houston, Forrest R., [redacted].
Howell, Thomas W., [redacted].
Hull, Norman R., [redacted].
Icard, Fred, Jr., [redacted].
Jaborek, James G., [redacted].
James, Roy N., [redacted].
Jewell, Eugene M., [redacted].
Johnson, David B., [redacted].
Johnson, Dennis P. [redacted].
Johnson, Howard L. [redacted].
Jordan, James P. [redacted].
Joslyn, Kenneth K., Jr. [redacted].
Kantor, Edmund M., Jr. [redacted].
Karnasiewicz, Edward, [redacted].
Kawamoto, Calvin K., [redacted].
Kemmerer, Donald R., [redacted].
Kerlin, James, [redacted].
Kerr, David E., [redacted].
Kiechlin, Edmond F., [redacted].
King, James O. [redacted].
Klenda, Dean A., [redacted].
Koenemann, William S., [redacted].
Konen, Paul E., [redacted].
Kontny, Rodney A., [redacted].
Kosco, Richard J., [redacted].
Lamis, Nicholas, Jr., [redacted].
Lasecki, Lawrence S., [redacted].
Law, Kenneth S., [redacted].
Lee, Robert E., Jr., [redacted].
Leroy, Howard L., [redacted].
Letz, Robert A., [redacted].
Lewis, Lynn G., [redacted].
Liaguno, David R., Jr., [redacted].
Lillund, William A., [redacted].
Linville, Frederick A., [redacted].
Liu, Franklin K. Y., [redacted].
Loadholt, New B., III, [redacted].
Lundstrom, Susan L. [redacted].
Lynde, Ronald H., [redacted].
MacCracken, James C., [redacted].
Mair, Alexander, [redacted].
Mangum, Peter B., [redacted].
Marr, John J., [redacted].
Marshall, James K., [redacted].
Martin, Charles L., Jr., [redacted].
Martin, Robert C., [redacted].
Marzano, Edwin F., [redacted].
Massey, Walter D., [redacted].
Massucci, Martin J., [redacted].
McAdoo, Lowell F., [redacted].
McDonald, Charles W., [redacted].
McGoey, Louis M., [redacted].
McGrath, Ronald J. [redacted].
McKenna, Paul J., Jr., [redacted].
McKeon, Daniel J., [redacted].
McNicol, Kenneth D., Jr., [redacted].
Melnychenko, Galina A., [redacted].
Mielbrecht, Robert D., [redacted].
Milikin, Richard M., III, [redacted].
Minton, William R., [redacted].
Mitchell, George G., [redacted].

Moats, Richard N., Jr., [redacted]
Moody, Robert A., [redacted]
Moon, Arnold R., [redacted]
Moore, Harold A., Jr., [redacted]
Moore, Herbert W., Jr., [redacted]
Newcomb, Wallace G., [redacted]
Nicholson, John C., [redacted]
Nohrenberg, Larry C., [redacted]
North, James C., [redacted]
O'Donnell, Owen J., III, [redacted]
O'Hara, Dennis M., [redacted]
Olson, Duane A., [redacted]
O'Neill, Gerald C., [redacted]
Owens, Thomas E., [redacted]
Parsons, Melvin L., [redacted]
Peacock, Robert V., [redacted]
Pearce, Harry A., [redacted]
Petersen, James W., [redacted]
Pitts, Julius T., [redacted]
Prescott, Dennis G., [redacted]
Prince Samuel M. O., [redacted]
Puusti, Richard H., [redacted]
Pyle, Darrel E., [redacted]
Queen, John T., [redacted]
Quirk, John T., [redacted]
Ramos, Rafael, [redacted]
Ramsey, Stephen F., [redacted]
Redmond, William W., Jr., [redacted]
Reedick, Ronald J., [redacted]
Rexroad, Ronald R., [redacted]
Reyes, Rogelio, Jr., [redacted]
Richards, Paul A., [redacted]
Richter, Carl J., [redacted]
Robson, Henry P., Jr., [redacted]
Romero, John E., [redacted]
Ruhling, Mark J., [redacted]
Saddler, James L., [redacted]
Scherer, James A., Jr., [redacted]
Scholl, David M., [redacted]
Schwalber, Richard L., [redacted]
Seaton, Robert J., [redacted]
Sehorn, James E., [redacted]
Shawver, Joe M., [redacted]
Sheffield, Robert L., [redacted]
Short, David L., [redacted]
Silva, Claude A., [redacted]
Simonson, James H., [redacted]
Skrocki, Jerome V., [redacted]
Smethurst, Dale L., [redacted]
Smith, Leslie E., [redacted]
Smith, Stanley G., [redacted]
Spitler, Allan C., [redacted]
Stagg, Franklin B., [redacted]
Stinson, William F., [redacted]
Stogsdill, Estel P., [redacted]
Stoll, Donald H., [redacted]
Strones, Martin E., [redacted]
Sutherlen, Jerald L., [redacted]
Swarm, James E., [redacted]
Taubinger, Richard C., [redacted]
Taylor, Phillip E., [redacted]
Thompson, James D., [redacted]
Thrash, James A., [redacted]
Todd, Thomas M., [redacted]
Tribbett, James V., [redacted]
Troike, Jon C., [redacted]
Trout, Gary G., [redacted]
Vankirk, David G., [redacted]
Vanoverschelde, Eugene L., [redacted]
Vitamvas, Albert T., Jr., [redacted]
Walker, Gary T., [redacted]
Walker, Hubert C., Jr., [redacted]
Walker, Richard L., [redacted]
Warren, David J., [redacted]
Waters, James P., Jr., [redacted]
Weigl, Herbert, Jr., [redacted]
Whitis, Kenneth G., [redacted]
Wickham, Donna L., [redacted]
Williams, Albert M., Jr., [redacted]
Williams, Carl E., [redacted]
Wineteer, Stephen A., [redacted]
Wojcik, Richard G., [redacted]
Wollam, Daniel L., [redacted]
Woolsey, Donald E., [redacted]
Wright, Richard P., [redacted]
Writer, Lawrence D., [redacted]
Young, Frank W., [redacted]
Young, Jerry D., [redacted]
Zak, Joseph A., [redacted]
Zelinka, Joseph J., [redacted]

To be first lieutenant

Black, Clarence, [redacted]

Subject to medical qualification and subject to designation as distinguished graduates, the following students of the Air Force Reserve Officer Training Corps for appointment in the grade of second lieutenant, under the provisions of chapter 103, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Andrew, Myron C., [redacted]
Bain, Thomas C., Jr., [redacted]
Barrett, Ronald R., [redacted]
Bennett, Christopher P., [redacted]
Blewett, Robert W., [redacted]
Boyle, Patrick M., [redacted]
Carlson, Bruce A., [redacted]
Chase, Gregory M., [redacted]
Eshelman, Douglas W., [redacted]
Frysinger, Willard D., [redacted]
Graf, Peter G., [redacted]
Hasko, Robert J., [redacted]
Hayes, Christopher J., [redacted]
Hulin, Steven A., [redacted]
Hunt, Robert V., [redacted]
Johnson, Robert E., Jr., [redacted]
Keal, Donald A., [redacted]
Keeney, Robert L., [redacted]
Lawrence, Neil M., II, [redacted]
Maloney, Michael W., [redacted]
McDaniel, James C., Jr., [redacted]
McDonnell, Edward F., [redacted]
McTammey, John M., III, [redacted]
Morehouse, James W., [redacted]
Parker, Donald J., [redacted]
Parker, James S., [redacted]
Phillips, Kevin D., [redacted]
Platt, Richard A., [redacted]
Poore, Michael F., [redacted]
Pressley, Danny R., [redacted]
Ramos, Juan R., [redacted]
Richards, David H., [redacted]
Ross, Steven J., [redacted]
Russo, Peter W., [redacted]
Scruggs, Eric T., [redacted]
Sewall, Roy E., [redacted]
Smith, Herman W., [redacted]
Spaeth, Richard C. J., [redacted]
Steve, John F., [redacted]
Teague, Donald E., Jr., [redacted]
Tokunaga, Philip I., [redacted]
Vickers, Thomas E., [redacted]
Virgilio, Stephen T., [redacted]
Waller, Thomas W., [redacted]
Williams, Stephens V., [redacted]
Wingo, Gary A., [redacted]
Wood, Ronald D., [redacted]

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Abbe, Robert R.
Adams, Curtis D.
Altaker, Lawrence L.
Ashworth, Halbert E.
Baker, Fred L.
Baksic, Russell W.
Beidler, Jon G.
Bendixen, Romaine L.
Billings, William E., Jr.
Blanchard, Peter B.
Blanton, Terrell D.
Bohan, Lawrence D.
Bohan, Michael E.
Braun, William E.
Briska, Philip T.
Broussard, Nicholas D.
Browning, William H., III
Brownlow, Wilfred J., Jr.
Buell, Howard A.
Campbell, Axel F.
Candela, Harry J.
Carr, Raymond E.
Cattano, Andrew N.
Caudill, Robert P., Jr.
Cave, Robert H.
Closson, Jon B.
Collins, Jack R.
Cook, John P.
Corcoran, Francis H.
Crafts, Robert, Jr.
Crittenden, Frank M.
Crosson, Robert C.
Crum, Paul M.
Day, Daniel H.
Deane, Frederick R.
Dickinson, Johnny A.
Dooley, John R.
Downing, John E.
Ervin, James F., II
Eyre, Warren G.
Eytel, Charles S.
Farrier, Paul H., Jr.
Flagler, Nicholas R.
Fong, Don L.
Fowler, Donald R.
Gaskins, Ronald D.
Gaudry, Charles L., Jr.
Gibbs, Robert L.
Gillingham, David R.
Goscienski, Philip J.
Griffin, George E., III
Grumbling, Hudson V., Jr.
Hand, John J.
Harris, Michael A.
Heath, Victor C.
Holm, William W.
Holmstrom, Robert D.
Holt, David N.
Honigman, Joseph
Hood, Richard N.
Howell, James W.
Huff, Arden L.
Huurman, Walter W., Jr.
Jackson, Neil D.
Jarzynski, Donald J.
Johnson, Raymond B.
Jones, Lawrence A.
Karney, Walter W.
Kreider, Stanley J.
Lachowicz, Michael R.
Lewis, David H.
Lloyd, Morgan P.
Looney, George R.
Lucas, John T.
MacLeod, William A. J.
Mangold, Harry A.
Maraist, Donald J.
Marcel, Jesse A., Jr.
Marlor, Russell L.
Marriott, John D.
Masar, Maurice F. P.
Matan, Joseph A.
Maxwell, George D.
Mayes, Kenneth L.
McDonald, Kenneth M.
McDonough, Edward R.
Meighan, Jacob W.
Merritt, Thomas B.
Miller, William W.
Mixon, William A.
Mollerus, Robert J.
Morioka, Wilfred T.
Mueller, Maurice J., Jr.
Mullen, James E.
Musser, John R., Jr.
Nelms, Robert J., Jr.
Nelson, Lawrence E.
Nicholas, William R.
Perkins, Richard E.
Phelps, LeGrande J.
Prendergast, Neal J.
Purvis, Gene H.
Reid, James W., Jr.
Roberts, James G.
Sandri, Sandro R.
Sawyer, Robert N.
Schaeffer, Berton T.
Schenk, Thomas M.
Schmidt, Rainer S.
Schroeder, Charles F.
Scott, Cornelius C., III
Sears, Henry J. T.
Slate, Robert W.
Smith, Lee E.
Snyder, James L.
Sokolowski, Joseph W.
Stetzer, Lloyd W.
Stone, George M., II
Sturtz, Donald L.
Summitt, James K.
Turaids, Talvaris
VanTassel, Peter V.
Wasson, Robert D.
Worsham, Jerry C.
Young, Stanley B.
Young, William D.

SUPPLY CORPS

Abele, Robert B.
Aldenderfer, William D.
*Allnutt, Alvin H.
Andersen, Thomas C.
Anglim, David L.
Avilesalfaro, Bolivar, Jr.
Balding, David W.
*Banas, John M.
Barbary, Howard J.
Barstad, Clarence H.
*Baxter, John W.
Berg, Robert K.
Beyer, Robert K.
Bittner, Burton F., Jr.
*Borchardt, Heinz R.
Briggs, John M.
Brown, Lee
Bryant, James N.
*Buffoni, Thomas J.
*Carenza, John L.
*Chafey, William D.
*Chipley, Charles L., Jr.
Collins, Charles J.
*Corbitt, James R.
Craft, Thomas G.
*Crawford, James L.
Croeber, Hans R.
*Cronin, George W., Jr.
Crouch, Robert L.
*Cunningham, John H
Delduca, Ronald M.
DeShaney, Donald J.
*Devine, Paul L.
*Dewey, Edward P.
*Dickinson, Thomas D.
Divelbiss, Carl D.
Drury, William R.
*Dunn, Bernard D.
*Eizenhoefer, David J.
*Eppen, Eugene D.
*Finbraaten, Laurence K.
Fischer, Gregory F.
Fish, Dennis J.
Furiga, Richard D.
Garner, Fred S.
*Girman, Robert J.
Godsey, Shirley T.
*Gumpert, Leroy C.
*Hahn, Gary E.
Hale, Joe M.
*Hamilton, James W.
Harlow, Charles E.
*Hinkle, Otis R.
Hinz, Dan H.
Hogan, Richard C.
*Irons, John H.
Iverson, Ronald I.
Jahn, Donald R.
Johnson, Rodwell C.
Jones, Leland B.
*Juncker, Carl F.
Kachigian, George N.
Kaplan, Sumner H.
Kasputys, Joseph E.
*Knoth, Robert L.
Lane, Dean S.
*Lantsberger, Robert E.
Lee, Gerald L.
*Linehan, Daniel J., Jr.
*Loftus, Raymond P.
*Magee, Gilbert L.
*Malzahn, Walter G.
*McCarthy, Leonard D.
*McHugh, Thomas H.
McKelvey, Paul N.
McNall, Phillip F.
Miller, James E.
Milliken, Gail L.
Mummert, Dale R.
Murphy, Ronald D.
*Murray, Harlan E., Jr.
Nace, Richard H.
Nace, Wilbert J.
*Naughton, Thomas J.
Nichols, Gerald M.
Noland John E.
Nuss, Gary B.

*Indicates appointment issued ad interim.

Nygaard, Richard B.
*O'Connell, Arthur B.
Phillips, Robert A.
Pierce, Leon L.
Pinnell, Joseph K.
*Platt, Stuart F.
Powell, William E., Jr.
Powers, Richard F.
Reed, John D.
Reeder, VanLear L.
Reilly, Joseph V., Jr.
Renner, Richard B.
*Ridley, David E.
Robinson, Robert L.
Rook, Eugene C., Jr.
*Rupe, Charles H.
Schulte, Conrad P.
*Sechler, John L.
Sellers, James B.
Shirley, Kenneth R.
Shroeder, John, Jr.
Skelly, James F., Jr.
Sodrel, Donald L.
*Sofley, Billy R.
Squibb, Rodney K.
St. Martin, Robert W.
Swartz, Alex E.
*Terry, Victor W.
*Thomas, Gary B.
Thompson, Robert L.
Vail, James C.
Walker, Paul D.
Wallace, Edwin R.
*Weinberg, Harry H.
Weller, Thomas C., Jr.
Whittaker, James B.
Wilbur, James R.
*Williams, Thomas C., Jr.
Wolcott, John N.
*Youmans, Raymond W.
*Young, Jack L.

CHAPLAIN CORPS

*Baggott, Frank B.
Barcus, Richard E.
*Berg, Vernon E., Jr.
*Bertulio, Caesar J.
Borden, Robert S.
*Brown, Robert G.
Cook, Gordon S.
Graven, Allen B.
*Davis, Eugene B.
Dolaghan, John
*Franklin, Robert C.
Glynn, John J.
Goetz, Herbert M., Jr.
*Kaelberer, John H.
*Keefe, Lawrence F.
Magor, Warren F.
McElroy, John W.
McMorrow, James E.
*Murray, George P.
O'Brien, Eugene C.
Parker, Alton M., Jr.
Respess, Thomas B., Jr.
*Six, Jack E.
Spencer, Carroll R.
*Struthers, Basil H.
Takesian, Eli
*VanTassel, Lowell W.
Vogel, Leroy E.
*Young, Christopher B.

CIVIL ENGINEER CORPS

Barczak, Jerome J.
Bauer, John G.
Boyce, Heyward E., III
*Busche, Robert E.
*Chin, William
Clearwater, John L.
Connor, William C.
*Cope, Ronald P.
*Crisp, Hugh A.
Dunn, Jerome R.
Earnest, Rossell A.
*Endebrock, Frank L. III
Fegley, Charles E., III
*Filbry, Herman W.
Fort, Arthur W.
Fraser, John C., Jr.
Gawarkiewicz, Joseph J., III
Grady, Noel A., Jr.
*Johnson, Don P.
*Kelch, John A., Jr.
Kelley, Frederick G.
Kirkpatrick, James D.
*Klein, Dale M.
Ledder, William R.
Lewis, Edmund F.
Lowrey, Richard A.
Matthewson, Maurice F.
McMenamin, Lester E., Jr.
*McNeill, James E.
Murphy, Frank J.
*Nash, Archie R.
Neugent, Charles L.
*Siegle, Richard L.
Simmons, William A., Jr.
*Tobin, James M.
*Totten, John C.
Westcott, John A.

DENTAL CORPS

Ashton, Loye A.
Badger, Daniel G.
Batenhorst, Kenneth F.
*Bisson, Roger E.
Bloch, George A.
Bourgeois, Aubrey J., Jr.
Bowen, Lathe L.
Brazil, Robert W.
*Brown, Max W.
Callihan, Michael D.
Carroll, Peter B.
Cassidy, Robert E.
Ciardello, Carmen A., Jr.
Clark, George E.
Cottle, Kenneth L.
Eisenburger, Michael M.
*Esposito, Richard A.
Hesby, Richard A.
Holcomb, John B.
Holroyd, Samuel V.
Huttula, Charles S.
Kelly, James C., Jr.
Lowman, Jack V.
Luhtala, Jay L.
McCoy, Richard B.
McMahon, Joseph P.
*Murphy, Richard A.
Pedrick, George R.
Pierce, Gerald L.
Schonbrun, Robert G.
Sconyers, Jimmy R.
Thibodeau, Richard A.
Triplett, Robert G.
*Turner, Donald W.
*Vernino, Arthur R.
Walker, Oscar B.
*Walsh, John D.
Watkins, Owen T.
Wheetley, Woodrow D.
Wittgow, Walter C., Jr.
Yeager, James E.

MEDICAL SERVICE CORPS

Angelo, Lewis E.
Auton, William J.
Baldauf, George W.
Bertka, Robert E.
Bowden, Ronald R.
Bowdren, Laurence P.
Brideau, Donald J.
Bryant, Eugene M., Jr.
Collier, Patrick J.
Condon, Earl N.
Correll, Joseph M.
Dietz, Bruce J.
Dunham, Chester J., Jr.
Erwin, Richard E.
Freeman, Benjamin C.
Gobbel, Henry D.
Goodson, James E.
Graves, Joseph L.
*Halverson, Charles W.
*Hatten, Ann C.
*Joseph, Sammy W.
Kane, George P.
Kessler, Raymond B.
Lawson, Donald R.
Leadford, William M.
Lecas, Kenneth E.
Littner, Henry D.
McFee, Charles A.
Millard, George W.
Moore, Charles J.
Mullinix, Chloe A.
*Nelson, Paul D.
Nourigat, Earl R.
Pearce, Charles J.
Peckenpaugh, Normand L.
*Risko, George J.
Rucker, Thomas J.
Sowers, Hubert H., Jr.
*Springer, Martha J.
Stephens, Bobby L.
Surface, Robert L.
Swindall, Victor A.
Tandy, Roy W., Jr.
Thompson, James C.
White, Robert L.
White, Sheldon A.

JUDGE ADVOCATE GENERAL'S CORPS

Brown, Charles E., II
*Christian, Alvern D.
Coughlin, Leo J., Jr.
Eoff, Albert W., II
Farrell, Lawrence M.
*Flynn, Thomas E.
Gladis, John T.
Googe, James P., Jr.
*Gresens, Larry W.
Grunawalt, Richard J.
Howard, Ronald C.
*Howay, John W.
*King, Melbourne P.
*Laitsch, Lowell C.
Legg, Billy J.
*Mario, David A.
Olson, Roy A.
Slater, Richard L.
Wille, Paul A.
*Woods, Theodore K., Jr.

NURSE CORPS

*Adams, Louise J.
*Aunan, Patricia M.
*Beveridge, Robina W.
Burrell, Margaret M.
Bynum, Joan C.
*Chisholm, Marie A.
Chute, Judith R.
*Eisiminger, Vetah M.
Emond, Lucille G.
*Gillespie, Jacquelin C.
*Golebiewski, Rita J.
*Gomes, Alma M.
*Haile, Evelyn
Hall, Mary F.
Hines, Alyce M.
*Jacobson, Dorothy M.
Jones, Beverly J.
Kelly, Mary
Klaetka, Irma E.
Leuenberger, Patricia I.
Lunquist, Nancy L.
*MacEnery, Joan M.
Marcotte, Natalie M. G.
*McGuckin, Dorothy E.
*Miller, Eleanor J.
*Miller, Eva F.
*Mooney, Geraldine T.
*Morton, Jo A.
*Nicora, Adeline
*Noble, Frances A.
Pechulis, Verna M.
*Sampson, Natalie T.
Schrock, Doris M.
*Shepherd, Luana
*Whitesell, Margaret L.
*Wilson, Lela B.
Yelle, Dorothy A.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Abbey, Donald L.
Abrams, Steven S.
*Adair, Roy E., Jr.
*Adams, Alton L.
Adams, Charles E.
*Adams, Chester A.
*Albright, Richard C.
*Allen, Henry C.
*Allen, Temple L.
Allin, John W.
Alison, William S., III
Anawalt, Richard A.
Andersen, Franklyn D.
Anderson, Ross K., Jr.
*Andrews, James R.
Anselmo, Philip S.
*Anson, Robert, Jr.
Armstrong, Arthur J., Jr.
Arnold, William T.
Astor, Lawrence I.
Aucella, John P.
Austin, Donald G.
*Austin, Leon
Avery, Donald W., Jr.
*Avery, Robert Y.
*Babb, Dewey E.
Baffer, Roger A.
*Bailey, Larry W.
*Baird, Dean D.
Baker, Brent
Baker, David J.
Baker, Milton S., Jr.
*Baker, Willard D.
Balian, Alexander G.
Ball, Harry F., Jr.
*Ballard, Don E.
Baltutis, John S., Jr.
*Balut, Stephen J.
Bard, Albert E.
*Barker, Herbert C.
Barker, Ross D.
*Barnes, James C., Jr.
Barnett, William R.
Barney, William C.
*Barnicle, Paul E.
*Barrows, Blair
Bartlett, Robert C.
*Bartol, John H., Jr.
Bassett, Larry A.
*Bates, Allen W., Jr.
Batzel, Thomas J.
*Bauer, Wayne E.
Baumhofer, William J.
Beal, Richard F.
Bean, Charles D.
Beard, Travis N.
Becker, Dennis E.
*Becker, Richard E.
*Begley, Jerry N.
*Behrend, Robert M.
Beland, Conrad L.
*Belanger, Raymond L.
Bell, Corwin A.
*Bellingham, Herbert J.
Bellis, James R.
*Benedict, Joseph C.
*Bennett, Richard A.
Benson, Jeffrey L.
*Berigan, Francis M.
*Berry, Billy W.
*Berry, John D.
*Betz, Dale S.
Betzner, Hugh W., Jr.
*Beumer, Theodore H.
*Beyman, David E.
Bilbrey, Harlan K.
Billingsley, Christopher
Bisbing, Raymond H.
*Blevins, Ladelle F.
*Blunden, Alec R.
*Boesenberg, John J.
*Bogard, Thomas H.
Bohley, Carl M.
Bolka, David F.
*Bone, Charles R.
*Boone, George J.
*Borghoff, Francis A., III
*Boston, Michael R.
Boswell, Dale E.
*Bowers, Fred F.
Bowman, Terry L.
Boyce, Robert W.
Boydston, James L.
Boyen, Richard E.
Boyer, Philip A., III
Boyle, Robert H.
*Bradberry, Brent A.
*Branch, Allen D.
*Brickett, John F.
*Bright, Calvin F.
*Brink, James A.
*Brocken, John F., Jr.
*Brokaw, Charles R.
*Brooks, Edward J.
Brough, Robert F.
*Brown, Charles F.
Brown, Emory W., Jr.
*Brown, Joseph R.
*Brown, Ronald L.
*Brown, William B.
Browne, Joseph M.
*Bryant, Herbert V.
*Bryant, Raymond, Jr.
Bryant, William H.
*Buchans, James C.
*Buckley, Peter P.
Buell, Kenneth R.
Buescher, Stephen M.
Bugg, William E.
*Burch, Othney P.
Burcham, Devirda H., III
Burgess, Andrew L., Jr.
Burke, Michael E.
*Burns, Robert L.
*Burrows, John S., III
Burt, John A.
*Bussey, Laurence T.
Bustamante, Charles J.
Butler, Francis W.
Byrnes, David T.
*Byrnes, Henry F., Jr.
*Cacchione, David A.
Calande, John J., Jr.
Calvano, Charles N.
Camp, Norman T.
*Campbell, Edward L.
Canepa, Louis R.
*Capewell, John, Jr.
Carl, Lester W.
Carlmark, Jon W.
*Carman, Jesse L.
*Carpenter, Allan R.
Carroll, Hugh E., II
Carroll, Joseph F.
Carter, Clyde L.
Carter, James O.
Cash, Roy, Jr.
*Cashin, Joseph W., Jr.
Cassidy, Tom K.
*Cassiman, Paul A.
Chapman, Austin E.
*Chappell, Stephen F.
*Charles, David M.
*Christensen, Clyde V.
*Christensen, George A.
*Christian, Howard B.
*Ciotti, Anthony
*Ciszewski, Robert A.
Clark, Arthur D.
Clark, Christopher M.
*Clark, George N.
Clark, Hiram W., Jr.
*Clark, Howard B.
*Clason, Aryl B.
Clawson, Carl H., Jr.
Cochran, Frederick F.
*Cockrell, Milford N., Jr.
Cohen, William D.
*Cole, LeGrande O., Jr.
*Coleman, Jon S.
*Coleman, Thomas M.
*Collins, Richard X.
Collins, William G., Jr.
Colthurst, Wallace R.
Comfort, Anthony J.
Comstock, George A.
*Cook, Bruce C.
Cook, Douglas W.
Cook, John F., Jr.
Cook, Raymond L.
*Cooke, Oren B.
Corgan, Michael T.
*Corn, Robert H.
Coshow, George H., II
Costello, John P., II
Coulter, William L.
Coward, Asbury, IV
Cox, Landon G., Jr.
*Cox, Virgil G.
Craig, Philip C.
Crane, Mark F.
*Crawford, Leslie P., Jr.
Cressy, Peter H.
*Croix, Larry E.
Cronin, Michael P.
*Crossman, Walter A.
*Cummings, Vincent P., Jr.
Cunha, George D. M.
Curtin, Andrew J.
Curtis, Donald L.
*Curtis, Richard B.
Curtis, Robert E.
Dade, Thomas B.
*Daley, Michael J.
Dalton, Henry F.
*Daniels, James E.
*Dannheim, William T.
Daramus, Nicholas T., Jr.
Dau, Frederick W., III
Daugherty, Shaun M.
*Davidson, Alan N.
Davis, Gerald, Jr.
*Davis, Leonard G.
*Davis, Robert L.
*Davis, Thomas C., Jr.
Day, Patrick A.

DeCarli, Wiley P.
*DeClercq, Keith L.
*DeFloria, Joseph G., Jr.
DeFries, Melton E., Sr.
Dehnert, Charles E.
*Deklever, Vaughn G.
*DeMark, Ramon S.
*Denning, William J., III
Dennis, James A., Jr.
*DesRosiers, Richard A.
Deutermann, Peter T.
*Dick, Allen H.
Dietz, Gary C.
Dixon, Douglas M.
Dobberteen, James D.
*Dodd, James L.
*Domaloan, Paul
Donahue, Drake A.
Donegan, John J., Jr.
*Donn, Alan H.
*Donnelly, John J.
*Donofrio, Anthony L.
Donovan, Charles A., Jr.
Dorman, Merrill H.
Dotterer, Kenneth R.
*Drake, Albert W.
Drew, James J.
Driscoll, Kurt A.
Duchock, Charles J., Jr.
*Dunlap, Howard D.
Dunne, Gerald W.
Durham, Jere C.
Earner, William A., Jr.
*Easley, George A.
Eckstein, Eric R.
Edge, Jacob, II
Edwards, Joseph W.
*Eischen, Gerald N.
Eissing, Frank E., III
Elberfeld, Lawrence G.
Ellis, Richard H.
Ellis, Samuel H.
Ellison, William T.
*Ellsworth, Thomas B., Jr.
Elrod, Stephen A.
Emery, George W.
Emrich, Roger G.
Endrizzi, Raymond L.
*Engwell, Darrel W.
*Ennis, Michael K.
*Enriquez, Jose
*Erlandson, John L., Sr.
*Esbeck, Leonard J.
Estes, Donald H.
*Eubanks, Glen E.
*Evans, Irvin C., Jr.
Fake, Barnet L.
*Falcon, Michael F.
Farmer, Michael A.
Faticoni, John A.
*Feist, Eugene P.
*Ferguson, Jerry E.
Ferguson, Thomas E.
*Ferranti, Nicholas A.
*Ferrell, John L.
Fields, James R.
Finley, John C.
Fiori, Mario P.
Fischer, John N., Jr.
Fishburn, Charles G.
Fister, George R.
*Fitzgerald, James R.
Fitzgerald, John E.
*Flaningam, James D.
Fleming, Richard T.
*Flint, Lewis W.
Fontana, James D.
Ford, Henry, IV
Ford, Jack C.
Foust, James E., III
*Fox, Brett H.
Franson, Alvin L.
*Franz, Rodney C.
*Frasher, John A.
Fredericks, Roy C.
*Fredette, Roger A.
Freeman, Ernest R.
Freibert, Ralph W.
*French, John C., Jr.
Freidman, Marcus V.
Fritz, Thomas C.
*Fritz, Thomas W.
Frost, David E.
*Frost, John A.
Fugard, William H.
*Furlong, Joseph W.
*Furry, Richard P.
*Gailey, Lonnie D., Jr.
Gaines, George L.
Gainor, John W., III
*Gallegos, Joe R.
*Gapp, Donald R.
Garde, James C.
*Garns, Keith M.
Gaston, Mack C.
Gates, Jonathan H.
*Gaudiano, Antonio W.
Gautier, James B.
*Gehrlich, Richard E.
Geissler, Richard F.
Genung, Edward N., Jr.
Georgius, David R.
*Gerwe, Franklin H., Jr.
*Gilchrist, Orville L.
*Gill, Russell C.
*Giorgio, Frank A., Jr.
Glaes, Roger B.
Glass, Arnold L.
Glenn, Danny E.
*Glover, Jimmy N.
*Gobbel, James T., Jr.
*Golden, George H., Jr.
*Gompper, James H.
Goodgame, Billy D.
Goodloe, Robert V., Jr.
*Goodwin, James H.
*Goss, Robert W.
Gower, Leon H.
Grabowsky, Theodore E.
Grace, Robert F.
*Graf, John G.
*Graff, Russell J.
Graham, Clark
Grantham, Wiley G.
*Graves, Bibb L.
Graves, George W., Jr.
*Graves, William T.
Gray, Francis D.
Green, Thomas R.
Greene, James B., Jr.
Greeneisen, David P.
Gregory, Francis C.
*Griffith, Douglas K.
*Griffiths, David J.
Gross, Charles N.
*Grubb, Robert G.
Guest, George R.
Gushaw, Gregory V.
*Gyle, Robert B., III
Hagy, James H. D., Jr.
Hahn, William D.
*Hames, William J.
*Hammer, George C.
Hancock, William J.
*Handberry, John E.
*Hanks, William L.
Hanley, James J.
*Hansen, Laurence R.
Hardman, Herbert F.
Harken, Jerry L.
*Harley, James H.
Harmon, Edward K.
*Harms, John H.
*Harper, John N., Jr.
Hart, Ronald J.
*Hassell, Benny K.
Haubert, Patrick C.
Hayes, Cornelius C., Jr.
Hays, James M.
*Heatherly, Sherman L.
Heins, Raymond R.
*Heintzelman, Thomas G.
Helsper, Charles F.
Hendon, Jerry E.
*Hermann, Kermyn J.
*Herring, Arthur E., Jr.
Herron, Francis J.
Hess, Donald R.
*Hightower, Roger W.
Hilton, Francis W., Jr.
Himchak, William A.
*Hines, Henry L., Jr.
*Hingsberger, Andrew J., Jr.
Hinkley, William L.
*Hitch, James H.
Hobbs, Marvin E.
Hodell, John C.
Hoff, Robert G.
Hoffman, Carl W.
*Hohlstein, Julian G.
Holvik, Thomas H.
Hokanson, Anders, Jr.
Holian, James E.
*Hollingsworth, William L.
Holme, Thomas T., Jr.
Holmes, Frank C.
*Holt, Richard W., Jr.
Honhart, David C.
Hood, John M., Jr.
Hooven, Harry C.
*Horn, Floyd E., Jr.
*Horner, Donald W.
*Howie, Robert J.
*Howson, Richard J.
Huchting, George A.
Hughes, William C., Jr.
*Hull, Kent S.
*Humphrey, David D.
*Hurst, Cecil R., Jr.
Huss, Jerry F.
Hutcheson, James E., Jr.
*Hutchinson, Robert A.
Hutter, George R.
*Hyde, Walter J.
Iber, William R.
*Idleberg, Norman
*Isenburg, William, Jr.
*Ishiguro, Guy A.
Itkin, Richard I.
Iverson, Michael M.
*Jackson, David E.
Jackson, Marshall N.
*Jackson, Robert J.
*Jackson, Virgil F., Jr.
*Jacobs, Philip H.
*Jacobs, Ralph E.
Jacobson, Herbert A.
*James, Aaron C.
*James, Charles L.
James, David R.
*Janke, Roger A.
Jarratt, John M.
*Jarvis, Gary T.
Jaudon, Joel B.
Jeffords, John M.
Jenkins, Alan K.
Jenkinson, William R.
*Jewell, Robert M.
*Johnson, Alan J.
Johnson, Charles E.
Johnson, Earl P.
Johnson, Edwin A.
Johnson, Gerald A.
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*Johnson, Richard L.
Jones, Dennis R.
*Jones, William D.
*Joplin, James E., Jr.
Jordan, Jerry W.
*Jordan, John A.
Jordan, John F., Jr.
*Joyner, Thomas W., Jr.
Juarez, David V.
Juengling, Robert G.
*Juerling, James R.
*Justis, Edward T., Jr.
Kahrs, "J" Henry, III
*Kaiser, David G.
Kaiser, John M.
*Kaiserian, Harry, Jr.
*Kammerdeiner, Roger N.
*Kane, David C.
*Karp, Leonard
*Karr, James D.
Karr, Kenneth R.
Kaup, Karl L.
Keck, Leland S., Jr.
*Keim, Edward F.
Kell, Richard E.
Kelley, Thomas J.
*Kelley, William E.
*Kelsay, Leslie R.
*Kephart, Robert M.
*Kerns, Alexander H.
*Kerns, Kenneth H.
*Kesel, Philip G.
Key, Wilson D.
Kiem, Robert L.
Killian, James E.
King, George L., Jr.
King, William W.
*Kinne, William B.
Kinnear, Richard J.
*Kinsley, Dudley J.
Kirk, Gary L.
Kirkpatrick, Max H.
*Kiser, Hoyt, Jr.
*Kislack, Arthur
Knight, John M.
*Knight, Ralph W., Jr.
*Knight, Windall R.
*Knosky, Michael J., Jr.
*Koch, Dean H.
Koczur, Daniel J.
*Kohler, Charles L.
*Korhonen, Kenneth R.
Koss, Howard E.
Kost, John G.
Kottke, Robert A., Jr.
*Kozlowski, Neil L.
Kreinik, Eugene G.
*Kreitzburg, John W.
Krekich, Alexander J.
Krieger, Eric W.
Krohne, Theodore K.
Krotz, Charles K.
Krueger, Rudolph V.
*Kruger, Richard W.
Kruse, Dannis K.
Kyzar, Sammy B.
Laabs, Stephen K.
Lachata, Donald M.
Ladwig, James C.
Lagassa, Robert E.
Lamay, Thomas V.
Lamb, James J.
*Lamb, John P.
Lamping, James R.
*Landers, Michael F.
Lasswell, James B.
*Lauer, John N.
Lautenbacher, Conrad C., Jr.
Lawson, Joseph H., Jr.
*LeCroy, Floyd G.
*LeDoux, Lawrence J.
*Lee, Ronald A.
Leeke, Howard W., Jr.
*Leightley, Albert L., II
Lemon, Frank M.
Lennox, Richard J.
Lents, John M.
*Leonard, William J.
LeRich, Barry H.
Lesemann, Donald F.
Lett, Austin S., Jr.
*Levasseur, Marshall J., Jr.
Lewis, Jary W.
*Lewis, Lyle E., Jr.
Lilly, Joseph W.
Lindell, Colen R.
*Lindsay, James H., Jr.
*Lindstrom, Gordon E.
Linn, Larry E.
Little, Robert D.
Livingston, Donald J.
Logan, Carl F.
*Long, Glenn U.
Long, Michael D.
*Lonsdale, Paul T.
Lord, William F.
Lounsbery, William J.
Lovett, Billy R.
Lovig, Lawrence, III
*Lowery, Fred H., Jr.
Lunde, Roger K.
Lundy, George W., Jr.
*Lusby, John F.
*Lynch, Anthony J.
*Lynch, Floyce M.
Lyons, Robert W.
Lytikainen, Robert C.
*MacAuley, Phillip H.
*MacDonald, Michael J., III
MacDonald, Timothy A.
Mackin, Jere G.
Maclin, Charles S.
*Maddox, George N.
Mahaffy, Lorrence A., Jr.
Mahoney, Patrick F.
Maier, Robert A.
*Major, Watson H.
Malchiodi, Michael A.
*Manlove, William W., Jr.
Manning, Edward F.
Mansell, Waymond
*Marchetti, Michael J.
Marik, Charles W.
Marsden, Phillip S.
Marsh, William L.
*Martin, Charles B.
*Martin, Michael J.
Martin, Ralph K.
Martin, Ronald W.
*Martin, Wayne A.
Martinache, Charles G.
Masciangelo, Frederick J., Jr.
Mascitto, Eddy J.
*Matheson, Norm K.
Mathis, Donald W.
Matjasko, Louis S.
Mattson, Gary H.
Maxwell, Malcolm D.
Mays, Michael E.
*McAllister, James P.
*McAloon, Albert J., Jr.
*McBride, Kenneth B.
*McCallum, James A.
McCann, William R., Jr.
McCarthy, Michael J.
McCleary, Joseph R.
McClellan, William D.
*McCloskey, David J.
*McColly, John C.
*McCraith, Laurence P.
McCrory, Donald L.
McCrumb, James B.
McDonald, Jay G.
McDonald, John J., Jr.
*McEwan, Donald P.
McGee, Robert T.
McKay, Dennis A.
McKearn, Michael C.
McKenna, Richard B.
McKenna, Russell E., Jr.
*McLane, David J.
McLaughlin, George T.
*McLean, John H.
*McNeely, Ellis E.
*McNew, Clyde E., Jr.
McQuown, Michael J.
*McRoy, Willie C.
*McSherry, Bernard P., Jr.
*Meddings, William A.
Meek, Danny L.
*Meisner, Julian R.
Meyers, David W.
Meyett, Frederick E., Jr.
Miles, Richard J.
*Miller, Albert E.
Miller, George M., III
*Miller, John M.
Miller, Thomas H.
*Miller, William C., Jr.
*Millikin, Stephen T.
*Minard, Julian E.
*Minnick, Thomas A.
Minter, Charles S., III
Mister, Richard W.
Mitchell, Albert H., Jr.
Mitchell, Robert M.
Mitchell, William J.
*Mizner, Malvern M.
*Monash, Richard F.
Montana, Richard T.
*Mooberry, William J.
Moody, William B. B.
Moore, David B. A.
*Moore, John A.
Moran, William P., Jr.
Morgan, William L.
Moritz, Dennis M.
*Moroney, Joseph M.
*Morris, Robert, III
Morse, Clayton K.
*Morse, John A.
Moser, Alan B.
Mulholland, Lyle J.
*Mumford, Stanley E.
Mundell, Jack L.
Mundis, John A.
Musick, George M., III
*Mustard, James D.
*Myers, Collin K.
*Mysliwiec, Richard J.
*Naldrett, William J.
*Nanney, Robert G.
Nash, Malcolm P., III
*Neeb, Karl A.
Nelson, Richard C.
Newell, Thomas L.
Nickerson, Robert G.
Niss, Robert J.
Nolan, George F.
*Norman, Warren A., Jr.
Norris, Dwayne O.
Norris, Jerry D.
Northcraft, Zane W.
Norton, Douglas M.
Norwood, Kenneth E.
*Norys, Robert M.
Nunn, James W.
Nutt, Richard L.
O'Brien, John J., Jr.
*O'Brien, Robert C.
O'Brien, Terence J.
O'Brien, Thomas J., Jr.
Oden, Leonard N.
*Oertel, "E" James
*Ogles, Homer C.
O'Keefe, Cornelius F.
*Okeson, Lars H.
*Oliphant, Gary T.
*Oliver, David E.
Olson, David E.
Olson, Donald M.
Olson, Kenneth P.
*Olstad, Vincent K.
*O'Shea, Donald J.
*O'Shell, Walter E.
Otis, Robert B.
Pagano, Frank P.

Palen, Don G.
Palenscar, Alexander J., III
Palmer, Jerry D.
Palmer, William A., Jr.
*Parker, Charles D.
Parker, Charles L., Jr.
Parker, Gerald T.
Parker, Raymond F.
Parkhurst, Nigel E.
*Parrie, Elman J.
Patch, Frank H.
Patridge, Delmar E.
Pattarozzi, Norman J.
Patterson, Bernard L., III
*Patterson, Donald D.
Patterson, James K.
*Patterson, Jeffrey S.
*Paul, Harold W.
Pauling, David R.
Payne, William J.
*Payne, William M.
*Peirce, Frank H.
Pennington, Chad A.
*Perez, Demetrio J.
Perkinson, Brian T.
*Pesce, Victor L.
*Peters, Thomas J.
Peters, Victor L.
Peterson, John C.
Phaneuf, Joseph T., Jr.
*Phelps, Harold R., Jr.
Phillips, Alexander M.
*Phillips, Jerry A.
*Pieno, John A., Jr.
Pierce, Cole J.
Plummer, Galen R.
*Polaski, Harold E., Jr.
*Polo, Arthur D.
*Pomykal, Glenn W.
*Popp, Arvel J.
*Popp, Robert L.
*Portenlanger, Stephen
Porter, John D.
*Porterfield, Gary L.
Poteat, William O., Jr.
*Powers, William B., Jr.
Prath, Robert L. E.
Prather, Jerauld S.
*Prince, Robert V.
Pulfrey, Charles A.
Punches, Robert L.
*Quarles, Herbert R., Jr.
Quinton, Peter D.
Rabin, William D.
Rackowitz, Marion R.
*Raebel, Dale V.
Rainey, Peter G.
*Raiter, Friedrich E.
*Ramm, Edward J.
Ray, Norman W.
Ray, Roy L., Jr.
*Read, Ray W., Jr.
Reemelin, Thomas E.
Rees, Bob G.
*Reff, Roger G.
Regan, James P.
*Register, Mahlon E.
*Reich, Donald G.
Retz, William A.
*Revesz, William, Jr.
Reynolds, Keith E.
Richardson, David P.
*Richardson, Earnest W.
*Richmond, Frederick J.
*Ridgely, Philip J.
*Riess, James R.
Riggle, Gordon G.
*Riggs, William D.
Riley, David R.
Robbins, Charles B.
*Robbins, David L.
*Roberts, Donald A.
*Robinson, Keith P.
Robinson, Paul M.
Robison, James C.
Rohm, Fredric W.
*Roll, Francis P.
*Roselle, Curtis C.
Ross, Raymond H., Jr.
Roy, Rudolph J., Jr.
Ruckner, Edward A., Jr.
Rueff, James L., Jr.
Ruffin, James T.
Russell, Robert E.
*Ryland, Robert B.
Saber, Gerald W.
*Sagerian, Ara
Salmon, Harry P., Jr.
Sampsel, Michael M.
*Sampson, Harry B.
*Sanders, William M.
Sanger, Kenneth T.
SantaMaria, Donald F.
Sargent, Ian H.
*Saxon, Ross E.
Schafer, Carl E., II
Schantz, John M.
*Schatz, Arthur D.
Schery, Ferdinand M.
*Schetter, Harry W.
*Schiffman, Marvin C.
Schmidt, Donahue H.
*Schneider, George F.
*Schroeder, Gerald M.
Schroeder, Roger G.
Schuerger, Richard F.
Schwab, James A.
Scott, Crawford W.
*Scott, David E.
Scott, Jon P.
Seaquist, Larry R.
*Seay, Marvin E., Jr.
*Secades, Vincent C.
Segal, Harold W.
Segrist, Edward L., Jr.
*Seiler, Richard W.
*Settlemyer, Charles T., III
Shackelton, Norman J., Jr.
*Shaffer, Leslie V., II
Shaffer, Lloyd E.
Shank, Lewis P.
Shapard, James R., III
Sharer, Don A.
Sharpe, Joseph D., Jr.
Shaw, James A., Jr.
Sheehan, John W., Jr.
*Shepherd, Gary L.
Sherman, Allan
Shirley, Cloyce E.
*Shovlin, Daniel M.
*Shreve, Robert L.
*Shupe, Robert D.
*Siebecke, Alfred G.
Simon, William F.
*Simpson, Harold L., Jr.
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*Simpson, Troy E.
*Skrzypek, John A.
*Slack, William M.
*Slater, Thomas S.
Slaughter, Jimmy R.
*Sloan, Robert E.
Smelley, Allan R.
Smith, Bernard J.
Smith, John M.
*Smith, Joseph F.
Smith, Lary D.
*Smith, Lyman H., II
Smith, Randall R.
Smith, Robert J.
*Smith, William E.
Smith, Wilton J., Jr.
*Smithlin, Michael J.
*Snyder, Christian R.
*Sokol, Stanley E.
Solon, James D.
*Soto, Octavio
*Spinello, John A.
Spruance, James H., III
Spurgeon, Dennis R.
*Stacy, Edward G.
*Stalker, Earl, Jr.
Steber, Forrest E.
Stiger, Robert D., Jr.
*Stoakes, Richmond B.
Stone, William C.
Stout, Michael D.
Stowell, Ralph H., Jr.
*Straughn, Wyatt F.
*Strickland, Walter L.
Striffler, Paul J.
Stromberg, David L.
*Stryker, Lyal M.
Sullivan, Joseph C.
Sullivan, Kenneth D.
Surles, Billy W.
*Swan, Thor O.
Szopinski, Robert W.
*Tague, James R., Jr.
Tanner, Michael
Tate, James A.
Tate, William A.
Taylor, Steven C.
Taylor, Thomas L.
Taylor, Wade H., III
Telfer, Grant R.
Templin, Erwin B., Jr.
Tenney, Stuart L.
*Terry, Michael R.
*Terry, William E.
Testa, Ronald F.
*Testwuide, Robert L., Jr.
*Tettenburn, Howard T., Jr.
*Thibeault, Frederick L.
Thomas, Norman M., III
*Thomas, Peter D.
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Thomason, Harper J., II
Thompson, Laile H., Jr.
Thompson, Robert G.
Thorn, John C.
Tidball, Douglas D.
*Tiernan, Barry V.
Tillinghast, Theordore V.
Tillotson, Frank L.
*Tinder, William P.
Tobin, Paul E., Jr.
Todd, James N.
*Toft, Richard J.
*Towers, Edwin L.
*Townsend, Okey, Jr.
*Trafton, Robert T.
Traver, James E.
*Trefry, Edwin V.
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*Tucker, Albert L.
Turley, John, Jr.
*Turnbull, James L.
Turner, James R.
Turner, Thomas W.
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Twomey, Daniel T.
*Tynan, Douglas M.
*Tyner, Jimmie C.
Ullman, Harlan K.
*Underwood, Walter J.
Ussery, David L.
VanArsdall, Clyde J., III
VanderVelde, Kent M.
VanHoften, Scott A.
VanNice, Robert L., Jr.
*Van Wormer, Thomas P.
Vaughan, Raymond E.
*Vazquez, Raul
*Veazey, Luther T.
Vernon, Larry J.
Vetter, David A.
*Vincent, James M.
Virden, Charles S.
VonSydow, Vernon H.
*Voss, George P.
*Walker, Jerry D.
*Walker, John A., Jr.
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*Walters, John B., III
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Waples, Robert E.
*Ward, John W.
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*Watkins, James
Waugaman, Merle A.
Weale, Gary D.
Weaver, Charles T.
Weidman, Robert H., Jr.
Weihmiller, Gordon R.
*Weisenburger, Thomas W.
Weisgerber, Donald E.
*Welham, Walter F., Jr.
Wells, David A.
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Werner, Robert M.
*Wernsman, Robert L.
*West, Walter D., III
*Westin, Brian E.
Whalen, Frank R.
*Wheeler, Gerard C.
White, Chester G., Jr.
*White, Donald C.
White, Larry R.
Whitney, Payson R., Jr.
*Whitt, Eugene N.
*Whitus, Ernest F.
Wiggins, William F.
Wilbourne, David G.
Wilkin, Howard A.
*Wilkins, Stephen V.
Willandt, Theodore A.
Williams, Michael V.
Williams, Ronald L.
*Williams, Thomas J.
*Williams, Thomas D. M.
Williamson, Gordon
*Wilson, Ashley V.
*Wilson, Ernest E.
*Wilson, Frederic S.
Wilson, Gary W.
*Wilson, Torrence B., III
Winters, Curtis J.
Wise, Randolph E.
*Wisehart, Kenneth M.
Witcraft, William R.
*Woehl, Robert D.
Womble, Talmadge A.
*Wood, Richard E.
*Wood, Virgil W.
*Woodbury, Roger L.
Woodroof, Olen C., Jr.
Wools, Ronald J.
Worcester, John B.
*Wright, James J.
Wright, Julian M., Jr.
Wright, Malcolm S.
Wynne, David C.
Yankura, Thomas W.
Yarbrough, Milton E., Jr.
*Yonov, Serge A.
*Zabrocki, Alan D.
*Zaretki, John P.
*Zelfer, Gerald T.
Zimmermann, Claus E.

MEDICAL CORPS

Almy, Gary L.
Anderson, John R.
Arendale, Stephen S.
Ashley, Lillard G., Jr.
Babka, John C.
Barbier, George H.
Barnwell, Grady G., Jr.
Barvick, Edward J.
Beal, Lowell R.
Beatty, Hugh T.
Berryman, John D.
Biesecker, Gary L.
Bigley, Harry A., Jr.
Bogle, Lawrence P., III
Brown, Jay H. J.
Brown, Peter W.
Burnett, John R.
Burns, Arthur C.
Carlisle, John W., Jr.
Carson, Homer S., III
Chalamidas, Stewart L.
Charles, Clive R.
Cooper, Edgar S.
Cotton, John B.
Cox, Joel R., Jr.
Cross, David A.
Daniel, Howard G.
Danzer, David B.
Dawsey, James T.
Dorr, Lawrence D.
Duncan, Matthew W.
East, Samuel R.
Eastridge, Ralph R., Jr.
Edwards, Bruce G.
Eikman, Edward A.
Ellwood, Leslie C.
Emory, Warden H.
Enoch, Tommy E.
Ferrazzano, John V.
Flanagan, Michael C.
Forbes, Thomas W.
Freisinger, Gerhard M.
Gallagher, William J.
Geary, Brian D.
Geraci, Kevin T.
Giedraitis, John B.
Glassman, Peter M.
Glynn, Thomas W.
Golden, Richard A.
Gortner, David A.
Goldschmidt, Mark N.
Gorske, Arnold L.
Greco, Richard G.
Gregson, Michael J.
Hageseth, Christian E.
Hall, Robert F., II
Hammersberg, Jon R.
Hancock, George G., II
Harris, Richard E.
Harter, David J.
Hassan, Robert M.
Hawkins, Michael L.
Hayes, Robert P. B.
Hoglund, William J.
Houghton, James O.
Hunt, Phillip D.
Isenhart, George E.
Izzo, Joseph L.
Jackson, David L.
Jackson, Seth H.
Jacobsen, Paul M.
Janovich, John R.
Kahle, Charles T.
Kaiser, Ralph H.
Keegan, Gerald T.
Kelsey, Gerdi D.
Kimbrell, Fred T., Jr.
Kindschi, George W.
King, Charles R.
Knee, Steven T.
Krasnow, Robert W.
Krebs, Curtis J.
Lee, John P.
Lenington, Jerry O.
Lewis, Ronald W.
Liscomb, Jesse R.
Lomax, William R.
Luppi, Lawrence H.
Lutner, Lawrence
Malone, Patrick T.
McGill, Willis A.
McKee, Edgar G.
McKee, Paul J.
McMahon, Daniel C.
McMillian, Michael R.
McMullan, John B., Jr.
Mendez, Prudencio, Jr.
Murphy, David M.
Murphy, James A.
O'Brien, Michael P.
O'Connell, Kevin J.
O'Hara, James P.
Oller, Dale W.
Orsi, James M.
Parvin, Thomas S.
Paul, Francis F.
Paul, Theodore O.
Pekas, Michael W.
Pinkston, John A.
Pohl, Stephen E.
Pratt, Richard A., II
Pryor, Donald E.
Rader, Thomas E.
Radnich, Robert H.
Redmond, Roy E.
Reed, James C.
Reed, William J.
Reynolds, Walter J., II
Robertson, William C., Jr.
Robinson, James E.
Robinson, Joseph H.
Rodgers, Donald E.
Roduner, Gregory K.
Roelofs, Bruce A.
Ryan, Joseph M.
Safley, Gary H.
Sawyer, Ralph A.
Schaefer, Walter C.
Schang, Steven J., Jr.
Schefsky, Harvey W.
Schloemer, Richard L.
Schmottlach, David R.
Schuler, Frank A., III
Schweitzer, Robert L.
Scott, Kenneth N.
Seal, William C.
Seckler, Jerrold H.
Sibert, Scott L.
Siegfried, George E.
Spenler, Charles W.
Steele, Samuel M., Jr.
Stehr, Christian H.
Steinberg, Steven M.
Stevens, Bruce L.
Stromberg, Murray G., II
Strong, David B.
Stuckey, Charles E.
Swart, Edwin G., Jr.
Templeton, Gilbert W.
Thomas, James M.
Tozer, James M.
Turner, Tommy
Ulch, George A.
VanderBerry, Robert C.
Volcjak, Edward E.
VonEschenbach, Andrew C.
Werner, Leslie G.
Whitlock, Paul A., Jr.
Wilder, William H.
Williams, Robert R.
Worthington, Richard L.
Wyatt, Willie G.
Yauch, John A.
Young, Thomas K.

SUPPLY CORPS

Actis, Charles L.
Adelgren, Paul W.
Andrews, Ernest L., Jr.
Arehart, Robert C.
Atkinson, Larry R.
*Ayers, James D.
*Baldwin, Seth W., II
*Bartel, Joseph R.
Bednar, Edmund J.
Berquist, John R.
Biggins, James A.
*Bissett, John L.
*Blankenfeld, Richard K.
Blondin, Peter W.
Boyd, Terran R.
Bradley, James S.
Bunch, Joseph R., Jr.
*Cangalosi, Davis S.
*Carr, William N.
*Ceo, Jerome J.
Chapman, George A., Jr.
*Chappell, Richard G.
Cole, Chester B.
Conner, John T.
Correll, Charles D.
*Crocker, William G.
*Daniels, John G.
*Dilger, Dean E.
*Dominy, Wilbur D.
Driskell, James D.. III
*Dunn, Robert G.
*Duryea, Robert J.
Eadie, Paul W.
Earhart, Terry L.
Evans, George A.
Fisher, Gary C.
*Fisher, Orville L., Jr.
*Flowers, John H.
*Fuller, Franklin B.
*Galligan, David R.
*Gallion, Robert Z.
*Gee, Charles D.
*Glisson, Donald J.
*Green, William T.
Grichel, Dietmar F.
*Griffin, Jon E.
*Groves, William D.
*Habermann, William F.
Hagerty, William O.
*Hanson, Harold C.
Harshbarger, Eugene B.
Hart, Charles A.
Hawthorne, Richard L.
*Helmuth, Robert A.
*Henson, Verlin C.
Hering, Joseph F.
Hickman, Donald E.
Hildebrand, Jarold R.
*Holland, Donald L.
*Hooker, James S.
Hundelt, George R.
Hyman, William M.
*James, William D.
Jenson, Ronald L.
Johnston, John M.
Jones, Eric B.
*Jones, Richard W.
*Kavanaugh, John T.
Kerr, Harold L., Jr.
Lafianza, Bernard J.
Lafnitzegger, Frederick A.
*Lebel, Robert F., Jr.
Leeper, James E., Jr.
*Lewis, James J.
Lovstedt, Joel M.
*Lutz, Gerald G.
Lutz, Harold G., Jr.
MacAulay, Charles P.
MacMurray, Michael M.
*Marshall, Robert K.
*Mastrandrea, Gary A.
McDermott, John E.
McDonald, John F.
McGraa, John R., III
McNutt, Beverly D., Jr.
*Meneely, Frank T.
*Meyer, James R.
Mitchell, John W.
*Mitchell, Willis A.
*Monson, Jon P.
Moore, Thomas J.
Morris, John G.
*Mueller, John J.
Murray, Michael A.
Musgrave, Alvin W., Jr.
Nichols, Clifford J.
Nichols, Edward H.
Norris, David C.
*Oehrlein, William P.
O'Hara, Patrick J.
Olin, William W.
Olio, John F.
Owens, Joseph F.
*Owens, Robert K.
*Packard, Charles A.
*Paine, John S.
Parrot, Ralph C.
*Parsons, Donald S., Jr.
Peiffer, Robert H.
Perry, James H., Jr.
*Peterson, Roland H.
*Pierce, John H.
Pinskey, Carl W.
*Pittman, Harold S.
Ponder, Joseph E.
Rasmussen, Kenneth H.
*Reynolds, Marvin D.
Rumsey, Charles G.
*Savola, Vernon V., Jr.
Schiel, William A., Jr.
Schultz, Robert A.
*Seddon, Thomas A.
*Sewell, John B.
*Shannon, William N
Shields, Edward J.
Siburt, Forrest N., Jr.
Smith, Charles E.
Smith, Richard M.
Smith, William J.
*Sneiderman, Marshall L.
Stafford, Joe R.
*Stebbins, Lynten H.
Stocker, Vernon D.
Stone, Charles W., Jr.
*Sulek, Kenneth J.
Summers, John H.
*Tallant, Arnold
Terwilliger, Bruce K., Jr.
Thomas, Gary L.
Trandum, William I.
Ullman, Robert C.
Unsicker, David W.
*Wagner, Gregory L.
Waldron, Andrew J., Jr.
*Wallace, William W.
Walton, Joseph L.
*Webster, Bert R.
Wells, Paul D.
Wellumson, Douglas R.
West, Karl P.
Williams, Richard H.
Wong, Dennis W. H.

CHAPLAIN CORPS

Bartholomew, Carroll E.
*Bruggeman, John A.
*Coughlin, Conall R.
Dorr, Charles E.
*Fiorino, Alfred L.
*Gill, Francis
*Kuhn, Thomas W.
*Luebke, Robert B., Jr.
*McCoy, Charles J.
*Meehan, Conon J.
Murray, Edward K.
*Riley, Robert J.
*Rowland, William A., Jr.
*Roy, Raymond A.
Smith, Jerry R.
*Stewart, Lisle E.
Winnenberg, John O.
*White, Harry G.
*Wilder, James O.
*Winningham, Joe
*Zettl, Bernard L.

CIVIL ENGINEER CORPS

Andrews, Richard E.
Bergstrom, Robert R.
*Beauby, Stephen C.
*Crane, Thomas C.
*Day, Norman W.
Dillman, Robert P.
Eckert, James W.
Edmiston, Robert C.
Everett, Ernest J.
Greene, Carl D.
Griffith, Harry G.
Hanks, James E.
*Hansen, Robert E.
*Harris, William F.
Hathaway, James L.
Heine, Richard F., Jr.
*Hines, Leslie L.
Hosey, Gary R.
Hudspeth, Robert T.
Hull, David N.
Hyland, Richard J.
Konold, David W., Jr.
*McCullagh, Paul W.
*McManus, Robert G.
*Myers, Larry D.
Nadulski, Michael E.
Pearson, Rufus J., III
Pero, Michael A., Jr.
Rensetti, Joseph L.
Rohrbach, Richard M.
*Rumbold, William W., Jr.
*Sahlman, Claire G.
Scott, Gary H.
*Shaw, Arthur R.
Sheaffer, Donald R.
Smith, Homer F., II
*Stevens, Joseph M., Jr.
Stewart, Stephen E.
Vaudreuil, Wilfred J., Jr.
Wilson, Ronald K.

DENTAL CORPS

Balsiger, Verlin W., Jr.
Barton, Terry L.
*Bauman, John C.
Bosworth, Bruce L.
Butlin, Roderick W.
Chapman, Robert J.
Cholaki, George C.
DeLong, Richard L.
Dunn, William P., Jr.
Esquire, Robert G.
Finger, Richard B., Jr.
Fisk, Bruce D.
*Gustafson, Duane O.
Hancock, Everett B.
Hartman, Gerald E.
Higgins, Joseph P., Jr.
Horton, Charles B.
Ingraham, Richard L.
Jack, Robert W.
*Licking, Thomas C.
Lucas, Michael S.
MacLeod, George
Maiorana, Joseph J.
Merlo, Thomas J.
Moe, Robert C.
Nagel, Norman J.
Orthmeyer, Harold J., Jr.
Ostrowski, John S.
Smith, Gary L.
Sullivan, William W.
*Wight, Thomas A.

MEDICAL SERVICE CORPS

*Adkins, David D.
Alhauser, Robert V., Jr.
*Anderson, Francis G.
*Ashton, George H.
*Baker, Donald E.
Bell, "R" Thomas, III
Bond, James C.
*Brown, Wayne A.
Buckles, Richard G.
*Buhaly, Albert L.
*Cannizzaro, John S.
*Carroll, Jake R.
*Clark, Robert P.
*Cunningham, Robert S., II
Curran, Patrick M.
*Deeter, Victor R.
*Ferguson, John C.
*Ferris, William A.
Fingerett, Sheldon N.
*Fullerton, Jack G.
Funaro, Joseph F.
*Gannon, John H.
*Gay, Kenton W.
*Giard, Emile N.
*Gillespie, Franklin D.
*Gogel, Casper J.
*Green, Charles M.
*Gregoire, Harvey G.
*Hall, Richard T.
Hartman, Carl H.
*Hatten, Arthur D., Jr.
*Henderson, "S" Douglas
*Hill, Thomas A.
*Horne, William O.
*Jenkins, Lloyd M.
*Johnson, Jay A.
*Johnson, Robert A.
*Juda, Thaddeus A.
*Kalfas, Dimitri L.
*Laughlin, Leo L., Jr.
*Mackin, Thomas F., Jr.
*Mason, James J.
*McCurry, Romeo G.
*McPeters, Roland E.
*Patterson, Patrick R.
*Payton, Richard A.
*Praria, Paul A.
*Rath, Arthur R.
*Rhodes, Durward L.
*Rice, Richard T.
*Robinson, Patsy J.
*Rosplock, Jerome D.
*Santana, Frederick J.
*Schmutz, Clinton E.
*Self, William L.
*Schackelford, Paul R.
Shaughnessy, Mary K.
Smith, Lamar R.
*Smith, Robert E.
*Thompson, Bobbie L.
*Tilton, Delmar L.
*Tomczyk, Frank E.
Toops, Paul E.
*Tworzyanski, Chester
Walker, Jerry M.
*Wallace, Robert O.
*Warren, Joseph E.
*Wesolowski, Carl A.

JUDGE ADVOCATE GENERAL'S CORPS

*Boasberg, Robert, Jr.
*Closser, Daniel P., Jr.
*DeRocher, Frederic G.
*Ellis, Donald P., Jr.
*Gall, William D.
*Gilliam, Thomas A.. Jr.
*Henkel, George E.
*Hosken, Edward W., Jr.
*Kuhner, Robert L.
*Norgaard, Kenneth R.
*Rowley, Robert D., Jr.
*Turner, Patrick C.
*Wheeler, Matthew J., Jr.
*Woods, Terrence J.
*Wulf, Norman A.

NURSE CORPS

*Ancelard, Madeline M.
*Arndt, Karen I.
*Campen, Kathryn E.
*Dexter, Marion C.
*Dunn, Glenda G.
*Fox, Patricia M.
*Hennessy, Jo A.
Hubbard, Carol A.
*Janik, Barbara A.
*Loughney, Juel A. M.
*Marks, Alita C.
*McKown, Frances C.
*Medina, Elida D.
*Odom, Helen A.
Peters, Shirley
Ricardi, Jean C.
*Riddell, June E.
*Russell, Susanne
Simler, Monica
Triplett, Audrain M.
*Walker, Dorothy A.
Wildeboer, Henrietta M.
*Witherow, Mary A.
*Word, Helena M.
*Yucha, Shirley A.

Alan E. Michel, U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant and the temporary grade of lieutenant commander.

William J. Ford, Jr., U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Richard L. Martens, Supply Corps, U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Lowell R. Norris, III, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Charles M. Polanski, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

William H. Butler, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

The following named officers of the U.S. Navy for transfer to and appointment in the Civil Engineer Corps in the permanent grade of ensign:

Allen, Charles E.
Butler, William H.
Jukkola, Lloyd A.

Ralph D. Bianco, Supply Corps, U.S. Navy, for transfer to and appointment in the line in the permanent grade of ensign.

The following-named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Cohan, Lawrence L.
Mitchell, Ralph M., Jr.
Oswald, John S., II
Richardson, Paul F.
Uris, Richard B.
Vellis, John D., II

The following-named officers of the U.S. Navy for transfer to an appointment in the Supply Corps in the permanent grade of ensign:

Ahrens, Robert A.
Broaddus, Girard T.
Gillette, Robert C.
Harris, Richard A., Jr.
Jones, Samuel L.
McQueen, Thomas W.
Morton, George H. E., III
Mumma, Donald C.
O'Rourke, Brian

Rieve, Roy C.
Warner, Paul G.
Webb, James A., III

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Gruver, William K.
Spinelli, Robert B.

Henry P. Boardman, Jr., Supply Corps, U.S. Navy, for temporary promotion to the grade of lieutenant in the Supply Corps, subject to qualification therefor as provided by law.

James W. Fitzsimmons III, Nurse Corps, U.S. Navy, for permanent promotion to lieutenant (junior grade) and temporary promotion to lieutenant in the Nurse Corps, subject to qualification therefor as provided by law.

The following-named women officers of the U.S. Navy, for permanent promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law:

*Benson, Patricia G.
*Binaghi, Joanne T.
*Bivins, Rita H.
*Blake, Sally A.
*Botzum, Diane
Clark, Georgia
*Delarot, Anna M.
*Derrough, Lois A.
*Hazard, Roberta L.
*Hoag, Jean W.
*Hurlbut, Bonny A.
*James, Mary C.
*Loser, Margit M.
*Mearls, Joanne R.
Nyce, Barbara R.
*Pane, Marietta A.
*Ragozzine, Carolyn M.
*Wylie, Elizabeth G.

Mildred L. Carr, Supply Corps, U.S. Navy for permanent promotion to the grade of lieutenant commander in the Supply Corps subject to qualification therefor as provided by law.

David M. Muschna, U.S. Navy, for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law.

*Indicates appointment issued ad interim.

IN THE MARINE CORPS

Having been designated in accordance with the provisions of title 10, United States Code, Section 5232, Maj. Gen. William G. Thrash, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

Lt. Gen. Raymond G. Davis, U.S. Marine Corps, for appointment as Assistant Commandant of the Marine Corps in accordance with the provisions of title 10, United States Code, Section 5202, with the grade of general while so serving.

Having been designated in accordance with the provisions of title 10, United States Code, Section 5232, Maj. Gen. Wallace H. Robinson, Jr., U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE MARINE CORPS

The following named staff noncommissioned officers for temporary appointment to the grade of second lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Candelario, Rafael
Moore, Terrance L.

The following-named U.S. Naval Academy graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Anderson, R. G.
Annis, Robert E.
Appenfelder, G. D.
Ard, Peter N.
Balcom, John L.
Bayne, Douglas L.
Beck, Mark T.
Bennett, Chris
Bjerke, Thomas E.
Blair, G. W.
Bloomer, David R.
Boteler, Johal R.
Boyer, Charles E.
Bozarth, Errett J.
Brighton, S. H.
Brown, Michael M.
Brown, Stephen R.
Burnette, R. G. Jr.
Cabana, Robert D.
Caouette, T. H.
Carroll, C. T. F.
Carter, William B.
Cheney, Stephen A.
Clarkson, A. F., Jr.
Clydesdale, R. III
Compton, M. R.
Conroy, V. P., Jr.
Crimaldi, Sam B.
Dalton, Thomas R.
Demars, M. W., Jr.
Dodson, Thomas J.
Dunleavy, C. J.
Duscheid, A. L. III
Elsberry, John G.
Erickson, R. H.
Flinn, George W.
Fliszar, John N.
Fretz, O. R., III
Fuchs, Frank C.
Gallagher, F. M., Jr.
Gardner, Mark S.
Geil, Jerome L.
Giacobbe, Peter J.
Graham, Vernon C.
Greene, M. J. L., Jr.
Gregor, C. John
Griffin, Barry P.
Hammond, C. W., Jr.
Harper, James R.
Harris, Gerald F.
Havenstein, W. P.
Hayman, Thomas A.
Hedderly, G. T.
Hemler, Jeffrey F.
Heikes, Lambert C.
Hermann, Peter E.
Hesse, Donald E.
Hield, Roger A., Jr.
Hull, Jeffrey L.
Inskeep, Carl D.
Jamieson, Thomas M.
Jecmen, Reid A.
Jennings, S. C.
Kellogg, John E.
Kinnear, N. T., III
Knott, David A.
Kremian, Frank T.
Lammers, J. R.
Longworth, M. W.
Macklin, Mark S.
Marcy, Hugh W.
Mayes, Robert C.
Mazzara, Andrew F.
McConnell, F.
McKenzie, Scott W.
Meek, Robert W.
Mendelson, J. S.
Mikkelsen, D. J.
Miller, H. K., Jr.
Miller, Raymond T.
Moore, J. T. C., II
Nadolski, Keith E.
Nelson, Ralph D.
North, John R.
Obrien, T. P., Jr.
Olsen, D. A., Jr.
Paul, P. J., III
Perry, A. L., III
Peterson, Dale A.
Pickett, Gerald W.
Porter, John F.
Pullen, G. D.
Queen, James E.
Quinn, John A., IV
Radomski, D. J.
Riggs, Stephen A.
Rodgers, George L.
Rose, Bowen F., Jr.
Santillo, J. C.
Sattler, John F.
Schwelm, Karl T.
Searing, James M.
Settle, Robert H.
Shoaf, Peter J.
Smith, Paul R.
Speer, Martin J.
Spratt, Ronald E.
Stephan, Terry A.
Stiles, Clay O.
Storey, David K.
Storey, J. A., III
Sullivan, Cecil E.
Sullivan, P. H.
Summa, Mario J.
Swords, Michael J.
Tonkin, Terry L.
Travis, Richard F.
Uberman, Joseph S.
Voss, Paul H.
Waterman, Brett N.
Weiss, Terry T.
Williams, P. E.
Winkelman, Jack D.
Winslow, W. E., Jr.
Wnek, Ronald F.
Zaudtke, Peter A.

HOUSE OF REPRESENTATIVES—*Tuesday, February 23, 1971*

The House met at 12 o'clock noon.

Rev. Rudolf Kiviranna, of the Estonian Evangelical Lutheran Church of New York, offered the following prayer:

Father in heaven, we approach Thee in sincere humility.

We live in a world under the shadows of great problems to which there are no easy solutions.

Give us, O God, Thy light to understand the difficulties of our world and our responsibilities to overcome them.

We need courage and wisdom to take a decisive stand against all evil which in many ways threatens the world and our Nation.

On the Independence Day of the Estonian nation we think of all nations who are forced to live under the yoke of atheistic communism.

Through Thy grace these nations have preserved an unconquerable will for freedom and an unquenchable hope that they may one day belong to the family of free nations.

To further this cause bless our President and Government and the endeavors of the Congress of the United States. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

APPOINTMENT AS MEMBERS OF THE MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of 16 United States Code 715a, as amended, the Chair appoints as members of the Migratory Bird Conservation Commission the following Members on the part of the House: Mr. DINGELL and Mr. CONTE.

APPOINTMENT AS MEMBERS OF THE PLYMOUTH-PROVINCETOWN CELEBRATION COMMISSION

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 91-474, the Chair appoints as members of the Plymouth-Provincetown Celebration Commission the following Members on the part of the House: Mr. DONOHUE, Mr. BURKE of Massachusetts, Mr. KEITH, and Mr. CONTE.

APPOINTMENT AS MEMBERS OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER. Pursuant to the provisions of Section 3(a), Public Law 86-380, the Chair appoints as members of the Advisory Commission on Intergovernmental Relations the following Members on the part of the House: Mr. FOUNTAIN, Mr. ULLMAN, and Mrs. DWYER.

APPOINTMENT AS MEMBERS OF THE JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 United States Code 1024(a), the Chair appoints as members of the Joint Economic Committee the following Members on the part of the House: Mr. PATMAN, Mr. BOLLING, Mr. BOGGS, Mr. REUSS, Mrs. GRIFFITHS, Mr. MOORHEAD, Mr. WIDNALL, Mr. CONABLE, Mr. BROWN of Ohio, and Mr. BLACKBURN.

APPOINTMENT AS MEMBERS OF THE JOINT COMMITTEE ON NAVAJO-HOPI INDIAN ADMINISTRATION

The SPEAKER. Pursuant to the provisions of section 10(a), Public Law 474, 81st Congress, the Chair appoints as members of the Joint Committee on Navajo-Hopi Indian Administration the following Members on the part of the House: Mr. HALEY, Mr. UDALL and Mr. STEIGER of Arizona.

APPOINTMENT AS MEMBERS OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 2(b), Public Law 89-491, as amended, the Chair appoints as members of the American Revolution Bicentennial Commission the following Members on the part of the House: Mr. DONOHUE, Mrs. HANSEN of Washington, Mr. SAYLOR, and Mr. WHITEHURST.

APPOINTMENT AS MEMBERS EX OFFICIO OF THE BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 85-874, as amended, the Chair appoints as members ex officio of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House: Mr. THOMPSON of New Jersey, Mr. RONCALIO, and Mr. FRELINGHUYSEN.

REINTRODUCTION OF LEGISLATION

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, during the past few Congresses I have offered a number of measures designed to stimulate discussion on the issues they raise. Today, I am reintroducing a number of these bills. It is my hope that the dialog on each of these measures will continue. I am also hopeful that the proposals I am introducing today will receive hearings during this Congress.

In the coming weeks I will be introducing proposals on consumer protection, the environment, and drugs, and crime. These subjects are not covered by the 18 measures being introduced today.

The following is a brief summary of each piece of legislation:

First. The Meals for Millions Foundation of Los Angeles, Calif., will be granted a Federal charter. The measure sets forth the purposes and structure of the program. There are no Federal funds involved.

Second. Two measures deal with financing important education programs. One bill would create a secondary market for education facilities construction loans. The other bill would establish a secondary market for the various federally insured student loan papers.

Third. A measure creating a National Institute on Digestive Diseases, thereby promoting research and training in this field.

Fourth. An amendment to the National Defense Education Act which would expand Federal support of programs training Americans in international affairs and languages.

Fifth. A measure that would include chiropractic under the provisions of medicare.

Sixth. An amendment to the Export-Import Bank Act which would exclude the Bank's receipts and disbursements from the budget, thereby increasing the Bank's operating flexibility.

Seventh. A measure creating a Small Tax Division within the Tax Court enabling small wage earners to have a hearing on their tax problems.

Eighth. A measure that would require public opinion polls to disclose the method used in obtaining their information.

Ninth. A measure limiting advertising of alcoholic beverages on the public airways.

Tenth. A bill guaranteeing Federal employees their constitutional rights to privacy.

Eleventh. An amendment that increases the presumption of service-connected multiple sclerosis from 7 to 20 years.

Twelfth. A measure permitting States to arrange for hospital coverage under medicare.

Thirteenth. A bill authorizing pensions to survivors of those awarded the Medal of Honor posthumously.

Fourteenth. A measure making it easier for the blind to get disability benefits.

Fifteenth. A measure creating a new formula permitting the Retired Reserve to receive retirement pay.

Sixteenth. A bill that would allow the Federal Government to pick up the increased cost of welfare caused by court decisions doing away with residency requirements.

Seventeenth. A measure permitting veterans retired at 100-percent disability before 1949 to collect retirement pay.

I have made a number of statements on each of the above measures. Those interested in any of the items mentioned may contact my office and request my previous statement on it.

ARMS ET LES FRANCAIS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, over the last few years there has been constant discussion in the Congress about the sale of U.S. arms to foreign nations. This discussion was particularly warm in connection with projected sales to Peru, Brazil, Argentina, and Colombia.

The opponents of such sales, in undoubted good faith, argued that providing more modern equipment would step up an arms race and might even provide the means for suppressing popular revolutionary movements.

The countervailing argument, which I accepted, maintained that the countries in question would obtain the arms in any event regardless of the state of their national budgets and that it would be better for us to be the suppliers than to have them come from other sources. If the United States made the sales, there would be greater control over the types of weapons and their sophistication, as well as the ability to place restraints on duplication, maintenance, and spare parts.

A recent study proves that predictions of those who favored a continuation of the policy have come true. French arms salesmen have moved into the Latin American market with a vengeance since our refusal to continue our programs.

C. L. Sulzberger in his New York Times column, "Arms and the Frenchman," of February 21, 1971, makes the following statement:

> Recently agreements have been made or are under negotiation with Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, Panama, Peru and Venezuela. Those mostly involve Mirage jets but some concern Fouga Magister trainers, AMX tanks, Alouette helicopters, gunboats and Exocet sea-to-sea missiles. The biggest single accord was arranged last year with Argentina for 106 Mirage V's.

Mr. Sulzberger also shows that France has moved into the arms market in South Africa which has been partially vacated by the British because of the clamor of the opposition to the current Government and the objections of African members of the Commonwealth. With the rising tide of anti-American feeling in Latin America and the present revolutionary tendency, the furnishing by the French of these weapons cannot be viewed with complacency, nor can the possibility of introducing Iron Curtain armaments be dismissed.

It is interesting to note that this rather cynical policy has brought military orders of over a billion dollars to France in 1970 and covers negotiations with no less than 26 countries.

I certainly do not advocate an attempt on the part of the United States to become a competitor in the merchandising of weapons for profit. At the same time, I do consider it worthwhile to see what has happened in fact when we have withheld our weapons from the countries in question. The result has not been to cut off their purchase, but simply to change the source of acquisition to one other than ourselves. Obviously, in certain cases this could bring about unwelcome and dangerous complications.

The article follows:

ARMS AND THE FRENCHMAN

(By C. L. Sulzberger)

PARIS.—A certain American envoy to France, named Benjamin Franklin, used to say honesty was the best policy and this is what the French today assert with respect to their enormous arms trade with the rest of the world, a commerce described by rivals or disappointed clients as "warmongering" or "outrageous." French arms policy may be cynical but it is not obscured by cant.

Paris, which has now replaced London as number three armaments export capital (after Washington and Moscow), contends quite blandly that it sells weapons on a strictly business basis in the national interest, is no merchant of death and simply provides what others would provide if the French didn't offer better goods or better terms.

As a consequence of this straight-forward approach to a highly charged subject the French brought their total for foreign military orders last year to well over $1 billion. Since January, 1969, sales have been arranged or negotiations begun with no less than 26 countries.

The two most contentious regions involved, politically speaking, are Latin America and South Africa. French arms salesmen, under their director, Hughes de l'Estoile, have moved into the Latin-American market previously regarded as Washington's exclusive bailwick, thus clearly reducing dependence on the U.S.A. of several nations in the Monroe Doctrine area.

Recently agreements have been made or are under negotiation with Argentina, Brazil, Chile, Columbia, Ecuador, Guatemala, Panama, Peru, and Venezuela. These mostly involve Mirage jets but some concern Fouga Magister trainers, AMX tanks, Alouette helicopters, gunboats and Exocet sea-to-sea missiles. The biggest single accord was arranged last year with Argentina for 106 Mirage V's.

Effective intrusion into the Latin market has obvious political repercussions because of its heritage of anti-Yankee feeling and also because of the rising tide of revolutions stressing hostility to Washington. The only equally explosive area of French arms penetration is South Africa.

In 1969 Paris sold 42 Mirage III and three Mirage III B jets to Pretoria. A new contract is being negotiated for 100 Mirage Milans. The French have sold helicopters and Panhard armored cars (both effective against guerrillas) and are developing their surface-to-surface Cactus guided missile in South Africa with Pretoria paying about three-fourths its cost.

Astonishingly, this produces few complaints against Paris from the many blacks or pro-black African clients of France's armaments industry, including Cameroun, Congo, Gabon, the Ivory Coast, Kenya, Sengal, Algeria, Libya, Morocco and Tunisia. Indeed, the largest contract yet made by the manufacturers of the Mirage was for the sale of 110 of these remarkable jets to leftist, revolutionary Libya which violently dislikes South Africa.

This unembarrassed export to both sides of the African disputes enrages Britain, which keeps risking dissolution of the Commonwealth by angry black states every time limited military sales to Pretoria are mentioned.

That liberal newspaper, The Guardian, reported recently: "The extraordinary manner by which France has managed to carry on its arms sales to South Africa without major challenge was never more marked than when President Kaunda visited Paris last autumn after his first angry confrontation with Mr. Heath over the South African arms issue . . .

"There is little doubt that France stands ready to fill the gap if Britain were after all to decide against an arms deal with South Africa. Nevertheless President Kaunda emerged from his session with Monsieur Pompidou mollified, and off the warpath against France."

The only obviously political restriction on French arms salesmen has been vis-a-vis Israel which bought and paid for fifty Mirage V's never licensed for export because of the later embargo on weapons sales to that little country. Aircraft manufacturers ultimately lost little by the boycott since the French Air Force itself has purchased only about 400 of the 1,200 Mirages so far manufactured. The rest have gone to thirteen foreign lands.

By outright come-and-get-it arms dealings, a policy which doesn't even pretend to adhere to any limitations equivalent to the moral or political restrictions of American, Russian or British salesmen, France has accomplished three things she values in the national interest.

She has gained immense prestige for the excellence of her weapons, above all (paradoxically) by Israel's extraordinarily effective use of the Mirages she had bought before the embargo. France, moreover, has balanced her foreign trade, with arms exports comprising 8 per cent of all sales and more than a quarter of manufactured equipment shipped abroad. And she has earned enough to pay entirely for the research and development program of the high quality French armaments industry.

COAST GUARD ACADEMY COURSES ON U.S. HISTORY AND TRADITION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the House Foreign Affairs Subcommittee on State Department Organization and Foreign Operations, of which I am a member, recently held hearings on the attempted defection by Lithuanian Seaman Simas Kudirka and found negligence at several of the bureaucratic levels involved. During these hearings I noted a lack of sensitivity on the part of the Coast Guard officials involved, both to the human aspects of the case and long historical tradition of the United States regarding political refugees. I stated that the implications of the Kudirka tragedy went far beyond the incident itself. They touched on our whole tradition of the right to asylum.

As a Member of Congress and a member of the Board of Visitors to the U.S. Coast Guard Academy, I have, since the hearings, inquired at the Academy about courses offered there in American history and government. I expressed to the Academy my particular concern that our Coast Guard officers be properly instructed in our Nation's traditional protection of human rights. The Academy's reply, which I shall place in the Record along with my original letter, provides a basic description of the course offerings. While the rights of political asylum are not the specific topic for any one course, Rear Adm. John F. Thompson does describe the Academy's academic program as "firmly rooted in the American tradition of responsibility for the individual and his freedom." I am pleased to see that there is emphasis upon the historical and constitutional elements of U.S. society and I hope that our traditional guarantees will be more clearly understood as a result of this unfortunate incident.

It is my hope that the Coast Guard Academy will further emphasize this aspect of its academic program and as a member of the Board of Visitors, I will continue to stress the need for such instruction. Coast Guard officers must act in the future with more awareness of our traditional protection of human freedom than was displayed in the Kudirka case. In a nation founded on the basic rights of the individual, this kind of tragedy must not be allowed to reoccur.

The text of my letter to the Coast Guard Academy and the Academy's reply follows:

December 16, 1970.

Rear Adm. Arthur B. Engel,
Commandant, U.S. Coast Guard Academy,
New London, Conn.

Dear Admiral Engel: Recent hearings held by the State Department Organization and Foreign Operations Subcommittee of the House Foreign Affairs Committee of which I am a Member and concerning the attempted defection of a Lithuanian sailor aboard a U.S. Coast Guard Cutter indicated a lack of formal instruction to Coast Guard officers on United States policy concerning political refugees and indeed in other areas of history and political questions.

As a Member of Congress and as a Member of the Board of Visitors to the United States Coast Guard Academy, I should like to know what courses in American Government and American History are offered at the Academy. I am particularly interested in knowing whether or not any instruction is given concerning our Nation's traditional protection of human rights, with specific reference to the right of asylum for political refugees.

I shall appreciate hearing from you on this important matter at your earliest convenience.

Sincerely yours,

John S. Monagan,
Member of Congress.

U.S. Coast Guard Academy,
New London, Conn., December 23, 1970.

Hon. John S. Monagan,
House of Representatives,
Washington, D.C.

Dear Mr. Monagan: In response to your letter of 16 December 1970, may I describe relevant courses in history and government taught here at the Coast Guard Academy. These courses, and indeed the entire course of study at the Academy, are the result of continued curriculum development, particularly over the past ten-year period. Our curriculum is under constant review, by both internal faculty bodies and outside educational advisers.

During their four years of study for the B.S. degree and a commission in the Coast Guard, cadets in all curriculum areas are required to complete satisfactorily a single-semester course in the history of the United States, and a single-semester course in American government. The first of these courses focuses upon American historical government from its constitutional beginnings up through the present time. It is a basic sophomore survey course designed to give both broad background and adequate preparation for other courses in history. The second of these courses, Principles of American Government, concentrates upon the organization and functioning of our national government. The role of each governmental branch, and their relationships to the constitution, are studied, along with the constitution itself.

Several other courses, either curriculum requirements for special areas of study or elective courses open to all cadets, are pertinent to your question. One is the history of American Diplomacy, in which diplomatic history and foreign policy of the United States are considered. A second is the course in International Relations, required of all senior cadets who are in a non-technical area of study; this course considers questions of foreign policy, international law, and international organizations. At present, there are approximately a dozen other courses taught in history and government; History of Colonial America, The Civil War and Reconstruction, The New Deal, Fair Deal and After, American Maritime History, Modern European History, Modern Russian History, Modern Asia, American Constitutional Development, Military Policy, Comparative Government, and Western Political Theory. In addition, a course in the fundamentals of law, taught to all seniors, covers certain aspects of international law, such as sovereignty and jurisdiction at sea. In several of these courses, questions of foreign policy and international political relations are considered. There has been, however, no coverage of the right of asylum for political refugees as a specific topic in these courses. A case study is now being developed by staff members for inclusion in the required law course.

An education firmly rooted in the American tradition of responsibility for the individual and his freedom, plus indoctrination into the humanitarian mission of the Coast Guard, seem to me to be the strongest foundations for a firm belief in the right of the individual to freedom. It is such an education which we are attempting to give here at the Coast Guard Academy. I would be pleased to discuss these matters with you at any time, and would like to invite you to visit the Academy at your convenience.

Sincerely,

JOHN F. THOMPSON,
Rear Admiral, U.S. Coast Guard.

THE LATE S. SGT. KARL G. TAYLOR

(Mr. MORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORGAN. Mr. Speaker, on February 16, 1971, in the name of the Congress, the President awarded the Medal of Honor posthumously to S. Sgt. Karl G. Taylor, who was killed in Vietnam on December 8, 1968. At the time of his death, he was serving as company gunnery sergeant, Company 1, 3d Battalion, 26th Marine Regiment. Staff Sergeant Taylor had been in the Marine Corps since 1959 and was serving his second tour in Vietnam. He is the husband of the former Shirley Ann Piatt and the father of two sons and a daughter, Karl G., Jr., age 7; Keven G., age 4; and Sheryl A., age 8. Mrs. Taylor and the children live in Avella, Pa.

In addition to the Congressional Medal of Honor, Staff Sergeant Taylor's medals and decorations include the Purple Heart, the Presidential Unit Citation with one bronze star, the Good Conduct Medal with two bronze stars, the National Defense Service Medal, the Vietnamese Service Medal with three bronze stars, the Vietnamese Cross of Gallantry with Palm, the Military Merit Medal, the Gallantry Cross with Palm, and the Republic of Vietnam Campaign Medal.

I am including in my remarks the background of the Congressional Medal of Honor and the citation accompanying the medal.

The American people should be proud of Staff Sergeant Taylor for his sacrifices and courageous service to his country.

The material follows:

MEDAL OF HONOR

The Medal of Honor is the highest award for bravery that can be given to any individual in the United States. In judging men for receipt of the medal, each service has established its own regulations. The deed must be proved by incontestable evidence of at least two eyewitnesses; it must be so outstanding that it clearly distinguishes the recipient's gallantry beyond the call of duty from lesser forms of bravery; it must involve the risk of his life; and it must be the type of deed which, if he had not done it, would not subject him to any justified criticism.

The idea for the Medal of Honor was born during the Civil War as men fought gallantly and oftentimes displayed great heroism. George Washington originated the Purple Heart in 1782 to honor brave soldiers, sailors and marines. From that time until the Civil War, Certificates of Merit and a "brevet" system of promotions were used as military awards. The first military decoration formally authorized by the American Government as a badge of valor was the Medal of Honor for enlisted men of the Navy and Marine Corps. It was authorized by Congress, and approved by President Abraham Lincoln on December 21, 1861. The medal for the Army and Voluntary Forces was authorized on July 12, 1862.

The medal is awarded "in the name of the Congress of the United States" and for this reason, it is often called the Congressional Medal of Honor. It is only on rare occasions, however, that Congress awards special Medals of Honor. An Executive Order, signed by President Theodore Roosevelt on September 20, 1905, directed that ceremonies of award "will always be made with formal and impressive ceremonial" and that the recipient "will, when practicable, be ordered to Washington, D.C. and the presentation will be made by the President, as Commander in Chief, or by such representative as the President may designate."

The Navy Medal of Honor is made of bronze, suspended by an anchor from a bright blue ribbon, and is worn about the neck. The ribbon is spangled with a cluster of 13 white stars representing the original States. Each ray of the five pointed star contains sprays of laurel and oak and is tipped with a trefoil. Standing in bas-relief, circled by 34 stars representing the 34 States in 1861, is Minerva who personifies the Union. She holds in her left hand the fasces, an ax bound in staves of wood, which is the ancient Roman symbol of authority. With the shield in her right hand, she repulses the serpents held by the crouching figure of Discord. The reverse of the medal is left blank, allowing for the engraving of the recipient's name and the date and place of his deed.

CITATION

The President of the United States in the name of The Congress takes pride in presenting the MEDAL OF HONOR posthumously to Staff Sergeant Karl G. Taylor, United States Marine Corps, for service as set forth in the following Citation:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Company Gunnery Sergeant during Operation MEADE RIVER in the Republic of Vietnam on the night of 8 December 1968. Informed that the commander of the lead platoon had been mortally wounded when his unit was pinned down by a heavy volume of enemy fire, Staff Sergeant Taylor along with another Marine, crawled forward to the beleagured unit through a hail of hostile fire, shouted encouragement and instructions to the men, and deployed them to covered positions. With his companion, he then repeatedly maneuvered across an open area to rescue those Marines who were too seriously wounded to move by themselves. Upon learning that there were still other seriously wounded men lying in another open area, in proximity to an enemy machine gun position, Staff Sergeant Taylor, accompanied by four comrades, led his men forward across the fire-swept terrain in an attempt to rescue the Marines. When his group was halted by devastating fire, he directed his companions to return to the company command post; whereupon he took his grenade launcher and, in full view of the enemy, charged across the open rice paddy toward the machine gun position, firing his weapon as he ran. Although wounded several times, he succeeded in reaching the machine gun bunker and silencing the fire from that sector, moments before he was mortally wounded. Directly instrumental in saving the lives of several of his fellow Marines, Staff Sergeant Taylor, by his indomitable courage, inspiring leadership, and selfless dedication, upheld the highest traditions of the Marine Corps and of the United States Naval Service.

UTILITY CONSUMERS' COUNSEL ACT OF 1971

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I am today being joined by 17 of my colleagues in introducing the Utility Consumers' Counsel Act of 1971. Senator METCALF is the Senate sponsor of this legislation.

Two years ago the Senate Subcommittee on Intergovernmental Relations held hearings on a similar bill introduced by Mr. METCALF in the Senate and Mr. ECKHARDT, Mr. HATHAWAY, and myself in the House. The bill we introduce today includes those changes made in the bill by the subcommittee during the 91st Congress.

The Utility Consumers' Counsel Act has three major objectives: First, to require utilities to report to regulatory bodies information which is pertinent to utility regulation, and to the understanding of utility rates and procedures; second, to require the Federal Power Commission and the Federal Communications Commission to report this information to Congress and the public in a timely and convenient manner, using automatic data processing to the fullest extent possible; and, third, to establish at the Federal, State, and local levels, offices of utility consumers' counsel to represent the interests of utility consumers before regulatory commissions and courts.

The need for this legislation is obvious. Perhaps in no other consumer-oriented area is a citizen so frustrated as in his dealings with the public utilites. His need for their services is fundamental to modern-day living. His dealings with them are complex, impersonal, and often unsuccessful.

The creation of a Federal Utility Consumers' Counsel would do much to improve the Federal regulation of utilities. But even more important is that section which provides grants to States and local governments for the creation of State utility consumers' counsels. In State after State, the utilities have dominated the State commissions that are supposed to regulate them. The selection of commission members is far too often a matter of party patronage, and frequently political considerations enter into commission decisions. Only 14 States elect their regulatory utility commissioners. The remaining 36, or 72 percent of our States, have their commissioners appointed for terms from 4 to 10 years.

Let me point out here that I do not propose or even expect State or local utility consumers' counsels to work in opposition to State regulatory utility commissions, but rather in conjunction with them. As Lee White, former Chairman of the Federal Power Commission, stated:

> Regulators have long recognized that their effectiveness depends to a marked degree upon an accurate understanding of all relevant facts and a thorough and comprehensive analysis of the significant issues raised in the matters presented for their consideration.

But all too often the State commissioners are faced with the utility interests mobilizing their economists, engineers, and accountants in a massive presentation of data to support a rate case. Knowing that company versions of its investment, income, depreciation, and expenses as rate base elements should be items of controversy, the State Commissioners simply must pass over these items for lack of experts who can challenge the company. The utility consumer counsels will provide this expertise so sorely needed.

Knowledgeable and balanced regulation can only be achieved if those who do the regulating, at any level, have accurate, complete, and comparable data available to them. As Senator METCALF stated upon introduction of this bill in the Senate:

> At present it is difficult and in some cases impossible for users or regulators of utility services to obtain detailed basic information about electric, gas, telephone and telegraph companies. By basic information I mean: Who owns the company? Who works for it? Where does its money go? What are its policies?

Title II of the Utility Consumers' Counsel Act is important in this regard. It requires the Federal Power Commission and the Federal Communications Commission to obtain and publish this information. It also authorizes the FPC, the FCC, and the Securities and Exchange Commission to make full use of automatic data processing in preparing and printing this material, thus facilitating their job.

Mr. Speaker, it is time for the Congress to recognize the fact that much of the regulation of our essential monopoly industries is mythical. Regulation is supposed to be a substitute for the absence of public control. The bill we introduce today is designed to strengthen representation of the interests of utility consumers at the State and local level, for it is only through the combined efforts of local, State, and Federal regulatory authorities that utility regulation in the public interest can be effective.

J. CARTER PERKINS, VICE PRESIDENT OF SHELL OIL CO.

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRINKLEY. Mr. Speaker, I want to take this opportunity to congratulate a native of the Third District of Georgia. I observed in the Stewart-Webster Journal that J. Carter Perkins of Lumpkin, Ga., was selected as the new vice president of the Shell Oil Co. on February 4.

Mr. Perkins' family has been active in community affairs in Lumpkin for generations. He is the present director of Shell's Washington, D.C., office, a position he has held since 1965. Before arriving in Washington, Mr. Perkins was associated with Shell in its land and legal departments in the New Orleans and Los Angeles areas, after having been associated with Gulf Refining Co. in the marketing division. In his new capacity, he will continue his responsibilities in the Washington area.

An outstanding legal counsel with Shell since 1948, Mr. Perkins holds professional memberships in the Supreme Courts of Florida, Louisiana, District of Columbia, California, and the United States, as well as other intermediate Federal courts. I salute Mr. Perkins on behalf of Lumpkin, Ga., and the entire Third District.

THE UNEMPLOYMENT PROBLEM

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, today 12 Members of the House led by the distinguished chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK); our majority leader, the gentleman from Louisiana (Mr. BOGGS); the chairman of the subcommittee on flood control, the gentleman from Alabama (Mr. JONES) and other members of the Committee on Public Works have introduced a bill that endeavors to meet on a broad front the rising crisis of unemployment in this country.

The bill, H.R. 4810, would extend the Appalachia program for 2 years. It would extend the Economic Development Act and the regional commission legislation for 2 years and provide additional funding for these very successful operations. It would also reinstitute the highly successful Accelerated Public Works Act of the early 1960's, providing over a 2-year period a substantial authorization for grants to the States and to the municipalities to carry out high priority public works projects at the local and State levels. A total of $1,850,000,000 would be authorized for that accelerated public works operation over the next 2 years.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I would like to commend the gentleman for his statement and sponsorship of the most comprehensive bill on this subject that has been introduced in this session of the Congress.

Mr. EDMONDSON. I thank the gentleman and I hope that we will have additional sponsors for this legislation and that we can speedily proceed to a consideration of it in the committee and to early consideration by the House of this very urgently needed proposal.

PHOTO EXPO 1971, IN CHICAGO, WEEK OF APRIL 17–25

(Mr. METCALFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALFE. Mr. Speaker, to an observant person, sensitive to the many changes in the processes of life, each moment in time and space has a unique beauty and point of interest.

Whatever the special interest of the observer, be he man, woman, or child, each moment of his day presents a picture never seen before, or one which shall never be seen from that angle again, except through the eye of the camera, in the hands of a photographer.

The photographer, consequently, is an essential technician, and the camera is an essential tool of what appears to be a phenomenally expanding industry.

To focus attention on the magnitude and expansiveness of the industry, the National Association of Photographic Manufacturers is planning an extravaganza of achievements called Photo Expo 1971, for the week of April 17–25 in the new McCormick Place in Chicago. The exposition, also labeled "The Universe of Photography" because of its design to meet the needs of everyone with a stake in photography, will include the latest in cameras, film, projectors, and electronic equipment as developed by over 400 manufacturers in the United States and 11 other countries. The presentations will be well worth seeing, and I want to urge all who can attend to do so.

At this time I would like to introduce a House joint resolution which recognizes the importance and accomplishments of the photography industry:

H.J. Res. 378

Joint resolution authorizing the President to issue a proclamation designating the period from April 17, 1971, through April 25, 1971, as "National Photography Week"

Whereas photography is one of the Nation's largest and fastest growing industries:

Whereas photography has become a vital instrument in business, medicine, space, education, entertainment, transportation, agriculture, and communication;

Whereas photography is essential to military and scientific endeavors;

Whereas photography is the recognized art form of the modern era;

Whereas photography provides a rewarding and challenging career for thousands of professional photographers, filmmakers, photo-finishers, photographic dealers, and audiovisual experts;

Whereas photography is a constructive hobby enjoyed by millions of Americans, young and old alike; and

Whereas Photo Expo 71, which will be the largest photographic exhibition ever held in the Western Hemisphere, is scheduled to be held from April 17, 1971, through April 25, 1971, at McCormick Place, Chicago, Illinois: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That as a tribute to the importance of photography in American life and in recognition of Photo Expo 71, which will be the largest photographic exhibition ever held in the Western Hemisphere, the President is authorized and requested to issue a proclamation designating the period from April 17, 1971, through April 25, 1971, as "National Photography Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

FULL SPEED TO DULLES?

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO. Mr. Speaker, in the Sunday Star there were two items of special interest:

First, which received prominent coverage, was the article by Mr. Jack Kneece asserting that the administration's proposal to sell Dulles and National Airports was not the unloading of financial nightmares which some have suggested. Mr. Kneece claimed that on closer inspection, the interest in the proposed sale is now looking "more like the Oklahoma land rush."

In the same issue, buried among classified advertisements, was a small item that two contracts have been awarded for a tracked air-cushioned vehicle to run from Dulles Airport to Dolly Madison Boulevard in McLean, Va.

The two $100,000 contracts for preliminary design work and work proposals went to Ling-Temco Vought of Dallas and to Rohr Corp. of Chula Vista, Calif.

The Department of Transportation was also reported to be negotiating a similar preliminary contract with the Grumman Corp. of Long Island, N.Y.

There are serious questions which ought to be raised in connection with these contracts for a rapid transit system. It is curious that while the administration on one hand wants to sell Dulles, it is with another hand putting in a system which conceivably would enhance the attractiveness of the airport and recruit more passengers for the future owners.

Second, and equally importantly, is the fact that the very stretch of highway considered for rapid transit construction is probably the only segment of highway in the entire metropolitan area which now provides relatively rapid traffic. It has the least need for rapid transit equipment.

While the tracked air-cushioned vehicle could be a great project, it appears to be running in the wrong direction. I submit, Mr. Speaker, that if we are going to invest money in rapid transit, it ought to be directed toward improving the traffic situation between McLean and Washington. This is where it will do the most good. I respectively submit that the Congress ought to question the Department of Transportation on this matter. It merits inquiry.

DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GIBBONS. Mr. Speaker, I rise to introduce a joint resolution amending the Constitution to provide for direct election of the President and the Vice President. The resolution which I introduce is the same as House Joint Resolution 681, which this House passed September 18, 1969, but on which the other body failed to complete action in the 91st Congress.

Direct election of the President was a good idea in 1969 and remains a good idea today. The failure of the Senate to approve it should not deter this House from passing a similar constitutional amendment in this Congress. Since we debated this measure at some length in the 91st Congress, it would seem to me that we ought to move with dispatch in repeating passage this year and I respectfully beseech the distinguished chairman of the Committee on the Judiciary, and the leadership, to schedule early consideration by the House so the proponents of direct election in the Senate will have in hand an added argument for obtaining early consideration of the measure in that Chamber.

Mr. Speaker, the arguments on either side of this question are well known and I certainly do not intend here to go into them in any depth. I think that it does bear repeating that the electoral college system of electing the President and Vice President is open to the possibility of a severe constitutional crisis, along the lines of probability which existed in 1968. It is only good fortune which has prevented such an occurrence to date and the argument used by defenders of the electoral college—to wit, that no such crisis has yet occurred—does not for a minute erase the fact that it could occur.

There is an old American aphorism that an ounce of prevention is worth a pound of cure. Accordingly, I am persuaded that we ought to provide for direct election of the President and Vice President, thereby precluding the dreaded possibility of crisis which lurks in the present method.

Alternative means for election of the President and Vice President have been an issue in this country since the very beginning of the Republic. This question caused considerable consternation at the Constitution Convention and we are aware that the imperfect solution which issued from those deliberations led to the crisis of 1800 and the subsequent adoption of the 12th amendment in 1804 to provide for separate balloting for President and Vice President.

It would have been far better for these United States had the Founding Fathers agreed to direct election of the President. That method was put forward as an alternative and given serious consideration. Only the necessity of compromise—in all probability—precluded its adoption, leaving us with the Trojan horse which haunts us today.

Mr. Speaker, what is wrong with the present method? First, it can result, and has, in the election of a candidate who receives fewer popular votes than his opponents; second, the procedures for contingent election can result in election of a candidate who has not received the most popular votes, which happened in 1824 with the election of John Quincy Adams; third, the independent elector has the option of ignoring the popular choice in a State and voting his whim, which has occurred on a number of occasions, and, fourth, the unit rule—whereby the candidate winning a plurality of votes in a State receives all that State's electoral vote is unfair, if practically wise. At the present time, only the State of Maine provides for other than winner-take-all in the presidential sweepstakes. But even there, so long as we retain the notion of an electoral vote, some people's votes will not count.

Mr. Speaker, there is only one alternative to the present method which will eliminate the problems I have outlined and that is direct election. Under the plan passed in 1969, and reintroduced by me, the voter will choose between tickets—one candidate for President and one for Vice President on each ticket. Every vote counts. If a ticket obtains at least 40 percent of the popular vote and, of course, leads in the balloting, the election is decided in their favor. If, however, no ticket receives 40 percent of the vote, there will then be a runoff election between the top two vote-getters. This seems to me to be the most sensible alternative. I know that some in Congress are worried about the runoff provision, fearing it an enticement to proliferating third parties which will act the role of spoiler.

Mr. Speaker, I am not that concerned. Our two-party tradition is strong and I cannot believe for a minute that adoption of direct election is going to dilute that tradition. Major parties survive by incorporating the popular ideas promoted by third parties. The Democratic Party traces its lineage to Jefferson and the Republican Party is more than 100 years old. How can anyone believe that direct election is going to dilute voter attachment to these two parties? This is but a bogeyman manufactured by those who favor retention of the electoral college.

So, Mr. Speaker, I am cognizant of the arguments of those who favor retaining the present method, but I am not persuaded. That is why I have chosen to introduce this joint resolution and that is why I am convinced that the Congress must act to change that present method.

ADMINISTRATION'S PROPOSAL TO STIMULATE THE ECONOMY BY REDUCING CORPORATE TAXES

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, AFL–CIO Secretary-Treasurer Lane Kirkland has issued a statement on the administration's proposal to stimulate the economy by reducing corporate taxes. I agree with his statement that this is another demonstration of the President's mistaken economic priorities. I think this statement merits the attention of the House, and include it in the RECORD at this point:

STATEMENT AFL–CIO SECRETARY-TREASURER

AFL–CIO Secretary-Treasurer Lane Kirkland issued this statement today following the Administration's announcement of an across-the-board reduction of corporate taxes by means of accelerated depreciation allowances:

The AFL–CIO is deeply disturbed by President Nixon's further commitment to the "trickle-down" theory of economics. In this time of recession, inflation and six-percent unemployment, it is incredible that the President can find no better action than to extend a tax windfall of several billion dollars to the nation's corporations.

The President is helping those who need it the least at the expense of those who need it the most. It is not the nation's wealthy corporations that need help; it is the workers, who are struggling to keep their heads above water, and to pay the property taxes and school taxes that already burden them disproportionately. President Nixon's bonanza to business undoes much of the progress toward tax justice made by Congress in the Tax Reform Act of 1969.

What America needs now is strong government action to create jobs, curb inflation and lift our sagging economy—not gimmicks to reduce the taxes of corporate business.

BALTIMORE SUN STORY CHARGES FORMER ACTING AIR FORCE SECRETARY TOWNSEND HOOPES LEAKED HIGHLY CLASSIFIED SECURITY INFORMATION TO THE NEW YORK TIMES: WHAT ARE WE DOING ABOUT IT?

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. STRATTON. Mr. Speaker, in this morning's issue of the Washington Post there appeared a news item by Kenneth Crawford indicating that a very serious security leak that occurred in early 1968 to the New York Times with regard to what President Johnson considered a matter of "the highest possible degree of security," was actually perpetrated by one Townsend Hoopes, who was at that time the Acting Secretary of the Air Force. The details of this story are, in fact, included in a story which appeared in the Baltimore Sun on February 10 by Phillip Potter, which I shall insert at the end of my remarks. It involves a leak that appeared in the New York Times 2 days before the New Hampshire primary, on March 10, 1968, to be exact, that General Westmoreland had requested 206,000 additional troops for Vietnam.

Now, Mr. Speaker, if this story is correct, it betrays a very shocking situation which existed in the Pentagon during the tenure of Secretary McNamara and apparently also of Secretary Clifford, and it raises a grave question as to what other serious violations of security may have gone on.

In fact, Mr. Speaker, one cannot help wondering in what other ways this strange kind of disloyalty and defiance of law on the part of top civilians in the Pentagon during those years may have complicated and unnecessarily prolonged our efforts to achieve our national objectives in Vietnam.

Mr. Speaker, these are very serious charges, and we cannot allow them to be ignored. I am asking Mr. Hoopes, who is now in private life here in the Washington area, whether these facts are true. I am at the same time asking the Secretary of Defense to give me the classification of the information which Mr. Hoopes reportedly passed on to a newspaper reporter, incidentally at the home of a member of the Military Subcommittee of the House Government Operations Committee.

Third, I am also asking the Attorney General the penalty for a violation of the security of classified material of this degree of classification—which must be at least top secret—and whether the Department of Justice is taking any steps to prosecute in this case.

Mr. Speaker, under leave to extend my remarks I include, first, the appropriate excerpt of the article by Kenneth Crawford in today's Washington Post; second, the original story from the Baltimore Sun of February 10, 1971; and third, two paragraphs from Mr. Potter's original story which were not printed in the Sun story of March 10:

EXCERPTS FROM ARTICLE BY KENNETH CRAWFORD IN THE WASHINGTON POST, FEBRUARY 23, 1971

Here in Washington, too, there has been a lively journalistic contest to be first with the worst. One of its high points was The New York Times revelation in the aftermath of the Tet attacks that the military was asking for 206,000 more troops to take advantage of the enemy's overextension. Coming, as it did, two days before the New Hampshire primary, the Times report had enormous political impact. It almost certainly contributed to the big McCarthy vote and, in turn, to President Johnson's subsequent decision not to run again.

The genesis of the expose, if that is what it was, has just been publicly revealed for the first time by Philip Potter, Washington Bureau Chief of the Baltimore Sun. It was leaked to the Times by Townsend Hoopes, then a Pentagon official or dovish persuasion. Actually, the plan Hoopes made available to the Times was one of the alternatives under consideration and one which had little chance for Presidential approval in the Washington atmosphere of post-Tet distress. Hoopes had to violate a specific presidential order of secrecy pending decision to spring the leak.

Things haven't changed much, as the suspicious reporting of the South Vietnamese effort to cut the Ho Chi Minh trails in Laos demonstrates. By part of the press it is treated as a cunning scheme to inject Americans into an expanded war rather than what it is, a bold attempt to prepare for continued evacuation of American forces. Reporters and editors keep telling themselves and others that they have been more perceptive about this war than have military and political leaders. They may be right. But they have enjoyed the advantage of ultimate irresponsibility. In President Nixon's place, they would probably be doing about what he is doing. And history may be more approving of him than of them.

[From the Baltimore Sun, Feb. 10, 1971]

LAOS DRIVE RECALLS 1968 OPTIONS

(By Philip Potter)

WASHINGTON, Feb. 9—The relative equanimity with which Washington, and presumably the nation, is reacting to President Nixon's decision to let South Vietnamese forces—with American air support—attempt to cut the Ho Chi Minh trail in Laos must be stirring envy in Austin, Texas.

A columnist in the New York *Times* wrote today that "the reaction here bore a remarkable resemblance to the reaction to the latest manned excursion to the moon. There was much less excitement than during previous escalations."

DIFFERENT IN 1968

It was otherwise when, in February, 1968, Gen. Earle G. Wheeler, then chairman of the Joint Chiefs of Staff, and Gen. William C. Westmoreland, then American commander in Vietnam, came up with a proposal for an "aggressive" strategy to do what Mr. Nixon now espouses, a widening of the war in order to shorten it.

Their proposal grew out of General Westmoreland's conviction that the enemy's Tet Offensive of January-February—marked by heavy attacks on Saigon and other cities—was, in fact the foe's "Battle of the Bulge," akin to the desperate move that Hitler ordered to stop the onrush of the American and British forces into Germany.

BOLDER STRATEGY

He and General Wheeler, encouraged by hints from President Johnson that he was disposed to offer General Westmoreland reinforcements and might even be receptive to a new and bolder strategy to end the war, met in Saigon from February 23 through 25, 1968, and prepared an outline for the deployment of added force.

Included among the options for consideration by the President and his Washington advisers were these:

1. Applying greater pressure throughout South Vietnam and expanding territorial security by destroying guerrilla and mainforce units and neutralizing the enemy's traditional base areas.
2. Accelerated bombing of North Vietnam to include more productive targets such as Haiphong.
3. Operations to cut the Ho Chi Minh trail in Laos.

RAIDS ON SANCTUARIES

4. Raiding selected border sanctuaries in Cambodia and Laos.
5. Amphibious and joint amphibious-airmobile operations against enemy bases just north of the Border Buffer Zone between North and South Vietnam.

To carry it all out, the generals concluded, would require 206,000 in additional American forces.

There was, perhaps, some lack of realism in their thinking.

While they saw Tet as an opportunity, the mood in America as when news of the Battle of the Bulge first broke, was one of depression. The press was full of the enemy's heroics and dispatches on the alleged inadequacies of our South Vietnamese allies.

Even General Westmoreland had failed to realize what he came to feel shortly thereafter—that the enemy offensive had been South Vietnam's "Pearl Harbor," sparking among its people and government a determination to fight back and shoulder a far larger part of the war.

CERTAIN QUESTIONS

President Nguyen Van Thieu, who had been resisting pressures from General Westmoreland to draft 18- and 19-year-olds for fear of public opinion, found it immediately possible after Tet.

By then, however, General Wheeler had carried back to Washington the plans he and General Westmoreland had worked up for consideration by civilian authorities. He gave them to the President, who sent them on to Robert S. McNamara, then defense secretary, for study. Along with them, Mr. Johnson sent a directive demanding answers to certain questions:

"What military and other objectives in Vietnam are additional U.S. forces designed to advance? What specific dangers is their dispatch designed to avoid? What specific goals would the increment of force . . . aim to achieve in the next six months or over the next year? What probable Communist reactions do you anticipate in connection with each of the alternatives you examine? What negotiation postures should we strike in general?

OTHER QUESTIONS

Also, "What major congressional problems can we anticipate and how should they be met? What problems can we anticipate in U.S. public opinion and how should they be dealt with? You should feel free in making this report to call on the best minds in this government to work on specific aspects of the problem, but you should assure the highest possible degree of security up to the moment when the President's decision on these matters is announced," the directive stated.

Alas for such a presidential hope.

Because Harold Brown, the Air Force secretary, was away from Washington, his under secretary, Townsend Hoopes, a Pentagon "dove," was among those who assembled with Secretary McNamara at the end of February to analyze the military's proposals.

DINNER WITH MOORHEAD, DALE

Shortly afterward, Mr. Hoopes went to dinner at the home of Representative William

S. Moorhead (D., Pa.) and a fellow guest was Edwin L. Dale, Jr., economics writer for the New York Times. All three had been fellow students at Yale.

Mr. Hoopes told Mr. Dale that there was a fight in the Pentagon to knock down what he said was a "request by General Westmoreland for 206,000 more American troops in Vietnam."

On Sunday, March 10, two days before the New Hampshire primary, the New York Times displayed with big, bold headlines: "Westmoreland Requests 206,000 More Men, Stirring Debate in the Administration," an article saying that the Vietnam commander was seeking reinforcements for a "bolder strategy" in the conduct of the war, including "ground actions into Laos and Cambodia to disrupt the enemy's base areas and infiltration routes."

M'CARTHY'S BID

It had four bylines, including Mr. Dale's.

Two days later came the 1968 New Hampshire primary, which most observers believed would end Senator Eugene J. McCarthy's bid to take away the 1968 Democratic presidential nomination from Mr. Johnson.

Instead, he got a surprising 42.4 per cent of the Democratic primary vote compared to Mr. Johnson's 49.4 per cent as a write-in candidate. The senator also picked up most of New Hampshire's convention delegates.

Contrast the national reaction then with the reaction now as South Vietnamese troops hit the North Vietnamese supply network of supply trails in the Laotian Panhandle.

It indicates Mr. Nixon's success in convincing the American people that he has a workable plan for ending American participation in the war—Vietnamization.

It was one thing for American generals to call for American reinforcements for a more "aggressive" allied strategy to shorten the conflict.

It appears to be another thing for the South Vietnamese, while American ground forces are withdrawing, to undertake to wipe out enemy bases in Laos and Cambodia with only American air support.

In operations against Cambodian sanctuaries last spring, the South Vietnamese forces showed military capability. If they can do as well against the enemy supply network in Laos, Mr. Nixon's gamble will look good.

If not, another American president may be deciding that one elective term is enough. The "doves" may be nesting now. A military setback would get them fluttering again.

The following are two paragraphs which were deleted from the original Potter story and should have been inserted following the third paragraph under the subheadline "McCarthy's Bid," and prior to the paragraph beginning "Contrast the national reaction.":

Mr. Hoopes, in a book he wrote after leaving the Pentagon, while not acknowledging this tip to Mr. Dale, stated that "Public knowledge of the 206,000 figure helped (McCarthy) tremendously."

In any case, the McCarthy vote clearly influenced the late Senator Robert F. Kennedy to enter the Presidential race, and that, in turn, no doubt influenced President Johnson not to run for another term. General Westmoreland was soon recalled to be made Army Chief of Staff.

ADJOURNMENT OVER TO THURSDAY, FEBRUARY 25, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I wonder if I might ask the gentleman if I am correct in assuming that there will be business next week.

Mr. BOGGS. In assuming that there will be no business?

Mr. GROSS. That there will be some business.

Mr. BOGGS. There will be business next week. We expect to schedule the debt ceiling bill, a very important bill, and we may also have some suspensions.

Mr. GROSS. What I would like to say to the gentleman is that the minority of the minority has been here ready, willing, and able to do business, and it is becoming a little tiresome just to come over for small routine each day. So that I would hope that there would be some business next week and thereafter so we can get caught up.

Mr. BOGGS. I can assure the gentleman, who describes himself as the minority of the minority, that we will have very much to do within a very short period of time.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

"DRAGONLADY" OR PUBLIC DEFENDER?

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, it is essential that the Department of State's Passport Division maintain records concerning persons whose citizenship is questionable—are in the United States contrary to law, smugglers, revolutionists, subversives, convicted criminals, violators of immigration regulations in the past, military deserters, selective service delinquents, airplane hijackers, adjudicated mental incompetents, and so forth. The maintenance of such records by name in the Department is appropriately designated a "lookout" file and is under the jurisdiction of the Director of the Passport Office, a staunch though oft misrepresented American, Miss Frances Knight.

Last week, the New York Times again indulged itself in dissemination of semiparanoid editorializing in the form of remarks in a column by Tom Wicker referring to Director Knight as "the dragon lady of the State Department," and to the lookout file as some kind of an invasion of privacy in the nature of snooping. This is baloney, pure and simple.

This sort of editorializing is the same old story of delusions of persecution on the part of some who are hipped that rights of personal privacy override the necessary recordkeeping requirements of Government in respect to individual backgrounds that are of demonstrated concern to the safety of the country in travel abroad.

Despite previous highly dubious Warren Supreme Court decisions pronouncing a virtual requirement that passports may not be denied to demonstrated subversives, the fact remains that there are many legally valid reasons for the denial of a passport. It is to implement these and to establish a basis for initial investigation that the lookout file must be maintained for the protection of the United States of America.

Things like this ought not to be distorted by slanted press accounts or prejudiced editorializing on the part of columnists, whether in the New York Times or any other paper.

I requested from Miss Knight a clarification of the Department's role in the maintenance of the lookout file and she has responded to me by letter as follows:

DEPARTMENT OF STATE,
Washington, D.C., February 19, 1971.

Hon. LOUIS C. WYMAN,
House of Representatives,
Washington, D.C.

DEAR MR. WYMAN: In answer to your telephone inquiry regarding the two recent articles appearing in the New York Times, please be assured that I am as concerned as you are with the obvious misrepresentation of facts. There is considerable official information available to the New York Times regarding the operation of the Passport Office and lookout list in such documents as the Warren Commission Report, testimony at Congressional Hearings, and its own sources of information from within the Department of State. It is, indeed, unfortunate that the New York Times consistently demonstrates such an irratonal, antagonistic phobia on virtually all matters which concern the security of the United States.

You mention the scare headlines of February 11, and February 16, 1971, as they appeared in the New York Times. Let us consider them: the first reads *"Passport Office has Secret File"* and the subhead reads *"243,135 Names in Computer—Applications Screened"*. The average reader draws the inference that a gestapo is loose in Washington—that the Passport Office is in the "surveillance" business—an untrue but favorite charge and repetitive of that particular New York newspaper. The second article was headlined "Raw Material for the Snoopers"—a further insinuation that something akin to the dreaded KGB has established a base in the Passport Office.

Let us consider some background of the New York Times' preoccupation with misinforming the public on the contents of Passport Office files and the operation of the Passport Office.

On March 8, 1966, the Passport Office sent a routine classified message to the American Embassies in Moscow and Paris concerning the travel abroad of Henry Stuart Hughes, a Harvard University Professor on sabbatical leave. This message requested these embassies to notify the Department of any information received by them concerning Professor Hughes' activities abroad.

This classified message was "leaked" to the New York Times and was virtually quoted verbatim by that newspaper. In its issue of March 23, 1966, the New York Times touched off its ever-ready panic button and alleged the State Department was conducting a "surveillance" of U.S. citizens during their travel abroad. The article further stated that Miss Frances G. Knight, Director of the Passport Office, *"had been reproved by her superiors" for sending the message*. Both statements were lies.

In a letter of March 23, 1966, Senator Edward M. Kennedy asked the then Secretary of State, Dean Rusk, to comment on the New York Times' article. The Department of State by Press Release, No. 74, dated April 5, 1966, set out the Secretary's reply to the Senator's letter. The Secretary stated in part:

"You inquired first as to 'the relationship between the Passport Office and the investigatory agencies of government, both in the granting of passports and in the surveillance of those who have received passports.' *First of all, I wish to emphasize most strongly that no question of surveillance or investigation by the Department of State or any American diplomatic post abroad is involved.* The Department of State has traditionally been the agency of the Government to which other Departments turn for cooperation and assistance in aspects of their responsibilities relating to areas outside the United States. *These have included requests for information the Department may receive concerning individuals travelling abroad. Requests of this kind have been sent routinely to the Passport Office in the Department. Also routinely, such requests have been passed on to our diplomatic missions abroad, with a request that the mission should forward to the Department any information that it may receive in normal course of business during the travel of an American citizen. The diplomatic missions have not been asked to conduct any surveillance or to engage in any investigative process.* They have merely been asked to transmit certain information they may receive which, in the absence of a request from the Department, they might have no occasion to report." (Emphasis added)

The Passport Office was merely following a routine practice established by the Department of State in cooperation with other areas of the Federal Government. Former Secretary of State Rusk answered this Congressional inquiry in a forthright manner which even the New York Times should be able to comprehend.

The current misrepresentation in the New York Times was occasioned by a speech made by Senator Sam J. Ervin, Jr., on February 9, 1971, in Carlisle, Pennsylvania, expressing his legitimate concern with violations of the First Amendment Rights of free speech and freedom to associate. The Senator's speech has not been made available to me. No Passport Office representative was present when a spokesman for the Department of State briefed a member of the Senator's staff concerning Passport Office procedures. Therefore, I have no firsthand knowledge of what was said.

With specified reference to the New York Times article of February 11, 1971, it should be made clear that the Passport Office has statutory and regulatory authority for the maintenance of records of persons who for one reason or another, mainly citizenship, should not be issued a passport.

This authority is: 22 USC 211(a) and 212; 8 USC 1105; 8 USC 1185; Presidential Proclamation 3004; Executive Order 11295; and the Passport Regulations 22 CFR Parts 50, 51 and 53. In addition, the Passport Office is bound by the conclusion of the Warren Commission arising from its report on transactions between Lee Harvey Oswald and the State Department. The New York Times is aware of this fact in view of the ample lineage it gave the Warren Commission Report.

The New York Times article dated February 11, 1971 is captioned "Passport Office has Secret File." The fact that the Passport Office has such a file is not a secret; it was published in 1964 in the hearings of the Warren Commission; the categories of persons listed in the Passport Office "lookout file" have been discussed in various Congressional hearings available to the New York Times as well as to the public. Particular reference is made to a report of April 4, 1957 issued by the Subcommittee on Constitutional Rights of the Senate Judiciary Committee. This report sets forth, at length, an exhaustive study of the passport procedures and was based on oral testimony before the Committee citing numerous studies. Further, so far as I am aware, Senator Ervin did not characterize the Passport Office lookout list as a "secret" file.

The New York Times article state:

"A spokesman for Senator Ervin, however, said today that the State Department had reported to him in writing that the largest group of names on the list was in the 'known or suspected Communists or subversives' category and that the number of names under 'doubtful citizenship' ranked second."

I do not know the identity of the unnamed "spokesman" referred to in the article. However, the facts which the Passport Office furnished to the upper echelons in the Department of State handling all the contacts with Senator Ervin's office specifically indicated that the *great majority* of names contained in the lookout file relate to loss of citizenship, questionable citizenship or insufficient evidence of citizenship. Information to this effect was also furnished by me to Mr. Ben Franklin of the New York Times on February 10, 1971 in an interview requested by that reporter.

As reported by the New York Times, Senator Ervin is alleged to have said that while there might be legitimate reasons for maintaining portions of the Passport Office file, many of the justifications for it given to his subcommittee by the State Department were beyond any reason whatsoever.

Insofar as the Passport Office is aware, the Department of State was not asked and made no effort to justify the various categories in the lookout file. The New York Times listing of some of the categories deliberately impugns the necessity for and reasonableness of the lookout file and gives rise to some very pertinent questions:

1. Does the New York Times advocate the issuance of U.S. passports to persons who are not citizens of the United States in violation of law (22 USC 212)?

2. Does the New York Times advocate the facilitation of travel of arms smugglers, persons engaged in revolutionary activities or those who have a record of criminal activity abroad? These are examples of the persons whose "actions do not reflect to the credit of the U.S. abroad (1,040 persons)."

3. Does the New York Times advocate non-compliance with the conclusions of the Warren Commission and Presidential directives that all agencies cooperate with the Secret Service and other law enforcement agencies in reporting defectors, expatriates and repatriates who are considered to be a class potentially dangerous to the life of the President of the United States? Persons in this category meet the criterion established by Federal security agencies responsible for the program of protecting the life of the President of the United States and other Federal officials.

4. Does the New York Times advocate the issuance of passports to persons who are the subject of criminal warrants of arrest issued by competent legal authorities? This question is particularly pertinent in the light of current domestic crime problems. In other words, does the Times advocate that the Passport Office refuse to cooperate with law enforcement agencies of the Federal and State governments?

5. Does the New York Times advocate a refusal to respect court orders granting the custody of children to one of the parents, thereby permitting through the issuance of a passport the other parent to illegally take children out of the country?

6. Does the New York Times advocate travel assistance to military deserters or selective service delinquents who are subjects of warrants of arrest?

7. Does the New York Times advocate non-cooperation and non-compliance with the security/intelligence agencies of the Federal Government in advising them of the travel or contemplated travel of known or suspected espionage agents, revolutionaries, communists and subversives who advocate the violent overthrow of the United States Government?

8. Does the New York Times advocate the removal of the names of airplane hijackers and potential hijackers so that police authorities would not be appropriately advised of the prospective travel of such persons?

In its article of February 16, 1971, the New York Times also reports that the State Department had *acknowledged maintaining a secret surveillance file of passport applicants.*

The Passport Office has no information that the State Department or anyone connected with it *"acknowledged maintaining a secret surveillance file of passport applicants"*. But I reiterate I do not know who the New York Times confers with in the Department of State. Nevertheless, the New York Times has available to it public information to the effect that the State Department has, in the past, denied emphatically that it maintains surveillance of passport applicants. As previously stated in this communication, Secretary Rusk in Press Release #74 of April 5, 1966, denied categorically any question of surveillance or investigation of passport bearers by the Department of State or any American diplomatic post abroad. That the State Department would now acknowledge maintaining a "secret surveillance file" is astounding. I am not aware of any such file.

As stated repeatedly, the lookout file maintained in the Passport Office is no secret. Its existence has been the subject of publication by the Warren Commission and others.

There is *no* surveillance, watch, observation, or other type of spying on passport applicants by the Passport Office, or by the Department of State.

At the conclusion of its article of February 11, 1971, the New York Times states: "Miss Knight said she would not necessarily notify anyone that he was included in the file even if the 'adverse action' were taken in her own office, through the denial of a passport."

This statement is misleading. I specifically stated to Mr. Ben Franklin of the New York Times, during the interview on February 10, 1971, that, *if no adverse passport action was taken, the person would not be notified of the fact that his name was contained in the lookout file.* Some names in the lookout file are not based on the contemplation of passport denial. They are there merely for the purpose of informing law enforcement agencies with a legitimate interest that a person is traveling abroad. *If adverse passport action is taken, the Passport Regulations,* which are distributed publicly and were handed to Mr. Ben Franklin by me personally, *specifically require that the person affected be notified of the reasons for the action, of the evidence upon which it was based, and of his right to a hearing.*

The New York Times article, either deliberately or through misinformation received from sources outside the Passport Office, has created a totally erroneous impression of the Passport Office lookout file and has, as a result, completely distorted Senator Ervin's inquiry into an area of legitimate concern to him. The New York Times, it would appear, has either infected itself or is deliberately attempting to infect its readers with an Orwellian Syndrome.

It is abundantly evident that the New York Times could not control its phobia on the subject because three days later, on February 14, 1971, it published a picture of the New York Passport Agency and captioned it thus:

"Nearly 2 million Americans apply for passports every year. Last week another Passport Office service was revealed—a secret computerized file of 243,135 names that may be 'of interest' to Government law enforcement Agencies. The file is said to include 'suspected Communists and subversives' and those of 'questionable citizenship' ".

Thus the New York Times published another calculated falsification. The 243,135 names are not released to "law enforcement agencies", as the caption indicates. A few are, but only a small fraction of the whole and the questions arise again—questions as to the persistent and extraordinary concern of the New York Times with protection of wanted criminals, espionage agents, individuals known to have engaged in passport fraud, child custody cases and so forth.

Finally, by February 16, 1971, the New York Times obviously worked itself up to such a mental sweat over the situation, that a quasi-editorial by one Tom Wicker appeared and stated:

"Senator Ervin already has disclosed that the Dragon Lady of the State Department, Director Frances Knight of the Passport Office, has at her disposal a computer bank of 243,135 names of person considered—not necessarily proven—to be subversive or to fail to 'reflect credit' on the United States."

Mr. Wicker is located with the New York Times staff in Washington and thus close to the source of primary information, but he did not choose to check his facts. Indeed, Mr. Wicker's statement is not a misunderstanding nor a typographical error nor a misquote. It is a deliberate and calculated lie and as such neither he nor the New York Times reflect any credit or honor on what was once upon a time regarded as a distinguished and respectable profession—namely, responsible newspaper reporting.

Sincerely,

Frances G. Knight,
Director, Passport Office.

DISTRIBUTIVE EDUCATION CLUBS OF AMERICA

(Mr. ZION asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZION. Mr. Speaker, March is National DECA Month. It is very significant. Distributive Education Clubs of America are the only national organizations, operating within the schools, to attract young people to careers in marketing and distribution.

I have always felt that each of us achieves satisfaction and success in direct proportion to our ability to help other people. In no profession does an individual have a greater chance to do this than in the marketing of a product or service.

Marketing is the total process through which an organization recognizes a need in the community, produces a product or service that fills the need, sells it to the people who need it, and stands behind it so that it gives complete satisfaction.

People in marketing then, are responsible for the standard of living we enjoy in this country today. They are the ones who developed the automobiles, refrigerators, fabrics, plastics, and medicines. They encouraged people to want something new and better. As they increased the sale of new products, they made mass production and lower costs possible. Marketing people are responsible for keeping the wheels of industry turning.

I salute these young people who are interested in marketing. This country will remain free as long as it is strong. We will be strong only as long as our economy is strong. These young people will do their part to keep it that way.

NATIONAL FUTURE FARMERS OF AMERICA

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, I would like to take this opportunity to offer these remarks in tribute to over 450,000 Future Farmers of America in 9,000 chapters across our Nation. This week is National Future Farmers of America Week, a time when it is a privilege and honor to pay tribute to the young people who belong to this organization who are quietly working within our system of government to improve our society.

The rest of our Nation's youth would do well to exemplify the spirit of the Future Farmers of America, motivated by idealism but tempered by the real world of practical experience. The theme for this year's observance is "Involved in America's Future," a most appropriate theme for this action-oriented organization whose members have worked tirelessly in community improvement activities since the FFA's inception in 1928.

Today, the FFA community involvement has a new look. Called the "Building Our American Communities" program, it is a coordinated effort between community leaders and FFA youth to initiate local, self-help programs regarding community problem identification, resource evaluation, and selection of community development alternatives and action.

The importance of this youth program in rural America cannot be overemphasized. The population of the United States could likely grow by 50 percent in the next 20 years. Where these future 100 million citizens locate and what kind of economic opportunity they will find will dictate our Nation's destiny.

It is obvious that many of our problems relating to our large urban areas—crime, housing, welfare, malnutrition, transportation—at least in part have been produced by the tremendous population migration to our overcrowded metropolitan areas. In order to save our cities, we must create a new environment of jobs, education, and favorable living conditions in the countryside to initiate a reverse migration back to our rural and small-town areas. We must realize that a healthy and revitalized rural and small-town America is interdependent and that a healthy and revitalized rural and small-town America will also mean a healthy and revitalized urban America. The FFA is working to achieve this goal so important to our national well-being.

To assist in this effort, I plan to introduce two bills I feel compliment these FFA goals. Later this week I will introduce legislation to end estate tax discrimination against inheritance of a family owned business. I am introducing this bill in conjunction with National Future Farmers of America Week to stress the need for ending tax discrimination against young people who would stand to inherit a family-owned farming operation. This legislation provides that estate taxes on family ranches, farms, and small businesses be computed on the property's earning power instead of the inflated sales prices based on speculative land values.

In addition, I am pleased to report that 32 of my colleagues have joined with me in sponsoring the Rural Job Development Act of 1970, a comprehensive bill authored by Senator James Pearson, of Kansas, designed to encourage job-creating industries to locate in rural job development areas.

Mr. Speaker, the average age of the American farmer is over 52. The consumer should realize FFA Week could just as well be appropriately called National Food and Fiber Alert Week. Without the promise of young people entering farming and agri-business, our Nation's food and fiber supply is endangered. The consumer takes our abundant food supply for granted. Most assuredly this is not the case. We stand in real danger of losing the most efficient and productive man in our entire economy unless we strengthen the family farm and the surrounding small business economic environment.

The enthusiastic young people who are now taking an active role in the Future Farmers of America are pointing the way and offering constructive programs by which we can revitalize rural and small-town America, help save our cities and insure the farmer he will be able to continue his efforts to provide America with the highest quality food at the lowest cost in the world. I am most proud to pay tribute to their leadership in this most important goal.

INTERSTATE ENVIRONMENT COMPACT

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I am today joined by my distinguished colleagues, the gentleman from Mississippi (Mr. Colmer) and the gentleman from Virginia (Mr. Poff), in introducing a bill to authorize the Nation's States and territories to enter into an interstate environment compact.

This proposal is also being introduced in the Senate today by the distinguished senior Senator from Arkansas, John L. McClellan, and other Members of that body at the request of the Southern Governors' Conference. Our former Governor of Arkansas, the Honorable Winthrop Rockefeller, sponsored the compact movement as 1970 chairman of the conference and is still active both at the State and National level in pursuing this goal. We are also indebted to Prof. Eugene F. Mooney, of the University of Kentucky College of Law, for his dedicated efforts toward this formation as chief counsel of the Southern Regional Environmental Conservation Council.

Mr. Speaker, the Congress has challenged the several States to clean up their air, land, and water and thus our national environment. From the basic legislation in the fields of water pollution, air pollution, and solid waste disposal, the Federal Government has now begun to assemble an administrative apparatus appropriate to our developing understanding of the nature, scope, and diversity of the task. The future will see intensification and amplifications of our current approach. A major premise of this approach is that the National Government and the States have definite and differentiated roles to play in our national environment control program. Specifically, the States have the primary responsibility for cleaning up our air, land, and water, while the National Government is to prescribe national criteria and assist the States in implementing their control and abatement programs.

The interstate environment compact would give advance congressional approval for participating States to enter into supplementary agreements relating to regional interstate environmental problems of common concern. Environmental pollution problems are not restricted by State boundaries and require common action between and among adjacent States. It is hoped that such compact would ultimately encompass all States to effectively deal with regional environmental problems and ecological disorders.

The text of the bill follows:

H.R. —

A bill to consent to the Interstate
Environment Compact

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to any two or more States to enter into the following compact:

"INTERSTATE ENVIRONMENT COMPACT

"Article 1

"FINDINGS, PURPOSES AND RESERVATIONS OF POWER

1.01 Findings.—Signatory states hereby find and declare:

"(a) The environment of every state is affected with local, state, regional and national interests and its protection, under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatories.

"(b) Certain environmental pollution problems transcend state boundaries and thereby become common to adjacent states requiring cooperative efforts.

"(c) The environment of each state is subject to the effective control of the signatories, and coordinated, cooperative or joint exercise of control measures is in their common interests.

"1.02 Purposes.—The purposes of the signatories in enacting this are:

"(a) To assist and participate in the national environment protection programs as set forth in federal legislation; to promote intergovernmental cooperation for multistate action relating to environmental protection through interstate agreements; and to encourage cooperative and coordinated environmental protection by the signatories and the federal government;

"(b) To preserve and utilize the functions, powers and duties of existing state agencies of government to the maximum extent possible consistent with the purposes of the compact.

"1.03 Powers of the United States.—

"(a) Nothing contained in this compact shall impair, affect or extend the constitutional authority of the United States.

"(b) The signatories hereby recognize the power and right of the Congress of the United States at any time by any statute expressly enacted for that purpose to revise the terms and conditions of its consent.

"1.04 Powers of the States.—Nothing contained in this compact shall impair or extend the constitutional authority of any signatory state, nor shall the police powers of any signatory state be affected except as expressly provided in a supplementary agreement under Article 4.

"Article 2

"SHORT TITLE, DEFINITIONS, PURPOSES AND LIMITATIONS

"2.01 Short Title.—This compact shall be known and may be cited as the Interstate Environment Compact.

"2.02 Definitions.—For the purpose of this compact and of any supplemental or concurring legislation enacted pursuant or in relation hereto, except as may be otherwise required by the context:

"(a) 'State' shall mean any one of the fifty states of the United States of America, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands, but shall not include the District of Columbia.

"(b) 'Interstate environment pollution' shall mean any pollution of a stream or body of water crossing or marking a state boundary, interstate air quality control region designated by an appropriate federal agency or solid waste collection and disposal district or program involving the jurisdiction or territories of more than one state.

"(c) 'Government' shall mean the governments of the United States and the signatory states.

"(d) 'Federal Government' shall mean the government of the United States of America and any appropriate department, instrumentality, agency, commission, bureau, division, branch or other unit thereof, as the case may be, but shall not include the District of Columbia.

"(e) 'Signatory' shall mean any state which enters into this compact and is a party thereto.

"INTERGOVERNMENTAL COOPERATION

"3.01 Agreements With the Federal Government and Other Agencies.—Signatory states are hereby authorized jointly to participate in cooperative or joint undertakings for the protection of the interstate environment with the federal government or with any intergovernmental or interstate agencies.

"Article 4

"SUPPLEMENTARY AGREEMENTS, JURISDICTION AND ENFORCEMENT

"4.01 Signatories may enter into agreements for the purpose of controlling interstate environmental problems in accordance with applicable federal legislation and under terms and conditions as deemed appropriate by the agreeing states under section 4.06 and section 4.08.

"4.02 Recognition of Existing Non-Environmental Intergovernmental Arrangements.—The signatories agree that existing federal-state, interstate or intergovernmental arrangements which are not primarily directed to environmental protection purposes as defined herein are not affected by this compact.

"4.03 Recognition of Existing Intergovernmental Agreements Directed to Environmental Objectives.—All existing interstate compacts directly relating to environmental protection are hereby expressly recognized and nothing in this compact shall be construed to diminish or supersede the powers and functions of such existing intergovernmental agreements and the organizations created by them.

"4.04 Modification of Existing Commissions and Compacts.—Recognition herein of multistate commissions and compacts shall not be construed to limit directly or indirectly the creation of additional multistate organizations or interstate compacts, nor to prevent termination, modification, extension, or supplementation of such multistate organizations and interstate compacts recognized herein by the federal government or states party thereto.

"4.05 Recognition of Future Multistate Commissions and Interstate Compacts.—Nothing in this compact shall be construed to prevent signatories from entering into multistate organizations or other interstate compacts which do not conflict with their obligations under this compact.

"4.06 Supplementary Agreements.—Any two or more signatories may enter into supplementary agreements for joint, coordinated or mutual environmental management activities relating to interstate pollution problems common to the territories of such states and for the establishment of common or joint regulation, management, services, agencies or facilities for such purposes or may designate an appropriate agency to act as their joint agency in regard thereto. No supplementary agreement shall be valid to the extent that it conflicts with the purposes of this compact and the creation of a joint agency by supplementary agreement shall not affect the privileges, powers, responsibilities or duties under this compact of signatories participating therein as embodied in this compact.

"4.07 Execution of Supplementary Agreements and Effective Date.—The Governor is authorized to enter into supplementary agreements for the state and his official signature shall render the agreement immediately binding upon the state;

"Provided that:

"(a) The legislature of any signatory entering into such a supplementary agreement shall at its next legislative session by concurrent resolution bring the supplementary agreement before it and by appropriate legislative action reverse, modify or condition the agreement of that state.

"(b) Nothing in this agreement shall be construed to limit the right of Congress by Act of law expressly enacted for that purpose to disapprove or condition such a supplementary agreement.

"4.08 Special Supplementary Agreements.—Signatories may enter into special supplementary agreements with the District of Columbia or foreign nations for the same purposes and with the same powers as under section 4.06 upon the condition that such non-signatory party accept the general obligations of signatories under this compact: Provided, that such special supplementary agreements shall become effective only after being consented to by the Congress.

"4.09 Jurisdiction of Signatories Reserved.—Nothing in this compact or in any supplementary agreement thereunder shall be construed to restrict, relinquish or be in derogation of, any power or authority constitutionally possessed by any signatory within its jurisdiction, except as specifically limited by this compact or a supplementary agreement.

"4.10 Complimentary Legislation by Signatories.—Signatories may enact such additional legislation as may be deemed appropriate to enable its officers and governmental agencies to accomplish effectively the purposes of this compact and supplementary agreements recognized or entered into under the terms of this Article.

"4.11 Legal Rights of Signatories.—Nothing in this compact shall impair the exercise by any signatory of its legal rights or remedies established by the United States Constitution or any other laws of this Nation.

"ARTICLE 5

"CONSTRUCTION, AMENDMENT AND EFFECTIVE DATE

"5.01 CONSTRUCTION.—It is the intent of the signatories that no provision of this compact or supplementary agreement entered into hereunder shall be construed as invalidating any provision of law of any signatory and that nothing in this compact shall be construed to modify or qualify the authority of any signatory to enact or enforce environmental protection legislation within its jurisdiction and not inconsistent with any provision of this compact or a supplementary agreement entered into pursuant hereto.

"5.02 SEVERABILITY.—The provisions of this compact or of agreements hereunder shall be severable and if any phrase, clause, sentence or provision of this compact, or such an agreement is declared to be contrary to the constitution of any signatory or of the United States or is held invalid, the constitutionality of the remainder of this compact or of any such agreement and the applicability thereof to any participating jurisdiction, agency, person or circumstance shall not be affected thereby and shall remain in full force and effect as to the remaining participating jurisdictions and in full force and effect as to the signatory affected as to all severable matters. It is the intent of the signatories that the provisions of this compact shall be reasonably and liberally construed in the context of its purposes.

"5.03 AMENDMENTS.—Amendments to this compact may be initiated by legislative action of any signatory and become effective when concurred in by all signatories and approved by Congress.

"5.04 EFFECTIVE DATE.—This compact shall become binding on a state when enacted by it into law and such state shall thereafter become a signatory and party hereto with any and all states legally joining herein.

"5.05 WITHDRAWAL FROM THE COMPACT.—A state may withdraw from this compact by authority of an act of its legislature one year after it notifies all signatories in writing of an intention to withdraw from the compact: Provided, withdrawal from the compact affects obligations of a signatory imposed on it by supplementary agreements to which it may be a party only to the extent and in accordance with the terms of such supplementary agreements."

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

PRESIDENT'S PROPOSALS FOR REVENUE SHARING DESERVE FAIR HEARING

(Mr. DUPONT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUPONT. Mr. Speaker, there have been some incredible statements attributed to Democratic leaders recently concerning President Nixon's proposals for revenue sharing, which he outlined in his state of the Union message to the Congress.

I use the word "incredible" purposely, because I just do not believe some of our Democratic colleagues are fully aware that they are rejecting out of hand a concept which is favored by an overwhelming 77 percent of the rank-and-file members of their party. Those are Gallup poll figures which were recently released.

The Congress has been criticized recently for not being responsive to the public interest. How do we deny that charge? We have a situation here where the President has sponsored a concept that has the overwhelming support of Governors and mayors and is favored by 77 percent of all American adults. Yet, even before we have seen the details of the President's specific legislation, we have press reports, attributed to knowledgeable Democrats, that hearings will be held for the purpose of killing the revenue-sharing plan.

If these reports are true, it is a disastrous situation. Something is very, very wrong when any Members of this body think they can defy the will of three-fourths of the American people. At the very least these proposals deserve a fair hearing before the Congress, not hearings designed to kill the proposal.

PRESIDENT'S ECONOMIC REPORT

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, there is one passage in the President's economic report which, in my view, underscores the effectiveness of this administration's economic policy. The President said:

> We must constantly review our economic institutions to see where the competitive market mechanism that has served us so well can replace restrictive arrangements originally introduced in response to conditions that no longer exist.

It is too often forgotten that a free and competitive market has served us well. It is the basis upon which we have built the most productive economic system in the history of mankind.

Though it would seem self-evident that we should tamper with such a system only with extreme care, there are still some who urge new intervention each time there is a minor dislocation in the marketplace.

Happily, President Nixon is not of this school. He understands a basic lesson of economics that the best way to correct economic problems is to make the market itself work to correct those problems. It is a far better approach and, in the long run, much more productive.

GARLAND: DISTINGUISHED AWARD CITY

(Mr. CABELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CABELL. Mr. Speaker, it is with a great amount of personal pleasure that I call to the attention of my colleagues in the House the fact that the city of Garland, Tex., has been designated as winner of a Distinguished Achievement Award for outstanding community improvement in the National Clean-Up Contest. Garland achieved this honor in the category of cities between 25,000 and 250,000 population.

This contest is an annual event begun in 1929 by the National Clean Up-Paint Up-Fix Up Bureau in Washington, D.C. Through this contest each year, hundreds of cities across the country voluntarily undertake community betterment efforts, with particular attention and emphasis on communitywide beautification, property improvement, and youth activities. Taking the total population of the 320 cities which competed in the contest, over 50 million people participated.

Among the many individuals in city service clubs and organizations that deserve special mention for their efforts in leading Garland in winning this award are Mr. Max Schied, Mr. R. E. Dodson, and Mr. J. C. Landers of the chamber of commerce; and Mrs. Virginia Stone and Mr. Bill Cox of the city health department. Many, many other individuals deserve commendation for their efforts. However, these few stand out for special notice in this campaign.

Mr. Speaker, I am most proud to represent this outstanding and progressive city and its fine citizens.

VIETNAM DISENGAGEMENT ACT OF 1971

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, in spite of widespread public outrage, congressional protest, and criticism from abroad, our coercive and destructive Southeast Asian policy of militarism continues and expands. We despair, but we cannot allow ourselves to falter in our efforts to end this odious war. Only through definitive congressional action will the administration be forced to reckon with the will of the American people and with the bankruptcy of its policy. Therefore, I am glad to join with the gentleman from New York and other distinguished Congressmen, in cosponsoring the Vietnam Disengagement Act of 1971.

My colleagues raised sobering questions about our widening commitment and demonstrated the urgency of immediate and positive action on the bill. I concur with their forceful expressions of concern, and feel that it is time, once again, to look at the broad picture of our role in Asia. We must rethink the fundamental origins and purposes of our Southeast Asia policy, explore the viability of our expressed goals, and reassess the effectiveness of our current posture.

In this regard, I wish to recommend to my colleagues the following article by Prof. David P. Mozingo, of Cornell University, which appeared in World Politics. Although published in 1967, its message has not lost its immediacy. Professor Mozingo convincingly argues that our China containment policy was modeled after the seemingly successful post-1947 containment policy of the Soviet Union in Europe. He points out, however, that whatever one might think of the goal of containing China, the means for such containment do not exist in Asia. Unlike Europe, the countries of Southeast Asia are in a state of rapid social change. They do not, themselves, provide the stable and unified base which is necessary for effective containment of China. Consequently, in order to implement our policy, we have had to oppose the natural forces of change in the area, and impose stability in the form of preserving the status quo.

Containment in Asia Reconsidered

(By David P. Mozingo*)

Since the Korean War, United States policies in Asia have gradually developed along the lines of the "containment" doctrine so successfully applied in Europe after 1947. Washington has increasingly seen the problem of Chinese power in Asia in much the same light as that posed by Soviet power in Europe and has behaved as if both threats could be contained by basically the same kinds of responses. In both Asia and Europe, containment measures have reflected a perceived need for complementary interaction btween military policies and aid programs in order to prevent aggression by Communist powers and to foster the internal stability of nations in the area. Although difficulties have arisen in seeking the best balance of these components of the containment policy in Europe, most of the essential American objectives in the West have been attained.

"For some time, however, it has been apparent, particularly in Southeast Asia, that the application of containment measures in the Far East has not yielded results comparable to those achieved in Europe." While it is widely recognized that this disparity in results reflects special Asian problems not encountered in Europe, there has been a general reluctance to question whether the containment philosophy really addresses the basic sources of the instability in Asia that alarms the United States. It is time to analyze the relative failure of the containment doctrine in Asia by considering both the obvious special difficulties confronting the United States there and the inherent differences between the situation in Asia and that in Europe.

Had the sense of historical perspective exerted a more prominent influence on Asian policy formulation, it is likely that containment's central objective of establishing a hard political and military line between a U.S. and a Chinese sphere of influence would have seemed infeasible from the beginning. In Western Europe, the basis for effective U.S. containment measures was soundly conceived because these measures were applied in defense of communities long-established within the framework of a nation-state system. Moreover, special ties bound the United States to Great Britain and France. By applying the containment doctrine in the West, the United States, for the third time in this century, reaffirmed the strategic principle that had formerly governed Britain's policy toward Europe: No single continental power was to be permitted to conquer or dominate the European nation-state system. Further, the U.S. measures to contain Russia in Europe were strengthened by the historic determination of the Western democracies to preserve their established order and values.

In Asia, the containment doctrine has been applied to an area where a nation-state system is only just beginning to emerge amid unpredictable upheavals of a kind that characterized Europe three centuries earlier. It is only since 1949 that the restoration of a strong, unified China, the withdrawal of the Western colonial powers, and the formation of new independent countries have created the beginnings of a modern nation-state system in Asia.

The question in Asia is not how a traditionally functioning system can be rehabilitated but how a very new system will evolve and mature. The kinds of American technical and economic power that helped to restore the historic vitality of the European system would seem to have, at best, only partial relevance to the Asian situation. It may be doubted whether the kinds of tools and power available to the United States can induce stability in an environment in which most countries are experiencing a profound and rapid transformation of their societies, values, and attitudes. Much of the American experience and structure of values has already shown itself to be not only inapplicable but also not even wanted. The results of the competition between the United States, Russia, and China in Asia thus far seem to indicate that attempts by external powers to shape the emerging Asian system are unlikely to succeed. None of these powers has been able, whether by appeals to ideology or common national interests or by large-scale economic and military aid, to exert enough influence to draw the more important Asian powers into close alignment. In the absence of firm ties and mutual interests of the kind that have bound the United States to Western Europe (and these did not emerge overnight), a policy of containment in Asia must rest on unstable foundations.

THE EFFECTS OF NATIONAL RIVALRIES ON A CONTAINMENT STRATEGY IN ASIA

The Soviet threat to Europe has been regarded primarily as a military one. Even when the Western part of that continent was most weakened, immediately after World War II, Communist parties were unable to take power in any country by popular consent. Western Europe's economic recovery was rapid. National conflicts were not so severe as to prevent the formation of an alliance. Until recent times, there was broad agreement among the Western powers about the nature of the Soviet threat and how to meet it. Consequently, it was to lay a firm political foundation for the NATO structure.

The political conditions that were indispensible to the creation of security arrangements in Europe are absent in Asia, where very few powers see their security interests in the same way. Except for Taiwan, all of the Asian powers have an enemy or enemies whom their leaders apparently regard as more threatening than China. Japan, for example, still regards Russia as at least as great a threat to her security as China. Moreover, the common threat to South Korea and Japan that developed as a result of the Korean War has yet to result in a real rapprochement between these two countries; but without such an understanding, no "little NATO" in Northeast Asia can be built. For these and other historical, economic, and psychological reasons it is doubtful that any anti-China security arrangement can win Japan's enthusiastic participation. In fact, only the United States and South Korea have indicated interest in an alignment with Taiwan against Peking.

In Southeast Asia, the menace to Thailand, Laos, and South Vietnam comes in the first instance not from China but from a very independent and highly nationalistic regime in Hanoi. North Vietnamese expansion into Southeast Asia also alarms Cambodia, but not as much as her fear of Thai and South Vietnamese aspirations to recover lost territories at Phnom Penh's expense. Prince Sihanouk believes these two historic enemies have aligned themselves with the United States, not so much to contain China or North Vietnam as to secure the arms and tacit backing of the United States for the pursuit of their irredentist claims on Cambodia—hence, his close ties with Peking and deference to Hanoi. Similar fears influence Pakistan, whose government (understandably) believes India is gearing her defenses less to protect the subcontinent from Chinese invasion than to dominate Pakistan. In Rawalpindi's view, New Delhi is using the boundary dispute with Peking to secure U.S. and Soviet aid that will more likely be used against Pakistan. Indonesia, the Philippines, and Malaysia are geographically beyond the reach of Chinese power. They have predominantly the same racial composition. In spite of these favorable conditions, in recent times the relations between the three countries have been strained by harmful rivalries they themselves have generated, not Peking.

Such strife among Asia's non-Communist powers, for which their own governments are responsible, has been far more beneficial to China's aspirations and interests as a great power in the Far East than have any actions she has initiated herself. It is therefore difficult to see how a containment policy directed primarily against China can be truly effective as long as the Far East seethes with conflict between jealously independent rival nationalist regimes whose policies are essentially their own. To a certain extent it would seem that previous U.S. attempts to back one or another potentially anti-Communist state and to promote the growth of its petty military power have not so much deterred or contained the dubious military threat from China as they have sharpened the very national conflicts, internal and external, that undermine local stability and hence frustrate the development of a broader basis for conciliation among the nations in this region. American objectives would perhaps have been better served by policies that emphasized the American role as a "conciliator" in Asia (for example, in the India-Pakistan, Indonesia-Malaysia, or Cambodia-Thailand-Vietnam disputes) than by so much emphasis on building anti-Communist "positions of strength" through military alliances aimed at China. Actually, the United States has the strongest kind of interest in promoting conciliation between all the states of Asia in this century of intense nationalism. This interest includes even such issues as the Sino-Indian boundary dipute. However, it is clear that the incessant conflict and rivalry among Asia's non-Communist states go further to destabilize Asian politics than do the actions taken thus far by the Peking regime.

The existence of intense rivalries among Asia's non-Communist powers, rivalries that result from their own conceptions of national interests and objectives, has produced a response in Asia to the fact of Chinese Communist power that is altogether different from Europe's reaction to the Soviet threat. At no time has there emerged anything like an Asian consenus about how to regard Chinese military or political intentions. It would be difficult to show that any Asian countries capable of independent action have accepted the United States' assessment of China. This judgment is supported by the fact that the United States has been unable to construct, even informally, an alliance structure in the Far East, directed against Peking, which includes the major Asian powers. It is well known that even some allies of the United States, given the balance of power that so heavily favors Russia and the United States, do not regard Peking as a serious military menace to themselves. At the same time, there can be scarcely a government in the Far East today that is not aware of how useful it is, in dealing with the United States, to invent or exaggerate fears of a Chinese bogeyman.

The United States, far removed from Asia and from direct threat by China, stands almost alone in emphasizing the urgent menace of Peking, while most of the countries in the region, who ought to be highly sensitive to any Chinese threat, have taken a more conservative view of their Chinese neighbor's intentions. Even India's bitter hostility to Peking has not produced anything like the devil-theory of China that has grown up in the United States. To sum up, the states of Asia have not agreed on the existence of a common external threat; but such an agreement seems to be an indispensable condition for the success of policies modeled on European-type containment.

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*The views expressed in this paper are those of the author. They should not be interpreted as reflecting the views of The RAND Corporation or the official opinion or policy of any of its governmental or private research sponsors.

APPRAISING CHINA'S INTENTIONS

It is not only the inherent differences between the political structure of non-Communist Asia and Western Europe that cast doubt on the validity of applying European-type containment doctrines to the Far East. The aims and direction of Chinese Communist policy—indeed, the nature of the Communist challenge in Asia itself—must be evaluated in terms that are largely irrelevant to European experience. Menacing Soviet actions in Europe presented such a clear and present danger to all concerned that they provoked the creation of the NATO alliance. Since the Russian forward pressure came after the Western powers had already acquiesced in considerable territorial and political concessions in Eastern Europe to meet alleged Soviet security interests, there was general agreement in Western Europe that Moscow's intentions were not defensive in nature. The American effort to equate China's intervention in the Korean conflict and her use of force in the Taiwan dispute, in Tibet, and on the Indian boundary with Soviet behavior in Eastern Europe has obviously failed to convince most Asian governments that China has aggressive intentions toward them. This failure suggests why the United States has been unable to crystalize opinion in these countries behind any genuine Asian regional security arrangements to curb a supposed threat of Chinese expansion.

In explaining Chinese action, Pakistan, Burma, Cambodia, Nepal, even Indonesia and our ally Japan, have tended to give more weight to traditional, nationalistic, and defensive motives than to purely "aggressive" Communist revolutionary impulses. This is not to say that these non-Communist Asian countries have been unconcerned about China's actions, her power, or her Communist system. But it is clear that most of these countries rely on their own perception of their Chinese neighbor, and their perception is such that the United States is unlikely to succeed in arousing a high level of Asian fear about China unless Peking behaves in a manner far more threatening to them, collectively and individually, than she has done to date. It is recognized in a number of Asian capitals that China's belligerence is largely a function of her special rivalry with the United States over Taiwan and other issues. Hence these countries have chosen to avoid alignments that would conflict with their own interest in stabilizing relations with Peking. Their aim has been, quite obviously, to avoid inflaming relations with China, and they do not wish to be drawn into the Sino-American quarrel. Asian reactions to the issues raised in Korea, Taiwan, Tibet, India, and Vietnam have been extremely varied and at no time has any of these conflicts produced an Asian front against China similar to that which the Soviet Union brought on herself by her actions in Europe. The disparity of views among the non-Communist Asian powers, and between them and the United States, about China's intentions robs the policy of containment of the basic consensus that was essential to its success in Europe.

China's foreign policy has also helped to undermine the appeal of the containment doctrine in Asia. The basic direction of her foreign policy in Asia since 1954 has been toward seeking an adjustment of contentious issues between herself and such of her neighbors as were not allied with or seemingly under the control of the United States. Thus, for more than a decade, China has worked to normalize relations with Afghanistan, Burma, Pakistan, Cambodia, Ceylon, Nepal, and Indonesia. Peking is outspokenly hostile to all members of the American anti-China bloc. She seeks in various ways, including the threat to support revolutionary elements, to convince their leaders that making common cause with the United States carries certain risks; that it is not possible for any of them to support the United States in opposing China and have friendly relations with Peking at the same time. Even in relation to countries in this category, however, China's actions—as distinguished from her verbal condemnations—have been cautious and restrained. To those Asian governments that decline alignment with the United States, Peking offers such explicit rewards as border settlements, aid, and China's nonsupport of insurrectionary tactics by local revolutionaries. This Chinese stance reflects not only the limitations on Peking's military capabilities for large-scale aggressive actions, but, vastly more important, her recognition that naked and unprovoked aggression against her neighbors would threaten the collapse of her entire diplomacy in Asia. Since the Bandung Conference, China has attempted to compose her relations with any genuinely nonaligned neighbors in order to identify and isolate the United States as the aggressive power and to find common ground with Asian nationalism for the purpose of organizing opposition to the policies of the United States.

Since the mid-1950's, China's diplomatic efforts to prevent her neighbors from being drawn into the American anti-China alignment have consistently enjoyed priority over Peking's commitment to support Communist revolutions. The Chinese position on revolution, which is central to an accurate understanding of her policies in Asia, should not be misunderstood or distorted. China encourages armed "revolutionary" action on the part of Communists or other dissidents in countries where special conditions exist—that is, where the so-called "imperialist" powers have interposed themselves, as in Taiwan, South Korea, Japan, Laos, South Vietnam, and most recently, Thailand (after U.S. military forces arrived in that country). Ostensibly nonaligned governments, as in India, have also to reckon with Peking's anger when they adopt "anti-China" policies. One listens in vain, however, for the strident Chinese call to "revolution" in any Asian country that is clearly independent of American tutelage and pursues a policy of accommodation with Peking.

Where supporting revolution conflicts with China's hope to wean non-Communist Asian governments away from the United States, revolution is pushed into the background. China has advised in her ideological pronouncements on revolution that local Communist parties, though they should learn from Chairman Mao, must in the final analysis find their own formulas for taking power. In those Asian countries that remain independent of the United States and friendly to China, Peking shuns calling upon the local parties to attempt "adventurist" revolutionary actions that conflict with her own diplomacy. Toward governments in this category, China's basic policy for more than a decade has been to concentrate wherever possible on currying favor with nationalist leaders (some of whom, from the Communist viewpoint, can scarcely be described as "progressive") and to encourage the local party to develop the art of skilled united-front tactics. Local Communists are expected to exploit the various "contradictions" in their own country so as to place themselves in a position to take power when the old incompetent order collapses. Peking encourages local parties to take power by the parliamentary or peaceful path if they can, but she points out that there is no instance in which the bourgeois classes have permitted a Communist party to win power "democratically." Hence, the Chinese argue, it is indispensable that a real Marxist-Leninist party organize for and be prepared to use armed revolutionary struggle. Otherwise the chances are very slim that a Communist party could come to power, much less be strong enough to carry out a dictatorship of the proletariat.

Peking's actual behavior and her ideological theses on revolution reveal that she is prepared to refrain from direct interference in the competition (whether peaceful or violent) between Communist parties and the "bourgeois" classes in Asian countries, so long as the United States also does not directly intervene in these countries' politics.[1] This is the essence of the Chinese version of peaceful coexistence in Asia, formulated more than ten years ago at the Bandung Conference.[2] China has not violated her own ground rules in relation to any independent Asian country, regardless of its social system, except where the United States has come to play a direct role in support of "bourgeois" regimes' competition with local Communist parties. The dispute with Moscow on the meaning of peaceful coexistence has arisen over the issue of what the policy of the Communist powers should be in situations where the United States rushes in to prop up a non-Communist regime that is in danger of losing the competition with its local Communist opponent. China argues that the Communist bloc should try to deter, or by various means oppose, attempts by the United States to use her own power unilaterally to determine the outcome of the competition between the bourgeois elites and the Communist forces. The Chinese leaders' views of their own national interests requires this position, for they regard the United States as bent on organizing all Asia into a belt of client-states opposing Peking. These fears are less disturbing to the Soviet leaders, who have long betrayed noticeable ambivalence about the desirability of fully opposing the United States in Asia if to do so would benefit the interests of the Chinese state.

As her power increases, of course, it is possible that China may abandon her present compromise with independent Asian nationalist regimes and, under the protection of her own nuclear deterrent, energetically attempt to impose Communist regimes on her neighbors. That possibility cannot be dismissed lightly, but it is a course of action fraught with grave risks for Peking. While it is conceivable that China might attempt to invade small neighboring countries or to foment and support revolution in them, it is far less likely that she will feel confident enough to undertake such measures against large Asian powers such as India, Pakistan, Indonesia, and Japan. Some of these nations will be able to move in the nuclear direction at some future time; should Peking, without provocation, take an aggressive attitude toward these countries, she would run the risk of hastening the development of an anti-China nuclear club. Nothing would seem so well calculated to drive non-Communist Asia closer to the United States (or Russia) as an attempt by Peking to coerce her neighbors into unconditional surrender to Chinese demands.

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[1] The definitive statement of the Chinese position on "peaceful coexistence" with other non-Communist states was set forth in the Sixth Comment on the Open Letter of the Central Committee of the CPSU, "Peaceful Coexistence—Two Diametrically Opposed Policies," published December 12, 1963. The full text is in *The Polemic on the General Line of the International Communist Movement* (Peking 1965), 259–301.

[2] For complete texts of Chou En-lai's three speeches at the Bandung Conference on relations with Asian countries, see *China and the Asian-African Conference* (*Documents*) (Peking 1955).

Seen dispassionately, China's policies in Asia are more characteristic of a traditional great power than of a revolutionary renegade. The commitment to revolution plays a special part in Chinese policies, but in aspiring to great-power status, Peking emphasizes such traditional and conventional instruments as diplomacy, economic power, and the presence or threat of force. The demands of the Chinese regime for certain irredentas, spheres of influence, and concessions to its security interests are opposed by the United States and the Soviet Union, each of them much more powerful than China. Peking cannot hope to force concessions from either of these powers by provoking a direct test of strength. But it is quite evident that Communist China does not intend to accept passively a position and influence in the world, particularly in Asia, that she regards as being dictated either by the Soviet Union or by the United States. It is doubtful that any Chinese leadership born in this century would react differently. But the Chinese leaders are not the only ones in Asia and in other areas with aspirations that go beyond the position Russia or America would assign to them. China's call to "revolution" is directed primarily to existing and potential elites in Asia and elsewhere whom she regards as likely to share with her an interest in altering any status quo imposed by U.S. or Soviet policies.

The model she has offered tc these potential Communist and nationalist allies, in the hope that their revolutionary efforts will shake U.S. and Soviet domination, is one derived from Chinese Communist revolutionary experience. The Chinese leaders believe that under favorable conditions, well-trained and indoctrinated Communist parties can integrate this model with their own concrete situations and can ultimately take power. The Chinese do not say that revolution can or should be launched everywhere; they actively support unrest only in certain carefully defined revolutionary situations: where "imperialism" (i.e., the United States) is present, and where the prescribed local conditions of success exist. Peking is the master, not the servant, of its revolutionary ideology.

The entire Chinese line on revolution has been fashioned to support the great-power policies Peking pursues in her contest with the United States and the Soviet Union. Where China's leaders have believed their interests in this fundamental struggle could be best served by supporting foreign Communist revolutionary movements, they have done so. But wherever they have believed they could advance in the contest with Moscow and Washington by supporting an odd assortment of friendly nationalist, militarist, or monarchial regimes, they have not hesitated to leave local Communist parties to their own fate. Had Peking's actions conformed to the devil-theory of China that has grown up in the United States, the appeal of the containment policy in Asia would no doubt be much greater than it is today.

OBSTACLES TO CHINESE PREEMINENCE IN ASIA

It is not surprising that a state with China's present power and long history should aspire to regional preeminence. But the task of transforming such ambitions in Asia into reality promises to be very difficult. Various forces in Asia, independent of American power, seem likely to curb Peking's influence.

The position of the Chinese state in Asia is not comparable to that of the United States in the Western hemisphere or to Russia's position in Eastern Europe. In addition to the United States, Peking confronts, in Russia, Japan, India-Pakistan, and Indonesia, large powers which, irrespective of their political order, have reason to oppose mainland China's hegemony in Asia. Russia's and Japan's interests are very different from China's, and the power complex developing in both these countries would act as a major curb on Chinese expansion in the most decisive theater, Northeast Asia, even the unlikely event of a total withdrawal of American power. The departure of the United States from Asia would no doubt gratify Peking, but it would not clear the path for Chinese hegemony. Rather, it would set the stage for a different kind of power struggle in the area.

Since the nineteenth century, both Japan and Russia have tried to be expansionist powers at China's expense. No Chinese government is likely to rid itself of the old fear that these two powers might again take the path of aggression against China or combine against her interests in Asia. If a disengagement were ever to occur between the United States and China, it seems very probable that China's attention would turn to the older problem of opposing Russian and Japanese penetration of the Asian mainland. In the twentieth century this old three-power rivalry might take a different form than it did in the past, but the steady rise of Russian and Japanese power would continue to be a basic obstacle to Chinese hegemony. The longer and much deeper history of China's fear of Russia and Japan may one day exert a powerful influence on future Chinese leaders' attitudes toward the United States, if a major conflict between the two powers does not come to pass.

The natural direction for Chinese expansion, it is usually thought, is into Southeast Asia, where China has historically exerted influence. China's nearness and the absence of strong indigenous military powers have led to the assumption that she is destined to dominate Southeast Asia unless resolutely deterred by the United States. This fits in neatly with theories about power vacuums, But the major Southeast Asian countries themselves have strongly resisted the idea of being drawn into China's orbit (or anyone else's). All of the countries in this area, including Vietnam, share an antipathy toward Chinese pretensions to superiority and dominance whether on the part of local Chinese populations or of the Peking government. Nearly all the countries of Southeast Asia possess impressive geographic barriers against a major Chinese invasion. Moreover, they all are well aware that Soviet and American power interests are also opposed to Chinese predominance, although not all agree with the United States about how to deal with China. Contrary to the experience of past centuries, when her spreading culture was a powerful vehicle for claims to regional predominance, China's influence as a whole has been declining in Southeast Asia. Recently excluded from the area by the Western imperial powers, China now faces the intense nationalism that has captured the successor states since World War II.

The existence of fraternal Communist parties, the most successful of which have been every bit as nationalistic as the Chinese party, has not constituted an unmixed blessing as far as Peking's search for preeminence in the area is concerned. These parties have been useful and necessary allies, as in Vietnam and Laos, in opposing the American effort to turn the 1954 Geneva agreement on Indochina into an anti-Communist and anti-China front. On the other hand, some of these highly nationalistic and ambitious Communist parties, like the Indonesian one, often complicate China's diplomatic dealings with nationalist governments. The stronger Asian Communist movements have all shown an independent temper, and this has increased their freedom to take actions contrary to China's interests.

The Chinese leaders believe that the removal of Western influence from Asia, coupled with prolonged internal instability, will eventually aid local Communist movements in coming to power. But China's leaders, no less than Russia's are already discovering in their relations with North Vietnam and North Korea that ideological affinity and territorial proximity between Communist states do not result in the subordination of the smaller partners. Already it is evident that North Korea and North Vietnam will develop their own distinctive national personalities and forms: neither is now or is likely to become simply a small replica of "the thought of Mao Tse-tung." In the past, both regimes have shown a willingness to depart from the Chinese line on key issues. Should other Communist regimes emerge in Southeast Asia—in Vietnam, say, or possibly in Indonesia—Peking cannot assume on the basis of past experience that they will follow her lead. Actually, China must remain worried that such regimes may seek more freedom of action by currying favor with the Soviet Union—or, for that matter, with the West. Consequently, it is by no means clear at this point that China's leaders would prefer the development of stable, independent, diverse, and highly nationalistic Communist regimes in Southeast Asia in preference to the prolonged continuation of weak non-Communist regimes led by men willing to defer to China's interests in return for Peking's respect of the essential sovereignty of their countries.

None of the elites of the principal Asian nations—Japan, India, Pakistan, Indonesia—on whose political and military stance a great deal of China's ultimate position and influence in Asia depends, have shown themselves to be anybody's pawns—Russia's, China's, or America's. The United States and Russia have failed on the whole in their attempts to manipulate Asian nationalism so as to support their own state strategies in the cold war. By now it ought to be apparent that there is not going to be either an American or a Soviet solution to Asia's postcolonial problems. By its nature that goal was never really attainable, but it seemed to be a serious aspiration at one time because both Russia and America have been attracted, to a different degree and in very different ways, to the notion that they have special world ideological missions. Peking may believe China can succeed where two vastly richer and stronger superpowers failed, but the post-World War II history of Asian nationalism indicates very clearly that none of the great powers will be likely to succeed in this endeavor.

It should not be forgotten that between 1948 and 1951, during the heyday of Sino-Soviet cooperation, the Communist parties of Asia tried very hard to use armed insurrection as a means of discrediting and destroying such leaders as Nehru, Sukarno, U Nu, and others. In every instance where the non-Communist leadership could lay genuine claim to representing the force of nationalism, the Communist rebellions were crushed. So complete was the failure of these parties' assaults on nationalism that the Communist movement was forced to come to terms and to shift to policies of peaceful coexistence—a new line first championed by the Communist parties of China, India, and Indonesia, and only later by the Soviet Union. It should also be added that except for the special case of Malaya, the most politically significant defeats inflicted on Communist movements have come at the hands of nonaligned nationalist governments, and, as the recent suppression of the Indonesian Communist party again demonstrates, these defeats were brought about without the assistance of the United States.

The fear, expressed in the argument that neutralism or nonalignment is simply a temporary way station on the road to communism, that Peking and other Communists can push over popular nationalist regimes like "dominoes" once a Communist revolution succeeds somewhere else, is overwhelmingly contradicted by the proven vitality of Asian nationalism in the last twenty years. The Chinese Communists were the first to recognize, more than a decade ago, that genuine non-Communist nationalism was nobody's pushover and that efforts by local Communist parties to prove the contrary would bear bitter fruit. In Asia, it is only where an existing leadership has not earned, and therefore cannot claim, the mandate of nationalism that Communist parties have been able to make a serious challenge for power—a challenge based on their own attempt to seize power from those who either lost that mandate or never had it.

THE REAL AMERICAN PROBLEM IN ASIA

Much discussion about the threat of Chinese Communist expansion exaggerates what Peking is capable of doing both now and later and underplays the role of indigenous forces at work in neighboring countries affected by Chinese policies but clearly free from Chinese domination. This is a critical distinction to make, for the fact is that China is assigned far more responsibility than she deserves for the disturbances that lie at the roots of American anxiety about Asia. It is simply not true that Peking or any other Communist power can successfully "turn on" a Communist revolution wherever it chooses. Neither Peking's actions nor her ideological pronouncements have created the essential conditions that have energized the growth of the Communist movement in Asian countries. Local Communist parties have scored impressive gains, invariably, in those countries where native non-Communist elites have, by their own actions, failed to gain or retain their people's recognition as popular, effective nationalists. Local non-Communist elites themselves, not Peking, created the basic sources of internal discord in Laos, Vietnam, and Indonesia, where the most successful Communist movements to date have developed. Communist strength in these countries would be far less today had the non-Communist political elements subordinated their private rivalries to the larger task of national consolidation. Where the competition among the non-Communist elites has not reached the point of destroying the national fabric—for example, in Japan, Thailand, Pakistan, Burma, Cambodia, Ceylon, India, Malaysia, and the Philippines—the Communists have been unable to make a serious bid for power.

The plain fact is that Asian communism's greatest asset is not, and never has been, Communist China's potential military threat or her support of revolution. It has been, and continues to be, primarily the existence of incompetence and corruption and the lack of a genuine, socially progressive, nation-building ethic within the non-Communist elite in every country where communism has made serious advances. Conversely, the most effective deterrent to Communist gains has proved to be the existence of a non-Communist elite dedicated to solving its country's problems and therefore capable of holding the loyalty of its own people. American military power and aid, in themselves, have not proved adequate to find, to build, or to replace a dedicated, hard-working, non-Communist elite.

In the absence of indigenously inspired civil strife, gross incompetence among the non-Communists, or a foreign colonial enemy, no Communist movement in any Asian country has come even close to taking power, through either revolutionary or conventional political strategies. The political, economic, and social upheaval indispensable for a successful "people's war" cannot be manufactured abroad, and it does not burst on the scene overnight. Fundamentally, the prospects for successful Communist movements in Asia depend far less on contriving armed insurrection than on the character and ability of the non-Communist elites. Asia's non-Communists, the Chinese believe, will do the basic job of disintegrating their own societies and reputations to the point at which Communist parties can effectively exploit the situation. If the Chinese are right, and the evidence suggests that in some countries they are, the Communist threat to Asia would not disappear if Communist China's presence vanished from the scene tomorrow.

There most certainly are both immediate and long-range prospects that the kind of future the United States would like to see develop in Asia will not come about. And the nature of the threat to idealized U.S. hopes is primarily the potential rise of authoritarian or totalitarian regimes in response to a broad pattern of grievances long felt and long uncorrected. But this danger comes not from the Left alone, in the shape of communism, but also from the Right, in the form of authoritarian, oligarchic regimes representing the military, the privileged social classes, and the commercial element. There are numerous examples—Laos, Indonesia, Vietnam, Kerala—to show that when the Communist parties are likely to take power, whether through elections or revolution, the rightist classes are likely to agree on a coercive political solution of their own invention, rather than to accept one formulated in Moscow and Peking.

For a long time, United States assumptions about political developments in Asia have contained the unwarranted expectation that somehow national communities based on some form of democratic consensus ought to, or are likely to, flourish in the area, provided an assumed Communist threat to their institutions is checked and economic development is encouraged. It is quite natural that the United States, in view of her values and traditions, should act to promote economically viable and politically responsible regimes wherever there is a clear indication of local purpose and desire. But successful policies for the long run—not based merely on the year-to-year fluctuation in Communist fortunes—must take account of the limitations on what the United States, great though her power is, can realistically expect to achieve in a vast and varied part of the world that has very different traditions from her own. History thus far would appear to show that overt Communist military aggression can be defeated and that artificially contrived "people's wars" do not succeed in countries whose leaders command the consent and loyalty of their own people. There is, however, serious reason to doubt that any foreign power, including the United States, can redeem the image of harsh and unpopular governments or can persuade or force unwilling governments to take those measures of reform that alone can win the support of their own populations or build a nationalist following where one does not exist.

Unfortunately, the painful truth is that Asia's strongest political tradition is the very authoritarianism that stands in the way of such reforms. The variations in this authoritarian tradition have been either despotic or benevolent but have remained authoritarian. The sharing of state power under the rule of law is an alien conception in many parts of Asia. Moreover, the desirability of political Westernization is not at once obvious to most Asians, as it is to Americans. Except where Western institutions have been imposed forcibly by Western powers, there has been little lasting, indigenously sustained commitment to socially progressive or politically democratic ideas in any Asian country. There is no "free Asia" counterpart to the Western democratic traditions on which to build except in our own imagination. The United States can have hope for and can act to sustain Japan's, India's, or any other country's adoption of consensus-type political communities, but there should be no illusions. The foundations of transplanted Western political and social ideas in Asia are weak. Institutions based on them have already been overturned in Burma, Korea, Pakistan, Laos, and Indonesia; they have hardly existed in other countries of the Far East. One may even fairly doubt that Western political forms would survive in India or Japan in the event of a serious crisis.

In Asia, however, the absence of quasi-democratic, pluralistic institutions has not proved to be an insuperable obstacle to maintaining stable political communities based on the tacit or expressed consent of the governed. Indeed, some Asian societies are likely to find what they regard as the appropriate balance between the conflicting demands of progress, justice, and order best achieved within a traditional-authoritarian political system that is in harmony with their historical development. What has proved to be the indispensable condition for maintaining a stable non-Communist political order is that the government and its leaders win and retain the confidence of their people as genuine exponents of nationalism. Where this common bond of nationalism links leaders and citizens, no Communist movement in Asia has been able to sever it at the polls or on the battlefield.

All this is true even in era when U.S. military power has been overwhelming and when vast sums have been made available for aid to any regimes that would hoist the anti-Communist banner. The United States has been at no disadvantage compared to the Communists in her resources for waging the contest in Asia. Quite the opposite is true. The real difficulties that beset the United States arise primarily from the nature of the task she has set out to achieve. That task has become, evidently, nothing less than to act as a vehicle shaping basic forces of change in a vast part of the world that not only is entering the nation-building stage of development, but it is also undergoing at the same time the profound experience of total cultural transformation. But the United States has virtually no ties linking it to the traditions that are bound to govern the evolution of most Asian countries. In the context of the profound upheaval now occurring in Asia independently of great-power action, it would be well to ponder whether even the United States can reasonably expect to exert a decisive molding influence on the form or spirit of new national communities that must ultimately reflect their own diversity, peculiarities, needs, traditions, and aspirations. It is leaning on a weak reed, in truth, to base long-range policies on assumptions that the United States, or any combination of Western technological expertise and aid, will somehow be able to channel and mold the vast revolution in human attitudes and behavior that is painfully under way not only in Asia but in three-quarters of the world. But if the United States is determined to substitute American power for the absence of indigenous, non-Communist nationalism and to attempt a basic transformation of the elites and the societies of the far-off countries of Asia, let *that* true purpose be defined for what it really is, not displaced onto the myth of a Chinese Communist bogeyman.

It is primarily the evolution of nationalism, not the foreign policies or ideology of the Peking government, which frustrates the United States in Asia. The power fundamentally to change the basic indigenous forces shaping the development and character of nationalism in Asian countries lies in neither Peking nor Washington. No internal or external Communist power has yet been able to force the submission of an independent Asian country, however poor and whatever its political system, whose non-Communist leaders can justifiably claim the mandate of nationalism. It is incredible to suppose that the United States can, by the exercise of her own power, claim that mandate for any non-Communist elite that has not earned it from its own people. And until the United States comprehends the full meaning of nationalism in Asia, Communist and non-Communist alike, the gap between America's expectations and the real world around her will remain frustratingly large.

EXTENDING TEMPORARY INTEREST RATE, PRICE, RENT, WAGE, AND SALARY CONTROL POWERS

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I want to commend the President and his administration for having the Secretary of the Treasury, the Honorable John Connally, appear before the House Committee on Banking and Currency this morning in support of H.R. 4246. This particular proposal is one which would extend until March 31, 1973, certain temporary interest rate control powers and would also continue authority for the President to establish mandatory controls over prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970.

I do this because I remember quite well the difficulty we had in getting the administration to realize that this might be a worthwhile tool if in their discretionary authority they chose to use it to combat inflation. I am happy that our efforts last year have begun to bear fruit this year, and I commend the administration for recognizing the potential of this particular measure.

I include for the Record the statement by Secretary Connally before the Committee on Banking and Currency this morning:

Statement by Hon. John B. Connally

Mr. Chairman and Members of the Committee: I am pleased to appear before you today in support of H.R. 4246, introduced by you and sixteen other members of the Committee. The legislation would extend until March 31, 1973, certain temporary interest-rate control powers exercised by the Federal banking agencies. It would also continue the authority for the President to establish mandatory controls over prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970.

Mr. Chairman, we recommend enactment of your bill without amendment.

The temporary powers over interest rates paid by banks and savings and loan associations, originally enacted in September 1966, have served a useful purpose. They are admittedly "stop-gap" in nature, and do little to solve the fundamental problem of competitive equality among thrift institutions. Nor can they be administered in such manner as to insulate banks and savings and loan associations from the impact of disintermediation in a tight money period.

We believe, however, that a two-year extension of the authority makes sense. A Presidential Commission on Financial Structure and Regulation, which is scheduled to report before the end of this year, is intensively studying the interest-rate control problem. If the temporary authority is extended for two years, sufficient time will be available to permit receipt of the Commission's report, followed by enactment of whatever legislation may be necessary to deal with the fundamental problem.

In addition, a lapsing of the temporary authority would bring the permanent, underlying statute into effect. This statute provides for inequitable rate regulation, since it applies to banks and not to savings and loan associations.

For these reasons, therefore, we support a simple, two-year extension of the interest rate authority.

We also accept section 2 of H.R. 4246, which extends the President's standby authority to set up wage-price controls. I must point out, however, that we do not believe that a network of general wage-price controls is needed at this time, nor do we believe that the American people would long stand for such regimentation, under present circumstances.

Consequently, in accepting this section, we do so with the advance statement that we do not contemplate any circumstances—short of an all out national emergency—in which the President would establish general wage-price controls without a further specific mandate from the Congress. This would provide evidence that a majority of the people favored such controls and would support these.

I shall be pleased to respond to your questions.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In an open letter to the American people Kenneth G. Meades, an Englishman and now a New York businessman, wrote about America, the land of opportunity:

I have seen many countries and lived in several of them: No matter what the communist may say, the peoples' paradise is here—on Main Street, U.S.A.

As a comparative newcomer to your country I have seen graft, corruption, crime on the increase, minority groups oppressed, a lowering of moral standards, poverty, discrimination and all the other things which are pointed out as indicative of a sick America. Sadly, these are all true, but the waves of change which wash this country also wash other shores, and the problems Americans seem to claim as theirs alone also belong to the rest of the world. England and France have race riots, there are strikes in Germany and Italy and students demonstrate in South America, China and Russia.

For whatever reasons, the whole world is seething with discontent, with some of it directed against the U.S.A. For this country represents the "haves" in a world of "have nots."

In little more than 300 years Americans have made their land the richest, most powerful land in the world. If you remember they began with nothing but their bare hands, they built the most fabulous way of life man has ever seen—leaving the other nations to snap at Uncle Sam's heels. . . .

In the six years I have lived here America has given opportunity to me, just as she does all the other immigrants to this country. We arrive all colors, races and creeds, speaking the babel of fifty languages. America takes us by the thousands each year and offers us to build for ourselves this life we share with Americans. She does this free and clear—openhandedly sharing her wealth and opportunity with all of us who ask for entrance.

Which other nation can say the same?

So Americans, take stock, you have created a marvelously sophisticated way of life. You and your forefathers did it beginning with nothing. No one sent you Foreign Aid, or the Peace Corps. The World Bank wasn't around to finance you and you didn't politik off the West against the East whilst you built. . . .

Speaking for myself I am proud to be part of the United States of America. Should you as Americans be ashamed?

PUBLIC TELEVISION'S "THE TURNED-ON CRISIS"

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. Conte) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, we have all become increasingly aware in the last couple of years of the drug culture which has spread across our Nation. Indeed, the use and abuse of drugs has become so widespread and has reached such proportions that it is no exaggeration to call it a nationwide epidemic.

To help fight this epidemic, many of our media have done drug education programs and series. However, never before has a medium of mass communication attempted to mount as comprehensive a nationwide attack on the problem as public television's current drug education and community action project, "The Turned-On Crisis."

This series combines eight national prime-time programs devoted to an in-depth study of the drug problem with concentrated community action efforts at the local station level. Also as part of the project, a series for teachers and other educators and another for junior high school students will follow later in the year.

In conjunction with this national project, the local public television stations in Boston, WGBH, channels 2 and 44, are devoting between 20 and 30 hours of prime-time programing during February to a massive local campaign. And not surprisingly to those of us who have the privilege of knowing her, Mrs. Jesse F. Sargent, wife of the Governor of the Commonwealth of Massachusetts, has been in the forefront of the citizen groups supporting the local campaign.

For the benefit of my colleagues, I am inserting in the Record newsstories from the Boston Herald Traveler and the Boston Evening Globe about "The Turned-On Crisis," as well as a release from WGBH concerning the support given the station by the Governor's wife.

In my opinion, Eleanor Roberts, the Herald Traveler reporter, is on target in calling this project "one of the great and unique public service efforts in TV history."

The material follows:

[From the Boston Herald Traveler, Jan. 20, 1971]

Channels 2 and 44 Join Massive Drive Against Drug Abuse

(By Eleanor Roberts)

When a television station turns over 20 to 30 hours of prime time—throughout the month of February—to a massive campaign against drug abuse it has to be one of the great and unique public service efforts in TV history.

Chs. 2 and 44 in the Boston area—and 200 Public Broadcasting System stations around the country—will schedule an in-depth study of the drug problem, "Turn-On Crisis", every night at 8, starting Jan. 31 and continuing through February.

The first three programs of the week, Sunday through Tuesday will be live on Ch. 2. The same programs will be repeated on Ch. 44 at 8, Wednesday, Thursday and Friday.

There's a practical application to the all-out effort to lick the drug problem. While the Sunday and Monday shows are produced by WQED, Pittsburgh, the Tuesday programs are turned out by Ch. 2.

And these will tie in with local communities. On Tuesday, Feb. 2, for example, the program is designed to provide further information on the medical and legal aspects of drugs as they relate to Massachusetts.

The following Tuesday, Feb. 9, a discussion on why some young people in the community turn to drugs is scheduled.

And on the same night at 9, "The Advocates" will devote their entire show to "Should All Drugs be Legalized?"

"There is an enormous amount of publicity about drugs and young people but very little real understanding of the problem," David O. Ives, President of Ch. 2 pointed out yesterday at a briefing on "Turned-On Crisis" for community leaders and broadcasting and print media executives.

"Hopefully, the programs will start a great many people thinking about the problem and lead to constructive action in places where there is none."

Celebrities from many fields have given their time and talent to make the programs stimulating, interesting and constructive for both youngsters on drugs and their parents.

Football hero O. J. Simpson moderates the Feb. 1 program, an hour's exchange about the attitudes on drugs, which features Arnold Palmer, Denise Nichols of "Room 222," Greg Morris of "Mission Impossible," comedian Frank Gorshin, U.S. Surgeon General Jesse Steinfeld, Dr. Sidney Cohen and Dr. Helen Nowlis. A good idea to get teen-agers to tune in.

David Susskind hosts a survey of drug prevention programs in schools and communities across the nation; Fred Rogers of "Misterogers Neighborhood" appears on the same program to urge parents towards a better understanding of their children so the drug problem can be avoided. Top rock groups get together in a music/rap session aimed at bringing the meaning of contemporary music into perspective for the adult generation—a neat trick!

Another program takes a look at rehabilitation centers: the celebrated Synanon, Boston's Washingtonian Hospital, the National Institute of Mental Health in Lexington, Ky., and Black Action, Inc., a methadone maintenance program in Pittsburgh.

Ch. 2 has produced a program "Feedback on Getting Help," which focuses on hot lines, store fronts, half-way houses and information on all drug projects now existing—or trying to—in Massachusetts, set for Feb. 16.

A searing docu-drama about a community trying to solve its drug problems; marijuana and the debate on "hard" and "soft" drugs; "The Concept," a special TV production of the successful Broadway play which focuses on the "self-realization" approach to drug rehabilitation, dramatized by members of New York's Daytop Village as they act out a series of improvisations about themselves and their torturous journey back to reality are subject of other programs.

"Turned-On Crisis" is a project that interested, responsible community leaders have backed solidly. Mrs. Francis W. Sargent, wife of the governor, not only has given her time and support to it but spoke movingly about the need for such education at yesterday's meeting.

The John Hancock Mutual Life Insurance Co. has given a substantial grant to assist in the production and promotion. Donnelly Advertising has donated billboard space throughout Greater Boston. Metro Advertising has donated subway poster space within the MBTA system.

The mayor's office (James Breay, executive director for the Council for Drug Rehabilitation) has provided an invaluable source material.

Communities—whether they're affluent or poor the drug problem affects them—are planning various courses of action. Brookline is distributing material throughout its school system.

Duxbury has scheduled box suppers at two churches to watch the program. In East Boston, Mrs. E. Marshall Bevins has been promised complete coverage of the series in Boston schools by Supt. Orhenberger, Hingham, Lancaster, Millis, Milford, Marblehead—where ministers are announcing the project in all churches—Reading, Scituate, Watertown and other towns plan total involvement.

[From the Boston Evening Globe, Jan. 15, 1971]

CHANNEL 2 PLANS MONTH-LONG STUDY ON DRUG ISSUE

(By Percy Shain)

There have been concentrated campaigns for worthy causes on television before, but seldom one going every day for a full month. Yet that is the plan for PBS's "The Turned-On Crisis," an in-depth study of the drug problem, that will occupy the attention of WGBH–TV (Ch. 2) for the entire month of February—with some slopover into March.

The plan is for programs six nights in the week which will provide communities in the area with ammunition to cope with the situations they must contend with.

The campaign gets under way Sunday, Jan. 31. Programs will be aired Sundays, Mondays and Tuesdays at 8 p.m. on Ch. 2, repeated Wednesdays, Thursdays and Fridays on Ch. 44. The Sunday-Monday shows will be produced by WQED, Pittsburgh. The Tuesday programs will be the work of WGBH and will deal with specific drug issues in Massachusetts.

In addition, rehabilitation and self-help groups will appear frequently on "Catch 44," Thursdays and Fridays at 9 p.m., and the "Advocates" show Feb. 9 will be devoted to the question "Should All Drugs Be Legalized?"

The follow-up in March will be "Because We Care," a six-part teacher-training series on the problems of drug abuse, Wednesdays at 2:30 on Ch. 2, Thursdays at 3:30 on Ch. 44; and "Community Challenge," five half-hours in which students will enact the roles of public officials coping with a drug crisis, Thursdays at 1 on Ch. 2, Thursdays at 8 on Ch. 44.

In the fall, "21-Inch Classroom" will broadcast a new in-school series to further the drug education effort.

Station WBZ–TV (Ch. 4) has another kind of campaign going this week to help viewers kick the cigarette habit. Station personalities Tom Ellis, Sonya Hamlin, Norm McDonald, Jack Cole and others are appearing intermittently on the air with charts and slides to emphasize the dangers of smoking, all leading to Zero Hour at 8 p.m. Saturday for the official swearing-off ceremony.

Fruit juice, gum and other alternatives will be suggested at various points during the final day. Then on next week there will be a countdown approach, reminding viewers how many days they have been off cigarettes and helping them to hold firm.

Also in the realm of public service is the United Cerebral Palsy Association telethon which will occupy the screen of WNAC TV (Ch. 7) continuously from Saturday, Jan. 30, at 10:45 p.m. to Sunday, Jan. 31, at 6:30 p.m., except for the periods of 9:15–10 a.m. for the Sunday Mass and 3:05–3:40 p.m. for the Apollo 14 launch.

Steve Lawrence and Eydie Gorme, with Dennis James, will handle the star-filled session from New York, with regular Boston cut-ins featuring local community leaders who will answer phones and record pledges.

[Release from WGBH, Channel 2, Boston]

Jessie F. Sargent, wife of the Governor, spoke today at a press conference in the WGBH studios. Mrs. Sargent, after speaking to the Fans of Channel 2 on January 4 was made an honorary FAN for her generous contribution of time and support to the FAN'S latest project "The Turned-On Crisis."

Today, Mrs. Sargent, who is deeply concerned about the drug crisis in Massachusetts, again lent her support to that effort. She spoke to a large gathering of press, radio and television people who were invited to WGBH expressly to learn about "The Turned-On Crisis" and how they could help support it.

February, every night at 8:00 is "Turned-On Crisis" month on Channels 2 and 44. The people at WGBH are devoting a major portion of their time during February to serve as an information and referral center for the drug problem.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RIEGLE (at the request of Mr. GERALD R. FORD), for February 14, 1971, through March 21, 1971, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DUPONT) and to revise and extend their remarks and include therein extraneous matter:)

Mr. CONTE, for 10 minutes, today.

Mr. PRICE of Texas, for 30 minutes, today.

(The following Members (at the request of Mr. EDMONDSON) and to revise and extend their remarks and include therein extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. ROSTENKOWSKI, for 10 minutes, on February 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MONAGAN and to include extraneous matter.

Mr. EDMONDSON, in three instances, and to include extraneous material.

Mr. MADDEN and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. DUPONT) and to include extraneous matter:)

Mr. BROOMFIELD.
Mr. PETTIS in two instances.
Mr. GUBSER.
Mr. BROYHILL of Virginia.
Mr. FULTON of Pennsylvania in five instances.
Mr. KYL.
Mr. RHODES in five instances.
Mr. MINSHALL in four instances.
Mr. MICHEL.
Mr. WYMAN in four instances.
Mr. MCCOLLISTER.
Mr. SCHWENGEL.
Mr. SCHMITZ.
Mr. HORTON.
Mr. PRICE of Texas in two instances.
Mr. CARTER in two instances.

Mr. Robison of New York in four instances.

Mr. Zwach.

Mr. Whitehurst.

Mr. Frelinghuysen.

(The following Members (at the request of Mr. Edmondson) and to include extraneous matter:)

Mr. Rostenkowski in two instances.

Mr. Drinan.

Mr. James V. Stanton.

Mr. Daniel of Virginia.

Mr. Hamilton.

Mr. Long of Maryland.

Mr. William D. Ford in two instances.

Mr. Badillo in two instances.

Mr. Byron in six instances.

Mr. Natcher in two instances.

Mr. Evins of Tennessee in three instances.

Mr. Pepper in two instances.

Mr. Cotter in six instances.

Mr. Anderson of California in two instances.

Mr. Bingham in two instances.

Mr. Rodino in three instances.

Mr. Fulton of Tennessee in two instances.

Mr. Morgan.

Mr. Fascell.

Mr. Miller of California in five instances.

Mr. Sisk.

ADJOURNMENT

Mr. EDMONDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 23 minutes p.m.) under its previous order, the House adjourned until Thursday, February 25, 1971 at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

311. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend section 209(a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers Training Corps members; to the Committee on Armed Services.

312. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to provide subsistence allowances for members of the Marine Corps officer candidate programs; to the Committee on Armed Services.

Received From the Comptroller General

313. A letter from the Acting Comptroller General of the United States, transmitting a report and recommendation concerning the claim of the American Journal of Nursing, New York, N.Y., against the United States, pursuant to 31 U.S.C. 236; to the Committee on the Judiciary.

314. A letter from the Assistant Comptroller General of the United States, transmitting a report and recommendation concerning the claim of Mr. Corbie F. Cochran against the United States, pursuant to 31 U.S.C. 236; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. Moss, Mr. Eckhardt, Mr. Adams, and Mr. Conte):

H.R. 4809. A bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLATNIK (for himself, Mr. Boggs, Mr. Johnson of California, Mr. Jones of Alabama, Mr. Edmondson, Mr. Wright, Mr. Clark, Mr. Dorn, Mr. Henderson, Mr. Kee, Mr. Roe, and Mr. McFall):

H.R. 4810. A bill to provide both short term and long term assistance to areas of high unemployment through the extension of certain provisions of law; to the Committee on Public Works.

By Mr. ADAMS:

H.R. 4811. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 4812. A bill to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a national registration of firearms, establishing minimum licensing standards for the possession of firearms, and encouraging the enactment of effective State and local firearms laws, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL of North Carolina:

H.R. 4813. A bill to amend title 10 of the United States Code to provide that members of the armed forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

H.R. 4814. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 4815. A bill to amend section 35 of the Bankruptcy Act (11 U.S.C. 63) and sections 631 and 634 of title 28, United States Code, to permit full-time referees in bankruptcy to perform the duties of a U.S. magistrate; to the Committee on the Judiciary.

H.R. 4816. A bill to amend the Bankruptcy Act to abolish the referees' salary and expense fund, to provide that fees and charges collected by the clerk of a court of bankruptcy in bankruptcy proceedings be paid into the general fund to the Treasury of the United States, to provide salaries and expenses of referees be paid from the general fund of the Treasury, and to eliminate the statutory criteria presently required to be considered by the Judicial Conference in fixing salaries of full-time referees; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 4817. A bill to amend title II of the Social Security Act to provide that a woman who is otherwise qualified may become entitled to widow's insurance benefits (subject to the existing actuarial reductions) at age 50 whether or not disabled; to the Committee on Ways and Means.

H.R. 4818. A bill to amend section 218 of the Social Security Act to provide that a policeman or fireman who has social security coverage pursuant to State agreement as an individual employee and not as a member of a State or local retirement system may elect to terminate such coverage if he is subsequently required to become a member of such a retirement system; to the Committee on Ways and Means.

By Mr. COLMER (for himself, Mr. Poff, and Mr. Hammerschmidt):

H.R. 4819. A bill to consent to the Interstate Environment Compact; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 4820. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4821. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4822. A bill to permit immediate retirement of certain Federal employees; to the Committee on Post Office and Civil Service.

H.R. 4823. A bill to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308; to the Committee on Post Office and Civil Service.

By Mr. DELANEY:

H.R. 4824. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 4825. A bill to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemptions for taxable years beginning after December 31, 1973; to the Committee on Ways and Means.

H.R. 4826. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 4827. A bill to amend section 2 of the act of August 1, 1958, as amended, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and other pesticides; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Pennsylvania:

H.R. 4828. A bill to amend title 10 of the United States Code so as to permit members of the Reserves and the National Guard to receive retired pay at age 55 for nonregular service under chapter 67 of that title; to the Committee on Armed Services.

By Mr. HANNA:

H.R. 4829. A bill to provide that certain members of the Retired Reserve shall be entitled to retired pay; to the Committee on Armed Services.

H.R. 4830. A bill to permit persons discharged from the uniformed services before October 1, 1949, for service-connected disabilities of 100 percent to apply for and, if qualified, be awarded retired pay under chapter 61 of title 10, United States Code; to the Committee on Armed Services.

H.R. 4831. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes; to the Committee on Banking and Currency.

H.R. 4832. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; to the Committee on Education and Labor.

H.R. 4833. A bill to provide Federal assistance in financing the construction of education facilities, and for other purposes; to the Committee on Education and Labor.

H.R. 4834. A bill to add a new title XII to the National Defense Education Act of 1958; to the Committee on Education and Labor.

H.R. 4835. A bill to provide for the disclosure of certain information relating to certain public opinion polls; to the Committee on House Administration.

H.R. 4836. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting of any advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

H.R. 4837. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4838. A bill to grant a Federal charter to the Meals for Millions Foundation; to the Committee on the Judiciary.

H.R. 4839. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

H.R. 4840. A bill to amend title 38 of the United States Code so as to increase the period of presumption of service connection for certain cases of multiple sclerosis from 7 to 20 years; to the Committee on Veterans' Affairs.

H.R. 4841. A bill to amend title 38 of the United States Code to provide a special pension to certain survivors of persons awarded a Medal of Honor posthumously; to the Committee on Veterans' Affairs.

H.R. 4842. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

H.R. 4843. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 4844. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

H.R. 4845. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 4846. A bill to provide full Federal financing of payments made under the public assistance provisions of the Social Security Act to recipients who do not meet the duration-of-residence requirements of the applicable State plan, where such payments must nonetheless be made because of court determinations that such requirements are unconstitutional; to the Committee on Ways and Means.

By Mr. HAWKINS (for himself and Mr. Reid of New York):

H.R. 4847. A bill to provide financial assistance for the establishment and maintenance of stable, quality, integrated education in elementary and secondary schools to assist school districts to overcome the adverse educational effects of minority group isolation, and for other purposes; to the Committee on Education and Labor.

By Mr. HOLIFIELD (for himself and Mr. Horton):

H.R. 4848. A bill to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report; to the Committee on Government Operations.

By Mr. HOLIFIELD:

H.R. 4849. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HUNT:

H.R. 4850. A bill to amend the Interstate Commerce Act to authorize reduced fares for persons who are at least 65 years of age; to the Committee on Interstate and Foreign Commerce.

H.R. 4851. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 4852. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

H.R. 4853. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, dependency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

H.R. 4854. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 4855. A bill to amend title II of the Social Security Act to increase the amount of outside income which a widow with minor children may earn without suffering deductions from the benefits to which she is entitled thereunder; to the Committee on Ways and Means.

H.R. 4856. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 4857. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. MELCHER (for himself and Mr. Link):

H.R. 4858. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 4859. A bill to amend the Internal Revenue Code of 1954 in relation to a credit for State income taxes; to the Committee on Ways and Means.

By Mrs. Mink (for herself, Mr. Burton, Mr. Carey of New York, Mr. William D. Ford, Mrs. Hansen of Washington, Mr. Hawkins, Mr. Miller of California, Mr. Ryan, Mr. Thompson of New Jersey, and Mr. Charles H. Wilson):

H.R. 4860. A bill to establish a Federal sabbatical program to improve the quality of teaching in the Nation's elementary or secondary schools; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. Brademas, Mr. Burton, Mrs. Chisholm, Mr. Edwards of California, Mr. William D. Ford, Mr. Gude, Mr. Hathaway, Mr. Hawkins, Mr. Helstoski, Mr. Horton, Mr. Koch, Mr. Lujan, Mr. Pike, Mr. Rees, Mr. Roe, Mr. Roybal, Mr. Thompson of New Jersey, and Mr. Tiernan):

H.R. 4861. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 4862. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MORSE:

H.R. 4863. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; to the Committee on Education and Labor.

H.R. 4864. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. OBEY (for himself and Mr. Conte):

H.R. 4865. A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community, and to make such lands part of the reservation involved; to the Committee on Interior and Insular Affairs.

By Mr. PETTIS:

H.R. 4866. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 4867. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. SHIPLEY:

H.R. 4868. A bill to authorize the Secretary of the Interior to establish the Lincoln Homestead National Recreation Area; to the Committee on Interior and Insular Affairs.

H.R. 4869. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. SISK (for himself, Mr. Eshleman, Mr. Hammerschmidt, and Mr. Meeds):

H.R. 4870. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin (for himself, Mr. Matsunaga, Mr.

Schwengel, Mr. Biaggi, Mr. Thone, and Mr. Edwards of Alabama):

H.R. 4871. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mr. TIERNAN (for himself, Mr. Abourezk, Mr. Badillo, Mr. Blanton, Mr. Burton, Mr. Eckhardt, Mr. Fraser, Mr. Gibbons, Mrs. Grasso, Mr. Halpern, Mr. Hathaway, Mr. Howard, Mr. Mikva, Mr. Moss, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, and Mr. St Germain):

H.R. 4872. A bill to establish an independent agency to be known as the U.S. Office of Utility Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain electric, gas, telephone, and telegraph utilities; to provide grants and other Federal assistance to State and local governments for the establishment and operation of utility consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of utility companies of interest to the Federal Government and other consumers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WINN:

H.R. 4873. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

By Mr. WYATT:

H.R. 4874. A bill to allow for the imposition of restrictions on the imports of unshelled filberts; to the Committee on Agriculture.

By Mr. ZWACH:

H.R. 4875. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. CELLER (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mrs. Chisholm, Mr. Delaney, Mr. Dow, Mr. Dulski, Mr. Halpern, Mr. Hanley, Mr. Hastings, Mr. King, Mr. Koch, Mr. Lent, Mr. McEwen, Mr. Murphy of New York, Mr. Pike, Mr. Pirnie, Mr. Podell, Mr. Rangel, Mr. Reid of New York, Mr. Rosenthal, Mr. Scheuer, Mr. Smith of New York, and Mr. Stratton):

H.J. Res. 375. Joint resolution granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for entering into the Airport Commission Compact, and for other purposes; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.J. Res. 376. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.J. Res. 377. Joint resolution to amend the pledge of allegiance to the flag of the United States of America; to the Committee on the Judiciary.

By Mr. METCALFE:

H.J. Res. 378. Joint resolution authorizing the President to issue a proclamation designating the period from April 17, 1971, through April 25, 1971, as National Photography Week; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself, Mr. Dellums, Mr. Hechler of West Virginia, Mr. Matsunaga, Mr. Clay, and Mr. Harrington):

H.J. Res. 379. Joint resolution repealing the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. WINN:

H.J. Res. 380. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. MEEDS (for himself, Mr. Hathaway, Mr. Dellums, Mr. Matsunaga, Mr. Horton, and Mr. Frenzel):

H. Con. Res. 181. Concurrent resolution to declare the sense of the U.S. Congress with respect to the Federal administration of Indian affairs; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL:

H. Res. 245. Resolution requesting the President to urge the Soviet Union to process the requests of 50,000 Soviet citizens for reunions with their families who are outside the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. HUNT:

H. Res. 246. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of California:

H. Res. 247. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 243; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

27. By Mr. BRINKLEY: Memorial of the Georgia General Assembly, requesting and urging the placing of a fitting monument on the grounds of the Capitol Building in Washington, D.C. in honor of the memory of Senator Richard Brevard Russell; to the Committee on House Administration.

28. By the SPEAKER: A memorial of the Legislature of the Territory of Guam, relative to the establishment of a National Guard unit for the territory of Guam; to the Committee on Armed Services.

29. Also, a memorial of the Legislature of the State of New York, relative to the oppressive policies of the Soviet Union toward Soviet Jewry; to the Committee on Foreign Affairs.

30. Also, a memorial of the Legislature of the State of Mississippi, relative to completion of the Natchez Trace National Parkway; to the Committee on Interior and Insular Affairs.

31. Also, a memorial of the Legislature of the State of Washington, relative to the establishment of an American Creed Week; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (by request):

H.R. 4876. A bill for the relief of Eladio Pasamba Amador; to the Committee on the Judiciary.

H.R. 4877. A bill for the relief of (Juan) O. Francisco Orbino; to the Committee on the Judiciary.

H.R. 4878. A bill for the relief of Miguel Q. Orejudos; to the Committee on the Judiciary.

H.R. 4879. A bill for the relief of Joaquin T. Quijencio; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 4880. A bill for the relief of Francesco Alfano and his brother, Salvatore Alfano; to the Committee on the Judiciary.

H.R. 4881. A bill for the relief of Francesco Cavaliere; to the Committee on the Judiciary.

H.R. 4882. A bill for the relief of Mrs. Lim-Nio Jo; to the Committee on the Judiciary.

H.R. 4883. A bill for the relief of Gennaro Perna, his wife, Luigina Geltrude, and children, Vincenzo, Carmela Maria Rosaria, Antonio Nazario and Franco; to the Committee on the Judiciary.

H.R. 4884. A bill for the relief of Enrico Provenzano, his wife, Annina, and daughter Carmela; to the Committee on the Judiciary.

H.R. 4885. A bill for the relief of Lee T. Sellars; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 4886. A bill for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Texas; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 4887. A bill for the relief of Willard T. Fenderson; to the Committee on Merchant Marine and Fisheries.

By Mr. O'NEILL:

H.R. 4888. A bill for the relief of Riziero Pesce, Giuseppa Pesce, and Enrico Pesce; to the Committee on the Judiciary.

H.R. 4889. A bill for the relief of Evarista Pietro Tonolini; to the Committee on the Judiciary.

H.R. 4890. A bill for the relief of Lina Zaretto; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 4891. A bill for the relief of Luc Pal Emil Fafard; to the Committee on the Judiciary.

H.R. 4892. A bill for the relief of Nasser Shahoulian; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 4893. A bill for the relief of Our Lady of Guadalupe School in San Bernardino, Calif.; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 4894. A bill for the relief of Ioannis Donstantinos Papanastasiou; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 4895. A bill for the relief of Maria de Jesus Goncalves de Maia; to the Committee on the Judiciary.

H.R. 4896. A bill for the relief of Maria Fernanda Pascoal de Silva; to the Committee on the Judiciary.

H.R 4897. A bill for the relief of Alzira Fernandes Marques; to the Committee on the Judiciary.

H.R. 4898. A bill for the relief of Othon Da Rocha Rebelo; to the Committee on the Judiciary.

H.R. 4899. A bill for the relief of Rui Carlos Vasconcelos and his daughter, Nair de Fatima Teixeira de Sousa Vasconcelos; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

32. By the SPEAKER: Petition of Robert N. Hunt, Easton, Md., relative to redress of grievances; to the Committee on the Judiciary.

33. Also, petition of the city council, Worcester, Mass., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

DRAFT REFORMS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, February 23, 1971

Mr. GRIFFIN. Mr. President, yesterday I submitted to the Senate Committee on Armed Services a statement focusing on one aspect of the present draft system which urgently needs reform. I refer to the preinduction screening for medical disabilities.

Mr. President, I ask unanimous consent that the text of my statement together with attachments be printed in the Extensions of Remarks.

There being no objection, the text of the statement ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR ROBERT P. GRIFFIN TO THE COMMITTEE ON THE ARMED SERVICES, FEBRUARY 22, 1971

Mr. Chairman: I appreciate the opportunity to present a statement to this Committee concerning draft reform.

The issues facing this Committee are as important as any that will face the Congress in this session. You are to be commended for holding early and extensive hearings on this subject.

In recent years the draft has been the subject of more criticism than at any time in history, with the possible exception of the time of the 1863 riots in New York and other parts of the country.

The criticism has not been limited to the use of the draft as a method of maintaining sufficient military manpower. The criticism has also been directed at inequities in the operation of the draft system. Such inequities are not less important now because young men over the age of 18 will have a voice in the election of Federal officials who make and administer the draft laws.

We must not gloss over inadequacies and abuses in the draft system merely because there is hope that it may be phased out in a few years. Whether the draft is extended for one or two or more years, every effort should be made to improve the operation of selection and induction procedures.

Mr. Chairman, my statement will be directed to one aspect of the draft which urgently requires improvement. I refer to the pre-induction screening for medical disabilities.

It should be emphasized that Senator Schweiker, a member of this Committee, probably has done more than anyone else in Congress to uncover inequities and deficiencies in these examination procedures. My statement will supplement some of his findings and will focus on specific cases of young men from my own State who have received inadequate medical examinations.

In addition, as a means of improving such examination procedures, I wish to suggest some legislative proposals for the Committee's consideration. One would provide a statutory right of appeal to the Army's Surgeon General for an individual who believes he has not received an adequate physical examination. The other would specifically require the local board, with the assistance of medical advisors, to screen out registrants who have medical disqualifications, to the extent feasible. I shall elaborate on each of these proposals at a later point in my statement.

The most thorough review of Armed Forces medical examinations was conducted by the Comptroller General in 1968 and again in 1970 at the request of Senator Schweiker. These reviews revealed that over a four year period, from 1966–69, some 20,000 men were discharged annually from the Armed Forces for physical conditions which existed at the time of entry. In 1969, the estimated cost to the Defense Department for such cases was $17.9 million.

Reviews made by the Surgeon, U.S. Army Recruiting Command, indicate that in about 13.2 percent of the discharge cases the defect should have been detected at the examining station. It is important to recognize that the study included enlistees as well as draftees. In the case of the former, needed medical background data is not always supplied by the applicant.

Although the 1970 GAO report noted improvements in examining stations and the training of examining personnel which had been made since the 1968 GAO review, these improvements did not result in a decline in the rate of discharges due to medical conditions existing at the time of induction.

Unfortunately, the experience of my office is similar. Over the course of the last two years, some 47 complaints involving Michigan residents were registered with my office alleging that serious medical conditions were either ignored or discounted by the local board or the examining station.

During 1970, there was actually an increase in the number of such complaints brought to my attention. Out of 29 complaints which I received in 1970, 22 of them (or 76 percent) were found to be valid upon review.

Overall, in 79 percent of the cases submitted to my office during the past two years (in 37 out of 47 cases), a subsequent medical review by the Department of the Army resulted in the medical discharge or disqualification of the inductee.

Mr. Chairman, I have compiled a list of the 37 cases referred to, indicating the date of the complaint, the nature of the medical problem, and whether the problem was acknowledged by Army medical examiners before or after induction. I ask that this list be printed in the record of your hearings at the end of my statement.

A few examples will illustrate some of the problems which were encountered by draftees and brought to our attention.

In one case a young man was declared physically fit and was drafted, despite the fact that he had been rushed to the hospital the day before with severe stomach pains. The stomach pains were caused by a hernia which required immediate surgery. At the examining station the individual was told there was nothing to worry about.

Another case involved a hemophiliac who was in the Army for six months before he was discharged.

In a third case, the draftee had limited use of one foot as the result of a hunting accident. The foot had to be wrapped each night in order to keep down swelling and allow the individual to walk the next day.

In yet a fourth case, a vision defect prevented the young man from seeing at night. Incredibly enough, he actually had to be tied to another man and led around the training course during night exercises.

Still in the process of review is the case of a registrant afflicted with rheumatoid arthritis and a chronically infected pilonidal cyst. Army medical standards specifically state that a documented clinical history of rheumatoid arthritis is cause for rejection.

Despite the fact that the registrant submitted some 50 pages of medical reports and doctors' letters certifying the existence of these conditions, he was found physically fit for induction. Apparently relying on the results of an examination conducted several months earlier, the Army made this determination without reexamining the registrant.

But what disturbs me even more about this case are the events that transpired during and after a new physical examination which was provided after an inquiry by my office.

During the examination, an initial eye test showed nearly perfect vision in both eyes. However, at the registrant's request, a civilian doctor at the station examined his eyes and found his vision to be 20/200 in the right eye.

Blood pressure was recorded as 160 over 104, certainly not within Army standards which call for disqualification if preponderant blood pressure readings are above 140 over 90. In fact, either a reading of 140 or a reading of 90 is sufficient for rejection.

The registrant's pulse while he was in a sitting position was recorded at 120 beats per minute, also not within normal limits.

At the end of the physical, the Commanding Officer refused to make any medical determination without additional tests and consultation with internal specialists. He specifically did not fill out the "profile" portion of the examination.

However, the physical was sent to Army Headquarters where the "profile" was completed and the registrant found physically fit, despite the fact that no additional tests or consultation was ever undertaken.

Furthermore, I would like to point out that in several instances it took up to six months, and as many as ten months in one case, before individuals having disqualifying conditions at the time of entry were discharged from the Armed Forces.

These incidents are disgraceful and do nothing to engender confidence in the fairness of the selective service process.

But the problems of inadequate medical review are not limited to the examining stations.

In November of 1970, the GAO released a report entitled "Savings Through Increased Screening of Registrants With Medical Conditions at Local Draft Boards".

The Comptroller General concluded, after a study of 30 local boards, that some 37 per cent of 126,000 registrants who were rejected at the examining stations might have been screened and rejected by the local boards instead. It was estimated that $1 million in transportation and examination costs could have been saved.

The importance of medical advisors is shown by the following figures: In 1969, 52,600 out of 59,809 registrants referred to medical advisors were found not qualified. In 1960, 54,667 out of 61,144 registrants were found not qualified as the result of interviews with medical advisors.

Selective Service regulations specify that registrants shall be sent to a medical advisor whenever it appears that the registrant has a disqualifying medical condition or defect which appears on a list provided by the Surgeon General. The GAO found, however, that local boards have not fully complied with these regulations.

Specifically, it was discovered that the most frequent reason local boards did not send registrants to medical advisors was the difficulty in relating the registrant's conditions or defects to medical terminology used in technical Army medical standards (AR 40–501).

A number of other significant reasons were given. The report states:

"For example, one executive secretary informed us that she had been in the habit of sending registrants to the examining station, and that she had never thought it was important to send registrants to the medical advisor. Other executive secretaries informed us that they were not sure which registrant should be sent to the medical advisors."

Moreover, a number of medical advisors themselves indicated that they had not been fully utilized. One advisor indicated that no cases had been referred to him in the last few years, and another said he had not had a case sent to him in the last six months.

It was not until August of last year that a list of disqualifying physical defects, as required under Selective Service regulations, was sent by the Director to the local boards. The list was limited to "obviously disqualifying" conditions and conditions which can be evaluated by the medical advisor upon receipt of valid documentary evidence.

In an earlier letter to the GAO, the Director of the Selective Service stated: "We believe that Congress intended that all other cases including those which involve a claimed defect, or defects, which are only *potentially* disqualifying should be referred for a regular, armed forces physical examination. . . ."

Whether the distinction between "obviously" and "potentially" disqualifying defects is valid or not, it is apparent that there has been a good deal of confusion as to the responsibilities of the local board and the medical advisor.

A good example of this confusion was evident in a case brought to my attention about a year ago.

In the letter which I received, the registrant informed me that every member of his local board agreed that he should be disqualified, but they indicated that they "did not have any jurisdiction over medical matters".

Instead of sending the registrant to a medical advisor, he was referred by the clerk of the draft board to her personal physician. In fact, the clerk called the doctor and arranged for a complete physical examination—an examination which cost the registrant $183. Medical advisors, on the other hand, do not receive any compensation from registrants or the Selective Service.

Even though a report by the clerk's own physician concluded that the registrant should be disqualified, the local board maintained that it had no authority to act. Fortunately, upon subsequent review, the registrant's medical condition was acknowledged and he was found to be unacceptable before he was inducted into the service.

In another case which came to my attention just this year the local board not only refused to grant the registrant a medical interview at his request, but also refused to send him for an Army physical examination.

This action was taken, despite the fact that the board had received a doctor's statement indicating the registrant had a disqualifying condition specifically described in Army regulations.

I may not have pat or perfect solutions for such problems, but I would like to discuss briefly two possible legislative proposals to which I alluded earlier in my statement.

First, provision could be made for a right of appeal to the Surgeon General of the Army from the results of any medical examination.

At present a local board's classification may be appealed, but there is no effective review of a medical determination that the registrant is qualified for induction.

The only internal review of such a determination is provided by Army Regulation 601-270, paragraph 4-22b, which provides in part:

"Whenever there is doubt as to whether or not the examinee meets the minimum medical requirements for military service, determination of acceptability will be made by the United States Army Recruiting Command Surgeon. The Surgeon, U.S. Army Recruiting Command and oversea command surgeons concerned, *may* refer cases of an unusual or controversial nature to The Surgeon General." (Emphasis added)

This regulation does *not* provide a *right* of appeal for the individual prior to induction.

Ironically enough, however, a fairly effective appeal process has developed through Congressional offices. In fact, of the 37 cases brought to my attention where an initial determination of medical fitness has been overturned, 24 determinations of disqualification were made prior to induction. A right of appeal to the Surgeon General should accomplish the same results.

In addition, a registrant should be provided with a copy of the report of his physical examination. Thus, a right of appeal and access to Army medical records would be of benefit even if nothing more was accomplished than removal of the cloak of secrecy presently surrounding many medical determinations.

Where a considerable period of time elapses between the physical examination and the notice of induction, say at least 90 days, the registrant could request a new examination. At present, Army regulations provide for a complete reexamination of the registrant if more than one year has elapsed since the previous examination.

Such a provision will assure that the right of appeal is truly effective.

A second suggestion would be to amend the Selective Service Act to *require* that determinations of medical unacceptability be made by the local board, to the extent feasible. Such a proposal should require that local boards fully utilize the advice of qualified physicians (medical advisors) in the community.

The board should be required to refer all cases to a local physician (or medical advisor), where medical histories indicate that a registrant *might* be disqualified for service. If not enough medical advisors are available in a particular area, then the files could be sent to the examining station. The GAO was informed by the Army that it could review files at the stations prior to, or in place of, an actual physical examination.

I do not recommend conferring any new authority on advisors, such as performing tests. If the advisor has any question as to whether a registrant should be disqualified of if he find the registrant to be qualified for induction, the registrant would be sent to an armed forces examining station.

In effect, this proposal would clarify and give statutory effect to existing Selective Service regulations providing for interviews with medical advisors.

Mr. Chairman, if implemented, I believe these suggestions would go a long way toward improving the efficiency and adequacy of military physical determinations. And such reviews in procedures would do much to instill confidence of affected young people in the procedures and decisions.

The revisions I am suggesting would not require a radical change from current procedures. With the end of the draft in sight, it may not be practical to introduce a completely new system to determine physical fitness.

The approach I am suggesting offers immediate benefits without an undue strain on the system.

In order to provide the Committee with a concrete legislative proposal, I would like to have included within the hearing record draft language incorporating my suggestions.

Mr. Chairman, improvements in the pre-induction medical evaluation process are essential if any real draft reform is to be achieved. I hope the Committee will thoroughly examine the problems that exist in this process and will consider the need for legislative changes such as I have proposed.

Michigan Residents Discharged From Military Service or Disqualified From Service Prior to Induction After Having Been Found Physically and Mentally Fit

[Date, reason for discharge or disqualification, when rejected]

10/21/68, hemophilia, after induction.

2/18/69, back and leg injury, prior to induction.

3/20/69, bronchial asthma, after induction (2 months).

5/11/69, alternating exotropia, after induction (2 months).

5/27/69, diabetes mellitus, prior to induction.

6/16/69, vision defect (unable to see at night), after induction (6 months).

6/21/69, impaired function of both kidneys and loss of one testicle, prior to induction.

6/24/69, limited use of one foot due to hunting accident, prior to induction.

9/9/69, diabetes, after induction (1 month).

9/29/69, aortic stenosis secondary to rheumatic heart disease, after induction (1½ months).

10/11/69, epigastric hernia, after induction (2 months).

10/17/69, loss of hearing in one ear coupled with serious drainage, prior to induction.

10/20/69, ankle injury (traumatic osteochondritis dissecans), prior to induction.

10/28/69, shortened leg, prior to induction.

11/18/69, trick knee, prior to induction.

1/19/70, leg injury, prior to induction.

2/16/70, back trouble, prior to induction.

5/14/70, hypertension or high blood pressure, after induction (3 months).

5/21/70, arthritis, prior to induction.

5/26/70, hypertension or high blood pressure, prior to induction.

6/3/70, back injury, prior to induction.

6/4/70, congenital bilateral weakfoot, prior to induction.

6/8/70, ear trouble, prior to induction.

7/14/70, active duodenal ulcer, prior to induction.

7/14/70, back trouble (paraspinal muscle spasm), after induction (4 months).

8/26/70, chronic kidney ailment (bilateral pyelonephritis and urethral stricture), after induction (10 months).

8/27/70, hypertension or high blood pressure, prior to induction.

8/28/70, back trouble (spondylolysis), after induction (1 month).

9/14/70, asthma, after induction (6 months).

9/21/70, back trouble (spondylolysis), after induction (2 months).

10/15/70, severe schizoid personality, after induction (2 months).

11/3/70, traumatic arthritis in left foot, prior to induction.

11/5/70, underweight, prior to induction.

11/6/70, depressive neurosis (moderately severe), prior to induction.

12/4/70, meniere's disease, prior to induction.

12/11/70, severe depression, prior to induction.

1/4/71, prostate hypertrophy and severe hayfever, prior to induction.

Proposed Amendment to the Military Service Act of 1967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Military Selective Service Act of 1967, as amended, is amended by adding at the end of the third paragraph the following: "After the completion of any medical examination of any registrant performed for the purpose of determining his acceptability for training and service under this Act, such registant shall be furnished a copy of the record of such examination as promptly as practicable. A registrant shall have the right to appeal to the Surgeon General of the Army any determination made on the basis of such examination regarding such registrant's acceptability for training and service if such application is filed not more than fifteen days after the day on which he is furnished with a copy of the record of such examinations. If the local board determines that it would be detrimental to the physical or mental well-being of any registrant to furnish him with a copy of the results of any medical examination performed for the purpose of determining his acceptability for training and service under this Act, such record may be withheld from such registrant, but a copy thereof shall be furnished to the parents or guardian of such registrant or, if he has no parent or guardian, to a physician designated by such registrant. Where a period of more than 90 days has elapsed between the date of the most recent medical examination of a registrant and the date on which he is ordered to report for induction, a new medical examination shall be performed on such registrant if he so requests and offers any reasonable grounds to support such request. No order for a registrant to report for induction shall be issued either during the period afforded the registrant to file an appeal with the Surgeon General of the Army or, if the registrant has filed such an appeal, during the period such an appeal is pending. Any order to report for induction during either of such periods shall be ineffective and shall be cancelled by the local board. Each local board shall, to the maximum extent feasible, determine whether any registrant is unacceptable for training and service under this Act because of medical reasons. In making a determination under the foregoing sentence, a local board shall utilize the advice of qualified physicians in the area in which such board is located to the extent that qualified physicians are available in such area."

WHITE HOUSE BUREAUCRATS BLUNDER BY RECOMMENDING ABOLITION OF APPALACHIAN DEVELOPMENT COMMISSION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. EVINS of Tennessee. Mr. Speaker, like many of my colleagues and citizens from the Appalachian States, I was astounded by the recent White House recommendation that the Appalachian Regional Commission and program be abolished and the remnants stuck in some superagency.

Columnists Rowland Evans and Robert Novak in a recent article in the Washington Post assess the blame on the bureaucracy that has developed in the White House—on some unnamed functionary.

While I cannot and do not attempt to assess responsibility for this action, I can say that this recommendation is a mistake and a blunder.

The Appalachian Regional Development Commission is a shining example of successful Federal-State-local government cooperation and partnership. This program is working well—it is effective—it is producing results—and it must be continued.

In this connection I have introduced H.R. 3280 to extend the program for 4 years—to June 30, 1975. It is my prediction that Congress will extend this program.

Because of the interest of my colleagues and the American people in this important program, I place the article from the Washington Post in the RECORD herewith.

The article follows:

[From the Washington Post, Feb. 18, 1971]

WHITE HOUSE BUREAUCRATS

(By Rowland Evans and Robert Novak)

The self-inflicted wounds suffered by President Nixon because of his ill-advised effort to end special regional aid to Appalachia result directly from the White House bureaucracy's expansion in size and power.

To politically attuned presidential aides, Mr. Nixon's proposal to abolish the 6-year-old Appalachian Regional Commission is wholly without political merit. It offends Republican leaders in the 14-state region, puts Mr. Nixon in opposition to the one truly popular Great Society program of Lyndon B. Johnson, and discards a possible alternative to beleaguered revenue sharing. Moreover, it poses an inevitable confrontation for the President in late summer. To sign or veto an extension of the Appalachian Commission certain to be passed by Congress against Mr. Nixon's wishes.

This is precisely what critics inside the administration privately forecast when the President started institutionalizing a White House policymaking bureaucracy. In a White House that communicates through written memoranda, a non-political bureacracy can obliterate political good sense—as with the Appalachian program.

To understand how Mr. Nixon is making political bad sense here, it is necessary to go back to last July when he conferred with Appalachian governors in Louisville. As scheduled, Mr. Nixon argued for his revenue sharing scheme. As unscheduled, the governors delivered an unsolicited testimonial for the Appalachian program—first and most successful of the regional commissions set up during the Johnson administration.

Given your choice, Mr. Nixon next asked the governors, would you prefer aid through revenue sharing or Appalachian-style regional commissions? To the President's astonishment, the answer was unanimous; Regional commissions. Gov. John Bell Williams of Mississippi, who as a congressman voted against the Appalachian program, testified for the commission with the fervor of a convert.

The governors followed the Louisville meeting with a detailed program for regional commissions covering the entire country. Immediately dubbed "wall-to-wall Appalachias" inside the White House, it was delivered to the President last Sept. 14 by four Republican governors from Appalachia. Mr. Nixon, in turn, responded with several statements, privately and publicly, describing the Appalachian program as regionalism at its best and a cornerstone of his New Federalism.

Thus, it was with disbelief that politicians from both parties read this year's federal budget. Far from being a new model for decentralized government, the Appalachian Commission would be guillotined. Appalachian aid money would be folded into a bloc grant for rural development—part of Mr. Nixon's "special revenue sharing."

The first key Republican politicians heard of this came in telephone calls from Vice President Spiro T. Agnew after the budget went to the press. Sen. Howard Baker of Tennessee, a Nixon loyalist certain of the President's support for the program, was dumbfounded. Republican Gov. Arch Moore of West Virginia, who heard Mr. Nixon laud the program in a private chat last year, first got the bad news from a West Virginia Democrat—Sen. Jennings Randolph, chairman of the Senate Public Works Committee.

These surprised Republicans were not alone. Presidential assistants concerned with political affairs did not learn the decision until Mr. Nixon made it. Now, they must live with it.

What happened derives from bureaucratization of the White House. The Appalachian question was handled by John Ehrlichman's White House Policy Council with Dr. Edwin L. Harper, a young Ph. D straight from the Arthur D. Little management firm doing the basic staff work. The Appalachian Commission, successful though it was, did not fit the New Federalism as prescribed by the Ash report on government reorganization. Therefore, off with its head.

This is precisely the result that sagacious administration officials prophesied would emerge from the new staff structure. Mr. Nixon, a President long known to work mainly from staff memoranda, concentrates hard on a few transcendent issues, and therefore, is at the mercy of the policy council staff. Political advisers simply do not get a hearing on such matters.

In the real political world, Congress will pass a two-year extension of the commission that actually doubles present aid (while "special revenue sharing" languishes). A veto would only compound the damage already done throughout Appalachia and, in particular, doom Republican chances for governor of Kentucky this year. A veto, then should be unthinkable. Nevertheless, Republican politicians, eying that White House Bureaucracy, no longer are, sure anything is unthinkable.

U.S. PRISONERS IN SOUTHEAST ASIA

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 23, 1971

Mr. HUMPHREY. Mr. President, in the fall of this year I gave a speech in Minneapolis on the question of American prisoners in Southeast Asia. I made suggestions which could contribute to a resolution of this grave situation. For this reason, I ask unanimous consent that excerpts of my remarks, given before the National Association of American POW's in Southeast Asia, be printed in the Extensions of Remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS OF HUBERT H. HUMPHREY

Recently the Congress met in joint session on September 22, 1970, to consider a matter vital to all Americans—the treatment of American prisoners of war by the North Vietnamese. Colonel Frank Borman reported on his recent mission to obtain release of the prisoners.

The plight of these men is indeed a serious matter to all Americans. The anguish that the families of these brave men suffer each day is a cruel burden.

North Vietnam has refused to accord the status of prisoners of war to our servicemen who have been captured. Instead these men have been termed "war criminals" and have been denied their rights under the Geneva Convention of 1949.

The North Vietnamese government has even refused to recognize the International Committee of the Red Cross to function on behalf of the prisoners. Nevertheless, the United States and the South Vietnamese government have designated this power to the Red Cross and have allowed them to regularly inspect the prisoner of war camps in South Vietnam where approximately 36,000 prisoners from North Vietnam are being held.

Consistently, the North Vietnamese government has refused to submit to the Red Cross or any other neutral nation, a list of names of the American prisoners who are being held.

Now how many men are involved in this controversy? There are approximately 1,548 men considered missing in action or prisoners of war. Of this number, 780 men have been lost in North Vietnam, with approximately 376 reported as prisoners through letters received and films. 277 men have been lost in Laos with only three reported as prisoners. 541 have been lost in South Vietnam with 78 prisoners reported, reputedly in Vietcong jungle camps.

The only contacts made between the prisoners and their families have come through private organizations who have visited North Vietnam. One committee, a few months ago, brought back a list of 334 men, confirmed by the Hanoi government as a complete list of all American men now being held. This list was originally compiled by this Committee from letters which were received from prisoners to their families.

The agreement stated that prisoners would be allowed to write one letter of six lines each month and to receive one package every other month. The list of 334 names included prisoners who wrote to their families prior to 1969. However, 40 men who were previously reported as being held prisoner did not appear on this list of names.

What was the fate of these men? How sad and how bitter it is that the North Vietnamese will not honor their obligations under International Law. Information is only communicated to us through private organizations.

Under the provisions of the Geneva Convention of 1949, the number of letters accorded to prisoners of war shall not be less than two letters and four cards monthly. Prisoners who have been without news for a long period must be allowed to send telegrams. Prisoners are also allowed to receive parcels, including foodstuffs, medical supplies and articles of a religious, educational, or recreational character.

This is a far cry from the one six-line letter each month and one package every other month agreed to by a private organization and the North Vietnamese government for men who by every civilized rule of nations should be accorded the rights of prisoners of war.

Since neither the Red Cross or any other country has been allowed to inspect the prisoner of war camps in North Vietnam, what assurances do we have that our men are receiving proper care or medical attention?

International law specifically provides for the return home of the severely wounded prisoners of war and the transfer of sick and wounded to a neutral country not involved in the conflict.

The North Vietnamese have made no effort to keep their obligations under international law.

In 1966, Radio Hanoi announced that the American prisoners of war who were being held at that time were to be tried as "war criminals". There was an international outcry of protest that prevented this. Public opinion was too strong and the trials were never held.

These men—these brave American boys—have been prisoners of war longer than in any previous period in American history. The first American was taken captive by the North Vietnamese in 1964 and that man is still a prisoner today.

Under the rules of international law, there is no limitation imposed on the length of time a prisoner can be held. In the past, prisoners have been released when hostilities ceased. That is one reason why for over two years I have repeatedly called for a *stand-still ceasefire* agreement in Vietnam. A stand-still ceasefire will give us a chance—not a guarantee, but a chance—to bring these men home.

The North Vietnamese government even refuses to acknowledge the existence of their own men as prisoners of war held in South Vietnam.

Under international law there are limits to the suffering that may be inflicted by hostile parties.

Talleyrand, Foreign Minister to Napoleon Bonaparte wrote in November of 1806:

"Three centuries of civilization have given Europe a law of nations for which, according to the expression of an illustrious writer, human nature cannot be sufficiently grateful. This law is founded on the principle that nations ought to do one another in peace, the most good, and in war, *the least evil possible.*"

Humanity itself demands that the suffering of these men and their families be ended.

Thirty-six thousand human beings have not been given legal status as soldiers by the government of North Vietnam. How in the name of humanity can they do this to their own and to the 1,548 American men?

This is a barbarous crime. If the North Vietnamese will not act responsibly under international law for their welfare then the welfare of these Americans must rest with all the nations of the world who seek a rule of law.

Just as all men were diminished by the barbarity of Nazism—so are we all lessened by the inhumanity practised against these men and their lonesome families.

The General Assembly of the United Nations is now in session in New York City.

I urge our Government to place this matter on the Agenda of the General Assembly and bring to the Nations of the world there assembled the history of the cruel fate of these men.

Let the truth ring out in the Court of world opinion. Let all who seek peace exert their efforts for these men. Their rights, guaranteed under international law, must be protected.

All the nations of the world have an obligation and a self interest in seeing that this is done.

No man is an island.

But no nation can stand alone.

VOICE OF DEMOCRACY CONTEST WINNER IN VIRGINIA

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. DANIEL of Virginia. Mr. Speaker, Miss Karen Elys Wark, of Hillsville, Va., a town in the district which I have the honor to represent, has been awarded first place in the Voice of Democracy Contest for the State of Virginia.

This contest sponsored annually by the Veterans of Foreign Wars provides an opportunity for the many fine young people in this country to step forward and express their views on the American system.

Miss Wark has grasped the essence of Americas' strength with unusual perception. I compliment Karen on this high achievement and also Hillsville Veterans of Foreign Wars Post 1115, her sponsor.

It is my desire to share with other Members of Congress this outstanding document which I insert in the Record:

Freedom—Our Heritage

(By Karen Wark)

In this day where few things are stable and a country counts its possessions miserly, one shining bauble remains forever within their group. Of all the possessions a country has, one can never be extracted. It is the mingling emotions and pride in a history filled with mystic tales of explorers, unusual folk and the ponderous growth of a young country that formulates its most cherished and sacred possession—its heritage.

We are men and women who ideally seek those redeeming things far above materialistic value or comparison; items with awing, inspiring titles given to them, such as fraternity, equality, happiness, and most of all, freedom.

What a word, this thing freedom. But what is it? Is it food or drink, comfort or shelter? Just *how* vital is it for our needs, our lives, our very survival? Freedom is nourishment to those who possess it, feeding the mind and spirit. Is it comfort when things get rough or some loss is great. Freedom is shelter to those who flourish beneath its protective wing and grow beyond description in the encouraging atmosphere. In fact, freedom is just as necessary to life itself as the bodily needs; freedom to write, to think, to breathe—yes, freedom to live a life to the fullest that one chooses to live; freedom as our animal ancestors experience freedom.

But freedom is more than all that. Freedom is a tool that we have utilized to unearth our heritage. From the bowels of suppression, it was born to men who were denied their basic rights, privileges, and liberties. Once they regained them, the men finally realized the awesome power of this magnificent tool. Doggedly, they began to cleave and create from scratch, their own heritage with the fine blade of freedom, basing a government upon the precarious perch of "radical" ideas accompanying freedom. Slowly by shaping and molding, this perch was strengthened by a step-by-step process paralleling the wisely sought principles, duties, and restrictions of freedom and its associates.

Yes, we've fought and sweated and strained and died a countless number of times for this immortal thing, this freedom. And the result of those who have given so much is self-evident. Freedom may now be associated with our heritage as a twin brother. This pulsating essence is as much of a part of us as we are of it. Looking back, we see it as it mingles, winds, twists, and flows, ebbing and surging from the life the people feed into it, spurring us onto greater realms of human achievement, giving to those who have little else in life, something to be proud to live for. The carte blanche reflects the blood cast before it in a relentless battle for preservation. We are indeed addicts; one taste and we're hooked.

Nevertheless, for all bloodshed involved, for all the sacrifices involved, we are proud to say that now freedom *is* our heritage as long as we have an ounce of strength left to preserve it for those behind us who laid the foundation, keeping it to have and to hold, honor, cherish and share for ourselves and our posterity.

FARMERS ENTITLED TO EQUITABLE SHARE OF NATION'S INCOME

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, February 23, 1971

Mr. GRIFFIN. Mr. President, recently I spoke in Grand Rapids before a group of Michigan's agricultural leaders attending an ASCS seminar on rural environmental problems. I ask unanimous consent that excerpts from my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY U.S. SENATOR ROBERT P. GRIFFIN

I was interested to read the other day about Governor Milliken's narrow escape from a group of hog farmers who wanted to present him personally with a 60-pound pig. I hope you have no such surprise in store for me. But if you do, I confess that I understand the purpose. As with hog farmers, all farmers need to find ways to dramatize the fact that the income they receive for what they produce is pitifully inadequate.

The farmer has become a scientist, a technician, a businessman, a market expert, and the manager of a whole complex of skills. As a result, the area of greatest growth in productivity in the American economy, the highest productivity per man-hour, is not in industry, nor in services—but rather in American agriculture. In fact, no segment of the United States labor force even approaches the growth in productivity of the American farmer.

As you already know—and don't really need a Senator to tell you—the American housewife now pays a smaller percentage of her family income for food than ever before. What's more, no housewife in any other country of the world pays out a smaller percentage of the family income for food.

That's said many times—and it's fact—but, unfortunately, you don't see it written up in the newspapers very often.

On top of that, we Americans are the best fed people in the world. Though we still have our hungry—they hunger not because there is a lack of food in the land—but rather because of an inadequate system of distribution.

It was interesting that when President Nixon talked about his fourth great goal: to improve America's health, as outlined in his State of the Union message, his discussion about health did not mention food. Obviously, America's health is not endangered by lack of food. Not many other countries on this earth can make that claim.

So long as you continue to provide the American people with food—at prices which represent a smaller part of their paychecks than ever before in history—smaller than in any other country—you need not apologize to anyone for expecting a more equitable share of the nation's income.

As President Nixon put it, the American farmer:

"Deserves a fair share of the Nation's increasing wealth and its increasing productivity, due to the fact that American agriculture is so productive."

Although I'm not an expert on farm legislation, I want to venture a few comments about the Agricultural Act of 1970. Having been present at the tortured birth of this legislation—having scolded the political opposition for physically blocking the bill at the Senate door, I have a real interest in what may happen under it.

As you realize, I'm sure, that Agricultural Act of 1970 was the product of many compromises (some think too many) and certainly is not the best bill possible in any single man's judgment. I would like to refer in particular to two features of the legislation.

First, the so-called set-aside provision, which returns more decision-making power to the individual farmer. I focus on this because it typifies a new philosophy—hopefully a trend—to reverse the flow of power—to return more decision making power to the people.

As you know, under the set-aside provision, producers can divert part of their acreage and then use the rest of their land, according to their own judgment, so as to bring in the best return.

Farmers will have more freedom to do the kind of farming they are best prepared to do—farming best suited to their land, equipment, and other economic considerations.

Another feature of the new Act is its emphasis on "market orientation," the selling end of the farm business. The aim is to help farmers expand cash markets both here and abroad.

Export markets are continuing to open up for American agricultural producers. Consumers all over the world are demanding better diets. Incomes are rising in other parts of the world so that the people in many countries can now afford better diets.

More people abroad are eating quality meats, for example. And the production of quality meat requires feed grains, which means more demand for American corn and other feed grains if we produce these crops on a competitive basis.

A recent Department of Agriculture report on planting intentions indicates that, nationally, six per cent more corn will be planted this year than last.

Michigan is on the high side of the national average so far as corn planting intentions are concerned. Over 200,000 more Michigan acres will go into corn in 1971, according to the Agriculture Department survey. That's a 12 per cent increase for Michigan, double the increase nationwide.

As a non-farmer, I am told soybeans is another good prospect for export. In 20 years, soybean exports have boomed from 15 million bushels to 430 million bushels—an annual growth rate of 22 per cent. The United States now exports soybeans to 35 countries.

Michigan farmers indicate they intend to increase soybean production in this state by nine per cent this year.

As a new member of the Senate Finance Committee, I'll be taking a close look in this session at one piece of farm legislation—the Sugar Act which expires December 31st. Bills which have to do with tariffs, import quotas and the like go to the Finance Committee rather than the Agriculture Committee.

Michigan has 2,200 sugar beet farms which produced over 1.5 million tons of beets last year—a $23.5 million crop. So, this state is an important contributor to one aim of the Sugar Act, that is to preserve enough sugar producing capacity in this country to safeguard national security.

In addition to specific goals indicated in the Agricultural Act of 1970, there is great concern these days about making government generally more responsive to all people and their needs.

In his recent State of the Union message, President Nixon called for "better use of our land," and efforts to "encourage a balanced national growth—growth that will revitalize our rural heartland and enhance the quality of life throughout America."

One of the programs to which he referred, and which I strongly support, was the rural development program of the present Department of Agriculture.

Rural development is a vital part of an overall strategy for growth and development of non-metropolitan America, but it has great significance for metropolitan America.

Its central thrust is to re-direct the growth of the nation—to improve the conditions of rural as well as urban America.

As you know, rural America encompasses about one-third of this nation's population, most of its geography, the forest resources, the minerals and fossil fuels, the rivers, lakes and streams, the fish and wildlife. Until now, at least, rural America has been—in many respects—a stepchild of the government's concern.

Those who reside in rural America have not fully participated in our national economy, partly because we have not had a national policy which really encouraged balanced growth of rural, as well as, urban areas.

The Administration is now moving toward broader policies which are designed to implement balanced growth. I refer to programs which specifically include rural America in the effort to:

1. to provide incentives for business and industry to produce the basic employment opportunities which support new growth.

2. to improve educational and health services, housing, and other community water, sewer and solid-waste-disposal facilities, as well as recreation and cultural activities.

3. to help cities and towns purchase surrounding land areas for residential growth, for open space, for industrial parks, for recreation and the like.

In his State of the Union address, as you will recall, President Nixon also called for a complete reorganization of the Executive branch of the Federal Government.

While all the details are still not available. The broad outline of the proposal is known. If adopted there would no longer be such departments as Agriculture, Labor, or Commerce. New departments would be organized around functions and major objectives rather than groups of constituents.

At the present time, if a county official wants help with the financing of a sewage treatment facility, he could go to three or four different departments and agencies which have related programs.

The President has proposed that seven Cabinet-level departments be consolidated into four: a Department of Economic Development; a Department of Community Development; a Department of Natural Resources; and a Department of Human Resources. This reorganization may not go sailing through the Congress because it would probably mean a major reorganization of the Committees of Congress. That's probably enough to say to justify a comment that it may take a while before such a reorganization can take place.

But there is a drive on to streamline the Federal bureaucracy—to make it more responsive—and to move more decision-making power closer to the people. President Nixon has called it a "New American Revolution."

I believe he understood the mood of the country when he said, the people are fed up with government at all levels. The people are demanding reform—they are finally convinced that all the brains and wisdom are not concentrated on the banks of the Potomac.

In Agriculture—as in other areas—the New American Revolution will focus a renewed reliance on individual initiative—and local control.

Whether you like it or not—you, who make your living in agriculture, cannot sit on the sidelines any longer. Whether you want to be or not, you are now in the front lines of this New American Revolution—and I wish you well. As your Senator in Washington, I'll do everything I can to pass you the ammunition.

SOVIET CIVIL DEFENSE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. SCHMITZ. Mr. Speaker, in view of the incident which took place over the weekend concerning the U.S. civil defense system perhaps this is a good time to take another look at the civil defense procedures and doctrine of the Soviet Union. An article in the November-December 1970 issue of Survive magazine by Leon Goure, one of America's foremost authorities on civil defense matters who is currently director of Soviet Studies at the University of Miami's Center for Advanced International Studies and a consultant for the Office of Civil Defense, brings us up to date on Soviet efforts in this field.

Particular attention should be called to Mr. Goure's assessment of the Soviet doctrine which calls for preemptive, or sneak attack. The hypothesis that the Soviets were aiming at developing a sure second strike deterrent force and nothing more was simply a figment of someone's imagination which somehow got written into policy and became a basis for our own activities in the field of strategic defense. As Khrushchev said the losing side will always resort to the use of nuclear weapons; meaning that it would be absurd for the side which plans to win not to use them first. The Soviets, of course, plan to be the winning side. If they can induce the United States to continue its lackadaisical approach to the question of national defense there is little doubt that Kremlin objectives will be transformed into a tragic reality for the people of the United States.

The article follows:

SOVIET CIVIL DEFENSE: CURRENT DOCTRINE

(By Leon Goure)

To discuss Civil Defense is to think about the "unthinkable." Many prominent Americans have said in effect that nuclear war is "unthinkable" because no rational leader would ever resort to it. Thus McGeorge Bundy, former national security adviser to Presidents Kennedy and Johnson, wrote in 1969:

"In the real world of real political leaders—whether here or in the Soviet Union—a decision that would bring even one hydrogen bomb on one city of one's own country would be recognized in advance as a catastrophic blunder; ten bombs on ten cities would be a disaster beyond history; and a hundred bombs on a hundred cities are unthinkable."

Unfortunately, such a judgment is not only historically wrong—the Soviet Union suffered the equivalent loss of far more than ten cities in 1941 when the Germans occupied most of European Russia, yet it survived—but may also err in assuming that the Soviet leaders hold similar views. It is indeed one aspect of our psychology that we have tended to endow the Soviet leaders with ever greater measures of rationality (in our meaning of the word) in proportion to the growth of Soviet military power. Unfortunately, the men in the Kremlin, while they are likely to view a war initiated by the United States as a "catastrophe," do not believe war to be "unthinkable." Indeed, they regard the possibility of a war as sufficiently real to require the Soviet Union to continue to invest its relatively scarce resources not only in a deterrent capability, but more significantly, in what they appear to believe may be a capability to survive and win it. "The defensive might of the Soviet Union," said Kosygin on June 10, 1970, "must be invincible in the full sense of the word."

The Soviet Union has always taken the danger of war seriously. and preparations for it have always been at the forefront of the leadership's concern. History has confirmed that military power was not only essential to Soviet survival, but is also the key factor in the emergence of the Soviet Union as a super-state.

Soviet concern over the possibility of war and with the problem of survival has led to its interest in Civil Defense. This interest dates from the inception of the Soviet State. Only the scale and level of investment in it have varied, and its character and organization have periodically changed in accordance with Soviet perceptions of the changing nature of war and technology. A national Civil Defense system called "Local Anti-Air Defense" (MPVO) was first established in 1932. However, modern Soviet Civil Defense dates from 1961 when it was renamed "Civil Defense of the USSR" and control over it was transferred from the Ministry of Interior to the Ministry of Defense.

The change underscored the importance of an integrated national, as opposed to a local, civil defense system, which is said to be required by the nuclear threat and the character of modern means of weapons delivery. At the same time, the greater importance of Civil Defense was reflected in the appointment of a Marshal of the Soviet Union, V. Chuikov, as Chief of the Civil Defense of the USSR.

More recently the importance of Soviet Civil Defense was further enhanced when Brezhnev called for its further improvement at the 23rd Party Congress in 1966 and again in a speech in 1967. This high-level endorsement by the Chief of the CPSU, the first of its kind since World War II, has resulted in giving Soviet Civil Defense far greater scope and momentum than hitherto, as well as more leverage in asking for increased investments.

There are still many things about the Soviet Civil Defense program which remain unknown to us because of Soviet secrecy. Thus, we do not know the exact size of its organization, its costs, or its degree of readiness. However, there is evidence from Soviet and non-Soviet sources which indicates that it is not a mere paper program, but one that has and continues to receive large investments of resources and manpower on a scale which makes it probably the largest effort of its kind in the world today.

When one examines the Soviet Civil Defense program and its underlying doctrine one may decide at first glance that some aspects of it are obsolete or unrealistic. However, before passing judgment one should be careful to take into account the character of the Soviet system and the state of its economy, as well as the peculiarities of the Soviet views on the nature of modern war and the likely circumstances for its occurrence.

THE SOVIET VIEW OF THE THREAT

The current Soviet public view of the threat facing the Soviet Union seems to justify its Civil Defense program. One striking aspect of the Soviet treatment of this question is that it in no way reflects the more optimistic views sometimes held in the West. Despite the SALT negotiations and efforts to reduce East-West tensions, Soviet views on peaceful coexistence are far removed from ours. Soviet spokesmen reject the notion that peaceful coexistence signifies any real moderation in East-West relations. For example, an article in the government newspaper, *Izvestiia*, states that: "the policy of peaceful coexistence is imbued with deep class content and, therefore, has nothing in common with bourgeois and petty bourgeois pacifism." Not only will the struggle continue, but the threat of an armed conflict is said to be *intensifying*. For example, Brezhnev insists that the danger of war will not only persist as long as imperialism survives, but that the present stage is marked by a specially acute struggle between communism and capitalism in the fields of ideology, politics and economics. Thus, he said on May 27, 1970:

"We live in an age of acute struggle between the two systems in the world arena. Imperialism has not laid down its arms. The international situation requires that we should strengthen the defense potential and combat readiness of the Soviet troops. This is our sacred duty."

The old Stalinist doctrine of capitalist encirclement of the Soviet Union and of the inevitability of war with the capitalist powers, which Khrushchev dropped in 1956, is now being replaced with the still older Leninist doctrine that as socialism is increasingly victorious in the world the desperate capitalists become more irrational and violent in their attempts to save themselves. For example, Marshal of the Soviet Union Grechko, the Minister of Defense, wrote on April 18, 1970:

"The course of modern social development confirms the ideas expressed by Lenin that the more substantial socialism's victories are, the more stubborn the resistance of the imperialist bourgeoisie becomes. Not wishing to reckon with the lessons of history, imperialist reaction seeks a way out in various kinds of adventures and provocations, and in direct use of military force."

These arguments serve to justify increased Soviet defense expenditures and demands on the population to prepare for defense. For example, a member of the ruling Politburo, Shelest, said recently:

"Political vigilance, hatred for the class enemy, and readiness to stand in defense of our socialist Motherland must be increased among our people."

Marshal of the Soviet Union Konev put it in a nutshell when he wrote in *Izvestiia:* "An enemy is an enemy. It is essential that every Soviet citizen be hardened and ready for the clash with the class enemy."

The Chinese threat to the Soviet Union is also mentioned. Thus, Chuikov writes in the 1969 edition of his pamphlet *Civil Defense in the Missile Nuclear Age:*

"At this time it is difficult to determine how much nuclear capability China can plan for and how soon the militaristic clique of Mao Tse-tung can accumulate it, but having in hand nuclear weapons and even more so strategic missiles, the Maoists can threaten any country with nuclear attack."

However, references to a Chinese threat are not used to the same extent in Soviet literature to justify the civil defense program as the alleged danger posed by the United States. Of course, the Soviet leaders may find it politically inexpedient to explain their defense preparations in terms of China, especially as they often criticize Peking's militarism. But the scope and character of the Soviet Civil Defense Program are far too comprehensive and intensive to be primarily designed to cope with the threat of a Chinese attack.

Soviet concern with defense, including civil defense, seems also to derive from a view of war which appears to be quite different from that of the United States. Following the loss of U.S. nuclear monopoly, the United States has increasingly concentrated on deterring nuclear war with relatively little attention being paid to what happens if the deterrent fails. The Soviet Union, however, still thinks not only about deterring a surprise attack, but also in terms of war-fighting and war-winning capabilities. While recognizing that in a nuclear war the Soviet Union would suffer grievous damage, the official view rejects the Western notion of a state of mutual terror because this leads to "pacifism" and may hamper Soviet foreign policy. Instead it is argued that "victory" is possible provided that the Armed Forces are in a high state of readiness, the enemy's attack is blunted by a pre-emptive strike, i.e. a Soviet first-strike, and measures are taken to achieve a superior survival capability.

Thus, according to Major-General Sokolov, First Deputy Minister of Defense, Soviet military doctrine states that "sudden massive nuclear strikes can in a very large measure determine the entire subsequent course of the war, result in enormous losses, and place a people and a nation in an extremely difficult situation." The targets of such an attack are said to be:

"The means of nuclear attack of the aggressor, his industrial and administrative-political centers, important communication centers, army and naval bases, and large groupings of troops. The destruction of these targets may exert a decisive influence on the entire course of war."

Even though, according to the Soviet view, the "other side" is by definition the "aggressor," this does not mean that the Soviet Union, like the United States, is going to depend for its defense primarily on a retaliatory strike, especially not in view of the "decisive" character of the first strike. Consequently, Soviet doctrine calls for a "pre-emptive" attack. Thus, Marshal of the Soviet Union Krylov, the Commander in Chief of the Strategic Missile Forces, wrote on February 20, 1970 that "a counter-blow (sic) can exert a determining influence on the whole course of the war." Lieutenant-General Shuvyrin, First Deputy Chief of the Civil Defense Staff of the USSR, has described the most optimistic version of what may happen to the Soviet Union:

"One must keep in mind that the aggressors (i.e. the U.S.) will not be able to make full use for their purposes of their strategic means of attack. A portion of their means of weapons delivery will be destroyed or damaged before their launching—while they are still on their launch sites, bases and airfields; another portion will be destroyed or damaged in flight by weapons of the Air Defense . . .; still another portion of the missiles and aircraft will fail to reach their targets for technical reasons (i.e. malfunctions) . . . (However) some portion of the nuclear, chemical and bacteriological weapons may reach their targets."

We do not know, of course, whether or to what extent such views are actually shared by the Soviet leaders. However, the Soviet deployment of their SS-9's, which appear to have a real counter-force capability, the initial deployment of the Soviet ABM's around Leningrad and Moscow rather than to protect strategic missile sites, and the character of the Soviet Civil Defense system are suggestive in this respect.

THE MISSION OF CIVIL DEFENSE

The Soviet view of war is reflected in the Soviet Civil Defense program and its doctrine. This doctrine is based on the assertion that survival and victory in a nuclear war are impossible without assuring the protection of the population, the economy, the administration and sources of food. For example, Civil Defense Chief Marshal Chuikov, wrote in January 1970:

"We stand on the premise that in nuclear warfare the one who will hold out will be he who is able to preserve peoples lives, to insure continuity of management and the survivability of production of the national economy, and to safeguard crops and livestock from destruction . . ."

In brief, it is asserted over and over again that national survival and "victory" in a nuclear war are impossible without an effective Civil Defense, which therefore is an essential element of the overall Soviet defense capability. For this reason, Civil Defense is said to be an important concern of the Communist party and of the Soviet Government, and it is each citizen's "patriotic duty" to participate in it.

Soviet Civil Defense is required to deal with a range of threats, including nuclear, chemical, bacteriological and conventional weapons as well as natural disasters. Soviet concern with defense against CW and BW, which they allege the United States is planning to use in a war, is undiminished to this day and adds considerably to the cost of the program. It is said that these weapons are especially suited for population attacks and may be part of a campaign to paralyze the economy and prevent post-attack recovery.

In conclusion, the main mission of Soviet Civil Defense is:

(1) Protection of the population,

(2) Assuring the continuing operation of critical industries and services in wartime,

(3) Protection of food, crops, livestock and water,

(4) Training the entire population in Civil Defense, and

(5) Conducting large-scale rescue, fire-fighting and repair work following an attack.

ANNUAL CIRCUS CITY FESTIVAL IN PERU, IND.

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 23, 1971

Mr. HARTKE. Mr. President, on Saturday, February 27, 1971, NBC television will chronicle one of the most unique events to take place in my State of Indiana. Beginning at 11 a.m. on that day, the network will present "Circus Town," an hour devoted to the story of the amateur Circus City Festival celebrated each year in Peru, Ind.

At a time of extensive criticism of the televised media and its overwhelming effect on Americans, I believe this special program is an indication of people-oriented television at its finest. The NBC program captures the efforts undertaken annually by a small Indiana community in a program designed for viewing by Americans of all ages.

Peru's annual Circus City Festival is one of Indiana's bigger historically based events. Amateur circus stars of this town, once know as the "Circus Capital of the World," stage a huge Circus City show complete with parade, carnival attractions, and authentic circus displays.

Situated near the confluence of the Mississinewa and Wabash Rivers, once used by the Miami Indians as highways, Peru's history is replete with Indian lore. The city is the seat of Miami County, named after the Indian tribe which occupied the area before settlement by the white man. Chief Tecumseh in 1812 made his final attempt to organize the Indians of the Middle West into a confederation and to enlist them with the British against the United States during a special council meeting near Peru. Discouragement led him to leave later that year for Canada to join the British in the War of 1812.

The Cliffs of the Seven Double Pillars, located above a river bend, is the location of the first white man's trading post in Indiana, or so Indian legend goes. Frances Slocum State Forest in Miami County is the site of the grave of Frances Slocum, the Pennsylvania white girl adopted by the Delaware Indians in 1778.

Ben Wallace laid the foundation for Peru's fame as the winter quarters for a majority of the Nation's leading circuses. In 1883, he bought a defunct traveling show which consisted of a band wagon, a one-eyed lion, a camel, two monkeys, a few dogs, a spotted horse, and an elephant named Diamond. With that show stock, Wallace and a partner, James Anderson, started their entertainment adventure. They trained the elephant in a railroad roundhouse. Their first exhibition was staged in Peru, initiating what later became the famed Hagenbeck-Wallace Circus.

In later years the American Circus Corp. provided in Peru winter quarters for some of the foremost circuses in America. Scores of red sheds housed animals and equipment for Ringling Brothers, Barnum & Bailey and others. Land on both sides of the historic Slocum Trail—an old Indian trail—for about half a mile was used by the corporation as a pasture for the circus animals. Zebra, camels, llamas, and elephants grazed near Indiana cornfields and farmhouses.

The Bearss Hotel, which has uninterruptedly served as the town's leading hostelry since 1837, is the home of several retired circus performers.

Each year the residents of Peru, Ind., revive memories of circus pageantry to involve an entire community in the commemoration of a bit of fading American history. NBC's hour-long special will this year allow people across the Nation to join in the festival marking that special era.

POPULATION ISSUE STUMPS NEW DELHI

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. CARTER. Mr. Speaker, with the passage of the legislation to provide family planning services and population research activities of the Federal Government, the United States made a great step forward toward population control. It is entirely possible that with the passage of this bill population control in the United States will become a reality. However, an article by an erudite editorialist, Marquis Childs, reveals the almost hopeless plight of India.

In some 20 years, unless the population rate is slowed, the population of India will reach 1 billion. Such assistance and education and expertise as we can give the Indian Government in this fight to improve the quality of life should be forthcoming.

I insert in the RECORD the editorial for perusal of the Members:

[FROM THE WASHINGTON POST, FEB. 22, 1971]

POPULATION ISSUE STUMPS NEW DELHI

(By Marquis Childs)

It was said to be the worst natural disaster in this century. The howling winds, the great surge of the tidal wave swept as many as a half-million people to death from their precarious hold on life in the Ganges Delta of East Pakistan. Headlines bloomed for a few days, the United States rushing aid—a teaspoon to bail out the ocean in terms of actual needs, then back to the old preoccupations.

Pakistan today has more people than it had before the disaster. It took only 35 days to make up the loss—so rapid is the population increase in that watery part of the world where the line between life and death, hunger and a few handfuls of rice, is so slight.

The ticking of the population bomb grows louder despite all the cheery talk about the green revolution and the bigger crops of rice and wheat. The Population Reference Bureau, which does such valuable work in marshalling the facts and showing what they mean, has just come up with a startling projection for the Indian subcontinent.

By 1990 or 1995 India will have a population of one billion. That means a density of peoples 14 times greater than that in the United States. It would be like putting all 205 million Americans in the state of Texas.

If the leaders of India were to conclude tomorrow that their country could support a billion people at tolerable levels of health and civility, but not larger population, they would have to find ways to cut the continuing birth rate of 40 to 45 per thousand by more than half in the next decade or so. This reflects the fact that nearly 45 per cent of the public are under 15 years of age with many reproductive years ahead.

As much as any other government in the world, India has pushed population controls in a variety of ways. An official family planning program is 20 years old, but it was not until 1965 that it was given a forceful impetus. Two activist members of the administration in New Delhi got behind a greatly enlarged effort and in that year a variety of outside organizations, including the U.S. Agency for International Development (AID), chipped in with technical help, advice and money for population control. Clinics were opened throughout the country amidst a great stir of hopeful activity.

Yet as John P. Lewis, who was head of AID in India for four years and is now dean of the Woodrow Wilson school at Princeton, says in a special report to the Population Reference Bureau, all international agencies have agreed during the past year that India is not making it on birth control. The present system can cover at best one-third of the 100 million Indian couples of reproductive age by 1973–74, the end of the current five-year plan doubling the money for controls.

The earnest planners are up against what is in peoples' minds—fears, prejudices, hopes out of ancient traditions and beliefs. Whatever has been learned thus far about the motivation of Indian families, Dean Lewis notes, confirms the common impression that the average Indian couple wants at least two surviving sons. Since daughters are approximately as numerous as sons yet far lower in the scale of desirability (Women's Lib, please note), it is obvious that tradition will keep India's birth rate high as long as there is no fundamental change in motivation.

India has a nationwide election in March. Judging from reports out of New Delhi, the campaign sounds like an American political contest. That is to say, candidates are talking about so-called issues, with personal animosities playing a large part, that have little to do with that vast subcontinent and its myriad of peoples and problems. Only the remarkable woman who is prime minister, Indira Gandhi, the daughter of the great hero of Indian freedom, Jawaharlal Nehru, seems to be taking a stern line on what her country must do to come through.

The facts, as the Population Reference Bureau makes so clear, are inescapable. India's population passed the 555 million mark in 1970. The growth rate is 14 million a year. Ready or not, here they come, and how to change the pictures in peoples' minds stumps the best of planners.

HUNGER IN AMERICA

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Tuesday, February 23, 1971

Mr. TAFT. Mr. President, there is no question that hunger is a very serious problem in America. The Nixon administration recognized the need for immediate action and has taken affirmative steps toward eliminating this problem.

I invite the attention of Senators to an article published in the New York Times of February 5, 1971, which discusses the gains made by the administration in its fight to combat hunger and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADMINISTRATION IS FOUND MAKING SIGNIFICANT GAINS IN FIGHT AGAINST HUNGER

(By Jack Rosenthal)

WASHINGTON.—The Nixon Administration's antihunger program has produced significant often dramatic gains, reports on the program from 10 areas around the country, disclosed today. But the job is only half done, many of the poor people and experts interviewed said, and they now fear a leveling off of Federal efforts.

"Half a loaf is better than none," said one expert. "But it's still half a loaf."

On the eve of the second White House conference on nutrition, both critics and beneficiaries cite gains in the number of needy people receiving food stamps, subsidized school lunches and other Federal food assistance.

In New York City, for example, the number of people benefited has jumped four times since the Nixon Administration took office. It has doubled just since September.

But at the same time, large numbers of needy people still are not reached, reports from the 10 areas indicated. The 750,000 people now receiving foodstamps in New York City are estimated to be only 38 per cent of those eligible.

DEPRESSED CONDITIONS

In such places as Seattle and Detroit, depressed economic conditions, appear, even in the face of sharply increased Federal food assistance, to have swollen the number of the needy. And, despite Presidential assertion of "an impressive record indeed," a coalition of antihunger groups insisted today that only half the needy children were being fed.

The Administration's budget for antihunger programs, meanwhile, is leveling off, says Robert B. Chaote, a leading Washington authority on hunger. The Administration deserves recognition for what it has done, he said today, "but the new budget figures seem to be more of an epitaph than a progress report."

The new White House conference is a follow-up to the broad, contentious conference of 3,000 consumers, industry representatives and poor people that was held in Washington for three days in December, 1969.

SURVEY CONFIRMS MANY

By contrast, the one-day meeting tomorrow will be limited to about 200 participants, few if any of them poor, and will be held in distant colonial Williamsburg, Va.

The participants, in their evaluation of progress since the 1969 conference, will hear reports of significant gains from Administration spokesmen.

Many of these gains are confirmed strikingly by the New York Times survey, which covered 10 disparate areas from Maine to Arizona.

In every area surveyed, there have been substantial gains in Federal assistance. In Pennsylvania, for example, the number of subsidized lunches has jumped from 25,000 a month in January, 1969, to almost 2.8 million a month.

In South Carolina, the number of recipients of food stamps has gone from 118,000 to almost 270,000 in the same period. In Maine, the number receiving either stamps or surplus food has increased in a year from 68,000 to 91,000.

In a food stamp line in Collier County, Fla., a mother of 10 said recently: "We never had nothing to eat at all, hardly, until we got stamps. We don't have as much as we like, but it's more than we ever had before in our lives."

Nationally, Administration statistics show that the food stamp program has risen from 3.6 million recipients to 9.3 million in the last year. Spending has increased in three years from $248-million in 1969 to a projected $2-billion starting next July.

The number of needy children receiving free or subsidized school lunches, the Administration says, has doubled in two years, and such lunches should now be available to all eligible children.

SEVERE PROBLEMS REMAIN

Despite such increases, hunger and malnutrition remain severe problems in several of the areas surveyed.

The number of food stamp recipients in West Virginia has increased almost 50 per cent in two years. Yet authorities believe that more than a fifth of the state's families still exist on poor diets.

Margaret Leishman, a nutritionist who works with welfare families in rural Lincoln County, W. Va., says they don't have hunger pangs, but she adds:

"If they didn't have beans, they would die. That's why you see so many fat people among the poor. But it's not healthy fat."

In Arizona, the authorities estimate that only half of the needy schoolchildren are receiving subsidized school lunches. And, as is true with an estimated 18,000 inter-city schools around the country, those schools with the most needy students often cannot participate.

"They lack cafeteria facilities and can't afford to buy them," says Frances Shenberger, the state's school food services director.

In South Carolina "things are improving," says Paul Matthias, director of the State Human Relations Council, "but too slowly." The number of children in the lunch program has jumped 40,000 in two years, to 182,000. But Mr. Matthias estimates that more than 70,000 other needy children are not served.

Reaching the hard-core poor is only part of the problem, the check discloses. In a number of communities there have been rapid increases among the "newly needy."

In Seattle, unemployment has climbed from almost zero to 15 per cent in 30 months, and the unemployed ironically describe themselves as "inflation fighters."

In the same period, says Mayor Wes Uhlman, the number of food stamp recipients has grown from "next to nothing to 80,000."

SOME OBSTACLES

In feeding the hard-core needy as opposed to the newly needy, says Robert Hatch, Indiana director of the National Welfare Rights Organization, "we've slipped backwards, but we don't know how much."

The obstacles to broader participation are by no means limited to Federal spending levels. In many areas, particularly where surplus food continues to be used rather than stamps, some people are too proud to participate. Others do not know how to enroll. Still others are deterred by often complex regulations.

"There are times when they just don't have the $41 needed to purchase the stamps—and two weeks later they will have to come up with another $41," says Arthur Schiff, director of the food stamp program in New York City. "Six consecutive misses and they are dropped from the program. It takes a long time to apply."

But in several other areas, the administration is credited with heroic triumphs over red tape. A Detroit official says the subsidized lunch program "is the least cumbersome Federal application I've ever worked with." In South Carolina, remote areas will now get food stamps by mail and from mobile offices.

THE BLACK 12 AND MR. NIXON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. CLAY. Mr. Speaker, in a recent article which appeared in the Cleveland Plain Dealer, Mr. Gene I. Maeroff recounts the efforts of the black Representatives of the House to meet with the President. Mr. Maeroff supports our efforts and notes that we not only represent the blacks in our own districts but also the millions throughout the entire country whose pleas would go unanswered if not for us. One case in point is the fact that young blacks who wish to attend the military academies must rely on the aid of the black Congressmen to be nominated. Those in a State such as Mississippi would not have a fighting chance to be recommended.

I want to bring to the attention of my colleagues this most informative article. Mr. Maeroff's article follows:

[From the Cleveland Plain Dealer, Feb. 20, 1971]

THE BLACK 12 AND MR. NIXON

(By Gene I. Maeroff)

When the 12 black members of the U.S. House of Representatives boycotted President Nixon's State of the Union message a month ago there was a great cry of outrage and indignation.

"How could they stoop so low as to insult the President of the United States?" critics demanded. "They are abdicating their responsibility to represent their constituents."

Then last week Cleveland's Louis Stokes, one of the members of Congress' Black Caucus, refused a White House invitation to join several congressmen for breakfast with Mr. Nixon.

Now comes word, following these rebuffs that President Nixon is willing to meet with the Black Caucus. This raises the question of whether the 12 congressmen were justified in snubbing the President.

Judge for yourself. Early in 1970 the Black Caucus asked the White House for a private meeting with Mr. Nixon. Two months passed without a response. When the answer came it was not from the President but from one of his staff members.

Mr. Nixon is very busy right now, the black congressmen were told, and wouldn't have time for such a meeting. We will keep your request in mind, the response continued. What it amounted to was: Don't call us; we'll call you.

As an added fillip, there drifted from the White House word that the President prefers to meet with congressmen in their "congressional" capacity, rather than as representatives of a particular ethnic or racial group.

Needless to say, the call from the President never came. Black Caucus members were further incensed when they picked up a rumor that White House aide John D. Erlichman had said that he didn't think the President ought to be meeting with such radicals as the members of the Black Caucus.

And why shouldn't the President confer with the representatives of some 25 million Americans?

The Black Caucus congressmen represent many more people than those who reside in their districts. Who do you think, for instance, represents the black people in Mississippi?

Certainly not Jamie Whitten nor William Colmer nor either of the other two elected white Mississippi congressmen. Charles Evers, the black mayor of Fayette, Miss., said when he was in Cleveland three weeks ago that when his city needs help it is one of the black congressmen from the North, not a white Mississippi congressman, who gives him aid.

No one complains about white congressmen representing the interests of special groups. Blacks, too, should consolidate their strength to wield greater power. That is what politics is all about.

Anyway, the federal government has tacitly recognized that the black congressmen have a national constituency. It has never before been published, but it is a fact that the government asks the black congressmen to appoint to the service academies young blacks whose own Southern congressmen won't appoint them.

Sometimes there is more to a story than meets the eye.

REVENUE SHARING

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Tuesday, February 23, 1971

Mr. TAFT. Mr. President, WLW radio and television, Cincinnati, Ohio, recently broadcast an editorial in support of the President's revenue-sharing program, which I have supported for some time.

Short, and to the point, I believe the editorial will be of interest to all Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REVENUE SHARING

In President Nixon's State of the Union message, he talked a great deal about revenue sharing . . . transferring both money and decisionmaking responsibility to state and local governments.

We are enthusiastic about the prospect of this important measure of power being returned closer to the people.

It appears to us that a revenue-sharing plan is necessary to put a halt to the creeping "big-brotherism" of the federal government.

It will, of course, give added power to our local officials. Therefore, we must increase our efforts to see that we elect the best people available.

LUNAR TRIUMPH

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. MILLER of California. Mr. Speaker, recently there appeared in the New York Times an editorial entitled "Lunar Triumph." I insert these well-stated comments in the RECORD, and commend the reading of this excellent editorial to my colleagues:

LUNAR TRIUMPH

Astronauts Shepard and Mitchell have enacted a brilliant chapter in the history of lunar exploration these past two days. They spent more time traveling over the lunar surface and covered a greater area of the moon than men have ever done before. They set up more scientific instruments, they conducted more experiments than any of their predecessors, and in a region of extraordinary geological interest they gathered far more lunar rocks and soil than the astronauts of Appolo 11 and 12 or the unmanned Soviet Luna 16 device. If they return safely to earth with their precious cargo, man's knowledge and understanding of the moon and of the origin of the solar system are likely to reach a peak well above the present level.

The Soviet press has in recent days been seeking to downgrade the Apollo flights and to argue, implicity and explicitly, that scientific exploration by means of unmanned probes such as those Moscow has sent to the moon and Venus is adequate for man's desired knowledge of the solar system. Yet it must be recognized that it will be decades before instruments can do on the moon or another planet what Shepard and Mitchell did these past 48 hours. The variety of tasks they performed, the speed with which they worked, and the precise detail of the observation they reported back to earth are far beyond anything machines alone are now able to perform. Remote-controlled instruments are still clumsy, slow and limited means of getting information as compared with astronauts who have highly trained and versatile minds and bodies.

The success of Apollo 14, therefore, should go far to put in perspective the relative merits of manned and unmanned space exploration. The achievements of Soviet unmanned rockets in landing instruments on Venus, in returning three ounces of moon dust to earth and in putting Lunokhod into operation on the lunar surface were in every way remarkable. But now the exploits of Shepard and Mitchell have provided vivid evidence of how much more men can do in space than even the most ingenious instruments now available.

From a long-range point of view there is no real conflict between the two types of space exploration. Both are important, useful and, in fact, essential. It is in planetary exploration that instruments now offer the greatest promise, for they can go to Venus, Mars and more distant planets in the period immediately ahead, while it will be decades before men will be able to make those same journeys. But on the moon, as Apollo 14 has shown so irrefutably, manned visits are the most productive means of exploration.

INITIAL FEDERAL REVENUE SHARING—NEW HAMPSHIRE'S SHARE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. WYMAN. Mr. Speaker, the President's general revenue sharing proposal, which I cosponsored, provides for an initial distribution of $5 billion of Federal revenue among the various State and local governments. The Department of the Treasury has today released the anticipated first full-year's allocation of funds to States, counties, cities, and towns. As the following table indicates, the enactment of the first general revenue sharing bill will provide New Hampshire with a significant amount of financial assistance.

The figures in the first column are revenue sharing funds a city, county or town would receive in the first 12 months under the plan. The figures in the second column represent revenue raised by the city, town or county, according to its latest available report filed with the Census Bureau. These are 1966–67 figures.

I include the tables as follows:

STATE, NEW HAMPSHIRE

[Total State amount, $14,957,928; pass-through percentage, 57.35]

	Local share	General revenues
Total to cities	$5,460,747	$46,556,000
Belknap County: Laconia City	384,490	3,278,000
Cheshire County: Keene City	202,332	1,725,000
Coos County: Berlin City	183,565	1,565,000
Grafton County: Lebanon City	90,903	775,000
Hillsboro County:		
Manchester City	1,627,222	13,873,000
Nashua City	937,415	7,992,000
Merrimack County:		
City of Concord	354,111	3,019,000
Franklin City	146,500	1,249,000
Rockingham County: Portsmouth City	499,439	4,258,000
Strafford County:		
Dover City	480,672	4,098,000
Rochester City	279,395	2,382,000
Somersworth City	146,500	1,249,000
Sullivan County: Claremont City	128,203	1,093,000
Total to counties	1,050,135	8,953,000
Belknap County	103,923	886,000
Carroll County	36,596	312,000
Cheshire County	58,647	500,000
Coos County	73,661	628,000
Grafton County	82,106	700,000
Hillsborough County	286,315	2,441,000
Merrimack County	126,326	1,077,000
Rockingham County	140,870	1,201,000
Strafford County	73,543	627,000
Sullivan County	68,148	581,000
Total to Townships	2,067,427	17,626,000
Carroll County:		
Ctr. Conway Town	16,890	144,000
Wolfeboro Town	20,996	179,000
Cheshire County:		
Jaffrey Town	20,878	178,000
Swanzey Town	12,550	107,000
Walpole Town	20,996	179,000
Coos County:		
Gorham Town	30,262	258,000
Lancaster Town	20,878	178,000
Northumberland Town	26,274	224,000
Grafton County:		
Hanover Town	44,103	376,000
Haverhill Town	10,908	93,000
Littleton Town	61,814	527,000
Plymouth Town	31,904	272,000
Hillsborough County:		
Bedford Town	16,069	137,000
Goffstown Town	36,009	307,000
Hudson Town	36,009	307,000
Merrimack Town	13,372	114,000
Milford Town	16,890	144,000
Pelham Town	20,996	179,000
Peterborough Town	13,372	114,000
Merrimack County:		
Hooksett Town	$16,890	$144,000
Pembroke Town	12,902	110,000
Rockingham County:		
Derry Town	36,009	307,000
Exeter Town	36,009	307,000
Hampton Town	93,366	796,000
Newmarket Town	20,878	178,000
Plaistow Town	13,372	114,000
Rye Town	26,626	227,000
Salem Town	44,103	376,000
Strafford County:		
Durham Town	36,009	307,000
Farmington Town	12,902	110,000
Sullivan County:		
Charlestown Town	12,081	103,000
Newport Town	43,751	373,000
All other townships	1,191,357	10,157,000

RELIEF FOR THOSE WITH PARKINSON'S DISEASE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. RODINO. Mr. Speaker, recently the Wall Street Journal carried an article announcing a cut of 35 percent in the price of the drug L-dopa used for the relief of symptoms of Parkinson disease and manufactured by Hoffman-La Roche Inc. of Nutley, N.J.

From time to time I have been very pleased to note public interest programs initiated by the very progressive leadership of Hoffman-La Roche. I recall their pioneering program to supply free of cost medicines to any indigent patient whose doctor prescribes a Roche produced medication.

The astonishing results reported in cases of Parkinson's disease treated by L-dopa should offer great hope to thousands who are and will become afflicted with this debilitating disease.

The article follows:

HOFFMAN-LA ROCHE TO CUT L-DOPA PRICE OVER 35 PERCENT NEXT TUESDAY

NUTLEY, N.J.—Hoffman-La Roche Inc. said it will reduce by more than 35% the price of its Laradopa brand of L-dopa, a new drug for the relief of symptoms of Parkinson's disease. The cuts will be effective next Tuesday.

Laradopa is the only American-produced L-dopa licensed by the Food and Drug Administration. The FDA has also licensed Eaton Laboratories, Norwich, N.Y., a division of Morton-Norwich Products Inc., and International Chemical & Nuclear Corp., Pasadena, Calif., to sell L-dopa imported from Japan. International Chemical's L-dopa is marketed domestically by Smith Kline & French Laboratories, Philadelphia.

Hoffman-La Roche, a Swiss concern, also announced it was producing L-dopa "in quantities sufficient to meet the needs of all patients suffering from Parkinson's disease who can benefit from it." The FDA last year licensed L-dopa, despite several side effects, because of promising results in the treatment of Parkinson's disease, which is marked by muscular rigidity, tremor and shuffling gait.

The new prices Hoffman-La Roche will charge to retailers for both tablets and capsules are: 500 mg. $8 for a bottle of 100 and $38.75 for a bottle of 500, and in 250 mg. strength, $4.50 for 100 and $21.25 for 500.

PRESS FREEDOM IN A NONWAR

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. KYL. Mr. Speaker, in the midst of yet another round of criticism accusing the Nixon administration of endangering the freedom of the press, I would like to call my colleague's attention to a member of the press' personal assessment of the news embargo on the Laotian maneuvers. Mr. C. L. Sulzberger, of the New York Times, points out that instead of restrictions those members of the press covering the Vietnam war have been given unprecedented freedom of movement and information. He also differentiates between censorship to protect the lives of troops participating in an exercise and actual unwarranted suppression of the news. Knowing that all of us are anxious to be advised of all sides of an issue, I ask you to read this support of the Nixon administration news policy, written not by a member of the President's party but by a member of the very profession in which so many have felt duty bound to be critical.

The article follows:

PRESS FREEDOM IN A NONWAR

(By C. L. Sulzberger)

PARIS.—The argument about the news embargo at the start of Laotian operations has become as ridiculous as it is bitter and distorted. What is wholly forgotten is the fact that American and other reporters in Indochina have been permitted to operate with a freedom, not to say abandon, that would have seemed paradisiacal to their older colleagues of World War II.

Successive United States commanders in Southeast Asia got themselves into a tighter and tighter bind by never daring to impose true military censorship on their area for the usual reasons of security and the saving of lives. The explanation for this was obviously that we drifted gradually into the war, never declared formal hostilities, and presumably didn't recognize any individual event, such as the first sizable arrival of American forces, as justifying this customary precaution.

Consequently the effort simultaneously to control and not to control the news media in Indochina has been self-defeating. Correspondents and photographers from papers, agencies and television have wandered all over the place with ingenuity and audacity, gathering information sometimes remarkably exact, sometimes partial and consequently distorted, and sometimes inexpertly deducted from inaccurate rumor.

The press, thank heavens, tends by nature and professional training to be hostile to authority and skeptical of revealed wisdom. It proudly resents any restrictions it fancies may hamper its work. It disbelieves official briefings by authorities who were not themselves witnesses to what they discuss. And it vigorously fights attempts to guide its conclusions or opinions.

All this having been said the business of fighting history's greatest nonwar is grim for everyone concerned and especially for the troops. It was insane of the U.S. military establishment never to have had the courage to establish reasonable, effective military censorship in the theater.

This is especially true when considering that this is the first televised conflict. Undeliberate distortions of an over- or under-focused camera lens can and do have profound political effect—especially when it is only on our side that both TV cameras and receiving sets exist.

Military censorship is a nasty, cumbersome business and political censorship, except for security purposes, is always inexcusable in a democracy. What I mean by political censorship for security purposes is something like withholding information about the site of coming diplomatic conferences in order to protect the participants.

During World War II there were many violations of the system's principle. For example the United States and Britain immorally and needlessly agreed to ban publication of news that Turkey (then a neutral courted by the Allies) had started to persecute Christian and Jewish minorities, a fact the Turkish Government was easily able to censor at home.

But on the whole military censorship worked fairly. General Eisenhower came to trust correspondents so totally that he confided his plans for the Sicily invasion long before it happened.

Reporters soon learned it would be both foolish and unpatriotic to attempt to smuggle out (by code or other means) news that might jeopardize soldiers' lives. And the public uncomplainingly accepted this, remaining so completely democratic despite necessary press limitations that the British, for example, voted the victorious Churchill out of office before the war with Japan ended.

The latest fuss about an information gap in Indochina is essentially unjustified. It would be idiotic to have movements of troops and supplies disclosed in too much detail ahead of time and to have precise intentions pinpointed to an enemy who might otherwise be thrown off balance. It would be immoral to risk American or South Vietnamese lives simply in order to give a play by play description of impending actions.

The issue of press freedom has often been confused in discussions of the Indochina nonwar. Mass media correspondents should indeed be free to report with total freedom what is going on in a critical episode of history and mass media commentators should be free to comment critically.

But temporary restraints must be placed upon observers when premature disclosure of pending events might endanger their success and swell the casualty list. This seems so obvious that it shouldn't require mention but the half-baked protest occasioned by the Laotian curbs—resulting to a large degree from the half-baked information system prevalent in Southeast Asia—makes clarification necessary.

CURE FOR CANCER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. ZWACH. Mr. Speaker, there is, I am sure, not a single family nor, indeed, a single individual in this Nation today who is not 100 percent behind the administration's determination to find the cause of and the cure for cancer. To every one of us, in some way, cancer is a curse, mightily feared, whether it be in terms of our own well-being, of those whom we hold near and dear, or of the awful burden it places on all society.

Medical science makes tremendous advances each and every year. I cannot conceive, however, of any greater contribution to the health and well-being of people everywhere than ridding the world of this dread disease.

LIBERTY—FROM OUR POINT OF VIEW

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. PETTIS. Mr. Speaker, for more than 30 years I have flown aircraft over this great land and have been inspired by what I have seen below. Recently I read a series of messages prepared by the Beech Aircraft Corp., which eloquently tell the story of American greatness from the viewpoint of a pilot.

I believe my colleagues will be interested in these timely messages:

LIBERTY—FROM OUR POINT OF VIEW

In the field of general aviation, we are luckier than most. Viewing the lady from up here, she looks even more majestic.

When you see her like this, you begin to fervently hope you are not taking her for granted.

This is the only country throughout civilization that has guaranteed absolute freedom to its people for nearly two whole centuries.

To everyone's surprise, it doesn't breed anarchy. It breeds enterprise.

Free enterprise that built giant industries, and more jobs. Enterprise that planted the plains, and felled the timber and mined the ore and plumbed the oil and forged the steel that built an incredible wealth of commerce shared by a benevolent culture . . . a softhearted open-handed people.

It's what makes you American.

And it doesn't hurt you to be proud of it.

Remember it now when the going is so very tough and liberty is threatened by violent word and appalling deed.

Remember. Americans must have that one more thing other than air, water and food. Americans must have liberty. They love it and will live or die for that one necessity before all the others. No matter what.

Thank God.

GOD'S COUNTRY

In the general aviation business, we enjoy a particularly awesome privilege.

Every day, we see America on the grand scale. With shifting perspectives and changing lights, it's quite a spectacle. Never the same twice.

From where we sit, for example, the small individual farms of the Great Plains sweep big and wide in a magnificent kaleidoscope of line and color.

Just beautiful.

It's quiet up here. We can't help seriously contemplating all of this land. Waving with wheat, crammed with corn, thick with orchards and green pastures where livestock roam.

The promised land. It has fed the whole hungry world for a long, long time. Makes you wonder how we do it. How we even managed this thriving, prosperous phenomenon called America.

The answer always comes out Free Enterprise. The individual taking his freedom and building what he wants of and for himself and his family. Sooner or later, everyone in America benefits from that individual effort. Morally and materially.

For 194 years, we have proved that free enterprise is no experiment. It works. Below us, we see the stunning proof—from the giant cities, small towns and back again to our generous ground that gives and gives yet never gives out.

From up here, it is impossible to be numb and indifferent. We see the one thing that remains constant. This land. This republic. This unassailable freedom. This America.

GHOST RIDERS

Look below. Scars on the plain. That's a piece of history hard to see unless you're in general aviation.

Those deep ruts are all that remain of wagon trains that snaked across Kansas on the first leg of the Santa Fe Trail.

We fly that trail in a couple of hours. It took the frontier people a couple of seasons. Sometimes a year. Sometimes never. It all depended on the opposition. On what there was to eat. On the wild weather.

Yet their wagons rolled on—over a strange, hostile terrain as foreign to them as the moon is to us.

What a breed they were. Romantic, inventive, adaptive and stubborn. Remembering our pioneers, we hope to meet their mighty tough standards.

They, too, were faced with frightening changes.

They had to help one another to survive. Barriers of reserve fell away. Indifference never blanketed their hearts.

They took each other in. Protected children not their own. Shared scarce food with strangers. Bent their backs to build another man's cabin.

That same free enterprising streak is born in every American. It's a good thing. Because today we're still blazing trails, and the world watches to see how we'll cope.

We will show the grit and ingenuity of our ancestors.

They went thataway. So will we.

WHAT IS A GOOD CITIZEN?

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. WHITEHURST. Mr. Speaker, on Monday evening, February 15, I had the privilege of participating in the "Good Citizenship" program at Hodges Manor Elementary School in Portsmouth. The three winners of the essay contest read their papers to the audience, and I was so impressed by the sincerity of these three boys, and their comprehension of what it means to be a good citizen, that I am today inserting in the RECORD the three winning essays.

In a day when patriotism often seems to be on the wane, I found great inspiration in what these boys had to say, and it gives me a great deal of pleasure to share their remarks with other Americans.

The winners were Brad Moore, of grade 4; Butch Keene, of grade 5; and Timmy Oliver, of grade 6. In addition, I would like to commend the three runnersup: Marcia Adams, grade 4; Teresa Jolly, grade 5; and Dudley Anne Shea, grade 6; and the 250 other boys and girls who entered the contest. As long as we have so many fine young people who care about being a good citizen, I believe our Nation will endure.

WHAT IS A GOOD CITIZEN?

(By Timmy Oliver)

A citizen of the United States is a person by birth or choice possessing civic rights, privileges, and certain freedoms.

The characteristics of a good citizen are revealed by the interests, responsibility, and loyalty he shows in public matters in the city or country where he lives.

A good citizen should be concerned about the quality of the schools, law enforcement, and recreation provided by the city or country. He should also be concerned about the welfare of those who are less fortunate than himself and he should insist that all citizens should enjoy the same rights and privileges as provided by law.

As good citizens we should always be willing to carry out the responsibilities that come with the privileges that are given to us by the Constitution.

Many times these responsibilities require us to leave our families and risk our lives in defense of our country.

Very few people in the world enjoy the freedoms that Americans do.

Today our country is fighting in a war with a communist government that does not believe in giving its citizens very much freedom. This government would also take away our freedom if they could.

Today our country is divided by those who support the war in Vietnam and those who don't support it. Many Americans refuse to serve in the Armed Forces. Many are even willing to go to jail rather than go to countries that do not send them back to our country.

In all this we see many examples of poor citizenship. We should always strive to be a good citizen and we should always do the things to make our city, state, and country a better place to live. Then we will be good citizens.

WHAT IS A GOOD CITIZEN?

(By Butch Keene)

A good citizen helps people, all people in many different ways. He is always ready and willing to render assistance any time day or night. He is firm with his fellow man yet at the same time listening with a kind and understanding ear to their problems whether they be personal, social or religious. His kindness is felt by the poor and the needy as well as the rich and stately. Always striving to better the community, city, state and country in which he lives. He stays abreast of the times whether they be local, foreign or domestic. His religion is practiced by him and he respects you for yours whatever it may be. He is a firm believer in justice, fair play and fair mindedness. He upholds the law and is a law abiding citizen and he stands behind the law enforcing agencies providing them with both moral and the mutual support at all times. He believes in his country and is ready to defend his country and the flag regardless of the cost. He defends and supports all his superiors—mayor, senator, congressman and president to the utmost of his ability. He is a member of the PTA if he has children going to school, he is a church member and supports it by his tithes, offerings, and personal attendance. He supports all civic activities and aids them to the best of his knowledge and know how. He is always trying to better his community recreational-wise, either backing or actually doing the work for parks, playgrounds, swimming pools and recreation centers for all children of all age groups. He never forgets those persons who are less fortunate than him. He always has a kind word, a generous greeting and a pleasant smile for everyone. He never down grades or low rates his neighbor, friend or fellow man on purpose. He believes if something good can't be said about someone, then don't say anything at all. He is a good neighbor and also a good parent.

WHAT IS A GOOD CITIZEN?

By Brad Moore

A citizen is a person who belongs to a nation, state or community. The government protects its citizens and asks certain things in return from the citizens.

The government of the United States offers its citizens the Constitution with the Bill of Rights. The Bill of Rights protects the citizens and gives them freedom. In return, a good citizen must give allegiance to his country, he must obey its laws, pay taxes to help run the country, and serve in the armed forces to protect his country. It is a citizen's responsibility to vote for people to run the country. It is the duty of each citizen to keep informed on what is going on in his country.

There are many things a good citizen can do for his own community. He can serve as a member of a jury, or as a member of the school board, be a volunteer worker at the hospital, give time to work to civic clubs and organizations, help collect money for medical drives, and vote for improvements in the community. A good citizen should try to help his community and neighborhood keep clean by picking up trash and not littering. A good citizen respects other people's property.

A boy or girl can be a good citizen in his school by respecting his principal and teachers, obeying school rules, taking care of books, materials and other school property, listening when others are speaking, and by taking part in school activities.

You can be a good citizen in your church by attending church as often as you can, contribute as much money as you can and volunteer to help with church work.

President John F. Kennedy said, "Ask not what your country can do for you, ask what you can do for your country." This is what a good citizen does.

REVENUE-SHARING URBAN AREAS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. JAMES V. STANTON. Mr. Speaker, today I have introduced a revenue-sharing bill that will make special provisions for the financial needs of Cleveland and other major urban areas.

Our cities can no longer afford the rising costs of essential health, safety, and welfare services when a shrinking tax base causes a steady decline in revenue.

The need for revenue sharing is best illustrated by the taxpayers revolt that led to the double defeat of the Cleveland city income tax increase twice in the last 4 months, the 42,000 complaints about property tax increases, and the wholesale rejection of suburban school and city money issues over the past 4 years. Further tax increases will only add to the hardship of low- and moderate-income families and persons on fixed incomes.

To help the cities survive this financial crisis, I have introduced a revenue-sharing bill that allocates funds based on the amount local governments spend for noneducational purposes. Since large cities must spend more for such essential services as fire and police, they would receive a greater share of Federal funds. This is the allocation formula recommended by the President's Advisory Commission on Intergovernmental Relations in 1967.

Cleveland, for example, would receive $13.5 million in fiscal 1972, enough to restore budget cuts made earlier this month due to the defeat of the city income tax increases. The President's revenue sharing bill would give the city $11.2 million.

The revenue-sharing bills introduced by the President, and the Honorable Senator HUMPHREY and my colleague from Wisconsin, the Honorable Mr. REUSS, do not allocate a sufficient share of funds to the cities. This is because their formulas for the distribution of funds are determined by the amount of taxes collected by State and local governments. This kind of allocation does not reflect the real money needs of the cities.

For the cities to take full advantage of this new revenue, there must be incentives to reform State and local governments. Without such reform Federal revenue sharing will only postpone a solution to the cities' financial problems.

As an incentive for reform, my bill requires States to enact a master plan for modernization of State and local governments. Such a plan must be approved during the first year of revenue sharing or second-year funds will be cut off.

These improvements can take many forms, such as reducing the number of local governments too small to provide efficient administration, consolidation of some city-county municipal services, or improving tax administration.

As Cleveland city council president for 6 years, I fought for modernization of local government. I believe this is the best solution to the areawide problems of major cities such as Cleveland.

UKRAINIAN INDEPENDENCE DAY

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. NEDZI. Mr. Speaker, this week the Congress of the United States observes the 53d anniversary of the Proclamation of Independence of the Ukrainian National Republic.

At a time when frustration and discontent and other evidence of unease are manufacturing themselves in Eastern Europe, it is particularly important to emphasize the absence of self-deliberation for the over 40 million people of the Ukraine.

The denial of self-determination is morally wrong and we have a moral obligation to make the point in this body, regardless of whether or not it is also politically appropriate.

The Ukrainian people have withstood the hundreds of years of domination during both czarist and Communist rule, yet they have retained their nationality, language, and religion, and a considerable sense of nationalism. As long as they maintain this identity the means of ultimate change are not lost. Therefore, while their short-term prospect for change may be poor, the possibility for change remains alive. As I pointed out in my remarks on the 51st anniversary, "Indeed, the very severity of the rule and the differences in language, religion, and manners will tend to perpetuate the feelings of the oppressed people. If they lose all but the sense of oppression, hope will survive."

It is altogether appropriate that this legislative body, which represents one of the highest forms of self-determination in history, should identify itself with the current of self-determination which exists in the Ukraine and most of the world. History provides examples of change and under extremely adverse circumstances we should not despair.

COTTER SUPPORTS ACCELERATED PUBLIC WORKS BILL

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. COTTER. Mr. Speaker, today I am announcing my support for the accelerated public works bill that will bring relief to those areas that are hardest hit by unemployment.

There are towns in Connecticut that are experiencing over 13 percent unemployment, and there are sections of the First District that match or exceed this depressing figure.

We cannot wait for the "all healing grace" of the Nixon budget, and the democratically controlled Congress is moving on these problems.

It is patently obvious that the Nation's economy is in dire straits. Unemployment continues unabated. For example, in the Hartford area, comprising 27 towns, unemployment increased from 4.4 percent in December to 5.8 percent in January. State unemployment increased by almost 2 percent since December and is now at an incredible 8.4 percent. Towns like Bristol, 19.8 percent; Ansonia, 14.9 percent; and Torrington, 13.3 percent, are experiencing rampant unemployment and I know that sections of my own First District have areas of unemployment that match or exceed this.

The accelerated public works bill I will introduce is but one facet of this Congress' attack on the slumping economy. The chairmen of the Public Works Committees in the House and the Senate are already committed to working for legislation in this area.

As a member of the Banking and Currency Committee, I will take part in the deliberations on a bill I introduced to extend Presidential authority to set wage-price guidelines and freeze interest and rent increases. I am optimistic that this bill will be enacted quickly.

Also, the House Education and Labor Committee will take up the issue of public service employees including my bill. I am confident that there will be legislation to provide Federal funds for the hiring of public service employees that will help in relieving some burdens on the local taxpayer while increasing service and helping to relieve the unemployment problem gripping the Nation.

The Committee on Science and Astronautics, of which I am a member, will handle the Economic Reconversion Act of 1971. This bill, which I cosponsored, seeks to ease the transition for defense to domestic production. I am hopeful that this bill will be given early consideration.

"ARM" MUCH MORE THAN ACRONYM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. PEPPER. Mr. Speaker, the Allied Retired Medicals Group of Greater Miami is composed of many dedicated civic minded citizens serving their community selflessly in their retirement years.

Retired medical experts from this distinguished organization, headed by Dr. Reuben Serben, of Miami Beach, have given medical lectures to elementary, high school, and University of Miami students as one of its numerous worthwhile projects.

So that the good work of "ARM" may be circulated through the RECORD in hope that similar groups will form in other parts of the United States, I insert an article that appeared last December in the New York Journal of Dentistry concerning the activities of the Allied Retired Medicals Group of Greater Miami:

THE ALLIED RETIRED MEDICALS GROUP OF GREATER MIAMI

(By Reuben Serben, D.D.S.)

EDITOR'S NOTE: It is not generally known that retired professionals in the health-service field have been organized and functioning since 1968 as "The Allied Retired Medicals Group of Greater Miami" under the leadership of Dr. Reuben Serben, a practicing dentist in New York City for 40 years until his retirement in 1965. For purposes of general information, excerpts are published from a special report prepared by Dr. Serben, who hopes that similar groups will be formed in other parts of the United States.

HISTORY AND BACKGROUND OF "ARM"

The Allied Retired Medicals Group of Greater Miami is the *First Unique Group* of retired medics of all the allied adjunct professionals in the annals of medical history. We doctors and our respective spouses, who have retired to live in Miami after hectic economic practicing lives, desire to live out our years in a peaceful, restful, respectful and purposeful life in all imaginable dignity.

When we all came to Miami to retire, we found ourselves the *forgotten people* migrating from our rooted practicing cities becoming veritably buried retired professionals in Miami. But by virtue of the organizer and the charter members of "ARM", we have been uprooted from our retired graves.

We are living a life of greater purposefulness by convivial participation in all our social and civic life. We propose to have our future days happier living days amongst and with our PEERS—and the community senior citizens of all Miami residents.

AIM AND OBJECTIVES OF "ARM"

We have aims, principles and purposes. We thusly honor and emulate "ARM" and ourselves. We live the theme of "life, liberty and the pursuit of happiness." We add to that the ideas of equality, decency, humanness and the desire to help all humanity—regardless of race, color, creed or origin. We endeavor to make everybody happy as we make ourselves happy by thickly spreading happiness to all Mankind.

Our group is a modern liberal club, pursuing a non-profit, non-political non-religious power and non-sectarian Society, consisting of retired doctors and all the adjunct allied health professionals, together with their respective spouses and counterparts. We are dedicated to fraternal, social, civic, cultural and medical scientific endeavors in our Miami choice site of retirement.

EDUCATIONAL PROGRAM AND RELATED ACTIVITIES

Our doctors have given medical lectures to elementary, high school and University of Miami students. Diet clubs and other civic clubs have received newspaper, radio and TV coverage of our functions in Miami. We have also had many prominent practicing doctors from Miami give our unit lectures on genetic medicine and subjects of general interest.

Doctors from our own group have arranged informative seminars, talks, round table discussions and clinical studies on various aspects of health security of interest to our own elders, concerning modern updated concepts. We do not seek *licensure* to practice our individualized profession, but only to render our human services gratis. We have in our midst doctors from almost every state of the union, and many are well-known and prominent in their respective fields.

PUBLIC AND OFFICIAL RECOGNITION

We have become and are pronounced the most unique group of medicals in the history of medical fraternalism. We have been honored by the public and political officials of Metro-Dade County of Miami, Florida, including Mayor Stephen Clark of Dade County, Mayor Jay Dermer of Miami Beach, and other Mayors of the various smaller cities of Miami.

We have been honored by numerous banking presidents, the public school system, the PTA's, civic, cultural and community groups. The latest honor was bestowed upon our organizer the two-term president of "ARM" Dr. Reuben Serben—by former Dade County Mayor Chuck Hall with a gift of the "Key to the City of Miami."

In Our October 1970 *Bulletin*, we record our activities and contributions by members, and indicate the essence of our philosophy and aspirations as follows:

"The time of the happy in now. The place to be happy is in 'ARM'. The way to be happy is to make others happy too. It's a privilege to grow old—not many get that privilege. So grow old in happy ways."

LITHUANIAN INDEPENDENCE DAY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. RHODES, Mr. Speaker, Independence Day in the United States has always been synonymous with public celebration. We are free to enjoy parades, traditional fireworks displays or the simple joy of relaxation guaranteed in our Nation.

Because of this freedom, it is difficult for most of us to understand an Independence Day void of independence. Yet to more than a million Americans of Lithuanian origin or descent this paradox is all too familiar.

Lithuania has lost its independence and survives only as a captive nation within the Soviet colonial empire. After enjoying only a brief independence the Soviets crushed the young nation. The advancements in land reform, education and the total scope of self-government enacted during the Lithuanian independence were destroyed. There was an estimated loss of 45,000 people, plus arrests too numerous to record during the initial period of occupation.

All of this is almost beyond the comprehension of the self-secure American public. Nevertheless, we must not forget the captive people in Soviet Lithuania. The commemoration of Lithuanian Independence Day must stand as a symbol to spiritual and ethnic strength. Acknowledging the independence once enjoyed in Lithuania we must condemn the intolerable Soviet oppression now visited upon that country.

Lithuania should be a daily reminder of the Soviet Union's attempt to gain contemporary respectability despite the extermination and annihilation upon which that Communist regime is based.

NEWS SUN NAMED ONE OF TOP THREE OHIO WEEKLIES

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. MINSHALL. Mr. Speaker, the News Sun of Berea, Ohio, which I have the honor to represent, came away crowned with laurels from the Hooper Newspaper Show, held in conjunction with the recent 38th annual Ohio Newspaper Convention in Columbus.

Rated by judges as one of Ohio's top three weekly newspapers, the News Sun was particularly acclaimed for its "fine picture story layouts, excellent features, fine business page and a most comprehensive voter's guide."

I wish to extend my congratulations to the entire staff of the News Sun and most particularly to its outstanding editor and my good friend, Michael F. McNulty. He and his talented, hard-working crew each week produce a newspaper distinguished for its integrity, fine reporting, and originality, and I am delighted that they have achieved such prestigious recognition.

The story follows of how the News Sun swept the board of prizes:

News Sun Honored for News Coverage: Paper Wins Top Awards

The News Sun is one of the top three weekly newspapers in the State of Ohio for excellence in news coverage.

The paper was given the third place in the top circulation class during the Hooper Newspaper Show in Columbus Friday. The News Sun also received a second place, two thirds, and an honorable mention, three of which were in open competition with all newspapers regardless of size.

The awards were made during the 38th annual convention of Ohio Newspaper Association's three-day meeting.

Commenting on the news coverage in The News Sun, judges said: "The paper has fine picture story-layouts, excellent features, fine business page, and a most comprehensive voter's guide."

For community service the paper ranked second in open competition, for its support of the vocational education issue in the Southwest area. Judge of the contest was Prof. W. B. Rogers of the school of journalism, Ohio State University.

Four judges, with George D. Robey, Jr., as chairman noted: "The News Sun took a highly unpopular issue and by way of both news stories and editorials built support and led public opinion closer to favoring the issues of raising funds to build a vocational school.

"Even though the levy did not pass, the margin of defeat was much less than in previous efforts on the ballot. The judges felt the facts for passing the vocational school issue were presented clearly and solutions to possible problems presented in a fair manner." Stories written for a year previous to Aug. 1 were submitted.

Articles written by Michael F. McNulty, Editor of The News Sun, and News Editor Fran Sandrock were commended by judges in making the award.

The News Sun women's section, edited by Muriel Hardy, also rated kudos and a third place in the state, in its class.

The judges commented: "Attractive and substantial layouts, overall excellent coverage throughout the women's pages with a variety of selective subjects."

Art in The News Sun also came in for recognition and a third place award, in open competition.

"This paper impressed with its sharp front page, sports, and society sections. Photos are bright, cropped for maximum effect, and sized to add interest to the news pages throughout," said the judge.

An editorial cartoon by the late Charles Jicha, News Sun art editor, used in conjunction with a safety column by McNulty, came in for special comment.

Receiving an honorable mention was Fran Sandrock for her column, Scratchin' the Surface, and the piece "Kyping on Campus," concerning shoplifting on college campuses.

The column entry won in competition with all newspapers throughout the state, regardless of classification or size.

A mention was also given Mrs. Sandrock's feature story on "The Bean King," a piece about the late Andrew H. Rosbough of Middleburg Heights. It, too, was in open competition.

MONTCLAIR HONORS MAYOR MATTHEW CARTER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. RODINO. Mr. Speaker, I was pleased to join the community in honoring Mayor Carter at a testimonial dinner. Mayor Carter is a vital force in the community. I am confident that he will continue to be. I commend to the attention of my colleagues the following recent editorial from the Montclair Times:

Tribute and Gratification

Mayor Matthew G. Carter must have been deeply gratified on the occasion of the testimonial dinner tendered him on Jan. 30.

Admittedly, the Mayor had a few trying moments. Two of the speakers were college classmates of 30 years ago. College classmates are noted for revealing hitherto little-known anecdotes on such occasions. The two in question, Dr. Samuel Proctor, professor of education at Rutgers University, and the Rev. D. C. Rice, pastor emeritus of Union Baptist Church, each with a deliciously adept sense of humor, proved eminently qualified to do just that.

This was as it should be since both indicated their highest esteem for this long-time friend and helped turn the dinner into a testimonial for Matthew Carter the Man as well as Matthew Carter the Mayor.

Aside from the respect and affection of his friends, the composition of the dinner committee and the audience must be counted as a tremendous source of satisfaction to Mayor Carter, a lifelong advocate of human ecumenism. On the committee and in the audience were representatives of every facet of our community: Protestants, Catholics, Jews, white people, black people, the wealthy and not-so-wealthy, political leaders, business leaders, educators, lawyers, doctors, young and old.

Esteem for the town's first black Mayor answered the plea, in Montclair, expressed by the little girl with a sign during the 1968 Presidential campaign. It brought us together.

SPEECH ON "POVERTY AND POWERLESSNESS"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

Rural Poverty and Powerlessness

Listen to the voices of rural America.

"What we have here is a process of degeneration," a farmer told me as he stood at the edge of his cornfield. "The population of this town consists of dropouts and people who can barely struggle their way through high school. Those who go off to college just don't return. I took my own son to college last week, I don't expect him to come back here to live."

Another rural community leader said, "The greatest difficulty in the development of this area is the shortage of leaders. I'm just spread too thin. I can't do it all and still stay in business."

Another one said to me, "Three days after the high school graduation, all of the high school senior class had gone from the county. There is nothing to keep them here."

The sights of rural America can be depressing, too.

Weathered and empty stores, broken windows, collapsed barns, rusted gas pumps, boarded houses, vacant lots littered with trash, closed movie theaters, schools needing paint and repair, unkempt farms, eroded soil.

The economic stagnation of rural America is visible:

—in the shabbiness of small towns

—in the demoralization of much of rural leadership

—in the overriding preoccupation with development in every rural community.

Every poll I have taken of the 16 counties in the southeastern part of the state indicates people are intensely preoccupied with jobs, economic opportunity and the revitalization of their communities.

It is no secret that rural America has been declining for many decades. "Rural Poverty and Powerlessness" are facts of our time.

RURAL POWERLESSNESS

Powerlessness:

Is if you live in rural areas where there is no hospital, and doctors are hard to find

Where young people spend most of their time "just fooling around" and soon leave the community

Where the meat you buy is not carefully inspected

Where the house is a firetrap

Where the schools are old, overcrowded and delapidated

Where the teachers are underpaid and undereducated

Where you can't find a job or where you can but it doesn't pay enough to support you and your family

Where you can buy a car but if something's wrong with it you can't afford a lawyer to sue

Where a conviction for burglary is impossible to get

It is when you are not organized and don't know how to get organized, and when you have no spokesman for bringing your plight to the attention of the nation.

Powerlessness is when you think your education was not relevant to what you needed to know and when you think your children go to a school that will prepare them for nothing. It is when you think that the police may not protect you, that industry pollutes your air and water, that your last place to fish is becoming fouled.

Powerlessness is when you are told to vote, but you know that it is a very dilluted power. You are told to write your Congressman, but you know that a Congressman cannot really serve a half million people. It is when you are told to go to the employment office but you have already waited there for long hours. Or you are told to complain to public officials, but you know they, too, are harassed. They can't even answer their mail and when they answer it, it is usually in platitudes.

RURAL POVERTY

Most of us don't realize the poverty of rural America even exists (the people left behind says one government report), but it affects some 14 million Americans. It is widespread, acute, and a national disgrace. It's consequences have swept into our cities, sometimes with violence. There is more poverty in rural America proportionately than in our cities. In the cities:

One person in eight is poor

In the suburbs, one in fifteen

But in rural America one in every four is poor.

Rural poverty transcends races and ethnic groups. It certainly is not limited to the farm. In fact most of the rural poor do not live on farms, but in the open country and in the small towns.

Rural poverty causes us to confront some unpleasant facts:

1. *Hunger:* Many of the rural poor do not get enough food to sustain life or to maintain health.

Listen to the words of the physicians who toured the South:

"We saw children who are hungry and who are sick, children for whom hunger is a daily fact of life and sickness in many forms an inevitability. We do not want to quibble over words but malnutrition is not quite what we found. The boys and girls we saw were hungry, weak, in pain, sick. Their lives are being shortened."

2. *Disease and premature death* are startlingly high among the rural poor. Infant mortality is far higher than among the urban poor, and medical and dental care often conspicuously absent.

3. *Jobs:* The rate of unemployment in rural areas often exceeds by two and three times the rate in urban areas.

The jobs in rural America pay less than in urban areas. There is also far more underemployment in rural America.

4. *Education:*

Rural education, by and large, just doesn't measure up to urban education. In a very rough measure, rural residents usually have only about 80% of the school attainments of urban residents. If you include the quality of education in terms of the variety of courses offered, the remedial courses, the use of modern educational techniques, this percentage of disadvantage is even more pronounced. Rural schools often lack libraries, laboratories, language facilities. Rural teachers earn less money. The expenditure per child in rural areas tends to be less.

5. *Housing:*

The rural poor live in atrocious housing.

One in every thirteen houses in rural America is officially classified as unfit to live in.

Surveys have repeatedly shown that the major percentage of substandard housing units in America are in rural America.

6. *Communities:*

The rural poor often live in chronically depressed communities which have ceased to exist as effective institutions. Their tax bases are inadequate and so are their public services.

Lower bank deposits mean less capital. Fewer taxpayers with relatively low incomes mean rural governments simply cannot furnish public facilities and services. Some 30,000 small communities are without water systems, and about an equal number need a sewer system.

7. *Space:*

And, alas, even space—which is usually considered a blessing in rural America—often becomes a curse. So often the rural poor live in countryside which is a receptacle for trash, garbage, automobile graveyards, roadside litter, rubbish.

What must we do?

What then must we do about rural poverty and powerlessness?

The first step is to understand it better.

1. *Population Patterns:*

The long-range population growth patterns are not conducive to rural development. If present trends continue, most of the 300 million Americans of the year 2000 will be concentrated on a very small proportion of the land area.

The exodus from rural areas is often by young people, who represent the area's best hope and carry with them a considerable investment by the rural area in education and training.

One of the great paradoxes of our time is that as the sprawling metropolitan areas of our Nation struggle with the miseries of overcrowding, the vast areas of rural America grow more desolate.

This week the Census Bureau reports that the proportion of the nation's population still living in rural areas fell to 26% in 1970, down from 30% in 1960. That comes as no surprise to us who are close to rural America. We know that weary farmers, frustrated town dwellers and educated youth have been fleeing the farms and small towns by the thousands.

More efficient farmers have swallowed up their neighbor's land. Small town residents have sought a better life and a better job in the city. The young heed the excitement and the challenge of the cities.

Moreover, the forces which have been working to create the exodus are still working. There are still too many small farms, too many small towns, too many people in rural America who want the amenities of the city.

This exodus from rural America is part of the urban problem.

Although we only have an average of 58 persons per square mile, it ranges from 5,327 persons per square mile in New York City to one person for each two square miles in Alaska.

This massive maldistribution has occurred only in recent years. In 1920 the nation was roughly divided between rural and urban residents, but today, according to that latest census report, there are 150 million residents of urban America and just over 50 million rural residents.

There are many reasons for the exodus and the maldistribution.

The areas that are losing population are primarily agricultural. The farmer is caught in the clutches of a frightful cost-price squeeze. To survive he must grow bigger and make his profit on volume and efficiency.

As he expands, others must leave the farm. Some find jobs in nearby towns, some do not, and leave the farm to find work.

The small towns of America find it hard to attract industry. They are sparsely populated, have a thin labor force, and are far away from the raw materials and the markets.

The rising education level of the young people has left too many highly trained for the scant opportunities in rural America.

The restlessness and mobility of Americans has continued to the exodus, and so has the climate. Summer heat and long winter sieges have persuaded many to leave for more comfortable surroundings.

2. *Dependecy Ratio:*

We should also understand about the people of rural America, that the dependency ratio is high. They have a higher proportion of people under 18 and over 65. People will be in the urban areas during their productive and taxpaying years. The nonworking ratio is often 20% higher for rural counties than for urban counties.

3. *Political Power of Rural America is Weakening:*

The political punch of rural America is weakening. The era of the farm bloc in the Congress is simply gone—and probably forever. Of the 435 members of the House of Representatives, only 31 have districts in which at least ¼ of the population is involved directly in farming.

In Indiana, often considered a rural state, not a single congressman represents a district where ¼ of the constituents are involved directly in farming.

(And bear in mind these figures are based on the 1960 census. They do not reflect the dwindling farm population.)

As the Congress has become increasingly urbanized, Congressmen from rural areas have a difficult time interesting other members of the Congress in rural concerns. We have about 268 subcommittees in the House, and not a single one of them focuses primarily on the problems of rural development.

Any legislative proposal concerned only with rural areas faces difficulties. A more feasible approach is to design the legislation to apply to both rural and urban areas. This, of course, dilutes its impact on rural areas.

4. *Lack of Attention:* We should observe that rural America suffers from lack of attention.

The nation's attention has been riveted on the problems of the cities.

Frequently I'm visited in my office by men representing the Urban Coalition, the Urban Institute, the Urban League. Where is the rural coalition, the rural institute, or the rural league?

Nobody's organized to speak for small town people in this nation's policy-making council. To be sure farm groups exist but their interest is in the economic interest of farmers as producers and most rural Americans are not farmers but small town and small city dwellers and they are not organized at all.

There has really been very little Presidential leadership on the question of rural development. The major Presidential messages, the State of the Union address, the Economic Report, give no attention to it at all. No Presidential message to the Congress has mentioned it.

Over the last decade I can only name one leading public figure who has made it his mission to sound the alarm on the question of rural development. That was Orville Freeman, the Secretary of Agriculture under President Johnson. He lead a personal and lonely crusade for what he called rural-urban balance.

President Johnson gave him moral support and made a speech or two on rural development and sent some minor messages to the Congress, but the subject remained low on his priority list.

We in the Congress haven't done any better.

The nation's academic and intellectual communities have treated rural development with disdain if not hostility.

Even the rural people themselves have not seen fit to become well organized and they have very few spokesmen to bring the nation's attention to their problems.

We have concentrated on farm production—with amazing success, but we have neglected non-farm, rural America.

5. *The Urgency:*

We must also understand the urgency for action in rural America.

Simple justice demands that we get moving.

The rural poor have suffered enough. They do not understand why they have not shared in the benefits of economic growth.

They do not understand always that their communities, schools, churches, governments have been unable to prepare them to participate in the modern world.

Unorganized and inarticulate, they have been shortchanged in transportation, housing, education, health services, area development, and income maintenance.

They see no real hope of improving their situation, and very few of them feel that Washington or the rest of the nation are interested in their plight.

If we do not act, the rural poor will continue to flood the central cities of America, coming without training, without skill, without housing, but wanting employment. The end will be frustration, despondance, and despair.

6. *The complexity:*

We should understand that the complexity of the problems of rural poverty preclude the success of a single program or approach.

Some argue for the growth center believing that by concentrating investment growth will occur and spread. Ohers do not believe concentration of resources is necessary. They say a single plant in a single town may be the most productive way.

Still others contend that many communities must recognize that they cannot expect to grow and to attract industry. The best solution is to improve the communities' services, especially education and training, and give the people the skills they need to migrate out successfully.

These approaches simply illustrate the complexity of even the theory of rural development, let alone the practice.

Along with the complexity of development, we should also observe the competition for development. Every community wants new industry and new jobs. There are only a few hundred new plants built each year, and there are about 14,000 groups seeking to induce them to locate in their area.

The cost to society for dealing with these complex problems will be high. But the cost of not dealing with them will be immeasurably higher.

Our present programs have failed to deal effectively with these problems. For too long we have confused the problems of commercial agriculture with the problems of rural America. Though related the two are not the same.

Just wanting change in rural America will not be enough. The development problems are too tough for that. It will take time, talent, and treasure to get the job done.

ENCOURAGING SIGNS

I don't think any man can be truly optimistic about the chances for success. But there are some encouraging signs.

More people are seeing more clearly that the problems of the cities and the problems of rural America are not two problems but one:

That we simply cannot put 70 and 80 percent of our people on 2 or 3 percent of the land space and live comfortably.

That the cities have problems because of the migration from rural areas.

That the solution of urban problems requires the acceleration of rural development.

That it is not in the best interest of the nation to continue indefinitely the depopulation of rural and small town America and the building of ever-bigger metropolitan complexes.

Hopefully, rural and urban interests are converging into an effective coalition, politically and otherwise.

If we approach rural development as a conflict between rural and urban interests then the odds against us are overwhelming.

It is just possible that rural development leadership will come, not only from rural America but also from the cities. As this convergence of interest is increasingly recognized.

There is hope in the findings of recent polls which show that as America urbanizes, the longing for rural life gets stronger. More than half the nation would now rather live in the country. A nation longing for rural life will not let it deteriorate.

There is hope also in the rising tide of concern over man's headlong destruction and fouling of his environment. If people do not generally recognize the interrelationship between rural and urban America with most problems, surely they will see it in the environmental crisis. Rivers don't begin or end at the city limits and air blows willy nilly over the city and the countryside.

Rural America is no "johnny come lately" to the cause of environment. My observation is that they have been sounding the alarm for years for clean air, clear water, and good stewardship of the soil.

As the nation becomes increasingly concerned with its environment, it will recognize the leadership of rural America in this area and that will be beneficial.

There is hope in the expanding development of new roads, better communication, new water systems, large reservoirs, and the spirit and vitality of some communities.

There is hope for rural development because the problems of the cities are so great that rural areas look good by comparison. Increased costs in the city have made rural areas more attractive for some industries—e.g. textiles and furniture.

There is hope in the progress that has been made. We are concentrating today on the problems, but we should pause long enough to see the prosperous farmers, progressive communities; the growing rural centers and sections in the nation.

The wholesome aspects of rural living are becoming increasingly recognized.

The climate then for rural development has some favorable winds and we must assure that they blow gently and steadily and ever more forceably.

LEGISLATIVE FRAMEWORK

We can do so by working for a proper legislative framework to encourage and accelerate the rate of growth in rural America. Our present programs must be greatly improved in their potency.

JOBS

We must find better job opportunities for rural Americans.

The task is formidable, but it is the indispensable element to development.

Thirty percent fewer man hours of work in agriculture will be needed in 1980. This means that 40 percent of the people now working on farms should move elsewhere.

To create full employment in rural America several things must be considered:

Unemployment and underemployment must be reported systematically. Accurate employment information can often guide people to jobs, for example by advising them where to move for their economic benefit.

Training and manpower programs must be enlarged with emphasis on such fields as conservation, recreation, health and education. We have had some success here with Operation Mainstream and Green Thumb—these programs have pointed up the need and effectiveness of manpower programs.

Temporary federal paymens for rural families to cover the costs of relocation and to provide adequate training to help them make the transition from farm to city.

Equal protection for rural workers in workmen's and unemployment compensation, social security, collective bargaining, and minimum wages.

And in those cases where it is not possible for persons to find useful and productive roles, the federal government might serve as the residual employer.

Education

We must improve educational opportunities in rural America.

It is in the national interest to improve the educational opportunities of low income rural areas. Since there is little likelihood rural areas will be able to finance significantly better education, increased federal and state assistance will be necessary. This assistance should not be given to schools too small to provide high quality education at a reasonable cost per pupil.

Special emphasis must be given to vocational training centers designed especially for the school dropout and the adult.

Communities

Rural communities present special problems. We are really confronted with the necessity of reorganization and reorientation of a rural community, and that does not come about easily. Even with the best of success, progress will be slow.

Public investment is needed in roads, hospitals, health care, vocational training, water lines and sewer systems, family planning, education, and all the infrastructure necessary to strengthen communities.

Every device must be used to encourage private investment: tax incentives, grants, loans, guarantees, subsidies, and industrial parks.

A Rural Development Credit Bank should be considered to provide capital for rural housing, water systems and other projects. It would attract funds from outside rural areas, and might spark economic growth.

These communities need the active concern of churches, service clubs, foundations, and individuals, working at countless tasks and projects.

Organization

If rural development is to succeed we must bring greater sanity to its organizational structure.

The organizational problems of rural development have been a lack of coordination, too much duplication, lack of professional staff, and local leadership spread too thin.

We need multi-county and multi-community organizational groupings. Tiny jurisdictions lack expertise and professional skills. They are deficient in their capacity to conceive, plan, design and expedite.

Only a larger grouping can marshall the resources and the professional skills needed.

Single multi-county agencies should be responsible for planning, promotion, and implementation of development.

CONCLUSION

Let me conclude simply by observing that there are many obstacles along the path of rural poverty and powerlessness to rural development.

Behind is a decade or two of experimentation. I hope we have learned from it, and that we will get on with the job of seeing that rural America develops its natural environment, harvests its fertile fields, makes its economy vital and vibrant, and gives each of its citizens an opportunity to become the best that's in them.

DEMOCRACY: CASUALTY OF WAR AND OH—WHAT A LOVELY WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. FRASER. Mr. Speaker, many have commented upon the Nation's reaction to the invasion of Laos. Apathy, unconcern, tolerance of the status quo, and other moods have been ascribed to the country.

Two of the most perceptive statements describing what the war is doing, has done, and may do to the country were recently printed on the editorial pages of the New York Times. Friday, February 19 a letter from Richard W. Lyman, newly chosen president, Stanford University, made the point that:

> It is no cause for surprise that eight years of war abroad have produced a marked deterioration in the political life of our own country. This deterioration is nowhere more marked than on the leading campuses, where the argument that only force counts is heard from young people whose cynicism in this regard is a deadly threat to the future of a democratic polity.

A week earlier, on Friday, February 12, from London, Anthony Lewis, wrote:

> The relative silence that has greeted this latest non-expansion of the war is not a silence of approval. It is the silence of despair, if one does not believe in revolution, when peaceful assembly and the democratic process and protest and polls showing an overwhelming public desire to get out of Indochina unconditionally produce no political result?

These two distinguished observers of American society, one the president of one of our most distinguished universities and a respected historian of modern British history, the other a journalist and noted commentator on our Supreme Court, have described a principal danger of continuing our involvement in the war in Southeast Asia: the ineradicable wounds to our own society.

I include the articles as follows:

DEMOCRACY: CASUALTY OF WAR

To the Editor:

If the war in Southeast Asia could be ended by the anguished cries of university presidents it would no doubt have been over long ago.

Most of us are neither Southeast Asia experts nor skilled global strategists nor (whatever might be wished of us by many of our students and faculty) full-time members of the movement. But we do know something, by hard experience, of what this faraway conflict is costing in terms of democratic values and the capacity for rational discourse on the campuses of this country.

In any war, a democratic polity incurs certain inescapable damage. War by its nature requires secrecy; democracy thrives on full disclosure. War causes people in authority not only to withhold the truth upon occasion; it tempts them to twist and distort it.

Democracy requires that disagreements be thrashed out in argument and resolved by voting. War requires that disagreements be minimized or obscured in the face of the enemy at the gates (no matter how far away those gates may be) and encourages appeals to emotion and to brute force.

It is therefore no cause for surprise that eight years of war abroad have produced a marked deterioration in the political life of our own country. This deterioration is nowhere more marked than on the leading campuses, where the argument that only force counts is heard from young people whose cynicism in this regard is a deadly threat to the future of a democratic polity.

In particular, students today are either disgusted by or themselves infected with the disease of prevarication and contempt for honest dealings. Ever since they became old enough for political consciousness, they have experienced an unending spate of misinformation and false prophecy with regard to Vietnam. The tortured elaborations of Pentagonese have brought palpably closer the notorious era of doublethink foreseen by George Orwell in "1984."

This comes about, not because of a unique villainy on the part of the protagonists in this particular war, but because war itself is antithetical to democratic values.

We have survived previous wars with democracy largely intact. But major involvement in war has often been followed by a political aftermath of reaction and repressiveness, from the Alien and Sedition Acts of the 1790's through the Mitchell Palmer raids following World War I, to the era of Joe McCarthy after World War II.

The Vietnam war has doubtless been a limited one, for Americans if not for Vietnamese. But its duration now threatens us in deadly fashion.

If the growth of cynicism and doubt continues through another period of years, we will suffer further subtle but ineradicable wounds here at home that will make American democracy in the twentieth century as much a casualty of prolonged warfare as was Athenian democracy in the fifth century B.C.

That is part of the reason why slogans like "Vietnamization" mean so little on the campus today, and why hope is so rare a commodity there.

RICHARD W. LYMAN,
President, Stanford University.

OH—WHAT A LOVELY WAR

(By Anthony Lewis)

LONDON, Feb. 12.—Stuart Hampshire, the English philosopher, wrote recently of the impact of Freud's demonstration that human behavior is governed less by conscious than by unconscious thoughts and feelings. It was a Copernican revelation for men who understood, he said; it destroyed the "comfortable feeling that we are easily in control of our own thoughts and purposes."

The significance of that understanding is of course not only for neurotics; the most normal man is moved by forces of which he may be unaware. And that, Hampshire seemed to say, has necessary implications for our whole effort to govern society by rational means. He wrote: "The species is more likely to be destroyed by the agency of men who know that they are normal, and who misunderstand their own minds, than by the mentally disturbed."

We must rely on some such view of man to help explain war. In any high school history course, students perceive that wars are fought for territory or ideas bearing no rational connection with the cost in blood. Yet still men fight.

It is always easier to see these things historically. Thus World War I is now a subject for fantasy treatment. We can no longer bear to take seriously the rationalizations of those who directed that carnage. Yet at the time, most people believed them. Only a poet here or there pointed out what was really happening.

At Ypres and the Somme and other battlefields, hundreds of thousands of men died to move the Allied lines forward 1,000 yards. But men like Haig and Kitchener—unbelievable figures in history—could only think to ask for more. And young men continued to volunteer for useless death, destroying the best part of a generation on a baseless faith in their leaders.

No one laughed when Lord Carson said: "The necessary supply of heroes must be maintained at all costs."

Some day men will read about the Indochina war with the same disbelief that we feel about World War I. The Haigs and the Kitcheners will all be there, the pointless savagery, the jingo commentators glorying in other people's bloodshed, the self-deception.

"This limited operation is not an enlargement of the war," the State Department's spokesman said as the South Vietnamese-American ground and air assault into Laos began. Oh never: more or less.

The American invasion of Cambodia last spring was a "limited operation," too. Now Vietnamese of both persuasions are fighting all over the poor country. The Communists, abandoning their established border sanctuaries, have set up bases in the heart of Cambodia. American bombing and American military aid are accelerating. The Cambodians are being offered the same visions of "victory" that have laid Vietnam waste and that sent innocents charging out of their trenches at Ypres.

No wonder that most careful and professional of British journals, The Financial Times, greeted the Laos invasion with the comment that the professed limits on the operation were "liable to arouse skepticism." It is only a few days later, and already we have South Vietnamese leaders talking about making the invasion an annual affair. Naturally, this will require American air support, if not covert ground participation. All in the name of peace and withdrawal.

The great difference between now and 1914–18, so far as the illusions of war are concerned, is that so many fewer people believe them now. Certainly the American soldiers in Indochina do not, nor the draft-age men waiting the call to replace them. Nor do most ordinary Americans believe, any more, that any stated political purpose justifies our staying in Indochina and continuing the destruction.

The relative silence that has greeted this latest non-expansion of the war is not a silence of approval. It is the silence of despair. What else is there to do but despair, if one does not believe in revolution, when peaceful assembly and the democratic process and protest and polls showing an overwhelming public desire to get out of Indochina unconditionally produce no political result?

Creatures from another world, learning the history of the Indochinese war, would conclude that our leaders were mad. But the truth is worse: they are what passes, on earth, for sane.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

NIXON SHOWS COURAGE IN LAOTIAN OPERATION

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. McCOLLISTER. Mr. Speaker, political courage is a characteristic we all hope will be attributed to us at one time or another. I think it is an appropriate term with which to describe the President's Laotian operation. As evidence of support I attach a column by Roscoe Drummond. Mr. Drummond has gone to the core of the Laotian maneuvers, analyzing the risk—military and political—and his article discusses what is really at issue in Indochina—how to most effectively end American participation. He has cut away the rhetoric, and what is left is logic and fact. I recommend it to my colleagues.

The item follows:

[From the Philadelphia Inquirer, Feb. 17, 1971]

NIXON SHOWS COURAGE IN LAOTIAN OPERATION

(By Roscoe Drummond)

WASHINGTON. — The South Vietnamese ground and U.S. air thrust into Laos proves that President Nixon is not playing politics with the Vietnamese war.

He is ignoring domestic political considerations in order to continue a policy which he believes will enable him to wind down the war in a way which will leave South Vietnam strong enough to survive.

He is doing this at great political risk to himself because he believes this course will serve the United States far better than a quickie withdrawal, that it will enhance the prospects of peace throughout Indochina and that it will prove that America is a reliable ally.

There are at least a dozen powerful reasons which caused Mr. Nixon to approve the operation against the North Vietnamese sanctuaries inside Laos and only one powerfull reason which might have caused him to set back.

The one argument against it was that it would be bad politics, that the Fulbrights, the McGoverns, the Hatfields and the other extreme Senate Doves would jump all over him and accuse him of widening the war and of deserting his commitment to withdrawal. And he could reasonably expect new outbreaks of public protest as after Cambodia.

Mr. Nixon could be an instant political hero by choosing the politically easy course but he is convinced it is better to take the time and the domestic political risks to leave South Vietnam gradually rather than the alternative his critics urge.

Undoubtedly many believe that it is the President who is mistaken. Be that as it may, he is spurning political timidity. He is knowingly imperiling his reelection to do what he believes is right and necessary. This is something which takes courage and class.

This is what a President of the United States is elected to do. The Constitution—assigning to him and to him alone the duty of Commander in Chief—requires him to do what he thinks best for the nation.

He is doing it for the same reason he approved the intervention into Cambodia nine months ago. This operation radically cut the flow of Communist troops and supplies to where they could be brought to bear against South Vietnam. It set back enemy offensive from that direction many months.

The present move to cut the Ho Chi Minh Trail is doubly profitable because it is the only important remaining route which Hanoi can use. If this operation is as successful as the Cambodia operation, it could well be nearly a year before the Communists could mount a major offensive.

The extreme Senate Doves see this all as a great mistake. They suggest that Nixon is trying to seize victory from the jaws of withdrawal.

No. He is seeking to leave a secure South Vietnam through the process of withdrawal. The evidence that he will be able to do so is increasingly promising.

President Nixon is convinced that he is ending the American role in Vietnam in the right way at the right time at the right pace. I believe the verdict of most Americans in the end will be "well done."

THE STATE OF THE MEXICAN ECONOMY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. BADILLO. Mr. Speaker, our good friend and neighbor to the south—Mexico—is presently confronted with a number of varied and challenging economic problems. As U.S. investments presently stand at approximately $2 billion, we have a very real interest in these factors and the efforts being made by Mexico to resolve them.

The recently inaugurated President of this growing and progressive nation has undertaken some innovative and, hopefully successful, steps to remedy the current plight of the Mexican economy. The alternatives available to President Echeverria are limited but he is taking bold measures to maintain the integrity of the peso, to resolve his nation's inflation problem and to continue industrial growth and economic development.

The New York Times of last Sunday carried a perceptive and timely article which is of particular interest and importance to us because of the comparisons made with our standard of living and the challenges Mexico feels it presents. I commend this article to our colleagues' attention and insert it herewith for inclusion in the RECORD.

MEXICO: FIGHTING A GIANT

STANDARD OF LIVING IN U.S. A CHALLENGE

(By H. J. Maidenberg)

MEXICO CITY—"So far from God and so close to the United States" has long been the lament of Mexican officials striving to cope with the social and economic shadows cast by the "giant of the North" upon their country.

For President Luis Echeverria Alvarez, who began his six-year term last Dec. 1, the biggest shadows are inflation and the gap between the standard of living here and that in the United States.

To cope with these potentially dangerous conditions, the 49-year-old President has ordered two measures that are radically contrary to remedies being used elsewhere in Latin America. He wants to slow the economic growth rate and to shift development emphasis from urban industrialization to agriculture and related industry.

According to Government economists interviewed here recently, both steps are expected to cause problems for domestic industry as well as the estimated $2-billion of direct United States investment in Mexico.

Basically, the new plans are aimed at the following goals this year:

The slowing of Mexico's economic growth rate, the fastest in Latin America during the last decade, from about 7.5 percent to 6 percent, to reduce imports.

Raising taxes, reducing subsidies and restoring balance-of-payments equilibrium to afford the Government the means to improve life in rural areas.

Foreign investors will be encouraged to concentrate on goods for export and to locate new plants near ports and provincial centers, rather than in major cities.

Because wages and prices in Mexico have long been either controlled or heavily influenced by the Government, the President's policies carry unusual weight here.

Thus far the Government has increased taxes on what are considered luxury items by at least 10 percent to raise state investment capital. Price ceilings are being maintained on basic items and luxury goods to reduce inflation.

Foreign borrowings are being curbed despite softening interest rates abroad because the Government economists believe that much of these funds were not entering basic development sectors.

Moreover, Mexico's foreign debt stands at $3.5-billion, compared with the Federal budget of $6.4-billion this year. To service this debt will require a quarter of Mexico's foreign exchange earnings this year.

To slow consumer consumption of all but essential items, central bank reserve requirements are being raised from about 35 to 50 percent at a time when interest rates paid by financing groups are falling under pressure by the Government as well as by international market conditions.

MEXICO: COPING WITH A GIANT NEIGHBOR

The economists concede that Mexico's inflation rate—officially put at 6 per cent last year, a figure widely questioned by the public—would have led to a grave monetary problem had the inflation rate in the United States not been a point or so higher.

As it is, some foreign lenders have begun questioning the value of the peso, which is 12.5 to the dollar, because of the trade deficit of nearly $900-million last year. This trade deficit, together with smaller but equally serious internal budgetary deficits and inflation, could lower the peso in the eyes of international lenders, private bankers also have warned.

But President Echeverria has repeatedly promised to maintain the peso parity to the dollar. He has also rejected any rumor of foreign exchange controls as being not only "out of the question" but also unfeasible technically because of Mexico's closeness to the United States.

In past years, Mexico's trade imbalances, considered normal for a developing country, were covered by receipts from tourism and from foreign investment.

Today the expanding middle and upper classes among the population of 50 million are traveling in ever increasing numbers and reducing the gains from foreign tourism, which is growing at a slower rate because of the reduced fares from the United States to Europe.

The recession in the United States has also reduced investments here. Furthermore, the Mexican Government's price controls have inhibited some foreign investors.

Attempts to hold the cost of living from rising further contributed to the closing of some 40 textile plants last year and placed the automobile industry in financial trouble for the first time last year.

As far as foreign investments are concerned, President Echeverria's economic advisers want more to go into manufactures for export and not for local consumption.

Some 15 years ago, they note, there was about $650-million of direct United States investment in Mexico. Today, United States direct investments stands at nearly $2-billion. Unless these investments produce more foreign exchange, the profits and other remittances will keep rising and adding to the burden on Mexico's treasury, the economists fear.

One reason for this fear is that the 20-year-old policy of "import substitution" is considered about over. This policy created tens of thousands of new jobs, new skills and domestic production of a wide range of goods that were formerly imported.

However, the lament today is that the tariff barriers erected by the Government to protect these fledgling industries have led to shoddy goods and unusually high prices. The Government is presently studying ways to lower these barriers and spur competition to reduce prices and improve quality.

Moreover, many of these goods produced here still contain imported parts or raw material, particularly from the United States, where prices are rising each year.

The energetic new President and his team of young economic advisers, meantime, must also face the problem of the exploding cities and their attendant troubles.

To make life on the farm attractive, President Echeverriá's hopes to finance the consolidation of uneconomic plots and provide basic services such as irrigation, technical education and machinery.

But to prevent those leaving the farm from coming to the swollen cities, he hopes to create rural industries such as food processing and tourism. Exports also have a high priority on the President's economic list.

Thus far, spending on urban projects, such as Mexico City's new and expensive subway has been ruled out for the future. After putting some $360-million into sugar subsidies in recent years to keep costs down, the President has recently agreed to a 48 per cent rise in sugar prices, rather than continued underwriting that industry's losses.

However, the President, a father of eight, has rejected any plans for curbing the birth rate here. At present birth rates, Mexico is expected to have 100 million people in about 19 years.

"Basically," one prominent businessman said here the other day, "a country like ours, situated near a rich one like yours, has three major options. One is to ignore the problem. The second is to print money and the third is to tax sufficiently to eliminate the extremes of wealth and poverty.

"To choose the first is to invite revolution. Printing money would only fool the people a little before they realize that they are being cheated. So would devaluation be a temporary palliative. So we are going to go the taxation way, and we hope we have the time to put the money raised by taxes to good use."

SATCHEL PAIGE ENTERS THE HALL OF FAME

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. FULTON of Tennessee. Mr. Speaker, by virtue of a very wise decision on behalf of the powers that be, the venerable Satchel Paige is going to be enshrined in baseball's Hall of Fame.

This is an honor and recognition that is deserved by Paige as much as any man, perhaps, who has been voted into the ranks of the game's immortals.

But for the fact that Satchel Paige was born many years before the eradication of the "color line," he might well have etched his name across many, many pages in the game's book of records for he was, by his own admission and by testimony of those major leaguers who did face him through the years, "quite a pitcher."

No one knows just how many games Satchel Paige won or how many phenomenal games he hurled. But he estimates he won some 500 to 600 games, perhaps 30 of them no-hitters, over a career that spanned 30, or was it 40, perhaps 50 years; Paige is never quite certain just how long it was.

His major league record was a deceptive 28 won and 31 lost. But even this less than .500 average is somewhat astonishing when one stops to consider that it was compiled by a man who was over 40 years of age. Paige admits to being at least 65 and his major league career began in 1948. Thus by his own admission he was at least 42 when his major league career commenced. Many observers believe he was actually older.

Regardless of age, a much deserved honor has finally been bestowed on Leroy Satchel Paige. And baseball, for its part, is a greater game for taking this step which will lead to due recognition of other Negro ballplayers who never made the majors because of the color line.

THE PRESIDENT'S ECONOMIC GOALS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. MICHEL. Mr. Speaker, traditionally, Presidents have been understandably reluctant to make exact predictions on the economy. But in his economic report to the Congress, President Nixon has set specific goals and outlines in detail his plan for reaching those goals, which are an unemployment rate in the 4½-percent zone and an inflation rate in the 3-percent range.

This is a helpful policy, not only for economists but also for the public. The American citizen and taxpayer ought to be told just what the administration intends to achieve and how it intends to achieve it.

In addition to high marks for credibility, the President's economic report is notable for its realistic assessment of our economic problems and the path the administration has chosen to correct these problems.

The President said:

> The key to economic policy in 1971 is orderly expansion. While continuing to reduce the rate of inflation, total spending and total output should rise as rapidly as possible to lift the economy to full employment and full production.

This expansionary policy is an effective blueprint for action. With the full cooperation of business and labor, the Nation stands an excellent chance of reaching or exceeding the specific economic goals the President has set.

CONGRESSMAN DELLUMS CALLS FOR END TO DRAFT, WHILE CONGRESSMAN MITCHELL HITS "NOBLESSE OBLIGE" OF THOSE WHO OPPOSE VOLUNTEER FORCE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, I recently had the privilege of testifying before the Senate Armed Services Committee, along with Congressmen Ronald V. Dellums and Parrens J. Mitchell on the subject of the All Volunteer Armed Force. My colleagues provided a wealth of data which conclusively demonstrated that an end to the draft will not lead to an army of the poor and the black, as the skeptics have charged.

The critics should take note of Mr. Mitchell's remarks that he believes it to be significant that:

> The great majority of Black leaders have spoken out in support of the Volunteer Army. It is personally irritating to me that there are those who would oppose this Volunteer Army on the basis of what it does to Black people without consulting the very people about whom they are speaking. We are past the stage of noblesse oblige.

Mr. Dellums argued that:

> If the draft is repealed taxpayers will pay the costs of military defense rather than the young and poor draftees who earn less than the Federal minimum wage. Those who enlist in the military should receive a fair income. Opposition to pay increases on the grounds of inflation or increased government spending merely continues the exploitation of first-term servicemen by the taxpayers.

I commend the full testimony of my colleagues to your attention.

I include the material as follows:

Testimony of the Honorable Parren J. Mitchell (D–7th District, Baltimore, Md.) Before the Senate Armed Services Committee

Mr. Chairman, I wish to thank you for the chance to testify this afternoon. It is my understanding that you conducted additional hearings so that everyone who desired to speak would have the opportunity to do so. Certainly, our military conscription system merits this sort of free and public scrutiny, and I commend you for bringing this about.

In the interest of brevity, I will not rehash once again the arguments *for* a volunteer Army. I am sure that you are as familiar, if not more so, with these arguments as I am. The Gates Commission presents its case quite persuasively, and I, for one, am convinced. Forceable military conscription is antithetical to the rights of citizens as guaranteed in the Constitution. The concept of the free society does not permit a slave soldier. For this is what the draftee is, comprising unwillingly, the lowest echelon of the American military structure. He is the unwilling lubricant upon which the military machine grinds. He, unwillingly, is the classic expendable. He makes more than ¾ of our riflemen in Indo-China, and, unwillingly, has comprised more than half our deaths and casualties.

The Gates Commission destroyed the economic shibboleths thrown up to protect the draft. The implementation of a Volunteer Army would necessitate only a minimal increase in costs. The Commission even went so far as to suggest that a Volunteer Army might actually be cheaper in real costs. (1) by reducing the costs of personnel turnover (in terms of reduced needs for training programs, and the discharge bureaucracy), (2) by reducing the human costs of those whose lives are arbitrarily interrupted, (3) by eliminating the necessity of the government involving itself in such socially controversial and disruptive issues as Conscientious Objection and Selective Conscientious Objection.

The arguments against the present military conscription system are substantive and varied. The Gates Commission dealt with them in full and made responsible recommendations for improvement. Most of us here in this room agree that some changes must occur. The Gates Commission states clearly that the transition to a Volunteer Army could begin tomorrow, even given the unfavorable situation in Indo-China. And yet there is hesitation.

I would easily dismiss these doubts if they did not arise from some of the most progressive voices in the nation, men who are comfortable with change if it means improvement. Nevertheless, the charges that are made against a Volunteer Army appear to me to be without substance.

First, let us consider the argument that a Volunteer Army will somehow increase the militarism in our Armed Forces. It is difficult to understand how ending conscription would lead to this outcome. After all, our military is overwhelmingly professional already. Ending the draft will bring about no changes in our officer class, composed almost entirely of true volunteers (i.e. that is those who are not in the service because they fear the draft). Draftees only appear in significant numbers in the most dangerous areas of the war zones. Obviously, the draftee is not in a policy making position in today's military. Moreover, the Volunteer Army has often been a part of American History. And on no occasion were the fears being voiced in opposition to the Volunteer Army realized. In fact, the lesson of history is just the opposite. It is on the backs of conscripted armies that the great militarists of history have built their successes.

The problem of maintaining the accountability of a Volunteer Army to civilian authority is simply the problem of maintaining a responsible officer corps. Certainly, the problem cannot be dealt with by injecting cannon fodder into the military structure.

Only through constant cooperation and interaction with civilian authority can the problem of an isolated military be solved. In dealing with the draftee, this is a red herring argument indeed.

But there is another argument thrown up against the adoption of a Volunteer Army that particularly troubles me. This is the contention that a Volunteer Army will become an Army of the poor and the Black. This argument makes me a little angry. David Clarke, Acting Director, Washington Bureau, SCLC said in his testimony before you on Feb. 10th, and I quote, "Such condescending *noblesse oblige* is not only unappreciated, it is downright repugnant from the point of view of the Black soldier who is ordered to die to preserve a "freedom" that he has never known."

According to the Gates Commission, Blacks now compose 9.5% of total American military forces. Of that part of the Army which is volunteer, Blacks represent just about 13% of the total. As the Indo-China conflict grew into War, one of the statistics that received a great deal of publicity was the re-enlistment figure for Black soldiers. And yet from 1965 to 1969, that figure dropped by almost half. In 1965, 22.3% of the men re-enlisting in the Army were Black. By 1969, the figure had declined to 11.4%. Within the last decade, there has been a change in the attitude of Blacks and Black soldiers in this nation. We have come to view the military not as a haven from racism of the total society, but rather as an extension of that society. We have achieved an outlook which declared that the War in Vietnam cannot be relevant to Black people until there is gained additional meaningful change at home.

But assuming that the proposed pay raise for first-term soldiers is approved by Congress it is argued that an all Volunteer Army will have greater attraction to Black Youth. This specious argument claims that only the Black and the poor would be attracted by the increased wage scales of the military. Fortunately, this argument fails at several points.

The increased pay scale of the military would only appeal to those Blacks who are precisely the ones unable to qualify for the service. Certainly, the pay scale of the military is above the earning of the poor Black today. Nor are his prospects for earning a living in the general society very good. Nevertheless, there is no great rush to enter the military. And of those who do attempt to do so, current military standards, reject the great majority. Certainly, enough has been written about the rejection rate of the poor and the Black by the military. It should be emphasized that this is a result of poverty, of under-education, of poor health services, and the pattern of neglect that affects our nations ghettoes. Nevertheless, it is a fact that these youths will not qualify for military service.

If a pay raise should be appropriated, its appeal would be rather to the middle income youth. The youngster who is dissuaded from joining the military because he can earn more as a civilian would be motivated to reconsider his decision. Given a complete turnabout on the falling rate of Black reenlistment, given the adoption of a pay raise, even given an increase in the acceptance rate of the poor and the Black by the military, the Gates Commission estimates that Blacks would only comprise 15% of the Armed Services by 1980.

I believe it to be significant that the great majority of Black leaders have spoken out in support of the Volunteer Army. It is personally irritating to me that there are those who would oppose this Volunteer Army on the basis of what it does to Black people without consulting the very people about whom they are speaking. We are past the stage of *noblesse oblige*.

I wish to state as strongly as possible my support for an end to conscription and the adoption of a Volunteer Army. Gentlemen, we stand at a crossroads, and immediate positive actions must be taken. It is for this reason that I will introduce in the House tomorrow a bill to end the Selective Service System on December 31, 1971.

Gentlemen, I thank you for your time.

Statement of Rep. Ronald V. Dellums to Senate Armed Services Committee

One hundred and six years ago the 13th Amendment to the Constitution ended tyranny of the plantation system, abolishing slavery and involuntary servitude except as punishment for crime. Today, young men are subject to a new tyranny, that of the war machine, and they are forced to serve involuntarily in an illegal, immoral, insane war thousands of miles from home. The time has come to end this 20th Century involuntary servitude by refusing to give the President authority to induct any more young men after June 30, 1971. Indeed, the time has come to repeal the entire Selective Service Act under which conscription is authorized.

We have had some experience in recognizing discriminatory institutions. Yet, the draft discriminates at every level. It discriminates against young men who haven't the information or money to seek counselling or hire a lawyer. It discriminates against those who haven't the education or opportunity to obtain a college or occupational deferment. It discriminates against those who haven't had adequate advice from sympathetic personal physicians about possible physical disqualifications. It discriminates through draft boards on which minority groups are not fairly represented. It discriminates by putting minority group soldiers in an army under a predominantly white officer corps.

Some here may argue that the draft should be thoroughly reformed. I disagree. Gen. Hershey once said, "You can't make the draft fair." And where there is an inherently inequitable system, a minority man in America is likely to find himself on the bottom, no matter how hard men of goodwill attempt to write in procedural safeguards.

If the draft is repealed, taxpayers will pay costs of military defense rather than young and poor draftees who earn less than the Federal minimum wage. Those who enlist in the military should receive a fair income. Opposition to pay increases on the grounds of inflation or increased government spending merely continues the exploitation of first-term servicemen by the taxpayers.

If the draft is repealed, the armed forces will be required to make sure their policies and opportunities are equitable in order to encourage enlistment by minority group members. Our national goal should be to abolish poverty, discrimination and exploitation within the military and in society as a whole so that there is no necessity to try to find sanctuary in certain institutions.

I appreciate the concern of those who worry that a volunteer army would be predominantly black. But I believe this fear to be groundless. Pay is only one of many factors determining enlistments. Reenlistments of blacks in the Army nosedived from 22.3% in 1965 to 11.8% in 1969, though pay increased substantially. Blacks now account for 9.5% of all servicemen, though blacks are 12.5% of total population.

Critics of a volunteer army rely heavily upon an argument that such an army will be a threat to freedom and liberty, that it might rise up and take control "if certain things continue". I strongly disagree. The issue of control over the military—whether it be a volunteer or a conscription army—is separate from the issue of the composition of the military. Events of the past few years are overly convincing that control over the military rests in the confines of a small group of professional soldiers and their friends in government, business, labor and the educational infrastructures. Congress must exert its constitutional powers over the military at any rate, but the issue of such control must not be confused with the question of a draft versus volunteer army.

I find it unthinkable that the Congress should make a four year appropriation of funds to the Pentagon. Yet, for 20 years, Congress has been making regular four-year unlimited appropriations of manpower funds to the Defense Department. This blank check enabled the Johnson Administration to put more than a half million men in Vietnam without a declaration of war or reactivation of the draft. In days when declarations of war have gone out of style—though war itself is as much in vogue as ever—Congressional control over military manpower is imperative. The draft should be ended now so that any President is required to return to Congress for authority to reinstitute it.

I understand the argument that the existence of the draft creates an awareness of the horrors of our adventurism in Southeast Asia among draftees and their families. It is sometimes said that the draft thus provides some measure of civilian control. But it is obvious we became involved in Vietnam under conscription—not a volunteer army. And it should be apparent that any system which hopes to control the military from the bottom up or to prevent further adventurism by fomenting opposition two years or more after the adventure begins, is doomed to fail.

Responsibility for civilian control of the military must rest with the Congress and the President. We cannot rely on draftees for this task. And the first action we in Congress must take is to end the draft in 1971 and require the President to come back to Congress for authority to reactivate it.

COMPARES REVENUE SHARING WITH CATEGORICAL AID PROGRAMS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, while the Nixon administration concentrates on selling solutions, the problems remain unsolved. The Nixon solutions seem more oriented toward public interest, than directed toward solving the problems.

Such is the story of Mr. Nixon's supersalesmanship project—Federal revenue sharing.

Douglass Cater, who was President Johnson's Special Assistant dealing with aid to education, eloquently and convincingly argues in favor of taking a closer look at just what Mr. Nixon's proposal for revenue sharing really means. Writing in the February 7, 1971, edition of the Washington Post, Mr. Cater compares revenue sharing with categorical aid programs in terms of education.

Mr. Cater rationally questions how the diverse needs of 50 States and literally thousands of independent school systems are to be accommodated under revenue sharing when the problems even cut across the traditional Federal departments, hence Mr. Nixon's efforts at reorganization.

I believe the article is of vital interest to all and I include it at this point in the Record:

A Kind Word for Categorical Aid Programs

(By Douglass Cater)

During the struggle to pass the Elementary and Secondary Education Act of 1965, one close friend of mine, a member of the Cleveland, Ohio, School Board, visited me in the White House to voice grave reservations. He was fearful that Title I of that Act, earmarking federal funds for disadvantaged children, would make the job of hard pressed school officials more difficult. A year or so later, he reported that he had reversed his position. Title I funds, he said, had made it possible to tackle critical and expensive needs which could not be justified if paid from locally raised revenues.

Recently, he enumerated for me two political facts of life. The first: local governments tend to deal well with needs that are general in the community; they tend to deal less well with needs which are special, or which serve interests going beyond the community. A second political fact of life: the lion's share of any general aid for education will be claimed for higher salaries in a community where there is strong teacher organization. At best, only a small fraction can be preserved for innovative programs.

Both these facts of life need to be kept in mind as we consider President Nixon's proposal for revenue sharing. It is tempting to succumb to the cry of "more power to the people" uttered by the apostles of the New Revolution. Why not join Joe Alsop in berating the federal bureaucracy for the red tapery of categorical aid programs? Why not join Vice President Agnew in making a whipping boy of Wilbur Mills for demanding federal responsibility for federal spending? (At last Mr. Agnew has found himself a nattering nabob of nepotism!)

But a little perspective is in order: categorical aid programs did not emerge out of fiendish mistrust of the people by their elected leaders in Washington. On the contrary, those programs have been adopted by Congress in order to serve public needs not being met by state and local government. They have represented national priorities to be paid for by tax revenues raised by the federal government.

Admittedly, some of these priorities are markedly different from those of state and local governments. For example, Congress passed, on President Eisenhower's urging, an act to create a national highway system. Local officials might have preferred to spend the money on more farm-to-market roads.

Similarly, with President Johnson's urging, Congress established a wide range of categorical programs to meet desperate needs of the disadvantaged. Congress set new priorities for the nation.

No impartial observer could claim that these priorities have been met. Most of the categorical programs have been funded at only a fraction of their authorizations. Lacking adequate dollars to make a measurable impact, they have spawned too much bureaucratic foot shuffling at federal, state and local levels. It is easy to curse the bureaucrats for the shortfall of great expectations.

But the more relevant task is to decide where we go from here. I am persuaded that it will be a cop out for the federal government to remove itself from the business of setting national priorities. And it will be a grand illusion to believe that those priorities can be attained by passing out funds with no strings attached. Given their present strained financial situation, even the best intentioned governors and mayors will be forced to bail out their most pressing debts and their most persistent creditors. New and hard won social programs, lacking a powerful constituency, will be the first to suffer.

It is a beguiling notion that the people share great intimacy with their state and local governments. We no longer live in a nation of New England town meetings. Most people learn about government from their press and they influence government through their organizations. I wonder how many believe that state capitol or city hall is better reported than the U.S. Congress? Or that Washington is less responsive to public interest lobbies?

Our problems today—health, education, environment, urban crisis—cut across the traditional boundaries of state and municipal government. They even cut across the traditional federal departments, hence Mr. Nixon's efforts at reorganization. We will not meet our problems by pouring new funds into old containers. Probably the most difficult challenge we face is to create new institutions adequate to cope with our problems.

This does not mean blind commitment to the categorical programs launched in the past decade. There must be continual efforts at consolidation, especially of the programs which are too small to justify separate existence. Congress needs to study the proper balance between "earmarked" funds and "general support" funds. The matching fund formula has provided a highly effective device for asserting a federal priority while allowing discretion to state and local government.

But it will be bad policy and bad politics for Congress to cast aside the experience of the past decade in a rush to espouse the creed of revenue sharing. The slogan "more power to the people" could lead to abdicating the vital role which the people elected Congress to serve.

SACAJAWEA'S PAPOOSE

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. ULLMAN. Mr. Speaker, any history of the American West would be incomplete without considerable reference to the 1804–06 Pacific Northwest expedition of Capt. Meriwether Lewis and William Clark, and their famed Shoshone Indian guide, Sacajawea. Few are familiar, however, with the youngest member of that trip. Jean Baptiste Charbonneau was born during the expedition's 1805 winter camp to Toussaint Charbonneau, a French-Canadian Indian interpreter, and his wife, Sacajawea. Carried on his mother's back and, sometimes, in Clark's canoe, the infant completed the 20-month adventure of nearly 5,000 miles.

The odyssey of Jean Baptiste Charbonneau and his oftentimes diverse adult life is the subject of a recent article in the Bureau of Land Management's quarterly, Our Public Lands. In it, Irving W. Anderson tells the remarkable story of Charbonneau, ranging from his early formal education and frontier existence, to his tragic death in the high desert of southeastern Oregon. I recommend the article as a fascinating saga of the exploration and settlement of the American West.

I include the article as follows:

Sacajawea's Papoose

American history's youngest explorer, a member of the most famous expedition in the annals of the West, incredibly has remained a mystery man for 165 years. He was Jean Baptiste Charbonneau, son of Toussaint Charbonneau, interpreter, and his Shoshone Indian wife, Sacajawea, unofficial guide for the Lewis and Clark expedition of 1804–06.

Baptiste was born on February 11, 1805, when his mother was about 17 years old. His birthplace was at the Fort Mandan site near the confluence of the Knife and Missouri Rivers, about 50 miles upstream from the present city of Bismarck, N. Dak.

Sacajawea had been kidnapped by the Minnataree tribe about 1800 when only 12 years old. She was taken by her captors from the mountain homeland of her own Shoshone tribe in the Snake River country to the plains country of the Missouri. There she was sold as a slave to Toussaint Charbonneau, a French-Canadian Indian.

The Lewis and Clark "Corps of Discovery" arrived at the Mandan site on October 26, 1804, where they established Fort Mandan as their winter headquarters. During the course of the winter, the expedition leaders contracted with Toussaint to serve as an interpreter for the duration of the trek. They must also have reasoned that Sacajawea's Shoshone nationality would be a helpful advantage in dealing with Indians they would encounter to the west, especially in obtaining horses for transporting the expedition over the mountains. Accordingly, it was agreed that Sacajawea and her infant son would accompany the westward-bound explorers. Ultimately this proved to be a master-stroke of diplomacy. Scores of potentially hostile Indian groups encountered throughout the journey befriended the strange assembly of explorers upon sighting the engaging Sacajawea and her papoose. To the Indians, their presence meant this was no traveling war party. In addition, Sacajawea's knowledge of her homeland contributed important guiding service to the expedition.

INFANT EXPLORER

Baptiste was only 55 days old when the expedition broke winter camp and headed for the Pacific. Carried mostly on the back of his mother, but also in Clark's canoe, the infant made the 20-month round trip of nearly 5,000 miles with only one major illness. As reported by both Clark and Lewis in separate journal entries, Baptiste suffered a very serious infection of the jaw and throat during the return trip east. Responding favorably to the remarkable medical talents of the expedition leaders, especially their unusual pharmaceutical preparations, he recovered within 2½ weeks. Among the treatments, given him were poltices of wild onion, and a "* * * plaster of sarve (salve) made of the rozen (resin) of the long leaf pine, Beaswax and Bears oil mixed * * *" (Journal entry of June 5, 1806. Thwait's edition.)

Knicknamed "Pomp," a Shoshone term which describes the first born male child, the happy alert youngster became the favorite of Captain William Clark. "Pompey's Pillar," a historic landmark 28 miles east of Billings, Mont., was named for Baptiste by Clark when he carved his (Clark's) name in the rock of the pillar during the return trip in 1806. When Fort Mandan was reached by the returning party on August 15, Toussaint Charbonneau was paid "500$ 33⅓ cents" for his services (Sacajawea received no monetary payment) and the Charbonneau family re-entered the routine of frontier life.

Enroute to St. Louis shortly after departing Fort Mandan, Clark's fondness for his "little dancing boy" compelled him to write to Toussaint, suggesting that the Charbonneau family come to St. Louis where Clark would see to Baptiste's education. This they eventually did, and according to fragmentary records of the period, Baptiste was educated in both protestant and Catholic parochial schools in St. Louis.

TRAVELS ABROAD

When he was 18 years old, Baptiste's unusual combination of cultural attainment and frontiersman skills interested Prince Paul Wilhelm of Wurtenburg, Germany, who was on a scientific mission to America. In 1823, Baptiste accompanied the Prince to Germany where the youngster was exposed to the sophisticated, aristocratic environment of the court. This sharpened and polished his social graces. Baptiste and Paul were inseparable companions for a period of 6 years, during which the two traveled extensively in Europe and even to Africa. It was in this important period of his life that Baptiste, now fluent in four languages, received a background that in later years would mark him as a cultural anomaly on the American frontier.

Baptiste returned to his homeland from Europe in 1829. By this time the Louisiana Purchase Territory was entering the transition between the fur trade and agricultural settlement. Vigorous exploration of the far West was in progress. The call of the western wilds was irresistible, and Baptiste set aside his classical life style and fell into the rough and tumble existence of the mountain man. He ranged the length and breadth of the American West—hunting, trapping, guiding, exploring. The journals of many important personalities involved in the exploration and settlement of the West record this remarkable man, and consistently testify to his "urbane, graceful, fluent" manner. Famous frontier figures with whom he shared associations included Joe Meek, Jim Bridget, Capt. Nathaniel J. Wyeth, T. J. Farnum, Lieut. John C. Fremont, William Clark Kennerly (nephew of Capt. William Clark), Col. Phillip St. George Cooke, Jim Beckwourth, Kit Carson, and many others.

The last important guiding service performed by Baptiste was that of scouting the route West for the march of the Morman Battalion from New Mexico to California in 1846–1847. Under the command of Col. Phillip St. George Cooke, this expedition was significant not only for putting down the Mexican uprisings but also because, for the first time, wheeled vehicles traversed the Southwest desert. Baptiste's role in the success of this mission was vital, as the route through had to be thoroughly scouted in advance for food and water for the large party of men and animals. In addition, he had to be sure that the rugged country could be negotiated by the vehicles.

APPOINTED ALCALDE

Mustered out of the Morman Battalion at San Diego in 1847, Baptiste was appointed Alcalde of San Luis Rey Mission, Calif., an office comparable to that of magistrate. Because of his concern, however, for human dignity in the treatment of certain Indians as virtual slaves, he resigned his official duties. Historians, in previously reporting this incident, interpreted the cause of Baptiste's resignation as "white dissatisfaction over his policy of treating Indians too kindly." In researching Baptiste's activities as Alcalde, however, it was found that a deeper reason must have motivated Baptiste to resign.

Father Zephyrin Engelhardt, in his Missions and Missionaries series in 1921, published an order written by Baptiste as Alcalde which reveals the cause of his moral concern for Indians. The order provided for: (1) "* * * a fair settlement * * *" of an account owed by an Indian to a proprietor of a general store and dram shop at the Mission; and (2) the sentencing of the Indian into the service of the proprietor until the debt of $51 and 37½ cents had been worked off at the rate of 12½ cents per day.

As interpreted by Father Engelhardt:

"* * * We can now very well understand why Charbonneau wanted to resign the office of the Justice of Peace. It was distasteful for a decent man to sentence helpless Indians to slavery in order that they might pay for the liquor received in excess of the 12½ cents, their day's wages for labor. If the Indian had a family, what of the wife and children? * * * The poor Indian is held in slavery until he pays the balance, $51.37½, by laboring at one real or 12½ cents per day! Meanwhile, he will want other goods from the store of Pico and so he will never emerge from debt and from slavery * * *"

Ironically, Father Engelhardt apparently did not know the background of this remarkable man Charbonneau about whom he wrote, as this is the only reference to Baptiste cited in his Missions and Missionaries series.

Upon leaving San Luis Rey Mission, historical coincidences of time and events placed Baptiste in center stage of the California gold rush. John Marshall discovered gold at Sutter's Mill on January 19, 1848, and Baptiste was upon the scene in the earliest days of the frantic gold-fever stampede. Although it is recorded that Baptiste shared mining associations with old cronies Jim Beckwourth and Tom Buckner during the late 40's and early 50's, he evidently did not strike it rich. At least it is assumed that he made no important find, as he was listed as a clerk in the Orleans Hotel, Auburn, Calif., in 1861.

SEARCH FOR GOLD

Even at age 61, the compelling lure of the wilderness pulled strongly within him. Yielding to this urge, Baptiste, in the spring of 1866, joined a party heading for a new gold field in Montana. Traveling northeasterly from California their party reached the Owyhee River in Oregon the second week of May 1866. Spring is a transitional season in the Oregon desert, with alternating periods of precipitation, freezing, thawing, and clearing, accompanied by blustery wind conditions. Also at this time of year, the Owyhee runs a heavy volume of snow melt, with consequent frigid temperatures.

Baptiste crossed the river at a ford immediately below where Jordan Creek empties into the Owyhee. Reconstructing the scene, Baptiste swam his horse across the swollen river, and then had difficulty in drying his clothing and gear due to cool spring weather. At his advanced age of 61 years, his system apparently could not combat the excess strains. He contracted pneumonia, was helped by his two partners to the nearest shelter, Inskip's Station, 25 miles northeast of the Owyhee River. He failed to rally and died a short time later. Obituaries of the period place his date of death as May 16, 1866. He was buried a few hundred feet north of the station in what later became a burial plot containing Baptiste, two soldiers, and two children.

The burial site at Inskip Station is near the confluence of Jordan and Cow Creeks, presently identified as Danner, Oreg. Located on private land within BLM's 4.6 million-acre Vale District, this tiny rural settlement still holds remains of the stagecoach era. It is situated 3 miles north of U.S. Highway 95, and approximately 15 miles west of the community of Jordan Valley, Malheur County, Oreg. Presently standing structures in the community which were in use at the time of Baptiste's death include substantial in-place ruins of the Inskip Station fortification, stagecoach stables, rock corrals, a rock-cased well, and other relics of that frontier era which possess important historical values.

Residents in the area, Oregon State and Malheur County officials, the Oregon Historical Society, BLM, and other interested organizations and persons are cooperating in giving an appropriate identity to the site. As a beginning, the Oregon State Highway Commission will erect in 1971 a rustic, historic sign to mark and interpret the gravesite of the man who, as an infant, traveled the American wilderness with Lewis and Clark.

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. ADAMS. Mr. Speaker, last week marked the 53d anniversary of the establishment of Lithuania's Independence Day. But this day is not a day of joy for this captive nation, and I would like to express my continuing concern for these people who are being denied the freedom to exist as an independent nation. Recent attempts to escape that Communist tyranny by men like Simas Kudirka who was involved in the Coast Guard tragedy and the men who failed in their attempt to hijack a Russian jetliner give us some idea of the desperate plight of the lives of these people.

In northeast Europe in the Baltics, some 3 million Lithuanians live in an area a little larger than 20,000 square miles. There, through most of the middle ages and part of modern times, they have been the upholders and defenders of western Christian civilization against pressure from Asia. Scholars consider Lithuanian to be the most beautiful, as well as one of the oldest, languages in the world, being related to ancient Sanskrit. In the course of their turbulent history, they have managed to hold their own and safeguard their freedom, even in the face of some formidable foes. By the end of the 18th century, however, the powerful Russian advance overwhelmed them. Their country was then overrun and incorporated into the Russian empire. In 1918 when the czarist regime collapsed in Russia, the Lithuanians took advantage of the resulting situation and proclaimed their national independence on February 16 of that year. Unfortunately, the independence thus gained was taken away from them in 1940 when the Soviets invaded and occupied Lithuania.

I join in commemorating the establishment of the Republic of Lithuania, and urge the implementation of legislation to bring the question of the liberation of the Baltic States before the United Nations. I ardently hope that these deserving people will soon regain their freedom and be able to live in peace in their beloved homeland.

ON LITHUANIAN INDEPENDENCE DAY

HON. THOMAS E. MORGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. MORGAN. Mr. Speaker, the 53d anniversary of the independence of modern-day Lithuania which we observed on February 16 is a significant occasion not only to the people of Lithuania and those of Lithuanian ancestry who live in the United States, but also to all people who value freedom and independence.

Lithuania established its national identity in the year 1215, and although during much of its history it has been dominated by the large and powerful nations which are its near neighbors, its people have maintained their language, their culture, and their desire for independence.

Lithuania enjoyed 21 years as an independent state following the proclamation of its independence after the First World War. It is one of the great tragedies of history that the nations which were able to restore freedom and independence to a number of nations after World War I did not succeed in developing a structure or in maintaining the power to defend the freedom of these peoples.

The experience of Lithuania is a lesson to us all. The stronger nations that enjoy the privilege of democracy have an obligation to the weaker nations that also have a desire and a right to freedom.

Until a way has been found to establish and maintain the freedom of such nations, the world cannot enjoy a real peace, and the United States, together with other democracies, is confronted with a problem that urgently demands a solution.

REVENUE SHARING

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. MILLS. Mr. Speaker, there has been a great deal of discussion about the President's proposal for revenue sharing and even more written comment. Among the latter is a column published in the AFL–CIO News which has recently been called to my attention written by John P. Roche.

He offers some thoughts that certainly should be germane to the issue and should be studied by all of us and I include them in the RECORD at this point:

REVENUE-SEEKING STATES SHOULD PUT OWN HOUSE IN ORDER FIRST

(By John P. Roche)

Pres. Nixon is pushing hard for a program of revenue sharing, going "far beyond anything we have suggested to date." The key aspect of his policy is that "no strings" would be attached; that is, the states could use the money as they see fit.

Already about $25 billion in federal aid is going to state and local governments, but the states complain that these funds are earmarked for specific programs, that their operation is enmeshed in red tape, that they are characterized by remote control rather than by that sense of intimacy that exists between the citizen and his state government.

There are a number of problems with the Nixon program, but first of all let us try to sort out the various arguments that are mixed together in the pot. Admittedly, state and local governments are having financial troubles—there is an employment freeze in Boston, except for police, Philadelphia is letting employes go, and, of course, New York's Mayor John Lindsay virtually has threatened to take the city formally into bankruptcy. State governments are having similar problems.

But there is a difference between the travail of the mayors and that of the governors. Every time the tax rate in Boston, New York, or Philadelphia goes up, a new wave of refugees to the suburbs is created. The cities are trapped in a downward cycle, services decline, and there exists a real possibility that in 25 years metropolitan areas will be enclaves of the poor—black and white. On my home in Weston, Mass., for example, I pay about $2,000-a-year property tax, have first-rate services and excellent public schools. An acquaintance who just moved here from New York was paying almost $5,000 a year there for private schools. His kids will now go to public schools, and I predict, in a couple of years he will be complaining about the local property tax!

In short, the cities are helpless, but what about the states? State behavior, by and large, has been utterly irresponsible and before we rush to fill a governor's pocket with federal coin it might be pointed out that nine states have no income tax at all, four more have a very narrow base, and five apply what is, in effect, an excise on income, a flat tax applied to all hands (4 percent in Massachusetts). And we are not talking about rural states: in the three categories above are included the states of Pennsylvania, Texas, Ohio, New Jersey, Illinois, Indiana, Michigan, and Massachusetts.

The first rule of equity is that one must come into court with clean hands. In this spirit, it seems clear that a significant number of states simply do not have the right to complain. They have failed miserably to put their own financial houses in order. The governors can often reply that they have tried, but the sovereign electorate has rejected their proposals (a number of Democratic gubernatorial victories last November were reactions to the efforts of Republican governors to up taxes). We liberals have been trying for years to get a progressive income tax in Massachusetts, with some progress: we lost 8–1 in 1962; the last time it was on the ballot, we got about 1 vote in 3.

But doesn't this, in turn, tell us something? The last time revenue sharing was front and center, I pointed out that the average citizen "relates" (as they say) to the national government and to his local government, city, county, town or village. State governments are a vestigial remnant of pre-Civil War federalism—who knows what goes on at the state house? The notion of handling $400 million in unearmarked federal money to the average state legislature is enough to terrify the most idealistic states'-rights advocate.

Whatever merits it may have in Indochina, the "Vietnamization" of American public finances is an appalling scheme. What we really need are higher, more progressive taxes and direct, functional cooperation between the federal government and local agencies. The states should be retired to the Smithsonian Institution.

LAKE COUNTY, IND., LITHUANIAN FREEDOM RESOLUTION

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. MADDEN. Mr. Speaker, on Sunday afternoon, February 21, the Lithuanian Americans of Lake County, Ind., at a banquet given by the American Lithuanian Council, unanimously adopted the following resolution pertaining to the restoration of independence for the 700-year-old nation of Lithuania:

RESOLUTION

We, the Lithuanian-Americans of Lake County, assembled this 21 day of February, 1971, at St. Casimir Hall, Gary, Indiana to commemorate the restoration of Lithuania's independence, do hereby state as follows:

Whereas, the 16th of February, 1971, marks the 53rd Anniversary of the restoration of independence to the more than 700 year old Lithuanian State, and

Whereas, on June 15, 1940, the Soviet Union forcibly occupied and illegally annexed the independent Republic of Lithuania, which fact had been officially confirmed by the findings of the Select Committee on Communist Aggression of the House of Representatives, 83rd Congress of the United States, and

Whereas, the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation, and

Whereas, the Soviet Union, through a program of deportations and resettlement of peoples, continue in its efforts to change the ethnic character of the population of Lithuania and the other Baltic States, thereby committing the offense of genocide, and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights, as most recently demonstrated by the dramatic hyjacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, the heroic attempt of defection by Simas Kudirka and the unsuccessful attempt of escape to Sweden by Vytautas Simokaitis and his wife,

Now; therefore be it resolved

That we again demand that the Soviet Union shall withdraw its armed forces, administrative apparatus, and the imported Russian colonists from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights,

That we again express our gratitude to the United States Government for the firm and unwavering position of non-recognition of the Soviet occupation and annexation of Lithuania,

That we respectfully request President Nixon to direct the attention of world opinion at the United Nations and at other appropriate international forums on behalf of the restoration of sovereign rights to the Baltic peoples, which policy was recommended to the President of the United States by the House Concurrent Resolution 416 of the 89th Congress,

That we urgently request our Government to make all possible efforts to have Simas Kudirka returned to this country with his family, if he is still alive, and that the death penalty imposed upon Vytautas Simokaitis by a Soviet tribunal shall be commuted, and

That the copies of this Resolution be mailed to President Richard M. Nixon, Secretary of State William P. Rogers, to both Senators and all the Members of Congress from our State, and to the Press.

MAJOR PUBLIC WORKS MEASURE INTRODUCED TODAY

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. EDMONDSON. Mr. Speaker, earlier today I announced the introduction of a major new bill, H.R. 4810, to help meet our Nation's increasingly serious unemployment crisis.

H.R. 4810 is described briefly in a press release issued today, which lists the names of its present sponsors. The text of the release is provided here for the information of the Members, along with the text of the bill:

JOINT PRESS RELEASE

Twelve Democratic members of the House of Representatives today introduced a bill to extend for two years the Economic Development Administration, the Appalachian and other regional development programs, and to renew the Accelerated Public Works program with an authorization of $1,850,000,000 over the next two fiscal years.

Introducing the bill were Rep. John Blatnik of Minnesota, Chairman of the House Committee on Public Works, for himself and House Majority Leader Hale Boggs, (D-La.), and Representatives Bob Jones (D-Ala.), Harold Johnson (D-Calif.), Ed Edmondson (D-Okla.), Jim Wright (D-Texas), Frank Clark (D-Pa.), Wm. Jennings Bryan Dorn (D-S.C.), James Kee (D-W. Va.), David Henderson (D-N.C.), Robert Roe (D-N.J.) and John McFall (D-Calif.).

The Accelerated Public Works program authorized by the bill provides federal grants to aid in construction of hospitals, water and sewer systems, streets and roads and other public facilities in areas of exceptionally high unemployment. The bill introduced today authorizes $900,000,000 in fiscal 1971–72 and $950,000,000 in fiscal 1972–73.

Sponsors of the legislation point to two immediate benefits. It provides a means of providing jobs for the jobless and helps communities without adequate local resources make badly needed improvements—improvements which provide the public services necessary for further economic development.

The Economic Development Administration conducts both a loan and grant program providing for improvements which will produce long-term stable employment. The Appalachian, Ozarka and other regional commissions join states with common problems in efforts aimed at providing public services and economic development.

In a statement, the sponsors said today: "All these are successful programs which have historically produced the results they were written to produce. The Accelerated Public Works program, EDA and regional commissions provide a proven vehicle for putting federal dollars into communities where help is needed most. Local needs can be met and employment bolstered at the same time that firm foundations for community growth are being built. We hope Congress will agree both on the wisdom of this approach, and the need to activate the Accelerated Public Works program and guarantee extension of the other programs at the earliest possible time."

H.R. 4810

A bill to provide both short term and long term assistance to areas of high unemployment through the extension of certain provisions of law

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PUBLIC WORKS ACCELERATION ACT

SECTION 101. This title may be cited as the "Public Works Acceleration Act Amendments of 1971".

SEC. 102. The Public Works Acceleration Act (42 U.S.C. 2641 et seq.) is amended as follows:

(1) By striking out "President" wherever it appears in the first four sections of such Act and inserting in lieu thereof at each such place the following: "Secretary of Commerce (acting through the Economic Development Administration)".

(2) Clause (1) of section 2(a) is amended to read as follows: "(1) certain communities and areas in the Nation are presently burdened by substantial unemployment and underemployment resulting from the economic decline of 1970, and".

(3) Subsection (b) of section 2 is amended to read as follows:

"(b) Congress further finds that Federal assistance to stimulate public works investment in order to increase employment opportunities is most urgently needed in those redevelopment areas, both urban and rural, suffering persistent and chronic unemployment and economic underdevelopment."

(4) Subsection (a) of section 3 is amended to read as follows:

"(a) For the purposes of this section, the term 'eligible area' means—

"(1) those areas designated by the Secretary of Commerce as 'redevelopment areas' for the purpose of the Public Works and Economic Development Act of 1965 in which the Secretary of Labor finds that the annual average rate of unemployment has been at least 150 per centum of the national average for the preceding calendar year, and

"(2) those standard metropolitan statistical areas in which the Secretary of Labor finds that, for at least three consecutive months of the calendar year in which such findings are made, the average rate of unemployment has been at least 150 per centum of the national average for the preceding calendar year, and

"(3) such other areas designated by the Secretary of Labor in accordance with criteria which he shall prescribe, in which the Secretary determines from available data and in his judgment that for at least three consecutive months of the calendar year in which such determination is made, the rate of unemployment has been at least 150 per centum of the national average for the preceding calendar year."

(5) The last sentence of subsection (c) of section 3 is amended to read as follows: "Notwithstanding any provision of such law requiring the Federal contribution to the State or local government involved to be less than a fixed portion of the cost of a project, grants-in-aid may be made under authority of this section which bring the total of all Federal contributions to such project up to 80 per centum of the cost of such project."

(6) Subsection (d) of section 3 is amended to read as follows:

"(d) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1972, not to exceed $900,000,000 and for the fiscal year ending June 30, 1973, not to exceed $950,000,000, to be allocated by the Secretary of Commerce in accordance with subsection (b) of this section."

(7) Subsections (g) and (h) of section 3 are hereby repealed.

(8) Section 4 is amended to read as follows:

"SEC. 4. No part of any allocation made by the Secretary of Commerce, acting through the Economic Development Administration, under this Act shall be made available during any fiscal year to any State or local government for any public works project if the proposed or planned total expenditure (exclusive of Federal funds) of such State or local government during such fiscal year for all its capital improvement projects is decreased."

(9) By adding at the end thereof the following:

"SEC. 7. An eligible area under this Act shall retain such designation for so long as it continues to meet the unemployment criteria applicable to it but in no event shall such designation be terminated prior to one year after the date of designation.

"SEC. 8. As used in this Act, the term 'standard metropolitan statistical area' means an area designated in accordance with the criteria developed by the Office of Management and Budget for use by Federal departments, agencies, and instrumentalities.

"SEC. 9. Federal financial assistance under this Act shall be in addition to, and not in lieu of, Federal financial assistance authorized by any other provision of law."

SEC. 103. (a) Clause (ii) of the last sentence of paragraph (4) of subsection (b) of section 202 of the Housing Amendments of 1955 is amended by striking out "by the President under section 9" and inserting in lieu thereof "under section 3".

(b) Section 202(e) of the Housing Amendments of 1955 is amended by striking out "by the President under section 9" and inserting in lieu thereof "under section 3", and by striking out "50 per centum" and inserting in lieu thereof "80 per centum".

(c) Subsection (g) of section 702 of the Housing Act of 1954 is amended by striking out "by the President".

TITLE II—THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 201. This title may be cited as the "Public Works and Economic Development Act Amendments of 1971".

SEC. 202. Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

SEC. 203. Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

SEC. 204. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "and June 30, 1971" and inserting in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

SEC. 205. Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

SEC. 206. Subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and for the two-fiscal-year period ending June 30, 1973, to be available until expended, not to exceed $255,000,000."

SEC. 207. Section 512 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191) is amended by inserting immediately after "1971," the following: "and $500,000 for the two-fiscal-year period ending June 30, 1973,".

TITLE III—APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971

SEC. 301. This title may be cited as the "Appalachian Regional Development Act Amendments of 1971".

SEC. 302. The second sentence of subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows: "To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $1,900,000 for the two-fiscal-year period ending June 30, 1973. Not to exceed $475,000 of the authorization for any such two-year period shall be available for the expenses of the Federal Cochairman, his alternate, and his staff."

SEC. 303. Paragraph (7) of section 106 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106) is amended by striking out "1971" and inserting in lieu thereof "1973".

SEC. 304. Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended by striking out "and $170,000,000 for the fiscal year ending June 30, 1973." and inserting in lieu thereof the following: "$175,000,000 for the fiscal year ending June 30, 1973; $175,000,000 for the fiscal year ending June 30, 1974; and $175,000,000 for the fiscal year ending June 30, 1975."

SEC. 305. Section 205(b) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by striking out "and 1971" and inserting in lieu thereof the following: "1971, 1972, and 1973".

SEC. 306. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended by striking out "and not to exceed $268,500,000 for the two-fiscal-year period ending June 30, 1971, to carry out this Act, of which amount" and inserting in lieu thereof the following: "not to exceed $268,500,000 for the two-fiscal-year period ending June 30, 1971, and not to exceed $268,500,000 for the two-fiscal-year period ending June 30, 1973, to carry out this Act, of which amount for any such two-fiscal-year period".

SEC. 307. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking out "1971." and inserting in lieu thereof "1973."

FASCELL INTRODUCES RESOLUTION ON SOVIET RESTRICTION OF EMIGRATION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. FASCELL. Mr. Speaker, I am today reintroducing a resolution calling on the President to use his good offices to prevail upon the Soviet leadership on behalf of Soviet citizens desiring to reunite with their brethren outside the U.S.S.R.

In response to a commitment made by Premier Kosygin in December of 1966 to permit Russian families separated by the ravages of war to be reunited with relatives outside Soviet borders, more than 50,000 Soviet citizens have filed applications for emigration.

As yet, none of these applications have been acted upon. However, the citizens who filed them have been systematically persecuted, fired from jobs, and given bad character ratings by the Soviet Government.

One of the basic principles of humanitarian thought is the sanctity of the family unit. It is unconscionable that the government of one of the world's major powers would, as a matter of public policy, prevent its citizens from joining their brethren outside its borders.

The most prominent group affected by this cruel and restrictive policy has been Russian Jews who wish to emigrate to Israel. A recent result of Soviet intransigence was the trial of the hijackers, who were driven to a desperate act because they were not allowed to emigrate.

More encouraging has been the positive effect of world opinion culminating in the recent release of Leonid Rigerman. As one who sought the aid of the State Department in certifying U.S. citizenship status for Mr. Rigerman, I was very pleased with this happy outcome.

In reintroducing this resolution, I draw on Mr. Rigerman's personal testimony that the Soviet Government is becoming increasingly sensitive to the pressure of world opinion.

Mr. Speaker, I commend the attention of our colleagues to the text of the resolution and urge that they join in bringing the moral force of this representative assembly to bear on this intolerable situation.

The resolution follows:

H. RES. 245

Whereas the people of the United States, by its Representatives in the Congress, implore the Soviet Union to fulfill a commitment made on December 3, 1966, by Premier Aleksei Kosygin to permit Russian families separated by the ravages of war to be reunited with relatives outside the Soviet borders, and

Whereas it is known that since 1966 there have been more than fifty thousand applications filed with the Soviet Government for family reunions which have not been acted upon, and

Whereas the Legislature of the State of New York has duly memorialized the Government of the United States and the Congress of the United States to promote the emigration of Russian Jews for the purpose of family reunion: Now, therefore, be it

Resolved, That the House of Representatives considers family reunions to be consistent with public policy, with the conscience of its citizens and with the humanitarian hopes and dreams of mankind, and that as a result this body urgently requests the President of the United States to immediately use his good offices to prevail upon the Soviet Government to process the past and current requests for family reunions of Soviet citizens with their brethren outside the Union of Soviet Socialist Republics.

LITHUANIAN INDEPENDENCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the RECORD a resolution adopted by Lithuanian Americans of Greater Detroit commemorating the restoration of Lithuanian Independence and pledging themselves to continue their efforts for Lithuanian freedom and self-determination.

I wholeheartedly endorse the content of this resolution and insert it in the CONGRESSIONAL RECORD for the benefit of my colleagues:

RESOLUTION

We, Lithuanian Americans of Greater Detroit assembled this 14th day of February, 1971, at Mercy College, Detroit, Michigan to commemorate the restoration of Lithuania's independence and to pledge ourselves for continuous fight for Lithuania's freedom from Soviet Union's occupation, do hereby state as follows:

Whereas, the 16th of February, 1971, marks the 53rd Anniversary of the restoration of independence to the more than 700 year old Lithuanian State, and

Whereas, on June 15, 1940, the Soviet Union forcibly occupied and illegally annexed the independent Republic of Lithuania, which fact had been officially confirmed by the findings of the Select Committee on Communism Aggression of the House of Representatives, 83rd Congress of the United States, and

Whereas, the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation, and

Whereas, the Soviet Union, through a program of deportations and resettlement of peoples, continues in its efforts to change the ethnic character of the population of Lithuania and the other Baltic States, thereby committing the offense of genocide, and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights, as most recently demonstrated by the dramatic hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, the heroic attempt of defection by Simas Kudirka and the unsuccessful attempt of escape to Sweden by Vytautas Simokaitis and his wife.

Now; therefore be it resolved, That we demand that the Soviet Union shall withdraw its armed forces, administrative apparatus, and the imported Russian colonists from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights,

That we respectfully request President Nixon to direct the attention of world opinion at the United Nations and at other appropriate international forums on behalf of the restoration of sovereign rights to the Baltic peoples, which policy was recommended to the President of the United States by the House Concurrent Resolution 416 of the 89th Congress,

That we protest the opinions of some officials in the State Department that to raise the Baltic States question at the United Nations is now deleterious, because it would be impossible to gather enough votes for passage of resolution for freedom to Baltic States, and that we deem that to be only an appeasement to Soviet imperialism, for if at one time this resolution may fail it may pass at another time as for example is witnessed by untiring actions of the Communist bloc for admission of Communist China to the United Nations,

That there would be re-established the Baltic Desk in the State Department,

That Lithuanian Jews would not be persecuted by Soviet Union in Lithuania and be allowed the right to leave the country if they want to do so,

That the copies of this Resolution be mailed to President Richard M. Nixon, Secretary of State William P. Rogers, to both Senators and all the Members of Congress from our State and also requesting the legislators to include it in the Congressional Record.

NATIONAL HEALTH INSURANCE STANDARDS ACT

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. MILLER of Ohio. Mr. Speaker, the President has taken a bold step forward in his proposed National Health Insurance Standards Act. It would insure that no American family will be prevented from obtaining basic medical care by inability to pay. The plan would join the public and private sectors in a new partnership to provide adequate health insurance for the American people.

This new partnership is designed to build upon and to improve our present insurance system. Currently, 87 percent of our population own health insurance, and 60 percent of their medical bills are paid by insurance. In spite of this broad coverage, there are still serious gaps and problems.

Included among these problems, of course, are the remaining 13 percent of our people who have no health insurance at all. But most significantly, the present emphasis of too many insurance policies is upon hospital and surgical costs. There is no incentive to the health system to develop more fully and to utilize more economically outpatient facilities and services. The result is an unnecessary and expensive overutilization of acute care facilities. The President's program is designed to overcome these shortcomings. He is to be commended for developing these proposals and submitting them to the Congress.

MARIAN CZARNECKI ANALYZES PARADOX OF LATIN AMERICAN POVERTY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. REUSS. Mr. Speaker, Marian A. Czarnecki, the able senior consultant to the Committee on Foreign Affairs, perceptively outlined some of the related economic and political problems of Latin America in an article in the Milwaukee Journal of February 21, 1971:

REVOLUTION RACES WITH LATIN MISERY

(By Marian A. Czarnecki)

Anyone traveling in Latin America cannot help but be impressed by the sharp contrast between its tremendous resources and the depressing misery of its masses.

It is a paradox how a continent which matches our own in size, can feature so much natural beauty, architectural grace and stylish living side by side with abject poverty and human degradation.

Some find an explanation of this paradox in the Hispanic traditions of Latin America's ruling classes; others in the exploitation of her resources by foreign capital; still others in the passivity and resistance to change of her Indian populations.

Each of those factors undoubtedly has contributed to the reality which is Latin America today. No single one of them, however, provides a convincing answer to the riddle why after 450 years of Western domination, these disturbing facts are true of the southern half of our hemisphere:

It remains surprisingly undeveloped and backward, with its interior largely unopened and its vast resources barely tapped.

It fails to afford meaningful participation in its political, economic and social life to an estimated 60% of its population.

It stands by helplessly as its cities are being overwhelmed by an invasion from the countryside which, together with high birth rates, doubles the size of the urban centers every 10 years.

Its relatively narrow tax base, deteriorating terms of trade with the developed world, high level of external debt and the little understood policies of multinational companies, do not leave it with sufficient resources to change the situation.

The last factor—the inability of the Latin American governments to marshal sufficient resources to advance their countries into the second half of the 20th century—lies at the heart of the growing frustration and sensation of gloom which are becoming noticeable in many parts of the hemisphere.

RUMBLING IN THE ANDES

Three cases involving countries of the Andean group illustrate the consequences, actual and potential, of this rising level of frustration and attendant tension between the elites and the masses of Latin America:

In Peru, in 1968, a military coup ousted the democratically elected government of President Fernando Belaunde Terry for allegedly sacrificing the national interest in settling a long standing dispute with the International Petroleum Co., an affiliate of Standard Oil of New Jersey. The Peruvian military dealers immediately nationalized the IPC's facilities and launched a sweeping program of structural changes in agriculture, industry, mining, banking—and the press.

The declared objectives of the reform decrees handed down by General Juan Velasco Alvarado's government included preservation of Peru's national sovereignty, redistribution of power, opening up of the economy and bringing the masses to participate in the mainstream of Peru's national life.

In Colombia, in 1970, a 70 year old former president, Gen. Rojas Pinilla, came within less than 100,000 votes of defeating the candidate of the National Front coalition which had ruled the country for a dozen years. There were two interesting aspects to that development:

First, Gen. Rojas Pinilla, a military "strongman" was generally credited with nearly wrecking Colombia economically before the National Front took over in 1958.

Second, Colombia's governments of the 1960s were widely acclaimed as examples of what enlightened and dedicated presidential leadership could accomplish in rapid economic and social change.

Obviously, the nearly two million Colombians who voted for Gen. Rojas Pinilla—most of whom came from the lower income sector of Colombia's population—were not impressed by the pace of change or by their own advancement.

Finally, in Chile, the election last fall of a Marxist Socialist, Salvador Allende, revealed not only that the electorate was deeply divided but also that the majority of the Chilean voters favored radical change. Nearly two-thirds of them voted for Allende and Radomiro Tomic, a Christian Democrat with a left of center public image.

This was particularly surprising to many observers because that election followed the six year term of President Eduardo Frei Montalva whose social and economic reforms in Chile were considered to be pace setters for nonviolent change in Latin America.

The issue which towers above all others in Latin America today, and which helps to explain the continent's drift toward radicalism, is the desire of the masses to better their life and to become integrated into their national societies.

In some Latin American countries, more than one-half of the people live at the edge of subsistence, virtually cut off from any direct involvement in the money economy.

According to the United Nations Economic Commission for Latin America, this majority receives 13.4% of Latin America's total personal income. In absolute terms, it averages $110 per person per year.

Awakened by the revolution in communications and stimulated by the transistorized sounds and pictures of life in the city, the masses of Latin America have been marching on her urban centers in numbers too large to be accommodated by local and national governments.

They have surrounded most of the continent's industrial and government centers with belts of slums, variously called favellas, ranchitas or "mushroom towns."

Currently, over 50% of the total population of South America lives in cities, compared to 25% for all the low-income regions of the world. Because of Latin America's high birth rates and continuing internal migration, 80% of her population is expected to be urbanized by the end of the century.

"EXPLOSIVE" UNEMPLOYMENT

The US President's Commission which recently analyzed the causes of our urban disorders drew attention to the fact that nearly 15 million Americans moved into the cities after World War II. That mass migration placed tremendous burdens upon our urban governments and is believed to have contributed significantly to the pressures which erupted in the riots of the late 1960s.

The disruptive potential of the Latin American urban migration derives not only from its size but also from the limited capacity of the Latin American cities to absorb it—particularly to provide the new arrivals with an opportunity for making a living.

According to many thoughtful observers, unemployment is Latin America's most pressing, pervasive and explosive problem. It complicates all of the tasks of the Latin American governments.

Although precise statistics are not available for the entire hemisphere, it is estimated that 11% of Latin America's labor force is unemployed.

The UN Economic Commission for Latin America informs us, however, that an additional 40% of the economically active labor force is only partially employed, or underemployed.

Are Latin America's governments and power elites doing anything to resolve those problems and to advance the social and economic goals of the Alliance for Progress?

Opinions on this issue vary sharply; but it seems that a fair appraisal would have to acknowledge that all of them have tried—some, perhaps, with more determination and skill than others.

Congressman Dante B. Fascell (D-Fla.), chairman of the House Inter-American Affairs Subcommittee, is a level headed realist. He feels that the Alliance for Progress was instrumental in opening the doors to basic change in Latin American and helped to create the base of human and institutional resources necessary for development.

"REVOLUTIONARY" REGIMES WEIGHED

The answers to those questions will be debated for a long time. The point remains that the pace of reform in Latin America will not be determined solely by the elites' willingness to accept change. The roots of the present systems and their inadequacies reach deep into history. They will not be altered easily.

What of the new "revolutionary" governments of South America? Are they the precursors of Soviet type Communist regimes or of right wing military juntas?

Thus far, outside of Cuba, the governments that have been attempting to restructure Latin America's societies are still in their formative stages and appear to owe less to the Soviet model than to their own perceptions of their national interests and necessities.

They have included such varied types as the Christian Democratic government of former President Eduardo Frei of Chile; the National Front (Liberal) government of President Carlos Lleras Restrepo of Colombia, and the populist military government of President Velasco in Peru.

Rep. Clement J. Zablocki (D-Wis.), senior member of the House Foreign Affairs Committee, recently produced some interesting revelations about possible side effects of US military training programs in Latin America.

Zablocki's hearings on national security policy for the 1970s suggested that the acquisition of military skill may provide some people—under certain conditions—with a desire to attempt a goverment overthrow. Apparently, however, the same military training can also serve to sharpen the recipient's social consciousness.

In this respect, it is interesting to note that the conservative military governments of Argentina and Brazil, and the populist military government of Peru, have something more in common than their apparent disdain for political parties and elections; they are strongly nationalisitc and profess dedication to the social justice and economic reform concepts of the Charter of Punta del Este.

Both Congressman Fascell and his Senate counterpart in the field of US-Latin American relations, Sen. Frank Church (D-Idaho) have expressed the conviction that the new economic, social and political organizations which are likely to prevail in Latin America will probably be the products of Latin American traditions and ingenuity.

The next few years should test the accuracy of those expectations.

Where does the United States stand in relation to the change and revolution unfolding in Latin America?

For the past two years, the US government has pursued President Nixon's goal of a "low profie" policy for the hemisphere. In the process, the Alliance for Progress has been quietly moved to a rear burner; US aid program reduced; US military advisory groups slashed in half, and direct US involvement in Latin America's development planning severely curtailed.

A CHALLENGE TO WASHINGTON

Many of our neighbors to the south have welcomed these changes; but they also have waited, anxiously, for the emergence of the new US policy for the hemisphere: a policy embodied in new laws and policies on trade, aid and investments.

Thus far, such a policy has not materialized in definite form.

Prime Minister Pierre Trudeau of Canada has said that the challenge of working out a modus vivandi with the United States was akin to trying to sleep in bed with an elephant.

In the view of many Latin Americans, summed up recently by Rodrigo Botero of Colombia, the problem is not only to avoid getting crushed but also of surviving if the beast decides to go away.

Latin America's dependence on the United States is in some respects overwhelming. A minor US decision on trade in coffee, bananas, sugar, meat, oil or textile can virtually mean to some of our Latin neighbors the difference between being solvent or broke.

In the next two years, the President and the Congress will be faced with the challenge of implementing a policy for Latin America. The direction of South America's internal revolution, its pace and its success, are likely to depend on how they face that challenge.

UNHAPPY ARMENIA

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. COLLIER. Mr. Speaker, last Thursday was the 50th anniversary of the Armenian revolution against the Soviet Union. It was on February 18, 1921, that the people of Armenia made a brave but futile attempt to free themselves from Soviet rule. Half a century of Communist tyranny followed.

The Armenians are an ancient people, their conversion to Christianity having taken place in 301. Throughout the centuries, various peoples, such as Arabs, Egyptians, Mongols, Persians, Russians, and Turks, have ruled over Armenia. Today the land is divided between Turkey and the Soviet empire.

On of the most frightening modern examples of man's inhumanity to man is the policy of extermination which Turkey put into effect during World War I, when over a million Armenians lost their lives. Many who escaped began lives anew in the United States, where they became loyal and industrious citizens.

Mr. Speaker, during the quarter century that has followed World War II, over 60 new nations have emerged as former empires disappeared from the map. Let us hope and pray that the day is not too far distant when free Armenia will resume its rightful place among the independent nations of the world.

FREEDOM—OUR HERITAGE

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. NATCHER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include herewith an excellent essay entitled "Freedom—Our Heritage" which was the winning speech of Mr. Dennis M. Smith, Route 1, Glasgow, Ky., in the Voice of Democracy Contest sponsored annually in each State by the Veterans of Foreign Wars. Dennis Smith is a high school student at the Park City High School and I believe that his views will impress each Member of Congress.

The essay is as follows:

FREEDOM—OUR HERITAGE

(By Dennis M. Smith)

I see Washington at Valley Forge, Jackson at New Orleans, Jim Bowie at the Alamo, they all had a common dream—these lines come from a song by Tommy Cash called, "The Tears on Lincoln's Face." General Planter and President George Washington were one of many who fought for original freedom. Jackson at New Orleans, could represent involvements we have engaged in in order to maintain that freedom. Jim Bowie at the Alamo, signifies involvements we have entered in order to help others to secure the same privilege. These three men all had a common dream: For a man to have the authority to speak against his government without being executed. Or the privilege for a citizen to elect who he wishes to represent him, not who someone in another class desires to elect for him.

Freedom is an intangible commodity, one that can be maintained only as long as those who possess it, are willing to sacrifice for it. The World Book Dictionary defines freedom as "the power to do or say as one pleases" according to this, Freedom would be the power to legally commit robbery, murder, treason or similar acts.

The first amendment to the Constitution spells out just what freedom means. Generally, it is the right to do or say as one pleases until our rights began to interfer with those of others.

Americans have given billions of dollars in food, tools, seed, and medicine to foreign countries. Helping them to survive the pressures of those who wish to destroy our liberty, change our religions, or even rule our lives as a dictator.

Benjamin Franklin once said, "they that can give up essential liberty for a little temporary safety deserve neither liberty nor safety." Thousands of men have died to give us the freedom we possess and to grant us the opportunity to help make this world a better place for all concerned. I am willing to give for my liberty and the liberty of those who will follow after I am long since departed.

Americans have defended freedom for themselves and others as well. Freedom to operate a private business, to choose your religion and free to be proud of what an individual may accomplish for himself not necessarily for his government. Freedom is something we must constantly strive to maintain, for if we lose it for a second we shall lose it forever.

Americans and their allies have fought many wars but all were at least partly for the belief that people should rule themselves. The Revolution, the Civil War, World War I and II, Korea and now Viet Nam. We fight not for land, gold, oil, diamonds, or food but for something of much more value, the intangible commodity of freedom. It's the pride in operating your own business, it's worshipping in the church of your choice, freedom is a thousand things. In turn for each one we must all pay a price—sometimes our lives.

Hundreds of men have died for me and if necessary I shall die for the three basic qualities of a democracy: Life, liberty and the pursuit of happiness—otherwise known as freedom.

THE AGE OF EDISON

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, a very good friend and constituent of mine, Mr. George E. Stringfellow of Arlington, Va., is one of the few people who were privileged to know well, from close association, America's greatest inventor, Thomas A. Edison.

Mr. Stringfellow recently recalled his long association with Thomas Edison in an address before the Bethesda, Md., Kiwanis Club. As I believe his remarks will be of interest to all who admire this great man for his lasting contribution to the well-being of mankind, I insert Mr. Stringfellow's remarks, in full, at this point in the RECORD:

THE AGE OF EDISON

(Address by George E. Stringfellow)

I am privileged to speak to you today about Thomas Alva Edison, who selected me in 1922 to manage one of his largest businesses. I was therefore in daily contact with him from that date until he passed on to his rich reward in 1931.

Historians agree that Edison was the greatest inventor in history. He had only three months of formal schooling, yet he changed the lives of millions of people with his inventions. Edison patented more than eleven hundred inventions in sixty years. Henry Ford suggested that because of the inventor's great contribution to mankind the period of Edison's life should be called "The Age of Edison."

EARLY LIFE

Edison was born in Milan, Ohio on February 11, 1847, one hundred and twenty-four years ago. He passed on to his rich reward in West Orange, New Jersey on October 18, 1931, forty years ago.

Thomas Alva Edison was the seventh and youngest child of Samuel and Nancy Elliott Edison. His father had become a prosperous shingle manufacturer, after fleeing from Canada, during the Revolution of 1837 and 1838. As a youngster, Edison's curiosity led him to ask questions constantly, such as:

1. "How does a hen hatch chickens?"
2. "What makes birds fly?"
3. "Why does water put out fires?"

His mother had been a school teacher, but even she could not answer all of his questions. The youngster would try to get answer by experiment. For example, he noticed that a hen hatched chickens by sitting on eggs. So the boy collected some eggs and sat on them! Edison learned that balloons fly when filled with gas. He persuaded another boy to take a triple dose of Seidlitz powder. Edison felt that this would fill the boy's stomach with gas, and he too would fly. Instead, Edison's friend lay ill on the ground, while the world seemed to whirl around him.

Edison irritated his school teacher by asking so many questions. Edison heard the school master tell his district school inspector that the Edison boy was "addled". He told his mother about the remark, who told the school master in no uncertain terms that her son "had more sense in his little finger" than the school master had in his whole body, and that she was taking him out of school. Thus young Edison's formal education lasted only three months.

At the age of twelve Edison took a job as the "news butcher" on the Grand Trunk Railway that ran from Port Huron to Detroit. He sold newspapers, candy, sandwiches, and peanuts. In his spare time he even printed a newspaper "Weekly Herald", in the baggage car, the first newspaper to be published on a moving train. He later sold newspapers at the Grand Trunk Railway Station in Mount Clements, Michigan, where he noticed a freight car rolling toward the station agent's son. Edison rescued the boy. The grateful station agent taught him how to tap out messages on a telegraph key. Edison's first telegraph assignment was on the Grand Trunk Railway in Ontario, Canada when he was sixteen. On this job, he had to report to Toronto every hour by telegraph signal. He thought this reporting a waste of time. As the result, he rigged up a gadget attached to a clock that set the signal if he was asleep. This was Edison's first invention. It almost cost him his job when the superintendent found him asleep.

In the fall of 1863 he returned to the United States and during the Civil War roamed from city to city as a telegraph operator. In 1868, Edison worked as a telegraph operator in Boston. There he perfected the first invention that he tried to sell. It was an electric vote recording machine, much like those now used in several state legislatures. The machine recorded the votes of legislators on a big board. Edison took his invention to Washington, D.C. and tried to sell it to the United States Congress. A committee gave him a hearing, but the Chairman explained that such a device was the last thing that the Congressmen wanted. "It takes forty-five minutes for a roll call," the Chairman explained to the young inventor. "In that time we can trade votes. Your machine would make that impossible," concluded the Chairman. Edison was annoyed by this treatment. "I will never again invent anything which nobody wants," he said. And he kept his word. From that time on he devoted himself to what he called the "desperate needs" of the world.

Edison drifted from Boston to New York City in 1869. He arrived nearly penniless, and persuaded an employee of the Gold Indicator Company, the stock ticker firm, to let him sleep in the office. Edison spent much of his time studying the stock ticker, the device the company used to report the price of gold to stock brokers. When the stock ticker broke down, Edison astounded the management by fixing it after other persons had failed. The manager at once offered Edison a job as supervisor at $300.00 a month, a large salary at that time.

Edison's busy mind kept him experimenting on the stock ticker. He made improvements that interested the head of the business who sent for Edison and asked him how much he wanted for his various patents on the stock ticker.

Edison decided he might dare ask $5,000 but would accept $3,000. Hesitating between the two figures, he said, "Well, suppose you make me an offer." The manager thought for a while and then asked, "How does $40,000 strike you?" For a moment Edison had trouble getting control of himself. He seized the table to steady himself, and said slowly, "Yes, I think that will be fair."

Edison used this $40,000, which in buying power of that date probably equaled several millions now, to set up a research laboratory and to engage personnel to help him in his research, and it was from perfection of the telegraph instrument that made it possible for Edison to multiply himself a thousandfold. He believed in and applied the four basic principles of management: (1) Plan, (2) organize, (3) delegate, (4) supervise.

Great industries, employing many millions of persons, followed in the wake of Edison's discoveries. There came from his laboratory a supreme gift—a higher standard of life and a higher living standard for the world.

His contributions were so great no one can yet entirely estimate his place in history, but it can at least, be said of Edison, as it was said of Lincoln and can be said of few others, "Now he belongs to the ages."

Three years before Edison passed on to his rich reward, a special Congressional Medal of Honor was given to him for development and application of inventions that revolutionized civilization. Few men have received, or receiving, deserved, such a compliment from the United States Congress.

May I give you Edison's last public utterance which, in my opinion, remains the best advice that could be given to a perturbed world. It was:

"Be courageous. I have lived a long time. I have seen history repeat itself again and again. I have seen many depressions in business. America always had come out stronger and more prosperous. Be as brave as your fathers before you. Have faith. Go forward."

I shall now be glad to answer questions about one of mankind's greatest benefactors, Thomas Alva Edison.

TO CONTROL ILLEGAL DRUGS

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. MONAGAN. Mr. Speaker, earlier this month I introduced two measures directed against the illegal international traffic in drugs.

House Concurrent Resolution 129, which I introduced on February 4, expresses congressional support for strengthening the power of the United Nations to suppress illegal production and traffic in narcotics and dangerous drugs. The bill further directs the President, in furnishing assistance under part I of the Foreign Assistance Act of 1961, to take into account the contribution each country is making to the achievement of the objectives of the resolution. H.R. 4146, which I introduced on February 10, amends section 620 of the Foreign Assistance Act of 1961 to authorize the President to suspend in whole or in part, foreign aid to any country which failed to cooperate with the United States in reducing illegal drug traffic. Under the terms of H.R. 4146 the President would have the power to impose economic sanctions on those countries which would not control the illegal production and export of narcotics.

An excellent editorial in support of my approach to control illegal traffic in drugs appeared in the February 17 edition of the Naugatuck Daily News, and I am inserting the editorial in the RECORD at this point:

TO CONTROL ILLEGAL DRUGS

Naugatuck citizens can hardly be unaware of the fact that this community, like thousands of others, has a drug problem.

In this respect, we must acknowledge that we are far from being alone.

Nor are we alone in our efforts, however meager, to combat the problem.

We should, therefore, take the time to consider the drug abuse problem not solely from the angle of local concern, but in the broader scope.

That's why we think that Naugatuck people should go on record as giving their staunch support to the proposal of U.S. Rep. John S. Monagan (D-Conn.) offered in a concurrent resolution, which expresses congressional support for strengthening the ability of the United Nations to curb illegal production and illegal international traffic in narcotics and dangerous drugs.

Rep. Monagan has detailed, in the first part of his resolution, the various steps which can be considered necessary to the eventual suppression of the illegal drug traffic, steps which need not be detailed here. The full information is available from the congressman's office, if anyone should want it.

But the "teeth" in the resolution, it seems to us, are to be found in a second bill offered by Rep. Monagan, which elaborates on Point 4 of the original resolution.

It would amend Section 620 of the Foreign Assistance Act of 1961 to empower the President of the United States to suspend, in whole or in part, U.S. foreign aid to any nation which failed to cooperate with the United States in reducing the illegal international drug traffic. The President would thus have the power to impose economic sanctions on those nations which would not control their illegal production and export of narcotics.

If you want to make a man pay attention, hit him where it hurts—in the pockbook!

That is what the United States would be doing under such conditions.

They may call him Uncle Sap behind his back, or even to his face, but they still like the dollars he hands out with such a lavish hand.

If you like what the congressman is proposing, let him know about it.

THE U.S. NAVY SUPPLY CORPS—176 YEARS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. LONG of Maryland. Mr. Speaker, today is the 176th anniversary of the U.S. Navy Supply Corps. I would like to mark this occasion by including the following article in the RECORD to summarize the history and the work of the corps for my colleagues. My hearty congratulations and warm thanks go to all the members of this organization for the efficient and dedicated service they have performed for almost two centuries:

THE U.S. NAVY SUPPLY CORPS—176 YEARS

Having progressed from supplying cannon balls to guided missiles, from provisioning wooden frigates to nuclear-powered vessels, the United States Navy Supply Corps will celebrate 176 years of "Service to the Fleet" on February 23, 1971.

The Navy Supply Corps, "Business Managers of the Navy," trace their history back to 1795, in the early years of our democracy, when Congress created the post of Purveyor of Public Supplies. Tench Francis, the first appointee to that position and the prototype of the Supply Corps officer, was responsible for providing material support to the six wooden frigates that comprised our infant Navy.

The federal legislation that had authorized the building of those ships had specified that "there shall be one purser of warrant officer rank aboard each ship." The purser's task was to maintain adequate supplies aboard ship, supported by purchases from vendors ashore. Thus the ashore and afloat support responsibilities, combined in today's Supply Corps officers, were created.

In the past 176 years, the Corps has pioneered in developing techniques which have permitted our Navy to sustain operations ever since the beginning of the 19th Century. They have insured that our naval presence can be felt whenever and wherever it may be needed.

One of the earliest of these innovations was the first resupply of a Navy vessel at sea during the Blockade of Tripoli in 1804. Fresh provisions for the blockading squadron were transported by the ketch Intrepid. This was the forerunner of today's sophisticated transfer-at-sea methods of the service forces which sustain our Nation's warships at sea.

Since that time the Supply Corps has played a leading role in establishing the general stores and central messing systems, in modernizing the Navy's accounting methods and operations, and publishing the first standard stock catalogs. The past fifteen years have seen the Corps take the lead in adapting computers and advanced business management techniques to military support problems. Today, Inventory Control Points, Stock Points Ashore, and ships at sea are linked together by a computer network, providing an integrated supply system to meet the demands of supporting the sophisticated weapons systems employed by our naval forces.

Throughout our naval history, the Supply Corps has proved itself a vital part of the Navy's operations. During the World Wars, the Corps drew heavily on business and industry for reserve officers to meet the wartime demands of supply and logistics which supported combat operations around the globe.

During and after World War II, the Navy Supply Corps felt the impact of newly development electronic equipment, highly advanced ships and jet aircraft. The Supply Corps has kept pace with the tremendous technological developments in science, industry and management. New specialist demands have broadened the horizon of supply operations and put new emphasis on experience and knowledge of the diverse functions of the Corps.

Today, the Supply Corps officer is one of a team of 5700 specialists with a wealth of training, experience, and expertise in financial management, inventory control, data processing, resale system management, procurement, transportation, petroleum management or in any of the several other business management areas that spell out "Service to the Fleet." Most Corps officers are college graduates, all are graduates of the Navy Supply Corps School at Athens, Georgia, and almost twenty percent of the Corps hold advanced degrees as well.

The Supply Corps officer may be stationed anywhere in the world, for there is hardly a command of consequence where his services are not utilized—from the Antarctic Support Forces to the Pacific Missile Range. Heavily involved in broad logistical planning, he serves on Joint Staffs, at the Office of Chief of Naval Operations, at the Office of Chief of Naval Material and in all major fleet commands.

Navy Supply Corps officers command large and small shore installations in the United States and overseas—from Inventory Control Points and Supply Centers to small finance offices and commissary stores.

Regardless of where he serves, the Supply Corps officer's basic responsibility is to ensure the logistical support of the operating forces—to meet what Admiral Alfred Mahan called ". . . the urgent necessity of possessing tools wholly fit for the work which warships are called upon to do."

With the motto of "Ready for Sea," the United States Navy Supply Corps, a vital force in the management of a world-girdling logistics network supporting our fighting fleets, looks forward to many more years of dedicated service to the Navy and the Nation.

ECOLOGY—OF CONCERN TO US ALL

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mrs. DWYER. Mr. Speaker, one of the more distinguished newspapers of my 12th Congressional District of New Jersey, the Courier-News of Plainfield, recently published a special supplement entitled "1971 Business, Review and Forecast." One section of this supplement was devoted to a discussion of the environment, and I was privileged, along with selected area business and community leaders, to contribute to this feature section. Following are my remarks as they appeared in the Courier-News on January 26, 1971:

NOT A FAD

(By Representative FLORENCE P. DWYER)

Two or three years ago, when the boom in environmental protection first gathered steam, skeptics were quick to predict that this would be just another short-lived fad.

It should be obvious today that this cynical view seriously underestimated our people's concern for their own safety and their regard for the well-being of our country. This is an issue involving the fundamentals of survival.

Public concern about air, water, land and noise pollution must be viewed henceforth as a permanent factor in our public and political life. Despite the unprecedented fight we have launched against all forms of pollution, this generation has inherited so much abuse and neglect of natural resources that it will not suffice merely to abate the levels of pollution. They must be eliminated entirely or reduced to an absolute minimum, and this effort must be coupled with the restoration of our air, land and water to levels of purity which few of us have ever seen.

Progress this year has been encouraging, as these illustrations demonstrate:

The Clean Air Act, the Water Pollution Control Act, and the Solid Waste disposal Act have all been strengthened with added authority and additional funds.

The Environmental Protection Agency was established to lead and coordinate the federal effort against pollution. The product of a reorganization plan which was approved by my Government Operations Committee, the EPA has already made an encouraging beginning including preparation of the National Industrial Wastes Inventory, which should vastly improve enforcement of the pollution control laws and regulations.

The National Oceanic and Atmospheric Administration was also established as a result of a reorganization plan approved by our Committee. Among other things, this new agency will focus on the protection of the vast resources of the oceans and the atmosphere from further pollution.

The United States Army Corps of Engineers has issued extensively revised regulations which will require that future river and harbor development schemes meet strict new ecological criteria before being approved.

The 1899 Refuse Act, potentially the most effective statutory means of preventing pollution of streams and waterways, was rediscovered as an anti-pollution weapon by our Committee and was given potential new effectiveness by the President in his executive order of last month. This executive order will implement the law which prohibits the dumping of any kind of refuse in any significant waterway without a permit from the Corps of Engineers.

Environmental protection will not be

cheap or easy. Reclaiming our resources and protecting our eco-system will cost a great deal—in money, in persistent determination, and in the need to change comfortable habits and patterns of consumption, land use, and disposal practices. Major pollutors will balk at some of these costs. Efforts will be made to weaken or delay enforcement of anti-pollution regulations. And our own determination to see the job through will be subject to many temptations to relax our efforts.

I am personally, confident that the American people will not let this happen.

My own agenda for environmental protection in the future will include these steps:

1. Strengthen oversight activities in Congress to assure that congressional mandates are carried out.
2. Provide for easy governmental action to prevent pollution before it happens rather than react to it after it has done its damage.
3. Assure appropriations adequate to implement effectively the requirements of the law.
4. Increase our efforts to reach school-age children with the environmental message and encourage and educate them to accept the responsibilities which will soon be theirs—an objective for which I hope to offer a specific plan shortly.
5. Emphasis on the environmental needs of older urban and suburban areas where the quality of life has suffered so demonstrably.

Our environment belongs to each of us individually and to all of us collectively. In our individual lives, therefore, as well as through the organizations to which we belong, our stewardship of the air, water and land we use imposes obligations we cannot shirk.

YOU HAVE GOT TO PAY THE PRICE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. BIAGGI. Mr. Speaker, when Vince Lombardi of the Washington Redskins died last September, this Nation lost a great Italian American. He was a man of honor and dignity and dedication to doing things well.

In an effort to commemorate his great contribution to American society, I have urged the Postmaster General to issue a stamp in his honor.

Today, I share with my colleagues a few of Vince Lombardi's thoughts on winning:

YOU HAVE GOT TO PAY THE PRICE

(By Vince Lombardi)

Winning is not a sometime thing; it's an all-the-time thing. You don't win once in a while, you don't do things right once in a while, you do them right all the time. Winning is a habit. Unfortunately, so is losing.

There is no room for second place. There is only one place in my game and that is first place. I have finished second twice in my time at Green Bay and I don't ever want to finish second again. There is a second place bowl game, but it is a game for losers played by losers. It is and always has been an American zeal to be first in anything we do and to win and to win and to win.

Every time a football player goes out to ply his trade he's got to play from the ground up—from the soles of his feet right up to his head. Every inch of him has to play. Some guys play with their heads. That's O.K. You've got to be smart to be No. 1 in any business. But more important, you've got to play with your heart—with every fiber of your body. If you're lucky enough to find a guy with a lot of head and a lot of heart, he's never going to come off the field second.

Running a football team is no different from running any other kind of organization—an army, a political party, a business. The principles are the same. The object is to win—to beat the other guy. Maybe that sounds hard or cruel. I don't think it is.

It's a reality of life that men are competitive and the most competitive games draw the most competitive men. That's why they're there—to compete. They know the rules and the objectives when they get in the game. The objective is to win—fairly, squarely, decently, by the rules—but to win.

And in truth, I've never known a man worth his salt who in the long run, deep down in his heart, didn't appreciate the grind, the discipline. There is something in good men that really yearns for, needs, discipline and the harsh reality of head-to-head-combat.

I don't say these things because I believe in the "brute" nature of man or that men must be brutalized to be combative. I believe in God, and I believe in human decency. But I firmly believe that any man's finest hour—his greatest fulfillment to all he holds dear—is that moment when he has worked his heart out in a good cause and lies exhausted on the field of battle—victorious.

CONVERTING BUREAUCRATS INTO BUSINESSMEN

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. ROBISON of New York. Mr. Speaker, not too many months ago the Congress, after much deliberation, took an historic step in the direction of true governmental reform by authorizing the conversion of the Post Office Department into a semi-independent, Government corporation to be known as the U.S. Postal Service.

The new postal service will swing into action on July 1, next, in its reorganized, semi-independent status charged, among other responsibilities, with the duty of putting its operations on a sound financial basis. The Postal Reorganization Act—as we may recall—requires the service to cover all its costs of operation, including a reasonable provision for contingencies, through revenues from mail services and specified appropriation from Congress. The act provided that all postal revenues would—after July 1—be permanently available to the service, which was also given authority to borrow up to $10 billion, to be used, with certain limitations, for both capital investments and operating expenses. As I understand it, this $10 billion appears as a one time increase in budget authority in 1971—by virtue of enactment of the Postal Reorganization Act.

It would appear from the 1972 budget estimates that the new service intends to use some $250 million of its borrowing authority, during the upcoming fiscal year, and expects to supplement its revenues—as the same as augmented by the currently proposed and pending postal rate increases announced a few day ago—through an appropriation of $1,472 million, which figure includes $934 million for the public service subsidy called for under the act, $481 million for "revenue foregone" on free and reduced-rate mail, and $56 million for liabilities incurred by the former Post Office Department for payments to the Employees Compensation Fund. The actual size of the required appropriation depends in part, however, on both approval of the suggested rate increases, as now before the Postal Rate Commission, and the outcome of wage and pay negotiations between the service and its employees and their organizations.

This is the first time around the track for all of us—the service, the completely independent Rate Commission, and of course the Congress, including the newly named Treasury-Post Office-General Government Subcommittee of the House Committee on Appropriations, on which I am privileged to serve. All will have to accommodate themselves to the realities of the reorganized service setup, and the revised budget and appropriation procedures as we move along.

In the meantime, however, the transition from a Post Office Department to the new U.S. Postal Service goes forward and, by and large, I think is going well; as evidence of which I submit the following story from today's Wall Street Journal.

I include the article as follows:

NEW POSTAL CORPORATION SEEKS TO BECOME A BUSINESS RATHER THAN A BUREAUCRACY

(By Kenneth H. Bacon)

BALTIMORE.—Warren M. Bloomberg doesn't call himself a businessman.

But his employer considers him a businessman, and is working hard to make Mr. Bloomberg and his colleagues better businessmen. Which is probably a good idea, because Mr. Bloomberg's employer is operating at a $2.3 billion annual deficit and selling a service that many customers deem unreliable—the U.S. mails.

Many efforts by the new government postal corporation to improve mail service focus on Mr. Bloomberg, the postmaster of Baltimore, and on the men like him who run the nation's 110 largest post offices. These facilities handle about 62% of the mail, with the rest divided among some 31,900 other post offices.

"I would define a postmaster as the general manager of a subsidiary of a large corporation," says Frank J. Nunlist, assistant postmaster general in charge of operations. In keeping with this concept, postmasters have recently been given more freedom to spend money, adjust local service and deal with their employes.

This is a dramatic change from the past, when postmasters were regarded as political operatives. Until a February 1969 presidential order ended the political-appointment practices, a man needed congressional backing to become a postmaster.

ABILITY NOT POLITICS

Last November, for the first time in more than a century, the Post Office started appointing postmasters on the basis of ability rather than politics. Now postmasters are receiving training in management and business techniques to prepare them for an increasingly larger role in running the mail service. The hope is that with a better background in budgeting, decision-making, and problem-solving, they will help the postal service cut its costs and improve mail service.

The old political-appointment process often meant that outsiders got the postmaster jobs. While most appointees performed competently, Mr. Nunlist explains charitably, some postmasterships went to "planter-philosophers"—men whose main aim was to "sit back and take a broad view of things."

As a result, a highly centralized management system developed. Rules for running post offices were laid down in a giant manual that tried to deal with every contingency from flying the flag at half staff to tracing missing mail.

"Decisions were made at the national level, mainly because of political considerations," says Carl C. Ulsaker, director of the Washington postal region, which includes the District of Columbia, Maryland, Virginia and West Virginia.

In 1968 a White House commission told President Johnson that the "Post Office's principal failure is one of management." The commission, headed by Frederick R. Kappel, retired chairman of American Telephone & Telegraph Co., recommended that the Post Office be dropped from the Cabinet and run as a business.

WILL A PROMISE BE DELIVERED?

In line with these recommendations, Congress voted last summer to remove the Post Office from congressional control and turn it over to a semi-independent corporation, the U.S. Postal Service. Now officials must deliver on their promise to make the mail service more efficient.

The new business stance of the Postal Service involves more than reshaping the job of postmaster, of course. Through a combination of boosting its rates by $1.45 billion a year and reducing costs, the service hopes to operate on a break-even basis. In addition, it's reviewing its building programs, revising its mail-processing system to channel more mail through offices with automated handling equipment, and studying a number of new mail services to meet the needs of business mailers willing to pay for premium service.

To diffuse the highly centralized management system, the Postal Service is delegating more responsibility to local postmasters. "What we are doing little by little is to give a postmaster a broad guidance reference along with resources in terms of manpower and dollar allocation then let him operate within that so that he won't have to refer every problem up to the regional level," explains Mr. Ulsaker, the regional director.

Postmaster Bloomberg sees the difference. "We don't have to call the region on a hell of a lot of things we had to call on before," he says. Washington officials now realize, he says, that "we know Baltimore better than anyone else and that we know where we have to expand service and otherwise adjust it." Until recently, he adds, "I had responsibility but no authority."

ELIMINATING PAPER WORK

The newly delegated powers have helped "eliminate the paper work and the time" previously required to secure regional approval of any change, says William A. Colbert, the assistant director of operations in Baltimore. Now, for example, he can institute mail service to recently constructed office buildings and extend service to new housing developments without regional approval.

The new authority also makes it easier to deal with the private truckers who carry mail in and out of Baltimore. The post office can contract with the carriers without the regional approval previously required, and it can discipline those who provide irregular or inadequate service.

"Before," Mr. Colbert says, "we had to say 'John Smith's truck leaks and the mail is getting wet' and wait for a reply" from Washington. Now the Baltimore office just tells the contractor either he gets the truck fixed immediately or another carrier will be substituted until it is fixed.

Until a year ago the Baltimore office couldn't pay its own utility bills either. The bills had to be certified and forwarded to a center in Atlanta for payment. Baltimore and other major post offices have also recently received authority to open small branch offices without higher approval and to make repairs and improvements costing up to $2,000.

Other recently delegated authority makes it easier for Postmaster Bloomberg to promote subordinates and adjust pickup and delivery service.

SHADES OF BEN FRANKLIN

Taken together, Mr. Bloomberg says, the changes make it easier to operate the Baltimore post office, the nation's 13th largest. Housed in a 40-year-old federal building in the center of Baltimore, the post office often seems to run on little more than patience and persistence.

As in most post offices, clerks still sort most of the mail by hand, throwing it into pigeonholed cases similar to those used in the time of Benjamin Franklin, the nation's first Postmaster General. The processing area is too small to handle the daily volume of four million pieces, so some of the 5,800 employes work at makeshift facilities in the hallways.

But next fall the Baltimore office will move into a spacious new building filled with modern mail-processing equipment. The budgeting basis will be different, too. For the fiscal year beginning July 1, Postmaster Bloomberg is asking for a budget of about $60 million. Previously postmasters in big cities had no budget; everything was decided by regional bosses.

The new budget system has "made everybody more cognizant of the need to watch his expenditures," says Mr. Bloomberg, who frequently jokes with his workers about the cost-watching. "It costs me 13 cents each time one of you guys rides this thing," he tells a group of employes in an exasperatingly slow elevator.

But the cost-slashing effort is a serious matter for the new Postal Service. The Kappel commission estimated that more efficient management could cut about 20% from postal operating costs, which will run about $10 billion this fiscal year.

The campaign has already begun. "We've actually established goals in all our post offices to realize savings by contacting all the big mailers and working out mutually beneficial ways to get mail into the system," Mr. Ulsaker explains.

EXCEEDING A GOAL

The savings target for the Baltimore post office in the fiscal year ending June 30 is $168,000, and Mr. Bloomberg says he will do even better. Savings are realized by inducing big mailers to sort and bundle their mail in ways that will save processing in the post office. In return, the post office promises faster delivery and may send postal employes to the company to help get out the mail.

"There's a lot of money to be saved through good customer-relations representatives doing their jobs," observes the 56-year-old Mr. Bloomberg, who started as a clerk in 1931. He says his emissaries now are trying to work with businesses to eliminate Saturday delivery to firms open only five days a week.

In addition, Mr. Bloomberg and his men have been successful in getting banks, utilities and other big mailers to arrange local mail in such a way that it goes directly to the letter carrier who will deliver it, thus bypassing most processing steps.

To help convert postmasters from bureaucrats to businessmen, the Postal Service has more than doubled training outlays over the past two years. It's spending $41.9 million this fiscal year, up from $37.3 million last year and $18.4 million in the year ended June 30, 1969, with a large part of the boost going for postmaster training.

Postmasters now are given a two-week course in general management principles "from the point of view of a businessman," according to Harry D. Kolb, who runs the Postal Service management institute in Bethesda, Md. In addition, postmasters attend courses given by the American Management Association, and the Postmaster Service is also setting up courses for postmasters at such well-known business schools as Columbia and Stanford.

The training program aims to build a level of skilled managers that wasn't achievable in the past because of a rigid seniority system and the political appointment of postmasters.

"When I came into this business (29 years ago) there was an unwritten law that unless you had 20 years in the postal service you didn't even apply for a supervisor's job," recalls Boston Postmaster George K. Walker. "And by the time you'd been in 20 years, you didn't care anymore."

But even after years with the post office a qualified person wasn't likely to become a postmaster. The Kappel commission estimated that two-thirds of the postmasters appointed in the last decade were brought in from outside for political reasons.

Last November when the post office made its first postmaster appointments on the basis of merit, Boston's Mr. Walker won promotion into one of the 5,000 vacant postmasterships around the country. "By my promotion, six other promotions ensued down the line. Never in my career has the opportunity been greater" for postal employes, Mr. Walker asserts. "Morale has increased tremendously."

ALBERT H. RUWET RECEIVES ELOY ALFARO GRAND CROSS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. GIAIMO. Mr. Speaker, I was pleased to learn recently that Mr. Albert H. Ruwet of New Haven, Conn., has been awarded the Eloy Alfaro Grand Cross and Diploma, the highest award of the Eloy Alfaro International Foundation of the Republic of Panama.

Mr. Ruwet has spent his life in the service of his fellow man through religious, fraternal, and civic organizations. He became a Mason in 1920 and served as the master of Olive Branch Lodge 84, A.F. & A.M. in New Haven in 1929 and as grand master of Connecticut in 1958 and 1959. He was executive director of the Masonic home and hospital in Wallingford and was active in the construction of three Shriners' hospitals. He is presently involved in cerebral palsy research at Gaylord Hospital, Wallingford.

It is a pleasure to recognize the accomplishments of Albert H. Ruwet, Mr. Speaker, and to congratulate him for receiving the Eloy Alfaro Grand Cross. I wish to place in the RECORD at this point statements by Mr. Samuel Mann, worshipful master of Olive Branch Lodge 84, A.F. & A.M., and Dr. Domenick Ierardo, American deputy provost of the Eloy Alfaro International Foundation:

OLIVE BRANCH LODGE NO. 84, A.F. & A.M.,
NEW HAVEN, CONN.

If a prize were to be awarded the hardest working individual in any group, it would not take long for the judges to determine where it should go—to the Most Worshipful Past Grand Master Albert H. Ruwet, 33°. "Uncle Al," as we affectionately identify him, was taken completely off guard by the Worshipful Master of Olive Branch Lodge, when he was unexpectedly summoned to the lectern, but he rallied to make a brief, yet moving, response.

By unanimous vote of the Board of Dignitaries of the Eloy Alfaro International Foundation of the Republic of Panama, the Eloy Alfaro Grand Cross and Diploma—the foundation's Highest Honor—was bestowed upon Albert H. Ruwet 33°, Most Worshipful Past Grand Master of the State of Connecticut, 1958–1959.

Mr. Samuel Mann, read a citation which paid tribute to Brother Ruwet, in recognition of his outstanding service to mankind, to Masonry and to his country, particularly for his efforts in the building of the three special Shriner's Hospitals for burns. Brother Ruwet's outstanding activities in behalf of humanitarian causes through religious, fraternal, civic and patriotic organizations are in keeping with the aims, ideals, principles and purposes of the Eloy Alfaro International Foundation of the Republic of Panama.

Brother Ruwet is a native New Havener, and attended school in the City of Elms. He is the former Manager of Sealtest Food Division, and a retired Executive Director of the Masonic Home and Hospital in Wallingford, Connecticut.

He served Masonry in so many assignments that a complete list is almost impossible to compile. "Awards descended upon him, in such profusion as to be almost an embarrassment", a biographer relates. Through it all "Uncle Al" retained his characteristic modesty. He was made a Mason in Olive Branch Lodge No. 84, A.F. & A.M., in 1920—over fifty years ago. He served as its Master in 1929. Coronated a thirty-third in the Ancient and Accepted Scottish Rite, he served as Illustrious Potentate of Pyramid Temple, Bridgeport and held office in Royal Arch Masonry as well as New Haven Commandery, Knights Templar, and Order of the Eastern Star. He is a Past Governor of Rotary International. Presently he is the Monarch of Hejaz Grotto, M.O.V.P.E.R., and is involved in Cerebral Palsy research at Gaylord Hospital, Wallingford.

A few of the other recipients of this award were: the late John F. Kennedy, Dwight D. Eisenhower, Everett Dirksen 33°, General Douglas MacArthur 33°, J. Edgar Hoover 33°, Past Grand Master of Connecticut William F. Booth 33°—a brother of the late Yale immortal Albie Booth, and many others.

SAMUEL MANN,
Worshipful Master, Olive Branch Lodge No. 84, A.F. & A.M.

ELOY ALFARO INTERNATIONAL FOUNDATION OF THE REPUBLIC OF PANAMA,
New York, N.Y.

We are assembled here in New Haven to honor an outstanding and distinguished brother of reknown, Albert H. Ruwet, Past Grand Master of Masons of the State of Connecticut, with the top honor of this Foundation—The Eloy Alfaro Grand Cross and Diploma.

We are here, this evening, to honour you in testimony; first of our faith in the ideals of American Democracy; secondly, in our devotion to the cause of universal brotherhood as the follower of these ideals; and thirdly, because of our confidence in the cooperation of all the peoples of the Western Hemisphere in the preservation of human freedom and peace of all the peoples of the world.

Such was the pattern and life of our standard bearer, the immortal Eloy Alfaro, the greatest Democrat of Ecuador.

The Eloy Alfaro International Foundation has neither poltical or lucrative purposes. The finality is to pay tribute to the memory of Eloy Alfaro, and make available all knowledge of his life and works, as a statesman and liberator. What Alfaro undertook and accomplished in half a century, constitutes the essential transformation of normal people.

It is most fitting, therefore, for us this evening, that we of the Eloy Alfaro International Foundation, have selected to present this highest award to a great American and Humanitarian. None can doubt the limitless faith of Albert H. Ruwet the ideals of democracy and in the belief of our guest of honor that it was not from human hands, but from the Great Creator that every man, woman and child inherits the inherent right of life, human liberty, happiness, and equal opportunity for learning, which has been the lifework of Brother Booth, and with such opportunity the priceless possession of truth, which alone can make man free.

You know, my dear Brother Ruwet that you now join a very select and elite group of Americans who have been similarly honored in the past. They include former Presidents, John F. Kennedy, Franklin D. Roosevelt, Herbert Hoover, Dwight David Eisenhower, Harry S. Truman, President Lyndon B. Johnson, Vice President Hubert H. Humphrey, and other dignitaries such as F.B.I. Director Edgar J. Hoover, former Governor Averell Harriman, the late General of the Armies Douglas MacArthur, Senators Mansfield, Dirksen and Pastore, Governor Nelson A. Rockefeller, President Richard M. Nixon, H. E. Adlai Stevenson, Congressmen Celler and Ford, Senators of the State of New York, Brydges and Zaretzki, Assembly speaker Anthony J. Travia, the Hon. Charles J. Tobin, Jr., the U.S. Commissioner of Education, Harold Howe, the Hon. George E. Bushnell, and the Hon. Albert Conway, former Chief Judge of the Court of Appeals of the State of New York, who typify the caliber of men who have been theretofore honored.

"The Eloy Alfaro International Foundation, recognizing the special value of the services rendered by Albert H. Ruwett, in support of the objectives of this Institution, he has been awarded the Cross of the Eloy Alfaro International Foundation. In witness whereof, this Diploma, with the seal of the Foundation, is presented in the city of Panama, Republic of Panama, on the 25th of June 1970.

Congratulations Brother Ruwet, and may you enjoy this honor for many years to come!

DR. DOMENICK IERARDO,
American Deputy Provost,
E.A.I.E. of the Republic of Panama.

SECTION 920 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. SISK. Mr. Speaker, I should like to supplement the remarks made on February 18 by my distinguished colleague and good friend, the gentleman from California (Mr. HANNA). The material relative to the legislative history of section 920 of the Housing and Urban Development Act of 1970 submitted by Mr. HANNA is of great interest. It indicates the complete consensus which existed between the Congress and Chairman Martin as to the meaning of the provision at the time of its enactment. The letter penned by Chairman Martin leaves no question of the remedial effect of section 920. I am pleased that the legislative history on section 920 of the act is now complete. I trust that the materials provided by Mr. HANNA will, when read with floor debates and the text of the amendment, enable industry leaders to understand and those who administer the new provision to faithfully implement the purpose and intent of the new law. When this provision is so implemented, substantial progress to the national housing goal will be furthered.

KIDNAPING AND TERRORISM

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. STUCKEY. Mr. Speaker, recently I had occasion to meet Ambassador Roque J. Avila of Paraguay who represents his government herein Washington. My conversation with him was so informative in terms of developments in Latin America, that I wish to call it to the attention of my colleagues in Congress.

Recently there was a meeting here in Washington of the 23-member nations of the Organization of American States, to consider a resolution against political kidnaping and terrorism in Latin America. The Republic of Paraguay delegation was headed by Foreign Minister Raul Sapena Pastor who has served in that capacity for 14 years and is the second most senior Minister of Foreign Relations in the world today. I read the text of his speech in connection with terrorism in the Western Hemisphere and I strongly compliment him for his forthright position.

I think it is regrettable that all of the members of the OAS would not agree upon a strong resolution condemning terrorism. I think Americans will admire the courage and leadership of Paraguay, Brazil, Argentina, Ecuador, Guatemala, and Haiti in withdrawing from the meeting in protest against the weak and inadequate resolution proposed by the eight-nation group willing to settle for a watered down version. In my judgment, it is in the interests of the United States to join Paraguay in strongly condemning terrorism and kidnaping in the most forthright terms. This can be done without infringing on the concern among Latin American governments for the right of political asylum.

I represent a district in the State of Georgia not too far removed from the danger of missiles with nuclear warheads now believed to be based in Cuba under the sponsorship of Soviet Russia. I view with alarm the fact that the Government of the United States is vigorously defending freedom in Southeast Asia and the Mideast but seems to be more or less asleep when it comes to the spread of communism in Cuba, the increasing danger of atomic weapons and Russian submarines operating from Cuban bases, the Marxist-Communist takeover in Chile, and the intensification of terrorist and guerrilla activities and similar evidences of Communist expansion in the Western Hempishere.

President Alfredo Stroessner of Paraguay has been one of the strongest opponents of the spread of communism in Latin America. Paraguay was the only government that offered to send troops to support the action of President Johnson in the Caribbean in repelling the advance of communism there a few years ago. President Stroessner and the people of Paraguay are perhaps the best friends the United States has left in Latin America today, and I think the speech of Dr. Sapena Pastor, Paraguay's Foreign Minister, in dealing with terrorism at the recent meeting of the OAS is a document worthy of the study of all interested Americans. When Paraguay takes leadership in this area, it speaks for the best interests of all nations in the Western Hemisphere who believe in freedom and who oppose communism.

DON'T CUT SPACE BUDGET FURTHER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. ANDERSON of California. Mr. Speaker, the aerospace team that placed man on the moon is in danger of being completely disassembled. The aerospace team has received much well-deserved acclaim, but, now, some people seem to forget the achievements that have accrued to our society from the space program.

The Los Angeles Times has taken issue with those who might favor drastic cutbacks in the space program and I have found two recent articles to be especially timely.

First, I would like to insert in the Record the editorial from January 31, 1971, entitled "Don't Cut the Space Budget Further," and, secondly, "Space Cutbacks Appear Economic Only to Those Who Can't Look Ahead."

The articles follow:

Don't Cut Space Budget Further

One eminent scientist, pondering what this country's program for space exploration should be in the decade ahead, likened our situation to that of the Pilgrims standing on Plymouth Rock, trying to decide what to do next:

"Should we strike inland and determine the outline of a new continent? Reboard ship and go to some other distant and unknown place? Or go home?"

In theory, the fog of uncertainty should have been largely dispelled last autumn when the national space agency came up with a revised program of space launchings—manned and unmanned—for the 1970s.

Unfortunately, however, uncertainty persists because a lot of Americans—too many, we think—have decided that having beaten the Russians to the moon, the United States should climb down off Plymouth Rock, go home and forget the whole thing.

As a result, there is serious danger that this country is going to pursue penny-wise and pound-foolish policies that will in fact be wasteful of money and scientific resources.

Even as the countdown for the Apollo 14 moon launch was proceeding this past week at Cape Kennedy, congressional critics were sharpening their knives for an assault on the space budget submitted by President Nixon—a budget which is itself austere.

The Times does not believe that any further cutbacks in space spending would be in the national interest.

In this era of heightened concern over national priorities, it would of course be ludicrous to argue that space spending should have been kept at the $5.9 billion level of two years ago. And we make no such argument.

What needs to be recognized by the congressional economizers, however, is that massive cuts have already been made. The space budget is not $5.9 billion; it is $3.3 billion this year and will be a little lower next year, even if no further cuts are made by Congress.

Expensive proposals for a man-on-Mars program have been rejected. The Apollo moon landing program itself has been rather drastically cut back. In fact, after three more Apollos this year and next, there will be no more manned exploration of the moon until the 1980s.

The space agency's schedule calls for the launching in 1972 and 1973 of three-man "Skylab" vehicles which will orbit the earth for 28 to 56 days. In the mid-1970s there will be no manned space missions at all; in 1977 or 1978, however, the United States hopes to begin test flights of a reuseable space shuttle designed to transport personnel to and from a large, earth-orbital space laboratory.

Plans for unmanned space shots have been cut way back, too. But the space agency's austerity schedule still calls for landing scientific packages on Mars, putting earth resource satellites and an astronomical obserbatory into orbit, and, perhaps most exciting of all, taking a so-called Grand Tour of the planets late in this decade.

The Grand Tour involves dispatching unmanned, heavily instrumented spacecraft on eight-year-long voyages for the study of Jupiter, Uranus, Neptune, Saturn and Pluto. The planets will be in a rare alignment in the 1977–80 time period; if they are not studied then, the chance will not recur for well over a century.

This is a bare-bones program, if we are to make anything like the most productive use of our scientific resources.

Mr. Nixon's space budget of $3.1 billion skates on the thin edge of sufficiency. It involves a slippage in the schedule for the space shuttle, and there is some nervousness in scientific circles about the Grand Tour.

If Congress wants to be truly responsible about our national priorities, it will avoid making further cuts which would damage the space program out of proportion to the savings involved.

The space program promises, too, to vociferous critics may say, does not represent money just fired off into the air. In addition to advancing the frontiers of knowledge, about the origins of the earth and the nature of the universe, it promises to pay off in much more concrete ways.

We already are reaping huge benefits from weather and communications satellites, as well as from the development of compact, high-speed computers. new metals and fabrics, microminiature circuits and many other technological advances.

The space program also promises to make possible far more efficient use of the earth's resources, and to help in the planning of global attacks on environmental pollution. There is also believed to be a good chance that spaceborn instruments will make possible the prediction of earthquakes. There is even hope that ingredients found in lunar soil may make agriculture on earth more productive.

The line between true and false economy is hard to draw. But the space program is one area where the time has come to draw it.

Space Cutbacks Appear Economic Only to Those Who Can't Look Ahead

(By Robert S. Elegant)

My son is wholly a child of the Space Age. Simon was born just two months before President John F. Kennedy promised a man on the moon before the close of the decade.

He prizes a glass commemorating Apollo 11's fulfilling that promise. Since Simon is also a child of this earth, he muses each time he drinks his milk on the enormous financial value the glass will possess after a few more decades. Like most of us, he is an amalgam of unselfish aspiration and material ambition.

But familiarity has not deprived Simon of a sense of wonder. When Apollo 14 lifted ponderously, he was enthralled by the television image conveyed by satellite. As the rocket accelerated within minutes to five miles a second, he exclaimed in exultation: "Incredible! Fantastic!"

He has transmitted his indignation at cutbacks in the American space program. Almost as awe-struck as he is by space-flights and moon-landings, I wonder whether the practical counsel, largely determined by economics, is either practical or economic. Perhaps the romantic view, for once incongruously allied with the scientific view, is more practical and more economic.

Concerned primarily with events abroad, I should hate to see a reduced space program strengthen the foreign image that views America as a wholly materialistic, profit-grubbing society. Little we have done recently has evoked as much admiration as our achievements in space. It would be unfortunate if curtailing our space objectives made it appear that we strive almost exclusively for immediate gain.

Despite our present economic difficulties, most of mankind yearns—with little prospect of fulfillment—toward the material and even social accomplishments of the United States. The contention that we must forego further achievements in space to put our society in order therefore rings hollow in most men's ears.

Besides, the argument is false. Two fundamental realities unite apparently opposing views, the practical, economic approach and the romantic, scientific approach: Reality No. 1—after two landings, our knowledge of the moon's nature and origin is still slight. We have learned just enough from rock samples and other research to know how much more we must know before we begin comprehending fundamental questions of the universe. The answers lie just beyond our fingertips.

Reality No. 2—Even conservative economists and politicians now believe government intervention essential to maintain and vivify the mixed public-private economy we have developed. The President's latest budget demonstrates that belief. Along with medical research, urban renewal and intelligent foreign aid, space provides channels for directing money to stimulate fundamental economic activity.

Although they do not directly produce new washing-machines, automobiles, television sets or plumbing, such activities are hardly nonproductive economically. The American economy's chief problem is not production, but distribution. Our manufacturing and service industries could easily turn out a vastly enlarged gross national product if increased demand existed. Demand means ability to buy, which means possessing funds to buy.

The pump cannot prime itself. Transition from a semi-wartime economy to a semi-peacetime economy cannot be accelerated chiefly by the private sector. As the President has reluctantly and implicitly acknowledged, the government must stimulate the flow of money (call it demand) which drives the economic machinery.

Ever expanding production of ever more complex and ever less useful goods is self-defeating. We cannot depend upon constant proliferation of new products or upon constantly expanding population to create new demand. What we must do is stimulate capital production by giving consumers money.

Enter space program.

The quest for knowledge in both space and the vast oceans is a noble endeavor, highly productive in the broadest social, intellectual sense and the narrower practical, economic sense.

The technological and psychological spin-off of such endeavors could provide means to improve not only our own society, but the lot of all mankind. Although we and other fa-

> vored nations cannot endure as islands of prosperity amid seas of misery, no economic or technical tools now available can transform the economies of the depressed two-thirds of mankind. Only wholly new techniques can enable the depressed to make better material and intellectual lives by their own efforts.
>
> There is no certainty, since no one can read the future clearly. For the same reason, despair is as arrogant as absolute confidence.

Since Simon's eyesight is not perfect, I am encouraging his other enthusiasm—oceanography. Like space, oceanography provides opportunities for service, knowledge—and practical economic advantages for all.

ENVIRONMENTAL PROGRAM

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. BROOMFIELD. Mr. Speaker, over the past year it has become somewhat commonplace to equate "environmental crisis" with "pollution." This is understandable, if only because air and water pollution are the easiest aspects of the crisis for the press to explain and the public to understand. Certainly, the two are the most dramatic indicators we have of the challenge facing us in the decade of the seventies.

But it is a serious error, I believe, to regard our environmental problem solely as a matter of pollution. By doing so, we overlook a whole series of abuses which continue to disrupt our natural surroundings—and a number of measures that could make those surroundings just a little more livable.

The three administration bills I have introduced today deal in just these areas: specifically, open-space utilization, mining regulations, and a national land-use policy. They have neither dramatic impact nor emotional appeal, and I expect they will draw little, if any, publicity. Still, I believe them to be of critical importance to our environmental program for the 92d Congress, and I urge my colleagues to give them every reasonable consideration.

With the increasing demand of industry for minerals and the dramatic development in their ability to recover them, we have seen a widespread growth of mining operations all across the Nation. Over 3.2 million acres of land had been disturbed in the last 5 years by surface mining, with approximately 150,000 acres being added annually. By 1980, if this trend continues unchecked, 5 million acres will have been affected by mining activity, an area roughly the size of the State of New Jersey.

Unregulated surface mining, for example, not only scars the face of our earth, but encourages erosion and landslides as well. Underground mining can produce unsightly spoil heaps and can contribute significantly to water pollution.

Clearly, we must require future mining activities to take account of their environmental impact. We need regulations built into these operations.

At present, 22 States have recognized this need and imposed standards of their own. Unfortunately, their effort has not been met by the remainder of the States. The bill I offer today would require all States to submit to the Secretary of the Interior programs regulating mining operations within their borders.

These programs, which will receive 80 percent Federal funding at their inception, must meet certain established criteria—the minimum controls needed to protect the environment. In this way, we can insure that the effort will be uniform and that industry will understand the basic requirements they must adopt.

At the same time, the bill offers States the flexibility to develop standards stronger than the Federal criteria would demand. This is an important consideration when we realize that many States, including my own, have passed environmental legislation stronger than national laws, only to find that these will be superceded by their Federal counterparts. This can and should be avoided in the future.

The second and third of my bills would also deal with the preservation of our land.

At present, our land-use policy is thwarted by the inability of the many competing and overlapping units of Government to control the development of areas critical to our natural environment. Only the States are uniquely qualified to deal with land-use issues which spill over local boundaries, for they are closer to the local problems than the Federal Government, yet removed enough from local tax pressures to represent the broader regional interests of the public.

The bill I propose to "establish a national land-use policy" would authorize the Secretary of the Interior to make $5 million in grants to those States which develop and administer programs to protect these critical areas—coastal zones and estuaries—and areas which have a more than local impact—airports and highway interchanges.

The States would be required only to follow minimum guidelines established by the Secretary of the Interior. These include: methods for inventorying critical areas under their control, policies for influencing the location of new communities, and means to control large-scale developments of more than local impact.

An important aspect of any land-use policy must be the preservation of recreation areas for our citizens. Too often in the past, these have been sacrificed to the broad expansion of industry and housing developments.

The bill I have introduced, "to amend the Land and Water Conservation Fund Act of 1965," would finally recognize the need for open space near heavily populated urban centers. For the first time the formula for Federal assistance to the States would be altered to give increased emphasis to these urban demands.

Moreover, this bill would allow the States to use up to 25 percent of their grants for indoor recreational facilities, when land or climatic conditions provide no other feasible alternative. This is, I am certain, a step in the right direction.

All three of the bills I have introduced recognize, in the words of President Nixon, that—

> The use of our land not only affects the natural environment but shapes the patterns of our daily lives.

While we fight for survival against the twin threats of air and water pollution, I believe the President's words should be kept in mind. Our land, too, must be protected, if we are ever to improve the quality of American life.

RACE DESTROYERS ARE THE TRUE RACISTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. RARICK. Mr. Speaker, these liberals who seek to homogenize the races, excluding themselves and their children, apparently believe that racial equality can only be attained through amalgamation of the races and this cannot be achieved until pride of white people in their culture is destroyed.

In order to tear down racial pride of the white people, an almost continuous propaganda barrage using weighted editorials and biased panels is being carried on via the press, and television, and reamplified by churches and schools to instill in whites a guilt feeling as if they must be apologetic for the present actions and status of blacks. Narcotics addiction, drunkenness, poverty, crime, ignorance—all are said to stem from root causes resulting from an unresponsive environment for which whites are led to believe they are responsible.

Government administrators through equal employment opportunity seminars, as well as teachers and police officers in federally financed programs, are being induced and even required to undergo sensitivity training sessions conducted by "change agents" who seek to sensitize them to acceptance of the idea that the white race has for centuries oppressed the minority black race.

A scheme to bring about self-guilt within the white race and to promote amalgamation of the races was promulgated in 1912 in a book entitled "A Racial Program for the 20th Century" by a member of a different minority group, Communist Israel Cohen, who wrote as follows:

> We must realize that our party's most powerful weapon is racial tension. By pounding into the consciousness of the dark races that for centuries they have been oppressed by the whites, we can mold them to the program of the Communist Party. In America we will aim for subtle victory. While inflaming the Negro minority against the whites, we will endeavor to instill in the Whites a guilt complex for their exploitation of the Negroes. We will aid the Negroes to rise in prominence in every walk of life, in the professions and in the world of sports and entertainment. With this prestige, the Negro will be able to intermarry with the whites

and begin a process which will deliver America to our cause. (See Congressional Record 1957 page 8557.)

The following lines need to be reiterated because they describe so well the brainwashing movement being promoted today in government, education, and religion:

> We will endeavor to instill in the Whites a guilt complex for their exploitation of the Negroes.

The outcome of this ongoing effort to sensitize the white people as a group, if successful, will do much to destroy all racial pride and to bring about the universal brown man who, according to many U.N. advocates, will live with other U.N. men in an era of peace, love, and brotherhood.

To preserve the past traditions, heritages, and achievements of the various races, our young people must know the truth about racial differences, cultures, the history and achievements of the races, and to respect race.

America is a diverse country with a multiplicity of races, religions, and national origins. It is only natural for a person to take pride not only in his race, but in his nationality, religion, and cultural birthright.

Our schools and our churches should be permissive enough to allow the teaching of mutual respect for persons of all races, religions, and national descents; and all individual Americans should enjoy complete freedom of association in social life without intermeddling by the bureaucratic elite of government.

The obvious goal of those so quick to label others as bigots and racists is to destroy one race at the expense of another race.

Several newsclippings and articles follow my remarks:

Genetic Race Differences—The Findings of Dr. William Shockley

(By Carleton Putnam)

Dr. William Shockley, Nobel laureate and co-inventor of the transistor, made a statement two years ago which appears on the jacket of *Race and Reality*. Since that time his observations and experiences constitute an important addition to the thesis of this book.

Dr. Shockley is personally one of the most distinguished members of our scientific establishment. The fact that he is a physical or "hard" scientist rather than a "life" scientist gives him a detachment of approach which in itself, under current conditions, has value. As a scholar of exemplary scientific training, yet as one who comes to the subject of race with a fresh viewpoint unbiased by the turmoil of past debate, his qualifications for testifying to what he finds are unique.

Besides the Nobel prize, he holds the Medal for Merit for his work as Director of Research of the Anti-submarine Warfare Operations Research Group of the United States Navy during World War II. He also holds the Holley medal of the American Society of Mechanical Engineers, the O. E. Buckley prize of the American Physics Society, the Comstock prize of the National Academy of Sciences and the Morris Liebmann prize of the Institute of Radio Engineers. He received his doctorate from the Massachusetts Institute of Technology. He became the Director of the Transistor Physics Department of the Bell Telephone Laboratories in 1953 and, in addition to this work, is presently Poniatoff Professor Engineering Science at Stanford University.

In other words he is not only an expert in the evaluation of scientific data but he has a broad acquaintance throughout the highest echelons of our scientific hierarchy. What he has found and reported in regard to the suppression of the existing evidence on genetic race differences, as well as to the discouragement of further research, is of more than passing interest.

Early in the fall of 1966 Dr. Shockley started his appeals to the National Academy of Sciences to sponsor its own race studies. In a speech on October 17 of that year, he urged the establishment of a summer study group to seek new approaches to the "environment-heredity" uncertainty, stating that "I evaluate the marrow of the city slum problem to be our uncertainty about its genetic aspects and our fear to admit ignorance and to search openly for relevant facts." When the National Academy was unresponsive, he began to talk about "entrenched dogmatism". In April of 1967, in another speech to the Academy, he stated: "Results I obtained in a few days of research convinced me it must be a thinking-block rather than a difficulty of doing research that has kept such research from being done." He added that he estimated that at a cost of less than ten million dollars, and in less than a decade of time, reliable answers could be obtained.

His pleas to the Academy finally reached the point where its Council apparently felt some action on their part was required. As the magazine *Science* put it, "Shockley's vigorous advocacy has been a matter of some discomfort to the Academy, which finds itself situated between its traditional belief in free inquiry and its realization that the formulation of heredity versus environment adds up to a loaded question that might be destructively exploited by racists if the Academy even ratified it as the right question." So the Council appointed a committee which on October 17, 1967, at Ann Arbor, Michigan, rendered a report remarkable in two particulars.

First, the report asserted that "there is no scientific basis for a statement that there are *or that there are not* [emphasis mine] substantial hereditary differences in intelligence between Negro and white populations." For a group officially designated as the scientific advisory agency of the United States government—a group which, since the beginning of the Boaz era in anthropology some forty years ago, has been consistently condoning the saturation of the American public in the no-genetic-differences dogma—to come forward now with a statement that there is no scientific basis for such a dogma, is startling to say the least.

But even more surprisingly, the report recommended the rejection of Dr. Shockley's pleas for further research on the grounds that "none of the current methods can produce unambiguous results. To shy away from seeking the truth is one thing; to refrain from collecting still more data that would be of uncertain meaning but would invite misuse is another." I leave the evaluation of this statement to the reader. And I would venture the remark that if such excuses had been adopted by scientists in the past no scientist would ever have discovered anything. One can see why Shockley found himself that autumn "in profound disagreement with the position endorsed by the Council."

Nor is it difficult to understand the frame of mind in which he made his most recent speech to the Academy on April 24, 1968. This speech is noteworthy in that in addition to his continuing appeals for Academy-sponsored research and his protest at their rejection, he now records the results of his own investigations into the *presently existing* evidence. He says in part:

"During the past two years of my part-time investigations I have come to accept as facts, not yet perhaps facts at the level of pure mathematics or physics, but nonetheless facts that I now consider so unassailable that I present them before fellow members of the National Academy of Sciences with a clear scientific conscience. The basic facts are these: Man is a mammal and subject to the same biological laws as other animals. All animals, including man, have inheritable behavioral traits. *The concept of complete environmental plasticity of human intelligence is a nonsensical, wishful-thinking illusion. . . .*

"The most dangerous illusion . . . facing humanity today is the belief [which] most scientists lack the courage to doubt, at least for the record, typified by the expressions of our government through its Department of Labor and echoed by the Office of Education. I quote: 'There is absolutely no question of any genetic differential: Intelligence potential is distributed among Negro infants in the same proportion and pattern as among Icelanders or Chinese or any other group.'[1] The only reason that I do not characterize this statement as a lie, and in my opinion a damnably evil lie, is that I have no way to appraise the intellectual acumen of its authors. They may actually believe it."

Dr. Shockley then goes on to what is perhaps the most trenchant sentence in this speech: "An objective examination of relevant data leads me inescapably to the opinion that the major deficit in Negro intellectual performance must be primarily of hereditary origin and thus relatively irremediable by practical improvements in environment." Such has been the impact upon a trained scientist and Nobel laureate of experiences and observations similar to those recorded by the author in Chapters II and III of *Race and Reality*. The difference is that the first are reported by an expert within the Anglo-American scientific hierarchy, the others by a layman on the outside.

I believe I speak for Shockley as well as everyone else on the side of the realities in this debate when I say that there is no intent to deny the existence of injustice in our society nor the need to correct it.[2] The Negro has been done injustice, in the United States and elsewhere, throughout history. So have other races and individuals, here and abroad. The error lies in preaching that these injustices have been the primary cause of poverty and inequality when the truth is that poverty and inequality are primarily the result of genetic variability in human capacity. If every social injustice on earth were removed tomorrow there would still be many people who would be relatively poor and there would still be widespread differences in status.

The most serious result of the denial of this truth, as events since the publication of Race and Reality have continued to prove, has been that it has given the Negro the idea that he has a grudge against the White man and the White man the notion that he should feel guilty about the Negro far beyond anything that can be relieved by the practicable correction of existing injustices. The grudge incites the Negro to riots and crime, and the guilt leads the White man to a policy of perpetual permissiveness and appeasement. Thus is created an adult society which is bewildering and disillusioning to the young, both white and black. Nothing is less to be respected, or more certain to be disobeyed, than an adult world weltering and fawning in an orgy of misconceived guilt. It will lack all force, all leadership, all credibility and all authority. Hence comes the current epidemic of juvenile delinquency from the home to the campus to the courts.

Meanwhile, and for identical reasons, we witness the steady erosion of the principles underlying our constitutional, representative republic, always in the name of "justice" and always in the direction of a "pure" democracy, the latter being a fatal corruption of our heritage. The one-man-one-vote principle, for example, or the increasing taxation of success to support failure (which not always, but more often than not, means the punishment of excellence to reward its opposite), will undermine any stable, free society, but especially one which is racially mixed and which pits politicians against each other in bidding for the votes of the least qualified segments of our population. The behavior of the leaders of our liberal-minority group coalition, both Republicans and Democrats, is characteristic, along with the redundant references to "justice" as the blanket excuse for each descending step.

The only sickness in our nation today is a public attitude of mind conditioned and nourished by a fallacy spawned by a small but powerful group in our scientific hierarchy forty years ago and promoted by an equally powerful mass and educational media ever since. Our politicians of all parties have lacked the courage to examine it, and our courts have hastened to enshrine it in our Constitution. But beyond anything else at the moment one must deplore the performance of the National Academy of Sciences. The irresponsibility and the timidity which have led these men to stumble over their own feet in pronouncements like the one from Ann Arbor in 1967 will someday, I hope, become obvious even to them.

The fundamental scientific point is this: the overwhelming preponderance of the existing evidence indicates that one American Negro out of six surpasses the average White man, while five out of six fall below him, in those qualities of mind and temperament on which our Western civilization depends. The same evidence also indicates that the difference is primarily due, not to injustice, but to genetic limitations inherent in the Negro race. These, in turn, appear to be related to a difference in evolutionary grade. Dr. Coon has estimated the gap at perhaps 200,000 years. No contradictory evidence is of record.

The question therefore arises whether the American people are entitled to know what the available evidence discloses so that it may be considered in the forming of public policy. Changes in laws and customs which have as their purpose, or will produce as a result, the infusion into our White gene pool of perceptible amounts of Negro genes, or the alteration of White standards and traditions to accommodate those of Negroes, will in all probability in the long run have a profound and adverse effect upon our society. If our people as a whole want to take this risk, let them take it, but let them at least know what is going on.

And above all let them examine their guilt complex in the light of the known facts. The threat of genetic alteration is bad enough. The danger of a falsely inspired attitude of permissiveness and appeasement toward crime and disorder is equally serious and more immediate.

HEREDITY BASIS OF RACE DIFFERENCES

The race investigations of two American scientists has resulted in a storm of controversy in the academic world. They are educational psychologist Arthur Jensen and physicist William Shockley. (The latter being the Nobel Prize winning inventor of the transistor.)

Challenged by their findings is the U.S. Supreme Court's ruling requiring forced integration of the races. The present policy of our federal government is to integrate the races solely to uplift the education of the Black race.

Liberals base their belief in racial amalgamation on the premises that the backwardness of the Negroes is due to his poor environmental background. Dr. Jensen and Dr. Shockley have proven that it is genetic heredity which causes the differences between the races.

Dr. Jensen often quotes a scientific I. Q. testing comparison taken by Wallace A. Kennedy of Florida State University. It was a study of 1,800 Black children in schools in Alabama, Florida, Georgia, Tennessee and South Carolina.

His study found that the average Negro I. Q. to be 80.7 and the average White 101.8, a staggering difference of 21.1 points. Other tests made of Black and White children in California and New York states consistently shows a difference of at least one standard differences (15 points).

Educators say that this is too much of a difference for the races to attend school together. The Blacks feel inferior because they cannot keep up with the White children, this causes them to rebel and disrupt the entire classroom. The White child is held back from his normal educational development because class progress is always being held up while the teacher tries to help the Blacks catch up.

The differences between the races are biological and took thousands of generations to develop. No Supreme Court ruling is going to overturn them. Dr. Carlton Coon states that the Black man is 200,000 years behind the White race in mental development.

How ultra liberals can expect us to sacrifice the education of our White children in such a hopeless experiment is totally absurb. The time has come for common sense to reassert itself and bring back the normal and natural separation of the races which was best for all when we lived under freedom of choice. Like species will always migrate into close surroundings with their own kind. The time has come to return to sanity in providing our children with a competent education.

[From the South African Observer, December 1970]

ARCHBISHOP MORALLY WRONG

(By Prof. H. F. Sampson, Grahamstown)

The mission of the Archbishop of Canterbury against Apartheid must fail for want of a true confrontation in principle. The lines of spiritual and worldly values run parallel and never meet in argument—because the equality of man's relationship with God always remains consistent with the inequality of his relationship with his fellow man.

Thus, as St. Paul wrote to the Galatians, "in Christ Jesus" (meaning the spiritual state) "there is neither male nor female" (meaning an absence of all physical relationship). Christ himself recognised this often stressed difference between the spiritual and the material in his familiar distinction of the things that are Caesar's from the things that are God's. And again in the Parable of the Talents, he distinguished the value of the tasks that should be given to "everyone according to his several ability", with the object of obtaining a spiritual equality in achievement.

The material inequality in question (i.e. difference) is no less evident between ethnic groups than between families and individuals. Hence the argument for the spiritual equality of all men before God (assuming a likeness between the souls of a Christian martyr and his atheist executioner) is no answer to the merit of apartheid as a basis of peaceful racial co-existence.

ARCHBISHOP SHOULD VISIT UNITED STATES

The policies of integration and separation are both aimed at the same result, the elimination of friction due to race prejudice. (The Archbishop might conveniently be reminded of his Church's approval of the legal Separation of those whom God has joined together, for their better welfare.) And when he leaves this country he should at once visit America—to see what the attempt at integration has meant to it.

He may well find what Stephen Mulholland reported in the Johannesburg "Sunday Times" on October 11, and reprinted in the November, 1970 issue of the "S.A. Observer", an issue or an inspiration for many Blacks", critic of apartheid. "The U.S. is a nation racked by conflict", "Residential and educational integration has ceased to be either an issue or an inspiration for many Blacks" etc.

The Archbishop is both morally and politically wrong in urging this country to abandon a policy having such obviously peaceful results, for another that has left Americans "depressed, puzzled and even frightened by what is happening to their society".

IMPORTANCE OF HEREDITY

(By Dr. J. Derek Latham)

(Letter in London *Sunday Telegraph* October 10, 1970.)

Prof. A. R. Jensen's thesis that intelligence is inherited is hard to refute. Intelligence cannot be dissociated from the brain, which is as physical as any other part of the body. (If anyone doubts it, let him reflect how personality and though processes can be changed by drugs, surgery, or disease.)

Physical characteristics are inherited, as can be clearly seen in family likelinesses and as was demonstrated by Mendel in the last century. Certainly environment and training can develop *potential* of any kind, but if the physical potential is absent what can we develop?

There is no doubt that environment can modify heredity, but let us think in terms of human lifetimes and not millennia. As a Christian I believe that respect for the individual is what matters, not vain attempts, in the face of genetic facts, to look for doubtful theories.

The muddled thinking is not, I think, the product of Professor Jensen's mind, but of that of his critics who, like so many educationists, probably have a vested interest in peddling fashionable ideological, but unscientific, concepts.

APARTHEID BY CHOICE IN BRITAIN

(Book review in London *Sunday Telegraph*, Sept. 13, 1970.)

We must integrate our coloured immigrants. So say the loud-speakers of our race relations industry. But what if the immigrants don't want to be integrated?

This shocking question bubbles up from the new book "The Un-Melting Pot", by John Brown (Macmillan, 65s.). It is a study of Bedford. That town has become Britain's Tower of Babel. One in five of its 70,000 inhabitants hails from overseas.

Some are Europeans; Italians, Poles Latvians, Lithuanians, Ukranians, Yugoslavs, Hungarians. About 2,500 are from India, most Punjabi Sikhs. About 1,000 are Pakistanis. About 2,000 are West Indians. Between them, the represent nearly 50 nationalities, including Chinese.

What brings them here? Bedford's brick industry. It is booming, because of the demand for houses. But full employment enables British workers to stay out of it—and they do.

Hence, capitalism has sent for the immigrants. They have arrived in waves, ever since 1945. John Brown, warden at a technology institute near Bedford, studied each group in detail in this book.

Every one of them, he finds, lives its own life in its own way. All of them, from Poles to Pakistanis, keep themselves to themselves. They all opt for *apartheid*. They all say: "Co-existence, yes; integration, no." And the natives of Bedford say ditto.

REJECTS LIBERAL ASSUMPTION

Bedford, in fact, is unanimous. It rejects with one voice the facile liberal assumption that people of different races, languages, colours, cultures, can be mixed together in the brotherhood of man. After 25 years on the boil, its melting-pot still fails to fuse.

Why? Mr. Brown probes that question. Each group, he shows, strives to keep its identity. It cherishes its traditions, its beliefs, its habits and customs. It insists on behaving as Britons have always behaved when they settle overseas. It sticks to its own equivalents of cricket, and cold baths, and haggis.

The Pakistanis of Bedford walk the streets in single file, as they did back home in their rice fields. The brickyard Sikhs keep a firm grip on their caste system. They will not marry outside it. Nor will they allow their wives and daughters to imitate the shameless females of our permissive society.

Dislike for that society is about the only issue on which Bedford's immigrants see eye to eye. Papist Poles and Italians share with Sikhs and Moslems a common abhorrence for our go-as-you-please sex patterns. Girls, they agree, should be good girls; virgins before marriage, monogamously faithful afterwards.

Our permissiveness reinforces their resistance to integration. The more our moral standards change, the less they like us. Those of them who remember us as we were during the war shake their heads when they look at us today. The Britain of 1970, they say, is a sad contrast to the Britain of 1940.

"The Un-Melting Pot" presents our race relations problem from a new angle. It substitutes realism for rhetoric. It contains a moral for our liberal patter-mongers. The moral is: instead of preaching racial integration, they had better come to terms with racial diversity. For that is what they must accept—like it or not.

WHAT IS THE ANSWER?

(By Henry E. Garrett, Ph. D., Professor Emeritus, Psychology, Columbia University Past President, American Psychological Association)

Question: Dr. Garrett, I have seen reference to The Armed Forces Tests. What are these tests and what do they try to prove?

Answer: The Armed Forces Tests are those tests given inductees to determine where best each person will fit in the military scheme of things. Chiefly, they test the abstract intelligence of the test taker, his degree of aptitude in dealing with ideas, symbols, numbers, etc. The tests don't "try to prove" anything but understandably certain results have been tabulated. More than 22 million young people have taken these tests and the results to 1966 (the latest figures I have) show that, nationwide, 19 per cent of white adults failed to pass. Sixty-eight per cent of Negroes failed.

[From the South African Observer, February 1971]

IMPORTANT LESSON OF BRAZIL: MISCEGENATION AND RACIAL INTEGRATION

(By R. Gayre of Gayre)

(Excerpt reprinted with acknowledgements to The Mankind Quarterly,[1] Edinburgh, Scotland, Oct.-Dec., 1970.)

(EDITOR'S NOTE.—The following is a further excerpt from the article by Dr. R. Gayre of Gayre, entitled "Miscegenation And Racial Improvement—With Special Reference to the Negroid Races", which appeared in the October-December 1970 issue of "The Mankind Quarterly".)

(Excerpts from the same article appeared in the January issue of the S.A. Observer.)

Brazil was recently proclaimed by a British Broadcasting Corporation announcer as an outstanding example of not merely racial integration but racial mixture leading to beneficial results.

Footnotes at end of article.

Similar instances are cited, usually also from South America, by other propagandists for miscegenation from time to time. Therefore, it might be as well to discuss Brazil briefly in this connection.

After the Portuguese settlement a hybrid Caucasoid-Amerindian population was created. To this was added a Negroid, brought in as slaves. The White element was not large, and there existed a substantial cross-bred group, besides the pure-blooded Amerindians and Negroids.

Then with a differential birth-rate and death-rate in favour of Caucasoid survival, the position changed, and, supplemented by White immigration, the situation is now entirely different. Over 60 percent of the population is now classified as White, less than 27 percent as mixed (that is Caucasoid x Amerindian x Negroid in varying mixtures), and 11 percent is Negroid. There is a small remainder considered Yellow, which is made up of Japanese, other Mongoloids and Amerindians.

REFUSED TO MELT DOWN

The first thing which should be observed is that the melting pot has refused to melt down its ingredients. The primary stocks remain, and large segments of them in a non-mixed condition, so that it is possible to say that there are six White to one Black element, and somewhere about three consisting of mixtures of various kinds, Mongoloids and Amerindians.

Again, it is a fact that in this, and other Central and South American peoples, there is a horizontal stratification which has strong racial relationships. It can be broadly stated that the Negroes are at the base as they are everywhere else, and the Europeans at the top of the social structure.

This is due to differences of ability associated with each racial stock which, in the *milieu* of a European civilisation, means that the Caucasoids occupy the upper ranks of society. It may also be pointed out that so far as the ancient Portuguese aristocratic families are concerned they tend to intermarry among themselves. This is true also of the Spanish throughout the Caribbean, Central and South America. The necessity for producing proofs of nobility (the simplest being four noble grandparents) tends to perpetuate socially the inherent tendency to assortative mating. It is both an expression of this trait and a reinforcement of it.

In addition, it may also be pointed out that the composition of the population varies geographically. Some areas, where the former plantations worked by slave labour involved the importation of Negroes, still have a larger element of Negroids than elsewhere, whereas, in the southern states of Brazil there are whole areas largely White. In the Amazon Basin the Indian type becomes much more evident.

Although there is absolute racial equality before the law, even the *Encyclopaedia Britannica* [2] admits there is some degree of prejudice against those of darker skin colour. When people are segregated largely by class (and where the class differences tend strongly to be racial ones, as they invariably do where the Caucasoids and the Negroids are involved) conscious racial segregation as such hardly arises, as the economic, social, and cultural differences serve to distinguish, and to protect, the position of the White upper and middle classes.

This is particularly so where, as in this case, the majority of the population is clearly White. The position changes, however, where the White element is in a minority. Mere assortative mating instincts alone will not serve to protect the social, cultural, and intellectually more advanced minority, and so they invoke other sanctions to this end as a consequence.

SEGREGATION RATHER THAN MIXING

The case of Brazil does not support, as is so often alleged, the advocates of racial mixture, since segregation rather than mixing is taking place (which we would expect on the basis of ethnogenetics in any case). Nevertheless, there is no doubt that if we were to arrive at some method of making an average of Brazilian intellectual and technological achievement there is every *a priori* reason to believe that due to the inclusion of a large minority of non-Caucasoid and non-Mongoloid elements in the population, *the overall average* of ability of the Brazilian population must be reduced. This is an inevitable conclusion when we consider the overwhelming evidence which Dr. Audrey Shuey, Professor Henry E. Garrett, Professor Porteus, and others have produced on the study of intelligence testing, where the Negroids have, with monotonous regularity, fallen lower than the Caucasoids in these tests.

That such *a priori* conclusions are undoubtedly justified is in fact supported from the world position of Brazil. Despite its large natural resources and big population (66 millions), it has made a mark on the world which is much less than that of its much smaller parent country of Portugal. This can only be explained on the basis that the *average* level of ability is lower than that of the Portuguese in their heyday.

INESCAPABLE CONCLUSION

When we consider such facts as those produced by intelligence testing, and by obvious examples provided by countries with large non-Caucasoid and non-Mongoloid populations, and the White-Black and other cross-breeds within them, we can arrive at only one conclusion which seems to be inescapable. That is that cross-breeding between the White and Yellow stocks on the one hand and the Negroid on the other, produces a lower average of ability, when tested by the needs of our culture, than that which is found in the advanced stocks which have contributed to the admixture. There is, as one constantly has to emphasise, overlap in comparing the intelligence, or other traits, of different racial types, but this does not invalidate, for all that, these conclusions.

From this we can deduce the law that where two such stocks cross, then the average ability in the cross-breed is lower than that of the advanced strain entering into the mixed type. This means that if the present pressure of propagandists for racial crossing were able to have its way it would lower the ability of the advanced nationalities which are being asked to give up their individual characters.

Conversely, of course, we find from these very facts that a strain which in a particular *milieu* is inferior or retarded may be benefited by cross-breeding with the advanced strain, and this is certainly the case where such stocks as the Negroids are concerned. The evidence for this is overwhelming. Apart from this conclusion following from the evidence of the intelligence testing results, where the cross-breeds on average score higher than the Negroids, it is also seen in allegedly "Negroid" leadership in White countries.

NEGROES IN THE UNITED STATES

In the United States we have seen in recent years alleged "Negroes" coming to prominence, some entering Congress, one the Senate, and others going into the state legislatures. We note such well-publicised "Negroes" as Dr. Ralph Bunche, connected with the United Nations Organisation, the Rev. Adam Clayton Powell, Jr., and so on.

Invariably, however, when we investigate these cases we find in all too many instances, that these are not Negroes at all. Almost all without exception are some form of cross-breed or another—most of them quite evidently from their appearance having more Caucasoid genes than Negroid.

The Congressman Adam Clayton Powell, Jr., is a clear example of this sort of thing; his mother was an Italian and his father was far from a pure bred Negro. In the present climate of opinion, in which so much patronage, sympathy, and political favour is shown to the Negro within the White civilisation, it is obviously profitable to identify oneself with the Negroes rather than with the European element within the population.

Furthermore, since the White people tend to reject instinctively, and always have done, those of non-White ancestry even when predominantly Caucasoid, this means that the near-White crossbreeds are, for all that, classified as Negroes in any culture which does not discriminate between the Mulatto and his variants (quadroon, octroon, and so on) and the Negro. This is certainly the case in the United States and the United Kingdom.

OVERWHELMING EVIDENCE

The fact remains that the overwhelming evidence indicates that leadership and ability (within the terms of our type of civilisation and structure of society, industry, commerce, and organisation of life) among Negroes in the United States, United Kingdom and other countries with Negro minorities, is in a very large measure in relation to the White genes they have, and not otherwise.

Never have I met or seen a single prominent "Negro" who was typically Negroid. That is, I have yet to find one having *all* the traits typical of that stock, namely, long legs and arms, short trunk projecting jaw, coal-black skin, woolly hair, flat nose, projecting heel, and the numerous other traits which distinguish the Negroid from the other stocks. Invariably they have characters which are derived from either the Caucasoid or Mongoloid, or both strains. Indeed, a large proportion of Negro students who come to European and American universities have some non-Negroid genes.

It might be mentioned that it would seem true to suggest that where the Negroid and Mongoloid are crossed much the same phenomena arise as where the crosses are Black and White.

For instance, the Belgians brought Chinese coolies into the Congo. These were not from the more intelligent, and certainly not from the socially best, layers of Chinese society. Yet, everywhere where we find them in equatorial Africa, we find them in conditions, speaking in general terms, of substantial advancement, being building contractors, and other people of similar type well on the way to making money and establishing themselves above the common social level.

It was, perhaps, not by chance that Kasavubu became president of the Congo after the withdrawal of Belgium, when we remember that he had a Chinese grandparent.

FOOTNOTES

[1] The Mankind Quarterly, 1 Darnaway Street, Edinburgh 3, Scotland. Annual subscription R2.50, £1–5–0, $5.00.

[2] Encyclopaedia Britannica, 1964 edition, Vol. IV, article on Brazil, page 120. An illustrative instance of this Brazilian social-racial stratification occurred at a London hotel in 1966. The normal residents were annoyed to find an invasion by a Black Brazilian sports team. The manager assured his European guests, when some of them protested to him, that he had no idea this team would be Negroid as the arrangements were made with him by the officials of the Brazilian Embassy—all of whom were White. The fact of the matter is that each racial type excels in certain fields. It is noticeable that in some sporting activities, of which boxing is an outstanding example, the Negro clearly excels. Any study of American baseball impresses one by the number of Mulattoes and Negroes involved who are quite out of proportion to their numbers in the country as a whole.

[From the South African Observer, February 1971]

RELIGION AND THE RACIAL CONTROVERSY

(By H. B. Isherwood, author of "Racial Contours")

(The following is an excerpt from a new booklet by H. B. Isherwood, entitled "Religion and the Racial Controversy".[1] The booklet discredits the widely held belief that race mixing is a Christian virtue.)

In the world of reality men are not born equal, nor is each mind at birth an undifferential tabula rasa, uniform with every other mind, as was once supposed. All human beings are distinguishable by innate diversity.

Some are born more sensitive and with bigger minds than others; some are extroverts, others introverts; some by nature are generous, others mean, all such inner qualities predetermining the tone of behaviour in the individual and the character of his race.

As a condition imposed by natural law one man differs from another in inherited constitution, disposition and temperament, in reasoning powers, imagination, genius and aptitudes. And all such fundamental differences can be viewed and compared on a racial basis.

DEVICE OF POLITICAL EXPEDIENCY

Moral equality there could be, but for its validity such a concept does not require any assumption of natural equality. Nor does uniformity of treatment under law confer equality of being.

The human and racial equality as professed by the Church is no more than a device of political expediency invented to enable men of all races to be treated and ruled as pawns of equal value.

In the Church this socially disruptive doctrine of egalitarianism, which in its modern Marxist form springs from the insurrectionary impulses that gave rise to the French Revolution and later the Bolshevik Revolution, has now assumed the character of dogma.

The concept of equal opportunity, useful as a formula for freedom implying the moral right to discriminate, has the effect in practice of proving that one man is superior to another. This also has racial significance.

UNDER THE NATURAL ORDER

Under the natural order of Creation human qualities and potentialities vary considerably from man to man and from race to race, and there is no way of eliminating or altering such intrinsic variety by upbringing or education.

It will thus be realized that the teaching of equality between persons and between races unrelated to reality inevitably tends to inculcate envy, discontent and rebelliousness. Frustration results in loss of respect for traditional values, tried conventions and authority.

Were the emphasis placed on quality rather than equality how much more civilised humanity would become.

RARELY PREACH SELF-RESPECT

The Church rarely if ever preaches the need for racial or national self-respect or the patriotism that stands on loyalty to one's own family and kinsmen under natural and divine law. On the contrary, the Church, as only too plainly revealed by the utterances of bishops of the Church of England acting in their temporal capacity in the House of Lords, has shown a pronounced bias towards communal licence and latitude.

"We are all children of God, all created after His image, and are therefore all alike and equal" is perhaps the most common of the fallacies now bedevilling the thinking of the Church when for purposes more political than religious the claim is made that men of all races are born equal and that inherited racial differences do not exist except in prejudiced minds.

How successful the Church has been in propagating this Communist concept may be illustrated by quoting a letter from Malcolm Muggeridge, published without rebuttal in *The Times*, London, on July 19, 1970, in which this well-known publicist stated in connexion with immigration and racial integration: "As children of God, one human family, there cannot be any intrinsic difference between man and man. To suppose otherwise is the vilest blasphemy."

AT VARIANCE WITH THE TRUTH

Not all theologians, however, have been ready to endorse a theory which offends commonsense and which is at variance with the truths of nature as revealed by science.

For instance, Ralph Inge, who was for a time professor of divinity at Cambridge and who later became famous as Dean of St. Pauls, observed: "The ridiculous dogma that men are born equal is dead if not buried." And in explaining what is meant by Divine Judgement, did not a former Archbishop of Canterbury assert: "In the sight of God all men are not equal"?

And it may be interesting to recall that the orthodox Christian and devout scholar, Dr. Samuel Johnson, shrewdly remarked: "Mankind are happier in a state of inequality and subordination. Were they to be in this pretty state of equality, they would degenerate into brutes—their tails would grow."

The learned Doctor was of course inveighing against the false revolutionary doctrine of human equality which was gaining currency in his day and which has now become an integral part of Church and Marxist teaching.

[From U.S. News & World Report]

DISCRIMINATION IN REVERSE

(By David Lawrence)

Complaints are coming in not only to management but to labor unions about a "discrimination in reverse" that is developing in the hiring or firing or promotion of employees.

This has arisen because the federal government has assumed the power to grant or withhold contracts to companies on the basis of their record with respect to "racial discrimination"—sometimes construed as a failure by a company to employ a large enough number of Negroes.

Various commissions in states and cities have been trying to encourage industrial companies to hire more Negro employees. Often this is difficult because there are not many qualified persons available from the Negro residents in a given area.

But the biggest protests are heard in the discussions among members of labor unions who feel that a particular job or promotion was given to a Negro primarily to enhance the company's position rather than on merit. This has produced a fear among white employees that, if an economic recession occurs, employers will hesitate to lay off Negroes, as this might lead to a loss of government contracts.

Perhaps one of the most perplexing of the controversies has developed in the public-school systems, where demands are being made that more and more Negro teachers be employed.

This raises the question whether the quality of education will be maintained if the faculty of a school has to be selected on the basis of race.

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[1] "Religion and the Racial Controversy" is obtainable from the Racial Preservation Society, 14 Kingsley Road, Brighton, Sussex, England. Price 1/- (10c) per copy.

Lawyers in many communities are struggling now with legal aspects of the problem, and school boards are puzzled as to how they should choose teachers. This "discrimination in reverse" has led to sharp dissent from teachers' unions.

What Is the Answer?

(By Henry E. Garrett, Ph. D., professor emeritus, psychology, Columbia University; past president, American Psychological Association)

Question: Dr. Garrett, I have a quotation from a Dr. Ashley Montagu. He says, "great kingdoms were in Africa while many white men were still savages". How about that?

Answer: There were, to be sure, three African kingdoms—savage kingdoms—in West Africa in the middle ages. They left no real art or music, no literature and no science. There is no history of early Africa written by an African for the good reason that there was no literacy in Africa; they couldn't write. They had only spoken dialects. What was written about the area was written by Arabs or by Europeans who came to trade, mostly in slaves. "Great kingdoms", these!

CONSUMER ABUSE

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. ABOUREZK. Mr. Speaker, the American consumer has been a victim of corporate disregard for far too long. In recent years he has been growing more and more aware of the abuse he suffers at the impersonal hand of the corporate marketplace, and as a result, is organizing his own pressure groups to combat the enormous power of his exploiters.

Too often, however, the consumer movement has been an unwitting victim of the corporate system which has been his despair, and his solutions have merely acquiesced in an intolerable system.

The Honorable Nicholas Johnson, a member of the Federal Communications Commission who has battled effectively and eloquently for consumers of our broadcasting and communications systems, has made a most reasoned and convincing appeal to consumers to rethink the lifestyle of America which plays into the hands of the marketing manipulators.

Commissioner Johnson addressed the Fifth Consumer Assembly, here in Washington, sponsored by the Consumer Federation of America, a young and battling voice of the consumer which will be heard with increasing frequency in our Nation's Capital. His remarks deserve attention by all consumers. They follow:

The New Consumerism

(By Hon. Nicholas Johnson)

I

The sounds of the Indochina War again grow louder.

The official indicators of the nation's economic activity register the first significant over-all decline since the 1950s.

A New York Times national survey of public opinion characterizes the nation's mood as "discouragement but not desperation."[1]

The new bumper sticker sums it up:
"All The World Is Watching The U.S.
And The U.S. Is Watching Television."

As Nicholas von Hoffman reports:

"The preachers and the hawkers forecast the apocalypse, yet the premonitions that come from our daily life experiences—waiting in the supermarket check-out line, calling a policeman, getting automobile insurance—these all tell us that what's building up isn't the Grand Revolution but the Great Disintegration."[2]

The public has become alienated from its government. Theologian Paul Tillich writes:

"There is a tendency in the average citizen, even if he has a high standing in his profession, to consider the decisions relating to the life of the society to which he belongs as a matter of fate on which he has no influence—like the Roman subjects all over the world in the period of the Roman empire, a mood favorable for the resurgence of religion but unfavorable for the preservation of a living democracy."[3]

In this era of do-nothing government when, as one wag put it, "The majority isn't silent—the government is deaf," the consumer movement is harkening to Tillich's counsel.

II

You are showing people, with your tangible achievements, that the individual *does* count. You are providing something that people can do. You are proving that you *can* fight City Hall. You are pouring turpentine on the blisters of the corporate state—bringing on its fits of wakefulness, making possible its reform.

And you are being joined by an increasing number of responsible and respectable establishment dropouts who understand the urgency of adopting your alternatives to widespread revolution and alienation. There are former Cabinet officers like Ramsey Clark, John Gardner and Walter Hickel; former Congressmen like Dick Ottinger, even former industry representatives, like the new head of the National Citizens Committee for Broadcasting, Warren Braren, who left in disgust from the National Association of Broadcasters' Code of Good Practice.

You have proven, in short, that you are onto a good thing very much worth pursuing. There is hope. There is a point to it.

But don't think for a moment that the leaders of the corporate state have got religion, or that they are about to voluntarily turn over to you, the people, the strings that control your government. You have a long, hard struggle ahead.

The corporations can no more ultimately win a guerrilla war against the people of this country than they can win a guerrilla war against the peoples of Southeast Asia. But they can take an awful lot of lives in both countries before they are willing to acknowledge defeat.

The automobile industry is still killing—needlessly—some 60,000 Americans *every year*—more than we have lost in all the years of the Southeast Asian War.

Cigarettes are still contributing to 300,000 deaths a year.

James M. Roche, the President of General Motors, is still responsible for 35% of all the air pollution by tonnage in the United States.

Unfit foods and drugs, unsafe toys and fabrics, insecticides and chemical additives—the evidence of corporate disregard for human life and welfare is seemingly endless. (Needless to say, any system with so little respect for the "life, liberty and pursuit of happiness" of its resident humans has even less for the whole earth networks of plant and animal life.)

Of course, we must fight for our lives. Of course, we must try to eliminate the death and injury caused by the headless dinosaur of corporate statism tromping about on our children and countryside in the pursuit of a profit and loss statement from which nobody gains.

But the day is coming, I would hope, in which the consumer movement could turn its energies from the elimination of death to the creation of life. The redirection of an Economy of Death (to borrow Dick Barnett's title) may contribute to the necessary prerequisite of the perpetuation of life; it does not, however, ensure the quality of life.

III

Central to the quality of life is the reevaluation of consumerism itself. Haven't you very nearly lost the war in the name you've assumed for the battle? Why should you so willingly agree to be "consumers" for the corporations?

People used to need products to survive. Now the products need the people to survive. The corporate state needs you to work for it as "consumers." It needs you to worship at the altar of conspicuous consumption on your way to the heaven of hedonism. It needs you to drive yourselves to earn more money in jobs you hate, to spend more money on possessions you don't need, to sell off bits and pieces of your lives to be lived by corporations, and then to fill the emptiness with their pills, and alcohol, and the drug of television.

"We're like a race horse shot full of speed to make us run harder than is good for us, to win for the owners and lose for ourselves, to win the race for only the price of the chance to run."—Mason Williams, *Flavors*.

Do you understand that? Do you really understand that? Because until you do the consumer movement is destined to play but a supporting role in the corporation's drama.

I think *Consumers Reports* is a marvelous publication. I was first introduced to the magazine as a child in the 1930's and 1940's, and have kept up with it ever since. It has saved me a good deal of money over the years.

But I think we'll have to admit that it is, in large measure, just the intelligent man's TV commercial. It is attempting to make the market place work as Adam Smith intended.

If consumers are intelligently informed, they can choose between products based upon performance characteristics and price. The most efficient manufacturer of the best product prospers; others go out of business. One of the most revealing postures of some of the major consumer merchandisers is their *opposition* to giving consumers such information, their opposition to the application of the theories of an unregulated market that they extoll to such heights in Rotary Club speeches. Why would a supporter of American free private enterprise competition *oppose* full disclosure of interest rates, the ingredients of packaged products, or the performance characteristics of equipment? Because I support marketplace competition I support efforts to give consumers the information necessary to make it work. But that is just doing the corporations' work for them. That is just making lifestyles of consumption more rational and economically viable.

The more fundamental question is whether consumption, the role of "consumer," makes sense for us as people—any kind of sense: physical, economic, psychological, religious, aesthetic, or what have you.

If you have headaches and intend to take over-the-counter medication for relief, you can approach the bewildering array of variously priced remedies mere intellegently if you know (1) that few are going to give you any more relief than aspirin, and (2) that aspirin is a chemical that can give you as much relief at 1,000 tablets for $1.00 as at 100 tablets for 57 cents.

But it may also be that your real problem is tension in the back of your neck that can be more easily and pleasantly relieved by massaging it, lying down for a

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Footnotes at end of article.

few moments to relax—and avoiding dumping more chemicals into your body.

It may be that the very lifestyle of consumption is bringing on the headaches—the tension associated with waiting for automobile repairs that never seem to be done correctly, running exhausting trips to stores, and then worrying about the bills.

What can be said for medications applies equally to other products.

Of course, small cars may get better gas mileage, pollute less, and depreciate less rapidly than the Detroit tanks. Of course, you're better off to learn as much as you can about automobiles' performance before you invest in one. But you might also consider whether you wouldn't be better off doing less driving generally, and relying more on walking, bicycling and public transportation.

Once you get a kitchen full of pots and pans, plates and silverware, and all the small appliances advertised in the Sears Catalog and evaluated in the *Consumer Reports Annual Buying Guide*, you very nearly "need" an automatic dishwasher to keep them clean. And once you get the dishwasher you "need" a special soap to avoid its sudsing all over the floor. And you're to be commended for trying to find a biodegradable detergent to cut back a bit on pollution. But did you ever stop to wonder whether all that stuff in the kitchen added to or subtracted from the total joy and fulfillment in your life as a human being?

Once we are fully informed about alternative lifestyles, we ought to be able to choose whichever we please. Nobody ought to be forced—by Big Government *or* Big Business—to live someone else's life.

But there is a growing number of Americans who would rather invest emotions in people who can respond than in possessions that cannot; who get more fulfillment from participating in simplicity than from purchasing complexity; who would rather use "imperfect" handmade objects from fellow craftsmen than perfect plastic ones from corporations. These people—of all ages—have a great deal to contribute to the "consumer movement," and I anticipate their voices will become louder, more clearly heard, and more persuasive to more of you as the decade unfolds.

IV

Meanwhile, as you address the more conventional issues of current consumerism, I think you will do well to give the same kind of attention to cost effectiveness techniques as your opponents.

It is so easy to get caught up in the enthusiasm surrounding a particularly outrageous corporate abuse. It's immoral; it's disgusting; it ought to be corrected. But it may also be an unwise area for you to be investing your limited resources.

Think in terms of return on your investment. Where can you have the greatest impact upon our society for your efforts?

And when you ask that question I think you will have to at least consider two major areas: campaign spending reform and mass communications reform.

As long as the government is so predominantly influenced by Big Business, so long as 90% of the campaign contributions are coming from 1% of the people, so long as the costs of elective politics are rising, there is little hope that the 99% of the people who don't pay for it will get full representation of their interests—on any issue—from their elected officials. Unless we can solve that one, most of the attempts to try to use government to effect consumer reforms will be like pushing water uphill.

Mass communications are equally important—and, of course, heavily implicated in the campaign expense problem. Before our nation can act on any issue it must be moved to act, it must be informed. The mass media, especially television, not only educate our children, influence our moral values and aesthetic taste, they also set our national priorities. Whatever your concern—whether it be the war in Southeast Asia, chemical insecticides, or corporate incursion on our parks and forests—unless you can get television to deal with it you might as well forget it.

V

In that spirit, and because I am most familiar with the FCC experience, let's examine the state of consumerism at the regulatory commissions these days.

It has been scarcely two years since Nader's Raiders, and then the American Bar Association, did their slashing studies of the FTC, detailing the corporate collusion, corruption, incompetence, and sloth.

Consumers across the land cried out for something to be done. The two studies concluded that the Trade Commission should be wholly reformed or, if not, abolished.

Today the improvements appear to be well underway under the steady hand of a new chairman, Philadelphia lawyer Miles W. Kirkpatrick, following the reform-minded Casper Weinberger. Now the "Little Old Lady of Pennsylvania Avenue," as the FTC is nicknamed, is showing some new kick. Chairman Kirkpatrick told advertising executives earlier this month that most advertising "quite frankly, repels me as insulting to good judgment and taste."[4] This no-nonsense talk followed a series of attacks the FTC has launched on ads used by some well-known firms, including Coca-Cola, Du Pont, Firestone, and Standard Oil of California.

This new regard for the consumer's wrath also extends to my own agency, the Federal Communications Commission.

Even the telephone company, in some parts of the nation, appears to be placing a new emphasis on product quality. Just after Christmas the New York Telephone Company ran ads in Manhattan newspapers apologizing for the poor telephone service that has annoyed its customers the past several years, and promised the consumer "the service you want and deserve." Whether the cost of such corporate advertising should properly be passed on to telephone subscribers is a question before the FCC and state commissions. But it at least shows that we've attracted the attention of one of America's very largest corporations.

I detect at the Federal Communications Commission a new regard for the consumer that has a chance of taking root. Indeed, the FCC has just completed its most intensive decade of activity in the commission's history,[5] and much of the most recent decision making shows every sign of having been distinctly prodded by public representation.

Like Chairman Kirkpatrick of the FTC, Chairman Dean Burch of the FCC has been increasingly disposed to allow citizens to at least plead their own cases against the corporations that have so long dominated agency decision making. To be heard is not to prevail, but it at least feels better than being kicked out the door; it's a radical change at the FCC, and Dean Burch is entitled to considerable credit for it.

As early as last September, Chairman Burch warned broadcasters of the "new mood of skepticism at the FCC about broadcaster performance."[6] Since then the Chairman has taken tough stands on children's television, some racial issues, and the elimination of cigarette ads from television. The trade press, obviously disturbed, says Chairman Burch is showing "some signs of being a consumer's man, of all things."[7] I'd prefer to hold such judgments until the "proposed rule makings" have been finally disposed of, but at least the consumer tide is making waves, even if small, at my own commission.

Long defiant of calls for reform in such important areas as selling cigarettes in the face of health warnings, overcommercialization, treating children as consumers, usurping prime time for mass tastes, and refusing to program to minority interests, the reactionary, profit-hungry minority in the broadcasting establishment is finally beginning to reap its own "harvest of shame" from the sterile seeds it has been sowing. Some recent examples:

1. When reports began to circulate that cigarette makers intended to skirt the law banning radio-TV advertising of cigarettes, which became effective January 2, Chairman Burch summoned the tobacco industry to his office and extracted the industry's promise to obey "the spirit as well as the letter of the law." The meeting was called after the FCC got wind of cigarette manufacturers reported plans to advertise pipe tobacco in packages similar to cigarette packages, and to promote huge sporting events named after prominent cigarette brands.

2. The Commission recently voted 4 to 3 to take a detailed look at children's television programming to see if it is "satisfactory in relation to the high public considerations involved." The FCC action was prompted by a petition from Action for Children's Television, a Boston-based citizens committee, which urged the FCC to adopt rules prohibiting advertising on children's television, and requiring stations to air at least 14 hours of children's shows weekly.

3. Agreements giving citizen committees in local communities a voice in broadcast programming, until recently nonexistent, is now becoming commonplace. Earlier this month Capital Cities Broadcasting Corp. agreed with the Citizens Communications Center, a Washington public interest law firm, to commit $1 million over the next three years to minority programming in Philadelphia, New Haven, Connecticut, and Fresno, California, where Capital Cities hopes to acquire stations in a complex $110 million transfer of control from Triangle Publications, Inc. This pattern of negotiation with broadcasters for improved programming and minority hiring has been followed in Texarkana, Rochester, Atlanta, Nashville, Memphis, Mobile, Youngstown, Chicago—and is extending throughout the country.

4. The FCC is now in the midst of a lengthy study of specialized common carriers—the public need for it, the benefits for the public, and the need for expeditious action. This is new. It represents the first large-scale attempt to consider competition for the national telephone monopoly, the Bell System. The FCC's task is to evaluate these proposals in ways that consider the best interest of all parties—including the phone company. The issues are complex. But what Microwave Communications, Inc., and others are attempting to do is to offer specialized data communications users low cost, reliable, flexible, and individually tailored communications on a point-to-point basis among the customers' own individual offices, plants, campuses, and so forth.

5. The FCC just last week launched a full-scale investigation into charges that AT&T discriminates against Negroes, women, and Spanish-surnamed Americans. This is one of the first times a federal regulatory agency has scrutinized the employment practices of an industry whose rates it regulates.

This is only a sampling of some of the important recent trends that have surfaced at my own agency in response to citizen outrage and corporate abuse.

VI

But tangible progress, and hope for more, are just reasons to put on more pressure, not to let up.

Last July I had the opportunity to do a survey of the anti-consumer actions of the FCC.[8] Since that survey, the list of abuses

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Footnotes at end of article.

has continued to grow, notwithstanding the signs of improvement I mentioned earlier:

1. The Commission has refused to approve an agreement that would have allowed a Texas television station to reimburse the United Church of Christ for expenses the church incurred in helping Negroes oppose the station's license renewal. The church dropped the costly fight after the station grudgingly promised to improve black hiring and programming. If the Commission had chosen to approve the $15,000 reimbursement, it could have set a powerful precedent to encourage local public-interest groups to fight as "private attorney generals" in forcing stations to do what the FCC is unable or unwilling to do: upgrade their performance.

2. The Commission has rejected a petition by Friends of the Earth, a New York City-based ecology committee, that wanted spot advertisements aired to point up the less glamorous polluting effect of America's "automotive life-style." There is ample legal precedent for the Commission to encourage American television to put its automotive fantasies aside, pull its head out of the smog, and put the most potent merchandising tool yet developed by man—the spot ad—to work in curing instead of creating, in addressing rather than avoiding, one of America's greatest social ills: pollution.

3. Though cigarette commercials have been off the air since the Congressional approved January 2 cut-off date, the Commission has not done all that it might to insure that Americans continue to receive adequate alerts on the smoking perils. In a recent order the Commission suggested broadcasters may have a general public interest duty to continue airing the spot announcements. In fact, leading court precedent would have allowed the Commission to be much tougher in requiring that the broadcaster continue to get vital health messages to the American public.

4. And, of course, my Commission has a long and undistinguished history of finding the public interest served, and renewal of licenses warranted, for stations with the most undistinguished programming records imaginable, with dozens of technical violations, or even, in one instance a station charged with bilking advertisers of $41,000 through fraud.

With government agencies performing this way, no wonder the people are beginning to demand new consumer protectors, private and governmental, to restrain the agency-corporate interest alliance—what Mason Williams calls "The U.S. Government, Inc."

From swindles in the computer dating industry to lagging smoke abatement programs in the airline industry, the evidence is that you in the consumer movement have a monumental task ahead. Only last week the latest report from Nader's Raiders, this one a sweeping 378-page book titled *The Water Lords*, detailed how the largest producer of paper bags in the world is also an "outlaw" polluter guilty of poisoning the Savannah River in Georgia.[9]

Often American industry seems so slow-footed and unimaginative that our great technological nation may suffer the humiliation of seeing foreign countries solve our problems for us.

Virginia H. Knauer, the President's special assistant for consumer affairs, believes the Japanese will be the first nation to develop a nonpolluting car engine. The Germans, she says, will be the first on the market with an effective bumper.

The American marketplace is the scene of countless smaller crimes every day. Estimates are that consumer losses on just home repair rackets may be in the billions of dollars annually. The Food and Drug Administration indicates that about $1 billion a year, as a conservative estimate, is spent on worthless or extravagantly misrepresented quack devices, drugs, food, and cosmetics.

The latest oil slick off one of our coasts somehow symbolizes the sticky, frustrating, nearly impossible job the nation's citizens have in bringing the corporations to account.

VII

Hanging over the battlefield like a fog is the mounting evidence of manufacturer pressure on the newspapers and broadcast media.

Congressman Leonard K. Farbstein of New York has uncovered more than 20 case histories of supermarkets and food manufacturers attempting to use their advertising to eliminate critical news stories or place favorable publicity under the guise of news. The news media receive some $2 billion a year in revenue from food advertising alone. Some examples of abuse involve the withdrawal of advertising altogether. Others involve boycotting subject areas that food advertisers don't like. Still others involve the outright killing of consumer stories as a result of food advertiser objection. *Variety* regularly reports on such pressures on commercial (and educational) broadcasters. The latest expose involves Coca Cola's pressure on NBC because of its documentary on migrant workers critical of the company, CBS' softer comment, and the switch of Coke's advertising to CBS.[10]

Congressman Farbstein concludes: "The result of this type of pressure is that the public cannot look to the news media for full and balanced coverage of consumer questions."[11]

The Congressman sought an FCC investigation of the broadcast aspects of the complaints, so far with no results at all.

Robert J. Choate, a nutritionist, appeared before a Senate subcommittee to complain about the "junk cereals" television merchandises to the nation everyday. For years the FCC has ignored this problem, too.

Just how far will we allow the commercial exploitation of television to go?

Today there is still little sign of a cutback on the advertising of products and services whose honesty has been called into question. This poses a harsh moral question for the broadcaster and the merchandiser. Toothpaste, mouthwashes, cereals, pain relievers, sleeping pills, tranquilizers, lawn mowers, canned soup, sunburn lotions, tires, razor blades, automobiles, instant breakfasts—all these, says an Alfred I. duPont-Columbia University have been accused of being "useless, misrepresented, or worse."[12]

This is especially true with respect to drugs.

Not only has the individual effectiveness of many pills advertised on television been challenged; the overall impact of the nearly $300 million worth of annual drug advertising on television is becoming a subject of grave concern. In asking Congress for a study of the effects of this flood of advertising on the nation's youth, Senator Frank Moss of Utah has said:

"The drug culture finds its fullest flowering in the portrait of American society which can be pieced together out of hundreds of thousands of advertisements and commercials. It is advertising which mounts so graphically the message that pills turn rain to sunshine, gloom to joy, depression to euphoria, solve problems, dispel doubt.

"Not just pills; cigarette and cigar ads; soft drink, coffee, tea and beer ads—all portray the key to happiness as things to swallow, inhale, chew, drink and eat."[13]

Congressman Paul G. Rogers of Florida wants drug manufacturers and networks to voluntarily phase out commercials promoting mood changing drugs.

VII

Consumer advocacy may be coming into its own.

To date the "test" case has been the consumer revolution's most important strategy. There are some very recent indications that the test case will become an even *more useful* tool than it has already been. Let me read to you just one exciting sentence from a very recent consumer case.

On January 7, 1971, the U.S. Court of Appeals (D.C. Circuit) decided *Environmental Defense Fund v. Ruckelshaus*, giving the opponents of DDT at least a partial victory over the Department of Agriculture. In the course of his opinion, Chief Judge Bazelon wrote: "We stand on the threshold of a new era in the history of the long and fruitful collaboration of administrative agency and reviewing courts."[14]

The Chief Judge went on to serve notice that there is a new attitude quickly developing in our high Federal courts: Reviewing judges will no longer defer to socalled "administrative expertise" where important consumer and ecology questions are involved. This amounts to a substantial spur for all administrative agencies to get about the long-neglected business of policing our corporations and prosecuting the public—rather than the private—interest on behalf of the general commonweal.

I find this heartening, indeed; and I do not think it is overly optimistic to say that the Federal courts stand on the threshold of delivering more and bigger breakthroughs on behalf of the consumer.

The problem for you now becomes one of putting the pressure on with increasing diligence.

Here is where broad-based citizens lobbies could become an incisive cutting edge for social change.

Consider just three suggestions:

1. What our regulatory process sorely needs now are strong, independent public interest law firms, along the lines outlined by Ralph Nader and others, so the law's vaunted adversary process can be balanced in fact—instead of gruesomely dominated, as it now is, by the law's corporate elite. Here is one place the citizens' lobbies could begin watching the watchdogs on behalf of the people. Common Cause and the Consumer Federation could use part of their resources to fund talented young citizens' lawyers, in effect private attorney generals, to participate in the adversary process. What the nation needs is a thousand Naders, not just one, with hundreds of thousands of dollars, so our rusty legal machinery can begin humming again.

2. As another starter, a prestigious citizens' committee, like Common Cause, or an alliance of national consumer groups, could begin keeping and publicizing lists of recommended commissioners for the various Federal regulatory agencies much in the way the organized bar now screens judicial appointments for the President and Congress. In this way, the public can begin to see to it that commissioners and commissions are more responsive to and representative of America, representative enough to include black commissioners, women commissioners, academics, the poor, more youth, and the numerous other elements of contemporary society—including the consumer element—that are now wholly shut out of the regulatory process.

3. It is clear that the Consumer Revolution will somehow have to come to grips with the great task of shunting the special interests aside in order to get accurate and truthful information on products and their disastrous side effects.

A variety of new techniques will have to emerge.

Ralph Nader and his raiders have successfully made the jump into television with a new consumer series on a Boston television station; the series is being distributed to noncommercial stations across the nation, and it explored such topics as public interest law,

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Footnotes at end of article.

the pollution in Savannah, Georgia, and the effects of advertising.

But we need many more such new ideas. Perhaps someone in the consumer movement will help pioneer the "truth spot" on commercial television, the logical and legal extensions of the anti-commercial as it was first applied to the cigarette manufacturers. We need the video equivalent of the health warnings now seen on cigarette packages applied across a whole range of dangerous consumer products.

We need new devices all the way from street theatre to new magazines like the *Washington Monthly*—helping the nation recognize that the American system is in trouble and that there are things you can do about it.

The consumer revolution might even turn its attention to a revitalized American radio, which this year begins its second half century. Radio seems to have suddenly come of age since television took over its hackneyed situation comedy routines, its stand-up comics, its weekly musicals. "What was worst in radio has deserted for the glamour of the picture tube," Richard L. Tobin writes in *Saturday Review*. "What is left is often the very best in music at many levels, news coverage unparalleled in any other medium including TV and print, some of the most rewarding talk, sober or gay, available anywhere." [15]

IX

You've done a lot.

There's much more to be done.

These are exciting times, dangerous times, for democracy. Whether it can work, whether it will work, turns on the commitment, the imagination, the energy, the generosity of people like yourselves.

I am heartened by the progress I see, and appreciate your invitation to come here to share some of these thoughts with you.

FOOTNOTES

[1] Naughton, *Mood Across the Nation: Discouragement but Not Desperation*, N.Y. Times, Jan. 22, 1971, at 14, col. 4.

[2] Washington Post, Aug. 28, 1970, at B–15, col. 2.

[3] P. Tillich, *The Future of Religions*, quoted in J. Updike, *Couples* 6 (1968).

[4] Address by Miles W. Kirkpatrick, Chairman of the Federal Trade Commission, Before the International Newspaper Advertising Executives, New York City, Jan. 8, 1971.

[5] *See*, Cox, *The Federal Communications Commission*, 11 Boston College Indust. & Commer'l. L. Rev. 595 (1970).

[6] Washington Post, Sept. 30, 1970, at A–2, col. 3.

[7] *Many-sided Man*, Broadcasting, Aug. 31, 1970, at 5.

[8] Testimony of FCC Commissioner Nicholas Johnson Before the Senate Subcommittee on Administrative Practice and Procedure, Senate Judiciary Committee, on S. 3434 and S. 2544, July 21, 1970.

[9] Carter, *Nader Charges Ga. Paper Plant Is Outlaw Polluter of Savannah*, Washington Post, January 22, 1971, at A–2, col. 1.

[10] *Coke Goes Better With CBS*, Variety, January 20, 1971, at 27.

[11] 116 Cong. Rec. H7477 (daily ed., July 30, 1970).

[12] *Year of Challenge, Year of Crisis*, The duPont-Columbia University Survey of Broadcast Journalism 1969–1970, at 87. Compare my exchange with CBS News President Richard Salant, "Is There a Salant in TV News?," 115 Congressional Record (Dec. 1, 1969, daily edition) pp. E10178–E10182.

[13] *Id.* at 88.

[14] *Environmental Defense Fund, Inc.* v. *Ruckelshaus*, No. 23, 813 (D.C. Cir., Jan. 7, 1971).

[15] Tobin, *The Second Half Century of Radio*, Saturday Review, Jan. 9, 1971, at 39.

OTTO OTEPKA AND THE NEW YORK TIMES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. ASHBROOK. Mr. Speaker, in August of last year the Pulitzer Prize winning author, Allen Drury, reviewed the book, "The Ordeal of Otto Otepka" by William Gill and concluded his summary with these words:

> Read it and weap for patriotism, which sometimes has tough going along the banks of the Potomac.

Although the case seemed resolved several years ago when Mr. Otepka joined the Subversive Activities Control Board, inaccuracies and possibly worse distortions continue to make the rounds regarding the facts of the case. For example, recently I had to call to the attention of one Federal agency the inadequacy of a form reply which the State Department was disseminating to inquirers on the Otepka case.

Now we find that Mr. Otepka feels compelled to initiate a libel suit against the New York Times and a free lance writer, Robert Sherrill, for defamatory statements for which they were responsible. In his suit Mr. Otepka also charges that "the article of March 15, 1970, was the culmination of the New York Times Co.'s malicious program, evidenced by previous publications, calculated to discredit and defame plaintiff, Otto F. Otepka."

The latest developments in the Otepka case were outlined in an excellent column by veteran newsman, William Edwards, writing in the February 6 issue of the Chicago Tribune. Together with the text of the complaint which appeared in the February 20 issue of Tactics, the Edwards' column provides recent background on the case at the present time, and for this reason, I insert both items in the RECORD at this point:

[From the Chicago Tribune, Feb. 6, 1971]

OTEPKA REAFFIRMS BELIEF IN JUSTICE

(By Willard Edwards)

WASHINGTON, February 5.—Otto Otepka, who fought two administrations for eight years to clear his name, has precipitated another legal battle which, he hopes, will forever end the continued circulation of false charges about his controversy with the State Department.

Last Tuesday, in the United States District Court in Baltimore, Otepka filed suit for $4 million in compensatory and punitive damages against the New York Times, charging malicious libel in a campaign to discredit and defame him.

His purpose, he said, is to obtain a verdict before judge and jury which will constitute a legal barrier to repetition of allegations that he was fired by the State Department for criminal conduct.

The Times, in an article published Feb. 15, 1970, stated that Otepka "was charged with, and on Nov. 5, 1963, dismissed for, violating three regulations concerning the release, declassification and mutilation of government documents." Mutilation of such papers is a felony.

A month later, the newspaper published Otepka's complaint that this statement was untrue but did not give him a retraction.

The uncontradicted facts in the case: Otepka, security chief in the State Department, first came into conflict with his superiors when the incoming Kennedy administration in December, 1960, asked him to waive security investigations for a number of contemplated appointees. He refused.

In the next two years he was demoted and isolated, and his telephone was tapped. Finally, Secretary of State Dean Rusk ordered his dismissal for conduct unbecoming a State Department officer. Otepka's long battle for vindication resulted in cancellation of the dismissal and dropping of the charges against him. He was reprimanded but stayed on the payroll.

Otepka was not satisfied. He was on the point of appealing to the courts for a reinstatement which would make clear that he had been falsely accused when President Nixon nominated him to membership on the Subversive Activities Control Board. The President thus kept a campaign pledge to accord 'justice to this man who has served his country so long and so well."

With some reluctance, Otepka accepted the assurances of advisers that a Presidential nomination, Senate hearings, and Senate confirmation would be the equivalent of a court opinion clearing him of all charges alleging misconduct.

It didn't work out that way. Attacks on his record continued after the Senate approved the nomination on June 24, 1969. The State Department, which employs many holdovers still resentful of Otepka's defiance of authority, only recently was forced by White House orders to revise a circular sent out in response to routine inquiries about the case. The Civil Service Commission agreed that it conveyed "misleading" inferences.

Otpeka's altercation with the New York Times convinced him that he would never be free of harassment until he secured a legal determination that he was the victim of false charges. He says he owes it to his family to clear the record.

The suit was filed at a time when Otepka, while still a board member, is awaiting reappointment to a five-year term. The reappointment, submitted by President Nixon, was allowed to die in the 1970 lame duck session and must be submitted again to the new Congress.

Under these circumstances, some of his friends questioned the advisability of suing a newspaper which has unquestioned influence in Washington. Otepka, who never has hesitated to challenge bureaucratic powers, maintained he had no alternative.

He is, as often noted before, a stubborn man with an unalterable faith in the justice of the American system.

[From Tactics, Feb. 20, 1971]

FALSELY AND MALICIOUSLY PRINTED

Now comes Otto F. Otepka, Plaintiff, by his counsel, Paul G. Kachulis, Kachulis & Copetas, of Pittsburgh, Pa., and Joseph I. Huesman, Lerch & Huesman, of Baltimore, Md., and makes a complaint against the N.Y. Times Co. and Robert Sherrill, Defendants, of which the following is a statement:

1. This Honorable Court has jurisdiction of the subject matter of this action by reason of the diversity of the citizenship of the parties litigant, by virtue of the fact that acts forming the basis of the suit occurred in the State of Maryland and by the fact that the relief sought by Plaintiff herein against Defendants exceeds the sum of $10,000 exclusive of interest and costs.

2. The Plaintiff is Otto F. Otepka. He is an individual residing at Wheaton, Montgomery County, Md., and is a citizen of the State of Maryland.

3. The Defendant, the N.Y. Times Co., is incorporated in the State of New York and has its principal place of business at New York, N.Y.

4. The Defendant, Robert Sherrill, is an individual residing at Washington, D.C., and is a citizen of the District of Columbia.

5. Otto F. Otepka is a member of the Subversive Activities Control Board, Washington, D.C. 20445, duly appointed thereto by the President of the U.S. and subsequently confirmed by the Senate of the U.S.

6. Robert Sherrill, is and was, at all times relevant hereto, an agent, servant and/or employe of the N.Y. Times Co.

7. The N.Y. Times is a newspaper of general circulation, published each day by the N.Y. Times Co. in New York City, and distributed throughout the United States and the major capitals of the world.

8. The N.Y. Times Co. did publish, on March 15, 1970, an edition of its newspaper which was widely circulated throughout the U.S., and more particularly, within the State of Maryland, including the communities of Wheaton and Baltimore.

9. On the above date, The N.Y. Times Co. falsely and maliciously printed in the N.Y. Times Magazine section of said publication certain defamatory words and statements by the Defendant, Robert Sherrill, concerning the Plaintiff, Otto F. Otepka, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof; the said defamatory words and statements being:

"Otepka was charged with, and on Nov. 5, 1963, dismissed for, violating three regulations governing the release, declassification and mutilation of Government documents."

10. The aforesaid words and statements of Defendants charge the Plaintiff with conduct necessitating his dismissal from the State Department of the U.S.A. and the commission of certain felonies. These publications defamed the Plaintiff and held him up to public scorn, hatred, contempt and ridicule. The Defendants intended by these words and statements to imply that plaintiff was guilty of criminal conduct and acts against the U.S.A. and its State Department and violation of regulations of said State Department which brought about his dismissal.

11. The aforesaid words and statements of the Defendants were absolutely false, for the truth is that the State Department of the U.S. did not dismiss Plaintiff for the release, declassification and mutilation of Government documents or for any reason whatsoever.

SERVED WITH HONOR

12. The Plaintiff, Otto F. Otepka, was employed by the U.S. Government as Chief of the Evaluation Division of the State Department's Office of Security. Mr. Otepka served in this position with honor and received meritorious certification from the Secretary of State, John Foster Dulles.

13. The defamatory statements were published by The New York Times Co., same having been written by their agent, servant, and/or employe, Robert Sherrill, with actual malice, as evidenced by the following facts:

(a) The purpose and tenor of said publication of Mar. 15, 1970 was to defame and discredit the Plaintiff and to subject him to public scorn, hatred and ridicule.

(b) The malice was based on an attempt by The N.Y. Times Co., through its agents, servants and/or employes, to discredit and defame Otto F. Otepka because the Federal Government policies, rules, regulations and laws which Otto F. Otepka was sworn to uphold went contrary to the editorial policy of The N.Y. Times Co.

(c) The charges were false.

(d) The N.Y. Times Co. and Robert Sherrill knew the charges were false.

(e) The Defendants' publication, as aforestated, was made in bad faith and with a reckless disregard of the truth.

(f) The article of Mar. 15, 1970 was the culmination of the N.Y. Times Co.'s malicious program, evidenced by previous publications, calculated to discredit and defame Plaintiff, Otto F. Otepka.

(g) Defendants, in the Mar. 15, 1970, publication as above set forth, misrepresented and deluded the reading public into believing that "The Congressional Quarterly" was an authoritative government journal, when in fact it was not.

14. The Plaintiff has been injured in his reputation and good standing in his community where he lives, to his damage, in the amount of One Million Dollars ($1,000,000).

15. That because of said willful and malicious publication by the Defendants, Plaintiff is entitled to recover exemplary and punitive damages in the sum of Three Million Dollars ($3,000,000.00).

Wherefore, Plaintiff respectfully prays that judgment be entered against the Defendants for One Million Dollars ($1,000,000.00) compensatory damages, and Three Million Dollars ($3,000,000.00) punitive damages, plus interest and cost.

ANOTHER VIEW OF VA CARE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. DULSKI. Mr. Speaker, all of us receive letters on care of our veterans. Usually, we hear the gripes, the complaints.

Veterans' Administration medical care, of course, is not all that bad. It has lapses because it involves human beings. But considering the shortage of personnel today, care generally is good.

I am very much concerned with the problems in our VA hospitals, including those of the general VA hospital in Buffalo. I have given special attention to hospital care as a member of the House Committee on Veterans' Affairs since I came to Congress in 1959.

With this background, I was pleased the other day to receive the following letter from a recent patient at the VA hospital in Buffalo, N.Y.:

Having recently been a patient in the V.A. Hospital, Buffalo, N.Y., I can truthfully say it was almost a pleasure except for the first 8 weeks when I was on the critical list.

Other than that, I thought the place was well run and the veterans were used right except for the troublemakers, so I take this opportunity to write you and express my appreciation, Mr. Dulski.

I am sure most of the time when you receive a letter RE the V.A. it is nothing but a big gripe. I have a pretty good idea about which I write, as I spent almost 4 months as a patient.

The doctors, nurses, aides, and charwomen and men were all well trained and did their utmost to aid the veterans. I am sure you are responsible for some of this appreciation I am trying to express. I also had the opportunity to do a little work for the older boys such as shaving, etc.

I was amazed at the number of the older people we have in the V.A.—some of them with no place to go. Then I started to do some thinking.

Wouldn't it be a grand place at Batavia for us older people when the time comes and leave the V.A. Buffalo general hospital for the sick who need that kind of treatment. Leave Batavia for the old and senile with plenty of volunteers. Sounds easy.

All we have to do is feed them, help them around, and massage their backs. That's what I was doing and I didn't mind it at all. I am 59 yrs. young. The volunteers I ran across and talked with all seemed quite happy trying to make themselves useful.

You might keep this thought in mind, as some day soon it will be a sleeping giant who will soon be awakened. "Aid for the elderly" has got to come via the Government—rooms and homes for the single and the married ones. Let us not be too late.

STRONG ENDORSEMENT OF NATIONAL SERVICE ACT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. BINGHAM. Mr. Speaker, the following editorial, entitled "A Practicable Alternative to the Draft," appeared in the Sunday Star on February 14, 1971. Since hearings on the draft got underway in the House Armed Services Committee today, I feel that it would be a most timely editorial to insert in the Record at this point:

A Practicable Alternative to the Draft

No one loves the draft.

It is imposed by a reluctant government and accepted by a resentful majority of the population as an evil necessity. To a growing number of American youths, involuntary service in the armed forces does not appear as a reasonable obligation for the privilege of American citizenship. Today approximately half of those called up fail to pass the physical exam—roughly triple the failure rate of World War II draftees—a figure that is more reflective of a determination not to serve than of a deterioration in the nation's health. A growing number of draft-age youths is willing to risk losing the privileges of citizenship altogther, to choose prison over induction or to leave the country when the draft call arrives.

The immediate impetus in this flight from service—the war in Indochina—is being brought to an end. But even assuming that the American ground combat role will be ended by 1972, it cannot be assumed that the problem of draft resistance will end with it. The prolonged application of selective service to provide the manpower for a growingly unpopular war has given all Americans the chance to see the draft for what it is: An inherently inequitable and unjust system that penalizes the poor and the uneducated. The sour taste will persist long after the last American combat soldier has left Vietnam, and no amount of inspirational haranguing will sweeten it.

The military draft has historically been sold to the public on the ground that there is no realistic alternative. More recently, a partial alternative has been actively promoted by President Nixon in his drive for an all-volunteer army. It is entirely possible that, as the fighting in Vietnam nears the zero point, the inducements of higher pay, relaxed discipline and beefed-up fringe benefits will produce enough volunteers to meet the country's military manpower requirements. But no one seriously believes that if a future crisis increases those requirements the volunteers will take up the slack. In fact, the only realistic assumption must be that in the event of a new hot confrontation similar to Korea or Vietnam, the rate of voluntary enlistment would drop off precipitously. As a result, the selective service machinery as presently constituted would have to be retained on a standby basis, ready for instant reactivation when needed.

Within the framework of the military draft, Mr. Nixon's goal of a zero call is a worthy one. There is, however, a true alternative to the draft, an alternative that is in use today in other democratic countries. There is universal service.

The concept of universal service, the system whereby all citizens—men and women—are called on to donate a set period of their youth to the society, answers the problem of the unfairness of the military draft. The fact of its universality removes the inevitable inequities of selective service.

But even if one accepts the principle that a citizen owes a debt of labor in return for his citizenship—a thesis that is a logical but radical departure from the traditional American concepts of freedom—formidable practical obstacles remain. In the United States, universal service would mean the registration, the processing and the assignment of up to 30 million people, a bureaucratic undertaking of staggering proportions. The expense of such an operation might well eclipse the present military budget. There is the lively possibility that, if the youths were given a free choice between military and civilian service, the military ranks would be dangerously understaffed while the civilian agencies would be desperate to find work for millions of hands.

Even if all these possible difficulties could be overcome, one major stumbling block would remain: The U.S. Constitution. It is generally conceded that the present selective service law narrowly skirts the line of the 13th Amendment's ban on involuntary servitude. Universal service, in the opinion of many constitutional authorities, would cross that imprecise border into unconstitutionality.

True universal service, then, may be impossible in the framework of American constitutional democracy. But might it not be possible to adapt the universal service concept to the special circumstances of a nation as vast, as powerful and as secure as the United States? Might not a form of selective service be evolved that would be constitutional, that would meet present and foreseeable military manpower requirements, that would retain the necessary features of the draft and yet would be clearly superior to the present Selective Service Act?

The answer is that it is possible. It has, in fact, already been proposed.

The proposal was called the National Service Act of 1970. This year, it will be called the National Service Act of 1971. And this year, Congress should give the bill the attention it deserves.

The bill is described by its author, Representative Jonathan Bingham of New York, as "a distinctly limited national service system." It would be limited, at least at the outset, to men, a restriction that might improve its chances of passing the constitutional test and that would bring the bureaucracy and the expenses within the outer limits of possibility.

Essentially, the bill would give a young man three choices. He could volunteer for the military. He could volunteer for civilian service, selecting between such programs as VISTA and the Peace Corps (or activities such as day care of children and the elderly, education and hospital services), or he could join a specially created Civilian Service Corps which would focus on inner-city improvements and conservation. The third alternative would be to volunteer for neither military nor civilian service, and to take his chances with a draft lottery that would remain in effect to fill out the military requirements not met voluntarily.

As an added inducement for military volunteers, the bill would peg the pay for civilian service at the subsistence level, and would make the term of service longer than the military hitch. In addition, a declaration of war by Congress would mean that those who had chosen civilian service would be liable for the military draft, while those who completed a term in the armed forces in most circumstances would not.

Under the act, the conscientious objector status would be abandoned. This would solve the problem created by the Supreme Court decision of last July 15, in which the court ruled that no religious belief is required for a claim of conscientious objector status, that the applicant's objections need only be "sincere" and "deeply held." That ruling, flawless in its logic, imposed impossible demands of subjective judgment on local draft boards, and materially improved the chances of the wealthy, the well-educated and the articulate to avoid the draft.

There are indications of impressive public support of the Bingham bill. Congressmen who co-sponsored the bill last year reported heavy mail running 10-to-1 in its favor. Last spring, a special national opinion poll showed 71 percent in favor of the idea; in the 21-to-29 age bracket—the group most directly involved—the response was 80 percent favorable. Another sampling showed only 52 percent of the population in favor of an all-volunteer army.

The measure's chances of survival in Congress must, on the basis of past performance, be assessed as doubtful. Last time out, the bill died quietly in the House Armed Services Committee.

But this year, surrender to the advocates of the selective service status quo must not come easily. The Selective Service Act expires next June 30, and the debate over renewal will provide an opening for major reform. Anyone in either house of Congress who tosses the National Service Act aside without a careful reading will be doing himself and his country a serious disservice.

LINCOLN WAS WHAT HE READ

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. SCHWENGEL. Mr. Speaker, every year I get requests to speak on Abraham Lincoln and each year I try to make a contribution by exploring aspects of Lincoln that I think are worthwhile as we wrestle with the important problems of our time.

This year my talk dealt with "Lincoln Was What He Read" and relates to his role as a public figure and especially to the important and difficult decisions he had to make for his country in a very critical time.

So that others may benefit from this study, I am offering this herewith for the RECORD:

LINCOLN WAS WHAT HE READ

(By Fred Schwengel)

History, said an American sage (Emerson), is the shadow cast by great men. In the same manner, the lives of great men tend to reflect the great books which they have read—not in some merely literary or academic sense, but in the more vital sense in which great literature, nourishing the soul, enlarging the mind, and firing the imagination, is translated into the very stuff of life itself. Such books, filled with all the richness and depth of humanity, grasped and transformed by the power of the imagination, constitute a genuine school of life for those who, in the words of an ancient prayer, *"read, mark, learn,* and *inwardly digest."* [*]

Of no one was this more true than Abe Lincoln. Born in a log cabin, he had little opportunity for a formal education. In less than twelve months of schooling, he learned to read. He learned to love to read—nothing was to influence him or his nation more than what he read. Besides that, he benefitted from a loving home where learning was honored and transmitted to the young. From his real Mother, Nancy, the child Lincoln first heard the majestic cadences of the King James Bible. At age 10, from his sister and, then, from his step-mother, he received encouragement to read, to learn, and further his remarkable program of self-education. The books he read apart from the King James version of the Bible, an ever-present companion, were among those works which the considered judgment of centuries have canonized: *Pilgrim's Progress* (whose echoes were to be heard in the Second Inaugural), *Robinson Crusoe* with its moving portrayal of heroism in adversity, and Aesop's *Fables*—an influence upon Lincon second only to Scripture itself. "The classic literature," wrote Bulwer-Lytton, "is always modern." It was Lincoln's good fortune to begin his intellectual life with works which, however, old, are always new—the greatest and best of the past.

Though there were few book owners in the Southern Indiana of Lincoln's time, he is said to have found, borrowed, and read most of the volumes to be found within a wide radius of his home. Such works as Parson Weems' *Life of Washington*, though fairly unsophisticated by contemporary standards, inspired in him a reverence for the state papers and the actions of the colonial leaders, and the ideals of liberty and justice which they established and extended. That fired his imagination as he prepared to lead and direct. In his own words, "I recollect thinking then, boy even though I was, that there must have been something more than common that these men struggled for." Having no doubt read John Adams' appraisal on the Constitution, "The greatest single effort of national deliberation and perhaps the greatest exertion of human understanding the world has ever seen," his convictions were deepened. Having met and know John Quincy Adams and the depth of his convictions, gave him a feeling and belief of basic truths in government that were destined to govern his whole life.

Other histories, exercises in rhetoric and elocution, the Constitution and the Declaration of Independence, the great speeches of the giants of his time, such as Webster and Clay—all helped form his mind during these early days. Gradually he built up a library of his own until, in later years, he had acquired over 300 volumes, a not insignificant number for that time and place. As he matured, his reading reflected a greater range of interest and view: during his first years at New Salem, for example, he read Gibbon's *Decline and Fall*, Thomas Paine's *Age of Reason*, and numerous other works. It was at Salem that he developed his love for and mastery of Shakespeare, Burns, and Byron, committing vast stretches to memory. Like Washington, he delighted to make reverent use of Shakespeare for common needs. We have the testimony of his many friends that he hungered for both the written and the spoken word, perceived the characteristics peculiar to each, and came to excel in both.

In Springfield, he turned to the study of Milton, while continuing to read his Shakespeare, Burns, and Byron. His partnership and deep friendship with William Herndon, an omniverous buyer and reader of books, opened new vistas. It was here Lincoln came upon the writings of Emerson, Theodore

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[*] *The Book of Common Prayer* (1662)

Parker, William Ellery Channing, and the works of law (including Blackstone), etymology, and scientific interest. Novels and biographies were not usually among his preferred selections as compared to his avid taste for poetry, drama, constitutional law, and humor, the last in a tradition of earthy wit at least Shakesperian, if not Chaucerian, in spirit! Yet it was as wartime President that he appears first to have read one of the greatest of all novels, Cervantes' *Don Quixote,* a work whose haunting melancholy has found fresh life in every age, including our own, with the renewed appeal of the knight who would "dream the impossible dream." Truly, in the words of one authority, (Rufus Lincoln in *What Lincoln Read*), Lincoln, though "not a man of the schools", enjoyed an education "which began with the Bible, Aesop, and Bunyan, was enriched by Shakespeare, Bacon, and Milton, and had ripe culmination in Plutarch, Homer, and Cervantes". His Weems' *Life of Washington* and the state papers gave him convictions on the soundness of the American system. In such an education "there was depth and breadth and right training for great affairs." The words of Sydney Smith apply so well to Lincoln: "Let us see the result of good food in a strong body, and the result of great reading in a full and powerful mind."

The extent to which Lincoln's reading—and his reflection and meditation thereon—influenced both his writing and his actions provides a striking evidence of the role which great books can play in a mind both "full and powerful." Thus, in counseling a deep respect for law he avoided mere adjuration of "law and order"; rather, he penetrated to the heart of the issue. "—It will be much safer for all, both in official and private station," he wrote, "to abide by all those acts (of Congress) which stand to be repealed than to violate any of them, trusting to find immunity in having them held unconstitutional." Again, he declared, "Let every man remember that to violate the law is to trample on the blood of his fathers and to tear the charter of his own and his children's liberty." In like manner, Lincoln's basic political philosophy was shaped by his reading in terms of a profound conviction that moral right must be the base for public policy. "Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it." The virtue of moderation in the attainment of political goals would be best to serve the common good. His eventual adherence to the new Republican Party represented his response to what he perceived as the moral challenge of slavery and its extension, a challenge which neither the Whig nor Democrat Parties had met adequately. Thus, on the very eve of his great "house divided" speech in 1858, he declared to the hesitant and negative leaders of his party that the time had come for bringing the plain facts before the people and that if he should be defeated for telling the truth, he was willing to pay the price. In speaking forth what he believed to be right, irrespective of political consequences, he dealt a blow to expediency characteristic of his whole career.

He agreed fully with Washington that "religion and morality are indispensable to political prosperity", (a paraphrase), and that nothing can be politically right which is morally wrong. Behind this belief lay Lincoln's own deeply personal religious faith. Never a churchman in any formal sense, never actually affiliating himself with any particular denomination, he respected church-membership in others and himself turned for counsel and guidance to many churches and preachers. His religion, in the words of William Wolf (The Religion of Abraham Lincoln) "was not static, but dynamic in its development." As a kind of "Christian without a Creed", Lincoln "won his way to ever deeper levels of faith in response to family suffering and national tragedy." His prophetic, Biblical interpretation of American history is aptly symbolized in such phrases as "this Nation under God" and "the almost chosen people", phrases reflecting his sense of humility before the mysterious providence of God. He wanted and struggled to be on God's side, rather than claiming that God was on his side.

He had learned moderation from many sources, including Scripture. Though the word itself is used only once (by St. Paul) in the Epistle to the Philippians—"Let your moderation be known unto all men", the theme of temperance and restraint is sounded again and again throughout the Pauline letters joining with the ancient admonition of Aristotle against all excess. "In grave emergencies", wrote Lincoln, "moderation is generally safer than radicalism", and again, "We will grow strong by calmness and moderation." This spirit of moderation did not satisfy the abolitionists or the cessationists and while it was hard to explain, was to serve his final goals of preserving the Union and freeing the slaves so well and effectively. It may have been this spirit that led him, in a letter to a friend, to describe the kind of church he would join: "When any church will inscribe over its altar, as its sole qualification for membership, the Savior's condensed statement of the substance of both law and Gospel, 'Thou shalt love the Lord they God with all thy heart, and with all thy soul, and thy neighbor as thyself'. that church will I join with all my heart and all my soul." Fanaticism and extremism—whether political or religious—was always abhorrent to Lincoln.

Together with his address at Gettysburg, the First and Second Inaugurals are representative of the heights to which Lincoln could attain. In the first, he spoke not only for his own troubled time, but for all time in his appeal to contending forces to hold fast "the bonds of affection" strained by the passions of the moment. His faith in the people and in "the better angles of our nature" is as pertinent today as in 1861.

In the second, 72 words express the greatest need of his and our—day: the reconciling work of charity. The simple dignity of this address (in which 59 of the words are monosyllables) clearly reflects the ripe background of reading which has shaped Lincoln's mind, giving strength and clarity, as well as beauty and grace, to his style. "With malice toward none: with charity for all", may *we* in *our* day "do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations."

OUTSTANDING YOUNG AMERICAN

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. DRINAN. Mr. Speaker, Tammy Marcinuk of 402 Kimball Street, Fitchburg, Mass., has returned home from the International World Games for the Deaf in Adelboden, Switzerland, with three Olympic gold medals and a silver one.

The 22-year-old student at Mount Wachusett Community College in Gardner, Mass., won first places in the giant slalom, the downhill, and the combined qualifying. She took a second place in another event as well.

Tammy is a perfect example of American youth bound with determination. Born with nerve deafness, Tammy has never let this interfere with her competition. Only 1 year ago, she suffered another setback by sustaining a broken leg while skiing in Aspen, Colo. Just as soon as the cast was removed, however, Tammy was back on the slopes attending a ski racing school in California.

Five years ago, Tammy won two gold medals in another international competition, so winning is a way of life for this fine athlete. I congratulate Tammy on her outstanding achievements, and wish her many more years of success.

REVENUE-SHARING—A PHILOSOPHY AS WELL AS A FISCAL POLICY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. ROBISON of New York. Mr. Speaker, the debate we will witness over the coming months concerning the advisability—or lack thereof—of President Nixon's revenue-sharing proposal is bound to be lengthy and, at times, complex and confusing as well. Debates on fiscal policy are often made incomprehensible by sophisticated statistical data—and perhaps, as a result, it is easy to forget the major, underlying issues behind such policy questions. In the case of revenue sharing, only part of the debate should center around the monetary theories and fiscal data of the economists. What we must also thoroughly discuss is the central philosophical thesis of the President's bold plan—a thesis I interpret as meaning that we should enact a "peaceful revolution" by redirecting the decisionmaking emphasis from Washington and to States and local governments. "Power," in Mr. Nixon's words, must be "turned back to the people."

Last night, I had the privilege of addressing the Binghamton, N.Y., chapter of the National Secretaries Association, at which time I tried to explain why I was strongly in support of the President on this critical issue of the new decade. With the thought that it might be of interest, the full text of my remarks follow:

Remarks by Representative Howard W. Robison at "Employer's Night" Dinner Meeting of Binghamton Chapter, National Secretaries Assoc., Sheraton Inn, Binghamton, February 22, 1971.

I think it was Euripides (himself possessed of one of those names that are fun to say: "Eu-*rip*-i-des"!), who first suggested to us that, "Man's best possession is a sympathetic wife."

That's a sentiment with which I would not wish to quarrel—having been blest, myself, with a wife who, by and large, has been a most-sympathetic one; but, at the risk of brooking her temporary misunderstanding, let me be so bold as to suggest an amendment to old "Rip's" literary contribution, thusly, that, "Man's *second* best possession is a sympathetic secretary."

Will you accept that?

I'm fairly certain that all the men here—as well as those not here—who have ever risen to that prestigious point of being able to have a secretary (God bless them!) would readily do so.

For, I'm using "sympathetic" in the sense (as I'm sure Euripides did) of meaning mutual understanding—not pity, though I suspect there are those secretaries who pity their bosses, for one reason or another.

But if that boss—forgive the word; what do you call *yours?*—has working *with*, and not just *for*, him someone like you out there who is "sympathetic" to him along these dictionary-taken meanings of "sympathy": ". . . 1. Fitting or agreeable correspondence in qualities, properties, etc.; harmony. 2. Reciprocal liking and understanding arising from a community of interests, aims, etc, and compatibility of temperaments. 3. The act or capacity of entering into and sharing the feelings, interests, etc., of another . . .", then, indeed, he is a lucky fellow!

His success is not assured, by virtue of your presence; but, at least, his chances for success are immeasureably enhanced thereby—and, if *you're* that kind of a secretary, I hope whoever it is you work for appreciates your work.

Now, I'm going to duck the National Secretaries Association theme for this year—"The Law—Scales of Justice"—with your forebearance, in favor of making an attempt, in the balance of my remarks, at soliciting your "sympathetic" consideration, in the same sense of that word as we have been using it, of what I believe is *the* major problem—among all the many problems—facing our Nation, today.

That problem—towering high above all others—is how to end the gathering *crisis of confidence* we (most of us, anyway) have come to share in our institutions, including the institutions of government, in our very way of functioning as a society and, even, in *ourselves*:

Insofar as the institutions of government are concerned, unless we can find the proper way to renew and restore our confidence therein, the whole idea of participatory democracy—as we have known and enjoyed it here in America—may well be in danger.

Certain it is that we have been living through a long period of continuing turmoil—or through ". . . a long, dark night of the American spirit," as the President put it in this year's State of the Union Message. And, yet, the current national distemper reflects more than just the sum total of that turmoil—and considerably more than just the gross weight of the burden of discouragement arising out of the challenges that have gone unmet during this period.

Instead, it reflects the attitude of thousands upon thousands of Americans—and not merely young Americans or those who are members of some minority group—who somehow feel that they no longer know their country; who somehow feel that it has changed while they have remained the same, and who somehow sense of vacuum of leadership—political, cultural and moral—around them.

In turn, the mail I receive from people such as you reflects—and now on a daily basis—the frustration, the skepticism, the cynicism and, yes, the deep suspicion that has grown in people such as you, as a result of all this, towards your government, and towards the people who try to serve you therein.

Indeed, it is true—as John Gardner, former head of the Federal Department of Health, Education & Welfare, states—that: "The American people, who once seemed endlessly tolerant of official bumbling, are losing their patience, not just with Congress but with the quality of our public life generally. They are fed to the teeth with power-hungry politicians. They are weary of self-serving administrators. They are sick of being bilked and manipulated. They are tired of the sense of powerlessness that afflicts them. They want to have their say. They resent the unresponsiveness of their governmental institutions."

And, capitalizing on the general public unhappiness growing out of all this—as well as hoping to turn the same to some good end—Mr. Gardner, now as head of a citizens' lobby known as "Common Cause," has, in just five months, raised a stunning $1.6 million from some 90,000 contributors—which is as many contributors as both national political parties generally enjoy.

Gardner is not alone. Many other observors believe and suggest to you that "the people" have grown powerless before the great interlocking machinery of our society—that they have lost whatever capacity they once may have had to influence the course of events—that, as I suggested in my own last, monthly newsletter, they have been ". . . relegated to the task of filing the appropriate papers at the appropriate time and, on election day, to pressing little levers in a booth."

But we have touched, so far, upon only the more-general sources of our national distemper, and can add to the burden thereof such more-specific items to be fed up with as this listing recently compiled by Jack Germond, head of Gannett News Service's Washington Bureau: ". . . dirty water, crowded highways, higher taxes, muggers and pursesnatchers, smelly air, collapsing transit systems, rising prices, teachers' strikes, auto insurance premiums, Vietnam, bombings, dirty streets, hospital bills, rats, the Mafia, marijuana, the postal service, tainted fish, oil spills, power-shortages, dirty movies and stock swindles—in short, everything from green beer to cancer."

Did Germond miss *your* pet peeve?

If he did, write me a letter about it—because people are doing that every day, the general thrust of their demand being that I "*do something*" about whatever it is that is bothering them:

I'd like to, believe me, for I'm probably as frustrated—if not more so—than many of the people who so write me.

But the point we all really need to consider—and just as objectively and "sympathetically" as possible, for we are all *truly* in the same boat—is *where*, exactly, *is all this emotion and commotion going to lead us*?

Is it leading us to a revolution of some sort?

And, if it is—as may well be the case—is that going to be a "peaceful" revolution, or one of another and far more unfortunate kind?

Well, perhaps in a sort of visceral reaction to the obvious frustration that grips the electorate, President Nixon—as you know—has placed before a skeptical Congress his version of a peaceful revolution; one in which (his words) ". . . *power was turned back to the people* . . . (so that) government at *all* levels was refreshed and renewed, and made truly responsive."

At the heart of the Nixon idea lies the concept of a "new Federalism" based—as I'm sure you have heard—on the thought that it is time to reverse the flow of power and resources from the States and communities to Washington and, through a process called "revenue-sharing" to start the flow of power and resources *back* thereto:

The Nixon plan for trying to take some of the centrifugal force out of contemporary Federalism—under which our central government in Washington has grown so huge while remaining as remote as ever—is simple and direct enough.

First, in recognition of the fiscal crisis faced by most State and local governments—and I am sure you are well aware of the problem here in New York!—he proposes an annual Federal contribution of $5 billion a year, to begin with, to be divided among the 50 States with "no strings" attached on the basis of their population, with a small bonus going to those States already having "revenue-sharing" plans of their own. New York has such a plan, as you know—that we call "State-aid"—but, to make sure that, in those States which do not, a fair share of this fund will go on to the aid of *local* government (cities, towns and counties), the President's plan provides that 48 percent of each State's share will automatically "pass through" its Governor's hands and on into the hands of those heading the lesser municipal entities therein.

For purposes of local interest, you should know that New York's share of this beginning $5 billion would be $543 million—while out of that amount Broome County would receive $856,000, and the City of Binghamton $906,000, just by way of example; all of this being "no strings" money, remember, which the Board of Supervisors or City Council could apply to whatever general government purpose they saw fit.

Now, should this come about—which is by no means certain, since the Nixon plan now seems to be in deep trouble in Congress—it would probably *not* mean any reduction for you in your share of the State or local tax burden; no one should mislead you in that regard. But it *ought* to mean, quite clearly, a slowing of the rate by which that already-heavy burden has been steadily getting heavier.

I sense a question developing in your minds—reminding me of the story of the women's club meeting where the Treasurer gave her report, saying, "I am happy to announce that we have a deficit of only $610.00." Whereupon, a voice from the rear said, "I move we give it to the Salvation Army!"

For, surely, with Uncle Sam awash in his *own* sea of red ink, one has to face up to the question of whether or not he should go deeper into the red, now, to bail out the State and local taxpayers—especially since, as many of you have already written to ask me, *all* tax dollars come eventually out of the same pocket, don't they?

The answer is, of course they do. But, even if you can buy only a portion of the rationale behind the "full-employment budget"—as now espoused by Mr. Nixon, and to explain which would take me the rest of the night—I think you will have to agree that, looked at from a nationwide fiscal standpoint, it is more sensible now to use the pre-emptive Federal income-tax structure for purposes of this rescue operation than it is to ask or expect State and local governments, with their slow-growth and generally regressive tax bases, to somehow come up with the money needed to avert their own bankruptcy.

It goes without saying that New York, for instance, is already a "high-tax" State. The current public furor over our Governor's new budget is ample evidence of your awareness of that fact. Politically difficult though it will be, we can—one supposes—go on widening the gap that already exists between the tax-effort we make and that made by the citizens of the so-called "low-tax" States. But we could begin to even up the situation—and I say we should, now—by *plugging ourselves in* to the fast-growth Federal income-tax system whose revenues increased *1.5* percent every time there is a *1* percent increase in the Gross National Product!

Of course, there are alternatives to what Mr. Nixon has suggested. Some argue, in pushing such alternatives, that the people who *spend* the taxpayers' money ought to bear the onus of *raising* it—on the theory, evidently, that if they don't they will be careless in spending it.

Perhaps—and more than a few of you have already warned me against sending any "no-string" Federal money up to Albany for the "big-spender" there (as you call him) to use as he sees fit! If you feel that way, I can't do much about it. But do you *really* believe you would have less control over how Federal moneys returned to Albany—or to your City Hall—are to be spent than you now have over how *Congress* might spend the same? I can't believe you do, for that would mean you no longer believe that "government closest to the people" has any meaning as a tool for making participatory democracy work.

The Governor—and your mayor—are going to be fully accountable for how shared revenues are spent. But, if you still want to go the other route, even ignoring the fact that *Federal* revenues have already been *reduced by nearly $7 billion* as a result of income-tax cuts directed in the so-called "Tax Reform Act of 1969" (something you may not even have noticed!), I suppose I could be asked to work for a further $5 billion Federal tax cut.

But if a high income-tax State like New York then moved to try to capture those "freed" Federal dollars, probabilities are it would do so mainly through increases in those regressive sales, user and property taxes which already nearly wipe out the progressive nature of the Federal income-tax, thus letting the *overall* burden of taxation fall about as heavily on the poor—or lower middle-income—taxpayer as on the affluent; and that would be wrong.

Still other voices are heard: Some demanding that spending at *all* levels—Federal, State and local—be cut back sharply, and budgets balanced. Then we would need neither State nor local tax increase, or revenue-sharing either, for that matter!

Sure—and why didn't *I* think of that?

But, as one who has wrestled with this problem for 13 years now, I know full well that, outside of a common desire to clean up the "welfare-mess" (for which I believe the Nixon "welfare-workfare" plan is the only solution), there is not even a consensus in this *room* as to where we should even begin to cut back on governmental spending-programs!

But, there is still more to the President's "revolutionary" plan—and let me get to that for I see it as the more-important part, if it is the *overall*, and not just the fiscal, health of our Nation that concerns us.

For, besides the $5 billion in *"general"* revenue-sharing we have been talking about, Mr. Nixon is asking Congress to establish an annual $11 billion (again, to begin with) *"special"* revenue-sharing kitty, into which he asks us to put $1 billion in "new" money along with $10 billion-worth of Federal-aid dollars scheduled to go out during the coming fiscal year to our States and cities, etc., anyway, under about 105 programs already existing to serve purposes ranging from antipoverty efforts to urban-renewal projects. Specifics as to exactly which narrowly-focused, categorical grant-in-aid programs (of which we have over a thousand!), are to go into this kitty, and how the funds therefrom are to be divided are still lacking, but the idea is that State and local governmental heads could take their shares therefrom to spend virtually as *they* see fit, deciding their *own* priorities, and shaping their *own* programs to meet their *own* needs, without a host of Federal bureaucrats looking over their shoulders!

I see this as the most-exciting feature in the President's whole proposal. So trying to give some of the spending power Congress has acquired over a generation *back* to the people, amounts to an *act of faith* in them! The sophisticates, and those who have grown used to such power and are loath to give it up, now express in opposition to this idea their skepticism concerning the people's ability to deal with their own affairs. They point to the imperfections admittedly existing in State and local governmental set ups—and, without directly saying so, question the competence and the vision of those who head them. Was it not, they say, a default in responsibility at State and local levels—a vacuum of leadership there—that first led the Federal government to move into so many of these areas? Did not the people, they ask, have to turn to the Federal government out of necessity, and not out of choice?

These are not easy questions to answer. The arguments thus raised against now reversing our course are, for the most part, founded in historical fact.

But, even so, one must ask—in return—whether the Federal government has succeeded, or failed, to find solutions to the problems that plague us, and whether it has been effectively able to apply those solutions to the areas of need.

The record is, of necessity, a mixed one. In some cases, the answer is "Yes"; in others, the answer is "No," or "Not yet."

But, please note, that Mr. Nixon is by no means trying to turn the clock all the way backwards; nor is he proposing a wholesale dismantling of the entire Federal-aid structure.

We now spend, through that top-heavy, overlapping, jerry-built structure that has taken past Congresses a generation to erect, about $30 billion a year in aid of one need or another of State and local governments. As I view what the President is attempting, it is to take out of that complex maze—through which confused Governors, mayors and school administrators now wander, hats in hand—only those program functions which are most susceptible, given the needed flexibility, to being shaped to meet a particular *local* problem. The rest—and the $20 billion or so to be spent thereon—serving, as they do, some purpose more clearly *national* in scope, will remain about as they are.

That makes sense, doesn't it? The Gallup Poll finds it does, evidently, to people such as you—to 77 percent of you, anyway, according to a recent finding. But if you are an educator—or a member of an association of educators—for instance, and have worked years to get funds from somewhere earmarked for remedial-reading courses or special classes for the retarded students in our schools (just to cite a couple of examples), you would worry now, wouldn't you, over the chance that if such moneys go into a common pot your school board would choose to spend them, instead, on teachers' salaries or maybe, even, school construction?

Of course, you would—but *what* is so wrong, I ask, in thus shifting the battle-for-priorities away from Congress, where it now centers on things such as this, and back to the local school-board level whose meetings —if they were attended as they *ought* to be and not allowed any longer to fall into disrepair as an instrument of citizen-power—could display the *same genius for making democracy work* as did the old New England "town meeting!"

Here in *this* example—as in a nutshell—do I believe we have the basic elements of the choice facing us.

We can go on as we have been—adopting the attitude of the powerful AFL-CIO, as just enunciated, that "the critical needs . . . (of our people) . . . will be by-passed" unless these *specific* aid programs are continued by Congress *and* fully-funded; or we can go, by whatever path, in the general direction Mr. Nixon points out, to see whether or not something constructive can be done to help State and local governments meet their *proper* responsibilities, *with* the help, and interest, and participation of their citizens.

I see these as our *only* two choices, for I simply do not believe that a *Federal "take-over" of the welfare system* and all its costs—now being highly touted by some as a *third* choice—is either politically feasible or desirable. Oh, from the strictly dollar standpoint it might be desirable for New York for our State, as you might guess, would get a lion's share of that type of "revenue-sharing"—if it can be called that; which is the main reason I don't think Congress will ever go for it, and that those who now promote the idea are engaged in political shadow-boxing.

But, even if I am wrong, and Congress did adopt this idea, the center of power—you see—would become even more-rigidly fixed than now in Washington, the instruments of State and local governments would remain in a state of disrepair, and the average citizen would be left adrift, with an even deeper sense of isolation, in his own remote sea of frustrations.

So, I suggest that what all this boils down to is: Just how much of a chance do we want to take on *ourselves*, as citizens worthy of the name; and how much of a chance do we want to take on our capacity to restore that *sense-of-community*, now almost totally lost, which was once the undergirding strength of what we have called the American way-of-life.

Each of you, in your own way, must answer the *first* part of that two-part question. But we will have to put our heads further together on the *second* part, for all the centralization measures we have adopted this past half century—from municipal to school-district consolidation—have tended to destroy that essential community spirit.

If, therefore, we decide to go the revenue-sharing route—as I hope we do—let us remember it is *no answer* to anything, in and of itself. But that it opens up the possibility for *us* to provide some answers—both from within ourselves and, by working together, to find ways and means, even in our larger cities, for what I would call "political decentralization" through the organization of community and neighborhood political units capable of exercising genuine, well-defined governmental powers vis-a-vis local matters.

Here is no political gimmickery—not just another political scheme designed to distract the Nation's attention from the ills that afflict it.

Here, instead, is a great issue—perhaps the greatest of our time—and one upon whose proper and wise resolution may well depend the kind of America—and the kind of Americans—we shall have in the years to come.

I encourage your "sympathetic" understanding of it, as such, and earnestly solicit your help in arriving at the proper and wise resolution thereof.

INHERITANCE TAX REFORM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. PRICE of Texas. Mr. Speaker, I have introduced legislation to reform the Federal inheritance tax system as it pertains to small farming, ranching, and business.

In simplest terms my bill would permit the executor of an estate to establish its value for inheritance tax purposes by resorting to one of two methods: either the earning power of the estate as evidenced by a taxable income measure; or, the established fair market value of the estate.

According to present Internal Revenue Code provisions, estate taxes are computed on the basis of the fair market value of a decedent's assets at the time of his death. In terms of assets such as real property, value is normally determined by comparing estate property with other area property or properties that have acquired an established value by virtue of a recent sale between a willing buyer and a willing seller.

While in theory, this method of asset valuation has the merit of simplicity, in practice it often creates financial and social havoc among those who are subject to it. This is true especially in the case of farms, ranches, and businesses. I say this for two chief reasons. First, land speculators often pay premium prices for property used for development purposes and/or for tax avoidance. While this clearly benefits the property seller, it completely dislocates the valuation of property for inheritance tax assessment purposes. Just because a few parcels of land in an area are sold to speculators for say $350 an acre, a neighboring farmer would still only receive the going market price say of $100 an acre should he attempt to sell his holdings to another farmer. Yet, when property is being valued for inheritance taxes, so-called government experts all too often value a decedent's property on the basis of the higher speculative land values, rather than by the lower real market value common to the local farming or business community. While this is not an official policy, this is what happens in the field all too regularly, as government appraisers often consider their job to be centered on revenue raising—thus the higher the established land value, the greater the tax consequences. In my judgment, this is not right. This practice gives rise to inequities that are unjustifiable in justice or in conscience.

The fair market valuation method also creates unjust situations because the fair market value of fixed assets such as property is often quite different than the earning power of the assets. As a consequence, an individual with little personal income who is left with a substantial inheritance in terms of its fair market value may discover that the earning power of these assets is substantially less. Accordingly, he would have to either sell his holdings or borrow whatever amounts he needed to pay Federal inheritance taxes.

To illustrate the problem I am talking about in graphic terms: Suppose a father died and left a ranch to his only son, a young man fresh out of the service and looking forward to making a career out of ranching. At the time of his death the father had no personal debts and his real and personal property was worth $450,000. Under present law, $60,000 basic tax exemption is applicable. This would reduce the size of the estate to $390,000 for tax purposes. On an estate of this size, Federal inheritance taxes would amount to a staggering $110,500 or 28 percent of the taxable estate.

This sizeable tax burden would be bearable if the son had independent sources of income sufficient to defray his tax expenses. But suppose he did not. Suppose his chief means of meeting the tax levy would be to either sell his father's estate, or mortgage it heavily to raise the needed cash. Well, if he sold the ranch and all that went with it, he would have the money to pay his inheritance taxes. But should the Federal Government, as a matter of public policy, structure its tax system in such a way that it promotes the dissolution of family farms and ranches? It should not, but it has.

But one might say, the son does not have to sell the ranch, he could borrow on it, thereby raising the money needed for inheritance tax purposes. Then he could operate the ranch and pay back the mortgage out of profits. Yes, this is a possibility, but $110,500 is a lot of money to borrow and the interest on a loan of this size is quite substantial. The magnitude of this financial undertaking is demonstrated by adding an additional fact to the example. Assume that in the last few years of his life, the father working on a fulltime basis earned an average of $7,500 a year; a situation, by the way, I have often seen during my lifetime association with farming and ranching. Given these circumstances, if the son borrowed the necessary funds, the son would be literally indentured to his money lender, for at least as long as he wanted to stay and try to make a living on his father's ranch. In dollar terms, if the son borrowed the $110,500 for a 30-year period at 7-percent interest, his annual payments would amount to $8,900; his interest costs would total $156,643 over the life of the loan. Given his annual expected income of $7,500, repaying this loan would obviously be an impossibility. To discharge a loan of this size the young man would have to find a friendly banker willing to lend $110,500 at 5⅜-percent interest, a patent impossibility in today's credit markets.

Mr. Speaker, the hypothetical situation I have just described is a fair statement of reality for thousands upon thousands of individuals who have inherited small ranches, farms, and businesses. For the Federal Government to force individuals to make the drastic choices I have detailed under peril of losing much of what their fathers and mothers have labored so hard to obtain is unconscionable. In cases such as this, instead of being a helpmate, the Federal Government becomes a cannibal.

I have searched my mind in the hopes of finding a rational explanation for this sorry state of affairs. The conclusion I have reached is that the sole use of the fair market value method is an outdated growth affixed to the body of Federal inheritance laws passed in 1916. Moreover, my studies in this area have revealed that the impetus for presently excessive inheritance taxes occurred during the depression years. During the same period when businessmen were selling apples on streetcorners and bankers were jumping to their deaths out of Wall Street windows, a few wealthy individuals and families flaunted their opulence before the more unfortunate. This caused such a hue and cry to be raised that Congress enacted stricter inheritance laws designed to disassemble and redistribute inherited wealth.

Unfortunately, the operations of the inheritance laws, while aimed at the estates of the wealthy, have created many problems affecting middle and lower income families more than the well-to-do. The rich have learned to use foundations, charitable trusts, and other tax loopholes to escape the full weight of the inheritance laws, leaving heavy tax burdens on those of more modest means, such as families with small farms, ranches, or businesses. Even more destructive is the effect excessive inheritance laws have on individual initiative. Why should a man spend his productive years toiling to build an estate in any business for his family and children when he knows the Federal Government, as a matter of public policy, will make every attempt to dilute his inheritance and dissolve his interests?

I believe a solution to this problem is long overdue. And I hope that all those who are interested in promoting tax justice will agree. While a wholesale revision of Federal inheritance laws would be clearly desirable, I have confined my reform proposal to the tax regulations affecting families of small farmers, ranchers, and businessmen. Perhaps in addition to effecting significant changes in clearly inequitable Federal tax laws, the bill will spark congressional interest in a more comprehensive revision.

As I stated earlier, my measure would permit the executor of an estate to establish the estate's value for inheritance tax purposes on the basis of either the earning power of the estate as evidenced by a taxable income measure, or the fair market value of the estate's assets. By the earning power method of valuation, an executor of a small farm, ranch, or business could avoid the inequities I detailed in my not-so-hypothetical example. Specifically, taking the $7,500 annual ranch income as evidenced by examining the father's income tax returns over a say 10-year period and coupling it with a capitalization factor of 4.5 percent representing the ranch's yearly increase in value, means the capitalized estate's earning power would equal $165,000. Reducing this by the standard $60,000 exemption, leaves a taxable estate of $105,000 burdened by an inheritance tax of $22,500.

A tax liability of this amount is not crippling. It does not force individuals to break up family holdings. Small farms, ranches, and businesses can be kept in the family, if so desired. A way of life can be preserved for thousands of individuals who under present laws fall prey to the ravages of excessive and unjustifiable inheritance tax laws. And individuals will be given new incentive to work, to be productive, and to save.

Mr. Speaker, I urge my colleagues to support my bill establishing alternate methods of estate valuation. It is a reasonable proposal calculated to bring desperately needed tax relief to families having inheritance interests in small farms, ranches, and businesses.

STANFORD UNIVERSITY ANTIWAR DISTURBANCES

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. GUBSER. Mr. Speaker, on Wednesday, February 10, following a day of antiwar disturbances on the Stanford University campus, a group of young men was fired upon by an unknown assailant.

I believe everyone should know what is happening at one of the country's greatest universities, and am submitting for inclusion in the CONGRESSIONAL RECORD material which will describe events surrounding this recent tragedy.

There follows an eyewitness account provided me by a Stanford student, together with two newspaper articles concerning the situation:

Eyewitness Account by Stanford Student

At approximately 11:00 P.M. on Wednesday, February 10, the campus of Stanford University experienced the most violent act in the memory of many in that community. Thirteen young men in the vicinity of the Free Market (headquarters of the anti-radical Free Campus Movement) were fired upon by a sniper, shooting a .45 caliber automatic pistol. In the attack two were wounded, one seriously, and one of those present went into shock. Of the group of thirteen, four were not Stanford students, and several had no connection with the Free Campus Movement (FCM). Among these was young John Dawson, 16, a Palo Alto high school student and son of Stanford Associate Professor Phillip Dawson.

The shooting was preceded by a day of violent radical activity on campus. In the early afternoon radicals had staged a brief takeover of the University Computation Center, causing $1000 in damage. At a rally beginning at 8:00 P.M. Stanford English Professor H. Bruce Franklin had urged that radicals begin "the people's war" on campus, beginning immediately. As soon as the rally had ended, about 10:00 P.M., the FCM group was attacked from behind as it left the scene. Five of its members were attacked in the ensuing riot, to which Santa Clara County Sheriff's deputies were unable to respond for nearly thirty minutes, due to the hesitancy of the University administration.

Reaction in the Stanford community was minimal, much to the surprise of those who had been fired upon. As a *Stanford Daily* commentator noted, writing two days after the incident:

"Even after the blood of two shootings and three beatings spilled onto the white "Beat SC" slogans in White Plaza on Wednesday night, there was neither a strong show of protest over the actions nor a rallying cry for support of the movement. President Lyman only urged students to stay in their dorms one more night."

Finally, however, on the afternoon of Friday, February 12, California Superior Court Judge Homer B. Thompson granted the University's request for a Temporary Restraining Order against 17 radical leaders (including Professor Franklin) and Venceremos, a radical organization. At the same time, the defendants were ordered to appear at a hearing on February 18 to show cause why the University should not be granted and injunction which would bar them from the campus altogether.

Articles which appeared on Thursday, February 11 in the *Palo Alto Times* and the *San Francisco Examiner* serve to further illuminate the facts surrounding the attempted murder of the night before.

[From the San Francisco Examiner, Feb. 11, 1971]

(By Don West)

STANFORD.—The 16 year old son of a Stanford professor was shot in the thigh last night in the course of continuing disturbances fomented by anti-war demonstrators.

John Dawson, whose father, J. Philip Dawson, teaches history, was reported in satisfactory condition after treatment. Police said they had no clue to his assailant.

The shooting occurred toward the end of a hectic day in which demonstrators occupied a building, caused relatively minor damage to a $5 million computer, and roamed the campus into the early morning hours smashing windows and turning in false fire alarms.

NINETEEN ARRESTED

A total of seven adults and 12 juveniles were arrested and, in addition to Dawson, four others suffered minor injuries, presumably from rocks and other projectiles.

Dawson, a Palo Alto High School student, was standing with a group of friends in a parking lot next to the Free Campus Movement Building—a target of radicals because the "conservative-libertarian" group has been photographing their activities.

Witnesses said they heard several explosions which they first thought were firecrackers. Then Dawson screamed that he had been hit, and fell.

One person—witnesses were not even sure of the sex—did the shooting, loosing a fusillade of shots in the direction of the building. Police counted six impacts on the wall.

The assailant escaped on foot despite a chase.

"INEXCUSABLE"

Members of the four-man Council of Student Body Presidents called the attack "destructive . . . criminal and inexcusable."

"The actions of a malicious few, many of them nonstudents or high school students, have hurt not only Stanford but also the legitimate non-violent anti-war movement," they declared.

One of those struck by rocks during the evening, graduate student Claude Long of Menlo Park, was hurt severely enough to be taken by ambulance to a hospital. He, too, was reported in satisfactory condition.

The juveniles arrested, nine boys and three girls, were charged with disturbing the peace and violating a 10 p.m. curfew. All were booked into Juvenile Hall.

Acting Assistant Professor James Little, 28, four females and two males were booked on assorted charges of failure to disperse, unlawful assembly, resisting arrest, and disturbing the peace.

The troubles began yesterday after some 200 persons marched on the Computer Center as an offshoot of a noon rally at which about 2000 protested the invasion of Laos.

The rally was organized and led by a radical group headed by Associate English Professor H. Bruce Franklin and students Jeff Youdelman and Janet Weiss, all of whom had been charged with blocking the speech of Ambassador Henry Cabot Lodge on Jan. 11.

CENTER CLOSED

Their plea to "shut down the university" was met by a counter proposal from a moderate group led by Bob Grant. Grant's proposal to organize a community movement aimed at influencing congressmen met with the broadest support from the crowd.

Only about 10 percent of the crowd joined the march to the computer center, which had been closed by the administration in anticipation of the move.

A side door entrance was found open and this was used by the group to take over. Campus police, who had been guarding the front door, left the scene.

The strikers were allowed to wander around the building, climb on the roof and set up a small Viet Cong flag over a three hour period before being ordered down.

TAC SQUADS

Undersheriff Tom Rosa informed the strikers they would be arrested if they remained and called in tactical squads, causing a quick evacuation of the computer center. Strikers caused an estimated $1000 damage to machinery, officials said.

A small band of about 30 led by Franklin returned to taunt police. When rocks were thrown from the back of the crowd, officers from Palo Alto and the sheriff's office charged the group, apprehending five persons. Included in those arrested was Theresa Ramirez and Mike Holman, who were among those accused of disrupting Lodge's talk.

The moderate group had Congressman Paul N. McCloskey (R-Portola Valley) as a speaker before its session last night, which called for a communitywide effort in trying to influence congressmen in a renewed effort to pass the McGovern-Hatfield proposal to end the Indochina war by the end of this year.

McCloskey, who said President Nixon's Vietnam policy had failed, urged students to rally fellow students in Southern California, the Midwest and the South to persuade "hawkish" congressmen to change their stand on the war.

[From the Palo Alto Times, Calif., Feb. 11, 1971]

An antiwar rally triggered a wild night of violence on the Stanford University campus Wednesday. Two youths were shot, at least 10 injured and 18 persons were arrested.

Violent outbreaks included a three-hour takeover of the university's $5-million computation center, bomb threats, the beating of three students, and repeated clashes between police and an estimated 200 demonstrators.

John Dawson, 16, a Gunn High School student who is the son of J. Phillip Dawson, associate professor of history at Stanford, was shot in the right thigh while he stood in a parking lot about 11 p.m. talking to friends who are members of the conservative Free Campus Movement (FCM).

Dawson was reported making a satisfactory recovery today at Stanford University Hospital.

A Stanford student, Doug Lempereur, also reported he was shot, but he received only a graze in one thigh and was treated and released at Stanford Hospital. He said the shooting was at about 8 o'clock.

Lempereur said he was also standing with an FCM group when he was shot.

Police did not release any information on suspects in the shootings.

At least three FCM members were beaten by demonstrators when they attempted to take pictures of possibly illegal actions.

An estimated 100 law enforcement officers from Stanford, San Jose, Palo Alto and Santa Clara County were on hand during the afternoon and night.

The disruptions started with a noon rally at White Plaza and didn't end until about 1 a.m. today.

Most of the early afternoon activity was relatively peaceful. About 600 demonstrators marched from the White Plaza rally to the computation center with the avowed purpose of shutting down in protest to the invasion of Laos.

COMPUTERS

About 100 entered the building at 1:25 p.m. Most remained for three hours, but did not damage the two expensive computers or the 15 computer terminals.

They were driven out at 4:20 by about 60 men from the Santa Clara County Sheriff's department and the Palo Alto and San Jose police departments.

When police attempted to clear the lawn outside the center at 4:30, a scuffle broke out involving H. Bruce Franklin, associated professor of English and a long-time leader of radical activities at Stanford.

Franklin, had been yelling at police. When an officer attempted to arrest him, two demonstrators began scuffling with the officer. About 30 officers then charged into the crowd and the demonstrators including Franklin, scattered.

After dark, roving gangs of demonstrators tossed rocks through dormitory windows and clashed with officers.

The rock-tossing followed another rally, this one in the courtyard of the Old Union building.

Here is the chronology of the demonstrations at Stanford starting at noon Wednesday:

At noon about 600 persons gathered in White Plaza to discuss how to implement the strike which was voted Tuesday night by the Coalition Against the War in Indochina.

Janet Weiss, a graduate student and a

radical, said Stanford University is a key part of the war in Southeast Asia.

"A shut down at Stanford University is a concrete blow against the war," she said, suggesting that students close down buildings one by one.

Jean Hobson of the Palo Alto Tenants Union said that if needed, the community would go to the computation center to shut it down.

EXHORTS CROWD

H. Bruce Franklin, associate professor of English, urged the crowd to shut buildings down, and said workers and street people would be student allies. "I think the computation center would be a good target," he said.

There was no mention of violence.

At 1 p.m., 300 persons marched to the computation center in Jordan Quad across campus. They clapped and chanted, "On strike. Shut it down."

They arrived at the one story glass and wood structure to find it had been closed, and only two campus policemen stood before the front door. They moved a rear gate, broke in through a glass door and opened other doors. A Viet Cong flag was hoisted over the building.

About 150 persons swarmed into the building and toyed with the computer which had been shut down by technicians. They punched keys, sprinkled computer cards on the floor and scrawled antiwar slogans on the legions of red and black computer banks.

MINOR DAMAGE

"Which key do you punch to get a date," one student asked an employee.

There was no major damage to the computer. Minor damage was estimated at $1,000 plus $600 for every hour the computer was shut down.

Tactical squads from Santa Clara County, San Jose and Palo Alto were summoned immediately, but did not arrive until 4:20 p.m. Observers said they allowed a "cooling off" period for demonstrators and gave police time to plan for the safety of the computer.

Students decided who would remain in the building and formed affinity groups. Others guarded the entries to block access by the police.

"Computer centers aren't monsters, and a lot of people had a chance to find that out. Most students and employees were open and inquisitive," said Pete Nycom, manager of user services at the center.

Robert Rosenzweig, associate provost, and John Schwartz, university prosecuter, walked through the computation center and conferred with police officials.

TRESPASSING

At 3:25 p.m., Bruce Wiggins, university safety director, entered the building and announced that occupants were unauthorized and trespassing.

He was shouted down, and about 100 persons in the center began shouting, "Power to the people."

Not until 3:45 p.m. did any police enter the building. At that time C. D. Marron, field enforcement supervisor for the Santa Clara County sheriff's department, Sgt. Donald Tamm, community relations officer for the sheriff's department, and Undersheriff Thomas Rosa entered the building to confer with the occupiers.

Rosa said the computers were used to help treat patients at Stanford University Hospital and urged the demonstrators to leave the building and let the computers go back into operation "unless you want those poor people (at the hospital) to suffer."

The demonstrators replied that they weren't damaging the equipment in the computation center and wouldn't vacate the building until Lyman agreed not to use the computers there to aid the Indochina war effort.

CONTRACT CANCELED

At 3:53 they re-entered the building and told the demonstrators that the computation center's contract with Stanford Research Institute had been canceled Monday and that no more war research was being done in the building. Rosa again urged the students to leave.

The demonstrators would not believe that the center's contract with SRI had been canceled. One called out, "If that's true, why didn't (President Richard) Lyman announce it two days ago when it happened and avoid this whole thing?"

Twenty minutes later Marron announced over a bullhorn in front of the computation center that Schwartz, an assistant to Lyman, had ordered the building closed and that anyone remaining inside would be subject to arrest.

The demonstrators made no attempt to leave and five minutes later, at 4:20, about 60 men from the Santa Clara County sheriff's department and the Palo Alto and San Jose police departments charged through the crowd outside the center and into the building, which they cleared in a matter of seconds.

No arrests were made and nobody was injured while the building was being cleared.

The people who had been chased out of the building then joined with those on the lawn outside the center, to bring the size of the crowd on the lawn to about 300.

UNLAWFUL ASSEMBLY

At 4:23 Marron announced that the area from the lawn in front of the computation center to Jordan Way was "an area of unlawful assembly" and that anyone who refused to leave would be subject to arrest.

At 4:30 as Franklin, now at the head of the crowd, started telling the police that the crowd had a right to remain where it was, a scuffle involving an officer and two demonstrators broke out when the officer attempted to arrest. Franklin and about 30 charged into the crowd with batons poised.

The demonstrators scattered in the face of the police charge, most of them running toward Jordan Way. Five were arrested, including:

Leslie Kay Nassan, 20, 1030 Fife St., Palo Alto, a waitress, charged with disturbing the peace;

Sharon E. Winslow, 19, 4075 Laguna Way, Palo Alto, a student at Stanford, charged with failure to disperse and remaining present at a place of riot;

Toni Sharon Gray, 21. 950 Iris St., Redwood City, an unemployed telephone operator, charged with failure to disperse and remaining present at a place of riot;

Theresa C. Ramirez, 20, Roble Hall, Stanford, failure to disperse and remaining present at a place of riot, and

James G. Little Jr., 29, 862 Coleman Ave., Menlo Park, an assistant professor at Stanford, charged with failure to disperse and remaining present at a place of riot.

No injuries were reported during the melee.

FENCE REPLACED

By 4:35 p.m., the section of fence at the rear of the computation center which the crowd had removed to get into the building had been put back in place and the building cordoned off by officers.

At 5 p.m., the crowd began moving over to reassemble outside of President Lyman's office and the police from outside the campus left. The crowd dispersed half an hour later.

A two-hour long "rally" of the "The Movement" began at 8 p.m. It was peaceful as several speakers addressed the crowd of about 400 in the Old Union courtyard.

Shortly after 10 p.m., when the rally had ended, some of the crowd vowed to "get the pigs (police) off campus," and there was action.

Out in White Plaza, groups of rally-goers spotted photographers of the Free Campus Movement (FCM), a conservative-liberation group.

At least three of the camera-shooters were surrounded and given a good pummelling.

PEACEFUL

For the next hour things were comparatively peaceful.

Squads of police remained out of the way as some of the crowd, ranging up to about 200 persons, crossed in disorganized fashion past the Undergraduate Library.

At times there were chants of "Off Pigs." Several young men were equipped with walkie-talkie sets, trying to keep the mob headed for the dormitory areas.

The crowd marched around and about the Stern Hall and Wilbur Hall dormitory complexes. There was some good-natured bantering between the walkers and on-lookers from dormitory buildings.

CROWD HALTS

After a walk around the dormitory complexes, the crowd halted at Galves Street and Escondido Road.

During the evening some cherry bombs had been set off as well as firecrackers.

Now, there was a shatter of glass. A street lamp had been broken.

Some rocks were hurled.

At this moment squads of police moved into action and broke up circles of people.

Some of the rally participants were even chased into hallways of dormitories.

One youth was doubled over on the Escondido Road side of the intersection when he received a shot of mace.

SHOTS HEARD

About 100 yards away, young Dawson was standing talking with personal friends who are FCM members. Suddenly several shots rang out.

C. W. "Moose" Marron, field supervisor of the sheriff's department, was not far away.

A spent cartridge was found at the scene but Marron refused to give the ballistic result.

Six students were treated at Cowell Health Center and released. Two were hit with rocks thrown during the afternoon demonstration outside the Computation Center and four were injured at night.

Five people were arrested during the night disturbances, including one young woman who had been arrested in the afternoon near the Computation Center and been released on bail.

Those arrested at night included:

Ian Holes Fraser, 16, 3429 Kenneth Drive, Palo Alto, who was charged with curfew violation and assault on a police officer after he threw a rock at Sheriff's Deputy Phillip Kaspar and Sgt. Robert McDiarmid, according to the officers who were on crowd control in front of Jordan Hall at 10:50 p.m.

The rock missed the two officers, who chased Fraser into a room in a nearby dormitory and arrested him.

Duncan Goodfellow Fraser, 18, 3429 Kenneth Drive, Palo Alto, a student at the Mayfield Continuation School, Palo Alto, who was arrested at 11:50 p.m. by San Jose police at Manzanita Park and Campus Drive and charged with assault with a deadly weapon after he threw a metal rod 36 inches long and a half inch in diameter at a car containing four officers, according to Deputy Robert Pulling, an occupant of the car.

Michael Alexander Holman, 18, 747 Dolores St., Stanford, was charged with interfering with police officers by sheriff's deputies at Cubberley Auditorium at 11:15 p.m.

Leslie Kay Nassan, 20, 1030 Fife St., Palo Alto, a waitress, and James Alexander Wrigley, 20, 401 6th Ave., Menlo Park, unemployed, were arrested at 11:30 p.m. after a disturbance at the Stanford library.

FIRE ALARM

Deputy Gary Medlin said he and other deputies went to the library to investigate a fire alarm and some people at the library pointed to three people in the parking lot, whom they said had purposely broken a fire alarm box.

Medlin said he and the other deputies chased the three to Galvez Street where two people grabbed Wrigley and Miss Nassan. Medlin said that the two demonstrators struggled violently with their captors before the deputies arrived and arrested them. The two were charged with disturbing the peace and obstructing an officer from the performance of his duty.

Santa Clara County juvenile authorities in San Jose said that three males, all 17 years old, had been referred to them on curfew charges. Two are from Redwood City and one is from Menlo Park.

At 12:30 a.m., a telephoned bomb threat was received at the North Santa Clara County jail in Palo Alto, where five persons had been booked.

"Free all political prisoners or we'll blow you up," the caller said.

There was no explosion.

LITHUANIAN INDEPENDENCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. BIAGGI. During this decade numerous incidents of suppression of a people or a race have and will come before the public eyes of the world.

We have witnessed flare ups in Northern Ireland by Irish Catholics fighting for their right of self-determination. We have witnessed the attempted flight of Soviet Jews, systematically persecuted by their faithless oppressors. And we have witnessed the continued struggles of Israel and the free nations of Southeast Asia to maintain their independence.

But let us not forget those nations and peoples who have fallen under the yoke of oppression in years past. The people of Lithuania celebrate the 53d anniversary of their declaration of independence this month. Yet for half of those years they have been under the domination of the Soviet Union, which ruthlessly laid claim to their land during the Second World War.

Some have said that Lithuania is better off under Soviet domination than as a struggling independent state. But the facts belie that statement. We have seen continued efforts on the part of Lithuanian citizens to escape the clutches of the Soviet Union. The most recent act is the attempted defection of Simas Kudirka to the Coast Guard cutter *Vigilant.*

The action of representatives of this nation in not aiding his defecton at that time forever remain a blot on our history of dedication to the princples of freedom and the right of self-determination.

We Americans must help keep alive the voices of the Lithuanian people still held prisoner in their homeland. We must speak for them in the free world. We must tell of their desire for independence.

The vice grip the Soviets have had on the people of Eastern Europe is weakening. The valiant effort of the Czechoslovakians to make their own way is a sign of the continued quest for independence.

The Soviet Union cannot long maintain its oppression. The spirit of America's Patrick Henry certainly lives in the hearts of the Lithuanians and other captive nation citizens. In the midst of this country's struggle for its own independence he spoke the words of world truth, still valid today:

> Give me liberty or give me death.

OKLAHOMANS DEDICATE TULSA PORT OF CATOOSA

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. EDMONDSON. Mr. Speaker, northeastern Oklahoma has been a busy place since the first of the year. The McClellan-Kerr Arkansas River navigation system was opened to barge traffic on December 31, 1970. Last month an enthusiastic crowd dedicated the port of Muskogee, and this past weekend another crowd gathered by the river to dedicate the Tulsa port of Catoosa.

The principal address at the Catoosa dedication was delivered by a man who has displayed his belief in the navigation project and the future of northeastern Oklahoma in the strongest way—by investing in the area.

This man is Mr. William Verity, president and chief executive officer of Armco Steel Corp. The extent of his investment in our green country is described in his address, which I would like to have appear in the RECORD.

Mr. Speaker, it is a fact of life that many times an outsider can get a clearer and broader view of a situation than can a man who lives with the situation every day. Those of us who live in northeastern Oklahoma strongly feel a spirit of progress and hope for the future. Mr. Verity has captured these feelings in words.

The United States has made a tremendous investment in the Arkansas River Basin, and in our area. I hope those who read Mr. Verity's address will realize, as we do, that this investment is going to pay itself back in a very big way.

I include the address as follows:

ADDRESS BY WILLIAM VERITY AT TULSA PORT OF CATOOSA DEDICATION, FEBRUARY 20, 1971

On January 2 of this year, the motor vessel *"John K"* passed through the W. D. Mayo Lock, just a few miles upriver from the Oklahoma-Arkansas state line, carrying a load of steel line pipe for Cities Service Pipe Line Company of Tulsa. The significance of this particular tow was that it was the first commercial shipment on the Oklahoma portion of the Arkansas River Navigation System.

Today, just seven weeks later, we are dedicating the Tulsa Port of Catoosa, the terminus of a $1.2 billion waterway which is the most expensive and courageous public works project ever undertaken in this country.

In the grand tradition of bringing the mountain to Mohammed, the Corps of Engineers has brought the ocean to Oklahoma, creating the nation's newest and most unique sea-port.

It's been widely reported that today's dedication marks the completion of a 25-year effort, inasmuch as the Arkansas River Navigation System was authorized by Congress in the River and Harbor Act of 24 July 1946. That does suggest a birth date of sorts, but it isn't too difficult to trace the origins of this project even further back than 1946.

There are those who will tell you that it got its start in 1943 when the Arkansas River left its banks in a catastrophic flood which caused some $150 million in damages. Robert S. Kerr, who was then Governor of Oklahoma and later a distinguished U.S. Senator, reacted immediately by putting his energies and talents behind a scheme to control and harness the river, a scheme that had been discussed and debated for perhaps half a century.

Or we might find the roots of the project going all the way back to 1832 . . . when Congress made its first appropriation for the Arkansas River—the princely sum of $4,300, which was to be used for dredging up dead trees from the river bottom. It's a matter of record that at a cost of about 87 cents apiece, 4,927 snags were removed.

These historical excursions are interesting enough, but what I'd really like to explore with you today is the future . . . and what this engineering and political marvel can mean to this entire area.

Although the Gulf of Mexico is about 450 miles south of us as the crow flies . . . or about a thousand miles as the fish swims . . . a great deal has been written about the Waterway bringing the ocean to Oklahoma. What these writers have missed is the fact that this is nothing new; the ocean's been here before!

Back in the Cambrian period of geological history, a vast ocean covered this area. When these waters finally receded, about halfway through the Ordovician period, they left huge amounts of sediment . . . and this sediment eventually formed the geological structure which enabled oil to collect here. And I don't need to tell Tulsans what oil has meant to Oklahoma's economy over the years.

Now . . . on the downhill side of the 20th Century . . . the ocean is returning to Oklahoma, and as it did those ages ago, it promises to make a profound impact on Oklahoma's economy.

It's been suggested that the Arkansas River Navigation System could be viewed as a huge funnel, with the Tulsa Port of Catoosa at one end, and the mouth of the Mississippi at the other. Personally, I prefer to think of it as a giant cornucopia—the goat's horn of Greek mythology that was supposed to be filled with whatever its possessor wished for—because this Waterway will certainly prove to be a horn of plenty for the people of the Arkansas Basin.

Official estimates are that 13 million tons of freight a year will pass along the Waterway's 440 miles, and through its 17 locks. However, I understand that Tulsans—with their characteristic confidence—are predicting that Catoosa alone will handle 12.5 million tons a year by the end of the Seventies. I'll side with the Tulsans if they run into any argument . . . partly because I know something about what they can do once they make up their minds to do it . . . and partly because of the weight of the statistical evidence.

For instance, in the first year the lower end of the System was in operation, it was predicted that it would handle in the vicinity of a million tons. The actual tonnage figure turned out to be about two and a half times the estimate!

The experience of the Gulf Intercoastal Waterway, which runs from Texas to Florida, gives us another reason to be optimistic. It's carrying 64 million tons of freight—thirteen times its predicted potential. As a matter of fact, commerce on all of our inland waterways has increased five-fold since World War II.

Oklahoma has a great deal going for it besides oil. The state is incredibly rich in natural resources. The U.S. Bureau of Mines estimates that there are more than 60 commercially producible minerals in the Lower

Arkansas, White and Red River basins . . . and I understand that 30 of these are on the government's list of 38 "critical" minerals which must be imported.

What's been needed, of course, is an economically-feasible way of transporting these resources from where Mother Nature put them, to wherever it is that Man needs them. That's one of the things the Arkansas River Waterway is going to do for us.

Today it's possible to move a ton of freight 333 miles per dollar by waterway, compared to 66.7 miles by rail, and 15.4 miles by truck. Where it's possible to ship by water, there are great economies, particularly in transporting heavy and bulky products and materials. I read a few days ago that the Arkansas River Navigation System will save as much as $75 million just in lower shipping costs. That's obviously going to create a whole new economic equation for the Arkansas River Basin.

Let's take coal as an example of this. Oklahoma's coal reserves are estimated to be about 3.3 billion tons. These are proven reserves; we know where this tonnage is. The problem has been that the economics of mining and shipping it have not been favorable for Oklahoma up till now. The Waterway is going to change all that.

Armco's Evans Coal Company operates an open pit mining operation over near McCurtain. We've been shipping substantial tonnage of excellent metallurgical Oklahoma coal to our Houston plant by rail, but this open pit mine is just about exhausted . . . We know there is a tremendous amount of excellent coal deeper down which we'll have to get at through underground mines. There are some difficult mining problems which we have to solve first, but once we do, we foresee the possibility of quadrupling our coal shipments. Some of this will continue to go to Houston, some of it will replace Appalachian coal at our northern plants, and some of it will go into the export markets. And this possibility will become a probability because of the availability of low-cost water transportation.

And coal is just as important in the generation of electricity as it is in the generation of steel. The availability of large quantities of coal, shipped at low cost, is making possible the operation of generating stations up and down the Waterway. I've been told that by 1973, there will be ten such generating stations on this river system, serving at least half a million households.

Another economic benefit which the Waterway will provide is the elimination, or substantial reduction, of the heavy costs which are a part of every flood. A few minutes ago I mentioned that the flood of 1943 carried a $150 million price tag, but that covered only the direct damage. It didn't include the hidden, but very real, costs involved in lost wages and production, and in accidents and sickness which can be found in the wake of every flood.

To give you some idea of what dollar magnitude we're talking about, the Corps of Engineers flood control program in the Ohio River Basin has prevented an estimated billion and a half dollars in flood damage over a period of the last 20 years . . . thanks to structures which cost only some two-thirds of that amount.

But trying to describe the potential impact of the Arkansas River Navigation System in purely monetary terms would be a mistake because this tends to put a damper on our imaginations. I think we can get a much more accurate appreciation of what this Waterway is going to mean to the future of the Arkansas River Basin from the following testimony, presented before the House and Senate Appropriations Committees by a spokesman for the Ohio Valley Improvement Association:

"The benefits of this vital artery of commerce through the center of America extend far inland from the river's edge. Low-cost electric power, generated on the river bank from coal delivered by barge, is transmitted for ever-increasing distances at high voltages to distant inland communities. The expanding power-based and water-based industries—steel, aluminium, chemicals, petroleum and others—provide an abundance of low-cost basic materials for the expansion of innumerable fabricating and consumer goods industries, both near and far, creating jobs and incomes. Industrial expansion raises the taxation base of the river valley states, with which to provide schools, hospitals and roads throughout the state areas. Progressive improvement of highways permits workers in localities remote from the riverbank to commute daily to jobs in the water-based industries. Water-based industrial growth generates rail and truck traffic in high-value products, components and supplies. The benefits are broadly-based."

While this statement refers specifically to the Ohio River Waterway, a navigation project that over the last 20 years has returned $13 for every dollar of federal investment, it provides a realistic forecase of what we can expect from the Arkansas River Navigation System.

But *all* the benefits we can predict won't have to be preceded by dollar signs. Take the matter of recreation. As we find ways to do more and more in less and less time, the resulting increase in leisure time poses both an opportunity and a problem.

Increasing numbers of Americans are demanding facilities to satisfy their desire for wholesome recreation. In 1969, more than a million visitors made use of the 14 recreation sites near the Dardenelle Reservoir. In the same year, the number of users of the Corps of Engineers recreational projects in the Ohio River Basin climbed to 56 million, three times what it had been just ten years earlier.

As additional recreational facilities are developed around the various reservoirs in this System, it is a foregone conclusion that Oklahoma is going to find a boom in tourism. You are going to attract so many vacationers from other states that you will completely destroy the erroneous image of Oklahoma that Will Rogers had in mind when he responded to someone needling him about the number of "Okies" who migrated to California during the depression. As I recall the story, Will admitted that this was true, but pointed out that they'd raised the IQ of both states in the process. I understand Will had some things to say about this project too. He claimed it would be cheaper to pave the river than to try to make it navigable; he also said that if you took all the bootleg moonshine made in Rascal Flats (the old nickname for Catoosa) and poured it into the river, you'd make it navigable right now!

And while I'm on the subject of Oklahomans, let me pay tribute to several who've made quite an impression on those of us in Armco's management—the Three B's from the world of music: Dewey Bartlett; Henry Bellmon; and Page Belcher.

This identification may surprise those of you who thought the Three B's of the world of music were Beethoven, Brahms and Bach . . . but the fact is that for the last six years these gentlemen have been serenading us, and the two tunes they've kept singing over and over are the title song from "Oklahoma", and the Beatles number, "With a Little Help From My Friends."

About three years ago we started to pay close attention to a catchy tune they were singing, called "The Arkansas River Navigation System Stomp." We particularly liked the part about the lower shipping costs for heavy tonnage items. We liked it so much, in fact, that we bought some land along the river and decided to double the melting capacity of our Sand Springs plant, not only to meet our need for increased tons right here, but also to allow us to ship billets over the Waterway to some of our other operations. It's no coincidence that both the Corps of Engineers and Armco finished up their projects at almost the identical time. Our second new electric furnace is on line and living up to expectations; we still have about 2 weeks of final installation before our fume collector will be in operation, after which the manufacturer assures us they will be doing such an effective job of getting rid of the red smoke around these parts that we'll be known as your friendly neighborhood invisible steel company.

Another group of Oklahomans who've left their stamp on us are those who are responsible for conceiving, planning and carrying out this entire project. When I first saw the various printed materials describing the Port, I was much impressed with the planning for its physical development. When that initial impression passed, what come through loud and clear was a realization of the qualities in a people which made the Port of Catoosa possible. As I looked again at the plans for development, what I saw was not just channels, and moorings, and docks, and warehouses . . . what I saw was vision, and courage, and determination, and an extraordinary degree of cooperation. It dawned on me that Catoosa isn't just a town and a seaport; it's a state of mind!

About a century ago the English philosopher, John Stuart Mill, made this observation:

"A state which dwarfs its men . . will find that no great things can be accomplished." How fortunate we are that Oklahoma has never dwarfed its men, but rather, has encouraged them to greatness . . . for what we dedicate here today is indeed a great thing which they have accomplished.

We would do well to recognize that today marks the end of one dream, and the beginning of another. In a sense, then, my remarks today are a kind of commencement address . . . which according to tradition entitles me to offer one word of caution.

With all of the various advantages which I've tried to document, the outlook for the physical and economic development of the Arkansas River Basin, the State of Oklahoma, and the Tulsa area just has to be outstanding by any yardstick. In fact, when I think of what you have in the way of natural resources, energy fuels, geographic location, transportation facilities, available land, proximity to markets, and that most precious of all commodities, people . . . it's impossible for me not to be downright bullish about your future!

It may be a poor figure of speech to use this far south, but I'll take that chance and say that I look for the development of this part of the country to snowball. As a matter of fact, I'm convinced that your problem will be one of abundance . . . like Manager Sparky Anderson of the Cincinnati Reds having nine Johnny Benchs. Your need won't be to generate growth, or to sustain growth; your need will be to channel, direct and control it.

As King Midas found out, it's possible to get too much of a good thing. I would hope that the physical growth which Catoosa is sure to bring will not be achieved at the expense of the quality of life hereabouts. If that growth serves only Society's economic needs, then it will not serve Society well.

On every hand we see evidence that many of the more highly developed cities and areas of the country have some pretty highly developed problems, too: urban sprawl and decay; overage senile business districts; inadequate transportation systems; substandard housing and schools . . . in fact, most of our major cities don't need mayors . . . they need magicians!

But what a contrast there is in what you have here, and in this unparalleled opportunity you have to prove that Man can be master of his fate . . . that he can live in a place without hopelessly fouling it . . . and that he can control Nature, by first learning to control himself.

As Catoosa provides the key to unlock the door to this area's future, I would hope that it will be possible to learn from the mistakes of others, and to profit by avoiding them.

With this hope in mind, I would urge that challenging objectives be set for this area's growth, objectives which balance idealism with realism. I would also urge that the temptation to push for dramatic surges in physical and economic growth-rates be resisted, and that the development of this area be balanced on the foundation of prudence and consideration of all of Society's needs.

It has been a great privilege for me to be here today, and to have this opportunity to share in such an historic occasion. I'd like to extend my sincere congratulations to everyone who helped make this marvelous achievement possible—the Corps of Engineers; the City of Tulsa-Rogers County Port Authority; the very memorable late Senator Robert S. Kerr; the Honorable Ed Edmondson, in whose district this magnificent project is located; the Honorable Page Belcher; the entire Oklahoma Congressional delegation; officials of the City of Tulsa and Rogers County, both past and present; and to those thousands and thousands of people who have backed their confidence in this area with the investment of many millions of dollars in public and private funds.

In fact, I'm so delighted to be here, and so impressed by what I've seen, that if I weren't a hopeless monotone, I'd sing you those wonderful, exuberant words from Rogers and Hammerstein's hit musical,

"You're doin' fine, Oklahoma . . . Oklahoma, O.K.!"

A TRIBUTE TO JAMES B. McDONALD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. ANDERSON of California. Mr. Speaker, on January 10, 1971, the many friends and acquaintances of Jim McDonald were saddened to hear of his passing. Those who knew Jim can tell you of his heartfelt compassion and deep concern for the welfare of his fellow man.

Jim cared and expressed his concern through his activity in the political arena wherein the little man could look to a Jim McDonald for help.

Many of his friends gathered together in a special memorial program in his honor. The press of congressional business prevented my attendance. But I would like to include in the RECORD the remarks which were delivered for me by a member of my staff:

A TRIBUTE TO JAMES B. MCDONALD

How does one pay tribute to a man like Jim McDonald? You can start where he started, remembering that he was born on May 10, 1892, in the cool northern climate of Nova Scotia, Canada.

You can tell how he met and married Doris James in Alberta, Canada, and later moved to Wilmington with her in 1923 to make their home. But those are the private thoughts—the memories best left to the family.

You can talk about his work—how he devoted 31 years of service to the Texaco Refinery in Wilmington. Throughout his years with Texaco, he was both a loyal, dedicated worker at the plant; and a loyal, dedicated member of the Oil, Chemical and Atomic Workers Union. But that is only to tell how he earned his living, not to tell how he lived his life.

It might be closer to revealing the heart of the man to tell how he served faithfully as an active member of Saints Peter and Paul Church, and of the Knights of Columbus for 53 years. But there are others here today who know that part of his life better than I.

You can repeat the title—"Mr. Democrat"—that he earned and wore proudly. I think this is getting closer to the Jim McDonald that we remember. I don't mean the dry statistics that he worked in every political campaign since 1928, or that he served for 20 years as a member, and later as chairman, of the 68th Assembly District Democratic Central Committee, or the 17th Congressional Democratic Committee. Those appointments were honors, of course, but they were honors that came because of the type of man he was—and that's what we want to remember today.

Some people can become important in politics because they contribute money. Others become important because they contribute time and ring doorbells. Jim McDonald became important because he contributed his heart.

The thing I remember most about Jim is his quiet concern for the problems of his fellow human being. In the two years that I have represented the 17th Congressional District, Jim frequently stopped by my office here in the District. If I was here from Washington, he would spend a few minutes to say hello and wish me well—but those occasions were rare—too rare. When I was not in the District I still knew if Jim had been by the office. Three or four times a month I would get a memorandum from the staff saying Jim had been in, and was there anything I could do for Mrs. Jones, who had been having some kind of mixup with her social security checks; or that Tommy Smith had been wounded in Vietnam and maybe I could check with the Army to see how bad it was, and let his mother know a little more than was in the telegram.

That was what earned Jim the title of "Mr. Democrat"—his concern for people. For it was always the little people who might not have anyone else to be concerned about them.

The love and humanity which Jim McDonald showed to everyone who knew him reminds me of the words of Jesus in the 25th Chapter of Matthew in which there was being discussed the last Judgment: It reads:

"Then shall the King say unto them on his right hand, Come, ye blessed of My Father, inherit the kingdom prepared for you from the foundation of the world:

For I was hungered; and ye gave me meat; I was thirsty, and ye gave me drink; I was a stranger, and ye took me in; naked, and ye clothed me; I was sick, and ye visited me: I was in prison, and ye came unto me.

Then shall the righteous answer him and say, Lord, when did we saw thee hungered and fed thee, Or Thirsty, and gave thee drink, when saw we then a stranger, and took thee in? Or naked, and clothed thee?

Or, when saw we thee sick, or in prison, and came unto thee?

And the King shall answer and say unto them, verily I say unto you, inasmuch as ye have done it unto one of the least of these my breathren, ye have done it unto me."

GUS BERNIER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. WYMAN. Mr. Speaker, in the usual course of things the news most often considered fit to print is bad news. It is heartening for me to be able to pass on some good news. The good news is the community spirit of one of my constituents, Gus Bernier of Manchester, N.H. Gus is host of WMUR–TV's children's program. "The Uncle Gus Show" and a leader in the drive against muscular dystrophy. As pointed out in the following letter from the Muscular Dystrophy Associations of America, this one man has done far more than his share to improve the world we live in. I am proud to represent the city which counts the likes of Gus Bernier as one of its citizens:

MUSCULAR DYSTROPHY ASSOCIATIONS
OF AMERICA, INC.,
New York, N.Y., February 12, 1971.

HON. LOUIS C. WYMAN,
P.O. Building, Room 217,
Manchester, N.H.

DEAR CONGRESSMAN WYMAN: I'd like to call your attention to the splendid contribution made to a worthwhile cause in the Manchester area by one of your constituents. He's Gus Bernier, host of WMUR–TV's children's program "The Uncle Gus Show" who for the past five years, has promoted CARNIVALS AGAINST DYSTROPHY on his show. In that time, CARNIVALS has raised over $7,000 in Manchester to help advance the research and patient service programs of MDAA.

Wholeheartedly endorsed by parents, educators and members of the clergy, CARNIVALS is a unique project whereby the hosts of popular TV shows invite their young viewers to write for free CARNIVAL kits which explain how funds can be raised to help children afflicted with muscular dystrophy. The kits contain all elements needed to produce a fun-filled CARNIVAL—which the youngsters run in their own backyards. There are many benefits to the children who participate: they learn how to organize and set up a relatively complex project, how to cope with responsibilities and needs outside their own daily lives, and how to meet the challenge of managing a "small business" of their own. Their approach to these projects brings with it all the energy and enthusiasm of childhood.

Perhaps the greatest benefit these children derive is their intense identification with those for whom the CARNIVALS are conducted—children who, because their bodies have been weakened by dystrophy, can't take an active part in such projects. In 1970, youngsters across the nation held 22,383 backyard CARNIVALS, raising more than $500,000 for victims of muscular dystrophy.

For many years, Gus Bernier has identified with and dedicated himself to the world of children, bringing them laughter and joy—and also instilling in them a sense of compassion for the less fortunate. I thought you'd like to know how he's contributing to the education of these young viewers and how they, in turn, are helping to better the lives of dystrophy patients. You and the people of the Manchester area can be justly proud of his accomplishments. I bring this to your attention in the hope that you may want to commend Gus Bernier and WMUR–TV for the great public service they are performing.

Sincerely,

ROBERT ROSS,
Executive Director.

GEORGE SPINK'S "THE ZOO THAT MADE MILWAUKEE FAMOUS"

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. REUSS. Mr. Speaker, associate editor George Spink recently wrote about American zoos in Adventure Road.

I include the article as follows:

The Zoo That Makes Milwaukee Famous

Folks from Milwaukee spell "brewers" with both a big and a little "b," but the city is famous for something else besides beer and baseball—its Zoo!

Wherever you live chances are you know all about the battling Brewers. But this may be the first you have heard about the Milwaukee County Zoo, considered by many persons, including zoo directors, to be the finest zoo in the world.

It is new, it is spacious. Construction began in the late fifties, and every major exhibit area and building is now completed, each incorporating the latest concepts in zoo design and operation. The Zoo is serenely situated on the western outskirts of Milwaukee, just off Interstate 94, in a woodsy, typically Wisconsin, 200-acre setting. While a beautiful fieldstone building houses a restaurant, picnic lovers will find tables and benches generously located along the wooded lanes meandering through the Zoo. As one would expect, the beauty of the Zoo's overall landscaping is also reflected in each individual exhibit.

It is the presentation of animals that makes the Milwaukee County Zoo stand tall among other zoos. Most importantly, animals are exhibited in continental groupings, which are shown in barless enclosures with astonishing, lifelike physical surroundings. The natural relationship between predator and prey is maintained in most of the exhibits, both roaming in apparent freedom.

The North American Group, for example, features Alaskan brown bear and Alaskan moose in the same natural habitat setting. While the bears gaze wishfully at the moose below, they are separated from their prey by a hidden moat.

The Alaskan moose, incidentally, is North America's most majestic mammal. Keep an eye open for mothers with their young (often twins), and for big "Major," the herd sire, with his five-foot spread of antlers. The Zoo claims he is the largest moose in captivity. During summer months you'll see the moose cooling off in their sizeable pond.

The king of beasts, the lion, dominates the African Group. As you stroll past the African exhibit, you'll see the regal beasts lingering around the waterfall. Again, a moat separates the lions from their prey: Chapman's zebras, ostriches, big eland antelopes, marabou storks, pelicans and goliath herons are some of the creatures that just *seem* to be in one big area with the king of beasts.

The Milwaukee County Zoo also has continental groupings for animals from Australia, South America and Asia.

In the east yard outside the Australian Building is a fine selection of kangaroos and their close relatives, wallabies and wallaroos. If you are lucky, you'll see these marsupials travel rapidly in a series of long springy hops, using their tails, which are very strong, as a third leg when they sit.

The jaguar is "the great cat of South America," and these handsome, meat-eating predators gaze down upon such natural prey as deer, tapir, llamas and miscellaneous South American birds.

The background of the Asiatic Group is highlighted by pacing Bengal tigers, separated from an exciting collection of their natural prey: blackbuck antelope, a herd of lovely spotted deer, a group of cranes, the lesser panda and some Indian waterfowl. Elsewhere in the Asiatic exhibit are Indian elephants, which differ considerably from the African: smaller ears, shorter, rounder backs, stockier frames, with bulging concave foreheads and only one (instead of two) fingerlike projections on the end of their trunks.

Besides the five continental groupings, the Zoo also features a number of inside exhibits and water areas throughout the park. For sheer fun and laughter, spend some time watching the frolics on Monkey Island, where everything is quiet and peaceful until one of the 125 Indian rhesus monkeys pokes another—then suddenly they all engage in a game of "pass it on."

The King of the Zoo is Samson, a 600-plus-pound gorilla who lives in a large, spacious cage in the Primate House. Samson holds court for the public by sitting (and sometimes sleeping!) on a steel platform eight inches above the floor—which just happens to be a scale.

Like birds, too? One of the first exhibits to see as you enter the Zoo is the Aviary, home to more than 800 birds from all over the world. The Aviary brings together birds of all sizes, from tiny jewel-like hummingbirds to the huge pelicans and great blue herons.

Penguin Hall is one of the high points of the Aviary, resembling natural (Antarctic) conditions in every way possible. Whether the penguins are making one of their casual dives, swimming rapidly to the depths of the tank, then up again—or merely basking in a "rain" spray that cleanses the surface of the rock formations, the cute birds are a delight to observe.

The Zoo's policy of presenting game in predator-prey settings is nowhere better illustrated than in Lake Wisconsin, an exhibit of fish found solely in Wisconsin waters. Its denizens include northern pike, various bass and gar, lake sturgeon, rainbow trout and many other species. Though there are scores of opportunities available to the "weaker" species of fish for escape and concealment in the 45,000-gallon tank, the crevices, undercuts, nooks and crannies in reality only provide temporary shelter and protection against the "stronger" fish. The Zoo, through regular feeding and nutritional policies, also helps maintain a good balance of predator, prey and scavenger fish.

While most people like to visit the Milwaukee County Zoo in spring and summer, the Zoo is open year-round—and fall and winter give one a chance to observe many facets of animal life not possible during other seasons. In fact, some local residents prefer wintertime visits to the Zoo because of the thrill of seeing a polar bear hop out of the water on a sub-zero day, or for the pleasure of seeing a Bengal tiger and a blackbush antelope staring at each other across a barely visible moat while enjoying a snowy day in Milwaukee. The sea lions, of course, love winter and bask leisurely amidst ice and snow.

But no matter when you visit the Milwaukee County Zoo, you are in store for an unforgettable look at wildlife. The Zoo has achieved a happy blend of flora and fauna—and it is yours to enjoy any time of the year.

THEY CAN'T BE JEW: THE PLIGHT OF SOVIET JEWS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. BADILLO. Mr. Speaker, this past weekend the world received a firsthand account of the plight and suffering of Jews living in the Soviet Union. Mr. Leonid Rigerman has borne witness to the religious, political, economic, and cultural persecution of the Jewish population in Russia.

Commenting on the desire of many Jews to emigrate to Israel, Mr. Rigerman aptly noted that in the U.S.S.R. "they can't be Jews, they are deprived of all forms of Jewish meaning, culture." It is clear that the free world cannot permit this harassment and intimidation of Soviet Jews to go unnoticed and that a moral obligation exists to bring all pressure to bear on the U.S.S.R. to change its discriminatory and oppressive policies.

Last month, the New York State Senate passed a resolution, memorializing the Congress to use all means to persuade the Soviet Union to change its oppressive policies toward Soviet Jewry. This resolution is most timely and deserves our fullest and most favorable consideration and attention. I am pleased to bring this resolution to the attention of our colleagues and insert it in the Record:

Concurrent Resolution of the Legislature of the State of New York Memorializing Congress To Use All Means To Persuade the Soviet Union To Change Its Oppressive Policies Towards Soviet Jewry

Whereas, persons of Jewish faith residing in the Soviet Union have long suffered persecution, oppression, and discrimination in their daily lives at the hands of the government of that country; and

Whereas, the authorities in the Soviet Union have suppressed, discouraged and prevented the free expression of Jewish education and culture, and have deprived Soviet Jews of the opportunity of worshipping freely and in accordance with the traditions of their age-old faith; and

Whereas, the Soviet Union has consistently denied the right of Jewish people to emigrate from that country to Israel, the beloved country of their forefathers, or to any country of their choosing, and in fact the Soviet Union has continuously prohibited and blocked each and every attempt made by Jewish persons to so emigrate; and

Whereas, recently eleven persons, nine of whom were Jewish, were convicted and sentenced to extremely harsh punishment for allegedly making plans to hijack a Soviet airliner in an effort to emigrate from the Soviet Union;

Resolved (if the Assembly concur), that the Legislature of the State of New York respectfully, yet firmly, urge and memorialize the Ninety-Second Congress of the United States to manifest our country's position as the guardian of the traditions of liberty and justice for all, the dignity of all mankind, and the freedom of worship, by taking such affirmative action as will tend to persuade the Soviet Union to revise its official policies in the following manner:

(a) To terminate its practice of denying Soviet Jewry of the opportunity of worshiping in a free manner and in accordance with age-old Jewish traditions;

(b) To permit Jewish persons to emigrate freely from the Soviet Union to Israel or to any country of their choice without restriction or limitation; and

(c) To reexamine and reconsider the harshness of the penalties recently imposed on the eleven persons sentenced in a Leningrad court for allegedly making plans to hijack a Soviet airliner, and to consider the possibility of permitting such persons to emigrate to Israel;

Resolved (if the Assembly concur), that a copy of this resolution be spread upon the journal, and that the Secretary of the Senate transmit properly authenticated copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives, to the two United States Senators from New York State, and to each member of the House of Representatives from New York State.

EXCITING NEW REVOLUTION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, like all unsuccessful revolutions, Mr. Nixon's "new revolution" is creating some excitement and much confusion. Anticipation of significant improvements captures the attention of every American.

Unfortunately, this revolution will end in desperation because the anticipation will not be matched by performance.

Whether one examines the proposed change from a local or State perspective, the return from revenue sharing will be modest. Although Federal revenue sharing is thought to be the solution to the money shortage at the State and local levels, analysis of the proposal indicates that 20 times more money will remain in Washington than will be returned to the States and local governments.

Robert S. Boyd, chief of the Detroit Free Press Washington Bureau, writing in the Sunday, February 14, 1971, edition of the Free Press analyzes several aspects of Mr. Nixon's "new revolution." His conclusion is significant:

> The danger is that if and when the programs are passed, the reality will fall so far short of the expectations now being raised that the end result will be disillusionment and frustration.

Because Mr. Boyd's article is so informative I include it at this point in the Record:

A Close Look at President's "Exciting New Revolution"

(By Robert S. Boyd)

Washington.—In a series of messages to Congress, President Nixon has begun to spell out details of his "New American Revolution," which he says will be "as profound, as far-reaching, as exciting as that first revolution almost 200 years ago."

The fine print in the papers flowing from the White House, however, turns out to be considerably less far-reaching and exciting than the presidential rhetoric implies.

In fact, by overselling his programs, Mr. Nixon is beginning to run the risk of reopening that "gap between promise and performance" which he ritually decries in his predecessors.

Take his State of the Union pledge—swiped from the banners of the new left—to return "power to the people."

The principal element is supposed to be revenue sharing. It is one of the "six great goals" on the President's new agenda.

When you boil it down, Mr. Nixon is actually promising to ship $24.80 per citizen, on the average, back from Washington to the states and cities across the land.

Yet, according to its own figures, the federal government will collect 20 times that sum from each man, woman and child in personal income taxes next year.

The question arises: Will the return of one-twentieth of your taxes from Washington to Lansing make such a "revolutionary" difference?

The modest nature of the change is also apparent on the state level.

Pennsylvania, for example, shipped almost $12 billion in taxes to Washington in 1970. Under revenue sharing, the state will collect only $246 million—barely one-fiftieth of its contribution to the federal establishment.

Furthermore, the terms of the deal are unfavorable for some states. Pennsylvania actually will be charged $328 million as its share of the $5 billion general revenue sharing fund—$82 million more than it will receive. That's a return of 76 cents on each dollar collected from Pennsylvania, hardly the kind of arithmetic to relieve the state's financial problems.

Another example of White House super-salesmanship: The President says his family assistance plan will "generously help those who are not able to help themselves."

But a worker with a wife and two children who now earns $1.60 an hour—the federal minimum wage—may not consider Mr. Nixon's proposal all that generous.

His present weekly paycheck of $64 would be supplemented by an extra $5.70 a week in "family assistance." The bonus will be welcome, surely, but it's not going to mean a revolutionary improvement in the family's living standards.

Besides exaggerating their financial impact, the White House is downplaying what could be an ironic by-product of Mr. Nixon's proposals: Instead of shifting power away from Washington, some of them would considerably increase the power and authority of the federal government.

Even revenue sharing could have this effect: The law as drafted by the White House would require each state, county, city and township which gets a share of the fund to report to Washington how the money is spent.

Since the federal funds will be mingled with state and local revenues, the federal government is claiming the right to make sure that all these monies are spent honestly and without discrimination.

Treasury agents will have the right to inspect state, county, city and township books and records if they suspect hanky-panky.

It's easy to imagine the impact this could have, say, on the way city fathers divvy up the budget for fixing sidewalks in the black section of town as well as the middle-class quarter.

In many other programs, President Nixon is also seeking to expand, not contract, federal authority.

The environment program he sent to Congress last week could put the national government in the business of checking factory smokestacks, regulating noisy power-mowers, and issuing permits to dump garbage.

His family assistance plan would nationalize state welfare standards.

He has promised to use the federal budget aggressively to restore prosperity. This means red ink, or old-fashioned pump-priming.

None of this means that the President's proposals lack merit or are simply political gimmicks. They are steps in a direction which has been urged by a growing number of conservatives and liberals in recent years.

High-pressure salesmanship from the White House may be necessary to overcome congressional resistance and accomplish the reforms.

The danger is that if and when the programs are passed, the reality will fall so far short of the expectations now being raised that the end result will be disillusionment and frustration.

CIVIL SERVICE COMMISSION IS ACHIEVING "RESPONSIVENESS"

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. ROBISON of New York. Mr. Speaker, in a rearrangement of jurisdictional lines as among subcommittees of the House Committee on Appropriations, I am pleased to note that the former Post Office-Treasury Subcommittee—on which I serve as ranking member—will pick up, under its new title as the Treasury-Post Office and General Government Subcommittee, budgetary jurisdiction over the Civil Service Commission.

I look forward to assuming my share of this additional responsibility, and also to the opportunity of getting acquainted with Robert Hampton, Chairman of the Civil Service Commission, about whose work and achievements in that capacity I have heard such good reports. As evidence thereof, prior to the beginning of our subcommittee hearings, I was pleased to note the following article about Mr. Hampton—and the new sense of "responsiveness" of the Commission—as published in the February 1971 edition of Government Executive magazine:

Civil Service Commission's Hampton, Aims at Achieving Agency "Responsiveness"

(By Samuel Stafford)

Over the years, the U.S. Civil Service Commission (CSC) has drawn as much criticism for its real or imagined failings as any Federal agency and probably has been the target of more brickbats than most.

It still has its detractors on Capitol Hill and in Government agencies, Federal employee unions and the media since modern personnel management still is an inexact and controversial science, but the critics seem—perhaps it is only the imagination—both less numerous and less belligerent than in former years.

As one longtime critic told *Government Executive:* "I hate to admit it, but things are really happening over there."

"Things" have been happening, of course, ever since the first three commissioners and their entire staff of four aides opened for business in a $3-a-day room in Washington, D.C., in 1883, for the essentially negative purpose of curbing rampant political patronage and corruption in public service.

Beginning in the 1930s, the CSC's role—paralleling the rapid growth and increasing complexity of the Federal Government—slowly began shifting in the positive direction of building an effective modern personnel administration system for the Federal establishment.

During the last decade—and particularly during the Johnson and Nixon Administrations under the leadership of former CSC Chairman John Macy and present Chairman Robert E. Hampton—the commission has, say the veteran CSC-watchers, made impressive gains in meeting tough new Federal personnel challenges. Significantly, the spurt of activity in an agency with a longtime musty image of a paper-shuffling, foot-dragging bureaucratic bottleneck has paralleled the rapid growth of Federal employee unionization and general social and technological ferment in this country.

Among the solid advances made in fairly recent years: liberal revision of the Federal Merit Promotion system, extension of the Federal Employee Health Benefits program, firm establishment of the principle of pay comparability with the private sector, growing sophistication in dealing with labor-management and equal employment opportunity problems, establishment of new programs to recruit and train Federal executives and broad Federal involvement for the first time in intergovernmental programs to upgrade the quality of state and local personnel.

To CSC Chairman Hampton, 48, who was a Civil Service commissioner for eight years before assuming his present post in 1969, the "new look" in his agency is here to stay, and, with continuing White House and Congressional support and policy-making involvement, however amiable, of employee unions, the prospects for future innovative personnel management advances are bright.

"The first thing I initiated after becoming chairman was a review of every operating program of the commission—rules, regulations, laws and so forth—in the light of the contemporary problems," Hampton said.

"I always got the impression that here was a great big piece of granite . . . that everything revolved around it and had to adapt itself to the system.

"So one of the points stressed in our review was to make the system responsive to the needs of today—the idea that merit principles do not have to equate with rigidity—

that they can be flexible principles. We didn't lose sight of the main idea which is that the hiring and promotion of employees should be done on the basis of their qualifications and their contributions.

"Looking at the system in this light, we asked ourselves: 'Is it responsive to the needs of management and the needs and interests of employees and the public? And in general, what is the environment around us in which personnel policies are made?'

"So our reviews indicated that there were a number of items that required new legislation or changes in Executive Orders and we placed these in an order of internal priority, realizing that it was impossible to achieve major reform in one great big package in a program that had been modified by law and Executive Order for nearly 90 years. Actually, we came up with some 44 requirements for changes in the law and 77 indicated Executive Order changes.

"These are basic reforms. Some are breadbasket issues and some are aimed at setting up a methodology and a machinery whereby we get where we want to go."

Hampton said: "The second thing we did of significance, I believe—and something that ties into the idea of agency responsiveness—concerned a reexamination of our institutional attitudes.

"You know, we don't really need somebody always telling us how and where we went wrong. Our attitude should be that we are our own severest critics . . . that we have the machinery available to us to collect the views of the users of the system and to learn about and correct flaws rather than saying there are no deficiencies or lamely trying to defend them. In other words, we have to recognize our problems and move boldly toward really solving them.

"In this connection, we have no information in the commission that is classified or otherwise to be kept from the public except for internal working papers such as inspection reports, medical records, investigative files on individuals and documents submitted to the President on which he has not yet acted.

"We approached the problems of making reforms on an open basis. We established methods of consultation with most of the Government unions and before policy matters become issues we go to the unions and give them a draft of what we have in mind and say: 'Here it is, now take a shot at it—let's have your views, what's right and what's wrong about it?'

"The unions have responded very well and their criticism of documents we've given them for consultation has been constructive. Of course, they don't lose sight of their objectives and there are some tough struggles on various points, but this is to be expected."

Following his first year as chairman, Hampton listed these gains, among others in areas of CSC activities:

Institution of new or substantially changed programs, Government-wide, in equal opportunity, labor-management relations and merit promotion.

Adoption of new recruiting methods affecting college graduates, worker-trainees and others.

Opening of new Federal information centers with the General Services Administration, expansion of Federal executive boards, and establishment of the first "listening posts" in large cities in line with the CSC aim of becoming more "responsive."

Takeover of the entire Post Office examining system.

Among other accomplishments last year, Hampton said, was the setting up of a framework of the labor-management system called for by Presidential Executive Order, retirement system improvements, a beefed-up employee health benefits program with the Government's contribution raised to 40 percent and assured automatic adjustments each year, an overhaul in grievance and appeals procedures, passage of the Intergovermental Personnel Act providing for aid to states and localities, and passage of the Federal Pay Comparability Act of 1970.

Of these, several have been hailed as "landmark" advances by many.

One of the most far-reaching is the pay comparability legislation which takes classified pay setting out of both Congressional politics and Presidential politics.

Under the new system, data on private enterprise pay will be related to Federal salaries. There will be consultation with union officials and any differences will be resolved by an objective third party committee.

If the President agrees with the findings, he will order the adjustments into effect immediately. This is seen as eliminating a customary lag of a year or more in effecting such pay adjustments.

Should the President propose smaller or later raises as during "national emergencies," he must send his plan to Congress, which may veto it by a simple majority vote.

Passage of the legislation, which gives employee unions a larger voice in pay recommendations, tells much about both Robert Hampton's stewardship at the CSC and about the prevailing Federal labor-management climate.

Many, if not all, of those who have worked with Hampton in hammering out legislation see him as more candid and open than the usual bureaucrat and a man who is flexible enough to work toward a meaningful compromise if this is indicated as the best solution.

The pay act in which Hampton engaged in the final give and take with John Griner, president of the AFL–CIO American Federation of Government Employees, Rep. Morris Udall (D-Ariz.) and others, was such a compromise.

Hampton told *Government Executives:* "I think this legislation will go a long way toward establishing a more professional pay-setting methodology free of the political process and the pressures that can either escalate or de-escalate or otherwise dictate what the pay should be."

A task force meanwhile is conducting a two-year study of job evaluation and pay practices in Government, with a preliminary report of findings due this Spring and a legislative proposal expected to be ready next year.

Of the task force's work, Hampton said: "One of the things I think is essential is that we have a coordinated system within the total Federal picture of how you price a job and there are a variety of systems for doing this in both industry and the Government.

"What our task force is trying to do is to find the best methodology they are able to find for evaluating job classifications in the Federal Government."

Hampton sees the continual assessment of labor relations problems as "something that will be with us for a long time."

As part of the general review of CSC operations early in the Nixon Administration, a review was made of a former Executive Order bearing on labor relations. An earlier review had been made at the end of the Johnson Administration and rather than rehold hearings, Hampton's aides reviewed findings from those hearings and "added in problems that had come up in the intervening period." Following the review, they wrote another Executive Order which was approved and issued by the President.

"About that time," Hampton said, "there was a postal strike and a sickout by air traffic controllers and many critics were quick to say that the Executive Order was obsolete, but we could not agree with this assessment."

He said: "Labor relations in the public sector is an evolving situation similar in many ways to that which evolved in the private sector, but also quite different.

"I personally don't believe that the Federal Government at this time can interpose an across-the-board collective bargaining system. Management in the Federal Government isn't ready for it and the unions aren't really ready for it.

"We'd have extreme difficulty in arriving at appropriate bargaining units—who does the bargaining and how do you go for a *quid pro quo.*

"But we had to have a beginning framework and I think the Executive Order gives us that. It's difficult even to administer this Executive Order because it sets new relationships—new give and take—on both sides.

"Leadership of the program is vested in a Federal labor relations council rather than the commission, but the commission, Labor Department, Federal Mediation and Conciliation Service and others, including an impasse panel have specific responsibilities.

"The head of an agency lost some of his autonomy for one thing. And we do have third-party involvement . . . we're beginning to have third-party precedents established in labor-management situations. I think people are beginning to realize the benefits of being able to go to an impasse panel as they now can do, as well as having the Assistant Secretary of Labor involved in elections, determining bargaining units, things like that."

Hampton thinks it is "possible" that there will be Government-wide collective bargaining some day, though not in the near future.

"But looking at it pragmatically," he said, "you'd still have labor tensions even with collective bargaining."

"I think you have to look at the long record of relative labor peace in the Government. Look at the pay increases, changes in fringe benefits—retirement and so on—that have been obtained by Federal employee unions. And the pay act which gives labor a greater voice than ever before. So there is something in the system that has given it some stability.

"What I'm saying is that this is an evolving situation. We're learning and the labor unions are learning."

He added: "There are differences in the motivations of people toward public service today than was true formerly. I'm not saying employees are less public service minded today, but I do think they are much more aware of the necessity of being treated similar in terms of pay and working conditions to people in the private sector these days.

"I think that in many cases the Government was remiss in not recognizing this and moving faster to do something about it."

The CSC has a central staff dealing exclusively with agency labor-management problems and 10 labor relations experts in regional offices ("our eyes and ears").

"But we haven't really developed a model in labor relations," Hampton said. "We really need to do more pioneering thinking. In the near future we will probably have formulated a labor relations policy in terms of our goals and possible methods of achieving them."

The Executive Assignment System, drawn up and established over the past two Administrations, envisioned a data bank or inventory of 25,000 or more high-level Federal executives from which agencies could draw as the need for specialized talent arose.

Other programs aimed at upgrading and making the best possible use of the Federal executive manpower pool include a university fellowship program for young executives, executive seminar courses at Kings Point, L.I., and Berkeley, Calif. (with a future seminar program slated for Oak Ridge, Tenn.), and a Federal Executive Institute.

How has the Executive Assignment System talent bank operation been working? Has it fostered mobility among the executive force? And have agency managers tended to draw too heavily from those in their agencies on the list to the detriment of outsiders?

"Agencies have been using the talent bank," said Hampton, "but I think it's been minimal. As for managers drawing heavily from their own agencies, I think it's difficult to say categorically that this is detrimental to the program.

"I personally think there should be more mobility, more movement across agency lines but mobility seems to be something that is highly personal with an executive.

"All in all, the agencies are coming to us more than they did formerly.

"We have a staff proposal on this that hopefully will be part of the Administration's legislative package. Essentially, it moves from a position-oriented system to more of an individual rank-in-the-man system and would provide for greater freedom of movement in the use of these (executive) resources within the system. And it also faces up to the controversial issue of tenure—there has been some feeling that there might be abuses in terms of job transitions—that people might be moved out of jobs because of political reasons or cronyism. This is not our purpose."

He added: "The whole area of executive development needs some real attention—not only in terms of who is coming into the system but also who is already in the system. There has to be a more orderly development of executives, recognizing the need. In Government, you have a multi-billion dollar operation—one of the biggest in the world—and you simply must have people who are well qualified and up to date if the Government is to function properly."

Among other points made by Hampton:

The CSC's first-time involvement in a grant-in-aid program under intergovernmental personnel legislation providing for grants to states and localities to upgrade public service there "is in line with the President's concept of federalism because if this concept is to work, it has to be underpinned by a first-class personnel system at the grassroots."

Under the program, he said, the CSC will take over from the Labor and Health, Education and Welfare departments merit system functions they have been performing in connection with other grant programs.

His aim, he said, is "a minimum of red tape and a maximum amount of the available money for the actual grant part of the program."

Revisions of Hatch Act provisions regarding political activity by Government employees probably will be forthcoming.

"Sex discrimination issues are very difficult to deal with. There is discrimination by managers, of course, but I don't think there are as many instances of it as the critics would have us believe.

"Regarding public service in general, if you were to include state and local government, I'm not sure that our educational system is producing enough talent with the right skills."

Does Hampton believe that the old stereotype of Government service as a refuge for shiftless paper shuffles is drying out?

"It's hard to say," he said. "I think our image is better, but we'll always draw criticism. It's ingrained in Americans to continually reexamine their governmental institutions.

"I don't want to seem callous about this, but while image is something we constantly try to improve, it's not necessarily a good measure of whether you're accomplishing your purposes."

Summing up his feelings about his two years as top man at the CSC, Hampton, a native Tennessean who likes to golf and hunt, said: "I'm particularly pleased at the progress we've made in moving basic reforms along. And I'm proud of the way our staff has taken up the challenge to make the agency more responsive—to leave no doubt that we are what we should be—the servant of the people."

SCHOLARSHIP FUND FOR CHILDREN OF DECEASED MINERS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. CARTER. Mr. Speaker, last December 30 a terrible tragedy occurred in the Fifth Congressional District of Kentucky. On that day 38 miners from Clay and Leslie Counties were killed in an explosion at Finley Coal Mines, Nos. 15 and 16.

The sadness caused by this news has gradually vanished and it has become only a regrettable event to most. It is remembered daily, however, by the children and wives of these miners who are now trying to patch prospects of hope together for a brighter future. The Clay County and Kentucky Jaycees are trying to do their part in securing a better future for these families by establishing a scholarship fund for the more than 100 children left fatherless. Some of the Nation's leading country music stars are freely giving of their time and energy to put on a benefit show in Louisville next month. The following letter has been sent to more than 50 benevolent foundations at the Jaycees' request and I submit it for the perusal of my colleagues:

DEAR SIR: I am sure that you read of the terrible tragedy at Finley Coal Co. Mines in Leslie County, Kentucky on December 30 when thirty-eight miners perished in an explosion. Nearly all of these men had families for whom they were the sole means of support.

Benevolent organizations sent truckloads of food and clothing to the families but these are only of temporary advantage. Most hopes for a better life for the children are lost unless long range financial assistance plans are made.

The Clay County and Kentucky Jaycees have adopted, as their project, a scholarship fund for the children of the deceased miners, but they need assistance and, as their Congressman, I wish to commend this project to you.

The average age of the deceased miners was thirty-three years. The total number of children is one hundred, forty-seven males and fifty-three females. Of this total, ten boys are between the ages of thirteen and eighteen and thirty-six are twelve or under. Thirteen females are between the ages of thirteen and eighteen and forty-nine are twelve or under.

One mother said of her deceased husband, "He always said he wished he had a better education so he wouldn't have to work in the mines. He wanted his boys to get a good education so they wouldn't have to work in the mines." His children will have the same thoughts but no alternatives exist unless financial assistance is offered for more scholastic training.

If you are interested in the Jaycee Scholarship Fund, you can either contact my office or Mr. Joe Swafford, Clay County Jaycees, Manchester, Kentucky 40962.

Sincerely,

TIM LEE CARTER.

Any assistance from those interested in making this worthy project a success will be appreciated, not only by the fund's organizers, but, most of all, by the children who will reap the benefits of your efforts in years to come.

SENATE—*Wednesday, February 24, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Seek ye the Lord while He may be found, call ye upon Him while he is near: Let the wicked forsake his way, and the unrighteous man his thoughts: and let him return unto the Lord, and He will have mercy upon him: and to our God, for He will abundantly pardon.—Isaiah 55: 6, 7.

O Lord, as on this day when the penitential period opens for millions of people in all nations, make us to know who we are and how we have been redeemed. Turn our gaze once more to the cross where we behold redemptive love. Let Thy cleansing stream flow through us and Thy spirit come afresh upon us so that this day and throughout the holy season we may be sensitive to the spirit which makes all things new.

We pray in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, February 23, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendars Nos. 25, 26, and 27.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

MEMBERSHIP ON THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

The resolution (S. Res. 52) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library was considered and agreed to, as follows:

S. RES. 52

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Jordan of North Carolina, Mr. Allen of Alabama, and Mr. Griffin of Michigan.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Jordan of North Carolina, Mr.

Pell of Rhode Island, Mr. Cannon of Nevada, Mr. Cooper of Kentucky, and Mr. Scott of Pennsylvania.

FRANCES T. HOLLOMON

The resolution (S. Res. 53) to pay a gratuity to Frances T. Hollomon was considered and agreed to, as follows:

S. Res. 53

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Frances T. Holloman, sister of W. Lucille Thomas, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

JOHN H. ARTHUR

The resolution (S. Res. 54) to pay a gratuity to John H. Arthur was considered and agreed to, as follows:

S. Res. 54

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to John H. Arthur, widower of W. Bertrue Arthur, an employee of the Senate at the time of her death, a sum equal to five months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be permitted to meet during the session of the Senate today.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

COMMITTEE ASSIGNMENT

Mr. MANSFIELD. Mr. President, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution.

The legislative clerk read the resolution (S. Res. 57) as follows:

S. Res. 57

Resolved, That Mr. Stevenson of Illinois, be, and he is hereby, assigned to service on the Select Committee on Equal Educational Opportunity in lieu of Mr. Hughes of Iowa, resigned.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, a brief word of explanation is in order. The majority leader, on his own initiative, and in consultation with other interested Members of the Senate, went to the distinguished Senator from Iowa (Mr. Hughes) and prevailed upon him, after a good deal of hesitation on his part, to spend as much time as he possibly could on the questions of drug addiction, alcoholic rehabilitation, and the like. These matters are of transcendent national importance and are subjects on which the distinguished Senator has long demonstrated great leadership. Because of the important legislation passed under his leadership, the Senator from Iowa will now be in a position to devote more time to these two most pressing problems. They have come to affect every aspect of national life including life in the armed services.

I repeat, after some hesitation, Senator Hughes acceded to the wishes of the majority leader and others to take on this added responsibility in the fields in which he is so uniquely qualified.

Mr. HUGHES. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. HUGHES. I thank the majority leader for his brief explanation. In discussion with the majority leader, I believed the best contribution at the moment I could make was to spend more intensive time in the areas the majority leader described, and I thank the able majority leader for his assistance in the matter.

Mr. MANSFIELD. Mr. President, I want to extend my personal thanks to the distinguished Senator from Iowa for doing what he did, which he did with a great deal of hesitation, because of the interest in the committee with which he has been associated.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

THE SENATE MAJORITY PURPOSE IN THE 92D CONGRESS

Mr. MANSFIELD. Mr. President, since the beginning of this session, the Senate majority policy committee has been assessing the principal issues which confront the Nation. It has been the committee's purpose to try to establish a general focus for the efforts of the majority during the current Congress.

On February 22, the Senate Democratic policy committee met and adopted a resolution of Senate majority purpose. The content of the resolution is summarized in a statement which, on instructions of the committee, I issued to the press at the conclusion of Monday's meeting. I ask unanimous consent that this press release be printed at this point in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Press Statement of Senator Mike Mansfield on a Resolution of Majority Purpose Adopted by the Majority Policy Committee, U.S. Senate

The Senate Majority Policy Committee met, today, and adopted a Resolution of Purpose for the Senate Majority in the 92nd Congress. The text of the resolution is available.

This matter has been under consideration since the beginning of the current Congress. We have been exploring ways by which the Senate Majority can make a maximum contribution to what we regard as the nation's five most urgent needs:

1. An end to the involvement in Indochina and a withdrawal of all U.S. forces from that tragic conflict and a release of the prisoners of war by a time certain;

2. An end to inflation and a reversal of the recession and prompt action to alleviate the situation of those Americans who are the principal victims of these twin failures of public leadership—social security pensioners and other retired persons, low and fixed income families, the unemployed, the small farmer and businessman and the poor;

3. A better distribution of public resources as among federal, state and local authorities;

4. Such government streamlining as may help to improve the whole range of deteriorating but costly public services in the nation.

5. An improvement in police training and pay and in the courts and penal institutions and practices in order to end the fear of citizens for their freedom and safety.

We have agreed to pay particular attention to these five areas of public policy during the current Congress, at least until there are indications of correction or substantial improvement. In connection with them, we expect to set forth in additional resolutions of the Committee, guidance and support for the Senate Majority on specific pertinent proposals as they may come from the President, from the House, and the Committees, and Members of the Senate.

This resolution which we have just passed asks not only that our Democratic colleagues but also Republican Senators examine with great care all initiatives wherever they may originate in the federal structure which are aimed at meeting the nation's five most pressing needs.

It will be presented to the Democratic Caucus for its consideration tomorrow morning.

Mr. MANSFIELD. Mr. President, pursuant to the instructions of the policy committee, there was convened a conference of the entire Senate majority membership on February 23. The resolution which had been adopted by the policy committee the previous day was presented to this caucus. I ask unanimous consent that there be printed at the conclusion of my remarks the text of an opening statement which I made to the Democratic conference.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, while a vote of endorsement of the resolution was not required from the conference under the rules, such a vote was so moved and, after a full and complete discussion, a vote was taken on the question of endorsing the policy committee's resolution. An absolute majority was recorded in favor and, as requested by the conference, the rolls were kept open to permit those not attending, but so desiring, to register their position in the records of the conference. The count, as of now, on the resoluton of majority purpose is as follows: In favor of part 1 of the resolution, 35; in favor of part 1, with the exception of the last four words, "in a time certain," two; against part 1 of the resolution, 12; abstentions, two; absent, four.

With the exceptions noted above, the support for the full text of the Democratic resolution of purpose for the 92d Congress was unanimous among the Democratic Members of the Senate.

I ask unanimous consent that the text of this resolution of majority purpose for the 92d Congress, as approved by the Senate Democratic Conference on February 23, 1971, be included at this point in the Record.

There being no objection, the resolution of majority purpose was ordered to be printed in the Record, as follows:

Text of the Senate Democratic Resolution of Majority Purpose in the 92d Congress as Approved by the Senate Majority Conference on February 23, 1971

The Majority Policy Committee of the United States Senate, having noted with deep concern the burdens which are imposed on the people of the nation by the continuing involvement in the war in Indochina, by the decline in the economy, by the unsatisfactory state of the public services—federal, state and local—and by the continuing fear of citizens for their freedom and safety;

Resolves, That it is the sense of the Committee that in the 92d Congress the Senate Majority should work to achieve the following purposes:

1. To end the involvement in Indochina and to bring about the withdrawal of all U.S. forces and the release of all prisoners in a time certain;

2. To stop the inflation and reverse the recession and, further, to take all possible interim measures to alleviate the condition of those who are the principal victims of these failures of public leadership—businessmen, the unemployed, farmers, social security and other retired pensioners and families of fixed, moderate or inadequate income;

3. To continue to a streamlining of federal-state financial relationships which will insure more equitable distribution of costs and a more efficient flow of public services to the people as, for example, in welfare, health, safety, transportation, recreation, education—provided always that fiscal responsibility for the expenditures of federal revenues shall not be impaired.

4. To bring about by close oversight of present procedures by streamlining and/or by consolidation where necessary, a more effective operation of the legislative and executive branches of the federal government;

5. To strengthen police training and compensation; and the court system, including probation, parole, and correctional institutions.

Resolves, Further, that in pursuit of these objectives, the Committee urges full support wherever possible by both Senate Democrats and Republicans of the initiatives of the President, the Senate Committees and Members, and the House, which may be pertinent to these ends.

Exhibit 1

Statement of Senator Mike Mansfield at the Democratic Caucus, February 23, 1971

For the benefit of those Members not present at the Democratic Conference in May 1969, notably the new Members, I feel it is desirable to read excerpts from the minutes of that meeting.

"Since the beginning of the session, we have been examining in the Policy Committee the situation of the Democratic Majority in the Senate in the light of the Republican occupancy of the Presidency.

"In present circumstances, as we examined them in the Policy Committee, a new approach by the Party in the Senate was indicated. We found, for example, that Democratic Senators were asking from time to time for a statement of the position of the Leadership on national issues before the Senate. Heretofore, Democratic Presidents had largely supplied that yardstick.

"It was agreed that an effort should be made to delineate Democratic positions in the Senate on certain issues of significance in which there existed a substantial degree of unity among members of the Party.

"We are—all of us—aware of the difficulties which are inherent in trying to find common ground amidst our diversities. Yet, we believe the effort must be made. The Policy Committee is the political arm of the Democratic Conference of the Senate and it has a basis in law for the performance of the function. In addition, as presently constituted—that is, combined with the Legislative Review Committee—the Committee is accurately representative of the principal philosophical inclinations and the geographic derivations of the party in the Senate.

"Lest there be any doubt, I want to make it very plain that the Committee will not intrude, in any way, upon the functions of any of the Legislative Committees. On the contrary, it will continue to follow its customary practice with regard to the regular scheduling of legislation for floor action. . . .

"May I stress here the point that the Legislative Committees will, as always, delineate the legislation for floor consideration. What we are suggesting is in the nature of a political supplement to that responsibility.

"In a similar fashion, the Committee has not the slightest intention of presuming to replace a Senator's individual judgment with a Party judgment. We may offer a Committee view, but members will continue to vote on the issues on the basis of their conscience and wisdom. Indeed, even when a position has been delineated by the Policy Committee, its individual members will still vote as they see fit when the issue reaches the Senate floor.

"In conclusion, I would point out that in addition to the unanimous endorsement of this new approach by the members of the Policy Committee, the chairmen of the Legislative Committees, with whom I met on May 7, also agreed, without objection, to this proposed course.

"Senator Holland moved that the Conference approve this use of the Policy Committee as a formulator of Party policy. The motion was approved unanimously by standing vote. In announcing the vote, Senator Mansfield again stressed that a Policy Committee position, although stated as a Party position, was not binding on individual Members."

The Democratic Policy Committee proceeded to identify 15 major issues during the 91st Congress which it thought deserved substantial Democratic support. These ranged from the National Commitments Resolution in May of 1969, to the proposal of June 24, 1969, that sought—successfully—to link the temporary surtax extension to tax reform and tax relief. They included a Resolution calling for a substantial reduction of U.S. troops in Europe adopted in July of 1969; a suggestion to increase social security benefits by 15% together with a $100 minimum benefit payment; a proposed mutual freeze with proper verification on the deployment of new offensive and defensive strategic nuclear weapons in April of 1970; a series of actions on the economy, one advocating the use of jawboning and standby wage and price authority, another in June, 1970, seeking Presidential use of the authority over credit and interest controls as provided by Congress, and another submitting a full economic report in September of 1970. These are some of the issues with which the Policy Committee identified itself in the last Congress.

Its actions took various shapes, all of which were approved under the terms endorsed by this caucus in 1969 and affirmed again at the beginning of this Congress. It was understood that the Policy Committee would seek out only issues that would command a two-thirds majority of the Committee itself. Because of the broad philosophical and geographical makeup of the Committee, it was thought that two-thirds would provide sufficient backing among the Senate Democrats to identify any such issue in terms of a Senate Majority position.

It should be stressed that actions of the Policy Committee are recommendations only. No member of the Caucus is bound by a Policy Committee judgment. How each individual decision of the Policy Committee is conveyed is a matter for the Leadership and the Policy Committee to determine on an issue-by-issue basis. In the past, Caucuses have been convened and advised of a decision; floor announcements have been made and press conferences have been held—all for the purpose of communicating the actions of the Policy Committee to Democratic members, the Senate and the public.

On yesterday, the Policy Committee again acted and instructed me, as Chairman, to notify the press immediately of the action. The Committee also requested that the Caucus be convened for the purpose of submitting the matter directly to all Senate Democrats. What the action concerns is a general Majority policy resolution which recommends certain issues as fundamental to any agenda of the 92nd Congress. It was in this context that the Democratic Policy Committee unanimously approved the resolution submitted here today. It is a general Democratic Policy Committee statement on major issues. What reaction, if any, the Caucus decides to register is, of course, up to the Caucus. The Policy Committee, after all, is fully responsible to the Caucus.

It should be said, however, that if there are constructive initiatives to be offered on the major issues confronting the country, then it seems to me incumbent upon us as the Senate Majority to identify those issues wherever and whenever possible by policy statements. We believe it is helpful to state what are considered to be some of the most significant national issues and the general approach most of us as Democrats are inclined to take with regard to these issues. In my judgment, we owe it to the President and we owe it to the country to do so. As the party in control of the Senate in the legislative branch we have a responsibility to the nation, along with a Republican Administration.

It was in that context that the Policy Committee acted on yesterday. The members spoke, may I say, in a highly unified voice after a thoughtful debate and discussion. They spoke, in my judgment, in a most constructive and responsible voice. While they spoke as Democrats, they eschewed any suggestion of partisanship for the sake of partisanship. That is how it has been; that is how it will continue to be insofar as I am concerned.

The resolution which the Policy Committee adopted on yesterday is a resolution of Senate purpose for the 92nd Congress. It represents an attempt to focus our joint efforts during the next two years.

As a follow-up to this resolution, the Committee would hope to set forth specifics in additional resolutions of the Policy Committee from time to time as these issues emerge in the Senate. In this case, as in all cases, the actions of the Policy Committee are for the guidance of Members only. In no case will the jurisdiction of any standing committee be infringed, impaired or encroached upon in any fashion. Indeed, on yesterday, when the Majority Whip proposed a discussion of an increase in social security benefits as a subject for consideration by the Policy Committee—a matter for which all Members have great sympathy—he was designated by the Committee to discuss the matter with the Chairman of the Finance Committee (Senator Long). That is the way the Committee has always operated. I reiterate, there will be no infringement on the legislative responsibilities of any standing committee.

It is in this framework that this matter is brought before you. It is hoped that members of the Caucus will understand the thrust of the resolution which has just been presented, weigh its significance and give us any reactions which they may have.

Mr. GRIFFIN. Mr. President, in response to the remarks of the distinguished majority leader, I feel I must say for the record that while, of course, the Democrats have a right to adopt such a resolution, I believe it is very unfortunate that, in party caucus, they have seen fit to draw such a party line. As the press has interpreted it—and with some justification—the resolution appears to be an attempt by Senate Democrats to make political capital out of a war that President Nixon inherited, and from which he has been striving diligently and successfully to disengage us.

If this is politics—and it is difficult to reach any other conclusion when the Democrats meet in caucus and take such action—I would suggest that it is bad politics.

The American people understand that there are differences of viewpoint in the Senate concerning the war, whether we should have gotten into the war, and also about the conduct of the war. Those differences exist on both sides of the political aisle, and they are well known.

But, Mr. President, when the Nation's security is at stake, the American people expect that partisanship will stop at the water's edge. That was a principle enunciated and practiced by a distinguished predecessor of mine from the State of Michigan; I must say that I wish it were followed more today than it seems to be.

So, as a spokesman for Senators on my side of the aisle, I must say that the action taken yesterday was unfortunate. While the expression of such a point of view by Senators is understandable, I regret that it was the product of a party caucus—though I recognize the right of the other party to draw a party line in that way.

I point particularly to the fact that the resolution as adopted referred to withdrawal by a time certain. The Senate debated essentially that question during the last session, and a majority in the Senate believed that it would not be in the national interest, as I recall, for Congress to fix a definite time table.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, may I be recognized? I feel I should be given the opportunity to answer the allegations made by the distinguished acting minority leader.

The PRESIDENT pro tempore. Without objection, the Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, may I say that the Senator from Michigan could not be more wrong than in the interpretation in the statement which he has made.

We recognize the fact that the President is trying to withdraw, that he has made considerable progress in that respect, and we anticipate without question that, in keeping with his word, by the first of May there will be left in Vietnam a total of 284,000 American personnel, compared to the almost 550,000 who were there when he took office.

It is too bad that, in our scheme of things, when one party or the other takes a stand on a particular issue such as this, the cry of politics is raised. May I assure the distinguished acting minority leader that nothing was further from the thoughts of the Senator from Montana, the majority leader, or the members of the policy committee or, in my judgment, the members of the conference.

There is a distinct difference of opinion but what we were trying to do was to be constructive. What we want to do is to help the President. We know that his burdens are heavy. We know that he has the ultimate responsibility, but, by the same token, we know that as individual Senators we have a responsibility, and as a party and as a Senate we have responsibilities as well.

There was no thought, I repeat, of politics in taking this action, but I am not surprised that the cry has been raised. That appears to be inevitable no matter what is attempted. The cry of politics, if it does not meet with the approval of the other side, is raised immediately.

I think I can say without fear of contradiction that I have been one of the least partisan Senators and one of the least partisan majority leaders that this body has ever seen. Moreover, I would point out that in the final resolving clause, the majority resolution states:

> That in pursuit of these objectives—

That means all of them—

> the committee urges full support wherever possible by both Senate Democrats and Republicans of the initiatives of the President, the Senate Committees and Members, and the House, which may be pertinent to these ends.

So I want the record clear. I want it clearly understood that we are concerned, that we understand the concern of the President and our colleagues across the aisle, and that as far as the charge of politics is concerned, there is absolutely—absolutely—no foundation for such an allegation or charge whatsoever. The record should be clear.

Mr. GRIFFIN. Mr. President, I appreciate the statement made by the distinguished majority leader. He is the fairest and most nonpartisan majority leader that the Senate has ever had, so far as the junior Senator from Michigan knows, and I commend him upon the statement he has just made. Perhaps it will be helpful as the American people and the press seek to interpret the action taken at the Democratic caucus yesterday, and the motives behind it.

Mr. MANSFIELD. I thank the Senator.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, in accordance with Public Law 90–264, appoints the Senator from Missouri (Mr. Eagleton) to the National Visitor Facilities Advisory Commission.

The Chair, on behalf of the Vice President, in accordance with Public Law 84–372, appoints the Senator from Illinois (Mr. Stevenson) to the Franklin Delano Roosevelt Memorial Commission.

The Chair, on behalf of the Vice President, in accordance with Public Law 83–420, appoints the Senator from Minnesota (Mr. Humphrey) to the Board of Directors of Gallaudet College.

The Chair, on behalf of the Vice President, in accordance with Public Law 79–565, appoints the Senator from Texas (Mr. Bentsen) to the U.S. National Commission for the United Nations Educational, Scientific, and Cultural Organization.

The Chair, on behalf of the Vice President, in accordance with Public Law 84–944, appoints the Senator from Georgia (Mr. Gambrell) to the Senate Office Building Commission.

The Chair, on behalf of the Vice President, in accordance with Public Law 86–380, appoints the following Senators to the Advisory Commission on Intergovernmental Relations: (Mr. Ervin, Mr. Muskie, and Mr. Mundt.

The Chair, on behalf of the Vice President, in accordance with Public Law 90–259, appoints the following Senators to be advisory members to the National Commission on Fire Prevention and Control: Mr. Magnuson and Mr. Boggs.

The PRESIDENT pro tempore. Under a previous order, the Senator from Iowa (Mr. Hughes) is recognized for 15 minutes.

HIDDEN CIA FINANCING

Mr. HUGHES. Mr. President, every day we seem to discover more examples of the misuse of Government funds.

Senator Case has now performed a valuable public service by drawing attention to secret financing of Radio Free Europe and Radio Liberty by the Central Intelligence Agency.

Since such covert funding weakens the effectiveness of these organizations, I agree that no further financing should come from the CIA.

These points have been well expressed in an editorial from the Des Moines Register of February 3. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Hidden CIA Financing

Senator Clifford P. Case (Rep., N.J.) says that Radio Free Europe and Radio Liberty got from the Central Intelligence Agency (CIA) more than $30 million of the $34 million they spent in 1969. In 20 years, Case says, the U.S. government has given these broadcasters "several hundred million dollars" without congressional approval or knowledge.

Case isn't necessarily for cutting off government support, but he does want it brought into the open where it can be debated on its merits. It is time.

Radio Liberty broadcasts to the Soviet Union in a number of Soviet languages. Radio Free Europe broadcasts to the other East European Communist states, in their languages. Both use anti-Communist exiles from the target countries for staff, and broadcast news, culture and political points of view.

Both were founded by American citizens, and Americans have been prominent in their top management and fund-raising. The two broadcasting systems pose as being privately supported, but their spending is way out of proportion to their private fund-raising.

It has been widely suspected for years that they depended heavily on CIA money and that perhaps they were CIA operations from the ground up. But it wasn't polite to say so.

Didn't Radio Liberty have Herbert Hoover, Harry Truman and Dwight Eisenhower for honorary chairmen? Radio Free Europe's American fund-raising chairmen began with Lucius D. Clay and Henry Ford II, and the drive won endorsement of successive Presidents and governors.

There was criticism of Radio Free Europe at the time of the Hungarian revolt of 1956, for fear its "freedom" talk lured Hungarians into fighting and dying. Other exile radios did call for armed revolt (perhaps also with CIA money), but Radio Free Europe was too big and too established for that.

In 1967 the CIA was caught subsidizing the private National Student Association so it could go to international meetings and stand up to Communist-subsidized student organizations. A new group of student leaders denounced the arrangement, and the government announced that thereafter it would not provide secret funds, directly or indirectly, to "educational or private volunteer organizations."

Asked Senator Case in 1971: Doesn't that rule apply to Radio Free Europe and Radio Liberty?

The government did not directly deny or confirm Case's figures on their funds or answer directly his question. But it did say that Radio Free Europe and Radio Liberty "are not educational or private voluntary organizations" and that it intends to continue financing them—if it is financing them.

What it is.

Dean Rusk when he was secretary of state used to call covert operations "dirty tricks" and once facetiously decribed the CIA as "Department of Dirty Tricks." But he emphasized that only a small part of its work consisted of covert operations (as distinguished from fact-finding) and that not all these operations were "dirty."

Radio Free Europe and Radio Liberty are not "dirty." While their fund-raising has been mostly covert, their activities have been broadcast for anyone to hear.

The argument for having them in addition to official Voice of America broadcasts was that, being private, they could be harder-hitting. Using exiles as writers and broadcasters, they could say "We Russians," "We Poles," "We Ukrainians" instead of "We the United States." This had some real value.

But the phony financing has gone on long enough. It never really fooled the Communist governments, and we doubt if it fooled many American congressmen. As Case says, it ought to be public knowledge.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered yesterday, the distinguished Senator from Virginia (Mr. SPONG) is recognized for 15 minutes.

STRETCH JET REPORT BY FEDERAL AVIATION AGENCY

Mr. SPONG. Mr. President, this week the Federal Aviation Administration released its long-awaited evaluation of the use of Boeing 727–200 stretch jets at National Airport. Predictably, the report recommends no limitations or conditions on the continued buildup of this larger equipment.

Mr. President, since April 1970, when the FAA violated every assurance made to the public and the Congress by introducing these jets at National Airport, it has been clear that the FAA would find a way to keep them there notwithstanding the strong case against such a policy. This report confirms that suspicion.

The FAA's report is so totally lacking in substance that it is difficult to understand how it took 10 months to prepare, let alone how it can be presented to the Congress as a serious analysis of the issue.

There was only one question involved and it was quite simple and clear. Would the introduction of large numbers of stretch jets at National jeopardize the growth of Dulles and Friendship as the FAA's own experts have so vigorously argued. This study not only fails to contradict the expert views, but it was manifestly incapable of doing so with the data at hand.

Mr. Shaffer makes the point himself in his cover letter to the Commerce Committee. In it, he notes:

> The general decline in air carrier operations and passengers transported at these airports in 1970 obscures the identification of meaningful trends.

In short, the economic recession and the airline strike during the period makes the data virtually meaningless.

That awkward fact has not prevented the FAA from making the bald assertion that the data—

> Indicates that the 727–200 had no adverse impact on conditions at Washington National or on the growth and utilization of Dulles . . .

The report goes on to state that while there was a decline in daily scheduled air carrier operations at National, scheduled operations at Dulles increased by 6 percent. That statement is grossly misleading since the 6-percent increase referred to was made up entirely of military aircraft and general aviation. In the only category which has any relevance to the question under study—commercial air carrier operations—business at Dulles declined by 3.7 percent over a year ago.

Mr. President, if anything, the data in this study would indicate that Dulles is markedly worse off this year than National. It is true that air carrier operations at National also declined by 5.3 percent, but that has been the trend at that airport for several years and it is less than the 5.6-percent decline in operations registered last year. Moreover, the figure used in this report does not take account of the strikes against National and Northwest airlines which were in effect during all or part of the study period and which had a far greater effect on National Airport than on Dulles.

By contrast the 3.7-percent decline in Dulles operations must be viewed against the steady growth trend that had previously marked the development of that airport. In 1969, for instance, air carrier operations at Dulles increased by 7.7 percent. In 1968, they increased by 15.4 percent.

Clearly then, business at Dulles has fallen a great deal further, relatively speaking, than business at National. Not only has the growth trend at Dulles been halted but it has been reversed and we have experienced this year one of the few, if not the only decline in air carrier operations since the airport opened.

Mr. President, this report leaves unexplained how the FAA is able to determine that the use of stretch jets was a factor in the reduction of flights at National and at the same time assert those jets had no bearing on the precipitate decline in the Dulles growth trend. And, it is surprising indeed that nowhere in this report is there a mention of the two strikes which substantially affected National Airport operations.

In sum, I find this report entirely consistent with the FAA's past evasive and misleading statements on this subject. The purpose of the study is not enlightenment but rationalization of a decision which the FAA cannot justify, but which it refuses to change.

Mr. President, I ask unanimous consent that the FAA study referred to be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ANALYSIS OF BOEING 727–200 OPERATIONS AT WASHINGTON NATIONAL AIRPORT

During the period April through October 1970, the Bureau of National Capital Airports conducted an analytical study of the operations of the Boeing 727–200 aircraft at Washington National Airport. The 727–200 is identical (same basic power plant and wing/flap geometry) to the 727–100 except for an extra 20-foot fuselage section which provides additional seating capacity. The 727–100 has operated at Washington National since it was opened to jet aircraft in 1966. The study included close observation for impact on environment, air and surface traffic management, passenger processing, passenger boarding trends, and scheduled and total operation trends. The effect of the current nationwide decline in airline business, evident in all three area airports, was also taken into account.

Analysis of the data collected during the study period indicates that the 727–200 had no adverse impact on conditions at Washington National or on the growth and utilization of Dulles International Airport.

A summary of significant findings during the study period follows:

There was a decline in daily scheduled air carrier operations at National while scheduled operations at Dulles increased (Table 21).

Comparing the study period with the same period in 1969: (1) there was a 5.3% decline (6,947) in total air carrier operations at Washington National compared to a 3.7% decline (1,386) at Dulles; (2) passenger enplanements at Washington National declined by 7.4% (448,863) while the decline at Dulles was 2.8% (35,327) (Tables 18, 19, 22).

Part of the decline in total operations at National can be attributed to the fact that the larger capacity of the 727–200 enables passenger demands along certain high density routes to be met with fewer aircraft operations (Tables 5, 7 thru 12).

Although the 727–200 aircraft used at National are configured to carry an average of 36 more passengers than the average for all other aircraft used by the carriers operating the 727–200, experience during the study period indicates that an average 60 passengers boarded the 727–200 at the airport compared to an average of 51 for all other types. (Table 20 shows average number of passengers for all types of aircraft during period).

Boarding factor for the 727–200 was 46.7% on an average capacity of 127.7 seats; for all other types the boarding factor was 55.3% on an average capacity of 91.4 seats.

The 727–200 provided less than 15% of the available seats at Washington National Airport; and over half of these were employed on the most heavily traveled routes: New York, Boston, Chicago, and Detroit (Tables 7 thru 9, 21, 22).

Improvements in utilization of airport, terminal buildings and roadways at Washington National has been continuous in recent years; the introduction of the 727–200 has in no way derogated this progress (Tables 1 thru 5).

Operation of the 727–200 at National was scheduled throughout the day and did not produce significant peak periods inconsistent with the normal pattern of operations at the airport, or passenger handling through the terminal (Tables 2, 3, 4, 15, 16, 17).

Paralleling the introduction of the 727–200, the use of BAC 1–11 and Caravelles at National declined from 48 daily scheduled flights to 32. Within the next year plans call for the elimination of 24 more daily schedules of these aircraft, which have relatively poorer environmental performance, in terms of engine noise and smoke emissions, than the other turbine powered air carrier aircraft serving the airport.

The airlines, with private capital, have invested in many improvements at Washington National Airport for the benefit of the traveling public and the community in general. They stand ready to make additional investments to provide further improvements in air services to the Nation's Capital. In addition, maintenance of runways, taxiways, and ramps are financed from landing fees and other user charges, which are scaled to insure complete recovery of maintenance costs.

PUBLIC PARKING AND GROUND TRANSPORTATION AVAILABLE DURING PEAK PERIODS

Date	Public parking—Average spaces: Self park	Valet park	Meter park	Total	Ground transportation—Average vehicles: Available cabs	Available limousines
Aug. 9-15	915	335	62	1,312	18	5
Aug. 16-22	1,044	372	62	1,478	21	3
Aug. 23-29	847	295	72	1,214	17	3
Aug. 30-Sept. 5	777	497	79	1,353	9	1
Sept. 6-12	762	438	49	1,249	16	1
Sept. 13-19	518	352	52	922	15	2
Sept. 20-26	612	352	72	1,036	17	4
Sept. 27-Oct. 3	658	326	70	1,054	23	2
Oct. 4-10	755	314	87	1,156	31	2
Oct. 11-17	509	350	75	934	23	4
Oct. 18-24	789	323	87	1,199	25	3
Oct. 25-31	498	257	84	839	25	4

WASHINGTON NATIONAL AIRPORT TERMINAL PATTERNS

Date

8/2—8/8: No delay.

8/9—8/15: No delay.

8/16—8/22: TCA Procedure Test on 8/20 resulted in general congestion, particularly in late evening.

8/23—8/29: EA and UA ticket counters on 8/28 afternoon; maximum observed delay: EA 45 minutes; UA 25 minutes.

8/30—9/5: EA ticket counter; maximum observed delay: 30 minutes.

9/6—9/12: No delay.

9/13—9/19: EA ticket counter; maximum observed delay: 20 minutes.

9/20—9/26: EA and UA ticket counters; maximum observed delay: 18 minutes.

9/27—10/3: No delay.

10/4—10/10: No delay.

10/11—10/17: EA ticket counter; maximum observed delay: 20 minutes.

10/18—10/24: EA and UA ticket counters; maximum observed delay: 15 minutes.

10/25—10/31: Weather and ATC delays caused general congestion on 10/30.

WASHINGTON NATIONAL AIRPORT BAGGAGE HANDLING

Date	North	East	South	AA	NW/TWA
Aug. 2-8	1	2			
Aug. 9-15	1	1			
Aug. 16-22		1			
Aug. 23-29	1	1			
Aug. 30-Sept. 5		1			
Sept. 6-12	1	2			
Sept. 13-19	1	1			
Sept. 20-26	1	1			
Sept. 27-Oct. 3	1	1			
Oct. 4-10	1	1			
Oct. 11-17	1	1			
Oct. 18-24	1	1			
Oct. 25-31	1	1			

Key: 1=Some congestion during peaks. 2=Considerable congestion during peaks and some during normal hours. Shortage of space creates frequent congestion in East baggage room.

WASHINGTON NATIONAL AIRPORT PASSENGER TRAFFIC TRENDS—OBSERVATIONS

Date and comment [1]

8/2-8/8: General decline.

8/9-8/15: No change.

8/16-8/22: No change.

8/23-8/29: No change.

8/30-9/5: No change.

9/6-9/12: Down after holiday.

9/13-9/19: Up from last week.

9/20-9/27: No change.

9/28-10/3: No change.

10/4-10/10: No change.

10/11-10/17: Up from last week.

10/18-10/24: No change.

10/25-10/31: No change.

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[1] These comments are general observations.

WASHINGTON NATIONAL AIRPORT, AIRFIELD OPERATIONS [1]

Date	A/C operations: 1969	1970	Increase decrease	727-200 ops [1]	727-200 as percent of total
Aug. 2-8	3,964	3,990	26	234	5.9
Aug. 9-15	4,034	4,070	36	260	6.4
Aug. 16-22	4,229	4,032	(197)	246	6.1
Aug. 23-29	4,435	4,058	(377)	215	5.3
Aug. 30-Sept. 5	4,327	4,014	(313)	223	5.6
Sept. 6-12	4,470	3,935	(535)	216	5.5
Sept. 13-19	4,468	4,031	(437)	307	7.6
Sept. 20-26	4,457	4,037	(420)	276	6.8
Sept. 27-Oct. 3	4,440	4,040	(400)	325	8.0
Oct. 4-10	4,400	4,007	(393)	334	8.3
Oct. 11-17	4,377	4,021	(356)	332	8.3
Oct. 18-24	4,415	3,996	(419)	263	6.6
Oct. 25-31	4,420	4,066	(354)	360	8.9

[1] Based on tower count.

Note: The only airfield congestion reported during the above 13-week period occurred on Aug. 20, 1970, and was directly related to the experimental TCA procedure which lasted 1 day only before being rescinded.

WASHINGTON NATIONAL AIRPORT, FUEL DISPENSED

Date	1969	1970
Aug. 9-15	2,787,430	2,404,386
Aug. 16-22	2,756,520	2,475,208
Aug. 23-29	2,276,121	2,347,039
Aug. 23-Sept. 5	2,623,231	2,481,311
Sept. 6-12	2,691.431	2,532,871
Sept. 13-19	2,921,896	2,595,562
Sept. 20-26	2,921,896	2,526,062
Sept. 27-Oct. 3	3,024,584	2,425,209
Oct. 4-10	3,024,584	2,417,469
Oct. 11-17	3,024,584	2,470,543
Oct. 18-24	3,024,584	2,396,263
Oct. 25-31	3,024,584	2,571,557

WASHINGTON NATIONAL AIRPORT, B727-200 OPERATIONS BY MARKET

	April	May	June	July	August	September	October
Atlanta, Ga						32	60
Allentown, Pa	14		1				
Baltimore, Md			11	8	12	11	22
Boston, Mass	29	51	30	63	59	89	118
Charleston, S.C				4	10	5	4
Charleston, W. Va		1					1
Chicago, Ill	40	106	200	364	369	394	431
Cincinnati, Ohio	23	32	23	7	45	41	39
Cleveland, Ohio	16	1	18	7			
Columbus, Ohio		1	4	2	1	1	9
Dayton, Ohio			1	2	2	1	9
Detroit, Mich	57	62	59	8	1		
Greensboro, N.C					1		
Huntsville, Ala					2		
Indianapolis Ind		5	2	1	2	3	1
Jacksonville Fla				2	12	9	17

	April	May	June	July	August	September	October
Knoxville, Tenn	9	36	27	2	28	42	52
Memphis, Tenn	1	6	8	56	30	28	28
Miami, Fla	14		15	67	79	72	73
Milwaukee, Wis	17	12	5				
Minneapolis, Minn	1	2	6	9	2	2	3
Nashville, Tenn	14	40	43	32	31	29	31
New Haven, Conn			2	56	60	54	59
Newport News, Va			15	32	43	34	7
New York, N.Y	17	84	78	90	109	143	225
Norfolk, Va			24	47	46	41	73
Orlando, Fla			7	3	12	5	4
Philadelphia, Pa	8	8	21	11	21	12	17
Pittsburgh, Pa	10	52	29	9			
Raleigh, N.C						17	31
Richmond, Va					1		1
St. Louis, Mo		6	59	64	64	61	68
Tampa, Fla					2	2	10
West Palm Beach, Fla			1		5	2	4
Wilmington, Del						30	59
Total	270	505	689	946	1,049	1,160	1,456

WASHINGTON NATIONAL AIRPORT B727-200 PASSENGERS BY MARKET

	April	May	June	July	August	September	October
Atlanta, Ga						1,849	3,824
Allentown, Pa	607		44				
Baltimore, Md			609	392	339	345	442
Bostom, Mass	2,063	3,531	1,869	3,190	2,913	5,010	6,789
Charleston, S.C				193	424	229	202
Charleston, W. Va		33					15
Chicago, Ill	3,146	7,944	15,272	26,751	28,579	27,816	30,398
Cincinnati, Ohio	1,228	1,695	1,232	296	2,247	2,034	2,163
Cleveland, Ohio	682	15	433	204			
Columbus, Ohio		66	287	135	73	56	471
Dayton, Ohio			35	148	80	65	635
Detroit, Mich	4,543	4,668	4,683	614	105		
Greensboro, N.C					107		
Huntsville, Ala					82		
Indianapolis, Ind		237	179	37	69	97	36
Jacksonville, Fla				100	696	498	989
Knoxville, Tenn	404	1,611	1,321	105	1,532	1,904	2,431
Memphis, Tenn	79	368	413	3,285	1,877	1,615	1,420
Miami, Fla	987		847	4,102	4,358	3,384	3,131
Milwaukee, Wis	1,182	745	355				
Minneapolis, Minn	56	139	392	574	192	177	212
Nashville, Tenn	756	2,402	2,726	1,886	1,873	1,493	1,754
New Haven, Conn			26	964	1,249	745	934
Newport News, Va			760	1,307	1,860	1,389	158
New York, N.Y	1,375	6,376	5,373	5,026	5,437	8,351	13,451
Norfolk, Va			1,239	2,305	2,157	1,697	2,770
Orlando, Fla			370	126	531	221	178
Philadelphia, Pa	166	179	485	297	676	343	362
Pittsburgh, Pa	401	1,882	821	268			
Raleigh, N.C						725	1,372
Richmond, Va					39		9
St. Louis, Miss		591	5,614	5,305	5,626	4,885	4,913
Tampa, Fla					29	53	254
West Palm Beach, Fla			57		309	67	186
Wilmington, Del						435	831
Total	17,675	32,482	45,442	57,610	63,459	65,483	80,330

WASHINGTON NATIONAL AIRPORT B727-200 OPERATIONS BY DAY

Day	April	May	June	July	August	September	October
1		14	19	35	30	29	56
2		14	24	38	34	31	49
3		12	27	23	29	32	38
4		10	18	26	37	35	47
5		12	20	32	35	33	46
6		15	22	40	33	22	54
7		12	24	32	34	30	47
8		18	29	27	33	28	47
9	2	18	26	26	34	33	46
10	8	20	20	42	37	33	42
11	18	20	18	32	41	35	48
12	18	23	18	29	49	33	46
13	16	23	21	30	38	33	48
14	14	25	22	32	37	42	45
15	25	23	27	24	33	41	51
16	28	20	21	36	38	55	45
17	17	13	21	28	39	49	42
18	10	14	24	35	31	43	42
19	15	16	24	26	43	42	40
20	8	17	27	33	31	43	39
21	8	15	24	32	28	47	31
22	8	15	29	28	33	33	47
23	11	20	21	32	23	42	47
24	13	13	19	29	27	42	36
25	13	16	24	24	29	40	48
26	8	18	29	30	39	36	52
27	8	17	29	30	32	52	55
28	6	12	29	28	31	41	50
29	8	18	20	28	27	48	63
30	8	12	13	28	31	57	64
31		10		31	33		45
Total	270	505	689	946	1,049	1,160	1,456
Average	12.3	16.3	23.0	30.5	33.8	38.7	47.0

WASHINGTON NATIONAL AIRPORT B727-200 PASSENGERS BY DAY[1]

Day	April	May	June	July	August	September	October
1		1,148	1,278	2,064	1,840	1,461	2,847
2		762	1,567	2,808	2,111	1,752	2,919
3		1,025	1,776	1,127	1,799	2,030	1,386
4		648	1,128	789	1,914	2,479	2,759
5		742	1,380	2,297	1,953	1,448	2,296
6		1,052	1,260	2,539	2,128	779	2,668
7		746	1,931	1,729	2,305	2,032	2,832
8		1,166	1,796	1,603	1,878	1,841	2,952
9	151	898	1,609	1,524	2,133	2,023	3,337
10	680	1,388	1,594	2,580	2,105	2,050	1,381
11	834	1,306	1,395	1,555	2,171	2,175	2,611
12	1,293	1,193	1,425	1,826	2,828	1,305	2,706
13	901	1,497	1,262	1,697	2,383	2,090	2,517
14	738	1,407	1,768	1,790	2,592	2,346	2,863
15	1,623	1,876	1,863	1,726	1,916	2,472	3,205
16	1,732	829	1,281	2,156	2,336	3,346	3,267
17	1,250	994	1,448	2,021	2,621	3,033	1,696
18	615	764	1,725	1,862	1,834	2,933	2,608
19	1,165	829	1,857	1,561	2,432	1,671	2,211
20	367	1,197	1,529	2,288	2,066	2,287	2,373
21	360	891	1,793	1,885	1,999	2,380	2,138
22	639	1,200	1,670	1,849	1,921	1,702	2,699
23	740	937	1,218	2,055	1,699	2,488	3,127
24	1,158	854	1,350	1,806	1,700	2,658	1,274
25	736	1,180	1,553	1,365	1,652	2,607	2,902
26	709	1,206	1,867	1,911	2,355	1,352	2,537
27	614	1,174	1,511	1,730	2,025	3,042	2,746
28	365	954	1,744	1,682	1,962	2,134	2,602
29	439	1,118	1,107	1,705	1,143	2,478	3,474
30	566	577	757	1,848	1,839	3,089	4,006
31		924		2,232	1,819		1,391
Total	17,675	32,482	45,442	57,610	63,459	65,483	80,330
Average	803.4	1,047.8	1,514.7	1,858.4	2,047.1	2,182.8	2,591.3

[1] Based on air carrier records.

WASHINGTON NATIONAL AIRPORT B727-200 OPERATIONS AVERAGE BY TIME OF DAY

	April	May	June	July	August	September	October
0000-0100							
0100-0200							
0200-0300							
0300-0400							
0400-0500							
0500-0600							
0600-0700							
0700-0800	0.8	2.1	2.0	0.5	0.9	1.5	2.2
0800-0900	.7	1.3	1.3	2.4	2.8	4.2	5.5
0900-1000	.3	.2	.1	.1	.5	.8	1.1
1000-1100	.5	.4	.5	1.9	1.3	1.4	1.9
1100-1200	.5	.6	1.1	1.7	1.6	1.6	1.6
1200-1300	.5	.3	.1	1.0	2.4	2.7	2.7
1300-1400	.4	1.0	1.1	2.2	2.3	2.5	3.0
1400-1500	1.0	1.6	1.3	2.0	1.4	1.8	2.5
1500-1600	1.5	1.3	3.4	3.3	3.2	4.3	5.0
1600-1700	.6	1.6	2.7	3.8	4.7	5.7	6.9
1700-1800	1.5	2.4	4.9	5.4	6.1	5.0	4.6
1800-1900	1.0	1.0	1.5	1.4	1.6	2.4	3.1
1900-2000	1.7	.6	.6	1.3	1.6	1.4	2.2
2000-2100	.6	.3	.9	2.0	2.3	1.9	2.2
2100-2200	.3	1.1	.5	1.0	1.0	1.4	2.1
2200-2300	.4	.5	1.0	.5	.1	.1	.4
2300-2400	0	0	0	0	0	0	0

Note: Usual airport peak hours underscored.

WASHINGTON NATIONAL AIRPORT B727-200 PASSENGERS AVERAGE BY TIME OF DAY

	April	May	June	July	August	September	October
0000-0100							
0100-0200							
0200-0300							
0300-0400							
0400-0500							
0500-0600							
0600-0700							
0700-0800	35.1	84.5	78.0	16.3	29.8	59.3	80.1
0800-0900	37.0	70.1	62.7	117.9	147.5	229.0	279.7
0900-1000	12.5	13.0	4.2	7.0	25.4	48.2	68.2
1000-1100	25.9	23.1	36.0	95.5	66.0	80.7	103.9
1100-1200	16.4	23.1	48.8	73.4	77.7	70.6	62.6
1200-1300	29.0	18.3	11.1	70.4	132.4	122.5	114.1
1300-1400	23.1	71.4	92.5	107.6	118.1	105.6	131.1
1400-1500	55.3	123.7	114.3	141.1	114.7	102.2	123.8
1500-1600	112.0	79.0	229.8	210.8	198.7	198.6	231.6
1600-1700	49.4	117.9	186.6	218.3	259.9	324.3	392.1
1700-1800	134.4	221.7	394.0	397.1	46.4	349.2	324.5
1800-1900	67.7	67.0	107.4	94.8	105.2	177.3	251.2
1900-2000	131.5	46.1	40.4	117.2	133.2	120.3	175.1
2000-2100	33.8	17.9	43.6	123.7	122.5	98.1	100.7
2100-2200	19.5	48.9	27.4	48.1	44.1	88.9	134.1
2200-2300	20.8	22.1	37.9	19.2	3.5	8.0	18.5
2300-2400	0	0	0	0	0	0	0

Note: Usual airport peak hours underscored.

WASHINGTON NATIONAL AIRPORT B727-200 SCHEDULES BY TIME OF DAY ON SPECIFIC DAYS

Hour	May 1, 1970	June 1, 1970	July 1, 1970	Aug. 1, 1970	Sept. 14, 1970	Oct. 25, 1970
0700-0759			1	2	4	7
0800-0859	2	2	3	4	6	6
0900-0959					1	1
1000-1059			1	1	2	1
1100-1159			1	1	2	1
1200-1259			1	1	2	2
1300-1359	1	1	1	1	3	4
1400-1459	1	1	1	1	2	3
1500-1559		2	4	4	6	9
1600-1659	1	2	3	3	7	7
1700-1759	1	3	6	6	6	4
1800-1859		1	1	1	3	4
1900-1959			1	1	1	5
2000-2059			2	3	3	4
2100-2159			1	3	4	4
2200-2259			1			2
Total	6	12	28	32	52	64

Note: Usual airport peak hours underscored.

WASHINGTON AREA AIRPORTS—AIR CARRIER OPERATIONS

Airport	April	May	June	July	August	September	October	7-month total
Washington National:								
1969	18,814	19,087	18,745	18,521	18,360	19,106	19,637	132,270
1970	16,802	18,254	19,229	18,216	17,805	17,225	17,792	125,323
Difference	−2,012	−833	+484	−305	−555	−1,881	−1,845	−6,947
Percent change	−10.7	−4.4	+2.6	−1.7	−3.0	−9.9	−9.4	−5.7
Dulles International:								
1969	5,300	5,192	5,489	5,539	5,438	5,356	5,421	37,785
1970	4,948	5,059	5,295	5,427	5,405	5,073	5,142	36,349
Difference	−352	−133	−194	−112	−33	−283	−279	−1,386
Percent change	−6.7	−2.6	−3.5	−2.0	−0.6	−5.3	−5.2	−3.0
Friendship International:								
1969	11,178	10,898	10,772	11,285	11,676	11,606	11,342	78,757
1970	9,956	10,355	10,865	10,767	10,664	10,200	10,258	73,065
Difference	−1,222	−543	+93	−518	−1,012	−1,406	−1,084	−5,692
Percent change	−10.9	−5.0	+0.9	−4.6	−8.7	−12.1	−9.6	−7.2
Total area:								
1969	35,292	35,177	35,006	35,345	35,474	36,068	36,400	248,762
1970	31,706	33,668	35,389	34,410	33,874	32,498	33,192	234,737
Difference	−3,586	−1,509	+383	−935	−1,600	−3,570	−3,208	−14,025
Percent change	−10.2	−4.3	+1.1	−2.6	−4.4	−9.9	−8.8	−5.0

WASHINGTON AREA AIRPORTS, AIR CARRIER PASSENGERS

Airport	April	May	June	July	August	September	October	7-month total
Washington National:								
1969	885,657	894,777	910,613	823,796	857,839	826,452	880,143	6,079,277
1970	788,807	848,017	890,287	791,116	793,882	737,487	780,818	5,630,414
Difference	−96,850	−46,760	−20,326	−32,680	−63,957	−88,965	−99,325	−448,863
Percent change	−10.9	−5.2	−2.2	−4.0	−7.5	−10.8	−11.3	−7.4
Dulles International:								
1969	166,407	169,185	202,419	192,619	203,485	165,227	166,028	1,265,370
1970	173,254	170,645	192,067	189,168	193,999	158,577	152,333	1,230,043
Difference	+6,847	+1,460	−10,352	−3,451	−9,486	−6,650	−13,695	−35,327
Percent change	+4.1	+0.9	−5.1	−1.8	−4.7	−4.0	−8.3	−2.8
Friendship International:								
1969	263,011	256,381	281,715	267,560	298,705	234,535	253,586	1,855,493
1970	237,304	260,224	270,137	277,359	299,524	242,589	253,417	1,840,559
Difference	−25,707	+3,843	−11,578	+9,799	+819	+8,054	−169	−14,934
Percent change	−9.8	+1.5	−4.1	+3.6	+0.3	+3.4	−0.1	−0.8
Total area:								
1969	1,315,075	1,320,343	1,394,747	1,283,975	1,360,029	1,226,214	1,299,757	9,200,140
1970	1,199,365	1,278,886	1,352,491	1,257,643	1,287,405	1,138,653	1,186,568	8,701,011
Difference	−115,710	−41,457	−42,256	−26,332	−72,624	−87,561	−113,189	−499,129
Percent change	−8.8	−3.1	−3.0	−2.1	−5.3	−7.1	−8.7	−5.4

WASHINGTON AREA AIRPORTS, AVERAGE NUMBER OF AIR CARRIER PASSENGERS PER OPERATION

Airport	April	May	June	July	August	September	October	7-month total
Washington National:								
1969	47.1	46.9	48.6	44.5	46.7	43.3	44.8	45.9
1970	49.9	46.5	46.3	43.4	44.6	42.8	43.9	44.9
Difference	−0.2	−0.4	−2.3	−1.1	−2.1	−0.5	−0.9	−1.0
Dulles International:								
1969	31.4	32.6	36.9	34.8	37.4	30.8	30.6	33.5
1970	35.0	33.7	36.3	34.9	35.9	31.3	29.6	33.8
Difference	+3.6	+1.1	−0.6	+0.1	−1.5	+0.5	−1.0	+0.3
Friendship International:								
1969	23.5	23.5	26.1	23.7	25.6	20.2	22.4	23.6
1970	23.8	25.1	24.9	25.8	28.1	23.8	24.7	25.2
Difference	+0.3	+1.6	−1.2	+2.1	+2.5	+3.6	+2.3	+1.6
Total area:								
1969	37.3	37.5	39.8	36.3	38.3	34.0	35.7	37.0
1970	37.8	38.0	38.2	36.5	38.0	35.0	35.7	37.1
Difference	+0.5	+0.5	−1.6	+0.2	−0.3	+1.0	0	+0.1

WASHINGTON AREA AIRPORTS

COMPARISON OF TOTAL DAILY SCHEDULES

	Apr. 26, 1970	Sept. 25, 1970	Difference
1970:			
DCA	630	618	−12
IAD	162	168	+6
BAL	278	274	−4
Total	1,070	1,060	−10
	Apr. 27, 1969	Oct. 26, 1969	Difference
1969:			
DCA	610	620	+10
IAD	160	168	+8
BAL	298	286	−12
Total	1,068	1,074	6

WASHINGTON AREA AIRPORTS COMPARISON OF 727–200 SCHEDULES TO TOTAL

	Total schedules	727–200 schedules	Percent-200
Apr. 26, 1970:			
DCA	630	0	0
IAD	162	0	0
BAL	278	18	6.5
Total	1,070	18	1.6
Oct. 25, 1970:			
DCA	618	66	10.7
IAD	168	6	3.6
BAL	274	24	8.8
Total	1,060	96	9.1

PROPOSED DISTRICT OF COLUMBIA RECIPROCAL OCCUPATIONAL TAX

Mr. SPONG. Mr. President, the District of Columbia government has proposed a reciprocal occupational tax as a means of bringing new revenue to the city. As a former member of the District of Columbia Committee and chairman of its Fiscal Affairs Subcommittee, I am aware of the financial problems facing the District as it tries to meet the needs of its citizens. However, in view of the substantial Federal payment made to the city each year, I do not believe it is fair to ask Federal employees who commute to the District from Virginia and Maryland to also pay an earnings tax. The whole rationale of the Federal payment is to compensate the District for lost real estate taxes and for the burden which the Federal Government and its employees place on city services. Why then should Federal employees be forced to pay an additional levy on top of that?

Mr. President, I have opposed previous efforts to levy a commuter tax upon Virginia and Maryland residents and I will oppose the present proposal. The District cannot resolve its financial problems by taking revenues away from these two States which have their own financial difficulties.

In this connection, I ask unanimous consent to have printed in the RECORD a resolution passed by the Revenue Resources and Economic Study Commission of the Commonwealth of Virginia vigorously opposing this tax.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE REVENUE RESOURCES AND ECONOMIC STUDY COMMISSION OF THE COMMONWEALTH OF VIRGINIA

Whereas, there is impending legislation in the Congress of the United States designed to impose a reciprocal occupational tax upon those residents of other states who work in the District of Columbia; and

Whereas, many thousands of citizens of this Commonwealth would be subjected to the burden and unfair treatment of this proposed legislation by reason of their employment in the District of Columbia; and

Whereas, it is proposed that credit for such reciprocal occupational tax be allowed against income taxation by the states affected; and

Whereas, large amounts of revenue otherwise due this Commonwealth would be lost thereby if such legislation were enacted into law; and

Whereas, the Revenue Resources and Economic Study Commission of the Commonwealth of Virginia is charged with the duty of studying and seeking out new and additional sources of revenue for the Commonwealth and its political subdivisions, and, in visualizing the potential loss of revenues otherwise due the Commonwealth of Virginia, deplores the concept of such a tax and is unanimously and unalterably opposed thereto; now, therefore, be it

Resolved by the Revenue Resources and Economic Study Commission of the Commonwealth of Virginia, That the Virginia delegation to the Congress of the United States be requested to oppose such legislation with all the force and vigor at their command.

Resolved further, That the Chairman of the Commission be requested to see that a copy of this resolution is sent to each member of the Virginia delegation in the United State House of Representatives, and to the United States Senators representing this Commonwealth.

Mr. SPONG. Mr. President, I yield back the remainder of my time.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1971

A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED LEGISLATION TO PROVIDE SUBSISTENCE ALLOWANCES FOR MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAMS

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to provide subsistence allowances for members of Marine Corps officer candidate programs (with an accompanying paper); to the Committee on Armed Services.

PROPOSED LEGISLATION TO PROVIDE INCREASED SUBSISTENCE ALLOWANCES FOR SENIOR RESERVE OFFICERS' TRAINING CORPS MEMBERS

A letter from the Acting Secretary of the Navy, transmitting proposed legislation to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members (with accompanying papers); to the Committee on Armed Services.

REPORT OF NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY DETAILED TO ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on December 31, 1970 (with an accompanying report); to the Committee on Armed Services.

PROPOSED TOXIC SUBSTANCES CONTROL ACT OF 1971

A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation entitled "The

Toxic Substances Control Act of 1971" (with an accompanying paper); to the Committee on Commerce.

Proposed Legislation by the Secretary of the Interior

Three letters from the Secretary of the Interior, transmitting drafts of proposed legislation (with accompanying papers), which were referred to the Committee on Interior and Insular Affairs:

A bill to establish a national land use policy to authorize the Secretary of the Interior to make grants to encourage and assist the States in the preparation and implementation of land use programs for the concern and the control and direction of protection of areas of critical environmental growth and development of more than local significance;

A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes; and

A bill to amend the Land and Water Conservation Fund Act of 1965, as amended.

Report on Claim of the American Journal of Nursing, New York, N.Y.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of The American Journal of Nursing, New York, N.Y., against the United States (with an accompanying report); to the Committee on the Judiciary.

Report on Claim of Mr. Corbie F. Cochran

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of Mr. Corbie F. Cochran against the United States (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation by the Environmental Protection Agency

Three letters from the Administrator, Environmental Protection Agency, transmitting drafts of proposed legislation (with accompanying papers), which were referred to the Committee on Public Works.

A bill to amend the Federal Water Pollution Control Act, as amended;

A bill to amend the Federal Water Pollution Control Act, as amended; and

A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Arkansas; to the Committee on Government Operations:

"House Concurrent Resolution 16

"Concurrent resolution urging the Congress of the United State to pass S. 10 which would promote the revitalization of rural areas by providing incentives for more even and practical geographic distribution of industrial growth

"Whereas, S. 10, introduced by Senator John L. McClellan and thirty-three cosponsors in the First Session of the 92nd Congress of the United States, would establish a national policy relative to the revitalization of rural and other economically distressed areas by providing incentives for a more even and practical distribution of industrial growth and activity, and developing manpower training programs to meet the needs of industries; and

"Whereas, S. 10 recognizes that seventy percent of the American people live on only one per centum of the land of the United States and that this high concentration of population results in increased pollution, critical problems of housing and transportation, and unhealthy living conditions, and increased crime; and

"Whereas, these conditions are aggravated and intensified by the location and expansion of industries in major metropolitan centers of the nation which continue to attract more people to these highly congested areas; and

"Whereas, a more balanced distribution of the nation's population and economic expansion is needed to accommodate the anticipated population increase of more than one hundred million persons in the United States over the next half century; and

"Whereas, S. 10 recognizes that a more even and practical distribution of industrial growth and activity is needed to reduce the continued concentration of industry and to stimulate the growth and development of less heavily populated rural country with a view toward providing a more diverified and better balanced distribution of our inhabitants, and facilitating the restoration and protection of the quality of our environment, thus enhancing and enriching the lives of all Americans; and

"Whereas, S. 10 would establish a national policy whereby government would take the lead in offering inducements and encouragements for the location of business and industry in the more sparsely populated areas of the country, thereby reducing the monstrous problems facing the nation through continued growth of large metropolitan areas, and effectuating an orderly growth in the nation and its economy by the distribution of industrial activity throughout the country in areas in which planning and development of industrial growth can alleviate the congestion and related problems now facing large metropolitan areas; and

"Whereas, the national policy as declared in S. 10 would especially benefit the State of Arkansas which has an abundance of undeveloped land and resources and whose people would be given improved opportunities to share in the increased economical growth of this nation, now, therefore

"Be it resolved by the House of Representatives of the Sixty-Eighth General Assembly of the State of Arkansas, the Senate concurring therein:

"That Senator John L. McClellan and the thirty-three Senators co-sponsoring S. 10 of the First Session of the 92nd Congress are hereby commended for their leadership and efforts in promoting the development of a national policy to bring about revitalization of economically distressed areas, thereby assisting in alleviating major problems facing the congested areas of this country.

"Be it further resolved that all members of the Arkansas Congressional Delegation and each member of the Congress, and the President of the United States are urged to support the bold and visionary goals of S. 10 which would enable all of the citizens of this country to have opportunities to share in the future growth and expansion of industry and business activity.

"Be it further resolved that a copy of this Resolution shall be furnished to each member of the Arkansas Congressional Delegation, to the Speaker of the House of Representatives and to the President of the Senate of the Congress of the United States and to the President of the United States."

A resolution of the Eleventh Guam Legislature; to the Committee on Interior and Insular Affairs:

"Resolution No. 86

"Resolution relative to respectfully requesting the Congress of the United States to enact legislation to afford the people of Guam a nonvoting delegate to the United States House of Representatives

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, under the tutelage and with the assistance of the Congress of the United States, the people of Guam have progressed steadily along the path of increasing political maturity matched with ever greater self-government, two particular milestones along this path being the Organic Act of Guam in 1950 giving U.S. citizenship and a locally elected Legislature, and the Elective Governorship Act of 1969 which permitted the election of Guam's chief executive for the first time in the recorded history of the island; and

"Whereas, the people of Guam are therefore now hopeful that the Congress will once again see fit to extend one more attribute of membership in the American political union so far not available to the territory, namely, a seat representing the territory in the halls of Congress, the previous Congress having considered a bill to provide the territory of Guam with a non-voting delegate to the U.S. House of Representatives, thus raising in the people of Guam the hope that such legislation will be enacted in the not too distance future; and

"Whereas, in view of the extensive Federal presence in the territory and the unique problems that Guam has in our nation's capital, it is respectfully submitted that the provision of a representative for the people of Guam to serve as their delegate to Congress would indeed fill a gap sorely felt by the territory and its officials, although this is to no way denigrate the abilities or dedication of Guam's unofficial delegate, the Honorable Antonio B. Won Pat, who without any official standing has done a remarkably effective job on behalf of the people of Guam, but whose hand would be considerably strengthened were he to be an actual member of Congress with offices and a seat on the appropriate committees even were he not to vote on the final passage of bills and resolutions, the history of Congress and of the Territories demonstrating that many such non-voting delegates had a profound influence on the legislative process in so far as it affected their respective territory; and

"Whereas, in addition to the manifest benefits that will accrue to the people of Guam from the presence of a delegate in Congress, the other members of Congress themselves would become much more knowledgeable about Guam, its problems and its people were a representative from the island to be their colleague; now therefore be it

"Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully petition and memorialize the Congress of the United States to enact legislation to permit the people of Guam to be represented in the halls of Congress by a non-voting delegate; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the U.S. Senate, to the Speaker of the House of Representatives, to the Chairmen, Committees on Interior and Insular Affairs, U.S. Senate and House of Representatives, to Guam's Washington Representative, and to the Governor of Guam."

A resolution adopted by the City Council of Worcester, Mass., relating to revenue sharing; to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry without amendment:

S.J. Res. 44. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971 (Rept. No. 92–20).

(The proceedings on the passage of Senate Joint Resolution 44 are carried later in the RECORD under the appropriate heading.)

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. ELLENDER:

S. 929. A bill for the relief of Jean De Saulieu; and

S. 930. A bill for the relief of Mrs. Marie Christine De Saulieu. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 931. A bill for the relief of Mercedes Arcangeli. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (by request):

S. 932. A bill to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates. Referred to the Committee on Agriculture and Forestry.

By Mr. HUGHES (for himself Mr. BIBLE, Mr. GRAVEL, Mr. HART, Mr. HOLLINGS, Mr. MONDALE, Mr. MUSKIE, Mr. PELL, Mr. RIBICOFF, and Mr. WILLIAMS):

S. 933. A bill to regulate the election of Members of Congress by prohibiting the imposition of durational residency requirements as a condition of voting for such officers, and providing a procedure for absentee voting and registration. Referred to the Committee on Rules and Administration.

Mr. HUGHES. Mr. President, for myself and Senators BIBLE, GRAVEL, HART, HOLLINGS, MONDALE, MUSKIE, PELL, RIBICOFF, and WILLIAMS, I am introducing a bill today to give the citizen the power as well as the right to vote in all Federal elections.

I ask unanimous consent that the bill and the explanation of the bill be printed in their entirety in the RECORD.

There being no objection, the bill and explanation were ordered to be printed in the RECORD, as follows:

S. 933

A Bill to regulate the election of Members of Congress by prohibiting the imposition of durational residency requirements as a condition of voting for such officers, and providing a procedure for absentee voting and registration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Voter Assistance Act of 1971".

TITLE I—RESIDENCY REQUIREMENTS FOR CONGRESSIONAL ELECTIONS AND PRESIDENTIAL PRIMARIES

SECTION 101. (a) No citizen of the United States who is otherwise qualified to vote in any election for any Member of Congress shall be denied the right to vote for such officer in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for any Member of Congress in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by title II of this Act or the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(b) For the purposes of this title, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any Congressional election, for registration or qualification to vote for Members of Congress in such election; and each State shall provide by law for the casting of absentee ballots for any such officer by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(c) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for any Member of Congress shall be denied the right to vote for such officer in such election because of any requirement of registration that does not include a provision of absentee registration.

(d) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

(e) As used in this title, the term—

(1) "State" maans each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(2) "Member of Congress" means Senator, or Representative in, or Resident Commissioner or Delegate to, the Congress; and

(3) "Congressional election" means any election held for the nomination of a candidate for election as, or for the election of, a Member of Congress.

(f) The provisions of section 11(c) of the Voting Rights Act of 1965 shall apply to false registration, and other fraudulent acts and conspiracies, committed under this title.

SEC. 102. Whenever the Attorney General has reason to believe that a State or political subdivision is denying or attempting to deny to any person the right to vote in any election in violation of this title, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

SEC. 103. Any person who deprives, or attempts to deprive, any other person of any right secured by the first section of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

TITLE II—ABSENTEE VOTER FORMS

SEC. 201. (a) A citizen of the United States who, although a legal resident of a State, will not be physically present in his precinct or election district on the date of a Presidential or Congressional election may use the post card application (hereinafter referred to as the "Absentee Voter Form") set out in subsection (d) in order to be registered as an absentee voter or request absentee voter ballots for any such election.

(b) When duly executed by a person entitled to use the Absentee Voter Form, such form shall be accepted by the appropriate officials of any State or political subdivision thereof as absentee registration to vote in any Congressional or Presidential election, and as an application for an absentee ballot for use in such election, if such person is a legal resident of such State or subdivision and is otherwise entitled to register and vote in such election. The provisions of this subsection relating to Presidential elections shall not apply to the Commonwealth of Puerto Rico.

(c) The Congress recommends that the States provide for the acceptance of the Absentee Voter Form for absentee registration to vote in, and as an application for an absentee ballot for use in, State and local elections.

(d) The form and content of the Absentee Voter Form shall be as follows:

(1) The form shall be printed on both sides of a card approximately nine and one-half by four and one-eighth inches in size.

(2) Upon one side, perpendicular to the long dimension of the card, there shall be printed the following:

Fill out both sides of card.

ABSENTEE VOTER FORM

State of----------------------------------

(Fill in name of State)

1. I am a citizen of the United States and am eligible to vote in the State indicated above. I am not requesting a ballot from any other State, nor am I voting in any election conducted by any other State.

2. I (am) (request to be) registered to vote
(Strike out one)
in such State.

3. (a) The date of the first election for which I am requesting a ballot is

----

(day, month, year)

(b) For--------months prior to the date of such election my legal residence in the State indicated above has been:

(Street address or rural route number)

(City, State, and zip code)

The voting precinct or election district for this residence is

----

(Enter if known)

(c) I request that an absentee ballot be sent to me at my present address, which is: ----------------------------------

(Name)

(Street address or rural route number)

(City, State, and zip code)

4. (a) I request an absentee ballot to vote in the coming election of the following type:

------General
------Primary
------Special (Check any which apply)
------Congressional
------Presidential
------Presidential preference primary
------Primary for the selection of delegates to a national nominating convention.

(b) If I have requested a ballot for a primary election, my party affiliation is

----

(name of political party)

NOTE: IF PARTY AFFILIATION IS SECRET IN YOUR STATE, DO NOT FILL IN THE BLANK FOR ITEM 4(B)

5. I will be temporarily absent from my precinct or election district on the date of this election because

----

(Give reason for absence)

----

6. (Additional information)---------------

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7. The statements made above are all true and accurate.

(Signature) (Date)

Note.—Any person who knowingly and willfully makes any false statement or misrepresentation in filling out this form is subject to a fine of up to $10,000 and imprisonment for up to 5 years.

INSTRUCTIONS

1. Before filling out this form check the instruction chart at any Post Office for information as to any additional information your State may require, the title and address of the official to whom this form must be sent, and other information.

2. Type or print all entries except signatures. Fill out both sides of the card.

3. Address card to the proper official, whose title and address appear on the instruction chart posted in any Post Office.

4. Mail this form as soon as your State will accept registration or ballot requests.

(3) The other side of the card shall have a red, white, and blue band across it longitudinally, and there shall be printed on such side the following:

FILL OUT BOTH SIDES OF CARD

Official mailing address:

(Name of sender)

(Street address or rural route number)

(City, State, and zip code)

OFFICIAL ABSENTEE VOTER MATERIAL—VIA AIR MAIL

To: ________________

(Title of election official)

(Street address)

(City, State, and zip code)

Sec. 202. The Attorney General shall—

(1) have a sufficient number of Absentee Voter Forms printed and provide for their distribution to United States Post Offices and other appropriate federal buildings;

(2) provide for the preparation, revision, printing, and distribution of charts and pamphlets showing the title and address of the State and local election officials to whom Absentee Voter Forms should be sent in each State, and such other information as the Attorney General deems necessary;

(3) enter into arrangements with the Postal Service and other Federal agencies to provide that a copy of such chart or pamphlet, and a supply of absentee voter forms are conspicuously displayed and readily available;

(4) cooperate with State and local government officials in providing for the effective operation of this title.

Sec. 203. (a) The provisions of section 11 (c) of the Voting Rights Act of 1965 shall apply to false registration, and other fraudulent acts and conspiracies committed under this title.

(b) Any person who deprives, or attempts to deprive, any other person of any right under this title shall be fined not more than $5,000, imprisoned not more than five years, or both.

(c) The provisions of section 1001 of title 18, United States Code, are made applicable to the absentee voter form.

Sec. 204. (a) This title shall not affect the provisions of the Federal Voting Assistance Act of 1955, however, persons eligible to use the form and procedures provided under such Act may use such form or the absentee voter form, if they are eligible to use the absentee voter form also.

(b) As used in this title—

(1) "Presidential election" means a primary election held for the expression of a preference for the nomination of persons for election to the office of President and Vice President or for the selection of delegates to a national nominating convention of a political party held to nominate candidates for such offices, and an election held for the election of Presidential electors; and

(2) "Congressional election" means any election held for the nomination of a candidate for election as, or for the election of, a Senator, or Representative in, or Resident Commissioner or Delegate to, the Congress; and

(3) "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Sec. 205. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

Sec. 206. If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act, or the application of such provisions to other persons or circumstances shall not be affected by this determination.

The Voter Assistance Act of 1971

THE PROBLEM

Millions of eligible voters change their residence every year or are away from home on election days. In all too many cases, these people are being effectively disenfranchised—not by design but because our increasingly mobile population is confronted by an election system created for an earlier age.

The Voting Rights Act of 1970 began to correct this situation by (1) providing that any otherwise qualified person could vote in a presidential election in the place at which he had lived for at least 30 days prior to the election; and (2) directing the states to adopt absentee balloting and registration procedures for presidential elections. However, the 1970 Act applies only to presidential elections. Consequently, problems remain with respect to voting in congressional elections. Moreover, the absentee registration and voting procedures remain complex and obstructive.

WHAT THIS BILL WILL ACCOMPLISH

1. It will extend to congressional elections the provisions of the Act of 1970 which (a) remove durational residency requirements of more than 30 days as a condition of voting in presidential elections, and (b) keep open the registration books until 30 days before election days.

Comment.—These provisions set uniform minimum standards for all elections for federal office. They do not prevent a state from adopting standards that are even less rigid.

2. It provides a simple method of absentee application for registration and ballots using a postal card form to be available in all post offices and other appropriate federal buildings, where relevant information on all state elections will also be placed. State and local election officials would be required to accept the form for all elections to federal office.

Comment.—This system is modeled on that established for military personnel and federal civilian employees in foreign countries by the Federal Voting Assistance Act of 1955. That Act suggested to the states that they honor a postal card form as a simultaneous application for absentee registration and ballot for those covered by the Act. In the years following the 1955 Act, voting participation by military personnel using absentee ballots has risen to more than 50% of those eligible, a rate considerably higher than that for civilians. Most of the states have cooperated, and there have been no complaints of fraud or abuse.

3. Administrative responsibility for the absentee program would be placed in the Department of Justice, which would prepare the election information on each state, cooperate with other federal agencies and with the states in the production and distribution of the postal card forms and the election information, and enforce the provisions against fraud or other violations.

4. The bill includes the safeguards against abuse contained in the Voting Rights Acts of 1965 and 1970, and includes on the postal card form a warning of the penalties for knowingly and willfully making any false statement or misrepresentation—a fine of $10,000 and/or imprisonment of up to 5 years.

Mr. HUGHES. This legislation has two major provisions: The first would abolish durational residency requirements for all congressional elections—and thereby enfranchise millions of American citizens who change their place of residence every year; the second would let civilians use the simplified absentee ballot procedures which have been used so successfully in the military services.

The right to vote in America has greatly expanded since colonial days when property, racial, and sexual restrictions combined to restrict the right to vote to an elite minority. The Constitution, the post-Civil War amendments, and the women's suffrage movement insured that by the 1920 elections the franchise was complete in law for everyone. And the Civil Rights Act of 1965 began to assure that the right in law was indeed a right in fact.

Then in 1970 the 91st Congress recognized that two significant portions of the citizenry remained effectively disfranchised. These were the people who moved their homes in an election year and the people who were absent from their voting district on election day or during the registration period.

Their numbers were astounding and the political impact of their disfranchisement was serious. For instance, George Gallup estimates that in 1968 5 million otherwise qualified voters were ineligible to vote for President of the United States because they failed to meet durational residency requirements; and that 4 million eligible voters were outside of their voting district on election day and failed to use the absentee ballot. Thus, in the same year that Richard Nixon defeated Hubert Humphrey by a little over 500,000 votes, better than 9 million qualified Americans sat on the sidelines. An electoral system designed for an earlier and simpler age had disfranchised a startling number of an increasingly mobile population.

The 91st Congress took a first step to remedy these inequities by passing section 202 of the 1970 Voting Rights Act. Section 202 did two things: First, it replaced the confusing patchwork of State law residency requirements with a uniform national law, applicable to presidential elections, which abolished all durational residency requirements and qualified citizens to vote if they were residents of their new State for 30 days prior to the election; second, it directed the States to adopt absentee registration and voting procedures for all presidential elections.

As for residency requirements, the statute cured the problem as it applies to presidential elections, but failed to address itself to the much larger disfranchisement of citizens in congressional elections. For, while an estimated

5 million persons could not vote in the past presidential election because of changed residence, additional millions of otherwise qualified citizens were disqualified to vote in congressional elections. This disparity between presidential and congressional disfranchisement existed even before the 1970 law because most States impose less restrictive durational residency requirements on those voting for President than on those voting for Senator and Representative.

I am proposing today that we complete the legal enfranchisement of the American people by extending to congressional elections those same procedures which section 202 of the 1970 Voting Rights Amendments applied to the presidential elections. Durational residency requirements abridge the inherent right of citizens to move freely across State lines, and they should be abolished altogether in the election of all Federal officers.

Old arguments about residents not knowing enough about the candidates or issues of their new States are no longer valid. Saturation of TV stations everywhere with the candidate's image and ideas are making today's voter the best informed in the history of democratic governments. Federal court decisions striking down unreasonable residency requirements in recent years have recognized this fact of modern life, and Congress acknowledged America's greater mobility and exposure to candidates in the 1970 law. Congress should finish the job now.

I am coupling my legislation to remove durational residency requirements with a proposal to simplify absentee balloting for those eligible voters who are outside of their voting district on election day. This legislation would affect the 7 million qualified sick and disabled who did not use an absentee ballot in 1968, as well as the millions of mobile Americans—the businessmen, college students, migrant workers, vacationers, truckdrivers, and entertainers who have been effectively disfranchised by the current system. These people should know that their votes are needed, wanted, and indeed demanded by the democratic process.

My bill would require States to adopt streamlined procedures for absentee balloting and registration for all Federal elections and primaries similar to the procedures presently available to our Armed Forces.

Those procedures were established in 1955 when Congress was made aware of an alarming situation. The Armed Forces of the United States, called upon again and again to defend the principles of democracy, were themselves frequently denied the most basic democratic right—the opportunity to cast a ballot. Congress responded by enacting the Federal Voting Assistance Act. This act urged all the States to enact simplified and efficient absentee registration and voting procedures for military personnel and their wives and dependents.

As a member of the Armed Services Committee, I have examined the effort with interest and delight. In 1952 less than 15 percent of our Armed Forces cast a ballot. Now, as a result of vigorous information and education on the part of the services and because of great cooperation among the various States, voting in the military services has more than tripled to about 50 percent for presidential elections.

This by itself would be an outstanding accomplishment. But when we compare this performance with the voting pattern of our civilian population, an even more dramatic story unfolds. The percentage of absentee voting in the military surpasses the percentage of overall civilian voting in several of the States, and approaches the national average. In 1964, for example, the turnout in the armed services—52 percent—was higher than the rate in 13 States, and was virtually identical with that in five other States.

The reason servicemen vote regularly is the Federal post card application procedure—FPCA. While civilians face self-defeating redtape in States which prohibit absentee registration, or absentee voting in primaries, or which design procedures which mire the prospective voter in bureaucratic details, servicemen simply send in their post cards and are assured of a ballot for any and all elections. The procedure is simple. It is easy. It is safe. Not one case of fraud has come to the attention of the Federal voting assistance program staff in the 16 years of its operation.

I propose today that a similar procedure be established for all our citizens. The bill provides for the production and distribution of a post card, entitled the absentee voter form—AVF—and a chart, showing addresses of State and local voting officials, elective offices to be filled, and election dates. The post cards would be readily available at all post offices, and Federal office buildings, where the charts would be prominently displayed. The proposed legislation requires that for all Federal elections the States will accept these post cards as absentee registration and as applications for absentee ballots. The legislation urges the States to adopt the post card for State and local elections as well. Finally, the bill directs the Justice Department to appoint a coordinator of the civilian absentee voting program, to work in cooperation with the military program and with the States to carry out these provisions.

We have been diligently eradicating subtle discriminations in all areas of American life. Repeatedly the power of the people is upheld in courts and in Congress against the inertia of the bureaucracy. It is necessary now that the right which secures all other rights—the right to vote—be extended to those millions who exercise their freedom to move about within the United States. It is time for the States and Federal Government, working together, to provide for these people on the move. The measure I offer today, constitutional, consistent with wise public policy, and long overdue, would accomplish this purpose.

By Mr. KENNEDY (for himself and Mr. WILLIAMS):

S. 934. A bill to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrists, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes; and

S. 935. A bill to amend the Public Health Service Act to increase and expand the national resources for the education of doctors of medicine and osteopathy; and to promote the role of academic medical centers in improving the delivery of health services and medical care. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I am introducing, for appropriate reference, two health bills. The first bill, the Health Professions Educational Assistance Amendments of 1971, will extend and improve those parts of title VII of the Public Health Service Act which expires June 30, 1971. This authority is the principal mechanism which channels Federal support into this Nation's schools of medicine, dentistry, osteopathy, podiatry, pharmacy, optometry, and veterinary medicine. As we all know, the health professional schools of this country, particularly those of medicine, dentistry, and osteopathy, are in great financial distress. Several of these institutions have already been forced to close their doors and many more are on the brink of economic collapse. It is not uncommon for these institutions to be forced to literally "feed upon themselves." That is to say, they are using up their institutional endowments.

In order to qualify for project grant assistance under current authority, these institutions have had to demonstrate that they are in dire financial straits as a precondition for grant assistance. That policy is not as it should be. In that regard, the Carnegie Commission on Higher Education and the Association of American Medical Colleges have recently issued provocative and challenging reports. These reports are similar in their basic recommendations and they concur in recommending that the Federal support to these institutions should be put on a "first dollar" rather than "last dollar" basis. They, therefore, conclude that the Federal support ought to be on a capitation grant. The President, Mr. Nixon, in his health message to the Congress, has also made clear the administration's concurrence with the notion of capitation support.

Accordingly, the Health Professions Educational Assistance Amendments of 1971 reflects that basic change in policy. These amendments are comprehensive in scope. They include construction grant assistance for the health professions, broad-based student loan and scholarship provisions, and institutional and project grant support for the health professional schools. The institutional support is calculated by the capitation method with the differential levels being $5,000 per student for the schools of medicine, dentistry, and osteopathy, $3,500 per student for the schools of optometry, podiatry, and veterinary medicine, and $2,000 per student for schools of pharmacy.

The second bill, Mr. President, the Physician Manpower Support and Services Act of 1971, again is based in substantial measure on the recommenda-

tions of the prestigious Carnegie Commission and the Association of American Medical Colleges. This bill, which proposes wholly new authority, includes the following major provisions:

First. For schools of medicine and osteopathy, title I of the bill provides for new construction or expansion of educational facilities, provision for meeting exceptional expenditures with regard to new educational programs, and additional operating support for institutions which increase their enrollments.

Second. Title II of the bill is designed to support academic health programs for community education and service. In that regard its principal purpose is to assist this Nation's academic medical centers in establishing health maintenance organizations. As we know, HMO's are vastly more efficient and effective ways of providing high-quality health-care services to people. Already in this country there are about 30 HMO's which cover approximately 8 million Americans. The President in his health message has made clear the commitment of the administration to the further development and expansion of HMO's for the people of this country. Title II of the bill recognizes the crucial role and ready resources available in the academic medical centers for this purpose.

The PRESIDING OFFICER (Mr. HART). The time of the Senator from Massachusetts has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I will be glad to yield my 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, specifically, the Secretary of Health, Education, and Welfare would be empowered to make grants for planning and feasibility studies to academic medical centers, make grants for initial development costs of health maintenance organizations, and support the construction and renovation of facilities necessary for the development of these HMO's.

Third. Title III of the bill would assist in the establishment and operation of area health education centers. These centers would be affiliated with academic medical centers. They would train medical residents and M.D. and D.D.S. candidates on a rotational basis; they would carry on continuing education for local doctors, dentists, and other health-care personnel; they would advise with local health authorities and hospitals; they would assist community colleges and comprehensive colleges in training allied health personnel; and, in other ways, they would help improve health care in their areas.

Mr. President, the Senate Health Subcommittee, which I chair, has began extensive and systematic hearings into the massive health-care crisis which confronts this Nation. Clearly, the shortage and maldistribution of health manpower and the massive financial crisis facing our health professional schools contribute to this national crisis. It is folly to assume that we can bring rationality and equity to the health-care system if we do not deal adequately with the manpower problem. These two bills will, I believe, move us significantly forward in terms of developing a coherent Federal policy with regard to the education of America's health manpower.

Mr. President, I ask unanimous consent to have printed in the RECORD section-by-section analyses of the two bills.

There being no objection, the section-by-section analyses were ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSES OF THE HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1971

HEALTH PROFESSIONS TRAINING

Part A—Construction grants

Section 101. Extends the existing program of grants for construction of teaching facilities for medical, dental, and other health personnel (Part B of Title VII of the Public Health Service Act) through fiscal 1976, providing the following authorizations: $300,000,000 in FY 1972, $350,000,000 in FY 1973, $400,000,000 in FY 1974, $450,000,000 in FY 1975, and $500,000,000 in FY 1976. Also extends the period in which appropriated funds are to remain available for obligation from one year to two years.

Section 102. Broadens the list of eligible applicants for construction grants by including outpatient facilities affiliated with any eligible school.

Section 103. Increases and simplifies provisions limiting the federal share of construction costs, which range from 50 percent to 75 percent in various cases under present law. The federal share would be 75 percent in all cases unless the HEW Secretary determined the existence of unusual circumstances, in which case the federal share could be raised to a maximum of 85 percent.

Section 104. Broadens the definition of *construction costs* to include the cost of land and existing buildings. Defines the term "affiliated outpatient facility".

Part B—Student loans

Section 201. Increases the annual maximum loan per student from $2,500 to $3,500. Extends the student loan program (Part C of Title VII of the Public Health Service Act) through fiscal 1976, providing the following authorizations: $60,000,000 in FY 1972, $65,000,000 in FY 1973, $70,000,000 in FY 1974, $75,000,000 in FY 1975, and $80,000,000 in FY 1976. Broadens the eligibility for forgiveness of student loans for those who choose to practice in areas lacking adequate health professionals to students of all schools eligible under the Act. Postpones distribution of asset from loan fund created under the Act from 1974 to 1979.

Part C—Institutional and special project grants for training health professions personnel

Section 301. Amends the title of Part E of Title VII of the Public Health Service Act to read: "Grants To Improve the Quality of Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry and Veterinary Medicine."

Section 302. Establishes a system of capitation support for institutional grants for the period fiscal 1972–1976 inclusive, and provides that the amount of an annual grant would include a base of $50,000 per school plus an additional sum per school for each full-time student, ranging from $5,000 for schools of medicine, osteopathy and dentistry; to $3,500 for schools of optometry, podiatry and veterinary medicine and $2,000 for schools of pharmacy. Creates application procedures and eligibility criteria for such institutional grants. Defines "full-time student."

Section 303. Extends the program of special project grants through fiscal 1976 and provides the following authorizations: $150,000.000 for FY 1972. $165,000,000 for fiscal 1973, $180,000 for FY 1974, $195,000,000 for fiscal 1975 and $210,000,000 for FY 1976. Establishes eligibility standards and criteria to be used by the Secretary in approving applications.

Section 304. Repeals the present section 773 of the Public Health Service Act.

Part D—Scholarship grants

Section 401. Transfers the authority to award grants from the Surgeon General to the HEW Secretary. Increases the amount of grants to schools for scholarship awards from $2,000 times one-tenth the number of full-time students to $3,000 times one-tenth the number of full-time students. Extends the program through fiscal 1976. Increases the maximum scholarship award from $2,500 to $3,500.

SECTION-BY-SECTION ANALYSIS OF THE PHYSICIAN MANPOWER SUPPORT AND SERVICES ACT OF 1971

Section 2. Statement of findings and declaration of purpose.

TITLE I. GRANTS FOR THE EXPANSION OF FACILITIES FOR THE EDUCATION OF DOCTORS OF MEDICINE AND OSTEOPATHY

Section 101. Statement of purpose.

Section 102. Provides the following authorizations for construction grants by the HEW Secretary to meet the cost of new or expanding educational facilities for Doctors of Medicine and Osteopathy: $200,000,000 in FY 1972, $200,000,000 in FY 1973, $250,000,000 in FY 1974, $200,000,000 in FY 1975, and $150,000,000 in FY 1976. Provides that appropriated funds shall remain available for obligation for two years. Defines "educational facilities".

Section 103. Establishes administrative procedures for carrying out Section 102. Limits the federal share to 80 percent of the total construction cost. Limits a grant to $200,000 per new or additional student, the addition of which would be possible under the construction project.

Section 104. Provides the following authorizations for grants by the HEW Secretary to meet start-up costs associated with new or expanding educational facilities for Doctors of Medicine and Osteopathy: $20,000,000 in FY 1972, $20,000,000 in FY 1973, $25,000,000 in FY 1974, $20,000,000 in FY 1975, $15,000,000 in FY 1976. Provides that appropriated funds will remain available for obligation for two years.

Section 105. Provides administrative procedures for carrying out Section 104. Requires grants awarded under Section 104 to be calculated on the basis of $20,000 per new or additional student.

Section 106. Authorizes the following amounts for grants by the HEW Secretary to meet operating costs of new or expanded educational facilities for Doctors of Medicine and Osteopathy: $4,000,000 in FY 1972, $8,000,000 in FY 1973, $14,000,000 in FY 1974, $18,000,000 in FY 1975 and $15,000,000 in FY 1976.

Section 107. Provides administrative procedures for carrying out Section 106. Provides that operating grants awarded pursuant to Section 106 shall be in addition to any other operating support of students of medicine and osteopathy pursuant to any other provision of the Public Health Service Act. Provides that Section 106 grants shall be calculated on the basis of $4,000 per new or additional students.

TITLE II. SUPPORT OF ACADEMIC HEALTH PROGRAMS FOR COMMUNITY HEALTH EDUCATION AND SERVICE

Part A—Grants to assist academic health centers in planning and initiating health maintenance organizations

Section 201. Statement of purpose.

Section 202. Defines the following terms used in the Title: "academic health center", "health maintenance organization", group medical practice", "direct service prepayment", "wide range of services" and "construction".

Grants for Planning and Feasibility Studies

Section 301. Authorizes the HEW, on recommendation of the Health Maintenance Organization Review Council, to make grants to academic health centers for studies of the feasibility of developing health maintenance organizations. Requires a report to the Secretary within two years on the findings of the study, and specifies types of information to be included in the report. Provides the following authorizations: $10,000,000 in FY 1972, $20,000,000 in FY 1973 and $20,000,000 in FY 1974.

Grants for Initial Development Costs

Section 401. Authorizes the HEW Secretary to make grants to academic medical centers for the initial development costs of a health maintenance organization. Specifies purposes for which the grants may be used. Provides the following authorizations: $2,000,000 in FY 1972, $20,000,000 in FY 1973, $55,000,000 in FY 1974 and $70,000,000 in FY 1975.

Grants or Construction and Renovation of Facilities

Section 501. Authorizes the HEW Secretary to make grants to academic medical centers for the construction and equipping of facilities used for health services to members of a health maintenance organization. Prohibits award of a grant if assistance is available under Titles I and II of the Medical Facilities Construction and Modernization Amendments of 1970 and Title IX of the National Housing Act. Provides the following authorizations: $10,000,000 in FY 1972, $30,000,000 in FY 1973, $50,000,000 in FY 1974, $50,000,000 in FY 1975.

Guaranteed Loan Program

Section 601. Authorizes the HEW Secretary to guarantee payment of principal and interest on loans made by private lenders to academic health centers in connection with health maintenance organizations. Establishes in the Treasury a loan guarantee fund. Provides an open-ended authorization for appropriations to maintain the fund.

Guaranteed Reinsurance Pool

Section 701. Authorizes the HEW Secretary to establish a federally guaranteed reinsurance fund to offset losses incurred by health maintenance organizations because of abnormal expenses. Provides for financing of the fund by a percentage of the premium of each member of a health maintenance organization established by an academic health center. Requires participation by all health maintenance organizational institutes in the guaranteed loan program.

Health Maintenance Organization Review Council

Section 801. Authorizes the HEW Secretary to appoint a 13-member Health Maintenance Organization Review Council, comprised of the Assistant HEW Secretary for Health and Scientific Affairs, who shall serve as chairman, and 12 public members, at least three of which shall be practicing physicians. Provides for staggered four-year terms, and limits a member to two consecutive terms. Establishes duties for the Council.

Report

Section 901. Requires a report by June 30, 1974, from the Secretary to the President and Congress, appraising activities under this Part and proposing appropriate recommendations.

Records and Audit

Section 1001. Requires maintenance of certain records by recipients of grants under this Title.

Part B—Grants to assist in the establishment and operation of area health education centers

Section 101. Amends Title IX of the Public Health Service Act to read as follows: "Title IX Regional Cooperative Arrangements for Education, Research, Training and Demonstration To Improve Health Services and Medical Care."

Section 102. Amends the existing statement of purpose to include establishment of area health education centers. Authorizes the following appropriations for grants: $150,000,000 for FY 1971, $200,000,000 in FY 1972, $275,000,000 in FY 1973 and $300,000,000 in FY 1974.

Section 103. Defines the term "area health education center."

Section 104. Provides that funds may be used for planning, establishment and operation of area health education centers.

Section 105. Modifies existing law on administrative provisions of this Title.

Section 106. Provides the HEW Secretary with broad authority to act to facilitate interregional cooperation and to develop improved national capability for delivery of health services.

Mr. WILLIAMS. Mr. President, I applaud the Senator from Massachusetts for the leadership and initiative that he is demonstrating in his new role as a subcommittee chairman of the Labor and Public Welfare Committee. His energy and wisdom are needed.

The Senator from Massachusetts is making arrangements for early hearings with an understanding of how this body can respond to one of the greatest needs in response to the health-care needs of our Nation.

The two bills that we introduce today are extremely vital in the whole chain of action in response to the health-care needs. I am sure that the Senator from Massachusetts will lead us into early hearings and deliberation and enactment of these bills.

Mr. President, I am proud to join in introducing today the Health Professions Educational Assistance Amendments of 1971, a bill to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrists, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes.

Of all the problems that combine to constitute what the President and many others have referred to as the "crisis in health," the shortage of trained manpower is generally acknowledged to be the most acute. And the most critical component of the shortage of trained manpower is the shortage of M.D.'s. It has persisted despite a longstanding public awareness and continued efforts to find a remedy.

In 1963, Congress enacted the initial legislation to authorize national action to expand the number of physicians graduated—the Health Professions Education Assistance Act. That authorization has been extended twice: first in 1965, and again in 1968. Now, since the current authorization will expire on June 30, 1971, it is time to consider further legislative action. This act is the basic statutory authority for Federal assistance to schools of the health professions.

The record of achievement under the Health Professions Education Assistance Act has been impressive. Let me mention just a few examples from a September 1970 report by the HEW Secretary:

Item: Between the fall of 1963—the year before the first grants were awarded under the HPEA—and the fall of 1969, annual admissions to schools of medicine and osteopathic medicine increased from 9,200 to 10,900. In September 1970, there was a further increase, according to the Association of American Medical Colleges, to 11,800.

Item: Since the HPEA construction program was first authorized in 1963, 133 schools of the health professions had received by June 30, 1969, Federal aid for construction of teaching and related facilities, including some teaching hospitals. These dollars have assisted in the construction of 20 new schools and expansion, renovation, or remodeling of 113 others.

Item: Between 1965—the first year of the student loan program—and 1969, there were substantial increases in the number of participating schools, the number of students receiving loans and the average loan per student. In 1965, there were 147 participating schools in four professions; and nearly 12,000 students received loans that averaged $833 per student. By 1969, the number of schools had risen to 231 in seven professions; the number of students assisted to 25,000; and the average loan to about $1,060.

Despite these achievements, Mr. President, a doctor shortage remains. Our Nation's medical schools are in serious financial condition; some are on the verge of bankruptcy. Our very capacity to meet the burgeoning demand for health-care services hangs in the balance.

The bill that I join in introducing today would make major strides toward meeting these problems. It has strong support from those most intimately involved with the problems; namely, the Association of American Medical Colleges and the Federation of the Association of the Schools of the Health Professions.

The Health Professions Educational Assistance Amendments of 1971 would extend the HPEA program for 5 years, through the 12 months ending June 30, 1976. In addition, the bill would make significant changes in some of the existing programs.

The heart of this bill is the recognition that our institutions for the education of the medical and dental professions are a precious national resource. As such, they deserve the protection provided by a substantial and predictable commitment of Federal financial support.

This bill would meet this need by providing funds for operational support through a per-student capitation system. Such a system has been advocated by the October 1970 report of the Carnegie Commission on Higher Education, "Higher Education and the Nation's Health—Policies for Medical and Dental Education," and by the Association of American Medical Colleges' Bicentennial Anniversary Program for the Expansion of Medical Education. A variant of this system, based on capitation support per graduate instead of per student, was recently proposed by the President in his February 18 health message.

The per-student capitation system that we propose today constitutes a substantial upgrading and enlargement of the existing system of Federal support that has proved cumbersome, inadequate, and unpredictable.

The existing system is actually a combination of two approaches: On the one hand, a complex formula has been used to allocate funds aimed basically at increasing enrollments; on the other hand, a project-by-project approach has been used to provide funds intended for special and innovative educational programs. In theory, the combination of approaches is meritorious. in practice, however, serious problems have arisen. Inadequate financial support under the formula has driven an increasing number of schools toward the brink of financial chaos. To meet this emergency, special project funds have been diverted from supporting innovative programs to performing rescue missions.

The proposal for a per-student capitation system would provide a predictable level of support for basic operating purposes that would preclude the necessity for Federal intervention on a case-by-case basis to rescue individual schools. In addition, the capitation route would be easier to administer and would preserve the freedom of action necessary for an educational institution. Furthermore, a continuing supply of predictable funds at a substantial level would permit schools to plan rationally to meet the Nation's health manpower needs.

Other major provisions of the bill would extend the authority for construction grants, raising the level of Federal participation and extending coverage to the construction of much needed outpatient facilities. The maximum award for student loans and scholarships would be increased to $3,500 per student per year. This increase must be accompanied by adequate appropriations to reverse the drastic cutback in loan funds which occurred in 1970, reducing the program by nearly one-half. The special project authority would be retained and would be extended in a context which would enable it to achieve its originally intended purposes.

Mr. President, today I am also proud to join in introducing the Phyisician Manpower Support and Services Act of 1971, a bill to amend the Public Health Service Act to increase and expand the national resources for the education of doctors of medicine and osteopathy; and to promote the role of academic medical centers in improving the delivery of health services and medical care.

In essence, this is an omnibus measure authorizing support for new medical schools and for expansion of existing schools, and authorizing Federal support for the establishment of academic medical center health maintenance organizations and of area health education centers. The major provisions of this bill have been advocated by the Carnegie Commission on Higher Education and the Association of American Medical Colleges.

The major thrust of this bill, Mr. President, is to expand our national capacity to provide adequate health training and health care, with special emphasis on extending this capacity to areas of the country that presently lack such services. Five States do not contain a single academic medical center; many other States are inadequately served.

The fact is that an academic medical center provides far more than mere training of health professionals. It exerts a pervasive influence on upgrading the quality of health care throughout the region which it serves.

My bill would not only provide for additional academic medical centers, but would extend their reach, both in terms of the education and the services they will provide.

The bill is divided into three major parts.

The first part would authorize a system of grants for the expansion of facilities for the education of doctors of medicine and osteopathy.

Providing an adequate educational environment for the training of these health professionals is a monumentally expensive undertaking. Despite the existing well-publicized shortage of physicians in this country, our medical schools will be unable to meet the pressing demand for an increased output of trained health professional without special Federal support.

Under the first major part of the bill a series of grants would be made available to educational institutions, or other public or private nonprofit agencies, to meet the capital investment, startup costs and operating expenses associated either with a facility or with the expansion of an existing one.

Federal assistance would be calculated on the basis of $200,000 per student for construction funding, limited to a maximum Federal share of construction costs of 80 percent; on the basis of $20,000 per student for startup grants; and on the basis of $4,000 per student for operating support.

Mr. President, the second major part of the bill would authorize grants to assist academic medical centers in planning and initiating health maintenance organizations.

I concur with a growing body of opinion which believes that the best hope for reform of our medical delivery system lies in the development of prepaid, comprehensive care provided in medical units that have come to be known as health maintenance organizations. It is vitally important, I believe, that some of these HMO's be established in conjunction with academic medical centers—which offer the combined resources of a medical school, and affiliated teaching hospital and associated research and educational programs.

Although it has been shown to be desirable to combine health maintenance organizations and academic medical centers, there are exceptional costs involved. It is unreasonable to ask our already financially overburdened academic medical centers to take on these additional costs.

Therefore, the bill provides for a system of grants to meet these extraordinary costs.

The grants would provide funds for necessary planning and feasibility studies. And, where such studies indicated, additional grants would be available to meet initial development costs and the costs of construction and renovation for HMO health-care facilities.

To provide initial working capital for academic medical center health maintenance organizations, this bill would authorize a program of Federal loan guarantees, and would provide a guaranteed reinsurance pool to offset losses incurred from abnormal expenses associated with health centers.

The third part of the bill, Mr. President, would amend the existing statutory authority for regional medical programs to assist in the establishment and operation of area health education centers.

The purpose of these centers would be to fill in some of the gaps in health training across our Nation caused by the uneven geographic distribution of academic medical centers.

These area health education centers would be located in areas not served by academic medical centers. The area health education centers would be at local hospitals, and their educational programs would be affiliated with academic medical centers.

In addition to training medical and dental students on a rotational basis, the centers would offer a source of continuing education for local health professionals, and would advise in training allied health personnel. Through these various services, the centers would exert a major influence toward improving health care in their areas.

By Mr. MONTOYA (for himself, Mr. ANDERSON, Mr. EAGLETON, Mr. HART, Mr. HOLLINGS, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MOSS, Mr. PELL, Mr. RANDOLPH, and Mr. RIBICOFF):

S. 936. A bill to amend the Social Security Act to provide increases in benefits, to make improvements in the medicare program with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes. Referred to the Committee on Finance.

Mr. MONTOYA. Mr. President, I should like to introduce for the last time, I hope, my proposal to include prescription drugs under medicare. In past years the critics of this legislation have been inclined to await the results of the studies regarding need and feasibility. As we meet here today, the concept of drug care under medicare has been studied, the studies have been studied, and Mr. President, if we again refuse to act it could be said, for thousands of our senior citizens, the possibilities have been studied to death.

It would be interesting to take note of the many of our grandparents and parents who have perished waiting while we studied the virtues of providing them with the prescription drugs they needed. We simply cannot again refuse to act.

This bill provides the protection which is so necessary. It covers all prescription drugs deemed to be necessary by the individual's physician. It is financed under part A of the medicare program. It establishes a $1 copayment by the consumer and a reimbursement mechanism for the pharmacist. The reimbursement procedure is tied to a formulary committee's establish list of appropriate drugs.

Virtually everyone who has considered the merits of providing drugs under medicare has concluded that it is quite necessary. They have also concluded that such a program is indeed feasible. Those who have in the past argued that the concept was obviously valid but the program needed study certainly no longer have a valid reason for further delay.

In fact, Mr. President, I can scarcely conceive of any argument having any application today. The promises have been made too often in the past, the studies have been long since completed. What is left is simply for us to deliver what we have so long debated.

I should like, Mr. President, to briefly run through those facts which make this proposal so critically important. We have heard them many times before, but I, nonetheless, would like to have them in the record as part of this consideration of the legislation.

First, there is no question, nor has there ever been one, of need. It is clear, and has always been clear, that our elderly citizens have a greater need for drugs and a lesser ability to obtain them.

According to the 1969 report of the Special Committee on Aging:

> Drug expenditure by those over age 65 average three times higher than those for all Americans and yet one-half of all older people living alone or with nonrelatives, during 1967 had annual incomes of less than $1,480; one in four had as little as $1,000 or less.
>
> Prescription expenses of those of the elderly with severe chronic conditions—about 15% of all elderly persons—were over six times as great as the expenses of younger people.

And, yet, it is clear that a disproportionate number of these elderly people live well below the poverty line, and certainly below national income averages.

The HEW task force points out that the disproportionately high expenditures among the elderly, combined with a widespread inability to pay for such drugs, "may well be reflected in needless sickness and disability, unemployability, and costly hospitalization which could have been prevented by adequate out-of-hospital treatment."

So long as there is a single elderly person who suffers from a chronic ailment but cannot have proper treatment because he cannot afford the ongoing expense of the prescription drug needed, so long as there is a single elderly person in the hospital because he could not receive proper out-of-hospital care, so long as there is a single mortality among our senior citizens because of a lack of a prescription drug, readily available but too expensive, so long as there is an incidence of any one of these, we are not doing our job, we are not fulfilling our obligation to our senior citizens.

To those who say we cannot afford this program, I should like to reply, we cannot afford not to have it. The cost in human life and health alone are sufficient to warrant the expenditure. The elderly who will not be forced into hospitals in order to get drugs under medicare provide an economy.

We have not the slightest hesitation to pay the cost of drugs to the hospitalized elderly. We, in fact, encourage people to enter the hospital in order to receive treatment which they can afford. We, in effect, say to those who can and should stay at home utilizing prescription drugs, "you must enter the hospital so that your expenses can be covered." This attitude, Mr. President, is false economy, both in terms of the human and fiscal factors.

The preponderance of intensive drug needs among the elderly is sufficient evidence that this legislation is needed and needed now. Out of over 1 billion out-of-hospital prescriptions filled annually, 24 percent are filled by senior citizens. Of these prescriptions a very large number are for life-sustaining drugs. The Committee on Aging tells us that—

> Prescription expenses of those of the elderly with severe chronic conditions—about 15% of all elderly people—were over six times as great as the expenses of younger people.

To suggest that relief is coming for the elderly from other sources is utterly false. Only about 10 percent of the 65 and older age group had private health insurance for out-of-hospital prescription drugs at the end of 1966. Where such coverage is purchased, it is financially helpful only in so-called catastrophic illnesses. It is generally included only in major medical policies involving deductibles of $100, $250, or $500, which the individual must pay himself.

Income tax deductions provide relief for only an estimated 8 percent of drug expenditures of the elderly, and these benefit only those elderly individuals who receive enough to have income tax payments.

Mr. President, it should be abundantly clear that prescription drug protection for the elderly is absolutely necessary, and that it is not going to be provided from any other source. It is imperative that this Congress act in this critical area. Senior Americans have waited long enough for us to stop studying and begin delivering.

Mr. President, Congressman Obey, of Wisconsin, has recently adapted his legislation along the lines of this proposal. He has introduced this measure in the House with over 80 cosponsors. I am extremely hopeful that both House and Senate will move decisively and with all due haste to fulfill our very longstanding commitment.

By Mr. FANNIN:

S. 937. A bill for the relief of Vladko Dimitrov Denev; and

S. 938. A bill for the relief of Zarko Vucinich, and his wife, Alexandra Vucinich. Referred to the Committee on the Judiciary.

By Mr. STENNIS (for himself and Mrs. Smith) (by request):

S. 939. A bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from Maine (Mrs. Smith), I introduce, for appropriate reference, a bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the Record immediately following the listing of the bill, and that the text of the bill be printed in the Record.

There being no objection, the letter and bill were ordered to be printed in the Record, as follows:

General Counsel of
the Department of Defense,
Washington, D.C., February 4, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is forwarded herewith proposed legislation "To authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes." This proposal is a part of the Department of Defense legislative program for the 92nd Congress, and the Office of Management and Budget has advised that enactment of the proposal would be in accord with the program of the President. This proposal is also being sent to the President of the Senate.

This proposal would provide authorization for appropriations as needed for procurement in each of the categories of aircraft, missiles, naval vessels, tracked combat vehicles and for other weapons for each of the military departments in an amount equal to the new obligational authority being requested for such purposes in the President's budget for fiscal year 1972. For the first time torpedoes and related support equipment for the Navy are included as required by language amending section 412(b) by section 505 of P.L. 91–441. In addition, the proposal would provide fund authorization in amounts equal to the new obligational authority included in the President's budget for fiscal year 1972 in total for each of the research, development, test, and evaluation appropriations for the military departments and the defense agencies. Appropriations are also authorized for the Emergency Fund for research, development, test and evaluation or procurement or production for the Department of Defense.

Title III of the proposal authorizes the average annual active duty personnel strength for each component of the Armed Forces as required by section 509 of P.L. 91–441, October 7, 1970, in the number provided for by new obligational authority in appropriations requested for these components in the President's budget for fiscal year 1972, and includes provisions enabling the President to increase the numbers authorized (1) upon determination that the application of this ceiling will seriously jeopardize the national security, and (2) informs the Congress of the basis for such determination.

Title IV of the proposal provides for the average strengths of the Selected Reserve of each Reserve component of the Armed Forces in the number provided for by the new obligational authority in appropriations requested for these components in the President's budget for fiscal year 1972.

The proposal would also include for fiscal year 1972 language authorizing appropriations of the Department of Defense to be made available for the support of the (1) Vietnamese and other Free World Forces in Vietnam, and (2) local forces in Laos and Thailand, the terms of which are substantially identical to the most recent Congressional actions on Department of Defense Authorization and Appropriation Acts for this purpose.

The reporting requirements of subsection (b) of section 401 of P.L. 89–367, as amended, are considered permanent and would be equally applicable to this provision.

It is expected that the Armed Services Committees will desire that top civilian and military officials of the Department of Defense be prepared to make presentations explaining and justifying their respective programs as in the past.

Applicable statements related to environmental impact covered by section 102(2)(c) of Public Law 91–190 will be submitted as required at the earliest practicable date.

Sincerely,

J. FRED BUZHARDT.

S. 939

A bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1972 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $124,400,000; for the Navy and the Marine Corps, $3,343,700,000; for the Air Force, $2,897,500,000.

MISSILES

For missiles: for the Army, $1,101,100,000; for the Navy, $725,400,000; for the Marine Corps, $1,300,000; for the Air Force, $1,944,400.

NAVAL VESSELS

For naval vessels: for the Navy, $3,328,900,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $171,600,000; for the Marine Corps, $62,500,000.

TORPEDOES

For torpedoes and related support equipment; for the Navy, $205,500,000.

OTHER WEAPONS

For other weapons: for the Army, $33,000,000; for the Navy, $1,300,000; for the Marine Corps, $2,400,000;

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1972 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,932,100,000

For the Navy (including the Marine Corps), $2,410,005,000

For the Air Force, $3,001,900,000; and

For the Defense Agencies, $497,000,000

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1972 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

TITLE III—ACTIVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, each component of the Armed Forces is authorized an average active duty personnel strength as follows:

(1) The Army, 1,024,309

(2) The Navy, 616,619

(3) The Marine Corps, 209,846

(4) The Air Force, 758,635

(5) The Coast Guard, 38,284

except when the President of the United States determines that the application of these ceilings will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination.

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 400,000

(2) The Army Reserve, 260,000

(3) The Naval Reserve, 129,000

(4) The Marine Corps Reserve, 45,849

(5) The Air National Guard of the United States, 88,191

(6) The Air Force Reserve, 49,452

(7) The Coast Guard Reserve, 5,000

SEC. 402. The average strength prescribed by section 401 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—GENERAL PROVISIONS

SEC. 501. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966, (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1972 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

By Mr. GRIFFIN:

S. 940. A bill for the relief of Juana Anguluan Ngo. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 941. A bill for the relief of Eldridge H. White, Jr. Referred to the Committee on the Judiciary.

By Mr. BIBLE (for himself, Mr. JAVITS, Mr. DOLE, Mr. HARRIS, Mr. NELSON, Mr. RANDOLPH, and Mr. WILLIAMS):

S. 942. A bill to establish a Commission on Security and Safety of Cargo. Referred to the Committee on Commerce.

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to establish a temporary, Presidentially appointed Commission on Security and Safety of Cargo to seek out methods for dealing with the biggest multi-billion-dollar racket nationally today—the stealing of cargo from air, truck, ship, and rail carriers by both organized and unorganized criminal elements.

This legislation, for which I invite cosponsors who have an affirmative interest in this increasingly critical public carrier crime crisis, is a direct result of a series of investigative hearings conducted in 1969 and 1970 by the Senate Small Business Committee, of which I have the honor to be chairman.

The main thrust of our hearings dealt with the nearly $5 billion annual impact of crime each year on business generally and small business particularly. After we took an initial look at the cost to business of stolen cargoes bound for store shelves, we focused our attention on the cargo theft area and the inability of our law enforcement agencies and industry generally to mount an effective response to deal effectively with it.

A bill almost identical with the one I offer today was introduced last year, and hearings were held by the Commerce Committee shortly before Congress adjourned. I believe the quickening interest by other congressional committees and by the press generally serves to point up the near crisis point of this fastest-growing criminal activity nationwide. It also makes crystal clear that a hard-nosed, business-like, in-depth examination of this important industry area be made to deal realistically with the criminal inroads.

Our committee staff developed a projection that cargo theft from the different modes of transportation cost $1.2 billion in 1969. For 1970 we believe that total loss has increased by at least 17 percent for a total cost of an estimated $1,407,000,000.

Mr. President, what kind of dollar losses are we talking about in the four major carrier modes? Because of the surprising fact that no Government agencies and no trade or service organization keep comprehensive records of total tonnage or value of freight shipped in this country, accurate totals of crime-oriented losses are impossible to compute because there are no required uniform loss reports either. However, our committee has developed some meaningful statistics we believe are both conservative and as accurate as possible.

Crime-based cargo losses nationwide for 1970 totaled an estimated $1,407,000,000. This was led by truck thefts and hijackings at $900 million, airlines at $110 million, and probably more, railroads at $250 million, and maritime shipping losses at $210 million.

These loss figures are conservative estimates and represent only those goods stolen or pilfered. The cost to business in not having products for sale, customer goodwill, increased insurance premiums, and so forth, cannot be measured.

I believe hearings before the Senate Commerce Committee last fall on my Cargo Security and Safety Commission bill further substantiated the findings of our committee that the viability of the transportation industry is jeopardized by increasing cargo thefts. Witness after witness stated that today the shipper, particularly the small businessman, can no longer be confident that the goods he has ordered to be shipped will in fact be received intact. As I am sure every Member of this body recognizes, this situation may eventually disrupt marketing and supply systems on which the livelihood of these merchant shippers is based. The end result is, of course, that the consumer not only pays a highly inflated price for his goods but the very availability of those consumer goods is in serious question.

As the president of the National Association of Transport Security Officers told our committee:

> Too many carriers have not yet identified the problem in their record keeping, too many law enforcement bodies have thrown up their hands at the magnitude of the problem and choose to ignore it and too many prosecutors have chosen not to pursue what they do not understand. . . .

What concerns me most is the fact that as the problem accelerates, there is no real coordinated effort on the part of the Federal, State, or local governments to seek a solution.

And let me give a summary of crime losses. Cargo thefts from air carriers have more than tripled. John F. Kennedy International Airport in New York City reported freight cargo thefts in 1969 of $3½ million. Airmail parcel post thefts of securities, cash, diamonds, and other high-value items were $65 million from 1967 through 1969 at Kennedy Airport where post office officials are critical of airline security efforts. Shippers there lost more than $1 million in 1 week last year, while the American Watch Association testified that its cargo losses there exceeded $2½ million in 1969, comparable in that industry to General Motors losing $300 million worth of automobiles.

Truck thefts and hijackings cost $828 million in 1969, according to the American Trucking Association's Theft-Hijacking Committee. Estimates show these losses jumped from $275 million in 1966 to $325 million in 1967 and to $600 million in 1968. For 1970, losses for the first 7 months were already 12 percent over the 1969 total.

Railroads had a freight loss-damage total in 1969 of $210 million, compared to $182 million in 1968, according to statistics given our committee by the American Association of Railroads. Estimates are that 50 percent are crime-oriented losses, but railroad special agents have told our committee investigators that this 50-percent figure should be doubled for crime losses.

Another interesting statistic is that in 1969 auto manufacturers filed claims of approximately $40 million against U.S. railroads as a result of criminal loss and damage to new automobiles moving by rail. This represents an additional $50 cost to today's purchaser of each new automobile.

And what about the skyrocketing world of aircargo transport as it breaks all tonnage records? Freighting of goods by air has grown more than 20 percent annually in recent years. In 1958, domestic air carriers flew 725,717,000 ton-miles. That tripled in 10 years by 1968 to 2,910,000,000 ton-miles. Aircargo quadrupled in the 1970's with the larger aircraft coming on. Cargo valued at $9½ billion passed through the world's largest air terminal, New York's Kennedy Airport, in 1969, 22 percent more than in 1968.

Today, all cargo carriers are plagued with losses never thought possible a few short years ago. One basic question is: Without some new innovative, hard-hitting, and coordinated security methods, will the transport industry have the capability of dealing with these increasingly bold and schemingly clever criminal acts as we move through the 1970's and into the 1980's with their record cargo loads?

There is every evidence that cargo thefts from airports, from railway cars, from waterfront piers and from trucks serving all three modes of transportation, have become the favorite target of organized and unorganized crime. The answer is simple. The pickings are richer and easier. Cargoes have overwhelmed facilities. Security efforts do not provide security. Insurance payments can no longer be substituted for good security because loss-inflated premiums have skyrocketed or policies have been canceled out.

But most of all, the cargo theft problem must be attacked within the entire transport chain—truck, air, rail, and water. For if security breaks down in one segment, the whole chain breaks.

To meet the cargo-moving crime challenge of the 1970's, 1980's and beyond, a broad, businesslike examination of the whole cargo transport spectrum with a government, carrier, labor and businessman-shipper partnership involved is imperative lest the theft problem paralyze our free flow of commerce.

In summary, my bill would establish a Commission on Security and Safety of Cargo, with nine members drawn from air, truck, water, and rail carriers, cargo labor unions, shippers, import-export concerns, the Attorney General, the Secretary of Transportation, and the Secretary of Commerce. Ex officio members would include Federal transportation regulatory agencies and the insurance industry.

Briefly, the Commission's duties would be:

First. To define the causes, scope, and value of cargo losses and their disposal methods.

Second. To evaluate cargo theft deterrents including packaging, containerization, personnel security, physical security, law enforcement liaison.

Third. To establish a uniform, centralized loss reporting system for all cargo.

Fourth. To examine insurance liability limitations.

Fifth. To encourage development of crime prevention technology.

Sixth. To recommend appropriate legislation to Congress.

Seventh. To conduct an inquiry into the feasibility of Federal licensing and/or identification systems.

Eighth. To provide statutory authority for the Secretary of the Department of Transportation to establish minimum physical security standards.

My bill seeks to take a hard look at this spiraling cargo theft problem. It provides an opportunity for innovative security methods to be developed that would be keyed, not as a hindrance to the free flow of commerce or to business, but as an adjunct to it. This bill is not merely a study commission designed to sweep the problems under the rug but it has the purpose of bringing affirmative results, such as an establishment of a pilot security system, Federal security standards at all seaports, airports, and other interstate terminal complexes, a requirement that the Federal Maritime Commission be required to institute a uniform loss reporting system to determine maritime shipping losses fully across the board and a provision for an in-depth examination of the intermodal characteristics of cargo theft.

Mr. President, I would also like to announce that the Senate Small Business Committee will initiate its fourth set of hearings in this carrier area within the next 2 months dealing with railroad theft and pilferage nationally.

I ask unanimous consent that a shocking account of some of the railway theft problems contained in an article in the New York Daily News of February 2, 1971, entitled "Plundering the Penn Central," and written by its ace investigative reporter, Joe Martin, be printed in the Record at the conclusion of my remarks.

Mr. President, I am particularly pleased that our committee's 2 years of investigatory hearings have sparked other congressional interest in this critical area. I refer to plans by the distinguished chairmen of the Senate Permanent Investigations Subcommittee and the Senate Commerce Committee, Mr. McClellan and Mr. Magnuson, to open hearings on organized-crime operations at airports and alleged mob infiltration into the airfreight business and a general inquiry into organized crime's inroads into the Nation's cargo transport industry. Certainly, this is an important sector where the public can greatly benefit from incisive attention to its many crime-oriented aspects. Our committee will be pleased to offer every support and assistance we can from our more restricted area of the business aspects of the problem.

In conclusion, Mr. President, I was pleased to note in the February 12, 1971, issue of Life magazine a most informative article by Denny Walsh, entitled "The Second Business At Our Airports: Theft." It contained numerous pictures taken from a movie shown to our committee hearings in 1969 by Capt. Robert Herzog of the Massachusetts State Police, depicting graphically poor airline security procedures at Logan Airport in Boston. Captain Herzog's testimony before our committee really sparked our interest in this area and prompted me to classify airlines as being slipshod and lackadaisical with the public's air cargo. Mr. President, I ask unanimous consent that this Life article be reprinted in the Record at the conclusion of my remarks, together with a third article, entitled "Billion-Dollar Racket—Truck Hijacking: You Pay the Bill," written by Tom McDevitt and appearing in the February 21, 1971, issue of the "Parade" Sunday supplement in the Washington Post and many other newspapers around the country.

Mr. President, there are those who believe the transportation industry, faced with the economic demands of a burgeoning population and the complexities of the economic-social changes of the 1970's, needs a new burst of innovative enthusiasm to deal effectively with the problems of today. Since transporting cargo is its business, the carrier industry may require new ideas, new variations, new dimensions and new answers that can flow from a Commission on Security and Safety of Cargo.

I believe this bill offers a promise of far-reaching remedial action for an increasingly critical problem that hits every American's pocketbook. Certainly this bill represents more of a concrete proposal than has been suggested by any governmental or industry source which has been brought to my attention. Waiting will not solve this public carrier crime problem. Delay will only accentuate its severity as the last several years have already so clearly proved.

Mr. President, I ask unanimous consent to have the following material printed in the Record: a summary of what I believe the purposes and goals of the proposed Commission on Security and Safety of Cargo; the full text of the bill; an article published in Parade magazine, February 21, 1971; an article published in Life magazine, February 12, 1971; an article published in the New York Daily News, February 2, 1971.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 942

A bill to establish a Commission on Security and Safety of Cargo

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF FACT AND DECLARATION OF POLICY

Section 1. (a) The Congress finds that one of the fundamental bases for the development and growth of commerce and trade on an interstate and international basis is the security and safety of movement of such goods and cargo. The Congress has become aware that there is an alarming growth of criminal activity which results in loss of and damage to goods moving in interstate and international commerce. Such loss and theft are increasing to the degree that it represents a clear and present danger to the national economy, especially American business and particularly the small business community, which bears the greatest portion of such losses. The Congress further finds that the Constitution places the control, regulation, and stimulation of interstate and international commerce and trade within the purview of the Federal Government. Prevention of larcenies and malfeasances in connection with goods in interstate and international transit is an inherently difficult phase of crime control; goods in motion or in large-scale storage are hard to watch closely; the multijurisdictional nature of thefts facilitates criminal evasion; and protection arrangements impose unwelcome and often disastrous expenses in terms of operational delays, added paperwork, and increased costs for insurance and protection. The Congress finds that common carriers in cargo transportation by air, truck, rail, and water, manifest a serious deficiency in the level of coordination and effort needed to establish deterrents and preventive measures and utilize resources to combat criminal activity. These criminal activities and attendant losses pose an especially serious threat to the economic stability of small business. The apparent magnitude of the resultant costs suggests that the Federal Government make a further detailed and continuing inquiry to determine what remedial measures can and should be implemented by cargo carriers, their agents and assigns, possibly supported by Federal assistance, to minimize criminally inspired losses of cargo during storage and transit.

(b) The Congress further finds that State and local governments, through exercise of their regulatory powers, have an equal responsibility in stimulating measures to enhance the safety and security of cargo storage and transport. Accordingly, attempts by the Federal Government to deter and curb such losses, thefts, and pilferages should be coordinated at various levels of government.

(c) It is the purpose of this Act to establish a commission which shall conduct an inquiry and research into matters of cargo security for the purpose of designing programs to achieve maximum security and safety for such cargo when in storage and in transit in interstate and foreign commerce. It is a further purpose to create an organization which will administer this Act and implement its purposes by establishing liaison and coordination with, by, and between the common carriers, their agents and assigns, as well as supporting organizations such as private terminal operators, port authorities, and others, engaged in all modes of transportation, distribution, and storage of goods and cargo in transit, and by fostering consultation and coordination with appropriate governmental and private agencies and concerns.

ESTABLISHMENT OF COMMISSION

Sec. 2. (a) For the purpose of carrying out the intent of Congress as expressed in this Act, there is hereby created a commission to be known as the Commission on Security and Safety of Cargo (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of individuals who, by virtue of their education and experience, demonstrate an ability to discover causes, develop solutions, and implement strategies to solve the problem of cargo loss and theft. Members shall include one representative from each mode of the cargo transportation industry, air, truck, rail, and water: two representatives from the cargo handlers labor organizations; one representative from a shipper-import/export concern; and three representatives of the Federal Government, consisting of the Attroney General of the United States, the Secretary of Transportation, and the Secretary of Commerce.

(c) The members of the Commission, other than those designated to represent the Federal Government, shall be appointed by the President. Not more than four of such appointed members shall be members of the same political party.

(d) The Chairman of the Commission shall be elected annually from among the members of the Commission.

(e) The following shall be ex-officio members of the Commission: the Chairman of the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission; the Commissioner of Customs; one representative having expertise in providing security for the storage and movement of Federal cargo appointed by each of the following: the Secretary of Defense, the Atomic Energy Commission, and the National Aeronautics and Space Administration; one representative of the National Bureau of Standards appointed by the Secretary of Commerce; one representative from the Law Enforcement Assistance Administration appointed by the Attorney General; and one representative from the cargo underwriters-insurance industry. Ex-officio members of the Commission shall not participate except in an advisory capacity to the Commission in the formulation of its findings and recommendations.

(f) Vacancies on the Commission shall be filled in the same manner as initial appointments.

(g) A quorum of the Commission shall consist of six members, but two members shall be sufficient for the purpose of taking testimony, or conducting any hearings on a matter within the purview of the Commission's jurisdiction.

COMPENSATION OF COMMISSION MEMBERS

SEC. 3. (a) Members of the Commission who are officers or full-time employees of the Government shall serve without compensation in addition to that received for their services as such officers or employees; but they shall be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(b) Other members of the Commission who are not officers or officials in the employ of the United States shall be compensated at the rate of $50 per day when engaged in the actual business and duties vested in the Commission, and in addition be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code.

STAFF OF THE COMMISSION

SEC. 4. (a) The Commission may appoint such personnel as it deems necessary without regard to the provisions of title 5 of the United States Code concerning appointments in the competitive services and such personnel may be paid without regard to the provisions of chapter 51 and subtitle 3 of chapter 53 of such title, relating to classification and general schedule pay rates.

(b) The staff of the Commission shall be composed of, but not limited to, individuals having expertise determined to be pertinent to the conduct of a systematic operations research study of the problem of cargo theft, such as persons qualified in statistical mathematics, applied mathematics, human factors engineering, security engineering, cargo operations and movement, police and law enforcement, social psychology, criminology, business management, traffic engineering, security architecture, and deterrence, detection, and apprehension technology and methodology.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission, or any two members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. The Commission shall publish notice of any proposed hearing in the Federal Register and shall afford a reasonable opportunity for interested persons to present relevant testimony and data. In connection therewith the Commission is authorized by the majority vote—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under this subsection, to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under clauses (3) and (4) of this subsection; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpoena or order of the Commission under subsection (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, or independent instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) (1) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: *Provided, however,* That the Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designate individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

DUTIES OF THE COMMISSION

SEC. 6. It shall be the duty of the Commission to undertake and compile inquiries and studies to determine the causes, and practical and effective measures for the prevention and deterrence of loss due to theft and pilferage of cargo in interstate and international commerce. It shall be a further duty of the Commission to encourage the use of existing preventive technology and to promote the development of new techniques, procedures, and methods to enhance the safety and security of cargo storage and transportation. Such duties shall include, but not be limited to—

(1) definition and description of the causes, scope, and value of losses due to cargo theft;

(2) evaluation of methods to deter cargo theft, including analysis of labor-management practices; packaging and labeling of cargo; containerization; prevention, detection, and apprehension systems and devices; physical security protection, including lighting, fencing, gate placement, and other similar means; sociological and psychological deterrents and remedies; liaison of cargo security programs between law enforcement agencies and cargo terminal operators, forwarders, and transporters;

(3) design, implementation, and analysis of pilot experimental programs to demonstrate the effectiveness of different security systems;

(4) establishment and maintenance of liaison with the various modes of transportation of cargo to exchange and disseminate data to promote safety and security of cargo;

(5) periodic consultations with appropriate governmental and private agencies to discuss problems and investigate solutions;

(6) complementing programs and activities of different modes of cargo transport to produce an effective and low-cost program of safety and security;

(7) development of a system of comprehensive, continuous and uniform loss and damage reporting by the different modes of transportation;

(8) study and evaluation of present carrier liability limits for losses incurred in the transport of cargo by the different modes of transportation, and evaluation of the adequacy of such limits of liability;

(9) evaluation and recommendation on the need and desirability of developing a Federal system for the licensing and/or identification of all individuals engaged in the handling of cargo, in any mode of transportation, moving in interstate or international commerce. The report under this section shall be made to the President and to the Congress pursuant to the provisions of this Act;

(10) development of physical facility security standards and encouragement of voluntary implementation by the various industries involved;

(11) continuous reassessment of programs, plans and operations to determine necessary revisions; and

(12) recommendations for legislative, administrative, or other actions deemed necessary to promote the safety of cargo transport.

REPORTS

SEC. 7. The Commission shall report to the President and to the Congress its findings and recommendations as deemed desirable and necessary, but in no event less often than annually.

AUTHORIZATION

SEC. 8. There is authorized to be appropriated for the purpose of this Act not to exceed $250,000 for each fiscal year.

FREIGHT SECURITY STANDARDS

SEC. 9. (a) Prior to the termination of the Commission established pursuant to this Act, the Secretary of Transportation, after consultation with the Commission, the Civil Aeronautics Board, the Interstate Commerce Commission, and the Federal Maritime Commission, shall promulgate such regulations as may be necessary for the security and safety of freight in transportation (including at terminals) by each of the separate carrier modes including freight forwarders under the jurisdiction of each agency.

(b) Regulations promulgated pursuant to this section shall be deemed to have been promulgated pursuant to the Interstate Commerce Act, the Federal Aviation Act of 1958, and the Shipping Act, 1916, respectively.

UNIFORM WATER CARRIER LOST AND DAMAGED CARGO REPORTING

SEC. 10. (a) Section 21 of the Shipping Act, 1916, is amended by inserting "(a)" after "SEC. 21" and by inserting at the end thereof a new subsection as follows:

"(b) Each common carrier subject to this Act shall submit to the Federal Maritime Commission, for each three-month period, a report listing and evaluating all cargo damaged, lost, missing, stolen or presumed stolen from such carrier or any agent thereof during such period."

(b) The amendment made by this section shall be effective on the first day of the first calendar month beginning after the date of enactment of this Act.

TERMINATION DATE

SEC. 11. The Commission shall continue in existence for a period not to exceed two years after the appointment of its members pursuant to the provisions of this Act, at which time it shall cease to exist. Prior to such date, it shall provide the Congress with a complete report on its activities pursuant to this Act, and its final recommendations.

Commission on Security and Safety of Cargo—Functional Operations

I. SCOPE AND PURPOSE

The Commission would be a coordinate body of the private and government sectors exercising jurisdiction over the safety and security of cargo transported in interstate commerce, whether by air, truck, rail or marine carrier. It would function to promulgate policies and procedures for regulatory control to assure maximum safety and security of cargo through advisory powers. The primary mandate of the Commission would be to curb and deter losses, thefts, and pilferages, and various forms of criminal activity inflicted upon cargo, and to promote operational measures for implementation by carriers, while serving as a clearing house for research and expert technology to enhance the security of cargo transport.

Due to inherent and intrinsic operations of cargo movements in the different modes of transportation, the bill recognizes that there is an imperative need in the transport industry:

a) To establish and promote continuing liaison among the various carriers transporting cargo.

b) To confer periodically with the cargo transportation media, to exchange information and cause dissemination of the same which is of mutual interest for cargo security.

c) To complement the various security activities of cargo transport to achieve optimum effectiveness and efficiency at minimum costs and maximum economy to small business and the consumer.

d) To serve as a catalytic agent to improve cargo safety and security among cargo carriers, and

e) To encourage private industry in cargo transport to serve as an adjunct to the law enforcement community, where responsibility is vested for investigation and prosecution of such criminal activities.

The Commission would serve to provide unity of direction and purpose in the promotion of cargo transport security by combining and correlating the collective efforts of the cargo transporters.

II. IMPLEMENTATION OF POLICIES AND PURPOSES

The Commission would achieve its mandate in a gradual and methodical approach by a preliminary analysis of the current activities, operations and procedures currently utilized for the security of cargo transport and defining of this must be accomplished within a broad perspective by ascertaining the policies and functions of the various transport carriers relative to those areas involving:

a) Personnel Security

b) Physical Facilities Security for Cargo

c) Liaison and Coordination of Cargo Security Programs and Procedures

d) Uniform and Centralized Reporting Procedures for Cargo Losses, Thefts and Pilferages.

e) Training of Cargo Transport Personnel Security.

The implementation process would be accomplished through five steps progressively by:

a) Analysis through research, surveys and inspections,

b) Evaluation of the findings made,

c) Recommendations for voluntary compliance by the carriers and wherever appropriate recommended legislative remedies,

d) Implementation of recommendations by the carriers, and

e) Revisions as appropriate to assure continuing maximum security and minimum economic impact upon all concerned.

Guides, standards and procedures would be promulgated and requests made for voluntary compliance by the industries. Where deemed necessary, or appropriate, specific recommendations for corrective activities and procedures would be made to the Federal regulatory agencies having jurisdiction or to the Executive or Legislative branches of the Federal government. In essence, the programs sponsored by the Commission would be designed to fill the void existing among the law enforcement agencies as a result of manpower shortage.

The "Second Business" at Our Airports: Theft

(By Denny Walsh)

In and around the nation's great airports, a "second business" is flourishing, one far removed from the passengers' world of plush lounges and trim stewardesses. The business is theft and labor racketeering and its target is air freight. The air freight industry is threatened by a criminal incursion unmatched since Prohibition. Cargo thieves have turned airports into a plundering ground. Mobsters and labor racketeers have infiltrated the air freight industry, forming an alliance that could soon dominate it completely. The effects of the theft and racketeering have already shown up in perceptibly higher consumer prices being charged for goods shipped by air; eventually the price you pay for airline tickets may be affected as well.

Air freight, if it were judged only on recent growth and future potential, would be a story of late-blooming success. After sluggish beginnings the industry started to boom in the mid-60s and continues to expand at 20% a year, while growth in passenger travel has leveled off almost to nothing. Last year air freight produced revenues of close to $1 billion, a figure more than double that of 1964.

More and more companies have become aware of the advantage of shipping by air: jet-age speed, simpler packaging, reduced storage cost, less spoilage. With the jumbo jets able to haul anything up to and including a load of import cars, the prospect is for even faster growth. In 1969 New York's John F. Kennedy Airport, the world's largest (and most crime-infested) air freight center, handled goods valued at $9.5 billion. The projection for 1980 is close to $50 billion.

At least half of all air freight is carried in the holds of passenger planes. On a typical airline, freight accounts for about 10% of total revenue—hardly enough, yet, to unseat the passenger as top dog, as has already happened on the railroads. But income from freight is increasingly crucial to passenger airlines otherwise plagued by mounting costs and deficits. The freight business also supports three airlines that carry nothing but cargo. (One of them, Flying Tiger, recently reported soaring profits for 1970, a disastrous year for most of the aviation industry.) At ground level the freight industry also includes some 200 forwarders, firms licensed by the Civil Aeronautics Board to handle all arrangements for a freight shipment, from pickup to final delivery; and 1,000 or more haulers, the trucking companies that transport shipments on the ground.

Air freight is vulnerable from two directions:

1) Mobsters have infiltrated legitimate companies in the industry, the better to conduct thievery from the "inside." At the same time they have used muscle, threats and payoffs to try to monopolize the business and its legal profits.

2) The International Brotherhood of Teamsters has been organizing air freight employees for years. It has long been Jimmy Hoffa's ambition to get a Teamster stranglehold on *all* air transportation similar to the one his union has on trucking. Even with Hoffa in prison, his standins in the Teamster leadership are maneuvering for a nationwide collective bargaining agreement with the air freight industry. To do this, they have allied themselves explicitly with the Mob. The two work as a vise to squeeze the industry and, through it, the pocketbook of the consumer.

High-value goods and haphazard security have made air cargo areas a playground for thieves. The industry's security often has proved no match for either organized or amateur robbers. Furs, jewels, cameras, drugs, negotiable securities, cash—all are common air cargo, easy to carry off and easy to fence. Cargo is usually the last thing to be loaded on an airplane, after all the luggage is aboard. It is the first off at the end of the flight, but is often left unguarded on unfenced aprons while handlers concentrate on getting baggage to passengers. Freight regularly moves by night, and of the many people who handle it, some could not pass a close security check. The most valuable goods, instead of getting special treatment, are sometimes shipped at a ridiculously low declared value in hopes of fooling criminal "spotters" on the lookout for rich hauls. Often the spotters are not fooled.

The accuracy of the Mob's spotting system has made airport thieves unusually audacious and their timing precise. Consider these examples:

A jetliner carrying diamonds worth $320,000 in its high-value cargo pouch develops mechanical trouble en route to Fairbanks and has to turn back to Kennedy. Passengers and cargo are transferred to a standby aircraft and the flight takes off again. When it reaches Alaska, the pouch is empty, the diamonds gone.

A station wagon going from one airport building to another pauses at a stop sign. Two men waving pistols jump through the unlocked rear doors and get the drop on the cargo representative and the armed guard inside. The thieves escape with a packet containing $217,500 cash.

At Chicago's O'Hare field, notorious for its heavy traffic, two thieves drive their truck alongside a jet waiting in line for takeoff. They open the cargo hatch and start looting the plane as it stands on the taxiway. By chance, an off-duty policeman driving on the road which passes under the taxiway spots the truck and sounds the alarm. Otherwise the hijackers would have escaped, leaving the jet with an open hatch.

At JFK, a cargo supervisor employed by Air France founded a criminal "school for spotters." He recruited cargo handlers, instructed them in what kind of high-value shipments to watch for and gave them a phone number, not his own, to call when they spotted a likely candidate. Each spotter was paid $500 for pointing out a shipment and another $500 if the theft succeeded. To get the process started, all he said on the phone was the code sentence: "I got a party tonight."

At JFK, a cargo handler who had lost his identification badge got it back when it was turned in to airline security. When he called to say thank you, he asked: "By the way, the badge was pinned to my jacket. Did you happen to find the jacket, too? You didn't? Well, it was on the seat of my car. Did you by any chance find the car?"

An airport thief doesn't have to belong to the Mob or any organized ring. Some airport employees get in debt to the Mob through gambling and loanshark operations in and around airports. They are persuaded to help steal freight in order to square themselves. Many robberies are "crime of opportunity" committed by amateurs who work at the airport or pass through there. Typically, a case of watches, guns or radios is broken open in transit, accidentally or otherwise. The employee simply helps himself. But even an amateur, if he wants to sell his loot in any quantity, has to go to the Mob because the Mob has the best fences.

How much all this plunder adds up to is anybody's guess. *A U.S. Senate investigation recently put the total at between $50 and $100 million* a year. But the absence of any reliable reporting system is one of the major frustrations confronting law enforcement agencies. Even if there were a system, it might be little used. Both shippers and airlines are reluctant to report the full extent of the thievery. They fear a loss of public confidence and skyrocketing insurance rates. As it is, insurance premiums on items most favored by thieves—furs, diamonds, jewelry, imported whiskey—have tripled since 1964. One major watch company, Elgin, lost half a million dollars' worth of watches to thieves in three years at O'Hare and Kennedy alone. As a result its insurance costs went up $100,000. Other companies and stores using air freight have become so accustomed to receiving short shipments that they don't even bother to report them. They simply make up the loss by charging higher prices.

Some shippers of high-value products, rather than declare full value and rely on the airlines' insurance, insure themselves or insure privately. This in effect takes the airlines and forwarders off the hook and helps explain why, until lately, they have been slow to improve their own security. Unless a shipper declares full value and pays a higher shipping rate, the airline is liable for only $50 (or 50¢ a pound on shipments over 100 pounds) on domestic flights and $7.48 a pound on international flights. Thus, when a 48½-pound package was stolen from a cargo terminal at JFK in September 1968, the carrier's liability came to just $362.78. Actually the package contained cash and diamonds worth $262,000.

One step taken to reduce theft is to combine several small shipments into large, almost truck-size containers that are presumably harder to steal and easier to trace. In 1969, however, 50 such containers were reported stolen in the New York area alone, and insurance on *them* rose 50%.

Not satisfied with the benefits of straightforward theft, the Mob also seeks to control air freight at the management level. Some of the haulers are actually owned by the Mob and others employ Mob members. But the Mob's chief agent is an industry trade association called the National Association for Air Freight Inc. (something of a misnomer, since 28 of the 32 forwarder and hauler firms that belong to it do business only in the New York-New Jersey area). NAAF is the result of mergers of three smaller trade associations. Its goal is to become the exclusive nationwide bargaining agent with the Teamsters for the air freight industry. If that comes about, the Mob, through NAAF, will be firmly established at all major airports, its spy system will be broadened, and hijacking and theft will increase.

When the Mob moved in on the trade association in the mid-'60s, it promised that nonmembers of the association would be kept out of JFK. It has come close to making good on that. Truckers who don't belong to NAAF or whose employees don't belong to the dominant Teamster local at Kennedy have found their truck tires shredded, their gas tanks filled with sugar, their customers threatened and scared off.

The most powerful man with the association (though for appearances' sake he stepped into the background in 1969) is Anthony ("Hickey") DiLorenzo. He arrived as a "consultant" in 1965 at a salary that eventually reached $40,000 a year. DiLorenzo, 42, is a soldier in the Mafia family of the late Vito Genovese. He has a record of convictions for grand larceny, aggravated assault and, most recently, for interstate transport of stolen securities (moving $1 million in IBM stock from New York to Gettysburg, Pa.). At his arraignment in 1969, the government charged that DiLorenzo "uses gangster tactics" to control and monopolize air freight trucking at JFK, threatening and sabotaging the trucks "of those who don't go along." The U.S. Attorney for the Southern District of New York called the indictment "the most important one to be returned against a Mafia figure." DiLorenzo was convicted and sentenced to 10 years, but he is free pending appeal and is still a powerful influence at NAAF.

DiLorenzo's "front man" at NAAF is the association's executive secretary, Haskell Wolf. Wolf, a lawyer with no criminal record, has helped DiLorenzo recruit new association members and has guided business to a truck-leasing company owned by DiLorenzo. When DiLorenzo resigned as consultant because of the stock transport charge, Wolf added that job, and the salary that goes with it, to his other duties.

The other half of the vise on air freight is the Teamsters. If the union can get a single master contract with the air freight industry, it could back up future negotiating demands by shutting down the whole business at will. A nationwide contract would also be a boost to the Teamsters campaign to organize thousands of other, non-cargo airline employees. With control of the air cargo industry alone, however, the Teamsters would be in a position to close an entire airport, or perhaps all major airports. If that happens, the public can expect to pay more to fly.

To achieve their aim, Teamster leaders are working in concert with NAAF, though fully aware of the Mob-dominated history and character of the association. In Hoffa's absence the top Teamster is General Vice President Frank Fitzsimmons. In August 1969 the Teamster hierarchy, with Fitzsimmons presiding, authorized a national air freight agreement in principle and moved unanimously to begin negotiations toward getting one. As chairman of the Teamsters' Airlines Division, Harold Gibbons, a St. Louis-based international vice president of the union who is widely regarded as a liberal labor "statesman," is in charge of the campaign. In a series of meetings in the first half of 1969, at Palm Springs, St. Louis and other locations, Teamster and NAAF officials, including Gibbons and DiLorenzo, laid plans for a cooperative effort to lock in the entire industry. In June, Gibbons sent a letter to Teamster locals in areas where NAAF members were operating, urging the locals to step up recruitment of the employees of NAAF companies. "This is an excellent opportunity," the letter said, "for your local union to increase its membership and to participate in a master agreement [with NAAF] which should be concluded shortly." With the letter came a list of NAAF members.

A pivotal local in the Teamsters' campaign is 295 in Queens, N.Y. Its members include cargo handlers, truck drivers and other air freight employees at Kennedy. Since 1960, Local 295 has been run by its secretary-treasurer, Harry Davidoff, 54, an old-style tough-guy labor racketeer and kickback expert with a long criminal record.

An example of Davidoff's tactics and power: in 1967 he threatened two major airlines with labor troubles if they signed a contract with a freight hauler who did not belong to NAAF and whose employees belonged to an independent union. One weekend, 38 of the 40 tires on the nonmember's vehicles parked at JFK were slashed. The airlines got the message and kept on doing business with two other haulers—both NAAF members whose employees belonged to 295—whose service they had been dissatisfied with.

Pulling strings behind Davidoff are two other labor racketeers, Abe Gordon and John ("Johnny Dio") Dioguardi.

Like Davidoff, Gordon's and Dio's Mob connections go back to Murder, Inc. Dio, who is a soldier in the Mafia family of the late Thomas Luchese, has had his hand in a wide range of criminal projects and is currently serving a five-year sentence for bankruptcy fraud. Gordon, though he has no criminal record, is a well-known labor fixer who, with Dio and others, tried to stack the Teamsters' New York Joint Council in Hoffa's favor in the mid-1950s.

Before Hickey DiLorenzo went to the Palm Springs meeting of Teamster and NAAF officials in May 1969, he met Dio at a steak house in lower Manhattan for instructions. Another who attended the Palm Springs meeting was Frank LaBell, New York-based vice president of a West Coast forwarding firm. The next week the executive board of NAAF met, at the same Manhattan steak house, and elected LaBell chairman. Last month LaBell was arrested on charges of perjury in connection with a federal investigation of the relationship between NAAF and the union.

Strategic targets of the Mob-Teamster alliance have been the nation's two largest forwarding firms, Airborne Freight and Emery Air Freight. The Mob was determined to force both firms to join NAAF.

For years Airborne's labor relations with Teamsters Local 295 were, in the words of a company executive, "one continual nightmare." Then Airborne hired a former Teamster official as a "labor relations consultant" and relations improved considerably. The consultant was Milton Holt, whose credentials include convictions for perjury and for accepting illegal loans from employers while serving as a union official.

Holt's importance was established late in 1968 when a new president of Airborne refused to renew Holt's $15,000-a-year contract. He advised Holt he would be used on a "when necessary" basis. In just two weeks it became necessary. The Teamsters hit Airborne with strikes at its two most important operating points, San Francisco and New York. An SOS went out to Holt at his office in Palm Springs. He agreed to meet the following day in Englewood Cliffs, N.J., with Airborne officials and with DiLorenzo of NAAF. There the price of peace was made clear: a new five-year contract for Holt at $50,000 a year. Airborne "negotiated" and got the price down a bit: $30,000 the first two years, $40,000 the third year and $45,000 for the last two.

Satisfied, Holt placed a single phone call—to the Teamster boss in San Francisco where the trouble had started—and the strike ended.

"JOIN NAAF AND SOLVE YOUR LABOR PROBLEMS"

Softened up by this experience, Airborne was ripe for the next step: joining NAAF. In March and April 1969, Airborne officials attended meetings in the office of their now indispensable "consultant," Milton Holt. Harold Gibbons and his "tough assignment" man and goon-squad organizer, Richard Kavner, represented the Teamsters. DiLorenzo attended one meeting for NAAF. As a result of the talks, Airborne joined NAAF. The dues: $2,000 a month.

Airborne officials now rationalize that while the dues are high, they will be worth it if NAAF is able to bring off the kind of favorable national contract it promises. One promise is to eliminate premium pay for work shifts that begin at odd hours. Some local contracts now contain this uniform-work-shift clause and, because so much air cargo moves at night, many union employees qualify for the extra pay.

There is likely to be a provision in the proposed master contract, however, that could cost the air freight companies a great deal of money. It would call for a severance fund into which the companies would be required to pay so much per hour for each employee. The employee would be paid from the fund when he retires, quits or is fired. Eventually, the severance fund could involve hundreds of millions of dollars. It would be administered in large part by NAAF.

The potential cost of the fund, along with the uneasy feeling that a master contract could lead to a Teamster stranglehold on air freight and air travel, has made many trucking and forwarding companies reluctant to fall in line. (There is evidence to support their concern. In July 1969, Pan American World Airways was negotiating under a strike deadline with its Teamster employees. NAAF, not involved in the negotiations and supposedly a pro-management association, added to the pressure on Pan Am by calling on its members to boycott Pan Am cargo.)

The most influential remaining holdout from NAAF is Emery, largest of all the air freight forwarders. Because of its refusal to join the trade association, Emery has been plagued by Teamster work stoppages: a strike in St. Louis followed by sympathy walkouts in Los Angeles and San Francisco; a strike in Memphis, sympathy walkouts in Newark and New York.

Relays of Teamster and NAAF officials—DiLorenzo and Wolf, Davidoff and Gibbons—have taken turns trying to persuade Emery officials that the association puts its members in a more favorable position to deal with the union.

"The inference is always there," an Emery official told LIFE. "Join NAAF and solve your labor problems." It has also been "suggested" that the company put Holt, the ubiquitous consultant, on its payroll. So far Emery has refused to do either one.

NAAF is having other problems too. Air freight has lately become the most investigated of industries, and the main target is the situation around JFK Airport and the "sweetheart" relationship between the Teamsters and NAAF. New York State, the Justice Department, the Treasury Department, a U.S. Senate committee, the airlines, and even the District Attorney of Queens are probing, independently and sometimes competitively. Internal Revenue has designated 31 individuals and companies operating at JFK as Organized Crime targets. A secret U.S. grand jury in Brooklyn has been hearing testimony on airport crime for 15 months to determine if federal antitrust laws are being violated. It is possible the relationship between union and industry constitutes a restraint of trade.

With so many eager agencies involved, enforcement sometimes has been hampered by internal rivalries and honest disagreement. New York and New Jersey, for instance, want airport security turned over to an expanded Waterfront Commission. The commission would be authorized to tax every employer in the industry to support its airport security program. The airlines alone would be assessed more than two million dollars a year. But the airlines, already hard-pressed financially, want no part of that. They say they would just have to pay for the patronage jobs the commission would create, and besides, they argue, the Waterfront Commission still has an unfinished job to do on the docks.

The investigating bodies have made a number of recommendations:

1) Increased physical security: storm fences, lock boxes, TV surveillance, more guards, surprise inspections of cars and trucks.

2) Stricter control of airport personnel through licensing, fingerprinting and improved photo-identification systems.

3) A centralized system for reporting theft so that funds and enforcement personnel can be concentrated on the worst problem areas.

4) A drive to get rid of the mobsters and labor racketeers.

The last goal will be hardest to achieve, but without it the other reforms become more cosmetic than real. There has been some progress. Besides DiLorenzo's conviction, Harry Davidoff is also in trouble. The New York State Investigating Commission has urged the Teamsters themselves to "examine all the facts" regarding Davidoff's conduct and take "appropriate action to rid Local 295 of all undesirable individuals." Privately, trucking companies have complained about payoffs made to Davidoff in return for labor peace and about having to hire, fire or promote employees at his direction. And besides, he is cool to a national contract because it would infringe on his fiefdom at Kennedy.

Three recent witnesses before the antitrust grand jury were arrested by the FBI and charged with perjury as they left the jury room. Each had denied knowledge of bribe demands allegedly made by Local 295 during contract negotiations in 1967. One of those arrested was Frank LaBell, executive board chairman of NAAF.

The problem of what do with Davidoff was on the agenda when Teamster Boss Frank Fitzsimmons met secretly in New York last March with Johnny Dio and Abe Gordon. Dio and Gordon prevailed on Fitzsimmons not to dump Davidoff altogether. Instead, he has been given a new local, 851, made up of several hundred former members of 295.

Whoever replaces Davidoff will have a hard act to follow. Last December, Davidoff was negotiating a new contract for 295 with truckers and forwarders at Kennedy. Just when the employers thought everything was settled, Davidoff dropped a new demand on the table: a severance fund. It would require employers to pay $15 a week per employee into the fund the first year of the contract, $30 the second year, $40 the third. Davidoff's terms: sign or we strike. DiLorenzo's man, Haskell Wolf, negotiating on behalf of NAAF members, led the employers in accepting.

The severance fund will be administered under a trust agreement between management and labor and will eventually involve tens of millions of dollars. The attorney drawing up the agreement is Haskell Wolf, NAAF.

Case History of a Drug Heist

The following case history of a major theft at Kennedy Airport, as revealed by an indictment in federal court, shows how a common variety of airport crime works.

In late summer of 1968, Mario Alessi, a cargo supervisor for Pan American, spotted a small but valuable shipment of an antibiotic drug named Gentamicin en route to London from its manufacturer in New Jersey. Alessi's first call was to a man he knew could dispose of "hot" drugs: Sid Stein, owner of a Long Island pharmaceutical lab. Yes, Stein was interested.

Next, Alessi contacted a Pan Am cargo handler named Alonzo Denson who proceeded to "lose" the shipment by casually moving the canisters containing the drug from the flow rack to the small package section and finally to the service section. This made them almost untraceable and assured they would not be shipped any farther.

(At about this same time, coincidentally, Denson was in touch directly with Stein concerning another shipment of Gentamicin he had stolen. He wasn't cutting Alessi in on this one.)

That evening Denson moved Alessi's automobile to a parking lot reserved, ironically, for U.S. Customs. Later, making routine deliveries in a Pan Am truck, Denson took the drug shipment from the service section and placed it in the trunk of Alessi's car. After work, Alessi simply drove it home to Jackson Heights.

Stein, meanwhile, was working on his end of the deal. Through a middleman, a Brooklyn accountant and occasional courier of illegal drugs named Joseph Zarrett, he had found a buyer for the Gentamicin.

The buyer, Irwin Weinstein, agreed to take both shipments, together worth $40,000. He would pay the four conspirators $27,000.

About noon on Oct. 8, 1968, Stein met Denson in front of a boat sales agency in Island Park, L.I. They moved a shiny silver can from Denson's car trunk to Stein's. At 2 p.m. Stein met Alessi in the parking lot of an airline caterer at JFK. This time two cans were transferred and Stein gave Alessi a $4,000 check as collateral.

At 4:30 Zarrett met Stein at Stein's laboratory and collected all three containers. An hour later Weinstein called Zarrett at home and arranged to meet him behind a neighborhood diner to consummate the sale. Zarrett showed up—to his regret. Irwin Weinstein, the buyer, turned out to be an agent of the Treasury Department working undercover. Within hours the conspirators were arrested and the drugs recovered.

[From Parade magazine, Feb. 21, 1971]

Billion-Dollar Racket, Truck Hijacking: You Pay the Bill

(By Tom McDevitt)

A truck driver hauling TV sets worth $150,000 recently rolled out of the Holland Tunnel toward the warehouse district of New York City's West Side. Suddenly he was flagged down by a "weight inspection team." The moment he stopped the men pulled revolvers, dragged him from his cab and dumped him into the rear of a panel truck. He was driven around for six hours, then released in a remote area. The truckload of TV sets, of course, had long since disappeared.

This was a typical, professional job of hijacking by organized crime. From coast to coast the systematic stealing of cargoes from trucks, railroads, airports and piers is a fast-growing billion-dollar business. Almost anything that can be bought and sold is prey for hijackers—cattle in the Midwest, for example, a vast variety of imports at the seaports, cigarettes and liquor anywhere.

Hijacking is so pervasive that no one knows for sure just how much it costs annually and fewer than one in five hijackers is ever caught. Sen. Alan Bible of Nevada, whose Small Business Committee studied the problem, estimated that currently goods worth at least $1.2 billion are pounced upon by hijackers in a year. Some insurance company men and law officers put the figure at twice that amount.

"Whatever the loss in dollars," says one of them, "hijacking may be the fastest growing of all U.S. industries."

Shippers' and insurers' reluctance to disclose exact figures is a main reason for the vagueness in dollar loss but there's no vagueness in another aspect—as always, it's the customer who pays. Businessmen hit by wholesale hijacking recover the loss through insurance. Insurance companies respond by hiking premiums. Manufacturers and merchants then pass this increased cost along to customers.

Until about five years ago hijacking was likely to be a small, private affair. But now signs of high organization are unmistakable. In New York City, where hijackings average ten a week, truckloads of clothing vanish while in transit for only a few blocks in the busy garment district. There's evidence that criminals pay up to $2000 for tipoffs on trucking schedules and that some hijackings are "giveaways" with drivers paid several hundred dollars to submit compliantly to robbery. A persistent key to airport and pier thefts is presentation of forged pickup papers several hours before the legitimate trucker arrives.

John Campbell of the FBI Crime Research Section comments on today's hijackings: "This type of crime calls for organization and planning. It can't be set up by a couple of crooks on the spur of the moment. It has to be part of organized crime in order to get the correct information on cargoes, routes and times, and have the organization to dispose of the stolen goods in a hurry."

EASY WAY OUT

Why don't all hijack victims report all incidents of loss? Some feel it's simpler just to collect their insurance and avoid publicity that they're vulnerable to hijackers' raids. Others fear gangland vengeance for stirring up trouble. The extent of non-reporting is indicated in a 1969 statistic. The American

Importers Association told Senate investigators that between March and November $502,089 worth of clothing shipped through New York's Kennedy Airport was stolen. However, further inquiry showed that four department stores alone lost $522,211 at Kennedy in the same period. Obviously total thefts were far greater than reported.

Such items as cigarettes, liquor and meat and other general merchandise are year-round targets of hijackers. Other goods are more seasonal, just as in the retail business. Clothing before Easter is a popular grab. August is risky for shipping typewriters as the crooks get ready for the back-to-school market.

Tracing hijacked stuff is a major headache for the law because even items with serial numbers, such as expensive cameras and tape recorders, can be dispersed easily among uncounted thousands of discount houses and specialty shops. And, of course, very many items don't have serial numbers.

Says a Department of Justice lawyer: "Once you dump packs of cigarettes into vending machines, who's to say where they came from? Even when police have waybills on a hijacked load of name-brand tires, how can they trace individual tires to widely scattered garages and stores? Unless somebody on the inside wants to talk, it's extremely difficult to catch those who fence stolen goods."

SHUT THEIR EYES

In these days of rising costs and the need to provide bargains for endless "special sales," even honest merchants are not always disposed to question the distributor who offers low-priced slacks or dresses allegedly obtained from the bankruptcy of an out-of-state store.

To fight the hijackers, manufacturers and shippers are trying stricter security precautions. Airports and warehouses are installing a device that simultaneously photographs a driver's face, driving license and pickup order. But forged papers are discovered only later and, if the driver was on a one-shot hit, locating him can be difficult.

Trucking firms are using two-way radio, manning valuable shipments with a man riding shotgun. One shipper put his trucks in convoy. Hijackers noted that the lead truck often became separated at a toll gate and drove ahead a mile before stopping to wait. Next time it stopped, it was hijacked. Another company put its trucks in pairs. The drivers even made the same rest stop together—and came out to find both trucks gone!

FIGHTING BACK

"These hijackers seem to keep one step ahead," a shipper says ruefully.

But, the fight goes on. Better lighted, fenced and guarded truck terminals; access only by photograph card; airport superstrongrooms; tighter licensing and better pay for guards—these are some of the weapons. Trans World Airways recently spent $500,000 on TV monitors and other vigilance measures for its air cargo area at Kennedy Airport.

Meanwhile the customer pays and pays. The New York commission observed in a recent report: "It is an economic fact of life that anyone who suffers losses must compensate for these losses in some manner and the simple solution is to raise prices. The person ultimately affected is the consumer—and the consumer is each one of us."

[From the New York Daily News, Feb. 2, 1971]

It's Just Like the Old West, As Bands of Raiders Sweep Down on City Freight Yards Plundering the Penn Central

(By Joseph Martin)

The locomotive, pulling a string of rattling boxcars cleared an upgrade and gathered speed as it entered the pass. The fireman was the first to sense trouble. He shouted a warning. Steel wheels screeched on steel rails as the engineer applied the brakes. The train came to a halt. The tracks ahead were blocked by a mound of debris topped with discarded rail ties.

Immediately the air was filled with the shouts and whooping of a raiding party. Numbering nearly half a hundred, the young and the not-too-old, they swarmed down the embankment toward the train. The train crew fled to the caboose and locked themselves in. They hoped they would not be harmed if they did not resist.

This was not a band of Apaches attacking the Union Pacific. It was a band of looters plundering a Penn Central freight last summer in the south Bronx.

The spoilers moved with precision. Seals were twisted from car locks and the doors were rolled wide open. Forming a bucket line, they passed cargo from hand to hand to the top of the embankment, where they speedily transported it to hiding places. Much of it would be sold for pennies of its actual worth to merchants not fastidious about their suppliers.

Such raids, not always so well organized as the one just described, have been steadily increasing in boldness over the past couple of years. During the first 10 months of last year, they cost the troubled carrier $3.5 million in the 16 states in which it operates. About $300,000 worth of the looting took place in freight yards in New York City, making the city No. 1 in this new category of crime.

A report released this week by Donald J. Nelson, Penn Central security director—which excludes losses from outbound shipments—details consequences of crime in New York City freight terminals. Raiders and looters here account for:

18% of all injuries to Penn Central crews.

30% of major obstructions on all tracks of the Penn Central system. Though only 3% (approximately 57 miles) of the total trackage of the railroad is in the local area, there were 317 incidents of rail obstructions during the 10-month period through last October.

15%, or 250 cases, of tampering with switches, signals and cars. Another 250 incidents were reported in other areas of New York.

54% of trespassing—76,884 instances.

During the 10-month period, the railroad spent $893,473 replacing windows in passenger cars, locomotives and cabooses stoned by vandals. The local stonings represented 48% for the entire system's glass bill of $1,836,000.

In attempting to deal with railroad crime, which is concentrated in the Northeast, officials have reached the end of the line.

"Despite heavy expenditures for their own protective and security departments," Nelson reported, "the railroads cannot solve this problem without help from public law enforcement organizations. Adequate city, state and federal funds must be available to enable law enforcement agencies to help railroads protect passengers, freight shipments and property."

Locally, railroad crime is centered in ghetto-area freight yards. Even trains in transit are not safe from looters. The looters climb aboard slow-moving trains and uncouple cars. Fearful train crews are reluctant to retrieve the equipment until the looters leave.

Freight yards, particularly during school holidays, can be compared to huge, open-air markets with special advantages for shoppers. They are not delayed at check-out counters nor do they have to pay for what they take.

The thieves, young and old, publicly hawk their loot. Motorists stopped for traffic lights at busy intersections in the south Bronx and the Brownsville-East New York sections of Brooklyn are a major market. Transients and merchants in the area are offered a variety of items at rock-bottom bargain prices, including TV sets, furniture, clothing, typewriters, toys, imported bicycles, office equipment, household appliances, clothing, meat and other foodstuffs.

Observers tell of street scenes right out of "Dead End." Stage rear is a row of derelict tenement shells recalling the blitz of London. Stage front is a quartet of residents eating king crab meat from cans and washing it down with cold Miller High Life beer while they listen to rock music on a transistor radio and recline on a damask-upholstered sofa. It's all loot from a nearby freight yard.

"What can we do about it? Nothing," one cop explains. "They have an alibi and it could be the truth. They'll claim they found the merchandise alongside the outer fence of the railroad or cached, unprotected, on the roof of one of the tenements. Possession of stolen property would never stand up. We'd be laughed out of the courtroom. Also, we don't want to make any waves, we have enough trouble without looking for more."

Or it's a summer day. The scene is the East New York freight yard. A crowd of looters began opening box cars. One was filled with reclaimed clothing to be sent to Europe. Word of the discovery flashed through the neighborhood. Women and children rushed to the spot. Wardrobes were assembled for the children, then women began selecting their own outfits. Some stripped down to just their panties to make certain of the size of the clothing they chose and to get an opinion on stylishness from friends.

The police? They were on the scene. So were hundreds of residents. The cops simply gaped and shook their heads. Discretion was the better part of valor.

Sometimes the looters turn violent and instances of their rage is replete in the Penn Central's report and files of the Public Service Commission.

At 3:10 p.m. last May 2, an "uncontrollable force of juveniles" caused widespread looting and vandalism of a 118-car freight train at Aldus St. and Bruckner Blvd. near the Oak Point terminal in the southeast Bronx. They were described as "swarming over" the train.

Five days later, in midafternoon, another raid began with two youths breaking into a car. They were arrested and railroad police resealed the cars and wired the door hasps.

Other looters began moving into the area and at 4 p.m. the train was attacked again by a crowd of approximately 100. Five police cars were sent from the Simpson St. station to aid the Penn Central but later they were called away for more pressing assignments. The raiders plundered the car and scattered cargo—toys, auto tires, peat moss, waste paper—about the tracks. Two radio cars were recalled to the location and, at 8:10 p.m., city and railroad police were stoned.

On May 13 another raid occurred in the same vicinity. Expensive office desks were stolen before the police drove off the spoilers. Later in the day, another large group formed on the embankment overlooking the train. They were also dispersed. A third gang, numbering about 100 youths, made a final and unsuccessful attempt to get at the train.

Prior to the release of the Penn Central report, reporters toured the railroad's freight facilities in response to letters of complaint from readers of The News.

They found box-car doors open, seals broken on hasps and cargo strewn along the tracks. Train crews admitted they were afraid of traveling through terminal yards and along some local sections of track.

Heavy wire fences were found to be cut as quickly as they were repaired. A countless number of makeshift ladders, used by looters to scale the tops of walls and fences, were common evidence of the lawlessness. Abandoned cars are sometimes rolled down steep embankments to breach fencing.

Except for tracks and locomotives, hardly anything on railroad property can be considered safe from looters, including pigeons. Trespassers net the birds in their nests under railroad overpasses. The word is they make an excellent dish.

By Mr. HOLLINGS:

S. 943. A bill to amend section 1402(a) of title 10, United States Code, to revise the rule for recomputation of retired or retainer pay to reflect later active duty. Referred to the Committee on Armed Services.

S. 944. A bill to provide private relief for certain members of the U.S. Navy recalled to active duty from the Fleet Reserve after September 27, 1965. Referred to the Committee on Armed Services.

Mr. HOLLINGS. Mr. President, one of the inherent problems of the legislative process is that with the tremendous volume of pending legislation and the many laws that are passed, we sometimes permit inequities and inconsistencies to unintentionally develop. One of these inconsistencies has been brought to my attention, and I am introducing legislation today to correct it.

In 1965, 152 former members of the U.S. Navy entered into active duty in response to an invitation issued by the Bureau of Naval Personnel. Those men were under the impression and were so advised that upon their future separation from active duty, their retirement pay would be recomputed based upon their grade under the rates of basic pay in effect at the time of separation. Unfortunately, the limitation of section 5(L) (1) of the Uniformed Services Pay Act of 1963, 10 U.S.C. 1402(a), prevented such a recomputation. The present law requires that a member serve for a continuous period of 2 years in a basic pay rate to be eligible to compute under those rates, and consequently, at the time of his termination, his retirement pay is computed not upon his last pay rate received, but upon the pay rate at the time he entered into active duty. Consequently, a person may serve 3, 4, 5, or more years after being recalled to active duty, but cannot compute his retirement pay on the basis of his last pay rate, even when a man serving beside him in the same rank and performing the same duties can receive the benefit of the current pay scale.

The provisions are clearly unduly restrictive, and if the legislative history is traced, it can be determined that the condition was unintended. Prior to the passage of the Uniformed Services Pay Act of 1958, retired personnel were permitted to recompute their retirement pay on the basis of any pay increases granted to members of the Armed Forces. In the 1958 Pay Act, the change was instituted by providing a percentage increase of their existing retirement pay. The 1963 Uniformed Services Pay Act changed the provision by providing that retirement pay would be readjusted periodically based on the consumer price index.

To eliminate the possibility of retired members attempting to have a recomputation based upon a new pay scale by managing to be recalled to active duty for a short period of time rather than accept a percentage increase, the 1958 Pay Act required a minimum of 1 year's active duty in order to recompute retirement pay. The 1963 Pay Act instituted the present requirement that the member must serve for a continuous period of 2 years at a continuous pay rate in order to compute under those rates. It can be readily seen, therefore, that the present law is unduly restrictive, and, that since 1963 there has been an annual increase in basic pay, it is an unjustified restriction.

In the 91st Congress, I introduced S. 2260 which was a private relief bill for the 152 members of the U.S. Navy mentioned before. By letter dated December 12, 1969, from Capt. D. H. Cain, Jr., of the Department of Navy, the Committee on Armed Services was advised that the Department of Navy on behalf of the Department of Defense was in favor of general legislation to correct this inequity. Consequently, I am introducing legislation which would permit any person who has gone back on active duty and has served at least 2 years to be permitted to compute his retirement pay under the rates of basic pay in effect at the time of his release from active duty, and that any other person be permitted to compute his retirement pay under the rates of basic pay when he entered into active duty, increased by any applicable percentage adjustment in that pay made by the Secretary of Defense based upon the Consumer Price Index. I am also introducing the private relief bill for those men who had returned to active duty on the representation that this would be the law.

Although this particular point would not be considered a major issue in the scheme of our legislative considerations, I do believe it is one which stands for equity and would correct a situation which certainly was not intended by Congress.

By Mr. HART (for himself and Mr. MAGNUSON):

S. 945. A bill to regulate interstate commerce and to provide for the general welfare by requiring certain insurance as a condition precedent to using the public streets, roads, and highways in order to have an efficient system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance, and the presentation of meaningful price information, and which will provide sufficient, fair, and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce, and otherwise affecting such commerce; and

S. 946. A bill to promote the greater availability of motor vehicle insurance in interstate commerce under more efficient and beneficial marketing conditions. Referred to the Committee on Commerce.

S. 947. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income contributions by employers to plans providing motor vehicle insurance coverage for employees. Referred to the Committee on Finance.

S. 948. A bill to amend section 302(c) of the Labor-Management Relations Act of 1947. Referred to the Committee on Labor and Public Welfare.

Mr. HART. Mr. President, today I come before Congress as a supplicant. My plea is for a commitment to reform the auto liability insurance system.

The need is critical—standing out even among the many serious and almost terrifying responsibilities of this Congress.

At issue is the financial and familial stabilty of thousands. In fact, some say the issue well may be our entire system of justice. To support that position, they cite the overwhelming snarling of the courts the present "fault" liability system causes. Arguments over which driver caused accidents that one, both, or neither may be responsible for, critics say, are delaying justice in other cases until it may be impossible to administer it.

Those making such charges carry impressive credentials. They include Chief Justice Burger, former Chief Justice Warren, and the immediate past president of the American Bar Association.

The figures supporting their argument are equally impressive.

A study by the Federal Judicial Center points out that motor accident litigation requires 11.4 percent of judge time in Federal district courts and approximately 17 percent in State courts of general jurisdiction.

It could be assumed that auto accidents consume a somewhat comparable time of our legal profession. Based on Department of Transportation calculations, Senate Antitrust and Monopoly Subcommittee data on claims for 1969 accidents shows that parties to auto accident litigation will pay legal fees totaling some $1.1 billion, conservatively estimated to be one-fourth of the total income of the legal profession that accident year.

Impact of motor vehicle accident litigation on the courts varies widely—but it is generally greatest in metropolitan areas where most people live and where most victims seek compensation. In Iowa County, Iowa, it is 3 percent. In Wayne County, the site of Detroit, it is 40 percent.

Balance that allocation of resources against disposition of other cases—that is, a backlog of 42,000 civil and criminal cases in Los Angeles County and the recent backlog of 427 untried homicides in Philadelphia—and reasonable men must ask if we have our priorities in proper order in our court system.

Even such court burdens possibly could be defended if the present system were justly and humanely compensating auto accident victims.

But it simply and flatly is not.

A study done by the insurance industry itself for DOT showed that claimants with a permanent total disability had an average total economic loss of $78,000. Yet they received an average insurance payment of $12,556—only 16 percent of their loss.

Another DOT study showed that of the half-million seriously injured auto accident victims in 1968, 27 percent of them—or 136,000—suffered 85 percent of the group's total economic loss.

More than 50,000 of those families found it necessary to change their way of life after the accident. For more than 12,000 of them, this meant moving to cheaper living quarters.

Mr. President, there is much talk today of "identity crisis." The auto insurance system must have a very bad case.

On one hand, society seems to expect

it to be a compensation system. Why else have all the States enacted some type of financial responsibility law aimed at compensating accident victims? On the other hand, the fault system itself is structured as a quasicriminal tool—paying only the totally innocent and leaving the guilty, or slightly guilty, only their tears.

Today I introduce legislation on behalf of myself and the senior Senator from Washington (Mr. MAGNUSON) to solve the identity crisis. Today I ask the Congress to make a firm statement that public policy demands this be a compensation system—returning to the police and the courts the full responsibility for punishing the guilty when they are unlawful drivers just as they punish the criminal who destroys property or inflicts physical harm in some other manner.

What I am suggesting is not revolutionary.

It has been proposed off and on consistently over the past 52 years. In 1919 Rollins and Carman, in two unrelated legal articles, suggested that the workman's compensation no-fault principle be adapted to the problem of auto accident compensation. A more detailed proposal was advanced by Judge Robert Marx of Cincinnati during the 1920's. The Columbia University Auto Accident Compensation Report of 1932 followed Marx's proposal. The issue was revitalized in the early 1950's by Prof. Albert E. Ehrenzweig through his "full aid" insurance plan, and also by Prof. Leon Green's proposal and Prof. Fleming James' legal writings.

The landmark studies of Prof. John F. Adams of Temple University in 1955 and 1960; Prof. Clarence Morris and James Paul in 1962; Marc Franklin, R. H. Chanin and Irving Mark in 1961; Alfred Conard, James Morgan, Robert Pratt, Jr., Charles Voltz and Robert Bombaugh in 1964, kept the issue alive. And the most recent revitalization was the able work of Professors Keeton and O'Connell in their basic protection plan, the Stewart-Rockefeller plan and the American Insurance Association's no-fault proposal. Last year Massachusetts adopted a modified no-fault plan.

Invaluable contributions have been made by the Department of Transportation with its 2-year study of auto insurance. Finally, the field survey report of Prof. H. Laurence Ross of the University of Denver Law School is a significant addition to the studies and literature on this subject which are enough to start a library.

Last year to stimulate discussion, I introduced the Uniform Motor Vehicle Insurance Act, S. 4339, a modified version of which I am proposing today. That marked the first time the issue had been laid before the Congress. As some editorial writers have commented since—"It was about time."

Whereas once the fault insurance system clearly was a method of rewarding the innocent and punishing the guilty, this has changed over the years.

It was a fact noticed as long ago as 35 years by a young law student, Richard M. Nixon. He observed in "Changing Rules of Liability in Automobile Accident Litigation"—Law and Contemporary Problems, 3:476—1936:

> It may be said that there has been a steady erosion of fault as the ground of shifting the plaintiff's loss to the defendant.

The situation continued to erode—as, I think, justice and humanitarianism demanded. It seems we must now acknowledge that same justice and humanitarianism and renovate the mechanism so that benefits do indeed go to those for whom they are intended.

To have the incentive to do this, we must recognize that the present system does not compensate those in need and it does not punish the wrongdoer.

We must grow to understand what Prof. Jeffrey O'Connell—cocreator of the Keeton-O'Connell plan—meant when he said:

> We have devised almost the worst system imaginable, a system that is cruel, corrupt, self-righteous and wasteful while it goes about the business of failing.

Certainly it fails as a system of compensation.

Not only are victims getting—as the Department of Transportation studies show—only about 16 percent of losses, but the delivery system for this pittance is expensive and wasteful.

For each dollar put into the system, 56 cents goes for company overhead, court and lawyers' expenses, and only 14 cents for out of pocket losses for victims. See tables 2 and 3.

Does the fault system at least punish the wrongdoer?

Actually, I think, the present insurance system insulates the wrongdoer from punishment. Funds paid out to victims come not from the driver judged in the wrong but from a financial pool—created by all policyholders of that company. The Conard study, done at the University of Michigan, showed that nearly 85 percent of all drivers had isolated themselves from financial responsibility by buying insurance. Further, only 3 percent of the defendants paid any part of the settlement from their own pockets. And in one-third of the cases where a suit was filed and settled, the defendant did not even know whether anything had been paid to the victim or claimant.

The obvious deterrents then, to a driver, are the possibility of increased rates or of cancellation or nonrenewal. Yet the two largest insurers in the Nation—State Farm Mutual and Allstate, which together write 20 percent of all policies—each relieve their customers of one of these threats.

State Farm does not penalize in premiums for the number of claims—although it may cancel. And Allstate guarantees renewal for 5 years—although it may raise the rates.

Further, States have weakened the loss of insurance threat by guaranteeing insurance to all licensed drivers through assigned risk pools.

Surely most of us would agree that the threats of loss of insurance or increased rates are far down the list of what induces us to drive carefully. Much ahead on that list would be such things as fear of imprisonment, physical injury to ourselves and our passengers, damage to our cars, and sometimes a thing so simple as inconvenience—a time loss putting a schedule out of whack.

Fear of loss of insurance is more likely a thing that occurs after the fact. After the grievous accident happens is when motorists begin to scurry to protect their insurance and rates. That should not be so surprising. For few motorists realize that their insurance could be at jeopardy until they get the notice from their company.

An even more basic question when we are considering the deterrent effect of fault insurance is whether indeed accidents are caused only by willful law violators. Or, perhaps, whether all of us are not in danger of an accident every time we get behind the wheel.

As one study pointed out, the driver must make 200 observations and 20 decisions each mile he drives. The potential is so great that it would be natural for even the most careful of drivers to make errors in judgment. In fact, the same study estimated that the average driver does make errors—one per each 2 miles driven.

As the 1970 causation, culpability, and deterrence study done for DOT explains:

> A substantial but largely unmeasurable number of violations and crashes occur which involve generally competent drivers who are suffering temporary lapses from their normal adequate levels.

Or, there is the study conducted for the Public Health Service by the American Institute for Research, which showed the ordinary driver is a consistent law violator. A motion picture camera revealed that 87 percent of a sample did not stay in lane; 80 percent changed lanes without signaling; and 46 percent turned without signaling.

One writer, Murray Blumenthal, also has noted the persistence of accidents among professional drivers at the General Motors proving grounds—despite their superior training and supervision and the carefully engineered highways—as evidence of the inevitability of accidents under the conditions of current technology.

Another interesting figure to chew on when discussing the culpability of the driver as the cause of accidents is the comparison of deaths per mile driven on interstate highways versus other roads.

In 1968, the rate of deaths per 100 million vehicle miles on interstate highways in urban areas was 2.25 compared with noninterstate highways' rate of 3.71. In rural areas the contrast is more dramatic with a figure of 3.68 for interstate highways and 7.56 for other roads.

The same drivers use both types of roads, yet we have this startling difference.

Whether accidents come from negligence, inadvertent carelessness or driving conditions, is a question that can be debated for years. Yet we today embrace an auto insurance fault system that demands some person take the blame for each accident.

It is a theory that applies in no other area of insurance I can think of. We do not refuse to pay the hospital bill for the patient who did not wear his rubbers in the rainstorm or a fire insurance claim for the homeowner who dropped a cigarette.

Why should we—when we are dealing with the financial and medical well-being of auto accident victims—attempt to apply this incredible and inapplicable standard?

Mr. President, the present fault liability system is unjust and unwise not only because it generally fails to compensate and does not deter accidents, but because it confers the greatest injustices on the poorest and most disadvantaged members of our society.

As the DOT Economic Consequences of Automobile Accident Injuries report showed, in serious injury cases families with incomes under $5,000—which account for almost one-third of the families in this country—recovered only 38 percent of their economic losses. However, families with incomes over $10,000 recovered 61 percent. Those with no schooling recovered 16 percent of losses. But, those with college training recovered 64 percent.

Yet the low income families are likely to be paying the highest premiums for this lack of protection.

For example, a 23-year-old married man living in the central section of the city—where our poor normally live—for a standard bureau company issued policy would pay $587 in Los Angeles; $619 in Chicago; $706 in Philadelphia; and $486 in Detroit. If that young man were only 20 and unmarried, he would pay $1,182 in Los Angeles; $1,194 in Chicago; $1,447 in Philadelphia; and $984 in Detroit.

If the figures hold true nationwide that were uncovered in the DOT study of compensation for accident victims in the Washington metropolitan area, the odds are only about 1 in 2 that this 23-year-old would collect 1 cent if he were injured in an accident.

That study showed that families of 99 of 202 fatalities received nothing—as did more than 9,000 of 21 000 injury victims.

In that study, 78 percent of the economic loss for fatal injuries were compensated by no source—with auto insurance compensating for only 6.8 of the loss.

Mr. President, the Uniform Motor Vehicle Insurance Act, along with its three companion bills which I introduce today, would eliminate the terrible inequities and wastefulness of the present system.

First, the vast majority of accident victims would be compensated totally for their economic loss. Further, the compensation is paid as the loss occurs—not months or years later.

Under this plan, generally the insurer of the car pays—without the waste of time and money to assign blame—for all costs for medical, rehabilitation and incidental expenses not covered by some other source.

The only limitation on reimbursement is on income replacement.

Here, a wage earner would be paid 85 percent of his lost income or $1,000 a month—whichever is lower—for up to 30 months. The $1,000 a month cutoff means that at least 85 percent of our families would get full compensation for the 30 months. The bill also provides a cash payment of $30,000 for the dependents of a wage earner who dies as a result of an auto accident. See tables 7 and 7a.

This allowance for lost wages—which will cover all but a small percentage of workers until they are able to return to their jobs—overcomes one of the greatest failures in compensation of the current system.

The remaining victims who are permanently disabled or disfigured still may turn to the courts to collect their economic losses—including "pain and suffering"—over the basic benefits of the plan as under the current tort system.

But, handling the bulk of the cases on a first-party system—as we now do with accident and health, life or homeowners insurance—would result in more benefits speedily delivered, and would take a fantastic burden off our courts.

Our initial calculations demonstrate that this almost total compensation system can be funded without increasing the current premiums. All that is necessary is to change the present system so that moneys paid in go to victims instead of being consumed by the present extremely inefficient system itself.

My bill also wipes out another inequity in that—because income protection would be purchased within the framework of what would be protected—the lower income policyholders would not be the ones to pay the higher premiums.

Obviously, it would cost less to protect incomes of $100 to $150 a week than $250 to $300. So, for once, the $5,000 to $7,500 a year man would get a break.

The remaining three bills I introduce today would clear the way for lowering insurance costs without lessening total compensation. These bills are aimed to encouraging the sale of group auto insurance policies—conservatively estimated to bring down premiums by 15 percent.

The first would overturn laws and regulations in the 35 States which now prohibit the sale of group auto policies. The second would give the same beneficial tax treatment to employers' contributions now given to similar contributions to accident and health premiums.

The third would clear the road for labor groups to bargain for group auto policy contributions as a fringe benefit—which naturally would lower consumer costs for this insurance further.

Further reduction in premiums would come from the enactment of the Motor Vehicle Information Act which I will introduce later this week. This bill zeros in on cutting the costs of collision and property damage sections of the premium. It does this by encouraging production of cars likely to incur fewer accidents but by encouraging production cutting the attractiveness of car thefts.

But the bill also would lower personal injury premiums not only by lessening accidents but by encouraging production of safer cars.

Mr. President, today, as I said, I ask not only that Congress consider reform of the auto insurance system but I plead for fast and effective action.

We should no longer tolerate an insurance system so blatantly unfair and unjust. The obligation to our constituents requires prompt response.

Mr. President, I am honored and delighted that Senator Magnuson has agreed to cosponsor this legislation. His interest and concern in this area has been demonstrated in the past—particularly with the DOT study which he instigated and monitored. His support is most valuable, and I know the legislation will benefit from his interest. Just how deep that interest is, I think is demonstrated in the fact that he hopes to open auto insurance hearings within a few weeks in the Commerce Committee.

I ask unanimous consent that an article written by the disinguished Senator from Washington (Mr. Magnuson) for Trial magazine which discusses auto insurance reform and its relation to health care reform be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Forecast in Congress

(By U.S. Senator Warren G. Magnuson)

Automobile and health insurance reform will be twin quests of the 92nd Congress. No two issues affect each family in America so profoundly. Every home needs protection against accident and disease in order to meet basic health care needs and to guard against the ugly spectre of financial ruin.

The Senate Commerce Committee, which I chair, has received a summary study report on the Automobile Compensation System commissioned by Congress more than two years ago.

The testimony of Secretary Volpe, balanced as it was, stands as an indictment to the present automobile compensation system. Losses from automobile accidents each year run into the tens of billions of dollars, and yet our automobile insurance system provides protection for only 45% of those killed or seriously injured.

The efficiency of our present system is deplorable. We spend two dollars in the system in order to generate one dollar of benefits. Is it any wonder that American drivers are decrying the high cost of automobile insurance at the same time the insurance industry is complaining about its underwriting losses?

There is a final indictment of our automobile compensation system: Nowhere is there a built-in impetus for reducing the incidents of loss by designing vehicles which can minimize personal injury and property damage.

Problems in the health insurance field parallel shortcomings of the automobile compensation system.

In the first place, public or private insurance mechanisms cover only a small portion of the billions of dollars of annual loss resulting from accident and disease. Some estimates place the existing insurance coverage at 35% of total yearly personal health expenditures.

The efficiency of delivery of health care *payments* made by the insurance mechanism are considerably better than the payment efficiency of automobile insurance.

But the efficiency of delivery of health care itself is deplorable.

At present this country has a virtual "nonsystem" for the delivery of medical care. And this "nonsystem" has produced the current health care crises characterized by: a national shortage of health manpower and institutions, and rising costs which are pricing care beyond the reach of a significant portion of the population. Each crisis results from inadequacies in the organization and delivery of health care.

Add to this an almost total failure to practice preventive medicine (to reduce systematically, for example, the incidence of injury from the household products we use).

The need for reform becomes obvious.

Any legislative attack on the present inadequacies in our automobile and health insurance systems must be made on several fronts simultaneously if this country is to escape from its present morass.

Let me briefly sketch out what attacks on what legislative fronts must be considered:

First, automobile and health insurance must both expand the depth and breadth of their present coverages.

A sound automobile compensation system should provide insurance protection for all persons exposed to injury from automobiles; and such protection should at least include recovery for economic loss.

A national health insurance program (whether public, private or a combination thereof) should furnish benefits to all citizens—benefits which embrace the entire range of services required for personal health, including services for the prevention and early detection of disease, for the care and treatment of illness, and for medical rehabilitation.

Having provided broad insurance protection through private and public insurance mechanisms, Congress must then legislate on a second front so as to permit the feasible financing of such protection. This can be accomplished by improving the efficiency of delivery of benefits in both systems.

That delivery of automobile insurance benefits must be expedited is undebatable. We cannot afford to pay two dollars to generate a dollar's worth of benefits; we must revise the delivery system so that only a fraction as much money is needed to generate the same amount of benefit.

It would seem that such vast improvement in efficiency could only be realized through basic changes in the present payment system—changes in determining who gets paid and how much.

Streamlining the health care delivery system may be decidedly more complex than streamlining the automobile insurance system. Reform of the health care delivery system requires both improvement in the payment procedure and basic changes in care facilities and their personnel.

However, mere improvement in the efficiency of delivery of automobile accident compensation benefits and health care services will not win the cost war.

Fundamental efforts toward reduction of accident loss and prevention of disease must be made.

Automobiles must be designed in such a way as to eliminate serious bodily injury or costly vehicle repair resulting from low-speed crashes.

All-out efforts must be made to eliminate the chronic alcoholic from the highways.

Highway systems must be designed in such a way as to minimize the incidence of fatality.

Of course, there is a nexus between auto insurance reform and health insurance reform. Reforms in the health delivery system will lead to loss reductions for the automobile compensation system by reducing medical costs and improving treatment techniques. And concentrated medical study and treatment of alcoholism may do much to remove chronic alcoholics from our highways.

Here again, improvements in auto accident prevention alone will not suffice. Greater strides must be made to reduce accidents of all kinds—particularly those involving household products. The recent report of the National Commission on Product Safety estimates that 20 million people are injured each year while using consumer products. A Consumer Product Safety Commission might do much to reduce these injuries and thus relieve the health care system to some extent.

A host of other preventive health care approaches could reduce the total health costs to the people of this country.

Trial lawyers can make a positive contribution to Congress' insurance reform endeavors. They can litigate personal injury cases resulting from defectively designed products, thereby providing incentives for improved product safety design. Moreover, they can acknowledge the inefficiency of the present tort liability system which allocates on a "chance" rather than "insurance" basis benefits to victims of auto accidents.

Basic automobile insurance reform, which expands coverage to indemnify all economic loss (at least) while simultaneously improving the cost of delivering these benefits, will be difficult to realize within the present tort-oriented system.

Mr. HART. Mr. President, I also ask unanimous consent that the text of the four bills; the several tables I have identified; correspondence between Prof. Samuel Loescher of the University of Indiana and member of the Economic Regulation Advisory Committee of the Department of Transportation Auto Insurance Study, and Secretary Volpe of DOT; related newspaper editorials and articles, be printed at this point in the RECORD.

There being no objection, the bills and material were ordered to be printed in the RECORD, as follows:

S. 945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Motor Vehicle Insurance Act."

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "motor vehicle" means any vehicle driven or drawn by electrical or mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicles operated exclusively on a rail or rails.

(2) (A) The term "insured motor vehicle" means a motor vehicle insured under a policy of insurance which meets the requirements of section 5 under this Act.

(B) The term "uninsured motor vehicle" means a motor vehicle with respect to which insurance provided under section 5 of this Act is not applicable at the time of the accident, or with respect to which the insurer nominally providing such insurance denies coverage, or is financially unable to fulfill its obligations.

(3) The term "owner" means a person who holds the legal title to a motor vehicle as defined in subsection (1) of this section, or in the event a motor vehicle is the subject of a security agreement or lease with option to purchase with the debtor or lessee having the right to possession, then the debtor or leasee shall be deemed the owner for the purpose of this Act.

(4) The term "person" means any individual, partnership, corporation, association, trust, syndicate, or other entity.

(5) The term "insurer" means any enterprise engaged in the business of issuing motor vehicle insurance policies.

(6) "Operation or use of a motor vehicle" includes loading or unloading the vehicle, but does not include conduct within the course of a business of repairing, serving, or otherwise maintaining vehicles unless the conduct occurs outside the business premises.

(7) The term "motor vehicle accident" means a specifically unexpected occurrence arising out of the operation or use of a motor vehicle as a motor vehicle.

(8) The term "injury" means bodily injury, catastrophic harm, sickness or disease caused by motor vehicle accident while in or upon or entering into or alighting from, or through being struck by, a motor vehicle.

(9) The term "catastrophic harm" means permanent and total disability (including death at any time resulting from injury) or permanent and partial disability of 70 percent or more. The term "catastrophic harm" includes disfigurement that is permanent, severe and irreparable.

(10) The term "economic loss" means in the case of injury or death:

(A) all appropriate and reasonable expenses necessarily incurred for medical, hospital, surgical, professional nursing, dental, ambulance, and prosthetic services;

(B) all appropriate and reasonable expenses necessarily incurred for physical and occupational therapy and rehabilitation;

(C) an amount equal to 85 percent of the monthly earnings at the time of the injury or $1,000, whichever is less, for as long a period as the injury causes the inability to engage in gainful activity substantially the same or similar to that engaged in prior to the injury: *Provided, however,* That in the case of injury such period shall not exceed thirty months, and that in the case of death, an amount which shall not exceed $30,000;

(D) all appropriate and reasonable expenses necessarily incurred as a result of such injury, including, but not limited to, expenses incurred in obtaining services in substitution of those that the injured person would have performed for the benefit of himself or his family.

(11) The term "earnings" means the pay or wages of an employee before any deductions, and the reasonable value of the services of a self-employed person before any deductions.

(A) "Monthly earnings at the time of the injury" shall be deemed to be one-twelfth of the average annual earnings at that time. If earnings are received on a weekly basis, the weekly equivalent of the monthly earnings is deemed one fifty-second of the average annual earnings.

(B) Average annual earnings are determined as follows:

(i) If the person worked in the employment or self-employment in which he was employed or self-employed at the time of his injury during substantially the whole year immediately preceding the injury and the employment was in a position, or the self-employment was of such nature, that an annual rate of pay—

(I) was fixed, the average annual earnings are the annual rate of pay; or

(II) was not fixed, the average annual earnings are the product obtained by multiplying his daily earnings, or the average thereof if the daily earnings have fluctuated, by 300 if he was employed or self-employed on the basis of a 6-day workweek, 280 if employed, or self-employed on the basis of a 5½-day workweek, and 260 if employed or self-employed on a basis of a 5-day workweek.

(ii) If the person did not work in the employment or the self-employment in which he was employed or self-employed at the time of his injury substantially the whole year immediately preceding the injury, but the employment or self-employment would have afforded employment or self-employment for substantially a whole year, the average annual earnings are a sum equal to the average annual earnings of an employee or self-employed person of the same class working substantially the whole immediately preceding year in the same or similar employment or self-employment in the same or neighboring place as determined under subsection (11) (B) (i) of this section.

(12) The term "net economic loss" means, in the case of injury or death "economic loss" reduced (but not below zero) by the amount of:

(A) any benefit or payment received, or entitled to be received, for losses resulting from such injury or death under any private or public insurance or plan or other source of benefits: Except, benefit or payment received, or entitled to be received—

(i) in discharge of familial obligations of support;

(ii) by way of succession at death;

(iii) as proceeds of life insurance;

(iv) as gratuities;

(v) as proceeds of any private or public insurance or plan or other source of benefits containing explicit provisions making its benefits supplemental to those paid in accordance with the provisions of section 5(a) of this Act.

(I) If any private or public insurance or plan or other source of benefits does not provide that its benefits shall be supplemental to those under section 5(a) of this Act, or that the benefits under said section 5(a) shall be deducted from its benefits, economic loss shall be reduced by the amount of any benefit or payment received, or entitled to be received, from such private or public insurance or plan or other source of benefits.

(13) The term "without regard to fault" means irrespective of fault as a cause of injury or death, and without application of the principle of liability based on negligence.

(14) The term "interstate commerce" means trade or commerce among the several states, or between the District of Columbia or any possession of the United States and any state or other possession, or within the District of Columbia.

(15) The term "Secretary" means the Secretary of Transportation.

(16) The term "State" means any state or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

CONDITIONS OF OPERATION: REGISTRATION AND FEES

SEC. 3. (a) After the effective date of this section, no person shall register nor knowingly operate or use a motor vehicle as defined in section 2(1) of this Act upon the public streets, roads, and highways of any State at any time unless—

(1) Such motor vehicle is insured under a policy of insurance which meets the requirements of section 5 of this Act, pursuant to such rules and regulation (including those determining the manner and term of proof of such insurance) as the Secretary shall lawfully prescribe.

(A) The requirements of this section may be satisfied by any person by providing a surety bond, proof of qualifications as a self-insurer, or other securities affording security substantially equivalent to that afforded under section 5 of this Act, as determined and approved by the Secretary.

(b) No State shall require the purchase or acquisition of insurance or any other security as a condition to the operation or use of any motor vehicle upon the public streets, roads, and highways of such State, other than the insurance required under section 5 of this Act.

(c) The provisions of this section and section 4 of this Act shall take effect one year and six months after the date of enactment of this Act.

(d) Any person who knowingly violates the provisions of subsection (a) of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed $1,000 or imprisonment for a period of not to exceed one year, or both.

TORT EXEMPTION: LIABILITY FOR CATASTROPHIC HARM

SEC. 4. No owner, operator or user of an insured motor vehicle shall be liable for tort damages of any nature occasioned by bodily injuries arising out of the negligent operation or use of such vehicle except in cases of catastrophic harm. In such cases there may be a recovery for economic loss in excess of that received, or entitled to be received under this Act, as well as for other elements of damage.

INSURANCE REQUIREMENTS

SEC. 5. In order to meet the requirements of section 3(a) and (b) of this Act, an insurance policy shall provide—

(a) Net economic loss benefits for injury and death as follows:

(1) Except as otherwise provided in paragraph (3), the insurer shall pay, without regard to fault, to any person, including the owner, operator or user of an insured motor vehicle, an amount equal to the net economic loss sustained by such person for injury as defined in section 2 (7) of this Act.

(2) Except as otherwise provided in paragraph (3), the insurer shall pay, without regard to fault, to the legal representative of any person, including the owner, operator, or user of an insured motor vehicle, whose death is the result of injury, for the benefit of the surviving spouse and any dependent (as defined in section 152 of the Internal Revenue Code of 1954) of such person, an amount equal to the net economic loss sustained by such spouse and dependent as a result of the death of such person;

(3) No payment shall be made for net economic loss sustained by—

(A) the occupants of another motor vehicle; or

(B) the operator or user of a motor vehicle while committing a felony, or operating or using with the specific intent of causing injury or damage, or operating or using a motor vehicle as a converter without a good faith belief that he is legally entitled to operate or use such vehicle.

(4) Payments for net economic loss shall be made as such loss is incurred except that in the case of death, payment for such loss shall be made immediately: *Provided*, That amounts of net economic loss unpaid thirty days after the insurer has received reasonable proof of the fact and amount of loss realized, and demand for payment thereof, shall thereafter bear interest at the rate of 2 per centum per month.

(5) A claim for net economic loss based upon injury or death to a person who is not an occupant of any motor vehicle involved in an accident may be made against the insurer of any involved vehicle: *Provided*, That the insurer against whom the claim is asserted shall process and pay the claim as if wholly responsible: *Provided, however*, That such insurer is thereafter entitled to recover from the insurers of all other involved vehicles proportionate contribution for the benefits paid and the costs of processing the claim.

(6) Net economic loss sustained by any occupant, operator, or user of a commercial motor vehicle shall be paid by the insurer of such commercial motor vehicle.

(7) (A) When one or more of the motor vehicles involved in an accident is larger than an ordinary passenger automobile, the insurer of the larger vehicle shall be responsible for a percentage of any net economic loss paid to occupants involved in the accident.

(i) For the purpose of subsection (a) (7) (A) and (a) (7) (B) of this section, the term "ordinary passenger automobile" means any motor vehicle (including a motorcycle or motorscooter) used primarily for the transportation of passengers, having a seating capacity of less than 10 passengers, having two or less axles, and weighing, without cargo or passengers, less than 6,000 pounds.

(B) The Secretary shall classify, by rules and regulations under the procedures established in section 4 of the Administrative Procedure Act, as amended (60 Stat. 237; 5 U.S.C. 553), all motor vehicles larger than ordinary passenger automobiles into reasonable categories, and shall assign to each category a percentage of responsibility for net economic loss sustained by occupants of other vehicles: Provided, That such classifications and percentages of responsibility shall be based upon the increased severity of injury, caused by large vehicles in comparison to ordinary passenger automobiles: Provided, further, That if a larger vehicle is liable for more than 70 per centum of the net economic loss, such insurer may control the processing of any claims for such loss and be entitled to obtain contribution from insurers liable for the remainder of the benefits.

(b) Optional catastrophic harm insurance as follows—

(1) At the option of the insured, the insurer shall offer a provision for legal liability for catastrophic harm arising out of the negligent operation or use of a motor vehicle, to a limit of, at least $50,000 for any one person, and $300,000 for all persons in any one accident; and, at the option of the insured, the insurer shall offer a provision undertaking to pay to the insured all sums, not in excess of the limits of liability provided by the insured's liability insurance, which such insured is legally entitled to recover as damages for catastrophic harm arising out of operation or use of any uninsured motor vehicle.

(c) Any such policy of insurance described in this section may contain—

(1) additional coverages and benefits with respect to any injury, death, property damage, or any other loss from motor vehicle accidents;

(2) terms, conditions, exclusions and deductible clauses; consistent with the required provisions of such policy and approved by the Secretary, who shall only approve terms, conditions, exclusions, deductible clauses, coverages, and benefits which are fair and equitable, and which limit the variety of coverages available so as to give buyers of insurance reasonable opportunity to compare the cost of insuring with various insurers.

(d) (1) An application for a policy of insurance which meets the reqirements of subsection (a) of this section may not be rejected by an insurer, nor shall such policy of insurance once issued, be canceled or refused renewal, by an insurer except for (A) suspension or revocation of the license of an owner or principal operator to operate a motor vehicle, or (B) failure to pay the premium for such policy after reasonable demand therefor: *Provided*, That twenty days written notice is given to the insured with respect to paragraphs (A) and (B) of this subsection.

(2) An insurer may reject or refuse to accept additional applications for, or policies of, insurance which meet the requirements of subsection (a) of this section if the domiciliary State supervisory authority of such insurer deems in writing that the solvency of such insurer would be impaired by the writing of additional policies of such insurance.

(3) Whoever knowingly violates, or conspires to violate, the provisions of subsection (d) (1) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed $1,000 for each violation.

UNIFORM STATISTICAL PLAN AND PRICE INFORMATION

SEC. 6. (a) The Secretary shall, after consultation with the insurers and State insurance supervisory authorities, promulgate a common, uniform statistical plan for the allocation and compilation of claims and loss experience data for each coverage under section 5 of this Act, and upon promulgation, such plan shall be followed by every insurer writing policies of insurance which meet the requirements of section 5 of this Act, and by every rating or advisory organization or statistical agent named by any such insurer to gather, compile, or report claims and loss experience data.

(b) Such statistical plan shall contain data pertaining to the claims and loss experience for the classes of risk in each rating territory within each coverage under section 5 of this Act; *Provided, however,* That such statistical plan shall not contain data pertaining to expenses for adjusting losses, underwriting expenses, general administration expenses, or any other expense experience for any class of risk in each rating territory within the coverages under section 5 of this Act: *Provided further,* That in carrying out the provisions of this section, no insurer, rating, or advisory organization, or statistical agent, or any other association of insurers, shall pool, or in any manner combine, any such expenses or expense experience, or otherwise act in concert with respect thereto.

(c) Every insurer writing policies of insurance which meet the requirements of section 5 of this Act, and every rating or advisory organization or statistical agent named by such insurer to gather or compile claims and loss experience data, shall report such data in accordance with the provisions of the statistical plan required by this section at such times and in such manner as the Secretary shall by rules and regulations lawfully prescribe.

(d) The Secretary shall require standard uniform and standard minimal—

(1) policy provisions for each coverage under section 5 of this Act;

(2) classes of risk and rating territories for each coverage under section 5 of this Act;

in order to accomplish the purposes of the statistical plan required by this section.

(e) Every insurer writing policies of insurance which meet the requirements of section 5 of this Act shall provide the Secretary with the actual rate of premium being charged for each class of risk in each rating territory within each coverage under section 5 of this Act at such times and in such manner as the Secretary shall by rules and regulations prescribe.

(f) The Secretary may, after consultation with the insurers and State insurance supervisory authorities, appoint a statistical agent or agents, to receive, gather, compile, report and analyze the claims and loss experience data, and actual rates or premiums, specified in subsections (c) and (e) of this section.

(g) From time to time, but not less than semiannually, the Secretary shall analyze and freely and fully make available to the State insurance supervisory authorities and to the general public, with respect to every insurer writing policies of insurance which meet the requirements of section 5 of this Act, a comparison of such insurer's indicated rate based upon the claims and loss experience data for each class of risk in each rating territory within each coverage with the actual rate or premium being charged by the insurer for such class of risk in each rating territory within such coverage. The claims and loss experience data, and actual rates or premiums specified in subsectioin (c) and (e) of this section shall be made available to the general public at such times and in such manner as the Secretary shall by rules and regulations prescribe.

(h) Any insurer writing policies of insurance which meet the requirements of section 5 of this Act, or any rating or advisory organization or statistical agent named by any such insurer to gather, compile or report claims and loss experience data, who willfully fails to:

(1) follow the statistical plan promulgated in accordance with subsections (a) and (b) of this section, or

(2) observe the prohibition in subsection (b) of this section against pooling, or in any manner combining expense experience, or

(3) report to the Secretary, or his statistical agent or agents, the claims and loss experience data as required in subsections (c) and (f) of this section, or

(4) follow any standard uniform or standard minimal policy provisions or classes of risk promulgated by the Secretary as required in subsection (d) of this section, or

(5) provide the Secretary, or his statistical agent or agents, with the actual rate or premium being charged for each class of risk in each rating territory within such coverage as required in subsections (e) and (f) of this section,

shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed $5,000 for each violation.

ASSIGNED CLAIMS PLAN

Organization and maintenance

SEC. 7. (a) The Secretary shall, after consultation with the insurers and State insurance supervisory authorities, organize an assigned claims bureau and assigned claims plan in each State. Upon organization, each such bureau and plan shall be maintained, subject to regulation by the applicable State insurance supervisory authority, by the insurers writing policies of insurance under section 5 of this Act in such State. In default of the continued maintenance of an assigned claims bureau and assigned claims plan in any State in a manner considered by the Secretary to be consistent with the provisions of this Act, the Secretary shall maintain such bureau and plan.

Costs of operation

(b) The costs incurred in the operation of each assigned claims bureau and assigned claims plan shall be assessed against insurers in each State by the applicable State insurance supervisory authority according to rules and regulations that assure fair allocations among such insurers writing policies of insurance under section 5 of this Act in the State, on a basis reasonably related to the volume of insurance under subsection (a) of section 5 of this Act.

Insurers required to participate

(c) Every insurer writing policies of insurance under section 5 of this Act is required to participate in the assigned claims bureau and assigned claims plan in each and every State in which such insurer is authorized to write such policies of insurance.

Persons entitled to claim through assigned claims plan: Benefits to which entitled

(d) Except as provided in subsection (e) of this section, each person sustaining injury (as defined in section 2(7) of this Act) may obtain the insurance benefits under subsection (a) of section 5 of this Act through the assigned claims bureau and assigned claims plan in the State in which such person resides if—

(1) no such insurance benefits are applicable to the injury or death; or

(2) no such insurance benefits applicable to the injury or death can be identified; or

(3) the only identifiable insurance benefits under subsection (a) of section 5 of this Act applicable to the injury or death are, because of financial inability of one or more insurers to fulfill their obligations, inadequate to provide such benefits.

Persons disqualified from receiving benefits

(e) A person shall be disqualified from receiving benefits through any assigned claims bureau and assigned claims plan established pursuant to this Act if—

(1) such person is disqualified under section 5(a)(3)(B) of this Act from receiving the insurance benefits under section 5(a) of this Act, or

(2) such person is the owner or registrant of a motor vehicle which was not insured under section 5(a) of this Act at the time of its involvement in the accident out of which such person's injury arose.

(f) A claim or claims arising from injury or death to one person sustained in one accident and brought through the applicable assigned claims plan shall be assigned to one insurer, or to the applicable assigned claims bureau, which after such assignment shall have rights and obligations as if having issued a policy of insurance containing the benefits under subsection (a) of section 5 of this Act.

Principle of assignment

(g) The assignment of claims shall be made according to rules and regulations that assure fair allocation of the burden of assigned claims among insurers doing business in the particular State on a basis reasonably related to the volume of insurance written under subsection (a) of section 5 of this Act.

Notification of Bureau by claimant for assignment of his claim

(h) A person or his legal representative claiming through an assigned claims plan shall notify the applicable bureau of his claim within the time that would have been allowed for filing an action for the insurance benefits under subsection (a) of section 5 of this Act had there been in effect identifiable coverage applicable to the claim. The Bureau shall promptly assign the claim and notify the claimant of the identity and address of the insurer to which the claim is assigned, or of the bureau if the claim is assigned to it. No action by the claimant against the insurer to which his claim is assigned, or against the bureau if the claim is assigned to it, shall be commenced later than sixty days after receipt of notice of the assignment or the last date on which the action might have been commenced had it been against the insurer of identifiable coverage applicable to the claim, whichever is later.

Costs of assigned claims plan

(i) All reasonable and necessary costs incurred in the handling and disposition of assigned claims, including amount paid pursuant to assessments under subsection (b) of this section may be considered in making or regulating rates for the insurance under subsection (a) of section 5 of this Act: *Provided, however,* That if such costs are considered in the rates or premiums for such insurance, the pure loss portion of such costs shall be reported separately under the uniform statistical plan provided for by section 6 of this Act, and that portion of the actual rate or premium being charged for such insurance attributable to the entire amount of such costs incurred in the handling and disposition of assigned claims shall be reported separately under subsection (e) of section 6 of this Act.

Reimbursement

(j) An insurer who makes an assigned claims payment shall be reimbursed, without regard to fault, by the owner or registrant of a motor vehicle which was not insured under section 5(a) of this Act at the time of the accident out of which such assigned claim arose.

INSURERS' FRAUDULENT OR ARBITRARY DENTAL CLAIMS

SEC. 8. Within the discretion of any court, a person making claim under a policy of insurance which meets the requirements of section 5 of this Act may be allowed an award of a reasonable sum for attorney's fee and all reasonable costs of suit where the insurer's denial of all or part of the claim was fraudulent or so arbitrary as to have no reasonable foundation.

FRAUDULENT OR EXCESSIVE CLAIMS

SEC. 9. Within the discretion of any court, an insurer or any person who qualified as a self-insurer under paragraph (A) of section 3(a)(1) may be allowed an award of a reasonable sum as attorney's fee and all reasonable costs of suit for its defense against a person making claim against such insurer or self-insurer where such claim was fraudulent or so excessive as to have no reasonable foundation, and such attorney's fee and all such reasonable costs of suit so awarded may be treated as an offset against any benefits due or to become due to such person.

ADMINISTRATION

SEC. 10. In order to carry out the provisions and fulfill the purpose of this Act, the Secretary shall—

(a) consult with representatives of State agencies charged with the regulation of the business of insurance, representatives of the private insurance business, and such other persons, organizations, and agencies of the Federal, State, or local governments as he deems necessary; and

(b) make, promulgate, amend, and repeal such rules and regulations under the procedure established in section 4 of the Administrative Procedure Act, as amended (60 Stat. 237; 5 U.S.C. 553), as he deems necessary.

AUTHORIZATION AND APPROPRIATION

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including, but not limited to, the appointment of a statistical agent or agents, and the organization of an assigned claims bureau and assigned claim plan in each State.

SEPARABILITY CLAUSE

SEC. 12. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 13. This Act shall become effective one year after the date of enactment.

S. 946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Group Insurance Act."

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "insurer" means any enterprise engaged in the business of issuing or reinsuring motor vehicle insurance policies in interstate commerce or engaged in the business of issuing motor vehicle insurance that is reinsured (in whole or in part) in interstate commerce.

(2) The term "group insurance" means any plan of motor vehicle insurance offered or provided to members of a group not organized solely for the purpose of obtaining insurance, under the terms of a master policy or operating agreement between an insurer and the group sponsor, and incorporating group average rating, guaranteed issue with or without minimum eligibility requirements, group experience rating, employer contributions, or any other benefit to the members as insureds that they may be unable to obtain in the ordinary channels of insurance marketing on an individual basis. The term "group sponsor" means the employer or other representative entity of an employment-based group or the administrative representative of any other type of group.

(3) The term "interstate commerce" means trade or commerce among the several States, or between the District of Columbia or any possession of the United States and any State or other possession, or within the District of Columbia.

(4) The term "State" means any State or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) The term "Attorney General" means the Attorney General of the United States.

REMOVING RESTRICTIONS ON GROUP INSURANCE

SEC. 3. (a) No State shall—

(1) Prohibit, inhibit, restrict, or condition, by means of fictitious group statutes or regulations, agency licensing requirements, application of prohibitions of unfair discrimination, eligibility; or

(2) penalize or deny authority to an insurer because of its engagement or intention to engage in the marketing and issuance of group insurance.

(b) No State or group of insurers operating voluntarily shall, directly or indirectly, include insureds under a plan of group insurance in the base used in determining assignments to or assessments upon an insurer under an assigned risk plan if such plan of group insurance precludes any individual underwriting by the insurer and if the group is not defined to exclude members characterized as being bad risks, unless the assigned risk plan provides a reasonable system of credit to the insurer for insureds under the group insurance plan who would otherwise be eligible for coverage under the assigned risk plan.

ENFORCEMENT

SEC. 4. (a) Whenever it shall appear to the Attorney General that any person is engaged or is about to engage in any acts or practices that constitute or will constitute a violation of the provisions of this Act, he shall bring an action in the proper district court of the United States to enjoin such acts or practices, and upon a proper showing, a permanent or temporary injunction or restraining order shall be granted.

(b) Nothing in this section shall preclude an insurer or any other person from instituting legal process to enforce their rights under this Act or from using the provisions of this Act as an otherwise valid defense in any relevant legal action brought against them.

JURISDICTION

SEC. 5. The district courts of the United States shall have exclusive jurisdiction of violations of this Act and of all suits brought to enforce it.

S. 947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding after section 119 the following new section:

"SEC. 120. EMPLOYER CONTRIBUTIONS TO PLANS PROVIDING MOTOR VEHICLE INSURANCE COVERAGES FOR EMPLOYEES.

"Gross income does not include contributions by an employer to or under motor vehicle insurance plans which provide motor vehicle insurance coverage for his employees."

(b) The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 302(c) of the Labor-Management Relations Act of 1947, as amended, is amended by redesignating clause 7 as clause 8 and inserting immediately after clause 6 the following:

"or (7) with respect to money or other thing of value paid by an employer to a pooled or individual trust fund established by such representative for the purpose of providing automobile, fire, homeowners multiple peril, or other insurance benefits, or legal services, or recreation benefits, or defraying the cost of counseling or other community service programs: *Provided,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds;"

SEC. 2. The amendment made by section 1 shall become effective on the date of enactment.

UNIFORM MOTOR VEHICLE INSURANCE ACT— A BRIEF DESCRIPTION

GENERAL APPROACH

First-party, no-fault system; tort liability retained only "in cases of catastrophic harm", i.e., permanent and total disability, permanent and partial disability of 70% or more, and permanent, severe and irreparable disfigurement. The insured, occupants of his vehicle, and pedestrians injured by his vehicle would proceed, regardless of fault, directly against the insured's own company for personal injuries (including death) arising out of the operation or use of that vehicle. An exemption from tort liability is provided except for "catastrophic harm", where there may be recovery for "economic loss" in excess of that received under the bill. No-fault coverage is compulsory for motor vehicle owners, and a criminal penalty is provided for registering a vehicle without the insurance, or for knowingly operating or using an uninsured vehicle on the public highways. As long as a person has a valid driver's license, is willing to pay the premium, and the company's solvency would not be impaired, companies cannot refuse to sell, and once the policy is sold, it cannot be canceled nor non-renewed. An assigned claims plan would provide no-fault benefits, for example, to victims of hit and run accidents. At the insured's option, coverage for "catastrophic harm" liability shall be offered by the company in limits of at least $50,000 per person and $300,000 per accident.

If the insured buys the "catastrophic harm" coverage, the company must offer uninsured motorists coverage in the same limits as the "catastrophic harm" coverage purchased. Additional coverages, for example, for damage to property may be offered, subject to the approval of the Secretary of DOT.

COVERAGE

No-fault benefits apply to personal injuries (including death), but do not apply to damage to property.

NO-FAULT BENEFITS MEDICAL

No limits. Only expenses not compensated from any other private or public sources, unless such sources provide that their benefits shall be supplemental to those paid under the bill.

REHABILITATION

Same as medical.

EARNINGS

85% of monthly earnings at the time of the injury or $1,000, whichever is less, up to thirty months; maximum amount for death cases would be $30,000. As with medical and rehabilitation, only lost earnings not compensated from any other private or public sources, unless such sources provide that their benefits shall be supplemental to those paid under the bill.

OTHER LOSSES

For example, housekeeping, babysitting, transportation and telephone. No limits.

PAIN AND SUFFERING

None.

HOW PAYABLE

Lump sum for death; all other benefits, as accrued.

FINANCING

By purchasing from private insurance companies, insureds will provide the financing.

A common, uniform statistical plan is proposed for the gathering and compilation of (1) claims, and (2) loss experience data for the classes of risk in each rating territory for each coverage under the bill. The insurance companies would be allowed to continue to pool their loss experience data, but would not be allowed to continue to pool their expense data. The Secretary of DOT shall require standard uniform and standard minimal (1) policy provisions, (2) classes of risk, and (3) rating territories, for each coverage under the bill. The Secretary shall analyze the claims and loss experience data filed by the companies, for the purpose of making available to the public the rate (or pure premium) indicated by such data. By comparing this indicated rate (or pure premium) among the various companies, the prospective buyer will be able to obtain some indication of the claims payment practices of the companies. By reviewing the actual rate being charged, as well as the indicated rate (or pure premium), the public will be in a position to shop for price and quality.

Other than the provisions for the statistical plan, the States will continue to regulate the rates.

TABLE 1.—WHERE $5,700,000,000 OF AUTOMOBILE BODILY INJURY LIABILITY INSURANCE PREMIUMS WENT, 1969

	Amount	Percent
Premiums[1]	$5,768,000,000	100
Company expenses:		
Selling	1,043,286,000	
Overhead	295,374,000	
State taxes	167,817,000	
Total company expenses	1,506,477,000	26
Claim adjusting expenses	789,586,000	14
Claimants lawyers fees	947,839,000	16
Court costs	111,102,000	2
Total expenses, fees, and costs	3,355,004,000	58
Net benefits to claimants	2,412,996,000	42

[1] Earned by over 1,000 stock, mutual, and reciprocal insurers.

Note: "Premiums," "Company expenses," and "Claim adjusting expenses" derived from Bests Aggregates and Averages (1970, 31st ed.), and The Spectator (Chilton Co., Philadelphia, Pa.); "Claimants lawyers fees" and "Court costs" derived from U.S. Department of Transportation, "Automobile Personal Injury Claims," pp. 73, 80 (1970), and "Automobile Accident Litigation," p. 7 (1970).

Source: U.S. Senate Antitrust and Monopoly Subcommittee

TABLE 2.—*Where each $1 of automobile bodily injury liability insurance premium goes*

Premium	$1.00
Company expenses:	
Selling	.18
Overhead	.05
State taxes	.03
Total company expenses	.26
Claim adjusting expenses	.14
Claimants lawyers' fees	.16
Court costs	.02
Total expenses, fees, and costs	.58
Net benefits to claimants	.42

Note: "Premiums", "Company Expenses", and "Claim Adjusting Expenses" derived from *Bests Aggregates and Averages* (1970, 31st. Ed.), and *The Spectator* (Chilton Co., Phila., Pa.); "Claimants Lawyers' Fees" and "Court Costs" derived from U.S. Dept. of Transportation, *Automobile Personal Injury Claims*, pp. 73, 80 (1970), and *Automobile Accident Litigation*, P. 7 (1970).

Source: U.S. Senate Antitrust and Monopoly Subcommittee.

TABLE 3.—*Breakdown of the 42 cents of net benefits to claimants out of each $1 of automobile bodily injury liability insurance premium*

	Cents
In excess of out-of-pocket loss (viz. general damages, such as pain and suffering)	21
Duplicate recovery[1]	7
Out-of-pocket loss not otherwise compensated	14
Net benefits to claimants	42

[1] I.E., benefits received from other sources, such as, Blue Cross, Blue Shield, Social Security and sick leave, etc.

Note: Derived from Statement of Professor Robert E. Keeton, Harvard Law School, Before the U.S. Senate Antitrust and Monopoly Subcommittee Hearings on Automobile Insurance, December 9, 1969; U.S. Dept. of Transportation, *Economic Consequences of Automobile Accident Injuries* (1970).

Source: U.S. Senate Antitrust and Monopoly Subcommittee.

TABLE 4.—COMPARISON OF PRIVATE INSURANCE SYSTEMS—COST OF DELIVERING $1 OF BENEFITS

	Auto bodily injury liability insurance	Workmen's compensation insurance	Group accident and health insurance
Total dollar input	$2.40	$4.50	$1.22
Administrative expenses	[1] 1.40	[1] .50	[2] .22
Benefits	1.00	1.00	1.00

[1] Includes insurance company expenses, and all costs of litigation.

[2] Includes property and liability insurance company expenses excludes costs of any litigation.

Sources: U.S. Senate Antitrust and Monopoly Subcommittee as to auto bodily injury liability insurance; "Crisis in Car Insurance," pp. 89–90, (Keeton, O'Connell, and McCord, University of Illinois 1968) as to workmen's compensation insurance; "The Spectator," p. 33, September 1970 (Chilton Co., Philadelphia, Pa.) as to group accident and health insurance.

TABLE 5.—COMPARISON OF SELECTED INSURANCE COMPANY COSTS[1] OF DELIVERING $1 OF AUTO BODILY INJURY LIABILITY, WORKMEN'S COMPENSATION, AND GROUP ACCIDENT AND HEALTH BENEFITS IN 1969

[In cents]

	Auto bodily injury liability—Fault and nongroup	Workmen's compensation—nonfault and nongroup	Group accident and health—nonfault and group
Stock companies:			
Aetna Life & Casualty	38	28	12
Allstate	39	27	7
U.S.F. & G.	38	30	22
Mutual companies:			
American Mutual Liability	35	27	16
Employers Insurance of Wausau	35	21	13
Liberty Mutual	33	19	11

[1] "Costs" mean all underwriting and claim adjustment expenses, including any defense lawyer fees, but excluding claimants lawyers fees and court costs.

Source: Best's Aggregates and Averages—Property and Liability, pp. 120, 122–123, 126–129, 199, 200, 202–204 (1970, 31st ed.).

TABLE 6.—AUTOMOBILE INSURANCE PREMIUMS WRITTEN AND LOSSES PAID, 1960–64, 1965–69

[Dollars amounts in billions]

	Auto bodily injury			Auto property damage			Auto physical damage		
	Premiums	Losses	Losses to premiums (percent)	Premiums	Losses	Losses to premiums (percent)	Premiums	Losses	Losses to premiums (percent)
1960–64	$16.4	$8.5	51.9	$6.6	$3.8	56.9	$11.7	$6.4	54.8
1965–69	25.0	12.9	52.7	10.5	6.4	61.2	18.8	10.9	57.5
Combined 1960–69	41.4	21.5	51.8	17.1	10.2	59.5	30.5	17.3	56.6

Source: U.S. Senate Antitrust and Monopoly Subcommittee; derived from "The Spectator" (Chilton & Co., Philadelphia).

TABLE 7.—MOTOR VEHICLE[1] OWNERSHIP BY FAMILY[2] INCOME IN EARLY 1969

[Number of families]

Income level	No vehicles	1 vehicle	2 or more vehicles	All families
Less than $5,000	8,855,460	8,277,930	2,117,610	19,251,000
$5,000 to $7,499	1,291,680	5,564,160	3,080,160	9,936,000
$7,500 to $9,999	633,420	5,278,500	4,645,080	10,557,000
$10,000 to $14,999	571,320	5,141,880	8,569,800	14,283,000
$15,000 or more	242,190	2,179,710	5,651,100	8,073,000
Total	11,594,070	26,442,180	24,063,750	62,100,000

[1] Vehicle "includes cars, trucks, pick-ups, vans and jeep-type vehciles." Survey Research Center, Institute for Social Research, University of Michigan 1969 Survey of Consumer Finances p. 72 (Braun-Brumfield, Inc., Ann Arbor, Mich., 1970).

[2] "Families include (a) single person unrelated to other occupants in the dwelling unit, (b) a person living alone, and (c) 2 or more people living in the same dwelling unit related by blood marriage or adoption," ibid. at p. 8.

Source: U.S. Senate Antitrust and Monopoly Subcommittee; derived from 1969 Survey of Consumer Finances, pp. 8, 67, and 72.

TABLE 7a. *Motor vehicle ownership by family income—interpretation*

1. 64% of 62.1 million families in the U.S. have incomes of *less than $10,000 a year;* 73% of these, or 29 million, own at least one car, truck, pick-up, or jeep-type vehicle for personal use. 36% of these 62.1 million families have incomes *more than $10,000* a year; 96% of these, or 21 million, own at least one vehicle for personal use.

2. 87% of 62.1 million families in the U.S. have incomes of *less than $15,000 a year;* 79% of these, or 42.7 million, own at least one car, truck, pick-up or jeep-type vehicle for personal use. 13% of these 62.1 million families have incomes of more than *$15,000*

a year; 97% of these, or 7.8 million, own at least one vehicle for personal use.

TABLE 8.—RATE OF INCREASE OF AUTOMOBILE INSURANCE CONSUMER PRICE INDEX AND OTHER SELECTED CONSUMER PRICE INDEXES FROM 1960 AND 1965 TO 1970

[In percent]

Period	Automobile insurance	All items	All services	Medical care
1960 to 1970	70.3	34.3	50.4	57.0
1965 to 1970	45.5	26.0	36.1	38.8

Note: 1970 over 1960 —1.00 equals rate of increase.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 9.—AUTOMOBILE INSURANCE CONSUMER PRICE INDEX COMPARED WITH OTHER SELECTED CONSUMER PRICE INDEXES

	Automobile insurance	All items	All services	Medical care
1960	111.5	103.1	106.6	108.1
1965	130.5	109.9	117.8	122.3
1970	189.9	138.5	160.4	169.8

Note: Indexes base, 1957–59=100 percent.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 10.—RATE OF INCREASE OF AUTOMOBILE INSURANCE PREMIUMS AND PERSONAL CONSUMPTION EXPENDITURES FROM 1960 AND 1965 TO 1970

[In percent]

Period	Premiums[1]	Expenditures
1960 to 1970	123.8	89.6
1965 to 1970	57.6	42.5

[1] Estimated for 1970.

Source: U.S. Senate Antitrust and Monopoly Subcommittee; derived from The Spectator (Chilton Co., Philadelphia, Pa.), Council of Economic Advisers, Economic Indicators.

TABLE 11.—AUTOMOBILE INSURANCE PREMIUMS RELATED TO PERSONAL CONSUMPTION EXPENDITURES 1960, 1965 AND 1970

	Premiums	Expenditures	Premiums as percent of expenditures
1960	$6.3	$325.2	1.93
1965	8.9	432.8	2.06
1970	[1] 14.1	616.8	2.28

[1] Estimated.

Source: U.S. Senate Antitrust and Monopoly Subcommittee; derived from The Spectator (Chilton Co., Philadelphia, Pa.). Council of Economic Advisers, Economic Indicators.

TABLE 12.—REGISTERED MOTOR VEHICLES, 1969 AND 1970

	1969	1970[1]
Automobiles	87,153,381	89,861,300
Trucks and buses	18,250,176	19,116,000
Motorcycles	2,309,116	2,514,450
Total	107,712,673	111,491,750

[1] Estimated by Federal Highway Administration.

Source: U.S. Department of Transportation, Federal Highway Administration.

INDIANA UNIVERSITY,
Bloomington, Ind., December 1, 1970.
Hon. JOHN A. VOLPE,
Secretary, U.S. Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY VOLPE: I was pleased to read in last Sunday's newspaper that your department has proposed a regulation which would require improved front and rear bumpers on all new autos after August 1, 1972.

The most important contribution, however, which public policy could make toward encouraging both rapid and pronounced improvement in auto safety, durability and repairability would be for government to innovate socially and nationally with respect to our law of automobile insurance.

A national move toward no-fault insurance will generate immediately powerful economic incentives for auto insurance companies to restructure radically auto insurance rates so as to reflect the relative protection to persons, resistance to damage, and economy of repair afforded *exclusively* by the *insuree's* make and model of automobile.

Insurance rates will begin to show substantial differentials in accordance with the value of obligations which the insurer would estimate on the basis of the structural characteristics of merely, the insuree's own vehicular property—not some stranger's. (The parallel with fire insurance ratings becomes striking!)

Even modest premium differentials, by make and model of automobile, can generate for the first time powerful economic incentives for automobile manufacturers to initiate strenuous rivalry to design and manufacture vehicles which reduce the expected economic loss in accidents from both personal injury and property damage.

Both salesmen and manufacturers may be expected to huckster the advantage of vehicular models which gain an edge in their insurance ratings—and to terrify the invidiously compared over the security of their respective market positions. Recall the turmoil in automobile marketing which erupted during the past decade when Chrysler initiated a two year, subsequently upped to five year, guarantee on its engines and power trains. Moreover, in the case of the guarantee race, no allied industry was economically motivated to convert the bundle of qualitative advantages into a true price equivalent of their economic value.

Insurance companies operating under the rules of no-fault, would be peculiarly blessed to place dollar values on the benefits of automotive engineering rivalry. This would be the case as engineering initiatives shifted toward reducing the presently hidden and deferred elements in the true social costs of acquiring particular makes and models of autos.

The insurance industry could do under the present system, and indeed is already attempting to do, somewhat more than it has done to adjust rates according to relevant engineering characteristics of vehicles insured. But under the presently mixed system of insurance law only collision insurance lends itself to fashioning rates according to the engineered design of particular automotive models. Claims on bodily injury-liability and property-liability insurance depend upon the engineered design of the unknowable third-party's auto; claims on comprehensive insurance appear to be but little related to the engineered characteristics of the insuree's vehicle.

Collision insurance premiums run to about only 25% of total premiums collected for collision plus all liability—comprehensive excluded. (Bodily injury-liability runs about 50%; property-liability about 25%.)

A move to no-fault insurance could magnify to four times rate differentials on various models (as functions of relevant engineering) which could presumably begin to appear in the best of circumstances under current, mixed collision and liability, insurance. Claims for bodily injury and property damage (both first and third party) as functions of engineering design are strongly intercorrelated. The economies of scale in collecting and analyzing accident data to ascertain the functional relation between the probable size of damage claim and characteristics of automotive engineering (as mirrored by the experience of existing makes and models) are such that insurance industry associations are unlikely to undertake comprehensive and exhaustive studies until the birth of no-fault insurance. Given any particular spectrum of makes and models it is not unreasonable to expect a four-fold magnification in the differences between rates under no-fault than under solely collision insurance. (Costs of present liability-type insurance might well be halved as no-fault insurance would virtually eliminate the expenses of litigation. On the other hand, rate differentials established for collision insurance in the present mixed system can scarcely be expected, under the best of circumstances, to grow to close to half the size which would be warranted by incentives to induce exhaustive methods for collecting and analyzing accident data.)

The postulated expansion in rate differentials to be brought about by no-fault insurance may culminate indeed in such an overpowering redirection of the competitive incentives in the automobile industry that the cost of automobile insurance would be reduced even more by innovations induced in engineering to enhance auto safety, durability, and economy of repair than that publicized to be saved by eliminating the high costs of litigation.

Automobile drivers behave substantially more rationally and calculating in responding, as consumers, to full price differentials in the leisurely acts of choice in purchasing automobiles than in responding, as motorists, to (problematical) potential differentials in liability insurance consequent to making alternative last minute driving decisions. Automobile manufacturers, in turn, are motivated through the power of economic incentives to respond infinitely more rationally and calculatingly to the impact on consumer selection of accentuated full-cost pricing differentials. The profitability of giant automobile manufacturers may be *doubled* or *halved* by modest shifts in market shares produced by the mere margin of automobile consumers who may try to raise their real income by 1% by switching their tri-annual auto patronage, a budget category the total operating costs of which may absorb about 10% of their income.

The little tail of marginal-consumer make and model switching can be so stimulated, by no-fault auto insurance and amplified rate differentials, as to wag the giant dog of the automobile industry into a heading more compatible with oft saluted, but little honored, consumer sovereignty. The doggish rivalry and powerful incentives of the automobile industry can be channeled into encouraging innovations bringing congruence between private rationality and those elements of social purpose encompassed by engineered safety, durability and economy of repair.

"Market failure" results when institutional arrangements permit social costs (or benefits) in excess of private costs (or benefits). To minimize "market failure," public intervention must effect institutional changes to internalize in the private costs of manufacturers both those costs that fall externally on strangers as well as those that cannot be easily isolated as falling upon particular consumers.

Air pollution is widely recognized as a byproduct of the present internal combustion engine widely used in automobiles. A national tax (of effective rates), geared to the flow at which particular engines discharge effluents into our atmosphere will tend to harmonize private and social costs—and to induce innovational responses in a far more flexible, decentralized and variegated manner than would more draconian orders either to abandon or utilize specified forms, or modifications, of engines.

The relative neglect of safety, durability and economy of repair in the engineering and innovating of design in the automotive industry is primarily an unintended by-product of our inherited liability auto insurance system. Consumers stand in a peculiarly poor position to estimate quantitatively the extra costs incurred in purchasing autos the design of which has tended to neglect crashworthiness and repairability. The beauty of no-fault insurance as a social innovation is that it will tend to minimize present problems of "market failure" in the dimension of auto safety, durability and ease of repair in ways which will stimulate the most flexible, creative, imaginative and socially economical technological innovations in automotive engineering.

With the "hidden help" of the changed rating practices in the insurance industry the corrected market system could be said to "humanize" and "socialize" the profit motive in the automobile industry. Without a reformation of market incentives the human waste and physical wreckage of automobile accidents may continue as unintended by-products of an overly-stimulated designer's quest for largely meretricious style.

Chief Justice Burger has recently called for institutional reforms which will substantially release the courts from automobile accident litigation for more important civil and criminal litigation. Nearly everyone, but the trial lawyer, wishes to eliminate the high private expenses of the litigative linkage in auto insurance. Finally, all of the Compassionate want faster, more assured, and more adequate compensation to the bodily injured in automobile accidents. No fault insurance, of course, will contribute signally to achieving each of these objectives.

What has not been adequately recognized is the powerful contribution which no fault insurance can play in redirecting the market forces and profit incentives at work upon the automobile manufacturer so as to motivate engineering design and innovation which will substantially enhance congruence between the public and private interest.

Sincerely yours,

Samuel M. Loescher,

Professor of Economics and Member of the Economic Regulation Advisory Committee of the Department of Transportation Automobile Insurance and Compensation Study.

Office of the Secretary
of Transportation,
Washington, D.C., December 22, 1970.

Prof. Samuel M. Loescher,
Department of Economics,
Indiana University,
Bloomington, Ind.

Dear Professor Loescher: The Secretary has asked me to thank you for your provocative and insightful comments on no-fault insurance and incentives for accident loss reduction.

The direction reflection in insurance rates of a vehicle's sturdiness and occupant protective attributes would clearly constitute a powerful incentive for manufacturers to design for safety and durability. With respect to physical damage, however, any improved design so achieved would initially affect only new cars; therefore, there would seem to be some rationale for experimenting first with collision insurance rates inasmuch as most new cars carry that coverage. On the bodily injury side, it may be a different matter. If, for example, it were shown that passive restraint devices dramatically reduced personal injury losses, first party insurance rate incentives might prove highly desirable for encouraging the "back fitting" of older cars with these devices.

In any event, the prospect of car manufacturers vigorously competing to offer the safest, least damageable vehicle is a most attractive one. You have provided a cogent argument for one way that prospect might be realized.

Sincerely,

Charles D. Baker.

[From the Washington Post, Sept. 19, 1970]

The New Math of Automobile Insurance

For millions of Americans, there is still something euphoric about buying a new car, even at today's staggering prices. Whether it's the whiff of that spanking clean interior or the fact that the dashboard clock is really running, that first spin in your flashy 1971 Ferndock puts a premium on pleasure, and hang the cost. But the ensuing premium, put on by the insurance company—and the generally unexplained but whopping increases that follow—soon shatter any initial joy. For car insurance, if you manage to qualify for it under the industry's weird pattern of eligibility rules, seems to be costing more and paying back less.

This conclusion is among an impressive set of findings growing out of an exhaustive three-year study of automobile insurance policies made by Senator Philip A. Hart (D–Mich.) and his Senate Antitrust and Monopoly subcommittee. It is also one of the reasons the senator has introduced a package of bills aimed at a drastic reform of the whole car insurance system, from costs to cancellations to claims.

As Senator Hart is quick to note, the topic—and all the mathematics that go with it—are extremely complex, evolving from common law and boggling even the most alert consumer-activists. In proposing changes, he has emphasized that his ideas are open to refinement and not meant as a criticism of insurance companies.

What bothers Senator Hart is the system, which he convincingly demonstrates is not compensating us for our losses. To begin with, he reports, only 40 cents of each dollar paid in by consumers for liability protection actually goes to protect accident victims. And out of that 40 cents, only 13 cents actually ends up compensating for out-of-pocket losses, with the rest going for duplicate recovery and things such as "pain and suffering" damages. Other statistics on 513,000 victims of serious-injury or fatal accidents in 1967 showed the resulting personal and family loss totalling $5.1 billion—but compensation under the "fault" system at only $813 million, with another $248 million coming from no-fault medical payments and collision coverage. That, says the senator, comes to 20 per cent recovery.

The study showed further that 50,300 families in the 513,000 cases had to change their way of life, taking money from savings or property sales, missing payments and moving to less expensive quarters. Senator Hart's reforms are based on a "more fair and efficient allocation of the insurance premium dollar," including some measures now going into effect in Massachusetts after a lengthy set of still-unsettled disputes over certain provisions.

Basically the Hart package of measures would:

(1) lower premiums by providing incentives for the production of less fragile cars;

(2) guarantee that any licensed driver could buy insurance, and that the seller could cancel it only if the driver loses his or her license, or fails to pay the premiums;

(3) abolish the "fault" system for all but permanently disabled or disfigured auto accident victims, or those who suffer excessive financial loss;

(4) provide 100 percent reimbursement for medical, rehabilitation and incidental expenses as they are incurred, and make up for lost take-home pay at a rate of up to $1,000 a month for as long as 2½ years; and

(5) remove bans now in effect in some 36 states (including Maryland) on the sale of cost-cutting group insurance.

On the subject of costs, the subcommittee found that from 1960 to July, 1970, the cost of car insurance went up 65 percent—compared to 39 percent for car repairs, 28 percent for tires and 15 percent for gasoline. In the same period, take-home pay for non-supervisory and factory workers went up only 40 percent. Premium base rates now average from $193 in Memphis to $617 in New York City, with Washington at $298—rates that do not include surcharges slapped on for 3-year periods after minor accidents. Senator Hart states that one of the main reasons for the high charges is the cost of handling applicants on an individual basis instead of in groups, which might save the average driver some 15 percent a year, and perhaps more if an employer contributed, as many do, for group accident and health plans.

On the business of "fault," the reforms would rid the legal system of time-consuming, expensive litigation by generally compensating out-of-pocket expenses from injuries on a first-party, no-fault basis, much the way hospitalization policies are handled; pedestrians would be covered by the insurance on the car that hits them; and there would no longer be any of those often arbitrary "assigned risk" plans. To cover hit-and-run and other cases where there is no insurance company, industries in each state would share in an "assigned claims" plan.

We concur in Senator Hart's caution in stressing that his reforms may not be the definitive work in this field; there will be more to say as discussion continues; and there are still other provisions he has proposed that cover special cases or problems not mentioned here. But certainly the system cries out for reforms that could aid drivers and insurance companies alike—no matter who's at "fault."

[From the Evening Star, Oct. 7, 1970]

No-Fault Insurance

Senator Hart has placed the insurance industry on the defensive, and motorists may benefit from the fracas he has started even if his "no-fault" coverage proposal is sidetracked. He has turned the hot light on auto insurance inequities and foibles, and a host of irritated Americans are rooting for him in this affair.

They have been ruffled by the soaring cost of vehicle insurance, by the inability of some of them to buy it, and by the tortuously slow settlement of many damage claims. The bills Hart introduced recently are addressed to all those complaints. The solution he proposes to the latter, especially, will raise a shower of sparks. He would hasten claim settlements by reducing the litigations which have clogged court dockets. That would be accomplished by establishing in national law the no-fault concept embraced earlier this year by the state of Massachusetts.

People involved in auto mishaps would in most cases be reimbursed strictly on the basis of damage and policy coverage; who was at fault would not matter a whit. Those suffering extreme financial or physical disabilities still would have recourse to the present "fault" processes. Hart estimates, though, that 97 percent of all vehicle injury and death cases would have no-fault coverage. Presently, he reports, the standard delay in settlements of more than $2,500 is 19 months.

Undoubtedly there is a tide of public sentiment for the simpler no-fault procedure. Car owners buy insurance to be protected from losses, not to haggle over who is at fault in collisions. But while the idea is laudable and surely could be made workable, it should not be implemented until Congress has explored all the potentials. Before any action is taken, there should be reasonable assurance that it would not accelerate the rise in insurance costs.

Perhaps the limitations of no-fault should be kept rather narrow until its impact on the insurance field can be assessed. Massachusetts set a no-fault ceiling of $2,000, but Hart proposes much broader coverage. No doubt there is a prudent medium which Congress can find if it is interested in pursuing the matter.

Some observers who have scanned the power of the insurance industry doubt that Hart will make much headway. He is pushing several other hardnosed insurance reforms in addition to the no-fault measure, and his colleagues aren't rushing to assist. But his Antitrust subcommittee soon will resume hearings on insurance (which it has been conducting for three years) and perhaps it will provide revelations that will change some minds.

Even if Hart's bills are finally stalled, the information and stimulus he is providing probably will result in the passage of some similar state legislation. The pressure of insurance-buyers is being felt in statehouses, and it may bear down more heavily on Washington before Hart is finished.

[From the Detroit Free Press, Oct. 14, 1970]

PROTECTION OR PLAGUE?

In Washington, interest mounts in mandating auto insurance reforms. We're not sure what might be the best solutions for the described problems, but like many in Congress and the administration, we are persuaded that changes must be made.

The latest spokesman for reform is Transportation Secretary John Volpe, who testified last week before the Senate Commerce Committee. In a two-year study, his department put the flesh of detail on what many observers had already known: That, although insurance rates are soaring, service remains poor and the industry is having to scramble to make money.

A common thread in reform proposals—including those of Michigan's Sen. Phil Hart, whose office conducted its own three-year study—is the idea of no-fault compensation. A policyholder's insurance company would pay his claims without regard to who caused the accident.

Certainly some move in this direction is called for. Presently, court dockets are clogged with accident litigation, and a major portion of each premium dollar goes to pay court and lawyer costs.

These truths and its own troubles notwithstanding, a significant portion of the insurance industry is not eager for federal regulation. Past experience "does not inspire any feeling that federal intervention will be good for the public or the insurance industry," the chairman of the Allstate Insurance Co. said not long ago.

He has a point. And he and others have an even better one when they warn that basic modification of so big an industry will be an extremely delicate and complex task. But it seems to us that the matter has become one of choosing the least among evils.

For the truth is that, in too many instances, the industry is no longer offering the service it purports to offer. High premiums, capricious cancellation, slow and low compensation—these and a host of other factors are making auto insurance less a guarantor of security than an onerous financial burden and a threat to many families' peace of mind and convenience.

Washington's flurries of interest are evidence that government will not very much longer abide this state of affairs. Nor should it.

NO FAULT AUTOMOBILE INSURANCE—PART I

(By Richard Westerkamp)

We want to discuss automobile liability insurance for the next few moments.

Almost all of you, who own cars, pay sizable premiums each year for auto liability coverage, but you collect nothing from your own company for this payout. What you receive is protection against financial loss if another person is injured in an accident or his car is damaged—if you are at fault.

If you are hurt, or your car is damaged in an accident, and the other party is at fault—you, hopefully, collect from his insurance company.

The fault system is costly and inadequate and, in the case of serious injuries, might mean months before a victim collects from the insurer of an at-fault driver.

Also, the Senate Anti-trust Subcommittee reports that, for every dollar collected in premiums for automobile bodily injury liability, only forty cents goes to compensate victims. The rest of the premium dollar is taken up by selling expenses, overhead, taxes, claim adjustment expenses, lawyers fees and other litigation costs.

The answer is No Fault Automobile Insurance, in which a person's claim is paid by his own insurance company—regardless of fault. Legislation has been introduced in Congress for No Fault Insurance, and will be introduced again in the Illinois General Assembly.

We'll discuss the need for passage of this type legislation further tomorrow.

NO FAULT AUTOMOBILE INSURANCE—PART II

(By Richard Westerkamp)

Senator Philip Hart has introduced No Fault Auto Insurance legislation in Congress. Representative Anthony Scariano will introduce similar legislation in the Illinois General Assembly. We believe the legislation in both cases is very worthwhile. However, we think the Hart Plan has a better chance of success—since Scariano's has been killed in committee twice.

Under the Hart Plan your insurance company would automatically pay your medical bills, plus loss of wages up to one thousand dollars a month for thirty months, if you are injured in an auto accident . . . regardless of whether you are at fault. An amount of up to thirty thousand dollars would be paid for fatalities of wage-earners.

Drunk drivers, as well as those under the influence of drugs, would be compensated for their own injuries, but would have to reimburse an insurer for damages paid to others.

The permanently disfigured or disabled or survivors of fatalities could still sue for added economic loss or pain and suffering.

Ninety-four per cent of us will be involved in auto accidents in the next ten years. Many of us will be at fault often inadvertently, and will collect nothing from our insurance companies, despite the money we have paid in premiums for auto liability insurance, unless a no fault system, such as proposed by Senator Philip Hart, is adopted.

If insured under the Hart No Fault System, you would be guaranteed medical payments and relief from worry from loss of wages, if injured in an auto accident. All auto owners would, therefore, stand to benefit from the No Fault System.

We urge you to write Senator Philip Hart, Old Senate Office Building, Washington, D.C., supporting his insurance reform plan. The No Fault System will not be adopted without tremendous pressure. It needs your support.

NO FAULT INSURANCE

The past several days we have discussed insurance in the District of Columbia—fire, theft, and automobile, including the unsatisfied judgment fund. It is apparent that there is less protection available now and the cost is high.

There is one other concept in automobile insurance that might help solve the problem. It is called "no fault."

In simple terms, it provides that people involved in an automobile accident would be able to recover damages on the basis of their own loss and the policy coverage they have regardless of who was at fault. Legal action in the courts would still be available to those who suffer extreme property damage or personal injury.

Senator Philip Hart of Michigan has introduced legislation to make the "no fault" concept the law throughout the nation. He estimates that 97 per cent of all vehicle injury and death cases would be applicable to this type of coverage, hence claim settlements would reduce the litigation that has clogged court calendars. At the present time Hart says the standard delay in settlements of more than $2,500 is 19 months.

Many lawyers may oppose "no fault" because the present system provides fees. Many companies may oppose it because they do not want the government running their business. But the people who buy insurance want to be protected from losses, not to haggle over who is at fault.

The insurance concept should not be approved without very careful study to make certain it is feasible and will lower costs.

The District could be used as a sort of testing ground—it might be better than what we have at the moment.

[From the Washington Evening Star, Nov. 6, 1970]

LAWYERS AND AUTOMOBILE INSURANCE

(By William F. Buckley, Jr.)

Art Buchwald wrote a funny column recently about automobile insurance companies, the story line being that his wife lost her insurance policy because other clients of her insurance broker had put in claims. You can imagine where Buchwald took it from there, and you are right.

He touched on a number of points of great public interest. His assumption that insurance companies merely rake in the money is very mistaken. But buried in that assumption are some startling figures. To dispose of the first point, Americans are now paying $13 billion in auto insurance premiums. But the economic loss caused by automobile accidents is $16 billion, and of course that is the reason rates go up and up and up.

In the automobile field, special premiums are a useful means of persecuting bad or uncertain risks. But everyone is paying more and more, and the public is in a mood for general reform. But of course like all genuine reforms, someone will get hurt, and no one is waiting in line.

It is insufficiently understood the extent to which booze is responsible for accidents. A recent study completed in Massachusetts at the behest of the Department of Transportation shows that more than two-thirds of all auto deaths were caused by drivers under the influence of liquor.

Now that means more than 37,000 were killed and 3 million people injured last year in situations in which alcohol was a contributing factor. To put the situation in focus, last year more Americans were killed on the road than throughout our participation in the Vietnam war. The purpose of such studies is to help define public policies. What policies might be effective?

Surely, nondrinkers ought not to be asked to pay premiums as high as those charged to drinkers? Is there a moderately reliable way to distinguished between the drinker who does and the drinker who does not drive, after having drunk?

And what about the nondrinker who has availed himself of a lower premium, who then gets banged into by someone who is a drinker. The insurance company that has issued the premium to the nondrinker will point out that his cost does not go down under the circumstances, because he needs to prove that the guilty man was driving the other car.

Now here is the startling figure I have been promising. For every $100 we pay out in premiums for automobile insurance, only $15 trickles down to a claimant. Where does the balance go? A lot of it goes, as one would expect, to insurance agents, executives, taxes, etc., etc. An enormous amount goes to lawyers, who are the people one turns to in order to wrangle over whether John hit Jack or Jack hit John.

If the so-called "no-fault" laws were passed, an insurance company automatically would remit to its client medical fees and loss of income, whether that client was guilty or innocent, and there would be no litigation against the insurance company of the other driver. But listen why Value Line believes that such laws won't be passed.

"1.) About half of all civil cases are automobile liability claims; 2.) a large part of the legal profession has specialized in these actions for years; and 3.) many members of both the regulatory commissions and the legislatures are lawyers or have had legal training. It seems contrary to human nature that these individuals would vote for bills that essentially are based on a position that is contrary to both their initial training and to their subsequent experience."

Translated, that means lawyers are not going to sit around and vote against their own profession. Such is the clout of the legal fraternity that even to go as far as Value Line went towards inscrutability frightened the editor, who concluded: "And, we hasten to add, there is nothing in this conclusion that implies that the individuals would be following a course that would be either illogical, inappropriate or wrong." Translated: Lawyers who block desirable legislation that would damage their professional interests are simply doing their thing.

It's an expensive thing, $16 billion and 50,000 deaths. You can't blame the lawyers for the deaths, but they use up a lot of that $16 billion unnecessarily: And unlike the dentists who formed a lobby for fluoridated water, I know of no lawyer's lobby for "no-fault" insurance.

[From the Washington Evening Star, Nov. 24, 1970]

Insurance Reform May Be Near

(By Milton Viorst)

Sen. Philip Hart's smashing election victory in Michigan will have at least one result in the next session of Congress: A major new drive to revolutionize the country's chaotic and corrupt auto insurance industry.

Hart—who, unfortunately, never generates the drama of his predecessor, the late Estes Kefauver of Tennessee, as chairman of the antitrust subcommittee—has, in his own quiet way, been building support for the startling new concept in auto insurance known as "no-fault."

He has won a promise of help from Sen. Warren Magnuson, D-Wash., chairman of the Commerce Committee, which has jurisdiction over insurance legislation. Magnuson says the project will take top priority when the new Congress convenes in January.

Virtually everyone agrees that the current auto insurance system is unsatisfactory. Recent studies indicate that insurance companies pay only a fifth of all compensable claims. They take in seven times as much in premiums as they pay out to the victims of auto accidents.

Almost a third of premium income goes into such overhead as sales and commissions. More money is paid out to lawyers and investigators, it has been found, than to accident victims.

Under the "no-fault" program, insurance companies would be required to pay accident victims promptly, no matter which party is at fault. It would eliminate the expense and delay of litigation and settlements, as well as much paperwork.

Although many insurance companies argue that "no-fault" is an amoral concept, the principle has long governed fire and health coverage, where benefits are paid not on the basis of blame, but of actual loss.

Even the administration concedes the unfairness of the present system, and the Department of Transportation has said it will make some proposals next year. But its position long has been that reform should take place at the state level.

The flaw in the administration's position—as it invariably is when responsibility is bucked downward in the name of the "new federalism"—is that strong vested interests run rampant over state governments.

The insurance companies dominate the state insurance commissioners, whose power often is limited to petty harassment.

More important, trial lawyers are the most numerous component of state legislatures. Since "no-fault" is a direct threat to their incomes, they have succeeded in blocking it in every jurisdiction but Massachusetts.

The trial lawyers, furthermore, are sustained by the American Bar Association, which carries much prestige as a reasonable spokesman for the public interest, but which, in practice, usually functions as a commonplace lawyers' lobby.

What is particularly ironic about its stand is that the bar so piously proclaims its concern for judicial reform. Yet, according to a study, no less than 17 percent of the working time of the nation's court machinery is used up by auto litigation. The "no-fault" program is designed to eliminate that.

Hart's ace-in-the-hole in his campaign for "no-fault" legislation is, surprisingly, a number of the old-line, conservative insurance companies, which have grown increasingly alarmed at the disarray and abuse in auto insurance practices.

They are stunned at the growth of fly-by-night operators, some of them dishonest, who elude the authority of state commissions by working across state lines.

They also have reached the point where dealing with 50 state commissioners, 50 sets of laws and 50 legislatures has become more of a burden than a benefit.

For the first time, some of the major insurance companies have begun to favor federal regulation over state regulation. They also have calculated that they can cover "no-fault" auto injuries in much the same way as liabilities under standard health policies, at a comparable rate of profit.

Hart, then, is mobilizing his new insurance friends, along with his natural allies from labor and the consumer movement. Though the prospect for "no-fault" legislation seemed far-fetched a year ago, he and Magnuson now believe it's a real possibility in the 92nd Congress.

[From the Washington Daily News, Jan. 4, 1971]

The Auto Insurance Mess

High on the list of domestic crises facing the new Congress this year will be the unsolved problem of what to do about the auto insurance mess.

Our present auto insurance system has become a national scandal—an outrageously expensive and incredibly inefficient way to protect motorists against accident losses.

Studies have shown that seriously injured drivers are inadequately compensated and that less than 60 percent of the money paid in premiums is returned in benefits. A big chunk of the rest goes to lawyers and claims investigators.

The subject is particularly timely this week because the nation's first no-fault insurance law went into effect last Friday in Massachusetts.

The Massachusetts law, which survived three years of legislative wrangling, requires that bodily injury claims of up to $2,000 be paid by the motorist's own insurance company, no matter who was at fault.

The purpose of the no-fault law is to speed up the claims process, cut down on litigation, reduce premiums and put a stop to petty disputes among lawyers about which insurance company (if any) will pay.

If the plan works, no-fault coverage could be extended to minor property damage cases as well.

Most of the opposition to this type of auto insurance comes from the insurance companies who resent paying claims when the other driver was at fault and from the legal profession, which gets a hefty slice of its income from accident suits.

No-fault bills have been introduced in 13 states in recent years, and legislators (many of whom are lawyers) in 12 of the states have rejected the idea.

Meanwhile, insurance companies go bankrupt, rates continue to climb, some motorists are refused insurance and others find their policies canceled for no apparent reason—or because they made an accident claim, which is why they had the insurance in the first place.

Part of the blame for what's happening belongs to the car-makers in Detroit, who insist on producing machines with too much horsepower (who needs a car that goes 90 miles an hour?) and fenders and grills that crumple easily.

Part of the problem is pure inflation—sky-high medical bills and excessive auto repair costs.

And the accident-prone drivers who resolve their hostilities behind the wheel of a car.

But whatever the causes of the problem, there are things that can be done about it.

Even the insurance companies are beginning to concede that some form of no-fault insurance might be desirable as long as the victim retained the right to sue for additional damages.

Another possibility—now being tried on a limited basis—is to charge higher insurance rates for high-powered cars and lower rates for the sturdy-but-slow models.

Compulsory auto inspections and tougher licensing procedures have merit. So do stiffer penalties for reckless drivers.

Detroit must turn out sturdier cars.

Up to now, auto insurance has been primarily a state matter, but Sen. Philip A. Hart, D-Mich., has proposed a set of Federal guidelines that deserve a long look when Congress reconvenes in January.

The time is ripe for reform, and the present system is too close to financial collapse to tolerate much longer.

[From the Charleston (W. Va.) Gazette, Jan. 13, 1971]

U.S. Regulation of Auto Insurance Makes Sense

The re-election of Sen. Philip Hart, D-Mich., assures during the next session of Congress an extensive investigation of automobile insurance. As chairman of the antitrust subcommittee, Sen. Hart has been carefully and unobtrusively building a case for "no-fault" insurance.

Sen. Hart, reports Washington Star columnist Milton Viorst, has been promised help in this undertaking by Sen. Warren Magnuson, D-Wash., who is chairman of the commerce committee that has jurisdiction over all insurance legislation. Sen. Magnuson has publicly stated that this study will have top priority when the new Congress convenes later this month.

The nation's auto insurance system is in a shambles, as anyone unfortunate enough to become involved in a highway collision quickly learns.

Surveys reveal that insurance companies pay out only one-fifth of all compensable claims and take in seven times as much in premiums as are disbursed to individuals hurt in accidents.

Approximately a third of premium income is expended upon overhead, starting with sales and commissions. More money winds up in the bank accounts of lawyers and investigators than in the hands of accident victims.

"No-fault" insurance would provide for immediate payment of claims to accident victims, regardless of which party was to blame. It would eliminate expense and delay arising out of litigation and settlements and reduce excessive paper work. But "no-fault" insurance would also hit trial lawyers where it hurts—right in the old pocketbook—and the American Trial Lawyers Assn. isn't about to accept this bold new insurance concept kindly or peaceably.

"The trial lawyers, furthermore," observes Viorst, "are sustained by the American Bar Assn., which carries much prestige as a reasonable spokesman for the public interest, but which, in practice, usually functions as a commonplace lawyers' lobby.

"What is particularly ironic about its stand," continues Viorst, "is that the bar so piously proclaims its concern for judicial reform. Yet, according to a study, no less than 17 percent of the working time of the nation's court machinery is used up by auto litigation. The 'no-fault' program is designed to eliminate that."

Sen. Hart and Sen. Magnuson do have in reserve a possible formidable ally for their legislation. Numerous old-line, conservative insurance companies are disturbed at the widespread abuse in auto insurance practices. Particularly are they dismayed by the substantial growth of shady, financially insecure operatives that are giving all insurance companies a bad name with the public. In addition, they are tired of being forced to deal with 50 state insurance commissioners, 50 sets of laws, 49 state assemblies, 49 state senates, and one unicameral legislature.

As a matter of fact, some major insurance companies, declares Viorst, are beginning to accept the idea of federal regulation on insurance matters in preference to state regulation. These firms aren't worried at the prospect of "no-fault" insurance. They believe that auto injuries can be handled in the same manner as liabilities under standard health policies with their companies experiencing comparable profit margins.

Federal regulation of various insurance programs makes good sense. The public would be better protected, because federal authorities could be counted upon to do a better job of weeding out unscrupulous firms than state commissions. Variable premium rates that would acknowledge differences between urban and rural regions could be as easily fixed from Washington as they are from 50 state capitals. Finally, should the federal government take over, the savings to state taxpayers, though not enormous, would obviously amount to something.

[A WOWO Radio Editorial]

RISING INSURANCE COSTS

Almost everybody who owns a car cringes once a year when he receives his auto insurance bill. As the cost of insuring your car rises, you utter a few words under your breath at the insurance company, pay the bill, then forget about it untill the next year. If you really are concerned about rising insurance costs, there are a few things you can do.

First, you can drive carefully to avoid an accident that may result in your insurance increasing. Second, if you do have an accident, be honest with your insurance company. Too many people take the insurance company for everything they can get, with a resulting general rate increase.

Other things you can do to help lower insurance costs involve a little writing. Write a letter to members of the Indiana General Assembly urging them to investigate the no-fault or modified no-fault insurance plans. These plans propose not only to reduce the cost of auto insurance but also to end the long, frustrating delays before claims are settled.

You might also write a letter to the major auto companies, urging them to build cars that will withstand a five mile per hour collision without damage. Stronger cars will result in fewer insurance claims and lower insurance costs.

[From the Washington Post, Sept. 24, 1970]

A BAD RISK

(By Art Buchwald)

There has been a rash of automobile insurance cancellations lately by the major companies, and everyone is very nervous about it. The other day my wife was notified that her auto insurance policy was being canceled. The notification gave no reason for the cancellation, and since my wife had not been in an accident, she was perplexed.

She asked me to get to the root of it and I took the next plane to visit our insurance company. The company is housed in a 56-story aluminum and tinted-glass skyscraper on a 30-acre shopping plaza overlooking most of the state of Connecticut.

I arrived on the 35th floor where one made inquiries concerning canceled insurance policies. After browsing through the company literature, which told how insurance was making America great, I was ushered into the office of Clyde Featherstone.

I gave Mr. Featherstone the cancellation notice and he clucked once or twice and then disappeared. He returned in a few moments with the folder.

"What did my wife do wrong?" I demanded.

"Your wife didn't do anything wrong. Her records are all up to snuff."

"Then why did you cancel her insurance?"

"Because of Trembling and Trembling, her insurance agent."

"Trembling and Trembling?" I said.

"Yes," said Featherstone, going through the folder. "They've been very naughty boys, very naughty indeed."

"Did they steal any money?" I asked.

"Worse! They've written too many polices this year that people have made claims on. We've had to pay out $1,897 to Trembling and Trembling clients in the last 12 months."

"But what's that got to do with my wife's insurance policy? She didn't get any of the money."

"Ah, but since you are with Trembling and Trembling *you* are now considered a bad risk. Their record is your record.

"That's nonsense. I hardly know Trembling and Trembling," I protested. "I wouldn't recognize them if I saw them on the street. This is guilt-by-association."

Featherstone smiled, "You came to us through Trembling and Trembling and you will leave with Trembling and Trembling. This company will not put up with people who make insurance claims against it."

"But that's what you're here for," I said. "To pay people off when something happens."

"That's a foul lie," said Featherstone, losing his smile. "We're here to build buildings and real-estate developments, and finance ships and airplanes and ball parks. If we keep paying out claims, where would we get the money to construct this 56-story building with its beautiful shopping plaza and underground computer center?

"Do you realize," said Featherstone, "that every dollar we pay out in a claim is a dollar we have to take away from our advertising budget, which tells the public what wonderful insurance people we are?"

"I appreciate all that," I said, "but surely you have to pay some claims in order to stay in the insurance business."

"That's what Trembling and Trembling thought," Featherstone said, as he tore up my wife's folder.

I thanked Featherstone for his kindness and understanding. He got up to shake my hand. "If you're staying in town for dinner we have a great restaurant on the roof garden which is bringing us 15 per cent profit a year."

[From the St. Louis Post Dispatch, Sept. 30, 1970]

NO-FAULT INSURANCE CUTS DRIVERS' COSTS

(By Harry Wilensky)

Dissatisfaction with the way automobile insurance operates has produced at least a dozen proposals for reform.

Some critics advocate much tighter state regulation to require insurance companies to justify their rates and eliminate high-handed practices. Some call for federal regulation and application of the antitrust laws to insurance. And some want the entire system junked for replacement by no-fault insurance to eliminate expensive litigation and red tape.

In response to mounting criticism, the insurance industry has made some changes. These have been aimed largely at restricting cancellation of policies, guaranteeing renewals and advancing money to accident victims to cover medical costs and other expenses when policyholders were clearly at fault.

But these changes are not enough, according to Senator Philip A. Hart (Dem.), Michigan, who directed a three-year study of automobile insurance by the Senate antitrust and monopoly subcommittee.

The present system evolved from common law and was designed to protect the assets of the few who could afford the early cars." he declares. "Plastered on a society where there are more cars than households, the old system does not meet the needs. The problem of automobile accidents has become a public health problem. Only diseases of advancing age are more significant causes of death than auto crashes. Only heart disease causes the loss of more man-years of productivity in the country each year.

"To my view, the social benefit we seek from insurance today is not protection from the other fellow's losses, but compensation for our own. The present liability insurance-fault system is not giving us that."

A government study has shown that small claims tend to be overpaid while big claims are underpaid: $500 claims are settled for four and one-half times their value while $25,000 claims bring only 30 percent.

The average delay in settling claims over $2500 is 19 months. In many cities it takes more than two years for trial of a civil suit. Meanwhile, the expenses of an injured person go on.

The present system is inefficient and wasteful, Hart charges, pointing out that because of lawyers' fees and other automobile insurance costs, it takes $2.50 in premiums to get $1 in benefits to an accident victim, compared to $1.50 for workmen's compensation and $1.25 for group accident and health insurance.

Hart is sponsoring a series of bills to reform automobile liability insurance. These would do away with the "fault" system for all but permanently disabled or disfigured accident victims and those who incur very high financial loss. Out-of-pocket expenses resulting from an accident would be paid by the policyholder's insurance company, in the manner of hospitalization policies. The driver's policy would cover the net economic loss from injury or death that is not covered by other sources such as Blue Cross and Blue Shield insurance.

Lost income would be reimbursed up to $1000 a month for 30 months. Those suffering a loss in excess of $30,000 could still file suit.

Drunk drivers, as well as those under the influence of drugs, would be compensated for their injuries, but would have to reimburse the insurance company for damages paid to others. Victims of hit-and-run drivers would be compensated by insurance companies participating in an "assigned claims" plan.

Insurance companies would be required to sell a no-fault policy to any licensed driver—young or old, married or divorced, a minister or a man in military service. It would be left to the insurance companies to set rates at levels they believed needed to make the policy profitable.

One of the reasons automobile insurance now is so high is the expense of handling applicants on an individual basis. Overhead is greatly reduced when insurance is sold on a group basis, with myriad classifications eliminated and all customers treated the same, but 36 states prohibit group sale of automobile as well as other forms of property and liability insurance.

Hart would eliminate the restrictions on group selling. He would also amend the Internal Revenue Code to give group property and liability insurance the same tax benefits as group accident and health insurance. This would encourage employers to contribute to group liability insurance plans for their employes.

In 10 years there have been 109 failures among companies selling high-risk automobile insurance, with losses to the public estimated at $200,000,000. Hart proposes creation of a Federal Motor Vehicle Insurance Guaranty Corp., similar to the self-supporting Federal Deposit Insurance Corp., to give buyers of automobile insurance the same kind of protection that bank depositors have.

No-fault insurance has been in effect in the Canadian province of Saskatchewan since 1946. Puerto Rico put such a plan into operation last January. Massachusetts is getting ready to switch to no-fault insurance and a number of other states are considering it.

The bill passed by the Massachusetts Legislature provides that policyholder will receive up to $2000 from his insurance company for medical expenses and other costs, including lost wages, without regard to who was at fault in the accident. Any claims over $2000 would be adjudicated by traditional legal actions.

Massachusetts has the highest automobile insurance rates in the country. Insurance companies doing business in the state generally favor the no-fault principle, but some vigorously object to two provisions the legislators added just prior to passage of the bill. One provided a 15 per cent rate reduction for all forms of coverage, and the other called for indefinite automatic renewal of all policies.

Two of the largest insurance companies threatened to stop writing policies for motorists in Massachusetts because of these two provisions. The automatic renewal provision already has been modified. The Governor is talking about establishment of a state-operated insurance pool if necessary.

Naturally, lawyers are opposed to no-fault insurance. Thousands of damage suits grown out of the 14,000,000 automobile collisions a year. Elimination of automobile insurance litigation would be a blow to many a law practice. But some observers are convinced that no-fault insurance is the coming thing.

A system of compulsory no-fault automobile insurance has been advocated by the American Insurance Association. Under this plan, the insurer's liability would be unlimited, and the policyholder would be immune from damage suits. Sponsors estimate that savings to motorists who buy only minimum liability insurance would approximate 45 per cent; those who also buy collision insurance would save about 10 per cent, and those getting wider coverage and insurance to cover medical payments would save about 29 per cent.

The National Association of Insurance Commissioners has recommended that automobile insurance be made available to anyone with a valid driver's license and money to pay the premium. Payment of premiums on the installment plan would be permitted.

State Farm Mutual Automobile Insurance Co. has proposed establishment of a National Placement Facility to provide coverage for drivers who are considered poor risks. The chances that insurance rates for all might go up would be less under this plan than under the commissioner's proposal.

Other proposals have been made. There seems to be little doubt that automobile insurance is in for reform. The question is, how drastic will the changes be?

Yesterday's article stated that St. Louis motorists now are being charged $14 an hour for repair labor because of a new contract the St. Louis Auto Dealers Association has signed with mechanics. In fairness, it should be pointed out that not all dealers have increased their rates $2. Rates vary, and some dealers charge less than $14 an hour.

[From the St. Louis Post Dispatch,
Sept. 30, 1970]

Firm Stops New Sales

New York.—Nationwide Mutual Group, the nation's fifth largest automobile insurer, said it has instructed agents to stop new sales of personal auto insurance because of unprofitability, the Wall Street Journal has reported. The Columbus, O., group has 2,900,000 personal auto policies in force.

The Journal reported that a spokesman said the group would continue to grant additional coverage and renewals to Nationwide's current auto policyholders and did not plan to cancel existing policies. It also will continue to sell new commercial auto policies.

Although a number of large auto insurers have made cutbacks in new auto-policy sales over the past year, Nationwide Mutual Group appears to be the first major insurer to halt sales in all states.

Nationwide Mutual Group includes Nationwide Mutual Insurance Co., Nationwide General Insurance Co. and Nationwide Mutual Fire Insurance Co. These companies operate under the same general management as the life insurance subsidiaries of Nationwide Corp., a publicly held holding company.

As a result of an industrywide cutback on auto policies, Nationwide apparently was flooded with new orders. "Availability of auto insurance has grown tighter, and as a result our agents have found no difficulty in writing new auto business," the spokesman told the Journal. Policy sales increased "considerably," while surplus—funds used to pay policyholders for losses—hasn't kept pace.

Nationwide believed "it might become overextended and decided to take a breather," the spokesman said. Last year Nationwide sold $331,000,000 in auto insurance, and in the first six months of 1970 sales reached $196,000,000. Projected volume for the full year was $400,000,000, he said.

The spokesman told the Journal that Nationwide was facing the same problem as most other auto insurers. Policy losses and expenses are exceeding premium income, while investment income that would normally offset these losses is depressed by declines in the stock market.

A squeeze between auto insurance rates allowable under state law and increasing auto losses is affecting more than a few auto insurers. Figures released this week by the New York Insurance Department for 1969 indicated that auto insurers were paying out more across-the-board than they are taking in.

The New York department keeps track of national loss ratios for all companies that are licensed in New York, including most of the large auto insurers. The department said that last year auto liability insurance losses and expenses cost these companies 3.9 per cent more than they collected in premiums; auto property-damage insurance dropped 11.4 per cent below the break-even point, and auto collision insurance cost 2.6 per cent more than it produced.

Among the casualties so far is College-University Insurance Co. of America, a small Indianapolis-based insurer that formerly had more than 90 per cent of its policies in auto insurance. The company announced earlier this month that it wouldn't renew any of its 6,000 auto policies.

[From the Wall Street Journal, Oct. 26, 1970]

Crash Program: Many Insurers Start To Tie Rates to Power and Ruggedness of Car

(By Priscilla S. Meyer)

New York.—Insurance companies are finally acting on their long-held contention that there is more to safe driving than a safe driver.

A safe car is also important, they are stressing. As a result, there may soon be drastic changes in collision and liability insurance rates for millions of U.S. car owners. Those with sturdy cars that don't easily snap, crackle and pop will get some rate reduction for collision coverage; those with delicate cars that crumple from even the slightest collision will be paying sharply higher rates. And the present gap in liability rates between powerful "muscle" cars and less-powerful models may be widened greatly.

The new rates already are in effect for some drivers insured by a few companies in certain states. The trend is expected to be followed by most insurers and approved by most states within two years.

The rate increases will far outnumber the decreases and probably will lead to yells of anger from many motorists. Insurance men hope so. They want their customers to yell loud and long, raising a big enough storm to force Detroit auto makers to manufacture sturdier and less-powerful cars. There already is evidence that Detroit will respond, if pushed, and there already is evidence that it will be pushed.

THE ALL-NEW COLLAPSIBLE 8

At the moment, the cost of liability insurance, which covers the other guy and his car in an accident, is based on a driver's age, occupation, residence and safety record. Collision insurance is based primarily on the initial cost of a car.

For some time, major insurance companies have been saying that these formulas are unrealistic, that the ruggedness and horsepower of a car should be considered. They have been saying this as they watch repair bills mount as cars seems to get more fragile every year. According to the American Mutual Insurance Alliance, a trade group, the average repair bill for a damaged car has risen 93% in the past decade, to $253 from $131. That's more than twice the rate of increase for maintenance repairs, the group notes.

"If cars were designed to withstand damage from even a five-mile-an-hour impact, it's estimated that the American motoring public could save nearly $1 billion a year in auto insurance costs and out-of-pocket repair costs," says a spokesman for the trade group. Sen. Philip Hart (D., Mich.) last month proposed a bill that would tie premium rates to repair costs and require publication of the rates for various cars so motorists could consider insurance costs when deciding what car to buy. A number of states are considering similar bills.

HIGHER RATES FOR SOME CARS

Liberty Mutual Insurance Co., one of the nation's biggest auto insurers, is one of the companies that already has moved to tie car sturdiness to rates for collision insurance. The company won't name names, but a state insurance commissioner says Liberty Mutual now charges a 10% surcharge in several states for a number of cars, including seven Buick models, 10 Pontiacs and several Oldsmobiles. The company has added 5% surcharge on many other models, this state official says.

Scott Allen, a Liberty Mutual public relations man, says the rates are based on repair records in its files and on rates in standard repair manuals. He also says that Liberty Mutual will trim 10% from its rates for owners of car with a bumper that can survive a five-mile-an-hour bump. There is, however, a catch: No auto maker produces a car with such a bumper. General Motors may come out with one soon, though.

Under the Liberty Mutual plan, buyers of similarly priced cars with different repair records could end up paying collision premiums that differ by as much as 40% a year.

Allstate Insurance Co. also says it would reduce collision rates by 20% for cars with a sturdy bumper, and in an ad campaign it has been urging Americans to pressure the Government into forcing Detroit to build such a bumper. A spokesman for the Department of Transportation says the Government may indeed demand such a bumper within 14 months.

UP AGAINST THE WALL

Another big insurer, Aetna Life & Casualty Co., is going through its damage claims to determine if there are substantial differences in repair bills for different makes and models. If there are, Aetna may begin filing new rate schedules within six months, a spokesman says. "We're hoping we'll come up with some theoretical models by studying our own claims that will help us determine how damage-prone a new car will be even before it hits the road," the spokesman says.

Patrick M. Miller, head of the structural dynamics section of the transportation research department of Cornell University's Aeronautical Laboratory, has devised a formula to determine directly from the blueprints of a car the damage it would suffer in a low-speed impact. Some test crashes are scheduled next month to see if the formula is accurate, and if it is it might be used by insurers to pressure Detroit for design changes even before a car is built.

There already is evidence that different cars have widely differing repair costs. The Insurance Institute for Highway Safety, a research organization sponsored by insurers, took a dozen 1970 autos and drove them at five miles an hour into a wall. Damage ranged from $120 for a Volkswagen to $309 for an American Motors Ambassador. In a test involving two cars in the same price category, damage ranged from $130 for a Chevrolet Camaro to $263 for an American Motors Javelin. The most costly crash of all: A 15-mile-an-hour impact of a Camaro that caused $1,052 in damage.

Besides the egg-shell fragility of the new cars, insurance men blame high repair bills on skyrocketing prices for replacement parts. Arthur Mertz, vice president of the National Association of Independent Insurers, says the price of replacement parts for a new Plymouth rose 22% between 1965 and mid-1969 while the price of a new Plymouth rose only 11%. He also says the institute computed the cost of parts needed to completely assemble a 1969 Chevrolet Impala, which carried a list price of $3,500. The parts, bought separately, would cost $7,500, he says. and the labor would cost another $7,500.

Insurers are pressuring Detroit to lower prices on some parts, and Detroit is listening. After inquiries from Sen. Hart's committee, for instance, Ford "concluded that it would be in Ford's and the public's best interests to lower prices" for some parts on the Cyclone Spoiler II, a high-performance car. The price of a bumper was cut to $141.15 from $321.45 and the price of a headlamp assembly was cut to $15.65 from $33.65.

While the insurers are pressing to change scales for collision coverage, they're also revamping their policies for liability coverage. Here, too, they have already had an impact on Detroit.

During the past year, most American insurance companies have instituted a steep 50% increase on the so-called muscle cars—the high horsepower but relatively light autos such as the Chevrolet Corvette, the Mustang Mach 1 and the AMX of American Motors. In Cleveland, for instance, liability, collision and comprehensive coverage on a muscle car was raised to $650 from $435. The result was an immediate drop in sales of this category of cars. "The high-performance market is a basket case," says a marketing executive at one auto maker. "The high cost of insurance has had a material effect on the business." Sales of such cars this year are off about a third from a year ago.

In response, some auto makers are putting less-powerful engines in the new muscle cars in hopes of having the insurance increase rolled back. The basic 1971 models of the Mach 1 and four other high-performance Ford cars have smaller engines than the '70s. A spokesman for General Motors, however, says the company has no plans to reduce the engine size of any car, though he notes that 1971 GM cars generally have lower compression ratios—and thus less horsepower—to enable them to run on gasoline with a low lead content.

Although liability insurance doesn't insure the owner's car, many insurers are convinced there is a direct relationship between the number of accident claims and the type of car driven. Nationwide Mutual Insurance Co., which triggered the 50% increase for muscle cars, says its claim records indicate that performance characteristics (based on a weight-to-horsepower ratio) provide a clear indication to risk to the insurance company

Tom Head, a Nationwide actuary, says liability losses increase, without exception, from the lowest to the highest performance categories. The reason, he says, is that aggressive drivers buy aggressive cars. "Could we really expect defensive driving from a person who buys a Rebel Machine, Mach 1 or Cougar Eliminator?" he asks.

The Insurance Rating Board, which files rate schedules with state commissioners for many insurers, also has been keeping tab on the relationship between horsepower and liability claims. By late next year, the agency hopes to begin pressing for a across-the-board changes in rates, though a spokesman won't say what, if any, relationship the agency has found between horsepower and liability claims.

Many Americans would probably switch models or makes if they were sure their insurance rates would go down appreciably. Americans paid $2.35 billion for liability coverage and $2.85 billion for collision coverage last year, up from $1.55 billion for liability in 1965 and $1.8 billion for collision. An adult with a good driving record who drives a new Pontiac, say, now must pay $757 a year for comprehensive, $50-deductible collision and minimum liability insurance in the New York City borough of Manhattan. The same person would pay $473 for the same coverage in Boston, $405 in Chicago and $503 in Los Angeles.

[From the Pittsburgh Press, Oct. 11, 1970]

NO-FAULT COVERAGE: ROAD TO CHEAPER CAR INSURANCE

(By Robert Buckhorn)

WASHINGTON. — The multibillion-dollar auto insurance industry is embroiled in a controversy with pocketbook significance for every American who drives a car.

The question is whether motorists could obtain better protection at lower cost by abandoning the idea that someone must be held responsible for every accident.

The alternative, which some are now advocating, is to set up a "no-fault system."

HOW IT WOULD WORK

Simply put, this would mean that the victim of an accident would be paid by his own insurance company immediately, regardless of who was at fault.

In other words, auto insurance would be put on the same basis as fire insurance.

Put another way, the key change from past policy would affect settlement of claims for medical bills and loss of earnings as a result of personal injury in an auto accident. Not affected by the no-fault concept would be claims for damages to cars and other property.

Advocates claim the no-fault concept is the only way to bring order out of the present insurance system, which they say is not properly compensating accident victims and results in unacceptably long delays.

For example, the present fault system has jammed the nation's courts with legal suits.

In some areas, such as Chicago and New York, accident victims may have to wait as long as five years for compensation. The national average is about 16 months from date of accident to court settlement.

LAWYERS' FEES CITED

Supporters of no-fault insurance say the only people who benefit from the present system are lawyers.

A study by the U.S. Department of Transportation showed that in 1968 plaintiffs and defendants in auto accidents paid legal fees totaling $600 million. That was 20 percent of the total income of the legal profession in 1968.

Here are some other facts and figures cited by those who favor a radical overhaul of auto insurance:

Auto insurance repaid only one-fifth of the $5 billion compensable losses resulting from deaths and serious injuries caused by accidents in 1967.

Victims with losses greater than $25,000 recovered only one-quarter of their loss.

But those with losses of less than $500 got back four times the amount in insurance settlements.

The Nixon administration has not taken a stand in the controversy.

Transportation Secretary John A. Volpe said earlier this month he would recommend legislation early next year to set up federal guidelines for auto insurance. But he ruled out direct federal regulation.

Sen. Philip A. Hart, D-Mich., is not willing to wait. Hart heads a Senate antitrust and monopoly subcommittee which spent three years studying auto insurance.

He introduced a bill last month to scrap the present fault system for assessing damages except in accident cases involving permanent disability or excessive financial loss.

Hart said the present system amounts to a "who shot John" fingerpointing contest that congests the courts and "keeps money out of the pockets of victims when they need it."

Under Hart's bill, accident victims would get payments from their insurance company as soon as the loss occurs, eliminating the need for a court trial or a legal settlement.

Hart acknowledges that his bill faces a tough fight.

Some states are moving ahead on their own.

The Massachusetts state legislature approved a very limited type of no-fault insurance this year in the face of threats by some insurance firms to cancel policies. Other forms of no-fault insurance are being considered by New York, California, Michigan and Florida.

RESIGNED TO CHANGES

Most of the auto insurance industry is agreed that changes are needed in the way accident victims are compensated, but Donald W. Segraves, vice president of the Mutual Insurance Alliance, spoke for a large segment of the industry with this statement:

"It's hogwash to think that carelessness, or fault, if you will, can be totally ignored in deciding who gets paid and how much." Segraves says surveys show the American public feels that careless drivers should be held responsible for the damage they inflict.

Two of the largest auto insurance firms in the nation—Allstate and State Farm—support changes in the present system of compensation, but insist that the victim of an accident should be allowed to sue for "pain and suffering, and other non-economic losses" which are not automatically compensated for in no-fault plans.

With powerful forces arrayed on either side, and vast sums of money at stake, the battle over reform of the auto insurance system promises to be long and hard, and its outcome is impossible to predict.

[From Business Week, Nov. 7, 1970]

WHY YOU CAN'T BUY THE INSURANCE YOU NEED

Since the first New England merchants risked their own capital two centuries and more ago to underwrite trading voyages from the New World, most of the nation's property insurance has come from privately owned companies, operating under loose, sometimes nearly nonexistent regulation by the states. Most of the time, this system of insurance has worked well.

Not any more. The U.S. insurance system is at a point of crisis that has brought the companies, the insurance-buying public, and the state officials who regulate the industry into direct, often bitter conflict.

The signs of the crisis are everywhere:

In Massachusetts, the nation's largest publicly owned property and liability insurer, Aetna Life & Casualty, has threatened to stop all automobile underwriting there if the state goes through with plans to cut auto insurance rates by 15%, across-the-board, next Jan. 1.

In Kentucky, insurance regulators are at war with Nationwide Mutual Insurance Co., the fifth-largest auto insurance underwriter in the U.S., because it says that it will no longer take on new auto insurance customers.

In New Jersey, there is an "insurance crisis," according to the state's insurance commissioner. He has slapped a moratorium on cancellations of all property insurance coverage, and has threatened to turn back to the federal government the state's authority to police the insurance industry.

In New York City, commercial and residential theft coverage and auto insurance is almost unbelievably expensive today—when it can be obtained at all. Some businesses have been forced to shut down for want of insurance protection; one department store is reported to have canceled expansion plans partly because of what it would have to pay to insure its new property.

In Texas, an oil company had to scrap plans for a huge new refinery after it failed to find anyone to insure it.

In Washington, D.C., where doctors can pay $2,000 a year and more for malpractice insurance, one major underwriter has withdrawn completely from that side of the business and another company has hiked its rates by 300%. Nationally, the shortage of malpractice insurance has become such a problem that the American Medical Assn. is thinking about going into the underwriting business itself.

Nor are these isolated examples. The soaring cost of property insurance—on automobiles, homes, stores, and factories—has drawn a heated, sometimes ferocious response from the public. Motorists in many areas, home owners and businessmen in the big cities, property-owners in coastal areas where hurricanes strike most frequently are all finding it difficult today to buy insurance coverage at any price.

POLITICS

State officials, sensing a potent political issue in the making, are rushing to challenge the insurance industry with unaccustomed vigor. And the federal government, traditionally willing to leave insurance regulation to the states, is having a change of heart. Congress, in particular, is moving to bring insurance under federal regulation. Also, a Transportation Dept. study, two years in the making, proposes a sweeping overhaul of auto insurance, which could lead to federal regulation of the industry.

Yet the insurance industry could say with justification that many of today's problems are not of its making. Everything from inflation to Detroit's decision to make auto bumpers decorative rather than protective has combined to skyrocket the cost of settling insurance claims. At the same time, bids to increase insurance premiums are facing hostile reaction from the public and increasingly close scrutiny from state insurance officials. So, insurers have lost $3-billion on auto underwriting in the past 15 years. Unless rate increases come faster, they argue, that loss figure will just keep going up.

"We are well aware that a big corporation can hardly act belligerently," says William O. Bailey, senior vice-president at Aetna Life & Casualty. "But we are a profit-making corporation and we have to have adequate rates."

Insurance companies do invest their premium income, and the return invariably offsets any loss suffered on underwriting. But the companies complain that insurance is not profitable enough to attract the new capital or the stock market following they need to grow. Fire and casualty stocks usually have sold at bargain prices; that coupled with the excess reserves most companies have accumulated—cash beyond what they are required to hold—leaves them vulnerable to takeover. A number of companies, including Home Insurance, a big fire-casualty underwriter, were taken over by conglomerates in the late 1960s.

One response has been the move by insurance companies to convert into holding companies, so that they can diversify into new, hopefully more profitable areas. This has raised cries, in Congress and elsewhere, that insurance companies are simply diverting capital from where it is most critically needed—the insurance business.

SOLUTIONS

There is no shortage of prescriptions for curing the insurance system's ills. For one thing, there is a drive on to change the fundamental nature of the most troublesome form of insurance—auto coverage. As auto coverage is written today, there is no payoff to the injured party until it is determined that the other party to the accident was at fault. Most studies, including the Transportation Dept. study, have indicated that lengthy and costly fault-finding procedures in auto accident cases stand in the way of prompt and efficient compensation of victims—and cause expensive headaches for auto insurers. The response has been a growing interest in "no-fault" auto coverage in which the accident victim gets paid by his own insurer no matter who is at fault, with both the victim and the insurer benefiting from a speedy settlement. A no-fault insurance plan will take effect in Massachusetts on Jan. 1, along with the 15% rate cut. And no-fault plans are being considered by other states.

Yet it has also become apparent that the states, by themselves, cannot bring about all the changes that appear to be needed today. The federal government is certain to get a bigger and bigger role to play, both as a regulator of the insurance industry and, in some cases, as a partner.

The government took a major step into the insurance business two years ago by establishing property insurance programs for ghetto areas. In these FAIR plans (Fair Access to Insurance Requirements), the federal government acts to reinsure private companies against catastrophic loss. Since then, the same partnership approach has been applied to flood insurance—an area where companies fear to tread alone since only those who dwell on riverbanks tend to buy flood coverage.

When Congress returns to Washington after the election recess, it will tackle additional pieces of insurance legislation. The Administration's housing bill, for instance, now has tacked onto it proposals that would allow the federal government to provide property insurance directly to the public when insurance companies refuse to offer coverage at "reasonable" rates. Also pending is a proposal (given little chance of passage this time) by Senator Philip A. Hart (D-Mich.) for a federal no-fault auto insurance plan.

REGULATION

There is support within the industry for making the federal government a partner on types of insurance that the companies would rather not offer alone. At the same time, there is real concern that a growing federal presence in property insurance will inevitably lead to federal regulation of the industry. Insurance companies clearly wanted federal aid in supplying coverage to ghettos, but passage of the FAIR bill also created the post of federal insurance administrator—a position now held by George Bernstein. And while Bernstein has only limited regulatory powers, some insurance executives see that as an unwelcome foot in the door.

So, even as it has come under fire from the outside, the insurance industry is wracked internally by dissent and controversy. Last month, for example, all the insurance companies owned by CNA Financial Corp.—including Continental Casualty Co., one of the biggest property casualty companies in the U.S.—pulled out of the American Insurance Assn., the trade group for publicly owned fire-casualty companies. CNA challenges the AIA's proposals for a no-fault automobile insurance plan similar to Senator Hart's and also the AIA's support of a federal insolvency fund to protect policyholders in insurance companies that go bust.

"To often," says CNA Executive Vice-President George McDonnell, "we have the feeling that AIA policy will lead to further federal control of the insurance industry and eventually to a complicated system of dual control by both the states and the federal government."

Bernstein himself says: "The industry must find its way out of its own problems. There is no desire or necessity for the federal government to take over from free enterprise." And the Nixon Administration has come out against any massive federal takeover of insurance. Still, there seems little question that the federal government, almost always has gone along with the idea.

Nowhere is the debate over insurance rates more intense than in the auto market, which accounts for 45% of all property insurance written. And nowhere has the debate over auto insurance been more intense recently than in New Jersey and Massachusetts.

The New Jersey situation blew up in 1969 when a request for higher auto insurance rates was rejected by the state's insurance commissioner. He had, in fact, included the investment income of the auto insurers in making his decision. The companies went to court; Aetna Life & Casualty threatened to quit writing auto insurance in New Jersey.

In the end, the companies got a 28% increase—far less than an approximate 50% increase they were seeking, and feelings are still high. Some companies—furious over the fracas—began canceling auto insurance policies in New Jersey. Last July, the state insurance commissioner, Robert L. Clifford, declared a moratorium on cancellations. That made the insurers angrier still and, says Clifford, "We are not out of the woods yet."

RATE NOW

Massachusetts also lives under a threat by Aetna Life & Casualty and others, to stop auto insurance underwriting in a controversy over rates.

Massachusetts is one of three states in the nation that require motorists to have auto insurance before they can even drive a car. And insurance policies by law run for one calendar year. This means virtually every motorist in the state could be stripped of coverage at once.

What riles the insurers is a new state law, to take effect Jan. 1, that combines a "no-fault" auto insurance system, and a 15% cut in auto insurance rates. Insurers accepted the no-fault plan, which would allow victims of auto accidents to collect up to $2,000 from their own insurance company for medical bills, lost wages, and so on, (Only if medical bills exceed $500 could a victim sue for damages.) But the 15% cut on all kinds of coverage has them upset, and they have threatened to pull out of the state to block that cut.

The conflicts in New Jersey and Massachusetts are just the tip of the iceberg. Insurers and regulators have squared off in a number of states, and that number is bound to grow. Kentucky's insurance supervisor, for instance, has threatened to banish Nationwide insurance from the state for its decision to take on no additional auto insurance customers. There will be a hearing next week at which Nationwide is to tell its side of the story.

[From Business Week, Nov. 7, 1970]

CRISIS IN INSURANCE

Add another entry to the crisis list: a crisis in the nation's huge property insurance industry.

Consumers seeking to insure a car or a home, businessmen trying to get coverage for a plant, doctors who want malpractice insurance, all are faced with skyrocketing rates and ever more restrictive conditions. Recently, many have found that coverage cannot be had at any price (page 64).

In a society that has been taught to regard insurance as indispensable, the efforts of the big underwriters to shed unprofitable business has produced an angry reaction. Inevitably, the pressure for federal intervention—either through regulation of the insurance companies or through direct government insurance programs—is mounting.

In many ways, the private insurance companies are as much victims of the crisis as the buyers. Five years of rampant inflation, a soaring crime rate, increasing violence in the streets and on college campuses have combined to push the cost of claims to record heights. These costs are reflected in the premiums the big insurers charge and in their refusal to cover some risks at all.

The fact remains that if the industry is going to surmount this crisis and avoid something approaching a government takeover, it must show a lot more imagination and initiative than it has in the past. With a few notable exceptions, the insurance industry always has been afraid of competition and wary of innovation. It has organized itself to work through rating bureaus, which make for fixed prices and uniform restrictions on coverage. It has responded to outsize claims—especially in auto and medical insurance—simply by raising rates without making any real effort to get at the root causes and keep costs down.

The industry now faces a choice. It can keep on pulling back—and let the federal government move into the areas it vacates. Or it can crawl out from behind the protective walls of its rating bureaus and demonstrate that the customers can get the coverage they need—at realistic rates—within the framework of the privately owned insurance system.

[From the London, England, Financial Times, Nov. 17, 1970]

MOTOR POLICIES UNDER PRESSURE

(By Joanna Roll)

One industry which reckons it has had to shoulder more than its fair share of America's recent social problems is the insurance business. Though it is common to look on particular areas of a society as microcosms of the whole, in the insurance world American troubles have become magnified to the point where the industry is undoubtedly in a state of crisis.

It has had to pay out for smashed shop windows, fires due to riots, the increasing numbers of thefts due to drug addiction, and also for America's traffic problems. For every net gain of one person in the U.S. two more cars come into being—which has certainly contributed to the soaring costs of vehicle repairs.

The result is that the industry is at war with itself, with consumers and with state officials, and is keeping a wary eye on proposals for reform in Congress and the Administration. Motor insurance has been one of the most troublesome sections of business and it is here in particular that there is pressure for change.

Consumers complain that not only are their premiums going up but policies are hard to obtain at any price. Increasingly, too, they are being cancelled, even though they have been held for years, often without accident. A Department of Transportation study shows that in 1969 23 percent of motorists were obliged to buy the extremely high priced, limited coverage "assigned risk" plans which most States insist on for those who cannot get coverage in the ordinary way.

But it is in the last year that the problem has become acute. Quite apart from the individual cases one hears about regularly—such as a middle-aged couple with a spotless record whose policy is suddenly cancelled because they have a son who will be learning to drive in two years' time—it is quite clear that many insurance companies, both large and small, are refusing to take the risk for whole categories of people.

In Texas, for instance, the demand this year for "assigned risk" policies is twice last year's. The Nationwide Mutual Group (the fifth largest in the country) at the beginning of October stopped all sales of new policies on personal cars. Liberty Mutual Insurance, another large company, has fired 25 percent, of its motor policy sales force and imposed tight restrictions on sales of new policies.

Some insurance companies have decided that certain States like New York are just too expensive to insure. Others, that certain groups have got to be dropped—for example, the over 65s or unmarried women living in Brooklyn Heights.

From the crash victim's point of view, however, the situation is even worse. Transportation Secretary, John A. Volpe, testifying before Congress last month, quoted a study by his department which shows that in general only half of losses due for compensation are actually compensated, and that as far as benefits are concerned, the system is upside down.

PRIVATE CARS

Where losses are less than $500, victims have been receiving on average four times that amount, but where losses have been more than $25,000, only about one-third was recovered. In the case of those killed or seriously injured, only 45 percent, of beneficiaries received benefits. What is more, the study shows that cars are being compensated more than people.

One of the reasons why so many losses are suffered without compensation is that in all but eight States contributory negligence in any degree bars recovery. In addition, guest statutes" in a majority of States mean that unless the driver is guilty of gross negligence or wanton and wilful misconduct, the passenger has no case for claiming damages.

In any csae, the DoT study reckons that 20 percent, of cars on the road are uninsured, and in some States, like Georgia and Alabama, one in three private cars involved in accidents has no liability insurance. Only three States have compulsory insurance, the rest have financial responsibility laws which amount to virtually the same thing, but illustrate the lack of Federal regulation in this field.

The industry itself withstood an attempt to bring it under Federal anti-trust laws in 1944, and since then has been regulated exclusively by State Commissioners who have tended to leave the industry alone. An attempt by the Massachusetts Legislature to reform the industry at the moment seems to be failing.

The Legislature has approved a Bill due to come into effect next January. It proposes a systems of "no fault" insurance which would mean that a driver's own insurance company would pay up to a set limit regardless of who caused the accident. The object of this would be to cut down on litigation expenses and make time settlements immediately possible without a wait for the result of lengthy court battles.

However, the Bill also orders a 15 per cent reduction in premium rates in the State—it is generally estimated that the no-fault system would cut costs by that amount. While not objecting to the no-fault system, the insurance companies, including Aetna Life and Casualty, have been appealing for the reduction for property damage and are threatening to stop underwriting automobile insurance in Massachusetts if the court upholds the reduction.

This month the Massachusetts Supreme Court ruled that a 15 per cent reduction in automobile property damage rates is "confiscatory and therefore anti-constitutional" and the State insurance commissioner has granted a 38.4 per cent increase in the property damage rates. While something of a contrast with the proposed 15 per cent reduction, this figure is lower than the 51.5 per cent increase sought by the insurance companies.

The reason their demands are so high, insurance companies throughout the country claim, is that in the past 10 years they have lost $2,000m. on vehicle underwriting. This does not mean the major insurance companies have made an overall loss, however. They do invest their premium income, which invariably offsets their underwriting losses, but they argue that insurance is not profitable enough to attract the new capital they need for growth.

CONGRESS

A loss on underwriting does not necessarily mean that a company is paying out more in claims than premiums are bringing in. Most of them estimate that their business expenses amount to 40 per cent of their premium income. It is this 40 per cent that reformers would like to cut down, claiming that the present system is inefficient as well as inequitable.

In Congress the main pressure for reform has come from Senator Hart, who proposed several Bills just before the elections. These will be taken up again next January.

He would like the Federal Government to

play a much larger role; to scrap the fault system except for the permanently disabled and disfigured; guarantee non-cancellable policies to all licensed drivers; make group insurance possible (it is now illegal in 36 States); ensure that victims are totally reimbursed for medical and other expenses as they are incurred and are compensated for loss of take home pay for up to 30 months.

Senator Hart's committee has been working closely with the DoT and it is known that the Administration is preparing a major overhaul of the vehicle insurance system. John A. Volpe has testified that he will present his recommendations early in 1971. Though he is known to be leaning towards a scheme similar to Senator Hart's but with less Federal control, it is not known how far the White House wants to go in overhauling this important industry.

[From the Washington Daily News, Nov. 20, 1970]

U.S. AUTO INSURANCE SYSTEM NEAR COLLAPSE

(By Ann McFeatters)

When David C. Preston, 31, came home in January after 10 years in the Marine Corps, six of them spent in Japan and Vietnam, his least worry was automobile insurance.

Married, living in Virginia and settled into a sportswriting job, Mr. Preston was told two months after he returned that the insurance on his 1970 Volkswagen has been canceled. The reason: "company underwriting policy."

Mr. Preston could think of no reason. His 15 years of driving were accident-free, the last 10 even without a parking ticket. He was told by an agent, off the record, the insurance company just didn't like the length of his overseas service.

Mr. Preston made the rounds of other companies but was summarily turned away because of the one policy cancellation. After a couple of weeks of frustration, he was accepted by Government Employes Insurance Co.

"HOUSE IS FILTH"

Noel C. Thornton, 40, a bachelor who came to the United States from Londonderry, Northern Ireland in 1962, manages a gasoline station in Kensington. In 1968 he bought a second-hand car from a friend and insurance from National Emblem Insurance Co. of Roanoke, a subsidiary of Allstate Insurance Co.

Last year an agent from Allstate came to his one-and-a-half-story home while, according to Mr. Thornton, he was in the midst of putting tile in his dining room and kitchen. Also, Mr. Thornton remembers, his two dogs were chewing bones on the floor.

Ten days later Mr. Thornton was told his insurance was canceled. He wrote, asking for an explanation, and received a reply:

"As you may know, many insurance companies, under certain circumstances, conduct routine investigations to assist them in selecting and retaining an average group of policyholders. In your case, it is alleged that your house is filthy. For this reason, it was determined that we could no longer carry your insurance."

Mr. Thornton, agreeing he doesn't have the "woman's touch," but insisting he is basically neat and clean, eventually got insurance from another company. He has filed suit against Allstate.

State Farm Mutual Automobile Insurance Co. recently admitted it would not give car insurance to Susan R. Coles, 28, of Riverdale, because in the company's view, her husband has a bad driving record. In other words, she could get insurance only if she divorced her husband, the company conceded.

Mrs. Coles' husband Richard, 27, a systems programmer at the University of Maryland, said he has had five accidents in the last 11 years involving only minor property damage. He sold his car to avoid costly high-risk insurance and bought a motorcycle insured with another company. His wife has had no traffic violations or accidents in her 12 years of driving but State Farm steadfastly refused her insurance.

State Farm, largest of all auto insurers, says it will stick to its own strict standards of whom it will cover. Last year the company lost $91.7 million on auto property claims altho thru investments and other types of insurance it finished the year in the black. But the familiar horn-honking commercials luring customers to buy State Farm insurance have ceased.

Company President Edward B. Rust blamed the "delicacy" of cars and inflation for the loss. "What America needs now," he said, "is a good 10-mile-an-hour bumper."

A State Farm representative in Bloomington, Ill., complained, "Today they make autos designed for style, not functional stability. A bumper doesn't protect the car from bumps. It just crumples."

Like Mr. Preston, Mr. Thornton and Mrs. Coles, a growing number of Americans have been startled to learn that the nation's auto insurance system is near collapse. Insurance companies are charging much higher premium rates and cancelling policies or refusing to renew them, often for seemingly strange and conflicting reasons—because the insured has a 15-year-old son who will be driving soon, or is a taxi driver or a detective, or his "personal conduct" is out the norm."

And no longer is it just the 16-year-old boy or the 72-year-old retired couple or the ghetto family who are having a rough time getting and keeping insurance. It is the comfortably well-off professional man who pays his premiums on time and avoids accidents.

Only Massachusetts, New York and North Carolina require auto insurance for every driver, but everywhere else to become involved in an accident without insurance is to invite ruin.

Some states have uninsured-motorists funds in which drivers must deposit a certain amount if they have no insurance. In other states an accident may force a driver to put down a cash sum, possibly in the thousands, to cover a court judgment if he lacks insurance.

In Maryland, uninsured drivers are encouraged to have liability insurance. Those who don't are required to pay a $40 fee. If they have an accident, they can borrow money from the state to cover damages which must be paid back with interest, and they are liable to be sued by the other party.

In Virginia, uninsured motorists pay a $50 fee which is divided among insurance companies in the direct proportion to how the number of Virginia drivers insured by those companies. In this way, uninsured drivers help cover insured drivers, but receive no protection for themselves.

In D.C., uninsured drivers pay no fee and get no protection.

Despite the higher rates, insurance companies insist they are in trouble and say they lost $2 billion in the 1960s because expenses and claims totaled more than premiums. Auto insurance accounts for 45 per cent of all insurance written and accounts for more insurance company failures than any other form of underwriting.

AGENTS DESPERATE

Insurance agents, who depend for their living on commissions, are desperate.

The American Insurance Association freely admits: "The problems are real. They do cause dissatisfactions. They should be corrected." The AIA is a prestigious national trade group representing only 3 per cent of the industry.

Insurance companies lay the blame for poorer service and higher costs at several doorsteps:

Higher medical costs: Doctors' fees were 38.9 per cent higher in 1969 than in 1962 and hospital room rates went up 97.2 per cent.

Higher car repair costs: The hourly rate for labor runs from $4.50 to $13 and spare parts have soared in price.

Poorly manufactured cars: 12 cars tested in 5-m.p.h. crashes were damaged from $120.25 to $267.67; four small model cars at 5-m.p.h. were damaged from $335.75 to $474.60.

Increased number of accidents: 38.2 per cent increase in the annual number of highway deaths from 1962 to 1969 and a 49.8 per cent rise in injuries.

In 1944 Congress decided insurance should be subject to federal regulation because it was considered interstate commerce, but in 1945 Congress passed the McCarran-Ferguson Act, which left insurance business regulations up to the states.

Today that federal hands-off policy is being questioned and may not survive mounting public dissatisfaction.

FEDERAL ACTION PUSHED

The Department of Transportation just finished a two-year, $2 million study of the auto-insurance industry. Altho the study still needs Transportation Secretary John A. Volpe's clearance, expected early next year, it probably will include some kind of recommendation for the federal government to step into the auto insurance mess, altho perhaps indirectly. Mr. Volpe told the Senate Commerce Committee the study showed changes are necessary and called the problem "immense." He said to expect "greater federal cooperation with state governments, tho without direct federal intervention."

"NO-FAULT" SYSTEM

One answer to the problem of cancellations and nonrenewals is group auto insurance, often applied for by an employer, but illegal in 36 states. Another is assigned-risk plans where insurers pool to cover high-risk drivers assigned to them whether they like it or not. High-risk drivers pay considerably higher premiums and suffer a stigma as assigned risks.

The probable answer is a completely new insurance system, many students agree.

One system gaining popularity would be a no-fault system: Drivers would no longer need to protect themselves from lawsuits by another driver in an accident. Every accident victim would get medical, hospital and rehabilitation compensation from his own insurance company according to present reparation rates, similar to workman's compensation, or on an unlimited basis for severe losses. To be effective, no-fault auto insurance would have to be mandatory for everyone.

The administration is said to be preparing support for a no-fault system to be announced early next year.

The AIA recommended a no-fault system in 1968, altho some members opposed it. The AIA contends the system could reduce insurance premiums by as much as 45 per cent.

It says the present lawsuit system of determining benefits is "a roadblock to highway safety, worthless as a deterrent to careless driving, results in exaggeration and distortion and sometimes outright fabrication of facts in the course of the quest for insurance dollars."

Two law professors, Robert Keeton of Harvard and Jeffrey O'Connell of the University of Illinois, came up with the first no-fault proposal in 1965, to the dismay of many lawyers who feared the loss of negligence suits would hurt their incomes.

A Senate Antitrust subcommittee study showed that in the 1960s drivers paid $81.7 billion in premiums and got back less than 60 percent in benefits. Of the $33.8 billion gap between pay-in and pay-out, lawyers' fees accounted for $10 billion.

SPEED COURT SYSTEM

An American Bar Association study concluded the system of going to court should be maintained but that the whole system should be speeded up. If both parties to an accident are each partly negligent, both should be able to make an insurance claim, the ABA concluded.

The Insurance Institute for Highway Safety also suggested tying insurance rates to the safety and repair costs of individual cars. A few companies in certain areas are already experimenting with lower rates for cars with the best safety records.

The most widely discussed no-fault plan at the moment is the Uniform Motor Vehicle Insurance Act introduced Sept. 14 by Sen. Philip A. Hart, D–Mich.

The Hart plan, described variously as "far out" and "a tremendous reform" would:

Leave insurance regulation to the states but authorized DOT to set guidelines and require insurance companies to report to the department their rate structures and other details of their operations.

Seek to reduce cost and improve quality of auto repairs thru DOT guidelines requiring state-licensed inspection stations for a small fee to check to see that repairs were well and completely done.

Guarantee a noncancelable policy to all licensed drivers and require states which ban group auto insurance to lift the ban.

Permit auto accident victims to file lawsuits only if they are permanently disabled or disfigured or suffer excessive financial loss. All other victims would be reimbursed by their own insurance companies for medical expenses and lost take-home pay.

FIGHT IN JANUARY

Sen. Hart's plan is incorporated in a package of four bills. He introduced it this year realizing there was not enough time for its passage but intending to get debate started. He'll introduce it again in January with some modifications and the real fight will start then.

The insurance crisis is dramatized by the bizarre situation in Massachusetts where a 15 per cent rate reduction of all insurance was scheduled to go into effect Jan. 1. Eight leading insurers, including Aetna Life & Casualty Co., Kemper Insurance Group and Allstate Insurance Co., threatened to cancel all automobile underwriting in the state.

This month the Massachusetts Supreme Court declared the mandatory rate cut unconstitutional for property damage liability auto insurance, which was to be part of the state's new no-fault law. The no-fault law, under which a driver is to be paid by his own insurance company for damage and injuries up to $2,000 no matter who is at fault in an accident, still goes into effect Jan. 1, as do 15 per cent rate cuts for compulsory and other bodily injury insurance. Massachusetts has the highest auto insurance rates in the country.

HORROR STORIES MOUNT

Daily the horror stories mount. Nationwide Mutual Insurance Co., fifth-largest insurance underwriter in the United States, says it won't take any new customers for personal car insurance because of unprofitability. In New Jersey the insurance commissioner put a moratorium on cancellations, infuriating insurers. And several national companies refuse to insure New York residents or renew their auto policies, saying they can't afford it.

The issue of a workable system is of crucial importance to 100 million Americans who have or need auto insurance. And the experts agree reforms can't be much longer delayed.

[From the Washington Post, Jan. 10, 1971]

"No Fault" Insurance Catches the Spotlight

(By Robert J. Samuelson)

If you drive a car—or a car drives you (at last count, there were 86 million)—at least one bill in the next session of Congress should interest you. It doesn't have a number yet, and, in fact, no one is quite sure what it will say. It will contain the Nixon administration's recommendations on the reform of automobile insurance.

But there is a good possibility that the bill will embrace the so-called "no-fault" concept, already championed by Sen. Philip L. Hart (D-Mich.) in the last Congress. What this would mean to the average driver is simple: if he were in an accident, he would automatically receive his out-of-pocket expenses (including, in the Hart bill, up to $30,000 for lost earnings).

The theory behind "no-fault" is that it would help accelerate claim service and reduce costs by eliminating the legal haggling over which party is "liable" and cutting down on attorneys' fees. Moreover, its proponents feel that it will lead to a more equitable distribution of claim payments; "pain and suffering"—a legal concept that lies at the heart of most contested cases—would be deemphasized at the expense of aligning claim payments more closely with actual driver losses.

Of every 40 cents of the premium dollar that is returned to drivers as claims (the other 60 covers insurance companies' overhead, including agents' commissions), according to Sen. Hart, "only 13 cents actually ends up compensating for out-of-pocket losses.

The adopting of a "no-fault" system would be a major overhaul of the insurance industry—a change so fundamental that it has left major companies on both sides of the issue. Two things, however, may ultimately make that overhaul inevitable.

First, automobile insurance has generated an increasing volume of consumer complaints. Affected by high automobile repair costs and even higher hospital expenses, insurance rates have climbed steeply. The insurance companies claim that automobile business has turned unprofitable, and, consequently, they have grown progressively more restrictive on the new policies they will write.

Second and less-widely recognized, the insurance industry has had to rely on the federal government with increasing frequency over the past few years as an insurer of last resort.

The advancing wave of federal insurance programs adopted since 1968 includes:

Riot reinsurance—the Department of Housing and Urban Development maintains a reinsurance pool on billions of dollars worth of property in 28 jurisdictions (including the District of Columbia). The government only makes payments on losses incurred during "civil disturbances," but, as a condition of receiving this protection, the insurance companies must insure the properties in these "FAIR" plans for regular fire coverage. So far, HUD has collected about $70 million in premiums from the insurance companies and paid out only $5 million in claims.

Flood insurance—the government insures directly more than $800 million worth of property against flood damage in nearly 400 communities. There is no reinsurance here; the government pays 90 per cent of the claims.

"War-risk" insurance against hijacking—Even before last fall's hijackings, the regular commercial insurance market was absorbing only 60 per cent of the value of the new Boeing 747 jets on "war-risk" insurance. The hijackings only increased the insurers' reluctance, and, now, the FAA is writing "war-risk" policies (and collecting premiums) on more than 371 jets worth nearly $3.4 billion.

Finally, in its rush to adjournment, Congress last year approved legislation to have HUD provide crime insurance in major cities, which most private companies said they could not afford. Unless all the experts are wrong, this insurance will undoubtedly require federal subsidies to keep rates to "reasonable" levels.

[From the Wichita Eagle & Beacon,
Dec. 6, 1970]

Collision Course—Part I

(By Randy Brown)

By almost everyone's standards, America's automobile insurance system has one foot in the grave and the other on a banana peel.

Criticism has been building over the last decade. And with the release this year of extensive reports from the U.S. Department of Transportation and the New York State Insurance Department, discontent has reached a new level of intensity.

Critics attack the system in a number of vital areas.

They say: Premiums are too expensive and steadily are going higher. Many people are without insurance because policies are being cancelled at a growing rate—and frequently can't be obtained to begin with. Motorists cancelled or refused—often for what seem to be ridiculous reasons—sometimes face tremendous annual rates, often more costly than their automobiles. Because of our crowded courtrooms and the recalcitrance of some insurance companies, the system produces unconscionable delays in payments of claims, thwarting much needed rehabilitation programs for badly injured victims.

The system is extremely wasteful, with overhead and other costs devouring the premium dollar. It has done nothing to aid traffic safety or lower accident costs. Small claims are grossly overpaid, large claims are grossly underpaid—and many people don't get paid at all. The industry itself is under terrible pressure it can't control.

COMPLAINTS POUR IN

And complaints from the public just keep pouring in.

Apparently, the only question that remains—and it's a whopper—is whether the system should be booted into oblivion and replaced by one of several "radical" proposals, or would delicate surgery perhaps get the old boy back to health.

The problem of automobile insurance is truly magnificent. It entangles in a complex web a number of American institutions that, themselves, are highly complicated and currently are being subjected to the most severe scrutiny about their efficiency and relevance—the judicial system, the bar, the automobile industry, the repair of vehicles, the insurance business, states' rights and the question of government control.

The automobile and how it is insured is everyone's business. An introduction to the New York auto insurance study states the situation very clearly:

"In America today, there is no escape from the automobile.

"Four out of every five families own a car. Everywhere it is a dominant mode of transportation; in many places it is just about the only one.

"The automobile does damage on a similarly grand scale. Last year in this country traffic accidents killed 56,000 people, injured 4.6 million others and cost $16.5 billion.

"A typical driver has better than an even chance of having an accident every three years; just about every driver will have an accident sometime."

Acturial tables drawn up by the New York Insurance Department point up just how dangerous it has become to drive. In addition to the above figures, the typical driver has a 24 percent chance of having an accident after only one year of driving, 75 percent after five years and 94 percent after 10.

INSURANCE IS PROTECTION

To protect themselves against the annual slaughter on the highways, Americans buy auto insurance. Last year they bought $12.9 billion worth.

In Kansas alone there are well over a million motor vehicles and drivers. Some 850,000 Kansans paid about $125 million in premiums in 1969 and 379 companies are authorized to write auto insurance in the state.

There are 110 million motor vehicles in the United States. More than 10,000 people are injured every day when these vehicles run together or otherwise go astray. That's 50 times the daily war casualty rate in Vietnam.

According to critics, automobile insurance is dealing very poorly with this immense highway casualty toll.

Secretary of Transportation John Volpe has summed up, mildly, the views of the unhappy. The existing system, he said is "not serving the accident victim, the insuring public and society as well as it should."

Dr. Jeffrey O'Connell, professor of law at the University of Illinois and coauthor of the controversial Keeton-O'Connell "no-fault" insurance plan, puts it more acidly: "The present system is so bad it can't help but be toppled."

Dean Sharp, counsel for the Senate antitrust and monopoly subcommittee, says it another way: "This whole system stinks."

The American consumer cares most—at least until he has an accident—about rising premium rates. No one can deny that rates are ballooning.

Across the U.S., auto insurance premiums have risen an average of 65 per cent over the last 10 years.

Kansas, though in proud possession of one of the lowest rates in the country, has been caught in the upward spiral.

Early in June, Kansas Insurance Commissioner Frank Sullivan announced that 186 companies representing 27 percent of the auto insurance underwritten annually in Kansas would increase their rates by about 12.3 percent.

State Farm Insurance, the state's (and the nation's) largest auto insurer representing another 20 percent of the Kansas business, raised rates 21.2 percent in May. Early in the year, Farm Bureau Mutual Insurance Co., Manhattan, Kan., representing another 12 to 15 percent, upped rates an average of 22 percent.

PAY TOO MUCH

Richard E. Stewart, insurance superintendent for the State of New York, believes people pay from one half to one third too much for auto insurance.

Not so, say the insurance companies, who cite underwriting losses and say that the rates are too low and that state insurance commissioners won't allow them to increase rates fast enough to cover rising repair and health costs.

Like rates, cancellation of policies is increasing rapidly. And insurance is harder and harder to obtain to start with.

The Federal Trade Commission estimated that perhaps 10 percent of the nation's more than 100 million drivers fall into the "hard-to-place" market, and thus have to purchase policies at high, nonstandard prices or go without. And the numbers are increasing.

Weird cancellation stories abound:

One southeast Kansas woman was denied insurance as a "moral" risk. Despite a perfect driving record, she liked to spend her weekends with a male friend in another town.

A New York man who hasn't had an accident in 15 years of driving had his policy cancelled in September. His "crime?" Living in New York. His insurer, Grain Dealers Mutual Co. of Indianapolis, Ind., decided it can't afford to insure people who live in New York, New Jersey, Connecticut and Rhode Island.

An attorney's policy was cancelled after his car was hit while he was asleep in his apartment.

An applicant in Maryland was denied coverage because his home was declared "messy."

A man in Virginia was refused insurance because a neighbor had told an investigator the applicant drank too much, a story that turned out to be false.

Once refused insurance, it's highly unlikely that you'll be able to secure insurance, at least at the "reasonable" standard rate, according to Jerry Garris, head of the Kansas Insurance Commission's fire and casualty policy holders' service division.

Yet your entire future as a buyer of auto insurance can be placed in the hands of an investigator whose cerdit company employer will be paid $3.45 to make a report on you.

This is how it works:

You apply to an insurance company. The company turns your application over to a "credit bureau" for an "investigation." In Kansas, the going rate for such an investigation is $3.45 (it can run higher, if the investigation is more intense).

The probe is usually very cursory, Garris said. The investigator goes around your neighborhood, possibly contacts some references or relatives and someone in your business.

If he runs across someone with a bad report on you—such as that you drink, have bad "morals" or are engaged in some other activity the company might consider undesirable, your chances of being under written by that company (or many others) diminish considerably.

"Some of the reports are very good and very reliable," Garris said. But many, he added, are not. And, if a neighbor or relative has a grudge against you and passes along some false information to the investigator, it's usually just too bad.

PRESSURED COMPANY

The insurance commissioner's office can put some pressure on a company that cancels you unfairly or without just cause, Garris said, but it can't make a company write insurance on anyone.

With the industry facing, by its standards, increasing underwriting losses and tightening its belt accordingly, your chances of getting standard-rate insurance (or being cancelled or not being renewed) may not even get to the point of investigation.

The New York Times reports that the insurance industry's semisecret blacklists cover a broadening scope.

The blacklist ranges from bartenders to ministers (they drive like "God will provide") and includes traveling salesmen, newspaper reporters, the over-65 set, youthful drivers, sportscar owners, bus and taxi drivers, poolroom and bowling alley operators, beauticians, editors and writers, gas station attendants, auto mechanics, body and fender shop workers, owners of high-priced cars, new applicants with cars more than 10 years old, single people living alone, widows and widowers and divorced and separated people.

That's not all.

The black list, compiled by the New York Metropolitan Insurance Brokers Association, also includes people who drive a long way to work, disabled veterans, handicapped persons, people in car pools, the deaf, minority people without prior insurance, people who live in "undesirable" areas and military personnel.

And then many insurance companies seems to be interested in your skin color or socio-economic status before they'll write you insurance at standard rates.

David O. Maxwell, former insurance commissioner of Pennsylvania, has testified before a Senate committee that "When you go to buy a car, the salesman will sell you one if you have the money. Buying insurance for the car is like joining a country club."

In New York City, about 70 per cent of the car owners who apply for assigned-risk coverage every month are blacks or Puerto Ricans living in ghetto neighborhoods. Throughout the state, which has more than 500,000 private passenger cars in the assigned risk pool, two-third of the owners of those cars had good enough driving records to qualify for standard-rate insurance and almost one half qualified for a safe-driver discount. Consumer Reports magazine says that "the same sort of apparent discrimination is reported in other cities.

But while the consumer basically is worried about high rates and cancellations, critics of the system are homing in on what they consider a much bigger financial and social problem—collecting once you've been in an accident.

Auto insurance of all kinds repaid only one-fifth of the $5.1 billion in compensable losses resulting from deaths and serious injuries in 1967 automobile accidents, the Department of Transportation study shows.

The study, which was more than two years and $2 million in the making, is the most exhaustive probe into auto insurance ever undertaken.

For the purposes of the study, only "serious" accidents were used. Persons were considered seriously injured if they had been hospitalized more than two weeks, or had $500 or more in medical costs excluding hospital costs, or missed three weeks of work, or, if not working, missed six weeks or more of normal activity. The study represented approximately 500,000 fatalities and seriously injured persons.

Less than 50 per cent of the potential compensation, of $2.5 billion, was actually paid by ALL sources, and only $1.1 billion was paid by auto insurance—$800 million from liability insurance, (both bodily injury and property damage), $100 million from medical payment insurance and $150 million from collision insurance. Legal costs claimed a third of the laibility payments.

The other $1.4 billion or so came from other insurance and other sources—life insurance, hospital and medical payment insurance, Social Security and so forth.

Department of Transportation (DOT) figures show the inequity and waste in payments to those who do get compensated.

Victims with losses greater than $25,000 recovered only one-quarter of their losses from all sources and only one-tenth from auto liability insurance.

Those with an economic loss less than $500 recovered 4½ times their losses, with auto liability accounting for nearly all the overpayment.

And those who did get paid usually had to wait a long time for the money. On the average, 16 months went by between the accident and the settlement of a court claim. And more than half of the major claims took more than two years to be settled.

Only 45 per cent of those killed or seriously injured in 1967 received benefits from the bodily injury liability insurance. And 10 per cent—or more than 50,000 persons—received nothing from any source.

Back to the $1.1 billion paid by auto insurance: Some $500 million went for "intangible losses" on small claims. This includes the much-maligned "pain and suffering" claims, which many critics would like to do away with because of their alleged intangibility and the "waste" they produce.

Criticism is coming to a sharp focus on one major area of the current system—the problems with bodily injury liability insurance. Americans bought some $5.9 billion in insurance in 1969 (about 45 per cent of the total car insurance bill) to protect themselves against injuries and deaths they might cause others in traffic accidents.

And it is here that waste flourishes, driving up premium rates. It is also here that you encounter the big and painful problems with the system, critics say, because bodily injury insurance deals with people, while the other forms of auto insurance deal mainly with machines and property.

Overhead costs from the system that deals with bodily liability insurance—the so-called "fault-liability system"—really eats up the premium dollar, according to the DOT study.

For every dollar in benefits it provides traffic victims, the DOT study reports, the fault-liability system consumes another dollar in advertising, legal costs, salesmen's commissions and other insurance company operating costs. Other studies show an even greater overhead and more waste.

The Department of Transportation study basically is contained in 18 volumes issued this year, starting in March. It is still incomplete, with recommendations yet to come, but it shows clearly that it is liability insurance that is causing most of the problems, even though collision insurance is having an increasing effect on rates.

Testifying before the Senate Commerce Committee in October, Transportation Secretary Volpe said:

POOR RECOVERY CHANCE

"Despite the fact that it is generally the accident victim with the large economic losses who also suffers the largest intangible losses, as the tort or fault-liability system works in practice, he has a far poorer chance of being fully compensated for his economic loss, let alone any intangible loss, than does the less seriously injured victim.

"The tort liability insurance system as it operates for automobile accident victims has a very high cost-benefit ratio compared to any other major reparations system.

"The tort liability system tends to apportion benefits rather unevenly, in some cases paying too late and in others too soon."

Volpe also testified that the tort liability system has severely hampered rehabilitation efforts because of its slow-paying habits.

What is the tort of fault-liability system?

Basically, it means that, to collect from another person's liability insurance (which is where the money is in serious accidents), you must prove that he was entirely at fault in the accident and you were entirely without fault. And you may have to prove this in court no matter how big or small the accident and the claim.

The law that makes it impossible for you to collect from liability insurance after a traffic accident, even if the other fellow was 98 per cent at fault, is called "contributory negligence." It's in effect in more than 40 states, including Kansas.

But contributory negligence is certainly not the totality of what critics call the problem with the fault insurance system.

Volpe's DOT study has done considerable damage to the image of automobile insurance as an effective American institution. But perhaps the most searing (and documented) receipt indictment of the system comes from the New York Department of Insurance, headed by Richard Stewart. This study was completed early in 1970 and is contained in a 164-page softback book entitled "Automobile Insurance . . . For Whose Benefit?"

PREFACED BY KAFKA

It is prefaced by an excerpt from Franz Kafka's "The Trial:"

"One must lie low, no matter how much it went against the grain. Must try to understand that this great organization remained, so to speak, in a state of delicate balance, and that if someone took it upon himself to alter the disposition of things around him, he ran the risk of losing his footing and falling to destruction, while the organization would simply right itself by some compensating reaction in another part of its machinery—since everything interlocked—and remain unchanged, unless, indeed, which was very probable, it became still more rigid, more vigilant, more severe, and more ruthless."

The study describes the present system:

"The cornerstone of the present way of handling the personal injury and property damage costs of automobile insurance is fault law which, when combined with insurance indemnifying against liability for fault, becomes what we will call the fault insurance system.

"Fault law is a collection of rules for determining, as between two or more individuals, who will bear the cost of an accident. The determinations are made on a case-by-case basis, with the cost being shifted from the individual on whom it fell only if some other individual can be shown to have been exclusively at fault. The legal standard for fault is based on what a hypothetically reasonable man would have done under the circumstances of the accident.

"For traffic cases—where moving things ran into something else—the fundamental principles of fault law developed before the automobile was even invented and long before it assumed its modern role in transportation.

"Around the turn of the century automobiles appeared and began to collide. Fault law, the established law of traffic cases, became the law of automobile traffic cases."

The report continues: "When motorists faced the risk of being held financially liable for automobile accidents, they sought to insure against that risk."

Liability insurance was born and "brought insurance to the rescue of the wrongdoer."

Thus, the report says, "the law of fault liability and insurance against fault liability, which have drifted together to form . . . the 'fault insurance system,' began with very different purposes.

"Fault law, in theory, shifts accident cost to wrongdoers. Liability insurance, in theory, protects wrongdoers both by defense and by indemnity. The two original purposes are in fundamental conflict. Liability insurance has stripped fault law of its purpose, but society is left to pay for and endure all the complexities of fault law decision-making."

Originally, then, liability insurance was designed to protect a driver from being held totally at fault in an accident and having to pay the ensuing damage. But, as more and more cars and almost universal financial responsibility laws, appeared on the scene, the focus has switched to compensation for the injured.

The report points out that the tremendous number of accidents today puts an intolerable strain on the present system.

"When fault law developed, there were no automobile accidents. In 1968, there were 14.6 million automobile accidents in the United States.

"It is not necessary to belabor the point that fault law, the courts and liability insurance were not designed to deal with the accident-causing propensity of the modern automobile. Nor is it necessary to belabor the point that the automobile has placed heavy burdens on all three institutions."

The New York study documents many of the same areas of difficulty as does the DOT study.

DELAYS KEY POINT

Delays in payment is a key point. "Injured victims of automobile accidents," the study says, "face average delays in collecting under automobile liability insurance that are 10 times as long as the delays in collecting under collision, homeowners or burglary insurance, and 40 times as long as delays under accident and health insurance.

"The delays are long both in and out of court. The cases that go to trial, which involve the largest claims of all, encounter truly incredible delays—between four and five years in the largest counties of this state (New York) . . . And the delays get worse, not better."

The fault system, the study charges, puts insurance claims through a variety of legal and extra—legal forums that cause the outcome of claims to be wildly unpredictable.

Even though the civil courts in most states are jammed, some with up to 40 per cent auto accident litigation, because there are so many accidents and so many claims, and a growing number of other civil cases, only about one per cent of all liability claims are settled finally by a court. Thus the other 99 per cent of the claims are settled in a "proliferation of forums outside the judiciary—typically in unrecorded, private sessions between a claimant or his attorney and an insurance adjuster."

"The essential fact is that the adjustment of claims is not a decision-making process," the report says, "where a disinterested third party, with power to impose its decisions on the other two, finds the facts, interprets the law and thereupon decides who is right and how much is owed. Rather it is a bargaining process in which each of two antagonists tries to get an advantageous agreement out of the other . . .

FAULT SYSTEM UNRELIABLE

"Part lottery and part bazaar, the fault insurance system is unreliable and unpredictable."

Then there is the problem of the uninsured motorist. The DOT study shows that some 20 per cent of America's 90 million private passenger automobiles are not covered. If one runs into you, it could mean big trouble. Even if you have optional uninsured motorist coverage, you'll probably have to prove, to your own company, that you were totally without fault in order to collect.

The DOT and New York surveys agree, as do many other auto insurance critics, that radical change is needed.

And "no fault" auto insurance seems to be the answer many people are giving to solve many of the industry's current problems.

There are several variations in plans of no-fault insurance extant. All provide "first-party" coverage (your insurance company pays you almost all out-of-pocket loss when there's a wreck no matter who is at fault). All attempt to cut down on or eliminate completely "plain and suffering" claims. All are designed to keep the overwhelming majority of claims now getting to the courts out of court by prohibiting most or all auto liability suits.

Most plans will allow suits for claims over certain figures ($10,000 in the case of the Keeton-O'Connell plan), if certain conditions regarding the legitimacy of the claim are met. Most would also allow for suits for excessive pain and suffering.

Most of the plans also provide that auto insurance will take over only when other insurance is exhausted (health and accident, sick pay, etc.)

The no-fault plans vary in their treatment of property damage liability. Some, like the Massachussetts plan, leave all property damage claims to the current fault liability system. Some, like New York's proposal, have nonautomotive property damage coverage with auto coverage optional. Some, like the Keeton-O'Connell plan, offer total property damage coverage.

Proponents argue that no-fault will decrease premiums by eliminating many legal fees, duplicate coverage, plain and suffering claims and assorted waste; that it will enable almost everyone to recover after a wreck; that delays will be eliminated because of immediate payment; that claims will be paid according to their severity because virtually all out-of-pocket losses (up to a certain level) will be covered.

In addition, should a plan with a dollar loss limit be imposed, each motorist could buy additional coverage if he wished.

Besides, they say, most of the other insurance we have is no-fault anyway—like fire, casualty, homeowners and even a goodly portion of our automobile insurance (collision, comprehensive, medical).

And, they add, no one wants to have an accident or is really guilty of deliberate negligence.

The way dense traffic patterns and high-speed driving have changed the highway picture, they say, anyone could have an accident and all drivers are guilty of moments of inattention even in just a few blocks of ordinary driving.

Finally, proponents say, the matter of negligence should be a criminal matter for the police and the criminal courts to decide, not a football to be kicked around by insurance adjusters and lawyers. If you've violated a law that led to or caused an accident, let the police and the courts handle the matter.

Massachusetts already has in effect a modified no-fault insurance law with an out-of-pocket loss limit of $500 in medical costs and $2,000 in wage loss. While the limit is quite low, those with higher losses can go to court, if necessary, to get a settlement. Puerto Rico and Saskatchewan, Canada, also are operating under modified no-fault laws.

TAKING LONG LOOK

Besides Massachusetts, more than 20 states, including Kansas, are now taking a long look at auto insurance and including the no-fault concept in that look. The American Insurance Association, representing about 30 per cent of the auto insurance business, backs a no-fault plan of its own.

But the biggest boost to the no-fault concept may come from the federal government.

Although the Department of Transportation has not released its proposals on auto insurance to complete its massive study, the Wall Street Journal reports that the White House already has received from DOT a "'rather aggressive program" for revamping the industry.

The program will include, in part, the Journal says, replacing liability insurance with a no-fault system, at least for personal death and injury losses. Property damage would be tagged onto the plan later.

The Transportation Department plan reportedly would be in the form of prescribing guidelines to the states that could be implemented by some incentive or penalty. It is due to go to Congress sometime in January or February.

And Sen. Philip Hart, D-Mich., introduced in the Senate in September a set of proposals that would establish a rather severe form of no-fault. His plan would require everyone to carry auto insurance and provide noncancellable policies to individuals as long as they are licensed to drive and continue premium payments. Of course, passage of the Hart bill would bring the weight of federal law to bear on the situation.

DISPUTE CLAIMS

Opponents of no-fault auto insurance dispute the claims for its efficacy and cast doubt on some of the substance and severity of criticism of the present system.

In the first place, say those still favoring the fault liability system, drivers should be responsible for their own mistakes even if they do buy insurance to shift that responsibility. Going to no-fault insurance would make the innocent driver prey to suffering caused by drunks and chronically careless drivers. In essence, they say the bad driver can expect the current system to come down hard on him.

Secondly, the tort system is the American way, they say. Every person is entitled to a jury trial, no matter how small the matter, if he's been wronged.

Thirdly, it would be too much to ask for persons to give up the right to "pain and suffering" damages. Just because there has been no loss one can assess a dollars and cents doesn't mean there has been no real loss to a person hospitalized for a long period, or one who has been disfigured, or one who has been in pain, or one who cannot prove wage loss, like a housewife or a child.

Also, opponents say, it's very possible that premiums could increase, because many more claims conceivably would be filed. And to be effective, no-fault insurance should be mandatory, perhaps pushing rates for many even higher and creating the complicated bureaucracy that such laws require to make them even partially effective. (It's been pointed out by no-fault friends and foes alike that Massachusetts, New York and other states with compulsory insurance have a tough time enforcing such laws.)

And compulsory insurance and more claims could easily mean even more litigation, some believe.

Opponents further believe that the problems of auto insurance are overstated. Most admit that the system is slow and payments sometimes uneven and unfair, but they contend that methods less drastic than no-fault will right the sickness in the system.

Those against no-fault proposals include a slight majority of the insurance industry and most lawyers, including the American Bar Association and the American Trial Lawyers Association.

NEGLECTS LOSS

Then there are those who say that no-fault proposals beg the real question and chide no-fault zealots for concentrating on the administration of auto insurance while neglecting the real issue: loss reduction. The real problem, these people say, is to build safer and sturdier cars, to strengthen licensing laws (many states, including Kansas, allow license renewals by mail without even checking to see if one has gone blind or something similar since the last renewal), and to make and enforce tougher traffic laws.

In addition, they say, Americans spent $7 billion for other than bodily injury liability insurance last year (or 55 per cent of the total) and more than 10 times as many people incur auto damage as incur personal injury. So it is to this coverage, mostly collision and comprehensive, that reformers should look. And this means reducing losses and preventing accidents.

Large auto insurance companies, like Allstate and State Farm, are prone to take this view. To protect themselves against criticism for premium increases, they are pointing to a common villain—automobile manufacturers.

In a four-page brochure that came to Kansans whose policies were up for renewal recently, State Farm explained its theory.

"What's the story with the rate increase? Here are two sides," the front of the pamphlet read.

Inside were pictures of the front and rear of an auto that obviously had just been involved in a fender-bender.

"No matter how you look at it," the brochure reads, "the answer is the same. Today's delicate cars are not designed to take it . . . Because bumpers are designed for style and not protection, something has to give. And usually does."

LOT ACCIDENTS COSTLY

The text pointed out that a 10 mph parking lot accident is likely to bring $500 worth of damage to a late-model car.

Allstate, the second largest insurer of autos, is bringing a similar message to America through full-page ads in national magazines.

A recent ad in Newsweek promised: "When they change the bumper, we cut collision insurance rates 20 per cent." Allstate promises to cut such rates by the promised figure when auto builders begin making bumpers that can take it and says, "There are such bumpers. They've been tested and they work. They're coming—but when?"

This is great, say no-fault enthusiasts. But as long as we have more and more cars and more and more people, we're going to continue to have wrecks. And wrecks mean injuries and deaths. Compensation is the key to insurance, they say, and if the insurance system is not compensating people properly, it must be changed. People, in short, are more important than cars.

In many parts of the United States the auto insurance system is manifesting symptoms of extreme sickness.

New Jersey insurance companies, tired of underwriting losses and frustrated by being unable to hike their rates fast enough to get back on a favorable financial footing, began canceling hundreds of motorists this year.

The New Jersey Insurance Commission stepped in and has temporarily forbidden cancellations.

"The situation could scarcely be more critical—barring a complete collapse of the private insurance industry," said Robert Coburn, president of the Independent Mutual Insurance Association of New Jersey.

New England states are having their problems, too. Massachusetts has the highest auto insurance premiums in the nation. Basic coverage in New York is likely to cost more than $600 a year. Insurance at standard rates throughout that region is hard to get and becoming harder to keep.

Florida is in a turmoil, too. The state has the "California plan" whereby insurance companies can set their own rates without prior approval from the state insurance commission.

But rates and consumer dissatisfaction went up so fast in 1970 that the state legislature put a freeze on premium increases. Then the Florida State Supreme Court promptly tossed out the rate freeze.

Meanwhile, an underdog candidate for the state insurance commissioner's post campaigned against the California plan and defeated the incumbent commissioner, who supported it.

The Massachusetts Supreme Court recently tossed out a 15 per cent rollback in all car insurance rates that was tacked onto the no-fault plan. The state's insurance companies brought the suit, protesting vigorously not against the cut for no-fault, but against the premium trim for other kinds of auto insurance. Now the state is searching for another way to reduce Massachusetts' sky-high rates.

Problems like these lead to an inescapable question: Should the federal government get into the automobile insurance business?

Most proponents and opponents of no-fault currently say vehemently they oppose such a plan, as does Transportation Secretary Volpe. He is on record as favoring that reforms in auto insurance be undertaken by the states.

But quite a number of people feel that if the states don't act the federal government will take over or strictly regulate automobile insurance as a matter of what it considers to be necessity.

And whether or not Kansas is in bad shape, this state will be swept along with everyone else.

[From the Wichita Eagle and Beacon, Dec. 7, 1970]

CAR INSURANCE RATES A MIRROR TO INFLATION—PART II

(By Randy Brown)

The situation of rising automobile insurance premiums is going to get worse before it gets better. If it ever gets better.

Auto insurance liberals and conservatives alike agree there's only one way rates can go in Kansas and the rest of the nation. And that's up.

What is making premiums—which have zoomed up an average of 65 per cent nationwide in the last 10 years—grow so quickly and inevitably?

The insurance companies have fairly standard answers. "The major reason for the escalating costs of auto insurance premiums is the increasing cost of repairing cars and people," says Thomas A. O'Day, director of public affairs for the American Mutual Insurance Alliance.

A recent report commissioned by the Insurance Information Institute cites three familiar reasons—rising prices in the fields of medical, legal and auto repair services.

The three have risen, the report says, because labor compensation for the three fields has gone up while labor productivity has not been able to increase.

Hospital service charges, for example, have gone up an average of more than 10 per cent annually in the last decade, the report adds, and have skyrocketed 15 per cent a year since 1965.

So auto insurance prices must go up, the report concludes, because the industry has no direct way of controlling the prices of these services.

But, recent studies indicate the reason the rates are up there so high to begin with—is waste, especially in bodily injury insurance, which returns in benefits to wreck victims only about one of every two dollars put into it.

In some major American cities (and even in Kansas), a car owner can pay more than $1,000 in premiums for one-car coverage.

Just what is it that you are paying so dearly for? The National Observer has compiled a checklist of insurance features the typical policy will cover. They are:

Liability—This is the backbone of most coverage and protects you against claims when you are at fault in an accident. You get nothing from liability insurance from your own losses. Payments go to others for injuries, pain and suffering, lost wages, property damage and the like. This is the only type coverage drivers are required by law to carry in most states. In Kansas, the law provides you must carry 10–20–5 liability ($10,000 per person $20,000 per accident, $5,000 for property damage) or be able to show such financial responsibility if you are involved in an accident.

Benefits from liability coverage actually vary. Many states require 1–20–5 (or prove financial responsibility to these limits), but you can buy liability up to almost any limit.

Collision—This covers the repair or replacement of your own car, unless you can collect from a negligent driver. Collision usually has a "deductible" clause. That is, you pay the first $50 or $100 or even more in accident loss to trim your premium.

Medical payments—This is sort of a "minor" medical coverage, paying medical, hospital and funeral costs for you, your family and passengers, whether or not you were at fault. Although you can purchase insurance which will pay more, the payment is usually limited to $1,000 per person in Kansas.

Uninsured motorist—This covers you and your passengers if you are unable to collect from a negligent driver who has no liability insurance or whose insurance company is insolvent or who is a hit-and-run driver. Your own insurance company then makes liability payments, usually just up to the 10–20–5 levels. Kansas law requires all insurance companies operating in the state to offer such coverage to you, although you are not required to accept it.

Fire, theft and comprehensive—This covers noncollision property damage to a car, for which you or another driver cannot be blamed.

The cost of all these areas of coverage has been rising. But, insurance companies say, collision insurance is the biggest cost bugaboo these days.

(In a rate increase announced in June, 186 companies, representing 27 percent of the auto insurance underwriting in Kansas, increased physical damage—collision and comprehensive—rates 15.8 percent and liability rates only 9.8 percent).

And insurance companies increasingly have decided to put the onus for the collision insurance rate increases where they feel it really belongs—on automobile manufacturers.

Allstate Insurance, the nation's No. 2 underwriter of autos, is advertising nationwide that it will slash collision rates 20 percent when auto makers produce a bumper that will stand up to a collision at five miles per hour.

"What the automobile needs today is a bumper that can take a bump." Allstate's magazine ads say. "Today's bumpers can't. They don't absorb the jolt of a crash. They just pass it back to the grille, the headlights and the body. A bumper that will take even a five-mile-an-hour crash could save American drivers up to $1 billion a year."

State Farm, which raised rates 21.2 percent in May in Kansas, where it handles 20 percent of the auto insurance underwriting, has joined the battle.

Leaflets sent to Kansas along with their new premium bills asked, "What's the story with the rate increase?" The answer, the leaflet said, was that "today's delicate cars are not designed to take it."

Tests conducted by the Insurance Institute for Highway Safety demonstrate the fragility of today's new cars.

Damage to the largest-selling 1970 sedans averaged $217.55 when they were crashed into a test barrier at five m.p.h., or walking speed.

At the speed of a jogger, 10 m.p.h., the damage averaged $541.56. At 15 m.p.h., the bad news average was $728.83.

Arthur C. Mertz, general counsel of the National Association of Independent Insurers, testified before the Senate subcommittee on antitrust and monopoly that the American auto industry has the "technology" to produce a bumper that will take a 5 m.p.h. crash without heavy damage. Other insurance companies, including Allstate, back up that claim.

Mertz also left the subcommittee with a pile of statistics indicating reasons why premiums continue to climb:

The cost of crash replacement parts used in auto repairs is increasing as much as 3½ times the rate of increase in the price of new cars.

From 1965 to mid-1969, new car prices for popular Ford and Chevrolet models rose 10 per cent and Plymouth 11 per cent. Respective hikes in their crash replacement parts were 36.4 per cent, 19.9 and 22.5.

A 1969 Chevrolet Impala had a list price of about $3,500. It would cost $7,500 to buy all of the individual parts and another $7,500 to assemble them.

Auto insurance property damage losses have jumped 85.5 per cent since 1959—from an average of $124 to $230. The premium for this coverage increased only half as much during the same period.

Acting on the knowledge that fragile cars are a poor risk, insurance companies may soon start rating cars as to their sturdiness and horsepower-weight ratio, the Wall Street Journal reports.

As a result, those cars that don't "come unglued" when they bump into something at a low rate of speed (there are none at present) will get a collision rate reduction and those that bend and crumple at low speed will get a collision rate hike.

And "muscle" cars, those with a high horsepower-to-weight ratio like Chevrolet's Corvette, Mustang's Mach 1 and American Motors' AMX, will soon see the already wide spread in liability rates between them and low-powered cars widen sharply.

Historically, collision rates have been based on the new cost of a car, while liability charges have rested on a driver's age, occupation, residence and safety record.

The insurance industry is beginning to consider ruggedness and horsepower.

According to the Journal, Liberty Mutual Insurance Co. has already decided to tie car sturdiness to collision insurance rates.

Under the Liberty Mutual plan, buyers of similarly priced cars with different repair histories could end up paying premiums that differ by as much as 40 per cent a year.

Muscle cars have been taking an insurance beating for the past year and the future looks bleaker. The Journal says most insurance companies (although none yet in Kansas) have instituted a 50 per cent increase in liability premiums for such cars and the hike has caused sales of such cars to drop considerably.

Many insurance companies are apparently convinced that there is a direct relationship between the type car driven and the number of claims filed.

An actuary for Nationwide Mutual, which set off the 50 per cent liability increase for high-performance cars, says aggressive drivers drive aggressive cars. "Could we really expect defensive driving from a person who buys a Rebel, Mach I or Cougar Eliminator?"

Auto manufacturers are lending an increasingly sensitive ear to many of the criticisms.

Five of Ford's 1971 high-performance cars have smaller engines than the 1970 models and General Motors' 1971 cars generally have lower compression ratios and thus less horsepower.

And, in a November press release, Ford announced it had introduced in its 1971 models a series of improvements designed to protect against minor impacts, including increased grille and fender clearance, protective side mouldings and bumper guards, which attempt to protect against mismatching bumpers that Ford claims causes much expense in minor collisions.

General Motors, meanwhile, has announced its 1973 models will have a different kind of bumper that tends to absorb impact. GM auto safety engineering director Louis Lundstrom told the National Association of Independent Insurers in November that Detroit was not deaf to the insurance industry's pleas for cars that are more difficult to dent and less likely to become death traps. At the same time, he hinted that, when cars are made safer, the consumer probably will pay more to get them.

Insurance companies also cited mushrooming hospital and health costs and the increasing American propensity to put air conditioners, tape recorders and other assorted paraphernalia in their cars. The gadget habit, they said, boosts both collision and comprehensive claims.

But auto insurance premiums are going up faster than most anything else, according to Sen. Philip Hart, D-Mich., whose Senate antitrust and monopoly subcommittee has been studying the problem for the past three years.

Rates went up 65 per cent in the decade of the 60s. But repair costs only rose 39 per cent, tires 28 per cent and gasoline 15 per cent.

(Here is a prime example of two trends: cars are more fragile and people are having more serious accidents. Mertz' testimony quoted above showed average wreck costs up 85.5 per cent. Hart's figures show auto repairs rates are only up 39 per cent.)

Even granting the rising costs of auto and people repairs, the Department of Transportation and New York studies come down hard on the insurance system for the waste in bodily-injury premiums it produces.

Transportation Secretary John Volpe says, "For every dollar of net benefits the system produces, the (DOT) study shows it consumes a dollar (in various kinds of overhead)." And legal fees claim 25 per cent of every benefit dollar, the study shows.

The New York study breaks the insurance premium dollar in that state down:

"First of all, insurance companies and

agents use up 33 cents. Then lawyers and claims investigators take the next 23 cents.

"Together these items make up the operating expenses (56 cents) . . . of the fault insurance system . . .

"What happens to the 44 cents that gets through to the accident victim?

"First, 8 cents go to pay for economic losses that have already been reimbursed from another source.

And of the remaining 36 cents, "21.5 cents go for something other than economic loss," things like "general damages" and "pain and suffering."

"That leaves just 14.5 cents out of the premium dollar as compensation for the net economic loss of the accident victim."

"In our judgment the profligacy of the operating costs of the fault insurance system, and its wantonness in mismatching limited resources with serious human needs, would be enough to bring down the whole system some day, even if there were nothing else wrong with it."

The high overhead of bodily injury insurance can be seen when you compare the 50-cent per dollar administrative cost found in the DOT's wide survey) with the administrative costs of other insurance systems: 3 cents for Social Security, 7 cents for Blue Cross and 17 cents for health and accident plans.

[From the Wichita Eagle and Beacon, Dec. 8, 1970]

IT IS EASY TO LOSE INSURANCE—AND IT IS COSTLY—PART III

(By Randy Brown)

When your car insurance is cancelled or you are refused renewal, you'd better start reaching for your well-worn wallet. Because before you finally get insurance again, it's probably going to cost you a lot more money.

Premium rates have been heading heavenward anyway. But when you lose insurance, expect to pay at least 60 to 70 per cent more in Kansas for the same coverage.

Faced with growing underwriting losses and smaller investment returns because of the stock market squeeze, auto insurance companies are tightening down on their policyholders—and being extremely cautious about taking any new business.

One Kansas insurance executive echoed much of the national industry's view, saying that his company simply isn't writing a number of the people it would have written a year or two ago. He adds that the firm also is taking a longer look at those up for renewal.

Although the number of people losing insurance in Kansas is growing, apparently at a rather rapid rate, the situation in the Sunflower state is light years away from the cancellation crises now being faced by persons in northeastern states.

In New Jersey this summer, cancellations mounted so rapidly the state insurance commission temporarily outlawed them. New Jersey insurance companies have been incensed with the commission's refusal to grant them rate hikes and in retaliation began wholesale cancellations to protect themselves, they said, against growing losses.

Some companies are cancelling all policies for people in several northeastern states. A number of companies are refusing to write any more new auto insurance, a few companies are simply getting out of the auto insurance business altogether.

Kansans are protected slightly by a state law passed in 1968, which prohibits cancellations for policies that have been in effect at least 60 days.

Exceptions to the cancellation law include non-payment of premiums, loss of license, fraudulent statements made when applying for insurance and a number of other causes.

But it does not protect against nonrenewals, which are, in effect, another form of cancellation.

And if the number of complaints received by the policy holders' service department of the fire and casualty division of the Kansas Insurance Commission are any indication, more and more Kansans are being "nonrenewed" or are having great difficulty getting insurance to start with.

Cancellations and nonrenewals and refusals add up to only one thing when you go seeking insurance again: higher nonstandard rates.

Jerry Garris, head of the policyholders' service division of the Kansas Insurance Commission, explains that no "standard" company is likely to touch you once you've lost insurance.

As a car owner looking for insurance, you can fall into one of five situations (in order of increasing premiums): insurance from a standard company with "standard" rates, insurance from a substandard or "pup" company, insurance from the assigned-risk pool, insurance from a "new" nonstandard company—or uninsurable.

Companies selling at standard insurance rates usually lump their customers into about six categories that are defined by age, the amount the car is driven and other factors not related to driving record. Then they juggle rates within these categories by applying the driving record.

Categories from lowest to highest rates, are:

1-A—Car is not driven to and from work or school. No male driver under 25. No business use. Car individually owned.

1-B—Same as above but driven to and from work or school no more than 10 miles one way.

1-C—Same as above but driven to and from work or school more than 10 miles one way.

3-C—Used in business, individually owned, no male driver under 25.

2-A—Same as 1-A, but male driver married and under 25, or if single, not principal operator.

2-C—Owner or principal operator is unmarried male under 25.

Drivers who fall into the 1-A category with a perfect driving record are classed 1-A-0 and are the preferred risks all insurance companies are looking for. It is these drivers who receive the lowest rates (along with farmers, who are classed 1-A-F).

But most others in the above categories still qualify for the standard rates, which generally range from $100 to $350 for drivers with perfect records, but can go as high as nearly $700 for the single male under 25.

Where you live and what kind of car you drive also affects your rates.

A person who lives in the Lawrence and Leavenworth areas pays the lowest rates in Kansas. If you drive a group 4 auto (something like a 1970 Chevrolet Biscayne), fall into the 1A category and live in those areas, a good, basic coverage can cost you $219 from a standard company. The same coverage can cost about $306 in metropolitan Kansas City, the highest rate area. In Wichita, the price tag could be $253.

And having a "muscle" (high performance) or sports car could up your rates as much as 50 per cent for collision and comprehensive.

These premium examples are for a group of 186 smaller Kansas companies that have joined to make their rates together. (Such rates are generally called "bus car" rates. Larger companies, who make their own rates, might charge somewhat less for standard-rate coverage.

It's getting a lot easier, though, a local agent says, to fall out of those standard rates. If you are a Wichitan (or Kansan or American), have only one accident and one moving violation on your record, it's very possible you won't be renewed when the time comes around.

If you are an unmarried male under 25, it's not too likely that you can buy auto insurance under standard rates to begin with, despite appearance on that 2-C category or most companies' charts.

But that's not all. Your age or your driving record may not make a bit of difference.

New 1970 insurance blacklists issued to a Wichita agent list these kinds of persons who will not be written under standard rates no matter how perfect their driving record or stable their personality or responsible their citizenship.

Anyone who owns a club or sells alcoholic beverages (aside from package store owners or workers), all military personnel, anyone unemployed, all used-car salesmen, restaurant and hotel employes (other than supervisors between the ages of 35 and 60).

Traveling salesmen who travel more than 20,000 miles a year, musicians, entertainers, professional athletes, anyone living in a mobile home, anyone who has moved more than twice in the last three years, those with common-law marriages, divorced or separated persons, anyone who has ever been convicted of a felony, people who have cars with altered bodies or engines, owners of high-performance cars and sports-car owners.

Ministers and doctors also are likely to be included on Kansas' blacklists, according to Don Norris, head of the Wichita branch of the Kansas Insurance Commission. The reason, Norris says, is that they work long hours and often are tired and preoccupied when they are driving.

Once you are dropped from the standard category, which has now happened to about 10 to 15 percent of Kansas drivers, you have two rather unpleasant choices: You can attempt to buy from a "pup" company or tell the State of Kansas about your troubles and get into the "assigned risk" pool.

Assigned risk is a category where persons uninsurable at standard rates are placed by the state. Insurance companies, according to their share of business in the state, draw drivers from this pool. But, unlike many states, in Kansas even assigned risk doesn't have to take you if your driving record is bad enough.

Also, assigned risk offers only liability insurance. Even then, in Kansas, buying liability from the assigned risk pool can be better than buying it from a "pup" conpany or the dreaded non-standard high-risk companies. Assigned risk hasn't had a rate increase in five years so its liability rates are lower, generally, than the other two.

If you want complete coverage, you'll have to buy some or all from a "pup" company, which is a subsidiary of a large insurer and generally has rates a little lower than the nonstandard folks.

Rates vary but, depending on how lousy your driving record is or what other undesirable traits you may have, it could cost you as little as $250 or as much as $600, for less coverage. And if you're that under-25 male driver, the rate might reach a whopping $1,200 a year.

If your driving record is a little hairier, you'll have to take nonstandard insurance rates, if you can get insured at all.

Nonstandard companies accept the riskiest drivers and charge the highest rates of any category. Average nonstandard rates also vary, but a common range is from $250 to $650, with the underage driver possibly paying as much a year as $1,300.

Nonstandard rates in Kansas actually go higher than that, but, according to local agents, no nonstandard company would write anybody any riskier than $1,300 worth.

Then there are the drivers no one will insure. About 20 percent of Kansas' 1 million-plus automobiles carry no insurance. No one really knows how many are uninsured because the drivers have been refused insurance by even the most expensive of companies. But the number probably is high enough to be pretty scary.

[From the Wichita Eagle-Beacon, Dec. 9, 1970]

Fraud Forces Up Rates for All: Insurance Claim Cheats Steal Your Dollar—IV

(By Randy Brown)

The steep inflationary rise affecting all the goods and services connected with automobile and people repair; the immense waste created by bodily injury insurance; the economic squeeze causing insurance companies to seek out only the preferred risks and kick many others into hyper-expensive premium categories—you would think these would be pressures enough on the pocketbook of the 100 million or so Americans who need car insurance.

But it isn't necessarily so.

There are other, more subtle problems taking their bite out of the premium dollar.

The consumer himself is responsible for many of these.

It is bad enough that Americans seem to find it necessary to drive faster and more carelessly every year. It is also an unhappy fact that too many of us demand faster, bigger cars, laden with expensive gadgets.

On top of that, more than a few Americans are finding it either necessary or advantageous to cheat.

Syndicated financial columnist Sylvia Porter, whose column "Your Money's Worth" appears in The Eagle, has this to say about consumer fraud:

"It's impossible to be precise about how much of this type of cheating of U.S. automobile insurance companies actually goes on, how many tens of millions of dollars are paid out in dubious and fraudulent claims, or what percentage of our premium dollars goes to cover such costs.

"There's also no way to tell how many automobile repairmen regularly conspire with automobile owners to pad claims to be paid by insurance companies.

"But fraudulent claims must account for a significant part in the rise in our automobile insurance costs. . ."

Miss Porter has written about a striking example of insurance fraud encountered by a friend of hers in New York City last year.

Her friend accidentally nudged the fender of a taxi in front of her just enough to dent it slightly.

There seemed no possibility of injury, but the woman and the taxi driver exchanged information for their insurance companies. The driver assured her he was fine.

A few weeks later, the woman was sued for $5,000, supposedly the cost of medical expense for treatment of "whiplash" injuries the taxi driver's employer claimed the driver had suffered.

"Our friend's insurance company went through all the motions of recording details of this mildest of accidents," Miss Porter wrote. "Then, to her astonishment (the insurance company) informed her that it expected to settle this probably fraudulent claim out of court for a substantial sum."

The Post Office has a number of cases on file that show how fraud works. In many of these, several individuals organized into an auto accident ring.

"Typically," Miss Porter writes, "an unscrupulous lawyer hires two or three people in two different cars to stage an auto accident in which a fender or two are damaged fairly badly—enough to make physical injury appear a possibility. Then, with the cooperation of an unethical doctor, the lawyer files a fat claim against the insurance company of the 'hitter' on behalf of the individual who allegedly suffered a whiplash injury.

"The hitter, of course, is well protected by a liability insurance policy, although his car may have been rented. The 'injured' individual plays his part—by being admitted to a hospital, feigning injury, etc."

In another kind of fraud, Miss Porter reports, a person takes out dozens of accident and health policies without revealing to the companies, of course, that he is insured elsewhere. Then, after faking an accident, the heavily insured "victim" tries to collect from as many of the companies as he can.

"There are some people who make a pretty good living this way," a Post Office inspector told Miss Porter.

Miss Porter's comments about auto repairmen bring up a familiar controversy: Do many body shops and mechanics cheat? Do they conspire with either insurers or insurees? Do they just jack up prices for their own benefit when they find out you have insurance?

The first two questions are very difficult because of the near impossibility of finding meaningful statistics on successful, or even attempted, fraud and conspiracy. Studies attempting to answer the third question have shed a little light on the first two and produced conflicting evidence on the third.

The Hartford, Conn., Courant, in a study conducted in 1969, sent a reporter with the same banged up car to 45 garages in the area.

Did it make any difference if the reporter, a woman, told the garage that she had insurance? Up to $541.85 worth. "If your car is insured," the reporter wrote, "expect local repair shops to hike their prices one-third."

Twenty-one shops were told the car, a 1968 Oldsmobile Cutlass, was insured. Their estimates averaged $598.18 and ranged as high as $754.13. Eleven shops were told the car wasn't insured. Their estimates averaged $375.97 and ranged as low as $212.28.

Six were not told anything. They averaged $410.13. Seven shops didn't give estimates. And five insurance adjustors, asked about the damage, averaged $470.64 in estimates.

Of course, no repairs were actually made, so it is impossible to distinguish the quality of work. Also, garages differed considerably on how much work needed to be done and how much labor it would take to accomplish the job.

Only two of the 45 garages offered to "help" the reporter on the collision deductible by writing out damage estimates that were deliberately higher than repair costs. No other fraudulent offers were made.

However, area adjustors told the reporter that, if garages cheat on their work, they keep the difference for themselves.

A similar survey by the Kansas City Star, which also sent a women reporter, failed to show a significant difference between half of 18 Kansas City area body shops which were told her damaged 1965 Buick Wildcat was insured and the other half, which weren't.

The nine shops which were told the car had insurance averaged $65 more than the other nine, but the high and low estimates, $788 and $619, came from shops who thought the car was insured.

Harry Hall, a Wichitan who owns his own body shop and is president of the local Independent Garage Owners Association, said he doubts that many garages jack up their rates for insured accident victims.

"That's kind of hard to swallow," Hall said. "We don't overcharge anybody, including insurance companies because they're our best customers."

Some garage owners are unscrupulous, Hall agreed, but these are in a very small minority.

There is another side of the coin. Many garage owners contend that they might end up with lower estimates for insurance jobs, because of rising competition between garages to get more business. They also cite tough insurance adjustors and independent claims investigators who drive estimates down.

To rid the auto repair industry of most of the dishonest repairmen, Hall suggests licensing of mechanics and insurance adjustors by the state.

Another big factor in how much you pay for insurance is the company you buy from. Many people have the vague notion that rates are more or less the same or are set by the state. Others are just too lazy to shop for insurance.

But shopping can make quite a difference. A recent survey by Consumer Reports indicates that, by carefully looking around, you are likely to save 30 per cent or more on the cost of the same coverage. Some savings could range up to 60 per cent and even higher.

This doesn't take into account customer service or payment of claims, of course, but even comparing two well-known companies with good reputations sometimes can reduce your premium considerably.

The reason is, says Don Norris, head of the Wichita branch of the Kansas Insurance Commission, that you're buying a company as well as an insurance policy.

The state of Kansas does not set rates; it only approves rate hikes based on the underwriting experience of a company. When a company can prove to the commission that it's losing money on a regular basis, it can raise its rates. Companies that aren't losing money on auto insurance underwriting don't get rate hikes.

Thus, Norris said, "You get better rates from companies making money or being real restrictive about who they write."

Most of the insurance companies underwriting autos in Kansas have raised their premiums in the last year. But, if the company is making money on its other insurance business, and has been successful with its investments, it can afford to be more competitive by selling auto insurance at a lower rate than a less fortunate enterprise.

[From the Wichita Eagle and Beacon, Dec. 10, 1970]

"Fault" Is Elusive, Often Unfair Standard in Insurance—V

(By Randy Brown)

So you're cruising down a country lane one fine Kansas autumn afternoon, taking the wife and kiddies for a little spin in your Spacious Six sedan.

You're loafing along at about 30 and everything is fine and fair. You enter a typical unmarked country intersection.

Suddenly some half-crazed radical-lib with a dagger between his teeth crashes his chartreuse and fuchsia Barra-Mach I-Demonmobile into the left side of your car at 85 miles per hour and—blap—everybody is upside down in a ditch.

You're lucky. No one is killed. You've got a fractured skull, maybe, and the wife's got a couple of broken ribs, and your three kids total up to a few broken limbs and everybody has bruises and abrasions. A few weeks in the hospital will fix everybody up. So it costs the moon. What the hell, you've got auto insurance. Full coverage.

Hmmm. Full coverage. Let's see. Liability. That covers the guy with the dagger between his teeth if it was your fault. And it certainly wasn't your fault.

Comprehensive. No help there.

Medical. Now we're cooking. But that's only about $1,000 per person. That won't even pay a tenth of the cost.

Collision. Don't even need to worry about that. The other guy's liability insurance will take care of that—it was his fault. Matter of fact, the other guy's liability insurance will take care of all of the expenses.

Wonder if that other guy's got insurance?

Are you kidding? The guy's had three DWIs, four other moving violations and was caught last month selling reefers to a kindergarten Sunday school class. The last semiannual premium figure his agent quoted him was in six figures.

And you decided not to take that "uninsured motorist" coverage your agent offered when your renewal came up. Your premium was going up and you decided to save a little money and take some more of the risk on yourself.

But wait. Let's suppose the other guy did have insurance—or you did sign up for uninsured motorist coverage to protect you against drivers without insurance or hit-and-run types. More than 90 per cent of Kansas motorists do take the extra coverage.

No sweat now? Forget it?

You may have been in the intersection first, and you may have been the car on the right, and thus had the "right of way." And you may have been going 35 m.p.h. and the other guy 85. But in Kansas, that wreck was not anybody's fault.

An official of the Kansas Insurance Commission, Jerry Garris, says that Kansas court decisions have established that, in open (or unmarked) intersection collisions, it is the obligation of both drivers to avoid the accident, no matter how much "at fault" one of them may be.

And, since Kansas is in the overwhelming majority of states that have contributory negligence laws (if you're not entirely in the right and the other guy isn't entirely in the wrong, you don't collect), you've got problems spelled out in thousand dollar bills.

The above example may seem severe. In some ways perhaps it is. But at least our "innocent" victim can collect from his collision insurance (probably $50 or $100 deductible) for the damage of his car. At least the medical portion of his policy will pay some small part of his expenses. And, if he's got an accident and health policy, and can collect sick pay, maybe he'll come out with only a minor disaster.

But consider this. According to a Department of Transportation study of automobile accidents in 1967, some 10 per cent of the people involved in serious auto wrecks received no compensation from any source. Since some 500,000 auto deaths and injuries were studied that year, we're talking about more than 50,000 people.

Further, it is not necessary to belabor the point that the unlucky person involved in a bad collision who is also underinsured is probably the least able to stand the pressures of having to pay huge sums out of his own pocket.

One of the key arguments over the efficacy—or lack of it—in the present system is over how difficult it is to prove who's at fault and whether "fault" is, indeed, a fair determinant of whether compensation from auto insurance should be paid.

Those defending the fault-liability system say that fault is, usually, not too difficult to determine, that the fault system is a deterrent to careless driving and lax moral behavior. Defenders further say that it is the moral and legal responsibility for those "guilty" of being at fault to pay the "innocent" victims (while presumably not being compensated for their own loss, at least through auto insurance), and that the great majority of accidents are caused by a small, careless and reckless portion of society.

A growing body of evidence is making at least three of the four contentions suspect.

It is alleged that in up to 90 per cent of all traffic accidents, fault is easily determined. Maybe so. But that still leaves a lot of people unpaid: the 45 per cent who were at fault and the other 10 per cent where a determination is impossible.

Moreover the complex, high-speed driving patterns of today are putting increasing pressure on the idea of fault.

Don Norris, head of the Kansas Insurance Commission's Wichita branch, estimates that insurance companies attempt to deny liability in about 30 per cent of the liability claims filed and are successful with some 15 to 20 per cent of those claims. Result: more people unpaid.

Whether or not insurance companies are tightening up on the number of claims they are paying (and there are indications that this is the case), when a system leaves hundreds of thousands of people with serious losses unpaid each year, that system is helping cause a tremendous social problem.

The Department of Transportation study further spells it out from studies of 1967 data: only 20 per cent of total losses were paid by all kinds of auto insurance, only half of the $5.1 billion compensable losses were paid by all reparations systems, only 25 per cent of the most serious cases were compensated by all insurance and reparations systems and only 10 per cent of these by auto liability insurance, only 45 per cent of all death and serious injury victims received any kind of compensation from auto liability.

If our system of reparations doesn't pay, somebody has to. That "somebody" is society—each of you—in unpaid bills from myriad sources, in pain and suffering (which the present system, strangely, claims to pay, despite fantastic payment delays, underpaid and unpaid claims and the loss of rehabilitation time), and in broken lives.

The DOT study points out some of the surface problems of those uncompensated and undercompensated. In 22 per cent of the cases of those most seriously injured in 1967, another family member had to seek employment. Fourteen per cent had to move to cheaper housing, 30 per cent had to draw on savings, 28 per cent had to borrow money to meet expenses, 29 per cent missed credit payments, 45 per cent had to change their standard of living.

Howard H. Leighton, president of the National Association of Insurance Agents, said in Wichita recently that about 12 per cent of the nation's automobile drivers cause some 90 per cent of the accidents. He added that stricter licensing and law enforcement can reduce accident losses much more than could better highways and safer cars.

But the DOT study has some different answers.

"It is commonly believed that a small fraction of the driving population is responsible for a large proportion of all crashes and that removal of this small fraction would substantially reduce the total number of crashes. Careful statistical work over long periods of time totally disproves this notion."

And—"Some drivers are chronically unable to perform adequately, and all drivers have occasional nondeliberate lapses from adequate performance."

And—"Virtually all drivers, even habitually safe ones, occasionally find themselves momentarily incapable of adequate performance because of the driving environment, their personal condition, or some factor beyond their control."

And—"Many, if not most, cases of driver error are not intentional or negligent but are beyond conscious control."

In one mile of driving, the reasonably prudent person must make 200 observations and 20 decisions, the study says—and in two miles of driving he makes one driving error.

Does the fault-liability system deter bad driving?

"As for fear of punishment through the tort system, there is neither evidence nor logical reason to support the notion that this constitutes a major deterrent," the study says.

"There is good reason to believe that the 'punishment' most feared by most drivers is the injury they are likely to incur if they precipitate a crash."

Consumer crusader Ralph Nader chimes in: "There is not a shred of evidence" to support the contention that the fault system is a deterrent.

And one Kansas insurance executive calls the notion "a lot of poppycock."

A survey in the DOT study showed that 70 per cent of drivers don't believe their premiums would be raised if they had an accident and 90 per cent don't believe their policies would be cancelled. The study added, "The public's perception of the present system as a constructive deterrent to faulty driving would appear rather low."

Critics of the fault concept also are saying that the pressure to prove fault so that you can collect from an insurance pool is leading to a multitude of other sins.

T. Lawrence Jones, president of the American Insurance Association, whose members underwrite 40 per cent of the nation's car insurance, says that "the existing system leads to exaggeration, dramatization and distortion of injuries and accident facts so as to place a crash victim in a better position to obtain insurance dollars.

"Obviously, in a multicar crash, each driver is going to report the events in a manner which minimizes his potential liability. In addition, scientific studies have shown that an amnesia often operates to black out a person's recollection of the final seconds before a crash. Distortions of what happened occur unintentionally, because, as the crash study for DOT says, "events that comprise a crash occur too rapidly and are too brief in duration to be accurately and adequately perceived, remembered and recounted by participants."

"This is even more true in the case of objective witnesses who are asked to remember—years later, when a case gets to trial—exactly what car was where, how fast each was going, who signaled and who didn't, and the dozens of other details that make up the accident picture."

"Fault," Jones said, "has a far different meaning today than it originally had in our law. It does not describe conduct which is socially condemned or unacceptable. On the contrary, 'fault' is a technical concept used by society to award damages to one person, and usually with the knowledge that the damages will be spread by the payor among many. It is a way of allocating the costs of an accident.

"Fault itself is a shadowy legal concept that assigns liability according to 'proximate cause' and what the reasonably prudent man would have done under the circumstances. This may have been fine in the early days of this century, but not today when there are (more than 101 million cars and trucks on the road, and when we now realize all the factors that enter into an accident situation: car, road, weather, signs, age and physical capability of the driver, his attitude and emotional state, and many more. Increasingly we recognize all this as a system—and the accident process not as a moral lapse, but rather as an inevitable malfunction somewhere in the system."

[From the Wichita Eagle, Dec. 11, 1970]

BUT IS IT THE AMERICAN WAY? "NO FAULT" COULD SPEED SETTLEMENT—VI

(By Randy Brown)

No-fault automobile insurance is almost a religious issue.

To those backing it, the no-fault concept promises an end to the waste and corruption of the present system and is the harbinger of a new era of liberty and justice for all.

Opponents feel just as fervently. No-fault auto insurance, they say with a full measure of righteous indignation, would be an affront to Americans and an assault on the American Way. Some even see it, a bit nebulously perhaps, as an agent of insidious creeping socialism.

A leading spokesman for the cause of no-fault insurance is Dr. Jeffrey O'Connell, professor of law at the University of Illinois, Champaign-Urbana, and coauthor of the Keeton-O'Connell Basic Protection Plan, a widely known model plan for no-fault insurance legislation.

In a telephone interview, O'Connell commented on the Department of Transportations' almost-completed two year study of the auto insurance problem:

"I think it's a stunning compilation of material which indicts the present system in the most powerful way.

"It confirms what most critics have said for a number of years—the present system overpays the small claim, underpays the large one, fails to pay many people at all, delays payment unconscionably and is terribly wasteful in what it takes out in lawyer's fees and overhead.

"I think any study which is at all objective would inevitably indict the present system."

Although O'Connell feels no-fault should be implemented by the states rather than the federal government, he is unhappy with the modified compulsory no-fault plan recently adopted by Massachusetts.

The Massachusetts plan, the first no-fault adopted by any state, went into effect early in October. It provides that the first $500 of medical expenses and up to $2,000 in other out-of-pocket expense and pain and suffering be paid by the insured's company, regardless of who was at fault in the accident.

The plan, formulated under extreme pressure from many directions, also had a hotly debated rider that called for an across-the-board 15 per cent rate decrease for all categories of auto insurance, including the increasingly expensive property damage (collision and comprehensive).

But the Massachusetts Supreme Court has tossed out the rate cut as "confiscatory." The state is preparing other plans to attempt to trim premiums for safe drivers in Massachusetts, which has the highest rates in the nation.

O'Connell feels that the Massachusetts no-fault law is an attempt to short-circuit the concept of no-fault auto insurance.

"Generally, I'm pleased that the no-fault idea is being given a try, but it's rather clear the lawyers tried to cripple that try by provisions which they hope will make the law fail in practice.

"For example, they preserved the possibility of fault suits alongside no-fault payments to such an extent that the no-fault system may not have a chance to cut court costs and eliminate the waste of the no-fault system.

"Also, the benefits are so low that a lot of social problems caused by personal injury victims not being paid will not be solved. I think if you get the limit below $5,000, you are leaving too many lawsuits unpaid."

O'Connell is not very sympathetic with opponents of no-fault insurance, which include probably a slight majority of the insurance industry and almost all lawyers.

"I think the present system does produce terrible pressures on the companies," O'Connell said, citing "the combination of the resistance of many insurance commissioners to raising rates coupled with the drop in the stock market, which has affected investment income."

But the problem with most insurance companies, O'Connell said, "is that they've refused to take steps which would control these problems. They complain loudly and bitterly about how they suffer under the present system but, with a few exceptions, they not only won't endorse changes that would help, but they actively oppose those changes.

"What I think you have here is a very conservative and unimaginative industry, with exceptions. The American Insurance Association (which represents about 30 per cent of the auto insurance underwriting in the U.S. and has proposed its own no-fault plan) has been very imaginative."

O'Connell gives lawyers short shrift.

"Because lawyers make a lot of money out of litigating auto accidents, they convince themselves that it is a socially worthwhile activity. On the average, they take a third of what is paid to traffic victims. Not only do they make money on that score, but insurance companies are making very substantial amounts fighting them, so there's an enormous economic investment in the status quo."

Lawyers, O'Connell said, "sense that if you switched to a system where you didn't have to fight about who was at fault and you didn't have to fight over the value of a vague variable like pain and suffering and people were paid by their own insurance companies, there wouldn't be any need for litigation. And the confirmation is that it's very rare for a lawyer to be involved in other kinds of no-fault insurance, such as health insurance, or fire insurance or collision insurance."

The judicial system in the United States is in a crisis period, O'Connell said, and, in urban areas, automobile accident cases typically constitute around two-thirds of the civil jury docket.

(Statewide, as opposed to urban figures, auto negligence cases comprise from a low of 5 per cent of the civil docket in Iowa to a high of 40 per cent in Michigan. Kansas' figure is about 17 per cent, not counting divorce cases.)

"We are living in an era of fantastically rising litigation," O'Connell said. "Our judicial system won't stand the increase in litigation; our whole judicial machinery is cracking under the strain. Sixty-five to 70 per cent of our civil litigation time is being used to decide who went through a stop sign in order to possibly deny an injured person money from an insurance pool available to pay for injuries.

"It's a fantastic waste of legal talent and court time. We simply have much better things for our lawyers to do. Lawyers are living off this present system and they see difficulties in the transition from the comfortable world of claims against insurance companies to the new and admittedly more difficult world of relevent social activity.

"Surely we can agree that, if we have a pool of say $10 billion of insurance money, it ought to be used to pay traffic victims rather than being chewed up in litigation which keeps them from being paid."

There is some disagreement among Wichita area judges about how much automobile litigation clogs up courtrooms.

One judge cited criminal cases as the biggest bugaboo and allowed that, although it would be helpful to get rid of much auto litigation (as it would any substantial trial area), accident cases weren't really that much of a bother. Another judge, however, estimated that 60 to 70 per cent of the courtroom Time with juries in Sedgwick County District Court is taken up with automobile litigation.

O'Connell snubs the idea that no-fault insurance, at least the Keeton-O'Connell version, might be more costly, premium-wise, than the present system.

"The fact of the matter is that the insurance companies have never published an actuarial study documenting that the basic protection plan would cost more," O'Connell said.

A study conducted in Michigan, O'Connell said, showed that premiums could be cut 25 per cent while at the same time the no-fault system paid about 55 per cent more people.

What is the Keeton-O'Connell Basic Protection Plan?

The basic tenet of the plan, designed by O'Connell and Harvard Law School Prof. Robert E. Keeton, is that a traffic victim is automatically paid by his own insurer—or his host's company if he was a guest in the car, or by the insurance on the car that hit him if he was a pedestrian—for his medical expenses and wage loss (in other words, out-of-pocket expenses) up to $10,000.

Of course, no one gets paid who intentionally injures himself in a traffic accident.

Along with this, the Keeton-O'Connell plan provides that all those insured will be exempt from civil (but not criminal) liability for negligent driving up to the same $10,000 limit.

Additionally, the Keeton-O'Connell plan provides:

That benefits will not duplicate benefits from other sources, like sick leave, Blue Cross or accident and health insurance. This means that the coverage limit protects you against losses up to $10,000 not covered by other insurance.

That losses are paid month-by-month as losses accrue.

That, although the basic protection plan is limited to out-of-pocket loss and does not cover pain and suffering, you can buy added insurance to cover pain and suffering. You can also buy additional "catastrophe" coverage to protect you up to $100,000 of loss.

The plan also offers two options for property damage: you can buy "no fault" coverage for your car or purchase liability insurance to cover the property damage you might cause others.

Without additional coverage, you can resort to the tort-liability system to attempt to recover losses above $10,000, or above $5,000 for pain and suffering claims.

As envisioned by its proponents, no-fault auto insurance would clear up many, but not all, of the flaws of the present system.

By reducing waste in overhead and lawyers fees, and by trimming duplicate coverage both within and without your policy, and Keeton-O'Connell plan would lower premiums.

By sharply reducing the number of possible court cases, no-fault would help unclog our courts and speed up many both large and small settlements.

By removing the question of "fault" (which, many say, has become a legal term rather than a moral term) many more people would be paid and payments would be much more equitable according to individual need.

And criminal courts, rather than insurance companies could get on about the business of punishing someone who is truly negligent.

[From the Wichita Eagle & Beacon, Dec. 12, 1970]

THE FAULT WITH NO-FAULT: DEBATE ON LEGAL CONCEPT IS BITTER—VII

(By Randy Brown)

Lawyers are selfish and a large portion of the auto insurance industry is myopic, unimaginative, dedicated to the status quo.

And these are the real reasons most lawyers and many insurance companies oppose no-fault automobile insurance, say no fault's proponents.

Balderdash, the anti-no-fault group replies. There are plenty of very good, very solid, very rational reasons for resisting such a radical idea.

No-fault's opponents agree that there are many things wrong with auto insurance. But they feel with some conviction, that these problems are caused by pressures in the economy and the society that exists mostly outside the system, not within.

Consequently, they disagree with the most fundamental criticism of auto insurance critics—that the fault liability system is the cause of the majority of the trouble with high premiums, unfair payments and settlement delays.

WICHITAN'S VIEW

George Powers, Wichita attorney, is chairman of an American Bar Association panel set up in 1968 to offer a report on no-fault insurance and to examine criticisms of the industry. The committee already has made a report, approved by the ABA, strongly backing the fault system.

"The ABA has been discussing suggestions for change in the automobile insurance industry for the past 20 years," Powers said in an interview. "The big problem has been: do we retain the fault system?

"Under our historical system, we pay if we're wrong, we don't pay if we're not wrong. (But) almost everyone who has wanted to change has attacked the fault system."

Powers' committee disagreed totally with the concept of no-fault auto insurance.

"In brief," Powers said, "we believe that the American way is to be responsible for your own wrongdoing. We believe that the fault system deters accidents; under our present system, it does cost you money when you have an auto accident. We believe it is better for the people of the U.S. to be responsible for their own accidents. We feel we should retain the right to trial by jury."

Many opponents argue against the attempt to eliminate or cut down pain and suffering payments—"The fact that a person doesn't have a signed receipt to show for a loss like the loss of an eye or the scar on the face of a young girl doesn't mean there is no loss."

VOICE OF THE DEFENSE

A critique of the American Insurance Association's (AIA) no-fault plan, which does away almost entirely with lawsuits and offers virtually unlimited benefits on a single accident, has been prepared by the Defense Research Institute, an organization of defense lawyers.

"Proponents of 'no-fault' plans," the critique states, "contend that the fault concept has been destroyed because many tortfeasors (generally, one who commits a civil wrong) escape responsibility for the injury and damage they cause. The widespread use of liability insurance, they claim, has eroded the concept of individual responsibility upon which the tort-fault system is based. . . .

"Persons who raise such arguments fail to understand that the true purpose of the tort-fault system is not to punish tortfeasors. The entire fabric of the tort system is constructed around the premise that one who causes injury to another should fairly and adequately compensate him for that injury. Once liability is determined, it is the tortfeasor's obligation to see that the compensation is paid, either from his own assets, liability insurance, or other sources. The fact that the vast majority of motorists have purchased liability insurance proves that the general public has assumed this obligation.

"It is true that the tort-fault system does not concern itself with persons who are injured through their own carelessness. Whether persons so injured should receive compensation is a social question, not a legal one. . . .

"FAULT" IN TRADITION

"If fault is not a proper factor in automobile accident reparations, why should fault be acceptable in any other tort situation? If a motorist should not be held liable for his momentary inadvertence why should a surgeon be held liable if his scalpel slips and injures a person?

"Simply stated, if . . . motorists who injure others should not be held responsible for fair and adequate compensation, then the concept of fault should be discarded totally and each person should be required to protect himself not only from the consequences of his own conduct but from that of all others. It is clear that today's Americans are seeking a re-emphasis of individual responsibility, not its further erosion."

A substantial percentage of the insurance industry also opposes no-fault car insurance. The National Association of Independent Insurers, whose members represent about 40 percent of the auto insurance underwritten annually in the nation, and the American Mutual Insurance Alliance, representing another 10 per cent, are two large trade groups on record as being against the concept. (The American Insurance Association, which, of course, backs no-fault, represents 30 per cent of the market.)

A spokesman for Allstate, which belongs to the NAII, said, "It is easy to cut the cost of insurance when you cut the benefits. If you prohibit recovery of damages for loss of a leg or an eye, scars and disfigurement of the face and body, pain and suffering, you cut the cost of insurance substantially. But you also have cut the benefits which innocent and seriously injured drivers, passengers and pedestrians would have gotten under the present system. It is like cutting your household expenses by moving from a house into a tent; it is possible, but the accommodations are neither as good nor as secure.

"Obviously, if the innocent party is required to pay for his own losses or buy insurance to reimburse himself, you reduce the cost of the guilty party but increase the loss cost of the innocent party."

STATE LAW FLAYED

A legislative counsel for the NAII has called New York's no-fault proposal "unnecessary, unwarranted and inimical to the best interests of the motoring public."

He added that, because millions of motorists carry only liability insurance, without the fault-liability system, they would be forced to buy collision insurance and thus their insurance premiums would actually rise "substantially."

Allstate vice president Donald L. Schaffer indicates that lawyers experienced in workmen's compensation (another no-fault insurance) alleged that no-fault auto insurance could increase court congestion. Some even claimed that each system of compensation creates its own peculiar type of congestion and delay.

A number of large insurance companies cast doubt on the idea that the public is ready to accept the no-fault concept in auto accident cases, although the nation's largest car insurance seller, State Farm, which is on record as not taking a stand on no-fault, indicates it would have no trouble at all in market-no-fault insurance—if the public wants it.

A study financed by Allstate, Kemper, Liberty Mutual and State Farm indicates that the public surveyed may not be ready for no-fault.

The survey found that:

More than nine out of 10 motorists interviewed believe that auto crashes are the fault of drivers, and reject the theory of "inevitability."

When a description of no-fault insurance was read to them, the majority of consumers disapproved.

When consumers were presented with the concept of a no-fault insurance plan which would eliminate "pain and suffering" payments, more than six of 10 were opposed. Most of those opposed said they would still object even if the plan were to cost less.

The idea of having auto insurance pay for injuries only after benefits from other sources had been used up were rejected by the majority.

The Department of Transportation study differs in at least one very major area. It showed that a plurality of American motorists—44 per cent—favored the no-fault concept and wouldn't mind ending pain and suffering payments, while 36 per cent approved the status quo and 20 per cent didn't have an opinion.

The insurance companies countered that the DOT study didn't explain what pain and suffering really was, and that once consumers knew that the insurance term meant payments for disfigurement, permanent impairment of bodily functions, inconvenience, discomfort and other damages, they were against the no-fault idea.

PAIN, SUFFERING DELETED

(It should be noted here that, save the New York and American Insurance Association proposals, most no-fault plans extant—and any that are likely to survive legislation—include at least some provision for pain and suffering claims, like the Massachusetts, Puerto Rico and Saskatchewan plans now in effect. Other no-fault proposals provide for court action in the case of permanent disfigurement, disability and so forth. Further, the claim that the current system adequately pays pain and suffering is open to some question. The DOT study, for example, points out that those with the largest economic losses—over $25,000—who quite naturally are plagued with the most pain and suffering, only recover about a fourth of their out-of-pocket losses from all sources and only one tenth from liability insurance. In other words, no pain and suffering compensation. Those with a loss of $10,000 or more have only a 30 per cent chance of recovering more than half from all sources. Again, no pain and suffering reimbursement.)

Whether or not no-fault will reduce administrative costs and spread the money around better, the NAII feels that reform is better directed at accident cost reduction and prevention—"the real problem."

It was to this end that Allstate and State Farm launched their campaign for better bumpers and a car that can be driven through a parking lot without incurring the expensive slings and arrows of outrageous fortune.

And auto insurance reform can have "no long-term satisfying effects," says David J. Phillips, a vice president at State Farm, "if we confine our efforts to just the way we handle claims."

Conceding that "we need meaningful reform to the reparations system itself," Phillips adds that there is a close relation between the premium you pay and the expensive and deadly fragility of modern automobiles, our highway engineering, law enforcement and the state where you live. Consumers will continue to pay "the costs of our failure to end bad roads, highway booby traps" and the cavalier way some states handle drivers' licensing, Phillips said. He added that states had mishandled the licensing problem by allowing a drivers' license to become a right instead of a privilege.

CARS STILL UNSAFE

Allstate chairman J. B. Branch trumpets the insurance industry's call for safer cars: "When will some of the pundits who are now so busily involved in drawing plans to reapportion automobile accident costs get serious about some of the efforts to reduce them? When will we package the passengers? When will the airbags (to protect drivers and passengers against being smashed around in a car's interior) become a reality? When will the thousands of lives this can save, the hundreds of thousands of injuries this can prevent appear in the American motoring public's experience?"

Branch goes on: "The 1971 models are now released, including some completely new vehicles and others completely redesigned. But look at the bumpers! Still tucked against the sheet metal—a perfect battering ram and shock transmitter. Where are the energy-absorbing mountings? And more important, not a single call from a manufacturer saying he is ready to certify that his car can be driven at the gentle pace of a man walking into a test wall without damage. Another model year down the drain as far as designs for sturdier bumpers go."

Of course, Ford has made some minor changes to its bumpers, including extending them three inches away from the body and offering optional bumper guards designed to prevent damage from mismatching bumpers. But it hasn't volunteered to drive a new

Mustang into a test barrier at 5 miles per hour.

Many no-fault opponents feel it incumbent on them to deal with the problems of administering accident benefits.

LAWYERS SPEAK OUT

The report from George Powers' ABA panel, an extensive 250-page document approved by the bar association in 1969, agrees with the substance, if not the severity, of many criticisms—and offers a number of suggestions and recommendations designed to save the fault system.

Foremost among these is that adoption of a plan of "comparative negligence," whereby a person who is less than 50 per cent responsible for an accident may be compensated through liability insurance for that portion of the accident for which he is not responsible. This would help many people, now denied any payment by contributory negligence laws, to get at least partial compensation.

Further concern with the inequities of the present system brought these recommendations:

The uncompensated claimant—recommended study of a plan whereby every victim of an auto accident, except those flagrantly at fault, be paid for his medical expenses.

The overcompensated claimant—recommended study of a "quick settlement option," which, hopefully, would tend to cut down on overpaid claims, especially small ones.

The seriously injured, undercompensated claimant—recommended several things, including compulsory insurance (which, Powers calls "a big step"), mandatory uninsured motorist coverage, increased limits of liability, replacing the "antiquated and unrealistic" doctrine of contributory negligence with comparative negligence, assurance of at least part-payment of medical expense (without regard to fault), retention of collateral-source benefits (payment of duplicate coverage insurance benefits, which no-fault wants to end), relief of time pressure to settle by reducing delay in the courts.

The committee approved two dozen recommendations for unclogging the courts, including the use of smaller juries, arbitration, increased number of judges, nonunanimous verdicts and the use of videotape to present the testimony of medical witnesses.

The study also recommended that studies on high premium cost be undertaken, but had no specific recommendations on how to lower them.

WHAT YOU PAY FOR

Auto insurance is "not too expensive for what you get," Powers said. "There's nothing mystical or magical about insurance rates—you get what you pay for."

The American Trial Lawyers Association backs its own group of proposals designed to save the fault system. Most ATLA recommendations coincide with ABA ideas and some members of the organization are especially high on small-claims arbitration—resolving those contested claims under, say, $2,000 with a judge (or other court official) presiding, but without a time-consuming jury trial.

One local attorney, an ATLA member, says that no attorney "worth his salt" really believes a claim of under $2,000 should be settled with a jury trial.

Kansas ATLA representatives say they again will push for adoption of a comparative negligence law in Kansas when the Legislature convenes, as they do "every year."

And George Powers sums up what seems to be the attitude of many area attorneys about the Great Automobile Insurance Debate:

"I would be absolutely stupid to say this is a great system. It's not. But you have two ways to go. You can destroy the system—and by going into a non-fault plan, you are destroying the system. The other way is to decide that the present system is right; you have the right to a jury trial if you're right."

Powers admits that no-fault insurance has some good points, including lower cost, but feels that the public would be giving up more than it would be getting in return: "The big question is, is the public going to be willing to accept less in order to pay less?"

The Defense Research Institute study grudgingly agrees that no-fault might cost a little less, but also charges that the consumer would be giving up too much in reduced benefits: "A cheap product is not always a bargain."

[From the Wichita Eagle & Beacon,
Dec. 12, 1970]

The Push for No-Fault Test: Alternate Insurance Proposals Appearing in Congress—VIII

(By Randy Brown)

With big-time opponents like the American Bar Association and a goodly portion of the nation's car insurance industry, you'd think that no-fault automobile insurance proposals would be in precarious shape.

Don't you believe it.

No-fault, although off to a very modest beginning in Massachusetts, is likely to get an extensive and thorough testing in the reasonably near future.

Plans are being studied in New York and the U.S. Congress that make the "controversial" Keeton-O'Connell model proposal look conservative.

And, although not nearly as sweeping, the one plan likely to give no-fault its biggest push toward a comprehensive reality may be lurking in the U.S. Department of Transportation.

STUDY COSTS $2 MILLION

The DOT's $2 million, two-year-plus study is awaiting only recommendations to make it complete. Those recommendations, the Wall Street Journal and other sources report, will include no-fault insurance.

In fact, the Journal said Oct. 8, the White House already has a "rather aggressive program" for revamping the auto insurance industry.

Initially, the DOT plan would replace the current bodily injury fault-liability system with a modified no-fault system only for personal injury (or death) losses. The Journal report says, however, that the department probably will extend coverage to property damage eventually.

Under the reported DOT plan, your insurance will cover you no matter who is at fault in an accident—and you'll be exempt from suit—up to an undisclosed level, with the traditional fault-liability system taking over for large claims.

PAIN NOT FORGOTTEN

The plan allegedly will cover only out-of-pocket losses and will prohibit pain and suffering claims except in cases of permanent disability or disfigurement.

In addition, the Journal says, "the department's on-the-shelf plan also is said to require that all drivers carry insurance, that payments to seriously injured persons be made faster so rehabilitation can be accomplished better, and that auto and health insurance plans coordinate benefit payments (no duplicate payments)."

An even more ambitious plan including three bills, was introduced in the U.S. Senate in September by Sen. Philip Hart, D-Mich.

The Hart program is almost strictly first person no-fault insurance, allowing liability lawsuits only in the case of "catastrophic harm"—permanent partial or total loss or loss of use of any bodily member or function, including permanent disfigurement.

Benefits under the plan include unlimited medical and funeral expenses, including all rehabilitation and incidental expenses, and up to $30,000 for loss of income.

And the Hart plan provides for compulsory auto insurance—you won't be able to register your car without proof of insurance—and guaranteed noncancellable policies to all licensed drivers. It also would make it legal for drivers to purchase auto insurance in group plans in the 35 or so states—including Kansas—that prohibit group auto insurance. Sen. Hart says utilizing group auto coverage could save the consumer about 15 per cent of his premiums.

If Congress OKs the Hart plan and the provisions become law, it would bring firm federal requirements into the world of auto insurance. Meanwhile, the DOT proposals only would be guidelines for the states.

Sources indicate that the DOT recommendations, which first were due to be released sometime in late summer or early fall, were held up because they were potent and controversial and would have applied unpredictable political pressures in the November election.

Howard Clark, of the DOT study staff, will only say the "views and recommendations" of Transportation Secretary John Volpe will go to Congress "very early in the next session."

WRONGS EASILY FOUND

Acknowledging the DOT's difficulty in deciding what to recommend, Clark said, "it takes no great genius to say what is wrong with auto insurance. It is considerably tougher to come up with what to do about the problem."

Aside from the extremely modified no-fault plan which recently became law in Massachusetts, there are at least two other serious versions of non-fault extent.

The New York or Rockefeller Plan is one of the strictest no-fault proposals: unlimited benefits for accident victims (except auto damage), no pain and suffering claims allowed, no lawsuits except in death cases.

However, the proposal also provides that "strict liability" be imposed on four kinds of drivers—drunken drivers, drugged drivers, drivers using a car in commission of a felony and drivers intentionally causing accidents.

COMMITTEE KEEPS BILL

The plan was introduced in the New York Legislature this year, but didn't emerge from committee. It's likely to surface again during the next legislative session.

But it has been left to the insurance industry itself to propose the most "radical" no-fault plan; a program sponsored by the American Insurance Association.

The Al A plan, termed "complete personal protection," eliminates the fault-liability system almost completely. The only suits allowed would be against uninsured motorists or in a state where the plan was not in effect.

The proposal offers virtually unlimited out-of-pocket benefits: unlimited medical expenses, up to $1,000 for funeral expense, unlimited wage loss (but only up to $750 per month), unlimited damage to non-automotive property.

Auto damage coverage could be purchased at extra cost (the New York plan also offers this), as could higher monthly wage loss coverage.

DIFFICULTIES PREDICTED

Howard (Buck) O'Leary, chief counsel for the Senate anti-trust and monopoly subcommittee, which has been grappling with the auto insurance problem for some time, feels the Hart bill, which will doubtless face stiff opposition, offers the most attractive alternatives.

"So far, it's the best," O'Leary said. "We may be able to improve on it" though, after some no-fault critics are heard from. Another subcommittee lawyer says the plan will be much better by the time Congress convenes.

No-fault auto insurance may sound radical and revolutionary and new to many Americans, but the current proposals are just modifications of no-fault plans dating back more than 40 years.

During that 40-year-plus history, the no-fault concept has been attacked from time to time as being unconstitutional because it denies an individual the right to trial by jury. O'Leary calls the charge "specious".

RIGHTS TO SUE CUT

It's true that no-fault plans either partially or totally deny the right to sue the other person or his insurance company, O'Leary says, but your trial-by-jury rights still are largely protected. You just sue your insurance company if it doesn't pay off.

In addition, during its survey, the Department of Transportation asked three legal experts about the constitutionality of the no-fault concept, O'Leary said. Two of the three agreed it was constitutional.

Of course, there are many other qualified no-fault plans. Then there are many proposed modifications of the fault-liability system, like the ones proposed by the American Bar Association. But trends seem to indicate that the no-fault concept, although it may be subjected to severe modification like the Massachusetts plan, is an idea whose time has come.

[From the Wichita Eagle & Beacon, Dec. 13, 1970]

Money-Losers or Money-Makers?—Auto Insurance Math Confusing—IX

(By Randy Brown)

Are insurance companies really losing money on automobile insurance? There are two answers: Yes and no. It all depends on how you look at it—and who you talk to.

The question is, naturally enough, a vital one, since it has a direct bearing on the making of rates. And how rates are made is coming under increasing scrutiny.

The biggest hassle in the controversy is whether investment income should be considered in the rate-making process. Traditionally, it hasn't been. Only underwriting profit or loss (premiums taken in, minus overhead and claims paid out) is considered by most states.

Now, industry critics are saying investment income should be taken into account. The industry itself says no. The duet is becoming a familiar one.

When asked about its financial picture re auto insurance, a company generally forgets about investment income and says something like this: "We are losing our shirts. In the last 10 years, the industry has dropped $1.5 billion on underwriting.

Critics won't buy it, for a couple of reasons. First, there is that investment income, which certainly appears large. Secondly, critics say, insurance bookkeeping methods—where it's possible in some instances for a company legally to show both a loss and a profit on underwriting—further cloud the industry's financial status.

One of auto insurance's chief critics, Dr. Jeffrey O'Connell, law professor at the University of Illinois, says the industry has stupefyingly arcane accounting methods . . . they've always confused the picture by talking about whether they're losing money or not without taking into account investment income. They've invited skepticism."

Consumer Ralph Nader charges auto insurers "have been very devious about their financial condition."

In Kansas, auto insurers generally join the national industry and cite underwriting losses and the need for increased rates.

Dale Billingham, claims superintendent for Farm Bureau Mutual Insurance, Manhattan, which has 12 to 15 per cent of the state's market, that his company showed an underwriting loss in 1969, paying out 19 per cent more in overhead and claims than it received in premiums.

And Farm Bureau has been losing on underwriting for the last four or five years, he said.

Insurance companies in Kansas and many other states, Billingham said, aren't able to raise rates fast enough to counter these losses. Kansas law says an insurance company must demonstrate to the insurance commission that its underwriting experience reflects consistent losses (companies are allowed a 5 per cent profit). Such "experience" takes three to five years to accurately show, he said.

"What's been happening," Billingham said, "is that costs are rising faster than we can get rate increases."

To charges that the insurance industry should use investment income in its rate-making procedures, Billingham said, "that's a two-way street."

Companies need to hold investment income in reserve, he said, to pay claims in disaster situations or large claims years, like 1966, when a tornado caused heavy damage in Topeka.

He added that many companies "do take into some account the investment income" when asking for rate hikes.

Ernest Morrison, managing head of automobile insurance underwriting for Western Fire and Casualty, Fort Scott, agrees that underwriting losses are heavy.

"In 1968 and 1969 it was almost universally true that companies" showed losses on auto insurance. He said his own company had lost money both years and added that State Farm and Allstate, the two largest auto insurers in the nation, "showed huge underwriting losses."

The rather complex maze whereby an insurance company can show a loss to the state insurance commission and a profit to its stockholders starts with the "statutory" bookkeeping method which is prescribed by law in Kansas (and most other states) and provides that a company can only take credit for the premiums it has earned, even though it has collected for the entire period of a policy.

It can work like this:

Say you pay your annual premium of $365 on Oct. 27—65 days before the end of the year. On Dec. 31, your insurance company closes out its books but just takes credit for the premium that it earned—$65. It subtracts the commission fee for the policy, about 35 per cent or $127, and comes up with a loss on your policy of $62. Bingo. Instant red ink.

When it comes time for a stockholder to be communicated with, though, the figures are "adjusted" and come out somewhat differently.

A New York company, the Continental Insurance Group, for example, reported in 1966–67 that it had a 28 cents per share loss on underwriting, based on the statutory method, but a profit of $1.61 on an adjusted-per-share basis.

How this can work out in dollars and cents is illustrated by Allstate's underwriting situation in 1969. The company reported a statutory underwriting loss of $15.9 million. Adjusted, the loss turned into about a $700,000 underwriting profit, according to Dean Sharp, counsel for the Senate Antitrust and Monopoly subcommittee.

Best's Insurance Reports says the statutory method "does not completely disclose the underwriting results."

PROFITS UNDERSTATED

Jerry Garris, head of the Policyholders' Service Division of the Kansas Insurance Commission, agrees with the thesis that the statutory method somewhat understates profit or overstates loss. An actuary in the commission also agrees, but points out that there are many ways an insurance company can cloud its financial picture.

Although the statutory bookkeeping method may have its faults, Garris said he feels it is probably the best way to go at present and added that premiums actually are earned only as the policy ages and that companies must be ready to refund all unearned premiums to those whom it cancels.

Obviously, the difference between the statutory system and more conventional bookkeeping methods can be considerable. Figures from Best's Aggregates and Averages show that all stockholder-owned property and casualty companies had a $1.288 billion statutory underwriting loss in the 1960-69 decade. Adjusted, the figures come out to a small profit.

These figures do not tell the entire story, of course. First they involve only stockholderowned companies; second, auto insurance amounts to only about 45 per cent of the business for such companies; third insurance companies are having many more underwriting problems from auto coverage than from other property and casualty coverage.

Sharp says that there is no doubt that the auto insurance industry as a whole is suffering underwriting losses, on the basis of both statutory and adjusted results. He adds that most companies now, both large and small, are showing statutory and adjusted underwriting losses.

But the flip side of the coin is that, adjusted figures or not, when you take into consideration investment income and growth of surpluses, the financial picture changes considerably.

(In explanation, investment income has nothing to do with the stock market. It is the interest insurance companies earn on investments. In the case of property and casualty companies, most of such profits are derived from short-term investments, like treasury bills and certificates of deposit.)

A $8.4 BILLION PROFIT

Statistics compiled by Best's demonstrate that, in the decade of the 60s, the stockholder-owned property and casualty companies made $8.4 billion profit from investment income.

The companies made another $3 to $4 billion in "paper" profits on the stock market, despite dropping a $1.7 billion bundle in 1969.

Their surpluses grew from $9.4 billion in 1960 to $12.69 billion in 1969. And none of the figures reflect capital gains.

But insurance companies continue to say that, even considering investment income, they are making a very poor annual rate of return.

A study conducted on behalf of the industry by the Arthur D. Little Company indicates that insurance companies averaged only 4.4 percent a year return for the decade through 1967.

Figures compiled by Sen. Philip Hart's antitrust and monopoly subcommittee, however, tell a different story. Using the same kind of data, the subcommittee statistics show that the annual rate of return was about 9.4 percent a year for the 15-year period ending in 1968.

The contrasting percentages again show that results depend on what kind of math you are using.

RETURN RATE CUT

Sharp said the difference was that the Little survey took unearned premium reserves and loss reserves, two huge pools of insurance company funds, and added them to net worth, instead of computing them as liabilities. This cut the annual return rate compared to net worth about in half.

Sharp added that "when you look at the companies individually you get a little different result . . . particularly with the large companies."

According to subcommittee data, the 13 largest automobile insurance companies, which write 43 percent of the car insurance business, had an annual rate of 10.6 percent in the year 1958–68. At the same time, the 50 largest utilities earned 9.8 percent, the 50 largest banks 10.8 percent and the 500 largest industrials 12 percent.

In this 10-year time period, 1,200 (or virtually all) property and liability insurance companies had an average annual rate of 8.8 percent against their net worth.

Allstate and State Farm, two of the companies that have been reporting "huge underwriting losses," had an average yearly return rate of 20.9 and 13.1 percent, respectively. More recent figures show that Allstate had a return rate of more than 25 percent for each of the last five years, Sharp said. (The Little study, computed the Allstate return rate at about 3 to 4 percent for the period it covered.)

Sharp emphasized that he doesn't want to portray insurance companies as profit-making monsters. He does believe, however, that they make a very "adequate" rate of return.

But insurance companies insist that only their statutory underwriting situation be taken into account when rates are set. Investment income, they say, is of concern only to stockholders and owners.

One firm, United States Fidelity and Guaranty Co., stated its case replying to a questionnaire from Sen. Hart's subcommittee:

SERVICES ONLY RIGHTS

"One buys a policy—a contract for protection—and has no rights other than to receive the services contracted for in the policy. Thus neither investment income nor capital gains or losses are properly allocable to any line of business. They belong to the stockholder who risks his funds to guarantee performance of the policy contract."

But a growing number of critics are convinced that at least two huge areas of auto insurance company investment—unearned premium reserves (that is, the portion of your premium not taken credit for when a company files its annual report using the statutory bookkeeping method) and loss reserves (each company keeps a pool of funds to pay its claims)—should be taken into account in the rate-making process.

(Because of the Kansas Supreme Court's interpretation of state insurance law, such a procedure is not currently possible in this state.)

"Insurance companies think they have a vested right to the premium dollar once it is paid to the company," Dean Sharp said. "Insurance company management fails to realize that they are there as keepers of others' money and that they are charged with a trust."

The question, Sharp said, is how much of the money the companies are taking in belongs to the policyholder and how much to the stockholder. "Insurance companies say it all belongs to the stockholders; that once you've paid your dollar you've bought protection and that's the end of it. Well that isn't the end of it."

Apparently, a number of states are beginning to agree with Sharp.

Seven years ago, not a single state considered investment income when making rates (except New York, which continues to have a nebulous "indirect" method).

Now Maryland, Kentucky and Virginia use investment income from the unearned premium reserves and the loss reserves in ratemaking. New Jersey and Texas are seriously considering such a plan and Missouri is going to hold hearings on it. Meanwhile, insurance companies are challenging in court the states' right to use investment income.

Use of the plan would save policyholders about 5 per cent a year, Sharp said, or some $650 million.

Though a 5 per cent cut may not sound like too much, with insurance companies recently hiking rates by 10, 15, or even in excess of 20 per cent and clamoring for more, there seems to be considerable difference between how much money insurance companies would like to make, and what—if the subcommittee figures don't lie—the companies could adequately get by on.

The industry's relative health notwithstanding, there is some evidence that capital is being withdrawn from the market.

In its September issue an insurance industry publication states that about $1.5 billion has been withdrawn from the property-liability business during the last several years.

Sharp, however, says that at least a third of that amount has been placed by insurance companies into one of their subsidiary interests.

No matter what the figure, a substantial withdrawal of capital from property-liability insurance companies could make auto insurance even harder to get by shrinking the market.

But the auto insurance industry appears to be in good health and, though times are tough, robust enough to continue to make adequate profits. In fact, the top 25 car insurance companies, representing 60 per cent of the total market, all received a 1969 rating for financial stability of A-plus (excellent) from Best's Insurance Reports. And that ain't bad.

[From the Wichita Eagle & Beacon, Dec. 13, 1970]

HOW KANSANS ARE FARING: INSURANCE OFFICIALS HEAR GROWLS—X

Kansans are having some problems with automobile insurance. But their difficulties are almost nothing compared to the situation in other parts of the nation.

Virtually every sticky wicket drivers in the Sunflower State have to battle is much stickier somewhere else.

More and more Kansans are having trouble getting or keeping insurance—but not like New England drivers. Rates are rising—but only six states have lower annual liability premiums. Insurance companies complain of the financial squeeze—but, unlike Massachusetts and New Jersey—the industry in Kansas remains sound.

Still, Kansans are upset by rising rates and non-renewals and underpaid claims. And a growing number of motorists are letting the Kansas Insurance Commission know about their troubles.

"We're swamped," said Jerry Garris, head of the policy holders' service division of the commission's fire and casualty department.

In 1969, Garris' division had 1,882 official complaints, up from 1,618 in 1968. More than 90 per cent involve auto insurance, Garris said in an interview in Topeka.

Although cancellations are now illegal in Kansas, the state's residents increasingly are being plagued by non-renewals. Garris explained that once a policy's expiration comes up its renewal is merely a contract between two parties and there is no way the state can step in to prevent a policy not being renewed.

Garris attributes the increase in nonrenewals to the underwriting losses Kansas companies are suffering, causing them to be more and more selective about who they will insure.

Each of the 300-plus companies writing auto insurance in Kansas (about 380 are authorized to write, but not all do) has what Garris calls "prohibited" lists. Also known as blacklists, the lists simply include those people who, unless there is some outstanding mitigating factor, auto insurance companies just won't insure at standard rates.

As previously discussed, the lists include those people the industry believes are unsavory or "moral" risks, like bartenders, cocktail waitresses, go-go dancers. And also on the lists are such seemingly benign occupations as ministers, doctors, and military personnel.

One of the most interesting things about the prohibited lists is that many standard companies, Garris said, now refuse those people it considers would be bad witnesses in an auto liability suit.

Thus, if you are a dirty greasy hippie type, or have some disgusting personal mannerisms, or are disfigured, or are just plain ugly, you may find your insurance rates climbing sharply, if you can get insurance at all.

Of course, now as always, a "poor" driving record is the worst problem to have.

In Kansas, insurance agents say, one moving violation and one accident over the last three years or so are enough to keep you from getting insured at standard rates or cause you renewal problems.

With some companies, just an accident, even a very minor fender-bender, will do the trick. And it's estimated that perhaps 10–15 per cent of Kansas' 1 million or so drivers now fall into non-standard rate categories.

Still, some people with horrible driving records roll right along without ever facing non-renewal or even, in some cases, a rate increase.

Don Norris, head of the Wichita branch of the state insurance commission, cites the "human element" in such cases.

No matter how mechanized big business is getting, you're still dealing with individuals who make decisions about rate increases and non-renewals, Norris said. If the guy who gets your record has had a good day, or perhaps has recently had an accident and thus recognizes that it can happen to anyone, you may get away with your transgressions. The next day, or next week, even with the same guy, the story might be completely different.

Norris suggests that those getting by without rate increases are part of a dwindling minority.

"We're undergoing a changing period," Norris said, "where auto insurance companies are not making a profit and we will see tighter restrictions until such time as (insurance companies) are able to see daylight and loosen their restrictions."

In Kansas as elsewhere, Norris said, "auto insurance is in a turmoil."

Companies are a lot tighter on their claims payments than they have been in the past, Norris said. He added that insurance companies have been resorting more to the contributory negligence statute and policy interpretation to avoid claims payments than they have been in payment of claims.

But Norris, who started the Wichita branch in 1967 and who has watched it grow to an operation which receives 60 calls a day and helps return more than $100,000 a year in claims to Kansans, also has words of praise for the auto the not-so-distant past.

For one thing, Norris said, "we've never had a Kansas domestic company go broke." Some companies from out of state have folded, he said, the last about a year ago.

Once a company folds, of course, everyone covered by that company is then without insurance. Such a situation can be catastrophic. But Kansas generally has avoided such catastrophe.

The reason, Norris said, is because Kansas is very restrictive on companies entering the state and keeps close watch on them once they are in business here.

An observer close to the state's auto insurance situation agrees, saying some companies have been "requested" to leave the state and that several others are being looked at "damn close."

Norris also praises the rate situation in the state.

Most of Kansas' problems, he believes are not unique and are the result of those pressures generally affecting the auto insurance industry.

State Insurance Commissioner Frank Sullivan, who will be leaving the office next month after 28 years of service, feels that no one has really found the handle on the auto insurance problem.

"The entire country is confused as to what the problems are," Sullivan said in Topeka. "Not only the public, but the Senate, Congress, (transportation secretary) Volpe, the best brains in the insurance industry. The (Kansas) commission has been trying for some time to find a solution to it."

Sullivan belives that studies need to be made concerning all laws that affect transportation—those pertaining to auto insurance, the operation of motor vehicles, licensing of drivers, construction of autos, construction of highways, traffic regulation, safety laws and the automobile itself.

The real upward rate spiral in Kansas has been going for the past two or three years, Sullivan said, and rising rates are one reason for what he calls "tremendous pressure on the insurance department."

LACK OF KNOWLEDGE

"There is a lack of knowledge in the state about the insurance department's control of the rating procedure," he said. "We have to guarantee the companies a reasonable profit." In Kansas the reasonable profit is 5 per cent.

The commission long has considered taking into account some or all of a company's investment income when making rates. Such a procedure could trim premiums up to 5 per cent but, because of Kansas Supreme Court interpretation of state insurance law, it is not legal at present in the state.

Sullivan himself is taking a wait-and-see attitude about the no-fault auto insurance concept, although he does think that it has possibilities.

Citing the push of other states to adopt no-fault in place of liability insurance, Sullivan said, "we happen to be sitting in a fortunate spot here in Kansas to be able to watch this and see if it works. If we do move in this direction, it will be cautiously."

The retiring insurance commissioner, who will be replaced by his assistant, Fletcher Bell, sums up the attitude of most members of his department, and, indeed, many insurance men across the state:

"We have a problem in Kansas. I don't think our problem compares in any way to many other states . . . I don't think our problems are major."

One much-criticized aspect of Kansas insurance law is the "guest statute." In brief, the law states that if you are riding with someone else (and not paying for the ride), you are accepting the hazards of travel and he is not liable for your safety.

You can collect even under the guest law if the driver is guilty of "Grossly wanton negligence," Don Norris says. But, he added, interpretation of the statute has come "almost to the point where he's driving like a complete madman and you're beating him over the head to try to stop him."

Some states, including Missouri, have dropped guest laws and there have been a number of efforts, all unsuccessful, to do the same in Kansas.

But, basically, Kansas auto insurance law is much like most other states.

And, given the relative "tranquility" of the car insurance situation here, what's the problem?

It's twofold: First, the situation may not stay "tranquil," with rising rates and increasing non-renewals; second, no matter how cool everything is in Kansas, things have gone to hell in a bucket in several other areas of the country and Kansas likely will be dragged right along with everybody else if major (or radical) insurance reform is attempted.

[From the Wichita Eagle and Beacon,
Dec. 13, 1970]

WILL GOVERNMENT TAKE OVER? WHAT'S AHEAD FOR CAR INSURANCE?—XI

Consumers want lower automobile insurance rates, policies that aren't canceled at the bend of a fender and the snap of a bumper, and fair payment for their losses.

Critics of the car insurance system want to tear the liability portion of it down and rebuild on a no-fault basis which they say will heal the wounds of the consumers.

And most insurance companies just want to be left alone, to do business, they say, just like any other business. They're for some changes, but feel the system can be fixed up without a great tangle of state and—or federal controls.

What's going to happen? Unless the state or the insurance industry acts, the federal government likely will jump into the problem with both feet.

MORE THAN 20 MILLION DISSATISFIED

Consumer dissatisfaction probably hasn't reached anywhere near its potential. The Department of Transportation auto insurance study indicates that about 65 per cent of the nation's drivers are satisfied with auto insurance and 22 per cent are not.

But, since there are almost 110 million motorists, we're talking about more than 20 million dissatisfied Americans.

More unhappiness probably is on the way. No one knows exactly how many drivers have been pushed out of the standard-rate bracket by insurance problems, but estimates range as high as 10 per cent of the nation's drivers. And the total is rising. The assigned risk pool, for instance, was up 23 per cent between 1966 and 1969.

The DOT reports that car insurers have canceled or refused to renew policies for about 14 per cent of all policyholders at some time during their driving careers. The survey also revealed that 55 per cent of all policyholders have heard of someone else whose policy was cancelled or not renewed.

Many drivers may be relatively satisfied at present, but the DOT study also shows a strong plurality wouldn't oppose a change. Some 44 per cent surveyed said they favored the no-fault concept and wouldn't mind forfeiting their right to pain and suffering damages. Thirty-six per cent said they favored the status quo and 20 per cent didn't have an opinion.

Some insurance companies, however, dispute this finding, citing a survey commissioned by four giants in the industry that shows a majority of those interviewed opposed no-fault auto insurance and more than 6 of 10 were against the elimination of "pain and suffering" claims.

There is evidence that the waste of the premium dollar so often criticized may be increasing. The DOT study, based on 1967 data, showed that about half of all bodily injury liability premiums paid went to cover overhead, court costs and the like.

New information from the Senate subcommittee on monopoly and antitrust, based on 1969 data, shows that 58 cents of the bodily injury premium dollar goes for overhead.

The breakdown: 26 cents to company expense (including 6 cents, or $339 million last year, on advertising), 14 cents to adjusting expense (including half for lawyers hired to defend insurance companies), 16 cents to plaintiffs attorneys, 2 cents to court costs.

The remaining 42 cents does not exactly go to the heart of many claimants' problems, either. About 21 cents goes for pain and suffering, 7 cents covers costs duplicated by other insurance coverage and only 14 cents goes to pay for actual out-of-pocket losses.

A number of tendencies are creeping into the auto insurance market.

One, according to independent local agent Shirley Fulgroat, who writes for five auto insurers, is that drivers are taking more and more of the risk on themselves to cut down on premiums or neutralize increases.

MANY TRIMMING COVERAGE

This can involve switching from $50 to $100 deductible, dropping uninsured motorist or medical or comprehensive coverage, or even, in the cases of very high premiums, buying only liability insurance and forgetting the rest.

The hike in the wrongful death suit limit from a $25,000 maximum to $50,000 by the 1970 Kansas Legislature is also putting on the pressure.

If someone wants liability insurance to cover this limit, of course it costs him more money. And some agents, Mrs. Fulgroat says, who bear the brunt of most criticisms from policyholders even though the company itself may be the "villain," are refusing to write anything lower in order to protect themselves from complaints.

Insurance companies, of course, to protect against criticisms about higher and higher rates, are blaming auto manufacturers for producing fragile and high-priced cars.

Indeed, many insurancemen say, nothing is going to cut down on premiums or ease the problems of auto insurance until auto manufacturers start making cars that can take a little punishment while protecting their occupants.

Consumer crusader Ralph Nader agrees . . in part. He feels that loss reduction research is the answer to many of the problems of car insurance.

But he believes the insurance industry should pay for a good portion of such research.

OBLIGATORY RESEARCH URGED

Insurance companies should be required by the federal government to put back a certain percentage of their profits into determining how to reduce costs in crashes, Nader said during his visit to Kansas in late October.

And if they can't prove that they're putting this percentage into such research, Nader said, they should lose the right to do business.

Nader added that studies show the "gross inadequacy of attention to safety by the insurance industry." The industry denies it has neglected safety and some insurers say they are not opposed to bearing some of the cost of loss reduction research.

The overwhelming majority of lawyers have been steadfastly opposed to any basic tampering with the fault-liability system in the past but some of them are beginning to sing a slightly different tune.

Jim Lawing, Wichita attorney who makes a substantial portion of his living from auto insurance litigation, says that many lawyers wouldn't oppose the no-fault concept up to a certain benefit ceiling if most or all pain and suffering claims were allowed.

Many small pain and suffering claims are very much worthy of consideration, Lawing says.

Nader, a lawyer himself, also disapproves of limiting certain pain and suffering claims.

An ironic turn of events has helped precipitate the crisis of insurance availability.

AN UNUSUAL MARKET

"The insurance market is unusual," Sen. Philip Hart, D-Mich., told Congress when he introduced his three bills for auto insurance reform in September. "Consumers across the nation—by various types of state laws—are virtually required to buy auto liability insurance. Yet, after guaranteeing the industry a market, we have allowed it to refuse to supply the product."

Actually, insurance companies are prone to complain about the state controls they now have to endure.

Ernest Morrison, head of Western Fire and Casualty's automobile insurance underwriting department, feels the industry could do a better job if it were left alone to compete in the open market place like other businesses.

"Practically all states circumscribe the authority of insurance companies to do their own business," Morrison said. "In many ways, auto insurance companies are treated like a public utility."

But to many, the situation in California illustrates why the open market "California plan" is not a good idea—either for the consuming public or the idea of free enterprise.

Companies in California and several other states can set their own rates without prior approval from the state insurance commission. They claim this enables the public to enjoy the benefits of open competition.

BUT IT DOESN'T WORK

Testimony to the Senate antitrust and monopoly subcommittee indicates otherwise, showing that the top five insurers in California control 50 per cent of the market and that they're making a lot of money doing it.

In 1967 and 1968, the lowest annual rate of return on net worth was 9 per cent in 1967 by Farmers Insurance Exchange. The highest was a whopping 38 per cent by Allstate, also in 1967. In California, you may be in good hands with Allstate, but Allstate is also in good hands with you.

A researcher for the subcommittee asks some provocative questions: How can there be a purely competitive automobile insurance market in California if five companies control 50 per cent of that market? How can the high profit rates of the five leading California insurers be explained if there is such a free market?

And he adds: "If the California insurance market is as the insurance industry assures us, a good example of a pure competitive automobile insurance market, then the credibility of the industry is open to serious question."

Legislators in Florida, which also has the California plan, seem ready to dump the no-prior-approval system because of high rates and consumer dissatisfaction.

Morrison, however, feels that insurance companies have been the scapegoats for the problems of auto insurance. Too many people, he said, "misundstand insurance companies and think (they) are taking advantage of the public."

"Insurance companies have to operate within the framework of the regulatory laws to which they are subject," Morrison said. "If all the auto insurance companies in the U.S. were 100 per cent in favor of the no-fault system they couldn't start to operate that way as of Jan. 1, 1971" because of existing laws.

Insurance companies make mistakes just like everyone else, Morrison said, but "too many articles point the finger of scorn at automobile insurance. We're just people . . ."

The Department of Transportation has sympathy for the viewpoint expressed by Morrison. Its study, while highly critical of the current state of affairs, takes pains to point out that it is attacking "the system" and not the insurance companies themselves.

Morrison also cites a point that is heard from a number of quarters: A state-by-state change from the present fault-liability system to no-fault would present grave problems.

"It would be as cataclysmic as going from monogamy to polygamy," Morrison said. "If it goes state by state, it is terrible to contemplate the confusion that will exist. There's too much confusion already."

Describing the problems of such a changeover, Morrison asked: "What problems would you have if we suddenly were to change from right hand traffic to left hand traffic and do it one state at a time."

Morrison is not against no-fault insurance; he's just "not enthusiastic because it presents so many problems in the changeover."

However, he adds, "there is the distinct possibility that first party liability (no-fault) would be more to the complete benefit to the purchaser of insurance."

Insurancemen, at least on their own, apparently, can do little about the system's problems.

The American Insurance Association, whose members write something over 30 per cent of the auto insurance business, has proposed a no-fault plan of its own, which almost completely eliminates the liability system and court action.

But the proposal is opposed by a majority of the industry and couldn't possibly be implemented without state or federal government action, anyway.

Dale Billingham, claims superintendent for Farm Bureau Mutual Insurance, Manhattan, Kan., says, "I don't think insurance companies are going to come up with the solution to the problem they're in—at least in time to forestall action by the states."

Billingham says that insurance companies have been under pressure to do something for a number of years, and "I can't see where there's been any improvement . . . In spite of what insurance companies are doing, if they're doing a dang thing, it's not helping." As for high premium costs, Billingham adds, "I don't think insurance companies are going to stop inflation."

Billingham is not against the no-fault concept: "I can see no grave objections to the no-fault plan, provided the right set of rules are included.

Many folks who agree, that auto insurance has manifold problems think, like the American Bar Association, that changes within the system will produce the needed results.

TIME FOR FRESH START

The New York State insurance study disagrees completely:

"Further attempts to modernize the fault insurance system by tinkering with it, while leaving its essentials intact, are sure to be expensive and self-defeating. The operators of the present system would just be buying themselves time with other people's money.

"The time has come to make a fresh start, to ask ourselves what we want an automobile accident reparations system to do, and then get a system that will do it."

The New York study continues: "We do not mean strong talk instead of action. We do not, in other words, mean comparative negligence, small claims arbitration, compulsory insurance, advance payments, proliferating studies, overlaid first-party benefits or more judges," all of which are proposed by the ABA and—or the American Trial Lawyers Association.

"To be most humane and fair," the study says, an auto insurance system should:

Compensate all victims.

Pay generous benefits.

Be efficient.

Have low premiums.

Internalize accident costs to activities causing accidents.

Pay benefits fast.

Pay benefits periodically, rather than in a single lump sum.

Be reliable.

Be stable.

Give consumers real choice and influence.

Help the courts and other related institutions work well.

Be operated by private enterprise.

(The DOT also agrees, generally, with these goals.)

IS NO-FAULT THE ANSWER?

And no-fault insurance fills these requirements, the study indicates.

Although the no-fault concept has been assailed for seeking to eliminate or cut down severely on "pain and suffering" claims, the New York study and other critics feel that pain and suffering would best be paid by a system that compensated victims quickly, fully and efficiently for all their out-of-pocket losses, rather than one that seems to foster many specious small pain and suffering claims but pays actual expenses so poorly to seriously injured persons, who sustain the most "pain and suffering."

Time seems to be precious for the industry or the states to act on auto insurance problems with either fault or no-fault reform.

One of the present system's prime critics, Dr. Jeffrey O'Connell, law professor at the University of Illinois, says "on the whole, this reform (no-fault) can be accomplished on the state level. Given the number of problems we've transferred to Washington . . . if we can accomplish it on the state level, we should. But if states continue to drag their feet, time is running out for them to act."

O'Connell predicts that "within two to five years, several states, and perhaps a great many states, will have no-fault."

WOULD BE COMPULSORY

The Illinois professor's vision may be just about right. The federal government gives every appearance it's gearing up and getting ready to act. But it may leave considerable leeway, as Transportation Secretary John Volpe has hinted, to the states.

Proposals from DOT will complete the department's two-year, $2-million study and should be delivered to Congress early next year. According to the Wall Street Journal, the meat of the plan already is in the White House.

The department's reported proposals include no-fault replacing liability insurance, compulsory insurance and coordinating health and auto insurance to avoid duplicate payments.

Of course, already in the Senate are three bills for auto insurance reform introduced by Michigan's Hart.

The bills, which offer firm federal requirements, include a no-fault plan, compulsory insurance, non-cancelable insurance for all licensed drivers and legalization of group auto insurance in the 35 or so states where it now is banned.

A great many people in the insurance industry and the bar fear and oppose government action like the DOT and Hart proposals. But such opposition is by no means universal.

Ernest Morrison says he would "welcome federal regulation of the insurance business—if it weren't superimposed on state controls." Morrison believes that states will be reluctant to give up their controls over insurance and that additional federal laws or guidelines would bring a maze of controls that would greatly hamper the industry.

The greatest fear of all is that the federal government will take over the automobile insurance business, or at least set premium rates and make such rigid procedure laws that it would be, in effect, running the industry.

Everyone isn't against that, either. Ralph Nader believes that fairly soon all insurance will be in the hands of the federal government.

IT'S THE ONLY WAY

"It's the only way to do it," Nader said. The bigger the company, the better it can keep premiums down, he added, and there's nothing bigger than the federal government.

In such a case, Nader said, if you wanted more insurance than the government minimums, you could buy it from private firms. But it wouldn't operate like Medicare—the government should actually be in the insurance business.

So something is going to happen. How soon is anyone's guess.

The states, which seem to be moving, probably still have time to act on their own, but may have only a year or two before some kind of federal regulation or guidelines take effect. Still, about half, and perhaps more of the states are actively studying no-fault or some other industry reform.

Federal regulation is by no means a sure thing, although, in the long run, it is the favorite.

Even if Congress buys the Department of Transportation's "guidelines" (and assuming they include a form of no-fault) and gives DOT the funds to implement them in the next session, state-by-state changes will take several years.

The Hart bills face a much tougher road, since they will take control of insurance away from the states, where it has been since time began. Observers feel that Sen. Hart's proposals may get tangled up with debate about federal control over the entire insurance industry. Such a debate could extend over several sessions.

And, again, even should Congress pass the Hart legislation even early in the session, solving of the complex problems surrounding the changeover probably would take a couple of years, at best.

So the consumer will continue to fight high premiums and more cancellations and inequitable payment of his claims for the near future.

WHAT YOU SHOULD DO

What can you do about it? First, if you've got insurance and your company has paid a claim to you, don't switch companies. You could get canceled by the second firm, even though it accepts you at first.

Second, drive safely—for your own sake and for the sake of your insurance bills. In these trying times, a wreck and a moving violation will also certainly cause your insurance to be cancelled or not renewed. Even one of either could do it.

And, if you're shopping around for insurance, you might want to take some advice from Consumer Reports magazine.

In a survey published in June, the magazine rated the services produced by 25 of the largest auto insurers in the nation. Basis of the ratings was handling of claims, cancellations and non-renewals, rates and rate increases.

State Farm and United Services Automobile Association, the first and 16th largest firms, "stood head and shoulders above the rest," the magazine reported.

Meanwhile, at the bottom of the heap were two companies judged "distinctly inferior to the rest"—Allstate, the nation's second largest, and Home Insurance Co., the 14th largest.

WRITE A LETTER

Finally, if you don't like the way things are, raise a little hell. Write your insurance company, write the Kansas Insurance Commission, write your congressman, write the Department of Transportation, write Sen. Hart's antitrust and monopoly subcommittee.

Trite as it sounds, consumerism is the name of the game these days. It was a bunch of aroused consumers, convinced they were being taken advantage of by various aspects of our cranky old system of automobile insurance and reparations, that heated up the current controversy. Only a significant number of those same kind of consumers, determined to be heard and just as determined that things will be made right, can bring the growing turmoil to a successful, and relatively happy, conclusion.

[From the New York Times, Nov. 15, 1970]

Burger Suggests Judicial Changes

(By Fred P. Graham)

Washington, Nov. 14.—Chief Justice Warren E. Burger warned today that the American judicial system would be in chaos in 30 years unless some fundamental changes were made in it.

Chief Justice Burger noted that the basic methods of justice had changed little in the 183 years since the Constitution was drafted, while population growth and new technology had multiplied the burdens on it. He warned that, in the next 30 years, the technological changes would accelerate and the population would increase from 205 million to 325 million.

Unless some changes are made, he said, "we will experience chaos in the courts with enormous and adverse impact on private civil rights and on law enforcement and the security of persons and homes and property."

FAVORS EUROPEAN METHODS

The Chief Justice has been a student and admirer of European courts and penology for many years. When he was a lower court judge, he advocated the streamlining of judicial procedures in the United States by copying the European use of nonjury trials and the de-emphasis of the combative aspects of trials.

Although he was more specific in the ideas that he offered today than he had been in the past, Mr. Burger emphasized that he was not proposing specific changes but was suggesting some possible approaches.

The Chief Justice, who as a lower court judge was a frequent critic of the Warren court's liberal criminal doctrines, made the statements in a speech he had prepared for delivery tonight at a testimonial dinner in Philadelphia for a state judge who was an outspoken critic of the same decisions. The text was made available here.

The dinner was held at the Bellevue-Stratford Hotel for John C. Bell Jr., the 78-year-old Chief Justice of the Supreme Court of Pennsylvania.

Referring to the overburdened Federal courts, Mr. Burger suggested three changes to lighten the load.

AUTO WRECK CASES

He said that automobile accident and personal injury cases, which now make up the largest category of civil cases, might be entirely eliminated. At present, any accident involving residents of two or more states and a claim of more than $10,000 in damages can be brought in Federal District Court.

Chief Justice Burger said that the framers of the Constitution would probably have excluded car wreck litigation from the category if they could have foreseen the burden that it would place on the Federal courts.

His second suggestion was that jury trials could be eliminated and replaced with trial by judges in automobile accident cases, and perhaps in other types of civil trials. If not, he said, juries of less than 12 members might be used.

Mr. Burger added that he did not believe in doing away with the jury trial system in criminal cases.

AID FOR SPECIALISTS

Finally, he noted that in England such time-consuming and complex cases as patent, antitrust and business regulation matters were tried before a judge sitting with two economists or other specialists, who help him decide economic issues. The Chief Justice said that simplified trials and suggested that it might make United States courts more efficient.

Some of Mr. Burger's suggestions could raise constitutional problems. The Seventh Amendment, for instance, preserves the right of trial by jury in any civil suit based on the principles of English common law and involving more than $20. But the Supreme Court ruled last spring that juries in criminal cases can be composed of less than 12 members. Within the next few months the high court will decide if the decision must be unanimous.

When Earl Warren was Chief Justice of the United States, Judge Bell made several highly publicized speeches that were critical of the Supreme Court's criminal decisions.

[From the Journal of Commerce, Nov. 25, 1970]

Autos Said To Increase Litigation

Minneapolis, Minn., Nov. 14.—The automobile is the greatest single cause for the dramatic increase in civil litigation in our courts, the National Conference on Automobile Insurance Reform was told Monday night.

Alfred P. Murrah, director of the federal judicial sector gave the keynote address to 120 insurance executives, educators and attorneys attending the two-day conference sponsored by the University of Minnesota and the Consumers Union.

COMPREHENSIVE STUDY

According to Judge Murrah, the federal judicial center and the secretary of transportation have conducted "a comprehensive study of the automobile insurance system."

"More than 50 per cent of the motor vehicle accident claims filed in court took more than 10 months to become formal legal cases and more than 14 months thereafter to terminate," Judge Murrah said.

"From filing to termination the majority of cases required more than two years to be resolved," he said. "Of all cases filed, 87 per cent terminated before trial, and only 7 per cent reached final verdict and judgment."

Earlier in the day, a proponent of no-fault insurance likened the current automobile insurance system to the Vietnam war.

Jeffrey O'Connell, law professor at the University of Illinois and co-author of the Keeton-O'Connell no-fault insurance plan, said that both the war and the insurance system "we have heard, from men of good will, tired and moralistic cliches, defended the indefensible.

"In both cases, men of good will have been blinded to the excesses of the situation by their own contributions to and their investment in the status quo.

"DISASTROUS" ACTIVITY

"In both cases, there has been an inability by those involved to see how disastrous on the whole their activity has been for the very people they are supposed to be helping."

Mr. O'Connell said that 56 cents of the auto insurance premium dollar goes for insurance company overhead, lawyer and court costs. Only 14.5 cents goes for costs of injuries and waste losses.

"We have devised almost the worst system imaginable," he said, "a system that is cruel, corrupt, self righteous and wasteful while it goes about the business of failing."

Under his no-fault plan, Mr. O'Connell said, the consumer is saying "you insure yourself; I'll insure myself, and let's wave that suit in which only lawyers and insurance companies benefit."

Defending the current system with some reforms, John J. Kircher, associate research director of the Defense Research Institute, likened no-fault insurance advocates to "the voices that are crying for reform or abolition of other institutions in this country."

Mr. Kircher said that increases in insurance rates were not caused by the insurance system but by inflation and rising accident tolls.

"ARTIFICIAL" REDUCTION

"Any plan for change which seeks to lower costs by merely redistributing benefits and which does not take these two factors into consideration, will produce only artificial cost reductions which will be disappated as inflation and accidents continue."

Willard H. Pedrick, dean of the College of Law at Arizona State University, outlined the alternative systems of no-fault auto insurance which have been proposed.

He termed the Keeton-O'Connell plan "extremely modest" and the more inclusive no-fault plan by the American Insurance Association as a "good middle of the road approach."

Mr. Pedrick cited the social insurance approach in New Zealand which includes auto injuries in a national health insurance plan with compensation for injuries from accidents as well as illness.

In New Zealand, "in the absence of personal liability and with the disappearance of any element of voluntary contribution, there can be no place for the insurance companies," he said.

[From the New York Times, Nov. 15, 1970]

No-Fault Auto Insurance Is Stalled in Legislatures

(By Wayne King)

An automobile insurance reform plan that backers had hoped would eliminate long court fights and give motorists a greater return for their insurance dollar has run into a stone wall in state legislatures across the country.

The plan, called "no-fault" insurance, would provide that companies promptly pay their clients' claims for actual losses—medical bills, lost wages, etc.—regardless of who was at fault in an accident.

In state after state, the plan has been defeated or bottled up in committees, often through the efforts of powerful lobbies of lawyers' groups and insurance companies, both of which are heavily represented among members of state legislatures.

Out of 13 states in which no-fault bills have been introduced, only one, Massachusetts, has adopted the plan. And even there, some insurance companies threatened to quit writing auto policies in the state, primarily because of a mandatory 15 per cent premium reduction that was tacked onto the measure.

The Massachusetts Supreme Court last week struck down the premium-reduction clause as unconstitutional.

ADMINISTRATION BACKS REFORM

The failure of no-fault insurance plans in state legislatures is particularly disturbing to backers because the Nixon Administration has made it clear that it favors action on auto insurance reform at the state level. The present system has been drawing criticism for several years for soaring rates and long delays and for the small percentage of premiums returned to injured motorists in compensation for losses.

Transportation Secretary John A. Volpe has said the Administration will not propose Federal regulation of the insurance industry, and that "in the long run, reform offers its best opportunities at the state level."

Administration reluctance to tamper with the auto insurance industry was welcomed by supporters of the present system, who argue that determining who should pay for accident losses cannot be morally separated from deciding who was at fault in the accident.

The no-fault concept, first suggested in a 1932 study at Columbia University, was given little serious consideration until 1965 when two professors of law, Robert E. Keeton of Harvard University and Jeffrey O'Connel of the University of Illinois, advocated it in a book called "After Cars Crash . . . the Need for Legal and Insurance Reform."

The book's recommendations, given impetus by consumer criticism of the existing automobile insurance situation, helped to spur studies and legislative proposals in a number of states.

LEGAL PROCESS IS LONG

Supporters of auto insurance reform at the state and Federal levels argue that putting auto insurance on a no-fault basis, similar to fire or other forms of actual loss insurance, would eliminate the need to prove that someone was at fault in an accident before any claims are paid, a process that takes as long as five years in court in areas like New York and Chicago and averages 16 months nationally.

Critics of the present system point out that if both parties to an accident are at fault, usually neither insurance company can be required to pay. In other cases, seriously injured persons often settle out of court for far less than their actual loss simply because they cannot afford to wait for a court settlement.

Supporters of the no-fault concept say it would eliminate this problem and also reduce the portion of the premium dollar that goes to lawyers and claims investigators—an average of 23 cents in a New York study.

That same study, according to the American Insurance Association, which supports the no-fault plan, showed that 33 cents went for insurance company overhead—commissions, processing claims, sales costs, etc.—and that 21½ cents went for intangible "pain and suffering" awards.

Moreover, the association said, auto insurance paid back only about a fifth of the $5.1-billion compensable losses from deaths and serious injuries caused by accidents in 1967, and those most seriously hurt, with losses over $25,000, recovered only about a quarter of their losses.

14.5 CENTS ON THE DOLLAR

Overall, discounting losses covered by Blue Cross or other insurance, only 14½ cents out of every premium dollar went to pay for uncompensated economic loss.

Two other major auto insurance associations, the American Mutual Insurance Alliance and the National Association of Independent Insurers, whose member companies write 60% to 70% of the auto insurance in the United States, oppose the plan, arguing that the no-fault system would encourage carelessness by failing to penalize drivers who are at fault and also that there are no guarantees that the new system would be more efficient.

These arugments appear to have largely prevailed in the state legislatures.

Much of the opposition the measures have encountered comes from lawyers, who could lose substantial sums in fees growing out of auto accident cases.

A study for the Department of Transportation reportedly showed that in 1968, parties to auto accident litigation paid legal fees totaling $600-million, one-fifth of the total income of the legal profession that year.

In Illinois, in a typical situation, no-fault bills were introduced twice, once in 1967 and again last year. In both instances, opposition from insurance companies and the legal profession was intense, and the measures died in the House Insurance Committee.

Twenty-four of the 177 Illinois House members list their principal occupations as insurance, as do 10 members of the 58-member senate. The other dominant profession in the General Assembly is the practice of law.

Representative Anthony Scariano, a reform-oriented Democrat who introduced the no-fault bill both times, said he had now given up.

"As long as you have a state-house, full of lawyers and insurance men you are not going to have no-fault insurance in this state, and that's as certain as the next accident," he said.

In Michigan, where a no-fault proposal is pending but given no chance of passage, legislative leaders say a major factor is that too little is known about how the system would actually operate in practice. Both trial lawyers and defense lawyers groups and the state's biggest casualty insurers have opposed the no-fault concept in principle, but it is believed that a modified proposal thought to be less offensive to lawyers might have a chance next year.

THE REVISED PLAN

That plan would require all insurers to pay medical costs and lost earnings as a first-step, and provide a basic formula for adjusting "pain and suffering" payments. Lawyers would still be able to collect up to 25 per cent of the settlement, although a mechanism would be provided to speed up court action or bring about arbitration.

Another typical case is in California, where the State Senate called for a study of a no-fault system for the first time in 1965. Insurance company lobbyists successfully argued against any legislation during the ensuing 15 months on the ground that a study was in progress. The report was made in 1967 and it in turn called for further study, while insurance lobbies again argued successfully against action on any of several proposals that had been introduced, until the study was completed.

That study, conducted by the Governors Automobile Accident Study Commission has just been completed and a report is expected to be issued next month with some legislative action expected next year. Chances for a pure no-fault plan, however, are regarded as slim.

The state bar of California has taken no official stand but Morton Friedman, president of the Sacramento Trial Lawyers Association, has said the no-fault proposal may unconstitutionally deny due process. "Every party has the right to trial by jury," he said, "and this legislation appears to limit that right."

NO CHANCE FOR PASSAGE

In Pennsylvania, a proposed constitutional amendment that would allow no-fault insurance is given no chance of being reported out of the House Judiciary Committee, which is composed of 22 lawyers and one insurance man, where it has been locked up since April 29.

State Senator John T. Van Sant, who is chairman of the Senate Insurance Committee and the majority whip, said, "Most of the mail I've received against it has been from the American Trial Lawyers Association."

In New York, despite strong support by Governor Rockefeller, a no-fault bill introduced in the Legislature in the last session was rejected by the Republican-controlled Assembly Committee. The New York State Bar Association was unalterably opposed to the bill, describing projected premium savings as "uncertain and illusory."

A compromise bill was reportedly being discussed, which would embody features of the no-fault system and the present one. It would provide for payment by the victim's insurance company of actual losses, but would allow for suits for "pain and suffering" with a deductible clause of possibly $500. This proposal was thought to be more acceptable to lawyers.

In New Jersey, Gov. William T. Cahill ordered a legislative inquiry into the auto insurance industry and the no-fault concept in March, but has made it clear that he does not think the no-fault concept will work, and that it will lead to higher rates.

His insurance commissioner, Robert Clifford, a former trial lawyer who has handled a number of auto accident cases, also does not favor the proposal. A bill introduced in 1967 primarily to allow for a study, ultimately died. More than half of New Jersey's legislators are lawyers.

In Florida, Representative W. H. Reedy, a Democrat, first proposed no-fault insurance in 1965 and has introduced bills twice since then, most recently last year.

[From the Washington Daily News, Jan. 14, 1971]

The Iceman Cameth—Many Schools Closed, Commuters Stranded, Fender Benders Abound; More Freezing Rain Is Due Friday

Washington area residents, who got up this morning to icy windshields and glassy sidewalks, may be in for more ice tomorrow night, forecasters said today.

After a night of sleet, which turned to

freezing rain, temperatures crept above freezing in most locations by dawn and were expected to stay in the 40's today.

But the damage had been done: police reported hundreds of minor car accidents and schools in many localities were closed for the day or opened more than an hour late. Absenteeism at government and private offices was expected to be high as suburban drivers were iced in their driveways or were reluctant to negotiate glazed side streets.

Most main highways were in good condition as D.C., Maryland and Virginia highway crews sanded and salted thru the night. They may have the same job tomorrow night, tho, as the weather bureau said a complex storm system could drop freezing rain, snow or rain.

Last night a Fairfax police official said, "The roads are very, very hazardous and we've had six to eight accidents an hour when we usually have two."

A young woman driving on Shirley Highway near the Beltway could testify to the condition of the roads. She was driving at a moderate 35 mph, but still was unable to stop when the car in front of her slowed. "I hit him and then someone behind hit me. We pulled over to the side and while we were exchanging licenses and so-on six cars piled up in the road right in front of us," she said.

On the other hand, some police officials said they were surprised how few accidents they had in their areas of Maryland and Virginia (D.C. main streets stayed in good shape) even with the blanket of ice.

In the District, police said sidewalks were in much worse shape than most roads.

In Nevada, Gov. Mike O'Callaghan, had to be rescued from his snowbound Carson City mansion, yesterday, as the worst snowstorm in 19 years smothered parts of two states.

Traffic accidents were legion in the Midwest and east as a glaze of freezing drizzle and sleet combined with fog. Bitter cold grasped the Northeast.

Truckee, Calif., in the high Sierra, had 98 inches of snow on the ground, including two feet from the current storm. The total snowfall was the most since the winter of 1951–52, when the city had 200 inches of snow.

Air traffic also was snarled. American Airlines canceled all flights into Chicago's O'Hare International Airport between 4 p.m. and midnight. Other airlines reported delays and cancellations because of bad weather at other Midwest airports.

[From The Richmond News Leader, Jan. 21, 1971]

INSURERS' SQUEEZE IN VA. SAID DELIBERATE

(By Tyler Whitley)

Casualty insurance companies are deliberately restricting their underwriting practices in Virginia to force higher insurance rates, a Richmond accountant charged here today.

At a General Assembly hearing into the tightening insurance market in the state, T. Grayson Maddrea Jr. suggested that the insurance firms may be trying to "blackmail" the General Assembly into passing laws beneficial to the companies.

"If they close the market, there is no law on the books to make the State Corporation Commission do a damn thing about it," Maddrea added.

The accountant has been a frequent spokesman at insurance rate hearings in Virginia and other states.

The hearing was called by Richmond-Henrico County Del. Edward E. Lane, chairman of the House Committee on Corporations and Banking.

Lane said the tightening insurance market warrants discussion during the special session of the Assembly, although he was not suggesting that new legislation be introduced during the session.

The House committee heard a plea by George D. Griffith Jr., president of the Virginia Association of Insurance Agents, for new laws permitting insurance companies to put desired rate increases into effect immediately subject to review by the SCC.

This open competition plan was pushed by the agents' association at last year's General Assembly but was rejected.

Griffith, a South Hill insurance agent, said such companies as Maryland Casualty Co., Aetna Casualty and Insurance, Peerless Insurance, Kemper Insurance Group, Continental Insurance Co. and Great American Insurance are not writing new auto insurance in the state.

He said Travelers Insurance Co., Hartford Fire Insurance Co., Insurance Co. of North America, Aetna, Royal Globe, Continental, U.S. Fidelity & Guarantee and Fireman's Fund are restricting the market.

Griffith told the committee that motorists are being forced into substandard or assigned risk insurance plans, which charge premiums as much as 75 per cent higher.

Last year, the number of new policies written under the assigned risk plan increased 64 per cent to 126,185 from 81,405 the year before, he said.

Griffith said the problem is not confined to auto insurance. In southwest Virginia, he said, no company will issue a fire insurance policy on dwellings valued under $8,000.

In northern Virginia many companies will not insure dwelling risks valued above $50,000 because they are prime targets for burlgary, he said.

State insurance commissioner Everette Francis defended Virginia's existing regulatory and rate-making system and said "it will work if companies, rating bureaus and agents want it to work."

Pressed on this, Francis said the companies probably are at fault, although he did not mean to indict the insurance industry.

The problem of restrictive insurance is a complex one that should be studied by a VALC committee, as suggested by two state officials to Gov. Holton, Francis said.

Such problems beyond the control of the insurance industry as riots, inflation, increased accidents, rising crime and the decline in the securities market are to blame, he said.

Maddrea said he could not say whether a conspiracy existed among insurance companies to adopt restrictive underwriting policies in order to bring about open competition.

He also said he did not think existing insurance rates are too low.

"If the rates are too low, why don't insurance companies come in and ask for another increase?" he asked. No rate increases are pending but several reportedly are being prepared.

Rather than being forced into permitting open competition so insurance companies will continue to write insurance in the state, Maddrea said, the General Assembly should authorize the SCC to set up a state pool to furnish coverage when an emergency is certified.

Maddrea said he had no objection to an open competition plan; but if it is adopted, the SCC's insurance staff should be beefed up and the number of corporation commissioners increased from three to five.

[From the Richmond Times-Disptach, Jan. 22, 1971]

AUTO INSURANCE ILLS AIRED AT HEARING

A Virginia legislative committee tried to diagnose the ills of a sick automobile insurance industry in Virginia yesterday. For some three hours, insurance spokesmen tried to pinpoint for the House Corporation, Insurance and Banking Committee the factors contributing to the state's critically tight insurance market.

Some tried to lay the blame on Virginia's regulatory methods. Others said low premium rates in the state were driving companies out of the Virginia market. And a few cast the companies themselves in the "bad guy" role.

The impact of the problem was explained by George D. Griffith, Jr., president of the Virginia Association of Insurance Agents, who said, "We're fighting for our livelihoods."

He said that over the past year or so many insurance companies had made underwriting requirements so stringent that agents were finding it more and more difficult to market policies.

"The result is that thousands of citizens cannot buy insurance to protect them, and we agents have no product to sell, [and] thus can no longer remain in business," Griffith said.

In addition to higher underwriting requirements, he added, many companies were simply withdrawing from the Virginia market.

Griffith was one who placed the major blame with Virginia's regulatory methods, whereby rate increase requests are filed and must gain approval of the State Corporation Commission before they can be put into effect.

As an alternative, he said his organization endorsed the "open competition" method used in 23 other states, under which rates are filed and put into effect immediately, to be altered or rescinded at a later date if the SCC finds them excessive or discriminatory.

Another agents' representative, Sydney Rosenbaum, president of the Virginia Association of Mutual Insurance Agents, pleaded with the committee not to "make the insurance companies the whipping boys."

Disclaiming any endorsement of the "open competition" method of establishing rates, he said the whole problem boiled down to the "continued inadequacy of rates over the past 10 years."

Leading the attack on the companies was T. Grayson Maddrea, a Richmond accountant, who disputed claims that the companies weren't making sufficient profit and suggested they be legally held to a certain maximum profit much like the utilities.

"These companies, especially those selling automobile insurance, have been grantd 90 per cent or more of the rates they've asked for in Virginia since 1948," Maddrea said, "and they have asked for rate increases every year or two."

Everett Francis, Virginia's insurance commissioner, tried to walk a middle line in the discussion but close questioning by committee members drew from him the comment that the "present [regulatory] system will work if the companies and rating bureaus want it to work."

He also said that, in his view, the current industry rates "are not necessarily too low."

[From the National Underwriter, Feb. 5, 1971]

N.Y. DEPT. SEES POOR FUTURE FOR FILE-USE RATING

(By Gaetano Staffa)

"The New York open competition rating law comes up for re-consideration in 1973, and we are not as confident of its successful future as we were a year ago."

This appraisal of the rating law's performance during the past year was offered by Malcolm McKay, deputy superintendent and head of the property complaint bureau of the New York insurance department, at a meeting of the New York chapter of CPCU.

"Generally, the downstate market has never been tighter," Mr. McKay said. "The law has only been in effect for a year, and we had hoped we could wait for at least two years before evaluating its effectiveness. But it looks like we are not going to be given the chance."

Mr. McKay also said that the department plans punitive action against some property-liability insurers because of their claims settlement practices. "The new section of law

40d permits the department to take action against those companies that refuse to pay claims or that make difficult the payment of claims. The department has been building files on several companies' claims experience since Sept. 1, 1970, and we expect action will be taken soon."

The theory behind the open competition rating law, Mr. McKay said, is that given a large number of insurers with no one company dominating, and where there is ease of entry into the market, regulation of rates makes no sense. Such regulation only protects the weak, he said. The department still feels that this theory is valid, he added.

"This year, it seems that the Florida open competition law will be retracted. Open competition is a very difficult thing to defend because of the complexity of the argument involved. If we are asked to evaluate the New York law, we will say that the market is not loose and that the companies have been very slow to respond," Mr. McKay said.

Mr. McKay noted one change that is hopeful, if meaningful price competition is to exist, is the changing role of the rating bureau. He also said that market tightening might be attributed, in part, to the economic recession. "But we can't stand before the people and say the law is working," he warned.

"The present law is a middleground between monopolistic operation and a free market system. It does not seem that we are moving toward a free market system, although we are willing to play the free market game if the industry would. But the industry has very little time left to show the department that the law can work," Mr. McKay said.

"A lot of legislators are asking questions and a lot of people are wondering why they voted for the bill. The insurance department sold this program to the legislature—perhaps we oversold it—and people are now looking for results that are just forthcoming," he said.

Fla. Temporarily Ends File-Use: Prior Approval In

Florida, one of the first states to adopt a file-and-use law, has voted to shelve the law at least temporarily, and replace it with a modified prior approval law.

The key provision of the statute, adopted at a special session of the state legislature, requires insurers to file proposed rate changes with the commissioner—but even if he fails to approve a particular filing, the company making it can still institute the rate change it seeks.

Final determination of the filing's acceptability is left to the courts, and should a filing be found excessive there, the company making it would have to refund the excess portion to policyholders.

As this issue went to press, final details on the effective dates of the new law had not yet been decided.

The house version of the bill sets the effective date back to July 1, 1970 and states that the new prior approval statute will terminate July 1, 1971. The senate version makes prior approval retroactive to Oct 9, 1970 (the date on which an auto rate freeze was initiated by Florida department), and it terminates the prior approval statute on Nov. 1, 1971. A conference committee met this week to iron out differences; no decision had been reached at press time.

In view of the strong opposition of file-and-use already voiced by Florida's new governor and insurance commissioner, industry reaction to the prior approval measure adopted by the legislature has been far from negative. Many of the features incorporated into the measure were, in fact, proposed by the industry.

One of these is a series of tests of rate adequacy which must be applied to filings. Included are such factors as increased costs of auto repairs and hospital care, and a provision that the determination of adequacy be based on "generally accepted actuarial principles."

This latter feature is frankly designed to prevent arbitrary or capricious action, and to give the commissioner a stronger hand in making "non-political decisions."

Gov. Reubin Askew called the special session of the state legislature so that Florida could arrive at a firm position on rate filings before the expiration of Feb. 8 of the auto rate moratorium declared last year.

[From the Journal of Commerce, Feb. 18, 1971]

In the State Legislatures—NY Democrats Seek To Repeal Open Competition Rating System

The Democratic Assembly minority leader along with three fellow Democrats, recently filed a bill in the New York State legislature designed to repeal the state's 1969 open rating law.

The Democrats' measure would reinstate the power of setting and approving all auto insurance rates with the superintendent of insurance.

The legislation, which would return the state to the old prior-approval system, was introduced by Minority Leader Stanley Steingut of Brooklyn, along with co-sponsors Assemblymen Stanley Fink of Brooklyn, Anthony DiFalco of New York and Arthur J. Kremer of Long Beach.

The Democrats noted that auto insurers are raising rates an average 15 per cent on private passenger cars and some 20 to 25 per cent on those covered in the assigned risk pool.

Assemblyman Steingut charged that the insurance industry abused "the confidence we placed in it two years ago" when the open competition system became law. He said, "They insisted competition would lower rates. Instead, they have skyrocketed."

He added: "This industry, which is forever crying poverty, is in fact, super-solvent. Witness the refusal to include in their earnings reports, profits from their investment portfolios. It's a convenient juggling act that shows actual losses from their auto insurance departments to justify soaring premiums, while making huge profits from other investments."

By Mr. BENTSEN:

S. 949. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to add an additional title to provide for motor vehicle safety collision standards. Referred to the Committee on Commerce.

Mr. BENTSEN. Mr. President, I introduce for appropriate reference a bill to establish minimum Federal durability standards for automobile bumpers.

Over the past several years, the cost of automotive repairs have been skyrocketing and the premiums on auto insurance have become prohibitively expensive. Much of the increased costs can be traced to inadequately designed front and rear bumpers, many of which are attractive to the eye, but deadly in collisions in which the car or another car colliding with it are moving at very minimal speeds.

Tests conducted by the Insurance Institute for Highway Safety, for example, showed damage to rear bumpers ranging from $491 for a Chevrolet Impala to $322 for a Volkswagen in collisions in which the other car was moving at a speed of only 10 miles an hour.

This situation can no longer be tolerated.

A recent statement by a automobile executive, claiming that his company's cars provide 100-percent protection from any damage if the speed of the colliding car does not exceed 2.8 miles per hour, points up the dimensions of the problem.

A bumper which can withstand a speed of only 2.8 miles per hour without damage offers scarcely any protection at all; it is, in fact, only a costly and deceptive ornament to adorn the front and rear end of an automobile.

Bumpers are involved in approximately 55 percent of all automobile accidents, and efforts must be made to substantially upgrade their quality so that human life can be protected and repair costs can be minimized.

Mr. Roy Lovell, manager of claims at Nationwide Insurance Co., said that auto repair costs could be reduced some 25 percent with effective Federal bumper standards. And Mr. Robert Leyes, the vice president at Allstate, in testimony before the National Highway Safety Bureau, added that improvements in auto bumpers could save the American public up to $1 billion annually.

The bill I introduce today would require the Secretary of Transportation to set standards to require all automobiles manufactured in the United States or imported after January 1, 1973, to have bumpers capable of withstanding a collision at speeds up to 10 miles an hour without sustaining property damage or injury to the occupants of the vehicle. A 1-year grace period is provided in the event the Secretary finds that there are compelling reasons for extending the deadline.

I recognize that the Secretary has the authority now to set effective standards for automobile bumpers; yet the hard fact is that he has not seen fit to do so. The proposed regulations announced last year would only require the vehicle to withstand a collision at a speed of 5 miles an hour without injuring certain of the car's vital systems.

That is quite simply not sufficient. What we must be concerned about is the enormous cost in property damage and injuries caused by weak and ineffective bumpers. My bill would require that the vehicle sustain no property damage at all at a higher speed of 10 miles an hour.

I believe, Mr. President, that the ends of my bill can be achieved within the time proposed. I hope that the Senate will act to implement this legislation so that we can cut the burgeoning cost of automobile repair and give our citizens added protection against crippling and disabling accidents.

At this point, I ask unanimous consent to have the text of S. 949 printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the

National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new title:

"TITLE V—FEDERAL SAFETY COLLISION STANDARDS

"SEC. 501. (a) The Secretary shall establish by order appropriate Federal motor vehicle safety collision standards dealing with the capability of motor vehicles to collide without property damage or injury to the occupants of such vehicles in accordance with the provisions of this title. Not later than January 1, 1973, the Secretary shall establish such standards for collision of both the front and rear of a motor vehicle with a fixed impact barrier at a speed of ten miles per hour.

"(b) If, prior to January 1, 1973, the Secretary determines that compliance with the requirements of subsection (a) of this section is unfeasible, he may extend the date for establishing such standards, but such extension shall be no later than January 1, 1974.

"(c) Standards established under this title shall be based upon findings of the Society of Automotive Engineers.

"SEC. 502. Except as provided in section 108 (b) of this Act, no person shall manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States any motor vehicle manufactured on or after one hundred and twenty days from the date an order under this title is issued unless it is in conformity with such standards.

"SEC. 503. Unless inconsistent with the objectives of this title, a standard shall be prescribed and an order shal be enforced in the same manner and to the same extent as a Federal motor vehicle safety standard established under title I of this Act and all the provisions of that title shall apply to orders under this title.

"SEC. 504. There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this title such sums as may be necessary."

By Mr. DOMINICK (for himself, Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. CURTIS, Mr. EASTLAND, Mr. HANSEN, Mr. MCGEE, Mr. PROXMIRE, Mr. TOWER, and Mr. YOUNG):

S. 950. A bill to amend the Gun Control Act of 1968 to permit persons who are not members of the Armed Forces of the United States and are not licensed importers, manufacturers, dealers or collectors under that act, to import into the United States rifles and shotguns to be used for sporting purposes, and to permit the transfer of sporting rifles and sporting shotguns between close family members regardless of their States of residence, and for other purposes. Referred to the Committee on the Judiciary.

Mr. DOMINICK. Mr. President, I introduce on behalf of myself and Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. CURTIS, Mr. EASTLAND, Mr. HANSEN, Mr. MCGEE, Mr. PROXMIRE, Mr. TOWER, and Mr. YOUNG for appropriate reference a bill to amend the Gun Control Act of 1968—Public Law 90-618—in order to permit persons who are not members of the Armed Forces of the United States and are not licensed importers, manufacturers, dealers or collectors under that act to import into the United States rifles and shotguns used for sporting purposes, and to permit transfers of sporting rifles and sporting shotguns between close family members, regardless of their States of residence.

This bill would modify certain provisions of the act which I think are unduly restrictive in their application to rifles and shotguns designed for sporting purposes. The bill would not affect handguns or surplus military firearms. It would apply only to sporting rifles and shotguns, which are defined as those which are "generally recognized as particularly suitable for or readily adaptable to sporting purposes."

The act provides for the licensing of manufacturers, importers, dealers, and collectors of firearms. A person who is not licensed under the act is prohibited, with certain limited exceptions, from transferring a firearm to another nonlicensee who resides in another State. Such a transfer, even where the firearm is only being loaned, must be made through a licensed dealer in the State where the transferee resides. A father, who lives in Virginia and wants to give a shotgun to his son who resides in Colorado, cannot send it to him, or even take it to him personally. Nor, for that matter, can the son receive the shotgun in Virginia and then return to Colorado with it. Arrangements must be made to have the shotgun delivered to a licensed dealer in Colorado, who would then, upon payment of a fee, deliver the shotgun to the son.

Mr. President, the act also provides that, with certain limited exceptions, only federally licensed manufacturers, importers, dealers and collectors may obtain permits to import firearms into the United States. This means that a sportsman who wants to purchase a hunting rifle or shotgun while abroad, or mail order such a rifle or shotgun from abroad, cannot obtain a permit for importation. He must effect the importation through a licensee in the State where he resides. And the licensee will, of course, charge a fee. Such arrangements may be difficult or impossible to make, especially on short notice where, for example, a sportsman traveling in Belgium purchases a Browning shotgun and then when checking through customs discovers that he cannot bring it back into the United States with him. There is an exception to this provision which permits a member of the Armed Forces serving abroad to import sporting and war-souvenir type firearms without going through a licensee.

The ostensible reason for these requirements of the act, together with the recordkeeping requirements imposed on the dealer through which transfers must be made, was to cut down on the flow across State lines of firearms potentially usable in crime, and to give the States better control of firearms within their borders. Well, any firearm is potentially usable in the commission of a crime, and the only way we will ever keep firearms out of the hands of criminals is by confiscating all firearms—including those of the vast majority of gun owners who are law-abiding citizens. Mr. President, I will strongly resist any step in that direction. And I would feel that way even if I did not represent a State populated by thousands of avid, law-abiding sportsmen, because there is no place in a democracy for laws which ignore the rights of a majority in order to get at a problem created by a small minority.

Any gun legislation has to strike a proper balance between the competing interests of deterring the use of firearms in crime and protecting the rights of law-abiding citizens to obtain and use firearms for legitimate purposes. I do not believe the 1968 Gun Control Act strikes that balance.

Mr. President, this bill does not attempt to make all the changes which I think are necessary to achieve a proper balance. Rather, it would make changes to create two very narrow exceptions in the situations I outlined earlier. First, it would permit the lawful owner of a sporting rifle or sporting shotgun to transfer it directly to a member of his immediate family who resides in another State without going through a licensed dealer in the transferee's State. "Immediate family" is narrowly defined to include only direct lineal descendants and ascendants. Thus, direct transfers between brothers and sisters, and other collateral relatives who are not residents of the same State, would continue to be prohibited.

Second, this bill would enable a person who is not a member of the Armed Forces, and is not a licensee under the act, to obtain a permit to import one sporting rifle and one sporting shotgun annually without going through a licensee. In order to import such firearms by mail order, he would be required to be at least 21 years of age. In order to expedite the process of obtaining permits, which are issued by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service—through authority delegated by the Secretary of the Treasury—the Secretary of the Treasury would be required to maintain an importation list containing descriptions of rifles and shotguns which meet the definition of "sporting firearms." This would avoid unnecessary delay in the situation where a person acquires a sporting rifle or shotgun on the spur of the moment while traveling abroad, and wants to return to the United States with it.

Mr. President, the purpose clause of the 1968 Gun Control Act states that its purpose was not "to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity." The changes my bill would effect are, I believe, consistent with this statement of purpose.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 951. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income allowances paid under section 5942 of title 5, United States Code. Referred to the Committee on Finance.

Mr. BIBLE. Mr. President, I introduce for appropriate reference a bill to amend the Internal Revenue Code to exclude from gross income allowances paid to Federal Government employees under section 5942 of title 5 of the United States Code.

In 5 U.S.C. 5942 relates to Federal Government personnel employed at the U.S. Atomic Energy Commission Nevada Test Site, including the Nuclear Rocket Development Station. It authorizes payment to such employees—in addition to their regular compensation—of a special allowance not to exceed $10 a day. The allowance is paid under regulations prescribed by the Bureau of the Budget.

Mr. President, in providing this special allowance the Congress recognized that the Federal Government's installation at the Nevada test site is situated in an unusually remote location. The Congress also recognized that because of the nature of the activities carried on at the test site, and because of its isolation, special burdens are imposed on Federal employees assigned to the site. Such employees do not have the option of establishing their homes reasonably close to where they work. The nearest community offering family living accommodations is Las Vegas, Nev., which is from 66 to 92 miles away from the employees' work sites. Some of these employees must commute for distances up to 184 miles a day to and from their jobs. They spend as much as 4 hours' driving time getting to and from work.

In 1966, when this special allowance was considered and enacted, the Civil Service Commission reported that the unusual commuting time and distance associated with working at the test site, and the absence of closer living accommodations, had combined to create a particularly severe personnel recruitment and retention problem.

Hence, Mr. President, we approved this special allowance—not by way of extra compensation or incentive pay—but to help defray the inordinately high expenses that must be incurred by these employees in traveling to and from this isolated Government installation. Our purpose was to recognize and provide for an extraordinarily burdensome travel situation, and to help assure that the vitally important work being conducted at the test site would be kept fully manned.

Now, Mr. President, what do we find? We find that having authorized this necessary special allowance on the one hand, the Government has been taking back a portion of it with the other. Despite vigorous claims by the employees at the Nevada test site that this special expense allowance should not be viewed as income, the Internal Revenue Service has disallowed their claims, and the special allowance has been treated as part of their taxable income for Federal income tax purposes. In December 1968 the Appellate Division of the IRS Region Headquarters in San Francisco ruled there is no authority under the Internal Revenue Code to exclude this special allowance from the taxpayer's gross income.

Mr. President, it makes little sense to me for the Government to provide this special allowance and then take a part of it back by way of taxes. The Internal Revenue Code now allows for the exclusion from income of a number of allowances provided Federal employees under the Foreign Service Act of 1946, the Central Intelligence Act of 1949, and the Administrative Expense Act of 1946. Certain allowances received by civilian employees and Peace Corps personnel are also excludible.

While it is true that most such exclusions relate to employment beyond the Continental limits of the United States, the point is that such exclusions are grounded on the special conditions—often hardship conditions—incident to the Federal employment involved.

The remoteness of the Nevada test site also imposes a hardship on the Government personnel assigned there. We recognized this fact when the Congress authorized this special travel allowance. There are approximately 137 employees at the test site and the nuclear rocket development station. In fairness to these employees I believe this allowance should also be excluded from taxation.

The bill I am introducing at this time would amend the Internal Revenue Code so as to specifically exclude this statutory allowance from gross income for Federal tax purposes retroactive to taxable years ending on or after March 31, 1966, the date the allowance was first made available to Nevada test site employees.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 952. A bill to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes.

This proposed legislation was submitted by the Department of the Interior late in the 91st Congress and was not acted on. Its purposes are described in the Department's letter to the Vice President of October 30, 1970, and I ask unanimous consent that that letter be printed in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 30, 1970.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

This bill provides that all right, title and interest of the United States in 600 acres, more or less, of public domain land, together with all improvements thereon, will be held in trust for the Summit Lake Paiute Tribe. The bill further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

This acreage is vacant, unappropriated public domain land contiguous to the south boundary of the Summit Lake Reservation. A notice of a proposed withdrawal of this land in aid of legislation was published in the *Federal Register* of March 23, 1965, page 3787.

The Summit Lake Paiute Reservation was established by executive order on January 14, 1913. The area was enlarged by the Act of March 3, 1928 (45 Stat. 160), and presently consists of some 10,500 acres. The public domain land, which is the subject of this bill, was fenced with the reservation land by the Civilian Conservation Corps in the middle 1930's. The fencing consists of 4-strand galvanized barbed wire on split pine posts. The wire appears to be in reasonably good condition, but a number of the posts will need to be replaced. Two springs and a small excavated pond are situated on the land. They furnish much needed water for livestock grazing on the southern portion of the reservation. The terrain of the land is such that livestock on this part of the reservation must depend upon these springs for water.

These 600 acres have been used continuously with tribal land for grazing purposes to make a well-rounded range unit. The tribe considers it imperative that this tract be made a part of the reservation in order to protect the value of the tribal range resources. A formal appraisal made in 1965 indicated the fair market value to be approximately $9,000. The land is without value for minerals, either metalliferous or nonmetalliferous. The highest and best use of the property is for grazing of livestock during the spring and summer for approximately six months' use. Because of its size and location in this isolated area, optimum use is realized when combined with contiguous tribal grazing lands to form a practical operating unit.

The 600 acres plus adjoining reservation lands completely surround a 40-acre parcel of land owned by a non-Indian. Section 1 of the bill reserves a right of access to the non-Indian land across the 600 acres.

The owner of the non-Indian land has expressed an interest in exchanging his land for a parcel of tribal land or in selling the 40-acre parcel to the tribe. An exchange is authorized under section 5 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, 985; 25 U.S.C. 465), but a purchase would be prohibited because of the limitations contained in the Act of July 26, 1968 (82 Stat. 425). This is the Interior and related agencies appropriation act for fiscal year 1969, and it provides:

"That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada . . ., either inside or outside the boundaries of existing reservations, if such acquisition results in the property being exempted from local taxation . . ."

Section 2 of the bill authorizes the purchase of this non-Indian tract of land in a trust status notwithstanding the inhibition contained in existing law.

The Office of Management and Budget has advised there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,
HARRISON SOESCH,
Assistant Secretary of the Interior.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 953. A bill to amend section 1 of the act of August 9, 1955, relating to the leasing of Indian lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (for himself, Mr. CANNON, Mr. CHURCH, and Mr. JORDAN of Idaho):

S. 954. A bill to authorize the use of facilities at the U.S. Public Health Service Owyhee Indian Hospital to provide certain medical care to non-Indians. Referred to the Committee on Labor and Public Welfare.

Mr. BIBLE. Mr. President, on behalf of myself and Senator Cannon and the Senators from Idaho (Mr. Church and Mr. Jordan), I introduce for appropriate reference a bill to authorize the use of facilities at the U.S. Public Health Service Owyhee Indian Hospital to provide certain medical care to non-Indians.

The Owyhee hospital is located on the Duck Valley Indian Reservation in Nevada and Idaho, in a remote and sparsely settled region of both States. There are some 650 non-Indians within a 50-mile radius of this hospital. When they need medical assistance—even routine care—they must travel over 100 miles to reach a medical facility.

Medical service must be made more readily available to these people. I think the need is obvious. The measure I am introducing today would authorize and direct the Secretary of Health, Education, and Welfare, subject to the consent of the Indian tribes involved, to take such action as may be necessary in order to utilize the Owyhee hospital for the purpose of providing nonemergency medical care to non-Indians living within approximately 50 miles of the hospital. Such care would be provided on a fee-for-service basis.

The Shoshone Paiute Business Council of the Duck Valley Reservation passed a resolution in June 1968 suporting this proposal. I ask that the resolution appear in the Record following my remarks.

Mr. President, this legislation will serve a dual purpose. It will humanely enable non-Indians living in this remote part of our country to more readily obtain necessary medical attention. It will also help assure that this facility will be adequately utilized, and the fees paid by non-Indians will contribute to the financial support of the hospital.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation

Be it resolved by the Shoshone Paiute Tribes of the Duck Valley Reservation:

Whereas, the Shoshone Paiute Business Council realizes that medical care is a very important factor in daily living, and that the Owyhee Indian Hospital is doing an excellent job of caring for the medical needs of the Indian population of the Duck Valley Reservation, and

Whereas there are approximately 650 non-Indians within a 50 mile radius of Owyhee that have to travel 100 miles each way, sometimes taking a full day off work to seek medical attention, sometimes only to learn that a common drugstore remedy would satisfy the need, and

Whereas these non-Indians have expressed an interest in receiving routine, non-emergency medical care in letters to Senator Bible and Congressman Baring during 1961 and the Superintendent of the Elko County School District asked Senator Bible to intercede for the non-Indian teachers and their families employed in the Owyhee School, and

Whereas the cost of operation per patient per day of the Owyhee Indian Hospital was double that of the average in the Phoenix Area, which is directly related to the size of the hospital and the number of people it serves: Now, therefore be it

Resolved, That the Shoshone Paiute Business Council hereby requests Public Health Service to make every attempt to cause proper legislation to be enacted so that our non-Indian neighbors may receive routine, non-emergency medical care at the Owyhee Indian Hospital, and the Shoshone Paiute Business Council recognizes that fact that congress will have to authorize this request, so be it further

Resolved, That the Shoshone Paiute Business Council requests all non-Indians in a 50 mile radius of Owyhee to make their interest in this matter known to Public Health Service and to members of Congress and Be it further

Resolved, That the Shoshone Paiute Business Council will solicit the approval of the County Medical Society and the State Medical and Hospital Associations and all surrounding medical facilities.

By Mr. BIBLE (for himself, Mr. Allott, Mr. Burdick, Mr. Cannon, Mr. Gravel, Mr. Jordan of Idaho, Mr. McGovern, Mr. Metcalf, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Proxmire and Mr. Stevens).

S. 955. A bill to authorize the Secretary of Health, Education, and Welfare to make Indian hospital facilities available to non-Indians under certain conditions. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and Senators Allott, Burdick, Cannon, Gravel, Jordan of Idaho, McGovern, Metcalf, Montoya, Moss, Nelson, Proxmire, and Stevens I introduce, for appropriate reference, a bill to authorize the Secretary of Health, Education, and Welfare to make Indian hospital facilities available to non-Indians under certain conditions.

The purpose of this legislation is to authorize the Secretary of Health, Education, and Welfare to make remote Indian medical facilities available to non-Indians under certain conditions, with the consent of the major Indian tribes served by the facility, and provided that priority is given the needs of Indian people.

The high cost of medical resources and the scarcity of professional skills have clearly delineated the need for more effective utilization of existing health centers and health manpower skills. Throughout the United States there exist pockets of medical care deprivation, not caused by the lack of resources, but by lack of legislative authority to make existing health resources available to those in need. For example, there are approximately 655 non-Indians residing within a 50-miles radius of the Owyhee, Nev., Indian Hospital and the nearest hospital for these people is at Elko, Nev., approximately 90 miles away.

While other hospitals of the Division of Indian Health located in remote areas are made available to Federal employees and their dependents under existing law, no provision, except for emergencies, has been made for private citizens who reside in the vicinity.

There is legal precedent for extending health care in Public Health Service Indian hospitals to nonbeneficiaries. In Alaska, such care is provided pursuant to 48 United States Code 49. The State of Alaska has designated certain areas as "remote" with reference to the availability of health services, and in these areas the Public Health Service hospitals provide health services on a reimbursable basis to nonbeneficiaries.

The present proposal will extend the Alaska program to all other remote areas in the continental United States.

The use of remote Indian health centers will promote greater areawide health programing where restricted access exists at present. Additionally, the use of such facilities by nonbeneficiaries will assure fuller utilization of these expensive facilities, thereby achieving operating economies. Control of the hospitals would remain the responsibilty of the Division of Indian Health thereby maintaining the desired quality of care. The primary mission of the hospital would remain the quality medical care of the Indian community.

Under the proposed bill, the health services provided would be supportive in nature. The bill does not in any way anticipate Federal usurpation of State, local, community, or private prerogative and responsibilities.

It is not anticipated the enactment of this proposal would add to the costs of the Federal Government as services would be provided on a "space available basis" and would be reimbursable.

JOINT RESOLUTIONS

By Mr. PROXMIRE (for himself, Mr. Sparkman, Mr. Tower, and Mr. Bennett):

S.J. Res. 55. Joint resolution to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. PROXMIRE. Mr. President, I am introducing a joint resolution extending until June 1, 1971, the authority of the bank regulatory agencies to establish flexible interest rate ceilings on time and savings deposits offered by financial institutions.

The resolution also extends until June 1, 1971, the President's standby authority to implement controls on prices, wages, salaries, and rents.

The resolution extending these authorities until June 1 is being offered in order to permit the Senate Committee on Banking, Housing, and Urban Affairs adequate time to hold hearings on these authorities and to consider whether they should be extended for a longer period of time.

By Mr. STENNIS (for himself and Mr. Jackson):

S.J. Res. 56. Joint resolution to provide for a memorial in honor and commemoration of the Seabees of the U.S. Navy. Referred to the Committee on Rules and Administration.

Mr. STENNIS. Mr. President, I am glad to join the distinguished junior Senator from Washington in cosponsoring a joint resolution authorizing the Seabee Memorial Association to erect a memorial on public grounds in or near the District of Columbia in honor and commemoration of the Seabees of the U.S. Navy.

I have been intimately familiar with the work of the Seabees since their beginning in World War II, soon after Pearl Harbor, and with their outstanding accomplishments during conflict as well as the tremendous contributions they have made and are making to this country's effort to build for peace.

The honorable and couragoeus service of the U.S. naval construction force—the Seabees—is most deserving of this tribute. The erection of a monument in the National Capital area for such recognition is extremely appropriate.

ADDITIONAL COSPONSORS OF BILLS

S. 535

At the request of the Senator from Michigan (Mr. HART), the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 535, to amend the Wild and Scenic Rivers Act by designating the Au Sable and Manistee Rivers for potential additions to the national wild and scenic rivers system.

S. 687

At the request of the Senator from Delaware (Mr. BOGGS), the Senator from Oklahoma (Mr. BELLMON), the Senator from Minnesota (Mr. MONDALE), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 687, the Opportunities Industrialization Assistance Act.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 10

At the request of the Senator from Maryland (Mr. BEALL), on behalf of the Senator from Tennessee (Mr. BROCK), the Senator from Oregon (Mr. PACKWOOD), the Senator from Minnesota (Mr. MONDALE), the Senator from West Virginia (Mr. BYRD), the Senator from Oklahoma (Mr. BELLMON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Nevada (Mr. CANNON) and the Senator from Mississippi (Mr. EASTLAND) were added as cosponsors of Senate Joint Resolution 10, to authorize the President to designate the week beginning March 21 as "National Week of Concern for Prisoners of War/Missing in Action."

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, there will now be allotted 45 minutes for the transaction of routine morning business, under the 3-minute rule.

FIRE ANT ERADICATION

Mr. ELLENDER. Mr. President, I have had many inquiries concerning the current operation and future outlook of the Fire Ant Eradication and Control Program as administered by the U.S. Department of Agriculture in cooperation with the State authorities.

I am sure that many other Senators have also had a multitude of requests from those who both favor and oppose the eradication and control program. Certainly, many of those contacting me have been from States other than Louisiana.

A certain amount of controversy surrounds this program and the methods currently in use to provide relief from this pest. I think a large part of this controversy is misplaced. It arises, in large part, because many of the facts are not widely known by the interested parties.

With that in mind, I ask unanimous consent that a documented report on the Fire Ant program prepared in response to my inquiries by the USDA, be included in the RECORD at this point. I believe that all Senators will find the facts of value in responding to their constituents.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL RESEARCH SERVICE,
Washington, D.C., December 9, 1970.

Hon. ALLEN J. ELLENDER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ELLENDER: This is in response to your letter of November 24, on behalf of Dr. W. Henry Long, concerning the cooperative Federal-State imported fire ant program.

This Department has not embarked upon a $200 million program to eradicate the imported fire ant. However, we do cooperate with several Southern States having infestations in an imported fire ant control program.

The current status of the program was explained to the House and Senate Subcommittees on Agricultural Appropriations this spring as follows: "Large-scale field trials to test eradication techniques are proving successful in certain areas. Further trials and research are being conducted to determine whether it is feasible to eradicate this agricultural pest from the United States." These studies will have a final evaluation following the fall program to determine if eradication could be accomplished based on the knowledge available to us. Other factors, of course, will have to be considered in the determination of the feasibility of such an undertaking, including the impact on the environment.

The enclosed statements will give you additional information on the imported fire ant problem.

Sincerely,
GEORGE W. IRVING, Jr.,
Administrator.

FACTS ON THE IMPORTED FIRE ANT

The imported fire ant is a major pest in nine Southern States—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. This ant, which first entered the country in cargo or ballast from some South American port, has proved to be a formidable and persistent agricultural and urban nuisance.

Introduced into the United States in Mobile, Alabama, around 1918, the fire ant now infests approximately 120 million acres in the South. Individual mound treatments and limited eradication efforts to date have not stopped the march of the ant northward and westward.

Imported fire ants inflict a venomous sting which causes a painful reaction to both man and animals. This sting results in a pustule that may persist for several days and, if broken, causes small scars that may remain for weeks or months. Fire ants are the plague of workers who harvest crops in infested fields.

The ants choose cleared land, warm to the sun, for their mounds. The mounds, which may contain up to 100,000 ants, interfere with agricultural operations and reduce the efficiency of labor and machinery. Improved pastures and hay fields are their special targets.

Fire ant mounds are also found in schoolyards, playgrounds, parks, and along highways. They are eyesores and make it difficult to take care of the grounds. The highest rate of fire ant infestation are usually noted along new roads, pastures, and ditch banks or levees. If cropland is not cultivated frequently, or chemically treated, it is also favorable for establishment of mounds. Mounds have been found in almost all types of soil, some on marshy lands near the shores, and some on sandy beaches.

The density of the mounds varies greatly at different sites. Pastures, for example, can have infestations of 100 to 200 mounds per acre.

Fire ants usually spread 5 to 6 miles per year. New mounds, however, have been established 10 to 12 miles from parent mounds. The fire ant "hitchhikes" long distances via human transportation. One female fire ant can represent an entire future colony of mounds. Fire ants capable of starting new colonies also travel in plants, sod, and other nursery stock.

The fire ant has spread to the Eastern Seaboard and as far west as Texas. There is no barrier to stop its spread farther north and into parts of New Mexico, Arizona, and California. The fire ant is spreading at the rate of several million acres a year. The Federal-State control and quarantine program is the most effective way to deter spread.

During the course of the hearings with the Senate Subcommittee on Agricultural Appropriations in fiscal year 1968, the Department was asked to develop a plan for the complete eradication of the imported fire ant.

In our reply to that request we stated that, because of the size of the undertaking, it was considered important that additional research and methods improvement studies be made to determine if eradication could be accomplished with the present technology.

The current status of the imported fire ant program was explained to the House and Senate Subcommittees on Agricultural Appropriations this spring as follows: "Large-scale field trials to test eradication techniques are proving successful in certain areas. Further trials and research are being conducted to determine whether it is feasible to eradicate this agricultural pest from the United States." These studies will have a final evaluation this fall to determine if eradication could be accomplished based on the knowledge available to us. Other factors, of course, will have to be considered in the determination of the feasibility of such an undertaking, including the impact on the environment.

So you can see that the eradication program has not begun. To date, anyone evaluating the overall results in all infested States can only conclude that the program has been one of control, even though in some portions of some States the fire ant has not been found over an 18-month period from the time final treatment was completed.

The current control program involves the use of a bait containing minute amounts of slow-acting toxicant. The bait contains a food attractant (soybean oil), which is impregnated on corncob grits. Only 1.7 grams of the toxicant are applied per acre. The worker ants gather the bait as food as soon as it is applied and take it into the mounds. The ants, including the queen, feed on the bait and the colony is destroyed.

We wish to assure you that this program has been closely monitored for side effects which may adversely affect the environment and other values. Such information is fully considered as it becomes available. Thus far, nothing has been found in these investigations to cause concern or to indicate changes in normal treatment practices.

THE INSECTICIDE MIREX

Mirex is actually one of the safest insecticides presently on the market. It would be impossible for a person to obtain a lethal dose by either breathing fumes from it or from contact with their skin. The mammalian toxicity of mirex is so low it is comparatively safe even if small amounts were accidentally eaten. The amount of mirex (1/17 of an ounce), applied to the average acre of land to control the fire ant is no more toxic than four to five common aspirin. One of the main reasons that mirex was originally chosen for use against ants was its known high level of safety for mammals, birds, and other invertebrates.

During the original developmental period when mirex was first studied and tried in the field, very extensive tests were conducted by both the U.S. Department of Agriculture and the Fish and Wildlife Service of the U.S. Department of the Interior on the effect of mirex on nontarget organisms, particularly birds, mammals, and fish. All these tests showed that mirex was exceedingly safe when used at the recommended rate. After mirex was accepted, further extensive tests were conducted during actual control programs, as well as detailed and indepth laboratory studies. Again, all tests have indicated that at the recommended rate mirex is safe to almost all nontarget organisms. The chemical company which supplies mirex has also run very extensive tests to determine that it does not contaminate crops, milk, or domestic animals which might be eaten by man.

Mirex is a chlorinated hydrocarbon insecticide and, like DDT and other related insecticides, it does have an extensive field life and traces of it can be found for several years. However, there is no indication that it is more stable than DDT or that it does not break down through the normal method of biodegradation. Like most chlorinated hydrocarbons, once the material has entered the soil, it remains there until biodegraded with almost none of it being carried off in ground water or volatizing into the air.

Mirex is actually almost totally insoluble. The amounts that could dissolve in water was exceedingly small (parts per billion or less).

Monitoring of hundreds of water samples from streams, lakes, and ponds in areas which have been treated has always failed to detect any quantity of mirex in water. While it is entirely possible that exceedingly minute traces may be entering the water, it is impossible with the best analytical equipment today to detect these residues if they do exist.

Very extensive tests by the Fish and Wildlife Service have shown that the oil corncob grit bait used for controlling the ant is unattractive to almost all forms of wildlife. Even if a bird or some other animal should feed upon the grit, it is scattered so widely over an area (16 particles the size of a grain of sand per square foot) and contains so little insecticide that it would be impossible for them to obtain a lethal dose.

In 8 years of use in the field in which many small ponds and streams have been treated with mirex and in extensive laboratory studies, it has been impossible to show that mirex when used at the recommended rate will kill or harm in any way any marine or fresh water fish. In laboratory studies in which massive doses of mirex were used, however, some slowing of growth, gill deformity, and increased mortality were observed. However, the effects were only found when 400 to 4,000 pounds of bait per acre were used (in comparison with the normal rate of application of 1¼ pounds of bait). When ponds were treated at these very high rates it was possible to find residues of mirex in the fish. However, when the mirex treatments were stopped or the fish removed to clean ponds, the residues in their bodies usually rapidly decreased, showing that the mirex was being excreted or biodegraded.

Extensive tests with mirex have failed to show any adverse effect to wildlife, mammals, or any vertebrate animals when used at the recommended rate. Only when the dosages are raised by hundreds, thousands, or even ten thousands above those used in the field does some mortality of adverse effects on reproduction occur.

Extensive laboratory studies have shown that crawfish will not feed upon mirex unless starved. When used at the recommended rate on crawfish in aquariums in the laboratory, it did not kill them.

The bait which is used to control the ants is actually very unattractive to most species of insects; only a few ground-living insects such as cockroaches, crickets, etc., have ever been suspected of feeding on the bait. While some of these ground insects may be killed by the bait, extensive examinations of areas in which mirex bait has been used has yet to show a decrease or disappearance of any group of insects other than ants. Honey bees in particular have been extensively studied and, while the pure insecticide applied in massive dosages will kill them, normal field applications of bait have been shown in scientific studies to have no effect on the bees.

While several species of closely related ants are attracted to the oil bait and will be killed by it, there are also numerous species which are not attracted to oil and do not take the bait. Following three applications of mirex to eliminate the ant from experimental blocks, studies have shown that many species of ants not only survive, but their populations readily increase to fill the niche from which the fire ants have been eliminated. Most of the ants which are not affected belong to the subfamily Formicinae. This group of ants is usually recognized as being the most beneficial.

An application of mirex, rather than upsetting the environment, if anything actually corrects it. The fire ant is not native to this country and has replaced or greatly reduced many native species of ants. The elimination of it by mirex bait and allowing our native species to reestablish has actually been a step in returning our environment to its natural condition.

Marine fish (and fresh water fish) are not affected by mirex bait unless the dosages used are increased by hundreds or thousands of times. While it is possible to kill small crabs and shrimp by forcing them to feed upon bait in the laboratory, it has not been possible to show mortality of these animals in the field following a bait application at the recommended rate.

Studies on the populations of shrimp and crabs in areas near which mirex bait has been applied have usually shown that the populations after the treatments are normal and, in several cases, have actually been higher than they were before the treatments were started. While minute residues have occasionally been detected following bait applications, it has yet been impossible to show that mirex causes any significant mortality or adverse effect to these natural populations.

Examination of over 6,000 shellfish samples from over the United States has failed to turn up mirex except for a few samples from estuaries draining areas in the Southern States in which mirex bait was used. Even in these cases the amount of mirex found was exceedingly minute, usually below a part per million. Since mirex is a typical chlorinated hydro-carbon insecticide, it is presumed that even if it were picked up by an oyster or shellfish it would behave in the normal manner of most of these pesticides and would be rapidly flushed from the mollusk's body.

Catfish, like all fish, are very resistant to mirex, and it would be expected that no mortality, either in domestic ponds or in the wilds, would ever result from the bait application. While very minute residues have been found in wild catfish, analysis of samples from five catfish farms in Mississippi in areas which were treated with mirex bait failed to show any residues. Actually, the method used to artifically raise catfish, including the massing of many fish in a small volume of water and feeding them artificial food, would greatly reduce or eliminate the chance of their obtaining enough mirex to build up any significant residues.

While USDA scientists have shown that mirex can be picked up and concentrated to a limited extent in the food chain, they have also found that long before any substantial levels are reached, the concentrations levels off and, once the applications are stopped, begin to decrease. In all cases, the highest rates of mirex found in the top predators of the food chain have usually been only a hundredth or a thousandth of that amount which would be expected to produce any adverse effect. Mirex is applied in very minute amounts, and the highest levels of concentration which result from its entering the food chain are proportionately very small.

The food chain on which man is dependent is almost totally separated from the food chain in which minute amounts of mirex have been found. The food supply of man, i.e., domestic animals and crops, has never been found to contain mirex. While minute quantities might be obtained by eating wild game or fish which may have very minute residues, it would be impossible for a person to eat enough of this wild game to obtain a significant dose of this insecticide.

There are no tests, or any evidence to indicate that mirex is a dangerous carcinogen to man in the manner in which it is presently being used. To date, a single experiment has shown that massive doses of mirex (just under the amount which would cause the death of the animal) fed daily to an abnormal strain of mice for almost their entire life (18 months) produced a slight increase in the percentage of live tumors normal to untreated individuals of that strain of mice. No evidence has been produced to show that these tumors are malignant or harmful. While certain people have interpreted this type of test as indicating that certain insecticides would cause cancer in man, the American Medical Association has strongly criticized attempts to draw such sweeping and far-reaching conclusions on such limited and biased data.

While several hundred thousand particles of bait are applied per acre to get the necessary distribution to assure that all ants find the bait, this is not to imply that this is all poison. In actuality, the bait consists of 99.7 percent inert and harmless material; only 0.3 percent of it is the insecticide mirex. At this rate less than 1/17 of an ounce of mirex is applied per acre. This amount is so small that in a normal sample of soil it would be almost impossible to detect the mirex even by the most sensitive analytical method available to chemists today.

IMPORTED FIRE ANT

INTRODUCTION AND SPREAD

The imported fire ant is an important pest in the nine Southern States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. This ant which is reported to have first entered the country in cargo or ballast from some South American port has proven to be a formidable and persistent pest of agricultural importance, as well as an important pest of people in both rural and urban areas. Reports indicate that it was introduced into the United States at the port of Mobile, Alabama, some time around 1918. By 1953 it has expanded its range to approximately 15 million acres in 103 counties. The latest survey in 1970 indicated that it now infests 126 million acres in over 400 counties in nine Southern States; 20 million of these acres were found infested within the last 3 years.

While some scientists (3) feel that the ant may have reached the northern climatic range, the Mississippi-Alabama-Tennessee border, 40° F. mid-winter mean temperature (2), others feel its potential range up the east coast and westward is still extensive and its ultimate range may be several times what it is today. The ant is spreading at the rate of several million acres a year. The State and Federal quarantines are deterrents to its long-distance spread.

SIGNIFICANCE

In the 126,000 infested acres in the nine infested Southern States, more than a million people (4) are stung by the imported fire ant every year. Many of them are stung not by one ant, but by many ants (5). Hundreds of such victims require medical attention (6). A small percentage of the sting victims are allergic (1, page 23). For such victims, the sting is serious, sometimes fatal (7). Losses due to infestation of pasture, hayland, and cropland, and cost of treating nonfarm areas such as cemeteries, parks, and levees are substantial (8). Early reports indicated that losses due to attack by this ant on cultivated crops were extensive before 1950 (9, 10, 11, and 12). However, the routine use of the chlorinated hydrocarbon pesticides for controlling the soil insects in the 1950's incidentally also controlled this pest in cultivated fields. Breakage of machinery, time lost in mowing, and loss in labor efficiency due to stings and fear of stings in infested areas are substantial. Direct dollar losses in production, chiefly of cattle and calves and hay, amount to about $18 million annually in infested areas.

In summer, 1950 to date, the fire ant has changed from primarily a crop pest to a pest affecting man.

People in the infested States consider the imported fire ant to be a serious pest, disturbing their comfort, impairing the quality of their environment, and threatening the health and even the life of some people. There are many statements attesting this concern by individuals and organizations (13).

HISTORY OF THE PROGRAM

Observations made in the late 1940's in Alabama and Mississippi revealed that the imported fire ant was becoming a major pest. The States and the Federal Government at that time became concerned and initiated surveys to determine the extent and severity of the infestation. During the period 1947–52, State and Federal scientists made studies of its biology, ecology, economic damage, and control (9 and 10).

A cooperative Federal-State-local imported fire ant program was initiated by the Department in 1957 at the insistence of the Congress following strong representation by the States. Cooperative programs have been conducted in all infested States since that time. The Congress has specifically considered and reviewed the program each year in connection with the hearings on the appropriation bill for the Department (14).

In the late 1950's and early 1960's, the insecticides heptachlor and dieldrin, then used for controlling this pest, were shown to be a potential hazard to wildlife. The development of the present mirex bait in 1961 and 1962 to replace heptachlor and dieldrin was hailed as a major scientific achievement in insect control, and consequently was approved by the Fish and Wildlife Service of the U.S. Department of the Interior and conservation organizations. Within the last few years, mirex residues have been found occurring in nontarget organisms. The safety of the use of this material has recently been questioned (15, 16, 17, 18, and 19). In 1970, the U.S. Department of the Interior objected to the broadcast application of the bait (19).

LEGAL BASIS FOR CONDUCT OF PROGRAM

The Secretary of Agriculture initiated the program under his broad authority in cooperation with the States to engage in programs "to eradicate, suppress, control, or to prevent or retard the spread of insect pests . . . such as imported fire ant . . ." (7 U.S.C. 147a). Federal quarantines and regulations are in effect in all areas of infestation under the provision of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee; 7 CFR 301.81–301.81–10). The States have comparable quarantines under their programs.

RESEARCH AND METHODS DEVELOPMENT

1. Development of bait

A methods development laboratory was established at Gulfport, Mississippi, in 1957 to undertake studies on the control of the imported fire ant. Dieldrin, chlordane, and heptachlor were the primary materials for fire ant control at that time. The laboratory sought pesticides less hazardous to nontarget organisms and the environment and less expensive than dieldrin and heptachlor. Ecological studies of the ant, coupled with tests of candidate chemicals, led to the development of mirex bait. The bait consists of corncob grits as the carrier, soybean oil as the attractant, and mirex as the toxicant. It was shown to be effective in 1961 and adopted for general use in 1962. Initially, the bait was applied at the rate of 12½ pounds to the acre—4.3 grams of the toxicant. The dosage was later reduced to 1¼ pounds of the bait with only 1.7 grams of the toxicant.

2. Aerial application

The mirex bait is specifically developed for aerial application. It is formulated in a way to eliminate drift; the particles are heavy enough to fall into the designed area. The broadcast application by aircraft produces the maximum effective control with the lowest volume of bait. New methods of aircraft release and electronic guidance provide for accurate distribution of the bait to target areas. Experience has shown that ground methods of application are less effective and usually result in the use of more toxicant.

3. Mound treatment

Using this bait for treatment on a mound-to-mound basis may give short term temporary relief to small areas such as a private yard, but for anything larger it is impractical for several reasons. The degree of control obtained by mound treatment is usually very poor, since small new mounds are usually overlooked by the person doing the treatment. At certain times of the year, control by mound treatment may run only 50 to 70 percent as opposed to 98 to 99 percent control with a broadcast application of the bait. Since the present bait is gone from the area of treatment within a few days, reinfestation by mounds from the adjacent area migrating in or from new queens flying in usually takes place very rapidly.

The control obtained by this method is, therefore, good for only a few months as opposed to several years when the bait is applied over large plots of land. Inevitably, farmers or homeowners when trying to treat individual mounds consider the amount of bait to be applied (1 tablespoon per mound) as being too small to be effective and increase the dose by severalfold. Also, most people are unfamiliar with the method of action of a bait and, therefore, are dissatisfied with the slow death of the mound (it usually takes several weeks after a mound is baited before it is completely killed). When they find that the mound is not dead in a day or two, they usually repeat the treatment two or three times. The result of individual mound treatment is that usually 5 to 10 times the recommended dosage of mirex is used. Since the degree of control is poor and since the treatment must be repeated frequently, an ideal situation is created whereby a large number of ant colonies are exposed to a low but continual exposure to the insecticide. This, over a period of many generations, would create an ideal situation in which resistance to the insecticide could develop.

In 1967, a committee of the National Academy of Sciences-National Research Council was established to review the fire ant program under a contract by the Agricultural Research Service. The report of the committee questioned the feasibility of eradicating the fire ant and recommended further research (3). Subsequent research and methods development work as suggested by the Academy and pursuant to a directive of the Congress has included major eradication feasibility studies. These studies, in the opinion of Agricultural Research Service scientists (20) have shown that it is apparently technologically possible to eradicate the imported fire ant with three accurately timed applications of the mirex bait.

The intensive research and methods development studies by the Agricultural Research Service and the States have also been directed toward alternate methods of control, biology, ecology, tests of eradication technology, aircraft application of the bait, aircraft guidance, environmental impact of the control program, and an intensive study of alternate chemicals that could replace mirex. Work is also being done with attractants and other survey aids. The bibliography (21) shows the extent of research work that has been done on this ant and the insecticide mirex. All of the literature in this supplementary bibliography has been examined and evaluated, and much of it reviewed in the statement contained in Exhibit 1.

U.S. DEPARTMENT OF AGRICULTURE REQUESTS THE U.S. DEPARTMENT OF THE INTERIOR TO CONDUCT ENVIRONMENTAL STUDY

Studies made by Plant Protection Division scientists on Cat Island in the Gulf of Mexico during the period 1968–70 showed mirex entering the food chain (24). We then established monitoring studies to determine the significance of the residues in nontarget organisms.

A study of the effect of the insecticide mirex on the estuarine environment was established under contract by the U.S. Department of the Interior's Gulf Breeze, Florida, laboratory. Residues were no higher than 0.2 parts per million and generally were less than 0.1 p.p.m. Such residues have been reported in about one-fourth of the samples of shrimp, crabs, and fish taken from the test area (22). This study should confirm or deny the significance of the implication from the feeding studies at the Gulf Breeze, Florida, laboratory, that mirex residue are causing some damage to the aquatic environment (1, pages 34 and 35). The results of the study to date suggest that confirmation is unlikely.

Additional studies of the impact of the insecticide treatments on the terrestrial environment were started by ARS scientists in 1969. These have provided further confirmation of presence of residues in the food web, but have provided no evidence of adverse effect on reproduction or population levels and no observed mortality attributable to mirex (23). Both studies are continuing There is rapid disappearance of mirex residues (90 percent in 1 year) from most levels of the food chain once the treatment is completed (24).

THE 1971 CALENDAR YEAR PROGRAM

During the first half of fiscal year 1971, 7 million acres were aerially treated with mirex. The following plans were developed jointly by representatives of the Department and the cooperating States for implementation after March 15, 1971. These plans are designed to meet the needs of the people that are affected. They provide for proper pesticide use, organized community effort to provide for maximum benefit, careful attention to application procedures, and care in the treatment of sensitive areas. USDA will cooperate with the States on programs with the following objectives:

1. To control the ant on land whose owners seek such control and the State or a local agency with State concurrence shares the cost of such control.
2. To treat infested areas in such States as have adequate funds to share the cost of adequate treatment of all land in areas designated for such treatment in order to reduce or eliminate infestation in such areas.
3. To continue with the concurrence of each affected State to treat small, isolated infestations in order to delay or prevent further expansion of the infested area.
4. To treat the periphery of the generally infested areas in order to prevent spread to uninfested areas in carrying out the purpose of the State and Federal quarantines.

In this control-oriented program, it is estimated that the total acres to be treated one or more times will approximate 6 million.

The Department will continue an intensive effort of program monitoring, basic research, and methods development studies. We will seek more effective and alternate methods of fire ant control. Studies are continuing to develop methods of control using short-lived pesticides which would have no residues.

To the maximum feasible extent, treatments will be applied in such a manner as to minimize contamination of aquatic areas—lakes, streams, and estuaries.

The Department plans to request funding to continue this program at about the 1971 level in future fiscal years. Such a program can contain and control the fire ant in treated areas. *Eradication is not now a program objective.*

STATEMENT

1. Environmental impact

As in any program utilizing insecticides for the control of a specific pest, the effects on the nontarget organisms and the environment in general can be expected. So far, over 30 million acres have been treated for mirex bait since 1962 without evidence of damage having occurred to nontarget organisms as indicated by mortality or reproductive failure. To the contrary, the environmental quality in the 30 million acres has markedly improved by the control or elimination of the fire ant. Studies on environmental impact of mirex in these 30 million acres have shown that adverse effects are minimal and short ranged. The U.S. Department of Agriculture has evaluated the potential environmental effects of the control program listed in this statement and feels that the benefits of the carefully planned, closely supervised program far outweigh the potential adverse effects.

2. Favorable environmental effect

By continuing the control program at its present level, the ant will be reduced to an insignificant level over large parts of its range resulting in substantial improvement of the environment through the reduction of fire and damage to man, animals, crops, pastures, and the environment in general in the treated areas. This limited control program should help alleviate the suffering of the many millions of people who are stung by this ant and should reduce somewhat the hundreds of victims who must require medical attention (6).

Losses due to infestation of pastures and hayland, breakage of machinery, time lost in mowing, loss in labor and efficiency of farm help due to stings or fear of stings are substantial. Direct dollar losses in production of cattle, calves, and hay which now total about $18 million annually will be reduced substantially. The comfort and health of the people living within the areas to be treated will be improved by the environmental improvement brought about by the elimination or control of this pest.

Of the existing means of chemically controlling the imported fire ant, mirex is environmentally the safest and, due to the minute amounts of material used, would leave the least residue in the environment. The safety of the mirex bait treatment and the transient nature of the minute residues which would occur following such treatments can be shown by an examination of the records of mirex treatment which have taken place since 1962. In the past 8 years, over 30 million acres of land have been treated yet there has not been shown a single confirmed case of mortality, reproductive effect, or detrimental ecological upset with the exception of a number of related species of ants.

3. Adverse environmental effects which cannot be avoided

The presence of minute mirex residues and the concentration of these residues in the food chain can be viewed as a potential environmental hazard which cannot be avoided. Despite a fairly extensive literature on the toxicity and safety of mirex and a recent study on mirex residues in the environment, some scientists have opposed the program due to this potential hazard. They are of the opinion that further evaluations and study are needed before widespread use of this bait is continued.

Following a mirex application, the only nontarget organisms known to be affected by the bait at this time are a few other species of oil-loving ants. Residues in the range of 0.001 to 0.1 p.p.m. can be detected in many nontarget organisms following a bait application. These residues can be concentrated up the food chain to maximums of 1 to 9 p.p.m. in some birds and 1 to 40 p.p.m. in some insect-eating vertebrates. These levels which have been found in vertebrates have been consistently smaller than the amounts found necessary to cause mortality or adverse effects on reproduction in birds, fish, or mammals.

The toxicant mirex has never been found in water taken from areas treated under this program or areas subject to runoff. Residues have been found at low levels in soil and sediment. The analyses were made at 0.01 p.p.m. level for soil and sediment and 0.01 p.p.b. for water.

In a study of the effect of mirex on fish, adverse effects were noted only when the rate of application was increased from the 1¼ pounds of bait per acre to the equivalent of 220 and 2,200 pounds of bait per acre. At these massive dosages, some of the experimental fish were still surviving and could reproduce successfully. The only significant finding was a temporary deformation of gills and kidney lesions at the very highest dosage (25).

In the study of the effect of mirex on birds, no adverse effects on survival of reproduction were observed on ducks, pheasants, or quail (26, 27, and 28) and chickens when mirex was applied at the normal rate. Adverse effects became apparent only when the domestic chickens were fed daily 300 and 600 p.p.m. mirex in their diet which resulted in eggs containing up to 1,900 p.p.m. mirex residue. At this massive dosage, hatchability and chick survival decreased (29).

Continual massive dosages of mirex fed in the diet of laboratory mice and rats also have been found to decrease statistically reproduction in these rats and to cause cataracts in some of the young. Such massive dosages have resulted also in an elevated tumor rate in certain strains of laboratory mice (33). Of a total of 65 mice treated with mirex at very high dosage levels, 30 had tumors (45 percent) compared with 53 naturally occurring tumors in 338 control mice (15 percent) (33). Significance of these data for man is unknown but, on the basis of this study, mirex was placed in category B of the Mrak report, "Compounds Judged Positive for Tumor Induction," the use of which should be restricted.

At the recommended rate of application, mirex has been found capable of killing juvenile crabs and shrimp held in aquarium under laboratory conditions. Attempts to duplicate this condition under field conditions by monitoring an estuarine area under treatment with mirex bait have to date produced no evidence of mortality or adverse reproductive effects on either shrimp or crab populations (22). The mirex residues have been detected also in oysters from estuarine areas which have been treated or drained treated areas (24 and 30).

Since the imported fire ants prey on other invertebrates, they may have some benefit, e.g. in controlling sugarcane borers and ticks, and other insect pests. However, they also prey on beneficial as well as pest invertebrates.

The probability that the use of mirex may result in the emergence of resistant populations of ants has been considered. The continual application of mirex, as would take place in a continuing control program, would increase substantially the chance of resistance.

4. Alternatives to the proposed action

1. Total Eradication:

Eradication would accomplish elimination of all the damage suffered by man, animals, plants, and the environment due to imported fire ant infestation. Eradication appears to be technically feasible (16). It is estimated that the fire ant could be eradicated over a 12-year period with 1.8 million pounds of mirex applied to about 175 million acres, equivalent to 0.01157 pounds per acre.

Residues of mirex resulting from such a program would disappear in a few years.

An eradication program might also eradicate one or more species of oil-loving ants in the treated area.

It would result in continuing residues of mirex in omnivorous and predaceous invertebrate and vertebrate animals during the 18-month eradication period and a few years thereafter for any given area.

2. Control by Individuals or Communities Without Federal Assistance:

Such a program might use mirex, chlordane, or any other pesticide available for such use for treatment of individual mound treatment, the small mounds that are not readily seen are missed so that incomplete and only short-term protection is attained.

Use of mirex bait by individual property owners may be excessive. Excessive use could lead to high residues and possible damage to omnivorous and predaceous invertebrate and vertebrate animals in the treated area. In general, control is poor and reinvasion occurs in a short time. Over a 12-year period approximately 140,000 pounds of mirex would be used.

3. Develop New Approaches to the Problem: The Agricultural Research Service has an extensive program underway to develop new methods of chemical control which could replace mirex. However, to date, no satisfactory replacement has been found primarily

due to the specific nature of the chemical needed for effective ant control. More than 300 chemicals were screened when the mirex bait was developed (34). Some 36 chemicals have been screened during the past 2 years and about 100 are currently undergoing tests.

Biological control by predators, parasites, and insect diseases could reduce but not eliminate the imported fire ant. Studies on biological control have also been undertaken by the Agricultural Research Service. As yet, these studies have proven unproductive and show no signs of producing a usable control technique within the foreseeable future. Some other methods of insect control have also been evaluated such as chemosterilants, pheromones, attractants, and traps. However, to date, none of these have shown any promise either.

4. Abandonment of All Efforts to Control or Eradicate the Imported Fire Ant:

Abandonment of all efforts to control the imported fire ant would quickly lead to reinfestation of areas in which previous programs have effected control or elimination of the fire ant.

In the absence of an organized program, some indirect control would result assuming that other regulatory programs continue. For example, treatment of nursery stock to prevent spread of white-fringed beetle or other pests could partially check distribution of the imported fire ant to noninfested areas.

Abandonment would surely result in continued deterioration of the quality of the environment for man in infested areas just as it would avoid residues in nontarget organisms.

5. Relationship between local short-term uses of man's environment and the maintenance of long-term productivity

The control program will remove the ant from the environmental niche previously occupied by the pest. Some of these may be permanently occupied by other organisms with similar environmental requirements. The current and planned fire ant control program may have the following effects:

1. Restore the areas treated to its natural state by reducing the fire ant to an insignificant factor in the ecosystem.
2. Limit the infested area generally to its present periphery.
3. Residues in omnivorous and predaceous invertebrates and vertebrate animals will develop and continue in treated areas with potential impact on such populations. This is due to the necessity for repeated treatments for control. Continued exposure of imported fire ant populations over the years to mirex may lead to development of resistance.
4. Elimination of most of the ants will open their ecological habitat to occupation by other organisms with similar environmental requirements. This will involve organisms which occupied this niche previous to replacement by imported fire ant.
5. Invertebrates upon which fire ants prey may temporarily increase in numbers.

6. Irreversible short-term impact versus long-term on environment

The use of mirex at the low dosage results in no irreversible or irretrievable commitment of resources.

Consultation with Federal, State, and Local Agencies

The imported fire ant program is cooperative in all functions with the State. Overall objectives in each State are planned jointly, yearly goals are carried out jointly, and financing of the control phase is basically on a 50–50 basis. Quarantine action is under parallel Federal-State regulations and is carried out jointly. A Memorandum of Understanding is prepared and cosigned with the States, and the program is documented by detailed work plans.

The program proposed for 1971 was developed jointly with officials of the affected States.

LIST OF EXHIBITS—BIBLIOGRAPHY

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ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE OF U.S. AIR SUPPORT IN LAOS

Mr. BELLMON. Mr. President, the Democratic policy committee has called for withdrawal of all U.S. forces engaged in both air and ground support from Indochina by the beginning of 1973. This is a matter that causes me great concern.

I agree that that is a worthy objective, but one, I submit, that will not be advanced by partisan action but which will most likely be achieved by continued

U.S. air support of South Vietnamese efforts to cut the Ho Chi Minh Trail in Laos and by nonpartisan unity behind our President and Commander in Chief.

Administration spokesmen have said repeatedly they are convinced that cutting off the major supply line of the North Vietnamese, the Ho Chi Minh Trail complex, will, more than any other single effort in Indochina, bring a quick end to the Vietnam war.

I question, then, why war critics both inside and outside the Congress criticize our President for supplying U.S. air support to the Laos trail mission when it appears to offer the greatest hope for bringing our boys home sooner.

Mr. President, I object to the repeated implications that the President is committing the United States to greater involvement in Indochina rather than working toward phasing out our involvement.

Certainly the facts do not bear out such implications. These facts are clearly set out in a column by Joseph Alsop in the Washington Post of February 22. I ask unanimous consent that this article be published in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Light and Heavy News

(By Joseph Alsop)

If there is anything more trivial than yesterday's newspaper column, it is hard to know what it may be. Yet an old column by this reporter has just brought down the thunders of four admired colleagues—an honor indeed!

It would not be worth mentioning, except that it has a certain symbolic significance. Rightly or wrongly, after all, the United States by now has a heavy investment of blood and treasure in the Vietnamese war. What mainly matters, therefore, is what happens in Vietnam. But while Washington trivia gets so much attention, what is really happening in Vietnam is quite impossible to discover from each morning's news.

To make this contrast worse, what is happening in Vietnam grows daily more significant. It is a 10-to-1 bet, for instance, that only a tiny minority of those who read these words will have grasped the fact that there is serious fighting going on in Cambodia.

The fact itself has been dimly recorded, here and there. Yet neither the nature, nor the purposes, nor the meaning of the South Vietnamese offensive in this part of Cambodia have found their way into print.

The nature of the fighting is simple enough. The flamboyant but able General Do Cao Tri is leading his South Vietnamese forces against the enemy, in what was supposed to be the new North Vietnamese fortress-base-area in Cambodia. With less than two South Vietnamese divisions, General Tri has been taking on Hanoi's Fifth, Seventh and Ninth divisions—which used to be three of the most feared enemy units in South Vietnam.

The grisly "Body Counts" (originally introduced by the U.S. Army to appease the New York Times) have already mounted to above 1,200 North Vietnamese soldiers. It is a simple rule that any unit having 40 percent of its men killed in action, is a unit effectively put out of action itself. This means the equivalent of two enemy regiments already crossed off the list—at least for the time being.

If the Ho Chi Minh trail-complex is successfully cut in Laos, the "time being" is likely to be indefinitely long. Worse still, the enemy's rate of loss is currently running at an average of 100 men per day. And this is the proportional equivalent, for North Vietnam, of an American loss of 1,000 men per day. Meanwhile, General Tri's losses have been painful but small.

THIS almost-ignored Cambodia campaign, therefore, has very great potential meaning. If all goes well (and that is always a very big "if") the enemy's forces in Cambodia will be torn to ribbons, and their laboriously established new base areas will be knocked to smithereens. This can happen before the present dry season ends. Already, moreover, by their performance in the field, General Tri's troops have strikingly proved the worth of President Nixon's scheme of Vietnamization.

As to the concurrent invasion of Laos, to cut the Ho Chi Minh trail-complex, it has caused more public turmoil than General Tri's operation in Cambodia. But there has been an almost equal paucity of information about its nature and its meaning.

The Laos operation's risks should not be underrated, to begin with. If the South Vietnamese under General Hoang Xuan Lam attain their ultimate objectives, they will own a swathe of the trail-complex about 50 miles wide and 35 miles deep. That means the equivalent of two South Vietnamese divisions holding a salient whose northern and southern flanks will each be 35 miles long—and in very rough, enemy-infested country!

The very fact that General Creighton Abrams has been eager to mount such an operation, speaks volumes about his confidence in Vietnamization. If the operation succeeds, (and the "if" is again crucial) about 130,000 North Vietnamese troops and support personnel will also be cut off to the south of the trail—cut, at any rate until the next dry season begins in December, 1971.

Proportionally, that means for Hanoi the equivalent for Washington of 1,300,000 Americans left without supply, reinforcement, and in a good many cases, even without rations, for a period of 10 months. Of the readers who have followed this report thus far, one wonders how many have previously been made aware of that remarkable fact, or of more than the tiniest proportion of the other foregoing facts.

The world's first Stalinist, the Chinese political philosopher, Lord Shang, remarked bleakly about 2,400 years ago, "If a state emphasizes the light and ignores the heavy, that state is doomed." The rule can one day apply to the trade of reporting facts, like the silly business of alleged Panther-genocide.

Mr. BELLMON. Mr. President, the United States began supplying air support to South Vietnamese troops in Laos February 8.

Since that time government spokesmen have reported significant strides in the effort to totally block out North Vietnamese supply movements along the Ho Chi Minh Trail south to Vietnam.

South Vietnamese ground troops are now holding positions on two strategic routes which constitute the greater trunk of the trail complex. The North Vietnamese are now waging fierce attacks on those ground troops, a sign that the enemy indeed considers access to the trail essential.

South Vietnamese troops have been able in the last 2 weeks to destroy 134,000 gallons of fuel, a service station capable of repairing 30 trucks a day, and 115 vehicles.

They have cut an important POL line which will severely limit the enemy's supply of oil and gas for their vehicles.

An administration spokesman reports the combined efforts of South Vietnamese ground troops and U.S. air support are inflicting heavy enemy losses. The enemy reportedly has lost in excess of 2,000 men, while U.S. losses were less than 3 percent of that figure.

Mr. President, a year-and-a-half ago I personally visited with South Vietnamese General Lam. He convinced me his troops are dedicated to their mission of defending their country and would continue that effort to the limit of their capability. They are dedicated to retaining their freedom, and I am convinced that they will accomplish their mission by assuring the security of their country.

The administration has repeatedly emphasized it has put no ground troops in Laos and has no intentions of doing so in the future. It has pointed out that air support in Laos is a vital means to the end we all want to achieve: that of bringing the Vietnam conflict to a speedy end.

I believe we should furnish vital air support to the South Vietnamese troops to accomplish their objective and ours.

Mr. President, it would appear that those who continue to criticize the administration for supplying air support in Laos are not bothering to look below the surface facts before unloading their invective on the President. If their advice were followed, and we withdrew support, the war would be prolonged and death losses of friend and foe alike would rise.

As a result, the critics are doing their country a disservice by advocating a measure that would likely prolong the conflict.

THE INDOCHINA WAR

Mr. KENNEDY. Mr. President, I know I speak for millions of Americans in expressing deep dismay over the unending rhetoric of progress being used by our national leadership in describing the Indochina war.

It is a rhetoric which grossly misleads our Nation's people and disguises the mounting violence and widening character of the conflict.

It is a rhetoric which conveniently ignores an expanding American involvement and new commitments.

It is a rhetoric which tragically evades genuine concern—let alone some responsibility—for the devastating impact the conflict is having on the civilian population and countryside of the entire area.

It is on this latter point—on what a correspondent recently called "a slaughter of innocents"—that I wish to comment briefly today.

I am prompted to do so, not merely because the longstanding problems of refugees and civilian casualties continues, but also to underscore that the latest ingredient in our national policy of violence for Southeast Asia, can only add heavily—and needlessly—to the horrendous human toll that already exists.

Our national leadership has now officially told us that all of Indochina is a target of American bombs. The President has said that he would place no limitation on the use of American airpower throughout the area.

And so, as new spasms of optimism govern the rhetoric of where we stand in Indochina, our military planners glibly talk of "saturation bombing," and "close air support," and "protective reaction," and other strategies and labels, all devoid of moral restraint and responsibility—devoid of any apparent concern for the plight of civilians who are bearing the brunt of this senseless war.

The plight of civilians is again taking a very low priority to the progress of battle—and to the interests of those who seem to have so much to lose, or to gain, by the outcome of each battle.

But the people of Indochina, of Vietnam, Laos, and Cambodia, also have interests. For a great many—it is mere survival in a widening and ferocious war.

Mr. President, I am appalled that our national leadership finds it so easy to escalate its policy of violence through an unlimited air war. I am appalled that it chooses to ignore the record of devastation and death our bombing has caused in the past.

Must we increase the more than 1 million civilian casualties and 5 million refugees in South Vietnam?

Must we increase the tens of thousands of civilian casualties and nearly 1 million refugees in Laos?

Must we increase the tens of thousands of civilian casualties and more than 1,500,000 refugees in Cambodia?

Must we destroy more villages, decimate more tribal peoples, and make more land uninhabitable—all for a cause which most Americans no longer support?

And, are we as a nation so morally bankrupt that we can sweep the issue of war victims into the pages of history without minimizing hurt and putting forth a greater effort to meet human needs?

Mr. President, we are confronted today with a very serious regional crisis of people—millions of people—refugees, civilian casualties, war victims, and more than our Government cares to admit, American military activities—especially the heavy bombing of many areas—is contributing much to this human toll of war.

Our national interest does not lie in the continuation of the war, or an expanding U.S. involvement in it. It does not lie in the further destruction of the countryside in Vietnam or Laos or Cambodia. It does not lie in the generation of more war refugees and civilian casualties. It does not lie in the serious crisis of people spreading from one country to another like falling dominoes.

Rather it lies in the very urgently needed effort by our Government to stop the violence and extricate ourselves from the war through appropriate decisions at the highest levels of our Government. It lies, as well, in a far greater effort to meet the vast human needs generated by the conflict.

In conclusion, over the coming weeks and months—as it has since 1965—the Subcommittee on Refugees of the Committee on the Judiciary which I serve as chairman, will continue its very active interest in the escalating problem of war victims in Indochina. And we will also continue to be as tenancious in our views and recommendations for action, as we feel the important situation warrants.

Mr. President, I ask unanimous consent to have printed in the Record a number of press articles relating to the human costs of the continuing war in Indochina.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 15, 1971]

Air War in Laos

Shortly before South Vietnamese troops invaded the Laotian panhandie backed by awesome American air power, a Laotian general in the area told a New York Times correspondent he did not want American aerial support. "Every time the Americans are called in to bomb, they destroy friends and not enemies," he said.

That is doubtless an exaggeration, as applied to the current zone of allied military operations in Laos. That zone is relatively sparsely settled and the targets of supporting American aerial assaults are predominantly military in the most literal sense.

But the limited nature of present air support does not negate the basic fear that underlay the Laotian general's comment. The Laotians, like their neighbors in Vietnam and Cambodia, have had long and bitter experience with American bombing. Hundreds of thousands of Laotians have been driven from their homes and untold numbers of civilians have been killed and maimed as a result of the extensive use of American air power against the North Vietnamese in northeastern Laos in recent years. Villages have been destroyed and fields and forests devastated, just as in Cambodia and Vietnam.

In recent months, the panhandle region has been subjected to repeated saturation raids by American B–52 bombers and carrier-based aircraft in what has been described as one of the heaviest air assaults of the Indochina war. These raids have not succeeded in their objective of blocking Communist supply routes to the south, as the current ground thrusts against the Ho Chi Minh trail testify. But, because of their scope, their power and their lack of precision, the air attacks inevitably do inflict harm and hardship on friend as well as foe.

The President and his aides say they are acting to save American lives. This is a highly doubtful proposition; and in any case Americans must ask themselves whether they have a right to continue to sacrifice the lives and property of millions of innocent Southeast Asians in a cause to which an increasing number of Americans no longer subscribes.

[From the New York Times, Feb. 21, 1971]

A Slaughter of Innocents

(By Tom Wicker)

Washington.—President Nixon's news conference of Feb. 17 made clear what skeptics have long believed. His Vietnam policy is by no means one of steadily withdrawing Americans from South Vietnam, then letting the people of Indochina work out or fight out their own affairs. It is instead a policy of escalation by American air power and South Vietnamese manpower, with the aim of military victory.

"I am not going to place any limitations upon the use of air power," Mr. Nixon said, excepting only the use of nuclear weapons. And if South Vietnam invades North Vietnam across the demilitarized zone—"to defend their national security," in the President's Orwellian lingo—Mr. Nixon openly left standing the possibility of sending American air power to support the invasion.

Mr. Nixon was careful at every turn to lay down, as a basis for an unlimited air war, the doctrine that he would be acting only to protect the lives of American ground troops. This blatant deception was used to justify the Cambodian invasion and is being used to justify the current extension of the ground war into the Laotian panhandle. But it was exposed as a fraud by Mr. Nixon himself, who claimed that the fighting in Cambodia had cut one North Vietnamese "lifeline" and then said of the march into Laos:

"This action would either cut or seriously disrupt the other pipeline or lifeline . . . the Ho Chi Minh Trail into the north half of South Vietnam. Therefore, we expected the North Vietnamese to fight here. They have to fight here or give up the struggle to conquer South Vietnam, Cambodia, and their influence extending through other parts of Southeast Asia."

Those are the words of a man seeking a showdown. The clear threat to turn loose the South Vietnamese to invade North Vietnam, under a protective umbrella of American planes and behind a destructive barrage of American bombs, may be in part psychological warfare. But if the President cannot get his victory in Laos, as he could not get it in South Vietnam or in Cambodia, there is only one other place to seek it, and every reason to believe that Mr. Nixon will do just that.

It should be noted well that this President, who was elected promising to end—not win—the war, has effectively jettisoned the Paris negotiations. Not only did he say that American respresentatives would continue to participate only in hopes of making an arrangement concerning prisoners of war—not the war itself—but he also said flatly that "we are not going to make any more concessions."

Not content with this demolition, Mr. Nixon went further and reiterated the fact that he has also abrogated the only fruitful results of those talks—the October, 1968 "understanding" by which the bombing of North Vietnam was ended.

That understanding was entered in good faith by the previous Administration and by Hanoi. Now Mr. Nixon has asserted without convincing supporting evidence that attacks on American reconnaissance planes over Hanoi constitute a North Vietnamese violation of the understanding that releases him from it; further, Mr. Nixon insists that he will bomb North Vietnam any time he decides anything happening in that country threatens American lives.

So the talks are dead, interred by a President who charges the other side with making no concessions despite having made none himself on any point that matters; and the important understanding those talks produced is also dead, broken by the second American President who failed to honor an arrangement with Hanoi; and the war has been carried by air and invasion to two more countries, with the threat poised of the invasion and aerial devastation of a third.

This is a policy calculated to bludgeon North Vietnam to its knees, without appalling American casualty lists; it is also a policy that risks retaliation elsewhere—in northern Laos or in Thailand—and might bring Chinese entry into the war. But above all, every American, every citizen who loves his country, every man who honors humanity should understand the cost of this policy in life and suffering.

It is a policy of indiscriminate aerial warfare and blind firepower on the ground that means death and destruction wholesale, not just body counts of enemy dead, but a slaughter of innocents—women and children and old people—villages destroyed, the earth ravaged, refugees in their miserable thousands wandering, homeless and hungry. For the people of Indochina, it is a wanton lie that this Administration is "winding down" the war; it is spreading the war like a holocaust.

In a forthcoming article in The New York Review of Books, Daniel Ellsberg cites Senate reports showing that more than a million Cambodian refugees have been "generated" in the last nine months; that in Mr. Nixon's first year in office about 50,000 civilians were killed, and in his second, more than 70,000. No one knows how many there will be in his third, or what number of innocents will die in Laos, or how many more will be made refugees.

But they will be many, and every one an ineradicable stain upon the once-proud name of the United States of America.

[From the Washington Post, Feb. 23, 1971]

THE OTHER CASUALTY FIGURES

(By Frank Mankiewicz and Tom Braden)

History will defer judgment on President Nixon's decision to invade Laos, but the decision has afforded history at least one footnote: Laos is now the most bombed country of all time.

Laos is a country roughly the size of Oregon with 2.7 million people. Since 1969, before which date no set statistics were kept, our bombing and shelling have created 30,000 Laotian civilian casualties, including almost 10,000 dead.

In this area of civilian damage, the figures—which come from the Senate Subcommittee on Refugees, based on extensive checking in Indochina—are not very attractive.

In Laos there are 300,000 refugees—not counting any added since the United States-South Vietnamese invasion last week. In Cambodia, a country with a population of 6 million, nearly 1.5 million are refugees, with nearly 1 million jamming Phnom Penh and the rest in provincial capitals.

In South Vietnam, the refugee situation is chaotic. By the end of 1970, there were over 4 million refugees, and during most of last year the war was generating additional refugees at the rate of 4,000 to 4,500 per month.

These figures increased in November and December to more than 25,000 per month, largely because of South Vietnamese "search-and-destroy" missions in the Delta and the forcible evacuation of Montagnards from the border areas near Laos, to prepare for the current offensive. It should be understood, of course, that these missions by the South Vietnamese are carried out with full U.S. air support and ground "advice."

The refugees, of course, are not all people who fled U.S. power. Some left the war zone to get away from the firepower of both sides, and some fled the Vietcong. But American officials who are on the scene estimate that the overwhelming majority of the refugees have left their homes because of American shelling and bombing.

Since there is only one air force in the sky, it is not hard to determine whose bombs destroyed a village or whose chemicals sprayed the rice fields.

But the civilian damage in the war is not in the creation of refugees alone. The figures compiled by U.S. medical officials attached to AID, as well as those supplied by the Vietnamese and Cambodian governments, show that while American casualties are declining they are the only ones which are.

In Laos, pre-invasion, there were 30,000 civilian casualties, including nearly 10,000 dead. In Cambodia, figures are hard to come by since the bombing escalated last year, but the Cambodian government puts the civilian casualty figure at "tens of thousands."

But it is in South Vietnam that the extent of the damage can be best seen. There have been more than 1 million civilian casualties, of which there are at least 300,000 dead. The hospital admission rate in South Vietnam, at the end of 1970, was 5,000 per month, which does not include, of course, those who are treated—or who die at home.

As to the source of these casualties, there can be no doubt. They are the victims of bombing and artillery fire, and they are not included in the body count of enemy dead. They are civilians, and the ferocity of our bombing and shelling can be seen in a comparison with the number of civilians killed by Vietcong terror.

According to President Nixon, that figure—civilians killed by the Vietcong—stands at 40,000 since the war began. In each of the last six years, our bombers and gunners have killed more.

South Vietnam has a population of 17 million, which means that—not counting battle casualties—one-fiftieth of the civilian population has been killed largely by us. That is as though some "ally" were to come from across the sea to help us and in the process kill 4 million Americans. We would not remember such an ally fondly.

[From the Washington Post, Jan. 29, 1971]

CAMBODIA AIR WAR: THE TOLL GROWS

(By Marquis Childs)

The expanded air war in Cambodia, contradicting the President's pledge of June 30, is adding new thousands of helpless victims to the awful toll of the conflict in Indochina. The voiceless, defenseless peasants in the jungle and the rice paddies have no protection from the destruction rained down from the skies. Even the choice of defection from the Vietcong, if they should want to defect, is denied them, since the bombs and the napalm know no political distinctions.

The plight of thousands—probably over the five years of the bombing hundreds of thousands—of men, women and children is a grim side of the war to which most of us shut our eyes. When to this is added the hapless state of several hundred thousands of refugees, together with the destruction of one-fifth to one-fourth of the productive land by defoliation, a whole people is seen to be nearing a point of no return.

As was shown in World War II, bombing is notoriously hit-or-miss, despite the charts and maps of highly organized areas. Where the targets are jungle trails and vaguely defined villages on indeterminate maps, it is a rigged form of Russian roulette.

The ultimate form of this deadly roulette is the free-fire zone. In Laos, and perhaps now also in Cambodia, such a zone is an open target where bombs may be unloaded indiscriminately.

So devastating is the impact of the suffering civilians seen at firsthand that Americans working in Vietnam were moved recently to speak out. Forty-six doctors, teachers, nurses, social workers—some with U.S. government agencies, others with voluntary groups—wrote President Nixon and United Nations Secretary General U Thant. The letter is a deeply disturbing document that got far too little attention.

It points to repeated violations of the Geneva and other conventions, including the charter of the Nuremberg Tribunal, covering the conduct of war. The letter quotes from a paper of the Military Assistance Command describing the effects on the Communist troops of the bombing of two Vietcong hospitals in the Queson mountains south of Danang. "The two-hospital finds could seriously hurt the NVA (North Vietnamese) and VC (Vietcong) operating in the Queson area by almost eliminating any chance of intensive medical care."

Article 19 of the Geneva Convention of 1949 states that "fixed establishments and mobile medical units of the medical service" shall under no circumstances be attacked but shall at all times be respected and protected.

"Nearly a third of the people of South Vietnam and Laos have been moved from their homes," the letter says. "Most of them are the victims of forced transfers by the allied military or saturation bombing or are farm people who have seen their land become unproductive because of the defoliation."

It is, to be sure, a guerrilla war—a war of unmitigated cruelty, the booby trap, the land mine. The inhumane treatment of American prisoners of war violates the Geneva Convention on many scores. But, presumably, someday this conflict will end and the question is what will happen to a people ground down so close to the survival line by years of war.

Sen. Edward M. Kennedy's subcommittee on refugees has been almost the only focus of concern for the plight of helpless civilians. The committee's findings showing how empty is the official American rhetoric out of Vietnam about refugees resettled in supposedly pacified areas have been underwritten by the General Accounting Office.

One of the serious charges leveled against the "good" Germans, the solid middle class, under the Nazis was their professed ignorance of or indifference to the systematic extermination of the Jews. Will the time come when we, the Americans, suffer in world opinion the charge of shutting our eyes to mass suffering and something like extermination?

This is not willful extermination, as with the Nazis, but in theory is the prosecution of a war. In the GI term the victims are gooks, faceless Asian peasants. But they are also human beings as capable of suffering and sorrow as though their skins were white.

[From the New York Times, Feb. 21, 1971]

A WIDER WAR?

President Nixon's threat to employ American air power without restraint throughout Indochina and his refusal to rule out a South Vietnamese invasion of North Vietnam remove virtually all doubt that the President is still thinking in terms of the will-o'-the-wisp of military victory in Southeast Asia.

The President's policy of Vietnamization has been exposed as essentially an illusion. It is not a policy likely to succeed in winding down the war and in extricating the United States from an unsound position on the Asian mainland, as the American people had been led to believe. It is an attempt to pursue the war by other means, employing native Indochinese—paid, supplied, trained and sometimes led by Americans—to carry on the costly ground fighting that the American public will no longer tolerate, with massive American air power supplying the missing margin of victory.

Because Vietnamization has not worked, the President evidently has felt impelled to expand the war—beyond limits prudently imposed by his predecessors—in an increasingly desperate gamble to stave off the inevitable day of reckoning.

The threat to unleash unlimited air war on North Vietnam, voiced at a hastily summoned news conference last week, is an ominous hint that the South Vietnamese drive into Laos may be headed for serious trouble. It suggests that Mr. Nixon may have a propensity for abandoning essential restraints on the use of the vast power at his command when the going gets tough.

Neither threats nor bombs against the North are going to alter the basically untenable military and political situation in which the United States is still enmeshed in South Vietnam. If the President attempts to carry out his threats, however, the essentially limited conflict which he inherited could be quickly transformed—as Senator McGovern and others have warned—into an unlimited and unmanageable wider war in Asia. It is altogether unrealistic to assume that China can remain indifferent to an expanding conflict on its borders or that the Soviet Union will fail to seek new ways to fulfill its commitments to Hanoi. The possibility of a new confrontation of the super-powers in Asia cannot be summarily dismissed.

In spite of repeated disappointments, Congress has been generally tolerant of the Administration's Southeast Asian policies so far, leaving the President wide discretion in the use of American power in the hope that this power would be exercised with restraint and focused on efforts to speed the end of the war. It now seems apparent that this was a vain hope. In the absence of self-restraint in the White House, Congress has no alternative but to take further steps to restrict the use of United States armed forces in Southeast Asia and to turn this country back to the path toward peace.

[From the Baltimore Sun, Feb. 23, 1971]

Larger War

The word in Washington is that the military operation into Laos is proceeding according to expectations. Those expectations obviously included bitter fighting, such as has now developed. It could hardly have been planned, however, that a crack South Vietnamese ranger battalion, with heavy American logistic and air support, would be badly mauled in the first real battle of the campaign. The story, though uncertain in some details, is clear enough in essence: Vicious enemy attacks, over a three-day siege, that air strikes could not suppress; shortage of ammunition; 130 dead out of a strength of 450; 108 wounded carried out and another 60 left behind in the flight to another outpost itself under siege.

It can be said that this was but one battle, not in the whole picture a large one, that a hilltop patrol base is by definition exposed and that one purpose of the Laos operation is to engage the enemy. That is all quite true, nor should the incident by itself be taken to mean that the operation as a whole is in jeopardy. But we do now have evidence, if evidence were needed, that the move into Laos is going to be no neat bit of surgery, with success certain from the start and the cost minor.

A dead South Vietnamese infantryman is as dead as an American infantryman would be, and dead under the same banner: in military terms it will not do to put almost no value on the life of the South Vietnamese, and in moral terms to do so is inhuman. At any rate, Americans also are losing their lives. The toll in American aircraft and among their crews is high and mounting—higher in aircraft than the official reports suggest, since any helicopter whose carcass can be partially salvaged is not counted as lost. Operationally, enemy anti-aircraft fire is heavier and more accurate than at any time in the war so far, and supplies are actually moving at an accelerated rate down the tracks of the Ho Chi Minh Trail, which may be a sign of an enemy effort to move as much material as possible against the possibility of an actual cutting of the supply lines, or against the coming of the rains.

As those who planned the operation undoubtedly anticipated, the picture is confused, and will remain confused through much of its duration. All we seem to know at the moment is that the project may be more of a gamble than we were led to suppose, and that whatever the future holds the war in Indochina right now is a larger war.

[From the Baltimore Sun, Feb. 21, 1971]

The Meo of Laos—CIA Alliance Brings Ruin to Proud Race

(By John E. Woodruff)

Ban Son, Laos.—A decade of feeding men into the only aggressive pro-government army in Laos has made totally dependent refugees of the hundreds of thousands of once fiercely independent hill tribesmen now gathered about this malaria-infested valley.

"I don't know why we carry on with these people," an Air American pilot shouted over the whine of his helicopter high above a cloud bank somewhere over northern Laos "They won't fight any more, but we just go on dropping rice and medicine to them, just like in the old days."

PLENTY OF HELP

In Vientiane, a top American official discusses the relationship with the Meo and other hillmen who make up the Central Intelligence agency's clandestine army:

"Look, they came to us for help [in 1960] and we have given them plenty of help."

He then hastens to assure his questioner that the United States can accept it philosophically if rank-and-file Meo finally make the uncomfortable accommodation with the North Vietnamese that he feels sure must inevitably come some day.

The accommodation is one that some Americans insist the tribesmen would have made several years and tens of thousands of lives ago had the Americans not armed them and exhorted them to keep fighting.

Until 1960, the Meo of Laos lived much as their grandfathers did—in primitive freedom and disease, on hilltops seldom lower than 3,500 feet, in villages of no more than 20 or 30 thatch houses.

WAY OF LIFE CHANGED

Since the mid-1800's, when they came from Yunnan province of China, where most Meo still live, they had often carried their flintlocks and crossbows down to the valleys to defend their independence against their Lao and other neighbors. The fights earned them a reputation as aggressive, cruel attackers.

The alliance with the Americans radically changed their way of fighting—and their way of living.

It turned the Meo into a far more modern and potent army than they could have imagined in 1945—long before the Americans came—when they added a few European rifles left over from World War II to their own primitive arsenal and won their first fight with the North Vietnamese.

For the Americans, it also provided the badly needed military punch that officials readily acknowledge was the main strength of all United States policy in Laos for the last 10 years.

But to many who have long watched the war in Laos, the new strength provided by the Americans seems, in ironic retrospect, to have been the tribesmen's downfall; it made them, these observers say, a force the North Vietnamese had to crush in order to maintain the Laotian Communist control of the "liberated zones" of the country.

HALF AT BAN SON

Today, a fourth of the Meo, maybe more, are dead—thousands of soldiers from combat and tens of thousands of civilians from exhaustion or illness as they walked for weeks on end to escape the enemy they have fought for 10 years as allies of the United States.

More than half the Meo mountain tribesmen of Laos are gathered here now, and it is virtually impossible to find anyone here who has not lost at least one close relative to the long war.

Semi-official estimates—based on recorded death benefit payments—list 10,000 Meo, Lao Thung, Yao and Thai Dam tribesmen killed in combat, from an army that has probably never numbered more than 15,000 men at any one time.

But by far the greater death toll has been exacted by long walks forced upon entire villages in recent years since the Lao Peoples' Revolutionary Army and North Vietnamese troops began systematically removing both the CIA army and the Meo population from traditional Communist territory.

3-WEEK MARCHES

Some villagers have walked for as long as three weeks with little rest and scant food to escape enemy pressure. Some have had to move as many as six times in a single year as one outpost after another fell to the Communists.

A few village leaders tell gory tales of reprisal massacres in which, they say, North Vietnamese soldiers methodically slaughtered the women, children and old men who make up most of the refugees.

But these incidents seem to have been the exception. The most efficient killer has been the sheer torture of the long marches.

Weakened by exposure to hot sun or monsoon rains, exhausted by days or weeks of walking with only nominal rest stops, sometimes hungry for days on end until pilots with the United States Agency for International Development can find their trail and drop rice to them, the refugees soon fall victim to the chronic malaria which their bodies have learned to resist under normal conditions.

YOUNGEST, OLDEST DIE

The very young and the very old tend to die on the trail. So do mothers weakened by pregnancy or recent childbirth—and their number is far larger than in the West, for many Meo women bear children almost annually.

Many of those who survive the walk soon fall victim to the new strains of malaria or dysentery in their new home—or to the tuberculosis, pneumonia and dozens of other diseases to which the malaria and dysentery leave them susceptible. American refugee workers say that whenever they take a census at the end of a major move, between 10 and 15 per cent of the population is dead a year later.

Edgar L. Buell, a retired Indiana farmer who has worked with the Meo hill people since 1960, believes that the Meo and other hill tribes have lost a fourth of their population in refugee moves and combat.

65,000 DEAD

A combination of his estimate with the aid agency's figures showing about 200,000 tribal refugees now under American care suggests that more than 65,000 tribesmen have died—the vast majority of them Meo civilians forced to leave their villages. A few officials give lower estimates; most run far higher.

The Meo of Southeast Asia—there may be as many as 4 million of them altogether, scattered in tiny hilltop villages across northern Thailand, Burma's Shan plateau, northern Indochina and eastern Yunnan and western Kweichow provinces in China—are traditionally among the richest of the many hill tribes that complicate the region's teeming ethnic divisions and subdivisions.

OPIUM RICHES

In Laos, their most famous source of wealth was the poppy, from which they took the opium sap by processes their ancestors brought from China when they came to Laos just over 100 years ago.

The opium of Sam Neua province, now the Communist "capital" of Laos, is known to all the world's smuggling rings as some of the best there is.

The $100 or so a Meo farmer was able to get for his annual crop enabled some men eventually to adorn their wives with as many as five or six of the heavy, ornate silver necklaces Meo women use to dress up their traditional black shirts and long pants. Even infant daughters—and sometimes sons—commonly wore two or three lighter necklaces, and sometimes a bracelet.

SKILLED FARMERS

By primitive tribal standards, the Meo also were skilled at raising livestock and fruits, and their herbs and orchards were measures of prestige as well as wealth.

All of that is lost now to the Meo of the CIA army.

The poppy fields and the orchards, if they are still being farmed, are well inside the Lao Communists' territory. The livestock gradually has been left behind in the chaotic mass escapes of the last three years.

Even most of the silver jewelry has been sold off for money. All that is left is American aid.

American officials in Vientiane are quick to point out the spectacular Western-style efforts that the Agency for International Development has made to help the Meo.

RISKS CITED

Heroic pilots of Air American and Continental Air Services, they point out, have braved tiny mountain passes, incredible weather problems and Communist gunfire to drop rice and medicines to hilltop villages.

Men like Mr. Buell—whom the Meo call Tan Pop, which translates roughly as Mr. Sent-From-Above—have risked all manner of hardship and disease to live in Meo villages and bring them schools, train village medics and improve their farm tools, the Americans say.

Days in Meo refugee villages and interviews with Meo and American refugee officials fill in the details of some of these claims.

1 IN 5 INCLUDED

The rice distribution program to Meo villages is years old now, but refugee officials in Vientiane acknowledge that it was only under intense pressure from doctors working with the tribesmen that the Agency for International Development finally started last spring a $1 million-a-year program of distributing meats and other protein supplements.

That program, they say, is calculated to provide for about one refugee in every five now under the agency's care. It goes to tribesmen chosen by doctors according to their illnesses or their degree of malnutrition.

Some officials who work with the program acknowledge that the food the aid agency provides is calculated to fend off starvation but not to replace even the simple diet the Meo had before their constant moves cost them their livestock and farms. Every medical worker interviewed said that malnutrition is now extremely widespread among the Meo, even by primitive tribal standards.

The American-sponsored village health program has brought small thatched-roof dispensaries and trained medics to most Meo communities.

ARMY TOLL FORCES ACTION

But the refugee subcommittee of the Senate Judiciary Committee, headed by Senator Edward M. Kennedy (D., Mass.), has documented the need to which this program was the American response: It was undertaken when it became clear that the CIA army's wounded were getting virtually no care except that of the traditional Meo witch doctors, whose ancient ritual of shrieks, gongs, charms and dances quickly proved unequal to the effects of modern grenades and automatic rifles.

Pop Buell estimates that 100 of the medics trained for this ostensibly civilian public-health program have died on the battlefield: That, he says, is about one in every five.

RECRUITING AT SCHOOLS

Even the small, thatched schoolrooms Pop Buell encouraged the Meo to build have sometimes been turned to benefit the CIA-sponsored war effort, according to some U.S. aid workers.

"I was in a village one day when the neighboring village was attacked," one aid worker says. "A naikong (village leader) came to the classroom and rounded up all the boys over 10 years old, handed them guns and flintlocks and started giving them instructions just outside the school—it was an instant recruiting pool."

But the schools also have brought the Meo arithmetic, reading, writing, which no government ever tried to give them before, and has taught them the language of the lowland Lao, the language of government in Laos. In so doing, the schools have greatly strengthened their ability to deal with the Lao, Chinese, Indian and Vietnamese merchants who have traditionally exploited their simplicity.

[From the Baltimore Sun, Feb. 22, 1971]

THE MEO OF LAOS—II: U.S. FINANCES VICTOR-TO-REFUGEE TRANSIT

(By John E. Woodruff)

Vientiane, Laos—On September 25, 1945, Toubhy Lyfong received a letter from Gen. Le Thiep Honk, then Viet Minh commander of the Vinh region of North Vietnam.

It is from this letter that Mr. Lyfong, who soon afterward would be dubbed "King of the Meo" by French journalists, dates the chain of events that eventually brought his people to their current state of total dependence on United States aid.

REFUSED REDS HELP

Mr. Lyfong says the letter notified him that Viet Minh troops planned to cross into Laos through Xieng Khouang province, where he was the French-appointed chief of Meo hill tribesmen. It asked him to let them pass so they could start organizing resistance to the expected return of the French after World War II.

PERHAPS SEMINAL BATTLE

He refused—largely, he says, out of loyalty to the French, who had given him eight years of schooling, the most ever permitted a Meo. Two weeks later, Viet Minh troops and a few of their Lao allies fought Mr. Lyfong's mountain tribesmen at an outpost near Nong Het, just inside Laos.

The fight was a chaos of aged French and British colonial weapons, Meo crossbows and flintlocks and a few Japanese and American rifles scrounged during World War II; history seems to have overlooked it, although it may well have been the seminal battle of the tragicomic struggle that still sputters backward and forward across Laos today.

That day, according to Toubhy Lyfong's memory, the Meo were the winners.

Mr. Lyfong organized loosely run Meo guerrilla forces for the French from then until 1954, when the Viet Minh scored their spectacular victory at Dienbienphu and drove the French from Indochina.

When Mr. Lyfong went to France to retire after the war, though, his loyalty was scarcely rewarded: refused permission to transfer his $250,000 fortune to Paris from the colonial bank, he relates, he had to return to Indochina after only two weeks.

HELPFUL TO U.S.

By 1960, his continued presence in Laos was to prove helpful to new foreigners: the Americans, who were starting to organize an army of hill tribesmen to supplement the pathetically ineffective Royal Lao Army they tried to build for the Vientiane government in the late 1950's.

It was in that year that Toubhy Lyfong says he cemented an alliance with the right-wing Gen. Phoumi Nosavan and Prince Boun Oum—and thus with the United States Army and Central Intelligence Agency, which then were financing and supplying the Phoumist army in southern Laos.

REFUSED PROMOTION

Throughout 1960, Mr. Lyfong lent his prestige—as well as the many local officials he had appointed while province chief and his remaining friendships from the days as a guerrilla organizer—to a little-known army major named Vang Pao.

Maj. Vang Pao, the highest-ranking Meo in the Lao Army, twice had been refused an overdue promotion to lieutenant colonel by Lao officers who could not accept the idea of a hill tribesman as their equal, according to Mr. Lyfong.

Promised better treatment by General Phoumi and Prince Boun Oum—and promised money and arms by the Americans—Vang Pao set out to build a hill-tribe army. For General Phoumi and Boun Oum, the alliance offered at last the prospect of a friendly force in parts of northern Laos that long had been largely the preserve of neutralist and pro-Communist forces with whom they frequently had quarreled.

IN GOVERNMENT OFFICE

By early 1961, as minister of social welfare under a short-lived government headed by Prince Boun Oum, Mr. Lyfong was able to give Vang Pao's infant army more tangible help. He diverted Lao and American refugee goods to the Meo of the Plain of Jars region, whom Vang Pao had regrouped according to a prearranged plan when neutralist troops took over the plain as they retreated before a drive on Vientiane by General Phoumi's men.

Soon afterward, Vang Pao became commander of Military Region II, Xieng Khouang and Sam Neua provinces, the toughest Communist-held territory in northern Laos.

ON 7 STRATEGIC HILLTOPS

Vang Pao's regroupment of the Meo onto seven strategically located hilltops surrounding the plain radically altered the course of the war in northern Laos, for it welded a large group of rugged Meo mountaineers into the beginnings of what gradually became the Vientiane government's most effective single fighting force.

It also radically altered the lives of the Meo by separating them from their tiny hilltop villages of no more than 20 or 30 houses each.

Now Vang Pao's Meo followers were gathered into settlements and soon proved too crowded for their way of farming, which consists of cutting and burning trees and brush from the sunny side of a mountain, planting rice and corn for two or three years until the soil is depleted and then starting over again on a different hillside.

The refugee supplies sent from Vietiane by Mr. Lyfong—largely rice bought in Thailand with American money—thus became the first step in the Meo's decade-long walk to total dependence on United States aid.

It is fashionable among high American officials in Vietiane today to point out that the Meo already had had some fights with the Communists before the Americans organized them and to insist that the Meo "came to us."

"Look, these people came to us for help, and we have given them plenty of help," one top-level diplomat says.

An anonymous memorandum of the Vientiane office of the agency that preceded the United States Agency for International Development presents a more complex picture.

OFFICIAL MEMO

Arguing in favor of giving the Meo help that was soon to be justified publicly as humanitarian refugee aid, the 1960 memorandum said, in part:

"Toughened by their hard work in the high mountains, accustomed from childhood to firearms and to hunting in groups, used to traveling long distances on foot from one village to another, they become excellent fighters with a minimum of training.

"For many months now, ever since the Communists seized control of the Plain of Jars, the Meo, working together with officers and soldiers from the Lao armed forces, have been formed into regular (Laotian Army) military units. They have defended their homes and given great assistance to their brothers in arms elsewhere in Laos by harassing the enemy's convoys and military columns."

Some lower-level Americans who work with the Meo argue that the relationship established in 1960 was by nature unequal, even if it had been a simple case of responding to a Meo request for aid.

THOUGHT HELP GENEROUS

One says: "It's no help to your case if you tell the judge the 12-year-old girl invited you into her bedroom.

"The Meo were primitive people who thought for a long time that we were generously helping them defend their little hilltops and thatched huts. They know now that they are being used in something bigger, of course, but now it's too late.

"We saw the thing in terms of geopolitics—or the struggle against communism, or whatever you want to call it—from the beginning, and we were only too relieved to find some effective warriors in Laos who were willing to take on an enemy much bigger than they could ever have understood."

Whatever the precise relationship was at first, the uses to which the Meo army soon was put give little support to the "they-came-to-us" view.

GREEN BERETS CAME IN

By 1962, Meo units were stiffened by the presence of "white star" teams of the Green Berets and had spread the American-paid army deep into Sam Neua province, the regroupment area granted to the pro-Communists Pathet Lao by the 1954 Geneva agreements.

Edgar L. Buell, now head of the United States AID program for hill-tribe refugees, talks of this achievement by his beloved Meo with considerable pride: "When I came here in [1960, as a $65-a-month International Voluntary Service worker], we couldn't set foot inside Sam Neua province. Within a couple of years, we were able to work the whole province."

Then the 1962 Geneva conference on Laos called for an end to the confused fighting and prohibited foreign troops on Lao soil.

SHIFTED TO CIA

But its chief effect on the American-backed Meo army was to shift it from Green Beret to CIA sponsorship.

By this time, Vang Pao's army had become a force the Communists would not ignore, and soon after the cease-fire Pathet Lao and North Vietnamese forces attacked Meo positions near the Plain of Jars, arguing that the Meo and their American advisers had been parachuted into the mountains after the cease-fire.

[From the Baltimore Sun, Feb. 23, 1971]

THE MEO OF LAOS—III: A WAR-EXHAUSTED PEOPLE SEEK A WAY OUT

(By John E. Woodruff)

Vientiane, Laos—Edgar L. (Pop) Buell believes that many Meo hill tribesmen are starting—gradually and in small groups—to make a painful peace with the Lao and Vietnamese Communists they have fought on and off for 25 years.

"I've lost about 75,000 people, Meo and others, in the last 18 months," says Mr. Buell, a retired Indiana farmer who has worked with the Meo as a civilian adviser since 1960. "Of course, some of them are dead from the war and the long walks. But most of them, I'm convinced, are Meo, and a few from other tribes, who have finally either found their way back into their old places in Communist areas or else decided the last time the Communists came that they just were not going to run any more."

ONLY WRONG IN NUMBER

Many Americans here believe that Pop Buell's figures are extravagant, but few question his sense for the trend of Meo affairs. One top military official says, "The Meo are terrifically worn down as fighters.

"Their morale is shot, and they are slow to engage in battle. If you are going to have a Guerrilla Army, you have to make your move fast and clear out fast. That is what the Meo used to do best; now they just don't do it."

Another top-level official says, "If the fight goes on, and the North Vietnamese really decide to turn on the pressure, the Meo will be crushed.

"SOME WAY OUT

"What else can they do? They are going to have to find some way to get out of the way of the battle sooner or later, and if the worst comes, many of the leaders like Vang Pao (leader of the Meo Clandestine Army) will have to come here to Vientiane or maybe even leave the country."

No one is proclaiming it as a policy, but this tacit assumption that most Meo eventually will end their decade of fighting and running under U.S. sponsorship by finding a way to co-exist with their old enemies is the stated expectation even at the very top of the U.S. mission here.

Mr. Buell is convinced that such an accommodation is possible, although it will by no means be pleasant.

ONLY SO FAR

"The Communists know their limits with the Meo—they know they can tax them so far, and they can get so much forced labor, and they can go just so far with the political ideas, and then they stop.

"And this isn't going to be any overnight thing—it's going to go on like it is now, a few hundred or a few thousand here and there.

"And I don't hardly expect the Meo are going to fight for the other side after all, for the Communists. It would be a big thing to just get the Meo the hell out of the war."

Many critics of American policy insist that the kind of accommodation Mr. Buell describes is what the Meo would have had to do 10 years ago—before losing their health, their wealth and much of their population—had the United States not provided the massive backing that enabled them to become a fighting force too important for the Communists to shrug off.

BEFORE CONGRESS

That argument was outlined at length last May 7 by Ronald J. Rickenbach, who served for several years as a U.S. Agency for International Development Worker at Sam Thong.

In testimony before the refugee subcommittee of the Senate Judiciary Committee, headed by Senator Edward M. Kennedy (D., Mass.), Mr. Rickenbach argued that when the North Vietnamese moved into Laos, the choices open to the Meo were to "accommodate themselves, fight or flee."

"They could not very well fight without arms and assistance; they could flee, but to nowhere as suitable to their way of life than where they already were, or they could accommodate themselves in some peaceful, subservient way to the Vietnamese presence, and thereby allow something of a local political balance to be effected in cognizance with the realities of the time."

PAWNS OF U.S.

When the Americans came on the scene with unlimited arms and extensive food supplies, he said, the Meo yielded to the temptation to fight. A primitive tribe thus "became unwitting pawns of the United States."

American officials in Vientiane generally reject this argument.

Even the Americans who now readily accept the probability that the Meo one day will have to make their peace with the Communists insist that could not have happened in 1960, pointing out that the Meo were already fighting the Communists under the French before 1954.

More recently, an intensive American effort has often been needed to keep the Meo in the fight, and that effort is invariably made, even by Americans who personally feel strongly that the Meo are a depleted and exhausted people and that their Army has a severe case of combat fatigue.

MOVE OPPOSED

Americans at several levels are known to have visited Gen. Vang Pao many times to dissuade him from a plan he often mentions to move the Meo en masse into Sayaboury province of western Laos, where there has been little fighting. Ambassador G. McMurtrie Godley, himself is known to have made more than one such visit to General Vang Pao since becoming ambassador a year and a half ago.

One key U.S. official says: "Hell, what else could the old man have done—it's still true that without the Meo, there would just be no such thing as American policy in Laos; we just wouldn't have any force to back it up with."

FOR MORALE PURPOSES

The ambassador is known not to take the Sayaboury idea seriously and to regard his visits with the general as efforts to bolster the morale of a highly mercurial man who is temporarily "down in the dumps."

Americans who work with Vang Pao say that the Sayaboury move is only one of a collection of half-formulated ideas he often mentions as means of retiring the Meo from the war.

But the inability of a man who grew up a primitive tribesman to formulate a plan fully does not, they insist, mean that he does not take the problem seriously.

"It's a deep and constant preoccupation," one American says.

"Sometimes, it's as if he were the only Meo leader with the foresight to understand how important it is to their people."

THE "MEO" MAFIA

Some time ago, they had an annual "meeting at Long Cheng. He spent half the day with the civilian politicians—we call them the Meo Mafia—and the other half with the top Army officers. He told them the time had come to get out, and that place was where they would go, and they should start getting ready.

"When he finished, they just sat there—both the morning group and the afternoon group—just silence, no questions, no interest, no response.

"That's how it's been a lot of times—no action until the fighting actually starts. The Meo are just that way."

Others confirm the story but insist that the Meo are not "just that way."

"They've moved so damn many times, and every time it was just this once more," one says. "How can we expect them to move again when there isn't really even a plan to follow?"

The absence of plans—or the profusion of half-coherent and conflicting plans—is as striking among the Americans as it is among the Meo.

Various responsible Americans mention at least five different parts of Laos, including Sayaboury province, as places where they expect the main body of Meo to go to escape the war.

How the Meo will get there, where they will get food and supplies to tide them over the year it will take to harvest their first crops, what will become of their weapons—all of these and other equally fundamental questions go unanswered.

SOME ARE BITTER

The absence of planning has provoked bitterness among a few Americans who care deeply about the Meo.

"We always had plenty of plans for how they should defend our gear at Phou Pha Thi, and for scouting missions, and for how they could disrupt the North Vietnamese for us," one says. "It's only now that we seem to be running out of plans."

This bitterness is not shared by most Americans, however. Most argue that if what the Meo must do is make peace with the Communists, then too much American intervention can only poison prospects that are already bleak from a decade of bitter warfare.

IN LINE OF MARCH?

Meanwhile, even the location of the Meo refugee camps is becoming controversial among the Americans, some of whom contend that the long, ovalshaped gathering of camps east of Ban Son was planned deliberately to keep the Meo in the line of Communist advance toward Vientiane.

"I don't buy that idea," one experienced American says. "If the Communists want to take Vientiane, they can skirt the Meo and come right up the Mekong."

Talks with Americans who work with the refugees suggest that most of the hill-tribe villages east of Ban Son got there mainly because the people there came from eastern Laos and simply stopped walking when they got to relatively secure territory.

VIENTIANE ATTACK DOUBTED

However the refugees got where they are, the Communist pattern of recent years has not suggested that any direct attack on Vientiane is in their plans.

Instead, they have sought to move the battlefield from place to place north of Vientiane—and the royal capital of Luang Prabang—in a manner that creates an impression of growing pressure on the two capitals.

The areas where this tactic can be most effective are approximately the ones where the Meo are concentrated, and the increasing presence of North Vietnamese troops around Long Cheng and Sam Thong suggest that the Meo are not yet out of the way.

"I'm not going to say they're through yet," Pop Buell says. "God knows, nobody thought they could make it this long—it was always just hold out for six more months, and then six more and six more."

[From the Washington Post, Jan. 24, 1971]

CAMBODIA: END OF ILLUSION—HILL OUTCRIES BARE EXTENT OF U.S. INVOLVEMENT

(By Murrey Marder)

The Nixon administration is being forced by congressional outcries to start talking about the war in Cambodia that it largely succeeded in keeping out of sight for six months.

Until last week, much of the nation shared the illusion that the United States was only indirectly involved in Cambodian warfare, insulated from any "commitment" by the law banning use of American ground combat troops or U.S. military advisers.

The general impression created was that since American troops withdrew from Cambodia on June 30 the U.S. role in the war was virtually an immaculate one: flying high over Cambodia to "interdict" enemy columns headed toward South Vietnam; shipping in arms and supplies from a safe distance; spending money instead of blood while Asians fight Asians.

As fragmentary but revealing reports from the scene began to shatter that comforting picture, Defense Secretary Melvin R. Laird last Wednesday felt obliged to strip away part of the verbal camouflage that obscured the extent of the U.S. military involvement in Cambodia.

"We will use airpower," said Laird, "and I don't care to get into a question of semantics on that."

Although Laird used the future tense, airpower has already been used in progressively expanding dimensions starting months earlier—right through the time when Congress was hotly debating how it might limit what it thought was potential U.S. warfare.

"First we were interdicting," said an Air Force colonel in Saigon. "Then they (the Cambodians) asked for a little close air support. Then they seemed to need a little gunship, so we gave it to them."

NO GROUND TROOPS

Technically, the United States was using neither ground combat troops nor "military advisers" in the usual sense. It was helping to fight the war just off the ground—sometimes at treetop level—with helicopter gunships; close air combat support by fixed-wing aircraft; helicopter-borne air-ground liaison officers with the novel designation of "airborne controllers," plus fighter-bomber jets, giant B–52 bombers and the full complement of American combat and logistic airpower.

But to list the U.S. air strength on call for the South Vietnamese and Cambodian ground troops fighting in Cambodia also distorts the Cambodian war.

There are no massed North Vietnamese or Vietcong forces to strike at in Cambodia; there is rarely a column marching down the road to be trapped by surprise air attack. The war in Cambodia resembles the war in South Vietnam in its earliest stages, six or seven years ago. It is taking place in a nation of less than seven million people that U.S. officials concede has yet to fully awaken to the fact that it is at war.

ROAD TO CAPITAL BLOCKED

A force of 13,500 South Vietnamese and Cambodian troops gained world attention last week as they fought against no more than 1,000 Vietnamese Communist troops blocking Cambodia's Route 4, which runs from the port of Kompong Som inland to the capital, Phnom Penh. Another South Vietnamese force of about 6,000 troops and armor was sweeping through the Parrot's Beak sector of the South Vietnamese-Cambodian border.

The major objective of the Route 4 operation was to clear that three-lane highway so oil from the Kompong Som refinery could reach the Cambodian air force in Phnom Penh and meet other military and civilian requirements.

While the Cambodians and South Vietnamese were celebrating their capture of the remaining position on Route 4, a squad of Communist sappers—officially estimated to number 10 men—destroyed most of the small Cambodian air force early Friday morning, at Phnom Penh's airport.

"It wasn't much of an air force anyhow," U.S. officials said afterward.

It was, however, the only air force Cambodia had.

BRILLIANTLY EXECUTED

The devastating sapper attack on the airport and surrounding facilities was brilliantly executed, allied officers ruefully conceded, and well-masked by actions elsewhere. It also had been anticipated for months—which only adds to the chagrin.

Communist forces in Cambodia have the capacity to repeat the same kind of small-risk, high-damage attack literally anywhere in the nation.

Phnom Penh is the geographic hub from which lifeline roads and the vital Mekong River radiate outward. All the roads can be cut and traffic on the Mekong is subject to harassing fire from the banks.

Estimates of Communist forces in Cambodia, where all statistics are even more guesswork than in South Vietnam, place North Vietnamese and Vietcong troop strength at 40,000 to 50,000.

NEW BASES PREPARED

Allied experts guess that no more than about 10,000 of these Communist troops engage in intermittent combat. The remainder are preoccupied in developing and supporting a new base system in the northeast sector of Cambodia where the South Vietnamese, Laotian and Cambodian borders meet, to replace the base complex destroyed when American and South Vietnamese troops attacked in force between April 30 and June 30 last year.

The Communists claim that they control 70 percent of Cambodia's territory and "over four million" of its approximately seven million people."

These claims are exaggerated, U.S. officials say. American sources say that the Communists control about half the land area of Cambodia, but mostly the more sparsely populated northern half.

There are also "pockets" of Communist control in the southern and central sections of Cambodia where Phnom Penh's troops, the FANK—Forces Armees Nationales Khmeres—operate.

SIHANOUK IN PEKING

The Communist forces operate under the acronym of FUNK—Front Unis National Kampuchea—or Kampuchea United National Front, which ostensibly fights for ousted Prince Norodom Sihanouk. Sihanouk himself has been headquartered, or perhaps isolated would be the more accurate description, in Peking since his ouster as Cambodia's ruler last March 18.

The sounds in English of FUNK and FANK help to give a deceptive impression that the Cambodian war is more of a musical comedy than struggle for survival. Even many Cambodians, until last week at least, did not let it disrupt their cocktail hours.

Other tens of thousands of Cambodians have taken the war seriously enough to flock to recruitment stations, swelling the size of the Cambodian army from the 35,000 at which it stood before the overthrow of Prince Sihanouk by Premier Lon Nol to over 160,000.

The surge of intense nationalism that produced this increase surprised and delighted U.S. officials and stimulated a surge of optimism.

American officials, including President Nixon, have talked of an "army" of more than 150,000 Cambodians in being, who are "tying down 40,000 trained North Vietnamese regulars" who would be "over killing Americans" in South Vietnam if they were not in Cambodia.

TRAINING REQUIRED

But Cambodia hardly has anything that yet can be called an "army" anywhere approaching that size. It has a few tens of thousands of troops in need of further training and equipment; scores of thousands of untrained recruits and untrained officers, reinforced by several battalions of Khmer Krom, or ethnic Cambodians, originally residing in South Vietnam and trained by U.S. Special Forces.

The original public U.S. assumption expressed by President Nixon last June 30 that South Vietnamese troops would be able to shore up the Cambodians with "no U.S. air or logistics support" but only U.S. "air interdiction" of enemy troops headed toward South Vietnam officially disappeared with Laird's acknowledgment. Actually it disappeared months earlier.

The contention that the United States has no "military commitment to the Cambodian government" is similarly wearing thin. The original acknowledgment by Vice President Agnew last Aug. 23 that "we're going to do everything we can to help the Lon Nol government" because "the whole matter of Cambodia is related to the security of our troops in Vietnam," is much closer to the mark, although the White House disclaimed it at the time. The United States interest so far amounts to $285 million, with much more to come.

Repeatedly, the Nixon administration has insisted that Cambodia will not be permitted to become "another Vietnam" because no ground forces will be sent there. In fact it is a war being sustained by the United States in a different manner, off the ground, just over the treetops.

THE DAVIS-BACON ACT AND THE BUILDING AND CONSTRUCTION INDUSTRY

Mr. GRIFFIN. Mr. President, yesterday President Nixon took a courageous step when he suspended the Davis-Bacon Act as it applies to the building and construction industry. Considering the circumstances with which he was confronted and the options available to him, I think it was a wise decision on his part and one that deserves support.

When the Davis-Bacon Act originally became law its purpose was to stabilize wages in the building and construction industry. Unfortunately, in recent years, as it has been interpreted, the act too often has been used as a lever to escalate, rather than stabilize wage rates in the building and construction industry.

Mr. President I ask unanimous consent that the text of the statement by the President yesterday be printed in the RECORD.

There being no objection, the statement by the President was ordered to be printed in the RECORD as follows:

STATEMENT BY THE PRESIDENT

I am today suspending the provisions of the Davis-Bacon Act which requires contractors working on Federal construction projects to pay certain prescribed wage rates to their workers. In my judgment, the operation of this law at a time when construction wages and prices are skyrocketing only gives Federal endorsement and encouragement to severe inflationary pressures.

The action I have taken today is based on the principle that government programs which contribute to excessive wage and price increases must be modified or rescinded in periods of inflation. This was the principle I applied to industry in the case of recent excessive increases in steel and oil prices. This is the principle I am applying to organized labor in the construction emergency.

This decision suspends a special provision of law which has applied uniquely to the construction industry since 1931. It puts the construction industry on the same footing with other industries that now sell products to the Government. For under the Davis-Bacon Act wage rates on Federal projects have been artificially set by this law rather than by customary market forces. Frequently, they have been set to match the highest wages paid on private projects. This means that many of the most inflationary local wage settlements in the construction industry have automatically been sanctioned and spread through Government contracts.

The Davis-Bacon Act was originally passed in 1931 to ease extremely severe downward pressures on wages in the construction industry. I believe, however, that this preferential arrangement does not serve the best interests of either the construction industry or the American public at a time when wages are under severe upward pressures. I am therefore using the authority which the law gives to the President to suspend this provision. The proclamation I am issuing today also suspends the wage determination provision of more than 50 other Federal laws relating to Federally-involved construction which incorporate the Davis-Bacon Act. I am calling upon States and other governmental bodies with similar statutes to take similar action.

This action is the most appropriate of the actions which are available to me at this time. Nevertheless, I make this decision most reluctantly. It has been my hope that the problem of excessive and inflationary wage settlements in the construction industry could be met without such measures. Yet on several occasions over the past two years I have also made it clear that I would take whatever further steps were necessary if the inflationary pattern did not end.

That pattern has not ended. In fact, inflation in the construction industry has grown worse. In 1970, the average contract settlement in the building trades called for a first year wage increase of 18.3 percent. On the other hand, the average increase for the first year of new contracts in manufacturing industries was 8.1 percent—a striking contrast. And in the last two quarters of 1970, wage settlements in the construction industry went even further out of control; new contract settlements in the last six months of the year called for nearly a 22 percent average first year increase.

While some might wish to blame management or labor unions for this inflationary syndrome, we must recognize that, in fact, they are its victims. I have met with construction contractors and labor leaders on a number of occasions—including a meeting last month. I know that many of them have been doing their best to find an answer to this situation. It is evident now, however, that decisive government action is needed to protect the public interest while labor and management continue their efforts to attack the causes of this problem.

Those causes are deep and complex. They are rooted in the way the construction industry is organized—and particularly in the highly fragmented nature of its collective bargaining process. A craft-by-craft, city-by-city negotiating pattern makes competition between local unions for higher wages particularly intense. It makes strikes on particular projects more likely since alternative work is often available nearby. One out of every three wage negotiations in the building trades now produces a work stoppage. When these and other structural factors are combined with a law like the Davis-Bacon Act which, in effect, requires employers to pass on to the Government the cost of high local settlements, then the inflationary problem becomes even more acute.

The results of this inflationary situation are felt in every part of our society. As construction costs go up, so does the price for buying or renting new homes and apartments. Because the entire economy is affected by rising construction costs, other prices are driven up also. The taxpayer bears a particularly heavy burden since the Government spends so much for construction. The Federal Government alone plans to spend some $13 billion for construction in Fiscal Year 1972. A good part of this spending will come from the defense budget—which means that inflation in the construction industry can make it harder adequately to fund programs which are vital to our national security.

All levels of government together account for almost one-third of total construction expenditures. It is crucial, I believe, that taxpayers get their money's worth for all this spending and that it not be used to accommodate—and further accelerate—inflationary pressures.

But the person who is hurt most by this pattern of inflation is the construction worker himself. For as the cost of building increases, the rate of building is slowed—and the result is fewer jobs for the workingman. The rate of unemployment in the construction trades last year was substantially higher than any in other major industry and double the national average. It stood at 11.2 percent this past January. Moreover, those workers who do find jobs also find that as costs rise and the number of projects declines, they are working fewer hours.

The average worker in the building trades is therefore caught in a vicious cycle. His rate of pay goes up but often his overall income does not, since his opportunities to work have gone down. As a result, he is inclined to demand an even higher hourly wage which can have the effect, in turn, of further reducing available employment. By curbing inflation in the construction industry, we hope to break this cycle, expand employment and improve the overall position of the construction worker.

During the past two years, this administration has taken a number of steps to help the construction industry. We have made considerable progress in bringing down the cost of money. We have worked to stabilize the cost of materials and to increase productivity. We are planning to expand Federal construction programs—especially in housing—and we are making additional efforts to assist private construction.

We are now on the threshold of a new economic expansion. That expansion must be a genuine expansion, one that is measured by rising purchasing power and not by an accelerating cost of living; by more new homes and apartments, and not by ever-accelerating rents and housing prices; by more new public facilities urgently needed to combat pollution and meet other pressing social needs. We are counting on the construction industry to make a significant contribution to our expanding economy. We have great confidence in the potential of the construction industry and we want this potential to be fully realized.

But the construction industry cannot realize its potential—and it cannot make its full contribution to the stable growth of our entire economy—unless it can overcome its present handicaps of chronic instability, frequent strikes and excessive wage increases. Insofar as the government is a party to these conditions—as it is under the Davis-Bacon Act—it can serve both the public and the industry best by correcting that situation.

I have suspended the Davis-Bacon Act because of emergency conditions in the construction industry. The purposes of the Davis-Bacon Act can once again be realized when construction contractors and labor unions work out solutions to the problems which have created the emergency.

In the final analysis, those who are directly involved in the construction industry must assume the leadership in finding answers to these complex problems. Construction contractors and labor leaders will have the full cooperation of this administration as they strive to carry out this crucial responsibility.

QUORUM

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL MESSAGE REFERRED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the message from the President of the United States on proposed programs for consumer protection, without being read, be jointly referred to the Committee on Commerce, the Committee on Government Operations, the Committee on the Judiciary, and the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The message from the President follows:

To the Congress of the United States:

The history of American prosperity is the history of the American free enterprise system. The system has provided an economic foundation of awesome proportions, and the vast material strength of the nation is built on that foundation. For the average American, this strength is reflected in a standard of living that would have staggered the imagination only a short while ago. This constantly rising standard of living benefits both the consumer and the producer.

In today's marketplace, however, the consumer often finds himself confronted with what seems an impenetrable complexity in many of our consumer goods, in the advertising claims that surround them, the merchandising methods that purvey them and the means available to conceal their quality. The result is a degree of confusion that often confounds the unwary, and too easily can be made to favor the unscrupulous. I believe new safeguards are needed, both to protect the consumer and to reward the responsible businessman.

I indicated my deep concern for this matter in my special message to the Congress of October 30, 1969. At that time I urged the Congress to enact a legislative program aimed at establishing a "Buyer's Bill of Rights." This proposal found little success in the 91st Congress. But putting the remedies aside has not sufficed to put the problems aside. These remain. They must be dealt with.

Accordingly, I am again submitting proposals designed to provide such a Buyer's Bill of Rights by:

—Creating by Executive Order a new Office of Consumer Affairs in the Executive Office of the President which will be responsible for analyzing and coordinating all Federal activities in the field of consumer protection;

—Recognizing the need for effective representation of consumer interests in the regulatory process and making recommendations to accomplish this after full public discussion of the findings of the Advisory Council on Executive Organization;

—Establishing within the Department of Health, Education, and Welfare a product safety program. The Secretary of Health, Education, and Welfare would have authority to fix minimum safety standards for products and to ban from the marketplace those products that fail to meet those standards;

—Proposing a Consumer Fraud Prevention Act which would make unlawful a broad but clearly-defined range of practices which are unfair and deceptive to consumers and would be enforced by the Department of Justice and the Federal Trade Commission. This act, where appropriate, would also enable consumers either as individuals or as a class to go into court to recover damages for violations of the act;

—Proposing amendments to the Federal Trade Commission Act which will increase the effectiveness of the Federal Trade Commission;

—Calling upon interested private citizens to undertake a thorough study of the adequacy of existing procedures for the resolution of disputes arising out of consumer transactions;

—Proposing a Fair Warranty Disclosure Act which will provide for clearer warranties, and prohibit the use of deceptive warranties;

—Proposing a Consumer Products Test Methods Act to provide incentives for increasing the amount of accurate and relevant information provided consumers about complex consumer products;

—Resubmitting the Drug Identification Act which would require identification coding of all drug tablets and capsules;

—Encouraging the establishment of a National Business Council to assist the business community in meeting its responsibilities to the consumer; and by

—Other reforms, including exploration of a Consumer Fraud Clearinghouse in the Federal Trade Commission, increased emphasis on consumer education and new programs in the field of food and drug safety.

NEW OFFICE OF CONSUMER AFFAIRS

The President's Committee on Consumer Interests has made important gains on behalf of the American consumer in the past two years.

It has brought a new and innovative approach to the problem of keeping the consumer informed and capable of handling the complex choices presented to him in today's commercial world. One such measure involves the dissemination of information which the United States Government, as the nation's largest single consumer, collects on the products it uses. In my message of October 30, 1969, I announced that I was directing my Special Assistant for Consumer Affairs to develop a program for providing the buying public with this information.

On the strength of her recommendations, on October 26, 1970, I signed Executive Order 11566 which establishes a means for making available to the public much of the product information which the Federal Government acquires in making its own purchases. A Consumer Product Information Coordinating Center has been established in the General Services Administration with continuing policy guidance from my Special Assistant for Consumer Affairs to make these data available to the public through Federal information centers and other sources throughout the country.

In addition, the Committee on Consumer Interests has made significant strides in developing Federal, State and local cooperation in consumer programs, encouraging establishment of strong State and local consumer offices, and advising on the enactment of effective consumer laws and programs.

Nevertheless, further cooperation among Federal, State and local governments is essential if we are truly to insure that the consumer is properly served. Therefore, I am asking my Special Assistant for Consumer Affairs to intensify her efforts on behalf of the consumer at the State and local level. I am also directing her to conduct regional meetings with State officials concerned with consumer issues, with consumer groups, and with individual consumers to discuss common problems and possible solutions.

But I believe the greatest overall accomplishment of this office has been to give the consumer new assurance of this administration's concern for his and her welfare in the marketplace. In manifesting this concern during the past two years, the responsibility of the President's Committee on Consumer Interests has grown, as has its impact on consumer problems. I have therefore signed today a new Executive Order creating a new Office of Consumer Affairs in the Executive Office of the President. I am appointing my Special Assistant for Consumer Affairs to be Director of this new office. This change reflects the increasingly broad scope of responsibilities assigned to the Special Assistant for Consumer Affairs and will increase the effectiveness of the Office. The Office will advise me on matters of consumer interests, and will also assume primary responsibility for coordinating all Federal activity in the consumer field.

Finally, while I am deeply concerned with obtaining justice for all consumers, I have a special concern to see justice for those who, in a sense, need it most and are least able to get it. Therefore, I am directing my Special Assistant for Consumer Affairs to focus particular attention in the new Office on the coordination of consumer programs aimed at assisting those with limited income, the elderly, the disadvantaged, and minority group members.

A CONSUMER ADVOCATE

In my message of October 30, 1969, I pointed out that effective representation of the consumer requires that an appropriate arm of the government be given the tools to serve as an advocate before the Federal agencies. I proposed then that this function be performed by a Consumer Protection Division created for the purpose and located within the Department of Justice. That proposal was not acted on.

Since that time my Advisory Council on Executive Organization has completed its Report on Selected Independent Regulatory Agencies. This report makes sweeping recommendations on the reorganization of those agencies for the purpose of helping them better serve the interests of the consumer.

One specific recommendation involves the creation of a new Federal Trade Practices Agency dealing exclusively with matters of consumer protection. This Agency would result from a general restructuring of the Federal Trade Commission. The report specifically suggests that a consumer advocate might be placed within the Federal Trade Practices Agency.

I believe that this is a better approach than the creation of still another independent agency which would only add to the proliferation of agencies without dealing with the problems of effectiveness to which the Advisory Council report addresses itself.

As I indicated at the release of the Advisory Council's report, I am delaying legislative proposals on these issues pending full public discussion of the findings and recommendations of the Council. I urge that those who comment on the Advisory Council recommendations also focus on the manner in which the consumer interest can best be represented in Federal agency proceedings. I further urge the Congress to view the problems of consumer advocacy and agency structure as part of the general problem of making the Federal Government sufficiently responsive to the consumer interest.

After April 20, when comments have been received, I will make the recommendations I consider necessary to provide effective representation of consumer interests in the regulatory process. If the Congress feels it must proceed on the matter of consumer advocacy prior to receiving my recommendations, then I strongly urge and would support, as an interim measure, the placement of the advocacy function within the Federal Trade Commission.

A PRODUCT SAFETY ACT

Technology, linked with the American free enterprise system, has brought great advantages and great advances to our way of life. It has also brought certain hazards.

The increasing complexity and sophistication of many of our consumer goods are sometimes accompanied by the increasing possibility of product failure, malfunction, or inadvertent misuse resulting in physical danger to the consumer.

Therefore, I propose legislation providing broad Federal authority for comprehensive regulation of hazardous consumer products.

This product safety legislation will encompass five major responsibilities which would be assigned to a new consumer product safety organization within the Department of Health, Education, and Welfare. Through this organization the Secretary of Health, Education, and Welfare will:

1. Gather data on injuries from consumer products;
2. Make preliminary determinations of the need for particular standards;
3. Develop proposed safety standards with reliance on recognized private standards setting organizations;
4. Promulgate standards after a hearing and testimony on the benefits and burdens of the proposed legislation; and
5. Monitor industry compliance and enforce mandatory standards.

The mechanisms which will be included in this bill provide for full participation on the part of private organizations and groups in the development of standards.

NATIONAL ATTACK ON CONSUMER FRAUD

Consumer fraud and deception jeopardize the health and welfare of our people. They cheat consumers of millions of dollars annually. They are often directed against those who can least afford the loss, and are least able to defend themselves—the elderly, the handicapped, and the poor.

At the same time, the honest businessman is damaged by fraud and deceptive practices every bit as much as the consumer—and perhaps more. He is subjected to the unfair competition of the unscrupulous businessman, and he loses money. He is subjected to the opprobrium of those who have suffered at the hands of unscrupulous businessmen, and he loses the goodwill of the public. For it is a fact, however unfortunate, that in the area of business especially, the many are commonly judged by the actions of the few.

Efforts to eliminate these unethical business practices have not been successful enough. It is commonly profitable for unscrupulous businessmen to operate in defiance of the enforcement authorities, to accept whatever penalties and punishments are incurred, and to continue to operate in spite of these. The penalty is just part of the overhead. I want these practices brought to an end.

With this message I am committing this administration to a full and forceful effort to see that they are brought to an end.

CONSUMER FRAUD PREVENTION ACT

I am again submitting and I urge prompt attention to a bill to make unlawful a broad but clearly defined range of practices which are deceptive to consumers. The legislation would provide that the Department of Justice be given new powers to enforce prohibitions against those who would victimize consumers by fraudulent and deceptive practices.

It would give consumers who have been victimized by such practices the right to bring cases in the Federal courts to recover damages, upon the successful termination of a government suit under the Consumer Fraud Prevention Act.

I am also recommending civil penalties of up to $10,000 for each offense in violation of this act.

The Department of Justice has created a new Consumer Protection Section within the Antitrust Division, which has centralized the Department's enforcement in the courts of existing statutes designed to protect the consumer interest. Thus the Department of Justice is prepared to enforce promptly the proposed Consumer Fraud Prevention Act.

FEDERAL TRADE COMMISSION

While there is a need for new legislation to insure the rights of the consumer, there is also a need to make more effective use of the legislation we already have, and of the institutions charged with enforcing this legislation.

A principal function of the Federal Trade Commission has historically been to serve as the consumers' main line of resistance to commercial abuse. In the past year the Commission, under new leadership, has been substantially strengthened. A major organizational restructuring has produced within the Commission a Bureau of Consumer Protection, a Bureau of Competition, and a Bureau of Economics. An Office of Policy Planning and Evaluation has been created to establish a more effective ordering of priorities for the Commission's enforcement efforts.

In order to make FTC procedures more responsive to the needs of consumers, responsibilities of the eleven Commission field offices have been extended to include trying cases before hearing examiners in the field, negotiating settlements, conducting investigations, and referring complaints to the Commission. Six Consumer Protection Coordinating Committees have been established in selected metropolitan areas.

I am submitting today legislation which would provide the FTC with the authority to seek preliminary injunctions in Federal courts against what it deems to be unfair or deceptive business practices. The present inability to obtain injunctions commonly results in the passage of extended periods of time before relief can be obtained. During this time the practices in question continue, and their effects multiply.

The proposed bill would expand the jurisdiction of the Commission to include those activities "affecting" interstate commerce, as well as those activities which are "in" interstate commerce.

Finally, I recommend that the penalty schedule for violation of a Commission cease-and-desist order be adjusted from a maximum of $5,000 per violation to a maximum of $10,000 per violation.

GUARANTEES AND WARRANTIES

A constant source of misunderstanding between consumer and businessman is the question of warranties. Guarantees and warranties are often found to be unclear or deceptive.

In 1970, I submitted a proposal for legislation to meet this problem. I am submitting new legislation for this purpose.

This proposal would increase the authority of the Federal Trade Commission to require that guarantees and warranties on consumer goods convey adequate information in simple and readily understood terms.

It would further seek to prevent deceptive warranties; and it would prohibit improper use of a written warranty or guarantee to avoid implied warranty obligations arising under State law.

CONSUMER FRAUD CLEARINGHOUSE

My Special Assistant for Consumer Affairs is examining the feasibility of a consumer fraud clearinghouse—a prompt exchange of information between appropriate Federal, State and local law enforcement officials which can be especially helpful in identifying those who perpetrate fraudulent, unfair and deceptive practices upon the consumer and deprive the honest businessman of his legitimate opportunities in the marketplace.

Upon her recommendation, I am asking the FTC to explore with State and local consumer law enforcement officials an effective mechanism for such an exchange.

CONSUMER EDUCATION

Legislative remedies and improved enforcement procedures are powerful weapons in the fight for consumer justice. But as important as these are, they are only as effective as an aware and an informed public make them. Consumer education is an integral part of consumer protection. It is vital if the consumer is to be able to make wise judgments in the marketplace. To enable him or her to do this will require a true educational process beginning in childhood and continuing on.

The Office of the Special Assistant for Consumer Affairs has established guidelines for consumer education suggested for use at the elementary and high school level. Those guidelines have been sent to every school system in the country, and their reception has been encouraging. I believe they mark an effective step toward developing an informed consumer. The Office has also begun the development of suggested guidelines for adult and continuing education with particular emphasis on special socio-economic groups and senior citizens.

Now, in order to expand and lend assistance to Consumer Education activities across the nation, I am asking the Secretary of Health, Education, and Welfare, in coordination with my Special Assistant for Consumer Affairs, to work with the nation's education system to (1) promote the establishment of consumer education as a national educational concern; (2) provide technical assistance in the development of programs; (3) encourage teacher training in consumer education; and (4) solicit the use of all school and public libraries as consumer information centers.

I am also asking the Secretary of Health, Education, and Welfare, in coordination with my Special Assistant for Consumer Affairs, to develop and design programs for the most effective dissemination of consumer information, and particularly to explore the use of the mass media, including the Corporation for Public Broadcasting.

ADDITIONAL PROPOSALS

CONSUMER REMEDIES

As we move to shape new consumer legislation, I believe we must also review all consumer remedies. Although this is primarily a matter of State and local responsibility, I believe that the problem is also of national concern. Accordingly, I am asking the Chairman of the Administrative Conference of the United States to join with other interested citizens representing a broad spectrum of society to undertake a thorough study of the adequacy of existing procedures for resolving disputes arising out of consumer transactions.

The study would (1) focus particularly on the means of handling small claims and explore methods for making small claims courts more responsive to the needs of consumers; (2) examine existing and potential voluntary settlement procedures, including arbitration, and potential means of creating incentives to voluntary, fair settlements of consumer disputes; (3) address the difficult and troublesome questions presented by mass litigation; (4) examine problems and solutions at the State as well as the Federal level; and (5) draw on the experience of other nations in improving consumer remedies.

The purpose of this study will be to gather those facts needed to determine the means of gaining the greatest benefit to consumers with the least cost to production processes and to the country. I urge Federal, State, local and private bodies to cooperate in this effort. I also ask that recommendations to the President, the Congress, the courts and the general public be made within the shortest practicable time.

FOOD AND DRUG PROGRAMS

Events in the past year have reconfirmed the need for urgent action to insure thorough and effective quality control through the Food and Drug Administration over the food Americans consume and the drugs they take.

In my message of October 30, 1969, I called for stronger efforts in the field of food and drug safety.

At that time I announced that the Secretary of Health, Education, and Welfare had initiated a thorough study of the Food and Drug Administration. As a result of that study, a number of management reforms have contributed to a more effective functioning of the FDA.

Food. During the past two years consumer concern about the quality of certain foods in this nation has become acute. I have instructed the Food and Drug Administration to develop new and better methods for inspecting foods—domestic and imported—to insure that they are entirely free from all natural or artificial contamination. In addition, a major study is under way reviewing the safety of all food additives. Finally, because too many Americans have no understanding of the most basic nutritional principles, the Food and Drug Administration has developed programs of nutritional guidelines and nutritional labeling. Different approaches to labeling are presently being tested for method and effectiveness.

Drugs. In the past year the Food and Drug Administration has been engaged in an extensive program to insure the effectiveness of the drugs Americans use. Decisions have been made on some 3,000 drugs marketed between 1938 and 1962 and representing 80% of the most commonly prescribed drugs.

In addition, the Food and Drug Administration will expand its research efforts aimed at insuring that all drugs available on the market are capable of producing the therapeutic effects claimed for them.

I have resubmitted legislation requiring the identification coding of drug tablets and capsules to prevent those poisonings which result from the use of drug products of unknown or mistaken composition.

A CONSUMER PRODUCT TEST METHODS ACT

Consumers are properly concerned with the reliability of the information furnished them about the goods they buy, and I believe they have a right to such information.

Accordingly, I again propose legislation aimed at stimulating product testing in the private sector. Under this legislation, the Secretary of Commerce, through the National Bureau of Standards, in consultation with my Special Assistant for Consumer Affairs, would identify products that should be tested. Competent Federal agencies would identify product characteristics that should be tested and would approve and develop, where necessary, testing methods to assess those characteristics. Suppliers of goods would be permitted to advertise their compliance with government approved testing standards. In addition, interested private organizations may receive accreditation indicating their competence to perform the approved tests, and the use of an accredited organization in testing a product may be advertised.

NATIONAL BUSINESS COUNCIL FOR CONSUMER AFFAIRS

Most businessmen recognize and accept their responsibility to the consumer, and in many cases they have voluntarily undertaken efforts to assure more fully that these responsibilities are met throughout the business community.

To emphasize and encourage such voluntary activity, a National Business Council for Consumer Affairs will be organized by the Secretary of Commerce. It will work closely with my Special Assistant for Consumer Affairs, the Federal Trade Commission, the Justice Department and others as appropriate in the further development of effective policies to benefit American consumers.

The Council will be a vehicle through which Government can work with business leaders to establish programs for accomplishing the goal I stated in my 1969 message on consumer protection of fostering "a marketplace which is fair both to those who sell and those who buy." And it will encourage everyone who does business to do an even better job of establishing competitive prices for high quality goods and services.

CONCLUSION

In submitting the foregoing proposals, I want to emphasize that the purpose of this program is not to provide the consumer with something to which he is not presently entitled; it is rather to assure that he receives what he is, in every way, fully entitled to. The continued success of our free enterprise system depends in large measure upon the mutual trust and goodwill of those who consume and those who produce or provide.

Today, in America, there is a general sense of trust and goodwill toward the world of business. Those who violate that trust and abuse that goodwill do damage to the free enterprise system. Thus, it is not only to protect the consumer, but also to protect that system and the honest men who have created and who maintain it that I urge the prompt passage of this legislative program.

RICHARD NIXON.

THE WHITE HOUSE, *February 24, 1971*.

WAGE LEVELS IN THE CONSTRUCTION INDUSTRY

Mr. FANNIN. Mr. President, throughout history there have been irresponsible people who have insisted on killing the goose that lays the golden egg.

We have seen another display of this in recent years in the construction industry in the United States. Irresponsible labor leaders have followed a course of action that could result only in hardship for the public, disaster for the industry itself, and unemployment for their union members.

President Nixon has now taken a first step toward limiting the flagrant abuses that the unions have perpetrated.

By suspending provisions of the Davis-Bacon Act, the President has removed one of the important causes of high construction costs.

The Davis-Bacon Act is an out-dated, left-over tool of the depression era. It has required contractors involved any way in Federal projects to pay wage rates and fringe benefits prevailing in the "city, town, village, or other civil subdivision of the State in which the work is performed." The prevailing rate has been interpreted as the highest union rate in a geographic area.

The act has thus served as a Government endorsement for inflationary labor agreements.

As Government projects have become more and more extensive, the unions have been provided with more and more leverage to demand bigger and bigger raises. Now we are at the point where construction labor contracts are calling for raises of 18 to 22 percent per year.

Contractors must share the blame for what has happened. All too often they have readily given in to high wage demands since these higher wages simply are passed on to the Government—or rather to the taxpayers. And the more a project costs, the more profit the contractors are entitled to.

Everyone wins—except the consumer. In this case the consumer is the taxpayer who has to foot the bill.

Now, Mr. President, I sincerely believe that the construction worker is entitled to a just wage. But we now have the phenomenon of certain workers who draw up to $35,000 per year.

By next year a substantial percentage of skilled construction workers will be earning $20,000 per year. And there even are unskilled laborers earning $19,000 to $20,000 per year.

Reliable estimates are that, if the trend continues, many construction workers will be earning $55,000 or more per year by 1980.

Mr. President, I do not think this trend can be allowed to continue.

How long must the public and elected public officials sit idly by and watch the cost of housing, and schools, and roads, and hospitals and other tax-purchased Government buildings go up from 15 to 25 percent per year? Why should union leaders be allowed to extract this tribute from the American taxpayer?

We already have seen some of the results of this tragic jump in construction wages.

It is impossible in many parts of our Nation today for hard-working people of moderate income to purchase reasonably priced housing. We are falling further and further behind in our struggle to make available decent housing for low- and even moderate-income families.

Plans for needed municipal buildings have been sharply curtailed or shelved in many places because of the soaring cost of construction.

This has led to a very high unemployment rate in the construction industry. It has run at around 11 percent, or almost double the overall unemployment.

You might think that in view of this unemployment, labor leaders would seek contracts that would provide more jobs for more people. Instead, the labor leaders have insisted on exorbitant wages for a few. Unions continue to restrict the labor supply, to shut the door on millions of potentially productive craftsmen.

One magazine recently pointed out that union leaders say that they do not want to be called labor statesmen. This, they indicate, would be a kiss of death for them.

Instead, the union leaders want to maintain the image with their members as being ruthlessly dedicated to wringing every cent of wages possible out of the industry—and the consequences be damned. As one writer has so aptly put it, these union bosses engage in a "contest of irresponsibility."

This attitude recalls the philosophy of the big business barons of about a century ago. Their "public be damned" attitude was a major force in bringing about our first meaningful anti-trust legislation, to control business monopolies.

Now it is time to put the reigns on the monopoly of union power. There was a time when the labor movement was in its infancy that it needed protection and encouragement.

Now it is full-grown, and over-grown.

My concern is not for the businessman—not big nor small.

My concern is for that forgotten man that we hear so much about today, the consumer, or in this case, the taxpayer who is subsidizing the mammoth pay raises.

In this era of consumerism, it is amazing that no champion has come forward to espouse the cause of the taxpaying consumer. There is ample evidence that this consumer is paying exorbitant prices for shoddy products, and he is being given no recourse.

The citizen who is not employed in construction has taken his lumps in more places than one. Not only is his tax dollar buying less in public buildings, but he finds he must pay correspondingly more for his new home.

The wage rates which have been in effect sanctioned by the Government are, of course, also applied to private construction projects.

Under the Davis-Bacon Act, the high union rates of the cities have been imported to rural areas where prevailing wages have been lower. So it is that the inflationary wage rates have spread like cancer under the encouragement of the Federal Government.

It is my hope that by suspending Davis-Bacon, the Government can roll back some of the recent disastrous wage increases in construction.

If the Government cannot get its projects built at a reasonable cost, then all projects should be suspended except for those which are vital to national defense.

Government construction is not necessarily a stimulus to the construction industry as a whole.

In fact, some very respected authorities believe that heavy Federal spending actually cuts down on the total amount of construction in the Nation rather than increasing it.

It is obvious that a dollar of Government money does not buy as much construction as a dollar of private money.

Mr. President, Yale Brozen, professor of business economics at the Graduate School of Business, University of Chicago, said recently:

> At any given time, construction of more public buildings reduces the amount of private building. The total volume of construction does not increase, then, when we build more public buildings. We simply get different buildings, not more buildings, as a result of governmental building activity.

Mr. President, during the last half of the last decade the construction industry turned its attention to Government projects, thus neglecting our dire need for reasonable-cost housing. We must get the emphasis back in the right place.

What we must have in America is some discipline, a refocusing of perspective.

Wage increases must be moderated. Workers must understand and accept their responsibility to the public. Union leaders must understand and accept the obligation they have to deal fairly with the public. Management must show some backbone.

It is appalling that the problem has grown into such proportions without direct action being taken by Congress. We have had before us for years any number of bills which would whittle the unions' power down to proper size, just as the trusts were whittled down 90 years ago. We must restore a balance that will protect the pubic interest.

The President's very wise action has resulted in a predictable outcry by union leaders. "Why pick on us?" the construction industry labor bosses are asking.

First of all, they are not being picked on. The construction industry at last is being put on an equal footing with other industries.

Second, the construction industry is where the most flagrant of abuses have occurred. The grossly irresponsible demands of the construction industry unions serve as a trigger to inflationary demands in other sectors of the economy.

Mr. President, the administration has taken only a first step. I believe other actions will have to be taken.

In the next few weeks, I will be introducing some bills that offer needed remedies to help cure the crisis we find ourselves in today.

Other actions also may be needed. State and local governments can take steps to help cut the costs of construction.

Mr. President, in closing, I ask unanimous consent to have an editorial published in the February 3, 1971, editions of the Phoenix Gazette printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LABOR'S RESPONSIBILITIES

The U.S. economic future may very well hinge on the mood and conduct of organized labor. A force of giant proportions, it controls to greater or lesser extent the automotive, steel, manufacturing, mining, transportation, communication and education industries.

The U.S. labor movement was born of necessity, and its motives have been honorable. But as it gained power and momentum, it has acted selfishly, ignoring the effects of giant union strides on others. It has sought the best of everything: more money and benefits from employers, more protection from government.

When President Nixon asked the construction industry to try to work out voluntary wage-price controls, the request was received coolly. The union attitude seems to be "Why us?" It's as if all the unions are in a circle, each pointing to the other saying, "Look how much he gets!" No doubt everyone has in mind the Auto Workers' settlement of last year which set the wage-benefit pattern for the industry. When one spiral stops, another begins.

If the auto industry discovers it cannot compete with foreign imports under the new cost pattern, then labor will ask government to enact protective tariffs. Labor now is seeking a massive government-operated health-care plan far beyond anything reasonable men are considering. Labor asks, too, for a minimum wage hike to $2 per hour, propounding the theory that the poor and unskilled would benefit. They ignore figures that show that the more the minimum is raised the more unemployment there is.

In 1970 there were 5,700 work stoppages that involved 2,481,000 lost man-days of production. Management has acted selfishly, too, but unless the two factions can make sensible compromises, government controls could result.

POSTPONEMENT OF PROCLAMATION OF MARKETING QUOTAS FOR BURLEY TOBACCO

Mr. BYRD of West Virginia. Mr. President, the Committee on Agriculture and Forestry today has favorably reported Senate Joint Resolution 44. This matter, as I understand, has been cleared on both sides of the aisle. The able Senator from Georgia (Mr. TALMADGE) desires to address some remarks to the resolution before it is acted upon.

I ask unanimous consent that, notwithstanding rule XXVI, the Senate proceed to the immediate consideration of Senate Joint Resolution 44.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 44) to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. TALMADGE. Mr. President, the only effect of the resolution would be to authorize the Secretary of Agriculture to defer the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971, until the date he determines is necessary to permit growers to be notified of their farm marketing quotas and the referendum to be held prior to normal planting time.

The purpose of the resolution is to provide additional time for the Congress to consider legislation designed to make the marketing quota program more effective in adjusting supplies of burley tobacco to market requirements.

Hearings have been scheduled on March 2, 1971, by the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices on S. 789, a bill which provides for farm poundage quotas for burley tobacco in lieu of the acreage allotment program now in effect and is designed to correct the shortcomings of present law.

Approval of this resolution will have no effect on administrative expenses or Commodity Credit Corporation funds.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the resolution.

The joint resolution (S.J. Res. 44) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture may defer any proclamation under section 312 of the Agricultural Adjustment Act of 1938, as amended, with respect to national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971, until the date he determines is necessary to permit growers to be notified of their farm marketing quotas and the referendum to be held prior to normal planting time.

Mr. COOPER. Mr. President, the passage of this joint resolution is necessary to give time to the Congress to consider and enact legislation to shift production controls for the burley tobacco price support program from acreage allotments to percentage quotas.

Such legislation will be before the Senate and House Committee on Agriculture in public hearings scheduled for next Tuesday, March 2, 1971.

I hope the Secretary will postpone a proclamation of burley quotas, as this joint resolution would authorize.

ORDER FOR RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM TOMORROW UNTIL FRIDAY, FEBRUARY 26, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—with the understanding that the hour of daily meeting is always subject to subsequent change—that when the Senate completes its business tomorrow, it stand in recess until 12 o'clock meridian on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM FRIDAY, FEBRUARY 26, UNTIL 10 A.M. MONDAY, MARCH 1, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business on Friday next, it stand in recess until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, having already stated that the time for hourly meeting is subject to change, I need not repeat it; but the purpose of having the Senate convene at 10 a.m. on Monday next is to consider various money resolutions on the calendar. The present plan may be changed, but as of the moment I think Senators ought to be on notice that it is the plan of the leadership to consider these committee resolutions dealing with funds on Monday next.

QUORUM

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, the able Senator from Mississippi (Mr. STENNIS) had sent word to me to extend the period for the transaction of routine morning business for a short time, so as to allow him to get to the floor. I misinterpreted his message. I therefore, ask unanimous consent that the period for the transaction of routine morning business be reopened and extended for an additional 10 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FALSE NORAD EMERGENCY WARNING

Mr. STENNIS. Mr. President, I share the concern which has been expressed over the occurrence on Saturday which resulted in a false National Emergency Warning Center alert to be sent out over radio and television channels proclaiming that a state of national emergency existed. Although I recognize that human errors almost inevitably occur, it is almost incredible that, with all of our sophisticated equipment and supposedly precise procedures and safeguards, a mistake could slip by which substituted an authenticated national emergency message—fortunately false—for what should have been a routine test announcement from the North American Air Defense Command.

While I am gratified that both the White House and the Defense Department have announced that steps are already being taken to investigate this matter thoroughly. I believe, along with the Senator from Michigan (Mr. GRIFFIN), the Senator from Colorado (Mr. DOMINICK), and others, that the Congress has a clear, grave, and serious responsibility in this matter. I believe also that the Committee on Armed Services is the proper agency of the Congress to inquire into and investigate this occurrence. Therefore, I have already directed the staff of the committee and the Preparedness Investigating Subcommittee to begin to accumulate all the available facts so that we can determine just what occurred and why this human error in such a vital and important warning system was possible. There must be a total reexamination of the NORAD alert procedures and the procedures of the Emergency Broadcast System so as to insure that as far as is humanly possible no error of this nature can occur in the future. The gravity of the possible consequences of such an error should be obvious to everyone.

In addition, as the White House stated in its news dispatch with respect to this occurrence, the fact that the false alert did not really trigger the system and create more alarm than it did suggests in itself that the system did not function as intended. Under Federal law, when the emergency message was sent, it should have caused all television stations and most radio stations to go off the air. This did not happen. News reports indicate that many, if not most, of the television and radio stations did not go off the air despite the supposed alert. We are, therefore, faced with the additional question of whether the system would have failed in an actual crisis.

All of these facts indicate that a study of the entire system is called for, not only to guard against a repetition of the error, but to take a thorough look at procedures that apparently have become so routine that many television and radio stations fail to give an alleged emergency—and possibly catastrophic—message the attention which it demanded. As I have said, the Committee on Armed Services will follow up on this matter just as quickly and as completely as possible and, as soon as the staff has completed its inquiry, a determination will be made as to what further action will be taken.

It is essential and urgent that any shortcomings, deficiencies, and inadequacies in the national emergency warning system and procedures be corrected just as soon as possible. I think we will all agree that the system must perform as it is supposed to and must be made truly "fail-safe."

AMERICAN FARMS MAY BE LOSING THEIR GREAT EFFICIENCY PROGRESS

Mr. PROXMIRE. Mr. President, the great economic and military strength of this country is of course based on many things.

The most significant, devisive advantage that this country has, in my view, is the remarkable efficiency of agricultural production. We can appreciate how critical this is to the strength of America when we consider these facts:

The Soviet Union is required to employ approximately 40 percent of its manpower in agriculture.

The United States employs only about 6 percent of our manpower in agriculture.

The Soviet Union uses, in other words, seven times as many persons in agriculture and produces 20 percent less food.

Because manpower is the fundamental economic resource, this immense advantage in agricultural manpower utilization gives the United States overwhelming economic advantage and, in my view, is the principal reason why this country has an economic production approximately twice that of the Soviet Union.

It is no secret, there is no question that the military strength of America is founded very largely on this Nation's immense economic production which is not only twice that of the Soviet Union but greatly overshadows that of any other nation on earth.

I raise this point today, Mr. President, because this great productivity advantage may be coming to an end.

In the decades of the 1930's, 1940's, and 1950's, this Nation's agricultural productivity advanced at a phenomenal pace. Since 1960, the rate of productivity improvement in agriculture has greatly slowed down. In the past year or two, it has disappeared.

If we cannot once again regain this productivity improvement, several important consequences for our economy and our society will develop.

First. It will be exceedingly hard in coming years to improve the standard of living of the American people. Much of that improvement in the standard of living has been based on the remarkable increase in efficiency on our farms. It has greatly dwarfed efficiency improvements in every other sector of the American economy and has been the principal single contributor to our advancing standard of living.

Second. The prospect of bringing inflation under control will be much more difficult in the future than in the past. It has been possible for many years to pay higher wages to the American worker without sharp increases in the cost of living because the overall productivity of the American economy has been rising steadily and significantly. If the great contribution of agricultural productivity is to end, prospects of overall productivity improvement sufficient to prevent serious inflation will dwindle.

Third. The military superiority of the United States, both potential and actual, will obviously diminish as our productivity and our production diminish in relationship to that of the Soviet Union and other countries.

For all of these reasons, it is important that the Congress take a hard look at the funding of agricultural research programs and other programs that would continue to encourage efficiency and productivity of our farms.

The 1972 budget reduces new obligational authority for this purpose by almost $5 million and such reduction may be very shortsighted indeed in view of the implications for our economy and for the defense of our country.

This conclusion that increases in our agricultural economy's productivity seems to be slowing down dangerously is supported by the following facts:

Farm output per unit of total input—capital and labor—advanced 14 percent in the 1930's; 18 percent in the 1940's; 24 percent in the 1950's; but only 2 percent in the 1960's. Since 1965 productivity as measured by this index has actually declined.

I submit that this is a poor time for cutting back on agricultural research.

QUORUM

Mr. BYRD of West Virginia. Mr. President, how many minutes remain for the transaction of morning business?

The PRESIDING OFFICER (Mr. STEVENSON). Three minutes remain.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL URBAN COALITION PROPOSES SPECIFIC BUDGET ALTERNATIVES IN DETAILED STUDY

Mr. PROXMIRE. Mr. President, during the hearings we are holding now on the President's Economic Report, I have been struck over and over again by the number of proposals which are made for new programs or to meet what are this Nation's very pressing needs.

Governor Rockefeller, for example, proposed $10 billion in Federal general revenue sharing, instead of $5 billion proposed by the President.

Other mayors and Governors, citing the desperate plight of the cities have urged that the Federal Government pick up all welfare costs. This would cost at least $7 billion more per year.

We are urged to adopt a vigorous job training program for public employment, both to put men to work and to meet urgent State and local needs for services. The price tag is $1 billion to $2.5 billion, depending on the program.

We are urged to institute a very broadly based Federal health program at a total cost of $40 billion or more, of which the Federal share would be in the neighborhood of $20 billion.

WHERE DO WE GET THE MONEY

The obvious question is where is the money coming from. And I should point out that the basic weakness in the arguments of those who propose such programs—which most of us agree are desperately needed—is that they fail to tell us where the money is going to come from.

URBAN COALITION BUDGET PROPOSAL

The National Urban Coalition, on the other hand, has come up with a specific, detailed proposal on how we can meet our most pressing national needs, on the one hand, and pay for them on the other. They have proposed an alternative Federal budget which gives dollar-for-dollar proposals for both income and spending. It is the most responsible and detailed proposal yet made by any group. I therefore commend it most highly to Congress and the public.

Specifically, they call for a $16 billion decrease in the defense budget. But this is no general recommendation. They spell it out in 27 pages of details. They were advised on this subject by some of the most qualified defense and budget experts in the country.

They propose that funds for health, cash assistance to the poor, education, and aid to the States and localities come from specific changes in the tax laws, both to plug loopholes and to raise revenues.

They propose a shift in transportation spending—not an increase—from highways to public transportation.

Whether one agrees with their recommendations or not, and in some respects I disagree, the alternative budget is the most detailed and responsible proposal put forward by any group advocating reform, a shift in priorities, and programs to meet our economic needs.

Mr. President, I ask unanimous consent that an article on the National Urban Coalition's proposal, published in the New York Times last Sunday, as well as a detailed summary table of their proposed outlays, published by the Coalition itself, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

URBAN UNIT URGES BUDGET REFORMS

(By Edwin L. Dale, Jr.)

WASHINGTON.—The National Urban Coalition suggested today a dollar-by-dollar recasting of the nation's priorities through a greatly revised Federal budget for the next five years.

Highlights of the proposed changes from President Nixon's budget include sharply reduced defense spending, some incerases in taxes, vastly expanded programs for health and cash grants to the poor.

The coalition, a nonprofit group that studies urban and other problems, said: "Persuading others to accept our priorities is not our primary purpose. Instead we wish to stimulate a vastly more informed public debate on what national priorities ought to be."

The exercise, which resulted in a book of nearly 400 pages, involved "excruciating" choices, the organization said in its introduction. A preliminary exercise in selecting "preferred alternatives" produced a grand total of Government spending that "far exceeded" available revenues, even with some tax reform and a tax increase, the report said.

PRECISION REQUIRED

The authors soon discovered that, to produce an actual "Counter-Budget" (the title of the book), they had to develop detailed programs in each area assessed. That is, they could not say merely that so many more billions for health were required, but precisely what health program should be recommended.

For example, it requires a 27-page chapter to give the justification for a reduction of defense spending by $16-billion in fiscal year 1972 from what the Administration proposed, and another $10-billion by fiscal 1976.

Despite such reductions, the "Counter-Budget's" new and expanded domestic programs are so large as to require a total budget of $353.6-billion by 1976. The present tax law, even assuming full employment by that time, would yield only $284.4-billion in revenues.

Thus the study proposes a package of tax measures to make up the gap, many beginning in 1974. Among them were the following:

Tax reform in such areas as allowable deductions, estate taxes and present benefits for oil and other minerals.

A 10 percent surcharge on the personal and corporate income tax such as the one that expired last year.

An additional surcharge on personal incomes and a payroll tax on corporations to pay for a new national health insurance program.

Higher social security and unemployment insurance taxes.

Higher "user charges," mainly in the area of transportaion.

The study says "If we are serious about solving our problems, we must be willing to tax ourselves more. Present tax rates are low relative not only to other countries, but to other periods in our history."

The biggest increases in outlays in fiscal 1976 over 1971 would be in the following areas:

Health—$51.6-billion, most of which would be a replacement of present private expenditures.

Cash assistance to the poor—$28.7-billion, which "would end poverty, as officially defined, in America by 1975."

Federal aid to education—$11.1-billion.

Fiscal relief for State and local government (including a new program of public service employment—$9.6-billion.

By contrast, there would be little increase in the area of transportation, but a major shift from highways to urban mass transit.

As an example of the difficult choices involved, the study said: "Although the needs in the area of environment protection and restoration are indisputable, we concluded that it was relatively more important to direct resources in the next five years towards ending poverty, reforming education and improving the capabilities of states and localities to provide quality services. As a result we recommend that outlays for environment and natural resource programs increase by only $1.8-billion, 53 per cent above present levels."

SUMMARY OF BUDGET OUTLAYS

[In millions of dollars]

	Administration		Urban coalition recommendations				
	Estimated 1971	Proposed 1972	1972	1973	1974	1975	1976
Human development:							
Employment and manpower training	2,806	2,968	4,394	6,293	7,305	7,936	8,381
Economic conversion	178	216	1,944	1,906	292	161	127
Social insurance	47,665	50,932	56,527	61,088	66,499	71,754	83,268
Income support	11,300	13,587	19,961	20,357	31,338	39,302	39,962
Health	17,257	19,140	19,745	24,335	61,180	63,990	68,850
Education	9,351	10,075	10,846	12,334	16,776	19,099	20,494
Subtotal	88,557	96,918	113,289	126,313	183,390	202,242	221,082
Social and physical development:							
Fiscal relief for States and localities [1]		3,750	5,100	6,995	7,875	8,835	9,600
Metropolitan development	2,520	3,078	4,216	6,456	7,781	8,726	8,858
Housing	1,678	1,973	2,139	2,473	2,719	3,261	3,753
Transportation	7,763	8,279	7,707	7,645	7,707	8,263	8,735
Environment and natural resources	3,374	4,116	3,883	4,352	4,581	4,921	5,183
Family planning and population growth	87	140	287	506	341	270	249
Rural development and agriculture	5,871	6,136	5,453	5,816	5,943	5,968	5,945
Research and development [2]	5,956	5,894	5,955	6,265	6,590	6,980	7,265
Subtotal	27,249	33,366	34,739	40,508	43,537	47,224	49,588
Society under law:							
Law enforcement and criminal justice	932	1,285	1,799	2,272	2,942	3,338	3,811
Equal opportunity	111	130	185	228	257	261	263
Consumer protection	110	128	138	158	180	198	211
Subtotal	1,153	1,543	2,122	2,658	3,379	3,797	4,285

Footnotes at end of table.

	Administration		Urban coalition recommendations				
	Estimated 1971	Proposed 1972	1972	1973	1974	1975	1976
International affairs:							
National defense and military assistance	74,500	76,000	60,240	50,335	48,550	50,025	50,425
Foreign economic assistance	2,993	3,240	3,500	4,760	5,410	6,245	7,445
Subtotal	77,493	79,240	63,740	55,095	53,960	56,270	57,870
Other:							
Interest	19,433	19,687	19,687	22,220	23,900	25,680	28,670
Maintenance of the mortgage market	−977	−230	−230	−170	−130	−100	50
Postal Service [3]	2,353	1,333	327	300	330	360	400
Other Government activities [4]	6,491	7,092	6,771	7,049	7,329	7,620	7,952
Subtotal	27,300	27,882	26,555	29,399	31,429	33,560	37,072
Less:							
Duplications	−1,800	−1,946	−1,978	−2,178	−3,711	−3,987	−4,249
Employer share, employee retirement	−2,486	−2,461	−2,461	−2,660	−2,880	−3,120	−3,375
Interest received by trust funds	−4,711	−5,310	−5,310	−6,707	−7,557	−8,159	−8,788
Total	212,755	229,232	230,824	242,428	301,377	327,827	353,485

[1] The fiscal relief heading includes a proposed new program of general aid to elementary and secondary education, with funding beginning at $1,000,000,000 in 1972 and building to $4,000,000,000 by 1976. These funds would entirely serve educational purposes even though a major motive for proposing the program is the need for fiscal relief to States and localities. For further discussion, see chs. 6 and 7.

[2] Includes NASA, AEC, and basic research activities supported by the National Science Foundation. Other R. & D. activities are included in the various functional area budgets.

[3] The decline in recommended Federal outlays for support of the U.S. Postal Service reflects an assumed implementation of the President's Commission on Postal Organization recommendation that postal subsidies (free and reduced rate mail and other public service costs) be limited to 3 percent of total postal revenue requirements.

[4] Other Government activities for 1971 determined as the residual factor after all specifically analyzed programs were accounted for. This figure then was used as a base and adjusted in subsequent years by the following index combining forecasted price and population (as a proxy for workload) growth:

1971	100.0
1972	104.3
1973	108.6
1974	112.9
1975	117.4
1976	122.5

U.S. POLICY TOWARD CHINA

Mr. MANSFIELD. Mr. President, on February 5, the distinguished senior Senator from Massachusetts participated in the Congressional Conference on United States-Mainland China Policy and emphasized his view of the need for a new American initiative toward China.

Over the years, the distinguished Senator has made important contributions on the question of our policy toward China. I commend his remarks at the recent conference to the attention of the Senate and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR EDWARD M. KENNEDY AT THE CONGRESSIONAL CONFERENCE ON UNITED STATES-MAINLAND CHINA POLICY

FEBRUARY 5, 1971.

I am honored to have the opportunity to appear here this morning to discuss what I believe is the most archaic single aspect of American foreign policy, our policy toward Mainland China.

In large part, I think, our pre-occupation with the tragic war in Vietnam throughout the decade of the Sixties has been the source of our persistent failure to abandon our hostile policy toward the People's Republic of China—a policy which jelled in the passions of the Korean War and which has remained frozen ever since. Perhaps it was too much to expect that our bitterness toward China over the Korean War would subside in the decade of the Sixties, at a time when American soldiers were again fighting and dying in another land war in Asia. Nevertheless, in spite of our vast military operations in Vietnam over the period of the past decade—operations often taking place not far from the borders of China—we have had nearly a generation of peace with China, and yet our policy has not changed in any significant respect.

Now, however, the situation is different. At last, the tide of war in Vietnam has begun to turn, and our withdrawal is under way. Today, the great Vietnam debate at home has shifted from the controversy over the escalation of the Sixties to the timetable for withdrawal in the Seventies.

In light of the changing situation in Vietnam, the time is also ripe for a substantial new initiative toward China. Two years ago this March, in an address on United States policy toward China, I outlined seven major steps we should take at once in order to implement a realistic China policy. It is a sign of the glacial way in which our official policy is moving that I could give virtually the same address today, save only for the date.

To be sure, in the two years the present Administration has been in office, it has take some small steps in the right direction—most notably by the slight relaxation of the restrictions on travel and trade with China, and the indication in Ambassador Phillips' speech last November that change may be coming on the question of representation for Peking in the United Nations.

It is clear that American China policy is being overrun by events in the rest of the world. As a result, the United States now finds itself in the anomalous position of trying to keep up with the nations of the free world it is supposed to be leading. Last year alone, for example, Canada and Italy succeeded in breaking the log-jam on the issue of the recognition of China, and managed to work out a formula acceptable to Peking that conveniently bypassed the issue of the future status of Taiwan. Similarly, in the United Nations last November, a majority of nations voted for the first time in favor of representation for Peking. Only the American version of the filibuster rule in the United Nations prevented the resolution from carrying.

The time is long overdue for our diplomatic recognition of Peking and its representation in the United Nations. The recent experience of our allies suggest that new paths may be available to establish diplomatic relations. And, on the U.N. question, I have often stated my strong conviction that Peking is entitled to representation in the United Nations as the representative of China, not only in the General Assembly, but in the Security Council as well.

Of course, just as I believe that no action we take toward China should jeopardize our unequivocal commitment to the defense of Taiwan, so I strongly favor some form of representation in the United Nations for Taiwan. Even at this late date, there is some chance that continued representation for Taiwan can be secured and expulsion avoided, if only the United States begins to exercise the U.N. leadership of which it is capable on this issue, instead of blindly holding our finger in the dike against the overwhelming tide of change.

The one thing we cannot do is retain the long discredited official fiction we have held for twenty years, that the People's Republic of China does not exist, and that somehow the government of the fourteen million people on Taiwan is also the government of the eight hundred million people of Mainland China.

For this reason, I am opposed to the "Divided Nations" and "Two Chinas" formulas discussed so widely in recent weeks, because these formulas are a blatant challenge to Peking's legitimate claim of sovereignty over China. I believe that both Peking and Taiwan should be represented in the United Nations, but on very different terms. By analogy to the formula by which Canada established diplomatic relations with Peking, we can take "note" of Taiwan's claim to Mainland China, but I believe that only Peking is entitled to U.N. representation as the Government of China.

I fear that the Divided Nations formula, at least with respect to China, is a will-o'-the-wisp that will inevitably lead us to further years of frustration and defeat in our effort to achieve a positive China policy. Progress in the decade of the Fifties was frustrated by our refusal even to permit the China question to reach the agenda of the United Nations. Progress in the Sixties was frustrated by our resort to the "Important Question" tactic to prevent U.N. representation for Peking. We cannot let the Seventies be frustrated by invocation of a "Divided Nations" tactic that neither China wants.

We must hold no preconceptions about the future of the relationship between Peking and Taiwan. Our position must be open-ended. We cannot even hope to play a major role in guiding that relationship, because it is an issue that can be resolved only by the peoples of these nations. What we can do, however, is begin now to deal realistically with Peking as the Government of China, and with Taipei as the government of Taiwan. And, we can emphasize our willingness to accept whatever relationship develops gradually and peacefully between them over the long run.

I am hopeful that a strong new initiative toward China will be a major part of the President's forthcoming State of the World Address. The issue of U.N. representation is coming to a head again this fall. The time is already short for the Administration to begin its move.

If we are to succeed in any realistic effort to bring Peking into the United Nations, we ought to begin our effort now to improve every major aspect of our China policy. We must stop nibbling around the edge of travel and trade restrictions, and establish a much more far-reaching redefinition of our overall policy.

For example, as I urged two years ago, I believe we should now recognize Peking as the government of China. We should also withdraw our American military presence from Taiwan, while continuing to maintain intact our long-standing guarantees of the security of the island. Only by these sorts of important steps, I believe, can we convince Peking that we genuinely seek its full involvement in the world community.

In sum, the time has come to admit the reality of China. We must begin to build the bridges that are necessary if we are to restore the ancient friendship and respect between China and America, and attain the reality of the generation of peace the President has promised.

THE SOCIAL SECURITY INCREASE

Mr. GURNEY. Mr. President, in the closing days of the 92d Congress, on December 29, 1970, the Senate unanimously approved the Social Security Amendments of 1970—H.R. 17550—which provided for an increase in the social security payments by an average of 10 percent. The vote was 81 to 0.

As we know, the House of Representatives declined to act on our initiative, and the bill died with the expiration of the 91st Congress.

I do not propose to fix or attempt to fix blame for that failure—or to say that any Member or any committee has been derelict or negligent or anything of that sort. That Congress is history, and that chapter is closed.

For whatever reason, the Senate attempt to raise social security payments failed. It should not have failed.

My purpose in speaking today is to urge that we put the social security package high on the agenda for the new Congress.

The new Congress is in a sense the tabula rasa that Hobbes spoke of—the clean slate. We have it in our power to use that clean slate for whatever purpose we choose. We can write on it what we will—responsibly, or irresponsibly—for better or for worse.

I must point out that the aged in our country, our older people, our retired people, are least able to protect their own interests. They are not to blame for the economic trouble they now find themselves in. Rather, they are the victims of circumstances beyond their control.

Our older people did not cause the inflation which is now eroding their ability to support themselves. They do not have the ability to cope with this inflation—they are often too old or too infirm to enter the labor market.

They frequently have no resources on which to fall back on; even if a man has been extraordinarily prudent about providing for his old age, with annuities, savings, or health insurance plans. Many a life's savings which in happier times would have been considered adequate by all prudent men for retirement has been dissipated by a combination of inflation and the costs of catastrophic illness. Health costs have, as we know, gone through the ceiling in recent years.

From figures gathered by our special committee on aging we know, for instance, that the average costs for medicines, doctors, and hospital care for a person over 65 in 1969 were $692, and only half that sum could be covered by medicare.

Our older citizens did not cause these incredible increases in health costs—again, they are the victims, not the culprits.

The older Americans do not have the influence in our national life which their numbers and their status deserve. About 20 million Americans today are over the age of 65. By way of comparison, let me point out that there are currently enrolled in all of America's colleges and universities some 7 million students. There are, then, roughly three times as many Americans in the over 65 category as there are college students.

Yet, we pay infinitely more attention to the views and interests of the college students than we do our senior citizens. This is not to say that we can or should neglect the needs of our college students; we cannot and we should not.

What I am saying is that we have a special obligation to our older citizens because, as a class, those citizens are least able to protect themselves.

Earlier this week the report to the Senate by the special committee on aging, on which I have the honor to serve, stated that we now have not a problem, but a crisis, in retirement income.

That conclusion was not a partisan statement—it was substantially concurred in by the minority members of the committee in our separate views:

We, of the minority, suggested that the chief problem of our older citizens continues to be the need to keep individual income at a tolerable level.

Our committee, under the leadership of the distinguished junior Senator from New Jersey (Mr. Williams), heard extensive testimony from citizens in all parts of the country. The committee—majority and minority members alike—has agreed that a new national policy for and commitment to our older citizens is not only justified, but is urgently needed.

In my judgment, Congress should act as quickly as possible on the 10 percent social security increase that died in the last Congress. And, when we do press that increase, we should make that increase retroactive to January 1.

This is not a question of "either/or"—either we pay proper regard to the needs of our older citizens or we take care of other pressing domestic priorities. There is nothing mutually exclusive about doing both. We have it in our power to do both. We are rich enough and strong enough and, hopefully, compassionate enough to do both.

This measure is not the cure-all for the ills of our older citizens. But it is a needed step at this time. For many of our older citizens, it is the difference between dignity and despair. We have the power to give our older citizens a measure of the dignity they deserve.

THE MEETING OF LEFT AND RIGHT

Mr. HATFIELD. Mr. President, basic to the vitality of our society has been the continuing debate between people holding various political perspectives. Our history is replete with examples of various philosophies manifesting themselves in political parties, and in many cases their translation into national and international policy. The debate within our country has rarely been more fervent than it is today, nor has it taken as many forms.

One of the unique and well articulated new philosophies on the political scene is liberatarianism. Although it claims a long history, it has not received much public attention until rather recently. Its proponents vary in their intellectual histories, coming to this point of view via the right wing of the Republic Party on one extreme and from the New Left on the other.

Recently a number of articles, editorials, and television appearances have focused on libertarianism. A most comprehensive and concise presentation of this perspective was published in the New York Times of February 9, 1971. The article was written by Professor Murray N. Rothbard, an economist who has written extensively on libertarianism. I ask unanimous consent that Dr. Rothbard's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

There being no objection, the article was ordered to be printed in the Record, as follows:

The New Libertarian Creed

(By Murray N. Rothbard)

Recently a great deal of publicity has been given to a burgeoning split in the right wing, a split between the dominant Buckley-National Review conservatives and the new libertarians.

In their breakaway, the libertarians, who are strong on college campuses and generally among the youth, hark back to an older, almost forgotten tradition of individualism that characterized the right wing in the 1930's and 40's. Led by such notable intellectuals as Albert Jay Nock and H. L. Mencken, and by the Taft wing of the Republican party among the politicians, the older right wing was devoted to the liberty of the individual.

It therefore led the opposition to the growth of Big Government in America, a growth presided over by New Deal-Fair Deal liberalism. This older right wing upheld civil liberty and the economic freedom of the market economy while opposing government intervention, conscription, militarism and American intervention and imperialism overseas.

Since the mid-1950's, however, the National Review has led the right into its present conservative stance. In rhetoric, the National Review upholds a "fusion" of liberty and order: in which the liberty of the individual is judiciously contained within a matrix of order supplied by the state. In his early days, William Buckley proclaimed himself a libertarian, with the single exception of the need to wage an all-out struggle against the "Communist conspiracy," at home and abroad. This concession was bad enough, as the entire thrust of conservative foreign policy was redirected toward militarism and empire.

But since the mid-50's, as the conservative movement has moved ever closer to the seats of power, whatever libertarian elements had been in the "fusion" have one by one disappeared. And so the National Review now supports, with scarcely a qualm, the gigantic misinvestment of the SST and space programs, the nationalization of passenger rail service, restrictions on imports, and virtually the entire Nixon program. It warmly supports laws enforcing moral codes, and opposes civil liberties, as well as the American tradition of separation of church and state. It was in response to this systematic shedding of their libertarian strands that so many right-wing youth have rebelled and have taken out on their own. The tensions and inner contradictions of the attempt to fuse liberty and order have finally split the conservative coalition apart.

The libertarian doctrine begins, not with the conservative community or state but with the individual. Every individual as an independent acting entity possesses the absolute right of "self-ownership," that is, to own his or her person without molestation by others. From this axiom we derive total opposition to conscription and absorption laws. Secondly, each individual then has the right to own any previously unowned resources (such as virgin land) that he finds and brings into use by exerting his personal energy upon the resource. From this is derived the right of "homesteading" landed property, and, as a consequence, all the other rights of private property. For if a man owns himself and his homesteaded land, he also has the right to own unmolested the land that he has transformed into capital, as well as the right to give his property to anyone he wishes (hence the right of inheritance) and to exchange his titles to property for anyone else's titles (hence the right of free contract and the *laissez-faire* free-market economy).

The conservative holds as one of his highest goals the preservation of "law and order" but his "order" and his "law" is the coercive dictation of the state. Throughout the ages, and in the present day as well, the state has lived through the profound disorder of continuing aggression against the person and property of countless individuals. It robs through taxation, enslaves through conscription and murders by way of club, bayonet, napalm and H-bomb. The libertarian holds that the state is permanent aggression and disorder, and that the National Review conservatives constitute some of the state's most articulate champions and apologists.

The young libertarians are not simply returning to Taft-era individualism. In asserting themselves as libertarians they are returning as well to the tradition which once established America as the proud beacon-light of freedom, the tradition of Jefferson, Paine, Jackson and Garrison. And in doing so, they are repudiating such conservative theorists as James Burnham editor of The National Review, who has conceded that there is no rational foundation for government, and has asserted in a reversion to the ancient despotic theories of divine right, that "in ancient times, before the illusions of science had corrupted traditional wisdom, the founders of cities (states) were known to be gods or demigods."

Burnham's recent call in National Review for a new Bismarck for America and for a re-evaluation of fascism is the logical culmination of conservative statism and obscurantism. The libertarians, in contrast, are raising the standards of freedom and reason on which this country was founded.

THE ENVIRONMENTAL DILEMMA—ADDRESS BY SENATOR PERCY

Mr. BOGGS. Mr. President, the distinguished senior Senator from Illinois (Mr. Percy), on Sunday delivered the keynote address during Technology Week at the Georgia Institute of Technology.

Entitled "The Environmental Dilemma," his remarks offer a cogent description of the choices we face in preserving and enhancing our environment. I think we can all benefit from the Senator's thoughts, and I commend them to the Senate.

I ask unanimous consent that the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Environmental Dilemma

(By Senator Charles H. Percy)

I should like to thank your distinguished President, Dr. Hansen, for inviting me to participate in this important forum. Technology Week promises to add significantly to our knowledge of our environmental problems and to be useful in charting the course that must be taken if we are to avert ecological disaster.

I have decided tonight to eliminate the chronicle of environmental horrors that is customary at the opening of an address such as this. I have done so for two reasons:

First, statistics documenting the deterioration of our planet have, like body counts from Southeast Asia, lost their capacity to shock us. We know that we dump 48 million tons of raw sewage, chemicals and pesticides in the oceans each year, and that we discard 48 billion cans. Both of these figures are so large that they dull the senses. I doubt that even the phrase, "48 trillion," would be likely to have much impact.

Secondly, you will be hearing later in the week from individuals who have a much greater command of the facts and figures in their specific areas than I do. I will leave the gruesome details to them.

What I would like to do on this occasion is to offer some broad outlines that can either be filled in or erased in your subsequent discussions. If I can stimulate—or provoke—you, I will have served my purpose.

The single most important thought I would like to leave with you tonight is simply this: As human beings, as consumers, we all live in environmental glass houses, and we will achieve nothing if we continue to throw stones at each other. If we are sincerely interested in preserving and protecting our Earth, it is futile to attempt to assess blame for the conditions we face today.

Let me quote President Nixon on this subject:

"The fight against pollution . . . is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men . . . It results not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into account the full consequences of our action."

It seems to me apparent that a positive program, with a broad base of support and with the emphasis on cooperation and coordination, is required to reclaim the environment, and that name-calling can only be an impediment to progress.

Each of the groups represented here—business, government, education and technology—has a major role to play in any comprehensive plan for environmental management. Permit me to offer one Senator's thoughts on what these roles should be and how they relate to each other.

I will begin with business, to which I devoted a quarter-century of my life and which has had its knuckles rapped exceptionally severely by ecologists lately.

In my opinion, exhorting business to develop a more acute social conscience is an activity of limited value. This is not to say that business is unconcerned about the physical and social environment in which it functions, yet the fundamental force operating on business is the profit discipline. Business must make money if it is to satisfy its stockholders and survive.

Herbert P. Doan of the Dow Chemical Company, which perhaps has absorbed more of the activists' ire than any other corporation, offers what I think is a completely reasonable view of the role of business in environmental protection. He says:

"Industry's responsibility is to create products and services within the limits of government policy and public attitudes. With the needs identified and proper incentives, industry can serve society at low cost."

In my judgment, we can most effectively enlist business in the environmental crusade by appealing to its economic self-interest. And this appeal takes its shape in the form of enlightened governmental policies and pressures exerted by the consuming public.

President Nixon spoke to this point in his message to the Congress on the environment this year when he said:

"Our goal must be to harness the powerful mechanisms of the marketplace, with its automatic incentives and restraints, to encourage improvement in the quality of life."

In general, the federal government must use its taxing authority to make it more expensive to pollute than not to pollute. This can be achieved through such devices as directly taxing the lead in gasoline and the sulfur in fuel, both of which have been proposed by the President, or through offering tax credits to those corporations which install pollution control equipment. But no matter what the technique utilized, the end result should be to put the polluter at a competitive disadvantage.

Where injury to our environment cannot be readily prevented through judicious application of the laws of the marketplace. government must use its regulatory powers—either separately, or in addition to a related tax payment—to discourage pollution. If the fines imposed were stiff enough—if, for example, industrial violators of water quality standards were fined $25,000 per day, as Mr. Nixon has proposed—then results would be immediately evident.

Government's course appears reasonably clear, and there is no question but that we have made some progress. The Clean Air Act Amendments passed by the last Congress, for example, order the automobile industry to build by 1975 cars that are 90 percent cleaner than those which exist today—and auto exhaust fumes are responsible for between 60 and 80 percent of our air pollution

Yet is it naive to argue, as some careless observers of politics and government have done, that if Congress were to act responsibly for a few months, we would be well down the road toward solving our environmental problems. The environment is a "motherhood" issue, so this simplistic line of reasoning goes, and any delay in implementing new anti-pollution laws must be ascribed to the venality or stupidity—or both—of the politicians.

To use the most elegant word that immediately occurs to me, this is hogwash. It is true that there is no overt pro-pollution lobby, but it is also true that any changes which involve serious economic dislocations will have some enemies, and the environment has its share. More to the point, however, "Where there are priorities there is politics," as Mayor John Lindsay of New York City has so accurately observed. And when competing interests struggle for limited federal funds, someone invariably loses.

The question is not whether or not we want clean air. Everyone, in and out of government, certainly does. The question is whether we want clean air more than we want, say, an airplane that flies faster than sound, or more than a sophisticated antiballistic missile system. We will know that our commitment to the environment is genuine when we agree to pay the price—and only then. And the price tag will be high, perhaps twenty to twenty-five billion dollars a year between now and the year 2000.

How can we convince our fellow Americans and the national government that the environment deserves precedence in our list of priorities? That, I think, is principally the role of education, though government, and even business and technology to a lesser degree, have an educative function.

No one expects institutions of higher learning to begin proselytizing for the conservation movement. But ignorance distorts our values, and our educational system has within it the power to alert large segments of our society to the full implications of our environmental crisis. If the American public understands the magnitude of this crisis, I am confident that the environment will move to the top of the priorities list through its own force.

One change in the educational system that offers hope for a deeper and broader knowledge of the environment is the interdisciplinary approach that has been introduced in many colleges and universities. The traditional compartmentalization of areas such as physics, biology, chemistry, botany and geology has limited the effectiveness of studies of environmental questions; the new academic eclecticism should remove superfluous barriers to knowledge.

In the last analysis, it is an educated public that will prod business, move government and shape priorities. We Republicans ordinarily do not cite Thomas Jefferson, but I believe his words are appropriate here:

"I know of no safe depository of the ultimate powers of society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it away from them, but to inform their discretion."

I cannot believe, for example, that this nation will elect to build a fleet of Supersonic Transports if it *completely understands* the noise pollution that these airplanes will generate and if it is *fully informed* of the much more compelling need for adequate mass transit systems here on the ground.

I cannot believe that the average American consumer will *knowingly* choose a product that contaminates his air or water if an alternative that does not is available.

And, looking ahead, I cannot believe that we will *consciously* ignore the specter that overpopulation casts over us all.

Incurable optimism is not required to make these statements, just some confidence in the ultimate wisdom of the majority in a democracy. But sound choices come only from knowledge—and education's role is to disseminate it.

The place of technology in a program of environmental management is at once vital and fraught with danger.

The history of American technology is so studded with succesess, that I am completely persuaded that we eventually will have at our disposal the means to manipulate our future—to cleanse our air and water at comparatively low cost, to recycle our wastes, to make our teeming cities habitable. At this point, we have not even caught up with existing technology in such areas as sewage treatment, and if we were to turn the creative genius that carried us to the moon on the problems of the environment, the reverberations would be likely to be felt around the world.

At the same time, however, science has often been too quick to apply knowledge without a full understanding of its ecological ramifications.

Our garbage incinerators destroy waste, but they intensify air pollution.

Our smog control devices reduce waste fuel emission, but worsen the pollution caused by nitrogen oxides.

Our nitrogen fertilizers increase the food supply by adding nutrients to the soil, but the drainage waters add nitrate pollutants to our streams and lakes.

And consider this grisly example, which actually happened recently in Malaysia:

In an effort to kill off disease-bearing mosquitoes in Malaysia, American technologists sprayed woods and swamplands with DDT. As a result, cockroaches which ate poisoned mosquitoes were so slowed in their reactions that they could be eaten by a variety of tree-climbing lizard which, sickened in turn, could be eaten by cats, which promptly died of insecticide poisoning. With the death of the cats, the rat population increased; as rats multiplied, so did fleas. Hence, the rapid spread of bubonic plague in Malaysia.

But this is not all. The tree-climbing lizards, having died, could no longer eat an insect which fed upon the straw thatching of the natives' huts. So, as Malaysians died of plague, their roofs literally caved in above their heads.

It appears self-evident that the power of our technological forces may be fatal to our environmental system if we do not abandon the reckless procedure of polluting first and investigating and correcting mistakes later.

Science has an obligation to educate the public on the predictable effects of new technologies *before* they intrude upon the environment; it is not enough to offer the wisdom of hindsight. An educated citizenry should make the final public policy decisions on whether or not the benefits of a particular technological advance outweigh its hazards. But science must provide the information that will permit these value judgments to be made with what Jefferson called "wholesome discretion."

I should like to turn at this point to a topic that goes beyond politics and technology, and even beyond education, though it is closely related. I would like to consider attitudes and habits that stem more from the psychology and sociology of America than from a lack of information and knowledge. Four of these attitudes that appear particularly crucial to the effort to preserve our planet involve our concepts of time, individualism, sovereignty and growth.

Last April, shortly after a national outpouring of concern over the environment coalesced into Earth Day, Eric Sevareid, the CBS News commentator, observed:

"Earth Day will have to be extended to Earth Year, Decade and Generation, if the poisoning of water, air and soil is to be halted or even appreciably slowed down. The issue is of that dimension. This exercise is not to be confused with community paint-up, or clean-up, weeks, coincident with the first nice days of spring."

Our environmental problems have accumulated almost imperceptibly over years, decades, even centuries. To paraphrase Marshall McLuhan's metaphor—the temperature of our bathwater has been rising only one degree each half-hour, and we have only belatedly realized that we should scream.

But now we are screaming, about problems that simply are not susceptible to overnight solutions. And the hard fact is that, if we are to find any solutions at all, we will have to drastically revise our attitudes toward time.

It is a historic truth that Americans are notoriously impatient. This characteristic served us well in our surge from a frontier state to the world's most technologically advanced society in less than two centuries. We craved instantaneous response, and ordinarily we got it—though frequently without recognizing the deleterious effects of our haste.

If we do not significantly lengthen our national attention span, if we do not unlearn our old habits, I am afraid that the environmental crusade will go the way of so many other well-intentioned, but ephemeral causes. We have committed what one conservationist has called "grand larceny against the future" and it will take many years, stretching beyond our lifetimes, to repay in full our debt to nature.

I am encouraged by the broad support that the movement to repair our environment has enjoyed. It has cut across generations and ideological boundaries, and has involved nearly every segment of American society.

But we cannot yet assess how much of this is lip-service to a currently fashionable issue and how much represents an enduring commitment. When the rhetoric subsidies, when we are required to sacrifice some creature comforts to translate our words into deeds, then the national test will be under way.

The concept of individualism, of independence, of making one's own way, is deeply ingrained in the American character. The "self-made man" may exist only in our imaginations, but it is nevertheless a high compliment to be so regarded. The American who rises through well placed relatives, timely inheritances and other fortuitous events is rarely considered quite as worthy of our esteem.

Yet the fundamental lesson that the ecologists would have us learn directly conflicts with the idea of individualism. It holds that the world is a community; people cannot seal themselves up as individuals or nations or species—like it or not, they depend upon each other and on other creatures and things.

Obviously if you drive a 400-horsepower automotive relic, you affect my lungs. If your company dumps untreated effluent into a lake, you help destroy my opportunity for recreation. Your discarded beer cans litter my parks.

The precious American concept of sovereignty is closely related to the idea of individualism. States, municipalities and nations set actual jurisdictional boundaries; those imposed by individuals are largely symbolic. But the effect is the same—to create isolated skirmishes in the drive against pollution when a full-scale battle is required.

Dirty air, for example, is no respector of state borders. Similarly, it does one city little good to pass a strict water-pollution statute if another city upstream runs its sewers into the river. And one nation's laws for the conversation of certain types of ocean fish are worthless if other nations lack similar statutes. It is apparent to me that any rational approach to a worldwide affliction such as pollution requires that local and national rivalries be put aside.

Finally, and perhaps most basic to any discussion of the environment, is the concept of economic growth. For Americans, growth has been almost an obsession—more production, more consumption, an ever-rising Gross National Product. To question the sacred assumption that economic growth should always be eagerly sought is, as *The Wall Street Journal* has noted, "to question the American dream itself."

Yet the dream must be questioned—and questioned seriously. If economic growth is to be synonymous with rancid water, barren soil, ear-shattering noise, noxious air, mountains of sewage and unceasing urban decay, then it is considerably less than an unmixed blessing. In the long-run, it will be a curse.

I believe that orderly economic growth and the movement to rescue our environment are compatible. But we will have to modify some of our traditions of free choice and free enterprise through stringent laws that are publicly supported and vigorously enforced.

I have described what I see as some of the obstacles to the true dawning of the Age of Conservation. I know I have not exhausted the subject, and I hope I have not exhausted your patience. Let me conclude tonight by suggesting that we face one other barrier—our conception of the extent of the environmental crisis.

The ecological doomsayers have stated on hundreds—perhaps hundreds of thousands—of occasions that man's very survival is at stake. Repetition has minimized the impact, and, in any event, I do not believe the case is persuasive.

René Dubos, head of the Department of Environmental Medicine at Rockefeller University, has argued that "Man will survive as a species for one reason: He can adapt to almost anything." Professor Dubos adds:

"I am sure we can adapt to the dirt, pollution and noise of a New York or Tokyo. But that is the real tragedy—we can adapt to it. It is not man the ecological crisis threatens to destroy but the quality of human life, the attributes that make human life different from animal life.

"Wild animals can survive and even multiply in city zoos, but at the cost of losing the physical and behavioral splendor they possess in their natural habitat. Similarly, human beings can almost certainly survive and multiply in the polluted cage of technological civilization, but we may sacrifice much of our humanness in adapting to such conditions."

I, for one, find the prospect of man's mutation into an esthetically deprived form of life feeding on his own poisons to be more frightening than his extinction. As James Baldwin has said, "It means something . . . to live where one sees space and sky or to live where one sees nothing but rubble . . . We take our shape . . . within and against that cage of reality bequeathed us at our birth."

The quality of life cannot be separated from the quality of the Earth. No amount of food, no dwelling, no material comfort will compensate for the loss of beauty and the loss of humanity that the degradation of our environment involves. Thoreau stated the proposition succinctly: "What is the use of a house if you haven't got a tolerable planet to put it on?"

HUMAN RIGHTS AND CUSTOMARY LAW

Mr. PROXMIRE. Mr. President, progress in charity is the only real and profound progress among men. In the United Nations this has taken the form of an increasing emphasis on human rights.

The protection of human rights is one of the aims of the organization. The people of the United Nations pledged that they were "determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women."

Many articles in the Charter of the United Nations develop this faith even further. Among the earliest preoccupations of the delegates to the General Assembly was in protecting and furthering human rights. The Universal Declaration of Human Rights, adopted unanimously by the General Assembly in Paris in 1948 was the most powerful expression of these rights.

The preamble of the declaration states that—

> Recognition of the inherent dignity and of the equal and inalienable rights of all the members of the human family is the foundation of freedom, justice and peace in the world.

It warns us that—

> Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.

It states that—

> The advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

This language is solemn and impressive. Yet international jurists of great repute write that this declaration is not binding on the members of the United Nations. Many of these same people also oppose the Genocide Convention. They would have us believe what Roy Wilkins feared, that—

> Charter provisions dealing with human rights . . . are a cruel fraud.

They claim that the declaration and its subsequent covenants were only adopted by the General Assembly as resolutions. They claim that such resolutions as a general rule have no binding character. They are of a political and moral nature and not of a legal nature. The General Assembly, it is claimed, has not been granted powers of legislation. It is not—or not yet, anyhow—the parliament of man. Therefore, it is claimed that the Declaration of Human Rights is only the expression of the aspirations of the delegates at any given time.

Certainly we know that at times the declaration has been ignored by member nations. But it is not a dead letter. I believe that if the Genocide Convention were ratified, it also would be far from a dead letter. The declaration has found expression in national constitutions. It has inspired legislation in various countries. It has been quoted in judicial decisions and incorporated in resolutions of the General Assembly.

When the General Assembly again and again and again proceeds on the assumption and belief that it is illegal to violate human rights it may be stated that a rule of customary international law is created. Or perhaps it is better to say that such repetition may be an element in forming international custom, as evidence of a general practice accepted by law. One can certainly say that such concern and belief can lead to its formulation in international law.

It cannot be denied that in this international building of law for rule with justice, the Genocide Convention generates an accruing strength of deterrence that, with definable consequences, may well secure the prevention of this terrible crime.

Mr. President, it was the concern of the United States that was instrumental in the drawing of the Genocide Convention. Yet today, we still have failed to redress our failure of 20 years ago to ratify the Genocide Convention. Our moral posture in the world can be greatly strengthened if we give our advice and consent to the Genocide Convention. Such action will increase the politico-moral force and power we could avail ourselves of in the use of international law as an instrument of promoting world peace, justice, and the rule of law.

Favorable action on the Genocide Convention is essential. I also urge this body to act favorably on the other Human Rights Conventions of the United Nations—it is high time that we do so.

AMA MEDICAL DELIVERY SYSTEM PROPOSAL

Mr. GURNEY. Mr. President, as we consider legislation concerning health care delivery systems, I think it is well for us to be aware of the present situation, with its problems and difficulties.

The American Medical Association's Board of Trustees recently issued a report concerning a national health program. This report deals with effective use of practicing physicians, augmentation of physician numbers, increased productivity, and conservation of public expenditures, and makes some interesting suggestions on how we can repair and improve our present medical delivery system.

Mr. President, I ask unanimous consent that the text of this report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PROBLEMS OF POLITICAL MEDICINE REPORT OF TRUSTEES AMA

A summary of priorities for maximum utilization of physician time in meeting the country's health service needs was adopted by the American Medical Association's House of Delegates during the Clinical Convention in Boston on December 4.

Known officially as "Report U of the Board of Trustees," the document is essentially the comments of AMA House Speaker Russell Roth, M.D. Dr. Roth's comments were presented to the Department of Health, Education and Welfare after the Board of Trustees discussed a national health program with Roger Egeberg, M.D., Assistant Secretary for Health.

The Executive Committee of the Florida Medical Association was particularly impressed by the report and recommended to the editors of the JOURNAL that it be reprinted in this issue. This very well expresses the views of Florida's delegates to the A.M.A.

The report is as follows:

Thesis: The principal resource for meeting the medical service needs of the nation is the existing supply of practicing physicians:

1st priority is for using effectively those practicing physicians we now have.

2nd priority is to do those things which may be done to increase the productivity of physicians.

3rd priority is to augment the number of physicians.

4th priority is to use the physician effectively in his role as a conservator of expenditures by and in behalf of his patients.

Considerations in respect to the 1st priority (effective use):

There has been a substantial "flight from practice," and especially from general practice, which has intensified our problems in the delivery of medical service. The factors which have caused this exodus from direct patient care should be recognized and, to the extent possible, eliminated. There has also been the disturbing fact that although new physicians are being trained at a rate well exceeding the rate of general population growth, these young doctors are not being motivated to enter into direct patient care in the areas of greatest need. If we wish to hold on to our current supplies of active practitioners and to increase them in a rational fashion there are certain things that we should do, and a number of things which we assuredly should not do:

1. In the existing climate of the United States efforts to regiment, conscript, or apply economic sanctions to the medical profession are destined to make matters worse rather than better. They have the effect of driving even more physicians from active practice into research, teaching, administrative medicine, more narrow specialization or premature retirement.

2. Promises on the part of government that practicing physicians will deliver even more health service to beneficiaries than they are now able to produce under stress conditions force still more physicians to seek refuge from the pressures.

3. The practicing physician is confronted with increasing costs of living and of doing business. In a generally uncontrolled economy measures which would freeze the income levels of physicians, eliminating their ability to adjust to the economic environment are discriminatory and lead to still further departures from active practice.

4. The individual physician has limited opportunity or capacity to respond to overall societal demands. These responses are best made by physicians collectively, acting in concert through their professional associations. It is in the best interests of the nation that professional organizations be aided and abetted in their cooperative efforts. To denigrate them and to give them adverse tax treatment reduces their capacities and their resources for constructive input.

5. It has been proposed in several legislative bills that bonus dollars will motivate physicians to establish practices in rural and urban shortage areas. The fact is that large numbers of physicians who have been providing service in those areas leave lucrative practices for less rewarding circumstances in which the offsets are such things as personal and family security, improved educational facilities, or a lessened pressure of patient demand.

6. Prepaid comprehensive group practice has been "discovered" as a potential answer to most of the delivery problems. Rechristened "Health Maintenance Organizations," these arrangements for practice are offered as a panacea without recognition of the fact that such groups have been encountering serious problems of their own, that many patients do not wish to enroll in such plans, and that many physicians have no interest in practicing in them. The many variations of this approach deserve support as competitive mechanisms with a chance to prove such superiorities as they may develop in respect to quality, efficiency and economy, but no attempt to force all physicians into a rigid pattern of salaried group practice could be the most destructive move made by government.

7. Plans which would base the entire delivery system of medical service upon "primary physicians" with responsibility for channelling patients and regulating payments to consultants, specialists and the like betray a lack of understanding as to how medicine is practiced.

8. The willingness of physicians to participate in and to be subject to peer review in respect to the quality and quantity of their services and the changes made therefor are encouraging. This should be supported, not discounted. The prospect of evaluation by non-medical reviewers, or medical reviewers hired by non-medical agencies is a strong deterrent to cooperation.

In summary, to keep physicians in active practice, rather than to disperse them, government should abandon emphasis on prepaid comprehensive group practice although it may still support it. It should uphold the principle that a physician should be expected to charge his usual fees to all patients and should depend on a strengthened system of peer review to guarantee that such usual fees will conform with customary fees and be kept within the ranges of what can be defined as "reasonable." Mathematical formulae for freezes and arbitrary percentiles should be abandoned. It should probably be accepted that highly trained physicians cannot be attracted into practice in rural areas or in many slum areas, and alternative mechanisms for the provision of adequate medical service should be developed.

Considerations in respect to the 2nd priority (increased productivity):

1. There is, in general, little opportunity to increase the productivity of the average practicing physician by simple extensions of his working hours. Actually current enthusiasm for group practice formulae seem to be retrogressive inasmuch as it is represented to the physician who is currently working 60–70 hours per week that under group practice arrangements he may reduce this to 50 or less hours per week. Scattered figures may be cited to support the idea that 100 physicians in solo practice actually provide service to more patients per week than do 100 physicans in group practice of any type.

2. The multiple experimental programs of Medex, Duke University, the American Urological Association, and scores of others to develop support to the practicing physician deserve subsidy and assistance. At the same time serious attention must be paid to the medical practice acts of the several states, to factors of professional liability, insurance coverage, and the like.

3. Restrictive provisions in such programs as Medicare and Medicaid which make it economically unfeasible for physicians to delegate to others—especially to interns, residents and office assistants—the provision of appropriate services should be eliminated or readjusted.

4. Government has taken an unproductive and adverse position in respect to those physicians who have appeared to earn "too much" money from federal and state programs. Instead of the antagonistic approach of questioning the financial "take" by such persons, focus should be on requesting "peer review" of the quality of care offered by these mass producers. It may be good.

5. Many physicians are dissuaded from, or become disenchanted with, efforts to provide medical service for federal and state program beneficiaries because of relatively low compensation, excessive paper work, and an exposure to adverse publicity because of payments received. This should be corrected. Physicians willing to devote themselves to this type of work in volume should be praised rather than denigrated for their efforts.

Consideration in respect to the 3rd priority (augmentation of physician numbers):

1. Support to the educational roles of medical schools should be clearly separated from support to medical research so that the latter is not used as a subterfuge for the building of a medical school faculty, or the underwriting of medical school operations.

2. As much attention should be devoted to keeping in clinical practice of medicine those physicians who we have as to the training of more physicians.

3. A positive program of public relations dedicated to making the clinical practice of medicine attractive to oncoming generations of young Americans would be more productive than a campaign to picture physicians as entrepreneurs requiring regimentation and control.

4. Serious attention should be given to the problem of professional liability insurance and the jeopardy in which the practicing physician finds himself today. It is no small matter that the new physician finds that he must pay from two to ten thousand dollars per year in malpractice insurance premiums before he feels safe to treat his first patient. It is equally important to recognize that many active practitioners are being forced from practice by the inability to purchase, at any reasonable figure, adequate liability insurance. The answer does not lie in finding new "carriers" for the insurance. It lies in legal reforms governing liability.

Considerations in respect to the 4th priority (conservator of public expenditures):

1. "Peer Review" is the governing concept which requires support. To dilute it with lip service to consumer representation is not helpful. The medical profession needs to be supported in the outstanding progress which it has made in the past decade in the perfection of peer review techniques.

2. Indoctrination in peer review should be looked upon as a proper role of national, state and county medical societies for incorporation into medical school curricula and hospital intern and residency training programs.

3. Techniques of education for the practicing physician in the relationship between hospitalization, physician orders and prescribing practices and the expenditures mandated for patients or those who pay their bills should be advanced.

4. Considerable attention should be given to the thought that when a physician is salaried, or otherwise divorced from the fee-for-service method of compensation, he is insulated from a specific interest in how his services or his authorizations for service have impact upon the economics of medical care.

SALE OF U.S. AIRCRAFT TO PORTUGAL

Mr. CASE. Mr. President, for many years now, I have observed with more than routine interest events in southern Africa. I regret to say that self-determination has been systematically denied by the South African and Portuguese Governments to the majority of the population in that part of the world.

Thus, I was concerned by press reports that appeared in January 1971, describing the sale of two Boeing 707 aircraft directly to the Portuguese Government, for there was some question whether this transaction violated the terms of the 1961 U.S. embargo on the sale of arms to Portugal for use in Africa. At that time, I wrote to the Secretary of State for more information, and I received a prompt reply from his Department.

I ask unanimous consent to have printed in the Record the original Washington Post article by Marilyn Berger which prompted my inquiry, my letter to the Secretary of State, the answer I received from the State Department, and an earlier letter I received from State which has been described to me as probably the most complete public disclosure ever made of U.S. policy toward Portugal in Africa.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 5, 1971]

Portugal To Get Two Boeing 707's

(By Marilyn Berger)

In what is believed to be the first transaction of its kind since the imposition of a partial arms embargo to Portugal, the United States has approved the sale of two Boeing 707s to the Lisbon government.

Although there has been an embargo against the shipment of arms for use in the Portuguese overseas territories, State Department officials said there are no restrictions on the use of the 707s.

Because the planes are long range and would therefore be of little use in a country the size of Portugal, informed sources said they fully expected the 707s would see service to and from the African territories of Angola, Mozambique and Portuguese Guinea.

The only limitation attached to the sale of the planes, State Department sources said, is the standard one that they cannot be resold to third countries without U.S. approval.

Daily listings of export licenses published by the Department of Commerce show that the transaction was approved last July. Boeing officials confirmed that the transaction was completed in Portugal with the director of civil aviation whereas past sales have been to the Portuguese commercial airline, Transportes Aereos Portugueses (TAP).

The planes, Boeing officials said, are equipped with the "standard tourist configuration" of 178 seats each and have an extra "VIP kit" including a "heads of state" cabin and first class seating.

The craft will be ready for delivery in July and August of this year, Boeing officials said. Planes of this type, they said, cost approximately $9,200,000.

The probable use of the long-range 707s for transportation to African territories appears to run the fine line of the U.S. embargo. U.S. policy has been to encourage self-determination for the territories of Portuguese Africa.

According to a letter to Sen. Clifford P. Case (R-N.J.) from Colgate S. Prentice, Acting Assistant Secretary of State for Congressional Relations, the U.S. "will encourage peaceful progress toward that goal."

Prentice said that because the U.S. believed "that resort to force and violence is in no one's interest, we imposed an embargo in 1961 against the shipment of arms for use in the Portuguese territories. We have maintained this embargo and will continue to do so."

The U.S. does have a military assistance program of about $1 million annually connected with Portugal's participation in NATO. The Prentice letter said that any U.S. arms being used in Portuguese Africa were believed to have been acquired before the embargo.

A military attache at the Portuguese Embassy yesterday denied any knowledge of the direct sale of 707s to the Portuguese government. He said the military generally chartered TAP or other commercial craft when needed for transportation of men or material.

The U.S. has approved the sale of numerous planes to TAP. From Boeing alone, sources at the company said, the airline, which flies transatlantic routes as well as Europe-Africa runs, currently has seven 707s, three medium-range 727s and two 727Cs which are convertible from cargo to passenger craft.

Many of the purchases have been financed by Export-Import Bank loans.

Portugal, which considers its African territories as part of metropolitan Portugal, maintains an estimated 135,000 troops in Angola, Mozambique and Portuguese Guinea. On Dec. 8 the UN Security Council "strongly condemned" the government of Portugal in connection with the Nov. 22 invasion of the West African republic of Guinea, complicity in which the Lisbon government repeatedly denied.

U.S. Senate,
January 6, 1971.

Hon. William P. Rogers,
Secretary of State,
Department of State,
Washington, D.C.

Dear Mr. Secretary: I was grateful to receive your Department's letter of November 13, 1970 which was described to me at the time as probably the most complete public disclosure ever made of U.S. policy toward Portugal in Africa. Now, Marilyn Berger's January 5 *Washington Post* article on the alleged sale of two Boeing 707 aircraft raises some new points.

Specifically, I would appreciate it if you could answer the following questions:

1. Does the United States have any assurance from the Portuguese Government that these 707s will not be used to support Portuguese military activities in Africa?

2. If not, would use of the 707s on a mission such as carrying troops or ammunition between Portugal and Mozambique contravene the terms of the 1961 U.S. embargo on the sale of arms to Portugal for use in Africa?

3. Have U.S. aircraft previously sold to the Portuguese commercial airline ever been used for military purposes in Africa?

4. Is the U.S. Government in any way subsidizing the sale of the 707s through the Export-Import Bank or other means?

Sincerely,

Clifford P. Case,
U.S. Senator.

January 21, 1971.

Hon. Clifford P. Case,
U.S. Senate,
Washington, D.C.

Dear Senator Case: The Secretary has asked me to thank you for your letter of January 6 concerning a recent sale of civil aircraft to Portugal. I am glad to have this opportunity to clarify our policy respecting the export of such aircraft to Portugal, and to answer your several questions.

The United States is, as you know, the principal world supplier of civil aircraft. As is the case with many nations, Portugal relies primarily on U.S. aircraft for its air services, including flights between Portugal and Africa. According to our figures, sales to Portugal of civil aircraft since 1964 have totaled over $120 million, and represent a major export to that country.

Turning to your specific questions:

1. The only restriction normally placed on the sale of civil aircraft to foreign countries is that they must obtain our approval before they re-export the airplanes to third countries. This policy is followed with respect to Portugal. The United States has not asked Portugal for any other assurances nor sought to place restrictions on the use of these aircraft.

2. The sale about which you inquired was deemed not to come within the terms of the 1961 embargo on the export of arms for use by any of the parties to the disputes in Portuguese Africa.

3. In your third question you asked whether U.S. aircraft previously sold to the Portuguese commercial airline have ever been used for military purposes in Africa. In response to this, we presume that U.S. aircraft sold to the airline have been used in normal transport operations to carry all types of passengers and cargo, both civilian and military.

4. The United States Government did not participate in the financing of this particular sale.

If I may be of any further assistance to you on this or any other matter, please do not hesitate to let me know.

Sincerely yours,

Harrison M. Symmes,
Acting Assistant Secretary for Congressional Relations.

Department of State,
Washington, D.C., November 13, 1970.

Hon. Clifford P. Case,
U.S. Senate,
Washington, D.C.

Dear Senator Case: Thank you for your letter of November 4 and the opportunity to comment on U.S. policy towards Portugal and Portuguese Africa.

The United States Government's attitude towards this question was set forth in the Secretary of State's March 26 policy statement on Africa. He said: "As for the Portuguese territories, we shall continue to believe that their peoples should have the right of self-determination. We will encourage peaceful progress toward that goal. The declared Portuguese policy of racial toleration is an important factor in this equation. We think this holds genuine hope for the future. Believing that resort to force and violence is in no one's interest, we imposed an embargo in 1961 against the shipment of arms for use in the Portuguese territories. We have maintained this embargo and will continue to do so."

It is true that we do maintain a modest Military Assistance Program (MAP) in Portugal, designed to help it fulfill its NATO missions primarily in anti-submarine warfare and air defense. Materiel and training in these areas are generally inapplicable to the African wars. (Counterinsurgency training courses have not been offered to the Portuguese military since 1964.) Moreover, since the imposition of our arms embargo in 1961, we have required assurances from the Portuguese Government that any materiel supplied to Portugal from public or private U.S. sources will be restricted to the NATO area, which does not include the African territories. To the best of our knowledge, these assurances have always been kept.

We, therefore, believe that any U.S.-manufactured arms acquired in the U.S. and used by the Portuguese in Africa were acquired prior to the 1961 embargo. I might point out that such items, being often of World War II or Korean War vintage, are also available commercially in many parts of the world outside U.S. Governmental control.

With regard specifically to B–26 aircraft, Portugal did obtain seven B–26's through a Swiss firm in 1965. The aircraft came from private U.S. sources. Those directly involved in delivering the planes to Portugal included three Americans, a Briton and a Frenchman. All were indicted by a U.S. Federal Grand Jury for illegal export of the aircraft. Charges were dropped against two of the Americans; the two non-Americans were brought to trial but acquitted; and the fifth suspect evaded arrest and remains at large (presumably abroad). The case attracted widespread public notice at the time, and included unfounded allegations that the transaction had been a CIA-sponsored venture.

Repeated high-level efforts by U.S. officials to obtain the return of the aircraft from Portugal met with no success. The Portuguese have maintained throughout that they bought the aircraft in good faith and under valid contract from a Swiss firm and cannot be held responsible for the illegal acts of those with whom the Swiss firm in turn may have had dealings. At our insistence, however, the aircraft have not been moved from the metropole, and have not, therefore, been of any use to Portugal in Africa.

Concerning Mr. Tobey's policy recommendations, I might make a few observations. First, our MAP program in Portugal has averaged about $1 million annually in recent years—an amount which represents less than one-fourth of one per cent of Portuguese military spending. Any resources freed for Portugal by our MAP are thus of relatively negligible value. In the absence of our MAP, Portugal would doubtless continue its military effort in Africa, an effort which the Portuguese view as essential to their vital national interests. Without our MAP, Portugal's NATO proficiency would likely suffer, while there would be virtually no effect on its capability in Africa.

In the United Nations, we have supported resolutions which we believed offered a constructive approach to the question of Portuguese Africa. An example of this was over vote for a 24th General Assembly resolution welcoming the Manifesto on Southern Africa; a copy of the statement of the U.S. representative is enclosed for your information. We have been unable to support certain resolutions in the General Assembly or the Security Council which, in our view, have contained objectionable provisions, unsubstantiated allegations, and unwarranted implications.

I believe that the foregoing points illustrate that the United States has not acquiesced in Portuguese colonialism in Africa, as Mr. Tobey alleges. We have, over the past decade, repeatedly made known to the Portuguese our position and concern in this question. The Portuguese have always been willing to discuss the matter with us, but they remain convinced that their policies will prove to be right in the long run. In order to continue to play a positive role, the U.S. continues, nonetheless, to seek to preserve a constructive relationship with the Portuguese, both in the metropole and in the overseas territories.

Sincerely yours,
COLGATE S. PRENTICE,
Acting Assistant Secretary for Congressional Relations.

AN ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, the debate over the desirability of an all-volunteer armed force versus one of conscripted men and volunteers has been shrouded in many ambiguities. An article by Mr. Richard J. Levine, recently published in the Wall Street Journal, clearly states most of the issues involved in this matter, and I would commend it to all Senators for their study. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 28, 1971]

ZERO DRAFT VERSUS DRAFT REFORM

(By Richard J. Levine)

WASHINGTON.—President Nixon popped into the White House blue room one day recently to patricipate in a brief re-enlistment ceremony for five young servicemen. The fancy setting and the Presidential presence were designed to dramatize Mr. Nixon's efforts to create an all-volunteer military force by mid-1973.

As Commander-in-Chief, the President isn't in the habit of playing recruiting sergeant. Nowadays, however, he has good reason to be personally pushing for Army, Navy, Air Force and Marine volunteers: The military draft law expires June 30 and there's no certainty that Congress will extend it while the all-volunteer force is abuilding

Much of the Administration's problem in winning extension of the draft is, of course, related to widespread Congressional unhappiness over Vietnam. But, ironically, Mr. Nixon himself is also part of the problem.

Either by design or oversight, the President and top Administration officials seem more interested in defusing the draft as a political issue than in overseeing basic changes in the law underpinning the present military manpower system. If so, this limited goal will strengthen the determination of draft opponents in and out of Congress to demand sweeping changes of their own.

It seems increasingly clear that this Congress is headed for a rough and raucous fight over how—or whether—to extend the President's draft power. (A savvy Pentagon insider calls the issue "this year's ABM.") The debate promises to range far beyond the equity and practicality of the draft system itself to broad, fundamental questions of national policy. Two go to the core of the issue:

Does the present system contribute to U.S. involvement in undeclared wars unwanted by a majority of citizens? Must the draft be abolished or radically altered if Congress is to regain influence over military and foreign policy lost to the Executive Branch since World War II?

The White House hasn't yet spelled out the legislation it will request. Yet some of its thinking has emerged in recent months, and with it the outlines of the coming confrontation between the Administration and draft opponents.

In mid-October, in spite of news conferences, speeches and directives to the military services, the Administration established as a formal goal the elimination of draft calls (known as "zero draft") and the creation of all-volunteer forces by July 1, 1973.

PLANNING FOR AN EMERGENCY

Defense Secretary Melvin Laird stressed, however, that the Administration "timetable assumes that the Congress will recognize the need to extend" the President's draft authority "for at least two years beyond the expiration date" of June 30—thus insuring that national security isn't endangered. Moreover, Mr. Laird said that as the nation moved away from reliance on the draft, some unspecified form of "standby draft system" would have to be established to allow a quick return to conscription in an emergency.

Many of the most vocal critics of the draft oppose the Administration position as outlined to date. The National Council to Repeal the Draft, a broad-based lobbying organization formed in 1969 for the single purpose of wiping "the Selective Service Act off the statute books," fears that the difference between merely ending draft calls and ending the President's power to draft isn't widely understood. The council worries that the "Administration will be able to use the ploy of zero draft calls to divert people's attention from the crucial issue of the power to conscript."

Administration men working on all-volunteer plans seem hurt when their sincerity is questioned, claiming they're moving as quickly as possible to end the draft without endangering national security. But they refuse to be pinned down on whether President Nixon would be willing to surrender voluntarily his induction authority once an all-volunteer force was a reality. "I thought the main thing was to stop drafting people," snaps a White House aide.

To end the Presidential conscription authority, the council backs the plan of Sen. Mark Hatfield. The liberal Republican from Oregon, long one of the leaders of the anti-draft movement in Congress, favors allowing the President's draft power to lapse on June 30 and abolishing the Selective Service registration machinery, which is authorized under a separate law, by Dec. 31. At the same time Mr. Hatfield will push for passage of pay raises and other incentives costing $3.4 billion annually to attract and hold volunteers in the military. (The Administration is expected to propose about $1.3 billion in pay boosts and incentives.)

One of the major arguments made by draft opponents like Sen. Hatfield is that ending the President's conscription authority would reduce, if not eliminate, the prospects of a Chief Executive's *unilaterally* committing U.S. troops abroad. In short, it's the "no more Vietnams" argument.

The reasoning usually goes like this: Lacking draft authority, a President would hesitate to dispatch troops because of the difficulty of maintaining an all-volunteer force during an undeclared, unpopular and drawn-out war. Under such conditions, no monetary incentive would be great enough to keep the ranks filled. If the President did unilaterally send troops into action, he would be forced to turn to Congress for draft authority at some point. And this would provide an opportunity for public debate and, in effect, an up-or-down vote in Congress on further participation in the conflict.

A KEY QUESTION

Viewed in this light, the manner in which any standby draft system would work becomes highly important. The key question: Who should have the authority to activate the system and start the flow of draftees into uniform, the President or Congress?

The White House may well decide to postpone the issue by simply asking for an extension of the draft and not requesting a standby system at this point. Yet the President's Commission on an All-Volunteer Armed Force, better known as the Gates Commisison, tackled the problem head-on in its report last year. It declared that a standby draft should be activated only by "resolution of Congress at the request of the President."

In a frequently overlooked section, the commission explained:

"The necessity for legislative action will guarantee public discussion of the propriety of whatever action is under consideration. If discussion yields a reasonable consensus, the nation's resolve will be clearly demonstrated and made less vulnerable to subsequent erosion. If a consensus sufficient to induce Congress to activate the draft cannot be mustered, the President would see the depth of national division before, rather than after, committing U.S. military power.

"A standby system which authorizes the President to invoke the draft at his discretion would capture the worst of two worlds. On the one hand, it would make it possible for the President to become involved in military action with a minimum of public debate and popular support. On the other hand, once the nation was involved, especially in a prolonged limited conflict, the inequities of the draft would provide a convenient rallying point for opposition to the policy being pursued."

At this point it is impossible to predict the outcome of the approaching debate, though the odds probably are against those who would end the President's draft authority.

IMPORTANT SUPPORT

The chairmen of the two Armed Services Committees, Sen. John Stennis of Mississippi and Rep. Edward Hebert of Louisiana, advocate extending the President's draft authority. And many experienced observers find it difficult to envision Congress allowing the draft to expire while the all-volunteer force is an unproven concept and the Vietnam war continues. Still, some Administration officials fear the controversial issue could become so enmeshed in political infighting that no draft extension would be passed by June 30.

Clearly, this issue produces strange allies, cutting across party and ideological lines and making predictions unusually hazardous. For example, it was Sen. Barry Goldwater, the conservative Arizona Republican, who joined forces with Sen. Hatfield to lead the unsuccessful battle last summer for military pay increases designed to pave the way for an end to the draft.

For a conservative, Mr. Goldwater explains, the draft "is a moral matter . . . I believe that the most precious and fundamental right of a man is his right to live his own life. When force is used to tell a young man how he shall spend several years of his life, then I consider this to be an invasion of his basic personal liberty."

The National Council to Repeal the Draft took heart from last summer's defeat, noting that in addition to the 35 votes for the Hatfield-Goldwater bill there were five non-voting Senators who favored the proposal. Now, in a small, shabby suite of rooms a few blocks from the Capitol, the council is working to build a majority in the Senate against extension of the draft law.

Led by Stewart Kemp, an articulate 23-year-old Harvard graduate who served on the Gates Commission staff, the lobbying group is distributing an array of anti-draft literature, helping organize letter-writing campaigns and urging formation of local draft-repeal organizations. The council sees its biggest task as educating legislators and citizens on the crucial difference between ending draft calls and abolishing the President's draft power.

If these lessons can be driven home swiftly and well, draft opponents stand at least a fighting chance of wiping out Presidential draft authority. But if this spring's battles are lost, the anti-draft movement could be weakened for years to come. As the Vietnam troop withdrawals continue and the draft calls dwindle, the cries for reform will surely fade.

Which is what the Administration has apparently been counting on all along.

JAYHAWKS ROLL ON

Mr. DOLE. Mr. President, yesterday the major wire services released their rankings of the Nation's top collegiate basketball teams. Once again the University of Kansas was No. 5 on both the AP and UPI lists. Riding the sixth longest winning streak in a consistently outstanding basketball history, the Jayhawks received their rating on the basis to a 20 to 1 record after gaining a victory over arch rival Missouri, Saturday night by a score of 85 to 66.

Last night, however, Kansas increased their victory string to 15 straight games by a stirring come from behind 61 to 48 win over Kansas State at Manhattan. This latest win gives them a 21 to 1 overall record, and matches the fifth longest winning stretch of the 1952 team. Thus, with four games left in the conference season, Kansas could equal the school's second-longest cage record before post-season tournament play begins. The Jayhawks' alltime victory record is 23 in a row established by the great 1933 and 1936 teams which then Coach Phog Allen led to the first U.S. Olympic playoffs.

Kansas now leads the Big Eight Conference with a 10 to 0 record. And with KU's five starters, Dave Robish, Pierre Russell, Roger Brown, Bud Stallworth, and Aubrey Nash, having outstanding individual seasons under Coach Ted Owens, KU fans are looking forward to the remainder of the schedule with great anticipation.

And they will be looking forward to the publication of next week's national ratings with equal enthusiasm.

HARASSMENT

Mr. GOLDWATER. Mr. President, the morning newspapers referred to the action of the Senate Democratic caucus yesterday in adopting a policy resolution calling for the withdrawal of all U.S. forces from Indochina by the end of the 92d Congress as "unprecedented."

In my viewpoint, it is indeed unprecedented and almost unbelievable that a group representing one of the major political parties of the United States would move in this frivolous fashion to deprive a President of his historic and constitutional powers to conduct the wars in which this country is engaged.

I believe that the action of the Democratic caucus is not only unsound from a military standpoint having to do with the Nation's greatest strategic interests, but it is also illegal from a constitutional standpoint if it should be offered as legislation.

There is no reason at all for beating around the bush. What this resolution says, in effect, is that the time has come for removing the powers granted to the President which make him the Commander in Chief of the Armed Forces of the United States. This is purely a constitutional question. And I say that if the Democrats, as a matter of policy, want to change the sound and historic constitutional concepts, let them do it in a proper fashion—by attempting to amend the Constitution itself.

I have read the majority leader's comments in the morning newspaper that the adoption of the Democratic resolution was neither a challenge to the President nor an attempt to bind his hand to a definite deadline.

I will concede Senator MANSFIELD one point: There is nothing definite about when the 92d Congress will end, but I would remind him that there is a constitutional requirement that the 93d Congress begin in January of 1973. That strikes me as a very definite deadline.

Mr. President, I am sure that President Nixon will be something less than grateful for what the Democrats claim is an attempt to assist him by establishing a general "time frame" for withdrawal from Indochina.

I do not believe there is any need to go into the fact that the only withdrawal of any kind ever attempted in Vietnam since our participation in the hostilities first began under President John F. Kennedy has been accomplished by President Nixon. He needs no "time frame" or any other reminder that the American people want us to get out of the war in Indochina just as quickly as we can honorably do so. What the resolution adopted by the Senate Democratic caucus amounts to is more interference with the conduct of war by the Chief Executive. It is plain harassment—based more on political considerations than it is on military realities.

PRAISE FOR PRESIDENT NIXON'S MESSAGE AND EFFORTS IN CONSUMER AFFAIRS

Mr. DOLE. Mr. President, on October 30, 1969, President Nixon transmitted his first message on consumer affairs to Congress. That message was comprehensive, and was hailed as the most significant set of Presidential recommendations concerning consumer interests in our history.

President Nixon and his staff fought hard to achieve the recommendations of that message, and out of the recommendations came several significant advances on behalf of the consumer.

These include:

Expanded consumer education activities coordinated through the office of the Special Assistant to the President on Consumer Affiairs;

Activation of the National Commission on Consumer Finance which will be submitting a special report to the President on July 1, 1972;

Reorganization of the Food and Drug Administration to provide more effective management and greater consumer protection;

Continued review by the FDA of the safety of substances on "the generally recognized as safe"—GRAS—list;

A study of medical device regulations with the view to establish certain minimum standards;

The establishment in the Office of Economic Opportunity a Consumer and Environmental Affairs Division to concentrate on consumer activities for poorer Americans;

Renewed surveillance by the Special Assistant for Consumer Affairs to provide for product safety; and

Increased efforts to strengthen State and local consumer protection programs.

However, Mr. President, President Nixon asked for a far more aggressive program than that which Congress awarded him. During last year, he transmitted 11 recommendations to Congress in five major consumer bills. But through an unfortunate set of circumstances, none of these bills or even modifications of them were enacted into law.

President Nixon is to be applauded for forging ahead through his administrative power and enacting the far-reaching advances delineated above.

Mr. President, the consumer message presented by President Nixon today is equally comprehensive and timely as the one in 1969. The major legislative recommendations proposed in it include acts to:

Establish a program of product safety within the Department of Health, Education, and Welfare;

Enhance the opportunity of the Department of Justice to prohibit a broad but clearly defined range of practices which are unfair and deceptive to consumers by enforcing such practices in the Federal courts;

Increase the effectiveness of the Federal Trade Commission:

Provide for clearer warranties, and prohibit the use of deceptive warranties;

Provide incentives for increasing the amount of accurate and relevant information provided to consumers about complex consumer products; and

To require identification coding of all drug tablets and capsules.

In addition, the President has suggested a number of ways in which, by his administrative actions, he can continue to establish a broad framework for effective consumer representation, protection, and information. And he is to be commended for his most significant start today, of elevating the position of his Special Assistant on Consumer Affairs to a new Office of Consumer Affairs in the Executive Office of the President.

Mr. President, consumers at all income levels and especially the poor and disadvantaged are acutely aware of the irritation and hardships suffered as a result of the lingering but prevalent grip of the strict application of a bygone theory—caveat emptor—"let the buyer beware."

President Nixon in attempting to minimize this situation is today presenting a fair and reasonable avenue, not only for the consumer, but also for the businessman. He and members of his staff have indicated a willingness to work with Congress in achieving the most effective legislation toward this end.

I look forward to the proposed legislation which will accompany this message. I may not agree with every detail, but I urge that the proposal be given a fair and adequate hearing, and hope that we can work together with the various approaches that are being introduced in order to find and enact the combination most meaningful to the individual consumer and the Nation.

EXAMINATION OF U.S. POLICY IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, the administration has made efforts to reach a solution in the tragic situation faced in the Middle East. These efforts have resulted in the discussions now taking place under United Nations mediator Gunnar Jarring. Yet, as everyone will recognize, there is a great deal remaining to be done if a just and lasting peace is to come to that troubled part of the world. The United States has a major role to play in bringing about such a peace not only because of the influence it has with the parties to the conflict but also because we have been a primary cause in creating the dilemma. Recently the Honorable Parker T. Hart, president of the Middle East Institute, former U.S. Ambassador to Turkey, Saudi Arabia, and Kuwait, and former Assistant Secretary of State of Near Eastern and South Asian Affairs, delivered a speech in Tuscon, Ariz. It is one of the most perceptive analyses of American policy toward the Middle East that I have encountered, and I strongly commend it to my colleagues.

Mr. President, I ask unanimous consent that the speech by Ambassador Hart, entitled "An American Policy Toward the Middle East, the Problems of Nationalism, Pragmatism, Space, and Dreams," be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AN AMERICAN POLICY TOWARD THE MIDDLE EAST: THE PROBLEMS OF NATIONALISM, PRAGMATISM, SPACE AND DREAMS

(By Parker T. Hart, president, the Middle East Institute, Washington, D.C.)

First let me say how happy I am to be in your superb winter climate. My wife and I have been enjoying the countryside in a way impossible right now on the Atlantic seaboard and it recalls to us many years under the Big Sky of the Middle East.

Next, may I say that my comments today are purely my own. I do not speak for the United States Government, from which I have retired, nor for the Middle East Institute, which I head. The Institute is an independent study organization which fosters scholarship and discussion but takes no position on controversies in the area. It is no one's mouthpiece for political action and is controlled by no government or special interest.

I should like to start by pointing out that despite the narrow focus given recently by our press, the Middle East is a great deal bigger than the Arab-Israel struggle. While I intend to discuss that quarrel tonight I want to place it in the larger perspective of America's interests in a region in which non-Arabs outnumber all Arabs and Israelis lumped together nearly two to one. We are talking here of a total population from Morocco to Pakistan, estimated in 1968 at some 312 million souls of which 70 million are our Allies, Greece, Turkey and Iran; 109 million are nominally our Allies but really neutral, Pakistan; 113 million are Arabs non-allied, some friendly some not, and 2.7 million are Israelis, friendly but not allied. Of the Arabs, governments commanding 81,813,000 people broke formal diplomatic relations with us at the time of the 1967 war.

Most of the Middle East goes about its daily life with scant regard to the Arab-Israel quarrel, struggling primarily with the problems of daily livelihood. In the last twenty-five years, since World War II, the greater share of these peoples have learned the hard way to substitute international dialogue for violence, realizing that fighting to win new horizons or restore ancient boundaries is not an answer to popular needs. It is in our national interest to encourage this conclusion.

Which states feel this way? First, those to which we gave special attention and more than 10 billions in economic and military help because they faced, without capacity to defend themselves, a Stalinist policy of expansion at the end of World War II. These are Greece, Turkey, Iran, Afghanistan and Pakistan. All have had severe clashes over territorial problems and are not yet free of their influence, but all seem to have reached a view that force is not a productive road to national aspirations. Afghanistan has shelved its quarrel over Pushtounistan with Pakistan and over water with Iran. Pakistan has seen that Kashmir cannot be won from India by arms. The Shah of Iran, in a statesmanlike act, has given up claims to Bahrein and has just entertained its ruler.

As for Turkey, our NATO ally, it early learned the lesson of setting its own limit to national territory under Mustapha Kemal Atatürk's leadership at the end of World War I. From a great Empire extending over most of the Arab world, the founder of the Republic forced his people to lower their sights to Asia Minor, a few thousand square miles of Eastern Europe, the Hatay and a few islands. No more was or is wanted by Turks today but this they will defend.

Greece, also our NATO ally, had to lower its territorial sights as a lesson from Atatürk himself, who repelled the Greek invasion in 1922. While Greece still yearns for union with Cyprus, the threshold of war with Turkey in 1967 (reached while I was on duty in Ankara) appears to have demonstrated to its present government that the price for *enosis* was too high. Turkey does not want the island for itself but will fight to prevent its Turkish minority from falling under Greek rule and this could mean the destruction of Greece itself. A grotesque and tragic use of American weaponry furnished to both countries to defend their independence against the Soviet Bloc, was barely averted by Cyrus Vance and you can perhaps see why I feel that until it is fully settled by agreement between the Turkish and Greek communities on the Island, the Cyprus dispute is the greatest single danger to peace in the entire Middle East, not excepting the Arab-Israel struggle itself. For we could not have stopped that war by force without destroying our alliance with them and the war would have fully wrecked the southeast wing of the North Atlantic alliance.

Thus, in the 1950's the United States built, with many perils and problems, a security alliance system in what John Foster Dulles named the Northern Tier, and the countries still in that group, Greece, Turkey and Iran, with generous American aid, have achieved not only a development greater than that of any other in the region except Israel but have acquired a new maturity of judgment on regional affairs. Their path has not been easy, but as we look at the Middle East as a whole, we can take satisfaction in their strength, contrasting it with the divisiveness and distraction by war which characterizes the region to the south.

THE ARAB-ISRAEL DISPUTE AS THE JARRING TALKS BEGIN

In the south the story is indeed very different. It was not that we failed to give the semitic belt special attention, but that we gave it the wrong kind. The United States tried in thte post-war fifties to build in the Arab world a back-up security zone for its Allies in the north. Predictably it failed, first, because Arab nationalism demanded, above all, freedom from Great Power tutelage and was not ready to join hands against a USSR which represented to it instead of a threat, a useful counterpoise to Western domination. The Arabs wanted profitable neutrality. It failed also because of America's championship of Israel's establishment in an Arab land, against the concerted objection of its people, supported by the Arab states. Therefore, while America enjoyed for a while base rights in North Africa and Saudi Arabia, these were never better than wasting assets and we eventually had to recognize that our practical interest lay in preserving the neutrality of the Arab world. This became also the Turkish, Greek and Iranian view. It is that neutrality which is now endangered by the deep aggravation of the Arab-Israel twenty-year war.

This was is fundamentally a clash not of different systems of society, much less of religion but of two national entities claiming and now both belonging to the same land. The United States, which had so critical a role in Israel's establishment and development has expended great resources for twenty years to find a solution, complete or partial. Both sides, Arab and Israel rebuffed these efforts. As the mission of Ambassador Jarring is revived, we may legitimately ask if the parties have concluded that peace is now at the top of their priorities. With the chance of getting more Great Power backing for their opposing objectives, I am by no means certain that either side has reached such a conviction, i.e., that peace is worth large sacrifice of their political objectives. Both Arabs and Israelis have been the recipients of massive external assistance for a full generation. Would a solution slow down this flow of help from the USSR to Egypt and from the United States to Israel? After innumerable rejections of American initiatives by both sides, I remember an exasperated Under Secretary of State who said to me: "Despite what they say, they seem to *want this war*."

Now, there is no doubt that the average man in this region wants to be left alone in peace to raise his family. Any war is anathema to him; but the average man is not making the decisions. Urban mobs still applaud fighting speeches. Palestinian *fedayeen* are forsworn in opposition to peace and call for the eradication of Israel as a State. Can it be said that an Arab leader really believes in peace who says: "Never, never, never" to an American newsman who asks if that peace could include diplomatic relations with Israel? Can it be said that Israeli leaders really believe in negotiated peace when the Defense Minister reiterates that Israel is not willing to agree that "changes in the pre-existing armistice lines . . . should be confined to insubstantial alterations required for mutual security" (to quote Secretary of State Rogers' national policy statement) and that Israel resents our affirmation that this must be a part of any settlement, if indeed it is to have a chance of succeeding? Israeli leaders have attacked this policy statement directly and through electoral influence over members of our Congress and have repeatedly mentioned areas to be retained by Israel, which include all of Jerusalem—third holiest city of Islam—Hebron, the Jordan Valley, the Golan Heights and part of the Sinai Peninsula. The official position is that Israel goes into the talks without prior conditions; yet it has set the conditions itself by planting frontier settlements and by building expensive roads, airfields, underground hangars and fixed installations in occupied territory. Recently it has started construction for 40,000 people on the Arab side of Jerusalem.

We can hope that the two sides will be more forthcoming with Jarring and that they have not decided to go into the talks simply to win points with world opinion, each knowing the talks are not to succeed and each counting on his capability to blame the other for their failure. Both have gone far in this direction and there is a good chance a stalemate will occur almost at once, unless outside pressures remain firm. We obviously seek some progress so that the ceasefire can be renewed by February 5, but renewed or not, the talks should go on.

THE NEED FOR REGULATORY GREAT POWER PRESSURE

For our own policy considerations one thing emerges. As Greece and Turkey learned on Cyprus, larger powers cannot afford the luxury of handing over the keys of their security polices to other communities, however close they feel to them. This applies to the USSR as it does to us. If we both want peace we must insist on a negotiating stance that offers a fair prospect of acceptance and not appear to be condoning and thus supporting an ambitious or an intransigent position by either party. This is what Greece and Turkey are doing today with respect to their bretheren on Cyprus, and it is what we must do with regard to Egypt and Israel. Will the USSR do its part, if we do ours? This is by no means to be assumed. I favor the quiet strengthening of our Sixth Fleet without commitment to Israel or to any course of action, but as an earnest of our intentions that miscalculations be avoided and that Soviet military pressures in the region are not to represent a preponderance of power.

ISRAEL AND UNITED STATES SECURITY POLICY

This leads me to a discussion of United States Middle East Security policy as it relates to Israel. That policy is a broad one, centered on the defense of NATO's flank. As John Foster Dulles stated, it "comprehends" the survival and basic security of Israel. It is not, however, co-terminal with Israel's own security policies. For years, Israel has said it is ready to undertake peace talks anywhere, anytime. This is in our interest. However, it has shown marked reluctance within the past year to meet with Ambassador Jarring and in attacking our national policy on peace terms, as outlined by Secretary of State Rogers for the President on December 9, 1969, it alleges that the policy restricts its negotiating position. Coalition Cabinet problems have also given Israel much trouble in sorting out its security requirements.

There has been much debate in Israel whether security is more important than formal peace, whether added territory can bring security and whether, with the Soviet Union supporting Egypt so lavishly and so closely, a covenanted peace with Egypt would indeed be meaningful. Examples of concern over these points are found in expressions of opinion by leading Israeli intellectuals. At a Symposium on war and peace held in Tel Aviv in March 1969, Avigdor Levontin, Professor of Law, Hebrew University of Jerusalem said:

"A secure border—to the extent that such a thing exists in our world—isn't a 'natural' boundary, like a mountain range or a river; that is an anachronistic conception. Nor is it a border mentioned in signed documents. A border is secure when those living on the other side do not have sufficient motivation to infringe on it. No matter how banal this may be, we have to remind ourselves that the roots of security are in the minds of men, since that is where the source of insecurity also lies. We have fallen today into a vicious circle: since there is no trust in the Arabs' desire for peace, people emphasize the need for 'security' (apparently as a substitute) and even say that one really couldn't rely on a peace agreement with the Arabs even if they agreed to it, since it wouldn't be a 'true peace.' . . .

"I would go on to say about the term 'secure' borders that it has to face not only the test of reasonableness, but also that of the inherent integrity of the concept itself. The term ceases to be an honest one when you expand settlement up to the new border, so that in order to make the new line 'secure' you need *still another* strip of some tens of kilometers, and in that way things are liable to continue in what may perhaps be described as a salami method in reverse."

I think this debate is understandable when it is remembered that Israel is a small and condensed target, that it cannot sustain even one defeat and that its military doctrine is therefore based not on absorbing a first strike but on preempting that strike. This is the tradition of Israel's Defense Force from the time of the Palmach and it has twice employed it successfully. Now, however, conditions have changed and the chance for another surprise destruction of Egypt's air force and ground arimes has been reduced, since 1967, by better defense, behind revetments, of Egypt's aircraft and by Soviet-made surface-to-air missiles of greater sophistication. No doubt there has also been improvement in training. Between the two adversaries I have little doubt that Israel is the champion of lightning warfare, but Egypt can now absorb more punches and counts on wearing Israel down. This directly affects Israel's entire strategic planning and underscores its desire for Sinai territory as a defense zone. Once in Sinai, Egyptian forces have been poor at a war of movement and have their backs to a canal.

Yet Israel must know that no Arab chief of state can negotiate a second expansion of Israel's boundaries at Arab expense. Our Government, in supporting the United Nations Security Council Resolution of 1967 has stated flatly, "we do not support expansion," and with respect to the Egyptian-Israel border it confirms our view that under suitable demilitarization, safeguards relating to Sharm al-Shaykh controlling access to the Gulf of Aqaba and a binding and specific commitment to peace there must be a "withdrawal of Israeli armed forces from United Arab Republic territory to the International border between Israel [or Mandate of Palestine] and Egypt which has been in existence for over half a century." This is a realistic and balanced position. Israel has mounted a wave of strenuous objections to it in this country. It refers to it as the "Rogers' Formula," rather than United States National policy, wants it to be discarded and would prefer that emphasis be made in any reference to the United Nations Resolution, to the right of all states in the area to "secure" boundaries rather than to the "inadmissability of the acquisition of territory by war." Conversely, of course, Egypt emphasizes that withdrawal must be complete from all territories occupied.

Now the Resolution intentionally does not say "all territories" because equity requires some adjustments in the Jordan line with Israel, but the intent clearly allows for only minor modifications. On this tough point of ambiguity Jarring has his hands very full.

If Israel has obtained a great deal, but not all that it wants from the United States in advance of the Jarring talks, the same appears true of Egypt regarding the USSR. I feel confident of this partly because both Egypt and the Soviet Union insist so loudly that Egypt has complete Soviet support. Egypt has not yet received strike weapons comparable to the F-4 and above all it has not obtained a nuclear-capability. From information currently available, it is doubtful that it can count on a direct Soviet Union attack on Israel if it fails in another all-out struggle with its neighbor.

THE SHIFT IN OUR ARMS POLICY

From the foregoing you can see that when opposing Great Powers put national prestige on the line in a competitive armament race with area clients backed by their own naval forces, their involvement has gone much farther than supplying weapons for defense. We are now in this situation in the Eastern Mediterranean—a position the Eisenhower Administration worked hard and successfully to avoid.

I think we lost some of our perspective back in the early 1960's. From the Tripartite Declaration of 1950 with Britain and France until 1963 or 1964 it was American policy not to become a supplier of major weaponry to the immediate antagonists in the Arab-Israel quarrel. Why then did we change our weapons' policy before the Six-Day War? Probably the most potent factors were:

1. The introduction of more sophisticated conventional weaponry by the USSR into Egypt and Syria during the early 1960's.

2. The attempt by Nasser to form a unified commend over eastern Arab armies in 1964 and the active effort by the USSR (and Nasser) to switch Jordan and Lebanon from Western to Soviet weaponry.

3. The increasing reluctance of Western European states such as France, West Germany, Belgium and Sweden to make new arms sales to Israel and suffer the Arab boycott or a break in Arab relations. All Western and Far Eastern arms sales to Israel ceased after the Six-Day War.

4. The redoubled efforts of pro-Israel lobbying in the United States, intended to bind the United States to Israel's supply needs as the USSR has been bound to Egypt's.

The United States, by the end of 1965, had taken two fateful steps from which there is now no clear way back. It undertook a commitment of fighter (Skyhawk) aircraft to Israel. By the 1968 Johnson commitment to Eshkol the United States went farther. It ceased limiting its sales to defensive weaponry such as Hawk surface-to-air missiles, or subsonic aircraft, and became a supplier of strike equipment of great range and power, the F-4 Phantom. This aircraft was used by Israel's air force almost on delivery, for deep-penetration bombing attacks over the Nile Delta in an apparent political effort to weaken Nasser. Because we raised no objection, tacit consent was inferred and mastery over Egyptian skies was exercised for a time. The result—and not the cause—was an unprecedented Soviet assist to Egypt, with sophisticated surface-to-air missiles (SAM-3's) and Soviet personnel to train Egyptians in firing them at low-flying aircraft.

Far more important to us, the USSR introduced for the first time Soviet pilots and fighter aircraft under Soviet command and planted them at a variety of Egyptian bases. This raised the first concrete possibility of Soviet air power based in North Africa, flanking the Sixth Fleet. Thus the breakdown of American arms policy worked to prejudice our entire Middle East security system, built up in the Northern Tier states and the Mediterranean since the end of World War II. It also threatened a basic policy which had been held by President Eisenhower: to avoid a polarization of the United States along with Israel with its two and one-half million people and eight thousand square miles of territory, against an Arab world aligned with the USSR and disposing of over one hundred million people and geographical space comparable to that of the entire United States. If this situation progresses further, Turkey, Greece, Italy and France are flanked and a vastly augmented Soviet fleet backed by land based aircraft and missiles under Soviet command can make the Mediterranean largely untenable.

The question is whether we really believed, before these Phantom sales, that the power balance was so threatened as to justify giving Israel, which is not an ally of the United States, supremacy over the skies of Egypt which is not our enemy. This was a challenge that any Egyptian leader had to meet with Soviet assistance. Or did we find it politic, largely for domestic reasons in a Congressional election year, to provide Israel with a weapon more advanced than any we have made available to our NATO allies in the area, Greece and Turkey? Both those states would seem to have higher claim on powerful deterrent aircraft, in view of the immense air divisions and missile systems that face them direct from the USSR and Bulgaria, constantly augmented, modernized and exercised.

What gives special worry is that we have dipped far below the five-year force goals and pledges of military support made by us to Turkey in 1966 in the interest of general NATO defense and in the view of Supreme Allied Commander Europe, already well below the level needed for that defense. I see no prospect of full restoration of this reduced assistance by the military aid bill which gives $500 million military sales credit to Israel; this despite the constant build-up in Bulgaria and the Soviet Union. My concern therefore is that our decision-making process has ignored the polarization of the Middle East and North Africa which is a settled objective of the Soviet Union. We seem to have compromised our NATO security requirements at a critical juncture largely out of domestic political considerations. Indeed, leading American politicians affirm that it is Israel which is "the frontline of Western defense in the Middle East" (Report by Senator Henry M. Jackson to the Committee on Armed Services, U.S. Senate, December 1970.) and ignore that it is in fact Turkey and Greece.

ISRAEL'S DILEMMA

Now this situation, in my view is not even in Israel's interest, as it certainly is not in ours. As it enters the Jarring talks, the core of its problem is not really with Egypt or even with Syria. These quarrels are offshoots of its failure to reconcile itself with the Palestine Arabs. No Egyptian, Jordanian or Syrian Government can make peace without a solution to the problem of these natives of the disputed soil now determined to have their own state. Israel's security in fact is inseparable from that of the Palestinians. Its occupation zone contains over one million of them while its pre-1967 territory holds 340,000 Arab-Israelis who are Israeli citizens but Palestinians. If it holds this territory, and if the present relative pace of natural increase continues, the higher Arab birth rate can produce an Arab majority within Israel's occupation area in the course of two decades or more. Will Israel continue to govern all these people without giving them full equality? If it does, something basic will happen to its own morale and to its world image. If it gives them citizenship, it will face something comparable to the program of the Palestine Liberation Organization; namely, an integrated Palestinian state in which Arabs outnumbering Jews and voting equally will open the gates to the return of all Palestinian refugees who want to come and to a decisive Palestinian majority; or there will be a break-up of the state.

For Israel there seems no alternative to placing reconciliation with its neighbors at the top of all priorities. It has not the manpower, the logistics or the capacity to subdue all its neighbors. It cannot expel more Palestinians without losing all world support.

Israel is a member of the United Nations, it has proven its right to survive as a state and it has every opportunity to contribute to the overall development of its corner of the Middle East. Its spectacular accomplishments testify to its vitality and creativity. Its problem is to survive as a small state, for it can never be a large one, in an environment which is now hostile. Survival means not a blind extension of the hand of reconciliation, but a first genuine start to abate the causes of Palestinian national hostility by negotiating a peace which King Hussein, for Palestinians, can accept, and while he is still around to accept for *moderate* Palestinians.

Israeli withdrawal, in the context of security of frontiers, means demilitarization. To be meaningful it must be policed by United Nations forces more effective than the United Nations Emergency Forces ever were. They could be stationed, with early warning radar, in Sinai, the Jordan West Bank and the Golan Heights.

Now demilitarization, from the Israeli standpoint, already exists throughout all occupied territory including the West Bank and Gaza. In my own view it could well continue into peace.

Free trade throughout Palestine also exists. It should continue into peace when final boundaries in Palestine are drawn. Gaza has never been Egyptian or Israeli, merely under their military control. If awarded to Jordan (as trustee for the Palestinians) with international help to develop it as a free port and with easement of access under free trade conditions, it would open up the East and West Banks to trade access to the Mediterranean and create employment for the teeming population of what has been for twenty years one of the most hopeless refugee situations.

The Security Council Resolution calls for a just settlement of the refugee problem as does our own national policy. For over twenty years you and I have paid our shares of America's one-half billion contribution to a problem which has only become worse. Refugees returning to the West Bank from the East, could be generously aided with international help and some could be accepted in Israel itself in partial settlement of its obligation under a 1948 United Nations General Assembly Resolution. Others could be generously compensated for property lost or destroyed and given a new start.

A negotiated peace also means a special solution for Jerusalem. No one with a constructive turn of mind could possibly wish to see that beautiful and tragic city once again scarred by no-man's land, vacated houses, dragon's teeth, barbed wire and minefields. It should be a city in which men can move in peace.

It will not be, if Israel insists on holding the Arab side, pretending this satisfies Christian tourist needs, and ignoring world Muslim sensibilities, for it is the third holiest city in Islam and the earliest prayers were directed toward it. The Old City within the walls, which is largely but not entirely Arab, could be placed under United Nations control. Access to the Wailing Wall is guaranteed through the Jaffa Gate, contiguous to Israeli Jerusalem. The present unification of the city could be kept for purposes of trade, movement of people and municipal services while Arab sovereignty could be resumed over the traditionally Arab eastern portion of greater Jerusalem and throughout the West Bank. There would be no restoration of armed barriers but a United Nations Force would be there as elsewhere on the West Bank to watch for *fedayeen* and prevent collective violence. It would, in effect, replace the present Israeli forces at Israeli defense sites in Jordan and would inspect all crossing points of the Jordan River. Between the West Bank and the East Bank peaceful movement and free trade would be restored. I would hope to see this extended between Israel and the East Bank.

As to the Golan Heights, Syria has a clear choice as I see it: either to stop boycotting the negotiation process and accept firm and complete demilitarization under United Nations auspices, or to lose the Heights permanently to Israel. This choice may well be very difficult for it to make, without a radical shift in its outlook.

Because the Arabs have suffered painful losses of territory and must negotiate or fight without likelihood of early success and because Israel faces severe dilemmas in its occupation of Arab-populated lands, the present situation is fundamentally unsatisfactory to both. There is therefore a chance for a breakthrough, provided we adhere to the statement of national policy enunciated for the President by the Secretary of State on December 9, 1969. That statement reinforces the unanimous United Nations Security Council decision of November 1967 which is the world's guideline for a solution. If we abandon that, we isolate ourselves totally with Israel against the Arabs and most of world opinion and we abandon the prospect of serious negotiation. Our stand today does not undermine Israel's negotiating position if Israel really means to negotiate. Israel has a right and duty to protect its existence but not to ask the United States to support a second expansion of its territory in the face of mounting hostility on all sides. For this affects the basic security of our own country.

I have offered these thoughts, knowing their defects; for there is no clean and neat solution to such a violent conflict of rights. Because we have a record of failure in this quarrel and because we have Northern Tier allies who share as we do not, the cultural matrix of the Middle East, I have a last suggestion: that we consult Turkey and Iran more closely. We have almost entirely ignored them, and we have emphasized in all our acts and words a caucus of Four Powers as though it could blueprint the peace and enforce it. These powers cannot, in my opinion, impose a peace and they lack the common heritage of the area to handle the finer questions of approach and acceptance. Turkey and Iran could quietly help Jarring behind the scenes to reduce the options of the unreasonable, to bring some rationality into the discussion and to work with less publicity and escalation of the bidding than inevitably attends Great Power interventions. Perhaps with their help, the peace which the land, holy to three religions, deserves and so seldom has enjoyed, may more quickly be achieved.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there are no further requests by Senators for recognition for the purpose of transacting routine morning business, I ask that morning business be concluded.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. Stevenson). The question is on agreeing to the motion of the Senator from Alabama (Mr. Allen) to postpone to the next legislative day the motion of the Senator from Pennsylvania (Mr. Scott) to proceed to the consideration of Senate Resolution 9.

Mr. STENNIS. Mr. President, I shall direct my remarks to the pending order of business. I notice that it is frequently said here that the southerners are carrying on a filibuster in the Senate. There has been a splendid debate on rule XXII, but as the term "filibuster" is used, this is certainly not any kind of delay that is being carried on by the southerners or anyone else, as far as I am concerned.

The real facts of life are that those of us who oppose the proposed change have not been trying to prevent a vote from coming under any circumstances. A vote on cloture has been taken for the second time, and I am sure there has been no objection to having another vote on cloture if the proponents of the change want another vote this week, which could have come as early as Thursday of this week if it were desired.

I do not say this critically of anyone, but the leadership, within their wisdom agreed that the vote would go over until next Tuesday. I am not critical of that decision. I do want to point out that those of us who oppose the change in rule XXII and who are from the South certainly are not in any conspiracy or carrying out any kind of plan just to try to continue this matter on the floor of the Senate. I am sure there is no bad faith on the other side at all but there have been two votes on cloture under the rules of the Senate, and until the announcement was made that there would be no more votes this week on cloture I think all of us who are opposing this change would have agreed to a vote on Thursday of this week. Of course, it is too late now to have their agreement. To keep the record straight, the charge that the Senate is being kept from its business by a few who oppose the rule change is in error.

Mr. President, that brings up another question about the Senate not disposing of its business and merely killing time. The contrary is true. This is the part of the session, under the law, where there are no carryover bills from the preceeding session on the calendar. All measures that had been approved by committees and sent to the calendar died with the old Congress, as is well known. Those measures have to be reintroduced, and most of them have to be reconsidered by the committees. There are no such measures of any substance on the calendar for passage, and it has been only 1 month since the beginning of this session of Congress.

The Senator from West Virginia (Mr. Byrd) has very aptly assisted me with the calendar. A quick look at the calendar shows that the first item pending is the matter that is now being debated. The remainder of the present calendar, except two minor bills concerning small gratuities for certain named individuals, relates to money resolutions to provide funds for the operation of committees and subcommittees, and those resolutions have been to the Committee on Rules and Administration which has considered them and reported them for consideration to the Senate. I understand those matters are set for consideration on the floor of the Senate next Monday.

I thank the Senator from West Virginia again. I find that these two small bills concerning gratuities were disposed of this morning, so the only matters now on the Calendar for consideration are the matter to which I am now addressing my remarks and the money resolutions.

Furthermore, we have been back here only a month and 2 or 3 days, I believe, and the new organizational steps had to be taken. They have been taken. The selection of the membership of the various committees had to be made. Quite a few new Members came into this body, and there had to be adjustments and changes, in addition to selecting committee membership. That is quite a problem. But, with great dispatch, both the majority and the minority have attended to all of the business of selecting the personnel of the committee membership, which has been difficult because of adjustments, and different Senators seeking the same positions, many times, on those committees.

That has all been completed. The organization of the Senate has been completed. Many of those committees have gone into major hearings for the session. I am not familiar with that in detail except with respect to the Senate Armed Services Committee, of which I have the privilege of being chairman, but it would be of more than passing interest to the Senate to know that our full committee has already completed more than 6 days of hearings on the Selective Service Act change which was proposed by the administration. Also, that carries with it the auxiliary question of the so-called volunteer army. We had hearings on that and also on the Selective Service proposal introduced by the senior Senator from Massachusetts (Mr. Kennedy). There was also another Selective Service proposal for the repeal of the entire system by the senior Senator from Oregon.

We now have had the full work completed, and we had a session of the full committee this morning, making a preliminary step toward the markup of that highly important bill, which has many far-reaching, major provisions in it of the highest importance to all who may be affected by it and to the security of this Nation. We do not claim any credit for having done that work. It is our duty. At the same time, we also have subcommittees of the Armed Services Committee that actually have been appointed, have been organized, and are in the process of already having hearings, themselves, concerning the subject of the weaponry assigned to them respecting items that are in the budget. They have their own staffs, who have been studying this proposal since last October or November. They have already gotten those hearings started. We expect to continue our sessions. Tomorrow the full committee will continue with reference to the markup of the bill. It will require several additional days. I am not predicting an early report on the bill, but when it does come it wil be thorough, and the hearings will be complete and in printed form, for the guidance of the membership.

The hearings we had included more than 20 outside witnesses—that is, witnesses not connected with the Government. We heard every person, in person, who asked to be heard at those hearings.

We let them testify as much as and as long as they wanted to, and every Senator was given every opportunity to ask all the witnesses every question he wished. We had Secretary Laird, we had Secretary Kelly, and we had Dr. Tarr, Director of Selective Service, as witnesses before the committee.

After the other testimony was in, we asked them to come back, and they testified with reference to matters that were introduced into the record after their testimony.

We had before us the two named Senators who were authors of bills in their own right, who testified at length and were examined by Senators. In addition thereto, we had three or four Members of the House of Representatives who came over and gave some very fine testimony on the subject.

So, Mr. President, no one has been loafing. No time has been lost so far as the membership in that committee is concerned. I know, as a personal matter, dealing with the membership, that they have been attending our hearings and carrying on other work in other committees.

I mention that solely to get into the Record, and for the information of anyone who may be interested or may be concerned, a statement about the activities of the Senate and the work that has actually been carried on. I believe that fully covers the subject.

If I were not here now—and it is a privilege to speak to the Senate on this matter because I think it is one of the most vital questions before us—I would be in committee meetings, along with other committee members, working on the very matters I have referred to.

Mr. President, the Senate is now engaged in reaching a decision on whether to amend rule XXII so as to make it easier to close off debate on the Senate floor. In my opinion, this is one of the most crucial decisions that the Senate will face this year, or any other year in the foreseeable future. Yet the proposal has been brought to the floor without benefit of formal hearings, which would have served many very useful purposes. Among the aspects that could have been properly explored by hearings are the implications of such a change, the consequences of this serious action, the sources of the demands for such change, and the reasons for making the demands. In short, hearings could have evaluated the alleged benefits versus the risks and penalties, after hearing a wide variety of informed witnesses, and could have tendered the committee findings to the Senate in writing for consideration and study.

As a substitute for the written hearings, which often prove to be so valuable, we do have the benefit of a collection of quotations that have been collected and supplied to us by the senior Senator from North Carolina (Mr. ERVIN), going back over a great period of years, of every noted and outstanding men in public life and in journalism. I refer to such men as the late Woodrow Wilson, two-term President of the United States; William S. White, columnist of newspapers, who has written several books, and who is really an eminent authority on the operation of the Government; a present Member of the Senate, also a former Senator and former Vice President of the United States, the Honorable HUBERT HUMPHREY, who is certainly well versed in this project and related matters; as well as a host of others.

I am glad we do have the benefit of the counsel of those witnesses. I know, from experience, how valuable it can be to have the right kind of searching and far-reaching hearings. In fact, the first committee of which I had the honor of being a member when I first came here, was the Committee on Rules and Administration; and there are still very clear in my mind many of the benefits that accrued to me, as well as to others, I know, from hearings on matters that were then before the committee, which, by the way, included hearings on a proposal very much like the one we are debating here today.

Hearings having been dispensed with in this very serious matter, it became necessary to substitute extensive debate on the floor. Unfortunately, the debate thus far has been carried out for the most part without participation by the proponents. That participation by those who advocate the change would, of course, have made it a much more meaningful debate. Such hearings probably, if we could have had them this time, and had gone into the matter, would have made the subject more attractive to the news media, and thereby permitted the thrust of the arguments to come before the people, so that they would clearly identify the principle that is at stake—one upon which the whole strength of the Senate depends—the assurance of reasonable freedom of debate.

Furthermore, and I think this is more important, there is the assurance that under these rules it will not be possible at a time of emotional upset, a time of distress, or a time of extreme emergency, that there can be put by the Congress by any group in the Nation, any organization, or even by the President of the United States, a bill that does not represent the seasoned thought—not just the immature thought, but the seasoned thought and reasoning—of a great number of people, by and large, some of them from throughout the Nation, and that it is necessary to impress and move to action a greater number than a mere majority of the membership of this body. Those who come here will learn and realize gradually—they are already people of intelligence, and will see both sides as this matter develops—the wisdom of some such safeguard as is afforded here by rule XXII.

They will also see more and more, I believe, in the light of experience, that this rule works both ways, that it is not for any section of the country, and it is not for any one group in the country, but works for all groups, in that it involves a principle requiring more than a bare majority of the votes of this body in order to put a bill over. I mean by that to say that it requires a substantial majority, under its present day application a two-thirds majority, of those present and voting.

Certainly that is not a fatal matter for our system of government, because all the way through the Constitution we find provisions written there almost 200 years ago—and time has proved their wisdom—requiring a two-thirds vote before action is taken. I think the outstanding illustration of that is that it requires a two-thirds vote to expel a Member of his body or of the House of Representatives, or to convict anyone under impeachment charges.

That is a matter that is partly personal, but it goes to the very vitals of our form of government. One could make a powerful argument that Members ought to be expelled by majority vote, because some assign a status of almost sacredness to the will of a bare majority. But it was the wisdom of the founders of this Government that no Member could be free to discharge his duties if he had to run the chance every time of incurring the ill-will or the ill-tempered consideration of what he had done by the membership, partisan politics being what it is and human nature being what it is, and all of us being subjected to emotional stress and strain.

The same thing is true with reference to the approval of many other steps. I shall not take up the time to enumerate many of them now, but I do not know of any more important act that a President has to pass on or has to perform, even though it is negative, than to veto a bill. In the veto of a bill as passed by a majority of the Senate and the House of Representatives, by one vote, the President's vote, he can kill that measure for the time being. If it ever gets the breath of life in it again, it must pass both the House of Representatives and the Senate again, not by a majority vote or a vote of 60 percent to 40 percent, but it must pass by a two-thirds vote before it can become law.

That is an important provision. I could go on and on to show that this is not government by a majority. The whole structure of the Government is designed so that a majority shall not be able, in many instances, to act; and in fact, as expressly written here, it requires a two-thirds majority before these steps can be taken.

That leads me, really, Mr. President, to where my heart and love is, and that is the nature of this institution, the U.S. Senate.

I have the very highest regard for the House of Representatives. No higher honor in Government can come to a person in the legislative branch than to be elected a Member of the House of Representatives. In some ways, no higher honor could come anywhere in the executive branch or the judicial branch than to be elected to the most popular branch of the legislative department. Its Members have a very keen sense of responsibility, and are subjected every 2 years to popular election, and they really have the touch and feel of the times and the problems of the times, and become very keen judges of the seriousness of a matter in the popular will, and the popular judgment on it.

But at the same time, they are so numerous that they cannot have any rule except the rule that they do have, that a bare majority can cut off debate over there at any time, and things have to move forward, then, to an immediate vote, and in that way there is not time, so far as the passage of days is concerned, for that maturer consideration, or time for the country to know about what the real issue is, or time for emotions to subside and for perhaps a calmer and sounder reasoning to take over.

Somewhere, there should be a chance for second thought. That could lie in the Supreme Court. The Founding Fathers could have written in that the bill would have to go on to the Supreme Court and have something done to it there before it became law, but they did not do that. They created a second branch of the legislature, and it has always been thought, and has stood the test of time, that in that second division of the legislative branch there would be that added safeguard of the second or third thought.

That does not mean that the Senate is any wiser than the House of Representatives at all. It just means that there is time for more deliberation and more thought. It also means that by our maintaining this rule, the executive department of this Government has to give a more rounded and more extensive consideration and recognition to the legislative branch.

I am not talking about the present President or any past President, but I am referring now to the executive branch; and for those of us who have been here a good many years, I suppose the thing that has impressed us most—I know it has been the thing that has impressed me most has been the growing amounts of power that are accumulating from year to year in the hands of the executive branch of this Government. It is no discredit to any President to say that he just could not possibly have personal knowledge of the way the billions of dollars he is charged with spending and handling under law are expended. He cannot possibly give it personal supervision. He cannot have personal knowledge of these facts.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield. The Senator from Georgia is a former Governor, and he knows the great power that a State Governor has. The Senator from Georgia has been here and has seen the power grow.

Mr. TALMADGE. Many Governors, I may say, are proud of the power they possess and are quite prepared to use it.

Is it not true that the framers of our Constitution conceived a Government of three coordinate, coequal branches of Government—to wit, the legislative, the executive, and the judicial?

Mr. STENNIS. The Senator is correct. They divided the powers.

Mr. TALMADGE. The legislative branch makes the laws, the executive branch executes the laws, and the judicial branch interprets the laws. Is that not correct?

Mr. STENNIS. That is what they envisioned, and that is the way it has worked.

Mr. TALMADGE. It is not true that the Federal Government now is spending more than $200 billion annually?

Mr. STENNIS. Our budget now, in round figures, as I recall, is $229 billion.

Mr. TALMADGE. Is it not true that the executive branch of the Government spends all those billions of dollars?

Mr. STENNIS. The Senator is correct. The legislative branch and the judicial branch really do not spend any money. They have no control of any money.

Mr. TALMADGE. I read in a publication a few days ago that the total expenditures of the Federal, State, and local governments now constitute approximately 35 percent of the gross national product. Did the Senator see those figures?

Mr. STENNIS. I have not seen those figures, but I am not at all surprised.

Mr. TALMADGE. Is it not true that an executive branch of the Government that can spend in excess of $200 billion possesses, inherently, enormous political power and the power of persuasion and influence?

Mr. STENNIS. The Senator is absolutely correct. We see it operating now, and I want him to use some of that power with reference to the economy, trying to stop inflation. But it is a fine illustration of what the Senator has said.

Mr. TALMADGE. Is it not true, also, that the Chief Executive of the United States, by virtue of the fact that he holds the most powerful office on earth, can command, instantaneously, the headlines of the news media, all the television stations in the land, and all the radio stations in the land at the same time?

Mr. STENNIS. Yes. He cannot do it by command, but his position commands it.

Mr. TALMADGE. His office, exactly.

Mr. STENNIS. Yes.

Mr. TALMADGE. Is it not true that when we add to that $229 billion the fact that the President can create the news or get immediate reaction to anything he says throughout the Nation, that gives him enormous political power, whoever he may be?

Mr. STENNIS. The Senator is correct. It transcends the individual, the party, and everything else; and the modern news media augment this power and responsibility manyfold.

Mr. TALMADGE. So that any President of the United States, by virtue of the enormous amount of funds he has to expend, plus the fact that he can capture the news media and headlines, has far more authority to influence the opinion of the American people than Congress—the House and the Senate combined—has he not?

Mr. STENNIS. Absolutely. Far beyond it. As a matter of fact, except for merely passing on matters, we do not have any power. People misunderstand that somewhat. A Senator does not have any power in his home State.

Mr. TALMADGE. That is correct.

Mr. STENNIS. He cannot say, "Do this," and have it done. He might have a Governor friend who would help him, but he cannot do it himself.

Mr. TALMADGE. A Senator has employees of a dozen or two at most, in most instances, and that is all. How many civil servants work for the U.S. Government at the present time? In excess of 2 million, as I recall. Is that not correct?

Mr. STENNIS. The Senator is correct. That does not include those in the service.

Mr. TALMADGE. Civil servants.

Mr. STENNIS. Yes.

Mr. TALMADGE. Is it not true that when we consider the inequality between the legislative branch and the executive branch of Government, insofar as molding public opinion is concerned, it is absolutely essential that some part of the legislative branch have the authority to delay and to hold up and to examine any bill, measure, or proposal that is submitted or espoused or sponsored by the President of the United States?

Mr. STENNIS. The Senator has put his finger on the key point. As the Senator knows, it is absolutely essential to the preservation of the rights and privileges of the people—all the people, not just one group—that there be a checkrein or safeguard, or whatever it may be called, of some kind on run-away power, even when that power is exercised by a man of the finest intentions. It is absolutely essential that we have a safeguard.

Mr. TALMADGE. Does the Senator recall any time in the history of America when a good bill was frustrated or defeated indefinitely by free speech or filibuster, if one wants to call it that, in the U.S. Senate?

Mr. STENNIS. No. I think the record will show, too, that the matters here with real merit behind them, with the people behind them, with the seasoned judgment of the people behind them, were passed. Those matters benefited by being more thoroughly examined. They found their way on the lawbooks.

Mr. TALMADGE. Does the Senator recall that one of the greatest Presidents of all time submitted a scheme to Congress whereby he could pack the Supreme Court to get decisions of that Court in accordance with his will?

Mr. STENNIS. Yes. I recall that vividly, in the 1930's.

Mr. TALMADGE. Is it not true that the court-packing scheme of President Roosevelt was defeated by debate and free speech and deliberation in the U.S. Senate?

Mr. STENNIS. I think the Senator is correct. I venture to say that the state of mind of the people was one of frustration; that at first the state of mind of the people was that they liked the idea. They wanted something to move. They wanted something done.

Mr. TALMADGE. Speed.

Mr. STENNIS. That is correct. I was a young lawyer, practicing law, and moved among the people a great deal. Their first impression was that it was a good idea: "The court will not move, and we will just let the President put in some new members."

I should like the Senator to develop his thought on that further, too. I watched what happened.

Mr. TALMADGE. If that bill had been passed, however, we would not have had three coordinate and coequal branches of the Government, would we?

Mr. STENNIS. For the time being, the checks and balances and the coordination would have been destroyed.

Mr. TALMADGE. We would have had a Supreme Court or a judicial branch that would have been subordinate to and influenced by the Chief Executive of the United States. Would that not have been the fact?

Mr. STENNIS. The Senator is correct. And to the great detriment of the country. One cannot imagine now where we would have been with reference to coordinate branches of Government and our checks and balances which we still have, if it had been destroyed in the 1930's during the depression. There is no telling how far it would have gone.

Mr. TALMADGE. So if frustration of the court packing plan had been the only measure in American history that was stopped by rule XXII, it would have been a worthy rule, would it not?

Mr. STENNIS. The Senator is correct. There is no doubt that it was the delay and the exercise of free speech which stopped that plan, in my humble opinion. I felt and saw that come about. I felt the change. I went to meetings where able and prominent lawyers got up demanding a resolution be passed to approve the plan by President Roosevelt. They were mature lawyers of the finest caliber. Yet I saw those very same men change their minds, publicly saying so.

Mr. TALMADGE. In those days, President Roosevelt was certainly the most popular political figure in history; is that not correct?

Mr. STENNIS. He certainly was the most popular figure I have known about.

Mr. TALMADGE. That was particularly true in States in the area the Senator and I represented at that particular time; was it not?

Mr. STENNIS. That certainly is true. The record will show it was that way throughout the Nation almost.

Mr. TALMADGE. As I recall, in 1932, President Roosevelt received about 95 percent of the popular vote in Georgia and I would imagine it was larger than that in Mississippi; was it not?

Mr. STENNIS. I think that is right.

Mr. TALMADGE. In the neighboring State of South Carolina, I believe the percentage was higher, but the margin started to drop after that, for a number of reasons, one of which was his ill-fated court packing plan; is that not correct?

Mr. STENNIS. That is true. The judgment of the people was very much against that plan at the end of that matter.

Mr. TALMADGE. Is it not true that many other Presidents have had honorable and outstanding records but have also submitted some schemes without giving them too much thought, which have been frustrated and delayed by free speech in the Senate?

Mr. STENNIS. That is so true, indeed. Perhaps the Presidents have not been to blame so much for that because they were under the pressure of the surging demands of the times.

I think of President Harry S. Truman and the temper of the times during which he was President, particularly his proposal during the railroad strike, to put the striking railway workers into the Army.

Mr. TALMADGE. Presidents are human too, of course. As I recall, the proposition that President Truman submitted was at the time of a national emergency, when the railroad workers were on strike, and it was essential to protect our commerce and the health and safety of our people and that traffic in commodities being transported from place to place not be brought to a halt; and President Truman as I recall, submitted a proposal that went to the House of Representatives one day. With no hearings, and with hardly any debate the proposition was submitted to the House, the rules suspended, and the bill passed the House with only 14 dissenting votes, as I recall. The purpose of the bill was to put all the striking railroad laborers into the uniform of our country against their will; is that not correct?

Mr. STENNIS. That was the substance of the bill. As the Senator says, it passed the House of Representatives without any hearings and only short debate.

Mr. TALMADGE. And then it came to the Senate, and if my memory serves me correctly, Senator Bob Taft of Ohio, who was not considered particularly friendly to railway labor, exercised his judgment and discretion under Senate rule XXII and frustrated the drafting of striking railway workers into the Army of the United States; is that not correct?

Mr. STENNIS. That is what happened. That is what happened right here on the floor of the Senate. That battle was begun by Senator Bob Taft of Ohio.

Mr. TALMADGE. Is that not another good example of why somebody in the legislative branch should have the power and the authority under its rules to delay and examine measures deliberatively which are sometimes ill-considered and brought forth too hastily?

Mr. STENNIS. The Senator has stated it well. It is absolutely essential. No government, concerned as we are with over 200 million people, with the Federal Government controlling the economy, no government can last that does not have a governor on it or some kind of check rein.

I remember as a young boy going out to the cotton mills and I would see the steam engine at work and I thought that was a fine thing, to see the steam engine run, but when the governor came off, that was the time to run because I knew that it would fling itself to pieces. The same thing can happen to a government. If it has no check rein on it, it cannot stand the pressure.

Mr. TALMADGE. Is it not true that republics which thought they could not survive have invited dictators to take over?

Mr. STENNIS. That is inevitable, unless there is some safeguard, some check-rein there.

Mr. TALMADGE. Is not the U.S. Government now less than 200 years old?

Mr. STENNIS. Yes, almost 200 years old.

Mr. TALMADGE. Is it not now one of the oldest republics on the face of the earth today?

Mr. STENNIS. In continuous operation; yes, sir.

Mr. TALMADGE. Is it not true that our Founding Fathers, when they devised our system of government, were among the wisest men this country has ever had, in that they devised a system with checks and balances and so designed as to insure the perpetuity of our republican form of government?

Mr. STENNIS. That was their purpose. They were certainly wise men, but perhaps it was not so much their wisdom that caused them to formulate and put into being this plan as the fact that they knew human nature, its limits and its powers, and they knew that there must be some kind of check rein in the division of responsibility and power.

Mr. TALMADGE. Is it not also true that the Supreme Court, in its recent decisions, has destroyed many of these check reins which the Founding Fathers devised to insure our preservation as a republican form of government?

Mr. STENNIS. To the extent that a restoration of those check reins is needed, although I think it is far more pressing and a much graver matter—I worry more about that than I do about the missiles the Soviet Union has pointed right at us.

Mr. TALMADGE. I compliment the distinguished Senator from Mississippi on the very able speech he is making and I concur wholeheartedly with the points he is making.

Mr. STENNIS. I thank the Senator from Georgia very much for his contribution to this debate.

Mr. President, I want to mention another illustration here which has happened since the Senator from Georgia and I became Members of the Senate. I am not indulging in personalities at all, but the question was raised on the Senate floor about a nominee to be Chief Justice of the United States. It was first raised by the distinguished Senator from Michigan which led on to a very fine debate and that nomination was not confirmed. I believe it was withdrawn. The matter passed on, and someone else was nominated to be President of the United States; but if it had not been for rule XXII, the pressure of things here was such that it doubtless would have passed. It would have come to a vote. It doubtless would have passed. Whereas, later, after it was disposed of, and we had gone over into the next calendar year, a great many additional facts became known—and I speak with all deference—that would have made the nomination far more objectionable on the basis of the new facts than it was before.

It was rule XXII in the Senate which made the difference and defeated the nomination. If it had not been defeated, we would have had an altogether different philosophy on the Supreme Court than what we have today. Frankly, I think the influence of that rejection, going beyond personalities, has been a tremendous factor in bringing things around to a more mature and sensible consideration of many of our public problems.

I think it was felt throughout the Nation as an earthquake's tremor is felt, far beyond the location where it starts. So, that debate on the Senate floor and the rejection of that nominee was felt far beyond the immediacy of the office of Chief Justice of the United States, important as that office is, and I consider it on a parity in importance with the office of President of the United States, and even more so in many respects because of its duration of tenure.

Mr. President, continuing with my remarks here of a more formal hearing, if the hearings to which I have referred, had been held, they probably would have made the subject more attractive to the news media, as I said, and thereby permitted the thrust of the arguments to come before the people so that they would clearly identify the principle that is at stake—one upon which the whole strength of the Senate depends, the assurance of reasonable freedom of debate.

It is regrettable that the proponents felt it necessary to virtually abandon the floor for 2 long weeks.

The pending measure for amendment of rule XXII of the Senate needs full discussion, in front of the public, so that all interested persons and civic groups throughout the country can give full consideration to both points of view, fully identify and consider the principle, and evaluate the proposed change. I think that if this were done, rule XXII would be left unchanged, its principle clearly identified as a keystone in the very foundation of the Senate.

Mr. President, some might think that those were idle words. However, we have seen what happened here in connection with the reasoning, the conclusions, and the official position of one of the most illustrious and finest Members that the Senate has ever had in my time, and, I say, in this century. I refer to the distinguished senior Senator from Kentucky (Mr. COOPER). No man is more sincere, more earnest, or more conscientious than he. He possesses a very keen intellect and precision of judgment. I personally know that he considers matters of importance with the finesse and accuracy of the movements of a Swiss watch.

He was here some 12 years ago. He espoused the cause of the proponents of a change in rule XXII. He wanted to substantially modify it. Time has gone on and experiences have changed his judgment. Times have changed.

The Senator from Kentucky very frankly, and with his usual, utmost candor, has said that things have occurred with respect to problems of this nature that far outweigh other considerations and that pressures are so great and the speed with which we consider far-reaching matters somewhat immaturely in his opinion constitutes a threat so great in that field that he has changed his mind as to what is sound in government.

I am not speaking for him. He spoke for himself. It is in the RECORD. He felt compelled to change his position and, instead of advocating a change in rule XXII, as he once did, he thinks it is a needed and necessary safeguard in our form of government. He thinks it should remain as it is. He is voting and speaking each time against the imposition of cloture.

I do not have to commend him. No one has to praise the Senator from Kentucky. His record of integrity is clear, clean, and bright. He is so unselfish in his acts that no one has to pay him accolades or praise him in any way.

I refer to the position of the Senator from Kentucky and what he has said and done as a shining landmark in our history and a particularly illuminating event here in the history of the U.S. Senate.

I believe his period of tenure here will leave very many fine things accomplished for the country. However, none is more far reaching, more important, or more effective than what he has done in connection with rule XXII. I think his position in this debate has been a tremendous factor on the trend of the debate.

The U.S. Senate is the one place in our governmental structure where States are recognized as entities and represented as entities. The President's responsibilities are to the Nation as a whole, and to all of the people. His branch of the Government, the executive branch, is not responsible in any way to the State governments, or to the States as entities. In fact, it is sometimes very difficult, as my colleagues all know, for State governments to even communicate adequately with the elements of the executive branch. We Members of the Senate have to assist in this, many times each day.

The officials of the executive branch, with few exceptions, are not elected; they are appointed, and they are generally protected from removal except by the appointing authority within the executive branch.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. STENNIS. Mr. President, I am very glad to yield to my colleague, the Senator from Alabama, who is very skilled in debate on many subjects, including this subject. I appreciate the fact that he is on the floor.

Mr. SPARKMAN. Mr. President, a few minutes ago the able Senator from Mississippi made reference to changing times and changing conditions. That reminded me of some articles I have seen recently in the press. I have seen articles in more than one publication dealing with this subject.

The Senator will recall, I am sure, that when he came to the Senate—which was very close to the time I came to the Senate—nearly everyone who thought about what we call filibustering or about extended debate or about rule XXII, immediately attributed that extended debate to southerners. Southerners were usually the ones that made use of it.

In those times it is true that we did make use of it more than anyone else because of various proposals which we felt were uncalled for, primarily dealing with civil rights. However, those things have all been taken care of over the years; have they not?

Mr. STENNIS. Mr. President, I agree with the Senator from Alabama. Everything that could be thought of with any substance to it at all has been written into law.

Mr. SPARKMAN. Mr. President, is it not true that in recent years this thing that is so often referred to as filibustering has been something engaged in primarily by those people who are usually referred to as liberals?

Mr. STENNIS. Yes. The Senator is correct. Those who participate in the actual filibusters now that try to cutoff a vote—and we are not trying to block a vote primarily in this matter—and those who are fighting a life and death battle to block a vote and not let things happen, come from other areas of the country. I do not blame them if that is their opinion. They are doing their duty.

Mr. SPARKMAN. I am sure the Senator read recently the article in one of the most liberal publications in the United States, the New Republic. That is a publication that over the years has been widely read and it is a publication that has stood for liberal causes. In its issue of February 20 the New Republic published an article entitled "Filibusters." Did the Senator read that article?

Mr. STENNIS. Yes. In addition, it was reprinted in the RECORD.

Mr. SPARKMAN. I am sure it has been printed in the RECORD so I shall not ask that it be printed again. Did not the Senator think the article made a pretty good warning to the so-called liberals as to the disaster they might be courting by trying to cut down the requirements of rule XXII?

Mr. STENNIS. The Senator is correct. Many people are having second thoughts. I have noticed the proponents in this struggle that we are having are not as vociferous, not as vigorous as in years heretofore. I think some of the wind has been taken out of their sails by the New Republic editorial, as well as by other trends.

Mr. SPARKMAN. Did the Senator note that just a week ago today there was a column printed in the Washington Post by Nicolas von Hoffman, who is a regular columnist? I wonder if the Senator read that column.

Mr. STENNIS. I had the benefit of that article, as did the Senator from Alabama. There is so much material in the article that I would like to have the Senator comment on anything he has in mind.

Mr. SPARKMAN. Did not the Senator feel the article addressed itself to the same point made by the New Republic article? It probably was not as direct.

Mr. STENNIS. It is almost a companion article. It pointed out in a clearcut way in the paragraph in the middle of the second column the threat with regard to the power of the White House, not meaning the present President any more than any other President. The Senator might take note of that.

Mr. SPARKMAN. And in that article he refers to certain laws.

Mr. STENNIS. Yes.

Mr. SPARKMAN. He said:

> These aren't the kind of laws that should be passed with a 51 percent majority.

Then, the article goes on to state:

> The Reconstruction Congress passed all kinds of civil rights legislation that was not only ignored but literally forgotten. There just wasn't enough steam behind them to do more than pass them so that they became a kind of legislative tokenism.

While the Senator and I do not recall personally those things, we know what our parents and grandparents told us about the Reconstruction Congress:

> But the filibuster and civil rights in history. Nixon certainly doesn't want to weaken the filibuster in order to pass a new civil rights act. He's concerned about such matters as the anti-ballistic missile, the draft and the SST. A Northern liberal can use the device as well as a Southern reactionary, and in the next couple of years the Northerners are going to need it more than the Southerners.

I do not endorse his definition of us as southern reactionaries. I think it would be illuminating to many people in this country to research the records over the years and to find out that every, single liberal measure placed on the statute books during the regime of Franklin Delano Roosevelt was put there by southern votes, and practically every one by southern sponsorship.

I challenge anyone to dispute that statement. It is true. I refer to social security and all the other measures which had Southern sponsorship. At one time, I made that statement on a radio panel show and Jimmy Roosevelt was one of the panelists. When I said it, he followed by saying:

> I want to say that what Senator Sparkman said is exactly right. My father could never have put over his program had it not been for the Southerners.

In spite of all that, they call the Senator from Mississippi, me, and my colleague from Alabama Southern reactionaries. As a matter of fact, is it not true that we who stand here and defend the right of the minority have as our purpose the protection of the minority from what could be a tyrannical majority such as we have known actually to exist in years gone by, not in our lifetime, but in the lifetime of our fathers and our grandfathers?

Mr. STENNIS. The Senator is eminently correct. The Senator will recall that in December of last year we stood with the so-called liberal group that was conducting a filibuster. We stood on the principle that they should not be cut off; that if they were so concerned, they were entitled to exercise the rule and get a second look, and, in fact, they got a second look.

Mr. SPARKMAN. They were debating at matter which the Senator from Mississippi and I supported.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Yet on a motion to cut off debate so they could not speak further, how did the Senator vote?

Mr. STENNIS. I voted against that motion.

Mr. SPARKMAN. So did I and I will next time, even though they are debating something I might be for. If someone tries to cut them off I am going to vote against a cloture motion.

Mr. STENNIS. We were voting on a matter of principle when we cast that vote contrary to our opinion of the merits of the matter then pending.

Mr. SPARKMAN. Yes.

Mr. STENNIS. I remember the Senator's position very strongly. Frankly, if more of us so-called "reactionaries" had voted in favor of cloture they would have been cut off. There is no question about that.

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. For the record, I was one of the floor managers of the bill that was then pending and had that reason to cut off debate.

Mr. SPARKMAN. Yes. In fact, had debate been cut off, the Senator would have been able to get his bill passed without any great difficulty and yet he voted against cutting them off because he felt it to be a basic principle that they were entitled to be heard as long as they wanted to be heard.

Mr. STENNIS. They were fighting for one thing—to give newly elected Members of the Senate an opportunity to come in and vote on the same subject matter. They carried their point and the new Members will get a chance to do so. We helped them to get what they wanted.

There could not be a more graphic illustration.

Mr. SPARKMAN. I thank the Senator for yielding.

Mr. STENNIS. I thank the Senator for his contribution.

Mr. President, I wish to refer back to one more illustration of the Presidential power and how vast it is, and that is not the President's fault; it is the times that we are living in.

Just this morning we had an illustration of the vast power that can be placed in the hands of the Executive that he cannot have a great deal of personal knowledge about from day to day and from time to time. In the proposed draft of the Selective Service Act extension, the vast question came up about deferments of college students—a highly important matter, not only to them as individuals but to the entire Nation. The question was whether that power would be vested in the President to use or not use or to defer or not defer, according to the demands of the Government at the time, or whether we would just recommend that Congress write into the law that those students not have deferments.

We have not decided that question, and it is not in issue here, but I thought at the time of the enormous power that went with just a few words we will use in the bill, whichever we decided to recommend, assuming it became law—the vast power that that one relatively small provision of the bill would place in the President, putting more and more responsibility, beyond his personal knowledge, on the President of the United States.

That is just an illustration of the vast power that is generated in the various departments, of necessity, because there can well be times when he should have discretionary authority in that case.

So, as the times demand more and more power being put in the hands of the Executive, it means there is always a chance that those acting for him can abuse that power or can give him biased information or just fail to exercise sound judgment so that he can make a good judgment upon everything, and thereby things can go wrong, or they can exercise an overpowering persuasion on the legislative branch.

As another illustration, in my early years we had an appropriation bill for what is now the Department of Health, Education, and Welfare of about $950 million, in round numbers—$950 million. Well, I am still on the subcommittee of the Committee on Appropriations that handles the bill for what has now become that Department. Last year that same committee brought a bill to the Senate floor for that Department, as it now operates, carrying $22 billion. That is more than a 2,200-percent increase in less than 22 years for one department.

I am talking about power now. It is just so true that with $229 billion every 12 months, any President who has a mind to—and Presidents do have to use much of their power—has too much opportunity to be twisting the arm of some members of the legislative branch. I am speaking in the extract now. I am not talking about any individual, but that fact makes it necessary to have a safeguard, a slowdown signal, to make it possible to take a second look, and make a more mature judgment. That is what I call a major safeguard of our system.

Under the logic of things and under the vehicles of our Government, the only place in the legislative branch where we can have that safeguard is right here in the United States Senate. That is where it has rested all these years, seldom being abused. Although I am sure it has been abused sometimes, it has been seldom abused and has most frequently rendered a real service. Undoubtedly, the overall influence of this power to slow things down and dilute them and take a second look has been a tremendous factor in the mind of every President and of every major subordinate of every President.

The Members of the House of Representatives are elected by the people of their districts, and represent, not political subdivisions, but areas of their States.

The prevailing opinion of a particular district, in many areas, may have little resemblance to the prevailing view in the whole State of which it is a part.

The judicial branch certainly does not represent the States. It must be agreed, at least, that the constitutional stature of the sovereign States has not been enhanced by the decisions of the Supreme Court in recent years.

It is in the Senate alone where the States are truly represented. It is here where their rights are defended and their powers protected, as they are reserved to the States by the ninth and 10th amendments to the Constitution. The rights of the States are entrusted to their Senators, for defense in this forum.

This is proper. It is also in this forum, subject to agreement by the other body, where laws are passed to create new Federal powers. We are obliged to see that in so doing, the rights of our States are not compromised. Should Executive policy or judicial decrees infringe upon the rights of our States, we are obliged to correct this by legislative action.

Each issue that comes before the Senate must be evaluated in the light of these obligations of the Senators to the States, in addition to all other considerations. That was one of the major reasons why there was a Senate.

We have been seeing, especially in recent years, particularly strong views and trends toward highly centralized government, with constantly increasing Federal powers. No doubt, this is the very root of much of the apparent disenchantment of the people with the results achieved by Government. It is encouraging that the President has spoken out in favor of halting these trends, and returning more of government to State and local levels. I hope this will be done. I know it is very hard to do it.

I feel sure that if the Senate had not been active in slowing the trends toward centralization of power, the situation would be worse than it is today. Responsibility for governmental action needs to be as close to the people as possible, at the local level if practicable.

I said "if practicable." I know that now there are many matters that local government cannot cope with. There are menaces to our welfare. Environmental matters are a classic illustration of it, or a more modern illustration of it. I do support the intervention of the Federal Government, in effective ways, in the environmental field.

But at the same time, we do know, and it is a sad fact of life but it is true, that the more remote we get power and responsibility—and I underscore "and responsibility"—the more we get it removed from the people, and their ability to see things in operation, the less interest they have. They have already lost control, but they lose interest in the subject matter, and very soon, indeed, it is something that is relegated to a far away government somewhere, and the individual problems involving lack of interest become so numerous that no elected official comes in contact with them.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Alabama. I appreciate the fact that he is interested and concerned with this subject.

Mr. SPARKMAN. When the Senator referred to the remoteness of governing power and responsibility, I thought also of the term "accountability." Is it not true that the closer the action is to the people themselves, the more accountable the people in charge of that action will be?

Mr. STENNIS. Absolutely. We have

recognized that, in a bill we are writing up now, about the local draft boards.

Mr. SPARKMAN. That is right.

Mr. STENNIS. They are criticized on the basis that they do not know enough about the subject matter. My answer to that argument is that some of that may be true, but they have to have an accountability that enables them to face the public every morning when they go down to the village store.

Mr. SPARKMAN. And the closer to the people, the more impressive that accountability is.

Mr. STENNIS. Yes; and they know human nature, and know the background of facts in individual cases.

Mr. SPARKMAN. Has it not been true all down through the years of our existence as a republic that we have recognized this principle of retention of as many of the things that are done through government for the citizens as possible at the local level, giving to the Federal Government, as our Constitution did in the beginning, only those things that are national in purpose and in effect? Is that not true?

Mr. STENNIS. Yes. I think it is the basic strength and soundness of our system of government that has brought us so far, and we are getting away from that now. As I have stated, there are some reasons that we have had to get away from it in part, but we should not hasten it, nor move farther than we have to.

Mr. SPARKMAN. I should think that those people, our forebears who drafted the Constitution and the form of government it sets up, had in mind some of the things that had happened to their forebears back in their mother country, in England. We know that there were periods there when the King tried to make a one-man rule out of the English Government. We know that was true in the case of King John.

By the way, John is a very common name, as both the Senator and I know, but has the Senator ever thought about the fact that in all the line of English kings, there has been only one John?

Mr. STENNIS. Well, he was a notorious one.

Mr. SPARKMAN. I have often thought that perhaps that was the reason that none of the others have been named John. We have had a lot of Henrys, but only one John, and he found it necessary to give in to the barons. I suppose, when we hear the word "barons," we tend to think they were not really representatives of the middle-class people, but they were, and he had to give in to them at Runnymede and sign the Magna Carta, which pulled the government away, to a great extent, from one-man rule.

Then later, does the Senator remember that Oliver Cromwell seized the Government of England? As a matter of fact, when he started out, he was a Member of Parliament, and he had a minority, just a relatively small group, lined up with him; but it happened that the great majority of the Members of the House of Commons were not closely tied together, they were in several groups, so he managed to manipulate things in such a way that he virtually got rid of all of them and set up a parliament which was really a one-man situation, and eventually executed the King. I believe that one-man rule lasted for about 10 or 11 years.

I should think our forebears had cases such as that in mind when they set up the Government in such fine shape to make certain that the ruthless majority could never overrun the minority. Does not the Senator think so?

Mr. STENNIS. Yes, I think the Senator is correct. They laid the foundation so well that it has withstood all the storms and stresses of time, even a devastating civil war, and has come into the 20th century, into the nuclear age and space age. But, human nature being still very much the same, those safeguards, we believe, are still essential today.

Mr. SPARKMAN. Maybe it is something that would never happen, but some of us are not willing to take a chance; we still believe in the protection of the minority.

Mr. STENNIS. Yes, that is exactly the way——

Mr. SPARKMAN. And in equality under the law.

Mr. STENNIS. As the Senator from Alabama feels, so do I feel. And we have cause to believe this. We have had experience in our area of the country in different ways, and the Senator from Alabama and I, together with others, have had experience here on this floor, too. We have seen the tide come and go, and have seen conditions change. We have seen rule XXII undergo this change, where it is taken over, now, by another group. But we are still fighting the battle on behalf of rule XXII.

Mr. SPARKMAN. We are really protecting them, are we not?

Mr. STENNIS. I do not think there is any doubt about that. But it really is the principle that runs through here.

I thank the Senator very much.

Mr. President, I wish to mention another matter which is of very real concern, as we all know. I think there is another consideration, and this is outside the Government: We are becoming a nation of organized groups, and I do not think that is a healthy thing to do, if it is abused, though some organization is necessary. Each segment of our economy is trying to protect itself, and has to, to a degree; but we are becoming a nation of organized, active groups, some of which deliberately exercise political pressure incessantly. They are exercising a larger and larger activity on an organization basis in elections. They are becoming more and more active in the passage or defeat of legislation.

I am a strong believer in everyone having his day in court, everyone being heard, and I think we ought to consider all these points. But, as a practical matter, we know that there are a growing number of organizations and groups that seek to exert unreasonable and unrelenting political pressure on their elected officials. It is all right for the elected officials to feel the heat or feel the interest of various segments of the economy—I would not try to snuff them out—or various political groups. But I just say that it is a fact of life that with the news media what it is, with the organizational ability of the people what it is, and with the money that is available to them, with the ability of a nationwide organization to put on pressure all at once, several of them combined can temporarily create a majority in favor of almost anything.

If we are going to let those situations develop, in future years they will be able to sweep measures through the legislative halls of this Government that should not pass.

We know that that has already developed to a great degree in the last 25 or 30 years, and we know that the chances for it to operate that way will become greater, more massive, and will be effective more times.

I mean every word I say. There must be some kind of safeguard or slowdown in these legislative processes that will not permit just a bare minority to run over and prevail here. There must be a checkrein. I do not know of anything at the level of the Senate except rule XXII as now written that will serve that purpose.

Someone has already suggested here in a question, and then said, that there are ways to pass bills that have sustaining merit, and that they nearly always have become law if they have had that characteristic. But once they get on the statute books, however bad they may prove to be and however much they may lack merit, it is very difficult and sometimes impossible to get them repealed or substantially modified.

So I think a spotlight should be put upon the necessity of having some kind of checkrein and some kind of deterrent to make us take a second look. I believe that if we repeal rule XXII—and this is just a step in that direction, the pending matter—we will change the entire structure of this body, and we will rapidly change, in a most far-reaching way, the structure of this Government. I will be specific. It will first come in the way of increased Executive pressure, increased Executive dominance, with all this money to spend.

Another front it will show up on is with respect to the combinations of organized pressure groups which, under given conditions, can take over the legislative branch of this Government; and it is particularly true in manipulating their influence through elections and using the legal processes of our Government. It just points out—and I think more people are realizing this—the need for this checkrein and the retention of rule XXII.

Mr. President, I offer for consideration the premise that the easier it becomes to close off debate by cloture, the harder it is to perform one of our prime missions, the protection of the rights of the States.

Full debate is assured under rule XXII as it is now written. It also places a limitation on unreasonable debate. The freedom of discussion that is afforded protects the deliberative function of the Senate and protects the 50 States which have sent their spokesmen here to constitute the upper body of the legislative branch.

Without rule XXII, the collective rights of any 24 States could be overridden in one preciptous, ill-considered action, by a simple majority vote. This, we must concede, would be wrong. It would be just as wrong if the rights of one State were inequitably denied. Certain rights that are vested in minorities should never be denied, regardless of how wide a voting margin might be mustered against a particular minority at a particular time. The Constitution provides for this. It grants personal rights to an individual, though he is a minority of one in a society of many. The Federal Government exists to protect the rights of all, individually and collectively, in small groups or large. The Senate is the most effective element of the Government in doing this, simply because a minority can protect itself, under rule XXII, by exposing an inequity to public gaze long enough for the injustice to be recognized and appreciated before it can become an ill-considered law.

The American people do not want injustices in their laws, and the Members of the Senate do not want this. The only way it can happen would be if it got into legislation unanticipated and unrecognized. In turn, with the present rules of the Senate, that could happen only in the very unlikely event that no part of the membership of the Senate identified an injustice in the proposed legislation. With a quick gag rule, this safeguard would be badly eroded.

We all do the best we can to voice the interests of the people of our States, who have placed us in a position of trust to do this on their behalf. We should have, and do have, proper respect for the opinion of the public. There are two ways a Senator can fail in this, however well intentioned he may be. Public opinion can be misjudged, or public opinion can undergo a quick and unanticipated change. If either of these circumstances is present, there is a sure way to find out. That is to expose the controversial issue to extended debate. There is simply no way that major issues can be acted upon in haste without accepting repentance in leisure. We owe it to our States and to our people not to do this.

Aside from the obligations of Senators as individuals, the responsibilities of the Senate as a body must concern us. They are a little different from the responsibilities of the House.

I have great respect for the problems faced by the House of Representatives, with its much larger membership. The House needs different rules than the Senate does. Under those rules, however, the legislative product of a relatively small committee can pass the House at breakneck speed, with so little debate as to frustrate the opposition completely, and arrive on our doorstep for judgment. It is provided, of course, that in revenue bills the House acts first and the Senate reviews. In this function, we have a trust that I, for one, would hate to see threatened by similarly circumventing debate in the name of expediency.

It has been demonstrated many times that extended debate does not defeat worthy legislation, although it prevents bad legislation. If good legislation is sometimes slowed by debate, that is the price we must pay to prevent the bad. It is a method that has been used by Senators from all parts of our country and from both parties. Two distinguished names that come to mind are Senator Borah, of Idaho, and Senator LaFollette, of Wisconsin. It is a method that has prevented passage of hasty measures with strong initial support, and succeeded in passage of bills the virtues of which could only be demonstrated by long discussion.

An example of the first occurred in 1946, during the railroad strike. That has been mentioned already in debate, but I want to refer to it again. In that case, a bill passed the House very quickly, drafting the employees into the military service. It meant actually drafting the employees who were operating the trains into the Army, the idea being to make them subject to the control of the Commander in Chief, the President of the United States. That came after long days of strikes and delays and no trains, with the people of this country getting frantic and frustrated. It had strong popular support, but it was given more extended consideration in the Senate, identified as shortsighted, and on second thought was rejected.

Bills which had limited or doubtful support when they were introduced, but gained strength as debate continued, include the Lend-Lease Act of 1941, and the loan to Great Britain in 1946. I mention one before the war and one after the war, meaning World War II.

I have been recently reading a recently published book by James Spear giving the intimate details of the accomplishments in an industrial way of the making of armaments by these remarkable people in what is now West Germany and East Germany. The book points out so clearly how close we came, and all of Western Europe came, to the abyss, being totally overrun and Western Europe subjugated by these remarkable people, under the leadership of Adolf Hitler.

This Nation has problems today that are truly staggering in their impact. There are many of them. Does this mean that because there are many, we must deal with them hastily? I think not. I think it means that we had better be both correct and right in what we do, or we will compound our troubles.

I am not persuaded that a simple majority, with minimized debate, can properly diagnose and treat a list of national ills that include the war, the state of the economy, health costs, welfare costs, bankruptcy of our cities, the disgraceful state of our elementary and secondary schools in places so far as quality education is concerned, the generation gap, the predicament of our universities, distrust of the news media, racial tumult, pollution, the population explosion, and a host of others, not to mention the increasing problems around the globe in international affairs. It has got to the point where, if someone puts up two or three more missiles alongside the Suez Canal, the President of the United States is compelled to call a hasty conference, lay aside everything else, and get together with some of his advisers who are knowledgeable in the field, and make a decision of some kind as to whether we will or will not react, or what we will do.

Mr. President, in my judgment, these are problems that will tax the capacity of all three branches of Government, and will tax the wisdom of this body. This is no time to turn back and gag ourselves. We need all the help we can get from exploring points of view. We will be judged in what we do. We will be judged by the future.

Let us successfully pass the first judgment by preserving a tool we need badly in these considerations, rule XXII of the Senate. To do otherwise will invite haste, partisan expendiency, and a catastrophic failure to meet these great problems with considered wisdom and judgment. Let us not gag ourselves when we most need our voices. What we need are more voices—more wise voices—with time to let wisdom come to the top.

Mr. President, I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BEALL). The Chair, on behalf of the Vice President, in accordance with Public Law 87–758, appoints the Senator from Washington (Mr. MAGNUSON) to the National Fisheries Center and Aquarium Advisory Board.

COMMUNICATIONS AT THE DESK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that certain communications on environmental protection now being held at the desk by unanimous consent be allowed to remain at the desk until Thursday, February 25, 1971.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the leaders under the standing order, there be a period for the transaction of routine morning business, not to exceed 45 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF MONEY RESOLUTIONS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I should like to reiterate, for the information of the Senate, that it is the plan of the leadership to take up the various money resolutions on Monday next.

The resolutions are to be found on the Calendar of General Orders.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, if no Senator seeks recognition at this time, I shall announce the program for tomorrow.

The Senate will convene at 12 o'clock meridian, following a recess; and, under the previous order, following the recognition of the majority and minority leaders or their designees, there will be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes.

Following the period for the transaction of routine morning business, the Senate will proceed to the further consideration of the pending business.

Mr. President, what is the pending question?

The PRESIDING OFFICER (Mr. BEALL). The question is on the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the motion of the Senator from Pennsylvania (Mr. SCOTT) to proceed to the consideration of Senate Resolution 9.

RECESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 3 o'clock and 8 minutes p.m.) the Senate recessed until tomorrow, Thursday, February 25, 1971, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 24 (legislative day of February 17), 1971:

U.S. ADVISORY COMMISSION ON INFORMATION

The following-named persons to be Members of the United States Advisory Commission on Information for the terms indicated:

For a term expiring January 27, 1973: Frank Stanton, of New York (reappointment); Hobart Lewis, of New York, vice Thomas Van Husen Vail, term expired.

For a term of 3 years expiring January 27, 1974: James A. Michener, of Pennsylvania, vice Palmer Hoyt, term expired.

IN THE ARMY

Gen. James Hilliard Polk, [redacted], Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general under the provisions of title 10, United States Code, section 3962.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Michael Shannon Davison, [redacted] Army of the United States (major general, U.S. Army).

EXTENSIONS OF REMARKS

RALPH B. WILSON III, CONNECTICUT'S STATE WINNER OF VOICE OF DEMOCRACY CONTEST

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mrs. GRASSO. Mr. Speaker, I am particularly proud of Ralph B. Wilson III, a high school junior and son of Mr. and Mrs. Ralph B. Wilson of Litchfield, Conn. His essay was judged the winning speech for the State of Connecticut in the Voice of Democracy Contest which is sponsored each year by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

I would like to acknowledge the splendid contributions of the Veterans of Foreign Wars in the area of education. This year over 400,000 students are competing for a first prize in the national contest of $10,000 in scholarship funds. The winning contestant from each State will be brought to Washington, D.C., for the final judging as guest of the VFW on March 5 through 9. The theme of the speeches was "Freedom—Our Heritage."

The continuing efforts of the Veterans of Foreign Wars to instill a sense of loyalty and pride among young people in our country have been most admirable. I look forward to their continuing efforts in this regard.

Ralph Wilson's speech should serve as an example of the fine quality of citizenship among our youth. I would like to call his speech to the attention of my colleagues.

I include the article as follows:

SCRIPT OF RALPH B. WILSON III, 1971 VOICE OF DEMOCRACY WINNER

The American people have long been a race of pioneers, shaping a nation out of the wilderness of an unknown continent, and a laboratory out of an alien and unknown universe. Such pioneer spirit has led to some of the greatest technological achievements in history, but the American pioneer spirit has always meant something more than this. From our very conception as a nation, Americans have been pioneers of freedom.

In the nearly two hundred years of our nation's existence, Americans have died for freedom. At Lexington and at the Bulge, at Bunker Hill and at Porkchop Hill, Americans have fought against attacks upon freedom from without. Now, as we enter a new decade, we Americans face a challenge every bit as crucial and demanding, the challenge of living freedom and of fending off attacks upon our freedom from within.

It is a current fad to curse America, to burn our flag and our universities. Anyone who does not is considered to be "selling out" to that great, if somewhat unclearly defined monster, the "establishment." The thing we must all realize is that it is those who would incite violence who are selling out. These people are selling out our freedom, no matter what their ends.

There is a basic lack of logic in the arguments of people who would have us destroy our society in order to improve it, and give up our freedom in order to secure it. When anyone, regardless of their motivation or political persuasion, would ask us to take away the rights of others, he asks us to deny the existence of our own rights, for he ignores the basic responsibility of liberty as stated in the Declaration of Independence. Governments are instituted among men "to secure rights," and if any system of government is to be a valid defender of man's rights, it must defend every man's rights. This means that, just as every free man's first right is the security of his own freedom, his first responsibility is the security of every man's freedom.

If our freedom is to grow in strength and breadth, it must grow through education and understanding, and not through ignorance, revolution, and destruction. There has never been freedom in chaos, there was none under the revolutionary governments in Russia, China or Paris, and, regardless of their good intentions and their high rhetoric, there is nothing to suggest that our own revolutionaries could offer us any more security for our freedom than these groups did.

But if revolution is not the answer to freedom's challenge, then what is? Certainly we cannot simply continue along present lines, with peace on earth, a clean environment and universal freedom seemingly further away than ever. I think the answer has to lie in some far too seldom used words—"cooperation" and "trust," for these are the challenge of our Heritage of Freedom. As we have drawn ever further away from the time when Americans had to die for their freedom, we have been lulled into a worship of security, and away from these words, and it is instinctive for us to search for an easy way to protect that security. Certainly, it would be easy to say, whether to the government or to a revolutionary, protect *my* interest, keep *me* secure, at any cost; but it would be a hollow security indeed if it meant the surrender of our freedom. In a time of so many challenges to our freedom, mutual trust is vital, and division would be disastrous. War and bigotry, ills which have been created through selfishness and mistrust, can only be destroyed through trust and understanding. We must begin to live our freedom. Every American must become a pioneer for freedom and take the hand of his brother and of God in building upon our Freedom's Heritage the freedoms of the future, freedom from fear, freedom from want, and freedom from ignorance.

ESTONIAN INDEPENDENCE DAY

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. COTTER. Mr. Speaker, today I wish to take time from our busy legislative schedule to commemorate the 52d anniversary of the independence of the Baltic State of Estonia.

This is a historic, but sad occasion. Fifty-two years ago the people of Estonia declared their independence, after centuries of subjugation. However, the autonomy of this proud people did not last long. The country is now under Soviet occupation.

I would like to take this opportunity to recognize this anniversary and to share with Americans of Estonian descent and Estonians behind the Iron Curtain the hope and promise that these people will be able to walk free in their own land once again.

Mr. Speaker, I am sure that the courage and forbearance of these great people will provide inspiration to the peoples of all nations.

On this day dedicated to the freedom of Estonia, I am prayerful that the future will bring its people the happiness they deserve.

CANAL WOULD BADLY DAMAGE FLORIDA'S ENVIRONMENT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. YOUNG of Florida. Mr. Speaker, President Nixon's recent decision to halt construction of the controversial Cross-Florida Barge Canal has set off howls of anguish from advocates of the project. Among their charges is the accusation that the President acted unconstitutionally, running rough shod over the rights of Congress.

Therefore, I believe it essential that the Congress be aware of the critical environmental consideration that led to the President's decision. For this reason, I am submitting the Council on Environmental Quality's interim report on the canal:

INTERIM REPORT

BACKGROUND AND DATA

When the canal project was originally authorized many of the environmental factors were not recognized, and in any event, it was not then Government policy to weigh environmental considerations heavily in such decisions. Both of these situations have changed dramatically.

Through the National Environmental Policy Act of 1969, it is now the Government policy that environmental considerations be given appropriate attention at all levels of Federal planning and decision making, and further, that consideration of environmental impacts applies to ongoing as well as new activities.

Ecological knowledge has greatly expanded in recent years, and the areas in which particular improvement have taken place include understanding of ecosystems and ability to predict environmental consequences of certain types of actions.

Knowledge of the environments affected by the Cross Florida Barge Canal itself has expanded greatly through the conduct of a series of studies, surveys, and reports. A list of the studies and reports is attached. These documents were reviewed in the course of the studies on the canal project which the Council on Environmental Quality carried out.

Environmental Considerations

The major environmental considerations are briefly summarized here, not listed in any order of importance of significance.

The meandering Oklawaha River with its river valley would be largely inundated by Rodman Reservoir and Eureka Reservoir. A central channel, 12 feet deep and a minimum of 150 feet wide, would be created. The flooding, clearing and dredging would irrevocably alter the entire ecosystem.

The Oklawaha Valley and River is not *"virgin"* in the sense that there has been human activity, including substantial lumbering, in the past. However, it is *regarded as an area of unique wild beauty*. In 1963, *the Joint Study by the Departments of the Interior and Agriculture found that the Oklawaha River "should be included in any system of wild rivers*. It is felt that this use outweighs any other possible functions that have been proposed for the general area." Criteria for inclusion in the system were that such streams should "be preserved in their free flowing condition because their natural scenic, scientific, esthetic, and recreational values outweigh their value for water development and control purposes now and in the future." The River was also considered for inclusion under the Wild and Scenic Rivers Act of 1968, but by that time construction of the canal was in progress.

The project would cause some physical alteration of the land surface through digging, dredging, construction of dams and locks, and relocation of transportation facilities. *The major impact, however, is due to alterations in the surface and subsurface water*. Significant areas will be inundated. The three main reservoirs created would have a combined area of some 50 square miles. The water table of the river valleys and to some degree that of the other surrounding lands would be altered by the canal. In some cases, there would be a raising of the water table level, in others lowering, depending on the site along the route of the canal and factors such as the nature of the topography and the geology. Any change in ground water level will affect surface vegetation and will have an impact on the ecological balance of the area.

The loss of the habitats that are totally altered, such as the dense stands of hardwoods in the Oklawaha Swamp, the "hydric hammock" habitats, means the *loss of the associated wildlife species which are limited to that habitat*. The impact, however, extends far beyond the areas most significantly and obviously effected.

The Oklawaha River and swamps provide a key part of the habitat for many of the wild animals and birds that inhabit the adjacent Ocala National Forest. A number of species such as deer, bear, and turkey spend much of the year in the extensive pine flats of the National Forest, but require the river and swamps to provide food and cover during critical periods when adequate food and cover are not available in the pines. Thus, alteration of the relatively small area of hardwood swamp will exert a profound influence on the wildlife of a relatively vast area of adjacent pine forest.

Changes in the water table, as noted above, will result in changes in vegetation and, therefore, in wildlife habitat. This effect can be expected, to a greater or lesser extent, along the entire length of the canal, although from a wildlife standpoint, the Oklawaha valley is probably the most significant part of the proposed canal route. In the area impacted by the proposed canal, there are a large number of species of wildlife (birds, mammals, reptiles) including several on the threatened species list, among them the alligator.

Other species will move into the new environment. Experience shows that from this type of development the species which move in include a much less diverse and stable range of species and frequently a very much higher proportion of exotics and pests.

The fish life will be profoundly affected. There should be a temporary increase in the sport fisheries in the new reservoirs, but the long-term effect should be a replacement of the present desirable sport fishery by what are largely trash fish, including gars, bowfin, shad, and bullhead. Species which require migration up stream in their life cycle, such as striped bass and mullet, will find their path blocked by dams, their migration and spawning will be interrupted, and eventually they will be eliminated from the system. This process has begun already on the upper Oklawaha because of the construction of Rodman Dam.

The Florida Game and Fresh Water Fish Commission made a careful comparison between the St. Johns River and the proposed Oklawaha River reservoir complex, believing that, although the St. Johns River is not impounded, the comparison is valid because of the relationship of water flow and nutrient load between the two of them. There are many data referred to, but during the period of study (20 years) the important game and food fish species declined in weight percentage wise as follows: large mouth bass, 40%; black crappie, 46%; blue gill, 68%; shellcracker, 42%; redbreast sunfish, 98%; channel catfish, 48%; and white catfish, 27%.

Concurrently, populations of other non-game fish types of little economic value expanded. Gizzard shad expanded 447%, long-nosed gar (in 17 years) increased 2,640%.

Factors involved included slow movement of water, heavy undesirable algae undergrowths (caused by combination of overenrichment of nitrates and phosphates, rising water temperature, and direct sunlight. These produce growths which rob life-giving oxygen and result in periodic fish kills during the months of April, May, and June), eutrophication, and sedimentation, the slowly decaying hyacinth and other plant materials covering fish spawning areas and reducing bottom productivity.

Citing the well known temporary increase in productivity following damming, the Commission cited cases of Florida reservoirs where the decline occurred five years after impoundment (two cases) and eight years after impoundment (one case). "We expect the fish population in the Rodman and Eureka reservoirs to peak earlier and harvest success to stabilize at a lower level than those reservoirs listed above due to the exceptionally heavy nutrient load which will produce excessive aquatic vegetation and algae growths." The heavy sediment buildups will ultimately render the bottom unproductive for most sport fish populations, and the shallowness of the canal reservoirs further magnifies the problem.

The anticipated increase in the fishery in the first few years after damming may be to a greater or lesser extent offset by the three to four of years of continuous dredging required to construct the canal, as well as subsequent dredging to maintain the channel open. The effect of the dredging will be to increase the turbidity, siltation, and fertility. The siltation and other factors render the bottom unproductive for reproduction of many of these fish and smothers and kills the young of some species.

The rich fisheries that exist in the Oklawaha and in some Florida lakes are due, in part, to fluctuations in water level. The Florida Game and Fresh Water Fish Commission has expressed the view that the barge canal and fishing are incompatible because of the importance of the fluctuating water to the fishery contrasted with the need for stabilized water levels for barging.

The Federal Water Pollution Control Administration noted that the creation of the canal with its impoundments will change the bottom animal population and will increase the number of potential nuisance organisms such as mosquitoes and midges. "The slack back waters will serve as breeding areas for mosquitoes." Organic materials now swept away by current will settle to the lake bottoms and accumulate to provide food for increased numbers of midge larvae."

The canal will provide a direct infestation route and a means of transport for a variety of organisms, some of which are potentially serious pests. Once introduced, the pests could spread virtually unobstructed throughout the waterways in the other parts of the State, i.e., the other side of the State, and in some cases, extend their range possibly into adjoining States. There are abundant examples of this type of transfer provided by other canals. The movement of the sea lamprey into the Great Lakes via the Welland Canal is, of course, a classic case.

In the Florida barge canal area pests which have been identified include waterweeds, fish and clams.

Among the waterweeds are the *Hydrilla verticillata* and *Myriophyllum spicatus*. *Hydrilla* is one of the world's fastest growing and rapidly multiplying submerged aquatic flowering plants and is regarded as being potentially the most difficult aquatic plant to control in Florida. Introduced in recent years to Inglis pool, it has become a major problem there and has now engulfed over half of the pool. In an experimental chemical control program in August 1970, 140 acres of the pool were treated. A small fish kill was reported and, although the area was reasonably clear initially, within two months a two-foot high stand of *Hydrilla* had grown back. The cost of chemical alone was $39,000 and, as a result of the experiment, it was calculated that at least two complete treatments a year, at a cost of $815,000 per treatment, would be required to keep the weed under some control in Inglis Pool. If this plant were to spread through the canal to the eastern waterways, the economic and environmental dangers are clear.

Myriophyllum spicatus, or Eurasian milfoil, is another submerged aquatic plant introduced into Florida waters where it has become a serious waterweed. *Myriophyllum* now is found within a few miles of the western end of the canal route.

Potential faunal pests which could be spread by the canal include such organisms as the exotic fish, *Tilapia melanotheron* and the Asiatic clam, *Corbicula*. The impact of this particular fish on the aquatic ecosystem and fisheries of the eastern waters is uncertain. The introduction of exotic elements into aquatic ecosystems generally disrupts existing conditions, often to the detriment of the ecosystem and the fishery. The intentional introductions, for purposes of management or fishery improvement, which are based on adequate research, are a totally different situation from the unplanned, accidental introductions, as through a canal.

The threat posed by the clam was described in a memorandum to the Governor of Florida by the Chairman of the State of Florida Department of Air and Pollution Control, dated May 12, 1970. "The Asiatic clam (*Corbicula*) . . . has already demonstrated its devastating effect in the Tennessee Valley and to a lesser extent in the Apalachicola and Escambia Rivers. The canal will open the entire Oklawaha and St. Johns Basins and eventually all of eastern Florida to the spread of this clam." The clam exists at the western end of the waterway in the Withlacoochee River where the Federal Water Pollution Control Agency reported live clam populations as dense as 2,000 per sq. ft. in the lower reaches.

EUTROPHICATION

One of the particularly severe environmental problems associated with the canal construction will be eutrophication. In its natural state, the Oklawaha is a cool, highly enriched, densely shaded, flowing river. When the flow is obstructed by dams and locks, the entire ecosystem is drastically disrupted, producing a warm water, highly enriched, unshaded, shallow watercourse, with little or no flow. The ecosystem which formerly supported fishing, hunting, and aesthetic values is in jeopardy because the new system is a nutrient trap that functions similar to a sewage treatment "polishing pond." In the reservoir system of the proposed canal, the soluble nutrients will be utilized by higher aquatic plants or by algae. These in turn will die, sink to the bottom, contributing to the organic build-up and utilizing oxygen.

The nutrient utilization will probably follow two paths. Some of the nutrient will stimulate both the floating plants such as water hyacinth and submerged plants such as *Egeria densa* and *Hydrilla*, which ultimately choke the waterways. Alternatively, the nutrients may be utilized in the production of algae. Rapid growth of algae produces an "algal bloom," characteristic of eutrophication conditions, and often covering much of the water surface. Dead and dying algae may be extremely odiferous, and sinking to the bottom, they deplete further the dissolved oxygen in the waters.

Both of these developments may occur simultaneously. The low oxygen associated with the high organic matter under such conditions further alters the conditions required for fish and also for recreation purposes. The Florida Game and Fresh Water Fish Commission noted that the problem of low dissolved oxygen could occur for a number of years "or possibly will always be a threat to the aquatic life within the Rodman and Eureka pools."

The type of problem can be visualized by considering the flow-through rate of water in the Oklawaha. It is calculated that under the natural conditions, water entering at Moss Bluff traverses the entire length of the river in 3.6 days. It is calculated that with the reservoirs the flow time will increase to 56.2 days in Eureka and 19.8 days in Rodman. This gives 76 days for the impoundments plus the time required for the water to traverse the remainder of the river outside the impoundments.

Comparisons have been made between the Rodman and Eureka reservoirs and the Inglis reservoir with the objective of showing that the reservoirs on the Oklawaha River would not eutrophicate as rapidly as has been predicted because the Inglis does not. The comparison is not entirely valid. The Inglis reservoir is about one-tenth the size of the Oklawaha reservoirs. The average surface water flow entering the system is very much greater than that in the Oklawaha system, and some data indicate that it is not as rich in available nutrients. The key point is that the detention time in Inglis reservoir is only 5.1 days which will greatly reduce the time in which the nutrients can express themselves in the form of eutrophication. However, in spite of these factors, Inglis reservoir is a nutrient trap and it has serious aquatic weed problems.

AQUATIC WEEDS

One serious result of the eutrophication noted above is the rapid growth of aquatic weeds. Waterweed growth in relatively still water in that part of Florida is extremely high. For example, following the initial flooding of Rodman Pond in September 1968, during the roughly 2½ months growing season remaining in the year, an estimated 300,000 tons of water hyacinths grew. The submerged waterweeds including *Hydrilla* represent possibly an even more serious problem.

Control of water plants is exceedingly difficult, and at best, appears to be a continuing and costly process. Mechanical means involving removal of the plants from the water, as recommended by the Federal Water Pollution Control Administration to avoid aggravated eutrophication problems, have been deemed impractical by the Corps of Engineers. Therefore, the chemical control which is expensive, not totally effective, and pollutes the waters and the ecosystem, must be continued. *The nature of the chemical control problem for Hydrilla in Inglis Pond was described above, with the annual costs calculated at $1,630,000.* The weed control problem is not limited to the impoundment. The Florida Game and Fresh Water Fish Commission cites Dr. Lyle Weldon, Aquatic Weed Specialist, U.S. Department of Agriculture, as stating, *"I do not believe it unreasonable to postulate that the cost of weed control could reach $10,000 to $12,000 per mile" per year in the cross Florida barge canal channel.*

IMPACT OF DREDGING

The several years of dredging (12 months each for Rodman, Eureka, and Inglis Pools plus 12 months stumping and grubbing in Inglis and 20 months for St. Johns River) will stir up and place in suspension silt, clay, and organic material creating turbidity and blanketing the bottom of the reservoirs; it will recycle nutrients trapped presently in the bottom muds, probably reducing available oxygen; it is expected to degrade portions of the section of the Oklawaha River from Rodman to the St. Johns River.

Although the greater part of the dredging will take place during the first several years, continued maintenance dredging will be required to keep the channel open. This and the constant stirring with passage of vessels produces suspended silt which affects the quality of the surface water and will also present pollution of the aquifer where outflow from the canal system to the aquifer occurs.

INCREASED SALINITY

In periods of low water when the water is pumped back into the pools from below the dams or locks to maintain the pool levels, there is a danger that the flow of fresh water to the lower rivers will be reduced, and salt may move further up the St. Johns River and possibly also the Withlacoochee River and the canal. The plan of operations, however, is supposed to avoid this. This problem at low water periods will be aggravated by evaporation from the pools themselves and by the possibility of additional leakage from the pools.

SURFACE WATER POLLUTION

Mention above has been made of the problems of siltation, eutrophication, chemical pollution from insecticides and herbicides, and the possibility of some salt pollution. The greatest potential pollution hazard comes from the barging itself. Heavy commercial utilization of waterways historically causes pollution problems and degrades water quality through accidents, bilge pumping, spillage, leaks, and similar factors. Although every effort would be made to avoid accidents and other sources of pollution, there can be no question that a real danger exists and that the danger would increase with increases in the volume of barge traffic involved. The problem is aggravated by the nature of the projected barge cargoes. According to the Corps of Engineers 1962 report, about 48% of the total estimated annual volume of barge traffic would consist of industrial chemicals, petroleum, fertilizer, and fertilizer materials. The industrial chemicals include caustic soda, chlorine, methanol, and similar substances, while the fertilizer includes ammonia, ammonia nitrate, sulfate, nitrogen fertilizer solutions, potash, and sewage sludge. All of these, of course, represent severe pollution hazards if released by accident anywhere in the canal system.

POLLUTION OF SUBSURFACE WATER

The canal will not be a closed system, its water separated from the various subsurface waters of the area. Instead, it interconnects with the subsurface waters, and there will be flow in both directions between the canal and the aquifer. The United States Geological Survey report on the geohydrology of the cross Florida barge canal area pointed out that there will be outflow from the proposed canal to the Florida aquifer in several areas, and the report emphasized the need to avoid surface pollution to minimize the risk of pollution to the aquifer.

Although it is not the only section of the proposed canal route where there is possibility of contact with subsurface waters, the Summit Pool is the area where the potential problems would appear to be most acute. The canal would be in contact with the aquifer in several areas. The design objective is to maintain the pool water at a level to equalize inflow and outflow from these various points. As necessary, to maintain water levels, water will be backpumped into the pool from the channel below the lock to the east, above the confluence of Silver Run and the Oklawaha River. Depending on the water conditions, this pumping itself may introduce pollution into Summit Pool since the Oklawaha River is somewhat polluted from the residential and agricultural land use upstream. The Summit Pool section is nearly 30 miles long, about 50% longer than the next longest section of the proposed canal. Consequently, the opportunity for pollution from barge traffic is relatively great. There seems to be no question among the geologists familiar with the region that some outflow from the canal to the subsurface waters will occur and that, if pollutants are in the canal water in those areas, they could enter the aquifer. There are differing views as to the total amount of outflow and of the magnitude of the consequent impact of canal pollution on the aquifer. One view holds that the outflow will be significant and may increase because of the water backpumped into Summit Pool from the river system to the east. If this water has characteristics that are sufficiently different from that in the aquifer under Summit Pool, it would tend to react with the limestone. This could increase the leakage by further enlarging the openings which would interconnect the canal waters with the aquifer. The other view, based on essentially the same data, is that outflow or leakage will be relatively low and should not increase. While the USGS report noted that the operations as planned should not seriously affect Florida water supplies, it carefully noted the possibility of pollution of the aquifer if surface pollution did occur. Given the surface pollution potential discussed above, there is a clear potential for some pollution of the Florida subsurface waters.

A secondary effect of the outflow or leakage potential from Summit Pool is the potential of significantly reduced water flow in the dry season. If leakage is significantly more than has been calculated, increased backpumping may be needed in an effort to maintain the water level in the pool high enough to avoid affecting the flow of the aquifer and to permit barge traffic. This increased pumping, in turn, would reduce the flow of water down the canal system below the Summit Pool, producing possible adverse effects on navigation, the ecosystems involved, and possibly leading to salt intrusion.

ENVIRONMENTAL IMPACT ON COSTS AND BENEFITS

Economics, as such, are outside the scope of this report. However, it should be noted that the environmental factors discussed above profoundly affect the projected costs and benefits.

The benefits in the Corps of Engineers benefit/cost ratio of 1.4 to 1 rely heavily on recreation. About 24% of the projected (FY 71) benefits are listed as "recreation," and about 66% are listed as "Transportation savings and recreational boating." Much of this recreation is adversely affected by the environmental conditions noted above, particularly those which affect water quality and sustained recreation use of the reservoirs. The Florida Game and Fresh Water Fish Commission concludes their March 1970 report on the canal as follows:

"In conclusion, it is the opinion of the Game and Fresh Water Fish Commission, based on the information now available and in consideration of the principles of ecology, that the previously assumed benefits from fishing and hunting will not be realized throughout the project life of the Cross Florida Barge Canal."

At the same time, environmental factors would be expected to increase the costs above previous estimates, particularly in the areas of weed control for barging and recreation, and for other aspects of maintenance of acceptable water quality. The projected annual costs of 1.63 million for Hydrilla control in the Inglis Pool alone indicate the potential magnitude of the costs, based on the most recent information.

ALTERNATIVE ROUTES

Because of the rising national concern expressed over the fate of the Oklawaha River, the Corps of Engineers has considered alternative routes which would avoid flooding the remaining portion of the river. One alternative route proceeded from the east end of Summit Pool, near Silver Springs, eastward to Lake George. The Corps studied this route and rejected it on various grounds, including increased costs due to the length and terrain involved.

A second alternative involves a route to the west of the present Oklawaha River and roughly parallel to it, between the State Route 40 bridge and the Eureka Dam. This route would utilize the Rodman Reservoir, but would bypass the remaining roughly 20 mile stretch of the Oklawaha River which has not yet been inundated.

Many of the above environmental considerations apply to the canal with the alternative routes as much as to the original canal route.

The dangers of pollution of surface waters and consequent threat of pollution to the aquifier apply to the canal with alternative routes since the major areas of interconnection between the aquifer and the canal lie west of the proposed alternative routes, in the parts of the canal where the route would remain unchanged.

Regardless of the route chosen, a canal will provide a direct infestation route and means of transport of potential pest organisms. Pests such as the Hydrilla and the clam, now present at the west end of the canal, would have access to the eastern waters and up the Oklawaha to the basin above, with the alternative as well as with the original routes.

The eutrophication and associated problems will remain for the Rodman Reservoir which would be required to maintain a relatively constant level, and for the other parts of the canal, with the alternative route. The only area not affected would be the by-passed section of the Oklawaha. This applies equally to the aquatic weed problem. Therefore, many of the concerns with maintenance of fishery, water quality, and recreation remain equally for the alternative routing as for the original.

The problem of reduced water flow in dry seasons, accentuated by backpumping to maintain pool levels, possibly resulting in increased salinization in the rivers east and west, remains with any alternative.

The proposed bypass would protect the Oklawaha from direct physical damage. However, there may be indirect impacts from altered surface and subsurface water levels or regimes. In particularly dry periods the water required to maintain the Summit Pool (the various problems are described above), plus that needed to maintain water level in the by-pass canal, may so reduce the flow available to the Oklawaha that ecological alterations will result. The canal, running parallel to the main river course, will alter the subsurface water level which will have an effect upon the vegetation and wildlife of the surrounding area including the river valley.

FUTURE USE

Future use is beyond the scope of this report. However, it should be emphasized that in the absence of the proposed canal, maintenance of the environmental values discussed above will be dependent upon the future uses of the area involved. In determining future uses compatible with the environmental values, many factors must be taken into account, among them the various environmental factors discussed above, flood control, land ownership, and administration.

TRIBUTE TO RICHARD B. RUSSELL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. CRANE. Mr. Speaker, the people of America have suffered an irreparable loss with the recent death of the Honorable Richard B. Russell, of Georgia, President pro tempore of the Senate.

My colleague in the Senate distinguished himself as a man of vision who loved his Nation and his State. Senator Russell was a dedicated champion of the national defense who knew his trade and practiced it well. My fellows in both Houses of Congress and I would do well to emulate his selfless devotion to principle.

A man of outstanding ability, Richard Russell also possessed a deep compassion and understanding. He will be sorely missed.

My wife and I extend our deep sympathy to his brother.

TIMELY ACTION NEEDED ON TRADE LEGISLATION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. WYMAN. Mr. Speaker, last year the House passed—by a margin of 50 votes—a trade bill that would grant badly needed relief to the shoe and textile industries. Unfortunately, the other body was unable to complete action before Congress adjourned. The need for orderly marketing legislation, as the following articles clearly point out, not only continues but has in fact increased. Foreign shoe imports now account for 42 percent of the American market and, in the textile industry, more than 14,000 jobs were lost during 1970 in New England alone.

The Congress through inaction must not surrender two American industries to the unrestricted importation of articles produced under a system of cheap labor abroad. This is exactly what will happen if the Ways and Means Committee does not soon report and act on trade legislation. This should be a matter of the highest priority to the membership, and I urge action before it is too late to bring about this necessary relief.

The authors of the two articles that follow, Mr. William Sullivan and Mr. Maxwell Field, are unquestioned authorities in their respective areas of textiles and shoes. These gentlemen have followed closely the overall industry attempt to combat the import problem and know from firsthand experience the depth of the crisis in terms of factories and jobs lost to the Foreign Imports.

I commend their articles to the readers of the RECORD in order that the urgency of the situation can be placed in better perspective.

The articles follow:

IMPORTS CUT INTO TEXTILES

(By William F. Sullivan)

The textile industry in New England and in the nation felt the winding down of the war in Vietnam and the effects of a stringent monetary policy pursued by the government in 1970.

But in addition, the textile industry had to cope with the continually rising level of textile and apparel imports. This took place in spite of declining U.S. consumption.

Manufacturing employment in New England declined by 129,000 jobs, or 8.5 per cent during the year. Textile and apparel employment declined by about the same rate—more than 14,000 jobs, leaving a total of 148,000 at year end.

Larger percentage declines were registered by such industries as machinery and electrical machinery which accounted for about 41,000 lost jobs out of 83,000 jobs lost in durable goods industries during this period.

The reduced level of textile production which began in the second quarter of 1970 will probably continue into the second quarter of 1971, by which time the growth of imports should be checked either by legislation or by voluntary arrangements worked out by our government with the principal exporting countries.

The Trade Act of 1970, which provided for control of textile imports as well as shoes, was enacted by the House of Representatives with a 50-vote margin last November, and although the Senate probably would have passed the act, time ran out before it came to a vote. Protectionist sentiment in the Congress is expected to be even stronger in 1971.

With the Administration declaring itself ready to turn the economy around, and imports finally under control, the textile industry hopes to move ahead by mid-1971, and modest gains in employment, sales and profits should be registered by the year end.

Shoe Manufactures Hard Hit

(By Maxwell Field)

The year 1971 is expected to show lower footwear production totals for both the United States and New England shoe industries than in 1970—declining to the lowest levels in several decades! This dclining trend is a direct result of the rising rate of foreign shoes imports—now equal to 42 per cent of U.S. shoe production—plus a recessionary period in 1970.

Total shoe production, exclusive of rubber footwear, in the United States in 1971 is forecast at 550,000,000 pairs. This represents a drop of 10 million pairs from 1970 estimated output of 560 million pairs and compares with an all-time high output of 646 million pairs reported for 1968.

Significantly, it is the lowest output since 1954—lower than production totals in the recession periods of 1958 and 1963!

The New England shoe industry continues as the largest employer among nondurable industries in the region, with an estimated employment of 66,000 shoe workers in 200 plants!

The industry is the largest employer of labor in both states of Maine and New Hampshire. It is the fourth largest manufacturing industry in Massachusetts.

There is an additional employment of some 30,000 workers in the region directly dependent on the shoe industry. They are employed in the tanning, leather products, shoe machinery and shoe supply trades producing component items for assembling of finished shoes.

However, this employment has been steadily declining during the past four years. In 1967 employment was at a high level of 80,000 shoe workers plus 35,000 additional workers in the leather and shoe supply trades in New England!

From 1968 thru 1970, a total of 71 shoe factories ceased operations and 12,450 workers lost their jobs! It should be noted that a few of these plants—7 actually—were reopened by other management groups, but with lesser production and fewer workers! Thus, these closings account for the drop in both output and employment stated above.

Already, in the first half of January, two more factories in Massachusetts announced that their plants would be phased out. Some 700 shoe workers are involved in these closings. And looking ahead to the balance of '71, more shoe factory shut downs are anticipated. The reason is that imports are rising uncontrollably because of the lack of congressional and administration action on the Trade Bill in the 91st Congress!

For New England, therefore, we forecast 1971 will be another year of declining production and employment—just as in 1970 and 1969. Output is expected to total only 160 million pairs this year, a drop of 10 million pairs from 1970. Last year, New England's ratio of output to U.S. production equaled 30 percent which compares with a ratio of 33 percent for the Sixties.

For 1971, we estimate total U.S. footwear imports (non-rubber) will soar to 280 million pairs, equal to 50 per cent of domestic production!

This compares with increases in footwear imports in 1970 to a total of 235 million pairs—or fully 42 percent of estimated U.S. shoe production.

Forecasts issued by our association estimate that, if imports continue uncontrolled, by 1975 imported footwear will take one-half of the domestic market for non-rubber footwear. This means that imports will equal domestic production!

The major factor for the competitive advantages of imported footwear over the domestic product is simply the wide differential in labor costs—to the tune of 20–35 percent—which keeps American manufacturers at a disadvantage which they can in no way overcome.

The very low and unfair wage structure of countries like Spain, Italy, Japan, Taiwan, Brazil, etc. are illegal by our standards. In this country there are child labor laws, unemployment compensation and Social Security taxes—federal minimum wage and overtime pay—all these additional cost factors mitigate—against American manufacturers competing on any reasonable basis with imports from foreign countries.

These facts speak for themselves. They explain the persistence of leaders in the footwear industry—working in harmony and cooperation with textile leaders—in supporting trade legislation in Congress to establish, via quotas, limitations on footwear imports. These bills do not call for a halt in imports. They will not so limit supply as to raise prices to the consumer! They call for fair trade—to enable American producers to give jobs to, and keep on their jobs, fine American citizens.

The failure of the 91st Congress to act in the last days in December because time ran out, can only mean that the shoe industry—together with the U.S. textile Industry—will continue to press for this legislation in the 92d Congress.

Every New Englander, yes every American citizen, is directly affected by the outcome. The issue is clear: Do we expand imports and export American jobs? Will the American citizens employed in shoe-textile jobs continue to earn fair wages and support their families and pay taxes—or will the Federal and state governments continue to pour out (or pour down the drain) billions of more dollars annually for unemployment and welfare relief programs?

Where are the returning veterans from Vietnam going to find good jobs and earnings high enough to raise their families?

There is only one American Way!

CONGRATULATIONS TO CARL HANSEN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to call attention to the contributions made by Carl Hansen of San Jose, Calif., to the great effort to find a cure for muscular dystrophy which afflicts so many innocent children in America. Carl Hansen, as the former host of KNTV's children's program, "Hocus Pocus Show," promoted Carnivals Against Dystrophy. The money raised through these programs is used to advance the research and patient service programs of the Muscular Dystrophy Associations of America, Inc.

Carnivals is a program whereby the hosts of popular television shows invite their young viewers to write for free Carnival kits which explain how funds can be raised to help children afflicted with this horrible disease. The youngsters run carnivals in their own backyards, and through them learn how to organize and set up a relatively complex project and how to meet the challenge of managing their own "small business." Perhaps most importantly, they learn to identify with and care for those for whom Carnivals are conducted, children who, because their bodies have been weakened by muscular dystrophy, cannot take an active part in the projects. In 1970, young people across the Nation held 22,383 backyard carnivals, raising more than $500,000 for the victims of this disease.

I think we can be justly proud of Carl Hansen for the compassion and care his program shows and proud too of the many thousands of youngsters who care enough about other children to make an effort to help fight muscular dystrophy.

BRITISH SHIPPING AIDS COMMUNISTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. BIAGGI. Mr. Speaker, the recent activity in Laos has focused attention on the Communist supply routes that keep their men throughout Southeast Asia fully equipped. Alarmingly, a good deal of these supplies enter North Vietnam in vessels flying the British flag.

Although Great Britain has continually voiced her support of our position in Southeast Asia and has claimed to be a strong ally, she is unwilling to put a stop to vessels supplying the enemy with war materials and other essential items.

Moreover, many of these vessels which are registered in Hong Kong, are owned by Chinese Communist shipping interests based in the island protectorate.

The British have made some effort in the last several years to reduce the amount of this shipping, but they have not gone far enough. In the first 6 months of 1968, 62 British-flag vessels unloaded their wares in Haiphong, North Vietnam. In the same period in 1969, 42 ships called on North Vietnam bringing essential items for the war.

The first 6 months of last year saw another decline to 26 British ships and that trend has continued into the latter half of the year. Without a doubt this is a substantial improvement, but the British should not permit a single vessel bearing their flag to enter the ports of North Vietnam.

The Communists in Southeast Asia can survive only with the supplies being continually brought to them. The Soviet Union, Red China, and other Communist countries cannot supply sufficient amounts of materials and food. Without the aid of America's so-called friends in the free world, Hanoi would have fallen long ago.

I, for one, cannot and will not tolerate a supposed ally aiding and abetting an enemy. If your neighbor whom you valued as a friend helped a robber and murderer enter your house, steal your belongings and kill your family in exchange for a few dollars, you would not tolerate it.

Yet, on an international level, we are willing to tolerate just such actions by our supposed friend, Great Britain. I sincerely hope that the State Department will begin putting more pressure on the British to end this disgraceful slap in the face of the United States. Peace we all want, but peace we will not get while friends aid the enemy.

TREATMENT OF POW'S

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. PETTIS. Mr. Speaker, Mr. Richard G. Capen, Jr., the Assistant to the Secretary of Defense for Legislative Affairs, addressed a joint session of the California State Legislature to call attention to the status of our brave men who are prisoners of war and missing in action.

Dick Capen has been delegated by Secretary Laird himself to lead a movement that will mobilize the sentiment of the American people on this crucial issue. Through speeches such as the one I am commending to you, he is seeking to focus the attention of the American people on the inhumane and illegal treatment our loyal servicemen are receiving. Hopefully, world opinion can be marshaled to demand proper treatment of these prisoners and action can be taken to secure their safe release.

Mr. Capen and our Government must be supported in this effort, and I encourage all my colleagues to digest his remarks.

I include the article as follows:

ADDRESS BY MR. RICHARD G. CAPEN, JR., ASSISTANT TO THE SECRETARY OF DEFENSE FOR LEGISLATVE AFFAIRS BEFORE A JOINT SESSION OF THE CALIFORNIA STATE LEGISLATURE, SACRAMENTO, CALIF.

It is a personal privilege for me to have the honor today of addressing this unprecedented joint session of the California State Legislature. Through this meeting you honor the dedicated service of a brave group of more than 1,550 Americans who today are prisoners of war or missing in action.

Furthermore, you honor the personal courage of their families—the thousands of wives, parents and children who have lived so long not even knowing whether their loved ones are dead or alive. More than 500 of these relatives live right here in California.

The enemy has referred to our captured and missing Americans as "just 1,500 men." They cannot understand how we in America can be so concerned about "just 1,500 men."

Well, we are concerned. We are concerned about each and every one of them. Other civilized nations would expect the kind of mounting protest which we have seen in America over the enemy's barbaric treatment of helpless human beings.

Our entire way of life is founded on the dignity and freedom of man. Our nation's heritage is rich with voluntary efforts of those who have given their lives so that others might live in freedom.

The United States has made clear its hopes for an early end to the war through negotiation. In the absence of such progress in Paris, we have made it equally as clear that the U.S. intends to withdraw its forces from Vietnam, a program made possible through the success of Vietnamization.

We believe it serves no useful purpose to go back and debate the issues that led to the decision of the early 1960's which involved the United States in Southeast Asia. Since that time a large number of Americans have served their country in that part of the world. We honor the thousands who have given their lives. Other thousands have risked their lives and risked the possibility of being captured.

I am here today to review briefly this country's determination to defend those helpless Americans who have sacrificed so much and who are now prisoners of war or missing in action.

The enemy has completely misjudged our country's attitude on this issue. They have totally misread the American mind, grossly misjudging the mounting opinion that has turned so strongly against the North Vietnamese, the Viet Cong, and the Pathet Lao for their heartless treatment of war prisoners.

Perhaps there has been division of opinion on the political and military aspects of the war. But, there is no division whatsoever on the enemy's cruel handling of the American prisoners. The tide has turned against the enemy and they should know it. If the other side expects to be treated like a civilized nation, it will have to act like a civilized nation.

The enemy has not made the slightest pretense of complying with the humanitarian provisions of the Geneva Convention dealing with prisoner of war treatment.

There never has been a complete and official list of known prisoners released by the enemy. There never has been an impartial inspection of enemy prisoner camps. There never has been the release of sick and injured prisoners, and there never has been a regular flow of mail between the prisoners and their families.

These four standards are minimum provisions, not just of the Geneva Code, but of what any civilized nation would respect. And, I might add, the North Vietnamese are signators to that Geneva Convention.

American prisoners have been physically tortured. They have been kept in total isolation for months at a time. Broken bones have been rebroken and fingernails removed. Medical attention has been denied and proper diets ignored. War prisoners have not been fully identified.

Because the enemy's propaganda has almost exclusively focused on a few men held by Hanoi, there has been a tendency to believe the prisoner of war problem has involved only North Vietnam. We must never forget that nearly half of the 1,550 American prisoners of war or missing servicemen were lost in South Vietnam and Laos. We are as vitally concerned about their plight and equally insistent that the Viet Cong and Pathet Lao be held accountable for their treatment of our men.

The other half of our captured and missing men were shot down over North Vietnam during the extensive bombing raids as long as five and six years ago. Some of our men have been held prisoner by the enemy for more than six years. Some have children who are now four and five years old and have never seen their fathers.

In just a few weeks one man, who is believed to be a prisoner in South Vietnam, will pass his seventh year of captivity. This is twice as long as any American was held a prisoner in all of World War II. In fact, more than 300 Americans have now been captured or missing longer than any U.S. serviceman was held during World War II.

Yet time marches on, bearing down on the men and their families. It is not difficult at all to understand the severe emotional distress to the wives and children who have lived with this uncertainty for so many years. In desperation, more than 300 family members have knocked on embassy doors around the world in a futile search for information, merely asking to be told by the enemy whether their loved ones are dead or alive.

Those who have had face-to-face meetings with communist officials in Paris and elsewhere have been subjected to a heavy barrage of propaganda and false promises. How tragic it is that the enemy has chosen to add to their miserable record of inhumanity by ruthlessly exploiting these relatives.

When the Nixon Administration came into office in early 1969, the plight of our prisoners of war and missing men was thoroughly reviewed by the Defense Department. Until that time little had been said publically about Americans who were captured or missing in Southeast Asia. The Government's position was that a quiet, low-key diplomatic approach was more likely to achieve results than public discussion of the problem. Regretfully, this policy brought no significant progress.

We felt it was critical that the Government change direction particularly when realizing that, by early 1969, some of the men had been listed as prisoners or missing for nearly five years. The vast majority, of course, were lost prior to November 1968 when the extensive bombing of North Vietnam was being carried out.

The new approach taken by the U.S. Government in the past two years has focused world-wide attention on the callous and inhumane attitude of Hanoi and its communist allies in Southeast Asia.

Since that time the flow of mail from some of the men has shown improvement. However, the letters received have been severely restricted and carefully censored. And, of the almost 800 prisoners and missing men in South Vietnam and Laos, only one has ever been allowed to write at all.

Although the North Vietnamese have announced that families may send small packages to prisoners every month, there is evidence that certain items are removed and there is no provision whatsoever for packages for the men missing or captured in South Vietnam and Laos.

Recently, the North Vietnamese have stepped up their propaganda efforts in an attempt to convey the impression that our men are being well treated. No one should be deceived when viewing the limited number of highly controlled and carefully censored interviews which Hanoi has released from time to time.

Such interviews have included only a brief glimpse of a very small number of men. The same faces show up time after time. Only those who, at least outwardly, appear healthy are interviewed. Their comments are limited to superficial generalities which give little assurance that our men are, in fact, being humanely treated. Regrettably, there is no news about the vast majority of prisoners who are not paraded before the cameras from time to time.

The films, themselves, are a violation of the Geneva Convention which prohibits the exploitation of prisoners of war for propaganda purposes or the exposing of prisoners to public curiosity.

If the enemy is truly providing humanitarian treatment for our men, why should they have to resort to releasing carefully controlled propaganda films? Why should they be afraid to permit impartial inspections of prisoner of war camps? Why do they continue to claim humane treatment when we have strong evidence to the contrary?

In recent months a number of lists of men reported to be held in North Vietnam have been released to the public. Included have been indications that some men apparently have died in captivity. Tragically and cruelly, the enemy has even refused to provide essential information about those men. What possible reason could the enemy have for not officially identifying men who may have died three or four years ago?

In contrast to the enemy's approach, the Government of South Vietnam has consistently abided by the Geneva Convention in their treatment of North Vietnamese and Viet Cong prisoners. Today, the Republic of Vietnam holds some 38,000 prisoners of war. The camps are regularly inspected by the International Committee of the Red Cross. More than 200 sick and injured prisoners have been returned by the South Vietnamese despite numerous obstacles set up by the other side.

I visited one of the camps in South Vietnam and can attest to the humanitarian treatment of the prisoners, a fact verified regularly by the ICRC inspection teams.

The immediate release of all prisoners of war has been discussed weekly by our negotiators in Paris for over a year. The release of all prisoners of war has been an integral part of the President's forthcoming and generous proposal for ending the war in Southeast Asia through a negotiated settlement. Our Government's comprehensive peace proposal for the immediate exchange of all prisoners would result in the release to the other side of ten times as many men as they hold.

The U.S. Government has made it absolutely clear that its goal is to restore peace, that its goal is an early end of the war through negotiations.

Lacking any meaningful response in Paris, the United States has moved forward to end its involvement in Southeast Asia through Vietnamization.

As a result of its success, five targets for withdrawal of American forces have already been reached ahead of schedule and the sixth will be attained within the next few weeks. By May 1, the authorized troop ceiling of U.S. forces will have been reduced by more than 265,000 Americans since the Nixon Administration took office. These troop withdrawals will continue.

The United States is turning over the combat responsibility, it is withdrawing Americans and it has substantially reduced U.S. casualties. These efforts in bringing American troops home from Southeast Asia, together with our country's forthright peace initiatives, have convinced other nations—friends and critics alike—that the U.S. seeks an end to the war.

As others understand this goal, they also understand and support our determination to seek the immediate release of all American prisoners of war and, in the interim, to assure humane treatment of the Americans held captive. Even those sympathetic to the other side have become increasingly intolerant of the enemy's cruel handling of the prisoner question.

Because the enemy has consistently refused to negotiate seriously on any subject—including the prisoner question—other actions by the U.S. Government have been necessary. One approach has included prisoner of war rescue attempts deep in enemy territory. We will continue to consider similar actions in the future, realizing that such rescue options become increasingly important as this Government receives information that Americans apparently are dying in the hands of the enemy.

The humanitarian involvement of private citizens and organizations around the world have added measurably to our Government's efforts in behalf of American missing and captured men.

The International Committee of the Red Cross passed—without a dissenting vote—a resolution supporting humane treatment of war prisoners. A similar resolution was adopted by the United Nations. Measures, calling for the humanitarian treatment of prisoners of war, have been approved by numerous State Legislatures. In addition, the U.S. Congress has devoted considerable attention to the prisoner subject, passing numerous resolutions and holding an unprecedented joint session to hear a report by Colonel Frank Borman who travelled around the world as a special emissary of the President of the United States on behalf of American POW's.

At the same time there has been continued support from the news media through newspaper editorials, magazine feature stories, and television news coverage.

The support which you have shown today, as the elected leaders in California, serves as strong encouragement and hope for these men and for their families who live not just in California but across the Nation. I know this from personal experience because I have met with more than 2,500 of these brave American wives, parents and children.

The three most recently released American prisoners, who were freed by Hanoi in August 1969, left us with one message which I shall never forget.

Despite all the personal hardship they endured; despite all the mental and emotional suffering; despite the long seperation from their families; and despite the total lack of communication with others, these men never gave up hope.

They endured their captivity through a strong faith in God, through an unending dedication to their country, and through an enduring love of family. Those men who remain behind in captivity have kept their hope. They have proven their faith in America. Have we proven our faith in them?

We in the Defense Department feel a strong responsibility to these men for their dedication and sacrifice. We insist that everything possible done to assure the proper treatment of our men in captivity, to obtain their eventual release, and while they are gone, to give every possible assistance to their wives, children and parents.

We appreciate the concern expressed here today in California and we welcome your support of our determination to resolve the plight of these men whose courage we so deeply admire and whose suffering we so deeply regret.

These men have served our country well. Their families have suffered long, and all Americans are determined that our brave men will not be forgotten.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE CAUSES OF POVERTY IN THE MILITARY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. STEIGER of Wisconsin. Capt. Fletcher Hamilton, a doctor in the U.S. Army, has written a most penetrating analysis of the conditions under which our GI's must exist in Europe. As former Chief of Army Community Services for about one-fifth of Germany, and as current chief of social work of the neuropsychiatric clinic at the Nuernberg Army Hospital, Captain Hamilton has had a great deal of experience in dealing with the social and emotional problems of soldiers and their families.

In listing the facts which confront our GI's, the first item Captain Hamilton mentions is:

> The total income of married enlisted men in the grades of E–1 through E–3, and married E–4's and E–5's with children, is below the poverty level as given by the U.S. Social Security Administration.

Another problem is the unwillingness of the military to extend travel and family moving allowances to lower ranking personnel. As a result:

> In Europe, there is a definite "poverty cycle" for many of the married enlisted men. . . . The soldier usually borrows money to get his family to Europe, then must borrow money to pay the very high rent for housing. . . . When a man has more debts than he can pay, he is often demoted in rank for letters of indebtedness, making his financial situation still worse.

Mr. Speaker, it is intolerable that we allow a continuation of the conditions which have impoverished those whom we ask to defend our Nation. Regardless of the draft, the pay recommendations of the Gates Commission must be enacted so that military service no longer imposes a financial penalty on our men in uniform.

I include the article as follows:

A STUDY OF THE POVERTY OF ENLISTED FAMILIES IN EUROPE

1. Problem: The poverty situation of many lower ranking U.S. military families in Europe.

2. Facts:

a. The total income of married enlisted men in the grades of E–1 through E–3 and married E–4's and E–5's with children is below the poverty level as given by the U.S. Social Security Administration.

b. Married servicemen in the grades of E–1 through E–4 and E–5 who do not have three years of service left when assigned to Europe do not receive the following help that is provided to nearly all officers and NCO's:

(1) Dislocation allowance—one month's housing allowance to help expenses of coming to Europe.

(2) Pay for travel of family to and from Europe.

(3) Shipment of household goods to and from Europe.

(4) U.S. government housing.

(5) A station allowance when living on the economy in a high cost area.

(6) Family separation pay if the family stays in the U.S. with the serviceman in Europe.

c. Percentage pay raises across the board that have been passed by Congress do not help the poverty pay of the lower ranking EM. 7.9% of $143 is "bread crumbs" as compared to 7.9% of an officer's pay.

According to officers at Hq., USAREUR, in January 1971, there were approximately 126,500 enlisted men in the grades of E–1 to E–5 in the Army in Europe. This does not include members of the other services.

e. According to figures provided to this writer, 50% of E–5's in the U.S. Army are married, and 25% of E–4's and below are married.

f. Nearly all married servicemen in the grades of E–4 and below would qualify to buy Federal Food Stamps. There is no way at present for U.S. servicemen to purchase food stamps in Europe, even though military commissaries are accepting food stamps in the U.S. There are military commissaries in Europe near almost all military units.

g. There are no U.S. Welfare Departments in Europe even though many families qualify for public assistance in the U.S. Servicemen in Europe pay federal and state taxes, yet cannot receive welfare services available to them in the U.S.

h. Very limited financial assistance is available in Europe through American Red Cross and Army Emergency Relief. Financial help from these services is usually a loan, on a one-time basis, and only for an "emergency."

i. German welfare services do not provide financial assistance to U.S. service families in Germany.

j. A study done last year by the Army in Europe on the average cost of economy housing in Germany revealed an average housing cost ranging from approximately $115 to $130 per month.

k. There is a shortage of economy housing in almost all parts of Germany. In the Nuernberg area alone, there are approximately 172 families on waiting lists for economy housing at Family Housing. For the month prior to 10 February 1971, the housing office was able to find only 12 families economy housing. In the Nuernberg area, as of 31 December 1970 there were 1119 U.S. military families living on the German economy. A study done by this writer in January 1971 of 40 E–5's and below in Nuernberg, revealed an average economy housing cost of $112 per month. This is more than the total family allotment (Class Q) of the married E–1 through E–3.

l. Most civilian jobs on U.S. installations in Europe are held by local nationals or by persons from another European country. These jobs are classified as local national jobs and American dependents cannot fill the jobs because of this classification. Many of these jobs could be done and done better by American dependents.

m. Lower ranking enlisted men in Europe have to pay more for car insurance than any other group of military. Automobile insurance is extremely expensive in Europe.

n. Many soldiers are being sent to Europe immediately following duty in Vietnam. The "Stars and Stripes" printed an article that stated approximately 4500 soldiers were scheduled to come to Europe from Vietnam in the month of February 1971.

3. Discussion:

Numerous studies by mental health professionals in the United States have demonstrated the correlation between poverty and mental illness in civilian life. Poverty in the Army has equally destructive effects on the physical and emotional well-being of the soldier. Although all lower ranking enlisted men are poorly paid, the poverty of the soldier stationed in Europe is far more flagrant than that of his counterpart in the United States or even in Vietnam. Moreover, the contrast between the living standard of the GI and that of officers and NCO's is much greater in Europe than elsewhere.

Unlike Vietnam, the soldier's tour in Europe is not limited to 12 months; it may be two years or longer, and frequently follows directly after duty in Southeast Asia. Unlike Vietnam, there is no "good reason" why a married man cannot be accompanied by his family while in Europe. The families of officers and NCO's are not only encouraged to come to Europe, but have their families and household goods brought to Europe at government expense, and are given government housing to live in. This assistance is not given to the great majority of the married lower ranking enlisted men sent to Europe. If an officer of NCO has a delay in having his family join him, he is paid a family separation allowance to help his income; not so for the married lower ranking serviceman who is separated from his family. A hospitalized psychiatric patient made the point so clearly when he asked, "Does the officer need his wife more than I need mine?" This man's wife and children were in the U.S.

In Europe, there is a definite "poverty cycle" for many of the married enlisted men. They wish their families to be with them in Europe. In a foreign country it is very lonely for a man to be without his family for extended periods of time. The soldier usually borrows money to get his family to Europe, then must borrow money to pay very high rent for housing. To move into most apartments in Germany, there is a deposit of one to three months rent, plus one month's rent fee to an agent for finding the apartment, plus the first month's rent! The lower ranking servicemen does not have his household goods brought to Europe at government expense, so he must buy his household appliances in Europe. If these soldiers can afford to buy transportation, it is usually an automobile 10 to 20 years old. These are very dangerous and there are many car repairs. The insurance rates are the highest for the lower ranking serviceman. When a man has more debts than he can pay, he is often demoted in rank for letters of indebtedness, making his financial situation still worse.

In the United States lower ranking servicemen have much help that is not available in Europe. In the U.S., second jobs are available for the soldier, and jobs are available for his wife. In Europe, jobs are very scarce, if available at all. Most civilian jobs with the U.S. military in Europe are occupied by local nationals (Europeans). Most of these jobs could be done—and probably done better—by American dependents because of the language problems of many local nationals. If American soldiers and dependents had these jobs instead, it would bring many of the enlisted families out of poverty. Another point is that it would decrease millions of dollars in gold flow. An article in the "Stars and Stripes" on 14 February 1971, on jobs for dependents quoted a Department of Defense official as saying that post exchange and non-appropriated fund jobs were filled by American dependents if possible. This is a small minority of the civilian jobs in Europe with the U.S. Forces. Most civilian jobs are *appropriated-fund* jobs and most of these jobs are filled by Europeans.

To help lower ranking enlisted men in the U.S., there are many welfare services available. Federal Food Stamps and public assistance are available in many states. Military commissaries in the U.S. have been authorized to accept Federal Food Stamps from military families. In Europe there are commissaries near almost all military units, yet there is no way provided for families to buy food stamps in Europe. Even though U.S. servicemen in Europe pay federal and state taxes, they do not receive the many helpful services of the Department of Health, Education and Welfare or the services of the state welfare agencies.

The points so far mentioned in this discussion place a great deal of emotional stress upon the soldier, his family and his marriage. Nearly all of the married, lower ranking enlisted men are in the early years of their marriage—the adjustment period. The problems of the enlisted men mentioned in this paper are deterrents to the marriage adjustment of the U.S. soldier in Europe. Prolonged separations and financial difficulties in marriage are recognized by mental health professionals as deterrents to a happy marriage in the great majority of cases.

4. Conclusions:

a. There are many military families living in poverty in Europe.

b. There are few jobs available in Europe for soldiers and American dependents to supplement family income.

c. There has been an ever-widening gap between the incomes of the lower ranking servicemen and that of the officers and NCO's.

d. Officers and NCO's receive many financial benefits that the lower ranking servicemen do not receive.

e. Welfare services for military families in Europe are few and inadequate.

f. The effectiveness of U.S. Forces in Europe is being lowered by the social and emotional problems caused by the poverty of many of its members.

5. Recommendations:

a. A sizable pay increase for lower ranking enlisted men to raise all military families above the poverty level.

b. "Command sponsorship" for all married servicemen to include these financial benefits: dislocation allowance, travel pay for all dependents, station allowance for high-cost housing areas, government, shipment of household goods.

c. End of sending a soldier on two consecutive overseas assignments, unless requested by the soldier.

d. Unless all military families have their incomes raised above the poverty level, Federal Food Stamps and other financial welfare services should be provided to the families in Europe.

e. Make changes in civilian jobs with the U.S. military in Europe so that all jobs possible will be given to American dependents instead of Europeans.

This study is the personal work and opinion of the undersigned and does not represent the views of the U.S. Army, Europe.

Capt. FLETCHER HAMILTON,
MSC Social Worker.
Maj. STEVE S. SIMRIN,
MC Psychiatrist.

ESTONIA'S INDEPENDENCE DAY

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. COLLIER. Mr. Speaker, today is the 53d anniversary of the independence of Estonia, one of the three Baltic Republics. Unfortunately, Estonia and its sister nations, Latvia and Lithuania, are today independent only in theory. While their status as separate and free entities is recognized by the United States, the cruel fact remains that these countries are today controlled by the puppet regimes of the Soviet Empire.

During the seven centuries from 1219 to 1918, Estonia was controlled, in whole or in part, by Danes, Germans, Poles, Russians, and Swedes. It declared its independence from Russia on February 24, 1918, but many difficult days passed before freedom became a reality.

Later in 1918 the infant republic was attacked by Germany, but that nation collapsed as World War I came to an end. On November 28, 1918, just 17 days after the armistice was concluded, Estonia was invaded by the Soviet Union, which had made an earlier peace with Germany.

With help from Finland and a British fleet, Estonia fought back and by February 1919, the invaders had been driven out. Soviet attacks continued throughout the spring, however, with fighting first on Russian territory and then on the soil of Estonia. An armistice was declared on December 31 and peace concluded February 2, 1920.

Freedom for the Estonians lasted for but two decades. Soviet troops occupied Estonia on June 16 and 17, 1940, and the Communist invaders set up a new government which staged a one-party election on July 14. The parliament that resulted voted a week later for incorporation in the Soviet Union. Absorption into the Soviet Empire followed on August 6.

National Socialist Germany invaded Estonia in 1941 and remained until 1944 when the Soviet Union again took over its small neighbor. Since then scores of new nations have become independent in Africa, Asia, and the islands of the sea, but Estonia remains a Soviet colony.

As a result of the Soviet conquest of this little nation, 120,000 Estonians were deported and replaced by people from other parts of the huge Soviet Empire. Agriculture has been collectivized, industry nationalized, education communized, religion discouraged, and the standard of living lowered.

Mr. Speaker, may God speed the day when Estonia and the other two Baltic States will once again be truly free members of the family of nations.

HORTON COMMEMORATES THE 150TH ANNIVERSARY OF FOUNDING OF MONROE COUNTY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. HORTON. Mr. Speaker, today is the sesquicentennial anniversary of the founding of Monroe County, N.Y. I am honored to represent the 36th Congressional District of which Monroe County is a part.

Today the county legislature paused in its work to honor this day. Past and present supervisors, village mayors, historians, city and county officials, judges, department heads, and others joined in the observation.

Throughout the year, towns and villages will hold festivals and other celebrations to commemorate this anniversary.

The founding of Monroe County occurred 150 years ago today when the legislature in Albany officially recognized Monroe County and formed it from parts of Ontario and Genesee Counties.

One historical account says of the events leading up to the founding that "as early as 1816 agitation had begun for a new county to be carved out of Ontario and Genesee Counties much to the objection of Cananadaigua and Batavia, affluent communities whose power and influence posed as formidable rivals."

A signed petition was taken to the State legislature the following year and was rejected. The next spring follow-up efforts proved equally fruitless. In 1819 another petition failed. Finally after five other attempts, success came. On February 23, 1821—150 years ago today—the bill creating a county named for President Monroe was approved.

Since those days when work and leisure centered around the banks of the Genesee River, Monroe County has grown in prominence in many fields. With a population of more than 700,000, including the city of Rochester, it leads the world in many areas of manufacturing—photographic, business copiers, optical, scientific, dental equipment and automotive products to name only a few. It also ranks high in the manufacturing of communication and electronic equipment and men's clothing and accessories.

With several outstanding centers, for learning and performing, Monroe County has gained eminence in the fields of culture and the arts. With eleven institutions of higher learning, the county offers a wide range of educational opportunities.

And year round, Monroe County is a scenic wonderland. It is a winter sportsman's delight in the winter and a garden of color in the spring and summer.

The 150th anniversary of the founding of Monroe County is a time to note these many contributions and to recognize what Monroe County offers to residents and visitors to the area. I know that Monroe County will continue to make contributions in these and many other fields.

I ask that my colleagues join me and the people of Monroe County in commemorating this special day in the history of New York State.

MAN AND SPACE EXPLORATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. TEAGUE of Texas. Mr. Speaker, Dr. Wernher von Braun, Deputy Associate Administrator for NASA delivered the primary address to an audience at Texas Christian University as a part of the 1971 Ministers Week and TCU/Fort Worth Week observance. Under leave to extend my remarks in the RECORD, I wish to include the text of Dr. von Braun's remarks.

MAN, AND SPACE EXPLORATION

(By Dr. Wernher von Braun)

Man has ever looked upward for the source of his being.

Heaven and the heavens have inspired in him a longing for good, in the one, and comprehension of existence in the other. His awe of the Infinite, the desire to know God and to understand His works, are among the noblest passions of mankind.

Today, in the space program, we are learning there is no absolute "up" or "down" but only an "outward" and "inward," a discovery that reinforces the concept of the Creator's abiding concern with the human soul, and of His pervading Will throughout the universe. The old sense of up and down is symbolic of man's parochial view of God's works, and his limited ability of comprehension, from which, through the generations, we are being led.

In the space program, in exploring the heavens, we see an activity that probes outward into the cosmic design to bring about an understanding of its events, its laws and principles; and inward to comprehend the basic "building blocks" of life. In the perspective of history, the objectives of the space program are as old as man himself, constituting a search into the essential nature of existence and of man's place in it.

These are not frivolous goals. Learning is a fundamental need, serving many practical human requirements, but even more important, learning serves the human spirit by broadening our vision and increasing our comprehension. It is the conscious, yet instinctive, movement of the human soul toward the light from the dark of ignorance.

As a people, we can be proud of the policies and objectives set forth by Congress in the National Aeronautics and Space Act of 1958. That Act includes not only concern for the general welfare and security of the United States, but makes it national policy that all our activities in space should be devoted to peaceful purposes for the benefit of all mankind. It sets forth as an objective that our activities in aeronautics and space shall contribute to the expansion of not just American knowledge of phenomena in the atmosphere and space, but to the expansion of human knowledge. It specifically requires that the United States cooperate with other nations and groups of nations in work done pursuant to the Act and in the peaceful application of science and technology derived from our space efforts.

This is a far-seeing expression of national will. It insures that what might well have been a secret and selfish endeavor is instead an open and enlightened one devoted to the increase and useful application of knowledge of the air and space for the benefit of man. It isn't every day that a nation, of its own free will, declares it will share the fruits of a technological program so powerful and so significant as space flight.

That the space program offers great new power and significance to the life of a nation and its people can be discovered if we take the time and trouble to examine its achievements, and what these mean in terms of the human spirit, culture, economic strength, the quality of life, and security, to name but a few of our major concerns. Science is the search for an understanding of nature, and with this search we acquire mental and manual skills that underlie the strength of society. Knowledge of scientific facts and development of technological techniques gives us the high standard of living we enjoy today. But the human spirit is the key to whatever we can accomplish.

We may argue that our standard of living is inadequate, that there are many deficiencies glaringly apparent in society today, and I would be the last to deny it. However, we should also recognize that all the most underprivileged, poverty-stricken nations are the very ones whose science and technology are the most backward and primitive, or which are solely the instruments of a dictatorship that places state above people.

It may be pointed out that modern technology is responsible for the major ills of society and ecology, and poses the grim peril of global holacaust and annihilation; I would modify the assertion only by saying the use of some technology has resulted in these problems in society and the ecology. But the other side of the coin is that modern science and technology are producing the knowledge and the tools and the wealth by which we can hope to control and eliminate these ills, and perhaps avert others that are bound to arise as the world's population increases. We need not less science and technology; we desperately need more if we are to surmount the pressing problems that grow with our growing cities, and if we are to arrest the deterioration of the global environment. At the same time we must learn to use science and technology more responsibly so as to avoid harmful effects when they are put to the wrong use.

Already the space flight program has opened the hearts and minds of earth's people to a broader comprehension of their planet earth and of human relationships. The descriptions of this most beautiful of planets as viewed from far out in space by our astronauts has brought home to all of us the uniqueness of man's home in the solar system.

The Apollo landings on the moon, the sight of earth's first men walking on its desolate surface, brought all mankind together in closer brotherhood. For those brief hours, brotherhood was translated from an ideal into an emotional experience, reaching into the souls of all who watched, in all those hundreds of millions of people.

How do we evaluate such a spiritual experience brought about by modern science and technology? And was the presence of man there so minor a factor that the same effect could have been accomplished by landing robots on the face of the moon?

And again, when the Apollo 13 astronauts were in peril of being lost in space, the prayers and deep concern for three fellowmen occupied the hearts and thoughts of earth's people for days on end until the astronauts returned safely in their crippled spacecraft. These are moving demonstrations of how men of many tongues and races were drawn together on a scale and in the same instant in time never before experienced.

Of course, the Apollo program was not designed with these spiritual values in mind. Apollo was conceived for a number of very mundane, but still relevant purposes to fulfill. Others have since been added as our vision expanded with a growing realization of the exceptional capabilities it was creating for man's use. The spiritual returns were indeed a happy surprise, and serve to remind us that nothing exists in a vacuum—neither the works of God nor the works of man. Everything is related in some way to all other things, both in being and in effects, and Apollo is no exception.

If Apollo has contributed in a small way to increased spiritual awareness of the brotherhood of man, it has contributed substantially to his material well-being. Man may not live by bread alone, but it goes a long way in sustaining his corporeal existence. Apollo, and the space program as a whole, are of course technological programs which create new resources, and are characteristic of all research and development activities. They bring about technological change that for the most part has lightened the task of providing the necessities of food, clothing and shelter, as well as the luxuries to which most of our people have become accustomed—tasks that once were supplied through drudgery and even slavery.

Social welfare programs, on the other hand, for the most part redistribute existing resources among those who for one reason or another are unable to provide for themselves. A responsive and responsible government, of course, must carry out both activities—one that produces technological change, to ensure continued economic growth, and the other to bring about social change, to ensure the care of the needy.

There is a proverb that describes these separate activities quite aptly:

> "Give a man a fish, and you feed him for a day;
> Teach a man to fish, and he can feed himself for a lifetime."

To this we might add a third line to include, symbolically, the benefits of our space program:

"Discover new fish and new ways to fish, and you ensure his and his children's diet."

In essence, this is one of the principal aims of both manned and unmanned space exploration: to discover new enterprises and new, more efficient ways to achieve peaceful objectives that benefit all mankind. NASA's space program is providing the capabilities and the vehicles by which the resources of space can be tapped and used for human good.

It would be natural to think there can be no resources in space since "nothing" is there. But, on the contrary, there is a great deal there, as we are finding out. At this time and distance into the space program, the greatest resource we have discovered is knowledge, of which there is an apparently limitless supply placed there by the Creator. To gain this knowledge and to use it for man's benefit, we are learning to reliably place men and equipment into earth-orbit, and to send both out into the solar system.

Much of what goes on in space, especially in the Earth-Sun relationships, and cosmic rays from deep space, affect our environment and ecology, probably even our biology. It is wise and prudent to learn the mechanism of these relationships and radiation, and what trends they may cause in the earth's evolution and climate. Space is an infinite laboratory into which we are bringing the instruments, the equipment and machines, and eventually the trained experimenters to unravel mysteries that we can only guess at here on the earth's surface.

So we are sending automated, unmanned spacecraft to the planets and around the sun, observe the earth through specially designed instruments and the eyes and brains of astronauts placed in earth-orbit, and explore the moon by manned and unmanned expeditions. Many scientists now believe the moon is the "Rosetta Stone" of space by which we shall be able to decipher the ancient inscriptions of creation.

You might well ask whether it is worth all the trouble and expense to try to read these old inscriptions. Aren't they pretty far removed from the very practical and urgent problems we face here on earth? Scientists can get very excited about such esoteric matters as moon rocks, the solar "wind," and being able to measure the distance of the moon from earth to an accuracy of less than a foot, but just how do these rate alongside urban decay and environmental pollution?

Answers to these questions are beginning to get clearer now that there has been a chance to study the vast amount of data and material brought back by the first two Apollo expeditions. And Apollo 14 is certain to further clarify the value of lunar exploration when the results of its mission to the Fra Mauro Hills have been examined, as will also the following missions of Apollos 15, 16, and 17.

The fact that we can now measure the distance to the moon so accurately, for instance, means that it should be possible to measure accurately the amount of continental drift that has been going on for eons here on earth. If we can know for sure how much the continents are drifting apart year by year and decade by decade, as a geochemist has pointed out, we'll get a better idea of some of the mechanics involved in earthquakes and volcanic activity. We may also be able to measure accurately the "wobble" of the earth as it turns on its axis, and this could help further in understanding these sometimes catastrophic events, perhaps even predict them. Such knowledge, of course, would be of very direct importance to humanity.

The possibility of doing this came about when our astronauts left the laser reflector experiments on the moon's Sea of Tranquility and Ocean of Storms. Scientists from different parts of the world have been able to direct their laser beams to these reflectors and correlate the measurements.

The laser experiments lead us to another aspect of lunar studies. Science is a comparative activity. We learn by comparing one thing with another. Now, for the first time, scientists around the world have been able to directly study rocks and dust from another, known heavenly body, material which has evolved under conditions quite different from earthly conditions. This helps us to understand our own planet and its development in very profound ways.

Is this of secondary importance to our earthly problems? Well, let's look at some things we are finding out about lunar material. Experiments going on show that the moon dust produces an astonishing effect on certain plants. They grow bigger and stronger and greener than the same plants grown in the best fertilizers agriculturists have been able to create to date. The Department of Agriculture's chief plant pathologist at NASA's Manned Spacecraft Center, Dr. Charles Walkinshaw, says he doesn't know what it is the moon dust has, but it does something to plants that nothing else can duplicate. The Forestry Service plans to set up its own project to find out what it is that lunar dust has that earth soil and fertilizers lack, and I understand the Chevron Chemical Company—which makes fertilizers under the Ortho name—is thinking of financing a program to understand how it acts. If they can discover the mechanism by which moon dust works, then it may be possible to imitate it, and this could be as great a discovery as the Green Revolution which has caused an enormous improvement in rice growing.

Here's another discovery. Just recently, Dr. Gerald Taylor reported to the second annual Lunar Science Conference in Houston that moon material from core samples collected by the Apollo 11 astonauts has some unknown ingredient that kills bacteria. Two virulent germs that are very hard to kill by earthly antiseptics were easily killed in the material from the core sample. Again, if we can discover what this unknown ingredient is, it may be possible to create an antiseptic that will aid in the medical treatment of patients with hard-to-cure diseases. Such a discovery would rank with the discovery of penicillin.

I hope from these few examples of the results of our lunar studies you can agree with me that exploration of the moon doesn't automatically detract from the attention we should give to our human problems. It really isn't incompatible with such urgent priorities as feeding the poor, healing the sick, or even improving the environment. It may be as significant to you as it is to other observers, that the public has suddenly become aware of our environmental situation in just the past year or so. In the same time that a half-billion people had a view of our planet earth taken by the Apollo astronauts, and heard their inspired descriptions of its lonely beauty in the black of space, we find many people becoming very much interested in environmental problems and the growing peril to our ecology.

Was this just coincidence? Did humanity, which for tens of thousands of years had regarded the lands, the rivers, the seas, and the air all about, as a gigantic waste disposal, suddenly and spontaneously by the millions become concerned about the environment? It isn't as though ecologists had not been crying for years about what we were doing to polute the environment and waste its resources. Few paid any heed until after the Apollo flights. Only then was the earth revealed visually as a closed system, a single entity on which we all lived, and where—for generations, at least—there is small likelihood we shall live anywhere else.

Now, the point I would like to leave with you is that none of these discoveries or results of our manned lunar exploration program were anticipated. Going to the moon was literally going to a new world. We haven't begun to sort out everything found there that will be significant to our lives here on earth. But we can be sure that the most significant are yet to be revealed.

Anyone familiar with the history of science and technology knows you can't predict what discovery, or what piece of knowledge, or what invention is someday going to be important. Discovery, knowledge and invention are vital to human survival. Research, development, and the space program, which is a synthesis of almost all the disciplines, are activities that play a large role in leading men from the dark of ignorance toward the light of comprehension. As that remarkable "comprehensivist," Buckminster Fuller, points out, those who decry science and technology should think of the consequences of not having either of them. Few are the social reformers today who don't take electric power for granted in their plans to improve the human condition. But a hundred years ago James Clerk Maxwell was asked what good was the electromagnetism that he was investigating, and he replied, "What good is a baby?" Today the wealth of nations is measured partly by the amount of electric power they consume, and the wealth of individuals by the number and sophistication of the electrical devices they use.

Without the Maxwells, the Faradays, and even our own Ben Franklin, who was an early experimenter with electricity, and hosts of other explorers, discoverors and innovators, there would be fewer people on earth today, and drudgery would be the lot of most of us in making a living. A smaller earthly population, it is true, would solve some other problems, but I don't think that is an answer acceptable to our souls, at least under those circumstances.

Too many environmentalists and ecologists arouse themselves to such a fervor that they blindly oppose every nuisance they detect or imagine exists in technological developments. For a time they may carry the unwary with them, but there is danger of a backlash when it is discovered the cures they advocate are too high in their human cost. There is need for a more harmonious and cooperative relationship between scientists, engineers, and ecologists that the greater public good will be ensured.

Environmental problems, urban decay, the depletion of resources, the disposal of wastes—all these and more—call for a national commitment first, after which the programs mounted to solve these problems will require many millions of tax dollars to pay for them. Where will those tax dollars come from?

In the first decade of the space age, we saw our gross national product grow from $460 billion to more than $900 billion. Today it has reached a trillion. Approximately half of the real growth of the GNP, say the economists, can be attributed to the stimulus of new technological knowledge from research and development investments. Twenty-five per cent of this country's total research and development expenditures was invested in our space flight program.

People who complain about "spending on space" seem not to realize that as an earth-bound activity, NASA has generated more than $40 billion in goods and services over the 12 fiscal years of 1959-1970. All of this money returned to the economy as wages and salaries to an average of 250,000 people a year. More than 90 per cent of the "spending on space" funds went to 20,000 industrial and business firms in 30 states and 177 cities. This spending contributed to advanced development and new industrial products in computers, process control, a new form of communications by satellites and advanced weather observation, new materials, greater mechanization, and new management techniques. One important development is the growth of the computer industry, primarily as a result of NASA's requirements in its space flight programs. This industry now provides gainful employment for 800,000 Americans.

These are the activities that will help pay for the programs needed to improve the quality of life. The worst folly we can commit is to stop investing in creative programs of research and development which stimulate the growth of new enterprise and new jobs. Here with us today is one of the most enlightened and informed Americans, one who has long recognized that the discovery of new knowledge is an undertaking of prime importance to the human spirit and condition. I think it is especially meaningful that Olin Teague—known as "Tiger" Teague to his friends, colleagues and thousands of constituents—is among the best liked Members of the House. In his responsibilities as a member of the House Committee on Science and Astronautics, and as Chairman of the Subcommittees on Manned Space Flights and NASA Oversight, he keeps NASA on its toes. Because of his extensive knowledge and understanding of the issues, Congressman Teague has developed an insight enabling him to spot the weaknesses as well as the strengths in our manned space flight program. He is one of our most gifted legislators because of his earnestness and painstaking attention to very complicated details.

Speaking of government, I think it is no accident that the rise of science and technology over the past 200–300 years has been paralleled by the rise of truly democratic governments, governments whose premise is the recognition of human dignity and worth. As knowledge of the universe and of life replaced legend and superstition, people came to think and act differently. Where once poverty and disease were looked upon as inevitable, for example, it was learned they could be relieved and eradicated. Injustices were no longer so easily tolerated.

There is a distinct connection between present-day ideals of the quality of life, and the activities of science and technology. You probably have noticed how the achievements of science and technology are often accompanied by increased determination to move on to attainment of even higher ideals. One of the most telling expressions of this relationship followed our first Apollo landing on the moon which brought forth the chorused query: "If we can go to the moon, why can't we . . .," and the list of things to be done would bring Heaven to earth. So now, where once science and technology appeared to be running ahead of our moral and social standards, the field seems to be reversed: Our humane goals are advancing more rapidly than the ability of science and technology to keep up, not to mention the ability of our economy, social and political institutions and skills.

These are signs that tell me that the future of our country and of our people—indeed, the future of mankind everywhere depends heavily on how well and diligently we build our scientific and technological foundation today. It must be kept in mind that it usually takes two or three decades before there are major, practical returns on basic research activities. This is as true of the space sciences as it is of any other scientific activity in earth-bound laboratories. We have seen only the rudimentary results of space satellite communications and weather satellite operations, and especially of manned space flight. The potentials of both unmanned and manned space operations are enormous and of immense consequence to the human race.

Let me finish with a brief description of our coming programs.

Our manned explorations of the moon will continue through 1972, ending with Apollo 17. These final missions, starting with Apollo 15 later this year, provide for much more extensive area coverage by the astronauts, and longer stay times on the lunar surface. The astronauts will use a four-wheeled, battery-powered roving vehicle that can take them miles from their landing site. although in this first trial of the rover they will venture no further than the distance they can walk back from should anything go wrong. But they will be able to collect a greater variety of rocks and material, and carry a larger load of scientific instruments and experiments to chosen locations.

The Apollo lunar program has evolved rapidly from its initial engineering and operational phase when we were learning how to build and fly a vehicle to the moon, land men on its surface, and bring them back safely to earth. The scientific phase was necessarily very limited in Apollo 11, especially, and in Apollo 12, despite which fact these missions resulted in more scientific knowledge of the moon than was obtained in all previous unmanned vehicle missions combined. The experience with Apollo 13 showed the need for exercising greater concern and caution in the opening stages of lunar exploration, just as the early navigators found it necessary to build up experience in sailing before venturing far from shore into the trackless, unknown oceans. Apollo 14 has added another increment to our experience and confidence, permitting even further emphasis on the scientific aspects.

For our post-Apollo manned flight activities, NASA will launch an earth-orbiting, three-man space station called Skylab. Skylab is an adaptation of Apollo program hardware in which the Saturn V's third stage is converted into a space laboratory and living quarters. An outstanding feature of our first space station will be the Apollo Telescope Mount; the successful launch of this instrument in Skylab will climax some ten years of hard work and deep commitment by a large number of scientists and engineers. The ATM, as it is called, will be devoted to solar observations, considered by scientists to be of prime importance to earth-dwellers. This, of course, is not a new discovery. The Sun has been regarded as of prime importance to man since antiquity, but now for the first time it is planned to provide intensive, continuous observation of the whole solar envelope across the entire electromagnetic spectrum.

There are a number of puzzling mysteries to be solved about the Sun's behavior which Skylab will seek to unravel. One of these is the mechanism that creates the Sun's corona. This is an astonishing large and expanding envelope of gas having a temperature of two million degrees that surrounds the earth and extends out to the ends of the solar system.

Another question to be answered is how and under what circumstances the Sun manages to quickly transform vast quantities of stored magnetic energy into heat, which happens when it sends forth a giant flare, bathing the earth and interplanetary space with X-rays and highly energetic particles.

The solar mysteries to be solved are almost endless, and effect most of the natural processes occurring on earth. The ATM studies may supply the key to understanding the development, containment, the trigger mechanisms, and decay of the Sun's hot plasmas in both quiet and flare periods.

Solar observations will be the most important single task on board Skylab, in which the crew will play a crucial role in obtaining data and working in conjunction with ground observing teams. However, other important objectives will also contribute to the advance of science and technology in many ways. One of these is to find out how men and equipment perform in a condition of weightlessness for periods ranging from an initial 28 days to 56 days. Other experiments include observation of the earth in connection with NASA's Earth Resources Technology program; medical studies; astronomy; materials processing under zero-gravity conditions, and many others too numerous to mention now.

Skylab will be boosted into orbit, using the first two stages of Saturn V, and a day later the crew will arrive in an Apollo spacecraft placed into orbit by a Saturn IB. The Apollo command and service module will rendezvous with the space station and dock by means of a multiple docking adapter, through which they will slip into an airlock and then into the workshop.

When the 28-day initial mission is completed, the crew will return on board their command module, landing in the ocean for pickup. Three months later another crew will go up for 56 days, to be followed by a third visit of 56 days, after which the station will be placed in orbital storage for possible use in the future.

Skylab will be the last manned mission for the United States until NASA's space shuttle is launched later in this decade. Assuming the Congress approves, the first horizontal test flight of the shuttle will be made in 1975, sub-orbital vertical flight in '76, and orbital flight in 1977.

Much has been said about the space shuttle as just another manned extravagance having minimal usefulness. Actually, the shuttle is a new concept for putting scientific and technological payloads into space at costs far lower than we presently pay per pound of payload. For example, automated scientific and technological spacecraft now cost around $15,000 and $30,000 a pound just to build because we have to design into them such high reliability to guard against failure and loss of the entire experiment. To these costs we have to add the cost of the booster, amounting to $20–$30 million. Just last year we lost an expensive Orbiting Astronomical Observer because a shroud on the rocket failed to separate.

The monetary cost is perhaps the least of it. Scientists and engineers had been working on the OAO for almost ten years, and in a few seconds a good part of their careers became a useless piece of space junk. There is no way now to retrieve such a situation.

But if a shuttle had been available, the mission could have been saved by men in space, or the OAO brought back to the ground for whatever repairs necessary. Moreover, the shuttles can be launched for no more than about $5 million as against the $20–$30 million for the conventional rocket booster.

The real savings will come, however, because automated spacecraft can be built with more conventional structural design and more off-the-shelf equipment. Also, when an experiment is completed, the shuttle will bring back the spacecraft from its orbit, and a new experiment installed, thus saving the cost of building a new vehicle. The same would be true of communications satellites or weather satellites that go wrong.

The shuttle system is a type of rocket transportation designed to operate for multiple missions. It will do away with the large stable of different boosters the United States now maintains because it will be able to put into space both automated, unmanned vehicles and scientists and engineers, and return them to the ground base when their missions are completed. They will land like airplanes on runways, and just as easily. It is a concept that will revolutionize space transportation, paving the way for increased use and usefulness of space to mankind.

In addition to NASA's manned space flight program, we have some very exciting programs to develop the practical applications of space technology and further scientific investigations into the grand design of the universe and of our own tiny corner of it called the solar system.

I mentioned a few moments ago the Earth Resources Technology program. This involves a satellite system that could lead to the intelligent survey and management of earth's natural and cultural resources. A global geological survey, for example, would be a natural application. This service would make available to each country an insight into its own resources they could not otherwise obtain as cheaply or rapidly.

Studies have already shown that the use of satellites for monitoring and managing water resources could fully pay for itself. In addition, crops and forests could be monitored by remote satellite sensing devices which could distinguish between healthy and diseased plants and trees as well as the different types. Geographic and hydrographic mapping by satellite, a process that now takes years to complete, would be both quicker and more accurate and up-to-date. Even the state of environmental pollution could be identified and monitored, a necessary part of pollution control programs.

The potentials of these aspects of space technology are not only inspiring, they are breathtaking. In achieving them, science and technology will advance on a broad front, providing mankind with additional tools to care for both himself and the environment.

On the scientific side of NASA's activities, we shall have further investigations of Mars and other planets. This year we plan to send two Mariner spacecraft to Mars, this time to orbit the planet instead of making the usual flyby mission. We hope they will perform like our Lunar Orbiters did several years ago, and send back thousands of pictures so that we can map the whole of Mars rather than to get only a brief glimpse of limited areas. Later, NASA would like to send Viking spacecraft to Mars which not only would orbit the planet but would send down a lander equipped with instruments to analyze the surface material. The data then would be radioed to the orbiting Viking which in turn would transmit it back to earth over tens of millions of miles. The information would permit further comparisons of earth with another body in the solar system, adding to our understanding of man's home planet.

Another spacecraft is planned to be sent by Venus and on to Mercury, using the gravitational pull of Venus to help swing it on to the innermost planet that swings around the Sun in an orbit of only 33 million miles or so.

Toward the end of the decade, we hope to take advantage of a relatively rare lineup of the outer planets that takes place only once every 179 years. The last time this occurred, John Adams, second President of the United States, was in office, and it offers scientists the opportunity of launching spacecraft on certain trajectories that will enable them to collect data from all five of the outer planets of Jupiter, Saturn, Uranus, Neptune and Pluto. It involves using the powerful gravitational field of Jupiter, which is so large that it is bigger than all the other planets combined, to swing the spacecraft onto courses that take them past all the rest. One operation will take the spacecraft to Jupiter in a precise approach so that two will be boosted on to Uranus and on to Neptune, while two others will take a somewhat different approach, causing Jupiter's gravitational pull to send them flying on to Saturn and Pluto, and right out of the solar system itself.

By this method, using a kind of interplanetary billiards shot, it is hoped we can visit all these planets in something like nine years, a tremendous saving in time and money, since a single shot at Pluto, for example, would take about 40 years to accomplish its mission.

Today, our manned and unmanned space flight programs are enriching mankind's knowledge of earth and the universe, and of man himself. They are helping us to form a more accurate concept of the Creator's physical works, and of our place in this incredible Design. We are standing only at the beginning of a comprehension of Works that inspire increasing awe the more we learn.

HOUSE OF REPRESENTATIVES—*Thursday, February 25, 1971*

The House met at 12 o'clock noon.

Rabbi Haim Kemelman, the Jewish Center, East Brunswick, N.J., offered the following prayer:

O God, bless this House, for here democracy is made to work.

Here, votes are counted, but ideas count;

Here, the majority rules, but the voice of the people overrules;

Here, history is lived and the future is perceived.

Here, free men ask: "Why?" and noble men dream: "Why not?"

Here we pray that God shed His grace upon this dome, under His heavens, and inspire our representative leaders to unite us in a moving dream so that we may move forward from our Apollo-moon project to an Apollo-man project: to banish dread disease; to conquer the dark craters of the mind; to heal bruised hearts; to master the inner space of man for peace in trust-power, as we have mastered the outer space of the moon with thrust-power; to see a new heart-rise of man, as we have seen a new earth-rise from the moon.

For Thine is the kingdom on this earth; and ours is the power to establish it in our midst, and the glory to recognize that it is more important to bring heaven down to earth than to bring man up to heaven.

God bless America. God bless the American dream.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by one of its clerks announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 44. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971.

The message also announced that the Senate had passed the following resolution:

S. RES. 52

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Jordan of North Carolina, Mr. Allen of Alabama, and Mr. Griffin of Michigan.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Jordan of North Carolina, Mr. Pell of Rhode Island, Mr. Cannon of Nevada, Mr. Cooper of Kentucky, and Mr. Scott of Pennsylvania.

The message also announced the following appointments:

The Vice President, pursuant to Public Law 90-264, appointed Mr. EAGLETON as a member, on the part of the Senate, of the National Visitor Facilities Advisory Commission.

The Vice President, pursuant to Public Law 84-372, appointed Mr. STEVENSON as a member, on the part of the Senate, of the Franklin Delano Roosevelt Memorial Commission.

The Vice President, pursuant to Public Law 83-420, appointed Mr. HUMPHREY as a member, on the part of the Senate, of the Board of Directors of Gallaudet College.

The Vice President, pursuant to Public Law 79-565, appointed Mr. BENTSEN as a member, on the part of the Senate, of the U.S. National Commission for the United Nations Educational, Scientific, and Cultural Organization.

The Vice President, pursuant to Public Law 84-944, appointed Mr. GAMBRELL as a member, on the part of the Senate, of the Senate Office Building Commission.

The Vice President, pursuant to Public Law 86-380, appointed Mr. ERVIN, Mr. MUSKIE, and Mr. MUNDT as members, on the part of the Senate, of the Advisory Commission on Intergovernmental Relations.

The Vice President, pursuant to Public Law 90-259, appointed Mr. MAGNUSON and Mr. BOGGS as advisory members, on the part of the Senate, of the National Commission on Fire Prevention and Control.

The Vice President, pursuant to Public Law 87-758, appointed Mr. MAGNUSON as a member, on the part of the Senate, of the National Fisheries Center and Aquarium Advisory Board.

RABBI HAIM KEMELMAN

(Mr. PATTEN asked and was given permission to address the House for 1 minute.)

Mr. PATTEN. Mr. Speaker, today we had the pleasure of hearing Rabbi Haim Kemelman, of East Brunswick, N.J., deliver the opening prayer.

Rabbi Kemelman is the spiritual leader of the East Brunswick, N.J., Jewish Center, a congregation which is really beautiful. He is the author of a book, "How To Live in the Present Tense," and also writes a weekly article, "Lines on Living," in many newspapers.

His book and articles really help bring about an optimistic outlook on life. They are full of not only rare eloquence, but great wisdom as well. He has profound faith in the goodness of man and has great compassion and love for people. After reading Rabbi Kemelman's articles and his book, one cannot help but feel better about many things, for his understanding of people and their problems and hopes is deep and magnificent.

How wonderful it would be if all of our people were as good Americans as Rabbi Kemelman, and loved this country and its institutions as much as he does. Mr. Speaker, I think that Rabbi Kemelman is truly great.

ANNOUNCEMENT BY THE SPEAKER WITH REGARD TO TELLER VOTES

The SPEAKER. The Chair desires to announce that there will be some preliminary business before the Chair will recognize Members under the 1-minute rule. The Chair will recognize Members under the 1-minute rule as soon as we have completed this preliminary business.

The Chair at this time would like to make an important announcement.

As Members are aware, the Legislative Reorganization Act of 1970, and House Resolution 5 of this Congress, agreed to on January 22, added an amendment to clause 5, rule 1 of the rules of the House. This amendment provides for a recorded teller vote.

The Chair has given careful consideration to the new rule and has discussed the procedure to implement it with other leadership Members. Until electronic voting becomes a reality, the method thought best for taking a recorded teller vote is as follows:

First, tellers must be ordered on a question by at least one-fifth of a quorum, or by the Chair, if he remains in doubt after a division vote.

Second, after tellers have been ordered, but before they are named by the Chair, a separate demand for tellers with clerks is in order. When such a demand is made, the Chair will put the question by asking those in favor of taking the vote by tellers with clerks to rise and remain standing until counted. At least one-fifth of a quorum must support this proposition to order a recorded teller vote.

If tellers with clerks are ordered, the Chair will name four Member tellers, two from each side of the question. The Chair will designate the aisle adjacent to the center aisle and to the Chair's left as the aisle for "aye" votes, and the corresponding aisle adjacent to the center aisle to the Chair's right as the aisle for the "no" votes.

Two Member tellers, one from each side of the question, will take their places in the "aye" aisle toward the rear of the Chamber, and the other two Member tellers will take their places in the "no" aisle toward the rear of the Chamber.

Two ballot boxes will be used. One marked "yea," with green trimming: The other marked "no," with red trimming. These boxes will be placed on seats along the "aye" and "no" aisles, respectively, immediately adjacent to the two Member tellers who have positioned themselves along those aisles. One tally clerk will stand behind each of the boxes.

Green "aye" and red "no" cards will be available in the cloakrooms and in the well of the House. These cards will have spaces for the Member to fill in his name, State, and district.

The Chair will state: "Members will pass between the tellers, be counted, and recorded." Members desiring to vote in the affirmative will proceed from the well up the "aye" aisle and, as counted by the Member tellers, will give their green "aye" card, properly filled in, to the "aye" tally clerk, who will, after examination, place it in the green ballot box.

Members who wish to be counted against the proposition will at the same time proceed from the well up the "no" aisle between the Member tellers and, as they are counted, will hand the filled-in red "no" card to the second tally clerk who will, after examination, place it in the red "no" box. The Member tellers will report to the Chair when all Members have been counted and have handed in their ballots.

To avoid confusion in the well, the Chair asks that Members obtain and fill in the appropriate green or red card in advance of the recorded teller vote, if possible.

After the "no" vote is reported, Members who arrive within the allotted time—which under the rule must be at least 12 minutes from the naming of tellers with clerks—will be permitted to fill in the card, be counted, and recorded. No Member will be counted unless, at the time he passes between the Member tellers, he hands a filled-in card to one of the two tally clerks.

The Chair will then announce the vote, but not before the expiration of at least 12 minutes from the naming of tellers with clerks, nor until the Chair ascertains that no further Members are present who desire to be recorded.

Immediately after the Chair has announced the vote and before any further business is conducted, Members wishing to be recorded as "present" will announce their presence to the Chair.

The names of Members voting in the affirmative, in the negative, those recorded as present, and those not voting will be printed in the Journal and in the CONGRESSIONAL RECORD.

One bell and light will signal that tellers have been ordered.

Two bells and lights will indicate that a recorded teller vote has been ordered and is in progress. This second signal should be distinguishable from a two-bell and light rollcall vote because it will come very shortly after the one bell and light teller vote call.

The first signal—for tellers—one bell and light—will be repeated at the end of 5 minutes. And, after a brief pause, the second signal—for recorded tellers—two bells and light—will also be repeated. At this point Members will be on notice that the recorded teller vote could be closed in 7 minutes.

May the Chair add that we believe this is the most practicable way in which to implement the rule. If time and experience prove otherwise, we can of course change the procedure.

ELECTION OF MEMBERS TO CERTAIN JOINT COMMITTEES OF CONGRESS

Mr. HAYS. Mr. Speaker, I offer a privileged resolution (H. Res. 248) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 248

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Hays, of Ohio; Mr. Brademas, of Indiana; Mr. Devine, of Ohio.

Joint Committee on the Library: Mr. Hays, of Ohio; Mr. Nedzi, of Michigan; Mr. Brademas, of Indiana; Mr. Schwengel, of Iowa; Mr. Harvey of Michigan.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE DATE FOR TRANSMISSION TO THE CONGRESS OF THE REPORT OF THE JOINT ECONOMIC COMMITTEE

Mr. REUSS. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 31.

The Clerk read the title of the joint resolution.

The SPEAKER Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S. J. Res. 31

Joint resolution extending the date for transmission to the Congress of the Report of the Joint Economic Committee

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution extending the dates for transmission to the Congress of the President's Economic Report and of the Report of the Joint Economic Committee", approved December 31, 1970 (Public Law 91-602; 84 Stat. 1674), is amended by striking out "March 10, 1971" and by inserting in lieu thereof "April 1, 1971".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TO EXTEND THE TIME FOR THE PROCLAMATION OF MARKETING QUOTAS FOR BURLEY TOBACCO FOR THE 3 MARKETING YEARS BEGINNING OCTOBER 1, 1971

Mr. STUBBLEFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 44.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I hope I shall not have to object, I would ask the gentleman from Kentencky if I am correct in that this resolution merely provides for an extension—is that correct?

Mr. STUBBLEFIELD. The gentleman is correct.

Mr. GROSS. It makes no change whatever in respect to the law?

Mr. STUBBLEFIELD. No change whatever.

Mr. GROSS. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 44

Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture may defer any proclamation under section 312 of the Agricultural Adjustment Act of 1938, as amended, with respect to national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971, until the date he determines is necessary to permit growers to be notified of their farm marketing quotas and the referendum to be held prior to normal planting time.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The SPEAKER. Without objection, a similar House joint resolution (H.J. Res. 365) is laid upon the table.

There was no objection.

AUTHORITY FOR SPEAKER TO DECLARE A RECESS ON TUESDAY, MARCH 2, TO RECEIVE APOLLO 14 ASTRONAUTS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess on Tuesday, March 2, subject to the call of the Chair.

I might add, for the benefit of the Members, that the purpose of the recess will be to receive in this Chamber the Apollo 14 astronauts.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORITY FOR SPEAKER TO DECLARE A RECESS ON THURSDAY, MARCH 4, TO RECEIVE FORMER MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to declare a recess on Thursday of next week, March 4, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I am glad to yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, the program for the week beginning March 1, is as follows:

Monday is Consent Calendar day, and we have two suspensions, H.R. 460, care in community nursing homes, and H.R. 943, group mortgage insurance for service-connected paraplegic and quadriplegic veterans.

Tuesday is Private Calendar day, but there are no bills on the calendar, and as I announced a moment ago, the House will receive the Apollo 14 astronauts in recess.

Thereafter, for the balance of the week:

House Resolution 19, creating a Permanent Select Committee on Small Business.

H.R. 4713, to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies, with an open rule and 1 hour of debate.

House Resolution 27, Committee on the District of Columbia Investigation Authority.

House Resolution 217, Committee on Post Office and Civil Service.

House Resolution 213, Committee on Education and Labor.

House Resolution 109, Committee on Foreign Affairs.

House Resolution 170, Committee on Interstate and Foreign Commerce.

House Resolution 21, Committee on Merchant Marine and Fisheries.

House Resolution 18, Committee on Interior and Insular Affairs.

House Resolution 20, Committee on Veterans' Affairs.

House Resolution 114, Committee on Banking and Currency.

House Resolution 142. Committee on Public Works.

House Resolution 161, Committee on the Judiciary.

House Resolution 22, Committee on Agriculture.

House Resolution 243, Committee on Science and Astronautics.

On Wednesday, H.R. 4690, public debt limit, increase—modified closed rule—4 hours debate.

On Thursday as I have previously announced, the House will receive former Members of this body.

Any further program will be announced later.

THE DISPENSING WITH CALENDAR WEDNESDAY BUSINESS WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADJOURNMENT OVER TO MONDAY, MARCH 1, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

OFFICIAL OBJECTORS—CONSENT CALENDAR AND PRIVATE CALENDAR

Mr. BOGGS. Mr. Speaker, I take this time to advise the House that I have designated as official objectors for the majority for the Consent Calendar the following Members: the gentleman from Colorado (Mr. ASPINALL); the gentleman from Arkansas (Mr. ALEXANDER); and the gentleman from Maryland (Mr. MITCHELL).

I have also designated as official objectors for the majority for the Private Calendar the following Members: the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Georgia (Mr. DAVIS), and the gentleman from Ohio (Mr. JAMES V. STANTON).

OFFICIAL OBJECTORS—CONSENT CALENDAR AND PRIVATE CALENDAR

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of announcing my appointments to the Republican official objectors committees for the Consent and Private Calendars.

For the Consent Calendar the Republican official objectors for the 92d Congress will be the gentleman from Missouri (Mr. HALL), the gentleman from Pennsylvania (Mr. JOHNSON), and the gentleman from Idaho (Mr. MCCLURE).

For the Private Calendar, the Republican official objectors for the 92d Congress will be the gentleman from Michigan (Mr. BROWN), the gentleman from Oregon (Mr. DELLENBACK), and the gentleman from California (Mr. ROUSSELOT).

RULES OF OPERATION OF OFFICIAL OBJECTORS FOR THE CONSENT CALENDAR

(Mr. ASPINALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASPINALL. Mr. Speaker, one of the most important procedures that the House follows in considering legislation is known as the Consent Calendar operation. It is under this procedure that most of the acts of Congress which become public laws are considered by the House of Representatives.

It has been the practice heretofore of the official objectors for Consent Calendar committees—the majority members and the minority members—to agree upon rules of procedure at the beginning of a session. I would suggest, to the new Members especially, that they read the statement regarding these rules of procedure, which has the approval of and bears the initials of all the members of the Consent Calendar committees, three members of the majority and three members of the minority.

The statement is as follows:

STATEMENT OF RULES OF OPERATION OF THE OFFICIAL OBJECTORS FOR THE CONSENT CALENDAR

On February 18, the majority and minority floor leaders appointed their respective members of the official objectors committees, the gentleman from Louisiana, Mr. Boggs, appointed three members of his party and the gentleman from Michigan, Mr. Gerald R. Ford, appointed three members of his party. The objectors committees are unofficial committees of the House of Representatives, existing at the request and at the pleasure of the respective floor leaders of the two parties who, in order to facilitate the proper screening of legislation which may be placed on the Consent Calendar, designate Members of each side of the aisle charged with the specific responsibility of seeing to it that legislation passing by such procedure is in the interest of good Government. The rule which is applicable to consent calendar procedure is clause 4 of rule XIII, found in section 746 of the Rules of the House of Representatives. The operation of such procedure is described in Cannon's procedures in the House of Representatives.

For several sessions now objectors on both sides of the aisle have followed certain rules for consideration of Consent Calendar bills which they have made known to the Members at the beginning of a session. These rules are not publicized at this time to establish hard-and-fast procedures but rather to advise the Members of the House as to the manner in which the committee plans to operate throughout the 92nd Congress.

The members of the committees feel that generally no legislation should pass by unanimous consent which involves an aggregate expenditure of more than $1 million; second, that no bill which changes national policy or international policy should be permitted to pass on the Consent Calendar but rather should be afforded the opportunity of open and extended debate; third, that any bill which appears on the Consent Calendar, even though it does not change national or international policy, or does not call for an expenditure of more than $1 million, should not be approved without the membership being fully informed of its contents, providing it is a measure that would apply to the districts of a majority of the Members of the House of Representatives, in which case the minimum amount of consideration that should be given such a bill would be clearance by the leadership of both parties before being brought before the House on the Consent Calendar.

It has been the policy of the objectors on the consent calendar heretofore to put such a bill over without prejudice one or more times to give an opportunity to the members to become fully informed as to the contents of such a bill, and the consent calendar objectors for the 92nd Congress wish to follow like procedure; fourth, that if a bill has been placed on the consent calendar and the members of the committee having jurisdiction over the legislation show that it has not been cleared by the Bureau of the Budget, by the respective departments affected by such legislation, or that such reports from the committee or from the department show that the legislation is not in accord with the President's program, it should not pass on the consent calendar but that the chairman of the House committee having jurisdiction over the legislation, should either call it up under suspension of the rules with the permission of the Speaker or should go to the Rules Committee for a rule for such legislation. While the members of the objectors' committees feel that a report from the Bureau of the Budget is necessary before a bill should be placed upon the consent calendar, they do not wish to take the position that the report from the Bureau of the Budget must necessarily show the approval of such legislation by the Bureau. However, if such approval is not shown, than in the consideration of the legislation, even if considered on the consent calendar, the chairman reporting the bill, or the sponsor of the bill, should be willing to accept the responsibility of stating to the members the action of the Bureau of the Budget and the reasons for such action.

The members of the consent calendar objectors' committee also feel it fair to state to the membership that it is not their purpose to obstruct legislation or to object to bills or pass them over without prejudice because of any personal objection to said bill or bills by any one member or all of the members of the consent calendar objectors' committee, but rather that their real purpose, in addition to expediting legislation, is to protect the membership against having bills passed by unanimous consent which, in the opinion of the objectors, any member of the House might have objection to.

The members of the consent calendar objectors' committee earnestly request that the chairmen of the standing committees of the House having the responsibility for bringing legislation before the House take into consideration the contents of this statement before placing bills on the consent calendar. While it is not absolutely necessary that the sponsors of bills appearing on the consent calendar contact the various members of the consent calendar objectors' committee, nevertheless, in the interest of saving time and avoiding the possibility of having bills laid over unnecessarily, it is good practice to do so, and the objectors welcome the continuance of the procedure of getting in touch with them at least 24 hours before the legislation is called up under the regular consent calendar procedure. In many instances such thoughtfulness on the part of the sponsors will clear away questions which the objectors have and consequently will make for the expeditious handling of legislation.

WAYNE N. ASPINALL,
BILL ALEXANDER,
PARREN J. MITCHELL,
Majority Objectors.
DURWARD G. HALL,
ALBERT W. JOHNSON,
JAMES A. MCCLURE,
Minority Objectors.

Mr. Speaker, I now yield to the distinguished gentleman from Missouri, the senior member of the minority appointees.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman from Colorado yielding to me.

He is the distinguished senior member of long standing of the majority objectors on the Consent Calendar. And, certainly I want to associate myself with his remarks.

Mr. Speaker, if I might just make two additional observations: I would think it is most important for all Members to become familiar not only with the procedures of the Union Calendar and Consent Calendar but indeed even of the Private Calendar but the difference between the rules governing consent and certainly those governing the rules on suspensions.

Mr. Speaker, the distinguished gentleman from Colorado has said that the resolution and the agreement that were read and placed in the RECORD has been signed by all of us on both sides of the aisle.

That leads, Mr. Speaker, to my second observation. I oftentimes think in explaining the duties of a Representative in Congress to the folk back home that the name of "objectors" is unfortunate because so often during this time and place in history "objection" is related to obstructionism. More clearly defined, honestly, what the committee of objectors does is simply to do their homework before the fact with the reports and the bills or resolutions before us so that in truth we can testify to the other Members as their elected and appointed Representatives on either and both sides of the aisle that it is important in transacting the business of 435 Members in this vital Congress, the highest legislative organization in the world, that certain things can best be done by consent. In this spirit of dedication the distinguished gentleman from Colorado has, to my own personal knowledge, led a long and distinguished group in handling and expediting the business of the House of Representatives. I, for one, appreciate his dedication and willingness to continue to serve, as I do all of the other Members. I think it is a good tradition conducted in the highest spirit of cooperation, and I thank the gentleman for yielding.

Mr. ASPINALL. I wish to thank my colleague for his remarks.

AUTHORIZING COMMITTEE ON ARMED SERVICES TO CONDUCT INVESTIGATION AND STUDY OF MATTERS RELATING TO DEPARTMENT OF DEFENSE

Mr. ANDERSON of Tennessee (on behalf of Mr. BOLLING) from the Committee on Rules, reported the following privileged resolution (H. Res. 201, Rept. No. 92–15), which was referred to the House Calendar and ordered to be printed:

Resolved, That, effective January 3, 1971, the Committee on Armed Services, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 3 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1973, a report on the activities of that committee during the Congress ending at noon on January 3, 1973.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Armed Services of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 201.

The Clerk read the resolution as follows:

H. RES. 201

Resolved, That, effective from January 3, 1971, the Committee on Armed Services, acting as a whole or by subcommittee appointed by the chairman of the Committee on Armed Services, is authorized to conduct a full and complete investigation and study of all matters—

(1) relating to the procurement, use, and disposition of material, equipment, supplies, and services, and the acquisition, use, and disposition of real property, by or within the Department of Defense;

(2) relating to the military and civilian personnel under the jurisdiction of the Department of Defense;

(3) involving the laws, regulations, and directives administered by or within the Department of Defense;

(4) involving the use of appropriated and nonappropriated funds by or within the Department of Defense;

(5) relating to scientific research and development in support of the armed services; and

(6) all other matters within the legislative jurisdiction conferred by law or the Rules of the House of Representatives upon the Committee on Armed Services.

Provided, That the committee shall not undertake any investigation of any subject which is being investigated by any other committee of the House.

The committee shall report to the House (or to the Clerk of the House if the House is not in session) as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable.

For the purpose of carrying out this resolution the committee or subcommittee is authorized to sit and act during the present Congress at such times and places within or without the United States, whether the House has recessed, or has adjourned, to hold such hearings, and to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the Committee on Armed Services of the House of Representatives and employees engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided,* That (1) no member or employee of said committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88–633, approved October 7, 1964; (2) no member or employee of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

Each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

Mr. ANDERSON of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD, on the basis that I shall explain its general nature.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee for immediate consideration of the resolution?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike all after the word "Resolved," and insert in lieu thereof:

"That, effective January 3, 1971, the Committee on Armed Services, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 3 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

"SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

"(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1973, a report on the activities of that committee during the Congress ending at noon on January 3, 1973.

"SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Armed Services of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United Sates. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

"(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

"(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

"(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

"(4) Each member or employee of such committee shall make to the chairman of such commitee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

"(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones."

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD, since it will be explained.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The gentleman from Tennessee is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH) and pending that I yield myself such time as I may consume.

Mr. Speaker, this is a routine measure setting up the investigatory status and authority of the Committee on Armed Services. This is written up to conform to the new rules of the House of Representatives, which have had the following impact on the language. One is in relation to the new rules whereby committees can sit during sessions of the House except when the Committee of the Whole is considering legislation under the 5-minute rule. Another departure with reference to the new rules of the House relates to firmly establishing the oversight authority of this committee, which is a standard measure which Members will recall applies to all committees of the House under the new rules. Then section 3–A is written so as to conform to the new rues regarding counterpart funds.

Mr. Speaker, this resolution is needed because the Committee on Armed Services has certain urgent matters that it needs to start looking into. That is the reason for bringing it up today under a unanimous-consent request.

Mr. Speaker, I now yield to the gentlemen from California (Mr. SMITH).

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

May I say, Mr. Speaker, this is not a custom but is a special situation that we have here today in order to take care of the investigatory jurisdiction of the Committee on Armed Services. The Committee on Rules had to rewrite all of these in order to make them conform to the Legislative Reorganization Act. They have been written absolutely in accord with the regulations. We referred to rule XI setting up the jurisdiction of the committees. All of the others will be brought to the floor next week. The only reason we are bringing this resolution here today with regard to the Committee on Armed Services is because of a certain urgency. I can assure the House that this resolution is written in conformity with the rules of the Reorganization Act. The amendment as well as the resolution was gone over by the Committee on Armed Services, and we have done the very best we can in the Committee on Rules. I assure you it is all right to support this resolution.

Mr. Speaker, I urge the adoption of the amendment and the resolution.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the amendment and the resolution.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS UNTIL MIDNIGHT FRIDAY

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight Friday night to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:10 p.m. on Wednesday, February 24, 1971, said to contain a message from the President regarding Consumer Affairs.

With kind regards, I am,

Sincerely,

PAT JENNINGS,
Clerk, U.S. House of Representatives.

Attachment.

CONSUMER AFFAIRS: A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 92-52)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

The history of American prosperity is the history of the American free enterprise system. The system has provided an economic foundation of awesome proportions, and the vast material strength of the nation is built on that foundation. For the average American, this strength is reflected in a standard of living that would have staggered the imagination only a short while ago. This constantly rising standard of living benefits both the consumer and the producer.

In today's marketplace, however, the consumer often finds himself confronted with what seems an impenetrable complexity in many of our consumer goods, in the advertising claims that surround them, the merchandising methods that purvey them and the means available to conceal their quality. The result is a degree of confusion that often confounds the unwary, and too easily can be made to favor the unscrupulous. I believe new safeguards are needed, both to protect the consumer and to reward the responsible businessman.

I indicated my deep concern for this matter in my special message to the Congress of October 30, 1969. At that time I urged the Congress to enact a legislative program aimed at establishing a "Buyer's Bill of Rights." This proposal found little success in the 91st Congress. But putting the remedies aside has not sufficed to put the problems aside. These remain. They must be dealt with.

Accordingly, I am again submitting proposals designed to provide such a Buyer's Bill of Rights by:

—Creating by Executive Order a new Office of Consumer Affairs in the Executive Office of the President which will be responsible for analyzing and coordinating all Federal activities in the field of consumer protection;

—Recognizing the need for effective representation of consumer interests in the regulatory process and making recommendations to accomplish this after full public discussion of the findings of the Advisory Council on Executive Organization;

—Establishing within the Department of Health, Education, and Welfare a product safety program. The Secretary of Health, Education, and Welfare would have authority to fix minimum safety standards for products and to ban from the marketplace those products that fail to meet those standards;

—Proposing a Consumer Fraud Prevention Act which would make unlawful a broad but clearly-defined range of practices which are unfair and deceptive to consumers and would be enforced by the Department of Justice and the Federal Trade Commission. This act, where appropriate, would also enable consumers either as individuals or as a class to go into court to recover damages for violations of the act;

—Proposing amendments to the Federal Trade Commission Act which will increase the effectiveness of the Federal Trade Commission;

—Calling upon interested private citizens to undertake a thorough study of the adequacy of existing procedures for the resolution of disputes arising out of consumer transactions;

—Proposing a Fair Warranty Disclosure Act which will provide for clearer warranties, and prohibit the use of deceptive warranties;

—Proposing a Consumer Products Test Methods Act to provide incentives for increasing the amount of accurate and relevant information provided consumers about complex consumer products;

—Resubmitting the Drug Identification Act which would require identification coding of all drug tablets and capsules;

—Encouraging the establishment of a National Business Council to assist the business community in meeting its responsibilities to the consumer; and by

—Other reforms, including exploration of a Consumer Fraud Clearinghouse in the Federal Trade Commission, increased emphasis on consumer education and new programs in the field of food and drug safety.

NEW OFFICE OF CONSUMER AFFAIRS

The President's Committee on Consumer Interests has made important gains on behalf of the American consumer in the past two years.

It has brought a new and innovative approach to the problem of keeping the consumer informed and capable of handling the complex choices presented to him in today's commercial world. One such measure involves the dissemination of information which the United States Government, as the Nation's largest single consumer, collects on the products it uses. In my message of October 30, 1969, I announced that I was directing my Special Assistant for Consumer Affairs to develop a program for providing the buying public with this information.

On the strength of her recommendations, on October 26, 1970, I signed Executive Order 11566 which establishes a means for making available to the public much of the product information which the Federal Government acquires in making its own purchases. A Consumer Product Information Coordinating Center has been established in the General Services Administration with continuing policy guidance from my Special Assistant for Consumer Affairs to make these data available to the public through Federal information centers and other sources throughout the country.

In addition, the Committee on Consumer Interests has made significant strides in developing Federal, State and local cooperation in consumer programs, encouraging establishment of strong State and local consumer offices, and advising on the enactment of effective consumer laws and programs.

Nevertheless, further cooperation among Federal, State and local governments is essential if we are truly to insure that the consumer is properly served. Therefore, I am asking my Special Assistant for Consumer Affairs to intensify her efforts on behalf of the consumer at the State and local level. I am also directing her to conduct regional meetings with State officials concerned with consumer issues, with consumer groups, and with individual consumers to discuss common problems and possible solutions.

But I believe the greatest overall accomplishment of this office has been to give the consumer new assurance of this administration's concern for his and her welfare in the marketplace. In manifesting this concern during the past two years, the responsibility of the President's Committee on Consumer Interests has grown, as has its impact on consumer problems. I have therefore signed today a new Executive Order creating a new Office of Consumer Affairs in the Executive Office of the President. I am appointing my Special Assistant for Consumer Affairs to be Director of this new office. This change reflects the increasingly broad scope of responsibilities assigned to the Special Assistant for Consumer Affairs and will increase the effectiveness of the Office. The Office will advise me on matters of consumer interests, and will also assume primary responsibility for coordinating all Federal activity in the consumer field.

Finally, while I am deeply concerned with obtaining justice for all consumers, I have a special concern to see justice for those who, in a sense, need it most and are least able to get it. Therefore, I am directing my Special Assistant for Consumer Affairs to focus particular attention in the new Office on the coordination of consumer programs aimed at assisting those with limited income, the elderly, the disadvantaged, and minority group members.

A CONSUMER ADVOCATE

In my message of October 30, 1969, I pointed out that effective representation of the consumer requires that an appropriate arm of the government be given the tools to serve as an adovcate before the Federal agencies. I proposed then that this function be performed by a Consumer Protection Division created for the purpose and located within the Department of Justice. That proposal was not acted on.

Since that time my Advisory Council on Executive Organization has completed its Report on Selected Independent Regulatory Agencies. This report makes sweeping recommendations on the reorganization of those agencies for the purpose of helping them better serve the interests of the consumer.

One specific recommendation involves the creation of a new Federal Trade Practices Agency dealing exclusively with matters of consumer protection. This Agency would result from a general restructuring of the Federal Trade Commission. The report specifically suggests that a consumer advocate might be placed within the Federal Trade Practices Agency.

I believe that this is a better approach than the creation of still another independent agency which would only add to the proliferation of agencies without dealing with the problems of effectiveness to which the Advisory Council report addresses itself.

As I indicated at the release of the Advisory Council's report, I am delaying legislative proposals on these issues pending full public discussion of the findings and recommendations of the Council. I urge that those who comment on the Advisory Council recommendations also focus on the manner in which the consumer interest can best be represented in Federal agency proceedings. I further urge the Congress to view the problems of consumer advocacy and agency structure as part of the general problem of making the Federal Government sufficiently responsive to the consumer interest.

After April 20, when comments have been received, I will make the recommendations I consider necessary to provide effective representation of consumer interests in the regulatory process. If the Congress feels it must proceed on the matter of consumer advocacy prior to receiving my recommendations, then I strongly urge and would support, as an interim measure, the placement of the advocacy function within the Federal Trade Commission.

A PRODUCT SAFETY ACT

Technology, linked with the American free enterprise system has brought great advantages and great advances to our way of life. It has also brought certain hazards.

The increasing complexity and sophistication of many of our consumer goods are sometimes accompanied by the increasing possibility of product failure, malfunction, or inadvertent misuse resulting in physical danger to the consumer.

Therefore, I propose legislation providing broad Federal authority for comprehensive regulation of hazardous consumer products.

This product safety legislation will encompass five major responsibilities which would be assigned to a new consumer product safety organization within the Department of Health, Education, and Welfare. Through this organization the Secretary of Health, Education, and Welfare will:

1. Gather data on injuries from consumer products;

2. Make preliminary determinations of the need for particular standards;

3. Develop proposed safety standards with reliance on recognized private standards setting organizations;

4. Promulgate standards after a hearing and testimony on the benefits and burdens of the proposed legislation; and

5. Monitor industry compliance and enforce mandatory standards.

The mechanisms which will be included in this bill provide for full participation on the part of private organizations and groups in the development of standards.

NATIONAL ATTACK ON CONSUMER FRAUD

Consumer fraud and deception jeopardize the health and welfare of our people. They cheat consumers of millions of dollars annually. They are often directed against those who can least afford the loss, and are least able to defend themselves—the elderly, the handicapped, and the poor.

At the same time, the honest businessman is damaged by fraud and deceptive practices every bit as much as the consumer—and perhaps more. He is subjected to the unfair competition of the unscrupulous businessman, and he loses money. He is subjected to the opprobrium of those who have suffered at the hands of unscrupulous businessmen, and he loses the goodwill of the public. For it is a fact, however unfortunate, that in the area of business especially, the many are commonly judged by the actions of the few.

Efforts to eliminate these unethical business practices have not been successful enough. It is commonly profitable for unscrupulous businessmen to operate in defiance of the enforcement authorities, to accept whatever penalties and punishments are incurred, and to continue to operate in spite of these. The penalty is just part of the overhead. I want these practices brought to an end.

With this message I am committing this administration to a full and forceful effort to see that they are brought to an end.

CONSUMER FRAUD PREVENTION ACT

I am again submitting and I urge prompt attention to a bill to make unlawful a broad but clearly defined range of practices which are deceptive to consumers. The legislation would provide that the Department of Justice be given new powers to enforce prohibitions against those who would victimize consumers by fraudulent and deceptive practices.

It would give consumers who have been victimized by such practices the right to bring cases in the Federal courts to recover damages, upon the successful termination of a government suit under the Consumer Fraud Prevention Act.

I am also recommending civil penalties of up to $10,000 for each offense in violation of this act.

The Department of Justice has created a new Consumer Protection Section within the Antitrust Division, which has centralized the Department's enforcement in the courts of existing statutes designed to protect the consumer interest. Thus the Department of Justice is prepared to enforce promptly the proposed Consumer Fraud Prevention Act.

FEDERAL TRADE COMMISSION

While there is a need for new legislation to insure the rights of the consumer, there is also a need to make more effective use of the legislation we already have, and of the institutions charged with enforcing this legislation.

A principal function of the Federal Trade Commission has historically been to serve as the consumers' main line of resistance to commercial abuse. In the past year the Commission, under new leadership, has been substantially strengthened. A major organizational restructuring has produced within the Commission a Bureau of Consumer Protection, a Bureau of Competition, and a Bureau of Economics. An Office of Policy Planning and Evaluation has been created to establish a more effective ordering of priorities for the Commission's enforcement efforts.

In order to make FTC procedures more responsive to the needs of consumers, responsibilities of the eleven Commission field offices have been extended to include trying cases before hearing examiners in the field, negotiating settlements, conducting investigations, and referring complaints to the Commission. Six Consumer Protection Coordinating Committees have been established in selected metropolitan areas.

I am submitting today legislation which would provide the FTC with the authority to seek preliminary injunctions in Federal courts against what it deems to be unfair or deceptive business practices. The present inability to obtain injunctions commonly results in the passage of extended periods of time before relief can be obtained. During this time the practices in question continue, and their effects multiply.

The proposed bill would expand the jurisdiction of the Commission to include those activities "affecting" interstate commerce, as well as those activities which are "in" interstate commerce.

Finally, I recommend that the penalty schedule for violation of a Commission cease-and-desist order be adjusted from a maximum of $5,000 per violation to a maximum of $10,000 per violation.

GUARANTEES AND WARRANTIES

A constant source of misunderstanding between consumer and businessman is the question of warranties. Guarantees and warranties are often found to be unclear or deceptive.

In 1970, I submitted a proposal for legislation to meet this problem. I am submitting new legislation for this purpose.

This proposal would increase the authority of the Federal Trade Commission to require that guarantees and warranties on consumer goods convey adequate information in simple and readily understood terms.

It would further seek to prevent deceptive warranties; and it would prohibit improper use of a written warranty or guarantee to avoid implied warranty obligations arising under State law.

CONSUMER FRAUD CLEARINGHOUSE

My Special Assistant for Consumer Affairs is examining the feasibility of a consumer fraud clearinghouse—a prompt exchange of information between appropriate Federal, State and local law enforcement officials which can be especially helpful in identifying those who perpetrate fraudulent, unfair and deceptive practices upon the consumer and deprive the honest businessman of his legitimate opportunities in the marketplace.

Upon her recommendation, I am asking the FTC to explore with State and local consumer law enforcement officials an effective mechanism for such an exchange.

CONSUMER EDUCATION

Legislative remedies and improved enforcement procedures are powerful weapons in the fight for consumer justice. But as important as these are, they are only as effective as an aware and an informed public make them. Consumer education is an integral part of consumer protection. It is vital if the consumer is to be able to make wise judgments in the marketplace. To enable him or her to do this will require a true educational process beginning in childhood and continuing on.

The Office of the Special Assistant for Consumer Affairs has established guidelines for consumer education suggested for use at the elementary and high school level. Those guidelines have been sent to every school system in the country, and their reception has been encouraging. I believe they mark an effective step toward developing an informed consumer. The office has also begun the development of suggested guidelines for particular emphasis on special socioeconomic groups and senior citizens.

Now, in order to expand and lend assistance to Consumer Education activities across the nation, I am asking the Secretary of Health, Education, and Welfare, in coordination with my Special Assistant for Consumer Affairs, to work with the nation's education system to (1) promote the establishment of consumer education as a national educational concern; (2) provide technical assistance in the development of programs; (3) encourage teacher training in consumer education; and (4) solicit the use of all school and public libraries as consumer information centers.

I am also asking the Secretary of Health, Education, and Welfare, in coordination with my Special Assistant for Consumer Affairs, to develop and design programs for the most effective dissemination of consumer information, and particularly to explore the use of the mass media, including the Corporation for Public Broadcasting.

ADDITIONAL PROPOSALS

CONSUMER REMEDIES

As we move to shape new consumer legislation, I believe we must also review all consumer remedies. Although this is primarily a matter of State and local responsibility, I believe that the problem is also of national concern. Accordingly, I am asking the Chairman of the Administrative Conference of the United States to join with other interested citizens representing a broad spectrum of society to undertake a thorough study of the adequacy of existing procedures for resolving disputes arising out of consumer transactions.

The study would (1) focus particularly on the means of handling small claims and explore methods for making small claims courts more responsive to the needs of consumers; (2) examine existing and potential voluntary settlement procedures, including arbitration, and potential means of creating incentives to voluntary, fair settlements of consumer disputes; (3) address the difficult and troublesome questions presented by mass litigation; (4) examine problems and solutions at the State as well as the Federal level; and (5) draw on the experience of other nations in improving consumer remedies.

The purpose of this study will be to gather those facts needed to determine the means of gaining the greatest benefit to consumers with the least cost to production processes and to the country. I urge Federal, State, local and private bodies to cooperate in this effort. I also ask that recommendations to the President, the Congress, the courts and the general public be made within the shortest practicable time.

FOOD AND DRUG PROGRAMS

Events in the past year have reconfirmed the need for urgent action to insure thorough and effective quality control through the Food and Drug Administration over the food Americans consume and the drugs they take.

In my message of October 30, 1969, I called for stronger efforts in the field of food and drug safety.

At that time I announced that the Secretary of Health, Education, and Welfare had initiated a thorough study of the Food and Drug Administration. As a result of that study, a number of management reforms have contributed to a more effective functioning of the FDA.

Food. During the past two years consumer concern about the quality of certain foods in this nation has become acute. I have instructed the Food and Drug Administration to develop new and better methods for inspecting foods—domestic and imported—to insure that they are entirely free from all natural or artificial contamination. In addition, a major study is underway reviewing the safety of all food additives. Finally, because too many Americans have no understanding of the most basic nutritional principles, the Food and Drug Administration has developed programs of nutritional guidelines and nutritional labeling. Different approaches to labeling are presently being tested for method and effectiveness.

Drugs. In the past year the Food and Drug Administration has been engaged in an extensive program to insure the effectiveness of the drugs Americans use. Decisions have been made on some 3,000 drugs marketed between 1938 and 1962 and representing 80% of the most commonly prescribed drugs.

In addition, the Food and Drug Administration will expand its research efforts aimed at insuring that all drugs available on the market are capable of producing the therapeutic effects claimed for them.

I have resubmitted legislation requiring the identification coding of drug tablets and capsules to prevent those poisonings which result from the use of drug products of unknown or mistaken composition.

A CONSUMER PRODUCT TEST METHODS ACT

Consumers are properly concerned with the reliability of the information furnished them about the goods they buy, and I believe they have a right to such information.

Accordingly, I again propose legislation aimed at stimulating product testing in the private sector. Under this legislation, the Secretary of Commerce, through the National Bureau of Standards, in consultation with my Special Assistant for Consumer Affairs, would identify products that should be tested. Competent Federal agencies would identify product characteristics that should be tested and would approve and develop, where necessary, testing methods to assess those characteristics. Suppliers of goods would be permitted to advertise their compliance with government approved testing standards. In addition, interested private organizations may receive accreditation indicating their competence to perform the approved tests, and the use of an accredited organization in testing a product may be advertised.

NATIONAL BUSINESS COUNCIL FOR CONSUMER AFFAIRS

Most businessmen recognize and accept their responsibility to the consumer, and in many cases they have voluntarily undertaken efforts to assure more fully that these responsibilities are met throughout the business community.

To emphasize and encourage such voluntary activity, a National Business Council for Consumer Affairs will be organized by the Secretary of Commerce. It will work closely with my Special Assistant for Consumer Affairs, the Federal Trade Commission, the Justice Department and others as appropriate in the further development of effective policies to benefit American consumers.

The Council will be a vehicle through which Government can work with business leaders to establish programs for accomplishing the goal I stated in my 1969 message on consumer protection of fostering "a marketplace which is fair both to those who sell and those who buy." And it will encourage everyone who does business to do an even better job of establishing competitive prices for high quality goods and services.

CONCLUSION

In submitting the foregoing proposals, I want to emphasize that the purpose of this program is not to provide the consumer with something to which he is not presently entitled; it is rather to assure that he receives what he is, in every way, fully entitled to. The continued success of our free enterprise system depends in large measure upon the mutual trust and goodwill of those who consume and those who produce or provide.

Today, in America, there is a general sense of trust and goodwill toward the world of business. Those who violate that trust and abuse that goodwill do damage to the free enterprise system. Thus, it is not only to protect the consumer, but also to protect that system and the honest men who have created and who maintain it that I urge the prompt passage of this legislative program.

RICHARD NIXON.
THE WHITE HOUSE, *February 24, 1971.*

SECOND ANNUAL PRESIDENTIAL REVIEW OF U.S. FOREIGN POLICY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–53)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In a democracy, policy is the public's business. I believe the President has an obligation to lay before the American people and its Congress the basic premises of his policy and to report fully on the issues, developments, and prospects confronting the Nation.

Shortly before my inauguration, I concluded that an annual Presidential report on foreign policy would serve these ends well. Each report would measure progress and outline what remains to be done.

I hereby transmit to the Congress the second annual Presidential review of United States foreign policy.

This year my message will be supplemented by two major documents: the Secretary of State's review—the first of its kind—and the annual Defense Report by the Secretary of Defense. Both of these will be comprehensive and detailed accounts, filling out the basic framework and philosophy set forth in this Presidential message.

RICHARD NIXON.

THE WHITE HOUSE, *February 25, 1971.*

AMERICAN FOREIGN POLICY

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the President's second state of the world message is an excellent exposition of American foreign policy.

It is further testimony that President Nixon has taken the American people into his confidence more fully than any President before him.

The section on Indochina outlines our military and diplomatic moves directed toward peace in Southeast Asia more clearly than has ever been done before. The President places the blame for conflict throughout Indochina precisely where it belongs—on the Communist leaders in Hanoi.

In the section on the Middle East, the President points up the constant danger of a United States-Soviet confrontation there. One of the administration's great accomplishments stemmed from the low-keyed manner in which the administration steered away from that danger during the Jordanian crisis last September.

All in all, the President's second state of the world message is a valuable contribution to an understanding of U.S. foreign policy—not only by the American people but by peoples throughout the universe.

APPOINTMENT AS MEMBERS OF NATIONAL FOREST RESERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of 16 United States Code 513, the Chair appoints as members of the National Forest Reservation Commission the following Members on the part of the House: Mr. COLMER and Mr. SAYLOR.

APPOINTMENT AS MEMBERS OF JAMES MADISON MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section I, Public Law 86-417, the Chair appoints as members of the James Madison Memorial Commission the following Members on the part of the House: Mr. SLACK, Mr. CELLER, Mr. THOMPSON of Georgia, and Mr. WAMPLER.

APPOINTMENT AS MEMBERS OF NATIONAL MEMORIAL STADIUM COMMISSION

The SPEAKER. Pursuant to the provision of section I, Public Law 523, 78th Congress, the Chair appoints as members of the National Memorial Stadium Commission the following Members on the part of the House: Mr. YATRON, Mr. BYRON, and Mr. MIZELL.

APPOINTMENT AS MEMBERS OF NATIONAL PARKS CENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 91-332, the Chair appoints as members of the National Parks Centennial Commission the following Members on the part of the House: Mr. FOLEY, Mr. MELCHER, Mr. SAYLOR, and Mr. SKUBITZ.

APPOINTMENT AS MEMBERS OF TERRITORIAL EXPANSION MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 1, Public Resolution 32, 73d Congress, the Chair appoints as members of the U.S. Territorial Expansion Memorial Commission the following Members on the part of the House: Mrs. SULLIVAN, Mr. ROY, and Mr. CAMP.

APPOINTMENT AS MEMBERS OF NATIONAL FISHERIES CENTER AND AQUARIUM ADVISORY BOARD

The SPEAKER. Pursuant to the provisions of section 5(a), Public Law 87-758, the Chair appoints as members of the National Fisheries Center and Aquarium Advisory Board the following Members on the part of the House: Mr. CARNEY and Mr. FREY.

APPOINTMENT AS MEMBERS OF COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

The SPEAKER. Pursuant to the provisions of section 104(3), Public Law 91-405, the Chair appoints as members of the Commission on the Organization of the Government of the District of Columbia the following Members on the part of the House: Mr. FUQUA and Mr. NELSEN.

And the following members from private life: Mrs. Marjorie McKenzie Lawson, of Washington, D.C., and Mr. John B. Duncan, of Washington, D.C.

APPOINTMENT AS MEMBERS OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

The SPEAKER. Pursuant to the provisions of section 401(b), title 4, Public Law 91-510, the Chair appoints as members of the Joint Committee on Congressional Operations the following Members on the part of the House: Mr. BROOKS, Mr. GIAIMO, Mr. O'HARA, Mr. HALL, and Mr. CLEVELAND.

APPOINTMENT AS MEMBERS OF FATHER MARQUETTE TERCENTENARY COMMISSION

The SPEAKER. Pursuant to the provisions of section 1(a), Public Law 89-187, the Chair appoints as members of the Father Marquette Tercentenary Commission the following Members on the part of the House: Mr. GRAY, Mr. ZABLOCKI, Mr. BYRNES of Wisconsin, and Mr. RUPPE.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

The SPEAKER. Pursuant to the provisions of section 202(b), Public Law 90-259, the Chair appoints as members of the National Commission on Fire Prevention and Control the following Members on the part of the House: Mr. MILLER of California and Mr. PETTIS.

FIGHT AGAINST INFLATION

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOGGS. Mr. Speaker, last June, the Democrats in the House proposed that the President have standby wage and price authorities as a tool in the fight against inflation.

The education of the Nixon administration on this issue has been a wondrous thing to watch:

May 29, 1970: "We have not run for the superficially attractive solution of wage-price controls. . ."—Vice-President Spiro Agnew, quoted in the New York Times, May 29, 1970.

June 17, 1970: "I will not take this nation down the road of wage and price controls. . . This is not the time for Congress to play politics with inflation by passing legislation granting the President standby powers to impose wage and price controls."—President Nixon in a national television speech on the economy.

June 22, 1970: "Wage and price controls must be ruled out completely. . ."—under-Secretary of the Treasury Charls E Walker, testifying before the House Banking and Currency Committee.

August 15, 1970: "Price and wage controls simply do not fit the economic conditions which exist today." President Nixon on the signing of the Extension of the Defense Production Act which included standby wage and price authorities.

December 4, 1970: "There is no change in the President's attitude about wage and price controls."—White House Press Secretary Ronald Ziegler.

February 1, 1971: "I do not intend to impose wage and price controls which would substitute new, growing, and more vexatious problems for the problems of inflation."—the Economic Report of the President submitted to the 92nd Congress.

February 23, 1971: "We . . . accept Section Two of H.R. 4246 which extends the President's standby authority to set up wage-price controls."—Secretary of the Treasury John Connally testifying before the House Banking and Currency Committee.

Mr. Speaker, it took 9 long months to convince the Nixon administration of the value of these standby wage and price authorities. We are happy to have our GOP friends aboard and I hope that we can discover the means to cut down the long leadtime in gaining administration understanding of the Nation's economic problems.

TAX RELIEF FOR APARTMENT TENANTS

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I am introducing today a bill to provide a tax deduction for part of the rent paid by tenants. One of the most critical problems facing our cities is how to keep a viable middle-class occupying apartments under lease in the central city.

A homeowner is permitted to deduct the property taxes on his home and the interest on his mortgage. The owner of a cooperative apartment is permitted to deduct that portion of his rent or "maintenance" which represents the property taxes on his building and the interest on the mortgage. A tenant, on the other hand, can obtain a deduction for rental payments only by establishing that such payments were incurred for the purposes of his trade or business. Renters must adhere to the general Internal Revenue Service rule that "no deduction shall be allowed for personal, living, or family expenses."

It is apparent that there has developed in the tax system an arbitrary discrimination in favor of homeowners and against those who rent their homes. It is equally apparent that this discrimination operates to the particular disadvantage of the urban dweller where tenancies are the rule and homeowning the exception.

In 1942, when the tax law was amended to permit cooperative owners to deduct part of their payments, the Senate Finance Committee stated that its general purpose was "to place the tenant-stock holders of a cooperative apartment in the same position as the owner of a dwelling house so far as deductions for interest and taxes are concerned." I believe that it is now time to place the ordinary tenant in the same position as homeowners and owners of cooperative apartments so far as deductions for interest and property taxes are concerned.

Accordingly, I have proposed that each tenant be permitted to deduct that part of his rent payments which represents the proportionate share of the property taxes and mortgage interest paid on his apartment building.

Mr. Speaker, if our cities are to survive, they must be vital, vibrant centers, not areas inhabited only by the very rich and the very poor. To halt the growing exodus of the middle-class from our cities, we need to eliminate the present tax discrimination and provide equal tax treatment for tenant, cooperative owner, and homeowner:

H.R. 842

A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

"SEC. 218. DEDUCTION OF TAXES AND INTEREST BY TENANT.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction amounts not otherwise deductible paid or accrued to a lessor within the taxable year, but only to the extent that such amounts represent the individual's proportionate share of—

"(1) the real estate taxes which are allowable under section 164 as a deduction to, and which are paid or incurred by, such lessor or any other person on the house or apartment building used by such individual as his principal residence, and on the land on which such house or apartment building is situated, and

"(2) the interest which is allowable under section 163 as a deduction to, and which is paid or incurred by, such lessor or any other person on indebtedness contracted—

"(A) in the acquisition, construction, alteration, rehabilitation, or maintenance of such house or apartment building, and

"(B) in the acquisition of the land on which such house (or apartment building) is situated.

"(b) PROPORTIONATE SHARE.—For purposes of this section, the 'individual's proportionate share' of real estate taxes and interest shall be determined under regulations prescribed by the Secretary or his delegate.

"(c) LESSOR TO FURNISH WRITTEN STATEMENT.—Every lessor of premises to an individual who uses such premises as his principal residence shall furnish such individual with a written statement showing the amounts deductible by such individual hereunder, whether or not paid or incurred by such lessor, on or before January 31 of the succeeding year."

(b) The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Deduction of taxes and interest by tenant.

"Sec. 219. Cross references."

SEC. 2. The amendments made by the first section of this Act shall apply to taxable years beginning after December 31, 1970.

DEBT-CEILING BILL

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, the Rules Committee is currently considering the $430 billion debt-ceiling bill reported out by the Committee on Ways and Means.

Included in this bill is a proposal to exempt $10 billion in long-term bonds from the statutory long-term 4½-percent interest ceiling.

I oppose the interest rate exemption. It is not related to the debt-ceiling issue. These are separate issues which should be separately voted upon.

I urge the adoption of a modified rule which will permit the House to strike out this objectionable feature of a conglomerate bill.

This is not the time to raise interest rates on public borrowing. Economic forces are currently reducing interest rate pressures.

We should not legislatively reverse this trend toward lower interest rates.

THE REPORT OF THE CITIZENS CONFERENCE ON STATE LEGISLATURES

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, a self-appointed group that calls itself the Citizens Conference on State Legislatures, has issued its report. Thanks to the overplay given it by the national news media, this report has risen in stature far above what I believe it deserves. To say that this report is self-serving and lacking in factual information to back up its findings, is probably the understatement of the year. In my judgment, this report constitutes a rather interesting little ruse which has been combined with some sophisticated public relations techniques in order to pass itself off as judge of what our State legislatures, all 50 of them mind you, should be.

It is my understanding, Mr. Speaker, that the report was produced under the direction of one Larry Margolis, who was the chief designer of the formula by which the legislatures would be rated. It is my further understanding that the report based its figures not on the actual achievements of the legislatures but on the structure. It does not rate the individual members of the legislatures, but only the system under which the members operate. It does not measure the merits or demerits of the laws passed.

As I am sure every Member here knows Mr. Speaker, it is possible for any individual to set up a citizens committee, obtain financial backing, establish criteria, and make a report which reflects what this individual would like it to reflect. It should be pointed out that of the 29 citizens who made up the Citizens Conference on State Legislatures, 12 are from States which ranked 1–2–3–4.

How can any individual or group of individuals say that what works for a legislative body in a State on the west coast will work for Alabama. Or that methods used by the State legislature of a small eastern State should be adopted by the Alabama State Legislature? Obviously, it should not be attempted. Each State is uniquely different. Each State has its problems and its potential. The people in each State have decided who they want to serve in their legislatures. If they wish changes, I am sure they will let their lawmakers know.

I was privileged to serve 8 years in the Alabama State Legislature under two different Governors. During this time, I found the great majority of my colleagues to be conscientious, hardworking men and women dedicated to improving the life of every Alabama citizen. I believe this is as true today as it was when I served. There is always room for improvement in legislative procedures, and this too is being accomplished.

Our legislature has helped bring new industry to the State. Hundreds of thousands of jobs have been made available. The legislature has contributed much toward achieving a sound rural-urban balance. It has helped in the development of Alabama's waterway systems. And programs are being instituted to preserve and protect the natural resources of our State.

Throughout Alabama one can see evidence of the progress we have made as a result of the fine work of the legislature. True, much remains to be done. We all know that many of our problems are far from being solved. The present Alabama legislature is faced with the challenge of identifying and solving these problems. And I know it will do the job.

We may not be the State with the most people. We may not be the State with the largest welfare rolls, or debt. But the people of Alabama are independent, resourceful, and capable of running their own affairs.

VETERANS' ADMINISTRATION HOSPITAL SAFETY

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, the hideous tragedy of the Sylmar Veterans Hospital in the recent Los Angeles earthquake must never be repeated.

In my home city of San Diego, a new 811-bed VA hospital is nearing completion. Local veterans groups, who have struggled for years to get this facility, are naturally now concerned that every possible precaution be taken to protect it from earthquake—always a very real threat in California.

Our new hospital looks solid enough to withstand any seismic disturbance, and the word so far from the Veterans Administration is encouraging. Viggo P. Miller, assistant VA administrator for construction, has advised a member of my staff that "we think we have all the protection we need built into the design" of the new facility. Mr. Miller also pointed out that every VA building constructed in California since 1935 fully complies with the State's own relatively stringent code requirements for reducing the dangers of earthquakes. The parts of the Sylmar Hospital that collapsed had been constructed in 1925, prior to the promulgation of the California standards.

While I am pleased that the Veterans Administration has exercised such care in planning its more contemporary hospitals, I nevertheless am still plagued by some doubts about the ultimate ability of the San Diego hospital to withstand the most severe kind of shocks.

Are we certain, for instance, that the present standards for earthquake-proofing are good enough, in view of the trend toward higher buildings in California since adoption of the code in the 1930's? The basic steel-beam construction of the San Diego hospital is unquestionably sound, but the building is also 6 stories tall.

I am no construction engineer, and I do not pretend to have the answers to questions that might be asked about the durability of this or any other structure in earthquake-prone areas.

Surely it is incumbent on this body to get these answers for the 28 million veterans we jointly represent. Our own Committee on Veterans' Affairs has moved with commendable dispatch, sending a special subcommittee to Los Angeles last week for a day of hearings and an on-site investigation of the Sylmar tragedy. The concern of the committee was matched at all levels within the Veterans' Administration and by volunteers, in a magnificent display of ingenuity and devotion to the needs of the surviving patients and staff of the Sylmar Hospital.

To prevent or at least minimize the chances of a recurrence of this disaster we should now, I believe, make much greater and more systematic use of expert consultants to evaluate hospitals already operational, under construction, or still in the planning stage.

Structural engineers, seismologists, and geologists could all contribute substantially to any hospital-by-hospital study of earthquake vulnerability. These professionals, working under the auspices of Congress or the Veterans' Administration, would generate new knowledge in such arcane but critical areas as ground motion, the relative strengths and properties of various building materials and overall earthquake engineering.

On the basis of the findings of such a comprehensive study, the Government could then adopt, either administratively or by statute, whatever controls and standards the experts had deemed necessary to provide the fullest possible protection in earthquake-prone areas.

Devastating as it was, the earthquake which rocked the San Fernando Valley February 9 registered a relatively mild 6.5 on the authoritative Richter scale. In contrast, the San Francisco earthquake of 1906 had a magnitude of 8.3 on this scale of 10. Scientists agree that a quake of this violence can be expected to occur in California every 60 to 100 years—an eventuality which none of us likes to consider but for which we should be planning.

THE APPALACHIAN REGIONAL COMMISSION SHOULD BE EXTENDED

(Mr. TAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR. Mr. Speaker, today I introduced a bill authorizing a 4-year extension of the Appalachian Regional Commission. The bill is similar to legislation introduced in the Senate by Senator RANDOLPH.

In the absence of new legislation, the Commission which has administered the 13-State regional development program during its 6 years of operation will expire on June 30, 1971.

I have been disturbed by reports that the President's revenue-sharing plan calls for the dismantling of the Appalachian program after 1 more year of operation and the inclusion of the $280 million annual appropriation to the Appalachian program into the President's proposed $1 billion pool to be distributed among the 50 States for rural development.

The Appalachian program was established by Congress to meet the special needs of the Appalachian region and should not be engulfed in and eliminated by the revenue-sharing plan.

I am convinced that the Appalachian program has made more progress per dollar spent in the district that I represent in Congress than has any other Federal program. The Appalachian program has already made an impact on economic conditions in Appalachia by attracting industry and tourism, by better roads, airports, and vocational educational facilities.

Of the 2,571 miles of Appalachian Corridor Highways authorized, about 20 percent have been completed, another 15 percent is under construction, and 93 percent of it is in some stage of development or planning. To stop this road program now would be folly. The Appalachian program was conceived and approved by Congress as a unique and innovative effort to meet the special needs of the Appalachian region. It is not right and not fair to Appalachia that funds authorized by Congress for this regional program be made a part of a nationwide pool for revenue sharing.

This program is one of the Nation's best examples of teamwork by Federal, State, and local units of government. In my opinion, it is the best administered program in Washington. Its strength, in part, lies in its adaptability from State to State—each State using it to solve its own problems and to meet its own needs. It has permitted national goals to be translated into workable programs to meet local needs. It is providing hope and economic uplift to an important section of our Nation, and it deserves the continued support of Congress.

INCREASED FIGHTING AND THE PRESIDENT'S VIEW OF THE STATE OF THE WORLD

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, just an hour ago the President, Mr. Nixon again justified his broadening of the war in terms of saving American lives.

This incredible spectacle of the Nixon administration blindly embarking on new invasionary tactics into the countries neighboring on South Vietnam in violation of Laotian neutrality, the Geneva Accords and of the language and quite possibly the letter of legislation passed in the 92d Congress, in direct repudiation of the mandate received from his electorate which has consistently expressed itself in increased percentages of Americans favoring immediate withdrawal, now 73 percent, has been fantastic. And to justify it in terms of saving American lives is yet another attempt at anesthetizing the American people he is repudiating.

The invasion of Laos by the South Vietnamese Army with U.S. air support, and perhaps ground support, has not only doubled weekly casualties since it started, but has resulted in an additional 15 Americans missing in action with every possibility that these soldiers are now prisoners of war. It has resulted in a great increase in South Vietnamese casualties, with two fire bases already overrun and how many yet to come?

It has resulted in the official loss of 29 helicopters in 13 days which cost a minimum of $14.5 million. Field reports estimate some 70 helicopters have been downed which would run the cost in downed equipment alone well over $35 million and probably closer to $50 million—all money which could have been spent more fruitfully here at home.

The President's remarks concerning Cambodia with inferences that the invasion there has cut U.S. casualties by half completely leaves out any mention of what is happening to the Cambodians. Where they were at peace, their country is now engulfed in war. We are having to destroy the country and from the air while claiming to save it. Justification for the continuing and increased killing of Asian lives to save American lives is unacceptable.

This "saving of American lives" has meant not only expanding the war geographically but increasing the intensity, also peculiar rationale, the Associated Press reported yesterday, February 24, from Saigon that the U.S. command announced its launching of the heaviest air strike in months: 50 fighter bombers, accompanied by 20 support planes bombing in North Vietnam. The New York Daily News reports that the strikes were the hardest hitting of any single day in the entire Indochina war.

And the threat that as long as one American is held prisoner of war, American troops will remain in Southeast Asia is an indication of how completely the administration will go to deny the will of the American people. To justify the continuation of the war because Americans are prisoners when it is the war that has made them prisoners and continues to make 300,000 American soldiers fighting in Southeast Asia prisoners, to justify continuing the war, continuing to make more prisoners of war is the height of the administration deceptive rationale.

The President has warned that time is running out and that the North Vietnamese may find themselves negotiating with the South Vietnamese. He is for once right. Time is running out. But inducing them to negotiate by increased bombings and expansion of the war is insane. The North Vietnamese should find themselves negotiating with the South Vietnamese, the Laotians, the Cambodians because that is the best solution to the problems. And this 92d Congress must act in concert to bring this about and to end U.S. involvement in Southeast Asia, immediately.

THE MISSISSIPPI TORNADOES

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, this past Monday I had the sad experience of touring those counties of my congressional district that were the victims of the multiple killer tornadoes this past Sunday. Of the some 90 persons who lost their lives, 38 were from the Fourth Congressional District. Another 500 persons have been hospitalized to recover from their injuries and estimates of property damage is well over $7 million.

The people are still in a state of shock as a result of this great tragedy, but they are already talking of rebuilding their homes and businesses.

At the request of Mississippi's congressional delegation and the Governor, President Nixon has declared our State as a Federal disaster area. This means the people will be able to apply for assistance under the Disaster Relief Act of 1970.

Officials from the Office of Emergency Preparedness have already met with Governor Williams to determine the top priorities for providing relief. Other Federal agencies such as the Small Business Administration and Farmers Home Administration are making plans to set up offices in the affected areas.

As would be expected, the top priority is to provide mobile homes for temporary housing. Once this has been accomplished, Federal officials will begin processing low-interest loans so people can begin rebuilding their homes, farms, and places of business. If OEP and other Federal agencies work as efficiently as they did during the trying months following Hurricane Camille, the people in my congressional district will be able to recover from the devastating tornadoes. It is not until you come face to face with a tragedy of this magnitude that you realize the importance of the Congress having passed the Disaster Relief Act of 1970.

EXTENDING COOPER - CHURCH AMENDMENT TO NORTH VIETNAM

(Mr. HARRINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRINGTON. Mr. Speaker, the danger that the United States will become extended even further in southeast Asia through an invasion of North Vietnam seems to be ever increasing.

Despite the administration's oratorical withdrawals from that bloodied part of the world, our commitment in a military way is daily becoming greater, and our contribution to the misery and death and homelessness of thousands of people in a faraway land mounts with every hour.

Without Congressional sanction, without declaration of war, the United States is now fighting in three nations—in South Vietnam, in Cambodia, and now in Laos.

I fear that North Vietnam is next. A report this morning by the Washington Post Foreign Service is headlined, "Thieu asks why not attack the North."

Accordingly, I am today introducing a bill which extends the language and spirit of the Cooper-Church amendment to North Vietnam.

Senator MONDALE is introducing an identical measure concurrently in the Senate.

The bill would prevent, without congressional approval, a U.S. invasion of North Vietnam or U.S. air or logistical support for such an invasion by any other nation.

I confess to some reluctance to engage in still more rhetoric designed to limit United States participation in Indochina.

The process of trying to force U.S. extraction has been a wearisome process, and the administration has repeatedly disregarded national abhorrence of this disastrous mis-adventure in the Far East.

Instead we—the Nation and the Congress—have been faced with elaborate subterfuge to sanctify forays and turn invasion into incursions. But the casualty figures go up. Six more helicopters were destroyed yesterday. And the number of U.S. airmen down over new wartorn lands grows and grows.

I introduce this bill not only with the hope that the intent of the measure itself be debated and passed, but also to call upon the Congress to rally itself and to thwart, at every possible instance—in the budgetary deliberations, in the foreign relations hearings, and in the requests for armed services—the efforts to continue the Indochinese participation of the United States.

THE CROSS-FLORIDA BARGE CANAL DECISION APPEARS TO HAVE BEEN MADE ON POLITICAL AND ECOLOGICAL MISINFORMATION

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, Mr. George Linville, president of the Cross-Florida Canal Association read to me just now over the telephone a memorandum which was in the form of recommendations from Mr. Russell Train of the Council on Environmental Quality to a member of the White House staff. Apparently this was the basis of the President's decision to halt construction of the canal. Mr. Linville has today released this information to the news media, as I understand it.

I have not yet read the paper myself and do not know how it was obtained. When I receive a copy of it I plan to send a copy of it to Mr. Train and to ask him if it is authentic or inaccurate in any respect.

The paper as it was read to me led me to the impression that the President's decision on the canal was: First, not the result of any action taken by the Council on Environmental Quality but only on a personal recommendation from Mr. Train and, second, based on personal recommendations of a political nature wherein both political and ecological statements were inaccurately made. All of this could have been avoided if fair play and constitutional processes had prevailed to allow public hearings before an unbiased tribunal.

The Nixon administration has so far refused to allow me and other proponents of the Cross-Florida Barge Canal to rebut the ecological information upon which the canal was halted by the President; and has refused to furnish me the information upon which the decision was rendered; and has refused to give any legal authority for the action by the President.

I have been furnished with a 24-page summary of one-sided ecological information on the canal, but it was admittedly something compiled after the President's action and was frankly not the basis for that action.

On the illegality of the President's action, I point out the recent ruling of the Comptroller General which ruled illegal the administration's proposal to close administratively Public Health Service clinics. I take this opportunity to refer again to my remarks on February 11 concerning the unconstitutionality of the President's actions in halting construction of the Cross-Florida Barge Canal. They appear in the CONGRESSIONAL RECORD at page 2675.

I cited there many Supreme Court and other Federal court decisions which clearly show the President acted unconstitutionally.

AMENDMENT TO THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL. Mr. Speaker, today I introduce legislation which for the first time grants every American citizen a federally guaranteed right to a pollution-free environment and new standing to bring suit against the Nation's polluters.

I am proud to be joined by 66 of my colleagues in introducing this bill.

The bill makes four key changes in existing law:

It grants all citizens a federally guaranteed right to a pollution-free environment which they have not previously had.

It gives all citizens an effective means of enforcing that right by opening up the Federal courts to citizen suits to protect the environment.

It gives citizens standing before administrative agencies and regulatory bodies to present the environment's side of the coin during the decisionmaking process.

It gives citizens standing in Federal court to challenge administrative decisionmaking where it is lax in the enforcement of existing antipollution standards and in the implementation of environmental policy in general.

Last year this bill was introduced as the Environmental Protection Act of 1970. This year it is being introduced as an amendment to the National Environmental Policy Act of 1969. The reason for this is quite simple, Mr. Speaker. The few lawsuits that have been successful to date in halting activities that adversely affect the environment have relied in large part on the provisions of the National Environmental Policy Act. So that the debate on my approach is conducted with all relevant facts in mind, I thought it appropriate to bring it within the ambit of the 1969 act.

The need for this bill was great last year, Mr. Speaker, and I believe it to be even greater now. Let me give one example. As a result of publicity surrounding the growing number of environment lawsuits and Michigan's passage of the Environmental Protection Act, and thanks to the prodding of my good friend and colleague, HENRY REUSS, the Nixon administration announced that it would begin prosecuting polluters of our water under the 1899 Rivers and Harbors Act. This law requires the Justice Department to prosecute anyone dumping foreign substances and pollutants into the Nation's navigable waters.

There are hundreds of firms that are in violation of the 1899 act, but to date only a limited number of suits have been instituted under it. It is hard to say why the Justice Department is reluctant to use the leverage it has in halting water pollution. Perhaps in some cases fact finding is proving more difficult than originally expected.

What is more likely, Mr. Speaker, is that politics is once again entering into administrative agency decisionmaking concerning the environment. Among those who continue to pollute with impunity is the Minnesota Mining & Manufacturing Co.—commonly known as 3M. Congressman REUSS has revealed that one of 3M's Wisconsin plants has been pouring acid wastes into a Mississippi River tributary that are strong enough to corrode manhole covers. The Justice Department has given no indication why it is reluctant to bring suit against 3M. It may be just a coincidence, but the record shows that top management of the company contributed $50,000 to the Republican Party in 1968.

In how many other cases of Justice Department laxity will we find a similar situation? I suspect many. Just last Thursday John M. Burns, the ousted Federal prosecutor of pollution cases in New York, stated that the administration's future plans for use of the 1899 act would take the teeth out of enforcement procedures that he helped devise while executive assistant to the U.S. Attorney for the Southern District of New York. If you will remember, Mr. Speaker, Mr. Burns was the man relieved of his duties for wanting to bring charges against General Motors for pollution of the Hudson River.

I do not cite these occurrences to malign the good people of the Justice Department. If the Democrats were running the show, I am not sure that similar events would not happen. I only bring these matters up to underscore the need for the proposed amendment. If we do not take politics out of the fight to save the environment, we will continually be frustrated by the lack of progress toward a better world. In this struggle, Mr. Speaker, time is not on our side.

It is legitimate to question the effectiveness of the courts before involving them in a struggle of such importance. I realize that the courts are now struggling under a tremendous workload, but I do not think we can afford to leave them out. A lawsuit can be an effective tool in not only halting a specific harm, but in alerting others that they best modify present activities or face a lawsuit themselves. Litigation also attracts the media's attention and publicity will often give the same result in a much shorter period of time.

There is a recent example of this phenomena. For almost 10 years the Corps of Engineers has been constructing a barge canal across the State of Florida. The purpose of the project was to connect the Atlantic with the Gulf of Mexico, thus shortening the distance for shipping goods by water. But in building the canal, the corps tried to utilize existing waterways, including the Oklawaha River, one of Florida's most beautiful. Many Floridians were incensed by the threat posed to this scenic river and questioned the utility of the project itself, since it was an established fact that it would be cheaper and far less harmful to the environment to construct a railroad for the same purpose. Recognizing the validity of these objections, the Environmental Defense Fund brought suit against the corps on the narrow ground that an environmental impact statement had not been prepared as required by the National Environmental Policy Act.

A Federal court issued a temporary injunction, as is the common practice where a permanent injunction is sought. It is important to note that this procedural victory in no way settled the lawsuit. A temporary injunction only buys time and I assume that the corps would have been off the hook just as soon as the required statement was prepared. Nevertheless, within 4 days, the President of the United States announced that the project would be abandoned because of the threat posed to Florida's environment.

It may be pure conjecture to say that the President was influenced by the lawsuit. However, the lawsuit did focus publicity on the project and the temporary injunction gave the President an excuse to make to those in favor of the canal in explaining his action.

If all environment disputes ended as satisfactorily as this one, there would be no reason for introducing this amendment. Unfortunately, they do not and that is why I urge my colleagues today to join with me in passing this needed legislation. If we can open the courts to give citizens a real chance at halting pollution, we will have added potent allies in our common effort. Outraged and concerned citizens willing to take their grievances to court have had a healthy impact on the fabric of law that governs our lives. The fight to save the environment is too important to leave citizens out.

HON. WILLIAM R. ANDERSON

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, our colleague and friend, the gentleman from Tennessee (Mr. ANDERSON) has recently been mentioned prominently in the public press. As a result, Miss Elaine Shannon, Washington staff writer for the Nashville Tennessean has written an article which accurately sets forth events involving him.

Prior to my request for unanimous consent to include this article in the RECORD, I would like to express my profound respect for my friend and colleague, Representative BILL ANDERSON.

During my entire life, I have never had the privilege of knowing any individual who was more patriotic, more loyal to his country, nor have I known an individual more dedicated to the service of his Nation.

For 6 years, I have been closely associated with him in the House of Representatives and have found him to be one of the most able men in this body, and one who has always expressed his personal convictions regardless of the apparent political disadvantage of doing so. To be an able legislator, to be a dedicated legislator, and to be a legislator who legislates and speaks out on public issues with strong conviction is indeed a trait to be admired.

I respectfully request that each of his colleagues read the following article:

[From the Nashville Tennessean, Feb. 14, 1971]

REP. ANDERSON CHALLENGES HEAVYWEIGHTS HOOVER, AGNEW—NAVAL HERO ANDERSON WANTS WAR TO END

(By Elaine Shannon)

(NOTE.—Congressman William R. Anderson, the Middle Tennessee Democrat, came from a rural farm background to become a career naval officer and a national hero. He is a fundamentalist on religion—a member of the Church of Christ. He has worked for the American Heritage Foundation, an organization noted for giving prizes for patriotism. He has been a hawk on the war in Vietnam. But suddenly he has been projected into the midst of national controversy, criticizing J. Edgar Hoover and being criticized by Vice President Spiro Agnew. Here is an analysis of what happened to put the Waverly Congressman on the spot.)

WASHINGTON.—Stepping into the crossfire between J. Edgar Hoover and the peace movement, Rep. William R. Anderson is suddenly the focus of national attention, beset by reporters from everywhere clamoring to explain him.

"What's this with Anderson? He's from someplace in the South, isn't he?" they mutter in the press galleries as they gaze in wonder at a politican—a rural southern politician, at that—who is suddenly not playing "the game."

"YOU GO ALONG"

"The game," everyone here says, is getting re-elected, first of all, and keeping one's constituents pacified. You go along and you get along, they say.

Anderson dared to call down the aging but formidable Hoover, who answers to no man, for what he considered a violation of the constitutional rights of two men, two peace activists, of whom the FBI chief did not approve.

He said Hoover was using "scare tactics reminiscent of McCarthyism" and was throwing the matter into "the trial by headline arena."

A highly decorated naval officer whose chief claim to fame was commanding the nation's first nuclear submarine, Nautilus, on the first voyage under the Norrth Polar icecap, Anderson has become abruptly vocal in his opposition to the lengthening Southeast Asia entanglement.

"END THE WAR"

He has accused President Nixon of "playing politics with American lives" and is one of the chief House sponsors of the Hatfield-McGovern amendment to end the war by Dec. 31, 1971.

Politicians and politician-watchers here privately express admiration for the Tennessee congressman's "guts," but they are mystified.

Why is he sticking his neck out? Doesn't he know a congressman from a conservative fundamentalist Bible Belt district is supposed to stick to supporting "safe" issues, like the flag, motherhood and national PTA week?

That old image is dying. "People in Tennessee and the South are a lot more open-minded and tolerant than a lot of people up here think," Anderson remarked.

Oddly, Anderson's conservative Sixth District seems to produce non-conformist congressmen—his predecessors, Pat Sutton and Ross Bass, were each noted for a "maverick" streak.

Nevertheless, Anderson agrees that what he is doing isn't politically "safe."

"But some of us had better really get down to work and worry a little bit less about getting re-elected and a little more about the growing list of problems that affect this country's future," he said last week.

MORE ACTIVIST

"You can do that in a way that is nothing but middle of the road. It's not so much, what part of the political spectrum you are in but the way in which you approach responsibilities—the way in which you use a lot less rhetoric and become more activist in facing the problems of this country."

This past week Anderson came back to Tennessee to visit the voters in his district. There he explained that he is convinced that the war in Asia—now going on in three countries—must end or it will spread. He was seeking to let the voters know that there is a danger that statements by public officials—J. Edgar Hoover, Spiro Agnew, or others—may stir up the public mood and continue the American participation in the Asian conflict.

He was once called a hawk on the war. But as the war has spread his attitude has changed and now he is urging that the American soldiers be brought home this year.

Bill Anderson considers himself a moderate, a "very strict" constitutional constructionist, an old-fashioned populist.

Then why did he get involved with the Berrigan brothers, two activist Catholic priests now serving time in Danbury, Conn., for destroying draft records?

"Too many people say I'm defending the Berrigans," he explained. "I'm not. I'm defending their rights, or what are supposed to be their rights. It wouldn't have mattered who they were or what church they belonged to."

He knew them, he said. He knew their writings. He did not agree with everything they said. He did not approve of the act of civil disobedience for which they are imprisoned.

But when J. Edgar Hoover stood before a Senate committee and branded the men "conspirators," without benefit of trial or even indictment, Anderson felt he had to do something.

So he went onto the House floor and demanded that Hoover "put up or shut up"—indict the accused or be silent. When the indictment came down, Anderson said he was glad they would receive due process of law.

Then Vice President Spiro Agnew got into the act, accusing the Tennessee congressman of speaking "self-serving claptrap" and "popping off for political advantage."

"Political advantage?" the congressman smiled wryly.

But the vice president has made many celebrities. Hungry for fresh faces, the "eastern establishment press," as Agnew likes to say, asked themselves, "has Congressman Anderson gotten radicalized or at least liberalized?" And they rushed to interview him.

That idea got Bakersville's Bill Anderson on the cover of Time, a big spread in the Washington Post, on the Dick Cavett show and in countless Washington columns, from the cool analysis of Evans and Novak to Betty Beale's giddy society page report.

CURRENT FAVORITE

The Post writer called Anderson "a current blue-eyed favorite of the country's anti-war and pro-liberal forces."

But that writer went on to say that Anderson is really still "substantially conservative."

Labels like those are an over-simplification, of course, and things in Washington, like everywhere else, do tend to get over-simplified.

Anderson himself does not think he is changing—perhaps, he said, he was type cast before.

"I guess everyone assumed that because I spent 20 years in the Navy that I'd be a super-hawk," he said.

PRETTY CONSERVATIVE

Of the Berrigan case, he said he felt his stand was "pretty conservative—it is a concern for individual citizens' rights within the framework of the Constitution."

Bill Anderson, 49, came to Congress from a Church of Christ upbringing in Humphreys County, Tenn., from Columbia Military Academy and Annapolis, from World War II combat service in the Pacific, from the famous Nautilus voyage under the North Pole, from the Navy's Pentagon staff.

In Congress, he has done his homework and moved quietly within the structure, concentrating on agriculture and rural community aid bills, legislation to upgrade law enforcement and now toward changing the prison system.

He supported President Johnson's war policy and, until recently, President Nixon's. He voted for, and will continue to support, all military appropriations bills for Vietnam. He explained:

"Rightly or wrongly, we are very heavily committed. Our military forces have to be supported. That's the very least we can do when our men are dying out there."

But after last summer's trip to Indochina, he said what he felt was a corrupt regime feeding off the war. He found a miserable stinking prison on the island of Con Son. After that, the justification for U.S. presence there began to push him and nag him.

His uneasiness about the conflict crystallized into forceful opposition.

"It is so clearly evident," he said, "that President Nixon's strategy in regard to Southeast Asia is extremely, if not predominantly influenced by the presidential election timetable here at home.

"What this amounts to in final essence is playing politics with American lives, not to mention the fantastic amount of money urgently needed to do things here at home to help get our economy back on its feet."

This is hardly an unusual stand—Anderson points to the Gallup Poll showing that 73% of the American people want out of the war.

But these confrontations with the Nixon administration and with Hoover were somewhat unexpected, coming from a lesser known congressman from a small Southern district.

The limelight they brought is uncomfortable for a quiet introspective man not given to impulsiveness or flamboyance, not used to the glare of national attention.

NO RETREAT

He knows it will cost him—unfavorable response from the Sixth District has been steadily coming in—but Anderson apparently is not going to retreat to the comfortable anonymity of the safe political game.

"It does provide the opportunity to reach out into additional forums and perhaps make a larger contribution to the country's future," he said of his sudden celebrity.

"We don't solve the problems of society looking with blinders . . . I don't see how you can deal honestly with gigantic problems without stirring up the waters."

AN APPROACH THAT WOULD DESTROY THE SMALL FARMER WITHOUT BENEFITING ANYONE

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, one of our colleagues in the other body, the gentleman from Utah (Mr. Moss) has introduced again this year the same legislation the Congress rejected last year to abolish the price support program for tobacco.

Let us examine his proposal logically for a moment. What potential does it have for good? The answer is absolutely none at all. The major tobacco companies might be temporarily inconvenienced if the present system of growing and selling leaf tobacco were discontinued, but within a very short time through acquisition of their own lands; through leasing arrangements; grower's contracts, or any of a number of devices, the companies can assure themselves of an adequate supply of leaf tobacco for their needs.

So the proposal will not hurt the tobacco companies. It will not make it any more difficult for them to obtain and process leaf tobacco. It will not reduce the number of cigarettes being manufactured and sold.

What potential does it offer for harm? Plenty: Thousands of acres of farmland highly suited for tobacco farming have changed hands in recent years with a large percentage of their valuation derived from the fact that tobacco allotments were assigned to these lands under our present tobacco program. The ad valorem tax base of hundreds of counties in the leaf tobacco areas would be adversely affected. Banks and mortgage companies would suddenly find that the value of their security had dropped drastically. Many thousands of elderly persons who rent their "tobacco allotment" and who supplement their social security in this manner would suddenly be deprived of their livelihood. All of this economic chaos would do absolutely nothing toward accomplishing the goal of the gentleman from Utah and those who share his views regarding smoking and health.

The actual cost of the program in dollars to the Federal Government over the years has been extremely small and for the most part, tobacco bought on the auction floor by the Stabilization Corporation and taken under Government loan because it does not bring the established Government support price is eventually sold to either domestic or export markets for as much money as the Government has in it and even—sometimes—at a profit.

The gentleman from Utah and others question the rightness of the United States trying to develop foreign markets for tobacco. Do they really think that the foreign use of tobacco is going to diminish because we limit our exports? If that is their thought they again delude themselves. Obviously other tobacco-producing nations—and their number is increasing—will take up the slack: Canada, Rhodesia, and other African nations are already aggressively seeking to expand their foreign markets. Abolishing our American tobacco programs will only serve to further damage our balance-of-payments position without contributing anything positive to reduction of use of tobacco overseas.

No doubt the gentleman from Utah means well. No doubt his intentions are good. No doubt he envisions highly beneficial results if his proposal were adopted by Congress.

Unfortunately, he is wrong on every count. The only result which could come from the enactment of his proposal would be irreparable injury to every person whose livelihood is now dependent upon raising leaf tobacco without reducing by a single cigarette the amount of smoking being done.

OUR VITAL PETROLEUM INDUSTRY

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, much has been said in recent days concerning the Nation's oil industry and the effect of imports on the domestic producing economy. In a speech before the Southwestern Legal Foundation, Chairman Byron Tunnell, of the Texas Railroad Commission, delivered an accurate and comprehensive appraisal of the situation our petroleum industry faces today. Because of the timeliness of his comments, I would like to share them with my colleagues:

THE IMPORT POLICY AND ITS EFFECT ON THE DOMESTIC PRODUCING ECONOMY

I am sure you will agree that literally millions of words have already been written and spoken on the subject of U.S. oil imports policy, both before, during, and for that matter, since the Presidential Task Force's investigation of the subject a year ago. Which might prompt the question: "What, then, can we usefully say on this topic today?"

We need to impress upon the minds of all Americans that our national security depends in a large measure on the preservation of a viable domestic petroleum industry, and our oil imports policy is, or certainly should be, designed so as to preserve this industry in the national interest.

The scope and nature of the debate on oil imports policy seems to me to have shifted in recent months to the point that I believe there is a growing recognition that our national security is vitally affected by these oil policies.

I have no doubt that the world will continue to see a struggle between competing ideologies and the superpowers that hold them for many years to come. In that struggle, the Middle East—where most of the world's proven oil reserves are—will continue to play a pivotal role. We cannot either now or in the future hand to the Soviet Union a card marked "U.S. dependence on Middle Eastern oil" without gravely compromising our whole international position and giving the Soviets a decisive advantage over us. It is, thus, essential that we retain present policies and adopt whatever new ones are needed to assure our nation an adequate source of petroleum which is both secure and dependable.

As a prelude, perhaps of things to come, the OPEC countries even now are serving us notice, and not too subtly I might add, that they intend to exact a far higher price for their crude than they have in the past. In so doing, they have destroyed the myth, beloved by many ivory-tower economists, that all the U.S. had to do was drop its import barriers to set off a cut-throat competition among foreign countries to supply us with cheap oil. Regrettably for this theory, the oil-producing countries are showing a degree of cohesion in their actions which indicates that they can and will apply pressure on the industrialized nations for greater and greater concessions. These recent events in the Middle East, particularly with the cutback in Libyan crude production and the sabotage of tapline, have demonstrated rather forcefully once again the potential problems of undue reliance on uncertain and volatile sources.

Hopefully, then, we have passed intense debate on *whether* there is a national security question involved in oil imports policy, to a discussion of *how* this policy can best be implemented in the light of changing supply and demand patterns.

A look at the record will be useful at this point. Since the Mandatory Oil Import Program went into effect in 1959, the U.S. has added 29.3 billion barrels of crude oil and 195.3 trillion cubic feet of natural gas to its reserves, not counting the discoveries on the North Slope of Alaska. These achievements have been due in large part to an effective oil import control program, tax policies that encouraged exploration, and conservation of our resources through prorationing.

Let me say a word on this last topic, since it is one with which I am concerned as a member of the Texas Railroad Commission. You know, as I do, that there is a school of thought which asserts that import controls and the domestic production allocation and control program known as proration are a kind of dual technique whereby the price of oil in the U.S. is kept artificially high. The facts, of course, are otherwise. You are no doubt familiar with what happened 40 years ago, when the great East Texas Field, the Oklahoma City Field, and the Seminole Field were discovered. These discoveries set off the wildest excesses the oil industry has ever seen. Each property owner tried to drill as many wells as he could and produce as much oil as he could as fast as he could. Great quantities of natural gas were flared and wasted, and millions of barrels of oil were made unrecoverable from their reservoirs because of wasteful production practices. Law enforcement broke down and troops were called in.

We have progressed a long way since that time. Regulatory statutes adopted as a result of the lessons we learned during this chaotic period have both protected individual property owners and prevented the waste of valuable oil and gas resources. Largely through proration, the equivalent of more than 11 billion barrels of recoverable oil was preserved in Texas alone during the period 1952–1962. This included 15 trillion cubic feet of casing head gas which would otherwise have been vented into the atmosphere and wasted. Four billion barrels of additional oil were recovered from secondary recovery projects in the same period. In the period since that time, largely because of improved technology and more stringent regulations on the flaring of gas, I believe you will find the record of conservation even more impressive.

While, as I shall discuss presently, our reserves have not kept pace with our growing demands, we can look back on a good record of discovery and conservation of our petroleum resources over the past decade. This record, however, has been achieved in the face of steady and substantial increases in finding and development costs, wages, extraordinary capital expenditures required to meet anti-pollution objectives and of course the self-defeating wellhead regulation of natural gas prices, which has contributed to critical shortages in natural gas. A recent cut in percentage depletion and the addition of other tax burdens has further reduced the capital and incentive available to the oil industry for further exploration. Consequently, the decline in spare producing capacity which has been taking place can be expected to accelerate.

This country does not have near the spare producing capacity that some ill-advised, self-proclaimed experts would have you believe.

In my own state, the amount of non-wasteful production capacity in excess of present allowables has declined sharply. Our rate is now regularly near 80+% Market Demand Factor and each percentage increase in allowable factor brings less and less increase in production.

This picture, I should add, is not significantly brightened, at least in the short term, by the prospect of Alaskan oil. It is true that the Department of Interior has now recommended that a pipeline be built across Alaska. But the delays already encountered make it extremely doubtful that substantial quantities of Alaskan oil will flow southward before 1974, and even this may be an optimistic estimate.

At the same time, U.S. demand for petroleum products continues to climb significantly every year. Petroleum demand is up 50% over 1960, and our energy demands are expected to almost *triple* between now and the year 2000. While foreseeing the future is always a hazardous exercise, it's pretty obvious that oil and gas will continue to be major contributors to our energy requirements as far ahead as we can see.

Faced with a declining reserve/production ratio in both oil and natural gas, we face the dismal choice of cutting back our living standards, or increasing imports to a level which is unacceptable from a national security standpoint, unless we can stimulate enough exploration to develop sufficient new reserves to meet our needs.

For the immediate future, some increase in imports may well be unavoidable. Certainly a gradual increase is preferable to a sudden one, which might be necessary if we continued to produce our domestic reserves without significant discovery of new ones. But, if these trends continue and domestic exploration and production rates remain substantially unchanged, we face the prospect of being dependent on imports for anywhere from one-third to one-half of our petroleum needs within 10 years, depending on whose forecast one takes.

Perhaps I can best emphasize the danger of this dependence by pointing out that if half of our petroleum needs in 1980 will have to be imported, this will amount to more than 10 million barrels per day, which is more than the present U.S. Production in the lower 48 states. Now, I don't know much about diplomatic relations, but if this country ever becomes that dependent, there are some countries that might not supply us at any price . . . even if we said pretty please.

What, then, remains to be done?

First, I think it should be clear that we have no alternative but to rely on petroleum as our major energy source for the foreseeable future. Almost everyone agrees on this. Nuclear power plants are years behind expectations, and over-optimistic nuclear forecasts have served to delay needed expansion of coal production. Synthetic oil production from coal or shale is regrettably not on the immediate horizion. In the light of these considerations, there are three things which I feel must be done:

Continue to restrict our oil imports to a percentage of total production consistent with our national security;

Provide greater incentives for further U.S. exploration; and

Make better and more effective use of the resources we have.

On the first of these, the continued need for import restrictions, I will not say much. Since the right to import into a controlled market is valuable, it is to be expected that there will always be some disagreement about precisely who shall get what. I am not concerned with these issues here. Let me only say that we hope that this and succeeding administrations in Washington will succeed in developing an effective and workable, as well as an equitable program, one which is purged of the complexities and the special exceptions which disfigured it in the past.

On the question of incentives, I should like to be more specific. We have to believe there are significant quantities of oil waiting to be discovered in the United States. Successive studies by the Potential Gas Committee, the U.S. Geological Survey, the National Petroleum Council, and numerous individuals have all concluded that there is more oil and gas remaining in the United States than has so far been discovered. While we should certainly expand offshore exploration and give full attention to Alaska and any other "glamor queens of the oil patch" as Hollis Dole of the Department of the Interior has so aptly named them, we should not pass up prospects in the continental United States. To locate them, we must provide the incentives in the form of a profitable and stable investment climate to attract the money for exploration and development. In that way, we can at least begin to generate some of the billions needed to start the reserve/production ratio rising instead of going constantly down.

In this connection, the axiom that oil security is a national necessity carries with it the implication that we should be prepared to pay for it. No insurance policy comes without a premium. We should be willing to pay higher prices for our petroleum products if this is the only way in which the oil industry can raise sufficient funds to find and develop essential new reserves.

Finally, we must begin to make better use of the energy supplies we have, and of those we expect to find in the future. For many years now, we have used our energy reserves prodigally simply because they were available, and because they were cheap. Now we can no longer take the continued availability of unlimited oil supplies for granted. We need much more research to determine how best we can conserve and use our energy supply. We must recognize the possibility that there may well be a need to reconcile our urgent environmental quality needs with those of our expanding demand for energy.

As a member of the Railroad Commission of Texas, I feel I can speak out strongly on this point for, indeed, conservation of energy has been the overriding concern of the Commission and without its activity—and that of similar bodies in other states—our reserves would be in a much more perilous state than they are.

Even with our Texas wells producing at or near their maximum efficient rates, I can assure you that conservation will remain a vital concern of the Commission. We shall still be concerned with the prevention of waste, the protection of correlative rights and with the proper utilization of reservoir energy. We shall also continue to be concerned with the whole range of environmental tasks to which we have attended long before the quality of the environment became a national issue—such as the disposal of produced salt water, limiting the flaring of gas at the wellhead and at gas plants, and the plugging of wells, and others.

I have spoken here today, both as a concerned American and as a conservationist, about what I think our future oil policies should be. The decisions we make in working out our national energy policy over the next decade will not be easy ones. Simply stated, we must meet a spiraling demand for petroleum products from dependable sources. Both our security and our future living standards will depend upon our success. This is our challenge. A challenge that will require a close cooperation and understanding if we are to meet it.

The Oil and Gas Industry, independent, major, and all who comprise it, is truly one of the Great Industries, an industry built on vision and ingenuity.

Our government is comprised of intelligent men, whose concern for America is unquestioned.

Our petroleum-producing states and their regulatory agencies have acquired a wealth of technical know-how through years of experience.

With the understanding of each, and the cooperation and dedication of all, we can, and indeed we will, meet this challenge, just as Americans have met all other challenges which have threatened their country's security.

PLIGHT OF AGRICULTURE

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, all of the House Members interested in the plight of the sickest part of our economy, the most basic industry in this Nation—agriculture—are called to a caucus Monday afternoon here on the floor of the House.

It will be a unique caucus, Mr. Speaker, it will be bipartisan, both Republicans and Democrats alike, will participate in the caucus on the problems of rural America.

Three hours in special orders have been reserved, one each with Congressman NEAL SMITH, Congressman KEITH SEBELIUS, and myself to discuss the Nation's problems in agriculture, the rural economy, and life in the rural areas.

With dwindling numbers, American farmers and ranchers produce more food products than ever before in our history yet they are deeper in debt, older on the average, and being forced into liquidation in large numbers.

Where does it all lead? Family by family, farm people are driven from the rural areas to the urban areas. Land is swallowed into larger and larger farming units.

Increasing acreage is going into corporate farms. Smaller farming towns gradually decline and disappear. Businesses are closed. Then the economic shock waves move on to industrial centers, where the orders from the rural areas no longer arrive. Food is at an all time low in cost measured by disposable income—16 percent, an historic low. Farmers and ranchers who produce food in America receive only 5 percent of the Nation's disposable income for their products. The extent of the severe economic squeeze is reflected in the harsh fact that farm prices are at 68 percent of parity, lowest since 1933.

Mr. Speaker, there is an urgent need to discuss these problems. We have asked a special order so that there will be time for all of us to participate in joint discussion of what can be done to improve the sick agriculture economy, to improve rural living and to stop the migration from farms and ranches and the small communities of America to our cities.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, today I am introducing a bill to amend the Constitution to provide for the direct popular election of the President and Vice President of the United States.

Let me briefly outline the nature of the bill I propose and then proceed to give my reasons for this legislation.

The present proposal is a revision of the one I offered several years ago, revised because debate in the other body made it obvious that there was concern about possible effects of a runoff election if no pair of candidates received 40 percent of the popular vote. Some feared the mechanical difficulties in setting up a runoff election; others that this would irrevocably and inevitably destroy the two-party system, encouraging a number of candidates to enter the field.

Accordingly, Senator BAYH and other distinguished Members of the other body agreed to revise their direct election proposal. I endorse this revision because I believe this moves us a step nearer passage of this vitally important legislation and that it will eliminate some of the opposition thereto.

The present bill provides that if no pair of candidates received 40 percent of the vote, but if the pair of candidates with the largest popular vote wins an electoral college majority, that pair of candidates would be elected President and Vice President. In this case, the votes are cast automatically under the unit rule on the basis of the popular outcome in each State. This is a purely mathematical computation based on the winner of the popular vote.

If no pair of candidates is selected under either of these alternatives, the final election would be made by the new Congress, meeting in special session. Each Member of both Houses would choose between the two pairs of candidates with the largest number of popular votes.

In addition, this bill anticipates the fact that another presidential election would occur before the 2-year implementation period of this legislation had passed. Thus, it provides that during that 2-year period only, the so-called automatic plan would be used. This is simply the present elector system, with one change, the independence of the elector would be removed as presidential electors would be required to vote for the person pledged to vote for.

I recognize this proposal sounds complex, but certainly it is no more complex and a great deal more reasonable and representative than the present electoral college system which a special commission of the American Bar Association has aptly described as "archaic, undemocratic, complex, ambiguous, indirect, and dangerous." The present system is all of these things and more. This system has been the subject of suggestions for change since the first Congress convened in the spring of 1789 and the failure to change the system has been due largely to the inability to devise a system that would not endanger the balance of power among the States. Probably this system has been the subject of more proposed amendments than any other provision of the Constitution. It is about time we make the necessary change to insure that in this 20th century the people actually elect the man they choose: that the man who becomes President actually is the choice of the people.

I think it extremely important that this Congress finally act to amend the Constitution to allow the American people to elect the President and Vice President. It sounds ridiculous to suggest that we do not; yet that is the case. Originally, a small percentage of the American people, namely those who held property, were males and were freemen, were the only citizens who were allowed to vote in Federal elections, and all they could vote for was Members of the House of Representatives. Not until 1913 and the 17th amendment were the U.S. Senators also chosen by the American people.

As we all know, the electoral college was a compromise between those favoring and those opposing popular participation in the choice of the President. The early founders of this country were democratic for their day and time, but certainly many of those participating in the Constitutional Convention—Thomas Jefferson was not there—shared Alexander Hamilton's fear of and disdain for popular participation in the governing Nation. Should we continue this attitude by perpetuating the electoral college system which removes the people from the actual choice of their President and Vice President?

Evidently the American people do not think so. The Harris and Gallup polls have shown that 78 percent and 81 percent, respectively, of the American people favor direct popular election. A number of national organizations, including the chamber of commerce, the American Bar Association, the AFL–CIO, the United Auto Workers, the League of Women Voters—have expressed their approval. It is time that we listened to the voice of the people who are asking for direct participation in all phases of the Government which is supposed to be theirs. This bill will show that we are, indeed, listening.

TREATMENT OF PRISONERS OF WAR

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, the State of Minnesota has raised its voice to join the growing chorus of anger and frustration with regard to the treatment of American prisoners of war by the Government of North Vietnam. On February 19, final action was taken on a joint Minnesota House and Senate resolution memorializing the Government of North Vietnam to provide fair treatment for prisoners of war and adequate information about men missing in action. Gov. Wendell Anderson approved the resolution.

Many of us in the Congress have sponsored resolutions calling attention to the plight of the POW's/MIA's, and it is an honor for me today to insert in the RECORD the text of the resolution from Minnesota as additional evidence of a national concern.

RESOLUTION

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners of war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner of war; and

Whereas, their wives, children, parents and other relatives in the United States suffer with them the agony of separation and of loneliness; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their military orders; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and

> pray for their safety and their speedy return to their homes and families; and
>
> Whereas, these gallant men have borne so great a burden and must not be forsaken and we pray to the God of Justice that their burden be lifted and that strength be given to strike the shackles that deny them freedom; now, therefore,
>
> Be it resolved, by the Legislature of the State of Minnesota, that we call upon the Democratic Republic of Vietnam, Hanoi, Vietnam, and their allies, to:
>
> Release the identification of all American servicemen who are prisoners of war or missing in action in Southeast Asia;
>
> Provide them better treatment and inspection of their facilities by an impartial neutral commission;
>
> Provide immediate repatriation of the sick and wounded;
>
> Permit the right of free communication between prisoners and their families;
>
> Live up, in all respects, to their commitments under the 1949 Geneva Convention on treatment of prisoners as they have signed an agreement to so do; and,
>
> Be it further resolved, that the Secretary of State of the State of Minnesota send a copy of this resolution to the President of the Democratic Republic of Vietnam, Hanoi, Vietnam.
>
> Be it further resolved, that a copy of this resolution be sent to Xuan Thuy, Delegation of the Democratic Republic of Vietnam, 8 Avenue General Leclerc, 94 Choisey-le-Roe, Paris, France.
>
> Be is further resolved, that copies of this resolution be sent to the President of the United States and members of the Minnesota Congressional Delegation with a request that copies of the resolution be inserted into the Congressional Record.

RIGHT TO VOTE FOR CITIZENS 18 YEARS OF AGE OR OLDER

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I am pleased to introduce today an amendment to the Constitution of the United States—extending the right to vote to citizens 18 years of age, and older.

This joint resolution is similar to the measure which I offered in the last Congress, and which was bypassed in favor of legislative action intended to achieve the objectives of the proposed amendment to the Federal Constitution.

In view of the U.S. Supreme Court decision in State of Oregon versus Mitchell, holding that the action taken in the last Congress is effective only with respect to Federal elections, I am now reintroducing a constitutional amendment to make this change effective likewise in State and local elections.

Mr. Speaker, it may not be necessary to reiterate the reasons for my support of voting rights in favor of citizens who are 18, 19, and 20 years of age. Nevertheless, I take occasion to point out that, of the some 10 million citizens within this age category, more than 5 million are employed and paying Federal and other taxes, an estimated 1 million are housewives and managing their own homes and families, and more than 750,000 are bearing arms. One of the most persuasive arguments for extending the franchise to this age group was made by President Nixon in a campaign speech in 1968:

> I am for the 18-year-old vote. The reason I think 18-year-olds should vote is that they would add to the interest in American elections, they would add to the quality of the debate—the younger generation today is better educated, it knows more about politics, more about the world, than many of the older people. That's why I want them to vote—not because they are old enough to fight, but because they are smart enough to vote.

Mr. Speaker, it would be my hope that the proposed constitutional amendment could be effective for the 1972 elections. One principal reason for this hope is the laborious and expensive burden placed on election registrars, judges, and clerks throughout the Nation who are required, under present law, to maintain a separate system of registration for 18-, 19-, and 20-year-olds. In order to assure a more expeditious ratification of the proposed constitutional amendment, I am recommending that this proposal should be ratified by State conventions as authorized in article V of the Federal Constitution. I should add that the State convention method was utilized in connection with the repeal of the 18th amendment, and the speed with which the ratification took place is an indication of the expeditious action that can occur when this mode of constitutional ratification is applied.

Mr. Speaker, I am hopeful that the House Judiciary Committee will act promptly on this measure and that the House and the other body will pass this measure with the necessary two-thirds majorities in order that the people in State conventions can act promptly and wisely in ratifying this fundamental change in our law.

Mr. Speaker, in my opinion, this is a matter of the utmost urgency, and I am pleased to bring it to the attention of my colleagues in the House today and to join those other Members who are seeking a like result.

AMENDMENT TO THE SPORTS-TV BROADCAST LAW

(Mr. HICKS of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HICKS of Washington. Mr. Speaker, I am today introducing legislation, along with my colleagues, Messrs. MEEDS, METCALFE, DORN, DUNCAN, NICHOLS, PICKLE, SISK, ADAMS, and KAZEN, to deal with the televising of professional football games on Friday nights and Saturdays in areas in which competing high school or college games are being played.

In July 1961, a U.S. District Court in Pennsylvania ruled that the Sherman Antitrust Act prohibited the member clubs of the NFL and AFL from entering into a "joint agreement" to pool their television rights and sell them as a package to a TV network.

To meet this situation, Congress enacted an antitrust exemption for the televising of organized professional sports contests, Public Law 87–331, 15 U.S.C. 1291. However, the statute provided that the antitrust exemption shall not apply to a joint agreement which permits the telecast of a professional football game on any Friday after 6:00 p.m., or on any Saturday from the second Friday in September to the second Saturday in December from any television station within 75 miles of any college football game. This protection was extended to high schools in 1966, Public Law 89–900, when Congress amended the statute to permit the merger of the NFL and AFL.

During the 1966 hearings it was argued that telecasts arranged between individual professional football teams were not covered by the 1961 law. The Senate Judiciary Committee's report commented on these separately arranged telecasts as follows:

> The committee views the practice of telecasting professional football games at those times traditionally used for the playing of high school and college games as a serious threat to scholastic athletic programs. The Committee intends to maintain a close scrutiny on this practice with a view of determining at a later date whether further legislation is necessary to circumscribe such a practice.

Whether the conflicting telecasts are arranged by the individual professional football teams independent of the leagues or under league auspices, the injury to high school and college athletic programs is real and substantial. Though many cases could be cited to document the damage caused by this competition, the following serve as examples.

On Saturday, October 8, 1966, the Pittsburgh-Cleveland game was televised in Pittsburgh. Athletic directors of colleges playing games on the same day in the area estimated the telecasts resulted in attendance losses ranging from 15 to 50 percent. More recently, on Friday, September 11, 1970, 18 high schools having games at the same time the Denver-Boston game was telecast in the Salt Lake City area reported attendance losses on an evening of perfect weather conditions.

In addition, it is felt the increased emphasis on the professional games will lessen the interest in high school and college football not only among the fans but also among the players and student bodies. In my view, amateur football cannot withstand this kind of competition.

Contrary to Professional Football Commissioner Mr. Pete Rozelle's verbal assurances to the Senate Judiciary Committee, there have been an increasing number of separately arranged conflicting regional telecasts.

During the 1970 season the following regional telecasts were in conflict with either or both high school and college games:

Day and date	Game	City, TV
Friday, Sept. 11	Denver vs. Boston at Salt Lake City (many school games, including a home game at Boulder High School).	Denver (KOA–TV).
	Minnesota at Chicago (several games played, including Bloomington-Lincoln at Edina).	Minneapolis (KSTP–TV).
Saturday, Sept. 12	Kansas City at St. Louis (Washington State at Kansas).	Kansas City (KMPC–TV).
	Cleveland at New York Giants (4 high school games, including Parma Normandy at Lorain Southview).	Cleveland (WEWS–TV).
	Washington at Baltimore (Villanova at Maryland).	Washington (WTOP–TV).
	Detroit at Cincinnati (East Carolina at Toledo, Ohio).	Detroit (WJBK–TV).
	Atlanta at Miami (South Carolina at Georgia Tech.)	Atlanta (WAGA–TV).
	Pittsburgh at Oakland	No telecast.
	San Francisco at Los Angeles (Santa Clara vs. St. Mary's at San Francisco).	San Francisco (KPIX–TV).
Friday, Sept. 18	St. Louis at Los Angeles (Berkeley High School at Riverview High High School).	St. Louis (KMOX–TV).
Saturday, Sept. 19	Chicago at New York Giants (Notre Dame at Northwestern).	Chicago (WBBM–TV).
Saturday, Oct. 3	Oakland at Miami (Purdue at Stanford).	San Francisco (KRON–TV).
	Pittsburgh at Cleveland (Kent State at Pittsburgh).	Pittsburgh (WIIC–TV).
Saturday, Oct. 10	Miami at New York Jets (Jackson High School vs. Coral Park at Orange Bowl).	Miami (WCKT–TV).

These 13 telecasts represent over a 600-percent increase in the number of offending telecasts in the 1968 professional football season, and it seems to me that Congress should move to close the loophole in the existing statute. The proposed bill would do so.

LET US BUILD A STATUE OF KENNETH CRAWFORD

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the city of Washington has, as you know, more statues per square foot than any other city in the world. But, I hope we can find one more niche somewhere in this city for a statue of Kenneth Crawford. He is entitled to it by virtue of a single column on the editorial page of the Washington Post of February 23.

He has written a frank and professional admission that the Nation's liberal press systematically deceives the reading public and gleefully trumpets every scrap of bad news about the war in Vietnam. I, personally, would ascribe a more hostile motive to these writers than does Mr. Crawford, but for the moment, I will be content that a writer of his stature has, at least, taken the first step to indict his companions in journalism.

Mr. Crawford's column is as follows:

HO CHI MINH AS HERO ON PRESS COVERAGE OF THE VIETNAM WAR

(By Kenneth Crawford)

How would the modern media have reported George Washington's crossing of the Delaware at McKonkey's Ferry on Christmas, 1776? J. Russell Wiggins, former editor of the Washington Post, asked this important question—and answered it—in a speech to the Washington Association of New Jersey on Washington's arbitrary new birthday, February 15.

Television camera men would have focused their zoom lenses on the rag-wrapped feet of Washington's troopers. When it was over, microphones would have been thrust under the noses of stripling recruits to catch their answers to the question: "How do you feel about some your buddies being lost in this sneaky operation?" The writing war correspondents would have salted their dispatches with suggestions that the whole bloody venture was ill-conceived by an incompetent commander, ill-excused by a badly trained and equipped army and predestined to fail.

New York editorial writers would have followed up with lamentations about the plight of Trenton's civilian population, driven from its snug houses into the cold on a sacred holiday, caught in the crossfire between Hessian defenders and attacking colonials, and forced into a fight against its will over a questionable cause: something about taxation without representation. Washington, instead of attacking, should have been negotiating. His occupation of Trenton and quick withdrawal showed that he was still engaged in search-and-destroy operations—"following the will-o-the-wisp of military victory," as Wiggins thought the editorial writers would have put it.

Wiggins fantasy was, of course, a wry comment on the way the media of the 60s and the start of the 70s have dealt with the war in Vietnam. This war is the first in which American media, measured by weight of viewership, readership and influence, have been kinder to the nation's enemies than to its friendlies. This has been partly inadvertent, partly not. I any case, Ho Chi Minh has come off as this war's greatest hero, the Vietcong as its most admired fighters, American and South Vietnamese leaders as its most mistrusted participants, American GIs as its least appreciated warriors, especially since My Lai, which has been made the basis for unjust generalization, and South Vietnamese soldiers as invariably unreliable, also unjust.

All this is something new for Americans. They have always before tended to be home-team rooters. In British pubs Rommel may have been the farovite hero of the second world war but Americans stood by their own even when correspondents on the scene in North Africa intimated, insofar as intimation could be slipped through the censorship, that the "Darlan deal" and mistreatment of De Gaulle were compromising the morality of the allied war effort.

Wars have never been pretty but their ugliness has never before been conveyed to American households in living color, as it has this time, and always from our side because the other side is out of reach of cameras and correspondents. But it is more than that. War correspondents have often been instant experts and critics and they seem even more so this time. They have to be youthful to stand the physical rigors and brave to take the chances they must run in Vietnam. More than 30 of them have been killed. They are admirable in action but sometimes wrong in their strategic and tactical judgments and simplistic in their politics.

Prize committees, Pulitzer included, have rewarded the most captious. The self-styled "cowboys" who constituted themselves a sort of get-rid-of-Diem committee in the early days of the war made a point of being on hand for every bonze immolation and of representing the Saigon disorders as a sort of holy war between the ruling Catholics and the subject Buddhists. Reputations were forged in the bronze fires.

Here in Washington, too, there has been a lively journalistic contest to be first with the worst. One of its high points was The New York Times revelation in the aftermath of the Tet attacks that the military was asking for 206,000 more troops to take advantage of the enemy's overextension. Coming, as it did, two days before the New Hampshire primary, the Times report had enormous political impact. It almost certainly contributed to the big McCarthy vote and, in turn, to President Johnson's subsequential decision not to run again.

The genesis of the expose, if that is what it was, has just been publicly revealed for the first time by Philip Potter, Washington Bureau Chief of the Baltimore Sun. It was leaked to the Times by Townsend Hoopes, then a Pentagon official of dovish persuasion. Actually, the plan Hoopes made available to the Times was one of the alternatives under consideration and one which had little chance for Presidential approval in the Washington atmosphere of post-Tet distress. Hoopes had to violate a specific presidential order of secrecy pending decision to spring the leak.

Things haven't changed much, as the suspicious reporting of the South Vietnamese effort to cut the Ho Chi Minh trails in Laos demonstrates. By part of the press it is treated as a cunning scheme to inject Americans into an expanded war rather than what it is, a bold attempt to prepare for continued evacuation of American forces. Reporters and editors keep telling themselves and others that they have been more perceptive about this war than have military and political leaders. They may be right. But they have enjoyed the advantage of ultimate irresponsibility. In President Nixon's place, they would probably be doing about what he is doing. And history may be more approving of him than of them.

LET FREEDOM WORK

(Mr. BROTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROTZMAN. Mr. Speaker, on July 3, 1970, the Boulder Daily Camera carried an editorial entitled "Let Freedom Work." On February 15, 1971, the editorial was selected by Freedoms Foundation for the Distinguished Service Award.

As I told Mr. James D. Corriell, the editor of the Daily Camera's editorial page, the article shows the importance of history and our heritage in relation to many of the ills currently besetting us and in relation to our future. Mr. Speaker, I am inserting the award winning editorial in the RECORD so that all Members of the House may have the opportunity to read it.

LET FREEDOM WORK

(EDITOR'S NOTE: Following is the Daily Camera editorial, published July 3, 1970, which was selected by Freedoms Foundation for the Distinguished Service Award and a $100 check for James D. Corriell, editor of the editorial page. The awards were announced officially at Valley Forge, Pa., today.)

Among many sophisticates today it is considered smart to downgrade America and scoff at those who are unashamed to show their patriotism. The more radical ones condemn that ambiguous thing they call the "Establishment" and retreat to their own imaginary little world of "1984," where peace is rioting, destruction is revolution, freedom is license.

They quote the nations' Founders to justify their twisted views and their anti-social actions.

In the face of this assault on the foundations of our country, it is well for us to take stock of the facts.

The Founders were indeed radicals—in the classical sense. And in that sense, the radical does not tear everything up by the roots but rather gets at the root of problems, where causes may be found and corrected.

The trouble in the colonies was rooted in tyranny exercised by a government too far across the Atlantic to sense the rights and aspirations of the people in America.

The leaders did not try to destroy the "system"—with no alternative to offer. They tried first to gain conciliation with the mother country, and they toiled at the effort diligently for years.

When the power structure across the sea refused to listen, the natural course for the colonial freedom was to declare their independence. Tomorrow the nation celebrates the anniversary of that declaration.

The colonial leaders believed that "men are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." And later the Founders wrote that concept into the Constitution for the new nation, the rulership of which was based on consent of the governed.

The Founders had no visions of Utopia, as some of our modern "revolutionaries" entertain. The framers of the American concept of freedom merely opened the way to the pursuit of happiness, possible only where life and freedom are recognized and protected as fundamental rights.

They didn't map the course of the nation. They did draw up a set of natural principles and demonstrated truths under which the people in each generation could map their own course—under freedom.

The Founders had no notion of dictating the details of citizens' lives, but expressed the faith that an informed, free people, assuming the responsibilities of freedom, would be intelligent enough to rule themselves and find their own way.

In fact, the framers of our government made sure that no elite class, no privileged caste, not even the government itself, could arbitrarily dictate or intrude. A Bill of Rights was appended to the Constitution to spell out the basic rights of free speech, press and religion; the right of peaceful assembly and appeal for the redress of grievances; the right of equal justice under law that binds government as well as citizens; the right of privacy and freedom from unwarranted official interference in personal affairs.

And other rights were implied: the right to protection by government and to the service of government as a referee in disputes; the right to own, use and enjoy property and the right to expect reasonable award for one's labor; the right of free choice—in the voting booth, marketplace, farm and workshop; the right to trade goods and services by bargaining; the right to think, dream, invent, build.

On this foundation of freedom America grew to greatness materially and morally The dynamic power of millions of individual free men, working for themselves and for their combined interests, brought national progress unmatched in history. And because each person was free to develop to the limits of his aspirations and abilities, the character of the people took on a unique strength.

As this heritage was passed down from generation to generation it blossomed and bore even better fruit.

But when people tended to take their blessings for granted and neglected to replant after the harvest, the weeds of cynicism began to choke the freedom ethic. The troubles of today are largely the product of neglect—neglecting to keep the sinews of freedom strong by exercise and neglecting the vital job of handing down intact and complete our heritage to each new generation.

Like muscle, freedom is powerful when rightly exercised, flabby when misused or untrained.

The Founders' Declaration of Independence was a declaration of responsibility and integrity.

Do we not need today a new declaration of integrity and responsibility in the same spirit? Without them freedom falters. With them there is no greater force for human good.

Without those qualities faith sickens and cynicism devours hope. The system looks wrong.

Our problem is not in the system but in ourselves.

Built into the American concept of freedom, teamed with responsibility, is the means for orderly correction of its own faults—thereby preserving the good that has grown out of the past and embracing the good yet to be created.

Re-declare our responsibility and our faith, and watch freedom work!

LEGISLATION TO PROHIBIT MAILING OF UNSOLICITED SAMPLES OF CIGARETTES

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I have introduced today a bill to prohibit the mailing of unsolicited samples of cigarettes. The 91st Congress acted to ban the use of radio and television time by cigarette advertisers.

The Government has stated that cigarette smoking is harmful to health. The Surgeon General's warning that cigarette smoking is dangerous is on every pack of cigarettes.

Yet, the U.S. Post Office continues to be used as an agent for the cigarette industry. It is an unhealthy and unsound practice.

It is ludicrous that while the Congress and the Surgeon General have taken actions based on the conclusion that cigarette smoking is dangerous, and have prohibited advertising cigarettes on radio and television, the U.S. Post Office continues to assist that industry in obtaining greater sales.

My bill is not at all complicated. It has a single and simple purpose. I hope that we can have expeditious hearings on it and halt the use of our mails for sending of unsolicited cigarette samples.

THE EMERGENCY COMMUTER RELIEF ACT OF 1971

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI), is recognized for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today, I am introducing the Emergency Commuter Relief Act of 1971, a bill which would provide subsidies on a short-term basis to State and local governments to assure adequate urban mass transportation. Emergency grants for the purpose of assisting mass transit systems in paying interest charges and other annual obligations which have been incurred in order to provide essential services would also be provided by my legislation.

Although the Urban Mass Transportation Act, which was signed into law October 15, 1970—Public Law 91–453—will provide many long-range answers to our Nation's urban transit crisis, it does not provide any of the immediate relief which is so desperately needed now in our urban areas.

This legislation, which has been introduced in the Senate (S. 870) by Senator WILLIAMS of New Jersey and Senator PERCY of Illinois, would enable existing commuter services to stay in service until the large sums of money authorized by the Urban Mass Transportation Assistance Act begin to reach State and local mass transportation agencies. If funds are not provided during this interim period, some of our bankrupt railroads may stop moving entirely because they cannot earn sufficient moneys to meet their payroll. Mr. Speaker, this is not a case where, because of our urgent needs in Chicago, we come to the Federal Government, because the local communities are not doing their part. For, up until now, the burden of maintaining these essential commuter services, has fallen entirely upon the State and local government and their inadequate tax sources. The cities, already pressed to financial limits, cannot afford to carry the burden alone. I believe, they now are doing more than their fair share.

The situation has become critical. The Penn Central is bankrupt. The State of New York now owns the Long Island Railroad and Massachusetts has taken over the operation of the commuter lines formally serviced by the Boston and Maine. In my own city, the Chicago Transit Authority has been forced to raise its fares twice within the past year, to a level of 45 cents. At the same time, the CTA faces indebtedness of more than $20 million annually, primarily as a result of its having to pay interest on equipment bonds and to lay funds aside to retire the principal on such obligations. Moreover, it must contribute to a depreciation account to meet future needs.

This legislation would prevent these crises from occurring. Under the Emergency Commuter Relief Act, $75 million a year for operating subsidies would be made available on a 5-year emergency basis to all forms of mass transportation. They would be channeled to State and other public bodies.

Before approving the grant which would be made on a two-thirds Federal, one-third local matching formula, the Secretary of Transportation would have to determine that the services were essential to the community. In addition, the State or public body applying for the grant along with the transit company involved must first submit a plan to the Secretary setting forth a program of capital improvements to be undertaken for the purpose of providing more efficient and economic service and for placing the commuter operations of the systems on a sound financial basis. These safeguards would guard against windfall profits by private promoters and would provide adequate insurance that the operating subsidy will not pay for existing inefficiency and poor service.

Transportation systems are too vital a part of the continued healthy growth of urban centers for their future operations to be governed solely by their ability to show a profit. Return on investment cannot and must not outweigh the social dividends which all of our citizens receive from good public transportation. Therefore, this legislation also contains provisions which allow the Secretary to make emergency grants to pay interest charges and other annual obligations which have been incurred by transit systems in order to provide essential services. The legislation would provide $75 million a year for 5 years for these grants.

Such grants would be made only when the debt burden threatens the curtailment of needed commuter services or would increase fares to such a degree that low-income groups who use the service are unfairly penalized.

An increase in transit fares or a curtailment of transit services works undue hardships on citizens earning less than $4,000 a year. As industry and business move to the suburbs, the tragic isolation of the inner city ghetto increases. Here is the most pressing need for low cost, efficient mass transit systems to take people to the jobs they so desperately demand. An increase in transit fares or a curtailment of service works undue hardships on these citizens.

The debt servicing provisions of this legislation would allow transit lines to continue to provide their essential services without the fare increases which all too frequently penalize the inner city dweller.

If existing commuter lines are allowed to collapse from financial weakness, severe hardships will result. The thousands of commuters who depend on these services to get them to and from work will be left stranded. And, in addition, these commuter lines will be far more costly to rebuild in the future than to preserve today.

I realize, Mr. Speaker, that the administration might consider this patchwork legislation, and, in a sense it is. I, too, would like to see a comprehensive approach to the whole question of urban mass transit and look forward, with great anticipation, to viewing the administration plans in this area. But, I must stress that help is needed now.

This bill can provide the necessary short-term Federal assistance to ease the financial burden of maintaining adequate public transportation which presently weighs heavily on the cities of this Nation.

A full text of the bill follows:

H.R. —

A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commuter Emergency Relief Act."

FINDINGS

SEC. 2. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient, economical, and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service:

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed on an interim basis to enable many mass transportation systems to continue to provide vital service during the period required to overhaul and revitalize mass transportation operations and to place such operations on a sound financial basis.

EMERGENCY GRANTS TO PAY INDEBTEDNESS

SEC. 3. The Urban Mass Transportation Act of 1964 is amended—

(1) by redesignating sections 6 through 16 as sections 8 through 18, respectively; and

(2) by inserting after section 5 a new section as follows:

"EMERGENCY GRANTS TO MAKE ANNUAL DEBT PAYMENTS

"SEC. 6. (a) Notwithstanding any other provision of this Act, the Secretary is authorized to make grants to States and local public bodies and agencies thereof to assist in paying the yearly interest on and discharging annual obligations on securities, equipment trust certificates, or other similar instruments of indebtedness which have been incurred in the acquisition, construction, reconstruction, improvement, and leasing (exclusive of any charge for operation or maintenance) of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may not be made under this subsection unless the Secretary determines that it is essential to prevent (1) the termination of a significant part of the transportation service for a community, or (2) the occurrence of a serious adverse effect upon the welfare of a substantial number of lower income persons who are dependent upon the transportation service of such community. The amount of any grant made by the Secretary under this subsection shall not exceed twice the amount provided by the grant applicant (from other sources than current revenues of a mass transportation system) for use in paying such interest or obligations during the year in which the grant is made.

"(b) To finance grants under subsection (a) of this section, there is authorized to be appropriated $75,000,000 for each of the fiscal years 1972, 1973, 1974, 1975, and 1976. Any amount appropriated pursuant to this subsection shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year."

INTERIM ASSISTANCE TO ASSURE ADEQUATE MASS TRANSPORTATION SERVICE IN URBAN AREAS

SEC. 4. The Urban Mass Transportation Act of 1964 is amended by inserting after section 6 (added by section 3 of this Act) a new section as follows:

"INTERIM ASSISTANCE

"SEC. 7. (a) For the purpose of providing interim assistance to assure adequate mass transportation service in urban areas, the Secretary is authorized to make grants to any State or local public body or agency thereof to enable it to assist any mass transportation system which maintains mass transportation service in an urban area within its jurisdiction to defray annual net operating deficits incurred as the result of providing such service to such areas. No grant shall be provided under this section unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed for carrying out a program referred to in section 4(a), and (2) the applicant State, public body, or agency, and the operator (if a different entity) of such system, have jointly submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis.

"(b) The amount of any grant under this section to a State or local public body or agency thereof to defray the operating deficit of any mass transportation system shall not exceed twice the amount of financial assistance provided by such State, public body, or agency to such system to defray such deficit.

"(c) The Secretary shall issue such regulations as he deems necessary to administer this section in an equitable and efficient manner. Such regulations shall include appropriate definitions of (1) the items of cost and revenue to be used in determining annual net operating deficits, and (2) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant.

"(d) To finance grants under this section, there is authorized to be appropriated not to exceed $75,000,000 for each of the fiscal years 1972, 1973, 1974, 1975, and 1976. Any amount so appropriated shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year. The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, to make advance or progress payments on account of any grant made pursuant to this section.

"(e) The Secretary shall conduct a study of the operation of the subsidy program authorized by this section comparing it with other operating subsidy programs including those currently carried out by the Federal Government, with a view to determine the efficacy of such program in assuring adequate mass transportation service in urban areas. The Secretary shall submit an interim report of his findings not later than June 30, 1972, and a final report of such findings and recommendations not later than June 30, 1974.

"(f) No grants shall be made under this section after June 30, 1976, except pursuant to a commitment entered into prior to such date."

ADDITIONAL AMENDMENTS

SEC. 5. (a) The following sections of the Urban Mass Transportation Act of 1964 (as redesignated by section 3 of this Act) are amended as follows:

(1) Section 3(b) is amended by striking out "section 7" and inserting in lieu thereof "section 9".

(2) Section 4(c) is amended by striking out "7(b), and 9" and "section 12(d)" and inserting in lieu thereof "9(b), and 11" and "section 14(d)", respectively.

(3) Section 14(c) is amended—

(A) by striking out "and" at the end of clause (4);

(B) by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon; and

(C) by adding after clause (5) the following new clauses:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service; and

"(7) the term 'annual net operating deficit' means that part of the annual operating costs of a mass transportation system which could reasonably have been avoided by the elimination of all or part of the mass transportation service in an urban area, less the annual revenues derived by such system from the provision of such service."

(4) Section 14(d) is amended by adding the following at the end thereof: "No funds appropriated pursuant to section 4(b) may be used for grants made pursuant to section 6 or 7. Grant assistance provided under any section of this Act shall be coordinated to the greatest extent practicable with any other financial assistance provided under this Act. With the specific exception of the prohibition contained in section 3(c), the extension of financial assistance to a State or local public body or agency thereof under any section of this Act shall not have the effect of prohibiting the extension of financial assistance to such entity pursuant to any other section of this Act."

(5) The first sentence of section 15(c) is amended by striking out "section 3" and inserting in lieu thereof "section 3, 6, 7, or 8".

(6) The part of the first sentence of section 17 which precedes the first semicolon is amended to read as follows: "Grants made under section 3 (before July 1, 1970) and grants made under section 6 or 7 of this Act (other than for relocation payments in accordance with section 9(b)) for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to sections 4(b), 6(b), and 7(c), respectively".

(7) Section 3(e) is amended by striking out "section 13(c)" and inserting in lieu thereof "section 15(c)".

(b)(1) Section 10 of the Urban Mass Transportation Assistance Act of 1970 is amended by striking out "and 6" and inserting in lieu thereof "and 8".

(2) Section 11 of such Act is amended by striking out "6(a), 9, and 11" and inserting in lieu thereof "8(a), 11, and 13".

REFORMING GOVERNMENT OIL POLICY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, I am introducing today two bills to reform Government oil policies and provide substantial relief to American consumers which I am proud to say are cosponsored by 83 of my colleagues from 21 States across the Nation. A list of cosponsors is included at the close of my remarks.

The first of these bills would eliminate oil import quotas which cost U.S. consumers more than $5 billion annually. The second would put an end to Federal sanction of oil production controls in Texas and Louisiana which artificially hold down supply, and thus also serve to maintain unduly high prices.

In May of 1969, I introduced with 53 cosponsors the first bill to eliminate oil quotas gradually over a 10-year period. Since then, the President's own Cabinet Task Force on Oil Import Control has found the quotas unnecessary for national security, and urged their abolition in favor of a tariff system which would lower consumer prices. The bill introduced today with 31 new cosponsors would end the quotas outright by January 1, 1972, and permit the substitution of a tariff system.

I am gratified by this increased support for more immediate action. Mr. Speaker, I am convinced it is a good barometer of the growing demands to end unjustified special privileges for the oil industry and, more importantly, to combat inflation and relieve our hard-pressed consumers.

In view of the concern about the impact of the recent Persian Gulf oil price agreement, it should be noted that only 3 percent of the U.S. oil has come from the Middle East. And the oil task force has recommended a higher tariff for this oil to prevent undue reliance on this source. Such a step would be entirely consistent with my legislation.

My second bill, Mr. Speaker, would end State production controls, or prorationing, by repealing the so-called Connally "Hot Oil" Act. Without the Connally act, this prorationing would be unlawful as an unconstitutional interference with interstate commerce—a field left to the exclusive control of the Congress.

President Nixon has already spoken out against State prorationing in his speech before the National Association of Manufacturers on December 10, 1969. In announcing the end of limits on Federal off-shore oil production in voluntary compliance with state prorationing, the President said these controls "are not necessary for national security; moreover, they actually interfere with the freedom of our domestic market system."

Taken together these two bills will go a long way toward developing a sound Government oil policy which will at the same time provide needed consumer relief.

The list of cosponsors follows:

LIST OF COSPONSORS OF CONTE BILLS ON GOVERNMENT OIL POLICIES

Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Burke of Massachusetts, and Mr. Carey.

Mr. Celler, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Cotter, Mr. Dellums, Mr. Dingell, Mr. Donohue, Mr. Dow, and Mr. Drinan.

Mr. Dulski, Mr. Edwards of California, Mr. Fascell, Mr. Fish, Mr. William D. Ford of Michigan, Mr. Fraser, Mr. Giaimo, Mr. Gibbons, Mrs. Grasso, and Mr. Halpern.

Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Howard, Mr. Jacobs, and Mr. Kastenmeier.

Mr. Keith, Mr. Kemp, Mr. Koch, Mr. Kyros, Mr. Long of Maryland, Mr. McKinney, Mr. Matsunaga, Mr. Mikva, Mr. Minish, and Mr. Mitchell.

Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. O'Hara, Mr. O'Neill of Massachusetts, Mr. Pepper, Mr. Podell, Mr. Rees, Mr. Reid of New York, and Mr. Reuss.

Mr. Robison, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. St Germain, Mr. Scheuer,, Mr. Smith of New York, Mr. Stafford, and Mr. Steele.

Mr. Stokes, Mr. Tiernan, Mr. Vanik, Mr. Whitehurst, Mr. Wolff, Mr. Wydler, Mr. Wyman, Mr. Macdonald of Massachusetts, Mr. Ryan, and Mr. Pike.

SUPPORT FOR ATLANTIC UNION GROWS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois, (Mr. FINDLEY), is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, today I am reintroducing the Atlantic Union Resolution with 12 additional cosponsors. They are: BROCK ADAMS, Democrat, of Washington; JOHN A. BLATNIK, Democrat, of Minnesota; THADDEUS J. DULSKI, Democrat, of New York; JAMES G. FULTON, Republican, of Pennsylvania; CORNELIUS E. GALLAGHER, Democrat, of New Jersey; EDWARD A. GARMATZ, Democrat, of Maryland; HENRY B. GONZALEZ, Democrat, of Texas; CHARLES S. GUBSER, Republican, of California; CHARLES W. SANDMAN, JR., Republican, of New Jersey; FRANK A. STUBBLEFIELD, Democrat, of Kentucky; FRANK THOMPSON, JR., Democrat, of New Jersey; and JOHN W. WYDLER, Republican, of New York.

This important resolution was first introduced in the 92d Congress on February 17, 1971, with 71 cosponsors. The additional Representatives who are today listed as cosponsors bring the total to 83.

Since Clarence Streit first published his book, "Union Now," over 30 years ago, much comment has been generated in the press about Atlantic Union. I would like to include in the CONGRESSIONAL RECORD one of many recent editorials endorsing this bold initiative, this one from the Cincinnati Enquirer. The editorial cites President Nixon's long and vocal support for Atlantic Union, support which dates back long before he entered the White House, first as Vice President, and now as President.

That support continues to this day.

Text of editorial follows:

[From the Cincinnati Enquirer, Nov. 16, 1970]

The Atlantic Union Resolution

With the Nation settling down after the exertions of the hotly fought series of Congressional and gubernatorial elections, the sponsors of the Atlantic Union Resolution are seeking once more to muster nationwide support, including a reiteration of the endorsement Mr. Nixon sent to the House Foreign Affairs Committee four years ago.

The Atlantic Union Resolution calls upon Congress to elect delegates to an Atlantic Union convention, which would be composed of similar delegations from other nations in the North Atlantic Treaty Organization.

The projected convention would explore the prospects of converting the North Atlantic alliance into a federal Union. Any plan devised by the convention would thereafter be submitted to Congress for action in accordance with constitutional procedures.

In the years since the first Atlantic Union Resolution was presented to Congress, it has won the endorsement of a wide range of U.S. political figures—President Eisenhower, former Vice President Hubert H. Humphrey, Senator Eugene J. McCarthy, Senator Barry M. Goldwater, Governor Nelson A. Rockefeller and the late Senator Robert F. Kennedy.

But few of its supporters have been more outspoken than Mr. Nixon. In his 1966 statement of support, he declared: "It is fitting that the United States, the world's first truly federal government, should be a main force behind the effort to find a basis for a broad federation of free Atlantic nations.

"Although the accomplishment of the ultimate goal of the resolution may well be impossible to attain for many years, recent events of history and numerous scientific and technological advances of the past 20 years point the way in this direction . . . The Atlantic Union Resolution is a forward-looking proposal which acknowledges the depth and breadth of incredible change which is going on in the world around us."

The Atlantic Union Resolution had its origins in the days before World War II when the failure of the Western powers to work together to stave off German and Italian aggression made a worldwide conflagration inevitable. Clarence K. Streit, who served at the time as a League of Nations correspondent, was struck by the parallels between the Western democracies in the 1930s and the free states of North America in the years between the end of the American Revolution and the eventual adoption of the Constitution.

The answer for the discordant and frequently feuding states was a federal union under the Constitution. Mr. Streit saw a similar answer for the Western democracies. His first book on the subject was *Union Now,* which proposed an immediate union of the Western states to forestall World War II.

The postwar era, as matters turned out, brought even stiffer challenges to the nations of the North Atlantic. One response was the 1949 North Atlantic Treaty, which bound the nations of the Atlantic community together in a mutual-defense arrangement.

The Atlantic Union Resolution is a proposal that the NATO nations now go a step farther to determine the feasibility of a closer concert.

The House sponsors of the Atlantic Union Resolution include representatives of both parties. The Ohio House delegation is represented among the sponsors by Reps. Donald (Buz) Lukens and J. William Stanton, both Republicans, and Reps. Thomas Ashley and Charles Vanik, Democrats.

The federal union idea is said to be America's most distinctive contribution to the realm of political philosophy. It is logical, we believe, that the nations of the Atlantic community should ask themselves whether it holds an answer for the world of the late 20th century.

THE RURAL JOB DEVELOPMENT ACT

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS), is recognized for 20 minutes.

Mr. SEBELIUS. Mr. Speaker, I am quite pleased and honored today to reintroduce the Rural Job Development Act, a bill that has already been introduced in the Senate by my good friend and colleague, Senator JIM PEARSON, and 48 of his distinguished colleagues in the Senate.

I am most gratified to reintroduce this legislation with 40 cosponsors. Those Representatives who have joined in cosponsoring the Rural Job Development Act of 1971 are: Mr. JAMES S. ABOUREZK of South Dakota, Mr. BILL ALEXANDER of Arkansas, Mr. MARK ANDREWS of North Dakota, Mr. BILL ARCHER of Texas, Mr. JOHN N. CAMP of Oklahoma, Mr. W. C. DANIEL of Virginia, Mr. WILLIAM L. DICKINSON of Alabama, Mr. HAROLD D. DONOHUE of Massachusetts, Mr. JOHN J. DUNCAN of Tennessee, Mr. BILL FRENZEL of Minnesota, Mr. DON FUQUA of Florida, Mr. SEYMOUR HALPERN of New York, Mr. ORVAL HANSEN of Idaho, Mr. MICHAEL HARRINGTON of Massachusetts, Mr. JAMES F. HASTINGS of New York, Mr. EDWARD HUTCHINSON of Michigan, Mr. ED JONES of Tennessee, Mr. PETER N. KYROS of Maine, Mr. ARTHUR A. LINK of North Dakota, Mr. MANUEL LUJAN of New Mexico, Mr. JAMES R. MANN of South Carolina, Mr. ROMANO L. MAZZOLI of Kentucky, Mr. JAMES A. McCLURE of Idaho, Mr. JOHN MELCHER of Montana, Mr. CLARENCE E. MILLER of Ohio, Mr. WILMER MIZELL of North Carolina, Mr. JOHN T. MYERS of Indiana, Mr. BILL NICHOLS of Alabama, Mr. WILLIAM R. ROY of Kansas, Mr. WILLIAM J. SCHERLE of Iowa, Mr. GARNER SHRIVER of Kansas, Mr. ROBERT L. SIKES of Florida, Mr. ROBERT H. STEELE of Connecticut, Mr. CHARLES THONE of Nebraska, Mr. AL ULLMAN of Oregon, Mr. VICTOR V. VESEY of California, Mr. RICHARD C. WHITE of Texas, Mr. LAWRENCE G. WILLIAMS of Pennsylvania, Mr. JIM WRIGHT of Texas, and Mr. JOHN M. ZWACH of Minnesota.

This legislation in essence would encourage job-creating industries in our rural areas. In brief, the bill would work as follows:

A series of tax incentives—a 7-percent tax credit on personal property, a 7-percent tax credit on real property, an accelerated depreciation allowance, and a 50-percent tax deduction on wages paid workers given on-the-job training—would be offered to industrial and commercial enterprises locating in counties designated as "rural job development areas." Rural job development areas are counties which have no city of over 50,000 population and where at least 15 percent of the families have incomes of less than $3,000. Indian reservations are also included. To be eligible, the enterprise must hire at least 10 people and wherever possible must hire at least 50 percent of the work force from the local area. The bill contains a prohibition against "runaway" firms and recapture provisions for those firms which willfully violate the terms of the program.

I would like to stress one particular point regarding this legislation. The objectives of the Rural Job Development Act are truly in the best interests of our entire Nation. This bill should and can be an integral part of our growing commitment to deal with our Nation's urban crisis.

In introducing this bill, I take great pride in pointing out to my colleagues the dedication and tireless efforts of the senior Senator from Kansas to revitalize rural and small town America.

Senator PEARSON, in an earlier statement, has skillfully and succinctly discussed this legislation and its intent. I commend his remarks to the attention of my colleagues and to the attention of all who are vitally interested in helping to revitalize rural and smalltown America and help our Nation achieve a healthy and properous rural and urban balance:

S. 346—Introduction of the Rural Job Development Act

The bill I introduce would encourage the development of new job-creating industries in rural areas, thus serving to expand the economic base and more fully and effectively utilize the human and natural resources of our rural communities. The resulting expansion of economic opportunity and thus help to reduce the population pressures of our overcrowded and overburdened metropolitan areas.

Providing a judicious blend of private initiative and public responsibility—the bill, in brief summary, would work as follows:

A series of tax incentives—a 7-percent tax credit on personal property, a 7-percent tax credit on real property, an accelerated depreciation allowance, and a 50-percent tax credit on real property, an accelerated depreciation allowance, and a 50-percent tax deduction on wages paid workers given on-the-job training—would be offered to industrial and commercial enterprises locating in counties designated as "rural job development areas." Rural job development areas are counties which have no city of over 50,000 population and where at least 15 percent of the families have incomes of less than $3,000. Indian reservations are also included. To be eligible the enterprise must hire at least 10 people and wherever possible must hire at least 50 percent of the work force from the local area. The bill contains a prohibition against "runaway" firms and recapture provisions for those firms which willfully violate the terms of the program.

Mr. President, the bill introduced today is essentially the same as the Rural Job Development Act of 1969.

The principle of using tax incentives for the purpose of bringing new business and industry into our rural communities also has been endorsed by a wide variety of groups and individuals around the country.

Mr. President, the support for the Rural Job Development Act is but one manifestation of the great interest in the overall theme of rural development, which has also been variously referred to as rural revitalization, rural urban balance, balanced urbanization, and balanced national growth. But whatever label we use we are all talking about the urgent necessity of expanding economic and social opportunities in our smaller communities.

As we all know, major portions of rural America are economically underdeveloped and lacking in the full range of public services. Millions of people each year are forced to leave our smaller communities because of the lack of economic opportunities there. These conditions in and of themselves justify and, indeed, demand major new efforts to improve and expand economic and social opportunities available in rural communities.

But the objectives of the rural development movement are truly national, not sectional. For, in fact, the rural development movement represents a new and vital part of our growing effort to deal with the crisis of the cities.

We have finally been forced to recognize that many of the problems which constitute the crisis of the cities can be traced to the overcrowding of people and the excessive concentration of industry. Thus the rural development movement, which ultimately seeks to slow down the great rural-to-urban migration, if successful, will be of benefit not only to our rural communities but to our cities as well.

We are coming to realize that rural development is not simply a desirable objective but, indeed, a national necessity.

Mr. President, many of our old notions about urbanization and rural migration simply are no longer valid.

Into the cities have come the unskilled rural poor attracted by the lure of economic advancement. Many gain, but a tragically high number do not. Instead of economic salvation too many of the rural poor, both white and black, find tenements, unemployment, welfare, and the depersonalized, demoralized environment of the slum-ghetto.

Into the cities also come the young, the educated, and the talented. They often do much better materially, but for this economic gain they pay the social costs of the loneliness of the crowd, the frustrations of congested streets and crowded stores, the stultifying sameness of the bedroom suburbs and the loss of community identity.

Into the cities comes industry and for the most part it has prospered. But increasing numbers are now finding that the cost of doing business in the city is unprofitably high.

And as the urban resident breathes the fouled air of industrial smog, he comes to understand the hazards as well as the benefits of industrial concentration.

In short, too many of our rural communities are underdeveloped. Too many of our metropolitan areas are over crowded. This maldistribution of population and economic activity will surely worsen, unless we take strong, positive, action.

The task ahead is clear. We must expand the quantity and quality of economic and social opportunities in rural America so that those who choose to do so will have the freedom to remain where they are and not be forced to move to the already overcrowded and overburdened metropolitan areas.

This task will not be easily or quickly accomplished. And we do not yet fully know all the needs which must be met nor all the policy alternatives which must be considered. But I think it is clear to all that new jobs lie at the heart of the rural development effort. For unless we can create upwards of 1 million new and better jobs each year in our rural communities, nothing else we will do will have any meaningful or lasting effect.

Mr. President, the bill I introduce today aims precisely at this goal of creating new jobs. It applies a proven principle to a particular need. The principle is that tax policy does in fact influence the course of business investment. The particular need is that special incentives are necessary to encourage a substantial increase of private investment in rural areas in order to overcome some of the factors which otherwise discourage business expansion into these areas. The tax incentives provided by this bill are as follows:

First, a 7-percent tax credit on personal—machinery and equipment—and real property—land and buildings. And if the rural job development area has a population density of less than 25 persons per square mile—the national average is 51—the credit is increased to 10 percent. This incentive recognizes that the normal factors which often work against expanded rural investment are magnified in the more sparsely populated areas. These areas are often quite far removed from major industrial and commercial centers thus adding to transportation costs for example. Certainly we believe that these additional incentives are consistent with the objective of promoting the maximum feasible geographical distribution of new job-creating industries.

Second, an accelerated depreciation of two-thirds of normal, useful, or class life for machinery, equipment, and buildings;

Third, a tax deduction equal to 50 percent of the wages paid to workers for whom the enterprise must provide on-the-job training.

This special deduction, which would be in effect during the training period, is intended to encourage the enterprise to hire and train local people who lack the required labor skills. The U.S. Employment Service would certify the length of the training period.

Fourth, all credits and deductions can be carried backward 3 years or forward for a maximum of 10 years, or if the business is a corporate subsidiary, utilized against other outside income of the parent corporation.

Business enterprises would receive these tax benefits under the following conditions:

First, the enterprise must be located in a "rural job development area" designated by the Secretary of Agriculture and defined as follows: A county, no part of which contains a standard metropolitan statistical area and which has no city with a population in excess of 50,000, and where at least 15 percent of the families have incomes under $3,000 or where employment has declined at a rate of more than 5 percent during the previous 5-year period; or where the closing or curtailing of operations of an installation of the Department of Defense is likely to cause a substantial migration of persons residing in the area. The Secretary of Agriculture, after consulting with the Secretary of the Interior may also certify Indian reservations.

Second, to receive an eligibility certificate, the enterprise must demonstrate that it has not discontinued a comparable enterprise in any other area and will not reduce the employment in any other area.

Third, the enterprise must create at least 10 new jobs at the beginning of the operation.

Fourth, to assure benefits to a local community, at least 50 percent of the original working force must be residents of the rural job development area. However, the Secretary can waive this requirement if the labor requirements of the enterprise exceed the local labor supply, and if the Secretary determines that the establishment of the enterprise in the area will promote economic benefits consistent with the purposes of this act.

Fifth, to continue to qualify, the enterprise must maintain the same working force unless circumstances beyond its control prevent it from doing so. The bill also provides an effective recapture provision in those areas where a firm wilfully violates the eligibility requirements.

Sixth, before the enterprise is given an eligibility certificate, the Secretary must have written notice from the local governmental unit responsible for zoning requirements to the effect that the proposed enterprise meets the existing regulations and that there are no immediate plans for altering those regulations. This will assure that the local community is aware that the enterprise anticipates locating there, thus giving the community a chance to prevent the move should it choose to do so.

Seventh, the enterprise must be engaged in industrial or commercial production—manufacturing, producing, processing, assembling, wholesale operations, or the construction of buildings and facilities in the authorized area. This precludes benefits to retail and service enterprises which might be competitive with local establishments. Recreational enterprises may be certified provided they would not be competitive with existing enterprises in the area.

Mr. President, in addition to the tax incentives the bill would authorize $500,000 for the Department of Agriculture so that the Secretary may collect and disseminate relevant economic data and to serve as an information clearing house for local communities and businesses considering establishing job-creating enterprises in job development areas.

Mr. President, as indicated, this bill would be administered by the Secretary of Agriculture. It may well be that this provision should be changed. Quite possibly it would be better to vest this authority elsewhere, possibly in the Secretary of Commerce. This is one of the points that certainly should be discussed in committee. The administration's view on this would be particularly important.

There are also other parts of the bill which are subject to debate. For my own part, I am not wedded to each and every provision. I fully recognize that adjustments may be necessary in several areas. However, I do believe very strongly in the basic principles of this bill.

Mr. President, the tax incentive approach is based on the propostion that the new economic activity which will thereby be generated will bring broad economic gains to the whole rural community.

This is not a reversion to the old dogma that whatever is good for business necessarily has to be good for the country. Rather it is a pragmatic recognition, on the one hand, that government cannot do everything and, on the other hand, an acceptance of the fact that through a more judicious stimulus and control of the private sector we can see many of our economic and social problems.

Mr. President, it is also important to note that most rural areas, not just the poverty-stricken ones, would be covered under the area eligibility definitions of the bill.

This follows from the fact that the purpose of this bill is to encourage rural development in general. Thus we wanted to make sure that it would be broadly applied to all rural areas and not be limited to reach poverty stricken regions. Although we believe it will complement existing rural poverty programs, this is not a rural poverty bill as such. Of equal or greater importance, it will help prevent the further spread of poverty and eventually generate new heights of prosperity throughout much of rural America.

Some have suggested that the bill should be more precisely tailored to potential rural growth centers. I am aware, of course, that not all rural areas have the potential for growth. But the problem is that of reliably identifying those which have the potential for growth and those which do not.

The birth of new types of industry, the continued improvements in transportation and communication, and the changing tastes of the American consumer make it extremely difficult to predict with any certainty the economic potential of any given area. Moreover it is important to keep in mind that the unpredictable equality and spirit of local leadership and the pure coincidence of other noneconomic factors often have a major effect on whether a given community will grow, hold its own, or decline. By making the incentives in this bill broadly available, all the factors which effect economic growth, many of which we do not know with precision will be allowed to operate freely.

Mr. President, the enactment of this bill would result in an initial drain on the Treasury to the extent that businessmen take advantage of tax incentives. But at the same time, the new economic activity thus stimulated would generate an increased flow of revenue to the Treasury. Precise predictions are impossible, but I believe that over the intermediate and long run the benefits will more than offset the losses; that the total tax revenue flow will be expanded, rather than decreased.

But beyond the tax losses and gains directly attributable to this program one must also consider its indirect influence. I believe that a more extensive geographical distribution of our industrial and commercial capacities will strengthen the overall national economy. I believe that strengthening of rural communities will result in substantial social benefits. I believe that the slowing of the flow of rural people to the urban slums will reduce the public costs of unemployment and welfare payments and also ultimately, the costs for other public services in those areas such as those for law enforcement.

Mr. President, the passage of the Rural Job Development Act will not solve all the problems of rural America. Its adoption would, I believe, do a great deal to create the type of new job opportunities which rural America so urgently needs. And because of this its enactment constitutes, I believe, the necessary first step toward the attainment of a more reasonable and healthy rural-urban balance.

ESTATE TAX RELIEF FOR FAMILY BUSINESS

Mr. SEBELIUS. Mr. Speaker, today one very important group within our society has not shared in our Nation's prosperity. I am speaking of the family-owned enterprise, whether it be a farm, ranch, or small main street business. The family farmer and the small businessman, while getting much lip service, are now being discriminated against by our tax laws.

Specifically, I am talking about the Federal estate tax or what some refer to as the "death tax." Too often today, the "death tax" has meant the death of the family business; a death caused by tax discrimination.

On one hand, we express alarm about the disappearance of the family farm, ranch or community business and the stability and proven worth of this kind of life. On the other hand, we place a discriminatory tax based on unrealistic, inflated land values and thereby make it virtually impossible for young people of today to carry on the family operation.

For over 200 years, the family farm has contributed strong and stable young men and women who formed the very backbone of our society. The family farm has given us plentiful production of food available at an ever-decreasing share of our take-home pay. Today, the rest of the world looks to the success of the American farmer with envy, admiration, and hope. If these families are continually forced from rural America, where they lead productive and happy lives, we not only hasten the death of the traditional American farm, but also speed up the mass migration to the cities where desperate conditions there already need our urgent attention.

The small family-owned business has played an equally important role in building America. They provide the goods and services which we all expect and demand into our neighborhood homes, areas where the big corporations cannot serve because "it doesn't pay." The small businessman not only serves America, but in the eyes of many, he is America.

Yet with all of this lip service and praise, there is continued discrimination against the family-owned enterprise.

I am today offering legislation to strike at one area of discrimination against the family-owned enterprise.

The prime problem centers on the requirement in the Federal estate tax regulations that the estate tax be imposed on the "fair market value" of the assets at the time of the owner's death. In the case of real estate, the fair market value is usually established by comparing land in the estate with prices recently paid for other land in the area.

More often than not, these prices are vastly inflated and are in no way comparable to the value of the decedent's ranch, farm, or business based on its ability to earn. The economic fact today is that ranch and farm land being sold is based on these inflated property values to speculators who may intend the land for purposes other than to produce food and fiber.

Unfortunately, even in light of this economic fact, no consideration is given to the earning capacity of the property in calculating estate taxes. Yet, these taxes must be paid out of the earnings of the ranch, farm, or business unless the family has substantial outside interests of cash.

When shares of corporate stock in an estate are taxed, the earning power of the shares is generally considered the most important factor in determining value. It then becomes proper to argue that earning power should be considered in the valuation of a farm or ranch for estate tax purposes.

Let us take a case in point: Farmer Jones dies, leaving his 10,000-acre cattle ranch to his son. Assume the ranch is valued at $30 per acre, is paid for and the cattle and supplies would sell at an auction for $150,000. Farmer Jones has no prior debts.

This ranch is now valued for estate tax purposes at $300,000. The personality is valued at $150,000, bringing the total estate to $450,000. After the $60,000 exemption, Farmer Jones' taxable estate comes to $390,000. The estate would have to pay an astounding $110,500 in Federal estate taxes.

On the other hand, computing Farmer Jones' tax based upon the property's earning power is quite a different story. Jones had an average annual income of $7,500, a profit that is slightly above the average 1.5 percent value of his total earnings earned by most cattlemen. Taking a capitalization factor of 4½ percent increased value per year, Farmer Jones' capitalized earning value comes to $165,000. With the $60,000 exemption, the taxable estate is now $105,000 and the estate tax would be a much more reasonable $22,200.

This same problem applies to the small businessman, who finds that high estate taxes make it impossible for the family business to be carried on from one generation to the next. The business is purchased by those who can pay the price and what used to be a traditional and proud community service becomes a speculative investment for those who can afford it.

Mr. Speaker, we must change these tax regulations that discriminate so blatantly against the family-owned enterprise. Up to now, ranchers, farmers, and small businessmen could only seek relief through lifetime planning and making sure they had enough liquid assets in case of emergency. These stopgap remedies do not offer and real guarantee and are available only to those who can afford to hire expensive tax consultant advice.

I believe this bill can bring some relief to the estate of small businessmen, ranchers, and farmers caught in the stranglehold of the estate or "death tax." The bill, simply put, would allow the estate's representatives to have the option of having the decedent's interest in the business valued at either its market value—the present system—or the higher of, first, the decedent's cost basis, or second, value based on the reasonable earning power of the business.

The bill additionally provides the decedent must have been in the business 10 years prior to his death and that his heirs would have to continue the business for at least 5 years after his death.

Mr. Speaker, I feel this proposal represents a fair solution to the problem.

THE FARMWORKERS' BILL OF RIGHTS

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 20 minutes.

Mr. O'HARA. Mr. Speaker, I am today introducing a bill for a farmworkers' bill of rights.

Over most of this century, Mr. Speaker, the general thrust of the development of labor legislation, at both the State and Federal level, has been progressive. For the most part the legislation this Congress and the State legislatures have enacted has contributed to increasing the real wages working men and women earn, to improve the working conditions under which they earn those wages, and to assure their ability to bargain collectively with their employers.

The greatest amount of this progress has been the direct result of the efforts of working men and women themselves, through their own organizations. But legislation has helped.

However, the legislation has tended, with a consistency as remarkable as it is disheartening, to leave one segment of the working force outside of the areas secured for other working people. I refer, of course, to the farmworkers. The farmworker was left explicitly outside of the coverage of the National Labor Relations Act, and remains so to this day. He was left outside of the coverage of the Fair Labor Standards Act, and although that act has been liberalized, and its protections extended to the farmworker, even there he is protected at a lower minimum wage than are other workers.

The farmworker has only limited workmen's compensation coverage under a few State laws, and although the migratory nature of much farm labor makes it uniquely an interstate matter, there is no Federal workmen's compensation coverage like that accorded, for example, to longshoremen and harbor workers, to compensate for the lack of State coverage.

Existing manpower legislation, although available to farmworkers, has not been directed to their special problems—including the rapidly changing technology of the industry.

And not least of all, Mr. Speaker, most State unemployment compensation statutes fail to cover farmworkers, even though the incidence of unemployment among them is very high. In the last Congress, indeed, there was an effort made to extend unemployment insurance to these workers.

I have painted this picture with broad strokes, Mr. Speaker, and I think it is time to seek, with an equally broad brush, to paint a different picture. It is time for the Congress to consider legislation which will remove the inequities under which farmworkers labor, to the extent that legislation can do that. It is time that legislation was actively considered which will give to farmworkers a legislatively protected equality of bargaining power with their employers—and not the kind of "equality" that forbids the farmworker from using the economic weapon which is most useful to him—the boycott.

I think it is time, Mr. Speaker, to strike all the invidious distinctions against the farmworker which remain in the Fair Labor Standards Act, in spite of the substantial liberalization that act has undergone in recent years.

I think it is time, Mr. Speaker, to consider extending workmen's compensation to farmworkers, and with particular emphasis on the hazard which confronts these workers in particular—the danger from economic poisons which destroy pests and endanger the health of field workers with fine impartiality.

I think it is time, and past time, to strike those sections of the law which leave farmworkers without unemployment compensation.

I think it is time to amend the Manpower Development and Training Act to provide specific programs for farmworkers.

And I think it is time that farmworkers were given an organized, formalized, recognized voice in the highest councils of their National Government.

The bill I introduce today—the "Farmworkers' Bill of Rights" is an attempt to do each of these things. I do not offer it as a panacea, or as a product which cannot be improved upon. I do offer it as a starting place for a concentrated legislative effort to bring the equal protection of the laws to men and women too long neglected.

DISREGARD OF PASSENGERS BY THE PENN CENTRAL RAILWAY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. I would like to state for the record my extreme disquiet about the manner in which the Penn Central Railway chose to react to the recent decision of the Interstate Commerce Commission permitting the reduction of eight passenger trains on the Boston-Providence, Rhode Island run. The railway acted in a manner which constituted a complete disregard of the convenience of the passengers it is supposed to be serving. Within minutes after the word of the Commission's decision was reached by the railway, hastily put together, hand-scribbled announcements appeared in the railway stations concerned advising the waiting public that their trains had been removed from service. The resulting confusion and discomfort was well documented in recent press stories appearing in the major dailies of both cities. One would have thought that in this interim period between the advent of railpax and the demonstrated intent of the majority of Congress to preserve the future of rail passenger service that the Penn Central Railway would have got the message and decided to abandon its public-be-damned attitude. These are the same people that come to Congress hat-in-hand asking us to bail them out of financial difficulties brought about by years of benign neglect of the rail passenger in favor of the wildest kind of investment adventures completely unrelated to rail travel. There was no need for this abrupt action. A few days notice of their action was the least the public had to expect. As one of the Congressmen whose district is served by these trains, I feel that my office should have received some notification of the cancellations. To some extent, what is done is done, and I know no one is supposed to cry over spilled milk, but I want the Penn Central to know their action did not go unnoticed and they can ill afford to lose what little good will they might have.

THE 50TH ANNIVERSARY OF THE ARMENIAN REVOLUTION

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, last Thursday, February 18, all Americans of Armenian descent joined with Armenians throughout the world in commemoration of the 50th anniversary of the Armenian revolution against the Soviet Union.

It was a grim observance, however, for the revolution was futile. The brave Armenians, unable to overthrow the force of the Red army, remain today in bondage, denied the blessings of freedom.

The Armenians, Christians since the year 301, have throughout history been denied their right to self-determination. They have been subjected to the rule of Arabs, Egyptians, Mongols, Persians, Russians, and Turks. During World War I, Turkey adopted a policy of extermination and over a million Armenians lost their lives. Today, their land is divided between the Soviet Union and Turkey.

The freedom of all persons is a proper goal of Congress. Let us today renew our pledge to work for the day when all people, now held behind the Iron Curtain, can take their rightful places as free nations.

ADOLF A. BERLE, JR.

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on Wednesday, February 17, Adolf A. Berle, Jr., passed away. Author, diplomat, Presidential adviser, lawyer, law school professor, and Liberal Party leader, Adolf A. Berle possessed one of the most innovative and perceptive minds of our century. His contributions to his profession and to his country were manifold.

I think the New York Times editorial of February 20 very aptly summed up the mark of this man:

> History is sure to evaluate highly the quality of advice Mr. Berle gave and the services he rendered over the years, from his days on the delegation staff at the Versailles Peace Conference to his drafting efforts for the infant United Nations and his work for the Alliance for Progress. Here was that rare resource—a fine mind devoting its great talent to the city, to the nation and to humanity.

Adolf A. Berle was a "rare resource." Few have contributed so much and so brilliantly. I was privileged to study under Professor Berle at Columbia Law School, where his intellect and his teaching ability inspired many law students and continued to guide them during their professional careers. I valued his friendship and extend my deepest sympathy to his family.

I should like to include at this point the February 20 editorial from the New York Times, entitled "Adolf A. Berle, Jr.," and an article by Albin Krebs from the February 19 edition of the New York Times discussing Mr. Berle and his career:

[From the New York Times, Feb. 20, 1971]

Adolf A. Berle Jr.

Adolf A. Berle Jr., adviser to Presidents of both parties since Woodrow Wilson, knew almost everything that was happening in government circles—and made more of it happen than most. Brilliant, articulate and aware of his own impressive attributes, he could have played the role of *eminence grise*, but his was too shimmering a character to be thought of as any shade of gray.

The many-sidedness of the man is reflected in the varied titles he held—professor, Treasurer of the City of New York, Assistant Secretary of State, Ambassador, and chairman of both the Liberal party and the Twentieth Century Fund—a roster which leaves out of account his authorship of such major works as "The Modern Corporation and Private Property," a classic in its own right.

History is sure to evaluate highly the quality of the advice Mr. Berle gave and the services he rendered over the years, from his days on the delegation staff at the Versailles Peace Conference to his drafting efforts for the infant United Nations and his work for the Alliance for Progress. Here was that rare resource—a fine mind devoting its great talent to the city, to the nation and to humanity.

[From the New York Times, Feb. 19, 1971]

Adolf A. Berle Jr., Dies at Age of 76—Lawyer, Economist, Liberal Leader Aided Presidents

(By Albin Kreps)

Adolf A. Berle Jr., the lawyer, economist, law professor, diplomat and Liberal party leader, who first came to prominence as one of the original members of President Franklin D. Roosevelt's "Brains Trust," died

Wednesday at his home, 142 East 19th Street.

Mr. Berle, who was 76 years old, had been ill for two years. The immediate cause of his death was a massive stroke.

As counsel to the Reconstruction Finance Corporation during the New Deal, Mr. Berle had much to do with shaping legislation to reform banking, the stock market and railroading. At one point he was an Assistant Secretary of State, a position in which he became a leading authority on Latin-American affairs.

The multifaceted Mr. Berle (pronounced burly) also served as chamberlain of New York City in the administration of Mayor Fiorello H. La Guardia, as a founder and chairman of the Liberal party and as a Latin-American affairs troubleshooter for President John F. Kennedy.

All the while, he managed to juggle his several public careers with maintaining a law office and serving, from 1927 to 1964, as a professor of corporation law at Columbia University.

A short, intense, small-boned man with the energy of a dynamo, Mr. Berle had a brilliant mind and, according to some New Dealers whom he rubbed the wrong way, he knew it.

He came by his iconoclasm naturally. His mother, the former Augusta Wright, irked her well-to-do New England family by going out West while still in her teens to work as a missionary to the Sioux Indians.

Mr. Berle was born in Boston on Jan. 29, 1895. His father, the Rev. Dr. Adolf Augustus Berle, a Congregationalist minister, was one of the most controversial and forward-looking clergyman of his day, a benign autocrat who believed that there was "an appalling waste in elementary school education."

He himself looked after the early schooling of the young Adolf and the other Berle children, Rudolf, Miriam and Lina.

TAUGHT SEVERAL LANGUAGES

He taught them several languages and insisted that they memorize long passages from Virgil, Goethe, Homer and Dante even before they could read. Young Adolf was graduated from high school at age 12 and easily passed the entrance examinations for Harvard, although he was not allowed to begin his studies there until he was 14.

Harvard was a breeze. He received a bachelor's degree in 1913, when he was 18, and a master's degree the following year, and in 1916 he was graduated cum laude from the Harvard Law School.

After practicing law in Boston with Louis Brandeis's firm for a year, Mr. Berle joined the Army as a private. His non-combatant service was brief, and then, as a first lieutenant, he was a member of the American Commission to Negotiate Peace with Germany at Versailles.

"I didn't approve of the Treaty of Versailles that was finally signed, and resigned from the commission in disillusionment in 1919," Mr. Berle said in an interview for this article in 1970. "But I didn't lose my idealism and join the Lost Generation—the equivalent of today's young dropouts, I went to work."

With his brother, Rudolf, Mr. Berle set up law practice here in 1919. He remained active in the firm, Berle & Berle, at 70 Pine Street, until his death. For several years he was associated with the Henry Street Settlement, a pioneer organization formed to promote social justice. In 1927, the year he joined the Columbia law faculty, he married Beatrice Bend Bishop.

WORKED ON TREATISE

In collaboration with Gardiner E. Means, a Columbia colleague, Mr. Berle wrote "The Modern Corporation and Private Property," one of the most influential economic treatises of its time. Based on a massive study of American corporations in the nineteen-twenties, the book concluded that the modern corporation had become almost independent of its stockholders and that its managers could compete, in terms of power, with the modern state. The authors suggested a wide range of controls on corporations.

The work, published in 1932, brought Mr. Berle to the attention of Raymond Moley, who had been asked by the then Governor Roosevelt to gather a group of experts to advise him in his Presidential campaign on means of dealing with the issue of the nation's growing economic crisis. Mr. Moley recruited Rexford G. Tugwell, a professor of political science at Columbia, and Mr. Berle who, together with former State Supreme Court Justice Samuel Rosenman and Basil O'Connor, Mr. Roosevelt's law partner, formed the original "Brains Trust."

"I felt caught up in a great moment in history," Mr. Berle recalled in the interview last year. "Roosevelt was an inspiring, vital man for whom I burned to do service."

From the first, Mr. Berle's often abrasive manner won him enemies in the Roosevelt inner circle. "He was capable, if necessary, of diplomacy," wrote Arthur Schlesinger Jr., "but, with his edgy manner and his intolerance of fools, he sometimes exploded in sarcasm and disgust."

(In 1970, it was revealed, in long-secret papers declassified by the British Foreign Office, that Mr. Berle also rubbed some foreigners the wrong way. Sir Ronald Lindsay, British Ambassador to Washington in 1939, characterized Mr. Berle as "100 per cent intellectual." But, Sir Ronald added in qualification, Mr. Berle was "a specialist in too many subjects to be quite convincing in any of them," and, further, he "had an academic career at Harvard of such distinction that he has never quite recovered from it.")

Early on, he got into a dispute with Supreme Court Justice Felix Frankfurter, a Roosevelt confidant who believed, in general, that big business would have to be broken up into small units. Mr. Berle took the view that big business was here to stay and could be dealt with by strong government regulation, and he told Justice Frankfurter so in blistering terms. Roosevelt aides smoothed things over with the Justice by asking Mr. Berle to leave the train.

After the Roosevelt landslide, Mr. Berle turned down any major role in the Administration, but became counsel for the Reconstruction Finance Corporation, the agency charged by the President with helping the nation's banks, railroads and insurance companies recover from the Depression.

For his part, Mr. Berle sought to give the New Deal the reasonable and moderate tone he believed Mr. Roosevelt wanted for it. "It is just possible," he said, "that all the social inventiveness of the world was not exploded between the two poles of Adam Smith and Karl Marx."

Mr. Berle helped draft Section 77B of the Federal Bankruptcy Act, designed to liberalize receiverships, and, as an adviser to the President, he suggested methods, later adopted, by which the Securities and Exchange Commission controls stock transactions. He also served as a Roosevelt speech writer.

He remained a frequent consultant to the President from 1934 to 1938, a period in which he served Mayor La Guardia as city chamberlain. Part of his responsibility was municipal planning, but Mr. Berle came to look upon the chamberlain's job as obsolete and recommended that it be abolished. It was, later, with the chamberlain's office being absorbed into the office of City Controller.

PREPARED POSITION PAPERS

In 1938 Mr. Roosevelt appointed Mr. Berle Assistant Secretary of State for Latin-American Affairs: Mr. Berle prepared the President's position papers on dealing with Latin America during World War II and served as his delegate to several Pan American conferences. In 1945 he became Ambassador to Brazil, but left the State Department the following year after a quarrel with Secretary of State Edward R. Stettinius.

During the next 15 years Mr. Berle devoted himself full time to his law practice and to teaching at the Columbia Law School, which made him professor emeritus in 1964. From 1952 to 1955 he served as chairman of the Liberal party, which he had helped to found.

In 1960 President Kennedy asked Mr. Berle to be chairman of a six-member task force to advise him on Latin-American affairs. In that capacity, Mr. Berle advocated creation of the Alliance for Progress. He also was among those who recommended to Mr. Kennedy United States support of the disastrous Bay of Pigs invasion of Cuba by Cuban exiles opposed to Premier Fidel Castro in 1961.

Mr. Berle considered himself "an old revolutionary" from the New Deal era, he said last year, but he maintained he had "not a damn bit of use for the New Leftists of today, who haven't the brains or patience to develop a program to substitute for the one they despise so."

He complained bitterly that the New Left has embarked on a calculated campaign to discredit F.D.R. and downgrade his accomplishments—and those of us who worked with him.

"The New Left claims that Roosevelt didn't go far enough" he said, "but what they are incapable of seeing is that Roosevelt went as far as possible. The people didn't want full revolution; they wanted jobs and they wanted the government that they had to get to work which it did."

Mr. Berle was particularly proud of his association since 1932 with the Twentieth Century Fund, a foundation that does research in economic and social questions. He was the funds' board chairman from 1951 until his death.

Among Mr. Berle's books were "New Directions in the New World" (1940), "The 20th Century Capitalist Revolution" (1954), "The American Economic Republic" (1963) and "Power" (1969) in which he summed up his views formed over a lifetime.

PREDICTION ON ECONOMY

"The United States does not prosper if only the rich grow richer" he wrote. "It can thrive only as poverty is progressively abolished . . . To contemporary American corporations, underpaid and starved labor means a shortage of customers to buy motorcars television sets . . . not to mention the necessities of life . . ."

For more than 40 years, Mr. Berle maintained his home on East 19th Street, as well as a farmhouse at Great Barrington, Mass., where he liked to garden and fish for trout in Berkshire mountain streams.

Mr. Berle is survived by his widow, a physician who has been a pioneer in community medicine and recently has been active in the methadone maintenance program for the treatment of heroin addicts at Bronx State Hospital.

He also leaves a son, Peter A. A. Berle, who was elected to the State Assembly in 1968 as a Democrat-Liberal; two daughters, Mrs. Clan Crawford of Ann Arbor, Mich., and Mrs. Dean W. Meyerson of Washington; his two sisters, Lina W. Berle and Mrs. Miriam Clay; his brother, Rudolf, and 10 grandchildren.

A private family service will be held tomorrow in Great Barrington, and there will be a memorial service at 3 P.M. Monday in St. Paul's Chapel at Columbia University.

RED POWER

(Mr. HENDERSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, a good friend of mine who is a keen judge of human nature and current events as well as a skilled journalist recently wrote for his local newspaper an article which bears repeating.

Entitled "Red Power," it points out that our American Indians, particularly the Tonawanda Tribe in New York, who trace their ancestry back to North Carolina's Tuscaroras, are not sitting back waiting for others to solve their problems, economic and otherwise; that they are not rioting, burning, and looting. Instead, they are working to revive and strengthen their pride in their race and their heritage. They are emphasizing time-honored Indian crafts and skills and stressing those things the Indians can and should do better and more skillfully than the typical white, black, or member of some other race.

This is of particular interest to me because I have seen increasing evidence of this same attitude among the Indians of my own district. Rallying behind able local leadership which bears striking resemblance to their traditional tribal chiefs, they are sponsoring "National Indian Days" which emphasize traditional Indian crafts and skills.

I took pride in the fact that last year, young Daucey Franklin Brewington, a nominee of mine, became the first Indian graduate of the U.S. Air Force Academy.

The Indians are pointing the way for all of us. Red power, black power, white power, or any other kind of power can and should most effectively be exercised in a positive, constructive manner and not in a negative, destructive manner. In recent years, both white and black racially oriented groups have engaged in conduct and in practices of which none of us can be proud.

Let us follow the lead of those first Americans, our Indian citizens and let red power lead us to a better future.

Wade Lucas' article follows:

YESTERDAY, TODAY, AND TOMORROW

(By Wade Lucas)

RED POWER

It's good to get a clipping from The Tonawanda (N.Y.) News Frontier about what many of our Tuscarora Indian friends are doing on the 5,749-acre Tuscarora Indian reservation near Sanborn, N.Y.

We are an adopted member of the Tuscarora tribe and proud of it. We visited with the Tuscaroras on their reservation in May, 1963, with our good friend, Col. Frank C. Bellinger of Tonawanda, when he was instrumental in having us invited to Tonawanda to make the Memorial Day address on May 30, 1963, honoring Union dead and the lone Confederate soldier buried in the beautiful cemetery there.

We became acquainted with Frank Bellinger during the Civil War Centennial, 1961–65, when the 100th anniversay of that unnecessary war between the states was fought. We met him in a number of re-enactments and never did he try to plunge his sword into our innards. Nor did we try to puncture any Yankee.

We won't go any further into that re-enactment period because we want to comment about our old friends, Chief Elton Greene, who headed the Tuscaroras in 1963 and for many years before and after that, and Chief Arnold Hewitt, the present headman of this proud tribe. It was Chief Hewitt, who inducted us into his tribe along with two other veterans of the so-called "Second Civil War" on the battlefield at Gettysburg, Pa. on July 3, 1965.

WHAT IT MEANS

You will note he headed the start of this piece "Red Power" and we purloined it from another good Indian friend, Mel Patterson, who is a reporter on The Tonawanda News Frontier.

Patterson is a good reporter. He is a good fellow. We like him.

In the clipping Col. Bellinger sent us, Patterson has a feature story telling how "red power" is being developed by many of the Tuscarora Indians as they seek to improve their standard of living.

Patterson emphasizes they are not demonstrating, looting, burning, and restorting to other acts of lawlessness so common today in this troubled land of ours.

Instead, they are stepping up their handicraft work. They are making their farms pay. They are proud they are Indians. Could more be said?

"I believe the Indian of tomorrow will seek new ways and means to help cure and bridge the gap that now exists between the Federal Government and the Indian," Chief Hewitt wrote as he insists the Indians must be allowed to help solve their own problems. We agree.

YESTERDAYS

Why, then, do we select the Tuscaroras to write about? Simply because of their North Carolina origin.

Before and shortly after the 1700's, the Tuscaroras were a powerful tribe in then Colonial North Carolina. Records showed they owned just about all the land east of present day Raleigh to the coast.

We recall in July, 1963, when we had Chief Green and about half a dozen other Tuscaroras down to Morehead City for the North Carolina Crab Derby we promoted then for the State Department of Conservation and Development what he said to Mack Lupton, then Mayor of New Bern.

Standing by and listening after we introduced the statuesque chief to the mayor, we heard the chief say:

"Thank you, Mr. Mayor, for taking such good care of our land."

If you know your North Carolina history and you should, you will recall what happened in 1711 around New Bern when the Tuscaroras, victimized and swindled to a great extent by whites for taking their lands, rebelled, massacred many whites for taking their lands by force, went to war with the whites. Many whites were killed in what historians call the "Tuscarora War".

The result was that the Tuscaroras were forced to leave colonial North Carolina and the lands they loved so much. They finally stopped their traveling in upstate New York, where they are now a part of the Six Nations of Indians.

THEIR ANSWER

We are not afraid to go on record as saying the American Indian has been discriminated against as much if not more than other ethnic group. Some Indians brought much of this upon themselves and their descendants by the wars they waged against the whites in the 1700's and 1800's.

"Violence is not the answer," Patterson wrote in his article headed "Red Power" in The Tonawanda News Frontier.

One paragraph from Patterson's story is quoted here:

"Right here in Niagara county (the reservation is not too far from fabled Niagara Falls—editorial note). Tuscarora chiefs quietly but firmly rejected vigilante type black power offers to help the Indians in a recent trailer camp controversy. Bad as the Indians' image in the county may have become during those tension-packed weeks, it is to the credit of worried and harried Tuscarora leaders that major violence did not take place."

It's heartening to note, as Chief Hewitt and Patterson wrote, that "red power" as interpreted today by the progressive Tuscaroras simply means their desire to carry out the old Biblical injunction that "The Lord helps those who help themselves."

STATEMENT IN SUPPORT OF THE ELIMINATION OF THE OIL IMPORT CONTROL PROGRAM AND THE REPEAL OF THE CONNALLY HOT OIL ACT

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, not even pouring oil helps to calm the waters of our troubled times. On the contrary, the oil I am referring to—petroleum and its industry—has contributed in good measure to some of the more serious problems we face as a nation. Nothing could be clearer than this in the wake of the historic price settlement reported from Teheran in mid-February of this year between the major Persian Gulf oil-producing nations and all the major international oil companies.

An entirely new dimension has been introduced in the equation of the global oil situation and the United States, whether we like or not, is an integral and significant part of that equation. To this end I wish to speak today.

I am cosponsoring two bills, H.R. 638, a bill to terminate the oil import control program, and H.R. 3548, a bill to repeal the Connally Hot Oil Act. The Congress can no longer accept the notion that the United States as a total economy can remain isolated from the commercial-political interaction of the rest of the world, if we are to pursue the best interest of our national welfare and our national security.

In 1956, the American consumers—private and public, industrial and commercial—were able to satisfy their need for petroleum from domestic or foreign sources substantially at the level of world prices. But last year some oil sold in America at twice the world price. The current energy crisis in general and petroleum crisis in particular that we face, still leaves the American consumers footing the bill for petroleum products at significantly higher prices than the users of other industrial nations are paying. This crisis has in no small measure been precipitated by the oil import controls supported by the oil industry for over a decade, when the industry enjoyed special privileges open to no one else at the expense of the entire American economy, from homeowners to drivers, from American industries to the Government itself.

Last fall, one major American oil company decided to raise the price of crude oil in the United States by 25 cents a barrel. Other companies soon alined their prices with the new higher level. The administration reacted with an unprecedented blast of public disapproval and took some countermeasures. It instituted in short order an investigation into the crude price hike, it increased allowable oil imports from Canada; and it removed from State control oil production from the Federal offshore leases.

Almost 3 months after the fact these measures clearly seem to have been too little and too late to be of any significant impact for the intended purpose.

Mr. Speaker, the original recommendation for the import controls in 1959 proposed to invigorate the domestic oil industry, to induce more exploration at home, and to build increasing reserves for the purpose of coping with possible crises. Instead, the industry itself tells us now that it is economically in trouble and the Nation has been experiencing a decline in domestic oil exploration, and in drilling and employment; further the role of the independent producers has been diminishing.

Almost every heading of a recent statement by the Independent Petroleum Association of America submitted to the Office of Emergency Preparedness spells out the failure of the program and the bankruptcy of the system which curbed oil imports for the last 13 years—this program, this system that was sold by the industry to the Eisenhower administration under circumstances that have never been logically and intelligently validated by known facts.

In full support and necessary for the practical implementation of the oil import quota program we also have the Connally Hot Oil Act which was originally framed for the specific purpose of protecting the activities of those States that limit oil production on grounds of conservation. Last year a member of the President's Council of Economic Advisers significantly asked if there was justification for oil prorationing beyond the needs of sensible conservation, which can hardly be envisioned when a third or more of the productive capacity is withheld. Suspension of the Connally Act would permit interstate transit of oil produced in excess of State prorationing laws. The President has now the power to do so, but he failed to utilize this tool in his attempt of forcing a rollback of the economically unwarranted price increase of crude oil last fall.

Additionally, while the President was speaking out against the price increase he finally recognized publicly some of the findings of his task force report of a year ago, stating that controls are not necessary for national security and that in fact they interfere with the freedom of our domestic market system.

Mr. Speaker, under the current circumstances and on the basis of past performance and the most recent developments affecting the world price of oil, I believe that Congress has a unique opportunity not only to remedy some old wrongs, but truly to aid the Nation in an economic adjustment that is going to be painful regardless what avenue of redress we may end in choosing.

We must now recognize that the oil import quota system has failed. It has fallen short in several respects, but primarily as a solution to the national security issue. It becomes then clear that the current oil import controls should be viewed as an intricate web of special privileges and tax treatment carefully assembled and built over years into a deliberate network of considerable controls to fix prices. The defense of the system consists in the strategy of treating an attack on the program as an attack on the national security. In the eyes of some oil industry supporters questioning their logic or performance is regarded as unpatriotic.

In view of the foregoing total situation, it becomes also clear that our Nation now has the best opportunity it has had in a long time to remove oil quota restrictions on the basis of the following considerations:

First. The gap between world and U.S. price levels is narrowing.

Second. American industry can take the opportunity to improve its relative productivity costs by virtue of relatively lower domestic energy costs.

Third. Higher exports would offset, if not become a positive factor in, the expenditures needed to gradually import more cheaper oil without the giveaway quota tickets.

Fourth. Inefficiencies eliminated from the oil industry would force a better utilization of resources in all energy fields to the total benefit of the Nation.

Fifth. The Government would have not only an opportunity, but a mandate to proceed with the formulation of a national energy policy giving equitable but not exclusive rights to all producers and consumers.

Since the President of the United States has the power both to alter the oil import control program and suspend the Connally Hot Oil Act when not in the national interest, and having not done so after asserting that controls are not necessary for national security, it then becomes the duty of Congress to take more decisive action to compensate for the inaction of the White House.

The two bills which I cosponser—H.R. 638 and H.R. 3548—would only remove the economic strictures of the current inequitable, expensive, and unworkable program without handicapping the President who would retain the power to institute tariffs as recommended by his task force to achieve the goal of national security and assuring an improved national welfare.

THE FUTURE OF OUR CITIES FROM A BLACK PERSPECTIVE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, this week I was privileged to attend a conference sponsored by the National Urban Coalition at Airlie House where a wide range of elected officials from the Federal, State, and local levels met with other interested citizens to discuss the problems of State and local governments.

One of the highlights was an address by Hon. Richard G. Hatcher, mayor of Gary, Ind.

Mayor Hatcher is one of the most distinguished leaders in Indiana and, indeed, our Nation. As one of the first black mayors of a major city in the United States, he has proved to be an outstanding leader for all of the people of Gary.

Mayor Hatcher's address offered some important insight into the problems and the hopes of our cities.

Mr. Speaker, at a time when we are hearing much about the plight of local governments, I believe Mayor Hatcher's remarks are especially noteworthy.

Mr. Speaker, I ask unanimous consent that Mayor Hatcher's address be printed in the Record.

The text of the address follows:

ADDRESS OF MAYOR RICHARD GORDON HATCHER

Good evening. I want to discuss the current and future fate of the cities from a black perspective, not simply because I am a black mayor, but because their growing numbers in the cities mean that the destiny of blacks and other minorities is increasingly tied up in the fortunes of our urban centers.

And I also want to discuss the need for a way out of the historic conflict between the Federal, State, and local levels of government. This Nation is agonizingly torn with conflicts which include:

The young and the old;
The poor and the non-poor;
Working people and the corporation;
Blacks and whites;
Browns and anglos;
The silent majority and the vocal minority;
Women's liberation and male chauvinism;
Cities and suburbs;
The old order and the new vision; and
Spiro Agnew's golf balls and spectators' heads.

Although the President has expressed a recognition of the need to "bring us together" and to "lower our voices", new divisions within the society have arisen.

The "southern and western" strategy has set those regions of our nation against the east and the "eastern liberal establishment". Shrill cries of "effete intellectual snobs" have created a schism between the intellectuals and the working class. Angry reference to students have set the non-students against them. The list of conflicts could go on and on—and the wounds in the soul of America multiply, fester and worsen.

We are rapidly becoming a society of feudal interest groups ever poised on the brink of conflict. Our new and complex feudal society is not only divided along geographic lines with the cities confronting the suburbs and one region of the country pitted against another, but we are divided along the lines of class, race, ethnic origin, age, philosophy and now even by sex.

The cities, the States and the Federal Government have each sought to "be", prior to belonging; each one has said in effect that "I am who I am" precedes and supercedes "we are who we are." Existence has always come before co-existence.

WE ARE A NATION IN SPIRITUAL AGONY

At home, we are a nation in spiritual agony. Other member nations in the world community see us as being in a state of national insanity which is so severe that our ability to function as a world leader is being seriously questioned—even by our friends—and in spite of the fact that we are the richest and the most powerful nation in the world.

They see us at war at home and at war in Southeast Asia and they wonder about our ability to survive—and I wonder if we can blame them.

The citizens of the nation are weary of confrontation, conflict, and the rhetoric of conflict.

Our friends, our neighbors and our constituents would rather go home at night and rest, feeling secure that our major conflicts are being resolved and knowing that our wounds are being healed. The soul of our nation cries out for healing—and our citizens silently plead for a healer.

THE BATTLEGROUND: THE CITIES

The battleground for many of the conflicts are cities. It is the cities which cry out to the suburbs and to various elements of government for relief to assist in solving some of their problems. We hear the cries for wage taxes and commuter taxes and we hear the rebuffs and we see the resistance. It is in the cities where the poor, the blacks and the latins are crowded into hovels, go unemployed, attend overcrowded and underfinanced schools, are denied access to more liveable suburban environments, confront every available institution for redress and relief and ultimately grow to hate those institutions because no relief is forthcoming.

It is the cities which house many of our colleges and universities which teach our youth the American ideals of hope and equality and bring them face to face with the realities of urban hopelessness and inequality.

It is our cities where the demonstrations and confrontations against the institutions take place. The students, the poor, blacks, and Latins confront and demonstrate against the institutions which are not solving their problems.

Those who have been taught to love those institutions feel threatened by those demonstrations and they in turn demonstrate against the demonstrators and the demonstrations.

The cities are at the core of the emotional sickness and the wounded soul of America.

We might ask next: "What about the physical conditions of America?" Again, the cities are the core of our physical ills. We can illustrate the intensity of this physical illness with but one example: Urban housing conditions. As long ago as 1960 the Bureau of the Census reported that 49.1% of all housing units occupied by non-whites in Pittsburgh were classified as deteriorating or dilapidated. The figures for New York were 33.8%; for St. Louis 40.3%; for Dallas 41.3%. When I took office in Gary in 1968 47% of all housing was classified as substandard. The picture is just as bleak for our cities and particularly for the urban poor when we look at employment . . . or education . . . or transportation . . . or health—and the list could go on. But there is no need here to recite the same old tired statistics. You have heard these frustrating problems time and time again—so often now that there is a tendency to tune them out when you are confronted with them once again.

There is the suspicion that these problems would have already been tuned out had we as a nation not been confronted with the spectacle of 110 cities burning in April of 1968—and if we did not still have the burned out corridors staring us in the face.

NEW CONCERNS

We now have new concerns: the spectacle of air pollution, water pollution and ecological imbalances which threaten all of mankind. I need not remind you of course, that again the central cities are at ground zero of this environmental devastation. If you don't hear the voices of the central city residents joining with students and the middle class in strident chants of woe about pollution and ecology, it is only because they are more concerned. When that is taken care of they will concern themselves, like the more fortunate of us, with tomorrow's existence.

In some respects, the form of our government is like the garment of our society. When we examine that garment closely we begin to see the crazy-quilt patchwork of government overlays which citizens must negotiate in order to obtain governmental services.

A citizen of Gary, Indiana in the simple pursuit of basic services is confronted with no less than seven separate governmental units, each of which has numerous divisions, subdivision ad infinitum.

I am not going to take you verbally through that maze—because it exists in one form or another in virtually every American Community.

A GREATER VOICE

The complexity of governmental systems has created a demand on the part of many of our citizens for a greater voice in the delivery of governmental services—a demand for services which are more responsive to the needs and desires of the recipients. This demand is at least in part why the Federal Government has begun to deal directly with the cities and with citizen groups within the cities. Where sincere relationships have been established, services have become much more responsive to the people. The Federal agencies that have worked with the cities have become increasingly sensitive to city problems and needs. The old inefficient process of funding separate detached programs unrelated to each other is more and more giving away to unified multiple program commitments. Just last year, the city of Gary and the Department of Housing and Urban Development (HUD) worked out a comprehensive program arrangement which in effect, committed both HUD and the Municipal Government to comprehensive actions in urban renewal, code enforcement, housing, beautification, community renewal, public works, neighborhood facilities, code changes, model cities and improved central relocation services. This "arrangement" committeed the resources of both HUD and the local governmental agencies for this program year. The intention is to develop a similar comprehensive programming arrangement in each succeeding year.

This agreement, the first of its type in the nation, will allow us for the first time to make a unified attack on the city's problems. It enables both the city and HUD to measure the impact of our efforts on a year-to-year basis.

The Secretary of HUD has said that he fully intends to make similar comprehensive arrangements in other cities. What is happening here is that the separate categorical programs are now being comprehensively packaged and delivered. Gary made a similar agreement with the Department of Health, Education and Welfare (HEW) through its center for community planning last year—though it was somewhat less inclusive.

I am raising all of this only to point out that under the current capability, it has taken years to develop more efficient methods of operating the programs locally and allocating the resources federally.

If other federal agencies expand this mode of operation service delivery will become much more unified.

GARY, INDIANA AND THE "NEW FEDERALISM"

The current administration introduced the concept of "new federalism" with the rationale that placing the state governments at the focal point of federal resource allocation would make service delivery more efficient and more responsive since the state government is closer to the problem than is the federal government. Let me share with you what has happened in the city of Gary under "the new federalism".

The "safe streets act" was passed and funds appropriated ostensibly to fight crime in the streets. Indiana's funds were allocated to the state criminal justice planning committee for distribution. Almost none of that money reached the streets of Gary. The little money we did receive from the "safe streets act" came mostly from the discretionary funds which were distributed directly from Washington.

Gary has a concentrated employment program (CEP) which provides manpower training for the "hard core" unemployed and underemployed. It requires a state sign-off for program approval. The state employment service would not join on a badly needed pre-apprenticeship training program because it concluded there were no jobs—notwithstanding that nearly one hundred million dollars in new housing and other construction money had been committed to Gary since 1968.

A third example of state obstruction relates to education. The city's school system entered into a contract with a private corporation which, in effect, offered a money-back guarantee that the children in one of our inner city schools would be brought educationally at least to the national norms. But the state superintendent of public instruction had the accreditation of the school revoked because the experimental program didn't adhere to traditional educational standards—which have not served the needs of inner city students.

Those, ladies and gentlemen, are three instances in which the city of Gary dealt directly and of necessity with the State government in Indianapolis, Indiana.

Beyond the particulars I have experienced in Gary, I think that the State structures nationally are dominated by interests which ignore urban responsibilities.

The new federalism has not increased governmental accountability, although that is how it is being ballyhooed. Rather, it has further complicated the procedures by which the resources get to the people who need them most.

We do not need to have more people in high places handling the money as it goes through the pipe. We really need to find ways to get the money to the target as directly as we can.

We need simplified, straight-line systems of delivering goods, resources and services to where they are most needed. Those of us in the cities are far from blameless in the current crisis, however. In some instances we have made a major impact on local communities with Federal monies—but more frequently that has not occurred.

Sometimes we have been able to develop the mechanisms whereby citizens really participate in programs—but in many more cases that has not been true.

In many communities we have streamlined the delivery of services ourselves, but in the overwhelming majority of instances where this has occurred, it has come about only as a result of direct Federal prodding.

It is clear, however, that only a fraction of the funds that go into public programs come out in real change for their avowed beneficiaries.

THE CRUCIAL QUESTION

The crucial question, against which all others pale, is how much revenue are we talking about sharing. First of all, how much do we need?

To answer this question, we need only go back to the recent past and recall the discussions concerning the "peace dividend", the "freedom budget" and Governor Rockefeller's proposal for $15 billion in additional urban funds, the lowest figure mentioned. All of this discussion held out some hope that real help was on the way.

We have yet to discuss our needs in their worst dimensions. We speak, for example, only of fire, police and water expenditures as quote "basic municipal services." These are the emergencies, we say. I submit we need to be talking also of health, food, housing, and education in the very same emergency terms—and that furthermore, when we do, we will begin to develop the groundswell of political support for basic revision of our national priorities. The scope of spending for such an expanded inventory of basic services makes $5 billion—and probably $50 billion—pale, but I believe we must address these national needs as honestly as we can. We have not been willing to be so honest before. Now, we have no alternative.

Let me put it another way. Throughout the 1960's, the size of the so-called "poverty" group has been, conveniently, viewed as just about exactly the size of the black population. Consciously or otherwise, we have been able in public administration to write off the poor as black and therefore forgettable. But we now know—and the recent blue-collar, ethnic outcry only confirms it—that even high-salaried workers are, in terms of emergency personal expenses, completely exposed. This applies to my suburban friends as well as it does to my inner-city friends. Neither of them have the basic economic wherewithal to take care of their needs. A man in the suburbs making $15–20 thousand a year, isn't a whole lot better off, with all his home-owning responsibilities, than is the city resident, when his wife needs a major operation. He is medically indigent as far as the disastrous effect such an emergency will have on his family's economy. Similarly, educational starvation created when a school has to be kept shut two days extra at Christmas to save on the heating bill, is going to cost the children of the affluent there the same as the financially less fortunate. I suggest it is long past time to be thinking of "the other America" as constituting possibly half or even more of the people of this nation.

WHAT ABOUT REVENUE SHARING?

When we examine that portion of administration's proposal for revenue sharing which contains the "new money", we find that only $5 billion is proposed. As I understand this proposal, at least one half of these revenues would be siphoned off at the state level and the rest would be distributed among the localities on the basis of population and the level of local taxing effort.

If this money were to be distributed only to the cities—which is not the case—it would mean that less than one-sixth of the minimum required revenues would actually reach the urban centers. If that is the effect of revenue sharing, and I sincerely hope it is not, then it would wind up just like most of the other great rhetorical promises we have heard before: Another promise without payoff.

This brings us to the next question. Distinguished from new revenue, what existing revenues are to be shared? Most of them appear to come from programs which are currently concentrated in the cities. It seems that the existing funds, which are admittedly having only a meager impact on overall urban problems, are to be distributed 52% to the states and 48% to the local communities. So it is conceivable that the central cities would receive less of this "special revenue" than they are currently receiving.

And what about our model cities funds; our concentrated employment funds; our urban renewal funds; our rehabilitation and code enforcement funds; our neighborhood facilities funds; our sewer construction funds; our special education funds; and our poverty program funds? All of these, I fear, will be placed into a giant pool with the state taking half of them and the rest being returned to the localities on a formula basis. Theoretically, at least, it would appear to be possible for a rich suburban community to receive proportionately more funding than the more needy central city.

My real fear is that those of us in the city will be worse off in this redistribution process and that the gains we have made in the previously mentioned "HUD arrangement" will be largely lost.

THE BLACK VIEW OF REVENUE SHARING

Let me speak briefly—but as clearly as I can—about the black view of revenue sharing.

Within this context, the revenue sharing proposal is viewed as the economic ingredient of the "new federalism". I noted earlier that the "new federalism" shifted the political locus-in-quo from the cities to the States. The way I read the situation this revenue sharing proposal completes the circle by transferring the coffers of the Federal Treasury from the banks of the Potomac to the State capitols where, more often than not, the terrain is less familiar and the climate less salutary.

The increasing concentration of the black population in urban America will inevitably result in the ascension of black political power in many of our major cities. It is not unlikely that in the decade of the seventies some 33 major American cities will have black mayors.

Would it be surprising then that the black population might view "new federalism" and the administration's revenue sharing plan with, at the very least, some suspicion? Or, more possibly, as an attempt to insure that when blacks capture city halls they will find them empty?

The Shibboleth of the current Federal programs is that the poor, the blacks and the Latins must participate in the economic and political decision making processes which affect their very existence. In operation, however, we have learned through painful experience that this seeming transferral of power from those who rule to those who are ruled has been more myth than fact. The "new federalism" and the proposed revenue sharing plan could even eliminate what little facts there is unless we are careful.

Many of the Federal programs may well have been designed to alter the contours of the existence of blacks in particular. But the funding of those programs was so paltry, so miserly in the existential context of what was actually required that many of them accomplished little more than "cooling it" in some of the hot summer days on some of the hot summer streets, in some of the hot, teeming ghettoes of our Nation.

There is nothing laudable about "cooling it" for its own sake. No it's deceptive and morally reprehensible. It produces no renaissance; it provides no permanent relief from pain. It is only a mild and transcient sedative to dull the edge of anger and despair.

But the revenue sharing plan if undertaken, may result in the demise of what little that still exists which trickles down to the poor.

GOVERNOR ROCKEFELLER, REVENUE SHARING AND THE MAYORS

One final note in this regard: as far as Governor Rockefeller's statement is concerned, does he really think that I am prepared to accept the blame for not getting a revenue-sharing plan implemented just because I am unwilling to go along with his version of it? What I really hear him saying is that if mayors won't play the game his way, then there won't be any game.

As far as I am concerned, the current administration's proposal does not end the debate on revenue-sharing.

It has just opened that debate.

Sol Linowitz, the Chairman of the National Urban Coalition, testified before the Proxmire subcommittee some weeks ago that the gap between State and local expenditure needs on the one hand and expected revenues on the other hand would be as high as $100 billion by 1975.

I don't know what Gary's deficit is going to be in that regard. I don't know what the deficit for the State of Indiana is going to be. But I do know that Gary isn't going to go away and its problems aren't going to go away either without some massive financial assistance.

The problems we are discussing are too severe and I am, quite honestly, too frightened at the prospect of them worsening, to suggest that there's some easy way out of all this.

NEEDED: A CEASE-FIRE BETWEEN THE STATES AND CITIES

But I do know one absolute requirement, if we are going to find a way out: a cease-fire between the various levels of government, particularly the States and the cities.

I desperately want an end to the traditional governmental play-off of their various constituencies.

The city of Gary doesn't have time for this anymore—for the 51%—majority games.

We simply must have government locally and state-wide and nationally which uses its potential as an advocate on behalf of public need.

There does have to be some recognition on the part of the States that the cities are here and that old patterns of response won't do anymore.

Those patterns won't do anymore, because the water we are in is too deep.

Everybody bails—or we go down together.

We've got to have a new alliance—one which consists of city halls, State capitals, and Washington as proponents of change.

That calls for domestic diplomacy, a statesmanship of survival.

We all need to remind ourselves of that in the days and weeks ahead in what I hope will hope will be a thorough-going discussion not just of revenue sharing but of how we can get our resources to the places where they are most needed: our central cities.

WE MUST BECOME A NEW PEOPLE

We must return power in this country to the people, whether it be through some form of revenue-sharing or a redistribution of wealth. People power must be the antidote to this sick Nation.

We must become a new people.

Our doctors must be concerned with public health administration, not personal wealth accumulation.

We must become a new people.

Our lawyers must become public dispensers of justice, not merely personal seekers of judgeships.

We must become a new people.

Our teachers must teach children about life and not merely for a livelihood.

We must become a new people.

Our clergy must strive to become prophets instead of profiteers.

We must become a new people.

Our men of war must become men of peace.

We *must* become a new people.

Most of all, our politicians, whether they are in Washington, Indianapolis, or Gary, must campaign for an end to poverty and racism, instead of merely another term in office.

We must become a new people.

LET THIS BE THE MOMENT

If this happens, those cities that are now seen as colonies of fear and desperation will become havens of hope and aspiration. The devastation will leave and a whole people will be saved. A people on the brink of dying as enemies will finally learn to live like brothers.

If this Airlie House Conference is remembered for nothing else, let it be remembered by you who are here as the touchstone for a time when we recognized and committed ourselves to a vision of men surmounting the terrible things that beset them. This is the central message to the State conferences you will be organizing after this meeting.

Let this be the moment when we announced our resolve that the people whom we serve shall be free in their souls and that we will not rest, any of us, until that mission is accomplished.

SUPPORT GROWS FOR WIDENING VOTING RIGHTS FOR 18-YEAR-OLDS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, all Americans who are 18 years of age now enjoy the right to vote in Federal elections.

Congress originated this action in recognition of the maturity and responsibility shown by the vast majority of our young citizens, and it has been ratified by a recent decision of the U.S. Supreme Court.

But existing laws still prohibit this large group of Americans from participating in State and local elections in most States.

Mr. Speaker, I support the current moves in Congress for a constitutional amendment necessary to enfranchise these young people and to avoid confusion for voting registrars confronted with the task of keeping two sets of voting rolls.

I am pleased to see wide support for taking the steps which are necessary to extend full voting rights to this group of young citizens. An example is a cogent editorial on this subject presented on January 22, 1971, by television station WSJV, and radio stations WTRC and WFIM, which serve the South Bend-Elkhart area in Indiana's Third Congressional District.

Mr. Speaker, I ask unanimous consent that the text of the editorial be printed below in the Record:

Editorial

The U.S. Supreme Court has ruled that 18–21 year olds have the right to vote in all Federal elections. But the Court has left it up to the individual States to determine whether or not these young people should be allowed to vote in State and local elections.

We believe that 18–21 year olds should be able to vote in all elections, for several reasons: If our young people are capable of deciding who will make decisions that affect the future of the entire country, and the world, by participating in national elections, it follows that they should be able to vote for mayor, county clerk, judges and other State and local offices.

We believe that today's young people, by virtue of the educational system we have provided for them, are better equipped to accept the responsibility of voting in both national and local elections. We also believe that allowing our young voters to participate in only part of the electoral process relegates them to a type of "second class" citizenship . . . and lessens the importance of the electoral process for them.

Finally, it should be pointed out that having two types of voters will almost undoubtedly cost more and create confusion at election time. County clerks would need to keep separate voting rolls, have separate forms and perhaps use separate voting machines.

For these reasons, we support the efforts of those who have introduced legislation allowing 18–21 year olds to vote in all Indiana elections. At the same time we support the move for an amendment to the Indiana constitution granting voting rights to this group, in the event that the aforementioned legislation should be declared unconstitutional.

A DEMOCRATIC PROGRAM TO HELP STATES AND CITIES NOW

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, it is obvious that many State and local governments—for differing reasons—face a crisis because of a shortage of funds to operate needed services for their citizens.

It is obvious that steps should be taken to aid these hard-pressed governments.

But, Mr. Speaker, it is also obvious that many Members of Congress feel that President Nixon's revenue-sharing proposal is not the answer to this urgent problem.

A number of options are available to Congress as we consider ways to relieve this crisis, and a thoughtful commentary on this subject has been prepared by Lawrence F. O'Brien, chairman of the Democratic National Committee, former Postmaster General, and special assistant to Presidents Kennedy and Johnson.

Mr. Speaker, I ask unanimous consent that a memorandum on this issue prepared by Mr. O'Brien for members of the Democratic Policy Council be printed in the Record.

The text of the memorandum follows:

Memorandum

Subject: A Democratic Program to Help States and Cities *Now*, Not Next Year, and to Begin Simultaneously the Evolution of a More Effective Federal System.

INTRODUCTION

President Nixon has talked, characteristically, of creating a "New American Revolution . . . a system of government which will provide the means for America to reach heights of achievement undreamed of before." Overblown rhetoric of the State of the Union message notwithstanding, the few details of Mr. Nixon's "New American Revolution" contained in the federal budget for fiscal year 1972 suggest that the Nixon administration has in mind something considerably less earthshaking. Indeed, there is every reason to question whether the states and localities can expect *any* improvement whatever in their present circumstances given the highly illusory nature of the help offered by the Nixon administration. In these circumstances, the Democratic Party should come forward with specific alternatives. The following memorandum sketches the outline of such a program.

The following factors should be taken into account in developing an effective Democratic alternative to the revenue-sharing and institutional reform proposals of the Nixon administration:

(1) Some states and local governments are in financial trouble; some type of immediate federal assistance is needed.

(2) The Nixon administration's general revenue-sharing proposal is unlikely to offer much *immediate* assistance to state and local governments for several reasons: Congressional opposition to the basic concept is extensive; the amount proposed by Mr. Nixon ($3.75 billion in fiscal year 1972) is far below the demonstrated need; and some state and local governments are ill-prepared to spend such revenues effectively. More than this, given the national commitments already established by the Congress, it is doubtful—in this period of substantial budget deficits—that federal revenues are sufficient to meet established priorities, *plus* a new program of general revenue sharing. From this perspective, then, primary reliance upon a program of general revenue sharing to meet the immediate financial crises of state and local governments would appear to be both illusory and unwise.

(3) The existing patterns of categorical grant-in-aid programs, in many cases, imposes difficult administrative burdens upon states and localities, as well as the federal establishment. The conventional wisdom about the need to improve delivery systems contains a large measure of truth, even though many categorical programs have brought—and will continue to bring—considerable help to states and cities.

(4) There is little reason to believe—Republican rhetoric notwithstanding—that states and localities can effectively modernize their own administrative systems in the absence of some general national incentives and guidelines for such modernization. To the contrary, the massive influx of general shared revenue from the federal government is likely to perpetuate many of the inequities and inefficiencies that have contributed to the present crisis of federalism.

In summary: an effective Democratic alternative should be one that (a) provides *immediate financial help* to states and localities, (b) sets in motion a *fundamental overhauling* of the process by which states and localities receive federal assistance, (c) encourages a *similar process* of administrative modernization on the state and local level, and finally, (d) assures that federal tax revenues will be used to meet *national priority goals* established by the Congress.

The Nixon program offers the promise of some financial help (if one is willing to ignore the considerable congressional opposition to general revenue sharing) and the reform of federal procedures (if one is willing to ignore the congressional opposition to his plan to consolidate federal departments). To date, it offers little, if anything, to achieve *reform at the state and local* levels, or to assure that *national priorities* will be preserved in the spending of $3.75 billion of general shared revenues or in the $11 billion portion earmarked for special revenue sharing (bloc grants).

The combination of *legislative obstacles* and *gaps in the Nixon program itself* creates the conditions for alternative action in the 92nd Congress . . . action that more effectively alleviates the immediate financial concerns of states and local governments while simultaneously initiating longer-term reforms.

ELEMENTS OF A DEMOCRATIC ALTERNATIVE

I. Immediate financial assistance to States and localities

(A) From a variety of sources has come the proposal that *the federal government assume full financial responsibility for the welfare program administered by the states and localities*. Not only is this approach advocated by such diverse groups as the Committee for Economic Development (CED) and the AFL–CIO, but there is growing evidence from academic economists that such a program, on its merits, is the most equitable and efficient means to improve the fiscal structure of federalism. Federal tax funds would be channeled to meet a well-established national priority; distribution of federal funds would be more equitable in that areas of greater need would receive more money; and, given the growing support in Congress, it is an alternative that could be realized *this* year. With the multi-million dollar welfare burden lifted from the states and localities, it would then be possible for existing state and local revenues, as supplemented by other federal aid, to support other public services more adequately.

(B) It is likely, however, that the implementation of full federal assumption of welfare payments would extend over a number of years. Other immediate supplements to state and local revenue should then be considered:

(1) *Public Service Employment.* Already passed in the 91st Congress and vetoed by Mr. Nixon, this legislation has been reintroduced by Senator Nelson and Rep. O'Hara. Early and favorable action is likely: Whether the act is again vetoed by the President will depend, in some measure, upon whether its provision for channeling federal money to cities and states for public service employment can be viewed as part of a comprehensive alternative to general income sharing. In other words, whereas it was seen earlier as primarily a source of *jobs* for the unemployed, it should now also be looked upon as a source of *revenue* for states and cities. Its prompt passage by the 92nd Congress is a priority objective.

(2) *Concentrated Selective Employment.* Areas such as Seattle which rely almost exclusively on a sole employer (of highly skilled personnel) should have immediate and concentrated financial assistance available to channel these skills into other activity. Since the majority of these dislocations occur as a direct result of federal policy decisions, it is well within its realm of responsibility to provide alternative employment opportunities in these areas.

(3) *Expanded Educational Assistance.* As most state or municipal budgets will reveal, educational expenses have been soaring in much the same manner as welfare payments. Teachers' strikes have dramatized the problem for the general public. A new program of federal assistance to achieve minimum levels of primary and secondary education, in the form of *minimum per student grants,* would have great attractiveness for governors and mayors, not to mention the local property owner. In effect, such a program would represent bloc grants to the states and localities for educational purposes. As in the case of welfare, it would immediately free-up other state and local money.

For the time being, at least, this program of minimum per student grants should supplement, not replace, existiing categorical programs. Many of these programs are designed specifically to meet problems arising out of severe economic disadvantage and racial discrimination. Until some firm understandings are worked out with non-public recipients of categorical aid programs, moreover, it would be irresponsible to eliminate those categorical programs. Such a decision would reopen at the state and local level the same church-state issue that the federal government finally resolved through passage of the Elementary and Secondary Education Act of 1965.

(4) *Accelerated Environmental Protection Program.* In an earlier time, this program would have been called "accelerated public works." By whatever name, it offers states and localities immediate help in alleviating unemployment and in expanding capital resources of state and local governments—as well as accelerating badly-needed environmental protection programs. The emphasis should be on sewerage treatment plants, sewer lines, water lines, etc., rather than courthouses and other governmental buildings. Such a program would channel badly-needed federal resources into a program of high national priority.

(5) *Full-funding of Federal Programs.* In addition to the programs suggested above, it is mandatory that the Nixon administration ask Congress for full-funding of various categorical aid programs already on the books. If the present gap between authorizations and appropriations (estimated at approximately 35 percent) were reduced to the gap that existed in 1966 (estimated at 20 percent), $6 billion more in federal revenue would go to states and localities—$1 billion more than Nixon proposes in his general revenue sharing program ($2.25 billion more in fiscal '72).

Despite President Nixon's promise "to strengthen and renew our state and local governments," his budget for fiscal year 1972 reveals a shocking insensitivity to the critical areas of state and local need. For example:

Model Cities—The program is scheduled for total elimination by June 30, 1972. Prior to this, the Nixon administration will refuse to spend more than $660 million of *appropriated* funds, even though 19 of 147 participating cities have been denied *all* first year action money. Recent reports that Mr. Nixon may now reverse himself on this decision cannot hide the fact of the administration's failure to make full use of this valuable program.

Urban Renewal—Of the $1.2 billion appropriated by Congress, the Nixon administration intends to obligate only $1 billion, carrying over $200 million to next year. And this despite a $3 billion backlog on urban renewal applications from local governments.

Mass Transit—The Nixon administration will have to *double* the rate of utilization of funds projected through fiscal year 1972 in order to achieve the $3.1 billion authorized by Congress for the next five years.

Education—Elementary and secondary school assistance will be reduced by $50 million next year; vocational education cut by $25 million; libraries and educational communications cut by $35 million; *no* money for construction of public libraries.

Until proven alternatives exist, it would be foolhardy to abandon or drastically cut back federal programs designed to help states and localities deal with the most critical problems on our national agenda. But on the basis of the evidence available so far, one is tempted to conclude that the Nixon proposals for general and special revenue sharing have as their ultimate objective the destruction of the major domestic achievements of the past decade, or, at a minimum, their substantial reduction.

In summary: These proposals would assist state and localities in alleviating their immediate fiscal crises and in amounts far in excess of the $5 billion (*$3.75 billion in fiscal '72*) proposed by Mr. Nixon. More than this, however, federal funds would be dispersed more equitably among the states and localities, in accordance with previously established national priorities.

At the same time, it would appear desirable to consider such reforms as a *federal tax credit* for state income taxes, as the incentive most likely to encourage *all* states to enact, without further delay, a progressive system of income taxation. When this step has been taken, it would then be possible to begin the re-evaluation of regressive property and sales taxes, revenue-producing devices that place an unfair burden upon those least able to pay, and that stand in the way of proper development of land and property.

Senators and representatives already supporting revenue-sharing proposals could, quite consistently (a) agree that the implementation of general revenue sharing should await a federal budget surplus (the condition that pertained at the time of the original Heller-Peckman plan), and (b) agree that such a marked departure in fiscal federalism should be taken only when the federal structure *itself* had been overhauled at the federal, state and local levels.

Revenue sharing is simply one step toward readjusting the proportion of public tax dollars that should be spent at each level of government. It, however, does not address itself to the serious question of the need for stronger organization for central program management as a tool for better executive direction at local, state and federal levels, and for more effective cooperative management links among the three levels of government. This latter consideration leads directly to the second half of the Democratic alternative: a program of national regional development.

II. Administrative reform

Given the growing public awareness of the inadequacies of the present federal system, it would be shortsighted indeed simply to propose a series of spending programs to rescue the states and localities from their present financial crisis. These "quick-start" federal efforts make sense primarily if they are coupled with fundamental structural reform of the federal system itself. Indeed, these "quick-start" programs can provide the leverage and incentive to achieve this fundamental reform, a fact overlooked in the present Nixon proposals.

In this regard, the most serious attention should be given to the proposal for establishing a *National Regional Program,* an approach based on the highly successful administrative model developed by the Appalachian Regional Commission. A national regional system, through its multi-county local development districts, would enable local officials, both public and private, to focus attention on regional problems instead of the fragmentation that usually results from the individual efforts by local and county communities. It is a systematic institutional arrangement which allows the multiple agencies of each level of government to work more closely together which, in turn, allows the three levels of government to mobilize their efforts more effectively.

Senator Montoya has initiated nationwide hearings directed at these problems: How can the resources of the state and the metropolitan regions be mobilized most effectively? How can we set in motion the evolution of a federal system truly attuned to the contemporary needs of both urban and rural America? How can federal resources be channeled most effectively to meet these needs?

(A) What Are the Arguments in Support of a National Regional Approach?

(1) A national regional program *would establish an administrative system* that would identify *elected* public officials—governors and mayors—as primarily responsible for deciding how federal money would be expended in their regions, in addition to providing for the spending of this money in a more coordinated and efficient manner. It would also provide strong incentives to states and localities to attack the bewildering problem of overlapping local jurisdictions.

(2) It would *encourage comprehensive reform* of the highly complicated maze of categorical grant programs where state and local officials must deal with countless layers of federal bureaucracy in no consistent pattern. This reform would look toward the gradual consolidation of many existing categorical grant programs, as well as the development of bloc grants in certain areas . . . but in the context of state and local administrative reform, *the* essential pre-requisite to judicious expenditure of these federal revenues.

(3) Once the governors and mayors within a region had decided on their priorities (through head-to-head bargaining), and assuming these priorities were in accord with basic national guidelines laid down by Congress, the federal assistance could flow to the region according to the plan that had been developed. Regional diversity would be possible without sacrificing national objectives.

(4) Metropolitan areas would clearly benefit from such a national regional system because it would compel the states, not to mention the suburbs, to face up directly to

urban needs and resources. No longer could states and suburbs attempt to ignore the cities; all jurisdictions would be compelled to hammer out, in concert, the total needs of the region prior to submission of the regional plan to the federal government. By the same token, rural needs would also receive direct consideration—in balance with the better publicized needs of metropolitan areas. Additional federal safeguards could be established to guarantee that no geographical area would receive less federal assistance than under existing arrangements.

(5) A national regional program would compel the states to use their unique powers in meeting urban and rural needs; their powers to develop needed social and economic programs, their powers to tax and spend, their powers to encourage inter-jurisdictional planning and cooperation, their powers to create metropolitan and rural jurisdictions capable of dealing with the overlapping social and economic problems that comprise a list of national priority concerns.

(6) A system of State Representatives (one for each region)—appointed by and responsible to the governors and mayors—would establish a focal point for decision-making and action within the regions, as well as providing an identified point of contact between the federal government and the regions.

(7) A system of Federal Representatives (one for each region), attached to the Domestic Council, would create within the federal bureaucracy identified persons with intimate knowledge of the mix of programs within each region, not just housing, or health, or manpower, or environmental, but all programs. From the perspective of the chief executive, this reform would be highly useful in getting, at long last, a handle on the executive agencies.

(8) A national regional program would be the ideal instrument to carry forward an effective national growth policy, and to administer some form of general revenue sharing when—or if—it becomes feasible to begin such a program. Indeed, a national regional system, or its equivalent, would appear to be an absolute prerequisite to a responsible program of general revenue sharing.

(9) A national regional program would initiate considerable reorganization of the federal bureaucracy, but it would be directly linked to comparable reorganization on the state and local level. In other words, through the impetus of a national regional program the reorganization of the federal, state, and local bureaucracies could go forward in tandem. Even if the current federal reorganization proposal of the administration could win congressional approval, there is no guarantee that the end-product would mesh effectively with the administrative structures that might, or might not, emerge on the state and local level.

(B) The programs discussed earlier in this memorandum could provide the basis for beginning the process of building a national regional system. These funds would offer considerable incentive for state and localities to begin the admittedly long-term process of defining and activating such a truly revolutionary change in the American federal system. At a minimum, Congress could provide through these programs a sum equal to that proposed by the Nixon administration for general revenue sharing.

Once the process of developing a national regional system had begun, additional elements of federal assistance would be channeled through the regional system until it existed as the principal conduit for all federal assistance dealing with basic development programs. Categorical grant consolidation and the development of bloc grants in certain substantive areas would be essential elements of this evolutionary process.

SUMMATION

In summary: a national regional program would set in motion an overhauling of governmental structure on all levels—federal, state, and local—that would eventually produce a far more rational and effective federal system, one that not only used public resources more efficiently but also made it far easier for governmental officials at all levels to achieve their desired objectives.

It would provide a framework for reaching some long-term solutions to the present governmental crisis—financial and otherwise—that grips many state and city governments.

Finally, it would also preserve the federal government as an active participant in the process, thereby making it more likely to insure the achievement of national priorities laid down by the Congress.

RURAL JOB DEVELOPMENT ACT OF 1971

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, I am pleased to join today my distinguished colleague from Kansas, Keith Sebelius, in sponsoring the Rural Job Development Act of 1971—a measure similar to one I had introduced in the 91st Congress.

Because of the lack of economic opportunities, each year over 500,000 residents of rural America migrate to our big cities and compound the problems of congestion, compaction, and pollution characteristic of modern urban life. Today, nearly 70 percent of our population is jammed into 2 percent of our land. In the next 30 years, 100 million people will be added to our population. Unless present trends are substantially altered, 60 percent of our people will be concentrated into five small geographic strips of land by the year 2000. It is imperative, therefore, that we set about defining and developing a national growth policy which will not only provide the living space and employment to support this population increase, but one that will encourage diversion and dispersal.

An obvious answer to rural migration and increasing urban ills is a rural development program which will create more economic, social, and cultural opportunities and a better environment for rural and smalltown America.

Creating job opportunities is perhaps the most important key to rural development. Rural people are dedicated, independent, work-oriented people. They want jobs which will enable them to earn incomes sufficient to support a reasonable level of living for themselves and their families. New employment opportunities generate an invigorated community spirit as well as a larger tax base with which local government can set about providing the essential public services the people need and want.

In order to accomplish this goal it is necessary that the Government maintain and promote a climate conducive to capital investment in rural America. When new jobs and industries are located in our small communities in America's countryside, we can begin to alleviate our urban problems and bring about population dispersal.

Private enterprise has the efficiency and capability to do this, and it should be encouraged and compensated for its efforts to develop new or expanded job opportunities in areas where many times public services and the labor force may not be as attractive as some urban areas. The Rural Job Development Act of 1971 will help achieve this goal to attract job-producing industries and commercial enterprises in urban areas.

Some of the important provisions of this bill include:

First. A 7-percent tax credit on real property—land and buildings—to these job-creating enterprises over a period of 10 years.

Second. A 7-percent tax credit on personal property—machinery and equipment.

Third. The tax credit on real and personal property is increased 10 percent if the job development area has a population density of less than 25 persons per square mile—about one-half of the national average.

Fourth. An accelerated depreciation allowance of two-thirds of normal, useful, or class life for machinery, equipment, and buildings.

Fifth. A tax deduction equal to 50 percent of the wages paid to workers for whom the enterprise must provide on-the-job training.

Sixth. The enterprise must be engaged in industrial production—manufacturing, producing, processing, assembling, wholesale operations, or the construction of buildings and facilities in authorized areas.

To qualify for the program, industrial and commercial enterprises must locate in counties designated by the Secretary of Agriculture as "rural job development areas." Rural job development areas are counties which have no city of more than 50,000 population and meet one of the two following requirements: First, have at least 15 percent of its families with incomes of less than $3,000 annually; or, second, a declining employment rate of at least 5 percent per year during the previous 5 years. The enterprise must also employ at least 10 people and must employ at least 50 percent of the labor force from the local population at least 50 percent of the labor force from the local population whenever possible.

I believe this is good legislation—important legislation to rural and urban America alike. It should be a vital and integral part of a national commitment to develop our countryside and revitalize our small towns. We must recognize that the ills of urban America are inextricably related to the problems of rural America.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. During the period from 1963 to 1969 private philanthropy in the United States was placed at $96,598,000,000. Over three-fourths of this amount came from individuals.

SUSPENSION OF THE DAVIS-BACON ACT IS NOT SUBSTANTIAL ANTI-INFLATION MOVE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, President Nixon's suspension of the Davis-Bacon Act, though an encouraging sign that he is approaching a more positive "incomes" policy to restore stability to the economy, is dilatory, and constitutes discrimination against a single industry.

In August 1970, the Congress provided the President with discretionary authority to freeze and thereby stabilize prices, rents, and wages. Until recently he has refused to consider the use of such authority. Meanwhile, first-year pay increases in major construction contracts last year averaged 18 percent. The rate for the last 6 months of the year was almost 22 percent. Whatever the long-range effect of the Davis-Bacon Act suspension, it amounts at present to an after-the-fact exercise in wage-price pressure. Two-thirds of the industry have already achieved increases in the present round and the balance are in process.

The President's action also singles out one sector of an inflationary economy while all areas are involved and should be treated equally. The proper approach to our economic recession does not lie in exerting wage-price influence on one industry as an example to others. It lies in a consistent, overall approach to all industries and to the economy as a whole.

On January 29, I introduced H.R. 2502 legislation which I believe will provide such an approach. My bill, the Emergency Guidance Board Act of 1971, would create a temporary wage-price guidance board, to be appointed by the President, which, after proper consultation with business, labor, and consumer leaders, would publish a basic set of wage-price guidelines for all major industries. While these guidelines would be nonmandatory, those industries and unions planning price and wage increases in excess of the published guidelines would be required to file an economic justification with the Guidance Board. The Board would then publicize those wage and price hikes in excess of the guidelines, and attempt to use the pressure of public opinion to prevent such hikes.

In suspending the Davis-Bacon Act, the administration has taken a small step in moving to control the inflationary spiral in the building trades. While this step does provide some indication that the President is abandoning his total hands-off policy regarding wage-price decisions, I feel he should apply such deterrent pressure equally to all industries. Just recently, Chairman of the Federal Reserve Board, Arthur F. Burns, supported this view in reiterating his advocacy of a strong "incomes" policy to deal with wage and price behavior in the private economy. Specifically, Burns has recommended a new wage and price review board that would gradually establish a set of guidelines through the process of "case law."

The Emergency Guidance Board bill which I have introduced provides just such a program. This legislation, which could be termed "sophisticated jawboning," provides an approach which would deal firmly yet fairly with all inflationary industries. I urge the President to adopt this overall plan in place of the halting steps he has taken thus far.

ADDRESS BY HON. JOHN V. TUNNEY BEFORE THE PHILADELPHIA CHAPTER OF COPE

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, recently the junior Senator from California, the Honorable John V. Tunney, addressed the Philadelphia chapter of the AFL–CIO Political Action Committee on the occasion of its 22d annual banquet and victory dinner.

Mr. Speaker, this young man, our former colleague, gave one of the most spellbinding speeches ever delivered by anyone in public life. This is not my opinion alone, but is the opinion of all those in attendance on that occasion. His speech merits the reading by everyone. Under unanimous consent I include the speech at this point in the Record:

Address by Senator Tunney

I am pleased to be here in Philadelphia tonight and am honored that you asked me to address your Victory celebration. I am probably one of the few members of the Senate who is not a candidate for the Presidency.

It's good to be in a State where you have a Governor and a Lieutenant Governor who recognize the enormous problems that our State Administrations are confronted with today. Unlike California, where we have an "Acting Governor", Pennsylvanians are indeed lucky to have men like Governor Shapp and Lieutenant Governor Kline in Office.

It's also good to see all of my colleagues from the House again. I want you to know that Philadelphia, Pennsylvania, and the country are ably represented by men like Bill Barrett, Jimmy Byrne, Bob Nix, Bill Green and Joshua Eilberg.

I have just returned from California where they have had a very bad earthquake. While I was out there, we also had another natural disaster. Vice President Agnew came out. When the Vice President was asked to comment on the situation I understand that he was supposed to have remarked . . . "when you've seen one earthquake, . . . you've seen them all."

Last Fall, this country was subjected to a campaign based on fear rather than reason; a campaign that relied on the politics of provocation rather than the politics of problem solving. We witnessed several members of the National Administration traveling the country trying to divide and arouse our people. They campaigned on what were termed "the social issues." These were the issues of race and crime. Issues guaranteed to polarize; issues that were a part of the sectional and ethnic politics that the Nixon Administration played in 1970.

Well, as we know, they were not very successful. And one of the reasons for their lack of success; . . . one of the reasons why candidates like Governor Shapp, . . . candidates like the Congressmen here tonight, . . . and candidates like myself were able to succeed was the overwhelming support that we received from the AFL–CIO Committee on Political Education. The causes and the candidates that COPE endorsed were those causes that stand for peace and progress in America. They are the causes that mean jobs and equality . . . and not fear and illogic. COPE's contributions go further than just the Democratic Party; . . . they go to the very essence of what this country is all about. They are based on what is good for the country . . . and not just the Democratic Party.

However, the efforts that you made last fall need to be continued. For America today is a country in need of new leadership. The plain facts are, that the present Administration in Washington has proved itself incapable of facing up to the real problems that confront our country. They have proved themselves incapable of recognizing them . . . of understanding them . . . and of solving them.

Tonight, as I speak to you, there are more than five million people in America who are unemployed; . . . and two and a half million more who are able to find only part time employment.

Tonight, there are hundreds of thousands of Americans who are overseas . . . fighting and dying . . . half a world away . . . in the jungles of Southeast Asia.

Tonight, many of our States and our cities, are on the verge of collapse because of the warped priorities that are espoused by the Nixon Administration.

We have people in America tonight who have never seen a doctor; . . . who seldom have a hot meal.

We have families whose personal savings can be wiped out when a major illness strikes. The skyrocketing cost of health care can drive a family into bankruptcy within a week's time.

We have thousands of Senior Citizens living in poverty. We have large corporations willfully polluting our air and our rivers.

What's wrong in America? Why is it that we can find the capacity to send men to the moon and bring them back and yet we cannot find the will to make our cities livable? Why is it that we have the capacity to split an atom and yet we cannot find the will to devise a cure for cancer? Why is it that we have the capacity to transmit live broadcasts from outer space and yet we cannot find the will to feed those hungry among us?

We spend billions every year propping up governments around the world and spend only a fraction of that amount building houses, hospitals and schools here in our own land? We form alliances with hundreds of Nations throughout the Globe and yet we seem unable to communicate with the poor, the black, and the brown on the streetcorners of Philadelphia or Los Angeles.

We have an Attorney General who talks about respect for the Law and yet he works within an Administration that has knowingly violated the spirit of laws passed by Congress . . . in expanding the war into Laos.

Why is it that the Attorney General almost gleefully, arrests priests and nuns and yet does very little about the large drug companies that knowingly produce twice as many amphetimines and barbiturates as are needed for domestic consumption; pills that soon find their way into the streets of America and into the hands of our children?

Why is it that he would rather beef up the Justice Department's Division of Internal Security rather than put more lawyers to work in enforcing the provisions of our Occupational, Health and Safety Laws. While the Attorney General talks tough about vague conspiracies—men are losing their lives in the mines; construction workers are being killed as half finished buildings collapse; workers are dying from toxic fumes in plants.

Something is wrong in America when you have respected government officials being spied on by Army Intelligence; . . . when you have people dismissed from the F.B.I. merely because they point out what they feel are flaws in that Agency, in the hope of improving both its effectiveness and its image. There's something wrong when the Secretary of Defense can call an invasion of another country . . . merely "a matter of semantics." This is the same Secretary of Defense who last Fall said that a little unemployment was a good thing for America.

The invasion of Laos isn't just a matter of semantics. It is the single most disruptive act, . . . to both world peace and domestic stability . . . that President Nixon could have allowed. Our actions in Southeast Asia over the last year have defied the lessons of history. The statements of this Administration with regard to these actions have taxed credibility and formed the basis for further protest and action across our country.

As a result of this Administration's failure to learn from the lessons of history, the lives of our children are now on the line in yet another country in that quagmire of death that is called Southeast Asia. Laos has now become a burial ground for both American soldiers and President Nixon's Vietnamization Plan. Laos has now become the touchstone for a new round of protests and demonstrations that will most probably result in furthering the violence, frustration, and alienation that have long surrounded our seemingly never ending commitment to the Military Governments of Indochina. I want to know when the President is going to act on his commitment to the people of America? When are we going to fight for America? When are we going to confront the problems that we face here at home? When are we going to allocate a little money for our cities and our States?

Why is it that we have committed ourselves so strongly to a government that would be toppled by its own people if it were not for the strength that they derive from American Arms? If the South Vietnamese Government is suddenly so brave; . . . if they want so badly to invade Cambodia and Laos and North Vietnam; . . . then I suggest that President Thieu and Vice President Ky lead the charge . . . and allow our men to return home.

Someone ought to tell President Nixon that the way out of Vietnam does not lead through Cambodia and Laos. I feel that we should withdraw every American Soldier from Southeast Asia no later than the end of this year.

All of us in this room tonight have an obligation to tell the President of the United States, clearly and unequivocally . . . no more Vietnams. That war numbers more than 45,000 young men among its casualties. It has also killed our economic system. It has caused the economic royalists surrounding the Administration to plan the unemployment of thousands of Americans in order to cut the rate of inflation.

In January of 1969, the unemployment rate in this country was 3.4%. Today it is 6%. In January of 1969, 5.5% of the construction force was unemployed. Today that figure is 11.2%. Here in Philadelphia, the unemployment rate was 2.6% in November of 1969. In December of 1970, that figure was up to 4.5%. Real income is down . . . and prices are up.

In my state of California, the unemployment rate is 7%. One out of eight persons in Los Angeles County is on welfare.

What this Administration apparently doesn't realize is that people have to have jobs. You can't live on "Alice in Wonderland" statements from Arthur Burns or George Shultz . . . you have to work.

When you deprive man of his job . . . when you force him out of work . . . when he loses the opportunity to provide for his family . . . to pay his bills . . . you deprive him of his dignity. And this Administration, in an attempt, to halt inflation has planned millions of Americans out of work. This must stop.

It's going to be up to organizations like COPE . . . and people in the Congress like we have here tonight . . . and people in the Statehouses across America who are like Governor Shapp . . . it's going to be up to people like this to speak out and fight for the kinds of programs that are based on the needs of our people and not on the Pentagon.

Making life more comfortable for the resident of one square block of Philadelphia is more important than all the SST's we could ever build. Making our air fit to breathe and our water fit to drink is more important than giving billions of dollars worth of arms to right wing dictatorships through the Food for Peace Plan. A new school, . . . a modern hospital, . . . a warm home, . . . these are the things that America should be building instead of wasting its efforts on a war that is draining our conscience and our treasury and turning our soldiers into drug addicts.

When you build a dam in California, . . . or a new housing development in Philadelphia . . . you get results. People go to work. They make money from their jobs, . . . They buy things. But what happens when you build a gun or a missile. What happens when you invest in war? Death . . . That's all. There is no further return on a very poor investment. For too long, we have allowed ourselves to engage in a deadly game of overkill. We do need a strong National Defense. I don't doubt that, in fact, I support these efforts. But how many times can you blow up the world? How many nuclear bombs and missiles do we need?

Right now, we need to build a few houses and create a few jobs here in America.

We need a replacement for our present welfare system; a system that is both demeaning to the recipients and bankrupting to the States that administer it. It ought to be replaced by some version of the Family Assistance Plan. . . . a welfare program for the working poor.

We need to have some sort of Revenue Sharing Program that will guarantee the States an adequate return for the tax dollars that they send to Washington. An excellent first step might well be the Federalization of our welfare program. If this were done, progressive States like Pennsylvania would not have to pay the price for those States like Alabama and Mississippi who want to force the poor to leave.

We need a National Health Care Program that will guarantee all Americans adequate and economical health care from birth to death.

We need more money allotted for Manpower Training Bills and Employment Oportunity Acts so that those who are displaced from their jobs can be retrained; so that those low income and chronically unemployed people can find jobs.

We need an extension of unemployment benefits.

We need stringently enforced antipollution laws so that those who willfully abuse our environment will be made to pay.

We need extensive reforms of our campaign spending laws so that the public office will be open to all who chose to run . . . to all who want to serve.

We need to have a President of the United States who can recognize and address himself to the problems that confront this country.

Two years ago we were told "to watch what they did and not what they said." Well I have watched what they have done. And I have seen them. . . . Invade Cambodia and invade Laos.

I have seen the President of the United States—

Veto an appropriations bill for the Department of Health, Education and Welfare;

Veto an appropriations bill for the Office of Education;

Veto an appropriations bill for the Department of Housing and Urban Development;

Veto the Hospital Modernization Guarantee Loan Act;

Veto a bill aimed at enhancing the employment and training opportunities for low income and unemployed persons;

Veto a bill which would have given Federal Blue Collar Employees a pay raise; and

Veto a bill aimed at limiting the amount that could be spent on political broadcasting by candidates.

Well, this country can no longer afford to wait until election year to have our problems discussed. We can no longer afford to listen to the empty rhetoric of those who merely propose and promise . . . but never act. We can no longer afford to be governed by those who cannot understand the fact that people are tired of "politics as usual;" that people today want only to believe their government; that they want only to be given some sense of hope . . . some sense that, perhaps there is someone in Washington or Harrisburg, or Boston or Sacramento . . . that really cares about them; . . . that will really try.

All of us have an obligation to heed this call . . . to listen to what the people of this great land are saying. If we don't, then the Democratic Party, the Republican Party, and organizations like COPE . . . will soon prove to be meaningless because the people will turn elsewhere for support . . . and for assistance.

Certainly, it is within our grasp to change the directions and the priorities of America. It is merely a question of leadership: political leadership and moral leadership . . . we need to bring this country together over issues and not ideology. We need to develop leadership based on conscience and not merely consensus. America certainly has the capacity; . . . it has merely to be given the will.

An Italian philosopher once made the statement that "there is nothing more difficult to take in hand, more perilous to conduct or more uncertain in its success than to take the lead in the introduction of a new order of things."

This is our task. For in the final analysis, we are all one people . . . one Nation . . . one World; all sharing the same small currents of time and energy. And it is up to each of us to make an effort toward confronting challenge . . . toward implementing change and progress; . . . to make this effort so that those who follow will find a true community of mankind.

MILITARY ASSISTANCE TO SAFETY AND TRAFFIC

(Mr. KAZEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KAZEN. Mr. Speaker, I want to testify today to the success of a demonstration program by military and civilian elements of our Government, cooperating in a splendid service called the Military Assistance to Safety and Traffic, or MAST. The first of these tests was inaugurated last July at Fort Sam Houston, serving 10 counties around San Antonio, Tex. Seven of these counties are in my district, and I am pleased to report widespread Government, military, and civilian approval.

I propose three reports to the Congress

on this effort. As other Members know, similar tests are being conducted elsewhere, but I am most familiar with the work of the 507th Medical Company—air ambulance—at Fort Sam. Its success is now being evaluated by an interdepartmental team; I believe continuation of the service has great merit.

This is a mercy airlift service, supplementing other methods as needs arise, to speed injured, sick, and wounded persons to hospitals from outlying areas. I stress that this is done at no extra taxpayer expense, since the mean, money, and equipment operate with defense funds. Indeed, the service provides genuine training benefits to the helicopter pilots and medics who man the air ambulances.

Let me cite some examples:

Last July 15, inauguration of the new service was announced by Secretaries Volpe and Laird. Two days later, on July 17, came the first call to action. At 10:33 a.m., the request for emergency air lift reached the Project MAST office. Two minutes later, a helicopter was in the air, winging toward a hospital in Dilley, Tex., 85 miles away. A 17-year-old youth had been run over by a truck in a farm accident. At the Dilley hospital, determination was made that he needed more extensive medical facilities if he was to survive. At 12:05, the air medic crew delivered the youth, with his mother and brother, to Baptist Memorial Hospital in San Antonio. He had a broken shoulder blade, broken thigh, crushed chest and internal injuries, but prompt and proper care was provided for him.

Later in July, a Sacramento, Calif., man was mangled in a motor accident near Uvalde, Tex. After 36 hours, the general practitioner who treated him, Dr. Sterling Fry, knew greater medical care was needed. In this case, the MAST service picked up a chest specialist from the University of Texas Medical School, two inhalation specialists from the county hospital, and a respirator. The men and equipment kept the victim alive while he was flown 81 miles from Uvalde to Bexar County Hospital in San Antonio.

And even as that flight was in the air, another emergency call was being handled. A baby needing a blood transfusion was airlifted from Crystal City to the Santa Rosa Medical Center, a distance of 126 miles.

The next day, a 12-year-old girl suffered a major back injury in a fall from a tree near her home in Kerrville. She, too, was delivered to the Santa Rosa Children's hospital in San Antonio, 69 miles away, promptly and deftly.

The list of emergencies is long. There have been cases of hunting accidents, or major burns, of newborn babies needing transfusions, even a heart attack victim whose condition worsened in an ambulance so the driver called for the faster helicopter transport. Incidentally, ambulance service is still used on short-haul calls and continues to be important. The familiar ambulance vehicles are only being supplemented by the helicopters.

Secretary Laird, when this service was initiated, stressed the parallel to the airlift ambulances of Vietnam. He said that when he saw the soldiers being rushed to hospitals, he saw the possibility—indeed, the need—for similar service to civilians. Many of us recall Mr. Laird's interest in health matters when he was a Member of this House, so we are not surprised at his understanding.

I propose to report next on how people in my district—the families of the civilians ferried to hospitals, the medical profession, and law enforcement officers—share high regard for these air ambulances.

WHY BUY CHROME FROM RUSSIA?

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the proposed release to industry of approximately 30 percent of the usable chromium now held in Government stockpiles encourages procrastination in dealing with the problem of Rhodesian sanctions. At a meeting called by the General Services Administration, it was stated, if this Nation continues to procrastinate in reestablishing our Rhodesian chrome ore sources, we may find ourselves permanently shut off from the world's largest reserve of high-grade chrome ore—reserves currently estimated to be at least 10 times greater than those of the Soviet Union.

Chromium is an essential ingredient in stainless and tool steels and is classified as a strategic material. The Office of Emergency Preparedness determines the amount of chromium maintained in Government stockpiles and is asking congressional approval for the release of some 1,300,000 tons of chromium ore equivalents. U.S. industry consumes approximately 1 million tons of chrome ore per year for metallurgical purposes.

Some observed that the proposed release would aid industry in the short term, and would generate cash for the Government, but—unfortunately—would probably result in decreased pressures on Government to drop economic sanctions against Rhodesia.

The sanctions, imposed by the U.N. in support of the British position that the present Ian Smith government in Rhodesia is an illegal regime, have been in effect since early 1967.

It was pointed out that, despite sanctions, Rhodesian chrome is being sold to countries which are among the signators to the U.N. sanctions—probably under long-term contracts. It has now been demonstrated that Rhodesia does not need the United States as a customer.

There is intense international competition for critical raw materials and other nations in this world have aggressive programs supported by policies established by their governments. We in the United States do not share this advantage.

Whether the stockpile material which OEP wants to sell is truly excess is questionable and calls for an indepth review of stockpile objectives.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DUPONT), to revise and extend their remarks and to include extraneous matter:)

Mr. CONTE, today, for 5 minutes.

Mr. FINDLEY, today, for 5 minutes.

Mr. SEBELIUS, today, for 20 minutes.

(The following Members (at the request of Mr. CHARLES H. WILSON), to revise and extend their remarks and to include extraneous matter:)

Mr. O'HARA, today, for 20 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. BURKE of Massachusetts, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PATMAN in three instances.

(The following Members (at the request of Mr. DUPONT) and to include extraneous matter:)

Mr. CLANCY.

Mr. SPRINGER.

Mr. CONTE.

Mr. BELL.

Mr. GUDE.

Mr. WHALEN.

Mrs. HECKLER of Massachusetts.

Mr. PETTIS in two instances.

Mr. MCCLOSKEY.

Mr. HANSEN of Idaho.

Mr. BROYHILL of Virginia in two instances.

Mr. FINDLEY in two instances.

Mr. SCHNEEBELI.

Mr. TEAGUE of California.

Mr. HOSMER in two instances.

Mr. BAKER in two instances.

Mr. SCHWENGEL.

Mr. TALCOTT in three instances.

Mr. DAVIS of Wisconsin in two instances.

Mr. VEYSEY.

Mr. BOW.

Mr. MYERS.

Mr. ANDREWS of North Dakota in two instances.

Mr. SHOUP.

Mr. SPENCE.

Mr. GOLDWATER in five instances.

Mr. THOMPSON of Georgia in two instances.

Mr. MCKEVITT in two instances.

Mr. WARE.

Mr. KEATING.

Mr. LANDGREBE.

Mr. PIRNIE.

Mr. BROTZMAN.

Mr. WIDNALL.

Mr. SCOTT.

Mr. GERALD R. FORD.

Mr. FRELINGHUYSEN.

Mr. ANDERSON of Illinois in two instances.

(The following Members (at the request of Mr. CHARLES H. WILSON) and to include extraneous matter:)

Mr. EDWARDS of California in three instances.

Mr. WRIGHT.

Mr. HAMILTON.

Mr. BADILLO in three instances.

Mr. LONG of Maryland in two instances.

Mr. JACOBS in two instances.

Mr. DRINAN in eight instances.

Mr. GRIFFIN in two instances.

Mr. WILLIAM D. FORD in two instances.

Mr. MOORHEAD in 10 instances.

Mr. EILBERG in two instances.

Mr. DIGGS in three instances.

Mr. FRASER in four instances.

Mr. REUSS in six instances.

Mr. VANIK in three instances.

Mr. DINGELL in two instances.

Mr. STOKES in three instances.

Mr. DORN in two instances.

Mr. PATTEN in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. FOUNTAIN in two instances.

Mr. ST GERMAIN.

Mr. ROONEY of New York.

Mr. RANGEL.

Mr. ICHORD in four instances.

Mr. ADDABBO.

Mr. DONOHUE in two instances.

Mr. HELSTOSKI in two instances.

Mr. SCHEUER in three instances.

Mr. GONZALEZ in two instances.

Mr. ASHLEY in two instances.

Mr. WOLFF.

Mr. RODINO in four instances.

Mr. RARICK in four instances.

Mr. ANDERSON of California in two instances.

Mr. FASCELL in two instances.

Mr. BURKE of Massachusetts in two instances.

Mr. MONAGAN in two instances.

Mr. DANIELS of New Jersey in two instances.

Mr. PUCINSKI in six instances.

Mr. DULSKI in six instances.

Mr. RYAN in three instances.

Mr. SYMINGTON in two instances.

Mr. FULTON of Tennessee in two instances.

Mr. STEPHENS in three instances.

Mr. CHARLES H. WILSON in two instances.

Mr. MATSUNAGA in two instances.

Mr. MATHIS of Georgia in two instances.

Mr. MELCHER in two instances.

Mrs. ABZUG.

Mr. O'NEILL of Massachusetts.

Mr. HARRINGTON in two instances.

ADJOURNMENT

Mr. CHARLES H. WILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, March 1, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

315. A letter from the Clerk, U.S. House of Representatives, transmitting the semiannual report of the Clerk covering receipts and expenditures of appropriations and other funds for the period of July 1 through December 31, 1970, pursuant to 2 U.S.C. 104 (a) (H. Doc. No. 92–54); to the Committee on House Administration and ordered to be printed.

316. A letter from the Secretary of Commerce, transmitting the 94th quarterly report on export control, covering the fourth quarter of 1970, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

317. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend section 16–1311 of the District of Columbia Code relating to condemnation proceedings by the District of Columbia; to the Committee on the District of Columbia.

318. A letter from the Assistant Secretary of the Interior, transmitting the annual report of the Bonneville Power Administration for fiscal year 1970, pursuant to Public Law 89–448; to the Committee on Interior and Insular Affairs.

319. A letter from the National Secretary-Treasurer, Sons of Union Veterans of the Civil War, transmitting a report of the proceedings of the organization's 88th annual encampment, together with an audit report covering the fiscal year ended June 30, 1970, pursuant to Public Law 605, 83d Congress; to the Committee on the Judiciary.

320. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. House Resolution 18. Resolution to authorize the Committee on Interior and Insular Affairs to make investigations into any matter within its jurisdiction, and for other purposes; with amendment (Rept. No. 92–17). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 20. Resolution to authorize the Committee on Veterans' Affairs to conduct an investigation and study with respect to certain matters within its jurisdiction; with amendment (Rept. No. 92–18). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 21. Resolution authorizing the Committee on Merchant Marine and Fisheries to conduct certain studies and investigations; with amendment (Rept. No. 92–19). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 27. Resolution to authorize the Committee on the District of Columbia to conduct an investigation and study of the organization, management, operation, and administration of departments and agencies of the government of the District of Columbia; with amendment (Rept. No. 92–20). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 109. Resolution authorizing the Committee on Foreign Affairs to conduct a full and complete investigation of matters relating to the laws, regulations, directives, and policies including personnel pertaining to the Department of State and such other departments and agencies engaged in the implementation of U.S. foreign policy and the oversea operations, personnel, and facilities of departments and agencies of the United States which participate in the development and execution of such policy; with amendment (Rept. No. 92–21). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 114. Resolution authorizing the Committee on Banking and Currency to conduct full and complete investigations and studies of all matters within its jurisdiction under the rules of the House or the laws of the United States; with amendment (Rept. No. 92–22). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 161. Resolution authorizing the Committee on the Judiciary to conduct studies and investigations relating to certain matters within its jurisdiction; with amendment (Rept. No. 92–23). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 217. Resolution authorizing the Committee on Post Office and Civil Service to conduct studies and investigations within its jurisdiction; with amendment (Rept. No. 92–24). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 243. Resolution to authorize the Committee on Science and Astronautics to conduct studies and investigations and make inquiries with respect to aeronautical and other scientific research and development and outer space; with amendment (Rept. No. 92–25). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 142. Resolution authorizing the Committee on Public Works to conduct studies and investigations within the jurisdiction of such committee; with amendment (Rept. No. 92–26). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 201. Resolution authorizing the Committee on Armed Services to conduct a full and complete investigation and study of all matters relating to procurement by the Department of Defense, personnel of such Department, laws administered by such Department, use of funds by such Department, and scientific research in support of the armed services; with amendment (Rept. No. 92–15). Referred to the House Calendar.

Mr. ICHORD: Committee on Internal Security Annual Report for the year 1970 (Rept. No. 92–14). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. House Joint Resolution 365. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971; with amendment (Rept. No. 92–16). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McFALL (for himself, Mr. BLATNIK, Mr. McCORMACK, Mr. HOWARD, Mr. COTTER, Mr. MONAGAN, and Mr. BEGICH):

H.R. 4900. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. ABERNETHY:

H.R. 4901. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower and facilities; to the Committee on Ways and Means.

By Mr. ABOUREZK:

H.R. 4902. A bill to provide that an impression of Mount Rushmore, S. Dak., shall appear on the back of all U.S. currency in the denomination of $1; to the Committee on Banking and Currency.

H.R. 4903. A bill to provide that an impression of Mount Rushmore, S. Dak., shall appear on the back of all U.S. currency in the denomination of $2; to the Committee on Banking and Currency.

H.R. 4904. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in benefits thereunder, with a $100 minimum primary benefit, and to raise to $2,400 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself and Mr. Halpern, Mr. Pryor of Arkansas, Mr. Davis of Georgia, Mr. Vander Jagt, Mr. Bray, Mr. Schwengel, Mr. Quie, Mr. J. William Stanton, Mr. McKay, Mr. Rosenthal, Mr. Veysey, Mr. Fulton of Pennsylvania, Mr. Frelinghuysen, Mr. Yatron, Mr. Myers, Mr. Roybal, Mr. Roe, and Mr. Hutchinson):

H.R. 4905. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for gifts or contributions made to any institution of higher education, to be cited as, "The Higher Education Gift Incentive Act of 1971"; to the Committee on Ways and Means.

By Mr. ANDERSON of Tennessee:

H.R. 4906. A bill to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building; to the Committee on Public Works.

By Mr. ANNUNZIO:

H.R. 4907. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. ASHLEY (for himself, Mr. Carey, Mrs. Chisholm, Mr. Culver, Mr. Esch, Mr. Fascell, Mr. Fulton of Pennsylvania, Mrs. Green of Oregon, Mr. Harrington, Mr. Hicks of Washington, Mr. Matsunaga, Mr. Moss, Mr. Moorhead, Mr. Ryan, Mr. Sandman, and Mr. Stokes):

H.R. 4908. A bill to amend title 32 of the United States Code to establish a commission to oversee and improve the capability of the National Guard to control civil disturbances, and for other purposes; to the Committee on Armed Services.

By Mr. ASHLEY (for himself, Mr. Edwards of California, Mr. Fraser, Mr. Halpern, Mr. Hanna, Mr. Karth, Mr. Koch, Mr. Leggett, Mr. Mikva, Mr. Podell, Mr. Railsback, Mr. Riegle, Mr. Rosenthal, Mr. Rees, and Mr. St Germain):

H.R. 4909. A bill to amend title 32 of the United States Code to establish a commission to oversee and improve the capability of the National Guard to control civil disturbances, and for other purposes; to the Committee on Armed Services.

By Mr. BADILLO:

H.R. 4910. A bill to amend the Social Security Act to provide for increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. BELL (for himself, Mr. Abourezk, Mr. Anderson of California, Mr. Archer, Mr. Don H. Clausen, Mr. Coughlin, Mr. Dellums, Mr. Dent, Mr. Edwards of California, Mr. Goldwater, Mr. Gude, Mr. Hawkins, Mrs. Mink, Mr. Rees, Mr. Roe, Mr. Roybal, Mr. Shoup, Mr. Steele, Mr. Teague of California, Mr. Thone, and Mr. Tiernan):

H.R. 4911. A bill to provide that State laws or regulations with respect to certain environmental matters shall not be preempted or nullified by Federal law until such time as regulations in lieu of such State laws or regulations are put into effect by or pursuant to Federal law; to the Committee on the Judiciary.

By Mr. BETTS:

H.R. 4912. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. BETTS (for himself, Mr. Collier, Mr. Conable, and Mr. Price of Texas):

H.R. 4913. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS:

H.R. 4914. A bill to amend the Internal Revenue Code of 1954 to permit the amortization of reorganization expenditures of railroad corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. BLANTON:

H.R. 4915. A bill to amend title VII of the Public Health Service Act by providing for the establishment of a family physician scholarship and fellowship program; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADEMAS (for himself and Mr. Perkins):

H.R. 4916. A bill to improve educational quality through effective utilization of educational technology; to the Committee on Education and Labor.

By Mr. BRASCO:

H.R. 4917. A bill to provide for computation of pay for members of the armed services retired for permanent disability sustained in line of duty; to the Committee on Armed Services.

By Mr. BRINKLEY (for himself, Mr. Mathis of Georgia, and Mr. McDonald of Michigan):

H.R. 4918. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.R. 4919. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BROWN of Michigan (for himself, Mr. Vander Jagt, Mr. Córdova, and Mr. Don H. Clausen):

H.R. 4920. A bill to prevent the assignment of draftees to active duty in combat areas without their consent; to the Committee on Armed Services.

By Mr. BROWN of Michigan (for himself, Mr. Esch, Mr. Hutchinson, Mr. Gerald R. Ford, Mr. Chamberlain, Mr. Riegel, Mr. Dingell, Mr. William D. Ford, Mr. Diggs, Mr. Ruppe, Mr. O'Hara, Mr. Cederberg, Mr. McDonald of Michigan, Mr. Broomfield, and Mr. Harvey):

H.R. 4921. A bill to provide for a national cemetery at Fort Custer, Mich.; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia (by request:

H.R. 4922. A bill to relieve citizens of the United States of liability to repay to the United States amounts of money advanced to them to enable them to evacuate foreign zones of war or civil disturbance, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BURKE of Massachusetts:

H.R. 4923. A bill to amend the Internal Revenue Code of 1954 to permit the amortization of reorganization expenditures of railroad corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. BURLISON of Missouri:

H.R. 4924. A bill to increase the authorization limitation on appropriations for land acquisition at the Ozark National Scenic Riverways, Mo., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4925. A bill to amend the act of August 27, 1964, authorizing the establishment of the Ozark National Scenic Riverways, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CARNEY:

H.R. 4926. A bill to amend the Fair Labor Standards Act of 1938 to increase the hourly minimum wage rate to $2.25 and to extend the coverage of such act; to the Committee on Education and Labor.

By Mr. CLARK:

H.R. 4927. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLEVELAND:

H.R. 4928. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin; to the Committee on Merchant Marine and Fisheries.

H.R. 4929. A bill to amend title XVIII of the Social Security Act to provide that payment may be made under the hospital insurance program for emergency inpatient hospital services furnished in Canada or Mexico regardless of where the emergency occurred; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Carey, of New York, Mr. Celler, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Cotter, Mr. Dellums, Mr. Dingell, Mr. Donohue, Mr. Dow, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Fascell and Mr. Fish):

H.R. 4930. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. William D. Ford, Mr. Fraser, Mr. Giaimo, Mr. Gibbons, Mrs. Grasso, Mr. Halpern, Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Howard, Mr. Jacobs, Mr. Kastenmeier, Mr. Keith, Mr. Kemp, Mr. Koch, Mr. Kyros, Mr. Long of Maryland, and Mr. McKinney):

H.R. 4931. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. Matsunaga, Mr. Mikva, Mr. Minish, Mr. Mitchell, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. O'Hara, Mr. O'Neill, Mr. Pepper, Mr. Podell, Mr. Rees, Mr. Reid of New York, Mr. Reuss, Mr. Robison of New York, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. St Germain, Mr. Scheuer, Mr. Smith of New York, Mr. Stafford, and Mr. Steele):

H.R. 4932. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

Mr. CONTE (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Carey of New York, Mr. Celler, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Cotter, Mr. Dellums, Mr. Dingell, Mr. Donohue, Mr. Dow, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Fascell and Mr. Fish):

H.R. 4933. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. William D. Ford, Mr. Fraser, Mr. Giaimo, Mr. Gibbons, Mrs. Grasso, Mr. Halpern, Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks, of Massachusetts, Mr. Horton, Mr. Howard, Mr. Jacobs, Mr. Kastenmeier, Mr. Keith, Mr. Kemp, Mr. Koch, Mr. Kyros, Mr. Long of Maryland, and Mr. McKinney):

H.R. 4934. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. Matsunaga, Mr. Mikva, Mr. Minish, Mr. Mitchell, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. O'Hara, Mr. O'Neill, Mr. Pepper, Mr. Podell, Mr. Rees, Mr. Reid of New York, Mr. Reuss, Mr. Robison of New York, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. St Germain, Mr. Scheuer, Mr. Smith of New York, Mr. Stafford, and Mr. Steele):

H.R. 4935. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 4936. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. CULVER:

H.R. 4937. A bill to require the Secretary of Agriculture and the Director of the Bureau of the Budget to make a separate accounting of funds requested for the Department of Agriculture for programs and activities that primarily stabilize farm income and those that primarily benefit consumers, businessmen, and the general public, and for other purposes; to the Committee on Agriculture.

H.R. 4938. A bill to amend the Sugar Act of 1948 to terminate the quota for South Africa, and to redistribute said quota among certain developing African nations; to the Committee on Agriculture.

H.R. 4939. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 4940. A bill requiring that each Member of Congress be notified of the intended disposition of federally owned real property in the district he represents; to the Committee on Government Operations.

H.R. 4941. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

H.R. 4942. A bill to authorize the Smithsonian Institution to promote the development of living historical farms in the United States; to the Committee on House Administration.

H.R. 4943. A bill to amend section 1102 of the Federal Aviation Act of 1958 to safeguard American citizens from racial and religious discrimination, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4944. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 4945. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 4946. A bill to authorize appropriations for the establishment of a U.S. Coast Guard Air Station at North Bend, Oreg.; to the Committee on Merchant Marine and Fisheries.

By Mr. DEVINE:

H.R. 4947. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any metal-bearing ore from any free world country for so long as the importation of like ore from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H.R. 4948. A bill to authorize the Small Business Administration to guarantee any bid, payment, or performance bond under an agreement entered into by a small business concern which is a construction contractor or subcontractor; to the Committee on Banking and Currency.

By Mr. DRINAN:

H.R. 4949. A bill to amend chapter 55 of title 10 of the United States Code, to extend to mentally retarded or physically handicapped dependents of certain members and former members of the uniformed services the special care now provided to similarly affiliated dependents of members on active duty; to the Committee on Armed Services.

By Mr. DULSKI:

H.R. 4950. A bill to provide for the payment of Veterans' Administration benefits where a child has been properly and legally adopted; to the Committee on Veterans' Affairs.

By Mr. ECKHARDT (for himself, Mr. Bingham, Mr. Burton, Mr. Casey of Texas, Mrs. Chisholm, Mr. Dingell, Mr. Edwards of California, Mr. Foley, Mr. Gibbons, Mr. Harrington, Mr. Hicks of Washington, Mr. Hechler of West Virginia, Mr. Kyros, Mr. Leggett, Mr. Mann, Mr. Mikva, Mr. Obey, Mr. O'Hara, Mr. O'Neill, Mr. Podell, Mr. Price of Illinois, Mr. Rees, Mr. Rosenthal, Mr. Scheuer, and Mr. Udall):

H.R. 4951. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY:

H.R. 4952. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 4953. A bill to provide for Government guarantee of private loans to certain motor bus operators for purchase of modern motor buses and equipment, to foster the development and use of more modern and safer operating equipment by such carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 4954. A bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

H.R. 4955. A bill to amend title 5, United States Code, to provide for equality of treatment with respect to married women Federal employees in connection with compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 4956. A bill to provide equality of treatment for married women employees of the Federal Government under the Foreign Service Act of 1946; to the Committee on Foreign Affairs.

H.R. 4957. A bill to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania (for himself and Mr. Moorhead):

H.R. 4958. A bill to provide that the Allegheny Center Urban Renewal project in Pittsburgh, Pa., may include the donation of certain property for development and nonprofit operation as a historical site or museum; to the Committee on Banking and Currency.

By Mr. FULTON of Pennsylvania:

H.R. 4959. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Tennessee (for himself, Mr. Broyhill of Virginia, Mr. Watts, Mr. Flowers, Mr. Minshall, Mr. Jarman, Mr. Sikes, Mr. Carter, Mr. Addabbo, Mr. Kuykendall, Mr. Lennon, Mr. Derwinski, Mr. Thompson of Georgia, Mr. Wampler, Mr. Casey of Texas, Mr. Findley, Mr. Fuqua, Mr. Don H. Clausen, Mr. Burleson of Texas, Mr. Duncan, Mr. Kyl, Mr. Bow, Mr. Michel, Mr. Brown of Ohio, and Mr. Conable):

H.R. 4960. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee (for himself, Mr. Broyhill of Virginia, Mr. Bevill, Mr. Byrne of Pennsylvania, Mr. Gubser, Mr. Stubblefield, Mr. Teague of California, Mr. Bennett, Mr. Collier, Mr. Shriver, Mr. Dorn, Mr. Baring, Mr. Wyatt, Mr. Mr. Camp, Mr. Bray, Mr. Cederberg, Mr. Pettis, Mr. Nelsen, Mr. Andrews of North Dakota, Mr. Downing, Mr. Giaimo, Mr. Esch, Mr. Goodling, and Mr. Haley):

H.R. 4961. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower and facilities; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee (for himself, Mr. Broyhill of Virginia, Mr. Griffin, Mr. Zion, Mr. Fisher, Mr. Henderson, Mr. Byron, Mr. Pelly, Mr. Hull, Mr. Wylie, Mr. Tiernan, Mr. Mizell, Mr. Kyros, Mr. Myers, Mr. Yatron, Mr. McCollister, Mr. Harsha, Mr. Abbitt, Mr. Sebelius, Mr. Miller of Ohio, Mr. Robinson of Virginia, Mr. Bob Wilson, Mr. Powell, Mr. Davis of Wisconsin, and Mr. O'Konski):

H.R. 4962. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illnesses, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower and facilities; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee (for himself, Mr. Broyhill of Virginia, Mr. Steiger of Arizona, Mr. Johnson of Pennsylvania, Mr. Ruth, Mr. Broyhill of North Carolina, Mr. Jones of Tennessee, Mr. Frey, Mr. Ashbrook, Mr. Rhodes, Mr. McClure, Mr. King, Mr. Thone, Mr. Belcher, Mr. Nichols, Mr. Talcott, Mr. Snyder, Mr. Hillis, Mr. Chappel, Mr. Carey of New York, Mr. Hogan, Mr. Kemp, and Mr. Springer):

H.R. 4963. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower and facilities; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 4964. A bill to confer veteran preference and other benefits upon members of the Philippine Army who have become American citizens; to the Committee on Post Office and Civil Service.

By Mr. GARMATZ (for himself and Mr. Pelly):

H.R. 4965. A bill to amend Public Law 89-701, as amended, to extend until June 30, 1973, the expiration date of the act and the authorization of appropriations therefor, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON:

H.R. 4966. A bill to amend the Foreign Assistance Act of 1961, as amended, to prohibit any involvement or participation of U.S. Armed Forces in an invasion of North Vietnam without prior and explicit congressional authorization; to the Committee on Foreign Affairs.

By Mr. HARSHA:

H.R. 4967. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HATHAWAY:

H.R. 4968. A bill to establish annual import quotas on certain textile and footwear articles, and for other purposes; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 4969. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts:

H.R. 4970. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

H.R. 4971. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 4972. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. HICKS of Washington:

H.R. 4973. A bill to exempt from the manufacturers excise tax on automobiles and parts and accessories tops designed and sold for use to provide sleeping quarters when mounted on an automobile truck body; to the Committee on Ways and Means.

By Mr. HICKS of Washington (for himself and Mr. Meeds, Mr. Dorn, Mr. Duncan, Mr. Nichols, Mr. Pickle, Mr. Sisk, Mr. Adams, Mr. Kazen, and Mr. Metcalfe):

H.R. 4974. A bill to amend the Telecasting of Sports Contests Act of September 30, 1961 (75 Stat. 732), as amended, and for other purposes; to the Committee on the Judiciary.

By Mr. HUNT:

H.R. 4975. A bill to amend section 64 of the Bankruptcy Act to afford priority to pension fund contributions earned within 3 months of bankruptcy; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 4976. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Education and Labor.

H.R. 4977. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4978. A bill to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee and court costs in case of successful prosecution or defense of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

H.R. 4979. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; to the Committee on Interstate and Foreign Commerce.

H.R. 4980. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. KAZEN:

H.R. 4981. A bill to amend section 312 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 4982. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Bingham, Mr. Brown of Michigan, Mr. Dow, Mr. Edwards of California, Mr. Hawkins, Mr. Halpern, Mr. Mikva, Mr. Mitchell, Mr. Nix, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Reid of New York, Mr. Roe, Mr. Rosenthal, Mr. Ryan, Mr. Schwengel, Mr. Stokes, Mr. Tiernan, Mr. Wolff, and Mr. Yates):

H.R. 4983: A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

By Mr. LENNON (for himself, Mr. Sikes, Mr. Garmatz, Mr. Brooks, Mr. Jones of North Carolina, Mr. Rogers, Mr. Leggett, Mr. Karth, Mr. Biaggi, Mr. Griffin, Mr. Long of Louisiana, Mrs. Sullivan, Mr. Tiernan, Mr. Dingell, Mr. Steele, Mr. Kyros, Mr. Pelly, Mr. Mosher, Mr. Goodling, and Mr. duPont):

H.R. 4984. A bill making appropriations to the Secretary of Commerce for the fiscal year 1972 to carry out the provisions of the National Sea Grant College and Program Act of 1966; to the Committee on Appropriations.

By Mr. LONG of Maryland:

H.R. 4985. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 4986. A bill to make the Dependents Assistance Act of 1950 in order to make members of the Reserve and National Guard ordered to active duty for training periods of 30 days or more eligible for quarters allowances and to make allotments; to the Committee on Armed Services.

By Mr. MANN:

H.R. 4987. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

H.R. 4988. A bill to amend the Uniform Time Act to change the last day of daylight saving time to an earlier day; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 4989. A bill: The Southeast Asia Disengagement Act; to the Committee on Foreign Affairs.

H.R. 4990. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket clearance for all additives to food; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 4991. A bill to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport; to the Committee on Foreign Affairs

By Mr. MOORHEAD:

H.R. 4992. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. MORSE (for himself and Mrs. Abzug, Mr. Barrett, Mr. Corman, Mr. Eilberg, Mr. Koch, Mr. McCormack, Mr. Podell, Mr. Vanik, and Mr. Whitehurst):

H.R. 4993. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. MOSS (for himself, Mr. Dingell, and Mr. Carney):

H.R. 4994. A bill to regulate interstate commerce and to provide for the general welfare by requiring certain insurance as a condition precedent to using the public streets, roads, and highways in order to have an efficient system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance, and the presentation of meaningful price information, and which will provide sufficient, fair, and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce, and otherwise affecting such commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 4995. A bill to promote the greater availability of motor vehicle insurance in interstate commerce under more efficient and beneficial marketing conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself and Mr. Adams):

H.R. 4996. A bill to amend the Railway Labor Act to avoid interruptions of railway transportation that threaten national safety and health by reason of labor disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself, Mr. Dingell, and Mr. Carney):

H.R. 4997. A bill to amend the Labor-Management Relations Act, 1947; to the Committee on Education and Labor.

H.R. 4998. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income contributions by employers to plans providing motor vehicle insurance coverage for employees; to the Committee on Ways and Means.

H.R. 4999. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:

H.R. 5000. A bill to provide a more equitable distribution of the responsibility for service in the Armed Forces, to modernize the Selective Service System, to provide for the uniform application of Selective Service policies, and for other purposes; to the Committee on Armed Services.

H.R. 5001. A bill to amend title 10 of the United States Code to establish standards of conduct for military officers dealing in an official capacity with defense contractors, to prohibit employment of retired officers by defense contractors unless such officers have been certified as not violating such standards during their service careers, to establish a board to make such certifications, and for other purposes; to the Committee on Armed Services.

H.R. 5002: A bill to amend section 273 of title 10, United States Code, to provide that members of the armed forces who are Members of the Senate or House of Representatives of the United States shall be transferred to the inactive status of the Standby Reserve under certain conditions; to the Committee on Armed Services.

H.R. 5003. A bill to provide for the disclosure of certain information relating to certain public opinion polls; to the Committee on House Administration.

H.R. 5004. A bill to provide for public disclosure by Members of the House of Representatives. Members of the U.S. Senate, Justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet Members; and by candidates for the House of Representatives and the Senate, the Presidency, and the Vice Presidency; and to give the House Committee on Standand to give the House Committee on Standards of Official Conduct, the Senate Select Committee on Standards of Conduct, the Director of the Administrative Office of the U.S. Courts and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

H.R. 5005. A bill to amend section 203 of title 18, United States Code, to forbid the solicitation or acceptance of payment in return for assisting individuals with regard to positions in any military component, and for other purposes; to the Committee on the Judiciary.

H.R. 5006. A bill to assist State and local criminal justice systems in the rehabilitation of adult and youth criminal offenders, and for other purposes; to the Committee on the Judiciary.

H.R. 5007. A bill to create a national system of health security; to the Committee on Ways and Means.

H.R. 5008. A bill to amend title II of the Social Security Act to provide minimum monthly benefits thereunder at age 72 for all uninsured individuals, without regard to the time at which such age is attained; to the Committee on Ways and Means.

H.R. 5009. A bill to amend the Social Security Act to provide that women who are 62 years of age or over and are eligible for cash social security (or railroad retirement) benefits shall also be eligible for hospital insurance benefits (and supplementary medical insurance benefits); to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 5010. A bill to assure equal access for farmworkers to programs and procedures instituted for the protection of American working men and women, and for other purposes; to the Committee on Education and Labor.

By Mr. O'NEILL (for himself, Mr. Boland, Mr. Burke of Massachusetts, Mr. Conte, Mr. Donohue, Mr. Keith, Mr. Macdonald of Massachusetts, Mr. Morse, Mr. Drinan, and Mrs. Hicks, of Massachusetts):

H.R. 5011. A bill to incorporate the Historic Naval Ships Association; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 5012. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment to certain distributions pursuant to the Savings and Loan Holding Company Amendments of 1967; to the Committee on Ways and Means.

By Mr. PATMAN (for himself, Mr. Barrett, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. St Germain, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Annunzio, Mr. Rees, Mr. Hanley, Mr. Brasco, Mr. Koch, Mr. Cotter, Mr. Mitchell, Mr. Widnall, Mrs. Dwyer, Mr. Johnson, of Pennsylvania, Mr. J. William Stanton, Mr. Brown of Michigan, and Mrs. Heckler of Massachusetts):

H.R. 5013. A bill to authorize U.S. contributions to the Special Funds of the Asian Development Bank; to the Committee on Banking and Currency.

By Mr. PATMAN (for himself, Mr. Barrett, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. St Germain, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Annunzio, Mr. Rees, Mr. Hanley, Mr. Brasco, Mr. Koch, Mr. Cotter, Mr. Mitchell, Mr. Widnall, Mrs. Dwyer, Mr. Johnson of Pennsylvania, Mr. J. William Stanton, and Mr. Brown of Michigan):

H.R. 5014. A bill to authorize payment and appropriation of the second and third installments of the U.S. contribution to the Fund for Special Operations of the Inter-American Development Bank; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 5015. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5016. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PEPPER (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Annunzio, Mr. Ashley, Mr. Badillo, Mr. Barrett, Mr. Bingham, Mr. Brademas, Mr. Brasco, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Byrne of Pennsylvania, Mrs. Chisholm, Mr. Clark, Mr. Clay, Mr. Corman, Mr. Coughlin, Mr. Daniel of Virginia, Mr. Daniels of New Jersey, Mr. Dent, and Mr. Dingell):

H.R. 5017. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Donohue, Mr. Dow, Mr. Dowdy, Mr. Drinan, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Esch, Mr. Fascell, Mr. Flood, Mr. William D. Ford, Mr. Fraser, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Garmatz, Mr. Gaydos, Mr. Giaimo, Mr. Gonzalez, Mr. Gude, Mr. Halpern, Mr. Hanley, Mrs. Hansen of Washington, and Mr. Hansen of Idaho):

H.R. 5018. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Harrington, Mr. Harsha, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks of Washington, Mrs. Hicks of Massachusetts, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Johnson of California, Mr. Kee, Mr. Koch, Mr. Kuykendall, Mr. Kyros, Mr. Link, Mr. McCloskey, Mr. McKinney, Mr. Matsunaga, Mr. Meeds, Mr. Metcalfe, Mr. Mikva, Mr. Miller of California, and Mr. Minish):

H.R. 5019. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

Mr. PEPPER (for himself, Mrs. Mink, Mr. Mitchell, Mr. Moorhead, Mr. Morse, Mr. Murphy of New York, Mr. Nedzi, Mr. Nix, Mr. Obey, Mr. O'Hara, Mr. Pelly, Mr. Perkins, Mr. Podell, Mr. Pryor of Arkansas, Mr. Pucinski, Mr. Rees, Mr. Reid of New York, Mr. Riegle, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. St Germain, and Mr. Scheuer):

H.R. 5020. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Schwengel, Mr. Sebelius, Mr. St

Germain, Mr. Stokes, Mr. Symington, Mr. Thompson of Georgia, Mr. Thompson of New Jersey, Mr. Thone, Mr. Tiernan, Mr. Vander Jagt, Mr. Vanik, Mr. Vigorito, Mr. Wolff, Mr. Wright, and Mr. Yatron):

H.R. 5021. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself and Mr. Murphy of Illinois):

H.R. 5022. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Bennett, Mr. Chappell, Mr. Fascell, Mr. Frey, Mr. Fuqua, Mr. Gibbons, Mr. Haley, Mr. Sikes, and Mr. Young of Florida):

H.R. 5023. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to engage in public works for the prevention and control of water pollution; to the Committee on Public Works.

By Mr. PEPPER (for himself, Mr. Bennett, Mr. Chappell, Mr. Fascell, Mr. Frey, Mr. Fuqua, Mr. Haley, and Mr. Young of Florida):

H.R. 5024. A bill to authorize the Secretary of the Army to dredge the Miami River, Dade County, Fla.; to the Committee on Public Works.

By Mr. PODELL (for himself, Mr. Hungate, and Mr. Mann):

H.R. 5025. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. PRICE of Texas (for himself, Mr. Alexander, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Blanton, Mr. Brinkley, Mr. Brown of Michigan, Mr. Broyhill of North Carolina, Mr. Carter, Mr. Dickinson, Mr. Dorn, Mr. Duncan, Mr. Esch, Mr. Fish, Mr. Fuqua, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Harvey, Mr. Hastings, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Kastenmeier, Mr. Landgrebe, Mr. Lent, and Mr. McClory):

H.R. 5026. A bill to amend the consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans; to the Committee on Agriculture.

By Mr. PRICE of Texas (for himself, Mr. McClure, Mr. McFall, Mr. Montgomery, Mr. Mizell, Mr. Myers, Mr. Nichols, Mr. Pirnie, Mr. Pryor of Arkansas, Mr. Railsback, Mr. Rhodes, Mr. Schwengel, Mr. Sebelius, Mr. Shriver, Mr. Steiger of Arizona, Mr. Steiger of Wisconsin, Mr. Thone, Mr. Wampler, Mr. Ware, and Mr. Winn):

H.R. 5027. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans; to the Committee on Agriculture.

By Mr. PRICE of Texas (for himself, Mr. Alexander, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Blanton, Mr. Brinkley, Mr. Brown of Michigan, Mr. Broyhill of North Carolina, Mr. Carter, Mr. Dickinson, Mr. Dorn, Mr. Duncan, Mr. Esch, Mr. Fish, Mr. Fuqua, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Harvey, Mr. Hastings, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Kastenmeier, Mr. Landgrebe, Mr. Lent, and Mr. McClory):

H.R. 5028. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes; to the Committee on Agriculture.

By Mr. PRICE of Texas (for himself, Mr. Mann, Mr. McClure, Mr. McFall, Mr. Mayne, Mr. Mizell, Mr. Montgomery, Mr. Myers, Mr. Nichols, Mr. Pirnie, Mr. Pryor of Arkansas, Mr. Railsback, Mr. Schwengel, Mr. Sebelius, Mr. Shriver, Mr. Steiger of Arizona, Mr. Steiger of Wisconsin, Mr. Thone, Mr. Wampler, Mr. Ware, and Mr. Winn):

H.R. 5029. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes; to the Committee on Agriculture.

By Mr. PUCINSKI:

H.R. 5030. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. REUSS:

H.R. 5031. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. Clay, Mr. Collier, Mr. Collins of Texas, Mr. Harsha, Mr. Obey, Mr. Poff, and Mr. Wolff):

H.R. 5032. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself, Mr. Collier, Mr. Collins of Texas, Mr. Dorn, and Mrs. Green of Oregon):

H.R. 5033. A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO (for himself, Mr. Widnall, Mr. Patten, and Mr. Hunt):

H.R. 5034. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 5035. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

H.R. 5036. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require that in labeling and advertising of certain drugs sold by prescription the "established name" of such drugs must appear each time the proprietary name is used, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5037. A bill to provide minimum disclosure standards for written warranties and guaranties of consumer products against defect or malfunction; to define minimum Federal content standards for such warranties and guaranties; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5038. A bill to amend the Federal Trade Commission Act to make sales promotion games unfair methods of competition; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI:

H.R. 5039. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROUSH:

H.R. 5040. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL:

H.R. 5041. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

By Mr. RUNNELS:

H.R. 5042. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Brantley project, Pecos River Basin, N. Mex., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RYAN:

H.R. 5043. A bill making an appropriation to carry out the provisions of the Noise Pollution and Abatement Act of 1970 (title IV of the Clean Air Act Amendments of 1970, Public Law 91-604) for the year ending June 30, 1971; to the Committee on Appropriations.

H.R. 5044. A bill to further promote equal employment opportunities for American workers; to the Committee on Education and Labor.

By Mr. ST GERMAIN:

H.R. 5045. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

H.R. 5046. A bill to amend title 5, United States Code, to provide for the continuance of Federal employees group life and accidental death and dismemberment insurance during periods of active duty and active duty for training with the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5047. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5048. A bill to amend title II of the Social Security Act to provide minimum monthly benefits thereunder at age 72 for all uninsured individuals, without regard to the time at which such age is attained; to the Committee on Ways and Means.

By Mr. SANDMAN (for himself, Mr. Eilberg, Mr. Bingham, Mr. Railsback, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Rodino, Mr. Edwards of California, Mr. Haley, Mr. Morse, Mr. Nelsen, Mr. Biester, Mr. Dickinson, Mr. Kyl, Mr. Harrington, Mr. Wyman, Mr. Cleveland, Mr. Matsunaga, Mr. Goldwater, Mr.

Derwinski, Mr. Hunt, Mr. Grover, Mr. Horton, Mr. McDade, and Mr. Byrne of Pennsylvania):

H.R. 5049. A bill to regulate the discharges of wastes in territorial and international waters; to the Committee on Merchant Marine and Fisheries.

By Mr. SANDMAN (for himself, Mr. Frenzel, Mr. Duncan, Mr. Hogan, Mr. Yates, Mr. Schneebeli, Mrs. Dwyer, Mr. Fish, Mr. Biaggi, Mr. Roush, Mr. Thone, Mr. Forsythe, Mr. Pirnie, Mr. Steele, Mr. Halpern, Mr. Gray, Mr. Lent, Mr. McClory, Mr. Williams, and Mr. Burke of Florida):

H.R. 5050. A bill to regulate the discharge of wastes in territorial and international waters; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR:

H.R. 5051. A bill to preserve, stabilize, and reactivate the domestic gold mining industry on public, Indian, and other lands within the United States and to increase the domestic production of gold to provide the requirements of industry, national defense, and other nonmonetary uses of gold; to the Committee on Interior and Insular Affairs.

H.R. 5052. A bill to amend chapter 31 of title 38, United States Code, to authorize additional training or education for certain veterans who are no longer eligible for training, in order to restore employability lost due to technological changes; to the Committee on Veterans' Affairs.

H.R. 5053. A bill to amend title 38 of the United States Code to make the children of certain veterans having a service-connected disability rated at not less than 50 percent eligible for benefits under the war orphans' educational assistance program; to the Committee on Veterans' Affairs.

H.R. 5054. A bill to amend title 38 of the United States Code to provide hospital and medical care thereunder with respect to any disability of any veteran of World War I or a period of war thereafter who was a prisoner of war for 180 or more consecutive days; to the Committee on Veterans' Affairs.

H.R. 5055. A bill to amend title 38 of the United States Code to provide that any 5-year level premium term plan policy of national service life insurance shall be deemed paid when premiums paid in, less dividends, equal the amount of the policy; to the Committee on Veterans' Affairs.

H.R. 5056. A bill to amend title 38 of the United States Code to provide that any 5-year level premium term plan policy of U.S. Government life insurance shall be deemed paid when premiums paid in, less dividends, equal the amount of the policy; to the Committee on Veterans' Affairs.

H.R. 5057. A bill to amend section 333 of title 38, United States Code, to provide that veterans who serve 2 or more years in peacetime shall be entitled to a presumption that chronic diseases becoming manifest within 1 year from the date of separation from service are service connected; to the Committee on Veterans' Affairs.

H.R. 5058. A bill to amend title 38 of the United States Code to provide that the Veterans' Administration shall provide complete medical services for any veteran totally disabled from a service-connected disability; to the Committee on Veterans' Affairs.

By Mr. SAYLOR (for himself, Mr. Dingell, Mr. Reuss, Mr. Udall, Mr. Eckhardt, Mr. Vander Jagt, Mr. Leggett, Mr. Moss, Mr. Gude, Mr. Fraser, Mr. William D. Ford, Mr. Harrington, Mr. O'Hara, Mr. Kastenmeier, Mr. Roncalio, Mr. Quie, and Mr. Brademas):

H.R. 5059. A bill relating to the construction of an oil pipeline system in the State of Alaska; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Obey, Mr. Biaggi, Mr. Don H. Clausen, Mr. Dingell, Mr. Downing, Mr. Edwards of California, Mr. Fulton of Pennsylvania, Mr. Frey, Mr. Goodling, Mr. Hanna, Mr. Karth, Mr. Keith, Mr. Kyros, Mr. Lent, Mr. Lennon, Mr. McCloskey, Mr. McDonald of Michigan, Mr. O'Hara, Mr. Pelly, Mr. Reid of New York, and Mr. Rogers):

H.R. 5060. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHEUER:

H.R. 5061. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. SEBELIUS:

H.R. 5062. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes; to the Committee on Ways and Means.

By Mr. SEBELIUS (for himself, Mr. Abourezk, Mr. Alexander, Mr. Andrews of North Dakota, Mr. Archer, Mr. Camp, Mr. Daniel of Virginia, Mr. Dickinson, Mr. Donohue, Mr. Duncan, Mr. Frenzel, Mr. Fuqua, Mr. Halpern, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hastings, Mr. Hutchinson, Mr. Jones of Tennessee, Mr. Kyros, Mr. Link, Mr. Lujan, Mr. Mann, Mr. Mazzoli, Mr. McClure, and Mr. Melcher):

H.R. 5063. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. SEBELIUS (for himself, Mr. Miller of Ohio, Mr. Mizell, Mr. Myers, Mr. Nichols, Mr. Roy, Mr. Scherle, Mr. Shriver, Mr. Sikes, Mr. Steele, Mr. Thone, Mr. Ullman, Mr. Veysey, Mr. White, Mr. Williams, Mr. Wright, and Mr. Zwach):

H.R. 5064. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 5065. A bill to amend the Natural Gas Pipeline Safety Act of 1968; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself, Mr. Moss, and Mr. Springer):

H.R. 5066. A bill to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES V. STANTON:

H.R. 5067. A bill to improve intergovernmental relationships, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities where there is a demonstration of State intention to modernize State and local government; to the Committee on Government Operations.

By Mr. STEIGER of Arizona (for himself, Mr. Haley, and Mr. Rhodes):

H.R. 5068. A bill to authorize grants for the Navajo Community College, and for other purposes; to the Committee on Interior and Insular Affairs.

Mr. STRATTON:

H.R. 5069. A bill to provide for the Federal collection of certain State and local income taxes; to the Committee on Ways and Means.

H.R. 5070. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. TAYLOR:

H.R. 5071. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

By Mr. TEAGUE of California:

H.R. 5072. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMPSON of Georgia:

H.R. 5073. A bill to amend the Budget and Accounting Act, 1921, to provide for the retirement of the public debt by setting aside the first 5 percent of the budget receipts of the United States for each fiscal year for the sole purpose of retirement of obligations counted as part of the public debt; to the Committee on Government Operations.

By Mr. UDALL (for himself, Mr. Bingham, Mr. Matsunaga, Mr. Begich, Mr. Reuss, Mr. Brademas, Mr. Hamilton, Mr. Kastenmeier, Mr. Dellums, Mr. Podell, Mr. Leggett, Mr. Mikva, Mr. Meeds, Mr. Koch, Mr. Moss, Mr. Burke of Massachusetts, Mrs. Mink, Mr. Roncalio, Mr. Eilberg, Mr. Brasco, Mrs. Grasso, Mr. Fraser, Mrs. Chisholm, Mrs. Abzug, and Mr. Harrington):

H.R. 5074. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' suits and class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL (for himself, Mr. Morse, Mr. Bergland, Mr. Rosenthal, Mr. Vanik, Mr. Frenzel, Mr. Moorhead, Mr. Thompson of New Jersey, Mr. Green of Pennsylvania, Mr. Abourezk, Mr. Roe, Mr. Murphy of Illinois, Mr. Barrett, Mr. McCloskey, Mr. Hawkins, Mr. Steele, Mr. Ashley, Mr. Hathaway, and Mr. Adams):

H.R. 5075. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' suits and class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL (for himself, Mr. Dingell, Mr. Hechler of West Virginia, Mr. Edwards of California, Mr. Ryan, Mr. Johnson of California, Mr. Reid of New York, Mr. Addabbo, Mr. Preyer of North Carolina, Mr. Pike, Mr. Halpern, Mr. Diggs, Mr. Boland, Mr. Badillo, Mr. Fish, Mr. O'Hara, Mr. Mitchell, Mr. Wolff, Mr. Conyers, Mr. Hays, Mr. Rees, Mr. William D. Ford, Mr. Stokes, Mr. Rangel, and Mr. Scheuer):

H.R. 5076. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' suits and class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. VEYSEY:

H.R. 5077. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

H.R. 5078. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. WATTS:

H.R. 5079. A bill to allow a deduction for income tax purposes of the entire amount of carrying charges paid on installment purchases; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 5080. A bill to establish a Commission on Security and Safety of Cargo; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT:

H.R. 5081. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in small towns and rural areas; to the Committee on Ways and Means.

By Mr. WYLIE (for himself, Mrs. Abzug, Mr. Anderson of Illinois, Mr. Baring, Mr. Biaggi, Mr. Blackburn, Mr. Buchanan, Mr. Burton, Mr. Collier, Mr. Daniels of New Jersey, Mr. Dellums, Mr. Flowers, Mr. Frelinghuysen, Mr. Frey, Mr. Fulton of Pennsylvania, Mr. Garmatz, Mrs. Grasso, Mr. Halpern, Mr. Hansen of Idaho, Mr. Hays, Mrs. Hicks of Massachusetts, Mr. Hogan, Mr. Hunt, Mr. Kuykendall, and Mr. Lent):

H.R. 5082. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. WYLIE (for himself, Mr. McKinney, Mr. Mazzoli, Mr. Morse, Mr. Moss, Mr. Myers, Mr. Nichols, Mr. Podell, Mr. Pryor of Arkansas, Mr. Roe, Mr. St Germain, Mr. Thomson of Wisconsin, Mr. Veysey, Mr. Whalen, Mr. Williams, and Mr. Young of Florida):

H.R. 5083. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 5084. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

H.R. 5085. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deduction from benefits thereunder; to the Committee on Ways and Mean.

H.R. 5086. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability benefits thereunder; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. Udall, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Gerald R. Ford, Mr. Frelinghuysen, Mr. Hastings, Mr. Roybal, Mr. Gray, Mr. Andrews of North Dakota, Mr. Dellenback, Mr. Symington, Mr. Pucinski, Mr. Thompson of Georgia, Mr. Kuykendall, Mr. Powell, Mr. Coughlin, Mr. Collier, Mr. Hansen of Idaho, Mr. Mann, Mr. Hanley, and Mr. Rosenthal):

H.R. 5087. A bill to set standards of ethics and financial disclosure in campaigns for election to Federal office; to the Committee on House Administration.

By Mr. ANDERSON of Illinois (for himself, Mr. Udall, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. O'Konski, Mr. Zwach, Mr. Schneebeli, Mr. Meeds, Mr. Fish, Mr. Morse, Mr. Halpern, Mr. Howard, Mr. Wyatt, Mrs. Abzug, Mr. Duncan, Mr. Abourezk, Mr. J. William Stanton, Mr. Mailliard, Mr. Green of Pennsylvania, Mr. Cleveland, and Mr. Conable):

H.R. 5088. A bill to set standards of ethics and financial disclosure in campaigns for election to Federal office; to the Committee on House Administration.

By Mr. UDALL (for himself, Mr. Anderson of Illinois, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. Scheuer, Mr. Mosher, Mr. Fraser, Mr. Edwards of California, Mr. Mikva, Mr. Link, Mr. Bell, Mr. Ullman, Mr. Wolff, Mr. Seiberling, Mr. Riegle, Mr. Wylie, Mr. Moss, Mr. Whalen, Mr. Robison, of New York, Mr. Badillo, and Mr. Wright):

H.R. 5089. A bill to set standards of ethics and financial disclosure in campaigns for election to Federal office; to the Committee on House Administration.

By Mr. ANDERSON of Illinois (for himself, Mr. Udall, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. Gerald R. Ford, Mr. Frelinghuysen, Mr. Hastings, Mr. Roybal, Mr. Gray, Mr. Andrews of North Dakota, Mr. Dellenback, Mr. Symington, Mr. Pucinski, Mr. Kuykendall, Mr. Powell, Mr. Coughlin, Mr. Collier, Mr. Hansen of Idaho, Mr. Mann, and Mr. Hanley):

H.R. 5090. A bill to provide certain amounts of television program time for candidates for Federal offices during general elections; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois (for himself, Mr. Udall, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. O'Konski, Mr. Zwach, Mr. Schneebeli, Mr. Meeds, Mr. Fish, Mr. Morse, Mr. Halpern, Mr. Howard, Mr. Wyatt, Mrs. Abzug, Mr. Duncan, Mr. Abourezk, Mr. J. William Stanton, Mr. Mailliard, Mr. Green of Pennsylvania, Mr. Cleveland, and Mr. Rosenthal):

H.R. 5091: A bill to provide certain amounts of television program time for candidates for Federal offices during general elections; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. Anderson of Illinois, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. Scheuer, Mr. Mosher, Mr. Fraser, Mr. Edwards of California, Mr. Mikva, Mr. Link, Mr. Ullman, Mr. Wolff, Mr. Seiberling, Mr. Riegle, Mr. Wylie, Mr. Moss, Mr. Whalen, Mr. Robison, Mr. Badillo, and Mr. Wright):

H.R. 5092. A bill to provide certain amounts of television program time for candidates for Federal offices during general elections; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois (for himself, Mr. Udall, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. Gerald R. Ford, Mr. Frelinghuysen, Mr. Hastings, Mr. Roybal, Mr. Gray, Mr. Andrews of North Dakota, Mr. Dellenback, Mr. Symington, Mr. Kuykendall, Mr. Powell, Mr. Coughlin, Mr. Collier, Mr. Hansen of Idaho, Mr. Mann, and Mr. Hanley):

H.R. 5093. A bill to provide a reduced rate of postage for a certain amount of campaign literature mailed by congressional candidates; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of Illinois (for himself, Mr. Udall, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. O'Konski, Mr. Zwach, Mr. Schneebeli, Mr. Meeds, Mr. Fish, Mr. Morse, Mr. Halpern, Mr. Howard, Mr. Wyatt, Mrs. Abzug, Mr. Duncan, Mr. Abourezk, Mr. J. William Stanton, Mr. Mailliard, Mr. Green of Pennsylvania, Mr. Cleveland, and Mr. Rosenthal:

H.R. 5094. A bill to provide a reduced rate of postage for a certain amount of campaign literature mailed by congressional candidates; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself, Mr. Anderson of Illinois, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. Scheuer, Mr. Mosher, Mr. Fraser, Mr. Edwards of California, Mr. Mikva, Mr. Link, Mr. Bell, Mr. Ullman, Mr. Wolff, Mr. Seiberling, Mr. Riegle, Mr. Wylie, Mr. Moss, Mr. Whalen, Mr. Robison of New York, Mr. Badillo, and Mr. Wright):

H.R. 5095. A bill to provide a reduced rate of postage for a certain amount of campaign literature mailed by congressional candidates; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of Illinois (for himself, Mr. Udall, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. Gerald R. Ford, Mr. Frelinghuysen, Mr. Hastings, Mr. Roybal, Mr. Gray, Mr. Andrews of North Dakota, Mr. Dellenback, Mr. Symington, Mr. Pucinski, Mr. Thompson of Georgia, Mr. Kuykendall, Mr. Powell, Mr. Coughlin, Mr. Collier, Mr. Hansen of Idaho, Mr. Mann, and Mr. Hanley):

H.R. 5096. A bill; Tax credits for political contributions; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. Udall, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of North Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. O'Konski, Mr. Zwach, Mr. Schneebeli, Mr. Meeds, Mr. Fish, Mr. Morse, Mr. Halpern, Mr. Howard, Mr. Wyatt, Mrs. Abzug, Mr. Duncan, Mr. Abourezk, Mr. J. William Stanton, Mr. Mailliard, Mr. Green of Pennsylvania, Mr. Cleveland, and Mr. Rosenthal):

H.R. 5097. A bill; Tax credits for political contributions; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. Anderson of Illinois, Mr. Stafford, Mr. Matsunaga, Mr. Talcott, Mr. Preyer of Norh Carolina, Mr. Lloyd, Mr. Pryor of Arkansas, Mr. Scheuer, Mr. Mosher, Mr. Fraser, Mr. Edwards of California, Mr. Mikva, Mr. Link, Mr. Bell, Mr. Ullman, Mr. Wolff, Mr. Seiberling, Mr. Riegle, Mr. Wylie, Mr. Moss, Mr. Whalen, Mr. Robison of New York, Mr. Badillo, and Mr. Wright):

H.R. 5098. A bill; Tax credits for political contributions; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. Morse, Mr. Archer, Mr. Lent, Mr. Lujan, Mr. Collins of Texas, Mr. Forsythe, Mr. Buchanan, Mr. Powell, Mr. Drinan, Mr. Johnson of Pennsylvania, Mr. Coughlin, Mr. Frenzel, Mr. Mazzoli, Mr. Preyer of North Carolina, Mr. Hastings, Mr. Hansen of Idaho, Mr. McKinney, Mr. Thone, Mr. Hosmer, Mr. Terry, Mr. Kuykendall, Mr. Kemp, Mr. Melcher, and Mr. Findley):

H.R. 5099. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for gifts or contributions made to any institution of higher education, to be cited as, "The Higher Education Gift Incentive Act of 1971"; to the Committee on Ways and Means.

By Mrs. ABZUG:

H.J. Res. 381. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H.J. Res. 382. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. COLLIER:

H.J. Res. 383. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. CONABLE:

H.J. Res. 384. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. Celler, Mr. Morgan, Mr. McCulloch, Mr. Brooks, Mr. Burke of Massachusetts, Mr. Burlison of Missouri, Mr. Carey of New York, Mr. Cederberg, Mr. Chamberlain, Mr. Conable, Mr. Danielson, Mr. Davis of Georgia, Mr. Downing, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Frelinghuysen, Mr. Goldwater, Mr. Gonzalez, Mr. Harvey, Mr. Henderson, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Keating, and Mr. McCormack):

H.J. Res. 385. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. Mazzoli, Mr. Minish, Mr. Mitchell, Mr. Monagan, Mr. Myers, Mr. Nelsen, Mr. O'Konski, Mr. O'Neill, Mr. Powell, Mr. Pryor of Arkansas, Mr. Purcell, Mr. Rarick, Mr. Roncalio, Mr. Roy, Mr. Ruppe, Mr. Sandman, Mr. Seiberling, Mr. Shriver, Mr. Sikes, Mr. Smith of New York, Mr. James V. Stanton, Mr. Steed, Mr. Stephens, and Mr. Stuckey):

H.J. Res. 386. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. Symington, Mr. Udall, Mr. Van Deerlin, Mr. Whitehurst, Mr. Yatron, Mr. Young of Florida, and Mr. Zion):

H.J. Res. 387. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself and Mr. Mizell):

H.J. Res. 388. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. FASCELL:

H.J. Res. 389. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 390. Joint resolution designating the second Saturday in May of each year as "Fire Service Recognition Day", and for other purposes; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.J. Res. 391. Joint resolution proposing an amendment to the Constitution of the United States granting to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.J. Res. 392. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.J. Res. 393. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on Judiciary.

By Mr. HUNT:

H.J. Res. 394. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 395. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 396. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 397. Joint Resolution proposing an amendment to the Constitution of the United States to reduce the voting age to 18; to the Committee on the Judiciary.

By Mr. KARTH:

H.J. Res. 398. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. KUYKENDALL (for himself, Mr. Baring, and Mr. Ichord):

H.J. Res. 399. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. McCLORY:

H.J. Res. 400. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. Poff, and Mr. McClory):

H.J. Res. 401. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age; or older; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 402. Joint resolution designating the second Saturday in May of each year as "Fire Service Recognition Day", and for other services; to the Committee on the Judiciary.

By Mr. PRICE of Texas (for himself, Mr. Bell, Mr. Cabell, Mr. Camp, Mr. Coughlin, Mr. Davis of Georgia, Mr. Flowers, Mr. Frey, Mr. Fulton of Pennsylvania, Mr. Goldwater, Mr. Hechler of West Virginia, Mr. Miller of California, Mr. Roe, Mr. Symington, Mr. Winn and Mr. McCormack):

H.J. Res. 403. Joint resolution designating the third week in July of each year as "National Man in Space Week"; to the Committee on the Judiciary.

By Mr. RODINO (for himself, Mr. Widnall, Mr. Daniels of New Jersey, Mrs. Dwyer, Mr. Forsythe, Mr. Frelinghuysen, Mr. Gallagher, Mr. Helstoski, Mr. Howard, Mr. Hunt, Mr. Minish, Mr. Patten, Mr. Roe, Mr. Sandman, and Mr. Thompson of New Jersey) (by request):

H.J. Res. 404. Joint resolution granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for entering into the Airport Commission Compact, and for other purposes; to the Committee on the Judiciary.

By Mr. ROUSH:

H.J. Res. 405. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary:

By Mr. TEAGUE of California (by request):

H.J. Res. 406. Joint resolution proposing designation of March 21, the Vernal Equinox, of each year as "Earth Day"; to the Committee on the Judiciary.

By Mr. YATRON:

H.J. Res. 407. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BRASCO:

H. Con. Res. 182. Concurrent resolution expressing the sense of the Congress with respect to the production and distribution in interstate and foreign commerce of motion pictures and television programs which degrade or demean racial, religious, or ethnic groups; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY (for himself, Mr. Adams, Mr. Blatnik, Mr. Dulski, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Garmatz, Mr. Gonzalez, Mr. Gubser, Mr. Sandman, Mr. Stubblefield, Mr. Thompson of New Jersey, and Mr. Wydler):

H. Con. Res. 183. Concurrent resolution; that the Congress hereby creates an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. GALLAGHER (for himself and Mr. Runnels):

H. Con. Res. 184. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT:

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress that aid to and trade with any country which extends any aid or assistance to North Vietnam shall be prohibited; to the Committee on Foreign Affairs.

By Mr. MOSS:

H. Con. Res. 186. Concurrent resolution to establish a Joint Committee on Intelligence Operations, and for other purposes; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Brown of Michigan, and Mr. Roy):

H. Res. 249. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. CULVER:

H. Res. 250. Resolution to amend rules X, XII and XIII of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. HUNT:

H. Res. 251. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. MORSE (for himself, Mrs. Abzug, Mr. Burke of Massachusetts, and Mr. Dellums):

H. Res. 252. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the

Committee on Urban Affairs; to the Committee on Rules.

By Mr. POAGE:

H. Res. 253. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 22; to the Committee on House Administration.

By Mr. PRYOR of Arkansas (for himself, Mr. ANDERSON of Illinois, Mr. DELLUMS, Mr. HICKS of Washington, Mr. KARTH, Mr. POWELL, Mr. PURCELL, Mr. RODINO, Mr. STRATTON, Mr. THOMPSON of New Jersey, and Mr. WHITEHURST):

H. Res. 254. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. ST GERMAIN:

H. Res. 255. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. WILLIAMS:

H. Res. 256. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. YATRON:

H. Res. 257. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

32. By the SPEAKER: A memorial of the Legislature of the Territory of Guam, relative to the establishment of a nonvoting Delegate in the U.S. House of Representatives from Guam; to the Committee on Interior and Insular Affairs.

33. Also, a memorial of the Legislature of the State of South Carolina, relative to the blasting of stumps in Lake Hartwell and Clark's Hill Reservoir, S.C.; to the Committee on Public Works.

PRIVATE BILLS

Under clause 1 of rule XXII, private bills were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 5100. A bill for the relief of Edgardo Brian Walton; to the Committee on the Judiciary.

By Mr. ANDERSON of Tennessee:

H.R. 5101. A bill to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 5102. A bill for the relief of George Adom; to the Committee on the Judiciary.

H.R. 5103. A bill for the relief of Aldo Amanini; to the Committee on the Judiciary.

H.R. 5104. A bill for the relief of Giuseppina Angeloti, also known as Giuseppina Angeloti Dall'Angul; to the Committee on the Judiciary.

H.R. 5105. A bill for the relief of Nicola Augelletta, his wife, Ida Augelletta, and their children, Rosa Augelletta, Maria Carmela Augelletta, and Susanna Augelletta; to the Committee on the Judiciary.

H.R. 5106. A bill for the relief of Polberto Obias Baranuelo; to the Committee on the Judiciary.

H.R. 5107. A bill for the relief of Carlo Bassanini; to the Committee on the Judiciary.

H.R. 5108. A bill for the relief of Salvatore Bivona; to the Committee on the Judiciary.

H.R. 5109. A bill for the relief of Giuseppe Cannata; to the Committee on the Judiciary.

H.R. 5110. A bill for the relief of Antonio Carbone; to the Committee on the Judiciary.

H.R. 5111. A bill for the relief of Maria Cardinali; to the Committee on the Judiciary.

H.R. 5112. A bill for the relief of Perla Cassuto (nee Eskanazi); to the Committee on the Judiciary.

H.R. 5113. A bill for the relief of Nicola Cianci; to the Committee on the Judiciary.

H.R. 5114. A bill for the relief of Maria D'Apruzzo; to the Committee on the Judiciary.

H.R. 5115. A bill for the relief of Carmine D'Apruzzo; to the Committee on the Judiciary.

H.R. 5116. A bill for the relief of Bonaventura Di Lorenzo; to the Committee on the Judiciary.

H.R. 5117. A bill for the relief of Antonio Ferraro; to the Committee on the Judiciary.

H.R. 5118. A bill for the relief of Brenda Gill; to the Committee on the Judiciary.

H.R. 5118. A bill for the relief of Antonio Giustino; to the Committee on the Judiciary.

H.R. 5120. A bill for the relief of Giuseppe Innico; to the Committee on the Judiciary.

H.R. 5121. A bill for the relief of Raffaele Ippolito, his wife, Ada Ippolito, and their children, Giuseppe and Nunzia Ippolito; to the Committee on the Judiciary.

H.R. 5122. A bill for the relief of Dionisia C. Japco; to the Committee on the Judiciary.

H.R. 5123. A bill for the relief of Sister Angelina Landofi; to the Committee on the Judiciary.

H.R. 5124. A bill for the relief of Benedetta Larca; to the Committee on the Judiciary.

H.R. 5125. A bill for the relief of Anna Fiumefreddo Lembo and Giovanni Lembo; to the Committee on the Judiciary.

H.R. 5126. A bill for the relief of Giovanni Lo Zito; to the Committee on the Judiciary.

H.R. 5127. A bill for the relief of Ippolita Maffei; to the Committee on the Judiciary.

H.R. 5128. A bill for the relief of Eduardo and Giovanna Maiorelli; to the Committee on the Judiciary.

H.R. 5129. A bill for the relief of Filippo Morici; to the Committee on the Judiciary.

H.R. 5130. A bill for the relief of Aurelio Passalacqua; to the Committee on the Judiciary.

H.R. 5131. A bill for the relief of Benedetto Pezzino; to the Committee on the Judiciary.

H.R. 5132. A bill for the relief of Antonio Regalbuto, his wife, Maria Regalbuto, and their son, Domenico Regalbuto; to the Committee on the Judiciary.

H.R. 5133. A bill for the relief of Paolo Reparto; to the Committee on the Judiciary.

H.R. 5134. A bill for the relief of Angela Antonio Rizzo; to the Committee on Judiciary.

H.R. 5135. A bill for the relief of Giuseppe Sereno and Orsola Mannino Sereno; to the Committee on the Judiciary.

H.R. 5136. A bill for the relief of Stefano Squitieri; to the Committee on the Judiciary.

H.R. 5137. A bill for the relief of Catello, Grazia, and Adriana Striano; to the Committee on the Judiciary.

H.R. 5138. A bill for the relief of Lidia Tagliaferro; to the Committee on the Judiciary.

H.R. 5139. A bill for the relief of Domenico Viscariello; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 5140. A bill for the relief of Luciano Dimino, Antonina Scarpulla Dimino, and Maria Giuseppina Dimino; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 5141. A bill for the relief of Master Sergeant Robert M. Stachura; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 5142. A bill for the relief of Nello Giarelli, Rosa Cafagno Giarelli, Marcelo Giarelli, and Isabel Giarelli; to the Committee on the Judiciary.

H.R. 5143. A bill for the relief of Sebastiano Patti, Maria Rita Repici Patti, and Francesco Patti; to the Committee on Judiciary.

By Mr. COLLIER:

H.R. 5144. A bill for the relief of Concetta Fulco; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 5145. A bill for the relief of Guadalupe L. Anchecta; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 5146. A bill for the relief of Wei Tack Lick; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 5147. A bill for the relief of Filipinas D. Framil; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 5148. A bill for the relief of Maria Lourdes S. Reyes; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 5149. A bill for the relief of Jose Posada; to the Committee on the Judiciary.

H.R. 5150. A bill for the relief of Lilia Romay; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 5151. A bill for the relief of Loi Sing Yip, his wife, Szeto Pik Shun Yip, and their minor son, Koon Ying Yip; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 5152. A bill for the relief of Filomeno De Rosa; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 5153. A bill for the relief of Mr. and Mrs. Pietro DeSantis; to the Committee on the Judiciary.

H.R. 5154. A bill for the relief of Candida LoGatto; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 5155. A bill for the relief of Miss Milagros M. Gonzalez; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 5156. A bill for the relief of Ronald K. Downie; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 5157. A bill for the relief of Alexandria de Medeiros Cipriano; to the Committee on the Judiciary.

H.R. 5158. A bill for the relief of Maria Rosa Martins; to the Committee on the Judiciary.

H.R. 5159. A bill for the relief of Maria Ascencao Reis; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 5160. A bill for the relief of Francesco Ardito; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 5161. A bill for the relief of Kenneth Baldwin; to the Committee on the Judiciary.

H.R. 5162. A bill for the relief of John J. Hartin, Jr.; to the Committee on the Judiciary.

H.R. 5163. A bill for the relief of Charles A. McInnis; to the Committee on the Judiciary.

H.R. 5164. A bill for the relief of the New York Toy Corp.; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 5165. A bill for the relief of Dr. Garcia Quintana; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 5166. A bill for the relief of Dinis De Almeida Tavares Da Silva; to the Committee on the Judiciary.

H.R. 5167. A bill for the relief of Maria Beatriz Ribero De Compos; to the Committee on the Judiciary.

H.R. 5168. A bill for the relief of Rosalia Palacano Di Pietro; to the Committee on the Judiciary.

By Mr. REES:

H.R. 5169. A bill for the relief of Violetta Stylianou; to the Committee on the Judiciary.

H.R. 5170. A bill for the relief of James Yu-Wan Sun; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 5171. A bill for the relief of Gregorio E. Mamerto; to the Committee on the Judiciary.

Mr. ROONEY of New York:

H.R. 5172. A bill for the relief of Miss Emma Falco; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 5173. A bill for the relief of Andres Carrasco-Villapudua; to the Committee on the Judiciary.

By Mr. RUNNELS:

H.R. 5174. A bill for the relief of Glover Packing Co.; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 5175. A bill authorizing the President of the United States to present a gold medal to the widow of Martin Luther King, Jr.; to the Committee on Banking and Currency.

H.R. 5176. A bill for the relief of Michael Davis; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 5177. A bill for the relief of Simeon Agapito Alejon; to the Committee on the Judiciary.

H.R. 5178. A bill for the relief of Orlando D'Amato; to the Committee on the Judiciary.

H.R. 5179. A bill for the relief of Soo Yong Kwak; to the Committee on the Judiciary.

H.R. 5180. A bill for the relief of Nguyen van My; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 5181. A bill for the relief of Rene Paulo Rohden-Sobrinho; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

34. The Speaker presented petition of the Village Assembly, Tomigusuku, Okinawa, relative to granting jurisdiction to the Government of the Ryukyu Islands over criminal offenses committed by members and civilian employees of the U.S. Armed Forces, which was referred to the Committee on Armed Services.

SENATE—*Thursday, February 25, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whom we live and move and have our being, help us to face this day and the distant future unafraid. Show us a vision of a world made new and the way by which it can come into being.

Forbid us to be satisfied with things as they are, or content with having our own way, when it is Thy way which we seek and Thy will which is to be done. Open our minds to the wisdom in others and our hearts to the loveliness men hide from us. We do not ask that Thou wilt keep us secure where we are, but that Thou wilt keep us loyal and true in service to our fellow man.

While we pray to make us worthy servants in this place, we ask Thy continued blessing upon the whole Nation, that it may be so committed to righteous purposes as to be a beacon of hope for our troubled world.

In the name of Him who gave His life for others. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, February 24, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TALMADGE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Monday next, immediately after the approval of the Journal, if there is no objection, and the recognition of the two leaders under the standing order, the able Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON PRESIDENTIAL REVIEW OF U.S. FOREIGN POLICY—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In a democracy, policy is the public's business. I believe the President has an obligation to lay before the American people and its Congress the basic premises of his policy and to report fully on the issues, developments, and prospects confronting the Nation.

Shortly before my inauguration, I concluded that an annual Presidential report on foreign policy would serve these ends well. Each report would measure progress and outline what remains to be done.

I hereby transmit to the Congress the second annual Presidential review of United States foreign policy.

This year my message will be supplemented by two major documents: the Secretary of State's review—the first of its kind—and the annual Defense Report by the Secretary of Defense. Both of these will be comprehensive and detailed accounts, filling out the basic framework and philosophy set forth in this Presidential message.

RICHARD NIXON.

THE WHITE HOUSE, *February 25, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes.

QUORUM

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENT'S MESSAGE ON THE STATE OF THE WORLD

Mr. GRIFFIN. Mr. President, today the President of the United States sent to Congress a comprehensive message on the state of the world. The report, 180 typewritten pages in length, entitled "United States Foreign Policy for the 1970's—Building for Peace," is a comprehensive statement on U.S. foreign policy.

In addition, President Nixon today addressed the Nation on radio, and summarized many of the points made in his state of the world message.

Mr. President, I ask unanimous consent that the text of the President's radio address to the Nation today be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Text of a Nationwide Radio Address by the President on U.S. Foreign Policy for the 1970's

Over the past ten years, Presidents of the United States have come before the American people in times of crisis to talk about war or the threat of war.

Today I am able to talk to you in a more hopeful and positive vein—about how we are moving this Nation and the world toward a lasting peace.

We have brought ourselves to a time of transition, from war toward peace, and this is a good time to gain some perspective on where we are and where we are headed.

Today I am sending to the Congress my second annual comprehensive report on the conduct of our foreign affairs. It discusses not only what we have done, but why we have done it, and how we intend to proceed in the future.

I do not intend to summarize all that is in my detailed report on foreign policy with you now. Instead, I would like to focus on three key points:

How we are getting out of the war this Nation has been in for the past six years;

How we have created a new and different foreign policy approach for the United States in a greatly changed world;

And how we are applying that approach in working with others to build a lasting peace.

The most immediate and anguishing problem that faced this administration two years ago was the war in Vietnam.

We have come a long way.

Two years ago, when this administration took office, there were almost 550,000 Americans in Vietnam. But within 60 days we will have brought home 260,000 men, and this spring I will announce a new schedule of withdrawals.

Two years ago, our casualties each month were five times as high as they are today.

Two years ago, the additional demands of the Vietnam War cost us approximately 22 billion dollars per year. That cost has been cut in half.

Much of the progress in Indochina was due to the success of the allied operations against the enemy sanctuaries in Cambodia last spring.

The clear proof is in this figure: American casualties after Cambodia have been half the rate they were before Cambodia. Our decision to clean out the sanctuaries in Cambodia saved thousands of American lives. And it enabled us to continue withdrawing our men on schedule.

Just as last year's cutoff of supplies through Cambodia has saved lives and insured our withdrawal program this year, the purpose of this year's disruption of the Ho Chi Minh Trail in Laos is to save lives and insure the success of our withdrawal program next year.

The disruption of the Communist supply line through Laos is being accomplished by South Vietnamese troops, with no U.S. ground troops or advisers. Their army is doing the fighting, with our air support, and the intensity of the fighting is evidence of the importance of that supply line to the Communists.

Consider this combination of events that many people thought was impossible only two years ago:

We have kept our commitments as we have taken out our troops. South Vietnam now has an excellent opportunity not only to survive but to build a strong, free society.

Thanks to the disruption of so much of the enemy's supplies, Americans are leaving South Vietnam in safety; we would much prefer to leave South Vietnam in peace. Negotiation remains the best and quickest way to end the war in a way that will not only end U.S. involvement and casualties, but will mean an end to the fighting between North and South Vietnamese.

On October 7 we made a proposal that could open the door to peace; we proposed:

An immediate standstill ceasefire throughout Indochina to stop the fighting.

An Indochina Peace Conference.

The withdrawal of all outside forces.

A political settlement fair to both sides.

The immediate release of all prisoners of war.

I reaffirm that proposal today. It is supported by every government in Indochina but one—North Vietnam.

I once again urge Hanoi to join us in this search for peace.

If North Vietnam wishes to negotiate with the United States, they will have to recognize that time is running out. With the exception of the prisoner of war issue, if North Vietnam continues to refuse to discuss our peace proposals, they will soon find they have no choice but to negotiate only with the South Vietnamese.

Our eventual goal is a total withdrawal of all outside forces. But as long as North Vietnam continues to hold a single American prisoner, we shall have forces in South Vietnam. The American prisoners of war will not be forgotten by their Government.

I am keeping my pledge to end America's involvement in this war. But the main point I want to discuss with you today—and the main theme of my report to the Congress—is the future, not the past. It matters very much how we end this war.

To end a war is simple.

But to end a war in a way that will not bring on another war is far from simple.

In Southeast Asia today, aggression is failing—thanks to the determination of the South Vietnamese people and to the courage and sacrifice of America's fighting men.

That brings us to a point that we have been at several times before in this century: aggression turned back, and a war ending.

We are at a critical moment in history: What America does—or fails to do—will determine whether peace and freedom can be won in the coming generation.

That is why the way in which we end this conflict is so crucial to our efforts to build a lasting peace in coming decades.

The right way out of Vietnam is crucial to our changing role in the world.

To understand the nature of the new American role we must consider the great historical changes that have taken place.

For 25 years after World War II, the United States was not only the leader of the non-Communist world, it was the primary supporter and defender of this world as well.

But today our allies and friends have gained new strength and self-confidence. They are now able to participate much more fully not only in their own defense, but in adding their moral and intellectual strength to the creation of a stable world order.

Today our adversaries no longer present a solidly united front; we can now differentiate in our dealings with them.

Today neither of the superpowers any longer has a clear-cut nuclear advantage; the time is ripe to come to an agreement on the control of arms.

The world has changed. Our foreign policy must change with it.

We have learned in recent years the dangers of our over-involvement. The other danger—a grave risk we are equally determined to avoid—is underinvolvement. After a long and unpopular war, there is temptation to turn inward—to withdraw from the world, to back away from our commitments. That deceptively smooth road of the new isolationism is surely the road to war.

Our foreign policy today steers a steady course between the past danger of overinvolvement and the new temptation of underinvolvement.

That policy, which I first enunciated in Guam 19 months ago, represents our basic approach to the world:

We will maintain our commitments, but we will make sure our own troop levels or any financial support to other nations is appropriate to current threats and needs;

We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security.

We will look to threatened countries and their neighbors to assume primary responsibility for their own defense, and will provide support where our interests call for that support and where it can make a difference.

These principles are not limited to security matters.

We shall pursue economic policies at home and abroad that encourage trade wherever possible and that strengthen political ties between nations. As we actively seek to help other nations expand their economies, we can legitimately expect them to work with us in averting economic problems of our own.

As we continue to send economic aid to developing nations, we will expect countries on the receiving end to mobilize their resources; we will look to other developed nations to do more in furnishing assistance; and we will channel our aid increasingly through groups of nations banded together for mutual support.

This new sharing of responsibility requires not less American leadership than in the past, but rather a new, more subtle, form of leadership. No single nation can build a peace alone; it can only be built by the willing hands—and minds—of all. In the modern world, leadership cannot be "do it yourself"—the path of leadership is in providing the help, the motive and the inspiration to do it together.

In carry out what is referred to as the Nixon Doctrine, we recognize that we cannot transfer burdens too swiftly. We must strike a balance between doing too much and preventing self-reliance, and suddenly doing too little and undermining self-confidence. We intend to give our friends the time and the means to adjust, materially and psychologically, to a new form of American participation in the world.

How have we applied our new foreign policy during the past year? What is our future agenda as we work with others to build a stable world order?

In Western Europe, we have shifted from predominance to partnership with our allies. Our ties with Western Europe are central to the structure of peace because its nations are rich in tradition and experience, strong economically, and vigorous in diplomacy and culture; they are in a position to take a major part in building a world of peace.

Our ties were strengthened in my second trip to Europe and reflected in our close consultation on arms control negotiations. At our suggestion, the NATO alliance made a thorough review of its military strategy and posture. As a result, we have reached new agreement on a strong defense and the need to share the burden more fairly.

In Eastern Europe, our exchange of State visits with Romania, and my meeting last fall with Marshal Tito in Yugoslavia, are examples of our search for wider reconciliation with the nations that used to be considered behind an Iron Curtain.

Looking ahead in Europe:

We shall cooperate in our political and economic relations across the Atlantic as the Common Market grows;

We and our allies will make the improvements necessary to carry out our common defense strategy;

Together we stand ready to reduce forces in Western Europe in exchange for mutual reductions in Eastern Europe.

The problems of Africa are great but so is her potential. The United States will support her people's efforts to build a continent that provides social justice and economic expansion.

In Latin America, there was too much tendency in the past to take our closest neighbors for granted. Recently, we have paid new respect to their proud traditions. Our trade, credit and economic policies have been re-examined and reformed, to respond to their concerns and their ideas, as well as to our own interests.

Our new Latin American policy is designed to help them help themselves; our new attitude will not only aid their progress, but add to their dignity.

Great changes are brewing throughout the hemisphere. We can have no greater goal than to help provide the means for necessary change to be accomplished in peace, and for all change to be in the direction of greater self-reliance.

A new Asia is emerging. The old enmities of World War II are dead or dying. Asian states are stronger and are joining together in vigorous regional groupings.

Here the doctrine that took shape last year is taking hold today, helping to spur self-reliance and cooperation between states. In Japan, South Korea, Thailand and the Philippines, we have consolidated bases and reduced American forces. We have relaxed trade and travel restrictions to underline our readiness for greater contact with Communist China.

Looking ahead in that area:

While continuing to help our friends help themselves, we must begin to consider how regional associations can work together with the major powers in the area for a durable peace.

We will work to build a strong partnership with Japan that will accommodate our mutual interests.

We will search for constructive discussions with Communist China while maintaining our defense commitment to Taiwan. When the government of the People's Republic of China is ready to engage in talks, it will find us receptive to agreements that further the legitimate national interests of China and its neighbors.

For in Asia, we can see tomorrow's world in microcosm. An economically powerful democratic nation, Japan, is seeking new markets; a potentially powerful Communist nation, China, will one day seek new outlets and new relations; a Communist competitor, the Soviet Union, has interests there as well; and the independent non-Communist nations of Southeast Asia are already working together in regional association. These great forces are bound to interact in the not too distant future. In the way they work together, and in the way we cooperate with their relationship, is the key to permanent peace in that area—and the Far East, the scene of such a painful legacy of the recent past, can become an example of peace and stability in the future.

In the Middle East, the United States took the initiative to stop the fighting and start the process of peace.

Along the Suez Canal a year ago, there was daily combat on the ground and in the air. Diplomacy was at an impasse. The danger of local conflict was magnified by growing Soviet involvement and the possibility of great powers being drawn into confrontation.

America took the lead in arranging a ceasefire and getting negotiations started. We are seeing to it that the balance of power, so necessary to discourage a new outbreak of fighting, is not upset. Working behind the scenes, when a crisis arose in Jordan, the United States played a key role in seeing that order was restored and an invasion was abandoned.

We recognize that centuries of suspicion and decades of hostility cannot be ended overnight. There are great obstacles in the way of a permanent, peaceful settlement, and painful compromise is required by all concerned.

We are encouraged by the willingness of each of the parties to begin to look to the larger interest of peace and stability throughout the Middle East. There is still the risk of war, but now—for the first time in years—the parties are actively calculating the risks of peace.

The policy of the United States will continue to be to promote peace talks—not to try to impose a peace from the outside, but to support the peace efforts of the parties in the region themselves.

One way to support those efforts is for the United States to discourage any outside power from trying to exploit the situation for its own advantage.

Another way for us to help turn a tenuous truce into a permanent settlement is this: The United States is fully prepared to play a responsible and cooperative role in keeping the peace arrived at through negotiation between the parties.

We know what our vital interests are in the Middle East. Those interests include friendly and constructive relations with all nations in the area. Other nations know that we are ready to protect those vital interests. And one good reason why other nations take us at our word in the Middle East is because the United States has kept its word in Southeast Asia.

We now come to a matter that affects every nation—the relations between the world's two great superpowers.

Over the past two years in some fields the Soviet Union and the United States have moved ahead together. We have taken the first step toward cooperation in outer space. We have both ratified the treaty limiting the spread of nuclear weapons. And just two weeks ago, we signed a treaty to prohibit nuclear weapons from the seabeds.

These are hopeful signs, but certain other Soviet actions are reason for concern. There is need for much more cooperation in reducing tensions in the Middle East and in ending harassment of Berlin. We must also discourage the temptation to raise new challenges in sensitive areas such as the Caribbean.

In the long run, the most significant result of negotiations between the superpowers in the past year could be in the field of arms control.

The Strategic Arms Limitation Talks with the Soviet Union have produced the most searching examination of the nature of strategic competition ever conducted between our two nations. Each side has had the chance to explain at length the concerns caused by the posture of the other side. The talks have been conducted in a serious way without the old lapses into propaganda.

If both sides continue in this way, there is reason to hope that specific agreements will be reached to curb the arms race.

Taking a first step in limiting the capacity of mankind to destroy itself would mark a turning point in the history of the postwar world; it would add to the security of both the Soviet Union and the United States, and it would add to the world's peace of mind.

In all our relations with the Soviets, we shall make the most progress by recognizing that in many cases our national interests are not the same, and it serves no purpose to pretend they are; our differences are not matters and mood, they are matters of substance. But in many other cases, our separate national interests can best be pursued by a sober consideration of the World Interest.

The United States will deal, as it must, from strength: We will not reduce our defenses below the level I consider essential to our national security.

A strong America is essential to the cause of peace today. Until we have the kind of agreements we can rely on, we shall remain strong.

But America's power will always be used for building a peace, never for breaking it—only for defending freedom, never for destroying it.

America's strength will be, as it must be, second to none; but the strength that this nation is proudest of is the strength of our determination to create a peaceful world.

We all know how every town or city develops a sense of community when its citizens come together to meet a common need.

The common needs of this world today, about which there can be no disagreement or conflict of national interest, are plain to see.

We know that we must act as one world in restoring the world's environment, before pollution of the seas and skies overwhelms every nation. We know we must stop the flow of narcotics; we must counter the outbreaks of hijacking and kidnapping; we must share the great discoveries about the oceans and outer space.

The United States is justly proud of the lead it has taken in working within the United Nations, and within the NATO alliance, to come to grips with these problems and opportunities.

Our work here is a beginning, not only in coping with the new challenges of technology and modern life, but of developing a world-wide "sense of community" that will ease tension and reduce suspicion, and thereby promote the process of peace.

That process can only flourish in a climate of mutual respect.

We can have that mutual respect with our friends, without dominating them or letting them down.

We can have that mutual respect with our adversaries, without compromisng our principles or weakening our resolve.

And we can have that mutual respect among ourselves, without stifling dissent or losing our capacity for action.

For a full generation of peace depends not only on the policy of one party, or one nation, or one alliance or one bloc of nations.

Peace for the next generation depends on our ability to make certain that each nation has a share in its shaping, and that every nation has a stake in its lasting.

This is the hard way, requiring patience, restraint, understanding and—when necessary—bold, decisive action. But history has taught us that the old diplomacy of imposing a peace by the fiat of great powers simply does not work.

I believe that the new diplomacy of partnership, of mutual respect, of dealing with strength and determination will work.

I believe that the right degree of American involvement—not too much and not too little—will evoke the right response from our other partners on this globe in building for our children the kind of world they deserve—a world of opportunity in a world without war.

Mr. BYRD of West Virginia. Mr. President, I am glad the able minority whip has asked that the prepared address made by the President today be printed in the Record.

I regret to say I was not supplied with a copy of this address in advance. I was supplied with a copy of the summary of the 180-page report on foreign policy about 30 minutes before the address began.

I am delighted the Senator has suggested it be printed in the Record so that all Senators may have it.

PROGRAM FOR MONDAY—CONSIDERATION OF MONEY RESOLUTIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order on Monday next to have a call of the legislative calendar of general orders, beginning with Calendar order No. 8; I ask unanimous consent that the various money resolutions thereon be called in order of their appearance on the calendar; and I ask unanimous consent that rule VIII be waived with respect to the 5-minute limitation on debate therein.

The PRESIDENT pro tempore. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I wish to be sure we understand each other. This unanimous-consent request is limited to Monday; is that right?

Mr. BYRD of West Virginia. It is limited to Monday and with respect to the money resolutions that are on the calendar.

Mr. JAVITS. I understand, but suppose they go over until Tuesday, Wednesday, Thursday, Friday. Then what? There may be extended debate on them. As the Senator has asked for suspension of the 5-minute rule, we cannot tell how long it will take. So what is the Senator's unanimous-consent request? Is it for Monday? Let us say Monday and Tuesday. Let us put some limit on the debate, so we do not have the debate on rule XXII preempted by some new debate on the money resolutions.

Mr. BYRD of West Virginia. I think the verbiage that was in my unanimous-consent request would provide for the calling of these resolutions only on Monday.

Mr. JAVITS. Only on Monday?

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. As far as I am concerned—and I do not know whether the Senator has consulted with other Senators on the rule XXII debate—we would vote on cloture on Tuesday. I do not see any objection to going through with the money resolutions, subject to the cloture vote which must take place, until, say, the close of Senate business on Tuesday. They could go over. There is no reason for hamstringing, and that was not my point; I just did not want to have an open-ended proposal on the money resolutions. I would make it Monday and Tuesday, with the cloture vote to be taken at the appropriate time, and if cloture is voted, it will start on Wednesday.

Mr. BYRD of West Virginia. My unanimous-consent request comprehended only Monday. There has been no cloture motion laid before the Senate as yet.

The PRESIDENT pro tempore. It was the Chair's understanding that it will include Monday only.

Mr. JAVITS. That is all right.

Mr. BYRD of West Virginia. It is anticipated that a third cloture motion will be introduced, with the requisite number of signatures, tomorrow. That means we would have a vote on cloture Tuesday. But my unanimous-consent request pertains to Monday next only.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Power Plant Siting Act of 1971

A letter from the Director, Office of Science and Technology, Executive Office of the President, transmitting a draft of proposed legislation to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes (with accompanying papers); to the Committee on Commerce.

Proposed Appropriations Providing Procurement and Construction for the Coast Guard

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (with accompanying papers); to the Committee on Commerce.

Report of Activities of the Department of Commerce

A letter from the Secretary of Commerce, transmitting, pursuant to law, the 58th annual report of the Secretary for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Commerce.

PROPOSED NOISE CONTROL ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the communication from the Environmental Protection Agency, together with a draft of a proposed bill to control the generation and transmission of noise detrimental to the human environment, and for other purposes, be referred to the Committee on Commerce and the Committee on Public Works.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Proposed Legislation Relating to Condemnation proceedings by the District of Columbia

A letter from the Assistant to the Commissioner, The District of Columbia, transmitting a draft of proposed legislation to amend section 16–1311 of the District of Columbia Code relating to condemnation proceedings by the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

Report of the Secretary of the Senate

A letter from the Secretary of the Senate, transmitting, pursuant to law, a report on the receipts and expenditures of the Senate, for the period July 1, 1970 through December 31, 1970 (with an accompanying report); which was ordered to lie on the table and be printed pursuant to law.

Report of the Postmaster General

A letter from the Postmaster General of the United States, transmitting, pursuant to law, the annual report of the Post Office Department for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Post Office and Civil Service.

Proposed Legislation To Establish an Environmental Financing Authority

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes (with an accompanying paper); to the Committee on Public Works and to the Committee on Finance for section 10 of the bill.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with amendments:

S. 70. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes (Rept. No. 92–21).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. PEARSON, from the Committee on Commerce:

Robert Wells, of Kansas, to be a member of the Federal Communications Commission.

Mr. SCHWEIKER. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 98 flag and general officers in the Army, Navy, Air Force, and Marine Corps. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Lt. Gen. Frank Thomas Mildren, U.S. Army (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of general;

Maj. Gen. John Hancock Hay, Jr., U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Gen. Ben Harrell, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Maj. Gen. Fillmore Kennady Mearns, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Maj. Gen. Willard Perarson, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

William J. Weinstein, Marine Corps Reserve, for temporary appointment to the grade of major general;

Harold Chase, Marine Corps Reserve, for brigadier general;

Maj. Gen. David Stuart Parker, Army of the United States, to be Governor of the Canal Zone;

Maj. Gen. Walter Philip Leber, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Lt. Gen. Alfred Dodd Starbird, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general;

Comdr. Edgar D. Mitchell, U.S. Navy, for permanent promotion to the grade of captain in the Navy;

Adm. Waldemar F. A. Wendt, U.S. Navy, for appointment to the grade of admiral, when retired;

Vice Adm. William F. Bringle, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of admiral while so serving;

Rear Adm. Thomas J. Walker III, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Admiral Malcolm W. Cagle, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving; and

Maj. Gen. Richard F. Shaefer (brigadier general, Regular Air Force), U.S. Air Force, and sundry other officers, for appointment in the Regular Air Force.

Mr. SCHWEIKER. Mr. President, in addition, I report favorably 1354 appointments in the Marine Corps in the grade of colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Thomas H. Bruce, and sundry other officers, for permanent appointment in the Marine Corps;

Joe V. Langston, for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list;

Thomas R. Ostrom, and sundry other persons, for appointment in the Regular Army; and

John G. Bugenske, and sundry other persons, for appointment in the Regular Army of the United States.

By Mr. MAGNUSON, from the Committee on Commerce:

Thomas J. Houser, of Illinois, to be a member of the Federal Communications Commission.

Mr. MAGNUSON. Mr. President, as in executive session, from the Committee on Commerce, I also report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

James W. Brawley, Jr., and sundry other officers, for promotion in the Coast Guard; and

Charles Stuart Allen, and sundry other graduates of the Coast Guard Academy, for permanent assignment in the Coast Guard.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT (for himself, Mr. MATHIAS, Mr. JORDAN of Idaho, Mr. COOPER, Mr. SCHWEIKER, and Mr. GURNEY):

S. 956. A bill to revise the Federal election laws, and for other purposes. Referred jointly to the Committee on Commerce, the Committee on Rules and Administration, the Committee on Finance and the Commitee on Post Office and Civil Service.

Mr. SCOTT. Mr. President, I am today introducing the Federal Election Reform Act of 1971. I ask unanimous consent that the bill be referred simultaneously to the Committee on Rules, Finance, Commerce, and Post Office, and that the bill, along with a brief outline, be printed in the RECORD following my remarks.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred as requested; and, without objection, the bill and the outline will be printed in the RECORD.

Mr. SCOTT. Mr. President, joining me in this effort, as the principal cosponsor, is the distinguished senior Senator from Maryland (Mr. MATHIAS). I am especially pleased to have as additional cosponsors, Senators JORDAN of Idaho, COOPER of Kentucky, SCHWEIKER of Pennsylvania, and GURNEY of Florida.

I wish to acknowledge the technical advice and assistance of Dr. Herbert Alexander, executive director of the Citizens Research Foundation in Princeton, N.J. His good counsel is most appreciated.

In the course of my work, I was also assisted by the highly respected National Committee for an Effective Congress. As citizen-veterans of the political wars, I value their advice and judgment. I am especially pleased that the NCEC has indicated its support for my bill.

As early as March 12, 1906, nearly 65 years ago, Congress felt that it ought to take more than a cursory look at the contributions made to political committees in presidential and other campaigns. We are still just looking. Since that day in March, Congress has held no less than 23 sets of hearings, encompassing no less than 45 days. The fruits of these hearings can be seen in the 26 or so special committee reports and the 11 public laws enacted. Since 1937, before which none of the present Members of the Senate were sitting, about 150 bills have been introduced in the Senate covering the broad range of election reform. It is my feeling, and I know others join me, that we must now be about the real business of reforming our election campaign laws. The problem has been with us too long to ignore. The proposals being offered today are not new in themselves. But they are offered in an attempt to bring some order out of the chaos we each face at every election.

The public has never been more aware of the need for campaign reform than it is now. Reports surface almost daily about one candidate or another engaging in some sort of questionable undertaking. During the 91st Congress, a rather inadequate attempt was mounted to give candidates more access to the broadcast media; however, the result might have been to provide candidates with less access to the media than under present laws.

Prior to the Senate's action in sustaining President Nixon's veto of last year's political broadcasting bill, I announced that I would "offer, early in the first session of the 92d Congress, comprehensive campaign reform legislation." I said that the measure would "meet the objection laid down by President Nixon in his veto message." And I further said that I would "consult the White House on the legislation I propose."

In response, President Nixon said that my "proposal to offer a comprehensive campaign reform bill in the 92d Congress is commendable." He indicated that the administration would work closely with me in an effort to arrive at a bill dealing with all aspects of political campaigns "in a direct, effective and enforceable manner." The bill I offer today is consistent both with my earlier statement and the President's. I have conferred and consulted with the White House on this legislation. They have seen the bill and they know of its contents.

At the time of the veto, I suggested several possibilties for inclusion in a new campaign reform bill. The President, similarly, indicated a number of approaches. However, these suggestions were offered only tentatively, pending, of course, a complete review of the entire subject. With that review now having been completed, I offer this bill as the one which most comprehensively and effectively deals with the problem. In other words, the desired goals of reducing the level of campaign spending and increasing a candidate's accessibility to the electorate can both be met through the inclusion of tough reporting and disclosure provisions rather than through the enactment of ceilings on candidate expenditures.

This comprehensive legislation consists, basically, of four parts: financial reporting and disclosure; tax incentives for small political contributions; political broadcasting and advertising; and reduced rates for political mail.

FINANCIAL REPORTING AND DISCLOSURE

It is important to note, at the outset, that this reform approach does not include any spending limitations on the candidate. There are good reasons to support this as the most sensible approach. Further, it is an approach based on careful scholarship rather than on spongy semantics.

Most available research indicates that an approach embodying full reporting and disclosure is far superior to one embodying limitations on campaign expenditures. In 1960, the Citizens Research Foundation, in a study entitled "Money, Politics and Public Reporting," discussed the value of publicity:

> If the people are given full and accurate information on the financing of candidates, political parties and committees, it is argued, they will be better able to act to their best interests when casting their votes. Publicity has a unique cleansing power which tends to reduce the potential influence of financial pressure on elected officials by inhibiting the contributor's expectation of favors and the official's willingness to grant them. Moreover, publicity provides information concerning the distribution, unequal or otherwise, of financial resources among rival candidates and parties, and may serve to keep

> expenditures at reasonable levels through the fear that excessive spending will cause the electorate to react adversely.
>
> Thus, the argument goes, an affective publicity system will create financial accountability, increase public confidence in the electoral process and curb excesses and abuses by increasing political risk for those who would undertake sharp practices.
>
> At the same time, advocates claim publicity legislation is not intended to restrict the individual, nor to criticize the actions of anyone. No stigma is attached to contributions when made public; on the contrary, financial support of candidates and parties is considered as a legitimate and desirable form of political participation. It is a form, however, that should bear scrutiny. Nor is publicity necessarily intended to condemn prevailing methods of raising or expending funds as actually "wrong" or intentionally "corrupt." Rather, publicity affords public opinion an opportunity to decide as to the character of contributions and expenditures in individual cases. A system of publicity, then, has as its principal purpose the identification of sources and expenditures, not their regulation.

In 1962, President Kennedy's Commission on Campaign Costs recommended:

> That an effective system of public disclosure be adopted and that the present meaningless ceilings . . . on total expenditures by political committees be abolished.

Even though the Commission focused on presidential campaigns, there is wide applicability to congressional campaigns as well. The Commission said:

> The present statutory ceiling of $3 million on the annual receipts and expenditures of an interstate political committee . . . in no way limits expenditures. We recommend that it be repealed.
>
> These purported ceilings on committee receipts and expenditures . . . has, if anything, simply stimulated an increase in the number of committees.
>
> The imposition of "realistic ceilings" or "segmental limitations," the latter designed to limit expenditures for certain purposes, e.g., broadcasting, which has been urged by some, would only create a false impression of limitation. Moreover, there is doubt whether individuals could be prohibited from making certain expenditures . . . in view of constitutional guarantees of freedom of expression.
>
> The dependence of candidates on large contributions can best be dealt with by encouraging a growth in small gifts and by an improved system of disclosure.
>
> Under present statutory provisions, there has been inadequate reporting of campaign receipts and expenditures. This has presented to the public an incomplete and distorted picture of presidential and vice presidential campaign finance. The candidates themselves are not required to report at all, and only committees operating in more than one State in the general election must report.
>
> Full and effective disclosure is the best way to control excessive contributions, on the one hand, and unlimited expenditures, on the other. Publicity has a cleansing and policing power far more powerful than that of limitations.

In 1968, the Committee for Economic Development, in its report entitled "Financing a Better Election System," further amplified this theme. Again, it was noted that repeal of spending ceilings and enactment of tough disclosure laws would do the job:

> The inability to enforce ceilings on total . . . outlays has led many political authorities to call for its repeal. President Kennedy's Commission on Campaign Costs concluded that full public disclosure is a better way to control excessive expenditures. We concur. Broadening the base of financial support through enactment of tax incentives is a better way to minimize the influence of a few large donors than any effort to fix statutory ceilings.
>
> With the enactment of tax incentives to broaden financial support and adoption of changes leading to lower campaign costs, all ceilings on . . . expenditures by candidates and political committees should be removed. It is our conviction that full public disclosure, strictly enforced, will inhibit excesses.

Just last year, a Twentieth Century Fund task force issued a report, entitled "Electing Congress—The Financial Dilemma," in which it made a series of recommendations based on its own research on election campaigns. In its discussion of spending limits, the Task Force said:

> The traditional intent of campaign finance regulation in the United States has been to limit the size of campaign . . . expenditures and to prohibit contributions from certain sources. The Corrupt Practices Act limits the amounts candidates and political committees may spend in any one year. Contributions from corporations, unions, and government contractors are prohibited entirely.
>
> We do not believe this policy of ceilings has served the public well because expenditures have been neither limited nor disclosed. The limits now in the law—$5,000 for a House candidate, $25,000 for a Senate candidate, and $3 million a year for a political committee—are unrealistically low. They do not significantly affect the amount of campaign spending. They are unenforceable and while some members of the Task Force would prefer legal limits we believe that no workable set of limits can be devised.
>
> Many people are concerned that candidates spend too much in their campaigns. At least one candidate for the House in 1968 spent $2 million in the general election alone. In some Senate campaigns, in the primary and general elections, as much as $5 or $6 million have been spent. Current laws have been ineffective in preventing or disclosing these expenditures.
>
> If there were full public disclosure and publication of all campaign contributions and expenditures during a campaign, the voters themselves could better judge whether a candidate has spent too much. This policy would do more to protect the political system from unbridled spending than legal limits on the size of contributions and expenditures.
>
> We recommend that all spending limits for congressional campaigns be eliminated.

My approach, then, is full reporting and disclosure. I have successfully resisted the temptation to place arbitrary and meaningless ceilings on campaign expenditures. I have done so for a number of very significant reasons, the most important of which is the ability to contest in an election.

Limitations on campaign expenditures might tend to limit a challenger's ability to compete effectively, since he would be restricted to the same amount as the incumbent, who, of course, is usually much more well known. The challenger will, in all probability, need to spend more to get the same recognition as the incumbent. In this sense, limitations limit competition.

The main concern in my bill is to provide candidates with minimal levels of access to the electorate. This, of course, shifts the concern from spending limitations to the proposals I am offering such as guarantees of low rate political advertising in all media, reduced rate privileges for political mail, and tax incentives for small political contributions. My emphasis is to provide serious candidates with greater access to the electorate. As such, some candidates could spend more just so long as the other candidates are given at least the minimal means to conduct modern campaigns.

Dr. Herbert Alexander sums it up quite well when he discusses the inadvisability of limitations on campaign expenditures:

> If limitations on committee spending are too low, they spur an increase in the number of committees. If limits on candidate spending are low, they invite other forms of evasion—such as channeling funds to party, labor, or other committees for spending on behalf of the candidate. In addition, the federal (and many state) limitations require reporting only of the spending that occurs with the candidate's "knowledge and consent." Candidates are able to comply with the expenditure limit personally while campaign committees or others—ostensibly without their "knowledge and consent"—do the spending for them. The exemptions in the federal law noted above are so broad that they vitiate the limit. Amounts spent before announcing candidacy may never be reported. Debts above limitations may be deferred or never reported.
>
> On the other hand, if limitations are too high, they may spur spending to that level. In any case, politicians are unlikely to refrain from spending what they think necessary, and there are good reasons for assuming they know what is required to influence the electorate.

My bill contains two new features—one relating to limits on individual contributions and the other relating to limits on what a candidate may contribute to his own campaign. As much as my bill relies on disclosure to curb abuses, I still feel that if limitations are desirable, they should be applied to contributions and not expenditures.

First, individuals will be prohibited from contributing, in aggregate, more than $15,000 to any one presidential campaign, $10,000 to any one Senate campaign, and $5,000 to any one House campaign. Recognizing that abuses are still possible even with this tightly drawn provision, I am hoping to cut down on some of the overly large contributions that have been flowing into Federal campaigns. I am also giving recognition to the fact that it would be impossible to set a single dollar limit for all campaigns since each of the three types of campaigns generally operate at different levels of spending.

Second, candidates will be prohibited from contributing, in aggregate, to his own campaign, more than $50,000 if he is a candidate for President or Vice President, $35,000 if he is a candidate for the Senate, and $25,000 if he is a candidate for the House. In this instance, I am trying to reduce the advantage that wealthy candidates always have when they are able to finance their own campaigns. But, again, I am recognizing the possibilities for abuse and the relative differences among the campaigns themselves.

Notwithstanding these two new provisions, my approach continues to rely on full reporting and disclosure. As I want to encourage, rather than discourage, full reporting, I believe that it is absolutely necessary to remove all existing expenditure ceilings.

One point, though, must be made abundantly clear. Limits on spending favor incumbent candidates. Since limits restrict competition, one can only assume that the more well known of two candidates will succeed since he already has a higher degree of recognition among the electroate. Some Members of Congress may think that it is politically popular to say that they favor strict spending limitations. However, these same individuals often neglect to say that such ceilings may tend to give them the edge in a tight election.

Congress has recently enacted a new Legislative Reorganization Act to enable Senators, Representatives, and their respective committees to be more responsive. Both parties, in both Houses, have taken significant steps to modify the seniority system. To act now by limiting campaign spending is to take a step backward. Such limits deceive an electorate that demands reform of its vital institutions, not regression. A vote for spending limitations is a vote for the status quo, a vote for incumbency. If one of the purposes of campaign reform is to restore some modicum of balance to the system, then we must face the issue squarely. We must allow challengers the same opportunities that incumbents take for granted.

The specifics of the reporting and disclosure section of my bill are not entirely new. Detailed reports of receipts and expenditures must be filed by candidates and political committees directly to an independent Federal Elections Commission. Information copies will be sent to the Secretary of the Senate, the Clerk of the House, and U.S. district court having jurisdiction over the area in which the candidate or committee operates. These reports must also be published in the CONGRESSIONAL RECORD. There are five filing dates per year, four prior to general elections, and one following. Such reports are filed by a candidate's central campaign treasurer on behalf of all the candidate's committees.

The Federal Elections Commission would make annual reports and keep files open for public inspection. It will also conduct audits and report violations to law-enforcement officials.

TAX INCENTIVES FOR SMALL POLITICAL CONTRIBUTIONS

This section of the bill is offered in an attempt to broaden the financial base of political participation. I am providing a maximum $25 tax credit or, as an alternative, a maximum $100 tax deduction. Tax credits will generally be used by moderate-income earners who do not itemize their deductions for income tax purposes. Deductions would be used by higher income earners who itemize certain deductible outlays.

I believe very firmly that small tax-reduced political contributions will further encourage donors to support political candidates and campaigns. Candidates can then shift from too heavy a reliance on certain vested interests to the small donors who have always indicated they would contribute if there were a small tax break.

I fully realize the resistance there is to breaking open the tax laws for this purpose. But consider the alternatives. Full public subsidies to candidates would be more costly to the Government. And a checkoff system might unnecessarily disrupt our strong two-party system, especially at the State and local levels. There is a revenue loss, but the actual amount is uncertain. There is simply no experience as to the number of claims that would be filed by eligible contributors. And, of course, the revenue loss would vary from year to year since voter participation similarly varies.

POLITICAL BROADCASTING AND ADVERTISING

This section of the bill represents one of the more realistic attempts to increase a candidate's accessibility to the advertising media and, thus, to the voters. Keeping that goal in mind, I felt that I did not want to dictate the approach of any candidate's campaign nor did I want to discriminate against the advertising media by either singling out one or by dictating percentage rate reductions to them.

There are provisions in this section which relate to broadcast media and nonbroadcast media as well. First of all, there is a firm declaration of congressional intent that broadcasters have certain obligations to the public and to political candidates during election campaigns. Most of this language is excerpted directly from existing Federal Communications Commission regulations and from Federal court decisions affecting the operations of broadcasters. I am simply codifying this language, thus making it clear, without specific congressional regulation, that Congress is dead serious in its belief that broadcasters must deliver the goods in the public interest. If past performance is any indicator, I am certain they will.

From the candidate's view, this approach represents an attempt to make the broadcast media available to him, should he wish it, at preferred advertising rates for 4 weeks before primaries and 6 weeks before general elections. Political advertising time can be purchased, at regular rates, any time outside of these preelection periods. In this way, I am attempting to get at the level of spending rather than the cost itself. I am also making an effort to shorten the length of campaigns by encouraging candidates to purchase time during the stated pre-election periods. Present campaigns are entirely too long.

The broadcast portion of my bill repeals the section 315(a) requirements for "equal time" only as they relate to the office of President or Vice President. This, I believe, will give broadcasters the flexibility they need in effectively presenting presidential campaigns to the public. Contrary to some thinking, there is absolutely no requirement whatsoever for any particular program format, nor any legal compulsion to participate.

The sale of political broadcast time is being made available to all candidates at the lowest unit cost, during specified preelection periods. In this way, political candidates are purchasing advertising time at preferred rates and the broadcaster is not being forced to take any undue financial loss on his sale.

My bill further requires broadcasters to sell "reasonable" amounts of time to all legally qualified candidates for public office. This will assure that those few broadcasters who happen to favor incumbent candidates cannot continue to do so by forbidding the sale of time to both candidates. The term "reasonable," of course, is open to interpretation; but it can, I believe, be given a quick test run through the FCC when a complaint is filed.

My bill also directs the FCC to report back to Congress within 1 year, on the implementation of the broadcast provisions, with recommendations for additional legislation.

The nonbroadcast portion of the bill assures candidates for Federal office who purchase political advertising space in newspapers, or magazines and other periodical publications, or through billboard facilities that the rates for such advertising are available at lowest unit cost. These preferred rates will similarly be made available during the 4-week and 6-week preelection periods.

The nonbroadcast media situation was discussed by the Committee for Economic Development in its 1968 report:

> We believe . . . that it is reasonable to expect periodicals with special mailing privileges to provide a public service. Moreover, advertising space should be equitably available at standard rates.

A committee member, Mr. William Benton, further explained it this way:

> The abdication of the press to cover candidates' TV activities is, in my judgment, a most serious indictment of the press in the '68 campaign. Perhaps a part of the explanation lies in the fact that many news editors are trained to view TV as a rival medium rather than as a major source of news.
>
> I think the following is worth quoting from an article by Jules Witcover in the Fall issue of the Columbia Journalism Review:
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> "Newspapers should stop combating television's inroads simply by crying foul. If they began offering imaginative alternatives, perhaps they could start to regain the influence they once had in public affairs. To give television a make-or-break role in such key matters as a debate between candidates for the Presidency is a distortion, not a recognition, of its role in informing the public."

It is important to be nondiscriminatory in the treatment of political advertising media. But there will be some who raise constitutional questions with respect to this approach. To them, I say that it is moot. But I believe I am standing on firm constitutional ground in regard to Congress' right to regulate the conduct of Federal elections and in regard to Congress' right to regulate commerce, including postal rates for news distribution.

My treatment of certain nonbroadcast media in this bill is bound to stir controversy. And so it should. But what the proposed legislation does not do should be noted:

First. It does not require a newspaper or other nonbroadcast media to make available any of its space whatever for campaign advertising, to increase the scope of its customary publications, or to reduce its news or other coverage in order to make space available for campaign advertising;

Second. It does not require such media to make available any of its space, but if it chooses to make its space available for one candidate for Federal office, then it must make an equivalent amount of space available, at the same rates, for all other candidates for such office;

Third. It does not require such media to make charges for seasonal or isolated-type campaign advertisements at the same rates which commercial users pay for regular, continuing advertising space on a yearly, monthly, or other continuing basis;

Fourth. It does not restrict or limit in any way the content or viewpoint of editorial or news comment;

Fifth. It does not deprive such media of the right to refuse to publish material that is offensive, deceptive, or otherwise contrary to basic media standards.

The legislation would also give the nonbroadcast communications media the option not to accept any campaign advertising at all—but if a particular medium elects to do so, it must extend to advertisers the same rates it charges commercial advertisers for equivalent advertising space.

Moreover, the proposed legislation would not abridge the freedom of the press contrary to the first amendment. In no way does it circumscribe the freedom of newspapers and other nonbroadcast communications media to publish news as they desire it published, nor does it interfere with editorial policies, nor with the right to reject campaign advertising entirely, nor to reject it because it is offensive. The legislation would merely prohibit a newspaper, for example, from charging rates for political campaign advertising space higher than it would charge an advertiser of peanuts or potatoes for the same space under the same circumstances. Since such a practice would be restrained by the proposed legislation without affecting the operations of a newspaper or other news medium as an organ of expression or opinion, first amendment rights of the press would not be abridged.

The nonbroadcast portion applies the same political advertising rate criteria as were applied in the broadcast portion. Although the media are different, in that one is directly under Federal control and the other is not, I believe that this approach will establish some equity in the treatment of political advertising. In any event, this is but one of many possible approaches. The Founding Fathers, in their wisdom, established a Supreme Court. If the Congress is deadlocked in judgment, let it be bold; our Nation's highest tribunal will be the final arbiter as to what is constitutional and what is not.

REDUCED RATES FOR POLITICAL MAIL

No campaign reform bill would be complete without consideration of the use of the mail. Presently, incumbent Members of Congress have the franking privilege, or the use of the mail at no cost. In an election, this advantage weighs heavily against the challenger. My bill addresses this inequity in a sensible manner.

In a general election, every major party congressional candidate is entitled to send two pieces of specially marked reduced rate political mail for every registered voter in the district or State. Every other congressional candidate may qualify for one piece.

In a primary campaign, every major party congressional candidate will be able to mail two pieces of specially marked reduced-rate mail for every registered voter in the district or State upon securing the signatures of 5 percent of the registered voters in that area. Every other congressional candidate may qualify for one piece upon securing the signatures of 3 percent of the registered voters in that area.

I am offering to such political mail the rates presently offered to nonprofit organizations. In this way, the revenue loss to the Government is not nearly as large as it would be with a free mailing. Also, only serious candidates would be using the reduced-rate privilege, since free mailings might tend to encourage those whose purposes do not relate to a legitimate campaign for Federal office.

Mr. President, my bill represents a comprehensive effort to reform Federal election campaigns. I believe that the bill must be looked at in its entirety, rather than piece by piece. If the bill be viewed as the reform package which it is, I believe it will receive the consideration it merits. I urge my colleagues to act swiftly on these proposals to assure that the 1972 elections are conducted in a fair and effective manner.

To fail to enact effective reform of campaign practices pursuant thereto will be justly regarded as a failure by this Congress to perform a long-neglected duty.

Mr. President, I ask unanimous consent to have printed in the RECORD an analysis of the major features of the bill and would respectfully request that the Senator from Maryland (Mr. MATHIAS) now be recognized for further comment.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 956

A bill to revise the Federal election laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Reform Act of 1971".

TITLE I—AMENDMENTS TO CRIMINAL CODE

SEC. 101. Section 591 of title 18 of the United States Code is amended to read as follows:

"§ 591. Definitions

"When used in sections 592 through 595, 597, 599, 608, 610, and 614 of this title—

"(a) 'election' means (1) a general, special, or primary election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President and Vice President, and (4) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office whether or not such individual is elected, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he (1) has taken the action necessary under the law of a State to qualify him for nomination for election, or election, to Federal office, or (2) has received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such an office, or (3) has knowledge or information that any other person or political committee has received contributions or made expenditures, for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures;

"(c) 'Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, organization which accepts contributions or makes expenditures in excess of $1,000 during any calendar year;

"(e) 'contribution' means—

"(1) a gift, donation, payment, or loan of money, or a gift, donation, or loan of any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President and Vice President, or for the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds by a political committee to another political committee; and

"(4) providing facilities, equipment, supplies, personnel, advertising, or personal or other services for such purposes without charge or at a charge which is below the usual charge for such facilities, equipment, supplies, personnel, advertising, or personal or other services;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President and Vice President, or for the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure for such purposes; and

"(3) a transfer of funds by a political committee to another political committee;

"(g) 'Person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or groups of persons; and

"(h) 'State' means any of the United States, the District of Columbia, and the Commonwealth of Puerto Rico."

SEC. 102. (a) Section 592 of title 18 of the United States Code is amended by striking out "a general or special" and inserting in lieu thereof "any".

(b) Section 593 of such title is amended by striking out "any general or special election" wherever it appears therein and inserting in lieu thereof "any election".

(c) Section 594 of such title is amended by striking out "the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and Possessions" and inserting in lieu thereof "Federal office or for the office of Presidential elector".

(d) Section 595 of such title is amended by striking out "the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or Possession" and inserting in lieu thereof "Federal office or for the office of Presidential elector".

SEC. 103. Section 600 of title 18 of the United States Code is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or the support of or opposition to any candidate or any political party in any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

SEC. 104. Section 608 of title 18 of the United States Code is amended to read as follows:

"§ 608. Limitations on political contributions, expenditures, and purchases

"(a) (1) No person, other than a political committee or a candidate, may make contributions directly or indirectly during any calendar year in an aggregate amount in excess of—

"(A) $15,000 to any candidate for the office of President in connection with his campaigns for nomination for election, and election, to such office;

"(B) $10,000 to any candidate for the office of Senator in connection with his campaigns for nomination for election, and election, to such office; and

"(C) $5,000 to any candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress, in connection with his campaigns for nomination for election, and election, to such office.

"(2) Amounts contributed to the candidate of any party for the office of Vice President shall be held and considered to be contributions to the candidate of the same party for the office of President. Amounts contributed to a political committee which make contributions to, or expenditures on behalf of, any candidate shall be held and considered to be contributions to such candidate.

"(b) (1) No candidate for nomination for election, or election, to Federal office may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for such nomination or election in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000 in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this section, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(c) (1) No political committee or candidate may sell any goods, commodities, advertising, articles, or services to any person other than a political committee or candidate. No person other than a political committee or candidate may purchase any goods, commodities, advertising, articles, or services from a poltical committee or a candidate.

"(2) This subsection shall not apply to a sale or purchase (A) of any political campaign pin, button, badge, flag, emblem, hat, banner, or similar campaign souvenir or any political campaign literature or publications (but shall apply to sales of advertising including the sale of space in any publication), for prices not exceeding $25 each, (B) of tickets to political events or gatherings, (C) of food or drink for a charge not substantially in excess of the normal charge therefor, or (D) made in the course of the usual and known business, trade, or profession of any person or which is a normal arm's-length transaction between persons, or a transaction between a candidate and his spouse, child or parent.

"(d) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation shall be punished as herein provided.

"(e) Any person who violates any provision of this section shall be fined not more than $1,000 or imprisoned not more than one year, or both."

SEC. 105. Section 609 of title 18 of the United States Code is repealed.

SEC. 106. Section 611 of title 18 of the United States Code is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever (1) enters into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, and (2) during the period of negotiation for, or performance under, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly makes any contribution of money or any other thing of value, or promises expressly or impliedly to make any such contribution, (i) to any person, association, or organization for the purpose of influencing the nomination for election, or election, of any person to any public office, or (ii) to any person, political party, committee, or candidate for any public office for any political purpose whatever; or

"whoever knowingly solicits any such contribution from any such person, for any such purpose during any such period—

"shall be fined not more than $1,000 or imprisoned not more than one year, or both."

SEC. 107. (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 614. Use of contribution for personal purposes

"Whoever, being a Senator or Representative in, or Resident Commissioner or Delegate to, Congress, or an individual elected or appointed as Senator, or elected as Representative, Delegate, or Resident Commissioner, or a candidate for any such office, directly or indirectly receives any contribution as a result of a fund-raising event or activity organized in his behalf, and uses all or any part oy such contribution for personal, living, or family purposes, shall be fined not more than $2,000 or imprisoned not more than two years, or both."

(b) The table of contents of chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:

"614. Use of contribution for personal purposes."

SEC. 108. So much of the sectional analysis at the beginning of chapter 29 of title 18 of the United States Code as relates to sections 600, 608, 609, and 611 is amended to read as follows:

"600. Promise of employment or other benefit for political activity.

"608. Limitation on political contributions, expenditures, and purchases.

"609. Repealed.

"611. Contributions by Government contractors."

TITLE II—DISCLOSURE OF FEDERAL CAMPAIGN FINANCING DEFINITONS

SEC. 201. For purposes of this title—

(a) "election" means (1) a general, special, or primary election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nominations of persons for election to the office of President and Vice President, and (4) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office whether or not such individual is elected, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he (1) has taken the action necessary under the law of a State to qualify him for nomination for election, or election, to Federal office, or (2) has received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such an office, or (3) has knowledge or information that any other person or political committee has received contributions or made expenditures, for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures;

(c) "Federal office" means the office of President or Vice President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States;

(d) "political committee" means any individual, committee, association, or organization which accepts contributions or makes expenditures in excess of $1,000 during any calendar year;

(e) "authorized candidate's committee" means a political committee which is organized specifically for the purpose of aiding, assisting, or promoting the nomination or election of a candidate for Federal office and which is authorized by such candidate for such purpose;

(f) "central campaign committee" means the single authorized candidate's committee designated in writing by such candidate as his agent for reporting contributions and expenditures to the Commission;

(g) "contribution" means—

(1) a gift, donation, payment, or loan of money, except a loan to a candidate by a national or State bank, savings and loan institution, or licensed lending institution, or a gift, donation, or loan of anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the

purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President and Vice President, or for the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for such purposes;

(3) a transfer of funds by a political committee to another political committee; and

(4) providing facilities, equipment, supplies, personnel, advertising, or personal or other services for such purposes without charge or at a charge which is below the usual charge for such facilities, equipment, supplies, personnel, advertising, or services;

(h) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential or vice-presidential elect, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President and Vice President, or for the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure for such purposes, and

(3) a transfer of funds by a political committee to another political committee;

(i) "person" means an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

(j) "State" means any of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

FEDERAL ELECTIONS COMMISSION

SEC. 202. (a) (1) There is hereby created a commission to be known as the Federal Elections Commission (referred to hereafter in this Act as "Commission"), which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) A person may not be appointed to the Commission—

(A) if at the time of his appointment he was not a member of a major political party, or

(B) if his appointment results in more than three persons from his party being members of the Commission. For purposes of this paragraph, the term "major political party" means a national political party whose candidate for President received either the largest or the next largest popular vote in the preceding presidential election.

(3) One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, and one for a term of ten years beginning from the effective date of this title, but their successors shall be appointed for terms of ten years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(e) (1) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(2) The Commission shall, in accordance with chapter 51 of title 5, United States Code, and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and such other officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions.

(3) The Executive Director shall be the chief administrative officer of the Commission. He shall perform his duties under the direction and supervision of the Commission, and the Commission may delegate any of its functions, other than the making of regulations, to him.

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all of its powers at any other place.

(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of sections 7324 and 7325 of title 5, United States Code, notwithstanding any exemption contained therein.

(h) It shall be the duty of the Commission—

(1) to develop prescribed forms for the making of the reports and statements required by this title;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements required by this title;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make reports and statements filed with it available for public inspection and copying during regular office hours within 24 hours after filing and to make copying facilities available;

(5) to preserve such reports and statements for a period of ten years from date of receipt;

(6) to prepare and publish, within ten working days after the thirty-first day of January and the tenth days of March, June, and September of each year, and within three calendar days after the due dates of the reports required to be filed on the fifteenth and fifth days preceding an election, summaries of the respective reports received which shall contain, in addition to such other information as the Commission may determine, compilations disclosing the total receipts and expenditures appearing in each report by categories of amounts as the Commission shall determine, and shall also include the full name and address and amount of contribution of each person, listed alphabetically, shown to have contributed the sum of $100 or more; and such summaries shall be grouped according to candidates and parties;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as the Commission shall determine and broken down into candidate, party, and nonparty expenditures; (C) total amounts contributed according to such categories of amounts as the Commission shall determine; and (D) aggregate amounts contributed by any contributor shown to have contributed the sum of $100 or more during any calendar year;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as it may deem appropriate;

(10) to assure wide dissemination of summaries and reports;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report suspected violations of law to the appropriate law enforcement authorities; and

(13) to prescribe rules and regulations to carry out the provisions of this title.

(i) (1) Any person who believes a violation of this title has occurred may file a complaint with the Commission. If the Commission determines there is substantial reason to believe such a violation has occurred, it shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Commission, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States Court of Appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 203. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure for the purpose of influencing a nomination or an election shall be accepted or made by or on behalf of such a committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents, and no such expenditure shall be made unless such committee is registered with the Commission in accordance with the provisions of section 204.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the full name and address of the person making such contribution, and the date on which the contribution was received.

(c) All funds of a political committee shall be kept separate from other funds.

(d) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and legal mailing address of every person making any contribution, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and legal mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(e) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee of $100 or more in amount, and for any such expenditure in a less amount if the aggregate of expenditures to the same person in any year exceeds $100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Commission in accordance with published regulations.

REGISTRATION OF POLITICAL COMMITTEES

SEC. 204. (a) Any committee, association, or organization which anticipates receiving contributions or making expenditures in excess of $1,000 during any calendar year shall, within ten days after its organization, file with the Commission a statement of organization. For purposes of this section, such a committee, association, or organization shall be considered a political committee. Each political committee in existence upon the date of enactment of this Act shall file a statement of organization with the Commission at such time as may be prescribed by the Commission.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the full name, address, and position of the custodian of books and accounts;

(5) the full name, address, and position of other principal officers, including officers and members of the finance committee of such committee if any;

(6) the name, office sought, and party affiliation of each candidate whom the committee is supporting; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a listing of all banks, safety deposit boxes, or other repositories used;

(8) a statement whether the committee is required by law to file reports with State or local officers, and, if so, the names, addresses, and positions of such officers; and

(9) such other information as shall be required by the Commission by published regulation.

(e) Any change in information previously submitted in a statement of organization shall be reported to the Commission within the ten-day period following the change.

(f) Any political committee which, after having filed one or more statements of organization, disbands, or determines it will no longer receive contributions or make expenditures shall so notify the Commission.

REPORTS BY POLITICAL COMMITTEES AND CENTRAL CAMPAIGN COMMITTEES

SEC. 205. (a) (1) The treasurer of each political committee which receives contributions or makes expenditures in connection with any candidate's election campaign shall file a report at such times and containing such information as the Commission may prescribe with such candidate's central campaign committee. The Commission shall prescribe such reporting times and such reporting items as will enable each candidate's central campaign committee to file the reports required of it under subsection (b) of this section in a timely, complete, and current manner.

(2) The treasurer of each central campaign committee shall file reports of receipts and expenditures with the Commission, on forms to be prescribed by the Commission, which shall transmit a copy of such reports to the clerk of the United States district court for the district in which the principal office of the committee is located and, in the case of candidates for nomination for election, or election, to the Senate or House of Representatives, to the Secretary of the Senate and the Clerk of the House of Representatives, as may be appropriate. Such reports shall be filed on the thirty-first day of January, the tenth day of March, June, and September of each year, and on the fifteenth and fifth days preceding the date on which an election is held. Such reports shall be complete as of such date as the Commission may prescribe, which shall not be less than five days before the filing date.

(b) Each report required under paragraph (2) of subsection (a) shall contain—

(1) the amount of cash on hand held by the candidate's authorized candidate's committees at the beginning of the reporting period;

(2) the full name and legal mailing address of each person who has made a contribution within the calendar year to such committees or to a political committee reported under the provisions of paragraph (3) together with the amount and date of such contribution;

(3) the name and address of each political committee and candidate from which the reporting committee received any transfer of funds, together with the amounts and dates of all such transfers;

(4) the full name and address of each person to whom an expenditure has been made by the committee during the calendar year in one or more items of the aggregate amount or value of $100 or more, together with the amount, date, and purpose of such expenditure;

(5) the total sum of expenditures made by such committee during the calendar year and not stated under paragraph (4); and

(6) the name and address of each political committee and candidate to which the reporting committee made any transfer of funds, together with the amounts and dates of all such transfers.

(c) (1) Each item of expenditure shall be described in sufficient detail to identify it accurately, including in the case of printed cards, pamphlets, circulars, posters, dodgers, booklets, or other such advertisements, writings, or statements (such as reprints from periodicals, books, newspapers, or other publications, the title and number of each; in the case of newspaper advertisements, the name and address of the newspaper; in the case of radio and television items, the name and address of the station; and in the case of the purchase of the services of campaign consultant firms, advertising agencies, media consultant firms, and other such commercial organizations, the name and address of the firm together with the particular services rendered.

(2) Each expenditure shall be described by general category, as prescribed by the Commission.

(d) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report only the amount need be carried forward.

(e) The report filed on January 31 of each year shall cover the entire preceding calendar year, and the information covering such year shall be stated separately from information covering the year in which the report is filed.

REPORTS BY CANDIDATES FOR SENATOR, REPRESENTATIVE, DELEGATE, AND RESIDENT COMMISSIONER

SEC. 206. (a) Each candidate for Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States shall file reports of contributions received and expenditures made with the Commission, on a form to be prescribed by it, and the Commission shall transmit a copy thereof to the Secretary of the Senate or Clerk of the House of Representatives, as may be appropriate. Such reports shall be filed on the fifteenth and fifth days preceding the date on which the election in which such candidate is a candidate is held, and be complete as of such date as the Commission may prescribe, but not less than five days before the filing date.

(b) Such report shall contain—

(1) a correct and itemized detailed report of all contributions received by the candidate, and not otherwise accounted for by his central campaign committee, including his own funds, and of all expenditures made by him not otherwise accounted for by his central campaign committee in the same manner as required by the treasurer of a political committee by section 205;

(2) a list of the names and addresses of each candidate's committee authorized by him to support his candidacy, together with the amount of contributions received, and expenditures made, on behalf of his candidacy cumulative for the reporting dates authorized in section 206 (a); and

(3) a list of the names and addresses of each political committee making contributions in support of his candidacy, together with the amount and date of each contribution.

REPORTS BY CANDIDATES FOR ELECTION AS PRESIDENT AND VICE PRESIDENT OR FOR NOMINATION FOR THE OFFICE OF PRESIDENT OR VICE PRESIDENT

SEC. 207. (a) Candidates for election as President and Vice President of the United States who are nominees of a political party shall jointly file reports of receipts and expenditures with the Commission, on forms to be prescribed by it. Such forms shall be complete as of the same dates, shall be filed with the same time limitations, and shall contain the same information as that prescribed in section 206 for candidates for the Senate and House of Representatives.

(b) Candidates for nomination for the office of President and Vice President shall file reports of receipts and expenditures with the Commission on forms to be prescribed by it. Such reports shall be complete as of the same dates, shall be filed with the same time limitations, and shall contain the same information as that prescribed in section 206 for candidates for the Senate and the House of Representatives.

REPORTS ON CONVENTION FINANCING

SEC. 208. (a) Each committee, association, or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons in such State, in dealing with officials of a national political party with respect to matters involving a national convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for a national convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as the Commission may prescribe, the sources from which it derived its funds and the purposes for which such funds were expended.

(b) For purposes of this section, "national political party" means any political party whose candidate for the office of President of the United States campaigns for nomination for election, or election, to such office in more than 5 States during the year in which a presidential election is held.

REPORTS BY CONTRIBUTORS

SEC. 209. (a) Every person who, singly or together with the members of his immediate family, makes contributions to a political committee or candidate, or makes other contributions or expenditures for the purpose of influencing the nomination or election of a candidate, aggregating in all more than $1,000 within a calendar year, shall file with the Commission, at such times and in such form as shall be prescribed by the Commission, a report of such contributions and expenditures.

(b) For the purposes of this section, "members of his immediate family" means a candidate's spouse and any child, parent, grandparent, brother, or sister, of the candidate, and the spouses of any of the foregoing.

AUTHORIZATION OF CANDIDATE'S COMMITTEES: EXPENDITURES BY UNAUTHORIZED POLITICAL COMMITTEES

SEC. 210. (a) A candidate for nomination for election, or election, to Federal office may authorize in writing one or more candidate's committees to receive contributions or make expenditures in support of his candidacy and shall designate one such committee as his central campaign committee. Such authorization and designation shall be addressed to the chairman of the candidate's committee and a copy of such authorization and designation shall be promptly filed with the Commission. The Commission shall file a copy of each such authorization and designation received with the clerk of the District court of the United States in the district in which the candidate who filed the authorization or designation resides. Any withdrawal of authorization or designation shall also be in writing and addressed and filed in the same manner as was the original authorization or designation.

(b) No political committee shall, in support of any candidate who has not authorized such committee to support his candidacy—

(1) print or publish any card, pamphlet, circular, poster, dodger, sticker, advertisement, book, writing, or other statement without stating thereon in letters of such size as to be easily legible that such committee has not been authorized by such candidate to support his candidacy; or

(2) sponsor or pay any portion of the cost of a speech or radio or television broadcast without declaring, at the beginning and the end of such speech or broadcast, that such committee has not been authorized by such candidate to support his candidacy.

PROHIBITION OF CERTAIN CONTRIBUTIONS

SEC. 211. It is unlawful for any person to make a contribution or expenditure in connection with any election of candidates in any name other than his own full name, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section.

STATEMENTS FILED WITH CLERKS OF UNITED STATES COURTS

SEC. 212. (a) The Commission shall transmit a copy of each report filed with it to the appropriate United States district court. The appropriate court shall be—

(1) in the case of a report filed by a candidate's central campaign committee, the United States district court for the judicial district in which the principal office of such committee is located;

(2) in the case of a report filed by a candidate for Federal office, or any other person, the United States district court for the judicial district in which such person's residence is located; and

(3) in the case of reports filed under section 208, the United States district court for the judicial district in which the principal office of the reporting organization is located.

The Commission may transmit additional copies of any report filed with it under this title to the clerk of any other United States district court when the Commission determines that the public interest will be served thereby.

(b) It shall be the duty of the clerks under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of at least ten years from date of receipt;

(3) to make the reports and statements filed with it available for public inspection and copying during regular office hours, commencing as soon as practicable after filing but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements, or parts of statements, pertaining to each candidate.

REQUIREMENTS FOR FILING REPORTS

SEC. 213. (a) The reports required to be filed by this title—

(1) shall be verified by the oath or affirmation of the person filing such reports, taken before any officer authorized to administer oaths; and

(2) shall be deemed properly filed when delivered to the specified recipient, or when deposited in an established post office within the prescribed time, duly stamped, registered, and properly addressed, but in the event it is not received a duplicate of such report shall be promptly filed upon notice of its nonreceipt by the officer with whom it is required to be filed.

(b) A copy of each such report shall be preserved by the person filing it for a period of one year from the date of filing.

ADMINISTRATIVE SUPERVISION; PUBLICATION IN CONGRESSIONAL RECORD

SEC. 214. (a) To assist the Congress in appraising the administration of this title and in developing such amendments or legislation relating thereto as it may deem necessary, the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives shall exercise continuous watchfulness over the administration of this title by the agencies concerned. It shall be the duty of these committees—

(1) to study all pertinent reports and summaries submitted to them by the Commission, and other such materials as may be necessary;

(2) to ascertain from the Commission whether candidates, political committees, or others have failed to file statements required by this title, or have filed defective statements;

(3) to review such reports at regular intervals to ascertain the actions taken by those agencies; and any department, official, or agency administering any of the provisions of this title shall, at the request of either of the committees, from time to time consult with such committee with respect to its activities under this title;

(4) to take such other actions as shall be deemed necessary and proper to carry out their duties under this subsection; and

(5) to report to the Senate or the House of Representatives, respectively, from time to time, on their activities under this title.

(b) Reports filed with the Commission under sections 205 through 209 shall be published in the Congressional Record next published after such reports are made available for public inspection and copying under section 202(h)(4). However, if there is no Congressional Record published on any of the 4 days following the date on which such reports are made available for public inspection and copying, then a Congressional Record containing such reports shall be published on the fifth day following such date.

PENALTIES

SEC. 215. (a) Except as provided by subsection (b), whoever violates any provision of this title, except a provision for which a specific penalty is provided, shall be fined not more than $1,000 or imprisoned not more than one year or both.

(b) Whoever willfully violates any provision of this title shall be fined not more than $10,000 or imprisoned not more than five years or both.

STATE LAWS NOT AFFECTED

SEC. 216. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of such title.

(b) The Commission shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 217. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of such title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 218. The Federal Corrupt Practices Act, 1925, as amended, is repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 219. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

EFFECTIVE DATE

SEC. 220. This title shall take effect on the January 1 next following the calendar year in which it is enacted, except that section 202 shall take effect 60 days prior to such date.

TITLE III—COMMUNICATIONS

DECLARATION

SEC. 301. The Congress declares that—

(1) broadcast licensees have an affirmative duty generally to encourage and implement the broadcast of all sides of controversial public issues over their facilities, over and beyond their obligation to make available on demand opportunities for the expression of opposing views on such issues;

(2) broadcast licenses should play a conscious and positive role in bringing about balanced presentation of opposing viewpoints on controversial public issues;

(3) broadcast licensees have an obligation to devote a reasonable percentage of their broadcast time to the presentation of news and programs devoted to the consideration and discussion of public issues of interest in their communities, and, although each licensee must exercise discretion in discharging this obligation, he must act in the public interest and cannot refuse or withhold coverage of important issues or views because of his private beliefs; and

(4) the foundation stone of the American system of broadcasting is the right of the public to be informed, rather than any right on the part of the Government, any broadcast licensee, or any individual member of the public to broadcast his own particular views on any matter.

AMENDMENT OF COMMUNICATIONS ACT OF 1934

SEC. 302. (a) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than the office of President or Vice President of the United States,".

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any legally qualified candidate for any public office during the 30 days preceding the date of a primary election, and during the 45 days preceding the date of a general or special election, in which he is a candidate shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."

(c) Section 315(c) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and to insure that all licensees make available to legally qualified candidates for public office reasonable amounts of time for use of broadcasting stations under the provisions of this section."

(d) Within one year after the date of enactment of this Act, the Federal Communications Commission shall report to the Congress on the implementation of the amendments made by this section, together with any recommendations the Commission may have in connection with such report, including recommendations for additional legislation.

COMMERCIAL USER RATES FOR NONBROADCAST COMMUNICATIONS MEDIA SERVICES

SEC. 303. (a) As used in this section—

(1) "nonbroadcast communications media" means newspapers, magazines and other periodical publications, and billboard facilities;

(2) "person" means an individual, partnership, association or corporation engaged in the business of furnishing nonbroadcast communications media services; and

(3) "Federal office" means the office of President or Vice President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

(b) During the thirty days preceding the date of any primary election, and during the forty-five days preceding the date of any general or special election, to the extent a person chooses to make advertising space in his nonbroadcast communications medium available to a candidate for Federal office in connection with such candidate's campaign for nomination for election, or election, to such office, such space shall be made available at the lowest unit rate charged by that person to his commercial users for equivalent advertising space.

(c) Whenever a person chooses to make advertising space in his nonbroadcast communications medium available to any candidate for Federal office in connection with such candidate's campaign for nomination for election, or election, to such office, he shall make an equivalent amount of space available at the same rate to all candidates for the same office.

(d) Violation of the provisions of this section is punishable or a fine of not more than $500, imprisonment for not more than six months, or both.

TITLE IV—CAMPAIGN MAIL

SHORT TITLE

SEC. 401. This title may be cited as the "Congressional Campaign Mail Act".

DEFINITIONS

SEC. 402. As used in this title—

(1) "Federal office" means the office of Senator, or Representative in, or Delegate or Resident Commissioner to the Congress;

(2) "major party candidates" means—

(a) the legally qualified candidate of a political party whose candidate in the next preceding general election for the same Federal office received at least 30 percent of the total number of votes cast for all candidates for such office; or

(b) any legally qualified candidate for election to a Federal office who is not affiliated with a political party and who was a candidate for the same office in the next preceding general election for such office and who received at least 30 percent of the total number of votes cast in such election for all candidates for such office;

(3) "minor party candidate" means any legally qualified candidate for election to Federal office who is not a major party candidate;

(4) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(5) "campaign mail" means campaign literature mailed by a candidate for nomination for election, or election, to Federal office in connection with his campaign for nomination or election.

RATES

SEC. 403. On and after the first day of January following the date of enactment of this Act, campaign mail which is mailed in accordance with section 404 of this title and regulations promulgated by the Postal Service to carry out the provisions of this title (and the Postal Service is authorized to promulgate such regulations)—

(1) shall be considered matter mailed by a qualified nonprofit organization under section 4452(b) of title 39, United States Code, as such section existed on August 11, 1970; and

(2) may be mailed at the same rates of postage that any such organization is authorized to mail matter under such section or section 3626 of such title as enacted by section 2 of the Postal Reorganization Act.

ELIGIBILITY

SEC. 404. (a) A major party candidate in a general or special election shall be eligible to mail a number of pieces of campaign mail equal to x times the number of persons registered to vote in the State in which he seeks election, in the case of a candidate for election as Senator or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks election, in the case of a candidate for election as a Member of the House of Representatives.

(b) A minor party candidate in a general or special election shall be eligible to mail a number of pieces of campaign mail equal to the number of persons registered to vote in the State in which he seeks election, in the case of a candidate for election as Senator or as a Delegate or Resident Commissioner to the Congress, or in the district in which he seeks election, in the case of a candidate for election as a Member of the House of Representatives.

(c) Any candidate for nomination for election to Federal office shall be eligible to mail a number of pieces of campaign mail to equal to—

(1) 2 times the number of persons registered to vote in the State in which he seeks such nomination in the case of a candidate for nomination for election as Senator or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks such nomination in the case of a candidate for nomination for election as a Member of the House of Representatives if such candidate secures the signatures of such persons equal to 5 percent of such number; or

(2) the number of persons registered to vote in the State in which he seeks such nomination, in the case of a candidate for nomination for election as Senator, or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks such nomination, in the case of a candidate for nomination for election as a Member of the House of Representatives, if such candidate secures the signatures of such persons equal to 3 percent of such number.

(d) (1) The Postal Service may enter into contracts or other arrangements with the government of any State or political subdivision thereof in order to obtain information as to the number of persons registered in any State or district, and to verify signatures obtained by candidates for the purposes of subsection (c).

(2) In the event that the number of persons registered to vote in any State or district is unavailable to the Postal Service the number of persons registered to vote in such State or district shall be held and considered to be 150 percent of the total number of votes cast in the next preceding general election for all candidates for the office which a candidate for Federal office is seeking.

TITLE V—TAX INCENTIVES

INCOME TAX CREDIT

SEC. 501. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE.

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of the political contributions (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

"(b) LIMITATIONS.—

"(1) AMOUNT.—The credit allowed by subsection (a) shall not exceed $25 for any taxable year.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(3) VERIFICATION.—The credit allowed by subsection (a) shall be allowed with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITION OF POLITICAL CONTRIBU-

TION.—For purposes of this section, the term 'political contribution' means a contribution or gift to—

"(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or

"(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.

"(d) ELECTION TO TAKE DEDUCTION IN LIEU OF CREDIT.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the deduction provided by section 218 (relating to deduction for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"(c) CROSS REFERENCE.—

'For disallowance of credit to estates and trusts, see section 642 (a) (3)."

(b) The table of sections for such subpart is amended by striking out

"Sec. 40. Overpayments of tax."

and inserting in lieu thereof

"Sec. 40. Contributions to candidates for elective Federal office.

"Sec. 41. Overpayments of tax."

(c) Section 642 (a) of the Internal Revenue Code of 1954 (relating to credits against tax for estates and trusts) is amended by adding at the end thereof a new paragraph as follows:

"(3) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the credit against tax for political contributions to candidates for elective Federal office provided by section 40."

DEDUCTION IN LIEU OF CREDIT

SEC. 502. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 218 as 219, and by inserting after section 217 the following new section:

"SEC. 218. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction any political contribution (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

"(b) LIMITATIONS.—

"(1) AMOUNT.—The deduction under subsection (a) shall not exceed $100 for any taxable year.

"(2) VERIFICATION.—The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the secretary or his delegate shall prescribe by regulations.

"(c) DEFINITION OF POLITICAL CONTRIBUTION.—For purposes of this section, the term 'political contribution' means a contribution or gift to—

"(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or

"(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.

"(d) Election to take credit in lieu of deduction.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 40 (relating to credit against tax for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"(e) CROSS REFERENCE.—

"For disallowance of deduction to estates and trusts, see section 642(i)."

(b) The table of sections for such part is amended by striking out

"Sec. 218. Cross references."

and inserting in lieu thereof

"Sec. 218. Contributions to candidates for elective Federal office.

"Sec. 219. Cross references."

(c) Section 642 of the Internal Revenue Code of 1954 (relating to special rules for credits and deductions for estates and trusts) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) a new subsection as follows:

"(i) Political Contributions.—An estate or trust shall not be allowed the deduction for contributions to candidates for elective Federal office provided by section 218."

EFFECTIVE DATE

SEC. 503. The amendments made by sections 501 and 502 shall apply to taxable years ending after December 31, 1971, but only with respect to contributions or gifts payment of which is made after such date.

CAMPAIGN REFORM BILL—HIGHLIGHTS

I. FINANCIAL REPORTING DISCLOSURE

A. Detailed reports must be filed by candidates and political committees directly to an independent Federal Elections Commission.

B. Information copies will be sent to the Secretary of the Senate, the Clerk of the House and the appropriate U.S. District Court; reports are to be published in the *Congressional Record*.

C. There are five filing dates per year, four prior to general elections, and one following.

D. Reports are filed by a candidate's central campaign treasurer on behalf of all the candidate's committees.

E. Federal Elections Commission would make annual reports and keep files open for public inspection. It will also conduct audits and report violations to law enforcement officials.

F. In aggregate, an individual may not contribute more than:

1. $15,000 to one Presidential campaign.
2. $10,000 to one Senate campaign.
3. $5,000 to one House campaign.

G. In aggregate, a candidate may not contribute to his own campaign more than:

1. $50,000 if he is a candidate for President or Vice President.

2. $35,000 if he is a candidate for the Senate.

3. $25,000 if he is a candidate for the House.

H. All ceilings on candidate expenditures are repealed.

II. TAX INCENTIVES FOR SMALL POLITICAL CONTRIBUTIONS

A. Maximum $25 tax credit, *or*

B. Maximum $100 tax deduction.

III. POLITICAL BROADCASTING AND ADVERTISING

A. Broadcast media

1. Repeal of Section 315(a) requirements for "equal time" only as they relate to the office of President or Vice President.

2. Sale of political broadcast time is being made available to all candidates, at lowest unit rates, during specified pre-election periods.

3. Requirement that broadcasters may not refuse to sell "reasonable" amounts of time to all legally qualified candidates for public office.

4. Directs an FCC study of these provisions, within one year from enactment, to be sent to Congress.

B. Nonbroadcast media

1. Applies to newspapers, magazines and other periodical publications, and billboard facilities.

2. Assures that political advertising space purchased by candidates for Federal Office is offered, at lowest unit rates, during specified pre-election periods.

IV. REDUCED RATES FOR POLITICAL MAIL

A. General election—two pieces of specially-marked reduced rate mail for every registered voter in the district or State.

B. Primary election—two pieces of the above mail upon securing the signatures of 5 per cent of the registered voters in the area.

C. The new rate will be that which is currently offered to non-profit organizations.

Mr. MATHIAS. Mr. President, I am proud to be able to join the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT) in this effort to bring about the most significant reform of Federal election procedures, I think, that has ever been undertaken. As he has said, he made a pledge last fall to bring this matter to the Senate early this year. His action today fully carries out that pledge.

Mr. President, although I differed from the view he took last fall with respect to the election reform bill then before us, I made a similar promise, and we have been able to join forces effectively. I want now to express my great appreciation to him for the leadership he has taken in this matter. I believe that what we have proposed is significant because it goes to the real heart of the difficulties that have plagued the electoral system and have created doubt and in some cases despair in the American electorate.

This is an important measure. It is one that I hope the Senate will consider promptly, because plans are now being made for the presidential and congressional elections of 1972 and they should be made within the context of a new federal system.

Mr. President, the subject of campaign reform is not a new one. As early as 1906 Congress decided to take a probing look into the subject of campaign contributions and their effect upon the credibility of government. It was recognized early in the history of our Republic that the way we elect representatives of the people and officials of the government affects the quality and responsiveness of government itself.

I do not have to recite to the Senate the extent to which we are now faced with campaign abuses. We all read the newspapers. We all watch television. We have all been involved in political campaigns. The call for reform is ringing across the country. The longer we delay the task of enacting meaningful legislation, the greater the risk of losing more and more to the growing number of

Americans who have become detached and apathetic about Government and its processes—dropouts from the American political system.

Any casual student of American Government will recognize the political sensitivity of such a legislative endeavor. It affects the political destiny of every Member of Congress as well as the Presidency. There is no subject with greater vested interest.

The Senate has responded. On two occasions we passed meaningful campaign reform legislation. We must try again.

The most recent pronouncement of the Senate on this subject was S. 3637. I voted in favor of this bill and in opposition to the President's veto. In doing so, I reflected, I thought, the views of the citizens of Maryland and their demand for urgent reform. The bill was not perfect. It had its shortcomings. But it was a start—a declaration of congressional intent and congressional responsibility. At the time of my vote to override the veto, I announced that I would introduce in the next Congress a comprehensive bill on campaign reform which would meet the President's objections to the vetoed bill. The distinguished minority leader, in voting to sustain the President's veto, made a similar pledge.

Today, I join with the minority leader in introducing the most comprehensive bill on campaign reform that this Chamber has ever seen, The Federal Election Reform Act of 1971. The fact that we voted differently on the President's veto, the fact that we both pledged to meet the President's objections, and the fact that we join together today in this legislation demonstrates our strong commitment as well as our Party's commitment to enact effective campaign reform legislation.

I want to make it perfectly clear that this is not a partisan bill: campaign abuse affects us all. It is not a partisan issue. It is for the benefit of all Americans and for the benefit of our electoral process.

We have sought the opinion and counsel of many sources in and out of Government. We have derived the language of this bill from months and months of consultation, deliberation, evaluation, study and reevaluation. We have contacted the best legal minds, the most qualified exports. In particular the bill reflects the patient and steady efforts of the National Committee for an Effective Congress, for which I am grateful. We are happy to have their endorsement.

The legislative package is divided into 5 separate substantive areas: Reporting and disclosure; monetary limitations; mail privileges; media; and tax incentives.

INTRODUCTION

In considering campaign reform, the issue narrows down to two alternative philosophical approaches: Should the Federal Government control the activities or spending of candidates, or, should the public, by being fully informed as to the candidate's campaign spending and sources of revenue, through its power of the vote be the ultimate judge of the candidate's activities and thus of campaign reform?

Examples of the former are illustrated in proposals to put spending ceilings on all campaign spending, spending ceilings on media and/or nonmedia services and limits on contributions. The latter is reflected in the numerous reporting and disclosure bills introduced in the Congress. One puts the responsibility on Government as Big Brother, while with the other the discernment and judgment rests with the public who in the end will enjoy the benefit or bear the burden of future election practices.

Bills have been introduced all along this legislative spectrum. As you will see we have adopted an approach which is the closest to the disclosure philosophy, yet providing some realistic limitations for candidates.

I believe that comprehensive reporting and disclosure is the best vehicle to stop campaign abuse, and in the long run one which will permanently put a stop to high campaign spending. I have approached the problem in this manner ever since my House days when I became a cosponsor of the model bill in this area—the Ashmore-Goodell bill.

The present law, the Corrupt Practices Act, seeks to combine all approaches. It has limits on individual contributions, limits on spending and contains provisions for the disclosure and reporting of campaign costs. Its limitations are unrealistic and the disclosure ineffective. There are more holes in the bill than there are provisions. I mention this only to make the point that the most important characteristic of any campaign practice bill must be that it is workable—it must be realistic.

At one time, out of a sense of utter outrage at campaign costs and campaign abuse, I spoke of spending ceilings; but after much thought and evaluation I have come to believe that it is ultimately unrealistic to assume that we can construct flexible spending figures which are adaptable in each and every political race throughout each and every State of our country. A spending limit that may dictate a lean campaign budget in one area might authorize a Roman carnival in another part of the country. The impractical attempt to legislate a uniformity that does not exist in practice is among the reasons for the ineffectiveness of the present Corrupt Practices Act.

I believe it is much better to control the cost of campaigns in their inception and during their planning rather than attempting to control the level of spending once the snowball is headed down the hill. If the cost is controlled, more candidates would enter the race, rather than being financially afraid of not obtaining the minimum amount of money needed for a campaign. It has been with this spirit that we have drawn sections of the bill dealing with media, tax incentives, and mailing privileges.

The public learns a great deal about a candidate from the way he spends and receives his campaign money. If we would protect the public from this insight by putting unrealistic ceilings on spending, the public would never gain any real expectation of the candidate's integrity or credibility until after he is elected. The public should—it must—make its judgment on what it sees and hears, not on what it is prevented from seeing or hearing.

The beauty of America, I feel, is that we are not all alike. We have many different cultures, different religions, and different traditions. We cannot and should not reduce every candidate to a common level before the American electorate. There will always be somebody better looking, richer, or better educated, someone who will be a better speaker or a better performer. It is these differences among Americans that make our representative system work so effectively.

I believe that the public wants some monetary limitation. Rather than have meaningless limitations on spending, I would have limitations on contributions. If a candidate is to spend $1 million I would rather that he get that money from numerous people—from a broad base—rather than from a select few. By limiting the amount one can contribute to a campaign or the amount one can contribute to his own campaign, we are creating conditions to encourage the development of a broad base from which candidates will seek election. This notion is complementary to our provisions on tax incentives, mail privileges, and media. Limiting contributions is more in keeping with the philosophy of disclosure. And the result would be as if we did put direct spending ceilings on campaigns.

Thus, our bill is a practical bill which gives the opportunity and puts the burden and responsibility upon the voter, through the knowledge he will gain from comprehensive disclosure, to choose the extent of campaign abuse in any election. In addition, we provide through tax incentives, media regulation, contribution limitations, and mailing privileges a means to create broad base support for candidates, a means to offset the great disparities of power and influence among candidates, and a means of accessibility for all the candidates to the public.

REPORTING AND DISCLOSURE

Effective publicity of the financing arrangements of candidates creates financial accountability and public confidence in the electoral system. It is crucial in any package of campaign reform legislation that the public makes its choice of candidates based upon all available and pertinent information—for if that information is not available the public would not be makng any real choice at all. And I know from personal observation that the public is discriminating in this area.

The basic approach of disclosure and reporting has been adopted twice by this chamber. The Citizens Research Foundation, the Kennedy Commission on Campaign Costs, the Committee for Economic Development, and the Twentieth Century Fund Task Forces have all emphasized and recommended this approach.

This section of the legislation has been offered before in the House and the Senate. It was basically the Ashmore-Goodell bill now set forth in a more comprehensive version and with some variations.

The section covers all federally elected offices and includes conventions, primaries, caucuses, and other processes created for the purpose of nominating candidates for such offices.

Once an individual becomes a candidate, as contemplated by the bill, he must create one central committee to collect and distribute all campaign contributions. No money can be spent on behalf of any candidate until such a committee is established and a representative registered with the created Federal Elections Commission and thereafter a presumption of law is created that the candidate and the committee are cognizant of campaign finances. The committee is required to transmit to the Commission periodic reports on contributions and expenditures in the candidate's campaign. It is responsible for filing similar reports with the clerk of the U.S. district court for the district in which the principal office of the committee is located and with the appropriate Senate or House of Representative.

Subcommittees are not discouraged and can flourish as long as they coordinate their finances and reporting with the registered central committee. A broad definition is given to "contributions" to include all gifts and services.

A Federal Elections Commission is established for the purpose of publishing, disseminating and enforcing those provisions relating to reporting and disclosure. For example, the following are required by law to file reports directly to the Commission: First, each candidate's central committee registered with the Commission; second, all political committees which raise or spend in excess of $1,000; third, donors or their immediate family who contribute more than $1,000 to any campaign; and fourth, all candidates covered under the bill.

Each report must list all donors who have contributed $100 or more, their names and addresses, the amount of contributions, and the expenditures of money. The bill sets forth in detail the requirements for each report.

The reports are published for public consumption by the Commission at stated intervals prior to the election. Annual and special reports are also required. The Commission is instructed to transmit each report to the CONGRESSIONAL RECORD for publication.

The Commission is empowered to make field investigations and audits with respect to the required reports and is required for report suspected violations to the appropriate law enforcement authorities.

Any person who believes a violation has occurred can file a complaint with the Commission which in turn can make an investigation; if a violation is found, the Commission is to report the violation to the Justice Department for prosecution. Permanent and temporary injunctive relief is provided for complainants.

Those violating the law may be fined not more than $1,000 or imprisoned for not more than 1 year, or both, and if there is a willful violation, penalty may be a fine of up to $10,000 or imprisonment of not more than 5 years, or both.

CONTRIBUTION LIMITATIONS

It is important to assure that no one group or individual, through financial power, dominates or unduly influences an elected representative to the disservice of the broad public interest. Limitations on the size of contributions assure the broadest possible support for candidates and may reduce campaign spending without directly limiting the spending capacity of candidates.

The bill provides that no person is permitted to make either directly, or indirectly such as through a political committee, contributions in an aggregate amount in excess of $15,000 to any candidate for the Office of President; $10,000 for the office of Senator, and $5,000 for the office of Representative, Commissioner or Delegate.

In addition, the bill provides that no candidate can give to his own candidacy through his own funds or that of his immediate family more than: first, $50,000 in the case of his candidacy for the Presidency or Vice Presidency; second, $35,000 for the office of Senator; and third, $25,000 for the office of Representative, Commissioner, or Delegate.

TAX INCENTIVES

One of the principal challenges of our electoral system is to restore its credibility. One effective way of doing this is to get more people involved in the financial as well as the representative base of American politics. I myself would rather have 100,000 contributions of 1 dollar each than 10 contributions of $10,000 each. The money adds up to the same amount, but the political effect is different—100,000 active participants who put their money where their mouth is are vastly different from 10 rich supporters putting up all the money.

To further this objective of broad base support of candidates, a program of tax incentives is proposed by which the donor can take a deduction or credit on his Federal income tax return to offset his political contribution. Like limitations on contributions, this too is an excellent tool to gradually rid political campaigns of their dependency upon large contributors—and often large debts.

The bill provides a maximum of a $25 tax credit, or, alternatively, a maximum $100 tax deduction for support of candidates for Federal office. The tax credit will benefit the low- to middle-income tax bracket, while those higher income tax brackets who itemize deductions will benefit from the deduction approach.

We are aware of the political resistance to such a proposal. To some it tampers too much with the revenue process. To some it creates too much of a public subsidy. The amount of money the Federal Government would lose in such a program would be pennies in comparison to some comprehensive subsidy programs which have been proposed. The cost is meaningless compared to benefits to the electoral process derived from the involvement of more citizens in American politics.

REDUCED RATE ON POLITICAL MAIL FOR CONGRESSIONAL CANDIDATES

In a further effort to solicit broad political participation in American politics and to offset existing disparities of power and money between candidates, we are proposing a system by which all candidates, both incumbents and opponents, can receive reduced rates for political mailings in general and primary election campaigns. The franking privilege of incumbents is a powerful weapon. Even if the incumbent strictly uses the frank for nonpolitical materials, the exposure received from his mailings is a great advantage in the closing days of any election. Just because one is elected to office should not guarantee his reelection—or his defeat.

We must provide greater public accessibility to the other candidates. Although this will be another area in which those of us who are incumbents may be said to have great political vested interest, we must look beyond ourselves to the broad picture of the stability and growth of our electoral process.

The legislation provides that every major party's congressional candidate be entitled to two pieces of reduced rate political mail for every registered voter in the district or State in the general or special election. In order to get the same privilege in the primary, the candidate must secure the signatures of 5 percent of the registered voters in the respective representative area.

A minor party candidate—one not belonging to a major party or one which has not received more than 30 percent of the votes in the preceding election—would be entitled to one special mailing in any general or special election campaign. In a primary, he may also have one mailing if he secures the signatures of 3 percent of the registered voters.

The reduced rate shall be equivalent to the rates now given to nonprofit organizations. By not giving completely free mailing privileges, the revenue loss is minimized and the privilege is limited to those candidates who are earnestly seeking election.

Considering the alternatives, this is a cheap and effective way of somewhat balancing the political equation among candidates.

MEDIA

It is ironic but instructive that it has been the media that has brought the public closer to the candidate—that has educated the public. And it has been this same vehicle that has accelerated the need for campaign reform.

We all know how the broadcast media has affected the workings and integrity of campaigns. There are elected representatives and defeated candidates whose political status has been determined on the basis of their access to the television screens of the voters. And access requires money.

I have stated on numerous occasions that this crazy, self-destructive scheme must be curtailed. The system has acquired an advantage over the candidates and the candidates are taking advantage of the public.

It is clear that we must create a system which will secure greater access to the airwaves by more candidates, a system which will reduce the costs of advertising time and instill a sense of public responsibility in the broadcast media, a system which will produce more free time for candidates to voice their views.

To accomplish these objectives, the alternatives are many. We can provide public subsidies in whole or in part for candidates' broadcasts. This has obvious disadvantages. It would be expensive. It would, in my mind, be inconsistent with the approach of disclosure and reporting. Also, it would be treating one medium, broadcasting, differently from the rest.

We can put limits on media spending, on all campaign spending, or a combination of the two. I have already discussed the disadvantages of this approach. It is unrealistic, arbitrary, and hardly enforceable on a nationwide basis with the diversity of rates and facilities.

We can demand that the broadcast media sell to the candidates political advertising time at the same rate it would sell that same time to its regular commercial clients, the so-called lowest unit cost approach. The broadcast media formerly on occasion used their timely bargaining power to charge higher rates to political candidates, although I understand that abuse has been voluntarily abandoned.

The lowest unit cost approach applied only to broadcasters has already passed the Congress and was vetoed by the President and singled out as being too arbitrary and discriminatory in its dealing with the broadcast media. We agree. And we have proposed a solution which treats all media similarly—for quite properly they all must share the responsibility.

We have proposed that during a certain period—30 days preceding the primary and 45 days preceding the general election—all media of mass communications — broadcasting, newspapers, billboards, and the like—must sell to candidates political advertising time at the lowest unit cost. During the periods of time outside these specified days, the respective media may charge its usual rates to political candidates.

The proposal has the obvious advantage of reducing the costs of campaigns by reducing the cost of media which in the end will contribute greatly to reducing campaign spending—all this without directly putting spending ceilings on candidates.

This approach also enhances the laudable objective of shortening the campaign time which in and of itself will reduce campaign costs and campaign spending. By reducing costs, the airwaves also become more accessible to more candidates.

In a further effort to assure equal treatment for all media services and political candidates, the bill requires broadcasters to sell reasonable amounts of time to all legally qualified candidates. This will assure that broadcasters who may favor one candidate over another will not be able to preclude one candidate from going on that station if he is ready, willing, and able to do so.

Another problem in this area and one which was covered by the recently vetoed bill, is section 315(a) of the Federal Communications Act. This section requires the broadcast stations to give "equal time" to all candidates once having given some time to another candidate in the same campaign. It is well documented that this strict inflexible rule stifles debate and the free and unencumbered airing of views—to the disadvantage of the public. It discourages broadcast stations from giving free time to the major candidates, knowing that it must give equal amounts of time to minor party candidates.

The bill revokes this section for presidential and vice-presidential elections. We feel it is more realistic and more appropriate to the problem to limit the repeal to just this one area. We have not discriminated against any one media. The bill is fair in its treatment. We hope, however, that the broadcast media recognizes a strong congressional caveat.

To make the point clear to the broadcaster, there is in the bill a declaration of congressional intent—admittedly meaningless now but a quick reference point for later congressional action. The declaration of intent states clearly that the broadcast industry has a certain obligation to the public and to political candidates during an election.

Most of this language has been lifted directly from existing Federal Communications Commission rules and regulations and from Supreme Court decisions affecting the operation of broadcasters.

The bill directs the FCC to make a report back to Congress within 1 year with recommendation for additional legislation.

CONCLUSION

This bill makes no claim to be a universal remedy—nor to containing all the possible remedies. Others are possible and may emerge in debate. All will be considered carefully.

We feel that this bill is realistic, fair and equal in its treatment. We have dealt with all the problems. We have approached the high costs of media spending. We have provided greater accessibility of candidates to the public during the campaign. We have assured the public that if a candidate is to spend hunks and hunks of money he will, however, get his money from a broad-base support rather than a few wealthy contributors. We have solved the problem of one rich candidate financing his own candidacy without the financial support of many Americans.

All the provisions of the bill must be read together in order to understand the bill's intent, spirit, and objective.

There are other provisions in the bill not mentioned in this short summary. Some are technical amendments, others substantive amendments which are self-explanatory.

By Mr. PASTORE (by request):

S. 957. A bill to amend the Atomic Energy Act of 1954, as amended, to provide for license fees to Government agencies, and for other purposes; and

S. 958. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. FANNIN:

S. 959. A bill to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona; and

S. 960. A bill to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona. Referred to the Committee on Interior and Insular Affairs.

Mr. FANNIN. Mr. President, today I am introducing two bills to establish the Pine Mountain and Sycamore Canyon Wilderness Areas in Arizona.

Arizona is blessed with an abundance of natural beauty. Designation of these two areas as part of the wilderness system will help guarantee this great resource for future generations.

Currently these are treated as primitive areas by the U.S. Forest Service. This is protecting the areas.

But administrative classifications are easily changed. By giving these areas congressional recognition as wilderness areas, we make it that much more certain that they will be retained in essentially their natural state.

Mr. President, I send to the desk these two bills and ask that they be appropriately referred.

By Mr. JAVITS:

S. 961. A bill to amend title II of the Social Security Act to provide that, for purposes of the provisions thereof relating to deductions from benefits on account of excess earnings, there be disregarded, in certain cases, income derived from the sale of certain copyrights, literary, musical, or artistic compositions, letters or memorandums, or similar property. Referred to the Committee on Finance.

Mr. JAVITS. Mr. President, I rise to introduce a bill to amend the Social Security Act with respect to exclusion of certain income received by artists and composers from the sale after age 65 of works created prior to their reaching age 65.

The Social Security Act now provides that individuals 65 years and over who are receiving royalty income attributable to copyrights or patents obtained before age 65 may exclude such income from their gross income in determining their social security entitlement.

The bill I am introducing today extends the provision to artists and composers who sell uncopyrighted works; thereby placing them on an equal basis with artists and composers receiving royalty income from copyrighted or patented works. The burden of proof remains upon the individual artist or composer to establish to the satisfaction of the Secretary of Health, Education, and Welfare when the art work or composition was created and when sold.

Although no precise estimates are available as to the number of individuals who would become eligible under this amendment, it should be noted that in order to be eligible, an individual author or artist must have created the work prior to age 65; and that he must remain active past age 65 so that his outside income does not exceed $1,680, the figure at which social security benefits are reduced. Estimates of the numbers of artists taking advantage of the present royalty income exclusion range in the low hundreds.

Thus, we are talking about a relatively few individuals out of almost 26.2 million social security recipients.

This proposal should be relatively easy to administer. By placing the burden of proof upon the individual we have followed the pattern of the 1965 amendments to the Social Security Act. The individual is thus required to prove his claimed exclusion to the Secretary's satisfaction consistent with existing law. Finally, the Secretary already has general rulemaking powers under the law with which to establish an orderly procedure for individuals claiming the right to exclude income under this amendment.

I hope, Mr. President, that the Committee on Finance in its consideration of this year's social security legislation will favorably consider this proposal to correct an inequity in the law which penalizes older artists and composers at a time when they are living upon modest fixed incomes and dependent upon social security benefits.

By Mr. EAGLETON:

S. 962. A bill for the relief of Rizalina Animas. Referred to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 963. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. MONTOYA. Mr. President, I now introduce a bill to assist rural areas in achieving a capability to combat structural and wildfires. I have long been concerned over the widespread tragic and shameful waste of lives, property, and natural resources caused by such fires. A similar bill has been proposed by me in previous sessions, with substantial support from many of my distinguished colleagues, but it failed to clear committee. Since this measure has much merit and minimal cost, I believe it deserves consideration once again.

It is now clear that positive measures to reverse the destruction of our natural resources must be taken if we are to avoid the specter of total exhaustion of these resources. There is much to be done and little time in which to do it. Each step we take toward remedying our plight not only reduces the needless waste of limited resources but also alerts increasing numbers of citizens to the problem. If we can also enlist their personal involvement in working toward a solution, other benefits are bound to accrue in addition to a savings in tax dollars.

This legislation would create a program of modest cost. It is needed throughout rural America to provide the capability to reduce the tragic loss of life and property resulting from fires. Nearly 1,000 rural people lose their lives in fires each year. Total farm fire losses in the United States in 1969 amounted to $227 million.

This program provides for technical assistance, training, and equipping of fire control forces to suppress both structural and wildfires in rural areas. Many of these areas are now under no organized protection or have only limited protection. The bill provides for a local effort supported by Federal-State cost sharing at a 75–25 percent level to assist those areas least capable of providing the expensive firefighting equipment and professional know-how required.

Potentially capable volunteer firefighters can be recruited in most rural areas. Local initiative can usually be counted upon to provide suitable space and storage facilities for apparatus and fire equipment. The program would provide adequate fire protection for rural people living in communities of 5,500 or less. Also affected will be nearly 420 million acres of cropland, pastureland, farmland, and rangeland located in each of the 50 States.

Property and scenic values are high in these areas. Exclusive of land, total direct investments which will be protected by the program approach $195 billion.

Fire insurance benefits will accrue to rural residents whose property is not insurable at the present time due to lack of protection. Farm property insurance is commonly discouraged by high premiums. It is estimated that fire insurance premiums would be reduced as a result of improved, organized protection in rural areas. Better fire protection and reduced insurance rates should attract residents and business and help reduce the migration to urban areas.

Rapid changes in land-use patterns along with soaring resource and improvement values have made the need for adequate fire protection an urgent matter. I know this is true for the State of New Mexico.

Significant program effectiveness has already been shown in the highly favorable reports received from five rural fire defense training projects located in Colorado, Florida, Kentucky, Missouri, and Oregon. Participation and acceptance of the training by local cooperators was excellent. These projects, however, did not provide for an equipment component, as this bill does. Much was learned from these efforts, and the urgent need to obtain this capability was a significant lesson.

I believe that the economic and social gains in rural America will be great from the early enactment of this legislation. The resulting savings of our natural resources compels enactment of a permanent program to insure its effectiveness and continuity.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 963

A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to reduce the loss of lives, property, and natural resources from fires in rural areas there is a need for the combined efforts of Federal, State, and local governments and nonprofit organizations to facilitate the establishment of adequate organizations and systems for the protection, control, and suppression of fires of woodlands, rangelands, orchards, pastures, crops, farmsteads, and other improvements in rural areas, including those of a population of fifty-five hundred or less not included in a metropolitan area. To this end, the Secretary of Agriculture is authorized and directed to cooperate with State foresters or other appropriate officials of the several States for the development by States, other public bodies, and nonprofit organizations of effective organizations and systems and to provide financial and other assistance in organizing, training, and equipping forces for the prevention, control, and suppression of fires in rural areas and rural communities.

SEC. 2. The Secretary shall carry out this Act in accordance with cooperative agreements with appropriate State officials. Such agreements shall contain such conditions as the Secretary deems appropriate for the purposes of this Act. No such agreement shall provide for financial assistance by the Secretary under this Act in any State during any fiscal year in excess of 75 per centum of the total budgeted expenditures or the actual expenditures, whichever is less, of the undertakings of such agreement for such year, including expenditures of local public and private nonprofit organizations. Payments by the Secretary under such agreements may be made on the certificate of the appropriate State official that expenditures as provided for the appropriate State official that expenditures as provided for under such agreements have been made and funds may be made available, as determined by the Secretary, without regard to the provisions of the Act of July 31, 1823 (3 Stat. 723; 31 U.S.C. 529), concerning the advance of public moneys.

SEC. 3. There is authorized to be appropriated to carry out the provisions of this Act $3,500,000 for the fiscal year ending June 30, 1972; $4,500,000 for the fiscal year ending June 30, 1973; $6,000,000 for the fiscal year ending June 30, 1974; and thereafter such amounts as may be necessary.

By Mr. NELSON:

S. 964. A bill for the relief of Tomas Ballesta Dominguez and Maria Pilar Roman Ballesta; and

S. 965. A bill for the relief of Man OK Kim and Mrs. OK Kyung Rhee Kim. Referred to the Committee on the Judiciary.

S. 966. A bill for the relief of Lucille P. Steele. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 967. A bill to promote economic opportunity in communities and industries which suffer a reduction in defense-related production and employment caused by shifting patterns of Federal procurement, termination or relocation of Federal facilities, or the abatement of general defense requirements; to provide assistance to, and cooperate with, those defense-related industries which seek to expand economic opportunity and growth within their communities during the transition from a wartime to a peacetime economy; to mitigate the hardships suffered by families and communities when local defense-related employment is no longer required to maintain national security, and for other purposes. Referred to the Committee on Government Operations.

Mr. PEARSON. Mr. President, I introduce a bill which provides the means for an orderly transition from wartime to peacetime economic conditions, a bill designed to facilitate alternative development and peacetime technology as the pressures of warfare abate and Americans seek solutions to the many distressing problems at home.

Under the leadership of President Nixon, the tragic cost of U.S. participation in the Indochina war has been diminished substantially. The prayerful hopes of millions of concerned Americans have been realized. Personnel casualties have been reduced from 500 to 50 per week. Vietnamization has permitted about 200,000 American boys to return home without replacement. The economic drain of the struggle has been reduced by more than half. Recent polls show that most Americans favor continued withdrawal until all the forces in the area have been evacuated.

Inauguration of the Nixon doctrine, along with the wholly consistent pattern of Vietnamization, has initiated adjustments in our domestic employment pattern—adjustments which all Americans should welcome.

Tables I and II which I ask unanimous consent to have printed in the RECORD, document the findings of a recent Department of Labor study on the impact of defense spending in terms of domestic jobs. Clearly the priorities of the 1970's have brought substantial reductions in defense-related employment opportunities. Similarly the progresss of the Apollo space program and long-range NASA plans have forced significant cutbacks in space-related employment.

To the Nation at large these developments have revived the hope that serious domestic problems—serious human problems—long relegated to second-class status at last will be confronted and solved. Environmental restoration, revitalization of the National transportation system, and rural development are among the challenges which Congress and the Nation now aspire to meet.

To those communities which have specialized in defense and space-related production or support, however, these new priorities have caused tragic and painful readjustments. Thousands of skilled and dedicated workers and professionals have been laid off with insubstantial prospects for immediate reemployment. Major corporations have cut adrift massive numbers of loyal employees—left to fend for themselves as management retrenches to protect shareholder equity and retain flexibility for future Federal contract competitions.

Mr. President, the largest city in Kansas—Wichita—is a case in point. Located in the heart of our State, Wichita is one of the Nation's most progressive cities. Wichita enjoys a proud heritage as a terminal for frontier-day cattle drives and railhead, and is a national leader in oil, grain, and aviation. And Wichita is in trouble.

Wichita is in trouble not because of a lack of dedication to community development, but rather, in a sense, because of such dedication. The citizens and firms of the Sedgwick County area have been able consistently to meet the rigorous challenges of defense and aviation technology. Their services have been in demand for many years. They have performed to the credit of all Kansas.

Largely because of defense-related expenditures, Wichita became vulnerable to any significant reordering of Federal spending priorities.

Overall, defense-related expenditures in Sedgwick County for fiscal year 1969 amounted to nearly $1,000 for each and every person in the civilian workforce. For every aerospace engineer and gasoline station attendant, for every oilfield worker and clerk, the defense effort provided about $1,000 to the Wichita economy in 1969.

Mr. President, Wichita involvement in defense production diminished when Federal spending patterns began to shift. The reordering of National priorities has had a profound impact on economic conditions in Wichita—the impact has come suddenly and with a vengeance.

Unemployment in Wichita climbed above the 4-percent level in January of 1970. By March it had risen to more than 6 percent. In June the rate of unemployment reached 10 percent, and has remained in that area during the ensuing months.

The Wichita Office of the Kansas Employment Security Division predicts a net loss of an additional 1,300 jobs by April of this year. Currently more than 15,000 persons are out of work. The situation has reached crisis proportions.

The Federal Government has a deep moral obligation to assist the Wichita community, and dozens of other communities in similar circumstances, with a program of economic revitalization and renewal.

Many cities throughout the country are experiencing the fate of Wichita already, and additional communities will suffer as time passes. Defense-related spending has become the sine qua non of economic survival for entirely too many American cities.

Defense spending is well known for its monumental size and pervasive influence on the economy of any community it reaches. More than 10 percent of the American labor force is employed in defense and defense related activities. There are about 22,000 prime contractors and more than 100,000 subcontractors charged with the responsibility of producing space-age hardware for a great Nation. Approximately 5,500 cities and towns have at least one defense plant or company doing business with the Department of Defense. There are about 1,000 DOD, AEC, and NASA installations within the continental limits of the United States.

While overall defense-related spending will be diminished only insubstantially in fiscal 1972, there is evidence that the spending will be buying fewer and fewer jobs. Because of the fantastic cost of some weapons systems, and because of technological progress, fewer and fewer production personnel are required to provide hardware needs. Clearly the figures in tables I and II reflect the fact that, even in recent years when defense spending has increased in the aggregate, defense related employment has declined.

Minor adjustments to overall defense spending patterns can bring economic disaster to dozens of communities in a matter of months. Major procurement patterns are shifted, from manned bombers to naval destroyers for instance, and depression-level conditions of unemployment result in some localities while boomtown prosperity is brought to others.

There is an element of mindlessness in permitting this pattern to continue unabated, without substantial Federal relief for those communities adversely affected. Nonetheless, we have tolerated the pattern during past years of overheated economic expansion and rampant inflation. We can tolerate it no longer.

THE ADAPT BILL

Mr. President, the legislation which I introduce today is a considered Federal response to the havoc which declining National priorities leave in their wake. This bill contains both an organizational structure and the authorization of sufficient funding for a program of economic conversion in communities which suffer significant losses in federally related employment.

This legislation is to facilitate Alternative Development and Peacetime Technological innovation—thus the acronym ADAPT for shorthand reference. The following paragraphs outline its provisions in brief summary.

Within the Executive Office of the President there is to be established an Office for Alternative Development and Peacetime Technology. The Director of this Office is authorized to initiate and supervise programs and policies to assist localities and business concerns to prepare for and convert to the production and furnishing of nondefense goods and services as defense needs locally are reduced.

The Office is authorized to provide funds to States and localities for the preparation of studies and conferences on the problems of economic conversion and revitalization.

The Office is authorized to award categorical grants to communities which qualify for assistance. These grants have very few strings attached; the purpose of this legislation is to enlist local citizens in federally supported efforts to diversify business and expand job opportunities.

So long as grants are used effectively for the broad purposes of economic revitalization and recovery from reduced Federal community involvement, they will be employed properly and in accordance with the legislative intent.

The bill does not create another massive bureaucracy. Rather the success of ADAPT depends in large measure upon the capacity of local citizens and enterprises to structure their own economic recovery.

I foresee the possibility that these funds might be used for acquisition of industrial parks, for other facilities demanded by most sophisticated companies in search of new plant sites. The management of these grants, in the final analysis, will depend upon local conditions in each case, and the imagination of local leaders.

The ADAPT bill contains authority to establish management, professional, and scientific institutes in cooperation with vocational or higher education institutions in the designated localities. These institutes would be federally funded to conduct short term training for management personnel, scientists, engineers and other technicians who are unemployed as a result of cutbacks in defense-related spending.

The training conducted in these institutes should be tailored to securing reemployment for students in nondefense jobs, and special courses should be offered to adapt the skills of former defense-related employees to the demands of environmental restoration, rural development, and other peacetime technology needs.

This legislation also contains loan guarantees for conversion projects when other credit channels are unavailable. Loans will be made through existing lending agencies, and $50 million shall be allocated for the initial capitalization of this program. Additionally an interest subsidy not to exceed $15 million per year is authorized to encourage small businessmen to participate in the loan program. Expanded job opportunities in the qualifying communities depends in many cases on the ability of small business to expand profitably. The loan program is tailored to the needs of small businesses which have the capacity to expand, but lack the initial capital to do so.

Finally, Mr. President, the ADAPT bill authorizes the Office to issue regulations which will insure that further defense contracts and grants contain provisions for diversification after termination of the Federal relationship.

Each general contractor, before entering into defense-related production, will be required by the Office to develop plans for an orderly economic transition to nondefense production after the completion of the contract. No Federal agency should enter into contracts which attract substantial numbers of skilled and unskilled citizens to a locality, then leave those citizens with prospects of unemployment after their skills have been exploited.

Both Federal administrators and civilian suppliers must realize, henceforth, that they have a deep responsibility to those who work for their benefit, to their families and their communities. Hopefully, this legislation will spark the social conscience so long left dormant in the pressure-filled years of cold-war production.

Mr. President, I urge all Senators to consider carefully the terms of this ADAPT proposal, to review the benefits which it would bring to all the States. Especially, I ask Members to consider the reliance which communities and families place on the Federal Government when they enter its employ—directly or indirectly.

This proposal reflects a national commitment to economic diversification and revitalization in communities hit hard by defense cutbacks. We should do no less for those who have performed so well, and in the national interest, for so long. I urge consideration of ADAPT by the appropriate committees at the earliest opportunity.

Mr. President, I ask unanimous consent that the text of ADAPT be printed in the RECORD at the conclusion of these remarks.

There being no objection, the bill and tables were ordered to be printed in the RECORD, as follows:

S. 967

A bill to promote economic opportunity in communities and industries which suffer a reduction in defense-related production and employment caused by shifting patterns of Federal procurement, termination or relocation of Federal facilities, or the abatement of general defense requirements; to provide assistance to, and cooperate with, those defense-related industries which seek to expand economic opportunity and growth within their communities during the transition from a wartime to a peacetime economy; to mitigate the hardships suffered by families and communities when local defense-related employment is no longer required to maintain national security, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alternative Development and Peacetime Technology Act of 1971."

STATEMENT OF FINDINGS

SEC. 2. (a) The Congress finds and declares that many communities in the United States rely heavily upon Federal defense expenditures, defense-related production and employment, defense facilities and defense procurement to maintain full employment and high levels of industrial output; that many communities have become dependent upon continuity in Federal spending patterns to maintain employment and production; that the requirements of national security cannot be met by inflexible patterns of Federal expenditure and resource allocation; and that when Federal employment opportunities or defense-related industrial requirements shift from locality to locality, severe dislocation and hardship often result.

(b) It is the purpose of this Act to provide Federal assistance to communities and industries which seek to diversify their production in order to fulfill legitimate nondefense demands of society while, at the same time, maintaining defense-related production and employment sufficient to meet the requirements of national security.

(c) It is the further purpose of this Act to minimize those economic dislocations and hardships which inevitably occur during periods of transition from a wartime to a peacetime economy.

ESTABLISHMENT OF THE OFFICE OF ECONOMIC DIVERSIFICATION

SEC. 3. (a) There is established in the Executive Office of the President the Office for Alternative Development and Peacetime Technology (hereinafter referred to as the "Office").

(b) The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) There shall be in the Office a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe and shall be Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

FUNCTIONS

SEC. 4. The Director of the Office is authorized to—

(1) initiate, arrange for, and supervise, with the approval of the President, appropriate policies and programs to be carried out by departments and agencies of the Federal Government designed to assist localities and business concerns to prepare for and convert to the production and furnishing of non-defense goods and services as the defense needs of the United States are reduced or shifted from one locality to another locality;

(2) (A) consult with the Governors of the States to encourage (i) appropriate studies and conferences at State, local, and regional levels, and (ii) the adoption of appropriate programs for States, localities, and private concerns in support of expanding the nondefense sector of the economy of the appropriate area, and (B), provide financial assistance to each such State or locality in an amount not to exceed 80 percent of the total cost of the preparation of such studies or the holding of such conferences;

(3) make grants to localities in accordance with section 5;

(4) conduct training institutes for management, professional and scientific personnel in accordance with section 6;

(5) promulgate such regulations for the appropriate departments and agencies of the Federal Government as may be necessary for the implementation of section 7 of this Act; and

(6) consult with trade and industry associations, labor unions, and professional societies, and encourage and enlist their support for a coordinated effort to improve the capacity of the Nation's economy to convert to the production and furnishing of non-defense goods and services;

(7) prepare sure recommendations and perform such other functions as the President may request.

GRANTS TO LOCALITIES FOR ALTERNATIVE DEVELOPMENT PROGRAMS

SEC. 5. (a) From funds available pursuant to section 11, the Director is authorized to make grants to, or to enter into contracts with, eligible localities upon such terms and conditions consistent with the purposes of this Act as the Director deems appropriate, to pay not to exceed 80 percent of the cost of alternative development programs, including but not limited to—

(1) providing initial financial assistance designed to promote industrial development by either attracting new business concerns to the locality concerned or by expanding opportunities for existing private concerns in any such community;

(2) promoting job opportunities for individuals who are unemployed as a result of the closing of a plant or facility engaged in defense-related research, development or production or the closing of a defense facility; and

(3) providing financial assistance to support unusual privately sponsored programs to attract business to the community concerned.

(b) As used in this section the term "eligible locality" means any city or other municipality (or two or more municipalities acting jointly) or any county or other political subdivision of a State (or two or more acting jointly) having general governmental powers, determined by the Director to have been adversely affected by the closing of a plant or facility engaged in defense-related research, development or production or the closing of a defense facility.

MANAGEMENT, PROFESSIONAL, AND SCIENTIFIC INSTITUTES

SEC. 6. (a) From funds available pursuant to section 11, the Director, either directly or by way of grant, contract, or other arrangement with public agencies, institutions of higher education, or nonprofit institutions or organizations, is authorized to conduct short-term training institutes designed to—

(1) train or retrain management personnel, scientists, engineers, and other technicians who are unemployed as a result of the closing of a plant or facility engaged in defense-related research, development or production or the closing of a defense facility, so that they may find constructive employment in their respective fields of expertise; and

(2) train or retrain such personnel, scientists, engineers and technicians in new professional, scientific and technical fields in which there is a demonstrated demand in the foreseeable future in the region or locality to be served by such institute.

(b) No payment may be made pursuant to this section except upon application therefor submitted at such time or times and accompanied by such information as the Director shall by regulation prescribe.

(c) As used in this section "institution of higher education" means any such institution as defined in section 1201(a) of the Higher Education Act of 1965.

LOAN GUARANTEE AND INTEREST PAYMENT PROGRAM

SEC. 7. Title IV of the Small Business Investment Act of 1958 is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—GUARANTEES

"Part A—Lease Guarantees";

(2) by striking out "this title", wherever it appears in sections 402 and 403, and inserting in lieu thereof "this part"; and

(3) by adding at the end thereof the following:

"Part B—Conversion Project Guarantees

"DEFINITIONS

"SEC. 410. As used in this part—

"(1) The term 'eligible lender' means an eligible institution, an agency, or instrumentality of a State, or a financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the United States or of any State, or a pension fund approved by the administration for this purpose.

"(2) The term 'conversion project' means the planning and carrying out of any project by a business concern which is designed to facilitate that business concern's conversion of its defense related research and development activities to nondefense related research and development activities.

"(3) The term 'defense related research and development activities' means any activity—

"(A) which involves—

"(i) research, development, or engineering, including necessary supporting services, performed under grant from, or contract with, the Department of Defense, the Atomic Energy Commission, or the National Aeronautics and Space Administration, or under subcontract to such a grant or contract; or

"(ii) the construction, reconstruction, repair, or installation of any building, plant, structure, facility, or equipment connected or necessary to such research, development, engineering, or supporting services; and

"(B) which requires at least six months to complete.

"AUTHORIZATION OF THE ADMINISTRATION

"SEC. 411. (a) The Administration may, upon such terms and conditions as it may prescribe, enter into a contract and guarantee any loan for a conversion project made by an eligible lender against loss as a result of the failure of any person to meet the terms of such loan, subject to the following conditions:

"(1) The person to whom the loan is made is a small business concern.

"(2) The loan is required in order for such person to carry out a conversion project.

"(3) Such person is not able to obtain such loan on reasonable terms and conditions without a guarantee under this section.

"(4) The loan bears interest at a rate not in excess of 8 per centum a year.

"(5) The Administration determines that there is reasonable assurance that such person will repay the loan.

"(6) The conversion project for which the loan is made meets requirements established by the Administration for feasibility and reasonableness of costs.

"(b) When entering into a contract to guarantee a loan for a conversion project which meets the six conditions specified in section 411(a) above, the Administration will—

"(1) give preference to small business concerns which have suffered severe financial difficulties resulting from the diminution or termination of Federal contracts for defense-related research and development activities; and

"(2) give preference to conversion projects aimed at aiding in the resolution of the Nation's pressing domestic problems.

"(c) Any contract of guarantee under this section shall obligate the Administration to pay upon default to an eligible lender the unpaid balance of the principal amount of the loan, other than interest added to principal.

"(d) The Administration shall fix a uniform annual fee for any guarantee under this section which shall be payable at such time as may be determined by the Administration. To the extent practicable, having due regard for the purpose of this section, the amount of any such fee shall be determined in accordance with sound actuarial practices and procedures. Any fee so established shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration may also fix such uniform fees for the processing of applications for guarantees under this section as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith.

"(e) The provisions of section 402 shall apply in the administration of this section.

"FUND

"SEC. 412. (a) There is established a revolving fund for use by the Administration in carrying out this part, except section 413 thereof. Initial capital for such fund shall consist of not to exceed $50,000,000 transferred from the fund established under section 4(c) 1(B) of the Small Business Act, but paragraph (6) of such section shall not apply to any amounts so transferred.

"(b) There shall be deposited into the fund established by this section all receipts from the guarantee program authorized by this part. Money in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such programs shall be invested in bonds or other obligations of, or guaranteed by, the United States; except that money provided as initial capital for such fund shall be returned to the fund established by section 4(c)(1)(B) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund established by this section permits the return of such money without endangering the solvency of the program under this part.

"INTEREST ASSISTANCE PAYMENTS

"SEC. 413. (a) In addition to any contract of guarantee entered into pursuant to section 411 of this title, the Administration is authorized to make, and to contract to make, interest assistance payments to any eligible lender which has made a loan subject to the provisions of such section 411, on behalf of any person to whom such loan is made. Such payments shall be made at such times and under such conditions as the Administration may by regulation provide. Interest assistance payments to any such lender shall be made only for the period equal to the repayment period as provided in the agreement evidencing such loan, but in no event for a period longer than five years.

"(b) No interest assistance payments made under this section for any loan for any year shall exceed the difference between 3 per centum and the interest such person would be required to pay under the agreement evidencing such loans.

"(c) (1) There are hereby authorized to be appropriated to the Administration such sums as may be necessary for the payment of interest assistance grants to eligible lenders in accordance with this section.

"(2) Contracts for interest assistance grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts, and in any event the total amount of interest assistance grants which may be paid to eligible lenders in any year pursuant to contracts entered into under this section shall not exceed $15,000,000."

DEVELOPMENT AND DIVERSIFICATION PROVISIONS IN DEFENSE CONTRACTS

SEC. 8. (a) Under such regulations as the Office shall prescribe, each defense contract or grant, entered into six or more months after the date of enactment of this Act, by the Department of Defense or any military department thereof, or by the Atomic Energy Commission, shall contain provisions effective to—

(1) require a general contractor, whenever appropriate to survey the economic impact upon the locality or localities in which the major portion of such contract or grant is to be carried out of (A) the completion of work under such contract or grant, or (B) a substantial reduction in the use of a facility operated under such contract or grant;

(2) require each contractor to estimate the degree of dependency, currently and prospectively, of such contractor upon defense contracts or grants; and

(3) require a general contractor, whenever practicable, to develop plans for the use of any facility, operated under, or personnel skills or other benefit derived from such a contract or grant, to supplement community and private efforts to foster economic diversification to such locality upon the completion of such contract or grant or substantial reduction of the use of a facility operated under such contract or grant.

(b) The Office shall encourage trade and industry associations, labor unions and professional organizations to make appropriate studies and plans to further the purposes of this section.

(c) As used in this section the term "defense contract or grant" means any contract or grant to business concerns, government agencies, universities, and other nonprofit organizations—

(1) which involves—

(A) the research, development, production, maintenance, or storage of any weapons systems, arms, armament, ammunition, implements of war, parts or ingredients of such articles or supplies, or plans for the use thereof; or

(B) the construction, reconstruction, repair, or installation of a building, plant, structure, or facility which the Secretary of Defense or his designee, or the Chairman of the Atomic Energy Commission or his designee, certifies to be necessary to the national defense;

(2) which requires that the number of employees engaged in work under such defense contract or grant, together with employees engaged in work under any other such contract or grant, exceeds forty-nine employees or 25 per centum of the total number of employees, whichever is greater, at any establishment operated by the contractor awarded such contract or grant; and

(3) which requires at least one year to complete.

ADMINISTRATIVE PROVISIONS

SEC. 9. (a) The Director, subject to the direction of the President, is authorized to—

(1) appoint and fix the compensation of such staff personnel as he deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.;

(3) accept and utilize the services of voluntary and non-compensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(4) promulgate such rules and regulations as may be required to carry out the provisions of this Act;

(5) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this Act;

(6) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this Act, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statues (41 U.S.C. 5) or any other provision of law relating to competitive bidding;

(7) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this Act; and

(8) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private research agencies, with the consent of such agencies, with or without reimbursement therefor.

(9) make advance, progress, and other payments which the Board deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529); and

(10) perform such other duties as are necessary to carry out the provisions of this Act.

(b) Upon request made by the Director each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Office in the performance of its functions.

COMPENSATION OF THE DIRECTOR AND DEPUTY DIRECTOR

SEC. 10. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(54) Director, Office of Economic Diversification.".

(b) Section 5315 of title 5, United States Code, is amended by adding the following new paragraph:

"(92) Deputy Director, Office of Economic Diversification.".

APPROPRIATIONS AUTHORIZED

SEC. 11. (a) There are hereby authorized to be appropriated $100 million for the fiscal year ending June 30, 1972; $100 million for the fiscal year ending June 30, 1973; $100 million for the fiscal year ending June 30, 1974; and $100 million for the fiscal year ending June 30, 1975, to carry out the provisions of section 5 relating to grants to localities.

(b) There are hereby authorized to be appropriated $10 million for the fiscal year ending June 30, 1972; $10 million for the fiscal year ending June 30, 1973; $10 million for the fiscal year ending June 30, 1974; and $10 million for the fiscal year ending June 30, 1975, to carry out the provisions of section 6 relating to the conduct of training institutes.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the other provisions of this Act.

TABLE I.—DOD civilian employees for the "military function"

Fiscal year:	Employees (in millions)
1968	1.075
1969	1.090
1970	1.057
1971 (estimated)	1.025

TABLE II.—Private employment generated by aggregate defense spending

Fiscal year:	Employees (in millions)
1968	3.6
1969	3.3
1970	2.9
1971 (estimated)	2.3

By Mr. HATFIELD:

S. 968. A bill to amend the Consumers Credit Protection Act to provide greater protection for consumers against unwarranted invasion of privacy. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. HATFIELD. Mr. President, for sometime I have been concerned about the misuse of information collected on consumers who have requested credit from major credit firms. Many times the consumer's neighbors, employers, and friends are asked questions about the consumer's private life. At the completion of the investigation, the information collected is put into the computer whether it is true or not, and even without the knowledge of the consumer.

Mr. President, today I am introducing legislation that would amend the Consumer Credit Protection Act to provide greater protection for the consumer. This measure would require consumer protection reporting agencies to furnish a copy of all consumer credit reports to the consumer to whom it relates. It would further require that investigative consumer reports be undertaken only with the written permission of the consumer to whom it relates and that the consumer be furnished with a copy of the report. Finally, this legislation would also require that credit reporting agencies reveal to the consumer upon demand the sources of the information relating to the consumer.

With today's technological advances in information retrieval systems this legislation is needed to protect the consumer. Without it, the consumer is helpless against the machines which would be turning out information which is incorrect and which could damage the personal integrity of the consumer.

By Mr. HATFIELD:

S. 969. A bill to protect the individual's right of privacy by prohibiting the sale or distribution of certain information. Referred to the Committee on the Judiciary.

Mr. HATFIELD. Mr. President, the privacy of the individual is becoming an increasingly rare commodity. As the population of our Nation and world increases, the freedoms that we once enjoyed are no longer possible. Man must continually be aware of what his actions mean to the lives of his neighbors.

Today, in the 1970's many of us find the privacy of our homes are being invaded by unwanted and objectionable material coming through the mails. This is an invasion that should be and must be stopped. This objectionable material comes to many of us because our names have appeared on mailing lists which have been sold to commercial enterprises without our knowledge or consent.

Mr. President, today I present to the Senate a bill to protect the individual's right of privacy by prohibiting the sale or distribution of certain information. In effect, this bill would restore the right of the individual to control what is known about him and insure that information collected for one purpose will not be used for another purpose. There are certain individual rights that can and need to be protected. The right to control what one receives through the mails is certainly such a right, and I sincerely hope the Senate will give this measure its prompt consideration.

By Mr. HOLLINGS:

S. 970. A bill to amend section 2412 of title 28, United States Code, to provide for the recovery of attorney's fees and expenses in certain actions brought by or against the United States. Referred to the Committee on the Judiciary.

Mr. HOLLINGS. Mr. President, today I am introducing a bill which will amend section 2412 of title 28 of the United States Code, to provide that in a civil action involving a private litigant and the United States, the prevailing party shall be awarded a judgment for reasonable fees and expenses for attorneys if the court finds that the act or ommission of the other party was arbitrary, capricious or in bad faith, or if the conduct of the other party in instituting or prosecuting such action was frivolous, unduly dilatory or in bad faith. In short, this amendment would provide a vehicle whereby unnecessary litigation would be precluded or deterred under the threat of having the party be financially responsible if he maintains a judicially untenable position.

This is not a case of the traditional legal "gray area" where there is a genuine question of merit on both sides of the issue. It is strictly limited to those actions which should not have been brought in our courts, or actions that have been judicially found to be far beyond the standards of reasonableness.

On February 2, 1971, I introduced S. 529, a bill for the relief of T. Michael Smith, which is clearly a case in point on this subject. In 1953, after 19½ years of government service, Mr. Smith was fired from the Reconstruction Finance Corporation. Mr. Smith felt that such action was unwarranted and embarked upon the time-consuming and treacherous route of appeal through the Civil Service Commission and the courts. Seven years later, the U.S. Court of Claims found as a matter of law that the action by the U.S. Government was "arbitrary and capricious and in bad faith." *T. Michael Smith* v. *The United States*, 151 Ct. Cl. 205, 209 (1960). I certainly have no quarrel with the administrative proceedings and judicial remedies which Mr. Smith was required to follow; however, at the end of this 7-year period of litigation, Mr. Smith's expenses amounted to $17,577.49. The court awarded Mr. Smith $67,051.08, which award was for the back pay Mr. Smith was legally entitled due to his wrongful discharge by the Government. In other words, he was to be made whole from the arbitrary, capricious and bad faith action of the U.S. Government. It is quite clear, however, that he was not made whole, since it cost him $17,577.49 in order to pursue his claim.

Mr. President, I sincerely feel that when courts of competent jurisdiction initially find that any action by a party rises to the standard of being in bad faith, capricious, willful, frivilous, or unduly dilatory, the prevailing party should not be punished by having to pay the cost of prosecuting or defending his position. As I mentioned earlier, this is not the case where the determination has been based upon "weighing of the facts." It is somewhat akin to the doctrine of punitive damages where the action of the party has been judicially determined to be so willful or grossly negligent that punishment should also be financially evoked. There is precedent for this point in law, whereby a private litigant was awarded reimbursement for the expenses incurred in securing reinstatement after wrongful removal (Private Law 86–406) (74 Stat. 68). Rather than having private litigants turn to the vagaries and whims of Congress every time such a wrong has been perpetrated, I suggest we amend the law to include a provision whereby the court, after finding that the standards have been violated, could average such costs. This is true whether it be the U.S. Government or a private individual. We have heard a great deal about the unnecessary litigation clogging our courts, and I feel that this would be most beneficial in this regard. Attorneys would be hesitant to bring such actions when the facts would indicate that there was a chance that their client, whether the United States or an individual litigant, may be required to pay the cost of the litigation.

Mr. President, I sincerely hope that legislation will receive a proper review and that this question be thoroughly aired and considered.

By Mr. HOLLINGS:

S. 971. A bill for the relief of Dr. Haim I. Bicher. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. EASTLAND):

S. 972. A bill to amend the Railroad Retirement Act of 1937 so as to permit certain individuals retiring thereunder to receive their annuities while serving as an elected public official. Referred to the Committee on Labor and Public Welfare.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to amend section 2 of the Railroad Retirement Act. This bill is a modified version of one I submitted in the 90th and 91st Congress and which the Senate passed on October 9, 1970. Its purpose is to permit a currently employed railroad employee, who is eligible for retirement, to retain an elective or appointive public office paying compensation no more than $5,000 annually without being forced to give up his entitlement to an annuity.

This problem arises from the application of the so-called last person service provision of the Railroad Retirement Act of 1939, which stipulates that no employee is eligible for an annuity until he has ceased to render compensated service to any person. In addition it prohibits retired railroad workers from rendering compensated service to an employer or to the last person by whom he was employed prior to the date on which the annuity began to accrue. By interpretation this means that a railroad employee not only must resign from any other job or jobs which he might currently hold before retiring but also that he cannot later return to any such position and still receive retirement compensation. This general rule applies equally to public as well as private employment, so that an elective or appointive public official would first have to resign his office in order to obtain an annuity.

Apparently these restrictions were originally incorporated in the Railroad Retirement Act for good reasons. They were designed to discourage railroad employees from securing other remunerative positions with different employers and retaining those jobs after retirement from the railroad. Many employees now continue their railroad employment several years beyond the time they might first be eligible to retire. Without such limits, it is possible that employees might leave railroad positions as soon as they accumulated enough service for some retirement credit, secure other employment, and continue working on those other jobs after they became entitled to and were receiving railroad retirement benefits. It is argued that allowing a railroad employee to retain another job he is holding at the time of his retirement would indirectly constitute a burden on the retirement fund because of probable numerous early retirements and would increase the costs of the system.

It should be pointed out, however, that the law now does not prevent a retired railroad employee from securing a different kind of position or earning substantial sums after he has once retired. There is no legal limit on the type of employment engaged in or the amount of money earned by a retired railroad worker, as long as he resigns from all current employment at the time he retires and does not return to compensated service with any of his former employers.

Although the basic purpose of this provision is certainly defensible and probably meritorious, its application to railroad employees holding public office at the time of their retirement seems questionable if not discriminatory. There is no need to stress how important it is in a democracy to make it possible for all qualified citizens to offer themselves as candidates for public office and to serve in minor appointive posts, especially in local government. National welfare is ill served by laws or regulations which place obstacles in the way of those who are able and willing to seek office through the ballot box. In this instance, forcing a railroad employee who has been elected or appointed to public office either to relinquish that post or lose his annuity when he retires poses an unfair dilemma. Any career railroader, knowing about this mandate, would obviously be discouraged from becoming an active participant in the political process if he were approaching retirement years.

Elective or appointive policymakers serving on local governmental bodies frequently are part-time officers who receive comparatively small compensation. City and town councilmen, county supervisors or commissioners, township trustees, members of school boards, park boards, zoning, and planning commissions, as well as other local governmental officers usually perform their duties at times which do not conflict with their primary occupations. Even many State legislators are still regarded as part-time employees whose major tasks are completed during a 60- to 90-day session every year or two. The salary received by most of these State and local policymaking officers is usually not large and it is not expected to be their principal means of support.

The language of the Railroad Retirement Act, however, requires any railroad employee who has been selected to serve in a compensated public office to resign that position of trust in order to become eligible for retirement benefits. Moreover, under the law he could not be elected or appointed later to that same position without losing benefits. In effect, this results in a legislative denial of an American citizen's right to hold public office. This is unfair both to the railroad employee who is willing to serve his government and to the public which may be deprived of his services.

Apparently the Railroad Retirement Board has held that where remuneration for a public office is merely "incidental" or "insubstantial," a railroad employee holding such a position would not be rendering "compensated service" and would not have to resign from it in order to receive an annuity. However, it is questionable whether the specific terms of the law leave room for much flexibility on the definition of "compensated service." Except for payments to reimburse officers for actual out-of-pocket expenses, such as necessary travel, communication or secretarial costs, the phrase "compensated service" would seem to include all fees, salaries or per diem wages paid for holding an elective position, no matter how large or small their total amount.

Moreover, determining which amounts should be considered "incidental" or "insubstantial" appears to be extremely difficult and arbitrary. What criteria should be used? By what measure would particular payments, such as $15 per meeting, $40 per month, or $1,500 per year be ruled to be either within or without the acceptable standards? A salary of $100 per month as a city councilman paid to a top busienss executive might properly to him be considered incidental, but to a retired career railroad employee, dependent on retirement benefits for his livelihood, this sum could mean a substantial increase in his income. Should one be deprived of the privilege of serving his community merely because his income from other sources is so small that his public salary becomes substantial, whereas the identical salary would be incidental to another incumbent officeholder? To place a premium on level of income as a determinant for public service is contrary to all precepts of American Government.

Another inequitable aspect of the current application of the law results from the great variation in compensation paid by State and local governments to their elective officeholders. Comparable jobs in different cities, towns, counties and even States carry salaries and fees which range widely. For example, a city councilman in one city of approximately 25,000 population might be paid as much as $3,000 per year, whereas his counterpart in another city of similar size might receive only $300. Should the right of railroad personnel to hold office be qualified on geographical factors? Should a retired railroad employee be allowed to continue to serve in one city but not another?

The unfairness of this restriction becomes more evident if my understanding about its specific application is correct. Apparently retired railroad employees in some cases have been permitted by the Railroad Retirement Board to retain public offices where the compensation amounted to as much as $1,800 per year. Presumably this has been done on the grounds that $1,800 would be incidental or insubstantial. It is not clear what standards have been used to determine that, while payment of $150 per month is not contrary to the restrictions of the law forbidding all compensated service to a prior employer, a greater amount, such as $200 or $300 per month, would be a violation. In any case, it means that a retiree's right to serve in a public office to which he was elected or appointed before retirement has been arbitrarily limited to those paying no more than $1,800 annually.

This inequity first came to my attention because of the plight of one of my former constituents. A railroad employee for 46 years, for 33 of which he had made contributions to the retirement system, he had been eligible for retirement for some years and for personal reasons wanted to apply for a well-earned annuity. However, since he was serving in his third 4-year term as a part-time city council member in a fairly large city, for which the compensation was $3,600 per year, he had been informed officially that he would have to resign from the city council to which he could not be reappointed later if he were to draw retirement benefits.

Thus my constituent faced a very unfortunate dilemma. Fully entitled by years of service and contributory payments to an annuity, he could not retire unless he gave up his post on the city council. The fact that he had been elected to three consecutive 4-year terms demonstrated satisfaction with his performance and indicated that the electorate wanted him to continue in office. As a conscientious public servant, he hesitated to break faith with those who voted for him by not completing his full term in office, yet there were compelling personal reasons why he should have retired from his railroad job. He expected last fall that he would soon have to choose between two alternatives, one of which would have been contrary to his principles, the other of which would have been much to his personal financial disadvantage. Sadly, his untimely death late in 1970 resolved the dilemma only a few months before the final decision would have had to be made.

My bill would resolve this problem simply by amending the Railroad Retirement Act to permit currently working railroad employees to qualify for retirement benefits without being forced to resign from an elective or appointive public office, the compensation for which does not exceed $5,000 per year. Although valid arguments can be made for not extending this privilege to other types of jobs, the case for exempting part-time public officeholders is very clear and convincing. The number of railroad employees who would be affected by this amendment is not large, but this does not minimize the harm which present restrictions have on the comparative few to whom they apply.

I doubt whether it was the intention of Congress, when the Railroad Retirement Act was adopted, to legislate out of office duly elected or appointed officeholders of State or local governments. Surely it was not framed for the purpose of limiting the freedom of choice normally exercised by the people to choose their own representatives or by executives to appoint members of public boards and commissions. Yet this is exactly the effect which the law now has on railroad employees holding public office who wish to retire. My amendment would provide a remedy but at the same time would not disturb the basic principle of the law; except for elective and appointive public offices paying less than $5,000 a year, railroad retirees still would be required to give up other compensated service jobs.

As introduced in the 91st Congress (S. 988) the bill would have applied only to elective offices. However, after holding hearings and considering all aspects of the problem, the Subcommittee on Railroad Retirement and the Committee on Labor and Public Welfare both recommended that it should be modified to exempt appointive as well as elective offices paying up to $5,000 per year. The committee reported the bill favorably with this one modification on October 6, 1970, and the Senate passed the bill without objection on October 9. I was disappointed that the House of Representatives was not able to take action on S. 988 during the time remaining in the last session, but I hope that careful and prompt consideration may be given to this proposal in the new Congress in order to remove this injustice confronting any railroad employee who wants to serve his government without suffering retirement penalties.

Mr. President, I ask unanimous consent that the full text of my bill, which is very brief, be printed in full at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Railroad Retirement Act of 1937, as amended, is amended by adding at the end thereof the following new subsection:

"(k) For purposes of subsections (a) and (d) of this section, service performed by an individual as an elected or appointed public official shall not be regarded as 'compensated service' rendered to an employer or to any other person, if such service is compensable at a rate which does not exceed $5,000 per annum, and if such individual is deemed under section 1(o) to have a current connection with the railroad industry at the time he ceases to render compensated service to an employer."

By Mr. BAYH (for himself and Mr. RIBICOFF):

S. 973. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to expedite the implementation and to provide 100 percent Federal financing of the benefits payable thereunder. Referred to the Committee on Finance.

Mr. BAYH. Mr. President, the most critical problem facing this Nation today is the failing health of our economy. As a result of President Nixon's economic game plan, over 2.5 million more Americans are jobless today than when the President took office in January 1969.

Over most of the past decade, a healthy and expanding economy has been the foundation for much of our social progress. The Nixon game plan, in contrast, has produced the worst of both worlds—continued inflation and recession. Clearly, we cannot afford to continue a policy that results in a gap in output of $1 billion weekly.

I have been critical of the President's game plan from the very beginning. Two years of an inflationary recession have not convinced me otherwise. The 1970 congressional elections are proof that the American people, too, are impatient with the President's do-nothing policy.

Sensing the mood of the Nation, the President was finally moved to act—a year too late. In January of this year he announced a permanent cut in business taxes by accelerating depreciation allowances. The President's stated aim was to expand our productive capacity—at a time when one-third of our industrial capacity was idled.

I said then that the President's move was "the wrong prescription at the wrong time for our Nation's economic ills." The President's actions may have made him appear to be an economic activist, as he likes to describe himself, but they proved him to be a bad economist.

Then, on January 22 the President delivered his state of the Union message. To my surprise and dismay, he failed to deal with the critical problem of unemployment.

Having devoted myself increasingly to this problem recently and after having consulted with a number of prominent economists, I am today introducing a bill proposing a plan for improving the unemployment insurance system as a countercyclical economic tool.

I propose not only a speeding up of the effective date of the so-called extended benefits program adopted as part of the Employment Security Act of 1970, but a more realistic formula for triggering extended benefit payments and full Federal financing of the additional payments.

Last year, Congress passed an improved unemployment compensation package. Among other things, the Employment Security Act of 1970 provided, for the first time, for a permanent program of extended benefits during economic downturns. The 1970 act established an extended benefit period of 13 weeks, to be automatically triggered when the national rate of insured unemployment reached 4.5 percent for 3 consecutive months.

In the light of recent events, it is now clear the 1970 act included three very serious shortcomings. First, it delayed the effective date of the new program until January 1972—and in some States until July 1972. Second, it provided for the financing of extended benefits on the basis of the traditional 50–50 Federal-State matching formula. Third, it was based on a trigger mechanism that was set too high to be of practical use in anything but a prolonged and severe recession.

The Employment Security Act of 1970, while it recognized the need to provide extended benefits during a recession, mistakenly delayed the implementation of a national program until January 1972 (and for some States until July 1972). It was argued that because of the 50–50 Federal-State matching formula for financing extended benefits, the States required time to act. The bill I am proposing, since it is based on Federal financing, requires no State legislation. It could be triggered into operation, nationwide, upon enactment.

In 1969, while testifying before the Senate Finance Committee in behalf of the administration's federally financed extended benefits program, then Secretary of Labor Shultz acknowledged that "an interim Federal program to fill the gap in time" would be appropriate. Delayed as it is, I believe that we should still act now to fill that gap, particularly in view of the current unemployment situation.

If extended benefits are a necessary stabilization device—and I believe they are—then we should not have to wait until January 1972. Nor should we have to wait to begin alleviating the personal hardships caused by the President's policy, a policy that has added more than 2.5 million Americans to the jobless rolls. There simply is no good reason to delay the effective date of extended benefits.

Historically, the rate of insured unemployment has been about two-thirds of the national unemployment rate. As a result, in order to trigger the extended benefits program in the present law, the national unemployment rate would have to climb to an intolerable 6.7 percent. First, public policy should never permit unemployment to reach that level. Second, it certainly should not wait that long before taking the necessary stabilization actions. At that point in the downturn, moreover, it is doubtful that extended benefits would have much of a stabilizing effect. In my judgment, therefore, the present trigger formula is simply not responsive enough to today's needs.

I propose, instead of a 4.5-percent trigger, that extended benefits be made available when the insured unemployment rate reaches 4 percent—which corresponds to a national unemployment rate of 6 percent. The rate of insured unemployment has been above the 4-percent trigger since September 1970.

The most recent data published by the Bureau of Labor Statistics reveals that the number of persons jobless for 27 weeks or more as of December 1970 was 325,000—more than 200,000 greater than 1 year ago. More disturbing is the fact that the number of persons jobless for 15 weeks or more has now passed the 1 million mark, the highest level since 1964. In the next 2 or 3 months, most of these workers will be exhausting their standard benefits. The expected steady increase in exhaustions, in fact, already may have begun. In August 1970, it was 96,000. In October, the monthly figure was 114,300. In November, it jumped to 127,300. Clearly, now is the time to act.

As for full Federal financing, it seems to me that any time we have substantial numbers of workers exhausting their 26 weeks the source of our economic ills is national and reflects a failure in national economic policy. That is the situation that exists today. The Federal Government should move immediately to remedy it. My proposal seeks to do just that.

By Mr. MONDALE (for himself, Mr. SAXBE, Mr. BAYH, Mr. CRANSTON, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. HUMPHREY, Mr. MCGOVERN, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PROXMIRE, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS.

S. 974. A bill to amend the Foreign Assistance Act of 1961, as amended, to prohibit any involvement of participation of U.S. Armed Forces in an invasion of North Vietnam without prior and explicit congressional authorization. Referred to the Committee on Foreign Relations.

Mr. MONDALE. Mr. President, the Congress faces a crisis of responsibility.

The American people clearly want to get out of the war in Indochina.

They want an end to the killing and devastation.

But regardless of the people, regardless of an act of Congress to limit our involvement, our men are today bleeding and dying at a mounting toll in a wider war.

By one of the most grotesque technicalities ever seized by a government, they have been saved from fighting on the ground in Laos and Cambodia only to be sent out to die in helicopters 30 feet off the ground.

And this could be just the beginning.

The President has put us on notice that he intends to keep our men in the war indefinitely, and that they will fly—and die—all over Indochina, including North Vietnam.

With South Vietnamese forces now risking disaster in Laos, we may well be poised to mount an invasion of North Vietnam.

And this would not be simply another step in the progression that has taken us into Cambodia and Laos. An invasion of North Vietnam by either U.S. forces or South Vietnamese forces with U.S. support, would be tantamount to a declaration of war against North Vietnam.

The President has recently told us he does not intend to order a U.S. ground invasion of North Vietnam. But, the President has changed his policy before. With events pressing in Laos, he may feel he will have to do so again.

In any event, he has left open the option of U.S. air combat support for a South Vietnamese invasion.

Only this morning we have a clear warning from President Thieu that the South Vietnamese could invade North Vietnam. And we know all too well from Cambodia and Laos that the South Vietnamese do not make these attacks by themselves.

If the United States is to be involved in any way in an invasion of North Vietnam—a totally new and most ominous dimension to our nightmare in Indochina—then it can only be done with explicit congressional authorization.

This is no mere question of consultation between the Executive and Congress—it is a question of constitutional legitimacy.

A step of that gravity cannot be taken in our democracy without the authentic support of the American people and their elected representatives.

It is now clear that the President is widening this war rather than ending it.

If it is to be ended, if limits are to be firmly set, Congress must do so.

That is the crisis of responsibility which confronts us.

We cannot wait the weeks or months it could take for a vote on the Vietnam disengagement amendment.

There is no question that we must pass that amendment to end the war. We must bring our men home by Christmas.

That—and that alone—is the ultimate way out.

But we cannot fail the men who could die in a wider war before a total withdrawal.

I am introducing today a bill to require explicit and prior congressional authority for any U.S. combat forces invading North Vietnam, including U.S. combat air support for South Vietnamese ground forces invading North Vietnam.

If this bill is passed, the Congress will have added its authority to the President's express disavowal of a U.S. invasion of North Vietnam.

If it fails, we will be no worse off than we are now. The President now acts as if he has the sanction of Congress—or as if he does not need it.

At least the country will know where we stand.

Those who would approve an invasion of North Vietnam should have a chance now to record their position for history—and for their constituents.

As for those of us who oppose the war, there has been enough hand-wringing frustration and inertia. The stakes are too horrendous. We must do all we can to draw the line before—as so often in the past—we are too late. Congress did not prevent U.S. forces from invading Cambodia. But I believe that without the Church-Cooper amendment, we might well have American ground troops in Laos and Cambodia today.

There are many who say Congress has failed the Nation and itself by surrendering its constitutional power over the fateful questions of war and peace.

Perhaps we have before.

Perhaps we will again.

But we must face that choice now with regard to a potential invasion of North Vietnam just as squarely and starkly as our men are now facing death all over Indochina.

Mr. President, I ask unanimous consent that the bill and article be printed at this point in the Record.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter I of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 620 A. (a) Congress finds and declares that under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for and concluding foreign military commitments; that the United States can in no way participate in or support an invasion of North Vietnam without prior and explicit Congressional authorization.

"(b) On and after the date of enactment of this section, in accordance with public statements of policy by the President, no funds authorized or appropriated under this or any other Act shall be used to carry out an invasion of North Vietnam by United States Armed Forces without prior and explicit authorization of the Congress.

"(c) On and after the date of enactment of this section, no funds authorized or appropriated under this or any other Act shall be used to carry out combat air support activities within the borders of North Vietnam in support of a ground invasion of North Vietnam without prior and explicit authorization of the Congress."

[From the Washington Post, Feb. 25, 1971]

THIEU ASKS WHY NOT ATTACK THE NORTH

(By Lee Lescaze)

Saigon, February 2.—President Thieu has raised the possibility that South Vietnamese troops will invade North Vietnam.

Thieu declared Monday that a major benefit of the current invasion of Laos is that it surprised the North Vietnamese and kept them off balance. "If we dare to launch operations into neutral Cambodia and Laos," Thieu added, "Why shouldn't we dare to attack the very origin of aggression?"

The president called the current Laos invasion the most important campaign of the war and also indicated that there will be additional invasions of Laos. "Why should we cease entering Laos," he asked rhetorically.

"When we have entered once, we can go back repeatedly and not let (the North Vietnamese) be undisturbed."

Thieu raised the possibility of an invasion during a speech to a graduation class of policemen and teachers at the coastal resort of Vungtau. Although he spoke Monday, news of his remarks did not circulate in Saigon until today when the government radio station and a leading newspaper reported on the speech.

His comments were the most recent in a series of sometimes conflicting statements from South Vietnamese and American officials on the possibility of a South Vietnamese drive across the Demilitarized Zone.

Vice President Ky advocated such a move early this month as the invasion of Laos was being mounted. U.S. officials threw cold water on speculation about an invasion and the general impression created in Washington and Saigon was that the often glibly hawkish vice president had once again spoken off the top of his head.

However, President Nixon attracted attention to a possible invasion of North Vietnam when he sidestepped a question on the subject at his press conference Feb. 17.

"I would not speculate on what South Vietnam may do in defense of its national security," Mr. Nixon said. "South Vietnam will have to make decisions with regard to its ability to defend itself."

An invasion of North Vietnam, as much if not more than the current invasion of Laos, would need American air support. President Nixon has said that his guideline is to use American air power where North Vietnamese forces threaten American troops.

Throughout recent days, top American officials here have dismissed the possibility of a South Vietnamese thrust into North Vietnam, often pointing out that South Vietnam is already supporting large forces in Laos and Cambodia and has limited combat and supply capabilities.

In addition to keeping North Vietnam uneasy about Saigon's intentions, Thieu said that the current Laos operation is valuable because:

"When we fight pirates outside our house only our mango and guava trees are damaged. But when we fight them inside the house, how can we keep the furniture from being destroyed?"

Thieu said that South Vietnam is ready "to accept a high cost" in the Laos operation in order to destroy the enemy's potential to attack the northern I Corps region of South Vietnam.

The Communists, he predicted, will be "suffocated" within South Vietnam because of operations disrupting their supply lines. To avoid suffocation they will fight and the battles will be fierce, Thieu said.

However, he reassured his audience that the South Vietnamese would win the battles. "If we lose 500 men (in Laos) they will lose two or three thousand men," he said. "If we lose 1,000 soldiers, they will lose nine or ten thousand."

Thieu also spoke about the presidential election next fall and asserted that all South Vietnam's progress of recent years would go down the drain if a president too conciliatory to the Communists were elected.

He denied charges by his political opponents that his trips to the provinces amount to campaign trips. The campaign does not officially begin until August, a month before the election, but it is generally conceded that all candidates will have to be active before that date to stand a chance.

By Mr. BAYH:

S. 975. A bill to protect the constitutional right of privacy of those individuals concerning whom records are maintained by Government agencies. Referred to the Committee on the Judiciary.

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Rights is engaged in new and vitally important hearings concerning privacy, data banks, computers, and the Bill of Rights.

These hearings concern the basic right of every citizen to a sphere of privacy, of freedom from unwarranted intrusion. With the development of sophisticated technology, this issue has increasingly come to the attention of all of us in recent years, especially with Senator Ervin's alarming disclosures about the dossiers the Army has been keeping on civilians.

We can all agree on some points. Few would approve of the collection of data—whether by the Government or by private interests—merely to harass, or to keep tabs on those who would dissent peacefully. But such surface accord must not lead us to believe that this is a subject characterized by simple solutions. There are not easy answers to these problems. We know, on the one hand, that as Government and industry grow larger and try to offer more services, it is essential that they be able to collect and use immense amounts of information, just to do their jobs effectively. But on the other hand we all know that guidelines must be created to prevent the misuse of this new technology, technology which endangers our constitutional rights of privacy, freedom of speech, and freedom of assembly.

I am not discouraged by the difficulty of this task. Formulating legislation is never easy when the aim is to protect our most fundamental rights. And no one knows this better than the esteemed chairman of the Subcommittee on Constitutional Rights, Senator Ervin. He has been in the forefront of this body's efforts to prevent the erosion of our basic liberties. When the administration suggested a program of preventive detention to deal with our rising crime rate, he did not just voice his opposition to this illusory solution. He used the Justice Department's own statistics to show that preventive detention would not affect the crime rate. And he followed his solid demonstration of the unconstitutional aspects of this legislation with a constructive, workable, and thoroughly constitutional alternative—a bill to guarantee to every person who might be arrested the basic constitutional right to a speedy trial. I was pleased to join the Senator from North Carolina in this effort, to join in sponsoring his speedy trial bill last year, and I joined with him again this year.

I believe that we must make the same kind of effort when faced with the threat of invasions of privacy. Of course we must raise our voices in complaint when we see serious dangers to our democratic process. But we must do more. We must meet the problem head on, with prompt, realistic, constructive legislative alternatives.

In the field of privacy, reasonable expectations play a very important role. For no matter how carefully and completely we try to analyze the problem, it all boils down to one thing: Americans have—and ought to have—certain broad, general understandings about what part of their personal and business life is public, and what part is private—none of the Government's business, none of anyone else's business.

But expectations of privacy have been shattered in recent years. Recent technological developments have narrowed the sphere of actual privacy by allowing intrusions—by bugging and so forth—into previously protected areas. And the development of the computer has for the first time made it practical to collect, analyze, and instantly retrieve vast amounts of information, however gathered. For the first time it is now possible to maintain a dossier on the activities of great numbers of people. These dossiers may be used—or intended—to stifle legitimate political dissent. And even where the actual use of such information is benign, the very existence of it poses a threat to individual liberty.

The purpose of the current hearings is to explore the problems. I believe we must survey the whole area of privacy, the right of the individual not to have certain kinds of information about him gathered at all, or to limit the means by which that information is collected. Who should be permitted to gather information about American citizens? What information is within their legitimate interest? By what means is it appropriate to obtain such information?

And we must also explore the question of confidentiality, the use of information once it has been gathered. Who should have access to it? Should we allow exchanges of information, for example, among Government agencies? What sort of review of information is necessary to make sure that outdated material is removed from the files? And most important, should the individual citizen have a right to review the contents of these files for accuracy and relevancy?

Last year we took a great step forward in allowing individuals to have access to financial information about them on file in credit bureaus. Subject to the legitimate—and expressly drawn—demands of law enforcement and national security, I believe we should grant the same rights of access in this area as well.

I believe that we must restore confidence in the American citizen's legitimate expectations of privacy. It is now clear beyond peradventure that we urgently need Federal legislation in this area. I would hope that legislation would be designed to accomplish two objectives.

First, we must define more precisely the nature of each individual's right to a sphere of privacy, a sphere in which he can be free from unwanted intrusion. Any such law should put specific limits on those who would gather and use this information. In short, everyone would know the ground rules and could act accordingly.

Second, a right without an effective remedy is useless. We must provide meaningful tools for enforcing these rights.

That is the kind of legislation which I believe we need. And I believe that we will be able to fashion such legislation as a result of these hearings.

In the hope of advancing us toward this goal, I am today introducing the Citizen's Privacy Act, legislation designed to meet one of the most serious needs we face in this area. This bill is designed to guarantee any individual about whom the Federal Government keeps records, the right to know that such a record exists; the right to prevent the disclosure of such information outside the agency, or, where such disclosure is expressly required by law, to know when and to whom such disclosure is made; and—most important—the right to see his own file, to make a complete copy of it, and to supplement his record where he believes it is appropriate. This is the bill introduced in the House by Representative Koch, the distinguished Congressman from the 17th District of New York, and I applaud his excellent efforts on this legislation. I intend to work closely with him and to do what I can to urge that the Senate act promptly and favorably on this measure.

I do not propose this bill with the thought that it will be the end of the legislative process. Indeed, I would expect it to be refined and improved by the Senator from North Carolina and the subcommittee as a result of the current hearings. Moreover, I recognize that this bill deals with only a portion of the ground we need to cover. But I hope it will help us as we structure a solution, and spur us to move promptly when we complete our gathering of information and our deliberation.

We are quick to rejoice in the freedoms we have won. We must be just as diligent to protect and preserve them. As the late Adlai Stevenson once said:

> Freedom demands infinitely more care and devotion than any other political system.

That is the kind of effort we must undertake.

Mr. President, I ask unanimous consent that the complete text of the bill and a summary be printed at the conclusion of my remarks.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 5 of title 5, United States Code, is amended by adding immediately after section 552 thereof the following new section:

"§ 552a. Individual records

"(a) Each agency that shall maintain records concerning any individual which may be retrieved by reference to, or are indexed under, the individual's name and which contain any information obtained from any source other than such individual shall, with respect to such records—

"(1) notify such individual by mail at his last known address that the agency maintains or is about to maintain a record concerning said individual;

"(2) refrain from disclosing the record or any information contained therein to any other agency or to any person not employed by the agency maintaining such record, except with permission of the individual concerned or, in the event said individual cannot be located or communicated with after reasonable effort, with permission from members of the individual's immediate family or guardian, or, only in the event that such individual, members of the individual's immediate family and guardian cannot be located or communicated with after reasonable effort, upon good cause for such disclosure: *Provided, however,* That if disclosure of said record is required under section 552 of this chapter or by any other provision of law, the individual concerned shall be notified by mail at his last known address of any such required disclosure;

"(3) maintain an accurate record of the names and positions of all persons inspecting such records and the purposes for which such inspections were made;

"(4) permit any individual to inspect his own record and have copies thereof made at his expense; and

"(5) permit any individual to supplement the information contained in his record by the addition of any document or writing containing information such individual deems pertinent to his record.

"(b) This section may be enforced in accordance with the provisions of paragraph (3) of subsection (a) of section 552 of this chapter.

"(c) Each agency may establish published rules stating the time, place, fees to the extent authorized, and procedure to be followed with respect to making records promptly available to an individual, and otherwise to implement the provisions of this section.

"(d) This section shall not apply to records that are—

"(1) specifically required by Executive order to be kept secret in the interest of the national security;

"(2) investigatory files compiled for law enforcement purposes, except to the extent that such records have been maintained for a longer period than reasonably necessary to commence prosecution or other action or to the extent available by law to a party other than an agency; and

"(3) interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

"(e) This section shall not be held or considered to permit the disclosure of the identity of any person who has furnished information contained in any record subject to this section.

"(f) If any provision of this section or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other persons or circumstances shall not be affected thereby."

(b) The table of sections of subchapter II of chapter 5 of title 5, United States Code, is amended by inserting:

"552a. Individual records."

immediately below:

"552. Public information; agency rules; opinions, orders, records, and proceedings.".

Sec. 2. The amendments made by this Act shall become effective on the ninetieth day following the date of enactment of this Act.

Summary of the Citizen's Privacy Act

This bill would amend the Freedom of Information Act (Title 5 of the United States Code, Section 552) by adding a new section, Section 552a.

The bill would apply to all records maintained by federal government agencies containing information obtained from any source other than the subject, and filed or indexed under the names of individuals, or individuals, or retrievable by reference to names.

Each agency must notify each individual covered by such a file that they are maintaining a record concerning him, and must give advance notice to individuals of any new files it is about to establish concerning them.

The agency must refrain from disclosing any part of the record to any person outside the agency unless they have the permission of the individual involved, or unless disclosure is expressly required by law. If any required disclosure is made, the individual must be notified. Furthermore, the agency must keep accurate records of those people who consult each file.

The bill would give each individual the right to inspect and copy records which concern him and to add whatever supplementary material he deems pertinent to the record.

The bill would apply to all records except those specifically required by Executive Order to be kept secret in the interest of national security, investigative files compiled for the purpose of criminal prosecution, and agency memoranda that would otherwise be protected by law in litigation.

By Mr. HART (for himself, Mr. MAGNUSON, Mr. MUSKIE, Mr. HARTKE, Mr. PROXMIRE, and Mr. RIBICOFF):

S. 976. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes. Referred to the Committee on Commerce.

Mr. HART. Mr. President, today I introduce a bill which could save American car owners several billion dollars a year in repair and insurance bills.

Impressive as that figure may be, my mail suggests that it would be overshadowed by the value of eliminating the frustrations repair problems give consumers.

The Subcommittee on Antitrust and Monopoly received more than 8,000 letters of complaint about auto repairs during its 3-year auto investigation. Applying one formula, those letters represent 8 million unhappy car owners—about one out of each six families which have cars.

The complaints were about the fragility of cars, the difficulty in getting the thing fixed the first time around, in fact frequently of the impossibility of ever getting it fixed. Overriding all these was the gripe that repair and insurance costs were eating up too much of consumer budgets.

The complaints were well founded, the subcommittee investigation showed.

American consumers spent $25 to $30 billion a year on auto repairs. Various studies on the quality of the work were presented to us. They rated the poor, unneeded, or not done work at amounts ranging from 36 to 99 percent. Even taking the low figure, that means consumers are wasting $8 to $10 billion that they lay out for auto repair work yearly.

And costs have jumped, too. Auto crash repair costs went up 52 percent from 1960 to 1967. The average Consumer Price Index increase during this period was 14.7 percent. Additional increases in repair costs since range from 10 to 20 percent, and some crash repair parts increased in price 30 percent this past November.

And the cars are delicate. Tests by the Insurance Institute for Highway Safety showed that when four popular sedans were crashed into a solid barrier at just 5 miles an hour, they averaged $200 each in damage.

Today I offer consumers a "pain killer"—the Motor Vehicle Information Act. It seeks to relieve the pain consumers are feeling in their heads, hearts, and pocketbooks due to the frilly, fragile design and resultant repair problems with their automobiles.

But it goes further. For it also seeks to save lives by both eliminating accidents and assuring that if accidents occur passengers and property will be less likely to be injured or killed or damaged.

Briefly, the bill does this by:

First, requiring that all cars manufactured after July 1, 1974, have a bumper that can withstand a 5-mile-an-hour collision into a solid barrier with no damage. Such a bumper would withstand a 10-mile-an-hour car-to-car collision.

The insurance industry has estimated that such a bumper would save consumers $1 billion annually in insurance and deductibles, and several companies have promised a 20-percent reduction on the collision premium for any car that has such a bumper.

We can put no price tag on the relief of driving a car that does not crumple $200 worth when we nudge the car ahead in the 6 p.m. traffic jam. Or, for that matter, on the worth of lessening traffic jams caused by such minor accidents.

Second, the bill requires manufacturers to rate their cars by their relative susceptibility to damage in low-speed collisions.

This information would be made available to the public and the insurance industry. This would make it possible for lower insurance premiums to be assigned to the car that will cost less over its lifetime for repairs. Consumers—it seems a safe assumption—would seek out the cars with the lower insurance premiums that also would cost them less in minor crash repairs where the damage is in the deductible and not insured.

Thus, without putting an overburdening layer of government regulation upon the auto industry, we would offer an incentive for manufacturers to produce less fragile cars.

The bill also directs the Department of Transportation to do a feasibility study as to how autos could be rated for relative occupant safety. Once this is possible, a similar incentive exists for production of a safer car. The value of such incentives to me is that they are inducing the competitive system to work—not tilting it out of balance with Government edicts that say "this and only this must be on your cars by such and such a date."

The provision for rating of the cars should contribute much to lowering the $5.2 billion crash repair bill being run up by the car owners each year.

Third, the bill provides a nationwide system of diagnostic inspection systems which may well prove to be the greatest money and frustration saver in the package.

These centers—whenever possible—would not be connected with a repair facility. Instead they would simply be the independent, impartial analyzer of the exact condition of the car presented for testing.

They would be used to inspect a car—new and used—before any consumer buys it. Thus, the consumer—who lays out $50 billion for cars yearly—would have at his side expert opinion on whether the car he was buying was all that the seller claimed it to be.

During our hearings we learned that this frequently is not the case—not simply because some smart salesman is trying to put one over on the consumer but also because cars today are too complex to be checked out by the mechanic's eye alone. This difficulty leads to many of the return trips—and arguments—to get a car into proper running order.

A study by the Automobile Club of Missouri indicated that safety defects in cars is frighteningly common. Based on inspection of 10,000 cars, the report showed 43 percent of the then-current models—1968's—driven less than 500 miles had potentially dangerous defects. The figure rose to 92 percent of cars 5 years old.

It is impossible to estimate the money and frustration saved consumers if they had the assurance that a car they were buying was in proper running order on delivery.

The diagnostic centers also would be used to check out repairs when a car suffered damage to safety-related equipment in an accident. Once again, this is to guarantee the consumer both gets what he pays for and that he returns to the road with a safe car—not one likely to end up in another accident down the road.

The centers also would be used by the States for periodic inspections required under their laws. While existing periodic inspection operations leave much to be desired, I think the fault is not in the theory but the implementation.

Most of us believe in a yearly cancer checkup; many still believe in an annual physical for everyone. The idea is preventive medicine. Or, as our grandmothers reminded us, a stitch in time saves nine.

Just how many accidents could be prevented by competent annual inspections is tough to estimate. But you could get some idea from looking at the test results for January-September 1970, at the Missouri Auto Club facility.

Twenty-seven percent of the cars failed the inspection. Forty percent of them were found to have defective brakes.

In order to make the inspection system meaningful, the bill provides that the DOT issue used-car standards. Obviously, machines—like our own bodies—deteriorate with age. It is impractical—and terribly expensive—to expect consumers to lay out the money necessary to bring their 1968 up to original performance. But at the same time, it is necessary for the lives of the passengers and others on the road that we determine exactly how much a car's performance can deteriorate and still be safe for it to be on the road.

The inspection system also would be a moneysaver for consumers who seek mechanical repairs for their cars. Currently, it is kind of a game of blind man's bluff when a consumer sets out to get a car repaired. Most of us are totally at the mercy of the skill and integrity of the mechanic who gets first crack at the "funny noise up front."

With the inspection centers available, the trouble could be pinpointed exactly—giving the consumer the choice of replacing the car or shopping around for the best service at the best price. In other words, the benefits of competition would be available.

The fourth and final point of the bill is to establish a uniform titling code throughout the Nation. Currently, seven States have no titling code at all. Others vary in sufficient degree to make exchange of information difficult.

Yet, an efficient titling law—one which includes almost a family history of the ownership of each car—is the best method known to cut down on theft of cars for resale—and to insure better recovery of cars taken by the "joy riders."

Car theft is rapidly becoming our most serious street crime. In 1960, 325,000 cars were stolen. By 1968, that figure was 777,000. This is the third most frequently committed felony. One of four prisoners in Federal prisons is there for vehicle theft.

The insurance industry estimates the costs—direct and indirect—of stolen vehicles is $1.5 billion annually.

The impact a titling law can have on these figures can be easily demonstrated: In States that have titling acts, an average of 86 percent of cars are recovered compared with 51 percent in New York which has no title law.

An additional dividend of an efficient title system would be its assistance in locating cars which are recalled by the manufacturers for safety defects.

Currently, one-third of these cars are not returned for repairs of defects we know could cause accidents. Many of these do not get fixed because the owners move and cannot be located to be informed of the dangers.

Mr. President, the provisions of this bill will not be without cost to both industry and Government. But, I am convinced that the cost ratios will prove out so that the consumer benefits in the long run.

I think that consumers have made it clear that they want cars that get them there and back dependably and that do not have too much sick time. For consumers need their cars desperately for transportation. They—given the choice, I am sure—would rather some of the $2 billion spent annually by manufacturers for styling changes be allocated to producing a car that you can love for performance and not merely for looks. If the manufacturers believe this as strongly as I do, prices for the more durable new cars need not be higher than for the pretty delicate things we have had in the past.

It is merely a question of giving the consumer what he wants. Yet it must be environmentally compatible. It must not pollute the air or surface, clog our streets in a broken-down condition; and it must be safe and economical to operate. This bill is designed to stimulate competition among all manufacturers to build those factors into our future motor vehicles.

Mr. President, I ask unanimous consent that the text of the Motor Vehicle Information Act be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 976

A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Information and Cost Savings Act".

PURPOSE

SEC. 2. (a) It is the purpose of this Act, (1) to amend the National Traffic and Motor Vehicle Safety Act of 1966 (hereinafter referred to as "the Act") in order to establish procedures for setting minimum property loss reduction standards and to promote competition among motor vehicle manufacturers in the design, production, and sale of motor vehicles which are less susceptible to damage in traffic accidents occurring at normal operating speeds and which lessen the risk of injury and death to occupants of motor vehicles and pedestrians involved in traffic accidents, and (2) to provide for the augmentation and implementation of certain Federal motor vehicle and highway safety standards.

(b) The first section of the Act (15 U.S.C. 1381) is amended to read as follows: "That the Congress finds and declares that—

"(1) it is necessary to establish motor vehicle safety standards for motor vehicles and equipment moving in interstate commerce, to establish testing procedures for passenger motor vehicles, to establish property loss reduction standards, to undertake and support necessary safety research and development, and to expand the national driver register; and

"(2) it is the purpose of this Act to reduce the number and severity of traffic accidents, the number of deaths and injuries resulting from such accidents, and the extent of property damage and economic losses resulting from such accidents."

DEFINITIONS

SEC. 3. Section 102 of the Act (15 U.S.C. 1391) is amended by—

(1) inserting in paragraph (1) after "injury to persons" the following: "and unnecessary damage to motor vehicles";

(2) adding at the end thereof the following new paragraphs:

"(14) 'Property loss reduction' means the reduction of economic loss suffered by the public as a result of property damage to motor vehicles involved in accidents.

"(15) 'Property loss reduction standards' means a minimum standard for motor vehicle performance, or motor vehicle equipment performance, which is practicable, which meets the need for motor vehicle property loss reduction and which provides objective criteria.

"(16) 'Make', when used in describing a motor vehicle, means the manufacturer's trade name or other designation for a particular line of motor vehicles.

"(17) 'Model' means a particular size and style of body of any make of motor vehicle, including distinctive sizes of sedans, convertibles, station wagons, and trucks, and such other classifications the Secretary may prescribe.

"(18) 'Passenger motor vehicle' means any motor vehicle manufactured primarily for the transportation of its operator and passengers upon the public streets, roads, and highways."

PROPERTY LOSS REDUCTION STANDARDS

SEC. 4. Title I of the Act (15 U.S.C. 1391 et seq.) is amended by adding at the end thereof the following new sections:

(a) the words "or property loss reduction" after the words "motor vehicle safety" wherever they occur following section 102;

(b) the words "or property loss reduction standards" after the words "motor vehicle safety standards" or "safety standard" wherever they occur following section 102 (except section 103(h); and

(c) the words "or property loss reduction standards" after the words "motor vehicle safety standard" wherever they occur following section 102 (except section 103(g)).

PUBLIC DISCLOSURE OF COMPARATIVE SAFETY AND SUSCEPTIBILITY TO DAMAGE OF PARTICULAR MOTOR VEHICLES AND ADDITIONAL STANDARDS

SEC. 5. Title I of the Act (15 U.S.C. 1391 et seq.) is amended by adding at the end thereof the following new sections:

"SEC. 125 (a) The Secretary shall develop and prescribe by regulations issued not later than July 1, 1972, a system of tests and testing procedures designed to allow a determination and comparison of the susceptibility to damage of passenger motor vehicles involved in traffic accidents which reasonably may be anticipated to occur at normal speeds and under normal operating conditions, including, but not limited to, collisions at speeds of five, ten, and fifteen miles per hour.

"(b) The Secretary shall, as soon as possible, after July 1, 1972, promulgate property loss reduction standards which will minimize economic losses associated with motor vehicle accidents. These standards shall be compatible with safety standards issued to protect motor vehicle occupants.

"(c) The Secretary shall, as soon as practicable, after July 1, 1972, promulgate a property loss reduction standard which requires that all motor vehicles manufactured after January 1, 1975, and offered for sale in the United States, are so designed and constructed with energy absorbing bumpers capable of withstanding impacts front and rear of 5 miles per hour into a solid, fixed barrier (as prescribed by the Society of Automotive Engineers Standard J580) and the vehicle shall withstand such impacts with a minimum prescribed amount of damage as may be determined by the Secretary.

"(d) (1) The Secretary shall undertake a study of the feasibility of developing tests and testing procedures designed to allow a determination and comparison of the risk of personal injury or death to occupants of passenger motor vehicles resulting from traffic accidents which reasonably may be anticipated to occur at normal speeds and under normal operating conditions. The Secretary shall report the results of such study, and his findings and recommendations, including any recommendations for additional legislation he deems necessary, to the President and the Congress by July 1, 1972.

"(2) If the Secretary finds that such tests are feasible he shall develop and prescribe by regulations issued as soon as may be practicable such a system of tests and testing procedures.

"SEC. 126. (a) Each manufacturer of motor vehicles shall test production models of every make and model of passenger motor vehicle manufactured or imported by him in accordance with the regulations promulgated by the Secretary under the provisions of section 125 of this title, and shall furnish the results of such testing, including such data as the Secretary deems necessary, to the Secretary.

"(b) No manufacturer shall sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States—

"(1) any passenger motor vehicle manufactured on or after January 1, 1973, unless production models of the make and model of such motor vehicle have been tested in accordance with the regulations promulgated by the Secretary under section 125(a) of this Act; or

"(2) any passenger motor vehicle manufactured on or before a date one hundred and twenty days after the date on which regulations governing tests and testing procedures are promulgated by the Secretary under the provisions of section 125(b) of this Act unless a production model of the make and model of such motor vehicle has been tested in accordance with such regulations.

"SEC. 127. (a) The Secretary shall compile information submitted to him under testing programs carried out under the provisions of sections 125 and 126 of this Act, and funish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the factors analyzed by such testing programs. The information shall include, but not be limited to a comparative analysis of the cost of repairing motor vehicles under section 125(a) and if practicable under section 125(d). The Secretary shall require that the results of such testing be made available to prospective purchasers of passenger motor vehicles by the manufacturer of such motor vehicles prior to their sale.

"(b) The Secretary shall—

"(1) make such information available to insurance companies and business organizations engaged in the business of selling or underwriting motor vehicle insurance in interstate commerce, for use in determining premium rates for insurance covering property damages and personal injury related to the factors tested under the provisions of section 126 of this Act. Information furnished shall include, but not be limited to, identification of parts, components, systems, and subsystems damaged or displaced in the motor vehicles tested; and

"(2) report to the President and the Congress on February 1, 1973, on the extent to which the motor vehicle insurance industry is utilizing such information in the determination of insurance premium rates, together with such additional findings and recommendations, including recommendations for additional legislation, as he deems appropriate. The Secretary is authorized to conduct such studies and surveys as may be necessary to carry out the purposes of this Act.

"(3) The Secretary, not later than February 1, 1974, shall establish procedures requiring the automobile dealers to provide insurance cost data to prospective purchasers that would enable the prospective purchasers to compare the difference in costs for auto insurance on the various makes and models of passenger motor vehicles having different occupant injury severity or vehicle property damage characteristics.

"Sec. 128. The Secretary shall, as soon as practicable, promulgate Federal motor vehicle safety and property loss reduction standards which require that all motor vehicles manufactured after January 1, 1975 and offered for sale in the United States, are so designed and constructed as to facilitate motor vehicle inspection, and to facilitate the repairs necessary to meet the requirements of such inspection."

JUDICIAL REVIEW

SEC. 6. Section 105(a)(1) of the Act (15 U.S.C. 1394(a)(1)) is amended by inserting after the words "any order under section 103" the following: "or 128, or any regulation issued under section 125."

SAFETY RESEARCH

SEC. 7. Section 106(a) of the Act (15 U.S.C. 1395(a)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and inserting immediately after paragraph (1), the following new paragraph:

"(2) collecting data from any source for the purpose of determining the relationship between passenger motor vehicle performance and design characteristics and (A) property damage resulting from motor vehicle collisions, and (B) the occurrence of personal injury or death resulting from such accidents;"

COOPERATION WITH OTHER AGENCIES

SEC. 8. Section 107 of the Act (15 U.S.C. 1396) is amended by striking out the period at the end thereof, and inserting in lieu thereof a semicolon and the following:

"(3) tests and testing procedures established under section 125 and methods for inspecting and testing to determine compliance with such tests and testing procedures."

PROHIBITIONS AND EXCEPTIONS

SEC. 9. Section 108(b) of the Act (15 U.S.C. 1397(b)) is amended by—

(1) inserting in paragraphs (1), (3), and (5) of such section, immediately after the words "subsection (a)" wherever they appear in such paragraphs, a comma and the words "and section 126(b),"; and

(2) amending paragraphs (2) and (3) of such section 108 to read as follows:

"(2) Paragraph (1) of subsection (a), and section 126(b) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such vehicle or item of motor vehicle equipment is not in conformity with applicable Federal motor vehicle safety standards or property loss reduction standard or, in the case of a passenger motor vehicle, is not of a make and model which has been tested in accordance with the requirements of section 126(b), or to any person who, prior to such first purchase, holds a certificate issued by the manufacturer or importer of such motor vehicle or motor vehicle equipment, to the effect that such vehicles or equipment conforms to all applicable Federal motor vehicle safety standards, and (in the case of a passenger motor vehicle) is of a make and model which has been tested in accordance with the requirements of section 126(b), unless such person knows that such motor vehicle equipment does not so conform or (in the case of passenger motor vehicle) is not of a make or model which has been so tested.

"(3) A motor vehicle or item of motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a), or section 126(b), shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, authorize the importation of such vehicle or item of motor vehicle equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle or item of motor vehicle equipment will be brought into conformity with any applicable Federal motor vehicle safety or property loss reduction standard prescribed under this title, brought into conformity with the requirements of section 126(b), or will be exported or abandoned to the United States.".

PENALTIES

SEC. 10. Section 109(a) of the Act (15 U.S.C. 1398(a)) is amended to read as follows:

"SEC. 109. (a) Whoever—

"(1) violates any provision of—

"(A) section 108 (relating to motor vehicle safety standards or property loss reduction standards);

"(B) subsection (c) or (d) of section 112 (relating to keeping records and reporting data);

"(C) section 114 (relating to certification); or

"(D) section 126 (relating to passenger motor vehicle testing); or

"(2) refuses to permit an inspection authorized under section 112 (a) and (b) shall be subject to a civil penalty of not to exceed $5,000 for each such violation or refusal. A violation of a provision of such sections or regulations issued thereunder, shall constitute a separate violation with respect to each motor vehicle sold, offered for sale, introduced or delivered for introduction in interstate commerce, or imported into the United States in violation of such provisions or regulations, and with respect to each failure or refusal to allow or perform an act required thereby. A refusal to allow an inspection authorized under section 112(a) and (b), or a refusal or failure to allow or perform an act required thereby, shall constitute a separate violation with respect to each day such refusal or failure continues."

INJUNCTIVE RELIEF

SEC. 11. Section 110(a) of the Act (15 U.S.C. 1399(a)) is amended by inserting in the first sentence thereof, immediately after the words "standards prescribed pursuant to this title", a comma and the following: "or to the requirements of section 126(b)".

REPURCHASE OR REPLACEMENT

SEC. 12. Section 111(a) of the Act (15 U.S.C. 1400(a)) is amended by inserting immediately after the words "applicable Federal motor vehicle safety standards" or property loss reduction standards the following: "or the requirements of section 126(b)".

INSPECTION OF MANUFACTURING FACILITIES

SEC. 13. Section 112(b) of the Act (15 U.S.C. 1401(b)) is amended by inserting, immediately after the words "or are held for sale after such introduction", a comma and the following: "or are held after being tested in accordance with the requirements of section 126(b)".

CERTIFICATION OF CONFORMITY

SEC. 14. Section 114 of the Act (15 U.S.C. 1403) is amended by inserting before the period at the end of the first sentence a comma and the following: "and that the particular make and model of such motor vehicle has been tested in accordance with the requirements of section 126(a)".

TITLE V.—DIAGNOSTIC INSPECTIONS, REGISTRATIONS, AND TITLING STANDARDS

SEC. 501. (a) The Secretary of Transportation shall, not later than January 1, 1973, amend highway safety program standard number 1, relating to periodic motor vehicle inspection, issued June 27, 1967, under the provisions of section 402(a) of title 23, United States Code, to include the following additional provisions:

(1) The standard shall require inspection of a motor vehicle whenever the title to the motor vehicle is transferred for purposes other than resale, and whenever the motor vehicle sustains damage if any safety-related mechanism, subsystem, or functional nonoperational part, as defined by the Secretary, is damaged.

(2) The standard shall require that a certificate of safe operating condition shall be delivered by the seller of a motor vehicle to the purchaser at the time of sale. The certificate shall be prepared and signed by an inspector trained to perform this duty. The inspector shall be certified by the State in accordance with provisions established by the Secretary. No motor vehicle inspector may be certified by any State if he owns or receives any benefit in or from a business or enterprise engaged in the repair or sale of motor vehicles, automotive repair parts

or accessories: *Provided,* That upon approval of the Secretary, a State may certify a motor vehicle inspector receiving such benefit where the vehicle population to be served is insufficient to make independent motor vehicle inspectors feasible and such State makes provision for protecting the public from any conflict of interest resulting from such certification.

(3) The standard shall be expressed in terms of motor vehicle safety performance applicable to new or used motor vehicles.

(b) The Secretary shall, not later than January 1, 1973, amend highway safety program standard No. 2, relating to motor vehicle registration, issued on June 27, 1967, under the provisions of section 402(a) of title 23, United States Code, to include requirements for a State motor vehicle registration and uniform certificate of title program similar to the registration and title program contemplated by the Uniform Motor Vehicle Code and Model Traffic Ordinance, chapter 3, "Certificates of Title and Registration of Vehicles" revised 1968 and published by the National Committee on Uniform Traffic Laws and Ordinances, Washington, D.C.

REPORTS ON IMPLEMENTATION

SEC. 502. (a) The Secretary shall report to the President and Congress by January 1, 1972, the extent to which the States have implemented programs in accordance with the provisions of highway safety program standards numbered 1 and 2, relating to periodic motor vehicle inspection and motor vehicle registration, respectively, as issued on June 27, 1967, and make legislative recommendations for Federal financial and other assistance, as he deems necessary in order to facilitate compliance by the States by January 1, 1973.

(b) The Secretary shall provide for the States financial incentive programs for establishing the inspection and titling standards of this title. Each State certified by the Secretary as being in compliance with the provisions of this title shall, after January 1, 1973 receive not less than 10 per centum nor more than 50 per centum of the annual costs of such programs, the percentage to be determined by the Secretary based on degree of compliance. The funds for these incentive programs shall be paid from the Federal Aid Highway Trust Funds apportioned on or after January 1, 1973.

(c) The Secretary shall report to the President and Congress by January 1, 1974, the extent to which the States have implemented programs in accordance with the provisions of section 501 of this Act, and make legislative recommendations, for Federal financial and other assistance, as he deems necessary to facilitate complete compliance by the States not later than January 1, 1975.

(d) Not later than July 1, 1973 the Secretary shall—

(1) certify each State program of motor vehicle inspection and motor vehicle registration which meets the requirements of the applicable standard;

(2) the Secretary shall not approve any State highway safety program under this section which does not establish motor vehicle inspection or motor vehicle registration programs meeting the requirements of section 501 of this title and the appropriate Federal highway safety program standard; and

(3) funds authorized to be appropriated to carry out the provisions of section 501 and this section shall be used to aid the States to conduct the highway safety program approved in accordance with subsection (a), (b), and (c) hereof. Federal aid highway funds apportioned on or after January 1, 1975, to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section shall be reduced for the first year of noncompliance by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of title 23, United States Code, with the reduction of an additional 10 per centum for each succeeding year of noncompliance, but not in excess of a total of 50 per centum, until such time as the State is implementing an approved highway safety program certified by the Secretary in accordance with this subparagraph (d). Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States.

(e) In order to carry out the provisions of this section, the Secretary may—

(A) assist, by contract, grant, or any other arrangement, any State in establishing or improving programs of periodic motor vehicle inspection and motor vehicle registration;

(B) use the personnel, facilities, and information of Federal agenices, and of State and local public agencies, with the consent of such agencies, with or without reimbursement for such use;

(C) enter into contracts or other arrangements and modifications thereof, and make advance, progress, and other necessary payments;

(D) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(E) issue, amend, and repeal such rules and regulations as may be necessary; and

(F) take such other appropriate action as may be necessary.

SEC. 503. There are authorized to be appropriated to the Department of Transportation such sums as may be necessary to carry out the provisions of this Act.

By Mr. WILLIAMS:

S. 977. A bill for the relief of Glen Donald Murphy. Referred to the Committee on the Judiciary.

By Mr. BENNETT (for himself and Mr. Moss):

S. 978. A bill authorizing the conveyance of certain lands to the University of Utah, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BENNETT. Mr. President. On behalf of my colleague from Utah (Mr. Moss) and myself, I introduce a bill which would allow the Department of the Interior to move its Bureau of Mines Building from within the heart of the University of Utah campus to a new University of Utah Research Park. In return for the transfer of the Bureau of Mines property to the Research Park, the University of Utah would receive the property where the Bureau of Mines facilities now stand. It should be pointed out that the University transferred the present property on which the Bureau building sits to the U.S. Government in 1938 at no cost.

I ask that the bill be properly referred and trust that it will receive early consideration by the Interior Committee.

By Mr. MAGNUSON (by request):

S. 979. A bill to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes, and ask unanimous consent that the Secretary's letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., February 12, 1971.

Honorable SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herein a proposed bill:

"To extend the Act of September 30, 1965, as amended by the Acts of July 24, 1968 and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes."

The draft bill would remove the annual authorization now contained in section 11 of the Act. It would also strike the termination provision contained in section 12 of the Act. Thus the Act would become permanent legislation with no annual appropriations authorization limitation.

Last year we requested a one year extension of the high-speed ground transportation program. This one year extension, rather than one for a longer period, was requested on an interim basis to enable us to effect the transition from research to the development phase of the program. That development phase is now being implemented. The Pueblo Test Site, for example, is being put into operation. Testing of components and sub-systems for the tracked air cushion vehicle system will take place there preparatory to the system's use as a passenger carrying vehicle for the Los Angeles airport area.

We are now requesting that the practice of granting periodic extensions of the program be ended, and that the program be made a permanent part of the Department's authority. Removal of the termination provisions will enable us to engage in comprehensive long-range planning. This planning must be developed with other long-range planning of the Department to enable us to integrate proven advanced systems into our Nation's transportation network. The removal of the termination provisions and the placing of the program on a permanent basis, will enable us to achieve these objectives more efficiently and more fully.

The Office of Management and Budget has advised that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

JOHN A. VOLPE.

S. 979

A bill to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11 of the Act of September 30, 1965 as amended (49 U.S.C. 1641), is further amended by striking all after the word "Act" and inserting in lieu thereof a period.

(b) Section 12 of such Act (49 U.S.C. 1642) is repealed.

By Mr. MAGNUSON (by request):

S. 980. A bill to amend the Natural Gas Pipeline Safety Act of 1968. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce at the request of the Secretary of Transportation, a bill to amend the

Natural Gas Pipeline Safety Act of 1968. I ask unanimous consent that the bill and the Secretary's letter explaining the need for the bill be printed in the RECORD at this point.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., February 9, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill:

"To amend the Natural Gas Pipeline Safety Act of 1968".

At present, section 5(a) of the Natural Gas Pipeline Safety Act provides generally that the States may assume responsibility for the enforcement of the Act if the appropriate State agency certifies annually to the Secretary of Transportation that, among other things, State law provides injunctive and monetary sanctions substantially the same as those found in sections 9 and 10 of the Act. The Act further provides that State certifications may be filed without regard to the injunctive and monetary sanctions requirement" . . . for a period not to exceed two years after the date of the enactment of this Act", *i.e.*, August 11, 1970.

Under the proposed bill, the period in which certifications may be filed without regard to the sanctions requirement would be extended one year, to August 11, 1971. The two-year period provided in the Act simply failed to accommodate the inevitable delay between the enactment of a Federal law designed to encourage the enactment of certain State laws, and the actual opportunity of the State legislatures to pass the appropriate legislation. There was insufficient time, for example, between August 12, 1968, the effective date of the Act, and the 1969 general State legislative sessions to staff the program at the Federal level; to receive, review, and comment on the pertinent State laws; and to have the various State agencies inform their State legislatures of the need for amendatory legislation. Unfortunately, the majority of States whose statutes required amendments were unable to deal with these problems during 1970 since only 29 States had regular legislative sessions in 1970 and a number of these were restricted to budgetary and fiscal matters. Since 18 States still lack the appropriate moneary sanctions, failure to extend the two-year period has precluded their submitting a certification to cover all of calendar year 1971. This unavoidably places a major burden for safety enforcement on this Department's Office of Pipeline Safety, which has not been staffed to assume such a workload. The proposed one-year extension would allow the affected States to recertify and continue their enforcement activities while their legislatures pass the legislation necessary to comply with the Act.

The proposed bill also would supplant the present specific appropriations authorizations with general authority to appropriate such funds as are necessary to carry out the purposes of the Act. With this change, annual funding levels for the program can be determined through the normal budgetary process.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

S. 980

A bill to amend the Natural Gas Pipeline Safety Act of 1968

Be it enacted by the Senate and the House of Representatives of the United States of America assembled, That section 5(a) of the Natural Gas Pipeline Safety Act of 1958 (49 U.S.C. 1674(a)) is amended by deleting therefrom the words "two years" and by substituting therefor the words "three years".

SEC. 2. Section 15 of such Act (49 U.S.C. 1684) is amended to read as follows:

"Authorization of Appropriations

"SEC. 15. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

By Mr. MAGNUSON (by request):

S. 981. A bill to authorize appropriations for certain maritime programs of the Department of Commerce. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce at the request of the Secretary of Commerce, a bill to authorize appropriations for certain maritime programs of the Department. I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 981

A bill to authorize appropriations for certain maritime programs of the Department of Commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the Appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1972, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $229,687,000;

(b) payment of obligations incurred for operating-differential subsidy, $239,145,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $25,000,000;

(d) reserve fleet expenses, $4,318,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $7,300,000; and

(f) financial assistance to State marine schools, $2,200,000.

By Mr. MAGNUSON (by request):

S. 982. A bill to amend the first section of the Federal Power Act. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to amend the first section of the Federal Power Act and I ask unanimous consent that the letter of transmittal and a statement of need be printed in the RECORD, and that the text of the bill also be printed in the RECORD.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 10, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

Dear Mr. PRESIDENT: I am transmitting herewith a draft of a bill which would clarify the language of the Federal Power Act so as to remove any possible doubt that the Chairman of the Federal Power Commission serves at the pleasure of the President in his capacity as Chairman.

The bill would amend the first paragraph of the first section of the Federal Power Act (16 U.S.C. 792) to delete therefrom the sentence which authorizes each Chairman to act as such until the expiration of his term of office as Commissioner. It would make no change in the requirements of that Act with respect to the terms of office of the Commissioners.

This change would conform the Federal Power Act to similar provisions applicable to other major regulatory agencies.

Enactment of this legislation would be in accord with the program of the President.

Sincerely,

GEORGE P. SHULTZ, *Director.*

S. 982

A bill to amend the first section of the Federal Power Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the first paragraph of the first section of the Federal Power Act (16 U.S.C. 792) is amended by deleting therefrom the following sentence:

"Each chairman, when so designated, shall act as such until the expiration of his term of office."

By Mr. MAGNUSON (for himself and Mr. Moss):

S. 983. A bill to protect consumers against unreasonable risk of injury from hazardous products and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, on behalf of myself and the distinguished Senator from Utah, Senator FRANK E. MOSS, I introduce for appropriate reference a bill to protect consumers from unreasonable risk of injury from hazardous products and for other purposes.

The bill, which Senator Moss and I introduce here today, is identical to the bill proposed by the National Commission on Product Safety in its final report. It calls for the creation of an Independent Consumer Product Safety Commission concerned exclusively with the safety of consumer products. The Consumer Product Safety Commission would secure voluntary cooperation of consumers and industry in advancing its programs and developing and setting mandatory consumer product safety standards; and it would be able to enforce compliance with consumer product safety standards. The creation of this Consumer Product Safety Agency would do much to secure for the consumer his right to safety in the products he buys.

In May 1967 the Senate Commerce Committee reported legislation, which Senator COTTON and I authored, requiring the study of consumer product safety. The National Commission on Product Safety spent 2 productive years investigating the problem of product safety and consumer products. Its final report attests to the utility of its endeavors. The Senate Commerce Committee is now prepared to move "full speed ahead" to consider the Commission's proposed omnibus product safety bill which would mandate the elimination of product hazards in the marketplace.

The committee's consideration of this proposed legislation will mark a departure from past consumer product safety approaches. For the first time the Commerce Committee will consider consumer product safety as it pertains to all consumer products rather than limiting its inquiry to arbitrarily defined product categories.

The bill prepared by the National Commission on Product Safety will serve as a useful working paper in the committee's formulation of legislation creating an omnibus product safety agency. It is my hope that the Senate Commerce Committee can complete action on this legislation in the near future.

So that my colleagues may thoroughly understand the nature of the proposal which Senator Moss and I submit, I ask unanimous consent that the "Charter for Consumer Safety" appearing in the final report of the National Commission on Product Safety be reprinted in the Record following my remarks.

There being no objection, the portion of the report was ordered to be printed in the Record, as follows:

A Charter for Consumer Safety

In formulating its recommendations, the Commission has followed certain basic guidelines, namely:

Consumers have a right to safe products. When a manufacturer offers a product, the offer implies a warranty that the item is not unreasonably hazardous.

Protection against unreasonably hazardous consumer products should begin at the design stage, before they are on the market.

In assessing unreasonable hazards, the slight injury or the near-miss may be as important as a calamity. It is not necessary to wait for an epidemic of injuries as proof of a hazard: expert technical judgment can often predict the risk.

Product safety is a joint responsibility of private enterprise, public agencies, and the consumer; none, acting alone, can control unreasonable hazards.

The Government role in product safety is initially to motivate businessmen to reduce product hazards while assuring fair treatment of competing interests; secondarily, it is to promulgate and enforce safety regulations where voluntary efforts fail. At all times the Government should acquire, analyze, and release significant product safety information.

The forces of competition and the profit motive are neither inherently conducive to, nor inimical to consumer protection: with Government support, these forces can be channeled to assure compliance with safety standards to reduce unreasonable hazards.

The public is entitled to a predominant voice in decisions affecting its safety, specifically in the development of product safety standards.

Development of safety standards and regulation of product hazards serve all interests best if proceedings are open and on record, highly visible to everyone concerned.

Investment in product safety will yield a generous return on the capital required, possibly in an expanded market for consumer products and certainly in the preservation of health and life.

A FEDERAL PRESENCE

We recommend that, through the enactment of a Consumer Product Safety Act and establishment of an independent Consumer Product Safety Commission, the authority and resources of Government be committed to eliminate unreasonable hazards found in and around the American home.

The cost to society of injuries from consumer products—amounting to several billion dollars a year in time lost, disability, patient care, and physical or mental distress—is awesome. Industry efforts, the common law, and existing Federal programs are inadequate to protect the public. State, local, and voluntary agencies lack authority to issue uniform regulations and mandatory standards nationwide, and have few resources to gather and distribute basic information about product hazards.

Even the best-intentioned programs of industry advocates of safety fall afoul of the forces of competition. When safe design must compete with eye appeal, pushbutton convenience, and low production costs, safety may be compromised.

The responsible business community would be helped in improving safety by the active participation of the Federal Government. The mechanism industry has set up to develop voluntary safety standards has been at best erratic. At the same time, as an agent of Government, we have often received full cooperation from manufacturers in response to our mildest inquiries.

The Federal role is to encourage movement and active concern with respect to safety, to promulgate and oversee compliance with safety standards, and to regulate those who unreasonably violate their duty to produce safe products—all this without upsetting the creative and innovative forces of the free enterprise system.

The proposed Commission should have an independent status, concerned exclusively with the safety of consumer products. If it is subordinated to a larger agency administering other equally comprehensive programs the emphasis on consumer safety is certain to suffer. Protection of the public interest will be strengthened if the agency has authority to make its own final decision, free of restriction by a parent agency, and if its funds are sufficient and its activities highly visible.

STANDARDS OF SAFETY

We recommend that the Commisison be invested with authority to develop and set mandatory consumer product safety standards where industry's own efforts are not sufficient to protect consumers from unreasonable risks of death or injury.

Consumers are best protected when manufacturers build into their products safeguards against all predictable forms of abuse or misuse. Toward this end, safety standards, effectively enforced, are one of the important means for reducing unreasonable hazards in consumer products.

When industry markets products which are not unreasonably hazardous, there is no need for Federal intervention. On the other hand, when unreasonable hazardous products are marketed due to neglect of safety factors, to the inadequacy of voluntary standards, or to the failure of some few manufacturers to meet voluntary standards, then Federal action is required.

When there is sufficient motivation, our studies have shown that, in many instances, adequate safety standards can be developed promptly. Properly structured standards need not restrict the variety of product models available to the consumer nor limit the manufacturer's freedom to compete by technological innovation.

New or innovative products using untried materials or designs may expose consumers to unfamiliar hazards. While innovation is essential to our market system, manufacturers should test products for safety in advance of marketing. To strike a balance between minimizing risk and assuring freedom of invention, the proposed Consumer Product Safety Act authorizes promulgation of generic standards and procedures for new or innovative products.

PROCEDURAL FLEXIBILITY

We recommend that, in addition to authority to promulgate consumer product safety standards, the Commission be empowered to seek a court order to enjoin the marketing of specific products of individual manufacturers which create an unreasonable risk to the safety of the public.

When public safety is threatened, Government officials should have flexibility to deal with the delinquencies of individual manufacturers or entire industries. The need for regulatory action may concern a single region or the entire nation. Some injuries may be few but lethal, others minor but numerous. Some violations may be familiar and chronic, others novel and intermittent. Affording Government officials alternative approaches—either through standard setting for an industry or judicial proceedings directed at a particular company—is necessary in such circumstances.

By instituting a judicial proceeding for an injunction to prevent the marketing of a hazardous product, the Commission should be able to protect the public without disturbing the entire production of one manufacturer or of an entire industry. Such proceedings may be particularly useful in the case of new products presenting foreseeable risks or in the case of noncompliance by single manufacturers with an otherwise adequate voluntary standards program.

ENFORCEMENT & COMPLIANCE

We recommend that the Consumer Product Safety Commission be given the authority to employ a range of methods to secure compliance with its various safety measures, and that it be provided with authority to use such sanctions as are necessary and appropriate to the type of violation and degree of hazard.

Most manufacturers welcome safety measures that are fairly applied, uniformly enforced, and impose no undue burden. They wish to uphold a reputation for responsible manufacturing practice. The bare possibility of publicity may prompt them to remove an unreasonable hazard. Nevertheless, a few are indifferent to publicity and apathetic about product hazards. Most protect themselves by incorporation or insurance against personal liability or loss.

Even though lives may be endangered, no legislation effectively exposes a manufacturing firm, or its responsible officers personally, to civil or criminal penalties for international failure to correct an unreasonable hazard in the products studied. No Federal law of broad scope provides for recall of dangerous household products or for an injunction of sales when circumstances warrant. The mere existence of authority to impose such sanctions should make their use rare.

INVESTIGATIONS

We recommend that the Commission be empowered to conduct public hearings and otherwise obtain data or expert opinion about consumer products; to require witnesses to testify or provide pertinent documents; and to deputize its employees or State or local officials to conduct reasonable inspections and investigations related to the reduction of product hazards.

One of the most direct and economical techniques of developing information is to schedule hearings and call witnesses with expert knowledge or firsthand experience. The record of investigative hearings conducted by congressional committees and by the Commission itself is replete with disclosures providing public knowledge about issues which otherwise would remain obscure and neglected.

Inspection of premises is a reasonable method of securing compliance with responsible manufacturing practices that affect public safety.

CONSUMER SAFETY ADVOCATE

We recommend that the President appoint a Consumer Safety Advocate to the Commission staff with specific responsibility to represent consumer interests before the Commission. The Advocate would take up consumer complaints against the Commission, evaluate implications for consumers in present or proposed standards or rules, suggest the need for new standards or rules, issue public statements, and take issue with actions of, or inaction by the Commission.

Consumers need a Federal official with sufficient powers and resources to act exclusively as spokesman and representative regarding unreasonably hazardous products. No private consumer organization has the technical and legal expertise, and funds, or the time to devote to this critical task.

Although it is widely assumed that a public agency invariably defends the public interest, most agency decisions represent a compromise among contending factions. When such a contest develops, the weakest voice is often that of the unorganized and unrepresented consumer.

Modern legal doctrine affirms that representatives of consumers have standing as interested parties in adversary proceedings. A Consumer Safety Advocate attached to the Commission is needed to make such representation effective and to assure that consumers enjoy access to public information and the resources for asserting and defending consumer interests.

Quite as private enterprise requires counsel to represent its interests in dealings with agencies of Government, the public requires an Advocate who will defend consumer safety against exploitation, excess, or neglect.

PRODUCT SAFETY INFORMATION

We recommend creation of an Injury Information Clearinghouse within the Consumer Product Safety Commission with responsibility to collect and analyze data on product injuries and to assure widespread distribution of information about defective products, the degree of hazard, and the nature of proposed remedies.

Information relative to consumer product safety can be useful to manufacturers, consumers, and Government alike. This information can tell which hazards warrant remedial actions, such as design change, consumer education, industry standards, or Government regulations. It can help to set priorities for action and to evaluate the relative efficacy of various methods of preventing injury.

With a long-range duty to develop and direct the evolution of a set of allied information systems capable of detecting risks, appraising them, and lending support of prevention of injuries associated with consumer products, an information center will provide baselines for data on product hazards as an initial duty.

Manufacturers will benefit from the technical advice to be furnished through the center by Government scientists and engineers. Injury information will help define areas where safety standards are needed and will furnish guidelines for product instructions and warnings.

The consumer will benefit from information about selecting, using, and maintaining consumer products with minimal risk. Rarely do consumers seek safety information; usually they are unaware of risks which are not well publicized. As the Clearinghouse may also provide access to records of standard-setting committees and negotiations between Government agencies and industry, it will encourage open records and fair consumer representation in such proceedings.

The Government will benefit internally because the Center will facilitate exchange of information among more than 30 Federal agencies which now conduct more than 200 programs bearing on product safety. In fact, the entire economy can be expected to gain from improvements in design and reduction of risks to the extent that useful information is relayed to manufacturers and consumers.

We stress, however, that correction of undue risks need not await the gathering and interpretation of the last fact: remediable hazards can be corrected as soon as the risks and the economic solutions are reasonably well identified. Information is properly a guide and supplement, not a substitute for regulatory action.

TESTING LABORATORIES

We recommend that the Consumer Product Safety Commission, in cooperation with the Secretary of Commerce acting through the National Bureau of Standards, be authorized to accredit private laboratories which are qualified to test and certify compliance with specific product safety standards. We further recommend that the Commission be empowered to require independent testing of consumer products which present an unreasonable risk.

Within the Federal Government, the National Bureau of Standards has the capability for appraising the personnel, equipment, experience, and professional quality of independent testing laboratories, many of which have resources to evaluate new products and to review the safety of those being marketed.

Both Government and industry can utilize competent, objective studies from qualified private laboratories. They represent an independent source to analyze product hazards and insure compliance with safety standards and regulations, while avoiding the inherent conflicts of interest within voluntary programs of self-certification.

CERTIFICATION AND ADVERTISING

We recommend that the authority of the Federal Trade Commission be rigorously applied and, if necessary, expanded to apply to any certification program which misleads or deceives the consumer as to the meaning of a certification. We further recommend that the powers of the Federal Trade Commission be applied, where appropriate, to the Small Business Administration be ex-assure disclosure of substantial hazards.

Independent testing laboratories which certify conformity with industry and Government safety standards for consumer products may desire to use a mark or seal to the effect. When certification is brought to the buyer's attention by a seal or other means, its limits should be made clear.

Manufacturers should not be permitted to gain an unfair competitive advantage by claiming or implying that such certifications or seals mean their products are endorsed by the Federal Government.

Although the Federal Trade Commission presently has broad authority to issue trade rules and regulations to insure truth in certification, these rules should specify in detail what testing programs are required to justify use of a certifying seal. Seals which deceive the consumer, whether the deception is deliberate or inadvertent, should be proscribed.

Additionally, exercise by the FTC of authority over commercial advertising of products to assure disclosure of substantial hazards can be expected to better inform consumers of the risks of use. When mandatory consumer product safety standards are in existence, advertising should, as a general policy, be reviewed by the FTC. There is clear precedent for an oversight Federal role in this context.

AID TO SMALL BUSINESS

We recommend that existing programs of the advertising of consumer products to panded to authorize granting long-term, low-interest loans to assist small businesses in meeting requirements of product safety standards.

The 80 percent of manufacturers who produce 20 percent of consumer products may not be as well equipped as their larger competitors to afford the technology and assure the quality control essential to reducing undue risks in consumer products. Small businesses may face the added handicap of substantial expense to meet safety requirements imposed by Federal law or to comply with voluntary industry safety standards.

The Small Business Act should be amended to expand the existing concept of "product disaster" loans, to make available such loans to small businesses faced with competitive disadvantage caused by engineering, testing, retooling, or related expenditures necessitated by safety improvements.

TECHNICAL AID BY GOVERNMENT

We recommend, upon enactment of a comprehensive Consumer Product Safety Act, that a method be developed whereby technical experts from any Federal agency, other than those with responsibility for evaluating the adequacy of industry standards and testing programs, would be authorized to participate in voluntary safety standards activities.

Often nongovernmental programs for the development of safety standards are deprived of counsel from consumers, who do not have the time, financial resources, or technical expertise to contribute. Many Government employees do have the necessary expert technical knowledge. But participation could impair their objectivity where their duties involve investigating or evaluating the adequacy of standards so developed. Loss of that objectivity would, in turn, deprive the Fedderal Government of its only means of independently determining appropriate public safety levels.

However, if the Congress chooses to enact a comprehensive Consumer Product Safety Act, centralizing independence and responsibility for consumer safety in an agency such as we recommend and if Federal employees with responsibility for investigating or evaluating private standards and programs do not participate in such advisory programs, continuing objectivity could be assured.

When the occasion warrants a contribution of the time and competence of Federal personnel, their participation might then give consumers a more effective voice in private safety programs. An Executive order authorizing such participation would resolve the doubts of agency heads who refrain from supporting private safety program to avoid possible conflicts of interests.

APPLIED RESEARCH

We recommend that the Consumer Product Safety Commission include a laboratory facility to conduct safety research, to cooperate with other Federal agencies in supporting safety research, and to develop technical information for use by manufacturers and standard-making groups.

A laboratory facility is essential if staff scientists and engineers are to keep current with developments in science and technology, through the process of conducting their own research in product safety. The laboratory will also serve as a resource for exchanging technical information.

Many manufacturers, lacking resources for wide-scale research and development, cannot incorporate in products what they do not have or know. Federal support of developmental research and distribution of technical safety information can be expected to upgrade the general level of safety in consumer products, to foster vigorous competition, and to give every possible assistance to small producers.

Information, including trade secrets, essential to alleviating undue risks should be ruled in the public domain for this purpose, subject to fair compensation. When manufacturers lack such information, safety standards may unduly burden them. When standards committees are without such data, the product of their efforts is necessarily incomplete.

FEDERAL PURCHASES

We recommend that the Federal Government, through its purchasing and insuring agents, utilize its market influence by looking to established safety standards and, wherever practicable, new safety designs in selecting products for use, and that Federal agencies provide both manufacturers and consumers with acquired information about hazards in consumer products.

Federal purchases of consumer products by the General Services Administration alone exceed one-half billion dollars annually. Federal purchasing and insuring agents may overlook established safety considerations for consumer products, to the consequent distress of Federal employees and expense of taxpayers. With the establishment of a Federal authority to develop safety standards for consumer products, it will be even more important that they be observed in Federal purchasing.

Furthermore, Federal purchasing power could appropriately be used to stimulate the design and production of products which exceed minimum safety standards. The Consumer Product Safety Commission can recommend products suitable for such purchase in its annual reports to Congress.

Contracts for Federal offices and hospitals, federally insured and dependents' housing, should similarly be revised to observe Federal safety standards applicable to materials and fixtures.

Purchasing agents acquire information or have access to data which guide specifications for bids from manufacturers. Agenices could alert consumers to products which they know fail to meet safety standards. Release of such information can be expected to stimulate manufacturers to eliminate publicized hazards.

PRIVATE ACTIONS BY CONSUMERS

We recommend that injured consumers be permitted to file claims for treble damages, as well as class actions, in the district courts of the United States against manufacturers who knowingly or willfully violate Federal consumer product safety standards.

Under the antitrust laws and related Federal procedures, claimants may file either individual or class suits in behalf of all parties injured by illegal restraints of trade. The principle applies with equal force and logic to persons injured through a manufacturer's intentional disregard of a Federal product safety standard. Inadvertent error would not give rise to treble damage relief.

At present, because of the high cost of marshaling technical evidence, it is not practical for consumers to press claims against a manufacturer unless the damages are substantial. The use of class actions can be expected to improve this situation, at least where intentional conduct caused the injury. Similarly, some manufacturers may find it less expensive to defend damage claims, even those with merit, than to arrange for the prospective elimination of the source of injury. Allowing injured consumers to sue for three times their damages should tend to ameliorate this condition.

Even the prospect of class suits and treble damages is likely to encourage manufacturers to market products that are not unreasonably dangerous to life and health. Such statutory redress will add powerful private support to public safety programs.

FAIR COMPENSATION FOR INJURY

We recommend that the doctrine of strict tort liability be applied uniformly in State and Federal courts to enable a consumer injured by a product in defective condition to obtain fair compensation, and that State legislatures modify obsolete statutory provisions which unduly impinge on the consumer's right of redress for injury.

Modern technology and mass marketing have superseded the economy that molded legal conventions a century ago. These conventions, which still bind many court decisions and legal codes, were formed when young industry needed protection against harassment. Today, however, the consumer is relatively defenseless against defective products while the manufacturer is better able to correct defects and defend against claims of injury.

Widespread adoption of the theory of strict tort liability, as set forth by the Restatement (Second) Torts and expanded by judicial interpretation, would avoid for the consumer some of the traditionally troublesome aspects of the law, such as contributory negligence, due care, and privity. His burden of proof is eased somewhat: he must show that his injuries resulted from a product which was defective when it left the seller's control. The defect may be in the design, the construction, or the inadequacy of accompanying warnings and instructions.

Other inequities affecting a consumer's right to redress are perpetuated by specific legislative enactments in the States regarding jurisdiction, ceilings on recovery, small claims actions, and certain other matters. The Uniform Commercial Code, adopted by 49 States, incorporates several outdated rules pertaining to privity, disclaimers, requirements of notice to the manufacturer and statutes of limitations.

Since recovery by the consumer of fair compensation should not be made to depend on formal differences in the theory under which a suit is brought, these legislative provisions should be made consistent with strict tort liability.

STATE AND LOCAL PARTICIPATION

We recommend that the Consumer Product Safety Commission have authority to support States and localities in product safety activities or projects in surveillance, injury reporting, hazard reduction, research, and training.

In the belief that responsibility is borne best when shared, that authority is most respected when decentralized, and that participation is most enthusiastic when broad-based, we hope to see States and localities develop qualified personnel and agencies to assist in reducing product risks. The quantity of consumer products and their diversity are beyond the ability of a single national authority to comprehend: it is far better to have supplementary authorities concerned with product safety, provided their standards of performance and safety are consistent with Federal efforts and requirements.

As States and municipalities traditionally have served to adapt national programs to unusual local conditions, they have also been a source of original and innovative techniques and ideas in legislation and public administration. They provide an indispensable channel and source for the feedback of information about product safety and the effect of safety regulations.

Given guidance and financial support, States, counties, and municipalities offer a Federal agency an ideal laboratory for testing methods and policies as well as a critical supplementary force to check for compliance with consumer product safety standards.

FEDERAL PREEMPTION

We recommend that a mandatory Federal safety standard for a consumer product preempt any State or local standard, with appropriate provision for exemption where clear and compelling conditions in the State make it necessary.

States seldom impose safety standards for consumer products. Where requirements apply to product safety, these vary considerably. For this reason, many manufacturers cannot produce for a national market except by designing different models for individual States. Ultimately, consumers pay the wasteful cost of several models being produced where one would do.

With a provision for exemption of State regulations that do not unduly burden interstate commerce, national safety standards for unreasonably hazardous consumer products can be expected to enhance protection for the public and conserve time, money, effort, and resources. At the same time, the possibility of exemptions will leave States free to develop innovative safety methods and to satisfy unusual local needs.

IMPORTED PRODUCTS

We recommend that consumer products imported for sale into the United States be denied entry if they violate Federal consumer product safety standards or regulations or are deemed to be unreasonably hazardous. As a condition of entry for imported products, foreign manufacturers should designate a responsible agent in this country and should be amenable to inspection on the same basis as domestic manufacturers.

The voluntary safety standards of responsible American manufacturers may not be observed consistently by manufacturers of imported products. Control of imported products should be at port of entry, where inspections can be more effectively conducted than at retail establishments. To preclude injury to American buyers of foreign goods, imports should comply with appropriate Federal safety standards and be subject to approval by an accredited laboratory on the same terms as domestic goods, where ordered by the Consumer Product Safety Commission.

Consumers who suffer physical harm from imported goods frequently are without recourse against the manufacturers. Accordingly, importers must have a designated financial agent in the United States to respond in damages for injuries associated with defective products they bring into the country.

WORLD RESPONSIBILITY

We recommend that the Government of the United States close the gap in legislative authority which now exists between this Nation and other industrial countries of the world and resolve to eliminate the needless waste of life and other valued resources caused by unsafe consumer products. We further recommend that this Nation lend support to international safety standards development and that it prohibit the export of hazardous products to other countries.

Many industrial nations with which we compete—Japan, the United Kingdom, Canada, West Germany, and Sweden—are committed by legislation to national product safety programs more comprehensive than that of the United States.

Private international safety standards, long neglected, are important to American consumers. Such standards could improve the safety of imports, prevent unfair international competition, and influence domestic safety standards. Government support is warranted provided Federal authorities oversee the protection of consumer interests and observance of fair procedures.

Federal consumer product safety standards should apply to exports as well as to products for domestic sale. To indicate our concern for, and to promote the well-being of consumers in all nations with which we deal, the export of goods that do not meet such standards should be prohibited unless waiver is obtained from a responsible official of the country of destination. In good conscience, we must extend to all the protection we expect at home.

By Mr. MAGNUSON (for himself, Mr. Moss, Mr. Hart, Mr. Bayh, Mr. Cranston, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Ribicoff and Mr. Tunney):

S. 984. A bill to authorize classes of persons injured by unfair consumer practices unlawful under the Federal Trade Commission Act to seek relief. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, for myself and Mr. Moss, Mr. Hart, Mr.

Bayh, Mr. Cranston, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Ribicoff, and Mr. Tunney, I introduce for appropriate reference the Consumer Class Action Act of 1971. The provisions of this bill substantially reproduce the class action provisions of the Consumer Protection Act, S. 3201, 91st Congress, as amended and reported last August by the Committee on Commerce. That measure represented months of hard work by the committee to fashion a practical, effective remedy for persons who are deceived or defrauded in their consumer transactions. I am pleased that a number of Senators, from the Commerce Committee as well as other committees, have expressed their support for this bill by joining with me as cosponsors.

The purpose of the Consumer Class Action Act is to provide a remedy for deceived and defrauded consumers where none now exists. The magnitude of consumers losses is immense; it has been estimated by Senator Hart that about $200 billion of the $750 billion spent by consumers last year was dissipated through fraud, deception, and marketing inequities. As Mrs. Knauer, the Special Assistant to the President for Consumer Affairs, pointed out:

> In short, gentlemen, consumer fraud is an insidious economic cancer which eats at the very vitals of our society. The fact that it continues to the extent it does erodes the respect of the individual, especially the poor, for law enforcement. It rots their faith in the equal application of the law to the white-collar fraud robber and to the family who cannot pay for shoddy merchandise they were tricked into buying by the self-same operator. It withers our moral fiber. It misdirects our economic resources. It saps the strength of our free enterprise system.
>
> Crime is crime whether it be at the tip of a gun or at the tip of a pen and the tip of a tongue of a fraudulent sales operator. All reasonable forces for years have decried consumer fraud. It is long past time we turned orations into actions, lament into law, exhortation into fraud elimination.

The right of consumers to be free from unfair or deceptive acts or practices was written into law in 1938 as part of the Federal Trade Commission Act. But it remains a brutal fact that the consumer cheated out of $10, $50, $100—even $500—no matter how clear and incontestable the legal wrong which he has suffered has only a paper right. He is virtually without enforceable remedy because the cost of taking his case to court will be greater than his recovery. In many instances, fraudulent operators carefully avoid cheating the consumer out of sums large enough to make legal recovery a real threat.

The flaw in our consumer protection laws lies in their falure to provide a remedy so that those who are cheated can recover their losses from unscrupulous operators. Our Nation has proclaimed unfair or deceptive practices to be unlawful, but has failed to make them unprofitable.

Class action provides a remedy for the cheated consumer. It promises to make fraud unprofitable. Perhaps more importantly, it opens the way for the consumer to aid himself. It does not require additions to the Federal budget for investigators or administrators nor does it require the creation of a new bureaucracy. It does not require the cheated consumer to wait hat in hand upon the willingness of a Federal agency to get his money back. Class action simply opens the doors of the court housing to the consumer so that he has meaningful access to the traditional American opportunity of seeking his remedy in court.

Underlying the opposition of the business community to class action is the evident fear that business will not receive equitable treatment in the courts. It would be tragic if business has come to share with many poor and minority groups a distrust of our courts. If business, with its ample resources to obtain skilled counsel and to defend its interests, does not expect justice, who can?

Last year I requested the views of Judge Bazelon and Judge Solomon on consumer class action and their opinions of the arguments raised in opposition to it. Their replies confirmed my belief that the court will be able to handle class actions in an equitable and just manner. I ask unanimous consent to include their letters at this point in my remarks.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Court of Appeals,
Washington, D.C., November 17, 1970.
Hon. Warren G. Magnuson,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

Dear Senator Magnuson: This is in response to your request for my views on S. 3201, the Consumer Class Action Bill.

As you noted in your letter, there is some thought that consumer class actions are unmanageable and would create a flood of litigation in the federal courts. I am not aware that there is any basis for this view. Experience demonstrates that class actions can be handled expeditiously, without unduly burdening the judicial system.

Several states permit consumer class actions, and none of these jurisdictions has reported difficulties with such suits. More important, the federal courts themselves permit class actions in anti-trust cases, stockholder derivative suits and civil rights cases. Although the rules relating to these class actions have been greatly liberalized over the past decade, the federal courts have not been overwhelmed by a flood of this kind of litigation.

Rule 23 of the Federal Rules of Civil Procedure protects against unnecessary and unmanageable class actions. Plaintiffs are required to satisfy the court that a class action is the most efficient manner of proceeding. The court is given broad power to control class actions to assure that they do not unduly burden the defendant or the judicial system.

The effectiveness of Rule 23 was made clear in the recent tetracyclene anti-trust case. This class action involved millions of claimants, but the district judge was able to ensure that the members of the class were protected and to decide the complex pretrial motions which preceded settlement without neglecting his normal caseload.

I do not think, therefore, that the proposed class action bill would place crippling new burdens on the federal courts. But even if the additional caseload would be much greater than I anticipate, rejection of consumer class actions would seem to be an unfortunate solution. Congress might more appropriately provide additional resources to the federal courts or remove some existing class of cases from the federal courts—diversity actions involving automobile tort claims, for example. In any event, there would seem to be no administrative justification for depriving consumers of a judicial remedy against fraudulent practices.

Sincerely,

David L. Bazelon.

United States District Court,
District of Oregon,
Portland, Oreg., November 24, 1970.
Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, United States Senate, Washington, D.C.

Dear Mr. Chairman: I am pleased to respond to your questions relating to the pending consumer class action bill, S. 3201.

Rule 23 of the Federal Rules of Civil Procedure gives ample authority to the trial judge to direct a flow of class actions efficiently and expeditiously and to police actual and incipient abuses of the class action mechanism. I have experienced no substantial difficulty in managing such cases. Moreover, the class action may be the only viable judicial device for the redress of substantial citizen injuries. This has been true in civil rights cases; it has been true in stockholders' derivative actions and true in the case of the economic victims of antitrust violations.

I share the concern of the Chief Justice with the overcrowding of court calendars. This problem must be dealt with, primarily by providing additional judicial resources. But I cannot subscribe to a philosophy of jurisprudence which seeks to relieve the pressure of caseloads on the courts by denying access to citizens with just and proper claims. In effect, this is the circumstance that prevails today. A citizen with a valid justiciable claim of under $500 is faced with the prospect of having his expenses exceed any recovery obtainable in court.

I believe that you and the Committee are to be commended for fashioning a means for redeeming the promise of justice to all citizens, which is the basis of our democracy. I strongly support the principle of consumer class actions.

Best regards.

Sincerely yours,

Gus J. Solomon.

Mr. MAGNUSON. Mr. President, I recognize, however, that there are substantial, divergent opinions on the best way to provide consumer remedies. Therefore, I would like to make clear that while we believe the Consumer Class Action Act serves the task very well, we are not inflexibly committed to its language. There may well be modifications of the bill that would improve its effect. We will welcome suggestions for such modifications. All we want is to see enacted a fair and effective class action measure. But we must take care that the present effective measure is not amended in such a way as to remove its force; as for example, by a "trigger" such as the administration proposed last year. A bill that falsely parades under the banner of consumer relief is worse than no bill at all. The businessman as well as the consumer will benefit from a measure that alleviates the bitterness resulting from unrelieved consumer fraud in the marketplace.

The recent report by four committees of the Association of the Bar of the City of New York is an example of a thoughtful analysis of S. 3201, 91st Congress, and the several suggestions contained in the report are worthy of further consideration. I ask unanimous consent that the portions of the report dealing with class action be printed at the end of my remarks so that they may be readily available for examination. I also ask that the full text of the Consumer Class Action Act be printed at the end of the report.

In closing, I would like to emphasize that introduction of the Consumer Class Action Act should not be construed as an expression of legislative intent that a private right of action does not now presently arise under section 5 of the Federal Trade Commission Act. Several recent actions in Federal court are based on the theory that private actions may be maintained under existing law; I, of course, do not mean to take a position on one side or the other with regard to such theories.

There being no objection, the portions of the report were ordered to be printed in the RECORD, as follows:

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, PROPOSED FEDERAL LEGISLATION TO PROTECT CONSUMERS, INCLUDING CONSUMER CLASS ACTIONS

(By the Committee on Federal Legislation, the Committee on the Federal Courts, the Committee on Consumer Affairs, the Committee on Trade Regulation)

I. INTRODUCTION

Our growing national sensitivity to consumer problems, stimulated by such private groups as "Nader's Raiders" and by such public agencies as New York City's Department of Consumer Affairs, recently led the Second Session of the 91st Congress to consider methods which can assure consumers an effective day in court. The principal bill proposed for this purpose was S. 3201 (introduced by Senator Magnuson), which in its original form had the support of the Administration. By the close of the Session, the bill had been extensively revised by the Senate Commerce Committee and, as so revised, reported out favorably over Administration opposition. The amended bill was then referred to the Senate Judiciary Committee, which failed to issue a report prior to adjournment. The Senate however consequently failed to act on S. 3201 (or several alternative measures introduced by Senator Tydings, S. 1980 and S. 3092) before the end of the Session. Despite this inaction, S. 3201 represents an important Congressional attempt to deal with the issue of consumer remedies and will undoubtedly serve as a starting point for similar efforts in the 92nd Congress. Accordingly, this report will consider the provisions of S. 3201 in some detail in order to set forth what we believe are the basic principles to be followed in drafting fair and effective consumer legislation in the future.

Two devices have been proposed to assure effective representation of the consumer. The first looks to action by administrative agencies. Thus, S. 3201 looks principally to the Federal Trade Commission, which is to be strengthened so as to provide more effective administrative remedies, and to serve as a more effective consumer advocate in the Federal courts. Additional powers are also given to the Attorney General. The second, and probably the more important part of the bill, seeks to devise procedures so that the consumer interests may be vindicated in the Federal courts, primarily through class actions. The necessity for such legislation arises in part from the recent Supreme Court decision in *Snyder* v. *Harris*, 394 U.S. 332 (1969), holding that claims may not be aggregated in computing the $10,000 amount in controversy necessary to invoke the jurisdiction of Federal courts for diversity actions. Under such a holding, class action jurisdiction is lacking for most consumer grievances, which are normally too small to justify the expense of litigation outside of class actions. S. 3201 would make Federal class actions available for such smaller claimants, by using the commerce power and reducing the jurisdictional amount for such actions to $10, while maintaining the controls that Rule 23 of the Federal Rules of Civil Procedure prescribes for class actions.

FTC relief and consumer class actions in the Federal courts are not, of course, the only available methods to secure appropriate relief. In our discussions, we have also considered the possibility of individual actions through publicly supported neighborhood law offices, public interest law firms or local arbitration. Those with relevant experience in such organizations who have participated in our discussions, however, have advised us that aggrieved consumers appear not to seek out such assistance sufficiently to warrant substantial reliance on those institutions. The most that they are likely to provide is some supplement, but they are not a substitute for meaningful class actions or administrative relief.

On the other hand, the experience of some of us with class actions points to caution in approving the expansion of class action litigation. Stockholders' class action and derivative suits have proven their value in bringing corporate management to a greater awareness of their fiduciary responsibilities. Nevertheless, they have at times been abused. Some of us are concerned less class actions for large sums may on occasion be used to harass business firms. There is also reason for concern about Federal court congestion and the difficulties of administering relief for large numbers of consumers. In addition, there is a question as to the propriety of class actions for some types of consumer grievances.

Much of our debate has centered on the optimum method for reconciliation of two possibly conflicting objectives: providing a vehicle for effective Federal class actions which will attract the efforts of able counsel on behalf of consumers without creating unnecessarily increased possibilities for abuse. We are not satisfied that S. 3201 reconciled these objectives in some areas as well as it might have, and accordingly we urge that future bills be revised in the way described below. We also suggest different methods of dealing with the other problems which have been noted. On balance, however, we support the approach of S. 3201 and urge enactment of similar legislation by the 92nd Congress.

III. ACTIONS AND CLASS ACTION BY CONSUMERS UNDER S. 3201

S. 3201 provides for two types of direct actions which consumers may bring. Under Section 206(a), the "triggering" provision, any consumer may bring a civil action against a supplier, but only if the supplier has been enjoined from committing an unfair consumer practice, either by final judgment or consent decree, in action brought by the Attorney General or the FTC. This action does not necessarily have to be a class action—the consumer may sue individually. In such a suit, a final judgment or decree in the Governmental action is prima facie evidence against the supplier in the consumer action, but a consent decree is not (Section 207). No jurisdictional amount is necessary. Under Section 206(b), a consumer may bring a class action against a supplier without waiting for prior action by the Government, provided his claim is $10 or more and his claim meets the class action requirements of Rule 23 of the Federal Rules of Civil Procedure. However, before such a suit may be brought, the consumer must notify the Federal Trade Commission.[1] If within ninety days of such notification, either the Federal Trade Commission or the Attorney General publishes in the Federal Register notice of intent to proceed against the unfair practice specified in the motion and in fact does proceed within ninety days, the consumer's action is stayed and consolidated with the Government action.[2]

The Tydings Bills and most other class action proposals introduced in the 91st Congress do not contain any "triggering provision" requiring governmental action as a pre-condition for bringing the class actions. (E.g., S. 1980 and H.R. 11656.) Bar groups, in endorsing the class action concept, likewise made no reference to the possibility of "triggering provisions" during early discussion of the question.[3]

EVALUATION OF THE TRIGGERING DEVICE, AND OTHER LIMITATIONS OF S. 3201, WHICH RELY ON FTC ACTION

On balance, we disapprove these provisions of S. 3201 insofar as they rely upon the FTC as the principal watchdog of consumer interests. Criticism of the Federal Trade Commission for failure to deal with consumer abuses on a sufficient scale has been voiced by such differing sources as Ralph Nader and the American Bar Association Commission to study the Federal Trade Commission, appointed at the suggestion of President Nixon. Statistics compiled by the ABA study indicated that from 1961 to 1969 the number of complaints for deceptive practices issued by the Commission declined from an average of 132 in the 1961–63 period to an average of 73 in the 1967–69 period, and the number of cease and desist orders issued for deceptive practices issued by the Commission declined from 180 to 68.[4] Efforts to revitalize the Commission have been made, but the future effectiveness of the Commission remains to be seen. Until some substantial improvement has been shown in the FTC, we believe that no bill should be enacted which would hamper private access to the courts while leaving consumer grievances to gather dust in the files of this agency.

The "triggering" requirement of Section 206(a) clearly would hamper access to the courts if it stood alone, as the Administration had originally proposed. Section 206(b) seems to permit freer access. Some of us believe, however, that the prospect of possible Government intervention is likely to discourage able private counsel from exerting substantial efforts to bring such suits, since they would be unlikely to receive significant compensation if the suit were eventually directed by a Government agency. Others think that private counsel may not be deterred, and that Government intervention may be useful to consumers, but recognize that the FTC should not be authorized to intervene and thereafter to let such suits stagnate.

For some of us, an alternative might be to permit a class action if one or more public agencies certified that it involved practices of substantial importance to the public, justifying use of the class action device. If the authority to grant such certificates were conferred on more than one agency, a single agency would feel more able to refuse to grant the certificate in appropriate cases without being subject to criticism for shutting off the sole avenue of relief to a class of consumers. Likewise, there would be more protection against the possibility of any one agency being subjected to undue influence to refuse certificates permitting suits against influential defendants. Among the agencies which might be empowered to grant certificates are the FTC, the Department of Justice and local United States Attorneys.

An argument against this procedure is that it may diffuse responsibility, so that it may prove ineffective. In addition, the suggested procedure is rather cumbersome and could even become chaotic.

On balance, we believe that a more reasonable and effective prophylaxis would result from direct controls on potential areas of abuse, rather than from the creation of

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Footnotes at end of article.

such preliminary hurdles. The type of controls which we support will be discussed below.

ALTERNATIVE METHODS BY WHICH CONSUMER CLASS ACTIONS MAY BE PERMITTED WHILE AFFORDING MINIMAL OPPORTUNITIES FOR ABUSE

A. The problems

The President's Consumer Message of 1969 proposed the triggering device as a method of protecting businessmen from harassing actions. Others have been concerned with the burdens on the Federal courts, which some think to be too congested to undertake additional jurisdiction. Still others have pointed to the difficulties of administering relief for a great many consumers whose damages might differ, depending on the facts relating to their purchases. Critics have also pointed to the problem of using class actions for certain types of suits, such as consumer personal injuries, for which the class action device may not be well suited because of an insufficiently common basis of law and fact.

B. Proposed solutions

Certain of the above mentioned problems may be disposed of quickly, for they may be manageable. Thus the question of whether, for example, consumers' personal injury class actions may be appropriate tends to disappear so long as the legislation does not limit Rule 23 of the Federal Rules of Civil Procedure, which would serve as a screening device for these as well as other class actions. If S. 3201 does not affect Rule 23, where a District Court finds an inadequate basis of common law and fact in a class action brought for personal injuries, it is likely to rule that the plaintiffs must proceed in individual actions only. Section 206(b), however, seems to grant jurisdiction only to consumer actions as class actions. It should be amended to make clear that a District Court is thus free to be guided by Rule 23 and need not be dismissed if it otherwise meets jurisdictional requisites.[5]

Many of us also think that although there is a problem of court congestion, it should not prevent extension of the class action device to consumer cases. It would appear to be basic that if a remedy is required new litigants should not be barred from the courts because too many others are already there.

To the extent that the Federal courts are crowded[6] and that the problem is not solvable by such administrative devices as judicial reassignment or increasing the number of judges, consideration might be given to Federal legislation which provides for concurrent relief in state courts, with Federal standards.[7] Since the purpose is to effectuate national policy and under S. 3201 the suits would be for violation of Federal law, it would seem logical to provide for concurrent Federal jurisdiction—as was done in Section 301 of the Labor Management Relations Act.[8] Under the Supremacy Clause of the Federal Constitution, state courts are required to enforce Federal law. The power of Congress to create substantive and procedural rights enforceable in state as well as Federal courts has been confirmed by recent cases.[9] Were this provided for, the number of cases reaching the Federal courts would be reduced.

On the other hand, many state courts, especially those in large urban centers where consumer actions are likely to be brought, are even more crowded than Federal courts. In addition, we have some doubts about the adequacy of state court settlement procedures, based on our experience with stockholder actions. Though considerations would not proscribe the granting of concurrent jurisdiction, the possible availability of state courts may not significantly reduce the needs to provide Federal relief and to make Federal actions manageable.[10]

Another possibility which would reduce the number of Federal court consumer class actions, reduce the problem of administering relief and also simplify the problems raised by Rule 23, would be to limit class action relief to the refunding of money paid by consumers and the termination of their executory obligations to make future payments. This would eliminate the necessity for each member of the class to prove his own individual damages in such suits, while leaving it open to him to seek other forms of individual relief after liability has been established. In this way, the class would be rather easily identifiable as persons who had purchased or contracted with the supplier and their measure of damages would be identical. Furthermore, the courts would not have to administer complicated and time-consuming orders for relief. In such cases, the issues would be reduced to whether or not a supplier had committed an unfair consumer practice. Once that decision was made, the supplier would be required to refund all moneys collected. Finally, such class actions would significantly reduce the possibility of nuisance suits. The cases would be simpler and the lure of prospective jackpot damages would be removed.

It should be noted, however, that some of the unfair consumer practices designated in Section 201(1) do not lend themselves to the restitution approach. For example, subsections (A), (B) and (M), and certain of the other subsections, may be violated although no sale of goods actually takes place. If the restitution approach were adopted, provision should be made so that the meaningful remedies were still available for violations under these subsections.

If class actions were so limited, the bill would also have to provide that consumers who had suffered consequential damages would be able to seek redress for damages individually, and the prior finding of an unfair consumer practice in the class action should be binding in the supplier. While some of us think that individual damages should be included in the class action, others think that in most cases the vast majority of consumers do not suffer consequential damages. Those who do would be free to seek redress armed with the prior adjudication on liability. In addition, persons suffering severe damages, such as personal injuries, would have no incentive to participate in class actions. Their individual remedies under the developing doctrine of strict liability are much more effective and they would have no trouble in obtaining lawyers on contingent fees.

This suggestion, as noted, would go far toward eliminating the problem of nuisance suits or exorbitant demands for relief by plaintiffs. Having said this, however, we must add that it is hard to see a justification for risking such abuses in stockholders' class actions, while denying relief to consumers because such risks exist in consumer class actions. In addition, we acknowledge that such risks inhere in any litigation and may be met in the unscrupulous defense of actions as well as in their prosecution. Thus, for example, corporate defendants have been known to take advantage of their economic strength by subjecting less economically powerful adversaries to extensive motion practice, which may be burdensome and costly to plaintiffs and their counsel, in the hope of discouraging meritorious actions. These issues pose an important problem for the legal profession, but their resolution should not be pursued at the expense of a particular class of litigants.

ELIMINATION OF THE REQUIREMENT OF "KNOWING" DECEPTION IN AFFORDING CERTAIN KINDS OF RELIEF

Eleven of the sixteen categories of deception listed in S. 3201 require proof of a "knowing" or intentional falsity before consumers can prevail. Many of us favor elimination of the "knowing" requirement as a prerequisite to the relief of refunds or termination of executory obligations. This should be done, whether or not other forms of relief are permitted in consumer class actions or the suggestion above is adopted that class actions should, under all circumstances, be limited to affording only the relief of refunds and terminating future obligations. We believe that if a supplier commits an unfair consumer practice through ignorance, or even because the state of the art was not sufficiently developed so that he could foresee the result of his action, nevertheless the burden of repayment should rest on the supplier.

The recent case in which the Food and Drug Administration barred the "Relaxacisor" from the market[11] illustrates the importance of this amendment. The respondent produced and sold an electrical device which purportedly reduced waistlines by administering a series of electrical shocks to the human body. In reliance on representations that the machine was "safe" for human use, 400,000 purchasers paid $300 each for the machine. But the court, which prohibited further sales, found that the device could cause, among other things, "abdominal pain and cramps, breathing difficulty, loss of hand control, loss of consciousness, nausea and vomiting, paralysis, red and blistered skin, vaginal hemorrhage, miscarriage" and the spread of dormant cancer cells. Because their individual claims are small, the 400,000 purchasers have no effective way of obtaining refunds or even declaratory relief from making further payments on the installment plan, without a class action. S. 3201 would not help them because they would be required to prove that the company was deliberately or negligently in error in advertising the product as "safe" and the company showed by voluminous proof at trial that it had relied upon its experts, who regarded the machine as safe. These experts turned out to be wrong, but their opinion would probably immunize the company from civil liability. Unless S. 3201 were amended, the traditional right of the consumer to obtain restitution in cases of this sort could not be vindicated. Section 201(1) of the bill should therefore be amended to provide that where restitution and rescission are sought, the terms "knowing," "knowingly" and "intending" do not apply.

This amendment, moreover, would simplify the issues in class actions, where such relief was sought. The issues would then be whether or not the transaction was unfair or deceptive. The good faith or lack of it on the part of the supplier would be irrelevant. Once the practice was declared unfair or deceptive, the relief would also be simple—consumers could get their money back.[12]

In some of the specific provisions defining consumer offenses for which knowledge of the seller may appear to be a part of the definition of the offense, appropriate drafting modifications would be necessary to redefine the violations while leaving intact the remedial policy suggested above.

MISCELLANEOUS COMMENTS AND SUGGESTED AMENDMENTS TO S. 3201

We have noted above that private actions should not be made to depend on FTC actions. This conclusion is not changed by the prospect that private intervention may be permitted. The report of the Commerce Committee did indicate that intervention is to be desired, but felt it unnecessary to write specific provisions, since the Federal Rules of Civil Procedure are adequate to allow consumer intervention. Private intervention, nevertheless, would seem to be a largely illusory right, since few consumers could afford to retain counsel to pursue individual small claims, and few able attorneys are likely to undertake intervention in a suit controlled by the Government, where a court is unlikely to award sufficient attorneys' fees to justify the neecssary expenditure of time to vindicate a small intervenor's rights.

Footnotes at end of article.

Should Congress enact some form of triggering legislation finally, consideration should be given to permitting a class action to be triggered by other kinds of successful governmental action than those included in the narrowly defined provisions of S. 3201. For example, a number of successful prosecutions for consumer abuses have recently been brought under the mail fraud statute.[13]

IV. OTHER CONSUMER RELIEF IS ALSO NEEDED

The average consumer may not be greatly affected by this legislation, either by the expanded Government powers or by the class action provisions. Other remedies are also indicated, and it would be unfortunate if Congress passed a revised version of S. 3201 and then assumed that no further action was needed to provide consumers with direct relief. Thus Congress may do well to consider legislation giving consumers the same defenses against banks and factoring companies which buy installment contracts and other types of consumer papers as they would have against the seller. As noted in the testimony of Mrs. Virginia Knauer, quoted in the Commerce Committee Report, many consumers are required to maintain payments on shoddy merchandise or face attachments and garnishments of their wages. Allowing the consumer to assert defenses against holders in due course on consumer paper would probably have salutary effect in limiting consumer frauds, since it would require banks and factors to police their customers if they desired to purchase consumer paper of any value.

In addition, the creation of consumer arbitration boards or consumer small claims courts, with a concomitant strengthening of legal services to the poor, would have a direct effect on the lives of consumers. Such boards or courts with limited jurisdictional amounts could grant swift and effective relief to consumers. However, consumers would have to be educated concerning the availability of such bodies and how to use them.

V. CONCLUSION

In summary, we urge the adoption of legislation which will give Federal and state class action relief to consumers. We disapprove those provisions of S. 3201 which make consumer relief dependent on action by the Federal Trade Commission. At the same time, we welcome those provisions of the bill which strengthen the FTC and give added enforcement powers to the Attorney General to protect consumers.

In treating the problems posed by consumer class actions, we advocate solutions directed to those problems rather than such preliminary barriers as requiring "triggering" by a successful FTC action. Thus, one way to reduce the problem of Federal court congestion might be to grant concurrent jurisdiction to state courts. Consideration should also be given to limiting consumer class actions to suits for refunds or the termination of executory obligations, leaving individual consumers to pursue such other remedies as those for consequential damages in separate actions, after liability has been established for them in the class action.

In any event, most of us think that suits for refunds or termination of executory obligations should be allowed without requiring proof that the deception of consumers was done "knowingly." This requirement may have some validity in suits where consequential damages are sought, but should not be required where consumers have been deceived and seek to have their money back.

Thus, on balance we approve S. 3201, with the two important caveats that it requires substantial revision and that its enactment should not be permitted to obscure the need for other forms of consumer protection.

January 8, 1971.

Respectfully submitted,

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Committee on Consumer Affairs

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The Association of the Bar of the city of New York

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Stephen R. Kaye, David Klingsberg, Charles E. Lewis, Richard E. Low, Judson A. Parsons, Jr., Haven C. Roosevelt, Philip T. Shannon, Abner P. Slatt, Averill M. Williams.

FOOTNOTES

[1] A majority of the Committee on Trade Regulation believes that the bill should also require notification to the supplier and that a supplier should be able to tender a settlement, with the added proviso that there should be power in the court to refuse to award counsel fees for plaintiffs who have declined such settlement offers and have recovered a lesser amount in the action.

[2] The bill is unclear whether the Attorney General or the FTC must commence an action within the ninety-day period following notice from a consumer or within ninety days after publication of the notice of intention to bring an action in the Federal Register. We recommend that the bill clearly provide that the Government must bring suit within ninety days from notice to the FTC, since it is unfair to require a consumer to wait longer than three months.

[3] Committee on Legal Assistance, "Consumer Protection," 24 THE RECORD of The Association of the Bar of the City of New York 296, 301 (May 1969); Committee on Federal Legislation, New York State Bar Association, Report on the Consumer Protection Class Action Jurisdiction Act, 42 NYSBJ (Jan. 1970).

[4] Report of ABA Commission to Study the Federal Trade Commission 20 (1969).

[5] The problem is also to be found in S. 1980, the "Class Action Jurisdiction Act," proposed by Senator Tydings.

[6] The number of civil cases filed in the Federal courts in fiscal years 1961 and 1969 rose from 58,000 to 77,000 while the backlog of pending cases over the same period rose from 64,000 to 86,000. In 1969, the median time from joinder of issue to trial in pending civil cases reflected delays of 41 months in Philadelphia, 33 months in New York, 28 months in Brooklyn and 27 months in Detroit. Director of the Administrative Office of the United States Courts, 1969 Annual Report, II-18 and Table C 9. It is in these areas of population concentration, particularly New York, where the largest number of consumer class actions can reasonably be anticipated.

[7] An example of the latter is realistic provision for attorneys' fees. State law provisions do not, as a rule, provide for attorneys' fees in such actions; therefore, the theoretical right of action flounders upon the practical shoal of legal costs. By providing for attorneys' fees, the proposed Federal legislation makes class actions an effective remedy.

[8] 29 U.S.C. § 185 (1964).

[9] See *Testa* v. *Katt,* 330 U.S. 386 (1947); *Hill* v. *Aro Corp.,* 275 F. Supp. 482 (D. Ohio 1967); *Minkoff* v. *Scranton Frocks,* 172 F. Supp. 870, 877 (S.D.N.Y. 1959); *Ingraham* v. *Local 260,* 171 F. Supp. 103, 106 (D. Conn. 1959); *cf. Republic Steel Corp.* v. *Maddox,* 379 U.S. 650 (1965).

[10] The Special Committee on Consumer Legislation of the Antitrust Section of the American Bar Association, in a Report (455 BNA Antitrust & Trade Reg. Rep. X-1 (Mar. 31, 1970)), proposed that, once the FTC has determined that a supplier has committed an "unfair consumer practice," the Commission itself conduct administrative proceedings before hearing examiners where the violation occurred to accord expeditious relief to consumers adversely affected thereby. While we disapprove of the ABA proposal insofar as it would preclude private actions in the courts, we believe that this procedure, like local arbitration, would be a useful adjunct to private actions if not designed to supplant them.

[11] No. 66–1141–WPG–civil, U.S.D.C., C.D. Calif. (April 14, 1970).

[12] If relief in consumer class actions is not to be limited to restitution, then a latent ambiguity between Sections 206(b) and 206(d) should be removed. Section 206(b) provides that consumer class actions should "redress" consumer injury, which includes all proper relief. Section 206(d), however, provides that a successful consumer may recover, in addition to "damages," his attorney fees. The use of the word "damages" in Section 206(d) should not limit "redress," and this should be made clear.

[13] 18 U.S.C. § 1341 (1964). E.g., *United States* v. *Armantrout,* 411 F.2d 60 (2d Cir. 1969); *United States* v. *Zovluck,* 274 F. Supp. 385 (S.D.N.Y. 1967), *aff'd w/o opinion* (2d Cir. Apr. 7, 1969).

The Study Draft of a new Federal Criminal Code, prepared by the National Commission on Reform of Federal Criminal Laws, provides for the court to direct the prosecution to initiate a proceeding to determine individual rights to restitution in cases of offenses by corporations and partnerships (proposed Code Section 405(1)(b). However, this would not apply to the individual proprietors, as in the *Zovluck* case, and also is combined with a proposal in the Study Draft to abolish the mail fraud statute completely and replace it by a theft provision (Section 1732) and to impose new restrictive definitions. These changes would severely limit the availability of Federal criminal prosecutions showing consumer fraud and we disapprove them.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 984

A bill to authorize classes of persons injured by unfair consumer practices unlawful under the Federal Trade Commission Act to seek relief

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as the "Consumer Class Action Act of 1971".

DEFINITIONS

Sec. 101. As used in this Act—

(1) "unfair consumer practice" means any of the following acts or practices—

(A) offering goods or services intending not to sell them as offered;

(B) advertising goods or services intending not to supply reasonably expectable public demand, unless the advertisement discloses a limitation;

(C) knowingly making false or misleading statements concerning the need for, or necessity of, any goods, services, replacements, or repairs;

(D) representing that the consumer will obtain any rights, privileges, or remedies knowing that the consumer will not;

(E) representing that goods are new knowing that they are not;

(F) representing that goods are of a particular standard, grade, quality, style, or model knowing they are not;

(G) knowingly making false or misleading statements concerning (i) the reason for, existence of, or amounts of price reductions, or (ii) savings in comparison to prices of competitors or one's own price;

(H) representing that goods or services are those of another, knowing they are not;

(I) failing to return or refund deposits or advance payments for goods not delivered or services not rendered when no default or further obligation of persons making such deposits or advance payments exists;

(J) knowingly representing that goods or services have sponsorship approval, origin, characteristics of safety or performance, ingredients, uses, benefits, or quantities that they do not have, or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have, except that the conduct described in this paragraph (J) shall not be an unfair consumer practice if the supplier shows that an affirmation merely of the value of the goods or services, or a statement of his opinion of the goods or services, or similar statements, did not take unfair advantage of the level of knowledge, ability, experience, or capacity of the consumer;

(K) taking consideration for goods or services intending not to deliver such goods or perform such services, or intending to deliver goods or provide services materially different from those ordered or sold;

(L) knowingly making false or misleading statements concerning the profitability, risk, or any other material aspect of any home-operated business opportunity or venture;

(M) offering gifts, prizes, free items, or other gratuities, intending not to provide them as offered in connection with a sale of goods or services to a consumer;

(N) knowingly making false or misleading statements concerning the existence, terms, or discount offered as an inducement for the sale of goods or services to a consumer in return for giving the supplier the names of prospective consumers or otherwise helping the offeror to enter into any other consumer transaction;

(O) using physical force, threat of physical force, undue harassment, or coercion in dealing with consumers; and

(P) any other act or practice which is unfair or deceptive to a consumer and is prohibited by section 5(a)(1) of the Federal Trade Commission Act (15 USC 45 (a)(1)).

(2) "knowing" "knowingly" and "knowledge" mean actual knowledge, knowledge presumed where objective circumstances indicate that the supplier acted with knowledge, or knowledge presumed where circumstances indicate that the supplier acted in disregard of reasonable safeguards or care in ascertaining the truth of representations made;

(3) "consumer" means any natural person who is offered or supplied goods or services for personal, family, or household purposes;

(4) "supplier" means any person who makes goods or services available to consumers, either directly or indirectly;

(5) "goods" includes real property, but does not include securities, or interests in securities or aircraft to the extent regulated in design or construction;

(6) "services" includes insurance services and similar provisions of intangibles, but not the providing of credit to the extent that credit is regulated under the Truth in Lending Act (15 U.S.C. 1601, *et seq.*), or the adequacy of service of common carriers to the extent regulated; and

(7) "statement" means any representation in advertising, any oral or visual presentation, or any other conduct intended to communicate to consumers.

SUITS BY CONSUMERS ADVERSELY AFFECTED

Sec. 102. (a) When a supplier in any proceeding brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act with respect to acts or practices alleged to be unfair consumer practices within the meaning of section 101 of this Act, has been ordered to cease and desist from that act or practice, and the order shall have become final within the meaning of section 5, either after adjudication or by consent decree, any consumer claiming to have been adversely affected by the act or practice giving rise to such order may bring a civil action against such supplier.

(b)(1) Notwithstanding subsection (a), a consumer who has been injured by an unfair consumer practice may sue as a representative party on behalf of all for redress of such injury ninety days after the date on which the Federal Trade Commission has been notified of such practice if such action may be maintained as a class action under the Federal Rules of Civil Procedure, except that no consumer shall be a member of such class unless he shall have paid or become obligated to pay an amount greater than $10 in any transaction as a result of such practice.

(2) Any action under this subsection may be brought in the district courts of the United States and shall be governed by the Federal Rules of Civil Procedure.

(c) Actions pursuant to this section for redress of consumer injury shall be administered, so far as practicable, to facilitate voluntary settlements. The court shall have authority in a representative action, upon the tender of a reasonable settlement offer by the supplier to the entire class, to supervise the submission of such settlement offer to the class. The court may take reasonable steps to insure that the consumers in the class are afforded the opportunity to exercise an individual choice with respect to accepting or rejecting any settlement offer. The court shall insure that equal space for the presentation of views as to the merits of the offer shall be tendered to members of the class and suppliers in the notice of the offer to the members of the class. The cost of communicating the offer, or subsequent offers, tendered under the provisions of this section, to the members of the class shall be borne by the defendants. Such settlement offer shall be completed as expeditiously as possible.

(d) Whenever a consumer shall prevail in an action brought pursuant to this section, he shall be allowed to recover in addition to damages the costs of suit, including attorneys' fees. Such costs may be awarded from money damages which the defendant owes to members of the class who cannot be located with due diligence. Upon termination of a class action under this section, whether by judgment, settlement or compromise, the court shall inquire into the reasonableness of attorneys' fees charged and revise such fees where necessary to assure a reasonable relationship, taking into consideration the contingency of compensation, between such fees and the actual time spent by attorneys in preparation and prosecution of the action. If the court determines that any class action brought pursuant to this section has been brought frivolously, with knowledge that the claim lacks probable cause and with intent to harass or intimidate the defendant, the court may in its discretion award the defendant the cost of defending the suit, including a reasonable attorney's fee.

(e) An action to enforce any claim under this section shall be forever barred unless commenced within three years after the claim arose.

FEDERAL TRADE COMMISSION ORDER AS EVIDENCE

Sec. 103. Any order entered by the Federal Trade Commission in any proceeding brought by the Commission under section 5 of the Federal Trade Commission Act enjoining any supplier from engaging in acts or practices declared to be an unfair consumer practice having become final within the meaning of section 5, shall be prima facie evidence against that supplier in any action or proceeding brought by any other person against the supplier under section 206 of this title, as to all matters with respect to which such order would be an estoppel between the supplier and the Federal Trade Commission. This subsection shall apply only to orders based upon a preponderance of the evidence entered after an evidentiary hearing, and not to consent orders.

VENUE

Sec. 104. An action under this title may be brought in any district in which the claim arose or in which the defendant resides, is found, has an agent, is licensed to do business, or is doing business.

OTHER LAWS NOT AFFECTED

Sec. 105. This title shall not annul, alter, or affect in any manner the meaning, scope, or applicability of any Federal or State law, including but not limited to laws concerning the provision of goods and services to consumers, or limit in any way the availability of rights or remedies under Federal or State law.

Mr. HART. Mr. President, the Consumer Class Action Act of 1971 introduced today by Senator MAGNUSON represents one of the two essential elements of a comprehensive, effective program to protect the American consumer: First, the right of private citizens to sue directly for redress when they are defrauded; and second, a strong and independent consumer protection agency. Both are urgently needed; each would complement the other. At their national convention last month, the Consumer Federation of America placed both at the top of the legislative agenda for the 92d Congress.

Mr. President, everyone is for consumer protection. It will be as surprising to hear anyone in this body oppose the concept of protecting consumers from improper practices as it will be to hear opposition expressed against safety, health, or law enforcement. But fervent declarations are no longer enough. The consumer groups of America are aroused, organized, and educated. They are aware that seemingly small differences between alternative consumer legislation can make all the difference in the world between a truly effective consumer protection measure and one which promises much, but is in fact itself a fraud upon those consumers who look to Congress for help. That is why consumer representatives spoke out so strongly last year in favor of the class action proposal in this bill and opposed the so-called trigger requirement in the administration's consumer legislation. By barring private class actions until successful Government litigation, such a trigger would limit consumers' ability to defend themselves to a small fraction of their legitimate complaints.

We need no further studies, appointed commissions or institutes to examine the need for consumer class action legislation. This measure underwent almost 3 weeks of hearing and over 2 months of executive session consideration last year. This consumer class action provision was approved by the Commerce Committee by a vote of 17 to 2. Then, because opponents expressed concern that it would "open the floodgates" and clog the courts or permit harrassment of honest business, further hearings were held by the full Judiciary Committee.

At those hearings, all the basic objections to this bill—which I am sure we will hear again—were thoroughly explored and dispatched. On October 6 of last year, several of us in the Judiciary Committee circulated a memorandum to our colleagues which analyzed the need for a strong class action measure and the major objections raised against it. We also explained why other suggested alternatives such as small claims courts and State court class suits were inadequate. I ask unanimous consent that the covering letter from the junior Senator from Indiana (Mr. Bayh) the senior Senator from Massachusetts (Mr. Kennedy), the former Senator from Maryland, Mr. Tydings, and myself along with the portions of that memorandum still pertinent to the Consumer Class Action Act of 1971 be printed in the Record at the conclusion of my remarks. I also request consent to have printed at that point the resolution recently passed by the Consumer Federation of America.

As my colleagues and I concluded in our memorandum:

> There is an urgent need to restore the consumers' faith in our legal system. This bill would do so, without overburdening the courts or harrassing businessmen.

Mr. President, let those who are worried about our overburdened Federal courts support measures to remove huge caseloads which no longer belong there—such as auto accident litigation—but let us not shut the door in the face of individual consumers who have no other adequate means of redress. Let us not tell the American taxpayer that the Federal courts they support are unavailable to him even though he has suffered injustice. We have heard no opponents of this measure suggest that private commercial litigation between wealthy corporations be removed from our "overloaded" courts. Only the little man who pays the overhead is told "no vacancy."

Let those concerned with restoring private initiative and individual responsibility—those concerned about overreliance on big government—support this measure which allows the consumer to resort to the American tradition of self-help through private action.

And above all, Mr. President, let those who urge critics of our Government procedures to work within the system and go into the courts, instead of the streets, make sure that the system works and that the courts are available.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., October 6, 1970.

Dear Colleague: This week floor action is scheduled on S. 3201, the Consumer Protection Act of 1970.

We support S. 3201, as amended and reported by the Commerce Committee, 17–2, after several months of hearings and executive deliberations.

Following the report of S. 3201 by the Commerce Committee, the bill was referred to the Judiciary Committee for consideration of the class action provisions and their impact on the federal court system.

No formal action was taken by the Committee on the Judiciary and, therefore, the bill has been reported back to the Senate without any recommendation from that Committee. No formal report of the Judiciary Committee will be issued.

Nonetheless, as members of the Judiciary mony heard before our committee may be a matter of discussion and interest during floor consideration of S. 3201 by your colleagues.

Accordingly, we have prepared the attached memorandum of our views in support of the bill. Most important, however, is the balanced nature of this legislation. In addition to providing new remedies for consumers, it also provides greater safeguards against harassment of honest businessmen than exist in any other type of class action litigation.

Sincerely,

Birch Bayh,
Philip A. Hart,
Edward M. Kennedy,
Joseph D. Tydings.

Analysis of Judiciary Committee Consideration of the Consumer Protection Act of 1970

We support S. 3201 as amended by the Commerce Committee because it is a true consumer protection measure. Under this bill most consumers who are defrauded will have a remedy—they will be able to receive compensation for their damages. This is the essential difference between this bill and all the alternatives which have been suggested, regardless of the rationales which may have been offered for those alternatives. Only under this bill will fraudulent businessmen be forced to repay *all* their ill-gotten gains, not merely a few minor payments in a small number of cases.

The Commerce Committee bill allows consumers to band together to bring class actions in federal court, thereby eliminating procedural barriers that presently prevent defrauded consumers from obtaining a remedy unless their individual damages are quite large.

Basically, the bill allows the consumer to help himself in the traditional American manner—with a private lawsuit in court. But the bill does more than provide this remedy. It also provides defendants in any private action brought under this bill greater protection against harassing strike suits than those enjoyed by defendants in any other type of class action. We believe that any fair-minded analysis of this bill will reveal that this is balanced legislation—fair both to consumers and to businessmen.

There is an urgent need to restore the consumer's faith in our legal system. This bill would do so, without overburdening the courts or harassing businessmen. Nonetheless, additional amendments will be recommended which would significantly weaken the bill and would deny most consumers a remedy.

I. HISTORY OF THE COMMERCE COMMITTEE AMENDMENT TO S. 3201

This bill is certainly not a hastily drafted piece of legislation. It was reported favorably by an overwhelming majority of the Commerce Committee after eight days of hearings and over two and one half months of executive sessions. Prior to that time, the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery had conducted two days of hearings on consumer class actions. During the Judiciary Committee hearings, Senator Ervin commented that he was impressed by the Commerce Committee's efforts in drafting this bill.

Two other aspects of the history of this bill are worth noting. First, the Administration switched its position relating to the private class action sections of the bill. Initially, Virginia Knauer, the President's adviser for consumer affairs, testified in favor of the original class action bill, S. 1980, and strongly endorsed the concept of private lawsuits as the best solution to consumer fraud:

> We believe that the private Bar is the sleeping giant of the consumer protection field; that *no governmental agency could do the job of aiding consumers as well as an aroused bar properly motivated.* Given proper motivation, we are convinced that thousands of private attorneys will answer the call in their new role of representing consumers.
>
> That is why we wholeheartedly support the principle of consumer class actions set out in this proposed bill. (Emphasis added)

Now the Administration opposes private class actions unless the Federal Trade Commission or Justice Department has already successfully sued the defendant—the so-called "trigger" requirement.

The plain fact is that such a "trigger" requirement would deny protection to millions of defrauded consumers, for the small staffs and limited resources of the Federal agencies will not permit them to pursue more than a tiny fraction of the legitimate consumer complaints. During the Judiciary Committee hearings, Richard W. McLaren, an Assistant Attorney General and the Administration's spokesman on this issue, admitted that many consumers, those not protected by the federal agencies, would be left totally remediless because of the inadequacy of present State class action procedures. That is the heart of the issue and that is why we regret the Administration's retreat on this point.

Second, a great furor has been raised concerning the burden which this bill allegedly would place on the federal courts. As discussed below, we feel that the bill would not have such an effect. Nonetheless, it is worth noting a compromise offered by supporters of the bill during Commerce Committee consideration, a compromise which would have met any serious objection on this ground. The supporters of the bill offered to limit the number of class action cases coming to federal courts by including a minimum *aggregate* federal jurisdictional amount, to assure that only class actions of very substantial scope would be in federal court. However, to assure that all consumers would have a remedy, the supporters insisted upon a corollary provision providing adequate procedures for consumers to bring smaller class actions in State courts. The compromise was rejected by opponents of the bill.

II. NEED FOR THE COMMERCE COMMITTEE AMENDMENT TO S. 3201

The extensive hearings before the Commerce and Judiciary Committees clearly established the threefold bases for this legislation: millions of defrauded consumers; the present inadequacy of either State or Federal law to afford them a meaningful legal remedy; and the inability of Federal agencies to take effective action on their behalf.

The need for a class action remedy can be briefly illustrated by examining an instance of the type of fraud to which this bill is directed.

Our hypothetical case involves a product (the Device), made by many manufacturers and sold under a variety of names. Taking advantage of our nation's weight consciousness, the companies producing the Device claim that it removes unneeded pounds, reduces the waistline, and returns one's muscle tone to that of his youth. Battery powered or plug-in, it operates by sending shocks through the body, causing muscles to contract. In the twenty years the Device has been on the market, over 400,000 units have been sold at between $100 and $400 apiece.

Not only does the Device not perform the weight-reducing miracles claimed, it also proves to be dangerous. The Device might activate dormant cancer cells or aggravate existing medical conditions, as epilepsy, hernia, ulcers, or varicose veins.

Only limited governmental action is possible under existing law. The Food and Drug Administration might be able to obtain an injunction prohibiting future sales, and the Federal Trade Commission could issue a cease and desist order preventing further fraudulent advertising of the Device's weight-reducing capabilities. But what about the 400,000 persons who were bilked out of $100–$400 apiece? And what about the profits these companies have obtained as a result of fraud—profits which will encourage them and others to exploit the public in new ventures? As we will show below, the defrauded consumers are out of luck and company executives laugh at our legal system all the way to the bank.

This, of course, is just one hypothetical example of the massive amount of fraud perpetrated upon American consumers every year. Of $750 billion dollars spent by American consumers last year, it has been responsibly estimated that about $200 billion was paid for little or no value. Most of the unjust enrichment resulting from this deception and fraud has occurred in small chunks—taking consumers for $10, $50, $100, or $400 at a time. By and large our judicial system has effectively condoned this type of theft and unjust enrichment by its failure to provide an effective remedy.

Why is there no remedy for this type of clear consumer fraud at the present time? State law prohibits deceptive practices in most jurisdictions, but the consumer cannot hire an attorney for less than $500 or $600 for a law suit to regain the $100 or $400 he has lost. Therefore, practically speaking, he cannot afford to sue as an individual unless he wishes to sue strictly as a matter of principle. If he is poor enough to be eligible for Legal Aid, the consumer might be able to find a lawyer to take his case without fee. But Legal Aid is available only to the very poor, and Legal Aid offices do not have enough resources or manpower to represent more than a few of even the very poor defrauded consumers. In any event, most families, though hardly wealthy, do not qualify for such assistance. They are left totally without a remedy. The substantive right to sue a fraudulent businessman, without the provision of practical access to the courts, is a hollow remedy indeed.

The only adequate answer to the problem created by the expense of attorney's fees and other costs of litigation relative to the amount of damages suffered by any one individual consumer, is to allow consumers to band together and sue as a class, spreading the cost among many, so that these costs do not totally eliminate recovery by the individual.

The other vital reason for class actions is their deterrent value. Two hundred billion dollars of fraud per year cannot be allowed to continue. The best deterrent to fraudulent practices is to make the businessman repay *all* his illegally obtained gains in a class action brought on behalf of all consumers cheated by a particular deceptive practice. If only individual remedies are available, the fraudulent businessman has little incentive to stop his theft, for even if he loses a few cases, he will end up well ahead financially. But if he faces the prospect of losing all his profits from the fraud, he will think twice before continuing it. Equally important, if he takes a chance and is successfully sued, the point will not be lost upon others utilizing the same or similar practices.

A. Inadequacy of State class action procedures

But only 19 states allow modern class action procedures, and the adequacy of even these procedural devices varies widely in consumer fraud cases. *Thus consumers in the vast majority of states have no class action procedural remedy, and, therefore, no effective remedy at all.*

The National Conference of Commissioners on Uniform State Laws has recently proposed the Uniform Consumer Sales Practices Act for adoption in all the States. That Act parallels the Commerce Committee amendment to S. 3201 in most significant aspects and does provide a class action procedure for consumers. However, it will undoubtedly require a long time for this Uniform Act to be passed in all the States. Approximately fifteen years were required to secure passage of the Uniform Commercial Code in forty-nine states, and if the business opposition to class actions generated by this bill is any indication of what will be brought to bear on state legislatures considering the Uniform Act, a repeat of that fifteen year delay is a conservative estimate.

More importantly, even if every state eventually provides a class action remedy, there still will be no adequate or efficient remedy for dealing with national fraud. A federal remedy is obviously necessary in such cases, for one national class action is more efficient than fifty state class actions. Consolidation into one case is possible only in the Federal court system. Also, one national class action assures uniformity in the Rule of Law, rather than conflicting decisions by state courts in different jurisdictions.

B. Inadequacy of present Federal remedies

Thus a Federal consumer class action remedy is necessary, but none now exists. Rule 23 of the Federal Rules of Civil Procedure allows class action procedures to be used in federal courts, but does not confer subject matter jurisdiction. One must get into Federal court on some other basis before invoking Rule 23. Since Federal statutes do authorize antitrust, civil rights, and stockholder derivative actions without regard to the amount in controversey, plaintiffs in such suits can utilize the provisions of Rule 23. But at present there is no federal fraud law clearly creating a private cause of action in the federal courts.[1] And if the plaintiffs rely upon diversity jurisdiction and look to state fraud law, they face the severe obstacle of the recent Supreme Court decision in *Snyder v. Harris*, 394 U.S. 332 (1969). *Snyder* held that the $10,000 jurisdictional requirement in diversity cases must be met by one plaintiff's claim, not the aggregate of the claims of the class. Thus there is no Federal court remedy available to the defrauded consumers in the typical case, even though individually they may have lost hundreds of dollars, and as a class, millions of dollars.

Nor are Federal agencies of particular assistance to this defrauded consumer. In the type of situation outlined in our hypothetical example above, the Justice Department has no power at the present time, and the Federal Trade Commission has power only to obtain a cease and desist order preventing future sales of the Device under the deceptive advertising. It cannot provide a remedy to someone who has already been defrauded. The power to issue cease and desist orders is hardly an effective deterrent, for why should businessmen stop defrauding consumers if the only result of being caught is that they are ordered to stop? Moreover, as discussed above, increasing the enforcement powers of these understaffed agencies without also permitting consumers to bring class actions on their own will leave the overwhelming majority of consumer fraud uncontrolled.

The result of the failure of the American legal system to provide an effective remedy to our hypothetical consumers and millions of others like them, either at the State or Federal level, is that fraudulent businessmen become richer and richer, *as a result of their fraud.*

During the Judiciary Committee hearings, several witnesses noted another cost to society from our failure to provide a remedy in this situation—the loss of respect for our courts and legal system as a whole. As Ralph Nader emphasized, at a time when we in Washington are telling the young to "work within the system" to solve their grievances, it would be irresponsible to deny consumers the procedural remedy they need to do just that. As Nader also noted, when *substantive* rights are denied, that is bad enough; but when special interests are allowed to block *procedural* rights of people (access to the courts), the situation is much worse.

III. THE COMMERCE COMMITTEE AMENDMENT TO S. 3201 PROVIDES AN EFFICIENT REMEDY TO CONSUMERS AND AN EFFECTIVE DETERRENT TO FRAUD

This bill creates a federal fraud cause of action and allows consumers to bring class actions in Federal court. All defrauded consumers have a remedy. The creation of a private cause of action follows the American tradition of self help as the preferable way to solve such problems, not reliance upon a centralized Federal bureaucracy. Ironically, many of the special interests who oppose this bill because of this class action provision are the same ones who also perennially oppose centralized government regulation of business. What is their real concern?

The bill also *deters* fraud in the traditional American way—make it unprofitable.

The single class action in federal court is also the most efficient manner of dealing with massive fraud—one set of pleadings, one round of discovery, one motion to dismiss. It also avoids inconsistent decisions in several states and equalizes the power between plaintiff and defendant. If there are 50 different State actions, the defendant need hire only one expert witness, for instance, and the expert's findings can be used in all 50 lawsuits. The plaintiffs in various states would each be forced to hire their own expert. But in a single Federal class action, the plaintiffs would also have to hire only one expert.

IV. OPPOSITION: OVERBURDENING THE FEDERAL COURTS

The primary objection to this bill, which provides the only effective remedy for defrauded consumers, is that it will overburden the Federal courts. In the first place, the deterrent effect of such legislation cannot be ignored. A few successful class actions on behalf of all consumers injured by a particular deceptive practice, forcing the defendant to disgorge his ill-gotten gains, will soon reduce the number of adjudications under this bill, because fraud will no longer pay.

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[1] There are several cases now pending in which the plaintiffs assert that there presently exists a private cause of action without regard to the amount in controversy under Section 5 of the Federal Trade Commission Act. We express no opinion on the validity of this assertion. However, it should be noted that if these lawsuits succeed, class actions by consumers to obtain damages from fraudulent businessmen will be wide open. On the other hand, under this bill class actions will be limited to situations in which the consumer has damages which exceed $10.

Secondly, while no one knows how many actions will be brought if this bill becomes law, prior experience with class actions. That rule was significantly liberalized in the 1960's, and yet there has been no flooding of the Federal courts as a result.

Class actions are routinely used in shareholder derivative suits, in antitrust actions, and in civil rights cases. There has been no resulting burden on the courts. The courts in Arizona, Massachusetts, Minnesota, Montana, Washington, and the District of Columbia, the only other jurisdictions where class actions as contemplated in this bill are possible, have suffered no ill effects.

This prior experience, which is certainly a better indicator than dire predictions, suggests that there will not be a flood of litigation. This is true because class actions can be brought only in limited circumstances and with the close supervision of the courts.

At the present time the Federal Rules of Civil Procedure and federal case law provide a district court judge with wide latitude in controlling class suits. These precedents and procedures exist, and are presently being used, to prevent the waste of court time or of defendant's money in specious actions, or ongoing suits.

Getting Into Court. In order to bring an action as a class suit, a stringent set of conditions must be fulfilled. Rule 23(a) requires that:

1. Permissive joinder must be impractical;
2. A common question of law or fact must exist;
3. The defense must be reasonably similar to all the members of the class; and
4. The plaintiff must be a member of the class and must adequately represent all members of the class.

Rule 23(b)(3), under which consumer class actions would be brought, further requires that:

1. The common question of law or fact must *predominate* over the other issues; and
2. The class action approach must be *superior*—in terms of judicial efficiency—to all other types of proceedings.

The plaintiff has the burden of proof in all these requirements, and mere allegations of these prerequisites in the pleadings is insufficient to establish a class suit. We repeat, in every case *the plaintiff must satisfy the court that a true class action does exist and that it is the most efficient manner of proceeding.* Rule 23 thus establishes a judicial "trigger," as opposed to the executive, bureaucratic "trigger" favored by the Administration.

Judicial Control. Rule 23 not only filters out improper class suits. It also grants a Federal judge broad powers to control a class action, insuring that it does not delay the suit, cause unnecessary cost, or otherwise harm the interests of the court or defendant. The court can consolidate or stay other suits, impose appropriate conditions upon the plaintiff before accepting a class suit, and appoint a general counsel to represent the class [Rule 23(d)(3)].

The court is granted the specific power to change the conditions of the class suit if that is required. And the court is supposed to make an early determination to see if the suit will be manageable—if it appears unmanageable, the class suit must be rejected [Rule 23(c)(1)].

And the courts are already using this provision to protect themselves. During the Judiciary Committee hearings, an antitrust case based upon price-fixing by bread manufacturers in the Philadelphia area was discussed. There a class action was brought by one person on behalf of over one million consumers who had purchased bread. When no other consumers expressed an interest in the lawsuit, the judge dismissed it as unmanageable. On the other hand, in the antibiotics antitrust class action, many consumers expressed an interest in the suit and were represented to a great extent by State Attorneys General and city Corporation Counsel. There the court determined that the suit was manageable, and a settlement was arranged on behalf of all consumers in the United States who had purchased antibiotics within a certain period. There were vast numbers of plaintiffs in both cases, but the courts were able to determine that one was manageable and one not.

The effectiveness of Rule 23 in controlling the number of class actions which may be brought was cited by Mr. Milton Handler, who testified against the bill. In his Commerce Committee testimony Handler stated:

> [O]ne may well question the wisdom of encouraging class actions as is done by S. 3092 [an earlier version of the class action section of this bill] in contrast to *Rule 23, which by its stringent controls discourages their institution save in those special situations where they would be appropriate* (Emphasis added.)

Use of Masters. When particular aspects of a trial, because of their complexity or magnitude, become burdensome on the court, the judge has the power to appoint a master. The master then collects the necessary data for the court. This technique of saving the court's time, as provided for by Rule 53, is used in copyright, antitrust, bankruptcy, and shareholder derivative suits.

The judge, upon motion of the parties or by himself, appoints a master. The court defines the master's task and limits his authority. The master can be used for questions concerning the merits or procedure. A master can require the production of evidence and rule on the admissability of evidence.

The costs of a master are set and assessed by the court. The judge can assess the losing party, divide costs, or require a party who unnecessarily demanded a master to pay.

Masters have been employed in fraud cases to take evidence, measure profits, or ascertain damages. Masters are used to relieve courts of the burdens of class actions if certain issues involve detailed investigation—such as finding the size of the class or assessing individual damages.

A. Complexity of class action litigation

Of course complex class actions under this bill will take some time to complete. That is natural—any complex litigation is protracted. But the time spent by one court in one national class action will be less than the total time required for hundreds or thousands of individual actions to be processed.

Moreover, even if this is complex litigation, why should we discriminate against these cases, which are complex because of numbers of plaintiffs rather than because of the subject matter? If it takes three or four years to process a $100 million antitrust suit, why are some so upset at the thought that a court might spend three or four years on a $100 million consumer class action?

Class actions under this bill would not be so large or complex as to be unmanageable. Judge Alfred P. Murrah, Chairman of the Judicial Panel on Multidistrict Litigation, clearly stated before the Judiciary Committee that our Federal district judges have the expertise to manage these cases, and the attorneys who handle this type of litigation agreed.

We should also note that this litigation would be no different from any other class action suit under Rule 23, and that the courts have been able to manage these without any substantial difficulty. Much of the criticism of this bill is directed at the general procedure authorized by Rule 23. Rule 23 was drafted by the Advisory Committee on Civil Rules, which is chaired by Dean Acheson. The reporter of the committee is Benjamin Kaplan, Professor of Law at Harvard and author of a leading casebook on civil procedure. The Rule was then submitted to the 50 State Committees on Civil Procedure for their comments and criticisms and some changes were made. The proposed Rule 23 then went to the Standing Committee on Rules of Practice and Procedure, chaired by Judge Albert Marris, the senior Circuit Judge of the Third Circuit. After passage it was approved by the Judicial Conference of the United States, by the United States Supreme Court, and by Congress.

This process involved three years of detailed consideration by judges and distinguished attorneys. The Rule was designed to meet a need for efficient judicial handling of grievances affecting vast numbers of people. Before the United States Senate gives much credence to criticism of this bill which is in essence a criticism of Rule 23, we believe that this history of the promulgation of that Rule should be carefully considered.

Moreover, lest the impression be given that the complexity of these cases ties up even one judge's time for a few years, we should note that the district judge handling the antibiotics antitrust case, probably the largest class action ever processed by a Federal court, carried his normal judicial caseload during the entire pendency of that action.

Attorneys who practice regularly in the field of class actions explained to the Judiciary Committee how these lawsuits really proceed. They pointed out that the specter of a defendant demanding individual trials or individual jury trials on proof of damages for every individual plaintiff is an unreal "straw man", for 95% of these actions will be settled. Moreover, often consumers will be represented by States or cities suing in their behalf, as occurred in the antibiotics antitrust case. But most importantly, once the issue of liability has been decided—i.e. that the defendant has engaged in an unfair or deceptive practice—no defendant is going to insist on individual damage determinations because he would bear the expense, including attorney's fees, of those trials which he lost. Once liability is determined, it is obviously cheaper for all concerned to estimate damages, using one of several devices that courts have successfully employed in antitrust damage actions by consumers, as the use of a master to ascertain damages, depositions, affidavits, etc.

But beyond the controls afforded by Rule 23, there is a far more fundamental solution to any increased court caseload which does occur—Congress should increase the manpower and resources of the Federal court system. We certainly can afford any expansion necessary to assure justice to the American consumer. As Chief Justice Warren E. Burger noted in his recent speech to the American Bar Association, the present cost of the Federal Judicial System is $128 million, while one C–5A airplane costs $200 million. The alternative to expansion of the courts is the denial of a remedy to millions of consumers, and resulting disrespect for the courts and our legal system. We are not prepared to tell the American people that we must save the Federal courts, which their taxes support, for suits brought by larger corporations.

V. OBJECTION—HARASSMENT OF HONEST BUSINESSMEN

The second objection to the Commerce Committee amendment to S. 3201 is that it is unfair to businessmen—that it subjects them to harassment, strike suits and frivolous claims. The history of the promulgation of Rule 23 indicates the contrary. The distinguished judges and attorneys who participated in that process certainly did not write a Rule to allow the harassment of businessmen. Cases under this bill would be no different from class action antitrust cases or stockholder derivative suits, for instance, in terms of the protections provided by Rule 23 against harassment. In fact, this bill gives the defendant additional protections which he does not enjoy in other types of actions.

Rule 23 was designed to give the court power to filter out the burden and expense of frivolous or strike suits. The judge can limit the scope of the class action and impose conditions for its use. He can demand evidence of the existence of a class early in proceedings. A class action under fraud requires that there be no material variations in the misrepresentations involved. Thus diverse complaints cannot be amalgamated to create a class.

Frivolous actions brought without a chance of success can be weeded out before expensive proceedings occur. Before accepting a class suit, because of its importance to any defendant, a judge can require that the plaintiff show "a substantial possibility that he will prevail on the merits." *Dolgow v. Anderson*, 43 FRD 474 (E.D.N.Y. 1968). Any defendant can thus immediately smoke out strike suits at a pre-trial hearing.

Finally strike suits and ambulance chasing are unlikely because the court considers the reasonableness of the plaintiff's attorney's fees under this bill—both in regard to the work he does and the likelihood of recovery at the initiation of the suit. Secondly, the court has control over any settlement agreement, to protect the members of the class (Rule 23(c)).

SUMMARY

In summary, we support S. 3201, as amended, because it is a balanced piece of legislation. For the consumer, it provides added enforcement powers to Federal agencies charged with protection of consumers, and it gives consumers the only effective self-help remedy, the private class action in Federal court, for the many cases which Federal agencies will be unable to litigate. For the businessman, it provides protections in addition to those inherent in Rule 23:

1. Consumers who lose less than $10 are excluded from the class action provisions;
2. The Federal Trade Commission or Justice Department is allowed the first chance to sue the defendant under the provision requiring 90 days notice to the FTC prior to the filing of a private class action;
3. Voluntary settlements are provided for under supervision of the courts;
4. Plaintiff's attorney's fees are reviewed by the court and must be reasonable and relate to the actual work performed; and
5. If an action is brought frivolously and with the intent to harass, the court can force the plaintiffs to pay the defendant's legal fees.

There is an urgent need to provide the consumer an effective remedy against fraudulent or deceptive practices. The Commerce Committee amendment to S. 3201 does so, without overburdening the federal courts or encouraging the harassment of honest businessmen.

Unanimously Adopted by Delegates at the Annual Meeting of Consumer Federation of America, January 27, 1971

REPORT OF THE PLATFORM AND RESOLUTIONS COMMITTEE, JANUARY 27, 1971

We reaffirm the detailed platform and policy resolutions adopted at the Third Annual meeting in Madison, Wisconsin in August, 1970. We rely on the judgment of the Board and Executive Committee acting through the executive director to focus effort where we can best achieve results. Recognizing this need for flexibility, we recommend these general priorities for CFA and its affiliates in 1971:

A. Federal level

1. Supporting better remedies for protecting consumer rights, the independent consumer counsel, class actions, and automobile insurance.

2. Working to lower consumer prices by encouraging lower interest rates, comprehensive and more economical delivery of health services, opposition to high tariffs, improving the quality of the environment, and concern for the consumer interest of the elderly in planning for the White House Conference on Aging.

B. State level

Supporting laws against consumer fraud modelled on the uniform act proposed by the Federal Trade Commission and the Boston Law Center; abolishing the doctrine of the holder in due course in consumer credit transactions; imposing fair interest rate ceilings, reforming automobile and homeowners insurance, establishing equities in utility rates, and opposing the Uniform Consumer Credit Code.

C. Local level

Implementing program to involve low income consumers in helping to protect their own rights, such as consumer education, consumer cooperatives, publicity of grievances, and speedy legal redress.

Respectfully submitted,

Mildred Jeferey,
Helen Nelson,
Esther Peterson,
Lee Richardson,
Currin Shields,
Don L. Willner,
Chairman.

By Mr. MAGNUSON (by request):

S. 985. A bill to amend Public Law 91–514. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to amend Public Law 91–514, and ask unanimous consent that the letter of transmittal and the statement of need be printed in the Record together with the text of the bill.

There being no objection, the material and bill were ordered to be printed in the Record, as follows:

The Secretary of Commerce,
Washington, D.C., February 16, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
United States Senate,
Washington, D.C.

Dear Mr. President: Enclosed are four copies of a draft bill:

"To amend P.L. 91–514," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

Maurice H. Stans,
Secretary of Commerce.

Statement of Purpose and Need

Reorganization Plan No. 4 of 1970 transferred from the Secretary of the Interior to the Secretary of Commerce "All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau at Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations." Among these functions which were transferred effective October 3, 1970, were the functions of the Secretary of the Interior under P.L. 88–308, approved May 28, 1964, under which foreign flag vessels are prohibited from engaging in fishing in certain coastal waters.

P.L. 91–514, which had been introduced before Reorganization Plan No. 4 was announced, passed the Congress on October 14. 1970 and was approved by the President on October 27, 1970. P.L. 91–514 in amending the first sentence of Section 3(a) of P.L. 88–308, to add a new clause at the end thereof, restated the existing language of the sentence, including a reference to the Secretary of the Interior as one of the officers empowered to enforce the Act. Since P.L. 91–514 became law after the effective date of Reorganization Plan No. 4, the mention of the Secretary of the Interior in it might be construed as having the unintended effect of retransferring this single isolated function back to him.

The attached bill simply amends the particular sentence to resolve any legal ambiguities by changing the reference to the "Secretary of the Interior" to refer to the "Secretary of Commerce".

S. 985

A bill to amend Public Law 91–514

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled: That section 2 of Public Law 91–514 is amended by striking the words "of the Interior" and inserting in lieu thereof the words "of Commerce".

By Mr. MAGNUSON (for himself and Mr. Moss, Mr. Hart, Mr. Inouye, Mr. Kennedy, Mr. McIntyre, Mr. Pastore, and Mr. Pearson):

S. 986. A bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, on behalf of myself and Senator Moss and Senators Hart, Inouye, Kennedy, McIntyre, Pastore, and Pearson, I introduce for appropriate reference a bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes.

The purpose of this bill is twofold: First, to bring fairness, rationality, and minimum standards to warranty practices; and, second, to sharpen the tools of the Federal Trade Commission so that it can better referee warranty and other business practices which have profound effects upon consumers in the United States.

Title I of the bill sets forth minimum disclosure standards for warranties on consumer products, defines minimum content standards for warranties, and provides meaningful consumer remedies for the breach of any warranty or service contract obligation.

Title II of the legislation improves the Federal Trade Commission's ability to deal with unfair consumer acts and practices "affecting" interstate commerce by providing the Commission with the power to seek preliminary injunctions, to order specific consumer redress, and to secure civil penalties for initial knowing violations of the Trade Commission Act or violations of Commission orders.

For many years, warranties have confused, mislead, and frequently angered consumers. A warranty is a complicated legal document whose full essence lies buried in centuries of legal decisions and complicated State codes of commercial law. Consumer understanding of what a warranty on a particular product means to him may not always coincide with the legal meaning. His warranty may cover a 25-cent part but not the hundred dollar labor charge. Or he might have full coverage on his piano so long as he is willing to pay for shipment to the factory.

For the past several years the Senate Commerce Committee, which I chair, has been exploring the consumer headaches related to warranty practices. The committee has received a never-ending flood of complaints from consumers throughout the United States—complaints on automobiles, televisions, washers, dryers, and other basic consumer products. In the 91st Congress the committee held extensive hearings and formulated a comprehensive Consumer Products Warranty Act designed to meet certain fundamental needs. Title I of the bill that Senator Moss and I introduce here today is substantially the same as the warranty bill which the Senate Commerce Committee reported and the Senate passed in 1970.

Let me review for you the four basic needs which the warranty provisions of this bill are designed to meet. In the first place, the bill is designed to promote consumer understanding. Far too frequently, suppliers of consumer products fail to communicate to the consumer what, in fact they are offering him in that small piece of paper proudly labeled "warranty." The consumer really does not comprehend what to expect from the warranty offered. Whom should he notify if his product stops working during the warranty period? What are his responsibilities after notification? How soon can he expect a fair replacement? Will repair or replacement cost him anything? There is a great need to generate consumer understanding by clearly and conspicuously disclosing the terms and conditions of the warranty and by telling the consumer what to do if his guaranteed product becomes defective or malfunctions.

There is also a need to insure consumers certain basic protection when they purchase consumer products which have written warranties. Normally when goods are sold, the law provides that certain warranties by implication accompany the sale of these goods. For example, the law implies a warranty of fitness for ordinary use or, where the seller knows that the goods are to be used by the buyer for a particular purpose, the law implies a warranty of fitness for a particular purpose. The law allows the seller to disclaim his implied warranties only by using such words as "as is" or "without fault" or by disclaiming the implied warranties when issuing an express warranty. These rules do no injustice to commercial buyers who are sophisticated in the ways of the marketplace and can judge the import of the express warranty and the implication of the disclaimer of the implied warranty. Unfortunately, the ordinary purchaser of consumer products does not know the meaning of words in an express warranty which state, for example, "this warranty is in lieu of any other express warranties or the implied warranties of merchantability or fitness." In this situation a consumer's rights may, without his knowledge, well be limited rather than expanded when a supplier of consumer products gives him a piece of paper with a bold claim of warranty written across the top. Therefore, there is a need to prohibit the disclaimer of implied warranties when a supplier of consumer products guaranties his products in writing.

In the marketplace today many warranties which promote consumer understanding and honor the implied warranties are, nevertheless, unsatisfactory because the warrantor does not live up to the promises he has made. There is no practical way to enforce these warranties except through the courts—a process which is prohibitively expensive. But economic sanction can be a very effective enforcement tool. If warrantors who did not perform as promised suffered direct economic detriment, they would have strong incentives to perform as promised. Therefore, there is a need to insure warrantor performance by monitarily penalizing the warrantor for nonperformance—and awarding that penalty to the consumer as compensation for his loss. One way to effectively meet this need is to provide reasonable attorney fees and court costs to successful consumer litigants, thus making consumer resort to the courts feasible.

In final analysis, many warranty problems could be cured if products were made sufficiently reliable to last the length of the warranty period if not beyond. Thus, there is a basic need to stimulate the production of more reliable products.

Title I of the bill introduced today contains specific provisions designed to meet each of the needs delineated above. Disclosure and labeling requirements are carefully spelled out. There is a prohibition against the disclaimer of implied warranties. There is a simplified system to enable the consumer to determine which products have full warranties, and, therefore, by economic necessity have been reliably designed. And there are provisions providing realistic remedies for consumers when suppliers fail to live up to their warranty or service contract obligations.

Title II of this bill enhances the Federal Trade Commission's ability to serve as a viable consumer protection agency. At the present time the commission is shedding its image as the "sleeping lady of Pennsylvania Avenue." It is awakening to its consumer protection responsibilities. But at the very time it is attempting to fulfill a vital regulatory function, it finds itself without the proper tools to police the marketplace. This bill would give the Commission the tools it needs.

In the first place, the bill would provide the Commission with the power to blow the whistle at the moment a violation of the Federal Trade Commission Act was detected. By giving the Commission the power to seek a preliminary injunction, the alleged unfair act or practice could immediately be stopped—the referee could whistle the play dead.

The bill would also enable the Commission to levy realistic penalties against those suppliers of consumer goods who commit unfair or deceptive practices. The Commission's own attorney's could seek civil penalties against those who knowingly violated the Federal Trade Commission Act, and these penalties would be meaningful, up to $10,000 per violation.

The legislation would also expressly confirm the existing authority of the Federal Trade Commission to promulgate trade regulation rules, defining specific unfair or deceptive practices, thus enabling businessmen to better understand what was expected of them. Finally, the bill would grant the Commission authority to provide specific remedial relief to consumers injured by suppliers who committed unfair deceptive acts or practices.

Through the provisions of this bill, the Commission would be able to order specific redress for injured consumers; no longer would it have to rely merely upon a slap of the violators wrist to maintain fair play in the marketplace.

It is my hope that the Senate Commerce Committee will give immediate consideration to this legislation and will report it to the floor for expeditious action by the Senate. I am greatly pleased to note that Congressmen DINGELL, MOSS, ECKHARDT, ADAMS, and CONTE are sponsoring a similar bill in the House and that action on this legislative package is anticipated in the very near future. This is very encouraging to me; I think American consumers deserve the kinds of protection afforded in the proposed "Consumer Product Warranties and Federal Trade Commission Improvements Act of 1971."

Mr. President, I ask unanimous consent that the text of the bill as introduced be printed in the RECORD following my remarks.

S. 986

A bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congerss assembled, that this Act may be cited as the "Consumer Product Warranties and Federal Trade Commission Improvements Act of 1971."

TITLE I—CONSUMER PRODUCT WARRANTIES DEFINITIONS

SEC. 101. For the purposes of this Act—

(1) The term "consumer product" means any tangible personal property, normally used for personal, family, or household purposes, including any such property intended to be attached to or installed in any real property without regard to whether it is so

attached or installed. However, the provisions affecting consumer products in sections 102, 103 and 104(d)(2) of this Act apply only to consumer products actually costing more than five dollars ($5).

(2) An "express warranty" is created as follows:

(a) Any affirmation of fact or promise made by a supplier to the purchaser which relates to a consumer product or service and becomes part of the basis of the bargain creates an express warranty that the consumer product or service shall conform to the affirmation or promise.

(b) Any description of a consumer product which is made part of the bargain creates an express warranty that the consumer product shall conform to the description.

(c) Any sample or model which is made part of the basis of the bargain creates an express warranty that the consumer product shall conform to the sample or model.

It is not necessary to the creation of an express warranty that the supplier use formal words such as "warranty" or "guaranty" or that he have a specific intention to make a warranty, but an affirmation merely of the value of the consumer product or service or a statement purporting to be merely the supplier's opinion or commendation of the consumer product or service does not create a warranty.

(3) "Purchaser" means the first buyer at retail of any consumer product or service to whom a warranty is offered or given, and any other person who is entitled by the terms of such warranty to enforce against the warrantor the obligations of the warranty.

(4) "Reasonable and necessary maintenance" consists of those operations which the person guaranteed reasonably can be expected to perform or have performed which are necessary to keep any consumer product operating in a predetermined manner and performing its intended function.

(5) The term "repair" may at the option of the warrantor include replacement with a new, identical, or equivalent consumer product.

(6) The term "replacement" shall include the refunding of the actual purchase price of the consumer product less reasonable depreciation based upon actual use if the warrantor is unable to effect replacement and repair is not possible or cannot be timely made, or if the person guaranteed is willing to accept such refund in lieu of repair or replacement.

(7) "Supplier" means any person (including any partnership, corporation, or association) engaged in the business of making a consumer product available to consumers, either directly or indirectly.

(8) "Warrantor" means any supplier or other third party who gives or offers to give an express warranty (guaranty).

(9) The term "warranty" includes guaranty, and to warrant is to guarantee.

(10) The term "without charge" means that the warrantor(s) cannot assess the person guaranteed for any costs the warrantor or his representatives incur in connection with the required repair or replacement of a warranted consumer product. The term does not mean that the warrantor must necessarily compensate the person guaranteed for incidental expenses. However, if any incidental expenses are incurred because the repair or replacement is not made within a reasonable time or because the warrantor imposed an unreasonable duty upon the person guaranteed as a condition of securing repair or replacement, then the person guaranteed shall be entitled to recover such reasonable incidental expenses in any action against the warrantor.

DISCLOSURE REQUIREMENTS

SEC. 102. (a) In order to improve the adequacy of information available to consumers, prevent deception, and improve competition in the marketing of consumer products, any supplier warranting a consumer product in writing against defect or malfunction shall fully and conspicuously disclose in simple and readily understood language the terms and conditions of said warranty pursuant to any regulations issued by the Federal Trade Commission under procedures specified in subsection (b) of this section. Such regulations may require inclusion in the written warranty of any of the following items among others:

(1) The clear identification of the names and addresses of the warrantors.

(2) Identity of the party or parties to whom the warranty is extended.

(3) The products or parts covered.

(4) A statement of what the warrantor will do in the event of defect or malfunction—at whose expense— and for what period of time.

(5) A statement of what the person guaranteed must do and expenses he must bear.

(6) Exceptions and exclusions from the terms of the warranty.

(7) The step-by-step procedure which the person guaranteed should take in order to obtain performance of any obligation under the warranty, including the identification of any class of persons authorized to perform the obligations set forth in the warranty.

(8) The availability of any informal dispute settlement procedure for any warranty dispute.

(9) A recital that legal remedies are available to any person guaranteed if the warrantor has not complied with the provisions of the warranty.

(10) A recital that any person guaranteed who successfully pursues his legal remedies may recover the reasonable costs incurred, including reasonable attorneys' fees.

(11) The time at which the warrantor will perform his obligations.

(12) The period of time within which, after notice of malfunction or defect, the warrantor will repair, replace, or otherwise perform any obligations under the warranty.

(13) The characteristics or properties of the products, or parts thereof, that are not covered by the warranty.

(14) The elements of the warranty in words or phrases which would not mislead reasonable men as to the nature or scope of the warranty.

(b) The Federal Trade Commission is authorized to determine in accordance with section 553, title 5, United States Code, upon a public record after opportunity for an agency hearing structured so as to proceed as expeditiously as practicable, the manner and form in which information with respect to any written warranty against defect or malfunction of a consumer product or service shall be clearly and conspicuously presented or displayed so as not to mislead the reasonable, average purchaser, when such information is contained in advertising, labeling, point-of-sale material, or other representations in writing. Nothing in this Act shall be deemed to authorize the Commission to prescribe the duration of warranties given or to require that a product or any of its components be warranted.

DESIGNATION OF WARRANTIES

SEC. 103. (a) Any supplier warranting or guaranteeing a consumer product in writing against defect or malfunction shall clearly and conspicuously designate such warranty in the following manner unless exempted from doing so by the Federal Trade Commission pursuant to section 109 of this Act:

(1) If the written warranty incorporates the Federal minimum standards for warranty set forth in section 104 of this Act, then it shall be conspicuously designated a "full (statement of duration)" warranty, guaranty, or word of similar meaning.

(2) If the written warranty does not incorporate the Federal minimum standards for warranty set forth in section 104 of this Act, then it shall be conspicuously designated a "partial" warranty, guaranty, or word of similar meaning.

(b) Statements or representations such as expressions of general policy concerning customer satisfaction which are not subject to any limitations are excluded from sections 102, 103, and 104 of this Act but shall remain subject to the provisions of the Federal Trade Commission Act and requirements in subsection (c) of section 110 of this Act.

FEDERAL MINIMUM STANDARDS FOR WARRANTY

SEC. 104. (a) Any supplier warranting consumer products in writing against defect or malfunction must undertake at a minimum the following duties in order to be deemed to have incorporated the Federal minimum standards for warranty:

The duties—

(1) to repair, or replace if repair is not possible or cannot be timely made, any malfunctioning or defective warranted product;

(2) within a reasonable time; and

(3) without charge.

In fulfilling the above duties the warrantor shall not impose any duty other than notification upon any person guaranteed as a condition of securing repair or replacement of any malfunctioning or defective consumer product unless the warrantor can demonstrate that such a duty is reasonable. In a determination of whether or not any such additional duty or duties are reasonable, the magnitude of the economic burden necessarily imposed upon the warrantor (including costs passed on to the purchaser) shall be weighed against the magnitude of the burdens of inconvenience and expense necessarily imposed upon the person guaranteed.

(b) The above duties extend from the warrantor to the purchaser.

(c) The performance of the duties enumerated in subsection (a) of this section shall not be required of the warrantor if he can show that damage while in the possession of the person guaranteed or unreasonable use (including failure to provide reasonable and necessary maintenance) caused any warranted product to malfunction or become defective.

(d) Disclosure requirements—

(1) When making a warranty in writing against defect or malfunction which incorporates Federal minimum standards, the warrantor shall cause it to be labeled a "full (statement of duration)" warranty, guaranty, or word of similar meaning.

(2) The disclosure requirements and Commission authorization in section 102 of this Act shall apply to any warranty in writing against defect or malfunction of a consumer product which incorporates Federal minimum standards: *Provided, however,* That it shall be mandatory for the warrantor issuing a written warranty in compliance with Federal minimum standards to cause the disclosure of the duration of the warranty period measured either by time or by some relevant measure of usage such as mileage to the purchaser prior to the time of purchase.

FULL AND PARTIAL WARRANTING OF A CONSUMER PRODUCT

SEC. 105. Nothing in this Act shall prohibit the selling of a consumer product which has both full and partial warranties if such warranties are clearly and conspicuously differentiated.

SERVICE CONTRACTS

SEC. 106. Nothing in this Act shall be construed to prevent a supplier from selling a service contract to the purchaser in addition to or in lieu of a warranty if such contract fully and conspicuously discloses in simple and readily understood language the terms and conditions.

DESIGNATION OF REPRESENTATIVES

SEC. 107. Nothing in this Act shall be construed to prevent any warrantor from designating representatives to perform duties under the warranty: *Provided,* That such warrantor equitably compensates such designated representatives, but no such designation shall relieve the warrantor of his direct responsibilities to the person guaranteed or make the representative a cowarrantor.

LIMITATION ON DISCLAIMER OF IMPLIED WARRANTIES

SEC. 108. (a) There shall be no express disclaimer of implied warranties to a purchaser if any express warranty of a consumer product against defect or malfunction is made by a supplier to a purchaser in writing.

(b) For purposes of this Act, implied warranties may be limited in duration to the duration of an express warranty of reasonable duration, if such limitation is conscionable and is set forth in clear and unmistakable language and prominently displayed on the face of the warranty.

FEDERAL TRADE COMMISSION

SEC. 109. In addition to the authority given in sections 102 and 104 of this Act pertaining to disclosure, the Federal Trade Commission is authorized to establish rules pursuant to section 553, title 5, United States Code upon a public record after an opportunity for an agency hearing structured so as to proceed as expeditiously as practicable, to define in detail the duties set forth in subsection (a) of section 104 of this Act and their applicability to warrantors of different categories of consumer products with "full" warranties, and to determine when a warranty in writing against defect or malfunction does not have to be designated either "full (statement of duration)" or "partial" in accordance with section 103 of this Act.

REMEDIES

SEC. 110. (a) Congress hereby declares it to be its policy to encourage warrantors to establish procedures whereby consumer disputes are fairly and expeditiously settled through informal dispute settlement mechanisms. Such informal dispute settlement procedures should be created by suppliers in cooperation with independent and governmental entities and should be supervised by some governmental or other impartial body.

(b) It shall be a violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any person (including any partnership, corporation, or association) subject to the provisions of this Act to fail to comply with any requirement imposed on such person by or pursuant to this Act or to violate any prohibition contained in this Act.

(c)(1) The district courts of the United States shall have jurisdiction to restrain any supplier from making a deceptive warranty with respect to a consumer product or service in an action by the Attorney General or by the Commission by any of its attorneys designated by it for such purpose. The court may, pursuant to the general standards governing the issuance of injunctions in civil actions, at any time grant such injunctive relief as it deems appropriate. Whenever it appears to the court that the ends of justice require that other persons should be parties in the action, the court may cause them to be summoned whether or not they reside in the district in which the court is held, and to that end process may be served in any district.

(2) For the purposes of this subsection, a "deceptive warranty" means: (i) a guaranty or warranty that contains an affirmation, promise, description, or representation that is either false or fraudulent, or that, in the light of all of the circumstances, would mislead a reasonable man exercising due care; or fails to contain information that is necessary, in light of all of the circumstances, to make the guaranty or warranty not misleading to a reasonable man exercising due care; and (ii) a guaranty or warranty created by the use of such terms as "guaranty" or "warranty," if the terms and conditions of such guaranty or warranty so limit its scope and application as to deceive a reasonable man.

(d) If any person guaranteed or protected by a service contract shall finally prevail in any suit or proceeding for breach of an express or implied warranty or service contract obligation on a consumer product, he shall be allowed by the court of competent jurisdiction to recover as part of the judgment a sum equal to the aggregate amount of cost and expenses (including attorneys' fees based on actual time expended) determined by the court to have been reasonably incurred by such person guaranteed or protected by a service contract for or in connection with the institution and prosecution of such suit or proceeding unless the court in its discretion shall determine that such an award of attorneys' fees would be inappropriate: *Provided,* That any person guaranteed, in a suit for breach of warranty, must have afforded the maker(s) of that warranty a reasonable opportunity to cure the breach to be eligible for such cost and expenses.

(e) Any person damaged by the failure of a supplier to comply with any obligations assumed under an express or implied warranty or service contract subject to this Act may bring suit in an appropriate district court of the United States subject to the jurisdictional requirements of section 1331, title 28, United Staates Code, or in any State or District of Columbia court of competent jurisdiction.

SAVING PROVISION

SEC. 111. Nothing contained in this Act shall be construed to repeal, invalidate, or supersede the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any statute defined therein as an antitrust Act.

SCOPE

SEC. 112. (a) The provisions of this Act and the powers granted hereunder to the Federal Trade Commission and Attorney General shall extend to all sales of consumer products and services affecting interstate commerce.

(b) Labeling, disclosure, or other requirements of a State with respect to written warranties against defect or malfunction of a consumer product inconsistent with those set forth in sections 102, 103, or 104 of this Act shall not be applicable to warranties complying with any of those provisions.

SEPARABILITY

SEC. 113. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 114. (a) Except for the limitations in subsection (b) of this section, this Act shall take effect six months after the date of its enactment but shall not apply to consumer products in the stream of commerce prior to such date.

(b) Those requirements in this Act which cannot be reasonably met without the promulgation of rules by the Federal Trade Commission shall take effect six months after the final publication of such rules: ***Provided,*** That the Federal Trade Commission, for good cause shown, may provide designated classes of suppliers up to an additional six months to bring their written warranties into compliance with rules promulgated pursuant to this Act.

(c) The Federal Trade Commission shall promulgate rules implementing this Act as soon as possible after enactment but in no event later than six months after the date of enactment.

TITLE II—FEDERAL TRADE COMMISSION IMPROVEMENTS

SEC. 201. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by striking out the words "in commerce" wherever they appear and inserting in lieu thereof "affecting commerce."

SEC. 202. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by inserting after paragraph (6) thereof the following new paragraphs:

"(7) The Commission is further empowered and directed to order such persons, partnerships, or corporations engaged in any act or practice which is unfair or deceptive to a consumer and is prohibited by subsection (a)(1) of this section, to take any other action necessary to redress the injury caused by such acts or practices to consumers.

"(8) The Commission shall initiate civil actions in the district courts of the United States against persons, partnerships, or corporations engaged with actual knowledge or knowledge fairly implied on the basis of objective circumstances in any act or practice which is unfair or deceptive to a consumer and is prohibited by subsection (a)(1) of this section, including any rule or regulation promulgated by the Commission under Section 6(g) of this act, in addition to any other action ordered under this section, to obtain a civil penalty of not more than $10,000 for each such violation. In seeking such penalty, the Commission shall give considerations to the appropriateness of the penalty, to the size of the business of the person charged, to the gravity of the violation, and to the history of previous violations. The Commission may compromise, mitigate or settle any civil penalty if that action is accompanied by a public statement of its reasons following a public hearing at which interested parties may be heard."

SEC. 203. Section 5(b) of the Federal Trade Commission Act (15 U.S.C. 45(b)) is amended by deleting the period after the second and fifth sentences of subsection (b) and adding the following:

", or requiring such person, partnership, or corporation to take such other action as may be authorized by this Act and determined by the Commission to be necessary in order to remedy the violation or violations of law found by it."

SEC. 204. Section 5(c) of the Federal Trade Commission Act (15 U.S.C. 45(c)) is amended by inserting after the word "practice" in the first sentence of subsection (c) the following:

"or to take any other such action as may be authorized by this Act"

SEC. 205. Section 5(g) of the Federal Trade Commission Act (15 U.S.C. 45(g)) is amended by deleting the words "to cease and desist" after the word "Commission."

SEC. 206. Section 5(l) of the Federal Trade Commission Act (15 U.S.C. 45(l)) is amended by striking subsection (l) and inserting in lieu thereof the following new paragraph:

"(l) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States or the Commission in its own name by any of its attorneys designated by it for such purpose. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey a final order of the Commission each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

SEC. 207. Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking out the words "in commerce" wherever they appear and inserting in lieu thereof "in or whose business affects commerce."

Sec. 208. Section 6(g) of the Federal Trade Commission Act (15 U.S.C. 46(g)) is amended by striking subsection (6) and inserting in lieu thereof the following:

"(g) From time to time to classify corporations and to make substantive and procedural rules and regulations for the purpose of carrying out the provisions of this Act. Whenever it appears to the Commission to be in the public interest, the Commission shall promulgate rules and regulations defining unfair or deceptive acts or practices in a manner sufficiently specific to reasonably inform affected persons of the acts or practices prohibited. Such rules and regulations shall be promulgated in accordance with section 553 of title 5, United States Code, after reasonable notice, an opportunity for interested persons to participate in the rulemaking through submission of written data, views, or arguments, and, if requested, the Commission shall hold a hearing in which interested persons shall have reasonable opportunity to present the same orally in an appropriate manner. The testimony in any such hearing shall be reduced to writing, shall be filed in the office of the Commission, and together with written submissions, shall constitute the record. Such record shall be open to public inspection. After consideration of all relevant matter presented upon such record, the Commission shall incorporate in any rule adopted a concise general statement of its basis and purpose. When any such trade regulation rule is promulgated and becomes final, a subsequent violation thereof shall constitute an unfair or deceptive act or practice in violation of section 5(a)(1) of this Act. Such rules and regulations shall be reviewable in the Court of Appeals for the District of Columbia in accordance with chapter 7 of title 5, United States Code. In addition the reviewing court shall hold unlawful and set aside agency action, findings, and conclusions found to be unsupported by substantial evidence upon the record as herein defined."

Sec. 209. Section 9 of the Federal Trade Commission Act (15 U.S.C. 49) is amended by—

(a) deleting the word "corporation" in the first sentence of the first unnumbered paragraph and inserting in lieu thereof the word "party."

(b) deleting "; and the Commission shall have power to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter under investigation" following the word "against" in the first sentence of the first unnumbered paragraph and inserting in lieu thereof, "The Commission shall also have the power to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter under investigation";

(c) inserting after the word "Commission" in the second sentence of the second unnumbered paragraph the phrase "acting through any of its attorneys designated by it for such purpose";

(d) deleting the fourth unnumbered paragraph and inserting in lieu thereof the following:

"Upon application of the Attorney General of the United States or the Commission, acting through any of its attorneys designated by it for such purpose, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this act or any rule, regulation, or order of the Commission made in pursuance thereof."

Sec. 210. Section 10 of the Federal Trade Commission Act (15 U.S.C. 50) is amended by deleting the third unnumbered paragraph and inserting in lieu thereof the following:

"If any corporation required by this Act to file any annual or special report shall fail to do so within the time fixed by the Commission for filing the same, and such failure shall continue for thirty days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit brought by the United States or by the Commission, acting through any of its attorneys designated by it for such purpose, in the district where the corporation has its principal office or in any district in which it shall do business."

Sec. 211. Section 12 of the Federal Trade Commission Act (15 U.S.C. 52) is amended by striking out the words "in commerce" wherever they appear and inserting in lieu thereof "in or having an affect upon commerce."

Sec. 212. Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignating "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is engaged in, or is about to engage in, any act or practice which is unfair or deceptive to a consumer, and is prohibited by section 5, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission made thereon has become final within the meaning of section 5, would be to the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon proper showing a preliminary injunction may be granted without bond under the same conditions and principles as injunctive relief against conduct or threatened conduct that will cause loss or damage is granted by courts of equity. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

By Mr. HANSEN (for himself, Mr. Beall, Mr. Dole, Mr. Eastland, Mr. Fannin, Mr. Goldwater, Mr. Gurney, Mr. Hruska, Mr. Tower, and Mr. Thurmond):

S. 987. To amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower and facilities. Referred to the Committee on Finance.

Mr. HANSEN. Mr. President, I introduced today legislation to provide for a national health insurance program.

Along with a number of cosponsors, I am pleased to submit this national health insurance bill, called medicredit. It is designed to help people pay for their health and medical care and it is a measure that can mean a great deal to the people in this country.

The bill's cosponsors include Senators Beall of Maryland; Dole of Kansas; Eastland of Mississippi; Fannin and Goldwater of Arizona; Gurney of Florida; Hruska of Nebraska; Tower of Texas; and Thurmond of South Carolina.

Mr. President, the bill will accomplish three important things:

First, it would pay the full cost of health insurance for those too poor to buy their own. Second, it would help those who can afford to pay a part—if not all of their health insurance premium. The less they can afford to pay, the more the Government would help out.

And third, this measure would see to it that no American would have to bankrupt himself because of a long-lasting, catastrophic illness.

In other words, the poor would pay nothing for their health insurance cerficate; the well-to-do would pay just about all of it; and those in between would pay what they could afford, according to a sliding scale. Everyone—rich and poor—would be protected against the cost of a catastrophic illness.

We think this bill would help those who need help—and do it at a cost the taxpayers can live with.

I am seriously concerned about the devastating effect which a catastrophic illness can have on families unfortunate enough to be stricken by such illness.

Great progress has been made in this century through scientific achievement in the ability to sustain and prolong life. It is now possible for patients to survive catastrophic illnesses and injuries which previously were fatal, and oftentimes rapidly fatal.

With the advent of these near miracle cures which often require long hospitalization and expensive initial surgery and sometimes continuing surgery and high-cost treatment—new problems have arisen in American life.

The net cost of a catastrophic illness or injury usually is staggering. Almost any family in America can be bankrupted in just a few months or even weeks by the cost. Many can never recover financially—even in more than a generation.

I believe the Government can be instrumental in helping to provide a safeguard against these destructive costs—through a catastrophic health insurance program. This would protect all Americans and their families from the tragedy of being wiped out financially through catastrophic illness cost.

Medicredit gives every American family the opportunity to protect itself against the cost of a catastrophic illness.

No family need face the prospect of losing its savings and even its home, because of medical bills.

The point at which a medical bill represents a catastrophe for a family certainly will vary.

It generally will relate to the family income. Thus, medicredit provides that insurance policies covered under this program must protect against catastrophic illness and defines what constitutes a catastrophic illness for famliies in different economic situations.

The sponsors of medicredit agree that a medical bill of virtually any size would represent a catastrophe for a family whose income is under $3,000. On the other hand, a family with income of $8,000 could be expected to have resources which would enable it to afford a medical bill of $500, either from savings or through additional insurance protection. Similarly, a family with an income of $20,000 would be expected to afford medical bills of $2,750. Again, this amount could be paid from savings or the family could protect itself against this expenditure or a portion of it through health insurance.

The Senate Finance Committee last year voted 13 to 2—and I voted with the majority—in favor of a similar provision to protect all Americans against the cost of a catastrophic illness.

I am confident that the Congress will enact such legislation during this 92d Congress.

Mr. President, I ask unanimous consent to place in the RECORD at this point a brief summary of the Health Care Insurance Assistance Act of 1971—called medicredit—a proposal for Federal financing of health insurance.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

Medicredit would: (1) pay the full cost of health insurance for those *too poor* to buy their own, (2) help those who can afford to *pay a part*—if not all—of their health insurance premium. The less they can afford to pay, the more the government would help out, (3) see to it that no American would have to bankrupt himself because of a long-lasting, catastrophic illness.

(This bill addresses itself only to *financing* health care; other legislation and programs involve medical manpower supply and distribution, the method of delivering care, and other problems such as environment, health education, and peer review.)

ANALYSIS

Federal contribution

The Government would pay 100% of the premium for low-income beneficiaries (an individual and his dependents whose combined income for a taxable year would not give rise to any income tax liability). For others, the Government would provide scaled participation ranging between 97.5% and 10%, favoring lower-income persons, in the payment of premiums for basic coverage, and would pay in full the premium for catastrophic expense coverage. A table of allowable percentages for related income tax liabilities is included in the bill.

The extent of participation would be determined with reference to federal income tax liability of an individual in a particular year (base year). A health care insurance policy, qualified under this program, would run for a 12-month period beginning in the year following (benefit year).

Health insurance certificates; income tax credits

A beneficiary eligible for full payment of premium by the Federal Government would be entitled to a certificate acceptable by carriers for health care insurance for himself and his dependents. Eligible beneficiaries with whom the Government would be sharing the cost of premium could elect between a credit against income tax or a certificate. The carrier, as defined in the bill, would present certificates received in payment of premium to the Federal Government for redemption.

Qualification of participating carriers

To participate in the plan, a carrier would have to qualify under state law, provide certain basic coverage, make coverage available without pre-existing health conditions, and guarantee annual renewal. An assigned risk insurance pool among carriers would be utilized as appropriate.

Health insurance coverage

A qualified policy would offer comprehensive insurance against the ordinary and catastrophic expenses of illness. Basic benefits in a 12-month policy period would include 60 days of inpatient care in a hospital or extended care facility (but any two days in an extended care facility would count as one of the 60 days). Other basic benefits would provide emergency and outpatient services and all medical services provided by doctors of medicine or osteopathy. The catastrophic expense protection would pay incurred expenses for benefits in excess of the basic coverage, including hospital, extended care facility, inpatient drugs, blood, prosthetic appliances, etc.

Deductibles

A policy purchased under this program will contain:

(a) Under the basic coverage—a deductible of $50 per hospital stay, and 20% coinsurance of the first $500 of medical expense and on the first $500 of emergency or outpatient expenses; and

(b) Under the catastrophic illness provisions—a corridor, between the basic coverage and the catastrophic illness coverage, of expenses to be incurred by the beneficiaries before payments under the catastrophic illness provisions would begin. The amount of the corridor would be based on taxable income (that is, net income after all tax deductions and personal exemptions): 10% of the first $4,000, 15% on the next $3,000, and 20% thereafter.

A family of four, having an adjusted gross income of $6,100, would have a taxable income (after all tax deductions) of $2,900. Its corridor would be 10% of $2,900, or $290.

Health insurance advisory board

A health insurance advisory board of eleven members, a majority of whom shall be practicing physicians, and including the Secretary of HEW and the Commissioner of Internal Revenue and other persons qualified by virtue of education, training, or experience, would be appointed by the President with Senate consent. The Board would establish minimum qualifications for carriers, and in consultation with carriers, providers and consumers, would develop programs designed to maintain the quality of health care and the effective utilization of available financial resources, health manpower, and facilities. It would report annually to the President and Congress.

PARTICIPATION IN CATASTROPHIC COVERAGE

The point at which a medical bill represents a catastrophe for a family certainly will vary. It generally will relate to the family income. Thus Medicredit provides that insurance policies covered under this program must protect against catastrophic illnesses and defines what constitutes a catastrophic illness for families in different economic situations.

As an example of how the program would be applied, a medical bill of virtually any size would represent a catastrophe for a family whose income is under $3,000. Therefore, catastrophic coverage would begin without any payments by the individual. On the other hand, a family with income of $8,000 could be expected to have resources which would enable them to handle a medical bill of $500, either from savings or through additional insurance protection. Similarly a family with an income of $20,000 would be expected to afford medical bills of $2,750. Again this amount could be paid from savings or the family could protect itself against this expenditure or a portion of it through health insurance.

The following table illustrates the scale of payments to be made by a family of four in each of several economic situations:

Corridor table

(10% on 1st $4,000; 15% next $3,000; 20% thereafter)

Adjusted gross income:	*Corridor for family of 4*
$1,000	$0
$2,000	0
$3,000	0
$4,000	70
$5,000	190
$6,000	290
$7,000	380
$8,000	505
$9,000	640
$10,000	775
$20,000	2, 750
$30,000	4, 750

Mr. HANSEN. Mr. President, in an effort to provide as much factual information on the various alternatives now pending on national health insurance programs, I ask unanimous consent that the following analysis be made a part of the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

HEALTH CARE INSURANCE ASSISTANCE ACT OF 1971

The American Medical Association's proposal (Medicredit) would: (1) pay the full cost of health insurance for those too poor to buy their own, (2) help those who can afford to pay a part—if not all—of their health insurance premium, the less an individual can afford to pay, the more the government would help out, and (3) see to it that no American would have to bankrupt himself because of a long-lasting, catastrophic illness. The bill would apply to all individuals residing in the U.S.

Under the bill, the Government would pay 100% of the premium for low-income beneficiaries (an individual and his dependents whose combined income for a taxable year would not give rise to any income tax liability). For others, the Government would provide scaled participation ranging between 97.5% and 10%, favoring lower-income persons, in the payment of premiums for basic coverage, and would pay in full the premium for catastrophic expense coverage. A table of allowable percentages for related income tax liabilities is included in the bill.

The extent of participation would be determined with reference to the federal income tax liability of an individual in a particular year (base year). A health care insurance policy, qualified under this program, would run for a 12-month period beginning in the year following (benefit year).

A beneficiary eligible for full payment of his premium by the Federal Government would be entitled to a certificate acceptable by carriers for health care insurance for himself and his dependents. Eligible beneficiaries with whom the Government would be sharing the cost of the premium could elect between a credit against income tax or a certificate for the allowed amount. The carrier, as defined in the bill, would present certificates received in payment of premium to the Federal Government for redemption.

To participate in the plan, a carrier would have to qualify under state law, provide certain basic coverage, make coverage available without pre-existing health conditions, and guarantee annual renewal. An assigned risk insurance pool among carriers would be utilized as appropriate.

A qualified policy would offer comprehensive insurance against the ordinary and catastrophic expenses of illness. Basic benefits in a 12-month policy period would include 60 days of inpatient care in a hospital or extended care facility (any two days in an extended care facility would count as one of the 60 days). Other basic benefits would provide emergency and outpatient services and all medical services provided by doctors of medicine or osteopathy. The catastrophic expense protection would pay incurred expenses for benefits in excess of the basic coverage, including hospital, extended care facility, inpatient drugs, blood, prosthetic appliances, etc.

A policy purchased under this program would contain:

(a) Under the basic coverage—a deductible of $50 per hospital stay, and 20% coinsurance of the first $500 of medical expense and on the first $500 of emergency or outpatient expenses; and

(b) Under the catastrophic illness provisions—a corridor, between the basic coverage and the catastrophic illness coverage, of expenses to be incurred by the beneficiaries before payments under the catastrophic illness provisions would begin. The amount of the corridor would be based on taxable income (that is, net income after all tax deductions and personal exemptions): 10% on the first $4,000, 15% on the next $3,000, and 20% thereafter.

A health insurance advisory board of eleven members, a majority of whom would be practicing physicians, and including the Secretary of HEW and the Commissioner of Internal Revenue and other persons qualified by virtue of education, training, or experience, would be appointed by the President with Senate consent. The Board would establish minimum qualifications for carriers, and in consultation with carriers, providers and consumers, would develop programs designed to maintain the quality of health care and the effective utilization of available financial resources, health manpower, and facilities. It would report annually to the President and Congress. The AMA estimates that the program would cost about $12.1 billion in new money.

HEALTH INSURANCE ASSOCIATION OF AMERICA—NATIONAL HEALTH CARE ACT OF 1970—H.R. 4349

This bill has provisions relating to five areas of health care delivery. These five areas are: (1) methods to increase and redistribute the supply of health manpower, (2) the promotion of ambulatory care, (3) methods to strengthen health planning, (4) methods to improve cost and quality control and (5) a program for financing health insurance.

In its program for providing a system of health insurance for all, the bill first would establish a minimum standard health care benefits program to be expanded to provide full coverage by 1979, which must be included in any qualified health insurance policy. Different levels of minimum benefits would be required for private group and individual plans and for state pool plans for the poor, near poor and the previously uninsurable. The state pool plan coverage would be more comprehensive initially. The private group and individual plans would come into effect January 1, 1973 and would include 30 days of hospital care, 60 days of skilled nursing home care, 90 days of home health care, all diagnostic x-ray and laboratory examinations on an ambulatory basis, all surgery and radiation therapy in ambulatory health care centers, 3 visits a year for each family member to a physician in his office or an ambulatory health care center, well baby care including immunization up to 6 visits during the first 6 months after birth, and charges for physician services while institutionalized

Initial benefits under the state pool plans would begin July 1, 1972 and would be identical to those above except that 6 visits per year for each family member to a physician would be allowed, well baby care would include up to 12 visits during the first two years, hospitalization would be covered for the first 120 days, skilled nursing home care for the first 120 days, and home health care for the first 180 days. Additionally, dental care for children under 19, prescription drugs for all persons, rehabilitation services, maternity care and family planning services and supplies would be covered.

By January 1, 1976, private group coverage would be expanded to cover the initial state pool plan level of coverage. At the same time the state plan benefits would be increased to cover virtually all ambulatory care as well as 300 days of hospital care, 180 days of skilled nursing home care and 270 days in an approved home health care program. On January 1, 1979, the minimum benefits for the private group and individual plans would be increased to meet the above 1976 state plan level. Provisions are made in the bill for the President to defer the phase-in of benefits if he finds that there are not sufficient health care facilities and services to supply the level of benefits authorized.

The bill would amend the Internal Revenue Code to prohibit employer deductions for expenditure for employee health care unless the employer has in force a qualified employee health care plan. For individuals, the bill would allow an unlimited tax deduction equal to all expenses paid for insurance for the taxpayer, his spouses and dependents under a qualified individual health care plan or a qualified employee health care plan, or for a qualified state health care plan.

The bill authorizes the sums necessary to provide comprehensive health care insurance to needy individuals and families. A qualified state health care plan would be by agreement between a state and an administering carrier and would pay for the minimum standard health care benefits as they are provided. An individual or family eligible for a qualified state health care plan could request coverage under an arrangement between the administering carrier and an approved health maintenance organization. The charges to the state for this alternative coverage could not exceed those which would be made under the qualified state health care plan. The bill would limit the amount of copayments required from a needy individual or family.

The bill would establish eligibility for coverage under the state health care plan according to income, $3,000 or less for an individual, $4,500 or less for a family of two, $6,000 or less for others. Those determined to be uninsurable also would qualify.

The bill would allow payment, under the state health care plans, for reasonable charges only, i.e. 75th percentile for professional services and rates approved by a State Health Care Institutions Cost Committee for institutions.

Cost estimates are not available for this program.

CONGRESSMAN DURWOOD HALL—EXTRA CARE PROPOSAL—H.R. 177

Congressman Hall's proposal, which he introduced on January 22, 1971, would establish two programs: to provide basic health care protection for the medically indigent and catastrophic illness insurance for all.

Part A of this proposal would replace the present Medicaid program. Each state would be authorized to determine the level of medical indigence in that state and to purchase, from private carriers, basic health insurance coverage for the medically indigent. The states would receive federal reimbursement for 85% of the costs incurred in providing no federal reimbursement for this state this basic coverage.

The states would also purchase coverage for the costs of catastrophic illness expenses for the medically indigent. There would be coverage.

Part B of this proposal would have the Secretary of HEW establish a program of insurance against the costs of catastrophic illness. Any U.S. resident whose income is above the level of medical indigence would be entitled to reimbursement for expenses incurred as a result of catastrophic illness. Federal reimbursement would be 90% of total eligible expenses.

Eligible expenses would be those health care costs above whichever of the following is the larger: (a) $1,000 for those over 65 or $5,000 in any other case, or (b) 25% of the gross income of the individual or his family.

Funds for this two-part program would be managed by a Federal Health Care Trust Fund. Money for this Trust Fund would be raised through a 0.4% tax on wages and self-employment income, and on other income in excess of $2000 up to the maximum income in use for purposes of the Social Security Tax.

Congressman Hall estimates that his Part A would cost the Federal Government about 3.7 billion a year. The cost to the states for Part A would be about $600,000. Medicaid presently costs the states about $2.5 billion.

There is no estimate as to the cost of Part B.

The program would become effective on January 1, 1972.

CONGRESSMAN HOGAN—NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1971 H.R. 817

This bill would provide for a national program of catastrophic illness insurance. The program would be implemented through state plans administered by the state insurance authorities. The state plan would provide for the allocation of risk among two or more insurers acting through an all-industry placement facility.

Premium rates would be prescribed by the Secretary of HEW based on the risks involved in the coverage. A lower premium would be established to encourage the purchase of extended health insurance. Losses incurred by the insurer due to use of the lower premium would be compensated for by premium equalization payments made by the Secretary.

There would be a deductible under the extended health insurance policy with respect to medical costs in any year equal to 50% of the amount by which the adjusted income of an individual or family exceeds $1000 but does not exceed $2000, plus 100% of the amount by which the adjusted income exceeds $2000. This deductible would generally be paid through the family's basic health insurance.

The Secretary would be authorized to offer, to any insurer or pool of insurers, reinsurance against losses incurred from extended health insurance policies. This reinsurance would only extend to policies provided through approved state plans.

In cases where a state cannot carry out the catastrophic illness insurance program, the Secretary would be authorized to carry out the program in that state through the facilities of the Federal Government, utilizing insurers or HEW officers and employees as fiscal agents of the U.S.

There are no cost estimates available on the plan.

Administration proposals

In his Health Message to the Congress on February 18, President Nixon outlined his proposals for National Health Insurance. No bills have been introduced to provide final details to these proposals.

The Administration program includes a National Health Insurance Standards Act which would require employers to provide basic health insurance coverage for their employees. The minimum benefits would include hospital and physician care, (limits not defined) full maternity care, well-baby care, laboratory expenses and certain other expenses. There would be certain deductibles and coinsurance.

The minimum program would also provide at least $50,000 in coverage for each family against the costs of catastrophic illness.

Under this program employees could elect to be enrolled in a Health Maintenance Organization rather than receive the basic coverage through private carriers.

The program would be paid for by the employer, 65% for the first two and one half years, 75% thereafter, and the employee, 35% and 25%, so there would be no cost to the Federal Government.

The program would go into effect on July 1, 1973.

A second Administration proposal would provide a Family Health Insurance Plan to replace Medicaid for poor families. The program would be financed and administered by the Federal Government. It would provide health insurance to all poor families with children headed by self-employed or unemployed persons whose income is below a certain level, $5,000 for a family of four.

The program would pay all medical costs for families with income below a certain level, $3,000 for a family of four. As income increases, the family would begin to pay part of the costs through a graduated schedule of premiums, deductibles, and coinsurance.

In order to encourage states to use Medicaid funds made available by this bill to supplement the basic program, the Federal Government would bear the costs of administering a consolidated Federal-State benefit package.

The program would become effective July 1, 1973 and would cost $1.2 billion in new Federal funds.

SENATOR PELL—THE MINIMUM HEALTH BENEFITS AND SERVICES DISTRIBUTION AND EDUCATION ACT OF 1971—S. 703

Under this bill, business associations and other entities engaged in commerce would have to provide to their employees and their families a minimum level of health benefits. The minimum benefits would be, on a yearly basis, one complete diagnostic examination; those visits to a physician, or out-patient clinic, or any other ambulatory health facility, which are necessary for the treatment of an illness or injury or the prevention of illness or injury; up to 12 days of inpatient hospital care beyond the first two days of hospital care; up to 10 days of care in an extended care unit when necessary for recovery from a serious illness, accident, or surgery; services provided in hospital emergency rooms for serious injuries or illnesses requiring immediate attention; physician, hospital, and diagnostic services associated with child delivery and for pre-natal care; professional services of physicians furnished in their offices or elsewhere consisting of preventive, primary or surgical or special care; paramedical and other support services such as provided by pathology and radiology laboratories; the professional services of optometrists in the refractive measurement of the eye, and prescribing eyeglasses; the professional services of podiatrists and chiropractors and the provision of therapeutic devices, appliances, and equipment if these services or equipment are important to the maintenance of employability of an employee; drugs which are provided in conjunction with the other basic benefits of this program and which are approved by the Secretary and coverage of the costs associated with catastrophic illness within the limitations prescribed by the Secretary.

The requirement that minimum health benefits be provided by an employer would take effect two years after the enactment of this bill, except in special cases where the effective date would be five years after the date of enactment.

The bill would authorize for profit community health and education corporations. These corporations would provide comprehensive health services to an identified population on a convenient and accessible basis in or near a specified service area. It would provide, through contractual or other arrangements, which embody prepaid group practice or its benefits, minimum health benefits to which persons would be entitled from a contractee. It would provide for the education and development of qualified physicians, nurses, paramedical, and other health personnel necessary to provide comprehensive health benefits and it would provide for the construction, rehabilitation, maintenance, and operation of facilities required to provide comprehensive health services, minimum health benefits, and the education and development of health personnel.

A corporation would be established in an area determined by the Secretary to be in need of its services and the bill outlines procedures for establishing a corporation.

A corporation would have to provide comprehensive services in its area, maintain community hospitals of outstanding quality, conduct educational programs, including residency, intern, and clinical instruction for medical doctoral candidates, clinical experience for allied health students and continuing education programs for health manpower in the area. Physicians would have to meet national standards established by the Secretary, and would have to meet continuing education requirements. In order to perform surgery or specialized services the physician would have to hold a certificate from the appropriate national speciality board or possess the qualifications requisite to certification. The bill sets out requirements for hospitals, skilled nursing homes, and home health agencies eligible as qualified providers for a corporation. Individuals receiving their medical education through an arrangement with the corporation would have to remain an employee of the corporation for a period not less than 3 years and not more than 10 years.

Federal funds would be available for the purpose of assisting the initial organization and operation of a corporation, financing health care services to low income individuals on a per capita basis by the corporation, and other education, facility and related expenses.

SENATOR JAVITS—NATIONAL HEALTH INSURANCE AND HEALTH SERVICES IMPROVEMENT ACT OF 1971—S. 836

This bill would provide a system of national health insurance to be implemented by expanding the present Medicare program to include all individuals. The bill is designed to be fully operative by July 1, 1974. It would provide coverage for the disabled, the unemployed, and the poor before that date.

The bill would also add the coverage of maintenance drugs to those benefits provided under Medicare. A fee of $1 per prescription would be imposed. The provider of a maintenance drug would be reimbursed for the reasonable drug charge, which would be the acquisition allowance plus a dispensing allowance.

The bill would also cover physical examinations for all and dental care for children under 8 years of age. These additions would become effective on July 1, 1975.

The bill would authorize the Secretary of HEW to prescribe: standards of continuing education, national minimum standards of licensure, or standards of qualification for the performance of major surgery or other designated specialty services.

The program would be administered by the Federal Government. However, the Secretary of HEW could enter into agreements with any state to allow state administration.

The bill would encourage improvement in the organization of health care by requiring carriers who participate in the program to (a) make a continuing study of the organization and methods of delivery of health services in the area, (b) review patterns of utilization and the effectiveness of procedures to control costs, and (c) take appropriate action to encourage the rational organization of health care services and to provide greater continuity and comprehensiveness of care.

The Secretary would be authorized to contract with comprehensive health service systems for the provision of health care. Payment to the systems would be for the reasonable cost of the services or on a predetermined capitation basis. There would be a bonus provided to the system if its costs are below the average costs for the services when provided to a comparable population group.

The Secretary would be authorized to contract with any carrier to provide health benefits equivalent to those provided under the program to individuals who elect to be covered by the carrier.

The Secretary could also enter into agreements with employers for the provisions of health care benefits to their employees. Such a plan would have to cover the employee and his dependents, would have to have at least 75% paid by the employer, and would have to provide benefits superior to those provided under Medicare.

The bill would authorize a study of procedures for payment to providers and would authorize the Secretary of HEW to appropriately modify the methods for determining the amount of payment to be made to providers. These modifications would be effective July 1, 1973.

A special account would be created in the Federal Health Insurance Trust Fund which would provide for the payment of benefits for those under 65.

Funds to the special account would be attained through a tax on payroll with the wage base being increased to $15,000. The tax rate for employers and employees would increase from .7% in 1972 to 3.3% in 1976. The Federal Government would contribute an amount equal to one-half of the total amount contributed by employers and employees.

The bill would authorize the Secretary of HEW to make loans and grants and to provide technical assistance to enable comprehensive health service systems to plan and develop comprehensive health care programs.

SENATOR KENNEDY—CONGRESSWOMAN MARTHA GRIFFITHS—HEALTH SECURITY ACT—S. 3, H.R. 22

Congresswoman MARTHA GRIFFITHS has joined with Senator KENNEDY as a principal sponsor of the Health Security Act, the program developed by the Committee for National Health Insurance (Committee of 100). This bill is S. 3 in the Senate and H.R. 22 in the House.

The Health Security Program would provide comprehensive health coverage, including: payment of all necessary physician services, with surgery covered only if done by an appropriately qualified specialist and on proper referral; all necessary hospital services; skilled nursing home services (120 days per spell of illness); dental services for children under 15, with eligibility intended to be expanded in time to cover all persons; medicines from an established list (for inpatients and persons enrolled in group practice plans; for others only drugs for long-term or chronic illness would be covered); other supporting services.

There would be no maximum amount of benefits to be paid or days of care to be provided (except for skilled nursing homes, dental care at first, psychiatric hospitalization, and drugs).

The program would be financed from three sources: 50% from general revenues, 36% from employer payroll tax, 12% from individual's payroll tax, and 2% from self-employment payroll tax. These monies would be paid to a Health Security Trust Fund.

Pre-spending budgeting would determine the amounts which could be spent in the various regions for specific services, i.e., institutional services, physician services, dental services and the furnishing of drugs, devices, and supporting services.

Hospitals, skilled nursing homes, and other institutional providers would operate on an approved budget procedure.

Allotments would be made to local regions for physician payment. Payment would be by salary, special stipend, capitation, fee for service, or other methods. Priority would be given to the payment of salaries, stipends and the professional services components of institutional budgets. The remainder would be allocated among the providers proportionately according to the comprehensiveness of services provided. Thus a comprehensive health service organization would receive a larger payment for each patient enrolled than would an individual physician. For those who elect to be paid on a fee for service basis, allowable fees would be established under a system of relative value scales. All physician payments would be from the Health Security Fund.

A Resources Development Fund would be established to initiate studies and projects aimed at reorganizing the delivery of health care.

The program would establish national standards for participation by providers, (both individual providers and institutions), including continuing education requirements.

The program would call for the active involvement of consumer groups in the development of health care programs and organizations. Consumer-sponsored health care organizations would be recognized under the Health Security Program.

The program would be administered by a National Health Security Board. There would also be a regional office within each of the present HEW regions. Finally, local administrators would coordinate local planning with the expenditure of Health Security funds.

According to figures prepared by the Committee for National Health Insurance, the program would have cost $41 billion if it had been in effect in 1970. Social Security Administration estimates indicate the program would cost about $77 billion.

Mr. HANSEN. Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 987

A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through (S. 987) allowance of tax credits; and to provide effective utilization of available financial resources, health manpower and facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Health Care Insurance Act of 1971".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds:

(1) that the resources of many individuals are inadequate to meet the expenses of major illness;

(2) that private health insurance coverage is an appropriate mechanism for insuring against such expenses in that through competition incentives are provided for the lowering of health care costs, the introduction of innovations in the delivery of health care, and the maintenance of quality health care;

(3) that such coverage for all persons is a desirable national objective;

(4) that health insurance should be made available to all residents regardless of previous medical history; and

(5) that it is in the public interest to provide Government assistance and encouragement to individuals who seek the protection of insuring against the expenses of illness.

(b) The purpose of this Act is to make it possible for every individual to obtain comprehensive medical and hospitalization insurance of his choice designed to protect against ordinary and catastrophic expenses of illness regardless of prior medical history and on a guaranteed renewable basis.

VOLUNTARY HEALTH CARE INSURANCE FINANCED IN WHOLE OR IN PART BY INCOME TAX CREDITS OR INSURANCE CERTIFICATE REDEMPTIONS

SEC. 3. The Social Security Act is amended by adding after title XIX the following new title:

"TITLE XX—FEDERAL FINANCING OF VOLUNTARY HEALTH INSURANCE

"PART A—HEALTH CARE INSURANCE

"Sec. 2001. Establishment of the Benefit Program
"Sec. 2002. Beneficiaries
"Sec. 2003. Certificates for Health Care Insurance for the Low-Income Group
"Sec. 2004. Tax Credits for Health Care Insurance
"Sec. 2005. Allowable Premium.
"Sec. 2006. Registration Number Required
"Sec. 2007. Health Care Insurance Certificate of Entitlement
"Sec. 2008. Qualified Health Care Insurance Policy
"Sec. 2009. Basic and Catastrophic Coverage; Hospital and Medical Care
"Sec. 2010. Deductibles and Coinsurance; Catastrophic Illness Expense Corridor

"PART B—MISCELLANEOUS PROVISIONS

"Sec 2020. Establishment of Health Insurance Advisory Board
"Sec. 2021. Duties of Advisory Board
"Sec. 2022. Qualification of Carriers
"Sec. 2023. Prohibition Against any Federal Interference
"Sec. 2024. Federal Health Insurance Redemption Fund
"Sec. 2025. Participation by States

"PART A—HEALTH CARE INSURANCE

"ESTABLISHMENT OF THE BENEFIT PROGRAM

"SEC. 2001(a). FOR THE LOW-INCOME GROUP.—For the purpose of providing assistance on behalf of individuals and their dependents whose income and resources are insufficient to meet the expenses of necessary medical and hospital services, there is hereby established a program of comprehensive hospital and medical benefits (including protection against catastrophic expenses of illness) for any eligible beneficiary and his dependents meeting the requirements of sections 2002 and 2003 through the issuance of health insurance certificates of entitlement (section 2007), in full payment of allowable premium (section 2005) on a qualified health care insurance policy or plan of his choice (section 2008).

"(b) FOR ALL OTHER PERSONS.—Further for the purpose of making it possible for every individual to obtain comprehensive medical and hospital insurance of his choice (including protection against catastrophic expenses of illness), there is hereby established for any eligible beneficiary and his dependents, who on the basis of individual or family income do not qualify under subsection (a) for full payment under this title of the cost of allowable premium, a program of federal income tax credits and issuance of health insurance certificates of entitlement which operate to reduce the cost to such individuals for protection under a qualified health care insurance policy or plan of his choice (section 2008). Alternatively, an eligible beneficiary who qualifies under subsection (a) can elect to qualify under this subsection.

"(c) Health insurance certificates of entitlement shall be redeemable by the carrier through payment from the Federal Health Insurance Redemption Fund (section 2024).

"(d) Benefits claimed under this title shall not be duplicated under any other programs financed in whole or in part by the federal government.

"BENEFICIARIES

"SEC. 2002. (a) Benefits under this title shall be provided for all persons who are residents of the United States and who qualify as 'eligible beneficiaries' or 'dependent beneficiaries'.

"(b) Eligible beneficiaries for this purpose shall include:

"(1) A husband and wife, both under age 65, living together; and

"(2) Any person, under age 65, other than a married person living with his or her spouse where both are under age 65, who is not a dependent beneficiary (as defined in subsection (c)).

"(c) Dependent beneficiaries shall be any child or stepchild of an eligible beneficiary who, during the base year of such eligible beneficiary, receives more than 50 percent of his support from such eligible beneficiary, and at the close of such taxable year has not attained the age of twenty-one, or, if he is a full-time student, has not attained the age of twenty-three.

"CERTIFICATES FOR HEALTH CARE INSURANCE FOR THE LOW-INCOME GROUP

"SEC. 2003. Every individual who is an eligible beneficiary under Sec. 2002, whose income results in no individual income tax liability under the Internal Revenue Code during his base year, whose dependent beneficiaries have no such liability for their taxable years which end during his base year, and who is not eligible to receive military medical care, shall be eligible to receive a health insurance certificate of entitlement (as defined in Sec. 2007) which certificate shall be applicable in full payment of allowable premiums for a qualified health care insurance policy or plan described in Sec. 2008. Such policy or plan shall provide protection for such eligible beneficiary and his dependent beneficiaries, if any, for a 12-month period beginning during his benefit year (but not necessarily including any period after such eligible beneficiary attains age 65) against the expenses of health care, including catastrophic expenses of illness, as set forth in section 2009. The base year of an eligible beneficiary and his benefit year are defined in subsection (e) of section 2004. Benefits claimed under this provision shall not be duplicated under any other program financed in whole or in part by the Federal Government.

"TAX CREDITS FOR HEALTH CARE INSURANCE

"SEC. 2004. (a) Every individual who is an eligible beneficiary under section 2002, who has not elected, where eligible, to receive benefits under the provisions for fully-paid health care insurance for the low-income group in section 2003, and who is not eligible to receive military medical care, shall, within the provisions in subsection (b), be allowed at his election:

"(1) a credit against his income tax liability under the Internal Revenue Code for his taxable year which ends during his base year; or

"(2) a health insurance certificate of entitlement (as defined in section 2007) acceptable by a qualified carrier (as defined in section 2022) in payment toward a premium under a qualified health care insurance policy or plan (as defined in section 2008).

Benefits claimed under this provision shall not be duplicated under any other program financed in whole or in part by the Federal Government.

"(b) The amount of credit against tax or the value to be assigned to the health insurance certificate of entitlement shall be the sum of the following:

(1) The allowable premiums for qualified health care insurance, as defined in section 2005, paid for basic coverage for his benefit year, multiplied by the applicable percentage factor, as determined under subsection (f) of this section, and

(2) 100 percent of the allowable premiums paid for the catastrophic expense coverage for his benefit year.

The credit or assigned value under paragraph (1) shall be determined annually, based on the individual Federal income tax liabilities of the eligible beneficiary and his dependent beneficiaries, if any (as defined in section 2002), in a base year (or, in the case of a dependent beneficiary, his taxable year which ends in such base year).

"(c) If an eligible beneficiary's payment to a carrier (by certificate of entitlement and other form of payment) for coverage for his benefit year should result in an overpayment of premium by the eligible beneficiary, such overpayment shall be recoverable by the eligible beneficiary from the carrier.

"(d) If an individual's credit against tax under this section exceeds his income tax liability for his taxable year in which such credit is applicable, he may claim such excess as though he had made an overpayment of income tax, but only if the allowable premium has been fully paid.

"(e) For purposes of this title, the base year of an eligible beneficiary shall be his taxable year in respect to which his entitlement to an insurance certificate is determined, and his benefit year shall be the 12-month period beginning six months after the close of his base year.

"(f) The applicable percentage factor referred to in subsection (b)(1), based on Federal income tax liability of the eligible beneficiary and his dependent beneficiaries in a base year and made applicable in the computation of credit against his Federal income tax liability in his benefit year, shall be determined from the following table:

PERCENTAGE OF ALLOWABLE BASIC COVERAGE PREMIUM CREDITED AGAINST INCOME TAX OR USED FOR A CERTIFICATE OF ENTITLEMENT

"Income tax liability in base year	Percentage factor
$0	100
$1 to $10	99
$11 to $20	98
$21 to $30	97
$31 to $40	96
$41 to $50	95
$51 to $60	94
$61 to $70	93
$71 to $80	92
$81 to $90	91
$91 to $100	90
$101 to $110	89
$111 to $120	88
$121 to $130	87
$131 to $140	86
$141 to $150	85
$151 to $160	84
$161 to $170	83
$171 to $180	82
$181 to $190	81
$191 to $200	80
$201 to $210	79
$211 to $220	78
$221 to $230	77
$231 to $240	76
$241 to $250	75
$251 to $260	74
$261 to $270	73
$271 to $280	72
$281 to $290	71
$291 to $300	70
$301 to $310	69
$311 to $320	68
$321 to $330	67
$331 to $340	66
$341 to $350	65
$351 to $360	64
$361 to $370	63
$371 to $380	62
$381 to $390	61
$391 to $400	60
$401 to $410	59
$411 to $420	58
$421 to $430	57
$431 to $440	56
$441 to $450	55
$451 to $460	54
$461 to $470	53
$471 to $480	52
$481 to $490	51
$491 to $500	50
$501 to $510	49
$511 to $520	48
$521 to $530	47
$531 to $540	46
$541 to $550	45
$551 to $560	44
$561 to $570	43
$571 to $580	42
$581 to $590	41
$591 to $600	40
$601 to $610	39
$611 to $620	38
$621 to $630	37
$631 to $640	36
$641 to $650	35
$651 to $660	34
$661 to $670	33
$671 to $680	32
$681 to $690	31
$691 to $700	30
$701 to $710	29
$711 to $720	28
$721 to $730	27
$731 to $740	26
$741 to $750	25
$751 to $760	24
$761 to $770	23
$771 to $780	22
$781 to $790	21
$791 to $800	20
$801 to $810	19
$811 to $820	18
$821 to $830	17
$831 to $840	16
$841 to $850	15
$851 to $860	14
$861 to $870	13
$871 to $880	12
$881 to $890	11
$891 or over	10

"ALLOWABLE PREMIUM

"SEC. 2005. (a) The allowable premium which under section 2004 shall be taken into account in the determination of credit against tax or in the assignment of value to a health insurance certificate of entitlement (section 2007) shall be that portion of the aggregate amount of premiums paid or payable by an eligible beneficiary (section 2002) for one or more qualified health care insurance policies or plans (section 2008) providing coverage for such eligible beneficiary and his dependent beneficiaries (section 2002) for a 12-month period commencing at any time during the benefit year (as defined in section 2004 (e)) that represents the cost of the protection required in a qualified health care insurance policy or plan, as prescribed in the following subsections.

"(b) Aggregate amounts of premium on more than one qualified health care insurance policy shall be allowable only to the extent that such combination of policies does not provide duplicate coverage of health care costs for an eligible or dependent beneficiary.

"(c) If a qualified health care insurance policy or plan provides coverage for an individual not entitled to benefits under this title, then in determining the aggregate amount of premiums there shall be included only that portion of the premium for such policy which bears the same ratio to the amount of the premium as the number of eligible and dependent beneficiaries of such policy bears to the total number of beneficiaries of such policy.

"(d) Hospital insurance taxes payable under sections 1401(b), 3101(b), 3111(b), 3201, 3211, and 3221 of the Internal Revenue Code of 1954 shall not be deemed to be allowable premiums.

"(e) Any eligible beneficiary may include as allowable premium 80 percentum of the amounts contributed by his employer for coverage of such eligible beneficiary and his dependent beneficiaries under that portion of a health care insurance policy or plan which meets the requirements of a qualified health care insurance policy or plan (as defined in section 2008).

"REGISTRATION NUMBER REQUIRED

"SEC. 2006. An individual who elects to take the credit under section 2004 for a taxable year with respect to premiums paid for a qualified health care insurance policy or plan shall, under regulations prescribed by the Secretary or his delegate, affix to his income tax return the registration number of the carrier which has provided the qualified health care insurance policy or plan.

"HEALTH CARE INSURANCE CERTIFICATE OF ENTITLEMENT

"SEC. 2007. (a) A health insurance certificate of entitlement means a certificate issued by the Secretary to an eligible beneficiary to apply toward payment of premium on a qualified health care insurance policy or plan, which may be redeemed only as provided in subsection (c).

"(b) Any individual eligible for a health insurance certificate of entitlement in full payment of allowable premium (section 2005), or in part payment of such premium by election of such certificate in lieu of an income tax credit (as provided in section 2004), shall make application therefor to the Secretary. Such application shall be filed in such place and on such form and contain such information as the Secretary may by regulations prescribe, including:

"(1) The name, address, date of birth, social security number, and marital status of the applicant and the spouse of the applicant, if any.

"(2) The name, address, date of birth, social security number, marital status, and relationship to the applicant of each of the dependents of the applicant for whom coverage is claimed.

"(3) The gross income and Federal income tax liability of the applicant, his spouse, and the dependents named in the application for the base year and the place where each filed his last income tax return.

"(c) The Secretary shall issue regulations which shall provide for the redemption of health insurance certificates of entitlement which have been certified to have been accepted by an insurance carrier in full or part payment for a qualified health care insurance policy or plan.

"QUALIFIED HEALTH CARE INSURANCE POLICY

"SEC. 2008. (a) A qualified health care insurance policy or plan shall be a contractual agreement specifying benefits under a program offered by a carrier qualified under section 2022, which carrier and program have been registered by the State insurance department or by such other agency as may be authorized by the State, and which provides basic institutional and medical coverage as described in subsection (a) of section 2009 and catastrophic expense coverage as described in subsection (b) of that section.

"(b) Each such qualified health care insurance policy or plan shall be noncancellable and guaranteed renewable so long as the carrier continues to offer to the public one or more qualified health care insurance policies or plans, shall provide protection against the expense of health care without regard to any pre-existing conditions, and shall provide for payment under this title of usual and customary charges for services covered under the policy or plan.

"HOSPITAL AND MEDICAL CARE

"SEC. 2009. A qualified health care insurance policy or plan shall provide, subject to the deductibles, coinsurance, and expense corridor (as provided in section 2010):

"(a) Basic coverage providing for payment of all expenses incurred for:

(1) Institutional care consisting of inpatient hospital services (as defined hereafter), and extended care services (as defined hereafter), for a total of 60 days during any 12-month policy period in semi-private accommodations (except that each day of care in an extended care facility shall be counted as one-half day for the purpose of the 60-day limit). Inpatient hospital services shall mean all inpatient services customarily furnished and charged for by a hospital (except for convenience items such as telephone and television), including (but not limited to):

(A) Bed and board and nursing services,

(B) Drugs, oxygen, blood and plasma (except for the first three pints furnished in the 12-month policy period), biologicals, supplies, appliances, and equipment furnished by and used in the hospital,

(C) Use of hospital facilities ordinarily furnished for the care and treatment of inpatients, including the surgery or delivery room, recovery room, intensive care units, coronary care units, rehabilitation care units, and supplies,

(D) Care for pregnancy or any of its complications, and

(E) Psychiatric care.

Extended care services shall mean all inpatient services customarily furnished and charged for by an extended care facility, including (but not limited to):

(A) Bed and board and nursing services,

(B) Physical, occupational, or speech therapy, and

(C) Such drugs, biologicals, supplies, appliances, and equipment, furnished for use in the extended care facility, as are ordinarily furnished by such facility for the care and treatment of inpatients.

(2) Emergency or outpatient services customarily provided by a hospital on an outpatient basis and billed for by the hospital, including (but not limited to):

(A) Outpatient diagnostic services, such as x-rays, electrocardiograms, laboratory tests, and other medically recognized diagnostic tests,

(B) Use of operating, cystoscopic, and cast rooms and their supplies, and

(C) Use of emergency room and supplies when needed for medical and surgical emergencies.

(3) Medical care consisting of all medical services (including diagnostic, therapeutic, and preventive) provided by or under the direction of a doctor of medicine or a doctor of osteopathy, regardless of where such services are provided, including (but not limited to):

(A) Diagnosis or treatment of illness or injury,

(B) Psychiatric care,

(C) Well-baby care,

(D) Inoculations and immunizations of infants and adults against communicable diseases,

(E) Physical examinations,

(F) Diagnostic x-ray and laboratory services,

(G) Radiation therapy,

(H) Consultation,

(I) Services for pregnancy and complications of pregnancy, including prenatal, obstetrical, and post-partum care, and

(J) Anesthesiology services, excluding cosmetic surgery, except when related to defects and to burns and scars due to injuries and illness.

(4) Dental or oral surgery performed by a doctor of dentistry or of dental or oral surgery when related to the jaw or any structure contiguous to the jaw, or the reduction of any fracture of the jaw or any facial bone.

(5) Ambulance services.

(b) Catastrophic expense coverage, subject to an expense corridor, as provided in section 2010(b), and providing for the payment of all expenses incurred for:

(1) Services in a hospital or extended care facility in excess of the 60-day limit provided in basic coverage (except that the number of such excess days in an extended care facility under the catastrophic expense coverage shall be limited to 30 days).

(2) Blood and plasma furnished in connection with outpatient medical services (except for the first three pints furnished in the 12-month policy period), and

(3) Prosthetic aids based on medical need, as ordered by a physician.

"DEDUCTIBLES AND COINSURANCE; CATASTROPHIC ILLNESS EXPENSE CORRIDOR

"SEC. 2010. (a) Hospital and medical benefits under the basic coverage in section 2009 (a) shall be subject to payment by the beneficiary of (1) $50 for costs incurred during each stay in the hospital or extended care facility as an inpatient (a stay for this purpose being any continuous period in a hospital and/or extended care facility, not counting as a discontinuance of a stay any period of 14 days or less when not in such an institution); (2) 20% coinsurance on the first $500 of expenses incurred during the 12-month policy period for the eligible beneficiary and his dependent beneficiaries combined for emergency room or outpatient services in the hospital; and (3) 20% coinsurance on the first $500 of medical expenses and the expenses of dental or oral surgery and ambulance services, incurred during such policy period for the eligible beneficiary and his dependent beneficiaries combined.

"(b) Benefits payable under the catastrophic expense coverage in a qualified health care insurance policy or plan shall be subject to reduction by an expense corridor for the 12-month policy period. Such corridor shall be in an amount representing the following percentage of the combined taxable income of the eligible and dependent beneficiaries:

(1) 10% of taxable income not in excess of $4,000, plus

(2) 15% of taxable income between $4,000 and $7,000, plus

(3) 20% of taxable income in excess of $7,000. Taxable income for this purpose shall be taxable income as defined in section 63 of the Internal Revenue Code of 1954, as amended, and the combined taxable income to be taken into account shall be the aggregate of the taxable incomes of the eligible and dependent beneficiaries, if any, in the base year (or in the case of dependent beneficiaries, their taxable year which ends in such base year).

(c) Deductibles and coinsurance incurred under subsection (a) shall be applicable as credits toward satisfaction of the amount of the corridor prescribed in subsection (b).

"PART B—MISCELLANEOUS PROVISIONS

"ESTABLISHMENT OF HEALTH INSURANCE ADVISORY BOARD

"SEC. 2020. There is hereby created a Health Insurance Advisory Board (hereinafter referred to as the Board) which shall consist of eleven persons including the Secretary of Health, Education, and Welfare and the Commissioner of Internal Revenue. The remaining members, not otherwise in the employ of the United States, shall be appointed by the President, with the advice and consent of the Senate, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service. The Secretary of Health, Education, and Welfare shall serve as Chairman. The appointed public members, a majority of whom shall be practicing physicians, shall be selected from persons who are specifically qualified to serve on such Board by virtue of their education, training, or experience. Each of the public members shall be appointed for a term of four years except that, when appointments are first made, three shall be appointed for terms of two years, three for terms of three years, and three for terms of four years, and except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The Secretary of Health, Education, and Welfare may appoint such special advisory professional or technical personnel or committees as may be needed to carry out the purposes of this title. Members of the Board and other personnel or members of any advisory or technical committee, while attending meetings or conferences thereof or otherwise serving on business of the Board or of a committee, shall be entitled to receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, but not exceeding $100 per day, including traveltime, and while so serving away from their business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. The Board shall meet as frequently as the Chairman deems necessary but not less than once annually. Upon request of four or more members, it shall be the duty of the Chairman to call a meeting of the Board.

"DUTIES OF ADVISORY BOARD

"SEC. 2021. The Health Insurance Advisory Board shall:

"(a) Prescribe such regulations as may be necessary to carry out the purposes and provisions of this title,

"(b) Establish minimum Federal standards for the use of State insurance departments in determining whether an insurance company and plan are qualified under this title,

"(c) In consultation with carriers, providers of services, and consumers, plan and develop programs whose purposes are to provide for maintaining the quality of medical care, and the effective utilization of available financial resources, health manpower and facilities, through utilization review, peer review, and other means which provide for the participation of the insurance carriers and the providers of services,

"(d) Review the effectiveness of the tax credit program and file, by December 31, of each year, with the President and the Congress an annual report:

"(1) on the operation and status of the program during the past fiscal year and on its expected operation during the current and next two fiscal years; and

"(2) with recommendations for such changes in the law designed to improve the effectiveness of the program.

The Board is authorized to request from any department, agency, or independent instrumentality of the Government any information it determines is necessary to carry out its functions under this title, and each such department, agency, or independent instrumentality is authorized to cooperate with the Board, and to the extent permitted by law, to furnish such information to the Board upon request made by the Chairman.

"QUALIFICATION OF CARRIERS

"SEC. 2022. (a) The State insurance department or other agency designated by the State shall determine the qualification of each carrier which plans to offer a qualified health care insurance policy or plan to residents of that State, and, when a carrier is determined to be qualified to offer such a policy or plan, shall issue to said carrier a registration number.

"(b) A qualified carrier may be a voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the cost of, health services under individual or group insurance policies, plans, or contracts, medical or hospital service agreements, membership or subscription contracts, or similar arrangements, in consideration of premiums or other periodic charges payable to the carrier, including a health benefits plan duly sponsored or underwritten by an employee organization.

"(c) A carrier offering a qualified health care insurance policy in any State shall participate in an assigned-risk pool which may be established in such State by the State insurance department or by such agency as may be authorized by the State. The carrier shall accept from the pool such risks under this program as may be assigned to it.

"(d) Each qualified carrier offering basic coverage, as defined in section 2009(a), shall also offer catastrophic expense coverage as provided in section 2009(b), and shall determine the premium for each separately.

"PROHIBITION AGAINST ANY FEDERAL INTERFERENCE

"SEC. 2023. Nothing in this title shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided, or over the selection, tenure, or compensation of any officer or employee or any institution, agency, or person providing health services; or to exercise any supervision or control over the administration or operation of any such institution, agency, or person.

"FEDERAL HEALTH INSURANCE REDEMPTION FUND

"SEC. 2024. (a) There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'Federal Health Insurance Redemption Fund' (hereinafter referred to as the 'Fund'). The Fund shall consist of such amounts as may by deposited in, or appropriated to it, as provided in this part.

"(b) There is authorized to be appropriated, from time to time out of moneys in the Treasury not otherwise appropriated, to the Fund an amount equal to the aggregate amount of premiums paid under this title through the redemption of health insurance certificates issued pursuant to sections 2003 and 2004. Sums authorized to be appropriated pursuant to this section shall be considered premiums payable under this part and deposited in such Fund. Such certificates upon presentation to the Secretary of Health, Education, and Welfare shall be redeemed through payments from the Fund.

"PARTICIPATION BY STATES

"SEC. 2025. The Secretary of Health, Education, and Welfare shall, at the request of a State, enter into an agreement with such State pursuant to which all beneficiaries eligible under this title and who are eligible for participation under the program established under title XIX of this Act in effect in that State may subscribe to a qualified health care insurance policy or plan.

"INCOME TAX AMENDMENTS

"SEC. 4. Part IV of subchapter A of chapter I of subtitle A of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 40 as section 41, and by inserting after section 39 the following section:

"COST OF HEALTH CARE INSURANCE PREMIUMS

"SEC. 40. There shall be allowed as a credit against tax imposed by this subtitle allowable premium paid for the cost of a qualified health care insurance policy or plan to the extent provided in section 2004 of the Social Security Act."

SEC. 5. Part VII of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 is hereby amended by adding a new subsection (g) to section 213, as follows:

"(g) If an individual elects to take the credit against tax provided in section 40 for any taxable year with respect to premiums paid in such year for a qualified health care insurance policy or plan, such premiums paid shall not be a basis for deduction under this section."

SEC. 6. Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 (relating to items not deductible) is hereby amended by adding after section 279 the following new section:

"LIMITATIONS ON DEDUCTIONS FOR EXPENDITURES FOR EMPLOYEE HEALTH CARE

"SEC. 280. (a) Except as provided in subsection (b) no deductions shall be allowed for one-half of any amount otherwise allowable as a deduction for the taxable year under sections 162, 212, or 404 for any amount paid or incurred by the taxpayer for health care of any employee of the taxpayer or of any dependent or relative of such employee.

"(b) The limitations of subsections (a) shall not apply for any portion of any taxable year during which the taxpayer has in force a qualified employee health care insurance policy or plan covering all his employees except for those engaged in purely casual or temporary employment which satisfies all the requirements of section 2008 of the Social Security Act."

SEC. 7. The amendments made by sections 2 through 6 shall become effective for benefits years beginning after June 30, 1971.

By Mr. PROXMIRE (for himself, Mr. McGOVERN, Mr. YOUNG, and Mr. MILLER):

S. 988. A bill to amend the Federal Food, Drug, and Cosmetic Act to require appropriate identification of imitation dairy products, to modify the identification requirements for oleomargarine or margarine served in public eating places, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. PROXMIRE. Mr. President, today I am introducing for myself, Senator McGOVERN, Senator YOUNG and Senator MILLER a bill to simplify the requirements with regard to the serving of oleomargarine in restaurants and to extend to artificial dairy products the same general legal provisions now applying to oleomargarine.

As artificial dairy products come into increasing use, it becomes increasingly more important to let consumers know whether or not they are buying, or being served, the real article or a chemical substitute. For example, does that pitcher on the restaurant table contain real cream or an artificial nondairy creamer? Is the topping on that elaborate dessert whipped cream or simply an ersatz imitation? Is that new dairy product on the supermarket shelves really a dairy product?

Under existing law it is difficult, if not impossible, for the consumer to answer these questions. There is no requirement that restaurant owners tell customers that they are being served artificial dairy products, yet oleomargarine notice requirements have been in effect for over 20 years. There is no effective prohibition in the law against the use of misleading labeling and advertising in promoting the sale of artificial dairy products, yet concern over chemical additives to our food supply is growing by leaps and bounds and, again, effective labeling requirements have been in effect with respect to oleomargarine for over 20 years.

Now some Americans may prefer the corn syrup solids, vegetable fat, sodium caseinate solids, phosphates, mono and diglycerides, sodium silico aluminate, artificial flavor, and artificial color that make up imitation dairy products. They may worry about the cholesterol content of some dairy products, although this question is still in dispute, and not concern themselves with the impact of an impressive array of chemicals on their system. These consumers, too, would benefit from greater disclosure for they would be better able to make sure that they were served the imitation product in restaurants and sold the imitation product in supermarkets.

In other words, the measure I am introducing today does not have anything to do with increasing the sale of dairy products and decreasing the imitation dairy product share of the market. It is nothing more nor less than a "Truth in Dairy Products" bill which will enable the consumer to make the best choice based on all relevant information.

Exactly what does the bill do? First, it simplifies the notice requirements placed on the serving of oleomargarine in restaurants. There is no reason to require a multiple form of notification when either a posted notice that oleomargarine is being served, or a similar notice printed on the menu, or labeling on each separate serving is sufficient.

Second, it applies this same notice requirement to imitation dairy products.

Third, it provides that food cannot be designated as buttered in a restaurant unless it has been buttered with butter. This is simply a logical extension of the present oleomargarine notice requirements.

Fourth, it extends to imitation dairy products the same supermarket labeling requirements that now apply to oleomargarine. Any imitation dairy product offered for sale must have the words "not a dairy product" on the label in lettering at least as prominent as any other lettering on a label. Such labeling must also include a full and accurate statement of all the ingredients contained in the product.

Fifth, it regulates the advertising of imitation dairy products by prohibiting any representations that such an imitation product is the genuine article.

Sixth, it makes a technical change in existing oleomargine law with regard to a waiving of the packaging requirements in the case of oleomargarine served in restaurants. I have been told informally by the Food and Drug Administration that this change will conform existing law to existing practice.

By Mr. MILLER:

S. 989. A bill for the relief of Sidney X. Shore and Souvenir Pen and Pencil Co., Cedar Rapids, Iowa. Referred to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for Mr. JACKSON, for himself and Mr. ALLOTT) (by request):

S. 990. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended. Referred to the Committee on Interior and Insular Affairs.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to offer for Mr. Jackson a bill introduced by Mr. JACKSON for himself and Mr. ALLOTT to amend the Land and Water Conservation Fund Act of 1965, as amended.

By Mr. BYRD of West Virginia (for Mr. JACKSON), (for himself, Mr. ALLOTT, and Mr. ANDERSON):

S. 991. A bill to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to submit for inclusion in the RECORD a statement by the Senator from Washington (Mr. JACKSON) with respect to the introduction of a bill to provide for continuation of the Federal saline water conversion program, together with a bill which he is introducing for himself and Mr. ALLOTT and Mr. ANDERSON to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water, to maintain or improve the quality of natural waters, and for other purposes.

There being no objection, the statement and bill were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JACKSON

Mr. President, I introduce for myself and the Senior Senators from Colorado and New Mexico, a bill to provide direction for the future of the saline water conversion program which is administered by the Secretary of the Interior.

The last major legislative redirection of the saline water conversion program was made in 1961. Since that time only some minor amendments to the enabling measures have been made. The existing law authorizes a full program through Fiscal Year 1972 and a subsequent three-year period to phase out contract commitments and collect data. All of this is subject to annual authorizations of appropriations. Last session both the Senate and the House Interior Committees stated in reports (on the annual authorizing act) that they would consider the future of the program this year.

It is appropriate in a research and development effort such as the saline water program to consider at intervals the accomplishments and status of the work and to redirect the efforts.

There are new opportunities at such review intervals to benefit from experience and form a better understanding of future needs. On February 10, I introduced, by request, the Administration's bill to authorize the Fiscal Year 1972 appropriations for this program. I noted at that time that consideration of the Fiscal Year 1972 budget is closely related to the consideration of enabling legislation for future years.

The Administration has not yet made its recommendations regarding the future of the program. To facilitate action on the appropriations, therefore, I am introducing legislation which would extend the active research and development program for five more fiscal years. It would further provide for the orderly termination of research activities at the end of that time and the integration of other desalting functions with the water resource development programs of the Department of the Interior.

This bill reflects points brought out in the Committee's hearing held last year and the regular reports which the Committee has received. I will be requesting the Administration's comments on the bill, and I am hopeful that a sound program both for Fiscal Year 1972 and future years will be achieved.

S. 991

A bill to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 3, 1952 (66 Stat. 328), as amended, is hereby further amended to read as follows:

The Congress in consideration of the Federal responsibility for water resource conservation by means of comprehensive planning, planning and construction of water resource development projects, administration of the navigable waterways, and maintenance of water quality standards finds that the technology for the conversion of saline and other chemically contaminated waters is vital to all these areas of responsibility. It is the policy of the Congress, therefore, to provide for the development and demonstration of practicable means to convert saline and other chemically contaminated water to a quality suitable for municipal, industrial, agricultural and other beneficial uses and to improve the quality of saline and other chemically contaminated waste waters to protect the quality of natural waters.

SEC. 2. The Secretary of the Interior is authorized and directed to:

(a) conduct, encourage, and promote basic scientific research and fundamental studies to deveolp effective and economical processes and equipment for the purpose of converting saline and other chemically contaminated water into water suitable for beneficial consumptive uses or for the purpose of treating waste waters to achieve qualities suitable for disposal into surface streams, groundwater bodies, or the ocean;

(b) pursue opportunities arising during the course of research and studies authorized by subsection (a) of this section which have potential practical applications unrelated to water treatment in order to advance the work to the stage where such studies and research can be published in an effective form for utilization by others;

(c) conduct engineering and technical work including the design, construction and testing of pilot plants, test beds, and modules to develop desalting processes and plant design concepts to the point of demonstration on a practical scale;

(d) study methods for the recovery and marketing of byproducts resulting from the desalination of water to offset the costs of treatment and to reduce impact on the environment from the discharge of brines into lakes, streams, and other waters; and

(e) undertake economic studies and surveys to determine present and prospective costs of producing water for beneficial consumptive purposes in various parts of the United States by the saline water processes as compared with other standard methods, and by means of mathematical models or other methodologies prepare and maintain information concerning the relation of desalting to other aspects of State, regional, and national comprehensive water resource planning: *Provided,* That in carrying out this function, the Secretary shall coordinate these studies with planning being performed under the provisions of the Water Resources Planning Act (79 Stat. 244), as amended.

SEC. 3. (a) The Secretary is authorized and directed to conduct preliminary investigations and to explore potential cooperative agreements with non-Federal governmental entities and utilities in order to develop recommendations for Federal participation in the construction, operation, and maintenance of prototype plants utilizing desalting technologies for the production of water for consumptive use.

(b) The Secretary is authorized and directed to report to the President and to the Congress, not later than one year after the date of this Act, his recommendation as to the best opportunity for the early construction of a large-scale prototype desalting plant. In making his selection the Secretary shall consider the following:

(i) plant size and process type best suited, within the presently available technology, to demonstrate the practicability of construction and operation of a large-scale plant for water supply on a reliable basis and best suited to provide information on the management problems and economics of such operations;

(ii) availability of cooperating entity or entities willing and capable of entering into agreements and contracts providing a market for water and an operating agency for the plants;

(iii) the availability of a site and the environmental considerations of an energy source and brine disposal; and

(iv) the need for the development of new water sources in the location.

(c) In carrying out the provisions of this section, the Secretary shall utilize the expertise of the water and power marketing agencies of the Department of the Interior and of other Federal agencies as may be applicable to insure that the economic, financial, and engineering analyses of any potential plant and the agreements among participants which may later result will give full consideration to the integration and compatibility of the water production, energy use, and possible energy production of the prototype plant with the water and power systems of the region.

(d) The Secretary is authorized to accept financial and other assistance from any State or public agency in connection with studies or surveys relating to saline water conversion problems and facilities and to enter into contracts with respect to such assistance, which contracts shall detail the purposes for which the assistance is contributed.

SEC. 4. In carrying out his functions under this Act, the Secretary may:

(a) make grants to educational institutions and scientific organizations and enter into contracts with such institutions and organizations and with industrial or engineering firms;

(b) acquire the services of chemists, physicists, engineers, and other personnel by contract or otherwise;

(c) utilize the facilities of Federal scientific laboratories;

(d) establish and operate necessary facilities and test sites at which to carry on the continuous research, testing, development, and programming necessary to effectuate the purposes of this Act;

(e) acquire secret processers, technical data, inventions, patent applications, patents, licenses, land and interests in land (including water rights), plants and facilities, and other property or rights by purchase, license, lease, or donation;

(f) assemble and maintain pertinent and current scientific literature, both domestic and foreign, and issue bibliographical data with respect thereto;

(g) cause on-site inspections to be made of promising projects, domestic and foreign, and, in the case of projects located in the United States, cooperate and participate in their development in instances in which the purposes of this Act will be served thereby;

(h) foster and participate in regional, national, and international conferences relating to saline water conversion;

(i) coordinate, correlate, and publish information with a view to advancing the development of low-cost saline water conversion projects; and

(j) cooperate with other Federal departments and agencies, with State and local departments, agencies and instrumentalities, and with interested persons, firms, institutions, and organizations.

Sec. 5. (a) Research and development activities undertaken by the Secretary shall be coordinated or conducted jointly with the Department of Defense to the end that developments under this Act which are primarily of a civil nature will contribute to the defense of the Nation and that developments which are primarily of a military nature will, to the greatest practicable extent compatible with military and security requirements, be available to advance the purposes of this Act and to strengthen the civil economy of the Nation.

(b) The Secretary will cooperate with the Environmental Protection Agency to insure that research and development work performed under this Act makes the fullest possible contribution to the improvement of processes and techniques for the treatment of saline and other chemically contaminated waste waters and to insure that the experience, expertise, and data regarding desalting technologies which have been acquired in the performance of the Saline Water Conversion Act and which will be acquired in performance of this Act will not be needlessly duplicated by other programs.

(c) The fullest cooperation by and with the Atomic Energy Commission, the Department of Health, Education, and Welfare, the Department of State, and other concerned agencies shall also be carried out in the interest of achieving the objectives of this Act.

(d) All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder. Within six months of the date of this Act, the Secretary shall publish rules in the Federal Register to give effect to the provisions of this subsection and shall subsequently publish all revisions in the same manner.

(e) The Secretary may dispose of water and byproducts resulting from his operations under this Act. All moneys received from dispositions under this section shall be paid into the Treasury as miscellaneous receipts except where such operations may be undertaken as a part of a Federal reclamation project in which case the financial provisions of Reclamation Law (32 Stat. 388 and Acts amendatory thereof and supplementary thereto) will govern.

(f) Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

Sec. 6. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of this Act.

Sec. 7. (a) There are authorized to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization acts to carry out the provisions of this Act during the fiscal years 1973 to 1977 inclusive, and to finance, for not more than three years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this Act and such activities as are required to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act.

(b) The Secretary shall submit to the President and to the Congress not later than December 31, 1975, a report on:

(i) the status of research and development work in progress under the provisions of section 2, subsections (a), (b), (c), and (d), along with a program for the orderly termination of these activities in accordance with subsection (a) of this section; and

(ii) the status of work in progress under the provisions of subsection 2(e) and section 3 along with recommendations for the integration of these remaining functions within the ongoing water resource programs of the Department of the Interior.

(c) No new commitments shall be made under authority of this Act for cooperation with public or private agencies in foreign countries which require the expenditure of funds appropriated pursuant to this Act.

Sec. 8. As used in this Act—

(a) the term "Secretary" means the Secretary of the Interior;

(b) the term "saline water" includes sea water, brackish water, mineralized ground or surface water, and irrigation return flows;

(c) the term "other chemically contaminated water" includes agricultural runoff, municipal and industrial effluent, mine drainage, and naturally contaminated waters which contain chemicals not susceptible to removal by conventional sewage treatment methods but susceptible to removal by desalting processes;

(d) the term "United States" extends to and includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam and the Virgin Islands;

(e) the term "pilot plant" means an experimental unit of small size, usually less than 100,000 g.p.d. capacity, used for early evaluation and development of new or improved processes and to obtain technical and engineering data;

(f) the term "test bed" means an intermediate-sized, experimental desalting plant of up to two million gallons per day capacity used for further evaluation and refinement of processes in the field and designed to facilitate the incorporation of experimental features for performance testing and to permit process changes and improvements as required;

(g) the term "module" means a section or integral portion of a desalting plant which is used initially to study large-scale technology and critical design features in preparation for subsequent prototype construction;

(h) the term "prototype" means a full-size, first-of-a-kind production plant used for the development, study, and demonstration of full-sized technology, plant operation, and process economics.

Sec. 9. This Act may be cited as the Saline Water Conversion Act of 1971.

By Mr. BYRD of West Virginia (for Mr. Jackson, for himself, Mr. Allott, Mr. Jordan of Idaho, Mr. Hatfield, Mr. Bellmon, Mr. Stevens, and Mr. Fannin) (by request):

S. 992. A bill to establish a national land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to introduce, for Mr. Jackson, a bill, for himself, Mr. Allott, Mr. Jordan of Idaho, Mr. Hatfield, Mr. Bellmon, Mr. Stevens, and Mr. Fannin, to establish a national land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes.

I ask unanimous consent that I may be permitted to submit a statement for Mr. Jackson by Mr. Jackson in connection with the bill, and have a letter of transmittal, together with an analysis relating to the bill, printed in the Record.

There being no objection, the statement, letter, and analysis were ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR JACKSON

Mr. President, on behalf of several of my colleagues and myself, I send to the desk for appropriate reference a bill to establish a national land use policy, to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes.

This legislation was submitted and recommended by the Department of the Interior and was referred to in President Nixon's message on the environment, which was submitted to the Congress on February 8, 1971. Mr. President, I ask unanimous consent that the letter from the Secretary of the Interior accompanying this draft proposal together with a section-by-section analysis be printed in the Record at this point in my remarks.

U.S. Department of the Interior,
Washington, D.C., February 11, 1971.

Hon. Spiro T. Agnew,
President of the U.S. Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "To" establish a national land use policy to authorize the Secretary of the Interior to make grants to encourage and assist the States in the preparation and implementation of land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration and we recommend that it be enacted.

This legislative proposal was referred to in President Nixon's message on the environment, which was submitted to the Congress on February 8, 1971. In it President Nixon stated:

"The use of our land not only affects the natural environment but shapes the pattern of our daily lives. Unfortunately, the sensible use of our land is often thwarted by the inability of the many competing and overlapping local units of government to control land use decisions which have regional significance.

"While most land use decisions will continue to be made at the local level, we must draw upon the basic authority of State government to deal with land use issues which spill over local jurisdictional boundaries. The States are uniquely qualified to effect the institutional reform that is so badly needed, for they are closer to the local problems than is the Federal Government and yet removed enough from local tax and other pressures to represent the broader regional interests of the public. Federal programs which influence major land use decisions can thereby fit into a coherent pattern."

The proposed bill encourages the States to exercise their responsibility more fully to deal with certain critical land use problems of more than local impact. Under the proposal Federal grants would be made to assist States in developing and managing land use programs. Grants for up to 50% of cost would be made to develop State land use programs, including plans covering selected areas, and laws or regulations necessary to implement the programs.

Grants would also be made for up to 50% of the cost of managing State land use programs which meet certain requirements set forth in the draft bill. For example, the programs should include methods for inventorying, designating and exercising control over the use of land within areas of critical environmental concern or areas impacted by key facilities, as well as methods for controlling large-scale development and methods for assuring that local laws and regulations do not restrict development of regional benefit, and for controlling land use around new communities.

The proposed bill authorizes the President to designate an agency to issue guidelines to assist Federal agencies in carrying out the requirements of this Act. I understand that the President intends to give this responsibility to the Council on Environmental Quality.

While the Department of the Interior is assigned the primary responsibility for the administration of this program, the Department of Housing and Urban Development will share this responsibility with regard to those aspects of the State land use program dealing with large-scale development, key facilities, development and land use of regional benefit and new communities.

A section-by-section analysis of the bill is enclosed.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

Rogers C. B. Morton,
Secretary of the Interior.

Section-by-Section Analysis

The proposed bill would establish a National Land Use Policy to encourage the States to plan and regulate land use in certain critical areas.

Section 101—declares Congressional findings that present State and local institutional arrangements for planning and regulating land use are inadequate and have resulted in haphazard land development and the loss of important environmental values. It is in the national interest to encourage and assist the States in strengthening the institutional framework for planning and controlling the use of non-Federal lands.

Section 102—contains definitions. "Areas of critical environmental concern" are areas where uncontrolled development could result in irreversible damage to important values. Such areas include coastal zones and estuaries and other similar areas. "Key facilities" are public facilities which tend to induce development of more than local impact, such as airports and highway interchanges. "Development and land use of regional benefit" means private development, the regional need for which outweighs a local conflicting interest.

Section 103—authorizes the Secretary of the Interior to make two successive annual grants of up to 50% of the cost to States of developing a land use program. Prior to receiving the second grant, the State must submit a report of its progress in developing a program.

Section 104—authorizes the Secretary to make grants of up to 50% of the cost to States of managing their land use program. Such grants will be made only if the State program, in the Secretary's judgment, meets certain specified criteria. It must include methods for inventorying, designating and exercising State control over areas of critical environmental concern and areas impacted by key facilities, a method for assuring that local regulations do not restrict land use and private development of regional benefit, a policy for influencing the location of new communities, a method for controlling proposed large-scale development of more than local impact on the environment and a detailed schedule for implementing all aspects of the program. The program must not exclude areas of critical environmental concern to the Nation and must take into account the unique values and fragile nature of coastal zones and estuaries, particularly coastal wetlands. The program must also meet certain other organizational and procedural requirements.

Section 105—requires the Secretary to consult with Federal agencies with activities or programs affecting land use before making a program management grant. The Secretary shall not approve such a grant unless the Secretary of Housing and Urban Development is satisfied that those aspects of the State land use program dealing with large-scale development and key facilities, development and land use of regional benefit, and new communities meet the requirements of section 104. The Secretary shall act on a program management grant application within 6 months after receipt of the State's land use program.

Section 106—establishes a requirement for consistency of Federal projects and activities with State land use programs. It also requires that Federal agencies submitting environmental statements pursuant to the National Environmental Policy Act include a detailed statement of the relationship of the proposed Federal action to any applicable State land use program which has been found eligible for a management grant.

Section 107—requires that where a State has not been found eligible for a management grant, any major Federal action significantly affecting the use of non-Federal lands proposed after December 31, 1974, must be preceded by a public hearing at least 180 days before the proposed action, followed by detailed findings upon which the Secretaries of the Interior or Housing and Urban Development will be allowed to comment, unless the President determines that the interests of the United States are to the contrary.

Section 108—authorizes the Secretary to provide advice upon request to States about areas of critical environmental concern to the Nation and directs Federal agencies to share pertinent expertise with the States.

Section 109—authorizes the President to designate an agency to issue guidelines to assist Federal agencies carrying out their responsibilities under the Act.

Section 110—authorizes the Secretary to allocate grant funds to the States on the basis of State population and growth, extent of coastal areas and areas of critical environmental concern and other relevant factors. No grant funds shall be used by the State to acquire real property.

Section 111—authorizes the Secretary to develop, in consultation with other interested parties, rules and regulations covering the submission and review of grant applications and to require reports concerning the status and operation of the program. It requires that certain records be kept and authorizes the Secretary and the Comptroller General to audit and examine such records. It further provides that nothing in this Act shall extend State territorial jurisdictions or be construed to conflict with other Federal statutes or regulations.

Section 112—authorizes the appropriation of $20 million in each fiscal year 1972 through 1976 for grants to States. It further authorizes the appropriation of such sums as necessary for the Departments of Interior and Housing and Urban Development to administer the program.

By Mr. BYRD of West Virginia
(for Mr. Jackson, for himself,
Mr. Allott, and Mr. Cooper)
(by request):

S. 993. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to introduced a bill authored by the Senator from Washington (Mr. Jackson), and offered by Mr. Jackson, for himself and Senators Allott and Cooper, to provide for cooperation between the Federal Government and the States with respect to environmental regulations for mining operations and for other purposes.

By Mr. HARRIS:

S. 994. A bill to authorize the Secretary of Agriculture to establish a national water control engineering research laboratory at Lake Carl Blackwell, Stillwater, Okla. Referred to the Committee on Agriculture and Forestry.

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill which would authorize the Secretary of Agriculture to establish a national water control engineering research laboratory at Lake Carl Blackwell located close to Stillwater, Okla.

If established, this laboratory would assist in our efforts to solve the immense environmental problems we are experiencing. Intensive water control engineering research is essential for continued progress in land treatment and watershed protection, and the laboratory to be established by this bill could carry out this type of research.

Lake Carl Blackwell is an ideal location for the laboratory. In fact it was concluded by the Senate Appropriations Committee in 1959 that this location was ideal. In Senate Document No. 59, 86th Congress, it is stated:

> The unique facilities available at this location should be expanded to serve as a center for evaluating engineering design of conservation structures including vegetation that are an important part of the rapidly expanding watershed programs authorized under Public Law 83–566, as amended.

Even though recommended in 1959, unfortunately action has not been taken on this project.

Because of the pressing need for this Nation and the entire world to control our environmental problems, I hope that Congress will act promptly on this legislation.

I ask unanimous consent that the printed portions of a proposal in support of this laboratory be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

A Proposal for a National Water Control Engineering Research Laboratory To Be Located at Lake Carl Blackwell, Stillwater, Okla.

ENVIRONMENT AND MAN

Man occupies the earth and uses its resources for his survival. As his numbers increase, man taxes the capacity of the earth and atmosphere to assimilate his waste products. In this respect, man is like certain simple organisms, which, given an unlimited food supply, proliferate exponentially until further growth is stopped by the toxicity of their own wastes. What is this threshold limit for man? Can it be pushed upward by technology?

Man's occupancy and use of the earth alter the interaction between climate and land, particularly the distribution and movement of the waters on and beneath the surface of the earth. For example, as he cultivates fields, runoff may be increased, and certainly as he paves urban areas for roads, parking areas and building tops, he greatly increases runoff. At the same time that he increases runoff he encroaches on the river channels and floodplains and thereby doubly increases the possibility of flood.

If man is going to continue to increase his numbers and to extend a high standard of living to all, some drastic physical changes will be needed in the arrangement of his living areas, his production areas, both farm and industrial, or his recreation areas and the water drainage and storage system. He will need to establish an equilibrium between his activities and the forces of nature so a healthful and enjoyable environment will be maintained. This environment will not be a forest primeval, nor can it ever be again. But it will be one that man can enjoy and one in which a new ecological balance will be struck. This will take all the skills of man and new knowledge yet to be gained to achieve. All engineering and sciences will be involved. Water control engineering will be but one of these, but nevertheless a very important one. Therefore, a laboratory for Water Control Engineering Research is proposed. This laboratory will be dedicated to the solution of the water control aspect of environmental problems. Its outlook and impact will be nationwide.

WHAT IS WATER CONTROL ENGINEERING?

It is Flood Control: If man is to use and occupy the floodplain he must prevent high water from covering it by building upstream floodwater retarding dams, by increasing the water carrying capacity of the stream channel, or by building levees.

It is Erosion and Sediment Control: Flowing or falling water is the principal agent for eroding land, moving sediment, degrading or aggrading stream channels, scouring streambanks, or undermining hydraulic structures. Therefore, erosion and sediment control depend upon water control.

It is Water Supply: Much of man's need for water is met by surface water supplies. These supplies are directly dependent upon rain and snow and thus their availability will vary as the climate varies. Reservoirs may be needed to store water during the rainy season to use during the dry season. Also, canals may be needed to bring the water from the reservoir to the point of use.

It is Water Measurement: Planning water control works, whether for flood control or water supply, requires estimates of the rates and quantities of water flow which can be expected to occur. These estimates are based on measurements of runoff from research watersheds. Weirs and flumes especially designed for this purpose measure the runoff.

It is Water Level Control: In coastal and tidelands areas agricultural productivity can be greatly increased by careful control of ground water level, by keeping out salt water which comes in with the rising tide, and by supplemental irrigation from abundant fresh water in the drainage ditches. Special water control structures can make these operations possible.

ECONOMIC IMPORTANCE

The total installation cost of structural measures for watershed work plans approved as of June 30, 1967, was a little over one billion dollars. Yet this large sum is for work on less than 5% of the land needing watershed treatment. Thus it can be expected that the ultimate investment in structural measures for watershed treatment alone will exceed 20 billion dollars. Research to assure that the structural works will be adequate, safe and economic is urgently needed.

THE PROBLEMS

1. Flood control

How deep will water flow in channels and over floodplains?

Depth of flow depends upon the hydraulic roughness of the channel or land surface. This roughness is unknown for many surfaces.

How can a floodwater retarding dam be protected against damage by a super flood?

The emergency spillway provides this protection, but much still needs to be known about the effectiveness and efficiency of earth and grass-lined spillways commonly used for this purpose on upstream reservoirs.

Under what condition is riprap needed to protect the face of an earth dam? What size should it be and where should it be placed?

Riprap can nearly double the cost of a dam. It is not always needed, yet when it is, it is needed badly. Criteria are not available for making this determination of need.

How can cavitation be prevented at the juncture of the drop inlet and conduit of a principal spillway?

Cavitation is an extremely destructive hydraulic phenomenon that can occur where high velocity flow separates from an adjacent surface. This separation can be prevented by proper shaping of the transition at the juncture. However, the curved surfaces required are costly to construct in concrete. A single transition, free of cavitation potential, is still needed.

What is the best form of trash rack for a principal spillway?

The ideal trash rack is one which will intercept anything in the water which could plug the spillway and at the same time not become plugged itself. The ideal rack is still being sought.

How can floodwater be conveyed through an urban area?

Open channels are the usual means of carrying a flood. In urban area they are usually paved for permanence. The smooth paving and steep grades result in high speed flows that are easily disturbed by the curves or narrow bridge openings in confined, urban channels with destructive waves a consequence.

2. Erosion control

How should terrace systems be designed?

The increased spacings and increased lengths of terraces have required more careful design to achieve the utmost economy in their construction. Also, the use of parallel terraces has resulted in irregular grades for terraces. The principles of spatially varied, nonuniform flow should be followed in their design. Research is needed to determine the appropriate design procedures under these conditions and to evaluate the physical constants in the flow formulas.

How can shifting streams be controlled?

Accelerated meander and cross section changes of natural or constructed channels can result from changes in the flow or sediment carried by the stream or from improper design of a constructed channel. Proper grades and cross sections must be determined for these streams. Bank protection methods need to be devised and evaluated. Grade control structures need study. The possible use of sediment traps needs to be explored.

What is the best way to dissipate the energy of the outflow from a pipe spillway?

The least expensive method for dissipating excess energy is to allow the jet of water to form a scour pool at the outlet of the spillway. However, under some conditions, not yet defined, the scour pool will grow so large as to undercut the toe of the dam or to threaten the safety of nearby structures. A riprapped pool or a concrete stilling basin is then required. Criteria are needed for determining the need for protection at pipe outlets.

3. Water supply

How can water be conveyed from a reservoir to the point of use?

Conveyance canals require entrance and exit structures and crossings or siphons along the way. These must be properly sized to match the capacity of the canal, and protected from self-destruction by water erosion.

4. Water measurement

How can water flow be measured?

The measurement of streamflow is made difficult by the presence of sediment in the flow, by extremely flat stream gradients as in coastal areas, and by steep stream gradients as in mountain areas. The design of special measuring devices requires laboratory testing.

HOW CAN THESE PROBLEMS BE SOLVED?

Water problems are solved by a combination of experience, research, and analysis. Of these, research contributes most to a rapid solution of a problem. It is a vital component in the formula for progress in any endeavor, and particularly so for water resources development.

The research on the problems presented in the foregoing is best conducted in a hydraulic laboratory. There, field problems can be simulated and experimental control structures built full scale or model size for investigation.

NEEDED FACILITIES

The Center should include an indoor hydraulic laboratory, an outdoor hydraulic laboratory, offices, and shops.

The indoor laboratory should have model basins, test flumes, and calibration equipment. The water supply should be self-contained and recirculated. Volumetric or weighing tanks are needed.

The outdoor hydraulic laboratory should have a large, sloping area upon which experimental structures can be built. A large supply of water, up to 500 cubic feet per second will be required. This can be obtained by gravity flow from a large reservoir and conveyed to the experiments by open channels. A low level reservoir may be needed to receive the waste water for subsequent return to the main reservoir by pumping.

The shops should be completely equipped for woodworking, metal working, plastic working, pipe and sheet metal fabricating, and servicing electronic and other instruments.

The research staff should include hydraulic engineers from the fields of civil and agricultural engineering with experience in both structures and channels. An agronomist would be needed to work on grass linings for conservation channels and spillways and on other vegetation for structures protection. Expertise would also be needed in sediment movement and channel stability, soils mechanics, electronic instrumentation, and computer technology.

It is recommended in Senate Document No. 59 that as of March 1, 1970, that $900,000 be made available for construction of facilities and that $660,000 be allotted annually for operating funds. However, to perform the research on the scale envisioned would require a facility costing at least $2,000,000.

LOCATION OF THE LABORATORY

U.S. Senate Document No. 59, 86th Congress, recommended that a Center for the engineering design of conservation structures be located in either Oklahoma or Tennessee. The document then singles out Oklahoma by saying, "Special mention should be made of the excellent water supply provided by Lake Carl Blackwell near the Oklahoma Agricultural Experiment Station campus where the Agricultural Research Service and the Oklahoma Agricultural Experiment Station are conducting research on design of engineering structures for use in conservation operations," and by saying further, "Stillwater, Okla.—The unique facilities available at this location should be expanded to serve as a center for evaluating engineering design of conservation structures including vegetation that are an important part of the rapidly expanding watershed programs authorized under Public Law 83-566, as amended."

The document stipulates that "A necessary requirement for such a center on this subject is an adequate supply of water with ample head for testing models or essential parts of all structures required in watershed programs administered by the U.S. Department of Agriculture. It is also essential for the requirements of departmental action programs that research on design problems have first priority. Ample and suitable land should be available for outdoor testing of conservation structures and necessary appurtenances thereto. It would also be desirable to locate such a laboratory where testing would not be seriously hampered by cold weather.

"The center should be located at or adjacent to a land-grant college or a university with strong programs in areas related to the work of the center."

The site at Lake Carl Blackwell near Stillwater, Oklahoma, meets the requirements set forth. Furthermore, there is a research station there now which could provide a nucleus for the new laboratory.

The land-grant institution at Stillwater, Oklahoma State University, is a strong school in soil and water conservation research and teaching. The University is also the location for the Oklahoma Water Resource Research Institute. Association with these institutions would strengthen the new laboratory. Stillwater, Oklahoma is the place to locate the Center for Water Control Engineering Research.

Mr. HARRIS. Therefore, Mr. President, we are asking that except for any project held up or delayed for environmental reasons, these projects presently being delayed by the President may be turned loose and the funds now being held up may be permitted to be expended for these purposes previously approved by Congress.

Mr. President, I yield the floor.

By Mr. HARRIS:

S. 995. A bill for the relief of Ronald K. Downie. Referred to the Committee on the Judiciary.

S. 996. A bill for the relief of certain air taxi mail transportation operators. Referred to the Committee on Post Office and Civil Service.

By Mr. ROTH:

S.J. Res. 57. Joint resolution proposing an amendment to the Constitution of the United States to establish maximum age limits for certain officers of the Government. Referred to the Committee on the Judiciary.

Mr. ROTH. Mr. President, on December 17, 1970, during the closing hours of the 91st Congress, the senior Senator from Delaware, the Honorable John J. Williams, introduced a joint resolution proposing an amendment to our Constitution for the purpose of establishing a mandatory retirement age for Federal judges and for the Members of the Congress. On the following day, I introduced a similar proposal in the House. Today, I am reintroducing his proposal.

The name John Williams is synonymous with personal integrity. Perhaps he was most aptly described by the Senator from Nebraska (Mr. CURTIS) on the day Senator Williams announced his intention to retire. Senator CURTIS said:

> Senator John Williams stands high above the crowd in moral integrity and courage. On numerous times he has led the fight and stood without many followers for righteousness in government. Many departments and agencies operate more efficiently because of what John Williams has done and the fear of what he might do. The mere presence of John Williams in the Senate is a force for good.

Although that force in the person of John Williams is no longer in the Senate, we have all learned much from his example.

In deciding not to pursue a fifth term in this body, it cannot be doubted that Senator Williams was again trying by his example to foster a change for good. He was cognizant that the work of the Congress was ever expanding; that the days of concluding the business of the Congress by midsummer or early fall were far behind us. To serve the needs of a nation whose wrongs cry out for immediate attention, the business of the legislature must be a year-round activity. The obligations of the Members of Congress to their constituency and to the Nation demands much. There is only so much time, and that time is precious.

The same situation we have in Congress exists in the courts. Today, we all are concerned about ways to reduce court backlog to provide every accused individual a trial within 60 days following his arrest and to provide all people a reasonable access to the courts for the redress of grievances. This pressure is felt by no one more than by our Federal judges on whose shoulders much of this great burden falls.

Senator Williams was also concerned with the problems that some Federal judges presently serve on the Federal judiciary long past the age where they can follow the arguments of a long tedious trial. The result of this situation is that we are getting court decisions and opinions rendered by young law clerks who have no responsibility to the people.

A similar situation also exists in the Congress. We all recognize that in some cases where men have served too long in the Congress decisions are frequently made by staff members. Not only is this bad practice judicially but it is also bad legislatively.

This constitutional amendment which I am proposing today will accomplish the following: First, it will not allow the appointment to the Federal bench of anyone 70 years of age, and will require those already on the Federal bench to retire 30 days after reaching such age; second, it will not allow anyone 65 years of age to run for election to the Senate of the United States—this will have the desired effect that no Senator be 70 years of age or over; and, third, it will not permit a person to run for election to the House of Representatives who is 68 years of age, which will result in the similar situation that no Member of the House of Representatives be 70 years of age or over.

This is the principal content of the legislation introduced by Senator Williams last December. I have modified this legislation somewhat to grant immunity from its impact to certain persons already serving in the Federal judiciary and to those Members of the Congress who are 60 years of age or older when this legislation is submitted to the States for ratification.

It is my belief that we must make special consideration for both of these groups in view of the vast sacrifices they have made to enter public life, and without benefit of the knowledge that this be adopted. Accordingly, Federal judges who have not served the minimum number of years required by law to become eligible for their pension benefits, which is their salary for life, will be allowed to remain on the bench until that minimum time has been served.

Members of Congress equally have sacrificed much to enter public life. I believe that it would be unfair to require those now close to the ages at which retirement from the Congress would be required to be bound by its provisions. Thus, I have included in the language of this amendment a provision that will allow those 60 years of age when this legislation is submitted to the States for ratification to be exempt from the impact of this amendment. These individuals will be allowed to continue to hold office and to seek reelection to that office with no restrictions as to age. Of course, those Members so affected are free to elect to choose not to utilize this special provision.

I have chosen the age of 60 years because I believe it presents a viable cutoff. I do not believe that this special exemption should be available to all the Members of Congress since sometime in the future it would allow to exist a special exempt class of legislators, something which I would not approve. And in drawing any line such as this, there will always be inequities. There is no rational justification for 60 years of age, just as there would not be one for drawing the line at 59 or 61. The fact of the matter is that I believe that a line must be drawn.

Mr. President, a mandatory retirement age is not unknown in America. In 1966, we in the Congress determined that civil service employees must retire at age 70. American business has long considered 65 as an appropriate age for its executive employees to step aside for younger men. There is even a movement toward a younger retirement age. While these practices have created some problems especially for those retiring, the movement has been for the pursuit of excellence and fairness, and not to give special consideration for the younger generation.

In this vein, Senator Williams concluded that it was time for this country to recognize that its political leaders too are mere mortals and that the passage of time does impair us all. This country and the electorate deserve the best qualified men available, mentally as well as physically. I do not believe that this proposal will infringe on that quest, but will act to improve our federal system of government.

Further, the talents of these great leaders who will retire according to this proposed constitutional imperative will not be wasted. Just as the expertise of past Presidents is utilized by those who now hold that high office, so too would the expertise of these retired Members become available as resources to those who would follow in their stead. Those retired judges, Senators, and Representatives will serve the Nation still as valued citizens of the Republic.

Finally, in introducing this legislation, Senator Williams hoped that this Congress would actively consider the enactment of this legislation. It is my hope, too, that the committee to which this proposal is referred will soon call hearings to deliberate on its value.

Mr. President, I ask unanimous consent that the text of the proposed constitutional amendment be printed in the Record at this point.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after its submission to the States for ratification:

"Article —

"Section 1. No person who has attained the age of seventy years shall be appointed to be a judge of the United States. Within thirty days after attaining seventy years of age, any judge of the United States shall retire from regular active service. Any such judge who holds a judgeship on the date in which this article is ratified may continue in regular active service until the later of that date on which he attains such age or thirty days after the date on which he has served the minimum number of years required by law, in effect on such ratification date, as a condition of continuing to receive, during his lifetime, the salary of the office upon resignation or retirement from regular active service.

"Sec. 2. No person who has attained the age of sixty-five years shall be a Senator, except that any Senator who attains such age while in such office may serve for the remainder of the term for which he was elected or appointed. This section shall not apply to any person who is a Senator on the date that this article is submitted to the States for ratification and who is sixty years of age or older as of such date.

"Sec. 3. No person who has attained the age of sixty-eight years shall be a Representative, except that any Representative who attains such age while in such office may serve for the remainder of the term for which he was elected. This section shall not apply to any person who is a Representative on the date that this article is submitted to the States for ratification and who is sixty years of age or older as of such date."

By Mr. BELLMON:

S.J. Res. 58. Joint resolution to establish a Joint Commission on Energy, and for other purposes. To the Committee on Commerce.

Mr. BELLMON. Mr. President, in order to provide a forum for disclosing the facts of our current energy supply situation, as well as a mechanism for both Houses of Congress to deal effectively with the problem, I am today introducing legislation to establish a Joint Congressional Committee on Energy. I ask unanimous consent that a copy of the bill be printed at the conclusion of my remarks.

The Nation's energy crisis grows worse every day. Evidences of the problem are to be found at every hand.

The Federal Power Commission recently issued a report showing that some areas of the country may expect to experience power supply shortages this coming summer; that pipeline companies operating storage facilities will be faced with a problem of replenishing their full storage capacity during the summer season; and that the natural gas supply remains tight.

Earlier this year, Mr. Hollis M. Dole, Assistant Secretary of the Interior for Mineral Resources, reported that the demand for energy supplies is growing greater at a time when gas supplies are short, nuclear power development is behind schedule and coal is being forced out of big city markets because it cannot meet air quality standards.

According to Mr. Dole:

> By 1985 the United States is going to require—at the very least—almost double the amount of energy it used last year to heat its homes, power its factories, mines and transportation systems, and in general to accomplish the work that must go on in a large industrialized high-consumption society. This says nothing at all about the sources from which this energy must come, or the form in which it will be used.

But, in Mr. Dole's words:

> It is upon these critically important matters of form and source of our energy supplies that the strength, growth and security of our nation depends.

The Interior Department official said the domestic oil supply is failing while we are reaching a point where foreign oil is not only unreliable, but costly as well. As he points out:

> Despite the announced purpose of the oil import control program to prevent critical dependence upon foreign sources of oil, the East Coast is now critically dependent upon foreign sources for the oil which supplies nearly half its industrial energy.

Mr. Dole stresses the fact that not since the early 1920's has the United States been without a cushion of "spare capacity" in its domestic production to call upon in the event of a sudden failure of our normal petroleum supply sources. It would be a totally new experience to be dependent upon foreign oil sources not only for a substantial and growing part of our normal oil supply, but for all our emergency supply. Ironically, it has been the failure of foreign oil supply that has been the cause of all our emergency needs for oil since the end of World War II.

So we look to our domestic oil and gas industry to meet the crisis by finding new sources of energy supplies. But that industry is facing a financial bind created by unfavorable world conditions and discouraging government policies.

The Independent Petroleum Association of America reports the number of new natural gas drilling ventures is declining for lack of incentives under present price levels, set by the Federal Power Commission. Despite inflationary trends in production costs, wellhead prices on natural gas are near 1960 levels.

Environmental restrictions on the quality of fuel used by industry are forcing oil and gas producers to spend large sums of money to research means of cleaning up the fuel we do have. In Alaska, exploitation of huge oil reserves is being slowed down by lengthy debate on what effects a proposed pipeline across the State will have on the environment.

The continuing Middle East crisis has resulted in a shortage of tankers, causing a jump in the cost of transporting crude oil to American refineries.

Recent tax laws reduced the oil industry's depletion allowance, curtailing industry funds for new ventures by about $700 million per year.

Despite the obvious threat to our security and economy, our Government has on occasion threatened to import more foreign oil to prevent oil industry price adjustments.

Mr. President, it is apparent that present regulations of the oil and gas industry are incompatible with solving the energy crisis.

We must recognize that we have a serious problem and it is one that cannot be solved by sticking our heads in the sand.

Government officials and private citizens alike must be informed about our country's energy needs, how they can be met, and how much we must pay to uncover new supply sources before we will be able to make the necessary decisions for which directions to take.

Mr. President, I realize that efforts are already being put forth to review thoroughly the entire spectrum of the Nation's energy needs. I am a cosponsor of Senate Resolution 45, providing for a study of a national fuels and energy policy by the Senate Interior and Insular Affairs Committee. This is indeed a worthy piece of legislation and is a much needed step, but because of the magnitude of the problem, I believe we should go further and create a special committee with a single purpose.

The legislation I am introducing is tailored after the statute which established the joint congressional committee that regularly reviews the operation of the Atomic Energy Commission.

It is my feeling that such a review is largely responsible for the great strides this country has made in atomic energy research and development.

Mr. President, as a representative of a State which produces oil, gas, coal, and other minerals, and as a former Chairman of the Interstate Oil Compact Commission, I am convinced that the energy industry can meet its responsibility to supply the Nation with a reliable supply of low-cost energy. To my knowledge, there is no other major industry that can equal its record for holding down costs to consumers.

The slowdown in new drilling ventures, the blackouts and brownouts of recent winters, and warnings of rapidly diminishing energy supplies make it essential that sound governmental decisions based upon full and accurate information can be made in the future. I am hopeful the joint committee I have proposed will help accomplish this objective.

A primary reason for the present critical situation is that no procedure for regular and continuing public review exists. Public debate and disclosure of facts relating to our energy situation would produce a much greater understanding on the part of American consumers as well as Government officials who are charged with decisions relating to the welfare of our country.

I am hopeful that the joint committee I have proposed will initially help to clear away much of the misunderstanding and confusion which surrounds current policies toward the energy industry, and will ultimately provide the farsightedness necessary to prevent future crisis points from building in this all-important and vital segment of our economy.

ADDITIONAL COSPONSORS OF BILLS

S. 32

At the request of the Senator from Massachusetts (Mr. Kennedy) the names of the Senator from Indiana (Mr. Bayh) and the Senator from Connecticut (Mr. Ribicoff) were added as cosponsors of S. 32, the Conversion Research Education and Assistance Act of 1971.

S. 34

Mr. KENNEDY. Mr. President, I ask unanimous consent that at its next printing, the names of Mr. Anderson, Mr. Bayh, Mr. Bible, Mr. Brooke, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Chiles, Mr. Church, Mr. Cranston, Mr. Eagleton, Mr. Fulbright, Mr. Gravel, Mr. Hansen, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Mansfield, Mr. McGovern, Mr. McIntyre, Mr. McGee, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Scott, Mr. Sparkman, Mr. Stevenson, Mr. Symington, Mr. Tunney, and Mr. Williams may be added as cosponsors of S. 34, the Conquest of Cancer Act. I am pleased to say that we now have a total of 43 sponsors for this legislation, and that the bill has strong bipartisan support. Because of the widespread interest in the measure, I intend to begin hearings on it within the next few weeks.

S. 41

At the request of the Senator from Kansas (Mr. Dole), the Senator from Florida (Mr. Gurney) was added as a cosponsor of S. 41, to establish a National Information and Resource Center for the Handicapped.

S. 70

At the request of the Senator from Kansas (Mr. Dole), the Senator from Oklahoma (Mr. Bellmon) was added as a cosponsor of S. 70, to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes.

S. 376

At the request of the Senator from West Virginia (Mr. Byrd), on behalf of the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 376, the Vietnam Disengagement Act of 1971.

S. 382

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Rhode Island (Mr. Pell), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of S. 382, to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 537

At the request of the Senator from New Mexico (Mr. Anderson), the Senator from Minnesota (Mr. Humphrey) and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of S. 537, to include chiropractor's services among the benefits provided by the insurance program established by part B of title XVIII of the Social Security Act.

S. 555

At the request of the Senator from Massachusetts (Mr. Kennedy) the Senator from Illinois (Mr. Steveson) was added as a cosponsor of S. 555, the Older American Community Service Employment Act.

S. 598

At the request of the Senator from Massachusetts (Mr. Kennedy), the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 598, relating to judicial review of administrative actions.

S. 718

At the request of the Senator from Delaware (Mr. Roth), the Senator from Illinois (Mr. Stevenson), and the Senator from Michigan (Mr. Griffin) were added as cosponsors of S. 718, to create a catalog of Federal assistance programs.

S. 870

At the request of the Senator from New Jersey (Mr. Williams), the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 870, a bill relating to the Emergency Commuter Relief Act of 1971.

S. 882

At the request of the Senator from New Jersey (Mr. Williams), the Senator from Maine (Mr. Muskie), the Senator from Iowa (Mr. Hughes), the Senator from Florida (Mr. Gurney), and the Senator from Delaware (Mr. Boggs) were added as cosponsors of S. 882, authorizing payment under medicare for services performed by a household aide.

S. 883

At the request of the Senator from New Jersey (Mr. Williams), the Senator from Nevada (Mr. Bible), the Senator from Florida (Mr. Chiles), the Senator from Missouri (Mr. Eagleton), the Senator from Iowa (Mr. Hughes), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Maine (Mr. Muskie), the Senator from Illinois (Mr. Percy), the Senator from Vermont (Mr. Prouty), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 883, to establish an Institute on Retirement Income.

S. 896 AND S. 905

At the request of the Senator from Wisconsin (Mr. Proxmire), the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 896 and S. 905, to prohibit the use of food-for-peace funds for military purposes.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 15

On behalf of the Senator from Wisconsin (Mr. Nelson), the Senator from Tennessee (Mr. Baker), the Senator from Maryland (Mr. Beall), the Senator from Oklahoma (Mr. Bellmon), the Senator from Delaware (Mr. Boggs), the Senator from West Virginia (Mr. Byrd), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from New Hampshire (Mr. Cotton), the Senator from Colorado (Mr. Dominick), the Senator from Missouri (Mr. Eagleton), the Senator from Florida (Mr. Gurney), the Senator from Indiana (Mr. Hartke), the Senator from Washington, (Mr. Jackson), the Senator from Oregon (Mr. Hatfield), the Senator from Massachusetts (Mr. Kennedy), the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. McGovern), the Senator from Iowa (Mr. Miller), the Senator from Maine (Mr. Muskie), the Senator from Oregon (Mr. Packwood), the Senator from Rhode Island (Mr. Pastore), the Senator from Delaware (Mr. Roth), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Virginia (Mr. Spong), the Senator from Ohio (Mr. Taft), the Senator from South Carolina (Mr. Thurmond), and the Senator from California (Mr. Tunney), were added as cosponsors of Senate Joint Resolution 15, to designate the third week of April as Earth Week.

SENATE RESOLUTION 58—SUBMISSION OF RESOLUTION TO EXPRESS THE SENSE OF THE SENATE ON RELATIONSHIP BETWEEN LEGISLATIVE AND EXECUTIVE BRANCHES OF THE GOVERNMENT

Mr. HARRIS. Mr. President, I am submitting today a resolution which would express the sense of the Senate on a matter of great importance insofar as it touches upon the relationship between the legislative and executive branches of the Government. I am joined in sponsoring this resolution by Senators BIBLE, CRANSTON, EAGLETON, GRAVEL, HOLLINGS, HUMPHREY, INOUYE, JACKSON, JORDAN of North Carolina, MAGNUSON, MCGEE, MCGOVERN, MONDALE, MOSS, RANDOLPH, STEVENSON, SYMINGTON, TALMADGE and TUNNEY.

In proper exercise of its legislative function, the Congress has authorized the construction of public works projects in the various States. Appropriations have been passed by the Congress after full consideration by the Appropriations Committees of both the House of Representatives and the Senate, and the appropriation bill has been signed by the President. The President was critical of the Congress for adding new starts and increases over the amounts which he had requested in his budget for fiscal year 1971. Prior to formulation of the 1972 budget, the President placed in budgetary reserve funds affecting public works projects in nearly all the States. He included construction projects previously funded but not initiated, projects recommended in the budget as new starts, and all congressional add-ons for planning and construction. This decision was stated to be without prejudice, pending completion of the 1972 budget.

An analysis of the 1972 budget reflects a history of public works appropriations being subjected to freezes and thaws as a part of the President's overall economic policy.

The following statements appear in the special analyses accompanying the 1972 budget:

> The construction moratorium imposed by the President in September 1969 to relieve inflationary pressures was terminated in June 1970. The 75% deferral of new construction contracts during 1970 resulted in shifting some $300 million of budget outlays from 1970 to later years. Under the President's policy, the projects deferred in 1970 will not be accelerated, but will now proceed under normal program schedules.
>
> Some new projects funded in the 1970 and 1971 budgets have been delayed to avoid aggravating inflationary conditions in local construction market areas and to comply with outlay ceilings imposed by the Congress. Almost all of these new projects are now programmed for starting in 1971 and 1972.
>
> Construction costs are continuing to rise rapidly, adding to budget outlays. The Department of Commerce's composite index of construction costs increased nearly 8% in the year ending September 1970, about the same as in the prior year.

The fact that many of the projects will be scheduled for starts in fiscal year 1971 and 1972 does not satisfy, to my mind, the unwarranted interference by the President into the legislative function of the Congress purely as a part of his overall economic game plan.

Over the past 2 years, we have been suffering from inflationary pressures, accompanied by major unemployment. This unemployment has been especially high in the construction sector. When budgetary freezes are imposed by the Executive in the face of legislative action by the Congress to implement what is, in my opinion, a misguided economic policy, the Senate has the responsibility to speak out.

By signing the public works appropriation bills, and then placing items in budgetary reserve, the President is exercising a peculiar power—a "partial temporary veto." I find no constitutional basis for such action.

There are several public works projects in my own State of Oklahoma which have been delayed by the President's fund freezing. The Corps of Engineers has informed me that the withholding of funds on the Waurika Dam project has caused that project to be a full year behind its original schedule. Some funds will be available for the Waurika Dam during fiscal year 1971 but the project will not proceed on the schedule originally contemplated by the Congress. Other Oklahoma projects are still in reserve and funds will not be available until fiscal year 1972. I append hereto a list of Corps of Engineer projects and the funds in reserve as of February 17, 1971.

Mr. President the ultimate loser in this game of budgetary impounding is the taxpayer. Once a project has been approved by the Congress and signed into law by the Executive, it is nearly certain that the work will eventually be completed. Delays such as those imposed by the President only add to the final cost to the taxpayer, since each year, construction costs increase.

The projects which we are discussing, Mr. President, are necessary for the welfare of the communities affected thereby. Some provide flood control measures, which can save life and property of citizens in the project region. Other projects are necesary to provide an adequate water supply to meet the municipal and industrial needs of the communities. It is not enough to relax the budgetary reserve or to let funds out at a reduced pace. The funds should be spent and the projects completed insofar as possible, in accordance with the schedules prescribed by the Congress.

I would like to make clear that this resolution is directed to those projects which are being held up for budgetary and fiscal reasons. I am not urging that the Cross-Florida Barge Canal, which is in question due to its effect on the environment, be reinstated. My concern is directed to those projects which are environmentally sound but subject to delay as a part of the administration's economic policy.

I note with interest that the Subcommittee on Separation of Powers of the Committee on the Judiciary, under the able leadership of the distinguished Senator from North Carolina (Mr. ERVIN), is planning a study of the practice of impounding of appropriated funds insofar as it relates to the constitutional powers of the Congress and the Executive. I congratulate the distinguished Senator from North Carolina and hope that his work can elucidate the problems existing in this area and point the way to legal solutions.

Pending full resolution of all of the constitutional issues involved, I feel that it is the responsibility of the Senate to stand in support of its legislative power and not let that power be eroded by unwarranted Executive action.

I think it is bad economy to hold up those projects when we know they are going to be built anyway. History shows that inflation will result in added costs. As a matter of fact, it seems to me they should be constructed now in the interest of the economy, at a time when we ought to be stimulating the economy and creating additional jobs, rather than the opposite, as the President's policy seems to entail.

I ask unanimous consent that a list of Corps of Engineers civil works, funds in the budgetary reserve for fiscal year 1971, be printed in the RECORD.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The resolution (S. Res. 58) was referred to the Committee on Appropriations, as follows:

S. RES. 58

Resolved, That it is the sense of the Senate that (1) the President of the United States should provide for the immediate release of funds which were appropriated by Congress for public works under the Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act, 1971, and which were placed in budgetary reserve for fiscal, economic and related budgetary reasons at his direction, and (2) construction of such public works, excepting those being reconsidered or delayed for environmental reasons, should proceed according to the schedules set and funds appropriated by the Congress in the exercise of its proper legislative function.

The statement ordered to be printed in the RECORD, is as follows:

CORPS OF ENGINEERS—CIVIL WORKS, FUNDS IN BUDGETARY RESERVE, FISCAL YEAR 1971

State and project	Amount in reserve
Alabama:	
(FC) Montgomery	[1] $50,000
Alaska:	
(N) Kake Harbor	[1] 50,000
(N) King Cove Harbor	[2] 100,000
Arizona:	
(FC) Gila River and tributaries downstream from Painted Rock Dam	[3] 500,000
Arkansas:	
(FC) Little Rock levee	[2] 260,000
(FC) Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex	[3] 200,000
California:	
(FC) Buchanan Lake	[2] 700,000
(FC) Chester Feather River	[1] 50,000
(FC) Cucamonga Creek	[1] 190,000
(FC) Hidden Lake	[3] 1,050,000
(FC) Lower San Joaquin River	[3] 720,000
(FC) Lytle and Warm Creeks	[2] 1,000,000
(N) Monterey Harbor	[2] 150,000
(N) Oakland Harbor	[3] 2,820,000
(N) San Diego Harbor	[1] 30,000
(N) Santa Paula Creek	[3] 150,000
(FC) Tahquitz Creek	[2] 150,000
Colorado:	
(FC) Bear Creek (Mount Carbon) Dam and Lake	[3] 390,000
(FC) Boulder	[1] 50,000

Footnotes at end of table.

CORPS OF ENGINEERS—CIVIL WORKS, FUNDS IN BUDGETARY RESERVE, FISCAL YEAR 1971—Continued

State and project	Amount in reserve
Connecticut:	
(FC) Park River	[1]$100,008
Florida:	
(FC) Central and Southern Florida	[2]200,000
(N) Cross-Florida Barge Canal	[2]350,000
(N) Gulf Intracoastal Waterway, St. Marks to Tampa Bay (ecological study)	[1]180,000
(N) Miami Harbor	[1]60,000
Georgia:	
(MP) Spewrell Bluff Dam	[2]500,000
(MP) Trotters Shoals Lake, Ga. and S.C	[2]300,000
Hawaii:	
(N) Heeia-Kea Harbor	[1]49,000
(N) Kawaihae Harbor	[2]1,102,000
(BE) Waikiki Beach	[2]200,000
Idaho:	
(FC) Stuart Gulch Dam	[1]75,000
Illinois:	
(FC) Levee District 23 (Dively), Kaskaskia River	[2]60,000
(FC) Lincoln Lake	[2]100,000
(N) Lock and Dam 26, Alton, Ill. and Mo	[1]351,000
(N) Mississippi River between Ohio and Mississippi Rivers, Ill. and Mo.: Regulating works	[2]1,000,000
(N) Mound City Lock and Dam, Ill. and Ky.	[3]100,000
Indiana:	
(FC) Big Pine Dam and Lake	[3]50,000
(FC) Clifty Creek Dam and Lake	[3]50,000
(FC) Greenfield Bayou Levee	[2]50,000
(FC) Lafayette Lake	[2]100,000
Iowa:	
(FC) Ames Lake	[2]100,000
(FC) Big Sioux River at Sioux City, Iowa and S. Dak	[1]70,000
(N) Missouri River, Sioux City to mouth, Iowa, Kans., Mo., and Nebr	[2]400,000
(FC) Waterloo	[2]100,000
Kansas:	
(FC) Cedar Point Lake	[1]25,000
(FC) Dodge City	[2]350,000
(FC) El Dorado Lake	[2]300,000
(FC) Grove Lake	[1]150,000
Kentucky:	
(FC) Martin	[2]150,000
(FC) Martins Fork Lake	[2]100,000
(FC) Painsville Lake	[2]330,000
(FC) Taylorsville Lake	[2]150,000
Louisiana:	
(FC) Bayou Bodcau and tributaries	[2]50,000
(FC) Lake Pontchartrain and vicinity	[2]3,000,000
(N) Mermentau River (Lake Arthur bridge)	[2]835,000
(N) Michoud Canal	[2]50,000
(FC) Monroe floodwall	[2]30,000
(FC) New Orleans to Venice hurricane protection	[2]574,000
(FC) Ouachita River Levees	[2]80,000
(N) Red River Waterway, La., Ark., Okla., and Tex. (Mississippi River to Shreveport only)	[1]600,000
Massachusetts:	
(N) Fall River Harbor, Mass., and R.I	[2]25,000
(FC) Saxonville	[1]39,000
Michigan:	
(N) Lexington Harbor	[1]15,000
Minnesota:	
(FC) Roseau River	[2]100,000
(FC) Zumbro River	[2]50,000
Mississippi:	
(FC) Tallahala Creek Dam and Lake	[1]60,000
Missouri:	
(FC) Brookfield Lake	[1]59,000
(FC) Chariton-Little Chariton Basins	[2]350,000
(FC) Dry Fork and East Fork Lakes (fishing river) (restudy)	[1]50,000
(MP) Harry S Truman Reservoir (formerly Kaysinger Bluff Reservoir)	[2]100,000
(FC) Little Blue River Lakes	[2]1,220,000
(FC) Mercer Lake	[1]140,000
(FC) Mississippi River Agricultural Area No. 8 (Elsberry drainage district)	[1]120,000
(FC) Pattonsburg Lake (town relocation only)	[1]50,000
(FC) Union Lake (advance participation, highway bridge)	[2]300,000
Montana:	
(MP) Libby Dam and Lake	[2]650,000
Nebraska:	
(FC) Papillion Creek and Tributaries	[3]1,310,000
New Mexico:	
(FC) Albuquerque diversion channels	[2]250,000
New York:	
(N) Cattaraugus Harbor	[1]30,000
(BE) Fire Island Inlet to Jones Inlet	[2]50,000
(N) Irondequoit Bay	[2]170,000
(N) Oak Orchard Harbor	[2]150,000
(FC) Yonkers	[1]55,000
North Carolina:	
(FC) Howards Mill Dam and Lake	[1]90,000
(FC) Randleman Dam and Lake	[1]78,000
North Dakota:	
(FC) Minot	[2]100,000
(FC) Pipestream Lake	[2]450,000
Ohio:	
(FC) Alum Creek Lake	[2]620,000
(FC) Chillicothe	[1]75,000
(FC) East Lake Chagrin River	[1]60,000
(FC) Salt Creek Lake	300,000
Oklahoma:	
(FC) Birch Lake	[2]$400,000
(FC) Copan Lake	[2]500,000
(FC) Lukfata Lake	[2]450,000
Pennsylvania:	
(FC) DuBois	[2]100,000
(MP) Tocks Island Lake, Pa., N.J., and N.Y.	[2]3,600,000
Tennessee:	
(MP) J. Percy Priest Dam and Reservoir (Nashville Davidson County bridge)	[2]839,000
Texas:	
(FC) Aquilla Dam and Lake	[1]90,000
(FC) Arkansas-Red River chloride control (supplemental studies), Tex., Okla., and Kans	[1]410,000
(FC) Aubrey Lake	[1]115,000
(FC) Big Pine Lake	[1]35,000
(FC) Cooper Lake and Channels	[2]300,000
(N) Corpus Christi ship Channel	[2]250,000
(N) Gulf Intracoastal Waterway, New Orleans to Houston, 16 foot Channel, La., and Tex., (Corpus Christi cutoff only)	[2]200,000
(N) Mouth of Colorado River	[1]95,000
(FC) San Gabriel River tributary to Brazos River	[2]800,000
Utah:	
(FC) Little Dell Dam and Lake	[1]91,000
Virginia:	
(FC) Four Mile Run	[1]170,000
Washington:	
(MP) Little Goose Lock and Dam (additional units)	[1]130,000
(FC) Vancouver Lake	[1]85,000
(FC) Wynoochee River Dam and Lake	[2]1,900,000
West Virginia:	
(FC) Burnsville Lake	[2]120,000
(FC) Leading Creek Lake	[1]150,000
(FC) Rowlesburg Lake	[3]150,000
(FC) Stonewall Jackson Lake	[2]150,000
Subtotal	39,277,000
Miscellaneous:	
(N) Small navigation projects not requiring specific legislation costing up to $1,000,000 (sec. 107)	90,000
(FC) Small projects for flood control and related purposes not requiring specific legislation (sec. 205)	750,000
(FC) Recreation facilities, completed projects	1,000,000
Total construction, general	41,117,000
Flood control, Mississippi River and tributaries:	
Atchafalaya Basin	1,750,000
Cache River	100,000
Channel improvement	732,000
St. Francis Basin	1,150,000
West Kentucky tributaries	100,000
Yazoo Basin:	
Greenwood	200,000
Upper auxiliary channel	200,000
Yazoo backwater (Muddy Bayou)	100,000
Total Mississippi River and tributaries	4,332,000
General investigations:	
Gavins Point Dam and Lewis and Clark Lake, Nebr. and S. Dak. (relocation of Niobrara, Nebr.)	200,000
Grand total	45,649,000

Footnotes at end of table.

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[1] Planning.
[2] Construction.
[3] Land Acquisition.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 45

At the request of the Senator from West Virinia (Mr. RANDOLPH), the Senator from Colorado (Mr. ALLOTT), the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Mr. BEALL), the Senator from Texas (Mr. BENTSEN), the Senator from Colorado (Mr. DOMINICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from Montana (Mr. MANSFIELD), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PELL), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. SYMINGTON), the Senator from California (Mr. TUNNEY), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Resolution 45, to authorize the Committee on Interior and Insular Affairs to make a study of national fuels and energy policy.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 6

At the request of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nevada (Mr. BIBLE), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CASE), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of Senate Concurrent Resolution 6, to continue funding for the Public Health Service hospitals and outpatient clinics, pending a study by Congress and the administration.

GENERAL REVENUE SHARING ACT OF 1971—AMENDMENTS

AMENDMENT NO. 5

Mr. JAVITS. Mr. President, I send an amendment to the desk to the administration's revenue sharing bill (S. 680) which seeks to double the amount of new Federal funds for States and localities from $5 billion to $10 billion by doubling the percentage of the income tax base earmarked for revenue sharing from 1.3 percent to 2.6 percent. It also advances the starting date of the program from October 1, 1971, to July 1, 1971.

The States and localities face a serious crisis. That crisis is financial. They are now under the compulsion that, unless they get some kind of revenue-sharing program that makes sense to them, they will have to cut back on basic services so as to raise grave problems of frustration, despair, and perhaps even violence in local communities. We are not talking now about tightening up on welfare and generally making it more efficient and seeing that people who are malingerers do not take advantage of it, but we are talking about the basic maintenance of government services by States, cities, and counties.

Mr. President, if we were to give them the $10 billion, they would still have to raise another $10 billion over and above the amount that they now have in order to be able to meet their responsibilities.

New York, for example, has the highest taxes in the Nation and expends more effort to provide services than any other State. Yet Governor Rockefeller has had to ask for $1.1 billion in new taxes. That is just to keep up to the current demands and not to move further ahead. Many of the services are highly inadequate.

Mr. President, these problems of deteriorating quality of life, environmental pollution, overcrowded schools, deteriorating mass transit systems, unsafe streets, high unemployment, lack of manpower training, and so forth, will get infinitely worse unless we make use of the Federal revenues to assist these areas of the country. Because of our tax system, which favors the Federal Government over State and local governments, that is the only place from which assistance can come.

The proposal to make revenue sharing effective on July 1 of this year instead of October 1 reflects the same concern for solving the crisis in services. Most states run their budgets on a July 1 fiscal year basis and a revenue-sharing program beginning in October would simply come too late to make any dent in the local picture at all. Using the guideline that a $10 billion program would satisfy less than one-half the additional needs in our States and localities this year, a $5 billion program starting in October would satisfy substantially less than one-fourth of these needs during the current year. Clearly the situation demands a more substantial commitment than that.

I would like to comment about the criticism that a "no strings" revenue-sharing program would be an abuse of the tax dollar and a capitulation by Congress of its constitutional authority to appropriate Federal revenues. I note with considerable interest that bills have been introduced which would tie revenue sharing to certain criteria and performance standards on the part of the recipients; and I shall introduce amendments to this effect myself.

However, I believe it is important first to agree on what our commitment should be, and my amendment today is offered in this spirit. Any sober appraisal of the crisis in services at the State and local level leads us inevitably to conclude that a $5 billion revenue-sharing program is not enough, and that it must also start at the earliest possible time.

I hope that Senators and Representatives from States which contain big cities will not forget what I say, because they will hear about it very strongly from back home.

Mr. President, this measure will be introduced today in the other body of Representatives Reid, Halpern, and Horton.

I ask unanimous consent that the text of the amendment be printed in the Record.

The PRESIDENT pro tempore. The amendment will be received and appropriately referred; and, without objection, it will be printed in the Record as requested by the Senator from New York.

The amendment (No. 5), submitted by Mr. Javits, intended to be proposed by him, to the bill (S. 680) to restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; was referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

Amendment No. 5

On page 5, line 2 and 3, strike out "the percentages provided in subseciton (b) of this section multiplied by" and insert "2.6 percent of".

On page 5, strike out lines 8 through 11 and, in line 12, strike out "(c)" and insert "(b)".

On page 17, line 20, strike out "October 1, 1971" and insert "July 1, 1971".

AMENDMENT OF HIGHER EDUCATION ACT OF 1965, THE VOCATIONAL EDUCATIONAL ACT OF 1963, AND RELATED ACTS—AMENDMENT

AMENDMENT NO. 6

Mr. KENNEDY. Mr. President, on behalf of myself and Senators Mondale, Byrd of West Virginia, Cannon, Cranston, Dominick, Eagleton, Harris, Hart, Hughes, Humphrey, Inouye, Javits, McGovern, Pastore, and Tunney, I am submitting today an amendment to the Higher Education Act of 1971—S. 659. This amendment is intended to deal comprehensively with the problems and challenges of Indian education.

These problems and challenges are not new. Since 1794 provisions have been inserted in treaties with Indian tribes occupying this country obligating the Federal Government to educate Indian children. From the beginning, Federal policy toward the Indian was based on the desire to dispossess him of his land, and thus our Indian education policy was, in essence, a function of our land policy. Expression of this earlier attitude can be found in the following congressional language:

> In the present state of our country, one of two things seems necessary. Either that those sons of the forest should be mortalized or exterminated. . . . Put into the hands of their children the primer and the hoe, and they will naturally, in time, take hold of the plow.

Although this education policy has not worked, neither has it been abandoned. Year after year, in study after study, the failures of Federal policy toward the Indian has been documented:

> President after President has appointed Commission after Commission to inquire into and report upon Indian affairs, and to make suggestions as to the best methods of managing them. The reports are filled with eloquent statements of wrongs done to the Indians . . . These reports are bound up with the Government's annual reports, and that is the end of them.

This statement could have been written about the commissions, reports, and studies of the 1960's. It might refer to the 1961 report by the Commission on the Rights, Liberties, and Responsibilities of the American Indian, which observed that the Indian's pride of origin and faith in himself had been "undermined by years of political and economic dependence on the Federal Government" and which astutely recommended:

> The Indian himself should be the focus of all government policy affecting him.

Or it could have had in mind the 1961 Udall task force report, which concluded that the results of varying governmental policies toward Indian affairs have inevitably "disappointed both the Indian and those who were sincerely and deeply concerned about their welfare," and which outlined three-pronged objectives for Federal Indian policy as "maximum Indian economic self-sufficiency, full participation of Indians in American life, and equal citizenship privileges and responsiblities for Indians."

Or the statement could have been made about the report of the President's Task Force on American Indians of 1966, entitled "A Free Choice Program for American Indians." Then again, its author might have had in mind the "suggestions" and "eloquent statements" contained in the Carnegie report—"Who Should Control Indian Education?"—or the Josephy report—"The American Indian and the Bureau of Indian Affairs"—both submitted in 1969.

In fact, however, the quote is taken from Helen Hunt Jackson's classic, "A Century of Dishonor," written almost 90 years ago. I hope that it will not still be relevant after the 92d Congress.

One issue discussed by all of these studies is education. Their conclusions are unanimous that Indian education has not been successful. But, as recognized in the Indian-authored "Declaration of Indian Purpose" in 1961:

> Of all the studies, surveys, and research made of Indians, the inevitable conclusions and recommendations are that education is the key to salvation of whatever ills may be, wherever Indians reside.

How much longer are we to hear that major changes must be made in the structure and administration of Indian education programs before we respond? We heard it in the 1928 Meriam Report, recommending the end of taking children from their parents and placing them in off-reservation boarding schools, the development of curriculum materials relevant to the needs and heritage of the students, the development of bilingual materials, and the participation by Indians in school policymaking. These same recommendations were made in numerous reports in 1969 and 1970.

How much longer are we to hear that Indian education is inferior education? At the first hearing of the Special Subcommittee on Indian Education 3 years ago, the subcommittee chairman, Senator Robert Kennedy, outlined a few statistics on Indian education that have been repeated countless times since then:

Dropout rates are twice the national average;

The level of formal education is half the national average;

Achievement levels are far below those of their white counterparts;

The Indian child falls progressively further behind the longer he stays in school;

One-fourth of elementary and secondary school teachers—by their own admission—would prefer not to teach Indian children;

Indian children, more than any other group, believe themselves to be "below average" intelligence.

These statistics have been repeated countless times in the past 3 years. I hope that we have not become so used to hearing them that we fail to see them as foundation blocks for poverty, unemployment, malnutrition, alcoholism, and even suicide. Little wonder that the educational failure of Indian children has become a self-fulfilling prophecy.

Just last year a study published by the Far West Laboratory for Educational Research and Development began by observing:

> We may define Indian education as the imposition of white American educational institutions upon American Indian communities.

Yet, rather than reacting by rejecting education, Indians have traditionally held it in high esteem and continue to recognize its importance. Mr. Rupert Costro, president of the American Indian Historical Society, told the Senate Subcommittee on Indian Education:

> In our contact with the whites, we have always and without fail asked for one thing. We wanted education. You can examine any treaty, any negotiations with the American whites. The first condition specifically asked for by the Indian tribes, was education. What we got was third-rate, lefthanded, meager, miserly unqualified training, with the greatest expenditure of federal funds and the least amount of actual education for the Indian himself.

Judged by any reasonable set of criteria, the Government has failed in its commitments and obligations to provide education to Indian children. Indian education has not provided Indian children with a minimum competence necessary to prepare them for a productive role in society at large; neither has it been responsible for perpetuation of the values and culture unique to the Indian people.

Three successive Presidents have recognized the failure of our programs and policies. Yet no new general major changes in educational structure or programing has occurred for decades. The Johnson-O'Malley Act of 1934, as amended in 1936, is the most recent, in fact the only Federal education program which is intended uniquely to benefit Indians. Yet the purposes of this law, reported the NAACP Legal Defense and Education Fund last month, have been totally frustrated by underfunding, mistaken bureaucratic interpretation of the law, lack of enforcement of regulations, and flagrant misuse of funds on the local level.

Congress has occasionally recognized the need for major legislative reform of Indian education, but so far this recognition has resulted primarily in piecemeal amendments of general education laws.

Three years ago the Senate established a Special Subcommittee on Indian Education. The subcommittee, originally under the chairmanship of Senator Robert Kennedy, was given the mandate to "examine, investigate, and make a complete study of any and all matters pertaining to the education of Indian children."

The full details of the failure of Federal programs and policies were documented throughout seven volumes of subcommittee hearings and five volumes of committee prints. The subcommittee traveled to all parts of the country, visited schools, examined studies and reports, and heard testimony from Indians, Government officials, and others with relevant expertise. I assumed the chairmanship of the subcommittee early in 1969, and in November 1969 the subcommittee issued its final report entitled "Indian Education: A National Tragedy—A National Challenge."

From the start I believed it necessary that both Congress and the executive branch take substantial steps to provide Indian children with a quality education. At the first Indian Education Subcommittee hearing that I chaired, I observed in my opening remarks:

> The hearings should point up to the need for new policies, and new administrative and organizational approaches for implementing these new policies. Most importantly, the hearings should point up the need for amending old legislation and enacting bold new legislation so that in a matter of a few years hence, we can proudly say that educational programs for American Indians are not only successful but exemplary, and a matter of national pride, not shame.

The final report of the Subcommittee recommended a number of legislative measures needed to raise Indian education to an exemplary level and to transfer control of Indian education to the Indian people. One of the more general recommendations—No. 6—urged:

> That there be presented to the Congress a comprehensive Indian education act to meet the special education needs of Indians both in the Federal schools and in the public schools.

The amendments I am introducing today, constituting the Indian Education Act, responds to this recommendation. The revelations and recommendations of the subcommittee, I am convinced, should not and will not be filed and forgotten.

The Indian Education Act would establish three new programs: the first would assist local educational agencies in meeting the special needs of Indian students; the second would provide funds for special programs and projects to improve Indian educational opportunities; and the third would support the improvement of adult Indian Education. The act establishes an independent National Board of Indian Education, and also sets up a Bureau of Indian Education in the Office of Education. Other provisions authorize inclusion of Indian schools and students in the Education Professional Development Act, and provide for support of community colleges serving Indian students.

OVERVIEW

Let me initially outline some general points and principles which may help explain the approaches used in the drafting of the Indian Education Act. I view the bill as a first step in the legislative process, to be expanded and improved upon throughout that process.

First. The bill is intended to be responsive to the recommendations of the Special Subcommittee on Indian Education, so that even if no specific legislative hearings were held on this bill, an adequate basis would exist in the subcommittee record to support each title. And there was extensive input by the Indian community in that record. I believe that during hearings on this bill some additions would be appropriate.

For example, because of the absence of specific subcommittee recommendations on these points, the bill does not include provisions dealing with preschool programs, school construction, or higher education scholarship assistance. These are vital to any comprehensive approach to Indian education, and I am sure that a record can be built during the course of hearings on this bill to support such inclusions. Specific titles relating to these issues will probably be appropriate in final legislation.

Second. The Indian Education Act addresses itself to all Indians. It recognizes that as to urban Indians, terminated tribes, and other non-Federal Indians, there exists a responsibility on the part of the Federal Government—at minimum, remedial in nature—to provide educational assistance. As we all must recognize, the impoverishment and educational deprivation of many of the so-called non-Federal Indians are due in major part to the affirmative activities and programs of the Federal Government in the past. The disastrous termination policies of the 1950's leading to a premature withdrawal of Federal assistance for some tribes left those tribes often with no program base whatsoever. The vigorous relocation program of the Bureau of Indian Affairs has transported many Indians from their reservation setting to urban areas, where they soon found themselves without work, without housing, and within different or even hostile school administrators making it impossible for their children to achieve a quality, much less a relevant, education. Thus the grant and entitlement provisions of this bill, by applying to all Indians, attempt to remedy in part the consequences of past Federal policies and programs.

Third. This bill does not amend in any way the Johnson-O'Malley Act of 1934. As pointed out in a recent study of the administration of that act, the major problems and shortcomings associated with it stem from regulations promulgated by and procedures employed by the Bureau of Indian Affairs. Since the resolution of the basic failings of that act do not require legislation, the Indian Education Act approaches reform of Indian education without dealing directly with the Johnson-O'Malley program.

Fourth. The bill I am introducing does not attempt to carve out set-asides in present programs in order to insure a place for Indians in those programs. This is certainly one possible legislative approach—one used in the past in Indian education amendments and one that I hope will be adopted in other areas, including manpower and employment—but it is one which should be rejected here. The Indian Education Subcommittee stated, in its final report:

> A proliferation of set-asides for BIA schools in Federal education statutes, such as ESEA, is an unsatisfactory means of bringing to Indian youngsters the advantages of the wide variety of programs set forth in Federal law.

Thus in titles dealing with public and with Federal schools, the act establishes new programs rather than merely setting aside finds in various presently existing programs for Indian needs.

Fifth. The bill, while transferring administration and control of Federal Indian schools to the National Board of

Indian Education, does not effectuate a transfer of Indian education programs and activities from the Bureau of Indian Affairs over to the Department of Health, Education, and Welfare. It simply transfers these to the National Board of Indian Education. The Board, consisting of 15 presidential appointees, is intended to be basically independent of the line of authority of both executive departments. Where it is to be located—for office, personnel, and budgetary purposes—is a question which I believe requires substantially greater discussion in both Government and Indian circles and which I thus am deferring until hearings on the bill have been completed.

Finally, I have attempted to tailor the Indian Education Act to the specific needs of the Indian community, so that it will not constitute merely more of the same, only in different packaging. Special emphasis and attention are given to the need for accountability in programing at the local level. Lipservice, token appointments, and advisory roles are no substitutes for Indian control of Indian education. This, and nothing short of it, is what self-determination is all about.

PART A—REVISION OF IMPACTED AREAS PROGRAM AS RELATES TO INDIAN CHILDREN

The Special Subcommittee on Indian Education found:

> While Indian education is receiving some financial assistance through Public Law 81-874, it is hardly enough to provide students with an equal education opportunity.

Public Law 874 was passed by Congress in the 1950's, primarily as a result of the military activities of the Federal Government, to provide financial assistance where Federal activities—especially military installations—resulted in loss of part of the tax base for local school systems. Indians were not included in Public Law 874 when enacted into law, and its original purpose is unrelated to Indian education. Yet this law has become the major source of Federal funds for public school districts with substantial Indian enrollments.

In addition to the problem of insufficiency of funding under Public Law 874, as recognized by the subcommittee, the NAACP Legal Defense and Education Fund, in its January 1971 report entitled "An Even Chance," found that discriminatory allocation of educational services in local districts meant that 874 funds "do little to improve the educational opportunities of Indian children." As the report points out:

> The fact that a school district receives Impact Aid (P.L. 874) funds based on a count of Indian children does not mean that Indians necessarily get their fair share of that money or of the district's total revenues. Federal payments go directly into the general operating fund of the district together with all other revenues. The money is used as general aid and no reporting or accounting of funds is required.
>
> There is, for example, no Federal requirement that districts demonstrate that Indian children have received a fair share of the Impact Aid funds equal to that of all other children. Nor is there any requirement that districts demonstrate that they have not discriminated against Indian students in the allocation of state and local resources.
>
> In large districts where Indian enrollment is concentrated in certain schools close to the reservation, there is typically a vast difference in the quality of education, the condition of the school, and the provision of books and supplies offered in these schools from those offered in the predominantely non-Indian schools. The differences are so obvious as to lead to the inescapable conclusion that Indian children are not receiving an equal share of anything.

In fact, Indian schools are often in greater need of assistance than other eligible schools because of the special remedial education requirements of Indian children. Yet Public Law 874 makes no distinction in their favor. Furthermore, while Public Law 874 has served as an inducement to public schools to accept Indian children, insufficient funding has left many districts with Indian children but no funds to educate them. Title I of the Indian Education Act is designed to correct these problems.

Title I amends Public Law 874 by adding a new title to be known as the Indian Elementary and Secondary School Assistance Act. Under this title, the Commissioner of Education is authorized to make grants to local educational agencies based on the number of Indian children in average daily attendance. The amount of the grant is determined by multiplying the agency's average per pupil expenditure by the number of Indian students enrolled in the school, not the number of children on or near the reservation. Grants may be used for both planning and pilot projects, and for the establishment and operation of programs. They are authorized during a 5-year period, from fiscal 1972 through 1977.

Grant applications must set forth a program for meeting the special educational needs of Indian children, provide for effective annual evaluation procedures, and insure that Federal funds will supplement and not supplant other available funds. It is especially important for Indian children that the funds provided by title I be used for Indian education and not be absorbed into regular school budgets. Thus section 304 requires that funds be used for programs "specially designed to meet the special educational needs of Indian children." As a recent ABT associates report for the Bureau of Indian Affairs stated:

> If "equality of educational opportunity" is defined in input terms, both inputs of students with their pre-school educations, and the in-school factors of teachers, curricula, facilities, and equipment must be considered. Since most Indian children begin school with the environmental handicaps of rural poverty, cultural isolation, low level of "parent" education, and in many cases (particularly Navajo and Eskimo) a non-English native language, equality of educational inputs requires greatly *superior* in-school resources of teachers, curricula, facilities, and equipment to balance the inadequate pre-school preparation of most Indian children.

In addition, parents of the children to be served, tribal organizations, and the State educational agencies must have an opportunity to review and comment on the application. Even where the number of Indian children in the public school is small, it is important that the Indian people involved be afforded the opportunity to participate in the educational process affecting their children. Therefore, the first title contains especially detailed provisions requiring open consultation with parents and students and approval of a committee composed of parents participating in the program.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

The investigations of the Special Subcommittee on Indian Education revealed that Indian students in Federal schools score more than 2 years below national norms on achievement tests. Forty percent of the students drop out before graduation. Public schools enrolling Indians rarely include coursework which recognizes Indian history, culture, or language, and in fact often use materials and approaches which are derogatory toward Indians. Clearly the educational opportunities for Indian children are in desperate need of improvement.

Title II of the Indian Education Act adds a new section to title VIII of the Elementary and Secondary Education Act which will authorize the Commissioner of Education to make grants to—

State and local educational agencies and other public and private organizations—including federally supported Indian schools—for planning, pilot, and demonstration projects to improve educational opportunities for Indian children;

State and local educational agencies and the National Board of Indian Education for program to provide educational services not available in sufficient quantity or quality for Indian children, and to establish exemplary programs and centers to enrich Indian education;

Institutions of higher education, and to State and local educational agencies in combination with such institutions, for the training or retraining of educational personnel serving Indian children; and

Public and private nonprofit organizations for the dissemination of information of Indian education and the evaluation of federally assisted programs.

Grant applications must provide for the coordination of all available resources to insure a comprehensive program, the training of participating personnel, evaluation, and parent and tribal community participation in all facets of the program. For these grants, $25,000,000 is authorized in fiscal 1972 and $35,000,000 for each of the four succeeding fiscal years.

This title is basically an expanded version of S. 4059 which I introduced in the last Congress. It is intended to provide the first steps toward fulfilling the recommendations of the Indian Education Subcommittee that Indian education be exemplary, with outstanding innovative programs taking into consideration the emotional, social and identity problems—as well as the educational problems—of Indian youth.

After June 1972, funds for library resources, supplementary educational centers and services, and education of the handicapped—titles II, III, and IV of the

Elementary and Secondary Education Act—which were formerly allotted to the Department of Interior, will be discontinued. Funds for these purposes will be available under this new section of title VIII. Schools serving Indian children will remain eligible to participate in bilingual programs under title VII.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

The Commission on the Rights, Liberties, and Responsibilities of the American Indian observed in 1961:

> Indian parents, without a tradition of formal education behind them, find it hard to understand its needs or benefits. Poor families must sacrifice to keep their young ones in school. They have a hard time earning enough money for clothes and shoes and are loath to surrender the potential wage the children might earn. Such parents rarely give youngsters the incentive to attend school regularly or to continue to higher levels. In such cases, adult education, which benefits not only the parent but indirectly the child, is called for.

About 75,000 Indian adults have not completed a fifth grade education. Less than one-fifth of the adult Indian population has completed high school. Functional illiteracy is one of the major causes of Indian poverty and unemployment, and almost nothing is being done about it. The Indian Education Subcommittee observed:

> A major commitment should be made to the adult education programs for American Indians. The national need for such a commitment is all too evident in the low economic status, rise in alcoholism, lack of employment capabilities, the inability of too many Indian adults to read and write, and the general lack of fulfillment of Indian adults on reservations.

Title III of the Indian Education Act would add a new section to the Adult Education Act. It would authorize the Commissioner of Education to make grants to support planning, pilot, and demonstration projects, the dissemination of information, and the evaluation of adult Indian education programs. In addition, the Commissioner is authorized to assist in the establishment and operation of Indian adult basic education programs, to support a major research and demonstration effort in this field, and to determine accurately the extent of illiteracy and lack of high school completion of Indian adults.

Applications must provide for evaluation and the participation by tribal communities and the persons to be served in all aspects of the program. In fact, approvable Indian applicants are, under the provisions of this title and title I of the Indian Education Act, to be given preference in funding. Five million dollars is authorized for fiscal 1972 and eight million dollars for each of the four succeeding fiscal years.

PART D—NATIONAL BOARD OF EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

It is my strong belief that before really effective, exemplary programs to improve Federal Indian schools and Indian education generally are possible, a reorganization of existing efforts is mandatory. The present lack of quality, quantity, and coordination in the provision of Indian educational opportunity is so severe that only a fresh and concerted approach, one which actively encourages Indian participation and control, at both the national and local levels, can turn the tide.

The establishment of a National Board of Indian Education is consistent with the conclusions of every study of Federal Indian schools, and was a key recommendation in the final report of the Special Indian Education Subcommittee. Mr. DOMINICK, who is a consponsor of this bill, was in large part responsible for the adoption of this recommendation by the subcommittee. The subcommittee suggested that the National Board "have oversight over the operations of the schools and have authority to set standards and criteria and determine policy within the framework of the law." The National Board could then be instrumental in the establishment of local school boards, giving substance to the objective of self-determination of Indian education.

The minority members of the subcommittee, who contributed significantly to its efforts, stated as the most important recommendation the provision of a vehicle to achieve "guidance by Indians themselves of the education of their own children through national and local Indian boards of education." Just this past July the President recognized that Indian control of Indian education should be a primary objective of our national policy.

Title IV of the Indian Education Act would establish a 15-member National Board of Indian Education, appointed by the President from nominees furnished by Indian tribes and organizations. Members will serve staggered terms of 3 years. The staff of the National Board will include an Executive Director and a Superintendent of Indian Education.

Dr. Glen Nimnicht and Dr. Francis McKinley, of the Far West Laboratory for Educational Research and Development, told the Indian Education Subcommittee early in 1969:

> The BIA is established within the Department of Interior whose interests lie mainly with resources, and deals primarily with special interests such as the oil and mineral industries, grazing lands, outdoor recreation, reclamation, etc . . . One has only to examine the yearly BIA budget requests and what it eventually gets in appropriations to see that activities aimed at getting Indians away from the reservations, such as the relocation programs, receive ample funding while those which would promote Indian development on his home grounds receive inadequate or no funding.

In light of these facts, Drs. Nimnicht and McKinley recommended that responsibility for educating American Indians from the BIA to a Federal Commission. The National Board would be comparable to such a commission.

The Nimnicht-McKinley suggestion included a mandate to the Commission to turn over control of Indian education to the Indian people within a period of 5 years. This aspect of their recommendation has not been adopted in title IV of the bill, since Indians will control the National Board, the National Board is directed to immediately take steps to vest control over individual schools at the local level, and because any legislated time frame is too unyielding and implies imposition upon communities of unnecessary outside limitations.

One thing is clear, as Nimnicht and McKinley forcefully recognized—the Bureau of Indian Affairs does not appear capable of self-renewal or internal reform. Two of the three top education positions in the BIA have remained empty for almost 2 years. Leon Osview observed to the Indian Education subcommittee:

> The BIA structure is designed more than most for stability. It is doubtful that very much could be done with or to the people in the organization, given the present structure, to encourage innovative practice.

The General Accounting Office scored the Bureau for a "total absence of any research and demonstration funds" in its budget, and Edgar Cahn, in his recent book, found:

> Judged by four basic standards of governmental performance—efficiency, technical competence, innovation or effective advocacy—the Bureau of Indian Affairs is a failure.

And Alvin Josephy, in a report to the White House in 1969, put it bluntly:

> On the reservation level, where Indians are trying to participate constructively to help frame design and execute programs to meet their problems, they are hamstrung and frustrated daily by an endless round of delays and negativism occasioned by the internal workings of the higher echelons of the Bureau. The effect is that the Indians cannot participate in making decisions for themselves, for in meaningful things, the decisions cannot be made at their level. Government protestations in support of the principle of self-determination notwithstanding, the important decisions must be, and are, made—under the present arrangement—in the echelons above the Indians.

Thus I believe it is necessary, as well as desirable, to transfer the administration of education programs from the Bureau to the new National Board of Indian Education.

The National Board will be responsible for all functions relating to Indian education which were formerly carried out by the Bureau of Indian Affairs. This will include administration of the Johnson-O'Malley program. The Board may establish local school districts and authorize school boards, selected at the local level, for Federal Indian schools. The Board is thus given complete flexibility to provide the mechanisms—and the funding—for local takeover of education programs and functions under its authority. If the local community in which a Federal school is located does not wish to assume immediate control of the school, it does not have to; in that case, the National Board will continue to administer that school. But if the community wishes to assume control of its school, it may do so under such regulations and guidelines as are issued by the Board. The National Board will have legislative authority to provide funds directly to the local Indian school boards, without the need for complex and time-consuming contracting.

If the local boards wish to affiliate their schools with the State systems and become local educational agencies recognized under title I of the act, then at that time the National Board will relinquish its authority and terminate its administrative oversight. To take up the possible gap in funding in these situations and to get these new "public" Indian schools off the ground, the Commissioner of Education is provided with discretionary funds in title I of the act.

The National Board will also serve an advisory role to the Commissioner of Education on the administration of various programs relating to Indian education under his jurisdiction, including parts A, B, and C of this amendment.

The National Board, finally, is directed to investigate off-reservation boarding schools to determine which should be converted to therapeutic treatment centers, to examine the boarding schools with a view to implementing necessary reforms, and to report its findings to the Congress by January 1, 1973. Approximately 11,320 Indian children attend the 19 Federal off-reservation boarding schools, and the Indian Education Subcommittee observed in its report that these schools fail both to educate and to meet the psychological and social needs of the students as individuals. In fact, the report states:

> A strong case can be made . . . that the boarding schools contribute to the students' mental health problems.

Reports last year came into my office substantiating this statement and outlining problem after problem with boarding schools. The National Indian Youth Council charged the Intermountain School, for example, with discrimination against Indian employees, discrimination against native religious practices, language, and culture, and brutality against Indian students. The Intermountain School Chapter of Amerind, Inc., called Intermountain "a bed for illicit practices." It alleged harassment of Indian employees, discrimination against Indian students and employees, mismanagement, and mistreatment of students. The BIA has been asked to investigate these charges but has apparently shown resistance to instituting any substantial reforms. Clearly institutional reforms, not cosmetic treatment, are called for. The National Board of Indian Education should initiate the proper reforms.

The amendment I am introducing leaves unresolved the relationship of the National Board of Indian Education to the Bureau of Indian Affairs insofar as the Bureau provides support services related to, but not considered, educational services. This area must be more fully explored in hearings. But what is assumed from the start, and what is etched in its history, is the incapacity of the BIA to provide satisfactory and relevant education for Indian children. Thus, the National Board will take over this function from the Bureau.

To administer Indian education programs under the jurisdiction of HEW, a Bureau of Indian Education would be established in the Office of Education, headed by a Deputy Commissioner of Education to be appointed by the President from nominees submitted by the National Board.

PART E—MISCELLANEOUS PROVISIONS

Various provisions of the Education Professions Development Act—title V of the Higher Education Act—would be amended to reflect the educational personnel needs of Indian children and schools. Title III of the Higher Education Act, designed to strengthen developing institutions of higher education, would be amended so as to include recently created institutions on or near Indian reservations, in order to increase the availability of higher education for Indians.

The amendments to titles III and V of the Higher Education Act were recommended by the Indian Education Subcommittee and were proposed in the last Congress in two bills introduced by Senator DOMINICK. I have incorporated those bills into this title for convenience, but I would like to acknowledge the interest, involvement, and initiative of the Senator from Colorado in this area, as reflected in his contributions to the work of the subcommittee and his introduction of these bills.

The National Board of Indian Education is directed, in the final provisions of the title, to raise the Institute of American Indian Arts at Santa Fe, N. Mex., to the level of a 4-year college, to provide support for community colleges on or near Indian reservations, to study the feasibility of Indian community colleges and work toward their establishment, and to report to Congress on these matters by July 1, 1972.

CONCLUSION

The Indian Education Act may go farther than some at this time deem advisable. I do not think so. Most of the provisions of the bill respond to problems that have been around for a long time. Many reflect recommendations made for decades. This is not to say that there is only one way to approach Indian education reform. The Indian Education Act represents an attempt at maximum flexibility in balancing the needs of Indian children with the realities of program limitations. Of course, funding will be crucial. We should not go through the motions of setting up new far-reaching programs if we do not intend adequately to fund them. At least this bill will make quite clear the challenge to Congress to provide sufficient funds where and when they are most needed.

This bill may not, on the other hand, meet the expectations of some. It does not authorize Federal funding to supplant every dollar spent by local public school districts in the education of Indian children. It does not provide vouchers or stamps to be used by parents or tribal councils in negotiating for the education of Indian children. These proposals are not rejected as necessarily undesirable, but only as being at this time impractical. I am not prepared to tell American Indians and Alaskan Natives that they must wait decades longer before the Government can work out some ideal legislative approach to providing exemplary educational opportunities for their children. The Indian Education Act represents a commitment on the part of its sponsors to improving and reforming Indian education in 1971, on the basis of immediate needs and wishes of the Indian people.

One of the witnesses before the Indian Education Subcommittee, Mr. William Pensoneau, observed:

> The problem is not with the Indians. They merely react.
>
> The problem is with the institutions that service Indians . . .
>
> The institutions that serve Indians were created by man.
>
> The Indians were created by God. Surely the institutions are more amenable to change than the people.

The subcommittee concluded on the basis of this and similar testimony, that—

> Our national policies for educating American Indians are a failure of major proportions . . . Past generation of lawmakers and administrators have failed the American Indian. Our own generation thus faces a challenge—we can continue the unacceptable policies and programs of the past or we can recognize our failures, renew our commitments, and reinvest our efforts with new energy.

The amendment I have introduced today would provide us with the means to respond to that challenge. It would constitute a new and vital commitment to quality educational opportunity for the American Indian—a commitment which is essential to the restoration of this Nation's legal and moral integrity.

Mr. President, I ask unanimous consent that the Indian Education Act amendment in its entirety and a section by section analysis of that amendment be printed in the RECORD at the end of my statement.

There being no objection, the amendment and analysis were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 6

On page 120, after line 21, insert the following:

TITLE V—INDIAN EDUCATION

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

SEC. 500. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) During the period beginning June 1, 1972, and ending June 30, 1977, the Commissioner shall, in order to effectuate the policy set forth in subsection (a) carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year in the period during which grants are to be made, as specified in section 303(b), the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(b) (1) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (A) the average per pupil expenditure for such agency (as determined under paragraph (3)) multiplied by (B) the sum of the number of children determined under subsection (a).

"(2) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under subsection (a), with respect to such agency, is at least ten.

"(3) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

"(c) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 1 per centum of the amount appropriated for payments on the basis of entitlements under this section for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"USES OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(a) planning for and taking other steps leading to the development of programs specially designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(b) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b) (3), may be made only to a local educational agency or agencies, but only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian students in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents;

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2) (B) (ii).

"(3) has been submitted to the appropriate State educational agency for comment and recommendations.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b) (1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.

"DEFINITION

"SEC. 308. As used in this title, the term 'Indian' means any individual who is an enrolled member of a tribe, band, or other organized group of Indians, or who is a descendant of any such enrolled member, or who is considered by the Secretary of Interior to be an Indian.".

(b) (1) Paragraph (1) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended—

(A) by striking out subparagraph (B), and by striking out "(A)" where it appears after "SEC. 103. (a) (1)";

(B) in the fourth sentence thereof, by striking out "and the terms upon which payment shall be made to the Department of Interior"; and

(C) by striking out the third sentence thereof.

(2) Paragraph (1) of section 303 of the Act of September 30, 1950, is amended—

(A) in the second sentence, by striking out "(A) except for the purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States," and by redesignating clauses (B), (C), and (D) therein, and all references thereto, as clauses (A), (B), and (C), respectively; and

(B) in the fourth sentence, (i) by inserting before the period at the end thereof the following: ", or (C) Indian reservations, or other property held (i) in trust by the United States for individual Indians or Indian tribes or (ii) held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States", and (ii) by striking out "and (B)" and inserting in lieu thereof ", or (B)".

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 521. (a) Title III of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for American Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for American Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to American Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which American Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to American Indian children. In the case of activities of the type described in clause (3), preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions (including federally supported elementary and secondary schools for Indian children) to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for American Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to the National Board of Indian Education to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for American Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped and preschool children;

"(F) bilingual and bicultural education programs; and

"(G) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities. Grants for the purpose of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(c) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, and institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that there has been participation by tribal communities and parents of the children to be served in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a) or (b), the Commissioner shall not approve an application from non-Indian educational agencies, organizations, and institutions until all approvable applications from Indian educational agencies, organizations, and institutions have been approved.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, and $35,000,000 for each of the four succeeding fiscal years.".

(b) (1) Effective after June 30, 1972, the Elementary and Secondary Education Act of 1965 is amended—

(A) in section 202(a) (1), by striking out "(A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(B) in section 302(a) (1), by striking out "(A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(2) Effective after June 30, 1972, the second sentence of paragraph (1) of section 612(a) of the Education of the Handicapped Act is amended to read as follows: "The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs.".

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

AMENDMENT TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 541. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT AMERICAN INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of programs for providing adult education for American Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult American Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, or institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that there has been participation by tribal communities and individuals to be served in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall not approve an application from non-Indian educational agencies, organizations, and institutions until all approvable application from Indian educational agencies, organizations, and institutions have been approved.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and $8,000,000 for each of the four succeeding fiscal years.".

PART D—NATIONAL BOARD OF INDIAN EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

NATIONAL BOARD OF INDIAN EDUCATION

SEC. 561. (a) There is hereby established the National Board of Indian Education (referred to in this title as the "National Board"), which shall consist of fifteen members appointed by the President of the United States, with the advice and consent of the Senate. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(b) Members of the National Board shall be appointed for terms of three years; except that the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, five at the end of one year, five at the end of two years, and five at the end of three years. No member shall serve for more than two consecutive terms. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman. The Vice Chairman, during the absence or disability of the Chairman, shall act for, and exercise the powers of, the Chairman. The Vice Chairman shall perform such duties as the Chairman may prescribe from time to time.

(c) Members of the National Board shall be compensated at the rate prescribed for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code.

STAFF OF NATIONAL BOARD

SEC. 562. Subject to such rules and regulations as it may adopt, the National Board shall be authorized to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as the Chairman deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, but at rates not in excess of the maximum rate for grade GS–18 of the General Schedule under section 5332 of such title;

(2) appoint and affix the compensation of a Superintendent of Indian Education, without regard to the provisions of title 5, United States Code, governing appointments in competitive service, who shall be compensated at the rate prescribed for grade GS–18 of the General Schedule under section 5332 of such title, and who have such duties as the National Board shall prescribe; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

POWERS AND DUTIES OF NATIONAL BOARD

SEC. 563. The National Board is authorized and directed—

(1) to carry out the functions transferred to the National Board pursuant to section 404 of this title;

(2) to establish and support local school districts comprising Federal Indian schools over which it has jurisdiction and control;

(3) to establish and support local school boards, who shall be selected at the local level in accordance with regulations promulgated by the National Board, having administrative control and direction over Federal Indian schools located within districts established pursuant to clause (2) of this section:

(4) to advise the Commissioner of Education with respect to the administration of any program in which Indian children participate, including title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act; and

(5) to submit to the Congress not later than March 31 each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of federal programs in which Indian children participate.

FUNCTIONS OF NATIONAL BOARD

SEC. 564. (a)(1) There are hereby vested in the National Board all functions which were carried out immediately before the effective date of this Act by the head of any agency in the executive branch of the Government, except the Department of Health, Education, and Welfare and the Office of Economic Opportunity, relating to the education of Indians in any elementary, secondary, or vocational school, or any institution of higher education, including all such functions being administered through any agency, service, bureau, office, or other entity of any such agency.

(2) All functions of any agency of the United States, except the Office of Education and the Office of Economic Opportunity, relating to the education of Indians in any elementary, secondary, or vocational school, or any institution of higher learning, are hereby transferred to, and vested in, the National Board.

(3) All orders, determinations, rules, regulations, permits, contracts, grants, certificates, licenses, and privileges—

(A) which have been issued, made, granted or allowed to become effective in the exercise of functions transferred by this section; and

(B) which are in effect at the time this section takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the National Board, by any court of competent jurisdiction, or by operation of law.

(4) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with the functions transferred under this section are transferred to the National Board. Personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(5) As used in this section, the term "functions" includes powers and duties.

(b) The National Board is directed—

(1) to conduct, in concert with a team of professional consultants competent in areas of personality development and mental health, a detailed investigation of the off-reservation boarding schools to determine which ones should be converted into therapeutic treatment centers, and to cooperate with the Public Health Service to the extent necessary to bring about such conversion;

(2) to examine the present distribution and location of Federal boarding schools and the pattern of student placement with the view to developing and implementing a new rationale and plan with regard to such schools; and

(3) to submit to the Congress on or before January 1, 1973, a report on its activities under this subsection.

BUREAU OF INDIAN EDUCATION

SEC. 565. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Bureau of Indian Education" which under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the

Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Bureau shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the President of the United States from a list of nominees submitted to him by the National Board of Indian Education.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for grade 17 of the General Schedule of the Classification Act of 1949 and shall perform such duties as are delegated or assigned to him by the Commissioner.

PART E—MISCELLANEOUS PROVISIONS

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

SEC. 581. (a) Section 503(a) of the Higher Education Act of 1965 is amended (1) by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians," and (2) by inserting after "the Department of Labor," the following: "the National Board of Indian Education,".

(b) Section 504(a)(1) of such Act is amended by inserting after "secondary schools" the following: "(including such schools operated by the National Board of Indian Education or by an agency of an Indian tribe.)".

(c) Section 505 of such Act is amended by inserting after "shall consult with" the following: "the Chairman of the National Board of Indian Education,".

(d) Subsections (a; and (d) of section 552 of such Act of 1965 are each amended by inserting after "in all the States" a comma and the following: "including such needs in schools operated by the National Board of Indian Education, or by an agency of an Indian tribe.".

(e) Section 553(a) of such Act is amended by inserting at the end thereof the following: "The Commissioner may also enter into arrangements with the National Board of Indian Education, or with an agency of an Indian tribe, and use funds appropriated for the purpose of this section, for carrying out the purpose of this section with respect to schools operated by the National Board of Indian Education, or by an agency of an Indian tribe or tribes.".

AMENDMENT TO TITLE III OF HIGHER EDUCATION ACT OF 1965

SEC. 582. Section 302(d) of the Higher Education Act of 1965 is amended by inserting before the semicolon at the end thereof a comma and the following: "except that the Commissioner may waive the five-year requirement of this clause with respect to an institution located on or near an Indian reservation in any case in which he determines that such action will increase the availability of higher education to Indians".

INSTITUTE OF AMERICAN INDIAN ARTS

SEC. 583. The National Board of Indian Education is directed and authorized to raise the Institute of American Indian Arts at Santa Fe, New Mexico, to the level of a 4-year college.

COMMUNITY COLLEGES

SEC. 584. (a) The National Board of Indian Education is directed and authorized to provide continuing support for the community colleges in which a substantial number of Indian students are enrolled.

(b) The National Board is directed to conduct a study exploring the feasibility of Indian community colleges, to work toward the establishment of such Indian-controlled institutions, and to submit a report respecting such study to the Congress on or before July 1, 1972.

AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 585. Section 706(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title.".

On page 3, above line 1, add the following at the end of the table of contents:

"TITLE V—INDIAN EDUCATION

"PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

"Sec. 501. Revision amendment of Public Law 874 provisions relating to Indians.

"PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"Sec. 521. Addition of Indian education program part to title III, ESEA.

"PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

"Sec. 541. Addition of Indian program part to Adult Education Act.

"PART D—NATIONAL BOARD OF INDIAN EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

"Sec. 561. National Board of Indian Education.
"Sec. 562. Staff of National Board.
"Sec. 563. Powers and duties of National Board.
"Sec. 564. Functions of National Board.
"Sec. 565. Bureau of Indian Education.

"PART E—MISCELLANEOUS PROVISIONS

"Sec. 581. Inclusion of Indians in Higher Education Act.
"Sec. 582. Waiver of 5-year requirement of Higher Education Act of Indian schools.
"Sec. 583. Elevation of Institute of American Indian Arts.
"Sec. 584. Support and study of Indian community colleges.
"Sec. 585. Expansion of Indian eligibility under section 706(a), Elementary and Secondary Education Act."

SECTION-BY-SECTION ANALYSIS OF THE INDIAN EDUCATION AMENDMENT TO S. 659

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

Section 501—Amends P.L. 874 by redesignating Title III as Title IV and adding the following new Title III:

TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

Section 301—This title may be cited as the "Indian Elementary and Secondary School Assistance Act."

Section 302—Declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs to meet the special educational needs of Indian students in the United States.

Directs the Commissioner of Education to carry out this policy through a program of grants to eligible, local educational agency applicants beginning July 1, 1972 and ending June 30, 1977.

Grants to local educational agencies

Section 303—To compute a local educational agency's yearly entitlement, the Commissioner is to determine the number of Indian children enrolled for whom free public education is provided in the agency's schools in that fiscal year. An agency is not entitled to a grant unless there are at least ten such children.

The amount of the entitlement shall be equal to the agency's average per pupil expenditure multiplied by the number of Indian children enrolled.

The agency's average per pupil expenditure for any fiscal year is computed as follows: the total current expenditures of all agencies in the State two fiscal years ago, plus any direct current State expenditures for agency operation, divided by the total number of children in average daily enrollment who received free public education from such agencies two fiscal years ago.

In addition to sums appropriated for local educational agencies, an amount not in excess of one percent of the amount so appropriated is authorized for assistance to schools on or near reservations which are not or have not been local educational agencies for more than three years.

Uses of Federal funds

Section 304—Grants may be used for: planning, including pilot projects to test the effectiveness of plans developed; and the establishment, maintenance and operation of specially designed programs, including minor remodeling and acquisition of specially designed equipment, to meet the special educational needs of Indian children.

Applications for grants; conditions for approval

Section 305—Grants may be made only to applying local educational agencies. Applications shall:

Provide that the activities for which assistance is sought will be administered or supervised by the applicant;

Set forth a program for meeting the special educational needs of Indian children, including proper and efficient methods of program administration;

In the case of planning applications, provide that planning is directly related to projects to be carried out under this title, and that such funds are needed either because of the innovative nature of the program or because the agency lacks the necessary resources for adequate program planning;

Provide that effective annual evaluation procedures, including objective measurement of educational achievement will be adopted;

Assure that Federal funds will supplement, and in no case supplant, the funds that the applicant would make available for the education of Indian children in the absence of Federal funds;

Provide for the necessary fiscal control and accounting procedures; for making an annual report and other reports required by the Commissioner to determine the effectiveness of these funds in improving Indian educational opportunities; and for keeping accessible records verifying these reports.

Applications which meet the above requirements must also:

Provide for the utilization of the best available talent and resources (including persons from the Indian community) and substantially increase Indian educational opportunity;

Have been developed (1) in open, informative consultation, including public hearings, with parents, teachers, and, if applicable, secondary school students, who shall have an opportunity to offer recommendations, and (2) with the participation and approval of a committee (half of which shall be parents and half persons of minority groups) composed of parents of children served, teachers, and, if applicable, secondary school students;

Set forth policies and procedures to insure the continuing participation of parents and representatives of the area, and the committee approving the program, in the program's operation; and

Be submitted to the appropriate State educational agency for its comments and recommendations.

Amendments of application shall also be subject to these provisions, except as otherwise provided by the Commissioner.

Payments

Section 306—Directs the Commissioner to pay to each approved applicant an amount equal to its expenditures for activities under this title, but no payments shall be made if the State has taken these payments into consideration in determining the agency's eligibility for State aid. Nor shall payments be made if the combined State and local educational agencies' fiscal effort is less than that of two fiscal years ago.

Adjustments where necessitated by appropriations

Section 307—If insufficient funds are appropriated to pay the local educational agencies' full entitlement, the entitlements of all such agencies shall be ratably reduced. If additional amounts become available, entitlements shall be increased in the same manner.

If entitlements have been reduced and additional funds are not available, local educational agencies shall report their estimated expenditures to the Commissioner by certain dates. Any unused funds shall then be available for reallocation to agencies which need additional funds, but no agency shall receive an amount which exceeds its entitlement.

Section 308—In this title 'Indian' means any enrolled member of a tribe, band or other organized group of Indians, or his descendant, or anyone considered by the Secretary of Interior to be an Indian.

Sec. 103(a)(1) of the Elementary and Secondary Education Act is amended by deleting references to Indian children and allotments to the Department of the Interior in subparagraph (A) and striking out subparagraph (B), referring to Department of Interior payments to local educational agencies with out-of-State Indian children.

Sec. 303(1) of P.L. 874 is amended by removing Indian property from the definition of Federal property.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Section 521—Amends Title VIII of the Elementary and Secondary Education Act of 1965 by adding the following new section:

Improvement of educational opportunities for American Indian children

Section 810—Directs the Commissioner to carry out a program to improve Indian education by:

Making grants to State and local educational agencies and other public and private organizations (including federally supported elementary and secondary Indian schools) for planning pilot, and demonstration projects including (1) innovative programs for the educationally deprived, (2) bilingual and bicultural education, (3) activities to meet the special health, nutrition, social and psychological problems of Indian children, and (4) coordination with other related Federal programs;

Making grants to State and local educational agencies and the National Board of Indian Education to assist and stimulate programs to provide educational services not available in sufficient quality or quantity for Indian children (including compensatory instruction and other services to encourage them to enter, remain in, or reenter school; comprehensive academic and vocational instruction; instructional materials and equipment; guidance, counseling and testing; programs for handicapped and preschool children; bilingual and bicultural education and other services), and to establish and operate exemplary and innovative programs and centers to enrich Indian education;

Making grants to institutions of higher education, and to State and local educational agencies in combination with such institutions, to prepare or improve the qualifications of educational personnel and social workers serving Indian children. Preference shall be given to the training of Indians. Grants may be used for fellowships, institutes, and for other purposes which are part of a continuing program;

Making grants to and contracts with other public and private nonprofit organizations for disseminating information on Indian education and evaluating the effectiveness of federally assisted programs.

Grant applications shall describe the activities planned. Program grant applications will provide for: the use of available funds and the coordination of other resources to insure a comprehensive program; the training of participating personnel; and evaluation.

Parent and tribal community participation in project planning, development, and evaluation is required for approval.

For grants under this section, $25,000,000 is authorized for fiscal 1972 and $35,000,000 for each of the four succeeding fiscal years.

Effective June 30, 1972, amends Titles II and III of the Elementary and Secondary Education Act (relating to school library resources and supplementary educational centers and services) and the Education of the Handicapped Act to eliminate allotments to the Department of the Interior for Indian children in the Department's schools.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

Section 541—Amends Title III (the Adult Education Act) of the Elementary and Secondary Education Amendments of 1966 by redesignating sections 314 and 315 as sections 315 and 316 and adding the following new section:

IMPROVEMENT OF EDUCATION OPPORTUNITIES FOR ADULT AMERICAN INDIANS

Section 314—Authorizes the Commissioner of Education to—

Make grants to State and local educational agencies and other public and private organizations to support planning, pilot, and demonstration projects to test the effectiveness of programs to improve employment and educational opportunities for American Indian adults, including bilingual and bicultural programs, and programs to coordinate the operation of related federally assisted programs;

Assist in the establishment and operation of programs to stimulate opportunities for adult Indians to acquire basic literacy skills and qualify for a high school equivalency certificate; support a major research and development effort to find better ways of meeting these goals; and determine the extent of illiteracy and lack of high school completion on Indian reservations;

Make grants to and contracts with public and nonprofit private organizations to disseminate information on Indian adult educational programs and to evaluate the effectiveness of such federally assisted programs.

Grant applications shall describe the activities to be funded, provide for program evaluation, and shall not be approved unless the Commissioner is satisfied that there has been and will be participation by tribal communities and the individuals to be served in the planning, operation and evaluation of the project. Applications from non-Indian educational groups shall not be approved until all approvable applications from Indian groups have been approved. $5,000,000 is authorized for fiscal 1972 and $8,000,000 for each of the four succeeding fiscal years.

PART D—NATIONAL BOARD OF INDIAN EDUCATION: BUREAU OF INDIAN EDUCATION: MISCELLANEOUS

National Board of Indian Education

Section 561—Establishes a fifteen-member National Board of Indian education, appointed by the President, with the advice and consent of the Senate, from nominees furnished by Indian tribes and organizations, representing diverse geographic areas.

Members shall be appointed for three years, but the terms of the first appointees shall expire as follows: five at the end of one year, five at the end of two years, and five at the end of three years. No member shall serve more than two consecutive terms. Vacancies filled prior to the expiration of a term shall be filled for the term's remainder. The President shall designate one member as Chairman and another as Vice Chairman. Members shall be compensated at the rate prescribed for grade GS-18.

Staff of national board

Section 562—Authorizes the National Board to appoint and fix the compensation of an Executive Director, a Superintendent of Indian Education, and additional staff without regard to provisions of the United States Code governing appointments in the competitive service, classifications and General Schedule pay rates, but rates must not exceed the maximum rate for a GS-18. The Chairman may also procure temporary and intermittent services at rates not to exceed $100 a day per person.

Powers and duties of national board

Section 563—Vests the National Board with these powers and duties: carrying out the former functions of all other executive agencies (except the Office of Education and the Office of Economic Opportunity) relating to Indian education; establishing local school districts of Federal Indian schools; establishing, at its discretion, and supporting local school boards selected at the local level in accord with National Board regulations having administrative control over Federal Indian schools in such districts; advising the Commissioner on the administration of any program in which Indian children participate, including Title III of P.L. 874 and Title VII of the Elementary and Secondary Education Act, as added by this Act; and submitting to the Congress annually a report on its activities which includes recommendations on Federal programming involving Indian children.

Functions of National Board

Section 564—Vests in the National Board all functions which were formerly carried out by other executive agencies (except the Department of Health, Education and Welfare and the Office of Economic Opportunity) relating to Indian education at all levels.

Transfers all these functions, except for those of the Office of Education, and the Office of Economic Opportunity, to the National Board.

All outstanding orders, rules, contracts and the like shall continue until changed by the National Board, the courts, or the operation of the law.

All personnel, property, records and the like which are primarily concerned with the functions transferred shall also be transferred to the National Board.

Directs the National Board to: investigate off-reservation boarding schools to determine which should be converted to therapeutic treatment centers and to cooperate with the Public Health Service in their conversion; examine distribution, location, and student placement in Federal boarding schools with a view to change; and report to the Congress on these studies by January 1, 1973.

Bureau of Indian Education

Section 405—Establishes a Bureau of Indian Education in the Office of Education, with responsibility for administering the provisions added by this Act to P.L. 874 and the Elementary and Secondary Education Act. The Bureau shall be headed by a Deputy Commissioner of Education to be appointed by the President from nominees submitted by the National Board. The Deputy Commissioner of Education shall be compensated at the rate of a GS-17 and shall perform such duties as are assigned to him by the Commissioner.

PART E—MISCELLANEOUS PROVISIONS

Section 581—Amends the following sections of Title V (the Education Professions Development Act) of the Higher Education Act of 1965:

Section 503, relating to the appraisal of education personnel needs, is amended to include a consideration of the educational needs of Indians;

Section 504, designed to attract qualified persons to the field of education, is amended to include Indian children in Department of Interior and other Indian schools in efforts to identify and encourage capable youth in secondary schools who may wish to pursue a career in education;

Section 505, which provides for consultation by the Commissioner of Education with other agencies to promote coordinated planning of educational personnel training programs, is amended to include the Secretary of the Interior.

Section 552, relating to leadership development awards for vocational educational personnel, is amended to include a consideration of the needs of Indian children in Department of Interior and other Indian schools, for qualified vocational education personnel.

Section 553 is amended to authorize the participation of Department of Interior and other Indian schools in exchange programs, institutes and in-service education for vocational education personnel.

Section 582—Amends Title III of the Higher Education Act—Strengthening Developing Institutions—to authorize the Commissioner of Education to waive certain requirements (relating to admissions policy, educational programs, and accreditation during the five years preceding the year for which assistance is sought) in institutions on or near Indian reservations if this action will increase the availability of higher education for Indians.

National Board of Indian Education

Section 583—Directs the National Board to raise the Institute of American Indian Arts at Santa Fe, New Mexico, to the level of a 4-year college.

Section 584—Directs the National Board to provide support for community colleges in which a substantial number of Indians are enrolled, to conduct a feasibility study of Indian community colleges and work toward their establishment, and to report to the Congress on these matters on or before July 1, 1972.

Section 585—Amends section 706(a) of the Elementary and Secondary Education Act of 1965 to include individuals and organizations from and near, as well as on, reservations.

Mr. KENNEDY. Mr. President, the distinguished Senator from Minnesota (Mr. MONDALE) joins me in introducing this proposal. He was a member of the Subcommittee on Indian Education, which previously had as its chairman Senator Robert Kennedy and which later I chaired. I believe he has contributed more to the work in the field of Indian education than any other member of this body.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MONDALE. Mr. President, I wish to congratulate the distinguished Senator from Massachusetts for his remarkable contribution to this effort to reform Indian education in America.

Under the leadership of his brother, Robert Kennedy, and then under his leadership, the Senate Special Subcommittee on Indian Education addressed itself more carefully, more fully, and more broadly to Indian education problems in this country than I think either branch of Congress had done before.

The result of the work of the Subcommittee on Indian Education consumes thousands and thousands of pages of testimony. We heard from almost every Indian leader in the country. We traveled thousands and thousands of miles throughout the country from the Navajo reservation to the Aleuts and Eskimos of Alaska. No study has gone as far as this one, and no committee has tried to hear from so many of the Indians themselves as this one did. The leadership of the distinguished Senator from Massachusetts has been instrumental in focusing public sentiment, to the point that today we are able to introduce this broad and sweeping measure, to do something about a national disgrace.

I am sure the Senator from Massachusetts recalls our tour through Alaska; we visited a BIA school in the frozen tundra and found a white teacher, who could not speak Eskimo, teaching Eskimos who could not speak English, from a "Dick and Jane" textbook which showed green grass and white houses containing nothing with which the children could identify, let alone understand.

I am sure the Senator from Massachusetts recalls seeing children who had been shipped thousands and thousands of miles to boarding schools, to be away from their parents for 8 or 9 months a year, because the BIA had a policy that would not add desks in one area if there were empty desks somewhere else in the Nation.

We recall the testimony about eliminating the boarding schools. The renowned Dr. Mennninger said it was worse than anything he had seen.

As the Senator pointed out, the dropout level, the failure to perform at grade level, the truancy level, the unemployment level, the problems in mental illness, alcoholism, and suicide have all resulted, as the Senator's late brother said, in making America's first Americans the last Americans.

There are other elements, but we must begin with an education that entails, first of all, respect for different languages and cultures, and accepts them for the value they still have for Indian children.

I do not think there is any chapter in our history that is more sordid than our treatment of the American Indian. This legislation is an important and meaningful step to do something about that situation. I am pleased to join the Senator from Massachusetts in introducing the Indian Education Act today.

America's Indian children—the heirs of a unique and majestic tradition—have inherited an aching legacy of neglect and discrimination.

Fifty percent dropout rates.

Twelve thousand children not in school, most of them physically or mentally handicapped.

Indian children being disciplined with handcuffs.

Psychiatric reports that Indian children have the lowest levels of self-respect and the highest anxiety of any group in our country.

Perhaps the worst indictment of all is that much of this has been the failure of the Federal Government. By a blatant cultural colonialism, we presumed we knew best. Of the many examples, one is especially stark.

The Choctaw and the Cherokee nations ran their own school systems from about 1800 until after the Civil War—when the Government took their authority away and put them on the reservations. In the days when they were running their own schools, the Choctaws and the Cherokees were more literate in their own language than the average American citizen was in English, and they were more literate in English than the average citizen in frontier States.

Today, 40 percent of adult Cherokees are functionally illiterate in English; only 39 percent have completed the eighth grade.

The average educational level is 5 school years for all Indians under Federal supervision.

But this system not only stifled young lives; it also twisted historical truth as surely as any totalitarian censor.

Indian children learned that their ancestors were savages, and that the white men who killed them were heroes. When Indians attacked a settlement, in what they saw as defense of their land, it was a "massacre." When the U.S. Cavalry rode down a village of women and children, it was a "victory."

We have come a long way since Lewis and Clark and other explorers marveled at the unique culture and bold self-reliance of America's Indians.

And it has nearly all been down.

The subcommittee report told the story in its title—"Indian Education: National tragedy, A National Challenge."

All of us have a share in the 400 years of tragedy borne by the Indian people. All of us have a responsibility to put a stop to the mutilation of the minds and spirits of Indian children.

There can be no reason for any more delay.

As early as 1928 we had a comprehensive report which described the disgrace in Indian education. The Congress and the President had a blueprint for reform then, over 40 years ago. Now the subcommittee has compiled over 4,000 pages of testimony, most of it from the Indian people themselves, in exhaustive hearings and field investigations throughout the country.

The present bill, first introduced 5 months ago, is based on the recommendations developed by the subcommittee from that testimony. Though there was not time for full consideration of the bill in the hectic closing months of the last Congress, Senators have had opportunity to consider its implications in the context of other measures affecting Indians.

Now we must act.

The subcommittee's final report listed 60 recommendations which would radically improve Indian education. A number of these recommendations have been implemented.

For example, bilingual education efforts have been expanded considerably. The National Council on Indian Opportunity was funded. The Department of Health, Education, and Welfare and the Department of the Interior have begun devising a plan to better coordinate their Indian education activities. Public Law 81–815 was amended so that public schools educating Indians will have higher priority in funding than they have in the past.

And bills have been introduced to legislate a number of other proposals, including recommendations to hold a White House Conference on Indian Affairs, and to raise the BIA Commissioner to Assistant Secretary of the Interior status.

The actions of the Senate in the last months of the 91st Congress show that we are starting to recognize the need to act on behalf of Indians, that the tide of political opinion is moving toward a proper redress of 400 years of exploitation. In the last Congress the Senate passed total Federal support for Indian welfare assistance, recognition of Taos Pueblo legal claim to sacred lands, and new support for Indian manpower programs.

The President has indicated his support for action now on behalf of Indians. He strongly supported the right of the Taos Pueblo to their sacred lands. His message to the Congress last session placed high priority on a number of the reforms we introduced in this bill, including administration by Indians and expanded urban programs. I look forward to his further assistance on behalf of Indians.

Yet all our progress will be fragile without a true commitment to excellence in the education of Indian children, without a recognition of the basic right of the Indian not only to equal educational opportunity, but to dignity and respect for his culture and heritage.

The bill we reintroduce today is unique in two respects. First, it is an expression of the wishes of many Indian people. I want to stress that during its 2½ years, the Indian Education Subcommittee traveled to all parts of the country to listen to the Indian people.

We held public hearings in Washington, D.C., California, Oklahoma, Arizona, South Dakota, Oregon, and Alaska, and conducted field investigations in Minnesota, Idaho, Maine, New York, and several other locations. We heard from Indians throughout the country. We have taken their suggestions and put them together into this bill we are introducing today.

This bill is also unique among Federal education legislation. It is not an attempt, for example, simply to provide some funds and set up some new administrative machinery to do more of what has been done in the past. It is an attempt rather to change the very nature of the cruelty and fraud that has historically passed for Indian education.

The Indian does not want that kind of Indian education. He wants an education that will tell him the truth about his tribe, his heritage, his traditions, his place in the world—an education over which he will have some control. That is what this bill is going to enable him to do.

This Indian Education Act amends Senate bill 659, the Education Amendments of 1971, as title V of that bill.

There is no need to go into a lengthy explanation of the different sections of this legislation. Basically, part A provides for payments to schools educating Indian children. It includes funds for urban as well as reservation Indians, and the money is to be used for programs designed to meet the special educational needs of Indian children.

Part B is a grant program for planning pilot and demonstration programs in a number of areas: bilingual, bicultural, health nutrition services, instructional materials, guidance and counseling services, and other such programs. Of special significance is the fact that grants can also be made for developing programs to prepare persons to teach Indian children, and to improve the qualifications of persons currently working with Indians in schools.

One of the major findings of the Indian Education Subcommittee was that teachers of Indians were not attuned to the traditions and culture of the Indian child. They were not, in effect, culturally sensitive. This title approaches this problem through specialized preservice and inservice programs for teachers of Indian children. The bill authorizes $25 million for grants under this title in fiscal 1972, and $35 million for each of the succeeding years.

Part C provides special programs for educating American Indian adults. This title also provides programs for planning, pilot, and demonstration projects designed to improve employment and educational opportunities for Indian adults. The bill authorizes $5 million for this effort for fiscal 1972, and $8 million for each of the 4 succeeding years.

Part D establishes a National Board of Indian Education and a Bureau of Indian Education within the Office of Education. It will be the function of the OE Bureau of Indian Education to administer the provisions of this legislation. That Bureau will be headed by a Deputy Commissioner of Education appointed by the President from nominees submitted by the National Board. I will discuss this National Board in more detail later.

Finally, part E makes funds available for the expansion and development of community colleges educating American Indians, and amends the Higher Education Act so as to encourage the development of Indian teachers.

There are two elements of this bill which I believe are of special significance and, for that reason, deserve elaboration. One is that funds in both the formula entitlement and grant programs will go toward the education of Indians in urban as well as Federal reservation schools. The other is that all programs and projects must be planned, operated, and evaluated by tribal communities and parents of the Indian children affected.

For years, the Bureau of Indian Affairs has refused to recognize the growing population of Indians in urban areas. It has maintained that it must concern itself almost exclusively with Indians living on or near reservations. As a result, Indian children living in urban areas have attended public schools which received no assistance from the BIA in providing for the special needs of educating Indian children.

Today there are almost as many Indians in the cities as on the reservations. In Minneapolis alone there are about 15,000 Indians. Many of the urban Indian students need special materials and special help if the 50-percent-plus Indian dropout rates so common in these cities is to be improved. We would provide per student payments to these school districts for programs aimed at meeting these special needs—as they are defined by the parents of the Indian children. The bill would also make available to these districts grants for funding special projects and programs to better meet the unique needs of Indians in our cities.

The second major feature of this comprehensive bill is that it puts Indian education into the hands of not Indian experts, but expert Indians. Local control has been the foundation of public education in this country from its inception, yet we continue to permit a Washington-based bureaucracy to control the education of thousands of Indian children. Every project authorized by this legislation is conditioned upon the approval of the parents of the Indian children affected. In the language of the bill:

> The Commissioner shall not approve an application for a grant . . . unless he is satisfied that there has been participation by tribal communities and parents of the children to be served in the planning and development of the project, and that there will be such participation in the operation and evaluation of the project.

Besides giving Indians basic control over special programs and projects, the bill creates a National Board of Indian Education which is authorized to establish local school districts and locally selected school boards for Federal Indian schools. Since 1968 when President Johnson told the Bureau of Indian Affairs to establish Indian school boards, we have been waiting for the BIA to respond to the President's order. Since that date, only three Federal schools have been turned over to the local communities. At that rate, it will be the year 2044 before the Bureau's 223 schools are locally controlled.

In the meantime, Indian people must be content with advisory boards, which have to sit idly by and watch their children being taught by civil service appointees, many of whom are totally ignorant of Indian language, customs of traditions.

The National Board established by this bill is a 15-man board selected by the President from a list of nominees furnished him by Indian tribes and organizations. This Board would take over the education functions presently handled by the Bureau of Indian Affairs. It would appoint a superintendent for the Federal Indian schools. Among its responsibilities would be to investigate reservation boarding schools and determine which should be converted to therapeutic treatment centers and how the placement of students in boarding schools can be improved. This was a subcommittee recommendation. But most importantly, the Board would be charged with the responsibility of establishing local school boards—a responsibility which the BIA has failed to meet but which a board of Indian parents is sure to accept more seriously.

The Congress now holds in its hands the hopes of thousands of Indians—and the future of thousands of their children.

We cannot have an America where Indian students are punished for speaking their native languages.

We cannot have an America where Indian teenagers commit suicide to escape a life they dread.

And in a very real sense, Mr. President, this bill is more than a responsibility for the American Indian. It is a living tribute—and a debt we owe—to the late Robert Kennedy, whose compassion and courage and foresight ignited the conscience of the Nation on this issue. Robert Kennedy summoned us to national action on behalf of Indian children. The passage of this bill will be a fitting honor to his memory.

Mr. KENNEDY. I thank the Senator from Minnesota for his comments. He has indicated what we have attempted to do in the introduction of this legislation in which he played such an important and vital role—and that is to reflect the sentiments of the Indians themselves and to propose an educational program which is really their program.

As the Senator pointed out, time and time again throughout the history of the relationship of the white man to the Indian, and since the founding of our country, the white man always has done what he thought was in the best interests of the Indian rather than letting the Indians develop their own programs.

I feel that as a result of the work of our subcommittee, this legislation reflects the approach to Indian education desired by the Indian people themselves, whose children will be attending public schools and federally supported schools. The chairman of the Senate Education Subcommittee is present in the Chamber, and knowing of his interest in this very important problem and realizing his overall commitment in the field of education, I am hopeful that he will assure us that we will be able to have early hearings on this legislation. I know we will be able to bring to those hearings a thorough documentation of the problems involved in Indian education that had been accumulated over 2 years of extensive hearings held by the Special Indian Education Subcommittee.

I doubt that there has been any piece of legislation introduced in recent times where the underlying problems have been so thoroughly studied as this measure that we are introducing today. It has broad support in terms of membership on both sides of the aisle. It has broad support in terms of geographical representation from different parts of our country. I think it is a reasonable reflection of the desire of Congress to provide a solution to a pressing problem. So I welcome the fact that the chairman of the education subcommittee is on his feet. I would welcome any remarks he might have at this time.

Mr. PELL. I thank the Senator. As one with an especial interest in the Indians, as well as a general interest in education, I would congratulate the Senator from Massachusetts and the Senator from Minnesota for their work in this field.

I know the Senator from Massachusetts has a deep sense of commitment in this regard. I realize he does this in a very altruistic sense because the number of Indians in his Commonwealth is in the same proportion that we have in our State of Rhode Island, but his interest in the lot of the oppressed is real, no matter where they are.

I think those of us who live in the country today tend to accept the fact that we are God's chosen people, who have come to this country and brought Christianity and education to it; and we forget there were some of God's chosen people who were here originally, whose interests we have always run roughshod over.

When we talk about the sanctity of international agreements, sometimes critically of other nations in this regard, I think our own record with regard to God's chosen people who were here prior to us bears examination. I shall look forward to our soon holding hearings on this legislation.

Mr. KENNEDY. As the Senator knows, this would be an amendment to his higher education proposal, so I would hope that we might be able to have some hearings and get the appropriate responses from the administration as well as from Indian tribes, groups, and interested educators. I know the Senator has planned an extensive set of education hearings, but I would hope that we might be able to find some time during the course of those hearings to devote some attention to this proposal, so that we might be able to move ahead on it.

Mr. PELL. As the Senator knows, I would like to be of help in this matter in any way that I can, and look forward to working closely with him in scheduling hearings. I shall do everything I can to help.

Mr. KENNEDY. As we continue on our health hearings and the consideration of the Pell health insurance bill.

Mr. PELL. We will exchange hearings at the earliest opportunity.

Mr. MONDALE. Mr. President, I think the distinguished chairman of the Education Subcommittee is encouraging. Perhaps he could attach it to the desegregation bill.

While at this time this measure is not the product of an endorsement by the National Congress of American Indians or the newly created National Indian Education Association, currently under the leadership of Dr. Will Antell of Minnesota, and of distinguished Indian educators such as Dillon Platero, it is the product of deep consultation with those Indian leaders.

I think the Senator should know that, as far as Indian organizations are concerned, it is very close to what I believe most of them want. I think it would be most unfortunate to pass a bill they did not want at this point. I think one of the most important things we accomplished on the now expired Indian Education Subcommittee was to get a broad consensus from the Indian community. I do not think it was even tried before. I think we are close to it. That ought to pave the way for prompt adoption.

I see the Senator from South Carolina (Mr. HOLLINGS) here. He has been one of the leaders in the Senate and the country in dealing with the tremendous problem of hunger, because we learned it is a real national problem. But, in a real sense, the cultural insult and injury to the spirit of the average American Indian inflicted by the American educational system visits damage just as much as hunger does. It is hard to define, but it destroys and shrivels a child just as much as denying him decent nutrition.

I think we want to work in these areas just as quickly as we can, because the Indian community has just about given up on the establishment. We have studied them so much that we have worn out the grass on the reservations looking at them. Last year, at Pine Point Reservation, there were 64 federally funded studies; I think there were two studies for every Indian on the reseravtion. We have studied them and studied them until they are sick of it, and I do not blame them. They would like to see something happen. It is very important that we move promptly and efficiently, this year, if possible.

Mr. KENNEDY. Mr. President, let me reemphasize, finally the strong and special Federal responsibility in this particular field. We can talk about action on the other problems we face in our Nation, and we have many problems. We obviously must consider the allocation of our resources relating to the needs of the National, States, and local governments. But the responsibility in terms of Indian education lies most fundamentally with the Federal Government—by agreement, by treaty, by Executive orders, by statute. Yet it has been an area in which this great country, as the distinguished Senator from Minnesota has pointed out, has failed miserably. This legislation is an attempt to reconcile our responsibility in this area, as well as, perhaps what is even more important, an attempt to provide fairly and justly to people who are greatly disadvantaged.

It is because of the action or inaction by the Federal Government that this legislation which we have introduced is of such significant importance and urgency.

I am heartened by the response given by the chairman of the Education Subcommittee, and, as I have mentioned, by the broad scope of support for the legislation we are introducing today.

I am hopeful that this year will be the year of progress and reform in Indian education.

Mr. HOLLINGS. Mr. President, I commend my distinguished colleague from Massachusetts and also the Senator from Minnesota on their move now to solve the Indian education problem. As we have alluded to other problems in this land, including health problems, they are not Government-created. Hunger problems are not Government-created. Housing problems are not Government-created. But without question, the Indian problem, including the Indian education problem, is a creation of this Government, and it is nothing less than a national disgrace that we have not removed this blot upon the conscience of our land.

I think that the Senator from Massachusetts is providing leadership, and I hope, in turn, that we in the Senate can follow that leadership and solve this problem.

THE CHALLENGE OF INDIAN EDUCATION

Mr. CRANSTON. Mr. President, I am extremely pleased to be a cosponsor of the Indian Education Act of 1971, a bill recently introduced by my distinguished colleague from Massachusetts, Senator KENNEDY. This legislation is long overdue and critically necessary if we are to correct the miserable state of Indian education in America.

It is not a record to be proud of. Indeed, perusing the statistics which measure the extent of the failure of our Federal Indian educational policy is an invitation to despair. For a nation which prides itself on such virtues as equality of opportunity, democracy, and justice, it is difficult to explain the suffering perpetrated on Indian students in the name of education. After a thorough and objective investigation of American Indian education, the Subcommittee on Indian Education termed it a national tragedy.

By almost any statistical measurement, Indian students are clustered at the bottom of our educational ladder. The average grade level for all Indians under Federal supervision is 5 school years. Dropout rates for Indians are twice the national average. Only 18 percent of the students in Federal Indian schools go on to college; the national average is 50 percent. Only 3 percent of the Indian students who enroll in college graduate; the national average is 32 percent. Only one of every 100 Indian college graduates will receive a master's degree.

The suffering, unfortunately, does not end here. It has been well established that the level of educational achievement is directly and intimately related to other social indices. As a result of his poor education, the Indian goes on to suffer from problems in unemployment, poor health, low annual income, miserable housing conditions, short average life expectancy and high rates of infant mortality. Our national tragedy is simply that the First Americans have become the Forgotten Americans.

What are the reasons behind this tragedy? Why do Indians suffer disproportionately from the social and physical ills which beset the poor in America? The answer, of course, lies buried in 400 years of Indian-white relations. It lies in the fact that the policy of the U.S. Government toward its Indian wards has fluctuated between two unfortunate extremes: between a sort of benevolent paternalism and a conscious and deliberate intent to destroy the Indian languages, cultures, life-styles, and sometimes, even the Indians themselves. An examination of our educational policies is particularly revealing of these attitudes and has been summed up by the Subcommittee on Indian Education as a policy of "coercive assimilation." The subcommittee concluded that this unfortunate policy has had the following disastrous effects on the education of Indian children:

The classroom has become a kind of battleground where the Indian child attempts to protect his integrity and identity as an individual by defeating the purposes of the school.

Schools have failed to understand or adapt to, and in fact have often denigrated, cultural differences.

Schools have failed to recognize the importance and validity of the Indian community, and the community and child have reacted by treating the school as an alien institution.

It has resulted in a dismal record of absenteeism, dropouts, negative self-images, low achievement, and, ultimately, academic failure for many Indian children.

Finally, and most pernicious, is the fact that this policy has served to perpetuate the cycle of poverty which undermines the effectiveness of all other Federal programs.

The Indians native to California have perhaps been the most abused of any in the Nation. Denied an adequate land base in 1852 when the Senate refused to ratify 18 separate treaties, and nearly exterminated between 1850 and 1880 by white settlers seeking their fortunes in gold, California's Indians have remained for the most part in rural and social isolation. Less than 15 percent of California's native Indian population lives on Federal trust lands. This lack of an adequate land base is not only an economic disaster, but has affected the eligibility of most California Indians for participation in Federal educational programs. It has also served as justification for the termination of other Federal services.

California has one of the largest Indian populations in the Nation. Estimates vary, and the high mobility and lack of tribal identity which characterizes many California Indians makes estimation difficult. The 1970 census should yield a significant Indian population in California. The composition and character of this Indian population differs from that of other States, however, because of the unusually large proportion of out-of-State reservation Indians who have relocated in four major urban centers of California: Los Angeles, San Francisco, San Jose, and Oakland. Over 100 different tribal groups are represented in Californias urban Indian population. It has been estimated that there are now over 50,000 Indians living in Los Angeles alone.

The Federal Government owes the Indian a special responsibility. It is a responsibility established in scores of treaties, agreements, and statutes. It has been underscored by years of broken promises. As conscientious members of the U.S. Senate, we can no longer ignore this responsibility to the American Indian. We must develop and implement an enlightened policy for the education of the American Indian.

The Indian Education Act of 1971, which I am proud to cosponsor, declares it to be the policy of the United States that, recognizing the special Indian education needs, the Government shall "provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs especially designed to meet these special educational needs." To implement this policy, the bill provides for the followeing major provisions:

First. It amends Public Law 874 (impact aid) and title I of the Elementary and Secondary Education Act of 1965 to provide additional Federal funds to local school districts to meet the special educational needs of Indian students. It provides for Indian involvement in the funding process at the local level.

Second. It provides funds for pilot and demonstration projects for the improvement of Indian educational opportunity.

Third. It amends the Adult Education Act to provide special educational programs for Indian adult education.

Fouth. It establishes a Bureau of Indian Education in the Office of Education and a Deputy Commissioner of Indian Education.

Fifth. Finally, it establishes a National Board of Indian Education as an independent agency which will have policy and program control over Federal Indian schools.

Mr. President, I submit that we can no longer ignore the educational needs of the American Indian. We have the facts. We have the proposal. All we need to do is act. We need to write a new legislative chapter in the annals of Federal Indian policy—an enlightened and compassionate chapter. I am very proud to be a cosponsor of the Indian Education Act of 1971 and hope that it can mark a new beginning for a better life for the first Americans.

IMPROVING INDIAN EDUCATIONAL OPPORTUNITIES

Mr. TUNNEY. Mr. President, today I am sponsoring the Indian Education Act, an amendment designed to improve the quality of Indian education, to upgrade its priority within the Federal Government, and to attempt to insure that the special educational needs of Indian students are met.

First, the Indian Education Act would amend Public Law 874 and combine and expand assistance to public schools under that law, and also amend Title I of the Elementary and Secondary Education Act to assist local educational agencies in meeting the educational needs of Indian students.

However, the proposal should perhaps go even one step further by allowing a school on an Indian Reservation to utilize funds under this proposal even though it is not considered a local education agency. These funds would be used to supplement the minimal Federal appropriations now funneled through the Bureau of Indian Affairs.

Also, the enactment of the proposed Indian Education Act should not preclude continued and expanded educational aid under other programs. The Johnson-O'Malley program, for example, provides supplemental aid directly for the education of Indian children in those school districts. Funds are available under this program to help facilitate the education of Indian children within the school district.

The Secretary of the Interior is authorized to also permit local school authorities to use Federal buildings and equipment.

Unfortunately, the Johnson-O'Malley program was ended in California under the false hope that the State would care for Indian educational needs. This has not been done, and the program has been reinstated in California. However, California has not yet received sufficient funds to do much good. I intend to renew my efforts to provide sufficient Johnson-O'Malley funds in California.

It is also my hope that more Indians can be benefited by Indian assistance programs by the use of a more expansive definition of the term Indian. Too often Indians are disqualified by restrictive definitions. A more expansive definition of an Indian would be considered.

This would help to insure greater and more equitable Indian participation in Federal programs.

Second, the proposed Indian Education Act provides funds for public and private agencies and organizations for pilot and demonstration project designed to improve Indian educational opportunity and requires active participation by Indians in the preparation and development of a project application. This program would also include innovative educational programs, bilingual and bicultural educational programs, special health and nutrition services and Indian teacher improvement programs.

Third, the legislation would amend the Adult Education Act in order to provide opportunities under this program for adult Indians. Grants would be made available to public and private agencies and organizations as long as there was Indian participation in the planning and development of the applications.

Fourth, the bill would establish the office of Deputy Commissioner of Indian Education within the office of Education to coordinate and administer Indian education programs. This provision is designed to give Indian education programs much higher priority than they are presently receiving.

Fifth, the bill would create a National Board of Indian Education. This Board would be empowered to establish and support local school districts and school boards comprising Federal Indian schools.

However, although the National Board would establish general guidelines for Indian education, local Indians and Indian communities would decide when local boards of education are to be created to take over Federal Indian schools.

A National Board of Indian Education would be created for the purpose of recommending and developing new Indian education programs and to serve Indian education in much the same manner as State board's of education serve State public education programs.

In keeping with the spirit of the act, I feel that, to the greatest extent possible, the National Board of Indian Education should be made up of and staffed by Indians.

The goal of improving the quality of Indian education is one which I strongly support. I believe that the Indian Education Act is an important first step toward the achievement of this goal. It is certainly clear that present programs have failed to make significant progress in improving Indian education or in fact in improving the lot of the Indians in any other area.

Indians continue to live in poverty and in dilapidated housing. Last year in California, for example, only $300,000 was available for Indian housing. However, it will require $30 million to provide adequate housing for California Indians. It is my hope that Congress will significantly increase funds for Indian housing.

The average Indian income is $1,500 while the unemployment rate among Indians is nearly 40 percent. The dropout rates among Indians are twice the national average and only 1 percent of Indian children have Indian teachers or principals.

These statistics are a depressing and tragic testimonial to present efforts by the Federal Government to fulfill its responsibility to the Indian. It is time for a drastic change in Federal policy toward the Indian. It is time for the revamping and full funding of current Federal Indian assistance programs. It is also time for the enactment of new Indian assistance program that will keep pace with Indian needs and effectively deal with the plight of the Indian.

The enactment of the proposed Indian Education Act can be a dramatic first step in this effort.

In addition, we must always keep in mind that structural changes are never enough and should never be a replacement for functional and substantive change in the fabric of our society, particularly in the attitude of society toward the needs of a minority.

ANNOUNCEMENT OF HEARINGS ON PESTICIDE REGULATION

Mr. ALLEN. Mr. President, I wish to announce the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry has scheduled hearings March 23, 24, and 25 on S. 232, S. 272, S. 660 and S. 745, relating to pesticide regulation. The hearings will be held in room 324, Old Senate Office Building, beginning at 9:00 a.m. each day. Anyone wishing to testify should contact the committee clerk as soon as possible.

BETTER BREAK FOR FARMER SHOULD NOT MEAN HIGHER PRICES FOR HOUSEWIFE

Mr. PROXMIRE. Mr. President, in the recent hearings of the Joint Economic Committee at which the Secretary of Agriculture, Mr. Hardin, appeared, a number of interesting and critical developments with respect to the economy took place.

One of the most remarkable was the fact that the Secretary of Agriculture at Dallas, Tex., a few days ago told a meeting of the National Electrification Cooperative Association the following, and I quote from the Associated Press wire reporting on the speech:

> U.S. Secretary Clifford Hardin has expressed a hope for higher consumer food prices during 1971.

Now, Mr. President, this was not a prediction by the Secretary of Agriculture; this was expressed as a desire or hope.

Mr. President, anybody who knows anything about farm prices knows that the American farmer is not getting a fair shake, that he deserves and should have higher prices. But it does not follow at all that this means that the housewife must pay higher prices for her food.

The fact is that later in that appearance by the Secretary of Agriculture before the Joint Economic Committee he had disclosed to us that the Department of Agriculture had just recently completed a study showing the reason why food prices went up in 1970 while farm prices were going down. He said that the finding was that margins had widened sharply.

I asked Secretary Hardin what he had done with this finding, and he said it had been released to the press.

Mr. President, I doubt very much if one American out of a hundred is aware of this finding by the Department of Agriculture.

Here is a development that goes right to the heart of our serious inflationary problem. There is no element in the cost of living which is more vital than the cost of food. Since the Department of Agriculture has discovered the reason that food prices rose last year is because of widening margins, I feel very strongly that the President of the United States should call this to the attention of the people as dramatically as he can—and by dramatically I mean on television on a program devoted to this particular purpose. That kind of action by the President alone would focus national attention on the injustice that has befallen both the American farmer and the American housewife.

The President has chosen not to do this. I think it is unfortunate. I hope that in the future the President will find a time and a way to bring this to the attention of the American people.

Furthermore, I would hope that the Department of Justice would examine these widening margins in the food industry very carefully and critically and would act promptly to prosecute any violation of the antitrust laws which may have developed, any kind of conspiracy, collusion, combination, or other action by distributors to widen the margin between what they paid the farmer and what they received from the housewife.

Mr. President, I have asked the Department of Agriculture to provide me with a copy of their study of food margins and what happened to them during 1970, and I will put the copy of that study into the RECORD when I receive it.

Here is a situation which is likely to be chronic in the American economy, where, on the one hand, farmers, who are innumerous, might constitute no more than 4½ million Americans. They are unorganized. They have no control over the price at which they sell their product. They are entirely dependent on the forces of the market.

At the other end of the line, American housewives, of course, number in the tens of millions. They also have no control whatsoever over the prices they pay to buy their food.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I shall be glad to yield the Senator from Wisconsin my 3 minutes.

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator for yielding me his time. I shall take only 1 additional minute.

In between are food distributors who have power in some cases to affect the price they pay the farmer and power in other cases to determine the price that they will charge the housewife.

We should have a constant, steady, relentless system of reporting; a free, competitive system of margins in the food processing and distributing industry.

I would hope that between the Department of Agriculture and the Department of Justice this can be done, and I will do everything I can to provoke, annoy, and criticize these Departments until it is.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. The Senator has raised the question of inflation. I received a letter this morning advising me to have a thorough study made of the background of inflation. It so happens that the same correspondent is, however, very much in favor of the war. What always amuses me—not amuses, astonishes me, is that so many people refuse to make any connection between inflation, which is eating out the heart of our capitalistic system, undermining our social security system and our pensions, and the war.

Does the Senator believe there is any reasonable possibility of controlling inflation unless we cut down our exorbitant expenditures for military purposes?

Mr. PROXMIRE. I agree that it is a big factor. It was the major factor in developing the inflation we have been going through——

Mr. FULBRIGHT. It still is.

Mr. PROXMIRE. Just yesterday we heard from Professor Eisner, of the University of Wisconsin, who shares the view that this is the major factor; that until the Vietnam war is over, for psychological as well as economic reasons, we are going to have serious inflation.

Mr. FULBRIGHT. Unless we deal with the war, aren't we treating only the periphery of the problem? Unless we do something about that——

Mr. PROXMIRE. Well, I am inclined to be a little less emphatic in feeling that the Vietnam war is the only cause. There are some other causes, but the war is a vital and important cause. If we could end it, it would have a major effect on the problem of inflation.

Mr. FULBRIGHT. Just for my information, will the Senator name two other causes of inflation besides the war?

Mr. PROXMIRE. The fact that wages have exceeded productivity increases, and the fact that——

Mr. FULBRIGHT. Why is the Senator insisting upon wages as a cause? That is a result of inflation because of the war.

Mr. PROXMIRE. In part.

Mr. FULBRIGHT. Primarily. The Senator is talking about one of the primary reasons for inflation.

Mr. PROXMIRE. I think the wage element goes beyond the Vietnam war. The war is an important element; no question about that. I think the Senator is doing a great service to the country by emphasizing it, but its cost is now about 1½ percent of the GNP and I do not believe it is as all-encompassing as the Senator makes it.

Mr. FULBRIGHT. Consider the situation before the war. For a long period there was almost stability, only an increase of 1 or 1½ percent a year prior to 1963, say. Is that not a fact?

Mr. PROXMIRE. That is a fact, but the war is half as big as it was and the inflation is twice as bad.

Mr. FULBRIGHT. I do not think we had as high inflation then as we have now.

Mr. PROXMIRE. We had higher. At its height it was 7 percent.

Mr. FULBRIGHT. I thank the Senator.

The PRESIDENT pro tempore. Is there further morning business?

THE PRESIDENTIAL REPORT ON FOREIGN AFFAIRS

Mr. DOLE. Mr. President, the President's state of the world radio summary, and the full Presidential report on foreign affairs have served two important purposes.

In the first place, they clearly and succinctly set forth American foreign policy in a way that the rest of the world can understand and take into account. Too often in the past, American Presidents have dealt with foreign affairs on a crisis-to-crisis basis. That kind of rudderless policy has been replaced by a carefully planned blueprint that looks beyond immediate hang ups to a series of sensible, attainable long-range goals.

Second, the summary and the report do something no past President has ever accomplished. They give the American people a clear view of the reasons and the goals behind our foreign policy; they honor the President's pledge to make his an open administration.

In the area of policy, the key to this report is the Nixon doctrine. The Nixon doctrine is designed to update and clarify American policy in a period of global transition. While the President made it clear that America will honor all of its international treaty obligations, and continue in a leadership role in the world community, he has also declared an end to the era when America played the role of lone policeman for the free world. From a position of paternalism, he is guiding us to a position of partnership with our allies. The nations of the free world, which have long relied on American might and American wealth as a global mainstay, are now being called on to do their full share, for the first time since the end of World War II.

The divisions and jealousies within the once monolithic Communist world are also recognized, and America's interest in dealing with individual Communist powers, instead of a worldwide monolith, are clearly set forth.

The President also summarized the progress made over the past year in implementing the policy lines proclaimed in the Nixon doctrine:

The Vietnamese war has been wound down, with American troop withdrawals up to 260,000 by May 1 of this year, and casualties in 1970 down by 70 percent from 1968.

American military presence in South Korea is being lessened, with an announced reduction of 20,000 in the authorized American troop ceiling there.

Elsewhere around the world, the same trimming of American manpower and financial drain is being realized, while our allies are being assisted into a more self-reliant posture.

These actions are the acid test of the Nixon doctrine, and they prove that genuine progress has been made over the past year.

What a contrast all this is to the floundering and indecision of recent past administrations, and the opportunistic attacks of Democratic politicians who have sniped at President Nixon's statesmanlike progress toward a generation of peace. This impressive report ought to quiet some of the negative sniping engaged in by a handful of my colleagues. It is a document that all men of vision and goodwill, whatever their party, can honorably support in the national interest—an interest that should transcend narrow political motives.

The President has given us a ringing statement of purpose and goals, and he has demonstrated his ability to implement them. Foreign policy in an age of change is never a simple matter, but it is clear that we have a man at the helm we can count on at a turbulent time in our Nation's history.

After a decade of drifting and confusion in the sixties, President Nixon has given the American people a revitalized foreign policy and a new sense of unity and purpose.

The PRESIDENT pro tempore. Is there further morning business?

ORDER LIMITING ADMISSION TO THE CHAMBER DURING THE CONSIDERATION OF CERTAIN RESOLUTIONS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, in order to avoid confusion during the consideration and debate on the "money" resolutions on Monday next, I ask unanimous consent that the Sergeant at Arms be directed to arrange for admittance of committee personnel only at such time as resolutions pertaining to their committees are before the Senate, and that upon completion of action on their resolutions, these persons leave the Chamber.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

OPERATION OF THE RULE OF GERMANENESS ON MONDAY NEXT—NOTICE OF ROLLCALL VOTES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday, the operation of the Pastore rule—paragraph 3 of rule VIII of the Standing Rules of the Senate—not be triggered until the callup of the initial funding resolution on the calendar, and that the rule continue to operate on Monday for a period of 5 hours, or until the conclusion of the call of the calendar, whichever is the earlier.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Finally, Mr. President, with respect to Monday, I think that the Senate should be on notice that one or more rollcall votes may be expected on the money resolutions.

The PRESIDENT pro tempore. Is there further morning business?

QUORUM

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE MARXIST GOVERNMENT OF CHILE

Mr. SCOTT. Mr. President, one of the most significant events in our hemisphere in recent years has been the free election of a Marxist government in Chile. The world is watching the evolution of this government, with particular regard to the essential freedoms and democratic institutions that have long been established in Chile.

On February 1, the Senator from New York (Mr. JAVITS) made a speech before the American Management Association which discussed the Chilean situation and some of the outstanding economic problems between the United States and Chile. He made particular reference to the legislation now pending before the Chilean Congress which would amend the Chilean Constitution.

Since Senator JAVITS made this speech the Chilean Senate has modified the congressional amendment and has phrased it in less onerous terms. The legislation now provides substantial leeway to Chilean President Allende in terms of the compensation to be paid to a joint venture of American-Chilean copper investments, in the eventuality of expropriation.

I ask unanimous consent that the New York Times article of February 11, 1971, that outlines the changes in the proposed amendment to the Chilean Constitution, and Senator JAVITS' speech of February 1 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CHILEAN SENATE GIVES ALLENDE POWER TO NATIONALIZE U.S. COPPER INTERESTS

(By Juan de Onis)

SANTIAGO, Chile, Feb. 10—The Chilean Senate approved a constitutional amendment today giving President Salvador Allende Gossens wide powers to nationalize United States interests in copper, Chile's main industry.

The Senate majority, led by the opposition Christian Democratic party, adopted a text that is both ambiguous and flexible on key points governing how much compensation could be paid the United States companies involved—Anaconda Kennecott and the Cerro Corporation.

"The text deliberately leaves responsibility for reaching a settlement with the companies to President Allende," said a Christian Democratic Senator who was active in the committee work that modified the Government's initial proposal.

U.S. INSURANCE PLAN

The copper nationalization, a major aspect of Dr. Allende's socialist program, contains the potential for serious conflict with United States financial interests and the United States Government if the take-over is considered confiscatory by the companies.

The copper investments amount to nearly $700-million, and include large sums spent on the expansion of Chile's mines under the previous government of President Eduardo Frei Montalva, a Christian Democrat.

Mr. Frei promoted these investments through mixed United States-Chilean companies in which the Chilean Government held a majority interest in most cases. The United States Government guaranteed the investments against expropriation through an insurance plan that provides a potential of about $350-million in coverage.

The nationalization that Dr. Allende wants will eliminate the 49 per cent increase of Kennecott and Anaconda in the big mines of El Teniente, Chuquicamata and El Salvador as well as Anaconda's 75 per cent interest in the Exotica mine and Cerro's 70 per cent ownership of the Andina mine. These mines produce 90 per cent of Chile's copper exports, which earned more than $1-billion last year.

Kennecott has been operating in copper here since 1908 and Anaconda since 1922. Cerro, a newcomer, has just invested $130-million in the Andina mine and made its first copper shipment this week.

The situation of each company is therefore quite different, and the Chilean Government's handling of each is a separate case.

The constitutional reform and the legislation that carries it out provide that the value of compensation is the book value, or net worth after deducting liabilities from assets on Dec. 31, 1970, minus a series of reductions.

TEXT IS MORE FLEXIBLE

These include a provision for claiming excess profits, possibly going back to 1955. But the tax approved by the Senate leaves it up to Dr. Allende to instruct the Government's Auditor General, who will determine the value of each company, how much excess profit exists, and whether to deduct "all or part."

This is more flexible than the early text that called for full deduction under a law that attempts to define excess profits as those exceeding the "profits in worldwide operations" of the United States companies. Some legislators say now that the Government would accept 14 per cent of investment as a fair annual profit.

The new text also leaves it up to Dr. Allende to determine by executive decree, the period over which compensation would be paid up to a maximum of 30 years with an interest rate of no less than 33 per cent a year.

This eliminates the rigid provision in the early text of a fixed 30-year payment period at a maximum 3 per cent annual interest, which the companies regarded as unfair and confiscatory because currency devaluation over such a long period would seriously erode the principal.

NO CHANGES FORESEEN

The constitutional reform must still go through the Chamber of Deputies for final approval, but no significant change in the text was foreseen since the parties have their legislative mining experts in the Senate. Any change in the Lower House would require sending the measure back to the Senate.

The new text does not guarantee compensation to the United States companies that will come up to their standards of fair treatment, but the opinion of legal experts here is that text offers an improved framework for negotiation with Dr. Allende's Government.

OPIC: NEW HOPE FOR U.S. PARTICIPATION IN THE SECOND DEVELOPMENT DECADE

If Clausewitz's war was too important to leave to the generals, today's international search for economic and social progress is too important to leave to governments alone. A much broader and more clearly defined involvement for the private sector is needed, particularly in efforts to bring a 20th Century standard of hope and opportunity for a decent life to the three-quarters of the world's people in the developing countries.

Perhaps the single-most important thing we have learned about international development in the 20 years since Marshall Plan days is that it—like democracy—must be participatory to succeed. It must enlist not only the talents, energies and savings of a self-help citizenry in the have-not countries, but also an investment of know-how and initiative as well as money by the people of the industrialized countries who own two-thirds of the world's wealth and technology but have only a quarter of its population.

There are encouraging signs that we in this most advantaged of all nations are beginning, albeit belatedly, to forge a new joint public-private partnership to manage the business of development and diplomacy.

A worthy experiment in point is the first of President Nixon's "new directions in foreign aid." This is the Overseas Private Investment Corporation (OPIC), which the Congress established in the Foreign Assistance Act of 1969 and the President signed into law, appropriately, on the literal eve of the second development decade declared by the U.N. General Assembly—the 1970's. And just last month the Executive officers of the OPIC were sworn into office. The OPIC Executives who are now in place—Bradford Mills, President; Herbert Salzman, Executive Vice President; and Directors Dan Parker, Clifford Yee, Gustave Hauser, James Suffridge, Allie Felder and Robert Buck—are of the highest caliber and in my view not only enjoy the confidence of the White House but also the Congress. This is fortunate since the OPIC faces some exceedingly difficult problems—as well as unique opportunities—in the days ahead. I congratulate these outstanding men on their appointment and confirmation by the United States Senate.

OPIC's assignment is to reorganize and operate on a businesslike basis U.S. Government incentives to broaden the participation of American private capital and skills in productive projects which are welcome in the developing countries, and which contribute to the social and economic progress of their people. As a specialized government corporation, OPIC will operate under policy guidance of the Secretary of State and chairmanship of the Administrator of the Agency for International Development (A.I.D.), but with a joint public-private board of directors including representatives of small as well as large business, organized labor and the cooperative movement. Further, it is my expectation that the OPIC's voice will be heard in the recently established Council on International Economic Policy and my hope that OPIC, the Export-Import Bank and other major organizations which may be authorized by the 92nd Congress to administer our AID programs will be granted a full seat on this Council in the future. The importance of these organizations in the 1970's will increasingly dictate that their voices be directly heard in the Council.

The establishment of the OPIC at this time also ties in nicely with the effort now going forward in the World Bank family to establish an International Investment Insurance Agency. I am encouraged that many countries—both developed and developing—are willing to join this agency. I urge that existing differences be quickly resolved so that this important new initiative could be launched in 1971.

In addition to the insurance-pool function of the new International Investment Insurance Agency which would have the effect of multilateralizing risks, this new Agency could also play a key role in developing investment standards. Decisions to insure an investment or not to insure an investment over time, establish standards not only in regard to the types of foreign investment that are desirable but also pass a defacto judgment on the investment climates in individual countries in the developing world.

I look to the close collaboration between the OPIC and this new International Agency as well as between the OPIC and organizations similar to the OPIC existing in other developed countries. The OPIC legislation is flexible enough to allow for such cooperation in terms of insuring that U.S. investment can be a component in a joint venture or a multi-country consortium with a minimum of paperwork and a maximum of flexibility.

Other members will follow me in this meeting and I am sure will discuss how the OPIC will expand and improve upon its past pre-investment asssitance programs, the investment insurance programs, and technical assistance programs. The revolving direct investment fund also represents a new initiative which will be subsequently discussed.

I would like to take this opportunity to discuss a matter that is related to the OPIC but is yet much broader in policy, too.

1970 saw an unprecedented questioning of the role of foreign investment in the United States, in Western Europe and Japan, and in the developing world. Investment problems today are looming as large as trade problems. In fact, investment problems have aggravated trade operations of the multinational corporations have caused the "export" of American jobs, contributed substantially to the historical shift of the AFL–CIO to support a protectionist U.S. trade policy—as shown by its support of the Mills bill. During the debate on the Mills bill, European spokesmen threatened retaliation against U.S. investment in Europe if the bill passed. Restrictive Japanese policies towards foreign investment have contributed to the mood that Japanese foreign economic policies have not been as forthcoming as the policies of the second most powerful economy in the world are expected to be. In certain areas of the developing world, investment problems may serve to exacerbate political relations between nations and may affect adversely such matters as the generalized preferences scheme for the developing countries.

It would seem to me that the time has come for the establishment of a "GATT for Investment." This would be a consultative organization analogous to the international organization in Geneva of approximately 80 nations. The GATT has established a working code of good behavior governing international trading relations. It is also the major international forum in which trade disputes are discussed and resolved and where international negotiations for the liberalization of trade are held.

If a comparable organization to deal with investment problems were established, these problems could be analyzed with particular reference to the activities of the multinational corporation. It could examine such proposals as that of George Ball for a world corporation law, and could determine what merit, if any, there is in the growing contention that the sheer size of international production and of multinational enterprise call for international regulation. In turn, the calm deliberation of the problems and opportunities of private foreign investment by such an international body could mitigate trends towards destructive economic irrationalism that plague all countries at certain periods in their history. I recommend urgent consideration of this proposal which has been advanced with some force before the Joint Economic Committee of the Congress by the Presidential Commission on Trade and Investment.

It would not be relevant for me to speak before a gathering interested in the Overseas Private Investment Corporation without mentioning the Chilean situation. It is no secret that the OPIC has a very heavy investment guarantee commitment in Chile and that expropriation without provision of prompt, adequate and effective payment—and this is a possibility under laws not pending before the Chilean Congress—would have adverse effects on OPIC's reserve position.

Before discussing the amendment before the Chilean Congress which would fundamentally alter private property rights, some generalities are in order. The Chileans clearly have a right to their own experiment in government without outside interference. It is my hope that the Chilean experiment will not be at the expense of the personal freedoms that have long existed in Chile. It is further my hope that the Chilean experiment will prove the doubters wrong who are predicting that 1970 was the last free Chilean Presidential election. If the freedom of a people to elect their representatives is abrogated in the upcoming years, Marxist Socialist doctrine (as contrasted with the doctrines and rigidities of international Communism) will have been discredited thoroughly, since the Allende Government is a radical socialist government in which the communists and the social democrats of the Radical Party hold minority partnerships. It is further my hope that the moderates in the Allende Government and the loyal opposition of the Christian Democratic Party headed by one of the truly great men of South America, Eduardo Frei, will make themselves felt. It is the responsibility of the "loyal opposition" in a democratic system to make itself felt without being cowed by the emotions generated by those on the far left and the far right. If the center parties abrogate this responsibility, extremism can run rampant as the sad history of Weimer Republic so graphically demonstrated.

And finally I would enjoin those who would judge the Chilean experiment prematurely to consider that repression has long been the order of the day in some countries of Latin and Central America and that in some of these countries essential freedoms have long been abrogated. This has not yet happened in Chile and political terrorism, kidnapping and assassination—with some unfortunate exceptions—have not been prevalent.

Having said this, I also must say that the proposed amendment to the Chilean constitution now pending, if passed in its present form, may serve to isolate Chile from the inter-American system and weaken decisively Chile's close links with the economic system of the Western Hemisphere. In my view this would be neither desirable for the people of other developing countries of the Western Hemisphere which have long looked to Chile for democratic and intellectual leadership, nor for the Inter-American system itself.

The Chilean constitutional amendment as presently drafted would appear to result in the immediate expropriation of the principal American copper interests in Chile—namely the Anaconda, Kennecott and Cerro copper mines and properties. Such an expropriation would nullify existing agreements that had been carefully negotiated between these copper companies and the Chilean Government less than four years ago and which resulted in a sizable new commitment of foreign capital to develop further new and existing copper deposits. Those agreements insured that Chilean copper deposits would be exploited by joint venture co-operative efforts in which the Chilean Government held either a majority or an important share. In turn these agreements insured that the necessary foreign capital and technology would be forthcoming to exploit Chilean copper now rather than 20 years from now. It is worth pointing out that the Cerro mine, which has only recently begun production, is a particularly high-risk, high-technology investment because it was necessary to build a completely underground mine in the heart of the avalanche country of the Chilean Andes.

The pending constitutional amendment would expropriate only American interests. The amendment, as drafted, apparently is a case of outright discrimination. In addition, it states that payment would be over 30 years with an interest rate of 3 percent per annum. These highly inadequate payment terms hardly constitute prompt, adequate and effective payment. The payment terms, in turn, relate to a formula which would define the value of existing investment as the depreciated book value of assets taken over. Also "excess profits" that have accrued to the companies since 1955 would be deductible from the value of the expropriated property. The question arises of whether a Government has the right under international law or under the Calvo doctrine to pass legislation which would retroactively penalize American companies only for the remittance of profits made according to previously existing national law. The amendment also holds that the Chilean Supreme Court wouldn't have jurisdiction over the compensation awards made in these expropriation cases. The by-passing of the judiciary is clearly in violation of the Calvo doctrine which has been accepted by most Latin American states. Finally, the constitutional amendment allows the Government to repudiate all contracts when it considers them economically important.

Clearly, this amendment is bad legislation with serious international repercussions as well as with far-reaching repercussions for future capital flows into Chile and for continued Chilean economic development.

Turning to another—but a related subject—press reports indicate that Chile and the other nations of the Andean bloc—Peru, Ecuador, Bolivia, and Colombia—have tentatively approved, but not yet ratified, an investment code. The code, as it is presently drawn, could prove detrimental to the economic interests of these nations by making more difficult the securing of sources of outside capital financing—particularly for major new projects requiring major capital financing. The code could also aggravate balance of payments problems by limiting capital inflows at the same time repatriation of capital is encouraged through forced divestiture of foreign holdings.

It is my understanding that under this code, new foreign investment could be ruled off limits—even in joint venture form—from certain basic industries. More seriously, new investment in other less basic sectors could be subject to a divestiture requirement over a set time period until the foreign ownership component is 49 percent or less. Existing firms not complying with these divestiture clauses could face discrimination within the Andean market. It is my concern that this regulation could scare off the new foreign capital involvement most desirable to these countries while encouraging "hit and run investors" who will seek to maximize the greatest profit over the shortest period of time before the disinvestment deadline.

In addition to possibly drying up sources of new, responsible foreign capital—and this has already occurred in some major Peruvian projects—there is an additional problem. The other side of the coin of divestiture is that local capital will have to buy out existing as well as new foreign interests. The Andean countries in question only have limited capital markets. These capital markets as they presently exist are totally incapable of generating the local capital that will be necessary to buy out these foreign interests that the code requires be turned over to local interests within a 15–20 year period.

Since these local capital markets are inadequate for this divestiture financing, only governments would be capable of mobilizing the required financial resources. Also, governments would have a first refusal option to buy out the shares of the private foreign interests. It would be my judgment that the limited resources of these governments would be better spent on housing, health, education and badly needed infra-structure projects rather than by buying out existing enterprise. The use of scarce government resources to buy out healthy, on-going enterprises only because they are foreign-owned or foreign-controlled without regard to any other criteria would not promote accelerated economic growth. Thus, the vital task of increased capital formation would be stunted by the application of the Andean code as it is now drawn both by hindering new foreign capital inflows and by promoting the non-productive re-allocation of government expenditures.

I am aware that there is some discussion that the Inter-American Development Bank or possibly other international institutions develop a program whereby bank funds would be used to further the disinvestment programs. It is my view that such programs would have politically explosive implications in the U.S. Congress that could be detrimental to any international institution proposing such a program.

Though I have expressed various concerns I still remain somewhat optimistic. In the case of the Chilean constitutional amendment, Congressional passage is still in the future; and discretionary options have been built into the Andean Code even if the Code were to be ratified by the governments of the five member nations.

In making decisions relating to private foreign investment, it seems increasingly critical that a clear definition of capital and technological needs required to reach a stated desirable level of development is necessary. I am well aware that this cataloguing has been underway for some time in some of the more developed countries of Latin America such as Mexico. But unless it is done in other nations of Latin America and unless consistent policies are adopted towards the end of achieving a certain development target, the universally desired goal of accelerated economic development and betterment of the human condition may be aborted.

Turning to the developed world, foreign investors must be more willing to go the route of joint venture and increasingly multilateral venture. Foreign investment partnerships with Government corporations, and with local investors and minority participation by the public international institutions and by multinational private financial institutionas like the ADELA and the PICA, is the wave of the future. Also, the times increasingly demand that foreign investors accept that existing investment—particularly highly visible, politically sensitive existing investment—be treated differently from new investment. Treated differently is not the same as being treated unfairly and provisions of some of the new laws I have discussed clearly constitute unfair treatment.

In the area of private foreign investment, the Charter of the Second Development Decade states:

"Developing countries will adopt appropriate measures for inviting, stimulating and making effective use of foreign private capital, taking into account the areas in which such capital should be sought and bearing in mind the importance for its attraction of conditions conducive to sustain investment. Developed countries, on their part, will consider adopting further measures to encourage the flow of private capital to developing countries. Foreign private investment in developing countries should be undertaken in a manner consistent with the development objectives and priorities established in their national plans. Foreign private investors in developing countries should endeavor to provide for an increase in the local share in management and administration, employment and training of local labor, including personnel at the managerial and technical levels, participation of local capital and reinvestment of profits. Efforts will be made to foster better understanding of the rights and obligations of both host and capital-exporting countries as well as of individual investors."

It would be my hope, that during the decade of the 1970s, both developed and developing countries would endeavor to take the steps required to move towards the implementation of goals of the Second Development Decade.

FEDERAL ASSUMPTION OF STATE PUBLIC WELFARE PROGRAMS

Mr. ANDERSON. Mr. President, the 30th legislature, first session, of the State of New Mexico, has passed Senate Joint Memorial No. 2 memorializing Congress to urge Federal assumption of State public welfare programs.

I ask unanimous consent that the memorial be printed in the Record.

There being no objection, the joint memorial was ordered to be printed in the Record, as follows:

Senate Joint Memorial 2 of the Legislature of the State of New Mexico

A joint memorial to Congress urging Federal assumption of State public welfare programs

Whereas, the total per capita expenditure for social insurance programs in the United States has risen from three dollars ($3.00) in 1935 to two hundred thirty-six dollars ($236) in 1969 and the per capita expenditure for health and medical programs has risen from three dollars ($3.00) in 1935 to forty-three dollars ($43.00) in 1969; and

Whereas, the total federal grants to state and local governments for public assistance amounted to six billion two hundred eighty million dollars ($6.280 billion) in 1969, and for the state of New Mexico was approximately forty million dollars ($40 million) or forty dollars and seventy-one cents ($40.71) per capita in that year; and

Whereas, in the United States, federal funds for public assistance constitute 52.6 percent of all such governmental expenditures, and in New Mexico, constitute 72.6 percent of the governmental expenditures; and

Whereas, congressional action and federal court decisions continue to expand such programs in their scope, expenditure and administrative complexity placing an increasing financial and administrative burden upon states with low per capita incomes, such as New Mexico, making it extremely difficult to find the financial resources even to match the state's smaller share of the expenditure burden; and

Whereas, practical considerations and public need make withdrawal, even from those programs where withdrawal is possible, a difficult and unlikely course of state action;

Now, Therefore, be it resolved by the Legislature of the State of New Mexico that the United States congress is requested to enact appropriate legislation to completely federalize and fund existing state public assistance and other welfare programs to the effect that:

(1) fiscal and administrative relief would be granted to the several states in the Union, particularly those states having low per capita incomes and high per capita welfare participation; and

(2) public assistance and welfare programs would be uniform throughout this nation without regard to state participation levels; and

Be it further resolved that copies of this memorial be sent to the honorable secretary of the health, education and welfare department, and to each member of the New Mexico congressional delegation.

CHALLENGE TO THE DOLLAR

Mr. SYMINGTON. Mr. President, as Senators know, for many years I have worried about the steady outflow of U.S. dollars. Figures just released on the balance of payments for 1970 show that this outflow of dollars is continuing at a disturbing rate.

Last year the balance-of-payments deficit on an official settlements basis was approximately $10 billion, which, according to an article in the Wall Street Journal of February 17, "reflects a $7.6 billion bulge in the dollar holdings of foreign authorities—at least sevenfold more than they generally deem a tolerable increase."

Such a development worries many foreigners, particularly as they see inflation in the United States continuing to erode the value of the dollar. They are also worried that the U.S. payments deficit will stall world monetary reform through the use of special drawing rights.

In this connection, an editorial in the Wall Street Journal of the same date sounds the following warning:

> There will have to be a revision of the idea that the American economy is so strong it can carry any burden, be it a distant war or what have you.
>
> To a large degree, the value of a nation's money reflects the soundness of its public policies. And if those policies are unsound, there is no wall high enough to conceal the weakness.

I ask unanimous consent that the two items be printed in the Record.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Foreigners Fret as U.S. Dollar Drain Gains, Worries May Stall World Monetary Reform

(By Richard F. Janssen)

WASHINGTON.—In international monetary circles, officials have their own definition of an optimist: "One who thinks the situation is deteriorating less rapidly."

But even by this definition, the optimists are getting hard to find again.

For after a period of unusual calm, tension is mounting among foreign authorities because of the unexpectedly massive pileup of American dollars in their central banks. The government reported yesterday that the "official settlements" version of the balance-of-payments deficit deepened to roughly $10 billion in 1970; mainly, this reflects a $7.6 billion bulge in the dollar holdings of foreign authorities—at least sevenfold more than they generally deem a tolerable increase—along with a shrinkage of some $2.5 billion in the gold and other reserve assets with which the U.S. defends the dollar's value internationally.

And so the foreigners, worried that persistent U.S. inflation will erode the value of their dollars, may want to resume turning them in for American's gold—renewing the drain on the Treasury's shrunken hoard.

Adding to the uneasiness among international officials is their fear that the Nixon Administration will do little if anything to avoid a repetition of the dollar outflow in 1971. "We are not reassured" by the President's economic report, states one insider at the headquarters here of the 117-country International Monetary Fund; he reads the report as signaling a rapid, inflationary revival of the U.S. economy and a brushoff of the balance-of-payments problem.

At the least, some U.S. officials agree, the deteriorating payments trend jeopardizes further progress on reforms, sought mainly by the U.S., to strengthen the international monetary system. "We've been arguing that the time to repair the roof is while the sun is shining" and before a crisis develops, one administration aide says, "but I'm afraid its already beginning to drizzle."

This official concedes it is suddenly becoming doubtful that the IMF will create any more Special Drawing Rights, or "paper gold'; this new kind of reserve asset, designed to bolster member nations' gold and dollar reserves, can be turned in to the IMF for national currencies. The same official says that Continental resistance is stiffening to the U.S. crusade for more flexibility in foreign-currency rates.

A DEEP BLOW TO COOPERATION?

At worst, the more pessimistic authorities caution, continuation of the dollar deluge at anything near its recent volume could deal a deep blow to the confidence and cooperation that hold the whole intricate monetary system together.

Failure of the U.S. to check the dollar drain risks a "calamity," warns Italian central banker Rinaldo Ossola. As he sees it, the U.S. might either devalue the dollar (by raising the $35-an-ounce gold price) or else cut its link to gold and usher in a "long period of monetary disorder" similar to that of the Depression. Such disorder would threaten to choke international trade.

Such alarms irritate administration men already worried about the dollar buildup abroad. They are particularly disappointed that it was the "official" basis of measuring the payments results that worsened so radically from a surplus of $2.7 billion in 1969; this is the version that excludes dollars held by private foreigners and thus more clearly shows the extent to which foreign governments are acquiring dollars. "But I doubt very much that we would want to do anything differently" just because of the big payments deficit, a White House strategist declares.

If only for diplomatic reasons, however, administration men can't appear to ignore the foreign complaints entirely. While the President's Council of Economic Advisers remains relatively calm about the payments perils, there is continuing worry at the Treasury and the Federal Reserve Board, which have more day-to-day dealings with their foreign counterparts.

Thus, Washington isn't planning any perceptible progress this year toward the President's goal of eliminating U.S. payments controls. The slight loosening of the Commerce Department's controls over business investment outflows, already announced for 1971, isn't apt to be followed by any further relief this year, officials say. And the Reserve Board may yet take additional regulatory steps to induce U.S. commercial banks to hold onto dollars that otherwise might end up in foreign central banks.

ARE OTHER NATIONS BLUFFING?

In part, the administration's unwillingness to take stronger action reflects its belief that other countries are basically bluffing when they talk of dire consequences. Foreign governments currently hold $19 billion of dollars they could theoretically turn in for Treasury gold. But, American officials reason, "they all know" that they couldn't do so because the Treasury's gold stock is down to $11.1 billion. With too little gold to go around, the reasoning goes, no country would risk triggering a run and thus smash the international monetary system.

"Even if Gen. de Gaulle came back to life, I don't think you'd find France or any other country taking more than token amounts of your gold," one of the friendlier European officials says.

With such reassurances, administration men feel all the more secure in pursuing what President Nixon clearly ranks as the much more pressing objective of stimulating the domestic economy. The upturn the administration hopes to engineer "would tend in itself to reduce" the slim surplus the U.S. has been getting on the key element of merchandise trade, says Hendrik S. Houthakker of the Council of Economic Advisers. Faster economic growth at home tends to pull in more imports and leave U.S. companies with less need to seek out customers for exports.

To the consternation of Europeans, moreover, the rather relaxed Nixon administration attitude about the payments deficit is getting intellectual support from private experts on both sides of the U.S. political spectrum. Recently Lawrence Krause of the liberal Brookings Institution urged a "passive" approach by which the U.S. ignores the payments balance to concentrate on better performance of the domestic economy. Shortly afterward, the conservative American Enterprise Institute issued an almost identical call by Harvard Prof. Gottfried Haberler for "benign neglect of the balance of payments"; he favors scrapping all efforts to reduce the payments deficit.

FOREIGNERS' "INCONSISTENT" DEMANDS

The administration hasn't gone that far. One indication is the Treasury's request last week that Congress extend the interest-equalization tax to deter American purchases of foreign securities. But the Council of Economic Advisers does declare in its annual report that it isn't about to shape domestic policy to the "fundamentally inconsistent" demands of foreign countries. If they really want the U.S. to have a smaller payments deficit, the council contends, they should make this easier by revaluing their currencies upward more often and thus making their goods less competitive with American wares.

Mainly to encourage such upward revaluations of other currencies, the U.S. has been lobbying for the IMF to alter its relatively rigid rules. These regulations generally require a member nation to keep the foreign exchange value of its money from moving up or down more than 1% either way from the official value.

But after much speechmaking at last September's IMF meeting in Copenhagen, one American advocate concedes that "some of the spark has gone out" of the flexibility drive. European support for almost any change favored by the U.S. has been damped by the dollar outpouring. IMF planners have had to shelve their original goal of issuing flexibility proposals this spring. They say they may not even have a new report ready for next fall's annual meeting here.

HOLDING UP SDR EXPANSION

More worrisome to many international officials is that Europe shows signs of wanting to hold up "paper-gold" expansion in order to get more determined administration action to curb the payments deficit. While he doesn't share the view himself, Italy's Mr. Ossola warned in a recent speech that "the conviction is spreading" among European authorities there should be no more Special Drawing Rights created after next Jan. 1; that's when the last $3 billion chunk of the initial three-year total of $9.5 billion is to be doled out.

The SDRs are designed to serve as a kind of rationally managed money that governments can add to their reserves and use among themselves when necessary to settle payments deficits. The SDRs were sold on the basis that the U.S. would diligently curb its payments deficit so that American dollars would be adding no more than $500 million to $1 billion yearly to foreign nations' reserves. European governments complain that the dollars unloaded on their central banks by private citizens cause inflation, because in buying them each bank creates more of that nation's currency.

Challenge to the Dollar

Something there is that doesn't love a wall, said Robert Frost; one such something is money.

Europeans have learned in recent years that it is not easy to build fences to protect national currencies and that international cooperation is a better insurance against unsound money.

It is this new spirit of cooperation that is marching the six Common Market nations toward monetary unity. They took a key step last week when they agreed to the first stages of a 10-year plan aimed at an eventual common currency.

The first stages involve coordination among the six central banks with regard to open-market trading designed to keep national currencies stable.

There no doubt will be many pitfalls on the path to a single European currency but even the initial steps, if successful, could have important benefits for Europeans. If they reduce traditional European fears of currency instability, one result could be a greater flow of savings into stocks and bonds and other forms of capital rather than into less useful investments such as land or gold. Europe could thus generate more of its own capital needs rather than relying so heavily upon American dollars.

A greater movement of European currencies into the European and international capital markets has already occurred as a result of the stability that has been achieved so far. And the Common Market Commission last fall introduced a new kind of borrowing called the European Monetary Unit, which is a package of European currencies and could be a forerunner to unified general-purpose currency.

Improved stability, if achieved, also can be expected to save businesses a lot of money through reduced needs for hedging against possible currency revaluations and through reduced exchange costs.

While Europeans are enjoying these hoped-for advantages, what about the United States? Be assured that it will not be unaffected by such a profound change in Europe.

The U.S. dollar currently is used heavily both in international commerce, and through the medium of the Eurodollar market, as a source of international capital. It is likely to continue in this role for a long time.

But as Europeans develop a European capital market that makes increasing use of currency units other than the dollar, there will be less need for the dollar in Europe. Europeans and American business abroad wouldn't be so interested in holding dollars. And the United States would become less prone to export U.S. inflation when it occurs, since an outflow of dollars under the new circumstances would soon have the dollar in a lot of trouble.

That would mean that U.S. inflation would become even more intolerable than now because there would be even more uncertainty that it would be offset by a corresponding rate of inflation abroad. A high rate of inflation could quickly put the United States under heavy pressure to devalue the dollar relative to European currencies.

Such an environment, if properly recognized and understood by American policy planners, could serve as a valuable check on American propensities for overspending.

But it could prove painful if not recognized and understood. Americans could, for example, find themselves with far worse problems competing in international trade than they have faced over the last year or so.

The way to avoid such pain is to match the Common Market 10-year plan with an American "plan" aimed at coping with the new realities. That plan will have to include a great deal more self-discipline than has been practiced, notably in the mid-1960's. There will have to be a revision of the idea that the American economy is so strong it can carry any burden, be it a distant war or what have you.

To a large degree, the value of a nation's money reflects the soundness of its public policies. And if those policies are unsound, there is no wall high enough to conceal the weakness.

INTERNATIONAL INSTITUTE FOR THE MANAGEMENT OF TECHNOLOGY

Mr. JAVITS. Mr. President, last year saw the successful launching of the International Institute for the Management of Technology, born from an idea developed in the mid-1960's at meetings of the Scientific and Economic Committees of the North Atlantic Assembly, of which I was Chairman of the Political Committee. The meetings, then held in conjunction with the University of Pennsylvania Foreign Policy Institute, produced the idea—fulfilled this year—that an institute should be established to foster international cooperation to provide training in modern management techniques and the application of advanced technology to industry for people who already have some experience in business management.

Although the United States has no official representation in the working party which developed the institute, two Americans—Dr. Isidor Rabi and Mr. Peter Cusick, both of whom are well known to me and extraordinarily well qualified representatives—have, in fact, played an important role in this work.

Mr. President, I ask unanimous consent to have printed in the Record the text of the statement of Ambassador Greenwald, U.S. Representative to OECD, and an article from the Financial Times of January 15, 1971, both concerning this outstanding development.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement of Ambassador Greenwald, U.S. Representative to the OECD, on the Establishment of the International Institute for the Management of Technology, July 7, 1970

Mr. Chairman: The United States Delegation would also like to extend its congratulations to Sir John Chadwick and his Working Party colleagues on the successful outcome of their long and arduous labors.

Since the inception of the idea of a European Technology Institute at the 1969 Deauville Conference, sponsored in part by the North Atlantic Assembly, the United States has followed the work with great interest and sympathy. Although there has been no official U.S. Government representation on the Working Party, Dr. Isidor Rabi and Mr. Peter Cusick have played an important role on the related study commission which met with the Working Party. There is considerable technology management expertise in the U.S. and I'm sure that Dr. Rabi, Mr. Cusick and others will continue to be interested in this outstanding example of international cooperation.

In view of the frequent references to technological and managerial gaps, we particularly applaud this European initiative in establishing an International Institute for the Management of Technology. It will not be just another management school but a unique institution looking ahead to a major problem of the 70's—the management of technology. The growing support among European governments and industry is most encouraging. Everyone will benefit from this major step forward. We wish the Institute a highly successful future.

North Atlantic Assembly—Recommendation V, on the International Institute for the Managemet of Technology

The Assembly:

Recalling the desire expressed by the Scientific and Technical Committee of the former Conference of NATO Parliamentarians to organise international co-operation on technological teaching and research, which determine economic progress;

Noting the report prepared by a working party under the aegis of OECD and suggesting the creation of an International Institute for the Management of Technology;

Approving the establishment of this Institute at Milan, and the principles underlying the draft Agreement and Charter;

Recommends governments of the countries represented in the North Atlantic Assembly:

to ratify the proposed international agreement as soon as possible so that the Institute can start its teaching and research programmes in 1971.

British Support Formally Starts Institute

(By Paul Lewis)

Paris, Jan. 14.—The British Government will bring the proposed new International Institute for the Management of Technology into formal existence here next Monday when it declares its official support for the project.

That will raise the number of associated Governments to four, the minimum required under the draft Statutes. Holland, West Germany and Italy already have agreed to back the Institute.

The OECD council will become the official governing body. A major drive is expected by the associated Governments to raise funds from private industry for this Milan-based school of modern management.

The initial cost of the Institute is put at $1.5m a year though it will rise to $3m. At first the supporting Governments will put up most of the money; but eventually it is hoped to split the bill equally between official contributions, industrial grants and student fees.

The Institute is intended primarily to provide training in modern management techniques and the application of advanced technology to industry for people who already have some experience in business management.

TRIBUTE TO SENATOR ANDERSON BY ADMIRAL RICKOVER

Mr. MONTOYA. Mr. President, we are all aware of the outstanding career of Senator Clinton P. Anderson, of New Mexico, who has served in the Senate, and has been one of its most respected Members, for more than 20 years. The distinguished Vice Adm. H. G. Rickover of the U.S. Navy, recently saw fit to pay tribute to Senator Anderson.

Admiral Rickover, known as an insightful critic of education, as well as one of the Nation's foremost leaders in scientific and military affairs, offered this praiseworthy preface while addressing the New Mexico Academy of Science in Albuquerque, N. Mex. Admiral Rickover considers Senator Anderson "one of the great men of our country," an assessment with which I am sure we can all agree. In tribute to Senator Anderson, I ask unanimous consent to have printed in the Record the preliminary remarks made by Admiral Rickover.

There being no objection, the tribute was ordered to be printed in the Record, as follows:

Remarks by Vice Adm. H. G. Rickover

Before starting my speech I would be remiss if I did not acknowledge the contributions of a dintinguished New Mexican and one of the great men of our country, my dear friend, Senator Clinton P. Anderson.

I have been privileged to know Senator Anderson officially and personally for more than 20 years. During the numerous contacts I have had with him in connection with my work on our atomic Navy I have found him kindly, perceptive, hardworking; a man who is always thinking and acting in the public interest.

One of the warmest and highest measures of praise is still to say of a man that he is "a man for all seasons." By this is meant a person of widely rounded ability, an expert in many things, whose view of the world is never limited to a cramped and narrow corner.

Not only is Senator Anderson "a man for all seasons" he is also a generalist who has an overall view, especially for relationships and balancing of alternatives.

I speak from personal experience when I say that without the support he has unfailingly given, conversion of our fleet to atomic energy would have been delayed and might have come too late to be of use to the United States.

I consider him as fine a politician as there is in Congress. In using the word politician, I do so in the sense that politics is the highest calling a human being can engage in. This is so because it is through politics that we get things done; that the world is kept moving. To be a good politician one must possess far more than intelligence; he must also have the human touch, the innate ability to know how people think and how they feel. He must have their confidence and he must know what is necessary to do for their basic needs and for their welfare.

Senator Anderson is that kind of politician. In our form of government the basic function of a Senator is to represent the people of his state or of his district; he also has a duty to the United States as a whole. Balancing these two interests can present a difficult task for a legislator, but Senator Anderson has handled this task with wisdom and integrity. He has looked out for his State *and* for the United States.

One of the things that has made the deepest impression on me in my half century of service in the Navy is that things in this world get done by people and not by an organization or a system. Yet the present tendency in the United States is to seek improvement by concentrating on organization changes and on management systems. These efforts are doomed to failure because human beings, having free will, cannot be organized into systems and treated as inert atoms. Senator Anderson's work in Congress is proof that he understands this fundamental fact.

In his four decades of public service in New Mexico, in the Federal Cabinet and in Congress, his foresight, wisdom, judgment, and common sense have allowed him to make major contributions to our national welfare and security.

A man can conduct himself in one of two ways. He can be a doer or a critic. I know of no statue that has ever been erected to a critic. Nor do people throw stones at trees that bear no fruit.

We are fortunate that at this critical point in our history there is a man in his position who fights for what is needed, regardless of consequences. No minor issues that fault-seeking individuals can find are relevant in the context of the tremendous contribution he is making to our national security.

He is one of the great men of the United States Senate. He is dedicated to peace but aware of the awesome responsibility our Nation bears in defense of our freedom.

In the business of government any movement from hideous to bad is progress; from hideous to fair is spectacular. And Senator Anderson has done more than his share to achieve the spectacular for us and for our posterity.

I am grateful that the United States Senate has a man like Senator Anderson, who by his patriotism, intelligence, and hard work has done so much for the United States.

I am proud to have him as a friend. I am honored that he asks for my advice. I am grateful to receive his counsel. I am glad that at this critical point in our history, he holds a position of authority and leadership in our defense.

Future generations will, I am sure, remember him above all for what he has done to preserve our heritage than for anything else.

TRIBUTE TO COL. THOMAS BOLES BY NEW MEXICO LEGISLATURE

Mr. ANDERSON. Mr. President, the 30th legislature, first session, of the State of New Mexico, has passed Senate Joint Memorial No. 4, extending best wishes to Col. Thomas Boles who was 90 years old January 31, 1971.

I ask unanimous consent that the memorial be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

SENATE JOINT MEMORIAL 4 OF THE LEGISLATURE OF THE STATE OF NEW MEXICO

A joint memorial extending the best wishes of the legislature for a very happy 90th birthday to Col. Thomas Boles

Whereas, Colonel Thomas Boles, sometimes called "Mr. Carlsbad Caverns", will be ninety years of age on January 31, 1971; and

Whereas, he was educated in civil engineering and after distinguishing himself as an engineer accepted the superintendency of the Hawaii National Park with the United States National Park Service in 1921 where he served for five years; and

Whereas, after working for the Pacific Electric Railway at Los Angeles, he went to work at the Carlsbad Caverns in 1927, first as the custodian, then as superintendent when the caverns gained national park status; and

Whereas, Colonel Boles was the guiding force in the installation of the caverns' brilliantly conceived lighting system and in the development of its elevator system; and

Whereas, he became affectionately known as "Mr. Carlsbad Caverns"; and

Whereas, he was transferred to Hot Springs National Park in Arkansas in 1946 and retired from government service on January 31, 1955, returning to Carlsbad to work for the United States Potash Company; and

Whereas, in all that he did, such as making five thousand five hundred fifty-six visits into the caverns, Colonel Boles has set an excellent example of vigorous hard work, brilliance, honesty and integrity in the performance of his work, and New Mexico citizens are justifiably proud of him;

Now, therefore, be it resolved by the Legislature of the State of New Mexico that it extends its best wishes for a very happy ninetieth birthday to Colonel Thomas Boles; and

Be it further resolved that copies of this memorial be sent to Colonel Boles, to the New Mexico congressional delegation and to the Director of the National Park Service, United States Department of the Interior.

Signed and sealed at the Capitol, in the city of Santa Fe.

ROBERT A. MONDRAGON,
President, New Mexico Senate.
JUANITA PINO,
Chief Clerk, Senate.

ADDRESS BY DR. E. LAURENCE CHALMERS, CHANCELLOR, UNIVERSITY OF KANSAS

Mr. PEARSON. Mr. President, few positions in this country require the determination and tenacity, strength, and understanding that is demanded of one who occupies the presidency of a large university. This is particularly true of the man who is the chancellor of the University of Kansas.

Mr. President, I ask that a copy of a recent speech made by Dr. E. Laurence Chalmers, chancellor of the University of Kansas, to the Kansas City Press Club be printed in the RECORD. I make this request not for the normal reasons of courtesy or interest but because I believe this statement to be one of the most sensible and penetrating analyses I have seen of the conflicting values which underlie many of our societal problems.

I draw particular reference to his statement that—

> We cannot hide our heads in the sand, nor wish the problems and conflicts away. We cannot accept the proposal that violence breeds anything more than further violence. We have the right, indeed we have the obligation, to defend our institutions against all extremes. We have the responsibility to resolve our internal conflict of values in the way that has always distinguished this State—with an innovative, pioneering spirit that will enlist the enthusiasm of young and old alike.

Because this statement is so pertinent and because this fine man knows whereof he speaks, I invite the attention of the Senate to his thoughts.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Feb. 21, 1971]

RECONCILING THE VALUE CONFLICT IN THE UNITED STATES

(By E. Laurence Chalmers, Jr.)

(The college campus has been the focal point of the conflict in fundamental values in American society. In a recent speech to the Kansas City Press Club, Dr. E. Laurence Chalmers, Jr., chancellor of the University of Kansas, characterized the two opposing forces in that conflict and made suggestions on how they can be brought together. Following is the text of his speech.)

Several years ago the talented cartoonist who creates Pogo illustrated an episode that went something like this. Pogo and his animal friends spotted suspicious looking footprints meandering through the Okefinokee swamp. Immediately they assumed there were intruders in their midst and began to track the strangers. The tracks circled back to their homes where they discovered that the prints they were following were identical to the ones they made while tracking the presumed intruders. Pogo concludes this delightful episode with the declaration, "We have met the enemy and they is us." I doubt that any sage from any age has stated so succinctly the dilemma of today's society. "We have met the enemy and they is us."

Some will say this is absurd and that our major problem is an economic recession which according to public opinion polls has become the nation's No. 1 concern (I'm relieved that *something* has displaced K.U. as the nation's No. 1 concern).

But the dilemma of our society extends far beyond economic's recession and far beyond Vietnam. It extends to every institution and person in the modern world.

Although perhaps not for the same reasons, several of democracy's most unique institutions—the free press, public higher education, the courts, free enterprise, the church and even democratic government itself—are challenged by a greater number of our citizens.

Whenever a society lashes out at its own institutions there is bound to be conflict in the fundamental values of the people themselves. Charismatic leaders may temporarily forestall such conflicts, and generalizations such as the generation gap may appear to provide a temporary explanation, but until the value conflicts themselves are identified and reconciled the stress within our society is bound to continue.

I used to believe that conflicting points of view concerning the unhappy circumstances in Southeast Asia were a prime cause. I'm now convinced that they are only a highly visible symptom. By the same token, I have begun to regard poverty, prejudice and pollution to be symptomatic of the basic conflict of values as well as problems in their own right. I don't want to minimize any of these problems, but to emphasize that we will not find lasting solutions to the problems themselves unless we also solve the underlying value conflicts.

If our democracy is to survive and not be replaced by anarchy on the one hand or one of several forms of tyranny on the other, we must make a genuine effort to deal with these underlying value conflicts as well as with the resulting symptoms.

If university administration is difficult today, it is not because the job is inherently more difficult than any other profession. Rather, it is because conflicting values are more likely to clash in the administration building of a college or university campus than they are in business and industry or even in government.

ROOTS OF CONFLICT

If I have properly whetted your appetites, you should be waiting anxiously for a brief analysis of these conflicting values. O.K., let's take a look. Basically, they relate to how we perceive our role in life and how we perceive our relationship to others as we pursue that role. For one set of values—let us call it the Alpha System—the acquisition of property and wealth is a primary goal. For the other set of values, the Beta System, property and wealth are only necessary for the fullest realization of one's potential.

In the Alpha System, independent achievement is more highly valued—Alphas prefer competition. On the other hand, Betas prefer co-operation and they prefer to focus upon the achievements of the total society. Alphas tend to be more reflective; Betas more prospective. An Alpha will prefer to discuss past problems in our society and how they were solved. A Beta will prefer to discuss future problems in our society and how they might be solved.

In the Alpha System, the young business executive who uses his energies and abilities to build an idea, and hard work, into a multi-million-dollar industry is most likely to be admired. In the Beta System, the physician who devotes his life to treating diseases in an underdeveloped country or in the inner city is most likely to be admired. The Alpha System leads to corporate law—the Beta System to public defenders.

Properly you may ask "Where is the conflict? Doesn't our society need bright, energetic business executives as much as it needs dedicated physicians? Haven't corporate lawyers and public defenders always been honorable legal careers?"

Certainly they have. There is no inherent conflict, only the potential for conflict. We merely need to drop any social problem into the mix in order to produce conflict. For example, let's try to clear a piece of slum housing in the inner city to make room for an office building, or let's pollute the air with a new and highly profitable industrial process. Immediately the differences between the two value systems rise to the surface. Alphas say a bright new office building represents progress. Betas say it's not progress if you don't provide an acceptable alternative for the people living there. Alphas say the establishment of a new, profit-making industrial process is a right in a system of free enterprise. Betas say it's not a right if it adds to our air pollution, and so it goes from problem to problem.

One could provide endless examples of the conflicts between these two value systems, in the course of which it would become apparent that there aren't really two clearcut value systems, only a tendency for values to cluster into two or more major groups. And easy generalizations such as the generation gap represent only the endenncy to cluster (i.e., probably there are more people over 40 in the Alpha System and more people under 30 in the Beta System).

There's a great need for analysis and clarification of these value systems and the social problems that bring them into conflict. Unfortunately, both your time and my abilities are too limited to pursue this, and I do want to talk about higher education as it is buffeted about between these potentially conflicting value systems.

Concerning higher education Alphas may be heard to express the following opinions:

"College is a privilege. Anyone who doesn't like it can leave it. Anyone who disrupts the educational process should be kicked out."

Or . . .

"I worked my way through college. I see no reason why we shouldn't raise fees. Those that are really motivated will find a way to get to college. I don't see why there should be a bigger state tax bite for public or private education or why the federal government should be using my hard-earned dollars to subsidize the education of disinterested low ability kids from the inner city."

On the other hand the Betas claim that the opportunity to attend college is no longer a privilege, it's a right because so many areas of our society require a college education in order to gain entry. Betas also say that a democratic society depends upon a well-educated public, and we must try to educate everyone to the maximum extent possible—even the disinterested, poorly equipped, low-ability inner city kids.

Alphas believe in using grades to distinguish between individual students (remember Alphas prefer competition and individual achievement). Betas believe you should keep trying to teach each student until he (or she) learns everything that's expected of him (or her) and then merely indicate that the course or program or degree has been completed.

With these few brief examples, I've tried to illustrate the conflict between systems of values in our society and more specifically on our campuses. True, most, but certainly not all, undergraduates, tend to be more Beta than Alpha. I suspect that faculty members are quite divided. While the majority of older citizens tend to be more Alpha than Beta.

NEED UNDERSTANDING

Obviously, the first step toward a resolution, toward depolarization of the real and potential conflict between Alphas and Betas, is mutual understanding of the size and scope of the values in conflict, and mutual respect for conflicting points of view. I won't begin to presume how society as a whole can resolve these internal conflicts, but perhaps there are lessons to be learned from our efforts to resolve the conflicts within our educational institutions.

The first and foremost effort is to insure participation in the decision-making processes. Power in a large complex public university is no longer lodged in the hands of the few. I recognize that many people are critical of me because I represent "authority" at the University of Kansas. While it is true that I am responsible for everything that occurs on the campus, my authority is widely delegated, and highly decentralized. Holding the title of chancellor offers the opportunity to develop consensus among faculty members, among staff members, and among students but it does not grant the right to issue unilateral directives. To attempt to lead a great university without consensus is as foolish as it is futile.

A trend that developed in the mid-'60s, and is now almost complete on many campuses, involves students in all of the decisions that affect the nonacademic parts of their lives. Today, on campuses like mine, students participate in decisions on extracurricular rules and regulations, the allocation of student activity fees, the assessment of additional fees (other than tuition), policies concerning student publications, the sanctions for violations of student rules and regulations and the like. Moreover, they have proven themselves to be immensely conscientious and capable in these endeavors.

The extension of this to academic decisions is already under way. Our University Senate (composed of all faculty members plus 100 students) now requires every policymaking committee of every department, school or college and every university-wide committee to include a minimum of 20 per cent students. Students are evaluating every course with more than 10 students enrolled. Students are actively engaged in the teaching of other students in a variety of credit and noncredit courses.

For the most part these activities represent the active efforts of students who are eager to participate in decisions concerning the academic side of their colleges and universities. It's not likely they will be denied this opportunity. Moreover, it seems more than probable that their participation will be as conscientious and capable as it has been in the extracurricular arena. Most importantly, it provides the impetus to complete the innovative efforts of the '60s, and the opportunity for faculty members and administrators to facilitate change.

In the future we may expect to see even greater involvement of students in the decision-making process. For example, one might ask why a student shouldn't be able to tailor his own degree program? For many students, there is every reason to believe that this alternative is appropriate—provided that he or she has competent faculty assistance in tailoring such a program and understands whatever risks may be involved by not following a "traditional" or conventional degree program.

Within individual courses why shouldn't students participate in the establishment of course objectives and in the procedures whereby these objectives may be reached? Please note that I do not mean that students will have the final determination of course contents, course material, etc. But I do mean that faculty members ought to know what the student's expectations are and ought to be able to persuade students that the faculty member's choice of materials is an optimum one. It means that faculty members must be able to articulate course objectives, and explain why they are better than student-suggested alternatives.

Some opponents to this approach believe that students will tend to seek the easy way out. This is demonstrably false. In fact, most of the faculty members will have to hold course objectives down closer to reality away from the ambitious and idealistic goals of most students.

How can students participate knowledgeably and meaningfully in the development of courses, or in entire degree programs without greater exposure to the areas of knowledge involved? One possible answer would be to develop a system of course previews; occasions where faculty members publicly summarize the contents and objectives of each course they plan to teach. Some of our more energetic students preview courses today by auditing the first few classes or lectures of several courses they may wish to take at a later date. Yet we do not facilitate this effort to preview courses, we inhibit it; by requiring them to register as auditors, etc.

Clearly to permit student participation in these matters does not fit the traditional pattern of advanced preparations of 50-minute lectures or an inflexible outline of reading. Nor does it fit the frequent faculty-student relationship in which the faculty member is an active teacher and the student is a relatively or totally passive learner.

Does all of this mean that there should not be degree requirements? In a sense it does suggest the end of highly specific course requirements. On the other hand, it calls for the development of degree objectives, goals and purposes that mean considerably more than 40 semiautonomous, 3-credit-hour courses taught in eight 16-week blocks of five courses per block.

MORE LAB WORK

There is another effort under way in higher education that makes good educational sense, and provides another opportunity to reduce the conflict between Alphas and Betas. This is the effort to eliminate the barriers between the academic arena and the larger society, especially in the social sciences and the professional schools.

For years the natural sciences, agriculture, engineering and medicine have "practiced what they've preached." So have art, theater and music. But most undergraduate and graduate courses in the social sciences and in the related professional schools have ignored their laboratory, the larger society around us. We must learn to use that social laboratory as a lasting basis for learning the theories, the methods and the contents that our graduates may use to solve the critical social problems of their generation.

This effort brings conflicting value systems into focus in the very arena where they are most pertinent and therefore most likely to be resolved.

Both the effort to involve greater student participation in decisions that effect learning, and the effort to eradicate the boundaries between the campus and the larger society will require dramatic alterations in the time-honored procedures of higher education. example, we will have to minimize the use of arbitrary blocks of time and arbitrary methods of evaluation.

The most revered nonsense in higher education are the notions of class periods and credit hours. Then we compound the folly by a "rule of thumb," namely, equating each to the other. What does a credit hour mean? Well, it means meeting with students for one 50-minute hour each week. What does three 50-minute class periods per week mean? Well, it means we give three credit hours of the 120 credit hours needed for a college degree. We legitimatize—almost sanctify—two arbitrary highly suspect notions by equating them to each other. Both must go, and in their place we must develop careful measures of learning that will enable us to make a reasonable statement about whether a given student has met those objectives or whether further endeavor is warranted.

NUMEROUS OBSTACLES

It goes without saying that there are innumerable obstacles in the path of such sweeping changes in higher education. The problems of internal inertia are mild compared to the distractions of those who try to destroy our campuses or create an atmosphere of fear that inhibits learning. We are in the incredibly difficult position of wanting to do a better job of education but finding neither the necessary time nor the necessary support.

The time is taken first by the insane few who burn or bomb, and subsequently taken by an outraged public that mistakenly contemplates forms of retaliation that only hurts students and faculty alike without touching those who are responsible for the scattered acts of terrorism. Only arrest, conviction and imprisonment will lessen their impact. Increased fees, reduced legislative appropriations, repressive laws will hurt only the legitimate students and faculty and play into the hands of the terrorists.

If we're going to bring the Alphas and Betas together we must all recognize that an Alpha is not a Minuteman and a Beta is not a Weatherman. Minutemen and Weathermen are lawless, self-seeking individuals who flaunt your values and mine, who fight our system of law and our insistence upon justice. Each preys upon the antics of the other and the resulting interplay obscures the real problems on our campuses and in our society—the problem of resolving our conflicting values. Yet the resolution of this conflict is essential.

We cannot hide our heads in the sand, nor wish the problems and conflicts away. We cannot accept the proposal that violence breeds anything more than further violence. We have the right, indeed we have the obligation, to defend our institutions against all extremes. We have the responsibility to resolve our internal conflict of values in the way that has always distinguished this state—with an innovative, pioneering spirit that will enlist the enthusiasm of young and old alike. Alphas and Betas are both good folk. They *can* reach one another. They *can* help one another. Together they—we—can build a newer, better future for higher education for our state and nation, for all mankind.

RULES OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. EAGLETON. Mr. President, pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Committee on the District of Columbia, in its organizational meeting held Thursday, February 18, adopted rules governing the committee's procedures.

I ask unanimous consent that the text of the committee rules, as adopted, be printed in the RECORD, as required.

There being no objection, the committee rules were ordered to be printed in the RECORD, as follows:

RULES AND PROCEDURES OF THE SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA

Rule 1. Unless the Senate is meeting at the time, or it is otherwise ordered, and notice given, the Committee shall meet regularly at 10:30 a.m. on the second Friday of each month. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary, or at such times as a quorum of the Committee may request in writing, with adequate advance notice provided to all members of the Committee. Subcommittee meetings shall not be held when the full Committee is meeting.

Rule 2. The rules of the Senate and the provisions of the Legislative Reorganization Act of 1970, insofar as they are applicable, shall govern the Committee and its Subcommittees. The rules of the Committee shall be the rules of any Subcommittee of the Committee.

Rule 3. The Chairman of the Committee, or if the Chairman is not present, the ranking majority member present, shall preside at all meetings. A majority of the members of the Committee shall constitute a quorum of the Committee. However, the Committee may authorize a quorum of one Senator for the purpose of taking testimony.

Rule 4. Unless otherwise determined by a majority of the Committee, written proxies may be used for all Committee business, except that proxies shall not be permitted for the purpose of obtaining a quorum to do business. Committee business may be conducted by a written poll of the Committee, unless a member requests that a meeting of the Committee be held on the matter.

Rule 5. There shall be kept a complete record of all Committee action. Such records shall contain the vote cast by each member of the Committee on any question on which a yea and nay vote is demanded. The record of each yea and nay vote shall be released by the Committee either at the end of the executive session on a bill or upon the filing of the report on that bill as a majority of the Committee shall determine. The clerk of the Committee, or his assistant, shall act as recording secretary on all proceedings before the Committee.

Rule 6. All hearings conducted by the Committee or its Subcommitte shall be open to the public, except where the Committee or the Subcommittee, as the case may be, by a majority vote, orders an executive session.

Rule 7. The Committee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 72 hours before a hearing and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee.

Rule 8. Should a Subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such Subcommittee and report that fact to the full Committee for further disposition.

Rule 9. Attendance at executive sessions of the Committe shall be limited to members of the Committee and of the Committee staff. Other persons whose presence is requested or consented to by the Committee may be admitted to such sessions.

Rule 10. The Chairman of the Committee shall be empowered to adjourn any meeting of the Committee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

Rule 11. Subpoenas for attendance of witnesses and for the production of memoranda, documents, and records may be issued by the Chairman or by any other member designated by him. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced. All witnesses subpoenaed before the Committee who are to testify as to matters of fact shall be sworn by the Chairman or another member.

Rule 12. Accurate stenographic records shall be kept of the testimony of all witnesses in executive and public hearings. The record of a witness' own testimony, whether in public or executive session, shall be made available for inspection by witnesses or by their counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by a witness in executive session and subsequently quoted or made part of the record of a public session shall be made available to any witness at his expense, if he so requests. Witnesses not testifying under oath may be given a transcript of their testimony for the purpose of making minor grammatical corrections and editing, but not for the purpose of changing the substance of the testimony. Any question arising with respect to such editing shall be decided by the Chairman.

Rule 13. Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that not less than a quorum of the Committee so determines in a regular meeting with due notice, or at a meeting specifically called for that purpose.

TRIBUTE TO FRED PONDER

Mr. THURMOND. Mr. President, a faithful public servant recently passed away in my State of South Carolina.

William Fred Ponder was a personal and close friend, a man in whom I had the utmost confidence and an administrator who could be depended upon to perform his job in an efficient manner.

Fred Ponder served South Carolina as Commissioner of the Department of Labor. It was my privilege to appoint him to this position when I was Governor of South Carolina, and he served with distinction for nearly a quarter of a century.

Mr. Ponder recognized that the problems of labor applied to the whole community—not just labor unions. He, therefore, refused to be drawn into partisan politics, and he did not allow himself to become a political hack for any interest group.

His capabilities were confirmed by

each Governor who succeeded me, because Fred Ponder was reappointed each 4 years to a post that had previously passed from one individual to another in rapid fashion.

Mr. President, Fred Ponder has been praised and eulogized by many newspapers, including the Columbia, S.C., Record; the State, Columbia, S.C., and the Greenville, S.C., News. I ask unanimous consent that the articles and editorials be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Columbia (S.C.) Record,
Jan. 23, 1971]

South Carolina Labor Commissioner Has Survived Six Governors

(By Del Booth)

Whether or not William Fred Ponder is reappointed Commissioner of Labor for South Carolina, he will have survived longer in the post than any of his predecessors.

The highly political appointment is even geared to the terms of governors—of whom Ponder has survived six—so that each new chief excuetive could select his own commissioner.

It is the only major state office to be so arranged.

The appointment was a political football until Ponder got the call Feb. 1, 1948, from then governor, Strom Thurmond. Somehow, the country boy and textile worker from the Buck Creek community in Spartanburg County clung to the job as others succeeded Thurmond.

Not only has Ponder, now 60 and five years away from retirement, survived changes of governors, he has outlasted a frontal attack by the forces of organized labor.

"It's past time to replace him," says Sinway Young, president of the South Carolina Labor Council. "We're about 10 years late in replacing him."

Young's observation to a news reporter was in response to a Friday report from the office of new Gov. John C. West that West has made no plans on whether to keep or replace Ponder. An aide said West will start making appointments next week.

The post now pays $18,360 a year. Young says labor feels that Ponder just doesn't represent their interests.

The 1936 act creating the office delegated to the Commissioner the job of keeping an eye on labor troubles and mediating where possible; keeping records of employment and wage-levels; and seeing that laws on safe working conditions are met. The Commissioner is charged with submitting an annual report of these activities to the General Assembly.

The first Commissioner was John W. Nates, named by Gov. Olin D. Johnston, who had rammed the act creating the job through the legislature.

Nates was succeeded by W. Rhett Harley, appointed by Gov. Burnett Maybank, Lt. Gov. Emile Harley and Senate President Richard Jefferies, who finished out Maybank's term when the governor went to the U.S. Senate, honored Rhett Harley's four-year appointment.

Johnston won election as governor again, and promptly appointed R. L. Buck Gambrell to the job in 1947. When Johnston, too, went on to the U.S. Senate and Lt. Gov. Hansome Williams succeeded to the governorship, he left Gambrell alone.

Gambrell fought out the accession of Thurmond to the governor's office, lasting through 1947—the post calls for Senate confirmation—but finally gave way to Ponder.

Once in office, Ponder stuck. He was retained by Govs. James E. Byrnes in 1951, George Bell Timmerman Jr., in 1955, Ernest F. Hollings in 1959, Donald Russell in 1963, and Robert E. McNair in 1967.

The Commissioner emphatically denies that he is anti-labor and says his office has done much toward improving the safety of working conditions not only for industrial employes, but for workers in all types of businesses.

Labor, according to Young, feels that Ponder hasn't lifted a finger to protect organized labor. However, as Ponder points out, the act doesn't direct that this be done. The mediation directives in the act don't go that far.

He takes the position, and the wording of the act bears him out, that he is to keep tabs on things and report annually to the lawmakers, rather than take sides.

One of the activities of the Labor Department of which Ponder and his predecessors have been proudest is the quarterly food cost report it makes.

This was begun in 1941 under Harley. The prices of 66 representative food items are surveyed in 10 South Carolina towns and cities every three months, and publicly reported.

The first survey showed the food basket cost a little more than $11. The most recent survey found the cost in the $40 range.

The office of Governor West says one factor that may influence any decision about reappointment or naming a new man is Ponder' health. He has had a bout or two with ill health recently.

It would take reappointment by West and West's successor to carry Ponder to—and through—his 65th birthday, when a state employe may start getting full retirement, it would take reappointment by one more governor after that to keep him in the job to the age of 72, at which retirement becomes mandatory.

He's survived six governors—is three more inconceivable, if his health holds out?

West will provide the first third of the answer soon.

[From The Columbia (S.C.) Record,
Jan. 26, 1971]

Commissioner of Labor Dies

S. C. Labor Commissioner for 23 years, William Fred Ponder, 61, died today in the Baptist Hospital.

Funeral plans will be announced by Dunbar Funeral Home.

Ponder was appointed commissioner Feb. 1, 1948, by Gov. Strom Thurmond, and has served continuously since then. He was reappointed by Govs. James F. Byrnes, George Bell Timmerman Jr., Ernest F. Hollings, and Robert McNair.

Gov. John C. West last week announced his intention to reappoint Ponder.

His original term was for two years. However, legislation changed it to four years during the Timmerman administration.

On his last reappointment, Ponder issued the following statement:

"I am complimented and highly honored to have been reappointed Commissioner of Labor by our distinguished governor, the Honorable Robert E. McNair.

"To have been permitted to serve in this important post for 18 consecutive years by appointment at the hands of such distinguished governors . . . and now Governor McNair is the highest honor that could come to any person, and to justify these repeated expressions of confidence, I shall be unremitting in my efforts."

He said at that time, the most difficult problems he had encountered since taking office in 1948 had been labor disputes, "but we've been able to handle them. They have consumed most of my time."

Ponder served in the House of Representatives during 1935-36 from Spartanburg county. He also served as president of the International Association of Governmental Labor Officials.

He was the son of a Baptist minister and farmer and was the youngest child in a family of 13.

He finished Wofford, completed a law course at Southeastern Law School, was elected to the State House of Representatives, then got into government work as publicity man with the Rural Electrification Administration.

Upon hearing of Ponder's death, Gov. West made the following statement:

"We are all saddened at the passing of Mr. Ponder. He has a record of service to his state and nation which includes some 23 years as South Carolina labor commissioner, as well as serving as a member of the House from Spartanburg county. * * *

"Under his leadership in mediation and conciliation, South Carolina compiled an excellent record in minimizing time lost due to strikes and in decreasing the accident frequency rate in our state. On this grevious occasion, we wish to acknowledge the contribution of this great South Carolinian and express our sympathies on behalf of the state to his family and friends."

The Ponder residence is at 1134 Honeysuckle St. in Cayce.

[From the Columbia (S.C.) State, Jan. 27,
1971]

Labor Commissioner Ponder Dies At 61

(By Kent Krell)

South Carolina Labor Commissioner William Fred Ponder, one of the least known but most controversial department heads in state government, died in Columbia's Baptist Hospital Tuesday.

Ponder, 61, had been in declining health for some time, but he entered the hospital on Jan. 17 following a heart attack. He suffered a massive stroke Monday night.

Funeral services will be held at noon, Wednesday, in the Gervain Streeet Chapel of the Dunbar Funeral Home. Burial will be in Southland Cemetery in West Columbia. Pallbearers will be his nephews.

Ponder had headed the S.C. Department of Labor since 1948 when he was appointed by then Gov. Strom Thurmond. He was reappointed to the $18,360 a year position by the next six governors.

Whether Gov. John C. West, sworn into office Jan. 19, would have reappointed Ponder was in doubt. In fact, it is understood several names were under consideration before Ponder's death.

With frequency in recent years, Ponder had been under attack from organized labor. Only last week, Sinway Young, president of the South Carolina Labor Council, said it was "past time to replace him."

In learning of Ponder's death, Gov. West said:

"We are all saddened at the passing of Mr. Ponder . . . Under his leadership in mediation and conciliation, South Carolina compiled an excellent record in minimizing time loss due to strikes and in decreasing the accident frequency rate in our state."

Sen. Strom Thurmond, R-S.C., said, "I deeply regret to learn of the death of my friend W. Fred Ponder. Mr. Ponder was a * * * the duties of his office in an efficient and objective manner."

Ponder was a native of the Buck Creek Community in Spartanburg County. He worked in a textile mill before graduating from Wofford College and completing a law course at Southeastern Law School.

Ponder served in the South Carolina House of Representatives during 1935–1936 from Spartanburg County. At one time he also served as president of the International Association of Governmental Labor Officials.

He is survived by his widow, the former Lucetta Roberts.

[From the Columbia (S.C.) State, Jan. 28, 1971]

Assembly Expresses Sympathy

A resolution expressing sympathy to the family of the late William Fred Ponder was unanimously adopted Wednesday by members of the General Assembly.

Ponder, who died in a Columbia hospital on Tuesday, had served continuously since 1948 as the head of the S.C. Department of Labor.

The resolution noted Ponder's service in the General Assembly as a House member from Spartanburg County and stressed "his dedicated public service."

Another resolution expressed the sympathy of the state legislature to the family of the late Mrs. Mertie Y. Yonce of Johnston. Mrs. Yonce, who died Tuesday, was the mother of State Rep. Henry G. Yonce, D-Richland.

Legislators also adopted a resolution by Sen. James M. Waddell, D-Beaufort, expressing sympathy to the family of the late Calhoun Thomas of Beaufort.

Thomas, a graduate of the University of South Carolina Law School, served in the House between 1933 and 1947 and was chairman of the powerful House Judiciary Committee.

Also adopted in the House was a resolution by Rep. Herbert U. Fielding, D-Charleston, recognizing the week of Feb. 7–15 as National Negro History Week.

[From the Greenville (S.C.) News, Jan. 28, 1971]

Fred Ponder's Faithful Service

The South Carolina Department of Labor was created by the General Assembly in 1936 and promptly became a political football.

By law the labor commissioner, who runs the department, is appointed for four years by the governor with the advice and consent of the State Senate.

More often than not the early labor commissioners were politicians, picked for partisan services and personal loyalty to the incumbent governor rather than for administrative ability and knowledge of labor law and labor-management relations.

There were feuds between governors and the Senate. Factions of organized labor fought over the office and whatever benefits might accrue from control of the commissioner's severely-limited powers.

The result was confusion and on occasion frustration of the department's purposes: enforcement of state labor laws; keeping records of industrial production, employment and wages; and investigation and conciliation of labor-management disputes and potential disputes.

The confusion ended in February 1948 when Governor Strom Thurmond appointed a Spartanburg native, William Fred Ponder. Active in the labor movement, Mr. Ponder had the respect of union leaders, political leaders and many businessmen. He knew something about the realities of labor-management relations. In no sense was he a political hack or partisan politician.

Fred Ponder brought new vitality to the Labor Department. He made the mediation and conciliation service work. He inspected establishments and followed up on violations of state law. And he stayed clear of partisan politics and factional bickering.

The result is a more effective Labor Department, carrying out the duties assigned to it by law. The wisdom of the original appointment has been confirmed by every governor since then. Every four years Fred Ponder has been reappointed and reconfirmed because he stuck strictly to his job and did it well.

He had been opposed by organized labor on several occasions. Although an active union member, he refused to go beyond the law in the performance of his duty and to become organized labor's advocate in state politics. He recognized that his obligation was to the entire state and to all workers, unorganized as well as organized.

Organized labor was after him again this year, seeking to block his reappointment by Governor West. It never will be known whether the latest campaign would have succeeded or fallen flat like previous efforts. Fred Ponder's death after several weeks of illness came only a few days before the expiration of his term.

Chances are Governor West would have reappointed him, had his health permitted. The governor was quick to call attention to Commissioner Ponder's excellent record in conciliation to minimize losses due to strikes and in promoting industrial safety.

Governor West now faces a difficult decision in picking a successor to Commissioner Ponder. He will be under heavy pressure to appoint somebody who will promote this or that special interest. The appointment could have a bearing on the direction and success of the new state administration.

Governor West would do well to look for somebody who can and will carry on in the Ponder tradition.

FEWER HIGHWAY DEATHS IN 1970

Mr. SYMINGTON. Mr. President, it is indeed heartening to note that for 1970 the Nation's traffic death toll declined for the first time in 12 years—55,300 highway fatalities as compared with 56,400 in 1969. This reduction is even more encouraging when it is realized that American motorists drove 5 percent more miles in 1970 than in 1969.

This reversal has been attributed to many factors including better highways such as our Interstate Highway System, better cars, better drivers, better enforcement, and a major effort by Federal, State, and local authorities to upgrade safety devices such as breakaway signposts and better guardrails.

Of course, 55,300 traffic deaths in one year is still an appalling figure, but we can all hope that drop is indicative of a further downward trend in traffic fatalities.

Mr. President, I ask unanimous consent that an editorial published in the Kansas City Star of December 25, 1970, calling attention to this achievement, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A Traffic Year When Fewer Died Rewards the Safety Effort

A wonderfully heartening omen for all Americans at year-end is the news that the nation's traffic death toll is going to show a major downward trend for the first time in 12 years. The final figure is projected at 55,300 compared to 56,400 in 1969. The true gain, however, is much greater because U. S. motorists this year will drive 5 per cent more mileage.

The mileage-death rate, then, will fall to 5 per 100 million miles, the fourth consecutive year of decline and the lowest mark ever in this category.

Is the continuous, many-faceted traffic safety effort finally yielding tangible results? A few, of course, are afraid to believe it. They are apprehensive that this year's results are only a brief statistical aberration in a relentless upward curve. But the cumulative evidence that the massive campaign to save lives is accomplishing just that is too compelling not to believe.

Better highways are one factor. With 31,600 miles of the 42,500 in the interstate highway system completed since 1956, the lower mileage-death rates on these divided roadway, limited-access superhighways is impressive.

Better cars are another. Those seat belts and lap belts that will eventually be in every vehicle, even to the unhappily limited extent to which they are used, are helping. So are the energy-absorbing steering columns which are sparing drivers who once died of crushed chests, the padded interiors that cover sharp objects that were once weapons, the car doors reinforced against side impact and the penetration-resistant windshields, to name but a few features.

Yes, and better drivers, too. Licensing is tougher. Programs aimed at the alcoholic driver, and driver improvement or retraining courses of various kinds are raising the caliber of performance behind the wheel.

Some of the lifesaving results are spectacular. Last year 6,500 persons died in collisions with such fixed objects as roadside signs and barriers. "Breakaway" signposts and improved guard rails now are sparing many such victims. The full results can't even be measured. Minnesota, with 5,000 breakaway sign posts, reports 117 cars striking them and only one death. But 99 other signs had to be repaired after being hit by drivers who suffered so little damage that the incident went unreported.

Since the federal government projected itself full-scale into the traffic safety field in 1966, the entire effort has been considerably accelerated. The states have enacted scores of tougher safety laws to meet federal standards. Working against the adverse factors of more cars being driven farther and faster by more drivers, it has taken time to effect a net statistical decrease in deaths. But 1970 will be that year, and safety officials are aiming for an even bigger improvement next year. Of course, 55,300 traffic deaths still is a national tragedy. But the reflected happiness of all the lives that are saved is measureless.

WORLD PEACE AND HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, respect for fundamental human rights is today so generally accepted by States that it should be regarded as having the force of international law.

It has long been recognized that gross violations of human rights are a potential threat to world peace. For instance, the Philadelphia declaration of the International Labor Conference stated 25 years ago that lasting peace could be established only if it is based on social justice and that the attainment of this condition should be made the central aim of national and international policy.

Furthermore, the declaration affirmed the delegates' belief that—

> All national and international policy measures should be judged only insofar as they may be held to promote and not hinder the achievement of this fundamental objective.

In a similar manner, the 1968 International Conference on Human Rights in Tehran, proclaimed that—

> Gross denials of human rights arising from discrimination on grounds of race, religion, belief or expressions of opinion outrage the conscience of mankind and endanger the foundations of freedom, justice and peace in the world.

The question is one of whether the United Nations has the authority to intervene in "matters which would be essentially within the domestic jurisdiction of the states themselves." The crime of genocide has been recognized by over 75 nations of the world to be a matter of international concern. Such matters as discrimination based on sex, language, race, or nationality also are of a scope to be considered matters of international concern.

Article 2, paragraph 7 of the charter states:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

The whole idea behind this article was to safeguard the sovereignty of the members of the United Nations. Yet, the role of the United Nations was not strictly limited to international affairs. Debate has been held on serious domestic matters.

Important matters of peace and injustice can hardly be considered outside of the orbit of the organization. Gross violations of human rights could be potential threats to the peace of the world.

Although there is certainly no evidence at all that article 2, paragraph 7 has fundamentally changed—it is forbidden for the United Nations to interfere in questions within the domestic domain of member states, but the content of what is within this domain has changed and does change continually.

As I have pointed out, the Berlin Treaty of 1878 imposed obligations upon Turkey and the Balkan countries with regard to religious discrimination. The League of Nations, and later the United Nations, further changed the meaning and domain of international law.

The Permanent Court of International Justice stated in its advisory opinion on the Tunisian and Moroccan nationality decrees in 1923 that—

> The question whether a certain matter is or is not within the jurisdiction of the State is an essentially relative question: it depends upon the development of International relations.

This fundamental rule is still valid in international affairs today.

Gross violations of fundamental human rights are no longer solely within the domestic jurisdiction of states. Two days ago we paid tribute to the Lithuanian people. This tribute was evidence that we cannot regard the Soviet domination of that country as merely a Russian concern. It surely is a matter of international concern.

In a like manner, civil wars could be considered as concerns of the international community, since they can easily turn into international wars. Similarly, gross violations of human rights must be considered a matter of international concern.

If world order and world organization are to have any meaning for the present world, we must realize that suffering and humiliation of human beings on a large scale must not be tolerated anywhere. This involves a recognition of the change in the nature of international law.

The Genocide Convention, as well as the other human rights conventions, increase our chances of building a body of international law. They provide the legal machinery for dealing with violations of fundamental human rights of an international nature. These conventions will also preserve and protect human rights as a moral force in international law. The way of the future must be toward an even greater emphasis on human rights, on humanity and charity. The solidarity of all mankind and the mutual independence of all states are immeasureably intertwined with the prospects of peace and justice in the life of mankind. The need to ratify the Genocide Convention, and the other United Nations human rights conventions, is urgent. We must act, now.

WELFARE—THE COUNTRY'S NO. 1 SOCIAL AND ECONOMIC PROBLEM

Mr. TALMADGE. Mr. President, in the current issue of U.S. News & World Report magazine, welfare is described as the country's No. 1 social and economic problem. This point of view was taken by Gov. Ronald Reagan of California, in a magazine interview, and I could not agree more fully.

By almost any standard, the Nation's welfare system—as it has evolved over the years—must be judged a dismal failure. If the purpose of the welfare program has been to remove people from dependency and assist them in becoming productive citizens, then it has been a failure. If the purpose of welfare has been to help people help themselves, and to ultimately get them off the welfare rolls, then it has failed. If the purpose of welfare has been to train able-bodied but needy people for gainful employment, and thereby secure some kind of return on the taxpayers' investment in the program, then it has failed miserably.

I do not think it is overstating the situation to say that welfare now looms on the American scene like a gross, greedy, Frankenstein monster. It has gobbled up tax dollars by untold billions and dissipated national resources, both human and material, at every level of government. It is driving cities and States to the point of bankruptcy. Pressure increases on the Federal Government to help feed the growing appetite of the welfare monster.

The cost of welfare continues to soar and to set new records. And I do not believe anyone knows how much of this is lost in waste, inefficiency, or plain dishonesty. In Nevada, for example, a recent survey showed that 22 percent of the people in the program were receiving welfare benefits illegally. It would probably be physically and actuarially impossible to make such a survey in New York, where one out of every seven people receives welfare payments.

We now have some 13 million Americans receiving welfare. Welfare rolls increased 20 percent in the last year alone. In many States, welfare has become a way of life for generation after generation of the same family, and this is true of many thousands of families all across America.

Worse yet, welfare has become a matter of public attitude. Newsweek magazine recently reported the case of a 35-year-old man, educated at Harvard and Columbia in science, who turned to welfare, so far as I am able to gather, simply because he did not want to work and because going on welfare seemed to him to be the thing to do in the United States these days.

In the face of the current welfare deluge, seemingly in total ignorance of the mess we are already in, now comes the administration with a bill that would open the welfare gates even wider and would add 12 to 15 million more people to welfare rolls—not to provide a program for training, educating, and create jobs for needy people, but just to add them to the rolls.

I admit we need welfare reform. Every taxpayer in America will agree to that. But the reform we need must be directed toward training people and getting them off welfare, rather than just compounding mistakes of the past, with the net result of having about twice as many people on welfare as we do today.

I have pushed for building more work incentives in the welfare program, and I will continue to exert every possible effort, in the Finance Committee and on the floor of the Senate, to achieve this goal. This is the way to real welfare reform.

Mr. President, I ask unanimous consent that the U.S. News & World Report interview with Governor Reagan and the Newsweek article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Mar. 1, 1971]

WELFARE: AMERICA'S NO. 1 PROBLEM

Q. Governor, what do you regard now as the most important domestic problem in the country?

A. I suppose I should say inflation, yet I believe we are embarked on a program to do something about that.

So, let me switch to another one—one that I really feel we are not realistically dealing with and one that can literally bankrupt every level of government in this country. I'm talking about welfare.

The welfare program in this country or is adrift without rudder or compass. It basically has no goal. To simply say we're going to keep on feeding and providing a livelihood for an ever-increasing number of people is not a goal.

My own idea of a goal for welfare—and I know this is contrary to the whole philosophy and ideology of the so-called professional welfare worker—would be to eliminate the need for it.

Q. What do you mean by that?

A. Well, first of all, you separate the real pensioners—the permanently dependent, the aged, the disabled, the blind—separate them from the bureaucracy of the social services, make them pensioners, automate their payments. Certainly make their payments enough to provide a living with a certain amount of dignity—a living that affords some of the luxuries that make life worthwhile.

This could be done just with the savings in the administrative overhead right now.

You know, we have caseworkers who drop in regularly on old people just to see if they're still growing old. This is an evident fact of life that doesn't require checking. Through Social Security, which has a very low overhead, for example, these people could receive fair incomes as Social Security recipients do, and that would be that. There is no need to look in on them.

Now, you turn to the rest of welfare—those able-bodied people who, for one reason or another, are not now subsisting without aid.

The entire approach to that body of people should be: Our job is to remove them from welfare, and to make them independent and self-sufficient as quickly as possible. That's our goal, and, therefore, we should measure our success each year in how much we've reduced the number of those remaining on public welfare.

Q. How do you account for the big increase on welfare rolls?

A. We're still thinking of welfare and those who are dependent as we thought of them in the '30s. But the fact is we have a totally different problem today.

In the '30s, in the depression era, you had men and women with job skills who were desperate for work, and you didn't have jobs for them. So welfare, in everyone's mind, was a temporary situation. Simply bridging an economic problem until these people could be employed.

And this is why, up until the beginning of World War II, WPA [Works Progress Administration] grew more in size than direct relief grew. It was the big thing, because it was directed at people with skills who wanted to work.

I know all the jokes about leaf raking and boondoggling in WPA. There was some of this. One weakness of that program was that it depended on local entities' finding projects in order to get the federal money. And sometimes those projects weren't really up to standard.

But over all, if you look back, we're now enjoying a lot of benefits that came out of the WPA program.

In other words, for the money spent, society got quite a return.

Look at the beautiful waterfront in Chicago. Look at the bridges that were built, the farm-to-market roads that were constructed by a branch of the CCC [Civilian Conservation Corps]. Look at the men today who were salvaged—men who will tell you that they were on the way to becoming bums until the CCC straightened them out.

Q. Do you feel that today's situation is different?

A. World War II was the only thing that ended unemployment in this country and ended WPA. When World War II ended, there began to be a new kind of welfare. These weren't the skilled workers with no job. These were the rural poor who had been drawn to the cities by wartime work and who didn't have a skill to take into the marketplace.

Most of these are people who either through lack of basic education or lack of any kind of motivation, lack of any job skill, or maybe just because they don't want to work—these are the welfare recipients. Every one of them is an individual problem. And someplace along the line, instead of welfare caseworkers' simply seeing how much more money they can get for them from government to make them that much more comfortable in their dependence on the rest of us, the welfare worker's task really should be: What is this individual's reason for not being able to work? What can I do and what can we do to put him out there, able now to get out and have a job? It's an entirely different kind of welfare person.

And the worst part of it is, some of these people are the second and third generations of their families who have been raised on public subsistence in an unbroken cycle. They don't even have an idea that there is any other way of life.

THE PROGRAM THAT COSTS THE MOST

Q. Isn't the program that is causing the great increase in the case load and welfare costs the one called Aid to Families With Dependent Children?

A. That's right. And this is one no other country in the world has.

Q. What is happening in your State in this category?

A. Well, let me give you just two or three of the things that are making this the worst program in the world:

1. In California alone, we estimate that there are 250,000 fathers of families of this kind who simply run out on them. We're trying to find a way with the counties to make these fathers accept their responsibility as you would anyone else who deserted a family and neglected his children. These men—who knows where they are?

We have some regulations in the MARS program—man assuming role of spouse. Is a male wage earner responsible for the family with which he's living? Under current federal regulations, the answer is: "No, he isn't. He can live there, and the woman still gets the grant." He doesn't have to contribute anything, even though he may be either the husband or the common-law husband of this woman.

2. Back in WPA days, there were women who could work and had job skills, and many had small children. What do you do about their children while they're working?

You found with these women who were given jobs in WPA there were other women who didn't have job skills—so they were given jobs taking care of the children of other women.

There's no reason in the world why this couldn't be done again. You could set up child-care centers, but, again, what has happened? The regulations call for people with master's degrees and professional as the only ones who can take care of these welfare children. This is ridiculous.

You can have a supervisor, someone in charge of a child-care center. Then you can use some of these welfare women in schools, as teacher's aides. They don't need a formal education to serve as wardens on the playground. There are any number of things that these women could be doing that would be helpful.

Q. Do the present programs provide any incentive to work?

A. We're caught up with a legal kind of cheating on this. It isn't cheating in the technical sense, because it's all legal and aboveboard under the existing federal regulations.

In an effort to stimulate women to get jobs, provisions were made on the theory that if a woman has to trade dollar for dollar—if she gets a dollar for doing nothing—what incentive is there for her to work for the same dollar and lose the welfare dollar? So the whole idea was: Well, let her work and be able to keep some of the welfare grant. But Washington never put on a ceiling. There is no ceiling on the earnings that a person can get from working and still technically remain eligible for at least a part of the welfare grant.

Here is a specific example: A woman in California is earning $582 a month. Her welfare grant for herself and her four children was $339. Now, in computing how much of the $582 is income—legitimate income that determines how much of her $339 welfare she gets to keep—the welfare agency takes off the first $30. That's incentive. Then they take off a third of the balance. This is what keeps it openended. It is a third of the gross.

Then they take off all withholding for taxes; all union dues, if any; any retirement programs for which money is subtracted from her paycheck. None of this has to be counted.

They make a child-care allowance, they make a clothing allowance, they make a transportation allowance—which is interpreted to include payments on a new automobile.

Finally, when they get down to the end, just to make sure they haven't missed anything, there is another $25 that is taken off—kind of a miscellaneous incentive.

Now this $582-a-month welfare woman—they reduce her income to $42 so that they consider she's really only earning $42—and on a sliding scale, they pay her $310 in public assistance.

Q. How many children does she have?

A. Four. Now, here is a woman who has a gross income of $892, counting both her earnings and her welfare grant. But there is another woman across the street with four children, and she's only getting $339—all from welfare. This second woman doesn't have a job skill and can't get a job.

Here is where we think a correction should be made, but we've got a court order preventing it right now, brought by an Office of Economic Opportunity neighborhood legal assistance program against us in behalf of the Welfare Rights Organization.

We wanted to reduce the amount of the grant to the woman with earnings, and take that money and increase the grant to the poor woman who is trying to raise her kids and doesn't really have enough to send them to school properly clothed and fed.

Q. Is this by law or by regulation?

A. Well, the Health, Education and Welfare Department will tell you that it's all law—that their regulations reflect the intent of Congress. We don't believe it.

I talked to a Senator the other day who told me that the men in Congress had no idea that this is the way things are being applied at the local level.

For example, the regulations are interpreted to mean that no caseworker can challenge or question a welfare applicant's statements. You have to take his word for it that he's telling you the truth.

The other day a woman died in Sacramento—she had been on welfare for 15 years—and we discovered after she died that she had $88,000, owned a couple of pieces of property and had a military pension from her deceased husband.

We have thousands of aliens in California who have entered this country illegally, and we're not even allowed to ask about their legal status for welfare.

Q. You mean the State cannot even investigate their claims?

A. Not under the interpretation of the regulations. It is considered that to question the people on welfare "demeans and humiliates" them. How many times have you been demeaned and humiliated along about income tax time?

Now, there are some other things about this. There are regulations that, to spare recipients embarrassment, all their records must be kept confidential.

Just to show you how ridiculous this can become, there was a county welfare director in California whose own employes in the county welfare department refused to give him the information he asked for. He went to court and got a court order to make his employes tell him.

What turned up was that some of the employes—welfare employes—were also on welfare. They had put themselves on welfare.

WHEN A FATHER RUNS OUT

Q. Governor, do you know what percentage of your aid-to-dependent-children case load represents children in fatherless homes?

A. We've had a task force working for a long time on this whole subject—on finding out all the information so that we could get at some realistic reforms. I know there are 250,000 homes where the father has run out. Around 80 per cent of all the AFDC children are in homes where one parent is missing.

Q. Do you know how many might be fathers who are just absenting themselves for the purpose of helping their families get more welfare?

A. No, because some time ago, in one of our counties, officials started doing some spot checks after dark on houses to see if the absent father was coming in the back door at sundown. But this was stopped as being a horrifying invasion of privacy—the check wasn't allowed.

Now, the other day, Nevada suddenly conducted a door-to-door canvass of welfare recipients and found that 22 per cent of the people in this program were receiving the benefits illegally.

Maybe the fathers wanted to run out anyway; they just didn't like the burden.

Once upon a time, if there was no welfare program, there would be a mother and children and a lot of interested people tracking this guy down for abandoning his family. But now, automatically, the next morning when she knows he's gone, the mother can come in and get on this welfare program, and many times get as much as he was earning, so no effort is made to find him.

This is what's happening to break up families. The father says: "I can leave and someone else can take care of the family."

Q. Do you try to track down missing fathers?

A. Well, this is supposed to be at the county district attorney level. We are working now with the county supervisors' association to see what the State can do to be helpful in this, and to assist the counties in tracking these men down and make them responsible.

But you've got a right in your own mind to say, "Well, what have you been doing for the last four years?" And I want to tell you that sometimes I feel ashamed.

And yet, whether it's rationalization or not, I can only tell you that for these past four years our major effort has been devoted to welfare, and we have finally come to the conclusion that we just aren't getting the information we need from our own professional welfare types. Many times we have had the promise of reforms and programs that were going to work. I went out making speeches saying, "Oh boy, here we are on the right track." But the promises just frittered out.

So we set up a task force that did not involve the professional welfare types—an outside task force, independent lawyers that aren't even employed by government, to go in and look at the regulations and conditions. We're finding some amazing things. Finally, we're trying to plug the loopholes.

UNIONS "FED UP WITH WELFARE ABUSES"

Q. What is the attitude of the labor unions toward the welfare program?

A. At the moment, I could tell you that the rank and file of organized labor is probably the strongest force in this country against it. Maybe the union hierarchy still wants these social-reform programs. The rank and file are the ones who see the abuses next door and across the street. They're fed up to the teeth with what's going on. You go out to a blue-collar audience and talk about this problem and you get standing ovations.

Q. How about the academic community?

A. One element of the academic community, particularly the professional social worker—they've lobbied through all sorts of programs about the kind of education that you've got to have to be a welfare caseworker. We found in California—and if you think this didn't cause some screams of rage—we found that we were paying caseworkers to return to the university and get master's degrees in social welfare. We canceled that.

But these people in the whole social-reform, social-welfare area—they're the ones who keep thinking of these things that sound great, like an incentive to get a job. And it even sounds good to protect the dignity of the individual. No one in this country, if you've got any charity at all in your heart, wants to make the person feel embarrassed who's receiving it. And so we listen with a pretty sympathetic ear to any proposal that protects an individual's dignity.

But now we've got to recognize the kind of thing that happens when they begin with these regulations, and how they lead to abuses. Say here's a woman with a couple of children who is widowed or divorced. She meets a nice man and she gets married to this man—second husband. And he's got a good job, nice home. He becomes the head of the household. They have no financial problems. But the very fact that he is not the legal father of her children keeps her and her children on medicaid. She is eligible for all of the benefits of medicaid. And when she has a child by her new husband, the taxpayers pay the hospital costs and the doctor's cost.

Q. Well, under divorce law, if she got remarried, her previous spouse would be relieved of alimony and the new husband would assume all responsibilities, wouldn't he?

A. Yes. The only way that she can lose her technical eligibility is if her new husband legally adopts the children. And in the instance of divorce, with a living father, most new husbands don't do that. They respect the right of the previous husband.

Q. Do you think that welfare mothers with children should work, the same as nonwelfare mothers?

A. Well, let's take a canvass of all these women you see working now and find out how many of them don't have a husband and do have children and are not on welfare.

There was a significant study in a California paper recently. Here was a young mother who's a fire watcher—up there alone on that lonely mountaintop for a number of days and nights, watching for the fire. And the reason her story got in the paper was because she happened to be on one of the towers where they finally had to swoop in with a helicopter and get her out of there just in the nick of time ahead of the fire.

And in telling her story, it develops that this young lady is a widow and she has three or four small children, but she has this job. Her mother is also a fire watcher, and they are both widowed. And their schedules have meshed so that the one baby-sits for the other's children—they mesh their schedules, their time off and time on as fire watchers, and they're working, and they're raising their kids. I doubt if their salary will pay for sending those kids to college, but, like a lot of other families, the kids will scramble for scholarships and work their way.

When you look at that—well, by what right does a welfare worker say that just because a woman has children no one should expect her ever again to be self-supporting?

There are millions of women who are out working and supporting their kids.

MOTHERS WHO WOULD LIKE TO WORK

Q. Do many of the welfare mothers work, too?

A. The terrible thing is that millions of these women on welfare would like to work.

The other night in California there was a TV interview with a Negro woman with 11 children. She had a job from late afternoon until about 11 o'clock at night. And she liked it. She liked working. She'd go to work and leave the oldest child in charge of the others.

Then she came home one night, and there was her welfare worker sitting in her living room with her oldest child waiting for her. And the welfare worker said: "Welfare is going to take these children away from you." The woman said: "Why?"

And the caseworker said: "Because we don't think that this child that you're leaving in charge is capable and old enough to supervise the other children. Therefore, we're going to take them away from you."

Well, the mother said, "What can I do?" And the welfare worker said: "Well, you can quit your job and go on welfare, and then you can stay home and take care of the children, and that'll take care of everything and we won't take the children away from you."

So, the woman said: "Here I am on welfare. I've never been on welfare before. I don't want to be on welfare. But I have been ordered on welfare if I want to keep my family."

Q. Should the Government provide child-care centers for welfare mothers?

A. We thought in California that, if they would waive the regulations on an experimental basis, we would try this. In the average community, there are so many people who want to do something for others. There are 65 million people, by a recent survey, in this country who give anywhere up to 8 hours, 10 hours a week or more in work of some kind, whether it's teaching Sunday school or taking care of Cub Scouts or Boy Scouts or whatever.

There are churches scattered all over every neighborhood. There are physical facilities. Suppose that government—instead of declaring that everything has got to be so grandiose, and has got to be so official, and has got to have a person with a teacher's certificate in charge of these kids—suppose instead that you were able to enlist the churches. All churches are in need of money. Pay some token rent for this facility. Then see how many volunteers you get.

We've got State mental hospitals that have some of the most fantastic volunteer programs going on with people who every day of their lives give up hours to come out there. If we had to replace what they're doing with paid employes, I don't know how we'd do it. Well, the things that they're doing just wouldn't be done. But the things they're doing are a tremendous aid in the helping of these mentally ill people.

Q. Could a majority of these people who are on welfare be trained for gainful employment—are jobs available for them?

A. Well, remember we're talking in the midst of a temporary situation now of unemployment at certain skilled levels. Yet, you go out and check in any community on the jobs that are going begging, and you'll find that for some time past they have been not the jobs for highly skilled people. They are such jobs as waitresses, domestic help, department-store clerks and those in service trades

I remember a statement in one hearing where one of these women from the Welfare Rights Organization got fired up and screamed out: "And don't talk to us about any of those menial jobs."

Now, I don't think jobs are menial. You know, here's a woman who is demanding her right to be supported by the working people, and she's saying to millions of other people who are chambermaids in a hotel or maids in homes—she is insulting them and saying that somehow they're beneath her and that she will only work if you can guarantee that the job will be at an executive level.

Q. What kinds of jobs are suitable to these people?

A. I happen to believe the answer might be a kind of public work force. I'm not talking boondoggles and I'm not talking that you put them to work on the regular public payroll. But if you had a public work force doing useful work that is not now being done for government, you'd have an incentive.

We need some incentives that are also the carrot-and-the-stick philosophy. You'd have persons drawing the same money they're drawing now, but performing some service for it for the public good.

Compared with the pay and the type of work for which she might be available, even without training, this might be an incentive. Now she wouldn't have the comparison of x number of dollars for doing nothing or x number of dollars for becoming a chambermaid or something else. Now she'd look at a job and pretty soon she'd say: "Gee, I can get a raise, and maybe the hours are even better, and I'm more independent if I leave this public work force and take that job."

Q. Governor, has thought been given to bringing in people from the business community to operate these government programs?

A. Well, this is what we've done in California. I'm proud of the people that we have in our government, our administration in California. We have taken young men with promising careers in corporations. We twisted the boss's arm. We got them to give up a couple of years of their lives. They're not the people who ordinarily come into government.

We took 250 of the top professional, business and industrial people in California—the really top—and they formed themselves at our request into task forces. And they gave up as much as six months full time from their businesses and their careers. They went into every agency and department of our State government and came back to us with the recommendations as to how modern business practices could make government more efficient and more economical.

We have saved hundreds of millions of dollars in the cost of government from their recommendations.

Now, this was the thing we finally did with welfare—this task force I mentioned. And right now, we're in the process of putting together their ideas and their recommendations for a complete reform of the welfare program.

Q. How much of your problem is a racial or a minority-group problem in welfare?

A. Well, the funny thing is, not as much, particularly in the aid-to-dependent-children program, as everyone says. And I'm happy to answer that, because many of the minority communities are self-conscious about this, and the minute you talk as I've been talking about this, they think "Uhhuh. He's aiming at us at the minorities." This is not true. This is not confined to any racial or minority group. And as a matter of fact, we have found that the majority of the people who are working and also drawing welfare are white.

Q. You came to office four years ago, Governor, pledged to try to cut taxes, economize in government, bring in efficient business-management methods. How has it worked out?

A. We know that government can be made businesslike and efficient. Where we're frustrated is mainly in this area of welfare.

Now, education—we've also had a task force working on that in the public-school system for the use of the State monies. But the biggest thing is welfare.

TAX SHARING: A WAY TO CUT OVERHEAD

Q. Governor, what do you think of the President's revenue-sharing proposal?

A. Well, I'm all in favor. I told him once on the phone when he talked to me about it that I hope that in his proposal he envisioned not only turning the money back to the States but in returning with it some of the responsibilities that are now being carried by the Federal Government—in other words, a free hand in the using of this.

Because I believe that, without the mandating on us of all the red tape and restrictions and federal regulations, we can in return for that money take dollar for dollar that much of a burden off the Federal Government's back and probably do it much more economically because we won't have this great administrative overhead.

You know, the tax dollars, they go to Washington and then they come back to us minus a certain amount for overhead. There's a great duplication of the Health, Education and Welfare bureaucracy, then the State bureaucracy, then the county bureaucracy, for example.

Q. Will this result in lower taxes for the middle-income man and the homeowner and the wage earner, or is this just going to be another add-on where the Governors and the mayors can continue to increase government spending?

A. In California, I am confident that we can do things that will eliminate part of the bureaucracy of Washington, and that we can do it in such a way that, yes, we will be able to reduce the tax burden on our people.

[From Newsweek magazine, Jan. 25, 1971]

SON OF CONSCIOUSNESS III

What will you do, when the phone
rings, and they say to you:
What will you do?
What will you say and where
will you turn?
What will you do? What will you
do? What will you do?

—Kenneth Fearing, "Poems" (1935)

Bruce Fearing, son of the late poet Kenneth Fearing, is a chip off the old block. At the age of 35, he has found an answer to his father's question—as a very small farmer living off government welfare checks high in the redwood country of northern California. Educated at Harvard, where he majored in physics, and at Columbia, where he had a Sloane-Rockefeller grant in advanced science writing, Bruce worked for ten years as a technical writer in New York City. In 1967, he dropped out and drifted west. "As a science writer," he recalled last week, "I worked at supposedly productive jobs and never did a damn thing. You don't know what living is until you have your own land."

In his contempt for the work offered by a technological society, Fearing is typical of thousands of young Americans who are now fleeing the cities to live what he calls "real rural agrarianism, real Thomas Jefferson Americana." Their disdain for competitive careers is a quite essential example of the new life-style which Charles Reich, in his bestselling "The Greening of America," calls Consciousness III. This attitude, writes Reich, is "based on the belief that most work in our society is meaningless, degrading and inconsistent with self-realization. The new generation is not 'lazy,' and it is glad enough to put great effort into any work that is worthwhile."

Fearing and his common-law wife, Carol Haacke, 28, have indeed put great effort into their farm. With his own hands, Bruce built the wooden cabin in which they live with their 2-year-old son, Jebal, and the A-frame barn that shelters their two goats and eighteen chickens. Carol, who graduated from the University of Virginia with a major in French and art history, bakes bread and is "learning carpentry—I make the cabinets for the cabin." As on the old frontier, venison hangs from the cabin's ceiling, and Bruce and Carol have no phone, no plumbing, not even any running water. Supplies must be dragged up a steep, twisting, 4-mile track. Nevertheless, Fearing told NEWSWEEK's Elisabeth Coleman, "For the first time I'm really doing what I want. I just want to live simply out in the country with my family."

Stamps: The irony of Bruce and Carol's simple life is that, for all their willingness to work hard and suffer privations, they rely basically on welfare provided by the taxpayers. As they have no income, they qualify for $172 a month in aid for their dependent children (Carol is eight months pregnant, and the sum includes support for the unborn child). Each month, $48 of their welfare check buys $84 worth of food stamps and $50 is put aside for payment on the 80 acres of farm land that they and two other families are buying in the heavily wooded hill country about 225 miles north of San Francisco.

California regulations require ablebodied fathers on welfare to be "available for and seeking full-time employment." Last year, in a state hearing—which has become known as the "Fearing Hearing"—Humboldt County contested the right of college-educated fathers "to willfully remove themselves from the labor market by moving to almost inaccessible areas in southern Humboldt County." In rebuttal, Fearing testified that he had applied at all three employers in the area (two small markets and a lumber store), but was offered no work. He won the case and state officials subsequently restored his payments. But county welfare director David Kelly still insists that the full-bearded Fearing had made himself unavailable "by removing himself from the logical labor market, and by his appearance."

Escape: In fact, about 15 per cent of Humboldt County is on some form of relief—either medical, welfare or food stamps. What upsets the taxpayers, says Kelly, is the "growing number of hippies." Mrs. Lee Lesher, head of the county food-stamp program, notes that the number of people using the stamps jumped from 3,500 in November 1969 to 10,000 in November 1970. "I can see both sides pretty well," says Mrs. Lesher. "The kids make it on nothing. It just makes me sick to see that our country has reached the point where they want to escape from it."

For Fearing, the answer he has found is not an escape from America but a way for America to escape. "Welfare is a very positive thing to do. It's the only thing that keeps me from becoming a violent, disruptive revolutionary," he says. "My class at Harvard is now taking over the world. If they perpetuate the system, we'll all blow up. It's really a matter of slowing down and living."

CONSUMER CLASS ACTION

Mr. HUMPHREY. Mr. President, I am proud to be joining some 20 Senators in cosponsoring legislation to permit consumers to join together in court action against companies they feel are cheating them.

Under this bill, groups of consumers could bring class action lawsuits in Federal court, thereby eliminating procedural barriers that presently prevent defrauded individuals from obtaining a remedy unless their individual damages are quite large.

Individual suits by one consumer are too expensive, and he cannot afford the legal and technical expertise needed to take on some corporate giant in any but the clearest cases of fraud.

Only under such a bill as this will fraudulent businessmen be forced to repay all their ill-gotten gains, not merely a few minor payments in a small number of cases.

Honest businessmen have nothing to fear from this legislation, which includes protection against harassing suits.

The administration has proposed adding a bureaucratic trigger, barring class actions without prior successful actions by the Justice Department. But they would rather see nothing at all.

The President said yesterday that instead of a consumer class action bill, he wants a study of the topic.

This is just another attempt to weaken the bill and strengthen the hand of those who would defraud consumers. We do not need any more studies to tell us what we already know—that this bill is something we have needed for a long while. It is time we put the consumer on an even plane with the businessman and end his second-class citizenship in the marketplace.

OUR RELATIONS WITH ISRAEL AND THE ARABS

Mr. HATFIELD. Mr. President, since the early 1960's there has been growing public concern regarding informal, non-congressionally approved commitments between our country and various foreign governments. The initial concern grew out of our involvement in Southeast Asia and has, since 1967, begun to focus on our commitments to the countries in the Middle East. Of particular note has been our special relationship with Israel. During the summer of 1970 two speeches were delivered on the Senate floor which in part dealt with this relationship and its implications. On February 12, 1971, David G. Nes, recently retired from the Career Foreign Service with the personal rank of Minister after 26 years of military and diplomatic service, delivered a speech at the Commonwealth Club of California, San Francisco. In his address Mr. Nes examines U.S. policy in the Middle East, comparing our behavior with Israel and the Arab countries. Although one may possibly disagree with his suggested solution to the dilemma we face his analysis I find most perceptive and relevant to the decisions we will be making in this area. Therefore, Mr. President, I ask unanimous consent that the address by Mr. David Nes be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

OUR RELATIONS WITH ISRAEL AND THE ARABS—ADDRESS BY DAVID G. NES, THE COMMONWEALTH CLUB OF CALIFORNIA, SAN FRANCISCO, FEBRUARY 12, 1971

It is, indeed, a unique experience for me to talk to an audience already so extensively informed on the Middle East. In November, the Israeli Foreign Minister, Abba Eban, set forth most eloquently the views and position of his country. Last Friday, I understand that you heard from Dr. Fayez Sayegh how many Arabs and, in particular, the Palestinians, view their conflict with Israel and the policies of our country.

The responsibility would seem to fall to me, therefore, to speak as a concerned American, with no commitment—emotional or otherwise—to any country other than our own, nor to any cause other than finding some way to avoid our military involvement in the Middle East hostilities, an eventuality of far more consequence than Vietnam.

As a prelude to the policy recommendations I have in mind, I think that all of us should be fully aware of our relations with Israel and the Arabs in recent history—that is, since World War I.

For the past fifty years, U.S. relations with the Middle East have reflected a national commitment to the proposition that the Jewish people constitute by race and religion, a unique national group entitled to an identity and a sovereign political state of their own.

In 1918, President Wilson first lent concrete U.S. adherence to this thesis by approving the Balfour Declaration through which the British Government pledged its support to the creation of a Jewish homeland in Palestine. A joint Congressional Resolution confirmed this decision in 1922.

Following the transfer of the seat of World Zionist activities from London to New York in the wake of the Biltmore Conference of 1942, the U.S. assumed leadership in promoting the creation of a Jewish State in Palestine. Concrete diplomatic action at the newly-formed United Nations resulted in the November 1947 Palestine Partition Resolution. And, as we know, the U.S. was the first country to recognize Israel's independence in May of the following year.

In addition to our interest in the new Jewish State, the immediate post-World War II period created new U.S. preoccupations with the area stemming from our involvement in the economic recovery and defense of Western Europe. To assure the former, European access to Middle East oil on favorable terms and to free transit of the area by air and through the Suez Canal, were deemed essential. In turn, NATO Defense concepts required a strong shield in the Northern Tier countries of Greece, Turkey, and Iran backed up by a favorable Western political and military position in the Eastern, Mediterranean and North African littoral. Good relations with the Arab countries in this area were thought necessary to achieve these European economic and defense objectives.

Thus, for the period, roughly 1948-1967, we were faced with the dilemma of fulfilling our commitment to the security and economic welfare of Israel on the one hand, and yet of seeking constructive relations with the Arabs on the other. As the Arab-Israel conflict persisted through the years, intensified as a result of the 1956 Suez War, and reached a new climax in June 1967, our efforts to maintain any sort of position in the Arab World bore less and less fruit. For, to deal constructively with the Arabs, we would have had to deal sympathetically with their primary interests: unity, defense against Israel, justice for the Palestinians, social and economic progress—all objectives whose achievement would threaten Israel. Our attempts to compromise by concentrating on the more traditional monarchies—Iraq, Saudi Arabia and Libya—only further weakened our position with the more progressive regimes. Today, normal relations in the area are limited to Saudi Arabia, Lebanon and Kuwait; while with six countries representing 80% of the total Arab population, we have no official relations at all.

Meanwhile, during the past 22 years, our very "special relationship" with Israel has prospered.

When President Truman in October 1948 said, "We are pledged to a State of Israel large enough, free enough and strong enough to make its people self-supporting and secure," the stage was set for the gradual establishment of an association between the U.S. and another country unique in our history. Today, that association is far closer in all areas—economic assistance, defense, intelligence exchange, common citizenship, and mutual diplomatic support than enjoyed, for example, between the U.S. and Great Britain. Unique also is Israel's almost total immunity from criticism in this country—a situation hardly paralleled by any of our European or Asian allies, many of whose faults and frailties are daily aired in our communications media and by our legislative representatives. Perhaps as James Reston of the New York *Times* suggested a short while ago, ". . . you can put it down as a general rule that any criticism of Israel's policies, will be attacked as anti-Semitism." On the other hand, we have Israel's image presented to use as a small, democratic courageous little country struggling to survive in a sea of uncivilized, blood-thirsty, pro-Communist Arabs, representing—rightly or wrongly—the view of most Americans! A new, very impressive color documentary film on "Israel and the Bible," sponsored by Billy Graham and to be shown in 1200 Christian churches throughout the U.S. each month, will support this image.

In dollars and cents, our assistance to Israel through the years, both governmental and private, has been prodigious. During the twenty-year period between 1948-1968, U.S. Government economic aid totalled $1.1 billion, while dollar transfers from private sources amounted to $2.5 billion, a total of $3.6 billion, or $1400 per capita on a current population of 2.5 million. This greatly exceeds on a per capita basis, our assistance to *any* ally and compares to $35 per capita to the peoples of thirteen neighboring countries. Since 1968, our assistance to Israel has greatly increased. Dollar transfers in 1970 reached $800 million and in 1971, will approximate $1.5 billion including Government assistance more than double per capita that granted our own 50 states under current "Revenue Sharing" proposals.

Until 1967, we assured Israel a continuing supply of modern military equipment indirectly through West Germany and France and thus were able to avoid Arab hostility on this score. However, with the conclusion of German "reparations" and DeGaulle's change in Middle East policy, we have—since 1967—become the exclusive purveyor of arms to Israel. Of greater significance is the fact that qualitatively, we have provided aircraft, missiles, and electronic systems of greater sophistication and greater strike capability than those furnished our NATO and SEATO allies. For example, Greece, Turkey, and Iran—which form the Northern Tier defense line against the Soviet Union—have not yet received our Phantom aircraft. A few months ago, the House of Representatives passed an amendment to the Defense Procurement Bill giving the President "open-ended" authority to transfer military equipment to Israel without total cost limitation. As former House Speaker McCormack remarked, ". . . I have never seen in my 42 years as a member of this body, language of this kind . . ." The Senate on December 15, by a 60 to 20 vote, killed the Williams' Amendment to the Defense Appropriations Bill which would have restricted the President from sending U.S. troops into Israel without Congressional permission. Many who supported similar limitations with regard to Cambodia in the Cooper-Church Amendment, opposed the Israel restriction.

Significant also has been Washington's reaction to the Soviet establishment of an anti-aircraft missile defense system in Egypt begun before and apparently completed after the "cease-fire" arrangements undertaken at Secretary of State Rogers' initiative last summer. Concern has greatly exceeded that generated by reports of offensive ground-to-ground Soviet missiles and a nuclear submarine base in Cuba in defiance of the 1961 Kennedy-Khrushchev understanding.

In the area of nuclear weaponry, the U.S. has also pursued an exceptional position vis-a-vis Israel. During the years when we were pressing over one hundred nations in the world community with whatever diplomatic, economic, and military leverage we might have to sign the Nuclear Non-Proliferation Treaty, Israel alone was exempted from strong representations. (In fact, it appeared that we may even have encouraged Israel to refrain from assuming the obligations set forth in this international undertaking.) The nuclear reactors at Dimona and Nahal Sorek are reported for several years to have been producing plutonium sufficient for ten 25-kiloton bombs a year. The widely-read "Nuclear War and Nuclear Peace" recently published by the former head of Israeli Army Intelligence, General Y. Harakabi, is the current authority on the use of nuclear weapons in the Middle East conflict. In contrast to our intense opposition to France's nuclear development, we have condoned virtually an identical policy now being undertaken by Israel.

In the exchange of intelligence, our cooperation with Israel is unprecedented and goes far beyond the special nuclear arrangements with Great Britain based on the McMahon Act. During the months prior to the June 1967 hostilities, the military intelligence requirements levied by Washington upon our Embassy, CIA and military intelligence staffs in Cairo, were very largely based on Israel's needs. The effectiveness of the Israeli air srtikes on June 5, 1967, was assured in part, at least, by information on Egyptian air fields and aircraft disposition provided through U.S. sources. With respect to political and economic information, it was State Department practice to provide the Israeli Embassy in Washington with summaries of our Middle East Embassy cables considered of interest. An accurate report by Ray Vickers regarding this area of cooperation, appeared in the *Wall Street Journal,* February 12, 1970. When the U.S. Naval Intelligence ship, "Liberty", was attacked by Israeli air and sea units in June 1967 with the loss of 34 dead and 71 injured, the incident resulted in minimum official reaction. It boggles the imagination to speculate as to the reaction were the attackers to have been British or French, much less Egyptian, as initially assumed.

On the question of dual citizenship, Israel also enjoys an exceptional position. Under long-standing citizenship laws, an American voting in the elections or serving in the armed forces or government of any foreign country, has lost his citizenship. By recent Court interpretation, Americans may now serve in Israel in this manner without citizenship loss. Under the Israel Law of Return, an American Jew entering Israel is automatically extended Israeli nationality, and so we have many carrying the passports of both countries.

Since the June 1967 War—and particularly during the past year—U.S. commitments to Israel have been greatly expanded. Prior to 1967, we were committed to Israel's territorial integrity within the 1948 Armistice Lines and to her economic viability. Tangentially, we favored a military balance in the, Middle East. In sponsoring the United Nations November 1967 resolution and in subsequent official statements, we, in effect, opposed Israel's retention of the territories conquered by force the previous June. This fundamental position now seems to have changed radically.

Last summer, in a series of statements emanating from the San Clemente "White House", we would appear to have extended our territorial integrity commitment to include, until a final peace settlement, the occupied territories; to have moved from assuring a military balance, to guaranteeing Israel—as Henry Kissinger put it—". . . military superiority capable of launching a rapid knock-out blow . . ." and, finally, to have supported Israel's continued "racial exclusiveness"—thereby negating our eighteen-year support of the U.N. Palestine Refugee formula of "repatriation or compensation." When asked, during his December 10 Press Conference, whether we still adhered to our position on Israeli withdrawal from the "occupied territories," the President—for the first time—evaded the issue, saying that it was a matter for negotiation.

Finally, the assignment of senior personnel in the State Department to the top positions relating to our Middle East policy, have apparently become subject to prior approval by the American Zionist leadership. As an example in reverse, the firing of our U.N. Ambassador, long-time career diplomat, Charles W. Yost, was demanded by "the pro-Israel lobby" as recently reported by columnists Evans and Novak. Similarly, in the recent past, a career diplomat and thrice Middle East ambassador, was replaced as Middle East Assistant Secretary of State, by a man without service abroad, but sponsored by this leadership.

While only history can provide a total, accurate and balanced explanation of American attachment to Israel, this relationship would appear to have full support of the information media and a two-thirds majority in the Congress. While public opionion polls are inconclusive, recent Gallup and private Congressional soundings indicate far less than majority support for the military implications of our present "open-ended commitment."

Nevertheless, our relationship with Israel has now reached a point where Israel's security and welfare is not only considered vital to our own, but where Congressional reaction to its possible compromise is more intense than would be evident with any of our NATO or SEATO allies. As one State Department wag put it, "Were Israel's survival to be seriously threatened, we would be in World War III in two minutes—with Berlin, it might take several days!"

In retrospect, it is interesting to note that the possible dangers for the Jewish people and for the U.S. in the establishment of Israel, were foreseen not only by several senior U.S. officials and career diplomats, but by a President, as well. In the months before his death, President Franklin Roosevelt in an inter-staff Memo, expressed these doubts: "A Zionist State in Palestine, can only be installed and maintained by force." He questioned whether the U.S. should be involved. Our first Secretary of Defense, James Forrestal, saw our decision to identify ourselves with Israel as "fraught with great danger for the future security of our country," and subsequently resigned from the Truman Cabinet on this issue. Likewise, Dean Acheson in his early public career wrote: "To transform Palestine into a Jewish State will gravely imperil U.S. and Western interests in the Near East." Needless to say, our ambassadors in the area from George Wadsworth and Loy Henderson in the 1940s, to Raymond Hare and Parker Hart in the 1960s, opposed the course being pursued by each successive Administration in our relations with Israel on the one hand, and her Arab neighbors on the other. These voices, however, constituted a small, non-influential minority and had no effect on the U.S. policy.

Thus, as we enter the 1970s, it can be said that Israel has become virtually an integral part of our nation with ties to Washington closer in many respects than those of Alaska and Hawaii. The problem in this relationship is two-fold:—Israel's security and well-being, have been under continual and ever-increasing threat since the 1947–48 hostilities incident to her establishment as an independent state, and we exercise no control over her handling of this threat.

Stripped to its bare essentials, we find today that the displaced Palestinian Arabs have coalesced into ever more intense hostility to Israel and that Israel's Arab neighbors—Egypt, Jordan, Syria and, to a lesser extent, Lebanon—have found a new grievance in the consequences of their military defeat of June 1967. Far from becoming reconciled to the facts of the situation, i.e., the Palestinian Arabs to their exile to make way for a Jewish Palestine and Egypt, Jordan and Syria to the permanent loss of considerable territory—these two forces, now aided and abetted by the Soviet Union, have become more intransigent and could, in time, pose a genuine threat to Israel's future. The danger to Israel and to the U.S. in this situation lies in the unexpected and the unpredictable. Does Russia believe that her penetration of the area would be furthered by an indefinite no-war-no-peace situation, rather than in an end to conflict either through a settlement, or through Israel's disappearance? Is Ben Gurion right when he said recently, "I do not think they (Russians) are interested in destroying Israel because if they do, the Arabs will no longer need them . . ."; or are many American foreign affairs commentators led by Joe Alsop, correct in maintaining that Russia does wish to destroy Israel; and that should this be permitted to occur, it would then gain total military, political, and economic control over the entire Middle East with disastrous consequences to our position world-wide? This assessment tends to support the view of a majority in the Senate, led by Senator Jackson of the State of Washington, that ". . . Israel is serving as the front-line of Western defense in the Middle East . . ." and that accordingly, we should all feel "a sense of personal involvement in the destiny of Israel."

My own personal view is that were the Arab-Israel conflict to end in a negotiated political settlement, a combination of Arab nationalism and long historical, cultural and technological affinity for the West would make pretty short shrift of the Russians in the area. I feel very strongly, therefore, that in order to preserve Israel and at the same time to counter the Soviet position in the Middle East, we should use more effectively and perhaps even extend our "special relationship" with Israel to achieve a settlement.

In my estimation, the only outside security guarantees under which Israel would be willing to entrust her future would have to include a formal bi-lateral treaty with the U.S., ratified by the Senate and providing, as evidence of credibility, an appropriate deterrent U.S. military force in Israel such as we now maintain in West Germany, Berlin, and South Korea. *Such a treaty would become effective upon Israel's renunciation of expansion, withdrawal to her pre-June 1967 frontiers, and agreement to implement outstanding U.N. Resolutions on the Palestine Refugees and the status of Jerusalem*—I believe that Egypt, Jordan, Lebanon and eventually Syria would make their peace with Israel on this basis. The Palestinians could then choose between returning home, or establishing by plebiscite a new state of their own in pre-1967 Jordan plus, perhaps Gaza.

A proposal along these lines was, in fact, suggested in the Senate last August, but was never seriously debated, nor discussed nationally thereafter. It provides, however, the only realistic means of breaking the current impasse in our efforts to promote peace in the Middle East. After all, it is generally agreed that Israel's future depends in the long run, upon her acceptance—like an organ transplant—by the peoples and countries of the area, regardless of our degree of identification and support. To enable her to take the initiatives essential for such acceptance, it seems to me that we should be willing to formalize and to give teeth to our long and close attachment. In its present elusive and open-ended form, we have not only permitted a fog of ambiguity to rule over our commitment, but cannot logically claim any control whatsoever over Israel's action, political or military.

The *National Observer* in a recent lead-editorial, correctly described this situation—that is, exclusive U.S. responsibility for Israel's security without corresponding control of developments—as ". . . the likely setting for the great world crisis of 1971." Continuing, the *Observer* suggests: ". . . It would be tragedy-within-tragedy if America after 25 years of acutely difficult dealings with the Soviet Union, should finally plunge into a nuclear war over actions it is powerless to restrain and issues it is powerless to resolve . . ." We do, after all, now have a totally polarized situation with the U.S. as virtually Israel's only reliable supporter and Israel our only friend in the area—a goal long-sought by the "hard-line" Zionists, both in Israel and here in America.

To summarize—through 50 years of progressive steps uncontested by any significant element in our country, Israel has become, in essence, our 51st State. The danger, as I see it, lies in our Government not having achieved any comparable control over Israel's relations with her neighbors, or—in fact—with the rest of the world. Unless this is rectified very shortly in some way, I greatly fear that we will be drawn militarily and without any Allied support, into assisting Israel to maintain by force a "status Quo" unacceptable to her neighbors or to our NATO allies and the world community at large.

I think that in this situation, the offer of a formal defense guarantee with a small token U.S. force now, if this could break the current impasse and lead to a settlement along the lines supported by the United Nations and currently the subject of the Jarring talks, would be a small price for us to pay to fulfill our obligation to Israel and to prevent a new, more far-reaching and devastating war in the Middle East.

THE UNIVERSITY OF SOUTH CAROLINA BASKETBALL TEAM

Mr. HOLLINGS. Mr. President, the University of South Carolina basketball team and its outstanding coach, Frank McGuire, have just completed the final home game of the 1970–71 basketball season. There are two out-of-State games remaining before the Atlantic Coast Conference tournament in Greensboro, N.C.

I mention this today, Mr. President, because I would like to join with hundreds of thousands of other South Carolinians in paying tribute to this fine group of young men.

The South Carolina basketball team has been ranked in the top 10 nationally all this season. Its members, no doubt, have high hopes of going on to win the ACC championship and eventually the national NCAA tournament. Be that as it may, and regardless of the outcome of the tournaments, this fine basketball team deserves the honors it has and will receive in the future.

I want to pay special tribute at this time to the four seniors who have played their final games at the South Carolina home court. They are the team captain, John Roche, Tom Owens, John Ribock and Dennis Powell.

It is worth noting that John Roche has played 78 games in 3 years at South Carolina, averaging 22.8 points per game, for a total of 1,777 points. He was named All-America his sophomore and junior years—and is a leading candidate again this season. He was Atlantic Coast Conference player of the year 2 straight years and is a potential winner again this year. He was the only such player ever named to receive this honor as a sophomore. The university is extending him the special honor of retiring the number eleven on his jersey. Only one other South Carolina player ever has received this award.

I also want to single out the achievements of Tom Owens. He has played in 77 games and pulled down 1,019 rebounds. He was all-ACC last year and led the conference in rebounding during his sophomore and junior years. He has scored 1,221 points.

Both John Roche and Tom Owens were selected to the conference first team All-ACC Academics last year, and Owens has the best scholastic record of any athlete at the university.

I am very proud of this team, its coach, and its record, as are all South Carolinians. We wish them well and, of course, hope they win the national championship. Just yesterday, the South Carolina House of Representatives adopted a concurrent resolution lauding the team. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A concurrent resolution recognizing the University of South Carolina basketball team for its successful 1970–1971 season and to especially recognize the senior members and coach Frank McGuire and to further recognize captain John Roche for having his number "11" retired and to welcome the relatives of members of the team who are visiting in our capital city.

Whereas, the regular basketball season is fast drawing to a close; and

Whereas, the University of South Carolina basketball team is again enjoying a very successful season; and

Whereas, the performance of the players has brought great recognition to both the University and to the State not only during the current season but for the last several years; and

Whereas, this group of young men has enriched the lives of so many people and created an unprecedented interest in basketball throughout the State; and

Whereas, the brilliant offense and tenacious defense of these "Fighting Gamecocks" have developed into a rallying force for people of all ages; and

Whereas, this scholarly group of young men has given a new sense of pride to an already proud State; and

Whereas, the members of the General Assembly wish to pause and pay homage to a fine group of young Americans and especially the four seniors, Captain John Roche, Tom Owens, John Ribock and Dennis Powell; and

Whereas, the members wish to also extend congratulations to Captain John Roche for the singular honor of having his number, "11", retired from use at the end of the current season; and

Whereas, it is only fitting to observe that these talented youths were recruited and molded into an efficient and highly competitive team by one of the nation's outstanding coaches, Frank McGuire, and his dedicated staff; and

Whereas, at the time this resolution is being offered some relatives of members of the team are visiting in our capital city and the members of the General Assembly wish to extend a most cordial welcome to these distinguished visitors and trust that their stay will be a memorable one. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the members of the General Assembly do hereby acknowledge with deep gratitude and pride the performance this season of the University of South Carolina Basketball Team, especially the seniors, Captain John Roche, Tom Owens, John Ribock and Dennis Powell and the efforts of Coach Frank McGuire and his staff.

Be it further resolved that congratulations are extended to Captain John Roche for the richly deserved honor of having his number, "11", retired at the conclusion of this season.

Be it further resolved that the relatives of members of the team who are visiting us are hereby welcomed to our capital city.

Be it further resolved that a copy of this resolution be forwarded to Captain Tom Roche, Tom Owens, John Ribock and Dennis Powell and to Coach Frank McGuire.

BAN ON MILITARY USES OF FOOD FOR PEACE FUNDS CALLED FOR

Mr. HUMPHREY. Mr. President, we must end the morally corrupt practice of using Food for Peace funds for military purposes. About $108 million was misused in this manner last year alone.

It must stop. Immediately.

Therefore, I am joining my distinguished colleagues, Mr. PROXMIRE, Mr. MANSFIELD, and Mr. MCGOVERN in cosponsoring S. 905 to halt this practice.

Food for Peace funds, which are generated by foreign sales of surplus American agricultural commodities, are to be used for humanitarian purposes—feeding the hungry, improving living conditions, training people to help themselves provide a better life.

The Pentagon apparently has found a loophole in this great idealistic law to sneak through the tools of death and destruction instead of life and hope, as the Congress and the American people have ordered.

And we wonder why America's prestige suffers abroad and our youth at home distrust the Government.

We cannot permit this practice to continue. This was not the intent of Congress when it established Food for Peace. It is not the will of the American people. And the American farmer surely does not produce food so that it may be used to buy guns.

SOUTH CAROLINA REPRESENTATIVE MISS SHERRY SHEALY

Mr. THURMOND. Mr. President, the State legislature in South Carolina is now graced by the youngest and one of the most attractive members in its long and proud history.

Miss Sherry Shealy was elected to the State house of representatives just 8 days after her 21st birthday. She has not yet completed her college education; yet she demonstrated enough initiative, ambition, and personality to convince the voters of Lexington County that she should be their representative in the legislature.

Mr. President, this young lady is an example of what young people can mean to their community and to their country. They do not need to circumvent the Establishment because the Establishment is open to them. Our system is such that persons with merit have an opportunity to advance regardless of their race, sex, or age.

Since her election, Miss Shealy has not allowed other worthwhile pursuits to go wanting. She teaches music to all eight grades in Columbia's St. Joseph School. She continues her own education, carrying 6 hours of courses this semester at the University of South Carolina.

Despite her young age, Miss Shealy is no stranger to the processes of government. Her father, former Representative Ryan Shealy, was also a member of the same legislature.

Mr. President, I am particularly proud of my friend, Miss Sherry Shealy.

I have been pleased to read an excellent feature article about her which was published in the State, Columbia, S.C., on February 7. The article was written by Mrs. Janelle Scott, staff writer for the State. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHERRY SHEALY OUT TO ERASE "LITTLE GIRL" IMAGE

(By Janelle Scott)

Like any other 21-year-old college student, Sherry Shealy likes to have a good time, and in her case, that includes serving as a Republican in the South Carolina Legislature.

Some people have said, "There's that little girl who thinks she's going to have fun in the legislature," says Sherry. "I wouldn't say the legislature is fun, but I am enjoying myself."

At the same time, the youngest member of the legislature is confident she will erase the "little girl" image as she gets into the serious business of lawmaking.

"If I show them I'm serious they'll take me seriously," she says.

Since being elected the first woman representative from Lexington County, eight days after her 21st birthday, Sherry has obviously enjoyed herself. Her new schedule has included an appearance on the "What's My Line?" show in New York, and a date to the Inaugural Ball (escorted by the only bachelor member of the House).

She attends to her new duties and social engagements in between holding down two part time jobs and working on 15 hours of credit at the University of South Carolina.

"I keep saying, 'Next year I'm not going to do as much,' but it never works out that way," says Sherry. "I'm asked to do something and my mind says no, but I end up saying yes."

And that's why one week finds her speaking to a rotary club in Lexington, working on a term paper for a class, attending a session at the Statehouse, speaking to a teachers' group in Columbia, and participating in the March Of Dimes telerama.

Another week, she'll be judging the Miss Newberry pageant, and flying to Washington to participate in a panel discussion.

"I enjoy it all," she says, "I really do."

And all the while she's the "little girl" of the legislature she's "Miss Shealy" to 324 elementary school students in music classes every Monday and Friday.

"I can tell they're sort of excited," Sherry says of her young students. "They tell me when they've seen me on television the night before."

Many of the eight-graders at the private school in Columbia helped their music teacher campaign for office.

Sherry becomes an entertainer on Friday and Saturday nights playing organ for customers at a Columbia's restaurant.

The attention focused on the attractive blonde since her election doesn't seem to bother her. As a former beauty queen, and student leader, she's not unused to the limelight.

"The publicity doesn't phase me one way or another," says Sherry, who has already been photographed many times at the legislature.

She and Rep. Carolyn Frederick of Greenville are the only two women in the House of Representatives, and someone pointed out to Sherry, "If there were 122 lemons and two squash, you'd notice the squash, wouldn't you?"

"I was told I'd be the brunt of jokes and I'm beginning to believe it," Sherry says. "I don't mind the kidding.

"I'm sure it (serving in the legislature) will be exciting. To me, anything that's unpredictable is exciting, and in the legislature, you never know what's going to happen next."

She found that out early in the new session after she introduced a bill to grant voting privileges to 18-year-olds in state elections. The next week, Rep. Troy Hyatt, a Democrat, introduced an identical bill.

"I said, 'Mr. Hyatt, I introduced the exact same bill last week,'" Sherry relates.

"He said, 'I know, but there's one big difference. My bill will be reported out of committee and yours wont.'"

Sherry managed to introduce a third bill, with over 40 other sponsors which she now believes will be the one to come out of committee. But she said the incident taught her, "to watch what you're doing or they take advantage of you if you don't."

Sherry admits she's nervous about speaking on the House floor.

"I made up my mind the first two weeks to sit there and listen and not say anything," she says. "But the first day, Dr. (Carlos) Gibbons of the Education Association asked me to introduce the presidents of the county education associations who were there.

"I was petrified. I practically had to be pushed out of my chair. I had about five words to say and I probably messed up ten times," she recalls.

Sherry says she will be serving on the House Education and Public Works Committee, an assignment she requested because, "As a teacher and a student I feel I have an inside track on education."

The issue of education she refers to as the "most pressing" issue of our time, her main concern being what she believes is the breakdown of discipline in the schools.

"I wish I knew what can be done," she says. "Everytime a teacher shows some backbone, it seems a parent takes him to court."

As for her own education, Sherry majors in journalism at USC. This semester, she will be taking only six hours of courses, one at night, so not to conflict with legislative sessions.

She also will be writing a regular column in The Gamecock, the USC student newspaper, which she describes as "a student's view of the legislature."

Sherry had a first-hand view of state government when her father (former Rep. Ryan Shealy) was in the House. She says now she "seriously doubts" if she would have run for office if her family had not had a political background.

"Someone asked me if I had been disillusioned after seeing the legislature at work, but I wasn't because I had been there enough to know what goes on."

Sherry is confident she will accomplish much in her two years in the House, although she is in a distinct minority, both by her party and her sex.

"If the legislators are going to do something for the people of South Carolina, we need to forget Republican or Democrat, black or white, male or female," she declares.

Will she be going to social affairs during the legislative session given by or for legislators?

"You know, I don't drink," she says, "If it's strictly a cocktail party, there's not much to do. Unless I can talk about a bill. I've heard many bills are passed at those parties."

If a cocktail party is not her scene, Sherry seems to have no trouble finding a good time—whether it's teaching a class of second-graders to sing the Pledge of Allegiance for a school program or recruiting sponsors for her bill on the House floor.

PERU, IND., CIRCUS CITY FESTIVAL

Mr. BAYH. Mr. President, the Hoosier community of Peru, Ind., each year is the scene of one of America's most heartwarming festivals, the Circus City Festival. For several days every summer, the "Circus Capital of the World," as it is known, recreates the days when it was the winter home of major American circuses. The whole community takes part, as more than 15,000 residents help bring to life one of the most interesting heritages of any American city.

The headliners of Peru's annual circus festival are not circus stars known around the world. Rather, they are boys and girls from the community who have been trained by the former greats of the circus world, and who—with help from their parents and other citizens of Peru—put on a show that would make the real circus world proud of them.

This week, at 11 a.m. e.s.t. on Saturday, February 27, NBC television will telecast an hour-long program devoted to Peru's Circus City Festival. Senators, their families, or their constituents who are able to view this program will see an extraordinary story of a unique effort undertaken annually by a small American city in a true community spirit.

In many American communities, the smell of sawdust, the trumpeting of an elephant, the hair-raising excitement of a young lady on a flying trapeze have simply faded into memory. In Peru, Ind., that memory of a colorful, exotic world is kept alive in a way we can all appreciate.

PRESIDENT NIXON AND THE INVASION OF LAOS—STATEMENT BY JOHN GARDNER, CHAIRMAN OF COMMON CAUSE

Mr. HATFIELD. Mr. President, many of us in the Senate have been much impressed with the work of Mr. John W. Gardner and Common Cause. Up to now, Common Cause has restricted its activities mainly to domestic issues, but it now sees that before America can solve its problems here at home, it must first and its involvement in Indochina.

Mr. Gardner recently made a very important statement regarding U.S. activities in Indochina. In order that Senators can have the opportunity to read this fine statement, I ask unanimous consent that Mr. Gardner's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY JOHN GARDNER

The invasion of Laos poses a serious issue between the American people and their President.

In the Gallup Poll released January 31, 1971 seventy three percent of the people favored the proposition that the United States government should "bring all U.S. troops home before the end of this year."

In contrast the President has consistently refused to name *any* terminal date for our disastrous military involvement in Southeast Asia—and he continues to initiate military actions that carry totally unacceptable risks of deeper involvement.

The time has come for the American people to speak again, and for Congress to exercise its responsibilities to conduct hearings, to debate and then legislate.

The invasion of Laos was carried out by South Vietnamese ground troops, but it is in every important respect an American operation. The action required President Nixon's approval. American generals planned and directed the operation. American helicopters flown by American pilots are carrying the South Vietnamese troops into battle. American planes flown by American pilots provides most of the firepower of the invading forces; American manned artillery at the border is poised to fire into Laos.

We can take little comfort from the fact that the President chose to stay within the letter of resolutions passed by Congress keeping American ground combat forces out of Laos. While observing the Congressional restrictions, he has exposed us fully to the dangers that inspired that restriction. The war has now spread to Laos just as surely as it was spread last year to Cambodia.

Of course the Administration says its purpose is to get us out sooner. Every escalation in the past six years has been defended on those grounds. And every escalation has gotten us in deeper and deeper. And the war goes on. And on. And on. Our sons are still being drafted to fight and die in a war which we have said we no longer want to win or even to fight.

Many Americans who are opposed to our involvement in Vietnam and disturbed about the Laotian move do not attack the President publicly because, as they put it, "He *may* succeed. He *might* pull it off."

It is true, he might. But also, he might fail—with all the disastrous risks of deeper involvement. The President is playing Russian roulette. Each military action he takes in Indochina runs the totally unacceptable risk of a wider war. We must tell him to stop this deadly game.

Even if he "succeeds" in his desperate gamble, it seems certain that he will have achieved a short-term military gain at the price of a gravely deteriorating political situation in Southeast Asia. The Cambodian adventure of May 1970 sought just such a short-term military gain, but it also spread the war throughout Cambodia and deepened our political involvement in Southeast Asia. We risk becoming as deeply enmeshed in the security of Laos and Cambodia as we are presently enmeshed in Vietnam.

North Vietnamese—or even Soviet or Red Chinese—countermoves to the Laotian invasion could easily lead to massive further escalation by the United States. The President has said that he wishes to avoid this, but the continuing drive for military advantage has in the past consistently led to more and more escalation. The time bought by the invasion of Cambodia has, even by the Pentagon's admission, run out. The invasion of Laos, even if successful, will buy perhaps another six months. What then? A year from now these troops will be out but a substantial number of American troops will still be in Vietnam. What if Hanoi is then massing in Cambodian sanctuaries, pouring troops down the Ho Chi Minh trail, or threatening to overrun Laos or Cambodia? The President has said explicitly that he places no limits on his use of conventional air power in Indo-China. He has warned Hanoi that he will react and he has told the American people that he means his threats and that his escalation will be decisive. Neither he nor any of us can know what that might lead to in the way of igniting a larger conflagration, or what it might mean in terms of confrontation with the Soviet Union and Red China.

The President has not only *not* set a date for complete termination of our involvement, he has never said flatly and explicitly that he *ever* intends that all American military forces be withdrawn from Vietnam. If he were to continue withdrawal at the present rate, there would still be American troops in Vietnam as late as 1973. But he has never promised complete withdrawal. Rather he has promised *reductions* only as fast as the South Vietnamese can take up the slack. He has said that American forces will remain as long as North Vietnamese forces are in South Vietnam, Laos or Cambodia. That could be forever.

Secretary Laird has said that a residual force will remain in Vietnam indefinitely. Will this force (perhaps 50,000, perhaps 200,000—we haven't been told) provide combat support of the kind now being provided in Laos? Will our men serve as advisers to accompany South Vietnamese troops into battle? Will our pilots be dropping bombs over Indochina? If so, the war will go on, Americans and Asians will continue to die, and Americans will remain in Hanoi's prisons.

So the issue is drawn. Seventy three percent of the American people want *all* U.S. troops out by the end of this year. The American people want this endless war to *end*. They want all the soldiers home. They want the prisoners released.

But the President does not seem to be listening. There is every indication that he has consistently underestimated the depth and intensity of anti-war sentiment in this country. He is dealing with what he believes to be the hard realities of Southeast Asia, but he remains out of touch with the hard and dangerous realities of America. We are a divided nation. The President must weigh in deadly seriousness any and every move that deepens that division, heightens mistrust, and creates bitterness among large segments of our people.

In 1965, the State Department asserted that the legal basis for the Administration's continued involvement in Southeast Asia was the Tonkin Gulf resolution passed by Congress. On December 31, 1970 Congress voted overwhelmingly to *repeal* the Tonkin Gulf resolution. Yet the War goes on.

The United States Constitution asserts that the power to determine when and where we go to war rests with Congress, not the President. Recent Presidents have viewed that assertion lightly. We should guide ourselves again by the wisdom of the Constitution.

Congress must reassert its role. It must legislate an end to the war. It must enact into legislation the desire of the American people for a complete withdrawal from Indochina and it must fix a date by which that process must be completed. Only this step can end American involvement in the war, free our prisoners, and permit the Vietnamese to determine their own future.

In a meeting on February 22, the Democratic Policy Committee of the Senate resolved to work "to end the involvement in Indochina and to bring about the withdrawal of all United States forces and the release of all prisoners in a time certain." The most unambiguous phrase in that statement is "all U.S. forces." That would mean, presumably, *no* American military personnel in Vietnam, Laos or Cambodia—not on the ground and not hovering above the ground, not in uniform and not in civilian clothes, not as combat troops, not as advisers, not as "military equipment delivery teams"; and no American airplanes flying over Indochina dropping bombs.

There is a proposed bill before the Congress that reflects the wish of the American people to end the war this year. It is the Vietnam Disengagement Act of 1971. It calls for disengagement by December 31, 1971. Other ways of legislating an end to the war may develop in the course of Congressional consideration.

It is time for the American people to make clear to their leaders that they want the Congress to act. Starting now.

IS THE MEDITERRANEAN DYING?

Mr. HUMPHREY. Mr. President, that is the question the New York Times asked on January 21, 1971. I have read the Times article and have been shocked by the degree of pollution in this relatively small and tideless body of water.

The effluent of highly populated and industrialized nations on the shores of the Mediterranean is gradually but surely killing the ability of this beautiful body of water to support life.

Beaches are befouled, trees and greenery are suffocated and seared, rivers are completely polluted, marine life is being killed off, and the delicate food chain in the sea is being seriously threatened.

When one couples this pollution by city and industry to the damages to the eastern Mediterranean from changes in Nile flow caused by the Aswan Dam, there is cause for considerable alarm.

All this pollution of one of the world's true beauty spots is bad enough. However, what really shocks is the complete lack of any widespread recognition of how serious the problem really is. Some area experts have said it is already "too late" to do anything about it—that the Mediterranean will soon resemble our own Lake Erie.

Mr. President, I think every Senator should read this article. The United States has a responsibility to help to preserve this international body of water. We also have a responsibility to learn from what is happening and to plan and build with regard not only for our immediate economic expansion and a higher standard of living—we must plan and build to protect our environment as well as to make it more comfortable for us to live in. It will be far cheaper to build in environmental protections as we grow, than to face the monumentally expensive task of cleaning up our environment before it literally wipes us out.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Jan. 21, 1971]

IS THE MEDITERRANEAN DYING?

(By John Cornwell)

ROME.—If some of Italy's most prominent scientists are correct, the death of the Mediterranean is imminent. While the United States and Britain are getting used to the idea that pollution can be overcome, Italy—the country with what may be the worst problem in the world—has not begun to think in terms of solution at all; it has barely recognized that a problem exists.

After a summer of pollution scares and the worst tourist season in a decade, a group of Italian and American scientists met in Turin in September to discuss Italy's crisis. Among them were two of the country's leading experts on water—Dr. Carlo Mortarino, a professor of hydraulics at Turin University, and Dr. Robert Passino, the director of the National Research Center in Rome. Their findings, which will be published early this year, were gloomy indeed.

One conference official, talking later in the Academy of Sciences in Turin, shrugged and smiled congenially, the way many Italians do when they bring bad news. "The

Mediterranean," he almost apologized, "flows out into the Atlantic. Apart from an insignificant and very superficial warm-water current, the flow at the Strait of Gibraltar is one way—outward. The Mediterranean is fed by the great rivers of the Continent, and all these rivers—particularly the Italian ones—are polluted. This is the significant fact to grasp. We shouldn't be surprised if some great ecological change were to take place within the next two years."

I went first to talk with Professor Mortarino at the Politecnico, built out of the vast Fiat fortunes. A quiet man in his middle 60's, Mortarino was an unlikely alarmist or "doomsday" fanatic.

"Our coastal waters are already dead as a source of food and as an amenity," he said. "Nobody with any sense would eat shellfish in Italy, and 70 per cent of our beaches are a health hazard. It is not a question of when the sea will be dead; for the Italian it has already happened. In other countries bordering the Mediterranean it is only a matter of time."

Why was it that more had not been published about this—or *done* about it?

"People are silenced," he said. "The young Mayor of Genoa ordered people off the beaches this summer, but he was sacked by vested interests. They charged him with incompetence. Within seven days everybody was bathing again. The Italian Riviera is one of the worst spots; there are 67 open sewers flowing across the beaches between Genoa and Nervi alone, and the rivers all carry highly toxic industrial waste.

"But it's the same all over Italy. We have never invested in purifying plants, and we are beyond the point where we can afford it. To bring our water-cleansing systems in line with even the British standards—and they're not perfect—would cost us an estimated $20-billion, and we don't have the money."

Couldn't industry be required to foot the bill?

Professor Mortarino sighed. "Italy," he said, "has always had special problems in its relations between Government and industry. After the war we opened up the country to the rest of the world and gave them carte blanche to get the money flowing again. Many of the industries here, particularly those with petrochemical interests, are foreign-owned; it makes us particularly vulnerable.

"Italy refines almost twice as much oil as it consumers, and it does so dirtily, although admittedly cheaply, in or near the sea. We have been refining for other countries—Britain, France, Germany, Holland, the United States—and storing up a great pollution disaster for ourselves. We've allowed ourselves to be treated like the worst kind of exploited colony.

"Water is obviously the most serious factor, but there are others. We have no effective clean-air laws or smokeless zones. Our domestic central-heating plants are outdated and dirty; in the North, where it gets very cold in the winter, we burn an excess of fuel because our houses are badly constructed. Add to this the fact that the average Italian worker makes two journeys to and from work each day in his car, and you can understand why the smogs in Turin and Milan are as bad as those in Tokyo. In spite of the fact that we have huge hydroelectric resources, which run our railways and most of our public transport systems, we consume as much oil per capita as they do in Britain.

"But what is worrying us most of all is the threat to the life of the ocean. The deep-sea life depends a great deal on the health of coastal waters, especially in a relatively small, tideless ocean like the Mediterranean. The condition of the algae, for example, is essential to the food chains in the ocean. The balance is very delicate, and we have good reason to believe that it is being disturbed.

"Throughout the rest of the world they are concerned about the Pacific and the Atlantic—Thor Heyerdahl reported on his expedition that the Atlantic was polluted even in the remotest parts. Nobody seems to realize that the Mediterranean is a microcosm of the other oceans—that its clean waters are constantly flowing out and being replaced by poison. Things will happen much faster and more irreversibly here.

"As for the condition of our domestic water supply, already typhus is endemic in Italy; we simply hide it with massive antidotes. Italy consumes more medicines for these kinds of diseases than any other country in the world. But antidotes are not an intelligent long-term solution. Furthermore, we can expect a huge sea life mortality in the near future, which will almost certainly be a source of plagues and diseases that could affect the whole of Europe."

I set off on a tour of Italy to see the worst pollution spots for myself and to visit the experts. My first stop was on the River Polcevera above Genoa, the scene of a great flood disaster in October. As far as the eye could see there were oil tanks and the complicated apparatus of oil refineries. The waters of the river were brilliant with the tell-tale rainbows of oil, and every hundred yards or so an open sewer added other effluents. At this point in the industrial suburbs, the Polcevera was totally polluted; it had yet to pass through the city, where more waste would be added, before spilling into the Gulf of Genoa and spreading along the Riviera.

A man drowned in the October disaster was washed up at Nice the day after the flood—which, I was told, perfectly illustrated the way in which the coastal waters hug the shore for great distances and move at high speeds. What goes into the sea at Genoa is spread out along the Riviera di Ponente and the Riviera di Levante.

A week before my visit, Dr. Remo Terrannova, a professor of geology at the University of Genoa, had said that one of the major reasons for the flood in the fall had been the silting up of the river beds and culverts with industrial waste. As yet there were no facilities or plans to dredge the Polcevera or the other great rivers of the area, the Bisagno and the Varenna.

I moved on to Viareggio, where there had been reports of a strange catastrophe. To one who enters this seaside resort at its northern end, the disaster is immediately apparent. Thousands of pine trees and evergreens lining the roadside, most of them set back 200 or 300 yards from the sea-front lidos, were dead, their branches naked, their bark stripped and gray. In places where the disaster was still in progress the sides of the trees facing the sea were dead while those toward shore were still luxuriant. The picture was the same for about 15 miles. At Versilia, which once boasted the tallest and most splendid trees in Italy, the dead trees were falling against each other in their thousands.

Stopping the car and getting out to examine the dead trees, I was conscious of an overpowering stench coming in on the sea breeze; one might have been in the center of an industrial zone rather than one of Italy's most famous resorts. I spoke to the keeper of a beach-front lido who sat disconsolately at one of her own coffee tables. "It started in a small way a few years ago," she said. "Everybody said that it was due to irrigation problems. But as you can see—and smell—it comes from the sea. This whole resort is ruined."

In Rome I went to the National Research Center to question experts on the Viareggio phenomenon. I spoke to a scientist who works under Professor Passino, the director. The story was an eerie one: "The pine trees are dying because they are suffocating from a coating of hydrocarbons and chemical detergents which are carried into the sea by the rivers bringing waste from inland chemical plants. The humid westerly wind blows in the surface chemicals from the ocean like an aerosol. The pine needles are suffocated, coated in a greasy layer, almost totally disturbing the function of photosynthesis, slowly but inevitably killing off the trees through asphyxiation."

Professor Passino, who has spent five years studying the problem of water pollution in Italy, had some harsh warnings: "Typhus is endemic here, and hepatitis will become so. I would say that it would be very easy to catch these diseases in Italy from a whole variety of causes arising from the poor hygiene situation in our country at present, and you don't have to bathe in a polluted stretch of water to contract them. The problem of urban sewage and industrial waste needs a radical and urgent solution.

"My other concern is the point at which the Mediterranean will become polluted beyond the limits of safety. The situation is grave because of the chemicals thrown in the sea—chemicals which contain a high percentage of substances which cannot be broken down biologically and which collect in a thin layer on the surface of the sea. Absorbed in the body, these substances accumulate in the fats; they cannot be eliminated, and they are definitely the cause of damage which is difficult to describe. The same goes for insecticides.

"Twenty years ago, when we were at the outset of our great industrial expansion, it might have been relatively simple to avoid this disaster in our environment. If each new industry had been obliged to install purifying plants this would have raised their costs by only 2 per cent, perhaps; the products would have been only fractionally more expensive. A modern purifying plant, even in a great city, would not have cost more than $2 a head in one year. We should have had the sort of foresight they had in Britain. Now, of course, it is all too difficult and too late."

When I asked about the process by which Rome disposed of its waste, I was directed to a wide expanse of derelict land about nine miles down the Via del Mare, the road from Rome to Ostia that borders on the Tiber.

Traveling past hundreds of acres of car cemeteries, I reached an extraordinary wilderness. Holes had been dug 80 feet in the earth; here was Rome's disposal plant. "It's a national scandal," said a sanitary engineer on the site. "We have an incinerator—it was paid for by the Americans—but they don't used it." He shrugged his shoulders and gave a facetious grin. "Incinerators, you see, are Fascist! So all our waste, including meat carcasses and every kind of toxic garbage, is dumped in the holes. Naturally, whenever the Tiber overflows it gets into everything. I suppose we're one shade better than Sicily—they take all their stuff out in boats every day and tip it overboard, and it gets washed up on the shore the next day."

I went on to the Gulf of Gaeta, the holiday playground for Rome and Naples, about one and a half hours from both cities on the fast Autostrada. The Gulf, I had been told, might be a pollution test case in the near future. Apart from the hundreds of open sewers crossing the beaches, there is the fast-flowing River Garigliano, which plays an important part in the disposal of waste from a state-owned nuclear power station three miles inland.

I had been told by the National Research Center that the radioactivity level of the waters along the coast was negligible and carefully monitored. But nobody was sure about the long-term effects of heating the sea water in a gulf in which it changes slowly. There had been rumors of immediate and sinister effects from the Garigliano last summer. Local doctors in Baia Domizia, Scauri, Minturno and Formia said hundreds of vacationers had come to them with strange rashes after bathing along the coast.

"These were not simple allergies," said a doctor in Scauri. "As far as we were concerned the rashes were radioactive. All sorts of things have been going on here which the public is not told about. There was a leak at the power station earlier this year, and there was chaos there during a walkout. But we're told to keep quiet so as not to cause a panic. The Mayor of Minturno and Scauri issued a statement that he would not be responsible for people bathing in the sea—that was a polite way of saying that people had better watch out. You can't take strong action over these things; local officials are extremely sensitive about being labeled Fascist, and the Mayor at Genoa had already been sacked for sticking his neck out and telling the truth about the state of the water up there. Anyway, the Mayor here was laughed to scorn by everybody—quite naturally, I suppose. They rely on the summer months to earn their living from the tourist industry. There's nothing else here."

North of the Garigliano, near the final promontory of the gulf, is the site of the much-disputed Campo Boe, the oil refinery J. Paul Getty started building in the sea. The towns of Formia and Gaeta have been fighting the project for two years. Local residents have successfully impeded the work by a series of general strikes, and last year even mothers and children sat on the tracks to prevent the delivery of materials by rail. The demonstration was broken up by a police baton charge. Getty has been forced to sell his plant to an Italian group, but its future is still uncertain.

A local official explained why the people were so determined over this case. "Campo Boe will destroy the whole of this gulf. Even without the oil refinery, the pollution is bad enough along the coast, but once it gets started the beaches will go completely black. Furthermore, everybody knows that the plant should be built up near Civitavecchia, where the industry is. As you can see, there's no industry here. But the refinery has been sanctioned by the Government because most of their damned officials have summer residences just south of Rome, where the plant should by all rights be situated. Instead of that they build it here in the gulf, even though the transportation of the oil north will be an additional expenditure. Getty said he would bring work to the gulf, but once the plant gets started, there will only be 200 technicians working out there, and they're bound to be outsiders."

Formia and Gaeta are typical of the many areas in Italy in which the conflict between polluting industries and tourism has brought the crisis to a head. The fact that many of the plants are foreign-owned and bring their technicians in from outside, lending little or nothing (except pollution) to the local communities, is a central issue.

Driving north along the Adriatic coast through Pescara, Ancona, Pesaro, one saw the same gloomy picture in city after city: petrochemical industries, both Italian and foreign-owned, in or close to the sea. Rimini alone seemed untouched, and unlike the majority of Italian cities it boasts its own water-purifying plant. But I was told that there were fears that polluters in the Ravenna area would affect the whole coast. Ravenna, about 32 miles north of Rimini, has a combination of industries on the coast and further inland on its rivers that has transformed it into a vast nightmare landscape and seascape. Sea gas stations stand close to an oil-refining complex in the sea, and the industrial port area sprawls over about 50 square miles, with the waste products of petrochemical plants spilling into waters which once provided the finest fishing in Italy. Hotels and pensiones built for holiday makers now house migrant workers. Here, too, the pine trees are dying; the blame is put on the poisonous pall of smoke which covers the area day and night.

But the special cause for concern in this part of Italy is said to be the long-term effects on the Adriatic, a narrow, trapped sea. Italian scientists are closely watching the northern stretch of the Adriatic, which is relatively shallow and contains no deep basins. Here many of the great polluted rivers of Italy, including the Po (which has traveled all the way from Turin), spill into the sea, and further north is Venice, one of the blackest spots on the Italian pollution map. The problems of Venice have been much publicized for some years, but the knowledge that the whole city is sinking has often eclipsed the news of other problems which directly stem from pollution. Not only do the polluted waters of the canals aid the sinking process by silting up the canal beds and destroying the foundations of the buildings, but the air of Venice is so contaminated from industries on the mainland that facades and statues are decaying into a brittle, chalk-like substance, and men are employed to climb daily across buildings and break off the dangerous stonemasonry.

The return trip to Turin through Milan and the Lombardy area offered an opportunity to see the condition of Italy's inland waters. As far as 20 miles south of Milan the irrigation ditches were thick with sewage, oil and detergents. Water from the Alpine areas is plentiful, but once it has passed through the heavily industrialized and populated conurbation of Milan it poisons every river, stream and ditch in the plains to the south. Farmers I spoke to said they were in a state of despair about the water flowing through their land; all they could hope to do was dredge out the rubbish which threatened to stem the flow of black slime. Practically every river south of Milan carried the foam of detergents, which in places rose five and six feet above the water.

Prof. Gianfranco Ricci, the acknowledged expert on Lombardy's water supply, had severe warnings: "You can now find drinking water polluted by detergents at a depth of more than 200 feet. We are finding that these detergents are seeping through the soil and poisoning the deep layers where the principal springs for our drinking water are found. In other countries there have been special laws protecting drinking water, laws which go back for years and years. We are the last to get round to even thinking about it."

Even some of the most famous springs in Italy, the professor added, springs that provided the much-vaunted bottled mineral water for children and invalids, were now a health hazard. "We are just beginning to learn the full scope of the disaster."

Finally, in Milan Roberto Javicolo, one of Italy's most prominent medical and scientific correspondents, summed up the situation: "There is nothing new in saying that we are the most polluted country in Europe. What is new is the realization of the full extent of the problem. We are reaching the saturation point. Today in many coastal areas the saturation point has been reached and exceeded. The amount of waste that is dumped daily in the sea is such that natural defenses—the self-cleansing properties of the ocean—are within months of being in serious danger. The state of our coasts at present is that 70.2 per cent are dangerously polluted, and 15.2 per cent are *totally* poisoned. The only places which seem to be as yet unaffected are Southern Sicily, Sardinia (excluding Cagliari and Iglesias) and Rimini."

Having completed just a short tour, I was convinced that Italy's pollution problem was unparalleled in Europe. Many areas were unlike anything I had ever seen before except in the industrial regions around the Great Lakes in North America. However, with almost all pollution stories nowadays one must allow for the element of overstatement which results from a laudable motive to get things done, not to mention the less laudable motive of sensationalism. In the absence of exact figures and accurate data, the views I had heard left me with a sense of circumspection about the pessimistic forecasts for the entire ocean. (Nonetheless, it would be interesting to see who in Italy would be prepared to pay for the sort of extensive research that would be necessary to make an accurate forecast.) But when I checked Professor Mortarino's claim about the extent of Italy's refining activities with a London petroleum consultant, I found his figures considerably enhanced. In 1969 Italy refined its own consumption of oil, and only a third of the equivalent of its own consumption for other countries. I was also conscious that the experts tended to stress detergents or oil with a partiality that would give rise to suspicions; while the National Research Center men talked of detergents affecting the pines at Viareggio, for example, Mortarino insisted that the culprit was petroleum. Clearly the scientists' utterances were part of an ill-coordinated, if justified, campaign, consonant with the witch hunts being conducted all over the world to name the polluters.

Yet nothing could have been more instrumental in winning me over to the side of the frightened scientists than the optimistic disclaimer issued by Italy's Ministry of Tourism. After the torrent of pleas from universities, departments of health and the mass media last summer and autumn, the Ministry was moved to make the following statement:

"The dangers of pollution do not affect the beaches, and we need only be concerned in isolated cases. Last year [1969] everything went off all right, there were no surprises; the medical picture showed no cause for alarm. We can't believe the situation has changed in one year. It does not mean that there is no pollution. Pollution exists all over the world, even in the middle of the Atlantic, where Thor Heyerdahl's expedition in a boat of papyrus discovered immense lumps of oil on the surface. It means only that its widespread; to sow the seeds of panic is useless. The Minister makes clear the position in this way to bring back the problem to its proper perspective."

With Italian scientists proclaiming, "We are heading for biological suicide," and industrialists and Government officials mildly asking what all the fuss is about, it is going to prove difficult for the Italians to get their pollution problem into perspective. And there will be strong pressure from abroad for them to do so.

As I completed my tour, a group of 415 scientists ended a 10-day international conference on marine pollution. The meeting, in Rome, was sponsored by the United Nations Food and Agriculture Organization. Its participants called on governments to unite to save the seas, recommending a world monitoring system which would reveal where pollutants were entering the seas and the amounts of the increase.

"The proper perspective," said Professor Mortarino when I returned to Turin, "will never be gained until the industrialists do some soul-searching. Why should the universities be expected to provide the burden of proof to the industries who create the problem? We're tired of them coming to us and asking, 'When will we reach the danger point? Give us exact figures.' The question shouldn't be, 'How far can we pollute the environment?' but rather 'Should we pollute the environment in the first place?' But in the present climate of materialism in Italy, this perspective has no meaning. People in Italy have not been educated during this century to reverence their natural inheritance. But that is where perspective and the solution begin; and I'm afraid it's too late to repair that damage. People were shocked at the death of the Great Lakes in America; they never thought it would be possible. What interests me now is whether the rest of the world will learn from what is likely to happen right here."

A CENTRAL PROBLEM OF GOVERNMENT TODAY

Mr. HART. Mr. President, it was with admiration and a sense of frustration that I read James Reston's column in the New York Times of February 14. His message I found to be a quite preceptive commentary on some of today's problems, and I would therefore like to bring it to the Senate's attention at this time.

In the column, Mr. Reston ably argues that a central problem of government today is to bring the "fundamental issues" of control of population, control of technology, and control of arms into the forefront of its concerns. He goes on to say:

> It is hard to find a serious, thoughtful man in any major capital of the world who will challenge this thesis, or find one who knows how to resolve the dilemma. They are all caught in their local, regional or national political problems, and most of them admit that even if they solved all the problems at home they would still be baffled by the worldwide problems of controlling population, military arms and machines. Still, there must be some way, if not to solve at least to keep the great questions of the world before the people—the world of the future rather than the world of the past or the present. . . .

I share Mr. Reston's concern that we have not always kept these fundamental issues where they belonged, and I hope that as this Congress proceeds with its business, we will try harder to consider the impact of proposals on these three issues. So far, I am afraid, discussion of them has been largely obscured by what Mr. Reston calls "the immediate questions and personalities." While these latter questions are certainly demanding of our utmost attention, it would seem that we may ultimately deal with them more effectively if we are able consistently to keep in mind the more fundamental issues as well.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIMARY AND SECONDARY QUESTIONS

(By James Reston)

The three great problems in the world today are how to bring population, military arms and machines under control. How to keep the fundamental issues in the front of our minds, this is what we'd like to know.

They are not there now. They are the most practical and elemental questions, fundamental to the future of the United States, facing economic and racial dilemmas of almost revolutionary magnitude; fundamental to the Soviet Union, facing China with nuclear weapons and almost a billion people; fundamental to Latin America and the Indian subcontinent, where the fertility of the human body is outrunning the fertility of the land; fundamental to the old nations of Europe, caught between the nuclear giants.

But these problems of population, weapons and machines, while common to most nations, remain abstractions. Everybody writes about them but governments don't act on them. All governments know in a vague way that they cannot find the jobs, houses, schools, teachers, etc., to deal with the spectacular increase in population and pollution. They know that the growth of science and technology makes possible a decent level of economic and educational life, but not if the national states go on spending over $200 billion a year on arms, and not if they allow their machines and industries to pollute the earth, the waters and the air.

Still, all the nations are trapped in their own narrow problems, divided by their conflicts with one another, preoccupied with local issues and personalities and conflicts. The things that unite them—the menace of uncontrolled population, weapons and machines—are overwhelmed by the immediate things that divide them: cutting the Ho Chi Minh trail, arguing about what comes first in the Middle East, principle or territory; fussing over what Britain should pay to get into the unification of Europe; how Nixon is doing, and Heath, and who's ahead in Moscow before next month's Communist Party Congress.

Looked at in the larger perspective of the well-being of the people and some kind of sensible order in the world over the next generation, most of today's front-page news about Nixon's strategy in Indochina or Ed Muskie's Presidential ambitions, or revenue sharing or cutting down the departments in Washington, or reorganizing welfare in the United States or getting a new wage-and-price policy in Britain seems almost trivial.

Without control of population, no amount of fiddling with the budget or the interest rates, or revenue sharing, or departmental reorganization in Washington is going to solve the problem of too many people and too little money.

Without control of military arms, neither Washington nor Moscow is going to have enough cash, even if they have enough imagination and goodwill, to deal with the social and economic problems of their societies.

Without control of their machines and their factories, the industrial societies are not going to produce a decent environment for their people, or deal with the human misery of the poor nations, which still make up more than half the human race.

It is hard to find a serious, thoughtful man in any major capital of the world who will challenge this thesis, or find one who knows how to resolve the dilemma. They are all caught in their local, regional or national political problems, and most of them admit that even if they solved all the problems at home they would still be baffled by the worldwide problems of controlling population, military arms and machines.

Still, there must be some way, if not to solve, at least to keep the great questions of the world before the people—the world of the future rather than the world of the past or the present. The immediate questions and personalities—Indochina, the Middle East, Nixon, Muskie, Thieu, Ky, President Sadat, Prime Minister Golda Meir, Heath, Pompidou, Brandt, Mao Tse-tung and all the rest—are important but not decisive in the larger issues of how to control population, arms and machines.

At least on the side, these issues have to take a larger part in the debate about the future. They are too serious to be left to national politics and national journalism. They have to be defined and dramatized on the scale of the world, and this was what the United Nations here in New York was supposed to do.

It cannot resolve the political conflicts of the nuclear powers in Southeast Asia or Berlin or the Middle East, but it still has the power to keep the decisive questions in the forefront of the world debate, and this it has failed to do.

Not because the people are not willing to listen. In every country today there is a thoughtful and influential remnant of the people who understand and sympathize with the problems of their political leaders but who feel that the major problems are beyond their control and want to get down to the larger realities.

Here the United Nations, now going into a new phase, may be able to help. It has failed as a mediator because it never really had a chance in the face of the big-power veto but it can still be an educator on the great questions of the future, and this is what is badly needed in the United States and all over the world.

MISSOURI A LEADER IN COMMUNITY BETTERMENT

Mr. SYMINGTON. Mr. President, in 1912 a renowned civic leader in St. Louis made the comment that if one member of a community would apply soap and water, paint and brush, and hammer and nails to any one piece of property, his neighbors would be inspired to do the same.

It was with this spirit that the late Allen B. Clark founded the National Clean Up Campaign Bureau, and it was not long before Missouri citizens and the Nation took Mr. Clark's philosophy to heart.

This week, the seventh National Clean-Up Conference is being held in Washington at which many hundreds of citizens are being honored for their efforts to better the towns and cities, large and small, in which they live. Seventy-two Missouri communities received recognition—the second largest number of entries in the Nation this year, and the highest number of entries last year.

A major contributor to Missouri's success in the national campaign is the Missouri community betterment program, under the direction of Everett Lee, Missouri Division of Commerce and Industrial Development.

Legislation for this program was passed in 1964 and since that time has had a dynamic effect throughout our State.

Aimed largely at property improvement, the program offers guidelines to coordinate efforts by all segments of community society for needed improvements in education, transportation, utilities, community services, and community planning.

The city of Fulton, Mo., is a typical example of participation in the community betterment program.

Tom Morton, a young student at Westminster College in Fulton, is chairman of the Fulton steering committee which submitted to the national conference reports on four community achievement projects.

Among them was a survey conducted to determine the number of occupational skills that were potentially available in Callaway County to further new or expanding industry in the surrounding area.

In the interest of beautification, various cleanup campaigns were held throughout the year, including trash pickups and a "weed-up" campaign, in which many college students are active participants.

In addition, a sidewalk art bazaar was sponsored by the local art league, and an old-fashion ice cream social was organized in an effort to encourage wide community participation in all local activities.

The Missouri Community Betterment Program has demonstrated that broad involvement and dedicated leadership are key factors in determining the success of rural or urban development projects. Henry Maddox, director of the Missouri division of commerce and industrial development, estimates that at least 18 representatives of other States have come to study our program.

Such a fine contribution to the State—as well as to the Nation—indeed deserves individual recognition and praise. To that end I ask unanimous consent that the list of Missouri communities honored in Washington this week, the awards they are receiving, and their representatives be printed in the Record:

There being no objection, the items were ordered to be printed in the Record, as follows:

THE 72 MISSOURI WINNERS—1971 NATIONAL CLEAN UP CONTEST

CITY, AWARD, AND CHAIRMAN

District 1

St. Louis; trophy; Mr. Bernard Beauchamp, 115 N. Union, St. Louis, Missouri 63105.

District 3

St. Louis; trophy; Mr. Bernard Beauchamp, 115 N. Union, St. Louis, Missouri 63105.

District 4

Alma; distinguished achievement; Mr. Albert Schuette, Alma, Missouri 64001.

Blackburn; honorable mention; Mrs. Shirley Pemberton, Blackburn, Mo. 65321.

Bronaugh; distinguished achievement; Mrs. Earl Lee Shearburn, Bronaugh 64728.

Butler; distinguished achievement; Mr. Wayne Conaway, 2 West Mill Street, Butler, Missouri 64730.

Concordia; honorable mention; The Reverend Woodrow W. Kurth, Box 159, Concordia, Missouri 64020.

Corder; honorable mention; Mrs. Ruth Tracy, Box 187, Corder 64021.

Golden City; distinguished achievement; Mr. Lowell Pugh, Box 145, Golden City, Missouri 64748.

Harrisonville; honorable mention; Mr. John M. Foster, 702 Thunderbird, Harrisonville, Missouri 64701.

Lee's Summit; honorable mention; Mrs. Dougan Jones, 321 Ridgeview, Lee's Summit, Missouri 64063.

Lincoln; distinguished achievement; The Reverend R. Nothwehr, Box 274, Lincoln, Missouri 65338.

Lowry City; trophy; Mrs. Lucille Zahner, Lowry City 64763.

Montrose; honorable mention; Mr. Charles Tenholder, Montrose 64770.

Nevada; honorable mention; Mrs. Roy L. Hill, 503 West Cherry, Nevada, Missouri 64772.

Raymore; distinguished achievement; Mrs. Charlene Hubach, Box 83, Raymore, Missouri 64083.

Raytown; honorable mention; Mr. Wayne Brower, 7300 Raytown Road, Raytown, Missouri 64133.

Rich Hill; distinguished achievement; Mr. Cecil Heckadon, 520 Cedar, Rich Hill, Missouri 64779.

Slater; honorable mention; Mrs. Ruth Giger, Slater, Mo. 65349.

Sweet Springs; honorable mention; Mr. Carl Halter, Sweet Springs, Mo. 65351.

Urich; honorable mention; Mr. John Robinson, Urich, Mo. 64788.

Windsor; distinguished achievement; Mr. David Warner, Windsor, Mo. 65360.

District 5

Kansas City; honorable mention; Mr. E. Bertram Berkley, 920 Main Street, Kansas City, Missouri 64105

District 6

Albany; distinguished achievement; Mrs. Richard Barrett, 205 W. Clay, Albany, Missouri 64402.

Barnard; honorable mention; Mrs. Glen Baker, 205 McKenzie, Barnard, Missouri 64423.

Bethany; distinguished achievement; Mr. Terry R. Collins, 101 North 5th, Bethany, Missouri 64424.

Brunswick; distinguished achievement; Mr. Victor Dankert, 109 E. Broadway, Brunswick, Missouri 65236.

Dearborn; honorable mention; Mrs. Rebecca Jane Jackson, Dearborn 64439.

Fairfax; distinguish achievement; Mr. James Harbin, Fairfax, Mo. 64446.

Graham; honorable mention; Mr. Joe Vogel, Graham, Mo. 64455.

King City; honorable mention; Mrs. Laverne Thompson, King City 64463.

Maitland; distinguished achievement; Mr. Max Summers, Maple Avenue, Maitland, Mo. 64466.

Maryville; distinguished achievement; Mr. Bryan Alexander, 331 North Avenue, Maryville, Missouri 64468.

Mound City; distinguished achievement; Mrs. Esther R. Field, Box 140, Mound City, Missouri 64470.

Richmond; distinguished achievement; Mrs. Charles Armour, Richmond, Mo. 64085.

Salisbury; honorable mention; The Reverend Richard Clifford, Salisbury, Missouri 65281.

Stanberry; honorable mention; Mr. Wayman Roberts, Stanberry, Mo. 64489.

Sumner; distinguished achievement; Mrs. Roland Epperson, Sumner, Mo. 64681.

Tarkio; distinguished achievement; Mrs. Barnard Gorman, 1025 3rd St., Tarkio, Missouri 64491.

Trenton; honorable mention; Dr. Ted Lymer, O.D., 801 2nd St., Trenton, Missouri 64683.

Unionville; honorable mention; Mr. Paul Wickless, Unionville, Mo. 63565.

District 7

Carthage; distinguished achievement; Miss Rachael Thornton, 616 South Main, Carthage, Missouri 64836.

Jasper; honorable mention; Dr. Fred Krusekopf, Box 12, Jasper 64755.

District 8

Cabool; distinguished achievement; Mrs. Catherine Tindel, 1015 Durnell, Cabool, Missouri 65689.

Caledonia; honorable mention; Mrs. Muriel Akers, Caledonia, Mo. 63631.

Centralia; honorable mention; Mr. John W. Rolfe, Centralia, Mo. 65240.

Cuba; honorable mention; Mr. Carl Hunt, 1025 Smith, Cuba, Mo. 65452.

Dixon; honorable mention; Mr. Luther Riddle, Gasconade Electric Coop., Dixon, Missouri 65459.

Glasgow; distinguished achievement; Mr. Conrad Laune, Glasgow, Mo. 65254.

Summersville; honorable mention; Mrs. Bonnie Baskette, Summersville 65571.

District 9

Edina; distinguished achievement; Mr. Richard Cook, Edina, Mo. 63537.

Florissant; distinguished achievement; Mrs. Fred Gladbach, 12255 Rollingsford, Florissant, Missouri 63033.

Fulton; honorable mention; Mr. Tom Morton, % Westminster College, Fulton, Missouri 65265.

Hannibal; distinguished achievement; Mr. George Pace, Chamber of Commerce, Hannibal, Missouri 63401.

Huntsville; honorable mention; Mrs. Ruth Broaddus, Huntsville, Mo. 65259.

Mexico; distinguished achievement; Mr. Robert Ollis, 222 S. Jefferson, Mexico, Missouri 65265.

Monroe City; honorable mention; Mrs. Judy Plunkett, Hwy. 36 & 24 Monroe City, Missouri 63456.

O'Fallon; honorable mention; Mr. James A. Gierke, 719 Montbrook, O'Fallon, Missouri 63366.

Perry; distinguished achievement; Mr. Roy Fishback, Perry, Mo. 63462.

Vandalia; honorable mention; Reverend Paul Powell, 505 W. Missouri, Vandalia, Missouri 63382.

Warrenton; honorable mention; Mr. Larry Kingery, 1016 Frick Avenue, Warrenton, Missouri 63385.

Wellsville; distinguished achievement; Mrs. William S. McDowell, 519 E. Hudson, Wellsville, Missouri 63884.

District 10

Birch Tree; distinguished achievement; Mrs. Keith Bowden, Birch Tree, Mo. 65438.

Caruthersville; distinguished achievement; Mr. Charles Hemenway, 1908 W. Parkview, Caruthersville, Mo. 63830.

Charleston; distinguished achievement; Mr. Marion Waggener, 604 E. Marshall, Charleston, Mo. 63834.

East Prairie; distinguished achievement; Mrs. Carey Johnson, 307 S. Center, East Prairie, Mo. 63845.

Elvins; honorable mention; Mr. James Lange, Elvins, Mo. 63639.

Flat River; distinguished achievement; Mr. Frank Richardson, 900 W. Main, Flat River, Mo. 63601.

Fredericktown; honorable mention; The Reverend Stanley Hopper, Fredericktown, Mo. 63645.

Mountain View; trophy; Mr. Glenn Smith, Mountain View, Mo. 65548.

Perryville; distinguished achievement; Mrs. Viola Blechle, 423 Magnolia, Perryville, Mo. 63775.

Steele; honorable mention; Mrs. Robert Tennyson, 106 Gifford, Steele, Mo. 63877.

Viburnum; honorable mention; Mr. Charles A. Anderson, Box 64, Viburnum, Mo. 65566.

TRIBUTE TO ROGER M. KYES

Mr. GRIFFIN. Mr. President, recently Michigan lost one of its outstanding and most public spirited citizens in the death of Roger M. Kyes, who retired last September as a director and executive vice president of General Motors Corp.

I ask unanimous consent that an editorial tribute to Mr. Kyes published in the Pontiac Press of Feb. 17, 1971, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Pontiac Press, Feb. 17, 1971]

ROGER M. KYES

With the death of Roger M. Kyes we have lost a man whose efforts and leadership had much to do with the economic upsurge, and therein the well-being of thousands of average citizens, in the Pontiac area. But service to his fellow man didn't stop there. It extended to the nation and the world.

The fact that his career ranged from farm editing to government, church and business leadership is symbolic of the many areas to which this man devoted his talents.

A Bloomfield Hills resident, Kyes retired last September from his positions as a director and executive vice president of General Motors Corporation. He had been with GM for 22 years, except for 15 months when he served as deputy secretary of defense under President Dwight D. Eisenhower.

It is no secret that General Motors Truck and Coach Division had been a weak sister in the GM complex before Kyes took over as general manager of the division in 1950. He immediately devoted his full energies to simplifying production and model line problems, thus streamlining the division's operating procedures. This set the stage for GMCTC to grow, under the guidance of his successors, to the economic powerhouse it is today.

He devoted the same energy to the Presbyterian Church, of which he became a ruling elder in 1954. Kyes was instrumental in the growth of Kirk in the Hills Church in Bloomfield Hills, where the congregation elected him honorary chairman of the board of trustees for life in recognition of his dedicated leadership. He was also a leader in the founding of Oakland University.

Kyes received many governmental honors, including the government's highest civilian award, the Medal of Freedom, presented him by President Eisenhower for "outstanding service in furthering the security of the United States."

His death will not only be mourned by his many business and industrial associates, but by the many young people whom he counseled and assisted in gaining a higher education.

Roger M. Kyes retired from one of industry's top jobs not to relax and enjoy the leisure of his favorite hobbies—hunting and raising dogs. He looked to new and more challenging careers. Recently he was named a general partner in Lazard-Freres and Company, one of the world's largest investment banking firms.

Unfortunately, death has cut short the boundless energy and devotion to which this area owes a giant debt of gratitude.

EARTH WEEK

Mr. NELSON. Mr. President, recently I invited all Senators to cosponsor Senate Joint Resolution 15 which would designate the third week of April as Earth Week. The response has been one of enthusiastic support—already, 55 Senators, Democrats, and Republicans alike, have joined as cosponsors, and I am hopeful that more will follow suit in the coming days.

Support from other quarters for Earth Week also continues to build very rapidly. Today, I met with members of the Committee on Natural Resources and Environmental Management of the National Governors Conference. This bipartisan committee of eight Governors has assured me of its strong support for the designation of Earth Week in every State and we are hopeful that within the near future, a majority of the Governors across the Nation will issue such Earth Week proclamations.

The national conservation organizations have also endorsed the Earth Week proposal and are now contacting their State and local affiliates for additional efforts at that level.

Our objective in working to establish Earth Week is a continuing education effort, an occasion each year for the country to focus special attention for a week on the environmental accomplishments of the past year and to plan for the future.

Today, I ask unanimous consent that at the next printing of the Earth Week resolution, Senate Joint Resolution 15, the following 27 Senators be added as cosponsors:

The Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from West Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Florida (Mr. GURNEY), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Oregon (Mr. HATFIELD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Iowa (Mr. MILLER), the Senator from Maine (Mr. MUSKIE), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PASTORE), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Virginia (Mr. SPONG), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), and the Senator from California (Mr. TUNNEY).

The 28 Senators which were added as cosponsors of Senate Joint Resolution 15 last week are: the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mr. JAVITS), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. STEVENSON), the Senator from Texas (Mr. TOWER), and the Senator from New Jersey (Mr. WILLIAMS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Two articles I have written recently further explain the purpose of Earth Week and I ask unanimous consent that they be printed in the RECORD at the end of these remarks. The articles were published in the Weekly Reader and in Highlights, a monthly youth magazine.

Also, I ask unanimous consent that Senate Joint Resolution 15, the Earth Week resolution in the Senate, and the text of the National Governors Conference Earth Week resolution be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S.J. RES. 15

Joint resolution designating the third week of April of each year as "Earth Week"

Whereas three thousand colleges and universities, ten thousand high schools and grade schools, and two thousand communities participated in programs last April which culminated in Earth Day, and

Whereas this nonpartisan, constructive, educational effort involved and demonstrated the shared environmental concerns of a wide spectrum of Americans of all ages, interests, and political persuasions, and

Whereas the activities which culminated in the weeklong programs of Earth Day represented and promoted a much greater American awareness and understanding of the serious environmental problems facing the Nation, and

Whereas there is a need for continuing environmental education and for a continuing nationwide review and assessment of environmental progress and of further steps which must be taken, and

Whereas there is a need to encourage a continuing commitment by all interests, including education, agriculture, business, labor, government, civic and private organizations, and individuals, to join together in a cooperative effort to preserve the integrity and livability of our environment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third week of April of each year is designated as "Earth Week", a week to review and assess environmental progress and to determine what further steps must be taken, to continue the nationwide effort of education on environmental problems, and to renew the commitment of each American to restoring and protecting the quality of the environment.

KEEP UP THE FIGHT

(By Senator GAYLORD NELSON)

Several million elementary, high school, and college students across the nation have now expressed their concern about the rapidly deteriorating condition of the world in which they live. They did this when they became involved in the first annual Earth Day last spring. This was, perhaps, the most important environmental education event in history. In an unprecedented display of concern, some 3,500 colleges and universities, 10,000 high schools and elementary schools, and an additional 2,000 communities were involved. Symposia and debates with leading scientists and politicians were held to discuss how to restore and preserve the environment.

The impressive success of last April's Earth Day can be largely attributed to the efforts of students who worked to focus national attention on the issue.

The news media—TV, radio, magazines, and newspapers—also took up the cry. They began making the environment part of their major coverage.

At the White House and in Congress and at state and local levels, elected officials began taking note of the nation's environmental problems. New plans were drawn up to fight air and water pollution, deal with waste disposal, carefully plan future communities, and educate the public about pollution. The momentum of the new environmental movement and the national educational process that has been taking place must not be allowed to die. Teachers and students might well be the key to keeping the environmental issue alive and before the public. Earth Week must be established as an annual event so there will be a continuing educational process for the nation.

Last summer the nation's governors unanimously passed a resolution at the Governors Conference. The resolution recommended that each governor issue a proclamation naming the third week in April as "Earth Week."

Students and teachers should take this resolution and write to their governors asking that the proclamation be issued. Through such continuous involvement students can help to keep the environmental issue alive. Elected officials should be reminded that young people are still concerned about the environment they will someday inherit.

Earth Day—First Step Toward Saving Our Environment

(By Gaylord Nelson)

America is finally awakening to an environmental crisis that has already spread around the world. Only now are we beginning to realize that nowhere in this country is there a breath of unpolluted air, and that nowhere is there a lake or a river unaffected by the waste products of our society.

The first Earth Day, held on April 22, 1970, was a dramatic recognition on the part of the American people that the crisis exists and that it is everybody's problem and everybody's business to do something about it.

The participation was overwhelming, with some 10,000 high schools and grade schools, some 3,000 colleges and universities, and several thousand communities involved in programs and clean-up efforts.

One of the most heartening experiences of Earth Day was the quick and enthusiastic response of the nation's young people. Across the country, students from elementary school to college level joined hands to express their concern about the future of the world's physical environment.

In classrooms from Maine to California, schoolchildren focused their attention on environmental pollution by setting up room displays, presenting skits and puppet shows, and even composing songs warning of environmental danger. Some walked to school to note their concern about pollution from motor vehicles, while others took a hard look at their littered world and set out to beautify some part of it.

For example, third-grade pupils from San Francisco's Francis Scott Key School turned beachcomber to pick up beer cans, bottles, and other debris from a stretch of ocean beach.

In Ripon, Wisconsin, local merchants offered to pay schoolchildren a penny apiece for each discarded can they could collect from the countryside. The merchants expected to pay $100, but the children brought in so many cans that the total outlay was $250.54.

In Topeka, Kansas, and San Diego, California, young people avoided using automobiles and buses (major pollution sources) to get to school. Instead, they showed up on bicycles, on horseback, on roller skates and skateboards.

The widespread involvement and initiative of young people in Earth Day was a very heartening sign. As the new generation, they will inherit the pollution of the present. They have every right to start being concerned and involved now.

The next question is how can young people, as well as adults, establish Earth Day on a year-round basis?

The answer is for everyone to become a better citizen of the environment in two ways—by working with other people to accomplish anti-pollution goals, and by doing what he can to make the world a more decent place.

Young people can continue Earth Day activities in their schools and communities by establishing programs with definite goals and by working to solve the problems of their local environment.

The first step in such a program is to make an environmental inventory of the community, asking the questions: What are the sources of pollution in the lakes and rivers? What is the nature of the pollutants? What is the source of pollution in the air? What is the status of the local parks? Find out what can be done about each problem.

On those projects you can do something about, prepare a plan of action. Organize local groups—such as Boy Scout and Girl Scout troops, school classes or religious organizations—to work together.

For example, once you have found a dirty hillside, river bank, beach or roadside, inform the landowner that your group would like to clean it up. Be sure to tell the local newspapers, radio and television stations what you are doing.

Ask the city refuse collection department how to recycle the types of waste you expect to collect. Ask if any of the materials—such as aluminum cans, steel containers, paper, scrap iron—can be recycled and separate it into piles.

Sponsor assemblies at your school on pollution problems, and present programs at churches and synagogues and for community organizations such as the Chamber of Commerce, the Kiwanis Club, and the Lions Club.

Finally, help your community by finding projects your group can carry out. Plant flowers or trees in park areas and make sure there are trash containers in public places.

Earth Day, which soon became Earth Week, was an important first step in bringing Americans of all ages together in the fight to save the environment. But Earth Week should be celebrated every year, and a resolution calling for Earth Week to be proclaimed in the third week of every April was introduced at the National Governor's Conference last August.

You can help by writing to your Governor and asking him to proclaim the week in your home state. Write your Congressman too, and tell him you support a nationwide Earth Week.

Remembering Earth Week every year would help us measure our progress. In looking back at last year's projects, it would tell us if we are making headway in dealing with environmental problems. In looking forward, it would help us plan new projects to meet the most critical challenge facing mankind.

Resolution: The Establishment of an Annual "Earth Week," Adopted by the National Governors' Conference Meeting in Osage Beach, Missouri in 1970

Whereas, there is an urgent need to promote a broader awareness and understanding of the environmental crisis facing each and every state in the United States; and

Whereas, there is a compelling need to encourage a continuing commitment by all interests including education, agriculture, business, labor, and civic and private organizations, to work to solve these fundamental environmental problems;

Now, therefore, be it resolved that we as Governors assist in focusing the nation's attention on environmental problems and their solutions by declaring the third week in April "Earth Week" in our respective states and seek the broadest participation in its activities.

FOOD (ADDITIVES) FOR THOUGHT

Mr. HUMPHREY. Mr. President, recent statements by some food industry officials that it is none of the Government's business what chemicals they inject in their products is an example of the worst possible public-be-damned attitude.

This is more evidence, as if we needed it, of the need for tighter restrictions on the use of chemicals and other additives in the food supply.

I look forward to hearings by the Subcommittee on Executive Reorganization and Government Research, of which I am a member, on the question of Chemicals and the Future of Man. I share the concern of the chairman, the Senator from Connecticut (Mr. Ribicoff), for "the adequacy of food additive regulations and health safeguards for the American people."

The Food and Drug Administration, which is responsible for overseeing the safety, quality and economic value of the American food supply, is all too often slow, lax, and reluctant in protection of the consumer.

Time and again the FDA has shown that it is more concerned with the welfare of the food industry than the American public which consumes the industry "chemical feast."

The Food and Drug Law Institute was quoted in a United Press International dispatch by William B. Mead as calling a myth the public impression that the FDA's list of safe food substances includes all the chemicals added to the American food supply.

Mr. Mead further reports that Fritzsche Dodge & Olcott, a New York manufacturer of food chemicals and flavorings, told the FDA:

> It should be clear that industry has the right to make its own decisions on the status of any substance whether or not the FDA has listed it, and that it is under no obligation to request the FDA to express an opinion on unlisted materials.

Similar comments, he added, were made by the National Canners Association, the Grocery Manufacturers of America, the Manufacturing Chemists Association, the Flavor & Extract Manufacturers Association, Procter & Gamble Co., R. T. French, and other leading food firms and associations.

In the face of these statements, an FDA spokesman had the audacity to apologize for the industry and tell the American public the situation is not as bad as the companies admit.

Alan T. Spiher, Jr., manager of FDA's additives review project, told UPI that the food companies in practice do advise the FDA of new additives, and he added:

> I don't have any reason to think there might be very many, if any, additives they've put in without telling us.

Mr. President, if we think the FDA is protecting the food supply and is keeping the food we eat pure and wholesome, then we should listen to what former FDA Commissioner Dr. Herbert Ley, Jr., has to say:

What the FDA is doing and what the public thinks it's doing are as different as night and day.

For a deeper look at this agency, I commend to the attention of Senators a series of articles entitled "FDA—An Agency Under Fire,"—written by Douglas Bloomfield, consumer reporter for the Cleveland Plain Dealer.

I ask unanimous consent that Mr. Bloomfield's articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CRITICS, PROBLEMS STALK FDA

(By Douglas Bloomfield)

The U.S. Food and Drug Administration is an agency under fire—from inside as well as outside.

It is the part of our federal government charged with protecting the safety, quality and economic value of our food supply.

A growing chorus of critics is questioning whether the agency is doing its job properly. Even President Nixon has voiced concern, calling for "a thorough re-examination of the FDA and especially the safety of food additives.

Other critics include members of Congress, individuals and groups involved in the consumer movement, scientists, technical journals, the news media and past and present officials of the agency itself.

Perhaps the most vocal of all critics are consumer advocate Ralph Nader and a group of his so-called raiders who made a two-year study of the FDA.

These are some of the problems and failings of FDA that critics point to and that will be explored in this and subsequent articles:

Like so many regulatory agencies, the FDA has been accused of being a captive of the industries it is supposed to regulate.

It has set tolerances for filth in food when the law says there shall be no filth.

If it's nutritional information you want on food labels, you are better off buying pet food.

Dangers of the artificial sweetener cyclamate were suppressed for 20 years. When the additive was finally banned, the government bowed to industry pressure and opened loopholes.

FDA inspectors check only 3% of the food industry for cleanliness.

Shipments of foods by manufacturers have multiplied 15 times in the past decade, but FDA funds for plant inspections and testing have gone up only 1%. In fact, the money FDA plans to spend on food protection all of this year would barely pay for half a day's fighting in the Vietnam war.

An FDA official who accused the agency of betraying the American consumer in the interest of serving the politically potent food industry was ostracized by his colleagues and demoted by his superiors.

The Food and Drug Administration, which is under the Public Health Service in the Department of Health, Education and Welfare, has asked Congress for $89.5 million for the current fiscal year.

All the money Congress has appropriated for the past 10 years to operate this consumer agency would not be enough to buy one new aircraft carrier for the Navy.

Funds for the traditional food activities—plant inspection, sample testing and analyses—have increased less than 1% in the last decade.

Compared to this, manufacturers' shipments of food have multiplied 15 times and consumer spending has grown 43 times in the same period, according to Commissioner Edwards.

"It is abundantly clear that FDA resources have not kept pace with FDA responsibilities," he stated.

FDA's "single over-all objective," according to its budget justification to Congress, is "consumer protection."

FDA does not have the power to subpoena witnesses or compel firms to disclose records. Every year, hundreds of firms refuse to allow FDA to conduct inspections, refuse to furnish quality or quantity formulas or to permit the review of health and safety records. Yet FDA is supposed to be policing these firms.

"In place of a sustained action to advance health by helping to improve the American diet, the FDA substitutes a naive faith that the way our food is produced, preserved and distributed is exceptionally fine," the Turner report says.

"It maintains this faith in the face of increasing scientific evidence that chemical additives can be extremely dangerous, that the vitamin content of the American diet is deteriorating, that saturated fat in food is probably a contributing factor in more than 70% of all American deaths and that American food is getting filthier."

The law requiring that food additives be safe was ignored and their use allowed on the basis of often insubstantial industry evidence while the agency either ignored or muzzled its own scientists who challenged the safety of the additives, according to the report.

The muzzling charge also was made by a top FDA scientist and confirmed by an in-house agency investigation.

The Nader investigators found at FDA a "shocking disarray and apalling failure of responsibility" and "altered documents, misrepresented facts and suppressed studies." Their probe "ended in the conviction that most agency efforts were a failure."

They reported that the FDA fails to block harmful additives and pesticide residues from getting into foods, permits processors to avoid listing possibly harmful ingredients, does not devote enough time to policing sanitation and is trapped into doing the food industry's bidding.

"While the food industry has amassed its power and ignored its critics, the Food and Drug Administration has made no attempt to restrict it," the report said.

Investigators said FDA has abused its authority for establishment of food standards, which permit food processors to avoid listing an ingredient on the label as long as it is deemed "standard."

Caffeine, which doctors often advise heart patients to avoid, has crept undisclosed into cola soft drinks, and monosodium glutamate, which has caused brain damage to rats in experiments, is put undisclosed into some salad dressings under the standards.

These are two of the more than 250 ingredients added to several hundred different foods as standard components.

The 64-year-old agency, the investigators concluded, is in "the final stages of bureaucratic paralysis" and as treatment, recommended consumer involvement in FDA's decision-making process and strengthening the laws it enforces.

Additional powers advocated by the Nader group include more potent authority to inspect all food-production processes, to subpoena the records it needs, to require quality grading of food products and the right to remove from the market all additives that have been linked to birth defects or genetic damage and not only to cancer.

Dr. Howard L. Richardson, former pathologist in the agency's Bureau of Science, has accused FDA officials of manipulating laboratory results for years to avoid weakening or contradicting established government policies of food additives and pesticide safety.

Another scientist hired by FDA to investigate the charges said his findings support Dr. Richardson, who is still with FDA. The charges were contained in a memorandum that became public.

Middle-level bureaucrats with limited scientific training, according to Dr. Richardson, have rewritten or dropped conclusions and recommendations from reports on animal experiments because they cast doubt on FDA policies.

The findings might have caused FDA policymakers to reconsider "safe" labels for certain food additives and coloring agents and to re-estimate permissible pesticide levels for food, he said.

Findings on the dangers of cyclamates, the artifical sweetener, were suppressed nearly 20 years, he added.

The government did not restrict the use of cyclamates until late last year, when outside experiments linked the chemicals to cancer, birth defects and genetic damage in lab animals.

Dr. Richardson said other chemicals for which negative findings were suppressed include monosodium glutamate, a widely used food coloring called Red 4 and the insecticide heptachlor.

Although he dismissed Richardson's allegations as "a difference in interpretation of data," Commissioner Edwards was prompted by findings in support of those charges to initiate a new reporting procedure at FDA this spring. It enables agency lab scientists to take "extremely important information" directly to policymakers outside the disputed bureaucratic channels.

Dr. Richardson's disclosures prompted U.S. Rep. James J. Delaney, D-N.Y., author of the 1958 law that forbids use of food additives that cause cancer in test animals or humans, to call for "an immediate crash program to re-evaluate the safety of all chemical additives in the nation's food supply" and "a complete overhaul" of the FDA by its parent department, HEW.

Dr. Richardson's charges have caused widespread recriminations and intrigues within the agency, according to insiders.

"People have been dashing around here like lousy espionage agents in a second-rate movie since the Richardson thing hit the papers," said one FDA official.

As for Dr. Richardson himself, Commissioner Edwards quietly demoted him from chief pathologist (a position he held since 1968) to acting No. 2 man in a reorganized pathology division. The new acting head of that division is a physician but not a pathologist.

The consumer is the victim, not the beneficiary, of FDA's heavy reliance on industry self-regulation.

The FDA spends twice as much money to regulate the $15 billion drug and cosmetic industries as it devotes to keeping track of the food industry, which is more than eight times larger.

When a group of consumer activists issued a report critical of the agency after an intensive two-year study, the commissioner dismissed it as little more than a nuisance.

The agency has a record of devoting a disproportionate amount of its energies to the smaller, minor offenders while virtually ignoring the powerful big ones.

FDA suffers from "bureaucratic paralysis" at the top, with the commissioner becoming a captive of entrenched underlings who rigidly resist change.

Those in charge admit much of the criticism may be valid and say they are working hard to reform the FDA. As evidence they produce a proliferation of speeches and organizational charts with changing lines and boxes. But the critics reply that this is only lip service and they see little or no evidence of improvement.

FDA Commissioner Charles C. Edwards at times seems to resent criticism, labeling it harassment.

"Our major problem at the moment is to get the Ralph Naders, our congressional critics and even some of the internal 'experts' within the government structure to leave us alone so that we can settle down to the task of implementing some of the reforms which are essential," he said in a recent speech.

FDA's role as protector of the nation's food supply was emphasized with this spring's warning that some 80,000 frozen pizzas contained mushrooms believed contaminated with deadly botulism.

How FDA handles this responsibility was demonstrated in the incident: the public was warned of the danger but only because the usual quiet intra-industry recall method could not do the job quickly enough.

Critics point to this incident as proof the FDA is more concerned with the welfare of the food industry than of the consumer.

It was the only public warning all year, although dozens of other food products have been recalled, including some containing dangerous bacteria.

Foods, drugs and cosmetics are constantly being recalled by their producers and distributors, but consumers—the American public—rarely hear about it although they are the ones most directly affected.

The industry notifies its jobbers and retail outlets to withdraw the bad merchandise, but the consumer who has purchased the product and is using it is not warned.

The industry argues that would be too difficult, and, besides, that is the government's job.

The FDA quietly publishes a weekly list of recalls, including about a half-dozen food items, and that's about the only alert consumers are given.

The FDA has boasted that "Today's scientific knowledge, working through good laws to protect consumers, assures the safety and wholesomeness of every component of the American food supply."

This is partially true—most of foods, health supplies and cosmetics sold to the public are safe and wholesome.

But the agency itself acknowledges that about 10 million Americans get some form of food poisoning every year.

And FDA is cutting its program of inspection and sample analyses for control of bacterial contamination and general sanitation problems this year and next year to one-third of the 1969 level, according to its budget request to Congress.

"This schedule permits surveillance of santation problems in only about 3% of the industry," admits the FDA in the request.

This small fraction represents about 7,300 firms "known to be highly susceptible to microbiological contamination," it adds. The other 97%, under the agency's self-regulation policy, are not bothered.

FDA inspections virtually halted between April and July of this year when the $17.4-million food surveillance budget was used up three months before the end of the fiscal year, according to a confidential agency report.

Serious contamination problems in the food industry were cited in the document, including finding of a mouse in a loaf of bread, a cockroach in a cake and a frozen rodent in a 30-pound can of strawberries.

Two of FDA's 17 districts reported that a third of all food firms inspected in the first three months of this year violated federal sanitation requirements.

The agency estimates one out of every five food plants in the country is in violation of federal standards.

The report concedes that the agency's inspections are limited and "consumer complaints continue to provide the basis for many district actions."

Commissioner Edwards says federal food inspection lags 10 years behind comparable policing of drug manufacturers.

An investigation of the FDA sponsored by Nader concluded the federal agency has drastically failed to protect the American public from dangerous foods.

Behind this failure is the fact the FDA has become a servant of the $125-billion-a-year food industry, says the report by Nader's Raiders entitled "The Chemical Feast." The author is James S. Turner, a 1969 graduate of Ohio State University law school.

The agency was accused of compromising its responsibility to the public through misguided reliance on industry self-regulation.

"There is still a widespread impression that the government is watching out for the consumer ever since the pure food law was passed early in the century," says Nader. "The fact is that FDA neither has the resources, the regulatory dedication nor adequate authority to keep up with the proliferating abuses in the food industry."

The FDA says it "encourages voluntary compliance" with its rules and regulations and checks up only with "periodic inspections and sample examinations" because the agency's resources are so limited and the food industry so big as to "make it impossible to maintain direct surveillance."

FDA PUTS ITS STAMP OF APPROVAL ON "A LITTLE" FILTH IN FOODSTUFFS

(By Douglas Bloomfield)

A little bit of rat dung, a few insect parts or some animal hairs in your food won't hurt you. At least that's what the U.S. Food and Drug Administration says.

Neither will other excreta, mold, rodent hairs, insects, worms, stones, dirt, wire, string and several more items the agency refers to as "extraneous matter."

These things may be esthetically unpleasant but they are "generally" harmless to eat, says a top official of the agency which is charged by law with protecting the purity and safety of the nation's food supply.

"We would not allow any tolerance that would be harmful to health," assured Thomas W. Brown, director of the office of compliance in FDA's bureau of foods.

The law, however, does allow setting of tolerances for "poisonous or deleterious" ingredients in food where required in production or unavoidable "by good manufacturing practice." Sec. 406 specifically mentions pesticides, additives and new animal drugs as examples of such ingredients.

But the Federal Food Drug and Cosmetic Act clearly prohibits "adulterated" or "filthy" food.

Sec. 402 says: "A food shall be deemed to be adulterated . . . if it consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for food."

There is a loophole in the law that the agency uses to duck strict enforcement—Sec. 306.

It says "minor violations" do not have to be prosecuted whenever the secretary of health, education and welfare "believes that the public interest will be adequately served by a suitable written notice or warning."

Brown compared Sec. 306 to the kind of discretion a traffic policeman uses when he decides not to arrest a motorist going 36 miles an hour in a 35 m.p.h. zone.

Although neither this provision nor any other section of the FDA law specifically permits establishment of tolerances for filth in food, Brown cited the section as authority for doing just that.

"The law does not allow any filth," Brown acknowledged. "But if we took action against everything with filth in it we wouldn't have (anything) on the market."

According to the latest annual report of FDA's parent department, Health, Education, and Welfare:

"The (FDA) inspector is concerned more with disease-producing bacterial contaminant in food than with large particles of filth, such as insect fragments, which do not necessarily produce disease."

Legal prohibitions aside, the FDA has established secret administrative guidelines setting tolerance levels for filth in the food supply.

These guidelines are supposedly concealed from the industry as well as the public. But in at least one case—spices—the guidelines were drawn up with industry assistance, distributed throughout the industry and self-enforced by the industry.

FDA sources admit many other supposedly secret tolerances are well known by industry.

"We tell industry to make the product as clean as they possibly can, and then we sometimes go in and tell them they can do better," Brown said.

"We cannot eradicate all field insects. They get inside a product and you can't get them out. You can spray the hell out of them, but that can be worse than a few insect fragments. They're not going to hurt you, but the pesticide might.

"We're talking about the esthetic value. Generally, people don't want to consume food with insect parts. Those types of insects will not hurt you—weevils, ants—at least not to my knowledge," Brown said.

It is possible to eliminate many more of the insects and rodents in the fields, shipping modes and warehouses—but at the cost of increased use of pesticides and rodenticides, said another FDA source.

And if everything were thoroughly checked and all extraneous matter ordered removed, the process, according to Brown, would be so time consuming, costly and hard, that there would be vast shortages if not total absence of many spices and other food items.

"You run into the question of a risk-benefit ratio," said an agency official. "In other words—and this is the big thing in drugs—do the benefits this product offers sufficiently outweigh the possible dangers to make the risk worth taking?"

FDA's tolerances are not always based on health requirements so much as on the reliability of testing methods.

The agency recently declared that a presence of 0.5 parts per million of mercury in fish was "safe."

That limit was set because "that's the best we can do at this time," said food compliance chief Brown. That is the lowest possible level of mercury contamination FDA lab people can identify and prove in court.

But it is not the lowest limit it feels should be set for safety. Brown said that as testing improves, the agency wants to lower the tolerance.

Rodent feces in wheat are a common problem, said Brown, because they are so hard to distinguish from the kernels of the grain itself.

So the FDA sets a tolerance of "one rodent excretum pellet per pint," he said.

Although guidelines have been set up most if not all elements of the food supply, Brown emphatically states there is "zero tolerance" for disease causing bacteria.

Because guidelines tend to be informal and unpublished, there is nothing to prohibit FDA from taking action against a product that may actually be within the area of tolerance, sources said.

Some tolerances, such as mercury content in fish, are published legal levels. FDA will not act against products within the "safe" area.

Contamination is a common problem in products grown abroad and those stored for long periods of time before, during and after shipment.

In 1969, FDA analyzed 7,672 food import samples, according to a report to Congress. It plans only 6,400 this year and 7,000 in 1971.

About 90% of the natural spices used in this country are imported. Health standards in many of the spice-growing nations are much lower than U.S. standards.

FDA still has jurisdiction over imported products after they are admittud to this country, and inspects the domestic manufacturing plants using imported ingredients and finished products, Brown pointed out.

But there is almost no conceivable method of testing a final product for insect or rodent contamination, he admitted, because the extraneous material is so thoroughly blended during processing.

High temperatures often used in the manufacturing process of many foods effectively stop any possible harmful effect of the extraneous matter, he added.

But rodent feces, insect fragments and the like may carry diseases.

No one has ever studied the problem enough to know the effect of rodent feces in foods, according to Dr. Sidney Wolfe, a former Cleveland physician active in the consumer movement.

Feces will contain anything the rat may have been carrying, which could include microbes harmful to humans. High temperatures used in processing and cooking the foods may eliminate much of the possible danger, he added.

But even if all these extraneous items are not hazards to health, most consumers expect their food to be free of all such foreign matter.

The word "filthy" in FDA law has been held by courts to include insect, worm and rodent parts and excreta. The law does not require that adulterated food be injurious to health to be filthy.

Courts also have held that the presence of a minimal amount of filth is not always sufficient grounds to condemn a product.

"It may or may not be possible even under the best conditions, to rid certain spices of all extraneous matter," says Consumers Union, the non-profit testing organization whose labs frequently detect filth in food randomly purchased from grocery store shelves.

"A filth tolerance for spices or any other food, however, should be established only after consultation with consumer representatives and public disclosure of the proposed tolerance," says CU.

"If consumers must eat filth, they should at least have a say in determining how much."

NADER BARES FDA BUREAUCRATIC ATROCITIES

(By Douglas Bloomfield)

The investigation of the U.S. Food and Drug Administration by followers of consumer advocate Ralph Nader uncovered "prostitution of science, the destruction of law and political intervention" resulting from a "shocking . . . series of bureaucratic atrocities," according to the report they filed.

Results of the two-year study by science, engineering, medical and law students and recent graduates was made public this spring and will be published later this month under the title "The Chemical Feast."

Second of a Series

The author is James C. Turner, a 1969 Ohio State University law school graduate.

Some of the "atrocities" in the report include:

Scientific tests indicating potential dangers of certain food additives and pesticides that were "routinely distored or dismissed."

Reports that were "distorted, altered, misrepresented and ignored, allowing serious potential health hazards to go unreported or uncorrected for undefensible periods of time."

A great many chemical additives that have been approved by the FDA for the food supply although they have not been proven safe.

The food standard provision of the pure food law that "has been turned into a tool for the suppression of consumer information, allowing dozens of ingredients unknown to consumers to be used in food."

Political intervention from the Health, Education and Welfare Department secertary's office has distorted the law.

FDA is the government regulatory agency most directly responsible for maintaining the safety, quality and economic value of the American food supply.

The agency uses about one third of its $72-million budget for regulating the $125-billion food industry, while the other two-thirds is used to regulate the less-than-$15-billion industry of drugs, cosmetics and hazardous substances which fall under its authority.

"The imbalance of resources between the food industry on the one hand and the FDA on the other has made the agency nearly dependent on the scientific competence and regulatory cooperation of the food industry," says the Nader-Turner report.

It warns "such dependence should not be confused with regulation. The food industry has been allowed to escape or undermine the effectiveness of the food protection laws."

The industry blocks FDA inspections by using the argument that so many agents leave the FDA to go into the food business that they should not be allowed to see potential competitors' files—even if seeing them would improve public health," states the Nader report.

"The erosion of authority and meagerness of money in the food regulation field make public reliance on the FDA a delusion and a sham."

Former FDA Commissioner Herbert Ley Jr. has said, "People think the FDA is protecting them—it isn't. What the FDA is doing and what the public thinks it is doing are as different as night and day."

The present commissioner, Dr. Charles E. Edwards, like his predecessor, Dr. Ley, came to the job "with an admirable determination to whip the agency into shape" but soon relented to internal pressures, says the Nader-Turner report. They quickly became defensive and protective, and considered all criticism of the agency a personal affront, according to the report.

"Each man had lost the ability to distinguish his own personality from that of the agency," it adds. "The same mistakes, made by the same people, appear to be the future of this crippled regulatory agency."

Loss of authority and lack of funds are problems, says the report, but "the real heart of the failure is the agency's misdirected leadership."

There has been "a marked deterioration in the quality of food consumed by Americans, particularly since 1960." During that period, the life expectancy in the United States has stayed the same, while men in 36 other nations' and women in 21 countries now can expect to outlive Americans of the same age.

Recommendations made in the Nader-Turner report include:

Scientific independence from industry in lab testing.

Regulatory independence from HEW and strengthening of the law which bans cancer-causing chemicals in foods to include those causing other diseases, birth defects and genetic damage in test animals.

Strong demonstration of concern for the consumer through appointment of a special assistant to the commissioner for consumer affairs and by naming a consumer council.

Regain confidence of its own scientists through stronger ties with the scientific community and allowing agency scientists a more direct part in decision-making.

Enforce the law strongly rather than rely on voluntary compliance by industry.

The FDA, the report states, is a "mediocre plodding agency" and will stay that way "until it admits that the food supply faces very serious problems."

"The FDA relies on industry science, believes in industry honesty and does not consult consumers in making its decisions . . . The FDA has become a defender of industry power rather than a counterbalance to it."

It calls on the FDA to "seek a vigorous and responsible expansion of its authority." This includes:

Labeling of all chemical additives in food.

A dictionary of food additives so consumers can be meaningfully informed of what they are eating.

Labeling of all foods by grade so consumers know when they are paying for quality and when they are paying for advertising.

Listing on the label the percentage of the most valuable constituent in the food.

Authority to conduct much more thorough and vigorous inspections of food-producing facilities.

"Thousands of decisions are made quietly, confidentially and without any direct supervised reference to consumer interests," says the report. The FDA has made the public interest "a token to be bargained in negotiations rather than a standard to be protected against all violators."

The FDA, declares the report, "is charged with the enforcement of the most potent set of laws designed to control the input of chemical pollutants into the environment. It regulates drugs, cosmetics, pesticides and food additives. Any effort to clean the dangerous chemicals out of the environment must focus in great part on cleaning up the FDA . . .

"If the nation is going to be provided with the safest, highest quality, least expensive food supply possible, all the public interest activities necessary in every other area of consumer protection will have to be developed in the food area."

EDWARDS SAYS FDA HAS BEEN UPGRADED

(By Douglas Bloomfield)

Dr. Charles C. Edwards, commissioner of the U.S. Food and Drug Administration, says he was "well aware" of many of his agency's problems revealed in "The Chemical Feast" and began making corrections before the report came out.

"The Chemical Feast" is the report on findings of a two-year investigation of the FDA by science, engineering, medical and law students and recent graduates. It was sponsored by Ralph Nader and written by James C. Turner, a 1969 law school graduate of Ohio State University.

"We are well aware of certain problems Mr. Nader points out," said Dr. Edwards. "However, I believe the changes that have taken place within FDA over the past few months have been responsive to the need for improving and upgrading the ability of the FDA to function in the best interests of all consumers."

He, his predecessor and other FDA officials knew of the Nader investigation and many aided it. In fact, Turner acknowledges the report "would have been much more difficult to write without the cooperation of many officials, both past and present, of the FDA."

Some of the changes Edwards talks about, in the opinion of people in and out of the agency, were in anticipation of the Nader report.

"I would emphasize," Edwards said in response to the report, "that we welcome constructive criticism and assistance from interested segments both private and public who share with us the goals of safety and health."

But a few weeks later he said the agency's major problem is to "get the Ralph Naders" and other critics "to leave us alone."

One FDA official who did not want to be identified told The Plain Dealer, "It's a good report. There's a lot of good that can come out of it. Vast portions of it are well taken. I hope we have people going through it word by word to get everything out of it."

But, he added, "Ralph Nader didn't discover the—wheel. He's got no corner on conscience. A lot of people around here have been saying the same thing for a hell of a long time. Nader has isolated and made public problems that have been isolated before but not made public, at least not so effectively. He gave it the attention it needed."

Turner said FDA officials and scientists welcomed the report and "feel the pressure from us is helping them, but they won't officially admit it."

He continues to visit the agency regularly. "People stop me in the halls and say, 'Keep it up,'" Turner added.

Dr. Edwards said that when he took office last December he "found the agency with strong scientific competence, but this competence was poorly marshalled. There existed a clear imbalance between scientific and regulatory responsibilities.

"The decision-making environment was disorderly. Professional talent was stifled, poorly directed and unmotivated. Planning was shockingly myopic."

To correct the problems he found, the new commissioner put new people in key positions and ordered another of the agency's continuing series of reorganizations.

"Political and economic influences" have hindered FDA operations in the past, according to Dr. Edwards.

But, he added, "the agency cannot function as a policy arm within any administration."

FDA's mission, he added, is to carry out the laws "on behalf of the American consumer.

"We must continually bear in mind that we are a consumer protection agency, and our primary relationship is with the consumer.

"All of our decisions must be made in his interest after having considered all of the available scientific evidence," Dr. Edwards continued. "A decision which is influenced by special interests at the expense of the public interest is indefensible by ourselves, by the public and even by the special interest."

In testimony before Congress, Dr. Edwards set seven goals for his agency in the area of food:

Review by next June at least half of the chemical food additives now generally recognized as safe.

Strengthen efforts to evaluate the cancer—and mutation causing properties of food additives.

Establish a more comprehensive food surveillance and inspection program.

Improve scientific concern for and capacity to evaluate food safety.

Introduce the concept of nutritional quality in a specific manner in the food supply.

Take concrete steps to assure truth in marketing food to the consumer.

Increase FDA's resources "to assure our programs provide effective and efficient consumer protection."

The job cannot be done at the federal level alone, said Dr. Edwards, adding that state and local governments must significantly increase their activities in the area and enact better consumer protection laws. He promised them FDA assistance.

Turner said Nader and his Center for the Study of Responsive Law intend to keep attention focused on FDA and are not stopping with publication of their report.

"They're going to need a lot more pressure," said Turner. He said the center is contemplating bringing law suits to accomplish some of the reforms called for in "The Chemical Feast" and the objectives set by Dr. Edwards.

Industry Helped Write "Secret" Rules on Filth

(By Douglas Bloomfield)

Government tolerances of filth in the food supply are a secret from the American public and supposedly from the food industry as well, but at least one segment of the business—the spice trade—helped write the book.

Although federal law strictly forbids any filth in food, the U.S. Food and Drug Administration contends it is impossible to keep it all out. As a result the agency has established guidelines for amounts of extraneous material it will tolerate before taking any action.

These are guidelines for most, if not all, elements of the food supply.

In the case of spices, seeds and herbs, FDA and the American Spice Trade Association, (ASTA) collaborated to compile filth tolerances. As part of the FDA's controversial reliance on industry self regulation, copies of the guidelines were distributed to ASTA members and individual importers.

Although these guidelines are supposed to be kept secret from the American public, The Plain Dealer has obtained a copy.

They went into effect a year ago and ostensibly cover spices, seeds and herbs imported through FDA's busy New York District—which means about two-thirds of all spices brought into this country. Some 90% of all natural spices used in the United States are imported.

The public was not informed of this arrangement setting filth tolerances to be self-enforced by the industry.

FDA's reliance on self-regulation was harshly criticized as ineffective by its critics in the consumer movement, including a team of investigators working under Ralph Nader.

Although the guidelines officially apply only to the New York District, they are believed widely circulated throughout the country and the industry and used unofficially in FDA's other districts. Thus the importers know what they can get away with before the FDA inspectors will order their products cleaned up or barred from the country.

When an agency spokesman was asked why the guidelines were not made public, he said that by doing that "we'd automatically reveal them to industry, and we don't want industry to know the exact levels we tolerate."

Another FDA source said, "If the industry finds out what the administrative guideline is—that is, our maximum allowable level—it will become industry's minimum level."

It is not known to what extent the administrative guidelines for all other items are familiar to those particular segments of the industry to which they apply.

Weens L. Clevenger, director of FDA's New York District, told an ASTA convention, "Contaminants must be kept to an absolute, irreducible minimum." He did not say they must be totally absent.

FDA, he added, asked ASTA to prepare a "statement of the levels of the most prevalent contaminants of the spices arriving here in the largest volumes which would meet the intent of Congress."

The intent of Congress, as expressed in the Food, Drug and Cosmetic Act, is to prevent "the introduction or delivery for introduction into interstate commerce of any food, drug, device or cosmetic that is adulterated or misbranded."

Nothing in the law says adulterated or filth-containing food is acceptable.

Clevenger praised the industry's "Herculean effort" in drafting the filth-tolerance guidelines.

The guidelines set by FDA and the spice trade are for excreta, mold, rodent hairs, insects, insect fragments and bored seeds. They are dated June 23, 1969, and still in effect, according to FDA compliance director Thomas W. Brown. Paprika is not included because the two parties could not agree on it.

"Initial examinations at entry are to be made by the unaided eye," say the guidelines. "A microscope or hand lens may be used for confirmation when necessary."

The number of samples to be checked by ASTA inspectors in a shipment "must be equal to the square root of the number of packages, bags or containers in the lot, with a maximum of 15 samples drawn."

FDA makes spot checks of spice imports because "we don't just leave it up to them (ASTA)," said Thomas W. Brown compliance director in the agency's bureau of foods.

These checks are visual, and only rarely are samples actually tested.

Brown said the arrangement with the spice trade is "working out very well, according to reports we get."

These are the tolerances set for filth in spices:

Excreta—Two rodent pellets in two samples is tolerable. Up to 50 milligrams of other excreta (or an average of 10 mg. per pound) in two of the total number of samples also is acceptable.

Insects—They must be dead. That can include the whole adult insect, a pupa, a larva or a major portion of an insect. A maximum of four insects in all the samples is permissible.

Mite and psocids (a winged insect)—Nothing is said about whether they must be dead or alive. Fewer than 50 of these insects seen by the unaided eye means the lot does not have to be fumigated, sifted or blown.

Bored seeds and roots—Up to 5% of the total weight of seeds and roots may be insect bored or otherwise insect defiled and the lot will be accepted.

Mold—Up to 5% of the total weight may be moldy.

"While commencement of the program was not officially announced, the industry was aware that a great portion of spice imports in April and early May 1968 were being permitted to enter domestic trade without inspection," according to the private FDA memo on the agreement with the spice trade.

"The importers of record did have a responsibility in seeing, when necessary, that the merchandise was properly cleaned or reconditioned," it added.

In May 1968, 51 FDA inspections covered 30 lots of adulterated spices which were not reconditioned and had been passed under the self-regulation program. These were seized. Another 67 lots entering the country that month also were found to be adulterated and ordered reconditioned.

DA inspectors check food imports at all U.S. border points, including Cleveland. Hundreds of items of all kinds are detained every month.

On the average, only about 5% of the imports to the United States are inspected by the FDA, according to John Blue, supervisory inspector of the Cleveland resident post. Inspections are made on the scene or samples are sent to labs for study.

FDA detention may be challenged by the manufacturer or shipper, in which case the agency will hold a hearing on the matter.

If the order is not contested, the product may be refused entry to this country. The manufacturer or shipper then has the option of taking it back or having the shipment destroyed. A third alternative allows him to post a bond and take the product out of detention to have it reconditioned to meet import standards.

Blue said Cleveland office inspectors are checking all cheese imports here for pesticide residue. Other food imports, such as olives and oranges, may be checked at random or possibly not at all.

Samples taken here are sent to the agency's office in Cincinnati for analysis.

Imported products are processed for domestic sale and may be inspected in the agency's regular domestic program of checking manufacturing plants and random sampling of products. No foreign plants are inspected by U.S. authorities, according to FDA.

Bitterness Lingers on Cyclamate Retreat

(By Douglas Bloomfield)

Repercussions continue to be felt in the wake of the government's ban on the artificial sweetener cyclamate, which proved embarrassing to the U.S. Food and Drug Administration when it was forced to retreat under pressure from the food industry.

Critics accused the government of putting economic interests ahead of public responsibility when Robert Finch, then secretary of health, education and welfare, modified earlier restrictions on use of cyclamates in foods and beverages.

The ban, announced by Finch in October, is required by law (the Delaney amendment) when a food additive is found to cause cancer in test animals or man.

The Plain Dealer has learned consumer advocate Ralph Nader plans to file suit to force a total cyclamate ban. He will contend the way FDA is administering the matter violates the law.

FDA itself is reportedly reconsidering its decision to permit continued use of cyclamates. It is under pressure from its own scientific staff to totally ban foods containing it.

Another artificial sweetener, saccharin, was labeled safe in late July by a special panel of the National Academy of Science-National Research Council, but the group recommended further laboratory studies on a possible link to cancer and other diseases.

FDA requested the academy study in March after a University of Wisconsin researcher reported that a combination of saccharin and cholesterol injected into the bladders of mice caused cancer in some.

Dr. Charles C. Edwards, FDA commissioner, said he considered the Wisconsin experiments "inappropriate" because the chemicals were not administered orally to the mice.

The dangers of cyclamates were known 20 years ago by FDA, according to agency scientists and others, but the artificial sweetener was approved for public use. It was not until outside labs spotlighted the problem that FDA finally acted late last year.

And at that, Secretary Finch reportedly reprimanded FDA scientists who brought the matter to a head, and he subsequently opened loopholes to help industry get around the government ban.

Food producers were given an additional seven months—from Feb. 1 to Sept. 1, 1970—to sell already packaged canned fruits and vegetables and juices containing cyclamates.

They can put new labels on their products and sell them in grocery stores as "over-the-counter drugs." No prescription will be required.

In March of this year Finch overruled FDA advice and allowed continued use of soft drink bottles that were labeled sugar-free or containing less than 1 or 2 calories although the bottles actually contained sugar-sweetened soft drinks.

He extended the deadline on removing the mislabeled bottles from the end of this year until Oct. 1, 1972.

Dr. Edwards explained: "In a meeting with (Finch and) representatives of the bottling industry, it was agreed that plans would be formulated to allow the use of the massive inventory of soft drink bottles labeled for cyclamate-containing products."

A study of FDA sponsored by Nader declared Finch's retreat on the cyclamate ban in light of "dramatic evidence of hazard" was "at best cynically irresponsible."

The Nader Report said, "The delay allowed owners of foods already canned to cut their losses which could have been close to $100 million."

A bill has been introduced in the U.S. Senate to reimburse the industry for losses suffered as a result of the cyclamate ban. An associate of Nader has labeled the measure "another example of corporate socialism, where we pay for the risk companies take."

In the case of soft drinks, federal health officials acknowledged receiving reports from Ohio and five other states linking diabetic aggravation to the mislabeled bottles.

Cartons and bottle caps were ordered changed, but the government decided to allow use of the mislabeled bottles until October 1972.

Diabetics complain they are more likely to read the bottle label than the cap or carton. Moreover, they add, the labeling on the bottle is in clear conflict with the cap and carton.

Cyclamates were the principal artificial sweeteners in low-calorie beverages until banned from general purpose drinks effective January 1 this year. The chemical has been linked to cancer, birth defects and genetic damage in laboratory animals.

Finch has said, "There is absolutely no evidence to demonstrate in any way that the use of cyclamates has caused cancer in man."

But he said he was forced to impose the ban by the 1958 "Delaney amendment," which he feels should be liberalized to give the secretary more discretion.

Commissioner Edwards wants it "modified to permit some scientific rationality in making these decisions. If we were to apply the criteria of the Delaney amendment across-the-board, eventually we would be reduced to a nation of vegetarians and even some of the vegetables would have to be banned."

The Nixon administration reportedly plans to ask Congress soon to repeal the measure altogether.

The Nader study of FDA concluded the amendment should not be weakened but strengthened to similarly ban additives which may cause genetic damage and birth defects as well.

Finch's criticism, says the report, is proof politicians cannot be trusted to protect consumers unless the law leaves them no alternative.

After the cyclamate ban, the soft drink industry quickly shifted to new formulations that usually contained sugar. But the beverage was put in the old returnable bottles indelibly marked to indicate NO sugar.

FDA recommended the old bottles be junked within one year and until then stickers or neck bands be placed on them to indicate presence of sugar. After the industry protested personally to Finch that this would create economic and technical problems, the secretary ordered the plan dropped.

At the urging of the food industry, Finch reclassified cyclamates from food additives to over-the-counter drugs. This allows cyclamate food products to remain in grocery stores with a new warning label.

"How in the world can you call apricots a drug?" asked a disgruntled FDA official.

Commissioner Edwards signed the reclassification order grudgingly and against some of the best scientific advice in his agency, sources said. The order reportedly was prepared by Finch's political staff, not by FDA regulators or scientists.

The episode may have been in Dr. Edwards' mind when he told a Temple University audience in May, "A decision which is influenced by special interests at the expense of the public interests indefensible by ourselves, by the public and by the special interest."

Additives Fortify Food, but Some Are a Peril

(By Douglas Bloomfield)

There are more than 3,000 different chemical additives in our food supply.

Many are useful. Others contribute only a cosmetic effect. Some are dangerous.

Additives help retard spoilage, improve flavor and add vitamins. They make beer foam, oranges orange and maraschino cherries red. But a few have been linked to heart disease, cancer and brain damage.

Dr. Jean Mayer, President Nixon's adviser on nutrition, has said: "We can live perfectly well without additives."

The U.S. Food and Drug Administration is supposed to keep a careful eye on additives, barring all not proven safe. But there appears to be a wide gap between theory and practice.

Even President Nixon is bothered. In his consumer message last fall, he asked FDA to review and revise its list of food additives classified Generally Recognized as Safe (GRAS).

There is concern within FDA as well. Leo Friedman, acting director of the agency's toxicology division, said: "It is becoming increasingly clear that untoward effects in people, stemming from food additives, are exceedingly difficult to recognize or even establish with any degree of certainty once suspicion has been aroused."

He feels that "every effort should be made to re-examine and update the safety evaluation of all such compounds at regular intervals."

A two-year investigation of FDA sponsored by consumer advocate Ralph Nader concluded that the agency "should face up publicly to what is knows privately about food additive regulation—that the program is a mess. The consumer might be more wary, and therefore better off, if there was no program of food standards designed to protect him."

Chemicals may get into foods in several ways:

Deliberately added as flavorings, preservatives, enhancers and so on.

Inadvertently introduced into food in manufacturing (from packages or machines, for example) or through natural processes such as formation of toxin-producing subsances in mold.

From animals treated with veterinary drugs before being slaughtered.

The use of chemicals as food additives has increased by more than 50% in the past 10 years, according to FDA, which cautions that "many of these chemicals are known to be toxic in large quantities."

Last year FDA received 476 new applications for food additives. 62 were approved and 148 rejected.

Part of the consumer's problem in identifying what has been deliberately added to his food is FDA's requirement that technical, not common names be used. Thus water is hydrogen oxide and table salt is sodium chloride on some labels.

Using common names and issuing a dictionary of additives are two of the remedies proposed by consumer interests.

Many additives are not even listed on food labels. Neither, for that matter, are the ingredients of many products. These all are items that FDA accepts as standardized, such as mayonnaise, margarine, vinegar, ice cream, cocoa and macaroni. Even some nonstandardized foods are exempted from identifying spices, coloring, additives and other ingredients.

This can be dangerous for persons with allergies, diabetes and other problems who want to avoid certain ingredients such as eggs, sugar and milk. About 20 million Americans are in this category.

Nearly all standards were set at the request of the producers. When a standard of identity is agreed on, all products of that type must comply with the standard on ingredients. Use of some optional items is often allowed, but basic ingredients tend to be strictly controlled.

Nonstandardized foods must list ingredients in descending order of weight in the product, but there is no requirement that relative amounts be noted.

Pet foods tend to be more informatively labeled than human foods. This can be seen in a comparison of two cans of stew. The one for human consumption lists the ingredients, but not by percentage. The pet food label includes ingredients plus a percentage analysis by nutrient so the dog owner can get the best protein buy for his pet.

The human consumer, by reading food labels, has no idea how much beef is in his beef stroganoff, peanuts in peanut butter, orange juice in orange drink, strawberries in strawberry jam, meat in hot dogs or chicken in chicken soup.

Copies of standards for specific products are available to consumers who send a request to the FDA, Washington, D.C. Alert shoppers have learned that the difference between two or more brands or a standardized product is primarily price, and thus they are able to save money.

Industry strenuously fights efforts for full disclosure of ingredients, contending that this would require them to give secret recipes to competitors. Consumerists, however, contend that they would not be disclosing recipes or production methods, but would merely be telling cutomers what they are eating and how much of it.

"The various FDA food standards and exemptions now in force read like a catalogue of favors to special industrial interests," said the Nader study.

It called the GRAS list "a tool for suppression of consumer information, allowing dozens of ingredients unknown to consumers to be used in food."

The GRAS concept should be abolished, it added, and in the meantime the number of items should be drastically reduced, removing each chemical about which there is even a single doubt.

FDA Commissioner Charles C. Edwards said the review of the GRAS list requested by President Nixon is being done "within the context of an over-all look at the safety of our food supply." He expects to be halfway through the list by next summer.

The study, Edwards said, will apply "1970 scientific knowledge to safety judgments which in fact were last made 15 to 20 years ago."

The FDA is responsible for evaluating all chemicals proposed as food additives and to establish a tolerance level for each. But it was allowed to exempt more than 600 chemicals from clearance requirements "because they were considered safe by experts" and put on the GRAS list, according to the agency.

Cyclamates were one of those "safe" chemicals. The artificial sweetner was banned last year as a possible cause of cancer. Another, still on the list, is monosodium glutamate (MSG), the flavor enhancer.

Recent studies indicate that MSG "is potentially hazardous," FDA reports, but "available information is insufficient to justify action." Research is continuing.

Cyclamates were banned last fall under the Delaney amendment to the FDA law, which requires removal of any additive causing cancer in test animals.

Critics have assailed the law from both sides.

Some, like Edwards, feel it is too rigid and leaves no room for administrative or scientific discretion. They argue that even salt and sugar could be harmful in excessive amounts. This has not been proven, however.

The Nixon administration reportedly is planning to ask Congress to repeal the Delaney amendment.

Others, like Nader, say the law is not strong enough. They oppose giving political appointees such discretionary powers. They also want the measure to cover additives which may cause genetic damage and birth defects.

"In view of the possibility that other additives may be as dangerous as the cyclamates," says the agency, "it now appears essential that FDA and the food-additive industry jointly reevaluate over the next three years all of the known GRAS additives, other additives that have been unilaterally classified by industry as GRAS, and some approved additives for which tolerances now in existence may have to be changed."

The Plain Dealer has learned that Nader may not be willing to wait three years and is considering filing suit in federal court to have the GRAS list abolished.

In the use of many additives, Nader says, the agency "has permitted a sell-now, test-later posture by the companies. FDA has admitted that it has heavily relied on summary assurances by food companies about additives and has not checked in detail the raw test data."

Consumer interest want the government not to rely on industry labs but to do as much of the testing as possible and to supervise more closely testing it cannot do itself.

The additive problem can be seen well in five examples:

MSG, salt and sugar were added to baby food, with FDA permission, for no other purpose than to make the food palatable to mothers. Despite scientific evidence showing that MSG caused brain damage in mice and the urging of its removal by Dr. Mayer, FDA resisted taking action.

The baby food producers themselves finally removed the ingredient voluntarily in the wake of unfavorable publicity. But the FDA still has taken no further action of MSG or on any other unnecessary ingredients in baby food.

The presence of MSG must be listed on all products except mayonnaise, French dressing and salad dressing. Its function is to enhance flavor.

Red 4 is an artificial food coloring described by the World Health Organization as dangerous to humans. When the FDA considered declaring it unsafe, the producers of maraschino cherries argued that nobody eats enough of their product to do any harm. The FDA bowed to pressure and excluded Red 4 from all foods except maraschino cherries. No health warning is required on the label.

Cyclamates, the artificial sweeteners, were first linked to cancer in FDA's own labs about 20 years before the agency slapped a ban on them.

Caffeine is added to cola and Dr. Pepper soft drinks, but the makers of those beverages won FDA permission to keep that information off their labels by having them declared standard ingredients. All other soft drinks containing caffeine, however, must reveal that fact on their labels. FDA scientists and officials opposed the exemption but bowed under pressure from the White House, a U.S. Senator and the industry.

The Senator was Richard Russell, D.-Ga., who called FDA to express "interest" in the matter, according to former Associate Commissioner Kenneth Kirk in an interview with Life magazine. The world's largest cola producer is one of Russell's constituents, Atlanta-based Coca-Cola.

Some approved food colorings in baked goods have been found to decompose during baking or to react with vitamins in food to form compounds whose effects are unknown.

The FDA reports that about 10 million Americans get some form of food poisoning every year.

Although development of new foods and new technology have ended some forms of contamination, these same "improvements" bring an increased threat to health.

"Technology has also contributed to the proliferation of products about which relatively little is known and has actually increased the potential for widespread food-borne epidemics to occur," FDA reports.

"At the same time," it continues, "changes in food processing methods have tended to disguise some common indicators of contamination, such as decomposition, noxious gases and discoloration, that used to alert consumers that food fight be unsafe."

But safety is not the only consideration, according to Edwards. Effectiveness and quality of food also must be considered.

"If I am reading consumer complaints correctly, among other things, they are saying that at least for some foods, there must be a positive gain or benefit in the food or, in the case of food additives, there must be a positive reason for its use," he said.

Toward this end, he added, FDA plans to establish nutritional guidelines for selected classes of foods.

These would not be formal standards of nutritional quality, he explained, but informal guidelines for industry to follow voluntarily.

This would involve agency-industry collaboration on deciding how nutritional quality should be explained on food labels.

"We would then expect that commercial pressures would cause processors to use the guidelines in formulating and designing their products," Edwards said. "If they do so extensively, there will be no reason to consider a mandatory mechanism.'

Food Makers Quietly Recall Items

(By Douglas Bloomfield)

Food manufacturers often quietly remove products from the market for reasons running from labeling mixups to bacterial contamination.

The U.S. Food and Drug Administration, which has jurisdiction over these actions, publishes a weekly list of recalls reported by the industry.

The FDA reported 138 food recalls last year, 268 seizures, 174 citations, 17 prosecutions and 7 injunctions.

In the first three months of 1970, FDA seized 33 food products because of adulteration with filth, detained 220 imported food shipments for the same reason and instituted criminal prosecution proceedings against 8 firms.

In addition, the industry instituted about 100 recalls by the middle of the year, including one by a midwestern supermarket chain involving 72 different products adulterated by rodents in its warehouse.

Recall is a voluntary action by the manufacturer or distributor to remove a product from the market. It can be initiated by an FDA request if the agency feels there is a serious health hazard. But the FDA request has no legal basis and there is no penalty for refusal, although the agency does have some alternatives.

It can seize an adulterated product and, through the U.S. Justice Department, go to court to keep it off the market.

Although the agency's authority is product-oriented, it can take criminal action against persons or firms it considers responsible for a bad product. A citation is issued and an informal hearing held by the FDA—usually following civil action against the product—before deciding to ask the Justice Department to prosecute.

The FDA has no power of injunction or authority to issue cease and desist orders. These must come from the federal courts.

The Justice Department is the FDA's lawyer, and if the attorney general does not want to take a case, for whatever reason, the agency can't look for another lawyer. The case is dropped.

Beyond the obvious need to build a good legal case before going to court, the FDA also must be aware of the political implications of its action for the administration in power, say its critics. Political considerations long have influenced operation of the small agency, insiders admit.

Voluntary withdrawals of products from the market appear on the FDA Weekly Recall Report, a little-known government publication printed in small type and given limited distribution.

It is sent to about 350 newspapers, radio and television stations, periodicals, trade publications, government agencies and "some industry people," according to FDA's information office.

This means it is received by only a small percentage of the nation's 21,000 regularly published newspapers, magazines and trade journals.

An FDA press officer said the list is sent only to those who have requested it at one time or another, and that most recipients ignore it.

This is because they do not realize the importance of the document, he speculated. FDA makes no effort to draw attention to important items on the list or offer additional explanation, as many government agencies do when they issue statistical and technical information.

The FDA press man said that if more effort were made to publicize the information on the list, it would take longer to get out because of red tape and probably would be suppressed by the politically sensitive Health, Education, and Welfare Department, of which FDA is a part.

With this philosophy, rarely is any effort made to draw attention to dangers revealed on the recall list.

In fact, on only one occasion this year did the agency make an extra effort to warn the public. That was when a shipment of frozen pizzas were found to contain mushrooms contaminated with deadly botulism organisms.

Distribution of the pizzas had been so extensive, the agency admitted, they could not be collected quickly enough without public notice.

Ralph Nader, the consumer gadfly, has urged announcement in news media of all major recalls by the HEW secretary for the quickest, widest possible exposure.

Manufacturers and distributors of the products ordered off the market are under no obligation to warn consumers, and they don't.

Many in the consumer movement feel those in the food industry responsible for the bad products should be required by law to warn the public through prominent advertisements in the media and prominent notices in stores.

Recall is sometimes turned into a public relations gimmick, charged one consumerist.

"When heat is on, the company says, Oh yes. We're recalling it." But the recall is only one way—to the distributors," he said.

"They don't consider the consumers. The question is how strenuous and conscientious is their effort: Do they warn consumers? Do they call the news media? The answer is almost always no."

One of the largest recent recalls was an order to remove about 14 million servings of five types of packaged soups because they contained noodles contaminated with salmonella, a bacteria that causes food poisoning.

The soup company began recalling the soups March 25 by notifying its distributors and the government of the bacterial contamination. The public was not warned until the middle of April, when the matter was item 29 on the FDA's weekly recall list.

A company spokesman told The Plain Dealer his company felt it had no obligation to warn the public of the danger, although an estimated 65,000 servings of the recalled soup were being consumed daily.

The soup episode was not unusual. Most, if not all, companies feel the same way. They say it is the government's responsibility to alert the public. Fear of adverse publicity is behind industry reluctance.

Lack of adequate public warning is one reason FDA recalls are never totally successful. Another reason, according to an agency spokesman, is the fact an unknown number of products are purchased and consumed.

Critics of the FDA and its recall process say the consumer will not be properly protected until the agency becomes master rather than servant of the industry it is supposed to regulate, ends its reliance on industry self-regulation and gets stronger enforcement powers.

Food recall for the first half of 1970 show a wide variety of health-related problems:

Several hundred thousand pounds of popcorn containing "rodent contamination."

Candy bars short weighted—25% below the amount marked on the label.

Nonfat dry milk contaminated with salmonella.

Frozen strawberry pies containing rodent contaminated fruit.

More than 20,000 boxes of thyme seasoning with salmonella.

Over 64,000 cases of baby foods discolored by suspected breakdown of enamel on the underside of the lid.

Seasoned bread crumbs adulterated with pieces of paper and cellophane.

Egg noodles with salmonella.

Two thousand cases of candy with insect and rodent contamination.

About 460,000 cases of sliced pimentos with glass particles found in some jars.

And a wide variety of foods containing bacteria, oil thinner, broken glass, insect parts and pesticides.

Harmful Food or Drugs? Tell FDA Office About It

Most of the action taken by the U.S. Food and Drug Administration against food producers who cheat on composition, weight, packaging and other aspects of their products has been in response to consumer complaints, the agency admits.

Consumers who come across a food, drug, cosmetic or health device they think is mislabeled, unsanitary or otherwise harmful are urged by the FDA to report it.

"Of course," says the agency, "the FDA will not take action solely on your complaint, but it will investigate your report promptly and act if necessary."

Complaints can be mailed or called into the FDA Cleveland office or directly to Washington.

The report to the FDA should clearly describe the problem, product, package, and place purchased. Remains of the suspected product or the container should be retained, along with any unopened packages of the product bought at the same time.

If injury or illness is involved, it should be reported to a doctor.

The matter also should be reported to the manufacturer, packer or distributor of the product as well as the store where it was purchased.

Other complaints on foods, drugs and cosmetics should be referred to proper authorities: suspected false advertising to the Federal Trade Commission; meat and poultry products to state or federal agriculture departments; restaurant sanitation to local health authorities and products made and sold exclusively within Ohio should be reported to local or state health and legal officials.

FDA Listed 20 Foods as Recalled Last Month

Twenty voluntary food recalls by manufacturers and distributors were reported in the first three weeks of last month by the U.S. Food and Drug Administration. All but two were aimed at removing adulterated and contaminated products from the market.

The others involved a misbranded beverage and a food additive with a banned ingredient, cyclamate.

The actions were listed in the FDA weekly recall reports for weeks ending July 8, 15 and 22.

Only three of the products were distributed on the retail level in Ohio, according to the FDA. They are:

Treasure Isle frozen cooked shrimp in plastic bags, packed by Ocean Products Inc. of Dover, Fla. Samples checked by the FDA contained salmonella, bacteria that cause food poisoning. About 40,000 pounds of the product are on the market. Packages involved are those coded 01590—the first 0 is 1970 and the 159 is the numbered day of the year, June 8—and earlier.

Hickory Farms of Ohio ginger marmalade in 12-ounce glass jars, manufactured by Charlotte-Charles Inc. of Evanston, Ill., and distributed by Hickory Farms of Ohio, Toledo. Insect fragments were found in a sample of one raw ingredient, diced ginger. About 408 jars remain on the market. Cases are marked B 3 9 70.

Bravo Enriched Macaroni, in six-ounce boxes marked "an ideal first solid food for babies," manufactured by Bravo Macaroni Co. of Rochester, N.Y. Twelve of 142 cases are estimated to remain on the market. They are marked 031870 on the shipping cartons. FDA analysis found salmonella contamination.

FDA Failing To Protect Public

For a variety of reasons, the U.S. Food and Drug Administration is failing its mission to protect the quality and safety of the nation's food supply.

Some of the reasons lie in limitations on ite legal authority and budget.

It does not have the power to subpoena witnesses or to compel food firms to disclose records. Its funds for plant inspections, sample testing and analysis have increased only 1% in the last decade, while shipments of foods by manufacturers have increased 15 times.

Congress should give these deficiencies immediate attention.

Other reasons for FDA's failure lie in attitudes within the department that put interests of the food industry above those of the public that the FDA is supposed to be serving; in a fossilized bureaucracy that resists reforms that top administrators concede are necessary, and in poor use of the limited powers at FDA's command.

These are problems that FDA Commissioner Charles C. Edwards must solve.

He had said that the major problem is to get the critics off his back so that the FDA could settle down and initiate essential reforms.

We think the major problem is to make concern for the public the paramount issue in determining FDA policies.

Many present policies show that the FDA has become the captive of the industry it regulates.

Recalls of spoiled or contaminated food, for example, are done quietly on an intra-industry basis. Only rarely does the public learn from the FDA that there is a danger some particular batch of a food product may be contaminated and should not be consumed.

This policy spares the industry embarrassment, but does not protect the consumer who may have purchased—and eaten—a package of food from the spoiled batch before it could be removed from store shelves.

The FDA relies too heavily on voluntary compliance with sanitation regulations.

It has cut back its program of inspection and product sampling for control of bacterial contamination. Inspections were virtually halted for three months this year when the food surveillance budget ran out.

The FDA should strengthen, not weaken,

its enforcement program. It should plead for more funds if they are needed.

It should publicize food recalls. It should make public the names of the firms which do not allow FDA to conduct inspections or refuse to yield information on product quality. It should crack down on the big offenders, and devote less time and energy to minor offenders.

There is much to be done to make the FDA an effective agency. Commissioner Edwards should not wait until the criticism dies down before getting on with the needed reforms.

PROTECT THE FOOD SHOPPER

It is wrong to sell food containing additives not proved to be safe.

It is wrong to sell food with ingredients unspecified which could endanger consumers' health.

There are too many gaps in food laws. There is too much lag between application and final test results, at the U.S. Food and Drug Administration. Enforcement by the FDA is soft instead of tough.

Consumers meanwhile are baffled by fine print and technical terminology on packaged foods. And the food laws let some foods be sold without listing actual ingredients for the shopper.

FDA agents ought to be like "the Untouchables," a corps of airtight enforcers like Internal Revenue or G-men. Instead, many FDA men are doubtful about FDA standards and practices.

On the FDA's list of substances "generally regarded as safe"—the so-called GRAS list—are some widely used additives which FDA men themselves do not regard as safe.

Cyclamates were on that "safe" list 20 years after they had been linked to cancer in FDA's own laboratory experiments. They were only banned last fall, as an additive in food production.

Even then, there was no ban on sales of foods containing cyclamate sweeteners. Even now, behind the labels of catsup, mayonnaise and ice cream may be hidden sweeteners and colorings and other ingredients a consumer may not want or may be forbidden to eat.

The food code allows those and other "standardized" products to be sold without listing their ingredients.

When ingredients are listed, their names are technical and almost no consumer can tell if they are good or bad. What consumer knows if he ought to eat or stay away from hydrolized vegetable protein or hydrogenated corn oil or a cola drink which—most likely—contains caffeine?

Ingredients are listed by weight, heaviest first. But the first ingredient may be 90% of the weight in the package, and the second could be 1%, for all the package tells.

Americans use more packaged and prepared foods every year. Use of chemical food additives has increased more than 50% in 10 years. Grocery buyers cannot test for hidden chemical dangers.

The FDA must be those citizens' agents. The FDA should have power to block use of any additive until it is proved safe. It should have power to require that food packages inform purchasers fully, in understandable language.

The customer has to pay good, genuine money to the seller. The seller should be equally honest, offering good, genuine products in which the customer can put his trust.

MISS WENDY WINGFIELD, MISS SOUTH CAROLINA TEENAGER 1971

Mr. THURMOND. Mr. President, it is always a sincere pleasure to learn of honors which come to South Carolinians. It is especially pleasing when such honors are attributed to young people who display a strong sense of patriotism.

I have never subscribed to the theory that this generation of young people is worse than other generations—that they are more rebellious, less respectful to their parents, or more inclined to be violent.

On the contrary, the young people of the present probably contain more talent, more ambition, and more maturity than most in the past. They have, to a large extent, been maligned by excessive publicity given to isolated groups and individuals who do not wish our country well.

Mr. President, there is, in my State of South Carolina, a young lady who has demonstrated attributes which should bring high esteem to her generation.

She is Miss Wendy Wingfield of Columbia, who holds the title of Miss South Carolina Teenager 1971. This 17-year-old high-school junior was asked to write a theme on "What's Right With America," as part of the competition.

In talking to reporters about this paper, Miss Wingfield said that:

> Having the freedom to sit and write about America, or brag about America is what is right with America.

This simple sentence explains in such an eloquent way the freedoms that Americans enjoy. It is reassuring to know that these values are prized and cherished by those who will come after us.

Mr. President, a feature article about Miss Wingfield appeared in the January 31 issue of the State, Columbia, S.C. This feature, written so well by Mrs. Linda Caughman, paints an excellent portrait of the young lady who represents our State as Miss Teenager 1971.

I ask unanimous consent that the article and the text of Miss Wingfield's theme be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

"MISS TEENAGER" AN INDIVIDUAL IN FASHION AND LIFE STYLE

(By Linda Caughman)

"I used to be a terrible tomboy, playing football and really getting into it. About two years ago when I started dating, I reformed and now I'm very glad I'm a girl," Wendy Wingfield said.

Wendy has certainly outgrown all her tomboyishness. In September she won the title of Miss South Carolina Teenager 1971 and represented South Carolina in the Miss American Teenager competition in Palisades Park, N.Y.

The blond, blue-eyed, 17-year-old Spring Valley junior could be best described as a well-rounded All-American girl.

An important part of the Miss South Carolina Teenager contest was writing and reading a theme on "What's Right with America." Wendy said, "I wrote that having the freedom to sit and write about America or brag about America was what was right with America. In Russia they can't do that."

Wendy has lived in Columbia with her 13-year-old sister, Darcy, her white poodle named Bebe, her goldfish, who doesn't have a name, and her mother and step-father, Mr. and Mrs. Randall E. Thornton, for the past three years.

"I lived in Seattle, Washington, most of my life and in California when I was real little," Wendy said. "People seem to be the same everywhere except for the way they talk. I like the South because you feel like you're somebody here."

Wendy lives in a brand new, very modern house in the North Trenholm area. "Our house on this same lot burned down last March while we were at the beach It was terrible. Nothing was saved, except the brick which were still intact. We rebuilt using almost the same house plan," she said.

"It was great fun decorating the new house. My favorite thing about the house is the slanted ceiling. It gives me the feeling of being free.

"I decorated my own room," said Wendy, who has inherited her mother's talent for painting abstracts and love of modern designs. "It is real modern and my favorite piece is my chair which is round and striped.

"I picked out the wallpaper in the bathroom. It has big yellow flowers. When you get to choose things, they mean a lot more to you," Wendy continued.

Contagiously spreading her pride in her family's home, Wendy pointed out the red, black and white color scheme in the den and the kitchen. The modern, basic furniture and the cathedral ceiling fit her personality perfectly.

Attired in a purple, clingy blouse with a draw string neckline and jeans sporting a patch on the hip pocket (saying "Randy") and tennis shoes, Wendy said, "My boyfriend sewed his name on them and gave me the jeans for a Christmas present. That's what makes them special.

"I wear what I like and what looks good on me. I'm kind of moody. Sometimes I like to wear something feminine and sometimes I like to wear a suit. I could just live in pants, though. I love jeans and tennis shoes." Wendy gave her views of fashion.

"I have one midi because I fell in love with it. I didn't care what length it was. It could have been down to my toes and I wouldn't have cared. I just liked the dress itself." Wendy is one girl who is not going to let fashion designers dictate to her, she said.

Wendy completed the professional modeling course at a local studio, and has done some department store television advertisements. "I really modeled more before the pageant than I have after the pageant, she said. "I'm on a junior fashion board."

Having never seriously considered a career in modeling, Wendy said that modeling is just something she enjoys doing now. She won a $900 scholarship to Bauder Fashion Institute in Atlanta and plans to take the fashion course as soon as she graduates from high school.

"I would never have gone out and entered the Miss South Carolina Teenager 1971 Pageant, but since it was placed before me I decided to try," Wendy admitted.

She was entered in the contest by her modeling instructor, who, Wendy said, "instilled confidence in me."

Relating how her family reacted to her winning the title, Wendy said, "My mother was the most thrilled person there ever was. I think my sister was pretty happy, but she doesn't say much."

Along with most other teenagers, Wendy thinks about what she will do after high school graduation. Although she wants to squeeze in the course at Bauder, she is definitely interested in college. Still undecided as to where she wants to go, she has considered the University of South Carolina because it is so close to home.

"I would hope to live in a dorm so I could be independent. I think that is every teenager's dream. But I'd probably come running home to Mama," Wendy said.

"I told the judges in the contest that I wanted to be a corporation lawyer, but I don't anymore. A close friend of our family is one and I still think it is a cool thing to do. I've thought about being a stewardess," she said.

Wendy displays the typical whimsicalness of women. "I would say that my favorite color is yellow, but my friends know that I wear purple all the time, so I had better say that my favorite color is purple. But my room is yellow," she explained.

Although quite unsure of what she plans to do in the future, the 5-feet-4, 105 pound Miss South Carolina Teenager knows what she likes to do with her free time. "I would rather spend time reading than watching television. Or go for walks. There is so much going on that is real that I'd rather not watch something that's not even material," Wendy said very seriously.

Other varied interests are watching football games and reading and writing poetry. "But the main activity I love is painting. My favorite picture is a Japanese lady wearing a kimono in a Japanese garden," she added.

The active 17-year-old, whose favorite subjects in school are sociology, U.S. history and English, belongs to the Drama Club, the Spanish Club and the Junior Civinettes.

Pulling back her medium length blonde hair, parted down the middle, flipped up on the ends, Wendy said enthusiastically, "To earn money to pay for pictures, the Junior Civinettes are all going to wear T-shirts saying "slave" and work for the other students to make money one day soon."

Praising the new Spring Valley School, Wendy said, "We have a great faculty and great coaches. I hope we can really make a name for ourself like Dentsville did." She attended Dentsville last year.

The vivacious young teenager announced that she is a Scorpion. "I really haven't met that many Scorpions," she said with some amazement, "I like to read my horoscope and then if it comes true, I say, 'Ah, ha, maybe there is something to it.' "

The conversation kept shifting to the many things which interest Wendy Wingfield. "Did you see 'Love Story?' I think that was just the best movie. I'm usually very emotional, but I'm proud to say I just had one tear. Two girls sitting next to us were sobbing so hard, Randy and I just had to laugh at them," Wendy said.

"Randy," is Randy Jacobs, a Carolina freshman. "We've been going steady for six months exactly. He played football for A.C. Flora and in the Shrine Bowl and the North-South All-Star game last year. I think he's really special and I like him a lot," she said with a grin.

Suddenly remembering that she had not taken the trip to Florida which she won when she was chosen Miss South Carolina Teenager 1971, Wendy contemplated whether she should take it over Easter vacation or during the summer.

"I haven't been anywhere by myself to really see what it's like. But I like to travel with my family," she admitted.

In line with her love of novelty and excitement Wendy said, "I just love to be on a jet because it goes so fast."

It seems that Wendy does not hesitate to try anything once. "You know," she said, "two things I just tasted that I really like are squirrel stew and rutabagas. But my favorite foods still are spaghetti and hamburgers.

"My mother said that the way your personality was projected to the judges was the main thing in the Miss South Carolina Teenager contest," Wendy explained as the reason she thinks she won. It is certainly no mystery how Wendy Wingfield stole the show if personality had anything to do with it.

WHAT'S RIGHT ABOUT AMERICA?

(By Wendy Wingfield)

Many things! . . . For instance; pistachio ice-cream, Bozo the Clown, sweatpea incense, half-price Beattle albums, and the late, late, late show!

But even more, what's infinitely right about America is that an American can have a dream become a reality; because America's middle name is opportunity. Now, more than ever, there is the chance to achieve your special dream—effort is the key word.

I believe, with all my heart, that "my" generation will put forth such effort needed to help respect our Flag, support our Constitution, obey our laws, and defend our great country against all enemies.

The mere fact that one seventeen-year-old girl can have this sincere faith binding her to her country is what is truly right about America.

THE INVASION OF LAOS

Mr. BAYH. Mr. President, by President Nixon's conscious decision to support the South Vietnamese invasion the southern panhandle of Laos has now become the testing ground of Vietnamization. And the evidence to date seems to be proving that Vietnamization will not end the war.

Vietnamization was supposed to buy enough time to make the South Vietnamese Army competent to cope with the military situation in South Vietnam on its own. We were led to hope that Vietnamization would, thereby, permit the withdrawal of American fighting men so that in the foreseeable future none of our forces would be left in Vietnam. Vietnamization was going to end the war, principally by demonstrating to the enemy that they could never win and ought therefore to compromise in Paris.

The reports already in from the Laos operation contradict each of these assumptions.

In fairness, it does appear that the ARVN are fighting more competently than they did several years ago. But that is not the real question. The real question is whether, after nearly 2 years of Vietnamization, the ARVN show signs of improving enough to handle the military situation by themselves. The Laotian invasion raises serious questions about this. So far it appears that the North Vietnamese still have the ability to pick the ground on which to fight, and when they do, to inflict serious defeats even on the ARVN's crack units—despite the most massive application of American air power Indochina has yet seen.

The Laotian operation, like the Cambodian one before it, was supposed to buy time to make the ARVN capable of defending South Vietnam. The Cambodian operation expanded the area which they must defend to include yet another country. The current operation is not only expanding the area of the conflict, but also apparently exposing the South Vietnamese to a decisive military reverse. The result could be a South Vietnamese Army which must fight three wars instead of one—after some of its best fighting units have been destroyed.

And what of hopes for American disengagement in the foreseeable future?

The President's statement on unlimited use of American airpower and the military's estimates of when the South Vietnamese will be able to take over the air war pose the real possibility of a U.S. air umbrella over operations across Indochina for the next 4 or 5 years. The scope of that kind of involvement is suggested by the fact that during the current invasion of Laos our airmen are flying up to 1,000 sorties a day.

And beyond that, what will a serious reverse for the ARVN—now or later—do to the pace of withdrawal of U.S. ground troops? American boys may well be bogged down longer in Vietnam because the South Vietnamese Army is spread too thin and too badly weakened to defend its own country.

The administration's explanations of the objectives and progress of this operation have been marked by dramatic inconsistencies.

The President either deluded himself or sought to delude others when he indicated that the "lifeline" from North Vietnam south could be choked off by such a mission, thus convincing the Communists to give up the fight. First, the capacity of the ARVN to achieve that objective, even temporarily, is at this point in serious doubt. Despite their incursion and intense air raids, reports persist that heavy traffic along the Ho Chi Minh Trail has continued during the last 2 weeks. Even if the South Vietnamese were able to block all the supply lines in the eastern half of the Laos panhandle the North Vietnamese could reroute their supplies further to the west, suffering only a temporary delay and loss of supplies. But in pushing the Communist supply lines westward we run the risk of spreading the major action of the war to areas heretofore unaffected—the heartland of Laos and even parts of Thailand. On how many more innocent bystanders do we have to visit the horrors of modern warfare before we realize that expanding the war is not the way to end it?

Now we are being told that an operation that has stalled and is in danger of becoming a disastrous setback is on schedule, that its objective is being achieved and that its progress is satisfactory.

Last week we were told that the ARVN were 22 miles into Laos. Two days ago it was 17½ miles. Yesterday it was 16 miles.

Both United States and South Vietnamese military authorities are giving the impression that a battle in which a crack ARVN Ranger battalion fled the field after losing three-fourths of its men was at least a standoff if not a triumph.

The town of Tchepone which was described as the hub of the trail network and a key objective when the operation began has now become a nonobjective.

Furthermore, eyewitness reports contradict the statistical evidence Saigon and the Pentagon are citing. There is apparently some considerable divergence between the official figures and the reality of South Vietnamese losses, of North Vietnamese losses and American helicopters shot down.

Again a fundamental question is arising—the right of the American people to know what has really happened.

Finally and most importantly, there is the question of the effect of this Laos adventure on the chances of peace. Contrary to the President's claims, I see no reasonable hope that the Laotian operation will convince Hanoi that its chances of winning are really diminished and that it ought to sue for peace. In fact, if the South Vietnamese reverses continue, Hanoi may well end up believing they are much closer to a military victory than they themselves had thought. In any case, nothing about this operation would seem to serve the cause of a negotiated settlement and final peace.

Plainly we should now be on a very different course. We should not be expanding the war, but trying to find ways to deescalate it. We should not be taking actions in Indochina which seem to assure our further and deeper entanglement. We should, instead, be deciding on a date on which to end our involvement. We should not be seeking a military solution in southern Laos; we should be seeking a political solution in Paris to end the war in Vietnam.

ADOPTION OF RULES BY COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. WILLIAMS. Mr. President, at its organizational meeting on February 18, 1971, the Committee on Labor and Public Welfare readopted its existing rules governing the committee's procedures.

I send a copy of the committee's rules to the desk and ask unanimous consent that they be printed in the Record as required by section 133B of the Legislative Reorganization Act of 1946, as amended.

The committee will meet again shortly to consider amendments to these rules and any amendments then adopted will also be submitted for publication in the Record.

There being no objection, the rules were ordered to be printed in the Record, as follows:

Rules and Procedures of the Senate Committee on Labor and Public Welfare

Rule 1. Unless the Senate is meeting at the time, or it is otherwise ordered, and notice given, the Committee shall meet regularly at 10:30 a.m. on the second and fourth Thursday of each month. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2. The Chairman of the Committee (subcommittee), or if the Chairman is not present, the ranking Majority member present shall preside at all meetings.

Rule 3. All hearings conducted by the Committee (subcommittee) shall be open to the public except:

1. Executive sessions for the consideration of bills or resolutions, or
2. For voting, or
3. Where the Committee (subcommittee) by majority vote of those present orders an Executive session.

Rule 4. For the purpose of conducting an Executive session, a majority of the Committee (subcommittee) actually present shall constitute a quorum. No measure or recommendation shall be reported from the Committee (subcommittee) unless a quorum of the Committee (subcommittee) is actually present at the time such action is taken. Votes by proxy shall be permitted.

Rule 5. For the purpose of conducting public hearings (including the taking of sworn testimony) a quorum shall be determined as follows:

(a) For the full Committee—five members actually present.

(b) For seven-member subcommittee—three members actually present.

(c) For five-member subcommittee—two members actually present.

Rule 6. There shall be kept a complete record of all Committee (subcommittee) action. Such records shall contain the vote cast by each member of the Committee (subcommittee) on any question which a "yea and nay" vote is demanded.

The Clerk of the Committee, or his assistant, shall act as recording secretary of all proceedings before the Committee (subcommittee).

Rule 7. The Committee (subcommittee) shall so far as practicable, require all witnesses heard before it, to file written statements of their proposed testimony at least seventy-two hours before a hearing and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee (subcommittee).

The Committee (subcommittee) shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 8. Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

Rule 9. No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee.

Rule 10. It shall be the duty of the Chairman to report or cause to be reported to the Senate, any measure or recommendation approved by the Committee and to take or cause to be taken, necessary steps to bring the matter to a vote.

Rule 11. No person other than members of the Committee (subcommittee) and members of the staff of the Committee, shall be permitted to attend the Executive sessions of the Committee (subcommittee), except by special dispensation of the Committee (subcommittee), or the Chairman thereof.

Rule 12. The Chairman of the Committee (subcommittee) shall be empowered to adjourn any meeting of the Committee (subcommittee) if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

Rule 13. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee (subcommittee) for final consideration, the Clerk shall place before each member of the Committee (subcommittee) a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

Rule 14. Investigation Procedures

a. An investigating committee (subcommittee) may be authorized only by the action of a majority of the committee.

b. No investigating committee (subcommittee) is authorized to hold a hearing to hear subpoenaed witnesses or take sworn testimony unless a majority of the Members of the committee or subcommittee are present: Provided, however, that the committee may authorize the presence of a Majority and a Minority Member to constitute a quorum.

c. An investigating committee (subcommittee) may not delegate its authority to issue subpoenas except by a vote of the committee (subcommittee).

d. No hearing shall be initiated unless the investigating committee (subcommittee) has specifically authorized such hearing.

e. No hearing of an investigating committee (subcommittee) shall be scheduled outside of the District of Columbia except by the majority vote of the committee (subcommittee).

f. No confidential testimony taken or confidential material presented in an executive hearing of an investigating committee (subcommittee) or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the committee (subcommittee).

g. Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted while the witness is testifying to advise him of his legal rights.

Rule 15. Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

PRESS REACTION TO SENATOR CASE'S RADIO FREE EUROPE INITIATIVE

Mr. JAVITS. Mr. President, recently my close colleague, the senior Senator from New Jersey (Mr. Case), took an important initiative in bringing before the Senate and the Nation certain facts concerning the funding and operation of Radio Free Europe. Senator Case's initiative has attracted considerable attention in the press. I ask unanimous consent that a selection of press articles on this subject be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Philadelphia Bulletin, Jan. 24, 1971]

Radio Free Europe Gets Secret Aid From CIA, Case Says; Asks Control

(By Linda J. Heffner)

Washington.—Sen. Clifford P. Case (R-NJ), charging that millions of dollars in Central Intelligence Agency funds is used to operate Radio Free Europe and Radio Liberty, is urging Congress to control the funding of the two stations.

Case said he plans to introduce legislation tomorrow calling for the two propaganda stations to be operated "under the authorization and appropriation process of Congress."

"During the last 20 years," Case said in a statement yesterday, "several hundred million dollars in U.S. Government funds have been expended from secret CIA budgets to pay almost totally for the costs of these two radio stations broadcasting to Eastern Europe.

"In the last fiscal year alone, over $30 million was provided by the CIA as a direct government subsidy, yet at no time was Congress asked or permitted to carry out its traditional constitutional role of approving the expenditure."

MOST COSTS LINKED TO CIA

Case said that although Radio Free Europe and Radio Liberty both claim to be nongovernmental organizations sponsored by private contributions, high sources indicate that direct CIA subsidies pay nearly all their costs.

According to Internal Revenue Service returns, he said, the combined operating cost of the two stations for fiscal 1969 was almost $34 million—21.1 million for Radio Free Europe and $12.8 million for Radio Liberty.

Although Radio Free Europe conducts a fund-raising campaign each year, Case said, he has been informed that only about $12 to $20 million in free advertising space is donated, less than $100,000 is contributed by the public and gifts from corporations and foundations are small.

The rest, or more than $30 million each year, Case said, comes from the CIA.

Asked about Case's charges, a CIA spokesman said:

"The Central Intelligence Agency never responds to statements."

Other Washington sources report that despite insistence by the two stations that they are private organizations U.S. officials assigned to the American consulate general in Munich, Germany, maintain extremely close contact with them.

At least one of these officials, according to the sources, maintains a full-time liaison role to the two stations with a mission of assuring that their program content does not differ from U.S. policy.

To keep the stations informed, the sources said, the liaison man passes on a steady stream of classified and unclassified U.S. Government documents reporting on events in Eastern Europe.

In addition, the sources said, U.S. Government security officers regularly inspect the headquarters of the two stations to make sure the facilities for keeping the classified material are secure.

The sources added that the Government's official connection with the stations is further heightened by a State Department program which regularly brings American embassy officials throughout Eastern Europe to Munich for extensive briefing sessions.

Case's allegations bring to mind the 1967 disclosure that the CIA was funding the National Student Association.

At that time, a presidential commission, composed of John Gardner, then secretary of Health, Education and Welfare; CIA Director Richard Helms, and Nicholas Katzenbach, then under secretary of state, recommended that "no federal agency shall provide covert financial assistance or support, direct or indirect, to any of the nation's educational or voluntary organizations."

SECURITY INSPECTION

President Lyndon B. Johnson ordered the recommendation implemented by all federal agencies.

Case said the bill he will introduce tomorrow would amend the U.S. Information and Educational Exchange Act of 1948 to authorize funds to the two radio stations in fiscal 1972.

It also will provide, he said, that no other federal funds could be made available to either Radio-Free Europe or Radio Liberty, except under the provisions of this Act.

[From the Newark Sunday News, Jan. 24, 1971]

Case Ties CIA to Radio Free Europe

(By John J. Farmer)

WASHINGTON.—Radio Free Europe and Radio Liberty are supported almost entirely by Central Intelligence Agency funds and should be brought under direct congressional financial control, Sen. Clifford P. Case, R-N.J., charged last night.

He will sponsor legislation this week, Case said to bring both broadcast agencies under the congressional appropriation process.

During the last 20 years, he said, several hundred million dollars have been spent from secret CIA budgets to pay almost the total cost of these stations, which broadcast to eastern Europe.

"In the last fiscal year alone, over $30 million was provided by CIA as a direct government subsidy; yet at no time was Congress asked or permitted to carry out its traditional constitutional role of approving the expenditure," Case charged.

The figures on reputed CIA spending for the stations—which claim to be non-government agencies supported by private contributions—have been published before, but never officially acknowledged. Case said his own inquiry satisfies him that the charges are true.

Between $12 million and $20 million in free advertising space is donated annually to raise private contributions for the stations, Case said, but the return from the public is "apparently less than $100,000."

Case's proposal would amend the U.S. Information and Educational Exchange Act to authorize funds for both stations in the coming fiscal year and provide that no other federal money could be diverted to either station.

A spokesman for Case said the New Jersey Republican hopes the legislation, if successful, will begin to lift the curtain on various federal secret spending, much of which, he feels, is no longer warranted.

Emergency funding of Radio Free Europe and Radio Liberty from secret accounts might be understandable in an emergency or for a year or two, Case said. But the justification has lessened as international tensions have eased, he said.

[From the Trenton Sunday Times, Jan. 24, 1971]

Case Would Halt CIA Radio Funding

WASHINGTON.—If you thought that Radio Free Europe depended on private contributions solicited through its extensive television ad campaigns, you may be surprised to know that it is funded largely by the federal government's Central Intelligence Agency (CIA).

So said Sen. Clifford P. Case (R–N.J.), in announcing plans to introduce Monday legislation that would for the first time put federal funding of RFE and Radio Liberty under the control of Congress.

The New Jersey senator said that the two radio stations, which claim to be non-governmental organizations sponsored by private contributions, receive about $30 million per year from secret CIA budgets over which Congress has no control.

FREE SPACE DONATED

CIA funding allegedly accounts for nearly all of the $34 million operating costs of the two stations, with the remainder coming from corporate contributions and citizen donations.

Under the auspices of the Advertising Council, Case said, about $12–20 million in free ad space is donated to RFE and RL by television and radio stations, newspapers and magazines, and billboard companies.

The reported $100,000 in citizen donations that result from this campaign, however, are a negligible portion of the RFE and RL budgets, Case said.

Radio Free Europe and Radio Liberty were begun in 1950 and 1951, respectively. RFE broadcasts to Czechoslovakia, Poland, Hungary, Bulgaria and Rumania, while RL broadcasts to the Soviet Union.

RFE and RL programming and editorial policies often parallel those of the Voice of America, the U.S. federally funded official international radio station.

[From the Washington (D.C.) Sunday Star, Jan. 24, 1971]

Case To Lift Cover on CIA Radio Aid

(By George Sherman)

Sen. Clifford P. Case, R-N.J., will present legislation tomorrow to end what he claims are secret multimillion dollar subsidies given by the Central Intelligence Agency to private American radio stations broadcasting to Communist Europe.

According to a statement issued yesterday, Case charges that last fiscal year alone the CIA gave "over $30 million" to Radio Free Europe and Radio Liberty "as direct government subsidy." Both supposedly are nongovernmental anti-Communist stations. Both are based in Munich, Germany.

"During the last 20 years several hundred million dollars in United States Government funds have been expended from secret CIA budgets to pay almost totally for the costs of these two radio stations broadcasting to Eastern Europe," Case charged.

SUBSTITUTE FUNDING SOUGHT

Case, a member of both the Senate Foreign Relations and Appropriations committees, said he will present legislation to bring the two stations under the authorization and appropriation process of Congress. He will call tenatively for a $30 million authorization, he said, under the amended U.S. Information and Educational Exchange Act of 1948.

Rep. Ogden R. Reid, R-N.Y., will introduce similar legislation in the House, Case said.

In developing his case, Case said that income tax returns showed that the combined operating costs of the two stations in fiscal 1969 were nearly $34 million ($21,109,935 for Radio Free Europe and $12,887,401 for Radio Liberty).

Of that amount, he charged, $30 million came from the CIA. Less than $100,000 came from the public, through a free advertising campaign by the Advertising Council of the media in this country, and a "small part" more came from private corporations and foundations, Case said.

EASING OF TENSION NOTED

Case charged that any possible justification for this "covert funding" has lessened over the years with the easing of international tensions.

The New Jersey Republican said he would ask that administration officials be called to testify before Congress on the needs of Radio Free Europe and Radio Liberty.

He noted that in 1967, after disclosures that the CIA was providing funds for the National Student Association, President Johnson accepted a recommendation that "no federal agency shall provide covert financial assistance or support, direct or indirect, to any of the nation's educational or voluntary organizations."

That recommendation, which added that "no programs currently would justify any exception to this policy," was made by John Gardner, then secretary of Health, Education and Welfare, Richard Helms, director of CIA, and Nicholas Katzenbach, then undersecretary of State.

"The extraordinary circumstances that might have been thought to justify circumvention of constitutional processes" in an "emergency situation" years ago, said Case, "no longer exist."

EVIDENCE CITED

Sources close to Case say evidence exists to prove that the two stations are really adjuncts of the U.S. government. They say that Radio Free Europe and Radio Liberty receive classified documents from the American consulate general in Munich for use in their broadcasts.

Furthermore, the sources say, Radio Free Europe sends messages to Washington—presumably to the CIA—using the secret coding system of the consulate general.

Observers here said Case merely is bringing out into the open a situation known in official circles for years.

[From the Baltimore News-American, Jan. 24, 1971]

Senator Case Asks Overseas Radio CIA Fund Cutoff

(By John P. Wallach)

WASHINGTON.—Sen. Clifford P. Case, R.-N.J., announced Saturday he would introduce legislation Monday to stop the Central Intelligence Agency (CIA) from continuing to bankroll Radio Free Europe (RFE) and Radio Liberty (RL).

Case charged that the outlay from "secret" CIA funds has already cost the U.S. taxpayer "several hundred million dollars." The Republican senator called on the two organizations to quit the pretense of acting as private organizations claiming to rely solely on voluntary contributions.

As a replacement for covert government funding, Case proposed that Congress appropriate the $30 million that is now needed to meet the station's average annual budget. Both RFE and RL beam, in several languages, news to the nations of Eastern Europe and the Soviet Union.

Both organizations are heavily staffed by refugees from behind the Iron Curtain, but are distinct from the Voice of America, which is an official arm of the U.S. government and receives all its funding from Congress.

Case's allegation that the CIA continues to finance the two stations amounts to a direct attack against CIA Director Richard Helms, who was one of three members of a presidential investigatory body formed after the disclosure in 1967 of CIA funding of the National Student Association.

The commission, which also included John Gardner, the secretary of the Department of Health, Education and Welfare (HEW) and Nicholas Katzenbach, then secretary of state, recommended "no federal assistance or support, direct or indirect, to any of the nation's educational or voluntary organizations."

On March 29, 1967, President Johnson accepted the commission's recommendations and ordered that they be implemented by all federal agencies.

Case announced that he would call leading administration officials to testify on his bill, charging that "during the last twenty years, several hundred million dollars in United States government funds have been expended from secret CIA budgets to pay almost totally for the cost of these two radio stations.

'In the last fiscal year alone, over $30 million was provided by CIA as a direct government subsidy; yet at no time was Congress asked or permitted to carry out its traditional constitutional role of approving the expenditure," Case said.

Congressional sources disclosed additional evidence of the links between the stations and the U.S. government—ties that Case believes violate at least the spirit of the organization's charters with enable them to maintain tax privileges and other benefits as private, non-governmental operations.

The evidence cited was:

At least one foreign service officer assigned to the American consulate general in Munich is permanently assigned to helping RFE and RL staffers in Munich prepare broadcasts. The U.S. official's chief task is to assure that the program content does not differ from U.S. foreign policy.

In order to keep RFE and RL personnel informed on current U.S. policy, the broadcasters are given access to classified and unclassified U.S. government, including CIA, documents reporting on events in Eastern Europe.

U.S. government security personnel regularly inspect RFE and RL's headquarters in Munich to make sure facilities for keeping classified material are secure.

The State Department runs a special program which regularly beings American embassy officials from Eastern Europe to Munich to brief RFE and RL staffers. The station's executives also have the use of U.S. diplomatic pouches to communicate with their offices in Washington and New York.

The Voice of America maintains separate studios in Munich but its staffers freely exchange research, background information and other documents with RFE and RL personnel.

Case also charged that Radio Free Europe benefits from millions of dollars of free advertising under the auspices of the Advertising Council, but realizes only a fraction of this is private contributions.

"I have been advised that between $12 million and $20 million in free media space is donated annually to this campaign while the return from the public is apparently less than $100,000,' Case said.

"Additionally," the New Jersey senator said, "both Radio Free Europe and Radio Liberty attempt to raise money from corporations and foundations, but contributions from these sources reportedly pay only a small part of their total budgets."

[From the San Francisco Examiner, Jan. 24, 1971]

RADIO FREE EUROPE "FINANCED BY CIA"

WASHINGTON.—Sen. Clifford P. Case said yesterday secret Central Intelligence Agency subsidies have financed most operating costs of Radio Free Europe and Radio Liberty which beam broadcasts to Eastern Europe.

He called for an end to covert government financing and said he will introduce legislation tomorrow to bring the two stations under the congressional authorization and appropriation process.

Case, a member of both the Senate Foreign Relations and Appropriations Committees, said tax returns of the two stations show combined operating costs of nearly $34 million for fiscal 1969.

DIRECT SUBSIDIES

Although both claim to be nongovernmental organizations sponsored by private contributions, Case (R-N.J.) said, "the bulk of Radio Free Europe's and Radio Liberty's budgets, or more than $30 million annually, comes from direct CIA subsidies."

His legislation calls for an initial authorization of $30 million for the two stations, but Case said the figure could be revised as further information becomes available.

He noted that, after disclosure in 1967 of CIA funding of the National Student Association, former President Johnson directed that no covert financial assistance should be provided by federal agencies to education or voluntary organizations.

EVIDENCE OF LINKS

Congressional source disclosed additional evidence of the links between the stations and the U.S. government—ties that Case believes violate at least the spirit of the organization's charters which enable them to maintain tax privileges and other benefits as private, nongovernmental operations.

The evidence cited was that:

At least one Foreign Service Officer assigned to the American Consulate General in Munich is permanently assigned to helping RFE and RL staffers in Munich prepare broadcasts. His chief task is to assure that the program content does not differ from U.S. foreign policy.

In order to keep RFE and RL personnel informed on current U.S. policy, the broadcasters are given access to classified and unclassified U.S. government (including CIA) documents reporting on events in East Europe. In addition, U.S. government security personnel regularly inspect RFE and RL's headquarters in Munich to make sure facilities for keeping classified material are secure.

The State Department runs a special program which regularly brings American Embassy officials from Eastern Europe to Munich to brief RFE and RL staffers. The station's executives also have the use of U.S. diplomatic pouches to communicate with their offices in Washington and New York.

The Voice of America maintains separate studios in Munich, but its staffers freely exchange research, background information and other documents with RFE and RL personnel.

CIA FUNDS

Case said from $12 million to $20 million in free media space is donated annually to the campaign to raise funds for the two stations, but that "the return from the public is apparently less than $100,000" while contributions from corporations and foundations likewise account for only a small portion of their budgets.

The 1969 tax returns for the two stations show that Radio Free Europe received $21.8 million in contributions, gifts and grants, while Radio Liberty received $13 million, Case said.

Breakdowns of the sources are not required, but aides said Case had learned virtually all of the contributions were in fact from CIA funds.

THE NEEDS OF THE PEOPLE

Mr. WILLIAMS. Mr. President, as the new chairman of the Committee on Labor and Public Welfare, I want to set forth for Senators and for the public my views regarding the role which the committee should undertake to fulfill during the coming years.

One hundred and two years ago, the Committee on Labor and Public Welfare was established. Through the years it has been known by different names. But regardless of its name, it is the committee's mandate which will always be of first and foremost importance.

I am proud to say that our mandate today is the American people, their needs, their hopes, and their aspirations. The committee sits charged with jurisdiction over the legislative areas of education, labor, public health, and, indeed, "the public welfare generally." This is a heavy but welcome responsibility, and I know that no committee member regards it lightly. I am honored to be their chairman.

It is my intention as chairman to insure that this committee shall respond in the fullest possible measure to the needs, hopes, and aspirations of the American people in the 1970's.

To do this, the committee must play a vital and major role in evaluating our national needs and our strategies for meeting those needs. It is uniquely constituted to perform that role. It can do so through the enactment of forward-looking legislation. It can also fulfill that function through a major legislative review effort to guarantee that the promise of programs already enacted by Congress is realized by effective performance from those charged with their execution.

The constituency of this committee is as broad as the Nation itself. It includes America's 80 million working men and women as well as its 20 million senior citizens. It comprises every American in need of health care and every American who wants a decent education for his child. It includes America's 26 million poverty stricken and its 5.4 million unemployed. Included, too, are the millions of Americans who have suffered disadvantages as members of minority groups.

AMERICA'S YOUTH

Although the subcommittees of our committee have been organized so as to represent and act upon the needs and concerns of the various elements of our constituency, we have learned during the past 2 or 3 years that one major portion of our society has not been adequately represented in the councils of government: Our country's youth. I have on a number of occasions called for the creation of a Senate unit to deal with the problems of youth, and I am now announcing the formation within the Committee on Labor and Public Welfare of a subcommittee specifically devoted to the needs and concerns of our young people—the Subcommittee on Children and Youth.

The jurisdiction of our full committee lends itself to many of the important concerns about our youth; education, health, manpower, poverty, and drug abuse directly affect the course of all young people. Yet we must also find a way to talk directly with those most intimately involved—young Americans themselves.

I intend that this new subcommittee will be much more than a forum for youthful criticism. We need intelligent, thoughtful contributions from our young people. We need answers to the disturbing questions which plague us today. We need a place where the best of our youth can present the best of their ideas. We need to talk together and to learn from one another.

The young come from every segment of society. And the vital issues within the concern of the committee are different in urban centers from what they are in small towns and rural America. Therefore, we must hear from young people from every walk of life, from all parts of America. This new subcommittee can play an important role in meeting the challenges and opportunities our young people provide.

AMERICA'S WORKING PEOPLE

During the 92d Congress this committee's concerns in the labor area will include exploration of methods for coping more satisfactorily with nationwide labored disputes consistent with our tradition of free collective bargaining. We will begin an evaluation of this country's workmen's compensation system and we will seek to make needed improvements in the Longshoremen's and Harbor Workers' Compensation Act. I also intend a continuation of the United Mine Workers election investigation undertaken during the 91st Congress.

There are a number of additional issues before the committee which directly bear upon the opportunities and well-being of our working men and women.

Millions of working people in this country live in poverty because they are working outside the protection of the Federal minimum wage law. Even those who fall within the provisions of the minimum wage laws are assured an income of only $64 a week. One of the more effective tools to eradicate poverty and to reform the welfare system, in my judgment, is the enactment of responsible minimum wage legislation which guarantees to every working American an income sufficient to raise his family in pride and dignity. We will strive to achieve that goal in the 92d Congress.

Moreover, with unemployment now at its highest level in 9 years, and with no visible prospect of significant or substantial early improvement, one of the earliest subjects of committee action must be public service employment legislation, on which we have already begun hearings. Such legislation would authorize the Secretary of Labor to contract with mayors, Governors, and other public agencies to hire the unemployed and underemployed on jobs certified to be vital and necessary—jobs in education, health programs, recreation, law enforcement, environmental protection, sanitation, and other areas of urgent public need.

A Public Service Employment Act will not only create jobs which will enhance both the immediate and long-term employment prospects of up to 200,000 Americans, but will enable our State and local governments to provide needed services which they are presently unable to support. Unfortunately, legislation authorizing such a program was vetoed by the President last year; but perhaps the specter of continually rising unemployment will persuade the President not to reject such a program this year.

A new attempt to achieve comprehensive reform of our manpower program must also be undertaken during this Congress, despite the President's veto of such legislation last year.

In addition, an important priority will be to seek approval by the Congress of the Equal Employment Opportunities Enforcement Act. This passed the Senate last year but died in the House Rules Committee. Action to provide the Equal Employment Opportunity Commission with enforcement authority is essential if we are to honor the commitment to equal opportunity which was expressed by the Congress in the Civil Rights Act of 1964.

This committee must also continue and expand its legislative concern for the needs of the Nation's migrant workers and provide new direction for national action on behalf of those who live in rural poverty. That in the America of the 1970's Americans can be subjected to the indignities still found in migrant camps and in pockets of rural poverty is a national disgrace. It must be corrected.

OLDER AMERICANS

We must also give the most serious attention to our older Americans. For the past 4 years as chairman of the Senate Special Committee on Aging, I have witnessed first hand the often amazing ability of the Nation's older and retired workers to perform invaluable public service.

I have therefore strongly advocated more effective enforcement of the Age Discrimination in Employment Act and intend the committee to perform its legislative review role in order to help achieve that goal.

There is no question that older Americans, retired or not, have many years of able service to render to society and to themselves. They can be effective in many of our new environmental programs. They can be effective in schools, in libraries, hospitals, nursing homes, and elsewhere.

I hope to make enactment of the older Americans community service program one of the achievements of this Congress. Such a program, to enable low-income elderly individuals to provide vitally needed public services, has been tried out on a pilot basis. And it works. We must now broaden that program to attract thousands of senior citizens to public service. They are needed in virtually every urban and rural area in the country.

Another issue related to the well-being of aged and aging Americans is the role and effectiveness of the U.S. Administration on Aging. That agency was established in 1965 after hearings held before the Special Subcommittee on Aging of this committee. The Congress has since approved legislation which has considerably broadened the responsibilities of AOA. And yet, within recent months, leaders in the field of aging have become concerned about the transfer of several important programs from the direct jurisdiction of AOA. In addition, the administration is urging sizable cutbacks in the AOA budget. When the Congress established the AOA, it intended that agency to be a high-level unit with direct lines of communication to the Secretary of Health, Education, and Welfare. The time has come for a thorough evaluation of the downgrading of the AOA and the Older Americans Act.

PENSION AND WELFARE FUNDS

We shall also carry forward our investigation begun last year into the general area of pension and welfare funds with particular concern for the protections needed by American workers to insure financial security when they retire or are disabled. This will be a major undertaking, but the need is great and the time is now. All too many Americans reach retirement age expecting to receive retirement benefits but the expectation too often is merely a cruel illusion. These expectations must be made a reality.

WORKERS' HEALTH AND SAFETY

During the 91st Congress one of the committee's, indeed the Congress', proudest moments was the President's signing of the occupational health and safety bill on December 29, 1970. The signing of this legislation—preceded by enactment of the Construction Safety Act and the coal mine health and safety law—culminated decades of effort to fill the wide gaps existing in Federal safety legislation. However, it is not enough to have enacted such legislation. We have learned from bitter experience that legislation, unless strongly and effectively implemented, is meaningless. We know, for example, that the Construction Safety Act has been on the books for 17 months, yet not one safety standard has been issued under it. We know all too well that the public's outrage over the Bureau of Mines' inadequate enforcement of the Coal Mine Health and Safety Act is only surpassed by its outrage at the fact that there were more deaths in coal mining this year—after the enactment of the law—than in the previous year.

This experience reinforces the conclusion that the vital role of Congress in conducting continuing review of the administration of existing Federal laws by the executive branch is no less important than its role in enacting new laws. The Legislative Reorganization Act of 1970 recognizes this and gives particular emphasis to this obligation of Congress. We will fulfill that obligation, both with respect to the enforcement of the various job safety laws, as well as other subject areas in which this committee has responsibilities.

HEALTH SERVICES

The grave crisis our Nation is experiencing in the availability and delivery of vital health servces must be of prime concern to the Labor and Public Welfare Committee in this Congress. While costs of medical care are skyrocketing, doubts about its quality and availability are growing. Progress in improving our sickness, disability, and mortality rates lags behind what has been accomplished in other western industrialized nations. There is increasing concern that our present systems of organizing and financing health care may soon break down entirely. If major revisions are not made soon, millions of Americans may be unable to secure even minimal levels of health care.

It is clear that we must develop a system to make adequate health services available to all Americans, as well as bring about major improvements in the manner of delivering personal health care services. We must insure their availability, safeguard their quality, and control their ever-increasing costs.

Some of the proposals which have been advanced for dealing with this problem are within the legislative jurisdiction of the Committee on Labor and Public Welfare. We have an opportunity and responsibility to provide a forum for public consideration of all approaches to this most pressing national need.

Any program eventually adopted will be little more than a hoax unless we take steps to overcome both the existing grave shortage of medical and health personnel, and the present lack of medical facilities. Solutions to these problems should be considered simultaneously with consideration of proposals for health service or health insurance programs.

This Nation's failure to concentrate on the prevention of illness, as distinguished from its treatment, has been especially critical. Far more must be done to help Americans avoid diseases that will ultimately require costly treatment. My Adult Health Protection Act would establish a pilot program for preventive screening in centers using automated devices wherever feasible. Such a program would be of assistance to any attempt to reorganize health delivery patterns. It could be one of the steps needed to make our medical resources better able to provide genuine service under any form of national health insurance.

ALCOHOLISM AND DRUGS

Among the specific problems in the health area with which this committee has been concerned are alcoholism and drug abuse, the truly critical proportions of which this Nation has only recently begun to recognize. During the past 2 years this committee has made great strides in focusing congressional attention on eradicating these twin evils.

During the final months of the past session we were successful in enacting a Drug Abuse Education Act and an alcoholism prevention and rehabilitation program which we all hope will help overcome some of the problem. But the task has just begun.

Our national resources to rehabilitate drug abusers are shamefully inadequate. Attempts to treat addiction or abuse have been marked by confusion, fragmentation, and lack of adequate funds. Too many Americans still view alcoholism and drug abuse as problems solely for the police. All of this must change. Unless the committee provides meaningful solutions from the point of view of education and rehabilitation, the law-enforcement agencies will never be able to manage their responsibilities.

Our first priority must be to deal with these problems with a heightened sense of urgency, but without panic and pandemonium. Certainly we must provide financial assistance for the development of new treatment and prevention techniques. Yet we cannot expect that enactment of innovative Federal programs will serve as an instant solution. This committee will continue to examine what has been done and what others propose. Drug abuse and alcoholism may well be manifestations of much deeper social problems, which can only be solved through the exercise of many of the other responsibilities of this committee and Congress as a whole. And it may take years.

One thing is certain. It is my intention to continue to make the solutions to alcoholism and drug abuse a matter of prime emphasis in the business of the Committee on Labor and Public Welfare.

EDUCATION

During the past decade the committee has initiated historic legislative programs in the field of education. We have been able to provide substantial Federal assistance for the entire system of American education, from elementary and secondary schools to our colleges and universities.

Despite these efforts our education system is undergoing severe financial hardships at the expense of students, parents, and the whole fabric of our society.

It is the responsibility of this committee to face up to this crisis in American education. Our first opportunity will come within the next 5 months when the bulk of our higher education legislation is due to expire. But though time is short, we cannot permit ourselves to be pressured into enacting legislation which fails to improve upon current programs. We must take an honest, albeit painful, look at where we have fallen short in the development of a truly responsive post-high school educational system readily available to all young Americans.

In the field of higher education I believe that the program embodied in my Comprehensive Community College Act, which I have just reintroduced, will go far toward expanding educational opportunities all across the Nation. This legislation will provide realistic options for youngsters who have not made career choices; it will offer those students who have dropped out of 4-year colleges the chance to return to higher education; and it will afford the opportunity for continuing education to adults of all ages.

Of course, higher education cannot and will not be the sole focus of this aspect of the committee's responsibilities. We must also provide adequate means for financing our elementary and secondary schools. The newly-enacted elementary and secondary education amendments established a Commission on School Finances, and it is my hope that this committee will turn its attention to this difficult problem.

In dealing with the problems of school financing we must not lose sight of the fact that in the final analysis the focus of concern must be the individual student. New ways of treating children as individuals should be examined, so that both the deprived and the gifted child are given appropriate attention in the teaching process.

We will also have an opportunity to demonstrate greater concern for the education and care of our children when we consider extension of the Economic Opportunity Act. I believe that such programs as Headstart should be substantially broadened to include a far greater range of children, and that considerably expanded resources for child day-care centers should be provided.

TRANSITION TO PEACE

A further area of vital interest to the Labor and Public Welfare Committee, concerned as it is with emloyment opportunities of our citizens, as well as the allocation of the Nation's resources to such programs as those in the areas of health, education, and poverty, is the conversion of wartime spending and wartime production to peacetime purposes. We must be concerned with how the productive capacities and attendant employment which have supported the Vietnam war effort can be rechanneled so as to ease the transition of our economy, manpower, and resources to peacetime activities, and to meet the urgent needs of our people.

I believe the Congress has a responsibility to inform itself about the problems and opportunities that such a transition will present, and to enact such legislation as may facilitate that transition. The Labor and Public Welfare Committee initiated hearings on this subject during the last Congress, and I intend that the committee pursue its responsibility in this area to the extent of its jurisdiction.

REVENUE SHARING

Finally, it is my understanding that the President will shortly present the specifics of his special revenue-sharing proposal in broadly defined areas within the subject jurisdicition of this committee. Advance reports are that manpower and education will be among the functions to be affected in this proposal. I have some concern about the proposed technique of taking funds from existing categorical programs and redesignating these for more loosely defined grants to the States and cities. However, the committee will provide the administration and others with a full and complete opportunity to be heard; and, once all the details are before us, will act in what we view as the best interests of the Nation as a whole.

So, we face this congressional session with a full agenda. It is an agenda for progress, and I believe we will not fail to write a productive new chapter in the history of the Committee on Labor and Public Welfare—the people committee.

WORLD ENVIRONMENT

Mr. NELSON. Mr. President, hopefully the United Nations Conference on the Human Environment scheduled in June 1972, will mark the beginning of a worldwide cooperative effort to preserve the integrity and livability of the environment. No one nation acting alone will be able to deal effectively with the ever-widening range of pollutants—from radioactivity and pesticides to the exotic new industrial wastes of the technological age—whose consequences heed no national boundaries.

The urgent necessity of a world environmental compact is dramatically portrayed in a recent article by Mr. A. G. Mezerik, editor of the International Review Service, which covers the activities of the United Nations. I ask unanimous consent that Mr. Mezerik's thought-provoking article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WORLD IRREVERSIBLY COMMITTED TO SUICIDE

(By A. G. Mezerik)

In earlier days, there were prophets of doom—men who were certain that the world and all its people would perish on a certain day. But the prophesies were false and all went on as before. Now I come, and I also prophesy doomsday. May I prove to be as false a prophet as those before me!

Here is my evidence, predicated on my premise that we, the human species, are committed to suicide, and the decision is irreversible—unless—the chain of life which embraces all living things and emphatically also the human species, has already been grievously assaulted by mercury, DDT and radioactivity, all injected into the biosphere by Man.

The disaster is not the result of an overnight act of pollution. It came about over a long period and had time to spread like a blot of ink over the entire globe. The catastrophe may have, in large part, been engendered by industrialized countries, but today all countries—industrialized or underdeveloped—are enveloped in the same lethal cloud—and while much perhaps can be done to stop today's and tomorrow's pollution by automobiles, oil spills, and other environmental offenses, nothing known up to now can remove the mercury already present on land and in the water, or wash out the DDT residues which persist after thirty years of spraying fields and waters, or clear the strontium-90—here, there and everywhere—first released in Nevada and since spread around the globe wherever the winds reach.

Mercury is the latest of the trio to be tagged as a killer. But it is no newcomer. Wherever paper and pulp mills went—and that was to the verdant forests of Sweden, Norway, the Soviet Union, the Canadian virgin woods and the green summer wonderlands of the Great Lakes, Minnesota, Wisconsin and Maine, there mercury—as a fungicide—was used and dumped into the crystal waters by the mills.

So it happened that the clean waters were poisoned and only generic names such as "Kennebec River Salmon" remained, but not a salmon was to be found in the once pristine, once pure blue waters.

Fifty years ago, the dumping of mercury began; how are we to assay the process of slow poisoning, innocently begun, but fatal in the end? It takes a long time to find out the meaning even of an act which all label beneficial. I should know. That is the way it was with DDT.

I remember when it happened. I was one of a team of writers invited to come to the Tennessee Valley Authority area to see how DDT worked. With our own eyes we could see the blessings brought by DDT: better crops of alfalfa and grains, protection from malaria, comfort from insects and bugs for man and beast. We saw an old farm woman use a DDT spray gun on her pet, a fly-ridden dairy cow. In a boat, we rowed along the river bank using flame throwers and spraying DDT on the malarial mosquitoes' breeding-places. We walked along on the bank with the men who were spraying the interiors of the cabins of the farmers. We were excited and elated. We could see ahead the great day—a world without itch, or malaria, and with food aplenty. I wrote a book acclaiming the new era. But that was in the 1940's and this is 1970.

THE AGE OF ATOMIC POLLUTION

My introduction to the atom came about at the same time and in the same area. We were in Chattanooga, Tennessee. It was during the war, no one told us explicity that what we saw from our perch as we looked across the valley, was the great Oak Ridge Atomic Plant where was being fabricated the first atomic bomb. But we knew it, and each of us hoped that the new mysterious weapon would end the war and end Hitler's threat.

It did not work so. Hitler was beaten without the bomb, and the atomic fury was vented on Japan. From Japan we learned that the bomb was not just the horror of burning death and incinerated destruction—of a bomb stronger than earlier TNT bombs—but that the A-bomb left a legacy of radioactivity, bequeathed to the United States bomber and the Japanese bombed alike, a dark legacy which covered guilty and innocent—the world around.

That was in 1945 and twenty-five years later the whole world reaps the atomic whirlwind of strontium-90 and atomic waste.

THE PENGUINS TELL US

A decade ago, an outpost of scientists in the Antarctic studying the physiology of penguins made a discovery that amazed them. Residues of DDT insecticide were found in the fatty tissues of the birds, even though they lived thousands of miles from the nearest farm.

The scientific world devoted little attention to the curious discovery, though it should have, for that finding should have heralded the startling recognition of the catastrophe which has overtaken the environment. Endless discoveries of man-made insults to ecology now follow one another. One of the most recent of these is mercury which is now found to be the most pervasive of the killers.

FATAL MERCURY

Large amounts of mercury at levels considered toxic to animals and to humans as well, have been found in the livers of Alaskan fur seals that live in the open Pacific Ocean, scores of miles from land.

The primary cause in this latest mercury tragedy is thought to be the result of the concentration of industrial pollution—which has gone through the aquatic food chain—that is, mercury dumped in coastal waters is absorbed by plankton and other small living things that are eaten by fish who go out to sea and who are there in turn are eaten by the seals.

A federal marine biologist in Seattle, Dr. George Y. Harry, whose laboratory first discovered the mercury in the course of searching for DDT residues in the seals, called the finding "astounding". He pointed out that this species of seal lived in the open water no closer than 50 to 100 miles from coastal areas, going ashore only in July to mate on the Pribilof Islands in the Bering Sea.

Downing B. Randal, the owner of a health food business in Santa Rose, California, used the livers from the seals to make a "blood booster". He said he had chosen the seal liver because of the remoteness of the seal's habitat. It was his belief that his preparation was pure, coming as it did "from an animal most free of contaminants." Mr. Randal has now been told by the United States Federal Food and Drug Administration how wrong he was. The agency ordered Mr. Randal's company to withdraw from the market 10,000 iron supplement pills made from the livers. Mr. Randal today says, "You can figure from this that there isn't any place in the whole world that isn't contaminated."

Contaminated seal meat poses a dire threat to the humans close by. For the native Aleuts in the Pribilofs, seal meat is an important source of food. Mercury contaminated seal meat does not look or taste different from uncontaminated seal meat. The Aleuts cannot sense the danger—and there is real danger. Toxic amounts of mercury can cause brain damage, mental retardation and spontaneous abortions.

The United States Public Health Service, made aware of the dangers, flew a team of doctors to the Pribilofs to examine the islanders. Preliminary studies showed a high level of mercury in the hair of some of the islanders. More recently, studies carried on by physicians at the Federal Center for Disease Control in Atlanta, Georgia, indicated that the hair of the seal-eating Aleuts contain about ten times as much mercury as the amount that is considered safe by the Federal Food and Drug Administration.

MERCURY POISONS PERVADE EVER-WIDER AREAS

Toxic levels of mercury have been detected, on this continent, in fish and wild birds in at least thirty-three states and Canada. In the last year, mercury pollution, almost unnoticed until recently, has been discovered in massive amounts in Lake Erie, San Francisco Bay, the Delaware River, an important lake in Louisiana, Georgia's Brunswick Bay, New England's Lake Champlain, the Tennessee River and many other places. United States Government agencies have ordered the suspension of commercial fishing in some parts of California, Louisiana, Michigan and Ontario because of mercury pollution. We can now recognize the mercury poisoning as having spread widely, in the open ocean, coastal water, rivers and inland lakes in the western hemisphere as well as in the eastern hemisphere, where it was originally detected.

The mercury problem has got so out of hand that public health officers in some states have warned sport fishermen not to eat their catches of trout, bass, catfish and crab. Toxic mercury levels have also been found in game birds, including pheasants in North Dakota and California.

Dr. Ephraim Kahn, a California Public Health official who heads a Federal-State mercury investigating team, has warned that some striped bass and catfish in San Francisco Bay are so heavily contaminated with mercury that they should be eaten only once a week, and not by pregnant women at all. "Mercury has an affinity for the fetus and is much more toxic in unborn children than adults," he said.

WORLD-WIDE CONTAMINATION

The dangers of mercury were found, and exist today, in waters far from North America. Studies which alerted the world to mercury poisoning were made in Minamata Bay, Japan, long before contamination in this hemisphere was recognized. The Minamata Bay studies showed mercury intoxication in pregnant women had caused their children to be afflicted with mental retardation and cerebral palsy. There, between 1953 and 1960, 110 persons were killed or severely disabled.

Mothers, although showing few symptoms, gave birth to babies with congenital defects.

What poisoned the waters of Japan—or of Sweden—another area where mercury was discovered and studied before it was known in the United States?

The mercury poison seems to come from industrial wastes dumped by plastic factories, pulp mills, paper-processing plants and other chemical facilities, but it can also come from natural mercury mines and indeed from mercury coated seeds.

SEEDS OF DEATH

Seeds are coated with mercury to make them insect repellent. Birds feed on these seeds, carrying them to other areas. Sometimes seeds are used as animal feed. On 18 February, 1970, Secretary of Agriculture, Clifford M. Hardin warned of an "imminent hazard" in the continued use of mercury fungicides. The occasion was the poisoning of three children in New Mexico. Their father, Ernest Lee Huckleby, had fed mercury-treated planting grain to his hogs in August. In mid-September, one of the hogs was slaughtered, and the pork was eaten for three and a half months. In December and January, the children were stricken; Amos was blinded, Ernestine has been in a coma and Dorothy Jean has been unable to speak. Their mother, who also ate some of the meat, gave birth to a son on 22 March "who has probably contracted congenital mercury poisoning", according to a suit for nearly $4 million filed against the supplier of the seed.

Is there any way to counteract the mercury plague? How long will it take to get large-scale research and will it come in time? Mercury is killer No. 1, a public enemy, newly found out, although around a long time.

THE KILLER DDT

The more familiar killer is DDT. Not long ago, the California Fish and Game Department reported that they had found that the inability of pelicans to reproduce on an island north of Los Angeles is closely correlated to DDT contamination "of major consequences".

Reproductive failures threaten the extinction of some species of sea birds, the Department said in a report in August. The report said that a survey of Anacapa Island showed that only one young bird had been produced in 552 nest attempts by brown pelicans. The eggs were so thin-shelled they could not be incubated. The pelican hens sat on the eggs and the eggs broke. It does not take a crystal ball to read the future of those birds—one generation and they are extinct.

"The reproductive failure has been closely correlated with the high level of pesticide residues—DDT and its metabolites—in the tissues and eggs of the brown pelican," the report said and added, "Scientists are deeply concerned because such reproductive failure in sea birds indicates a contamination of the marine ecosystem of major consequence, which could mean the extinction of some species."

Brown pelicans and other birds are, of course, not the only living things threatened by DDT. DDT is in the food humans eat. Mothers' milk carries DDT—lots of it. How much? Perhaps the answer is, that were cows' milk with that much DDT content offered in super-markets, it would be confiscated by the Food and Drug Administration.

We do know that DDT kills birds and fish, interferes with their reproduction, decimates their populations. It causes cancer in laboratory test animals, and people killed by cancer carry more than twice as much DDT as the rest of us. Nobody knows for sure what DDT is doing to humans, but who wants to wait around to find out? The answer seems inevitable—unless. . . . !

THE DDT SPECIAL INTERESTS

When we talk of DDT we get into some large-size special interest areas: farmers who want to grow bigger crops and are not yet worried about DDT's effects, chemical companies who have huge stakes in the manufacture of DDT and even humanitarian groups, more intent on creating a needed "green revolution", with more food for hungry people, than in disasters which may come later. Involved here also are guardians of health who find in DDT the only present answer to malaria control, and malaria has been, and still could be, a mighty decimator.

USE DDT NOW, PAY LATER?

The World Health Organization (WHO), greatly zealous in holding down malaria, says it will not curtail the use of DDT, arguing that to establish a 40-year life span in the malarial tropical lands is most important now, and there is yet time to do something about the prospect that the species may be in danger 50 years from now.

For its part the Food and Agricultural Organization (FAO), in its zeal to bring the products of the "green revolution" to hungry lands, is carpeting the fields with the deadly DDT. FAO leaders say "we need food now" and that's true.

CRASH RESEARCH PROGRAMS ESSENTIAL

What WHO and FAO are saying sounds reasonable, but it isn't. Reason dictates that there be crash programs operating side by side with present day expediency to find *that* something which could provide antidotes for birds and fishes and indeed for mothers—already DDT infected.

THE LETHAL ATOMIC RISKS

"Take the benefits now—pay later," is the song not only of DDT users; it is also the soothing melody of the atomic power industry. But that industry—almost entirely government-owned until recently—has already given us more than a little for later payment.

Atomic power has from its inception been known to contain contradictory elements: for ultimate devastation if used in war, and for making life easier if used in peace. But it is not that simple. The peaceful uses of atomic energy are now known to contain perils, which if not so immediately lethal as are atomic weapons, can be just as fatal. And more often than not, peace and war uses merge.

Nuclear waste which is a product of all nuclear use is a unique material in that, (1) its toxicity is not immediately apparent to human senses; (2) it cannot be disposed of in any conventional sense of the term; (3) it has great longevity.

Nuclear waste is a violently lethal mixture of short- and long-lived isotopes, whose toxicity cannot be artificially reduced and can last for hundreds of years. For example, the amount of strontium-90 in the waste produced by one ton of processed atomic fuel would be too hot to handle 1,000 years hence. Such waste must, therefore, be stored more or less permanently, but there are serious doubts about man's ability to do this.

The radioactive material is so potent that a few gallons released in a city's watershed can cause death and chaos on a scale comparable only to the havoc of modern warfare.

Although some waste has been dumped in the Atlantic and in the Pacific in "much less than perpetual metal casks", most nuclear waste is put into large, underground steel tanks shielded by earth and concrete. There are now some 200 tanks in the United States containing 75 million gallons of waste atomic material so hot that it boils by itself.

In most atomic countries, including the United States, it is not private enterprise, but Government which is mainly responsible for atomic pollution. Government is the only processor of uranium. Government is the sole tester of nuclear devices.

THE BOILING WASTES IN THE FRAIL TANKS

Most of the waste now buried in Washington State, South Carolina, and Idaho comes from the nuclear weapons program, but if peaceful nuclear power grows as expected, 6,000 million curies of strontium-90 alone will have been accumulated in the United States. Scientists say that amount is enough to kill over 6,000 million people and is thirty times as much strontium-90 as would be released in a nuclear war such as was envisaged in congressional hearings in Washington.

Some of the storage tanks have failed in only 20 years, and the tanks are vulnerable to earthquakes, sabotage, or just plain human error. Meanwhile, millions and millions of deadly gallons boil inside their frail tanks.

The atomic industry—war and peace—continues to produce the products which, even if war never comes, can kill us all—not with one rain of bombs from afar, but as a result of releases of lethal wastes from broken containers.

NUCLEAR TESTS MARCH ON

The United Nations established the Committee on the Effects of Atomic Radiation in 1955, because of a universal fear engendered by such words as "atomic energy," "fission," "nuclear chain reactions." This fear in regard to the terrible potential of nuclear weapons led to the signing of the nuclear test ban treaty in 1963, which outlaws the testing of atomic devices in the atmosphere, under the water, and in outer space—but not underground.

The test ban treaty did not stop the three biggest nuclear powers from—ironically, even if by coincidence—celebrating the 25th Anniversary of the United Nations by setting off nuclear test explosions in Nevada, China, and USSR on 14 October. It sounds like a black mass—celebrating not a quarter century of man's attempt to build an organization for peace, but a dance of death. France, which along with China, conducts its tests above ground, spewed out its poisons in tests earlier far from Paris and in the remote Pacific. But its strontium-90 will reach Parisians too, and it will not be washed out of the air, the waters or the earth in this or the next century.

THE SPIRALING EXPLOSIONS

The International Peace Research Institute of Stockholm, Sweden, reported on 2 November 1970, that, between 1969 and June 1970, a total of seventy-three nuclear devices were tested. Fifty-one were underground tests, of which nine or ten released radioactive material into the atmosphere and some carried out in the United States also caused minor earthquakes nearby. Sixteen were carried out in the Soviet Union.

The report pointed out that between 1968 and 1969, the world was devoting about 7 per cent of its product to military expenditure and that this was expected to drop to about 6½ per cent in 1970. 6½ per cent is still equivalent to the total income of the poorer half of the world's population, said the report. Armaments for all countries cost the people of the world 200 billion dollars.

REVERSE THE ACTION

The other day, I was talking to an M.I.T. professor, a man just returned from Tokyo, where in the midst of smog, clogging of harbors with filth and pollution, and almost intolerable gassing by automobile, he attended a seminar on environment. His conclusion—after listening, tasting, smelling and thinking, "We have two years to go; either we—the people of the world—undertake crash programs to find remedies for these otherwise irreversible trends, or we—the human race—die."

Die when? How many years, 40, 50, 60? What does it matter—the date on which the last man in the most remote place dies? What matters is how we use our two or three or four years of grace.

On 3 November, we had an election, and Americans in every part of the country were elected to office. They may or may not know anything about the clear and present danger in which we find ourselves. Isn't ours the task of awakening them?

I am based at the United Nations. There the diplomats are preparing for a Conference on the Human Environment which will meet in 1972—but does the world have two long years in which to prepare leisurely for the discussion of a problem which by then might indeed be insoluble?

The Secretary-General of the United Nations had a feeling of the urgency when, as he closed the great meeting of world leaders who came together at the United Nations to celebrate the 25th year of life for the world organization, he said, "As we watch the sun go down, evening after evening, through the smog across the poisoned waters of our native earth, we must ask ourselves seriously whether we really wish some future universal historian on another planet to say about us: 'With all their genius and with all their skill, they ran out of foresight and air and food and water and ideas'; or, 'They went on playing politics until their world collapsed around them'."

Were there to be an invasion from Mars, we would all—in every land and on every island—unite at once to fight the common enemy come from afar. Will we now unite against this greater common enemy, greater because no one can escape the pollutants' invasion? Clearly we must mobilize the research institutions of the world to find antidotes for the poisons already dumped on us—mercury, DDT and strontium-90. That's where the people of our world can spend the $200 billion which goes into armaments each year. We all have a common enemy now, and we must unite to beat that enemy or die!

A COMPREHENSIVE APPROACH TO SOCIAL SECURITY REFORM

Mr. CHURCH. Mr. President, in 1935, with the passage of the landmark Social Security Act, the Nation made a commitment to enable the elderly to live a life of self respect in retirement.

Today, social security protects workers and their families from loss of earnings because of death, disability, or retirement. Without these benefits, 19 out of 20 beneficiaries would not achieve even a moderate standard of living.

But there are still gaps in coverage, and social security benefits still remain inadequate for millions of older Americans. For todays retired single worker, benefits now average only about $116 a month. And for the typical retired couple, benefits average approximately $196 per month.

Even more disturbing, nearly 5 million elderly persons fall below the poverty line—about one out of every four older Americans. Millions more are considered "near-poor." Today persons 65 and over constitute about 10 percent of our total population. Yet, they comprise 20 percent of all persons living in poverty.

Quite clearly, the wealthiest Nation in the world—with a gross national product said to surpass $1 trillion—can do better in fulfilling its commitment to the aged and those nearing retirement. And we must do better because one of the tests of a great Nation is the compassion and respect it shows for its senior citizens.

It is for these reasons that I am sponsoring with Senator HARRISON WILLIAMS, the former chairman of the Senate Special Committee on Aging, legislation to make comprehensive improvements in our social security and medicare programs.

Undoubtedly the number one priority for the elderly is to raise benefits to a more realistic level. To help achieve this goal, the bill provides a two-step across-the-board increase in benefits—15 percent retroactive to January 1, 1971, and another 15 percent raise effective in January 1972.

For the average retired single worker, this measure would provide an additional $197 yearly in badly needed income for 1971. In 1972 the second benefit raise would increase his yearly income by nearly $238. And elderly couples would be helped substantially, since their annual benefits would be increased by $353 in 1971 and by $405 in 1972.

Too often, it is the elderly who are hardest hit by rising prices. As prices go up, their purchasing power goes down, usually quite sharply. But under the Williams-Church proposal, the aged would have added protection against inflation. Beginning in 1973, this measure would authorize automatic adjustments in benefits based on increases in the cost of living. However, it is important to emphasize that under this approach, Congress would still have primary authority for setting benefit levels. This automatic adjustment mechanism would come into effect only if Congress failed to act on social security measures. This would help protect the elderly when there is a delay in adjusting benefits during times of rapidly rising prices.

A number of measures in this proposal will also be especially helpful for the rural elderly—such as in my own State of Idaho. Today large numbers of rural aged persons receive very low benefits because they have been covered under social security for a relatively short period of time or because they worked in lower paying jobs during their preretirement years. Large numbers now receive the minimum social security benefit, which is $64 a month for a single person. The bill that I sponsor would raise this amount to a much more realistic—$100 for this year and then to $120 in 1972.

In addition, the proposal raises the retirement test from $1,680 to $2,000. This will be especially helpful for many aged persons who want to work part-time after reaching traditional retirement age or need to work to supplement their social security benefits. For example, many farmers or self-employed individuals continue to exercise a certain amount of managerial functions in their business after they retire. For these people, my proposed increase in the earnings limitation will also be welcome.

Moreover, the bill will also provide more equitable treatment for women. For instance, benefits for widows will be raised from 82½ percent to the full amount received by their deceased spouses. This measure alone can lift large numbers out of the impoverished ranks.

Equally important, this proposal treats men and women equally for purposes of computing their benefits. Under present law, earnings up to age 65 must be taken into account for computing benefits for men. However, only years up to age 62 are considered for computing women's benefits. My bill would help to remedy this situation by providing for an age 62 computation for men, the same as now exists for women.

Additionally, this bill would make valuable improvements in the medicare program. The monthly premium charge for part B doctor's insurance—which is scheduled to increase from $5.30 to $5.60 this July—would be eliminated. This in itself would be equivalent to about a 5-percent benefit raise for the average retired worker. Coverage under medicare would be extended to include out-of-hospital prescription drugs, which continue to be a major expenditure for the elderly. And medicare would be broadened to include disabled social security beneficiaries under age 65.

Passage of these measures can help provide a cornerstone for assuring a life of dignity for our senior citizens, who have contributed unselfishly during their working years for the economic prosperity our Nation now enjoys. I am happy to report that the measure has the support of the National Council of Senior Citizens and the AFL–CIO.

ESTONIAN INDEPENDENCE DAY

Mr. WILLIAMS. Mr. President, February 24 marks another reminder of the hardship and adversity faced by millions of oppressed people across the world. On this day, Americans join with Estonian descendents in honoring the 53d anniversary of Estonian Independence Day.

During the years prior to World War I, the people of Estonia were forced to accept the presence of the powerful army from Moscow. The will and character of the Estonian people were suppressed, as the Russian leaders maintained a complete and terrifying control over this small nation.

It was not until the German soldiers forced the Red Army from Estonia's boundaries in 1918, that the people began to enjoy a feeling of relief. But the feeling was cautiously reserved. The Estonian leaders were not pleased with the new occupation of their lands. The loyalists were determined to resist the demands of the Germans, and, although done secretly, began immediately to prove their determination and persistence. On February 24, 1918, only 24 hours after Germany's occupation, the people of Estonia announced their independence.

Although courageous in their attempt, a successful Estonian movement was not possible for some time. When the German army finally withdrew from this country in November 1918, the Soviet forces once again, were determined to gain control of Estonia and her people.

But the Soviets did not prevail. Estonian patriots, aided by Finnish volunteers and a British navy squadron, withstood the invading army and prevented Soviet re-occupation. The Estonian defense was so successful, that on the first anniversary of her declared independence, Estonia announced that all Russian soldiers were driven from the country.

Although the moment of freedom was short-lived, the people of Estonia proved to the world their capability for self-government and self-determination. The social and economic improvements were immense, and the contribution to the world community of nations was significant. It was not until the Soviet Union again invaded and gained control of Estonia in 1940, that the advancements of this free society were abruptly terminated.

Mr. President, in honoring the 53d anniversary of Estonian Independence Day, we in the United States pay tribute to these courageous people in their continuing effort to be free.

JUDITH RANDAL ON PRESIDENT'S HEALTH PLAN

Mr. KENNEDY. Mr. President, today's Washington Star contains a perceptive analysis by Miss Judith Randal of the shortcomings of the health plan proposed last week by the President.

As Miss Randal points out, the administration's plan seems less a rational rethinking of the system as a whole, and more a piecemeal approach of the sort we have tried for so long without success.

Mr. President, I believe that Miss Randal's analysis will be of interest to all of us in the Senate. I ask unanimous consent that the article, entitled "Health Plan Falls Short of Needs," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star, Feb. 25, 1971]

Washington Close-Up: Health Plan Falls Short of Needs

(By Judith Randal)

A free-lance writer once was given a singular assignment by a manufacturer of clothing patterns for home-sewing. The instructions were to write a school play with a cast that would require all the children's costumes in the company's catalog. Since the dramatis personae included everyone from Peter Rabbit to George Washington, the plot was, to say the least, a bit contrived.

Some of this same flavor is evident in the enormously complex health message President Nixon sent to Congress last week. Although clearly the product of dedicated effort by a knowledgeable staff, it is flawed by the underlying assumption that remedies selectively applied to specific defects in American medical care on an inter-related but nonetheless piecemeal basis can somehow substitute for a rational rethinking of the system as a whole.

The reliance on private health insurance companies—albeit under federal rather than state regulation—strengthens this impression. No one would lay the entire blame for what ails the American way of providing health care on this industry or any other. But it certainly has played a role in the escalation of costs, the emphasis on treatment in hospitals rather than in less expensive facilities, and the other ills of medicine the administration would like to correct.

Perhaps the companies can indeed make a fresh start. Still, they are an odd choice as the vehicle of reform.

A close look at the President's message reveals, furthermore, that enactment of its proposals would perpetuate the double standard of medical purchasing power that already exists. While most employed Americans and each of their dependents would be entitled by law to $50,000 worth of private insurance coverage in the event of catastrophic illness, the poor and near poor, whose premiums would be federally subsidized under the Family Health Insurance Plan (FHIP), would get far less protection.

The administration contends that FHIP participants who exhausted their benefits could then turn to medicaid, the existing health care assistance plan operated by the states with matching monies from Washington. But whether all the states would in fact step in to fill the breach is questionable.

In any case, the level of medicaid services varies from state to state and two states don't have this program at all. Meanwhile, the blind and the disabled, plus elderly persons whose medicare benefits had run out would not be entitled to FHIP and would have to rely on medicaid. Poor people under 65, who were single or married but without children, would have no coverage at all.

The proposed changes for medicare also can be expected to draw fire. Oldsters will welcome the suggestion that the $5.30 they now pay each month to help defray the cost of doctors' bills be eliminated. But depending on fixed incomes, as many retirees do, they hardly are likely to enthuse over the idea that they would begin to pay a share of the costs on the 13th day of hospitalization instead of the 61st, or that the deductible that comes out of their own pockets when they must see a doctor would rise as the cost-of-living index goes up.

The White House has correctly put its finger on two of the chief culprits in the nation's health care crisis—imbalances of supply and demand and their handmaiden, poor geographic distribution of facilities and personnel. But again, the remedies it offers cannot be said to be comprehensive.

The Department of Health, Education and Welfare argues that competition among private insurance companies—whether profit or nonprofit—would prevent needless duplication of facilities like automated diagnostic laboratories and cobalt units for cancer therapy. But again, there is little in the history of the industry that suggests it has succeeded in controlling such overbuilding or could do so now.

When Blue Cross boards consist preponderantly of people with some links to medicine, hospitals, or both, this hardly is surprising. Yet the Nixon plan does not accord consumers or their representatives this kind of role at all.

None of this is to say that there is nothing good in what the White House has proposed. Certainly, its perceptions of the shortcomings of American medicine are accurate and no other administration has sought to come to grips with them, let alone offer solutions on so broad a scale.

Two central questions arise: First, can health care for all Americans be made a reality by nationalizing the regulation of insurance rather than nationalizing the insurance system itself so as to offer everyone a uniform range of benefits? And second, would the first plan cost more or less over-all than the other? Fortunately, the debate now starting on the issue should give the nation the opportunity to decide.

ACCOMPLISHMENTS OF THE NIXON ADMINISTRATION

Mr. MILLER. Mr. President, Life magazine for February 5 contains an excellent article by the distinguished Secretary of the Department of Housing and Urban Development which places a fair and timely perspective on the accomplishments of the Nixon administration. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Reply to Life's Editorial on Nixon

(By George Romney, Secretary of HUD)

President Lincoln once said he could not answer all the attacks against him, as it would involve him in a "perpetual flea hunt."

Two weeks ago, Life meticulously published so many "fleas" about Mr. Nixon and his Presidency—I asked this opportunity to bag the legal limit.

Foreign policy. Though conceding him high marks in foreign policy, Life skates over—in two sentences—the President's historic arms control proposals, Soviet policy, the new footing toward Communist China, the peace initiatives in the Middle East. Instead Life zeroed in on Cambodia.

Nowhere was credit conceded for the accomplishments of Cambodia: the new American troop withdrawals; the greatly improved chance freedom in South Vietnam will survive; the dramatic decline in American war dead.

Who would have predicted 24 months ago that by the spring of 1971 almost half of America's troops would be either home or on the way?

Had this President been of a different political philosophy, those dismissing his achievements with faint praise might well be alto sopranos in the Nixon choir.

Economic policy. Ernest Hemingway wrote that two evils inevitably brought nations "temporary prosperity . . . permanent ruin." They are inflation and war; Mr. Nixon inherited them both.

It required both political courage and statesmanship to move away from war and inflation, up onto the high road to peacetime prosperity. Almost two million defense-related jobs had to be eliminated in the transition.

But Life's gloomy assessment notwithstanding, unemployment for 1970 was lower than any peacetime year in the '60s. Last year's downturn was the mildest in 25 years. Interest rates have declined. Price rises have dropped 25% in six months. Housing starts are moving up. Food prices have stabilized. The stock market has rocketed 200 points in eight months. Public confidence is everywhere on the upswing. A business recovery is at hand.

Social policy. Doing its bit to "bring us together," Life notifies 22 million black Americans that, under President Nixon, you must "be content with the ongoing progress . . . under laws on the books."

Yet, largely through this President's initiatives, millions of poor, many of them black, are exempted from income taxes; the number of Americans getting food stamps has tripled to 10 million; the number getting food assistance nearly doubled to 12 million; "black capitalism" loans to minority business have shot up to $135,000,000. These tremendous gains are not even hinted at in the Life editorial.

"Nixon has fought *only* [emphasis added] for welfare reform . . ." claims Life. Only for welfare reform!

Where have Life's editors misplaced the clippings on the 37-point environment program; the revenue-sharing bill; postal reform; the all-volunteer Army proposal; extension of unemployment insurance to five million Americans; the D.C. crime law and the billion dollars to combat crime; the proposals to stop the flow of smut to children; the higher education bill; the mass transit bill; Social Security reforms; coal mine safety; consumer proposals; the occupational health and safety law; veterans' programs; manpower training and a dozen others?

The Nixon style. Clearly, from Life's inventory, the Nixon "style" is being weighed in the balance with the style of the retinue that arrived in Washington in 1961. But let us broaden the judgment beyond comparative styles to comparative accomplishments.

In my book, substance counts more than style.

The men of style who departed government in 1969 left behind a bitter legacy—a division in the country, disruption on the campuses, inflation in the economy, cost overruns in a bloated defense budget, crime in our cities, powderkegs in the ghettos, backlash in the suburbs—and two hundred coffins being ferried home each week from Southeast Asia.

What a price America paid for the overblown rhetoric of the sixties! And what did it all accomplish?

The day the men of style departed Washington—15 years after Brown *vs.* Board of Education—one in 16 Negro children in the South attended school in legally desegregated districts.

It was not they, but Richard Nixon, who presided quietly over the dismantling of the dual school system. He placed his faith, not in pompous rhetoric or federal power, but in the basic goodwill and dedication to law of the people of the South.

The President did not barnstorm the country promising an "end to poverty in 1976." But calmly, articulately, forcefully he proposed to the nation the most far-reaching program in 35 years to eliminate poverty from American life. He has gone to the people: to rally them at the time of the massive street demonstrations—to argue the case for a missile defense—to justify his decision to a nation alarmed over Cambodia—to explain the economic necessity for his veto of a popular health and education bill.

But, if the President truly seemed, in these appearances, a "calculating lawyer"—why, then, almost without exception have they enhanced the President's standing and rallied support for his causes?

If his appearances disappoint, why do networks and Democrats anguish aloud that the President's televised addresses give him too great a power over national opinion? Hopefully, in 1971 the American people are more interested in performance than theatrics.

Were the President genuinely "isolated," how could an informed critic like Eric Sevareid walk away from an hour's live television interview praising the President's mastery of the matters of government?

From my experience, Richard Nixon's severest critics are the pundits who know him least; his staunchest advocates those who know him best.

When the elite of the intellectual community, the media and the capital deserted President Johnson, his Presidency did not survive. But President Nixon can survive and endure their opposition—for never in his career has he had their support.

If the editorialist cannot fathom the nature and depth of Mr. Nixon's support, perhaps it is because he does not understand the American people.

On Jan. 20, 1969, America was most deeply concerned with a tragic war in Asia, campus crises, mob violence in her cities, crime on her streets. If the day Mr. Nixon departs the Presidency, America's concerns have turned to saving the environment, making government more responsive, maintaining peaceful prosperity—then history will not dwell long on comparative styles. History, rather, will write that Richard Nixon guided America through a dark night of the American spirit into the bright calm of a new day, and was, therefore, a great President.

LET US CONSIDER SOCIAL SECURITY ON ITS OWN MERITS

Mr. CHURCH. Mr. President, the members of the House Ways and Means Committee—now working once more for early action on Social Security and Family Assistance Plan legislation—merit the appreciation of all Members of Congress for their meticulous attention to the crucial issues involved in H.R. 1.

Concern is growing, however, over the possibility of another legislative tangle, similar to that of last year, when certain controversial provisions of the FAP proposal contributed to the Senate delay on the overall bill.

This prospect is especially dismaying to those older Americans who depend upon monthly social security payments for all or a major part of their income. Their disappointment about last year's delay has been expressed in many letters to the Senate Committee on Aging and, I am sure, to individual Members of Congress.

They should not be asked to wait again, even if, as is likely, benefits are made to be retroactive.

The elderly, after all, are concerned about today's bills and today's food for the table. All the retroactivity in the world will not help someone who needs food, prescription drugs, or other essentials today.

I would suggest, therefore, to the members of appropriate committees in both Houses of the Congress that they detach title I of H.R. 1 and report this title as a separate bill to the floor.

In this way, the proposed reforms in social security could be considered on their own merits without being tied to several controversial provisions of the family assistance programs—provisions which have been questioned by the Ways and Means Committee within recent days.

Two important objectives would be served by such action:

First. It would assure swift action on vitally needed, overdue benefits and other important provisions.

Second. It would put the Congress—once final passage of social security increases has taken place—in a much better position to determine what action should be taken on the adult categories of the family assistance program.

In other words, we would have more information on how big a gap must be filled between old age assistance and the new social security levels.

As to the rate at which those benefit levels should be placed, I am firm in the conviction that we should enact an across-the-board increase of 15 percent. The Administration proposal for a 6 percent increase is unrealistic and symptomatic of a growing attitude within the executive branch of neglect, benign or otherwise, to aged and aging Americans. I believe that the 10-percent increase now under consideration by the Ways and Means Committee is inadequate, too, for the following reasons:

First. The 5.5 percent increase in the cost-of-living during 1970 affected the elderly far more than indicated by even that high overall increase. Costs of several items rose higher than the net increase, and these costs had special relevance to the elderly. I am referring to increases in such items as medical costs, transportation, and property tax.

Second. If a similar increase in the cost-of-living occurs during 1971, the proposed 10-percent increase would be depleted before the end of the year. It would be months before Congress could bring benefit levels up to the new cost levels.

Third. At a time when governmental efforts are being made to raise national economic output to exceptionally high levels within the next year, it is reasonable to expect that economic growth will increase contributions to the Social Security trust fund. It is my hope that a 15-percent increase could be financed without increases in payroll taxes.

I am happy to report that the proposal for a 15 percent increase has the support of the National Council of Senior Citizens, the AFL–CIO, and the National Retired Teachers Association-American Association of Retired Persons.

Mr. President, the Senate Committee on Aging has, within the past 2 years, published several thousand documents related to its study of the economics of aging. In all such documents, great stress was placed upon the central role that social security must play in all long-range efforts for truly adequate retirement income throughout this Nation. The proposals offered would merely provide one more step toward that goal. Other steps are needed, and I intend soon to introduce legislation calling for other social security reforms.

Older Americans, most of them dependent upon social security for the bulk of their income, stand in need of earliest possible action to improve social security. The Committee on Aging study to which I referred before documents that one out of every four persons of 65 years and over lives in poverty, that this age group lives on approximately half the income of younger Americans, and that they are hard-hit by increases in medical costs, property taxes, and rentals.

For these and other reasons, I urge early and adequate action.

ON THE FRONT LINE OF THE ENVIRONMENTAL FIGHT

Mr. WILLIAMS. Mr. President, one of the topics that most concerns all Americans is that of the pollution of our environment and the possible solutions to this poisoning of the earth on which we live.

On this issue, we have a genuine national consensus on the need for action. We may differ on solutions but we agree on the enormity of the problem and the need for dispatch in moving toward solutions.

It is conceded, I think, that government alone cannot solve this problem. The united efforts of public officials, the business community and private citizens will be required.

On February 21 of this year, the Washington Evening Star published an article which details the efforts of residents, businessmen and public officials in the area of Cape May, N.J., and Rehoboth Beach, Del., to do all that they can to stop the pollution of the Atlantic Ocean.

Their work clearly has paid dividends which shows what an aroused citizenry can do. Equally clear is that they need legislative help from the Federal Government if their efforts are to prevail. I am certain they can count on that assistance.

The article describing this effort is a most comprehensive one which I think would be of great interest to all Americans. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"Paul Revere" at the Helm—Wildwood Tackles Ocean Polluters

(By Roberta Hornig)

WILDWOOD, N.J.—When Clarence Shoffler spots barges carrying sewage sludge or chemicals out to sea he chases after the tugboat operators, shakes his fist at them and hollers, "Where the hell are you going to dump that stuff?"

Shoffler began his chases about six years ago, three years after the City of Philadelphia began dumping its sewage in the Atlantic, 11 miles out from the mouth of Delaware Bay, and nearer the New Jersey and Delaware coastlines. A few years later Camden and Bridgeton, N.J., started disposing of wastes there, too.

The site—5½ miles off Cape May, N.J., and 7½ miles from Rehoboth Beach, Del., both prime resort areas—was a favorite with clammers. Shoffler had angrily noted his fish and clam catches steadily going down and squarely blames ocean dumping.

In May, when the Food and Drug Administration suddenly declared the sewage site off-limits to shellfishers because of a contaminated ocean botton. Shoffler, in his own words, "really got mad."

"I tied the boat up for a couple of weeks and started talking around," he said the other night at the Happy Hour, a gathering spot for Wildwood townspeople.

"It's not an easy life to begin with, and when the FDA comes out with a report that there's 120 square miles of ocean in your backyard polluted, then I want to do something about it," he said.

In "talking around," Shoffler, a waterman for 25 years, became the catalyst, a kind of Paul Revere for a small but vocal environmental movement that has become one of the liveliest along the Eastern seaboard.

Officially incorporated as the "Stop Ocean Dumping Association," it's better known by its acronym SODA.

In its short, active life, SODA has:

Got Rehoboth Mayor Lester Johnson to join Wildwood this weekend in asking Sen. J. Caleb Boggs, R-Del., ranking minority member of Sen. Edmund S. Muskie's Air and Water Pollution subcommittee, to hold a hearing in Rehoboth on the ocean dumping. The hearing was requested by the Rehoboth Beach Board of Commissioners.

The immediate goal is to get Philadelphia and Camden and Bridgeton in New Jersey to dump their sewage sludge at least 100 miles off the coast. Ultimately it wants ocean dumping stopped.

Encouraged U.S. Rep. Charles W. Sandman Jr., R-N.J., to force a defunct Bucks County, Pa., plant to dump 3½ million gallons of toxic industrial wastes at least 100 miles out at sea. The plant originally planned to dump the poisons 30 miles offshore from Ocean City, Md.

Obtained 60,000 signatures on a petition to support congressional legislation sponsored by Sen. Harrison A. Williams, D-N.J.; Sandman, many other senators and representatives, and the Nixon administration, to end ocean dumping as quickly as possible. This is a fairly impressive number considering that Wildwood proper has a population of roughly 7,000.

Moreover, SODA has become a household word in Cape May County, is becoming well known on the Delmarva Peninsula, and the hard core of its 98 members have become instant ecologists, if not oceanographers.

Wildwood is probably one of the few places in the country where President Nixon's ocean dumping report, published by the Council on Environmental Quality in October, has become almost a best seller.

SODA bought 200 copies and got a discount rate—46 cents each instead of the usual 55 cents—because of the number purchased. Waitresses, the mayor, realty agents and clammers quote some of the report's statistics verbatim, from memory, and know exactly the page they want to make a point.

Several clammers have copied from the report the various kinds of ocean dumping sites in the Atlantic, which is the receptacle for an estimated 39 million tons of wastes annually. They show off their own supersized chart verision to anyone who will take a look.

Besides the sewage sludge, the Cape May-Maryland-Delaware offshore area also is a dumping ground for industrial wastes, explosives, toxic chemicals, ammunition and radioactive wastes. These sites, on charts at least, are 100 miles away from the coastline.

It is the Cape May-Delmarva ocean sewage dump, however, that particularly worries SODA. The Wildwood people fear a second Dead Sea is developing off the East Coast—similar to the only other officially designated contaminated ocean area off New York Harbor.

They are eager to spread the word, confirmed by the U.S. Army Corps of Engineers, that roughly 140 million gallons of sludge, 110 million of it from Philadelphia, is known to be dumped annually near their shoreline.

SODA members also tick off these claims: that Philadelphia's sewage is supposed to be 90 percent cleaned up by the time it hits the Atlantic but that Philadelphia also dumps other kinds of waste ("You name it, they're dumping it"); that Camden's sewage is treated only 25 percent and that Bridgeton's (population about 30,000) gets no treatment at all.

The Wildwood clammers and townsfolk who depend on shellfish and seashore vacationeers for a living were well aware of the ocean dumping off their shoreline and had long scoffed at Philadelphia as a "city of brotherly love."

"Humph! I do believe there's another outlet for their sewage other than our backyard. I wonder if they'd be offended if it were reversed," said Wilbur Ostrander, SODA's president and Wildwood's commissioner of public works.

But it was only last July 10—nearly two months after FDA closed the shellfishing grounds—that Don Long, head of the town's clam processing company was officially notified that the ocean area was contaminated and was ordered to spread the word.

It took two more months for the SODA people to get their organization off the ground.

After brooding for weeks, Shoffler in early October went to Capt. Otto Stocker, owner of the towns cruising boat, to discuss the contamination that is forcing clammers to move out further to sea or down the coast.

Then Stocker, Long and Ostrander met in Long's office and Ostrander arranged a boat trip to the sewage dump site for area officials and news media.

From the ocean bottom they dredged up, for all to see, "thousands of dead clams" and what in polite circles is called "Black muck."

The hard-core group—which by then had grown to include Wildwood Crest's mayor, Joseph Von Savage; realty agent Joseph Olwell; Anthony Bianchi, head of the Greater Wildwood Hotel & Motel Association, Mrs. Eleanor Hughes, a printer; and several watermen—then decided it needed a quickie course on ocean ecology.

On Nov. 18, a "marine conference" was held at the Lobster House, a Cape May restaurant. Guests included university oceanographers, New Jersey scientists, an FDA representative, members of the State Department of Environmental Protection and the director of the Shellfish Institute of North America.

In the words of a recently drafted "History of the Stop Ocean Dumping Association":

"Then Ostrander crossed the Delaware Bay and carried the word to the states of Delaware and Maryland."

A week ago, Rehoboth Beach joined. "They've got a good thing going and we're behind them," said Mayor Johnson. "Our only asset is our beach. If that one mile goes, we may as well close shop."

Ocean City, Md., officials are in the process of deciding whether to join up.

Even though its activism is still relatively new, SODA members are now philosophically confirmed environmentalists. They are beginning to question what they had unskeptically accepted in the past.

For example: the closing down three years ago of a once-booming menhaden processing plant in Wildwood.

Accoring to clammer Shoffler and Eirik Kirkeberd, who owns the Wildwood fishing boat dock area, the once-abundant menhaden, used for bait or converted into fertilizer, have just about completely disappeared from catches off-shore Cape May County. They also report that they have been catching flounder and sea bass with "big sore rings around their fins, and with tails looking like somebody chomped on them."

"It's something out there that's doing it," Shoffler said, shaking his head.

The watermen also are beginning to question what's happening to fish in the "back creeks," the Jersey Meadow spawning grounds up and down the coast.

"In the ocean, if the fish don't like it, they go someplace else. But in the back creeks, you get fish kills," Shoffler said, and Kirkeberd agreed. In their own minds, they have decided that past pesticide spraying to kill meadow mosquitos is behind the disappearance of several species of fish.

Long produced statistics which seemed to confirm the watermen's theory, at least in part. In the last year, New Jersey has lost 1,671 acres of back creek and estuary areas because of pollution.

Shoffler calls the sewage dumping site "sheer idiocy."

"What really got me is that this area was 70 percent clam bottom and 40 percent of that was clam seed. They buried those poor things alive," he says.

"A Desert Out There"

"The mouth of any bay . . . it's like a fertile valley where things grow. That's a desert out there now."

In 1963, Shoffler says, his boat was taking on 2,000 to 3,000 pounds of fish a day. In the last few years, the catch has dropped to 700 to 800 pounds.

In 1963, he says, he had $30,000 worth of lobster pots trapping 100 pounds a day. "Now you just don't see them," he said.

Clams are still on the ocean bottom, but Shoffler and the others are worried about their susceptibility to pollutants.

Shoffler also questions whether the sewage sludge and other wastes really are dumped as far at sea as they are supposed to be.

"If it's bad weather, say, all these barges care about is to get out three miles and one inch—they've been dumping haphazard, you might say, for better than three years."

There are no restraints now on ocean dumping beyond the three-mile territorial limit. This is what SODA wants changed quickly. Its ultimate goal is a complete halt to putting wastes of any kind in the sea.

"Sure we want that sewage to go out 100 miles now. But even if we get those towns to take it out farther, what will it do to the new area? There's life out there, too," one SODA member said.

Up to the last month, the Wildwooders operated on a pretty much out-of-pocket basis, with individuals paying their own way to "sell" Rehoboth Beach, set up the marine conference, visit the Bucks County chemical plant and to buy newspaper ads.

Since incorporating as a non-profit organization January 14, SODA has built up a kitty of $3,000, all of it from membership dues of $5 to $250. The smaller amount comes from individuals. The larger comes from the Wildwood Junior Chamber of Commerce and Rehoboth. Eventually, the group hopes to get contributions in the $1,000 range.

"Our original purpose was to combat local problems—to inform, educate, persuade and seek passage of effective laws which will ensure that our sea life in every form is not annihilated," realtor Olwell says.

A NEW MISSION

But now SODA sees its mission as changing. "We now recognize the significance of the ocean dumping problem, off the Gulf and Pacific coasts as well as ours," Olwell says.

"It's like science fiction. It's crazy."

With its small budget, the new environmentalists are setting out an ambitious program.

Working out of "Eleanor's house" (Mrs. Hughes), Ostrander's office at the city hall or the Happy Hour, SODA is averaging a mailing list of 300 "alert" letters a day. Its current project is sending literature to 10,000 in the next county up, Atlantic.

Next it plans mass mailings on the "down counties" on the Delmarva Peninsula.

"We plan to go up and down the coastline, a county at a time. When we're finished on the East Coast, we'll work our way around the Gulf and up the Pacific. Heck, we might even call a national convention," Ostrander says.

DRAFT REFORM

Mr. KENNEDY. Mr. President, I invite attention to the brief report published in yesterday's newspapers, indicating that the Department of Defense had been forced to institute the doctor draft once more to meet its medical service needs.

It seems clear that even in this area where some of the greatest inducements exist to promote voluntarism, voluntary enlistment falls short.

The need to reestablish a draft call for some 21,000 doctors this year deems to demonstrate the distinct difficulty an all-volunteer Army will have in providing adequate manpower resources for the Armed Forces.

Perhaps the most concise discussion of the issues raised by the advocates of a volunteer Army was the article by David Rosenbaum, published in the New York Times recently. The questions he asked were:

> Do you really think that any significant number of men from upper and upper-middle income classes will volunteer? Could you go to the nearest college campus and find enough volunteers to man the smallest infantry patrol? Is it fair that youths from the lower classes, the ones who can be induced by money to enlist, should carry the burden of fighting a war, while their better-educated, better-heeled counterparts stay home?

These are vital questions that volunteer Army proponents must answer.

Another discussion of the volunteer Army appeared in the Boston Globe last Sunday. A fine article by Martin Nolan summarized the problems facing the Congress this year in its deliberations over whether or not to extend the draft. In separate statements, Roger T. Kelley, Assistant Secretary of Defense, and I commented on the volunteer Army and the need for draft reform. Although I disagree with many of his observations, I believe they should be available to Senators for their information.

Because of the growing interest in this matter. I ask unanimous consent that the articles be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post]

Pentagon Asks Draft of Doctors

The Defense Department asked the Selective Service System yesterday to draft 2,100 doctors this year in the first callup of physicians since 1969.

The Pentagon said the callup of physicians, osteopaths and dentists was needed because too few medical school graduates have volunteered for military service.

Beginning in July, 1,531 doctors of medicine, 77 doctors of osteopathy and 536 dentists will be drafted into the Army, Navy and Air Force for a period of two years active duty.

Dr. Louis M. Rousselot, Assistant Secretary of Defense for Health and Environment, recommended to Secretary of Defense Melvin R. Laird last month that he approve a callup of physicians after two warnings to the medical community went unheeded.

[From the New York Times, Feb. 7, 1971]

Draft: Tough Questions About a Volunteer Army

(By David E. Rosenbaum)

Washington.—If you believe that the draft should be eliminated and replaced by a better-paid all-volunteer force, answer these questions: Do you really think that any significant number of men from upper and upper-middle income classes will volunteer? Could you go to the nearest college campus and find enough volunteers to man the smallest infantry patrol? Is it fair that youths from the lower classes, the ones who can be induced by money to enlist, should carry the burden of fighting a war, while their better-educated, better-heeled counterparts stay home?

AT POVERTY LEVEL

If you are opposed to a volunteer army and want to continue the draft, answer these: Is it right to pay servicemen at a poverty level, far below the minimum wage, merely to maintain the draft system? If, as a high-level Presidential commission has reported and as President Nixon contends, the draft could be abolished if only troops were paid a salary competitive with civilian jobs, is it right for the country not to make this effort?

Such are the questions Congressmen will have to answer before the present Selective Service Law expired June 30. The draft is expected to be one of the most explosive issues in Congress during the next few months, starring such strange political bedfellows as George McGovern of South Dakota and Barry Goldwater of Arizona on one hand, and Edward M. Kennedy of Massachusetts and John C. Stennis of Mississippi on the other.

President Nixon's own proposals fall somewhere between the extremes of continuing the draft system unchanged or abolishing it entirely. Last week the Administration trotted out its big guns—Defense Secretary Melvin R. Laird and Draft Director Curtis W. Tarr—to defend its stand, as the Senate Armed Services Committee began what is expected to be the most careful Congressional review of the draft since World War II.

What Mr. Nixon wants Congress to do is to extend his draft authority for two years and at the same time approve $1.5-billion for increased pay and better living conditions. With the additional salaries and bonuses and with what Mr. Laird called "a positive public attitude toward military service," the Administration believes that draft calls can be ended by the middle of 1973. This assumes a reduced American presence in Indochina and a reduction in the total military force from 2.9 million men now to 2.5 million.

NOT FAST ENOUGH

The President's time schedule is not fast enough for Senators McGovern, Goldwater and Mark O. Hatfield of Oregon. They want to double the money to the $3.2-billion recommended last year by the Presidential Commission on an All-Volunteer Armed Force, and they believe that by doing this the draft can be eliminated immediately.

Senator Kennedy, although he approves of the increased salaries, is completely opposed to ending the draft as long as there is a war going on. Rich young men could not be induced by money to volunteer, the Senator argues, so with a volunteer army "you would have poor people fighting a rich man's war."

Senator Stennis' objection is less philosophical. The Armed Services Committee chairman simply doesn't believe that enough men would ever enlist voluntarily. Talk about a volunteer army "confuses the American people," he said during his hearings last week, "and raises false hopes." Most of the members of his committee appeared to agree.

As if the issue of the draft versus the volunteer army were not enough to generate an interminable Senate debate, Senator Kennedy added another twist by proposing that Congress set a ceiling on draft calls of 150,000 men a year. To exceed the ceiling, the President would have to obtain Congressional approval.

This limit on the President's power to increase the size of the armed forces would "reassert Congressional control over a vital aspect of foreign policy," Senator Kennedy said, noting that the Constitution gives Congress the power to "raise and support armies."

It was just such argument over Congressional prerogative in military and foreign policy matters that led to weeks of debate last year over such measures as the Cooper-Church and McGovern-Hatfield Amendments. There is every indication that this year's debate will be equally lengthy and involved.

Still, it is the question of the volunteer army that it likely to generate the most interest this year, especially among young people and their parents.

[From the Boston Globe, Feb. 21, 1971]

Founding Fathers Saw Need; Set Up No Procedures

(By Martin F. Nolan)

Washington.—"The method is fair, it is sure, it is democratic," said President Franklin D. Roosevelt as he signed into law the nation's peacetime draft in 1940.

After three decades of war, peace and semi-war, the only agreement on American conscription is that it must be either altered or ended.

The choice must come before June 30, when the current draft law expires.

President Nixon promises that the two national years of drafting authority he seeks will be the last with a goal of zero draft calls by July 1, 1973.

As with other issues facing the 92d Congress—revenue-sharing or public funding of a supersonic transport—predictions on the outcome fail to divide into neat ideological platoons.

When the Senate defeated a move towards a volunteer Army last August the 52–35 votes uncovered the strangest parings of political bedfellows, including the cosponsors of the end-the-draft amendment, Sens. Barry Goldwater (R-Ariz.), and Mark O. Hatfield (R-Ore.).

Feelings about the virtues of a volunteer Army go beyond political and social philosophies and the Senate is not alone in its quandary. Not a campus rap session, PTA meeting, country club cocktail hour of sergeants' mess finds unanimity on the subject.

"The US Army has always been very closely identified with the broad base of the population of the country," said Gen. Earle G. Wheeler, former chairman of the Joint Chiefs of Staff in 1964. "And I like it that way."

Many professional military men are as chary of the "garrison state" as are sociology professors. Many commanders, too, are vexed with morale problems inevitably associated with reluctant soldiers.

The current national debate about the virtues and vices of the draft vs. a volunteer Army surfaced in 1966 at a time of rapidly rising draft calls for Vietnam.

During the 1950s and early 1960s a huge manpower surplus of young men encouraged the creation of loopholes, varying standards and bizarre caprices in the Selective Service System.

Deferments for educational, occupational and religious reasons had honeycombed the draft with inequities, none so vivid as those described by Yale president Kingman Brewster.

Brewster charged that educational deferments meant that the burden of the draft fell "Primarily upon those who cannot hide in the endless catacombs of formal education."

The question of undergraduate student deferments still remains to be setled, since President Nixon has already ended other student deferments and deferments for those engaged in "critical occupations."

Another ancillary issue facing those who wish to continue the draft is the question of national standards as opposed to the standards of acceptance promulgated by more than 400 local draft boards.

Besides student deferments and national standards, debate on the draft is likely to center on large, philosophical questions:

Can the nation afford the increase in salaries to make the infantry competitive with civilian life?

Is it more unjust to encourage blacks and other disadvantaged young men to seek the "easy" way out of a troubled economy?

Will a professional Army with less dependence on civilian support produce more politically ambitious leaders?

Would continuing the draft exacerbate distrust among young people towards their government?

Would the draft's existence encourage a modern presidential habit of undeclared wars?

During the debate, attention will also be paid to the results "humanizing" service life has had on morale. If the tradition of "Micky Mouse" is really dead, does that mean new life for re-electment rates?

Ever since George Washington had troubles keeping recruits at Valley Forge, the draft has been a constant summons to controversy.

In 1863, in New York City, more than 1200 people were killed in riots protesting new draft laws.

In the war of 1812, Daniel Webster declared that "If the Administration has found that it cannot form an Army without conscription, it will find it cannot enforce conscription without an Army."

For inspiration, the founding fathers of the Constitution played it down the middle. In the Bill of Rights they called for "a well-regulated militia", without spelling out the regulations for obtaining one.

NIXON'S PLAN BEST

(By Roger T. Kelley)

President Nixon stated in a message to Congress almost a year ago, and in another message Jan. 28, that the Administration intends to eliminate reliance on the draft and achieve an all-volunteer armed force. I believe this can be accomplished by July 1, 1973, if the American public and the U.S. Congress give us their full support.

The Administration has presented to Congress a program to achieve this goal. One of its key factors is a big increase in the pay of military people with less than two years of service, including a 50 percent increase at the entry level. These proposals should become law as a matter of simple justice to our servicemen, even if the goal of an all-volunteer force was not at stake.

FREE CHOICE

By itself, increasing military pay will not produce an all-volunteer force. Many other things must be done, and they are a part of the Administration's proposals. In addition to pay increases they include improved barracks living, an expanded recruiting program, more scholarships and higher subsistence for ROTC and similar officer programs, and the elimination of make-work and "Mickey Mouse" work details.

I have always felt that free choice is important as applied to one's work or career. But while the idea of free choice appeals to me, I didn't know when I became Assistant Secretary of Defense two years ago whether the all-volunteer force could be attained.

Also, I wasn't sure that it represented the best deal for the American taxpayer. These are my conclusions after studying the subject carefully for two years:

1. In the adult work world, the armed forces (like other organizations) function best in a free environment where they compete with others for people.

2. An organization composed of volunteers, having survived the test of free competition, tends to be more efficient than one that relies on forced entry.

3. The alleged pitfalls of the voluntary military organization—that it will be dominated by mercenaries, who will take over our nation, or be all black—are gratuitous and false claims. They should be knocked down hard, lest the American public be misled by them.

4. Once the transition to an all-volunteer force has been accomplished, the military organization will be totally more effective and will consist of many fewer people than its conscripted counterpart.

IMPROVE PAY

If these conclusions are right, then eliminating the draft is important because, above all else, it would provide better national security. It is also important because it would cost less and would serve its military members better than the compulsory form of organization.

But in the last analysis, there is no point in extending the debate on the all-volunteer force. Whether we eliminate the draft or not, military members are entitled to decent pay, adequate housing, and satisfying work.

If providing these things produces an all-volunteer force, then it is the right thing to do. There is simply no way to justify poverty level pay below the Federal minimum vintage barracks, and benefits that otherwise do not compare with civilian life.

The claim is made that an all-volunteer force would become a "mercenary army." This is an emotional charge, without foundation in fact. The leadership of the armed forces today, both officers and NCO's, are volunteers. They are responsible to civilian officials in government. This relationship will be unchanged with an all-volunteer force. The major difference will be that our men in uniform will be paid on a competitive scale with civilians.

The charge is also made that an all-voluntee force would mean the poor, black would fight the rich man's wars. If this were true, then the number of racial minorities and poor people who have volunteered would be a lot higher. The facts are these:

1. Racial minorities, including blacks, in the armed forces are within 1 percent of their total population mix.

2. Among those who have entered service as volunteers, the middle class is as well represented as the poor. Now a brief comment about ending the draft. Should it be now, a year from now, or sometime later?

President Nixon has asked Congress to extend the induction authority under Selective Service for two years—to July 1, 1973. The military manpower supply system has relied upon the draft for many years and it will take until 1973 for pay increases and other actions to produce enough volunteers. In the meantime, we must meet the overriding consideration of our nation's security and rely partly on the draft to maintain the strength of our armed forces. We wish the draft could be ended now, but it is not realistic to plan in those terms. Nor is it realistic to think that the conversion from conscription to all-volunteer could be accomplished in the next year.

On the other hand, some believe the draft should be extended for four years. To do so would be inconsistent with the Administration's all-out effort to end reliance on the draft by July 1, 1973, which would be an outstanding national achievement. It can be done, but it will take an unselfish national will and a heap of positive thinking to make it happen.

HONOR DESERVED

Finally, one factor is essential in attracting and keeping volunteers in the armed forces. That is for our American society to recognize that military people, and the uniform they wear, deserve honor and respect. Our military men and women are, after all, protecting your rights and mine. Those who find fault with American policy and our involvement in the Vietnam War should understand that military people do not make foreign policy; they help to carry it out. They deserve the gratitude and respect of all Americans.

A TRAGIC MISTAKE NOW

(By Senator EDWARD M. KENNEDY)

The Congress of the United States must decide by June 30, 1971 whether or not to extend the Selective Service Act of 1967. For many, there is only one question: shall we repeal the draft and establish a volunteer army?

Although I would support a volunteer army in peacetime, I believe it would be a tragic mistake to adopt a policy of an all-volunteer army at this time.

While American men continue to die in Vietnam, I shall continue to support an equitable draft which cuts across all levels of society.

At the same time, I shall join in all efforts to produce an immediate end to the war in Southeast Asia. I believe the Congress can achieve that goal by legislating the final withdrawal of U.S. troops by Dec. 31 of this year.

But whatever the merits of a volunteer army in peacetime, when American men are dying in Vietnam, Cambodia, and now in Laos, a volunteer army is both inequitable and unwise.

HURTS THE POOR

First, I find it morally indefensible for the risk of death to fall only on those less affluent Americans who might be induced by higher pay to enter the military.

This society still denies to the poor, both black and white, equal opportunity for advancement and achievement. Since that situation exists, a volunteer army would be programming poor boys into the military to fight a rich man's war.

Some have argued that there would be little change between the current numbers of young men from different segments of our society within the military and their numbers in a volunteer army. I disagree and I would challenge the advocates of a volunteer army to go to any college campus and find a sufficient number of volunteers to man an infantry combat unit.

Recent studies also demonstrate that few from the middle and upper middle classes would volunteer. The Marshall Commission found that mainly the less affluent would be attracted by a volunteer army. Department of Defense attitude studies in 1964 and 1968 have confirmed that finding.

I find it grossly inequitable for this nation to embark on a policy that would hold out only one option to the poor to break the cycle of poverty—an option that requires them to face the risk of death.

Second, it is supremely unwise to insulate the more affluent and politically powerful members of our society from the horrors of war. If the day arrives when the sons of the middle and upper classes do not face the threat of the draft, then it will be much easier for those in power to lead this nation into future Vietnams.

$3.2 BILLION

I doubt whether the antiwar movement that developed in this nation during the past few years would ever have materialized if young men from every social background were not threatened with service in Vietnam.

Finally, in wartime, a society can least afford the extra price of trying to achieve a volunteer army. The Gates Commission found the minimum additional expense of establishing a military force of 2.5 million men to be $3.2 billion.

Others, including the Department of Defense, have formed higher estimates. But even $3.2 billion is a major expenditure when Vietnam costs already lessen our ability to meet domestic needs.

When the nation must halt the pollution of its air and waters and must end the hunger and malnutrition that cripple many of its citizens, $3.2 billion is a substantial expense. It is greater than the total Federal expenditure planned for elementary and secondary education in fiscal year 1971. It is a cost that can best be borne in peacetime.

In peacetime, there also are other factors which come into play. The legitimate demands for the full expression of voluntarism in a democratic society become more compelling.

And, most important, there no longer is the moral question of inducting only the disadvantaged groups within our society to accept the dangers of battle. In peacetime, then, the free play of the manpower market can be permitted to operate.

However, there is one element to proposals for a volunteer army which I would seek to incorporate immediately into our military manpower policies. Most volunteer army advocates require the executive branch to obtain Congressional approval reinforces the balance between the legislative and executive branches and reasserts Congress' Constitutional responsibility for the raising of the armies.

Yet I believe that objective can be obtained more directly within the present draft system. The draft reform bill I introduced last week sets a 150,000 draft ceiling for each of the next two years. In this way, any effort by the executive to bog this nation down in future military adventures could be checked by the Congress, which would have to ratify any removal of the draft ceiling.

For the past four years, I have fought to make the draft system impartial, certain and fair. The hearings which I conducted in 1967 and 1969 clearly demonstrated the bias within the system. Many of my suggestions have been adopted. There is a random lottery system and occupational deferments have been halted. But more must be accomplished.

My bill would require a national call so that every youth, regardless of where he lived, would face the same chance of being inducted. Now, a young man with a number of 123 in one area may be called, but someone with the same number in a different draft board across town may not.

REFORMS

My bill also would mandate an end to new undergraduate deferments, but would not take deferments, but would not take away deferments from those who now hold them. I see no reason why the Harvard College student should be allowed to postpone service when the Weymouth mechanic is not.

In addition, there are procedural reforms which I also feel are important to give all youngsters the same right to present their case for a hardship or conscientious objector deferment. These are among the critical changes in the existing system which I think will spread the burden of military service more evenly across society.

In a democratic society, when the threat of death or injury is demanded by the state, then that threat must be shared by every sector of the society and not borne only by the poor. If we must call upon some of our young men to face death on the front lines, there must be no doubt that the system which selects them is the fairest and most nearly just that men can devise.

PADLOCKING THE DATA BANKS

Mr. MATHIAS. Mr. President, the perennial challenge of controlling our own ingenuity is particularly urgent in regard to data banks. We have seen more and more evidence recently of the need to regulate not only what information about American citizens is collected, and by whom, but also how that information is stored, shared and utilized.

In a very interesting column published in the Baltimore Sun of January 31, Ernest B. Furgurson described the unusually perceptive and cautious policies being enforced by Dr. Robert R. J. Gallati, director of the New York State Identification and Intelligence System—NYSIIS. According to Mr. Furgurson, material collected for NYSIIS is carefully screened, with identification data separated from intelligence, and each type of information made available only to those with a legitimate need for it. Further, records are purged in cases where a first offender is found not guilty, and individuals are allowed access to their own files to correct misinformation.

The standards and safeguards established by Dr. Gallati appear to go beyond even the generally meritorious guidelines developed for SEARCH, the multi-State criminal justice information system being shaped with funding from the Law Enforcement Assistance Administration. In turn the standards for Project SEARCH, in which Dr. Gallati has been deeply involved, are far mose stringent than any rules or restrictions yet applied to Federal data banks.

Under the Crime Control and Safe Streets Act of 1970, the Law Enforcement Assistance Administration is directed to report to the President and Congress by May 1, 1971, on recommended legislation to insure the accuracy and integrity of criminal justice data banks and to protect the constitutional rights of all individuals covered or affected by such systems. I trust that, in developing these recommendations, LEAA will give close attention to the New York State experience and progress in reconciling the legitimate needs of law enforcement with the dictates of the right of privacy.

I ask unanimous consent that Mr. Furgurson's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Jan. 31, 1971]

PADLOCKING THE DATA BANKS

(By Ernest B. Furgurson)

NEW YORK.—It appeared the local sport of throwing verbal garbage at the police had reached peak popularity during the patrolmen's recent wildcat strike. Not so. Now it is even more inspired, following indictment of four cops from sensitive positions for selling confidential police records.

The assertion that eight particular detective agencies and two airlines chose to deal under cover with policemen and other officials here in New York does not make it an exclusively East-of-the-Hudson phenomenon which could not happen anywhere else. It could, has and will.

It is fueled by the nationwide growth of data collection, often of the most injurious potential, and its mishandling by those officially entrusted to guard and use it. This governmental side of the threat to privacy was exemplified by the Army's silly but dangerous building of dossiers on politicians and others arbitrarily selected by God knows who. The civilian side, involving credit agencies, junk mail distributors and the like, is at least as omnipresent.

The case that just broke here is one in which the government and private efforts found common cause—the cause so often sanctified because it can be labeled "business." The airlines and detective agencies wanted police records of prospective employees. Instead of doing their own investigating, they allegedly took the lazy route of bribing policemen to provide the information from confidential files. If nobody gets caught, everybody makes a buck.

It is not so cut-and-dried as it may sound. There are shades of ambiguity in the field. Theoretically, police records are public information. In some states, businesses can buy from the police just the sort of data involved in the case at issue. They should not be able to, though. And in New York they cannot.

At the state (not the city) level New York is fortunate to have a man in charge of its computerized police data collection who also is dedicated to protecting the data from leakage and abuse. He is Dr. Robert R. J. Gallati, director of the state's Identification and Intelligence System (NYSIIS), which was not connected with the current bribery case.

Gallati insists on the strict separation of material as either identification (fingerprints, arrests, conviction and parole records, etc.) or intelligence (much more nebulous and slanderous matter, the product of investigations and even hearsay). The intelligence section of his computer bank in Albany is not yet in full operation, and when it is, he says, it will deal only with organized crime.

As for the identification data, it is made up of bits of information most of which are available to legitimate inquirers at city and county courthouses throughout the state. But Gallati firmly believes that once those bits are centrally collected into a comprehensive "rap sheet" on an individual, there is a qualitative difference.

At that stage the police have performed the task, either very expensive or impossible for a private firm, of pulling together incriminating or otherwise damaging information from across local, state and even national borders. To pass out that "rap sheet" casually to anyone who asks for it or is willing to pay for it, out of whatever motive, is not the same thing as merely opening the records of public court proceedingss.

Contrary to the standard view of civil libertarians, Gallati believes the computer is more safeguard than threat to individuals, including those under arrest. Some expertise is required to steal information from a computer, while anyone with physical access can pilfer card files.

For the past year, law officials in New York state have been able to obtain records from the NYSIIS computer within two to three hours, compared to a period of days in the past. This speeds the bonding process and cuts down on cases of mistaken identity.

In addition, first offenders found not guilty are able to purge their records from that bank, and anyone suspecting that wrong data are held there is able to come in and offer to come in and offer corrections to his own file.

These attitudes and procedures, however, are unusual on the government side of the fence. And in New York state alone, there are some 3,600 police departments, district attorneys, courts, justices of the peace, probation, parole and correction agencies with acecss to the NYSIIS collection. Multiply that to account for all 50 states, and by the number of individuals in each agenices, and you have the potential for incidents like the present bribery case becoming a new feature of the American way of life.

That is why tight federal standards for use and security of such data collections are demanded, and why Senator Sam Ervin's subcommittee would do well to call Gallati as an expert witness when it conducts hearings into the subject beginning next month.

CAN WE REVIVE THE U.N.?

Mr. CHURCH. Mr. President, usually, insertions in the Record are preceded by bland and noncommital introductory remarks. However, in the case of Harlan Cleveland, the president of the University of Hawaii, and a distinguished American diplomat in former years, something more is required.

Mr. Cleveland recently made a noteworthy address on the subject, "Can We Revive the U.N.?" which he presented at the Hoover United Nations Conference, sponsored by the Hoover Institution on War, Revolution, and Peace at Stanford University. Because Mr. Cleveland is one of the foremost American scholars on the United Nations, his remarks command respectful attention.

In my opinion, the Cleveland paper is an important statement on ways in which the United Nations might be strengthened in the future. I confess that I cannot subscribe to the paper in its entirety. There are parts of it which too closely reflect a Pax Americana philosophy to be wholly compatible with my views. In certain places, the author seems to be arguing that the U.N. should be improved, the better to advance our own national purposes abroad, this being justified, presumably, upon the theory that "what's good for the United States is good for the world."

Nevertheless, many suggestions made in the Cleveland paper are worthy of the closest consideration by all who would see the United Nations strengthened in its role as international keeper of the peace. I commend it to the Senate, and ask unanimous consent that the complete text be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

Can We Revive the U.N.?

(By Harlan Cleveland, president, University of Hawaii)

We are, it seems, at another of those moments of history when, as Churchill wrote of the days before a Great War, "every man had only to do his duty to wreck the world." The Secretary General of the United Nations, in a short speech ending the General Assembly "debate" on the U.N.'s 25th Anniversary, harked back to an earlier Englishman, Edmund Burke, and a similar sentiment: "The only thing necessary for the triumph of evil is for good men to do nothing." And commenting on the worldwide environmental crisis, U Thant captured a mood of desperation which only served to dramatize how far mankind still is behind its declared aspirations:

"As we watch the sun go down evening after evening through the smog across the poisoned waters of our native earth, we must ask ourselves whether we really wish some future universal historian on another plane to say, 'With all their genius and their skill, they ran out of foresight and air and food and water and ideas'; or, 'They went on playing politics until their world collapsed around them'; or, 'When they looked up, it was already too late.' If the United Nations does nothing else, it can at least serve a vital purpose in sounding the alarm."

But the United Nations under new leadership will have to serve a more vital purpose than crying havoc. It is not man's last best hope, because if we cannot revive the U.N. we will have to do something else. But the other options all require us to start from scratch in building an international order to avoid the scourge of war, so we had better start from where we are.

Where we are is not on the brink of disaster; there is still some elbow room. The caution induced by possession of thermonuclear weapons has almost ruled out war among the major world powers; military stalemate of the NATO-Warsaw Pact variety is not the most attractive kind of peace, but it is proving a durable kind. "Little" wars are likely to continue, more in the developing world than among industrialized nations. And it is precisely in "little" war peacekeeping that we the members of the United Nations have some relevant experience. How are we going to build on that experience? Let me first suggest a good red-blooded American reason for doing so.

The trouble with the United Nations is that it became indispensable before it became possible. Our problem now is to make it a practical proposition. Because the U.N., or some facsimile thereof, is paradoxically the best chance to develop an *American* foreign policy that works.

The war in Vietnam has been our last, our longest, and our bitterest experience with what must now be counted the first principle of world politics—that unilateral action, even by the strongest powers, is increasingly likely to be inconclusive abroad and unpopular at home. Peacekeeping, peaceful settlement of disputes, aid-giving and the control of global technologies—the lesson of experience since the Second World War is that, with few exceptions each is better tackled through international organizations than unilaterally, better legitimated by international consensus than by domestic decision-making, better symbolized by an international flag than by the Stars and Stripes. And this is so despite the rigidities, inefficiencies, and hesitancies of international organizations in general and the United Nations variety in particular.

The lesson of this lesson is that it is heavily in the U.S. national interest to invest, nourish and lend our power to international organizations, buying specialized results by burying general rivalries, trading some of our discretion for legitimacy, attracting partners by swallowing our pride and prejudice.

The technological imperative to worldwide organizations gets more obvious as each new proud technical achievement turns out to be also an ecological threat. Perhaps it was natural that a nation like ours, which has the capacity to act on the world stage and to affect by its own decisions that world environment, should be slow to think transnationally—just as the smoker in a roomful of non-smokers does not think of himself as a polluter while others do.

But everybody knows now that the air we breathe is an international resource. How much the content of carbon dioxide in the atmosphere is being increased by the burning of fossil fuels, or what foreign particles are being introduced into the air we share, cannot even be estimated, let alone controlled, by nations acting alone. Oil dumping and waste disposal in the oceans are choice current examples of issues that will be sorted out internationally or not at all. And the power to modify other people's weather, redirecting the winds and changing the pattern of precipitation at human command—that would certainly be an outrageous form of power for one or a few scientifically advanced countries to arrogate to themselves.

The internationalizing imperative is equally evident in development aid, the transfer of resources and technique from rich countries to poor countries. We have been through it all in the twenty-five years since the first relief and rehabilitation programs after World War II, and we know that national "foreign aid" does not—as most people used to think—provide more control, elicit more gratitude, or produce better results than aid administered through the World Bank and the U.N. Development Program. They are not very efficient, but neither are the unilateral aid programs. And in terms of domestic political support, unilateral "foreign aid" is consistently in hotter water than U.S. support for international organizations. If there is not a lot to choose between them for effectiveness, why take the political fallout abroad and the annual political trauma in Washington, that "American-flag" operations seem to entail? The Peterson Commission, without explicitly asking this question, has drawn the obvious conclusion in advocating as much multilateral aid as possible. (It is of course a "safe" recommendation, since the parallel reluctance of other contributors helps ensure reasonable limits on what we have to do.)

When it comes to peacekeeping the lesson of experience is even more striking. We were able to withdraw from the Congo because the "we" that were engaged was the United Nations. Deeply enmeshed though we are in the Middle East, the presence for a time of U.N. observers and until now of a U.N. mediator has enabled us to avoid taking a unilateral responsibility for keeping an uneasy truce and making an almost impossible peace. In the Cuban missile crisis, we managed to engage two international agencies, the Organization of American States to sponsor our blockade and bless our overflights, and the U.N. Secretary General to urge a Soviet pullback and propose international inspection in Cuba. (The published histories of this crisis have missed how multilateral was the diplomacy that legitimated the threat to use our military power to get rid of those missiles; for example, Castro's refusal to consider U Thant's inspection proposals provided the justification for continued aerial surveillance of Cuba by the United States acting for the OAS.)

Even in the Dominican Republic intervention, when President Johnson acted unilaterally, the peacekeeping operation was converted in time to OAS sponsorship, which certainly helped us get out in about a year instead of staying around to become involved in the local aftermath. And where United States forces have had to stay for protracted defense—in NATO Europe and in South Korea—international consultation and command have helped protect American involvement from ineffectiveness abroad and unpopularity at home.

The contrasting case is of course Vietnam. Our effort in the 1960s to tackle that peacekeeping job unilaterally has to be counted a major strategic error. Taken together with the early American belief in conventional military force as a counter to unconventional attack, and the later illusion that escalation by imported armies and bombing by American planes could lead to a negotiated peace, the unilateralism of our approach guaranteed an inconclusive outcome. This has been the most unilateral, the most unsuccessful, and the most unpopular war in American history; there is clearly a correlation among these superlatives.

In his address to the U.N. General Assembly last Fall, Andrei Gromyko said of Vietnam that "by its aims and its nature the war is still an American war." The irony of our involvement is that most Americans, both those who have supported the war and those who have opposed it, would have to agree with Gromyko.

If operating unilaterally is the worst foot forward in international politics, and equally a dead-end street in U.S. domestic politics, it is quite natural that the Vietnam experience has produced a widespread yen to cut back on U.S. commitments and ambitions, indeed a turning away from foreign policy in favor of concentration on domestic issues —race, poverty, the cities and the environment. The danger in this sudden shift of priorities is that future peace-and-security crises will find us no longer willing to face unilateral involvement and not yet able to work through effective international peacekeeping machinery—because it doesn't yet exist.

During recent "peace games," in which possible future crises are played out by responsible officials or their surrogates, the players representing the United States Government have been much inclined, when the crunch comes, to rule out the use of U.S. military power on the ground that, after Vietnam, the American people could not be brought to support of another overseas adventure. They are probably right; the slogan "No More Vietnams" has very wide support today across the American political spectrum. If the option is unilateral adventure or none, the mood of America in the 1970s might well dictate a kind of isolationism. But if the options also include U.S. support to a multilateral operation, legitimated by some reputable international organization and shared in by a number of other countries, Americans are likely to reject both lonely withdrawal and Lone Ranger activism, and join an international patrol instead. And one result of acting multilaterally is to require us to consult internationally before acting; in some cases this might have the effect of substituting a political settlement process for military intervention. Again, the Vietnam experience teaches us how important it is to keep that option open.

If in order to make sense of American foreign policy we need multilateral options so badly, can we revive the U.N.? That it needs a major injection of both strength and adrenalin, there can be no doubt.

I will not rehearse for this sophisticated audience the multiple sclerosis which has overtaken the United Nations in its less than three decades. The detachment from reality of much General Assembly debate, the frozen procedures of the Security Council, the underfinancing and overbureaucratization of the Specialized Agencies, the demoralization of the U.N. executive and the growing timidity of its aging leadership—these are the familiar complaints, no less justified for being familiar.

A House of Representatives subcommittee was surprisingly gentle in referring to the U.N. as "ill-equipped" for its future, "impotent" in the face of threats to the peace, "cumbersome" in its structure and "peculiarly inefficient" in its method of operation—and even gentler in its summary finding that "the overall record of United States' participation in the United Nations has been less than satisfactory." Gromyko, in the U.N. speech already mentioned, was equally circumspect: ". . . we feel it can safely be concluded that the task of keeping and strengthening the peace has been growing increasingly more complicated, but the requirements for successfully coping with this task have been developing even more rapidly and to a greater extent."

The circumspection illustrated by these two quotations may itself be part of the problem. The almost universal stake in pro-U.N. rhetoric discourages frank analysis of the Organization's reparable deficiencies. Thus, for example, it is often said that there is no nourishment in reviewing the United Nations Charter to look for ways of changing it. "If we renegotiated the Charter, we would not come out with as good a document as we have already." You have heard it said many times; I used to say it myself when I had some responsibility for U.S. participation in the U.N. The judgment is probably true of the Preamble and the first two Articles; they still stand as eloquent statements of universal human aspirations. But is it equally true of the fifty pages of procedure that follow the Charter's five pages of philosophy? Is the mind of man incapable of inventing processes that move more quickly to consensus about action instead of disagreement about words?

The Charter is essentially an expression of Western democratic philosophy. In consequences the machinery it establishes reflects a devotion to two-sided parliamentary procedures which just may be out of place in dealing with the "increasingly more complicated" task of peacekeeping and peacemaking, which almost never have just two sides. Certainly the emphasis in U.N. bodies on choosing up sides, and on voting, has often reduced the Organization to absurdity, forcing nations to record rather than negotiate their differences, and producing outcomes which merely harden in their intransigence and holders of minority views.

The North Atlantic Council, by contrast, rarely takes a formal vote—because it is obvious that there is no point in outvoting the Scandinavians on how to defend Scandinavia or outvoting the Germans on how much money they will contribute, or outvoting the United States on how many troops it will retain in Europe, or outvoting the French on whether France will cooperate in NATO defense. These are real-world decisions, and everybody involved knows by instinct that if they cannot achieve a consensus by persuasion, dramatizing the disagreement by a vote doesn't help—and may even hinder a further effort to achieve consensus later on.

The U.N. way, at least in the General Assembly, is more often the opposite: the majority outvotes the nations whose policies are at issue (the colonial powers on colonial issues, the rich countries on money questions, the Communist countries on questions of Communist behavior). This fails to persuade the dissenters, and may even harden them in their dissent. The only thing it clearly accomplishes is to dramatize the impotence of the General Assembly to affect the real world by voting. In the Security Council, smaller numbers, more urgent issues and the veto threat combine to produce negotiations that better reflect the facts of power; when a vote is finally taken after long nights of bargaining, it sometimes reflects real *quid pro quo* accommodations among the member nations.

It would be foolish to suggest that the only trouble with the U.N. as peacekeeper and peacemaker is its formal machinery for making decisions by voting. At least one of its chief executives, Secretary General Dag Hammarskjold, found ways to get executive action launched that jollied or shamed national governments into following his lead. The record of U.N. agencies in promoting economic and social development provides some evidence that the awkwardnesses of parliamentary diplomacy need not inhibit major executive actions by international organizations, if there is a will to action on the part of the relevant national governments. Other less-than-global organizations, notably the North Atlantic Treaty Organization and the European Economic Community, have also demonstrated the capacity for large scale executive activity.

But what are the common factors in these comparative successes? Without reviewing here the evidence for my conclusion, I would say that the most effective international organizations are those which have (a) eschewed votes in their governing bodies, operating as much as possible by consensus procedure, and (b) placed the major responsibility for initiative in their international executives.

The promise of the United Nations was always, and still is, its capacity to act—as a mediatory force in the politics of nations, and as the source of law and the organizer of its enforcement. Yet the structure of the Organization requires such an overwhelming concentration on hearing the nation's differences aired (and therefore widened) in public, that the leadership is not available to plan and administer even the executive actions that all nations would acknowledge to be in the general interest. It is certainly dysfunctional for the Secretary General to sit on the General Assembly dais, listening to predictable sentiments in five languages, when he could be developing from his unique vantage point some executive initiative to deal with the multiple crises of our time.

Less irrelevant voting and more executive leadership—what would these two principles of growth imply for changes in the United Nations? Here is a checklist—each item is worth a full lecture by itself.

1. *Streamline the General Assembly.* It is arguable that the General Assembly is now too far gone to be useful for anything but blowing off steam. But the amount of diplomats' time it requires can certainly be reduced by permitting statements for the record (as in the U.S. Congress), exercising birth control on new membership by micro-states, doing more of the work in expert groups, and encouraging the Secretary General to take more of the leadership in organizing the debate and posing the questions than can usefully be addressed by such a body. The notion of expert groups is especially constructive; apart from the General Assembly, no parliamentary body in the world does nearly all its committee work in Committees of the Whole.

2. *Make the Security Council work.* The key to international legitimacy for peacekeeping operations is the Security Council. The U.N.'s experience shows that it works

best when the Secretary General is taking the initiative—as in the Congo, Cyprus, and pre-1967 Mideast operations. A special place should be made for powerful but non-nuclear powers—such as Argentina and Brazil from Latin America, Australia, India and Japan from the Asian region, Nigeria and Egypt from Africa, Poland, Sweden and Germany (when admitted) from Europe, and Canada and Mexico from North America. There are ten nonpermanent members on the Security Council now; five or six seats might well be reserved for those which—as the Charter contemplated—could make a greater contribution to the maintenance of international peace and security. The People's Republic of China will sooner or later take over the China seat on the Council; the puzzle will be to accomplish this shift without losing the Republic of China from the General Assembly.

3. *Encourage the Secretary General to engage in fact finding* in peace-and-security disputes, without waiting to be told by some legislative body to do so. New observation technologies may make this a far more important power than heretofore: for example, we are just around the corner from reconnaissance satellites which can monitor a visible happening on earth (say, launching of a missile), and televise it in real time to whomever controls the satellite. But quite apart from modern technology, the U.N. executive's ability to send a competent fact-finder or mediator into a complicated situation is still one of his main powers—if it isn't used in too gingerly a manner.

Moreover, the United Nations provides a sponsor for peaceful settlement which combines the pressure of latent big-power intervention with the facilities for keeping it latent. If most "little" wars are likely to be fought or threatened in non-Western regions, we need local and regional machinery for settling disputes in which Westerners (Russians as well as Americans) do not have to be involved. The initiative of the U.N. executive, however, can be an "outside" factor that is politically acceptable to peoples which can't settle their own disputes yet don't want to turn their problems over to external Big Brothers to settle for them. The U.N. has hardly begun to realize its potential as sponsor of regional conciliation machinery.

4. *Establish a real standby force.* So far, the earmarking of national forces for U.N. employment has been good symbolism but has not provided the U.N. executive with any real discretion in emergencies. A modern force actually available, equipped and with at least a minimum airlift capability of its own, has become an indispensable part of the Secretary General's "third man" role in international disputes. A permanent international peacekeeping staff, with the capacity to plan, train for, and execute peacekeeping missions, should be located in the Secretary General's office; it might be supplemented with a special group of Under-secretaries who, whatever called, would be effectively in touch with the permanent members of the Security Council to maximize the Secretary General's freedom of action.

How big a standby force? Twenty or thirty thousand well-trained men, with the requisite airlift to get around in a hurry and the arrangements to call forward further national forces promised by member nations, would be large enough to ensure that the U.N.'s mediatory role is taken seriously—and not so much as to threaten the security of the nations whose military restraint is ultimately the key to peace in every region. To the cynical question, "How many divisions has the U.N. executive?" the answer should be "One for sure, and it can be there the day after tomorrow."

Much smaller peacekeeping responsibilities brought the U.N. to a condition of financial crisis during the 1969s. Can a major peacekeeping force be financed internationally? The answer, as always, is in the will of the nations to pay—or to contribute forces, equipment, and airlift in kind. The cost is certainly small by the grotesque standard of current military budgets; even a billion dollars for international peacekeeping would be a fraction of one per cent of world defense spending. New U.N. leadership and a new system for command and control, backed by an unprecedented American willingness to pay for a force which would be subject to some U.S. influence but not to U.S. control, might make a voluntary peacekeeping fund possible—especially since most of the expenses for troop pay, material and airlift could probably be contributed in kind and thus count as national security spending rather than as eleemosynary contributions. We can readily abandon the notion of paying for standby forces through every-member assessments; the General Assembly has already demonstrated that it is not willing to back its taxing authority with two-thirds of its votes.

5. *Devolop a consortium of the concerned.* There is a growing body of opinion to support the notion that the United States should take the lead in developing a working community of those nations which would be willing to go farther than others in building up an international executive to keep the peace and mediate disputes of less than global magnitude. Such a consortium, constituted within the framework of the Charter's purposes but outside its established machinery, with its own arrangements for fact-finding, mediation, and quick mobilization of peacekeeping forces, might well be a useful pressure on the U.N. executive and the Security Council to act, for then the alternative to U.N. intervention would not be inaction but action by a smaller number of members in the Charter's name. The same group of nations might develop among themselves procedures for settlement and adjudication which would provide a quicker references to the World Court or to conciliation processes of disputes among the members of the self-constituted inner circle.

6. *Sponsor a formal review of the Charter.* The Charter cannot be changed without U.S. consent. It is worth a year or two of intensive multilateral diplomacy to see if the procedures of parliamentary diplomacy cannot be streamlined and the U.N. executive given more discretion to act in, or to avert, emergencies.

7. *Fill the coming vacancies carefully.* The 26th General Assembly, on the recommendation of the Security Council, will elect a Secretary General. U Thant, who has proved himself a conciliator of quality and sometimes courage, is almost certainly not the kind of international executive required for the revival and extension of the U.N.'s peacekeeping and peacemaking role that is here projected. A shift is moreover required to symbolize a new era of U.N. revival; or to put it another way, the reelection of U Thant would betoken a continuation of the trend toward atrophy of the U.N.'s political and security role—and encourage groups of nations to take more of the peacekeeping law into their own hands.

The higher levels of the United Nations Secretariat are heavy with men in their sixties and seventies who in most organizations would be past the date of mandatory retirement. It is a distinguished array of talent: Paul Hoffman, former leader of the Marshall Plan and longtime Administrator of the U.N. Development Program and its predecessors; Undersecretary General Ralph Bunche, winner of the Nobel Peace Prize, who has worked for the U.N. ever since the late 1940s; Philippe deSeynes, the Frenchman who has presided over the U.N.'s work in economic and social affairs; Constantin Stavropoulos, long-time legal adviser and now Undersecretary General for General Assembly affairs. Together with C. V. Narasimhan, the Indian who is U Thant's closest assistant (and who, being younger than the others, can provide a welcome continuity in the 1970s), these men have provided the top leadership of an enterprise which is no longer sparkling with ideas or exuding a sense of destiny. The coincidence of top vacancies presents an enormous opportunity to engage first-rate younger people who have the personal force to bring to life the forgotten genius of the Charter—the U.N.'s capacity to act for peace—not just talk about it. Such men can also more easily face up to new issues, such as the deterioration of our world environment, which were not in the minds of the men who drafted the Charter a generation ago.

The filling of these half-dozen prospective vacancies, including the Secretary General's office, should be taken as one of the 1971's most important international negotiations.

If 1971 is going to be U.N. Personnel Year, we would also do well to have a new look at the concept of U.N. careers. A generation ago, the need to protect U.N. staff from undue national influence produced the notion of an international civil service. We can see now that lifetime employment in an international bureaucracy produces the same Parkinsonian tendencies, and the same cautious time-serving, that are so evident in national career services. For many categories of position, and especially in the policy-making roles, the member nations might well be better served by a reasonably frequent turnover of U.N. functionaries. At a minimum, future appointments to middle level and higher positions should be limited to term contracts lasting not more than five or six years.

8. *Give the U.N. major jobs to do.* Throughout the life of the Organization, nations (including ours) have justified unilateral action by saying the U.N. was too fragile for major peace-and-security tasks, and would collapse under the strain of a Berlin or a Vietnam. But institutions grow in strength and relevance because they must—and not until they must. And in Southeast Asia especially, an international solution, internationally monitored and enforced, seems the only alternative to an American commitment indefinitely prolonged.

As long as we are not nationally responsible for the outcome, there is a wide range of outcomes possible in Southeast Asia. Any of them will probably mean some sharing of authority and territory between Communists and non-Communists, and the many shades in between. Our interest lies in turning back to the Southeast Asians the bickering and politicking and governance for which we have unilaterally assumed too much responsibility these past few years. It is hard to imagine an outcome worked out under U.N. sponsorship that would be worse from the point of view of the American interest than a continued massive commitment in Vietnam, Laos and Cambodia.

Preceding a new "Geneva conference," it might well be possible to induce a number of countries, representing an acceptably wide spectrum of political orientation, to take on the peacekeeping task after a settlement is reached. The Russians would have to agree, of course; but they may have some interest in keeping the foot in the Southeast Asian door which we have made possible by our involvement there. The mainland Chinese would also have to agree; but a package large enough to include their full participation in the United Nations, including the China seat on the Security Council, might turn out to be negotiable if we wanted it badly enough. The Chinese and Russians both agreed to the Laos settlement of 1962; of course it wasn't a very good deal from our standpoint, but we have not won the war in Vietnam and we won't be able to have the peace all our own way either.

Given the projected American withdrawal and a willingness on our part to share the burden of masterminding Southeast Asia's future with the widest possible community of nations, the natural venue for the question "After Vietnam, What?" is the Security Council of the United Nations. The aftermath will go on for a decade or more; any settlement will be ragged. If the results of U.N. involvement are not then to our taste, we still have to ask ourselves—would we have done better taking on the post-war settlement as an American responsibility? Experience in the Congo, Cyprus and the Middle East is instructive: multilateralism is often messy, but still, better than direct confrontations of major powers.

In his 25th Anniversary speech to the General Assembly last October 23rd, President Nixon gave assurances that we want neither a Pax Americana nor an American Century. But the alternative he there described is equally undesirable—"a structure of stability and progress that will enable each nation to chart its own course and make its own way without outside interference, without intimidation, without domination by ourselves or by any other power." The world of independent sovereignties, from which words like these have been handed down from Administration to Administration, was never a good description of the probable, and is now a description of anarchy. What we need is a structure of stability and progress which rests on the close, organized cooperation of nations who know they are interdependent, and have learned to stop talking about independence. U Thant, criticizing the tendency of nations to use the United Nations "to promote their own national policies," was closer to the mark when he went on to advocate "a new kind of organization in which the nations of the world in cooperation could forge *and execute* (the italics are mine) solutions to world problems. . . ."

PRESS COVERAGE OF VIETNAM WAR

Mr. MILLER. Mr. President, columnist Kenneth Crawford, writing in the Washington Post of February 23, had some succinct comments on press coverage of the Vietnam war.

It is not my intention to condemn the press' coverage of the war; to do so would be to unfairly criticize those reporters and editorialists who have been objective in their presentations, even if they themselves disagreed with the policies.

Nor would it be fair to indict the entire press corps for the omissions and commissions; to do so would be to deny the right to a free press, which is so necessary and vital to a society such as we have.

But it would be well if the press, which is so demanding in its crusade for soul-searching on the part of public servants, would also do a little soul-searching itself.

Mr. Crawford's column contains some "soul" food. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

On Press Coverage of the Vietnam War

(By Kenneth Crawford)

How would the modern media have reported George Washington's crossing of the Delaware at McKonkey's Ferry on Christmas, 1776? J. Russell Wiggins, former editor of The Washington Post, asked this important question—and answered it—in a speech to the Washington Association of New Jersey on Washington's arbitrary new birthday, February 15.

Television camera men would have focused their zoom lenses on the rag-wrapped feet of Washington's troopers. When it was over, microphones would have been thrust under the noses of stripling recruits to catch their answers to the question: "How do you feel about some of your buddies being lost in this sneaky operation?" The writing war correspondents would have salted their dispatches with suggestions that the whole bloody venture was ill-conceived by an incompetent commander, ill-excused by a badly trained and equipped army and predestined to fail.

New York editorial writers would have followed up with lamentations about the plight of Trenton's civilian population, driven from its snug houses into the cold on a sacred holiday, caught in the crossfire between Hessian defenders and attacking colonials, and forced into a fight against its will over a questionable cause: something about taxation without representation. Washington, instead of attacking, should have been negotiating. His occupation of Trenton and quick withdrawal showed that he was still engaged in search-and-destroy operations—"following the will-o-the-wisp of military victory," as Wiggins thought the editorial writers would have put it.

Wiggins fantasy was, of course, a wry comment on the way the media of the 60s and the start of the 70s have dealt with the war in Vietnam. This war is the first in which American media, measured by weight of viewership, readership and influence, have been kinder to the nation's enemies than to its friends. This has been partly inadvertent, partly not. In any case, Ho Chi Minh has come off as this war's greatest hero, the Vietcong as its most admired fighters, American and South Vietnamese leaders as its most mistrusted participants, American GIs as its least appreciated warriors, especially since My Lai, which has been made the basis for unjust generalization, and South Vietnamese soldiers, as invariably unreliable, also unjust.

All this is something new for Americans. They have always before tended to be home-team rooters. In British pubs Rommel may have been the favorite hero of the second world war but Americans stood by their own even when correspondents on the scene in North Africa intimated, insofar as intimation could be slipped through the censorship, that the "Darlan deal" and mistreatment of De Gaulle were compromising the morality of the allied war effort.

Wars have never been pretty but their ugliness has never before been conveyed to American households in living color, as it has this time, and always from our side because the other side is out of reach of cameras and correspondents. But it is more than that. War Correspondents have often been instant experts and critics and they seem even more so this time. They have to be youthful to stand the physical rigors and brave to take the chances they must run in Vietnam. More than 30 of them have been killed. They are admirable in action but sometimes wrong in their strategic and tactical judgments and simplistic in their politics.

Prize committees, Pulitzer included, have rewarded the most captious. The self-styled "cowboys" who constituted themselves a sort of get-rid-of-Diem committee in the early days of the war made a point of being on hand for every bonze immolation and of representing the Saigon disorders as a sort of holy war between the ruling Catholics and the subject Buddhists. Reputations were forged in the bronze fires.

Here in Washington, too, there has been a lively journalistic contest to be first with the worst. One of its high points was The New York Times revelation in the aftermath of the Tet attacks that the military was asking for 206,000 more troops to take advantage of the enemy's overextension. Coming as it did, two days before the New Hampshire primary, the Times report had enormous political impact. It almost certainly contributed to the big McCarthy vote and, in turn, to President Johnson's subsequent decision not to run again.

The genesis of the expose, if that is what it was, has just been publicly revealed for the first time by Philip Potter, Washington Bureau Chief of the Baltimore Sun. It was leaked to the Times by Townsend Hoopes, then a Pentagon official of dovish persuasion. Actually, the plan Hoopes made available to the Times was one of the alternatives under consideration and one which had little chance for Presidential approval in the Washington atmosphere of post-Tet distress. Hoopes had to violate a specific presidential order of secrecy pending decision to spring the leak.

Things haven't changed much, as the suspicious reporting of the South Vietnamese effort to cut the Ho Chi Minh trails in Laos demonstrates. By part of the press it is treated as a cunning scheme to inject Americans into an expanded war rather than what it is, a bold attempt to prepare for continued evacuation of American forces. Reporters and editors keep telling themselves and others that they have been more perceptive about this war than have military and political leaders. They may be right. But they have enjoyed the advantage of ultimate irresponsibility. In President Nixon's place, they would probably be doing about what he is doing. And history may be more approving of him than of them.

PRESIDENT NIXON SEIZES THE INITIATIVE ON DOMESTIC REFORMS

Mr. MATHIAS. Mr. President, as President Nixon himself has often said, the theme of his administration is reform. During the past 2 years the President has expressed this theme in many challenging proposals to reshape such massive programs as public welfare, to reorder the relationships between the Federal Government and States and cities, and to modernize such systems as the postal service and manpower training.

As James Reston wrote in a perceptive column in the New York Times on February 19.

> It is not necessary to agree with his proposals in order to concede that, taken together, they add up to a serious and impressive effort to transform the domestic laws of the nation.

In fact we have to reach back many years to find another 2-year period in which a President proposed such far-reaching changes in the structure of American Government and public policy.

As Mr. Reston wrote, the Nixon proposals have posed a substantial challenge to Congress and to the opposition party. Congress will not meet its responsibilities to the Nation if the Nixon initiatives are shelved or met only with quibbling and sniping. Where legitimate differences of opinion and philosophy do exist, the opposition has an obligation to respond to the President's plans with serious debate and comprehensive alternatives.

As a sponsor of many of the administration's important domestic measures, I intend to do all I can as one Senator to insure that these historic proposals receive the full and fair consideration they so obviously deserve.

I ask unanimous consent to have printed in the Record James Reston's column about the President's reform proposals and their impact on the current political and congressional scene.

There being no objection, the article was ordered to be printed in the Record, as follows:

WHAT OF THE DEMOCRATS?

(By James Reston)

Washington. — When President Nixon came into the White House he said, "We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century. . . . That is the watchword of this Administration: reform."

His new health program for the nation, sent to Congress this week, is only the latest evidence that he has kept his word. For more than a year now he has sent to Capitol Hill one innovative policy after another: on welfare reform, revenue-sharing reform, Social Security reform, reform of the grant-in-aid system, and many others.

It is not necessary to agree with his proposals in order to concede that, taken together, they add up to a serious and impressive effort to transform the domestic laws of the nation, all the more remarkable coming from a Conservative Administration, and that they deserve a more serious and coherent response than they have got so far from the Democratic party and the Democratic majority in the Federal Congress.

What is the Democratic party's alternative? This we would like to know. There are alternatives from Democrats—a Kennedy alternative on health policy, the beginnings of a Wilbur Mills alternative to revenue sharing, a Muskie alternative to Vietnam policy—pick a date and get out—but as often as not the Democratic alternatives contradict one another, and the party as a whole seems to be settling for the old political rule that it is the business of the opposition party merely to oppose.

A party out of office, of course, always operates at a disadvantage. It lacks the authority and resources of the Presidency. It is usually leaderless and broke. Its power is dispersed among the committee chairman, the rival candidates for Presidential nomination, the Governors, and the National Committee, the latter now meeting in Washington.

In the present case, the titular head of the Democratic party is Hubert Humphrey of Minnesota, a new boy in the back row of the Senate. When the National Committee meets, it usually concentrates on the party deficit and President Nixon, both of which they find disagreeable. But so far, about all they have been able to agree about is that they should not tear each other apart in public, which, come to think of it, is quite an achievement for Democrats.

Nevertheless, hard as it is to get an opposition party to agree on what it stands for, it would be reassuring to think that they got together once in a while and at least tried to define the broad outlines of a program for the future.

It is perfectly clear that many of the old Democratic programs of the fifties and sixties are no longer relevant to the problems of today, let alone tomorrow. In 1960 there were only 44 grant-in-aid programs for the states; now there are over 430; and even the Democratic Governors are bewildered by their complexity and inefficiency.

In the short time since President Nixon first came forward with his welfare reform bill, over 2 million people have been added to the welfare rolls, at an additional cost of $1.5 billion a year.

President Nixon has at least seen that this is dangerous nonsense and put forward a bold, if controversial, alternative that deserves to be voted up or down. As things now stand, the Democrats are demanding, and quite right too, that the scandal of campaign expenditure be corrected, but they cannot agree on how this should be done; and beyond that, they have not even managed to agree on how to pick their spokesmen if they do get free time on television.

The last time the Democrats were out of power, they at least recognized the problem and organized a kind of brain-trust outside the Congress to question their old assumptions and write position papers on the main subjects coming up for decision. It wasn't much, and Lyndon Johnson and Sam Rayburn resented the experiment, but it started the process of revision and even of thought within the party.

What the Democrats are doing now is merely sniping at the President's programs and often saying some damn silly things in the process. Here is George McGovern, for example, normally a sensible man, proclaiming that Mr. Nixon is "flirting with World War III in Asia." And Ed Muskie calling in Pittsburgh the other night for a "new coalition" cutting across lines of race, geography and economics.

But to do what? In support of what programs? President Nixon has been singularly successful in ignoring old Republican taboos and prejudices, and if you want to be cynical about it, he may be putting up programs he knows the Democrats will probably knock down; but at least he has a program on the home front, which is more than you can say for the Democrats.

CONSUMERS HAVE A STAKE IN PROPOSED POLICY ON COMBINATION DRUGS

Mr. MAGNUSON. Mr. President, the consumer has a vital interest in a proper national policy on combination drugs. Drugs which are marketed in combination form generally cost more than the same dosages when taken separately. This increased cost is significant since nearly 40 percent of the most widely used prescription drugs and most over-the-counter drugs are combination products. These products also raise serious health questions which have been studied by medical experts for several years.

I am pleased that the Commissioner of Food and Drug last Thursday published his long expected proposed policy statement on drugs in fixed combination. His proposals have the general approval of the Council on Drugs of the American Medical Association.

The proposed statement of policy is the product of several years of study, and it merits the attention of all interested consumers. The Department of Health, Education, and Welfare will accept comments on the proposed policy until March 20, 1971. I encourage interested consumers and their representatives to submit comments in support of FDA's efforts to reduce consumer drug costs.

I ask unanimous consent that the proposed policy as it appeared in the Federal Register and a news article regarding the action which appeared in the New York Times be printed in the Record.

There being no objection, the items were order to be printed in the Record, as follows:

[Department of Health, Education, and Welfare, Food and Drug Administration (21 CFR Part 3)]

COMBINATION DRUGS FOR HUMAN USE; PROPOSED STATEMENT AMPLIFYING POLICY ON DRUGS IN FIXED COMBINATIONS

The Commissioner of Food and Drugs after considering a number of reports from panels of the NAS–NRC Drug Efficacy Study, the large numbers of combination drug available, and those proposed for marketing, is of the opinion that criteria for rational combination drugs should be published for the guidance of the regulated industry. This statement is intended as amplification of the requirement that a new drug or antibiotic drug application for a combination drug may be refused unless there is substantial evidence that each ingredient designated as active makes a contribution to the total effect which the drug combination is represented to have and purports to possess.

The problem of fixed combinations has been discussed with a number of experts; it is the subject of extensive discussion by experts in the medical literature. It is the consensus of these informed experts that a fixed dose combination drug must have an advantage to the patient over and above that obtained when one of the individual ingredients is used in the usual safe and effective dose. No drug should be present in a fixed combination unless its inclusion clearly enhances safety or efficacy and the fixed ratio of doses is safe and effective for all indications and for patients requiring such concurrent therapy. There are marketed combination drugs which meet these criteria. Many do not. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended, 507, 59 Stat. 463, as amended, sec. 701(a), 52 Stat. 1055; 21 U.S.C. 352, 355, 357, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Part 3 be amended by adding thereto the following new section:

§ 3._____ Drugs for human use in fixed combinations.

(a) In implementing the provision of the 1962 Kefauver-Harris Drug Amendments to the Federal Food, Drug, and Cosmetic Act, which requires that a new drug and an antibiotic drug be shown effective for its labeled indications through adequate and well controlled clinical investigations by qualified experts, the Food and Drug Administration has found the unique problems presented by fixed combinations to require a more clearly defined position on such drugs.

(b) Fixed combinations represent a significant proportion of all marketed drugs. A 1969 survey indicated that of the 200 most widely used prescription drugs, approximately 40 percent were fixed combination dosage forms. Over-the-counter drugs are for the most part combination drugs.

(c) The Council on Drugs of the American Medical Association has consistently expressed the need for a sound medical rationale for using drugs in fixed combinations and has recently reaffirmed its longstanding position that the use of fixed-ratio combination drugs, anti-biotics included, is with few exceptions neither a sound nor judicious practice. The United States Pharmacopeia has long had a policy against inclusion of combination drugs.

(d) The National Academy of Sciences-National Research Council in its reevaluation of all drugs marketed through the new-drug procedures between 1938 and 1962 to determine if the products were effective for all their labeled indications has clearly indicated the limitations in medical practice of fixed combination drugs. As a result of their recommendations, a number of widely used fixed antibiotic combinations have been removed from the market.

(e) The complexities of the problems were apparent to the Food and Drug Administration in evaluating several hundred fixed combination drugs in the Drug Efficacy Study; through the review of pending new drug applications and Notices of Claimed Exemption for Investigational Drugs, and in reviewing the labeling of other marketed drugs. Policies resulting from consideration of these problems would have significant impact on the pattern of medical practice. As a result, an Ad Hoc Committee was convened, consisting of outstanding experts representative of a cross section of medical disciplines, to assist in formulating the most scientifically sound guidelines for general application to determine when a fixed combination drug is rational. In addition, an Ad Hoc Committee consisting of members of the American Society of Pharmacology and Experimental Therapeutics prepared recommendations on this problem at the request of the Food and Drug Administration.

(f) It is recognized that fixed combination drugs have or may have certain advantages, in addition to enhanced safety or efficacy, over use of the individual ingredients. These include:

(1) Better adherence to a therapeutic regimen, greater patient convenience, and greater economy than if each of the ingredients were given separately but concurrently.

(2) Availability of information on biopharmaceutic compatibility or unanticipated drug interactions.

(g) However, fixed combination drugs also present disadvantages to their use. The most common objections to these products are:

(1) Lack of flexibility to adjust the dosage of each component to the individual patient's needs.

(2) exposure of patients in unnecessary drugs when one drug component alone would be effective.

(3) Increased possibility of adverse reactions without increased efficacy.

(h) Based on the above considerations, and in line with the recommendations of expert advisors and sound principles of medical practice, the Food and Drug Administration concludes:

(1) The concomitant administration of two or more medicinal agents may be indicated in the treatment of a patient. However, the effects of drugs are intrinsically so complex that it is generally advisable to administer therapeutic agents separately in order that the dosage and frequency of administration of the individual drugs may be varied in accordance with the patient's requirements.

(2) A combination of drugs in one product suggests and implies an added usefulness over one component alone. The implied or suggested usefulness, as well as the claims in the labeling of a drug, must be considered by the Food and Drug Administration in its evaluation of the validity of labeling claims.

(3) Fixed combinations of drugs may be approved where there is evidence of safety and substantial evidence of effectiveness showing that each active component contributes to the effect claimed for the product in the following circumstances:

(i) Where components are combined to:

(*a*) Enhance efficacy (increase potency, prolong duration of effect, etc.), or

(*b*) Enhance safety (decrease the incidence or severity of adverse reactions), or

(*c*) Prevent abuse or misuse.

(ii) Or where components would be given concurrently and the dosage (amount and interval of administration) of each component is such that the fixed combination is safe and effective for patients requiring such concurrent therapy. The advantage of the combination must obtain for all conditions for which it is labeled, for the various dose schedules recommended, for the duration of dosage suggested, and for most patients for which the product is recommended.

(iii) And studies demonstrate that the pharmaceutical compounding of the fixed combination does not interfere with the bioavailability of each of the ingredients as compared with administration of the individual ingredients separately but concurrently.

(iv) In the event that a combination, presently the subject of an approved NDA or antibiotic monograph, has not been recognized as effective by the Commissioner based on his evaluation of the appropriate NAS/NRC panel report, or for which substantial evidence of effectiveness has not otherwise been presented, formulation, labeling or dosage changes may be proposed and any resulting combination may meet the appropriate criteria listed above.

Interested persons may, within 30 days after publication hereof in the Federal Register, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 16, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc. 71-2283 Filed 2-17-71; 8:52 am]

[From the New York Times, February 18, 1971]

FDA ASKS RULES ON DRUGS' VALUE

(By Harold M. Schmeck, Jr.)

WASHINGTON, Feb. 17.—The Food and Drug Administration today proposed strict new safety and effectiveness standards for fixed combination drugs, including many of the most widely sold prescription and over-the-counter products.

The standards, which will probably become effective in 30 days, require that each active ingredient in a drug combination contribute to the product's usefulness. For many drug products on the market today, there has never been firm evidence that each ingredient has value.

"The new policy affects up to 40 percent of the most widely sold prescription drugs and most over-the-counter drugs—those sold without prescription," the Federal agency announcement said.

An officer of the agency said that about 50 percent of the over-the-counter drugs were affected. Most cough medicines, cold preparations, medicines for asthmatics and drugs for pain relief are fixed-combination products. Some of these include as many as 10 different active ingredients.

Such products are called fixed combination drugs because they consist of more than one active ingredient in a fixed dosage form. That is, a patient will get the combination in its fixed amounts when he takes a pill or capsule or a spoonful of the product.

The statement by the agency said that the action was being taken to improve patient care by insuring that such drugs * * * used only when the product offered the patient a therapeutic advantage over any one or more of the ingredients given separately.

POLICY TO BE PUBLISHED

The Food and Drug Administration's policy statement on the combination drugs is to be published tomorrow in The Federal Register, with a provision allowing 30 days for interested persons to make comments. The proposal has been under discussion with the industry for several months and many companies have already made their comments. It is considered likely that the new policy will become effective at the end of the 30-day period.

In announcing the formal declaration of proposed policy, Dr. Charles C. Edwards, commissioner of the F.D.A., said that his agency fully recognized that some combinations had a legitimate place in medical practice.

"Our purpose is to insure that fixed combination drugs not only are safe and effective," he said, "but are formulated so they can be used rationally and in dosages matching concurrent therapy needs of the patient."

APPROACH QUESTIONED

The Pharmaceutical Manufacturers Association issued a statement today saying it was encouraged by the indication that the F.D.A. recognized the medical and practical value of products of this type.

It said, however, that a rigid approach would make it difficult to keep some important combination products on the market and that such stringency could stifle research in combination drugs.

The F.D.A. policy proposal set several specific criteria for combination drugs. For each product, proof would be required that each active ingredient contributed to the effects claimed by the manufacturer for the fixed combination.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, does the able minority whip know of any Senator on his side of the aisle who wishes to transact further morning business?

Mr. GRIFFIN. No.

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. FULBRIGHT. Mr. President, as my colleagues know, we have had two votes on the pending business, neither of which came within a reasonable distance of achieving the required two-thirds of those present and voting. There was an article in the morning newspaper, I believe attributed to the distinguished Senator from Idaho, evidencing a certain impatience with the delay of getting to a vote. It puzzled me a great deal. We have had two votes. I am not clear what he has in mind. He is impatient with regard to the Senate's procedures.

The Senator from Idaho and his colleagues know perfectly well what the votes have been. They ought to know that there is little if any chance of any change in the votes, because this is an issue which has been thoroughly explored. If there is any change, I am quite certain in my own mind that it will be against the position of the Senator from Idaho; because the more this matter is considered, and the more attention is brought to it, especialy of the newer Members—who have not been subjected to the debate about this subject in the past—and the more they know about it, I am quite sure the more likely they are to sustain the present rules of the Senate.

But there is some misunderstanding, and I think that in a sense it is being deliberately fostered by the proponents of this change. It is that we who oppose it are in some way wasting the time of the Senate, that there is too much debate, too much talk about this subject, and that we ought to proceed to a vote. This is what caught my eye this morning.

The reasons for the undue delay, if it is undue, I submit, are the tactics of the proponents of the change in the rule. First, they could have submitted a cloture motion much earlier and had two votes 2 or 3 weeks earlier than they did, had they wished to do so. It seems to me that the only reasonable explanation of their delay in submitting the cloture motions is to try to create a prejudicial attitude toward those of us who wish to preserve the integrity of the Senate.

I simply mention this by way of background. I do not believe that it is a reasonable position to accuse those of us who oppose the change in the rule of any real delay in the procedures of the Senate.

It is also known, of course, as is always the case in the beginning of a session, that no legislative measures of any consequence have yet been reported from the committees.

There are a few routine money bills from the committees, but there is no substantive legislation. The committees have not had time to act upon them. So that in that sense there is no waste of time of the Senate.

It is, however, a very serious imposition upon the time of a number of Senators who should be and could be giving their attention to committee work and their other duties, and they have to adjust their time to the convenience of the proponents of this change.

Personally, it is a great inconvenience. All of us have to wait until their pleasure dictates the filing of another cloture motion. But, I would submit, it is much more reasonable to say that the delay and the waste of time are attributable to those seeking to change the rule. In addition to that, this is such an old matter. For many years now, many of the same people have submitted these proposals to change the rules. They have not succeeded and they should not succeed. Formerly it had important political significance, when it involved the issue of civil rights, a substantive matter. My position was clear on one side and theirs on the other. It was a legitimate political issue and no one can complain about that.

Here we are dealing with procedures—the procedures of the Senate. The substantive issue of civil rights has been disposed of. I submit that this is getting to be a rather old story. Surely, at some time, they will reconcile themselves to their inability to muster a two-thirds vote and allow Senators to give their attention to the business of the Senate. The procedures of the Senate are important but it has been demonstated by the two recent votes that they will not be changed now.

Mr. President, a short time ago, in an article written by Anthony Lewis, there was one paragraph which appealed to me very much. I thought it so appropriate to the basic question involved in this proposal to change the rules. The real significance of these rules is, it seems to me, summed up in this one paragraph, one of the most succinct statements I have ever seen, and I want to read it for the RECORD:

> For democracy is a process not a result. It is no particular set of policies but the means of reaching them. It is a commitment to rational discourse, to persuasion, to restraint in the use of political advantage, to the renunciation of force or threats.

Mr. President, it seems to me that sums up the case, really, that we are trying to make, those of us who seek to retain the capacity in the Senate for persuasion, for a rational discourse, rather than to resort to the pure, brute force of numbers.

I do not know that I can say that any better than Mr. Lewis has.

I wish to say for the record that Mr. Lewis did not write that article, from which I quoted the paragraph with this debate in mind. He was merely speaking of the essence of democracy. He is a thoughtful person—on many subjects.

But I think it is so pertinent to the significance of this particular debate that I could not resist using it to illustrate the point.

This procedure, as he says, is the very essence of democracy. It is the procedure and the process that we are interested in, not any particular status or state that one achieves and then enjoys from then on.

Now, Mr. President, with regard to this same question about the proponents of the change, they have had some encouragement from the press and I want to comment on it.

The article I hold in may hand is dated February 10, 1971, written by Spencer Rich, a most objective reporter. This article was published in the Washington Post. I believe it is fair to say that the Washington Post has always been for a change in the rules. It has never had very much confidence in Congress. It is usually disposed, as most powerful institutions are, toward the executive branch. I believe, if my memory serves me correctly, it has always been in favor of changing rule XXII. Perhaps that view is not warranted, but, anyway, this is the way the article reads:

> Filibuster reformers appear to have more votes this year than ever before, but unless President Nixon throws his prestige behind it, the drive to ease the Senate filibuster rule will probably fail by 7 to 10 votes.

That is the first paragraph. Later in the same article there appears this:

> The biggest block of potential new supporters consists of new GOP senators and of Republicans who in the past have backed Southern filibusters to block a rules change but are not firmly committed on the issue this year. Reformers believe a plea from the President to these senators might yield enough votes to tip the balance. "We can make it if we get some help," said Church yesterday.

Mr. President, I shall not end the quote there, I will go on and read the next paragraph. It is rather interesting:

> This block of senators includes Bob Dole (Kansas), who has just become Republican national chairman; Ted Stevens (Alaska); Winston L. Prouty (Vt.); Henry Bellmon (Okla.); Norris Cotton (R-N.H.); possibly Milton R. Young (R-N.D.), who said yesterday he wouldn't vote a debate cutoff on the first try, but "maybe afterwards," and new senators William V. Roth, Jr. (Del.) and James Buckley (N.Y.).

Mr. President, although I do not know Mr. Rich's sources, I would very respectfully submit I think that is an unwarranted and unjustified criticism, or at least speculation, about some very able men. I cannot believe that many—certainly not many, if any—have so little understanding of the significance of the Senate as to change their vote on rule XXII.

One thing particularly about this article and the view attributed to the distinguished Senator from Idaho (Mr. CHURCH), which surprises me very much, is going to the President and seeking his assistance to destroy the independence and the effectiveness of the Senate. That, it seems to me, is most unusual. I find it very difficult to understand why a Senator who has been elected as a Senator, unless he has very good justification to believe that he will become President one day—and some of them do, I realize that. But short of anticipating becoming President, how they could feel it was appropriate to solicit the support of the President—any President, not just this one, but any President, to seek his assistance to subvert the rules of the Senate, is beyond me. In line with Mr. Lewis' statement, I would say that is antidemocratic.

Mr. President, of all the barriers to simple majority decisions in our political system, the only one that seems to elicit widespread and concerted opposition is the Senate cloture rule.

No one, for example, is campaigning to amend the Constitution to eliminate the two-thirds requirement for ratifying a treaty or initiating constitutional amendments.

Why is it that this group of Senators, year after year, feel it is necessary to change the two-thirds rule with regard to the limitation of debate, which is the essence of the senatorial function and, yet, none of them are out saying, "We must abolish the two-thirds rule to ratify a treaty."

Why do they not come forward with a proposal to reduce ratifying treaties to a majority or by a three-fifths vote; because, it seems to me, treaties have meant far-reaching commitments for this country some of which have caused us great harm and they have been made by the treaty process.

Or, take the initiation of constitutional amendments. Why is it democratic to require two-thirds in the Senate, and in the House to initiate an amendment and, three-fourths of the States to ratify? Why do they not come in and ask us to change the constitutional amendment requirement and change the Constitution to make it a majority instead of three-fourths?

Why is it that the Senators whom I have just referred to, who seek the support of the President, have they not mentioned the idea of eliminating the Presidential veto? A Presidential veto can go much farther to thwart the majority than Senate rule XXII.

After all, rule XXII applies only to the Senate. It requires two-thirds of the Senators, to make it stick. The Presidential veto allows one single man, one man—who incidentally used to be a Senator for a short period of time—to thwart the majority of the whole Congress. This Presidential filibuster—which is what it amounts to—can only be overridden by a two-thirds majority of both Houses.

Why is there so much concern about the two-thirds in the Senate? Why is no one proposing in the name of democracy and efficiency the abolition of the Presidential veto, or at least reducing the vote required to override from two-thirds to three-fifths? Why is that not perfectly logical? I cannot understand it.

I should think the President himself for the sake of consistency should wish to divest his office of the power of the veto. He has not responded to this. However, if, as indicated by the paper, he might be considering at least soliciting support for this change, then I think he should voluntarily suggest that we have a constitutional amendment to change the number of votes to override a Presidential veto.

Mr. Nixon's press secretary said recently that the President favors reforms that would enable Congress to do its work "more promptly and expeditiously."

Most recent Presidents have opposed Senate filibusters as barring prompt and expeditious action; but none, so far as I know, has recommended a constitutional amendment to eliminate the Presidential "filibuster" embodied in the power of the veto.

In recent decades the filibuster has been associated with opposition to civil rights legislation.

When southern Senators have warned their colleagues that a fundamental question of constitutional government was involved, or more pointedly suggested that opponents of rule XXII might someday find it useful themselves, their arguments have usually been dismissed as masks for their own opposition to civil rights. Now that the civil rights bills have been passed—despite the filibuster—one would think that rule XXII could be considered on its own merits, and in relation to present and prospective issues, rather than issues which have already been contested and largely resolved, as far as legislation is concerned.

But old habits die hard, and the alteration of rule XXII is still being advocated as a "progressive reform." For that reason it has been particularly refreshing to note a new and more contemporary attitude on the part of certain perceptive writers and journals. Mr. Nicholas von Hoffman for instance, comments in a recent article:

> The Senate's job isn't speed or neat dispatch, but wisdom.

And he also notes, most pertinently:

> Nixon certainly doesn't want to weaken the filibuster in order to pass a new civil rights act. He's concerned about such matters as the antiballistic missile, the draft and the SST. . . . The big winner in the cutting down of the filibuster will be the White House, which will need to twist fewer senatorial arms to get what it wants passed (Nicholas von Hoffman, "Shouting Back, Not Shutting Up," the Washington Post, February 17, 1971, p. B1.)

In similar vein the New Republic recently noted:

> Of the several filibusters that marked the second session of the 91st Congress, and particularly its last few weeks, most were conducted by liberals—and to very good purpose: to block the supersonic transport or expenditures for U.S. forces in Cambodia. For on most issues, liberals scarcely form a majority in the Senate, certainly not in the Congress as a whole. All too often, the problem the liberals face is not to get something past an obstructive minority, but to give an impatient majority pause.

The New Republic further notes:

> The filibuster has the virtue at its best of giving the majority pause without necessarily stopping it, and of testing its intensity against that of the minority. The ballot is an excellent counting mechanism, but it neither measures nor weighs what it counts. "Filibusters," *The New Republic,* February 20, 1971, p. 13.)

Since neither Mr. von Hoffman nor the New Republic can be accused of a "southern conservative" orientation, Senators of liberal persuasion may wish to reflect on their observations before the next cloture vote. For that reason I ask unanimous consent that Mr. von Hoffman's article, entitled "Shouting Back, Not Shutting Up," which appeared in the Washington Post on Februry 17, 1971, and the New Republic commentary, "Filibusters," which appeared in the issue of February 20, 1971, be inserted in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SHOUTING BACK, NOT SHUTTING UP

(A commentary by Nicholas von Hoffman)

Tomorrow the Senate liberals will have another go at making it easier to kill off a filibuster. They've been trying for 20 years, but they may get it this time because the President is on their side, and that ought to make them wonder how good an idea knocking out the old filibuster is.

The White House contends that without the filibuster the Senate can do its work "more promptly and expeditiously." Congress, and especially the Senate has of late been much taxed with being inefficient and old-fashioned, a thick-sapped institution in an age of speed and transistorized judgments.

The Senate's job isn't speed or neat dispatch, but wisdom, and these elements don't always go together. In legislation part of wisdom is delay and procrastination, knowing how not to get swept off your feet, how to temporize because it's better to be late than sorry.

Stalling around and pulling on its beard and not being hasty is an aspect of the Senate that pre-dates its coming into existence. During the Constitutional Convention of 1787, James Madison argued on the floor that the first purpose of the Senate was "to protect the people against their rulers; secondly to protect the people against the transient impressions into which they themselves might be led . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous counsels . . . How is the danger in all cases of interested coalitions to oppress the minority to be guarded against? Among other means by the establishment of a body in the government sufficiently respectable for its wisdom and virtue, to aid on such emergencies, the preponderance of justice by throwing its weight into that scale."

The Senate hasn't often lived up to Madison's hopes for it, but it has sometimes, and one of the ways it does is through the filibuster. A lone, filibustering senator, if he's got the guts, may be able to make the whole country think twice before it's carried off by enthusiasm or hysteria.

Because of the South's use of the device to fight down civil rights legislation the filibuster may now have too bad a name to save it. People forget that the filibuster didn't prevent the passage of the great civil rights acts legislation of the '60s. It delayed them. In this way it acted like the temporary veto in the English House of Lords; in effect the filibuster asked the country, "Hey, did you really mean it with this civil rights legislation?"

That angered a lot of people who wanted the civil rights laws on the books immediately, people who had no patience with the Southern contention that much of this legislation was unconstitutional. Since then the courts have said they are constitutional, but even so they were a sharp departure from past practice . . . such things as taking away the freedom to refuse to rent, sell or service people because of their race or religion.

These aren't the kind of laws that should be passed with a 51 per cent majority. They are too important to slip into passage by seven or eight votes. The Senate's famous rule XXII requires a two-thirds vote to break a filibuster, and that's the kind of numbers needed to ensure such important laws have a chance of being enforced. The Reconstruction Congress passed all kinds of civil rights legislation that was not only ignored but literally forgotten. There just wasn't enough steam behind them to do more than pass them so that they became a kind of legislative tokenism.

But the filibuster and civil rights is history. Nixon certainly doesn't want to weaken the filibuster in order to pass a new civil rights act. He's concerned about such matters as the anti-ballistic missile, the draft and the SST. A Northern liberal can use the device as well as a Southern reactionary, and in the next couple of years the Northerners are going to need it more than the Southerners.

The big winner in the cutting down of the filibuster will be the White House, which will need to twist fewer senatorial arms to get what it wants passed. That's why Nixon's for it, and it's why everyone who wants to see congressional power diminished should be for it.

Killing the filibuster is presented as a reform measure. Words like modernize and expedite are used when talking about it. As if the Senate is old-fashioned because the senators talk too much. The problem is that half the time the senators don't know what they're talking about, and eliminating the filibuster isn't going to cure that. What might be a true modernization would be if the congressional research and information gathering facilities were significantly enlarged. The legislative branch is dangerously dependent on the executive for too much of what it knows.

Minor mechanical adjustment in the rules isn't going to make a better Congress. This is so of the filibuster, and of the furor over the seniority system. Those old coots run things, not because of the rules, but because the good guys don't have enough votes. When they do have the votes seniority doesn't matter.

You can see that in the case of Congressman John L. McMillan, the superannuatedly impossible gent from South Carolina who chairs the House District of Columbia Committee. The liberals had a chance to vote him out but they didn't have the numbers; then later, they were able to clip his power in the committee because they constitute a majority.

The last 50 years ought to have schooled us to watch out for reforms that promise us business-like procedures by strengthening centralized power. The problem isn't to get Congress to shut up but to get them to shout back.

FILIBUSTERS

Liberals, many of whom are poor at arithmetic, like to think that they constitute a majority in the United States. They also tend to be addicted to ideological abstractions. We know whereof we speak, for we speak from introspection. And so on issues of the structure of institutions of government, liberals generally favor simple, straight-out majoritarian solutions. Hence, about every two years, they lead a fight to abolish the filibuster, or as currently in the Senate, to make it relatively easy to stop one by allowing cloture to be imposed on a three-fifths (60 percent) vote.

But of the several filibusters that marked the second session of the 91st Congress, and particularly its last few weeks, most were conducted by liberals—and to very good purpose: to block the supersonic transport or expenditures for US forces in Cambodia. For on most issues, liberals scarcely form a majority in the Senate, certainly not in the Congress as a whole. All too often, the problem the liberals face is not to get something past an obstructive minority, but to give an impatient majority pause.

Is the ideological case against the talk-a-thon, the case against it on principle, so strong then that the liberal position is justified even though, in practical terms, it runs counter to self-interest? Well, to begin with, a simple majoritarianism is not the overriding organizing principle on which the institutions of our governemnt rest. Senate seats are not apportioned on a population basis, the Supreme Court is not a majoritarian institution, the Constitution itself, which is very difficult to amend, is not a majoritarian device, and neither very often is the Presidential veto. "The American idea of a democratic decision," wrote Walter Lippmann on the occasion of another of these antifilibuster fights 22 years ago, "has always been that important minorities must not be coerced. . . . For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people."

It is of course true both that minorities can and should ultimately be coerced on many occasions—as in the past 16 years we have time and again successfully coerced an important segregationist minority—and that institutions and devices other than the filibuster are available for their protection. But the filibuster has the virtue at its best of giving the majority pause without necessarily stopping it, and of testing its intensity against that of the minority. The ballot is an excellent counting mechanism, but it neither measures nor weighs what it counts. It does not, therefore, register intensity, and we are consequently relegated, for the most part, to the street, or to exaggerated and even violent rhetoric, when we want to give witness of the depth of our convictions, and test the will and conviction of our opponents.

The filibuster could be destructive, if used indiscriminately by incontinent men, or if no majority, however large, were sufficient to overcome it. But all the institutions and devices of our government, not alone the filibuster, have it in them to destroy everything else in the process, once restraint and trust and ultimate civility are gone. And the power of a majority that is large enough and, what is more important, that is confident of the validity of its purposes and correspondingly determined, is ensured by the present Senate rule, under which cloture can be imposed by a two-thirds majority of members present and voting.

Mr. FULBRIGHT. Mr. President, I once again would like very much to urge my colleagues—and not just the new ones to whom I called attention a moment ago, but also the Senators who have been here for a while—to study these new points of view as expressed by Mr. von Hoffman and the New Republic. I call the articles to their attention. I would hope that all Senators would reconsider the reasons and the attitudes that they have formed during a period of time when the procedures of the Senate became, in my opinion, confused or merged with substantive issues which were highly controversial, specifically civil rights legislation.

That period is over, and now we have a new period. I am not saying this in connection with any of these other measures such as the ABM or the SST. I do not wish to put it on that basis, either, but just as a matter of procedure, as Mr. Lewis says. The preservation of the process of democracy which this country has been fortunate enough to enjoy is what I am deeply interested in. I believe that these same people—many of them the principal sponsors of the measure to change the rules—are interested in the process of democracy.

I submit with the greatest of deference that there has been confusion between a substantive issue and the procedure which this body follows. So, I would hope that those men who have in the past been committed to the principle of a change in our rule would reconsider their belief in the light of the new conditions which confront us.

My last comment about our general situation is not anything very new. I simply wish to reemphasize the attitude that I attempted to discuss before, and that is the preservation of the proper balance between the legislative and the executive branches of our Government.

I think our experience is very clear, not only in this country but also in all countries, that a continuation of a state of war always undermines the traditional democratic process. It is almost inevitable. I say this without any idea of reflecting upon the present executive. It was just as applicable, or more so, to the previous administration or the one before that or any of them. This always takes place.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SPONG. Mr. President, I believe the Senator was making the point that in time of war in the history of this country, the powers of the Executive have automatically grown as a result. Is it the Senator's main thrust that because of the present state of undeclared war and the past history of wars in the last 25 or 30 years, the executive has grown beyond imagination in its powers and activities?

Mr. FULBRIGHT. Yes; the Senator is quite right. I want to emphasize that there should be no implications drawn with regard to the present occupant of the White House. I think this is an inevitable tendency. It has been true in other countries when enormous powers have been given to the executive branch, or, in our case, to the President. There was a film on television night before last on "The Selling of the Pentagon." This does not represent some devious scheme on the part of the Pentagon or the President to unduly take over the power in the country. It is simply the inevitable result of the state of war, and we have been in a state of war or a near state of war since World War II, some 25 years. I submit that this is just a terrible price, one of the great prices of war.

The point I am making is that we have to be extremely careful not to give up what few powers the legislative branch has, and to resist this enormous increase in the power of the Executive, and to keep balance within our constitutional system. To that end I think rule XXII is an extremely important element.

Mr. SPONG. Mr. President, will the Senator yield for a further question?

Mr. FULBRIGHT. I yield.

Mr. SPONG. The Senator is saying not only that the rule is important to maintain strength in the legislative branch of Government, but also that it is unique in this body and unique in the world because there remains within the legislative branch an opportunity to pause and to halt in the face of an over-eager and overzealous executive branch.

Mr. FULBRIGHT. That is correct. The Senator states it very well, indeed. The pressures to make Congress and to make the Senate respond immediately to the will of the Executive become very great in time of war because of the nature of the operation, with people being killed, with our young men being killed, and enormous amounts of money being spent. There is an impatience in our country to move on, and to get it done. There is some feeling that we could act more rapidly somehow or other, that we would be better off, not by acting more wisely, but more rapidly.

I think it is not pure coincidence that one of the sponsors this time of this change was also a sponsor of the resolution known as the Church-Cooper resolution which was delayed last spring for 7 weeks. He became very impatient about that delay. He became impatient with the fact that the Senate could delay passage of that resolution. The Senator is familiar with what I am talking about.

But aside from that resolution or any resolution we have to be extremely careful when there is impatience. I am impatient that we cannot get the war over, because it is such a great tragedy. But I do not believe changing the rules of the Senate is relevant to that issue. It has nothing to do with the prolongation of the war. That is a matter of judgment on the part of the executive branch. I am dubious that the legislature can force the hand of the President. We can try to persuade him and change his judgment or urge a different course, but so far as stopping the war by legislative procedure, I seriously doubt that can be done. Theoretically, we can cut off money, but I do not think as a practical matter that could be done because, as a matter of fact, we do not have the votes. We have not had the votes on many issues not specifically directly related to the war.

As I said, I do hope that not only the newer Members but those who have become committed to this proposal to change our procedure will reconsider that in light of the fact that the issues on which they became committed really have been disposed of as far as they can by legislative action.

Mr. SPONG. Mr. President, will the Senator yield for a further question?

Mr. FULBRIGHT. I yield for a question.

Mr. SPONG. Does the Senator see this rule and its use in parliamentary debate as being the tool of any philosophy as opposed to another?

Mr. FULBRIGHT. I do not; other than the philosophy of democracy. I think this rule is important for the preservation of the balance between the executive and the legislative branches of Government which, to me, is the essence of our system of democracy. I do not mean to say there are not other ways to have a government organized. We have this constitutional system of a separate executive and legislative. There are many people, historians and scholars, who have thought that maybe the more effective democratic system is to have the executive selected by the legislature, in other words, the parliamentary system.

That is an academic matter as far as we are concerned. We do not have that; we have a separate executive. The history of these countries with a separate executive is that the executive has often usurped all the power and turned it into a dictatorship.

This rule is one of the principal safeguards against that, in my opinion. So it cannot be said to be liberal or conservative. If anything, it is conservative in the sense that it conserves the essential elements of our constitutional system.

To state it another way, if we changed the system to where we had rules similar to the House, where under the closed rule they can pass a bill in the 1 hour or 2 hours without the opportunity for amendment, I would say this would make the Senate a cipher in the legislative branch. As far as the Senate is concerned, there would be no excuse for the Senate. The argument could be made, why have a Senate which has the same rules as the House; it cannot bring about further legislation so let it go the way of the House of Lords.

I do not think that would be a good thing for constitutional democracy. We must make the system we now have work.

Mr. SPONG. Perhaps the Senator touched on this before I arrived in the Chamber. I did hear him say we had been in a state of war, or a near state of war, for many years. Would the Senator from Arkansas agree that during that time in the history of our Government, going back to just before the Second World War, we have seen an amazing growth in the executive branch of Government, and a greater role of activity by the judicial branch of our Government and a concurrent—not demise but lessening of power on the part of the legislative branch of our Government?

Mr. FULBRIGHT. I think the Senator is quite correct. That is true. That has taken place. Well, it is not so remarkable when one thinks of the impact of the war, and before that the impact of the great depression, which started the process of centralization and siphoning more money through the Central Government, that was when the erosion began of what we knew as our system of States rights. It started with that. Then the war emphasized it tremendously. Enormous wealth and power are now concentrated in the Federal Government. That means the President and the executive branch to a great extent. They have the responsibility for the administration of the money we appropriate. Great discretion is in the hands of the President. Power and money are bound to lead to the enhancement of the power of the executive versus the legislative branches of Government. It always has and always will.

When we think of military expenditures alone, they are highly concentrated. There is no participation by local governments, in contrast with some of the programs of welfare, old-age assistance, agricultural programs, and others. There is participation by the local governments in those programs. They play a function or part in them. But in the military activities of the United States, no local or State government, outside of the very minimal participation of the militia, the National Guard, which is usually used for local purposes, by and large, takes part. The disposition of the great resources is given to the Military Establishment, which is the President, and this builds up a constituency.

The film shown on TV the night before last, "The Selling of the Pentagon," demonstrates one aspect of this problem. We have spent for military purposes and for purposes relating to military affairs, such as the veterans programs and interest on the military debt, $1,200 billion. When I say that, we have appropriated it, but the executive has spent that and disposed of it. Necessarily, it creates a clientele. It creates supporters and a constituency in this country that has enormous influence in Congress. The spending of these vast amounts have created a situation which makes it difficult for us to do something about the ABM or the space program or any of those closely allied programs involving the coterie of people who have this enormous economic interest in the continuation of these programs.

I am not sure whether we are going to be able, if this war goes on much longer, to ever reestablish a proper balance. I am not sure we can. I think it is my duty, and I think it is the duty of all of us, to try to preserve the capacity of the Senate to influence events; and rule XXII is essential to that capacity to influence.

Mr. SPONG. I thank the Senator from Arkansas.

Mr. FULBRIGHT. I appreciate the Senator's questions. I think, coming from the State he does, with the great tradition of Virginia, and its participation in the creation and being the principal architect of our constitutional system, he ought to have a great interest in the preservation of our constitutional system. It is a system that has worked quite well. It is a difficult and complex system. Many people, as I mentioned a moment ago, have suggested that we permit a system in which the Congress—that is, the legislative—selects the executive, so that we do not have this separation and competition between the executive and the legislative in the same sense that we have today, as a more democratic and stable system. That is all very well. There is no point in arguing that here. That is not the issue before us. The issue is in trying to make the system we have work. It is unrealistic, I think, to talk about changing basically our constitutional system. If it is ever changed, I do not think it will be by the orderly process by which we are conducting the business of this body; it will be by some other process.

Mr. SPONG. Should the rules affecting debate be changed, does the Senator from Arkansas foresee a weakening of the role of the upper body of our legislative branch, and does he foresee the possibility that the Senate of the United States, today unique in the world as an upper body of a bicameral system, ultimately going the way of the House of Lords or the Canadian Senate or the French Senate, which, through successive strong executive branches, has been weakened?

Mr. FULBRIGHT. I would think that is inevitable. I am as certain as one can be of any such development. All the precedents would indicate that. Really, there is no particular function of the Senate unless it has the capacity on occasion to require thorough debate of important issues. If it is going to follow the same procedure as the House, what good does it serve? What function does it serve? The very fact that the Senate has this capacity, in my opinion, influences very greatly the attitude of the Executives who submit proposals of all kinds. Those measures are usually developed by the Bureau of the Budget. It is true that an individual Member of Congress can introduce bills, but all the major programs in the field of defense, which takes a large part of our money, or in health, education, and welfare, are essentially the function of the Executive. It is true that an individual Member can introduce such a bill, but he rarely introduces a comprehensive bill. He introduces just a part of it.

The fact that the Senate has the capacity to force serious and deep consideration, and can delay if necessary, is taken into consideration by the Executive. I think it has a tremendous influence upon what it proposes. If the Executives thought they could run over the Senate like they do over the House, they would be much more radical, in my opinion, in what they propose. They would be much emboldened. They would be emboldened to try to usurp even greater authority and power.

Even today, under the influence of the war, the power of the Senate has been greatly eroded. Never since I have been here, and I do not believe in the history of this body, has the Executive shown such disrespect for the constitutional role of the Senate. Take this war. They are waging a war now in Southeast Asia without even any pretense of authorization from the Congress other than the supplying of the money.

The Senator will recall that when this matter was brought up 2 years ago, the issue was repeal of the Gulf of Tonkin resolution. I had alleged that it ought to be repealed because it was secured through misrepresentation on the part of the then Executive. The Senator from North Carolina (Mr. ERVIN) made the argument that, even though it was, there was a color of authority in it to conduct the war. He opposed the repeal on some very persuasive constitutional grounds, but it was repealed. We were told then by the spokesman for the administration that he was not going to oppose it; that, having inherited the war, with our troops abroad, surely the President had authority to bring them home.

That was persuasive. The President has the authority to bring them home. This was the attitude that was advanced. The Senate and the people accepted it.

That was before the invasion of Cambodia. That was before the invasion of Laos. Now it is becoming increasingly difficult, I think, for anybody to maintain that all the President is doing is bringing those troops home. Those troops could have been brought home. If that is all the authority he has as Commander in Chief, they could have been brought home in 3 months. Of course, some of them have been brought home.

I say this to show that the executive branch, I think, has less respect today for the constitutional role of the Senate than it has ever had. Even President Johnson thought he needed the resolution. In the beginning at least, he said he needed the Gulf of Tonkin Resolution to show unity and the support of Congress behind the Executive; this would impress the North Vietnamese and would prevent the war from widening.

He thought it had some significance. This administration takes the view they do not need anything. They do not need anything out of Congress other than the money or the Senate to authorize them to continue a war, an ever-widening war, and in recent statements of the President, he says he accepts no restrictions whatever upon his right to use the Air Force in any way he chooses. He chooses, he says, not to use tactical nuclear weapons, as of the present, at least; but other than that, he can use the Air Force in any way he likes, and therefore, he has completely, in my view, departed from the basic constitutional principles of the war powers of Congress.

Mr. SPONG. As a constitutional matter, then, would the Senator from Arkansas agree with the view of the Senator from North Carolina (Mr. ERVIN)—in which I might say I concur—that as a result of the repeal of the Gulf of Tonkin Resolution, there is indeed a vacuum in which some legislative guidance or expression is called for?

Mr. FULBRIGHT. Yes, I agree. I do, indeed. I think he is acting without any constitutional authority when he goes beyond bringing those troops out and protecting their withdrawal.

He says, though I do not know how any reasonable person can believe it, that invading Laos is protecting our troops.

Mr. SPONG. I was not a Member of this body at the time the Gulf of Tonkin Resolution was adopted. I have read the RECORD, and I have heard the thoughts of the Senator from Arkansas expressed on numerous occasions with regard to its adoption, but I would ask—and not facetiously—had more extended debate taken place at the time of that resolution, in looking backward, might it not have helped the direction of this country?

Mr. FULBRIGHT. The Senator is absolutely correct. That was a great mistake. I have, if I may say so, and as the Senator knows, often stated publicly that this was a great mistake on my part. I had the right, as did every other Senator, to talk at that time. I could have delayed that vote, as any other Senator could have. Former Senator Morse, who voted against it, and who had been noted as one of the most talented filibusterers—he at one time held the record of 24 hours and 35 minutes, I believe, or something like that, for the longest single individual speech ever made on the Senate floor—at that time had the right to speak, as I did.

I was, as I have often said, hoodwinked; I was deceived by the executive, first as to the occurrences which were alleged to have taken place in the Gulf of Tonkin, and second as to the administration's purposes in the bombing of the north at that time.

But in any case, the vehicle was there. The power was there. I failed to have the wisdom to use it, as did every other Member of this body, including Senator Morse. Senator Morse asked for 2 hours of debate. He could have, as he often did, say, "I accept no limitation of debate; this matter has got to be discussed at length." We had the authority, but we did not use it.

Mr. SPONG. The Senator from Virginia sought to cast no reflection upon anyone involved in that debate.

Mr. FULBRIGHT. I understand.

Mr. SPONG. It is easy to look back when one was not a participant. But in asking the question, I wanted to point out that at the time of this serious action, from which have flowed years of involvement and the expenditure of billions of dollars, then as in the future, there was available this rule which enables this body, to ask that the wheels stop momentarily, and that all listen and consider what might flow from action that is recommended.

Mr. FULBRIGHT. That is right. That is a good illustration of where this rule could have played a great role had any of us, any single Senator, or two or three Senators, at least, had the knowledge, foresight, instinct—I guess it would have to be called instinct—to utilize it.

The Senator from Virginia must remember that there was a great emotional binge, shall I say, stirred up because of this alleged unprovoked attack upon our ships. It created an emotional state which just swept everyone along. So the rule is not self-executing. It does not itself jump into the breach, if there is no Senator with sufficient determination, understanding, and all that goes together to make a man determined to oppose a course. If that does not happen, of course, it is not self-executing. But the rule does stand; and hopefully we will learn from our past experiences. As long as I am here, I can assure the Senator that no similar resolution will be disposed of in any such fashion, and I think that will be true for a number of others here.

Of course, it may be that in time it will be forgotten, and we will not have learned; but for those who were here at the time, I am quite certain there will be no repetition of that.

As a matter of fact, one or two minor incidents of the same nature did occur following that. For example, we were asked to give a kind of blank check authority to President Johnson when he went to a conference in Montevideo not long afterward, and the Senate said, "No, we want to wait and see what the Conference produces before we give you a blank check." I think that was an outgrowth of the realization of the missed opportunity. I think the commitments resolution is also an outgrowth of that experience. Other things, too, indicate that some benefit has been derived from the experience.

But in any event, this rule still stands here, available for use. If we get rid of it, I am quite certain, as the Senator has already indicated, that this body would soon become purely ceremonial, like the House of Lords, with no real authority—perhaps a place where a man who has given a great endowment to a university could be made a Senator, in the same way that they make a man a member of the House of Lords, and call him lord, duke, viscount, or something of that character. That, I assume, is not what the Senator from Virginia wants, and neither do I.

The worst kind of system, it seems to me, would be to subvert the legislative branch, under our system, and have only the executive, without any restraint at all. It would be far better to go to a parliamentary system or to a constitutional monarchy, for that matter, because those systems invariably do create some kind of council, some kind of body which consults with and exercises, together with the executive, the power of the state.

Mr. SPONG. They provide for an executive accounting within the legislative body.

Mr. FULBRIGHT. That is right, yes. So if we dispense with this rule, I think it would be a major step toward simply abdicating from our responsibilities as an effective part of our constitutional system.

Mr. SPONG. Again I thank the Senator from Arkansas for answering my questions. I share his apprehension of an impatient and all-powerful executive. I view the Senate of the United States as a unique body, and I view this rule as something that can keep the Senate of the United States a unique body, and can be used to protect the rights of all, regardless of their philosophy.

I do not believe that there have been many recent occasions when the rule has been abused. I think much that can help us in the future flowed from the Cooper-Church debate, although there are many who do not share that view; and I believe the lengthy discussion that accompanied the consideration of some nominations on this floor has perhaps helped us for the future, both as to the nominating process and how advice and consent should be given.

I thank the Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator from Virginia for his questions and his contributions. I think he cited additional examples of the usefulness of this rule.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. LONG. Is it not also true that we have occasions in which a law is passed which may be of very dubious constitutionality? In those cases, the Supreme Court, as any court, is fallible. We have appellate courts because the trial courts are likely to make a mistake. We hope they will not, but they do. When they make mistakes, an appellate court is there to correct the mistake of the trial court. If the appellate court should be in error, the Supreme Court should correct it. But the fact that courts do make mistakes is the reason why we have appellate courts, including the Supreme Court. From time to time, a law of dubious constitutionality will be passed by Congress, and it can be upheld by the courts, sometimes by a close decision.

For example, recently we passed a bill which I felt was unconstitutional. The President of the United States said he thought it was unconstitutional, notwithstanding which he signed it, on the theory that he wanted to leave the question up to the Court. The Court held, by, we might say, a 1-4-4 decision, that the law was constitutional in part and that persons 18 years of age could not be authorized to vote in State elections, although they could be authorized to vote in Federal elections. But only one Justice on the Court, Justice Black, believed that this was what the Constitution intended. Four Justices said that the entire law was unconstitutional, and four others said that it was constitutional in its entirety, rather than constitutional only in part.

If the Senate and the House are considering a bill of dubious constitutionality, does it not become extremely important that those 100 Senators, each of whom has sworn to uphold the constitution should do that within their power, to persuade both the Senate and the country that the measure is not constitutional and that to pass it would deny for 200 million people the rights that the Founding Fathers sought to preserve for them?

Mr. FULBRIGHT. The Senator is absolutely correct. That is one of the greatest functions—he has put his finger on it—that we are to perform. It is in a sense, in the legislative field, similar to that of the Supreme Court.

Many of the things that come before the legislative branch, proposed by the Executive, are much more dangerous to the survival of our country than are many of the lawsuits that go to the Supreme Court—not that they are not important individually; but very often, in such things as the making of war, when we become involved in world wars, the future and the fortunes of all the people are more involved than in any lawsuit. I think the Senator is absolutely correct. That is one of the great reasons for the Senate.

I am bound to say that one of the reasons why this country, big as it is and as diverse as it is, is still a functioning country, in spite of our difficulties, is because of the Senate, because it has provided just what the Senator has said—that it continues to be a place where at least democracy is possible. We have the institutions by which democracy is possible. We do not always make those institutions work as they ought to, and we make mistakes in their operation; but the framework is here, and this is an important part of it. If we can preserve the Senate as a body which has the capacity to make mistakes the Senator has referred to, and to revise the measures in the light of discussion and, we hope, our own wisdom, I think it makes a great contribution to the survival of our country.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. LONG. Does the Senator recall that for many years some Members of this body argued that a civil rights bill could never be passed?

Mr. FULBRIGHT. Yes, I certainly do.

Mr. LONG. The contention was that no meaningful civil rights legislation could ever be passed, and that the reason it could not be passed was that we had relatively free debate in the U.S. Senate. So, accordingly, the argument was made that free debate must go down the drain, that it must be disposed of, that it must be buried forever, because otherwise the rights of more than 20 million Americans could not be adequately protected. Notwithstanding that argument, in 1964 Congress passed such a civil rights act, and indeed it had the opportunity to pass anything it wanted to along that line.

After the Senate had voted in 1964 to shut off debate, any amendment to do anything in the nature of a civil rights bill could have been added to the so-called civil rights proposal at that time, because it took nothing more than a majority vote. Notwithstanding that those who were in 1964 arguing for a gag rule still came back at the beginning of each subsequent Congress and, I suppose from force of habit, to argue that we still simply had to change the rules, because we had to pass more civil rights laws.

At that point, this Senator asked the question: "What civil rights? What remains to be done on the subject that requires that you change the rules of the Senate?" These rules have been changed several times since I became a Member of the Senate. The argument was consistently made that we still had not passed a good voting rights bill. I said at that time that there was not the slightest doubt in my mind that if a case could be made for a voting rights bill, the Senate would pass one, and the Senate did subsequently pass such a bill.

Mr. FULBRIGHT. That is correct.

Mr. LONG. And cloture was obtained in order to pass a voting rights bill.

Can the Senator tell me what there is before us today now that requires that we put an end to free debate in the Senate in order to pass a particular measure or in order to benefit a particular group? What is there?

Mr. FULBRIGHT. I take it that the necessity to introduce this change is like the urge that impels a man to keep on smoking cigarettes even though he knows it is going to give him emphysema. They have to have it, and they cannot kick the habit. There is no justification for it.

The oddest thing is that the very people who were for civil rights and wanted to change the rules are now the ones who are coming into the situation where they use it, as was demonstrated in the last session, before Christmas. I do not think it can be said that the liberals—using that term the way they use it—have ever been in the majority. They are not today and they never have been.

Mr. LONG. Is it not correct that some of the people who are sponsoring the resolution to limit the debate in the Senate availed themselves, more than any of us, of that privilege during the previous Congress?

Mr. FULBRIGHT. The Senator is correct.

It is ironic, when we read the newspapers today, that this effort to prevent the emasculation of the Senate rules is referred to as the "southern effort." It is a great compliment. The southerners are the ones who have enough sense to see that the preservation of our democratic system depends upon the rules.

Rules are the essence of democracy. That is all there is to democracy, the process by which we solve differences. That is all democracy is. The newspapers think they are using that term in a pejorative sense, that it is led by Southern Senators. There is great confusion in the minds of those who have for so long identified the rules of the Senate with civil rights. They have not yet been able to disassociate the two.

Mr. LONG. I would like to ask the Senator, whether in the previous Congress, when the President sent troops into Cambodia, there were some Senators who felt the President was right and some felt he was wrong; so a resolution was proposed to say that we should not have American troops in Cambodia. Those opposed to having troops in Cambodia fought to bring the resolution to a vote and those who were on the other side felt they could debate as long as it took the President to get the troops out of Cambodia——

Mr. FULBRIGHT. Yes; and that is what he did.

Mr. LONG. So they won. It was a successful filibuster, because the troops were out before the resolution came to a vote. I think that debate went on for 5 or 6 weeks.

Mr. FULBRIGHT. Seven weeks, I believe; was it not?

Mr. LONG. It was a long period of time. Does not the Senator find some of the same Senators promoting this resolution that were supporters of the Cambodian resolution?

Mr. FULBRIGHT. That is ironic. I think it is the experience with that, last spring, that may have inspired Senator CHURCH to want to change the rules because it took him a number of weeks to get his resolution passed. As I said a while ago, this may be purely speculation, but in this case, he was one of the most impatient over that delay. But as the Senator has properly said, all these are substantive matters, and they can come and go, but the Senate, if we are to maintain a great country, must maintain its role which would be sadly and seriously undermined if this rule were changed.

Mr. LONG. Will the Senator from Arkansas yield for a further question?

Mr. FULBRIGHT. I wanted to suggest this one other point first, if I may. Right today—on this question the Senator just propounded, which suggested the thoughts to me—what is the policy of this Government with regard to Laos and Cambodia and Vietnam? Serious doubts have been raised in the minds of many people who have heretofore accepted the expressed policy and words of the administration so that the people are confused—as I confess I have been—although I think I have resolved my confusion and have resolved it by no longer going by what they say but by what they do. I am following the advice which the administration gave the public at one time in the past.

The truth of the matter is, we must look at what they do and forget about what is said as to the objectives. I have about resolved in my own mind what their policy is. But the country as a whole, many of whom do not follow it as closely as those who have special responsibilities in the field, are very much confused. It is a perfect example of a situation in which a serious debate about these matters should be taking place in the Senate today.

There is nothing before the Senate in the way of a declaration of war. If our system is to function properly, there should be some kind of resolution, say a joint resolution, authorizing the President to do what he is doing in Laos and doing what many people think he is going to do in North Vietnam. I know that there are resolutions being proposed, or proposals being made ready because they have spoken to me about them, to deny the President the right to use troops in North Vietnam. The constitutional way to proceed would be for the President, the executive branch, to come to Congress and ask for authority to do that, if he is going to do it. If there was any respect for **the Constitution left in the Executive, it would not be their position that anything that has not been expressly denied to them, they have the authority to do.**

The Senator knows that has never been the traditional concept of the Constitution. The President has only that authority given to him explicitly by the Constitution. All other reserved powers are reserved to the people and not to the President. The Executive now is interpreting the 10th amendment of the Constitution as meaning that all powers not explicitly given to someone else are reserved to the President, but, unfortunately, the Constitution does not say that. It says they are "reserved to the States respectively, or to the people."

The President's procedure in Vietnam and in Cambodia, and especially in Laos now as to his proposed procedure, is that he does not need any authority. I think that is unconstitutional in the traditional sense.

What the President should do—if he is going to do this—is to have already asked for a joint resolution authorizing him to proceed to invade Laos in the national interest for the purpose of protecting our country. If he is going to do the same in North Vietnam, he would come to the Senate with a resolution. It would go to the House, and under their rules and their procedure I suppose they might pass it, but a resolution would then come here and precipitate the kind of discussion that would resolve the doubts I have been talking about that are bothering so many people in this country; namely, what is our role and our policy in Vietnam?

It is a hard way to get a debate going today, a real debate, beyond more than the Senator and myself and perhaps two or three others. I cannot remember when there has been genuine, full-scale debate on an issue like his one in the past 2 or 3 years. There has been declamation by the President, speeches on television, and we are asked to comment, and two or three of us say we do not believe he is correct, or he is wrong, or something else, and that is the extent of it. There has been no real, serious examination and debate of the objective of our policy. There was some debate at the time of the Son Tay raids because of the dramatic circumstances there, as to the objective. But this is the sort of question that goes to the security of our country.

I would like to see a serious debate participated in by one-half the Senate, say—perhaps that may be too ambitious, say one-third—on these questions.

I noticed the other day that one of our distinguished citizens was awarded a plaque for making the greatest contribution to the security of the country.

How does one make a contribution to the security of the country?

Is it by engaging in further war and more military preparations, or is it by urging that we conserve our resources for the development of the country, and follow courses leading to settlement of the war by political and diplomatic means. There are many ways to do it. There are certain people who assume that more and bigger weapons mean greater security. At the ABM hearings in our committee, the finest scientists in the country testified that since we and the Russians have enormously increased the number of our nuclear weapons, and the megatonnage of our missiles, both of us are less secure than we were before we ever had nuclear weapons.

Each country has created circumstances that have made it less physically secure than it was before. So then, can we argue that 10 times more nuclear weapons makes us 10 times more secure? It does not make any sense.

All these kinds of issues generate a degree of confusion and the Senate is the best place I know of where such debate might take place, if we are under the proper circumstances. That is what the Senate is for. I think some of these debates have taken place. I think the main reason there has been much criticism of the Senate is that the Senate is the one place where the executive cannot run roughshod over the opposition. The Senate dares to raise questions about waste in the Pentagon, about waste in the C-5A, and it is the place where there is opposition to the SST. Where are these questions raised? In the Senate. Nearly every one of the major issues has been developed in the Senate. As an outgrowth, the Senate is subjected to criticism by all the people who are thwarted in their desires. If a Senator wants the Senate to be efficient, why does he not wish to abolish the Presidential veto? The veto is a much more effective obstruction to action than is Senate rule XXII.

I do not see anyone proposing that we get rid of the Presidential veto. That is an obstruction to quick action. How many bills did the President veto? He vetoed two or three bills that some of the most liberal Senators were in favor of. Why do they not bring out a constitutional amendment to get rid of the veto?

The President is one man. He was a Senator not too many years ago. To override a Presidential veto, it requires two-thirds of both houses. **All that poor little rule XXII requires is two-thirds of the Senate. It is a relatively mild obstruction, if that is what one wants to call it.**

I do not understand it. These people want immediate and quick action for all of these great schemes they have.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. LONG. Mr. President, if the purpose is to avoid delay and to get on with the business of the Senate, can the Senator tell me of anything in his recollection that has wasted more time of the Senate? Every time the Senate meets, it spends the first 6 weeks debating about a change in the Senate rules and all to no purpose.

Does not the Senator from Arkansas think that the leadership on the two sides of the aisle ought to be able to take a poll and find out whether they have the votes to impose cloture and change the rule. If they want to engage in the procedure that has been tried before and usurp power and run roughshod over the Senate to change the Senate rules, they should first see whether they have the votes to impose cloture. After having found out whether or not they have the votes, they can put on the calendar bills that are ready and get on with the business of the Senate rather than finding ourselves reaching a decision in December on legislation that could have been acted upon long before.

We are not going to change this particular rule. We have been trying now for lo these many years. It seems to me that this is where I came in. As I recall, when I came to the Senate in 1949, we had a big fight to change this rule. It took up about 2 or 3 months. Every Congress since that time has been confronted with the same type of procedure, with perhaps one or two exceptions.

It seems to me that almost every time we meet, if one wants to talk about taking 12 months to do the business of the Senate that could be done in 7 or 8 months, this is the best example I know of a big waste of time. Some here insist on trying to force people to do what they do not want to do. They are not going to invoke cloture. They will grind on and on and try to get Senators to change their votes.

Mr. FULBRIGHT. We have had two votes this year already on this matter. It is beyond my comprehension, unless they think they can create prejudice against the Senate and say that we are using this to waste the time of the Senate. I say that they are wasting time by bringing up such a hopeless matter at this time.

I do not know why they do it, other than it is a habit like the cigarette habit. I do not know why I smoke cigarettes. I know that it is a bad habit.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. HOLLINGS. Mr. President, I think the Senator from Arkansas is pointing out the gut issue, the integrity of the U.S. Senate and the matter of power. The Black Panthers want to bring power to the people. Now the President wants to do it.

Here we begin to get a little sunlight at the end of the tunnel. I have before me an editorial entitled "Too Much Power," published in the Baltimore Sun of today.

I think a few lines of this editorial will be helpful, if the Senator will indulge me on this matter.

The editorial reads:

> In recent weeks the President of the United States has ordered troops across an international boundary, suspended the provisions of a law requiring that certain wage policies be followed, and halted construction of a canal in Florida.

I might add that in January, last month, he used a depreciation allowance for machinery that the chairman of the Committee on Finance knows will cost $2 billion or $3 billion. I continue to read the editorial:

> In none of these cases was Congress consulted. No consultation was required, and certainly no joint action was required, because previous actions by Congress had granted to the President the power to act as he did. In many other areas, the President may also so act on his own. We are a long way from 1789, when the Constitution was officially adopted.
>
> President Nixon has talked often of the need for power to flow back from Washington to the states. There is also a need for power to flow back from the White House to Capitol Hill.

Mr. President, I think the distinguished Senator from Arkansas submitted a resolution 3 or 4 years ago that was finally enacted into law last year. That has been bringing this matter to the forefront and to the attention of the country in a very salutary way. While the Senator feels that we cannot get a debate, I say that there is a little light at the end of the tunnel. We are beginning to have the opposite effect. We will bring the news media down on our heads. They will have vote after vote until finally they bring up a big filibuster that flops around and wastes the time of the Senate. The truth then finally comes to the surface. Here we are taking the time of the Senate. Here I am, an ugly-headed liberal and intellectual. I join with the Senator from Arkansas.

Mr. FULBRIGHT. The Senator is correct.

Mr. HOLLINGS. The Senator is correct. Some of our good friends, among them the distinguished Senator from Minnesota, and others, are beginning to see the light. They wish that they were voting with us. They wish they had not committed themselves so quickly. They did not analyze the problem. The wrong facts went into the computer.

What was the Executive doing in the last 2 years? There was 4½ or 5 weeks' debate on my appointment of Judge Haynesworth to the Supreme Court. That was caused by the White House.

The debate over Judge Haynesworth was caused by the White House. That took another 6 weeks. That was 2½ to 3 months. Seven weeks was spent on the debate on the Cooper-Church resolution. That was caused by the White House.

They are the ones who have been killing time around here.

Fortunately we had the debate here on the Carswell appointment. There were 51 commitments when the nomination hit the floor. If we had not had extended debate—whether the Senator likes it or not, I voted in favor of Judge Carswell's appointment to the Supreme Court—we would not have had the result we did. By allowing extended debate and by allowing a minority to be heard, issues came to the forefront and the U.S. Senate did not confirm his appointment.

If there has been a development in this country, it has been a communications explosion. It has been the tail wagging the dog. It has been the White House that has been responsible. They have 255 or 300 employees, up to 577 employees. How many employees has our good friend, Mr. Kissinger, got?

Mr. FULBRIGHT. He has 110 on his staff.

Mr. HOLLINGS. He will need assistants and aides and a Cabinet officer himself in order to keep up with his department.

All along they are talking about power to the people. Their main credo is, "Watch what we do, not what we say." What they are doing is giving power to the President.

Mr. FULBRIGHT. Mr. President, the Senator is correct. It is a challenge to us.

I appreciate the Senator's comments and I certainly welcome his association in this venture. I hope it will not embarrass him too much; certainly it will not me. I am proud to have the Senator agree with me on matters of such consequence.

Mr. HOLLINGS. I thank the Senator.

Mr. FULBRIGHT. There are many things for us to be discussing beside the change of the rules. I know time is fleeting, but I wish to comment about the confusion in our country today over the course of this war. I want to say that I deliberately for 6 weeks have refrained from saying anything about the war, partly because I said everything I knew to say and I was getting tired of the repetition. Furthermore, everyone knew what I thought and did not want to hear me say it again. For various reasons I have said almost nothing at all about the war recently.

However, this morning an article was brought to my attention and I thought it was worthy of the attention of the Senate. I wish to end my remarks today by reading a part of it. It illustrates a state of mind in this country that I think is troubling a great many people, a state of mind that troubles me, at least, and that is indecision, the inability, I guess I should say, to have a clear picture of just what we are doing. What is our policy? What is our objective? It is very difficult for me to express it.

We have become involved in a kind of morass of semantics. There is the development of all these new words; concepts we used to think we understood. Today there is "protective reaction strike" for a bombing raid. They have these esoteric words and it gets everyone confused. It makes the situation hard to talk about. We have to use these words of the Executive. The Executive states, "We have today mounted 15 protective reaction strikes." In other words, "we bombed the hell out of them this morning." But they do not say that. Everyone would understand them if they did. All of these moves are colored and disguised in new language. This has resulted in a state of mind that is very troubling to me.

It reminds me of some of the history I used to read. It reminds me of the state of mind in France just before the revolution in 1848. At that time Louis Philippe was considered the king of the great bourgeois middle class that we hear so much about. He was identified with the middle ground.

But the government of Louis Philippe was that middle ground. Other forces were growing up that the king did not know about. I believe Thiers and Molé were his ministers. All of a sudden. Louis Philippe was out; he abdicated. They wanted a democracy and there was a debate about how to achieve it which was very interesting. They did not like the British because they recently had their troubles with them. They thought they liked the system in the United States. They tried to copy our system, and made the President separate from the legislature. It is a difficult system and they experienced great troubles in their efforts to make it work.

This situation today is described in this article, and it reminds me a bit of the situation in France. They had their election and they elected a President. They had the attacks upon the assembly and in 2 years they ended up with another emperor. The executive took over and the Prussian war occurred 20 years later.

I do not say we are going to follow that example. All I say is that there is a lack of understanding of where we are and a lack of understanding of our policy; and another problem is lack of support for policy because no one knows what it is.

The article to which I have referred states:

> After a period of uncertainty, the American-South Vietnamese campaign in Laos once again makes it clear that the United States is trying to win the war in Indo-China. When one uses the word "win" in connection with this war, it is necessary to specify exactly what one means. Our objective in going into Vietnam was to help a government fight its enemies until it could stand on its own. Attaining this objective, and nothing more than this objective, is what it would mean for the United States to "win" in Indo-China. It is this objective that has eluded us for a decade, and it is this objective that President Nixon seems to be still pursuing by extending the war into Laos. This, apparently, is what he is talking about when he uses the code words "peace with honor." "Honor" here means winning. The real difference between a dove and a hawk is not that a dove wants the war to stop and a hawk wants it to continue; it is that a dove wants us to get out of Indo-China whether the Saigon government collapses or not, and a hawk doesn't want us to leave until the Saigon government is strong enough to stand on its own. In saying that the President remains a hawk, no one is suggesting that he loves war and hates peace, or that he wants our troops to stay in Indo-China just because he likes having them there. One is saying that, whatever he may want, he will end up keeping our armed forces in Indo-China, because he is unwilling to give up trying to achieve the objectives this country has failed for ten years to achieve. This is not something that the Administration always readily admits to. It claims that the campaigns in Cambodia and Laos are designed to protect our forces as we evacuate them, but this is almost self-evidently not the case. Our troops could leave speedily and safely without first attacking all the neighboring countries. The real purpose of these new military campaigns is to insure the survival of the Saigon government, not *because* we are leaving but *in order that* we may leave, and this is precisely the policy that the United States pursued under two Presidents before President Nixon.
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> Does this mean, then, that after several years in which it seemed plausible that the United States had changed its policy we have returned to the situation in 1967, when President Johnson was still convinced that the war could be won by military measures? Unfortunately, it appears that we are actually in a more discouraging position than we were then. What we see around us is a breakdown—or, rather, the evidence of a cumulative breakdown. It is a breakdown of Constitutional restrictions, public debate, and political action, and also a breakdown of will, judgment, and moral scruple.

This is the point. Debate in the Senate, if it were properly mounted upon a request by the President to authorize what he is doing would clarify the air, and get a decision one way or another as to whether the Senate and the country want him to do what he is doing—and he could proceed with confidence.

I think the disunity and the uncertainty in the country would evaporate. I think this is the crux of the matter. I think his actions are one thing, which is what this article is about, but it is not what he says he is doing. It creates a kind of schizophrenia in the public mind which is very dangerous. We cannot get unity. How can we get unity when many of us say, "This is what he is doing," and the others say, "This is what he says"? Nobody knows.

Debate on the Senate floor is the only place where such fundamental discussion can take place. Unfortunately, there is no vehicle or measure in which the Executive has raised the question of the constitutional authority to do what he is doing. I maintain he does not have that authority; that he is proceeding without constitutional authority; that he is waging an unconstitutional war. Of course, we all know the Constitution is not self-enforcing. We should follow the guidelines and rules which it sets out. If we choose to ignore them—and the Constitution has been ignored—that does not make such action constitutional. I would hope he would propose some legislative action which would give the matter proper consideration in a debate on the floor of the Senate. I do not know whether I would be on the prevailing side or not, but we would at least clarify the matter. This is the only place in the United States where such a debate is likely to take place.

I continue to read from the article:

> In short, it represents one extreme—although not, one trusts, final—collapse of the delicate constraints that a free people exercises over its war machine and its leaders. In Congress, in the press, and all over the country, there is a numbness, and even a paralysis, among the people from whom one might expect leadership in the current crisis. In 1967, with each escalation of the war one could expect a stiffening of the opposition. Each new move called forth a fresh response. In 1967, also, one could expect that as politicians and the public learned more about the dangers of the war, and as the stories of crimes committed by Americans in Indo-China multiplied, the public's revulsion against the war would deepen, and would perhaps serve, in the end, to get us out. It seemed then that there were certain obstacles to new escalations—certain principles in the Constitution, certain limits to the abuse that the Congress was willing to take, and certain simple standards of decency that most Americans shared. But now it seems that all these obstacles have been faced and crushed. Two new borders have been crossed, the bombing of North Vietnam has been intermittently resumed, and the entire nation knows that, except for nuclear war and genocide, there is almost no crime that Americans have not committed in Indo-China. Our B–52s are ranging freely across the newly violated borders. When the B–52 strikes, it leaves a path of craters a mile long.
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> In the month before the Laos campaign, there were roughly six thousand B–52 strikes throughout Indo-China. Yet, knowing all this, and having been moved to widespread protest on several occasions, the nation has now *grown silent*. Having looked at what we have done to Vietnam, we are doing it again in Cambodia and in Laos. Now that we have accepted all this, and have continued with the war, what is left that can stir us into finally leaving Indo-China? Is there any limit to what we will accept? Certainly it has been one of the particular triumphs of this Administration that, along with continuing to expand the destruction of Indo-China, *it has destroyed the debate over Indo-China in the United States*. The Administration's degree of success in this can be judged from the fact that few men in Congress or elsewhere *challenged the Administration's statement that the incursion into Laos* was not *a "widening of the war."* But if it was not a widening of the war, then what *would* be a widening of the war? As for the press, it seemed so preoccupied with the "news embargo" that it presented the actual move into Laos almost as a footnote. Everywhere, except in Vietnam itself, where energetic preparations for the new move were under way, *Americans seemed dispirited and tired*. It is as though expansion of the war had been *accepted* as a natural law, like gravity, which no one can control and only madmen would even consider opposing.
>
> But in reality to what extent has this war ever been under anyone's control? To what extent has it been obedient to any American's will or judgment? Have our Presidents been in control of the war? What has this war been if not the story of the *breakdown of the government's control over its own actions?* Does the record show that it ever enjoyed the power to do anything but bring *senseless destruction or leave?* Doesn't the record show that our Presidents and their advisers and our generals and all our other "leaders" who have "run" this war have been trapped in isolation and in ignorance of the war, their judgment destroyed by the flood of *spurious "information"* given them by *overfinanced armed bureaucracies* that had gone wild in a part of the world no bureaucracy understood?

The significance of the Senate and the significance of rule XXII, it seems to me, is to deal exactly with this type of problem. It is true that I was as guilty as others were when I did not protest as much as I should have. I did with respect to the incursion into Laos. I said I thought it was a mistake.

But the continuation of the process of stating one objective and taking actions that promote another objective leads to statements which are not very seemly and which suggest that public officials are not telling the truth. The Senate is the best place where we might have a debate which could be—even though some persons may differ with this—a very intelligent and searching debate on this kind of issue. I do not believe it is in the interest of the country to curtail the capacity of the Senate to discuss this or any other question.

It is true that we have not used the instrument of debate on every occasion when we should have, but it remains there as a tool which not only present Senators but future Senators can use for enlightenment of the country and for the solution of just such questions.

I think today it is a very ominous thing that there is not more discussion and debate with the objective of determining our purpose in Vietnam. Is it to gain a victory? Is it to stay there until the North Vietnamese surrender? Or is it to go home and thus end the war?

I have said time and again, and I will say once more, if we could win the war, fine; we would all be for that. But past and present administrations have been trying to do that, and it looks like it is impossible to do without paying a price we do not want to pay. By that I mean use nuclear weapons and destroy everybody. The President has discovered that. Or do we seek to negotiate a settlement? The key to negotiations is the terms. If the terms are that they surrender, that our boys are then free to go home, that our "clients" are going to rule the country, I do not believe the present government or any subsequent government in North Vietnam will ever accept those terms voluntarily.

Then, hovering over all this, making it much more dangerous than any of us like to admit, is the possibility that China will begin to send volunteers into north Laos, as she did into North Korea. There have been more and more reports in the newspapers, in news accounts, in the judgments of commentators, and so on, which we have all seen, that the situation is very similar to what happened in Korea. Those reports were made then. We were notified by the Indian Ambassador that if we moved to the Yalu, China would intervene. Our leading officials said no, they would not do it; it was foolish; it was not in their interest. But they did it. There we were, and there we were stuck.

If that event comes on top of this long and exhausting war, I think it would be a very serious threat to the stability of our country.

I just returned from Arkansas yesterday. While there, I had a long talk with, particularly, the executive secretary of our Governor, concerning their need for resources, and their need for a share of the resources that are now continuing to be spent in Indochina and by the military around the world.

Our Governor, and he is a very fine new Governor, is having one difficult time to get a new tax bill passed to raise $25 million for schools and operating costs. That $25 million would not run the war in Vietnam 6 hours. He is having a very hard time. He has been voted down in the Senate; he lost it by two votes. And here are people all over the country struggling to get a little money to do things that people at the local level want done, and yet we continue to pour these vast sums, a thousand billion dollars we have poured in since World War II, in fact about 1,200 billion, into military ventures. I expect we have poured in more than $100 billion in Vietnam. Yet they talk about sharing income, sharing the revenues, at a time when we have our biggest deficit, or one of the biggest deficits, in our history, this year. No one knows whether it will be 18 or 20 or 25 billion, and yet we say we are going to share income with the States. Is that not a parody? This is a part of that doubletalk I am talking about.

What can a sensible man back home, when he reads about the deficit and then reads that we are going to share revenues, think, except that those people are mad? You cannot share any income you have not got. It is sharing a debt. They do not want to share a debt; what they want is a little money, and I believe they would like to have conditions such that their own taxes would raise it. I think it would be a lot better if the people of Arkansas could raise their own taxes and pay their own bills. I would like to see them able to do it.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. The Senator is a greater authority on taxes than I. I yield.

Mr. LONG. Would it not make for better understanding to have a Federal law state that notwithstanding anything in the State constitution, or any statutes they might have in the States—I do not know how the Supreme Court would view this—States should just be permitted to go in debt, like the Federal Government does. This would let them go deeper into debt, rather than us the Federal Government, because as a practical matter, are we not under this new proposal going to go farther into debt for the money we share with the States?

Mr. FULBRIGHT. How can we help it? Has anyone proposed new taxes to pay for the revenue sharing?

Mr. LONG. Not to my knowledge.

Mr. FULBRIGHT. Nor to mine, either.

Mr. LONG. Does it not, then, follow that we would go deeper in debt to give somebody money we do not have?

Mr. FULBRIGHT. That is right.

Mr. LONG. Why not let them go deeper in debt to borrow the money for themselves? In the last analysis, is it not the same taxpayer that pays it?

Mr. FULBRIGHT. He surely does. I think maybe we ought to give them a tax credit; now that we have the chairman of the committee here, I ask him, why not just give the citizen of Arkansas a tax credit; for every penny he pays in income tax to the State of Arkansas, give him a credit against what he owes the Federal Government. That would help the State of Arkansas; would it not? Then we would not have to take the Federal Government to the people; it would not have to come from Arkansas to Washington and then go back down there.

Mr. LONG. Why not either pass a statute or a constitutional amendment, whichever was needed, depending on how the Supreme Court felt about it, just to say the States can go just as deeply into debt as they want to?

Mr. FULBRIGHT. We have a constitutional provision in our own State that deals with that. I am not sure whether that would be as feasible; however, I will tell Governor Bumpers about it, and maybe he would prefer going in debt to raising taxes.

But he is having trouble. He lacked about two votes. You have to have three-fourths—talk about an obstacle here, where it is two-thirds for changes in the Senate rules—under the Arkansas constitution, you have to have a three-fourths vote to increase the income tax. You can increase the sales tax by a majority, but you have to have three-fourths to increase income taxes, and he failed by two votes.

Mr. LONG. We had a similar experience in Louisiana, where the Governor called the legislature together and tried to raise taxes, but the people had voted for a constitutional amendment to say it required a two-thirds majority in both houses to raise a tax; so, in view of the fact that the people fixed it up so the legislature could not raise the tax, then it is said, the Federal Government has to have revenue sharing. This means we have to go deeper in debt because the States have fixed it up so they cannot.

Mr. FULBRIGHT. I think we should modify the Federal income tax laws so that they should have a credit on what they pay to the State government. I submit this for the consideration of the Senator from Louisiana. That would give an incentive to the taxpayers. The taxes to the Federal Government are now so heavy, especially for those who have anything, that they just fight like tigers not to pay more in addition. But if they could get a credit, why would they not rather pay it to Arkansas, if they got a tax credit against their Federal tax in the full amount? Then our Governor could get a credit, why would they not doubt, and I think it would be a good way, and maybe it would cut down the costs and there would not be so much money wasted in Laos and on C–5A's, for example.

Mr. LONG. Why should we not have some provision like we put in the foreign aid program, requiring self-help. Such a law would say that if the State will raise some money to help solve its own problems, we will raise some money to help them, and thus we take the view that we are not going to provide Federal money to do something for the States when the States are capable of doing it themselves.

Mr. FULBRIGHT. My State would be able to do it if it did not have to pay so much Federal tax. That is why I say, why not make it easier for them to raise their own taxes? Is that not sound? They would understand it a lot better, I am quite sure, especially with a deficit like we have now.

Mr. LONG. It would make a lot of sense, and it is certainly an alternative that ought to be considered to the tax-sharing proposition, because the Senator is aware, is he not, that if we start the tax sharing thing, every State in the Union is going to demand more money from each succeeding Congress than they received from the Congress before?

Mr. FULBRIGHT. I am aware of that.

Mr. President, I have about concluded. I see that the distinguished Senator from Michigan (Mr. HART) has come into the Chamber. I am very sorry that he was not here earlier. It is one of the characteristics of this debate that while they say we are wasting time, none of those who are opposed to our position are here to pay any attention to what is said; so that makes it very difficult for us to exercise the art of persuasion and change old habits of thinking.

Mr. HART. Mr. President, will the Senator yield just a moment?

Mr. FULBRIGHT. I yield.

Mr. HART. The reason we do not come in is that we dislike to be trapped, the way the Senator just trapped me.

Mr. FULBRIGHT. I apologize if the Senator feels I trapped him. I have been talking for 2 hours, and I regret that the distinguished Senator from Michigan did not hear my arguments, because I think he is one of the most enlightened and openminded Senators, and very likely he might have changed his mind if he only knew what is involved in his proposal to change the rules of the Senate. Not being able to continue any longer, because others are going to come on, I shall have to desist in a moment, but I am very sorry that the Senator from Michigan and the Senator from Idaho, among others—I do not wish to say just the Senator from Michigan alone; I looked around the Chamber and, during the time of this very enlightening discussion, there has not been a single proponent of the changes here except the Senator from Minnesota (Mr. HUMPHREY), who I think was here for 5 minutes. During this time, all the other proponents of this change have been otherwise engaged, which is their right; there is nothing to require other Senators to come in, it is true. But they have taken the position in the past that we ought to take a little less time.

Mr. HART. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HART. Now that I understand the subject the Senator from Arkansas was addressing himself to, I do regret that I was not here. Am I to assume that, in the last 2 hours, anything was said that had not been said at least 10 times in the last 10 years on this subject?

Mr. FULBRIGHT. Now, I do not think that is very nice of the Senator, to suggest that I have never had an original thought.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

Mr. FULBRIGHT. At least it was said in a different way from what it had been said before. And I also wish to reassure Senators that we have in no way violated the Pastore rule. Everything we have said here this afternoon has been dedicated to the proposition that serious and enlightened debate on the floor of the Senate is in the interests of the Government and of the survival of the democratic process.

What I was saying a moment ago—although some might have thought I was seeking to make a point on the substantive question of the validity and correctness of the war in Vietnam—was that I was only using that as a vehicle to demonstrate that it is the kind of question that ought to be debated here under the Senate rules as they now exist, and that if we change rule XXII, enable it to choke off debate with a majority or even with three-fifths—which everybody knows is a way-station to majority rule—we would then have destroyed the principal function of the Senate of the United States. This was the lesson and the theme of our discussion this afternoon.

Mr. HART. I will read the RECORD with care in the morning.

Mr. FULBRIGHT. That is too much to expect, and I would not expect the Senator to do that.

Mr. HART. I thought the principal function of the Senate was not to debate but to act.

Mr. FULBRIGHT. This is what we were talking about.

Mr. HART. I continue to hold that deep conviction.

If the Senator has any way to end Vietnam through Senate action, it would require a vote, and we seek to enable this body to act. That is why we think a modification of rule XXII is appropriate.

Mr. FULBRIGHT. As I have said, I know that the Senator did not come here to hear me, and I promised that I would desist.

But the Senator raises exactly the core of the question. We maintain that the action on the part of the Senate is quite secondary to the wisdom of the policies which it develops and the enlightenment of the country. Very often, action is not called for.

I proposed a moment ago, for example, that if we were following the Constitution today, if the executive department had any respect for the Constitution, a debate would be taking place right now on a request by the Executive for authority to wage war in Laos and in North Vietnam, which they do not have. The Gulf of Tonkin Resolution, whatever its merits one way or the other, has been repealed. There is no longer even pretense of constitutional authority to wage a new war.

The President's spokesman, when this matter came up, as I have already mentioned in discussion with the Senator from North Carolina, stated that he certainly has authority to withdraw from a place where he was when he came into office; and we are bound to say that we could not contest that. He had the authority to withdraw. But since that time, a great many people do not think it is withdrawing when you mount the kind of action that has been mounted in Cambodia and Laos.

So that if the Constitution still was in force and respected by those in the executive branch, we would be debating today the authority to do that, and the question then would not be the ability to act and to approve that without debate in accordance with the Senator from Michigan's concept. It would be the opposite. It would be debated to the point where there was a resolution of the wisdom of it, and I would think that two-thirds certainly is not too much to require on a decision of that kind. I think it is exactly that kind of decision.

I will conclude by saying this to the Senator from Michigan: While I agree that I am not a particularly original thinker, I did raise this question with respect to some of our colleagues: Since action is their primary objective, why do they not also offer a consitutional amendment with respect to the Presidential veto, because that stands in the way of action far more than rule XXII does? Within the last year, two or three important bills have been passed by Congress which the President vetoed. He obstructed one or two of them, and he opposed one. Here is one man who requires two-thirds of both Houses, and it is a much greater obstruction to action, if action is what one is after, than is rule XXII.

I disagree strongly. Action is not the No. 1 objective of this or any other legislative body. It is the consideration, the development, and the understanding of the people of where we are going and what our policies are that are far more important.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. LONG. May I say to the Senator that the Senate is here to deliberate and that, in terms of the time that the Senate spends doing something, the deliberation is the principal part of it.

Mr. FULBRIGHT. The Senator is correct.

Mr. LONG. If we put a voting machine up there—and I have tried to do that—we could act much faster. We could take a vote in 30 seconds instead of 20 minutes. This Senator has been trying to do that, but he has not had much support for it. If the purpose is just to act in a hurry, that would help us to act in a hurry.

The Senate is here to deliberate as well as to vote; and if we do not do these things wisely, we would be better off not to exist at all.

Mr. FULBRIGHT. Exactly. If action is the objective of our constitutional system, then we certainly ought to dispense with the Senate altogether and just have a House, with its present rules, where a bill for $50 billion can be passed in an hour and a half, with no amendments allowed, and with just a brief discussion. This would bring about action much quicker than what we have now. Certainly, the veto ought to be abolished, so that the President could not interfere with the action.

Mr. HOLLINGS. Along that line, I would be glad to take the floor.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. LONG. If action is what one has in mind, it would be pertinent to ask, "Why do we have these committees and why do we hold hearings?"

If one wants to curtail the right of Senators to speak, and if that stands in the way of action, why do we take the time to hear anybody but a Senator, if action is what one has in mind?

It seems to this Senator that it is the thoughtful process of deliberating and exchanging ideas, to try to sift out the wisdom from folly, that is our principal function.

Mr. FULBRIGHT. That is correct. And to clarify policies, particularly for the people of this country to know the real objective of their Government. I think that today they are deeply confused. There is a difference of opinion.

What is our objective in Vietnam? What are we trying to achieve there? There are all kinds of differences of view about it, as the Senator knows. Regardless of whether one is for or against it, there are many differences about what we are trying to achieve. Debate ought to clarify that.

Mr. LONG. This Senator would like to ask this question: Assuming that one wants to change the rules of the Senate, what would be his objective? Is it to pass a resolution on Vietnam? Is it to pass a constitutional amendment? I would hardly think it could be that, even though two constitutional amendments failed to pass last year. It takes a two-thirds vote to pass one, and if two-thirds of the Members want to pass it, they can vote to shut off debate. Is it to pass a particular bill? I know of no particular bill that cannot be passed because of the processes for deliberation that we have here. What is the objective?

If one finds it difficult to determine what the objective is for shutting off the war in Vietnam, it is equally difficult to find what the objective is in trying to change this rule.

Mr. FULBRIGHT. I agree. I think the objective is that they have become accustomed to do this, and they cannot get over the habit, just as some people cannot stop smoking cigarettes. That is the only objective I can think of at the present time.

Mr. HOLLINGS. Is it not a fact that during a period of action, 1964, 1965, 1966, 1967, and 1968—we ground through under President Johnson, more action and bills than ever before in the history of the Nation, and yet we were coming apart at the seams?

Mr. FULBRIGHT. That is correct.

Mr. HOLLINGS. Everybody wants action, and they equate it with the idea that when a bill is put in and it is passed and the President signs it, the problem is solved. That is just a problem identified, and too often mistakenly identified, as this problem is. Rule XXII has not held up anybody. The White House has. That is what has kept us here.

Mr. FULBRIGHT. The Senator is correct.

Mr. HART. Mr. President——

Mr. FULBRIGHT. Does the Senator wish me to yield for a question?

Mr. HART. For a moment.

Mr. FULBRIGHT. I yield for a question.

Mr. HART. I repeat—and I mean it—I am going to read what the Senator has said.

Mr. FULBRIGHT. I do not wish the Senator to make any pledge.

Mr. HART. Let us identify the problem that occupies the Senate right now.

I am not at all certain, and it perhaps is our fault, that the people of the country understand what we are seeking to do today and have been for more than 30 days.

We are seeking to permit this body to change a rule of the Senate. The people who love to talk about the Constitution actually are in the middle of a constitutional problem. They will not admit it.

The Constitution provides the veto for the President, and the Constitution says, with respect to the Senate, that more than a majority is required in order to act with respect to treaties and certain other things. Then the Constitution says that the Senate shall fix its rules, shall adopt its rules.

Mr. FULBRIGHT. That is correct.

Mr. HART. I am certain that the Founding Fathers, whose names we invoke when it serves our purpose, intended by that document to say that a majority——

Mr. FULBRIGHT. What is in the debate that makes the Senator sure of that? That is just the Senator's own idea, is it not?

Mr. HART. Is there any other interpretation permitted, given the tradition of the evolution of a democratic society, but that a majority of a body may act unless the basic Constitution requires more than a majority? What we are trying to do is to establish that right. I think that is a serious constitutional effort——

Mr. FULBRIGHT. I do not believe the Senator has any basis whatever for that. Actually, this country functioned and functioned better than it is functioning now without any restrictions whatever. There was no rule XXII until 1917. I do not know how the Senator jumps to that conclusion or assumption which just happens to accord with his own views about the nature of democracy. Democracy, by no means, I do not know—I should not say I do not know of anyone—but I know some of my colleagues think that democracy is identical with majority. But a great many scholars of Government, and others that I have discussed this subject with in other days, say that is not so at all.

Mr. HART. Then why did the Founding Fathers establish certain areas as——

Mr. FULBRIGHT. I do not recall, in reading about past debates, or the Federalist papers, or in Madison, or in Hamilton, or anyone else where it says, "We believe majority rule is the equivalent of democracy. We believe that everything should be decided by majority rule." They do not say that at all.

The rules of the Senate were made by the Senate itself. The rules leave it up to the Senate, and properly so, to make its own rules. The Senate has made them. All we need to do is get two-thirds. There is nothing wrong with that. In fact, three-fourths would be better, in my opinion, but we have already given you two-thirds, to try to accommodate you, you and your school. But I think, as I said awhile ago, in my own State of Arkansas, it takes three-fourths of our legislature to impose an income tax. There are all these variations——

Mr. HART. Your State constitution imposes that limitation?

Mr. FULBRIGHT. Majority rule has never been—I should not say never—but I do not believe majority rule by any great political scientist has been identified as being identical with democracy.

Mr. HART. Why cannot the legislature of the State of Arkansas impose an income tax except by three-fourths, or two-thirds——

Mr. FULBRIGHT. Because the constitution requires it.

Mr. HART. Then I understand that. Clearly the Senator does.

Mr. FULBRIGHT. Yes. The rules of the Senate also require two-thirds. I think it would be better if it were three-fourths, probably, but I am not quarreling about that.

Mr. HART. Just as the framers of the Arkansas constitution made provision for those situations which will be the exception, so did the drafters of the Federal Constitution. They said that on the overriding of a veto, for example, not a majority, but two-thirds, and that was a restraint they imposed on this body. But they were silent with respect to the adoption of rules, which suggests to me very clearly that they intended the majority of this body to be permitted to write the rules of this body, and that is what we are trying to establish.

Mr. FULBRIGHT. That may mean that to the Senator, but not to me. It means to me just what it says, to leave it up to the Senate; and that is what it did. Each body, the House and Senate, writes its own rules. The House has its own rules. Perhaps those rules happen to suit the Senator. He thinks they are fine. But all the Constitution says is that each body shall make its own rules. It does not say they have to accept majority rule. The Senator is absolutely wrong in saying that that is implicit in the Constitution. There is no such thing in the Constitution. The Senator is beginning to fall into the fault of the executive branch which has adopted the principle, certainly in the case of foreign relations, and in the making of war, that anything not explicitly forbidden in the Constitution the executive branch is authorized to do. That is directly opposite to what the accepted constitutional principles assert, that is, prior to recent years.

We are authorized to do only what we are authorized to do, and anything else not authorized specifically is reserved to the people. That is the overall provision which says that if you have authority you can do it, and if you do not, you cannot.

There is nothing to support the Senator constitutionally. The Senator's only argument would have to be only from a pragmatic point of view, that the Senate is not serving its purpose properly, or wisely. All we have to do is get two-thirds to change the rule. That is not asking too much.

Mr. HART. It has been some 6 weeks now. We have not been able to get it. We cannot get to a vote.

Mr. FULBRIGHT. That is because the Senator and his colleagues have such a weak case. That is the only reason. You should not get to vote.

Mr. HART. How do we get to it except by calling the roll?

Mr. FULBRIGHT. Well, I would say——

Mr. HART. How do we do it, except by calling the roll?

Mr. FULBRIGHT. You have had two votes already. What more do you want? Why do you keep on wasting our time by more and more votes. You have had two votes already, so it is perfectly obvious you are not going to get two-thirds. Why continue to try to blacken the name of the Senate by these stories that we are wasting the time of the country? You have had two votes. How many do you want?

Mr. HART. I did not charge that the Senate was wasting time——

Mr. FULBRIGHT. News stories do and some of the Senator's colleagues do. They say that we are interfering with the orderly processes of our Government. How many votes do you want before you can be convinced that you are not going to get two-thirds?

Mr. HART. Mr. President, the point I seek to suggest is that the obligation to obtain two-thirds of this body in order to act is an obligation that we have to find in the Constitution or it does not exist——

Mr. LONG. It is in the rules.

Mr. FULBRIGHT. Yes, it is in the rules.

Mr. HART. The present occupant of the Chair, the distinguished Senator from Delaware (Mr. ROTH), able man that he is, was told that he could not join the Senate and form a majority because he was not here when this theoretical continuing body picked up rule XXII, or whatever the subdivision was that "hangs" us here. The distinguished Presiding Officer was not here and there were some men here who took away with them part of that rule because they were not permitted to come back. I have never understood this notion that those dead and gone can, nonetheless, inhibit those of us here in establishing the rules of the Senate when we start this Congress.

Mr. FULBRIGHT. We do not inhibit you. All you need is two-thirds.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 104 (3), Public Law 91–405, the Speaker had appointed Mr. FUQUA of Florida and Mr. NELSEN of Minnesota, and the following members from private life: Mrs. Marjorie McKenzie Lawson and Mr. John B. Duncan, both from the District of Columbia, as members of the Commission on the Organization of the Government of the District of Columbia, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 5(a), Public Law 87–758, the Speaker had appointed Mr. CARNEY of Ohio and Mr. FREY of Florida as members of the National Fisheries Center and Aquarium Advisory Board, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 2(a), Public Law 91–332, the Speaker had appointed Mr. FOLEY of Washington, Mr. MELCHER of Montana, Mr. SAYLOR of Pennsylvania, and Mr. SKUBITZ of Kansas as members of the National Parks Centennial Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 523, 78th Congress, the Speaker had appointed Mr. YATRON of Pennsylvania, Mr. BYRON of Maryland, and Mr. MIZELL of North Carolina as members of the National Memorial Stadium Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 16 United States Code 513, the Speaker had appointed Mr. COLMER of Mississippi and Mr. SAYLOR of Pennsylvania as members of the National Forest Preservation Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 86–417, the Speaker had appointed Mr. SLACK of West Virginia, Mr. CELLER of New York, Mr. THOMPSON of Georgia, and Mr. WAMPLER of Virginia as members of the James Madison Memorial Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 1, Public Resolution 32, 73d Congress, the Speaker had appointed Mrs. SULLIVAN of Missouri, Mr. ROY of Kansas, and Mr. CAMP of Oklahoma as members of the United States Territorial Expansion Memorial Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1(a), Public Law 89–187, the Speaker had appointed Mr. GRAY of Illinois, Mr. ZABLOCKI of Wisconsin, Mr. BYRNES of Wisconsin, and Mr. RUPPE of Michigan as members of the Father Marquette Tercentenary Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 202(b), Public Law 90–259, the Speaker had appointed Mr. MILLER of California and Mr. PETTIS of California as members of the National Commission on Fire Prevention and Control, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 401(b), title 4, Public Law 91–510, the Speaker had appointed Mr. BROOKS of Texas, Mr. GIAIMO of Connecticut, Mr. O'HARA of Michigan, Mr. HALL of Missouri, and Mr. CLEVELAND of New Hampshire as members of the Joint Committee on Congressional Operations, on the part of the House.

The message announced that the House had passed, without amendment, the following joint resolutions of the Senate:

S.J. Res. 31. Joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee; and

S.J. Res. 44. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971.

SEATTLE AND KING COUNTY, CONVENTION AND VISITORS BUREAU

Mr. MAGNUSON. Mr. President, Seattle's current economic condition will take a turn for the better when the efforts of the Seattle/King County Convention and Visitors Bureau begin to bear fruit.

Just completing a 2-week trip to New York City and Washington, D.C., are a team fron Seattle composed of Hartly Kruger, manager of the Seattle/King County Convention and Visitors Bureau; David Heinl, director of sales for the bureau; Louis V. Larsen, marketing manager for the Seattle center and Larry Stephan, director of sales for the Washington Plaza Hotel in Seattle.

Supported by the combined efforts of the city of Seattle, King County, Port of Seattle, State of Washington, and private business sector with the full realization that one of the leading opportunities for economic growth lies in the convention and visitor industry, the bureau's budget has been doubled over the previous year and already this investment is paying off.

Seattle and King County are a prime visitor destination capable of being hosts to 83 percent of all national convention business.

The sales team from Seattle called on over 250 associations interviewing nearly 400 of the top association executives and travel industry officials.

A reception at the New York Hilton Hotel in New York City and in Washington, D.C., at the Mayflower Hotel premiered a new closed circuit TV video presentation entitled, "The Sights and Sounds of Seattle." In addition, fresh seafood was flown in especially for the occasion. The reception marked a "first" by any city so far this year in the Nation's Capital and was greeted with enthusiasm by visitors who have never been exposed to the convention and visitor potential of the "Queen City" of the Pacific Northwest. Members of the State's congressional delegation also attended to discuss the future of this most important business potential.

Hartly Kruger, bureau manager, stated:

> The goal is to double convention and visitor spending in the next decade and by doing so we will create 30,000 new jobs in the area.

In discussing Seattle's future potential with the team, James Reynolds, Deputy Director of the U.S. Travel Service and Martin J. Parity, State-city coordinator of the USTS stated that visitor spending was vital to Seattle's economy and that the Seattle-King County area must be considered not only a gateway for visitors from foreign countries but a major destination as well.

The results of this sales trip will bring in excess of $50 million in future business to Seattle and is a big step forward to an improved economy for the region.

The bureau hopes to appoint a full-time representative within the next 2 weeks to cover the major eastern cities of the United States. He would be headquartered in Washington, D.C., and would work mainly with association executives of travel associations.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. HOLLINGS. Mr. President, the Senator from Michigan was trying to find out where in the Constitution was the two-thirds requirement and why, at the beginning of each session, a majority could not organize the Senate by a simple majority vote.

He said all historic precedent was for the requirement of a simple majority at the beginning of a session to organize and adopt its own rules.

The evidence of history is otherwise—the Federalist Papers, by John Jay, James Madison, and Alexander Hamilton, other papers kept by participants at Philadelphia, all these records contradict the idea of new rules at each session. They all point out one single historic fact—that the Senate is a continuing body and that 1 day, the first day of a session, is no different than the final day of the session.

Every day is the same. Two-thirds is the requirement. All historic precedent has been to the effect that the Senate is a continuing body and has been since the beginning of the system. We have had this two-thirds rule since 1917. It can be amended by two-thirds, in accordance with the continuing rules of this Chamber.

All of the initial papers talk about this body being a continuing body. That is the difference between this and all of the other parliamentary bodies in the free world.

Mr. President, our distinguished colleague from Michigan (Mr. HART) was presenting his position. I think the record should show that the Senator has had to leave the floor, because I do not want it appear that he was here and had nothing to say. As I understood it from listening to him, he argues that the Constitution provides that each State must organize under its own rules, and that all history, all precedent, and all the provisions of the Constitution itself support the concept of the Senate as a majority body. The Senator from Michigan was beseeching the Senator from Arkansas (Mr. FULBRIGHT) to come forth with history or precedents to the contrary.

Of course, we have at hand both recent history and more distant history, both the history of the last 20 years relative to rule XXII and the Senate being a continuing body, and the history of the founding days, as we see in it the intent of the framers of the Constitution that this particular legislative body be unique in and of itself as a continuing body. I submit that therein is the true history and the true precedent.

I think it noteworthy that the point made by the Senator from Michigan as to a majority adopting rules at each session gives the appearance that somehow or other, in the last year or two, the Senate has bogged down, that somehow historically we had been doing all right, and we did pass many laws and many statutes during the 1960's, but now, with the acceleration of all events, we in Government should learn how to expedite and accelerate also; it gives the appearance that we have suffered in the eyes of the public, who have somehow lost confidence in the Government and confidence in the Senate as a body itself; and that one of the big reasons for the loss of confidence in the U.S. Senate was this nagging, endless debate over a particular question, and the consequent killing of time—or, as they have characterized it, filibustering where somehow the minority ruled the majority, who could not get a bill passed; and that we should do away with this now so that we could reinstill confidence in the U.S. Senate.

I believe, Mr. President, that the loss of confidence in Government during the latter 1960's resulted not from legislative inaction, but from Executive failure to match promise with performance. At any rate, certain it is that rule XXII bears no responsibility for that sad state of affairs—and to argue differently is to ignore all the testimony of recent history. The Senate has acted in recent years more responsibly than the executive branch.

The late distinguished Walter Reuther, one of history's most dynamic leaders in the labor movement as well as one of history's most dynamic leaders in the recognition of hunger in America, addressed himself to the question of the nature of senatorial debate some 20 years ago. Mr. Reuther, known to move and move quickly, positively, and objectively, posed this issue, pointing out that as he saw it, a majority should organize at the beginning of each particular session of the Senate; it was not a continuing body.

In short, Mr. Reuther's position, Mr. President, was that Senate rules were not continuing, and new rules could be adopted by a simple majority of the Senate, rule XXII notwithstanding. And 20 years ago, I say to the Senator from Michigan (Mr. HART), this was drawn out just as he himself poses it today; and here, 20 years later, we still have the Senate as a continuing body, we still have rule XXII, we still have unlimited debate, and still the land is in relatively good hands. The country is relatively safe, and I think that confidence in Government is being reinstilled by the fact that we have not changed this rule, and by so doing completely altered our character as a body.

But the history of the 20 years, in the light of the posing of the question by one of Michigan's most distinguished citizens some 20 years ago, leads us all to no other historical conclusion but that, having considered the question at each of the past 10 sessions, during the past 20 years, we have continued to find this a continuing body.

Mr. Reuther did not just mention the subject; he outlined a specific game plan for getting around rule XXII.

Proposal No. 1: Mr. Reuther suggested that when the new Senate of the 83d Congress convened on January 3, 1953—he was making this proposal in 1951—the following procedure should be adopted:

> (1) After the credentials have been submitted and accepted, a Senator can rise and move the adoption of the Rules of the Senate of the Eighty-third Congress which he will then submit to the body. These rules may include a new rule XXII providing for limitation of debate by majority vote. He may state, in making his submission, that there are no existing rules of the Senate because the rules of one Senate cannot bind a succeeding Senate—

Exactly the position of that other distinguished citizen of Michigan (Mr. HART) today, over 20 years later.

Mr. Reuther stated:

> It could then be pointed out that until adoption of rules, there is no committee to which his motion can be referred.
>
> (2) It can be expected that a point of order will be made that the motion is out of order since, it will be contended, there are existing rules which can only be amended as provided through the present rules.
>
> (3) The President of the Senate must rule on this point of order.
>
> (4) His ruling, if he rejects the point of order, is subject to an appeal. Under general parliamentary rules, which would be in effect during the period prior to the adoption of specific rules, the appeal can be debated, although most parliamentary authorities limit the debate to one speech by each person.
>
> Should the minority group attempt to turn the debate on the appeal from the ruling of the Chair into a filibuster, the debate can be cut off either by a motion to lay on the table or by moving the previous question. A majority vote in favor of the motion to table would operate to affirm the Chair's ruling. A majority vote in favor of the call for the previous question would permit an immediate vote on the appeal.
>
> (5) If the ruling of the Chair is sustained by a majority vote, the Senate would be able to adopt rules for the Senate of the Eighty-third Congress by regular parliamentary procedure of majority vote. If a filibuster should be attempted at this point, it can again be dealt with by the parliamentary device of moving the previous question outlined in step 4, above. It is significant that the Speaker of the House, at the time of an attempt to prevent the adoption of rules by repeated dilatory motions, ruled that he would refuse to recognize Members attempting these delaying tactics as they were interfering with the constitutional right of the House to determine its rules—Cannon, Precedents, Volume 5, sections 5706 and 5707. If such a theory were to prevail chaos would rule the day. It is quite clear that the basic and fundamental issue is that our rules are continuing and that the constitution and the intent of the founding fathers so intended it to be so.

Therein, Mr. President, is the game plan as outlined by the distinguished, late Walter Reuther some 20 years ago. It should be borne in mind that today we are not debating a new proposal.

The very majority adoption of rules and the disregard of rule XXII which we consider today have been proposed, discussed, and worked on for the past 20 years, in the last 10 sessions of the U.S. Senate. We look today, and we still have rule XXII. So therein we have recent history.

What about more distant history, the history of the founding days?

In the 83d Congress, Senator Knowland of California—who was majority leader at that time—presented a statement entitled "Senate Rules and the Senate as a Continuing Body." I would like to quote from that statement relative to the constitutional provisions and the intent of those who framed the Constitution. I do so because the Senator from Michigan asks: Where in the Constitution do you find that, you who are trying to extend the debate? If this is a continuing body, he asks, wherein do you find proof and precedent? He says the Senate can, by majority vote, adopt new rules. Wrong. The precedent is all otherwise.

I read from the paper of Senator Knowland, "Senate Rules and the Senate as a Continuing Body":

(A) Constitutional Provisions—

Article I, section 3, provides for rotation of one third of the Senate every 2 years. This provision has been compared with the requirement in the Constitution for biennial elections of all House Members. Unlike the case of the House of Representatives, the plan of rotation every 2 years has resulted, ever since the Senate organized for the first time in 1789, in there always being more than a majority of sitting Senators. The Senate has thus always been able "to do business," since it always has had a quorum as required by the Constitution.

Other provisions of the Constitution cited to establish that the Senate is an always organized body include (a) those dealing with the office of the Vice President and the President pro tempore; (b) those establishing the Senate's executive functions, as distinguished from its legislative functions; (c) the power of the President on extraordinary occasions, (to) convene both Houses or either of them * * *; (d) the limiting proviso in article V (which deals with amending the Constitution), as follows: "* * * no State, without its consent, shall be deprived of its equal Suffrage in the Senate."

(B) The Intent of the Founding Fathers—

The Constitutional Convention of 1787 had before it various alternatives with respect to the powers, duties, and composition of the Senate, as well as the manner of selection and tenure of office of its members. The agreements which were finally reached on these alternatives appear in varying degrees to have a general bearing on the subject of this discussion. These details were expanded upon at length by the authors of The Federalist, Messrs. Hamilton, Madison and Jay. Typical of their comments are the following:

In the Federalist No. 62, James Madison (or Alexander Hamilton) wrote:

"The necessity of a senate is not less indicated by the propensity of all-single and numerous assemblies, to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions. Examples on this subject might be cited without number; and from proceedings within the United States, as well as from the history of other nations. But a position that will not be contradicted, need not be proved. All that need be remarked is, that a body which is to correct this infirmity, ought itself to be free from it, and consequently ought to hold its authority by a tenure of considerable duration. * * *

"The mutability in the public councils, arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the government. Every new election in the states, is found to change one half of the representatives. From this change of men must proceed a change of opinions; and from a change of opinions, a change of measures. But a continual change even of good measures is inconsistent with every rule of prudence, and every prospect of success. The remark is verified in private life, and becomes more just, as well as more important in national transactions.

"To trace the mischievous effects of a mutable government, would fill a volume. I will hint a few only, each of which will be perceived to be a source of innumberable others.

"In the first place, it forfeits the respect and confidence of other nations, and all the advantages connected with national character. * * * The internal effects of a mutable policy are still more calamitous. It poisons the blessing of liberty itself. * * *"

Also, in the Federalist, No. 63, Madison or Hamilton wrote as follows:

"Yet however requisite a sense of national character may be, it is evident that it can never be sufficiently possessed by a numerous and changeable body. It can only be found in a number so small that a sensible degree of the praise and blame of public measures may be the portion of each individual; or in an assembly so durably invested with public trust, that the pride and consequence of its members may be sensibly incorporated with the reputation and prosperity of the community. The half-yearly representatives of Rhode Island, would probably have been little affected in their deliberations on the iniquitous measures of that state, by arguments drawn from the light in which such measures would be viewed by foreign nations, or even by the sister states; whilst it can scarcely be doubted that if the concurrence of a select and stable body had been necessary, a regard to national character alone would have prevented the calamities under which that misguided people is now laboring.

"I add, as a sixth defect the want in some important cases of a due responsibility in the government to the people, arising from that frequency of elections, which in other cases produces this responsibility. The remark will, perhaps, appear not only new, but paradoxical. It must nevertheless be acknowledged, when explained, to be as undeniable as it is important.

"Responsibility, in order to be reasonable, must be limited to objects within the power of the responsible party; and in order to be effectual, must relate to operations of that power, of which a ready and proper judgment can be formed by the constituents. The objects of government may be divided into two general classes: the one depending on measures which have singly an immediate and sensible operation; the other depending on a succession of well-chosen and well-connected measures, which have a gradual and perhaps unobserved operation. The importance of the latter description to the collective and permanent welfare of every country, needs no explanation. And yet it is evident, that an assembly elected for so short a term as to be unable to provide more than one or two links in a chain of measures, on which the general welfare may essentially depend, ought not be answerable for the final result any more than a steward or tenant, engaged for one year, could be justly made to answer for plans or improvements which could not be accomplished in less than half a dozen years. Nor is it possible for the people to estimate the share of influence which their annual assemblies may respectively have on events resulting from the mixed transactions of several years. It is sufficiently difficult, to preserve a personal responsibility in the members of a numerous body, for such acts of the body as have an immediate, detached, and palpable operation on its constituents.

"The proper remedy for this defect must be an additional body in the legislative department, which having sufficient permanency to provide for such objects as require a continued attention and a train of measures, may be justly and effectually answerable for the attainment of those objects"—

Mr. President, therein, under the Federalist Papers, we have the Senate being considered overtly and patently as "the" body constituting a continuance in Government and not being abolished at the termination of one particular session the Senate is not reinstituted, with all new rules at every new session but, rather it is to be considered on the opening day of one session as on the final day of the previous session. Hence rule XXII stands as the legitimate creation and rule of this Chamber—

The Federalist, No. 64, by John Jay, concerns itself with the Senate and treaty-making. The following, on the permanency of the Senate is quoted from that paper:

"Although the absolute necessity of system, in the conduct of any business, is universally known and acknowledged, yet the high importance of it in national affairs has not yet become sufficiently impressed on the public mind. They who wish to commit the power under consideration to a popular assembly, composed of members constantly coming and going in quick succession, seem not to recollect, thus such a body must necessarily be inadequate to the attainment of those great objects, which require to be steadily contemplated in all their relations and circumstances which can only be approached and achieved by measures, which not only talents, but also exact information, and often much time, are necessary to concert and to execute. It was wise therefore, in convention to provide, not only that the power of making treaties should be committed to able and honest men, but also that they should continue in place a sufficient time to become perfectly acquainted with our national concerns, and to form and introduce a system for the management of them. The duration prescribed is such as will give them an opportunity of greatly extending their political information, and of rendering their accumulating experience more and more beneficial to their country. Nor has the convention discovered less prudence, in providing for the frequent elections of senators in such a way, as to obviate the inconvenience of periodically transferring those great affairs entirely to new men; for by leaving a considerable residue of the old ones in place, uniformity and order, as well as a constant succession of official information will be preserved."

In the Federalist, No. 59, Alexander Hamilton commented on the regulations of elections of both Senators and Representatives. He stated:

"It may be easily discerned also, that the national government would run a much greater risk from a power in the state legislatures over the elections of its house of representatives, than from their power of appointing the members of its senate. The senators are to be chosen for the period of six years; there is to be a rotation, by which the seats of a third part of them are to be vacated, and replenished every two years; and no state is to be entitled to more than two senators; a quorum of the body, is to consist of sixteen members. The joint result of these circumstances would be, that a temporary combination of a few states, to intermit the appointment of senators, could neither annul the existence, nor impair the activity of the body; and it is not from a general and permanent combination of the states, that we can have anything to fear. The first might proceed from sinister designs in the leading members of a few of the state legislatures; the last would suppose a fixed and rooted disaffection in the great body of the people; which will either never exist at all or will, in all probability, proceed from an experience of the inaptitude of the general government to the advancement of their happiness in which even no good citizen could desire its continuance.

"But with regard to the federal house of representatives, there is intended to be a general election of members once in two years. If the state legislatures were to be invested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the union, if the leaders of a few of the most important states should have entered into a previous conspiracy to prevent an election."

The motivating spirit of the Convention—not expressed, but clearly understood—was to make the Nation safe from unlimited democracy. Madison's own notes, as well as the papers of most of the other delegates, make such an intention unmistakable.

Perhaps the clearest exposition of the intention of the Founding Fathers as to the role of the Senate is contained in Madison's own account his own participating in the debate on the subject. "Madison's Journal" quotes the author, both directly and indirectly, as follows:

> "In order to judge of the form to be given to this institution, it will be proper to take a view of the ends to be served by it. These were first to protect the people against their rules; secondly to protect the people against the transient impressions into which they themselves might be led. A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of government most likely to secure their happiness, would first be aware, that those charged with the public happiness, might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other. In this they would be governed by the same prudence which has prevailed in organizing the subordinate departments of government, where all business liable to abuses is made to pass through separate hand, the one being a check on the other."

Mr. President, Madison's transcript of his own words, continues thusly:

> "It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest, and that men chosen for a short term, and employed but a small portion of that in public affairs, might err from the same cause. This reflection would naturally suggest that the government be so constituted as that one of its branches might have an opportunity of acquiring a competent knowledge of the public interests. Another reflection equally becoming a people on such an occasion, would be that they themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion . . .
>
> "It ought finally to occur to a people deliberating on a government for themselves, that as different interests necesarily result from the liberty meant to be secured, the major interest might under sudden impulses be tempted to commit injustice on the minority. In all civilized countries the people fall into different classes having a real or supposed difference of interests. There will be creditors and debtors, farmers, merchants and manufacturers. There will be particularly the distinction of rich and poor. It was true as had been observed by Mr. Pinckney we had not among us those hereditary distinctions, of rank which were a great source of the contests in the ancient governments as well as the modern States of Europe, nor those extremes of wealth or poverty which characterize the latter. We cannot, however, be regarded even at this time, as one homogeneous mass, in which everything that affects a part will affect in the same manner the whole. In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce. An increase of populations will of necessity increase the proportion of those who will labor under all the hardships of life, and secretly sigh for a more equal distribution of its blessings. These may in time outnumber those who are placed above the feelings of indigence. According to the equal laws of suffrage, the power will slide into the hands of the former. No agrarian attempts have yet been made in this country, but symptoms of a leveling spirit, as we have understood, have sufficiently appeared in certain quarters to give notice of the future danger. How is this danger to be guarded against on republican principles? How is the danger in all cases of interested coalitions to oppress the minority to be guarded against? Among other means by the establishment of a body in the government sufficiently respectable for its wisdom and virtue, to aid on such emergencies, the preponderance of justice by throwing its weight into that scale."

Madison then goes into a third-person account of the remainder of his presentation on the subject, writing:

> "Such being the objects of the second branch in the proposed government, he thought a considerable duration ought to be given to it. He did not conceive that the term of nine years could threaten any real danger; but in pursuing his particular ideas on the subject, he should require that the long period of life, as would render a perpetual disqualification to be re-elected little inconvenient either in a public or private view. He observed that as it was more than probable we were now digesting a plan which in its operation would decide forever the fate of republican government, we ought not only to provide every guard to liberty that its preservation could require, but be equally careful to supply the defects which our own experience had particularly pointed out."

Mr. President, Madison made it clear in even the early deliberations of the Founding Fathers that they were undertaking to establish an entirely new concept of government—one which be neither pure democracy nor pure republic, but rather a product of compromise in which the interest of all groups, present and future, would be fully protected.

He made it equally plain that the second legislative chamber then being devised—and which we now know as the Senate—would be the safeguard of minority thought and interests.

While the question of the ratification of the new Constitution was before the people of the country, Madison, Alexander Hamilton and John Jay—over the common name of "Publius"—published in the press of that day a series of 94 articles explaining the various passages of the new instrument.

The Senator from Michigan asked where is the history. There it is.

Those essays are unrivaled for their clarity, power and illumination. After their appearance they were brought together and published in one volume entitled "The Federalist," a work to which I have earlier referred. That volume is recognized by historians as the most authoritative source of contemporaneous interpretation and construction of the origin of the U.S. Constitution and the institutions of the U.S. Government.

For an exposition of the precise effects of this new form of government, we must turn to letter 9 written by Alexander Hamilton as it appears in the 1787 edition of "The Federalist." In it he wrote:

> The proposed Constitution, so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty, by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of sovereign power.

Hamilton was joined in that view by Madison who later wrote in letter 45 as follows:

> The State Governments may be regarded as constituent and essential parts of the federal government; whilst the latter is nowise essential to the operation or organization of the former.

Our Government was not designed or intended to be purely national in character under which unlimited majorities might trample a helpless minority. Madison in letter 39 cited several propositions of constitutional construction to prove that point and concluded in these words:

> The proposed Constitution, therefore, even when tested by the rules laid down by its antagonists, is, in strictness, neither a national nor a federal Constitution, but a composition of both.

Madison explained, as the distinguished senior Senator from Georgia, (Mr. Talmadge) said the other day, that ratification of the Constitution by sovereign States was a Federal act; representation in the House, a national act; representation in the Senate, a Federal act; election of the Executive, a compound National-Federal act, with emphasis on the former; in exercising its delegated powers, a Federal act; and in amending the Constitution, again, a compound National-Federal act.

Those, Mr. President, are the checks and balances written into the organic law to protect the people, to protect the people's rights, to protect the sovereignty of the several States and to protect the institutions originally contemplated and prescribed in the Constitution itself or more specifically to protect the U.S. Senate as a continuing body.

Mr. President, I could go on further, but I am prepared to yield. I would like at a later time in the continuation of the debate with my distinguished colleague, the Senator from Michigan, to renew the outline, as I have been doing now, of the entire history of the measure we are today debating.

At that time we can go into the era over 120 years ago when this issue was raised on the Senate floor, and my distinguished predecessor, John C. Calhoun of South Carolina, gave his disquisition on Government, differentiating the mere majority rule from the concurrent majority.

Mr. President, I yield the floor to the distinguished Senator from West Virginia.

QUORUM

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Griffin). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hollings). Without objection, it is so ordered.

COMMUNICATION FROM ENVIRONMENTAL PROTECTION AGENCY HELD AT THE DESK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a communication dated February 10, 1971, from the Environmental Protection Agency addressed to the President of the Senate be held at the desk until a later date.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF DRAFT OF THE ENVIRONMENTAL FINANCING ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a communication from the Acting Secretary of the Treasury addressed to the President of the Senate, and a bill draft which would be cited as the Environmental Financing Act of 1971, be referred to the Committee on Public Works, and that if and when such legislation is reported from that committee it be at that time referred to the Committee on Finance for consideration of section 10.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

ORDER FOR RECESS TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 11 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH AND FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the approval of the Journal, if there be no objection, and the recognition of the two leaders or their designees under the standing order, the Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 15 minutes, and upon the conclusion of his remarks there be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, MARCH 1, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately upon the conclusion of the remarks by the able Senator from Georgia (Mr. TALMADGE), there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the period for the transaction of routine morning business on Monday next would come immediately prior to the call of the Legislative Calendar beginning with Calendar No. 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON ALASKA NATIVE LAND CLAIMS LEGISLATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to submit a statement by Mr. JACKSON with reference to hearings which Mr. JACKSON is announcing for the Alaska Native Land Claims legislation on March 16, 1971.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HEARINGS ANNOUNCED FOR ALASKA NATIVE LAND CLAIMS LEGISLATION ON MARCH 16, 1971

Mr. JACKSON. Mr. President, on March 16, 1971, the Senate Interior and Insular Affairs Committee will hold an additional hearing on pending legislation to settle the long standing Alaska Native land claims. This hearing will provide an opportunity to take testimony on the new policy positions proposed by the Alaska Federation of Natives and the new legislation proposed by the Administration.

It is my hope that as soon as possible after this hearing the Committee can proceed to mark-up and report a bill on this subject. The hearing will be held in Room 3110 of the New Senate Office Building and will begin at 10:00 a.m. The Committee asks that witnesses confine themselves, insofar as possible, to new matter not covered in previous hearings in this and the 91st Congress. The Committee welcomes and will print as a part of the hearing record the statements of all interested parties.

PROBLEMS CONFRONTING SENIOR CITIZENS

Mr. HARRIS. Mr. President, testimony presented at recent public hearings which I held in Ada, Okla., on January 13, 1971, focused attention on a number of the problems confronting our senior citizens. I believe that all Senators and relevant committees can benefit from the matters presented at these hearings. The questions concerning public housing for the older American, and the effect of the successful Green Thumb and Green Light programs, and further consideration of the problem of medical costs are included in this portion of the testimony.

I ask unanimous consent that this final part of the transcript be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPT OF TESTIMONY

Senator HARRIS. Is Miss Hager here? Miss Hager is President of the American Association of University Women, Ada unit. She has some brief remarks.

Statement of Miss Eva Lee Hager, president, ADA unit of the American Association of University Women: I have just two or three bombshells to throw out. You know the old saying is that you throw a rock in the water and you never know where the ripples are going to stop. So I'm throwing out some rocks and I'm hoping that they will just keep rippling. There's an old saying that small minds talk about people and great minds talk about ideas. We surely have heard some wonderful ideas here this morning. Senator Harris has a treasure chest full and we're going to expect him to act on them.

Why should a member of a family that has the love for her or his parents to go into their home and take care of them be penalized of their social security? If the mother or the father is a welfare patient the minute that a member of their family comes in to take care of them automatically his or her check is demoted. In my book, something is wrong with that law and it should be adjusted.

Another thing. The reason that I am here too—I have taught school all my life and I am proud of my profession. I didn't teach in the same place. I started out here in this county in a two room school and then I went up to Kansas and taught. Then I went down to teach school in Texas. I didn't teach continuously, but I have been teaching and I think there should be a pension for teachers regardless of where they taught and which state they taught in. There is no boundary line in teaching. So I want that to be checked into, Senator Harris.

I do think that the housing project is just wonderful. I travelled from coast to coast and called on schools and I used to pass school buildings that were beautiful buildings and they were not occupied. I had been thinking how wonderful it would be if we could use them.

If a person takes care of his mother or father, I don't want the mother or the father penalized. I want something done about the transportation. I want something done about our school buildings that are being converted into cow pastures.

Senator HARRIS. Thank you very much. I wonder if there's anybody in the audience who has anything to say before we go on with our schedule.

Statement of Mrs. Bess Irick, Ada, Oklahoma: I'm Bess Irick. I live here in the Aldridge Building. I consider it a great privilege to live here. It is really wonderful.

I am concerned about the medicare program that covers you and me if we need to go to a nursing home. As the situation now stands, most nursing homes don't want to be covered with medicare. The requirements are too stiff. They cannot meet them. I think one of the main drawbacks for them is the requirement of a registered nurse around the clock. You know how short registered nurses are. We cannot obtain these registered nurses so they're really not interested. They say they don't even want to be qualified under medicare. Yet you and I are paying for the medical part of medicare to take care of us for so many days in a nursing home if we need to go there. But we won't get any good out of it. If we want to go to a nursing home after an illness in a hospital or surgery, we have to leave Pontotoc County to do it. We have to go clear to Coalgate to the Mary Hurley Nursing Home. But what do we find down there? The chances are that we find that they are filled up and can't take any more patients. They really want welfare patients, that is their main concern and their main desire. I don't know why that is, Senator Harris. Many of us are not on welfare and we hope we never have to accept it. Of course if it came to that we would very humbly ask for it and receive it, I am sure. There are so many of us that don't qualify for that and we can't get in a nursing home if we need to under the medical part of medicare. I think something should be done about that.

Senator HARRIS. Thank you. We will go back to our regular schedule. I will try to get back to the audience once or twice again if there's something we have left out. For example, Mrs. Westbrook came up to me at lunch and said that one thing was left out this morning and that was the business of reducing veterans pensions or welfare benefits when social security benefits are increased. That is wrong. I think that idea should be a part of these hearings.

Now I would like to call on Mr. Judd Wood who is Director of the Ada Housing Authority. Judd, I was very impressed with the housing project here in Ada which is very attractive. I visited in one of the apartments and we had lunch out there at the community building. We'd be pleased to hear from you.

Statement of Mr. B. E. (Judd) Wood, executive director, Housing Authority of the Chickasaw Nation, Ada, Oklahoma: I'd like to mention something I'm sure you're quite aware of. The greatest people in the world are the elderly people we have in our communities. We can't do enough for them. Twenty years ago they were the backbone of our community and now they need to be able to relax and enjoy themselves. We're happy in housing to be able to provide what we can and certainly within the limitations of the present laws we do all we can.

A. QUALITY OF PUBLIC HOUSING

(1) Housing that this writer has seen in Oklahoma is all of high quality, except the interior of the unit is small. The interior of a 0-Bedroom, as well as a 1-Bedroom, needs to be increased by an additional 50 to 100 square feet. The current HUD guidelines permit the 0-Bedroom to have 300 square feet and the 1-Bedroom to have 420 square feet. This is just enough room to sit and sleep. The bedroom in the 1-Bedroom is so small, a family of two cannot have adequate bedroom furniture, nor does the space allow ample room for an elderly person to make up the bed. It also makes it most difficult for the elderly to move about in the unit when it is properly furnished. The occupant of the 0-Bedroom finds the same problem in the bedroom, plus inadequate space in the living, dining, and kitchen area.

B. DESIGN OF PUBLIC HOUSING

(1) Generally the design, at least in Oklahoma, has been very good. There is a need for better and more activity space, both inside and out. Current HUD guidelines restrict expenditures for this based on the number of units to be built in the community, when at the same time HUD requires the local entity to conduct a program designed for the entire community. A good program for the elderly needs to involve all the elderly of the area, and space should be allocated to meet the minimum needs of the entire community. There is a need for more outside activity space with more and better outside functional games that the elderly would desire to participate in.

C. LOCATION OF THE UNITS

(1) It is a proven fact that the highrise near the center of a community is the most desired place for the elderly. So often housing for the elderly is miles from the amenities. The elderly like to be near (but not in) the everyday bustle of a community. They like to be able to see people and activity, yet if the mood strikes—to shut it out. The downtown highrise permits this. We point with pride to the Aldridge Building. All occupants live upstairs, yet the ground floor is constantly active with the coffee shop, barber and beauty shop customers constantly passing through the lobby area. These people are still a part of the everyday life of the community, if they get tired, they may easily take the elevator up to their room and be in complete seclusion. Every amenity is within three blocks of the elderly home—including the main shop and store area. All the safety of a fireproof building is another important feature of the highrise structure.

(2) No development of units for elderly should be permitted that are outside of a distance of six to eight blocks from the amenities, unless it was impossible to place them otherwise. The elderly find it expensive to own and operate an automobile, plus they no longer have the ability to safely operate the automobile. Taxi service is so expensive, and often hard to get. They like to be independent, and thus will not permit their friends and loved ones to haul them back and forth.

D. BUDGET OF PUBLIC HOUSING AUTHORITIES

(1) The budget of a public Housing Authority should provide sufficient funds to operate a community space for the elderly. There should be no payment in lieu of taxes to the local entity—These elderly people have paid their share of taxes in the productive years. This PILOT money could be used in providing them with good wholesome fun and enjoyment in the fading years.

I will be glad to assist you in any way I can in the future, and I appreciate your coming down here, Senator.

Senator HARRIS. Thank you for that very good and very useful statement.

Now I want to call on Mr. Chester Stone who is Director of the Oklahoma Green Thumb Program, a mighty good program.

Statement of Mr. Chester Stone, director, Oklahoma Green Thumb, Inc., Oklahoma City, Oklahoma: I have two of the workers of the program with me. Myrtle Walker from Konawa is a Green Light worker. Noah Connor lives in Fanshawe in LeFlore County and is a foreman on our Green Thumb projects. Mrs. Willis is the Director of the state Green Light Project and Ronald Ragland helps me in the eastern part of the state on the Green Thumb project.

I want to talk about an area that's near to me and that is employment opportunities for senior citizens. There are twenty million people in rural America that have reached 65. Several million of these don't have the whatfor to live on. They are living on welfare payments and there should be no shame in older persons receiving welfare payments. They've earned it. They've given 65 years of their lives to this country. And it is little enough that young people and the middle aged can give back to these people a decent standard of living.

This has been brought up before. If a person accepts a part time job to uplift their standards, they take away a little bit of their welfare. Today, the older people are afraid to accept part time employment because of what you'll lose from welfare. The same thing goes for the social security raise. The social security raise is offset by what they lose from their welfare. Under these conditions the older person's health generally fails, medical bills pile up and the situation gets worse.

In 1965, the national Farmers Union with a grant from the U.S. Department of Labor and with the help of our friends in the Congress, Senator Harris, Carl Albert and many more of them, started a small program in four states called Green Thumb. I'll explain a little about Green Thumb and what we do in just a minute. In 1968, the program was expanded to fourteen states and Oklahoma was included. In 1969, a small program designed primarily for senior women called Green Light was initiated. We are operating in seventeen states and we employ over 3,000 senior citizens. This is a small portion of those who could benefit in a program such as ours. Our program, the Green Thumb Project, is primarily designed for beautification across the country in the seventeen states. We have built several new parks and we have rehabilitated many recreational areas. Lady Bird Johnson was very effective in getting our program off the ground in the beautification program. The most important thing we have done is provide our people, our seniors, with small part time jobs. They work three days a week. We pay them $1.60 an hour and they earn about $1600 a year. This matched with their social security or other incomes gives them a pretty decent standard of living.

Our Green Light project operates in community betterment activities. We have ladies that work totally with the home bound, the elderly, the invalids who can't get out. We were talking about transportation. About 30 percent in our current survey in Indiana of the senior citizens had no transportation. I believe that the percentage in the counties in eastern Oklahoma is more than that. Our ladies will one day a week pick up five or six of their neighbors and take them over to McAlester or the nearest urban area to go grocery shopping. This is a real problem in the rural areas especially for the older American. They can't get to the stores to buy fresh meats and vegetables and the nutritional value is very important to the senior citizen. We have them working in hot lunch programs in the rural schools and there again the rural schools come back. Many of them are closing down. Our people are capable of helping in these areas. The school is the heart of the community. We have in Checotah a senior citizen center with three employees. They serve hot lunches to the seniors at a very nominal cost. They work in handicrafts with senior citizens. The list goes on and on.

I would like for Noah and Myrtle to have just a few minutes to tell what the Green Thumb and Green Light projects have done for them and their communities.

Senator HARRIS. I would like to hear from them, and I'm sure every one else would, too.

Statement of Mr. Noah Connor, Green Thumb Worker, Fanshawe, Oklahoma: Thank you. I must say that I am happy to be with all of you people here today and most especially with Senator Harris. I want to make a few remarks before I go on to say what the program means. When I speak of myself I have in mind a half million people. I doubt very much if I would have wanted to inherit the responsibility of Senator Harris and the other leaders of our country today. One of the greatest tasks that's ever been known is bringing love and peace to this world and this nation today. That's what these men are faced with. I wonder how anyone would want that responsibility. There's no better way for us to help these people than to remember them in our prayers.

I can recall when Alice, my wife, and I owned a little ranch with a few cattle. We got to an age when we thought we couldn't take care of it. We sold it and moved to Fanshawe. Three days after completing our house, I tried to move a 400 pound deep freeze and I felt something. I woke up about two or three weeks later in an oxygen tent. Fourteen more months passed by and what little savings that Alice and I had put together were gone. There was no medicare then.

I can recall looking in the morning paper and seeing an ad. They wanted somebody who had experience in the production of oil and machinery to train two or three new men a week. I answered that ad. The doctor told me that he thought I could go to work. I passed the test and when I put my application on the desk they looked down and said, "69 years old—too old." You can imagine just how that hurt somebody who went through life and now his savings were gone, and had no medicare. So I went home downhearted, disgusted. I wanted to live just like all the rest of us. We had a little social security to live on which helped quit a bit. Last year in November and December I went in for another serious operation. I want to say this on behalf of medicare—I was in the hospital for 27 days and when I got out my bill was $1750, of which medicare didn't pay it all, but thank God for Senator Harris and all the rest who spent their time in bringing about that medicare bill because it did help.

I looked in the paper one morning and it said "Wanted: men over 60 years of age." I went down for information and was referred to Mr. Stone, a man who I am grateful for and who is a wonderful man. I started to work two years ago. Later on, Mr. Stone made me foreman of the job. Recently he's made me district foreman. My job is to go out and plan programs for parks in the cities and small towns, help the men arrange and plant grass and other things to make a beautiful park. That is my job today. I have been working over the entire state of Oklahoma with Mr. Stone and Mr. Ragland.

There are a lot of men in Oklahoma who really appreciate this great Green Thumb program. As Mr. Stone has already stated, it gives us a little extra money to meet our family needs. It also gives us pride in life. It gives us a chance to show what we still have a desire to do. We still want to enjoy this life and to enjoy the things which God has made for us to enjoy. I am pleased to state the benefits of the program. I have the opportunity to go places and I find that every man who works with me has great pride. They enjoy the work, and making this country a more beautiful place to live.

Senator HARRIS. That was a very eloquent statement.

Statement of Mrs. Myrtle Walker, Green Light worker, Konawa, Oklahoma: Mr. Harris, it is my pleasure to be associated with the Green Light program around our area. I just want to say amen to what he said. I work with the County Commissioners office in Konawa and it means a great deal to me. It gives me the sense of being needed. I think a thing that all older people need is to feel that they're still needed. I feel that I am doing a good job there and they tell me I am and I am enjoying it tremendously. I just hope that the program can go on and that we'll be able to extend this program to more and more people. Thank you very much.

Mr. STONE. I just want to finish up here. What can you say after he sat down. The point I want to make is that we need more money. More money for a training program and work experience program for older Americans. We need money to provide public service employment. This is not make-work jobs for a small pay check, but meaningful activities, something they can leave for the community. We need money to develop programs to train people in the development of the community. As I said before, there is no end to the development of people, and this is what it is all about. Our program has proven just because a man or a woman reaches that age of retirement set down by rule or custom, 65 years old, that they're no longer useful to our society. Most of them are not ready to retire. Many of them cannot afford it. Senator Harris, I want to close with this request. Go back to Washington and send us more money to train and employ older Americans. The people who have given the better portion of their lives deserve the opportunity to keep doing so in their later years. Thank you.

Senator HARRIS. You're doing great work and I think our hearings would have been poorer if we hadn't had this chance to hear about your program.

Now, Mrs. Gladys Nunn is here. She is President of the Oklahoma Retired Teachers Association. Mrs. Kate Frank is also here. I'm glad you're here. Mrs. Frank is one of the outstanding educators in our state.

Statement of Mrs. Gladys Nunn, president, Oklahoma Retired Teachers Association, Muskogee, Oklahoma: I believe you were interested in the approach to social security and medicare from the standpoint of retired teachers. I think as I have listened to the people here and as I have analyzed questions that have come to us that you are going to be perhaps covered by this very same case. I would like to point out that the lack of proper financing in regard to medicare has brought about a reduction of the payment of claims that are made. No longer are we receiving 80 percent of reasonable charges as a result of those claims that have gone in. In any number of cases, and I can certainly cite a number of them to you, the people who have filed legitimate claims have had those claims processed according to the 80 percent formula and they have been reduced in considerable numbers. Many times they have had to have correspondence with several different people and finally after having worked and worked on it they will receive a form that says so much has been allowed which is a definite reduction. It is not signed by any particular individual and nobody knows who has made the decision that this is a reasonable charge or a reasonable allowance. For example, I can cite a gentleman who had surgery and his 80 percent claim should have been $350 on the surgeon's bill and he only received $200. When he asked for some kind of interpretation he received this kind of form statement which simply said that the reasonable settlement had been arrived at. Nobody knows who makes these decisions. This is something that needs to be looked at.

Different kinds of determinations will be made, possibly by a secretary because she does not read all the claim. For example, ambulance service for an individual transferring to another hospital was turned down. This service had been from a hospital where there were not the facilities which were needed by the patient. The transportation to the first hospital was covered in our medicare regulations. But transportation from that hospital to another hospital was not covered. And the whole thing was turned down. There was a lot of correspondence and the claim was delayed and in deciding whether this was a reasonable charge there was no consideration given to the fact that the patient had been placed in the hall in the hospital where he had been taken because there was no bed available and there was to be surgery. It was necessary for this patient to be transferred by an ambulance to a hospital where he could have a bed. This was a lack of proper interpretation. Evidently, here, there was someone who had passed on that particular claim without reading it. It seems we have a very great need for a check here.

There is a great deal of inconsistency too in the matter of determining doctors' fees. There is no standard set and the doctors' fees escalate within the same community. There needs to be something that will standardize fees. Doctors' fees for office visits are rising. There is a growing trend of saying, I'll meet you in the emergency room. These are things that are causing the cost of medicare to go up. This matter is not limited to Oklahoma or limited to teachers. Many people do not know how to use medicare; it's very complicated. The doctor and nursing facilities are very often refusing to bother with complicated reports that are required, especially with regard to nursing homes. The doctors say, "I don't want to bother with that particular thing." There are very, very lengthy delays coming up in the settlement of claims which cause another complication.

Recently the teachers in Oklahoma thought that we needed to look into this matter of the nursing homes. We found over and over again that active teachers in the classroom who were trying to place parents in nursing homes found that they were running into problems connected with medicare. There are 393 nursing homes in the state of Oklahoma, and out of the 393 there are 26 of them participating in medicare. In our survey we asked whether or not they did participate in medicare and would they please give us the reasons. In the compilation of the report I have listed thirteen reasons why they did not participate. You have referred to one several times which has to do with the cost of the licensed personnel which is prohibitive—for round the clock nursing. I think the people in nursing homes deserve to have this kind of nursing that will take care of their needs. But I do think that something needs to be done to look at the standards that are set and to make it possible for those people who are aged and need nursing care to go into a place where they can get care. People who are using medicare, people who are on social security represent the older segment of our population and they are people who should know that there is some certainty of care if they need it.

Another thing we have included in our survey was to determine how much it cost for semi-private and ward care. We found that the price range ran from $100 a month to $750 a month. You take the person on medicare and social security with no other income and say to him, "You go into the hospital and you're going to be placed in a ward or a semi-private room where it will cost you $100 a month." But the social security check that person gets is $84. This is one of the fallacies about the program being of service to a great many of our citizens in the state.

Another thing that is a problem that we feel needs to have a good look is this business that the widow does not receive 100 percent of the benefits. Many times the widow needs the benefits more than the couple did. At the present time it is 82.5 percent. We feel that it should be increased so that the widow receives 100 percent of the benefits. We have advocated a minimum benefit of $120 a month. And we have the facts to support our position.

Another problem is that dental care is not covered under medicare. There should be something such as denticare.

I'm sure almost everybody here has some kind of medication with them. That's a problem of getting older. One of the tremendous things that cuts into the budget of older Americans is the cost of prescriptions. You can run $40 or $50 a month on your prescriptions.

This also leads into the income tax area. One of the big problems that the aging have is the problem of whether or not their income tax includes certain things or whether they are free of certain income tax charges which should not be out of their small budget. I think prescription medicine should all be deducted, provided they are not covered by some kind of insurance program. The credit income tax should be brought in to correspond with the social security.

I was recently working on the White House Conference on Aging and was appalled by the number of persons who are trying to hold on to their own little homes. These retired people are unable to make the repairs on their little homes under federal programs. The housing program is a separate identity which creates housing and takes care of those people and yet they tell me if something happens to the roof and it begins to leak, this causes them not to have enough to eat during the month they have to pay to have this taken care of. People are having all kinds of difficulties—they don't have very good credit. People don't want to give them credit. The houses are deteriorating around them, and in a lot of places there is no housing project for them to move into. They would like to keep their homes and there is no kind of federal or state program to help them repair their homes.

Thank you very much, Senator.

Senator HARRIS. It was a very thoughtful testimony and I'm really grateful you came all this way to give it. Thank you very much.

Additional testimony submitted by Mr. G. T. Stubbs, Oklahoma Retired Teachers Association, Stillwater, Oklahoma:

I had planned to attend the hearing you held in Ada last Wednesday, January 13, on Social Security and Medicare but ice covered streets and highway made travel hazardous. I was to have joined Mrs. Gladys Nunn, President of the Oklahoma Retired Teachers Association in presenting the point of view of Oklahoma retired teachers on these matters.

Herewith I present in brief the issues that I had planned to discuss for your consideration.

SOCIAL SECURITY

1. Many Oklahoma retired teachers have not been able to be covered by Social Security because of conditions beyond their control. Some retired before this was available. A number of other unfortunately taught in school districts that did not have the revenue to finance the employers payments. We suggest that provision be made so these retirees can be covered.

2. An automatic cost-of-living mechanism should be added so adjustment could be made as quickly as our economic condition changes.

3. Benefits for widows of deceased husbands covered by Social Security should be 100% of the husband's primary benefit.

4. The retirement Income credit limit for Federal Income Tax purposes should be increased.

MEDICARE

1. We are faced with rising costs for health care and lower Medicare payments.

2. Rising costs are due to unregulated "Reasonable Charges" by doctors and hospitals. Under Part A as of this month the charges to the patient for hospital and nursing home care has increased 50%. For benefits under Part B the monthly charge has been increased from $3.00 to $5.60 as of July 1, 1971.

3. Lower payments have resulted from the order of the Social Security Administration that froze the levels for "Reasonable Charges" at the 1968 level. This freeze does not apply to the charges made by doctors and hospitals but lowers the payment to the patients and increases their costs.

3. Who determines the "Reasonable Charges"? Perhaps this area needs some investigation.

Under date of January 11, 1971, I note a news report quotes the president of the AMA from Chicago in which he protests the new fee schedule that has been announced by the federal authorities. I have not seen a copy of that fee schedule but the protest from the president of AMA indicates that the doctors do not want regulations but want to be able to exploit the ill and society in general through this agency that they opposed to the last.

May I thank you for holding this hearing in our state and for your continued interest and concern in those in our state who need a voice in Congress. I feel sure you can count on the support of the retired teachers in Oklahoma in your efforts to represent their interests.

Senator HARRIS. Now I'll call on Mr. Lloyd Roach, a volunteer worker from Oklahoma City. Mr. Roach, I'm glad you're here and we'll be glad to hear from you.

Statement of Mr. Lloyd Roach, Oklahoma City, Oklahoma: Senator Harris and all of you interested friends. As we have heard the problems of the elderly expressed I have become more deeply concerned about the solutions possible.

Having retired from the more affluent income working group into the low-income bracket, I have been engaged in volunteer work among our low-income population in the Southwest area of Oklahoma City, and have observed the problems and sought solutions.

My conclusion is, that whether from legislation or voluntary resources, to obtain solutions we must have the widespread support from the affluent. My personal observation is that we are losing ground in this direction.

What we term the "middle and upper income classes" must be made aware and become concerned about all our aging citizens and particularly the poor. Most of the affluent people are decent and kind, but far too many are blinded by false beliefs that prevent them from taking action to help.

So my number one point is that we must have a plan and an effort on a national basis to get the truth across to the affluent concerning the plight of our aging citizens.

Even some recent newspaper editorials in Oklahoma I noticed, make no distinction between our Old Age Assistance and the other assistance programs when welfare is criticized and accused of being abused and defrauded, yet I'm sure they would deny accusing our aging of being lazy and dishonest. However, the readers do not always interpret correctly.

For example, many of our affluent friends sincerely hold the beliefs that:

1. The government is taking care of the poor including the elderly—in fact, some believe the poor are living "high on the hog."

We know better. At the best even those on Old Age Assistance get only bare subsistance and many on social security and pensions receive less.

2. All the tax dollars of the more affluent are going direct to the poor.

My observation is that the actual cash from most government programs goes direct to the middle and upper income groups—the poor get intangible benefits including advice and referrals. This money is circulated and is a vital part of our economy.

3. The assistance rolls are loaded with persons who prefer welfare to work.

If the assistance rolls are loaded it is by the elderly poor and mostly widows with health problems and not even enough money for both food and medicine.

4. There are plenty of paying jobs for anyone who wants to work.

Actually, there are few such jobs for the elderly, and too often they have no transportation to look for a job nor get to one if they were to obtain one.

My second point is that we need Economic Enterprise Centers, jobs and transportation for the elderly whose health permits them to work, but we usually offer them only places to play.

The Oklahoma elderly have always worked long hard hours and this has been their "worth" in the eyes of their community. Now we wonder why so many are withdrawn and won't participate in activities they were brought up to believe were time-wasting.

My third point is something affecting only a portion of the low-income elderly, but to me is especially sad because it destroys an American "dream." Many families worked, scrimped and saved to buy a small home. Now many of these homes are literally falling down around the owners, mostly widows, who due to inflation do not have the finances to have them repaired and repainted.

We must somehow have a program to bring together the unemployed workers and these people, or obtain volunteer help from trade unions and others to solve this problem.

In conclusion, point number four is: our elderly, regardless of their income status, can help themselves and others to a fuller and more rewarding life if they can be brought to understand that unpaid volunteer work outside their circle or friends and relatives can be just as worthwhile as paid work and is urgently needed.

They also must get out and about and help get the truth across to all our fellow countrymen. Thank you.

Senator HARRIS. Very good. One of the things that I've run into is the serious problem in getting support for these kinds of programs. There are a lot of myths that people believe. I appreciate what you have had to say and what you've said is in our record which will be circulated and which will begin, I hope, to do something about correcting those myths. Thank you very much.

Next, I would like to call on Mr. John Hoppis who is Supervisor of the Special Unit on Aging of the Department of Institutions, Social and Rehabilitative Services. John, we're glad you're here.

Statement of Mr. John Hoppis, supervisor, special unit on aging, Department of Institutions, Social and Rehabilitative Services, Oklahoma City, Oklahoma: Senator Harris, on behalf of Mr. L. E. Rader, Director of the Dept. of Institutions, Social and Rehabilitative Services, I should like to express appreciation to you for the Department's being included in this meeting, and my personal appreciation for being asked to represent the Department. I would also like to say that the selection of the site for this meeting is excellent, since it is in low-cost housing for the elderly complex, and in space provided for a program for the older people and one which was funded with Title III funds under the Older Americans Act of 1965.

Recently, an ambitious attempt to determine and hopefully to meet many of the needs of Older Americans has been initiated. This attempt is the President's White House Conference on Aging to be held in November, 1971, and the preparatory activities of that conference.

During 1970 each state, in preparation for the National White House Conference, held a number of meetings called White House Community Forums, in which older Americans were invited to "speak to the nation" about their needs in the nine areas of: Income, Health and Mental Health, Nutrition, Housing, Transportation, Employment and Retirement, Education, Retirement Roles and Activities, and Spiritual Well-Being.

In Oklahoma 157 White House Community Forums were held in 63 counties; with 7,952 persons attending. Participants were asked to fill out a questionnaire about their needs and to rank the nine needs in order of their importance. They ranked them as follows:

1. INCOME

Slightly more than one-half of the participants reported incomes of less than $200 per month. The median income for older respondents was $182. Almost two-thirds of the older persons completing the questionnaires relied upon some combination of earnings; Social Security, employee pension, annuity, Old Age Assistance, savings and investments, and relatives for their income. Other respondents relied solely upon one of these resources for their entire income. Social Security, for example, was the sole source of income reported by 16% of the older persons.

Income was an extremely important variable in relation to almost all the other needs categories, with lower income persons reporting more difficulty in almost all other needs areas.

Specific needs mentioned by other persons at the forums regarding income centered around the need for increased Social Security and welfare benefits based upon the cost of living, and around the need for more income generally.

We do not feel that this gives an accurate picture of the median income of all the older people throughout the State because we feel that each person, in listing the amounts of their income, listed the family income rather than their individual income. We show above that a majority of the people participating in the community forums were those with better than the average income for older people in Oklahoma.

2. HEALTH AND MENTAL HEALTH

Nearly one-third of the forum participants reported that they had a medical problem that needed medical attention but which was not getting medical attention. This problem was especially severe among low-income persons and was more frequent among males. Slightly more than one-fourth of the participants reported they were not able to see a physician when they needed one. Again, the problem was more severe among low-income persons. Money to pay for physicians' services and prescription drugs was reported as not available by about one-fourth of the participants. The most frequently cited specific needs in the area of health were more medical facilities, more doctors and an increase in Medicare benefits.

It is felt the need for more doctors was more extreme in small communities.

3. TRANSPORTATION

Arranging for transportation from home to shopping areas, churches and visiting friends proved to be difficult for nearly one-third of the forum participants. Females and lower-income persons experienced more transportation difficulties. A ranking of transportation problems in the order of their reported severity was:

a. Lack of public transportation
b. Do not own automobile or can not drive
c. Can not pay fare for public transportation
d. Encounters physical difficulty in getting out and about
e. Encounters difficulty in getting on and off buses

It is recognized by older people throughout the state expressing to us that the problem is more severe in rural areas where there is no public transportation available; however, people in urban areas quite often have the same problem in that public transportation does not come close enough to their residence to permit them to use it, or the older persons do not have sufficient funds for paying for this type transportation.

4. MISCELLANEOUS

The fourth most frequently mentioned need area was the miscellaneous category which included primarily needs dealing with homemaker services, lower insurance rates, and the need for some sort of tax relief. About 10% of the sample also indicated they had been victims of consumer fraud.

5. RETIREMENT ROLES AND ACTIVITIES

More than one-third of the participants belonged to an organization for retired persons. These people were predominately urban and higher income persons. Nearly one-half of these respondents frequented a senior citizens center. Of those not belonging to either type of organization, one-half would like to do so.

6. NUTRITION

While no attempt was made to conduct a comprehensive study of nutrition, some information about the nutritional standards of participants was obtained from the questionnaires. The great majority of respondents cooked for themselves and encountered no great difficulty in doing so.

Males tended to claim more difficulty than females. Nearly one-half of the respondents ate alone and nearly one-third of these would have preferred not to do so. More than one-fourth of the forum participants found food to be packaged in too large amounts for their use.

7. HOUSING

Between one-third and one-half of the older persons attending the forums lived alone. Three-fourths of the persons not living alone lived with their spouse only. About two-thirds of the forum participants owned their own homes; one-fourth rented, and the balance lived in nursing homes or had other living arrangements. Over one-third reported difficulty in paying for housing costs, including taxes, rent and electricity. Rural respondents were more likely to report difficulty in paying for housing costs than were urban respondents. Almost all older persons reported that they were happy in the neighborhood where they were living. The two most frequently mentioned needs in the area of housing were for more and/or better homes and for assistance in the upkeep of property.

8. EMPLOYMENT AND RETIREMENT

30% of forum participants were working; 12% of these worked full time, and the remaining 18% were part-time workers. An attempt was made to determine how many of the older persons would like to have full or part-time employment; non-response to these items, however, was too high to allow a valid conclusion.

9. SPIRITUAL WELL-BEING

One of the needs areas of older persons singled out for study was the area of spiritual well-being. It was felt that intangible, nonmaterial factors might well play a part in the life satisfaction of older persons. Spiritual well-being was extremely hard to define and even more difficult to measure. Two questionnaire items dealt with this need. Older persons were asked if they sometimes felt that they were just not wanted, and if they sometimes felt they had nothing to live for. Roughly one-fourth of the respondents answered affirmatively to both items.

10. EDUCATION

The only specific recommendations for this area of need cited by older persons was the need for programs explaining fraud to older persons, and a general desire for continuing education.

Since 1965, following the passage of the Older Americans Act of 1965, Oklahoma has made extensive efforts to work with local organizations in communities in developing programs for older persons in the communities. It is recognized loneliness is one of the greatest problems older people have, and our efforts have been in the area of helping to alleviate that loneliness. With the use of Title III funds from the Older Americans Act of 1965 and with local resources, we have developed 49 programs in Oklahoma which are considered multipurpose activity centers for senior citizens. It is felt that this type program is alleviating the great need, loneliness, in that it gives people a home away from home during the daytime where they can meet new friends and renew acquaintances with old friends. We feel certain this is meeting a great need of older people, since 15 centers that are not now being funded from Title III funds continue to be operated with local resources only. Ada is a prize example of this type program's being recognized as a need by local government, which is now funding the program. It is also recognized that there is a need for more funds for these type programs, and our dream is to develop these programs in every community throughout the State of Oklahoma.

It is our belief that a lot of the needs areas discussed above are being met in these centers at the community level.

Again, may I express to you our appreciation for inviting us to participate in this meeting.

Thank you.

Senator Harris. John, my regards to Lloyd Rader. And special thanks to you for being here and for that statement which will help give our considerations a little more scientific basis. It backs up pretty much what has been said here, but it gives us a little more detail about what others around the state feel.

Before we go on to the next person on our prepared schedule, I want to ask at this time, again, whether someone in the audience might have thought of something to add.

Testimony of Mr. Paul J. Lewis, Ada, Oklahoma: Senator and friends. I'm a native Oklahoman. I've lived here most of my life although for a few years I lived in California. I'm a painter by trade. My point is this. In the Congress, with all the problems of the elderly, how many billion dollars have been appropriated to the space program to shoot men up on the moon? It's doing no good to nobody. That's what I can't understand. Could you give us a rough estimate?

Senator Harris. I believe they're spending at the rate of about $3.5 billion a year. That's down some but still in the billions. I've been one of those strongly opposed to spending a lot of money looking toward landing a man on Mars and bringing him back, and toward a space shuttle that they're talking about building. I tried to get that cut out. I opposed the supersonic transport plane. I think that programs such as the ones we're talking about today should take higher priority, and I think it's really important to bring out this question of priorities.

Mr. Lewis. Another thing I'd like to ask about is this fact of parities to farmers. I don't mean the little farmer that the money was originally meant for, but the big farmers like the Senator who gets $170,000 a year. Is that right?

Senator Harris. No, it's not right, and that's why I supported the National Farmers Union and others in this year, for the first time, putting a limit on the amount one person can draw from the farm subsidy program, and that's long overdue.

Mr. Lewis. It seems that the government could do a little bit less spending, just in little things like new postage stamps which cost a lot to produce. There's many things like that. Thank you.

Senator Harris. Thank you, Mr. Lewis.

Now, I would like to call on Mrs. Viola Blakeley who is the State Director of the American Association of Retired Persons. Thanks for coming and waiting here so patiently all day. We'll be pleased to hear from you.

INCOME

Statement of Mrs. Viola Blakeley, State director, American Association of Retired Persons, Oklahoma City, Oklahoma: Senator Harris and distinguished guests, if everyone had sufficient income, most of their problems would be solved. They would have the necessary means to provide proper nutrition which in turn safeguards their health; they should be able to drive a car which would solve their transportation problems, and on and on. In other words they could provide all the things which were a part of life before they were retired at 65.

First—I would like to go into the social security phase of our lives. The income available ten years ago may have been sufficient then, but definitely is inadequate now. I would recommend that everyone be put on social security whether they were eligible or not at the time the social security program was instituted. It does not seem fair to select certain groups of workers and permit them to have social security, while others who have done work just as important—be discriminated against.

The social security payments should be adjusted along with the cost of living index. However, it should not be considered by other pension plans, as a means of lowering their monthly payments. The social security plan is one we have paid into such as any other insurance, and is not a hand-out by the government.

Pensions are payable to widows of deceased veterans at $50.40 a month or $604.80 a year. They must make an income report every year, and if they have received more than the allowable amount set by the Veterans Administration they lose their pension. One case was reported to me where a lady received a $500.00 inheritance. That year her widow's pension was discontinued. She actually lost $104.80. This seems very unfair, since people usually need every nickel to keep themselves going. It would be understandable if she had been reduced the difference in amounts received and amount payable, she would still have what her regular income would have been.

A retirement at 65 with your income greatly reduced, is not a pretty picture, in view of the fact that you are going into a period of life, where doctor bills and other related things are constantly increasing in price. Many things around the home for instance, that the husband used to repair and maintain, must be hired done now, in order to keep up the standards of his neighborhood, and maintain the value of his property. This is an added expense.

In many cases it is found difficult to pay his ad valorum taxes to keep his home, which he probably has paid for years ago, thinking he would be secure in his old age, only to find out that real estate taxes are costing him more than he used to pay for rent, and money must be saved out of his meager pension checks each month, in order to meet this tax bill at the end of the year—or he could lose his home, thereby creating another problem for himself and family. I would like to recommend here, that an additional homestead exemption of at least $1,000 be granted to all persons at 65 years of age.

With this compulsory retirement at 65, one must go on Social Security if he has it, whether he is financially able or not. In these cases, if a person is still physically able to work at least part time, and can find a job, he should be permitted to do so without restrictions in order to help himself, as many people cannot make ends meet on the amount paid them by social security.

If not permitted to help themselves in some way—the next alternative is "welfare," again adding to the tax load, instead of earning so he would be able to pay his share of the taxes, this right is taken away from him and he is forced into poverty.

I would like to quote from the federal statute on the Public Health and Welfare law on Social Security. Title 42, Section #302, page 110, paragraph 10, sub-section A—provide that the State Agency shall, in determining need for such assistance, take into consideration any other income and resources of an individual claiming old-age assistance, as well as any expense reasonably attributable to the earning of any such income; except that in making such determination, of the first $50.00 per month of earned income, the State Agency may disregard not more than the first $10.00 thereof, plus one-half of the remainder."

I would like to suggest and recommend that this federal law be amended to provide a decent standard of living, such as President Johnson recommended at the time he left office, namely: That each individual be permitted to earn or receive a minimum of $3,000 a year, without being penalized. Also that Soc. Sec'y be extended to cover both eye and dental surgery.

HEALTH AND NUTRITION

Health and Nutrition are closely related. Everyone should be able to provide himself and family with the proper foods to maintain good health. People who are on special diets such as diabetics and certain other diseases, need certain things for their well-being. In talking to various people who have been on welfare and have participated in the "surplus commodities program" state there is entirely too much starch and not enough of the essentials for a balanced diet. Old people should eat very sparingly of starchy products. These surplus calories can be very detrimental to the health of anyone, thereby encouraging certain diseases as heart trouble, etc.

A well balanced diet is not always the cheapest. But when people do not have the means to buy the necessary things, sometimes they must take what they can get in order to survive. For persons who are living alone and must eat out, perhaps the government may in some way select certain places where people could be provided meals at nominal prices. But of course this would involve much detailed planning.

The Meals on Wheels program seems to be very successful and is wonderful for persons who are unable to get out. But there are many others who could get out, and if the local schools would permit use of their cafeterias at certain hours, proper meals could be provided there under the direction of a qualified dietician. Talks and instructions could be given during meals informing persons of the dietetic value of certain foods and their relation to other foods and their uses in the human body. This would be very helpful for people if the time comes when they are able to have food provided or cooked for them at home, they will know what foods to prepare in order to have a well balanced meal.

HOUSING

It has been learned that a great number of people who may be eligible for housing under the government program, prefer to be located in a central part of a city, rather than in outlying communities. This is due to the availability of stores, doctors, hospitals, etc. People who are no longer able to drive a car, must walk in order to partake of these services. So I would recommend that the location of these government projects be given consideration to all these details before selecting a site and construction begins. Also, that money not be wasted on swimming pools and such unnecessary items in these buildings. The percentage of people enjoying or using these things is very minimal, and the expense does not justify itself. These apartments should have the necessary things for decent living, minus all the jim-cracks that are put into some of them. Also—the rooms could be larger and provide more storage space. This could be done at far less expense than putting in a lot of useless things.

Some of these apartments have only a tub bath. Many people who have certain ailments are unable to crawl in and out of a bath tub, so I recommend that a shower be put over the tub and safeguard rails be installed on the tubs to hold on to when getting in and out, thus preventing many falls and broken bones. An emergency button should be in each bathroom near the tub or shower.

Apartment houses should have a small porch or balcony for each apartment. Many times, in the case of persons who are invalids, this is the only opportunity for them to get a little sunshine and fresh air, as they may not be able to dress in order to get out on the street. Besides it eliminates the pent-up feeling so many people have in an apartment, especially after they have lived in houses all their lives.

Could not some individual houses or duplexes be built at a reasonable figure, that people just above the poverty level could rent. I do believe many could and would pay a reasonable rent without government subsidy, but there is no such thing as reasonable rent in many cities today. People cannot pay rents from $100 up for a respectable place to live, yet they could pay a reasonable sum, which could help them to stay out of the poverty level and public welfare, by reducing the amounts of money they have to pay out.

My recommendation is: That the federal government should not give so many free hand-outs, but create conditions to enable retired people to help themselves, by more lenient taxation, and give to those able to pay, more for their money, so they can remain independent and self-sustaining.

RETIREMENT AND ACTIVITIES

Retirement does not mean the end of living—it is only changing the direction from which you have been living. Many fine and useful services can yet be rendered by those persons who find time dragging on their hands. There is an organization known as the American Association of Retired Persons who have a wonderful program for the retired. They are a service organization, and have chapters established throughout the country, with a total membership of over two million.

Each month the various chapters are asked to report on work done by individuals who have helped someone else without pay. This volunteer service consists of many varied things, from baby sitting to the more active who visit hospitals, work with veterans organizations and hospitals, Red Cross, Boy Scouts, church work, and dozens of other projects. It has been a wonderful morale builder, and has been very successful, since it gets people active, and in helping others who may have greater problems, they forget some of their own. They establish friendships with other persons, all of which makes their lives more meaningful. This is also a great help in maintaining health. When one permits himself to become inactive and disinterested in other people, life becomes a bore, he is lonely, and soon bad health develops.

Senator HARRIS. That was a really good statement, Mrs. Blakeley, and I thank you very much.

Is there anyone else from the audience who would like to come up here?

Reverend SMITH. I want to speak about the World War I veterans. I'm a veteran. When they raise the social security they cut the soldiers pension to the extent of what the raise amounted to. In 1966, I have $75 extra income. They penalized me $360 for $75. They take away the incentive to try to help yourself. Naturally I am disabled. I have diabetes and high blood pressure. I was the minister in a church for 38½ years. I think I have led a good life. I was asked by a pastor to come and fill in. I paid my expenses over there and got $10, and they demand you to give that $10 in. They don't allow you anything. So they forced me to report that. Trying to be honest, I reported it. They came back and penalized me $360. So they took my entire veterans check in February and they took half of it from then on until they collected $360. They gave as a reason that I hadn't let them know that I was going to make that much money. I didn't know that I would even be able to preach, but I was asked to fill in. I think that year with being selected to speak I received an extra $75. I can't see such injustice being imposed on men who try their best to live honest.

Senator Harris, I think this is one of the greatest steps I've ever seen a Senator take to get right down to the heart of the problems we're faced with. I appreciate it with all my heart. Thank you for the privilege of having my say.

Senator HARRIS. Thank you, Reverend Smith.

Mr. CHARLES BLAKELEY. I'm Charles Blakeley. Our legislature must determine the standard of living under welfare. They forget to add medical expenses as part of that standard of living. When a doctor treats a medicare patient he should be bound to accept the medicare payment as the full amount. Thank you very much.

Senator HARRIS. Thank you.

Now, I want to call on Mr. U. S. Grant who is the business representative of the Carpenters Union and financial secretary of the Ada Trades Council. He's an old friend of mine and has sat patiently through the morning and afternoon. We're glad you're here and we'll be glad to hear from you.

Statement of Mr. U. S. Grant, business representative, Carpenters Union, and financial secretary, Ada Trades Council, Ada, Oklahoma: Thank you, Senator. This is the most patient group I've been before in a long time. They've sat here all day and they've been interested in it. I've heard some good recommendations here. I can concur with most everything that's been said here today. We find there's a real need for the senior citizens. Your income is almost set. You're not going to get much raise in pay if you go out and work. But you do have a need. In the labor field, including the construction field, we've been getting about a 10 percent raise a year for the last ten years or so. I'm talking about someone who is drawing about $600 a month; when he gets a 10 percent raise he gets $60. When you get a 10 percent raise in social security, if you're getting $80 a month, you get an $8 raise. Well $8 and $60 is a whole lot of difference when you're talking about the cost of living. Someone said that social security should be tied to the cost of living. That would be fine if you draw enough to start with.

I'm not going to go through all the needs. We've heard them and there are many, many more of them here. But there is going to have to be something done because inflation is eating up your incomes, what you've already saved. I go along with most of the government programs; they're real good. But when they go far out like this supersonic plane and past the moon and spend billions of dollars when the main programs that we should start are in the grass roots, here, to help the people, then I have to say that I can't go along with that; there's just not that much out there. We need it right here and now. We need some assistance and we need it fast. If you do get a 10 percent raise, before you even get your check the cost of living is going to eat that up. These medical bills and the medicine you buy is so high. I saw a cartoon in the paper recently. A man was travelling across the desert. He came to a container of water with cups there. Under it it said, "$10 a cup," and, up above, it said, "The law of supply and demand." (laughter). When you go to the drug store you have the law of supply and demand which is going to eat you up. There are going to have to be some controls now. We have to get down to the grass roots of this thing and begin to help the people who need it in time, before you starve to death. They talk about locking the barn door after the horse has gotten out; well, that's just about like some of the things this Administration has tried to do. The President vetoed the bill to train some more doctors and then turned around and gave more money for some overseas project or $10 billion for a war we can't hope to win.

I think the thing we need to do is tell the Senator what we think about the programs we know about. He has this record here and he is going to take it back and he is going to be your spokesman. A program like this might not make him very popular. He'd get more votes by voting for a $10 billion airplane or some space program, but he's trying to help you and it won't hurt him. I'm speaking the truth. When you get into these grass roots programs helping the people back home they say it is inflationary and you're going to bankrupt the country—this $6 a month we're going to give the senior citizens is going to cause inflation.

Another thing this Administration said was that unemployment would help the country. In the unemployment office for the first time in the history of Ada they ran 500 people through the office in one week. Inflation is not going to be curbed until we've got the money. Inflation is going to eat you up and if you don't get in there and help support some legislation then you are going to get left behind.

Those people are up there because we sent them up there. We have the supply and they have the need for our votes or they aren't going to go back up there. We have to say that we aren't going to support you unless you give us some legislation to help us. As long as you're quiet they're going to somehow pacify you. You may not be able to go up there and tell them what you need, but you have a man you've sent up there who will. He did it before and he's come and stood behind some programs we've started which are making progress. He may not win any votes, but he's not looking for votes, now, he's trying to help the people. I think we have one of the finest groups of representatives from our state, the Senator here and Congressman Carl Albert.

The senior citizens will be with us always because when you pass on we will take your place and we'll have a need, too. The time to get that need filled is now and get ahead of it. We appreciate you. You've been a good audience. There's a wealth of knowledge here and we've heard it today. I never knew there were so many needs but I knew there were a lot. The government has the means, the money, and we have the ways. If they can get the means down here we have the ways to spend it.

Senator HARRIS. Thank you. That was mighty good. I would like to call on Reverend Kerney Graham of the Asbury Methodist Church and representative of the Ada Ministerial Alliance.

Statement of Rev. Kerney Graham, Asbury Methodist Church, and representative of the Ada Ministerial Alliance, Ada, Oklahoma: As a minister, part of my job is dealing with people's problems and everybody has problems. Sometimes it worries me that we get a rather had vantage point when we dwell on them too much but I hope we haven't done that here today. I recall a radio program that I heard once, an interview type program, where they asked the people what the best age to be was. Everyone had different suggestions. Some thought being three years old and being innocent would be wonderful. Some said six or eight or sixteen or twenty-five. One lady finally brought the house down when she said the best age to be is whatever age you happen to be. I guess this was her way of saying one good age to be is old. Being old isn't all bad; at least I hope it isn't because I'm going to be there myself one of these days. I talked to a fellow the other day who thought it would be good to be twenty-five, but I disagreed with him because I wanted to become a grandfather. I've heard so many people talk about how thrilling it is to be a grandparent. So there are advantages to being old.

Every age in life has its problems. My twelve year old son thinks he has tremendous problems because he's not as old as his dad. My eight year old thinks his problems are even worse because he's not as old and big as his brother. Many of our old people think their problems are bad because they're not as young as their children. I guess there's just no point in life when everything looks bright.

Many here today have mentioned the good things about being old and the fun they're having. In the process of preparing for this meeting, I met with a group of retired people in my church to see what I might say in their behalf and I was very surprised that they had no complaints, no problems that they didn't feel that they could deal with. In fact, almost unanimously they said that they've never had it so good. They were quite happy. I think they were a select group of people among the retired. They are people who have been able to save some money or work for a company that had a retirement program. They are young enough to be in good health and have their spouses and live in their own homes. So life seems very good to them at this point.

But I think there are other categories of people who don't have it quite so good in their old age. I felt the contribution I could make would be to tell you about one of the elderly widows from my congregation. She called me on the telephone because she couldn't come to the meeting we had. I want to share her crucial problems. She speaks, I think, for a great many older people. Maybe I can just present her problems here. She is a lady who lost her husband; she is in her early 80's; her health has slipped and she has to pay $30 or $40 a month for medicine; she has had to quit her church contributions altogether which I had a hard time comforting her about. She's just that hard pressed. She has social security supplemented by welfare. They had savings but her husband had a stroke and was paralyzed for about three years before he died and that ate up all their savings. So she is dependent on the welfare supplement to bring her income up to $104.90, I believe. She lives in her own home and wants to live there as long as she's able to. Her taxes which were just due were $57. She was able to get them reduced to $38 some way. She was able to pay her taxes and keep her home but she doesn't have much left to live on. She has a very critical problem. I understand that people who rent homes and draw welfare get a rent supplement, but those who live in their own homes don't get a supplement, but yet they have the maintenance costs which renters do not have.

I spoke with the ministers of the community also to get their views, and this is one of the very crucial problems which they singled out. This is kind of a forgotten group of older people who need help and there is nobody they can really go to to get that help. If there could be some provision to adjust this inequity so that the people who live in their own homes could get help for upkeep and expenses.

Being a widow makes it even more difficult. I have never understood why when two people live together and one dies, if the one who dies happens to be the woman the man goes ahead and gets his full benefits. But if the man dies, the widow only gets 80 percent or so. I don't know why she doesn't deserve as much as a man does. We suggest this is something that needs to be corrected.

Senator HARRIS. Thank you very much.

Now, I'd like to call on Mr. Floyd Hardin of the Pontotoc County Welfare Department who is here. We'd be glad to hear anything you have to say, any suggestions you may have.

Statement of Mr. Floyd Hardin, county administrator, Pontotoc County Department of Public Welfare, Ada, Oklahoma: I would like to enumerate some points that I have, even though it is repetition. But you wanted to hear about the problems. We talked with some people to determine what they felt their principal problems were and we tried to emunerate them in the way they thought they should be rated. This is what people have told us or what we have observed.

I. COST OF MEDICINE

Older people most often complain of the large amount of medicine they must take regularly, which consumes a considerable proportion of money available to them. Help from their families is often necessary, when available.

The cost of this item tends to be larger in a nursing home, when the individual is not in a position to make his own purchases at a discount store.

II. INADEQUATE GRANTS

One of the principal problems in this area is that medical costs must be paid from money budgeted for other necessary expenses—which creates a continual shortage.

If medical expenses should be more adequately covered in assistance grants, or included in social security, there would need to be a far more rigid control than we have at this time as to what constitutes "needed" medical expense. Family physicians could be of great benefit.

III. TRANSPORTATION

In towns without bus service and in the rural or semi-rural areas this has become a real problem. Although most of the older people have moved to or near some town this has not solved the transportation need.

They still must get to the grocery store, doctor's office, commodity distribution point, church, etc. Taxi service, even when available, is very expensive.

A special fare for older people is needed.

IV. LONELINESS

Both at home and in nursing homes people feel neglected due to a lack of familiar faces and conversation with people who can talk with them on a basis of common interest.

This is primarily a department and community problem. Senior centers have helped considerably.

V. MEDICAL CARE (RURAL)

Many areas do not have doctors, physicians seldom make home calls even in their home territories. This means that many problems which might be prevented become serious due to lack of early, preventive care.

Improved transportation would help, as would the availability of doctors' assistants or even trained nurses and nurses' aides.

VI. HOUSEWORK AND PREPARATION OF MEALS

Old people, especially men, often fall into a habit of eating the wrong kinds of foods at irregular intervals. Keeping the house in order follows the same routine.

Some help has been given by meals-on-wheels, church groups, friends, and neighbors. Thus far it has fallen short of meeting the need on a sustained basis, and many are overlooked.

VII. HOUSING

In spite of several housing projects there remains a shortage of rental units within a reasonable price range. Increasing shelter allowances in assistance grants would offer some help, but would be offset by an increase in rental costs across-the-board.

If real estate groups were given assistance in the construction of homes they could probably afford to rent them for the amount we can pay, or the people with other types of income.

VIII. SAFETY

Danger from fire, tornadoes, sudden illness, burglars, etc. is a continuing threat. We have worked with Civil Defense, churches, and neighbors in this area. A program of this type works well in the beginning but requires regular attention to keep the interest alive.

SUMMARY

Within the items listed there are many more problems. This department has continually worked at the task of enlisting local groups in attempting to meet a substantial part of these needs. We have found that many willing people and organizations are only vaguely aware of services that can be given in addition to financial assistance. Our efforts, although there is much that is yet to be done, have served to impress and amaze people regarding the services carried on in our program. Also, it has brought to their attention an area of responsibility that has properly belonged to the general public all along.

I think this has been a real good meeting. If there's any value in democracy in action this has been beneficial and I think we ought to appreciate Senator Harris's coming here.

Senator HARRIS. Thank you.

Mrs. PANSY PRICE. Senator, I have one more thing on my mind. Most of the problems we have listened to here today have been concerned with the person who is already retired. I could cite any number of small business people who have spent their lives in their small business with adequate means as long as they were able to operate their business. But the day comes when they are eligible for social security and there is nobody available to operate the business. He liquidates the business and could he hold on to what he gets from the business it would make him independent. He would pay income taxes and he would be a contributing citizen to society. But the way the situation stands now, by the time he pays the income tax on the other and makes some sort of arrangements for living some place else he finds himself with not enough income to sustain him. There have been some ideas projected that maybe if this income tax could be deferred the man could have the use of his money as long as he lived and as long as his wife lived. Most of us have educated our children and they are fully capable of taking care of themselves. We do not object to paying taxes. But we would like to have the use of our money.

Senator HARRIS. I'll look into that, Mrs. Price. I would like to say again, as I said at the beginning of the hearings, that we are grateful to you for everything you have done to help us set up this meeting.

I would like to say, finally, I am grateful to everyone of you who has taken part in these hearings, and to those of you who have been here all day as well as those who have had something to say. It is democracy in action. As I said to some of you at lunch, I can now put some of these issues with faces and they take on a lot more life than just reading about the issues. It is important to actually see the people and hear what they have to say. It certainly will help me in what I try to do especially in the coming session. There is no question in my mind that too many of the elderly people of Oklahoma and this country are lonely and left out. That's got to be corrected. We've learned about some ways and we've reemphasized to each other some ways that that can be done. And that should be the first order of business as this new session begins this coming Wednesday. That will be my intention and this hearing and your parts in it have strengthened my hand as I go back up there. Now I'll call on Reverend Graham to dismiss us.

Reverend GRAHAM. Let us pray. We thank You Our Father for the gift of life that You have given us and for the length of days we have been permitted to enjoy. We thank You for every blessing and every good thing that life has brought to us. We are grateful to be a part of a country in which the philosophy seems to be that the government exists to serve the people and not vice versa. We pray that Your blessing will be with Senator Harris and with all of his coworkers in the Senate and the Congress, the President and all the others, and that You will guide and direct this nation not only in this problem concerning the needs of older people, but in many other problems as well. We pray that You will direct their steps as well as ours and lead us all in the path of righteousness. We pray in Christ's name. Amen.

ORDER VACATING ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order previously entered for recognizing the able Senator from Idaho (Mr. CHURCH) for not to exceed 15 minutes on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, if no other Senator seeks recognition at this time, I shall announce the program for tomorrow.

Mr. President, the Senate will convene tomorrow at 12 o'clock meridian following a recess.

Upon the approval of the Journal, if there is no objection, and the recognition of the leaders under the standing order, there will be a period for the transaction of routine morning business of not to exceed 45 minutes, with statements therein limited to 3 minutes.

Following the period for the transaction of routine morning business tomorrow, the Senate will continue its consideration of the pending business.

There will be no votes tomorrow, Mr. President; and, under the previous order, when the Senate completes its business tomorrow, it will stand in recess until 10 a.m. on Monday next.

RECESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 4 o'clock and 41 minutes p.m.) the Senate took a recess until tomorrow, Friday, February 26, 1971, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 25 (legislative day of February 17), 1971:

DISTRICT OF COLUMBIA COURT OF APPEALS

Hubert B. Pair, of the District of Columbia, to be an associate judge of the District of Columbia court of appeals for the term of years prescribed by Public Law 91-358, approved July 29, 1970, and vice a new position created by said Public Law 91-358, to which office he was appointed during the October-November 1970, recess of the Senate.

J. Walter Yeagley, of Virginia, to be an associate judge of the District of Columbia court of appeals for the term of years prescribed by Public Law 91-358, approved July 29, 1970, and vice a new position created by said Public Law 91-358, to which office he was appointed during the October-November 1970, recess of the Senate.

IN THE NAVY

The following-named officers of the Navy having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving:

Rear Adm. Frank W. Vannoy, U.S. Navy.

Rear Adm. Means Johnston, Jr., U.S. Navy.

Rear Adm. Harold E. Shear, U.S. Navy.

Rear Adm. Frank W. Vannoy, U.S. Navy, for appointment as Navy senior member of the Military Staff Committee of the United Nations pursuant to title 10, United States Code, section 711.

EXTENSIONS OF REMARKS

HIGHWAY SAFETY RECEIVES ATTENTION IN PERCEPTIVE ARTICLE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 25, 1971

Mr. RANDOLPH. Mr. President, for many years we have been attempting to cope with the problem of mayhem on our roads and streets. We have known during most of this time that the majority of vehicle crashes are caused by problem drivers, such as alcoholics, narcotics addicts, and the habitual reckless driver. However, all levels of government, including our courts, have been reluctant to identify and deal firmly with this individual.

The news media is beginning to give the problem driver the attention he should have as a menace.

An article by Smith Hempstone, published in the Evening Star of February 24, deals effectively with the problem driver and focuses the spotlight on him.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ZAP THE HIGHWAY CONG WITH SCARLET LETTERS

(By Smith Hempstone)

Too much blood has been shed. The casualty lists grow longer daily. It's time for a cease-fire on this country's highways.

Our streets, roads and interstate freeways have become free-fire zones in which more Americans are killed each year than have died in six years of warfare in Vietnam. In one recent year, the butcher's bill was 52,500 deaths, 2 million disabling injuries and an economic loss of close to $10 billion.

Fundamentally, the problem is that there are too many cars, many of them of unsafe construction, being driven too fast by too many drivers who are reckless, inexperienced or stupid, sometimes all three. Those to whom the bottle is no stranger add an extra element of peril for those who must run the automotive gantlet.

Because the problem is a complex one, there can be no single solution to it. But a step toward sanity might be made by identifying the highway Viet Cong, the multiple offenders who terrorize our roads and make a commuter's mere survival a feat worthy of a campaign ribbon.

Recidivist traffic offenders, who are nearly as great a menace to society as the felons who stalk our sidewalks, number in the many tens of thousands. They come from every age and ethnic group, every stratum of society, every occupation: Teen-agers, housewives, businessmen, laborers.

And they are at the core of the problem, make no mistake about that. The Automobile Club of Michigan, which recently investigated the circumstances surrounding 363 fatal accidents, found that about 25 percent of the drivers involved had been in an average of three previous accidents. Translated into national terms, that would mean that multiple offenders each year take the lives of about 13,000 people, inflict roughly 500,000 disabling injuries and cause damage on the order of $2.5 billion.

Most states have laws on their books which give judges the authority to impose jail sentences or to revoke the licenses of those who have shown themselves to be a menace to themselves and to others. But the automobile has become such an integral part of the centaurian society in which we live that many judges are unwilling to invoke these penalties except in the most extreme cases: Lack of a driver's license may cost a man his job, or make it impossible for a widowed woman to shop for her children.

And yet it is clear that, if the multiple offender has rights, so too, does the potential multiple victim. At the very least, he (or she) who has been involved in serious moving violations ought to have his car daubed with scarlet letters identifying him as what he is: A potential killer.

One way of doing this would be mandatory replacement of a car's regular license tags with conspicuously colored ones after the vehicle had been involved in two moving violations within a single calendar year.

Now there are some nuts, and I fear their tribe increases, who would continue to drive recklessly even if their cars were painted in polka dots. But it is a reasonable assumption that the knowledge his car bore red tags marked "Dangerous Driver" would slow down most multiple offenders, or at least give others a fighting chance by identifying him so he could be treated with extreme caution.

Highway terrorists with three violations could be given tags of another distinctive color bearing appropriate lettering. Such drivers would be allowed to use their cars only for getting to work and for essential shopping, but not for social purposes.

Since most cars are used by more than one driver, such a scheme admittedly would work a hardship on—and be unfair to—the safe drivers in a family. But the stigma of having to drive a car marked as a potential killer in itself could generate family pressures which might markedly reduce the burgeoning number of traffic fatalities. Normal plates could, of course, be returned to a vehicle after a stated period, perhaps 18 months, free of moving violations.

If a hard-core motoring malefactor were unimpressed by the restrictions placed on his license and his car, if he continued to be involved in moving violations, then for his sake and for that of others his license should be permanently revoked. An automobile can be a weapon as lethal as a submachine gun, and no man has an unalienable right to either.

The drunken driver, responsible for 28,000 deaths annually, has been a serious problem for years. With the spread of the drug culture, we face the prospect of some very bad trips indeed, for users and non-users alike. With a swelling population of 204 million people and 80 million automobiles on the road, the risk of allowing accident-prone drivers to carry on their fender-crunching ways simply has become unacceptable.

Thousands of people can be marshaled to march on Washington to protest American casualties in Vietnam. Yet it is one of the many ironies of our crazy time that nobody is very much interested in protesting against those reckless drivers who kill and maim thousands of their countrymen every year.

Each of us, if he is honest with himself, knows that he has driven recklessly on at least one occasion. But it can't go on this way. It's time to de-escalate the free-fire zones which our highways have become. And the situation has reached the point at which only draconian measures can be effective.

VOICE OF DEMOCRACY ESSAY CONTEST WINNER IN NORTH DAKOTA

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. ANDREWS of North Dakota. Mr. Speaker, I am proud to announce that Miss Patricia Colberg of Fargo, N. Dak., has won the Voice of Democracy essay contest in North Dakota.

A student at North High School in Fargo, she plans to enter North Dakota State University this fall to study either bacteriology or medicine.

She is the daughter of Mr. and Mrs. Wayne J. Colberg.

In her essay, Miss Colberg describes two things her generation must do to maintain freedom in America. They are: Respect the opinions of others, and work through the system.

Her essay deserves public attention, and I insert it in the RECORD as follows:

VOICE OF DEMOCRACY

(By Patricia J. Colberg)

"Ask not what your country can do for you, but what you can do for your country." These familiar words of the late President John Kennedy typify what I would consider the responsibility necessary for the preservation of that one resource our country can boast is so plentiful—FREEDOM. But before we can determine the role Young America should play in the maintenance of freedom, we must ask ourselves two questions. The first pertaining to freedom of the past: What has made Freedom our Heritage? And the second referring to freedom at present: How is freedom living in today's world? The answers to these questions concerning freedom's past and present hold the key to unlocking the door to freedom's future.

What has made Freedom our Heritage? Our nation was established on the concept of freedom for every man. Three documents virtually assure that end: The Declaration of Independence—proclaiming a free, independent nation; the United States Constitution—actually establishing our country and the Bill of Rights—insuring Man's undeniable liberties. But there is an even richer background of freedom's actual becoming our heritage if we look only to the men who fought for freedom. For without these brave people who dedicated their very lives to gaining liberty for all men, freedom may never have become the cornerstone of America's foundation and those three documents insuring our freedoms may never have been written. Remember Thomas Paine? Paine struggled defiantly to free the colonies from Britain's tyrannical rule by publishing a newspaper critical of Mother England. Nathan Hale—a young school teacher hanged by the British as a traitor—spurred-on the freedom-fighters with his famous last words: "I only regret that I have but one life to lose for my country." And it was the oratorical stamina of Patrick Henry who laid his life on the line with his emphatic conviction: "Give me liberty or give me death!" These men—three of a list of hundreds—who substantially consecrated their lives to the establishment of a Free nation. These men made freedom our Heritage because these men struggled to establish the liberties we enjoy today which are guaranteed by the documents they wrote.

Freedom—our Heritage—established and insured by our founding fathers. But how is freedom living in today's world? Even today there are examples of young people not so unlike Patrick Henry and Nathan Hale, who are indeed fighting to live freedom. A high school student from Kansas spends his summer in Appalachia—instead of Woodstock, New York. A young girl in Mississippi decides to stay in her integrated school, rather than following her friends who enroll in an all-White school in the suburb. A boy in California decides to attend college in his home state. He resolves to become a student leader—in the University Senate . . . not the SDS. A young man in Iowa interrupts his education to serve his country in Vietnam. Living examples, common all over America—examples of how freedom is indeed living in today's world.

Freedom—our Heritage. The future preservation of Freedom as President Kennedy indicated a decade ago is to "do for your country." This primary responsibility of "doing" for America will soon be shifting to my generation, just as my parents assumed these citizenship duties. They have paid taxes, voted at the polls, served in the armed forces. These same requirements must be fulfilled by the Youth of United States. But besides these basics of being a citizen in a free nation, my generation must do two other things. First, respect the opinions of others, and secondly, work through the System. It is important that if we want to be heard and respected that we do the same for others . . . particularly those of the "other" generation. As the writer Voltaire once said: "I disagree entirely with everything you say, but I'll defend to the death your right to say it."

The second step Young Americans must take is to work through the System, for like Kenneth Clark, author of the book *Civilization*, I believe that "order is better than chaos, creation better than destruction, and human sympathy more valuable than ideology." History is ourselves and for Americans, freedom was established as our Heritage—and freedom lives today. Freedom's future is certain if my generation continues to assume the responsibilities of being free American citizens and "do" for America.

PRESIDENT NIXON'S ECONOMIC POLICIES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 25, 1971

Mr. BYRD of Virginia. Mr. President, the syndicated Columnist James J. Kilpatrick has written an interesting analysis of President Nixon's economic policies. His column appeared in newspapers on Tuesday, February 23.

Mr. Kilpatrick points out that the administration's request for an increase of $40 billion in the ceiling on the national debt is made necessary by massive deficits in the Government's finances for fiscal 1971 and fiscal 1972.

He also notes that the President's economic policies in many areas are in conflict with the philosophy enunciated during the campaign for the office which he now holds.

I ask unanimous consent that Mr. Kilpatrick's analysis, entitled "Nixon's New Course Aiming Economy for Rocks?" be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Feb. 23, 1971]

NIXON'S NEW COURSE AIMING ECONOMY FOR ROCKS?

(By James J. Kilpatrick)

These are hard times for the President of the United States. The economy flaps like a wild spinnaker; he cannot get the thing tied down. He is running in a sea of crosscurrents and contradictions, bailing with one arm and steering with the other. It is not the best moment, perhaps to ask our skipper to reflect on the principles of navigation.

Yet a series of worrisome developments is causing increasing concern among Nixon's friends and supporters on the political right. We are not ready to abandon ship: Where do we swim to? But it would be pleasantly reassuring, all the same, to know where in the hell we are going.

Treasury Secretary Connally was up to the Hill last week, asking for a walloping $40 billion increase in the legal limit on the national debt. The increase will have to be granted.

No such massive increase would be required if it were not for the massive deficits in prospect. Nixon's budget message predicts a deficit for the current fiscal year of $18 billion, and a deficit for the next fiscal year of $11.6 billion, but the figures are written on sand. It is probable that the deficits—and the debt—will be much greater.

"What we need," said Nixon not so awfully long ago, "is an intelligently balanced economy." And he went on to complain—this was in New York on July 6, 1968—that "we have not yet taken the first step toward such balance—toward regaining control over federal deficit spending and the ever-increasing federal debt."

This was one of the major themes of the Nixon campaign. He belabored Lyndon Johnson for failing "to cut deficit spending which is the cause of our present inflation." Budget deficits, he said, "lie at the heart of our troubles." For his own part, he renounced any "massive step-up" in federal spending programs. "This is a prescription for further inflation," said Nixon. "I believe it is also a prescription for economic disaster."

Well, we cheered our skipper then. He was a philosopher of the free enterprise system. "There is nothing the matter with the engine of free enterprise," he said "that cannot be corrected by placing a prudent and sober engineer at the throttle." In a major radio address on Oct. 23, 1968, he assailed the notion that wage and price controls could be limited to a few areas. "In order to control wages and prices," he said, "it would be necessary to embark on a road from which it is very hard to escape without major damage to the freedom of all."

This was sound conservative doctrine. Nixon warmed our hearts in a related field when he took a "dim view" of any welfare plan that might be predicated upon a guaranteed annual income. Such a plan, he said, would be doubly wrong: "First, it would not end poverty; and second, while it might be a substitute for welfare, it would have a detrimental effect on the productive capacity of the American people."

Where are we, Cap'n? The administration's Family Assistance Plan, no matter how it is sliced and buttered, is a form of guaranteed annual income. Federal spending is up. Inflation continues. And we are offered, as a "responsible fiscal policy," a budget predicated upon real deficits and make-believe revenues.

The dismal thought is beginning to take hold that Nixon has jettisoned his charts and compass of 1968—tossed them over the rail—and now is steering by the seat of his pants. Last year he would not jawbone; this year he will. The limited price and wage controls that once were anathema now are widely foreseen. Nixon has us hanging on the rails.

Maybe his course leads to a stable economy; but these are desperate chances Nixon is taking. The rueful notion will not go away that we preferred our skipper then, to our skipper now.

LITHUANIAN INDEPENDENCE DAY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, February marks an event both proud and tragic in the history of free peoples. It is the 53d commemoration of Lithuanian independence, as well as the 720th anniversary of the formation of the Lithuanian Republic by Mindaugas the Great in 1251.

It is a proud commemoration because of the long history of liberty in the hearts of the Lithuanian and Baltic peoples. It is tragic because of oppressive occupation of the Baltic Republics by the Soviets since 1940 and the terror and genocide which the Soviet Government has visited upon the people of Lithuania, Latvia, and Estonia.

However, the Communists have been unable to break the spirit of Lithuania. They have been unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. There exists a strong bond between all Lithuanians, and a fierce pride in the homeland in which they believe—not the Lithuania of today, but the Lithuania which existed before 1940.

Mr. Speaker, we have witnessed recently a profound and tragic demonstration of the Lithuanian urge for freedom in the attempted defection from Lithuania by Simas Kudirka. This single but heroic act presented sufficient evidence to the rest of the world that the spirit and hope of Lithuania still lives. Although the obstacles may seem insurmountable at this time, I am confident that the Lithuanian people will achieve their long-sought-for goal—the independence and liberty which is the inherent right of every man.

Recently Mr. V. P. Volertas, president of the National Executive Committee of the Lithuanian American Community of the U.S.A., Inc., forwarded to me an essay entitled "Lithuania's Fight for Freedom—30 Years of Soviet Oppression." This essay describes the history of the Soviet occupation of the Baltic republics as well as the conditions of fear and repression under which liberty loving peoples must now live.

I am inserting into the RECORD, for the attention of my colleagues, a copy of that essay along with the text of House Concurrent Resolution 416 of the 89th Congress, which was passed by both the House of Representatives and the Senate. I have also included a copy of a resolution of the Lithuanian Council of New Jersey adopted on February 13, 1971.

In addition, Mr. Speaker, I have sponsored a House concurrent resolution to urge the President to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

The materials follow:

LITHUANIA'S FIGHT FOR FREEDOM: 30 YEARS OF SOVIET OPPRESSION

For too long too many people throughout the world have been unaware of what happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian-Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1,000,000 in the United States, and their friends in all parts of the country will commemorate two very important anniversaries during the second part of February, 1971: (1) They will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and (2) They will mark the 53rd anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underline with the grime accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the "accident of geography." From the West the country was invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.* Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this republic in June of 1940. In one of history's greatest frauds, "elections" were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet empire.

Then began one of the most brutual occupations of all times. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet-Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka—Coast Guard tragedy, the Hijacking of a Russian jet liner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation in the Soviet empire. In slave labor camps in the Soviet Union millions of people are still being held. Many dissenters are being confined to psychiatric institutions and being murdered by the Kremlin thugs. It is an established fact that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow three months ago. His only "crime" was that he had received an invitation to come to the University of Pennsylvania (in Philadelphia, Pennsylvania) as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The United States Congress has made a right step into the right direction by adopting *H. Con. Res. 416* that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

RESOLUTION OF THE LITHUANIAN COUNCIL OF NEW JERSEY

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 15th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection.

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights of self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterates the long standing United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international conferences.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to suport the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

[From the CONGRESSIONAL RECORD, Oct. 22, 1966]

CONCURRENT RESOLUTION TO REQUEST THE PRESIDENT OF THE UNITED STATES TO URGE CERTAIN ACTIONS IN BEHALF OF LITHUANIA, ESTONIA, AND LATVIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1573, House Concurrent Resolution 416.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The LEGISLATIVE CLERK. A concurrent resolution (H. Con. Res. 416) to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to its consideration.

Mr. KUCHEL. Mr. President, I wish to say that I am delighted that this matter is being taken up. It deserves attention in this session as a mark of our continuing concern for those peoples who have been deprived of their democratic institutions and are unable to speak for themselves.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 416) was agreed to.

EXECUTIVE POSITION

The position of the executive branch with respect to the concurrent resolution is outlined in the correspondence which follows:

DEPARTMENT OF STATE,
Washington, June 1, 1965.

Hon. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: I am writing in reply to your letter of May 20, 1965, to the Secretary of State, requesting the Department's comments on House Concurrent Resolution 416, which has been approved unanimously by the Subcommittee on Europe and ordered favorably reported to the full Committee on Foreign Affairs. The resolution requests the President of the United States to urge certain actions in behalf of Estonia, Latvia, and Lithuania. The language of the resolution, as formulated, is not objected to by the Department of State.

The Department has been advised by the Bureau of the Budget that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,
DOUGLAS MACARTHUR II,
Assistant Secretary for
Congressional Relations,
(For the Secretary of State).

H. CON. RES. —

Mr. DANIELS of New Jersey submitted the following concurrent resolution; which was resolved by the House of Representatives (the Senate concurring):

CONCURRENT RESOLUTION

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

A SOCIETY UNDER STRESS

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 25, 1971

Mr. SPONG. Mr. President, a column written by Smith Hempstone, and published recently in the Washington Evening Star, I believe deserves the widest circulation. It is, in my opinion, an interesting reflection on our times. I ask unanimous consent that the article be printed in the RECORD.

There be no objection, the article was ordered to be printed in the RECORD, as follows:

LOST MOORINGS IN A SOCIETY UNDER STRESS

(By Smith Hempstone)

The battle-hardened veterans returned from the war to a nation fundamentally changed, to a society vastly different from that which they left. There was a sense of political uncertainty in the air; the stench of moral corruption, almost as perceptible as the noxious odors emanating from the slow-flowing river, hung over the capital.

The flight from the countryside, begun long before they took up arms, had been completed. The family farm was a thing from the past; only the vast (and hence more viable) estates survived. Great masses of unskilled men, unable to find jobs and their small savings eaten by inflation, crowded into the rotting inner-cities to swell the welfare rolls and make the streets unsafe for honest people. The alienated muttered of revolution.

The old virtues of thrift and probity were publicly flaunted by members of the upper and middle classes, who sought to outdo one another in extravagance and ostentation, in private sexual depravity and in public peculation. The family, once the stanchest of institutions, had been weakened by the collapse of paternal authority. Women threw off the old restraints, disdaining chastity and taking to the streets to demand equal status with men.

Religion, the traditional backbone of the state, had become an empty formality to which most men paid no more than lip-service. To fill the vacuum created by their own disbelief, many of the young joined oriental cults whose emotional rituals and drug-induced mysticism were an affront to those who still clung to the old faith.

There had been great changes, too, in the ideals, method and content of education. The old philosophy that one of the primary purposes of schooling was to inculcate in the young patriotism, morals, respect for the law and a reverence for national traditions had pretty well gone by the board. In its place, the intellectuals espoused a new permissiveness.

In the political arena, the two major parties battled viciously for supremacy. One continued in the minds of most people to be associated with the preservation of economic and social privilege.

The other, led frequently by wealthy liberals convinced of the necessity for reform, was plagued by a lack of unity as leaders ambitious for personal power vied with each other in their demagogic appeals to the restless masses. As a concomitant of partisan strife, both parties cynically disregarded the Constitution and public morality fell to a new low as scandal after scandal rocked the capital and the country.

Political violence became a feature of the times, with large-scale demonstrations in the cities and rival gangs of extremists battling each other in the streets.

Meanwhile, the nation's enemies abroad continued their military buildup. But the new wars were not to be fought by citizen-soldier conscripts, rather by an all-volunteer army, the creation of which was to have a profound effect on the future of the Republic.

The inadequacies of institutions designed by the founders for the governance of a small, uncomplicated state became apparent and led to pressure for electoral reform. A new criminal code was enacted in an attempt to deal with the growing lawlessness. But politicians continued to play upon the social issue for partisan advantage, rather than seeking an equitable and lasting solution to it.

The increasingly frequent assassinations of public figures and the continued use of violence as a political tool led to a concentration of power at the center and a diminution of the liberties of all citizens.

Military defeat in Asia had an unsettling political effect at home. In the end, all the maneuvering proved in vain. The burden of defense spending coupled with a vast public works program was more than the debased currency could bear. The spectacles of sadism and violence to which the public had become inured had aroused passions always only thinly papered over.

The venality and corruption of an establishment which had given itself over to licentiousness and sensual gratification offered neither example nor leadership to a people who had forgotten both God and patriotism. Although the creaking institutions of government no longer were capable of responding to the demands placed upon them, the senators prattled on.

Finally, on the night of Jan. 10, 49 B.C., Julius Caesar splashed across the Rubicon with his legions at his back, an act which was to lead to the destruction of the Roman republic. But all that was in another time and, of course, has nothing to do with us and our country.

CALLING FOR A 26-WEEK EXTENSION OF UNEMPLOYMENT COMPENSATION BENEFITS

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. ST GERMAIN. Mr. Speaker, today's unemployment levels are putting heavy extra burdens on the States. This compounds a serious situation. Most States are already overburdened with fiscal problems.

In December, my home State of Rhode Island paid out more money in unemployment compensation than in any month in the 33-year history of the program. Unemployment was at 6.4 percent in December. Many of these payments went to people covered by the new law which extends the benefit period by 13 weeks. What happens when the 13 weeks run out? People will go on the welfare rolls and the costs to the States will rise even higher.

Unemployment has now reached 7.7 percent in Rhode Island. This is part of the dismal nationwide unemployment picture. Our national economic policies are directly responsible. It seems to me that the economic hardships and losses to the States brought on by those national policies should be absorbed as much as possible by the Federal Government. With that in mind I wrote to the President in January asking him to implement the suggestion of the Governor of Rhode Island that the benefit period for unemployment compensation be extended by an additional 26 weeks.

Recently, a resolution passed the Rhode Island General Assembly memorializing Congress "to enact such legislation as would be necessary to extend payment of benefits to unemployed workers by as much as 26 weeks with the Federal Government assuming the entire cost." The complete text of the resolution will follow my remarks.

On Tuesday, I wrote to the chairman of the House Committee on Ways and Means asking that legislation of this sort be acted on by the committee as soon as possible. I have asked for the assistance of the committee in helping me draft legislation that will be applicable to all the States.

In my letter to the chairman I have outlined the basic provisions which should be included in the bill. Following the recommendations of the Rhode Island Department of Social Security and the request of Governor Licht, the legislation will have these provisions:

That such benefits would be payable in any State while the criteria for paying "extended benefits" are met. These criteria are, first, over 4 percent rate of insured unemployment for any 13-week period, and second, that rate equals or exceeds 120 percent of the average rate for the same period in the preceding 2 years. A time limitation could be placed on the benefits instead of the above; that is, payable until July 1, 1972.

That the benefits would be paid by the individual States from their unemployment insurance funds in accordance with the provisions of their own State laws.

That the Federal Government would reimburse the States for any benefits paid. Reimbursement would be from general revenue sources, and no additional taxes would be levied on employers for such purposes.

That only States which had enacted "extended benefits" would be eligible to participate.

That only those claimants who had exhausted "extended benefits" would be eligible for additional benefits.

That each eligible claimant would be entitled to receive as emergency benefits the same number of weeks of benefits at the same rate as his original State entitlement, up to a maximum of 26 weeks.

The support of my colleagues in the House for this bill would be much appreciated. I am certain that many States besides Rhode Island will be most anxious to benefit from legislation of this sort.

The text of the resolution passed by the Rhode Island General Assembly follows:

RESOLUTION MEMORALIZING CONGRESS IN VIEW OF THE PRESENT ECONOMIC RECESSION TO ENACT SUCH LEGISLATION NECESSARY TO EXTEND UNEMPLOYMENT BENEFIT COVERAGE AN ADDITIONAL 26 WEEKS

Whereas, Rhode Island's rate of unemployment reached 6.4 per cent in mid-December, 1970; and

Whereas, During that same month the state paid out more money in unemployment compensation benefits than in any month in the 33-year history of this program; and

Whereas, The single most significant factor in the situation is that approximately 20 per cent of the payment went to persons who were covered under the 13 weeks of benefits which were extended as a result of a special session of the general assembly; and

Whereas, If these unemployed persons exhaust their extra-time benefits and are compelled to turn to welfare, then the states will face increased unforeseen expenditures of staggering proportions; and

Whereas, The causes of rising unemployment are directly traceable to the trends of the national economy which are molded by the policies of the federal government; and

Whereas, Since the causes are traceable to the federal government, the responsibility of bearing the cost rests directly with the federal government; and

Whereas, The states under such a federally funded program should maintain control as to disbursement of the funds to the unemployed and should be reimbursed for full costs, including interest over the period of the next succeeding four years; and

Whereas, Institution of such a plan would: a) eliminate the transition of unemployed workers to the welfare rolls; b) remove the cost burden of unemployment benefit payments from the local employers to the federal government; and c) allow the federal government to assume and extend over a longer period of time the cost of such a program; now, therefore, be it

Resolved, That the general assembly of the State of Rhode Island and Providence Plantations hereby memorializes the Congress to enact such legislation as would be necessary to extend payment of benefits to unemployed workers by as much as 26 additional weeks with the federal government assuming the entire cost; and be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in said Congress.

COOPERATIVE LEAGUE URGES CONGRESS TO RETAIN 4¼ PERCENT CEILING

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. PATMAN. Mr. Speaker, many organizations, representing consumers, farmers, and working people, are deeply concerned about the proposal to eliminate the 4¼ percent ceiling on long-term Government bonds.

Many people have contacted me in recent days to express their dismay about the action of the Ways and Means Committee in approving legislation which would give the Secretary of the Treasury the authority to market up to $10 billion of long-term Government obligations without regard to the 4¼-percent ceiling. Such action would mean the end of the 4¼-percent ceiling as an effective low interest policy.

This morning I received a copy of a statement issued by the Cooperative League of the U.S.A. calling on the Congress to reject this destruction of the 4¼-percent ceiling. The Cooperative League—which represents every major cooperative in the Nation—said:

> To reverse this policy (4¼% ceiling) in this way will have a wide-ranging effect throughout the economy that will cost every consumer in ways he cannot afford.

Mr. Speaker, the Cooperative League is one of the major consumer organizations of this Nation and they represent the views of millions of Americans. Before it is too late, I hope that the House of Representatives will heed the warnings of such organizations.

Mr. Speaker, I insert in the RECORD a copy of the full text of the statement by the Cooperative League:

STATEMENT OF THE COOPERATIVE LEAGUE OF THE U.S.A.

On no subject during its 55-year history of working in behalf of rural and urban consumers has the Cooperative League of the USA been more consistent then it has in opposing high interest rates which strike at the health of the entire national economy, but especially at those on low and fixed income who are at least able to cope with the immediate devastating effects of any relaxation of interest rate controls.

These include the young newly married couples seeking homes, the elderly trying to make it on small pensions, and the poor of any age.

At its most recent biennial Congress in New York this position was restated in a unanimous action when the Congress declared:

"The Cooperative League believes that a high-interest, tight-money policy in no way benefits the general welfare, but has the effect of stifling economic activity and growth. Cooperatives and small businesses are especially handicapped by such a policy, to the detriment of the people they serve."

Therefore, the Cooperative League of the USA can only view with dismay the proposals to remove the long-established interest ceiling in the sale of $10 billion in long-term government bonds at a time when interest rates are declining for all types of government commitments. To reverse this policy in this way will have a wide-ranging effect throughout the economy that will cost every consumer in ways he cannot afford.

WHAT OF THE DEMOCRATS?

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. SPENCE. Mr. Speaker, constructive criticism implies the possession of a viable alternative by those who are doing the criticizing. In a New York Times column, James Reston accuses my colleagues on the other side of the aisle for saying much but offering little. I cannot help but agree with his analysis and submit his article as further evidence that the loyal opposition is doing little else but opposing. We all eagerly await a sensible Democrat solution or alternative to the President's proposals. So far, we have only heard individual mutterings.

The article follows:

WHAT OF THE DEMOCRATS?

WASHINGTON, February 18—When President Nixon came into the White House he said, "We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century. . . . That is the watchword of this Administration: reform."

His new health program for the nation, sent to Congress this week, is only the latest evidence that he has kept his word. For more than a year now he has sent to Capitol Hill one innovative policy after another: on welfare reform, revenue-sharing reform, government reform, postal reform, manpower reform, Social Security reform, reform of the grant-in-aid system, and many others.

It is not necessary to agree with his proposals in order to concede that, taken together, they add up to a serious and impressive effort to transform the domestic laws of the nation, all the more remarkable coming from a conservative Administration, and that they deserve a more serious and coherent response than they have got so far from the Democratic party and the Democratic majority in the Federal Congress.

What is the Democratic party's alternative? This we would like to know. There are alternatives from Democrats—a Kennedy alternative on health policy, the beginnings of a Wilbur Mills alternative to revenue sharing, a Muskie alternative to Vietnam policy—pick a date and get out—but as often as not the Democratic alternatives contradict one another, and the party as a whole seems to be settling for the old political rule that it is the business of the opposition party merely to oppose.

A party out of office, of course, always operates at a disadvantage. It lacks the authority and resources of the Presidency. It is usually leaderless and broke. Its power is dispersed among the committee chairmen, the rival candidates for Presidential nomination, the Governors, and the National Committee, the latter now meeting in Washington.

In the present case, the titular head of the Democratic party is Hubert Humphrey of Minnesota, a new boy in the back row of the Senate. When the National Committee meets, it usually concentrates on the party deficit and President Nixon, both of which they find disagreeable. But so far, about all they have been able to agree about is that they should not tear each other apart in public, which, come to think of it, is quite an achievement for Democrats.

Nevertheless, hard as it is to get an opposition party to agree on what it stands for, it would be reassuring to think that they got together once in a while and at least tried to define the broad outlines of a program for the future.

It is perfectly clear that many of the old Democratic programs of the fifties and sixties are no longer relevant to the problems of today, let alone tomorrow. In 1960 there were only 44 grant-in-aid programs for the states; now there are over 430; and even the Democratic Governors are bewildered by their complexity and inefficiency.

In the short time since President Nixon first came forward with his welfare reform bill, over 2 million people have been added to the welfare rolls, at an additional cost of $1.5 billion a year.

President Nixon has at least seen that this is dangerous nonsense and put forward a bold, if controversial, alternative that deserves to be voted up or down. As things now stand, the Democrats are demanding, and quite right too, that the scandal of campaign expenditure be corrected, but they cannot agree on how this should be done; and beyond that, they have not even managed to agree on how to pick their spokesmen if they do get free time on television.

The last time the Democrats were out of power, they at least recognized the problem and organized a kind of brain-trust outside the Congress to question their old assumptions and write position papers on the main subjects coming up for decision. It wasn't much, and Lyndon Johnson and Sam Rayburn resented the experiment, but it started the process of revision and even of thought within the party.

What the Democrats are doing now is merely sniping at the President's programs and often saying some damn silly things in the process. Here is George McGovern, for example, normally a sensible man, proclaiming that Mr. Nixon is "flirting with World War III in Asia." And Ed Muskie calling in Pittsburgh the other night for a "new coalition" cutting across lines of race, geography and economics.

But to do what? In support of what programs? President Nixon has been singularly successful in ignoring old Republican taboos and prejudices, and if you want to be cynical about it, he may be putting up programs he knows the Democrats will probably knock down; but at least he has a program on the home front, which is more than you can say for the Democrats.

RETIREMENT OF MR. W. R. TYE

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. STEPHENS. Mr. Speaker, Mr. W. R. Tye, of Harlem, Ga., recently retired as Columbia County extension agent, a position which he held for 21 years. During this time, he very ably served the residents of Columbia County, and his contributions to agriculture and his service to youth will not be forgotten.

Mr. Tye's ability and dedication to his job brought him many friends and admirers. I ask permission to insert in the CONGRESSIONAL RECORD the following article from The Columbia News.

I include the article as follows:

RETIRES AFTER 21 YEARS

MARTINEZ.—Columbia Countians gathered at the South Columbia Elementary School Tuesday to honor W. E. Tye, Columbia County Extension Agent, who retired last week after 21 years of service to Columbia County.

County officials gathered at the luncheon included members of the Board of Commissioners, the Board of Education and many of Tye's relatives and friends. Also present at the luncheon were several of Tye's former 4-H club members.

Following an invocation by J. M. Price, vice president of the Board of Education, Master of Ceremonies, Bill Jackson, chairman of the Board of Education, led the distinguished group of speakers in praising Tye's devotion to duty and the outstanding job he has done for the county.

Board of Education member Lamar Walter read a resolution passed by the board that lauded Tye for "contributing to expanded educational services" and for having "served the needy and deprived, beyond the call of duty".

Leon Zeigler, another board member said, "Our lives are much richer because Bill Tye passed our way."

Chairman of the County Commissioners, Jim Blanchard, commented, "I have never worked with a man who was more dedicated to his profession."

Principal speaker John Pierce Blanchard said, "His life shall live across the continent and across the world." He added, "Men on the battlefields of the world have been inspired by Mr. Tye and his good works and good deeds transcend the boundaries of our country."

Following Blanchard's remarks, Tye took the podium and for the next 30 minutes held the audience spellbound as he weaved his way through his life before and after coming to Columbia County. Tye philosophized about the past and future of the County giving his personal viewpoints and observations.

About his relationship with Blanchard, Tye said, "No county agent has ever enjoyed a finer relationship with a school superintendent." He added that when he came to Columbia County the Board of Education had a budget of about half a million dollars per year and today it has grown to several million dollars per year.

In closing, Tye told the story about how reluctant he was to come to Columbia County, but that he was never sorry after his feet once touched the ground.

Tye and his wife will continue to live in Columbia County.

LITHUANIA'S LOVE OF FREEDOM ENDURES

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. WHALEN. Mr. Speaker, Americans of Lithuanian origin and descent this week observe the 53d anniversary of the birth of the modern Republic of Lithuania.

That same observance will take place, if not publicly, then in the hearts and minds of those who continue to reside in that small country on the amber shores of the Baltic Sea. Although they continue to be the victims of subjugation imposed by the Soviet Union, their love of freedom endures.

We in this House share that love of liberty and appreciate it all the more because we have been able to preserve it for almost 200 years. We also share the sorrow that besets the many Lithuanians both here and abroad at this particular time.

The hope that the citizens of Lithuania have for the recovery of their rights must be continued to be reinforced by the United States. The Soviet Union thus far has proven intractable on this issue. But our consistent refusal to recognize the Russian seizure of the Baltic States is a factual reminder to the Soviets that we are aware of and concerned about their unjust occupation of these Nations against their will.

Many Members of the House will take this opportunity to commemorate Lithuania's 53d anniversary, Mr. Speaker. I am pleased and honored to join my colleagues on this occasion.

DORN COSPONSORS BILL TO PROTECT HIGH SCHOOL AND COLLEGE FOOTBALL

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. DORN. Mr. Speaker, high school football is threatened today by professional football teams which telecast their games on Friday night.

As a response to this problem, I have today joined my colleague from Washington (Mr. HICKS) in introducing legislation which will bar professional football organizations from telecasting football games on Friday night and Saturday afternoon when high school or college games are being played in the same area.

Mr. Speaker, virtually every high school football game in my area is played on Friday night. Friday night is an important time in America, important to our national physical fitness program. The competitive spirit and sportsmanship exemplified in high school football is necessary to the building of strong bodies and sound minds. High school football promotes discipline and good manners. The roar of the crowd at a high school football contest is the reward for the amateur athlete, a reward for years—including summers—of hard, grueling, disciplinary conditioning.

But no athlete, Mr. Speaker, can play his best in an empty stadium. The enthusiastic approval of one's classmates, parents, and friends in the football stadium is necessary to maintain that competitive spirit and that desire to play and remain physically fit.

The football enthusiast on Friday evening, paying an admission fee, is essential for sound athletic programs in our schools, for good equipment and playing fields.

The bill we propose today is fair to all concerned. It merely spells out and clarifies what was the intent of the Congress years ago when we wrote the law relative to professional football. For the preservation of a strong amateur football program in our Nation, I urge my colleague to support our amendments to the Sports-Television Broadcast Law.

STATEMENT OF CONGRESSMAN GILBERT GUDE BEFORE THE DISTRICT OF COLUMBIA CITY COUNCIL ON THE SUBJECT OF JUNIOR VILLAGE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. JACOBS. Mr. Speaker, our colleague Mr. GUDE recently appeared before the District of Columbia City Council to support some improvements in the care of children at Junior Village.

I commend Mr. GUDE's remarks to all who are concerned with the welfare of children:

Mr. Chairman: While I must acknowledge the inherent drawbacks of institutional living which stem from the nature of most institutions, I am nevertheless very concerned with the situation at Junior Village. The problems of Junior Village are quite rightly the special concern of the D. C. Council.

Chairman Hahn, and members of the Council, I am grateful for the opportunity to appear at these public hearings on Junior Village. I know that they will contribute much to our common goal of improving care of the children.

As a member of the House District of Columbia Committee, I have long been concerned with Junior Village and the problems in this city that have kept such an institution in existence for so many years. Most recently, I have expressed this concern by participating in ad hoc hearings held in the House of Representatives three weeks ago. At that time, witnesses from various groups such as For Love of Children (FLOC), Family and Child Services, The Welfare Department, and other social services, presented to the committee a number of alternatives for the children which would be better than continued reliance on Junior Village.

After visiting both Junior Village and several FLOC homes, I find myself even more aware of the difficult problems involved and determined to help, in some way, find a better solution to these children's needs. But a single concerned individual can, in reality, do very little. Community response to the plight of the children of Junior Village must come now, from all agencies, organizations, and individuals equipped or able to take care of these youngsters for as long as necessary.

At this time, I would like to comment on the changes which have been made at Junior Village since the January Washington Post series. According to a Post editorial of last Thursday, February 11, Kennedy Cottage, formerly a detention center, is being remodeled to be used for new arrivals; brothers and sisters will be allowed to stay together; kitchens in each cottage will replace the central dining hall; more staff is being transferred to be with the very young children; and several volunteer adults have moved in full-time. The administrators of Junior Village should be commended for making these necessary changes. I hope that more intra-institutional improvements will continue to be made, but we must not become so complacent with these stop-gap measures that we neglect to undertake the massive restructuring of the total child welfare system which I believe the situation calls for at this time.

This restructuring should be approached on a number of different levels:

First, we should take advantage of the wide variety of services offered by many existing D. C. organizations. There are homemaker services, day care facilities, family counseling services, protective services, family assistance, and family shelters, all of which could be used at a time of family stress, to prevent a break-up which would put the children in Junior Village. I realize that most of these services are already financially strained, and are operating at full capacity. Therefore, I promise my vigorous support of whatever additional funding is necessary to expand these services to the level where they can operate effectively to prevent needless placement of children in Junior Village.

Second, a central information and referral service could be set up solely to provide 24-hr. telephone answering service for information or referrals for families in crises. Courts and social workers could use such service to learn of these other options if the decision is made to remove the child from his home.

Third, most of the administrators involved in foster home programs and child or family services agree that subsidized adoption would be a very good idea. Quite simply, subsidized adoption means making it possible for poor, but otherwise suitable adoptive parents, to accept permanent responsibility for children eligible for adoption. The City Council and Congress should consider this suggestion seriously.

Fourth, I believe that the efforts to move as many children as possible out of Junior Village into foster home settings should be continued. For a great many children, this is the most desirable alternative.

Certainly there will continue to be youngsters whose problems are so severe that neither natural or foster homes can cope with them. Junior Village must be improved to provide more adequate institutional care for these children.

First, there should be provisions for emergency short-term care of children awaiting placement in some other setting. By "short-term" I mean a period of hours or days, not months or years.

Second, we must provide much more than mere custodial care for the residents of Junior Village. We must provide the kind of treatment necessary to alleviate the emotional problems of these children.

Finally, I would urge the consideration of child advocates, who check to make sure that individual children receive the kinds of services they need and deserve. For example, if a child is removed from a foster home for more intensive treatment, the child advocate would check to be sure he actually was receiving that treatment.

These are my suggestions. Political and fiscal realities dictate that cost must also be a factor in considering the future course of action. I believe, however, that doing what is best for the children will also turn out to be the least expensive alternative in the long run. Currently, the cost of keeping a child at Junior Village are high—some $10,000 a year, including operating costs, per child. How much better, then, to use these Junior Village funds to prevent families from having to give up their children, or to place the children in a more healthy, homelike setting. I believe the wisdom of these alternatives speaks for itself.

Let me conclude on an optimistic note. The debate over Junior Village has shown that the children there have many friends, dedicated to improving the quality of their care. Many of the individuals and organizations who have written to me know that Junior Village cannot be closed and want to provide adequate financing and staffing to upgrade the institution.

Intense community concern has already produced some needed changes, and I know that today's council hearings will add further impetus to constructive change. As a member of the House District Committee, I stand ready to cooperate with you in any way to provide the best possible environmental conditions for youngster's needing our help.

NIXON HAS EDGE ON KEY ISSUES

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. SHOUP. Mr. Speaker, the latest Harris poll includes a hidden message for Congress. Despite congressional criticism of the President's proposals, it is interesting to note this survey indicates the American people have greater confidence in Mr. Nixon's ability to solve the majority of our problems than in his opponent's capacity to do the same. We should take a lesson from this article and realize that Democratic footdragging is helping no one and fooling even fewer. I insert the survey in the RECORD so all of us can scrutinize its findings:

[From the Chicago Tribune, Feb. 22, 1971]

THE HARRIS SURVEY: NIXON HAS EDGE ON KEY ISSUES

(By Louis Harris)

In a first test on who might handle 12 key issues better as President, Richard Nixon finishes ahead of Sen. Edmund Muskie [D., Me.] on eight ties with him on one and runs behind on three. These results indicate that Nixon has a reservoir of strength on the current issues of American politics and that Muskie has yet to establish an impact on the American public on the issues of the day.

Recently, a cross section of 1,627 households was asked:

"Here is a list which has on it some problems people say they are concerned about these days. Now for each problem on this list, who do you think could do a better job on this issue as President—Richard Nixon, the Republican; Edmund Muskie, the Democrat, or George Wallace, the Independent?"

[In percent]

	Nixon	Muskie	Wallace	Not sure
Build up national defense	37	25	11	27
Foreign aid	36	26	9	29
Drug-abuse control	36	28	11	25
Air and water pollution control	36	33	7	24
Crime prevention	35	27	16	22
New welfare program	35	30	9	26
Health-care aid	34	33	8	25
Control of pornography	32	25	11	32
Aid to public schools	32	33	9	26
Racial equality	30	35	10	25
Aid to cities	32	32	7	29
Aid to the poor	29	37	10	24

Some of the issues on this list could be considered areas of natural Nixon strength: such as crime prevention, control of pornography, buildup of national defense and drug-abuse control—all matters on which Nixon campaigned rather vigorously in both 1968 and in 1970.

The surprise of this poll is Nixon's ability to outscore Muskie on such issues as air and water pollution control and health care. Muskie has been a leading sponsor of much of the antipollution legislation over the last few years. Democrats in Congress repeatedly have stressed the health issue, even to the point of overriding Nixon vetoes.

When asked about the health, pollution and education issues in previous Harris Surveys, the public has expressed roughly a 3-to-2 preference for the way the Democrats might handle them.

Yet, Muskie does not run nearly as strongly as his party on these issues. He does edge out Nixon on aid to schools, and holds a clear lead on matters of racial equality and aid to the poor. But he achieves no better than an even split on the crisis over aid to the cities.

In light of these results, two questions must be raised:

1. Why does Muskie come thru relatively lacking in appeal on so many of the key issues?

2. With this kind of weakness on issues, how did Muskie manage in the same poll to lead Nixon by a margin of 43–40 per cent in a trial heat for 1972?

Part of the answer to the first question can be explained in terms of personality of appeal. Nixon and Muskie have parallel profiles, but Muskie has fewer negatives against him, while projecting just about all of the positives Nixon possesses.

The key to the Muskie appeal is a sense of sincerity, coolness, calm and communication of quiet confidence. The latest results also suggest that this low-key style has not forged a clear-cut position in the minds of voters on many issues of the day.

The fact that two to three out of every 10 voters are not sure which man might do better on each of these issues leaves room for change. Muskie also has the advantage of public discontent with an incumbent President in many areas without having to offer concrete alternatives.

GOOD SPORTSMANSHIP HAS LIMIT

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. SCOTT. Mr. Speaker, an editorial in the Rappahannock Times, a weekly newspaper published at Tappahannock, Va., within my congressional district, relates to subsidizing of the Washington Senators baseball team and indicates that the Senators are attempting to sign up Uncle Sam as a supergroundskeeper. While the editorial suggests the reader write their own congressional representatives, I am inserting it in the RECORD at this point for the information of the membership, with the thought that your constituents might also view with alarm the free use of a stadium built with taxpayers' money.

Of course, baseball is known as America's favorite sport, and I wish we had a winning team in the Nation's Capital. While all sports' lovers support the home team, I have no intention of voting taxpayers' money to subsidize baseball. The short editorial is set forth in full below:

GOOD SPORTSMANSHIP HAS LIMIT

The year 1971 could be an interesting season for the Washington Senators. First they get Denny McLain, a talented though controversial pitcher; then Curt Flood, an equally talented and controversial center fielder. Now, they're trying to sign Uncle Sam on as a kind of super-groundskeeper.

The Senators, less than an artistic triumph last season, have come on hard times at the box office. Their owners have hit upon the ingenious idea of playing rent-free in a stadium which was built with taxpayers' money in the first place.

Fortunately, it is a proposition that must receive a favorable nod from Congress and it is to be hoped these gentlemen recognize a steal of first, second, third and home. While the monies involved are small in comparison to other commitments within our federal budget, this situation does reemphasize the need for setting sensible priorities in spending the people's money. A word to your own Congressional representatives might be in order on this one.

LAW, DIPLOMACY, AND CITIZEN RESPONSIBILITY

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. SYMINGTON. Mr. Speaker, this House has demonstrated an understandable interest in seeing the laws of the land observed. When they are not observed we tend to feel a little irrelevant. Street crimes and violence have been our principal concern over the past year, and in this context indiscriminate bombings were making America an anxious land. We reacted by strengthening the law against bombings, and this law applies to all bombings and burnings. There are no exceptions made for those who bomb or burn as a way of conveying a political point. In fact, such bombings and burnings were the precise target of the legislation. Since the passage of that law a new form of bombings has arisen, which endangers not only our citizens and guests here, but our citizens, journalists, and diplomats abroad, and diplomacy itself. I refer to the witless attacks on the persons and property of Soviet diplomats by a very misguided group of people. I say "misguided," because if their object is to secure appropriate treatment of Jewish citizens in Russia, it cannot be achieved in this way. Moreover, it greatly endangers the lives, and compromises the effectiveness of American citizens in Russia whose job it is to keep open lines of communication so that constructive messages of concern can be transmitted to Soviet authorities. One such "message of concern" dealt with the case of Mr. Leonid Rigerman. The message somehow got through. And as one who joined many of you in urging the Department of State to make every effort to secure his release, I rejoice at his safe arrival. Exactly what combination of Government effort, private initiative, public concern and restraint achieved this result cannot be known. But of one thing we can be reasonably sure; it was accomplished in spite of, and not because of, the indignities being offered these days to Soviet citizens in this country. Indeed, the State Department would find its delicate work in these matters greatly facilitated by a careful observance of the customs of civility.

It was part of my work as chief of protocol to call on bloc country diplomats to express the regret of our Government for miscellaneous bombings, fires, beatings, and other harassments of their missions and personnel. I can safely say it would have been awkward under such circumstances to make representations on behalf of Americans or ethnic minority citizens residing in the offended nation. Anyone familiar with the oscillating nature of treatment of foreign nationals in Communist countries knows that such treatment is generally proportionate in unpleasantness to the current state of relations between those countries and our own. Recently, a carefully calibrated game of "tit for tat" has been played whereby for every Soviet citizen harassed here, one or more American diplomats or journalists is roughed up in the Soviet Union. Recently a Soviet diplomat's wife was spat upon in a Washington supermarket. That was a blow for peace, gallantry, better understanding? What folly. And what of the continuing disruptions of Soviet cultural performances, such as that of the violinist Oistrakh last night? What can they do but diminish confidence in Americans on the part of the very group of Soviet nationals who have dared speak out against totalitarianism at home? No, those responsible for such foolishness, to say nothing of the bombings of diplomatic vehicles, should know that their interests abroad will in the long run either prosper or perish through diplomacy. It is safe to surmise that the persons involved in planning and executing these senseless acts look to the weight of moral authority of the United States to be lent every effort to secure reasonable treatment of Soviet minority groups, as well as reasonable Soviet attitudes toward Israel herself. Such persons should ask themselves what moral authority this country can credibly claim if we cannot restrain our own citizens from brazen violations of law and international comity. What is at stake is our claim to be an orderly society of decent people. One cannot prove the inadequacy of Soviet law by demonstrating the importance of American law. Those who try to do so undermine the very fabric of lawful resolve they would invoke to reinforce their aims. Friends of Israel, and who here is not, should realize that diplomacy is far too important a task to leave to the diplomats. It belongs to us all. But what many can patiently build, a few can quickly destroy.

UKRAINIANS ALSO FEELING REPRESSIVE HAND OF RUSSIAN REGIME

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. McKEVITT. Mr. Speaker, all of us feel revulsion over the repression of the Jews in the U.S.S.R. Another cultural group in the Soviet Union—the Ukrainians—are also feeling the repressive hand of the Russian regime. I would like to share with the House a letter I received from a close friend Mr. Myroslaw Kalba, president of the Colorado Ukrainian American Republican Club:

DEAR MIKE: They are coming to us in an endless flow—the news reports from the Ukraine about the sharply increasing repression of the national and cultural life of Ukrainians. But at the same time we also hear about constantly growing resistance, about fearless protests by individuals who, jeopardizing their own freedom and lives, boldly defend constitutional rights of the Ukrainian Nation, which is under the Soviet yoke. Evidence of this is being found in numerous editions of underground literature that reaches the free world, despite the stringent control of the mail and anything moving through the borders of the U.S.S.R.

A most recent example of such resistance is a case of Valentyn Moroz. This young Ukrainian historian was imprisoned for five years for his literary works in which he denounced the repression of human rights by the Russian regime. After serving his time, he didn't try to enjoy life. He again spoke out against injustice, political and national discrimination, and Russification of the Ukrainian language. Upon his release from prison he started to write his "Chronicle of Resistance" and "Beria's Sanctuary." He was well aware of the consequences of his writings and he did not have to wait long. Moroz recently was sentenced for the second time to a term of nine years in a hard labor camp.

We can only describe as heroic the acts of Ukrainian patriots such as Moroz and men like Svatoslaw Karavansky, Mykhajlo Soroka, and Viacheslaw Chornovil.

Their action in defense of the highest ideals of humanity, personal freedom and freedom of thought and speech deserves the admiration and support of our Government.

Sincerely yours,

MYROSLAW KALBA,
President, Colorado Ukrainian American Republican Club.

NATIONAL ENVIRONMENTAL POLICY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. DINGELL. Mr. Speaker, I would like to take just a moment to add my enthusiastic endorsement for the bill amending the National Environmental Policy Act of 1969. The gentleman from Arizona has performed an important service in drafting and introducing today this legislation on behalf of himself and 66 colleagues, including myself.

The Subcommittee on Fisheries and Wildlife Conservation, which originally considered the legislation which became the National Environmental Policy Act of 1969, has recently concluded hearings on the implementation of that act by various agencies of the executive branch. One of the areas to which we devoted considerable attention and time was the importance of seeing that the public was as fully informed as possible on the plans and programs of agencies with environmental consequences. I would say that after substantial resistance on the part of some of the downtown agencies, we managed to obtain general agreement as to the importance of citizen access to environmental information.

The bill introduced today takes the important next step in helping citizens to participate effectively in the making of decisions in which they have a significant stake. It lays to rest the misconception held by the Ninth Circuit Court of Appeals in the Mineral King case that citizens' organizations without a direct economic or personal stake in a controversy cannot have sufficient interest to be granted "standing" to intervene to test the validity of agency action. I might add, parenthetically, that the Supreme Court yesterday granted certiorari to review that case; thus that Court may bring the Mineral King case into line with the clear recent judicial trend to the contrary.

The legislation establishes a simple and expeditious procedure whereby one person or a group may act on behalf of a wide class of citizens, similarly situated, to protect American air, water, and land from unreasonable degradation or impairment. At the same time, it inhibits the kind of harassment which might otherwise occur by requiring that an action brought under this law must be supported by affidavits from at least two qualified experts, and by permitting the court, in its discretion, to award costs and fees to defendants when the Court is convinced that the plaintiffs had nothing more than harassment in mind in filing suit.

The legislation breaks new and important ground in shifting to defendants a strong burden of proving that their action or proposed action is in the public interest and that there is no feasible and prudent alternative, as well as that the social and economic costs are outweighed by the anticipated benefits of the proposal. As is well known, this is the kind of information that proponents of a given proposal or project have or should have at their fingertips; it is much easier for them to provide this information than it is for public interest and environmental groups to assemble the necessary expertise.

It is for this reason, among others, that I endorse this bill, and am honored to cosponsor it with the gentleman from Arizona.

ESTONIAN INDEPENDENCE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, on February 24, 1971, Estonians all over the world will be recalling the re-creation of their free independent nation. I take pride in offering my congratulations to the people and friends of Estonia as they celebrate that nation's anniversary.

On this date, 53 years ago the people of Estonia instituted the Republic of Estonia and thus reestablished their national independence which had been lost in the course of czarist Russian expansion toward the West.

Unfortunately, the Estonian people were able to enjoy their freedom for but a short two decades. The tyranny of a new imperialist Russia cut short the life of this brave new Estonian nation when the Red army invaded Estonia in 1940, and in August of that year Estonia was politically annexed to the U.S.S.R.

Since then, the Estonian people have been suffering under the oppressive yoke of foreign Communist domination. Their lot under Soviet colonial rule has been one of the vanquished; however, they have held fast to their confidence that Estonia will one day regain her freedom and independence. This hope is in no small way dependent on the United States as the acknowledged leader of the free Western World.

The Kremlin has deluded itself in assuming that the forcible incorporation of a sovereign nation will change the basic ideals of a captive people. The ideology nurtured by the noble people of Estonia for centuries, can hardly be obliterated by mere decades of Soviet diversion. The U.S.S.R. fails to realize that it is not dealing with Russians; the determination imbedded and burning in the hearts of the Estonians to live as a free people will survive foreign communistic oppression, just as it survived the decades of czarist oppression.

We recall Estonian Independence Day each year to reaffirm our friendship and support of the people in Estonia for whom freedom is both a memory and a goal. The Estonians who have come to the United States are a vital group of citizens who have contributed much to American community life. They know, as few can who have lived in freedom all their lives, the speed and ease with which liberty can be stolen and the suffering endured until it is regained.

Most of all, on this day we look to the future and reaffirm our resolve never to recognize the Soviet annexation of the Baltic States; we are irrevocably committed to the integrity of an Estonia which must one day again be free. Estonia's plight will always be the concern of all free men.

LITHUANIAN INDEPENDENCE

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. TEAGUE of California. Mr. Speaker, Americans of Lithuanian origin or descent and their friends in all parts of our great Nation will commemorate two very important anniversaries this month: First, they will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and second, they will mark the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

On February 16, 1918, the Lithuanian nation declared its independence—an independence that had not been theirs for more than two centuries of Russian domination and German occupation during World War I. For two decades from that day in 1918, the Lithuanian people lived and thrived in the light of freedom which we Americans believe is the birthright of all men. But now, 53 years later, freedom has still eluded the over 3 million captive citizens of Lithuania.

Independent Lithuania again fell under Russian domination when it was occupied by the Red army in World War II. It was declared a constituent republic of the U.S.S.R. on August 3, 1940. Following German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944. Since then it has been considered by the Soviet Union as a component republic. The United States has never recognized the Soviet incorporation of Lithuania or the other two Baltic States, Estonia and Latvia.

The Lithuanians have had a long and rich history in their continuing struggle for freedom and independence. It is a credit to the courageous Lithuanian people that after all these years they have maintained their freedom in mind and spirit. The continued determination of the Lithuanian people to recapture their freedom and independence is an example for the entire world. I join free men everywhere in expressing my continued admiration for these people and in supporting their campaign for freedom and self-determination.

THE HIGHER EDUCATION GIFT INCENTIVE ACT OF 1971

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, I am today introducing The Higher Education Gift Incentive Act of 1971, a bill to encourage more private donations to colleges and universities by providing income tax credits. I am pleased to announce that I am being joined by a bipartisan group of 42 House cosponsors.

Under this legislation, an individual could contribute up to $100 to a college or university of his choice and subtract an amount equal to that contribution from his Federal income tax bill, providing it did not exceed 20 percent of his tax liability. By the same token, corporations could contribute up to $5,000 and receive a tax credit equal to their contribution, providing it did not exceed 10 percent of their tax liability.

Mr. Speaker, if there is a growing red menace on our campuses today, it can be found in the financial ledgers in the form of creeping deficits which have already taken some institutions to the brink of bankruptcy. A report by the Carnegie Commission on Higher Education entitled, The New Depression in Higher Education, reveals that two-thirds of our Nation's public and private institutions of higher learning are either in deep financial trouble or headed that way. A survey of 540 of our Nation's 762 private, 4-year colleges and universities conducted by the Association of American Colleges reveals that 261 of these institutions, or nearly half, expect operating deficits in the current fiscal year totaling about $87 million. Similarly, a study of 48 private, 4-year liberal arts colleges conducted by Hans Jenny and G. Richard Wynn of the College of Wooster, reveals that more than half the schools are now running deficits, 12 of them amounting to $200,000 or more. Their study, published under the title, The Golden Years, shows that while the period 1960 to 1968 was a relatively prosperous one for higher education, there has been a sudden reversal in the last 2 years.

The survey of the Association of American Colleges substantiates this trend while the average private school registered a $39,000 net surplus in the 1967–68 school year, this became a $20,000 net deficit in the 1968–69 school year, and a $103,000 net deficit in the 1969–70 school year, and could run to $115,000 in the current school year. In the words of the AAC report:

> Private colleges and universities are apprehensive and they have reason to be. Most colleges in the red are staying in the red, any many are getting redder, while colleges in the black are getting grayer.

Dr. Clark Kerr, chairman of the Carnegie Commission on Higher Education, says higher education is facing the greatest financial crisis it has ever had. The commission's study shows that while both expenditures and revenues have been rising, costs have been climbing at a steady rate, while income is growing at a declining rate. In the words of the report:

> Either the schools must find more new money, or make cuts, or do both.

An article in the February 22 New York Times by Andrew H. Malcolm indicates that schools are indeed adopting a wide range of strict economy measures * * * which range from abolition of departments and reductions in faculty to cutbacks in snow shoveling and lawn mowing. In Mr. Malcolm's words:

> Inflation, cuts in Federal spending and dwindling endowment incomes from investment portfolios have brought to many schools the first serious retrenchment and deficits since the depression 40 years ago.

Mr. Speaker, I would agree with the Carnegie Commission report that both belt tightening and finding more new money may be necessary to pull higher education out of this financial crisis, or new depression. My Higher Education Gift Incentive bill is aimed at tapping the private sector, both individuals and corporations, for new sources of revenue. By allowing tax credits for charitable contributions to institutions of higher learning, it would serve as both an incentive and catalyst for a substantial increase in private giving.

Earlier this year, I joined with Congressman COUGHLIN in cosponsoring his bill to allow tax credits for higher education expenses. This is a concept which I have long supported as a means of providing financial relief to hard-pressed families and students who support themselves. But while this may assist families and students in coping with rising college costs, it does not address itself to the problem of institutional relief since tuition revenues meet only a small portion of the institution's financial needs. I therefore view my bill as a complement to the Coughlin bill since it is directed at a separate aspect of the higher education financial problem. These two bills in turn are complements to the President's higher education legislation which concentrates most on assisting those students with the greatest financial need—those who would probably benefit little if at all from a tax credit for higher education expenses.

Finally, Mr. Speaker, I want to indicate my gratitude to Dr. John Howard, president of Rockford College, and president of the 174-member American Association of Presidents of Independent Colleges and Universities. Dr. Howard and the association have worked hard for this legislation both at the Federal and State levels, and recently made a trip to Washington to talk with many of you about the importance of this bill and this approach.

Mr. Speaker, at this point in the Record I would like to include certain extraneous materials including a list of the cosponsors of this legislation, a release by the Carnegie Commission on Higher Education on their recent study, articles and editorials from the New York Times and Fortune on the Carnegie study, an article from the Washington Post on the Association of American Colleges survey, and a New York Times article on college belt tightening.

I include the material as follows:

THE HIGHER EDUCATION GIFT INCENTIVE ACT OF 1971

COSPONSORS

Mr. Anderson of Illinois (for himself and Mr. Morse, Mr. Archer, Mr. Lent, Mr. Lujan, Mr. Collins of Texas, Mr. Forsythe, Mr. Buchanan, Mr. Powell, Mr. Drinan, Mr. Johnson of Pennsylvania, Mr. Coughlin, Mr. Frenzel, Mr. Mazzoli, Mr. Preyer of North Carolina, Mr. Hastings, Mr. Hansen of Idaho, Mr. McKinney, Mr. Thone, Mr. Hosmer, Mr. Terry, Mr. Kuykendall, Mr. Kemp, Mr. Melcher, Mr. Findley, Mr. Halpern, Mr. Pryor of Arkansas, Mr. Davis of Georgia, Mr. Vander Jagt, Mr. Bray, Mr. Schwengel, Mr. Quie, Mr. J. William Stanton of Ohio, Mr. McKay, Mr. Rosenthal, Mr. Veysey, Mr. Fulton of Pennsylvania, Mr. Frelinghuysen, Mr. Yatron, Mr. Myers, Mr. Roybal, Mr. Roe, Mr. Hutchinson).

CARNEGIE COMMISSION ON HIGHER EDUCATION

New York, N.Y., December 3.—America's colleges and universities are in the midst of a financial crisis unmatched in its impact in any previous period in history. Many are continuing to operate only through the sacrifice of some of the programs and services normally considered important to their missions. An alarming number of others are headed in the same direction.

Nationally, some 1,000 institutions, enrolling 4 million (56 percent) of the students are considered "heading for financial trouble." Another 540 institutions, enrolling about 1.6 million (21 percent) of the students in the nation are considered "in financial difficulty." An additional 800 institutions enrolling about 1.7 million students (23 percent) are considered "not in trouble."

These estimates were developed by the staff of the Carnegie Commission on Higher Education from findings of "on site" studies of 41 institutions. The estimates were made by weighting types and sizes of colleges and universities in the country according to their relative representation among all institutions. Specialized institutions of types not represented in the "on site" studies were not included in the staff projections. In all, approximately 66 percent of the total weighted sample of 2,340 institutions were either "headed for financial trouble" or already "in financial difficulty." (For more data from the Carnegie Commission staff projections see attached table.)

The institutions that are "headed for financial trouble" or are "in financial difficulty" are caught up in the worst of a situation in which demands for access, service, innovation and higher quality are rising rapidly but income has not risen fast enough to keep pace with rising costs. This cost-income squeeze had 29 (or 71 percent) of the institutions in the "on site" studies either "headed for financial trouble" or "in financial difficulty."

Preliminary findings based on the "on site" studies were announced today by Dr. Clark Kerr, chairman of the Carnegie Commission, and Dr. Earl F. Cheit, professor of business administration and former executive vice-chancellor, University of California, Berkeley, who directed the investigations and wrote the project report. The study was supported by both the Carnegie Commission on Higher Education and the Ford Foundation.

According to the financial classifications developed by Cheit, institutions are considered "in financial difficulty" if because of their financial condition they have cut back on services that they regard as important parts of their programs. Institutions are considered "headed for trouble" if, at the time of the study, they had been able to meet current responsibilities without reducing important services but were unable to assure they could do so much longer or could not plan support for evolving program growth.

The fact that a college was classified as "in financial difficulty" does not warrant a judgment about the quality of its programs or its administration. In fact, it could indicate that an institution is doing relatively more than others to maintain its quality while bringing its income and expenditures into balance. Some of the highest quality institutions from an academic point of view fall into this category. For example, at New York University, one of the institutions in this category, a full statement published in December 1969 set forth reasons why the university could not continue operations at then current levels without adjustments. A 25-member University Commission was appointed to review the situation. A committee on the effective use of faculty resources reported within a month that in order to maintain faculty salaries at competitive levels for the next two years, modest increases in teaching loads and other economies should be put into effect.

It is also emphasized by Kerr and Cheit that there are far more institutions in each of the financial categories than were studied in the "on site" investigations. Some of the institutions ranked "in financial difficulty" are in relatively better financial condition than some of the 500 or more others that fall into that category on the basis of a total national sample.

Entitled "The New Depression in Higher Education," Cheit's report will be published by McGraw-Hill Book Company and will be available in February 1971.

ESTIMATED NUMBER, AND ENROLLMENT, OF INSTITUTIONS OF HIGHER EDUCATION, BY FINANCIAL STATUS, UNITED STATES, SPRING 1970

Based on the results of the Cheit sample survey, with institutions and enrollment weighted to represent their true proportions of total institutions and total enrollment, by type and control of institution]

Institutions by control and type	All institutions	Not in trouble	Headed for trouble	In financial difficulty
Total institutions: [1]				
Number	2,340	800	1,000	540
Percent	100	34	43	23
Total enrollment:				
Number (in thousands)	7,300	1,700	4,000	1,600
Percent	100	23	56	21
Public institutions:				
Number	1,170	580	500	90
Percent	100	50	43	7
Enrollment—public:				
Number (in thousands)	5,330	1,330	3,150	850
Percent	100	25	59	16
Private institutions:				
Number	1,170	325	500	345
Percent	100	28	42	30
Enrollment—private:				
Number (in thousands)	1,935	240	790	905
Percent	100	12	41	47
Universities:				
Number	165	30	85	50
Percent	100	19	15	30
Enrollment—universities:				
Number (in thousands)	2,380	450	1,470	460
Percent	100	19	62	19
Liberal arts colleges:				
Number	730	210	310	210
Percent	100	29	43	28
Enrollment—liberal arts colleges:				
Number (in thousands)	770	170	400	200
Percent	100	22	53	25

[1] Total includes comprehensive colleges and 2-year colleges, but data for these types of institutions are not shown separately, since there were relatively few of these institutions in the study sample; total excludes specialized institutions of higher education, which were not included in the study. All numbers have been rounded, because precise numbers are not statistically significant.

Source: Carnegie Commission on Higher Education staff.

FINANCIAL CLASSIFICATION OF 41 SELECTED U.S. COLLEGES AND UNIVERSITIES

The 12 schools found to be "not in financial trouble" at the time of the study are:

College of San Mateo
Flint Junior College
Gulf Coast Junior College
Hamilton College
Howard University
Meredith College
Mills College
Morgan State College
St. Cloud State College
University of North Carolina
University of Texas
Whitman College

The 18 colleges and universities considered "headed for financial trouble" are:

Albion College
Allegheny College
Carleton College
Central Michigan University
City Colleges of Chicago
Cumberland College

Harvard University
Knox College
Mesa College
Ohio University
Pomona College
Portland State University
Syracuse University
University of Chicago
University of Michigan
University of Minnesota
University of Missouri
University of Oregon

These 11 colleges and universities are considered "in financial difficulty":

Beloit College
Boston College
Fish University
Huston-Tillotson College
New York University
St. Louis University
San Diego State College
Stanford University
Tougaloo College
Tulane University
University of California, Berkeley

Source: Earl F. Cheit, *The New Depression in Higher Education*, McGraw-Hill, New York (at press).

College Financial Crisis Found in Carnegie Study

(By M. A. Farber)

A "new depression" has struck American colleges and universities and their deepening financial plight can be overcome only by a massive national effort, according to a study released yesterday by the Carnegie Commission on Higher Education. Dr. Earl F. Cheit, who directed the study for the commission, said an adequate effort to assure the solvency and growth of the institutions could cost an additional several hundred million dollars more annually.

Dr. Clark Kerr, the commission chairman, warned that higher education was facing "the greatest financial crisis it has ever had" with two-thirds of the nation's colleges and universities either in grave financial difficulty or headed that way.

If the institutions are to prosper, he said, the Federal and state governments will have to contribute substantially more funds than in the past. At the same time, the institutions must cut their costs and raise tuition as much as is realistic.

The 250-page study, on which Dr. Kerr's estimate was based, examined 41 private and public colleges and universities of all types in 21 states and the District of Columbia and found that 70 per cent of these were either in financial difficulty or "headed for trouble." It is become increasingly evident in recent years.

The "essence" of the problem, the study said, is that costs and income are both rising on the whole but costs are rising at a steady or a slowly growing rate while income is growing at a declining rate.

"Either the schools must find more new money, or make cuts, or do both," the study said. "These are the financial facts confronting most college and university administrators."

Other key points in the study included:

The financial crisis arose two or three years ago after a decade of "unprecedented" expansion that "may well have made" overextended institutions more vulnerable.

Decisions about reforming the institutions in the next decade will be influenced more by the institutions' financial situation than by any other single factor.

All types of institutions are affected by the crisis, with large, private universities in the most financial difficulty and public institutions in the South and two-year community colleges in the least trouble.

Most institutions are at an "intermediate" level of difficulty but even institutions rated "not in trouble" can expect severe problems if present trends continued.

Although most institutions have become "cost conscious," many have "not yet" done enough to reduce expenditures and increase income. Still, the crisis is forcing a re-examination of educational "priorities."

Campus disruptions have led to "important" new costs "reasonably governable" and

Few, if any, college and university presidents interviewed in the study said they believe that the public understood their financial concerns.

To restore needed, public confidence, institutions must demonstrate that they are "reasonably governable" and efficient and that they have a "unifying set of purposes." In recent years, "the burden of proof of the value of educational financing has shifted" to the institutions.

"ILLUSTRATIVE" INSTITUTIONS

The 41 institutions are "illustrative" of the principal types of colleges and universities, said Dr. Cheit, who was formerly executive vice chancellor of the University of California, Berkeley. Financial situation was not considered in selecting them, he added.

After conducting interviews last May and reviewing data, Dr. Cheit and his staff placed each institution in one of three categories: "Not in Trouble," "Headed for Trouble" and "In Financial Difficulties."

An institution was put in the "In Financial Difficulty" category if it had already made, or was about to make, cuts that "fairly judged" by the institution or Dr. Cheit "affect essential services or quality."

An institution that was able to meet current responsibilities without reducing quality, but could not guarantee that standard or plan for growth, was classified as "Headed for Trouble."

An institution that could meet its present quality and program standards, and plan ahead with some assurance, was labeled "Not in Trouble."

The study emphasized that placement in a category did not reflect the "academic or educational excellence" of any institution. Some institutions, it noted, were classified "In Financial Difficulty" precisely because "good management is making the changes necessary to remedy financial problems."

11 SCHOOLS "IN DIFFICULT"

Dr. Cheit put 11 colleges and universities in the "In Financial Difficulty" category, including Stanford University, the University of California, Berkeley, New York University and Tulane University.

James Hester, president of New York University, objected yesterday to this classification of his institution. He said the cuts made at New York University were designed not to diminish the quality of the institution's program.

The study itself said that N.Y.U. was a borderline case close to the "Headed for Trouble" category.

Stanford also issued a statement in Palo Alto, Calif. yesterday underscoring the steps that it was taking to retain quality while cutting back some programs and services.

The institutions in the "In Financial Difficulty" group are distinguished by the following characteristics, the study said: all nine private institutions are deficit financing and the two public institutions are on "stand-still" budgets, faculty and administrative positions are being cut back or "frozen," student-faculty ratios are increasing, instructional programs are being reduced, budgets for campus research institutes are being lowered.

Eighteen colleges and universities, including Harvard University, the University of Chicago, the University of Michigan and Syracuse University, were placed in the "Headed for Trouble" category. This category, the study said, is "typical of higher education."

In general, the study said, these institutions have undertaken "five strategies" to lessen their financial plight: postponing, belt-tightening, marginal reallocations, scrambling for funds and "planning and worrying."

"Although many administrators recognize the real possibility of severe crises ahead," the study noted, "it seems fair to say that these strategies do not yet reflect a response to either the underlying causes of the financial depression in higher education or to a reexamination of the schools' missions or long run-prospects. Nor do they purport to work major changes in the schools' structure or character."

Some institutions, the study said, "are willing to gamble, believing that it would be a mistake to compromise heavily with the present downturn. They believe a better strategy is to avoid major concessions until they are necessary, for the ground thereby lost would be hard to recover."

HEALTH CALLED "RELATIVE"

Of the 41 institutions in the study, 12 were rated "Not in trouble," including the University of Texas, the University of North Carolina, Hamilton College, Saint Cloud State College in Minnesota and Flint Community Junior College in Michigan.

The study cautioned that the "relative health" of the institutions in this group depended on continued support. "None," it said, "are premanently shielded from a prolonged downturn."

The "Not in Trouble" institutions include relatively more public than private institutions; among the private schools the classifications includes relative schools from the South are more heavily represented in this group, as are the two-year colleges. Among the primarily black schools, those "Not in Trouble" are the large ones, and among the liberal arts colleges in this category are the smaller ones.

UNIVERSITIES IN DANGER

The alarm over the fiscal crisis of the universities, sounded by the Carnegie Commission on Higher Education, will shock even expert observers of the nation's campuses.

The issue is no longer one of emergency belt-tightening. The question now is how long the majority of colleges and universities will be able to discharge fully their duty to their students and to the country. Higher education is, in the words of Dr. Clark Kerr, the commission's chairman, "in its worst financial crisis" since it began on this continent 300 years ago.

The warning is based on a detailed study of the fiscal condition of 41 selected campuses representing every institutional prototype. The commission concludes that 500 institutions are already in acute financial difficulty, while another 1,000 can be expected to move into that category in the near future. Even Harvard, with its towering prestige and high endowment, is among the universities found "headed for trouble." Indeed, the great research universities, particularly the private ones, are most seriously threatened.

Costs are rising at an ever-steeper rate, while the universities' income from all sources is growing at a declining rate. Inflationary pressures are entirely beyond the institutions' control. Mounting costs of keeping up with the explosion of knowledge—expanding libraries, expensive computers and laboratories, and the exploration of new fields of research—can be pared only at the risk of a serious decline in scholarship and service. The roller-coaster course of research support—up at times of prosperity and down at the first signs of recession—makes staffing and budgeting chaotic.

* * * * *

The colleges and universities themselves can take some immediate steps to improve their condition. In an atmosphere of optimism and growth, some academic programs, particularly on the graduate level, were expanded too rapidly in quest of quick prestige. Too little thought was given to the husbanding of professorial time and talent.

Excesses of affluence—by no means confined to the management of higher education—ought to be corrected. But the impending disaster cannot be averted without the rapid infusion of public funds, largely by the Federal government.

The future capacity of higher education to serve the country's youth, and the nation itself, is in jeopardy at the very moment when its top priority ought to be the costly unfinished task of extending equal educational opportunities to the poor and deprived. The surest way for a university to head for fiscal trouble, warns Earl F. Cheit, director of the study, is "aspiration for high quality—and a social conscience." Yet the decline of the quality in teaching and research, and the atrophy of the universities' social conscience, would be a calamity for the nation's intellectual, social and economic future.

A Purely Academic Depression

About two-thirds of the nation's colleges and universities, with a total of some 5,600,000 students, are either in financial difficulty or headed for it. That estimate was made recently by the staff of the Carnegie Commission on Higher Education; the estimate was based on a report prepared for the commission and the Ford Foundation by Earl F. Cheit, a professor of business administration at Berkeley—where he was once an administrator (executive vice chancellor). The Cheit report, entitled *The New Depression in Higher Education,* is based on detailed on-site campus interviews at a sample of forty-one institutions, ranging from large private universities like Harvard to small two-year public community and parochial colleges. The report will be published this month.

Cheit divided the forty-one selected schools and universities into three categories: "in financial difficulty," "headed for financial difficulty," or "not in financial difficulty." Institutions were put in the first category if financial problems had forced them to give up services or programs earlier considered essential. Those "headed for financial difficulty" either could not count on continuing current services or programs or could not plan for reasonable program growth.

Dr. Cheit found that most chancellors, presidents, provosts, and deans trace the beginning of their financial difficulties to the last three or four years, when several things happened at once: there was a decline in the rate of income growth, an increase in the range of activities considered desirable on campus—many more expensive graduate programs were initiated, for example—and a rise in academic standards. In short, costs rose rapidly while income rose slowly.

In response to this new condition, which came hard on the heels of lush days earlier in the decade, schools first declined new obligations, then scaled down new activities, then reduced costs, such as maintenance, that were not central to the academic program—and finally made cuts in the academic program itself. Cheit says his classifications are not intended to be judgments of the quality of programs in different schools or, for that matter, the quality of management. "In any given case a school could be 'in financial difficulty' precisely because it has good management which is making the changes necessary to remedy financial problems."

Among the eleven institutions in the sample judged to be in financial difficulty are such prestigious schools as Stanford and the University of California at Berkeley, as well as New York University and Fisk University (which is one of the most prominent of the predominantly black schools). What is notable about these eleven is the disproportionate representation of private colleges, small black colleges, and colleges in urban settings. The income squeeze has been building up for a long time at private colleges, which also discovered in recent years that the new programs and generally higher standards were not matched by larger gifts and could not be offset by higher tuition. The small black colleges, most of which have a history of poverty and anemic endowments, were especially vulnerable to the new squeeze and suffered additionally from new competitive pressures as the best of their faculty received offers from institutions eager to integrate. Urban schools generally have had to bear higher student-aid costs.

DEALING WITH DIFFICULTY

All of the schools in financial difficulty are freezing or cutting back faculties, requiring teachers to handle larger classes, and generally reducing instructional and research programs. New York University will have to borrow to cover a $5-million deficit this school year and it has also sold off some of its assets to raise funds. Fisk carried a $1-million deficit last year and is using up endowment at a rate that will leave it with none in three or four years. St. Louis University has closed its school of dentistry, four engineering departments, and a science school. At Berkeley the student-faculty ratio is increasing, the number of graduate students and teaching assistants is being reduced, and planned faculty raises have been canceled.

The eighteen institutions "headed for financial difficulty" include such national research-oriented universities as Harvard, Chicago, and Michigan; liberal-arts colleges such as Carleton and Pomona; and the City Colleges of Chicago. The schools on this list are by definition not reducing basic educational quality to stay solvent, but they are trimming expenses, raising tuition, and scrambling harder for private contributions. At Harvard, expenses grew at a rate of $12 million a year during the 1960's, triggering cutbacks that have "severely weakened" the administration of the School of Education, School of Design, and Divinity School. Other parts of the university, including its famed medical school, are now similarly threatened.

The University of Chicago expects a deficit this year that will require it to spend endowment principal. The university has recently moved heavily and expensively into community service and is under pressure to pay for neighborhood day-care centers. In addition, campus concern about pollution has caused the school to shift operating fuels from coal to gas at an added cost of $2 million a year. Little Knox College, in central Illinois, is suffering from increased competition with the University of Illinois and has had to pay heavily for a variety of staff costs associated with the need to head off campus disturbances.

The twelve schools and universities that are not in financial difficulty include only two large research-oriented universities, both of which are state-supported—Texas and North Carolina. Texas is an exceptional case because, in addition to its public support, it has been endowed with some oil-rich landholdings. With the exception of Howard University, a medium-sized, predominantly black school, all the rest are small. In general, Cheit has indicated, he found it harder to account for certain schools *not* being in financial difficulty these days than to explain why others are in difficulty.

Private Colleges: Deficits Expected

(By Eric Wentworth)

Two hundred sixty one private colleges and universities among 540 in a nationwide survey were expecting deficits before the current academic year began the Association of American Colleges reported yesterday.

Some schools appeared too optimistic, the AAC warned, and the actual number with deficits this year should prove even higher. The association coupled its detailed new report on the sudden money crisis in higher education with a strong plea for more federal aid.

Of the 261 schools projecting 1970–71 deficits, the AAC said, 56 were expecting red-ink figures amounting to at least 8 per cent of their operating budgets. For one unnamed school, the projected deficit was 29 per cent.

The 540 schools in the survey—including those in the black—were expecting collectively a total net deficit of about $62 million or 1.46 per cent of their combined operating budgets, the AAC added.

This works out to an average deficit of about $115,000 per school.

FOUR YEARS COVERED

The survey covers four years back to 1967–68, when the 540 schools enjoyed a corresponding average net surplus of $39,000. With costs rising and income lagging, this average skidded to a $20,000 net deficit in 1968–69 and then plunged to a $103,000 deficit last year.

The AAC report, an analysis of responses to a confidential 16-page questionnaire this past year, complements a study released last month by the Carnegie Higher Education Commission.

The Carnegie staff, expanding on a close look at 41 campuses, concluded that some 540 private and public institutions were "in financial difficulty" with 1,000 more headed that way.

The AAC limited its survey to private four-year colleges and universities, though its roughly 900 members include public institutions too. It reported about a 75 per cent response to the questionnaire, and said the results reliably reflect private campuses all over the country, small and large, independent and church-related.

Together, these two reports will be basic ammunition for the academic establishment in seeking greater federal support in the months ahead. Congress will be tackling new legislation to replace expiring higher education aid measures as well as appropriations for the year starting July 1.

GRANTS FOR FACILITIES

Schools in the AAC survey most frequently said they favor federal grants for new facilities. In descending order, they also prefer general-use institutional grants, grants to students, facilities loans, a federally supported student loan bank, other student loans, income tax credits, for students, interest subsidies, and categorical grants for research and other specific programs.

Favored least, in fact opposed by many schools, is federal aid channeled through state governments.

The AAC survey confirms that higher education's costs are soaring on all sides, from faculty salaries to added services, with inflation providing a relentless updraft.

It reports that schools everywhere were scrambling to boost tuition and step up fund-raising, and all too frequently were dipping into their endowments to make ends meet. It also notes that some schools appeared to be covering deficits for the moment by applying tuition income received for services yet to be rendered.

Schools raising tuition rates while admitting more disadvantaged students needing financial help are putting an ever-heavier strain on their student aid budgets, the AAC said.

SOME SCHOOLS CRITICIZED

The report, written by AAC Research Director William W. Jellema, criticizes a number of schools for "unwarranted optimism" in projecting increased income this year from tuition or gifts.

It says that while some individual schools might increase tuition income by a "heroic effort" to enroll more students, such improvement was impossible on a national scale.

"There are simply not enough students available of the academic quality that these colleges and universities have traditionally admitted to make such optimistic projections come true," the report warns.

The AAC was equally skeptical about schools expecting sudden upswings in gift income. A number of schools, it reported, "project a rise in unrestricted gift and grant income of 25 per cent for 1970–71 even though their income from this source had declined the previous year by nearly 6 per cent."

The report says it appeared that schools with smaller deficits tended to count on increased income while those with large red-ink figures sought to balance their books with spending cuts.

While the average 1970–71 budget projected by the 540 schools was $115,000 in deficit, the AAC said enrollment size led to marked variations. Schools with 500 students or less expected on average a deficit of $41,000, but those with more than 4,000 students expected an average $558,000 deficit.

COLLEGES OVER U.S. CUTTING SERVICES

SOME ALSO REDUCING FACULTY, AND A FEW SMALL SCHOOLS ARE EXPECTED TO CLOSE

(By Andrew H. Malcolm)

The nation's colleges and universities, severely pinched between rapidly escalating costs and lagging incomes, are adopting a wide range of strict economy measures. The steps range from abolition of departments and reductions in faculty to cutbacks in snow shoveling and lawn mowing.

Inflation, cuts in Federal spending and dwindling endowment incomes from investment portfolios have brought to many schools the first serious retrenchment and deficits since the Depression 40 years ago.

For most of these institutions, large and small, public and private, the golden days of the late 1950's and early 1960's, when budgets got minimal scrutiny and growth was taken for granted, are gone.

Many educators in a series of interviews across the country said the economy moves had not yet seriously affected the over-all quality of higher education, although they might begin to in a year or two. In some more serious cases, they said, a few smaller schools were expected to close.

Many of these administrators and teachers said, however, that despite the immediate budgetary deficits and headaches, the current Spartan era might in the long run actually improve college educations by forcing more educational self-analysis, increased administrative and instructional efficiency and better long-range planning.

TUITION-RISE PROBLEMS

While "pinching their millions," as one university officer put it, colleges have special difficulties. For example, tuitions, which cover only a portion of the actual educational costs, anyway, can only be raised so much before a school prices itself out of the economic range of a desirable mix of students.

Ricardo Mestres, treasurer and a vice president of Princeton University, said that unlike many industries also encountering economic problems, "higher education cannot offset inflation by increased productivity or automation."

The results have been cutbacks wherever possible.

Princeton, for instance, is faced with a possible $5.5-million deficit next year. To trim this, tuition is expected to rise, for the fourth straight year, by $300 to $2,800. The over-all staff of 3,200 will be chopped by more than 100 persons by attrition and dismissals.

The computer center's $2-million budget, among others, was cut by $185,000 and the library's present $4.6-million allocation was frozen, although enrollment will grow by 200.

Seven new buildings opened in recent years, but the 180 janitors and groundkeepers will be reduced through attrition by 10 annually for the next few years.

"The grass may not be mowed quite as often," said Foster Jaocbs, who is in charge of the physical plant, "offices may be cleaned every other day and the snow won't be shoveled quite as fast."

RENTS EXPECTED TO RISE

Rents for university-owned housing will probably increase 10 per cent and salary raises will be hard to come by. About 20 faculty members may also be dismissed.

At Notre Dame, officials let some teaching vacancies go unfilled and tenure, promotions and contract renewals were scrutinized very carefully. "There's a certain feeling that there has been a little carelessness at times in the past," said the provost, the Rev. James T. Burtchaell.

The university's communication arts and computing science departments have also been discontinued.

Stanford has adopted a four-year budget-cutting plan. This year that meant reductions in spending on things "good to do but not necessary," and it aroused some hostility among the faculty.

Seven branches lost budget funds, including humanities and sciences ($241,641), medicine ($220,000), and the overseas campuses ($91,000).

The University of California at Berkeley will lose 100 faculty members in the next fiscal year unless the state's budget proposals are increased. Faculty pay has not been raised. There is a freeze on hiring. And out-of-state travel has been banned.

Evening and weekend library hours have been shortened and the library's card catalogues are months out of date for lack of help.

New York University's faculty has been allowed to decrease by 5 per cent, officials said. All building renovations have been halted. The maintenance budget was cut 10 per cent and telephone service reduced 20 per cent. A shuttle bus service between campuses was also eliminated.

AUSTERITY AT COLUMBIA

In addition, some special, non self-supporting academic programs, mostly in the School of Continuing Education, died.

"We've squeezed everything possible but quality," said the school's chancellor, Allan M. Cartter.

Faced with a current $15-million deficit, Columbia University's new president, Dr. William J. McGill, spent a major part of his first months in office designing a five-year austerity plan that will mean, among other things, elimination of the School of Arts' theater arts division.

A faculty reduction and an end to a "significant" number of courses in the 28 academic departments of arts and sciences have also been announced.

At Yale, heating has been turned off during weekends in buildings not being used, and construction of a 10-story building for surgery and obstetrics has been postponed indefinitely.

Penn State has eliminated foreign travel, all but emergency overtime, some maintenance and all classes with fewer than eight students.

College educators are aware of the potential effects of such cutbacks. Dr. Roger W. Heyns, Berkeley's chancellor, said: "It takes a long time to get a reputation like ours, but only a short time for that reputation to go down the drain." Few, however, see any choice at present.

Dr. Hans H. Jenny, vice president for finance and business of the College of Wooster (Ohio) said, "Some pruning of the educational tree is definitely in order."

Just last month John J. Pershing College in Beatrice, Neb., closed when trustees at the four-year-old institution ran out of operating funds despite a drive by the 385 students.

Other small schools, including Franklin and Marshall in Lancaster, Pa., and John F. Kennedy College in Wahoo, Neb., are struggling to meet the dollar demands of rapidly accumulating deficits in what the Carnegie Commission on Higher Education calls the "new depression."

So far, they have been successful. But Theodore Dillon, the president at Kennedy, noted yesterday, "We're gaining some ground but it's such a long road."

Dr. Jenny, who made a long study of college financing, said, "The market will certainly weed out some of the smaller academically weak and less financially sound institutions." But he thought conditions would ease substantially within three to five years.

CANADIAN JOBS EYED

Some unemployed instructors, meanwhile, said they would leave the country; a number for Canada where, they said, many positions were open.

Other professors will assume heavier teaching loads. But that, in turn, will require a serious re-thinking of their entire approach to teaching the course—a development many view as healthy.

For administrators, Penn State's vice president for finance, Robert A. Patterson, said, the tough times have encouraged more sophisticated methods of programing, planning and budgeting plus an increased awareness of the need for efficiency and productivity.

During the more affluent times, added Ray Bacchetti, Stanford's associate provost, colleges were not self-critical enough and rarely examined every proposal and program with the crucial question: why? Now they must.

LITHUANIAN INDEPENDENCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. ADDABBO. Mr. Speaker, last week the Congress marked the observance of the 53d anniversary of the establishment of the modern Republic of Lithuania. In addition to this anniversary, it also observes the 720th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

Both Houses of the Congress have recently adopted resolutions calling for freedom for the people of Lithuania, Latvia, and Estonia, indicating our concern for captive peoples and our sympathy for their desire for liberation. The importance of the intent of Congress and the annual commemoration of this anniversary is the reaffirmation of our understanding of the plight of oppressed people anywhere in the world and our determination never to forget these people.

As the leader of the free world, we have an obligation to remember those who are less fortunate and who live under the rule of tyranny. That is the purpose of our participation in these anniversary ceremonies and that is why I urge the President to take all appropriate steps to make our position known in the world community.

CITY MOURNS LOSS OF BELOVED OFFICER

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. MILLER of California. Mr. Speaker, in this day and age when our youth look at the police with such derision, I wish to bring to the attention of my colleagues an article about a police officer who was loved and respected by children and adults alike. "Tiny" Hansen was the epitome of the good police officer. He had a rapport with children that was exceptional and it was a relationship that continued even after his retirement. His career was long and distinguished, and the following article by Everett Johannes which appeared in the Alameda Times-Star recently, expresses more eloquently than I ever could, the excellence of this fine individual:

City Mourns Loss of Beloved Officer

(By Everett Johannes)

He was a big man, standing six foot four, and he did a big job during his 24 years on the Alameda police force.

Probably no police officer in Alameda's history was more respected than William N. "Tiny" Hansen, who died Saturday of a heart ailment at the age of 66.

During his long service as an Alameda police officer, Hansen captured the imagination of hundreds of Alameda school children through his work with the Junior Traffic Patrol.

He served for 17 years as Alameda Police Juvenile Officer and he had a special fondness for the children he worked with and guided during that period.

A native of Bakersfield, he came to Alameda in 1937 and was to remain the rest of his life here.

He began service as an Alameda police officer in 1937 and stayed on the job until a heart ailment forced his retirement in 1961.

BOOSTER

A big booster of Alameda, he belonged to the Masons, the Shrine, Royal Arch Masons—and once played football for the Alameda Elks in charity games.

He had a particular hold on the imagination of Alameda youngster because of his understanding of their views and also because he was a man they could look up to.

After his retirement from the police force, he worked for a sporting goods company and also was manager of an Alameda apartment house.

But his lifelong interest was in children. As juvenile officer in the city, he was known for his dedication to the youngsters.

He not only handled immediate cases involving juveniles but made it a point to "follow up" on the cases and make certain the children kept on the straight and narrow path.

The high esteem in which he was held is borne out by letters he received at the time of his retirement from the Police Department.

"Just what are we old-timers going to do with you off the police force?" Congressman George P. Miller wrote to him.

"Driving into my parking place back of the City Hall will never be the same without your cheerful greetings."

SERVICE

And Assemblyman Robert W. Crown wrote:

"May I take this opportunity to commend you on your many years of diligent service to your community, and extend to you my personal good wishes on your plans for retirement from the Alameda Police Department."

Mr. Hansen is survived by his wife of 37 years, Mary Beth, of the family home at 3110 Adams St., and a son, William Hansen, 25, Merritt College student.

In his career before serving on the Alameda Police Force, he also served as a special investigator for Earl Warren, then Alameda County district attorney.

And he held the Legion of Honor Award from the Order of DeMolay, honorary life membership in the California Congress of the Parents-Teachers Association, and was a founder of the Northern California Juvenile Officers Association.

The greatest tribute to Hansen, after his death, was paid by a fellow Alameda police officer, perhaps.

"'Tiny' was an officer's officer," he said simply.

LITHUANIAN INDEPENDENCE DAY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DIGGS. Mr. Speaker, over 30 years have passed since the Soviet-Russian occupation of the Baltic State of Lithuania first began in June 1940.

Since that time, Lithuanians have waged continuous organized resistance movements against foreign occupation forces, both the Nazis of Germany in 1941, and the Soviet occupation forces before and since. The resistance has been through both armed guerrilla warfare, which ended in 1952, and since that time, resistance by passive means.

The Soviet persecution of dissenters continues, exemplified by the Simas Kudirka-Coast Guard tragedy, and death sentences imposed on two Jews and a Lithuanian, Vytautas Simokaitis, for trying to escape from Communist rule.

The United States still maintains diplomatic relations with the former free Government of Lithuania, refusing to recognize the forced "incorporation" of Lithuania into the Union of Soviet Socialist Republics. All U.S. Presidents since the Soviet takeover of Lithuania in 1940 have restated our Nation's nonrecognition policy of the occupation of Lithuania by Soviet Russia.

This month, Americans of Lithuanian descent or origin are commemorating two important anniversaries. The first is the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all the Lithuanian principalities into one kingdom in 1251. The second anniversary is the 53d anniversary of the establishment of the modern Republic of Lithuana on February 16, 1918, an independent government lost in 1940.

Let us join with the over 1 million Americans of Lithuanian origin in the commemoration of these two anniversaries, insisting that the Soviet Russian colonial empire extend freedom and independence to the peoples of Lithuania, Latvia, Estonia, and other captive nations unjustly occupied and denied their places among the world's nations.

PRISON INMATES STUDY AT HAGERSTOWN JUNIOR COLLEGE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. BYRON. Mr. Speaker, a highly commendable program of education for inmates at the Maryland Correctional Training Center in Hagerstown has been started. The program started with an English course given by Miss Rachel Sheetz to 11 of the inmates at the training center. At the present time six prisoners are studying as regular students at the Hagerstown Junior College. The prisoners are treated the same as any other college students and are doing very well in their course work. They return to the training center in the evening. This is an outstanding program. Too often prisons have existed as more repositories of human beings; now, a real effort is being made to train prisoners for the world outside. These efforts should be encouraged.

The following articles written by Bernie Hayden in the Hagerstown Morning Herald chronicle the successes of this program:

[From the Hagerstown (Md.) Morning Herald, Feb. 15, 1971]

Six Men Are Students by Day, Prisoners by Night

(By Bernie Hayden)

At 7:30 each weekday morning six inmates at the Maryland Correctional Training Center climb into a prison bus. After a 15-minute drive the vehicle pulls to a stop at Hagerstown Junior College. The six prisoners step out of the bus and into the academic world of books and final exams.

The six are pioneers in a revolutionary educational program that began in September. They are getting an education and adjusting to the world outside while serving time for armed robbery, assault and other crimes.

"This goes past the stage of just serving time," says Bill T., a 26-year-old Baltimorean who dropped out of school after the eighth grade. "Now I see that I do have the ability to get a college education."

The six student-prisoners completed at least one year of college work at the prison, where HJC teachers have been offering college courses since June 1969, before they started commuting to the campus last September.

Their tuition, fees and books are paid with state and federal funds through the Maryland Department of Education. All six earn money for incidental expenses by working 12 hours a week at the college.

The young men say they live a "Dr. Jekyll and Mr. Hyde existence" as college students during the day and prison inmates at night.

"These fellows don't look any different or act any different from the other students," says Miss Elizabeth Sheetz, professor of English.

They wear casual clothes and shaggy hair, like college students everywhere. They take the same courses the other students take and accompany their classes on field trips. They participate in extracurricular activities.

But at 5 each afternoon they must return to the Work Release Center down the road from MCTC on Maryland 3. All college activities that take place in the evenings or on weekends are closed to them. There are no dates, no dances, no basketball games.

There are other things that remind them that they are still prisoners. No special study facilities are provided. They have no access to a library at night.

The sound of ping pong games and radios makes concentration difficult. "I can't go tell my next door neighbor to turn off his radio—he lives here," Larry W., 23, a native of Baltimore says.

Each prisoner has his own room, and no visiting is allowed. If two of them want to study together, one must sit in the hall outside the other's room, in order to comply with prison rules.

"You're trusted enough to go out to the college, but then they come right along and open your Christmas packages because they don't trust you," complains Tony W., a 21-year-old Delaware native who carries a 3.3 grade average on 4.0 scale.

Despite the less-than-ideal study conditions, the students maintain good to excellent grades and win praise from their teachers. "The work they do is just really terrific," says Miss Sheetz, who has worked with the prisoners since the college first began offering courses at MCTC in 1969. "I've never been disappointed in them one day."

Larry, a high school dropout serving the third year of a 15-year sentence for armed robbery, is on the dean's list with an exceptional 3.5 a grade average. If he wins a parole, he wants to transfer his HJC credits to Towson College, where he will major in both psychology and sociology. Later, he hopes to continue working for a master's degree and a doctorate.

Despite his outstanding academic work, Larry was not accepted by Phi Beta Kappa, a national honorary society. As a prisoner he does not meet their standards of good citizenship, Larry says.

The inmates agree, however, that the other students have accepted them with hardly a second thought, but the adjustment to campus life was not easy. "I was kind of supersensitive—almost paranoid," Larry says.

"The reaction of the kids is what bowled me over," says Carl Galligan, an HJC counselor who works with the prisoners. "Our kids have accepted them as students."

All six of the inmates expect to graduate with Associate of Arts degrees in May. If they are paroled they may transfer their credits to a four-year college or university and continue working for a bachelor's degree.

They have made friends and learned that they can succeed. "Their whole outlook has changed. They are entirely different men," Miss Sheetz says. "This is a part of rehabilitation. When they go back into society you don't want them to be loners."

Larry explains, "You're forced to accept the responsibility of acting responsible."

[From the Hagerstown (Md.) Morning Herald, Feb. 16, 1971]

Maryland Correctional Training Center Inmates Outdo Average Hagerstown Junior College Pupils

(By Bernie Hayden)

Inmates at the Maryland Correctional Training Center "were carrying out for education. Their minds were as sharp as tacks," says Miss Elizabeth Sheetz, professor of English at Hagerstown Junior College.

Miss Sheets taught a college-level English course to 11 inmates at MCTC in June 1969. "I was asked to start the program and see how it would work," she says.

It worked better than anyone had expected. Less than two years later 25 inmates are taking six courses at the minimum-security prison. Six other inmates have been taking courses at the HJC campus since September.

"The men were pleased to be given an opportunity and they lived up to our expectations," says Paul Wagely, director of the MCTC educational programs.

The project is the only full-time college program in the Maryland prison system, according to Wagely, and one of a handful in the nation.

Courses in English, political science, history, geography, psychology, speech and mathematics are offered at MCTC, according to Marvin Grove, coordinator of the college program.

The teachers offer the same courses they teach at HJC. The inmates, however are able to absorb more information than regular students, says Mrs. Patricia Berry, assistant professor of geography and history. "They're great. They're so interested and involved," she says.

"I work them harder than the HJC classes," Miss Sheetz says proudly. "They're far in advance of the average HJC student." The inmates always have their assignments completed on time, she continues, and they never "make excuses."

The six inmates who commute to HJC agree that classes at the prison are more lively and stimulating than classes on campus. Many HJC students are unenthusiastic about college education, they say.

But at MCTC, the inmates know they are getting an unusual opportunity and they make the best of it. The teachers are bombarded with questions. The students don't dash for the door when class is over.

Allan Powell, director of the division of humanities at HJC, says that in his first class of 21 students, 18 received A's and B's—all "legitimately-earned grades." "I didn't have one experience in the two years I was involved in the program that was unpleasant," Powell says.

Classes have to be scheduled carefully because only one classroom is available for the program. No facilities for laboratory sciences, usually required in the freshman year of college, are available.

Because only a limited number of courses, may be offered, the college sometimes waives the normal prerequisites, Grove says. For instance, students may take Political Science 102 before they take Political Science 101.

The prisoners must meet the same admissions requirements as regular HJC students—a high school diploma or an equivalency certificate. But the prison administration carefully screens applicants for the program, looking for ability and a sincere desire to get an education.

In September the prison administration decided to allow the "six best students" in the program to attend classes at HJC so they would have a broader selection of courses and an opportunity to adjust to life outside the institution.

The students taking courses at MCTC are subject to the "same rules and regulations as regular college students. They maintain averages or they're out," Grove says. Four of the 25 students at the prison made the dean's list last semester with grade averages of 3.2 or higher on a 4.0 scale. One of the six released students also made the dean's list.

Only one inmate has flunked out of the program so far, although some have asked to be dropped and others have been paroled.

[From the Hagerstown (Md.) Morning Herald, Feb. 17, 1971]

Inmates Get Degrees, Go Back to Prison

(By Bernie Hayden)

The 31 inmates in the Maryland Correctional Training Center's college program face a dead end when they get their Associate of Arts degrees from Hagerstown Junior College.

And the program itself, less than two years old, may have reached a dead end, too, stymied by inadequate funding.

The inmates have no assurance that they'll be able to continue their education after their first two years of college study and prison officials are strait-jacketed with funds that were never meant to finance college training.

"What are they going to do with us now?" asks Larry W., one of seven inmates scheduled to get degrees in May.

Their futures are in the hands of their parole boards, but there is no guarantee that they will be released. And MCTC has no sure way of helping them if they're not paroled.

"In instances where the graduates are not eligible for a parole, we'll request an early parole hearing," says Paul Wagely, MCTC's assistant superintendent in charge of education.

If they are not paroled, there is a possibility they could be transferred to a new vocational rehabilitation facility in Baltimore, where they would be close to four-year colleges, Wagely says.

Otherwise, the inmates will have to continue serving their sentences at MCTC—their educations halted in midstream.

To remove the uncertainty, Marvin Grove, coordinator of the college program, would like to see new guidelines set up to guarantee the progress of inmates in the program. If an inmate successfully completed his freshman year of college at the prison, he would automatically be allowed to take courses at the HJC campus, Grove believes.

When the inmate received his AA degree, he would automatically be paroled, Grove says. And funds would be available for him to continue his education at a four-year college.

But Grove's plan is stymied by one thing—lack of money, and, perhaps more importantly, lack of the right kind of money.

Most of the funds for the program comes from the federal Elementary and Secondary Education Act, which was not meant to finance college programs at prisons.

Students over 21 are not eligible for ESEA money, so that rules out many of the MCTC inmates who could benefit from a college education.

Since five of the six inmates attending classes at HJC are over 21, their tuition is being paid with state and federal money channeled through the Division of Vocational Rehabilitation of the Maryland Department of Education.

But vocational rehabilitation funds are supposed to be used for vocational training, not college training. Those funds will probably not be available in the future to bail out inmates who can't use ESEA money, Wagely says.

The prospects for more money—and the right kind of money—seem dim. The program will probably remain at its present size, with about 25 inmates taking HJC courses at the prison and another six studying on the campus, Wagely says.

"The state does not fund this sort of thing and they have not indicated that they would be receptive" to doing it in the future, he says.

Wagely estimates that about 5 per cent or 250 of the 5,000 inmates in the Maryland prison system could benefit from a college education. Others think the number might be higher. "There's a vast amount of intelligence roaming around inside those walls," says James VanDeusan, a former inmate who is now editor of the student newspaper at HJC.

Yet only 31 inmates in Maryland are participating in a full-time college program.

"I'm a little alarmed at the attitudes of the officials in the state of Maryland," says Kenneth Kerle, assistant professor of political science at HJC. The voters "still think the way to stop crime is to put more police on the streets," he adds. Kerle and Grove think the way to stop crime is through education.

"They've been trying revenge since the beginning of time, and it hasn't worked," says Larry.

[From the Hagerstown (Md.) Morning Herald, Feb. 19, 1971]

ENTITLED TO A BREAK

A series of articles by Morning Herald staffer Bernie Hayden offers convincing evidence that some young men who have erred in earlier days now want to return to society better educated and wiser.

The articles described progress being made by inmates of the Maryland Correctional Training Center in Hagerstown Junior College courses. Some of them are permitted to attend classes on the campus, others go to school at the training center.

In any event, these young men who failed to take advantage of educational opportunities earlier in life are now making up for lost time.

Some of them have even made the dean's list. Most of them have better than average grades.

But their futures could be in jeopardy. After they receive their associate of arts degree, then what? There's no guarantee they will be able to continue their education after two years of college classes for the reason some of them will still be in the custody of the state unless they win paroles.

It would seem that these young men who are paying their debts to society are entitled to a break. Their eagerness to acquire college educations is testimony of their determination to lead useful lives. Parole officials should seriously consider their release after having studied and gotten along so well during two years of higher education.

VEYSEY INTRODUCES BILL TO RESTORE EQUITABLE MILITARY RETIREMENT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. VEYSEY. Mr. Speaker, I am today introducing legislation to restore the link between retired pay of persons who entered the uniformed services prior to June 1, 1958 and current active duty rates.

Up to 1958, the pay scale for officers and enlisted men reflected the fact that their retirement system was tied to active duty pay rates. In that year, however, Congress made a precipitous decision to abrogate the retirement pay system that had been in effect for 100 years with an inadequate cost of living adjustment clause to protect the earned benefits of people already in the service.

As a result, retirees who entered upon a military career under a retirement system which guaranteed them the same retirement pay as other retirees of equal grade and years of service now draw nine different rates depending entirely upon the date on which they retired from active service. In each grade, the lowest rate is for the oldest group of retirees and the highest rate is for the youngest group. As successive pay raises are granted in the future, the disparity against the older groups will continue to increase.

Mr. Speaker, in these days of inflation and rising cost of living, I think it is essential that we reestablish the principle that the Government will, in good faith, carry out its contractual obligations to servicemen who entered the service prior to 1958. This is especially important at a time when we are trying to make the military more attractive to volunteers.

In the 1968 campaign, President Nixon pledged his support for recomputation of retired military pay. I believe that our congressional responsibility for the morale and welfare of the men and women serving in the active service as well as those who have completed their careers requires that we implement this long overdue change.

BUFFALO CITY COURT JUDGE IS HONORED BY CATHOLIC GROUP

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. DULSKI. Mr. Speaker, The 1971 Patriots' Day Award of the Buffalo Diocesan Union of Holy Name Societies has been presented to Buffalo City Court Judge Theodore S. Kasler.

He was honored in recognition of his efforts to suppress pornography both in his current role on the court and in his previous position as assistant corporation counsel.

Judge Kasler was a key witness before our Subcommittee on Postal Operations when the subcommittee was conducting hearings on obscenity legislation in the 91st Congress.

The award and recognition for Judge Kasler is well deserved in the light of his outstanding service to the community in the spirit of patriotism, both civic and religious.

Mr. Speaker, following is the text of the article in the February 18 edition of the Am-Pol Eagle, Buffalo, N.Y., weekly, on the award presentation:

JUDGE KASLER RECEIVES HOLY NAME 1971 PATRIOTS DAY AWARD

Hon. Theodore S. Kasler, City Court Judge, was presented with the 1971 Patriots' Day Award of the Buffalo Diocesan Union of Holy Name Societies at ceremonies held Monday in the Society's headquarters on Elmwood Ave.

A walnut plaque was presented to Judge Kasler by Epifanio J. Sala, KSG, Awards Committee Chairman, for his "outstanding service to the community in the spirit of patriotism, both civic and religious."

Judge Kasler, who received the award in recognition of his efforts to suppress pornography, is considered the leading local authority on the problems of pornography and obscenity.

As both City Court Judge and an Assistant Corporation Counsel, he has led the fight against pornography by speaking at numerous lectures and seminars on the legal and social effects of pornography.

He has appeared before Congressional Committees in Washington and before the President's Commission on Obscenity and Pornography, warning both that erotic materials effect law and order in a community.

Judge Kasler's own opinion on how pornography can best be dealt with was summed up by him recently during a television interview when he said that obscenity laws "should not be determined by federal courts, but should be determined and enforced by local governments and local courts."

The award ceremonies took place at a special Executive Board meeting Monday morning at Society headquarters, 100 S. Elmwood Ave. Diocesan Union President Thomas T. Kazmierczak presided at the meeting. The Union represents more than 100,000 Catholic men in the Western New York area.

Mr. Speaker, the excellent prepared statement by Judge Kasler before our subcommittee in December 1969 is as timely today as it was on the day it was made. Following is the text:

STATEMENT BY CITY JUDGE THEODORE S. KASLER

For the record, Mr. Chairman, I am Theodore S. Kasler, an Associate Judge of the City Court of Buffalo, New York, and I want to thank you for granting me this opportunity to address your subcommittee.

At the outset, let me indicate that my problem and that of all trial Judges, whether they be on the federal, state, county or municipal level, is in the interpretation of the obscenity laws, as governed by the interpretations of the United States Supreme Court, the various Circuit Courts of Appeal, and the various Appellate Courts on the State level.

It is also obvious to the committee that all the State laws, and even the proposed bill which is before your committee now, being number HR 10867, are synthesized from these Court decisions, and until each new law is finally tested by the United States Supreme Court, no trial Court can ever be sure of its true meaning.

The nature of the problem which is the subject of the bill under consideration by your committee is one which has caused anguish to the Courts and alarm to the nation.

FRUSTRATION IS WIDESPREAD

This committee is aware, Mr. Chairman, that distinguished lawyers, jurists and public officials have become discouraged at the inability of government to stop the flow of hard-core pornography through the mails and the bookstands, and its open, brazen display, regardless of age, on the stage and on the screen.

It has been my experience that the public does show some concern for pornography only when it "hits home". And, I repeat, it is only when sexually oriented advertising is received in the home that parents move into action, and then they demand immediate action from you gentlemen, from State legislators, from the Judges, and from the police.

Therefore, I commend this committee for taking action in this field, because I believe it is the function of the government to do for the people what they cannot do for themselves, or, as in this instance, what they are not inclined to do for themselves.

It is my observation that, to many parents of minors, pornography is not a reality until they are faced with it in their homes, or it is found on the persons of their children. I have found that people have a vague idea of what hard-core pornography is, and their impression of it consists of mere nude figures.

ONLY SEEING IS BELIEVING

However, on occasion, when I do take examples of the hard-core pornography which is received through the mails or which is found on the bookstands, and I describe the various sexual aberrations practiced in the movies bought by Sergeant Spano in the open market and viewed by me, only then is the full impact of obscenity brought home.

In Subsection B of Section 4012, mailing of sexually oriented advertisements, the bill places the onus on the householder to file a statement with the Postmaster General, stating that he does not want to receive any sexually oriented advertisement through the mails.

This, in my opinion, places too great a burden upon the citizen. It is simply human nature that the citizen will not be moved to action until he does receive such sexually oriented material through the mail.

But, by that time, the minors for whose protection this bill is being enacted may have already examined this material, may have replaced it, and whatever damage has been done will remain permanent.

TAKES STRONG POSITION

I agree with those advocates who are urging this Congress to make it strictly unlawful to send any sexually oriented advertisements to all classes, adults as well as juveniles.

In conclusion, may I state to this committee, Mr. Chairman, that a great document like the Constitution of the United States is being compromised and degraded for the benefit of the very few, for the sole purpose of making money, and in total disregard of the consequences.

May I quote from an address by Mr. Richard L. Evans, delivered from the Tabernacle in Salt Lake City, on November 9th, 1969, wherein he stated:

"Evil is greedy. Evil is pursued by many to make money. And always we ought to remember that the more profitable evil is, the more powerful it is, and the more prevalent it will become. Evil will go just as far as we let it. If we patronize it, encourage it, it will go to unlimited lengths."

It is indeed a sad commentary upon our times when cynics can use the Constitution of the United States to promote pornography for profit, and I am in full accord with the conclusions reached by Mr. Edwin A. Roberts, Jr., editor for The National Observer's Newsbook series entitled, "The Smut Rakers", under a 1966 copyright by the Dow-Jones Company, Inc., wherein he stated, at Page 127:

"Since the beginning of obscenity legislation in the United States, the cause-and-effect element has been a principal justification of relevant laws. But we might ask ourselves if such justification is necessary.

"Obscenity is more than 'controversial sex speech,' as one lawyer puts it. It is more than the 'occasion of sin' of clerical parlance. And it doesn't have to be a threat to Western civilization to be intolerable. Obscenity is a nuisance worthy of legal control because it offends the dignity, spirit, and sensibilities of civilized people. If it did nothing more than that it would be as suitable for censure as the power plant that fouls the air.

"The First Amendment? Americans may disagree on its application, but it seems at least arguable that the Founding Fathers did not consider every impression of ink upon paper to be automatically superior to all competing values."

Once again, I extend my thanks to the subcommittee for inviting us, and I am sure that I am extending the thanks of concerned people of the Niagara Frontier for having an opportunity to be heard.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE RUSSIANS PREFER PROXMIRE TO LOCKHEED

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, I request permission to insert the text of an article from the Atlanta Journal in the Record because it so graphically illustrates the great pleasure leaders in the Soviet Union derive from some of the activities of our elected officials which to this Congressman seem to be designed to weaken our Nation and make it more susceptible to attack and intimidation by foreign powers:

The Russians Prefer Proxmire to Lockheed

(By John Crown)

Presumably Sen. William Proxmire, D. Wis., isn't seeking any votes in the Soviet Union, but it is evident that he has admirers there who regard him as an authority on the subject of the Lockheed Aircraft Corporation.

In a recent issue of the Russian newspaper, *Izvestia*, there appeared an article, "Lokhid Rabotaet Na Vojnu," which translates as "Lockheed Works For War."

And Sen. Proxmire had the dubious distinction (at least it is dubious from my point of view) of being used in some of his emotional attacks on Lockheed. In fact, the theme followed in the newspaper article was generally that propounded by the senator from the cheese state.

What are the Russians reading in their government-controlled press about Lockheed and Sen. Proxmire? Here's a sample from the *Izvestia* piece:

"The United States Department of Defense is a genuine feed box for companies manufacturing weapons. The Pentagon generously bestows military orders on its favorites, among which Lockheed occupies the first place . . .

"Nevertheless, there is no peace in the headquarters of the Lockheed Company. The pursuit of even greater profits drives its bosses to all kinds of machinations and criminal acts.

"For example, a big scandal broke out around the project of the S–5A military transport jet aircraft. Initially, the Pentagon proposed to purchase 120 aircraft of this type for the total amount of 3.4 billion dollars. However, after this figure had increased by a billion and even more, Secretary Laird, under public pressure, was forced to reduce the order to 81 aircraft . . .

"The Lockheed Company expected to derive a definite profit on the sale of 120 aircraft, but the cutback in the order by 39 aircraft obviously resulted in considerable losses. Bargaining began. The matter reached the Senate.

"Senator W. Proxmire noted with indignation that the aircraft's design was developed according to the worst contract that the American government had ever signed.

"The 'hawks' were not slow in crossing swords with him. Being on friendly terms with Lockheed bosses, they furiously demonstrated the advantages of the performance of the S–5A. . . .

"However, Senator Proxmire called the investigation of the S–5A construction a 'violation of the criminal law,' and the newspaper *Daily World* openly declared the following: 'Since the S–5A is built as a tool of the United States aggressive policy, not a single dollar should be spent on it.' "

It is truly touching that *Izvestiya* should feel deep concern over corporate "machinations and criminal acts" within the United States. And it is heartwarming to think of little Ivan Ivanovitch visualizing Sen. Proxmire as a tall and gallant champion who speaks out against these "crimes" against the people of the United States.

Basically, of course, the Soviet Union's aim is to negate the C–5 and any other means of defense we might come up with (with the possible exception of bows and arrows). And basically it is because of the Soviet Union that we are having to expend billions of dollars on defense.

Between the end of World War II and the invasion of South Korea the defense posture of the United States was a mere skeleton. It was a typical end-of-the-war reaction. And we would have continued along that line if the Kremlin crowd hadn't initiated naked aggressive warfare.

So we have responded and the Russians have given us every reason to continue to respond.

That this is not to their liking is obvious from the *Izvestiya* article which, incidentally, could be summarized as "Proxmire, da; Lokhid, nyet."

Sen. Proxmire is entitled to his admirers. I'll stake my hope for the nation's survival on Lockheed.

HOWARD CHESLER

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. VANIK. Mr. Speaker, from time to time public recognition is taken of very special hard-working men and women in our community who become deeply involved in helping their fellow citizens. On February 28 such a person, Howard Chesler, will be honored by the residents of Villa Serena, a senior citizens housing development in our community.

Mr. Chesler is one of the most outstanding, devoted professional people in the country to the cause of decent housing for our senior citizens. He has demonstrated his capability by creating, developing, and administering the Villa Serena—one of the outstanding examples of decent, well-run senior citizens housing in this country. It is always a delight for me to be able to visit with the hundreds of residents of this extraordinary complex located in my district. It is an example of how we can, if we try, provide our elderly with dignified residential accommodations and interesting and well-coordinated social programs.

I extend to Mr. Chesler my heartiest congratulations on the occasion of this special event to honor him for his work.

I wish to insert, at this point, a copy of a recent article from the Cleveland Plain Dealer indicating Mr. Chesler's main activities and recent award. I wish him continued success in this vital endeavor. The article follows:

Italian Group Honors Howard Chesler at Fete

(By Jane Artale)

Lawyer Howard Chesler is a rarity for a particular reason—he's a non-Italian who's warmly called "Compari" by thousands of Clevelanders of that heritage.

He will be honored tonight by the Italian Sons and Daughters of America as their "adopted son" at the group's annual dinner-dance in the Crystal ballroom of Hotel Carter.

Chesler will be presented a plaque for being a "bella figura"—a fine figure of a man—who has put warmth and affection into his job as co-ordinator-manager of the Villa

Serena Apartments, 6800 Mayfield Road, Mayfield Heights, where many retired Italian-Americans live.

"The villa was built last year under the co-sponsorship of the Italian Sons and Daughters of America and the St. Francis of Assissi Foundation," explains Chesler, the man who closed the deal with Washington.

There is an air of festivity in the Villa which was created by Chesler and his Italian tenants repay him with the greatest gift they have to give—love.

He has worked out a program for the senior citizens so that they never feel alone. There are classes in watercolor, embroidery, leathercraft, bridge. English, bowling and movies and dinners in the dining room.

Other Chesler-touches include red velvet draperies, fancy embossed fabrics and lots of swank and elegance. And come spring there will be little garden plots for anyone who wants to grow tomatoes for the pasta sauce or roses for the soul.

"It's really like running a small town and I enjoy it," said Chesler who formerly devoted himself to youth work, mainly the Boy Scouts, (he holds a Silver Beaver award) and the Cleveland Hebrews Schools.

To switch his interest to older people was an adventure and before Chesler knew it he was hooked.

He thinks of everything for his tenants—busses to the shopping centers, church bazaar workshops, trips to Washington and Columbus, art, music, flowers—and even tomatoes for the pasta.

CHATTANOOGA RECEIVES ANOTHER CLEANEST TOWN AWARD

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. BAKER. Mr. Speaker, as increased emphasis is being placed on the improvement of our environment these days, it is refreshing to note that my own hometown, Chattanooga, has received its fourth National Cleanest Town Achievement Award in the past 7 years.

The award was bestowed on Chattanooga this week for "outstanding community beautification programs in cities between 25,000 and 250,000." Mrs. Richard Nixon presented the trophy to Mrs. G. M. Adcock of the Chattanooga Scenic Cities Beautiful Commission, an organization which has worked hard to make this award become a reality.

Some 320 communities in 38 States participated in the national cleanup competition last year. Chattanooga was one of seven cities in the 25,000 to 250,000 population bracket to win the top achievement award. Two other cities—Nashville and Memphis—were also presented awards at the 1971 national cleanup program convention here.

I am thrilled to see the fruits of the labor of the dedicated women, representing the SCBC and various garden clubs, become recognized nationally. Chattanooga is indeed a cleaner city because of their outstanding efforts to improve our environment. This exemplifies the concept of environmental control which is incumbent upon the individuals in a free society as opposed to the enforcement of ordinances and regulations which are imposed centralized governmental structures at all levels.

HIGHER EDUCATION NEEDS FINANCIAL ASSISTANCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. PEYSER. Mr. Speaker, colleges and universities throughout the Nation are experiencing financial crisis of devastating magnitude. The February 22 edition of the New York Times included an article which gives some illustrations of this problem:

Colleges Over the United States Cutting Services—Some Also Reducing Faculty, and a Few Small Schools Are Expected To Close

(By Andrew H. Malcolm)

The nations colleges and universities, severely pinched between rapidly escalating costs and lagging incomes, are adopting a wide range of strict economy measures. The steps range from abolition of departments and reductions in faculty to cutbacks in snow shoveling and lawn mowing.

Inflation, cuts in Federal spending and dwindling endowment incomes from investment portfolios have brought to many schools the first serious retrenchment and deficits since the Depression 40 years ago.

For most of these institutions, large and small, public and private, the golden days of the late nineteen-fifties and early nineteen-sixties, when budgets got minimal scrutiny and growth was taken for granted, are gone.

Many educators, in a series of interviews across the country, said the economy moves had not yet seriously affected the over-all quality of higher education, although they might begin to in a year or two. In some more serious cases, they said, a few smaller schools were expected to close.

Many of these administrators and teachers said, however, that despite the immediate budgetary deficits and headaches, the current Spartan era might in the long run actually improve college educations by forcing more educational self-analysis, increased administrative and instructional efficiency and better long-range planning.

TUITION-RISE PROBLEMS

While "pinching their millions," as one university officer put it, colleges have special difficulties. For example, tuitions, which cover only a portion of the actual educational costs anyway, can only be raised so much before a school prices itself out of the economic range of a desirable mix of students.

Ricardo Mestres, treasurer and a vice president of Princeton University, said that, unlike many industries also encountering economic problems, "higher education cannot offset inflation by increased productivity or automation."

The results have been cutbacks wherever possible.

Princeton, for instance, is faced with a possible $5.5-million deficit next year. To trim this, tuition is expected to rise, for the fourth straight year, by $300 to $2,800. The over-all staff of 3,200 will be chopped by more than 100 persons by attrition and dismissals.

The computer center's $2-million budget, among others, was cut by $185,000 and the library's present $4.6-million allocation was frozen, although enrollment will grow by 200.

Seven new buildings opened in recent years, but the 180 janitors and groundskeepers will be reduced through attrition by 10 annually for the next few years.

"The grass may not be mowed quite as often," said Foster Jacobs, who is in charge of the physical plant, "offices may be cleaned every other day and the snow won't be shoveled quite as fast."

RENTS EXPECTED TO RISE

Rents for university-owned housing will probably increase 10 per cent and salary raises will be hard to come by. About 20 faculty members may also be dismissed.

At Notre Dame, officials let some teaching vacancies go unfilled and tenure, promotions and contract renewals were scrutinized very carefully. "There's a certain feeling that there has been a little carelessness at times in the past," said the provost, the Rev. James T. Burtchaell.

The university's communication arts and computing science departments have also been discontinued.

Stanford has adopted a four-year budget-cutting plan. This year that meant reductions in spending on things "good to do but not necessary," and it aroused some hostility among the faculty.

Seven branches lost budget funds, including humanities and sciences ($241,641), medicine ($220,000), and the overseas campuses ($91,000).

The University of California at Berkeley will lose 100 faculty members in the next fiscal year unless the state's budget proposals are increased. Faculty pay has not been raised. There is a freeze on hiring. And out-of-state travel has been banned.

Evening and weekend library hours have been shortened and the library's card catalogues are months out of date for lack of help.

New York University's faculty has been allowed to decrease by 5 per cent, officials said. All building renovations have been halted. The maintenance budget was cut 10 per cent and telephone service reduced 20 per cent. A shuttle bus service between campuses was also eliminated.

AUSTERITY AT COLUMBIA

In addition, some special, non self-supporting academic programs, mostly in the School of Continuing Education, died.

"We've squeezed everything possible but quality," said the school's chancellor, Allan M. Cartter.

Faced with a current $15-million deficit, Columbia University's new president, Dr. William J. McGill, spent a major part of his first months in office designing a five-year austerity plan that will mean, among other things, elimination of the School of Arts' theater arts division.

A faculty reduction and an end to a "significant" number of courses in the 28 academic departments of arts and sciences have also been announced.

At Yale, heating has been turned off during weekends in buildings not being used, and construction of a 10-story building for surgery and obstetrics has been postponed indefinitely.

Penn State has eliminated foreign travel, all but emergency overtime, some maintenance and all classes with fewer than eight students.

College educators are aware of the potential effects of such cutbacks, Dr. Roger W. Heyns. Berkeley's chancellor, said: "It takes a long time to get a reputation like ours, but only a short time for that reputation to go down the drain." Few, however, see any choice at present.

Dr. Hans H. Jenny, vice president for finance and business of the College of Wooster (Ohio), said, "Some pruning of the educational tree is definitely in order."

Just last month John J. Pershing College in Beatrice, Neb., closed when trustees at the four-year-old institution ran out of operating funds despite a drive by the 385 students.

Other small schools, including Franklin and Marshall in Lancaster, Pa., and John F. Kennedy College in Wahoo, Neb., are struggling to meet the dollar demands of rapidly accumulating deficits in what the Carnegie Commission on Higher Education calls the "new depression."

So far, they have been successful. But Theodore Dillon, the president at Kennedy, noted yesterday, "We're gaining some ground but it's such a long road."

Dr. Jenny, who made a long study of college financing, said, "The market will certainly weed out some of the smaller, academically weak and less financially sound institutions." But he thought conditions would ease substantially within three to five years.

CANADIAN JOBS EYED

Some unemployed instructors, meanwhile, said they would leave the country; a number for Canada where, they said, many positions were open.

Other professors will assume heavier teaching loads. But that, in turn, will require a serious rethinking of their entire approach to teaching the course—a development many view as healthy.

For administrators, Penn State's vice president for finance, Robert A. Patterson, said, the tough times have encouraged more sophisticated method of programing, planning and budgeting plus an increased awareness of the need for efficiency and productivity.

During the more affluent times, added Ray Bacchetti, Stanford's associate provost, colleges were not self-critical enough and rarely examined every proposal and program with the crucial question: why? Now they must.

RAINBOW DAM AT POQUONOCK

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mrs. GRASSO. Mr. Speaker, three Eagle Scouts from Troop 171 in West Simsbury, Conn., undertook an industrious task earlier this year. These young men, Peter Modisette, Tripp Peake, and Henry Watras, compiled a report on the Rainbow Dam at Poquonock which discussed the impact of the dam on the ecology of the Farmington River. Among its concerns, their report advocates the necessity of installing fish ladders on the dam to allow shad and salmon to swim farther upstream to spawn.

The service that these young men have performed is indeed most admirable. They have investigated all sides of the Rainbow Dam issue and have produced informed conclusions. Their research is a model and inspiration for similar projects. It is always most worthwhile to bring to the attention of the Congress the involvement of our young people in the pressing concerns which affect all Americans.

Mr. Speaker, it is for this reason that I wish to insert into the RECORD the report compiled by these three gentlemen.

I include the material as follows:

RAINBOW DAM

THE PROBLEMS

Migratory fish

Shad and salmon are migratory fish which live in sea water but go up fresh water rivers to spawn.

One of those rivers in which shad and salmon have been returning is the Farmington River. But these and other fish are stopped cold about ten miles upstream from the Connecticut River where the Rainbow Dam, at Poquonock, poses an impossible blockade. The upper Farmington communities will never experience these fish unless a fish ladder is built at Rainbow Dam. The hydroelectric plant there is owned by Stanley Works.

Minimum flowage

Another problem at Rainbow is that the hydroelectric plant is too small and ineffective, for producing electricity on a full-scale basis. Thus, the gates are closed at the dam at many times, and this causes the river below the dam to lower unnaturally to a great extent, causing erosion, conservation problems, and the death of fish and other organisms living in the Farmington River. Fish run upriver when water is high and gates are open and they get trapped in pools when river drops sharply due to closing of gates.

Legal problems

The Federal Power Commission is trying to license the Stanley Works which would make the company abide by a number of regulations, among them some conservation restrictions. However, "conservation" regulations could be met by building boat landings and hiking trails. Stanley would not have to put in the fish ladders. But if enough people are interested in the problems, and put pressure on the Stanley Works we think that they would eventually come around.

Stanley will resist licensing through court action, and this legal battle will probably stop any constructive action on the dam and its problems.

Our part

As citizens of Connecticut, as members of a community on the upper Farmington River, and as Boy Scouts of America, we feel it is our responsibility to make the community aware of the problems posed by the Rainbow Dam. We, therefore, have interviewed Mr. Hiram P. Maxim and Mr. Keith Palmer of the F. R. W. A., Mr. Hoyt Pease, Vice President, the Stanley Works, and Mr. Cole Wilde of the State Board of Fish and Game. We have condensed these interviews on the following pages into our general impressions and the major points. Our recommendation appears at the end of this paper.

INTERVIEW WITH MR. HIRAM P. MAXIM

Mr. Hiram P. Maxim is President of the Farmington River Watershed Association. In our interview with him, we first learned of the problem caused by the dam, and of F. R. W. A., plans and concerns, and his views:

1. He explained that (shad and salmon) introduced in the upper Farmington River, cannot return to spawn upstream because of the Rainbow Dam. Fish ladders are evidently necessary, but the state's proposal to allocate $80,000 to help defray costs of the fish ladders had not been matched by the dam's owner or other sources.

2. The Stanley Works should appropriate money for the dam, and he thinks it should be licensed. But Stanley's lawyers and the state are deadlocked and may stay that way for many years, and in the meantime, fish life is held down.

3. The "now" problem, however, is low flowage. Something must be done immediately to convince Stanley to allow more water to flow through the dam. When the gates are closed, only about 40 cubic feet of water is released per second, in comparison with sixty tons of water per second pouring through when the generators are operating. The result from this variance in flowage is a wildly fluctuating water level below the dam, inhibiting normal fish life.

INTERVIEW WITH MR. KEITH PALMER

Mr. Keith Palmer is an active member of the Farmington River Watershed Association. His pet concern is Rainbow Dam because (1) he is an interested citizen who is concerned about our future, and (2) the lower Farmington River is near Loomis School where he teaches biology and is near his home. Mr. Palmer sees the Farmington River as a fairly clean river, and expects the river to be completely cleaned up in about five years. But the Farmington has a way to go before it becomes what it should be.

Our interview with Mr. Palmer included a boat trip up the Farmington, and a visit to the dam itself.

Mr. Palmer believes that the Farmington River belongs to the people of Connecticut, and Stanley Works has no right to impede its ecological progress. As to the situation at the dam, we witnessed the following facts:

1. The Farmington River seemed somewhat polluted to us, but when we approached the Connecticut River, the stench overpowered us, and we saw that the Farmington is clean by comparison. Mr. Palmer feels sure it can support fish life on a much larger scale.

2. The generators are not run at all times, and when closed, leakage through and over the dam is the only water allowed to pass through. We saw the difference, as the river was reduced to a trickle when the gates were closed.

3. The dam prevents the migration of fish beyond Poquonock. At the dam, Mr. Palmer showed us many large fish trapped in a pool under the dam which were attempting to swim upstream to spawn.

Mr. Palmer feels that the upper Farmington could once again be populated with game fish if a fish ladder were built at Rainbow Dam. But he also realizes the problems involved with this project. He sees the legal problems attendant in the licensing of the dam. He feels that the Rainbow Dam prohibits the restoration of the Farmington River.

INTERVIEW WITH MR. HOYT PEASE, V. P. THE STANLEY WORKS

As we walked into the Stanley Works building, we were impressed by the large expanses of modern office and machinery. We were guided through several buildings where steel and other metals were being heated, formed, bent, cooled or moved.

Stanley Works is a prosperous business which produces tools and other similar products. The hydroelectric plant at Rainbow Dam was originally purchased to produce electricity for the company's plants. As Stanley expanded, the dam became too small, and now is used by the Farmington River Power Company, a subsidiary, for auxiliary electrical output, which is sold to local utility companies during peak loads.

At Stanley, we talked to Mr. Hoyt Pease on the subject of the Rainbow Dam. He answered our questions, and explained Stanley's position. The major points are listed below.

1. So far, Stanley has done very little to constructively solve the problems at Rainbow Dam. However, they claim that they have realized the problems and have been concentrating on solutions of these problems for several years. At present, Stanley has begun to make a survey, utilizing extensive equipment, of the minimum flowage allowed through the gates, and its effect on the lower Farmington River.

2. There are several reasons why Stanley has no plans to appropriate money towards the construction of a fish ladder. One is their observation that a similar situation and ladder at Holyoke Dam was unsuccessful. They feel that the ladder may be a waste of money and time, and until otherwise proven to them, this is where Stanley stands. A second reason is that Stanley is not entirely certain that the Farmington River can and will support more fish life. And the third is that Stanley is not sure of the importance of a fish ladder project weighed against spending the money for another conservation project or similar public problem.

3. Stanley feels definitely that their dam is not under jurisdiction of the Federal Power Commission's license mainly because: 1. the river is not totally navigable for commercial use, and 2. the electricity produced is not used in any other state.

4. When asked if the company would profit by building fish ladders and using the program as an example of good citizenship, Stanley answered with a yes, but also presented a question: Wouldn't Stanley receive good public relations with any other conservation project?

5. Although Stanley could not or would not give answers about the financial benefit to the company of the dam and its electric power, Stanley felt that the generated power did contribute to the company and local industry, and that the dam was very important to the public.

Interview With Mr. Cole Wilde, Chief of the Fisheries Division, Connecticut Board of Fisheries and Game

Mr. Cole Wilde is Chief of the Fisheries Division, Conn. Board of Fisheries and Game. During an interview with him, we learned several facts and his opinions about the Rainbow Dam.

1. The fish ladder, if built, would be used off and on all year, but mainly between late April and early November.

2. Contrary to the Stanley Works claim, the ladder (a manual elevator type) at Holyoke Dam on the Connecticut River is highly successful. Thousands of shad are being pulled up over the dam each day.

3. Mr. Wilde believes that a fish ladder would be a great advantage to the Connecticut public, and that the low flowage problem is a serious threat to conservation.

4. He also thinks that it is Stanley's responsibility to design the dam improvements and appropriate the funds for it.

We feel much inclined to agree with the Farmington River Watershed Association, in saying that a fish ladder is necessary and altogether an excellent project. If we continue to abuse our rivers and wildlife, there will be no future for Connecticut.

However, we realize that Stanley's legal position is a very safe one. They may stall the license for many years.

But, in our opinion, the small percentage of money taken from Stanley's total income would be a worthwhile gift to the Connecticut people who make possible that income.

If Stanley is licensed, the license will force Stanley to observe conservation practices. There is one alternative, however, Stanley can build docks and trails around the dam and will not have to construct the ladder. On Stanley's part, this would be a way for them to not face the problem.

Another possibility is that Stanley is not licensed. Then, we feel that Stanley is doing an injustice to the community if they refuse to appropriate the remaining sum of money for the fish ladder besides that of the states.

In the meantime, fish die because of the low flowage problem. We think that Stanley should make some attempt to allow more water to pass through the dam when the gates are closed.

SICKLE CELL ANEMIA MAJOR CAUSE OF SICKNESS AND DEATH AMONG NATION'S BLACK PEOPLE

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. PIRNIE. Mr. Speaker, it is heartening that the administration's proposed health legislation recognizes sickle cell anemia as a major cause of sickness and death among the black people of this Nation. This disease, virtually unknown among the white population, occurs about once among every 500 black Americans. Best current estimates are that at least 50,000 blacks in the United States suffer from the disease, while about another 2 million are "carriers" of sickled red blood cells.

This terrible disease, which is best characterized by severe anemia, bone pain, and increased susceptibility to infection, is one of the most chronic diseases among black children. While the very name is virtually unknown to most white people, knowledge of sickle cell anemia still remains relatively low in the black community. Fifty percent of its victims die before the age of 20, and, of the remainder, 50 percent do not reach their 40th birthday.

We do not know the cause and we do not know the cure. But by highlighting the conquest of this disease as a specific medical research goal, President Nixon has embarked the scientific community on a road that may well lead to the elimination of sickle cell anemia.

SCOTT JACOBY ESSAY WINS CONSERVATION AWARD

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. FISHER. Mr. Speaker, it is reassuring to know that so many young people today are taking an active interest in conservation and the protection of our natural environment. A good example of this is contained in a prize winning essay on the subject prepared by Scott Jacoby, a high school student at Sonora, Tex.

This young man is to be highly complimented for this achievement. Let us hope more such contests will be conducted throughout the land.

Under leave to extend my remarks, I include a copy of the essay referred to:

Scott Jacoby Essay Wins Conservation Award

(By Scott Jacoby)

"Our Natural Environment:
Preserve and Protect It"

The intellectual and industrial progress of civilization is amazing—Man has walked on the moon; he can transmit current events as they occur thousands of miles away; he can project his voice through a tiny wire, and can safely erect tall buildings. However, in spite of all man's technical knowledge, he is unable to imitate God's gift of our natural environment.

The resources and outdoor areas of today's world are slowly disappearing. Growth is good, but it can also be as harmful as a disease. The careless use of our land, air, and plant life is begining to deplete the productivity of our farms and ranches.

Much of the beauty and purity of our streams has been marred by people who carelessly or lazily throw trash and waste into them. The abuse of our streams has been harmful to both the outdoor sport enthusiast and the urbanite. Wildlife is vanishing in certain areas, and many cities are suffering acute water shortages, and fighting for clean air to breathe.

Another one of nature's beauties is the land itself. Creation of parks and careful conservation practices have aided in the prevention of complete destruction of our beautiful country. Universal awareness of the need to protect these vital resources is urgent.

Preservation is the art of maintaining a part of the original, intact. Preservation is a basic law of life. It applies in every phase of our existence. The capitalist invests his money and keeps it intact, while at the same time using it for further gain.

The housewife knows what to combine with a small amount of leaven to cause her dough to double in bulk. She will keep her main leavening agent intact by feeding it carefully.

In Proverbs 18:9 and in Proverbs 24:30–31, we are admonished against slothfulness and waste.

"He also that is slothful in his work is brother to him that is a great waster.

I went by the field of the slothful, and by the vineyard of the man void of understanding; and, lo, it was all grown over with thorns, and nettles and covered the face thereof, and the stone wall thereof was broken down".

In man's quest for knowledge, he must not overlook the importance of preserving and protecting our life-sustaining natural environment.

EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. PETTIS. Mr. Speaker, on January 26, 1971, I queried whether anything was being done to assist welfare recipients in purchasing proper food and preparing nutritious meals. The following, which I commend to your attention, is a response from the U.S. Department of Agriculture which explains their expanded food and nutrition education program. I am gratified to know that definite steps are being taken to aid the dietary habits of indigent people and to upgrade the condition of their health. I hope that such a program can be successfully continued on an expanded basis.

The letter follows:

U.S. Department of Agriculture,
Washington, D.C., February 12, 1971.

Hon. Jerry L. Pettis,
House of Representatives,
Washington, D.C.

Dear Mr. Pettis: We read, with interest, your remarks of Tuesday, January 26, as reported in the Congressional Record on January 27. In your remarks, you described how a middle-income California family had been able to prepare adequate, nourishing meals on a welfare budget. And, you asked if the Federal Government was doing anything to teach welfare recipients how to shop wisely and plan nutritious meals. We share your concern with the needs of welfare recipients, and we take this opportunity to tell you about one of Extension's efforts to reach these families with information.

Since January, 1969, the U.S. Department of Agriculture's Cooperative Extension Service has been conducting a program throughout the nation designed to help hard-to-reach poor homemakers learn to plan nutritious meals, shop wisely for food, make optimum use of available resources, and improve their food preparation skills. This Extension program is known as the Expanded Food and Nutrition Education Program, and the teaching is done by aides—women who live in the community in which they work, who know the problems of poverty, and are trained by Extension home economists.

We are anticipating that more than 10,000 aides will be working in about 1,600 counties, independent cities, and Indian reservations in the 50 States, District of Columbia, Puerto Rico, and the Virgin Islands by July 1, 1971. Since the program began, more than 842,000 families have received helpful information from these aides.

Twenty-four dietary recalls are taken every six months on the homemakers enrolled in the program. Homemakers were chosen for this evaluation because our research shows that they are usually the poorest fed members of the family, and it is assumed that improvement in a homemaker's diet will mean similar, or even greater, improvements in the diets of family members.

After two years of program operation, it is clear that the diets of homemakers enrolled in the Expanded Food and Nutrition Education Program are improving. We can see other improvements taking place as well. More families are participating in the USDA Food Stamp and Donated Foods Programs; children are attending school more regularly; mothers are taking youngsters to clinics; and many families are moving upward, in response to an aide's interest in their welfare.

I'm sending you some material that further describes the program. We will be happy to provide any additional information you may want on this activity. If you want more detailed information about the program in California, I refer you to Dr. Gaylord P. Whitlock, Program Leader, Family and Consumer Sciences, 373 University Hall, 2200 University Avenue, Berkeley, California 94720.

Sincerely,

EDWIN L. KIRBY,
Administrator.

ESTONIAN INDEPENDENCE

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. GERALD R. FORD. Mr. Speaker, yesterday we marked the 53d anniversary of the Declaration of Independence of the Republic of Estonia. I am proud to raise my voice along with those of my colleagues in tribute to Americans of Estonian descent and to those Estonians now living behind the Iron Curtain.

Mr. Speaker, the U.S. Government has never recognized the Soviet takeover of Estonia and, indeed, we never should. The Soviet occupation of Estonia and the other Baltic States was simply a case of naked aggression, the crushing of spirited but helpless people by a superior power.

Like the Estonian people, we in the Congress must never abandon hope that one day this wrong will be made right—that the Estonians and the other Baltic peoples will again enjoy the freedom which is so rightfully theirs.

Mr. Speaker, the Congress has adopted House Concurrent Resolution 416, which calls for freedom for Lithuania, Latvia, and Estonia. I urge that the administration do everything within reason to implement that resolution. The spirit of independence must never die within the Baltic States.

EFFECTIVE PASSPORT SERVICE

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. STEELE. Mr. Speaker, it gives me great pleasure to commend to the attention of my colleagues the following letters and newspaper articles, from the Hartford Courant of February 11, and the Norwich Bulletin of February 5, commenting on the outstanding service performed by the staff of the New London, Conn., Post Office:

UNCASVILLE, CONN., *February 2, 1971.*

Mr. ANTHONY FACAS,
Postmaster, Passport Division,
New London, Conn.

DEAR MR. FACAS: Recently a group of high school students were rewarded with a gratifying experience in "Government".

This group known as "Villano's Nomads" will be touring Europe in a study of History. On calling the passport office—this group of excited students were even more jubilant in that the Passport Dept. would come to Montville High School and direct us on how to apply for passports, etc.

Mr. Stoklosa and Miss Rosa were kind, gracious and most of all patient. Certainly this government is not the "rigid" structure it's thought to be.

Thank you for a rewarding experience and for the two members of your staff that put us completely at ease.

Sincerely,

VINCENT F. VILLANO,
History Teacher, Montville High School.

GENERAL DYNAMICS,
ELECTRIC BOAT DIVISION,
Eastern Point Road,
Groton, Conn., July 17, 1970

Postmaster ANTHONY FACAS,
New London Post Office,
New London, Conn.

DEAR MR. FACAS: We at General Dynamics Corporation, Electric Boat Division, want you to know how pleased we are with the excellent service you and your people are giving us in servicing passport applications.

It has proven to be a great help to our employees in the saving of travel time and also saves the division money.

Once again, thanks for all your help.

Very truly yours,

W. B. FRANCIS,
Manager, Traffic & Transportation.

[From the Norwich Bulletin, Feb. 5, 1971]

STUDENTS GOING ABROAD

JEWETT CITY.—Twenty-eight students and teachers of Griswold High School were interviewed and processed for passports Thursday in preparation for a week's trip to Paris, France, scheduled for the school vacation week of April 17 to 23.

Representing the passport office of New London Thursday were Steven Stockholm and Miss Isabel B. Ross. Chaperones for the trip will be Donald Saulniers and Miss Ruth Turner of the school faculty.

The group will fly from Logan Airport in Boston April 17. The itinerary will include various Paris museums, the Palace of Versailles, the Eiffel Tower, Notre Dame Cathedral, The Louvre, the French Quarter, L'Arc de Triomphe, Champs-Elysees and a tour of Paris by night.

STUDENTS TEST NEW PASSPORT SYSTEM

NEW LONDON.—Postmaster Anthony Facas wasn't a bit startled Wednesday afternoon when nine students from Bacon Academy in Colchester walked into the New London Post Office to file applications for passports necessary to launch them on a trip to Europe.

This sort of thing has been going on for months now, ever since last July 1 when the state and postal departments launched a joint pilot program to enable Americans to acquire passports more quickly and easily, through several Post Offices.

Facas reported Wednesday that since then, the New London Post Office has accepted close to 800 passport applications, quite a few from student groups bound for Europe.

As a matter of fact, added Facas, the Post Office goes so far as to provide what he terms "home service," that is, if an area high school informs the Post Office a group of students is seeking passports, a postal clerk runs out to the school and accepts the applications, attending to the necessary paper work right at the school.

Facas said the state and postal departments decided on this pilot program in an atempt to alleviate the frustrating delays and long waits in line for overseas-bound Americans seeking passports.

Before initiation of the program, said Facas, Connecticut residents seeking passports were compelled to travel to passport offices in either New Haven or Hartford. And the backlog was so heavy, he added, the wait for the passport would extend to three weeks and even a month.

CRISIS AREAS

The State and Postal departments, added Facas, selected several so-called "crisis areas" in which to experiment with this pilot program.

Several cities across the nation were picked, including Houston and Midland, both in Texas, Detroit, and, in Connecticut, New London, New Haven, Hartford, Bridgeport, Waterbury, Stamford, Greenwich and Willimantic.

Facas explained that his postal workers prepare the applications, then send them right on to the State Department passport office in Boston, where they are pretty rapidly processed and mailed back to the owner, often within a week.

"That's fast work," said Facas, "especially at this time of year, when many people are planning summer vacations overseas.

"We are getting quite a few student groups now, and we enjoy this assignment. We feel that it brings government to the people, especially when we call at the schools," he said.

Facas credits his post office passport staff for its work—Isabel Rosa, his secretary, and postal clerks Steven Stoklosa and Mary Crosby.

The Bacon Academy students at the post office Wednesday, said Facas, were Jeffrey Kowalski, Deborah Clark, Susan M. Brown, Phyllis A. Medbery, Lorraine Alvarnez, Michele Ladyka, Deborah Turbarge, Winifred Von Roemer and Charlie Horlick.

They were accompanied by Mrs. Barbara Brown, who also filed application for a passport, Facas said.

"They plan," Facas said, "to visit France for three weeks in July, and we at the Post Office have no hesitancy in wishing them bon voyage, for they'll all have their passports within a week."

My congratulations to Postmaster Anthony Facas and his able passport staff, Miss Isabel Rosa and Mr. Steven Stoklosa.

A FORWARD LOOK—AN INTERVIEW WITH THE HONORABLE JOHN A. BLATNIK

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. WRIGHT. Mr. Speaker, in its February issue, Highway User magazine published a question-and-answer interview with our distinguished colleague from Minnesota, the Honorable JOHN A. BLATNIK.

Those of us who know JOHN BLATNIK have acquired an abiding respect for the deep intelligence, incisive judgment, and earnest concern for the public good that have characterized his service as ranking majority member of the House Public Works Committee.

We applaud his ascension to the chairmanship of this important committee in the 92d Congress. In this new role, Mr. BLATNIK will have a broader forum to exercise the fine qualities of leadership that we have come to expect from him.

For that reason, I believe many of our colleagues will be interested in sharing the insights which Mr. BLATNIK brings to his new responsibilities, and I ask that the text of the Highway User interview be printed in the RECORD:

A FORWARD LOOK

[EDITOR'S NOTE: The new chairman of the House Public Works Committee brings a fresh outlook and a wealth of experience to a position of vital importance to the highway program. In this exclusive story for Highway User, Rep. Blatnik answers questions and presents his views on some of the important issues confronting highway transportation today. This article was prepared and questions propounded by Stephen E. O'Toole, contributing editor, Highway User.]

Development of the nation's highway program depends to a great extent on the Public Works Committees in the House of Representatives and the Senate. These committees serve as a forum for public discussion, and play an essential role in the formulation of national highway and safety legislation.

When the 92d Congress convened Representative John A. Blatnik, a Minnesota Democrat, was elected chairman of the House Committee on Public Works, succeeding former Representative George Fallon of Maryland, who served as chairman from 1965–71.

Blatnik assumes control of the committee at a vital juncture in the development of America's road program. During the next two years, with the completion of the Interstate System in sight, Congress must come to some very important decisions on the future of the federal highway systems.

A member of Congress since 1946, Blatnik brings a longtime interest in highway transportation and safety to his new position. Since 1959, he has served as chairman of the Public Works' Special Subcommittee on the Federal-aid Highway Program, which in recent years has been particularly concerned with roadway design and operations.

The dean of the Minnesota Congressional delegation, Blatnik is also the Democratic National Committeeman for Minnesota and a co-founder and former chairman of the "reform-minded" Democratic Study Group. He was a co-author of the legislation which created the Interstate System and is noted for his work on water pollution control.

In the following answers to questions from Highway User, Chairman Blatnik expresses his views on several current highway transportation and safety matters.

Q. Will there be significant changes in the structure of the House Public Works Committee under your chairmanship in the 92nd Congress?

A. I intend to provide the leadership to cope with the growing complex problems we are going to have to face in the several vital areas within the Public Works Committee jurisdiction and, while I do not subscribe to change simply for its own sake, whatever changes are indicated as desirable or necessary will be made.

Q. What activities—oversight hearings or legislation—might be expected from the Public Works Committee during the 92nd Congress in the highway transportation and safety areas?

A. Any predictions as to new legislation would be premature at this time. Our oversight activities are another matter. We are satisfied that this work has been productive of improved practices in carrying out the program and has frequently resulted in the conservation of the user's money while providing him a better and safer highway. We must continue this activity in those areas where we feel we can make a contribution to better government. As an example, some members are questioning the pace at which we are accomplishing improvement in the field of highway safety, particularly in regard to the hazards created by highway design and construction techniques.

Q. Do you feel there is continuing support for the highway program among the American people?

A. Yes. As more segments of the Interstate System have been completed, through its use our people have grown to appreciate more and more what has been done and what we, as a nation, are capable of doing. It has taken a long time to build this new system, 15 years so far, and during the course of its construction some people have lost sight of its overall benefits and others, unfortunately, have had their lives adversely affected by it. We cannot ignore or blame either group for not being more enthusiastic. We can and should do more to keep the public better informed as to the need for improved highways and the benefits to be derived from their use. We should certainly also develop the ability to do the work, which has such an impact on a community, in a way which is more sensitive to the other values for which the public has shown such strong feelings. We are, after all, simply their agents in providing facilities which are needed and we should be eager to do it in a way which satisfies them.

Q. With passage of the 1966 legislation, the Federal Government assumed a greater role in the field of highway safety and, in 1970, despite increases in the number of miles driven, the death toll decreased by more than 1,000 lives over 1969. Do you consider this significant and do you think the 1966 legislation played a part in this trend? What more should be done and will more money be required?

A. I am naturally pleased that we had this experience in 1970, tempered, however, by the realization that the situation which still remains is a national disgrace and is truly one of our major domestic problems. I think it has been adequately demonstrated that we are dealing with an extremely complex series of problems which embrace all three components of our system—the driver, vehicle, and road. Unquestionably, the capability provided government at all levels in the 1966 safety legislation has had, and will continue to have, an effect on reducing highway accidents and in lessening their severity.

However, we are all going to have to get behind and actively promote a sustained, massive, and perhaps expensive broad-based and multi-pronged attack on this problem if we are ever to make a major reduction in the statistics we are talking about.

The National Highway Traffic Safety Administration and the Federal Highway Administration are both going to have to give top priority to their work in those areas where a "high payoff" seems most likely.

The former, while continuing its efforts to improve the vehicle and other aspects of the driver element of the system, is stressing the drinking driver problem. This is obviously good and is deserving of their attention, but I want to caution against a past tendency to overemphasize any one aspect of the highway accident problem to the detriment of others, less appreciated factors.

I refer, for instance, to the matters which have had the attention of my special subcommittee the past few years—the design, construction and *operation* of our highways. Our hearings and continuing investigations have documented that some of the features of even our newest roads continue to contain hazards of such a nature, that, drunk or sober, the nation's drivers are unnecessarily subjected to peril.

And yes, I think the program needs more financing . . . among other things. Beyond that, we must insist that whatever funds are available be spent in the most effective manner. I suggest this has not always happened. For example—it hurts when we have to spend additional money to correct mistakes we never should have made in completing a recently opened highway.

We have already spent billions of dollars. Yet, for various reasons, high hazard locations exist by the thousands on our roads. Do we truly have an adequate program to improve them? I doubt it. In the meantime can we not more effectively warn, guide and control the motorist through the danger?

Q. Do you agree with many highway officials that after completion of the Interstate Highway System, more emphasis should be placed on urban highway systems and upgrading primary and secondary roads?

A. I most certainly do. Great as it is, the Interstate System makes up only 42,500 miles of the country's overall highway system. Its efficiency and safety features only serve to emphasize how badly off we are and how much more needs to be done to improve the miles of state and county roads that carry the great bulk of our traffic.

Q. Last year, Congress approved the use of Trust Funds for two-thirds of the Federal highway safety program, for urban bus transit, and for forest and public lands highways. Do you expect pressures for new uses for the Trust Fund, such as for highway beautification, or for other modes of transportation, in the near future?

A. There have always been pressures for expanded uses for the Trust Fund, from its inception in the 1956 Act, and you are quite correct that the 91st Congress widened the application of the fund somewhat in enacting the Federal-aid Highway Act of 1970. I can't envision these pressures diminishing in the immediate future, and, in fact, the trend seems to be the other way. There is even a movement underway to replace the Highway Trust Fund entirely and set up in its place a national Transportation Fund. This, of course, would take in the other modes of transportation to which you refer. Whether the concept will gain support during the new Congress remains to be seen. While I try to keep my own mind open to change, I do feel that any drastic change in that direction ought to be brought about only after there has been developed a case strong enough to justify it.

Q. Related to the previous question, the National Governors' Conference adopted a resolution last summer urging that governors be allowed to transfer a certain percentage of Federal funds allotted to them between the various modes of transportation.

Secretary of Transportation Volpe endorsed the plan and has mentioned on a number of occasions that he favors the creation of a national trnasportation trust fund, which might allow such a transfer of funds. Do you see any future for this type of transportation financing plan?

A. I think an answer of any substance to this question would require information about such a proposal which we do not have as yet. There appear to be some valid and thought-provoking arguments for such a fund and we must not be blind to them or automatically conclude that increased funding for any one mode of travel is necessarily at the expense of any other. Our overriding concern must be what is best for the nation. When we accurately measure the transportation needs of the country and establish our national goals, it appears that we will end up demonstrating the continuing need for funding highway programs pretty much as we have and possibly more. In the meantime, while studying the whole matter, we must keep an open mind to all features, including the methods of financing.

Q. Do you think the American people—the nation's highway users—would favor adoption of any plan which would allow diversion of highway user taxes for non-highway purposes?

A. Keeping in mind my answer to the last question I would have to answer this one in two ways. First, assuming the question addresses itself to those expenses incurred in connection with the construction of a highway project, I would say yes. I think we have all come to realize that some of these expenses are not a diversion of highway funds but are incidental costs of construction. I have great faith in the collective wisdom, reasonableness, and sense of fairness of the American public.

The trend toward inclusion of expenses for highway related activities was born out of the functioning of our people's representative government. The Congressional committees concerned, before taking such actions, measured the public opinion and attitudes through hearings. Reimbursement of relocation expenses and construction of replacement housing, as examples, were found by the committees to be the only reasonable solutions which would treat with fairness those people who were being displaced and whose very lives were being adversely affected by the construction of highways.

If the question relates instead to the funding of non-highway transportation construction with a portion of highway user taxes now going into the Trust Fund, I think the general public would have an initial reaction of opposition. If such funds were co-mingled with revenues from other sources and highway funding was continued at the same, or a higher level, then perhaps the users would not object. In any case I must refer to my answer to the previous question and say that I think there would first have to be a specific proposal with its revenue features clearly spelled out, and hearings held on it, before anyone could better speculate on public response.

Q. What role do you feel organizations like the Highway Users Federation can play in promoting highway transportation and safety activities?

A. Organizations such as yours and others in the private sector have continually made significant contributions toward improved highway transportation and safety. The testimony of the organizations' officials at our hearings in Washington have done much to point up both the strengths and weaknesses to current programs, and we look forward to the continuation of such help and support.

However, I do feel, as I mentioned previously, that a great deal more could be done to enlighten the general public about highways, our need for them, the benefits to be derived from their use, and how to properly use them. Support from the people for programs to provide the nation with the roads systems it needs is obviously vital. If the public is informed and convinced that a program, any program, is needed and is properly planned and carried out, they will be willing to support it and to pay for it. Any program, particularly one which touches them as directly as a road program is in real trouble without that support.

Government is limited in the extent to which it can advertise its work. That is as it should be. Highway supporting organizations, however, could by increasing their activities do a great public service in this area. Not by lobbying for more and bigger highway programs but by sponsoring the publication in the printed and broadcast media of information which permits the public to develop a more informed, less emotional, attitude about the tremendous public asset we have in our roads and streets.

Another activity I would like to see undertaken by the private sector is a massive T.V. spot program to instruct the motoring public in improving their driving skills. Freeway driving is new to many people and nowhere in our motor vehicle system have we attempted to teach the techniques necessary for their safety. I also think the organizations can become a real partner, working with the State organizations established under the 1966 Highway Safety Act, in supporting State programs such as passage of the Uniform Vehicle Code and Model Traffic Ordinances.

Q. Environmental concerns are a prime consideration now in all public works activities. Do you think present controls—including the new measures contained in the 1970 Highway Act—are sufficient?

A. To those of us who have been pushing these many years for clean water, clean air, and the preservation of our country's natural beauty and resources, it has been very gratifying to note the great interest that has recently developed in the whole subject of environment.

We in Congress will be giving much more consideration to the environmental impact of all programs under our jurisdiction, including the highway program. Whether or not present laws, including the 1970 Highway Act, will need some beefing up to really do the necessary job should be the subject of further Congressional inquiry.

But I think we should recognize that while some legislation has been necessary, and perhaps more will be, much of the long-term success of efforts to improve our environment will depend on whether the public is really sincere in wanting to create a better place in which to live.

In the final analysis, your question really gets back to the same problems I discussed in connection with highway safety—the people want to protect the environment. Congress can write the enabling legislation, but the engineers are the ones who actually design the roads. Engineers, on their own and as a personal commitment, can do more to make a particular project environmentally acceptable in a total way than can all the laws Congress passes.

I earnestly hope that the national will, clearly spelled out by Congress, and backed up by the lasting commitment of the people, will be so much a part of American life that it will be reflected in new highway designs as a matter of policy.

And I would hope that, where the environment is disregarded, those who approve highway designs, and the people themselves, will demand that highways be harmoniously melded into the environment.

Highway builders may, at times, have to be backed up by legal authorization to incur the additional expenses at times found to be necessary in furtherance of our environmental goals.

But it can be done, and if ecology is more than a fad—and I believe it is much more—we will in the future see better roads, both from the safety and the environmental standpoints.

Q. Many highway critics argue that there is no place for highway building in urban areas, while proponents feel that modernizing the urban highway system—making it a well-designed, functional system—is essential to keeping any city's transportation up-to-date. How do you feel about this matter?

A. I do not think there is any room for argument. Until someone produces a revolutionary new scheme which is capable of moving people and goods in the way highways do, we are going to have to depend on highways as our main mode of transportation both in our rural and urban movement. It is absolutely essential that we provide adequate transportation into, about and out of our urban areas and I just do not anticipate other solutions in the foreseeable future which will remove the need for a well-designed, functional urban highway system.

By the same token I should not like to have it thought that I lack either the vision or the will to see our urban areas restructured in a fashion which is more satisfying to life in them. If you ask me whether I think urban highways, as we have known them, have reached the ultimate in design, that is another question and I would be obliged to answer, "no." I think we are going to have to be more concerned that urban highways be more satisfying in the way they fit into our communities and our way of life.

I think we are going to have to explore new ideas and see if we can come up with designs which are more flexible in their use. It troubles me a great deal to see photographs of the eight lane "Utopian Freeway" during the evening rush hour with the outbound lanes glutted with snail-paced traffic while just over the median I see four more lanes virtually empty.

I think we need a reevaluation of what an urban freeway could be and should be. We shall have more to say on this very vital and pressing subject of urban highways later. We are capable of doing a much better job in this whole area.

Q. Some people feel that highway transportation may suffer from some of the emphasis in the Department of Transportation on other transportation modes. However, Congress continues to support the highway program. Do you feel that any attempt to dilute the Federal highway program—from any source—or to prevent development of post-Interstate highway programs can be successful in Congress in the foreseeable future?

A. I do not look at the problem in the terms you have posed it in your question. This is not and ought not to be considered a matter of competition. The Federal Highway Administration, at the direction of Congress, is in the process of preparing a report on our highway needs. It must be submitted to Congress in January, 1972. This is not simply another report but will be the most comprehensive report of its kind ever published. At the same time the Department of Transportation is otherwise preparing study reports to assess the current conditions and needs in all domestic modes of transportation.

What we are hoping to find, through these reports and Congressional hearings, is the best solution to the problem of moving people and goods. No one who hopes to serve the interests of the people of this country should commence his search with the pre-condition that he has an advocacy for one mode over another. Transportation of all kinds is vital to a great nation such as ours and the means will have to be found to provide expanded facility for travelers of all kinds. The post Interstate demands for highways, roads and streets are going to be much more extensive than most people seem to realize. Any feeling abroad that with its completion we will have satisfied our motor vehicle needs is without an appreciation of where we are going. Who can look at the condition of our roads and, with an inkling of our future growth and population increases, conclude that we are finished? While other modes of travel need expenditures to make and keep them viable, so does our system of motor vehicles. We have provided for those needs in the past and I think we can expect to see them provided for in the future, hopefully in an even better way.

FREEDOM—OUR HERITAGE

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. SCHNEEBELI. Mr. Speaker, 2 years ago, I had the pleasure of presenting in the RECORD the prize-winning speech of the national VFW Voice of Democracy Contest. The speech was given at the Veterans of Foreign Wars annual Washington dinner by Donald S. Elfenbein, at the time a junior at the John Harris High School in Harrisburg, Pa.

It is now obvious that the eloquent endorsement of our heritage is an Elfenbein family trait. Miss Emily Elfenbein, now a junior at the same Harrisburg high school and a sister of Donald, has won the Pennsylvania State contest this year, again sponsored by the VFW. Next month, she will come to Washington for the final judging in the nationwide contest, in which over 400,000 students participated.

It is with great pleasure that I submit young Miss Elfenbein's speech to be shared with my colleagues:

FREEDOM—OUR HERITAGE

(By Emily Elfenbein)

An old man in a worn vest and cap leans over his vegetable cart. He calls to the passers-by with his thickly-accented voice. The sun is going down over this narrow Chicago street. It is time for him to return home. He covers his wares affectionately, and as he climbs into his wagon, he smiles. Ivan Weiss is happy!

This man is no great politician or scholar. He does not have a bank account or belong to a country club, but Ivan Weiss is different—different from previous generations of his family—different from millions of other people on earth. Ivan Weiss is free!

The United States has survived because of men like Ivan Weiss, men who lived simply, grateful that every breath they drew was free, and who were eager to defend their freedom. Eminent leaders established the liberties we enjoy, but a myriad of unrecognized men helped preserve them. Famous names dominate our history books and great deeds are always remembered, but we cannot allow these monumental contributions to lessen the importance of every American's contribution to protecting our freedom.

I have been handed a heritage of freedom, and I know I must now hold fast to it, for as an American youth, I am helping to build a valuable inheritance for the next generation. If I can discover my role in society, then freedom will never slip from my grasp.

The story of the developing United States is rich with the powerful accomplishments of heroes, and beside these men, I become aware of my own insignificance. I am one among many. And yet this tradition gives me the power to choose a life I can make meaningful to the world. Every American may not achieve fame, but each of us is able to achieve greatness by trying our best at what we can do. When the best effort of each man joins, we will see a united America, an America in which an immigrant vegetable seller stands with pride next to a Supreme Court Justice.

It would be easy for me to merely accept our freedom heritage and to enjoy my rights without concern for the endurance of liberty. But my love, of freedom has implanted within me the responsibility of opposing apathy wherever it lurks. Our freedom heritage is a constant reminder that no American has the right to deny liberty to others, and that by that denial we are, in fact destroying the foundation of our own freedom. Let us foster a more progressive America by not only recognizing the legally granted freedoms but also the socially granted freedom of individuality.

These same freedoms brought people here from all over the globe. Ivan Weiss didn't understand the right to assemble; he didn't know what freedom of speech was; he couldn't even conceive of representative democracy. All he knew was that he had a chance to create here what he could not hope to make anywhere else.

Our heritage of freedom will continue because of the work of young Americans. We have learned from the past and will move into the future knowing that problems lie ahead, but that together, we can begin to solve them. America's tomorrows will be shaped by letting our yesterdays teach today,—and by remembering that freedom was strengthened in independence hall as well as in a busy airplane factory, by Neil Armstrong taking the first moon walk, and by a little boy memorizing the Gettysburg address, during a heated Senate debate on foreign policy, and by two housewives discussing their favorite candidates, by the men in the four thousand ships that waited off the coast of France, and by a businessman serving on a jury.

A heritage of freedom was created by the Jeffersons, the Lincolns, and the Martin Luther Kings, but it is kept alive by the Ivan Weisses, by all of us knowing that our work is important to America, so that America may become more important to us.

The Elfenbein family, John Harris High School, the Harrisburg community, the Veterans of Foreign Wars—and indeed all of us—can take pride in the outstanding contribution of Emily Elfenbein, and of her brother, Donald. Regardless of the outcome of the national competition, I am sure my colleagues join in our congratulations and our sincere best wishes to this fine sister-brother combination.

A NEW START FOR CONSUMERS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. ROSENTHAL. Mr. Speaker, the business community, next to the consumer himself, has the biggest stake in better consumer protection. Practices unfair to the customer are obviously unfair to honest businessmen who will not cut corners.

The Washington Post, in a recent editorial endorsing my Consumer Protection Agency bill, reminded businessmen of this fact.

I include the article as follows:

A NEW START FOR CONSUMERS

Since marketplace cheating, deception and conniving has not disappeared in recent months, it is only right that Congress should again consider the large new package of consumer legislation offered last Wednesday by Representatives Rosenthal, Eckhardt and others. Actually, many of the proposals are not new, having been presented—but not passed—in the last session; but there is no reason why ideas, like bottles and paper, should not be recycled and made new also.

Among the proposals that are especially needed is the bill creating an independent consumer protection agency. *Independent* is the key word. The administration now has a consumer affairs office, but despite the goodwill of its director, Virginia H. Knauer, it usually does little more than growl or snap its teeth. Many believe Mrs. Knauer would like to be tougher. But it is hard for anybody in the White House to be independent of a Republican administration which gets much of its support from men of commerce. An independent agency would not have this problem; the public interest would take priority before the private.

A second crucial item is the bill to permit lawsuits by consumers as a class. Grouping together is often the only way justice can be obtained cheaply; individual consumers with a defective product costing, say, $300 will hardly take on the manufacturer in court when legal costs will total $500. Even if you win, you lose.

Despite the defensive howls of some business men, the consumer movement should really be welcomed by the commercial community. If a seller is marketing an honest, durable, safe and fairly-priced product, what is there to worry about? The consumer will be his best friend. Marketplace self-regulation generally has not worked, nor has government regulation been especially firm. The power must now be shared with the consumer; for the money he is paying, he deserves it.

LEGISLATION TO PROTECT WILD HORSES AND BURROS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. GUDE. Mr. Speaker, due to the successful lobbying efforts of my 11-year-old son, Gregory, I introduced legislation to protect the remaining wild horses and burros of the West. The bill, H.R. 4220, has generated a great deal of enthusiasm, particularly on the part of the young. I was especially moved by a letter I received from a 9-year-old, Miss Natalie Wilkins, the text of which follows:

JACKSON, MICH.

DEAR CONGRESSMAN: I read in the newspaper on how the eleven year old boy fights to save horses, and I write because that is what I am doing.

I think that the food stores could make pet food out of flour and scraps instead of killing horses.

Everytime the men come to kill the horses for pet food I think you kill many children's hearts. I am a nine year old girl and love horses. When I read the newspaper I felt very badly. Until you do something about it, you will keep many children very sad.

Sincerely,

MISS NATALIE WILKINS.

ADDRESS AT LINCOLN ASSOCIATION DINNER

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. FINDLEY. Mr. Speaker, 2 weeks ago, our distinguished colleague from Colorado, the Honorable WAYNE ASPINALL, favored Abraham Lincoln's hometown of Springfield, Ill., helping the community celebrate this famous President's birthday. Congressman ASPINALL and his wife, together with Congressman and Mrs. Roy Taylor, were invited to be the guests of the city for the annual Abraham Lincoln Association Dinner on February 11. Present also was Gov. Richard B. Ogilvie.

The occassion was indeed an inspiring one, made the more so by Congressman ASPINALL's address to the distinguished audience. When you come to Lincoln's hometown to speak on Lincoln you really have your work cut out for you. Yet the gentleman from Colorado (Mr. ASPINALL) demonstrated that he is indeed a Lincoln scholar of the first order and dealt with a little known phase of the Lincoln era. He reviewed many of the historic measures which were signed into law by President Lincoln—measures such as the Homestead Act, the Pacific Railway bill, and the Morrill Act.

Congressman ASPINALL pointed out that:

> Though the President's time was devoted primarily to the successful prosecution of the War; the accomplishments of his Administration made the public domain produce the greatest good for the greatest number of people.

This is a side of Abraham Lincoln too little explored. As great as was his contribution to saving the Union, equally great was his contribution toward expanding and developing the Union within its continental boundaries.

Here is the text of his speech:

ABRAHAM LINCOLN: A MAN OF TIMELESS VISION IN A TIME OF TURMOIL

"We live in the midst of alarms; anxiety beclouds the future; we expect some new disaster with each newspaper we read. Are we in a healthful political state? Are not the tendencies plain? Do not the signs of the times point plainly the way in which we are going?"

Those are not my words, as some of you may know, but are taken from a speech delivered over 100 years ago by the man that all America honors each year at this time—Abraham Lincoln.

No one can come in contact with the words and thoughts of Abraham Lincoln without being constantly surprised and impressed by their timeless quality. Lincoln's place in history was assured for better or worse simply because of the times in which he lived, but it was his ability to reach out and touch the minds of men in other times and other places that has given him the stature that places him among the great men of all time.

Students of Lincoln have been rewarded by the richness of his character for years and most of his many faces have been explored and examined in great detail. While this has allowed us to enjoy the fruits of their labor, I want to concentrate on an aspect of Lincoln which few people seldom touch so that we can better know the whole man. In looking at this man, I wanted to find how his interests and mine could be joined.

"Abe" Lincoln, as everyone knows, was an earthy, humble fellow, generally well-liked by all who knew him. He was, in fact, the product of the society in which he matured. Everyone knows the popular stories about his youth and young adulthood. . . . How he educated himself . . . about his honesty and sincerity . . . about his business failures . . . and about his physical appearance.

But what many of us fail to take into account is the society in which he developed and the role it played in shaping the many faces of the man. His was an exciting age in the history of our country. . . .

The West was beginning to emerge.

Canals and railroads were being built.

Immigrants were streaming in from Europe.

Communications and news were expedited by the telegraph.

Iron-built, ocean-going steamships were plying the seas.

Power-driven factories were coming into their own.

Villages were becoming towns and towns were becoming cities.

Pork and grain were moving east and sewing machines and steel tools were being sent back therefor.

New inventions were entering the market—the McCormick thresher and Bessemer smelting process were making a tremendous impact on his society.

The wilderness was being harnessed and Abraham Lincoln was witnessing it all. All around him, progress was on the march. He could undoubtedly see the advantages flowing to the ordinary man as these changes exploded. New opportunities were opening for everyone—farmers, workingmen, and merchants. Capital and manufacturing, however, were concentrating in the East; the raw materials to make the goods were coming from the West and South.

Like the railroads and the flow of commerce the telegraph was tying the Nation together into a firmer Union. At the same time, the steady stream of cash was concentrating greater economic and political power in one region of the country. Things were changing fast in the mid-1800s and, as always, these changes had far-reaching social and political effects.

Abraham Lincoln observed these changes and lived with the people who felt their impact. Theirs was a rugged life. Here in his own hometown, he watched the population expand more than four-fold while the population of the Nation swelled from 23 million to 31 million—2 million more than Great Britain. As the people came, he watched the frontier pass beyond Illinois to the vast territory of the Far West. Thousands of settlers were moving slowly westward in long wagon trains convinced that there they would find themselves a better life—perhaps on a cheap farm with rich lands or by finding precious minerals and becoming rich.

As the people moved westward, the demands for internal improvements increased—the extension of the railroads was essential to commerce, free land was needed for the homeless and the poor, and education was considered a public necessity. Of course, as these demands became popular, they took on greater political significance.

With this background, at 25, Abraham Lincoln was elected as a Whig to the State legislature. Together with his colleagues, he not only succeeded in shifting the location of the State capital to Springfield, but he also helped develop a plan for extensive internal improvements within his State. He recognized the importance of railway and canal transportation to the economic growth not only of the local communities, but to the entire Nation.

After he was elected to serve in the 30th Congress, Lincoln attended the River and Harbor Convention in Chicago. Here, for perhaps the first time, he was confronted with the full impact of the fast changing world in which he was living. Here, large numbers of cattle were being processed for shipment to the East and for export to England, as well. Likewise, wheat was moving to the Eastern seaboard and farmers and wheat buyers were hauling their golden grain by wagon as far as 250 miles to take advantage of the much more favorable Chicago market for their product.

All of these experiences were valuable to Lincoln in subsequent years because they caused him to appreciate and recognize the inter-dependence of the East and the West. It was natural that when he became President, constructive progress followed. Although this period in the history books is dominated by the great issues of the day—slavery and salvation of the Union—the years of Lincoln's Administration resulted in many significant accomplishments which resulted in the development of much of the frontier.

It is impossible to separate the Civil War and President Lincoln from the other events which took place during his Administration. Except for the division of the North and the South, free land might never have been made available for the homesteaders—or if so, at a much later date. In fact, just before going out of office James Buchanan had vetoed one version of the Homestead bill. Without the need for the wealth discovered during this period in the rich Rockies and the Sierra Nevadas—where it was estimated that at least $100 million worth of precious metals were extracted—mineral development would probably have proceeded at a much slower pace. Without an abundance of free farm land, the immigration to the United States of tens of thousands of Britons, Irishmen, Germans, and Scandinavians may not have taken place. And without the development of a uniform transportation network, the movement of people and goods westward, and of agricultural and mineral resources to the eastern factories, would have been seriously impaired.

The War and the West were inextricably intertwined. Except for the open territory, the Missouri Compromise might have worked and slavery might have been left to eventually dissipate by its own weight. But the West *was* there and there *was* strong public opinion that slavery should not be extended into it. Instead, the new frontier was to be open to free men—the poor and the homeless—who were willing to till the soil and convert it to productive uses.

Before being sworn in as President of the United States, Abraham Lincoln had said "I am in favor of cutting up the wild lands into parcels so that every poor man may have a home." And the platform of his party called for the enactment of a Homestead measure. In May, 1862, that pledge was fulfilled.

"It was easy," Carl Sandburg wrote, "to sign the Homestead bill . . . giving a farm free to any man who wanted to put a plow to unbroken sod." It was never considered unpatriotic, or undesirable in any way to transfer title to these wild, naked lands to those who could put them to a useful purpose for the ultimate good of all. Most people felt that the resources should be put to work to improve the standard of living for everyone.

And hundreds of thousands came to claim a home—some were Americans and others would become Americans. Out of Europe, where disease, and hunger, and hate haunted the lands, the call of America's unlimited space beckoned. With these immigrants came the skills, the knowledge, and the manpower needed in our young and troubled country. And because they came, the forces of the North never lacked vitality.

Another element of the Lincoln program was embodied in the Pacific Railway Bill of

1862. It, too, was said to fulfill a "military necessity," but the great railroad building era probably more than anything else drew the East and West Coasts closer together. The development of the transcontinental railways became the path of many of the pioneers who streamed westward for decades after and, even today, they play a critical role in the flow of the Nation's commerce.

The national investment in the railway system involved thousands of acres of unsettled lands of the public domain, as well as a substantial monetary investment. Together these induced the desired expansion. Trackage in 1850 had totaled only slightly more than 9,000 miles, but by 1865, it had increased to more than 35,000 miles.

The third great Act involving the public domain approved during the Lincoln Administration was the Morrill Act of 1862 which granted large amounts of land to the States to encourage the establishment of agricultural colleges which are now popularly known as Land Grant Colleges.

Though the President's time was devoted primarily to the successful prosecution of the war, these accomplishments of his Administration made the public domain produce the greatest good for the greatest number of people. These basic enactments began the real development of the agricultural domain of the West.

As you know, Abraham Lincoln did not seek renomination in 1848. He then returned to his home here in Springfield. He had tried, belatedly and unsuccessfully, to be appointed Commissioner of the General Land Office. Later, he was offered the territorial governorship of Oregon, but he refused it. Instead, he quit politics and pursued his profession. For 5 years or so, he traveled extensively on the circuit; trying cases by day and spinning the best-told stories in Illinois by night.

When he was at home, he lived in the white frame house with green blinds and white chimneys at 8th and Jackson Streets. Here he shoveled a path in the snow in front of the house, curried his horse, put axle grease on his buggy wheels and did all of the other things one does around his home. This was the humble, industrious able and loyal citizen being prepared for the heaviest responsibility to be placed on the shoulders of any citizen of his era. In spite of his humble nature, however, he never forgot Washington—his wife wouldn't let him—both had hopes for the future.

Many of you here are interested in this modest home of Abraham Lincoln. All Americans can be interested in it—

Not because of its physical prominence, for it is not an architectural masterpiece;

Not because it can house memorabilia of the past, for any building can serve as a museum;

But rather because it tells something of this man, just by silently letting it tell its own story.

It can tell people that while he lived in his Springfield home he continued to mature and grow intellectually. As he traveled the circuit, he could feel the pulse of public opinion. In his spare moments he could reflect on his philosophy. He never disregarded the lessons of experience, but he tried to learn from them and improve upon them. In fact, he once commended a journal for its content because it told not only the results of a successful experiment, but related the failures of the unsuccessful ones. This home can tell its visitors that Lincoln valued the advice of older and more experienced people, while at the same time he understood the ambitions and anxieties of youth in his society. Once, in response to his young law partner, he wrote:

"Your letter is exceedingly painful to me; and I cannot but think there is some mistake in your impression of the motives of old men. I suppose I am now one of the old men and I declare . . . that nothing could afford me more satisfaction than to learn that you and others of my young friends are doing battle in contest, and endearing themselves to the people, and taking a stand far above any I have ever been able to reach in their admiration. I cannot conceive that other old men feel differently. Of course I cannot demonstrate what I say; but I was young once, and I am sure I was never ungenerously thrust back. . . . The way for a young man to rise is to improve himself every way he can, never suspecting that anybody wishes to hinder him. . . . You are far better informed on almost all subjects than I have ever been. You cannot fail in any laudable object unless you allow your mind to be improperly directed. I have somewhat the advantage of you in the world's experience, merely by being older; and it is this that induces me to advise."

Those words then apply as well today as they did when Lincoln wrote them to his young friend. Hindsight may help us to see the error of a decision or course of action which was made by those who preceded us—and we should use such experience to avoid mistakes—but otherwise hindsight is a small comfort to us when decisions must be made in the contemporary world.

This home can tell our children and the generations following them that a humble man of modest means can advance to the top by working within "the system". Here in Springfield, Abraham Lincoln developed the compassion and common sense which made him one of the Nation's most outstanding leaders, but he did it largely on his own by developing his natural abilities.

Needless to say, we all have moments when we are frustrated, and disappointed, and disgusted with things as they are. We all have moments when we feel that "the system" is wrong, but that does not entitle us to assume that only we could be right and therefore permit us to secede from our society. If we don't like the way a driver handles his car, we don't jump out of the speeding vehicle; if we are riding a hijacked airliner, it doesn't make sense to bail out; likewise, if we don't like the system, we shouldn't "cop out". We have to learn to live with it—to improve on it if we can—to change it through established procedures if we must, but we must always remember that individually we are only one person and that the views and ideas of others might be equally as valid as our own. Persuasion is the talent combining reasonable arguments to attain a reasonable objective and if we, as a Nation, are to succeed, we must continue to solve our differences of opinion in a way that allows the majority to prevail. When the majority appears to be headed down the wrong path, then it is our job to persuade the people that the decision is wrong rather than jumping out, or bailing out, or "copping out".

This was the nature of Abraham Lincoln. There is a timeless quality about his wisdom. Even those who would insist that "the system" is full of flaws and who would use its weaknesses to excuse themselves from all responsibility would do well to study his words. Over 100 years ago, he said:

"The real question involved . . . was whether full and representative government had a right and power to protect and maintain itself. Admit the right of a minority to secede at will, and the question for such secession would almost as likely be any other as the slavery question."

We must remember that at one time or another we are all part of a minority of one kind or another and that only by learning to live together can our system successfully accomplish the goals which we set for it. Abraham Lincoln recognized this basic concept and this, perhaps more than anything else, can be told at the house at 8th and Jackson Streets in Springfield, Illinois.

Abraham Lincoln had many faces during his lifetime, but they all had one objective—a better America for all. As a result of his dream for our country, he planted the seeds which salvaged the Union and expanded the opportunities for all of our countrymen. It is a pleasure for me to have this opportunity to pay tribute to his greatness.

In introducing Mr. Aspinall Governor Ogilvie made the following remarks:

"Although Congressman Aspinall is a son of the Midwest, I am afraid we can claim very little of him, for he moved to Colorado at an early age when it was still on the western fringe of the American frontier.

"His state had not yet joined the Union when Abraham Lincoln left Springfield for the White House, but the great industrial expansion of Lincoln's time assured its later settlement and eventual statehood. That economic expansion, and especially the extension of the railroads to span the continent, is an aspect of Lincoln's administration which is often overlooked amid the attention to the war which divided the young nation.

For it is truly remarkable that in an age of savage civil war, the cornerstones and railroad ties of a century of progress were being laid. It was *that* progress which nudged the adolescent America into dynamic maturity. And it is that *same* progress which continues unabated more than a hundred years later, which now taxes our ability to *protect* and *preserve* those vital remnants of our national youth, those irreplaceable links to the heritage which binds us together as *Americans*. It is in the face of that challenge that we in Springfield and throughout Illinois—and especially those of you in the Abraham Lincoln Association—seek to preserve and protect the Lincoln Home area. Because the spirit and the wisdom of Lincoln so pervade this community, because his legacy of brotherhood and patriotism is so vital to this troubled age, we seek to make this shrine of his life—the only home he ever owned—more than just a *local* concern. We seek to keep alive that heritage, the heritage of liberty and decency which unites unique and disparate entities like the Rocky Mountain State and the Prairie State, and preserve it as the heritage of American *nationhood*. Our speaker this evening is uniquely qualified for the assignment, for he has spent a significant portion of his life preserving that heritage.

A veteran of both wars, he now serves as chairman of the influential House Committee on Interior and Insular Affairs and is unofficial watchdog of the nation's precious natural resources. There isn't time tonight to recite his long list of contributions to the cause of better government, but I don't think I'm giving away any secrets when I tell you that he has been serving in positions of civic responsibility for more than half a century. We are honored by his presence here tonight."

GUY J. MACKEY

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. LANDGREBE. Mr. Speaker, it was with great sadness that I heard of the death yesterday of one of the great men of American sport, Guy J. "Red" Mackey.

I knew Red Mackey personally, and there was never a more dedicated or warmhearted human being. Nor was there ever one with more ability to do the job he set out to do.

Over the years, those familiar with the collegiate athletic scene knew Purdue University to be a major power, whether it was on the football field, the basketball floor or any other sporting field. Purdue's prowess is legendary, with a special flair for winning the big games and beating the top teams. As athletic director of Purdue, Red Mackey was a major factor in that great success.

Red Mackey will be sorely missed, but his legacy lives on in the fine teams he helped to build and the sterling character of the thousands of young men who played for Purdue's Boilermakers over the years.

Mrs. Landgrebe and I extend our deepest sympathies to Red Mackey's widow and family, as well as his millions of friends in the Purdue community and the State of Indiana. His like will not be soon seen again.

SALUTE TO THE FUTURE FARMERS OF AMERICA

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. HANSEN of Idaho. Mr. Speaker, this week we are observing National Future Farmers of America Week in honor of an organization of young men playing a vital role in assuring the future progress and prosperity of our Nation.

FFA members are youth partners in developing a more prosperous American agriculture. They are preparing themselves for roles of leadership in America's agricultural future.

The FAA is composed of students who are studying vocational agriculture in the public schools in preparation for careers in farming, ranching, and related fields. In studying the science of agriculture these Future Farmers are striving continuously to improve this great industry for the welfare of all citizens.

Agriculture is and has always been the strength of our Nation. America was founded on a fertile soil by industrious colonists who believed in integrity, honesty, and dignity of work. Today, while the problems of feeding a crowded and hungry world are affecting the political and economic course of all nations, it is more important than ever that agriculture in America remain strong.

The FFA has performed the valuable service of developing leadership, encouraging cooperation, promoting good citizenship, teaching sound methods of farming and inspiring patriotism among its members. As a longtime member of FFA and a former State president in Idaho, I can attest to the positive effect that involvement in FFA has on the direction a young man's life will take.

The National Future Farmers of America organization was launched at Kansas City, Mo., November 1928, and has grown to an active membership of over 450,000 in 9,000 local high school chapters located in rural and urban areas throughout the 50 States and Puerto Rico.

Through the years thousands of young men have gained valuable skills in parliamentary procedure, public speaking, the proper conduct of a meeting, and cooperation with their fellow students.

Future Farmers have developed programs of individual and community betterment such as recreational activities, educational tours, and farm and home safety campaigns. They have been known to organize local chambers of commerce where none existed and to organize and manage community fairs. Frequently, they have taken on such jobs as the landscaping and beautification of school and church grounds in their local communities.

Vocational agricultural and FFA, which were predominantly rural-based programs of 10 years ago, are now found in the high schools of many urban areas. Although the classroom instruction of the urban student may be distinctly different than that of the rural students, both still receive the leadership-character building benefits of FFA.

Never before has there been a greater need for leaders from the ranks of American youth. Leaders who are creative, constructive, and compassionate. Leaders who can bind our Nation together and help mobilize our boundless energies and resources to solve the problems we face.

Based on past performance and future promise, programs of vocational agriculture and the Future Farmers of America organization are deserving of all the support and encouragement we can give.

As local chapters of the FFA meet this week all across America, I ask that my colleagues join me in saluting the thousands of outstanding young men of this dedicated organization.

NIXON'S ACCELERATED CANCER PROGRAM

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. MYERS. Mr. Speaker, there are many reason why I believe the administration's accelerated cancer program should be based within the framework of the National Institutes of Health. But none of them appear to me to be as important as the need for trained and experienced manpower. We speak in terms of independence for the proposed new agency, forgetting—possibly—that the nexus of research is interdependence. Interdependence sets off sparks and new ideas and motivates people.

Could the proposed new agency accumulate the necessary manpower and fit them into harness any more successfully than has been done by the National Cancer Institute at NIH? I sincerely doubt it, and for that reason, I add my voice to those who see the National Cancer Institute as the agent for the accelerated cancer programs and the National Institutes of Health as its proper location.

"FREEDOM—OUR HERITAGE"

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. CLANCY. Mr. Speaker following is a speech, "Freedom—Our Heritage," written by Miss Paulette Schinkal, 4551 Ebenezer Road, Cincinnati, Ohio, for the Veterans of Foreign Wars of the United States Voice of Democracy Contest. Miss Schinkal's speech was judged the winning entry from the State of Ohio.

She is the daughter of Mr. and Mrs. Paul W. Schinkal, and is a senior at Mother of Mercy High School in Cincinnati.

I am pleased to include in the CONGRESSIONAL RECORD this excellent speech written by one of Ohio's promising young citizens. The speech follows:

FREEDOM—OUR HERITAGE

It was a cold day this past November 3rd. My hands were stiff from the cold, and the wind blew through the layers of clothing that I wore. I was standing in front of the polling place this election day handing out sample ballots. It was 5:30 P.M., and only one hour remained for the people to vote—one hour for them to decide how they were going to mold the nation.

As I stood there waiting for the voters to pass by, I thought about a lot of things. I thought of the school across the street where I had attended kindergarten. I heard the bells ringing a mile-and-a-half away from our newly-built church. I realized that behind me history was being made. The very people whom I called neighbors, parents, friends were deciding the future of our country, our state, our neighborhood—ME. They were deciding my future, mine and that of future generations.

I thought of the two little flags behind me that marked the polling place. How small they were, but what they represented was a bigger thing—one not easily measured, one not measured by size. These flags reminded me of our freedom—freedom to vote, to decide whom we, the people of this nation, want to lead us in our quest for freedom.

I was reminded of what a great heritage we have here in America—a heritage built on freedom and built by men, women, and children much like ourselves. It started with a journey across a wild and free ocean to a wild, but free land—a journey from tyranny to freedom. No, not built up all at once, but a foundation was laid, and as the years passed by each generation added bricks, and sadly enough, a few knocked some down, but even so, each generation strives to build on this foundation—each in its own way.

Our freedom—it was, it is, and will be built by people with a dream—a dream of something just a little bit better, something better not only for ourselves, but with future generations in mind—something that requires taking on great responsibilities, facing grave hardships, even perhaps, giving up one's life. Giving up one's life so that others might be free—free to talk, to worship, to vote, to dissent, to live in the way each sees best, but best not only for oneself, but for all.

Yes, as we build this heritage a few bricks may be lost; that is, mistakes will be made, have been made. We can, however, learn from our mistakes—learn from them and avoid them in the future. The emphasis should always be on the building up, and not the tearing down. For if we tear down our heritage, what do we have left but pieces of brick and mortar.

As 6:30 is drawing near, and the last voters are coming, I think of my role in this. At first thought I feel I have done nothing—I haven't voted, I can't, not yet anyway. But then a proud, maybe vain little thought pops into my mind, and I think, "Well: maybe, just maybe, by handing out these sample ballots, supporting the candidates I believe to be best, I am adding just one small brick to the construction of freedom—my heritage."

FREEDOM—OUR HERITAGE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. CONTE. Mr. Speaker, the following is the State of Massachusett's winning essay in the Voice of Democracy Contest sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. It was composed by Veronica Lewis, a 17-year-old student at Westfield High School who resides at 31 Woodside Terrace in Westfield, Mass.

Her essay, "Freedom—Our Heritage," is both timely and thought provoking. We can all be proud of her achievement.

The essay follows:

FREEDOM—OUR HERITAGE

(By Veronica M. Lewis)

If America has a heritage of freedom, why are so many Americans being denied their rights? The answer lies in certain definitions. Complete freedom, like complete peace, is an abstract ideal. Actual freedom, the freedom we have or feel we should have at any given moment, depends for its limits on the extent to which our minds can define ideal or complete freedom. Freedom as an accomplished fact, then, is not our heritage; freedom as an ultimate goal is.

The now-famous Pilgrims, "seeking freedom from religious oppression", did not conceive of any freedom necessary to human dignity other than the specific freedom for their own sect from outside religious persecution. Similarly, the signers of the Declaration of Independence and the Constitution had no thought of the freedoms we regard as "constitutionally guaranteed" today. Their definition of proper, hence perfect, freedom was much broader than that of the Pilgrims; it was much narrower than those of succeeding generations. This is why freedom cannot be regarded as a package tied up with red, white and blue ribbon—its scope changes and broadens as each new generation examines and reacts against its own particular restrictions. Today the range of freedom is wider than that which was first considered perfect freedom. Generations from now, the range of freedom will probably have been redefined to a point where we would not be able to recognize it. The Constitution, by interpretation, has gone beyond its original restrictions of freedom to become a ground from which boundaries can be pushed back almost indefinitely.

But who will create the freedom of tomorrow? Certainly not the people who are busy narrowing the boundaries of today. The first men to see a greater freedom than their Puritan brethren were exiled; the first leaders for a country of greater freedom were on the "most wanted" list of the British government. The people who will bring us one step closer to ultimate freedom tomorrow are today's and tomorrow's outcasts. They will show America her limitations again and again, long after people have become "sick of hearing that same old whine", until a new area is opened up. Of course, once it is achieved it will seem obvious, just as rights to religious liberty and the equality of all men seem obvious principles today, hardly useful for argument. Often we forget that these apparently eternal truths were once considered heresy.

For every positive force, there comes a negative reaction. For every one person seeking more actual freedom, there is, was, and always will be, at least one other person saying, "No! This is too much. Now they're going too far." There is, was, and always will be, at least one person putting up new limits on freedom, or re-building old ones.

The common man comes in here. Not everyone has a vision; not everyone destroys visions or knocks down visionaries. There is a vast number of apathetic, powerless individuals who would have controlling power in the country if they would just wake up. They could resist the fear and greed which the destroyers use if they would stand, every day, against the spider-web barriers constantly being spun into gross injustices. Today, the "silent majority" has been assigned arbitrary colors, desires and opinions by the few. Barrier-builders are using the supposed "will of the majority" to excuse frighteningly restrictive actions. The people must resist false categorization, especially when it is used to front as popular support for potential limits of freedom.

The only way each person can prevent old areas of freedom from being removed and new ones from being thwarted is to use his power as a citizen. The power of a citizen lies in the extent to which he educates and interests himself in the world around him, and in the amount of time and effort he is willing to give to back his beliefs.

It is when conscientious citizens consider the limits of and encourage our actual freedom, that we can move a few steps closer to ideal freedom.

POLLUTION CRUSADERS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. GOLDWATER. Mr. Speaker, a new spirit is stirring in the land, inspired by a breed of Americans who see the fight against pollution as a crusade. They come from both sides of the generation gap, from all races, and economic levels. They show a sense of faith that there is no act of negligence which human ingenuity, compassion, and integrity cannot set aright if we act in time.

If you berate today's college crowd for being lazy take heed. A handful of Los Angeles students became involved in the ecology movement. As Ira Ritter, president of Environmental Quality magazine said:

> We're interested in the ecology crisis and went to a newsstand to find a magazine to inform us about pollution problems. There wasn't any available. We had the idea to start one.

Knowing absolutely nothing about the magazine-publishing business, and therefore not knowing what they were attempting was impossible, they started with an initial investment in a couple of plane tickets east. First to Washington, where they knocked on doors and found many governmental representatives lending support. Then on to New York, Boston, Chicago, San Francisco, and Berkeley, gaining an unending list of academicians, political figures, and pollution experts; and as long as they were there, they set up circulation and advertising departments, consisting mainly of college students receiving commissions on subscriptions they sold. Having everything they needed except a magazine, money, or even a manuscript, they drew a cartoon figure of a woebegone eagle, complete with gas mask and air tanks looking forelornly out to sea from a bare tree limb. His motto: "If you can see it, you shouldn't breathe it."

That done, they decided to draw on whatever resources were available. Mike Meyers, vice president of Environmental Quality magazine, explained how:

> We would just call up people and say, "Do you want to help save the environment?" They'd say, "sure" and we'd say, "What are you doing about it?" Then we'd tell them what they could do.

Environmental Quality's success will depend on how much it's not needed; the less that is needed to be done about pollution, the less you'll need the magazine. E.Q.M. will be useful toward the alleviation and the eventual solution of our Nation's pollution problems: Better to enjoy the beauty of the earth, the silence of a breeze, the serenity of an untouched meadow, the clearness of the sky, and the purity of flowing water. They know that if they can gain the participation and cooperation of individuals and groups in writing to their political representatives, government will respond with a great degree of effort toward solving environmental problems. Everyone must deal with the public's priorities on the pressing issue of ecology.

Every individual must do his or her part to end this "creeping pollution," because procrastination can only result in a slow death for our Nation and its inhabitants. Our country needs everyone's help and consideration to rid itself of environmental problems. Each day the environmental issues seem to be gathering more and more support and publicity. The sad fact is, with the cold facts staring them straight in the face, most people feel satisfied by reading an article on the environment or putting a bumper sticker on their car. Identifying with a dilemma doesn't solve the problem. Each person must be involved: Putting off buying products that pollute, joining organizations which are educating and communicating the problems and their solutions, contacting administrative agencies making the system work, supporting those candidates who have taken a strong stand against pollution, and writing elected representatives in Government. Unlike other animals, we have minds and hands, with opposable thumbs and energy. The shadows of pollution can fade. The only problem is to direct our energies, now.

Some of the major problems associated with environmental disintegration is the identification of potential hazards, and the failure of individuals and society to accept the responsibility for maintaining a healthful environment. In creating a healthful, pleasant environment, criteria must be set up to consider the importance of community planning and pride. Potential hazards to the environment must be evaluated in terms of immediate and long-range effects on health; causes, effects, and means for the control of specific problems which will predictably develop in the future. In order to effect a more healthful environment the following must be made clear:

First. A concept of ecology.

Second. The role of individuals and groups in preventing health hazards, or minimizing environmental health hazards.

Third. The role of the Government in controlling environmental health hazards.

Fourth. The importance of scientific and technological advances.

Fifth. Controlling environmental problems is costly and will need financial support from the individual and society.

Sixth. Industry can have a positive or a negative effect on the environment.

Seventh. The relation between community interest and mobile population.

Unfortunately while modern technology has improved man's income, it is destroying his environment. Now man must learn to advance yet conserve his surroundings.

Americans will be deprived of a decent quality of life unless this country develops an intelligent management system to coordinate, plan, and develop the future.

Environmental Quality magazine is a constructive step toward solving our country's environmental problems. With out the dissemination of information about the environmental crises that exist, our Nation can only deteriorate. Every individual must be informed about the crisis now occurring. They must be shown a course of positive action.

I concur with Environmental Quality magazine's view that congressional hearings would help develop better communications between Government and the individual citizen.

An acute awareness of these disastrous problems is necessary to save man and his precious environment from destruction and eventual extinction. This human awareness can only be accomplished through the joining together of every individual. The Environmental Quality magazine is a very important source of this awareness. Every individual can become an integral spoke in the wheel of environmental change and progress. Environmental Quality magazine can promote useful legislation in the environmental area.

While exposing our major polluters, the magazine presents the positive steps being taken by the majority of businesses to stop the ruin of our natural resources.

I urge each of my colleagues to read this excellent publication. The Environmental Quality magazine offices are located at 6355 Topanga Boulevard, Woodland Hills, Calif.

GOALS OF THE "GOLDEN RULE"

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. WARE. Mr. Speaker, Dr. Martin M. Weitz, director, interfaith studies, Lincoln University, Pennsylvania, which is in my district, has sent me a copy of his article on the Golden Rule. Because I feel Dr. Weitz' thoughts may be meaningful to all of us, I am taking the liberty of having it printed in the Record:

Many experiences in life are reflected from the Golden Rule. The usual term for this parallel, credited to the New Testament, was enuciated in Matthew, Chapter 7, Verse 12, and in Luke, Chapter 6, Verse 31, in the words, "All things whatsoever ye would that men should do unto you, do you even so unto them." Its underlying perspective is reciprocal relationship in conduct: a reflection in character of one to another: a translation from creed to deed, from thought to act.

But the Golden Rule glowed in the life and labor of mankind long before this poetic and philosophic framework in the New Testament. It is known to have been a precept of conduct by Thales of Miletus (640–546 B.C.E.) when he was asked by a companion, "How should man live justly?" and when he answered him and the world through him, "If we never do ourselves what we blame in others." (*Diogenes Laertius, Thales 8*)

Across the horizons of the world, and but some years removed, the great scholar of China, with the wisdom of the Orient, Confucius (550–480 B.C.E.), issued his famous edict to his generation and thereby to all mankind, "Do not do unto others that which ye would not have done to you."

In the same Century, possibly, the prince who sought meaning *of* life but could not find it until he found meaning *in* life, while meditating under the banyan tree in Ceylon, Buddha (about 500 B.C.E.), discovered in silence before he spoke in eloquence, the theme of centuries, "But what is displeasing and disagreeable to me, myself, should not I do it to another?" or "Hurt not others with that which pains yourself." (*Udanavarga 5, 18.*)

Other significant sources for this keystone in the arch of conduct as a gateway for man in his search for meaning are:

Hinduism: "This is the sum of duty; do naught to others which if done to thee, would cause thee pain." (*Mahabharata 5, 1517.*)

Islam: "No one of you is a believer until he loves for his brother what he loves for himself." (*Traditions.*)

Janism: "In happiness and suffering, in joy and grief, we should regard all creatures as we regard our own self, and should therefore refrain from inflicting upon others such injury as would appear undesirable to us if inflicted upon ourselves." (*Yogashastra 2, 20*).

Sikhism: "As thou deemest thyest so deem others. Then shalt thou become a partner in heaven." (*Kabir.*)

Taoism: "Regard your neighbor's gain as your own gain; and regard your neighbor's loss as your own loss." (*T'ai Shang Kan Ying P'ien.*)

Zoroastrianism: "That nature only is good when it shall not do unto another whatever is not good for its own self." (*Dadistran-i-dinik 94, 5.*)

It may come as a surprise to many to learn that the first instance in Jewish literature of the Golden Rule is reflected from the glow of a sentence in the Book of Tobit, Chapter 4, Verse 15,—in the *Apocrypba*—and probably dated from 200 *Before* the Common Era to about 100 *Before* the Common Era: "And what thou thyself hatest do to no man."

The great sage, Hillel, who lived during the First Century before the Common Era, presented a summation of Jewish teaching when a would-be convert asked him for a sentence-summary of the Jewish faith, "while standing on one foot," as it were. Hillel told him "What is hateful to thyself, do not unto thy fellowman." *"De alach sani lehahrach la tha abid."* (*Sab. 31a.*)

The founder of Christianity gave a different turn to this very formula, even though in all likelihood he knew it as Jewish lore from the School of Hillel, with whose disciples he studied in his youth. His was as a "revised version" of "Thou shalt love thy neighbor as thyself," from the *Book of Leviticus, Chapter 19*. Both Hillel and Jesus regarded the "Golden Rule" as a summation of the spirit of Jewish lore, not only in their own time, but for all time, as recorded in the *Talmud* for one, and the New Testament for the other. (*Sab. 31a.*) (*Matthew 7:12.*)

The Golden Rule is not merely a summation of man's search for the divine as an equation in balance with fellow-man. It is as a signpost on the pilgrimage of living: a means and an end, together, in the process and purpose of life. It derives its sanction not so much from sacred citation, as in human situation. It is a translation of the sacred word to the daily deed. It belongs more to the work for character, as well as to the word of God. It truly is not so much a matter of information, as formation itself, for human conduct and reflected from the wisdom of the centuries emanating from the divine words sought and caught by those who shed their light as reflected from ancient gems so that they illumine their world—and ours—with the enchantment and contentment of good deeds daily done. Less cannot be done . . . more need not be expected, than the Golden Rule as synonymous for life itself.

COUNTERATTACK: THE PROBLEM OF POLLUTON

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. HOSMER. Mr. Speaker, during the past several years the Christian Science Monitor has impressed and delighted many of us with its comprehensive articles on the major problems facing America today. The Monitor's coverage of the environmental problem, in particular, has been among the best by any major American newspaper.

In a series entitled "Counter Attack," the Monitor examines nine different problems of public policy and suggests what action citizens might take to deal with them. One article from this series, by Peter C. Stuart, discusses the problem of pollution in the light of what all of us, as individuals, can do about it. The article follows:

COUNTER ATTACK: POLLUTION, WHAT YOU CAN DO

(By Peter C. Stuart)

Washington.—By day, Dr. Ellis L. Yochelson pokes through paleontology collections in the silent depths of the Smithsonian Institution. His specialty: fossilized snails.

But evenings and weekends, on the rostrums and doorsteps of the suburban community where he lives, he is making environmental history.

His town, Bowie, Md., is believed to be the first in the country to ban the sale of soft drinks and beer in non-returnable containers. And Dr. Yochelson, more than anyone else, is responsible.

"It was one thing that we could do," he says simply.

Until about a year ago, the softspoken scientist was no more concerned about environmental protection than millions of his fellow American commuters.

Then came Earth Day, and he was asked to speak to a group of students in a 12th-grade "Problem of Democracy" course at Bowie Senior High School. Choosing a subject came easily.

NATURAL INTEREST HELPS

"I have a natural interest in solid waste," he explained, with a paleontologist's fascination for life's leftovers. "An aluminium can is going to stay around as long as a billion years. A glass bottle, for all practical purposes, forever."

He talked to the students—classmates of his own son—about the need for recycling containers.

"It's one thing to talk about a problem, but quite another to do something about it," he said, fixing the visitor with dark, gentle eyes in a face framed by great clumps of black-grey-white beard.

What Dr. Yochelson and schoolteacher friend Don Murphy "did about it" was to mobilize students to poll the community on the idea of banning one-way beverage containers . . . collect 1,400 signatures on petitions . . . distribute leaflets door to door . . . enlist support from interested groups such as the Parent-Teachers Association . . . and buttonhole each city councilman before the vote.

CITY ORDINANCE RESULTS

The result: a city ordinance prohibiting the sale of no-deposit, no-return containers for soft drinks and beer in this city of 45,000 beginning April 1, under penalty of $100 a day.

Since then, a handful of communities have followed. Scores of cities and several states (including Maryland) are considering doing so. And Congress has been asked by Rep. Joseph P. Vigorito (D) of Pennsylvania to impose a nationwide ban.

What sets Bowie's Dr. Yochelson apart from millions of other Americans interested in the quality of their natural environment?

Simply this: He wasn't content with a private environmental gesture. He didn't merely avoid littering his own nonreturnable bottles and cans, or refuse to buy them for his own household.

There are plenty of such symbolic contributions available for a concerned individual:

Cutting waste

Select products wrapped in minimum packaging.

Particularly avoid packaging or disposable containers of plastic, metal, or wax that are nonbiodegradable (don't break down in water or the natural environment).

Substitute cloth for paper in toweling, napkins, handkerchiefs, diapers.

Buy milk in returnable glass bottles.

Carry reusable shopping bags, and reject brown paper bags and wrappings.

Save newspapers and deposit them with commercial dealers, paper mills, or recycling centers.

Share magazine subscriptions with friends.

Install and use a litter bag in the car.

Cleaning and saving water

Buy no color-dyed tissue.

Clean laundry, dishes, and kitchen with low- or no-phosphate detergents, or soap products.

Avoid using DDT and other pesticides, herbicides, and insecticides. Try a fly swatter or flypaper, and pull garden weeds by hand.

Convert to organic gardening. Compost garbage, leaves, grass cuttings.

Sprinkle sand, instead of salt, on icy sidewalks and driveways.

Don't over-water lawn or garden. Take briefer showers.

Adjust float valve in tank of bathroom commode, or pile bricks inside to reduce flushed water.

Cleaning air

Burn low- or no-lead gasoline in car. Keep car engine tuned and antipollution device working. If you need a car, consider trading for a smaller one (four- or six-cylinder engine). Travel on mass transit, if available. Organize a car pool. Ride a bicycle, jog, or walk.

Use fireplaces sparingly.

Miscellaneous

Eliminate unnecessary electrical appliances. Generating electricity can pollute both air and water.

Shun a powerboat for a canoe or sailboat.

Operate radio, television, phonograph at respectfully low volume. Check car muffler and consider soundproofing garage. Exchange power lawn mower for manual model. Noise, too, pollutes.

Don't buy animal fur or leather.

Thoughtfully plan family size.

A conscientious citizen who practices some—or even all—of these suggestions will achieve a warm heart and a clean conscience. But the pity of it is, for all his good intentions, he will achieve a negligible impact on the environmental ills of his country.

Even in the unlikely event that every individual American did so, the United States would still be left with serious ecological problems.

Why? Because the nation's environmental troubles (with the possible exception of the litter problem and overpopulation) are not produced by the lifestyles of individuals—and cannot be solved by changing life-styles.

"These things are good for a psychological reason—people think they really can do something. And for a philosophical reason—if everyone did them, it could have some effect," said Ed Chaney, information director of the National Wildlife Federation, one of the liveliest of the conservation "establishment."

"But these things can be bad if they lead people to think this is all they need to do to clean up the environment. It just won't happen, because it's not that simple," he declared.

His explanation: The public lacks "environmentally sane alternatives." Many individuals, for example, simply don't have the choice of traveling by mass transit instead of driving a car, because there isn't any mass transit for them. Neither can they buy a pollution-free car, because the auto industry manufactures none.

The lion's share of electric power is generated for industry, and some 60 percent of water pollution is produced by industry—corporate giants over which the individual citizen has little control.

IMPORTANT ROLE REMAINS

There remains, however, an important role for the concerned individual: social action. Environmentalists increasingly recognize it as the course of the future—and their brightest hope.

"We call it Phase 2," explained Sam Love, a leader of the brash Environmental Action, Inc., the youth-run group that got its start by coordinating Earth Day last April.

"It's a step beyond individual actions. It's people working in groups to develop social solutions to what are basically social problems."

Here are some ways a citizen can participate:

Join an active environmental group. Or form one yourself. The polluters and despoilers are organized—you should be, too. If you have a special skill (law, sanitary engineering, public speaking), put it to work for your group.

Generalized environmental organizations are fine, but sometimes groups focusing on a single issue can better target their fire. "You can't solve the whole (environmental) problem," advised Dr. Yochelson. "So you break it into components, then take the smallest possible component and work on that."

Inject yourself into public decisions affecting the environment. Local public hearings and city council meetings are rarely attended except by persons having a private or corporate interest in the pending decision. Show up and speak out. At the state and national level, write your state legislators, congressmen, and the President.

Make environmental protection an election issue. Officeholders who make environmental policy must stand for reelection. Study their records. For congressmen, the League of Conservation Voters in Washington publishes charts plotting the environmental voting record of each member.

Then campaign actively. It works. In the last congressional elections, Environmental Action targeted for defeat a "dirty dozen" congressmen with poor environmental records. Seven lost, and an eighth fell within one percentage point of losing.

Report polluters to the authorities. Most pollution is outlawed by laws already on the books but rarely enforced. If you suspect pollution, check the law (local, state, or federal). If the law is being violated, notify the government. Be willing to lodge an official complaint, if necessary.

REFUSE ACT REDISCOVERED

One of the most useful antipollution tools is the newly rediscovered Refuse Act of 1899, which bans most dumping into navigable waters without a permit from the Army Corps of Engineers. It specifically encourages citizen complaints, even entitling informants to one-half of any resulting fine set by a court.

Do-it-yourself kits on this law can be obtained from the conservation and natural resources subcommittee of the House of Representatives' Committee on Government Operations (Rayburn House Office Building, Washington, D.C. 20515) or Rep. Edward I. Koch (D) of New York (Longworth House Office Building, Washington, D.C. 20515).

Support for such citizen watchdogging comes directly from the nation's new antipollution chief, William D. Ruckelshaus, administrator of the Environmental Protection Agency: "I am heartily in favor of responsible citizen court actions against polluters—of citizen pressure against government at every level, including the federal government and my own agency."

Pressure corporations to heed environmental dangers. If you're a stockholder in a polluting industry, raise the issue at the annual meeting. If an officer, spearhead corrective action from within. If an employee, try to persuade your employees' association or labor union to bargain for reform (as the United Automobile Workers has begun to do). If a customer, organize a boycott of the firm's products—and tell the firm why.

Participate in responsible, legal, peaceful demonstrations, boycotts, or other mass actions against environmental apathy. Sometimes such tactics serve as the most effective way to dramatize a situation needing correction. That's precisely what Earth Day accomplished.

COLORADANS ORGANIZED

The strongest case to be made for individual social action is simply that it gets results:

Two housewives, Mrs. Janet Adams and Mrs. Claire Dedrich, formed a group called Conservation Coordinators which last year rescued the tidelands of San Francisco Bay from commercial development.

A chemistry professor in Denver, Dr. Ruth Weiner, organized the Colorado Citizens for Clean Air which last year helped rewrite tougher state air-pollution standards.

A woman in Louisville, Ky., Mrs. John Greenbaum, persuaded television station WHAS–TV to donate a five-minute spot twice a week so she could discuss environmental issues.

Dorothy Buell formed the Save the Dunes Council and kept it going until the federal government allocated parkland funds for many of the sand dunes along Indiana's Lake Michigan shoreline, preserving them from industrial development.

Dr. Yochelson doesn't march alone.

ORGANIZATIONS TO CONTACT

Common Cause, 2100 M St. N.W., Washington, D.C. 20037.

Environmental Action, Inc., 1346 Connecticut Ave. N.W., Room 731, Washington, D.C. 20036.

Friends of the Earth, 30 E. 42nd St., New York, N.Y. 10017.

Izaak Walton League of America, 1326 Waukegan Road, Glenview, Ill. 60025.

National Audubon Society, 1130 Fifth Ave., New York, N.Y. 10028.

National Wildlife Federation, 1412 16th St. N.W., Washington, D.C. 20036.

Sierra Club, 1050 Mills Tower, San Francisco, Calif. 93104.

The Wilderness Society, 729 15th St. N.W., Washington, D.C. 20005.

BOOKS TO READ

Conservation Directory 1970. National Wildlife Federation. $1.50.

Earth Tool Kit, compiled by Environmental Action, Inc. Pocket Books (scheduled for release in April).

Ecotactics, edited by John G. Mitchell. Pocket Books, $.95.

Environmental Handbook, edited by Garrett de Bell. Ballantine. $.95.

Environmental Quality: First annual report of the Council on Environmental Quality, U.S. Government Printing Office, $1.75.

User's Guide to the Protection of the Environment, by Paul Swatek. Ballantine, $1.25.

Voter's Guide to Environmental Politics, edited by Garrett de Bell. Ballantine, $1.25.

Your Right to Clean Air: A Manual for Citizen Action, the Conservation Foundation, 1717 Massachusetts Ave. N.W., Washington, D.C. 20036. Free.

THE LONG ROAD TO WORLD ORDER—FIVE PROBLEMS AND 10 TASKS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. BRADEMAS. Mr. Speaker, it is valuable for us to reflect on the relationship between the United States and the other nations of the world.

There has been no lack of dialog concerning our Nation's role in world affairs. But the language often has been couched in terms of intervening in foreign disputes in our own interests, or in retreating behind isolationist trade barriers.

Too little, it seems to me, Mr. Speaker, has been said about a spirit of international cooperation.

Richard N. Gardner, Henry L. Moses professor of law and international organizations at Columbia University, recently addressed the 11th "Strategy for Peace" Conference on America's role in building world order.

Mr. Speaker, I believe Professor Gardner's remarks on this subject are worth preserving, and I ask unanimous consent that they be printed in the RECORD.

The text of Professor Gardner's address follows:

THE LONG ROAD TO WORLD ORDER—FIVE PROBLEMS AND TEN TASKS

(By Richard N. Gardner, Henry L. Moses Professor of Law and International Organizations, Columbia University)

Let me begin with five problems we need to think about as we plan for world order over the next quarter century.

First, how do we relate our proposals to the post-Vietnam mood of the American people. Those of us who want to involve the United States in a network of international agencies now find ourselves confronted with demands to reduce U.S. foreign commitments. If we are to rebuild support for practical steps toward world order, we will have to distinguish internationalism from interventionism. We will have to do a better job of explaining that the best way to reduce excessive U.S. commitments may often be not through unilateral disengagement but rather through the sharing of responsibility with other countries in regional and global institutions. Internationalism of this kind is not interventionism. It is a substitute for interventionism.

Second, how do we relate our proposals to U.S. national interests? Concern with national sovereignty is still with us. Many people are worried that as we move into these international institutions, we're giving up something. We have to explain much more persuasively than heretofore that the so-called sovereign state in todays' world is no longer sovereign in any meaningful sense; even a superpower like the United States no longer has the power to protect the security of its citizens or assure their prosperity in isolation. Therefore, we really gain control over our destiny as we pool our sovereignty with other nations in these international institutions. It is not a question of giving something up unilaterally. It is a matter of getting back the capacity to manage our affairs by means of mutual restraints and reciprocal concessions worked out with other countries under multilateral auspices.

Third, how do we make our proposals seem possible? One of the things I find most distressing about the mood of our country today, and this is particularly true among young people, is the pervasive sense that things are hopelessly out of control. We have so many people running around as prophets of doom. Heaven knows, there's enough to be alarmed about, whether it's the environmental problem or the arms race or the income gap between rich and poor, but I do not agree with the doom-sayers that there is no hope. It is tragic that anyone who gets up these days to make bold proposals of the kind this group has been making for years risks the danger of being ruled out of court as "utopian." So it is more than ever essential that we come up with not just grand designs, but with realistic methods of implementing them. A good approach in these matters is a big target, a rather distant target date, and a timetable for getting there, (e.g., 20 years to abolish tariffs in stages of five percent a year). Many of our national problems will seem manageable if we give ourselves time but use the time to move steadily and inexorably in the right direction.

Fourth, how do we make ourselves politically effective in our own country? I cannot think of a time in recent years when the commitment of the United States Government to building durable institutions of world order was at a lower ebb. You see it in the absence of major U.S. initiatives at the U.N., in Congressional actions on the trade bill and the I.L.O. budget, and in the Administration's appointments to General Assembly delegations. Perhaps it's time for the world order and U.N. groups in this country to raise their voices a little—almost every other special interest group is doing so. Moreover, we ought to focus more on the nuts and bolts question of how to become more politically effective in Congress, the State Department and the White House.

Fifth, what does the U.S. do if other countries aren't playing? I'm reminded of the story of the mother who is watching her little son on a see-saw in Central Park. He's with a playmate on the see-saw and all of a sudden this four-year-old, not thinking of the consequences, suddenly decides to get off the see-saw. The see-saw comes up and hits his arm, the playmate goes tumbling down on the ground, and the mother rushes up and says: "Johnny, I've told you a hundred times not to get off a see-saw unilaterally!" The question I'm posing is: Can we get off the see-saw unilaterally if some of the other players are not playing the world order game? If so, how? We have to face the fact that the attitudes of some countries toward strengthening the U.N. in peacekeeping and development are not exactly encouraging. What do we do if their opposition effectively blocks progress?

Having raised five general problems about planning and policy-making for world order, let me suggest ten major tasks of international institution-building which might be the focus of your discussions in this conference:

1. DISARMAMENT

In the McCloy-Zorin Agreement, the United States committed itself to General and Complete Disarmament. Do we really mean it? Is "GCD" a "serious subject"? One has the impression that most people in the U.S. Government today don't think so. Its obvious that GDC is not something possible in this decade, but would it not be useful to resume serious research and international discussion on the subject—particularly on the kinds of international institutions that would have to go with it? This could be done at the official level in Geneva or in informal, non-official study groups like Pugwash. Moreover, more thought needs to be given to the international machinery appropriate for various partial measures, such as a SALT agreement or seabed disarmament.

2. PEACEKEEPING AND PEACEMAKING

I offered some suggestions in Foreign Affairs recently ("Can We Revive the U.N.?," July, 1970) on how the United Nations might be made more effective as a peacekeeping and peacemaking agency. We need to consider as a matter of urgency how to bring mainland China into the U.N. while still assuring self-determination for the people of Taiwan, and how to bring the divided states into the organization. We need fresh thinking on how far one can really build up the U.N.'s peacekeeping and peacemaking capacity by institutional innovations as contrasted with an essentially *ad hoc* approach. We need new attention to measures to rationalize the procedures of the Security Council and General Assembly and improve the effectiveness of the Secretariat.

3. OUTER SPACE

So far our institution-building with the Russians in this area has been very modest. We have participated with them in the World Weather Watch and we have had some modest bilateral cooperation in information exchange, but nothing you would really call a joint venture. Perhaps the time has come when both countries would see significant budgetary savings and political advantages in a pooling of effort. To preserve the security of the launch sites, could the two countries launch elements of a space station separately and then assemble them in outer space? Is this technically sound? Is it politically sound? And should it be U.N.-ized?

4. THE SEABED

The Nixon Administration's proposals in this area have been most constructive. They envisage an important new international agency for the regulation of activities on the deep ocean floor. But the international approach here faces formidable political opposition. Many Latin American countries seem reluctant to give up their more extensive claims both in the ocean floor and territorial waters and the Soviet Union remains adamantly opposed to any international regime and any international organization that would engage in licensing and rule-making in ocean space. How can we bring these countries around? What are the compromises that might be offered? If we can't bring them around, can we go forward with something like the Nixon Treaty on a less than universal basis? What happens if you have a Nixon-type treaty without the Russians and they find a nice little submerged mountain in deep ocean space and start drilling on it?

5. THE INTERNATIONAL MONETARY SYSTEM

Many people now urge that the International Monetary Fund should gradually develop into a world central bank. Have we really thought through all the implications of this for the management of our domestic economy and foreign policy? The corollary of giving up our role as world banker and substituting the IMF is that we accept a commitment that increments to world liquidity will be exclusively from internationally-issued money (SDRs) and not from the perpetuation of U.S. payments deficits. Are we really prepared to play the game by those rules? Would we get enough liquidity that way, given the conservatism of some of the Europeans and other people who wield important decision-making authority in the IMF? Would not the IMF also need authority to influence the exchange rates, the domestic economic management, and the foreign expenditures of surplus and deficit countries? Will we—and other countries—be ready for this in the foreseeable future?

6. WORLD DEVELOPMENT

Considering all the obstacles, we have created an impressive array of international agencies in this field. We have begun to develop international performance standards for the rich and for the poor. We enforce them on the poor—or try to—by granting or withholding credit, but how do we enforce them on the rich? How do you build really effective sanctions on the rich countries to give the one per cent of GNP the Pearson Commission says they ought to give? And how do you get the recipient countries to take more effective measures in such matters as food production, birth control, and broader sharing of the benefits of development? Bilateral aid has generally failed to solve these problems. Can multilateral institutions be more successful?

7. INTERNATIONAL TRADE

The strong revival of protectionist sentiment in the United States threatens now to plunge the world into, if not a trade war, at least a new cycle of trade restrictions. There is a widespread feeling on the part of American labor and American business that international institutions such as GATT and OECD have not adequately protected U.S. trade interests. The traditional principle of non-discrimination has been seriously eroded by the European Economic Community and its association agreements with European, Middle Eastern, and African countries. It will be further eroded by the EEC's enlargement. If we are to avoid slipping back to protectionism, if we are to restore momentum toward free trade, we will need to consider ways of making GATT and OECD more effective than they have been in the past. GATT in particular needs to review its ground rules and strengthen its sanctions against non-complying members. Obviously, the political obstacles to such reforms will be formidable.

8. ENVIRONMENT AND POPULATION

Rather belatedly, the U.N. system is now developing action programs in these vital areas. But the system's effectiveness is diminished by the historic pattern of specialization among the different agencies and by the lack of strong central leadership. In the years ahead, we will need to strengthen the authority of the central executive in dealing with the Specialized Agencies, perhaps by a formal constitutional charge, perhaps by using the U.N. Development Program as the source of funding for population and environment activities. In addition, we might consider the creation of new U.N. policy-making bodies more in accordance with contemporary needs—an International Development Council in place of ECOSOC and a new Council on Science, The Environment and Social Problems. The latter would include population and urban problems within its mandate. It would deal with problems as important for developed as well as developing countries, and would thus help remedy the almost total preoccupation of ECOSOC and the Specialized Agencies with the developing countries. This reform could have important political benefits by demonstrating to the people of the developed countries that the U.N.'s economic and social work can be directly helpful to them. Incidentally, everything I know of Soviet attitudes suggests that they would look with sympathetic interest on such a reform.

9. HUMAN RIGHTS

Our agenda here is clear enough. We need to build political support for U.S. adherence to U.N. Human Rights Conventions, like the Genocide Convention, from which we have so far remained aloof. Still more important, we need to create more effective measures of human rights implementation at the international level. A most promising first step could be the proposed High Commissioner for Human Rights. The hard question here is whether to create this kind of universal system of human rights implementation in the face of strong opposition from the Communist countries, or whether to concentrate for the time being on regional approaches, using the Latin American and European institutions for human rights protection.

10. COMMUNICATIONS

This is a much neglected area. If we are serious about building effective institutions for the management of global problems, we need new ways to build understanding between nations, races and ideologies. We have all this exciting new technology, such as communication satellites, but I don't see any exciting proposals coming out of Washington or anywhere else on how to use the technology to advance us toward world order. As a modest first step, the U.N. should be given free use of the INTELSAT facilities for its operational and informational requirements. U.N. members should be encouraged to carry a minimum amount of U.N. and foreign programs on their national television and radio networks.

The greatest obstacle to progress in international cooperation, as Lester Pearson has reminded us, is "faintness of heart and narrowness of vision." It is up to groups like this to point the way for government leaders who still suffer from these all-too-common disabilities.

LITHUANIAN INDEPENDENCE DAY

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. DONOHUE. Mr. Speaker, it is always a very special honor and duty to join in this annual congressional recognition of Lithuania's declaration of independence back in 1918.

It is a special honor because I know from personal experience that the Lithuanian people possess and exercise the highest principles of Christian character and conduct here and in the homeland.

I am familiar with their love of God, of liberty, and of truth because I have lived and worked among Lithuanian friends and neighbors throughout my life. I have seen with my own eyes their unswerving loyalty, devotion, allegiance, and compassion to their church, their families, this country, and their fellow American neighbors. Through them and with them I have observed and admired the persevering faith and courage of the Lithuanian people.

Mr. Speaker, throughout history the Lithuanian people have over and over again suffered the terrible persecutions and cruelties of ruthless oppression. The valiant Lithuanian people and nation are today still suffering but gallantly resisting the tyranny and dictatorship of Soviet Russia but I know they will never give in or give up.

They have demonstrated an unflinching example of the highest valor and dedication that is truly an inspiration to the world and to their fellow Americans. That is why I am honored by my long association with Lithuanian Americans.

I also join in this tribute to the Lithuanian people because I feel it is my special duty, as a national legislator to do so.

In large part it is the fault of the United States, together with other allies, that the Lithuanian people are today living in cruel subjugation and slavery.

Therefore, this Nation can never again be truly proud of its integrity or its leadership until personal liberty and free self government has been restored to the Lithuanian people.

This country must continue, until it is successful, to exercise every possible means of influencing freedom for Lithuania, not just for the sake of Lithuania but for the sake of our own lasting liberty.

Let us be mindful that there is no persuasive evidence in the past or present record indicating that Soviet Russia has abandoned her long announced goal and boast of eventual world domination, by force if necessary.

Let us remember that while we permit even one comparatively small country to be a captive of tyranny, there is the ever-present danger that we ourselves will become captive of the same brutal power.

I believe that to insure our own liberty we must achieve freedom for Lithuania and all other subjugated countries.

One way to do so is by this public expression of the U.S. House of Representatives, in formal session, of our concern for the plight of the Lithuanian people and our appeal to the Soviet Union to restore Lithuania's independence.

By our public expressions here we are continuing to focus the public spotlight of truth upon the hypocrisy and cruelty of the Communist dictators who promise freedom and liberty but who do not follow it up with any concrete deeds and actions.

Other ways to achieve our purpose, as I and other Members of Congress have persistently done, is to call upon our President to present the question of Lithuanian and other Baltic States' slavery to the United Nations requesting their intercession with the Soviet Union; and to continue to introduce resolutions in the Congress condemning the unjust and illegal oppression of Lithuania by Communist Russia. Also, when necessary, we must publicly condemn, as I and many other public officials have done, the shameful conduct of official representatives of our own country when they close their eyes and their ears and their hearts to the cries and persecution of an individual like Simas Kudirka and countries like Lithuania who seek the asylum and the help of the United States to regain their God-given right to personal liberty and national freedom.

The origin and the mission of our American people is to help individuals and nations to attain and enjoy their inalienable rights to life, liberty, and the pursuit of happiness. As a people we can never be right, we can never be free, and we will never be truly happy until Lithuania and the other subjugated nations are restored to freedom. Let us then, today, renew our resolve to stay together, to pray together, and to work together until this goal has been realized.

TRUE MEANING OF FREEDOM EXPRESSED IN SPEECH

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. EDMONDSON. Mr. Speaker, I was very proud recently when I received a copy of a speech written by a young lady in my hometown.

This speech entitled "Freedom, Our Heritage," was entered in the Veterans of Foreign Wars annual Voice of Democracy, and was judged the outstanding entry in Oklahoma. Reading the speech, it is easy to see why.

This speech by Miss Belinda Snyder of Muskogee, Okla., shows a remarkable understanding of freedom and the meaning of freedom to the free people of the world. Miss Snyder has truly caught the spirit of freedom, and I would like to have her words appear in the RECORD so that I can share it will all our colleagues.

Miss Snyder is the daughter of Mr. and Mrs. W. R. Snyder of 1623 East Broadway Street in Muskogee, and she is a student at Muskogee High School. She will be in Washington next month to compete in the national contest with the winners from the other States.

I know her parents and the people of Muskogee share my pride in Miss Belinda Snyder's achievements and wish her well in the national contest.

I include the article as follows:

FREEDOM, OUR HERITAGE

(By Belinda Snyder)

As citizens of the United States of America we have inherited from our country's founders many intangible qualities. We've inherited an adventurous spirit, a love of competition and a strong desire to be number 1 in whatever we do. Inborn within us is an open, warm, outgoing friendliness and a willingness to use our strength to help the weak. From our predecessors we've gained both a love of the wide open spaces and a desire to build huge, bustling, crowded cities. We've inherited unlimited courage, exhuberance, ingenuity, and initiative. But the most outstanding part of our heritage is freedom. This part of our heritage was the basis on which our country was founded and the premise on which it has continued. The Utopian ideal of freedom gave birth to the United States and since then Americans have shouldered the responsibility of safeguarding this, the most important part of our heritage.

Utmost in the minds of all Americans should be an intense appreciation of the freedom with which we are blessed here in our nation. For when Americans no longer appreciate the ideal of freedom they can no longer preserve the concept of a United States of America. We as Americans can demonstrate this appreciation through a total and positive involvement in the workings of our government. As long as Americans remain informed and concerned, freedom in America, and therefore America itself, will go on thriving as it has for two hundred years.

Appreciation of freedom, by necessity, inspires freedom's protection. Every aspect of our federal government was designed to protect individual freedom. Our constitution is a mammoth watchdog of liberty. But the protection of freedom didn't stop when the ink was dry on the Bill of Rights. It has continued down through the years in courtrooms, on Senate floors, in political rallies, in churches and schools, and through the wreck and carnage of a tragic Civil War and two World Wars.

Through our appreciation and protection of freedom we cannot help but further this part of our heritage. America was founded on what was then thought to be the ideal of perfect freedom. But since this founding America has established rights for the nonlandowner, the Negro, and the female. The United States during its short life has successfully extended liberty further than was ever thought possible. The task before us now is to keep extending this freedom past our own national boundaries until it is a reality, not only in the United States, but throughout the world.

Heritage is defineable as "what comes to a person through circumstances of his birth." Freedom, then, has come to us by the good fortune of being born in Portland, Oregon; Bangor, Maine; Duluth, Minnesota; or Houston, Texas. But what of those born in Prague, Warsaw, and Berlin? And what of those in Duluth or Houston two hundred years from now? Our responsibility is to make it possible for everyone, all over the world, to, like us, be able to refer to "Freedom, Our Heritage."

SALUTE TO THE DISABLED AMERICAN VETERANS

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. McKEVITT. Mr. Speaker, it is a distinct pleasure to salute the Disabled American Veterans on its 50th anniversary. The record of the Disabled American Veterans over the last 50 years has been one of untiring work to achieve the highest level of benefits for our disabled veterans. It is a record that all members of the DAV, its auxiliary and indeed, all Americans can be proud. The DAV was born 50 years ago because the disabled veteran needed a champion. Fifty years later, the disabled veteran still has that champion in the DAV.

Recently, the national commander of the DAV, Cecil W. Stevenson, visited Denver. While in Denver, Commander Stevenson noted that the DAV contacts each injured Vietnam veteran either by letter or in the form of a counselor. Commander Stevenson said:

> It's just a way of saying we appreciate what the men have done. We want to make certain they get every benefit they have coming and get all the help they need.

Mr. Speaker, I believe Commander Stevenson summed up the work of the DAV in that statement. And while he did not say so, it is obvious that the DAV continues to be the champion and the concerned friend of all disabled veterans as it has been over the past 50 years.

CIVIL SERVICE RETIREMENT FUNDING OUTLOOK

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, over the past 6 years the Subcommittee on Retirement, Insurance, and Health Benefits of the Committee on Post Office and Civil Service has established an exceptionally fine record of legislative accomplishment, as demonstrated by the breadth and scope of its legislative program, and the number and importance of bills which have become law.

The enactment of Public Law 91–93 on October 20, 1969, marked what is acclaimed to be the most significant event in the history of the Civil Service Retirement System since its inception a half century ago. It had the significance of assuring that the Federal employees' retirement program will have the ability to meet its immediate and future obligations to our Government's active and retired work force.

It having been my high honor and privilege to serve as chairman of this outstanding subcommittee during all the relatively few, but productive years of its existence, I have reluctantly relinquished that chairmanship in accordance with the recently adopted rules of the House. As one of my concluding acts in that capacity I take this opportunity to present to this body a report I obtained from the chairman of the U.S. Civil Service Commission on the operation of the positive funding practices created by the Daniels-McGee Act of 1969, and the system's financial outlook for both this decade and the remainder of this century.

I include the report as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C.

HON. DOMINICK V. DANIELS,
House of Representatives

DEAR MR. DANIELS: Public Law 91–93, enacted on October 20, 1969, provided for full and permanent financing of the Civil Service Retirement System. Because of your concern for retirement financing, and your participation in development and enactment of that law, I thought you might be interested in its operation to date and a brief look at the future.

Public Law 91–93 improved retirement financing by providing for (1) increased employee deductions and agency contributions at rates which approximately covered normal cost, (2) appropriations to amortize, in 30 equal annual installments, unfunded liability resulting from new legislation, and (3) permanent indefinite appropriations to finance by transfer from general revenues (a) unfunded liability attributable to prior laws and (b) benefits based on military service.

The 1969 law fixed employee deductions and agency contributions at 7% each. This income, totalling 14% of payroll, approximated the normal cost of the system. On October 20, 1969, the normal cost was estimated to be 13.98% based on the most recent valuation of the Board of Actuaries. Provisions of Public Law 91-658, enacted January 8, 1971, added an estimated 0.16% to the normal cost to bring the current level to 14.14%. The Board of Actuaries is currently preparing a valuation of the System as of June 30, 1970, which will review the normal cost calculations. After transmittal of this valuation to Congress, we will submit recommendations concerning the level of contributions vis-a-vis the level of normal cost. While many of the estimates mentioned below may be affected by this valuation, the estimates do indicate the general magnitude of future Government commitments.

Public Law 91-93 provided that the unfunded liablity of the System should not be allowed to grow as in the past. This liability had been $27 billion in 1958, $38 billion in 1963, and is estimated to be $65 billion in 1970. It will continue to grow in the future by the amount of liability created by each cost-of-living annuity increase as it occurs.

One of the major reasons for growth in the past has been the unpaid interest which accrues each year on existing unfunded liability. Public Law 91-93 provided that eventually the full amount of this interest will be paid each year by transfer from general revenues. In order to soften the budgetary impact of this requirement, only 10% will be paid in 1971 plus 10% more each year until 1980 and after, when the whole interest payment will be met.

The first payment under the transfer provision will be a transfer from the Treasury to the Civil Service Retirement Fund of $237 million on June 30, 1971. This amount is 10% of the total of military service benefits and the interest on unfunded liability during the fiscal year 1971. Even if there were no future cost-of-living increases, the transfer on June 30, 1980 (the first 100% transfer) is estimated to be $2.86 billion. If the Consumer Price Index continues to increase at the rate of the last three years, the June 30, 1980 payment will be about $3.77 billion.

The first law which resulted in 30-year payments to the Fund to amortize newly created liability was Public Law 91-177, which authorized retirement credit for Vista Volunteer service. Since then there have been two general salary increases, a postal salary increase, Public Law 91-658 (the recently enacted "second survivor" bill), and four minor bills which are covered by the 30-year amortization provision. The total liability created by these nine laws is $8.3 billion, and the total annual payment for these laws will be $437 million. The first annual payment, on June 30, 1970, was $158 million covering Public Law 91-177 (Vista Volunteer service) and Public Law 91-231 (the general salary increase enacted April 15, 1970). If no other liability requiring amortization were created, the annual payment would remain at a level of $437 million until June 30, 1999. Assuming laws are enacted each year that create liability at the same rate as in 1970, the June 30, 1980 payment will be $2.4 billion.

One provision of Public Law 91-93 has added a complication to the budgetary process by necessitating requests for supplemental appropriations. The law requires that the first amortization payment resulting from a statute be made at the end of the fiscal year in which the change is effective. Therefore, the first payment for each statute is due at the end of a fiscal year for which the budget has already been approved, and a supplemental request must be made for each initial payment. In order to avoid this need for supplemental appropriations, it would be desirable at some time in the future to amend the law to move the first payment date to the end of the fiscal year following the one in which the change becomes effective. Each of the 30 amortization payments would be increased, since an extra year of interest on the new liability would have to be paid, but the final funding effect would be unchanged.

The total Government payment into the Fund for fiscal year 1971 will be $2.59 billion. This includes $1.86 billion for the 7% agency contribution, $237 million for the 10% payment of military benefits and interest on unfunded liability, $437 million for the 30-year amortization payments already mentioned, and $59 million for delayed payment of the first installment for funding the retirement liability of the 1970 postal salary increase. The 1980 total Government payment, even if there were no further salary increases, annuity increases, or benefit liberalizations, would be about $5.2 billion.

In summary, the Public Law 91-93 retirement financing provisions enacted October 20, 1969, are working well and will achieve the objective of full and permanent financing of the Civil Service Retirement System. Experience to date, and a projection of future Government payments, indicate a need to consider whether the benefits to be derived from the enactment of each new legislative proposal fully justify the retirement cost which would be added to the already large Government commitment.

Sincerely yours,

ROBERT E. HAMPTON, *Chairman.*

THE ORDEAL OF THE RIGERMANS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. SCHEUER. Mr. Speaker, on Saturday, February 20, it was my pleasure to welcome Mr. Leonid Rigerman and his mother, Esther, to the United States. Mr. Rigerman is a 30-year-old Soviet Jewish physicist who was recently permitted to leave the Soviet Union.

While living within the Soviet Union, Mr. Rigerman and his mother suffered the indignities of the discrimination to which all Soviet Jews are subjected. The Soviet Government, in violation of its own Constitution, has consistently suppressed the free expression of Jewish culture and has prevented the establishment of Jewish schools. In violation of the United Nations Universal Declaration of Human Rights, it has deprived Soviet Jews of the opportunity of worshiping in accordance with age-old Jewish tradition. In short, the Soviet Government has illegally attempted to destroy virtually all manifestations of Jewish culture and to prevent its transmission to subsequent generations.

The Rigermans were also the direct victims of the Soviet policy which denies the right of Russian Jews to emigrate from that country to Israel or to any country of their choice. As applied to the Rigermans, this policy resulted in the harassment, detention and, in one instance, the arrest of Mr. Rigerman each time he attempted to enter the American Embassy in Moscow in an effort to establish his American citizenship. This action was quite possibly in violation of the Soviet-American Treaty on Consular Relations and the general Soviet policy is in violation of the Universal Declaration on Human Rights and the rights enjoyed by the citizens of every truly free society.

I was pleased to have been of assistance to the Rigermans in their attempt to establish their American citizenship and ultimately to emigrate to the United States. I am grateful to the State Department for its help and to those of my colleagues who expressed interest in this case and who joined me in this effort. The arrival of the Rigermans in the United States is testimony to the fact that the Soviet Union is sensitive to world opinion; that the efforts of private individuals and Members of Congress can have an effect; and that it is possible to aid positively the Jews in the Soviet Union.

The successful conclusion of the effort on behalf of the Rigermans, however, must not cause us to diminish our efforts on behalf of those Soviet Jews who remain victims of active governmental discrimination. We must never forget that 3 million Jews must still suffer persecution, oppression, and discrimination. We must remember that they and their children are continually denied the right to worship and to experience freely Jewish tradition, education, and culture. We must continue our efforts through all lawful means on behalf of those who remain in the Soviet Union, until they, too, are able to enjoy the rights which characterize a free and just society.

THE PRESSING NEED FOR ELECTION REFORM

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, I am proud to join today with several of my colleagues from both sides of the aisle in introducing a comprehensive package of campaign finance reform bills. Many of these measures have been introduced before, but never has the time been so ripe for a sustained, determined effort to put them on the statute books. We simply can delay no longer the critical task of thoroughly and fundamentally reforming the machinery by which we finance and conduct our election campaigns. The costs of campaigns have become too high, the quality of campaign discourse too compromised, and public confidence in the legitimacy of the electoral process has ebbed too low to permit politics as usual to continue to govern our efforts in this area.

The bills we offer today hold promise of breaking the traditions of inertia and neglect which have allowed our campaign finance laws to become antiquated and ineffective. These measures have broad support in both parties as evidenced by the more than 60 Members joining today in cosponsoring this legislation. If recent opinion polls are any guide, we think they will find broad public support as well.

The first purpose of this legislation is to help curb the rapidly mounting costs of political campaigns by providing limits of 30, 25, and 20 percent registered voter on the amount that candidates for the House, Senate, and the Presidency may spend for media campaigns.

Mr. Speaker, we are fully aware that effective ceilings are not easily established and that strong arguments can be raised against legislation in this area. But we can see no other way to control spending effectively, and have, moreover, designed these limitations to account for the most forceful objections offered by the critics. Specifically, we have included only five basic items of media expenditure—radio and TV time, magazine and newspaper advertising, telephones, postage, and billboards—rather than all campaign expenditures in the limitation, because these items tend to be supplied by a few, visible providers at published, standardized rates. For this reason, we are confident that the practice of hidden contributions through artificially discounted prices can be controlled and that the most important items of campaign spending can be held in check.

The argument that ceilings are pro-incumbent can also be refuted for this would only be true if ceilings were so unreasonably low that a challenger could scarcely show his face on the TV screen, a billboard or in a newspaper ad. If the ceilings are flexible and liberal—and we believe those contained in our bills are—a challenger can obtain all the media exposure he needs to establish the recognition and name familiarity that are so essential for a successful race. At the same time we have sought to prohibit the lavish media blitz by the wealthy unknown that few would find grounds to justify.

Mr. Speaker, a second objective of these measures is to significantly broaden the base of campaign finance. We have attempted to do this through the provision of strict ceilings on individual contributions to levels generally under $5,000 per candidate and through the establishment of a tax credit for small political contributions. Together these measures should encourage candidates to return to the grassroots citizenry for financial support and to revitalize the personal network between voters and officeholders that is such an essential requirement of a healthy democracy.

Third, we have designed these bills to meet objections that were raised against these admitted imperfections of the political broadcasting bill passed by the Congress last year. In this package we do not discriminate against merely one medium, or close only one hole in the sieve, but attempt to limit spending on all major media items. We have avoided the precedent of setting rates for television broadcasts as in the broadcast bill and have tried to build features into the package which will tend to equalize the conditions of electoral competition between incumbents and challengers.

Fourth, we have sought to insure candidates a certain minimum access and exposure to the electorate through the public subsidies for limited amounts of television program time and through reduced mailing rates. Some, of course, would go much further than this and have the government take over the entire cost of political campaigns. We have not pursued this alternative because we fear it would only replace the dominance of a few big donors with one big donor—Uncle Sam—and thereby further weaken the network of accountability that develops when candidates are forced to turn to a broad base of small contributors for support.

Mr. Speaker, finally, we have attempted to help lift the veil of cynicism and disrespect that surrounds current campaign laws by closing the loopholes in the Corrupt Practices Act to provide full reporting and disclosure by all committees and have established a professional, full-time agency to administer the act, publish and analyze reports and make investigations of alleged violations. We have no illusions that securing the reforms we have proposed will be easy. But we believe that an increasingly aroused public, and the fact that so many Members of both Houses have put their names on the line for reform legislation, may spell the difference that could make campaign finance reform a reality in the coming year.

Mr. Speaker, at this point I would like to insert in the RECORD a summary of the major provisions of these four campaign finance reform measures.

I include the article as follows:

Summary of Campaign Finance Reform Package

BILL NO. 1. REVISION OF THE CORRUPT PRACTICES ACT

Redefines term "election" to include all primaries, conventions and caucuses, as well as general elections (as in current act)

Redefines term "political committee" to include intra-state and District of Columbia committees, as well as inter-state committees (as in current act) as follows:

(a) National political committee—any committee that expends over $1,000 in any calendar year to influence the election of two or more candidates for Federal office in two or more states;

(b) State political committee—any political committee that expends more than $500 in any calendar year to influence the election of two or more candidates for Federal office in any one state;

(c) Candidates committee—any political committee which expends more than $100 in any calendar year to influence the election of a candidate for federal office and is organized specifically to aid or promote one particular candidate.

Creates a Registry of Election Finance in GAO charged with administering the law, processing and publicizing campaign finance data and reporting violations.

Requires annual registration and five annual reports by all three types of political committees defined above, including itemization of all contributions over $10 and expenditures over $100.

Requires prior authorization in writing (filed with Registry of Election Finance) before any national, state or candidate's committee may receive contributions or make expenditures in a candidate's behalf.

Limits aggregate spending for the following five items to 20¢ per registered voter for President, 25¢ for the Senate, and 30¢ for the House by candidate in any election:

1. radio and TV time
2. newspaper and magazine advertising
3. telephone
4. postage
5. billboards

Prohibits contributions in any name other than one's own

Limits the amount any individual contributor may give to a campaign as follows (i.e. the aggregate amount that may be given to a candidate and all of his committees combined):

President	$5,000
Senate	2,500
House	1,000

Limits the amount any individual may contribute to political committees as follows (i.e. the amount an individual may contribute in any year):

National political committee	$5,000
State political committee	2,500

Limits the amount any national or state political committee may contribute to another national or state political committee to $15,000 in any year.

Limits the amount that any national political committee may contribute to a candidate as follows:

President	$15,000
Senate	10,000
House	5,000

Limits the amount that any state political committee may contribute to a candidate as follows:

President	$5,000
Senate	2,500
House	1,000

Except that these last two limitations on contributions to candidates by national and state political committees do not apply to national or state party committees or congressional campaign committees of the parties.

BILL NO. 2 TAX CREDIT FOR POLITICAL CONTRIBUTIONS

Provides a 50 per cent credit on all contributions to candidates for Federal office or national or state party committees up to $50 in any calendar year.

BILL NO. 3. POLITICAL BROADCASTING

Establishes public subsidization of political broadcasts during general elections by candidates for Federal office, to be called Voter's Time, allocated as follows:

a. Major Party Presidential Candidates	5 half hr. blocks
b. Major Party Senate Candidates	3 half hr. blocks
c. Major Party House Candidates	2 half hr. blocks

(Lesseer amounts for minor party candidates.)

Provides that all Voter's Time blocks shall be sold at the prevailing program time rate, offered during prime time, and shall include substantial live appearance by the candidate.

Provides that all broadcasts by candidates for the Presidency and Senate shall be aired simultaneously by all stations in the jurisdiction and that responsibilities for broadcasts by House candidates shall be apportioned by the FCC.

Provides that all Voter's Time broadcasts shall be sold during the 35 days preceding the election, prevents candidates from bunching their broadcasts in the final week of the campaign, and provides that candidates shall be reimbursed directly by the Treasury.

BILL NO. 4. REDUCED MAILING RATES FOR POLITICAL CANDIDATES

Provides two pieces of mail per registered voter for candidates for the House and the Senate at the reduced rate applicable to nonprofit foundations (about 1.5¢ per piece).

CLEVELAND, OHIO'S, SILVER ANNIVERSARY MERIT AWARDS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. VANIK. Mr. Speaker, over the years, the local courts of the Cleveland, Ohio, area have been served by a remarkable group of devoted and distinguished public servants. On February 17, five of these public officials, representing between them a total of 166 years of employment in public service, were honored at the silver anniversary merit awards luncheon. This luncheon was first inaugurated in 1947 by the Cuyahoga County Bar Association. The occasion has presented the people of the Greater Cleveland community an opportunity to honor those who have served them so well:

This year's honorees are: John J. Alden, Director, Social Services, Juvenile Court; Helen V. Fox, Assistant Auto Title Manager, County Clerk's Office; Domenic A. Marino, Deputy, Probate Court; Mrs. Rose J. O'Donnell, Supervisor, Probation Department, Cleveland Municipal Court; and Mrs. Florence M. Slater, Deputy, Sheriff's Office, Civil Branch.

Alden, 61, who resides at 253 East 151 Street, Cleveland, Ohio, was selected for thirty years of meritorious service in the Juvenile Court in various capacities as a case worker, supervisor and Assistant Director for its Aid to Dependent Children Division, as a county welfare supervisor, boys' referee, chief of probation and social services, before being appointed to his present position of Director on February 1, 1967. Alden and his wife, Katherine, are parents of Dr. Kay Finseth, a graduate of Harvard Medical School, and Richard, a graduate of Case Institute of Technology.

Helen V. Fox, of 2066 East 69 Street, Cleveland, began as a typist in the County Clerk's Automobile Title Bureau on March 13, 1941, and has progressively risen in positions of trust and responsibility through the past three decades of employment to become the first woman appointed to an administrative position in the Auto Title Bureau. Miss Fox holds a B.S. degree from Wilberforce University, is a member of St. Agnes Church, and of the Cuyahoga County Women's Democratic Club.

Domenic A. Marino, 65, resides with his wife, Claire, at 1424 Richmond Road, Lyndhurst, Ohio. Marino, an Army Air Force veteran of 30 months in World War II, joined the Probate Court on May 16, 1946 as a Deputy Clerk. His experience along the main counter entails contacts with attorneys in issuing notices and summons as required. Marino also served the City of Cleveland from 1931 to 1938 in the Waste Detection Unit of the Water Department and the Office Department as a transfer agent from 1945 to May 1946, giving him a total of 33 years of public service.

Mrs. Rose J. O'Donnell, a widow, residing at 5101 Herman Avenue, Cleveland, joined the Municipal Court Probation Department on March 1, 1944, after spending 8 years with the City and County Welfare Department performing various clerical duties. Mrs. O'Donnell is the mother of John Donald Sternisha and grandmother of three. Her husband, Francis O'Donnell, died in 1957. As senior stenographer for the Probation Department, Mrs. O'Donnell is a supervisor who starts work daily at 7:30 a.m. in order to make certain that daily criminal docket is ready when court is opened.

The job of preparing Grand Jury subpoenas in the Sheriff's Office has been the major concern of Mrs. Florence Slater, residing at 13419 Euclid Avenue, East Clevland, who is completing 38 years in the employ of the county. In 1933, she began working as a telephone operator at the Criminal Courts Building, and in 1941 she began her various assignments with the Sheriff's Office. An only son, Raymond J. Slater, Jr., was graduated from Case Institute of Technology in 1947. She is a grandmother of six. Her travel hobbies have taken her to Europe three times. One trip was highlighted by a private audience with the late Pope Pius XII.

To the members of the Cuyahoga County Bar Association, their president Robert R. Disbro and vice president, Fred Weisman, and the entire committee handling the arrangements for the luncheon, my congratulations and thanks for a job well done.

To this year's merit winners, congratulations and thanks for years of good work. Best wishes for the future. The entire Cleveland community is proud of your achievements.

THE DISTRICT OF COLUMBIA—A VICTIM OF LIBERAL SURRENDER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. RARICK. Mr. Speaker, the public school situation in our Nation's Capital, already racially imbalanced to the point of absurdity, continues to deteriorate. And those "race experts"—on education where they are uninvolved—continue to be insensitive to the plight of what some politicians once promised to make a model city.

White families, approaching a rarity in our Nation's Capital, as well as middle class colored continue to flee according to the latest census data on the District of Columbia population.

The apologists and interpretative analyzers seek to explain the exodus of decent Americans on the failure to pour in more and more taxpayer's money for more giveaways and more free public accommodations. Few dare to comment on the obvious reasons for the migration, that is, the fear of violence, the concern for one's personal safety and the natural desire to be with people of one's own choice and kind. Such truths are still suppressed under free speech and free press as not being popular because they are regarded as being out of the midstream of rapport for our free society.

This fear of irrefutable facts persists despite reports that the District of Columbia officials are seeking more policemen to be stationed in the secondary schools following renewed robbings and shooting incidents. At present 40 police officers are used in the public school system.

If something is not done for the American people through us their representatives, our Nation's Capital will continue to sink into the morass. It is already a disgrace not only to the American people but to our civilization. The liberals have made the District of Columbia what it is according to their blueprint, but someone must decide how to save it and restore it to the proud and safe city which Americans have the right to expect it to be. The District of Columbia problems cannot be solved by money alone. There are but two solutions: first, to remove all the people from the Federal district who are not here on the business of our country and resettle them in States and areas that have sparse population and living room. Moreover public housing is cheaper in Montana, South Dakota, Minnesota, and Kansas than in Washington, D.C.; or second, for our many liberal and moderate citizens who profess to have dedicated their lives in the cause of integrated brotherhood, permissiveness, and tolerance, to return to the District to live and to place their children in the District of Columbia public schools. It may be asking a lot for some to admit their mistakes, but if they do not put up and demonstrate through personal example and leadership, they admit the utter fallacy of their theoretical goals.

Last week, I introduced House Concurrent Resolution 172 calling for the sense of Congress that all Federal officials and employees living in or working in the District send their children to public schools in the District. As of this date, I have received no offers of supports or encouragement. And it places me in a difficult position because I do not believe in race mixing and have never subscribed to any of the liberals' programs designed to debase culture.

I have heard only from my constituents who are aghast at the hypocrisy and double standards shown by those in Government who would force my Louisiana people into unnatural situations in accordance with Federal guidelines allegedly designed to secure peace, progress, and dignity of man. Yet, these same liberal bureaucrats in Washington will not practice voluntarily for themselves nor their children what they preach to us.

Many Americans are viewing with contempt and ridicule the blatant refusal of our Nation's leaders to lead by doing voluntarily themselves what they forcefully require of the people.

I have several news clippings which I will insert in the RECORD at this point:

[From the Washington Evening Star,
Feb. 23, 1971]

OFFICIALS IN SCHOOLS SEEK MORE POLICE FOLLOWING INCIDENTS

(By Lynn Dunson)

Security officials for the District schools are again asking that more policemen be stationed in the secondary schools following robbing and shooting incidents last week.

The school administration has been pressing for more police protection for some time, but has always been told that not enough patrolmen were available, according to Vincent Reed, special assistant to the superintendent.

The police department is constantly besieged from many areas with requests for more policemen.

"We have to weigh each request with utmost care," before making a decision, Deputy Chief Owen Davis said. The schools use about 40 patrolmen now.

"It's unfortunate that some school officers feel that all their problems will end with a patrolman in the school," Davis said. He added that many problems could be solved by extending a patrol so that one officer covers a complex of schools.

COMPLEX PATROLS DISCOURAGED

But Reed wants to get away from the complex patrol. Spingarn High School, where a former student was shot recently as he walked toward a building, is one of four schools covered by one officer.

"I don't think that having a policeman around will take care of our problems, but it will deter outsiders—especially armed ones—from just walking into the building," Reed said.

But a full-time policeman is at Western High School, where a thief ran in and took a teacher's purse at gunpoint last week. And a full-time officer was at Cardozo High School when a vice principal was shot to death during a holdup two years ago.

SOME DOORS LOCKED

Reed said that outsiders have easy access to buildings because the fire department does not permit school officials to lock doors.

When told that some building doors are often locked during the school day, Reed responded:

"Then that's the decision of the individual principals. They have to take a chance on a fire when the doors are locked or take a chance on outsiders roaming the halls and molesting people."

He said that student ID cards, recommended by a citizens committee on violence a year ago, would be ineffective and there is not enough personnel to guard unlocked doors.

The request for more policemen puts the schools in an ambiguous position. Anita F. Allen, school board president, has asked the city to cut the budget for the police department and give these funds to the financially strapped schools.

"I'm not going to get hung-up in that political money thing; I'm talking about protection. These kids are citizens, too," Reed said.

ELECTRONIC MONITOR

The most dramatic improvement covering night time security is an electronic monitoring device known as "Big Brother." A listening device at police headquarters in the Municipal Center monitors 52 schools. Microphones in the schools are capable of picking up minute sounds.

"It's quite sensitive. I've been able to hear the police dogs breathing," Dews said.

In December 1969 schools had lost $19,722. Following installation of the listening device break-ins and vandalism losses totaled $13,854.36 in December 1970.

CENSUS DATA IMPLICATIONS—PARENTS FLEEING D.C. SCHOOL SYSTEM

(By Harvey Kabaker)

The condition of Washington's school system, perhaps more than any other city service, is what drives out families who can afford to move and have the unrestricted opportunity to flee to the suburbs, new census data imply.

Unless something is done to make the city more attractive to white families—and, to a lesser extent, the black middle class—Washington can expect to become progressively more black, with increasingly severe limitations on its economy and tax base, the data suggests.

And, perhaps less significant for the city's survival, there are between 100,000 and 240,000 residents over 18 who are qualified but have not registered to vote. About 55 percent of the eligible population is registered.

These conclusions are based on recently released information from the U.S. Census Bureau, the D.C. Elections Board and Corrections Department estimates.

Census information for 1960 and 1970 suggests two broad interpretations, arrived at independently by the Washington Center for Metropolitan Studies and The Star:

White couples of child-bearing age have either refrained from having children, or, more likely have moved from the District when their children reached school age. This confirms what public school enrollment figures—now, 94.8 percent black—have suggested over the past several years.

The "age profiles" for black and white populations indicate sharp decline of persons at age levels of greatest productivity—35 through 64 years. The decline is less severe among blacks.

The elections board which keeps no racial data, reported yesterday that 262,328 persons were on the rolls when registration closed Saturday at midnight. The figure represents an increase of 5,390 since the primary election Jan. 13 for D.C. Delegate to the House of Representatives.

According to census data there were slightly more than 532,000 residents 18 years and older in April 1970.

Some 30,000 of them are convicted felons, according to a Corrections Department estimate, and are ineligible to register. This reduces the eligible population to just over a half-million—about 240,000 more than are registered.

The election board guesses—with no firm number in mind—that several thousand persons who live here maintain a voting residence somewhere else, thus disqualifying themselves to vote here. Election officials last week estimated conservatively that 100,000 eligible persons were unregistered.

While the District's population is 71 percent black, Negroes constitute about 64 percent of all voting-age residents. This is the makeup of the 18-and-over population:

Negro women: 35 percent
Negro men: 29 percent
White women: 20 percent
White men: 16 percent

Black women thus represent more than one-third of the potential electorate and could be the single largest voting bloc in the city.

Women remain a majority of the city's population, similar to nationwide trends for many years.

As the population graphs accompanying this article show, 55 percent of the black population are women; 53 percent of whites are women.

The most striking feature of the population's shape is that the "age structure of the District's white residents is now highly abnormal," according to a preliminary study by the Washington Center for Metropolitan Studies. The center is privately funded by the Ford, Eugene and Agnes Meyer and Gwendolyn Cafritz Foundation.

There are relatively few white children under 15 years old, while half of the black population is under 25. The center's study, written by George W. Grier and Diane Seiffert, says the shape of the age structure for blacks is normal for a growing population.

Mrs. Seiffert noted in an interview that the number of children under 5, compared to the 5-to-14 bracket, indicates that young women of both races are having fewer children than the older generation, following a nationwide trend of declining fertility rates.

Whites are a majority only among the elderly in Washington. In fact, there are 40,385 white persons 65 and older, compared to 20,414 white children under 15.

The unusual imbalance of the white population toward the older age brackets produces the following estimated median age—the age of which half the population is older, half younger:

White women: 44.7 years
White men: 35.1 years
Black women: 24.7 years
Black men: 23.3 years

Grier and Seiffert note that while the city's white population declined by nearly 136,000 persons during the 1960s, the black population—especially teen-agers and young adults—increased.

In 1960 there were about 55,000 Negroes aged 15 to 24 years; in 1970 there were 103,000. The sharp increase, in a group known to be the hardest hit by unemployment, "presents an especially serious challenge to government and private industry," they wrote.

INTRODUCTION OF THE CONSUMER PRODUCT WARRANTIES AND FEDERAL TRADE COMMISSION IMPROVEMENTS ACT OF 1971, H.R. 4809

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. DINGELL. Mr. Speaker, I was joined on February 23 by my colleagues, Mr. MOSS, Mr. ECKHARDT, Mr. ADAMS, and Mr. CONTE, in introducing the Consumer Product Warranties and Federal Trade Commission Improvements Act of 1971, and it is my understanding that an almost identical bill will be introduced in the Senate by Senators MAGNUSON and MOSS. This bill is designed to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; and to amend the Federal Trade Commission Act in order to improve its consumer protection activities.

The legal history and present application and use of warranties is oftentimes confusing to the consumer. Originally, warranties or guarantees were developed by manufacturers to assert the distinct advantages of their products over competitors. Over the past few years, however, written warranties have been used more and more by manufacturers to limit possible legal rights consumers may have through implied warranties or the doctrine of fitness for purpose or use. Too often a written warranty is, in fact, a disclaimer used by a manufacturer to shield himself from possible liability for defective products.

Title I of this bill is almost identical in form to the warranty bill passed by the Senate during the 91st Congress. It defines the purpose and use of warranties and sets out disclosure requirements so that a consumer untrained in the law can be assured that a manufacturer's warranty is what the word describes rather than a disclaimer. Title I contains disclosure requirements that would improve the adequacy of information available to consumers, prevent deception, and improve competition in the marketing of consumer products. Suppliers warranting a consumer product in writing against defect or malfunction must disclose in simple and readily understandable language the warranties, terms, and conditions. The Federal Trade Commission would be authorized to determine whether any warranty clearly and conspicuously presents information in a manner that would not mislead the reasonable average purchaser, and would establish Federal minimum standards for warranties. The bill would also establish as congressional policy encouragement to warrantors to establish procedures whereby consumer disputes would be fairly and expeditiously settled through informal procedures.

Section 101 contains the definitions for the terms contained in the bill and defines a "consumer product" as one normally used for personal, family, or household purposes. The bill specifically excludes real property and securities from the definition of consumer products. The provisions of title I would apply only to consumer products actually costing more than $5 and the warranty only applies to the initial purchaser at the retail level. The term warranty includes guarantee, and with regard to this bill both terms can be used synonymously.

Section 102 deals with disclosure requirements and requires any supplier warranting a consumer product in writing against defect or malfunction to fully and conspicuously disclose in simple and readily understandable language the terms and conditions of any warranty given pursuant to any regulations issued by the Federal Trade Commission. Such regulations may require inclusion in the written warranty of: First, the name and address of the warrantor; second, the identity of the party to whom the warranty is extended; third, the products or parts covered by the warranty; fourth, a statement as to the warrantor's responsibility in the event of defect or malfunction; fifth, a statement as to what the person guaranteed must do and expenses he must bear; sixth, exemptions or exclusions from the terms of the warranty; seventh, the procedure which the person guaranteed should take in order to obtain performance of any obligation under the warranty; eighth, the availability of any informal dispute settlement procedure; ninth, a recital that legal remedies are available to any person guaranteed if the warrantor has not complied with the provisions of the warranty; tenth, a recital that any person guaranteed who successfully pursues his legal remedies may recover the reasonable cost incurred, including reasonable attorney's fees; eleventh, the time at which the warrantor will perform his obligations; twelfth, the period of time within which a warrantor will repair, replace, or otherwise perform any obligations under the warranty; thirteenth, what parts or products are not covered by the warranty; fourteenth, that the warranty will use words or phrases which would not mislead reasonable men as to the nature or scope of the warranty.

Section 103 defines the meaning of the terms full and partial warranty. In order for a warrantor to use the term full warranty on any item costing more than $5, the warranty must incorporate certain minimum standards.

Section 104 outlines certain Federal minimum standards that any supplier warranting consumer products in writing against defect or malfunction must undertake.

Section 105 allows a supplier of consumer products to give both a full and partial warranty simultaneously.

Section 106 states that a supplier of consumer products may sell a service contract in addition to or in lieu of a warranty.

Section 107 states that a warrantor can designate persons to perform the duties which the warrantor assumes in a warranty.

Section 108 prohibits the warrantor who issues an expressed warranty on consumer products actually costing more than $5 from disclaiming such implied warranties as merchant ability and fitness which every seller of goods impliedly gives his buyer unless disclaimed. This section is designed to eliminate the practice of giving an expressed warranty while disclaiming implied warranties which, in effect, limits the rights of the consumer rather than giving him protection. This section also allows warrantors to limit implied warranties to the duration of an expressed warranty of reasonable duration if such limitation is conscionable and is set forth in clear and unmistakable language.

Section 109 authorizes the Federal Trade Commission to establish rules in enforcing this act.

Section 110 declares as congressional policy the encouragement for warrantors to establish informal dispute settlement procedures. This section also states that any failure to comply with the requirements contained in this bill should be considered a violation of the Federal Trade Commission Act. Any person damaged by the failure of a supplier to comply with any obligations assumed under an expressed or implied warranty or a service contract subject to this act may bring suit: First, in Federal district court if the claim exceeds $25, or second, in any court of competent jurisdiction in any State or the District of Columbia. In any suit brought in Federal district court under this act, the required jurisdictional amount may be established on the basis of all claims to be determined in the suit.

Title II of the bill would amend the Federal Trade Commission Act by providing the Commission with increased power and jurisdiction to aid in its consumer protection activities.

Section 201 would broaden the Federal Trade Commission's jurisdiction to cover those acts and practices affecting commerce. This would broaden the Commission's jurisdiction to include intrastate activities.

Section 202 this would expand the Federal Trade Commission's authority by empowering it to take actions necessary to redress injury caused by unfair or deceptive acts or practices. The Commission would have the power to initiate civil actions in Federal districts courts against companies engaged with actual knowledge or knowledge fairly implied on the basis of objective circumstances in any unfair or deceptive act or practice. The Commission would be able to obtain civil penalties of not more than $10,000 for each such violation.

Sections 203, 204, and 205 are technical amendments to section 5 (b), (c), and (g) of the Federal Trade Commission Act in conformance with the above section 202.

Section 206 would amend section 5(l) of the Federal Trade Commission Act to increase penalties for violations of cease- and desist-orders from $5,000 to $10,000 and to allow the Commission to represent itself in these proceedings in Federal district courts. The U.S. district courts would also be empowered to grant mandatory injuncitons and other appropriate relief in the enforcement of final orders of the Commission.

Section 207 is a technical amendment of the Federal Trade Commission Act to bring section 6 in alinement with section 5 regarding increasing the Commission's jurisdictional base to unfair or deceptive acts or practices affecting commerce.

Section 208 amends section 6(g) of the Federal Trade Commission Act to clarify and elaborate on the Commission's authority to promulgate trade regulation rules.

Section 209 amends the Federal Trade Commission Act by clearly indicating that the Commission has the authority to issue subpenas and to enforce compliance in Federal district courts itself.

Section 210 amends the Federal Trade Commission Act to allow the Commission to go into Federal district courts in situations in which a corporation refuses to file annual or special reports.

Section 211 is a technical amendment to section 12 of the Federal Trade Commission Act regarding increasing its jurisdictional base to affecting commerce.

Section 212 amends section 13 of the Federal Trade Commission Act by authorizing the Commission to go into Federal district courts and obtain preliminary injunctions against corporations engaged in acts which are unfair or deceptive to consumers and prohibited by section 5 of the Federal Trade Commission Act. This is perhaps the most important section of title II and would greatly enhance the Commission's power to act in the public interest in fulfilling its legislative mandate to prevent unfair and deceptive acts and practices which are detrimental to the consumer public.

ANOTHER LOVE STORY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. CAREY of New York. Mr. Speaker, in this distressing era when everything in the world that is supposed to be glued together seems to be coming unglued, we often neglect to note the constructive and healing works of mankind. I therefore wish to bring to the attention of my colleagues the outstanding work of Dr. Richard D'Ambrosio, a practicing psychoanalyst in Brooklyn, N.Y., whose skill, devotion and patience over the years were able to restore a child deeply traumatised from abuse by alcoholic parents, to a useful, productive young woman.

An editorial by Colman McCarthy in the Washington Post of February 17, 1971 entitled "Another Kind of Love Story" tells of a child regularly beaten and mauled by drunken parents culminating in an outrage so shocking as to be almost unbelievable. The child was placed in a large frying pan and was being burned alive. Her rescuers were able to bring her back to life but her mind was so severely impaired that she was left as hopeless with a group of Catholic sisters, whose vocation was the care of unwanted children. When discovered by Dr. D'Ambrosio, she was a deformed, mentally deficient, withdrawn child. Years of patience by Dr. D'Ambrosio, often with no breakthrough, went into the little girl's rehabilitation.

In his book "No Language But a Cry," Dr. D'Ambrosio tells how the child was brought back from muteness.

Dr. D'Ambrosio deserves our highest praise.

I include the article as follows:

Another Kind of Love Story

(By Colman McCarthy)

What can you say about a 12-year-old girl, hideously deformed, withdrawn in eerie muteness, diagnosed as schizophrenic, the unwanted child of alcoholic parents, stashed away in a hospital at 18 months? Not much can be said. Basket cases never draw wordy comments from society. America has too many solvable problems to worry about without taking on the sure losers. The name of the girl was Laura. The love involved in her story is the kind seldom seen in a culture where forces try to convince us that love is just a matter of "connecting," and has nothing to do with sacrifice, patience or sorrow.

Laura first came to the attention of the world at age 18 months in Brooklyn. Before this, her mother and father—a drinker unhappily married to another drinker—regularly beat the child in alcoholic rages. They mauled her with fists and straps, causing welts the size of raisins. The child had no reply from her crib but shrieks and moans. This only enraged the parents more. One night neighbors noticed the crying had more animality to its wail than before. They called a policeman. He crashed into the apartment and, led by the shrieks, went to the kitchen. There, in a large frying pan, Laura was being burned alive by her parents.

This night of misery passed. Hospital doctors, rising to the rare medical challenge of reviving cooked flesh, brought the infant's body back to life. Laura's mind was something else. In the following months, she rarely moved, ate poorly, avoided play objects and sat for hours on the hospital floor in a blank trance, an escapee of hell deported to limbo. At age three, still hospitalized, her eyes were crossed, her spine had a severe curvature and the veins of her legs were varicosed. By five, Laura had yet to pronounce a word. She could not walk without help. Tests showed an IQ of 50; some doctors labelled her mentally deficient and others saw her ghastly withdrawal as schizophrenia.

Plans were made to dump the primitive child in a state mental hospital. These inns of despair were filled, however. By chance, a group of Catholic sisters belonging to an order devoted to child care had room for Laura. The public is seeing much of Catholic sisters these days, with the FBI tapping their minds and judges jailing them for keeping silent about their pacifism. But the best of them—meaning nearly all of them—are still devoted to the thankless works of mercy and rescue that every society needs, especially this one. Laura's sisters rose at 5 a.m., retired at midnight, seven days a week. Some money came from the city, the rest was begged.

The sisters did everything for Laura. They had to. During her seven years at the home—and the sisters made it a true home—the child never spoke a word. She didn't play or smile. She remained a lone citizen in her world of withdrawn numbness. Many Catholic sisters, when one gets to know them, say the hardest thing in their lives is keeping alive belief in God; spiritual aridity dries up any feeling of a personal deity. Yet, in many ways, belief in God is often very easy when compared to believing in a human being like Laura, where life is so painfully absent. Heroically, the sisters refused to doubt or despair, making one of the harder acts of faith become one of the harder acts of love—loving the ugly and deformed.

A young psychiatrist visited the home by chance one day. At first, he said little could be done for Laura. The sheer atrocity of her frying pan trauma had forever pushed the child behind a protective wall of fantasy. But the doctor asked to work with Laura.

Session after session, first weeks, months, then years, the psychiatrist tried for two-way communication. It remained one-way, from him. His friendship and work received nothing in return but mute stares. Only a rare tear down Laura's cheek gave evidence that within her hunchbacked body an emotional life existed.

After hundreds of hours of social and play therapy, a momentous breakthrough came: the child accepted a candy bar from the psychiatrist. Normal children learn this mechanism—grasping a desirable object—at two or three months. Elated at this progress, and overlooking the quick emotional retreat following it, the doctor invested more and more of his own time and practice. Another breakthrough came. While the two walked on a street near the home one afternoon, a group of raucous boys on roller skates came blustering by. Laura grabbed at the doctor's waist for protection. Like anyone else, she reacted to fear by reaching out to another person. Laura was not psychotic after all, thought the psychiatrist, who suddenly felt like singing.

Finally, after his patient turtled back into silence, the psychiatrist built a miniature house where a toy family lived. He moved them around, staging a fight between the parents that ended in a beating for the baby. "No, no, no," screamed Laura, raising in contortion from the chair. Her body quivered with 15 years of suppressed rage at this reenacted scene from her infancy. For the doctor, the screaming was the greatest single sound he had ever heard.

No false hopes were built up by the psychiatrist that Laura would ever be normal, but a long-shot chance existed nevertheless. Operations were planned to improve her eyes, back, legs and facial scars. Meanwhile, her silent rage released, Laura's speech improved almost by itself. In time, she went to classes at a nearby school. With great catch-up skills, she soon became much like the other teenagers in the home. Like boomerangs returning to past squalor, Laura's parents—now out of the mental hospital—came around. She rejected them both.

The psychiatrist in this awesome love story is Dr. Richard D'Ambrosio, a practicing psychoanalyst in Brooklyn. He told about Laura's life in a book called "No Language But a Cry," (Doubleday, $6.95). Except for an excellent review in Commonweal, the book—published six months ago—has received little attention. The author took his title from Tennyson's "In Memoriam":

So runs my dream: but what am I?
An infant crying in the night:
An infant crying for the light:
And with no language but a cry.

Laura left the home and care of Dr. D'Ambrosio at age 18, a high school graduate, her body recovered and her mind repaired. She received training as a baby nurse and took a job caring for young children.

DR. THEODORE C. MARRS DISCUSSES NAVAL RESERVE MATTERS IN SPEECH BEFORE ROA NAVAL SECTION

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. FISHER. Mr. Speaker, one of the Nation's most knowledgeable authorities on the military reserves is Dr. Theodore C. Marrs, Deputy Assistant Secretary of Defense for Reserve Affairs. On February 18, Dr. Marrs delivered an excellent address on the status of the Naval Reserve at a luncheon in Washington, during the Reserve Officers Association midwinter meeting.

Under leave to extend my remarks, I include a copy of Dr. Marrs' speech:

Dr. Marrs' Speech

When I was appointed to the job I now hold, I was warned that it would be far more difficult than anything I had experienced up to that time—I would be working with the Navy!

And I knew this would present certain problems, because I had undergone a measure of apprenticeship in this type of operation. My mother had served in the Navy, and I learned quite early in life that my chances of triumph over her logic—Navy logic—were slim to say the least—whether it was a question of skipping school, staying out after dark, or whatever.

In later years, as I began the battle of the in-laws, my wife's Navy brother helped to further my education into the workings of the Navy mind. In fact, it was on the strength of my association with him that I pursued a crash program of research to determine how other public servants had established rapport with the sea-going element of our Armed Forces.

Needless to say, nothing I read on the subject was particularly helpful in relieving my anxiety.

For a short while, I hoped for help from the "watch officer's guide" and I memorized the maxim that "the efficient ship is a happy ship and the happy ship is an efficient ship." I later learned that this book was written during the period of John Paul Jones, and one of the most important rules of the Navy is *never* to change anything done during that period.

I then turned to a study of navy personnel policies and discovered the principal motivator for a naval officer is his promotion number. In fact, I was informed that the worst thing that can happen to a naval officer is to have digits subtracted from his number.

Not being a mathematician, I did not find this information of great value, and I turned to medical studies for further guidance. It was interesting to discover that Navy doctors and dentists are subject to social pressures and must abide by productivity norms—that a Navy dentist gets a silent glare from his peers if he is putting in too many fillings—no great help in my new responsibility.

Perhaps in the experience of government leaders I could find my answer, but here I found only discouragement. And the most discouraging message was from the late President Franklin Roosevelt—a man with many years experience in naval relations. His capsule analysis went like this:

"The admirals are really something to cope with—and I should know. To change anything in the Na-a-vy is like punching a feather bed. You punch it with your right and you punch it with your left until you are finally exhausted, and then you find the damn bed just as it was before you started punching."

Consulting my marine son in no way established a solution to the question of how to work with the Navy.

None of what I read or heard encouraged me, but, having committed myself, I determined to make the best of the situation and to treat the Navy like everyone else. In fact, I kept telling myself and my staff, "the Navy is just like everyone else."

And then one day, one of the Navy members of my staff corrected me. "Doc," he said, "the Navy is *not* like everyone else. The Navy is *right!*"

And, since this confirmed what my mother used to say, I knew that I at last had the answer.

The answer is that the Navy, like the rest of the Department of Defense, is in the midst of charting a course which will enable it to best perform its mission in support of the Nixon doctrine. It is concerned with Vietnamization, with withdrawals of American personnel from Southeast Asia, with reductions in the size of the active force, and with the impact of diminishing draft calls.

The leaders of the Navy as well as the members of the Naval Reserve are vitally interested in and concerned about the ability of the Naval Reserve—both surface and air—to fulfill the responsibilities placed upon it by the Nixon doctrine. And there are tangible proofs of the sincerity of the Navy in its effort to make the Naval Reserve a ready, capable, usable and credible part of the Nation's sea power.

One of the most evident results of the Navy's total force thinking is the change in the equipment picture. The old destroyers in the Naval Reserve have been replaced by other old destroyers but with a difference—the present reserve fleet consists of ships which, though limited in capability, are considered by the Navy as combat serviceable, and the modernization program under way is scheduled to replace all of the current ships by the end of fiscal year 1973 with FRAM–1 destroyers which will be compatible in all respects with the active fleet.

Minesweeper units are also being modernized and the ships now being transferred to the Naval Reserve are the latest models in use by the Navy.

On the air side, the reorganization has been accompanied by a major modernization program, and all of the fighters and attack aircraft now in the Naval Air Reserve are combat deployable. Furthermore, the crews of these aircraft are getting training which will enable *them* to achieve a much higher degree of combat readiness—carrier landings and all.

New initiatives are appearing in the force structure of the Naval Reserve with the advent of riverine forces, and there are other innovations in the making. Information provided me by Secretary Hittle and Admiral Zimmermann—and my own personal observations—show a deliberate trend from the traditional program of training individual augmentees toward unitization and toward greater emphasis on hardware oriented units—units whose ability can be measured and assessed against requirements of total mobilization or contingency operations and which can be fitted effectively into the total force package to increase *total* capability.

The progress is impressive. The problems are not by any means inconsequential. The strength of the Navy's selected reserves dropped significantly below the minimum average levels mandated by the Congress last year, and a lot of good planning and hard work will be necessary to insure reaching an end strength equal to the statutory levels in the current year and years to come. We are helping in every way we can to enable the Navy to meet the strength required by law, and we are getting support from Secretary Moot's people in the comptroller part of the office of the Secretary of Defense as well as from Secretary Laird himself. A good example was the decision to allow the transfer within Navy funds of some $13 million to support Naval Reserve personnel objectives.

Of special concern to Secretary Hittle and to me are the personnel losses which have occurred as a result of Naval Air Reserve decisions of a year ago. The Defense Establishment cannot afford the waste of training funds expended in the past, the decrease in personnel readiness or the potential disenchantment of the people involved in actions which deny meaningful training opportunities to dedicated members of the Reserve.

We intend to continue working closely with the Navy to recoup personnel losses which have occurred. I am hopeful that the Navy can develop meaningful mission oriented programs which will regain and retain the valuable people whose participation in the Reserve has been made inconvenient and unattractive, or even impossible, by some of the past relocation actions.

On the other hand, we shall also work closely with the Navy and with elements of the Office of the Secretary of Defense to insure that any future proposals for changes in geographic distribution of the Naval Reserve are subjected to thorough testing as to their impacts on personnel strengths and readiness before decisions are made.

In this connection, I wish to remind you that neither the Navy nor the Office of the Secretary of Defense nor even the Navy and OSD together can make good decisions unless we know the facts. And, it is for this reason that the voice of the reservist must be heard and will be heard in the halls of the Pentagon. We need to know how you can help us to produce more effective policies and programs. We need to know how we can help you to make our programs achieve their full potential.

The Reserve Officers Association—whether in the person of Alex Jackson, Jim Carpenter, Ed Huie or groups representing their special viewpoints—provides one avenue for informing us of the impacts of policies. The National Naval Reserve Policy Board and the Reserve Forces Policy Board of the Office of the Secretary of Defense provide additional and official avenues. And you, as individuals make your own views known direct, in person or by mail.

It is important to note that the Navy itself has recognized the Reserve voice in management. The movement of the National Naval Reserve Policy Board of the Naval Reserve into the office of the Assistant Secretary, the provision of a full time staff for this board, and the decision to increase the frequency of its meetings are evidence that the reservists *will* be heard.

In addition, the decision to retain the reserve assistant chief billet in BUPERS as a flag billet and the CNO's personal interest in strengthening the authority of Admiral Zimmermann's office should make possible the development of the type of capability in the Naval Reserve which has been envisioned by Secretaries Laird and Kelley. On the other hand, I am convinced that there is not adequate manning in this office to do the job called for by this charter.

Another change is the provision of 6 reserve coordinators in key functional staff agencies and the tying of these focal points to OP O1R. This should improve integrated staff management if these are added billets with exclusive reserve responsibility. OP O1R is involved in the formulation of the budget in the initial stages. Also, I find the force commanders are recognizing that the ships of the Naval Reserve represent a sizeable part of the Navy's shore bombardment capability and the Reserve focal points in each of their headquarters are keeping them reminded of that fact among others. Another first for the Navy is that they are now committed to programming Reserve *requirements* in the Navy schools instead of just using a percentage override to determine allocation of training spaces.

Those who have worked with me in the past know that I am not easily satisfied with promises of progress and that I wait and see results before I indicate glowing approval. I have no patience with those who are too quick to damn or with those who are too quick to praise.

I think we all have to recognize that the intent of the Navy to actually use equipped Reserve units as primary and initial augmentation for the active force is relatively new. This concept—long voiced by the Congress, Chairman Fisher, and by the ROA—has only recently become a real factor in planning in some areas.

A Navy wit recently said to me in regard to the various services and their Reserves, "for the Air Force, what is past is prologue; for the Army, what is present is prologue; for the Navy, what is future is prologue."

This current situation in the Naval Reserve is a shakedown cruise, and I do not advocate that you or I or the Navy leadership sit idly by and watch to see what happens. None of us has a license to observe the evolution of the new Naval Reserve program without contributing actively to its development.

And I know we can count on the continuing support of Chairman Fisher, his able aide Bill Cook, and our many other friends in the Congress to keep us awake to our responsibilities.

So it is not a matter of "working with the Navy," about which I made joking introductory comments, but of working *together*—active and reserve of all services.

Despite courses challenged, courses corrected and courses confused, I have learned that Navy people—active and reserve—are great. They are concerned, determined and persistent. They are steeped in tradition but capable of making tradition serve the present circumstance. And I have learned that working with Navy people—even though they are always right as my mother said—is an experience which brings special psychological rewards to those of us fortunate enough to have the opportunity.

Our effort is a team effort, and all the elements of the team must join in massing their thinking, their enthusiasm and their labor to produce the ready, capable and credible Naval Reserve which national security requires. Such a massive effort cannot fail to produce massive achievements in protecting our Nation's future.

TOWN OF AYER, MASS., CELEBRATES ITS CENTENNIAL

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. DRINAN. Mr. Speaker, I bring to the attention of all Americans the centennial of the town of Ayer in Massachusetts. During the past 50 years Ayer has been known to hundreds of thousands of veterans who have spent some time at Fort Devens which is located in the town of Ayer.

I take pleasure in noting the fine editorial from the Fitchburg Sentinel published on Feb. 18, 1971. This editorial presents very vividly the factual background of the town of Ayer which the editorial correctly describes as one of "the most unique communities in central New England." The entire Nation owes an incalculable debt to the people of the town of Ayer where, during the frantic years of World War II, division after division of American men came and went through the facilities of Fort Devens.

I am certain that it is the desire of the people of the town of Ayer and of the entire Montachusett region, that this New England town which has touched the lives of innumerable American men should continue to serve the national security of the United States by its dedication to the growth and improvement of all of the many services offered to the country by Fort Devens.

REPRESENTATIVE WILLIAM STEIGER ARGUES FORCEFULLY FOR ALL-VOLUNTEER FORCE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. MATSUNAGA. Mr. Speaker, the goal of an all Volunteer Armed Force is one shared by Congressmen of both parties and of all ideological orientations.

One of the most articulate spokesmen for a Voluntary Armed Force has been our distinguished colleague from Wisconsin, Representative WILLIAM A. STEIGER, a Republican.

Recently, Representative STEIGER wrote a guest column for the Milwaukee Journal, in which he traced the history of the current legislative effort to secure a volunteer army, an effort I am proud to share as principal Democratic sponsor in the House of Representatives.

So that Representative STEIGER's persuasive arguments may be brought to the attention of all of our colleagues and other readers of the RECORD, I include the text of the column at this point:

IN MY OPINION—ENDING THE DRAFT IS FINE GOAL, IF CONGRESS KEEPS CONTROL

The day is approaching when the armed forces will no longer need to draft young men in order to meet military requirements. Force levels are falling notably, from 3.5 million men at the height of the Vietnam war to a projected 2.5 million by June 30, 1972. By eliminating KP duty and other traditional irritants, military leaders, such as the dynamic Chief of Naval Operations Elmo R. Zumwalt, Jr., are making a concerted effort to enhance the attractiveness of a military career.

At the same time plans are underway to increase military pay, which is currently so low that some 50,000 servicemen's families now are eligible for welfare. Soon military pay should compare favorably with civilian wages.

"COULD END DRAFT WITHIN A YEAR"

President Nixon deserves much of the credit for these efforts. Upon taking office, he appointed a high level commission, headed by former Secretary of Defense Thomas S. Gates, to study the feasibility of ending the draft. Members of the group included two past NATO commanders and leaders of business, labor, academia and the black community.

In February, 1970, the Gates Commission reported that an all-volunteer force was not only feasible, but desirable. According to the commission, the draft could be ended within a year if we were to make an initial budgetary investment of $3.24 billion; thereafter the volunteer force would actually save money by leading to a more efficient allocation of manpower resources and training.

I am sponsoring legislation, with considerable bipartisan support, to enact the recommendations of the president's commission.

There is one significant difference, however, between the legislation and the current interpretation of the administration's position. The executive branch apparently foresees a volunteer force developing as draft calls are slowly reduced to zero, but with the president retaining the power to reinstate the draft whenever he believes it is necessary.

"ZERO DRAFT" NOT PROPER WAY

I strongly disagree with this approach. A presidentially controlled "zero draft" is not the proper way to establish a volunteer force, because it detracts both from public debate and from the constitutional responsibilities of Congress.

The president's commission was explicit in insisting that the draft be reinstituted only with the express consent of Congress:

"If congressional approval is made a prerequisite to the use of conscription, the necessity for legislative action will guarantee public discussion of the propriety of whatever action is under consideration. If discussion yields a reasonable consensus, the nation's resolve will be clearly demonstrated and made less vulnerable to subsequent erosion. If a consensus sufficient to induce Congress to activate the draft cannot be mustered, the president would see the depth of national division before, rather than after, committing U.S. military power."

WOULD DEBATE MANPOWER NEED

Efforts of Congress to elicit specific information as to the size of the early buildup and the planned duration of our stay in Vietnam proved to be less than satisfactory. As a result, troop levels were steadily increased through executive control of the draft, without explicit Congressional debate over the wisdom of this policy.

Under a proper voluntary system, the need for a large increase in forces would have required reinstituting the draft or calling up the reserves. Either measure would have prompted full scale congressional debate over the desirability of combat involvement in Indo-China.

While it cannot be said with certainty that such a debate would have altered our course in Southeast Asia, I firmly believe that had every member of Congress been required to vote on drafting men to fight in Indo-China, our leaders would have been more cautious in escalating our role in the conflict.

Should a similar situation arise again, all members of Congress should have the opportunity to fully debate the issue.

We must not be satisfied with the goal of a "zero draft." The draft should end, and the power to reinstate conscription should be reserved to Congress.

WILLIAM A. STEIGER.

COMMISSION ON SECURITY AND SAFETY OF CARGO

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. WOLFF. Mr. Speaker, today I am introducing a bill to create a Commission on Security and Safety of Cargo. My bill is identical to the one which Senator BIBLE introduced in the other body yesterday, and I will shortly be seeking cosponsors among interested Members of this body.

My involvement in this area began approximately 2 years ago when a number of constituents complained of excessive losses through theft and pilferage at John F. Kennedy International Airport in New York. I decided to visit the airport, unannounced to avoid any guided tours, and saw firsthand the insecure manner in which cargo lay about the airport. Many reasons were suggested for the ready accessibility of cargo to the potential thief, including a lack of space for proper storage and significant delays in clearing imported goods through U.S. customs.

To solve this problem, I called a series of meetings and invited all interested parties, including appropriate officials of Government, importers, airline officials, truckers, retailers, and other concerned individuals. There was general agreement that the problem at Kennedy would be somewhat lessened if imported cargo could be moved from the airport grounds more quickly. The Bureau of Customs subsequently agreed to our recommendations that air cargo be trucked to other customs installations in the New York area for clearance so as to get palletized cargo away from the airport as promptly as possible.

This plan was implemented and with it one step was taken in the much larger battle against cargo losses. However, as the thorough work of Senator BIBLE's Select Committee on Small Business has demonstrated, we are still faced with cargo crimes in all modes of transportation to the tune of more than a billion dollars a year.

No form of transportation—air, rail, truck, marine—is free of the tremendous pressures resulting from constant pilferage and large-scale thefts of cargo.

We have come to the point when all the available resources of the Federal Government and appropriate organizations in the private sector should be joined in a total effort to solve the problem of stolen truck, air, marine, and rail cargo. Senator BIBLE's and my legislation to create a Commission on Security and Safety of Cargo provides us with the means for coordinating such a unified and thorough effort.

Moreover, we must recognize that this is truly a national, not a regional, problem requiring nationwide solutions. A patchwork of local efforts may temporarily ease the problem in a specific geographical area or in a particular mode of transportation, but only a coordinated national approach will permanently solve this problem. The creation of the Commission on Security and Safety of Cargo with its broad authority to look into and make suggestions in this area is a necessary and desirable step toward that national solution.

The Commission, as constituted in our legislation, would have broad responsibilities, including the following major duties:

To examine thoroughly the causes and possible means of preventing theft and pilferage of cargo in interstate and international commerce.

To develop a system of comprehensive, continuous, and uniform loss and damage reporting by the different modes of transportation.

To study and evaluate present carrier liability limits for losses incurred in the transport of cargo by the different modes of transportation and to evaluate the adequacy of those liability limits.

To study the feasibility and make recommendations in regard to suggestions that there be a Federal system for the licensing and/or identification of all individuals engaged in the handling of cargo in all modes of transportation.

To develop security standards for cargo handling and storage facilities.

To recommend legislation and/or administrative procedures to increase the security and safety of cargo moving in interstate or foreign commerce.

Quite clearly the Commission is being given an elaborate mandate covering virtually all phases of cargo handling. To enable the Commission to carry out this mandate the legislation includes adequate staff authority and funds to fulfill the broad responsibilities being given to the Commission.

Very importantly, the Commission will be composed of representatives of all modes of transportation, representatives of cargo handling and importers associations, and representatives of the Federal Government. This will insure an equitable forum for all interested parties and guarantee that all views are considered in the work of the Commission.

And to make certain that the work of the Commission bears fruit, there are specific stipulations on the filing of reports with the Congress and the President. Also, the bill creating the Commission with its 2-year lifespan requires that at the end of the 2 years the Secretary of Transportation promulgate regulations for all modes of transportation to secure maximum safety in the movement of cargo.

There are many valid reasons for a Government crackdown on cargo losses but I think the most important may well be the extent to which this multibillion-dollar racket has become a drain on the economy. Small businessmen, unable to pay prohibitive insurance premiums, are seriously hurt by this situation. The necessity of businessmen passing the cost of lost shipments onto the consumer has meant increasing prices which, in turn, makes the consumer the ultimate victim of these crimes.

It would be inexcusable if we did not use the full resources at our command to solve the problem of stolen and pilfered cargo and this is the simple but substantial basis for the Bible-Wolff bill.

I hope that there will be early action on the measure, during this session of the 92d Congress.

CINCINNATI ART MUSEUM

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. KEATING. Mr. Speaker, I am heartened that the Cincinnati Art Museum is receiving the national attention it so deserves.

I wish to point out to my colleagues that Cincinnati is truly a cultural center with the world renowned Cincinnati Symphony Orchestra, the Cincinnati Summer Opera, the Playhouse in the Park, and the Cincinnati Art Museum.

The museum, located in Eden Park in Cincinnati, has 110 galleries of permanent collections which span more than 5,000 years of culture.

The heralded success of the Cincinnati Art Museum is largely due to the fine work of its director, Philip Adams, and its board chairman, and former president, John J. Emery. They are to be congratulated for their fine work.

I wish to share with my colleagues a recent article which appeared in the February 27, 1971, edition of the Saturday Review:

THE FINE ARTS

(By Katharine Kuh)

CINCINNATI'S NEW LOOK

Some museums try to cover the voluminous history of art, school by school. Even wealthy, long-established institutions involved with such programs have difficulty maintaining high standards. How less well-endowed museums in smaller centers are to approach this problem is another matter. Should they represent each period dutifully though not necessarily significantly, or would it be wiser to specialize in fields where superior works are still available but not yet in great demand? The Cincinnati Art Museum twenty-five years ago opted for the latter choice and now, after a quarter century, has published (aided by the Ford Foundation) a catalogue of its sculpture collection. For it was sculpture, especially ancient sculpture from Persia, Egypt, Greece, Rome, and medieval Europe, that the then new director, Philip Adams, along with the museum's benefactor, John Emery, chose as their focus. Because fine examples of these objects were still on the market at rational prices, the museum now has a distinctive collection of carved, modeled, and metal artifacts from varied and, as a rule, advanced cultures.

It is rarely primitive art, so popular today, one remembers from Cincinnati; it is more often the refined sculpture of sophisticated ancient civilizations. This is not to say the museum offers no other objects of equal interest. A small painting by Mantegna alone is worth a trip to Cincinnati, and for admirers of Duveneck or Hiram Powers (both local products) this museum is mandatory. It also has a room of portraits and landscapes by Gainsborough (several splendid ones) and an unexpectedly distinguished group of Modiglianis. But in the last twenty-five years the museum has been transformed, and it is the ancient sculpture that provides much of the new look.

Why the average collector is so little attracted to similar works is a mystery, particularly in light of the sums paid for paintings occasionally of only ephemeral interest. The ancient artifacts are here to stay; they belong to history, and they often belong to the best of art, too. One wonders if early sculpture is less avidly collected because, to be fully savored, it requires a specialized appetite and considerable erudition, or is it because paintings are more familiar these days and more readilly associated with color? I recall an unceasing refrain that haunted me when I was buying art for a large American corporation. From top executives to youngest neophytes, the plea was always the same: "Give us something with color." That color, regardless of quality or purpose, can become such a fixation points up how closely most people identify art with sheer decoration. And, of course, paintings can be more discretely installed; they hang on walls and rarely devour surrounding space.

In Cincinnati, space is devoured in a wonderful way. Each work, no matter how small, has been given its own setting so that it can be studied at the right height, in the right light, and when necessary from all sides. Especially well shown and intelligently grouped geographically are the arts of Persia. Although none of these ancient Iranian pieces has the monumentality we associate with the ruins at Persepolis, they dramatically evoke the extraordinary world of Darius and Xerxes. Three fragmentary reliefs of surpassing purity stand out, the drawing always sensitive but sure, the modeling no less impeccably controlled. All three were found at Persepolis and are distinguished by the hieratic majesty that invests much of Persian art. Everything is measured, rhythmic, and authoritarian, as no doubt was the life of the ruling class, for the art of Persia is clearly identified with the glory of its leaders. So also were the minor arts, a corollary product that commonly flourishes in periods of power. Typical is a superb silver rhyton that turns into a kneeling bull reminiscent of the larger architectural ones at Persepolis, the regal city that dominated Persia and much of the world during the fifth century B.C. Cups of gold and silver, bracelets, necklaces, bowls, and bottles are all brilliantly decorated with warriors, animals, birds, hunters, and musicians, each so full of vitality as to obscure the original purpose of the object. It would seem the early Iranians never concerned themselves with the Bauhausian theory that form follows function. The splendors of their profligate civilization and the symbolism of their religion precluded such cautious reasoning.

Cincinnati has fine sculpture from earlier periods, too. Several Egyptian carvings in the round and others in relief are notable; so, too, is a bronze "Kneeling Horus," tautly designed and, at one time, probably covered with a thin layer of gold. But more important Egyptian collections can be seen elsewhere. However, almost unique and certainly unique in America is a splendid series of Nabataean fragments excavated during 1937 and 1938 from a Trans-Jordanian temple complex by the American School of Oriental Research under the direction of Dr. Nelson Glueck. This remarkable assemblage, rivaled only by a concentration of similar works in Jordan, is the first installation one sees upon entering the museum, and a provocative introduction it is. Although the carvings may at times be more interesting archeologically than esthetically, they have, as Philip Adams notes in his introduction to the catalogue, "a controlled but intense life force." They bring us face to face with the remote culture of the little-known Nabataeans, a tribal people of Arabia who are best remembered for their rock-hewn capital city of Petra. Their period of ascendancy was short (from about 100 B.C. to A.D. 100), but during that time they proved themselves to be able architects and engineers. One need only visit the desert town of Avdat in Israel to recognize how astutely the Nabataeans invented devices to trap and disseminate water. Their austere carvings are partly Western, even classical in their emphasis on form, partly Near Eastern in their coloristic contrasts of high-lights and deep shadows. That these artists relied on the dynamics of searing sunlight is abundantly evident. Heavy-handed and strangely obsessed, their works are a far cry from the Greek humanistic fluency that antedated and sometimes influenced them.

Classical art is also well represented in Cincinnati. I recall a large 2500 B.C. Cycladic figure carved both front and back with the utmost subtlety. Adhering to a familiar style of formalized simplification, this particular female effigy, nevertheless, transcends the usual conventionalized Cycladic images, beautiful as they are, to become less a stereotype and more a noble individualized conception. Another Greek work of top quality is a sixth-century B.C. bronze bull with coiled tail and lifted head, a creature so alive with power it seems to embody to total meaning of virility.

Of interest, too, is a group of French and Spanish medieval sculpture, both Romanesque and Gothic. Many pieces, especially the wooden ones, still retain traces of their original color, for in the past, as is true today, sculpture was often brightly painted. From the region of Toulouse in France comes a twelfth-century polychrome wood carving of the Virgin, her crisp, linear, and conventionalized drapery not unlike that of certain Near Eastern carvings whose influence probably filtered through via the art of Byzantium, which was widely known in Europe at the time. Here, however, facial features were beginning to take on greater personal meaning, a development even more clearly evident in a nearby Gothic figure also from France and dated only a century later. Entirely humanized and doubtless the likeness of a specific person, this large limestone carving is, with the exception of several Roman portrait busts, the most naturalistic interpretation of a human being in the museum's survey of early sculpture—a survey that traces in condensed form the gradual evolution of Western iconography.

One of the most moving objects in the collection is an elongated polychrome wood figure stretched out horizontally with its head on a pillow. This awkward, deeply touching Spanish tomb effigy suggests that technical maturity is not the final criterion. Many earlier civilizations, notably those of Greece, Egypt, Persia, China, and India, displayed a breathtaking mastery of materials, but the Spanish carving, for all its surface crudities, has a human nobility and a humility rarely encountered in pre-Christian art.

It is this opportunity to compare various cultures chronologically, geographically and psychologically that makes a visit to the Cincinnati Art Museum's sculpture galleries a living experience. Other museums have larger collections and, in many instances, rare works, but I recall few institutions where the installation is as sympathetic or the sequence more revealing.

ON PRESS COVERAGE OF THE VIETNAM WAR

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. SPRINGER. Mr. Speaker, I append herewith an article by Kenneth Crawford in the Washington Post, of February 23, with reference to a recent speech by J. Russell Wiggins, former editor of the Washington Post, on press coverage of the Vietnam war. I am sure my colleagues will be interested in reading it.

ON PRESS COVERAGE OF THE VIETNAM WAR

(By Kenneth Crawford)

How would the modern media have reported George Washington's crossing of the Delaware at McKonkey's Ferry on Christmas, 1776? J. Russell Wiggins, former editor of the Washington Post, asked this important question—and answered it—in a speech to the Washington Association of New Jersey on Washington's arbitrary new birthday, February 15.

Television camera men would have focused their zoom lenses on the rag-wrapped feet of Washington's troopers. When it was over, microphones would have been thrust under the noses of stripling recruits to catch their answers to the question: "How do you feel about some of your buddies being lost in this sneaky operation?" The writing war correspondents would have salted their dispatches with suggestions that the whole bloody venture was ill-conceived by an incompetent commander, ill-excused by a badly trained and equipped army and predestined to fail.

New York editorial writers would have followed up with lamentations about the plight of Trenton's civilian population, driven from its snug houses into the cold on a sacred holiday, caught in the crossfire between Hessian defenders and attacking colonials, and forced into a fight against its will over a questionable cause: something about taxation without representation. Washington, instead of attacking, should have been negotiating. His occupation of Trenton and quick withdrawal showed that he was still engaged in search-and-destroy operations—"following the will-o-the-wisp of military victory," as Wiggins thought the editorial writers would have put it.

Wiggins fantasy was, of course, a wry comment on the way the media of the 60s and the start of the 70s have dealt with the war in Vietnam. This war is the first in which American media, measured by weight of viewership, readership and influence, have been kinder to the nation's enemies than to its friendlies. This has been partly inadvertent, partly not. In any case, Ho Chi Minh has come off as this war's greatest hero, the Vietcong as its most admired fighters, American and South Vietnamese leaders as its most mistrusted participants, American GIs as its least appreciated warriors, especially since My Lai, which has been made the basis for unjust generalization, and South Vietnamese soldiers as invariably unreliable, also unjust.

All this is something new for Americans. They have always before tended to be home-team rooters. In British pubs Rommel may have been the favorite hero of the second world war but Americans stood by their own even when correspondents on the scene in North Africa intimated, insofar as intimation could be slipped through the censorship, that the "Darlan deal" and mistreatment of De Gaulle were compromising the morality of the allied war effort.

Wars have never been pretty but their ugliness has never before been conveyed to American households in living color, as it has this time, and always from our side because the other side is out of reach of cameras and correspondents. But it is more than that. War correspondents have often been instant experts and critics and they seem even more so this time. They have to be youthful to stand the physical rigors and brave to take the chances they must run in Vietnam. More than 30 of them have been killed. They are admirable in action but sometimes wrong in their strategic and tactical judgments and simplistic in their politics.

Prize committees, Pulitzer included, have rewarded the most captious. The self-styled "cowboys" who constituted themselves a sort of get-rid-of-Diem committee in the early days of the war made a point of being on hand for every bonze immolation and of representing the Saigon disorders as a sort of holy way between the ruling Catholics and the subject Buddhists. Reputations were forged in the bonze fires.

Here in Washington, too, there has been a lively journalistic contest to be first with the worst. One of its high points was The New York Times revelation in the aftermath of the Tet attacks that the military was asking for 206,000 more troops to take advantage of the enemy's overextension. Coming, as it did, two days before the New Hampshire primary, the Times report had enormous political impact. It almost certainly contributed to the big McCarthy vote and, in turn, to President Johnson's subsequent decision not to run again.

The genesis of the expose, if that is what it was, has just been publicly revealed for the first time by Philip Potter, Washington's Bureau Chief of the Baltimore Sun. It was leaked to the Times by Townsend Hoopes, then a Pentagon official of dovish persuasion. Actually, the plan Hoopes made available to the Times was one of the alternatives under consideration and one which had little chance for Presidential approval in the Washington atmosphere of post-Tet distress. Hoopes had to violate a specific presidential order of secrecy pending decision to spring the leak.

Things haven't changed much, as the suspicious reporting of the South Vietnamese effort to cut the Ho Chi Minh trails in Laos demonstrates. By part of the press it is treated as a cunning scheme to inject Americans into an expanded war rather than what it is, a bold attempt to prepare for continued evacuation of American forces. Reporters and editors keep telling themselves and others that they have been more perceptive about this war than have military and political leaders. They may be right. But they have enjoyed the advantage of ultimate irresponsibility. In President Nixon's place, they would probably be doing about what he is doing. And history may be more approving of him than of them.

SEVERE HOUSING SHORTAGE IN NEW YORK

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mrs. ABZUG. Mr. Speaker, as everyone realizes my district in New York City is currently being plagued by a terrible housing shortage. For the benefit of my colleagues, I insert the following letter in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 2, 1971.

Mr. ALEXANDER WILSON,
General Real Estate Manager, New York Telephone Co., New York, N.Y.

DEAR MR. WILSON: I am writing to express my deep indignation over the fact that 72 vacant apartments in my district are being held off the market by your company. Since the phone company has been quite open about the fact that the properties will not be needed for another five to eight years, there is no excuse for these apartments being unavailable to families who need them now.

In this period of housing crisis in New York families are being forced to live in sub-standard hotels and to become squatters in vacated buildings. It is nothing less than a criminal act to force people into such conditions by further restricting an already restricted housing market.

I strongly urge you to accept the proposal made by Deputy Borough President Leonard Cohen and lease the 72 vacant apartments to the City's Housing and Development Administration.

Sincerely,

BELLA S. ABZUG.

The very thought of vacant housing in such a time of crisis has mobilized my constituents who have been in series of meetings after series of meetings attempting to get the seemingly simple solution mentioned in my letter adopted by A.T. & T.: the leasing of the vacant apartments to the city of New York.

It may not seem significant on the

floor of Congress to talk about 72 vacant apartments but it is very significant—it is just another small indication of an established and prosperous group's unresponsiveness to the crisis around them. I hope that the meetings will be concluded soon and that I will be able to report to this body our success in obtaining the apartments for the homeless people who need them.

NATIONAL FFA WEEK THEME: "INVOLVED IN AMERICA'S FUTURE"

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. ANDREWS of North Dakota. Mr. Speaker, those of us living in rural America know of the tremendous job faced by our farmers in supplying foodstuffs to feed not only the people of this great Nation, but the entire world. This is a great responsibility and our farmers have and continue to meet this great challenge. This week is National FFA Week and the theme for this year's observation is "Involved in America's Future."

There are about 450,000 young people involved in the Future Farmers of America program in about 9,000 chapters across the Nation. The purpose of the organization is to prepare our young people for careers in agriculture. FFA members are involved in learning modern production and business techniques so that they will be prepared to do their part in feeding the world's growing population.

FFA is an action oriented organization as evidenced by this year's theme. In my own State of North Dakota, FFA plays a most important role. As I have pointed out many times in these distinguished halls, agriculture is North Dakota's largest and most important industry. About 85 percent of the State's income is based on agriculture, and, being a farmer myself, I am deeply interested in agriculture and the organizations which play an important role in the production of food.

It has been my privilege to observe over the years the oustanding role the Future Farmers of America has and continues to play in assuring the future progress and prosperity of North Dakota. Aside from the important occupational training, the FFA has an outstanding record for the development of leadership, character, cooperation, and citizenship among its members. These have been the goals of the organization since its founding back in 1928. Our young farmers are inspired today by the same basic belief that led to the establishment of FFA over 40 years ago, a belief in the future of farming.

I am indeed proud to be able to salute this fine organization and again wish to express my full support and admiration for the contribution FFA has made to this Nation.

ROBERT F. ROEMING

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. DAVIS of Wisconsin. Mr. Speaker, Dr. Robert F. Roeming, director of the Center for Twentieth Century Studies at the University of Wisconsin—Milwaukee, who is incidentally a friend and constituent, has recently stepped down as managing editor of the Modern Language Journal. Dr. Roeming served as managing editor for 8 years.

The Modern Language Journal, established in 1916, has for 54 years been a leading vehicle for the publication of learned articles on research, pedagogical development, and applied linguistics in the field of foreign language teaching in the United States and abroad.

Remigio U. Pane, chairman of the Department of Modern Languages at Rutgers University and president of the National Federation of Modern Language Teachers Associations, has written a fitting tribute to Dr. Roeming both for his service as managing editor of the Journal, and his other nationally recognized professional contributions. I believe Mr. Pane's tribute deserves attention:

ROBERT F. ROEMING, MANAGING EDITOR, 1963–70

With the December 1970 issue of *The Modern Language Journal,* Robert F. Roeming completed eight years as its managing editor and, in passing the mantle to his successor, he brought to a close perhaps the most exciting and fruitful period of the *Journal's* 54-year history.

Every one of the 64 issues of the MLJ which Bob Roeming edited is a testimonial to his dedication, competence, and wisdom. One may mention some issues that stand out above others, such as those dealing with Bilingualism, the evaluation of the Pennsylvania Project, Vocational Opportunities, and many others. However, the Golden Anniversary issue of October 1966, dedicated to *An Exposition of the Guidelines for Teacher Education Programs in Modern Foreign Languages* stands out, in my opinion, as the most worthwhile single contribution the National Federation of Modern Language Teachers Associations has made to our profession.

It is in the dedication of this issue that we find expressed Bob Roeming's credo as editor "to mold *The Modern Language Journal* into a force for improving the profession which it represents in addition to being the constant reflection of creative thinking of its members and the harbinger of information which can stimulate effective learning and teaching."

The success of Mr. Roeming in transforming his hopes into reality may be measured by the high regard in which the MLJ is held by the classroom teachers of the nation.

The editorship of the MLJ is not the only contribution of Robert Roeming to his profession over the past eight years. In addition to his active participation in all conferences and meetings of learned societies in the United States, he has participated actively and presented papers in many international meetings in Latin America, Canada, Belgium, France, Germany, Holland, England, and Roumania. He has also continued his own research and scholarly work, not only in the field of language and literature, but has explored successfully many other fields and has made valuable contributions in these also. The range of Dr. Roeming's scholarly interests and contributions will be apparent from his bibliography to be published in the March issue of the MLJ; it is sufficient here to mention his *Camus Bibliography* published completely by computer as the result of years of research and experiment in the use of computers in humanistic research.

Professor Roeming has also rendered distinguished service to the University of Wisconsin-Milwaukee since 1934, when he was first appointed Teaching Assistant there, upon receiving the B.A. degree from the University of Wisconsin at Madison. He earned the M.A. in 1936 and the Ph.D. in 1941 from the same institution.

A full professor of French and Italian since 1956, he has served as Chairman of his Department, 1956–58; Associate Dean of the College of Letters and Sciences, 1957–62; Director of the Department of Language Laboratories, 1964–70; Acting Chairman of the Department of Slavic Languages, 1965–67; Administrator of English as a Second Language Program since 1967; Director of the Center for Twentieth Century Studies since 1968.

The range of Robert Roeming's professional contributions may be appreciated by examining some of his extracurricular activities for the year 1969–70. Summer 1969: directed 2 three-week Institutes for Training Experienced Teachers to Teach Standard English to Adults with an Educational Equivalency of Eighth Grade or less, a TESOL Project; organized and directed a three-day seminar on "Language and Social Stratification." September 1969: read paper "A New Concept of the Language Laboratory and its Application to Research and to the Development of Proficiency in Language Learning" at the Second International Congress on Applied Linguistics, Cambridge, England. January 1970: delivered address, "The Language Laboratory of the Future," at the Canadian Conference on the Language Laboratory in Montreal; participated in the symposium on Camus to commemorate the tenth anniversary of his death. March: delivered address at the Georgetown University 21st Roundtable on Language and Linguistics. April: spoke at the Northwest Pacific Conference on Foreign Languages on "Teaching English as a Second Language as a Model for Foreign Language Teaching." July: organized seminar in "Generating Literary Appreciation Among High School and College Students" and another seminar in "Linguistic Hostility as a Factor in Employment of the Marginal Worker." This record speaks for itself.

Robert Roeming, outstanding editor, teacher, scholar, humanist, has earned the gratitude of the NFMLTA and of the entire foreign language profession.